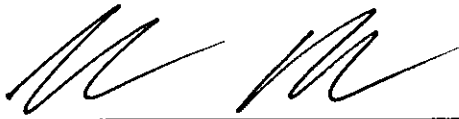


Approved:   
CELIA V. COHEN  
Assistant United States Attorney

Before: THE HONORABLE LISA M. SMITH  
United States Magistrate Judge  
Southern District of New York

*18 mag 3914*

- - - - - x

UNITED STATES OF AMERICA : SEALED COMPLAINT

- v. - : Violations of  
18 U.S.C. § 1512(c)(2)

SAED RABAH, :

Defendant. : COUNTY OF OFFENSE:  
WESTCHESTER

- - - - - x

SOUTHERN DISTRICT OF NEW YORK, ss.:

GEORGE J. BURDZY, being duly sworn, deposes and says that he is a Special Agent with the Drug Enforcement Administration, and charges as follows:

COUNT ONE  
(Obstruction)

1. In or about September 2016, in the Southern District of New York, SAED RABAH, the defendant, corruptly did obstruct, influence, and impede an official proceeding, and attempt to do so, to wit, knowing that Person-1 was under investigation, RABAH, intentionally provided a federal law enforcement officer with a phone number for Person-1 that RABAH knew Person-1 was no longer using, rather than providing the active phone number for Person-1 through which RABAH and Person-1 were regularly communicating at that time.

(Title 18, United States Code, Section 1512(c)(2).)

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

2. I am a Special Agent with the Drug Enforcement Administration ("DEA"). I have been employed by DEA since May 2012, a special agent of the DEA since January 2016, and a

member of the DEA Tactical Diversion Squad since June 2016. 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.

### The State Investigation

3. Based on information provided by the New York City Police Department (the "NYPD") and the Office of the Special Narcotics Prosecutor (the "SNP"), as well as information contained in NYPD and SNP records, I believe the following to be true:

a. SAED RABAH, the defendant, became a police officer with the NYPD in or about January 1995 and retired with the rank of Detective in or about August 2016.

b. In or about 2014, SAED RABAH, the defendant, then employed as a NYPD Detective, participated in a narcotics investigation ultimately leading to the arrest of several persons, including Person-1 (the "State Investigation").

c. As part of the State Investigation, law enforcement obtained court orders permitting the interception of telephone calls over certain telephones (the "State Wiretaps"). SAED RABAH, the defendant, was personally involved in obtaining at least some of the court orders authorizing the State Wiretaps. Amongst the persons intercepted pursuant to the State Wiretaps was Person-1.

d. As a result of the State Investigation, Person-1 was indicted in New York Supreme Court on several state narcotics felonies (the "State Felony Charges").

e. Subsequent to Person-1's arrest on the State Felony Charges, Person-1 agreed to cooperate with the SNP and to act as an informant. Accordingly, Person-1 entered into a formal, written cooperation agreement with the SNP containing,

amongst other things, the standard condition that Person-1 "must not commit, attempt to commit, or conspire to commit, any crime after entering into [the] agreement." SAED RABAH, the defendant, was assigned as Person-1's handler from the outset of Person-1's cooperation, and Person-1, in Person-1's capacity as an informant, was supervised by RABAH until RABAH's retirement in or about August 2016.

#### The Federal Investigation

4. Based on my personal involvement in this investigation, including my review of pertinent documents and my conversations with fellow law enforcement officers also personally involved in this investigation, I know the following:

a. In or about April 2016, the Yonkers Police Department (the "Yonkers PD") began investigating the ongoing drug trafficking activities of Person-1 in and around Westchester County. At that time, the Yonkers PD had identified a phone number ending in 8111 believed to be used by Person-1 to arrange narcotics sales directly with customers (the "8111 Number"). Person-1's use of the 8111 Number for this purpose was then confirmed through, amongst other things, numerous controlled purchases of narcotics from Person-1 and persons working for Person-1 conducted by law enforcement, from in or about April 2016 up to and including September 8, 2016.

b. In or about May 2016, a member of the YONKERS PD performed a standard deconfliction search to determine whether Person-1 was under investigation by, or cooperating with, any other law enforcement agency. This search identified SAED RABAH, the defendant, as the law enforcement point of contact for Person-1. Accordingly, in or about May 2016, a detective in the Yonkers PD (the "Officer") called RABAH via a call number ending in 3930 (the "Rabah 3930 Phone").<sup>1</sup> During that phone call, the Officer stated to RABAH, in sum and substance, that Person-1 was under investigation for narcotics-related offenses.

c. In or about July 2016, the Officer became a Task Force Officer with the DEA, and the DEA took over the investigation of Person-1 (the "Federal Investigation").

d. As part of the Federal Investigation, federal law enforcement sought to identify all phone numbers used by

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<sup>1</sup>The Rabah 3930 Phone has been subscribed to in the name "Saed J. Rabah" since at least 2005.

Person-1 so that they could then obtain court orders authorizing the interception of telephone calls and electronic communications (i.e., text messages) over the appropriate phones.

e. To that end, on or about September 16, 2016, the Officer again contacted SAED RABAH, the defendant, this time via text message to the Rabah 3930 Phone. In that text message, the Officer wrote, in substance and in part: "We're looking pretty good on [Person-1]. Do you have a cell phone # for him?" RABAH did not respond to the Officer until September 28, 2016.

f. In the meantime, because, as indicated above, law enforcement involved in the Federal Investigation had identified the 8111 Number as a phone number used by Person-1 in furtherance of narcotics trafficking, on or about September 22, 2016, law enforcement obtained a court order authorizing the interception of communications over the 8111 Number, which order was subsequently renewed, resulting in interceptions over the 8111 Number from on or about September 23, 2016 through on or about November 26, 2016 (the "8111 Wiretap").

g. However, law enforcement believed that Person-1 was using additional phones in furtherance of his narcotics trafficking. Amongst other reasons for this belief was that on or about September 16, 2016, Person-1 was arrested for driving while intoxicated, and the arrest report indicated that Person-1 had three cellular telephones in his possession at the time of the arrest.

h. Meanwhile, the Officer's September 16, 2016 text message seeking a phone number for Person-1 went unanswered by SAED RABAH, the defendant, until on or about September 28, 2016, when RABAH sent a text message to the Officer stating, in substance and in part: "914-987-0987 is his number" (the "0987 Number"). I respectfully submit that it was reasonably foreseeable to RABAH that the wording of his text message would indicate to the Officer that the 0987 Number was Person-1's active phone number at that time and that the 0987 Number was the *only* phone number that RABAH had for Person-1.

i. In or about late-October 2016, law enforcement involved in the Federal Investigation identified another phone number used by Person-1, which was assigned area code 716 and ended in 8598 (the "8598 Number"). The 8598 Number was identified based on communications intercepted pursuant to the 8111 Wiretap and toll analyses. Law enforcement ultimately obtained a court order authorizing the interception of

communications over the 8598 Number, but not until November 15, 2016. Through this order and subsequent renewals, federal law enforcement intercepted communications over the 8598 Number from on or about November 17, 2016 through on or about February 23, 2017 (the "8598 Wiretap").

**RABAH Knowingly Provided the 0987 Number,  
Rather Than the 8598 Number, to the Officer**

5. Based on toll analyses, phone company records, and communications recovered by law enforcement from the cellphone assigned the 8598 Number, detailed below, I believe that on or about September 28, 2016, when SAED RABAH, the defendant, provided the 0987 Number to the Officer, RABAH knew that the 0987 Number was not in use by Person-1, knew that Person-1 was instead using the 8598 Number, and purposely provided the obsolete 0987 Number to the Officer.

***RABAH's Two Phones***

a. As detailed *supra* ¶ 4(b) & n.1, law enforcement identified the Rabah 3930 Phone as a phone used by RABAH. However, law enforcement subsequently identified a second cellphone, this one with a call number ending in 6597, that was also used by RABAH (the "Rabah 6597 Phone"). The Rabah 6597 Phone has been subscribed to in the name "Saed Rabah" since at least 2015. RABAH was also intercepted on the 8598 Wiretap using the Rabah 6597 Phone.

***RABAH Stops Communicating with the 0987 Number in August 2016***

b. Toll analysis of the Rabah 3930 Phone shows that the Rabah 3930 Phone did not communicate with the 0987 Number after August 11, 2016.

c. Toll analysis of the Rabah 6597 Phone shows that the only contact with the 0987 Number in 2016 was two outgoing text messages, both on August 11, 2016. Starting August 12, 2016, the Rabah 6597 Phone instead had regular contact with the 8598 Number.

***Person-1 Stops Using the 0987 Number in August 2016***

d. Phone company records for the 8598 Number show that the 8598 Number was activated on or about August 12, 2016. Communications recovered by law enforcement from the cellphone assigned the 8598 Number demonstrate that on August 12 and 13, 2016, Person-1 sent messages to numerous persons from the 8598

Number, which I have reviewed, stating, in sum and substance that the 8598 Number was his new number, that the old number should be deleted, and that the new number should not be given out. Indeed, toll analysis of the 0987 Number shows that between August 13, 2016 and September 28, 2016, when RABAH provided the 0987 Number to the Officer, Person-1 did not place a single outgoing call from the 0987 Number to any phone number. I respectfully submit that the foregoing indicates that at least as early as August 13, 2016, the 0987 Number was no longer in use by Person-1 and that Person-1 was instead using the 8598 Number.

***RABAH's Contact With the 8598 Number in September 2016***

e. Toll analysis of the Rabah 6597 Phone shows that between September 16, 2016 at 7:21 p.m., when the Officer asked RABAH for Person-1's phone number, and September 28, 2016 at 12:21 p.m., when RABAH provided the 0987 Number to the Officer, the Rabah 6597 Phone was in contact with the 8598 Number, both via phone call and text message, approximately 31 total times, including:

i. On September 16, 2016, less than an hour and a half after the Officer asked RABAH for Person-1's phone number, an outgoing text message from the Rabah 6597 Phone to the 8598 Number, followed by an approximately eight minute phone call between the Rabah 6597 Phone and the 8598 Number; and

ii. On September 28, 2016, in the nine minutes immediately preceding RABAH's text message to the Officer in which RABAH provided the 0987 Number, the Rabah 6597 Phone and the 8598 Number exchanged eight text messages.

f. It can be inferred from the timing of the communications detailed *supra* ¶¶ 5(e)(i) and (ii) that, soon after the Officer asked RABAH for Person-1's phone number in connection with the Federal Investigation, RABAH reported to Person-1 that law enforcement outreach about Person-1, and then, on September 28, 2016, conferred with Person-1 immediately before providing the Officer with an obsolete phone number for Person-1.

***RABAH's Ongoing Contact With the 8598 Number***

g. Despite the fact that RABAH's contact with the 0987 Number terminated in early August 2016, and despite the fact that from August 12, 2016 through on or about March 9, 2017, approximately 92 percent of the communications on the

Rabah 6597 Phone were with the 8598 Number, at no time did RABAH provide the 8598 Number to the Officer or indicate to the Officer that RABAH had more than one phone number for Person-1.

RABAH's Corrupt Relationship With Person-1

6. I respectfully submit that the information contained in the previous paragraphs, both independently and in conjunction with the information in the following paragraphs, *infra* ¶¶ 7-9, establishes probable cause to believe that SAED RABAH, the defendant, provided the 0987 Number to the Officer with corrupt intent.

7. On September 28, 2016, it was reasonably foreseeable to SAED RABAH, the defendant—a twenty-year veteran of the NYPD who had participated in the State Investigation, including personally obtaining court orders authorizing the State Wiretaps, which investigation had culminated in the use of a grand jury that returned an indictment against Person-1—that providing the 0987 Number to the Officer could impede a judicial proceeding (i.e., a grand jury investigation).

8. There are also numerous indications that SAED RABAH, the defendant, had a corrupt relationship with Person-1 both while RABAH was Person-1's handler (and before RABAH provided the 0987 Number to the Officer), as well as after RABAH retired from the NYPD in August 2016, including but not limited to the following:

a. I have reviewed travel and hotel records, as well as a Facebook post by RABAH, which show that in July 2016, RABAH travelled to Las Vegas with Person-1. These records, together with information from the SNP, indicate that this trip was for pleasure and not for law enforcement purposes.

b. Communications intercepted pursuant to the 8598 Wiretap, which I have reviewed, show that at least for the duration of the 8598 Wiretap (i.e., from in or about November 2016 through in or about February 2017), RABAH arranged both to place his own sports bets with Person-1 and to bring other bettors to Person-1 and thereby share in Person-1's proceeds from operating an illegal sports betting business.

c. Communications intercepted pursuant to the 8598 Wiretap, which I have reviewed, also show that in November 2016, RABAH called Person-1 and, in sum and substance, explained that RABAH had observed one of Person-1's drivers delivering narcotics to a customer and warned Person-1 that the driver had

to be more careful because if law enforcement had been present, the driver would have been caught.

d. Communications intercepted pursuant to the 8598 Wiretap, which I have reviewed, further show that in December 2016 and January 2017, RABAH ordered personal use narcotics from Person-1.

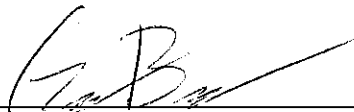
9. RABAH's other communications with law enforcement conducting the Federal Investigation, including but not limited to the following, reflect a lack of candor:

a. Tolls for the Rabah 6597 Phone show that when federal law enforcement arrived at a residence on the night of March 8, 2017 to arrest Person-1, Person-1, using the 8598 Number, immediately called RABAH on the Rabah 6597 Phone; yet, when RABAH voluntarily spoke to federal law enforcement on March 15, 2017 about Person-1, RABAH attempted to downplay his contact with Person-1, providing a vague timeframe for his last communication with Person-1, stating that RABAH had not spoken to Person-1 since Person-1's federal arrest, and stating that RABAH could not recall what he and Person-1 had spoken about.

b. Moreover, at no time did RABAH indicate to the Officer or to any other members of law enforcement working on the Federal Investigation that RABAH had retired from the NYPD in August 2016, that RABAH was no longer Person-1's assigned handler, and that a new member of the NYPD had been assigned as Person-1's handler.

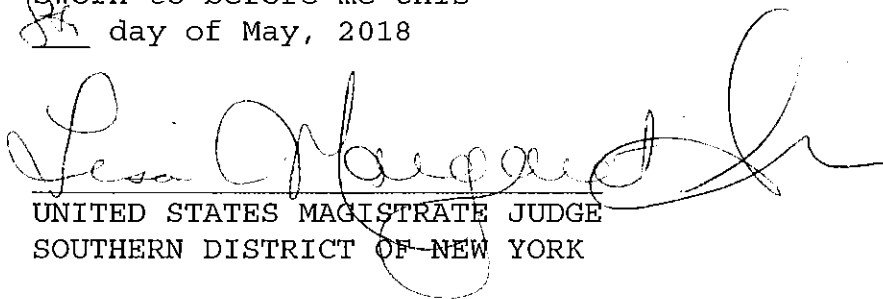


WHEREFORE, deponent respectfully requests that a warrant be issued for the arrest of SAED RABAH, the defendant, and that he be arrested and imprisoned, or bailed, as the case may be.



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SPECIAL AGENT GEORGE J. BURDZY  
DRUG ENFORCEMENT ADMINISTRATION

Sworn to before me this  
8th day of May, 2018



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UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF NEW YORK