

STATE OF NEW YORK  
COUNTY COURT :: SCHENECTADY COUNTY

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THE PEOPLE OF THE STATE OF NEW YORK

-vs-

GREGORY KACZMAREK AND  
LISA KACZMAREK,

Defendants.

SUPERSEDING  
INDICTMENT  
Indictment #AG208-12  
Sealed Ind. #1912

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**COUNT 1**

THE GRAND JURY OF THE COUNTY OF SCHENECTADY, by this  
Indictment, accuses the above-named defendants, GREGORY  
KACZMAREK AND LISA KACZMAREK, of the crime of CONSPIRACY IN  
THE SECOND DEGREE, in violation of Section 105.15 of the Penal  
Law of the State of New York, a Class B Felony, committed as  
follows:

That the said defendants, GREGORY KACZMAREK AND LISA  
KACZMAREK, and others known to the Grand Jury, in Schenectady  
County and elsewhere in the State of New York, from on or about  
January 1, 2008, until on or about March 12, 2008, with intent  
that conduct constituting the crimes of Criminal Possession of a  
Controlled Substance in the First and Second Degrees in violation  
of sections 220.21 (subdivision 1) and 220.18 (subdivision 1) of  
the Penal Law, and the crimes of Criminal Sale of a Controlled  
Substance in the First and Second Degrees in violation of  
sections 220.43 (subdivision 1) and 220.41 (subdivision 1), all  
class A Felonies, be performed, did knowingly and unlawfully

agree with each other and with others, known and unknown, to engage in and cause the performance of such conduct as would constitute the above-mentioned class A felonies.

**PREAMBLE**

It was the purpose of this conspiracy to obtain, possess and control quantities of cocaine, to sell that cocaine in the Schenectady County area, and surrounding areas, and to collect the proceeds from those narcotics transactions.

It was also part of the conspiracy for Kerry Kirkem, a/k/a "Slim", a/k/a "K", and Oscar Mora, a/k/a "O", to direct GREGORY KACZMAREK and LISA KACZMAREK, as well as to Gary Cherny, Wilfred Cordero, a/k/a "Rice", Misty Gallo, Hector Gomez, a/k/a "Mookie", Ronald Hughes, a/k/a "Ron", Hazel Nader, Lisa Perkins, Melford Perkins, a/k/a "Uncle Mel", a/k/a "Mel", a/k/a "Unc", Kareem Reid, a/k/a "Reem", Todd Rodriguez, a/k/a "Bonez", a/k/a "Toddy", Miles Smith, Michael Torres, a/k/a "Mikey", Stephen Torres, a/k/a "Stevie", and several other unknown people regarding the receipt of cocaine, the delivery of cocaine to customers and the collection and delivery of narcotics proceeds.

It was also part of the conspiracy for KERRY KIRKEM, A.K.A. "SLIM", A.K.A. "K", and OSCAR MORA, A.K.A. "O", to deliver cocaine to GREGORY KACZMAREK AND LISA KACZMAREK, as well as to Gary Cherny, Wilfred Cordero, a/k/a "Rice", Misty Gallo, Hector Gomez, a/k/a "Mookie", Ronald Hughes, a/k/a "Ron", Hazel Nader, Lisa Perkins, Melford Perkins, a/k/a "Uncle Mel", a/k/a "Mel", a/k/a "Unc", Kareem Reid, a/k/a "Reem", Todd Rodriguez, a/k/a "Bonez", a/k/a "Toddy", Miles Smith, Michael Torres, a/k/a "Mikey", Stephen Torres, a/k/a "Stevie", and several other people, both known and unknown, who would then sell the cocaine.

It was also part of the conspiracy for Kerry Kirkem, a/k/a "Slim", a/k/a "K", to collect narcotics proceeds from GREGORY

KACZMAREK AND LISA KACZMAREK, as well as from Gary Cherny, Wilfred Cordero, a/k/a "Rice", Misty Gallo, Hector Gomez, a/k/a "Mookie", Ronald Hughes, a/k/a "Ron", Hazel Nader, Lisa Perkins, Melford Perkins, a/k/a "Uncle Mel", a/k/a "Mel", a/k/a "Unc", Kareem Reid, a/k/a "Reem", Todd Rodriguez, a/k/a "Bonez", a/k/a "Toddy", Miles Smith, Michael Torres, a/k/a "Mikey", Stephen Torres, a/k/a "Stevie", and several other people, both known and unknown.

