

Approved: Andrew DeFilippis
ANDREW DeFILIPPIS
Assistant United States Attorney

Before: THE HONORABLE RONALD L. ELLIS
United States Magistrate Judge
Southern District of New York

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COMPLAINT
UNITED STATES OF AMERICA :
 : Violation of
 - v. - : 21 U.S.C. § 846
 :
 ROBERT TUCKER, : COUNTY OF OFFENSE:
 ERIK CASIANO, : BRONX
 :
 Defendants. :
 :
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SOUTHERN DISTRICT OF NEW YORK, ss.:

DEREK MARTINEZ, being duly sworn, deposes and says that he is a Postal Inspector with the United States Postal Inspection Service ("USPIS"), and charges as follows:

COUNT ONE

1. From at least in or about November 2013, up to and including in or about September 2014, in the Southern District of New York and elsewhere, ROBERT TUCKER and ERIK CASIANO, the defendants, and others known and unknown, intentionally and knowingly did combine, conspire, confederate, and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that ROBERT TUCKER and ERIK CASIANO, the defendants, and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance, in violation of 21 U.S.C. § 841(a)(1).

3. The controlled substance that ROBERT TUCKER and ERIK CASIANO, the defendants, conspired to distribute and possess with intent to distribute was five kilograms and more of mixtures and substances containing a detectable amount of

cocaine, its salts, optical and geometric isomers, and salts of isomers, in violation of 21 U.S.C. § 841(b)(1)(A).

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

The bases for deponent's knowledge and for the foregoing charges are, in part, as follows:

4. I am a Postal Inspector with the USPIS. I am one of the law enforcement officers with primary responsibility for this investigation. This affidavit is based upon my own observations, my conversations with other law enforcement agents and others, and my examination of reports and records. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all the facts that I have learned during the course of my 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.

5. Since in or around July 2014, the USPIS has been investigating ROBERT TUCKER and ERIK CASIANO, the defendants, and others known and unknown, for their involvement in narcotics trafficking activities. As described in further detail below, based on physical surveillance, examination of parcels sent via the United States Postal Service, review of security camera footage, and court-authorized video surveillance, among other investigative methods, USPIS personnel have learned that TUCKER and CASIANO, and others known and unknown, arranged for the delivery via the United States Postal Service of packages containing narcotics to the James J. Peters Veterans Affairs Medical Center (the "VA Medical Center"), located in the Bronx, New York, and have subsequently received and intercepted such packages for the purpose of distributing them to co-conspirators.

6. From my own participation in the investigation, including discussions with personnel at the VA Medical Center, I have learned, in substance and in part, the following regarding ROBERT TUCKER and ERIK CASIANO, the defendants:

a. TUCKER: Tucker has been employed at the VA Medical Center since in or around 1997. Since in or around July 2012, TUCKER has been employed as the Logistics Warehouse and Mail Center Supervisor at the VA Medical Center.

b. CASIANO: Since in or around October 2012, CASIANO has been employed as a pipefitter in the Plumbing Department at the VA Medical Center.

DECEMBER 2013 SEIZURE

7. Based on my own participation in this investigation and my discussions with other law enforcement agents, I have also learned, in substance and in part, the following:

a. In or about December 2013, personnel of the United States Postal Inspection Service in San Juan, Puerto Rico identified several packages as suspicious. Thereafter, USPIS agents obtained a warrant from the United States District Court for the District of Puerto Rico to search the contents of one of the aforementioned packages ("Package-1"). The destination address on Package-1 was "JJPVA Medical Center, Attn: Warehouse, 130 W. Kingsbridge Road, Bronx, New York 10468" ("Address-1"). After executing the aforementioned search warrant, USPIS agents discovered approximately 2 kilograms of cocaine inside of Package-1.

JULY 25, 2014 DELIVERY

b. On or about July 24, 2014, USPIS agents in New York, New York, learned that another package addressed to ADDRESS-1 ("Package-2")¹, and having a similar appearance, weight, and size to Package-1, had been mailed from San Juan, Puerto Rico.

c. Upon learning that Package-2 had been sent to the VA Medical Center, other USPIS agents and I planned and executed an undercover and surveillance operation ("Operation-1") in order to identify the intended recipients of Package-2, and to determine whether those recipients were engaging in narcotics trafficking activities.

