



U.S. Department of Justice

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FOR IMMEDIATE RELEASE

November 14, 2007

**16 CHARGED IN THREE INDICTMENTS IN CONNECTION WITH
A CONSPIRACY TO BURGLARIZE 47 PHARMACIES IN THREE
STATES AND TRAFFICKING STOLEN FIREARMS IN
PHILADELPHIA**

**188 Firearms Stolen in Tioga County Gun Shop Burglary
Trafficked in Philadelphia**

PHILADELPHIA – United States Attorney Pat Meehan today announced the filing of three related indictments,¹ charging 16 Philadelphia men with burglarizing more than 45 small pharmacies in three states and with distributing a variety of controlled substances. In addition, defendants are charged with trafficking approximately 188 firearms stolen firearms in Philadelphia. Joining Meehan in today’s announcement were ATF Special Agent-in-Charge Mark Potter, DEA Acting Special Agent-in-Charge Barbra Roach, FBI Special Agent-in-Charge J.P. Weis, Philadelphia Police Lieutenant Frank Vanore, and Philadelphia District Attorney Lynne Abraham.

The principal 43-Count indictment charges Joseph Wojtiw and ten others in connection with, among other things, a four- year conspiracy to commit more than 47 pharmacy burglaries in Pennsylvania, New Jersey and Delaware. The indictment alleges that 34 burglaries actually took place. The defendants stole a variety of dangerous, highly abused controlled substances including OxyContin, Percocet, Percodan, and morphine. The drugs, with a street value of more than \$3 million, were sold on the streets of Philadelphia.

“This was a roving band of burglars that targeted small, ‘mom and pop’ pharmacies because their security systems were easy to breach,” said Meehan. “The drugs they stole were chosen because of their high street value.”

¹An Indictment or Information is an accusation. A defendant is presumed innocent unless and until proven guilty.

The first indictment charges that the defendants selected pharmacies to burglarize by, among other ways, driving around various areas, including other districts, such as the District of New Jersey, and the District of Delaware, and identifying potential pharmacies that appeared to have low level security and alarm systems. Under cover of darkness, while the pharmacies were closed for business, and without authority, the defendants forcibly entered or attempted to enter the pharmacies, cut the telephone lines, disabled the alarm systems, and then waited outside the pharmacy for a period until it was clear that no police were responding to the location. Once inside a pharmacy, the defendants stole various Schedule II through IV controlled substances, and, on occasion, U.S. currency, and left the premises. Thereafter, the coconspirators would return to Philadelphia, divide up the proceeds of the pharmacy burglaries in order to sell and distribute the pills through a network of distributors in Philadelphia at a substantial profit.

Other counts in the first indictment charge several of the defendants with conspiracy to engage in the business of dealing in firearms with out a license, in connection with the disposition, sale and transfer of 188 firearms stolen from Ackley and Son Sporting Goods store, a federally licensed firearms dealer, located in Westfield, in the Middle District of Pennsylvania. In connection with this firearms conspiracy, and after completing the gun shop burglary in the Middle District of Pennsylvania, the charged defendants, Joseph Wojtiw, Joseph Malkowski, John Malloy, Jessey Colon and John James, Jr., arranged for the transfer of the 188 stolen firearms from the Middle District of Pennsylvania to Philadelphia, where the serial numbers were removed to hinder the tracing of the firearms by law enforcement. It is further charged that Joseph Malkowki negotiated the sale of approximately 150 of the firearms to Ehab Darwish, (charged in the second indictment) and that Wojtiw, Malloy, Malkowski, Colon, and James caused the firearms to be delivered to Darwish in exchange for incremental payments of cash and pharmaceutical controlled substances, specifically OxyContin and Percoset tablets, which together were valued at approximately \$15,000. The indictment further alleges that after receiving 40-50 of the stolen firearms back from Darwish, Wojtiw, Malkowski and Malloy divided up the firearms and resold them to others.

The individual defendants charged in the first indictments are: **JOSEPH WOJTIW, a/k/a “Woj,” JEFFERY MCGURK, JOSEPH MALKOWSKI, JAMES LENEGAN, a/k/a “Boo,” JOHN MALLOY, a/k/a “Tow Pro,” WILLIAM HUDICEK, a/k/a “Billy Jack,” DONALD HOMAN, a/k/a “Woody,” JESSEY COLON, a/k/a “Bart,” JOHN JAMES, JR., a/k/a “Big Jay,” EDWARD HOPKINS, a/k/a “Buff,” and ROBERT DUNPHY, a/k/a “Dunph.”** These defendants are variously charged with conspiracy to burglarize pharmacies, substantive counts of pharmacy burglary, attempted pharmacy burglary, and aiding and abetting such offenses, conspiracy to distribute controlled substances, and possession of controlled substances with intent to distribute. Five defendaants, including Wojtiw, Malkowski, Malloy, Colon and James, are charged with conspiracy to deal in firearms without a license, and Malkowski is charged with use of a firearm in

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furtherance of drug trafficking, and possession of the 188 stolen firearms which had had their serial numbers obliterated once they were returned to Philadelphia.

