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**Media Release for October 18, 2006**

**KINGS COUNTY DISTRICT ATTORNEY CHARLES J. HYNES, POLICE  
COMMISSIONER RAYMOND W. KELLY, DEPARTMENT OF  
INVESTIGATION COMMISSIONER ROSE GILL HEARN, AND  
ROCHESTER DISTRICT ATTORNEY MICHAEL C. GREEN  
ANNOUNCE EXPANDED INDICTMENT IN  
ILLEGAL TISSUE HARVESTING SCHEME**

*CRIMINAL ENTERPRISE STRETCHED ACROSS CITY AND TO ROCHESTER*

**Brooklyn, October 18, 2006** – Kings County District Attorney Charles J. Hynes, Police Commissioner Raymond W. Kelly, Department of Investigation Commissioner Rose Gill Hearn, and Monroe County District Attorney Michael C. Green today announced an expanded, superseding indictment against Michael Mastromarino, Joseph Nicelli, Lee Cruceta, and Christopher Aldorasi.

Mastromarino, owner of BioMedical Tissue Services; Nicelli, Crucetta, and Aldorasi were charged, in a 122-count indictment last February, with orchestrating a large-scale, criminal enterprise, in which tissues were harvested from dead people who never consented to be donors. Those tissues were then sold to medical companies for use in surgical transplants, such as bone and skin grafts.

District Attorney Hynes said, “These ghoulish thieves thought they could pull off the crime of the century, stealing bones from the dead, without any thoughts to their victims’ families or the transplant recipients who would receive possibly tainted bone and tissue grafts. For their hard work on this case, I’d like to thank the NYPD Major Case Squad and Commissioner Kelly, Commissioner Gill Hearn, and District Attorney Green, who has assisted in this case as it pertains in Rochester, New York.”

“The nightmare of Bath Avenue is nearly over due to the outstanding work of the detectives and prosecutors in this case. Your good work has been expanded to other jurisdictions and it has already resulted in the enactment of tougher laws against such unimaginable practices,” said Police Commissioner Kelly

DOI Commissioner Gill Hearn said, “We are further reminded of the ghoulish nature of this scheme from the charges announced today. Anyone who worries about whether their loved one has or will fall prey to this type of defilement should take comfort in knowing that the

criminal justice system is working hard to address this issue — the investigation and prosecution have and will continue."

"This indictment includes allegations that a defendant engaged in criminal conduct with regard to the remains of five citizens of Monroe County. We want to thank District Attorney Hynes and everyone who has worked and continues to work to uncover the criminal conduct alleged and bring those responsible to justice. My office is currently conducting a criminal investigation with many law enforcement agencies to ensure that all individuals who were involved in this type of criminal conduct in Monroe County are held responsible. We look forward to continuing to work with D.A. Hynes and the Kings County District Attorney's Office in connection with these investigations and prosecutions," said District Attorney Green.

In the superseding indictment, the top count – Enterprise Corruption – was expanded to include criminal operations in Rochester, the Bronx, and Manhattan. It charges that three additional funeral homes – New York Mortuary, in Manhattan; Avalon Funeral Services, in the Bronx; and Thomas E. Burger Funeral Home, in Rochester – provided corpses to the criminal enterprise. This is in addition to Daniel George & Sons Funeral Home in Brooklyn.

In addition, seven licensed funeral home directors have pleaded guilty to charges they were involved in the operation and have agreed to cooperate in the continuing investigation. They have all agreed to surrender their licenses and face a term of incarceration, to be determined based on their levels of cooperation.

According to the 122-count indictment, the team forged death certificates and organ-donor consent forms to create the appearance that the tissue was harvested legally. Though tissue transplant guidelines set age limits and health requirements for donors, the defendants falsified the ages of their victims, so in one case, a 95-year-old cancer victim was listed as a healthy 85-year-old who died of heart failure.

It is illegal for people to sell their tissue or other body parts. They can only be donated, and only with the expressed, written consent of the donor or the next of kin, before the donor dies. However, on the open market, one body can bring in as much as \$250,000 for harvesting and transplant companies.

Mastromarino, a former oral surgeon, got into the tissue business after losing his dentist's license. Nicelli, of 49 Clifton Ave., Staten Island, owned Daniel George & Son funeral home at 1852 Bath Ave., Brooklyn, before partnering with Mastromarino in a tissue trading company, BioMedical Tissue Services and BioTissue Technologies. The companies were licensed in New Jersey but had offices in Brooklyn. Crucetta and Aldorasi both worked with Nicelli and Mastromarino removing body parts.

The investigation began after people who bought Daniel George from Nicelli found numerous inconsistencies in the bookkeeping. They came to the Brooklyn District Attorney's Office to complain that money paid in advance for future funerals was missing from the business's accounting records. The investigation that followed uncovered a scheme to steal bones from unwilling donors.

In a secret room in Daniel George & Sons, Mastromarino would remove bones, tendons, heart valves and other tissue from recently deceased people. When the bodies were of people who had not consented to the procedures, or were too old or ill to donate tissue, Mastromarino and Nicelli doctored their death certificates and forged consent forms, according to the indictment. In those cases, Mastromarino replaced the bones with plastic polyvinyl chloride, or PVC, piping and repaired the incisions, so they would not be noticed at the funeral.

Nicelli also owned a business transporting bodies to funeral homes and would be notified of deaths. In this capacity he could supply Mastromarino with corpses.

The charges against the defendants include Enterprise Corruption, a Class-B Felony punishable by up to 25 years in prison, Body Stealing and Opening Graves (Class-E Felonies), Unlawful Dissection (an unclassified Misdemeanor), Forgery in the Second Degree, Grand Larceny in the Third Degree (Class-D Felonies) and Falsifying Business Records in the First Degree (a Class-E Felony).

The investigation is ongoing.

From the Department of Investigation, Deputy Inspector General Stephan Zander, NYPD Deputy Inspector John Walsh, and NYPD Detective John Woo worked on this case.

Detectives Paul Courtney and Patricia O'Brien and Sgt. Timothy Breen from the NYPD's Major Case Squad also worked on the case, under the supervision of Deputy Inspector Michael Hines and Chief of Detectives George Brown.

DA's Office Detective Investigators Anthony Nelson and Michael Seminara assisted in the investigation, under the supervision of Supervising Detective Investigator Robert Intartaglio.

Assistant District Attorneys Josh Hanshaft, Trish McNeill, and Michael Perkins are prosecuting the case for the Rackets Division. Michael Vecchione is Chief of the Rackets Division.

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