

GMP:GKS/ANW
F. #2016R01025

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

17 M 171

----- X

TO BE FILED UNDER SEAL

UNITED STATES OF AMERICA

COMPLAINT

- against -

(21 U.S.C. § 846)

UGO GALLO,

Defendant.

----- X

EASTERN DISTRICT OF NEW YORK, SS:

MIKHAIL VINOPOL, being duly sworn, deposes and states that he is a Special Agent with the Drug Enforcement Administration, duly appointed according to law and acting as such.

In or about and between September 2016 and December 2016, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant UGO GALLO, together with others, did knowingly and intentionally conspire to distribute and possess with intent to distribute a controlled substance, which offense involved heroin, a Schedule I controlled substance, contrary to Title 21, United States Code, Section 841(a)(1).

(Title 21, United States Code, Sections 846 and 841(b)(1)(C))

The source of your deponent's information and the grounds for his belief are as follows:¹

1. I am a Special Agent with the Drug Enforcement Administration ("DEA") and have been involved in the investigation of numerous cases involving narcotics distribution. During my tenure with DEA, I have participated in narcotics investigation during the course of which I have: (a) conducted physical and wire surveillance; (b) executed search warrants at locations where drugs, drug proceeds, records of narcotics, money laundering transactions and firearms have been found; (c) reviewed and analyzed numerous taped conversations and records of drug traffickers; (d) debriefed cooperating drug traffickers; (e) monitored wiretapped conversations of drug traffickers and reviewed line sheets prepared by wiretap monitors; and (f) conducted surveillance of individuals engaged in drug trafficking and money laundering. Through my training, education and experience, I have become familiar with the manner in which illegal drugs are imported and distributed, the method of payment for such drugs and the efforts of persons involved in drug trafficking to avoid detection by law enforcement. I am familiar with the facts and circumstances set forth below from my participation in the investigation; my review of the investigative file, including the defendant's criminal history record; and from reports of other law enforcement officers involved in the investigation.

¹ Because the purpose of this Complaint is to set forth only those facts necessary to establish probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

FACTS ESTABLISHING PROBABLE CAUSE

Background of the Investigation

2. Since early 2016, I have been involved in an investigation of a narcotics distribution ring involving, among others, an individual named MICHAEL CALABRIA and the defendant UGO GALLO, in, among other areas, Staten Island, New York. As set forth below, the investigation has uncovered evidence that GALLO, together with others, has conspired to distribute and possess with intent to distribute heroin.

3. In connection with the investigation, law enforcement agents have conducted court-authorized interceptions of communications over, among others, a telephone line used by MICHAEL CALABRIA, conducted physical surveillance, obtained location data and engaged in other investigative techniques. In particular, from September 2016 to December 2016, law enforcement agents intercepted wire communications over a mobile telephone line used by MICHAEL CALABRIA (the "0166 Telephone"). I have reviewed and analyzed the recordings collected pursuant to the court-authorized wiretap.² The investigation has revealed that MICHAEL CALABRIA supplies heroin to, among others, the defendant UGO GALLO who, in turn, distribute heroin to others.

Ugo Gallo

4. On or about October 21, 2016, MICHAEL CALABRIA, using the 0166 Telephone, spoke to the defendant UGO GALLO, who indicated that he was driving to meet CALABRIA. CALABRIA asked GALLO repeatedly how much money he had and GALLO

² The calls cited below as to the defendant UGO GALLO are but a few obtained over the course of the court-ordered interceptions that are indicative of drug distribution activity.

responded that he had “120 dollars” and said “yeah. So, twelve.” CALABRIA responded “I know what the heck it is.” Based on my training and experience and facts gained during the course of the investigation, I have learned that CALABRIA has sold heroin at a rate of \$10 per glassine envelope³ and, thus, believe that GALLO and CALABRIA were discussing a transaction of 12 glassine envelopes of heroin in exchange for \$120.

