

Approved:

MICHAEL Q. ENGLISH/CHRISTIAN R. EVERDELL
Assistant United States Attorney

Before: HONORABLE DOUGLAS F. EATON
United States Magistrate Judge
Southern District of New York

- - - - -x
UNITED STATES OF AMERICA :
 :
 - v. - :
HECTOR RIVERA, :
RONI AMRUSSI, :
BRIAN GREENWALD, :
ROMAN ZADIRIYEV, :
ARKADII ISRAILOV, :
HECTOR MATHEWS, :
MARIO TORRES, :
JOSE AMEZQUITA-CASTILLO, :
 a/k/a "Quique," :
JOSE TORRES-RIVERA, :
EDUARDO CARTAGENA-DELGADO, :
CARLOS QUILES, :
LUIS RAMIREZ-MIRABEL, :
 :
 Defendants. :
 :
- - - - -x

COMPLAINT
Violations of
18 U.S.C. §§ 1951 and
924(c) (1) (A) (ii) & 2
COUNTY OF OFFENSE:
NEW YORK

SOUTHERN DISTRICT OF NEW YORK, ss.:

MICHAEL G. ZUK, being duly sworn, deposes and says that he is a Special Agent with the Federal Bureau of Investigation ("FBI"), and charges as follows:

COUNT ONE

1. From at least in or about December 2007 up to and including in or about December 2008, in the Southern District of New York and elsewhere, HECTOR RIVERA, RONI AMRUSSI, BRIAN GREENWALD, ROMAN ZADIRIYEV, ARKADII ISRAILOV, HECTOR MATHEWS, MARIO TORRES, JOSE AMEZQUITA-CASTILLO, a/k/a "Quique," JOSE TORRES-RIVERA, EDUARDO CARTAGENA-DELGADO, CARLOS QUILES, and LUIS RAMIREZ-MIRABEL, the defendants, and others known and unknown, unlawfully, willfully, and knowingly did combine, conspire, confederate, and agree together and with each other to commit robbery, as that term is defined in Title 18, United States Code,

Section 1951(b)(1), and would and did thereby obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), to wit, HECTOR RIVERA, RONI AMRUSSI, BRIAN GREENWALD, ROMAN ZADIRIYEV, ARKADIY ISRAILOV, HECTOR MATHEWS, MARIO TORRES, JOSE AMEZQUITA-CASTILLO, a/k/a "Quique," JOSE TORRES-RIVERA, EDUARDO CARTAGENA-DELGADO, CARLOS QUILES, and LUIS RAMIREZ-MIRABEL, the defendants, and others known and unknown, agreed together to hijack and rob Federal Express tractor-trailer trucks in New York, New York, which they believed contained millions of dollars worth of diamonds.

Overt Acts

2. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. On or about December 20, 2007, HECTOR RIVERA, ROMAN ZADIRIYEV, ARKADIY ISRAILOV, MARIO TORRES, the defendants, participated in the gunpoint robbery of a Federal Express tractor-trailer truck in the vicinity of 11th Avenue and West 47th Street in New York, New York.

b. On or about November 2, 2008, HECTOR RIVERA and RONI AMRUSSI, the defendants, drove to a warehouse in Long Island, New York, in preparation for the robbery of a Federal Express tractor-trailer truck.

c. On or about November 14, 2008, HECTOR MATHEWS, the defendant, spoke to HECTOR RIVERA about the availability of individuals to perform a robbery.

d. On or about November 3, 2008, HECTOR RIVERA and BRIAN GREENWALD, the defendants, met in the vicinity of 10th Avenue and West 48th Street in New York, New York.

e. On or about December 4, 2008, MARIO TORRES and FNU LNU, a/k/a "Quique," drove from the Bronx, New York, to the vicinity of 11th Avenue and 60th Street in New York, New York, in order to participate in the hijacking of a Federal Express tractor-trailer truck.

f. On or about December 4, 2008, JOSE AMEZQUITA-CASTILLO, JOSE TORRES-RIVERA, EDUARDO CARTAGENA-DELGADO, CARLOS

QUILES, and LUIS RAMIREZ-MIRABEL, the defendants, drove in a Chevy Trailblazer in the vicinity of 11th Avenue and 48th Street.

(Title 18, United States Code, Section 1951.)

COUNT TWO

3. On or about December 20, 2007, in the Southern District of New York, HECTOR RIVERA, BRIAN GREENWALD, ROMAN ZADIRIYEV, ARKADIY ISRAILOV, and MARIO TORRES, the defendants, and others known and unknown, unlawfully, willfully, and knowingly did commit robbery, as that term is defined in Title 18, United States Code, Section 1951(b)(1), and did thereby obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), to wit, ROMAN ZADIRIYEV, ARKADIY ISRAILOV, and MARIO TORRES, and others known and unknown, participated in the hijacking and robbery of a Federal Express tractor-trailer truck in the vicinity of 11th Avenue and West 47th Street, New York, New York, which crime was orchestrated and organized by HECTOR RIVERA and BRIAN GREENWALD, and in the course of which the Federal Express driver was handcuffed and held at gunpoint.

(Title 18, United States Code, Sections 1951 and 2.)