It was also part of the conspiracy for Hazel Nader to manage the daily narcotics sales activities of Gary Cherny, Wilfred Cordero, a/k/a "Rice", Misty Gallo, Hector Gomez, a/k/a "Mookie", Ronald Hughes, a/k/a "Ron", Hazel Nader, Lisa Perkins, Melford Perkins, a/k/a "Uncle Mel", a/k/a "Mel", a/k/a "Unc", Kareem Reid, a/k/a "Reem", Todd Rodriguez, a/k/a "Bonez", a/k/a "Toddy", Miles Smith, Michael Torres, a/k/a "Mikey", Stephen Torres, a/k/a "Stevie", to collect money from those individuals that they generated through narcotics sales, to assist Kerry Kirkem, a/k/a "Slim", a/k/a "K", and Oscar Mora, a/k/a "0", in establishing work schedules for the listed individuals whereby they would sell narcotics during "shifts" while utilizing designated "work phones".

It was also part of the conspiracy for Maximo Doe, a/k/a "Max", to supply Kerry Kirkem, a/k/a "Slim", a/k/a "K", and Oscar Mora, a/k/a "0", with the cocaine and other narcotic drugs that were sold by members of the narcotics conspiracy in Schenectady and surrounding areas.

It was also part of the conspiracy for Misty Gallo, Stephen Torres, a/k/a "Stevie", and Lizvette Brenes, to transport cocaine and other narcotic drugs from New York City and/or Long Island to Schenectady County where those narcotics would subsequently be sold in furtherance of the narcotics conspiracy.

It was also part of the conspiracy for Leah Armenia and Gary Cherny to rent apartments (stash houses) where Kerry Kirkem, a/k/a "Slim", a/k/a "K", Oscar Mora, a/k/a "0", and other members of the conspiracy would keep a safe in which they would keep

narcotics, cash and weapons.

It was also part of the conspiracy for Bernard Ryan, a/k/a "Buddy", to cook powder cocaine into crack cocaine, or to cook crack cocaine of poor quality into a better quality of crack cocaine.

It was also part of the conspiracy for Kerry Kirkem, a/k/a "Slim", a/k/a "K", to cook powder cocaine into crack cocaine at the residence of Melford Perkins, a/k/a "Uncle Mel", a/k/a "Mel", a/k/a "Unc".

It was also part of the conspiracy for various members of the conspiracy to sell cocaine from the following locations, as well as other locations both known and unknown in Schenectady County, New York: 1652 VanVranken Avenue, First Floor Apartment, Schenectady, New York; 514 Hegeman Street, Second and Third Floor Apartments, Schenectady, New York; 1822 Avenue A, Third Floor Apartment, Schenectady, New York; 2 Huron Court, Apartment #118, Schenectady, New York; and 35 Felway Drive, Coram, New York.

It was also part of the conspiracy for Kerry Kirkem, a/k/a "Slim", a/k/a "K", to keep a handgun in the safe stored at the various "stash houses" for purposes of protecting the interests of this narcotics distribution operation.

It was also part of the conspiracy for members of the conspiracy to communicate with each other and others over telephones and cellular telephones using codes and speaking in a guarded and cryptic manner.

#### **OVERT ACTS**

In furtherance of the conspiracy and to effect the objects thereof, from on or about January 1, 2008, to on or about March 12, 2008, the following overt acts, among others, were committed:

1. In or about early January 2008, Kerry Kirkem, a/k/a "Slim", a/k/a "K", gave cocaine to GREGORY KACZMAREK.
2. In or about early January 2008, GREGORY KACZMAREK

obtained cocaine from Kerry Kirkem, a/k/a "Slim", a/k/a "K".

3. In or about early January 2008, several days after the overt acts referred to in paragraphs one and two above, LISA KACZMAREK paid Kerry Kirkem, a/k/a "Slim", a/k/a "K", for the cocaine that Kirkem had previously given to GREGORY KACZMAREK.

4. On February 1, 2008, at approximately 9:18 a.m., in a coded and cryptic telephone conversation, GREGORY KACZMAREK called Kerry Kirkem, a/k/a "Slim", a/k/a "K", and asked Kirkem to call him back once Kirkem got out of bed.

