

*United States District Court
District of New Jersey*

UNITED STATES OF AMERICA : HON. MARK FALK
v. : **CRIMINAL COMPLAINT**
MARCO RODRIGUEZ : Magistrate No. 12-3754
: Filed Under Seal

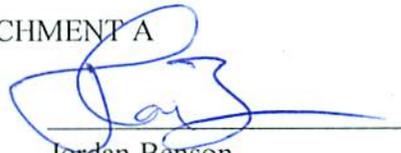
I, Jordan Benson, the undersigned complainant being duly sworn, state the following is true and correct to the best of my knowledge and belief. From at least as early as in and around April 2012 through on or about November 30, 2012, in Union County, in the District of New Jersey and elsewhere, defendant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

knowingly and intentionally conspire and agree with others to distribute and possess with intent to distribute 500 grams or more of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance, contrary to Title 21, United States Code, Sections 841(a)(1) and (b)(1)(B), 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 7, 2012 at
Date

Newark, New Jersey
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 November 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 children's 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 MARCO RODRIGUEZ as one of the individuals distributing cocaine in the New Jersey area on behalf of the DTO.

4. Subsequent physical surveillance and judicially-authorized electronic surveillance led law enforcement to identify Defendant MARCO RODRIGUEZ 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 1st Duro Facility").¹ On October 16, 2012, Judge Cecchi authorized the interception of wire and electronic communication to and from the 1st Duro Facility as well as a second cellular telephone facility utilized by El Duro (the

¹ El Duro is an associate of MARCO RODRIGUEZ, involved in distributing narcotics in Elizabeth, New Jersey and elsewhere.

“2nd 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 “2nd Panta Facility”).²

6. Conversations intercepted over the 1st Duro Facility and the 2nd Duro Facility demonstrate that MARCO RODRIGUEZ is involved in the conspiracy to traffic cocaine. 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. Controlled Delivery of a Parcel Containing 1 Kilogram of Cocaine

7. On April 20, 2012 law enforcement officials intercepted a parcel sent from Puerto Rico containing approximately 1 kilogram of cocaine addressed to a residence in Elizabeth, New Jersey. The destination address printed on the parcel was rented by MARCO RODRIGUEZ. Law enforcement intercepted the parcel and conducted a controlled delivery of the narcotics to an associate of MARCO RODRIGUEZ (hereinafter “Co-Conspirator #1”), who was arrested following his receipt of the parcel. On that date, MARCO RODRIGUEZ was questioned regarding his knowledge of the narcotics shipment and he admitted that he knew Co-Conspirator #1, but denied giving him access to his apartment.

B. September 18-20, 2012 Calls Discussing the Delivery of Cocaine

8. On September 18, 2012, in calls intercepted over the 1st Duro Facility, MARCO RODRIGUEZ conferred with El Duro regarding the delivery of 400 grams of cocaine to a separate co-conspirator (hereinafter “Co-Conspirator #2”). During one conversation, El Duro stated that he had “320” and had “more here” (El Duro was referring to a quantity of cocaine). MARCO RODRIGUEZ replied that it was “400” (referring to 400 grams of cocaine).

9. On September 19, 2012, in calls intercepted over the 1st Duro Facility, El Duro instructed MARCO RODRIGUEZ to “divide what is there and take 100 grounded ones” for himself and to “set 100 hard ones aside” (El Duro was instructing MARCO RODRIGUEZ on how to distribute 200 grams of cocaine that he had stored). El Duro further explained that MARCO RODRIGUEZ would be able to mix quantities of cocaine, which would add up to “420” (grams of cocaine). El Duro and MARCO RODRIGUEZ also spoke with a separate co-conspirator (hereinafter “Co-Conspirator #3) wherein MARCO RODRIGUEZ advised that he gave Co-Conspirator #3 the “hard stuff” (cocaine that had been processed into a hard, rock-like consistency) and that the “granular” (cocaine that was processed into a granular consistency) was

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

“for El Duro.” MARCO RODRIGUEZ and Co-Conspirator #3 then confirmed that Co-Conspirator #3 was given “435” (435 grams of cocaine).

C. The October 18, 2012 Shipment of Cocaine to Maryland

10. On October 18, 2012, at 2:22 p.m. in a call intercepted over the 1st Duro Facility, El Duro advised a separate co-conspirator (hereinafter “Co-Conspirator #4”) that he had “the stuff ready for there” (El Duro was advising Co-Conspirator #4 that a shipment of cocaine was ready to be sent to Co-Conspirator #4 in Maryland). Co-Conspirator #4 asked El Duro if he was “coming” and El Duro replied “no, but a friend is coming” (El Duro was telling Co-Conspirator #4 that he would have a third party deliver the cocaine to Maryland).

11. Thereafter, in a call intercepted over the 1st Duro Facility, El Duro and a separate co-conspirator (hereinafter “Co-Conspirator #5”) discussed sending “the truck down to Maryland” (El Duro was coordinating the shipment of cocaine to Maryland in a truck containing a hidden compartment for storing narcotics).

12. Following El Duro’s conversation with Co-Conspirator #5, El Duro spoke with Co-Conspirator #4 and asked him to “text [El Duro] the address” (El Duro was asking for the address where he should direct the cocaine runners delivering the narcotics to Co-Conspirator #4 in Maryland) and Co-Conspirator #4 responded by sending him a text with an address located in Hagerstown, Maryland. El Duro later forwarded this address to a cellular telephone facility utilized by MARCO RODRIGUEZ.

13. Thereafter, law enforcement observed El Duro and MARCO RODRIGUEZ inspecting a Ford pickup truck, which, according to calls intercepted over the 1st Duro Facility, contained a hidden compartment for concealing narcotics.

14. Afterward, in calls intercepted over the 1st Duro Facility, El Duro advised co-conspirators that “Marcos already took it today” (El Duro was telling his co-conspirators that MARCO RODRIGUEZ had delivered the cocaine to Maryland). Subsequently, in calls intercepted over the 1st Duro Facility, MARCO RODRIGUEZ advised El Duro that he was on his way to Maryland, and El Duro confirmed the shipment of cocaine to Maryland.

15. On November 2, 2012, in a call intercepted over the 1st Duro Facility, MARCO RODRIGUEZ informed El Duro that he “squared something out with [Co-Conspirator #4] from Maryland” and Co-Conspirator #4 was going to wire him “some money” via “MoneyGram” (MARCOS RODRIGUEZ was telling El Duro that Co-Conspirator #4 was going to transfer the proceeds of narcotics transactions in Maryland to him via MoneyGram).