

12 MAG 1360

Approved: Daniel Richenthal / Rachel Maimin
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RACHEL MAIMIN
Assistant United States Attorneys

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

UNITED STATES OF AMERICA	x	SEALED
	:	<u>COMPLAINT</u>
- v. -	:	Violations of
WALID ZEYAD ASMAR,	:	21 U.S.C. §§ 841, 846
a/k/a "Wally,"	:	
a/k/a "Gordo," and	:	COUNTY OF OFFENSE:
HECTOR JIMINEZ,	:	NEW YORK
Defendants.	:	
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SOUTHERN DISTRICT OF NEW YORK, ss.:

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

COUNT ONE

1. From at least in or about January 2012, up to and including in or about February 2012, in the Southern District of New York and elsewhere, WALID ZEYAD ASMAR, a/k/a "Wally," a/k/a "Gordo," and HECTOR JIMINEZ, 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 WALID ZEYAD ASMAR, a/k/a "Wally," a/k/a "Gordo," and HECTOR JIMINEZ, the defendants, would and did distribute and possess with the intent to distribute a controlled substance, in violation of 21 U.S.C. § 841(a)(1).

3. The controlled substance involved in the offense was oxycodone, a Schedule II controlled substance, in violation of 21 U.S.C. § 841(b)(1)(C).

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

COUNT TWO

4. From at least in or about January 2012, up to and including in or about February 2012, in the Southern District of New York, WALID ZEYAD ASMAR, a/k/a "Wally," a/k/a "Gordo," and HECTOR JIMINEZ, the defendants, intentionally and knowingly did distribute and possess with the intent to distribute a controlled substance, in violation of 21 U.S.C. § 841(a)(1).

5. The controlled substance involved in the offense was oxycodone, a Schedule II controlled substance, in violation of 21 U.S.C. § 841(b)(1)(C).

(Title 21, United States Code, Sections 812, 841(a)(1), and 841(b)(1)(C); Title 18, United States Code, Section 2.)

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

6. I am a Special Agent with the DEA and have been employed by the DEA since 2010. Before serving as a Special Agent with the DEA, I served as a police officer with the New York City Police Department ("NYPD"). I have participated in the investigation of this matter, and I am familiar with the information contained in this affidavit based on my own personal participation in the investigation, my review of documents, video and audio recordings, and conversations that I have had with other law enforcement agents and individuals. Because this affidavit is being submitted for the limited purpose of establishing 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 and statements of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

Background

7. Based on my training and experience, including the investigation of diversion of legitimately-manufactured pharmaceuticals to unauthorized individuals, and my conversations with other law enforcement agents, I am familiar with various types of controlled substances in Schedule II that are often distributed illegally. As relevant to this investigation, I have learned the following:

a. Oxycodone is a semi-synthetic opioid analgesic that is similar to codeine and morphine. It is a Schedule II controlled substance.

b. Oxycodone may be prescribed legitimately to relieve moderate to severe pain, but can result in addiction similar to an addiction to codeine or morphine. There is an illegal market for oxycodone, among other substances, as substitutes for, or adjuncts to, other illegal narcotics, such as heroin.

8. During the course of this investigation, law enforcement worked with two confidential sources ("CS-1" and "CS-2"), whose information has proven reliable and been corroborated in the past by independent evidence. CS-2 is paid, and CS-1 is cooperating with law enforcement pursuant to a cooperation agreement with the New York County District Attorney's Office.

The January 13, 2012 Meeting

9. On or about January 13, 2012, I directed CS-1 to meet with an individual later identified as WALID ZEYAD ASMAR, a/k/a "Wally," a/k/a "Gordo," the defendant, who was known to CS-1 as a pill dealer.

