

# Department of Justice

United States Attorney William J. Hochul, Jr.  
Western District of New York

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## **MAN PLEADS GUILTY TO DRUG CHARGES**

BUFFALO, N.Y.--U.S. Attorney William J. Hochul, Jr. announced today that Russell D. Biery, 40, of Buffalo, N.Y., pleaded guilty before U.S. District Judge Richard J. Arcara, to conspiracy to manufacture marijuana plants. The charge carries a maximum penalty of 20 years in prison, a \$1,000,000 fine, or both.

Assistant U.S. Attorney Mary Catherine Baumgarten, who is handling the case, stated that between January and April 2011, the defendant was engaged with other individuals, including Thomas Maxwell, in growing marijuana in a warehouse on Adams Street in the City of Buffalo, and thereafter in distributing the marijuana in Erie and Niagara Counties. On April 28, 2011, during a search of the building, law enforcement officials seized items used in a growing operation along with a shotgun and shotgun shells. Thomas Maxwell pleaded guilty to conspiracy to manufacture marijuana on September 6, 2011, and is scheduled to be sentenced on January 12, 2012.

The plea is the culmination of an investigation by Special Agents of the Drug Enforcement Administration, under the direction of Wilbert L. Plummer, Acting Special Agent in Charge, New York Field Division and the Buffalo Police Department under the direction of Commissioner Daniel Derenda.

Sentencing for Biery is scheduled for January 13, 2012, at 12:30 p.m., in Buffalo, N.Y., before Judge Arcara.