

Approved: Adam S. Hobson
Adam S. Hobson/ Frank J. Balsamello
Assistant United States Attorneys

Before: THE HONORABLE HENRY PITMAN
United States Magistrate Judge
Southern District of New York

19MAG1317.

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: SEALED COMPLAINT
UNITED STATES OF AMERICA :
:
- v. - : Violations of 18
: U.S.C. §§ 373, 1958
: and 2
ANTHONY TEJADA, :
a/k/a "YM," : COUNTY OF OFFENSE:
: BRONX
Defendant. :
:
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SOUTHERN DISTRICT OF NEW YORK, ss.:

KIERAN KEENAGHAN, being duly sworn, deposes and says that he is a Task Force Officer with the Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF"), and charges as follows:

COUNT ONE
(Murder for Hire)

1. From at least in or about January 2019 to the present, in the Southern District of New York and elsewhere, ANTHONY TEJADA, a/k/a "YM," the defendant, did travel in and cause another person to travel in interstate and foreign commerce, and did use and cause another person to use the mail and 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, a thing of pecuniary value, to wit, TEJADA hired a person TEJADA believed to be a hitman to murder an intended victim ("Victim-1").

(Title 18, United States Code, Sections 1958 and 2.)

COUNT TWO

(Solicitation to Commit a Crime of Violence)

2. From at least in or about January 2019 to the present, in the Southern District of New York and elsewhere, ANTHONY TEJADA, a/k/a "YM," the defendant, did, with intent that another person engage in conduct constituting a felony that has as an element the use, attempted use, and threatened use of physical force against property and against the person of another in violation of the laws of the United States, solicit, command, induce, and otherwise endeavor to persuade such other person to engage in such conduct, to wit, TEJADA solicited a person TEJADA believed to be a hitman to murder Victim-1 in violation of Title 18, United States Code, Section 1958.

(Title 18, United States Code, Section 373.)

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

3. I am a Task Force Officer with the ATF. I have been personally involved in the investigation of this matter, and I base this affidavit on that experience, on my conversations with other law enforcement officials, my conversations with witnesses, and on my examination of various reports and records. Because this affidavit is being submitted for the limited purpose of demonstrating probable cause, it does not include all the facts I have learned during the course of my investigation. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

4. Based on the facts set forth below, I respectfully submit that there is probable cause to believe that while ANTHONY TEJADA, a/k/a "YM," the defendant, was in jail facing criminal charges for allegedly attempting to murder Victim-1, TEJADA's half-brother, TEJADA attempted to hire a hitman to murder Victim-1. TEJADA was not aware that the hitman he attempted to hire was in fact an undercover ATF agent.

5. Based on my review of New York City Police Department ("NYPD") records, I have learned that on or about August 5, 2018, the NYPD responded to a call that a man had been shot in the vicinity of a location in Brooklyn, New York. When NYPD officers arrived at the scene they found Victim-1 with a gunshot wound in his abdomen. On or about October 1, 2018, ANTHONY TEJADA, a/k/a "YM," the defendant, was arrested and

charged with the attempted murder of Victim-1. TEJADA has been in custody at the Rikers Island correctional facility in the Bronx, New York ("Rikers").

6. Based on my participation in interviews of a confidential source ("CS-1")¹, an inmate at Rikers, I have learned, among other things, that in or about January 2019, another inmate at Rikers, known to CS-1 as "YM" and later identified as ANTHONY TEJADA, a/k/a "YM," the defendant, stated that he wanted to hire someone to kill Victim-1. CS-1 told TEJADA that CS-1 knew a person outside Rikers who could take care of TEJADA's problem.

7. On or about January 23, 2019, CS-1 placed a telephone call from Rikers to an undercover ATF agent (the "UC"). The call was recorded. Based on my discussions with the UC, and my review of a recording of the call, I have learned, among other things, the following:

a. On the call, CS-1 introduced ANTHONY TEJADA, a/k/a "YM," the defendant, to the UC. CS-1 then passed the phone to TEJADA. I have reviewed video footage from Rikers showing that, at or about the time this phone call occurred, CS-1 was speaking on the phone, then handed the phone to TEJADA. The video shows that TEJADA then continued speaking on the phone.

b. The UC told TEJADA that the UC heard TEJADA had an "issue." TEJADA responded in the affirmative and stated that his brother was trying to "denounce" TEJADA of an inheritance left to TEJADA by his father.

c. The UC told TEJADA that CS-1 had stated that TEJADA needed Victim-1 "taken care of." TEJADA responded in the affirmative and stated, "I definitely need the situation [taken] care of."

¹ CS-1 was arrested in June 2018 and charged in New York State court with multiple counts of grand larceny. In approximately September 2018, while CS-1 was supposed to be cooperating with law enforcement after his June arrests, CS-1 was again arrested for multiple counts of grand larceny. CS-1 is providing information to law enforcement in the hopes of obtaining leniency in his pending state cases. CS-1 has prior convictions, including a 2003 felony conviction for forgery.

d. The UC said to TEJADA, "This ain't no time for games. You know what I'm sayin'? If you want it done, it's done. You know what I'm saying? It's gonna be finished." TEJADA agreed and stated, "This is no game, it's not a joking matter. This is . . . this is very, very serious."

e. The UC said to TEJADA, "Yeah, like I ain't goin, I ain't doin all this to kick somebody's ass. You know what I'm saying? Like it's gonna be done." TEJADA replied, "Yeah for sure."

f. The UC told TEJADA that they had to "figure out the dollars." TEJADA replied that the payment would not be a problem and that TEJADA would arrange for a family member to give the UC the deposit. TEJADA said that he would tell the family member that the UC was actually a private investigator TEJADA was hiring to help with his case.

g. TEJADA and the UC discussed Riker's visiting schedule and scheduled a time for the UC to travel from New Jersey to meet with TEJADA in person. In the course of this discussion, TEJADA told the UC that his name was "Anthony Tejada" and provided his booking number. I have reviewed law enforcement records and confirmed that the booking number TEJADA provided is in fact TEJADA's booking number.

h. The UC asked if TEJADA was "cool" with everything being discussed. TEJADA responded, "Yeah for sure, yeah, yeah for sure. I'm definitely cool with everything. I like the way everything sounds. Don't got no problem with none, none, none of that. You know what I'm sayin? Definitely on the same page as you."

8. On or about January 31, 2019, the UC met with ANTHONY TEJADA, a/k/a "YM," the defendant, at Rikers. The meeting was recorded on video. Based on my discussions with the UC and my review of the recordings, I have learned, among other things, the following:

a. The UC and TEJADA discussed arrangements for killing Victim-1, including how the UC would locate Victim-1, how the UC would kill Victim-1, and how TEJADA would pay the UC for the murder.

b. When the UC said to TEJADA, "you want him dead, like dead, dead," TEJADA responded in the affirmative.

c. TEJADA told the UC that the best place to "catch" Victim-1 was outside Victim-1's building. The UC told TEJADA that the UC would catch Victim-1 as Victim-1 was walking to his car and make it look like a robbery, "but at the end of the day the motherfucker ain't getting up, he's done." TEJADA responded, "Yeah."

d. TEJADA told the UC that it is possible Victim-1's girlfriend would be present at the time the UC killed Victim-1. The UC asked TEJADA if TEJADA was concerned that the girlfriend could "get in the middle of it." TEJADA replied that he did not "give a fuck" about the girlfriend and confirmed that if the UC had a good opportunity to kill Victim-1 but the girlfriend was present, the UC should "take the shot."

e. TEJADA told the UC that one of the reasons he wanted Victim-1 killed was that Victim-1 was going to testify against TEJADA.

f. TEJADA told the UC that he would make a \$500 down-payment to the UC through a relative of TEJADA ("Relative-1").

g. The UC told TEJADA that the total cost of the murder would be \$5,000 after Victim-1 was killed, which TEJADA confirmed he understood.

h. TEJADA told the UC to make it "look good" and to wear a "ski mask" to make the murder look more like a robbery.

9. Between January 31, 2019 and February 4, 2019, the UC had multiple telephone conversations with Relative-1 and two other relatives of ANTHONY TEJADA, a/k/a "YM," the defendant ("Relative-2" and "Relative-3"). In these discussions, the UC told Relative-1, Relative-2, and Relative-3 that the UC was a private investigator who TEJADA was hiring in connection with his pending case. In these discussions, each of Relative-1, Relative-2, and Relative-3 provided excuses about why they could not make any payment at this time.

10. Also between January 31, 2019 and February 4, 2019, the UC received multiple telephone calls from ANTHONY TEJADA, a/k/a "YM," the defendant. In these calls, TEJADA asked if the UC was "good," which the UC understood to mean that TEJADA was asking if the UC had received the down-payment. The UC told TEJADA that Relative-1, Relative-2, and Relative-3 had made excuses and not made the payment.

11. On or about February 4, 2019, ANTHONY TEJADA, a/k/a "YM," the defendant, called the UC and discussed the fact that Relative-1, Relative-2, and Relative-3 had not yet given the down-payment to the UC. TEJADA told the UC that the UC did not have to worry about the payment because TEJADA would "guarantee" that the UC would be paid if the UC killed Victim-1. I have reviewed a recording of that call and know that the call included, among other things, the following:

a. TEJADA said to the UC: "You don't have to worry about the money because you know I have it, it's just my people holding it, taking care of it, since I'm not on the outside there."

b. When the UC asked TEJADA, "So the money's guaranteed?" TEJADA replied, "For a fact."

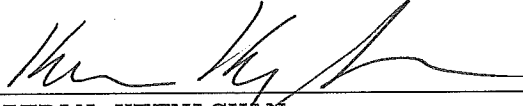
c. TEJADA said to the UC: "If you do come across an opportunity, don't miss it, bro, because like, the original price we talked, and like, I would be able to give you even more than that."

d. TEJADA said to the UC: "You seen it in my eyes that I wasn't trying to bullshit you."

e. During the call, the UC told TEJADA, in substance and in part, that the UC would kill Victim-1 based on TEJADA's promise of future payment.

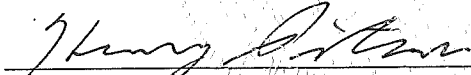
12. On or about February 5, 2019, ANTHONY TEJADA, a/k/a "YM," the defendant, called the UC and told the UC, among other things, that Victim-1 is currently on parole. TEJADA told the UC that the UC should locate Victim-1 by following Victim-1 from Victim-1's parole office.

WHEREFORE, deponent respectfully requests that ANTHONY TEJADA, a/k/a "YM," the defendant, be arrested and imprisoned or bailed, as the case may be.



KIERAN KEENAGHAN
Task Force Officer
Bureau of Alcohol, Tobacco, Firearms
and Explosives

Sworn to before me this
6th day of February, 2019



THE HONORABLE HENRY PITMAN
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK