

COPY

Approved: Daniel P. Filor  
DANIEL P. FILOR  
Assistant United States Attorney

Before: HONORABLE PAUL E. DAVISON  
United States Magistrate Judge  
Southern District of New York

13 MAG 1832

- - - - - X  
UNITED STATES OF AMERICA : SEALED COMPLAINT  
:   
- v. - : Violations of  
: 21 U.S.C. §§ 812, 841,  
JOSEPH KOPPE, : 846  
a/k/a "JOE," :  
: COUNTY OF OFFENSE:  
Defendant. : WESTCHESTER  
- - - - - X  
SOUTHERN DISTRICT OF NEW YORK, ss.:

KARMA M. SMITH, being duly sworn, deposes and says that she is a Special Agent with the Federal Bureau of Investigation ("FBI") and charges as follows:

COUNT ONE

From at least in or about April 8, 2013, up to and including July 17, 2013, in the Southern District of New York and elsewhere, JOSEPH KOPPE, a/k/a "JOE," the defendant, and others known and unknown, intentionally and knowingly combined, conspired, confederated, and agreed together and with each other to violate the narcotics laws of the United States. It was a part and an object of the conspiracy that JOSEPH KOPPE, a/k/a "JOE," the defendant, and others known and unknown, unlawfully, intentionally, and knowingly would and did distribute and possess with intent to distribute controlled substances, in violation of 21 U.S.C. § 841(a)(1). The controlled substances involved in the offense were 28 grams and more of mixtures and substances containing a detectable amount of cocaine base, in violation of 21 U.S.C. §§ 812, 841(a), and 841(b)(1)(B).

OVERT ACTS

In furtherance of the conspiracy and to effect the illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

- I. On or about May 6, 2013, in Yonkers, New York, a co-conspirator not identified as a defendant herein ("CC-1") met with another individual and in exchange for \$1900 gave the individual approximately 34 grams of cocaine base.
- II. On or about June 27, 2013, in Yonkers, New York, JOSEPH KOPPE, a/k/a "JOE," the defendant, met with another individual and in exchange for \$2,450 gave approximately 40 grams of cocaine base and approximately 3 grams of powder cocaine.
- III. On or about July 17, 2013, in Yonkers, New York, CC-1 met with another individual and in exchange for \$1375 gave the individual approximately 25 grams of a substance purported to be cocaine base.

(Title 21, United States Code, Section 846.)

COUNT TWO

On or about June 27, 2013, in the Southern District of New York, JOSEPH KOPPE, a/k/a "JOE," the defendant, did knowingly, and intentionally distribute or possess with the intent to distribute approximately 40 grams and more of mixtures and substances containing a detectable amount of cocaine base, in violation of 21 U.S.C. §§ 812, 841(a), and 841(b)(1)(B).

(Title 21, United States Code, Sections 812, 841.)

The bases for my knowledge and for the foregoing charges are, in part, as follows:

1. I have been a Special Agent with the FBI for approximately 11 years. I have participated in numerous investigations of federal crimes, including unlawful drug trafficking, firearms offenses, and acts of violence and, among other things, have conducted or participated in surveillance, the execution of search warrants, debriefings of informants, reviews of taped conversations and drug records, and have participated in investigations that included the interception of wire communications. Through my training, education and experience, I have become familiar with the manner in which illegal drugs are transported, stored, and distributed, the methods of payment for such drugs, and the lingo and coded language used by narcotics traffickers. I have also become

familiar with the ways that narcotics traffickers protect their business through possessing and using firearms, as well as through acts of violence.

