

JAP:RTP

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

AFFIDAVIT IN SUPPORT OF
REMOVAL TO THE
NORTHERN DISTRICT OF OHIO

-against-

(Fed. R. Crim. P. 5(c))

JAMES R. KUTSUKOS,
also known as
"James Koutsoukos,"

Defendant.

- - - - -X

EASTERN DISTRICT OF NEW YORK, SS:

CHRISTOS ANTONIADES, being duly sworn, deposes and says that he is a Special Agent with the Federal Bureau of Investigation ("FBI"), duly appointed according to law and acting as such.

Upon information and belief, on or about April 3, 2012, a grand jury in the Northern District of Ohio returned an indictment against the defendant JAMES R. KUTSUKOS, also known as "James Koutsoukos," charging him with conspiracy to distribute marijuana, in violation of 21 U.S.C. § 846, and attempted distribution of marijuana, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(D). On or about April 3, 2012, an arrest warrant was issued by the United States District Court for the Northern District of Ohio commanding the defendant's arrest on those charges.

The source of your deponent's information and the grounds for his belief are as follows:

1. I have been a Special Agent with the FBI for 10 years. I am assigned to the FBI's New York Field Office.

2. On or about April 3, 2012, a grand jury in the Northern District of Ohio returned an indictment against the defendant JAMES R. KUTSUKOS charging him with conspiracy to distribute marijuana, in violation of 21 U.S.C. § 846 and attempted distribution of marijuana, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(D). On or about April 3, 2012, an arrest warrant was issued by the United States District Court for the Northern District of Ohio, commanding the defendant's arrest on those charges. A copy of the arrest warrant and indictment are attached hereto as Exhibit A.

3. On or about April 11, 2012, the defendant JAMES R. KUTSUKOS arrived at John F. Kennedy International Airport from Barcelona, Spain. The defendant was taken into custody by FBI special agents.

4. The defendant JAMES R. KUTSUKOS had in his possession a valid United States passport bearing his photograph, name, date of birth and place of birth. I had previously been provided a photograph of the defendant as well as certain pedigree information including the defendant's date of birth and place of birth by the FBI special agent in the FBI's Cleveland Field Office assigned to the criminal investigation against the defendant. The photograph and pedigree information on the United States passport that the defendant had in his possession match the information that I had received from the special agent in

Cleveland. The defendant also had a California Driver's License bearing his photograph and name. Finally, when taken into FBI custody, the defendant stated that his name was JAMES R. KUTSUKOS.

5. It is the desire of the United States Attorney for the Northern District of Ohio that the defendant JAMES R. KUTSUKOS be removed to that district for prosecution.

WHEREFORE, it is respectfully requested that the defendant JAMES R. KUTSUKOS, also known as "James Koutsoukos," be removed to the Northern District of Ohio so that he may be dealt with according to law.


CHRISTOS ANTONIADES
Special Agent
FBI

Sworn to before me this
11th day of April, 2012

THE HONORABLE VIKTOR V. BOHORELSKY
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK

AO 442 (Rev. 11/11) Arrest Warrant

UNITED STATES DISTRICT COURT

for the
Northern District of Ohio

United States of America
v.
James R. Kutsukos, aka James Koutsoukos

Case No.

1:12CR169

JUDGE BOYKO

Defendant

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay
(name of person to be arrested) James R. Kutsukos, aka James Koutsoukos
who is accused of an offense or violation based on the following document filed with the court:

- Indictment Superseding Indictment Information Superseding Information Complaint
- Probation Violation Petition Supervised Release Violation Petition Violation Notice Order of the Court

This offense is briefly described as follows:

- 21 U.S.C. 848 - Conspiracy to distribute marijuana
- 21 U.S.C. 841(a)(1) and (b)(1)(D) - Attempted distribution of marijuana

Date: 04/03/2012


Issuing officer's signature

City and state: Cleveland, Ohio

Magistrate Judge Kenneth S. McHargh
Printed name and title

Return

This warrant was received on (date) _____, and the person was arrested on (date) _____
at (city and state) _____

Date: _____

Arresting officer's signature

Printed name and title

AO 442 (Rev. 11/11) Arrest Warrant (Page 2)

This second page contains personal identifiers provided for law-enforcement use only and therefore should not be filed in court with the executed warrant unless under seal.

(Not for Public Disclosure)

Name of defendant/offender: James R. Kutsukos

Known aliases: James Koutsoukos

Last known residence: 63 Lafayette, Apt. 6, San Francisco, CA (Until March 25, 2012, afterwards unknown)

Prior addresses to which defendant/offender may still have ties: _____

Last known employment: iWeed, LLC., San Francisco, CA; Risk Design and Development, LLC., San Francisco, CA

Last known telephone numbers: 415-225-7631; 846-461-1118

Place of birth: California

Date of birth: 07/07/1987

Social Security number: 365-11-0281

Height: 5'8" Weight: 150 lbs.

Sex: Male Race: Caucasian

Hair: Brown Eyes: Brown

Scars, tattoos, other distinguishing marks: _____

History of violence, weapons, drug use: _____

Known family, friends, and other associates (name, relation, address, phone number): _____

FBI number: 340382WC8

Complete description of auto: _____

Investigative agency and address: U.S. Postal Inspection Service, 2400 Orange Avenue, 2nd Floor, Cleveland, Ohio 44101; FBI, 1501 Lakeside Avenue, Cleveland, Ohio 44114

Name and telephone numbers (office and cell) of pretrial services or probation officer (if applicable): _____

Date of last contact with pretrial services or probation officer (if applicable): _____

2012 APR -3 10 2:47

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,
Plaintiff,

v.

JAMES R. KUTSUKOS,
aka JAMES KOUTSOUKOS,
ARMOND JOSEPH,
Defendants.

1:12CR169
JUDGE BOYKO

CASE NO. _____
Title 21, § 846,
United States Code
Title 21, §§ 841(a)(1),
and (b)(1)(D),
United States Code

I hereby certify that this instrument is a true and
correct copy of the original on file in my office.
Attest: Geri M. Smith, Clerk
U.S. District Court
Northern District of Ohio

[Signature]
Geri M. Smith
Deputy Clerk

COUNT 1

The Grand Jury charges:

Between on or about January 1, 2011, and on or about April
1, 2012, in the Northern District of Ohio, Eastern Division, and
elsewhere, JAMES R. KUTSUKOS, aka JAMES KOUTSOUKOS, and ARMOND
JOSEPH, the defendants herein, did unlawfully, knowingly, and
intentionally combine, conspire, confederate, and agree together

and with each other, and diverse others known and unknown to the Grand Jury, to possess with intent to distribute and to distribute marijuana, a Schedule I controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(D).

MANNER AND MEANS OF THE CONSPIRACY

It was the manner and means of the conspiracy that KUTSUKOS obtained high grade marijuana from growers or other suppliers in California. KUTSUKOS, JOSEPH, and others recruited by KUTSUKOS, including B.M. and B.H., individuals known to the Grand Jury, but not defendants herein, would then mail or ship quantities of marijuana via the United States Postal Service, commercial carrier, or freight service to customers, including E.K., an individual known to the Grand Jury, but not a defendant herein, in the Northern District of Ohio, Eastern Division, and elsewhere, including New York, New Jersey, Maine, Michigan, Pennsylvania, and California. The customers would then send payment back to KUTSUKOS via the United States Postal Service or commercial carrier. In order to disguise the nature of the mailings and their identities, the conspirators commonly used false names as recipients of the packages and false return address information.

OVERT ACTS

In furtherance thereof, and to effect the goals and conceal the existence of the conspiracy, the defendants and others performed overt acts including but not limited to the following:

1. On or about April 14, 2011, KUTSUKOS and JOSEPH mailed or caused to be mailed a package weighing approximately seven pounds, four ounces, from San Francisco, California, via United States Postal Service Express Mail to E.K. in Cleveland, Ohio, that contained marijuana.

2. On or about May 9, 2011, KUTSUKOS and JOSEPH mailed or caused to be mailed two packages weighing approximately 13 pounds, four ounces, and two pounds, five ounces, respectively, from San Francisco, California, via United States Postal Service Express Mail to E.K. in Cleveland, Ohio, that contained marijuana.