8. From my participation in Operation-1 and my discussions with other law enforcement agents involved in Operation-1, I have learned, in substance and in part, the following:

a. On or about July 25, 2014, an undercover law enforcement agent ("UC-1") took custody of Package-2. At approximately 1:30 p.m. on the same day, UC-1, who was wearing a

¹ The address listed on Package-2 was substantially identical to the address on Package-1, and on the other packages referenced below, except that Package-1 stated "Attn: Warehouse," whereas the other packages stated "Logistics Warehouse." I am informed by the Veterans Affairs Police that there is only one warehouse at the VA Medical center.

parcel delivery uniform and electronic video and audio surveillance equipment, delivered Package-2 to VA Medical Center mailroom. During the delivery, multiple law enforcement agents observed an individual later identified as ERIK CASIANO, the defendant, walking back and forth on the loading dock while using a telephone.

b. At the time of delivery, I was acting in an undercover capacity as a volunteer mailroom worker. Shortly after the delivery, I observed a mailroom employee ("Mailroom Employee-1"), take possession of Package-2 and place it on a table behind his desk in the mailroom.

c. Approximately twenty minutes later, I observed an individual later identified as ROBERT TUCKER, the defendant, enter the mailroom, whereupon Mailroom Employee-1 stated to TUCKER that Package-2 was for TUCKER.

d. After TUCKER received PACKAGE-2, surveillance teams observed TUCKER exit the mailroom and bring Package-2 across the hallway and into TUCKER's personal office. Thereafter, agents conducting physical surveillance observed CASIANO walk into TUCKER's office with nothing in his hands.

e. After several minutes, TUCKER exited his office and walked towards the loading dock while carrying Package-2, which appeared to be empty. TUCKER was then observed discarding the empty package into a trash compactor. TUCKER then walked back to his office.

f. Shortly after entering TUCKER's office, CASIANO exited the office with a gray plastic bag that appeared to be weighted down at the bottom. CASIANO was then observed exiting the VA Medical Center and walking to the loading dock with the gray plastic bag in his left hand.

AUGUST 6, 2014 DELIVERY

9. From my participation in the investigation and my discussions with other law enforcement agents, I have also learned, in substance and in part, the following:

a. On or about August 5, 2014, Postal Inspectors located in New York, New York, learned that another package addressed to ADDRESS-1 ("Package-3"), and of a similar size and weight to Package-1 and Package-2, had been mailed from San Juan, Puerto Rico. The Postal Inspectors also learned that Package-3 had been received and processed at a post office

located in the Bronx, New York, and was scheduled to be delivered to the VA Medical Center.

b. Upon learning that Package-3 had been sent to the VA Medical Center, other Postal Inspectors and I planned and executed a second undercover and surveillance operation ("Operation-2") in order to identify the intended recipients of Package-3, and to determine whether those recipients were engaging in narcotics trafficking activities.

10. From my participation in Operation-2 and my discussions with other law enforcement agents involved in Operation-2, I learned, in substance and in part, the following:

a. On or about August 6, 2014, at approximately 1:00 p.m., a United States Postal Service parcel driver delivered Package-3 to the VA Medical Center mailroom, whereupon Mailroom Employee-1 took possession of Package-3 and placed it on his desk. At the time, I was acting in an undercover capacity as a volunteer mailroom worker, and I observed Mailroom Employee-1 tell an unidentified mailroom employee to knock on the door of the office used by ROBERT TUCKER, the defendant, and to advise TUCKER of the package's arrival.

b. Shortly thereafter, TUCKER entered the mailroom and took possession of Package-3.

c. I then observed TUCKER place Package-3 on a shelf inside of the mailroom. TUCKER then told Mailroom Employee-1 that he would return for Package-3.

d. Subsequently, I observed TUCKER return to the mailroom and remove Package-3 from the shelf and exit the mailroom. Surveillance teams then observed TUCKER carry Package-3 into TUCKER's office, where ERIK CASIANO, the defendant, was already present.

e. TUCKER then exited his office while carrying Package-3, which appeared to be empty, and threw the empty package into a trash compactor.

f. Subsequently, surveillance teams observed CASIANO exit TUCKER's office with a gray plastic bag that appeared to be weighted down at the bottom. CASIANO then carried the bag towards the VA Medical Center's plumbing office.

g. Approximately three hours later, CASIANO was observed exiting the VA Medical Center building with the

aforementioned gray plastic bag.

AUGUST 14, 2014 DELIVERY

11. From my participation in the investigation and conversations with other law enforcement agents, I have also learned, in substance and in part, the following:

a. On or about August 13, 2014, USPIS agents located in New York, New York, learned that another package addressed to Address-1 ("Package-4"), and of a similar size and weight to the aforementioned packages, had been mailed from San Juan, Puerto Rico. USPIS agents intercepted Package-4 prior to its arrival at a post office in the Bronx, New York.

b. Upon learning that Package-4 had been sent to the VA Medical Center, other USPIS agents and I planned and executed an undercover and surveillance operation ("Operation-3") in order to identify the intended recipients of Package-4, and to determine whether those recipients were engaging in narcotics trafficking activities.

12. From my participation in Operation-3 and my discussions with other law enforcement agents involved in Operation-3, I learned, in substance and in part, the following:

a. On or about August 14, 2014, at approximately 8:30 a.m., law enforcement agents conducted a canine search of the exterior of Package-4, which resulted in a positive hit for narcotics.

b. At approximately 12:30 p.m., surveillance teams observed ERIK CASIANO, the defendant, on the loading dock of the VA Medical Center. CASIANO then entered a vehicle and drove out of the VA Medical Center complex.

c. Thereafter, UC-1, wearing video and audio surveillance equipment, delivered Package-4 to the VA Medical Center mailroom. During the delivery, I was acting in an undercover capacity as a volunteer mailroom worker. Shortly after the delivery, I observed ROBERT TUCKER, the defendant, enter the mailroom, take possession of Package-4, and exit the mailroom. Surveillance teams subsequently observed TUCKER bring Package-4 into TUCKER's office.

d. Thereafter, surveillance teams observed CASIANO return to the VA Medical Center complex and enter TUCKER's office with nothing in his hands. At approximately 4:06 p.m.,

CASIANO was observed exiting TUCKER's office with a gray plastic bag that appeared to be weighted down at the bottom. CASIANO was then observed walking towards the plumbing office of the VA Medical Center with the aforementioned gray plastic bag.

e. Thereafter, surveillance teams observed TUCKER leaving the VA Medical Center mailroom with Package-4, which appeared to be empty. TUCKER then discarded the empty package into a trash compactor.

f. Several hours later, surveillance teams observed CASIANO wearing a black shoulder bag and walking out of the VA Medical Center building towards the employee parking lot.

AUGUST 21, 2014 DELIVERY

13. From my participation in the investigation and my conversations with other law enforcement agents, I have also learned, in substance and in part, the following:

a. On or about August 19, 2014, USPIS agents located in New York, New York, learned that another package addressed to Address-1 ("Package-5"), and of a similar size and weight to the aforementioned packages, had been mailed from San Juan, Puerto Rico. USPIS agents intercepted Package-5 prior to its arrival at a post office in the Bronx, New York.

b. Upon learning that Package-5 had been sent to the VA Medical Center, USPIS agents planned and executed an undercover and surveillance operation ("Operation-4") in order to identify the intended recipients of Package-5, and to determine whether those recipients were engaging in narcotics trafficking activities.

14. From my discussions with other law enforcement agents involved in Operation-4, I learned, in substance and in part, the following:

a. On or about August 20, 2014, law enforcement agents conducted a canine search of the exterior of Package-5, which resulted in a positive hit for narcotics.

b. At approximately 1:00 p.m., UC-1, wearing video and audio surveillance equipment, delivered Package-5 to the VA Medical Center mailroom. Shortly after the delivery, security cameras captured ROBERT TUCKER, the defendant, entering the mailroom and exiting the mailroom shortly thereafter while carrying Package-5. Surveillance teams subsequently observed

TUCKER bring Package-5 into TUCKER's office.

c. Shortly thereafter, surveillance teams observed ERIK CASIANO, the defendant, enter TUCKER's office.

d. Surveillance teams subsequently observed TUCKER exiting TUCKER's office and proceeding to the loading dock with Package-5, which appeared to be empty. TUCKER then discarded the empty package in a trash compactor.

e. Thereafter, surveillance teams observed CASIANO leave TUCKER's office with a gray plastic bag that appeared to be weighted down at the bottom. CASIANO then carried the bag to the plumbing office at the VA Medical Center.

f. Approximately 40 minutes later, surveillance teams observed CASIANO leave the plumbing office and exit the VA Medical Center with the aforementioned plastic bag.

