
UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Mag. No. 15-3537 (MF)
 :
 v. : Hon. Mark Falk
 :
 LUIGI OLIVERI : **CRIMINAL COMPLAINT**
 :


I, Robert Conrad, being duly sworn, state the following is true and correct to the best of my knowledge and belief:

SEE ATTACHMENT A

I further state that I am a Special Agent with the Federal Bureau of Investigation, and that this Complaint is based on the following facts:

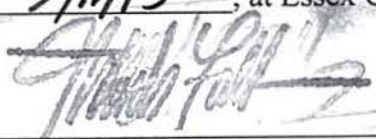
SEE ATTACHMENT B

continued on the attached page and made a part hereof.



Robert Conrad, Special Agent
Federal Bureau of Investigation

Sworn to before me and subscribed in my presence,
on 3/10/15, at Essex County, New Jersey



HONORABLE MARK FALK
UNITED STATES MAGISTRATE JUDGE

ATTACHMENT A

COUNT ONE

From on or about June 6, 2013 through on or about November 6, 2013, in District of New Jersey, the defendant

LUIGI OLIVERI

did knowingly receive, possess, and purchase contraband cigarettes, as that term is defined in Title 18, United States Code, Section 2341, to wit: a quantity of approximately 120,000 cigarettes which bore no evidence of the payment of applicable State cigarette taxes in the State of New Jersey.

All in violation of Title 18, United States Code, Section 2342(a).

ATTACHMENT B

I, Robert Conrad, am a Special Agent with the Federal Bureau of Investigation ("FBI"). I have knowledge of the following facts based upon both my investigation and discussions with law enforcement personnel and other individuals. Because this affidavit is being submitted for the sole purpose of establishing probable cause to support the issuance of a complaint, I have not included each and every fact known to the government concerning this matter. Where statements of others are set forth herein, these statements are related in substance and in part. Where I assert that an event took place on a particular time or date, I am asserting that it took place on or about the time or date alleged.

At all times relevant to this complaint:

1. The term "contraband cigarettes" is a statutorily defined term which means a quantity in excess of 10,000 cigarettes which bear no evidence of the payment of applicable State cigarette taxes in the State where such cigarettes are found, if such States requires a stamp, impression or other indication to be placed on packages to evidence payment of cigarette taxes.
2. States have the concurrent authority and jurisdiction to enact and enforce cigarettes tax laws, to provide for the confiscation of cigarettes and other property seized for violations of such laws, including the imposition of cigarettes tax rates. For example, from June 2013 through November 2013, the State tax on cigarettes sold in New Jersey was \$0.135 per cigarette.
3. As used in this complaint, the terms "case" of cigarettes describes a case of contraband cigarettes which contains fifty (50) cartons of cigarettes. The term "carton" of cigarettes describes a carton which contains ten (10) packs of cigarettes. A pack of cigarettes describes a package which contains twenty (20) individual cigarettes. Therefore, one case of contraband cigarettes contains approximately 10,000 individual cigarettes.

4. On or about June 6, 2013, a law enforcement agent acting in an undercover capacity (UC-1) met LUIGI OLIVERI ("OLIVERI") at a location in Woodbridge, NJ. During the course of that meeting, OLIVERI bought 2 cases of cigarettes from the UC that bore no evidence of the payment of applicable State cigarette taxes in the State of New Jersey.
5. On or about June 12, 2013, UC-1 and another law enforcement agent acting in an undercover capacity (UC-2) met OLIVERI at a location in Woodbridge, NJ. During the course of that meeting, OLIVERI bought 2 cases of cigarettes from UC-1 and UC-2 that bore no evidence of the payment of applicable State cigarette taxes in the State of New Jersey.
6. On or about September 25, 2013, UC-1 and UC-2 met OLIVERI at a location in Woodbridge, NJ. During the course of that meeting, OLIVERI bought 2 cases of cigarettes from UC-1 and UC-2 that bore no evidence of the payment of applicable State cigarette taxes in the State of New Jersey.
7. On or about October 21, 2013, UC-1 and UC-2 met OLIVERI at a location in Elizabeth, NJ. During the course of that meeting, OLIVERI bought 2 cases of cigarettes from the UC that bore no evidence of the payment of applicable State cigarette taxes in the State of New Jersey.
8. On or about October 30, 2013, UC-1 and UC-2 met OLIVERI at a location in Elizabeth, NJ. During the course of that meeting, OLIVERI bought 2 cases of cigarettes from the UC that bore no evidence of the payment of applicable State cigarette taxes in the State of New Jersey.
9. On or about November 6, 2013, UC-1 met OLIVERI at a location in Elizabeth, NJ. During the course of that meeting, OLIVERI bought 2 cases of cigarettes from UC-1 that bore no evidence of the payment of applicable State cigarette taxes in the State of New Jersey.

10. In this case, OLIVERI possessed at least 120,000 contraband cigarettes. Given the tax rate in effect at the time, the total amount of New Jersey State cigarette tax avoided was approximately \$16,200