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DEC 22 2010

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

AT 8:30 M
CHAMBERS OF THE
HON. MICHAEL A. SHIPP,
U.S.M.J.

UNITED STATES OF AMERICA

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Hon. Michael A. Shipp

v.

Mag No. 10-6233 (MAS)

FELIX TINEO,
a/k/a "Muneco"
a/k/a "Munequito"

CRIMINAL COMPLAINT

I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief. From in or about January 2009 to the present, in the District of New Jersey and elsewhere, defendant FELIX TINEO, a/k/a "Muneco," a/k/a "Munequito," did:

knowingly and intentionally agree and conspire with others to distribute and possess with intent to distribute 5 kilograms or more of a mixture and substance containing a detectable amount of cocaine, a Schedule II controlled substance, contrary to Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A)(ii).

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

continued on the attached page and made a part hereof.



Eric Gallagher, Special Agent
Immigration and Customs Enforcement

Sworn to before me and subscribed in my presence,

December 22, 2010, at Newark, New Jersey

HONORABLE MICHAEL A. SHIPP
UNITED STATES MAGISTRATE JUDGE



Signature of Judicial Officer

ATTACHMENT A

I, Eric Gallagher, a Special Agent with Immigration and Customs Enforcement (“ICE”), am fully familiar with the facts set forth herein based on my own investigation, my conversations with witnesses and other law enforcement officers, and my review of reports, documents, and items of evidence. 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.

1. At all times relevant to this Complaint:
 - a. Continental Airlines operated a daily non-stop flight between Santo Domingo, Dominican Republic and Newark Liberty International Airport (“the Airport”). This flight was known as number 751 (“Flight 751”).
 - b. The Dominican Republic was a known source from which drugs were shipped to the United States, and the airport in Santo Domingo was the largest airport in the Dominican Republic.
 - c. Continental Airlines employed various individuals as baggage handlers to remove baggage from airplanes that had arrived at the Airport.
 - d. Defendant FELIX TINEO, a/k/a “Muneco,” a/k/a “Munequito,” was a resident of the Bronx, New York, and was associated with a beauty salon named “Jahanny’s Beauty Salon and Barber Shop,” located in the Bronx, New York.
2. Law enforcement investigation has uncovered evidence – including intercepted communications, drug seizures, and other information – which indicates that during the time period charged defendant TINEO and other conspirators distributed and possessed with intent to distribute over 5 kilograms of cocaine.
3. Specifically, the conspirators smuggled at least approximately 125 kilograms of cocaine into the United States through the Airport, and then distributed that cocaine in the New York/New Jersey area.
4. Investigation has revealed that, in furtherance of the conspiracy, several Continental Airlines Continental employees facilitated: the transportation of cocaine on Flight 751 inside pieces of luggage; the removal of that cocaine from Flight 751 once it arrived at the Airport; and they delivery of the cocaine to locations in and around the New Jersey and New York area.
5. Investigation has further revealed that defendant TINEO was the recipient, or intended recipient, of numerous shipments of cocaine that had been smuggled into the United States as part of the conspiracy, in anticipation of further distribution of that cocaine in

and around the New York/New Jersey area by defendant TINEO and others.

6. During the course of this investigation, law enforcement officers have made five separate seizures of significant quantities of cocaine. All of the seizures have been made from items placed on Flight 751. Specifically, the seizures took place on or about the following dates:
 - a. on or about March 17, 2009, approximately 23 kilograms were seized;
 - b. on or about June 11, 2009, approximately 24 kilograms were seized;
 - c. on or about August 17, 2009, approximately two kilograms were seized;
 - d. on or about October 29, 2009, approximately 29 kilograms were seized; and
 - e. on or about September 4, 2010, approximately 47 kilograms were seized.
7. In four of the five seizures, the cocaine had been placed in medium-sized “gym” bags. In three of the seizures, the bags had “gate check,” or hand-written, baggage tags. From my training and experience, I know that gate check tags indicate that luggage so tagged has been “checked” at the departing gate – in this case, in Santo Domingo by co-conspirators of defendant TINEO.
8. Moreover, co-conspirators have identified other shipments of cocaine that were delivered successfully to defendant TINEO. For example, in or around January 2009, three co-conspirators of defendant TINEO – CC-1, CC-2, and CC-3 – successfully delivered a shipment of approximately 35 kilograms of cocaine to defendant TINEO and others. CC-1 and CC-3 have since each independently identified defendant TINEO, through signed photographic lineups, as an individual to whom these narcotics were delivered.¹

The March 17, 2009 Seizure

9. On or about March 17, 2009, law enforcement officers received information that a shipment of approximately twenty kilograms of cocaine was onboard Flight 751. Law enforcement officers met Flight 751 when it arrived at the Airport. When the officers arrived at Flight 751, CC-1 and another co-conspirator, CC-4, were inside the aircraft unloading luggage.
10. Law enforcement officers located a black and gray Everlast bag with a gate check baggage tag. Inside the bag were approximately twenty bricks of cocaine, weighing

1. CC-2 is still at large, and has not been confronted with a photographic lineup that includes defendant TINEO.

approximately 23 kilograms in total.

11. Subsequently, law enforcement obtained the telephone numbers used by CC-1 and CC-2. CC-1's telephone was assigned to a number ending in 6687 (the "CC-1 6687 Number"). CC-2's telephone was assigned to a number ending in 2810 (the "CC-2 2810 Number").
12. Law enforcement officers subsequently analyzed the activity of the telephone facilities assigned those numbers on and around the March 17, 2009 seizure. This toll analysis supports the conclusion that CC-1, CC-2, and others were working together on or about March 17, 2009 to conduct illegal drug business. Specifically, this analysis revealed that the CC-1 6687 Number was in contact with the CC-2 2810 Number zero times on March 16, 2009, seven times on March 17, 2009, and zero times on March 18, 2009.
13. CC-1, CC-3, and CC-4 have since each independently identified defendant TINEO, through signed photographic lineups, as an individual to whom these narcotics were destined, before their seizure.

The June 11, 2009 Seizure

14. On or about June 11, 2009, the Dominican Republic National Police seized approximately three kilograms of cocaine from Flight 751 before it left the Dominican Republic.
15. Law enforcement officers met Flight 751 when it arrived at the Airport and found that CC-1 had been assigned to work the international gates that day, which include the gate for Flight 751. CC-1 was nowhere to be found, however – law enforcement officers learned from Continental Airlines Corporate Security that CC-1 had gone home, claiming to be ill. Further investigation revealed that CC-1 left the Airport after the seizure had been made in the Dominican Republic but before Flight 751's arrival at the Airport.
16. When law enforcement officers examined the luggage of Flight 751, they discovered approximately 21 kilograms of cocaine inside of a red and blue duffle bag with a gate check baggage tag.
17. Law enforcement officers then conducted toll analysis for the days surrounding the June 11, 2009 seizure. This analysis revealed a dramatic increase in call activity between the CC-1 6687 Number and the CC-2 2810 Number on or about June 11, 2009 – an increase similar to that surrounding the March 17, 2009 seizure. This toll analysis, which revealed a remarkably similar pattern of communications between the co-conspirators as did the analysis of the communications surrounding the March 17, 2009 seizure, supports the conclusion that CC-1, CC-2, and others were working together on or about June 11, 2009 to conduct illegal drug business. Specifically, this analysis revealed that the CC-1 6687 Number was in contact with the CC-2 2810 Number zero times on June 10, 2009, 5 times

on June 11, 2009, and zero times on June 12, 2009.

18. CC-1 and CC-3 have since each independently identified defendant TINEO, through signed photographic lineups, as an individual to whom these narcotics were destined, before their seizure.

The August 17, 2009 Seizure

19. On or about August 17, 2009, CC-1 was working at the Airport without his Port Authority-issued identification badge. In particular, CC-1 was in the area where Flight 751 was to land that day. Because of this possible security breach, CC-1 was escorted off Airport premises.
20. When Flight 751 arrived that day, law enforcement officers seized approximately 2 kilograms of cocaine that were secreted within two back support belts lying in the baggage hold of the plane.
21. Further investigation revealed that another co-conspirator, CC-5, had been inside the baggage hold of Flight 751 after the flight had arrived. CC-5 was not assigned to work on Flight 751 that day. During a subsequent interview with law enforcement officers, CC-5 admitted that CC-5 was not assigned to work Flight 751 and was not specifically asked to assist in unloading luggage from Flight 751. CC-5 stated, however, that CC-5's supervisor gave verbal authorization for CC-5 to work on Flight 751. Law enforcement then interviewed the supervisor, who disputed CC-5's account.
22. CC-5 also provided law enforcement with consent to search CC-5's phone. This search revealed that CC-1 was in telephone contact with CC-5 approximately ten minutes after law enforcement effected the seizure of the approximately two kilograms of cocaine.
23. Law enforcement officers subsequently obtained a search warrant for text messages sent to and from CC-1's phone. The results of this search warrant demonstrated that:
 - a. On or about August 16, 2009, defendant TINEO sent CC-1 a text message at approximately 10:50:52 PM. The message, which was written in Spanish, translated to "Cousin the deposit has been deposited let me know early." From my training and experience, there is probable cause to believe that in this text message, defendant TINEO was informing CC-1 that the approximately two kilograms of cocaine found in Flight 751 on or about August 17, 2009 were ready to be put on Flight 751.
 - b. On or about August 17, 2009, at approximately 7:34:15 AM, defendant TINEO sent a second text message to CC-1. This text message translated to "Cousin call me so that I can know yes or no now." This text message, a follow-up to the

August 16, 2009 message, indicates that defendant TINEO needed to know whether CC-1 and other co-conspirators would be in place, so that the cocaine could be brought into the airport in the Dominican Republic for placement on Flight 751 later that day.

24. Law enforcement officers then conducted toll analysis for the days surrounding the August 17, 2009 seizure. This analysis revealed a dramatic increase in call activity between another number used by CC-1, which was assigned to a number ending in 2901 (the "CC-1 2901 Number"), and a number used by defendant TINEO, which ended in 4812 (the "TINEO 4812 Number") on or about August 17, 2009 – an increase similar to those seen among other conspirators surrounding the March 17, 2009 and June 11, 2009 seizures. This toll analysis supports the conclusion that CC-1, defendant TINEO, and others were working together on or about August 17, 2009 to conduct illegal drug business. Specifically, this analysis revealed that the TINEO 4812 Number was in contact with the CC-1 2901 Number 9 times on August 16, 2009, 12 times on August 17, 2009, and 2 times on August 18, 2009.
25. CC-1, CC-3, and CC-4 have since each independently identified defendant TINEO, through signed photographic lineups, as an individual to whom these narcotics were destined, before their seizure.

The Intercepted Communications

26. From on or about April 28, 2010 through on or about June 27, 2010, and from on or about July 23, 2010 through on or about August 21, 2010, wire and electronic communications of CC-1 were intercepted pursuant to court orders authorizing the interception of such communications. From on or about July 30, 2010 through on or about August 28, 2010, wire communications of CC-3 were intercepted pursuant to court orders authorizing the interception of such communications. Examples of some of these calls are set forth below. The descriptions of the intercepted conversations set forth below are partial, non-verbatim summaries based on descriptions of the conversations prepared by 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. All times ascribed to conversations and other events are approximate.
27. On or about April 29, 2010, CC-1 received a telephone call from CC-4. CC-1 immediately began chastising CC-4 for calling, stating, "you wait until you see me in person. What's wrong with you? I don't know you. You got the wrong number." (CC-1 is attempting to dissuade CC-4 from contacting CC-1 over his telephone, as CC-1 is fearful of law enforcement monitoring of his illegal activities.) CC-1 continued to berate CC-4, saying "Don't ever do that again. Change the conversation. . . . No names okay? Copy?" (CC-1 tells CC-4 not to use names, so that law enforcement will not be able to

identify co-conspirators.) CC-1 stated, "What the fuck is wrong with you, saying shit on my fucking voice mail nigga! What the fuck wrong with you nigga? Don't [you] know that the fucking phone is a fucking human enemy?" (CC-1 is warning CC-4 about the dangers of using telephones, as telephone interceptions can be used to build criminal cases.) When CC-4 protested that CC-4 was not using CC-4's own phone to contact CC-1, CC-1 became even more incensed, saying, "Anybody's phone nigga! What the fuck! And you leave me a voicemail, what the fuck is wrong with you? you know that there's a satellite recording that shit?" (CC-1 is angry because CC-1 does not want CC-1's words recorded by law enforcement.) CC-1 went on to state "Don't leave me no shit like that. What the hell is wrong with you . . . you got to wait until you see me in my house. Don't say shit like that." CC-1 continued that CC-4 used extremely poor judgment to call CC-1 because CC-1's phone was not registered in his own name: "you know this shit is not under my name. So it's even worse." (CC-1 is acknowledging that registering phone numbers in names other than one's own name is a tactic used by drug traffickers to thwart law enforcement, and that leaving messages regarding the drug conspiracy on such a phone is particularly dangerous.) When CC-4 replied, "Exactly! It's not!" CC-1 retorted, "That's even worse. Exactly! Exactly! So what that means motherfucker! Conspiracy!" (CC-1 acknowledges that CC-4's actions have demonstrated the existence of the drug conspiracy in operation between CC-1, CC-4, and others.)

28. On or about May 2, 2010, CC-1 received a call from CC-2. CC-2 told CC-1, "there's a problem here," which CC-2 stated related to difficulties CC-2 was having with CC-5 regarding fallout from the drug conspiracy. CC-2 reported to CC-1 that a "Pete" had called CC-2, and that "you know Pete don't want to fuck with him and shit. Pete said that he knows [CC-5 is] a snitch." CC-2 stated, "So Pete went and told him that I said that nigga [CC-5] is a snitch." (CC-2 is saying that he believes CC-5 has been cooperating with authorities.) CC-2 continued, regarding CC-5, that "He's shooting reckless, taking it out because he said he stood quiet with some bullshit about us and my fault and because of that they want to lock him up and he's staying shut for that." (CC-2 is saying that CC-5 is protesting that CC-5 did not cooperate with the authorities when questioned regarding a drug seizure that occurred on or about August 17, 2009.)
29. Also on or about May 2, 2010, CC-1 and CC-5 exchanged text messages regarding CC-5's feelings towards CC-2 and their respective actions in conspiring to distribute cocaine. For example, CC-5 sent a text to CC-1 stating that CC-2 "told Pete that I was a shit and a snitch and now he's denying it." (CC-5 is stating that CC-2 told "Pete" that CC-5 had informed on the other conspirators.) CC-5 also texted to CC-1, "I want to break his head." (CC-5 is expressing his anger at CC-2.) For, CC-5 stated, "That guy," (meaning CC-2) "planned everything." (CC-5 is stating that CC-2 was responsible for planning the August 17, 2009 drug shipment.) For this, CC-5 texted to CC-1, "I just want to hit [CC-2]." CC-1 advised CC-5 to "just take it easy," but CC-5 had other ideas: "fuck that," he texted. CC-1, though, cautioned CC-5 to remember what was really at stake: "Listen the job is more important then [sic] that." (CC-1 is telling CC-5 that the continued viability

of the drug conspiracy is more important than the disputes of its members.) But for CC-5, it was critical that CC-1 explain what really happened with regard to the August 17 shipment: "I just need for us to go talk to Pete so you can tell him who is the real snitch." (CC-5 is alleging that it was CC-2, not CC-5, who alerted the authorities to the August 17, 2009 drug shipment.)

30. CC-3 and CC-1 have also repeatedly discussed how CC-2's actions during the conspiracy fell short of CC-1's expectations. Moreover, from these discussions, it is clear that CC-3 is still in communication with CC-2 and CC-2's family regarding drug business. On or about June 12, 2010, CC-3 called CC-1 and stated that CC-2 "sent you greetings with this guy." CC-1 replied that he did not receive CC-3's message from CC-2. Later in the conversation, CC-3 said, in reference to CC-2 and the Dominican Republic, "Oh, because you know that he has a big problem over there." CC-1 asked "What kind of problem?" CC-3, "And stuff . . . eh?" (CC-3 is stating that CC-2 is in trouble with the narcotics suppliers.) CC-3 then stated, "they sent out for him, you know, and stuff, that it was for an ugly situation. . . ." (CC-3 is stating that the narcotics suppliers in the Dominican Republic have sent for CC-2, and that CC-2 is in trouble over the loss of narcotics shipments.) CC-1 replied, "Hopefully God is with him."
31. On or about June 13, 2010, CC-3 called CC-1. CC-1 stated that CC-2 deserves whatever that is bad that is happening to him now – specifically, having CC-2's car impounded by the authorities – "for having bad intentions and for being greedy . . ." (CC-1 is stating that CC-2 took too much of the proceeds of the conspirators' drug trafficking himself, and did not share with the other co-conspirators, such as CC-1.) CC-3 says that CC-2 had gone to the Dominican Republic. CC-1 asked, "But for what? For what? What is he doing there?" CC-3 replied, "They sent for him." (CC-3 is stating that the narcotics suppliers who supply the conspirators sent for CC-2, requiring CC-2 to go to the Dominican Republic.)
32. On or about June 23, 2010, CC-1 stated to CC-3, "I have good news but bad ones for us." CC-1 continued that "they confirmed that this guy did . . . remember the time that he called you to tell you that he did not do anything?" (CC-1 is referring to a conversation between CC-2 and CC-3 where CC-2 told CC-3 that CC-2 had not engaged in a narcotics transaction.) CC-3 indicates that he recalled, and CC-1 stated, "They told me that two months ago this guy did . . . I do not know the exact date but two months ago he had money, and he probably still has money." (CC-1 is telling CC-3 that, two months ago, CC-2 engaged in a narcotics transaction.) CC-1 stated later, "Yes, he did something, they confirmed that with me, [CC-3] . . . So now you know, he pretended to be dead and stuff, and he did not even get your hands or my hands wet, and the one that needs the most . . . he did not help him either." (CC-1 is stating that CC-2 engaged in a narcotics transaction, but did not provide any of the money to CC-1, CC-3, or CC-4.)
33. On or about August 22, 2010, CC-3 received a call from CC-1. CC-3 stated, "listen, but

[CC-2] is talking . . . a lot of stupid shit that he is not supposed to be talking about.” (CC-3 is stating that CC-2 is saying things regarding the drug conspiracy that CC-2 should not be saying.) CC-1 replied, “About who? About us? About you? Or about what?” CC-3 replied, “No, about everybody. That they call him ‘el Jefe.’ That’s the shit that’s coming out of his mouth. That he’s the boss.” CC-3 then continued that CC-2 is in the Dominican Republic, and is in “big, big, big trouble, man. . . . The problem that he has.” CC-1 replied, “It’s big?” CC-3 replied in the affirmative, and stated, “You already know. . . . I called, I spoke to [CC-2’s] brother and everything.” (CC-3 is stating that CC-2 is in trouble with the drug organization supplying the conspirators, and that CC-3 has been in communication with “Robertico.”)

34. On or about July 30, 2010, CC-3 received a call from another individual associated with the narcotics business (“FNU LNU”), whom law enforcement learned was living some of the time with defendant TINEO. FNU LNU stated, “oh, ‘Muneco’ stole another connection from me, that bastard!” (FNU LNU is complaining that defendant TINEO took a drug connection from FNU LNU.) CC-3 replied, “What?” FNU LNU stated, “He stayed with another one of my people.” (FNU LNU is stating that defendant TINEO is conducting drug business with FNU LNU’s drug contacts without FNU LNU’s knowledge or participation.) CC-3 replied, “Shit! Man!”
35. On or about August 12, 2010, CC-3 received a call from defendant TINEO. CC-3 asked defendant TINEO, “Did you take [it] still in the house or you took it?” (CC-3 is asking defendant TINEO whether he delivered narcotics to their final destination.) Defendant TINEO replied, “I took it the day before yesterday. I took it.” (Defendant TINEO is stating that he did, indeed, deliver the narcotics.) Later in the conversation, defendant TINEO asks CC-3, “And how’s everything?” CC-3 replies, “Everything quiet so far. You know that I . . . after work I go home.” (CC-3 is stating that he has not recently been involved in any narcotics transactions.) Defendant TINEO then asks, “What about your friends?” CC-3 did not hear defendant TINEO – he states, “What did you say?” Defendant TINEO repeats, “I said, what about your friends? How are they doing?” (Defendant TINEO is asking whether CC-3’s co-conspirators who worked at the Airport are still interested in narcotics transactions, whether any of them might be cooperating with authorities, and whether CC-2, in particular, is still in trouble with narcotics suppliers.) CC-3 deflects the question: “I . . . uh . . . I don’t know. I haven’t talked to anyone yet.” (CC-3 is stating that he has not spoken to CC-2 or CC-2’s family.) CC-3 continues, “You understand? I have been working, back and forth and I haven’t” (CC-3 is telling defendant TINEO that CC-3 has not been involved in the narcotics business recently, but instead has been working at a legitimate job.) CC-3 continued, “this guy asked me to send him forty dollars the other day and shit. And after that I haven’t . . . I haven’t heard anything else from him.” (CC-3 is stating that CC-2’s family has requested money from CC-3.) CC-3 then asks defendant TINEO, “Don’t you know anything about that?” (CC-3 is asking defendant TINEO whether, as a higher-up in the drug conspiracy, defendant TINEO knows anything about CC-2’s situation.) Defendant

TINEO replies, "No, you know, that has been relaxed." (Defendant TINEO is stating that he is not currently dealing with a particular supplier because a shipment was seized by the authorities.) CC-3 then exclaims, "You already know!"

36. On or about August 14, 2010, defendant TINEO called CC-3 and, at one point, stated, "No, yes, things are slow, yes." (Defendant TINEO is stating that there are no narcotics shipments that are arriving imminently.) CC-3 replied, "And shit. We'll see what happens."
37. On or about August 17, 2010, defendant TINEO called CC-3, and stated, "so then come by tomorrow So I can ask you . . . I need to ask you something. All right." (Defendant TINEO is telling CC-3 that defendant TINEO wants to discuss narcotics-related business with CC-3.) CC-3 replies, "Okay then, man! Heavy!" (CC-3 is expressing surprise and excitement at the potential narcotics transactions.)
38. On or about August 22, 2010, CC-3 called CC-1. CC-3 said, "Well, yeah, I was talking to Muneco." CC-1 replied, "And what does he say?" CC-3 replied, "Nothing there, talking shit man." CC-1 asked, nervously, "About who? About me?" (CC-1 wants to know whether defendant TINEO was speaking negatively about CC-1.) CC-3 reassures CC-1, "No, no, no. He doesn't have anything like that against . . . that I this and that . . . no. Chilling man. He's cool with me man. I told him, 'I'm going to bring you [CC-1] one of these days.'" (CC-3 is saying that defendant TINEO does not have any negative feelings towards CC-1.)
39. On or about August 24, 2010, CC-3 called FNU LNU. FNU LNU stated, "Listen supposedly Muneco got five hundred." (FNU LNU is stating that FNU LNU understands that defendant TINEO recently received a large shipment of cocaine.) CC-3 replied, "He called me that he wanted to talk to me about something. Let's see what it is. . . . Let's see what it is . . . find out." (CC-3 is saying that defendant TINEO called CC-3 in the previous days – a statement that is borne out by the intercepted communications – and that CC-3 will find out whether, in fact, defendant TINEO had a large shipment of narcotics delivered.)