COUNT THREE

4. On or about December 20, 2007, in the Southern District of New York, HECTOR RIVERA, ROMAN ZADIRIYEV, ARKADIY ISRAILOV, MARIO TORRES, the defendants, unlawfully, willfully, and knowingly, during and in relation to a crime of violence for which they may be prosecuted in a court of the United States, namely, the robbery charged in Count Two of this Complaint, did use and carry firearms, and, in furtherance of such crime, did possess firearms, and did aid and abet the use, carrying, and possession of firearms, which were brandished during the robbery of a Federal Express tractor-trailer truck in New York, New York.

(Title 18, United States Code, Sections
924(c)(1)(A)(ii) and 2.)

COUNT FOUR

5. On or about December 4, 2008, in the Southern District of New York, HECTOR RIVERA, RONI AMRUSSI, BRIAN GREENWALD, HECTOR MATHEWS, MARIO TORRES, JOSE AMEZQUITA-CASTILLO, a/k/a "Quique," JOSE TORRES-RIVERA, EDUARDO CARTAGENA-DELGADO, CARLOS QUILES, and LUIS RAMIREZ-MIRABEL, the defendants, and others known and unknown, unlawfully, willfully, and knowingly

did attempt to commit robbery, as that term is defined in Title 18, United States Code, Section 1951(b) (1), and would thereby have obstructed, delayed, and affected commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b) (3), to wit, HECTOR RIVERA, RONI AMRUSSI, BRIAN GREENWALD, HECTOR MATHEWS, MARIO TORRES, JOSE AMEZQUITA-CASTILLO, a/k/a "Quique," JOSE TORRES-RIVERA, EDUARDO CARTAGENA-DELGADO, CARLOS QUILES, and LUIS RAMIREZ-MIRABEL, and others known and unknown, attempted to hijack and rob a Federal Express tractor-trailer truck in the vicinity of 11th Avenue and West 47th Street, New York, New York, at gunpoint.

(Title 18, United States Code, Sections 1951 and 2.)

COUNT FIVE

6. On or about December 4, 2008, in the Southern District of New York, HECTOR RIVERA, RONI AMRUSSI, HECTOR MATHEWS, MARIO TORRES, JOSE AMEZQUITA-CASTILLO, a/k/a "Quique," JOSE TORRES-RIVERA, EDUARDO CARTAGENA-DELGADO, CARLOS QUILES, and LUIS RAMIREZ-MIRABEL, the defendants, unlawfully, willfully, and knowingly, during and in relation to a crime of violence for which they may be prosecuted in a court of the United States, namely, the attempted robbery charged in Count Four of this Complaint, did use and carry a firearm, and, in furtherance of such crime, did possess a firearm, and did aid and abet the use, carrying, and possession of a firearm.

(Title 18, United States Code, Sections 924(c) (1) (A) (I), 924(c) (1) (C) (i), and 2.)

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

7. I am a Special Agent with the FBI. I have been personally involved in the investigation of this matter, and I base this affidavit on that personal experience, as well as on my conversations with other law enforcement agents and cooperating witnesses, and 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 that 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.

8. I have reviewed records from the New York City Police Department ("NYPD") regarding a hijacking on December 20, 2007, in the vicinity of 11th Avenue and West 47th Street, New York, New York. These records indicate the following:

a. At approximately 8:30 p.m. on December 20, 2007, in the vicinity of 11th Avenue and West 47th Street, New York, New York, the driver of a Federal Express tractor-trailer truck was approached by two males displaying firearms and police badges. The driver was forced into a maroon SUV by the two males, where he/she was handcuffed.

b. The perpetrators drove the Federal Express truck away from the area. The driver was released at approximately 1:20 a.m. on December 21, 2007, in Brooklyn, New York.

c. The NYPD recovered the stolen Federal Express tractor-trailer truck in the vicinity of 132 West Street, Brooklyn, New York. None of the containers within the tractor-trailer were missing or opened.

9. I have spoken with a witness who is cooperating with law enforcement agents ("CW-1"),¹ in the investigation of HECTOR RIVERA, HECTOR MATHEWS, RONI AMRUSSI, BRIAN GREENWALD, ROMAN ZADIRIYEV, ARKADIY ISRAILOV, MARIO TORRES, JOSE AMEZQUITA-CASTILLO, a/k/a "Quique," JOSE TORRES-RIVERA, EDUARDO CARTAGENA-DELGADO, CARLOS QUILES, and LUIS RAMIREZ-MIRABEL, the defendants. Based on conversations with CW-1, discussions with other law enforcement officers who have debriefed CW-1, and my review of reports from debriefings of CW-1, I have learned that:

a. CW-1, MARIO TORRES, the defendant, and several co-conspirators participated in the armed robbery of a Federal Express tractor-trailer truck in late December 2007. The co-conspirators believed that the Federal Express truck contained several million dollars worth of diamonds.

b. After the Federal Express truck was hijacked at gunpoint by two of the co-conspirators and the Federal Express driver was placed into an SUV, TORRES followed the Federal Express truck through the streets of New York. TORRES'S role in

¹ CW-1 has pled guilty to Hobbs Act robbery, interstate transportation of stolen goods, and firearms charges pursuant to a cooperation agreement. Information provided by CW-1 in the past has been reliable and corroborated by other evidence.

the robbery was to assist the Federal Express truck in navigating through the streets of New York and later Brooklyn.

c. When the co-conspirators were unable to unload the contents of the Federal Express truck in a loading dock in Brooklyn, New York, the co-conspirators abandoned the truck. The co-conspirators then drove back to the Bronx together.

d. A man named "Hector" was responsible for planning the operation; "Hector" had also been involved in other large-scale robberies and violence; a Jewish man connected to "Hector," was also involved in planning the hijacking with "Hector." Prior to the robbery, "Hector" provided CW-1 with a Federal Express uniform for use during the robbery.

e. The two men who used guns to force the driver of the Federal Express truck out of the truck appeared to be Russian. When shown a photo array containing a photograph of ARKADIY ISRAILOV, the defendant, CW-1 stated, in sum and substance, that the photograph of ISRAILOV looked like one of the Russian men who brandished a firearm and kidnaped the Federal Express driver in the December 2007 robbery.

10. I have spoken with a witness who is cooperating with law enforcement agents ("CW-2")², in the investigation of HECTOR RIVERA, RONI AMRUSSI, BRIAN GREENWALD, ROMAN ZADIRIYEV, ARKADIY ISRAILOV, HECTOR MATHEWS, MARIO TORRES, JOSE AMEZQUITA-CASTILLO, a/k/a "Quique," JOSE TORRES-RIVERA, EDUARDO CARTAGENA-DELGADO, CARLOS QUILES, and LUIS RAMIREZ-MIRABEL, the defendants. Based on conversations with the CW-2, discussions with other law enforcement officers who have debriefed CW-2, and my review of reports from debriefings of CW-2, I have learned that:

a. CW-2, MARIO TORRES, the defendant, a man named "Hector," and several other individuals participated in the armed robbery of a Federal Express tractor-trailer truck in late December 2007. The co-conspirators believed that the Federal Express truck contained several million dollars worth of diamonds.

b. CW-2 has identified HECTOR RIVERA, the defendant, as the man named "Hector" who organized the December 2007 robbery. CW-2 further stated that RIVERA was the head of a

² CW-2 is cooperating with law enforcement in the hopes of receiving a cooperating agreement. Information provided by CW-2 in the past has been reliable and corroborated by other evidence.

violent group of armed robbers who committed other robberies involving Federal Express. CW-2 further stated that RIVERA hired two white males to carry weapons and impersonate police officers during the December 2007 hijacking, and that RIVERA was able, on short notice, to provide a Federal Express uniform to one of the members of the hijacking team to use during the robbery. CW-2 also stated that a Jewish man was involved planning the hijacking with RIVERA.

11. I have reviewed a sketch of one of the men who participated in the December 20, 2007 hijacking that was prepared by an NYPD sketch artist based on a description provided by a witness who observed the hijacking in progress (the "sketch"). I have also reviewed a photograph of ARKADIY ISRAILOV, the defendant. The photograph of ISRAILOV and the sketch bear a strong resemblance.

12. I have reviewed telephone records for a cellphone registered to "Hector Rivera," 10037 196th Street, Hollis, NY 11423 (the "Rivera Cellphone") for December 20, 2007, the day that the Federal Express tractor-trailer truck was hijacked and robbed, as charged in Count Two of this Complaint. Based on wire intercepts and surveillance by me and other FBI agents, I know the Rivera Cellphone to be used by HECTOR RIVERA, the defendant. These telephone records indicate the following:

a. The Rivera Cellphone had at least three calls with a cellular telephone registered to BRIAN GREENWALD (the "Greenwald Cellphone") on December 20, 2007, and at least four calls with the Greenwald Cellphone on December 21, 2007, between the hours of 8:24 a.m. and 9:04 a.m. Moreover, the first call made to or from the Rivera Cellphone on December 21, 2007, was an incoming call from the Greenwald Cellphone.

b. At approximately 1:15 p.m. on December 20, 2007, the Rivera Cellphone received an incoming call from a cellular telephone registered to ARKADIY ISRAILOV, the defendant.

c. At approximately 1:16 p.m. on December 20, 2007, the Rivera Cellphone received an incoming call from a cellular telephone registered to ROMAN ZADIRIYEV, the defendant (the "Zadireyev Cellphone"). The Zadireyev Cellphone called the Rivera Cellphone two additional times between 2:50 p.m. and 2:58 p.m. on December 20, 2007.

13. I have reviewed telephone records from a cellular telephone subscribed in the name "Ruth Amrussi," 15 West 47th Street, New York, NY 10036 (the "Armussi Cellphone"). Based on

wire intercepts and surveillance, I know this cellphone to be used by RONI AMRUSSI, the defendant. The telephone records indicate that AMRUSSI was in contact with the Rivera Cellphone five times between approximately 8:38 a.m. and 4:31 p.m. on December 20, 2007, the day of the hijacking and robbery charged in Count Two of this Complaint. These telephone records also indicate that AMRUSSI was in contact with the Greenwald Cellphone nine times on the day of the December 20, 2007 hijacking; four of these calls took place between approximately 8:47 p.m. and 9:28 p.m., during the time in which the Federal Express tractor-trailer truck was hijacked and the driver of the Federal Express truck was kidnaped.

