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**THREE QUEENS RESIDENTS CHARGED**  
**WITH TRAFFICKING IN COUNTERFEIT AND UNTAXED CIGARETTES**  
*Four Vehicles and 200,000 Untaxed Cigarettes Among Items Seized*

Queens District Attorney Richard A. Brown, joined by Acting New York State Department of Taxation and Finance Commissioner Barbara G. Billet, announced today that two Queens brothers and a third man have been charged with tax evasion and other crimes in connection with a scheme to sell untaxed cigarettes by using counterfeit tax stamps. As part of the investigation, authorities seized four motor vehicles allegedly used in the distribution of the untaxed cigarettes, more than 200,000 cigarettes, 14,000 counterfeit cigarette tax stamps and thousands of dollars in cash.

District Attorney Brown said, "As a result of these arrests, we have shut down a significant source of untaxed cigarettes and counterfeit tax stamps in Queens County. Selling untaxed cigarettes gives dishonest merchants an illegal and unfair advantage over their law-abiding competitors and robs the State and City of New York of much needed tax revenue. Based on information obtained during the investigation, it is alleged that those merchants who purchased untaxed cigarettes from the defendants for as little as \$2.50 per pack resold them to customers for \$5 to \$6 – as opposed to honest retailers who have to sell a pack of cigarettes for as much as \$7.50 in order to make a profit. The loss in tax revenue to the State and City is even more staggering. It is alleged that the defendants sold the counterfeit tax stamps for three cents apiece, which represented loss tax revenue of \$3.37 per pack."

Acting Commissioner Barbara G. Billet said, "We commend District Attorney Brown for upholding and enforcing New York State's tax laws. People who traffic in untaxed and counterfeit tobacco products deprive the public of tax revenue that helps support vital public health initiatives, as well as fostering other criminal activity related to these crimes. The Department of Taxation and Finance will continue to work with District Attorney Brown and the rest of the law enforcement community to protect the people of New York State."

District Attorney Brown identified the defendants as Onesimo Marcelino, 24, of 89-33 231<sup>st</sup> Street in Bellerose, his brother Ramon Marcelino, 18, of 111-04 142<sup>nd</sup> Street in Jamaica, and Roselio Duran, 30, of 111-04 Farmers Boulevard in Jamaica. The defendants have been charged with 14,027 counts of first-degree criminal possession of a forged instrument, three counts of criminal possession of forgery devices and various criminal violations of the State tax laws –including filing false returns, posing as a tobacco wholesaler and attempting to evade New York State tobacco product taxes. If convicted, they each face up to 15 years in prison.

District Attorney Brown said that a joint investigation by his Special Proceedings Bureau and the New York State Department of Taxation and Finance's Petroleum Alcohol and Tobacco Bureau began last month when information was developed about the alleged illegal activity. By conducting numerous surveillances, State tax investigators were able to locate where the defendants were allegedly applying counterfeit New York City/New York State cigarette tax stamps to cigarette packs.

The District Attorney said that, according to the criminal complaint, on Tuesday, March 27, 2007, State investigators executed seven court-authorized search warrants drafted by the District Attorney's Special Proceedings Bureau at the residences of Ramon Marcelino and Roselio Duran and on four motor vehicles used to transport the illicit cigarettes. Investigators seized four vehicles – a 1999 green Chevy Venture, a black Ford pickup, a white Ford pickup and a tan Acura – and more than 14,000 counterfeit tax stamps and 216,000 untaxed cigarettes and \$3,500 in cash.

District Attorney Brown said the defendants were arraigned on March 28, 2007, before Queens Criminal Court Judge Robert M. Raciti who set bail in the amount of \$20,000 for each of the defendants and set a return date of April 11, 2007.

The investigation was conducted by Supervising Investigator Gary Rogers, Senior Investigators Kevin Berberitsch and Gregory Aurigemma and Investigators Olga Cayetano and Sean Dixon, of the New York State Department of Taxation and Finance. Members of the District Attorney's Special Proceedings Bureau also assisted in the investigation, namely Assistant District Attorney Oscar W. Ruiz, Deputy Bureau Chief, and Paralegal Janice M. Cosenza, and Community Service Aide Kate J. Hall, who is assigned to the District Attorney's Intake Bureau.

Assistant District Attorney Ruiz is prosecuting the case under the supervision of Bureau Chief Communiello, and the overall supervision of Executive Assistant District Attorney for Investigations Peter A. Crusco and Deputy Executive Assistant District Attorney for Investigations Linda M. Cantoni.

It should be noted that a criminal complaint is merely an accusation and that a defendant is presumed innocent until proven guilty.

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