
United States District Court
District of New Jersey

UNITED STATES OF AMERICA

: HON. MICHAEL A. SHIPP

v.

: **CRIMINAL COMPLAINT**

FRANCISCO FLORES, and
EDUARDO BAEZ

: Magistrate No. 09- **6141**

I, Colleen Brehm, the undersigned complainant being duly sworn, state the following is true and correct to the best of my knowledge and belief. On or about August 12, 2009, in Union County, District of New Jersey and elsewhere, defendants did:

knowingly and intentionally conspire and agree with each other and with others to distribute and to possess with intent to distribute 500 grams or more of cocaine, a Schedule II controlled substance, contrary to Title 21, United States Code, Section 841(a) 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 Immigration and Customs Enforcement and that this complaint is based on the following facts:

SEE ATTACHMENT A



Colleen Brehm
Special Agent
Immigration and Customs Enforcement

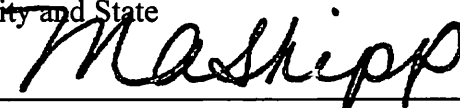
Sworn to before me and subscribed in my presence,

September 14, 2009
Date

at

Newark, New Jersey
City and State

Honorable Michael A. Shipp
United States Magistrate Judge



Signature of Judicial Officer

ATTACHMENT A

I, Colleen Brehm, am a Special Agent of Immigration and Customs Enforcement. Based upon my investigation and my discussions with other individuals involved in this investigation, I have knowledge of the following facts:

SUMMARY

1. On or about August 12, 2009, FRANCISCO FLORES, EDUARDO BAEZ and two separately charged co-conspirators drove in multiple vehicles from New York City to Elizabeth, Union County, New Jersey, with approximately \$97,000 in United States currency which they intended to use to purchase 3 kilograms of cocaine for resale. Details of this illegal activity appear below.

2. At approximately 7:00 p.m., law enforcement observed three vehicles in the vicinity of a gas station in Elizabeth, New Jersey. The first vehicle was a Mercedes which is owned by separately charged Joseph James. The second vehicle was a Nissan which is owned by "Francisco F. Flores." The third vehicle was a Cadillac which is owned by "Eduardo Baez." The three vehicles were observed driving in tandem around various blocks at slow rates of speed, and in and out of a dead-end road. Based upon my training and experience I recognize this driving pattern as counter-surveillance which is commonly used by narcotics traffickers to detect the presence of law enforcement.

3. After the Mercedes was driven to a gas station, separately charged Joseph James ("James") exited the Mercedes with a plastic bag. Members of law enforcement approached and spoke to James who stated in sum and substance that he was present in the area to do "something that I know I shouldn't be doing," to engage in a "transaction" and that he was going to buy "3 keys," (which based upon my training and experience I understand to mean 3 kilograms of narcotics). James also stated in sum and substance that the bag he was carrying contained money. Law enforcement seized the bag and recovered approximately \$75,000 from within the bag. James also stated in sum and substance that the car he arrived in (the Mercedes) contained "more money."

4. At the request of law enforcement, separately charged Paul Nunez-Vargas ("Nunez-Vargas") exited the Mercedes. Law enforcement recovered an additional approximately \$22,500 from within the Mercedes. Nunez-Vargas initially stated in sum and substance that he did not know anything about the money; and later stated in sum and substance that the money belonged to his friend, and that he had come to Elizabeth to purchase narcotics with the money.

5. Law enforcement also approached the aforementioned Nissan and Cadillac which were then present at a different location which was a nearby convenience store and gas station. These two vehicles were parked next to each other with a space in between them. FRANCISCO

FLORES ("FLORES") was standing in front of the Nissan and EDUARDO BAEZ ("BAEZ") was standing in front of the Cadillac.

6. FLORES gave permission for law enforcement to search the Nissan. Law enforcement recovered a box with \$500 U.S. currency from within the Nissan. FLORES made several conflicting and inconsistent statements to law enforcement. FLORES stated in sum and substance that he came that night from Brooklyn with BAEZ only and that they drove straight to the convenience store gas station. This was in contrast to the earlier noted counter-surveillance observations of law enforcement. FLORES also stated in sum and substance that he was in the area to purchase a motorcycle. When confronted with the fact that law enforcement had observed FLORES earlier in the evening, FLORES then said in sum and substance that he knew the two people in the Mercedes from the neighborhood and that he and BAEZ followed the others over because they knew the area. He also stated that "Paulie" (referring to separately charged Paul Nunez-Vargas) knew the person who was selling the motorcycle. FLORES later contradicted himself yet again and stated that he did not know the two people in the Mercedes but that BAEZ knew them. FLORES also stated in sum and substance that he had recently retired from the New York Police Department as a Sergeant, and that he had 5 weapons in his house.

7. BAEZ also made statements to law enforcement. BAEZ stated in sum and substance that he and FLORES came over from Brooklyn to grab some dinner, but was unable to say what restaurant he was going to.

8. BAEZ gave permission for law enforcement to search the Cadillac. A search of the Cadillac revealed an open hydraulic compartment, or "trap," behind the rear passenger seat. Based upon my training experience I am aware that it is common for narcotics traffickers to use such compartments for the purpose of transporting both narcotics and money.