

Approved: Paul Monteleoni **16 MAG 5666**
SCOTT HARTMAN / PAUL MONTELEONI
Assistant United States Attorneys

Before: THE HONORABLE DEBRA FREEMAN
Chief United States Magistrate Judge
Southern District of New York

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UNITED STATES OF AMERICA : SEALED COMPLAINT
:
-v.- : Violations of 18 U.S.C.
: §§ 1201 and 1958
SHIMEN LIEBOWITZ, and :
AHARON GOLDBERG, : COUNTY OF OFFENSE:
: ORANGE
Defendants. :
:
----- X

SOUTHERN DISTRICT OF NEW YORK, ss.:

RYAN MCCUE, being duly sworn, deposes and says that he is a Special Agent with the Federal Bureau of Investigation ("FBI"), and charges as follows:

COUNT ONE
(Conspiracy to Commit Kidnapping)

1. In or about the summer of 2016, in the Southern District of New York and elsewhere, SHIMEN LIEBOWITZ and AHARON GOLDBERG, the defendants, and others known and unknown, willfully and knowingly did combine, conspire, confederate, and agree together and with each other to violate Title 18, United States Code, Section 1201.

2. It was a part and an object of the conspiracy that SHIMEN LIEBOWITZ and AHARON GOLDBERG, the defendants, and others known and unknown, would unlawfully seize, confine, inveigle, decoy, kidnap, abduct, and carry away and hold for ransom and reward and otherwise, a particular person (the "Intended Victim"), and use a means, facility, and instrumentality of interstate and foreign commerce, specifically a telephone, in committing and in furtherance of the commission of the kidnapping, to wit, LIEBOWITZ, GOLDBERG, and others known and unknown, conspired to kidnap the Intended Victim in order to coerce him into granting a religious divorce to his wife.

3. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. On or about August 9, 2016, LIEBOWITZ and GOLDBERG met with a confidential source (the "CS"), at which time they discussed logistics of kidnapping the Intended Victim in the United States or abroad.

b. On or about August 25, 2016, LIEBOWITZ met with the CS in Orange County, New York, at which time LIEBOWITZ paid the CS over \$12,000 to facilitate the kidnapping of the Intended Victim in the United States.

c. Also on or about August 25, 2016, the CS had a recorded telephone call with GOLDBERG, during which GOLDBERG discussed logistics of the kidnapping with the CS and expressed his desire that the CS kill the Intended Victim in order to effectuate the divorce.

(Title 18, United States Code, Section 1201(c).)

COUNT TWO

(Conspiracy to Commit Murder for Hire)

4. In or about the summer of 2016, SHIMEN LIEBOWITZ and AHARON GOLDBERG, the defendants, and others known and unknown, knowingly did combine, conspire, confederate and agree, together and with each other, to use and cause another to use a facility of interstate and foreign commerce, with intent that a murder be committed in violation of the laws of a State and the United States as consideration for the receipt of, and as consideration for a promise and agreement to pay, things of pecuniary value, to wit, LIEBOWITZ and GOLDBERG, and others known and unknown, agreed to kidnap and murder the Intended Victim and paid the CS approximately \$60,000 to carry out the plot, which arrangements depended in part upon communications by cellular telephones operating on interstate networks.

(Title 18, United States Code, Section 1958.)

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

5. I have been personally involved in the investigation of this matter, and I base this affidavit on that personal experience, as well as on my conversations with other law enforcement agents and my examination of various reports and

records. Because this affidavit is being submitted for the limited purpose of establishing probable cause for the offense cited above, it does not include all the facts that I have learned during the course of the investigation. Where the contents of conversations of others are reported herein, they are reported in substance and in part.

6. The FBI has learned of a plan by SHIMEN LIEBOWITZ and AHARON GOLDBERG, the defendants, to kidnap and murder the Intended Victim, so that the Intended Victim's wife may obtain a religious divorce from the Intended Victim.

7. Based upon my conversations with individuals who are knowledgeable about such subjects, I know that according to Jewish religious law, as observed in certain communities, in order to effect a divorce, a husband must provide his wife with a document known as a "get." Although a divorce may only be initiated by the husband issuing a get, the wife has the right to sue for divorce in a rabbinical court, known as a "beth din" which may order the husband to issue the get. If the husband refuses the court's demand, he may be subjected to various penalties in order to pressure him into consenting to the divorce, *i.e.*, giving the get. Specifically, the beth din may issue a contempt order, known as a "seruv," against the husband. If the husband fails to respond, the beth din may issue a ruling, known as a "psak din," authorizing the use of coercion and/or violence to obtain the get. A woman whose husband will not consent to a divorce is known as an "agunah." In the absence of the husband's issuing a get, an agunah may be released from her marriage only through the husband's death.

8. From speaking with an FBI agent ("Agent-1"), I have learned the following information: In July 2016, Agent-1 was contacted by the CS.¹ The CS informed Agent-1 that in or about

¹ The CS has not to date received compensation for the information he has provided, nor has he requested assistance with any criminal charges. His professed reason for providing information to law enforcement is that he is a concerned member of the Jewish community. In 2012, prior to having any contact with the FBI, the CS was convicted of attempted computer trespass and ordered to pay a \$1,000 fine. This is his only criminal conviction. As detailed below, information provided by the CS in this investigation has been corroborated and shown to be reliable through other investigative means, including through law enforcement surveillance and consensual recordings made of individuals about whom the CS has provided information.

July 2016, the CS, who works as a consultant and provides investigative services, was introduced by an acquaintance to SHIMEN LIEBOWITZ and AHARON GOLDBERG, the defendants. Like the CS, GOLDBERG and LIEBOWITZ are orthodox Jews. LIEBOWITZ is a member of the Satmar community in Kiryas Joel, New York, and GOLDBERG is an Israel-based rabbi who also maintains a position of prominence in Kiryas Joel.²

9. From speaking with the CS, I know that on or about July 6 or July 7, the CS met with SHIMEN LIEBOWITZ and AHARON GOLDBERG, the defendants, in Rockland County, New York. During that meeting, LIEBOWITZ and GOLDBERG asked the CS whether the CS would assist them in arranging the kidnapping of the Intended Victim in order to force the Intended Victim to issue a get to his wife. The CS feigned interest in the plan, and the CS, GOLDBERG, and LIEBOWITZ discussed how such a kidnapping might be carried out. The conversation was recorded by the CS without the involvement of law enforcement. It took place in English, Yiddish, and Hebrew.

10. I have reviewed a partial translation of what was said during the early July meeting prepared by FBI translators who have reviewed the recording. Based upon my review of that translation, I know that during the meeting, AHARON GOLDBERG, the defendant, identified himself by name and introduced the CS to SHIMEN LIEBOWITZ, the defendant, using LIEBOWITZ's name. The CS, GOLDBERG and LIEBOWITZ went on to discuss their plan to kidnap the Intended Victim, including the possibility of luring the Intended Victim to Pennsylvania in order to kidnap him, torture him, and force him to give the get. The CS, GOLDBERG, and LIEBOWITZ also discussed the possibility of kidnapping the Intended Victim in the Ukraine, where the Intended Victim planned to travel in late September to celebrate the Jewish New Year. GOLDBERG and LIEBOWITZ agreed to advance the CS \$25,000 to assist in efforts to plan the kidnapping.

11. According to the CS, within days of this initial meeting, an envelope containing approximately \$25,000 cash was delivered to the CS through an intermediary.

12. On or about August 9, 2016, Agent-1 followed the CS to an area near Zenta Road in Kiryas Joel, New York, for a pre-arranged meeting with SHIMEN LIEBOWITZ and AHARON GOLDBERG, the

² Kiryas Joel is a village within the town of Monroe in Orange County, New York. The majority of its residents are Yiddish-speaking Hasidic Jews who belong to the Satmar sect.

defendants. Agent-1 provided the CS with an FBI-issued recording device and then Agent-1, along with other FBI agents, remained in the area while the CS met with GOLDBERG and LIEBOWITZ. I have reviewed a translation of the audio recording of the August 9 meeting that the CS made using the FBI recording device. Based on my review of that translation, I know that during the meeting, the CS, GOLDBERG, and LIEBOWITZ discussed additional details of the kidnapping plan, including logistics and the cost associated with a plan to kidnap the Intended Victim overseas.

13. On August 12, 2016, the CS again met with SHIMEN LIEBOWITZ and AHARON GOLDBERG, the defendants, at which time they provided the CS with an additional payment of over \$20,000 for use in making arrangements for the kidnapping. The CS recorded this meeting using his own recording device. Although that recording has not yet been translated, I understand from the CS that the current plan is to kidnap the Intended Victim in the United States and to obtain the get from him in this country.

