

12 MAG 1361

Approved: Daniel Richenthal / Rachel Maimin
DANIEL C. RICHENTHAL
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Assistant United States Attorneys

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

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UNITED STATES OF AMERICA	:	SEALED
	:	<u>COMPLAINT</u>
- v. -	:	
JENNY GOMEZ,	:	Violations of
FELIX ABREU,	:	21 U.S.C. §§ 841, 846
a/k/a "Gordo," and	:	COUNTY OF OFFENSE:
JOANNA FUERTES,	:	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 ("DEA"), and charges as follows:

COUNT ONE

1. From at least in or about August 2011, up to and including in or about December 2011, in the Southern District of New York and elsewhere, JENNY GOMEZ, FELIX ABREU, a/k/a "Gordo," and JOANNA FUERTES, 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 JENNY GOMEZ, FELIX ABREU, a/k/a "Gordo," and JOANNA FUERTES, 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 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. From at least in or about August 2011, up to and including in or about December 2011, in the Southern District of New York and elsewhere, JENNY GOMEZ, FELIX ABREU, a/k/a "Gordo," and JOANNA FUERTES, 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 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, 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 and oxymorphone are semi-synthetic opioid analgesics that are similar to codeine and morphine. They are both Schedule II controlled substances.

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.

8. During the course of this investigation, law enforcement worked with three confidential sources ("CS-1" "CS-2," and "CS-3"), all of whose information has proven reliable and been corroborated in the past by independent evidence. CS-1 and CS-2 are paid, and CS-3 is cooperating with law enforcement pursuant to a cooperation agreement with the New York County District Attorney's Office.

The August 4, 2011 Oxymorphone Sale

9. I have spoken to another law enforcement agent ("Agent-1"), who informed me, in substance and in part, that, on or about August 4, 2011, Agent-1 directed CS-1 to purchase pills from an individual later identified as FELIX ABREU, a/k/a "Gordo," the defendant, who was known to CS-1 as a pill dealer.

10. Later that day, CS-1 and CS-2 met FELIX ABREU, a/k/a "Gordo," the defendant, in the vicinity of 156th Street and Broadway in Manhattan (the "Location"). CS-1 was equipped with an audio recording device. In addition, law enforcement agents conducted surveillance of the meeting. From speaking to the CIs and other law enforcement officers following the meeting, I have learned the following, in substance and in part:

a. The CIs arrived at the Location in a car ("Car-1"). CS-2 exited Car-1 and approached ABREU, who was standing in the street. CS-2 and ABREU then got into Car-1, where CS-1 was waiting. At ABREU's direction, CS-1 drove CS-2 and ABREU to the vicinity of West 158th Street in Manhattan.

b. ABREU got out of Car-1 and approached another car that was parked nearby - a white Acura TL - and had passengers in it ("Car-2"), including a female in the driver's seat, later identified as JENNY GOMEZ, the defendant.

c. ABREU obtained what appeared to be pills from GOMEZ and returned to Car-1. ABREU gave the pills to CS-1, who counted them and provided ABREU with cash.

d. ABREU returned to Car-2, gave the cash provided by CS-1 to GOMEZ, and drove off with GOMEZ.

11. CS-1 received approximately 59 pills on August 4, 2011. The pills tested positive for the presence of oxymorphone and were each 30 milligrams.

The August 16, 2011 Oxycodone Sale

12. I have spoken to another law enforcement agent ("Agent-2"), who informed me, in substance and in part, that, on or about August 16, 2011, Agent-2 directed CS-1 to purchase pills from FELIX ABREU, a/k/a "Gordo," the defendant.

13. Later that day, CS-1 met FELIX ABREU, a/k/a "Gordo," the defendant, at the Location. CS-1 was equipped with an audio recording device. In addition, law enforcement agents, including Agent-1 and Agent-2, conducted surveillance of the meeting. From speaking to CS-1 and other law enforcement officers following the meeting, I have learned the following, in substance and in part:

a. CS-1 arrived at the Location in Car-1 and ABREU arrived afterward in a livery cab. ABREU briefly entered Car-1, and then walked into a nearby building on Broadway. When ABREU left the building, he was accompanied by JENNY GOMEZ, the defendant.

b. ABREU and GOMEZ got into Car-1. GOMEZ told CS-1, in substance and in part, to give GOMEZ the money first, but CS-1 stated, in substance and in part, that CS-1 wanted to count the pills before paying. CS-1 counted approximately 200 pills and provided GOMEZ with approximately \$3000 in cash.

14. CS-1 received approximately 201 pills on August 16, 2011. The pills tested positive for the presence of oxycodone and were each 30 milligrams.

The December 8, 2011 Calls

15. On or about December 8, 2011, I directed CS-1 to call FELIX ABREU, a/k/a "Gordo," the defendant. The call was recorded and monitored by law enforcement agents, including myself. From listening to the recording, monitoring the call, and speaking to CS-1, I learned the following, in substance and in part:

a. A female, later identified as ABREU'S wife, JOANNA FUERTES, the defendant, answered the telephone.

b. FUERTES stated, in substance and in part, that ABREU had been arrested for a narcotics offense, and asked why CS-1 was calling. CS-1 stated, in substance and in part, that CS-1 wanted to buy oxycodone.

c. FUERTES responded, in substance and in part, that she was continuing ABREU'S business while he was in jail and that FUERTES could call "the Mexican girl," later identified as JENNY GOMEZ, to see if there were any pills available.

16. Later in the day on or about December 8, 2011, JOANNA FUERTES, the defendant, called CS-1. From speaking to CS-1, I learned the following, in substance and in part:

a. FUERTES asked CS-1, in substance and in part, how much CS-1 was willing to pay for oxycodone. CS-1 stated, in substance and in part, that CS-1 would pay \$15 per pill. FUERTES responded, in substance and in part, that she would relay that message to "the Mexican girl."

17. Later that day, CS-1 again called JOANNA FUERTES, the defendant (at the telephone number previously used for FELIX ABREU, a/k/a "Gordo," the defendant). This call was recorded and monitored by law enforcement. From speaking to CS-1, monitoring the call, and listening to the recording, I learned the following, in substance and in part:

a. CS-1 asked FUERTES, in substance and in part, who "the Mexican girl" was. FUERTES said, in substance and in part, that "the Mexican girl" was "Jenny."

18. Later that day, CS-1 again called JOANNA FUERTES, the defendant (at the telephone number previously used for FELIX ABREU, a/k/a "Gordo," the defendant). This call was recorded and monitored by law enforcement. From speaking to CS-1, monitoring the call, and listening to the recording, I learned the following, in substance and in part:

a. CS-1 asked FUERTES her name. FUERTES said that it was "Joanna."

The December 9, 2011 Meeting

19. On or about December 9, 2011, CS-1 told me, in substance and in part, that JOANNA FUERTES, the defendant, had called CS-1 that day to arrange a meeting to sell CS-1 oxycodone.

20. CS-1 met JOANNA FUERTES, the defendant, in the vicinity of 158th Street in Manhattan. CS-1 was equipped with an audio recording device and provided with cash. In addition, law enforcement agents conducted surveillance of the meeting. From speaking to CS-1 and other law enforcement officers, I have learned the following, in substance and in part:

- a. FUERTES told CS-1, in substance and in part, that:
 - i. She was still waiting to hear from "the Mexican girl";
 - ii. "The Mexican girl" was having problems getting the pills; and
 - iii. If CS-1 wanted to purchase 15 mg oxycodone pills, FUERTES had them.
- b. CS-1 told FUERTES, in substance and in part, that CS-1 only wanted 30 mg pills.
- c. FUERTES did not sell CS-1 any pills that day.

21. After that meeting, law enforcement, including myself, followed the car that JOANNA FUERTES, the defendant, was driving, and conducted a traffic stop after she committed a traffic infraction. FUERTES produced a driver's license in the name of "Joanna Fuertes."

22. I have spoken to Agent-1 and Agent-2, and shown them a photograph obtained from the criminal history report of FELIX ABREU, a/k/a "Gordo," the defendant. Agent-1 and Agent-2 positively identified ABREU as the individual who participated in the August 4 and August 16 sales of oxymorphone and oxycodone.

23. I have spoken to Agent-1 and Agent-2, who explained, in substance and in part, that the female who participated in the August 16, 2011 oxycodone sale was wearing a baseball cap and was approximately five feet tall and very thin. I have reviewed the criminal history report of JENNY GOMEZ, the defendant, WHICH indicates that GOMEZ is five feet tall and 100 pounds.

24. I have spoken to CS-3, and shown CS-3 a photograph obtained from the criminal history report of JENNY GOMEZ, the defendant. CS-3 positively identified GOMEZ as an individual CS-3 has known for approximately 10 years. In addition, CS-3 told me, in substance and in part, that GOMEZ:

- a. Sells pills; and
- b. Has, in the past, driven a white Acura TL.

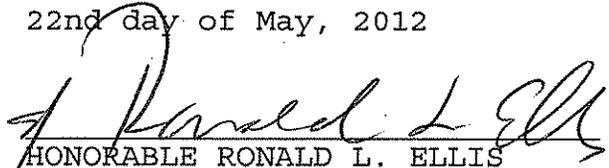
25. I have spoken to CS-1, and shown CS-1 a photograph obtained from the criminal history report of JENNY GOMEZ, the defendant. CS-1 said, in substance and in part, that GOMEZ was likely the individual who sold CS-1 pills on August 16, 2011.

WHEREFORE, the deponent respectfully requests that JENNY GOMEZ, FELIX ABREU, a/k/a "Gordo," and JOANNA FUERTES, 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