

*United States District Court
District of New Jersey*

UNITED STATES OF AMERICA : HON. MARK FALK
v. : CRIMINAL COMPLAINT
MICHAEL ROSARIO : Magistrate No. 12-3755

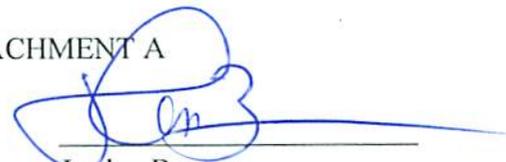
I, Jordan Benson, the undersigned complainant being duly sworn, state the following is true and correct to the best of my knowledge and belief. From at least as early as in and around September 2012 through on or about November 30, 2012, in Union County, in the District of New Jersey and elsewhere, defendant MICHAEL ROSARIO 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 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 MICHAEL ROSARIO as one of the individuals distributing cocaine in the Maryland area on behalf of the DTO.

4. Subsequent physical surveillance and judicially-authorized electronic surveillance led law enforcement to identify Defendant MICHAEL ROSARIO operating in and around Maryland.

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 MICHAEL ROSARIO, 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, the 2nd Duro Facility and the 2nd Panta Facility, demonstrate that MICHAEL ROSARIO is involved in the conspiracy to traffic cocaine. MICHAEL ROSARIO receives narcotics shipments from New Jersey to Maryland, and distributes narcotics in the Maryland 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. Delivery of 400 grams of Cocaine from New Jersey to Maryland

7. On September 25, 2012 at 1:19 p.m., MICHAEL ROSARIO, conferred with El Duro over the 1st Duro Facility regarding the delivery of approximately 400 grams of cocaine from Elizabeth, New Jersey to Maryland.

8. In particular, MICHAEL ROSARIO asked El Duro if he could “send someone over [to Maryland]” and would “pay anything” (MICHAEL ROSARIO was asking El Duro if he could send a supply of cocaine to Maryland for him to sell there). El Duro replied that he would “try to find someone to make the trip.”

9. Thereafter, on September 25, 2012, at 1:23 p.m., in a call intercepted over the 1st Duro facility, El Duro spoke with a separate co-conspirator (hereinafter “Co-Conspirator #1”) and requested that he travel to Maryland to take a quantity of cocaine to “Michael.” El Duro advised Co-Conspirator #1 that he would receive \$600 for the job. Co-Conspirator #1 agreed, and stated that he “will leave early in the morning.”

10. Following this call, El Duro called MICHAEL ROSARIO and advised him that he would be “sending [Co-Conspirator #1] over there with the stuff” (El Duro was advising Rosario that Co-Conspirator #1 would deliver the narcotics previously discussed). El Duro instructed MICHAEL ROSARIO to pay Co-Conspirator #1 \$4,500 and from that Co-Conspirator #1 would “take his cut of \$600.”

11. On September 26, 2012 at 8:40 a.m., in a call intercepted over the 1st Duro Facility, El Duro advised MICHAEL ROSARIO that there were “four there” (El Duro was telling MICHAEL ROSARIO that Co-Conspirator #1 was delivering 400 grams of cocaine to Maryland).

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

12. On September 26, 2012 at 2:23 p.m., in a call intercepted over the 1st Duro Facility, Co-Conspirator #1 advised El Duro that he arrived back from the trip.

B. Additional Calls Discussing the Shipment of Cocaine Between New Jersey and Maryland

i. The October 18, 2012 shipment of cocaine to Maryland

13. On October 18, 2012, at 2:22 p.m. in a call intercepted over the 1st Duro Facility, El Duro advised MICHAEL ROSARIO that he has “the stuff ready for there” (El Duro was advising MICHAEL ROSARIO that a shipment of cocaine was ready to be sent to MICHAEL ROSARIO in Maryland). MICHAEL ROSARIO asked El Duro if he was “coming” and El Duro replied “no, but a friend is coming” (El Duro was telling MICHAEL ROSARIO that he would have a third party deliver the cocaine to MICHAEL ROSARIO in Maryland).

14. Thereafter, in a call intercepted over the 1st Duro Facility, El Duro and a separate co-conspirator (hereinafter “Co-Conspirator #2”) discussed sending “the truck down to Maryland” (El Duro was coordinating the shipment of cocaine to Maryland).

15. Following El Duro’s conversation with Co-Conspirator #2, El Duro spoke with MICHAEL ROSARIO 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 MICHAEL ROSARIO in Maryland) and MICHAEL ROSARIO responded by sending him a text with an address located in Hagerstown, Maryland. Thereafter, in separate calls intercepted over the 1st Duro Facility, MICHAEL ROSARIO, El Duro and other co-conspirators confirmed the shipment of cocaine to Maryland.

ii. The November 21, 2012 Shipment of Cocaine to Harrisburg, Pennsylvania

16. On November 15, 2012 at 5:39 p.m., in a call intercepted over the 1st Duro Facility, MICHAEL ROSARIO stated that he would need “half” (MICHAEL ROSARIO was telling El Duro that he wanted ½ kilogram of cocaine). Following this discussion, on November 18, 2012 and November 20 2012, El Duro and Michael coordinated the delivery of the cocaine to MICHAEL ROSARIO at a location in Harrisburg, Pennsylvania.