

**IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF NEW YORK**

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**UNITED STATES OF AMERICA,  
Plaintiff,**

**Civil No. 1:11-CV-1130  
( LEK/RFT )**

**v.**

**One rhodium plated 14 carat gold men's  
fashion pendant,**

**Defendant.**

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**VERIFIED COMPLAINT OF FORFEITURE IN REM**

Plaintiff, United States of America, by its attorneys, Richard S. Hartunian, United States Attorney for the Northern District of New York, and Thomas A. Capezza, Assistant United States Attorney, brings this complaint and alleges as follows in accordance with Supplemental Rule G(2) of the Federal Rules of Civil Procedure.

**NATURE OF ACTION**

1. This is an action to forfeit and condemn to the use and benefit of the United States of America the following property: one rhodium plated 14 carat gold men's fashion pendant constituting proceeds of 21 U.S.C. § 881.

**THE DEFENDANT IN REM**

2. The defendant properties consist of the following: one rhodium plated 14

carat gold men's fashion pendant (*hereinafter referred to as defendant property*) seized from the apartment of Handiel Tesheira located at 2224 Crescent Road, Niskayuna, New York on or about May 13, 2007.

3. The defendant property is presently in the custody of the Drug Enforcement Administration.

#### **PROPERTY SEIZED**

4. The defendant property was seized from within an apartment located at 2224 Crescent Road, Schenectady, New York.

#### **JURISDICTION AND VENUE**

5. Plaintiff brings this action *in rem* in its own right to forfeit and condemn the defendant currency. This Court has jurisdiction over an action commenced by the United States under 28 U.S.C. § 1345, and over an action for forfeiture under 28 U.S.C. §1355(a).

6. This Court has *in rem* jurisdiction over the defendant property under 28 U.S.C. 1355(b). Upon the filing of this complaint, the plaintiff requests that the Court issue an arrest warrant *in rem* pursuant to Supplemental Rule G(3)(b), which the plaintiff will execute upon the property pursuant to 28 U.S.C. § 1355(d) and Supplemental Rule G(3)(C).

7. Venue is proper in this district pursuant to 28 U.S.C. § 1355 and 1395, because the acts or omissions giving rise to the forfeiture occurred in this district.

### **BASIS FOR FORFEITURE**

8. The defendant currency and defendant property are subject to forfeiture pursuant to 21 U.S.C. § 881(a)(6) because it constitutes:

a) money, negotiable instruments, securities and other things of value furnished or intended to be furnished in exchange for a controlled substance or listed chemical in violation of this subchapter; and/or

b) proceeds traceable to such an exchange; and/or

c) money, negotiable instruments, and securities used and intended to be used to facilitate any violation of this subchapter.

### **FACTS**

9. In early 2007, the Niskayuna Police Department received complaints from neighbors in and around an apartment building located at 2224 Crescent, Road, Schenectady, New York, regarding a high volume of foot traffic coming in and out of the building and noise complaints.

10. In or about March, 2007, a Niskayuna police detective was assigned to observe the apartment building and on several occasions during the course of the detectives's investigation, the detective observed a male, driving a red Acura visit the apartment building located at 2224 Crescent Road, Schenectady, New York.

11. On or about May 11, 2007, the detective observed the same male individual exit the apartment building carrying an off-white bag with a dark colored object inside and drive away in the red Acura.

12. At approximately 4:30 p.m., the same Red Acura bearing NY registration DSD3132 was stopped by a Niskayuna Patrol Officer at the intersection of Nott and Dean

Streets for failure to stop at a stop sign. The operator of the vehicle was identified through his driver's license, as Gregory J. Trantham (*hereinafter Trantham*). When questioned as to where he was coming from, Trantham stated that he was coming from his friend "Al Tesheiras" house.

13. Additional officers arrived at the scene of the traffic stop, one of which was the Niskayuna police detective. The detective recognized Trantham as the individual he had seen leaving the residence at 2224 Crescent Road, Schenectady on several occasions.

14. A field sobriety test was administered on Trantham. Trantham failed the field sobriety test and was subsequently arrested for DWAI.

15. Following Trantham's arrest, prior to impounding the vehicle, an inventory of the vehicle was conducted. The two officers conducting the inventory observed an off-white bag on the front passenger floor of the vehicle containing a dark object. Inside the off-white plastic bag was a black thermal bag and located inside the black thermal bag were seven clear baggies containing an off-white chunky substance, which later field tested positive for cocaine. Aggregate weight of the baggies was 647.10 grams.

16. On or about May 11, 2007, the Niskayuna police department applied for and were granted a search warrant by the Hon. Daniel Burns, Niskayuna Town Justice, for the apartment of Handiel A. Tesheira a/k/a Al Tesheira (*hereinafter referred to as Tesheira*) located at 2224 Crescent Road, Schenectady, New York.

17. On or about May 12, 2007, officers executed the search warrant at Tesheira's apartment located at 2224 Crescent Road, Schenectady, New York; no one was home at the time.

