

12 MAG 1359

Approved: Daniel Richenthal / Rachel Maimin
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Assistant United States Attorneys

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

UNITED STATES OF AMERICA

- v. -

JULIO CESAR GUERRERO BRITO,
a/k/a "Julito,"

HECTOR LUIS VARGAS-PAREDES,
a/k/a "Tio,"

a/k/a "Tio Loko,"

JONATHAN CRUZ,
a/k/a "Tantan,"

VIRGILIO ANTONIO DIAZ GARCIANO,
a/k/a "D,"

RUBEN ALEXANDER SANTIAGO-GUILLERMO,
a/k/a "Alex,"

PLINO RAMOS,
a/k/a "Junior,"

a/k/a "J,"

EDWARD DELROSARIO,
a/k/a "Edward Delrosario,"

a/k/a "Chacka,"

AGUSTIN CABREA-GERMAN, and

ARTURO LARA,

a/k/a "Arturito,"

Defendants.

SEALED COMPLAINT

Violations of
21 U.S.C. §§ 841, 846

COUNTY OF OFFENSE:
NEW YORK

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 ("DEA"), and charges as follows:

COUNT ONE

1. From at least in or about April 2011, up to and including in or about May 2012, in the Southern District of New York and elsewhere, JULIO CESAR GUERRERO BRITO, a/k/a "Julito," HECTOR LUIS VARGAS-PAREDES, a/k/a "Tio," a/k/a "Tio Loko," JONATHAN CRUZ, a/k/a "Tantan," VIRGILIO ANTONIO DIAZ GARCIANO, a/k/a "D," RUBEN ALEXANDER SANTIAGO-GUILLERMO, a/k/a "Alex," PLINO RAMOS, a/k/a "Junior," a/k/a "J," EWARD DELROSARIO, a/k/a "Edward Delrosario," a/k/a "Chacka," AGUSTIN CABREA-GERMAN, and ARTURO LARA, a/k/a "Arturito," 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 JULIO CESAR GUERRERO BRITO, a/k/a "Julito," HECTOR LUIS VARGAS-PAREDES, a/k/a "Tio," a/k/a "Tio Loko," JONATHAN CRUZ, a/k/a "Tantan," VIRGILIO ANTONIO DIAZ GARCIANO, a/k/a "D," RUBEN ALEXANDER SANTIAGO-GUILLERMO, a/k/a "Alex," PLINO RAMOS, a/k/a "Junior," a/k/a "J," EWARD DELROSARIO, a/k/a "Edward Delrosario," a/k/a "Chacka," AGUSTIN CABREA-GERMAN, and ARTURO LARA, a/k/a "Arturito," 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 substances involved in the offense were (i) oxycodone, a Schedule II controlled substance, and (ii) oxymorphone, a Schedule II controlled substance, both in violation of Title 21, United States Code, Section 841(b)(1)(C).

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

COUNT TWO

4. On or about September 1, 2011, in the Southern District of New York, HECTOR LUIS VARGAS-PAREDES, a/k/a "Tio," a/k/a "Tio Loko," and VIRGILIO ANTONIO DIAZ GARCIANO, a/k/a "D," the defendants, intentionally and knowingly did distribute and possess with intent to distribute a controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

5. The controlled substance involved in the offense was oxycodone, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 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.)

COUNT THREE

6. On or about September 12, 2011, in the Southern District of New York, HECTOR LUIS VARGAS-PAREDES, a/k/a "Tio," a/k/a "Tio Loko," and VIRGILIO ANTONIO DIAZ GARCIANO, a/k/a "D," the defendants, intentionally and knowingly did distribute and possess with intent to distribute a controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

7. The controlled substance involved in the offense was oxycodone, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 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.)

COUNT FOUR

8. On or about November 11, 2011, in the Southern District of New York, JONATHAN CRUZ, a/k/a "Tantan," and PLINO RAMOS, the defendants, intentionally and knowingly did distribute and possess with intent to distribute a controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

9. The controlled substance involved in the offense was oxycodone, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 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.)

COUNT FIVE

10. On or about December 1, 2011, in the Southern District of New York, HECTOR LUIS VARGAS-PAREDES, a/k/a "Tio," a/k/a "Tio Loko," and PLINO RAMOS, the defendants, intentionally and knowingly did distribute and possess with intent to distribute a controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

11. The controlled substance involved in the offense was oxycodone, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 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 for the foregoing charges are, in part, as follows:

12. 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

13. 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 and oxymorphone are semi-synthetic opioid analgesics that are similar to codeine and morphine. They are both Schedule II controlled substances. Oxycodone is the active ingredient in, among other things, Percocet. Oxymorphone is the active ingredient in Opana.

b. Oxycodone and oxymorphone 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 and oxymorphone, among other

substances, as substitutes for, or adjuncts to, other illegal narcotics, such as heroin.

14. Since in or about April 2011, I have participated in a joint DEA/NYPD investigation of a drug trafficking organization (the "DTO") distributing prescription pills, including those containing oxycodone, those containing oxymorphone, and those designed to treat human immunodeficiency virus ("HIV"). The DTO distributes pills in various ways, including hand-to-hand sales on the street or in cars in the vicinity of 156th/158th Streets and Broadway, in New York, New York, an area commonly known as Washington Heights. I have observed or watched recordings of many of these sales. Members of the DTO also participate in the trafficking of prescription pills containing oxycodone and oxymorphone from New York City to New England, where such pills command higher prices in the illegal market. Based on my participation in this investigation to date, I estimate that the DTO is responsible for the trafficking of more than 10,000 pills a week. JULIO CESAR GUERRERO BRITO, a/k/a "Julito," the defendant, is believed to be a leader of the DTO.

15. The investigation discussed herein has involved, among other things, surveillance, the use of confidential sources, and the interception of wire communications occurring over cellular telephones used by members of the DTO.

September 2011 Purchases

16. From speaking with a confidential source ("CS-1"), whose information has proven reliable and who is receiving compensation for CS-1's work with law enforcement, from reviewing reports of activities undertaken by CS-1, from reviewing recordings made by CS-1, and from speaking with other law enforcement agents, I have learned the following, in substance and in part:

a. On or about September 1, 2011, in New York, New York, CS-1 purchased 150 pills from VIRGILIO ANTONIO DIAZ GARCIANO, a/k/a "D," the defendant, in return for \$2,700. After the purchase was complete, GARCIANO handed the money to HECTOR LUIS VARGAS-PAREDES, a/k/a "Tio," a/k/a "Tio Loko," the defendant. GARCIANO told CS-1, in substance and in part, that CS-1 should call GARCIANO if CS-1 wanted to purchase more pills, and provided a certain telephone number ("Garciano Cellphone-1").

b. On or about September 12, 2011, in New York, New York, CS-1 again met with VIRGILIO ANTONIO DIAZ GARCIANO, a/k/a "D," the defendant. The meeting took place in an automobile, and was

recorded. Shortly after GARCIANO entered the car, HECTOR LUIS VARGAS-PAREDES, a/k/a "Tio," a/k/a "Tio Loko," the defendant, entered the car, and asked GARCIANO whether everything was "Ok." After GARCIANO responded affirmatively, PAREDES left the car. CS-1 then purchased 177 pills from GARCIANO, in return for \$3,000.

17. Based on my conversations with CS-1 and my training and experience, I believe that in asking whether everything was "Ok," HECTOR LUIS VARGAS-PAREDES, a/k/a "Tio," a/k/a "Tio Loko," the defendant, was confirming with VIRGILIO ANTONIO DIAZ GARCIANO, a/k/a "D," the defendant, that CS-1 had sufficient money to purchase the pills.

18. The pills that CS-1 purchased on or about September 1, 2011 and September 12, 2011 tested positive for the presence of oxycodone, and were 30 milligram pills.

November 2011 Purchase

19. From speaking with CS-1, from speaking with another confidential source ("CS-2") whose information has proven reliable and who is receiving compensation for CS-2's work with law enforcement, from reviewing reports of activities undertaken by CS-1 and CS-2, from reviewing recordings made by CS-1 and CS-2, and from speaking with other law enforcement agents, I have learned the following, in substance and in part:

a. On or about November 11, 2011, CS-2 placed a phone call to a cellular telephone that CS-2 knew to belong to PLINO RAMOS, a/k/a "Junior," a/k/a "J," the defendant ("Ramos Cellphone-1"). RAMOS answered the phone. During the call, CS-2 stated, in substance and in part, that CS-1 was interested in purchasing prescription pills and provided the location of CS-1 and CS-2. RAMOS responded, in substance and in part, that RAMOS would send his "nephew" to sell the pills.

b. Shortly thereafter, JONATHAN CRUZ, a/k/a "Tantan," the defendant, entered the automobile in which CS-1 and CS-2 were sitting, in the vicinity of 156th Street and Broadway, in New York, New York. CS-1, who was wearing a recording device, then purchased 90 pills from CRUZ, in return for \$1,400. CRUZ stated, in substance and in part, that CS-1 could purchase more pills from CRUZ at any time and that to do so, CS-1 should call CRUZ's "uncle," i.e., PLINO RAMOS, the defendant.

20. The pills that CS-1 purchased on or about November 11, 2011 tested positive for the presence of oxycodone, and were 30 milligram pills.

December 2011 Purchase

21. From speaking with CS-1 and CS-2, from reviewing reports of activities undertaken by CS-1 and CS-2, and from speaking with other law enforcement agents, I have learned the following, in substance and in part:

a. On or about December 1, 2011, CS-2 placed a phone call to Ramos Cellphone-1. PLINO RAMOS, a/k/a "Junior," a/k/a "J," the defendant, answered the phone. During the call, CS-2 stated, in substance and in part, that CS-1 was interested in purchasing prescription pills and provided the location of CS-1 and CS-2. RAMOS responded, in substance and in part, that RAMOS would not meet to sell pills himself, because RAMOS was "lying low" because RAMOS believed that the police were looking for him in connection with an assault, but RAMOS would send his "nephew" in RAMOS's place.

b. Shortly thereafter, HECTOR LUIS VARGAS-PAREDES, a/k/a "Tio," a/k/a "Tio Loko," the defendant, entered the automobile in which CS-1 and CS-2 were sitting, in the vicinity of 156th Street and Broadway, in New York, New York. CS-1 then purchased 97 pills from PAREDES, in return for \$1,500. When CS-1 asked PAREDES, in substance, where PLINO RAMOS, a/k/a "Junior," a/k/a "J," the defendant, was, PAREDES replied that his uncle, i.e., RAMOS, was "big," but PAREDES was just as "big" and that he, PAREDES, controls "this block," i.e., Broadway between 156th and 157th Streets in New York, New York. PAREDES further stated, in substance and in part, that PAREDES makes thousands of dollars a day selling pills.

c. After HECTOR LUIS VARGAS-PAREDES, a/k/a "Tio," a/k/a "Tio Loko," the defendant, completed the sale, he walked over and entered a car occupied by JULIO CESAR GUERRERO BRITO, a/k/a "Julito," and VIRGILIO ANTONIO DIAZ GARCIANO, a/k/a "D," the defendants.

22. The pills that CS-1 purchased on or about December 1, 2011 tested positive for the presence of oxycodone, and were 30 milligram pills.

January 2012 Conversations

23. Based on my participation in the meeting, I have learned, in substance and in part, that on or about January 23, 2012, a confidential source ("CS-3") whose information has proven reliable and who is cooperating with law enforcement pursuant to a cooperation agreement with the New York County District Attorney's Office, met with the DEA. During the meeting, CS-3 placed a consensually-recorded phone call to a certain cellular telephone ("Paredes Cellphone-1"), which HECTOR LUIS VARGAS-PAREDES, a/k/a "Tio," a/k/a "Tio Loko," the defendant, had previously provided to CS-3. PAREDES answered the phone. Based on my review of a draft transcript of the recording of the call, which was in Spanish, I have learned that the following conversation took place in part:

CS-3: I'm here, relaxed. I'm calling to ask you a question. How much you charge me for a blue one? How much would it be?

PAREDES: I don't have any.

CS-3: No, but when you do have, what would you charge?

PAREDES: When I have I could tell you, but you have to talk with . . .

CS-3: With Julito [i.e., JULIO CESAR GUERRERO BRITO, a/k/a "Julito," the defendant]?

PAREDES: Yes, yes.

24. Based on my conversations with CS-3, and my training and experience, I have learned that a "blue one" or "blues" refers to pills containing oxycodone.

25. Based and my conversations with CS-3, I have learned, in substance and part, that on or about January 31, 2012, CS-3 met with JONATHAN CRUZ, a/k/a "Tantan," the defendant, in New York, New York. During this meeting, which was recorded, CRUZ stated, in substance and in part, that HECTOR LUIS VARGAS-PAREDES, a/k/a "Tio," a/k/a "Tio Loko," the defendant, and "Julito," whom CS-3 understood to be JULIO CESAR GUERRERO BRITO, a/k/a "Julito," the defendant, had just left the area. CRUZ further stated, in substance and in part, that if CS-3 wanted to do business with CRUZ, CS-3 should call CRUZ at a certain number ("Cruz Cellphone-1").

February 2012 Conversations

26. Based on my conversations with CS-3 and other law enforcement agents, I have learned the following, in substance and in part:

a. On or about February 1, 2012, CS-3 met with JONATHAN CRUZ, a/k/a "Tantan," the defendant, in New York, New York. During this meeting, which was recorded, CS-3 asked CRUZ, in substance and in part, where HECTOR LUIS VARGAS-PAREDES, a/k/a "Tio," a/k/a "Tio Loko," the defendant, was. CRUZ responded, in substance and in part, that PAREDES and "Julito," whom CS-3 understood to be JULIO CESAR GUERRERO BRITO, a/k/a "Julito," the defendant, were in Massachusetts selling prescription pills.

b. The next day, on or about February 2, 2012, CS-3 met with the DEA. During this meeting, CS-3 sent a text message to Paredes Cellphone-1, in which CS-3 stated in Spanish, in part, that CS-3 "need[s] 100 blues," and has "1500."

c. Subsequent to sending the text message, CS-3 dialed Paredes Cellphone-1. HECTOR LUIS VARGAS-PAREDES, a/k/a "Tio," a/k/a "Tio Loko," the defendant, answered the phone. During the resulting conversation, CS-3 told PAREDES in Spanish, in part, that CS-3 was looking for "blues." PAREDES responded in Spanish, in substance and in part, that PAREDES did not have any "blues" at the time because PAREDES sold them the day before, but PAREDES would contact CS-3 when PAREDES got more pills.

d. Subsequently, CS-3 received a text message from Paredes Cellphone-1, which stated "Hit me up," i.e., contact me.

27. Based on my conversations with CS-3, and my training and experience, as discussed above, I have learned that "blues" refers to pills containing oxycodone.

Interception of Wire Communications Over Paredes Cellphone-1

28. Based on my participation in this investigation and my review of documents, I have learned, in substance and in part, that on or about February 22, 2012, the Honorable Kimba M. Wood of the United States District Court for the Southern District of New York signed an order authorizing the interception of wire communications occurring over Paredes Cellphone-1.

29. Based on my participation in the monitoring of the intercepted communications, and my review of draft summaries and translations of interceptions occurring over Paredes Cellphone-1 (which are principally in Spanish), commonly referred to as "linesheets," I have learned of the below-excerpted conversations. These are only a small sample of the interceptions of wire communications occurring over Paredes Cellphone-1. Based on my training and experience and my involvement in this investigation, I have included certain of my understandings of the excerpted conversations.

a. On or about February 24, 2012, at approximately 4:45 p.m., HECTOR LUIS VARGAS-PAREDES, a/k/a "Tio," a/k/a "Tio Loko," the defendant, called a certain individual ("Customer-1").¹ During this call, among other things, the following conversation took place:

Customer-1: Are you going to give me the stuff from the bottles?

PAREDES: I'll call you in a few minutes so that you can come get it.

Customer-1: Give me 120 and I'll [unintelligible] for 16 right away over here.

PAREDES: OK fine.

Based on my familiarity with the investigation and my training and experience, I believe that "bottles" refers to bottles containing prescription pills, and that in this conversation, PAREDES is agreeing to provide 120 pills for sale at 16 dollars a pill, consistent with the price of oxycodone pills.

b. The same day, on or about February 24, 2012, at approximately 7:07 p.m., PAREDES complained to an individual that

¹ Based on my conversations with an individual participating in the monitoring of the target cellphones, I have confirmed that this call was placed by a male individual with the same voice as that in the recorded call involving PAREDES discussed above in paragraph 23, and that statements in all other recorded calls excerpted herein labeled as those of PAREDES are of a male individual with the same voice. In addition, on a number of intercepted calls over Paredes Cellphone-1, including certain excerpted herein, persons refer to PAREDES as "Hector Luis."

PAREDES had told someone with whom PAREDES was working, "If we get arrested because of you, I'm not going to hear 'I told you so.'"

c. The next day, on or about February 25, 2012, at approximately 6:35 p.m., PAREDES spoke with JONATHAN CRUZ, a/k/a "Tantan," the defendant.² During this call, the following conversation took place in part:

CRUZ: You have to give me profit/interest. . .
. There's 860 pesos in profit, and I'm telling them to give me 100 each from the 400. They are telling me no, and I put in 3,000 pesos.

PAREDES: When you [unintelligible] you should take all and divide everything. You let the other one divide it. When I buy with my own money, I split it myself . . . even if you have your customers I'm the one that divides it.

Based on my familiarity with the investigation and my training and experience, I have learned that members of the DTO frequently use the term "pesos" to refer to dollars, and believe that in this conversation, PAREDES and CRUZ are discussing how to split up proceeds from the sale of prescription pills.

d. The same day, on or about February 25, 2012, at approximately 5:54 p.m., PAREDES spoke with a co-conspirator not named as a defendant herein ("CC-1"). During this call, the following conversation took place in part:

CC-1: . . . The new M-30. They're paying 14 for it. And I had two prescriptions for 220, no one wanted to buy it for more than 7 pesos. I waited now like 2 weeks later and they are at 14.

PAREDES: Which one? The same 42-8?

² Based on my conversations with an individual participating in the monitoring of the target cellphones, and my review of linesheets, I have confirmed that all statements excerpted herein labeled as those of CRUZ are of a male individual with the same voice, and that in all of these calls, the individual speaking is using Cruz Cellphone-1, the number provided by CRUZ to CS-3.

CC-1: Yes, that one, but the new ones are white.

PAREDES: White?

CC-1: Yes. . . . The new white one. How much are you paying for the blue ones?

PAREDES: The usual. Call me. Do you have something? I don't like talking a lot on the phone.

Based on my familiarity with the investigation and my training and experience, I have learned that "M-30" refers to 30 milligram oxycodone pills, "blue ones" refers to oxycodone pills, and "white one" refers to a specific brand/type of oxycodone pills.

e. The same day, on or about February 25, 2012, at approximately 8:26 p.m., PAREDES received a call from ARTURO LARA, a/k/a "Arturito," the defendant.³ During the call, the following conversation took place in part:

PAREDES: You told me there were 315. There's only 305 here.

LARA: 305? Are you sure?

PAREDES: I give you my word. I'm not a kid. I counted them twice before I called you. I counted and I bagged it and I untied it and counted it again. Where I count them is in a place where nothing falls out or anything. You have to count it good.

³ On or about May 15, 2012, I called the phone number used by this individual on intercepted calls, and observed ARTURO LARA, a/k/a "Arturito," the defendant, pick up the phone. In addition, based on my conversation with another law enforcement officer, I have learned that LARA provided this same phone number in connection with a prior arrest by the NYPD. Based on my conversations with an individual participating in the monitoring of the target cellphones, I have confirmed that all statements excerpted herein labeled as those of LARA are of a male individual with the same voice.

LARA: Yes, brother. Don't get like that for 10 pills. You know that's nothing. If there's 10 missing, I will give you your money back. It's that I told you there were 370 and I took out 55 for somebody real quick, perhaps it went there. But don't get like that over for bullshit.

PAREDES: I don't like that. That's why I told you count your shit good before you bring it.
. . .

LARA: I know. But do you remember I told you there were 370. I took out 55 pills quickly for someone. Perhaps it went there by mistake. I will call you back.

Based on my familiarity with the investigation and my training and experience, I believe that this conversation concerns whether LARA had provided PAREDES with 305 or 315 prescription pills, which were left over after LARA provided 55 pills to another person.

f. On or about February 29, 2012, at approximately 9:10 p.m., PAREDES spoke with an unidentified individual. During this call, the individual asked PAREDES whether PAREDES had any "M-30," explaining, "I have a girlfriend who wants 50." PAREDES responded in part, "I can pass it to you at 16." Based on my familiarity with the investigation and my training and experience, as discussed above, I understand that "M-30" refers to 30 milligram oxycodone pills, and I have learned that members of the DTO often use the phrase "pass" to mean distribute, i.e. "pass it to you at 16" means to sell pills at \$16 a pill.

g. On or about March 2, 2012, at approximately 10:53 a.m., an individual informed PAREDES in part, "A friend of mine wants to come get 200. I want to talk about that right away." PAREDES responded, "Fine." Based on my familiarity with the investigation and my training and experience, I believe that in this conversation, PAREDES is agreeing to discuss a sale of 200 prescription pills.

h. On or about March 6, 2012, at approximately 8:47 p.m., LARA called PAREDES and stated, among other things, "I'm heading over there to give you something." The following discussion then took place:

PAREDES: I'm not there right now. I'll be there in a little bit. How much do you have?

LARA: I think it's 380 but I'm going to count now.

PAREDES: Okay. Check and call me. When you're done take it to [a co-conspirator not named as a defendant herein] or if not you can wait till I get there.

LARA: Alright.

Based on my familiarity with the investigation and my training and experience, I believe that in this conversation, LARA and PAREDES are agreeing that LARA will provide 380 prescription pills to PAREDES or a co-conspirator, so that the pills can be sold.

i. On or about March 11, 2012, at approximately 8:37 p.m., PAREDES spoke with a co-conspirator not named as a defendant herein ("CC-2"). During this call, among other things, PAREDES asked CC-2 why CC-2 did not take a van/truck to "go get that." CC-2 responded in part, "Yes, I will take advantage. That way I'll be able to drop off the three thousand Ms I have here." Based on my familiarity with the investigation and my training and experience, I have learned that "Ms" refers to "milligrams," shorthand for prescription pills containing oxycodone, and believe that "three thousand Ms" therefore refers to 3000 oxycodone pills.

Interception of Wire Communications Over Paredes Cellphone-2

30. Based on my participation in this investigation and my review of documents, I have learned, in substance and in part, that on or about April 2, 2012, the Honorable Barbara S. Jones of the United States District Court for the Southern District of New York signed an order authorizing the interception of wire communications occurring over a second cellphone ("Paredes Cellphone-2") used by HECTOR LUIS VARGAS-PAREDES, a/k/a "Tio," a/k/a "Tio Loko," the defendant.

31. Based on my participation in the monitoring of the intercepted communications, and my review of draft summaries and translations of interceptions occurring over Paredes Cellphone-2 (which are principally in Spanish), commonly referred to as "linesheets," I have learned of the below-excerpted conversations. These are only a small sample of the interceptions of wire communications occurring over Paredes Cellphone-2. Based on my

training and experience and my involvement in this investigation, I have included certain of my understandings of the excerpted conversations.

a. On or about April 11, 2012, at approximately 11:06 p.m., PAREDES spoke with JULIO CESAR GUERRERO BRITO, a/k/a "Julito," the defendant. PAREDES was using Paredes Cellphone-2. BRITO was using a particular cellular telephone ("Brito Cellphone-1").⁴ During this call, PAREDES and BRITO discussed who owed who money from the sale of pills, including in the following exchange:

BRITO: There were like 500 or 600 pesos, I think. I divided them in twos and from mine . . . gave that to Tatan [i.e., CRUZ] since he was the one who passed me the pills and stuff. I told him, "Give the money back to Hector Luis [i.e., PAREDES]." . . .

PAREDES: No, that's fine. That's fine.

b. The next day, on or about April 12, 2012, at approximately 5:21 p.m., PAREDES received an incoming call from an unidentified female individual. During this call, the individual stated, "Let me ask you a question, beside those 2 pills that the [unintelligible] brought you, what else do you guys take?" PAREDES

⁴ I identified the individual using Brito Cellphone-1 as JULIO CESAR GUERRERO BRITO, a/k/a "Julito," the defendant, based on this individual referring to himself and others referring to him as "Julio" and/or "Julito" in a number of intercepted calls, including certain ones excerpted herein. The content of the calls, such as that excerpted below in which BRITO refers to "my block," is also consistent with statements by co-conspirators regarding BRITO's role in the DTO, and with information provided by CS-3, who identified an arrest photograph of JULIO CESAR GUERRERO BRITO, a/k/a "Julito," the defendant, as "Julito," and described him, in sum, as a leader of the DTO. In addition, on or about April 16, 2012, another law enforcement agent dialed the phone number used by this individual on intercepted calls; I observed JULIO CESAR GUERRERO BRITO, a/k/a "Julito," the defendant, pick up his cellular telephone, look at the telephone as if to see if he recognized the number dialing him, and then ignore the call. Based on my conversations with an individual participating in the monitoring of the target cellphones, I have confirmed that all statements excerpted herein labeled as those of BRITO are of a male individual with the same voice.

responded in part that they accepted the "Ofana" and the "yellow one." The individual then confirmed that they also accepted "the oxycodone," which PAREDES referred to in "30 milligrams" form as "OC," while explaining that the individual should "be careful because sometimes they say it's 'OC' and it's 'OP.'" The following conversation then took place in part:

PAREDES: They have to have one "O" and one "S" and a "3" on the other side. How much she has them for? I have to call because they don't have this one anymore. They used to have a lot before but now they discontinued them.

Individual: I'm talking with a girl about a place where they prescribe them and there's a lot of people that get it prescribed so find out.

PAREDES: Did she show it to you?

Individual: Yes, they are blue and small.

PAREDES: If they are blue, they are "M." Send me a picture.

Based on my familiarity with the investigation and my training and experience, I have learned that "OP" either refers to Opana, a prescription pill containing oxymorphone, or generally to prescription pills containing oxycodone, and I believe that this conversation concerns different kinds of pills, including oxycodone pills, that PAREDES and co-conspirators purchase for resale.

c. The same day, on or about April 12, 2012, at approximately 11:30 p.m., PAREDES and BRITO engaged in a conversation lasting more than twelve minutes. During this call, BRITO and PAREDES discussed the work of CRUZ and others, and how certain pills were selling on what BRITO referred to as "my block." BRITO explained: "Whenever there's a problem, I have to be there. Oh, if there's a guy selling [unintelligible], I have to pull him . . . you understand?" Based on my familiarity with the investigation and my training and experience, I believe that in this conversation, BRITO is discussing BRITO's responsibilities as a leader of the DTO in charge of the "block," including that he has employees-dealers of prescription pills-who need to perform or be disciplined or removed.

d. On or about April 19, 2012, at approximately 12:54 p.m., PAREDES received a call from an unidentified female individual. During this call, PAREDES asked the individual to "[c]ome over here [to] 171 and Broadway." After PAREDES repeated the location, the following conversation took place in part:

Individual: . . . 157th right?

PAREDES: No, No, No, 171.

Individual: All right.

PAREDES: 157 police. No good.

After some more back-and-forth about the location, PAREDES asked in part, "What you got?" The individual responded, "Atripla." Based on my familiarity with the investigation and my training and experience, I have learned that Atripla is an HIV medication, and believe that in this conversation, PAREDES is agreeing to purchase this medication for re-sale, but is warning the individual from whom he is going to purchase the medication to come to a different area from PAREDES's typical location-157th and Broadway, in New York, New York-because the police were in that area at the time.

e. On or about April 20, 2012, at approximately 7:26 p.m., PAREDES and BRITO engaged in the following conversation in part:

BRITO: The yellow one. The customers that you with the yellow one . . . can you pass them to me? So I can get you a really good deal out of it.

PAREDES: Ok.

Based on my familiarity with the investigation and my training and experience, I have learned that the "yellow one" refers to Percocet, a prescription pill containing oxycodone, and believe that in this conversation, BRITO and PAREDES are agreeing that PAREDES will provide Percocet pills to BRITO so that BRITO may sell them and then share the proceeds with PAREDES.

Interception of Wire Communications Over Brito Cellphone-1

32. Based on my participation in this investigation and my review of documents, I have learned, in substance and in part, that on or about April 23, 2012, the Honorable Denise L. Cote of the United States District Court for the Southern District of New York signed an order authorizing the interception of wire communications occurring over Brito Cellphone-1.

33. Based on my participation in the monitoring of the intercepted communications, and my review of draft summaries and translations of interceptions occurring over Brito Cellphone-1 (which are principally in Spanish), commonly referred to as "linesheets," I have learned of the below-excerpted conversations. These are only a small sample of the interceptions of wire communications occurring over Brito Cellphone-1. Based on my training and experience and my involvement in this investigation, I have included certain of my understandings of the excerpted conversations.

a. On or about April 24, 2012, at approximately 2:27 pm, BRITO called RUBEN ALEXANDER SANTIAGO-GUILLERMO, a/k/a "Alex," the defendant.⁵ During this call, the following conversation took place in part:

BRITO: Listen half . . . You know the small one "M" . . .

GUILLERMO: The most that I can right now is 7 and call [unintelligible] to see what he is going to tell you . . . He is going to tell you around 6 or 6 1/2.

⁵ I identified this individual as RUBEN ALEXANDER SANTIAGO-GUILLERMO, a/k/a "Alex," the defendant, based on a confidential source ("CS-4") whose information has proven reliable, and who is receiving compensation for CS-4's work with law enforcement. CS-4 provided me with phone numbers for RUBEN ALEXANDER SANTIAGO-GUILLERMO, a/k/a "Alex," the defendant, whose arrest photograph CS-4 identified as that of "Alex." Statements labeled here as those of GUILLERMO were all made over one or the other of these phone numbers. Based on my conversations with an individual participating in the monitoring of the target cellphones, I have confirmed that all statements excerpted herein labeled as those of GUILLERMO are of a male individual with the same voice.

BRITO: No, no, I'm not saying to give it I'm saying to give me.

GUILLERMO: . . . But at that price, 7.

BRITO: Yes. I'm taking it out at 8 and they are paying it already.

GUILLERMO: Alright. As soon as I have anything I'll call you to give it to you.

Based on my familiarity with the investigation and my training and experience, as discussed above, I have learned that "M" is used as shorthand for prescription pills containing oxycodone, and believe that in this conversation "6," "6 1/2," "7," and "8" refer to prices in dollars per pill.

b. On or about April 25, 2012, at approximately 2:07 p.m., BRITO called GUILLERMO. During this call, the following conversation took place in part:

BRITO: I told you, I'm going to be taking them to you little by little. You heard? I'm going to take you 90, but listen, hello!

GUILLERMO: Tell me, I'm listening.

BRITO: You can raise half a point more to see if I can get you a few more that there's around there to get them from the guys.

GUILLERMO: My friend has 1,000 for me today, so what you bring me. You understand?

Based on my familiarity with the investigation and my training and experience, I believe that in this conversation, BRITO and GUILLERMO are discussing how many prescription pills are available for purchase and resale on a particular day (with "1,000 for me today" referring to 1,000 pills), and that "half a point more" refers to raising the price by 50 cents.

c. On or about April 25, 2012, at approximately 1:45 p.m., BRITO received a call from AGUSTIN CABREA-GERMAN, the

defendant.⁶ During this call, CABREA-GERMAN put a co-conspirator not named as a defendant herein ("CC-3") on the phone. The following conversation then took place in part:

CC-3: What's going on with the blue ones? . . .
At how much are you getting them out?

BRITO: Hold on . . . You tell me at how much you
take them?

CC-3: You can give me 1,000 at 14 1/2 that I'm
going to take out 1,000 at the price that
they pay mine.

BRITO: What?

CC-3: You can give me 1,000 at 14 1/2 that I'm
going to take out 1,000 from yours at the
price that they pay mine.

BRITO: I give you 1,000 at 14 1/2.

CC-3: And I can take out 1,000 or 2,000 at the
price that they pay mine, at 16 1/2.

BRITO: That's the problem, I'm dealing at 17
already my brother. I'm not getting like
that neither. You are getting 1,000 like
that?

CC-3: Yes, but there are a lot of people.

BRITO: What do you mean?

⁶ I identified this individual as AGUSTIN CABREA-GERMAN, the defendant, based on others referring to him as "Agustin" in a number of intercepted calls. Based on my conversations with CS-3, I have learned that CS-3 has identified an arrest photograph of AGUSTIN CABREA-GERMAN, the defendant, and described him, in sum, as a distributor of prescription pills and an associate of BRITO. Based on my conversations with an individual participating in the monitoring of the target cellphones, I have confirmed that all statements excerpted herein labeled as those of CABREA-GERMAN are of a male individual with the same voice.

CC-3: I have too many people. I have people to get out at least 10,000 pills daily.

. . .

BRITO: Damn! But let's work over here [a colloquial reference to CC-3] and I get them out over here at 17 my brother. . .

CC-3: Okay. What about the yellow one?

BRITO: I'm giving that out at 7 pesos.

CC-3: Okay.

Based on my familiarity with the investigation and my training and experience, as discussed above, I have learned that the "blue ones" refers to oxycodone pills, the "yellow one" refers to Percocet, which contains oxycodone, and "pesos" refers to dollars, and believe that in this conversation, BRITO and a co-conspirator are discussing the quantity, price, and sale of pills containing oxycodone.

d. Approximately 15 minutes later, CABREA-GERMAN called BRITO, and stated, "I was listening to him, that guy is crazy when talking to you like that." After some back and forth, the following conversation took place in part:

BRITO: That he is getting 10,000, is that true? Is he getting a lot?

CABREA-GERMAN: He told me that now, that's a lie my brother. He is not getting that.

BRITO: Let's take them from him if he is getting them and we give it my people . . . you know, we make some profit.

CABREA-GERMAN: Okay. Ohh yeah yeah yeah.

BRITO: Tell him, "Listen, for you going up there, let's give it to Julio's people at 17 and all of them that you get and the money right there."

CABREA-GERMAN: That's what we are going to do, so I can tell him like that.

Based on my familiarity with the investigation and my training and experience, I believe this conversation is a follow-up to that excerpted above, in which BRITO and CABREA-GERMAN are discussing purchasing pills containing oxycodone at a certain price, to then be resold at 17 dollars a pill, through what BRITO refers to as "my people."

e. On or about April 26, 2012, at approximately 2:45 p.m., BRITO called EWARD DELROSARIO, a/k/a "Edward Delrosario," a/k/a "Chacka," the defendant, and stated: "Ask him if he wants the OP."⁷ Conversation could then be heard in the background regarding prices. Based on my familiarity with the investigation and my training and experience, I have learned that "the OP" either refers to Opana, a prescription pill containing oxymorphone, or generally to prescription pills containing oxycodone, and that in this conversation, DELROSARIO is selling such pills at the instruction of BRITO.

f. The same day, on or about April 26, 2012, at approximately 2:57 p.m., BRITO engaged in a call lasting more than seven minutes with CABREA-GERMAN. During this call, the following conversation took place in part:

BRITO: Do you think [it] is right that I send [a person referred to by a nickname only] a guy so he can sell him a few Perco and I told him not to give the number . . . and the guy ask him for the number. He gave him the number and told the guy not to tell me anything.

⁷ I identified this individual as EWARD DELROSARIO, a/k/a "Edward Delrosario," a/k/a "Chacka," the defendant, based on this individual referring to himself and others referring to him as "Chacka" on intercepted calls. CS-3 has identified an arrest photograph of DELROSARIO as "Chacka," and has described him, in sum, as an associate of BRITO. In a video posted on the Internet, DELROSARIO holds up a chain which appears to say "Chacka." Based on my conversations with an individual participating in the monitoring of the target cellphones, I have confirmed that all statements excerpted herein labeled as those of DELROSARIO are of a male individual with the same voice.

CABREA-GERMAN: Then he gets into problem and they start talking bad about me out there.

BRITO: He doesn't dare mention my name. Because as soon as I hear he mentioned Juliti I'm going to go wherever he's at and I'm going to punch him in the mouth.

. . . .

BRITO: We have to get rid of him.

CABREA-GERMAN: We have to stick him up. I'm dying for you to tell me.

BRITO: But you don't have to wait for a green light from me to do that.

CABREA-GERMAN: I don't have to wait . . . I'm going to do it.

BRITO: Do something and leave him with his hands up on his head. . . .

Based on my familiarity with the investigation and my training and experience, I believe that "Perco" refers to Percocet, that "[w]e have to get rid of him" means to kill an individual identified by a nickname, and "stick him up" means to rob that individual.

g. On or about April 28, 2012, at approximately 4:35 p.m., BRITO engaged in the following conversation with DELROSARIO:

BRITO: Tell [another person] to prepare 10 . . .

DELROSARIO: Alright.

BRITO: Whole, not pill, in powder.

DELROSARIO: Yes.

Based on my familiarity with the investigation and my training and experience, I have learned that individuals addicted to oxycodone often crush pills in order to snort them, and believe that in this conversation, "prepare . . . [w]hole, not pill, in powder" refers to preparing crushed-up prescription pills for sale.

h. On or about April 30, 2012, at approximately 3:24 p.m., CRUZ called BRITO and stated in part: "Look, Julito, the only reason I have not stabbed [a person referred to in the call by a nickname only] is because of you." CRUZ continued: I just called Hector Luis [i.e., PAREDES] and told him. . . . [A]ll three of us are dying to . . . me, Hector Luis, and [a co-conspirator not named as a defendant herein] are dying to kill that guy. We have not killed him because this is New York. He thinks that we're joking or that I'm just joking. I'm leaving him alone . . ." CRUZ then explained, in substance and in part, that CRUZ would talk with BRITO further in person. Based on my familiarity with the investigation and my training and experience, I believe that in this conversation, CRUZ is explaining to BRITO that CRUZ will speak further with BRITO about the anger of CRUZ, PAREDES, and another co-conspirator with an individual identified by a nickname, and their interest in killing that individual.

i. On or about May 1, 2012, at approximately 2:31 p.m., BRITO and CABREA-GERMAN engaged in a conversation in which, among other things, BRITO and CABREA-GERMAN discussed an offer BRITO had to work with others. During the conversation, the following exchange took place:

BRITO: . . . We have nothing to talk about. . .
. He sells at sixteen and he wants to pass it to his people. You understand?

CABREA-GERMAN: Yeah, yeah, yeah.

BRITO: He is just not getting a lot and he wants me to pass up what I can get my hands on. So he is cool with his people but then what happens to my people then?

CABREA-GERMAN: Yeah, it's just like that, just like that.

BRITO: You understand? I'm going to leave my people for the same price to then go with other people?

CABREA-GERMAN: That's not how it is.

Later in the same conversation, CABREA-GERMAN asked, "How much do the Percos go for? Just in case I find it so I can look for it so, so . . ." BRITO responded: "I'll take them from you at 4.50 and

I'll sell them from there, that's what I'm looking for now." Towards the end of the conversation, BRITO stated, "You and me what we need to do is get together and save some money so when things get bad you can go to the Dominican Republic to vacation but your money and your things, you understand?" Based on my familiarity with the investigation and my training and experience, I believe that "Percos" refers to Percocet, "pass it" refers to distributing pills, and that in this conversation, BRITO and CABREA-GERMAN are discussing an offer that BRITO has to provide pills containing oxycodone to another individual to sell through "his people" for 16 dollars a pill, but BRITO is not willing to "leave my people for the same price," that is, the offer is not good enough for BRITO to accept. I further believe that in this conversation, BRITO and CABREA-GERMAN agree that CABREA-GERMAN will provide Percocet to BRITO for BRITO to sell, and that BRITO is explaining to CABREA-GERMAN that the two men should save money "so when things get bad" they can flee to the Dominican Republic.

j. The same day, on or about May 1, 2012, at approximately 3:37 p.m., BRITO and DELROSARIO engaged in the following conversation in part:

DELROSARIO: [A particular person] needs 140 dollars to get to Brooklyn. What do we do with him?

BRITO: Damn man! Where is he? Why does that guy need to move so much with other people's money?

DELROSARIO: . . . He's been looking for pharmacies for a while. He has the prescription but he doesn't know where they have blue ones.

Based on my familiarity with the investigation and my training and experience, as discussed above, I have learned that the "blue ones" refers to prescription pills containing oxycodone, and I believe that in this conversation, BRITO and DELROSARIO are discussing an individual who is looking for a pharmacy to fill a prescription for oxycodone, so that the individual may provide oxycodone pills for resale.

k. The next day, on or about May 2, 2012, approximately 1:37 p.m., BRITO and DELROSARIO engaged in the following conversation in part:

BRITO: You know we have to send the pills over there. They met yesterday. He told Tantan [i.e., CRUZ] about the Perco thing. . . . And Tantan, you know, give us a connect about the M-30 or something so me and [a co-conspirator not named as a defendant herein] can get going. He said he is going to give me the money so you can work the only thing you have to do let Tantan bring up the pills since you don't like to go there. . . .

DELROSARIO: Me personally I'm not interested to go up there. I had a bad experience with that you remember . . .

BRITO: That's what I told him last night . . . How are we going to bring that up because I don't want to go there if it's for that I prefer sell it here at sixteen. . . .

Based on my familiarity with the investigation and my training and experience, as discussed above, I understand that "M-30" refers to 30 milligram oxycodone pills and "Perco" refers to Percocet, which contains oxycodone, and believe that "bring up the pills" refers to bringing pills to New England to sell at a higher price than they sell for in New York, i.e., "here at sixteen" dollars a pill.

1. On or about May 7, 2012, at approximately 5:35 p.m., BRITO engaged in the following conversation in part with a co-conspirator not named as a defendant herein ("CC-4"):

BRITO: La Opana. I will take them from you for 7 dollars.

CC-4: How are you selling the 30s?

BRITO: How am I selling them? At 6 and 6.50.

CC-4: 6.50, well I'll let you know if anything, is to see if I take some. To see what I can do.

BRITO: You mean for you to sell?

CC-4: Yes, it's been a while since I moved anything.

BRITO: Just give me a good price and I will pass them on.

Based on my familiarity with the investigation and my training and experience, I believe that "La Opana" refers to Opana, which contains oxymorphone, "the 30s" refers to 30 milligram oxycodone pills, and "6" and "6.50" refer to prices in dollars per pill.

Additional Calls

34. Based on my conversations with another law enforcement agent, my review of audio recordings, and my review of draft transcripts of the recordings (which are in Spanish), I have learned the following, in substance and in part:

a. On or about May 9, 2012, CS-2 called Garciano Cellphone-1. VIRGILIO ANTONIO DIAZ GARCIANO, a/k/a "D," the defendant, answered the phone. The call was recorded. During the call, the following conversation took place in part:

CS-2: Tell me D.

GARCIANO: I am relaxed:

CS-2: Listen, I need 250 of the blues.

GARCIANO: How much will you pay for them?

CS-2: How much are you selling them for? I need them for [a certain day].

GARCIANO: Tell me a price that good for you and for me.

CS-2: You tell me.

GARCIANO: Hold on. They say 18. I'll say 17.

CS-2: Ok, because the truth is that I need them. 250.

GARCIANO: 250. I told him.

Based on my conversations with CS-2 and my training and experience, I understand that the "blues" refers to oxycodone and "250" refers to 250 pills, and that in this conversation, GARCIANO is agreeing to sell 250 pills for 17 dollars a pill.

b. On or about May 9, 2012, CS-2 called a certain number, previously given to CS-2 by PLINO RAMOS, a/k/a "Junior," a/k/a "J," the defendant ("Ramos Cellphone-2"). RAMOS answered the phone. During the call, which was recorded, the following conversation took place in part:

CS-2: I need blues and to see that thing.

RAMOS: The white?

CS-2: Yes.

RAMOS: I will call you in 20 minutes.

c. Approximately 20 minutes later, CS-2 received a call from RAMOS, who was using Ramos Cellphone-2. During the call, which was recorded, the following conversation took place in part:

CS-2: I need at least 300 of the blues, of the 30s.

RAMOS: And the white?

CS-2: Yes, and the white, too.

RAMOS: He has a whole one. 34. I will talk to him.

d. Approximately 20 minutes later, CS-2 received a call from RAMOS, who was using Ramos Cellphone-2. During the call, which was recorded, the following conversation took place in part:


RAMOS: It will be 34. He is with his family.

CS-2: Ok, 34. I will call when I'm in NY.

Based on my conversations with CS-2 and other law enforcement officers, and my training and experience, I understand that the "blues" refers to oxycodone, as discussed above, and that "30s" refers to 30 milligram pills of oxycodone, "the white" refers to

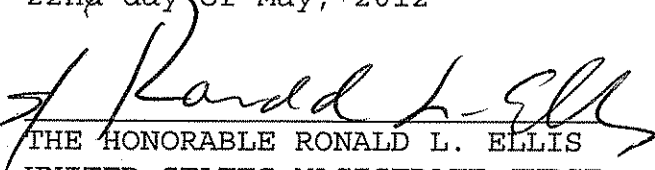
cocaine, a "whole one" refers to a kilogram, and "34" refers to \$34,000.

WHEREFORE, deponent respectfully requests that warrants be issued for the arrest of JULIO CESAR GUERRERO BRITO, a/k/a "Julito," HECTOR LUIS VARGAS-PAREDES, a/k/a "Tio," a/k/a "Tio Loko," JONATHAN CRUZ, a/k/a "Tantan," VIRGILIO ANTONIO DIAZ GARCIANO, a/k/a "D," RUBEN ALEXANDER SANTIAGO-GUILLERMO, a/k/a "Alex," PLINO RAMOS, a/k/a "Junior," a/k/a "J," EDWARD DELROSARIO, a/k/a "Edward Delrosario," a/k/a "Chacka," AGUSTIN CABREA-GERMAN, and ARTURO LARA, a/k/a "Arturito," the defendants, and that they be 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



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