

UNITED STATES DISTRICT COURT

for the

District of Delaware

United States of America

v.

JULIAN RIVERA-VILLA

Case No.

19 - 231M

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of June 18, 2019 in the county of New Castle in the District of Delaware, the defendant(s) violated:

Code Section

21 U.S.C. §§ 841(a)(1) & (b)(1)(C)

Offense Description

Distribution of controlled substances (fentanyl)

This criminal complaint is based on these facts:

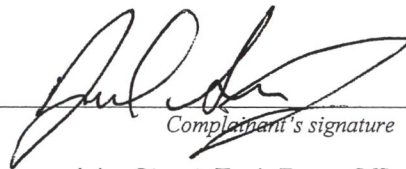
See the attached Affidavit.

FILED

AUG 22 2019

U.S. DISTRICT COURT DISTRICT OF DELAWARE

☒ Continued on the attached sheet.

  
Complainant's signature

John Stuart, Task Force Officer, DEA

Printed name and title

Sworn to before me and signed in my presence.

Date: 08/22/2019

City and state: Wilmington, Delaware

  
Judge's signature

Hon. Mary Pat Thyng, Chief U.S. Magistrate Judge

Printed name and title

# UNITED STATES DISTRICT COURT

for the

District of Delaware

United States of America

v.

RICARDO PEREZ-GUILLEN

Case No.

19 - 232M

Defendant(s)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of July 17, 2019 in the county of New Castle in the  
District of Delaware, the defendant(s) violated:

Code Section

Offense Description

21 U.S.C. §§ 841(a)(1) & (b)(1)(C)

Distribution of controlled substances (fentanyl)

This criminal complaint is based on these facts:


See the attached Affidavit.

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Hon. Mary Pat Thyng, Chief U.S. Magistrate Judge

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## **AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT**

I, John A. Stuart, a Task Force Officer with the Drug Enforcement Administration, assert that the following information is true to the best of my knowledge, information, and belief:

### **INTRODUCTION AND BACKGROUND OF AFFIANT**

1. I am currently a Task Force Officer with the United States Drug Enforcement Administration ("DEA") assigned to the Philadelphia Field Division, Wilmington, Delaware Resident Office ("WRO"). I have been a police officer with the Middletown Police Department for over ten years. During this time, I have specialized in investigations involving narcotics trafficking and received specialized training on the subject of narcotics trafficking. I have personally been involved in investigations concerning the possession, manufacture, distribution, and importation of controlled substances, as well as methods used to finance drug transactions. I have primarily been assigned to investigations dealing with the importation and distribution of illegal drugs, including heroin and fentanyl. During those investigations, I have conducted physical surveillance, electronic and wire surveillance, and I have worked in an undercover capacity. I have also arrested numerous individuals for various drug violations and have spoken with numerous drug dealers and informants concerning the methods and practices of drug trafficking. Through investigations and training, I have become familiar with narcotics traffickers' methods of operation, including the distribution, storage and transportation of narcotics, the collection of money that represents the proceeds of narcotics trafficking, the manufacturing processes of various controlled substances, and money laundering.

2. This Affidavit is in support of criminal complaints against Julian RIVERA-VILLA and Ricardo PEREZ-GUILLEN. This Affidavit is based on my personal knowledge and observations, as well as information provided to me by other law enforcement officers. Because

this Affidavit is solely for the purpose of establishing probable cause, not all facts relating to the investigation are included herein.

### **THE SPECIFIED FEDERAL OFFENSE**

3. Pursuant to Title 21, United States Code, Section 841(a)(1) and 841(b)(1)(C), it is unlawful to knowingly and intentionally possess with intent to distribute and to distribute a controlled substance, namely a mixture and substance containing a detectable amount of fentanyl, which is a Schedule II controlled substance.

### **FACTS IN SUPPORT OF PROBABLE CAUSE**

4. Since June, 2019 I have been involved in the investigation of a drug trafficking organization and have identified two Mexican males, JULIAN RIVERA-VILLA and RICARDO PEREZ-GUILLEN, as distributors of fake Oxycodone pills that actually contain fentanyl. A total of five controlled purchases of fake Oxycodone pills have been made from either RIVERA-VILLA and/or PEREZ-GUILLEN since 2019, utilizing a DEA Confidential Source (hereafter referred to as "CS-1").

5. Specifically, on June 18, 2019, CS-1 performed a controlled purchase of Oxycodone 30 MG tablets from RIVERA-VILLA and on July 17, 2019, CS-1 performed a controlled purchase of purported Oxycodone 30 MG tablets, on consignment, from PEREZ-GUILLEN.

#### ***June 18 Purchase of Purported Oxycodone from RIVERA-VILLA***

6. On June 18, CS-1 made consensually monitored and recorded telephonic contact with RIVERA-VILLA at telephone number 856-209-8570. During this conversation, RIVERA-VILLA agreed to meet CS-1 later that same day and provide CS-1 with a quantity of purported Oxycodone 30 MG tablets in exchange for an agreed upon amount of money. RIVERA-VILLA

agreed to meet CS-1 in the parking lot of Royal Farms, located in New Castle, DE to complete the transaction.

7. Prior to the transaction, CS-1 met with law enforcement, at which time CS-1 and CS-1's vehicle were searched to ensure no contraband, drugs or money was on his/her person or within the vehicle. CS-1 was then provided a pre-determined amount of allocated DEA funds by law enforcement. CS-1 was also provided video and audio surveillance equipment which was utilized to monitor and record this drug transaction.

8. Surveillance was established in and around the parking lot of Royal Farms, located in New Castle DE, prior to the meet time. CS-1 then departed the neutral meet location, proceeded to and arrived in the parking lot of Royal Farms while under continuous surveillance by agents/officers. Shortly after the arrival of CS-1 at the meet location, RIVERA-VILLA called CS-1 advising that he was at the Royal Farms and inquired about CS-1's location. CS-1 informed RIVERA-VILLA of his/her location at which time surveillance observed RIVERA-VILLA emerged on foot from the side of Royal Farms and entered the front passenger seat of CS-1's vehicle.

9. Surveillance officers were watching the meet between CS-1 and RIVERA-VILLA. CS-1 and RIVERA-VILLA were observed by surveillance to have a brief interaction consistent with drug transaction. I reviewed the video surveillance after the transaction and confirmed that CS-1 provided RIVERA-VILLA with a quantity of money in exchange for one-hundred and forty-eight (148) purported Oxycodone 30 MG tablets. It should be noted that CS-1 did not meet with any vehicles or individuals prior to or after the meet with RIVERA-VILLA.

10. After the meet with RIVERA-VILLA, CS-1 travelled back to the neutral location while under continuous surveillance by agents/officers. Upon arrival at this location, CS-1

provided me with a zip lock sandwich bag containing one-hundred and forty-eight (148) purported Oxycodone 30 MG tablets. These purported Oxycodone 30 MG tablets were blue, circular tablets with the imprint "M" on one side and "30" on the opposite side. CS-1 also confirmed the person who sold CS-1 the purported Oxycodone 30 MG tablets was RIVERA-VILLA.

***July 17 Purchase of Purported Oxycodone from PEREZ-GUILLEN***

11. On July 17, 2019, CS-1 made consensually monitored and recorded telephonic contact with PEREZ-GUILLEN at telephone number 856-283-1039. During this conversation, PEREZ-GUILLEN agreed to meet CS-1 later this same day and provide CS-1 with a quantity of purported Oxycodone 30 MG tablets on consignment for an agreed upon amount of money to be paid by CS-1 at a later date. PEREZ-GUILLEN agreed to meet CS-1 in the parking lot of Royal Farms, located in New Castle, DE to complete the transaction.

12. Prior to the transaction, CS-1 met with law enforcement, at which time CS-1 and CS-1's vehicle were searched to ensure no contraband, drugs or money was on his/her person or within the vehicle. CS-1 was provided video and audio surveillance equipment which was utilized to monitor and record this drug transaction.

13. Surveillance was established in and around the parking lot of Royal Farms prior to the meet time. CS-1 then departed the neutral meet location, proceeded to and arrived in the parking lot of Royal Farms, in New Castle DE, while under continuous surveillance by agents/officers. Shortly after the arrival of CS-1 at the meet location, assisting agents/officers observed PEREZ-GUILLEN arrive into the parking lot of Royal Farms operating a silver Ford Fusion. After his arrival, PEREZ-GUILLEN was observed by surveillance to circle the parking lot, attempting to identify CS-1's location. PEREZ-GUILLEN subsequently called CS-1

advising that he was at the meet location and inquired about CS-1's location. CS-1 informed PEREZ-GUILLEN of his/her location at which time surveillance observed PEREZ-GUILLEN park his vehicle next to CS-1's vehicle within the Royal Farms parking lot, exit the car, walk towards and enter the front passenger seat of CS-1's vehicle.

