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United States District Court  
District of New Jersey

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**UNITED STATES OF AMERICA** : **Hon. Madeline Cox Arleo**  
 :  
 v. : **Magistrate No. 08-8024**  
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 **JOSE MORENO and** : **CRIMINAL COMPLAINT**  
 **JOSEPH MUNIZ** :

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 January 20, 2008, through on or about March 20, 2008, at Newark Liberty International Airport, in the District of New Jersey and elsewhere, defendants 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 Madeline Cox Arleo  
United States Magistrate Judge  
Name & Title of Judicial Officer

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

ATTACHMENT A

knowingly and intentionally conspire and agree with each other and 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 two Continental employees, Jose Moreno ("Moreno") and Joseph Muniz ("Muniz"), were part of an international narcotics distribution organization with illicit ties to El Salvador and Colombia. Moreno was identified as a Continental Ramp Side employee based at Newark Airport, and Muniz was identified as a Continental aircraft mechanic in its technical operations division, also based at Newark Airport. The participants in this drug trafficking network utilized Continental airplanes and equipment 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 January 20, 2008, Moreno engaged in a series of telephone conversations with Muniz. During those conversations, Moreno and Muniz discussed the pending arrival of a Continental flight containing a secreted quantity of heroin. After confirming the flight number and arrival information, Muniz agreed to retrieve the hidden narcotics, as he had unfettered access to Continental airplanes due to his employment as a mechanic. Muniz and Moreno further discussed the meeting time and place for Muniz to deliver

the narcotics to Moreno. Some of those conversations are described more fully below.

5. On January 20, 2008, at approximately 1:54 p.m., Moreno received a telephone call from Muniz. During this call, Muniz stated, "Okay, I am going to check now at what time it is..." Moreno replied, "It will arrive around three." Later in the conversation, Muniz stated, "I am going to check because at this moment I cannot...the computer does not want to work." Muniz further stated, "All right, it arrives with flight number one eighty-six....[y]es, okay, that will arrive here at...three forty-two, at ninety-four." Moreno replied, "Okay." Muniz then said, "Okay, we will talk later." Based on the content of the intercepted communication and the context of this investigation, law enforcement inferred that Moreno inquired about the arrival of a particular plane carrying a shipment of narcotics, and that Muniz confirmed that the drugs would be coming to Newark Airport on Continental Flight #186 at 3:42 p.m. at gate number 94.

6. On January 20, 2008, at approximately 4:07 p.m., Moreno made an outgoing call Muniz. During this call, Moreno stated, "I am on the road right now." Muniz asked, "When are you going to come over here?" Moreno replied, "Later on, maybe in a half hour." Muniz then stated, "Okay, everything is fine....[d]o you want to come inside or what?" Moreno replied, "Or do you want to see me when I go in....I go in Tuesday morning...." Muniz stated, "You know what, let's get done with this today. Let's do this today brother." Moreno then stated, "Okay....I will call you when I am close by." Based on the content of the intercepted communication and the context of this investigation, law enforcement inferred that Muniz had retrieved the narcotics from Continental Flight #186 and was prepared to give it to Moreno. Moreno asked Muniz if he wanted to wait to deliver the package to Moreno when Moreno came to work at Continental on Tuesday, January 22, 2008, but Muniz replied that he would rather deliver drugs to Moreno as soon as possible. Moreno agreed and informed Muniz that he would meet him at the airport later that day.

7. On January 20, 2008, at approximately 7:56 p.m., Moreno made an outgoing call Muniz. During this call, Moreno stated, "Hold on. I'm almost there. Don't worry." Muniz replied, "I'm already here." Moreno then said, "I saw a car that wasn't parked right, but it already moved." Muniz replied, "Fine. I'm already here....don't go in, don't go in, but wait for me at the entrance....I'll see you soon." Moreno then informed him, "...in a black car..." Based on these calls, members of law enforcement conducted undercover surveillance at a parking area in the vicinity of Newark Airport. At approximately 7:56 p.m., Moreno was observed as he approached the parking area driving a black 2005 Infinity G35, bearing New Jersey identification tag SUV68L, registered to

Claudia Moreno (Moreno's wife), whereupon he met with Muniz to retrieve the quantity of narcotics.

8. Subsequently, on February 23, 2008, Moreno engaged in a conversation with a co-conspirator. During this conversation, Moreno discussed the pending arrival of another Continental flight containing an additional amount of hidden narcotics. Moreno further discussed the reason why Muniz had not already secured the narcotics from the flight, but that plans were in place for its retrieval. This conversation is more fully described below.