5. On February 1, 2008, at approximately 2:21 p.m., in a coded and cryptic telephone conversation, GREGORY KACZMAREK asked Kerry Kirkem, a/k/a "Slim", a/k/a "K", if he could meet with Kirkem in order to obtain cocaine from Kirkem.

6. On February 1, 2008, at approximately 2:21 p.m., in a coded and cryptic telephone conversation, Kerry Kirkem, a/k/a "Slim", a/k/a "K", informed GREGORY KACZMAREK that he was awaiting a new supply of cocaine.

7. On February 1, 2008, at approximately 6:08 p.m., in a coded and cryptic telephone conversation, GREGORY KACZMAREK asked if Kirkem was "out" of cocaine already and asked Kirkem to call him once Kirkem obtained a new supply of cocaine.

8. On February 1, 2008, at approximately 6:08 p.m., Kerry Kirkem, a/k/a "Slim", a/k/a "K", told GREGORY KACZMAREK that he did not have any cocaine and that Misty Gallo would be back later that night with a new supply of cocaine.

9. On February 1, 2008, at approximately 9:35 p.m., in a coded and cryptic telephone conversation, GREGORY KACZMAREK asked Kerry Kirkem, a/k/a "Slim", a/k/a "K", if Kirkem had any cocaine yet and stated that Kirkem was holding him up such that KACZMAREK could not "do business".

10. On February 1, 2008, at approximately 9:35 p.m., in a coded and cryptic telephone conversation, Kerry Kirkem, a/k/a "Slim", a/k/a "K", informed GREGORY KACZMAREK that he did not have any cocaine yet, and that he suspected the bad weather was delaying the shipment.

11. On February 2, 2008, at approximately 10:08 a.m., GREGORY KACZMAREK telephoned Kerry Kirkem, a/k/a "Slim", a/k/a "K", and left him a voicemail message asking that Kirkem call him or LISA KACZMAREK back as soon as possible because GREGORY KACZMAREK had a lot of orders for that night.

12. On February 2, 2008, at approximately 3:03 p.m., LISA KACZMAREK telephoned Kerry Kirkem, a/k/a "Slim", a/k/a "K", and left him a voicemail message asking that Kirkem call her back.

13. On or about February 2, 2008, Kerry Kirkem, a/k/a "Slim", a/k/a "K", gave cocaine to GREGORY KACZMAREK.

14. On or about February 2, 2008, GREGORY KACZMAREK obtained cocaine from Kerry Kirkem, a/k/a "Slim", a/k/a "K".

15. On February 2, 2008, at approximately 3:59 p.m., in a coded and cryptic telephone conversation, Kerry Kirkem, a/k/a "Slim", a/k/a "K", called LISA KACZMAREK and informed her that he was unhappy with his source of supply of cocaine and that he was going to obtain a new source of supply of cocaine that would have better quality cocaine and be "good for both of them".

16. On February 3, 2008, at approximately 9:11 a.m., in a coded and cryptic telephone conversation, LISA KACZMAREK asked if Kerry Kirkem, a/k/a "Slim", a/k/a "K", had any cocaine that he could provide to her.

17. On February 3, 2008, at approximately 9:11 a.m., in a coded and cryptic telephone conversation Kerry Kirkem, a/k/a "Slim", a/k/a "K", informed LISA KACZMAREK that his "workers" had all of the cocaine, but that he would try to find "one or two balls" of cocaine that he could give her.

18. On February 3, 2008, at approximately 9:26 a.m., in a coded and cryptic telephone conversation, Kerry Kirkem, a/k/a "Slim", a/k/a "K", informed LISA KACZMAREK that he may have located some cocaine for her, and that he would call her back to confirm it.

19. On February 3, 2008, at approximately 7:22 p.m., GREGORY KACZMAREK telephoned Kerry Kirkem, a/k/a "Slim", a/k/a "K", and left him a voicemail message asking that Kirkem call him

back.

20. On February 4, 2008, at approximately 2:00 p.m., Kerry Kirkem, a/k/a "Slim", a/k/a "K", telephoned GREGORY KACZMAREK's cellular telephone and left a voicemail message asking that GREGORY KACZMAREK call him back to discuss a possible cocaine transaction.

21. On February 4, 2008, at approximately 2:25 p.m., Kerry Kirkem, a/k/a "Slim", a/k/a "K", telephoned GREGORY KACZMAREK's cellular telephone and got the voicemail, but did not leave a message.