The second indictment charges **EHAB DARWISH, a/k/a "Ihab Darwish," a/k/a "Abe," a/k/a "Oscar,"** with one count of conspiracy to distribute controlled substances (alleging a conspiracy with Joseph Malkowski involving the distribution of 100 OxyContin tablets on a weekly basis over a two year period from July 2003 to September 2005), two counts of distribution of controlled substances, specifically OxyContin tablets, one count of using firearms in furtherance of drug trafficking, one count of receiving stolen firearms, specifically, the approximately 150 stolen firearms he agreed to purchase from Malkowski and the members of the gun trafficking conspiracy, and, one count of possession of firearms with obliterated serial numbers. The second indictment charges that Darwish was the person who purchased many of the guns Malkowski, Wojtiw, Malloy, James and Colon stole from the Ackley & Son Sporting Goods store in the Middle District of Pennsylvania and transported to Philadelphia. Darwish is also charged with **WAEAL MASAD** in a separate conspiracy to distribute controlled substances, involving the distribution and sale of OxyContin tablets to an undercover agent. Masad is also charged with Darwish in connection with the distribution and sale of ten 80 mg OxyContin tablets in a transaction on May 1, 2006.

"Masad was actually selling OxyContin from the window of his Mister Softee ice cream truck," said Meehan.

The third indictment charges **JOHN FLYNN, a/k/a "Jack," MICHAEL HOMAN, and MARK HOFFMAN,** with conspiracy to distribute Schedule II controlled substances, conspiracy to commit pharmacy burglary, and one substantive count each of pharmacy burglary, and possession with intent to distribute controlled substances, and aiding and abetting such offenses. These three individuals are charged with participating on June 21, 2006 in the nighttime burglary of the Concordville Pharmacy, in Concordville, Pennsylvania, but are not part of the core pharmacy burglary conspiracy charged in the first and principal indictment. The indictment charges that Flynn, Homan and Hoffman broke into the pharmacy using a crow bar, disabled the alarm system, and, when it was clear that police were not immediately responding to the location, made entry into the pharmacy through the front door and stole approximately 3,429 tablets containing Schedule II controlled substances, including OxyContin, oxycodone, morphine, Adderall, amphetamine and Ritalin. The indictment alleges that these tablets had a street value of more than \$39,000, and that the defendants committed the pharmacy burglary, stole the pharmaceutical tablets and transported the stolen pills back to Philadelphia with the intent to sell and distribute the pills for profit.

A list of the dates, places, type of burglary and identified participants in the more than 45 burglaries and attempted burglaries that are the subject of the first and third of the three indictments is set forth below:

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<u>DATE</u>	<u>BURGLARY</u>	<u>CHARGED/NAMED PARTICIPANTS</u>
12/8/02	Street Road Pharmacy, Bensalem, Pa.	Donald Homan, John Flynn
12/21/02	Street Road Pharmacy, Bensalem, Pa.	Donald Homan, Joseph Wojtiw, Joseph Malkowski
12/24/02	Budget Drug, Feasterville, Pa.	Donald Homan, John Flynn
7/26/03	Medicine Shoppe, West Norriton, Pa.	Joseph Wojtiw, Joseph Malkowski, Donald Homan, Robert Dunphy
10/12/03	Tepper Pharmacy, Wynnewood, Pa.	Joseph Wojtiw, William Hudicek
10/31/03	York Pharmacy, Levittown, Pa.	Joseph Wojtiw, Joseph Malkowski, William Hudicek
11/17/03	Tepper Pharmacy, Wynnewood, Pa. (Attempt)	Joseph Wojtiw, Joseph Malkowski, William Hudicek
11/22/03	Boothwyn Pharmacy, Boothwyn, Pa.	Joseph Wojtiw, Joseph Malkowski, William Hudicek
1/19/04	Shield's Pharmacy, Trevose, Pa.	Joseph Wojtiw, Joseph Malkowski, William Hudicek
2/6/04	Bell's Pharmacy, Philadelphia, Pa.	Joseph Wojtiw, Joseph Malkowski, William Hudicek
2/20/04	Medicine Shoppe, West Norriton, Pa.	Joseph Wojtiw, Joseph Malkowski, William Hudicek