14. Furthermore, I have reviewed documents and spoken to other law enforcement officers about a robbery at Doppelt & Greenwald Diamonds on or about November 29, 2005 (the "November 2005 Robbery"). Based on these conversations and documents, I know that:

a. BRIAN GREENWALD, the defendant, was the President of Doppelt & Greenwald Diamonds on or about November 29, 2005.

b. On or about November 29, 2005, at approximately 12:35 p.m., two Hispanic males dressed as Federal Express employees entered Doppelt & Greenwald Diamonds, which was located at 580 Fifth Avenue. The two men forcibly tied up the store's employees at gunpoint and removed the contents of the safe, which contained approximately \$4 to \$5 million in diamonds. GREENWALD was present in the store when the robbery took place.

c. Following the robbery, GREENWALD filed a claim with his insurance company to collect the insurance money for the robbery. In the insurance claim, GREENWALD indicated that some of the stolen diamonds belonged to RONI AMRUSSI, the defendant. The insurance company is currently investigating the claim and has not paid out any insurance money for the claim. The insurance company is also currently involved in litigation with Doppelt & Greenwald Diamonds. During the course of the insurance company's investigation, GREENWALD voluntarily participated in two polygraph tests. GREENWALD failed both tests and refused to take a third test to be offered by the NYPD.

d. The identification cards that provided access to Doppelt & Greenwald Diamonds on the day the robbery took place included an identification card for "Hector Rivera." The photograph on the identification card is that of HECTOR RIVERA, the defendant.

e. One of GREENWALD's former employees at Doppelt & Greenwald Diamonds told an investigator that RIVERA frequently visited the store between 2003 and 2005. The employee further stated that RIVERA acted as GREENWALD's enforcer and was used for fear and intimidation.

f. GREENWALD gave sworn testimony in a civil lawsuit in 2008 that he has known HECTOR RIVERA, the defendant, for the past 5-6 years, but that RIVERA was not in the diamond business and that he did not know where RIVERA lived. GREENWALD also had RIVERA's cellphone number listed in his own cellular telephone.

g. According to the law enforcement officers who interviewed GREENWALD immediately after the robbery, the officers found GREENWALD to be unusually calm for the victim of an armed robbery. The officers concluded that his version of events was not credible and his demeanor was suspect.

15. At the direction of the FBI, CW-2 has met with HECTOR RIVERA, the defendant, on multiple occasions since the December 2007 hijacking and robbery charged in Count Two of this Complaint. Many of these meetings were consensually recorded. Based on my review of these recordings, I know that RIVERA and CW-2 have discussed the hijacking of another Federal Express tractor-trailer truck. For example, on or about September 18, 2008, at approximately 10:32 a.m., RIVERA and CW-2 met at a truck yard in the Hunts Point section of the Bronx. The meeting was consensually recorded. At that meeting, the following conversation took place between RIVERA and CW-2 regarding the planned Federal Express robbery:

CW-2: So when can we work on that? You still don't have an idea about the Federal Express matter?

RIVERA: No, that can't be done now.

. . . .

CW-2: [I]f the Fed Express comes through, let me know so . . .

RIVERA: That still's the same.

CW-2: Yeah?

RIVERA: That still's the same.

CW-2: What worries me about this is that since we did it one time . . . let's hope they don't have . . . Uh, you don't think there is no problem with that?

RIVERA: If you are working in McDonalds, in the kitchen area . . . and you have workers there. . . they see what's coming in and what's coming out of kitchen . . . That's how we are.

Based on my training and experience, and my familiarity with the facts of this case, I believe that in this conversation RIVERA and CW-2 were discussing the possibility of robbing another Federal Express truck in the future, and RIVERA was explaining that he had a source of information insider Federal Express.

16. On or about October 27, 2008, HECTOR RIVERA, the defendant, again met with CW-2. This meet was consensually recorded. During the meeting, the following conversation took place between RIVERA and CW-2:

CW-2: Listen, bro' . . .

RIVERA: We have to . . . we need this urgently, brother.

CW-2: That's almost on its way, right?

RIVERA: But we need the complete equipment.

CW-2: Well, I have a driver already. I have, I have already . . . but what we need is the lot.
. . . .

CW-2: Damn brother, where the hell could we do that?

RIVERA: We have to do it. We have to do it because already . . .

CW-2: The time for that is already coming . . .
. . . .

RIVERA: It has to be done in this area! You know why? Because they have two of their depots around here.

CW-2: Yeah?

RIVERA: Two. If you are going from-from . . . if you take the Triborough Bridge and when you are about to take to Bruckner Boulevard, this way. . .

CW-2: Uh-huh.

RIVERA: . . . the Triborough Bridge, you look to the right-hand side, before the 103 . . . they have a bid one there.

CW-2: Okay.

RIVERA: And here, in one of those caves, inside of Hunts Point, there.

CW-2: There is one there?

RIVERA: There is another one right there.

CW-2: It would be good there because nobody would suspect at all. Do you understand?

Based on my training, experience, and my familiarity with the facts of this case, I believe that in this conversation RIVERA and CW-2 were discussing the proposed robbery of the Federal Express truck. I also believe that when RIVERA mentioned the "depots" near the Triborough Bridge and Hunts Point, he was referring to Federal Express depots in these areas.