The following property was seized from Tesheira's bedroom:

A. Under the mattress officers found 2 handguns: one Hi-Point Model C9 9mm handgun and one Bryco Arms 9 mm handgun; and

B. In a drawer of the headboard of Teshira's bed, officer's found an amount of currency totaling \$25,400.00 in U.S. Currency; and

C. The subject rhodium plated men's fashion pendant, along with, one mens Breitling diamond watch, one diamond bracelet and one 29.00 Carat diamond necklace and one box of Winchester 9 mm Luger ammunition were found in Teshira's bedroom.

18. \$500.00 in U.S. Currency was found on the kitchen table.

19. Teshiera was not home at the time the search warrant was executed and the vehicle registered to him, a black Acura was missing from his garage.

20. At the time of this investigation, Tesheira was serving a term of supervised release based on a drug conviction.

### **CRIMINAL HISTORY**

21. On November 16, 1994, Tesheira was convicted of Attempted Robbery-1<sup>st</sup> Degree and was sentenced to a term of 18-54 months.

22. On January 3, 1995, Tesheira was convicted of Criminal Possession of a Loaded Firearm was sentenced to a term of 1 to 3 years

23. On February 3, 2000, Tesheira pled guilty in U.S. District Court, Northern District of New York (99-CR-230) to distribution of crack cocaine and was sentenced to 84 months in prison and 4 years supervised release.

24. At the time of this incident, Handiel Tesheira a/k/a Al Tesheira was not

arrested. United States District Court, Judge Lawrence E. Kahn, issued a warrant for Tesheira's arrest on or about May 14, 2007. Tesheira continues to be a fugitive.

25. According to Statute 28 USC § 2466, a judicial office may disallow a person from using the resources of the Courts of the United States in furtherance of a claim in any related civil forfeiture action or a claim in third party proceedings in any related criminal forfeiture action upon a finding that such person:

(1) After notice of knowledge of the fact that a warrant or process has been issued for his apprehension, in order to avoid criminal prosecution:

(A) purposely leaves the jurisdiction of the United States;

(B) declines to enter or reenter the United States to submit to its jurisdiction; or

(C) otherwise evades the jurisdiction of the Court in which a criminal case is pending against the person; and

(2) Is not confined or held in custody in any other jurisdiction for commission of criminal conduct in that jurisdiction.

#### **POTENTIAL CLAIMANTS**

26. Upon information and belief, the person/s who may claim an interest in the defendant properties are not in the military service, are not infants or incompetent persons and are as follows:

*Handiel Tesheira  
a/k/a Al Jackson  
810 Midwoods Street, Apt. 4H  
Brooklyn, NY 11203*

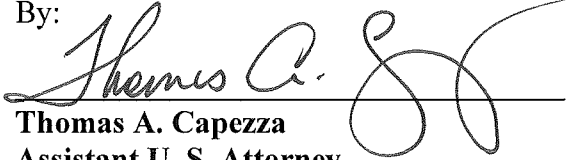
*Isabelle Jackson  
810 Midwoods Street, Apt. 4H  
Brooklyn, NY 11203*

*Handiel Tesheira*  
*11 Elbert Street*  
*Schenectady, New York 12304*

**WHEREFORE**, the United States of America prays that process of issue in due form of law, according to the course of this Court in actions *in rem*, against the defendant currency and that a warrant issue for the arrest of the defendant as more particularly described herein; that all persons having any interest therein be cited to appear herein and answer the complaint; that a judgment be entered declaring the defendant condemned and forfeited to the United States of America for disposition in accordance with law; that the costs of this suit be paid to and recovered by the United States of America; and that the United States be granted such other and further relief as this Court may deem just and proper.

**UNITED STATES OF AMERICA**  
**RICHARD S. HARTUNIAN**  
**Northern District of New York**  
**215 James T. Foley Courthouse**  
**445 Broadway**  
**Albany, New York 12207**  
**Telephone: (518) 431-0247**

By:

  
\_\_\_\_\_  
**Thomas A. Capezza**  
**Assistant U. S. Attorney**  
**Bar Roll No. 503159**

**VERIFICATION**

STATE OF NEW YORK )

) SS:

COUNTY OF *Albany* )

**Detective Gregory Vena**, being duly sworn, deposes and states:

I am a Detective with the Niskayuna Police Department. I have read the foregoing Complaint for Forfeiture and assert that the facts contained therein are true to the best of my knowledge and belief, based upon knowledge possessed by me and/or on information received from other law enforcement officers.

Dated:

*Det. Greg Vena #40*  
\_\_\_\_\_  
**Detective Gregory Vena**  
**Niskayuna Police Department**

Sworn to before me this  
*8<sup>th</sup>* day of September, 2011.

*Jessica Fereday*  
\_\_\_\_\_  
Notary Public

JESSICA FEREDAY  
Notary Public, State of New York  
No. 0150058283  
Qualified in ~~Albany~~ County  
Commission Expires January 8, 20 *15*