

FILED

UNITED STATES DISTRICT COURT

NOV 2 2012

Eastern

DISTRICT OF

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY _____
DEPUTY CLERK

UNITED STATES OF AMERICA

V.

Gennaro DiMATEO
aka Sergio Franco Ottomanelli

CRIMINAL COMPLAINT

2:12-MJ-0285 DAD

Case Number:

SEALED

(Name and Address of Defendant)

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about _____ in _____ El Dorado County, in the _____ Eastern District of _____ California defendant(s) did,

(Track Statutory Language of Offense)

COUNT ONE: On or about August 31, 2012, did knowingly and intentionally possess with intent to distribute marijuana, a Schedule I Controlled Substance, in violation of 21 U.S.C. § 841(a)(1); and
COUNT TWO: On or about September 15, 2012, did knowingly and intentionally manufacture at least 100 marijuana plants, all

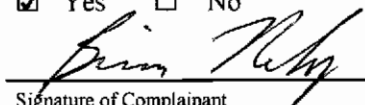
in violation of Title _____ 21 _____ United States Code, Section(s) _____ 841(a)(1) _____ .

I further state that I am a(n) _____ DEA Special Agent _____ and that this complaint is based on the following facts:

Official Title

PLEASE SEE ATTACHED AFFIDAVIT,

Continued on the attached sheet and made a part of this complaint: Yes No



Signature of Complainant
Brian M. Nehring

Printed Name of Complainant

Sworn to before me and signed in my presence,

11/1/2012

Date

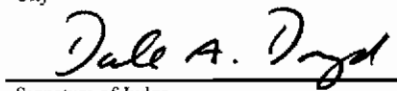
at

Sacramento California

City State

Dale A. Drozd

Name of Judge Magistrate Judge
Title of Judge



Signature of Judge

Affidavit of Special Agent Brian Nehring in Support of Criminal Complaint

I, Brian Nehring, Special Agent of the Drug Enforcement Administration (DEA), being duly sworn, depose and state:

1. I am a Special Agent of the Drug Enforcement Administration and have been so employed since 1991. I am currently assigned to the San Francisco Field Division, Sacramento District Office of the DEA, specifically assigned to investigate federal narcotics offenses.

Scope of Requested Criminal Complaint

2. This Affidavit is submitted in support of a Criminal Complaint charging the following:

Count One: Defendant **Gennaro DiMATEO, aka Sergio Franco Ottomanelli**, with possession with intent to distribute marijuana, on or about August 31, 2012, in violation of 21 U.S.C. § 841(a)(1).

Count Two: Defendant **Gennaro DiMATEO, aka Sergio Franco Ottomanelli**, with manufacture of at least 100 marijuana plants, on or about September 5, 2012, in violation of 21 U.S.C. § 841(a)(1).

Background of Investigation

3. During November of 2012, I spoke to Detective Jason Bloxsom and he relayed the following facts to me.

August 31, 2012 – Marijuana Discovered at DiMATEO's South Lake Residence

4. On August 31, 2012, members of the El Dorado County Sheriff's Department executed a state search warrant for the residence of Gennaro DiMATEO, located at 1282/1290 Angora Lake Boulevard, South Lake Tahoe, California, within the Eastern District of California.
5. During the search, agents discovered a hidden door that lead to several sub-surface rooms under the structure. The rooms had been set up with equipment that is standard for indoor marijuana cultivation gardens. Although there was not an active marijuana grow at the time of the search, detectives discovered approximately five pounds of processed marijuana on a shelf located in one of the sub-surface rooms. In the downstairs/basement area, detectives found a scale located on a silver table near a food saver machine. These items are consistent with DiMATEO heat sealing marijuana after weighing out distribution quantities and shipping them out of state. The heat sealing of the marijuana can have the effect of concealing and disguising the odor from marijuana.