17. During the same in-person meeting between RIVERA and CW-2, on or about October 27, 2008, RIVERA referred to the fact that he works for "Jews," who employ him to collect debts, including debts involving diamonds:

RIVERA: I'm talking money matters, for you, for this job.

CW-2: Yes.

RIVERA: Do you understand?

CW-2: Yes, damn yes, because . . . let me think, let me think . . .

RIVERA: But fire it up, fire it up, you heard? We have to get on with it. Then, I want to set a group of people like that, to send them to collect money . . . since the Jews are always coming to me . . .

CW-2: Uh-huh.

RIVERA: . . . for me to send them some people and I have people who do that but I want to start switching them. So . . . Do you understand? Right now there is a collection payment of about 400,000 dollars . . .

CW-2: Uh-huh. What is it? They lend or . . .?

RIVERA: No, it's merchandise that they give to people. . . Uh, diamonds given to people. . .
. . . .

RIVERA: So you're talking 60,000 . . . 65,000 dollars a piece, something like that.

CW-2: Yes.

RIVERA: Which is good. Hey, it's good money.

CW-2: Yes, it's good money.

RIVERA: They're always bringing me . . . They send for me, when they steal diamonds this and that . . .

CW-2: Uh-huh.

. . . .

RIVERA: Well, we have . . . we have a way out . . . we have a way out to be well off. We have to get it going.

CW-2: Yes, I think I can get you the . . . the problem is the lot, brother.

Based on my training and experience, and my familiarity with the facts of this case, I believe that in this conversation RIVERA was telling CW-2 that the "Jews" that he works for have employed

him to collect a \$400,000 debt and that this debt, and others like it, are debts for merchandise, including diamonds. I further believe that when RIVERA said that he wants "to set a group of people like that" to collect the money, RIVERA meant that he wanted to organize a team of individuals to collect the debt. I further believe that when RIVERA mentioned that he and CW-2 "have a way out" and that they "have to get it going," he was once again referring to the urgency of the proposed Federal Express truck robbery.

18. On or about October 27, 2008, after the in-person meeting, CW-2 placed a call to HECTOR RIVERA, the defendant. Prior to this call, I had instructed CW-2 to tell RIVERA that he had a warehouse that RIVERA could use to store the Federal Express tractor-trailer truck that RIVERA intended to hijack. During their conversation, CW-2 told RIVERA "there's the possibility of getting a space." RIVERA responded that he would see CW-2 the following day.

19. As part of this investigation, the FBI has intercepted wire communications over the Rivera Cellphone, and the Amrussi Cellphone pursuant to Court-authorized wiretaps. Some of the calls over the Rivera Cellphone were in Spanish. I have reviewed draft English transcripts of these intercepted calls and have included preliminary interpretations of certain terms and phrases, as well as the content of certain of the calls, which are based on my and other agents' general training and experience, as well as our involvement in this investigation.

20. On October 30, 2008, CW-2 placed a call to RIVERA on the Rivera Cellphone. During that conversation, CW-2 told RIVERA, in sum and substance, that CW-2 would pick RIVERA up at 10:00 a.m. the following day. Shortly after that call, RIVERA called AMRUSSI at the office of Davidov & Amrussi. During this conversation, RIVERA told AMRUSSI "10 in the morning." AMRUSSI and RIVERA then discussed whether AMRUSSI would accompany RIVERA the following day or whether AMRUSSI would drive his own car. RIVERA then asked AMRUSSI if he wanted "the people" to see AMRUSSI, to which AMRUSSI said "no," and RIVERA and AMRUSSI agreed that AMRUSSI would follow RIVERA to the meeting.

21. On the morning of October 31, 2008, CW-2 drove with HECTOR RIVERA, the defendant, to a warehouse located in Long Island, New York (the "warehouse"). This meeting was consensually recorded. When CW-2 showed the warehouse to RIVERA, RIVERA agreed that the warehouse would be appropriate to offload the contents of the hijacked Federal Express tractor-trailer truck. Shortly after parting company with CW-2, RIVERA called

RONI AMRUSSI, the defendant, on the Amrussi Cellphone. During this call, RIVERA and AMRUSSI spoke in what I believe is coded language about the warehouse. For example, RIVERA told AMRUSSI that "the girl" that he went to see is good looking. AMRUSSI then asked RIVERA if "it" was big enough, to which RIVERA responded that "she is nice." During this conversation, AMRUSSI also inquired whether RIVERA "closed the deal," to which RIVERA responded "yes." Based on my training and experience, and my familiarity with the facts of this case, I believe that in this conversation RIVERA and AMRUSSI discussed whether the warehouse would be suitable to hold a tractor-trailer for the planned Federal Express robbery. Further, I believe that AMRUSSI's reference to closing "the deal" referred to whether RIVERA secured the warehouse for their use during the robbery.

22. On November 2, 2008, HECTOR RIVERA, the defendant, and RONI AMRUSSI, the defendant, had a telephone conversation regarding RIVERA picking up AMRUSSI. Later that day, FBI agents observed RIVERA and AMRUSSI driving past the warehouse in a Mercedes Benz driven by RIVERA. RIVERA and AMRUSSI were then seen by FBI agents walking by the warehouse before they stopped and had a conversation in front of the warehouse, which was locked. Based on my training and experience, and my familiarity with the facts of this case, I believe that RIVERA showed AMRUSSI the warehouse as part of their preparations for the upcoming Federal Express robbery.

