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*United States District Court*  
*District of New Jersey*

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UNITED STATES OF AMERICA : HON. MARK FALK  
v. : **CRIMINAL COMPLAINT**  
FERNANDO DUARTE CASTRO : Magistrate No. 12-3717

:

I, Jordan Benson, the undersigned complainant being duly sworn, state the following is true and correct to the best of my knowledge and belief. From at least as early as in and around September 2012 through on or about November 30, 2012, in Union County, in the District of New Jersey and elsewhere, defendant FERNANDO DUARTE CASTRO did:

knowingly and intentionally conspire and agree with others to distribute and possess with intent to distribute a quantity of cocaine, a Schedule II controlled substance, contrary to Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C), and

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

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 A

\_\_\_\_\_  
Jordan Benson  
Special Agent  
Federal Bureau of Investigation

Sworn to before me and subscribed in my presence,

December 4, 2012 at Newark, New Jersey  
Date City and State

Honorable Mark Falk \_\_\_\_\_  
United States Magistrate Judge Signature of Judicial Officer

## ATTACHMENT A

I, Jordan Benson, am a Special Agent with the Federal Bureau of Investigation ("FBI"). I am familiar with the facts set forth herein through my personal participation in the investigation and through oral and/or written reports from other federal agents and law enforcement officers. Where statements of others are related herein, they are related in substance and part. Since 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 I assert that an event took place on a particular date and time, I am asserting that it took place on or about the date and time alleged.

### I. Overview

1. Between on or about December 2011 and on or about November 30, 2012, law enforcement was involved in an investigation into a drug trafficking organization (DTO) operating in and around Elizabeth and Newark, New Jersey.

2. The DTO functioned, in part, by utilizing individuals operating in Puerto Rico and other locations to coordinate shipments of parcels containing kilogram quantities of cocaine and heroin through the U.S. mails to locations in Northern New Jersey, New York, Pennsylvania and Connecticut. Co-conspirators packaging the narcotics would conceal the narcotics in benign items such as candles and childrens toys, and then ship the narcotics to those areas. Individuals in New Jersey would coordinate these shipments, process or "cut" the narcotics upon receipt of the parcels, and distribute the narcotics to locations in New Jersey, Pennsylvania, Connecticut, Maryland and other locations.

3. As the investigation progressed through, among other things, the use of confidential sources, physical surveillance and judicially-authorized electronic surveillance, law enforcement in New Jersey identified Defendant FERNANDO DUARTE CASTRO as one of the individuals delivering and mixing cocaine on behalf of the DTO.

4. Subsequent physical surveillance and judicially-authorized electronic surveillance in New Jersey led law enforcement to identify Defendant FERNANDO DUARTE CASTRO operating in and around the Elizabeth, New Jersey area.

### II. Intercepted Communications

5. On September 14, 2012, U.S. District Judge Claire C. Cecchi authorized the interception of wire communication to and from a cellular telephone facility utilized by Roberto Rentas Negron, a/k/a "El Duro" (hereinafter "El Duro") ("the 1<sup>st</sup> Duro Facility").<sup>1</sup> On October 16, 2012, Judge Cecchi authorized the interception of wire and electronic communication to and from the 1<sup>st</sup> Duro Facility as well as a second cellular telephone facility utilized by El Duro (the

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<sup>1</sup> El Duro is an associate of FERNANDO DUARTE CASTRO, involved in distributing narcotics in Elizabeth, New Jersey and elsewhere.

“2<sup>nd</sup> Duro Facility”). On November 14, 2012, U.S. District Judge Kevin McNulty authorized the interception of wire and electronic communication to and from a cellular telephone facility utilized by Antonio Vazquez a/k/a “Panta” (hereinafter “Panta”)(the “2<sup>nd</sup> Panta Facility”).<sup>2</sup>

6. Conversations intercepted over the 1<sup>st</sup> Duro Facility, the 2<sup>nd</sup> Duro Facility and the 2<sup>nd</sup> Panta Facility, demonstrate that FERNANDO DUARTE CASTRO is involved in the conspiracy to traffic cocaine in and around the Elizabeth and Newark, New Jersey area. In the following paragraphs, I have set forth excerpts of the recorded conversations and then provided an explanation of the conversation in parenthesis. Explanations in parentheses are based on my training and experience, and that of other agents and law enforcement officers with whom I have conferred regarding the facts and circumstances of this investigation. In addition, transcripts of the conversations, are in draft form. As such, quoted passages of phone conversations referenced below are in sum and substance.

A. The Controlled Purchase of 520 Grams of Cocaine on December 1, 2011

7. In and around late November 2011 a confidential source with a history of reliability and credibility (the “CS”), working at the direction of the FBI, negotiated the purchase of approximately 520 grams of cocaine a co-conspirator of FERNANDO DUARTE CASTRO (hereinafter “Co-Conspirator #1”). Co-Conspirator #1 informed the CS that he was as a runner for “El Duro,” a narcotics dealer working in the Elizabeth, New Jersey area. During this time, the CS and Co-Conspirator #1 negotiated and discussed the sale in person as well as over consensual recorded telephone calls and text messages. Co-Conspirator #1 advised the CS that Co-Conspirator #1’s supplier was “El Duro,” who resided on Geneva Street, in Elizabeth, New Jersey and Co-Conspirator #1 would return the proceeds of the sale to El Duro on Geneva Street following the sale.

8. On or about December 1, 2011, Co-Conspirator #1 and FERNANDO DUARTE CASTRO were seen by law enforcement in front of 53 Geneva Street. After conversing for several minutes, Co-Conspirator #1 and FERNANDO DUARTE CASTRO entered 53 Geneva Street together. Shortly thereafter, the CS, while under physical surveillance by law enforcement, arrived in a vehicle and was met by Co-Conspirator #1. As he exited 53 Geneva Street to enter the CS vehicle, Co-Conspirator #1 was seen carrying a bag, which was later found to contain approximately 520 grams of cocaine. After entering the CS’s vehicle, Co-Conspirator #1 and the CS traveled to a separate location to conduct a controlled sale of the 520 grams of cocaine. Following the transaction, the CS dropped Co-Conspirator #1 off at 53 Geneva Street with the proceeds of the narcotics sale.

9. Law enforcement agents then observed Co-Conspirator #1 re-enter the residence. Approximately 23 minutes later, Co-Conspirator #1 exited residence. Approximately 1 minute

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<sup>2</sup> Panta is an associate of El Duro’s, involved in distributing narcotics in Northern New Jersey and elsewhere.

after Co-Conspirator #1 exited the residence, FERNANDO DUARTE CASTRO was also observed exiting 53 Geneva Street and driving a vehicle to various locations in the Elizabeth area. Thereafter, the CS reported that FERNANDO DUARTE CASTRO is an associate of El Duro's and is involved in the narcotics conspiracy.

B. Delivery of 400 grams of Cocaine from New Jersey to Maryland

10. On September 25, 2012 at 1:19 p.m., another an associate of El Duro ("Co-Conspirator #2") who distributes narcotics in Maryland, conferred with El Duro over the 1<sup>st</sup> Duro Facility regarding the delivery of approximately 400 grams of cocaine from Elizabeth, New Jersey to Maryland.

11. In particular, Co-Conspirator #2 asked El Duro if he could "send someone over [to Maryland]" and Co-Conspirator #2 would "pay anything" (Co-Conspirator #2 was asking El Duro if he could send a supply of cocaine to Maryland for Co-Conspirator #2 to sell there). El Duro replied that he would "try to find someone to make the trip."

12. Thereafter, on September 25, 2012, at 1:23 p.m., in a call intercepted over the 1<sup>st</sup> Duro facility, El Duro spoke with FERNANDO DUARTE CASTRO and requested that he travel to Maryland to take a quantity of cocaine to Co-Conspirator #2. El Duro advised FERNANDO DUARTE CASTRO that he would pay FERNANDO DUARTE CASTRO \$600 for the job. FERNANDO DUARTE CASTRO DUARTE-CASTRO agreed, and stated that he "will leave early in the morning."

13. Following this call, El Duro called Co-Conspirator #2 and advised him that he would be "sending Fernando over there with the stuff" (El Duro was advising Co-Conspirator #2 that FERNANDO DUARTE CASTRO would deliver the narcotics previously discussed). El Duro instructed Co-Conspirator #2 to pay FERNANDO DUARTE CASTRO \$4,500 and from that FERNANDO DUARTE CASTRO would "take his cut of \$600."

14. On September 26, 2012 at 8:40 a.m., in a call intercepted over the 1<sup>st</sup> Duro Facility, El Duro advised Co-Conspirator #2 that there were "four there" (El Duro was telling Co-Conspirator #2 that FERNANDO DUARTE CASTRO was delivering 400 grams of cocaine to Maryland).

15. On September 26, 2012 at 2:23 p.m., in a call intercepted over the 1<sup>st</sup> Duro Facility, FERNANDO DUARTE CASTRO advised El Duro that he arrived back from the trip.