22. On February 5, 2008, at approximately 1:52 p.m., in a coded and cryptic telephone conversation, LISA KACZMAREK informed Kerry Kirkem, a/k/a "Slim", a/k/a "K", that Kirkem could stop by her residence the following morning to give her cocaine, and that she had money for Kirkem in order to pay for the cocaine Kirkem previously provided to LISA KACZMAREK and GREGORY KACZMAREK.

23. On February 6, 2008, at approximately 11:16 a.m., in a coded and cryptic telephone conversation, Kerry Kirkem, a/k/a "Slim", a/k/a "K", directed Ronald Hughes, a/k/a "Ron", to package two bags each containing one-eighth ounce of cocaine and to make them good, chunky, bags of cocaine since they were "for the Chief".

24. On February 6, 2008, at approximately 11:20 a.m., in a coded and cryptic telephone conversation, Ronald Hughes, a/k/a "Ron", informed Kerry Kirkem that he was done packaging the two "eight-balls" of cocaine.

25. On February 6, 2008, at approximately 11:21 a.m., Kerry Kirkem, a/k/a "Slim", a/k/a "K", called the home telephone of GREGORY and LISA KACZMAREK but did not leave a message when he got the answering machine.

26. On February 6, 2008, at approximately 11:22 a.m., in a coded and cryptic telephone conversation, Kerry Kirkem, a/k/a "Slim", a/k/a "K", called LISA KACZMAREK on her cellular telephone to inform her that he had her cocaine ready for delivery. LISA KACZMAREK indicated that she would call Kirkem

right back.

27. On February 6, 2008, at approximately 11:24 a.m., in a coded and cryptic telephone conversation, LISA KACZMAREK informed Kerry Kirkem, a/k/a "Slim", a/k/a "K", that she was on her way home in the event that Kirkem wanted to meet her at her residence in order to give her the cocaine.

28. On February 6, 2008, at approximately 11:36 a.m., in a coded and cryptic telephone conversation, Kerry Kirkem, a/k/a "Slim", a/k/a "K", informed Ronald Hughes, a/k/a "Ron", that he was on his way to Hughes' residence to pick up the two "eight-balls" of cocaine.

29. On February 6, 2008, at approximately 11:42 a.m., in a coded and cryptic telephone conversation, Kerry Kirkem advised LISA KACZMAREK that he was coming to her house to drop off the cocaine and that he had Miles Smith in the car with him.

30. On February 6, 2008, at approximately 11:42 a.m., in a coded and cryptic telephone conversation, LISA KACZMAREK advised Kerry Kirkem, a/k/a "Slim", a/k/a "K", that she did not want him to drop off cocaine to her while Miles Smith was with Kirkem, but that she would be home all day and that Kirkem could drop off the cocaine later in the day.

31. On February 6, 2008, at approximately 12:20 p.m., in a coded and cryptic telephone conversation, LISA KACZMAREK informed Kerry Kirkem, a/k/a "Slim", a/k/a "K", that she did not want Kirkem to drop off cocaine to her earlier in the day while Miles Smith was with Kirkem because she did not want Miles Smith to know she was selling cocaine.

32. On February 6, 2008, Kerry Kirkem, a/k/a "Slim", a/k/a "K", sold cocaine to GREGORY and LISA KACZMAREK.

33. On or about February 9, 2008, LISA KAZMAREK paid Kerry Kirkem, a/k/a "Slim", a/k/a "K", for the cocaine Kirkem sold to GREGORY and LISA KACZMAREK on or about February 6, 2008.

34. On February 16, 2008, at approximately 9:21 p.m., in a coded and cryptic telephone conversation, LISA KACZMAREK informed Kerry Kirkem, a/k/a "Slim", a/k/a "K", that she would purchase

further cocaine from him only if she could try it first.

35. On February 16, 2008, at approximately 9:21 p.m., in a coded and cryptic telephone conversation, Kerry Kirkem, a/k/a "Slim", a/k/a "K", informed LISA KACZMAREK that his new supply of cocaine was very high quality and would boost the KACZMAREK'S business.

36. On February 17, 2008, at approximately 1:44 p.m., in a coded and cryptic telephone conversation, GREGORY KACZMAREK told Kerry Kirkem, a/k/a "Slim", a/k/a "K", that LISA KACZMAREK told GREGORY KACZMAREK to call Kirkem because Kirkem had better quality cocaine.

37. On February 17, 2008, at approximately 1:44 p.m., in a coded and cryptic telephone conversation, Kerry Kirkem, a/k/a "Slim", a/k/a "K", informed GREGORY KACZMAREK that he did not yet have the better quality cocaine and that he would call GREGORY KACZMAREK or LISA KACZMAREK once he obtained the new, better quality, cocaine.

38. On February 17, 2008, at approximately 4:54 p.m., in a coded and cryptic telephone conversation, Kerry Kirkem, a/k/a "Slim", a/k/a "K", informed LISA KACZMAREK that he would obtain his new supply of high quality cocaine in the very near future and that the high quality of the cocaine would "bring back" LISA KACZMAREK'S customers.

39. On February 17, 2008, at approximately 4:54 p.m., in a coded and cryptic telephone conversation, LISA KACZMAREK asked Kerry Kirkem, a/k/a "Slim", a/k/a "K", if he had any cocaine that he could give her at that time.

40. On February 17, 2008, at approximately 4:54 p.m., in a coded and cryptic telephone conversation, Kerry Kirkem, a/k/a "Slim", a/k/a "K", informed LISA KACZMAREK that he did not have any cocaine that he could give her at that time, as Kirkem had already given all of his cocaine to his workers for distribution.

41. On February 18, 2008, at approximately 11:17 a.m., in a coded and cryptic telephone conversation, LISA KACZMAREK informed Kerry Kirkem, a/k/a "Slim", a/k/a "K", that she wanted to

obtain cocaine from Kirkem before she went to work.

42. On February 18, 2008, at approximately 11:17 a.m., in a coded and cryptic telephone conversation, Kerry Kirkem, a/k/a "Slim", a/k/a "K", informed LISA KACZMAREK that he was "sold out" of cocaine, that he could not provide LISA KACZMAREK with cocaine at that time, but that he would call LISA KACZMAREK just as soon as his new shipment of cocaine arrived.

43. On February 18, 2008, at approximately 12:47 p.m., in a coded and cryptic telephone conversation, LISA KACZMAREK informed Kerry Kirkem, a/k/a "Slim", a/k/a "K", that she heard his new cocaine was excellent quality and that she was mad Kirkem did not give her any of the high quality cocaine.

44. On February 18, 2008, at approximately 12:49 p.m., in a coded and cryptic telephone conversation, LISA KACZMAREK told Kerry Kirkem, a/k/a "Slim", a/k/a "K", that Kirkem ruined her business with his previous shipment of low quality cocaine.

45. On February 18, 2008, at approximately 12:49 p.m., in a coded and cryptic telephone conversation, Kerry Kirkem, a/k/a "Slim", a/k/a "K", informed LISA KACZMAREK that he would get some more high quality cocaine in the near future.

46. On February 18, 2008, at approximately 12:53 p.m., in a coded and cryptic telephone conversation, LISA KACZMAREK complained to Kerry Kirkem, a/k/a "Slim", a/k/a "K", about the low quality cocaine Kirkem previously supplied to her, but indicated to Kirkem that she did manage to sell some of it to her customers despite the low quality of the cocaine.

47. On February 18, 2008, at approximately 12:53 p.m., in a coded and cryptic telephone conversation, LISA KACZMAREK informed Kerry Kirkem, a/k/a "Slim", a/k/a "K", that her husband, GREGORY KACZMAREK, would transport cocaine for Kirkem and, as an ex-police officer, GREGORY KACZMAREK would "flash his badge" if the need arose.

48. On February 19, 2008, in a coded and cryptic telephone conversation, Kerry Kirkem, a/k/a "Slim", a/k/a "K", agreed to purchase over eight ounces of cocaine from Maximo Doe, a/k/a

"Max".

49. On February 19, 2008, Maximo Doe, a/k/a "Max", cooked powder cocaine into crack cocaine for Kerry Kirkem, a/k/a "Slim", a/k/a "K", and Oscar Mora, a/k/a "O".

50. On February 20, 2008, Maximo Doe, a/k/a "Max", sold over eight ounces of cocaine to Kerry Kirkem, a/k/a "Slim", a/k/a "K", and Oscar Mora, a/k/a "O".

51. On February 20, 2008, Maximo Doe, a/k/a "Max", gave Misty Gallo over eight ounces of cocaine so that she could transport it to Schenectady County for Kerry Kirkem, a/k/a "Slim", a/k/a "K".

52. On February 20, 2008, Misty Gallo transported over eight ounces of cocaine from Long Island toward Schenectady County, New York.

53. On February 20, 2008, at approximately 12:01 p.m., in a coded and cryptic telephone conversation, LISA KACZMAREK asked Kerry Kirkem, a/k/a "Slim", a/k/a "K", if he had any cocaine that he could supply to her.

54. On February 20, 2008, at approximately 12:01 p.m., in a coded and cryptic telephone conversation, Kerry Kirkem, a/k/a "Slim", a/k/a "K", informed LISA KACZMAREK that he did not have any cocaine to give her, but that Misty Gallo was "down there right now".

55. On February 20, 2008, Misty Gallo possessed approximately nine-hundred grams of cocaine which was seized by the police.

56. On February 20, 2008, at approximately 9:40 p.m., in a coded and cryptic telephone conversation, Kerry Kirkem, a/k/a "Slim", a/k/a "K", informed LISA KACZMAREK that he lost one-hundred and fifty-thousand dollars worth of drugs and that he wanted to meet with her and GREGORY KACZMAREK to discuss the details surrounding the police seizing the cocaine and other narcotics from the drug organization earlier in the day, and how to proceed with their drug organization in view of that police seizure.

57. On or about February 20, 2008, Kerry Kirkem met with LISA KACMAREK and GREGORY KACZMAREK to discuss how the drug organization should proceed in view of the police seizure.

58. On or about February 20, 2008, GREGORY KACZMAREK advised Kerry Kirkem that Kirkem should move his "stash houses", change his telephone numbers and "fire" Misty Gallo, in light of the recent police seizure.

59. On or between February 21, 2008, and February 26, 2008, Miles Smith and Gary Cherny moved a safe used to store and conceal cash, weapons, cocaine and other narcotics, from the "stash house" of Leah Armenia, located at 206 Union Street, Apartment #9, Schenectady, New York, to the "stash house" of Gary Cherny, located at 1822 Avenue A, Third Floor Apartment, Schenectady, New York.

60. On February 22, 2008, at approximately 3:20 p.m., in a coded and cryptic telephone conversation, GREGORY KACZMAREK asked Kerry Kirkem, a/k/a "Slim", a/k/a "K", if Kirkem had cocaine and was "doing anything yet", because GREGORY KACZMAREK did not want to miss weekend business.

61. On February 22, 2008, at approximately 3:20 p.m., in a coded and cryptic telephone conversation, Kerry Kirkem, a/k/a "Slim", a/k/a "K", informed GREGORY KACZMAREK that he would not have cocaine until the following day.

62. On or about February 23, 2008, at approximately 6:49 p.m., in a coded and cryptic telephone conversation, LISA KACZMAREK asked Kerry Kirkem, a/k/a "Slim", a/k/a "K", if Kirkem had any cocaine he could supply to her.

63. On or about February 23, 2008, at approximately 6:49 p.m., in a coded and cryptic telephone conversation, Kerry Kirkem, a/k/a "Slim", a/k/a "K", advised LISA KACZMAREK that he did not have any cocaine but that he might get a new supply of cocaine that night.

64. On or about February 25, 2008, Kerry Kirkem, a/k/a "Slim", a/k/a "K", purchased a new cellular telephone to utilize in furtherance of his drug organization.

65. On or about February 25, 2008, at approximately 2:12 p.m., in a coded and cryptic telephone conversation, LISA KACZMAREK asked Kerry Kirkem, a/k/a "Slim", a/k/a "K", if Kirkem was back selling cocaine and whether she could obtain cocaine from any of the sales locations utilized by the drug organization.

66. On or about February 25, 2008, at approximately 2:12 p.m., in a coded and cryptic telephone conversation, Kerry Kirkem, a/k/a "Slim", a/k/a "K", advised LISA KACZMAREK that he was "laying low on everything" and that LISA KACZMAREK would also be unable to obtain cocaine from the sales locations utilized by the drug organization.

