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UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

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UNITED STATES OF AMERICA : CRIMINAL COMPLAINT

v. :

CARMEN T. MARTUCCI : Magistrate Number: 12-7332 (CLW)

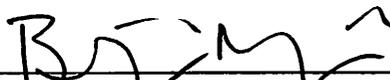
I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief.

SEE ATTACHMENT A

I further state that I am a Special Agent, and that this complaint is based on the following facts:

SEE ATTACHMENT B

continued on the attached page and made a part hereof.

  
\_\_\_\_\_  
Benjamin E. Mininger  
Special Agent  
Federal Bureau of Investigation

Sworn to before me and subscribed in my presence,  
December 17, 2012, at Newark, New Jersey

HONORABLE CATHY L. WALDOR  
UNITED STATES MAGISTRATE JUDGE

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

ATTACHMENT A

On or about January 26, 2010, in Essex County, in the District of New Jersey and elsewhere, defendant Carmen T. Martucci, knowingly and intentionally distributed and possessed with intent to distribute a quantity of cocaine, a Schedule II narcotic drug controlled substance, in violation of Title 21, United States Code, Sections 841(a) and 841(b)(1)(C), and Title 18, United States Code, Section 2.

## ATTACHMENT B

I, Benjamin E. Mininger, am a Special Agent with the Federal Bureau of Investigation. I have knowledge of the facts set forth herein through my personal participation in this investigation and through oral and written reports from other federal agents or other law enforcement officers. Where statements of others are set forth herein, including statements that were consensually recorded, these statements are related in substance and in part. Since this Criminal Complaint is being submitted for a limited purpose, I have not set forth every fact that I know or other law enforcement officers know concerning this investigation. I have only set forth those facts that I believe are sufficient to show probable cause exists to believe that the defendant committed the offense set forth in Attachment A. Where I assert that an event took place on a particular date, I am asserting that it took place on or about the date alleged.

### Introduction

1. At all times relevant to this Criminal Complaint:
  - a. Defendant CARMEN T. MARTUCCI as a resident of Essex County, New Jersey.
  - b. An individual was a cooperating witness for the Federal Bureau of Investigation (hereinafter "Cooperating Witness One"). As part of his cooperation over multiple years, Cooperating Witness One surreptitiously wore a recording device and consensually recorded conversations with various individuals, as set forth herein.

### Overview of the Offense

2. On or about January 19, 2010, Cooperating Witness One met defendant MARTUCCI at a restaurant in Essex County, New Jersey. During this consensually recorded meeting, the following conversations ensued, in substance and in part [C1 = Cooperating Witness One and CM = MARTUCCI]:

C1: Now. This guy come to me.

CM: Uhm, hmm.

C1: Tell him I said we'll start with an eighth [of an ounce] at a time . . . , you know?

CM: Uhm hmm.

C1: What's that cost about?

CM: 32. I'd give it to him for. . . .

C1: 32? What could I charge him? Like . . . dollars?  
35?

CM: Yeah. Easily.

C1: Yeah? Alright.

CM: Yeah. Two. Three.

C1: 'kay. I'll work him in next week. I'll stop in.  
. . . all that time just to see, you know, what  
he's all about. You know? What he can handle, you  
know?. . . .

CM: Yep.

C1: Okay.

CM: Well . . . .

C1: You gonna have it next week?

CM: Yeah.

C1: Okay.

CM: Yeah.

3. On or about January 26, 2010, a law enforcement officer met with Cooperating Witness One and provided him with approximately \$3,200 in cash. A federal agent from the Federal Bureau of Investigation then searched Cooperating Witness One's person and found no evidence of drugs in his possession.

4. On or about January 26, 2010, Cooperating Witness One met defendant MARTUCCI at a restaurant in Essex County, New Jersey. During this consensually recorded meeting, Cooperating Witness One gave defendant MARTUCCI approximately \$3,200 in cash. In exchange, defendant MARTUCCI gave Cooperating Witness One a clear plastic bag containing a white substance that, as described below, later tested positive as cocaine. During this consensually recorded meeting, the following conversations ensued, in substance and in part [C1 = Cooperating Witness One and CM = MARTUCCI]:

C1: Yeah. Yeah. What's goin' on?

CM: [Whispering] I got it on me. Take the 125 right now.

C1: What?

CM: 125?

C1: What?

CM: 125?

C1: What's that?

CM: That's what you wanted, right?

C1: A quarter, an eighth . . . . What is a quarter, what do you call it?

CM: A quarter and an eighth are different.

C1: Quarter, yeah, an eighth right?

CM: An eighth?

C1: Yeah. Yeah. Half of that.

CM: 125.

C1: Whatever it is. I don't know.

CM: Yeah.

C1: You know. I, I ask you...you gotta' tell me [chuckles].

CM: Yeah, cause I, yeah, yeah.

C1: Yeah. What is it? A one, what is it?

CM: 125. A hundred and twenty-five grams.

C1: Oh, that's an eighth?

CM: Yeah.