6. Detectives also found marijuana “shake,” frequently used for cooking marijuana edibles. Detectives located marijuana-laced ice cream, granola bars, and pizzas, inside a freezer located within DiMATEO’s detached garage. Detectives did not find any evidence consistent with DiMATEO being a user of marijuana.
7. After a thorough search of DiMATEO’s residence, detectives concluded he had two dismantled indoor marijuana gardens. Sgt. Cook, an experienced narcotics detective, carefully examined the two dismantled rooms and, based upon the 1000-watt ballasts, 3x4 florescent lights, high-pressure hood lights, black plastic buckets, small black plastic starter pots, and other items discovered, he estimated DiMATEO’s grow could yield approximately 22 to 25 pounds of marijuana per cycle, with four cycles per year possible. Based upon a pricing sheet seized from DiMATEO’s “City of Angels 2” marijuana dispensary, he distributed an ounce of marijuana for \$200. At that price, DiMATEO could sell a pound of marijuana for \$3,200. Using these rough estimates, Sgt. Cook estimated DiMATEO could make approximately \$320,000 per year if he was able to yield 25 pounds per grow cycle.
8. Within a desk inside the kitchen area, as well as inside a desk in the living room area of DiMATEO’s residence, detectives found pay/owe sheets. These are typically possessed by drug traffickers as a method of keeping a running ledger of who owes money for drugs previously provided on credit.
9. In DiMATEO’s master bedroom closet, detectives found ammunition and firearm magazines.
10. In the downstairs bedroom of DiMATEO’s residence, detectives found an empty FedEx shipping box. In my training and experience, drug traffickers typically use FedEx and other similar commercial carriers to ship drugs outside of California to realize a greater profit on the sale of the drugs. The commercial carriers are also used by drug traffickers to receive drug proceeds from drugs sold outside of California (and thereby avoid using the banking system to avoid law enforcement detection).
11. In the garage of the residence, detectives found a firearm purchase receipt, ammunition, and magazines. These items were discovered inside a metal tool box in the corner of the garage.
12. Each of items above are consistent, in my training and experience, with DiMATEO possessing the marijuana seized on August 31, 2012, with an intent to distribute it.
13. In connection with service of the search warrant, detectives interviewed the brother of DiMATEO’s wife, Sean Janusiewicz. Janusiewicz lives in a downstairs bedroom within DiMATEO’s residence. Janusiewicz admitted that he worked for DiMATEO’s South Lake Tahoe marijuana dispensary known as “City of Angels 2.” According to Janusiewicz, he, DiMATEO, and Janusiewicz’s sister (Irene DiMATEO) do not use marijuana but they only had the recommendations for the

dispensary to further the ability of “City of Angels 2,” to cultivate more marijuana for profit.

14. Detectives investigating DiMATEO also learned that he was linked to individuals who are members of a loosely-organized criminal group known as the “Juggalos.” I have learned that the Juggalos are a name given to fans of the music act called Insane Clown Posse. Juggalos have developed their own idioms, slang, and characteristics.

September 5, 2012 – Second Marijuana Grow Linked to DiMATEO

15. On September 5, 2012, detectives served another state search warrant connected to DiMATEO at 2042 5th Street, Unit 11, South Lake Tahoe, California. The property’s landlord identified Unit 11 as being rented by DiMATEO since approximately 2009. The landlord indicated the unit smelled of marijuana after DiMATEO began renting it.
16. Although DiMATEO had been detained on charges related to the August 2012 search of DiMATEO’s residence (detailed above), detectives developed information indicating DiMATEO was linked to an ongoing marijuana cultivation operation at 2042 5th Street, Unit 11.
17. When detectives entered, they found two large rooms within an indoor warehouse. The first room was a storage room containing tires, ventilation fans, grow lights, and a small lighted area with live marijuana clone plants. The second room contained tables with multiples boxes containing property, active grow lights, ventilation systems, and live marijuana plants. On a wall inside the second room containing the marijuana grow, detectives seized a marijuana recommendation card in the name of DiMATEO.
18. After the search, detectives contacted Sean Tenison at a residence in South Lake Tahoe. In summary, according to Tenison, DiMATEO employed Juggalo gang members at “City of Angels 2” to distribute marijuana. Beginning in 2009, Tenison had worked at DiMATEO’s marijuana dispensary earning an hourly wage of \$10 per hour until the dispensary was shut down in the summer of 2012. Tenison role at the dispensary was first a “bud tender” and he was later promoted to “cultivation manager.” Tenison admitted that he and DiMATEO had between 10 and 200 marijuana plants growing at the marijuana dispensary at any given time. Tenison further admitted that he knew DiMATEO purchased marijuana from outside vendors for further distribution at the dispensary. DiMATEO also maintained an outdoor marijuana garden in 2010 in the Placerville area. According to Tenison, the storage warehouse at 2042 5th Street, Unit 11, was rented in DiMATEO’s name but Tenison was responsible for tending the plants within the warehouse.
19. During the search of 2042 5th Street, Unit 11, detectives discovered a total of approximately 20 vegetating marijuana plants and 200 marijuana clones in varying

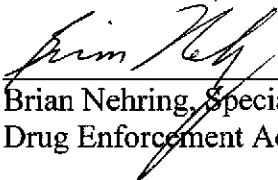
states of development. Detectives also found extensive indicia consistent with the Juggalos street gang.

Conclusion

20. Based on the foregoing, I believe that probable cause exists to charge the following:

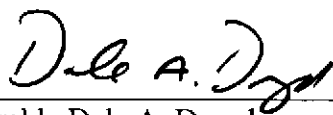
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Count Two: Defendant **Gennaro DiMATEO, aka Sergio Franco Ottomanelli**, with manufacture of at least 100 marijuana plants, on or about September 5, 2012, in violation of 21 U.S.C. § 841(a)(1).




Brian Nehring, Special Agent
Drug Enforcement Administration

Sworn to and subscribed before
me on the 1st day of November, 2012



Honorable Dale A. Drozd
United States Magistrate Judge

Approved as to form:



Jason Hitt
Assistant U.S. Attorney