2. I have personally participated in the investigation set forth below. I am familiar with the facts and circumstances of the investigation through my personal participation; from discussions with agents and officers of the FBI, as well as other law enforcement agents, including officers and agents who are members of the Westchester County Violent Crimes Task Force (the "Task Force"), which investigates, among other things, gang and drug activity in Westchester, Rockland, and Putnam Counties in the Southern District of New York; and from my review of records and reports relating to the investigation. Unless otherwise noted herein, wherever I assert that a statement was made, the information was provided by another law enforcement officer involved in this investigation or witness who may have had either direct or hearsay knowledge of that statement and to whom I or others have spoken or whose reports I have read and reviewed. Such statements are among many statements made by others and are stated in substance and in part unless otherwise indicated. Likewise, information resulting from surveillance sets forth either my personal observations or information provided directly or indirectly through other law enforcement officers who conducted such surveillance. Because this affidavit is being submitted for the limited purpose of establishing probable cause, I have not included details of every aspect of the investigation. Where the contents of documents and the actions, statements and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

### The Investigation

3. Since in or about April 2013, the Task Force has been conducting an investigation into narcotics distribution and other criminal activity in and around Hoover Road in Yonkers, New York.

4. I have reviewed the report of an undercover officer working with the Task Force ("UC-1") regarding a controlled purchase of crack cocaine by UC-1 on or about May 6, 2013 (the "May 6 Purchase"). Based on my review of this report, I know the following:

a. On or about May 6, 2013, UC-1 made arrangements to meet CC-1 at a location in Yonkers for the purposes of purchasing crack cocaine.

b. Soon after arriving at the designated location, UC-1 observed CC-1 approach him driving a dark Hyundai Accent (the "Hyundai"). UC-1 entered the Hyundai, after which CC-1 handed UC-1 a clear plastic bag containing a white chunky substance. UC-1 then handed CC-1 \$1900 in pre-recorded buy money.

5. I conducted visual surveillance during the May 6 Purchase, as did other law enforcement officers. Our observations were consistent with the facts as described by UC-1 in his report.

6. I have reviewed a laboratory report prepared by a technician working in the Forensic Science Laboratory for the City of Yonkers Police Department. That report indicates that the substance that CC-1 provided to UC-1 during the May 6 Purchase tested positive for the presence of cocaine base, and the weight of the substance was measured to be more than 34 grams.

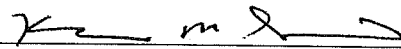
7. Based on my discussions with UC-1 and my review of a report written by UC-1, I have learned the following:

a. On or about June 24, 2013, UC-1 contacted CC-1 and made arrangements to purchase additional narcotics. In subsequent communications with UC-1, CC-1 explained that he was leaving town but would make arrangements for UC-1 to purchase narcotics from a co-conspirator that UC-1 knew as "JOE." UC-1 agreed that he would meet with the individual known to him as "JOE," on June 27, 2013, to make the purchase.


b. On June 27, 2013, UC-1 met with the individual known to him as "JOE" in Yonkers and in exchange for \$2,450 purchased approximately 40 grams of a chunky substance that tested positive for crack cocaine, and approximately 3 grams of a powdery substance that tested positive cocaine. On the basis of my conversations with UC-1, I know that UC-1 reviewed a photograph stored in law enforcement databases of criminal history records and positively identified the individual known to UC-1 as "JOE." Based on my conversations with UC-1 and my review of criminal history records, I have confirmed that the individual known to UC-1 as "JOE" is in fact JOSEPH KOPPE, a/k/a "JOE," the defendant.

c. On or about July 17, 2013, UC-1 spoke with CC-1 and made arrangements to purchase additional narcotics. On July 17, 2013, UC-1 met with CC-1 in Yonkers and in exchange for \$1375 purchased approximately 25 grams of a chunky substance, purported to be crack cocaine. According to UC-1, the substance field tested positive for the presence of cocaine.

WHEREFORE, deponent prays that JOSEPH KOPPE, a/k/a "JOE," the defendant, be arrested and imprisoned or bailed, as the case may be.

  
KARMA M. SMITH  
Special Agent  
Federal Bureau of Investigation

Sworn to before me this  
22 day of July, 2013

  
HONORABLE PAUL E. DAVISON  
UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF NEW YORK