## **COUNT 2**

THE GRAND JURY OF THE COUNTY OF SCHENECTADY, by this Indictment, accuses the above-named defendants, GREGORY KACZMAREK AND LISA KACZMAREK, of the crime of CONSPIRACY IN THE SIXTH DEGREE, in violation of Section 105.00 of the Penal Law of the State of New York, a Class B Misdemeanor, committed as follows:

That the said defendants, GREGORY KACZMAREK AND LISA KACZMAREK, and others known to the Grand Jury, in Schenectady County and elsewhere in the State of New York, from on or about January 1, 2008, until on or about March 12, 2008, with intent that conduct constituting the crime of Criminal Sale of Marijuana in the Fourth Degree in violation of section 221.40 of the Penal Law, be performed, did knowingly and unlawfully agree with each other and with others, known and unknown, to engage in and cause

the performance of such conduct as would constitute the above-mentioned crime.

**PREAMBLE**

It was the purpose of this conspiracy to sell marijuana in the Schenectady County area, and surrounding areas, and to collect the proceeds from those marijuana transactions.

It was also part of the conspiracy for Kerry Kirkem, a/k/a "Slim", a/k/a "K", to direct GREGORY KACZMAREK, LISA KACZMAREK, and several other known and unknown individuals regarding the receipt of marijuana, the delivery of marijuana to customers and the collection and delivery of the proceeds of illegal marijuana sales.

It was also part of the conspiracy for Kerry Kirkem, a/k/a "Slim", a/k/a "K", to deliver marijuana to GREGORY KACZMAREK, LISA KACZMAREK, and several other people both known and unknown, who would then sell the marijuana.

It was also part of the conspiracy for Kerry Kirkem, a/k/a "Slim", a/k/a "K", to collect money from GREGORY KACZMAREK, LISA KACZMAREK, and several other people both known and unknown, that they generated through marijuana sales.

It was also part of the conspiracy for several individuals, both known and unknown, to supply Kerry Kirkem, a/k/a "Slim", a/k/a "K", with the marijuana that was sold by members of the marijuana distribution conspiracy in Schenectady and surrounding areas.

It was also part of the conspiracy for GREGORY KACZMAREK, LISA KACZMAREK, and several other people, both known and unknown, to obtain marijuana from Kerry Kirkem, a/k/a "Slim", a/k/a "K", and then redistribute that marijuana to customers in Schenectady County and surrounding areas.

It was also part of the conspiracy for members of the

conspiracy to communicate with each other and others over telephones and cellular telephones using codes and speaking in a guarded and cryptic manner.

#### **OVERT ACTS**

In furtherance of the conspiracy and to effect the objects thereof, from on or about January 1, 2008, to on or about March 12, 2008, the following overt acts, among others, were committed:

1. On February 3, 2008, at approximately 2:03 p.m., in a coded and cryptic telephone conversation, GREGORY KACZMAREK asked Kerry Kirkem, a/k/a "Slim", a/k/a "K", if Kirkem had any marijuana that he could provide to KACZMAREK, and that he was only looking for enough for their his and LISA KACZMAREK'S personal use.

2. On February 3, 2008, at approximately 2:03 p.m., in a coded and cryptic telephone conversation, Kerry Kirkem, a/k/a "Slim", a/k/a "K", informed GREGORY KACZMAREK that he would have to check to see if he had marijuana available to provide to GREGORY AND LISA KACZMAREK.

3. On February 5, 2008, at approximately 1:52 p.m., in a coded and cryptic telephone conversation, LISA KACZMAREK informed Kerry Kirkem, a/k/a "Slim", a/k/a "K", that she had the three-hundred dollars from GREG KACZMAREK'S cocaine sales, and one-hundred and twenty dollars from her own marijuana sales, available for pickup by Kirkem. LISA KACZMAREK also informed Kirkem that he should provide her with another four or five bags of marijuana because she would be able to sell it.

4. On February 6, 2008, at approximately 1:54 p.m., in a coded and cryptic telephone conversation, Kerry Kirkem, a/k/a "Slim", a/k/a "K", informed LISA KACZMAREK that he had marijuana available for her to pick up.

5. On February 6, 2008, at approximately 1:54 p.m., in a coded and cryptic telephone conversation, LISA KACZMAREK told

Kerry Kirkem, a/k/a "Slim", a/k/a "K", that she would pick up the marijuana no later than Friday, as she had to have it by Friday.

