

July 3, 2025

Hon. Lawrence J. Vilardo  
United States District Court for the  
Western District of New York  
2 Niagara Square  
Buffalo, New York 14202

Dear Judge Vilardo,

Re: Character Statement – Joseph Bongiovanni


My name is John Flickinger. I am currently employed with the United States Capitol Police. As you learned at trial, I was previously employed as a Special Agent with the Drug Enforcement Administration (DEA) until my retirement.

In May 2011, I was promoted to Group Supervisor and assigned to the DEA Buffalo Resident Office. I was subsequently promoted to Resident Agent in Charge and continued to serve there until being transferred to DEA Headquarters in August 2017. From approximately May 2011 through May 2015, I directly supervised Special Agent Joseph Bongiovanni and continued to know him in a professional capacity through August 2017. During this time, SA Bongiovanni was a solid investigator and a valuable team member. SA Bongiovanni worked hard to protect the Western New York community from drug traffickers and their associated violence. While the majority of Special Agent Bongiovanni's investigations were not complex, he consistently put together successful Federal investigations which were impactful and made the streets of Buffalo safer.

Below are some examples of Special Agent Bongiovanni's efforts. They include the Peter MILITELLO investigation which was one of the first cases nationally where a trafficker was prosecuted federally for causing an overdose death resulting from fentanyl. In another investigation involving a violent, multistate heroin trafficking organization, SA Bongiovanni led an investigation of Rasheen NEWKIRK who was armed with a Glock handgun at the time of his arrest and had previously served 10 years for a prior federal firearm conviction. In another instance, Special Agent Bongiovanni, on his own initiative, entered a burning building in Buffalo, helped clear it, and potentially saved lives. Special Agent Bongiovanni received a national award from the Federal Law Enforcement Officers Association (FLEOA) in addition to being recognized by the 100 Club of Buffalo for this act of heroism.

Overall, from my work-related experiences with Special Agent Bongiovanni, he was a team player, good natured, and someone who could be counted on. Although Special Agent Bongiovanni was not the most sophisticated investigator or flashy, he was effective and had a simple way of going about his job.

For reference, included below are the news articles addressing these instances.

Respectfully yours,  
  
 John Flickinger

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**Special Agent Joseph Bongiovanni- US Drug Enforcement Administration- November 2012**

On the morning of November 16, 2012, two off duty City of Buffalo Firefighters, Jeffrey Kane and Robert Carnevale, and DEA Special Agent Joseph Bongiovanni were driving separately on Amherst Street in the City of Buffalo when they all happened upon a structure fire at a three story apartment building. Smoke was billowing out of the structure and most of the 50 residents, some still in pajamas, were fleeing from the building, including a woman who jumped from a second story window as flames encroached. Unbeknownst to each other, they all decided to stop and enter the burning building to assist residents. Firefighter Kane who asked his wife to pull their car over instinctively entered the burning structure, without the protection of any equipment, to attempt to remove the remaining residents. He realized the heavy smoke allowed for a small window of air about 6 inches from the floor so he stayed low and banged on the floor calling out to people to get out of the structure. At this point he saw a pair of feet moving away from him so he drew a deep breath, stood up and ran through the thick smoke to grab a woman who he safely removed from the building. Upon reentering the building, he heard a familiar voice, that of fellow Firefighter Robert Carnevale and another man, Special Agent Joseph Bongiovanni, who were also in an off-duty capacity and searching for people as well. Each relieved there were others assisting at the scene, they continued the search of the structure until the flames and smoke became so intense they had to exit the building leaving the remaining searches and firefighting to arriving Buffalo Fire Companies.

The 100 Club of Buffalo recognizes City of Buffalo Firefighters Jeffrey Kane and Robert Carnevale and DEA Special Agent Joseph Bongiovanni for their heroic actions of November 16, 2012 for disregarding their own safety by entering a burning structure without the aid of protective equipment and saving the lives of numerous residents.

**Peter Militello Investigation / Overdose Death of Robert Runfola- May 2013**

BUFFALO, N.Y.--U.S. Attorney William J. Hochul, Jr. announced today that a grand jury has handed down a 10 count indictment charging Peter N. Militello, 32, of Tonawanda, N.Y., with possession with intent to distribute and distribution of heroin and crack cocaine. The charges carry a mandatory minimum penalty of 20 years in prison, a maximum of life, a fine of \$1,000,000 or both.

Assistant U.S. Attorney Eric M. Opanga, who is handling the case, stated that according to the indictment, between January 25, 2010 and June 6, 2013, the defendant sold heroin and crack cocaine on several occasions in the City of Buffalo. On May 23, 2013, Militello sold a heroin and fentanyl mixture to an individual residing in Buffalo. Several hours later, the man was found dead in his residence by a family member. An autopsy performed on the man found that he died as a result of acute intoxication from the heroin and fentanyl mixture.

"This is the first prosecution involving this deadly mixture of heroin and fentanyl," said U.S. Attorney Hochul. "Our Office in collaboration with our law enforcement partners at every level, have joined together to warn the public of the deadly consequences of this emerging threat. The community needs to know the dangers of this mixture which can result in death in mere minutes after it enters the body. Let this case serve as a warning to anybody who engages in the trafficking of any illegal narcotics that we will vigorously track you down and bring you to justice."

In November 2015, Militello, who was convicted of possession with intent to distribute and distribution of fentanyl and heroin, was sentenced to 360 months in prison and 10 years supervised release by U.S. District Judge Richard J. Arcara.

"Today's sentencing concludes the *first ever prosecution* of a drug dealer who killed his customer with his illegal product," said U.S. Attorney Hochul. "Successfully tackling the deadly opiate epidemic that is sweeping across our community will take many working together. As was also shown by our prosecution of a medical doctor this week, our Office intends to do its part."

DEA Special Agent in Charge James J. Hunt stated, "Law enforcement can't change the fact that heroin and fentanyl use leads to overdose deaths; deaths of people whose lives were cut too short. However, this prosecution hopefully brings some closure to their loved ones and causes others who distribute fentanyl-laced heroin not to make the same choices that Peter Militello made."

#### **Rasheen Newkirk Investigation / Handgun Seized- December 2013**

BUFFALO, N.Y.- Rasheen Newkirk was arrested in Buffalo by DEA agents. A search of his residence revealed heroin and a loaded handgun. Newkirk had a prior federal firearm conviction and was prohibited from possessing firearms. This arrest was the result of an investigation involving DEA offices in Buffalo; Toledo, Ohio; and Chicago, Illinois. An investigative lead was developed by DEA agents in Ohio, where a Chicago-based courier transporting heroin was intercepted by an Ohio State Highway Patrol trooper.

In June 2017, Acting U.S. Attorney James P. Kennedy, Jr. announced that Rasheen Newkirk, 42, of Buffalo, NY, who was convicted of possession with intent to distribute heroin and being a felon in possession of a firearm and ammunition, was sentenced to 151 months in prison by U.S. District Judge Richard J. Arcara.

Assistant U.S. Attorneys Wei Xiang and Patricia Astorga, who handled the case, stated that on December 11, 2013, Newkirk was arrested by Drug Enforcement Administration special agents in Buffalo. The defendant was identified through an investigative lead that was developed by DEA agents in Ohio, where a Chicago-based courier transporting a load of heroin was intercepted by an Ohio State Highway Patrol trooper.

A search of Newkirk's house in Buffalo yielded, among other evidence, a quantity of heroin, 205 glassine envelopes, and a loaded Glock handgun. The defendant served a 112-month sentence for a previous federal firearm conviction and was prohibited from legally possessing any firearm and ammunition.

The plea is the result of an investigation by the Drug Enforcement Administration Resident Offices in Buffalo, Toledo, Ohio, and Chicago, Illinois, under the direction of Special Agent-in-Charge James J. Hunt, New York Field Division, the Bureau of Alcohol, Tobacco, Firearms and Explosives, under the direction of Special Agent-in-Charge Ashan Benedict, and the Ohio State Highway Patrol.