

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Hon. Michael A. Hammer
v. :
: Mag. No. 23-10009
EFRIN WADE and :
YAIRISA LIZARDO :
: **CRIMINAL COMPLAINT**

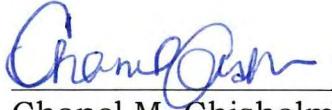
I, Chanel M. Chisholm, being duly sworn, state the following is true and correct to the best of my knowledge and belief:

SEE ATTACHMENT A

I further state that I am a Special Agent with the Federal Bureau of Investigation, and that this complaint is based on the following facts:

SEE ATTACHMENT B

continued on the attached page and made a part hereof.



Chanel M. Chisholm
Special Agent
Federal Bureau of Investigation

*Agent Chisholm attested to this Complaint by telephone pursuant to FRCP 4.1(b)(2)(A).

Sworn to and subscribed
this 13th day of March, 2023

ESSEX COUNTY, NEW JERSEY
County and State

HONORABLE MICHAEL A. HAMMER
UNITED STATES MAGISTRATE JUDGE


Signature of Judicial Officer

ATTACHMENT A

(Conspiracy to Commit Extortion)

From in or about January 2023 through in or about March 2023, in Essex County, in the District of New Jersey and elsewhere, defendants

EFRIN WADE
and
YAIRISA LIZARDO

did knowingly and willfully conspire with each other and others to obstruct, delay and affect interstate commerce by extortion under color of official right – that is, by agreeing to accept and accepting bribe payments in exchange for defendant WADE's official action and assistance in smuggling in contraband, namely, cell phones and tobacco, to inmates at the Essex County Correctional Facility ("ECCF"), in violation of his official duties as a corrections officer at ECCF.

In violation of Title 18, United States Code, Section 1951(a) and Section 2.

ATTACHMENT B

I, Chanel M. Chisholm, a Special Agent with the Federal Bureau of Investigation (“FBI”), having personally participated in an investigation of the conduct of defendants EFRIN WADE (“WADE”) and YAIRISA LIZARDO (“LIZARDO”), and having spoken with other law enforcement officers and individuals, have knowledge of the following facts. Because this Complaint is submitted for the limited purpose of establishing probable cause, I have not included all facts known to me concerning this investigation. The contents of documents and the actions, statements, and conversations of individuals referenced below are provided in substance and in part, unless otherwise indicated. 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. All referenced times are approximate and refer to Eastern Standard Time. Conversations and communications where speakers are quoted herein were lawfully recorded by law enforcement.

1. At all times relevant to this Complaint:
 - a. WADE was employed as a corrections officer at Essex County Correctional Facility (“ECCF”), located in Newark, New Jersey, and has been so employed since approximately February 2020. Prior to that, he was employed as a correctional officer at Northern State Prison in Newark, New Jersey since approximately 2017. In his capacity as a corrections officer, he is responsible for maintaining order at ECCF and ensuring the safety of inmates, including federal pretrial detainees housed at ECCF. To that end, Wade is tasked with, among other duties, upholding and enforcing rules prohibiting the introduction of contraband into ECCF, items which include cell phones, tobacco, cigarettes, and illicit narcotics.
 - b. LIZARDO was employed by a janitorial/cleaning service company and was the girlfriend of WADE.
 - c. There was an undercover FBI agent (“UC-1”) who represented himself to be an associate of an inmate being held at ECCF who sought to smuggle in contraband into ECCF to be sold to other inmates.
2. On or about January 24, 2023, UC-1 had telephone contact for the first time with WADE. During two brief consensually recorded conversations¹ on that date over a cell phone subscribed to by LIZARDO, WADE encouraged

¹ All phone calls described in this Complaint were consensually recorded by UC-1. All in-person meetings described herein were audio and video recorded by UC-1.

UC-1 to ascertain the type and amount of contraband that UC-1's purported associate who was incarcerated at ECCF wished to have WADE smuggle into the correctional facility. UC-1 complained that UC-1 lacked a phone number to directly contact WADE prompting WADE to respond that "we been doing this for some time," an apparent reference to prior smuggling efforts by WADE. WADE further instructed UC-1 to ask UC-1's purported inmate contact "what he want," and assured UC-1 that "this ain't our first rodeo."

3. On or about January 25, 2023, UC-1 received an incoming call from a cell phone subscribed to by LIZARDO. LIZARDO greeted UC-1 after which WADE joined the conversation via a three-way call. WADE and UC-1 discussed the nature of the contraband to be smuggled into ECCF, prompting UC-1 to state that UC-1 had "two balls" for WADE, a reference to packages of tobacco. WADE told UC-1 "[l]et me come get it. I'm gonna send somebody to pick it up." After further discussion about when WADE would arrange to have someone retrieve the tobacco from UC-1, the two agreed to a meeting on February 1, 2023. WADE, referring to the method of packaging tobacco, then asked "[w]hat you got in those balls – 10, 20 - 20 of them wrapped?" UC-1 replied that each ball contained 10 packets of Bugler tobacco.

4. On or about January 27, 2023, LIZARDO called UC-1, and WADE joined as part of a three-way conversation. WADE inquired as to the amount of contraband that UC-1's purported inmate associate wanted smuggled into ECCF. UC-1 replied "four balls" of tobacco to be delivered the following week. WADE confirmed that "[w]e'll do four balls," and indicated that he would supply the inmate with "cigarettes or something" in the interim. WADE told UC-1 that "I'll let you know. Then you just pay it later, whatever," thus indicating that UC-1 could pay for the contraband cigarettes after WADE had smuggled them into ECCF.

5. A sweep conducted by ECCF Internal Affairs in the early morning hours of January 30, 2023, resulted in the retrieval of 45 Newport cigarette packs from the dormitory where UC-1's inmate contact was supposed to retrieve the contraband cigarettes smuggled in by WADE whose shift had begun late on the evening of January 29, 2023.

6. On or about February 1, 2023, per instructions provided by WADE, UC-1 traveled to the parking lot of a large retail store in Bayonne, New Jersey. Per the prior arrangement made with WADE, UC-1 brought with him tobacco packaged in four "balls" for WADE to smuggle into ECCF in exchange for \$10,000 in cash. Upon arrival, UC-1 spotted a Ford Fusion parked in the lot. UC-1 entered the vehicle whereupon he met with LIZARDO who was alone in the vehicle. UC-1 provided LIZARDO with the four "balls" of tobacco which UC-1 counted out for LIZARDO. LIZARDO then accepted \$10,000 in cash from UC-1 which LIZARDO could be seen holding in her right hand. While in the vehicle, LIZARDO called WADE on her cell phone. During the ensuing

conversation, UC-1, referring to the manner in which the “balls” of tobacco had been packaged, told WADE “if they look crazy how it’s put together, just bear with me,” and asked WADE “just let me know how, you know what I’m saying, how you want it together next time.” WADE replied that he would “look at ‘em and then I’ll hit you back.” WADE added that “I’mma see them in a little bit, and I, I’ll let you know.” UC-1, inquiring when WADE expected to see UC-1’s inmate contact, asked whether “[y]ou gonna go straight to bro or it might take a minute?” WADE replied that “I’mma let you know how it’s gonna go,” and added “once I see everything . . . I’m gonna get the 411 and let him know what’s up.” UC-1 then exited the vehicle leaving the four balls of tobacco and \$10,000 in cash in LIZARDO’s possession.

7. On or about February 6, 2023, WADE called UC-1 who informed WADE that he had spoken with UC-1’s purported inmate contact and had informed the inmate “exactly how, how Tuesday gonna do down.” WADE confirmed that his shift at ECCF would start on Tuesday evening (February 7th) and finish on Wednesday, February 8th. WADE told UC-1 that “I’m gonna put one [a ball of tobacco] in there Tuesday. I wanna make sure he get it. And then I know once he get it . . . that like, we good.” WADE further indicated that he intended to hide the cell phone within the tobacco that he would be smuggling in to ECCF. WADE indicated that he wished to conceal the cell phone within the tobacco to be smuggled into ECCF so that a female employee who was assisting WADE would not be aware that she was assisting in a smuggling operation involving anything more than tobacco. WADE indicated that this female employee’s involvement in his smuggling efforts was “new,” but vouched that “she one thousand percent down” with assisting WADE. WADE explained the integration of this new coconspirator into his smuggling operation by saying: “..to start, here’s the first package for you. You know, I’m saying ‘here’s 2500.’ You know what I’m saying? I want to weave her in, and make sure she’s in completely so she can see ‘oh...I just made 2500 doing this. Alright, cool. I’m in.”

8. As the conversation ensured, WADE, referring to balls of tobacco that had been supplied by UC-1, reiterated that “I’m gonna drop one off tomorrow – give him one tomorrow in the garbage can. Once I know he receive it, he’s gonna have that jack [cell phone] as of Saturday.” WADE added “then I can dump two that following Tuesday,” an apparent reference to the additional balls of tobacco that had been supplied by UC-1. WADE cautioned UC-1, however, by stating “[s]o the long picture is making sure everything gets to [the inmate] without any eyes and any, any indication of what officers doings [u/i] ‘cause the end of, the end result is people lose they job and people get caught doing, you get what I’m saying?”

9. On or about the morning of February 8, 2023, a sweep conducted by ECCF Internal Affairs resulted in the retrieval of two separate packages of

tobacco wrapped in saran wrap. The items were retrieved from the bottom of a garbage can located next to a microwave in Pod B of Building 4 of ECCF.

10. On or about February 8, 2023, UC-1 met with WADE in a parking lot of a pharmacy in Jersey City, New Jersey. After WADE had entered the vehicle driven by UC-1, WADE asked whether UC-1's inmate contact "got his package?" UC-1 informed WADE that the inmate had "got[ten] both of 'em," a reference to two of the four "balls" of tobacco that UC-1 had supplied to LIZARDO on February 1, 2023, and which, unbeknownst to WADE, had been retrieved during the Internal Affairs sweep conducted at ECCF earlier that day. WADE indicated that he had added extra tobacco so that the inmate had received the equivalent of 3 balls of tobacco. WADE then accepted another package of tobacco from UC-1 to be smuggled into ECCF in which a cellphone had been concealed. WADE acknowledged that he had received \$10,000 in cash already – a reference to the cash that UC-1 supplied to LIZARDO a week earlier - but noted that "now I owe him a thousand dollars' worth of tobacco." WADE also discussed smuggling an additional five to ten cell phones into ECCF, stating "I wanna make at least like at least fifty, sixty grand." In addition to the cell phone wrapped in tobacco provided by UC-1, WADE also accepted a second cell phone from UC-1 with pre-paid minutes (the "pre-paid phone"), but this phone was not to be smuggled into ECCF. Instead, the pre-paid phone was to be used as a means by which WADE could communicate directly with UC-1 without using LIZARDO's phone.

11. On or about February 11, 2023, UC-1 placed a telephone call to WADE. WADE, referring to the cell phone wrapped in tobacco that WADE had accepted from UC-1 three days earlier, explained that "[i]t's not gonna go in the big garbage can. It's gonna go in the small one in the bathroom." WADE clarified that he was referring to "the little garbage can in the men's bathroom by the dorms." Referring to a subsequent delivery of tobacco, WADE explained that "I'll just do one big ball. I'll compress [the tobacco] into one big ball." By way of clarification, UC-1 asked WADE whether this single ball of tobacco was "[f]or Tuesday night into Wednesday?" WADE, confirming that he would be working a shift at ECCF during that timeframe, replied "[y]eah. I'll do one big fat-ass ball . . . which is like two."

12. On or about February 11, 2023, UC-1 placed a phone call to WADE and informed WADE that UC-1 had spoken with UC-1's purported inmate contact and informed him that WADE would place the cell phone concealed within tobacco in the bathroom across the hall from the nurse's station at ECCF. WADE reiterated that "so Tuesday, I'mma do Tuesday, I'mma just do like one fat one [u/i] I'mma put 2 in 1." UC-1 inquired whether WADE would hide this packet of tobacco "[a]t the same joint by the microwave?" WADE replied in the affirmative, and explained that "I owe you a thousand," and that after the delivery WADE would be owed an additional thousand because of the extra tobacco that would be included in the delivery. UC-1

clarified that “[s]o you’ll make [the inmate] whole but then he’ll double back and have to owe you a G.” WADE confirmed this understanding and mentioned that “I’m going to tell her [presumably a reference to LIZARDO] to go to the store and get like 800 dollars’ worth of tobacco.” WADE stated that he would tell UC-1 “what I paid” for this tobacco and “I’ll get everything from you on Wednesday.”

13. On or about February 11, 2023, at approximately 11:36 p.m., WADE used the pre-paid phone to text UC-1, writing “[t]ell bro he owe me it took some work tell him I need 2500 for this one it’s in small garbage can.” WADE then texted “It’s there I need 2500 it took some planning and work but it’s there bro We good.” A short while later, WADE repeated via text that “[i]t’s there small garbage can Make sure he he knows We good.” UC-1 texted in response that “I told him earlier small garbage,” prompting WADE to respond, “OK cool I’ll see you Wednesday bro We in full business now.” UC-1 then texted “[s]o what’s the final math for weds Brodie 2500?” In reply, WADE texted “2500 for this move 500 for bacco 1000 for the one more ball.” WADE then added “[m]akes sense give him two and chill for second,” apparently referring to the extra tobacco that WADE had included in the package that he had just smuggled into ECCF. UC-1 replied via text that “I’ll hit you in the am when he get it.”

14. On or about February 12, 2023, at approximately 5:47 a.m., WADE texted UC-1 the following message from the pre-paid phone: “[h]it me when bro get that this morning.” At approximately 7:44 a.m., UC-1 texted back “[h]e got it bro!”

15. On or about February 12, 2023, a sweep conducted by ECCF Internal Affairs led to the retrieval of the cell phone provided to WADE by UC-1 on February 8, 2023, as well as the tobacco in which it had been wrapped. This contraband had been retrieved from the bottom of a garbage can located in Pod 3 of ECCF’s Building 4.

16. On or about February 13, 2023, UC-1 placed a phone call to WADE who confirmed that the two would meet on Wednesday, February 15th. During the conversation, UC-1 stated “alright, four bands coming your way,” a reference to the \$4,000 that UC-1 anticipated providing to WADE when they met two days later. WADE assured UC-1 that “it’ll be there,” a reference to the anticipated drop off of tobacco at ECCF for UC-1’s purported inmate contact to retrieve in the near future. WADE confirmed that the contraband would be left for UC-1’s purported inmate contact at the same location where the previous contraband had been concealed by WADE.

17. On or about February 14, 2023, UC-1 placed a phone call to WADE and informed WADE that he had told his purported inmate contact that the contraband would be “by the microwave” for him to retrieve and claimed

that he had informed his inmate contact that WADE would be “spottin’ us a, a nice fat one for him.” WADE was informed by UC-1 that the inmate had told UC-1 that “he gonna have his peoples get it like last time.” WADE then discussed future plans to smuggle in as many as 15 cell phones, noting that “anything above 5 [u/i] gonna draw heat” from ECCF staff. WADE described how he anticipated taping the cell phones together and hiding them “in the garbage can” after he had smuggled the phones into ECCF. WADE then agreed to meet UC-1 the following day at the same location as their previous meeting.

18. On or about February 14, 2023, at approximately 1:35 p.m., UC-1 texted the pre-paid phone and asked WADE “[w]e still good for tomorrow?” At approximately 8:30 p.m., WADE sent the following responsive text: “[y]es bro locked in.” UC-1 informed WADE via text that he would probably arrive for the meeting between 11:30 a.m. and 12:00 p.m. the following morning and asked “[y]ou dropping that last bacco tonight right,” and further asked “[t]rash can by the microwave same spot as last time right.” WADE replied “OK and you know one nice bro.”

19. On or about February 15, 2023, at approximately 6:34 a.m., WADE texted UC-1 from the pre-paid phone “[i]t’s there bro Same spot,” to which UC-1 replied via text “I’ll hit you when calls me this morning.”

20. On or about February 15, 2023, members of ECCF’s Internal Affairs division conducted a sweep in the early morning hours. This resulted in the recovery from Building 4 of tobacco wrapped in saran wrap.

21. On or about February 15, 2023, UC-1 met with WADE in the parking lot of a pharmacy located in Jersey City, New Jersey. After WADE entered UC-1’s vehicle, WADE asked whether UC-1’s purported inmate contact had received “the package,” a reference to the tobacco which WADE had smuggled into ECCF during his shift the previous evening and which had been recovered earlier that morning during the Internal Affairs sweep. After UC-1 replied in the affirmative, WADE remarked that “[d]ude, we gotta get them jacks,” a reference to the cell phones WADE wished to smuggle into ECCF. After discussing the possibility of smuggling in as many as 15 cell phones, WADE used the calculator function on his cell phone to determine the financial return that the scheme would generate if the smuggling plan was successful: “doing 5,000 [u/i] times 15 – look. That’s 75,000.” WADE also discussed the possibility of smuggling in SIM cards for cell phones, noting that “the cards can always go later” once the 15 cell phones had been successfully smuggled into ECCF. WADE warned, however, that once the 15 cell phones had been smuggled in, “the jail gonna get extremely hot.” Shortly thereafter, WADE accepted \$4,000 in cash from UC-1 in exchange for smuggling in the cell phone and tobacco which had been provided to WADE on February 8th and 15th.

22. On or about March 2, 2023, UC-1 placed a telephone call to WADE who assured UC-1 that “they gonna be there,” a reference to WADE’s plan to smuggle in 15 cell phones into ECCF. UC-1 asked if WADE planned to smuggle in the cell phones on March 18th, prompting WADE to reply “[y]up, gonna go there Sunday morning right in that garbage can.” The two then agreed to meet in person on the upcoming Thursday (March 9th). UC-1 then inquired “[h]ow much I need to bring money-wise? Still wanna do half-and-half or you want whole?” WADE remarked that he didn’t “wanna do [u/i] whole thing upfront,” and declared “[s]o 15 and 15 . . . 15 up and then you give me 15 after [u/i] after I drop them [phones],” thus indicating that he expected UC-1 to pay him \$15,000 in cash when UC-1 supplied WADE with the phones, and then another \$15,000 after WADE had successfully smuggled them into ECCF. WADE and UC-1 then discussed how to package the phones to make it easier for WADE to smuggle all 15 phones into ECCF at one time, prompting WADE to instruct UC-1 in the following terms: “Do this. Do it like this. So give ‘em to me freestyle ‘cause I’mma put ‘em in my, I’mma put in my vest against my body.” Subsequently, WADE set forth the total amount of money that he expected the smuggling of these cell phones into ECCF would produce stating “[y]ou talkin’ ‘bout 15, bro times 5,000 . . . That’s 75,000, bro.”