

United States District Court

SOUTHERN

DISTRICT OF

FLORIDA

UNITED STATES OF AMERICA

V.

CRIMINAL COMPLAINT

ZEV ROSENSTEIN

CASE NUMBER: 04-3178 RID

I, the undersigned complainant, being duly sworn state the following is true and correct to the best of my knowledge and belief. From in or about May 2001 through in or about November 2001, ZEV ROSENSTEIN and others did combine, conspire, confederate, and agree to distribute 3,4-methylenedioxymethamphetamine (MDMA), in violation of Title 21, United States Code, Section 841(a)(1), all in violation of Title 21, United States Code, Section 846.

I further state that I am a Special Agent and that this complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT

Robert F. Deak
Task Force Officer Robert F. Deak
Drug Enforcement Administration
September 15 2004

Sworn to before me, and subscribed in my presence.

September 15 2004 at Miami, Florida
Date City and State

ROBERT L. DUBE
UNITED STATES MAGISTRATE JUDGE
Name and Title of Judicial Officer

Robert L. Dube
Signature of Judicial Officer

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

1. My name is Robert F. Deak. I am currently been assigned as a Task Force Officer with the Drug Enforcement Administration ("DEA") and have been so assigned for approximately 5 years. In addition, I am a Captain with the Glades County Sheriff's Office. I have over 25 years of law enforcement experience that includes complex drug investigations and over 1,000 hours of formal law enforcement and drug enforcement training. I have participated in numerous investigations which have resulted in narcotics seizures and arrests of individuals on federal narcotics charges. Much of this training and experience has been directed at the detection, investigation, seizure, and prosecution of individuals involved in the manufacture, possession and distribution of 3, 4 Methylenedioxymethamphetamine, also known as "MDMA" and "Ecstasy."

2. I am familiar with all aspects of this investigation, but have not set forth each and every fact about this investigation. Rather, this affidavit sets forth only those facts that I believe are necessary to establish probable cause for a criminal complaint against ZEV ROSENSTEIN.

3. In early July 2001, a reliable and corroborated source of information (hereinafter CS-1) contacted an individual named Patricio Vives, a Colombian national who frequented Miami, Florida, about purchasing approximately 65,000 pills of 3, 4 Methylenedioxymethamphetamine (MDMA), also known as "Ecstasy." During this telephone conversation, Vives explained to CS-1 that the pills would cost approximately \$393,000.00. Vives wanted CS-1 to retrieve the pills in Miami. However, Vives explained that there was no way to transport the pills to Miami and that the delivery must take place in New York, New York. In order to arrange this shipment, Vives asked CS-1 to provide him with a cellular telephone number and stated that someone would contact CS-1 about the deal. CS-1 supplied his/her telephone number to Vives.

4. Approximately twenty minutes later, CS-1 received a telephone call from an individual identifying himself only as "Flaco," later identified as Mordechai Cohen, an Israeli national living in Spain.¹ CS-1 was in Miami, Florida when he/she received this call. According to Cohen, he (Cohen) was acting at the direction of ROSENSTEIN and Shemtov Michtavi. CS-1 and Cohen discussed the sale of 65,000 Ecstasy pills for \$393,000.00. Cohen stated that he would be the person arranging delivery of the Ecstasy tablets. At this point, Cohen told CS-1 that a "Jewish guy" would call him/her from New York to arrange the delivery.

5. Based on information received from Mordechai Cohen after his arrest, Cohen stated that he was approached by Shemtov Michtavi in May 2001 seeking Cohen's assistance with the distribution of a large amount of 3, 4 Methylenedioxymethamphetamine (MDMA), also known as "Ecstasy," already in the United States. Michtavi told Cohen that he was working on behalf of ZEV ROSENSTEIN. According to Cohen, after several meetings with Michtavi, Cohen eventually had a telephone conversation with ROSENSTEIN in which ROSENSTEIN stated that he had access to a large quantity of MDMA pills in the United States and that he (ROSENSTEIN) was behind the deal. ROSENSTEIN also told Cohen that he (Cohen) could deal directly with ROSENSTEIN if Michtavi were unavailable.

6. Later during the same day that CS-1 had received the first call from Cohen (as referred to in paragraph 4 above), CS-1 received a telephone call from an individual identifying himself only as "Tony." CS-1 was in Miami, Florida, when he/she received this call. "Tony" stated that he was in New York, New York, and would handle the delivery of the Ecstasy tablets. "Tony" asked CS-1 when he/she could come to New York to take delivery of the Ecstasy pills. In response,

¹ Cohen began cooperating with DEA in April 2002.

CS-1 stated that he/she would have one of his/her associates contact "Tony" to set up the delivery.

7. During the course of these negotiations, CS-1 identified a second source of information (CS-2) as the person who would be paying for the Ecstasy tablets. For this reason, CS-1 provided CS-2's telephone number to the Ecstasy suppliers. Because the delivery of the Ecstasy pills was to take place in New York, a third confidential source (CS-3) became involved in the investigation. At the direction of the New York Police Department, CS-3 contacted "Tony" to take delivery of the Ecstasy pills.

8. In trying to arrange for the delivery of the Ecstasy tablets, "Tony" informed CS-3 that he wanted to deliver the Ecstasy tablets in a New York hotel room. CS-3 informed "Tony" that he/she would need to call his/her boss for instructions. Because the New York Police Department determined that taking delivery of the Ecstasy pills in a hotel room would be too dangerous, CS-2 telephoned Cohen to make alternative arrangements. CS-2 informed Cohen that the delivery could not take place in a hotel room and suggested that "Tony" first provide a sample of the pills. Cohen agreed to speak with "Tony" and to call back.


9. A short time later, Cohen placed a telephone call to CS-2. CS-2 was in Miami, Florida, when he/she received this call. Cohen stated that he had talked to "Tony," and that he had ordered "Tony" to deliver a sample of the Ecstasy tablets. "Tony" then arranged for delivery of the agreed-upon sample (13 pills), which was provided on July 16, 2001, to CS-3 at a location in midtown Manhattan. Investigators followed the individual who had provided the sample to an apartment building in downtown Manhattan. Later that day, CS-3 informed "Tony" that the 13 Ecstasy tablets were acceptable, and that he/she would take delivery of the 65,000 Ecstasy pills.

10. On July 17, 2001, at the aforementioned apartment building in downtown Manhattan, investigators with the New York Police Department executed a search warrant and arrested two subjects, individuals named David Roash and Israel Ashkenazi, on state conspiracy and drug possession charges. Roash and Ashkenazi have stated that prior to distributing any of the pills they received instructions from two unindicted but identified co-conspirators in Israel to travel to the United States to rent an apartment to store the pills. Roash and Ashkenazi have stated that these co-conspirators would call them to provide them with information about people who wanted to purchase MDMA pills. These co-conspirators met with ROSENSTEIN prior to the arrival of the pills at the apartment and have been observed by Israeli law enforcement meeting with ROSENSTEIN on other occasions. Inside the apartment in New York, investigators seized approximately 700,000 Ecstasy tablets and \$187,000.00 in United States currency.

11. The day after the pills were seized, ROSENSTEIN called Cohen and told him that neither he nor Michtavi could make contact with the people in New York. Over the next several days, ROSENSTEIN placed several additional calls to Cohen in which ROSENSTEIN inquired about the seizure of the pills in New York. ROSENSTEIN stated that they needed to know what had happened to the pills and the person who was supposed to pick up the pills must have been in law enforcement.

12. Several months following the seizure, Cohen participated in a number of telephone calls with Michtavi who served as a contact person for ROSENSTEIN. In these recorded telephone calls, Cohen and Michtavi discussed in code the seizure of the pills in New York as well as the fact that Cohen owed a drug debt to ROSENSTEIN. On September 14, 2004, Michtavi was found guilty by a jury in the Southern District of Florida of conspiracy to distribute MDMA.

13. Based upon the foregoing information, your affiant requests the issuance of a complaint charging ZEV ROSENSTEIN with knowingly and willfully conspiring to distribute 3,4-methylenedioxymethamphetamine (MDMA) in violation of Title 21, United States Code, Section 841(a)(1), all in violation of Title 21, United States Code, Section 846 on the basis of the probable cause set forth in this affidavit.



Task Force Officer Robert Deak
Drug Enforcement Administration

Subscribed and sworn to before me this 15th day of September, 2004.



ROBERT L. DUBE
UNITED STATES MAGISTRATE JUDGE