3. On or about June 6, 2011, E.K. mailed from Cleveland, Ohio, via United States Postal Service Express Mail to KUTSUKOS in San Francisco, California, a parcel containing proceeds from the sale of marijuana provided by KUTSUKOS and JOSEPH.

4. On or about June 20, 2011, E.K. mailed from Cleveland, Ohio, via United States Postal Service Express Mail to KUTSUKOS in San Francisco, California, a parcel containing proceeds from the sale of marijuana provided by KUTSUKOS and JOSEPH.

5. On or about July 11, 2011, E.K. mailed from Cleveland, Ohio, via United States Postal Service Express Mail to KUTSUKOS in San Francisco, California, a parcel containing proceeds from the sale of marijuana provided by KUTSUKOS and JOSEPH.

6. On or about July 13, 2011, KUTSUKOS and JOSEPH mailed or caused to be mailed a package weighing approximately six pounds, four ounces, from San Francisco, California, via United States Postal Service Express Mail to E.K. in Cleveland, Ohio, that contained marijuana.

7. On or about July 18, 2011, E.K. mailed from Cleveland, Ohio, via United States Postal Service Express Mail to KUTSUKOS in San Francisco, California, \$17,400 in U.S. currency, which were proceeds from the sale of marijuana provided by KUTSUKOS and JOSEPH.

8. On or about July 19, 2011, KUTSUKOS and JOSEPH mailed or caused to be mailed a package weighing approximately seven pounds, eight ounces, from San Francisco, California, via United States Postal Service Express Mail to E.K. in Cleveland, Ohio, that contained marijuana.

9. On or about July 29, 2011, KUTSUKOS and JOSEPH mailed or caused to be mailed two packages weighing approximately two pounds, 15 ounces, and two pounds, nine ounces, respectively, from San Francisco, California, via United States Postal Service Express Mail to E.K. in Cleveland, Ohio, that contained marijuana.

10. On or about August 1, 2011, E.K. mailed from Cleveland, Ohio, via United States Postal Service Express Mail to KUTSUKOS in San Francisco, California, a parcel containing proceeds from the sale of marijuana provided by KUTSUKOS and JOSEPH.

11. On or about August 4, 2011, KUTSUKOS and JOSEPH mailed or caused to be mailed a package weighing approximately four pounds, 13 ounces, from San Francisco, California, via United States Postal Service Express Mail to E.K. in Cleveland, Ohio, that contained marijuana.

12. On or about August 8, 2011, E.K. mailed from Cleveland, Ohio, via United States Postal Service Express Mail to KUTSUKOS in San Francisco, California, a parcel containing proceeds from the sale of marijuana provided by KUTSUKOS and JOSEPH.

13. On or about August 10, 2011, KUTSUKOS and JOSEPH mailed or caused to be mailed a package weighing approximately eight pounds, nine ounces, from San Francisco, California, via United States Postal Service Express Mail to E.K. in Cleveland, Ohio, that contained marijuana.

14. On or about August 22, 2011, KUTSUKOS and JOSEPH mailed or caused to be mailed a package weighing approximately four pounds, 12 ounces, from San Francisco, California, via United States Postal Service Express Mail to E.K. in Cleveland, Ohio, that contained marijuana.

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15. On or about August 23, 2011, E.K. mailed from Cleveland, Ohio, via United States Postal Service Express Mail to KUTSUKOS in San Francisco, California, a parcel containing proceeds from the sale of marijuana provided by KUTSUKOS and JOSEPH.

16. On or about August 24, 2011, KUTSUKOS and JOSEPH mailed or caused to be mailed a package weighing approximately six pounds, four ounces, from San Francisco, California, via United States Postal Service Express Mail to E.K. in Cleveland, Ohio, that contained marijuana.

17. On or about August 29, 2011, E.K. mailed from Cleveland, Ohio, via United States Postal Service Express Mail to KUTSUKOS in San Francisco, California, \$20,600 in U.S. currency, which were proceeds from the sale of marijuana provided by KUTSUKOS and JOSEPH.

18. On or about September 1, 2011, KUTSUKOS and JOSEPH mailed or caused to be mailed a package weighing approximately two pounds, four ounces, from San Francisco, California, via United States Postal Service Express Mail to E.K. in Cleveland, Ohio, that contained marijuana.

19. On or about September 9, 2011, KUTSUKOS and JOSEPH mailed or caused to be mailed a package weighing approximately two pounds, one ounce, from San Francisco, California, via United States Postal Service Express Mail to E.K. in Cleveland, Ohio, that contained marijuana.

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20. On or about September 13, 2011, KUTSUKOS and JOSEPH mailed or caused to be mailed a package weighing approximately two pounds, five ounces, from San Francisco, California, via United States Postal Service Express Mail to E.K. in Cleveland, Ohio, that contained marijuana.

21. On or about September 13, 2011, E.K. mailed from Cleveland, Ohio, via United States Postal Service Express Mail to KUTSUKOS in San Francisco, California, three parcels containing \$2,800 total in U.S. currency, which were proceeds from the sale of marijuana provided by KUTSUKOS and JOSEPH.

22. On or about September 16, 2011, E.K. mailed from Cleveland, Ohio, via United States Postal Service Express Mail to KUTSUKOS in San Francisco, California, two parcels containing proceeds from the sale of marijuana provided by KUTSUKOS and JOSEPH.

23. On or about October 13, 2011, KUTSUKOS and JOSEPH mailed or caused to be mailed from San Francisco, California, via United States Postal Service Express Mail to E.K. in Cleveland, Ohio, approximately two pounds of marijuana.

24. On or about November 1, 2011, JOSEPH mailed or caused to be mailed from San Francisco, California, via United States Postal Service Express Mail a package weighing approximately two pounds, three ounces, to an address on Rocky River Drive in Cleveland, Ohio, and a package weighing approximately two pounds, three ounces, to an address in Kent, Ohio, both of which

contained marijuana.

25. On or about November 1, 2011, at the direction of KUTSUKOS, E.K. mailed approximately \$3,500 in Postal money orders from Cleveland, Ohio, to JOSEPH in San Francisco, California, that were represented to be proceeds from the sale of marijuana that had been provided by KUTSUKOS and JOSEPH. This package was later returned as undeliverable.

26. On or about November 8, 2011, during a telephone conversation with E.K., KUTSUKOS advised E.K. to lie to United States Postal Inspectors about the source and purpose of cash that E.K. had mailed to KUTSUKOS, which had been seized by Postal Inspectors, in order to conceal from the Postal Inspectors that the cash was proceeds from marijuana trafficking. KUTSUKOS specifically told E.K. to tell any Postal Inspectors who interviewed him that the cash was money he had collected for charity.

27. During the same telephone conversation with E.K. on November 8, 2011, referenced in Overt Act 26, KUTSUKOS suggested to E.K. that he could provide him with larger amounts of marijuana, up to 50 pounds at a time, via a private freight service instead of the United States Postal Service, if E.K. knew of any buyers for such larger amounts. KUTSUKOS suggested this as a way for E.K. to pay off a debt E.K. owed to KUTSUKOS for marijuana KUTSUKOS had provided.

28. During the same telephone conversation with E.K. on

November 8, 2011, referenced in Overt Acts 26 and 27, KUTSUKOS proposed to E.K. that he had a guy in Chambersburg, Pennsylvania, who could go "crazy" on one of E.K.'s customers, after E.K. told KUTSUKOS that the customer owed him money for marijuana.

29. On or about November 8, 2011, at the direction of KUTSUKOS, E.K. mailed approximately \$3,500 in Postal money orders from Cleveland, Ohio, to JOSEPH in San Francisco, California, that were represented to be proceeds from the sale of marijuana that had been provided by KUTSUKOS and JOSEPH.

30. On or about November 12, 2011, JOSEPH received and signed for the package containing \$3,500 in postal money orders that E.K. had mailed at the direction of KUTSUKOS as payment for marijuana provided by KUTSUKOS, and that were represented to be proceeds from the sale of marijuana.

31. On or about November 16, 2011, KUTSUKOS mailed from San Francisco, California, via United States Postal Service Express Mail to E.K. in Cleveland, Ohio, approximately one pound, 12 ounces of marijuana.

32. On or about November 18, 2011, KUTSUKOS mailed or caused to be mailed a package weighing approximately six pounds, 12 ounces, from San Francisco, California, via United States Postal Service Express Mail to an address on Rocky River Drive in Cleveland, Ohio, that contained marijuana.

33. On or about November 28, 2011, at the direction of KUTSUKOS, E.K. mailed \$7,000 in Postal money orders from

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Cleveland, Ohio, to KUTSUKOS in San Francisco, California, that were represented to be proceeds from the sale of marijuana that had been provided by KUTSUKOS.

34. On or about December 8, 2011, KUTSUKOS caused to be mailed from San Francisco, California, via United States Postal Service Express Mail to an address on Rocky River Drive in Cleveland, Ohio, approximately three pounds, 4.8 ounces of marijuana.

35. On or about February 11, 2012, B.H., at the direction of KUTSUKOS, mailed from San Francisco, California, via United States Postal Service Express Mail to E.K. in Cleveland, Ohio, approximately two pounds, 5.8 ounces of marijuana.

36. On or about February 13, 2012, at the direction of KUTSUKOS, E.K. mailed \$6,000 in Postal money orders from Cleveland, Ohio, to KUTSUKOS in San Francisco, California, that were represented to be proceeds from the sale of marijuana that had been provided by KUTSUKOS.

All in violation of Title 21, United States Code, Section 846.

COUNT 2

The Grand Jury further charges:

On or about October 13, 2011, in the Northern District of Ohio, Eastern Division, and elsewhere, JAMES R. KUTSUKOS, aka JAMES KOUTSOUKOS, and ARMOND JOSEPH did knowingly and intentionally attempt to distribute approximately two pounds of

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marijuana, a Schedule I controlled substance, in violation of Title 21, United States Code, Sections 846 and 841(a)(1) and (b)(1)(D).

COUNT 3

The Grand Jury further charges:

On or about November 16, 2011, in the Northern District of Ohio, Eastern Division, and elsewhere, JAMES R. KUTSUKOS, aka JAMES KOUTSOUKOS, did knowingly and intentionally attempt to distribute approximately one pound, 12 ounces of marijuana, a Schedule I controlled substance, in violation of Title 21, United States Code, Sections 846 and 841(a)(1) and (b)(1)(D).

COUNT 4

The Grand Jury further charges:

On or about December 8, 2011, in the Northern District of Ohio, Eastern Division, and elsewhere, JAMES R. KUTSUKOS, aka JAMES KOUTSOUKOS, did knowingly and intentionally attempt to distribute approximately three pounds, 4.8 ounces of marijuana, a Schedule I controlled substance, in violation of Title 21, United States Code, Sections 846 and 841(a)(1) and (b)(1)(D).

COUNT 5

The Grand Jury further charges:

On or about February 11, 2012, in the Northern District of Ohio, Eastern Division, and elsewhere, JAMES R. KUTSUKOS, aka JAMES KOUTSOUKOS, did knowingly and intentionally attempt to distribute approximately two pounds, 5.8 ounces of marijuana, a

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Schedule I controlled substance, in violation of Title 21, United States Code, Sections 846 and 841(a)(1) and (b)(1)(D).

FORFEITURE: 21 U.S.C. § 853

The Grand Jury further charges:

1. The allegations contained in Counts 1 through 5, inclusive, of this Indictment are hereby realleged and incorporated herein by reference for the purpose of alleging forfeiture pursuant to 21 U.S.C. § 853(a).

2. As a result of the offenses alleged in Counts 1 through 5, inclusive, of this Indictment, JAMES R. KUTSUKOS, aka JAMES KOUTSOUKOS, and ARMOND JOSEPH, the defendants herein, shall forfeit to the United States, pursuant to 21 U.S.C. § 853(a), any and all property constituting, or derived from, any proceeds they obtained, directly or indirectly, as the result of the violations charged in Counts 1-5; and, any and all of their property used or intended to be used, in any manner or part, to commit or to facilitate the commission of the violations charged in Counts 1-5.

A TRUE BILL.

Original document -- Signatures on file with the Clerk of Courts pursuant to the E-Government Act of 2002.