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United States District Court  
District of New Jersey

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**UNITED STATES OF AMERICA** : **Hon. Mark Falk**  
:   
v. : **Magistrate No. 08-3569**  
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**RUBEN TORRES CRUZ** : **CRIMINAL COMPLAINT**

I, Eric Gallagher, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. From on or about February 6, 2008, through on or about February 21, 2008, in Essex County, in the District of New Jersey and elsewhere, defendant did:

SEE ATTACHMENT A

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

I further state that I am a Special Agent with the Department of Homeland Security, Immigration and Customs Enforcement, and that this complaint is based on the following facts:

SEE ATTACHMENT B.

\_\_\_\_\_  
Eric Gallagher  
Special Agent  
Immigration and Customs Enforcement

Sworn to before me and subscribed in my presence,

\_\_\_\_\_ at  
Date

Newark , New Jersey  
City and State

Honorable Mark Falk  
United States Magistrate Judge  
Name & Title of Judicial Officer

\_\_\_\_\_  
Signature of Judicial Officer

#### ATTACHMENT A

knowingly and intentionally conspire and agree with others to distribute and to possess with intent to distribute one hundred grams or more of heroin, a Schedule I controlled substance, contrary to Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B).

#### ATTACHMENT B

I, Eric Gallagher, am a Special Agent with the Department of Homeland Security, Immigration and Customs Enforcement ("ICE"). Based upon my investigation and my discussions with other individuals involved in this investigation, I have knowledge of the following facts:

1. In or about April 2007, law enforcement received information that several individuals, including employees of Continental Airlines ("Continental") at Newark Liberty International Airport ("Newark Airport") in Newark, New Jersey, worked together and with others to import and distribute quantities of illegal narcotics in and around the District of New Jersey.

2. Subsequent investigation revealed that at least one Continental employee, Ruben Torres Cruz ("Cruz") was part of an international narcotics distribution organization with illicit ties to El Salvador. Cruz was identified as a Continental Ramp Side employee based at Newark Airport. The participants in this drug trafficking network utilized various means, including the United States Postal Service, to import narcotics into the United States for subsequent distribution to purchasers in and around New Jersey.

3. On or about January 18, 2008, law enforcement officials obtained federal court authorization permitting the interception of wire communications by and between members of this narcotics organization. The conversations described below were intercepted pursuant to those court orders. The descriptions of the intercepted conversations set forth below, including those statements contained in quotations, are partial, non-verbatim draft summaries based on descriptions of the conversations prepared by law enforcement monitors. In these descriptions, comments enclosed in parentheses are based upon my knowledge, training, and

experience, the knowledge, training, and experience of other law enforcement agents with whom I have spoken, and the results of the investigation to date. The times ascribed to conversations and other events are all approximate.

4. On February 6, 2008, Cruz engaged in a conversation with a co-conspirator identified as Olga LNU. During this conversation, Cruz provided Olga LNU with a shipping address in New Jersey. The specific address was 11 Mill Street, Apt. 2, Bloomfield, New Jersey 07003, and the recipient was an individual identified as Miguel Salmeron (the "Bloomfield Address").

5. On February 7, 2008, Cruz engaged in a series of telephone conversations with a co-conspirator identified as Irvin LNU. During those conversations, Cruz and Irvin discussed the shipment of a mail package from El Salvador to the United States containing a secreted quantity of heroin, which was saturated into clothing items. Some of those conversations are described more fully below.

6. On February 7, 2008, at approximately 8:41 p.m., Cruz made an outgoing call to Irvin LNU in El Salvador. During this call, Irvin stated, "I am fine." Cruz replied, "Yeah, she told me. Why didn't you mention it in the morning? How did everything go?" Irvin then stated, "Everything is fine. Listen. I went to go check the things (meaning the heroin saturated pants) out over there. I told my comrade to have you call me. The thing can be sent but I can't do things in a rush. I don't want anything to go wrong. I told her it would be best to wait a day. I asked her to let me figure out how to send it. I've been running a few trials without touching that thing to see if I could do it and what could be done. Also, I have a few little things I was going to show you to see if we could do that thing we talked about. There are some little things that can be sent that way." Cruz then stated, "No kidding?" Irvin then replied, "Yeah. It can be done." Cruz then stated, "Let's wait and see how this goes." Irvin then stated, "Uh-huh." Cruz then stated, "Remember, it (meaning the heroin saturated pants) can't get wet." Irvin then replied, "It won't get wet at all. Not at all." Cruz then asked, "Did it (meaning the heroin saturated pants) lose the bad smell?" Irvin then replied, "Yes it still does but I'm going to try to put it in a bag and put that thing on it (meaning that Irvin is going to package an item or chemical along with the heroin saturated pants in order to offset the narcotics scent and to avoid detection by law enforcement)." Cruz then asked, "But that thing goes on the outside, right?" Irvin then replied, "Yes, on the outside." Cruz then stated, "When you send it, don't you have to show them what it is?" Irvin then replied, "They just look. You open it up and seal it again." Cruz then stated, "That's good." Irvin then stated, "There is a girl

there right now who is a friend of mine. We'll find a way to do it. We'll take the risk and see what happens." Based on the content of this intercepted communication and the context of the investigation, law enforcement inferred that Cruz instructed Irvin LNU to send a package with heroin saturated clothing from El Salvador to the United States, and that Irvin LNU maintained a connection in the post office in "La Union El Salvador" that enabled him to smuggle the heroin in such a way as to avoid detection by law enforcement.

7. On February 8, 2008, at approximately 9:09 p.m., Cruz made an outgoing call to Irvin LNU in El Salvador. During this call, Cruz asked Irvin LNU, "Did you go to...to send it?" Irvin replied, "Yes." Cruz responded, "Yeah?" Irvin then stated, "Yes, Giovanni sent it (meaning the package containing the heroin saturated pants) out." Cruz then asked, "Who is Giovanni?" Irvin replied, "A trustworthy kid that I know." Cruz then asked, "Really?" Irvin replied, "Yes, he used to work with Jorge, my brother, and I." Cruz then said, "Yeah?" Irvin then stated, "Yes, I called him and I asked him to...because I was thinking about it and decided to have him do it. I told him, 'We will work the way we used to work before'." Cruz then stated, "Uh-huh." Irvin then said, "So, I told him, 'Have Ruben tip you when he comes'." Ruben then said, "Yeah?" Irvin replied, "Yes, I told him, 'Put the receipt aside, put it aside in case of anything you will be the only one who can ask or do something about it'." Later in the conversation, Irvin stated, "So I told him, 'Keep it there in case of anything and you know that if it gets lost, you will be the only who can claim it'." Cruz then stated, "No, but ask him to give it to you. I will feel better about it. That way I can hold the guy here responsible too. Do you understand?" Irvin replied, "Right." Cruz then stated, "Yes, because this guy here is...this guy is sneaky too." Later in the conversation, Irvin stated, "No, damn...those pants...that damn thing is completely loaded (meaning the pants are fully saturated with heroin)." Ruben replied, "Really?" Irvin then stated, "Of course. That son of a bitch (meaning the pants) had really big stains (meaning heroin) that you could see." Ruben then stated, "It had what?" Irvin replied, "Really big stains." Ruben then asked, "Oh really?" Irvin then stated, "Oh yes. That son of a bitch was really loaded." Later in the conversation, Cruz stated, "...I was asking a friend of mine here about it and he tells me that there is some of those things that need another chemical added to it. Extract it (meaning heroin) and then add another chemical in order to process it. I have another who says that it is ready, that it will only need to be extracted. Which of those is this one?" Irvin replied, "I know that when it is **heroin** it is extracted as liquid." Cruz then stated, "Uh-huh." Irvin then stated, "You see, because they use it as liquid." Cruz then

stated, "Uh-huh." Irvin then stated, "So, they use it that way. If they are going to process it as the other one is telling you, they have to use another thing in order to make it (meaning heroin) into powder." Based on the content of this intercepted communication and the context of the investigation, law enforcement inferred that Irvin LNU had an individual named Giovanni mail a package containing approximately four (4) pairs of pants saturated with heroin, and that Cruz and Irvin also discussed plans to extract the heroin from the clothing upon Cruz' receipt of the package.

8. On February 10, 2008, Cruz engaged in a telephone conversation with a co-conspirator identified as Zoila LNU. During this conversation, Cruz and Zoila discussed the shipment of a mail package from El Salvador to the United States containing a secreted quantity of heroin, which was saturated into clothing items. A portion of that conversation is described more fully below.

9. On February 10, 2008, at approximately 9:33 p.m., Cruz received an incoming call from a co-conspirator identified as Zoila LNU. During this call, Cruz stated, "Listen, the deal is that I have some things...I have some clothing (meaning heroin saturated pants) that I have to move from over there." Zoila replied, "Okay, I figured it was something like that." Cruz then stated, "There are products (meaning heroin) in the clothing...chemicals you know?" Zoila then stated, "Uh-huh." Cruz then said, "A substance that needs to be prepared here...that it has to do with that shit, you know?" Zoila then replied, "Yes, yes, yes." Cruz then stated, "So, I need to move those pants from over there. I sent some through the mail three days ago." Zoila then asked, "From there to here?" Cruz then replied, "Yes. I send one (meaning one pair of heroin saturated pants) in each bundle with, with clothes. How would you say?" Zoila then stated, "Regular clothing." Cruz then stated, "One pair of pants and a set of native clothing, shirt. Do you understand?" Zoila then replied, "Yes, yes, yes." Cruz then stated, "That way, it shows it is not only that." Zoila then stated, "Yes, yes, yes." Cruz then stated, "So, I want to see if it (meaning the package containing the heroin saturated pants) really gets here. I was thinking this afternoon about you and I was calling you. I wanted to know if I could send some over to your house. I would pay you." Zoila then replied, "Okay." Cruz then stated, "I would pay you five hundred dollars per pant. So what do you think?" Zoila then stated, "Okay, we'll see how that goes through." Cruz then stated, "They are regular pants, it is just that the substance (meaning heroin) is in the pants. It is not something that is visible." Zoila then stated, "Diluted." Cruz then stated, "And the pants were soaked in it (meaning heroin). It is not detectable, but you know that...the same way there is the technology to make it, there can be technology to

detect it." Based on the content of this intercepted communication and the context of the investigation, law enforcement inferred that Cruz was expecting a package with heroin saturated pants and had inquired whether he could use Zoila's address to route further packages through. It was further inferred that Cruz and Zoila planned to wait to see if the first package arrived before arranging for future shipments of heroin saturated pants.

10. Subsequently, on February 20, 2008, law enforcement was alerted to the potential presence of narcotics in a mail package destined to the Bloomfield Address. Thereafter, on February 21, 2008, pursuant to a court-authorized search warrant, law enforcement examined the contents of the package. Agents discovered a pair of pants within the package that felt unusually stiff and gave off a strong vinegar-like odor. The item was field tested with positive results for the presence of heroin. A subsequent laboratory analysis of the substance seized by law enforcement officials revealed a net weight of approximately 838 grams of heroin.