

12 MAG 2063

Approved: Jessica R. Loneragan
JESSICA R. LONERGAN
Assistant United States Attorney

Before: HONORABLE RONALD L. ELLIS
United States Magistrate Judge
Southern District of New York

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UNITED STATES OF AMERICA :

- v. - : COMPLAINT

EDUARDO ANDINO, : Violation of 21 U.S.C.
a/k/a "Eduardo Andino-Rosado," § 846

OMAR APONTE, and :
WILFREDO AQUINO, : COUNTY OF OFFENSE:
a/k/a "Feito," : NEW YORK
a/k/a "Feo," :

Defendants. :

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SOUTHERN DISTRICT OF NEW YORK, ss.:

JOSEPH A. DILL, being duly sworn, deposes and says that he is a Special Agent with the Drug Enforcement Administration ("DEA"), and charges as follows:

COUNT ONE

(Conspiracy to Distribute and Possess with Intent to Distribute a Controlled Substance)

1. From in or about July 2012 through in or about August 2012, in the Southern District of New York and elsewhere, EDUARDO ANDINO, a/k/a "Eduardo Andino-Rosado," OMAR APONTE, and WILFREDO AQUINO, a/k/a "Feito," a/k/a "Feo," the defendants, and others known and unknown, intentionally and knowingly did combine, conspire, confederate, and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that EDUARDO ANDINO, a/k/a "Eduardo Andino-Rosado," OMAR APONTE, and WILFREDO AQUINO, a/k/a "Feito," a/k/a "Feo," the defendants,

and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

3. The controlled substance involved in the offense was 5 kilograms and more of mixtures and substances containing a detectable amount of cocaine, in violation of Title 21, United States Code, Section 841(b)(1)(A).

(Title 21, United States Code, Section 846.)

The bases for my knowledge and for the foregoing charges, are, in part, as follows:

4. I am a Special Agent with the DEA, and have been with the DEA for approximately eight years. I have been personally involved in the investigation of this matter. This Affidavit is based upon my personal participation in the investigation, my examination of reports and records, and my conversations with other law enforcement agents and other individuals. Because this Affidavit is being submitted for the limited purpose of demonstrating probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

5. On or about August 1, 2012, I and other law enforcement officers were conducting surveillance in a parking lot in Bayonne, New Jersey (the "Parking Lot"). I observed a black Jeep Cherokee (the "Cherokee"), driven by an unidentified male, later identified as WILFREDO AQUINO, a/k/a "Feito," a/k/a "Feo," the defendant, parked in the Parking Lot.

6. Shortly thereafter, I observed WILFREDO AQUINO, a/k/a "Feito," a/k/a "Feo," the defendant, standing near the Cherokee. A few minutes later, I observed AQUINO standing near the Burger King.

7. I have spoken with another law enforcement officer ("Agent-1"), who told me the following:

a. Agent-1 was also conducting surveillance in the Parking Lot.

b. Agent-1 observed the Cherokee exit the Parking Lot.

8. I and other law enforcement officers followed the Cherokee to the vicinity of a warehouse located at the intersection of 42nd Street and Broadway in Bayonne, New Jersey (the "Warehouse").

9. I have spoken with another law enforcement officer ("Agent-2"), who told me the following:

a. Agent-2 observed the Cherokee return to the Parking Lot.

b. Following close behind the Cherokee was a white minivan ("the Minivan"), which was driven by an unidentified male, later identified as EDUARDO ANDINO, a/k/a "Eduardo Andino-Rosado," the defendant.

c. Agent-2 observed both the Cherokee and the Minivan park in the Parking Lot.

10. Shortly afterward, Agent-1 observed WILFREDO AQUINO, a/k/a "Feito," a/k/a "Feo," the defendant, reenter the Cherokee, and the Cherokee left the Parking Lot.

11. I and other law enforcement officers stopped the Cherokee. WILFREDO AQUINO, a/k/a "Feito," a/k/a "Feo," the defendant, got out of the Cherokee. I observed two Lowes cardboard moving boxes in the rear area of the Cherokee. AQUINO was placed under arrest.

12. Following his arrest, WILFREDO AQUINO, a/k/a "Feito," a/k/a "Feo," the defendant, waived his *Miranda* rights and agreed to speak with me and other law enforcement officers. AQUINO stated, in sum and substance, and in part, the following:

a. AQUINO went to the Parking Lot to pick up cocaine.

b. He observed two men in the Parking Lot, one of whom drove the Cherokee away. The men returned the Cherokee with cocaine inside.

c. AQUINO planned to drive the cocaine to Manhattan, where he was supposed to receive a telephone call directing him where to deliver the cocaine.

13. I have spoken with another law enforcement officer ("Agent-3"), who told me the following:

a. Agent-3 was conducting surveillance in the vicinity of the Warehouse.

b. Agent-3 observed the Minivan parked at the Warehouse. EDUARDO ANDINO, a/k/a "Eduardo Andino-Rosado," the defendant, got out of the Minivan.

c. Shortly thereafter, Agent-3 observed ANDINO bending down near the Minivan. It appeared to Agent-3 that ANDINO was placing something inside the Minivan.

d. ANDINO got back into the Minivan, and the Minivan drove away from the Warehouse.

14. I have spoken with Agent-1, who told me the following:

a. Agent-1 was conducting surveillance in the vicinity of the Warehouse after the arrest of WILFREDO AQUINO, a/k/a "Feito," a/k/a "Feo," the defendant.

b. Agent-1 observed the Minivan parked in the Warehouse driveway and an individual at the driver's side door of the Minivan.

c. Shortly thereafter, Agent-1 drove to a location a few blocks away from the Warehouse. Agent-1 observed the Minivan in that location. Agent-1 also observed a red Cadillac Escalade (the "Escalade") near the Minivan.

d. Agent-1 observed that the hatch of the Escalade was open and that there were two individuals near the hatch. Agent-1 then saw the hatch close.

e. Agent-1 and other law enforcement officers stopped the Minivan and the Escalade. EDUARDO ANDINO, a/k/a "Eduardo Andino-Rosado," the defendant, got out of the Minivan. OMAR APONTE, the defendant, got out of the Escalade.

f. Agent-1 and other law enforcement officers looked inside the Escalade and observed one Lowe's cardboard moving box.

g. ANDINO and APONTE were placed under arrest. Agent-1 retrieved the keys to the Warehouse.

15. Following his arrest, EDUARDO ANDINO, a/k/a "Eduardo Andino-Rosado," the defendant, waived his *Miranda* rights and agreed to speak with Agent-1 and other law enforcement officers. According to Agent-1, ANDINO stated, in sum and substance, and in part, the following:

a. ANDINO arrived from Puerto Rico the previous day.

b. ANDINO stated that he was supposed to be paid \$2,000 for delivering "stuff."

c. ANDINO consented to a search of the Warehouse. When asked what law enforcement would find inside the Warehouse, ANDINO stated "100 kilos."

16. Following his arrest, OMAR APONTE, the defendant, waived his *Miranda* rights and agreed to speak with Agent-1 and other law enforcement officers. According to Agent-1, APONTE stated, in sum and substance, and in part, the following:

a. APONTE stated that he arrived from Puerto Rico earlier in the day.

b. APONTE stated that he made a delivery to a Jeep Cherokee.

c. APONTE stated that the box in the Escalade contained drugs.

17. I and other law enforcement officers searched the Warehouse and found, among other things, the following:

a. Two empty Lowes cardboard moving boxes;

b. One open Lowes cardboard moving box containing brick-shaped objects wrapped in plastic that appeared to be kilograms of cocaine;

c. A number of closed Lowes cardboard moving boxes;

d. A number of wooden shipping palettes that contained boxes of bamboo flooring, some of which concealed

brick-shaped objects wrapped in plastic that appeared to be kilograms of cocaine.

18. Another DEA agent ("Agent-4") opened the Lowes cardboard moving boxes found in the Cherokee and the Escalade and found that they contained brick-shaped objects wrapped in plastic that appeared to be kilograms of cocaine. Agent-4 also opened all of the Lowes cardboard moving boxes found in the Warehouse and found that they contained brick-shaped objects wrapped in plastic that appeared to be kilograms of cocaine.

19. One of the brick-shaped objects from the Cherokee, one of the brick-shaped objects from the Escalade, and one of the brick-shaped objects from the Warehouse were field tested, and they all tested positive for the presence of cocaine.

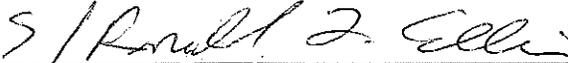
20. A total of 351 brick-shaped objects were seized. Based on my training and experience, I believe that each of the brick-shaped objects contains approximately one kilogram of cocaine.

WHEREFORE, the deponent respectfully requests that EDUARDO ANDINO, a/k/a "Eduardo Andino-Rosado," OMAR APONTE, and WILFREDO AQUINO, a/k/a "Feito," a/k/a "Feo," the defendants, be imprisoned, or bailed, as the case may be.



JOSEPH A. DILL
Special Agent
Drug Enforcement Administration

Sworn to before me this
2nd day of August, 2012.



THE HONORABLE RONALD L. ELLIS
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK