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

UNITED STATES OF AMERICA : Hon. Jessica S. Allen, U.S.M.J.
 :
v. : Mag. No. 22-8421 (JSA)
 :
CARLOS OVIDIO GONZALEZ and : **CRIMINAL COMPLAINT**
HECTOR MARTINEZ :
 :

I, Paulo Oliveira, 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:

Paulo Oliveira
Special Agent
Federal Bureau of Investigation

Special Agent Oliveira attested to this Complaint by telephone pursuant to Fed. R. Crim. P. 4.1(b)(2)(A) on this 20th day of December, 2022 in the District of New Jersey.

HONORABLE JESSICA S. ALLEN
UNITED STATES MAGISTRATE JUDGE

ATTACHMENT A

COUNT 1

(Cocaine and Fentanyl Distribution Conspiracy)

On or about December 19, 2022, in Hudson County, in the District of New Jersey and elsewhere, the defendants,

CARLOS OVIDIO GONZALEZ and
HECTOR MARTINEZ,

did knowingly and intentionally conspire with each other and with others to distribute and possess with intent to distribute 500 grams or more of a mixture and substance containing a detectable amount of cocaine, a Schedule II controlled substance, and 40 grams or more of a mixture and substance containing a detectable amount of fentanyl, 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.

COUNT 2

(Possession of Firearms and Ammunition by a Convicted Felon)

On or about December 19, 2022, in Union and Essex Counties, in the District of New Jersey and elsewhere, the defendant,

CARLOS OVIDIO GONZALEZ,

knowing that he had previously been convicted of a crime punishable by a term of imprisonment exceeding one year, did knowingly possess firearms and ammunition, namely (1) a 9mm Taurus handgun, bearing serial number 1C074841, loaded with eight rounds of 9mm ammunition; (2) a .40 caliber Smith and Wesson M&P handgun, with no visible serial number, loaded with nine rounds of .40 caliber ammunition; (3) a Hi-Point 9mm millimeter handgun, bearing serial number P206735; (4) approximately 42 rounds of 9mm ammunition, and the firearms and ammunition were in and affecting interstate commerce.

All in violation of Title 18, United States Code, Section 922(g)(1).

ATTACHMENT B

I, Paulo Oliveira, am a Special Agent with the Federal Bureau of Investigation. I am fully familiar with the facts set forth herein based on my own investigation, my conversations with other law enforcement officers, the statements of individuals, 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. In or around December 2022, during a lawfully-recorded audio call, Defendant CARLOS OVIDIO GONZALEZ (“GONZALEZ”) spoke to an individual (“Individual-1”) and agreed to provide Individual-1 with approximately 1 kilogram of cocaine and approximately 100 grams of fentanyl in exchange a specified quantity of United States currency. GONZALEZ agreed to meet Individual-1 at a specific parking lot in or around Kearny, New Jersey (the “Parking Lot”) on or about December 19, 2022, at a specific time, so that GONZALEZ could sell the cocaine and fentanyl to Individual-1.

2. On or about December 19, 2022, GONZALEZ drove an Acura MDX (the “Acura”) into the Parking Lot, and he was closely followed by Hector Martinez (“MARTINEZ”), who was driving a Dodge Durango (the “Dodge”).

3. A few minutes after GONZALEZ and MARTINEZ arrived at the Parking Lot, GONZALEZ parked the Acura, exited the Acura, and got into the front passenger seat of the Dodge, which had stopped nearby. MARTINEZ, with GONZALEZ as a passenger, then drove the Dodge around the Parking Lot. After a short period of time, MARTINEZ dropped GONZALEZ off within the Parking Lot.

4. GONZALEZ walked towards a parked, dark-colored SUV (the “SUV”) and unsuccessfully attempted to enter the SUV, as the Dodge followed closely behind.

5. Law enforcement then approached and stopped the Dodge and arrested MARTINEZ. At the time of his arrest, MARTINEZ had a plastic knotted bag containing a white powdery substance, weighing approximately 5 grams, in his pocket. A sample of that white powdery substance field-tested positive for the presence of cocaine.

6. At approximately the same time, GONZALEZ fled into a nearby retail store (the “Store”). GONZALEZ attempted to conceal himself within the Store but was located within the Store and arrested shortly thereafter.

7. Shortly after GONZALEZ's arrest, the Dodge was lawfully searched. From within the Dodge, law enforcement seized:

- a. A cloth bag from the front passenger seat of the Dodge that contained a white, brick-shaped object, wrapped in clear plastic, weighing approximately one kilogram, and imprinted with, "CR 7[.]" A sample of the substance contained within the white object subsequently field-tested positive for the presence of cocaine.
- b. A shoulder bag on the front passenger seat the Dodge that contained a clear vacuum-sealed bag holding approximately 106 grams of a white powdery substance. The sample of the white powdery substance subsequently field-tested positive for fentanyl.
- c. Also in the shoulder bag was a plastic knotted bag containing suspected fentanyl pills, which weighed approximately 74 grams in total.
- d. A small, red, zippered bag on the floorboard of the Dodge's driver's seat that contained approximately 80 grams of a white powdery substance, a scale suitable for the weighing of narcotics, and MARTINEZ's New Jersey driver's license. A sample of the white powdery substance subsequently field-tested positive for cocaine.

8. Shortly thereafter, law enforcement lawfully searched GONZALEZ's residence in or around Elizabeth, New Jersey, which was an apartment (the "GONZALEZ Residence"). From within the GONZALEZ Residence, law enforcement seized:

- a. A 9mm Taurus handgun, bearing serial number 1C074841, which was loaded with approximately 8 rounds of 9mm ammunition in a 12-round magazine;
- b. A .40 caliber Smith and Wesson M&P handgun, with no visible serial number, which was loaded with approximately 9 rounds of .40 caliber ammunition in a 10-round magazine with a 5-round extender;
- c. Approximately 42 loose rounds of 9mm (items at (10)(a)-(c) are referred to herein, collectively, as the "GONZALEZ Residence Guns and Ammunition");
- d. Approximately 1.723 kilograms of suspected cocaine;

- e. Approximately 2,187 glassine envelopes containing suspected heroin (approximately 65 grams, total);
- f. Approximately 39 grams of an unpackaged powder containing suspected heroin;
- g. Approximately 584 pills marked as containing 30 milligrams of oxycodone each (approximately 175.2 grams, total);
- h. Approximately 81 pills marked as alprazolam (Xanax) (items at (10)(d)-(h) are referred to herein, collectively, as the “GONZALEZ Residence Controlled Substances”); and
- i. Items suitable for the packaging of controlled substances for sale.

9. At the time of GONZALEZ’s arrest, law enforcement had lawfully seized from GONZALEZ’s person a key that belonged to an apartment located in or around Newark, New Jersey (the “Newark Apartment”). In or around November 2022, GONZALEZ sold a quantity of suspected cocaine to Individual-1, a portion of which GONZALEZ retrieved from inside the Newark Apartment while Individual-1 waited in the hallway outside the Newark Apartment, while GONZALEZ and Individual-1 were being surveilled by law enforcement.

10. At approximately the same time as the GONZALEZ Residence was searched, law enforcement lawfully searched the Newark Apartment, which they accessed with the key seized from GONZALEZ. From within the Newark Apartment, law enforcement seized:

- a. An unloaded Hi-Point 9mm handgun, bearing serial number P206735 (the “Newark Apartment Gun”);
- b. Items suitable for the packaging of controlled substances for sale, including empty baggies, a scale, a sifter, razor blades, plates, and unused plastic wrapping of the type used to wrap kilogram quantities of controlled substances; and
- c. Clear plastic wrap that appeared to have previously been used as wrapping for a kilogram package of controlled substances.

11. GONZALEZ admitted to law enforcement, in a voluntary, post-arrest recorded statement, that the GONZALEZ Residence Guns and Ammunition, the GONZALEZ Residence Controlled Substances, and the Newark Apartment Gun belonged to him.

12. The GONZALEZ Residence Guns and Ammunition and the Newark Apartment Gun were all manufactured outside the State of New Jersey, and thus traveled in interstate commerce before on or about December 19, 2022. The GONZALEZ Residence Guns and the Newark Apartment Gun all appear capable of, and designed to, expel a projectile.

13. Prior to knowingly possessing the aforementioned firearms and ammunition, GONZALEZ knew he was a convicted felon as he had at least one felony conviction for which he received a sentence of more than one year. Specifically, on or about August 7, 2009, GONZALEZ was convicted in Superior Court in Morris County, New Jersey of first degree manufacturing, distributing, and possessing with intent to distribute controlled substances, in violation of N.J.S.A. 2C:35-5(b)(1); second degree weapons possession during a controlled substance offense, in violation of N.J.S.A. 2C:39-4.1; and second degree possession of a firearm for an unlawful purpose, in violation of N.J.S.A. 2C:39-4(a), all crimes punishable by imprisonment for terms exceeding one year. As a result of these convictions, GONZALEZ was sentenced to 30 years' imprisonment.