14. Surveillance officers were watching the meet between CS-1 and PEREZ-GUILLEN. CS-1 and PEREZ-GUILLEN were observed by surveillance to have a brief interaction consistent with drug transaction. I reviewed the video surveillance after the transaction and confirmed that PEREZ-GUILLEN provided CS-1 with one-hundred and fifty-one (151) purported Oxycodone 30 MG tablets. It should be noted that CS-1 did not meet with any vehicles or individuals prior to or after the meet with PEREZ-GUILLEN.

15. After the meet with PEREZ-GUILLEN, CS-1 travelled back to the neutral location while under continuous surveillance by agents/officers. Upon arrival at this location, CS-1 provided Special Agent Jeremy Smith with a zip lock sandwich bag containing one-hundred and fifty-one (151) purported Oxycodone 30 MG tablets. As with the June 18 purchase from RIVERA-VILLA, these purported Oxycodone 30 MG tablets were blue, circular tablets with the imprint "M" on one side and "30" on the opposite side.<sup>1</sup> CS-1 also confirmed the person who sold CS-1 the purported Oxycodone 30 MG tablets was PEREZ-GUILLEN.

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<sup>1</sup> I examined the purported Oxycodone 30MG pills purchased from RIVERA-VILLA on June 18 and from PEREZ-GUILLEN on July 17, as well as the other pills purchased from RIVERA-VILLA and/or PEREZ-GUILLEN during the course of this case. Upon examination of the pills, all the pills were observed to be marked with an "M" symbol along with a "30," which denotes that these particular pills were manufactured by Mallinckrodt Pharmaceuticals ("Mallinckrodt"). All Oxycodone 30MG pills manufactured by Mallinckrodt are the same consistent light blue color. However, the pills purchased from PEREZ-GUILLEN were a greenish-blue color, which in my training and experience are incompatible with Oxycodone 30MG pills manufactured by Mallinckrodt. Many of the pills also contained white imperfections, which are inconsistent with pills manufactured by Mallinckrodt. White imperfections would be consistent with pills that were not pharmaceutically manufactured, but are laced with other controlled substance to mimic the effects of Oxycodone, including fentanyl. Additionally, RIVERA-VILLA charged CS-1 only \$10.14 per pill on June 18 and PEREZ-GUILLEN charged CS-1



16. The pills purchased from PEREZ-GUILLEN were consistent with the pills purchased during the other controlled purchases from PEREZ-GUILLEN and/or RIVERA-VILLA since June 2018. In my training and experience, I believe that all of the pills are fake Oxycodone laced with fentanyl.

17. These Oxycodone 30 MG tablets were not field tested due to the risk of fentanyl being present within same and the possibility of an exposure resulting in life endangering health risks. However, purported Oxycodone pills purchased from RIVERA-VILLA on June 12, 2018 were field tested at BW TEK, a third party laboratory. Those purported Oxycodone pills field tested positive for the presence of fentanyl.

***August 21 Arrest of PEREZ-GUILLEN and Search Warrant at the Residence of PEREZ-GUILLEN and RIVERA-VILLA***

18. During the course of the investigation, I was able to determine that PEREZ-GUILLEN and RIVERA-VILLA lived in a trailer in Gloucester City, New Jersey. Law enforcement developed probable cause to search that residence and I obtained a search warrant for that residence in the United States District Court for the District of New Jersey.

19. On August 21, 2019, PEREZ-GUILLEN was followed from that residence driving into Delaware, where he carried a package into a car with CS-1. PEREZ-GUILLEN was subsequently arrested after giving the package to CS-1. The package contained approximately 1 kilogram of a substance that field-tested positive for the presence of heroin and approximately 600 purported Oxycodone pills, which field tested positive for the presence of fentanyl. PEREZ-

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only \$9.93 per pill on consignment on July 17. These prices are far below the market value of real pharmaceutical Oxycodone. Because pharmaceutical Oxycodone is heavily regulated, the price of real Oxycodone 30 MG tablets remain steady between \$20-\$30 per tablet in the illicit drug market. Fentanyl, by contrast, is significantly cheaper than a similar quantity of Oxycodone. I am aware that there has been a recent surge in the Tri-State area of fake Oxycodone that are in actuality laced with fentanyl.



GUILLEN subsequently admitted in a recorded post-*Miranda* interview to previously distributing packages to CS-1 and to driving to Delaware on August 21st for the purpose of distributing a package to CS-1 in exchange for money. PEREZ-GUILLEN also admitted that he and RIVERA-VILLA lived together in the residence in Gloucester City, New Jersey. *See Exhibit A, incorporated herein, for photos regarding these seizures.*

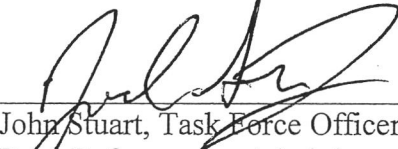
20. Law enforcement subsequently encountered RIVERA-VILLA near the residence in Gloucester City. RIVERA-VILLA was identified on scene as an illegal alien who was previously deported from the United States as an aggravated felon. He was taken into custody of Immigration and Customs Enforcement ("ICE") personnel pending further investigation. A search of the residence yielded approximately 7 kilograms of heroin and 3 kilograms of cocaine, as well as 1 and ½ kilograms of purported Oxycodone pills containing fentanyl, consistent in all aspects with the other pills seized throughout this investigation. *See Exhibit B, incorporated herein, for photos regarding these seizures.*

21. At a shopping center less than a mile from the residence, a Ford Fusion vehicle registered to PEREZ-GUILLEN was identified as suspiciously parked. Shortly thereafter, an unknown male entered the car and drove off. After a traffic stop, a narcotics sniffing dog alerted to the presence of controlled substances in the car. A subsequent search identified two hidden compartments, each containing approximately 1 kilogram of suspected heroin. In a post-*Miranda* statement, the person driving the vehicle told police he was instructed to drop off the car to an unknown male. He provided the phone number for the unknown person who was going to take possession of the car; the phone number was a match for the known phone number for RIVERA-VILLA. *See Exhibit C, incorporated herein, for photos regarding this seizure.*

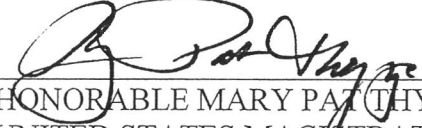
CONCLUSION

WHEREFORE, based on the foregoing facts, I submit that there is probable cause to believe that the defendants, Julian RIVERA-VILLA and Ricardo PEREZ-GUILLEN, has each committed a violation of Title 21, United States Code, Section 841(a)(1) and 841(b)(1)(C), and therefore respectfully request that the Court issue a criminal complaint charging each with that offense.

Respectfully submitted,

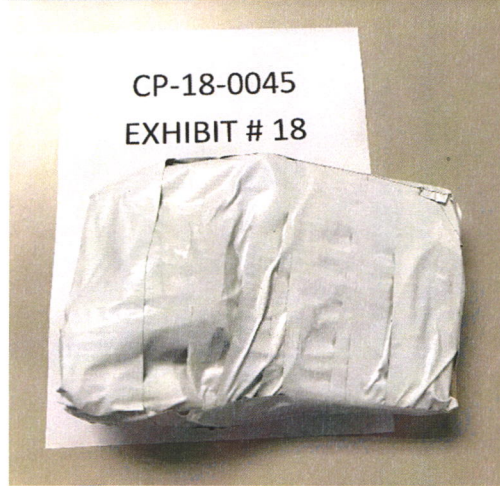
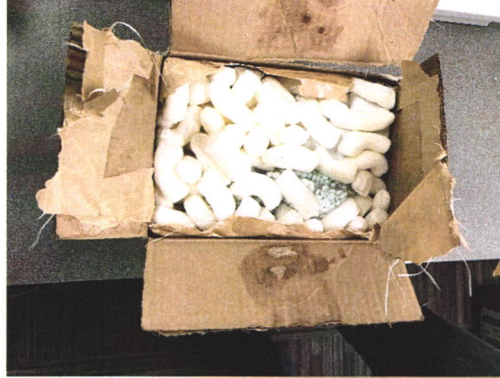
  
\_\_\_\_\_  
John Stuart, Task Force Officer  
Drug Enforcement Administration

Sworn to and subscribed in my presence  
this 22<sup>nd</sup> day of August 2019

  
\_\_\_\_\_  
HONORABLE MARY PAT THYNGE  
UNITED STATES MAGISTRATE JUDGE  
DISTRICT OF DELAWARE

**EXHIBIT A**

*Drugs Seized from Perez-Guillen's Person*



**EXHIBIT B**

*Drugs Seized from the Residence of Rivera-Villa and Perez-Guillen*





**EXHIBIT C**

*Drugs Seized from the Ford Fusion Registered to Perez-Guillen*