SEPTEMBER 2, 2014 DELIVERY

15. From my participation in the investigation and my conversations with other law enforcement agents, I have also learned, in substance and in part, the following:

a. On or about August 27, 2014, USPIS agents located in New York, New York, learned that another package addressed to Address-1 ("Package-6"), and of a similar size to the aforementioned packages, had been mailed from San Juan, Puerto Rico. USPIS agents intercepted Package-6 prior to its arrival at a post office in the Bronx, New York.

b. Upon learning that Package-6 had been sent to the VA Medical Center, other USPIS agents and I planned and executed an undercover surveillance operation ("Operation-5") in order to identify the intended recipients of Package-6, and to determine whether those recipients were engaging in narcotics trafficking activities.

c. Prior to the execution of Operation-5, the USPIS obtained judicial authorization to install video surveillance equipment in (1) the VA Medical Center mailroom, and (2) the office assigned to ROBERT TUCKER, the defendant. USPIS also obtained judicial authorization to intercept and record pertinent, non-verbal conduct and activities occurring in both of those locations.

16. From my participation in Operation-5, and my

discussions with other law enforcement agents involved in Operation-5, I learned in substance and in part, the following:

a. On or about August 28, 2014, law enforcement agents conducted a canine search of the exterior of Package-6, which resulted in a positive hit for narcotics.

b. On September 2, 2014, at approximately 2:00 p.m., UC-1, wearing video and audio surveillance equipment, delivered Package-6 to the VA Medical Center mailroom. Shortly thereafter, a Postal Inspector who was remotely monitoring live footage from the aforementioned video cameras ("Inspector-1") observed ROBERT TUCKER, the defendant, carry Package-6 into TUCKER's office and place Package-6 on TUCKER's desk. TUCKER then appeared to make several telephone calls.

c. Thereafter, Inspector-1 observed ERIK CASIANO, the defendant, enter TUCKER's office and provide cash to TUCKER, later determined to be \$500.

d. Inspector-1 then observed TUCKER counting the aforementioned cash while CASIANO opened Package-6, which was still located on TUCKER's desk.

e. CASIANO then removed a box from inside of Package-6 and opened the box. CASIANO removed from the box a substance that Inspector-1 believed, based on Inspector-1's training and experience, to be a brick of cocaine.

f. Inspector-1 then observed CASIANO place the aforementioned substance on TUCKER's desk while TUCKER was still inside of the office. Shortly thereafter, CASIANO placed the substance into a plastic bag.

g. Surveillance teams then observed CASIANO leave TUCKER's office with the aforementioned plastic bag.

h. Thereafter, surveillance teams observed CASIANO exit the Veterans Affairs Medical Center building and proceed to the vicinity of the loading dock. While carrying the aforementioned plastic bag, CASIANO approached a vehicle located near the loading dock ("Vehicle-1"). Shortly thereafter, surveillance teams observed CASIANO enter the front driver's seat of Vehicle-1 and drive Vehicle-1 towards the exit of the VA Medical Center Complex.

i. As CASIANO attempted to drive Vehicle-1 out of the VA Medical Center Complex, other law enforcement agents and

I stopped Vehicle-1 and placed CASIANO under arrest. Law enforcement agents then searched the passenger compartment of Vehicle-1. During the search, law enforcement agents seized the aforementioned plastic bag from Vehicle-1's glove compartment. Upon searching the bag, I observed that it contained a substance that I believe, from my training and experience, to be cocaine.

j. Thereafter, the aforementioned substance was weighed and subjected to a field test, the results of which confirmed that the substance weighed approximately one kilogram and tested positive for cocaine.

17. Shortly after the aforementioned arrest of ERIK CASIANO, the defendant, ROBERT TUCKER, the defendant, was also placed under arrest on the loading dock of the VA Medical Center.

WHEREFORE, deponent respectfully requests that ROBERT TUCKER and ERIK CASIANO, the defendants, be imprisoned or bailed, as the case may be.



DEREK MARTINEZ

United States Postal Inspection Service

Sworn to before me this
3rd day of September 2014



THE HONORABLE RONALD L. ELLIS
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK