



BROOME COUNTY SHERIFF'S OFFICE

Sheriff Frederick J. Akshar II

Undersheriff Sammy L. Davis

155 Lt. Van Winkle Drive, Binghamton, NY 13905

For Immediate Release:

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BROOME COUNTY SHERIFF'S OFFICE PRESS RELEASE

Investigation Results in Multiple Charges for Attempted Drug Smuggling Conspiracy at Correctional Facility

(BINGHAMTON, NY) The Broome County Sheriff's Office announced multiple charges resulting from a weeks-long investigation into a conspiracy to smuggle and distribute illegal drugs into the Broome County Sheriff's Correctional Facility.

Investigators from both the Corrections Investigation Unit (CIU) of the Corrections Division and the Special Investigations Unit (SIU) of the Detective Division, working from both within the Correctional Facility and out in the community, partnered together to arrest four individuals, two already incarcerated and two civilians, on over a dozen charges relating to an effort to smuggle Fentanyl into the Correctional Facility through physical exchanges during visitation.

The Exchange

On February 8, a member of the CIU observed a visit between incarcerated individual Marcello McDonald of Queens and visiting Ethan Papatomopoulos of Endicott, during which the investigator believed an exchange of contraband occurred via handshake.

After the visit, McDonald refused a body scan search, which prompted CIU to place him into a Facilities Contraband Protocol. This protocol includes placing the individual in a special cell in the Medical Pod containing a toilet connected to a catch basin. The basin was inspected by investigators and verified to be empty before McDonald entered the cell. A short time after McDonald entered the cell, a pink container filled with 7.3 grams of Fentanyl was discovered in the catch basin.

According to the United States Drug Enforcement Administration, as little as 2 milligrams of Fentanyl can be fatal, depending on the size of the victim.

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The discovery prompted investigators to utilize the Sheriff's Emergency Response Team (SERT) to search the McDonald's housing unit and cell, where 131 pills were discovered hidden in McDonald's cell. The pills were identified as Flexeril, Risperidone, and Zoloft. The quantity of which, and the manner in which they were found constitute dangerous contraband.

The Conspiracy

Further investigation and the combined efforts of both the CIU and the SIU led to the arrest of Ethan Papatomopolous and Alexis Merrill of the Town of Maine for their alleged involvement in acquiring the Fentanyl, bringing it into the facility and delivering it to Marcello McDonald through physical contact during visitation.

The investigation also led to charges for Justice Marimberga of the Town of Maine, who allegedly directed and arranged the entire conspiracy via Correctional Facility tablet messages, phone calls and video visits. Marimberga, an associate of both Papatomopolous and Merrill, is currently incarcerated in the Correctional Facility on previous murder, assault, burglary and robbery charges.

The Charges

As a result of the investigation, the following individuals were charged:

Marcello H. McDonald, age 56, of Queens, NY

- Criminal Possession of a Controlled Substance in the 3rd degree, a Class B Felony
- Criminal Possession of a Controlled Substance in the 4th degree, a Class C Felony
- Promoting Prison Contraband in the 1st degree (2 Counts), a Class D Felony
- Conspiracy in the 4th degree, a Class E Felony
- Tampering with Physical Evidence, a Class E Felony

McDonald was already incarcerated for previous charges, which include:

- Assault in the 2nd degree, a Class D Felony,
- Robbery in the 2nd degree a Class C Felony,
- Robbery in the 1st degree, a B Felony

Justice L. Marimberga, age 21, of the Town of Maine

- Criminal Liability for Conduct of Another and Criminal Possession Controlled Substance in the 3rd degree, a Class B Felony
- Criminal Liability for Conduct of Another and Criminal Sale of a Controlled Substance in the 3rd degree, a Class B Felony
- Criminal Liability for Conduct of Another and Criminal Possession Controlled Substance in the 4th degree, a Class C Felony
- Criminal Liability for the Conduct of Another and Promoting Prison Contraband in the 1st

- Degree, a Class D Felony
- Conspiracy in the 4th degree, a Class E Felony

Merimberga was already incarcerated for previous charges, which include:

- Attempted Murder in the 2nd degree, a Class B felony
- Assault in the 1st degree a Class B felony
- Assault in the 2nd degree a Class D felony
- Burglary Causing an Injury in the 1st degree a Class B felony
- Robbery in the 1st degree a Class B felony
- Forcible theft with injury in the 1st degree, a Class B felony

Ethan Papathomopoulos, age 20, of the Village of Endicott

- Criminal Possession of a Controlled Substance in the 3rd degree, a Class B Felony
- Criminal Sale of a Controlled Substance in the 3rd degree, a Class B Felony
- Criminal Possession of a Controlled Substance in the 4th degree, a Class C Felony
- Promoting Prison Contraband in the 1st degree, a Class D Felony
- Conspiracy in the 4th degree, a Class E Felony

Alexis Merrill, age 21, of the Town of Maine

- Criminal Possession of a Controlled Substance in the 3rd degree, a Class B Felony
- Criminal Sale of a Controlled Substance in the 3rd degree, a Class B Felony
- Criminal Possession of a Controlled Substance in the 4th degree, a Class C Felony
- Criminal Liability for Conduct of Another and Promoting Prison Contraband in the 1st degree, a Class D Felony
- Conspiracy in the 4th degree, a Class E Felony

“I want to commend the combined efforts and partnership from both our Corrections and Law Enforcement divisions to stop this conspiracy in its tracks and prevent roughly 3,650 fatal doses of Fentanyl from cycling through our Correctional Facility,” said Sheriff Fred Akshar. “These charges illustrate both the immense responsibility weighing on the shoulders of our Corrections Officers every day and the constant vigilance required to make sure the safety and security of incarcerated individuals housed in our Correctional Facility goes uncompromised. Every day we must balance the need for in-person visits and physical contact between incarcerated people and their loved ones with the stark reality that this can lead to attempts to bring deadly drugs into this facility. This investigation shows that the men and women of the Broome County Sheriff’s Office are rising to these challenges and successfully meeting them head-on.”

Sheriff Akshar concluded with a message to the community, “If you are thinking about attempting to smuggle deadly narcotics into the Correctional Facility, don’t. If you do, I promise you that you will be caught, you will be arrested and you will be given full room and board. We have plenty of room and my team and I intend on holding all who engage in this nefarious activity accountable.”

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