14. Subsequent to the August 12, 2016, meeting, the CS had additional conversations with AHARON GOLDBERG, the defendant, while both the CS and GOLDBERG were traveling in Israel.³ In those conversations, GOLDBERG discussed his desire not merely to kidnap the Intended Victim, but also to kill him.

15. On or about August 24, 2016, at approximately 2:33 p.m., the CS made a recorded telephone call to SHIMEN LIEBOWITZ, the defendant. During this call, the CS demanded additional, advance payment for facilitating the kidnapping of the Intended Victim. LIEBOWITZ expressed willingness to advance the CS additional payment, but explained that there might be some delay because he would need to obtain the money for the kidnapping from another individual. The parties then arranged to meet at the Woodbury Commons in Central Valley, New York, the following day, August 25, 2016, at 2:00 p.m.

16. Subsequent to this call, on August 25, 2016, the CS and SHIMEN LIEBOWITZ, the defendant, did in fact meet at Woodbury Commons. Agents conducting surveillance took photographs of LIEBOWITZ and the CS in LIEBOWITZ's car, where the meeting took place. The meeting was recorded by the CS

³ The CS recorded these meetings without the involvement of the FBI. The CS has provided the recordings, but I have not yet reviewed translations of them.

using an FBI device. I have reviewed a draft translation of that recording and debriefed the CS. Based on these conversations, I have learned that during the meeting, LIEBOWITZ paid the CS approximately \$12,000 cash and a third-party check for \$200. I have also learned that during the meeting, the CS used his cellphone to place a call to AHARON GOLDBERG, the defendant, who was then in Israel. Although the CS activated the speakerphone function (which allowed the call to be recorded), the CS spoke to GOLDBERG in Hebrew, a language that LIEBOWITZ does not speak. During the call, the CS and GOLDBERG discussed payment for the kidnapping and the logistics associated with forcing the Intended Victim to issue the get, which the CS and GOLDBERG referred to in code as a "wedding." At the end of the call, the following exchange took place between the CS and GOLDBERG in Hebrew:

CS: At the end of our conversation, between you and me, we've spoken about something else, you know . . .

GOLDBERG: The wedding is in America, yes.

CS: Yes the wedding is in America but we've also spoken about. . . chesed shel emet⁴

[SILENCE]

GOLDBERG: Yes, yes, yes, this is between you and me . . .

CS: Oh, but Shimen doesn't know anything?

GOLDBERG: This is my order. Don't involve anyone else. . . . nothing has happened, but this is my agreement, no other rabbi will agree to what I've agreed on.

Based on my participation in this investigation and my conversations with fellow agents who have spoken to the CS, I believe that during this call, the CS was inquiring whether GOLDBERG still wished to have the Intended Victim killed ("we've spoken about something else"). GOLDBERG initially believed that

⁴ Based on my conversations with individuals who are knowledgeable about Jewish custom, I understand that chesed shel emet is a Hebrew term that refers to preparing a member of the Jewish community for burial according to Jewish law.

the CS was referring to the now-abandoned plan to kidnap the Intended Victim in the Ukraine. The CS clarified that he was referring to prior discussions about murdering the Intended Victim, which the CS referred to euphemistically as Jewish burial or chesed shel emet. GOLDBERG responded by confirming that he still wished to have the CS kill the Intended Victim, while clarifying that LIEBOWITZ had no knowledge of the murder component of the plan.

17. Despite these representations, on or about September 2, 2016, the CS had a conversation with SHIMEN LIEBOWITZ, the defendant, during which LIEBOWITZ indicated his understanding that the murder of Intended Victim was an object of the conspiracy. On that day, the parties met at the Woodbury Commons, in Central Valley, New York. During the meeting, which was recorded by the CS using an FBI device, the parties spoke in English. Based upon my review of the recording, I know that during the meeting, the following exchange took place, in substance and in part:

CS: The guy in Williamsburg . . . I hope he is going to come down, because in the past two days he is very suspicious and very nervous Regarding the money, when is the money going to be ready?

LIEBOWITZ: I told the Rabbi, when he is here I hope to have the whole thing.

CS: He is going to be here Monday morning. I'm picking him up from the airport. So, is the money going to be ready then?

