

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	CRIMINAL NO.	_____
v.	:	DATE FILED:	_____
JOSE RODRIGUEZ, EDWIN FERNANDEZ	:	VIOLATIONS:	
	:	21 U.S.C. § 963 (conspiracy to import 5 kilograms or more of cocaine - 1 count)	
	:	21 U.S.C. § 952 (importation of 5 kilograms or more of cocaine - 1 count)	
	:	21 U.S.C. § 963 (attempted importation of 5 kilograms or more of cocaine - 1 count)	
	:	21 U.S.C. § 846 (conspiracy to distribute 5 kilograms or more of cocaine - 1 count)	
	:	21 U.S.C. § 846 (attempted possession with the intent to distribute 5 kilograms or more of cocaine - 2 counts)	
	:	18 U.S.C. § 2 (aiding and abetting)	
	:	Notice of forfeiture	

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

1. From at least in or about December, 2011, through at least on or about July 31, 2012, in Philadelphia, in the Eastern District of Pennsylvania, and elsewhere, defendants

**JOSE RODRIGUEZ and
EDWIN FERNANDEZ**

conspired and agreed, together and with others known and unknown to the grand jury, to knowingly and intentionally import five kilograms or more, that is, approximately 71 kilograms, of a mixture and substance containing a detectable amount of cocaine, a Schedule II controlled

substance, into the United States from a place outside thereof, that is, the Dominican Republic, in violation of Title 21, United States Code, Sections 952(a), 960(a)(1), (b)(1)(B)(ii).

MANNER AND MEANS

It was part of the conspiracy that:

2. Defendant EDWIN FERNANDEZ was a close associate of a person who was a leader of a cocaine distribution organization operating in Santo Domingo, Dominican Republic (“SANTO DOMINGO DTO”). The SANTO DOMINGO DTO employed several individuals, including airport employees in Santo Domingo, who would ensure that bags filled with kilograms of cocaine were safely loaded aboard commercial airplanes destined for Philadelphia, Pennsylvania and elsewhere.

3. Defendant JOSE RODRIGUEZ, an employee of US Airways in Philadelphia, recruited Person #1, Person #2, and Person #3, all US Airways employees known to the grand jury, to assist in the smuggling of bags containing kilograms of cocaine arriving on commercial airplanes from Santo Domingo, Dominican Republic into the Philadelphia International Airport.

4. Defendants JOSE RODRIGUEZ and EDWIN FERNANDEZ arranged for individuals to retrieve the bags containing kilograms of cocaine from domestic baggage claim belts at the Philadelphia International airport.

5. Defendants EDWIN FERNANDEZ and JOSE RODRIGUEZ used cellular telephones to communicate with each other, and with members of the SANTO DOMINGO DTO, coordinate and facilitate the cocaine deliveries.

OVERT ACTS

In furtherance of the conspiracy and to accomplish its object, defendants JOSE RODRIGUEZ and EDWIN FERNANDEZ and others known and unknown to the grand jury committed the following overt acts, among others, in the Eastern District of Pennsylvania and elsewhere:

1. In or about November, 2011, defendant JOSE RODRIGUEZ recruited Person #1 to assist in the smuggling of bags containing kilograms of cocaine, arriving on commercial airplanes at Philadelphia International Airport from Santo Domingo, Dominican Republic. Defendant RODRIGUEZ instructed Person #1 to divert the bags onto a domestic baggage claim belt instead of placing the bags onto the international baggage claim belt, thereby avoiding detection of United States Customs and Border Protection officials.

2. On or about December 9, 2011, defendant EDWIN FERNANDEZ traveled to Santo Domingo, Dominican Republic, to oversee a December 10, 2011 shipment of kilograms of cocaine from Santo Domingo, Dominican Republic to Philadelphia, Pennsylvania.

On or about December 10, 2011:

3. Defendant JOSE RODRIGUEZ communicated several times by telephone and text message to the SANTO DOMINGO DTO regarding the status of a bag containing kilograms of cocaine being placed on US Airways Flight # 1066, scheduled to depart from Santo Domingo, Dominican Republic at approximately 11:30 a.m., and to arrive in Philadelphia, Pennsylvania at approximately 2:18 p.m.

4. Defendant JOSE RODRIGUEZ informed Person #1, via telephone call, that the bag, which defendant RODRIGUEZ described as a black Nike duffle bag, had been safely loaded aboard US Airways Flight #1066 in Santo Domingo, Dominican Republic.

5. Person #1, acting at the direction of defendant JOSE RODRIGUEZ, arranged to be assigned to the crew that offloaded the baggage from Flight # 1066.

6. Person #1 notified defendant JOSE RODRIGUEZ, via a telephone call, that he had possession of the Nike black duffle bag containing the cocaine. Defendant RODRIGUEZ then provided instruction to Person #1 regarding onto which domestic baggage claim belt the bag should be placed.

7. Person #1 notified defendant JOSE RODRIGUEZ, via telephone call, that he had successfully placed the Nike black duffle bag onto the domestic belt as instructed.

8. Later that day, defendant JOSE RODRIGUEZ paid Person # 1 \$5,000 United States Currency.

9. On or about December 21, 2011, defendant JOSE RODRIGUEZ arranged for Person #1 to remove and divert bags containing kilograms of cocaine from a flight scheduled to arrive in Philadelphia, Pennsylvania, from Santo Domingo, Dominican Republic; however, after learning that the bags had not been able to be safely loaded onto the plane in Santo Domingo, defendant RODRIGUEZ sent a text message to Person #1 which read, "work today got cancelled."

On or about December 24, 2011:

10. Defendants JOSE RODRIGUEZ and EDWIN FERNANDEZ communicated, via telephone calls and text messages, with the SANTO DOMINGO DTO

regarding the status of two bag containing kilograms of cocaine being placed on US Airways Flight # 1066, scheduled to depart from Santo Domingo, Dominican Republic at approximately 7:20 a.m., and to arrive in Philadelphia, Pennsylvania at approximately 10:00 a.m.

11. Defendant JOSE RODRIGUEZ informed Person #1 that the bags, which defendant RODRIGUEZ described as two black Nike duffle bags, had been safely loaded aboard US Airways Flight #1066 in Santo Domingo, Dominican Republic.

12. Person #1, acting at the direction of defendant JOSE RODRIGUEZ, arranged to be assigned to the crew that offloaded the baggage from US Airways Flight # 1066.

13. After the flight landed at Philadelphia International Airport, Person #1 notified defendant JOSE RODRIGUEZ, via a telephone call, that he had possession of the two Nike duffle bags which contained the cocaine. Defendant RODRIGUEZ then provided instruction to Person #1 regarding onto which domestic baggage claim belt the bag should be placed.

14. Person #1 notified defendant JOSE RODRIGUEZ, via a telephone call, that he had successfully placed the two bags containing cocaine onto the domestic belt as instructed.

15. On or about December 25, 2011, defendant JOSE RODRIGUEZ paid Person #1 \$10,000 United States currency.

On or about December 28, 2011:

16. Defendants JOSE RODRIGUEZ and EDWIN FERNANDEZ communicated, via telephone calls and text messages, with members of the SANTO DOMINGO

DTO to coordinate a shipment of cocaine scheduled to be smuggled aboard a flight arriving in Philadelphia, Pennsylvania from Santo Domingo, Dominican Republic, on December 29, 2011.

17. Defendant JOSE RODRIGUEZ alerted Person #1, via telephone, that a shipment of cocaine was going to be loaded aboard the flight scheduled to arrive at the Philadelphia International Airport on December 29, 2011.

On or about December 29, 2011:

18. Defendants JOSE RODRIGUEZ and EDWIN FERNANDEZ communicated with members of the SANTO DOMINGO DTO regarding the status of three bags containing kilograms of cocaine being placed on US Airways Flight # 1066, scheduled to depart from Santo Domingo, Dominican Republic at approximately 7:20 a.m., and arrive in Philadelphia, Pennsylvania at approximately 10:00 a.m.

19. Defendant JOSE RODRIGUEZ informed Person #1 that the bags, which defendant RODRIGUEZ described as three black Nike duffle bags, had been safely loaded aboard US Airline Flight #1066 in Santo Domingo, Dominican Republic.

20. Person #1, acting at the direction of defendant JOSE RODRIGUEZ, arranged to be assigned to the crew that offloaded the baggage from US Airways Flight # 1066.

21. Person #1 notified defendant JOSE RODRIGUEZ, via telephone, that he had possession of the three black Nike duffle bags. Defendant RODRIGUEZ then provided instruction to Person #1 regarding onto which domestic baggage claim belt the bag should be placed.

22. Person #1 notified defendant RODRIGUEZ, via a telephone call, that he had successfully placed the three black Nike duffle bags onto the domestic belt as instructed.

23. Later that day, defendant JOSE RODRIGUEZ paid Person # 1, \$10,000 United States currency.

24. On or about January 6, 2012, defendants EDWIN FERNANDEZ and JOSE RODRIGUEZ communicated, via phone calls and text messages, with members of the SANTO DOMINGO DTO to coordinate a shipment of approximately 50.81 kilograms of cocaine scheduled to be smuggled aboard a flight arriving in Philadelphia, Pennsylvania from Santo Domingo, Dominican Republic on January 7, 2012.

On or about January 7, 2012:

25. Defendants JOSE RODRIGUEZ and EDWIN FERNANDEZ communicated with members of the SANTO DOMINGO DTO regarding the status of three bags containing approximately 50.81 kilograms of cocaine being placed on US Airways Flight # 1068, scheduled to arrive in Philadelphia, Pennsylvania at approximately 7:00 p.m.

26. Defendant JOSE RODRIGUEZ informed Person #1 that the bags, which defendant RODRIGUEZ described as 3 black Nike duffle bags, had been safely loaded aboard US Airways Flight # 1068 in Santo Domingo, Dominican Republic.

27. Person #1, acting at the direction of defendant JOSE RODRIGUEZ, arranged to be assigned to the crew that offloaded the baggage from US Airways Flight # 1068.

28. At approximately 7:00 p.m. defendant JOSE RODRIGUEZ went to the area around Philadelphia International Airport to await the arrival of US Airways Flight #1068.

29. After the flight landed in Philadelphia, Person #1 informed defendant JOSE RODRIGUEZ that they were unable to divert the 3 black Nike duffle bags onto a domestic

baggage claim belt because officials from Custom and Border Protection were monitoring the offloading of the bags from US Airways Flight #1068 and ultimately seized the three black Nike duffle bags, which contained approximately 50.81 kilograms of cocaine.

30. From on or about January 18, 2012 through on or about January 27, 2012, defendant EDWIN FERNANDEZ discussed with a leader of the SANTO DOMINGO DT, via blackberry messenger, using coded language, numerous aspects of their coordinated drug trafficking activities, including payments owed and monies received and when it would be safe to send another shipment of cocaine through the Philadelphia International Airport.

31. From on or about March 17, 2012 through on or about March 24, 2012, a leader of the SANTO DOMINGO DTO traveled from Santo Domingo, Dominican Republic to Philadelphia, Pennsylvania and met with defendant EDWIN FERNANDEZ.

32. On or about April 5, 2013, defendant JOSE RODRIGUEZ recruited Person #3 to schedule certain individuals to offload bags from incoming flights from the Dominican Republic so that those individuals could divert bags containing cocaine onto a domestic baggage claim belt, thereby avoiding detection by United States Customs and Border Protection officers. Defendant RODRIGUEZ agreed to pay Person # 3, explaining that the SANTO DOMINGO DTO had “bookoo money out there.”

33. On or about April 7, 2012, defendant JOSE RODRIGUEZ recruited Person #2 to assist in the smuggling of bags containing kilograms of cocaine, arriving on commercial airplanes at Philadelphia International Airport from Santo Domingo, Dominican Republic. Defendant RODRIGUEZ instructed Person #2 to divert the bags onto a domestic

baggage claim belt instead of placing the bags onto the international baggage claim belt, thereby avoiding detection of United States Customs and Border Protection officials.

34. On or about April 11, 2012, defendant JOSE RODRIGUEZ informed Person # 3 that the SANTO DOMINGO DTO was going to do a “test run” later that week and informed Person #3 that he would be compensated approximately \$1,000 or \$1,500 United States currency.

35. On or about April 13, 2011, defendant JOSE RODRIGUEZ met with Person # 3 and informed Person # 3 that a “test load” would be loaded aboard US Airways Flight #1068 scheduled to arrive at Philadelphia International Airport from Santo Domingo, Dominican Republic on April 14, 2012. Defendant RODRIGUEZ provided Person # 3 the names of the baggage handlers, including Person # 2, that he wanted scheduled to work US Airways Flight #1068 on April 14, 2012.

On or about April 14, 2013:

36. Members of the SANTO DOMINGO DTO delivered a suitcase containing approximately 20.84 kilograms of cocaine to the Las Americas Airport in Santo Domingo, Dominican Republic. Thereafter, at approximately 2:00 p.m., this suitcase was discovered and confiscated by Dominican Republic law enforcement officials before being loaded onto US Airways Flight #1068 destined for Philadelphia, Pennsylvania.

37. Defendants EDWIN FERNANDEZ and JOSE RODRIGUEZ discussed, via telephone calls and text messages, the seizure of the cocaine in Santo Domingo.

38. At approximately 3:25 p.m. defendant JOSE RODRIGUEZ sent a text message to Person # 3 which read, “the party got cancelled.”

39. On or about April 23, 2012, defendant JOSE RODRIGUEZ met with Person # 3 and explained that the reason the cocaine was confiscated by Dominican law enforcement officials was because the SANTO DOMINGO DTO had “forgot to pay off the drug inspector dude down there.”

40. On or about May 15, 2012, defendant JOSE RODRIGUEZ explained to Person # 3 that the SANTO DOMINGO DTO was “ready any day” to attempt another shipment of cocaine.

41. On or about July 26, 2012, defendant JOSE RODRIGUEZ met with Person # 3 and explained that Person # 3 needed to work the following evening because an attempt to import cocaine was going to be made.

42. On or about July 27, 2013, after learning that Person # 3 was unable to work that afternoon, defendant JOSE RODRIGUEZ explained that because “his people” needed 3-4 hours to transport the cocaine to Punta Cana, Dominican Republic, no attempt would be made that day.

43. On or about July 28, 2012, defendant JOSE RODRIGUEZ met with Person # 3 and explained that an attempt to import cocaine would be made on July 29, 2012 and provided the names of the baggage handlers he wanted scheduled to work the incoming flight to Philadelphia, Pennsylvania from Santo Domingo, Dominican Republic.

44. On or about July 29, 2012, defendant JOSE RODRIGUEZ advised Person # 3 that “the ballgame fucked up” and no attempt would be made. Defendant RODRIGUEZ further explained, “I got people lined up and everything. He called me and he like yo no party.”

45. On or about July 30, 2012, defendant JOSE RODRIGUEZ met with Person #3 and discussed why no attempt had been made the day before. During the meeting, defendant RODRIGUEZ placed a telephone call to defendant EDWIN FERNANDEZ and after concluding the call, defendant RODRIGUEZ informed Person #3 that “they want to work tomorrow.”

46. On or about July 31, 2012, defendant JOSE RODRIGUEZ called Person #3 and explained that no attempt would be made because “they didn’t drop it off in time.”

All in violation of Title 21, United States Code, Section 963.

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 2 through 5 and Overt Acts 1 through 46 of Count One of the indictment are incorporated here.

2. From at least in or about December, 2011 through on or about July 31, 2012, in Philadelphia, in the Eastern District of Pennsylvania, and elsewhere, defendants

**JOSE RODRIGUEZ and
EDWIN FERNANDEZ**

conspired and agreed, together and with others known and unknown to the grand jury, to knowingly and intentionally distribute five kilograms or more of, that is, approximately 71 kilograms, of a mixture and substance containing a detectable amount of cocaine, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(A).

All in violation of Title 21, United States Code, Section 846.

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

On or about January 7, 2012 at the Philadelphia International Airport, in the Eastern District of Pennsylvania, defendants

**JOSE RODRIGUEZ and
EDWIN FERNANDEZ**

knowingly and intentionally imported, and aided and abetted the importation of, five kilograms or more, that is, approximately 50.81 kilograms, of a mixture and substance containing a detectable amount of cocaine, a Schedule II controlled substance, into the United States from a place outside the United States, that is, the Dominican Republic.

In violation of Title 21, United States Code, Sections 952(a) and 960(a), (b)(1)(B)(ii), and Title 18, United States Code, Section 2.

COUNT FOUR

THE GRAND JURY FURTHER CHARGES THAT:

On or about January 7, 2012, in Philadelphia, in the Eastern District of Pennsylvania, defendants

**JOSE RODRIGUEZ and
EDWIN FERNANDEZ**

knowingly and intentionally attempted to possess with the intent to distribute, and aided and abetted the possession with intent to distribute of, five kilograms or more, that is, approximately 50.81 kilograms, of a mixture and substance containing a detectable amount of cocaine, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(A).

In violation of Title 21, United States Code, Section 846, and Title 18, United States Code, Section 2.

COUNT FIVE

THE GRAND JURY FURTHER CHARGES THAT:

On or about April 14, 2012, at the Philadelphia International Airport, in the Eastern District of Pennsylvania, defendants

**JOSE RODRIGUEZ and
EDWIN FERNANDEZ**

knowingly and intentionally attempted to import, and aided and abetted the attempted importation of , five kilograms or more, that is, approximately 20.84 kilograms, of a mixture and substance containing a detectable amount of cocaine, a Schedule II controlled substance, into the United States from a place outside the United States, that is, the Dominican Republic, in violation of Title 21, United States Code, Sections 952(a) and 960(a), (b)(1)(B)(ii).

In violation of Title 21, United States Code, Section 963, and Title 18, United States Code, Section 2.

COUNT SIX

THE GRAND JURY FURTHER CHARGES THAT:

On or about April 14, 2012, in Philadelphia, in the Eastern District of Pennsylvania, defendants

**JOSE RODRIGUEZ and
EDWIN FERNANDEZ**

knowingly and intentionally attempted to possess with the intent to distribute, and aided and abetted the attempted possession with intent to distribute of, five kilograms or more, that is, approximately 20.84 kilograms, of a mixture and substance containing a detectable amount of cocaine, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(B).

In violation of Title 21, United States Code, Section 846, and Title 18, United States Code, Section 2.

NOTICE OF FORFEITURE

THE GRAND JURY FURTHER CHARGES THAT:

1. As a result of the violations of Title 21, United States Code, Sections 952, 963, 960, and 846 as set forth in this indictment, defendants

**JOSE RODRIGUEZ and
EDWIN FERNANDEZ**

shall forfeit to the United States of America:

(a) any property used or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such offenses; and

(b) any property constituting, or derived from, proceeds obtained directly or indirectly from the commission of such offenses.

2. If any of the property subject to forfeiture, as a result of any act or omission of the defendants:

(a) cannot be located upon the exercise of due diligence;

(b) has been transferred or sold, or deposited with, a third party;

(c) has been placed beyond the jurisdiction of the court;

(d) has been substantially diminished in value; or

(e) has been commingled with other property which cannot be divided without difficulty;

it is the intention of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any property of said defendants up to the value of the above forfeitable property.

All pursuant to Title 21, United States Code, Section 853.

A TRUE BILL:

FOREPERSON

ZANE DAVID MEMEGER
United States Attorney