23. On or about November 2, 2008, at approximately 2:44 p.m., HECTOR RIVERA, the defendant, called HECTOR MATHEWS, the defendant. During this conversation, RIVERA asked MATHEWS if he had "Primo's" telephone number. RIVERA then asked MATHEWS to call "Primo" and ask if "Primo" could make the same movie which was made last year, and not to complain. Based upon my training, experience, and the other evidence in the case, I believe that in this call, RIVERA asked MATHEWS to call "Primo" to see if he would be willing to participate in the planned Federal Express hijacking which would take place in the same way as the December 2007 robbery.

24. On November 3, 2008, at approximately 12:32 p.m., BRIAN GREENWALD, the defendant, called HECTOR RIVERA, the defendant, on the Rivera Cellphone and told RIVERA that he wanted to meet him at 10th Avenue and 49th Street, a location which I know is approximately two blocks away from the Federal Express facility from which the December 2007 tractor-trailer truck was hijacked. At approximately 12:36 p.m., RIVERA called GREENWALD on the Greenwald Cellphone. RIVERA told GREENWALD that he was at 10th Avenue and 49th Street and GREENWALD said that he was at

10th Avenue and 48th Street. At approximately 12:37 p.m., an FBI agent observed RIVERA and an unidentified male speaking on the corner of 10th Avenue and 49th Street in New York, New York. The agent was not able to see the unidentified male well enough to determine whether it was GREENWALD.

25. On or about November 3, 2008, BRIAN GREENWALD, the defendant, called HECTOR RIVERA, the defendant. During this conversation, GREENWALD told RIVERA that he knows what RONI AMRUSSI, the defendant, said and that he knows what people promised GREENWALD and AMRUSSI. GREENWALD further told RIVERA that they have both been promised all day and that the answer is "yes." GREENWALD concluded the conversation by stating that everything is in his power. Based upon my training, experience, and the other evidence in the case, I believe that GREENWALD'S references to promises made to him and AMRUSSI referred to the planned Federal Express robbery.

26. On November 4, 2008, HECTOR RIVERA, the defendant, met with CW-2 and MARIO TORRES, the defendant. During this conversation, which was consensually recorded, RIVERA told CW-2 that "I still don't have the people to make the fright car." CW-2 then asked RIVERA "[w]hat about those people from the other time?" RIVERA responded "I went over by them and they are good, they are up there. They haven't said anything yet." Moments later, while still in the company of CW-2, RIVERA placed a telephone call to RONI AMRUSSI, the defendant. RIVERA asked AMRUSSI, "What happened with my friend? Are they going or no[t] going?" AMRUSSI then explained that the guy had some personal problems with someone. RIVERA then told AMRUSSI that they just have to "do their thing." AMRUSSI then told RIVERA that he will call the guy to see what he says. After RIVERA hung the up the telephone RIVERA said to CW-2, "Did you hear? That they have personal problems. What the fuck? Personal problems don't have anything to do with this brother." Later during this discussion, RIVERA asked TORRES whether TORRES knew anyone who could assist in the robbery. TORRES told RIVERA and CW-2 that "I have to get them two guns because I have one." TORRES then asked RIVERA "how much there is to -- for me to -- give to the guys?" to which RIVERA responded "70,000." Based on my training and experience, and my familiarity with the facts of this case, I believe that in the above conversation RIVERA and AMRUSSI were discussing whether AMRUSSI had secured individuals to act as gunmen during the upcoming Federal Express robbery. I also believe that RIVERA and TORRES were discussing the recruitment and payment of two armed gunmen for the robbery.

27. Immediately after the conclusion of the telephone call with RIVERA referenced in the preceding paragraph, AMRUSSI placed a telephone call to a cellular telephone number subscribed to ROMAN ZADIRIYEV, the defendant (the "Zadiriyeve Cellphone"). The call went to a voicemail box and a male voice stated that the box belonged to "Roman." From November 3 to November 5, 2008, AMRUSSI called the Zadiriyeve Cellphone six times in total.

28. On November 4, 2008, HECTOR RIVERA, the defendant, called RONI AMRUSSI, the defendant, on the Amrussi Cellphone. During this conversation, RIVERA asked AMRUSSI whether somebody came by, to which AMRUSSI replied "nothing happened." Next, RIVERA told AMRUSSI, among other things, that "we are going to have to cancel then." RIVERA then told AMRUSSI that "I talked to my friend too" and "he said a week is better. You hear me?" AMRUSSI responded "yea." Later that day, RIVERA told CW-2 that "the race is cancelled for today." CW-2 asked RIVERA if it would happen tomorrow, RIVERA replied that he "needed to get the jockeys."

29. On November 12, 2008, HECTOR RIVERA, the defendant, placed a telephone call to the Zadiriyeve Cellphone. A man, whom I believe to be ROMAN ZADIRIYEV, the defendant, answered the call. RIVERA asked ZADIRIYEV if there would be anything in the future. ZADIRIYEV told RIVERA that he was not feeling well and might be better in a few days. RIVERA told ZADIRIYEV that the "thing" is ready, and ZADIRIYEV replied that he needs to get better and will call RIVERA. RIVERA told ZADIRIYEV not to forget because they are waiting. Based upon my experience, training, and investigation in this matter, I believe that in the call referenced above, RIVERA asked ZADIRIYEV if he would participate in the planned Federal Express hijacking.