10. On or about January 13, 2012, CS-1 met with WALID ZEYAD ASMAR, a/k/a "Wally," a/k/a "Gordo," the defendant. CS-1 was equipped with an audio and video recording device. From reviewing these recordings and speaking to CS-1, I learned the following, in substance and in part:

a. CS-1 approached ASMAR in front of a particular address on Broadway in Manhattan (the "Location"). CS-1 asked ASMAR, in substance and in part, whether ASMAR would be willing to give CS-1 pills on consignment, as CS-1 was willing to pay ASMAR \$15 per pill, and planned to purchase pills at least twice per month. ASMAR said that he was not willing to give CS-1 pills on consignment.

b. ASMAR gave CS-1 the telephone number of his employee, later identified as HECTOR JIMINEZ, the defendant. ASMAR told CS-1 to contact JIMINEZ on January 16, 2012 to make sure that ASMAR had the pills CS-1 wanted.

The January 16, 2012 Oxycodone Sale

11. On or about January 16, 2012, CS-1 and CS-2 met with WALID ZEYAD ASMAR, a/k/a "Wally," a/k/a "Gordo," the defendant, at the Location for the purpose of purchasing pills. Law enforcement agents, including myself, equipped CS-1 with an audio

recording device. In addition, law enforcement agents, including myself, conducted surveillance of the meeting. From speaking to the CIs and conducting surveillance, I learned the following, in substance and in part:

a. The CIs went to the Location. ASMAR was present, and CS-1 introduced CS-2, in substance and in part, as CS-1's uncle who wanted to buy drugs.

b. ASMAR removed a small bag containing what appeared to be pills from his pants pocket and gave it to CS-2, who counted the pills.

c. CS-2 gave ASMAR \$3,000. CS-2 asked, in substance and in part, whether it would be acceptable for CS-2 to contact ASMAR in the future to purchase pills. ASMAR said, in substance and in part, that it would be acceptable, and provided CS-2 with ASMAR's telephone number. However, ASMAR also told CS-2, in substance and in part, that CS-2 should not use ASMAR's real name over the telephone, but should call ASMAR "Gordo."

12. CS-2 received approximately 200 pills on January 16, 2012. They tested positive for the presence of oxycodone and were each 30 milligrams.

13. From a photograph obtained from the criminal history report of WALID ZEYAD ASMAR, a/k/a "Wally," the defendant, CS-1 and CS-2 identified ASMAR as the individual who provided the oxycodone pills.

The February 20, 2012 Oxycodone Sale

14. On or about February 20, 2012, CS-1 and CS-2 met with HECTOR JIMINEZ, the defendant, at the Location for the purpose of purchasing pills. Law enforcement agents, including myself, equipped CS-1 with an audio recording device. In addition, law enforcement agents, including myself, conducted surveillance. From speaking to the CIs and conducting surveillance, I learned the following, in substance and in part:

a. The CIs arrived at the Location in a car. JIMINEZ said, in substance and in part, that he had 100 pills. CS-1 responded, in substance and in part, that JIMINEZ should keep 6 pills because the CIs only had \$1500.

b. JIMINEZ removed a plastic bag containing pills from his jacket, removed 6 pills, and handed the remaining pills to CS-2. CS-2 counted the pills and handed \$1500 to JIMINEZ.

15. CS-2 received approximately 94 pills on February 20, 2012. The pills tested positive for the presence of oxycodone and were each 30 milligrams.

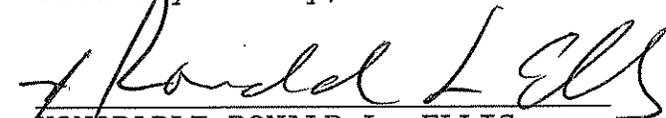
16. From a photograph obtained from the criminal history report of HECTOR JIMINEZ, the defendant, CS-2 identified JIMINEZ as the individual who provided the pills.

WHEREFORE, the deponent respectfully requests that WALID ZEYAD ASMAR, a/k/a "Wally," a/k/a "Gordo," and HECTOR JIMINEZ, the defendants, be arrested and imprisoned, or bailed, as the case may be.



JAMES C. MANNICK
Special Agent
Drug Enforcement Administration

Sworn to before me this
22nd day of May, 2012



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