# Office of the Special Narcotics Prosecutor for the

# City of New York



# 2007 Annual Report

Front Cover Photo: 2007 OSNP Staff

Back Cover Photo: OSNP Central Staff circa 1973 (photographer unknown)

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# Message from the Special Narcotics Prosecutor

The theme of this year's annual report, "Now and Then," commemorates the 35th anniversary of the Office of the Special Narcotics Prosecutor for the City of New York.

On the front cover is a photograph of current staff. The back cover features a picture of office personnel taken in the early 70s. As the photos illustrate, Special Narcotics has grown in size and prominence over the past three and a half decades, successfully prosecuting local and international narcotics traffickers.

We begin this year's report with news articles describing the heroin epidemic which held the city in its grip beginning in the 1960s. Soaring crime rates and depressing overdose statistics dominated news of the time. Those circumstances set the scene for the establishment of the Office of the Special Narcotics Prosecutor for the City of New York in 1972.

Much has changed. As the time line inside demonstrates, New York City has effectively faced down other narcotic epidemics, most notably the crack crisis. The relationship between declining homicide rates and effective narcotics enforcement strategies is obvious.

In the last two decades, the office has been in the forefront of developing what was once a radical proposal: allowing drug addicted defendants to complete rehabilitation programs as an alternative to prison. Facing incarceration if they do not abide by strict rules, thousands of addicted defendants have completed treatment in lieu of prison and now live productive lives. Through careful monitoring by our office, this has been accomplished without compromising public safety.

The report also contains highlights of investigations conducted by the Special Narcotics Prosecutor's office during the past year.

New York City in 2007 is a far safer place than 35, 25 or even 15 years ago. As many alumni attending our 35th anniversary celebration could attest, this was no easy accomplishment. Narcotics, crime, renaissance and renewal are all a part of the history of New York City. For 35 years, the Office of the Special Narcotics Prosecutor has played a critical role.

Bridget G. Brennan

Special Narcotics Prosecutor

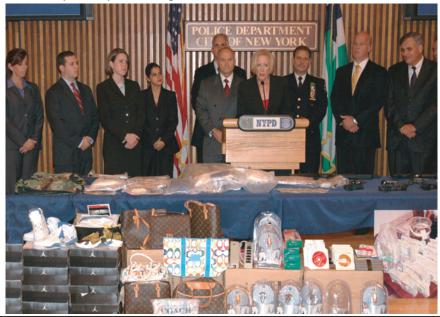
# About the Office

The Office of the New York City Special Narcotics Prosecutor (OSNP) was created by the New York State Legislature in 1971. Fully operational since 1972, OSNP is the only agency in the United States devoted solely to the investigation and prosecution of narcotics felonies. The office works with city, state, and federal law enforcement. Through the years, OSNP investigations have dismantled narcotics networks, money laundering enterprises and entrenched local drug gangs in neighborhoods across the city.

Assistant district attorneys assigned to the office by the city's five District Attorneys are assigned to the Investigation Division, the Trial Division or the Alternative Sentencing Division. Investigation Division assistants oversee multifaceted, long-term investigations into large-scale narcotics trafficking in the city and across the United States. Trial Division assistants prosecute local trafficking cases and direct investigations into mid-level drug operations. Alternative Sentencing Division assistants oversee the diversion of addicted narcotics offenders to treatment programs instead of prison.

Appointed in January, 1972, Frank Rogers, the first Special Narcotics Prosecutor was succeeded by Judge Sterling Johnson, Jr., who headed OSNP for 16 years. Robert H. Silbering was named the Special Narcotics Prosecutor in 1992.

On May 1, 1998, Bridget G. Brennan was appointed Special Narcotics Prosecutor for the City of New York by the five District Attorneys. Ms. Brennan established the Narcotics Gang Unit, re-organized the Alternative Sentencing Division, expanded money laundering and financial investigations, and has targeted emerging problems including Internet drug sales and prescription drug diversion.



Special Narcotics Prosecutor Bridget Brennan and NYC Police Commissioner Raymond Kelly announce the breakup of a storefront narcotics ring (see p. 14).

# <u>Heroin Crisis</u>

In the late 1960s and early 1970s the heroin epidemic had a devastating effect on the city and the nation.



# Creation of Special Narcotics

Response: tough new laws, increased enforcement, and the creation of the Office of the Special Narcotics Prosecutor

#### **BILL SIGNED TO HIT** NARCOTIC PUSHERS

**Governor Approves Prison** Terms as Long as Life

Special to The New York Times

ALBANY, May 24—Big-time pushers of narcotics will face maximum prison sentences of 25 years or life under provi-sions of two bills signed by Governor Rockefeller. The two measures are almed at persons who possess eight ounces or more of heroin, mor-phine, cocaine or opium. Governor Rockefeller termed the severity of the new penal-ties "justified" in view of the types of drugs involved and their amounts. One of the new laws will make possession or sale of eight ounces or more of the drugs a Class B felony, punishable by up to 25 years in prison. Under present law, such possession or sale is considered a Class C felony, which carries a maxi-mum prison sentence of 15 years. years

years. The second measure will make possession or sale of 16 ounces or more of the same drugs a Class A felony, which is punishable by a maximum term of life imprisonment. Present law classifies the same crime as a Class B felony.

"Alarming Rise' in Use "Alarming Rise' in Use The Governor said the higher penalties were needed because of the "alarming rise in the in-cidence of the use of narcotics, particularly among young peo-ple"

particularly among young per-ple." Mr. Rockefeller vetoed a bill that would have granted im-munity from prosecution for the possession of dangerous drugs to minors when they voluntarily surrendered such drugs to a rolliceman

to minors when they voluntarily surrendered such drugs to a policeman. He said the bill was techni-cally defective and also noted the possibility that a person caught "red-handed" could sur-render and conceivably avoid prosecution. Mr. Rockefeller signed a bill enabling the state to take a cut of more than \$400,000 for col-lecting New York City's stock-transfer tax. The tax yields nearly \$300-million. Up to 1965, the tax was paid to the state. But be-ginning that year, and in ex-change for the city giving up 1 per cent of its sales tax, the Legislature turned over the stock-transfer tax revenues to the city. Since then the state has con-tinued to collect the levy, on behalf of the city, but now it will receive compensation.

