

**Ex. 30**

WARRANT FOR ARREST

Unit. <del>State District Court</del> <b>UNITED STATES OF AMERICA</b> v. <b>DOMENIC FRANZA</b> <i>aka "Julio Ortiz"</i>		DISTRICT <b>SOUTHERN DISTRICT OF NEW YORK</b>	
WARRANT ISSUED ON THE BASIS OF: <input type="checkbox"/> Indictment <input type="checkbox"/> Information <input type="checkbox"/> Order of Court <input type="checkbox"/> Complaint		DOCKET NO.	MAGISTRATE CASE NO.
TO: <b>UNITED STATES MARSHAL OR ANY OTHER AUTHORIZED OFFICER</b>		NAME AND ADDRESS OF INDIVIDUAL TO BE ARRESTED <b>DOMENIC FRANZA</b> <b>3320 BARKER AVENUE</b> <b>BRONX, NEW YORK</b>	
		DISTRICT OF ARREST CITY	

YOU ARE HEREBY COMMANDED to arrest the above-named person and bring that person before the nearest available magistrate to answer to the charge(s) listed below.

DESCRIPTION OF CHARGES

UNLAWFUL TRANSPORTATION OF DESTRUCTIVE DEVICE  
TITLE 18, UNITED STATES CODE, SECTION 922(a), 922(b)(4) and 2.

IN VIOLATION OF	UNITED STATES CODE TITLE	SECTION
		5022(a), 922(b)(4)
BAIL FIXED BY COURT	OTHER CONDITIONS OF RELEASE	
	<i>S. Karlson A. Lee</i>	
ORDERED BY	SIGNATURE (OF JUDGE, MAGISTRATE)	DATE
	<i>S. Karlson A. Lee</i> United States Magistrate Judge Southern District of New York	FEB 13 1991
CLERK OF COURT	(BY) DEPUTY CLERK	DATE ISSUED
<b>RAYMOND F. BURGHARDT</b>		FEB 13 1991

RETURN

1823

This warrant was received and executed with the arrest of the above-named person.

DATE RECEIVED 2/14/91	NAME AND TITLE OF ARRESTING OFFICER <i>Richard Purjes</i> Correction Officer #5509	SIGNATURE OF ARRESTING OFFICER
DATE EXECUTED		

WARRANT FOR ARREST

<b>United States District Court</b>		DISTRICT <b>SOUTHERN DISTRICT OF NEW YORK</b>	
UNITED STATES OF AMERICA v.		DOCKET NO.	MAGISTRATE CASE NO.
DOMENIC FRANZA a/k/a "Julio Ortiz"		NAME AND ADDRESS OF INDIVIDUAL TO BE ARRESTED DOMENIC FRANZA 3320 BARKER AVENUE BRONX, NEW YORK	
WARRANT ISSUED ON THE BASIS OF: <input type="checkbox"/> Indictment <input type="checkbox"/> Information <input type="checkbox"/> Order of Court <input type="checkbox"/> Complaint		FILED FEB 13 1991 S. D. OF N. Y.	
TO: UNITED STATES MARSHAL OR ANY OTHER AUTHORIZED OFFICER		DISTRICT OF ARREST CITY	

DOC # 24R

YOU ARE HEREBY COMMANDED to arrest the above-named person and bring that person before the nearest available magistrate to answer to the charge(s) listed below.

DESCRIPTION OF CHARGES

UNLAWFUL TRANSPORTATION OF DESTRUCTIVE DEVICE  
TITLE 18, UNITED STATES CODE, SECTION 922(e), 922(b)(4) and 2.

IN VIOLATION OF	UNITED STATES CODE TITLE	SECTION
ALL FIXED BY COURT	OTHER CONDITIONS OF RELEASE	§ 922(e), 922(b)(4)
ORDERED BY	SIGNATURE (JUDGE / MAGISTRATE) <i>Barbara A. Lee</i> BARBARA A. LEE United States Magistrate Judge Southern District of New York	DATE FEB 13 1991
CLERK OF COURT	(BY) DEPUTY CLERK	DATE ISSUED FEB 13 1991
RAYMOND F. BURGHARDT		

RETURN

This warrant was received and executed with the arrest of the above-named person.

