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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

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UNITED STATES OF AMERICA : Hon. James B. Clark, III, U.S.M.J.  
 :  
 v. : Mag. No. 23-12191  
 :  
 MAURICIO GUTIERREZ : **CRIMINAL COMPLAINT**

I, Brooke Boykas, 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 United States Department of Homeland Security – Homeland Security Investigations, and that this Complaint is based on the following facts:

**SEE ATTACHMENT B**

Continued on the attached page and made a part hereof.

*/s/ Brooke Boykas*

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Brooke Boykas, Special Agent  
U.S. Department of Homeland Security  
Homeland Security Investigations

Sworn to by telephone pursuant to Fed. R.  
Crim. P. 4.1(b)(2)(A), this 28<sup>th</sup> day of  
September, 2023.

*/s/ Hon. James B. Clark, III*

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HONORABLE JAMES B. CLARK, III  
UNITED STATES MAGISTRATE JUDGE

**ATTACHMENT A**

**COUNT ONE**

(Distribution of Fentanyl Resulting in Death)

On or about June 24, 2022, in Middlesex County, in the District of New Jersey and elsewhere, the defendant,

**MAURICIO GUTIERREZ,**

did knowingly and intentionally distribute, and possess with the intent to distribute, a quantity of a mixture or substance containing a detectable amount of N-phenyl-N- [1- (2-phenylethyl) -4-piperidiny] propenamide (fentanyl), a Schedule II controlled substance, and the death of three individuals resulted from the use of such mixture and substance distributed by the defendant.

In violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C).

**COUNT TWO**

(Distribution of Fentanyl Resulting in Death)

On or about June 24, 2022, in Somerset County, in the District of New Jersey and elsewhere, the defendant,

**MAURICIO GUTIERREZ,**

did knowingly and intentionally distribute, and possess with the intent to distribute, a quantity of a mixture or substance containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propenamide (fentanyl), a Schedule II controlled substance, and the death of, an individual resulted from the use of such mixture and substance distributed by the defendant.

In violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C).

**COUNT THREE**

(Possession with Intent to Distribute Cocaine)

On or about September 27, 2023, in Middlesex County, in the District of New Jersey and elsewhere, the defendant,

**MAURICIO GUTIERREZ,**

did knowingly and intentionally possess with intent to distribute a quantity of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C).

**COUNT FOUR**

(Possession with Intent to Distribute Cocaine)

On or about September 27, 2023, in Somerset County, in the District of New Jersey and elsewhere, the defendant,

**MAURICIO GUTIERREZ,**

did knowingly and intentionally possess with intent to distribute a quantity of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C).

## **ATTACHMENT B**

I, Brooke Boykas, am a Special Agent with the United States Department of Homeland Security – Homeland Security Investigations (“HSI”). I am fully familiar with the facts set forth herein based on my own investigation, my conversations with other law enforcement officers, and my review of reports, documents, and other items of evidence. Because this Complaint is being submitted for a limited purpose, I have not set forth each and every fact that I know concerning this investigation. Where statements of others are related herein, they are related in substance and part. 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.

1. At all times relevant to this Criminal Complaint, Defendant Mauricio Gutierrez (hereinafter, “Gutierrez”), a resident of Somerset, New Jersey, supplied various controlled substances, including fentanyl and cocaine, to individuals in and around Middlesex and Somerset Counties in New Jersey.

### **First Incident – North Brunswick**

2. On or about June 24, 2022, officers responded to a location in North Brunswick, New Jersey where three men were unresponsive in a parking lot outside of a local bar/restaurant (“Establishment-1”). Upon the officers’ arrival, they observed that the three unresponsive individuals (“Victim-1,” “Victim-2,” and “Victim-3”) had been removed from a black Jeep (the “Black Jeep”) in the parking lot, and bystanders were attempting to resuscitate them. The officers administered Narcan<sup>1</sup> in an effort to resuscitate them, and emergency personnel transported Victims-1 through 3 to a local hospital. Despite rescue attempts, Victims-1 and 2 were pronounced dead upon arrival and Victim-3 passed away two days later.

3. A witness (“Witness-1”), who said that he was friends with Victim-2, related that Victims-1 through 3 were together at Establishment-1 throughout the night. According to Witness-1, at approximately 9:48 p.m., Victim-1 left Establishment-1. He returned at approximately 10:05 p.m., at which time Victims-2 and 3 went outside and joined Victim-1 in his vehicle (*i.e.* the Black Jeep). Shortly thereafter, Witness-1 observed that Victim-2’s head appeared slumped over inside the Black Jeep. At that time, Witness-1 and other patrons removed Victims-1 through 3 from the Black Jeep and attempted to perform CPR.

4. Subsequently, law enforcement searched the Black Jeep and recovered a piece of cardboard with a white powdery substance on it from the center console. Subsequent laboratory testing revealed that the white powdery

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<sup>1</sup> Narcan is a medicine intended to reverse the effects of opioid-induced overdoses.

substance contained fentanyl.

### **Second Incident – Franklin Township/Somerset**

5. On the same date as the overdose deaths of Victims-1 through 3, June 24, 2022, law enforcement responded to a call that an individual was unresponsive in Franklin Township. Officers found the individual (“Victim-4”) in a car in the parking lot of a shopping center in Franklin Township/Somerset, New Jersey. Victim-4 was unconscious and slumped over the wheel of his vehicle. Medical personnel were unable to revive him and he was pronounced dead shortly after their arrival.

6. From the front seat of Victim-4’s vehicle, law enforcement recovered a clear plastic baggie containing a white powdery substance. Subsequent laboratory testing revealed that the white powdery substance was fentanyl.

### **Medical Examinations, Toxicology Results, and Causes of Death**

7. The Middlesex County Medical Examiner (the “MCME”) examined Victims-1 through 3 to determine their causes of death and submitted their blood samples for a toxicology analysis. The MCME determined that Victim-1’s cause of death was fentanyl, acetyl fentanyl, and ethanol toxicity. Acute fentanyl and ethanol toxicity caused Victim-2’s death. Victim-3’s death was caused by complications from cocaine and fentanyl intoxication.

8. The State of New Jersey Medical Examiner examined Victim-4’s body to determine the cause of death and submitted blood samples for a toxicology analysis. The Medical Examiner determined that Victim-4’s death was caused by fentanyl, acetyl fentanyl, and cocaine toxicity.

9. The toxicology reports stemming from the medical examinations of the Victims showed that they each had exponentially high levels of fentanyl in their blood. For context, the median level of fentanyl concentration in 301 accidental drug overdose death investigations was 11 nanograms/milliliter (ng/ml). The levels of fentanyl in the Victims’ blood are as follows: Victim-1 – 320 ng/ml; Victim-2 – 81 ng/ml; Victim-3 – 49 ng/ml; and Victim-4 – 202 ng/ml.

### **Electronic/Cellular Evidence and Investigative Findings**

10. Law enforcement reviewed the Victims’ phones, as well as toll records and call logs, and determined that Victims-1, 2, and 4 had all communicated with a phone number law enforcement determined belonged to Gutierrez (the “Gutierrez Phone”) in the hours leading up to their deaths. In this regard, Gutierrez is the common denominator between the otherwise two separate incidents referenced above.

11. Electronic/digital evidence, including toll records, cell site location information, and text message content indicate that Victim-1 traveled from Establishment-1 to Gutierrez's location, obtained drugs, and traveled back to Establishment-1. For instance, at approximately 9:36 p.m., less than one hour before Victims-1 through 3 were located unresponsive, Victim-2 sent Gutierrez a text message stating "[Victim-1's first name] will call ya' hes gonna stop by Ty." Within a few minutes, Victim-1 placed a voice call to Gutierrez, and almost immediately departed Establishment-1. Cell site information shows Victim-1's cellular telephone traveling from Establishment-1, and arriving at the same location as Gutierrez's cellular telephone just minutes later. Shortly thereafter, cell site location shows Victim-1's cellular telephone traveling back to Establishment-1, where he arrived at approximately 10:05 p.m. and called Victim-2, at which time Victim-2 and Victim-3 exited Establishment-1 and presumably entered Victim-1's vehicle (*i.e.* the Black Jeep), where they were located in an unresponsive state approximately 25 minutes later.

12. Victim-4 also had extensive communications with Gutierrez throughout the day on or about June 24, 2022 and the investigation revealed that he traveled to Gutierrez's location shortly before his passing. More specifically, toll records, cell site location information, and text message content establishes that Victim-4's cellular telephone traveled to Gutierrez's location shortly after approximately 9:30 p.m. and that Victim-4 placed a telephone call to Gutierrez at approximately 9:44 p.m., at which time he was at the same location as Gutierrez's cellular telephone. At approximately 10:24 p.m., Gutierrez, in an apparent attempt to determine the quality of the controlled substances he had sold to Victim-4, sent Victim-4 a text message stating "[w]hat do you give it?" The text message went unanswered. Shortly thereafter, at approximately 11:16 p.m., law enforcement located Victim-4, who was deceased, in a vehicle that was parked approximately six blocks away from the location where he purchased the drugs from Gutierrez.

### **The Continued Investigation of Gutierrez**

13. In furthering the investigation into Gutierrez, law enforcement established physical and electronic surveillance of Gutierrez throughout August and September 2023. On or about September 27, 2023, law enforcement, monitoring electronic communications on Gutierrez's cell phone, observed Gutierrez communicating with an individual who is believed to purchase narcotics from Gutierrez ("Individual-1"). Shortly thereafter, law enforcement observed Individual-1 pull into the parking spot directly next to Gutierrez's known vehicle. Law enforcement then observed Gutierrez walk towards his vehicle, open the front passenger's door, reach into his vehicle and turn towards Individual-1's vehicle. Law enforcement announced their presence and approached Gutierrez, who immediately turned back into his vehicle, in an apparent attempt to conceal an item. Law enforcement detained Gutierrez and immediately observed suspected narcotics on the front passenger's seat of his



vehicle.

14. Pursuant to a judicially authorized search warrant, law enforcement entered and searched Gutierrez's vehicle and located an imitation soda can that Gutierrez was using to hide suspected controlled substances. The can contained an additional quantity of controlled substances. The controlled substances on the front passenger's seat of Gutierrez's vehicle and inside the imitation soda can, which were packaged identically, weighed approximately 30 grams in total and subsequently field-tested positive for the presence of cocaine.

15. Pursuant to a judicially authorized search warrant, law enforcement searched Gutierrez's residence in Somerset, New Jersey, on or about September 27, 2023. During the search law enforcement located approximately 100 plastic baggies containing a white powdery substance, which subsequently field-tested positive for the presence of cocaine and were determined to weigh approximately 65 grams. Notably, the baggies of cocaine were secreted in imitation soda cans that appeared identical to the imitation soda can located in Gutierrez's vehicle. Law enforcement also located a digital scale, which in my experience and training, are typically used to package narcotics for street-level distribution. Law enforcement also located a package of clear sandwich bags that appeared to be the same type used to package the above-referenced cocaine.