Other Actions on Bills

Other Actions on Bills Also announced today were these actions by the Governor on bills: ¶Vetoed an amendment to the general business law that would have prohibited pawn-brokers, second-hand dealers and junk dealers from doing business with persons under 18 years of age. Mr. Rockefeller said the bill was "an admirable one" since it sought to make it more difficult for a young per-

# A New Prosecutor in City **To Handle Only Narcotics**

He Will Have Power to Empanel Juries and Begin Inquiries in Any Borough -Frank Rogers Named to Post

#### By LACEY FOSBURGH

A new and powerful position -special assistant district attorney for New York City-was established yesterday. For the first time, one man was given citywide jurisdiction over all major narcotics cases, including the right to empanel grand juries and initiate investigations anywhere in the five boroughs.

Until the establishment of the new position, prosecutions for all categories of crimes were decentralized, with each of the five elected District Attorneys in charge of one county. The new system, which will go into effect Monday, will involve felony narcotics cases-those in which there are charges of the sale or possession of more than an eighth of an ounce of heroin or cocaine.

Frank J. Rogers, a 38-year-old career prosecutor from the Manhattan District Attorney's office, was sworn in yesterday as the new special assistant district attorney at \$30,000 a year.

He is the key figure in the new \$10-million centralized narcotics operation - including seven special judges, seven courtrooms, 22 prosecutors, 25 Legal Aid Society attorneys and about 140 other court workers -that was created by the Legislature in June with a Federal grant of \$7.5-million and \$2.5-million in state funds.

At 10 A.M. Monday the narcotics courtrooms, all adjuncts of the State Supreme Court, will open. There will be two in Manhattan, two in the Bronx, two in Brooklyn and one in Queens.

They are expected to handle about 6,000 cases a year, about 30 per cent of the caseload in State Supreme Courts in New York City, Mr. Rogers said.

The narcotics problem has become a "crisis" of such dimensions, Governor Rockefeller said last June in signing the plan into law, that it 'transcends the traditional

Continued on Page 36, Column

Ehe New Hork Eimes Published: February 4, 1972 Copyright @ The New York Times

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UP SHARPLY HERE 56.2% Rise in Felony Cases Through Last October Laid to Police Reorganization

NARCOTIC ARRESTS

By DAVID BURNHAM by MAVID BURNHAM Narcotics arrests in New ork City increased sharply uring 1969, according to the olice Denartment. 1969, accolute Department. Department. Sough statistics for the sough statistics for the sough source and the ear are not yet available. York policement made 562. Cent more felony narcotics for the year than they so the year than they so the year than they

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The New York Eimes

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A Day in the War on Narcotics

Police Here Cond

cides in Detroit are reported to have reached record levels for the first two months of 1971 same Deriod last year, Balti up 68 per cent over the more philadelphia Houston and Los Angeles have also reported increases the first three months rear, including the final March, there were 280 s. The total for 1970, increases, A few citics, among the Cleveland and Washington, hav reported declines. ect to upward

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York is not alone in

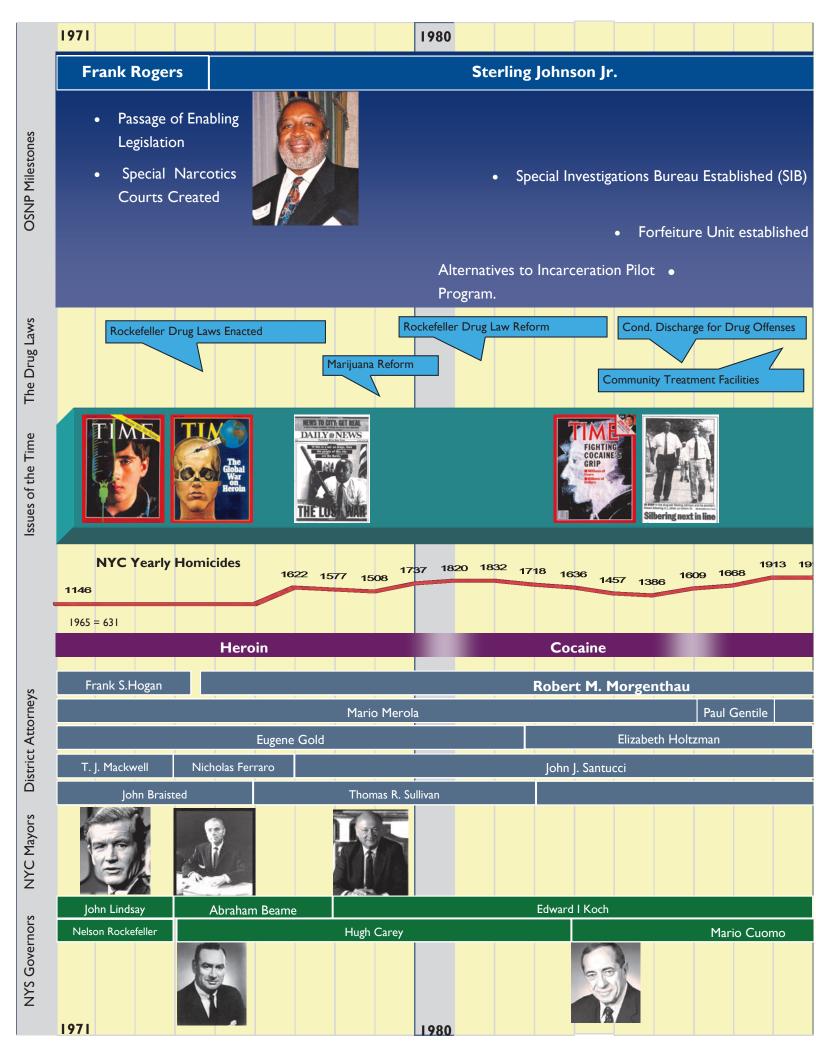
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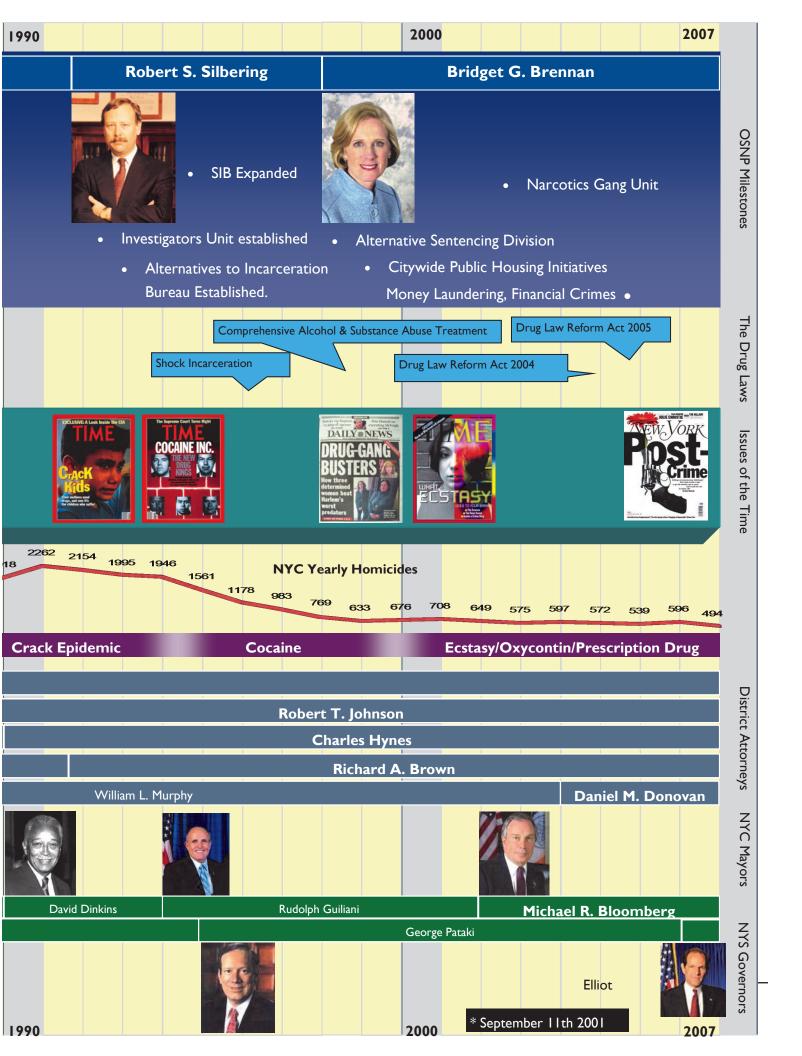
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# 2007 Eavesdropping Activity

Wiretaps	
Total Intercept Orders	156
Originals	109
Extensions	35
Amendments	12
Breakdown	
Cell phones	144
Landlines	6
Beepers	3
Video Surveillance	1
Mail Accounts	2

# Investigation Division

The Investigation Division is composed of the Special Investigations Bureau and three units, Narcotics Gang, Money Laundering and Financial Crimes and Forfeiture Investigations.

### THE SPECIAL INVESTIGATIONS BUREAU (SIB)

Since its establishment in 1982, the Special Investigations Bureau has specialized in multi-jurisdictional investigations that target large-scale narcotics trafficking. In calendar year 2007, SIB prosecutors worked with the Drug Enforcement Administration, the New York City Police Department, the New York State Police, the New York Drug Enforcement Task Force (NYDETF), the New York OCDETF Strike Force and other local, state, federal and foreign entities. The division launched a total of 107 investigations which targeted narcotics trafficking, push-in robberies, drug gangs, money laundering and the forfeiture of narcotics proceeds.

During the year, senior SIB staff supervised 156 wiretap investigations office-wide, including 109 originals, 35 extensions and 12 amendments. The 109 new wiretap orders represent a 25.3% increase of the number supervised by the bureau in 2006. Investigation Division cases resulted in seizures of 890 pounds of cocaine, 73 pounds of heroin and millions of dollars in narcotics proceeds.

### NARCOTICS GANG UNIT

The Narcotics Gang Unit works with the NYPD Narcotics Division and the New York Drug Enforcement Task Force's REDRUM Unit in investigations that target drug gangs and robbery crews committing violent, drug-related criminal activity across the city. In 2007, the unit filed indictments charging crimes that included armed robbery, kidnapping, burglary, weapons possession and narcotics trafficking.

### MONEY LAUNDERING AND FINANCIAL CRIMES

Money Laundering and Financial Crimes initiates probes into narcoticsrelated money laundering and other financial criminal activity. The cases, generally the result of intelligence developed in the course of narcotics investigations, prevent foreign narcotics consortiums and local drug trafficking groups from gaining access to illicit drug proceeds. In 2007, 32 money laundering investigations were initiated.

### FORFEITURE INVESTIGATIONS

Established in 1985, the Forfeiture Investigations Unit evaluates felony drug prosecutions for potential civil litigation to recover the illicit proceeds of narcotics crimes. In cooperation with law enforcement, the unit identifies criminal assets, and through civil procedures, ensures that the recovery of these assets deprives narcotics traffickers and money-laundering groups

of the profits of criminality. The unit has in place a comprehensive set of systems to track office participation in investigations resulting in forfeiture actions. In 2007, 207 federal forfeiture actions were entered and 203 were completed. At the state level, 421 actions were initiated and 363 were completed.

#### 2007 MAJOR INVESTIGATIONS



In five hours, defendants deposited \$110,000 in 112 bank accounts.



Gene Schneur, complex co-owner, Precinct Commander Deputy Inspector Jeffrey Maddrey, HPD and Special Narcotics Prosecutor Bridget Brennan at Nobel Drew Ali.

### MICRO-STRUCTURING: INCHING MILLIONS ACROSS **BORDERS**

A new technique to dispose of illicit drug proceeds called "microstructuring" was uncovered in an investigation which had its origins in 2006. Defendants Luis Saavedra and Carlos Roca opened hundreds of accounts in numerous banks across the city and several times a month they made cash deposits ranging from \$500 to \$2,000 into

each account. While arresting the defendants, agents recovered 112 receipts for banks which detailed deposits in Queens and Manhattan in increments of \$2,000 or less for a total of more than \$110,000. Bank records show that within 24 hours the funds were withdrawn at ATMs in Colombia, South America by associates. Investigators estimate that the defendants laundered an average of \$2 million a month. Both Saavedra and Roca were sentenced to prison.