9. On February 23, 2008, at approximately 11:11 a.m., Moreno received an incoming call from an individual later identified as Edward LNU. During this call, Moreno stated, "Listen, this girl (meaning airplane containing a hidden shipment of narcotics) was here twice...but after midnight around 1:15 and...eh...this guy (meaning co-conspirator Muniz) was not in the apartment (meaning airplane) at that time and he was not able to find any excuse to stay in the apartment, so he was not able to see the girl (meaning to search the plane for the narcotics)...because he says he does not want, well, to get a red flag because everyone is looking a lot. That's why the little man is taking a long time (meaning to obtain the hidden narcotics from the airplane). At this moment, I haven't heard anything strange, but I hope that everything is fine, right? But the man is...the two times that it passed by he couldn't do it because of his time, man." Edward replied, "Do you know more or less when?" Moreno replied, "No, no...I am just telling you...that he was in during the week twice...but these two times they put him at these hours...then this guy...I told him that...uh, one time he was allowed to stay there but there was a snow storm and because of that they change the whole schedule...then the guy got screwed." Later in the conversation, Edward stated, "Did you tell him it was in these two apartments (meaning hidden compartments on the airplane)?" Moreno replied, "Oh. Yes." Edward then stated, "Eh...one apartment there are locks...four keys (meaning a package containing four hundred grams of heroin) and four keys (meaning a package containing four hundred grams of heroin..." Based on the context of the investigation and the content of this call, law enforcement inferred that Moreno was discussing a Continental flight that left Cali, Colombia and entered Houston Intercontinental Airport on February 10, 2008. Specifically, law enforcement learned that the narcotics were secreted onboard the aircraft that flew into Houston as Continental Flight #821 (this plane has Continental Aircraft tail number ending in the digits 722; "Continental 722").

10. Subsequently, on Sunday, February 24, 2008, at the direction of ICE agents, Customs and Border Patrol ("CBP") agents

assigned to Newark Airport searched Continental 722 and discovered two taped brick shaped objects containing a brown, powdery substance, concealed in two separate life-jacket compartment locations on the aircraft. The substances seized by law enforcement officials were weighed and field tested positive for the presence of heroin. The total weight of the heroin recovered from the brick shaped objects was approximately 800 grams.

11. On February 28, 2008, Moreno had another telephone conversation with Muniz. During this conversation, Moreno and Muniz discussed the arrival of a Continental 722, which they believed still contained a secreted quantity of heroin (the seizure of heroin on February 24, 2008, was not immediately revealed by law enforcement). That conversation is described more fully below.

12. On February 28, 2008, at approximately 3:25 p.m., Moreno made an outgoing call to Muniz. During this call Moreno stated, "Okay, good. Good. I was going to tell you that it is best if we just wait to see because I think the day is too...near, you hear?" Muniz then replied, "Yeah." Moreno then stated, "What do you think? I think so, though." Muniz then replied, "Did you find out the thing...about...Sunday (meaning the search of Continental 722 on February 24, 2008)?" Moreno then stated, "No. I haven't been able to do so because my brother was out and I'm going to stop by over there to see what I see and who I see. But as of right now, nothing. Nothing at all." Muniz then stated, "Okay, it's just that I'm going to be in class until four o'clock." Moreno then stated, "Okay. Were you able to get overtime?" Muniz then replied, "No. No. I tried, but no one wants to give me the...the (U/I)." Based on the content of the intercepted communication and the context of this investigation, law enforcement inferred that Moreno wanted Muniz to wait before trying to check if all the narcotics onboard Continental 722 were discovered and seized by CBP. Furthermore, it was inferred that Muniz was attempting to obtain overtime hours, where there are less mechanics and supervision on duty at Newark Airport, enabling him to board flights easier and with less chance of detection.

13. On March 20, 2008, at approximately 3:30 p.m., Moreno and Muniz engaged in an additional conversation. During this conversation, Moreno stated, "Hey, I'm having a lot of problems with these people...[t]hey think I stole that (meaning the narcotics hidden on Continental 722)..." Muniz stated, "Oh, no, no, no...if you say it's on the plane then it's still on the plane." Moreno stated, "The biggest problem here is that they want to hold me accountable for that. They said that it's not just one hundred little grams; they sent eight hundred and I need to answer for those eight hundred grams (meaning 800 grams of heroin)."

Muniz replied, "I understand, but brother I told you from the start, I can't just get on the plane all of a sudden....get onboard and take that, brother." Muniz stated, "I know....[b]ut they're driving me crazy and calling me. I don't want to force you to do anything." Muniz replied, "I'm not going to let you force me, either. That's why I told you from the start that I prefer that you be with me when I pick that up. I told you from the start brother. Because I don't do that shit and then..." Moreno replied, "No, of course. I'm not...I'm not accusing you of having stolen anything....[b]ut they're telling me that I have to pay for those eight hundred grams and that it's not coke (meaning cocaine), it's heroin..." Muniz then replied, "No, no. I understand. I understand." Moreno then asked, "Can it be on Saturday (meaning could Muniz search Continental 722 on Saturday, March 22, 2008)?" Muniz then replied, "No, not Saturday. I can't be here when it isn't my shift because this place (meaning Newark Airport) is very hot. Do you know what happened now? Do you know Alex Torres? He works on the ramp....[t]hey caught some guys from cargo and from the ramp stealing checks...it's in the Star Ledger..." Moreno responded, "Today was too difficult (meaning was Muniz able to attempt to retrieve the hidden heroin on Continental 722 earlier that day)?" Muniz replied, "Brother, by the time I got up there...that plane came in at 2 (meaning 2:00 p.m.) and...I don't understand what's going on...[i]t says it arrived at 2 and left at 3 (meaning 3:00 p.m.)...when I got up there it said departure 2:15..."