

### Press Release

On October 4, 2005, Philadelphia District Attorney Lynne Abraham filed charges against three Philadelphia funeral home operators: Gerald Garzone, age 47, of 114 Davis Drive, North Wales, Pennsylvania; his brother, Louis Garzone, age 65, of 1830 E. Somerset Street, Philadelphia, Pennsylvania; and James McCafferty, age 37, of 4625 Convent Lane, Philadelphia. They were each charged with the following offenses:

Corrupt organizations (F1), 18 Pa.C.S. §911

Theft by unlawful taking (F3), 18 Pa.C.S. §3921 (244 counts / based on 244 bodies)

Theft by unlawful taking (F3), 18 Pa.C.S. §3921 (1 count / welfare)

Theft by deception (F3), 18 Pa.C.S. §3922 (4 counts / from tissue banks)

Theft by deception (F3), 18 Pa.C.S. §3922 (1 count / welfare)

Forgery (F3), 18 Pa.C.S. §4101 (244 counts / bodies)

Forgery (F2), 18 Pa.C.S. §4101

(29 counts against Gerald Garzone / welfare)

(16 counts against Louis Garzone / welfare)

(3 counts against James McCafferty / welfare)

Tampering with public records (F3), 18 Pa.C.S. §4911 (244 counts / bodies)

Tampering with records (M1), 18 Pa.C.S. §4104 (244 counts / bodies)

Tampering with public records (F3), 18 Pa.C.S. §4911

(69 counts against Gerald Garzone / welfare)

(39 counts against Louis Garzone / welfare)

(4 counts against James McCafferty / welfare)

Deceptive or fraudulent business practices (F3), 18 Pa.C.S. §4107 (4 counts / from tissue banks)

Unsworn falsification to authorities (M2), 18 Pa.C.S. §4904

(69 counts against Gerald Garzone)

(39 counts against Louis Garzone)

(4 counts against James McCafferty)

Conspiracy, 18 Pa.C.S. §903

Abuse of corpse (M2), 18 Pa.C.S. §5510 (244 counts)

Recklessly endangering another person (M2), 18 Pa.C.S. §2705

Prohibition of organ and nonregenerative tissue purchase (M1), 35 Pa.C.S. §10025

Unlawful use of preparation room (M), 49 Pa.Code §13.186

Welfare Fraud (F3), 62 Pa.C.S. §481

In addition, Liberty Cremation, Inc., a crematory business owned by the three men, located at 2778 Ruth Street, was charged with the following offenses:

Corrupt organizations (F1), 18 Pa.C.S. §911

Theft by unlawful taking (F3), 18 Pa.C.S. §3921 (244 counts)

Theft by deception (F3), 18 Pa.C.S. §3922 (244 counts)

Theft by deception (F3), 18 Pa.C.S. §3922 (4 counts / from tissue banks)

Forgery (F3), 18 Pa.C.S. §4101 (244 counts)

Tampering with public records (F3), 18 Pa.C.S. §4911 (244 counts)

Tampering with records (M1), 18 Pa.C.S. §4104 (244 counts)

Conspiracy, 18 Pa.C.S. §903

Abuse of corpse (M2), 18 Pa.C.S. §5510 (244 counts)

Recklessly endangering another person (M2), 18 Pa.C.S. §2705

Prohibition of organ and nonregenerative tissue purchase (M1), 35 Pa.C.S. §10025

Garzone Funeral Home, Inc., located at 1830 E. Somerset Street and 4151 L Street in Philadelphia, Pennsylvania, was charged with:

Corrupt organizations (F1), 18 Pa.C.S. §911

Theft by unlawful taking (F3), 18 Pa.C.S. §3921 (244 counts / bodies)

Theft by unlawful taking (F3), 18 Pa.C.S. §3921 (1 count / welfare)

Theft by deception (F3), 18 Pa.C.S. §3922 (4 counts / from tissue banks)

Theft by deception (F3), 18 Pa.C.S. §3922 (1 count / welfare)

Forgery (F3), 18 Pa.C.S. §4101 (244 counts / bodies)

Forgery (F2), 18 Pa.C.S. §4101 (16 counts / welfare)

Tampering with public records (F3), 18 Pa.C.S. §4911 (244 counts / bodies)

Tampering with records (M1), 18 Pa.C.S. §4104 (244 counts / bodies)

Tampering with public records (F3), 18 Pa.C.S. §4911 (39 counts / welfare)

Deceptive or fraudulent business practices (F3), 18 Pa.C.S. §4107 (4 counts / from tissue banks)

Unsworn falsification to authorities (M2), 18 Pa.C.S. §4904 (39 counts)

Conspiracy, 18 Pa.C.S. §903

Abuse of corpse (M2), 18 Pa.C.S. §5510 (244 counts)

Recklessly endangering another person (M2), 18 Pa.C.S. §2705

Prohibition of organ and nonregenerative tissue purchase (M1), 35 Pa.C.S. §10025

Unlawful use of preparation room (M), 49 Pa.Code §13.186

Welfare Fraud (F3), 62 Pa.C.S. §481

Also, Michael Mastromarino, age 44, of 8 Buckingham Road, Fort Lee, New Jersey, and Lee Cruceta, age 34, of 209 Elm Street, Monroe, New York were each charged with:

- Corrupt organizations (F1), 18 Pa.C.S. §911
- Theft by unlawful taking (F3), 18 Pa.C.S. §3921 (244 counts / bodies)
- Theft by unlawful taking (F3), 18 Pa.C.S. §3921 (4 counts / from tissue banks)
- Theft by deception (F3), 18 Pa.C.S. §3922 (244 counts / bodies)
- Theft by deception (F3), 18 Pa.C.S. §3922 (4 counts / from tissue banks)
- Forgery (F3), 18 Pa.C.S. §4101 (244 counts)
- Tampering with public records (F3), 18 Pa.C.S. §4911 (244 counts)
- Tampering with records (M1), 18 Pa.C.S. §4104 (244 counts)
- Deceptive or fraudulent business practices (F3), 18 Pa.C.S. §4107 (4 counts / from tissue banks)
- Conspiracy, 18 Pa.C.S. §903
- Abuse of corpse (M2), 18 Pa.C.S. §5510 (244 counts)
- Recklessly endangering another person (M2), 18 Pa.C.S. §2705
- Prohibition of organ and nonregenerative tissue purchase (M1), 35 Pa.C.S. §10025
- Unlawful use of preparation room (M), 49 Pa.Code §13.186

The charges were recommended by a Philadelphia Grand Jury following a 16-month investigation conducted by the Philadelphia District Attorney's Office with the assistance of the Pennsylvania Office of Inspector General. The Grand Jury also released today a report based on its investigation.

The Grand Jury alleges that, between February 2004 and September 2005, the Garzone brothers, McCafferty, Mastromarino, and Cruceta engaged in a large-scale criminal enterprise, using the Philadelphia funeral homes and crematory business to steal tissue from 244 dead people whose families never consented to allow the body parts to be taken. The conspirators then sold the bones, skin, and other purloined tissue for medical transplantation – for example, to treat burns, replace broken bones, or repair tendons. They distributed the tissue through a company owned by Mastromarino and operated by Mastromarino and Cruceta – Biomedical Tissue Services, Inc. (BTS), located in Fort Lee, New Jersey. It is alleged that the group amassed huge profits by forging and falsifying consent forms, death certificates, blood sample reports, and other documents in order to create the false impression that the tissue was taken legally, with consent, and from the bodies of individuals who were healthier and younger than was in fact the case. As a result of this fraud, public health has been jeopardized as thousand of patients worldwide have been implanted with tissue stolen from dangerously diseased and decrepit bodies. Tissue banks paid BTS over \$1 million based on the falsified documentation. The Garzones and McCafferty received over \$245,000 as their share.

In addition, it is alleged that the Garzones and McCafferty stole \$84,000 from the Pennsylvania Department of Public Welfare by submitting false and forged requests for burial payments for welfare recipients. On the request forms, the funeral directors falsely stated that they had received no payment for funerals even though families of the welfare recipients had paid in full.