

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :

-v.- : S1 15 Cr. 317 (KMW)

DEAN SKELOS and ADAM SKELOS, :

Defendants. :

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TATIANA R. MARTINS hereby declares under penalties of perjury:

1. I am an Assistant United States Attorney (“AUSA”) in the United States Attorney’s Office for the Southern District of New York (“USAO”). My duties are to investigate and where warranted prosecute persons for criminal violations of the laws of the United States.

2. As part of my official duties, and together with AUSAs Jason A. Masimore, Rahul Mukhi and Thomas A. McKay, I am one of four AUSAs responsible for the investigation and prosecution of Dean Skelos and Adam Skelos (the “defendants”) for alleged violations of 18 U.S.C. §§ 2, 666, 1349, and 1951. Two criminal investigators from the USAO have also participated in the investigation: Investigators John Barry and Robert Ryan.

3. The Government was assisted in the investigation by members of the Federal Bureau of Investigation (“FBI”). At various times from April 2014 up through May 1, 2015 (the “Relevant Time Period”), the FBI case agents on this prosecution have been: Special Agent (“SA”) Paul Takla, SA Jennifer Kibler, SA Shannon Fish, and SA Russell Lehnes.

The Investigation

4. The investigation into Dean Skelos began in or about April 2014. After a few months, the investigation was expanded to include Adam Skelos.

5. From April 2014 up to and including January 28, 2015, the Government issued over 50 subpoenas, many of which specifically named Dean Skelos and/or Adam Skelos, and some of which referred to real estate matters. In addition, during this time period, the Government interviewed a witness who discussed Dean Skelos's relationship with a large real estate developer on Long Island that was a client of Dean Skelos's law firm (the "Law Firm"), as well as real estate title insurance work referred to Adam Skelos by the Law Firm at Dean Skelos's request.

6. From January 29, 2015 to April 15, 2015, the Government interviewed approximately 25 witnesses about both Dean Skelos and Adam Skelos, including, but not limited to, the \$20,000 payment to Adam Skelos by Title Company-1; Dean Skelos and Adam Skelos's dealings with a major real estate development firm ("Developer-1") and other real estate developers in New York regarding work for Adam Skelos; and Dean Skelos and Adam Skelos's role and participation in the award and execution of a contract between the Environmental Technology Company and Nassau County (the "Nassau County Contract"). As of April 2, 2015, the Government had, among other things, issued subpoenas to over 100 individuals and entities, engaged in numerous discussions with legal counsel representing those parties about the investigation in order to facilitate the production of responsive documents, and had interviewed approximately 20 individuals in connection with the investigation.

7. In February 2015, the Government conveyed to corporate counsel for Developer-1 that the Government believed CW-1 needed separate criminal defense counsel based on the \$20,000 payment CW-1 had arranged for Adam Skelos. Also in February 2015, the Government had discussions with multiple defense attorneys who initially sought to – but ultimately did not – represent CW-2. In connection with those discussions, the Government told the potential

defense attorneys that the Government was seeking CW-2's cooperation in connection with an investigation of Dean Skelos and Adam Skelos.

8. On April 7, 2015, the Government began presenting evidence to a grand jury sitting in this District. Prior to that date, the Government had issued grand jury subpoenas for documents, but neither documents nor witnesses were presented to the grand jury.

9. From April 7 to April 15, 2015, the Government presented three witnesses to the grand jury, who testified on matters ranging from the \$20,000 check to Adam Skelos from Title Company-1, to Developer-1's relationship with Dean Skelos and Adam Skelos, to the defendants' dealings with Nassau County regarding the Nassau County Contract.

10. In addition to the grand jurors and a court reporter, each grand jury proceeding in this case was attended by one or all of the attorneys for the Government and the testifying witness. On one occasion during the Relevant Time Period, the grand jury presentation also was attended by AUSA Arlo Devlin-Brown, who is the Office's Chief of Public Corruption.

11. From April 15 to May 1, 2015, the Government presented two additional witnesses to the grand jury.

12. In total, from April 2014 up to and including May 1, 2015, the Government issued over 150 subpoenas to individuals and entities in connection with its investigation into the defendants. During that period, the Government also conducted approximately 40 interviews with witnesses knowledgeable about the various matters relating to its investigation, including with respect to the defendants' dealings with Developer-1 and the Environmental Technology Company, and presented testimony from five of these witnesses to the grand jury.

Contacts with the Media

13. I have not disclosed any information presented in this case to the grand jury (or any information related to the investigation at all) to any member of the press.

14. On September 22, 2015, I separately spoke to AUSAs Masimore, Mukhi, McKay and Devlin-Brown about the allegations of disclosure contained in the defendants' motion seeking a hearing pursuant to Federal Rule of Criminal Procedure 6(e) ("Defendants' 6(e) Motion"). They each affirmed that they have not disclosed any information presented in this case to the grand jury (or any information related to the investigation at all) to any member of the press.

15. On September 24, 2015, I separately spoke to Investigators Barry and Ryan about the allegations of disclosure contained in the Defendants' 6(e) Motion. They each affirmed that they have not disclosed any information presented in this case to the grand jury (or any information related to the investigation at all) to any member of the press.

16. On September 24, 2015, I separately spoke with SAs Takla, Kibler, Fish, and Lehnas about the allegations contained in the Defendants' 6(e) Motion. Each of them affirmed that they have not disclosed any information presented in this case to the grand jury (or any information related to the investigation at all) to any member of the press.

I declare the foregoing under penalty of perjury under the laws of the United States and the State of New York.

Dated: September 25, 2015
New York, New York



Tatiana R. Martins
Assistant United States Attorney
U.S. Attorney's Office for the
Southern District of New York