30. On November 12, 2008, CW-2 met with RIVERA. According to CW-2, RIVERA told CW-2 that he could not find anybody willing to carry the guns, which CW-2 understood to mean people to remove the driver from the Federal Express truck at gunpoint. RIVERA said that he might have to go to Puerto Rico to find people. RIVERA told CW-2 that the team from last time would not do it.

31. On November 13, 2008, HECTOR RIVERA, the defendant, called RONI AMRUSSI, the defendant. During their discussion, AMRUSSI told RIVERA that he had spoken to his friend and that his friend did not want to do it. AMRUSSI said that his friend "played a little game" and said he was looking for a partner. RIVERA told AMRUSSI that he just spoke to the friend yesterday, and that the friend said he was not feeling well.

AMRUSSI told RIVERA that story was "bullshit." AMRUSSI told RIVERA that his friend asked if AMRUSSI was mad at him. RIVERA and AMRUSSI then discussed the situation and RIVERA told AMRUSSI that he would give it a couple of days to see what happens. AMRUSSI said that he does not think that they should talk to him.

32. On or about November 14, 2008, HECTOR RIVERA, the defendant, called HECTOR MATHEWS, the defendant. During this conversation, RIVERA provided the phone number of MATHEWS's cousin to MATHEWS: 974-1360. On or about November 15, 2008, HECTOR RIVERA, the defendant, called HECTOR MATHEWS, the defendant, and told MATHEWS to tell his cousin to have two friends. RIVERA further told MATHEWS to make sure that the friends were "heavy duty." Based upon my training, experience and other evidence in the case, I believe that, during these two phone calls, RIVERA and MATHEWS were discussing the recruitment of additional people to serve as gunmen in the planned Federal Express hijacking.

33. On November 15, 2008, RIVERA engaged in a telephone conversation with HECTOR MATHEWS, the defendant. During their conversation, RIVERA asked MATHEWS what MATHEWS's cousin had said. MATHEWS said that he had to call him. RIVERA told MATHEWS to tell his cousin to have "two friends" and to make sure they are not like the last ones - they have to be "heavy duty." Based upon my experience, training, and investigation in this matter, I believe that in the call referenced above, RIVERA asked MATHEWS to obtain men to conduct the physical stop of the Federal Express truck and to remove the driver at gunpoint. By "heavy duty," I believe that RIVERA meant men capable of performing a gunpoint hijacking.

34. On November 17, 2008, HECTOR RIVERA, the defendant, placed a telephone call to HECTOR MATHEWS, the defendant. During this conversation, MATHEWS informed RIVERA that everything had been discussed over "there" and that MATHEWS had "three rotweilers." RIVERA then asked MATHEWS to stop and see him at his shop. Based upon my experience, training, and investigation in this matter, I believe that in the call referenced above, MATHEWS confirmed with RIVERA that he located three people who would be willing to participate in the planned Federal Express hijacking.

35. On or about November 19, 2008, at approximately 5:28 p.m., BRIAN GREENWALD, the defendant, called RONI AMRUSSI, the defendant, on the Amrussi Cellphone. During this discussion, GREENWALD asked AMRUSSI where he was going for the weekend. In response, AMRUSSI explained that he was thinking about going to

Florida but they needed to talk about "the other thing," to which GREENWALD agreed. Based upon my training, experience, and the other evidence in the case, I believe that AMRUSSI'S reference to the "other thing" refers to the planned Federal Express robbery.

36. On November 21, 2008, CW-2 called HECTOR RIVERA, the defendant, on the Rivera Cellphone. This call was consensually recorded. During this call, CW-2 asked if RIVERA was going to Puerto Rico and RIVERA replied that his "family" was already coming. RIVERA said that he would tell CW-2 in person whether the family would be here prior to Thanksgiving. Based on my experience, training, and investigation in this matter, I believe that RIVERA'S reference to "family" meant the individuals who would carry out the planned Federal Express hijacking.

37. On November 25, 2008, CW-2 met with HECTOR RIVERA, the defendant, in the Bronx, New York. According to CW-2, RIVERA told CW-2 that he had planned to do the Federal Express hijacking on the night of November 25, 2008, but that the "family" was not arriving until late that night. CW-2 understood RIVERA to mean that the gunmen from Puerto Rico would not arrive in time to do the job on November 25th. RIVERA told CW-2 that the job might happen on November 26, 2008. RIVERA told CW-2 to stop and see RIVERA on November 26 so that RIVERA could tell CW-2 if it would happen that day. RIVERA told CW-2 to take the driver and review the route that they would use to get the hijacked Federal Express truck from Manhattan to the proposed warehouse in Long Island. RIVERA told CW-2 that RIVERA would have to do his homework as well.