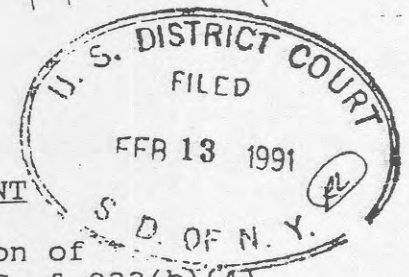
RECEIVED	NAME AND TITLE OF ARRESTING OFFICER	SIGNATURE OF ARRESTING OFFICER
EXECUTED 407		

ORIGINAL 18  
IKR

Approved: Sharon L. Davies  
SHARON L. DAVIES  
Assistant United States Attorney

Before: BARBARA A. LEE  
HONORABLE ~~LEONARD BERNIKOW~~  
United States Magistrate Judge  
Southern District of New York

91-317



-----X  
UNITED STATES OF AMERICA, :  
 :  
 -v- :  
 :  
 DOMENIC M. FRANZA :  
 a/k/a "Julio Ortiz," :  
 :  
 Defendant. :  
 :  
 -----X

COMPLAINT

Violation of  
18 U.S.C. § 922(b)(4),  
922(e) and 2.

COUNTY OF OFFENSE:  
NEW YORK

STATE OF NEW YORK )  
COUNTY OF NEW YORK :ss.:  
SOUTHERN DISTRICT OF NEW YORK )

CARRIE A. DIPIRRO, being duly sworn, deposes and says that she is a Special Agent with the Bureau of Alcohol, Tobacco and Firearms ("ATF"), United States Department of the Treasury, and charges as follows:

COUNT ONE

Between on or about February 4, 1991 and on or about February 8, 1991, in the Southern District of New York and elsewhere, DOMENIC FRANZA, the defendant, a licensed firearms dealer, unlawfully, wilfully and knowingly did cause the delivery of a destructive device to a person, without the specific authorization of the Secretary of the Treasury, to wit, defendant caused Federal Express to transport a bomb from New York, New York, to a person in Puerto Rico.

(Title 18, United States Code, Sections 922(b)(4) and 2).

COUNT TWO

Between on or about February 4, 1991 and on or about February 8, 1991, in the Southern District of New York and elsewhere, DOMENIC FRANZA, the defendant, unlawfully, wilfully and knowingly did cause to be delivered to a common carrier and contract carrier for transportation and shipment in interstate or foreign commerce, to a person other than a licensed importer,

licensed manufacturer, licensed dealer, and licensed collector, a package and other container in which there was a firearm, without written notice to the carrier that such firearm was being transported and shipped, to wit, defendant caused Federal Express to transport, without notification, from New York, New York to Puerto Rico, a package containing a pipe bomb.

(Title 18, United States Code, Section 922(e) and 2).

The bases for my knowledge and for the foregoing are, in part, as follows:

1. Since on or about February 11, 1991, I and other agents of the ATF have been involved in an investigation of DOMENIC FRANZA, the defendant, and the unlawful transportation of a pipe bomb from New York, New York to a person in Puerto Rico.

2. In the course of this investigation, I have learned through my own direct participation in the investigation, and from other Special Agents of the ATF, that DOMENIC FRANZA, the defendant, is a federally licensed firearms dealer who has listed his place of business as his residence at 3320 Barker Avenue, Bronx, New York. As a federally licensed firearms dealer, DOMENIC FRANZA, the defendant is authorized to deal in firearms. However, FRANZA'S firearms dealer license does not authorize him to transport destructive devices, such as a pipe bomb, in interstate or foreign commerce.

3. In the course of this investigation, a detective of the New York City Police Department ("NYPD") informed Gerald T. Raffa, the supervisor for ATF's Arson and Explosives Group, in substance and in part, of the following:

a. In late June, 1990, Myra Mendez Franza was having severe marital problems with her husband, DOMENIC FRANZA, the defendant, and that at or around that time she left him.

b. On or about July 17, 1990, in the evening, a man carrying a dozen roses knocked on the door of the residence where DOMENIC FRANZA'S wife and mother-in-law were living. Josephine Mendez, the mother of Myra Mendez Franza, opened the door and the man shot her three times. The man then proceeded to the bathroom and shot Myra Mendez Franza once. Both survived. Before leaving the apartment, the man dropped the flowers and a handwritten note that had been affixed to the box that contained the flowers. The note listed the victims' address and Myra Mendez Franza's name.

c. Subsequent to this shooting, Myra Mendez Franza informed the NYPD that she believed that her husband had sent

the man who shot her and her mother. At the request of the NYPD, DOMENIC FRANZA, the defendant, provided the NYPD handwriting exemplars.

d. On or about August 27, 1990, the NYPD's Documents Section determined that the handwriting on the note that had been dropped in the apartment by the gunman on the day of the shooting matched the handwriting exemplars provided by DOMENIC FRANZA, the defendant.

e. On or about August 11, 1990, a pipe bomb was left outside the door of the home of Nelson Dacosta Mendez, the brother of DOMENIC FRANZA's wife. The bomb was found by the superintendent of the building, who notified the NYPD. The bomb was a pipe 1 and 1/2 inches in diameter by 6 inches long, filled with an explosive which could have been detonated by a firing mechanism attached to the bomb.

f. On or about February 6, 1991, Josephine Mendez received two letters at her residence. One of the letters was addressed to "Nelson Dacosta, c/o Josephine Mendez," the other was addressed to "Myra Franza and Josephine Mendez." Nelson Dacosta has informed the NYPD that only members of his immediate family use his middle name "Dacosta" when referring to him. That group would include his mother, his sister, his brother and his brother-in-law DOMENIC FRANZA, the defendant. In the upper left hand corner of the envelopes containing the letters was the handwritten return address "Julio Ortiz, 750 West 181st Street, New York, New York 10033." The ATF has determined that this is actually the address for a jewelry repair shop, and that no one by the name of "Julio Ortiz" works at that shop.

g. In the letter to Josephine Mendez and Myra Franza, the author of the letter threatened to kill both women, and Josephine Mendez's husband. In the letter addressed to Nelson Mendez, the author threatened to kill the entire Mendez family, whether living in the United States or in Puerto Rico. The letter also stated that the author had sent a "present" to Nelson Mendez's grandmother, who lived in Puerto Rico. After examining the return addresses that had been printed by hand on the envelopes, Myra Mendez Franza told the NYPD that she believed the handwriting was that of her husband, DOMENIC FRANZA, the defendant.

h. On or about February 8, 1991, a relative of the grandmother of Myra and Nelson Mendez, picked up from the Federal Express company a Federal Express package addressed to the "Roman Family," in "Levittown, Catano, Puerto Rico." Myra and Nelson Mendez's grandmother goes by the name "Roman." In addition, the label on the Federal Express package listed Myra Mendez's grandmother's telephone number:

"1-809-784-1630." The sender of the package identified himself on the Federal Express label as "Julio Ortiz," with an address of "750 West 181st" Street in New York, New York. The relative, who had been previously warned by the Mendez's about the threats against the family, began to open the package and saw that it appeared to contain a bomb. The relative then called the Puerto Rico Police Department ("PRPD") and reported the discovery of the bomb.

i. Subsequently, the PRPD found that the package contained a pipe bomb, which the PRPD successfully defused. The bomb had been made out of a nine inch galvanized pipe, 2 and 1/2 inches in diameter, with grooved ends, galvanized end caps, an explosive powder filling, a fuse lighter, a pyrotechnic fuse, a trip wire, black electrical tape, all of which was contained in a Casio keyboard carrying case. The Casio carrying case had a serial number of 48200135809. In addition, the Federal Express package containing the bomb had been prepared with the following items: corrugated cardboard, a green magic marker, black plastic electrical tape, wooden pieces, sanitary napkins, plastic tape (2 inches wide; shiny in color), index cards (4 inches by 5 inches in width, cut in half), self-sealing clear plastic evidence bags (8 inches by 7 inches), white tape, and brown sealing tape.

j. On or about February 11, 1991, DOMENIC FRANZA, the defendant, was arrested by the NYPD and charged with the attempted murder of Josephine and Myra Mendez. In DOMENIC FRANZA's wallet at the time of his arrest was a piece of paper with the words: "Levittown" and the telephone number of Myra Mendez's grandmother in Puerto Rico "1-809-784-1630."

4. On or about the evening of February 11, 1991, a warrant was issued authorizing the search of the apartment of DOMENIC FRANZA, the defendant, at 3320 Barker Avenue, Bronx, New York, First Floor. The ATF executed that search warrant and seized a green magic marker, explosive powder, a piece of paper upon which the words "Julio Ortiz" had been written, black electrical tape, and other miscellaneous papers. Also observed, but not seized, at the time of the execution of the search warrant, were packages of firecrackers, grey duct paper and other papers that appeared to have been written upon in the defendant's normal handwriting.

WHEREFORE, deponent prays that a warrant issue for the arrest of the defendant, and that the defendant be imprisoned or released on bail as the case may be.

*Carrie J. DiPirro*

CARRIE DIPIRRO  
Special Agent  
Bureau of Alcohol, Tobacco and Firearms  
United States Department of  
The Treasury

Sworn to before me this  
13th day of February, 1991.

*Barbara A. Lee*

UNITED STATES MAGISTRATE JUDGE

BARBARA A. LEE  
United States Magistrate Judge  
Southern District of New York