### 35 INDICTED FOR DRUG DEALING AT NOBLE DREW ALI

A year-long investigation into high-volume drug sales at the Noble Drew Ali Plaza in Brooklyn ended in June, 2007, with the conspiracy indictment of 12 individuals. Ten other defendants were charged on separate indictments; and 13 others were indicted during the investigation. Conducted jointly by OSNP's Narcotics Gang Unit, NYPD's Narcotics Division, the 73rd Precinct, and the Department of Housing Preservation and Development's Narcotics Unit, the investigation recorded hundreds of user-quantity sales of heroin and cocaine and resulted in the seizure of narcotics, weapons, large quantities of ammunition, and bullet-proof vests.

### MONEY LAUNDERING IN STATE PRISON

Investigator Tim Vance, HPD In the 1980s, OSNP prosecuted Alejandro Lopez and shut down a violent Commissioner Shaun Donovan organization that, under his direction, controlled cocaine traffic in the Lower East Side of Manhattan. Known as the "Rock," the organization was connected to 19 homicides including the death of a toddler caught in the crossfire between drug dealers.

> While serving a 33 1/3 prison term, an OSNP investigation showed that Lopez continued to launder millions of dollars. Under the 2004 drug law reforms, he was among the first to apply for a sentence reduction. Seeking collection of a \$3 million fine which was imposed when he was convicted in 1988, OSNP launched an investigation into his finances and uncovered

transactions that included the purchase of a \$255,000 house in Broward County, Florida; more than \$1.5 million invested in a beachfront development in Puerto Rico; and over \$1 million in traded shares of top companies — all transactions conducted from state prison. Money laundering information was provided to the resentencing judge, who nonetheless granted him an 11 year reduction.

In July, 2007, as a result of the investigation, the U.S. Attorney for the District of Puerto Rico charged Lopez's associates with money laundering crimes. Several properties tied to Lopez are now the subject of civil forfeiture actions.

### IMPOSTOR NABBED IN STATEN ISLAND

A Staten Island man indicted in March, 2007, for felony drug possession, burglary, robbery, weapons possession, grand larceny, and other crimes, used fake law enforcement credentials and forged search warrant orders to commit armed robberies and burglaries in Queens and Brooklyn. A search of Tony Clanton's home recovered a DEA-agent shield and identification card with Clanton's photo under the name of an alias and a New York/ New Jersey High Intensity Drug Trafficking Area Task Force identification card with the defendant's photo and thumb print. Guns, crack cocaine and ammunition were seized. In December, 2007, Angelo Ellis, who has been connected to Tony Clanton, Byron Allen and Carl R. Lewis were indicted on Conspiracy, Robbery and Burglary charges. The defendants are accused of having committed home invasion type robberies in Queens and Brooklyn. When Ellis was apprehended in his home in Pennsylvania, police recovered a fake badge, law enforcement credentials and firearms. Clanton's case is scheduled for trial in 2008.

### 117 ARRESTS AND HUNDREDS OF POUNDS OF NARCOTICS

An international narcotics-trafficking organization estimated to have smuggled more than \$7.5 million in heroin and cocaine into the country was dismantled in January, 2007. The investigation begun in 2004 by SIB, the Drug Enforcement Task Force and field offices of the Drug Enforcement Administration resulted in multiple seizures of cocaine and heroin across the country and in South America. The OSNP investigation, the springboard for the international probe, resulted in the indictment of 11 traffickers distributing heroin and cocaine to local dealers across the city.

### CASE NETS SIX HUNDRED THOUSAND IN BACK TAXES

At the conclusion of a joint investigation conducted with the New York County District Attorney's Money Laundering and Tax Crimes Unit, Ali Khalil and Mohammed Khalil pled guilty to a felony violation of New York State Banking Law. Ali Khalil also pled guilty to felony New York State Tax Law offenses and was scheduled to be sentenced and pay a criminal fine of \$10,000 at year end. He also had to make a payment of \$664,065.17



507 East 11th Street, headquarters of the Rock organization in the 1980's (top) and seaside development in Puerto Rico, now the subject of a federal forfeiture action.



The highly-organized group displayed law enforcement credentials to gain entry into victims' homes and commit armed robberies.

520 Vanderbuilt Avenue in Staten Island was the destination of cocaine shipments from California.



in outstanding sales tax and accrued interest. Mohammed Khalil paid a criminal fine of \$500.

The Khalils operated four retail clothing businesses in the Bronx. In 2005, the New York Drug Enforcement Task Force and the OSNP began investigating a Colombian based money laundering organization siphoning millions of dollars in drug profits from New York and other areas of the country to Colombia. The brothers Khalil used their business to facilitate the transfer of funds. Over a two-day period in September 2005, Ali and Mohammed Khalil attempted to transfer \$140,000 to associates in Colombia.

At the time of their arrest, Ali Khalil tried to conceal the true source of the money he was transporting, claiming that he was on his way to the bank to deposit the receipts of one of his businesses.

Trapped BMW was used to transport cocaine from California to New York.



Three kilograms of cocaine and \$6,000 stuffed inside a can of potato chips seized in the Heights.



### COCAINE GETS ELITE TRANSPORT TO STATEN ISLAND

An organization which recruited drivers to transport cocaine from California to New York and other major cities along the east coast was shut down in 2007. The Guadalajara-based organization shipped multi-kilo shipments of cocaine to Roman Garcia in California who oversaw their transport across the country in a fleet of high-end cars equipped with traps. Garcia and two others were indicted on top narcotics charges. At year end, Garcia was being held on \$4 million bail in a city jail.

#### POLICE OFFICER DELIVERED COCAINE TO VIRGINIA DEALERS

In November, at the end of a two-year investigation, NYPD Detective James Calderon was indicted on top drug possession and conspiracy charges. Working for a Bronx-based narcotics organization, Calderon transported kilograms of cocaine to drug traffickers in Virginia. Also charged were Jorge Mendoza and Patricia Vargas. In total, cocaine and heroin, a kilogram press, crack vials, and over \$4,000 were seized during the course of the investigation. If convicted, Calderon faces a sentence of up to 20 years in state prison.

