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

UNITED STATES OF AMERICA

:

CRIMINAL COMPLAINT

v.

:

:

:

ZACQUAL LANCASTER,

:

Hon. Jose R. Almonte

a/k/a "Za,"

:

a/k/a "Zilla,"

:

a/k/a "Smiley,"

:

MAURICE LEE,

:

Mag. No. 22- 16170

a/k/a "Cheeks,"

:

FELIX LESPERANCE

:

FILED UNDER SEAL

a/k/a "Illy,"

:

RODGER BUSBY,

:

a/k/a "Mike,"

:

MARCELLUS ALLEN,

:

a/k/a "Bishop,"

:

JACK JEANBAPTISTE,

:

a/k/a "Fat Jack,"

:

a/k/a "Bandz,"

:

TREVON SMITH,

:

a/k/a "Trey,"

:

a/k/a "Goon," and

:

NATEQUAH POLK,

:

a/k/a "Nana"

:

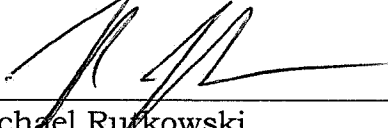
I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief.

SEE ATTACHMENT A

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

SEE ATTACHMENT B

continued on the attached page and made a part hereof.



Michael Rutkowski
Special Agent
Federal Bureau of Investigation

Special Agent Rutkowski attested to this Complaint by telephone pursuant to
F.R.C.P. 4.1

OCTOBER 11th, 2022
DATE

DISTRICT OF NEW JERSEY
COUNTY AND STATE

Honorable Jose R. Almonte
United States Magistrate Judge

Jose R. Almonte
Signature of Judicial Officer

ATTACHMENT A

Count One

(Conspiracy to Distribute Heroin, Fentanyl and Crack Cocaine)

From at least as early as in or around December 2021 through in or around September 2022, in Essex County, in the District of New Jersey and elsewhere, the defendants,

ZACQUAL LANCASTER,
a/k/a "Za,"
a/k/a "Zilla,"
a/k/a "Smiley,"
MAURICE LEE,
a/k/a "Cheeks,"
FELIX LESPERANCE
a/k/a "Illy,"
RODGER BUSBY,
a/k/a "Mike,"
MARCELLUS ALLEN
a/k/a "Bishop,"
JACK JEANBAPTISTE,
a/k/a "Fat Jack,"
a/k/a "Bandz,"
TREVON SMITH,
a/k/a "Trey,"
a/k/a "Goon," and
NATEQUAH POLK,
a/k/a "Nana"

did knowingly and intentionally conspire with each other and others to distribute and possess with intent to distribute 100 grams or more of a mixture and substance containing a detectable amount of heroin, a Schedule I controlled substance, 40 grams or more of a mixture and substance containing a detectable amount of fentanyl, a Schedule II controlled substance, and 28 grams or more of a mixture and substance containing a detectable amount of cocaine base (crack cocaine), a Schedule II controlled substance, contrary to Title 21, United States Code, Sections 841(a)(1) and (b)(1)(B).

In violation of Title 21, United States Code, Section 846.

ATTACHMENT B

I, Michael Rutkowski, have been a Special Agent with the Federal Bureau of Investigation ("FBI") since 2009. I have been personally involved in the investigation of this matter. The information contained in this Criminal Complaint is based on my personal knowledge and information obtained from other sources, including: (a) statements made or reported by various witnesses with knowledge of relevant facts; (b) my review of publicly available information relating to the defendants; (c) my review of business records, other documents, and evidence obtained through court orders, subpoenas, and other sources; and (d) my review of audio and video recordings and photographs. Because this Criminal Complaint is being submitted for the limited purpose of establishing probable cause, it does not include every fact that I have learned during the course of the investigation. All dates and times are approximate.

2 COLUMBIA AVENUE, NEWARK, NEW JERSEY

1. The location relevant to this Criminal Complaint is 2 Columbia Avenue in Newark, New Jersey (hereinafter "2 Columbia" or "the location"). The apartment building located at that address is used as the base of operations by the conspirators to store controlled substances which they sell in street-level hand-to-hand transactions nearby the apartment building. The apartment numbered 203 on the second floor is maintained by the conspirators to store, package and distribute the controlled substances (hereinafter the "stash apartment"). Cameras inside the hallways of the building have been monitored beginning in January, 2022 and show many of the conspirators entering and exiting the stash apartment. Other cameras show the conspirators congregating on the street near the location doing hand-to-hand drug transactions.

THE INVESTIGATION

2. During the time relevant to the conspiracy as charged in this Criminal Complaint, law enforcement has, at various times, surveilled the area in and around 2 Columbia, viewed footage from cameras that had been installed by law enforcement, conducted numerous recorded controlled purchases of heroin/fentanyl and crack cocaine by utilizing several Confidential Informants ("CIs"), reviewed arrests and drug seizures made by local law enforcement for drug distribution outside and in the vicinity of the location based on observations of police officers, received information from Confidential Sources (CSs), and reviewed telephone records showing interactions between the co-conspirators. From these various investigatory methods, law enforcement officers have determined that the defendants and others, working together, conspired to distribute large amounts of heroin/fentanyl and crack cocaine from the stash apartment inside 2 Columbia, and from other locations in Newark. The defendants worked at

various areas in front of and down the street from 2 Columbia, where narcotics purchasers would regularly approach the conspirators and exchange U.S. currency for either heroin or crack cocaine. The heroin from the FBI controlled buys was analyzed by the Drug Enforcement Administration laboratory and found to contain quantities of fentanyl.

3. The FBI installed a pole camera near the entrance to 2 Columbia and have monitored numerous hand-to-hand drug transactions between the conspirators and buyers during the conspiracy period. Additionally, cameras inside the building at 2 Columbia were monitored and show many of the conspirators entering the building and going to the stash apartment, where the conspirators stored and packaged the narcotics for street level distribution.

4. The heroin sold attracted regular buyers and generally the conspirators would sell the same "brands" of heroin, which shows that the conspirators shared a common source for their heroin distribution. These heroin "brands" were denoted as stamps on the glassine envelopes of heroin in order for buyers to know what quality or strength they were buying.

5. The investigation revealed that the defendants worked together to distribute the heroin/fentanyl and crack cocaine. For example, telephone records show hundreds of contacts between the conspirators during the time period of the conspiracy.

6. As set forth below, the investigation has revealed that the defendants acted in concert to control the area in and around 2 Columbia and that the drug distribution was coordinated among the conspirators.

**FBI CONTROLLED BUYS FROM THE CONSPIRATORS AND SEIZURES BY
LOCAL LAW ENFORCEMENT**

7. Beginning in approximately January 2022, the FBI began using CIs to purchase crack cocaine and heroin/fentanyl from individuals near 2 Columbia. These transactions were recorded by audio and video. The FBI utilized more than one confidential informant for these purchases. Prior to each controlled buy, law enforcement officers outfitted the CI being utilized with an audio-video recording device, provided that CI with United States currency with which to purchase controlled substances, and ensured that the CI did not have any unauthorized contraband or currency.

8. The chart below details the FBI controlled buys during the investigation, noting each involved defendant, the controlled substance purchased, and the heroin brand name if heroin was purchased.¹

9. All transactions occurred in the vicinity of 2 Columbia Place unless otherwise indicated.

Buy No.	Date	Defendant	Amount Purchased	Brand of Heroin
1	1/26/2022	LESPERANCE	Heroin: 50 glassines	Taliban
2	1/28/2022	ALLEN	Heroin: 48 glassines	Dunkin' Donuts
3*	2/1/2022	LESPERANCE	Heroin: 89 glassines	Joe Biden; Pleasure
4**	2/3/2022	ALLEN	Heroin: 50 glassines; Crack: 20 vials	Taliban
5***	2/7/2022	LESPERANCE	Heroin: 50 glassines; Crack: 25 vials	Dunkin' Donuts
6	2/10/202	POLK	Heroin: 50 glassines	12:30
7	2/14/2022	POLK	Heroin: 50 glassines	12:30
8	2/14/2022	SMITH	Crack: 10 vials	
9	2/18/2022	LESPERANCE	Heroin: 155 glassines; Crack: 5 vials	Dunkin' Donuts

¹ Lab reports for the purchased heroin/fentanyl and cocaine have been returned showing the substances are in fact heroin/fentanyl or cocaine base (crack cocaine). Other seized drugs are pending lab results but based on the investigation to date, the packaging and the appearance of the substances contained therein, and the circumstances of the various seizures, there is probable cause to believe the substances seized in fact contain heroin/fentanyl and crack cocaine.

10	2/24/2022	SMITH	Heroin: 50 glassines; Crack: 10 vials	Dunkin' Donuts
12	3/1/2022	JEANBAPTISTE	Crack: 10 vials	
13	4/7/2022	LEE	Crack: 82 vials	
14	4/26/2022	LANCASTER SMITH	Heroin: 98 glassines; Crack: 14 vials	Suck My Dick
15	5/3/2022	LEE	Heroin: 100 glassines; Crack: 12 vials	Dirty Harry
16	5/5/2022	LANCASTER	Heroin: 93 glassines; Crack: 7 vials	Dirty Harry Passion Brain Storm
17****	5/10/2022	LEE	Heroin: 100 glassines; Crack: 10 vials	Blue Sushi Cartier

*Part of the transaction (50 glassines) occurred near 2 Columbia but LESPERANCE directed the CI to a different location to complete the transaction because he had to get the other 50 glassines.

**ALLEN met the CI near 2 Columbia but drove the CI to a different location to complete the transaction.

*** LESPERANCE met the CI near 2 Columbia but drove the CI to a different location to complete the transaction.

****LEE met the CI in the vicinity of 2 Columbia but had to go to a different location to complete the transaction as he did not have the quantity of heroin need on him.

LOCAL LAW ENFORCEMENT SEIZURES

10. As part of the investigation, the FBI also reviewed drug arrests of the conspirators which took place during the conspiracy period made by local law enforcement where conspirators were observed either selling controlled

substances or having controlled substances in their possession during an arrest for firearms possession.

A. March 16, 2022 Seizure

11. On March 16, 2022, in the vicinity of 2 Columbia, law enforcement officers from the Newark Police Department observed defendant SMITH in the passenger seat of a vehicle which officers pulled over for a traffic infraction. Upon stopping the vehicle and after SMITH stepped out of the vehicle at the request of the officers, a handgun was recovered from SMITH's pocket.² Incident to the firearms arrest, officers recovered approximately 34 vials of suspected crack cocaine, five glassine envelopes of suspected heroin, and \$625 in suspected narcotics proceeds from SMITH.

B. April 2, 2022 Seizure

12. On March 29, 2022, law enforcement officers from the Newark Police Department observed defendant LESPERANCE make approximately five separate hand-to-hand drug transactions while sitting in the driver's seat of a parked 2009 Acura TSX in the vicinity of 2 Columbia.

13. The vehicle was then towed into Newark Police custody, and on April 2, 2022, Newark police executed a duly authorized search warrant on the 2009 Acura, which revealed approximately 30 glassine envelopes containing suspected heroin (including one with the stamp "Dunkin' Donuts" matching the stamp of heroin that LESPERANCE sold to CIs, as noted above), 13 vials containing suspected crack cocaine, and one bag containing raw uncut crack cocaine.

C. July 20, 2022 Seizure

14. On July 15, 2022, law enforcement officers from the Newark Police Department observed defendant ALLEN with a group of men in the vicinity of 2 Columbia. Over several hours, ALLEN was observed doing three hand-to-hand drug transactions. During the third transaction, ALLEN removed objects from a Chevrolet Malibu vehicle, which ALLEN subsequently admitted was registered to ALLEN's mother. ALLEN then handed the objects, believed to be controlled substances, to the buyer.

² SMITH has been charged with unlawful possession of a firearm by a convicted felon, in violation of 18 U.S.C. § 922(g)(1); possession with intent to distribute heroin and cocaine base, in violation 21 U.S.C. §§ 841(a)(1) and (b)(1)(C); and possession of a firearm in furtherance of a drug trafficking crime, in violation of 18 U.S.C. § 924(c). See Mag. No. 22-11216 (AME).

15. On July 20, 2022, after the vehicle was towed into police custody on July 15, 2022, Newark police executed a duly authorized search warrant on the Chevrolet Malibu, which revealed a firearm, along with 48 vials of suspected crack cocaine, approximately 14 grams of suspected raw crack cocaine in a bag, and numerous empty vials used to package crack cocaine.³

D. July 21, 2022 Seizure

16. On July 21, 2022, law enforcement officers from the Newark Police Department observed defendant BUSBY standing in front of 2 Columbia. Officers observed a woman approach BUSBY, at which time the woman handed BUSBY money in return for suspected controlled substances. Upon approaching BUSBY, officers recovered five vials of suspected crack cocaine and nine glassine envelopes containing suspected heroin.

E. September 6, 2022 Seizure

17. On August 31, 2022, Officers from the Essex County Prosecutor's Office Narcotics Task Force observed defendant LEE conduct several hand-to-hand narcotics transactions while in a Chevrolet Malibu vehicle in the area of South Orange Avenue near Columbia.

18. Upon stopping LEE's vehicle, a canine trained in narcotics detection alerted positively to the presence of narcotics within the vehicle. After towing the vehicle into the custody of the Essex County Prosecutor's office, a duly authorized search warrant was executed on the vehicle on September 6, 2022, which revealed approximately 838 glassine envelopes of suspected heroin and approximately 340 vials of suspected crack cocaine.

F. September 30, 2022 Seizure

19. After the September 6, 2022 seizure, an arrest warrant was issued by the Essex County Prosecutor's office for LEE. On September 27, 2022, LEE was observed entering a 2019 Mitsubishi vehicle in front of his residence in Bloomfield, New Jersey. Narcotics detectives had previously observed LEE conducting narcotics transactions in this vehicle. LEE was arrested and a duly authorized search warrant for the vehicle was obtained. On or about September 30, 2022, officers recovered approximately 151 glassine envelopes of suspected

³ ALLEN has been charged with unlawful possession of a firearm by a convicted felon, in violation of 18 U.S.C. § 922(g)(1); possession with intent to distribute heroin and cocaine base, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C); and possession of a firearm in furtherance of a drug trafficking crime, in violation of 18 U.S.C. § 924(c). See Mag. No. 22-11208 (AME).

heroin and approximately 281 vials of suspected crack cocaine from inside the vehicle.

THE STASH APARTMENT INSIDE 2 COLUMBIA

20. During the conspiracy period, some of the conspirators used an apartment on the second floor controlled by defendant BUSBY to store controlled substances. As discussed below, several of the conspirators were seen going into and out of BUSBY's second floor apartment before and after drug transactions occurred. Surveillance video indicates that BUSBY resides at the stash apartment.

21. For example, on January 26, 2022, during Controlled Buy #1 (see chart above), LESPERANCE was observed going into the stash apartment after the CI ordered 50 glassines of heroin. LESPERANCE went to the stash location, returned a short time later, and completed the transaction.

22. On February 21, 2022, ALLEN and SMITH are observed on internal cameras entering the stash apartment. ALLEN and LESPERANCE are then observed exiting the stash apartment less than 10 minutes later.

23. Also on February 21, 2022, BAPTISTE is observed entering the apartment next to the stash location, believed to be controlled by his girlfriend, approximately a half an hour after LESPERANCE and ALLEN are observed exiting the stash location. BAPTISTE is later seen on South Orange Avenue near 2 Columbia with ALLEN and SMITH.

24. On April 26, 2022, during Controlled Buy #14, LANCASTER met with the CI who ordered 100 glassines of heroin. LANCASTER went to the stash apartment, returned moments later, and then handed the CI 100 glassines of heroin in the lobby of the building. The CI then asked LANCASTER for crack which LANCASTER stated he did not have at the time. LANCASTER then called SMITH who then sold the CI 14 vials of crack while LANCASTER was present.

25. On May 5, 2022 during Controlled Buy #16, LANCASTER exited the stash apartment and sold 93 glassines of heroin to the CI in the lobby of 2 Columbia.

26. On September 2, 2022, LANCASTER is observed on the interior camera with BUSBY in the lobby of 2 Columbia. LANCASTER and BUSBY exchange what appears to be controlled substances and money. LANCASTER then left the lobby and BUSBY went to the stash apartment.

CONFIDENTIAL SOURCE INFORMATION

27. The FBI has more than one confidential source ("CS") familiar with

the drug distribution in and around 2 Columbia. For example, CS-1 reported to the FBI on or about March 21, 2022 that the heroin brands being sold by LANCASTER are "Taliban", "Dunkin' Donuts", "Rolex", and "12:30".

28. CS-1's information is corroborated by the FBI controlled purchases as "Taliban" brand heroin was purchased from LESPERANCE on January 26, 2022 and ALLEN on February 3, 2022. "Dunkin' Donuts" was purchased from ALLEN on January 28, 2022, LESPERANCE on February 7, 2022 and February 18, 2022, and SMITH on February 24, 2022. Finally, "12:30" was purchased from POLK on February 10, 2022 and February 14, 2022.

29. A second Confidential Source ("CS-2) reported to the FBI in or around November 2021 that LANCASTER supplies drugs in the area of South Orange Avenue near Columbia. In or around June 2022, CS-2 reported that Apartment 203 in 2 Columbia, the stash apartment, is controlled by "Mike", known to law enforcement as BUSBY, and that "Za" (LANCASTER) and "his boys" bag up drugs inside the stash apartment.

POLE CAMERAS

30. During the conspiracy period, the FBI monitored the area of 2 Columbia using two cameras which recorded in real time. Those cameras were secretly installed in the area and began recording on or about February 8, 2022. Cameras inside 2 Columbia were monitored beginning on or about January 26, 2022.

31. At various times during these recordings, the FBI observed:

- Dozens of drug transactions involving the defendants and buyers who would approach the areas in and around 2 Columbia;
- Numerous interactions from different days showing the defendants congregating in the area of 2 Columbia;
- A stream of buyers approaching and the defendants doing hand-to-hand drug transactions in exchange for money;
- Some of the defendants holding what appears to be United States Currency;
- On January 19, 2022, BAPTISTE is observed conducting a hand-to-hand drug transaction with an unknown individual in front of 2 Columbia;
- On February 15, 2022, POLK, SMITH, and ALLEN are all gathered in the vicinity of 2 Columbia;
- On February 19, 2022 SMITH is observed doing a hand-to-hand drug transaction with an unknown individual in front of 2 Columbia; and
- On February 21, 2022 ALLEN, SMITH, and another individual are observed down the block from 2 Columbia on South Orange Avenue, at

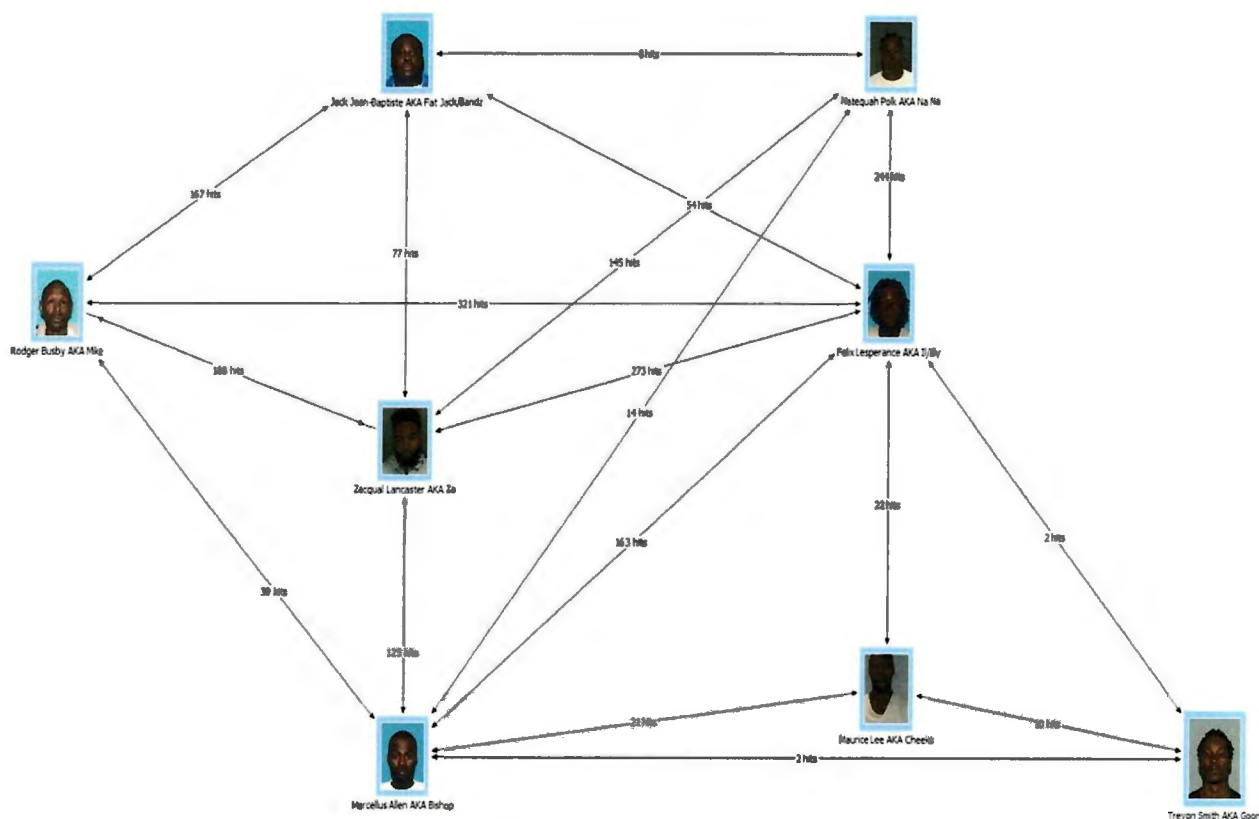
which time ALLEN is observed making hand-to-hand drug transactions with multiple individuals.

BAPTISTE ADMITS TO DEALING NARCOTICS

32. On March 1, 2022, BAPTISTE was shot multiple times while standing on South Orange Avenue in the vicinity of 2 Columbia. In an interview with investigators from the Essex County Prosecutor's Office regarding that shooting, BAPTISTE admitted to investigators that he sold narcotics in that area.

PHONE CONNECTIONS

33. Many of the defendants gave out their phone numbers to the FBI CIs to use to contact them for future drug transactions. Using these telephone numbers and telephone numbers obtained from other sources, records show hundreds of calls between nearly all of the defendants during the conspiracy period. The following chart shows these telephone connections. Each arrow represents existing telephone contacts between the defendants during the time period of the conspiracy.



34. Examples of the number of telephone connections from January 2022 through September 2022 include:

- LANCASTER connected with BUSBY 188 times, with ALLEN 125 times, with LESPERANCE 273 times, with BAPTISTE 77 times, and with POLK 145 times.
- ALLEN connected with LESPERANCE 163 times, with Lee 21 times, and with BUSBY 39 times.
- POLK connected with LESPERANCE 244 times, with ALLEN 14 times, and with BAPTISTE 8 times.