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2/22/04	Verree Pharmacy, Philadelphia, Pa.	Joseph Wojtiw, Joseph Malkowski, Jeffery McGurk
2/24/04	Northeast Pharmacy, Philadelphia, Pa. (Attempt)	Joseph Wojtiw, Joseph Malkowski, Jeffery McGurk
2/26/04	Northeast Pharmacy, Philadelphia, Pa.	Joseph Wojtiw, Jeffery McGurk
3/13/04	Bucks County Pharmacy, Levittown, Pa.	Joseph Wojtiw, Jeffery McGurk
3/25/04	Medicine Shoppe, West Norriton, Pa.	Joseph Wojtiw, Jeffery McGurk
4/14/04	Glen Center Pharmacy, Ambler, Pa.	Joseph Wojtiw, Jeffery McGurk, James Lenegan
6/13/04	Nu Way Pharmacy, Levittown, Pa.	Joseph Wojtiw, Jeffery McGurk, James Lenegan
6/13/04	Oxford Valley Pharmacy, Levittown , Pa.	Joseph Wojtiw, Jeffery McGurk, James Lenegan
6/26/04	Oxford Valley Pharmacy, Levittown , Pa. (Attempt)	Joseph Wojtiw, Jeffery McGurk
9/9/04	Shelly's Pharmacy, Philadelphia, Pa. (Attempt)	Joseph Wojtiw, James Lenegan
9/10/04	Burglary/Arson of PJP Marketplace	Joseph Wojtiw, Jeffery McGurk, James Lenegan
9/15/04	Glendale Prescription Center, Philadelphia, Pa. (Attempt)	Joseph Wojtiw, Jeffery McGurk, James Lenegan

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9/18/04	Gateway Pharmacy, Wayne, Pa.	Joseph Wojtiw, Jeffery McGurk
9/18/04	Medicine Shoppe, Berwyn, Pa.	Joseph Wojtiw, Jeffery McGurk
10/9/04	Medicine Shoppe, Wilkes-Barre, Pa.	Joseph Wojtiw, Jeffery McGurk
10/9/04	Cook's Pharmacy, Kingston, Pa. (Attempt)	Joseph Wojtiw, Jeffery McGurk
10/9/04	Medicine Shoppe, Nanticoke, Pa.	Joseph Wojtiw, Jeffery McGurk
10/9/04	Medicine Shoppe, Exeter, Pa. (Attempt)	Joseph Wojtiw, Jeffery McGurk
10/15/04	Medicine Shoppe, Carbondale, Pa.	Joseph Wojtiw, Jeffery McGurk
10/15/04	Medicine Shoppe, Old Forge, Pa.	Joseph Wojtiw, Jeffery McGurk
10/16/04	Medicine Shoppe, Scranton, Pa (Attempt)	Joseph Wojtiw, Jeffery McGurk
10/16/04	Viercinski Pharmacy, Clarks Summit, Pa.	Joseph Wojtiw, Jeffery McGurk
10/29/04	Medicine Shoppe, New Cumberland, Pa. (Attempt)	Joseph Wojtiw, Jeffery McGurk
10/29/04	Medicine Shoppe, Palmyra, Pa. (Dauphin County)	Joseph Wojtiw, Jeffery McGurk
10/29/04	Medicine Shoppe, Lebanon, Pa. (Attempt) (Dauphin County)	Joseph Wojtiw, Jeffery McGurk
10/30/04	Medicine Shoppe, Mechanicsburg, Pa. (Attempt) (Dauphin County)	Joseph Wojtiw, Jeffery McGurk

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10/30/04	Middletown Pharmacy, Middletown Borough, Pa. (Dauphin County)	Joseph Wojtiw, Jeffery McGurk
11/13/04	Oakwood Drugs, Philadelphia, Pa.	Joseph Wojtiw, Joseph Malkowski, Edward Hopkins, John Malloy
11/21/04	Stanton Discount Pharmacy, Wilmington, Del.	Joseph Wojtiw, Joseph Malkowski, John Malloy
12/01/04	Girard Family Pharmacy, Philadelphia, Pa.	Joseph Wojtiw, Jeffery McGurk
1/6/05	Village Pharmacy, Lakewood, NJ	Joseph Wojtiw, Joseph Malkowski, John Malloy
1/8/05	Howard's Pharmacy, Lower Merion, Pa. (Attempt)	Joseph Wojtiw, Joseph Malkowski, John Malloy, Jessey Colon, John James, Jr.
1/23/05	Elwyn Pharmacy, Elwyn, Middletown Twp., Pa.	Joseph Wojtiw, Joseph Malkowski, John Malloy
1/29/05	Burglary of Ackley & Son Sporting Goods (Gun Shop), Westfield, Pa.	Joseph Wojtiw, Joseph Malkowski, John Malloy, Jessey Colon, John James, Jr.
2/19/05	Reses' Drugs, Pomona, NJ	Joseph Wojtiw, Joseph Malkowski, John Malloy
2/23/05	North Brunswick Pharmacy, North Brunswick, NJ (Attempt)	Joseph Wojtiw, John Malloy, Jessey Colon, John James, Jr.

6/1/05	Medicap Pharmacy, Cape May Court House, NJ	Joseph Malkowski, John Malloy
6/21/05	Concordville Pharmacy, Concordville, Pa.	John Flynn, Michael Homan, Mark Hoffman

If convicted, the defendants face the following maximum possible sentences:

First Indictment:

Joseph Wojtiw, a/k/a “Woj”- 45 years imprisonment, \$1,500,000 fine, at least 3 years supervised release up to lifetime supervised release.

Jeffery McGurk - 40 years imprisonment, \$1,250,000 fine, at least 3 years supervised release up to lifetime supervised release.

Joseph Malkowski - Life imprisonment, a mandatory minimum of 5 years incarceration consecutive to any sentence imposed, \$2,000,000 fine, at least 3 years supervised release up to lifetime supervised release.

James Lenegan, a/k/a “Boo” - 105 years imprisonment, \$2,750,000 fine, at least 3 years supervised release up to lifetime supervised release.

John Malloy - 285 years imprisonment, \$8,000,000 fine, at least 3 years supervised release up to lifetime supervised release.

William Hudicek, a/k/a “Billy Jack” - 260 years imprisonment, \$7,750,000 fine, at least 3 years supervised release up to lifetime supervised release.

Donald Homan, a/k/a “Woody” - 140 years imprisonment, \$2,000,000 fine, at least 3 years supervised release up to lifetime supervised release.

Jessey Colon, a/k/a “Bart” - 45 years imprisonment, \$750,000 fine, at least 3 years supervised release up to lifetime supervised release.

John James, Jr., a/k/a “Big Jay” - 45 years imprisonment, \$750,000 fine, at least 3 years supervised release up to lifetime supervised release.

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Robert Dunphy, a/k/a “Dunph” - 60 years imprisonment, \$1,500,000 fine, at least 3 years supervised release up to lifetime supervised release.

Edward Hopkins, a/k/a “Buff” - 60 years imprisonment, \$1,500,000 fine, at least 3 years supervised release up to lifetime supervised release.

Second Indictment:

Ehab Darwish, a/k/a “Abe” - Life imprisonment, a mandatory minimum of 5 years incarceration consecutive to any sentence imposed, a mandatory minimum 10 year prison term, \$5,000,000 fine, at least 5 years supervised release to lifetime supervised release.

Waeal Masad - 40 years imprisonment, \$2,000,000 fine, at least 3 years supervised release to lifetime supervised release.

Third Indictment:

John Flynn - 80 years imprisonment, \$2,500,000 fine, at least 3 years supervised release to lifetime supervised release.

Michael Homan - 80 years imprisonment, \$2,500,000 fine, at least 3 years supervised release to lifetime supervised release.

Mark Hoffman - 80 years imprisonment, \$2,500,000 fine, at least 3 years supervised release to lifetime supervised release.

INFORMATION REGARDING THE DEFENDANTS

NAME	ADDRESS	AGE OR DATE OF BIRTH
Joseph Wojtiw	Philadelphia, PA	28
Jeffery McGurk	Philadelphia, PA	35
Joseph Malkowski	Philadelphia, PA	24
James Lenegan	Philadelphia, PA	40
John Malloy	Philadelphia, PA	29
William Hudicek	Philadelphia, PA	33
Donald Homan	Philadelphia, PA	32
Jessey Colon	Havertown, PA	25
John James, Jr.	Philadelphia, PA	36
Robert Dunphy	Philadelphia, PA	32
Edward Hopkins	Philadelphia, PA	31
Ehab Darwish	Philadelphia, PA	28
Waeal Masad	Philadelphia, PA	24
John Flynn	Philadelphia, PA	28
Michael Homan	Philadelphia, PA	24
Mark Hoffman	Philadelphia, PA	32

The case was investigated by the Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”), the Drug Enforcement Administration (“DEA”), Diversion Unit, Philadelphia Field Division, assisted by the Federal Bureau of Investigation (“FBI”), the Philadelphia Police

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Department, and the Dauphin County and Philadelphia District Attorney's Offices. The case has been assigned to Assistant United States Attorneys Daniel A. Vélez and Joseph T. Labrum III.

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