

# Department of Justice

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

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FOR IMMEDIATE RELEASE  
JUNE 5, 2012  
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## **THIRD DEFENDANT CHARGED WITH OPERATING A LARGE SCALE MARIJUANA GROW OPERATION**

BUFFALO, N.Y.-- U.S. Attorney William J. Hochul, Jr. announced today that Robert L. Osika, 46, of Eden, N.Y., was arrested and charged by Criminal Complaint with conspiracy to manufacture more than 100 marijuana plants, and manufacturing more than 100 marijuana plants. The charges carry a mandatory minimum sentence of five years in prison, a maximum of 40 years, a fine of \$5,000,000 or both.

Assistant U.S. Attorney Melissa M. Marangola, who is handling the case, stated that on May 31, 2012, the defendant was observed entering 1372 Clinton St. in Buffalo shortly after law enforcement searched the warehouse and discovered a marijuana grow operation. When questioned by law enforcement officers, Osika alleged that he was hired by Jason Elardo to assist in the maintenance of the marijuana plants. Earlier that day, Elardo and Buffalo Police Officer Jorge Melendez were arrested on similar charges.

Osika made an appearance this afternoon before U.S. Magistrate Judge Hugh B. Scott and was released. He, along with co-defendants Jason Elardo and Jorge Melendez, are due back in court for a preliminary hearing on June 25, 2012 at 10:00 a.m. for a preliminary hearing.

Elardo and Melendez are accused of maintaining marijuana grow operations at the Clinton St. warehouse as well as a warehouse located at 2157 South Park Ave. in Buffalo. During the course of an investigation into the cultivation and distribution of marijuana, law enforcement officers installed hidden surveillance equipment on the second floor of the South Park Ave. warehouse where a grow operation was located. According to the Complaint, Melendez and co-conspirator Elardo were observed tending to over 100 marijuana plants.

Prior to installing cameras inside the warehouse, officers monitored the outside of the building, also using surveillance cameras. According to the Complaint, Melendez was observed arriving in a Buffalo Police patrol car, while on duty, and entering and exiting the location. The defendant works in the Buffalo Police Department's "D" District, however the warehouse is located in the "A" District.

The outside surveillance cameras also observed defendant Elardo entering the warehouse on a daily basis to tend to the marijuana grow operation. In addition, officers obtained credit card information indicating that Elardo purchased equipment used to sustain an indoor, hydroponic marijuana grow operation. The equipment included a dehumidifier and filters.

At one point during the investigation, officers observed a police badge and credentials belonging to Melendez inside the warehouse. According to the Complaint, Melendez claimed to have previously lost the badge and identification.

The Criminal Complaint is the culmination of an investigation on the part of Investigators of the New York State Police, under the direction of Major Christopher Cummings, the Drug Enforcement Administration, under the direction of Wilbert L. Plummer, Acting Special Agent in Charge, New York Field Division, Special Agents of the Federal Bureau of Investigation, under the direction of Special Agent in Charge Christopher M. Piehota, and the Buffalo Police Department under the direction of Commission Daniel Derenda.

The fact that a defendant has been charged with a crime is merely an accusation and the defendant is presumed innocent until and unless proven guilty.