
UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Hon. Steven C. Mannion
 :
 v. : Mag. No. 18-6264
 :
 JOSE PENA, :
 a/k/a "GUCCI" : **CRIMINAL COMPLAINT**

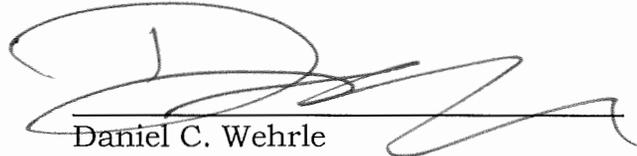
I, Daniel C. Wehrle, being duly sworn, state the following is true and correct to the best of my knowledge and belief:

SEE ATTACHMENT A

I further state that I am a Special Agent with the U.S. Drug Enforcement Administration and that this complaint is based on the following facts:

SEE ATTACHMENT B

Continued on the attached page and made a part hereof:


Daniel C. Wehrle
Special Agent
Drug Enforcement Administration

Sworn to before me and subscribed in my presence,
December 19, 2018 in Newark, New Jersey

HONORABLE STEVEN C. MANNION
UNITED STATES MAGISTRATE JUDGE


Signature of Judicial Officer

ATTACHMENT A

On or about December 18, 2018, in Bergen County, in the District of New Jersey and elsewhere, defendant

JOSE PENA,
a/k/a "GUCCI,"

did knowingly and intentionally conspire and agree with others to distribute and possess with intent to distribute 1 kilogram or more of a mixture and substance containing a detectable amount of heroin, a Schedule I controlled substance, contrary to Title 21, United States Code, Sections 841(a)(1) and (b)(1)(A).

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

ATTACHMENT B

I, Daniel C. Wehrle, am a Special Agent with the U.S. Drug Enforcement Administration (“DEA”). I am fully familiar with the facts set forth herein based on my own investigation, my conversations with other law enforcement officers, and my review of reports, documents, and items of evidence. Where statements of others are related herein, they are related in substance and part. Because this Complaint is being submitted for the sole purpose of establishing probable cause to support the issuance of a complaint, 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, I am asserting that it took place on or about the date alleged.

1. On or about December 17, 2018 at approximately 9:30 A.M., law enforcement established physical surveillance in the area of the New York Botanical Garden public parking garage located on Bedford Park Boulevard in the Bronx, New York (the “Bedford Garage”). During surveillance, law enforcement saw a Maroon Honda Odyssey bearing New York Registration HBN4484, and registered to Jose Pena (“Pena”) (the “Pena Odyssey”) enter the lower level of the Bedford Garage.

2. At approximately 10:45 A.M., law enforcement saw a black Dodge Durango bearing New Jersey Registration F24HHK (the “Black Durango”) enter the Bedford Garage.

3. The Black Durango drove down to the lower level of the Bedford Garage and parked in front of the Pena Odyssey. Law enforcement saw Pena get out of the Black Durango (which he had been driving) and get into the Pena Odyssey. After spending several minutes inside the Pena Odyssey, law enforcement saw Pena get out of the Pena Odyssey and get back into the Black Durango. Then, Pena drove the Black Durango out of the Bedford Garage.

4. On or about December 18, 2018, at approximately 9:30 A.M., law enforcement used GPS data from a cellular telephone used by Pena to determine that Pena was driving from Pena’s residence in Cliffside Park, New Jersey (the “Pena Residence”) to the Bronx, New York. In particular, at approximately 7:25 A.M., Pena was in Cliffside Park, New Jersey in the vicinity of the Pena Residence. At approximately 8:55 A.M., Pena was in the vicinity of Weehawken, New Jersey. At approximately 9:26 A.M., Pena was in the vicinity of Midtown Manhattan, New York City.

5. Based on this pattern of travel, law enforcement conducted physical surveillance at the Bedford Garage at approximately 9:30 A.M., and law enforcement remained at that location throughout the day.

6. Later that evening, at approximately 6:45 P.M., law enforcement

saw Pena drive the Black Durango into the lower level of the Bedford Garage. Pena backed the Black Durango into the parking spot next to the Pena Odyssey. Pena got out of the Black Durango, and got into the Pena Odyssey, just as he had done the day before.

7. Shortly thereafter, law enforcement walked toward the Pena Odyssey and saw in plain view, on the front passenger seat of the Pena Odyssey, an undetermined amount of suspected narcotics. The suspected narcotics appeared to be a brownish beige powdery substance in a clear plastic bag, approximately the size of a medium building brick. Officers identified themselves as law enforcement and instructed Pena to exit the vehicle. Pena exited the vehicle and was arrested.

8. After placing Pena under arrest, law enforcement saw in plain view, in an opening underneath the radio controls inside the Pena Odyssey, a separate undetermined amount of suspected narcotics, which appeared to be a brownish beige powdery substance, in a clear plastic bag, approximately the size of a softball. That substance subsequently field-tested positive for the presence of heroin. After taking possession of the suspected narcotics from the passenger seat and underneath the radio controls, law enforcement searched the rest of the interior of the Pena Odyssey, and found:

a. A Glock 22 firearm bearing serial number ZU227, loaded with 13 bullets in a large capacity magazine in a backpack on the middle row passenger seat.

b. An additional undetermined amount of suspected narcotics, which appeared to be a brownish beige powdery substance, in five separate clear plastic bags, each bag approximately the size of a softball, all in a yellow plastic shopping bag in a backpack located on the middle row passenger side seat;

c. An additional undetermined amount of suspected narcotics, which appeared to be a brownish beige powdery substance in a clear plastic zip-lock bag approximately the size of a book on the floor in front of the middle row driver's side seat;

d. An undetermined amount of United States currency in a concealed compartment (a "trap"), which is suspected to be tens of thousands of dollars, behind the radio and temperature controls; and

9. Based on my experience in law enforcement and my knowledge of the investigation, all of the suspected narcotics appeared similar to the narcotics that field tested positive for heroin. For safety reasons, not all of the samples were field-tested. Therefore, I believe that all of the suspected narcotics recovered from the Pena Odyssey contained heroin.