5. The next day, MICHAEL CALABRIA and the defendant UGO GALLO spoke again over the 0166 Telephone. The two appeared to argue over money, with GALLO stating, among other things, “MIKE, I gave you \$78,000 in four months. . . . You know what you told me, ‘I got to buy three sleeves a day.’ Cause you knew my daughter got \$80,000, you knew. . . . You switched a bundle a day to three sleeves. I was buying three sleeves a fucking day. I’ve given you over \$100,000 since I came home from jail.”⁴ Based on my training and experience, I believe that “sleeves” and “bundles” are coded references to

³ Beginning in approximately April 2016, law enforcement agents have spoken with a confidential source (a “CS”). The CS was what is known to law enforcement agents as a “regular use” informant, meaning a law enforcement informant who was not an active defendant in a criminal case. The CS has a criminal history that includes convictions for criminal trespass, burglary, larceny, criminal possession of stolen property, possession of burglar tools and criminal possession of a controlled substance. The CS received monetary compensation in return for providing information and assistance to law enforcement agents. The information provided by the CS has been corroborated by, among other things, physical surveillance, controlled purchases of heroin from MICHAEL CALABRIA, a consensually-recorded conversation and interceptions over the 0166 Telephone. In August 2016, the CS was provided with \$100 United States currency in order to purchase glassine envelopes of heroin from CALABRIA. Prior to meeting CALABRIA, the CS was searched by agents and had no narcotics on their person. After meeting CALABRIA, the CS was again searched and no longer had money on their person, but gave agents 10 glassine envelopes of heroin. The CS reported to law enforcement agents that \$100 had been exchanged for 10 glassine envelopes of heroin. The rate was thus \$10 per glassine envelope of heroin.

⁴ A review of criminal history databases has revealed, among other things, that in 2014, the defendant UGO GALLO was convicted of criminal sale of a controlled substance, in violation of New York Penal Law 220.39.

significant quantities of heroin and that those terms that are commonly used by those engaged in narcotics distribution activity. Further, based on my training and experience, “three sleeves a day” of heroin is more than a person possesses for purely personal use and is highly indicative of drug distribution.

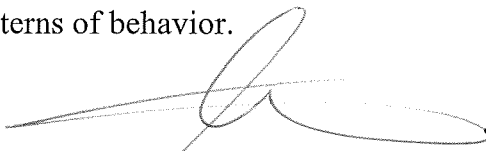
6. A few hours later on October 22, 2016, the defendant UGO GALLO again spoke to MICHAEL CALABRIA on the 0166 Telephone and stated “I need it in two different packages” to which CALABRIA asked “What’s the number?” and GALLO responded “I need one . . . I need 13 in one. And nine in one.” Based on facts gained during the course of the investigation, I have learned that CALABRIA typically asks his customers for “the number” as a reference to a quantity of heroin for a transaction. GALLO went on to say “I got 225. So you figure 220, right?” and CALABRIA responded “Hum. Yeah.” Based on the course of interceptions and facts gained during the course of the investigation, I believe that “it” refers to illegal narcotics. I further believe, that GALLO is asking CALABRIA for a quantity of narcotics in two different packages. I further believe that “13 in one. And nine in one.” refers to the amount of narcotics in each individual package. Based on my training and experience, such specific discussions of packaging are highly indicative of narcotics distribution. Further, as set forth above, CALABRIA often sold glassine envelopes of heroin for \$10 per envelope and, thus, I believe that GALLO and CALABRIA were negotiating a transaction of 22 glassine envelopes for \$220.

WHEREFORE, your deponent respectfully requests that the defendant UGO GALLO be dealt with according to law.

REQUEST FOR SEALING

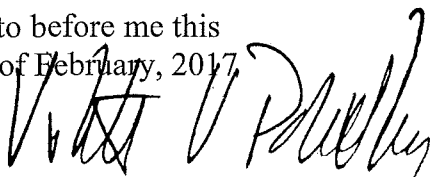
I request that the Court issue an order sealing, until further order of the Court,

all papers submitted in support of this application, including the affidavit and arrest warrant. Based upon my training and experience, I have learned that criminals actively search for criminal affidavits and arrest warrants via the internet. Therefore, premature disclosure of the contents of this affidavit and related documents will seriously jeopardize the investigation, including by giving targets an opportunity to flee or continue flight from prosecution, destroy or tamper with evidence and change patterns of behavior.



MIKHAIL VINOPOL
Special Agent, Drug Enforcement Administration

Sworn to before me this
21st day of February, 2017,



THE HONORABLE VIKTOR V. POHORELSKY
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK