

AO 91 (Rev. 01/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the District of Rhode Island

United States of America v.

RICHARD PALMISANO, DOB: 1973, Central Falls, RI

Defendant

1:14-mj-179-PAS

Case No.

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

07/18/2014

On or about the date of 08/07/2014 in the county of Providence in the District of

Rhode Island, the defendant violated 21 U. S. C. § 841(a)(1), an offense described as follows:

- distribution of 28 or more grams of cocaine base, in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(B); and
• possession of 28 or more grams of cocaine base with intent to distribute, in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(B).

This criminal complaint is based on these facts:

See attached Affidavit of Jamie Schiffer, Special Agent, Bureau of Alcohol, Tobacco, Firearms and Explosives

Continued on the attached sheet.

Complainant's signature

Jamie Schiffer, Special Agent
Printed name and title

Sworn to before me and signed in my presence.

Date: August 7, 2014

Judge's signature

City and state: Providence, Rhode Island

Patricia A. Sullivan, U.S. Magistrate Judge
Printed name and title

AFFIDAVIT

I, Jamie S. Schiffer, being duly sworn, depose and say:

1. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives ("ATF"). I am assigned to ATF's Providence office. I have been a Special Agent with ATF for the past 13 years. Based on my ATF training and experience, I am familiar with federal firearms and narcotics offenses as well as federal robbery offenses, specifically Hobbs Act offenses. As an ATF Special Agent, I have been involved, either as lead agent or as a member of an investigative team, in numerous firearms, narcotics, and robbery investigations. The information contained in this affidavit comes from my personal observations, my training and experience, and information obtained from other law enforcement agents. This affidavit does not set forth all of my knowledge about this matter or all information known to law enforcement agents about this matter.

2. This affidavit is submitted in support of an arrest warrant and criminal complaint charging Richard Palmisano (born in September 1973)("Palmisano") with distribution of cocaine base and possession of cocaine base with intent to distribute, both in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(B).

Probable Cause

3. In Spring 2014, ATF began an investigation of Richard Palmisano (born in September 1973) (hereinafter, "Palmisano"). The investigation involved the use of an ATF special agent acting in an undercover capacity (hereinafter, the "UC"). The investigation also involved a review of Palmisano's criminal records, which included photographs of Palmisano.

4. On April 22, 2014, the UC telephoned a number that the UC believed belonged to Palmisano. A male answered the call, and the UC and male discussed the UC purchasing 7 grams of cocaine base or crack from the male. On April 23, 2014, there were follow-up communications between the male and the UC. In those communications, the male indicated

that he had crack available for the UC, and the UC said he would pick the crack up the next day.

5. On April 24, 2014, the UC traveled to 126 Sumner Avenue, Apartment 4, Central Falls, Rhode Island (hereinafter, the "Residence"). There, the UC met Palmisano and bought crack from Palmisano. On arriving to the apartment building at 126 Sumner Avenue in Central Falls, Rhode Island, the UC encountered a male who the UC, from photographs, recognized as Palmisano. Palmisano let the UC into his apartment building through a side-door, and the UC followed Palmisano to the Residence, which is an apartment within the apartment building. Inside the Residence, Palmisano provided the UC two bags containing an off-white substance with a rock-like texture, and the UC paid Palmisano \$400.

6. Later field testing indicated the presence of cocaine in the substance, and the substance with its packaging weighed approximately 7.45 grams. I know based on my training and experience, that crack is off-white in color and has a rock-like texture, and that ordinary field-testing tends to indicate the presence of cocaine in crack.

7. The UC subsequently arranged to purchase additional crack from Palmisano.

8. On May 1, 2014, the UC traveled to the Residence and there met Palmisano and bought crack from Palmisano. Palmisano let the UC into his apartment building through a side-door, and the UC followed Palmisano to the Residence. Inside, Palmisano provided the UC one bag containing an off-white substance with a rock-like texture, and the UC paid Palmisano \$840.

9. Later field testing indicated the presence of cocaine in the substance, and the substance with its packaging weighed approximately 14.32 grams. I know based on my training and experience, that crack is off-white in color and has a rock-like texture, and that ordinary field-testing tends to indicate the presence of cocaine in crack.

10. The UC subsequently arranged to purchase additional crack from Palmisano.

11. On June 19, 2014, the UC traveled to the Residence and there met Palmisano and bought crack from Palmisano. The UC entered Palmisano's apartment building through a side-

door, and proceeded to and entered the Residence. Inside, Palmisano provided the UC a bag containing an off-white substance with a rock-like texture. The UC paid Palmisano \$820.

12. Inside the Residence, the UC observed bagging material and numerous already-bagged quantities of the off-white, rock-like substance.

13. Later field testing indicated the presence of cocaine in the substance, and the substance with its packaging weighed approximately 14.42 grams. I know based on my training and experience, that crack is off-white in color and has a rock-like texture, and that ordinary field-testing tends to indicate the presence of cocaine in crack.

14. The UC subsequently arranged to purchase additional crack from Palmisano.

15. On July 9, 2014, the UC traveled to the Residence and there met Palmisano and bought crack from Palmisano. The UC entered Palmisano's apartment building through a side-door, and proceeded to and entered the Residence. Inside, Palmisano provided the UC a bag containing an off-white substance with a rock-like texture, and the UC paid Palmisano \$1,600.

16. Later field testing indicated the presence of cocaine in the substance, and the substance with its packaging weighed approximately 29.8 grams. I know based on my training and experience, that crack is off-white in color and has a rock-like texture, and that ordinary field-testing tends to indicate the presence of cocaine in crack.

17. The UC subsequently arranged to purchase additional crack from Palmisano.

18. On July 18, 2014, the UC traveled to the Residence and there met Palmisano and bought crack from Palmisano. The UC entered Palmisano's apartment building through a side-door, and proceeded to and entered the Residence. Inside, Palmisano provided the UC a bag containing an off-white substance with a rock-like texture, and the UC paid Palmisano \$1,700.

19. Later field testing indicated the presence of cocaine in the substance, and the substance with its packaging weighed approximately 31.19 grams. I know based on my training and experience, that crack is off-white in color and has a rock-like texture, and that ordinary field-testing tends to indicate the presence of cocaine in crack. Later weighing of the

substance without bagging material indicated a weight of slightly more than 30 grams, and later forensic analysis identified the substance as crack.

20. During each of the crack transactions described above, the UC observed a digital scale inside the Residence and observed Palmisano weighing crack on that digital scale. I know based on my training and experience that digital scales are commonly used by crack distributors to measure out quantities of crack for distribution, as pricing is a function of quantity.

21. The UC subsequently has been in communication with Palmisano. On July 22, 2014, the UC received a text message from the phone number at which he had previously communicated with Palmisano. The message stated, "Yo let me know if u need something? Ahead[.]" The UC subsequently arranged to purchase additional crack from Palmisano and the purchase was scheduled to occur today, August 7, 2014.

22. Today, at approximately 10 am, ATF agents encountered Palmisano as he arrived by car to an office in Pawtucket, Rhode Island. There, agents arrested Palmisano and advised him of his Constitutional rights. Upon arrest and pursuant to search warrant, agents searched Palmisano and found a wallet in his pockets. Inside the wallet, agents found multiple receipts indicating withdrawals from Bank of America.

23. Palmisano subsequently told agents that he had obtained approximately 45 grams of crack from his supplier, 31 grams to sell to the UC that day and another 14 grams to distribute to others. Palmisano told agents that the 31 grams and what remained of the 14 grams was in the Residence. Palmisano said that he had obtained the crack from his supplier by driving, in his car, to the supplier and transporting the crack back to the Residence.

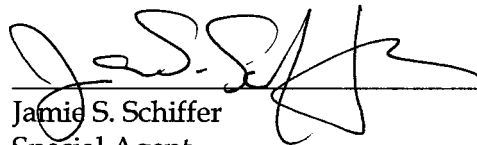
24. Palmisano also told agents that he was unemployed at the moment and collected unemployment benefits. When asked about the bank receipts, Palmisano told agents that he maintained a checking and savings account with Bank of America and that the accounts together contained approximately \$20,000. He specified that at least half of that \$20,000 had been obtained through the sale of narcotics or drugs.

25. Pursuant to warrant, agents subsequently searched the Residence and found bags of an off-white substance with a rock-like texture. Palmisano accompanied agents to the Residence, provided keys to gain entry into the Residence, and led agents to the bags of off-white substance. Palmisano told the agents that those were the bags of crack, including the 31 grams he planned to sell to the UC and the remainder of the 14 grams of additional crack he had to distribute to others.

26. The substance found today in the Residence is consistent in appearance and texture with the material purchased from Palmisano on July 18, 2014 by the UC, which was confirmed through forensic analysis to be crack.

Conclusion

27. Based on the above, I believe that there is probable cause to believe that Palmisano sold cocaine base or crack to the UC on five occasions and that the sale on July 18, 2014, involved a quantity of crack greater than 28 grams. I also believe that there is probable cause to believe that today, August 7, 2014, Palmisano possessed for the purpose of distribution a quantity of crack greater than 28 grams.



Jamie S. Schiffer
Special Agent
Bureau of Alcohol, Tobacco and Firearms

Subscribed and sworn to before
me this 7th day of August 2014,
at Providence, Rhode Island



PATRICIA A. SULLIVAN
United States Magistrate Judge

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: INFORMATION INDICTMENT COMPLAINT

CASE NO. _____

Matter Sealed: Juvenile Other than Juvenile
 Pre-Indictment Plea Superseding Defendant Added
 Indictment Charges/Counts Added
 Information

USA vs.
 Defendant: RICHARD PALMISANO

Name of District Court, and/or Judge/Magistrate Location (City)
 UNITED STATES DISTRICT COURT RHODE ISLAND
 DISTRICT OF RHODE ISLAND Divisional Office

Name and Office of Person Furnishing Information on THIS FORM: PETER F. NERONHA
 U.S. Atty Other U.S. Agency
 Phone No. (401) 709-5000
 Name of Asst. U.S. Attorney (if assigned): MILIND M. SHAH

REDACTED

Alien (if applicable)

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)
 Bureau of Alcohol, Tobacco, Firearms and Explosives

person is awaiting trial in another Federal or State Court (give name of court)

 this person/proceeding transferred from another district per (circle one) FRCrP 20, 21 or 40. Show District

 this is a reprosecution of charges previously dismissed which were dismissed on motion of:
 U.S. Atty Defense
 this prosecution relates to a pending case involving this same defendant. (Notice of Related Case must still be filed with the Clerk.)
 prior proceedings or appearance(s) before U.S. Magistrate Judge regarding this defendant were recorded under

SHOW DOCKET NO.

MAG. JUDGE CASE NO.

Issue: Warrant Summons

Location Status:

Arrest Date _____ or Date Transferred to Federal Custody _____

Currently in Federal Custody
 Currently in State Custody
 Writ Required
 Currently on bond
 Fugitive

Defense Counsel (if any): _____

FPD CJA RET'D
 Appointed on Target Letter

Place of offense: RHODE ISLAND County

This report amends AO 257 previously submitted

OFFENSE CHARGED - U.S.C. CITATION - STATUTORY MAXIMUM PENALTIES - ADDITIONAL INFORMATION OR COMMENTS

Total # of Counts _____

Set	Title & Section/Offense Level (Petty = 1 / Misdemeanor = 3 / Felony = 4)	Description of Offense Charged	Felony/Misd.
			<input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor
			<input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor
			<input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor
			<input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor
			<input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor