

United States District Court
District of New Jersey

UNITED STATES OF AMERICA : HON. MARK FALK
v. : **CRIMINAL COMPLAINT**
FNU LNU, : Magistrate No. 12-3750
a/k/a "Gigante's Brother" : Filed Under Seal

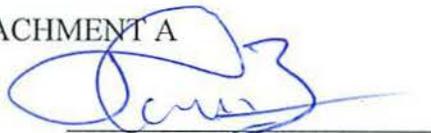
I, Jordan Benson, the undersigned complainant being duly sworn, state the following is true and correct to the best of my knowledge and belief. From at least as early as in and around September 2012 through on or about November 30, 2012, in Union County, in the District of New Jersey and elsewhere, defendant FNU LNU a/k/a "Gigante's Brother" did:

knowingly and intentionally conspire and agree with others to distribute and possess with intent to distribute 500 grams or more of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance, contrary to Title 21, United States Code, Sections 841(a)(1) and (b)(1)(B), and

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

I further state that I am a Special Agent with the Federal Bureau of Investigation and that this complaint is based on the following facts:

SEE ATTACHMENT A



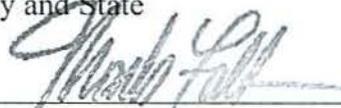
Jordan Benson
Special Agent
Federal Bureau of Investigation

Sworn to before me and subscribed in my presence,

December 7, 2012 at
Date

Newark, New Jersey
City and State

Honorable Mark Falk
United States Magistrate Judge


Signature of Judicial Officer

ATTACHMENT A

I, Jordan Benson, am a Special Agent with the Federal Bureau of Investigation ("FBI"). I am familiar with the facts set forth herein through my personal participation in the investigation and through oral and/or written reports from other federal agents and law enforcement officers. Where statements of others are related herein, they are related in substance and part. Since this complaint is being submitted for a limited purpose, I have not set forth each and every fact that I know concerning this investigation. Where I assert that an event took place on a particular date and time, I am asserting that it took place on or about the date and time alleged.

I. Overview

1. Between on or about November 2011 and on or about November 30, 2012, law enforcement was involved in an investigation into a drug trafficking organization (DTO) operating in and around Elizabeth and Newark, New Jersey.

2. The DTO functioned, in part, by utilizing individuals operating in Puerto Rico and other locations to coordinate shipments of parcels containing kilogram quantities of cocaine and heroin through the U.S. mails to locations in Northern New Jersey, New York, Pennsylvania and Connecticut. Co-conspirators packaging the narcotics would conceal the narcotics in benign items such as candles and children's toys, and then ship the narcotics to those areas. Individuals in New Jersey would coordinate these shipments, process or "cut" the narcotics upon receipt of the parcels, and distribute the narcotics to locations in New Jersey, Pennsylvania, Connecticut, Maryland and other locations.

3. As the investigation progressed through, among other things, the use of confidential sources, physical surveillance and judicially-authorized electronic surveillance, law enforcement in New Jersey identified Defendant FNU LNU a/k/a "Gigante's Brother" (hereinafter "GB") as one of the distributors of cocaine on behalf of the DTO.

4. Subsequent physical surveillance and judicially-authorized electronic surveillance in New Jersey led law enforcement to identify GB operating in and around the Elizabeth, New Jersey area.

II. Intercepted Communications

5. On September 14, 2012, U.S. District Judge Claire C. Cecchi authorized the interception of wire communication to and from a cellular telephone facility utilized by Roberto Rentas Negron, a/k/a "El Duro" (hereinafter "El Duro") ("the 1st Duro Facility").¹ On October 16, 2012, Judge Cecchi authorized the interception of wire and electronic communication to and from the 1st Duro Facility as well as a second cellular telephone facility utilized by El Duro (the "2nd Duro Facility"). On November 14, 2012, U.S. District Judge Kevin McNulty authorized the

¹ El Duro is an associate of GB, involved in distributing narcotics in Elizabeth, New Jersey and elsewhere.

interception of wire and electronic communication to and from a cellular telephone facility utilized by Antonio Vazquez a/k/a "Panta" (hereinafter "Panta")(the "2nd Panta Facility").²

6. Conversations intercepted over the 1st Duro Facility and the 2nd Duro Facility demonstrate that GB is involved in the conspiracy to traffic cocaine in and around the Elizabeth, New Jersey area. In the following paragraphs, I have set forth excerpts of the recorded conversations and then provided an explanation of the conversation in parenthesis. Explanations in parentheses are based on my training and experience, and that of other agents and law enforcement officers with whom I have conferred regarding the facts and circumstances of this investigation. In addition, transcripts of the conversations, are in draft form. As such, quoted passages of phone conversations referenced below are in sum and substance.

7. On September 23, 2012, in a call intercepted over the 1st El Duro Facility, El Duro asked GB if "Gigante" had "any complete containers at his house" (El Duro was asking about items used to mix and package cocaine). GB replied "yes" and El Duro stated that he needed to "make 100 with 450" and asked if GB wanted to "make it" (El Duro was asking GB to mix and cut cocaine into 450 grams, which he would then distribute). GB agreed, and El Duro directed him to "make 100 with 450 and divide 450 into 4 to leave with Kelmit" (El Duro was telling GB to mix and cut the cocaine into 450 grams and then give it to another co-conspirator).

8. On September 25, 2012, in a call intercepted over the 1st El Duro Facility, El Duro told GB to "make 800" (El Duro was directing GB to process 800 grams of cocaine). El Duro told GB "there is 200 in the 6-with 300" (El Duro was telling GB the location of the narcotics and how much to mix and package). Thereafter, GB repeated this and confirmed the amounts.

9. On October 11, 2012, in calls intercepted over the 1st El Duro Facility, GB and El Duro discussed cutting and mixing "500" (grams of cocaine). Afterward, El Duro and GB agreed that they would make "1,000" (they would mix and cut one kilogram of cocaine) if they "have to."

10. On October 27, 2012, in calls intercepted over the 1st El Duro Facility, GB told El Duro that they had "about 1,7,7 left" and El Duro replied "that's fine" and told GB to "make 25 with 75 in order to make 100 and give it to Kelmit" (GB was telling El Duro how much cocaine he had left, and El Duro was instructing GB on how to process and distribute the cocaine, and to give a third co-conspirator 100 grams). Thereafter, GB and El Duro discussed how to cut and process a supply of cocaine, and El Duro advised GB that they made "500 (grams of cocaine) with that container."

² Panta is an associate of El Duro, involved in distributing narcotics in Elizabeth, New Jersey and elsewhere.