#### **OPERATION MARVEL**

"Operation Marvel" identified a group storing and distributing kilograms of cocaine out of two apartments in the Washington Heights section of Manhattan. Miguel Pizzaro negotiated sales from his first-floor apartment on West 173rd Street while associates Randolf and Cristian Gil-Soriano stored narcotics in their fourth-floor apartment, delivered cocaine to customers and collected payment. In August, 2007, a search operation at both apartments led to the seizure of three kilograms of cocaine, \$6,000 in cash, and drug paraphernalia. All three were indicted on conspiracy and narcotics charges.

### 50 KILOGRAM COCAINE BUST IN THE BRONX

In April, 2007, eight members of an organization importing multi-kilogram shipments of cocaine from Mexico were indicted on conspiracy and top narcotic possession charges. The defendants were arrested after a team of NYDETF agents and OSNP investigators seized 50 kilograms of cocaine from the sleeper compartment of a tractor-trailer in the Hunts Point section of the Bronx and recovered two duffel bags containing \$1,191,945 from a white van parked nearby. The money, payment for the cocaine, was going to be sent to Mexico in the tractor-trailer. Search operations in Greenburgh, NY led to the recovery of an additional \$95,855 while another \$1,355,190 was previously seized in February, 2007.

# HEROIN MASQUERADES AS LOLLIPOPS, HELMETS AND GUINEA PIGS

In the summer of 2007, a joint investigation with the New York Strike Force led to the arrest of four individuals and the seizure of approximately two kilograms of heroin. The heroin had been shaped in hundreds of tiny squares, individually wrapped and packaged in dozens of candy bags. In total, approximately two kilograms were smuggled into the country.

In May, Joe Serrano-Marin was indicted for Criminal Possession of a Controlled Substance in the First Degree. The defendant was arrested with over two pounds of heroin by DEA agents and Port Authority Police at the New York City Bus Terminal. Canine units sniffed and found the heroin which was hidden between the lining and the outer part of two motorcycle helmets the defendant was carrying. The narcotics are estimated to have a street value of more than \$100,000. Serrano, who traveled from his home in Egg Harbor, NJ to New York City via a New Jersey Transit bus, faces a sentence of 8 to 20 years.

In another investigation with the New York Strike Force, investigators arrested two individuals who were in possession of a package containing heroin. The heroin, concealed inside of aluminum food cans and cooked guinea pigs, was shipped to the city from South America. In total, approximately two kilograms of heroin was seized.



50 kilograms of cocaine and \$1,191,945 believed to be the payment for the narcotics were seized in Hunts Point.



Heroin made to look like candy, and Helmets used to smuggle a kilogram of heroin.

# **Trial Division**

The Trial Division is composed of three bureaus each headed by a Chief and a Deputy Chief. Assistant District Attorneys assigned to this division indict the greater part of felony narcotic complaints referred to the office. Assistants are on 24-hour call to provide legal advice and produce necessary court orders including search and arrest warrants.

Trial Division assistants, working closely with NYPD's Narcotics Division, the New York Drug Enforcement Task Force, the Port Authority Police, the New York State Police and OSNP Investigators Unit launched 100 new short-term and mid-level investigations. They prosecuted the bulk of the 2,189 complaints referred to the office in calendar year 2007. A total of 2,953 defendants were charged in the 2,127 indictments and Superior Court Informations filed. Search warrants drafted numbered 1,433 over 11% more than the previous year.

#### 2007 TRIAL DIVISION CASES



In February, husband-and-wife Francisco and Maria Diaz were indicted for Attempted Murder in the First Degree and Conspiracy for plotting to have the superintendent of their building killed. Francisco Diaz had been jailed in 2006 after police recovered 100 grams of cocaine, \$13,000 in cash and a loaded .45 caliber handgun from his apartment at 657 West 161st in Manhattan. The couple lived there with four daughters, the youngest two years old. While in jail, Francisco contacted intermediaries to hire a hit man to kill the superintendent whom he believed told the police of his drug activities. The hit man was an NYPD undercover officer. Maria Diaz met with the undercover officer to plot the superintendent's murder and also plotted to have other drug dealers in the building robbed and killed. At year end, both Francisco Diaz and Maria Diaz were incarcerated awaiting trial.

#### PILLS SHIPPED CROSS COUNTRY

Arizona High, an investigation with the Drug Enforcement Administration, led to the March arrest of a group which shipped packages of methadone, Oxycodone, and Alprazolam pills to customers around the country. Brothers Cleveland and Michael Thomas were supplied by individuals who stole filled prescriptions and used doctors' prescription pads to obtain hundreds of pills. At least five times a month, the brothers shipped packages via delivery services to various states. Payment would arrive in the form of money orders, Western Union wire transfers or bank deposits. Federal and local authorities and delivery service companies assisted in the investigation which recovered 1,422 methadone, 117 Oxycodone, and 30 Alprazolam pills and recorded payments in excess of \$54,000. The defendants pleaded guilty during the year.



The super of this building was the target of a drug couple's murder for hire plot.

Delivery services picked up packages of prescription pills for shipment to customers in other states.



### BAD NEIGHBOR: STASHES MARIJUANA IN DEA BUILDING

In September, Roger Benjamin Golden was indicted for Criminal Possession of Marijuana in the First Degree after he stored over 35 pounds of marijuana in a storage facility in the same building that houses the Drug Enforcement Administration. A search operation identified the storage unit from which a DEA team recovered the marijuana, drug paraphernalia and a cardboard box labeled with the defendant's name and address. At the time of his arrest, the defendant was on supervised release from federal prison pursuant to a 1997 13-year sentence for his part in a conspiracy to smuggle tons of marijuana and hashish into the country. Golden, who faces a 2-to-8 year sentence, is also facing extradition to Arizona.

#### BRONX YOUTH COUNSELOR GUILTY OF HEROIN SALES

In July, 2007 Milagros Daniels, a Field Supervisor and Youth Counselor with the New York State Office of Children and Family Services for more than 20 years pled guilty to heroin sales and was sentenced to three years in state prison. The 52 year old defendant worked at the Pyramid Reception Center, a juvenile intake facility at 470 East 161st in the Bronx. She was directly responsible for counseling youths and their families, conducting field investigations, and providing guidance regarding social and substance abuse programs. Between October, 2006 and January, 2007, Daniels sold heroin to an undercover officer on seven separate occasions for several thousand dollars.



35 pounds of marijuana ready for delivery stashed in a storage facility in the same building that houses the DEA.

#### COCAINE AND STEAKS SOLD BY THE POUND

Four storefronts in upper Manhattan used to stockpile, package and sell large quantities of cocaine and heroin were padlocked in September, 2007, as part of an investigation known as "Operation Uptown." One of the storefronts targeted, "Yahaira Clothing" at 3665 Broadway, was the headquarters of the ring's drug dealing and

illegal gambling operations. In addition, the group used several apartments nearby. The investigation lasted two years, involved 22 buys of cocaine and heroin, and led to the arrest of 26 individuals — 9 of whom were charged with A-1 felony sales. Two kilograms of cocaine, half a kilogram of heroin and \$70,000 in cash were seized. Those charged with A-1 sales face up to 20 years in state prison.

#### GIANT MARIJUANA PLANTS FOUND IN UPTOWN BASEMENT

A 2007 investigation uncovered 43 marijuana plants reaching six feet in height in a partitioned-off section of a basement in a residential apartment building in the Washington Heights section of Manhattan. Building superintendent Luis Molina, was indicted on charges of possessing the estimated 100 pounds of marijuana recovered. Molina was also



Legitimate businesses used by the drug organization.



Giant marijuana plants grown in uptown Manhattan basement.



Pharmacists alerted authorities to stolen prescription pads

charged under the Agriculture and Markets Law with Animal Fighting after investigators also found 55 live roosters and a cock-fighting rink in the basement. The marijuana farm had thrived with the installation of a sophisticated climate control system that included heavily insulated walls, heat lamps, and air and water distributors all powered by independent generators.

#### FORGED PRESCRIPTIONS AND STOLEN INSURANCE

On July 20, 2007 Estela Rivera and Elton Brown were arrested for purchasing 90 OxyContin tablets at a Duane Reade pharmacy using a forged prescription. Rivera had stolen physician's pads from the doctor for whom she had worked and written the prescription herself. Brown paid for the pills by presenting an insurance card from the Painting Industry Insurance Fund, where Rivera worked in the claims and eligibility section. Both defendants were released on July 21, 2007. Subsequently, an investigation launched with the New York State Bureau of Narcotics Enforcement revealed additional Rivera purchases totaling 150 OxyContin and 840 Vicodin pills using forged prescriptions. On December 14, 2007 both defendants were indicted on 26 counts including Criminal Possession of a Controlled Substance, Forgery, Possession of Stolen Property, Insurance Fraud and Grand Larceny. If convicted, the defendants face one to nine years in prison.

Arrests	2,984	
Indictments & Superior Court Informations	1,956	
Trials Completed	62	
Dispositions		
Convictions	1,770	
Overall Conviction Rate	81%	
Felony Sentences		
State Prison	984	
Jail	324	
Jail & Probation	118	
Probation	267	
Seizures		
Cocaine	1,246 pounds	
Heroin	116 pounds	
Weapons Seized	80	

#### HOUSING CASES

#### LANGSTON HUGHES HOUSES

April marked the end of an investigation conducted jointly with the United States Attorney for the Eastern District of New York, the Federal Bureau of Investigation and the New York City Police Department that targeted narcotics dealing and related violence at the Langston Hughes Houses on Sutter Avenue in the Brownsville section of Brooklyn. Undercover police officers successfully infiltrated this network and purchased crack cocaine from the defendants. Eight individuals operating a lucrative crack cocaine distribution network inside the development were indicted by OSNP.

#### STRAUSS HOUSES

In October, five individuals were indicted and charged with felony sales of crack and powdered cocaine at the Strauss Houses, a New York City Housing Authority complex on East 28th Street in the Kips Bay section of Manhattan. The joint operation run with NYPD's Manhattan South Narcotics Division included 30 undercover drug buys and documented a daily flow of hundreds of drug users who lined the hallways and stairways to purchase drugs. The ten-month investigation ended in February, 2008, with the arrest of 20 others. More than 50 community complaints were recorded from the law abiding residents of the complex during the investigation

#### CASTLE HILL HOUSES

A two-month investigation with NYPD's Bronx Narcotics in the Castle Hill Houses ended in July, 2007, with the indictment on top narcotics offenses of three individuals who had taken over apartments to sell felony quantities of heroin and cocaine. The investigation recorded numerous A-I, A-II and B felony narcotics sales by the defendants to undercover officers. Tamar Fields, Scott Torres and Anthony Lugo, all residents of the complex, pleaded guilty by year end and were sentenced to state prison.



Investigation targeted highvolume narcotics sales at this Kips Bay complex in Manhattan.



The 14-building, 2,023-unit NYCHA complex in the Bronx is home to 5,186 people

# Alternative Sentencing Division

Begun in 1987 with the implementation of a pilot program for pregnant addicted mothers facing drug felony charges, the Alternative Sentencing Division today has in place programs customized to specific populations of drug addicted offenders including victims of HIV/AIDS, pregnant women, the mentally ill or physically challenged, the elderly, youngsters 16-21 years old. From the outset, the division's aims for its rehabilitation programs have been to re-integrate drug-free defendants into society. Today, the division diverts defendants through its own programs, as well as a number of others run in conjunction with other state and city agencies.

Defendants placed in Alternative Sentencing Programs are carefully screened to establish the level of addiction and to ensure they do not pose a risk to society. Upon entering treatment, defendants' sentences are deferred. Throughout the programs, which average in length from 12 to 24 months, participants are closely monitored, are required to make calendared court appearances, undergo drug testing on a regular basis and receive counseling. They must comply with all requirements of the treatment-plus programs calling for education enhancements and/ or job training, employment, residence, and demonstrated financial responsibility. Upon successful completion of the particular program, charges against defendants are dismissed. Programs administered by the Division include:

- DTAP Drug Treatment Alternative to Prison, for predicate addicted offenders;
- PAIR Pregnant Addicted-mothers Intervention & Rehabilitation for pregnant addicted female offenders or heads of households with underage children;
- ASPIRE Alternative Sentencing Pre-indictment Intervention & Rehabilitation Effort for defendants who are gainfully employed and who have strong community ties;
- ATEEN Adolescent +Treatment Education Evaluation Now, for nonviolent drug offenders between the ages of 16 to 21;
- ATI Alternative to Incarceration places all types of defendants including mentally or physically challenged, those with long-term illnesses, and other groups into residential treatment;
- TRAIN designed for defendants at high risk for addiction and career drug dealing. The program provides vocational training, education and intervention.

#### Manhattan Treatment Court / Interim Probation Supervision

Beginning in 1998, the Alternative Sentencing Division partnered with the Office of Court Administration and the New York City Department of Probation in the development and incorporation of the Manhattan Treatment Court (MTC) Program for addicted first-time drug felony offenders. Upon entering a guilty plea, sentences for MTC defendants are deferred and they are placed in residential or outpatient treatment. When a participant successfully completes a drug treatment program and performs community service, he or she will graduate and the felony charge will be dismissed. OSNP has worked with the New York City Department of Probation in the Interim Probation Supervision, (IPS) program since 2001. IPS requires non-addicted, non-violent first-time defendants to complete a mandatory six-month probationary period before earning a five-year probationary sentence. Combined, 642 individuals have graduated from these programs since their implementation.

Addicted predicate felony offenders are also referred to the Extended Willard Drug Treatment Center, a specialized state prison in Seneca County, New York that focuses on treatment of drug-addicted convicts.

In 2007, 191 addicted predicate and first time offenders were diverted to treatment through OSNP's Alternative Sentencing Programs, Manhattan Treatment Court, Interim Probation Supervision or the Willard Program. A total of 151 defendants successfully completed all the requirements and graduated from these programs during the year.



Since its inception, Alternative Sentencing, has worked jointly with all sectors of government, criminal justice and the treatment community.

Alternative Sentencing		
Program	Placements	Graduates
DTAP	2,024	914
Manhattan Treatment Court	1,202	367
Interim Probation Supervision	627	275

# **Investigators** Unit

The Investigators Unit was created in 1992 to follow up on information on drug activity resulting from Investigation and Trial Divisions prosecutions. The unit is staffed with law enforcement veterans from NYPD's Narcotics Division and the New York Drug Enforcement Task Force who work closely with federal, state and local law enforcement agencies in the city.

The activities of unit investigators are directed by a Chief and a Deputy Chief Investigator. Investigators conduct undercover duties, surveillance operations and search warrant executions. They provide support to the Alternative Sentencing Bureau performing pre-placement and post-treatment investigations of defendants scheduled for diversion into treatment; and locating and returning defendants who abscond from treatment. Unit investigators also oversee the movement of prisoners.

The Chief Investigator monitors all investigative-related expenditures such as buy money, payments to confidential informants, and other investigative expenditures and is the liaison with the squad of Police Department detectives assigned to OSNP.

#### 2007 INVESTIGATIONS

### 10 POUNDS OF COCAINE, ECSTASY, CASH IN BRONX

A month-long investigation resulted in the arrests of Jose Castro and Jose Monegro after they negotiated the sale of 14 ounces of cocaine with an undercover officer in May, 2007. A search operation at Monegro's Bronx apartment at 64 West 192nd resulted in the recovery of nearly 10 pounds of cocaine, a kilogram press, over 1,000 pills of Ecstasy and \$15,000 in U.S. currency hidden inside a trap in the apartment. Both defendants were charged with Criminal Sale of a Controlled Substance in the First Degree and other drug related offenses. Jose Castro pleaded guilty to an A-2 felony narcotics sale and was sentenced to 4 years in state prison. He is also facing deportation. Jose Monegro's case is scheduled for trial in 2008.

### OVER A KILO OF HEROIN FOR \$55,000

A short-term heroin investigation in Queens ended in the arrest of 49 year old Ivan Velasco-Perez in April, 2007. He was apprehended on St. James and Broadway after he sold over 2½ pounds of heroin to an undercover officer for \$55,000. During the investigation Velasco sold heroin to the undercover on three separate occasions. The defendant pleaded guilty to an A-2 felony and was sentenced to four years in state prison.

### FOILED ROBBERY: FAKE PISTOL, MASKS SEIZED

On March 23, 2007 four individuals were indicted on Conspiracy in the Second Degree. The defendants were arrested on Putnam Avenue in the



*1,000 Ecstasy pills, wrapped in aluminum foil, were recovered.* 

Bronx by a team of DEA agents and Special Narcotics investigators as they conspired to carryout an armed robbery. Their target was an individual they believed was transporting two kilograms of cocaine and large amounts of narcotics proceeds. At year end, three of the defendants had pleaded guilty to related charges and were sentenced accordingly.

#### SIX ARRESTED WITH 21 KILOS OF COCAINE

On June 8, 2007 a surveillance operation ended in the arrest of six individuals, the oldest a 58-year old, and the seizure of 21 kilograms of cocaine in a remote, gated lot in the Hunts Point section of the Bronx. The drugs had been transported into the lot in a tractor trailer and had been off-loaded into a hidden trap inside a minivan when the defendants were apprehended. All six were charged with Criminal Possession of a Controlled Substance in the First Degree.

#### \$1.2 MILLION AND 110 POUNDS OF COCAINE

On April 6, 2007, an investigation with the New York Drug Enforcement Task Force and OSNP investigators led to the arrest of eight defendants, the seizure of 110 pounds of cocaine, and the recovery of nearly \$1.2 million at the corner of Randall Avenue and Faille Street near the Hunts Point market in the Bronx. In November, all eight were charged with A-1 narcotics possession.



110 pounds of cocaine seized on a Bronx street corner.

	-	
New investigations	34	
Arrests	134	
A- Felony Arrests	94	
Money Laundering Arrests	12	
Drug Seizures		
Cocaine	343 pound	
Heroin	30 pound	
Search Warrants Executed	23	

# Legal Training Unit

The Legal Training Unit oversees the selection of speakers, lectures and workshops that comprise the extensive professional development curriculum offered to assistant district attorneys every year.

In 2007, experienced and senior assistants assigned to the Investigation Division participated in advanced training workshops which covered the following areas: Wiretap Investigations, Appellate Issues, Electronic Communications Privacy Act, Recent Developments in Electronic Surveillance Law.

All programs comply with the regulations and guidelines of the New York State Mandatory Continuing Legal Education program and are open to prosecutors from the city's District Attorney Offices and other offices in the state. OSNP has been an accredited provider of the State's Continuing Legal Education Program since 2000.

The office's expertise in narcotics investigations and prosecutions is widely recognized. As a result, OSNP is a training resource for local and federal enforcement and criminal justice personnel in New York and other areas of the country. Senior staff lectures regularly at the New York Prosecutors Training Institute (NYPTI), NYPD's Patrol Division and Narcotics Division, and the High Intensity Drug Trafficking Area Task Force (HIDTA).



Legal Training presented a lecture on the use of audio visuals at trials and grand jury presentations.

# NYPD Special Narcotics Team

Since 1972, the New York City Police Department has assigned a team of detectives to the office from the Narcotics Division of the department's Organized Crime Control Bureau. The Special Projects Unit, as it is known, is under the command of a senior lieutenant who serves as a liaison between both agencies. Within OSNP, the team's detectives are assigned to either the Search Warrant Unit or the Technical Unit.

The detectives are experts in the tracking, control and presentation of electronically recorded evidence. They also provide support by verifying details of search warrant investigations. In addition to their other duties, the team's members maintain citywide evidence repositories for electronically recorded evidence and OSNP search warrants.

#### SEARCH WARRANT UNIT

The Search Warrant Unit pre-screens requests for search warrant orders, debriefs affiants, prepares the paperwork and expedites requests through the court. The detectives keep track of all confiscated evidence and maintain a database on arrests and seizures resulting from the execution of search warrants. In 2007, the unit processed 1,433 search warrants.

### **TECHNICAL UNIT**

The Technical Unit tracks and controls "chain of custody" for electronically recorded evidence, and ensures the security of audio/video evidence. The unit processes transactions involving issuance, post-investigative receipt, maintenance, duplication, and pre-trial release procedures of various types of analog and digitally recorded evidence.



Last year, the Search Warrant Unit processed nearly 60% of all NYPD's Narcotics Division search warrants.

# Support Services Units



## FISCAL

The Fiscal Unit is responsible for all fiscal activities including production and submission of funding requests to federal, state and city agencies and monitoring agency expenditures. The unit assesses and approves purchases and payment vouchers, disbursement of funds such as petty cash and payroll coordination; enforces fiscal policy; conducts internal audits; and reviews and approves agency procurements.

### PERSONNEL

The Personnel Unit administers procedures involving the assignment or transfer of assistant district attorneys and the recruitment of managerial, administrative and clerical staff. Unit staff participate in planning, developing and executing employee programs, policies and procedures that are applicable to all staff. The unit disseminates information on and monitors the implementation of mandatory programs and procedures for all city agencies; provides facts on citywide policies and labor relations issues; and maintains time and leave records for all staff. The unit is responsible for the bi-weekly distribution of paychecks and serves as liaison with the citywide payroll management system.

### PUBLIC INFORMATION

The Public Information Unit disseminates information about the office. The unit responds to inquiries from members of the media, government agencies, advocacy groups, and individuals on the status of cases, legal decisions, legislative action, citywide drug trafficking trends and the results of joint enforcement efforts.

### INFORMATION TECHNOLOGIES (IT)

IT develops, implements and administers OSNP's computer and telephone communications systems. IT identifies communications needs; puts in place ongoing programs to meet those needs and to facilitate the integration of office procedures into emerging technology; inputs all case-related data; and produces statistical reports on indictments, dispositions, drug seizures and trafficking trends. The unit includes PC/Communications Support, Case Information Management, Records Management and Personnel Support Services.

PC/Telecommunications provides technical and maintenance support of all equipment, and oversees the provision of training programs to appropriate personnel on new applications and systems.

Case Information inputs, updates and tracks data pertaining to complaints, arrests, defendants, charges, indictments and dispositions of cases prosecuted by the office. The section prepares reports that track caseloads

and dispositions and provides ad hoc reports on narcotics activities, trends, and statistical analyses. Unit staff expedite and coordinate the receipt, inventory and distribution of Police Department laboratory reports on confiscated drugs, and work as bureau coordinators in the Trial Division providing support to Trial Division assistants and executive office personnel.

Records Management files and registers closed and bench warranted case files and processes parole requests.

### TRIAL PREPARATION ASSISTANTS (TPAS)

TPAs are assigned to the Investigation Division, the Trial Division, Part N, and the Alternative Sentencing Division. Trial Division and Investigation Division TPAs track cases, maintain case records, gather reports and legal papers required by assistant district attorneys, handle arrangements when prisoners have to be produced in court, and help assistants prepare for grand jury and trial presentations. Alternative Sentencing Bureau TPAs interview defendants who are diverted to treatment and track their progress. Part N TPAs assist in tracking plea offers, grand jury actions and case dispositions that take place in the Part.



#### EXTRADITIONS/DETAINERS

The unit administers the return of fugitives apprehended or in custody in other jurisdictions and in foreign countries that have extradition treaties with the United States.

#### **GRAND JURY REPORTERS**

Grand Jury Reporters record, produce and maintain transcripts of confidential testimony presented before the grand juries.

### INTERPRETATION AND TRANSLATION SERVICES

The unit interprets and translates for non-English speaking witnesses in discussions with investigators and assistant district attorneys and during testimony before the grand jury; provides written translation and transcription services for evidentiary consent and wiretap recordings that contain dialogue in a foreign language; and translation of foreign language documents.

#### **OPERATIONS**

The Operations Unit handles office maintenance, reproduction of documents, mail delivery, messenger services, housekeeping requests, office supply inventory and disbursement.



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