38. On November 25, 2008, at approximately 5:01 p.m., HECTOR RIVERA, the defendant, spoke with HECTOR MATHEWS, the defendant, over the Rivera Cellphone. During that call, RIVERA asked MATHEWS what happened and MATHEWS said that they need "that" to complete it. RIVERA asked MATHEWS if they would get "the part today." MATHEWS told RIVERA that if he saw RIVERA they will come. RIVERA then told MATHEWS that it does not work that way and that MATHEWS should find another way. MATHEWS told RIVERA that it cannot be another way because it will be "more than what we got." RIVERA then asked MATHEWS if next week would be more than what he has and MATHEWS said that he had not checked for next week. RIVERA then told MATHEWS that it would be alright to wait until after Thanksgiving. MATHEWS agreed to check for next week. Based upon my training, experience, and the other evidence in the case, I believe that RIVERA and MATHEWS were discussing whether the Puerto Rican participants in the planned Federal Express robbery would be arriving on November 25th.

39. On the afternoon of December 4, 2008, HECTOR RIVERA, the defendant, spoke with CW-2 and informed CW-2 that the Federal Express hijacking and robbery would take place on the evening of December 4th. RIVERA told CW-2 to provide a car for the crew of gunmen to use during the hijacking. CW-2 agreed to provide a car, and CW-2 told RIVERA he could provide a gray Chevrolet Trailblazer (the "Trailblazer"). RIVERA also asked CW-2 to leave the Trailblazer at a McDonalds in the Hunts Point section of the Bronx. At my direction, CW-2 left the Trailblazer in a McDonalds parking lot in the Hunts Point section of the Bronx. After leaving the Trailblazer, CW-2, along with MARIO TORRES and JOSE AMEZQUITA-CASTILLO, a/k/a "Quique," drove to the vicinity of 11th Avenue between 61st Street and 62nd Street, where RIVERA had instructed them to meet prior to the planned robbery.

40. At approximately 8:00 p.m., the Trailblazer arrived in the vicinity of 59th Street and 11th Avenue. FBI agents I have spoken with observed multiple people in the Trailblazer.

41. At approximately 8:30 p.m. on December 4, 2008, FBI agents observed the Trailblazer in the vicinity of 11th Avenue and 48th Street, which I know is in close proximity to the Federal Express facility. In the vicinity of 49th Street and 12th Avenue, FBI agents approached the Trailblazer and arrested JOSE TORRES-RIVERA, EDUARDO CARTAGENA-DELGADO, CARLOS QUILES, and LUIS RAMIREZ-MIRABEL, the defendants, in the Trailblazer. FBI agents also recovered a 9mm semi-automatic pistol on the passenger's side floor of the Trail Blazer under the feet of CARTAGENA-DELGADO.

42. I have reviewed documents provided by JetBlue Airlines. These documents indicate that JOSE TORRES-RIVERA, EDUARDO CARTAGENA-DELGADO, and LUIS RAMIREZ-MIRABEL, the defendants, flew to Queens, New York, from San Juan, Puerto Rico on the same flight on or about December 3, 2008. The documents also indicate that TORRES-RIVERA's, CARTAGENA-DELGADO's, and RAMIREZ-MIRABEL's tickets were purchased by the same person.

43. After his arrest, I advised HECTOR MATHEWS, the defendant, of his Miranda rights. After being advised of his Miranda rights, MATHEWS stated, in substance and in part, that he had purchased the plane tickets for the three guys who had come to New York from Puerto Rico and been arrested.

44. After his arrest, I advised one of the co-conspirators in this Hobbs Act robbery conspiracy ("CC-1") of his

Miranda rights. After being advised of his Miranda rights, CC-1 stated, in substance and in part, the following:

a. RONI AMRUSSI, BRIAN GREENWALD, and HECTOR RIVERA planned two hijackings of Federal Express tractor-trailers. The first hijacking took place in December 2007. AMRUSSI, GREENWALD, and RIVERA planned a second hijacking throughout approximately the last year. GREENWALD and AMRUSSI paid RIVERA for expenses in connection with the second hijacking. GREENWALD was involved in the "robbery" of his own jewelry business in November 2005.

45. After his arrest, another FBI agent advised JOSE AMEZQUITA-CASTILLO, a/k/a "Quique," the defendant, of his Miranda rights. After being advised of his Miranda rights, AMEZQUITA-CASTILLO admitted that he had agreed to participate in the gunpoint robbery of a Federal Express truck on December 4, 2008.

46. After his arrest, another FBI agent advised MARIO TORRES, the defendant, of his Miranda rights. After being advised of his Miranda rights, TORRES admitted that he had agreed to participate in two robberies of Federal Express trucks. He further stated that during the first Federal Express robbery he provided a security escort for the hijacked Federal Express truck. He further stated that, on December 4, 2008, he understood that he was going to rob a truck.

WHEREFORE, deponent prays that HECTOR RIVERA, RONI AMRUSSI, BRIAN GREENWALD, ROMAN ZADIRIYEZ, ARKADIY ISRAILOV, HECTOR MATHEWS, MARIO TORRES, JOSE AMEZQUITA-CASTILLO, a/k/a "Quique," JOSE TORRES-RIVERA, EDUARDO CARTAGENA-DELGADO, CARLOS QUILES, and LUIS RAMIREZ-MIRABEL, the defendants, be arrested and imprisoned, or bailed, as the case may be.

MICHAEL G. ZUK
FBI

Sworn to before me this
5th day of December, 2008

HONORABLE DOUGLAS F. EATON
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK