

UNITED STATES DISTRICT COURT

ORIGINAL

for the Southern District of New York

United States of America v. Robert Novick

Case No. 15 Mag. 2638

Defendant

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay (name of person to be arrested) ROBERT NOVICK who is accused of an offense or violation based on the following document filed with the court:

- Indictment, Superseding Indictment, Information, Superseding Information, Complaint, Probation Violation Petition, Supervised Release Violation Petition, Violation Notice, Order of the Court

This offense is briefly described as follows:

Narcotics Trafficking Conspiracy (21 U.S.C. § 846). Distribution and possession with intent to distribute narcotics (21 U.S.C. § 841)

Date: 07/30/2015

Issuing officer's signature

City and state: White Plains, New York

Hon. Judith C. McCarthy, U.S. Magistrate Judge Printed name and title

Return

This warrant was received on (date) and the person was arrested on (date) at (city and state)

Date:

Arresting officer's signature

Printed name and title

COPY

Approved: Lauren Schorr / Douglas S. Zolkind
Lauren B. Schorr / Douglas S. Zolkind
Assistant United States Attorneys

Before: HONORABLE JUDITH C. MCCARTHY
United States Magistrate Judge
Southern District of New York

15mag2638

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	: <u>COMPLAINT</u>
UNITED STATES OF AMERICA	:
	: Violations of
- v. -	: 21 U.S.C. §§ 812,
	: 841(a) (1),
ROBERT NOVICK,	: 841(b) (1) (C), and 846
a/k/a "Dinge,"	:
	: COUNTY OF OFFENSE:
Defendant.	: DUTCHESS
	:
----- x	

SOUTHERN DISTRICT OF NEW YORK, ss.:

JEFFREY WRIGHT, being duly sworn, deposes and says that he is a Task Force Officer with the Federal Bureau of Investigation ("FBI"), and charges as follows:

COUNT ONE

1. From at least in or about December 2013 through in or about January 2014, in the Southern District of New York and elsewhere, ROBERT NOVICK, a/k/a "Dinge," the defendant, 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 NOVICK, a/k/a "Dinge," the defendant, and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance, in violation of Title 21, United States Code, Section 841(a) (1).

3. The controlled substance involved in the offense was mixtures and substances containing a detectable amount of heroin, in violation of Title 21, United States Code, Section 841(b) (1) (C).

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

COUNT TWO

4. On or about December 20, 2013, in the Southern District of New York, ROBERT NOVICK, a/k/a "Dinge," the defendant, intentionally and knowingly distributed and possessed with intent to distribute a controlled substance, in violation of Title 21, United States Code, Section 841(a) (1).

5. The controlled substance involved in the offense was mixtures and substances containing a detectable amount of 3, 4 methylenedioxymethamphetamine, commonly referred to as "MDMA," in violation of Title 21, United States Code, Section 841(b) (1) (C).

(Title 21, United States Code, Sections 841(a) (1),
841(b) (1) (C).)

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

6. I am a Detective with the City of Poughkeepsie Police Department and a member of the Hudson Valley Safe Streets Task Force, along with other Task Force Officers and agents from the FBI. I have been involved in the investigation of the above-described offense. I am familiar with the facts and circumstances set forth below from my personal participation in the investigation, including my review of pertinent documents and recordings, my participation in surveillance, and my conversations with other individuals, including fellow law enforcement officers. 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 or recordings, or the actions, statements or conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

7. From on or about December 3, 2013 through on or about August 7, 2014, law enforcement obtained a consensual Title III

wiretap on a confidential informant's ("CI-1")¹ cellphone number (the "CI-1 Phone"). Based on my review of transcripts from consensually recorded phone calls and text messages between CI-1, using the CI-1 Phone, and NOVICK, using a phone number known to be used by NOVICK (the "Novick Phone"),² I have learned the following³: At the direction of law enforcement, between on or about December 18, 2013 and on or about December 20, 2013, CI-1 and NOVICK exchanged phone calls and text messages regarding a possible narcotics transaction. During these conversations, NOVICK referred to himself as "Dinge," and CI-1 and NOVICK discussed the sale of "M," "dog food," and "fire." Based on my training, experience, and investigation of this matter, I believe that "M" refers to MDMA or "Molly," and "dog food" and "fire" refer to heroin. During these conversations, CI-1 and NOVICK agreed to meet on or about December 20, 2013.

8. On or about December 20, 2013, CI-1 was equipped with a recording device. Based on my surveillance and review of the recording, as well as my discussions with CI-1 and an undercover officer ("UC-1"), I have learned the following: At the direction of law enforcement, on or about December 20, 2013, UC-1 drove CI-1 to a Target retail store in Poughkeepsie, New York to meet with NOVICK. During this meeting, NOVICK agreed to sell "Molly" to CI-1, and NOVICK stated that his associate ("CC-1") would sell heroin to CI-1. NOVICK and CI-1 planned to meet again later that day. Also during this meeting, CI-1 introduced UC-1 to NOVICK.

9. Based on my discussion with other law enforcement officers, and my review of reports prepared by law enforcement officers, I am aware that, prior to the next meeting with NOVICK on or about December 20, 2013, law enforcement officers met with CI-1, searched CI-1, and confirmed that CI-1 had no contraband

¹ CI-1 has been convicted of state crimes in the past. He has assisted law enforcement with prior investigations, and has been paid by law enforcement for his assistance on those investigations, as well as this investigation. CI-1 has provided information that has been reliable and corroborated.

² CI-1 had previously spoken to NOVICK on the Novick Phone.

³ Where I refer to the contents of previously recorded communications, my quotations and descriptions are based on preliminary draft summaries and transcriptions, my review of the recordings, and/or my discussions with other individuals, including CI-1 and UC-1.

on CI-1's person. Law enforcement agents equipped CI-1 with a recording device and provided CI-1 with \$500.00. Based on the surveillance other law enforcement officers and I conducted, as well as my review of the recording, and my discussions with CI-1 and UC-1, I have learned the following:

a. On or about December 20, 2013, at approximately 4:30 p.m., UC-1 drove CI-1 to a location on Mansion Street, Poughkeepsie, New York (the "Mansion Street Location"), where CI-1 had agreed to meet NOVICK and CC-1. Soon thereafter, NOVICK and CC-1 met with CI-1, during which CC-1 gave CI-1 a plastic bag containing a substance packaged in glassine envelopes. In exchange, CI-1 agreed to pay CC-1 \$120.00 at a later date. CI-1 and NOVICK agreed to meet later that day for the MDMA transaction. A field test of the substance produced an inconclusive result; in a subsequent lab test, the substance tested positive for heroin and fentanyl. There were approximately 29 dose units of heroin and fentanyl, which weighs approximately 0.435 grams.

b. Later that day, UC-1 again drove CI-1 to the Mansion Street Location. CI-1 met with NOVICK and CC-1, during which NOVICK gave CI-1 a plastic bag containing a white substance in exchange for \$500.00. The substance field-tested positive for 3, 4 methylenedioxymethamphetamine, and weight approximately 10.1 grams.

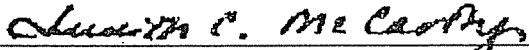
c. Following both controlled purchases, law enforcement agents searched CI-1 and confirmed that CI-1 had no other contraband on CI-1's person.

WHEREFORE, the deponent respectfully requests that a warrant issue for the arrest of ROBERT NOVICK, a/k/a "Dinge," the defendant, and that ROBERT NOVICK, a/k/a "Dinge," be imprisoned or bailed, as the case may be.



JEFFREY WRIGHT
City of Poughkeepsie Detective
Task Force Officer
Federal Bureau of Investigation

Sworn to before me this
30 of July 2015



HONORABLE JUDITH C. MCCARTHY
United States Magistrate Judge
Southern District of New York