LIEBOWITZ: Yeah, it should.

The CS then went on to inquire of LIEBOWITZ whether the Intended Victim's family would grow concerned if the Intended Victim did not return home for several days. LIEBOWITZ responded that the Intended Victim, who drives a taxi and sometimes travels to Montreal, could "miss a night, or even two or three" without his family growing concerned about his whereabouts. The following exchange then took place, in substance and in part:

LIEBOWITZ: I can tell you in the back of my mind, it looks like, his parents will be happy when it happens.

CS: If he's fucking dead? Okay.

LIEBOWITZ: [Laughing]

CS: Fine . . . That makes me calm. I feel better if he is disappearing. Let me ask you another questions. With the rabbi going back to Israel and you and me staying over here. If someone finds him, it's going to start to be a big thing . . . We have to have a plan. Rabbi Goldberg is going back to Israel. . . . Okay, I did what I did, whatever is the case. They're going to find him eventually. It's going to start to be a big thing. He's a satmar Hasid?

LIEBOWITZ: Yes

CS: It's going to start to be a big thing in your community. . . . So is there anything that you've thought about how we play the game after?

LIEBOWITZ responded, in substance, that he would continue to go about his business as though he knew nothing.

CS: The parents are going to be upset. Someone lost a son. The parents are going to point to some people, right? I'm assuming.

LIEBOWITZ responded that the family would most likely point to GOLDBERG and that they most likely did not know his (LIEBOWITZ's) name, saying, "I think if anything, he would be the first person, probably." LIEBOWITZ also speculated that the police would suspect the wife's family. After further discussion regarding LIEBOWITZ's plan to deny knowledge of the fate of the Intended Victim, the following exchange took place:

LIEBOWITZ: Why does the rabbi not just want to make a get? . . . Because I think it brings a lot more pressure.

CS: No. It's not. Let me tell you something. I think it's the same pressure. If he's coming beating up and is going in the street, somebody find him all broke into pieces, and he says, "I remember I gave a get." I he remembers the rabbis that come there What happens if he remembers the name of the rabbis? . . .

Based upon my participation in this investigation, my conversations with the CS, and the context of the recorded conversation as a whole, I believe that during this conversation, LIEBOWITZ was asking the CS why GOLDBER ("the Rabbi") wished to kill the Intended Victim rather than simply kidnap him and torture him to obtain a get. LIEBOWITZ further indicated that, in his opinion, killing the victim ("it") would bring more scrutiny ("pressure") from law enforcement. The CS responded that killing the Intended Victim would make it less likely that the participants in the plot to obtain the get from the intended victim would be identified.

18. After further discussion, the CS stressed the importance that he meet any of the individuals involved obtaining the get from the Intended Victim, if the Intended Victim were allowed to survive. The following exchange then took place:

CS: Now if he's dead, we don't need the rabbis. We don't need the beth din. . . . If he's dead, I don't know what will happen. You know, I don't care if he's dead. It's better off like that, because if he's injured, he's gonna say, "I know this guy. I remember this guy. There was one guy that was a tall guy." He's gonna start to talk. I don't know what's gonna happen. You work on this homework that I gave you today. Let's keep in touch on Sunday. And let's see where we're going. . . . It's a lot of pressure.

LIEBOWITZ: I know.

CS: I have no problem. I did it before. It's okay. But here it's a little different.

LIEBOWITZ: Yeah, 'cause he himself is more . . .


CS: It's because the Satmar community, you know, the police have interest to go after your people, you understand? . . . Here, it's Satmar, you know how the news is gonna jump. A Satmar Hasid found dead, think, everybody is going to start to dig in. Every newspaper is going to start to dig in. . . .

SHIMEN LIEBOWITZ, the defendant, did not respond to this statement, and at no point during the conversation did he

indicate that he would not go forward with the kidnapping if the plan was to kill the Intended Victim.

WHEREFORE, the deponent respectfully requests that warrants issue for the arrest of SHIMEN LIEBOWITZ and AHARON GOLDBERG, the defendants, and that they be arrested and imprisoned, or bailed, as the case may be.

SEP 06 2016



RYAN MCCUE
Special Agent
Federal Bureau of Investigation

Sworn to before me this
____ th day of September 2016

S/Debra Freeman

THE HONORABLE DEBRA FREEMAN
United States Magistrate Judge
Southern District of New York