6. On February 11, 2008, at approximately 10:45 a.m., in a coded and cryptic telephone message, LISA KACZMAREK stated that she needed to see Kerry Kirkem, a/k/a "Slim", a/k/a "K", about the marijuana.

7. On February 11, 2008, at approximately 12:28 p.m., in a coded and cryptic telephone message, LISA KACZMAREK stated that she needed to see Kerry Kirkem, a/k/a "Slim", a/k/a "K", about the marijuana before 2:00 p.m. that day.

8. On February 18, 2008, at approximately 11:17 a.m., in a coded and cryptic telephone conversation, Kerry Kirkem, a/k/a "Slim", a/k/a "K", asked LISA KACZMAREK how she was doing with her marijuana sales.

9. On February 18, 2008, at approximately 11:17 a.m., in a coded and cryptic telephone conversation, LISA KACZMAREK informed Kerry Kirkem, a/k/a "Slim", a/k/a "K", that she had three bags of marijuana left to sell.

### COUNT 3

THE GRAND JURY OF THE COUNTY OF SCHENECTADY, by this Indictment, further accuses the above-named defendants, GREGORY KACZMAREK and LISA KACZMAREK, each acting in concert with the other and others, of the crime of CRIMINAL POSSESSION OF A CONTROLLED SUBSTANCE IN THE FOURTH DEGREE, in violation of Section 220.09 (Subdivision 1) of the Penal Law of the State of New York, a Class C Felony, committed as follows:

That the said defendants, in the County of Schenectady, State of New York, on or about the <sup>2nd</sup> day of February 2008, did knowingly and unlawfully possess one or more preparations, compounds, mixtures or substances containing the narcotic drug cocaine and the preparations, compounds, mixtures or substances weighed one-eighth ounce or more.

COUNT 4

THE GRAND JURY OF THE COUNTY OF SCHENECTADY, by this Indictment, further accuses the above-named defendants, GREGORY KACZMAREK and LISA KACZMAREK, each acting in concert with the other and others, of the crime of CRIMINAL POSSESSION OF A CONTROLLED SUBSTANCE IN THE THIRD DEGREE, in violation of Section 220.16 (Subdivision 1) of the Penal Law of the State of New York, a Class B Felony, committed as follows:

That the said defendants, in the County of Schenectady, State of New York, on or about the 2<sup>nd</sup> day of February 2008, did knowingly and unlawfully possess the narcotic drug cocaine with the intent to sell it.

COUNT 5

THE GRAND JURY OF THE COUNTY OF SCHENECTADY, by this Indictment, further accuses the above-named defendants, GREGORY KACZMAREK and LISA KACZMAREK, each acting in concert with the other and others, of the crime of CRIMINAL POSSESSION OF A CONTROLLED SUBSTANCE IN THE FOURTH DEGREE, in violation of Section 220.09 (Subdivision 1) of the Penal Law of the State of New York, a Class C Felony, committed as follows:

That the said defendants, in the County of Schenectady, State of New York, on or about the 6<sup>th</sup> day of February 2008, did knowingly and unlawfully possess one or more preparations, compounds, mixtures or substances containing the narcotic drug cocaine and the preparations, compounds, mixtures or substances weighed one-eighth ounce or more.

COUNT 6

THE GRAND JURY OF THE COUNTY OF SCHENECTADY, by this Indictment, further accuses the above-named defendants, GREGORY KACZMAREK and LISA KACZMAREK, each acting in concert with the other and others, of the crime of CRIMINAL POSSESSION OF A CONTROLLED SUBSTANCE IN THE THIRD DEGREE, in violation of Section 220.16 (Subdivision 1) of the Penal Law of the State of New York, a Class B Felony, committed as follows:

That the said defendants, in the County of Schenectady, State of New York, on or about the 6<sup>0</sup> day of February 2008, did knowingly and unlawfully possess the narcotic drug cocaine with the intent to sell it.

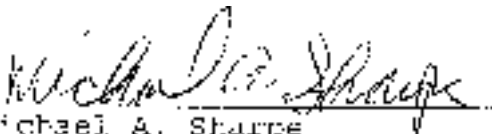
Dated: September 24, 2008

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Grand Jury ForekerLon

ROBIN L. BAKER  
Deputy Attorney General of the  
N.Y.S. Organized Crime Task Force

By:

  
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Michael A. Sharpe  
Assistant Deputy Attorney General