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UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

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UNITED STATES OF AMERICA	:	SUPERSEDING
	:	CRIMINAL COMPLAINT
v.	:	
	:	
ERIC CONCEPCION,	:	The Honorable Joseph A. Dickson
a/k/a "Eddie Arroyo,"	:	
a/k/a "E-Wax,"	:	
a/k/a "Wax,"	:	Mag. No. 15-6592
HAKEEM VANDERHALL,	:	
a/k/a "Keem,"	:	
a/k/a "Sugar Bear,"	:	<u>FILED UNDER SEAL</u>
JAMAR HAMILTON,	:	
a/k/a "Gunner,"	:	
TYQUAN CLARK,	:	
a/k/a "Tah,"	:	
CHRISTOPHER COELHO,	:	
a/k/a "Brazil," and	:	
JAMES S. GUTIERREZ,	:	
a/k/a "Bad News,"	:	
a/k/a "Stevie G"	:	


I, the undersigned complainant, 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 Task Force Officer with the Drug Enforcement Administration and that this criminal complaint is based on the following facts:

SEE ATTACHMENT B

continued on the attached page and made a part hereof.

  
\_\_\_\_\_  
Ramon Candelaria  
Task Force Officer  
Drug Enforcement Administration

Sworn to before me and subscribed in my presence,  
May 5, 2015 at Newark, New Jersey

THE HONORABLE JOSEPH A. DICKSON  
UNITED STATES MAGISTRATE JUDGE

  
\_\_\_\_\_  
Signature of Judicial Officer

**ATTACHMENT A**

**Count One**  
**(Continuing Criminal Enterprise)**

From in or about May 2013 through in or about May 2015, in Essex County, in the District of New Jersey and elsewhere, defendants

ERIC CONCEPCION,  
a/k/a "Eddie Arroyo,"  
a/k/a "E-Wax,"  
a/k/a "Wax,"  
HAKEEM VANDERHALL,  
a/k/a "Keem,"  
a/k/a "Sugar Bear,"  
JAMAR HAMILTON,  
a/k/a "Gunner," and  
TYQUAN CLARK,  
a/k/a "Tah,"

did knowingly and intentionally engage in a continuing criminal enterprise in that each defendant knowingly and intentionally violated Title 21, United States Code, Sections 841(b)(1)(A) and (b)(1)(B), which violations include, but are not limited to, the substantive violations alleged in Count Two and Count Three, which violations were part of a continuing series of violations of those statutes undertaken by each defendant in concert with five or more persons, with respect to whom each defendant occupied the position of organizer, supervisor, manager, and from which continuing series of violations each defendant obtained substantial income and resources.

In violation of Title 21, United States Code, Sections 848(a) and 848(c).

**Count Two**  
**(Conspiracy to Distribute Cocaine Base)**

From in or about May 2013 through in or about May 2015, in Essex County, in the District of New Jersey and elsewhere, defendants

ERIC CONCEPCION,  
a/k/a "Eddie Arroyo,"  
a/k/a "E-Wax,"  
a/k/a "Wax,"  
HAKEEM VANDERHALL,  
a/k/a "Keem,"  
a/k/a "Sugar Bear,"  
JAMAR HAMILTON,  
a/k/a "Gunner,"  
TYQUAN CLARK,  
a/k/a "Tah," and  
CHRISTOPHER COELHO,  
a/k/a "Brazil," and  
JAMES S. GUTIERREZ,  
a/k/a "Bad News,"  
a/k/a "Stevie G,"

did knowingly and intentionally conspire with each other and others to distribute and possess with intent to distribute 280 grams or more of a mixture and substance containing a detectable amount of cocaine base ("crack cocaine"), a Schedule II 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.

**Count Three**  
**(Conspiracy to Distribute Heroin)**

From in or about May 2013 through in or about May 2015, in Essex County, in the District of New Jersey and elsewhere, defendants

ERIC CONCEPCION,  
a/k/a "Eddie Arroyo,"  
a/k/a "E-Wax,"  
a/k/a "Wax,"  
JAMAR HAMILTON,  
a/k/a "Gunner," and  
JAMES S. GUTIERREZ,  
a/k/a "Bad News,"  
a/k/a "Stevie G"

did knowingly and intentionally conspire with each other and others to distribute and possess with intent to distribute 100 grams 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)(B).

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

## **ATTACHMENT B**

I, Ramon Candelaria, have been a Task Force Officer with the Drug Enforcement Administration (“DEA”) since 2013 and a detective with the Newark Police Department since 2008. I have been personally involved in the investigation of this matter. The information contained in this Criminal Complaint is based on my personal knowledge and on information obtained from other sources, including: (a) statements made or reported by various witnesses with knowledge of relevant facts; (b) my review of publicly-available information relating to the defendants; (c) my review of business records, other documents, and evidence obtained through court orders, subpoenas, and other sources; and (d) my review of audio and video recordings, photographs, and court-authorized wiretaps. Because this Criminal Complaint is being submitted for the limited purpose of establishing probable cause, it does not include every fact that I have learned during the course of the investigation. Where the content of documents and the actions, statements, and conversations of individuals are recounted herein, they are recounted in substance and in part, and the content of statements and meetings are based on partial, non-verbatim summaries of the conversations based on descriptions of the conversations prepared by monitors. All dates and times are approximate.

### **THE NEW JERSEY GRAPE STREET CRIPS**

1. The Grape Street Crips are a nationwide street gang, founded in Los Angeles, California, and operating throughout the United States, including in the District of New Jersey (hereinafter, the “NJ Grape Street Crips” or the “Enterprise”).
2. Members and associates of the NJ Grape Street Crips are united in their common goals of preserving, protecting, promoting, and expanding the power and authority of the NJ Grape Street Crips, and of increasing respect for, and enriching, members and associates of the Enterprise.

### **MANNER & MEANS OF THE ENTERPRISE**

3. The NJ Grape Street Crips routinely engage in acts of intimidation and violence—including murder, assault, and witness intimidation—to avenge attacks or perceived slights against other members of the Enterprise; to punish members who have been disloyal; to retaliate against rivals; to silence individuals who are perceived to be cooperating with law enforcement against the NJ Grape Street Crips; and to maintain and enhance the reputation of the NJ Grape Street Crips for the purpose of protecting and otherwise assisting their drug-trafficking business.
4. During the course of this investigation, Kwasi Mack, a/k/a “Welchs,” who is second-in-command of the NJ Grape Street Crips, and Corey Batts, a/k/a “C-Murder,” a/k/a “Cee,” another high-ranking member of the Enterprise, have been charged by a federal grand jury with conspiracy to commit murder, attempted murder, aggravated assault with a dangerous weapon, conspiracy to commit aggravated assault with a dangerous weapon, all in aid of racketeering, heroin distribution, conspiracy to distribute heroin, and using firearms in furtherance of crimes of violence and drug trafficking crimes. *See, e.g., United States v. Kwasi Mack & Corey Batts*, Second Superseding Indictment, Crim. No. 14-220 (SRC).

5. The rules governing the NJ Grape Street Crips provide that members of the Enterprise must retaliate against individuals who cooperate with law enforcement against the NJ Grape Street Crips. As a result of these rules, members of the NJ Grape Street Crips routinely engage in acts of intimidation and violence against witnesses, individuals who are believed to be cooperating with law enforcement, and law enforcement officers themselves.

6. Following the federal grand jury indictment referenced in paragraph 4, *supra*, Corey Batts, a/k/a “C-Murder,” a/k/a “Cee,” was charged by federal criminal complaint with attempting to murder a Special Agent of the Federal Bureau of Investigation (“FBI”) and soliciting the commission of a crime of violence against the Special Agent. *See, e.g., United States v. Corey Batts*, Criminal Complaint, Mag. No. 14-7239 (CLW).

7. As described in detail below, members of the NJ Grape Street Crips routinely use social media, cellular telephones, and other means: (i) to identify publicly individuals who are cooperating, or who previously have cooperated, with law enforcement; (ii) to issue threats against individuals who are cooperating with law enforcement; and (iii) to disseminate messages intended to dissuade individuals and witnesses from cooperating with law enforcement. For example:

a. In March 2015, law enforcement officers lawfully intercepted wire communications of coconspirator Ahmed Singleton, a/k/a “Gangsta-Mu,” a/k/a “Mooshie” (hereinafter, “Singleton”)—a member of the NJ Grape Street Crips charged in a separate federal criminal complaint<sup>1</sup>—who had been charged by the Essex County Prosecutor’s Office with, among other charges, aggravated assault with a weapon in connection with a shooting. Immediately after the dismissal of those charges by the Essex County Prosecutor’s Office, Singleton bragged to coconspirator Louis Coston, a/k/a “Real Rell,” that he had “beat trial.” Singleton explained: “You know, *I had the goons in the back seat so, so he recognized all the goons all the goons lined up in the back*, like, “Oh he got them goons in here, like,” word up, that ni\*\*a was fifty though son, that ni\*\*a ain’t wanna look at nobody eyes, you heard son?” Singleton also said that the attorney for the victim-witness told Singleton and Singleton’s attorney that the victim-witness would “do the right thing” (meaning refuse to testify against Singleton) so that Singleton would not “take that ni\*\*a shit off when he come home for telling.” Singleton explained that, when the victim-witness took the witness stand, “he was like, ‘Yo, I don’t got nothing to say.’” Singleton went on: “I walked out of court free, ni\*\*a, who you know do that . . . *who you know cause ruckus on these motherfuckin streets, come home, do whatever the fuck they want, and still be out here son?*” As a result of these efforts by Singleton and other members and associates of the NJ Grape Street Crips to intimidate the victim/witness, all charges against Singleton in connection with the shooting had to be dismissed.

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<sup>1</sup> Singleton Louis Coston, a/k/a “Real Rell,” are charged by federal criminal complaint, filed on or about May 4, 2015, under Magistrate Number 15-6593, with conspiracy to distribute, and possess with intent to distribute, one kilogram or more of heroin, contrary to Title 21, United States Code, Sections 841(a) and (b)(1)(A), in violation of Title 21, United States Code, Section 846.

b. In late 2013, a senior member of the NJ Grape Street Crips used a social media account to identify an individual as having previously cooperated with a murder investigation conducted by the Essex County Prosecutor's Office. Several days after that social media post, several members of the NJ Grape Street Crips repeatedly shot and nearly killed two people, one of whom was the individual who had been identified as having cooperated.

c. In late 2013, following the arrest of numerous gang members, law enforcement officials learned that members of the NJ Grape Street Crips on the street had directed those members of the Enterprise who were incarcerated at a county correctional facility to physically harm an individual who was believed to have cooperated with the law enforcement investigation.

d. On or about August 28, 2014, *after* the shooting for which Singleton was charged by the Essex County Prosecutor's Office, a video posted on YouTube shows Singleton stating, "No rats though, no rats, we don't do rats, we don't eat cheese. Keep that shit over there, we don't tolerate that shit." At that point, coconspirator Justin Carnegie, a/k/a "Dew Hi," a/k/a "Aaron Dickerson"—a member of the NJ Grape Street Crips charged in a separate federal criminal complaint<sup>2</sup>—states, "187 on all rats. . . . If ya'll don't hear anything else, ya'll gonna hear about how we be straight rat killin on that shit. It ain't no love over here. If a nigga associating with them, they could die too." Based on my knowledge and experience, the term "187" is a gang reference to the California Penal Code Section 187, which defines the crime of murder. Thus, the phrase "187 on all rats" means that individuals who cooperate with law enforcement should be murdered.

e. A post on a social media account used by coconspirator Justin Carnegie, a/k/a "Dew Hi," a/k/a "Aaron Dickerson," shows an extremely graphic photograph of a bloody individual with his jaw and neck blown away from his face. The caption to the post states: "@AllSnitches I bet ur ass won't talk again #187AllRats."

f. A video posted on a social media account shows a member of the NJ Grape Street Crips, while holding a stack of papers in his hand, stating: "I've seen a lot of ni\*\*as paperwork man . . . shit thicka then a book, I ain't never seen nobody's motherfuckin paperwork this motherfuckin thick. Ni\*\*a told on everybody man . . . you fuckin rat." Based on my knowledge and experience, the word "paperwork" in this context refers to the pretrial discovery received by criminal defendants. Members of the NJ Grape Street Crips frequently obtain and circulate to other gang members any discovery documents suggesting that an individual or fellow gang member is cooperating with law enforcement or has provided law enforcement with information about other gang members or the Enterprise generally.

g. A social media account used by a senior member of the NJ Grape Street Crips who is facing a federal indictment in this District shows a post stating: "ME AND MY NI\*\*AZ

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<sup>2</sup> Carnegie is charged by federal criminal complaint, filed on or about May 4, 2015, under Magistrate Number 15-6593, with conspiracy to distribute, and possess with intent to distribute, one kilogram or more of heroin, contrary to Title 21, United States Code, Sections 841(a) and (b)(1)(A), in violation of Title 21, United States Code, Section 846.

WILL BURN OUR TONGUE B4 WE RAT #TEAMKAR.” Based on my knowledge and experience, the phrase “TEAMKAR” means “Team Kill All Rats.”

h. Finally, as shown in paragraph 48 through 50, *infra*, members and leaders of the NJ Grape Street Crips also physically assault members of the Enterprise who violate the Enterprise’s rules or protocols.

8. Members of the Enterprise, including the defendants charged herein, utilized their affiliation with the NJ Grape Street Crips to protect and otherwise assist their drug-trafficking business. Further, members of the Enterprise, including the defendants charged herein, engaged in violent acts to maintain and enhance the reputation of NJ Grape Street Crips for the purpose of protecting and otherwise assisting their drug-trafficking business. As shown in paragraph 35, *infra*, members of the NJ Grape Street Crips also resort to violence when their drug profits are threatened.

9. Members and associates of the NJ Grape Street Crips engaged in, and/or controlled, drug trafficking and other criminal activities in various public-housing complexes and neighborhoods in Newark, New Jersey, including the area of 6th Avenue and North 5th Street (hereinafter, the “6th Avenue Location”), and the Millard Terrell Homes public-housing complex located on Riverview Terrace (hereinafter, the “Riverview Court Location”).

10. From at least May 2013 through April 2015, the defendants charged herein operated a large drug-trafficking organization that distributed cocaine base (“crack-cocaine”) and heroin at the wholesale- and retail-level in and around Newark, New Jersey. Based on court-authorized wiretaps, physical surveillance, and other investigative techniques, law enforcement uncovered the operational structure and inner workings of this drug-trafficking organization and the method and means by which it carried out the narcotics-trafficking conspiracy. Among other things, the defendants charged herein:

a. Purchased bulk quantities of powder cocaine and heroin from various sources of supply;

b. Cooked powder cocaine into crack-cocaine, which they then sold to retail distributors of crack-cocaine;

c. Used various “stash houses” and other temporary locations to package, store, and distribute crack-cocaine and heroin;

d. Shared and utilized a dedicated cell phone to accept orders for distribution quantities of crack-cocaine to more junior gang members and other crack-cocaine dealers; and

e. Took steps to avoid detection by law enforcement, including using prepaid cellular telephones with fictitious or no subscriber information for short periods of time and then “dropping” or replacing those devices with other prepaid phones, speaking in code to disguise the illicit nature of their discussions, and warning each other about the presence of suspected law enforcement cameras and officers in the areas in which the Enterprise operated.



## **THE DEFENDANTS & THEIR ROLES**

11. At all times relevant to this Criminal Complaint:

a. Defendants Eric Concepcion, a/k/a “Eddie Arroyo,” a/k/a “E-Wax,” a/k/a “Wax,” Hakeem Vanderhall, a/k/a “Keem,” a/k/a “Sugar Bear,” Jamar Hamilton, a/k/a “Gunner,” Tyquan Clark, a/k/a “Tah,” Christopher Coelho, a/k/a “Brazil,” and James S. Gutierrez, a/k/a “Bad News,” a/k/a “Stevie G,” were members of the NJ Grape Street Crips.

b. Defendants Eric Concepcion, a/k/a “Eddie Arroyo,” a/k/a “E-Wax” a/k/a “Wax” (hereinafter, “Concepcion”), Jamar Hamilton, a/k/a “Gunner” (hereinafter, “Hamilton”), Tyquan Clark, a/k/a “Tah” (hereinafter, “Clark”), Christopher Coelho, a/k/a “Brazil” (hereinafter, “Coelho”), were actively involved in the Enterprise’s distribution of crack-cocaine and heroin at or around the 6th Avenue Location. Specifically, Concepcion, Hamilton, Clark, and Coelho utilized and shared a dedicated cell phone (hereinafter, the “Cell Phone-1”) to accept orders for distribution quantities of crack-cocaine. Concepcion, Hamilton, Clark, and Coelho each took turns using Cell Phone-1 to distribute set quantities of crack-cocaine. In addition, Concepcion, Hamilton, Clark, and Coelho each used their personal cell phones to coordinate their drug-trafficking activities.

c. Defendant Hakeem Vanderhall, a/k/a “Keem,” a/k/a “Sugar Bear” (hereinafter, “Vanderhall”), was a senior member of the NJ Grape Street Crips who engaged in, and supervised, the street-level distribution of crack-cocaine and heroin by members of the Enterprise at or around the 6th Avenue Location. Vanderhall himself also sold crack-cocaine and heroin. Vanderhall and Clark, among others, assisted in the cooking and packaging of powder cocaine into crack-cocaine for distribution.

d. Defendant Hamilton, in addition to using Cell Phone-1 to distribute crack-cocaine, used his personal cell phone to sell distribution quantities of heroin.

e. Defendant James S. Gutierrez, a/k/a “Bad News,” a/k/a “Stevie G” (hereinafter, “Gutierrez”), was a ranking member of the NJ Grape Street Crips who purchased distribution quantities of crack-cocaine from Concepcion, Hamilton, Clark, and Coelho. Gutierrez then resold that crack-cocaine to retail-level customers at the Riverview Terrace Location. In addition, Gutierrez purchased from Hamilton, among other individuals, distribution quantities of heroin, which Gutierrez also resold at the Riverview Terrace Location.

f. Coconspirators Justin Carnegie, a/k/a “Dew Hi,” a/k/a “Aaron Dickerson” (hereinafter, “Carnegie”), and Ahmed Singleton, a/k/a “Gangsta-Mu,” a/k/a “Mooshie” (hereinafter, “Singleton”)—both of whom are charged in a separate federal criminal complaint—are long-time members of the NJ Grape Street Crips who were actively involved in the Enterprise’s distribution of heroin.

## **THE INVESTIGATION**

12. Between in or around September 2013 and in or around April 2015, the United States District Court, District of New Jersey, entered orders authorizing electronic surveillance over numerous cell phones. As a result of that electronic surveillance, law enforcement has learned the scope of the Enterprise's drug trafficking at various locations. Some of these communications and other evidence are described below.

13. As described below, Concepcion, Vanderhall, Hamilton, and Clark each acted in concert with five or more gang members and other individuals as to whom each defendant occupied a position of organizer, supervisor, or manager within the Enterprise. Concepcion, Vanderhall, Hamilton, and Clark each obtained substantial income or resources from the distribution of crack-cocaine and heroin.

### **Concepcion, Hamilton, Clark, & Coelho**

14. Concepcion, Hamilton, Clark, and Coelho sold distribution quantities of crack-cocaine using Cell Phone-1. Cell Phone-1 was a well-known and dedicated phone number through which gang members and other drug dealers could purchase distribution quantities of crack-cocaine. In fact, between on or about May 10, 2013, through in or about January 2014, Cell Phone-1 made and received over 111,000 phone calls or an average of over 180 calls per day—the overwhelming majority of which were for the purpose of distributing crack-cocaine.

15. During the course of the investigation, Concepcion, Hamilton, Clark, and Coelho used Cell Phone-1 to distribute thousands of “clips” of crack-cocaine.<sup>3</sup> In addition to using Cell Phone-1, Concepcion, Hamilton, Clark, and Coelho each used their personal cell phones to coordinate their drug-trafficking activities—for example, to discuss who had possession of Cell Phone-1 at any particular time, how many clips of crack-cocaine they each had left to sell, the quality of the crack-cocaine, and law enforcement presence in the area.

16. Concepcion was the supervisor of the defendants who used Cell Phone-1 to distribute crack-cocaine. For example, on or about June 8, 2014, at approximately 2:21 p.m., a coconspirator (hereinafter, “Coconspirator-2”) spoke with Concepcion, who was using Cell Phone-1. When the call began, Coconspirator-2 asked, “Who this, Wax?” (referring to Concepcion by his gang name). After informing Concepcion that someone had stolen money from him (Coconspirator-2), Coconspirator-2 asked Concepcion, “Why don’t you just put me on your team, brah” (asking Concepcion to allow Coconspirator-2 to be on the “team” that used Cell Phone-1 to distribute crack-cocaine). When Concepcion declined, he and Coconspirator-2 had the following exchange:

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<sup>3</sup> Based on my training and experience and on the facts discovered during the course of this investigation, members, associates, and customers of the NJ Grape Street Crips distributing narcotics at or around the 6th Avenue Location used the terms “clip,” “ball,” and “piece,” interchangeably. These terms refer to a drug-distribution package containing around 10 individual “hits,” or doses, of crack-cocaine.

CC-2: Aight, brah, you keep saying-- believe that shit how long son? N\*\*\*\* [U/I]<sup>4</sup> put me on the team no problems son. Don't you think they was going through something when they did that. They still did it cause they ain't want to be on the block son. I got four open brick<sup>5</sup> charges, brah. Hello?

Concepcion: I'm listening to you . . . .

CC-2: For real son. When is it going to be my time nigga? I wasn't, I wasn't introduced to 5th to nobody but you brah. I supposed to be with you, Tah, and Gunner son. N\*\*\*\*, all ya'll got ya'll own shit, own cars, own apartments. Don't you think I want to have my own son?

Based on the content of this conversation and other intercepted communications, Coconspirator-2 pleaded with Concepcion to allow him (Coconspirator-2) to join the group of individuals (Concepcion, Hamilton, Clark, and Coelho) who used Cell Phone-1 to distribute crack-cocaine. Coconspirator-2 told Concepcion that he (Coconspirator-2) did not want to run the risk of selling crack-cocaine by engaging in hand-to-hand transactions on the street because he had four open charges for selling bricks of heroin.<sup>6</sup> Coconspirator-2 told Concepcion that he (Coconspirator-2) was supposed to be on the team with Concepcion, Clark (Tah), and Hamilton (Gunner).

17. On or about July 10, 2014, at approximately 10:56 a.m., Concepcion, using a phone with a telephone number ending in 9434 (hereinafter, the "Concepcion 9434 Phone"), received a call from Hamilton who was using a phone with a telephone number ending in 7498 (hereinafter, the "Hamilton 7498 Phone"). During the call, Hamilton and Concepcion had the following exchange:

Hamilton: What's good? What you doing?

Concepcion: Waiting for this dumb ass phone to ring.

Hamilton: Ah, when you think I'm going to have the mic?

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<sup>4</sup> "[U/I]" means that, at this juncture, the portion of the conversation so designated cannot be heard on readily available equipment.

<sup>5</sup> Based on my training and experience, a "brick" of heroin refers to a package of heroin containing 50 glassine or wax-paper envelopes containing individual "hits," or doses, of heroin. A brick of heroin contains 5 "bundles" of heroin, each of which, in turn, are composed of 10 envelopes or "decks" of heroin.

<sup>6</sup> In fact, Coconspirator-2 was arrested in January 2014 in possession of 31 decks of heroin and 5 vials of crack-cocaine, in early May 2014, in possession of 1 brick of heroin and \$485, and in late May 2014 in possession of 1 brick of heroin.

Concepcion: Brazil said he didn't, f\*\*\*ing, I told him ah, yesterday, to grab the phone cause it was slow. I ain't even missing the money but I told him grab it. Grab the phone so he can jump on. N\*\*\*\* try to, ah, ah, make some money and shit, ah, I don't know, I probably, out of my two-hundo, I probable got like forty left and he still got to do his.

Based on the content of this conversation and other intercepted communications, Concepcion reported to Hamilton that he (Concepcion) was waiting for customers to call Cell Phone-1 to place orders for crack-cocaine. Hamilton then asked Concepcion when it would be Hamilton's turn to use the phone ("the mic"). Concepcion told Hamilton that, out of 200 clips of crack-cocaine ("my two-hundo") that Concepcion had started with, Concepcion still had 40 clips left to sell. Concepcion then indicated that it would be Coelho's (Brazil's) turn to use Cell Phone-1.

18. On or about July 15, 2014, at approximately 1:32 p.m., Hamilton using the Hamilton 7498 Phone spoke with Clark, who was using a cell phone with a telephone number ending in 4757 (hereinafter, the "Clark 4757 Phone"). During that conversation, Hamilton and Clark had the following discussion:

Hamilton: Be easy, bro, it's hot as hell out son.

Clark: I just was out there.

Hamilton: You saw them?

Clark: I only seen the blue Crown.

Hamilton: Man, white Impala, blue Crown, white truck. That white truck like twice, son. Had like ten joints on me. I'm bout to serve a n\*\*\*\* over there by your house. I said, "Oh, shit!"

Based on the content of this conversation and other intercepted communications, Hamilton warned Clark that there was a heavy law enforcement presence in the area ("hot as hell out"). Specifically, Hamilton told Clark that he (Hamilton) had 10 clips of crack-cocaine on him and that he (Hamilton) was about to serve a customer with crack-cocaine when he saw numerous unmarked law enforcement vehicles, including a white Chevy Impala, a blue Ford Crown Victoria, and a white truck.

19. On or about July 20, 2014, at approximately 10:07 a.m., Concepcion, using the Concepcion 9434 Phone, received a call from Hamilton at the Hamilton 7498 Phone. During the call, Hamilton and Concepcion had the following exchange:

Hamilton: I gave Tah the phone. I'm about to get up in a little while.

Concepcion: What he took, like sixty?

Hamilton: Ah, yeah, something like that.

Concepcion: Yeah, he sold fifty yesterday. Tah said he sold fifty.

Based on the content of this conversation and other intercepted communications, Hamilton told Concepcion that he (Hamilton) had given Clark Cell Phone-1 and that Clark had 60 clips of crack-cocaine to sell. Concepcion told Hamilton that Clark had told Concepcion that he (Clark) had sold 50 clips the previous day.

20. On or about July 20, 2014, at approximately 3:47 p.m., Hamilton, using the Hamilton 7498 Phone, called Clark, who was using the Clark 4757 Phone. Clark and Hamilton had the following exchange:

Clark: Yo.

Hamilton: Ay yo, I had just gave it to Brazil right, but he got like eleven, plus I ain't never go finish my watcha call those? Want me to have him call you after he done?

Clark: Yeah, yeah, just come-- ay yo, um-- [U/I] gave me the money for you, so just give me, just take that out of that.

Hamilton: Aight, true.

Based on the content of this conversation and other intercepted communications, Hamilton told Clark that he (Hamilton) had just given Cell Phone-1 to Coelho and that Coelho had 11 clips of crack-cocaine remaining to sell. Hamilton and Clark agreed that Coelho would hand-off Cell Phone-1 to Clark after Coelho had finished selling the 11 clips.

21. In fact, other intercepted communications confirm that, shortly before the conversation discussed in the preceding paragraph, Hamilton was using Cell Phone-1 to sell crack-cocaine. For example, at approximately 3:14 p.m., Hamilton, using Cell Phone-1, received a call from a coconspirator (hereinafter, "Coconspirator-3"). During that conversation, Hamilton asked Coconspirator-3, "What you tryin to do?" (asking Coconspirator-3 how many clips of crack-cocaine he wanted to purchase). Coconspirator-3 replied, "Ten piece" (meaning that Coconspirator-3 wished to purchase 10 clips of crack-cocaine from Hamilton).

22. On or about July 20, 2014, at approximately 4:01 p.m., Concepcion, using the Concepcion 9434 Phone, placed a call to Hamilton at the Hamilton 9434 Phone. During that call, Hamilton and Concepcion had the following exchange:

Concepcion: Did you give Tah that?

Hamilton: Nah, Tah ain't come out. He said he's gonna see me when he come out, I told him, I had, he said, "Aight." [Pause] Cause I did, I ain't, I ain't go do the other ones. I gave it to Brazil, cause he has twenty. But he, he got like ten left. I told Tah he might as well come on, cause I'm about to go do mine.

Concepcion: You gave the phone to Brazil?

Hamilton: I gave it to Brazil, yeah! Cause he said he got like twenty, but somebody had called for ten so, I, he probably done, so I called Tah, Tah said he called him. Called him when they good though. He said call him when Brazil done and umm, give [U/I] out, cause I gotta go do, I'm about to go do mine now.

Based on the content of this conversation and other intercepted communications, Concepcion asked Hamilton whether he (Hamilton) had given Cell Phone-1 to Clark. Hamilton explained that he had given Cell Phone-1 to Coelho because Coelho had 20 clips of crack-cocaine to sell. Hamilton further explained that a customer had called Coelho at Cell Phone-1 asking to purchase 10 clips, so Coelho had almost finished his supply of crack-cocaine.

23. In fact, intercepted wire communications confirm that Coelho, at around this time, was using Cell Phone-1 to sell crack-cocaine. For example, at approximately 4:59 p.m., Coelho, using Cell Phone-1, received a call from a coconspirator (hereinafter, "Coconspirator-4"). During that call, Coconspirator-4 told Coelho, "I'm by the school" (referring to the Dr. E. Alma Flagg Public School, a K-8 public school located near the 6th Avenue Location). Coconspirator-4 asked, "Yeah, what's the count" (asking Coconspirator-4 how many clips of crack-cocaine he wanted to purchase). Coconspirator-4 said that he wanted "four." Based on the content of this conversation and previously intercepted communications, Coelho and Coconspirator-4 were discussing a drug transaction involving 4 clips of crack-cocaine.

24. On or about July 21, 2014, at approximately 9:49 a.m., Hamilton using the Hamilton 7498 Phone, placed a call to Clark at the Clark 4757 Phone. During that call, Hamilton said, "I'ma be out in a little bit. How you looking?" Clark replied, "Ah, I guess-- I got this shit. I got like twenty" (meaning that Clark had 20 clips of crack-cocaine left to sell). Hamilton responded, "Aight, I'ma hit you when I come down there."

25. On or about July 21, 2014, at approximately 1:26 p.m., Concepcion, using the Concepcion 9434 Phone, placed a call to Hamilton at the Hamilton 7498 Phone. During that call, Concepcion and Hamilton had the following exchange:

Concepcion: You ain't never grab the phone?

Hamilton: No, I ain't never grab it. I'm about to grab it right now from Tah. I only got like twenty, twenty balls. You still working?

Concepcion: No, I never got-- I never finished, man. Because my finger started hurting. I'ma, I'm at, just left Short Hills about to go to the doctor with [an individual] and um--

Hamilton: I got twenty-nine balls, if you hear that.

Concepcion: Brazil finished his, right?

Hamilton: Yeah, Brazil finished his.

Concepcion: Yeah, I got, I need somebody to help me pull some work from over there. When I leave from up here I'm gonna go straight over there and stay over there for the rest of the day. So get with Tah and ya'll finish ya'll shit up.

Hamilton: Aight.

Based on the content of this conversation and other intercepted communications, Concepcion asked Hamilton whether Hamilton had taken possession of Cell Phone-1. Hamilton told Concepcion that he (Hamilton) had not taken possession of Cell Phone-1 but that he was about to take it from Clark. Concepcion told Hamilton that he had not finished packaging additional clips of crack-cocaine. Hamilton further explained that he (Hamilton) only had 29 clips of crack-cocaine left to sell. Concepcion then asked Hamilton whether Coelho had finished his supply, and Hamilton confirmed that Coelho had finished selling his supply of crack-cocaine. Concepcion then instructed Hamilton that he (Hamilton) and Clark should use Cell Phone-1 to finish selling their supply of crack-cocaine, while Concepcion packaged additional clips of crack-cocaine for sale.

26. In fact, intercepted communications over Cell Phone-1 confirm that shortly before the call discussed in the preceding paragraph, Clark had in fact been using Cell Phone-1 to sell crack-cocaine. For example, at approximately 12:10 p.m., Clark, using Cell Phone-1, received a call from a coconspirator (hereinafter, "Coconspirator-5"). During that conversation, Coconspirator-5 asked Clark, "Do you wanna bring me two by, um, by Popeye's? I'ma call, I'ma call you right back like, like in an hour" (asking to purchase 2 clips of crack-cocaine from Clark). Clark replied, "Aight, give me a few minutes."

27. Later that day, on or about July 21, 2014, at approximately 4:01 p.m., Concepcion, using the Concepcion 9434 Phone, placed a call to Clark at the Clark 4757 Phone. During that call, Concepcion asked Clark, "If you get some time, if you get some time, come over, help me bust these bags yo" (asking Clark for help packaging crack-cocaine for distribution). Clark indicated that he would call Concepcion when he (Clark) was "ready for it."

28. Shortly thereafter, at approximately 4:20 p.m., Clark, using the Clark 4757 Phone, placed a call to Concepcion, who was using the Concepcion 9434 Phone. During that call, Concepcion asked Clark to bring him some "sandwich bags" (which are used to package clips of crack-cocaine for distribution). Clark replied that he would try to make his way to Concepcion but stated, "I'm dirty" (meaning that Clark had narcotics on him and therefore needed to be careful so as not to be stopped by law enforcement).

29. On or about July 21, 2014, at approximately 8:25 p.m., Hamilton, using the Hamilton 7498 Phone, placed a call to Concepcion at the Concepcion 9434 Phone. During the call, Hamilton asked Concepcion, "What you got left brodie?" Concepcion replied, "I got about a hundred" (meaning that Concepcion had 100 clips of crack-cocaine left to sell).

30. On or about July 22, 2014, at approximately 10:48 a.m., Hamilton, using the Hamilton 7498 Phone, placed a call to Concepcion at the Concepcion 9434 Phone. During the call, Hamilton asked Concepcion, "I got time to rock the mic or no?" Concepcion stated, "Go ahead. Tah ain't rocking?" Hamilton replied, "Nah, Tah told me to come get it." Based on the content of this conversation and other intercepted communications, Hamilton asked Concepcion if he (Hamilton) could take Cell Phone-1 ("the mic") to sell crack-cocaine ("to rock"). Concepcion asked Hamilton whether Clark was using it to sell crack-cocaine, and Hamilton replied that Clark had told Hamilton that he (Hamilton) could use Cell Phone-1.

31. On or about July 22, 2014, at approximately 12:28 p.m., Clark, using the Clark 4757 Phone, placed a call to Concepcion at the Concepcion 9434 Phone. Concepcion and Clark had the following conversation:

Clark: You see Gunner?

Concepcion: He's on his way to get the phone.

Clark: How long ago he said that?

Concepcion: Just now.

Clark: I'm just saying cause I had some mix, some shit last night like bad and good and shit. And the good shit gone already, I didn't get chance to mix it.

Based on the content of this conversation and other intercepted communications, Concepcion told Clark that Hamilton was about to pick up Cell Phone-1. Clark then explained to Concepcion that he (Clark) had "good" and "bad" quantities of crack-cocaine and that he had not yet had an opportunity to mix it (that is, to mix some of the "bad" crack-cocaine with some of the "good," in order to even out its quality).

32. On or about July 22, 2014, at approximately 3:06 p.m., Hamilton, using the Hamilton 7498 Phone, placed a call to Concepcion at the Concepcion 9434 Phone. Hamilton and Concepcion had the following exchange:



Hamilton: What you got left?

Concepcion: I'm balling a hundred up.

Hamilton: You said, you balling up a hundred?

Concepcion: Yeah.

Hamilton: You need to do that, man. I got like six.

Concepcion: Aight.

Based on the content of this conversation and other intercepted communications, Concepcion told Hamilton that he was putting together 100 clips of crack-cocaine ("balling up a hundred"). Hamilton told Concepcion that he (Hamilton) only had six clips left.

33. On or about July 23, 2014, at approximately 10:58 a.m., Concepcion, using the Concepcion 9434 Phone, placed a call to Clark at the Clark 4757 Phone. During that conversation, Concepcion asked Clark, "Somebody call the phone" (asking whether customers had called Cell Phone-1 for crack-cocaine)? Clark replied, "Uh, yeah, three people" (meaning that three customers had called Cell Phone-1).

34. On or about July 26, 2014, at approximately 2:34 p.m., Coelho, using a phone with a telephone number ending in 8096 (hereinafter, the "Coelho 8096 Phone"), placed a call to Concepcion at the Concepcion 9434 Phone. During that call, Concepcion and Coelho had the following exchange:

Concepcion: We might do something later on. I got like thirty left yo.

Coelho: Aight, so what you gonna hand it over to me?

Concepcion: You don't got nothing.

Coelho: Oh, I thought you had something for me.

Concepcion: No, I was trying. I want to do something I probably want to go down there.

Based on the content of this conversation and other intercepted communications, Concepcion told Coelho that he (Concepcion) had 30 clips of crack-cocaine left to sell. Coelho asked whether Concepcion was going to allow Coelho to sell crack-cocaine using Cell Phone-1, but Concepcion noted that Coelho did not have any crack-cocaine to sell. Concepcion then noted that he (Concepcion) had been trying to obtain a supply of crack-cocaine for Coelho to sell using Cell Phone-1.

### Protecting Their Drug Territory & Profits

35. On or about July 9, 2014, at approximately 12:53 p.m., Hamilton using the Hamilton 7498 Phone called Concepcion at the Concepcion 9434 Phone. During that call, Concepcion and Hamilton had the following exchange:

Hamilton: Yo, who the f\*\*\*, who, who, who is that dude, bro?

Concepcion: Who?

Hamilton: Cutty Co.

Concepcion: I don't know. I thought ya knew him.

Hamilton: *I'm about to do something to that n\*\*\*\*, son.*

(emphasis supplied). As the conversation continued, Concepcion stated that a customer had told him that "his shit is smoother" and "the shit we got is garbage." Hamilton replied, "I don't know how that n\*\*\*\* look, nothing bro. I want to do something to that n\*\*\*\*, bro." When Concepcion noted that business was slow because "nobody call this phone yet, bro," Hamilton replied, "I'm about to get out of this bull, we about to do something bro." As the conversation continued, Hamilton and Concepcion had the following exchange:

Hamilton: Yeah, this shit is ridiculous bro.

Concepcion: Ain't nobody call this phone since yesterday. The last person to call this phone, I left the hood around six o'clock and I went to [a location]. When I left out there, from your house--

Hamilton: Yeah.

Concepcion: I went to [a location] and nobody never called the phone. I was with [another individual], I drive with Tah and Brazil after [the other individual] left. Brazil the phone and nobody called. He ain't sell not one ball and then when he gave me the phone when I was all the way in the house. The f\*\*\*ing, ah, [another drug-distributor] called he wanted twelve. He said, "I'ma call you in half-an-hour." Brazil stood outside till one o'clock in the morning he ain't never come.

Hamilton: Who wanted twelve?

Concepcion: [Another drug-distributor] wanted twelve.

Hamilton: Oh. Yeah, *we about to f\*\*\* these streets up, bro. We about to get violent.*

Based on the content of these conversations, Hamilton and Concepcion discussed the fact that a rival dealer of crack-cocaine was siphoning away customers because customers were claiming that the rival's product was better ("his shit is smoother"). Hamilton and Concepcion then discussed how they had to do something, with Hamilton stating that he "want[ed] to do something to that n\*\*\*\*\*" and that they were "about to get violent."

### **Use of Assault Rifles & Firearms**

36. During the course of the investigation, DEA agents seized numerous firearms that were kept by members of the NJ Grape Street Crips, including the defendants, at the 6th Avenue Location as "community guns" that were easily accessible to gang members whenever the need to use them might arise.

37. For example, on or about May 8, 2014, DEA agents seized numerous assault rifles that had been hidden on a garage roof-top near the 6th Avenue Location, including:

- a. a black .410 caliber assault rifle manufactured by the Russian American Armory Company;
- b. a black .45 caliber Thompson semi-automatic carbine;
- c. a black 7.62 caliber assault rifle manufactured by S.N. Romarm S.A./Cugir;  
and
- d. a black 9mm Cobray semi-automatic pistol.

38. On or about January 9, 2015, DEA agents seized a "community gun" that had been hidden underneath the front porch of a residence located at the 6th Avenue Location. It was a black and silver 9mm Ruger model p95, bearing serial number 317-89846, which was fully loaded with sixteen (16) rounds of ammunition.

39. On or about March 30, 2015, detectives with the Newark Police Department seized a 20-gauge Remington shotgun, model 1100LW, bearing serial number L657800K, inside a boarded-up house at 221 5th Street in Newark, New Jersey.

### **The Street-Level Supervisor & Enforcer: Hakeem Vanderhall**

40. Vanderhall is a senior member of the Grape Street Crips who operated at the 6th Avenue Location and supervised the retail-level distribution of crack-cocaine and heroin at that location. As the most senior gang-member on the street at the 6th Avenue Location, Vanderhall also served as the enforcer. Vanderhall, Concepcion, Clark, and Hamilton worked together and shared sources of supply of crack-cocaine and heroin.

41. On or about July 22, 2014, at approximately 12:02 p.m., Vanderhall, who was using a phone with a telephone number ending in 6611 (hereinafter, the "Vanderhall 6611 Phone"), called Concepcion, who was using the Concepcion 9434 Phone. During that conversation, Vanderhall and Concepcion had the following exchange:

Vanderhall: Hey papi.

Concepcion: Yeah.

Vanderhall: Yo, it look so moist, man. Like that same shit, man.

Concepcion: Huh?

Vanderhall: That shit moist, like this ain't completely dry all the way. Like the shit from before.

Concepcion: Man, that shit on the money. That shit we got now. Just let it dry.

Vanderhall: Man, I have but this shit is like that shit from before, it ain't gonna dry all the way-- is always still moist.

As the conversation continued, Concepcion instructed Vanderhall to "chop it up, let it dry." Based on the content of this conversation and other intercepted communications, Vanderhall told Concepcion that the powder cocaine that he (Vanderhall) had cooked into crack-cocaine was not drying appropriately. Concepcion disagreed with Vanderhall ("that shit on the money") and told Vanderhall to give the crack-cocaine more time to dry before selling it.

42. On or about August 4, 2014, at approximately 8:06 p.m., Vanderhall, who was using the Vanderhall 6611 Phone, called Clark at the Clark 4757 Phone and had the following exchange:

Clark: Hello?

Vanderhall: Hey, Tah, call me when you go in the house. I'ma start cooking.

Clark: Aight.

Based on the content of this conversation and other intercepted communications, Vanderhall told Clark that he (Vanderhall) was about to start cooking powder cocaine into crack-cocaine.

43. On or about August 12, 2014, at approximately 6:51 p.m., Vanderhall using the Vanderhall 6611 Phone, received a call from a coconspirator (hereinafter, "Coconspirator-6"). During that call, Coconspirator-6 and Vanderhall had the following exchange:

CC6: Can I get 2 for 15?

Vanderhall: Huh?

CC6: Can I get 2 for 15?

Vanderhall: Hey brah, don't talk-- yo, text me brah. Don't, don't be talking like that over my phone brah.

CC6: Aight, aight, I'm here on the corner. I'll be right there.

Based on the content of this conversation, Coconspirator-6 asked to purchase a quantity of narcotics from Vanderhall. Vanderhall warned Coconspirator-6 not to speak so overtly over Vanderhall's phone and, instead, to text Vanderhall. Shortly thereafter, at approximately 6:52 p.m., Vanderhall using the Vanderhall 6611 Phone sent a text message to Coconspirator-6 instructing Coconspirator-6 to "[g]o to the park." Coconspirator-6 then sent a text message to Vanderhall: "2 4 15." Based on the content of this text message, Coconspirator-6 asked Vanderhall to purchase a quantity of narcotics.

44. On or about August 18, 2014, at approximately 11:36 p.m., Concepcion, using a phone with a telephone number ending in 8228 (hereinafter, the "Concepcion 8228 Phone"), placed a call to Vanderhall. During the call, Vanderhall and Concepcion had the following exchange:

Concepcion: Hello?

Vanderhall: Yea, I'm around cuz.

Concepcion: Uh, ugh, size forty back around.

Vanderhall: Umm?

Concepcion: I said, said size forty back around.

Vanderhall: Aight but I'm saying, and, yup, know what I mean, you, you, know what I mean?

Concepcion: Hey this me yo. What you mean? I'ma come out and talk to you in the morning because I'm about to finish talking to my man but I didn't know what address to say to him.

Vanderhall: Nah, but just let me know when-- shit. Just let him know.

Concepcion: What's your address?

Vanderhall: Um, probably, um, right now? I'ma text, I'ma text you. I ain't about to slip up. I'ma text you.

Based on the content of this conversation, previously intercepted communications, and my training and experience, Concepcion and Vanderhall were discussing a narcotics transaction. Concepcion asked Vanderhall what quantity of cocaine or crack-cocaine Vanderhall wanted to purchase ("what's your address"). Vanderhall responded that he would text the number to Concepcion because he did not want to "slip up" and discuss the quantity of narcotics over the voice function of the phone.

45. Immediately after this conversation, at approximately 11:37 p.m., Vanderhall using the Vanderhall 6611 Phone sent a text message to Concepcion at the Concepcion 8228 Phone stating: "50" (meaning either 50 grams of powder cocaine or 50 clips of crack-cocaine).

46. The following day, on or about August 19, 2014, between approximately 3:16 p.m. and approximately 3:27 p.m., Vanderhall using the Vanderhall 6611 and Concepcion using the Concepcion 8228 Phone had the following text message conversation:

Concepcion: Where u at

Vanderhall: The movies why what's up

Concepcion: Trying c u wgt we talk about last nite

Vanderhall: U got it now if so give me 40 now an put 50 to the side for me

Based on the content of this conversation, previously intercepted communications, and my training and experience, Vanderhall asked Concepcion to give him (Vanderhall) 40 grams of powder cocaine or 40 clips of crack-cocaine and to set aside an additional 50 for him.

47. Shortly thereafter, at approximately 4:51 p.m., Vanderhall using the Vanderhall 6611 Phone called Concepcion at the Concepcion 8228 Phone. Concepcion and Vanderhall had the following conversation:

Concepcion: I'm trying to, umm-- I don't know how to say it. Uh--

Vanderhall: Text me then, man. Text me. If you don't know how to say it, text me.

Concepcion: Aight.

A few minutes later, at approximately 4:53 p.m., Concepcion used the Concepcion 8228 Phone to text Vanderhall at the Vanderhall 6611 Phone: "Im driving around rocking i got that shit on me." Based on the content of these voice and text message conversations, Concepcion told Vanderhall that he (Concepcion) did not know how to use code to communicate something to Vanderhall. Vanderhall then instructed Concepcion to communicate by text message. Following Vanderhall's instructions, Concepcion texted Vanderhall that he (Concepcion) was driving to

serve customers (“driving around rocking”) and that he had the crack-cocaine for Vanderhall (“got that shit on me”).

### Vanderhall Orders the Physical Assault of Victim-1

48. On or about August 19, 2014, at approximately 5:19 p.m., Vanderhall, using the Vanderhall 6611 Phone, received an incoming call from Coconspirator-3. During that conversation, Vanderhall and Coconspirator-3 discussed Victim-1 and whether Victim-1 still “owe them.” Vanderhall then instructed Coconspirator-3:

Vanderhall: Yeah, man, yeah *whop that n\*\*\*\* ass man*. Just go right like-- *dog that n\*\*\*\** right there bro. Where he at?

CC3: Aight, aight. I’m about to ride right through there.

Vanderhall: Take a couple of n\*\*\*\*\* with f\*\*\*--

(emphases supplied). Based on the content of this conversation and subsequently intercepted communications, Vanderhall instructed Coconspirator-3 to physically assault Victim-1.

49. At approximately 5:23 p.m., Vanderhall, using the Vanderhall 6611 Phone, received a call from a coconspirator (hereinafter, the “Coconspirator-7”). During that call, Coconspirator-7 and Vanderhall had the following exchange:

Vanderhall: What up?

CC7: Hey yo?

Vanderhall: Yo.

CC7: Yo, this n\*\*\*\* . . . ah, he did some bullshit?

Vanderhall: Yeah, I just sent-- [Coconspirator-3] and them, I just told them to go *f\*\*\* that n\*\*\*\* up* where he at.

CC7: Aight, aight, we about to go get him from the other side.

Vanderhall: Nah, *just whop his ass right there. Just dog him right there.*

CC7: Aight, aight.

(emphases supplied). Based on the content of this conversation and other intercepted communications, Vanderhall instructed Coconspirator-7 to physically assault Victim-1.

50. At approximately 5:34 p.m., Vanderhall, using the Vanderhall 6611 Phone, received a call from Coconspirator-3. Coconspirator-3 told Vanderhall, "Shit done bro" (meaning that Victim-1 had been assaulted). Vanderhall said, "Aight." The call was then disconnected but Coconspirator-3 called Vanderhall back, and the two had the following exchange:

Vanderhall: Yo?

CC3: You can't come to the hood?

Vanderhall: I'm in the car with Wax. I'm in the area. Why what happened?

CC3: Come to the hood-- we about to put him in the car.

Vanderhall: Oh, where ya at right now?

CC3: We on the other side, but like, just come to the hood coz.

Vanderhall: Man, ya should've just whopped his ass right then and there.

CC3: We did. We did. We did. *He bleeding right now, out his head and everything.*

Vanderhall: Aight, but leave him there. F\*\*\* him, he stole bro. Don't put him in no car. F\*\*\* him.

CC3: Aight.

(emphasis supplied). Based on the content of this conversation and previously intercepted communications, Coconspirator-3 asked Vanderhall to come to the 6th Avenue Location, and Vanderhall indicated that he was with Concepcion. Coconspirator-3 then reported to Vanderhall that they had, in fact, physically assaulted Victim-1 and that Victim-1 was bleeding from his head. Vanderhall instructed Coconspirator-3 to leave Victim-1 where he had been assaulted and not to put him in the car.

### **The Heroin Conspiracy**

51. On or about July 5, 2014, at approximately 11:36 a.m., Hamilton, using the Hamilton 7498 Phone, spoke with Carnegie. Hamilton and Carnegie had the following exchange:

Carnegie: Shit, hey yo, um, you got some?

Hamilton: Yeah.



Carnegie: What's the name?

Hamilton: "Twenty-four seven" and some "venom," "venom." Shit, I just grabbed this "venom," "twenty-four seven" and "venom," I already know what the "venom" about, I just grabbed that shit.

Carnegie: I'm saying, what's the "twenty-four seven" about?

Hamilton: That's the, um, that shit, that shit rocking. *That's the one, um, you were f\*\*\*ing with before.*

Carnegie: Aight yo, um, I'm saying, um, bring me something through, you heard?

Hamilton: Where are you, up top?

Carnegie: Yeah, I'm up top.

Hamilton: Aight, I'ma bout to. I'll be there in like five minutes.

Carnegie: Aight.

(emphasis supplied). Based on the content of this conversation and other intercepted communications, Carnegie asked Hamilton whether he (Hamilton) had any heroin. When Hamilton said that he did have heroin, Carnegie asked Hamilton about the stamps on the heroin that Hamilton was selling. Hamilton told Carnegie that he (Hamilton) had heroin stamped "twenty-four seven" and "venom." Hamilton told Carnegie that the heroin stamped "twenty-four seven" was selling extremely well ("that shit rocking") and told Carnegie that it was the same heroin that Carnegie had previously purchased from Hamilton ("you were f\*\*\*ing with before"). Carnegie then asked Hamilton to bring him that heroin.

52. On or about July 11, 2014, at approximately 10:19 a.m., Concepcion used the Concepcion 9434 Phone, to speak with Hamilton. During that conversation, Concepcion stated, "First plea bargain, six flat that shit don't make no sense, for a brick of dope." Shortly thereafter, Hamilton asked Concepcion, "How did-- like the discovery was?" Concepcion said, "He said he's going to let me copy all of that shit. I was like what's the name of that heroin?" Concepcion then said, "And he looked and it's fifty bags of dope of 'Shaka Zulu.'" Based on the content of this conversation and local law enforcement reports, Concepcion informed Hamilton that he (Concepcion) had received the discovery and a plea offer in an outstanding state criminal case in which Concepcion had been charged for possession of heroin on or about April 4, 2014. Further, Concepcion was informing Hamilton that the heroin for which he had been charged was stamped "Shaka Zulu."

53. On or about July 11, 2014, at approximately 12:56 p.m., Hamilton, using the Hamilton 7498 Phone, spoke with Toma Williams, a/k/a "T-Dubs" (hereinafter, "Williams"), a heroin supplier charged in a separate federal criminal complaint.<sup>7</sup> Hamilton asked Williams, "Yo! We had something called Zulu?" Williams responded, "Yeah." Hamilton asked, "Before?" Williams responded, "Yeah, remember like in the beginning." When Hamilton asked, "It was black," referring to the color of the heroin stamp, Williams stated, "Exactly." Based on the content of this call and on the conversation discussed in the previous paragraph between Hamilton and Concepcion, Hamilton asked Williams whether Williams had ever supplied Concepcion and/or Hamilton with heroin with the stamp "Zulu." Williams responded affirmatively.

54. On or about July 11, 2014, at approximately 12:57 p.m., Hamilton, using the Hamilton 7498 Phone, spoke with Concepcion, who was using the Concepcion 9434 Phone. During that conversation, Hamilton told Concepcion, "That shit was a minute ago he said," referring to Hamilton's conversation with Williams. Concepcion replied, "I called him and I said, 'Shaka Zulu,' and he's like, 'Yeah.' He's like, 'yo, why?' I told him." Hamilton responded, "He just called me and I asked him and he said like a minute ago." Concepcion then stated, "I asked him, 'We had something called 'Shaka Zulu,' and he was like, 'That was a minute ago.'" Based on the content of this conversation and on other intercepted communications, Hamilton and Concepcion discussed their separate conversations with Williams and the fact that Williams had told them each that he (Williams) had previously supplied them with heroin stamped with the label "Shaka Zulu."

55. On or about July 15, 2014, at approximately 3:47 p.m., Hamilton, used the Hamilton 7798 Phone, to speak with Gutierrez, who was using a cell phone with a telephone number ending in 8833 (hereinafter, the "Gutierrez 8833 Phone"). Hamilton told Gutierrez, "Hey, this my number right here News." Gutierrez replied, "This Gunner?" Hamilton said, "Yeah, I'm bout to grab it up for you right now. I'ma shoot down--." Gutierrez responded, "Aight, aight, yeah, cause I got my man waiting but he gon wait though so I'm just waiting on you so I could, I can handle it then shoot to court. You heard, son?" Hamilton said, "Aight." Based on the content of this conversation and other intercepted communications, Hamilton told Gutierrez that he (Hamilton) was about to take a quantity of heroin to Gutierrez, and Gutierrez told Hamilton that he (Gutierrez) had a customer ("my man") waiting.

56. On or about July 16, 2014, at approximately 6:17 p.m., Hamilton, used the Hamilton 7498, spoke with a coconspirator (hereinafter, "Coconspirator-8"). Hamilton and Coconspirator-8 had the following exchange:

CC8: What's up Gun? You still, you still out?

Hamilton: Nah, I slid off, what happen?

---

<sup>7</sup> Coconspirator Williams was charged by federal criminal complaint, filed on or about October 4, 2014, under Magistrate Number 14-7231, with distribution, and possession with intent to distribute, one kilogram or more of heroin, in violation of Title 21, United States Code, Sections 841(a) and (b)(1)(A).

CC8: Oh, no, I need another load.

Hamilton: Damn, I slid off . . . you can't--

CC8: Damn.

Hamilton: Hold off until tomorrow?

CC8: Ah, but I ain't going to have none. [U/I] for a whole [U/I] I actually wanted six.

Hamilton: You sold that shit that fast?

CC8: It's, it's, that shit gone.

Based on the content of this conversation and other intercepted communications, Coconspirator-8 asked Hamilton whether Hamilton could sell Coconspirator-8 six additional bricks of heroin. Hamilton remarked that Coconspirator-8 had quickly sold the bricks that Coconspirator-8 had bought from Hamilton.

57. On or about July 18, 2014, at approximately 12:33 p.m., Hamilton used the Hamilton 7498 Phone to speak with Coconspirator-8. During that conversation, Coconspirator-8 asked Hamilton to "bring me two loads." Hamilton replied, "Aight, hold on, let me see if I could get somebody to bring it to you. Let me see, I'll call you right back." Shortly thereafter, Hamilton used the Hamilton 7498 Phone to speak with Concepcion, who was using the Concepcion 0285 Phone. Hamilton asked, Concepcion, "Go see [Coconspirator-8], give him the two loads." Concepcion replied, "Aight." At approximately 12:37, Hamilton spoke with Coconspirator-8 and told Coconspirator-8 that "Wax" (i.e., Concepcion) would be delivering the bricks of heroin.

#### **The Riverview Terrace Location: James S. Gutierrez**

58. Intercepted communications and law enforcement surveillance show that Gutierrez was a retail distributor of both heroin and crack-cocaine who operated at the Riverview Terrace Location. Gutierrez purchased distribution quantities of crack-cocaine from Concepcion, Hamilton, Clark, and Coelho at the 6th Avenue Location, which he then sold to retail level customers at the Riverview Terrace Location. In addition, intercepted communications also revealed that Gutierrez used and maintained firearms in order to protect himself and his drug operation.

59. For example, on or about July 5, 2014, at approximately 1:28 p.m., Gutierrez, using a phone with a telephone number ending in 9921 (hereinafter, the "Gutierrez 9921 Phone"), called Hamilton at Cell Phone-1. Gutierrez and Hamilton had the following conversation:

Hamilton: Yo, what's good, Bad News?

Gutierrez: Yo, what up, dog?

Hamilton: I'm good bro.

Gutierrez: Who this? Gunner?

Hamilton: Yeah.

As the conversation continued, Hamilton and Gutierrez had the following exchange:

Gutierrez: Aight. Where Wax at?

Hamilton: He stepped out. Had to do something with his baby mama.

Gutierrez: Aight, yeah, cause he was gonna put me, like, a couple yams to the side. You heard?

Hamilton: Yeah. You want me to highlight em for you?

Gutierrez: Yeah, highlight em for me, but even if not I'm just gonna highlight too cuz. I just come up there to grab a couple of the [U/I]

Hamilton: Aight. Just call me.

Gutierrez: Aight.

Based on the content of this conversation, Gutierrez asked Hamilton if he (Hamilton) was the one serving customers with Cell Phone-1 ("you workin, right?"). Gutierrez then told Hamilton that Concepcion had agreed to put aside "a couple" of clips of crack-cocaine ("yams") for Gutierrez, which Gutierrez said he would pick up.

60. On or about July 13, 2014, at approximately 8:26 p.m., Gutierrez using the Gutierrez 9921 Phone called Clark at Cell Phone-1. Clark and Gutierrez had the following exchange:

Gutierrez: This is Bad News. Who this?

Clark: It's Tah yo. What's good brah?

Gutierrez: What up though? Where br-- where Wax at?

Clark: That n\*\*\*\* just pulled off on me brah. I'ma bout to, uh, I'ma bout to call him--

Gutierrez: Damn. Ah, yeah, tell him give me a call. What's up though? You, you working though?

Clark: Yeah, yeah, yeah.

Gutierrez: Aight, well I need to see you anyway. I'm down the way. I need like, a uh, probably like, a, uh, let me see-- like a four, uh, like a four piece son. Cause I really wanted to get some loose ones, but I'll grab for balls right now.

Clark: I'm by the park, I'ma bout to, um, I'ma bout to come down there.

Gutierrez: Alright.

Based on the content of this conversation, Gutierrez asked Hamilton for 4 clips of crack-cocaine, and Hamilton instructed Gutierrez to meet him by the park near the 6th Avenue Location. Shortly thereafter, at approximately 8:42 p.m., law enforcement officers observed Clark driving on Chapel Street near the Riverview Terrace Location. Officers observed Gutierrez approach Clark and the two men engaged in a hand-to-hand narcotics transaction.

61. On or about August 8, 2014, at approximately 10:37 a.m., Gutierrez using the Gutierrez 9921 Phone received a call from an individual (hereinafter, "Individual-1"). Individual-1 asked Gutierrez, "Tell me you got that shit same, the 'Serial Killer'" (referring to a heroin stamp). When Gutierrez replied, "Yeah," Individual-4 said, "Alright, I need a brick of it. I'll be up in like an hour" (asking for 1 brick of the heroin stamped "Serial Killer"). Gutierrez replied, "Aight." Shortly thereafter, at approximately 11:01 a.m., Gutierrez and Individual-1 spoke again. When Individual-1 asked, "Tell me you can do it for \$190 this time," Gutierrez said, "I need two even" (referring to \$200 as the price for one brick of heroin). Then, at approximately 11:53 a.m., Individual-1 called Gutierrez and said, "I'm behind the blue Subaru on Albert."

62. At around the same time, law enforcement officers observed two individuals inside of a white Lincoln Town Car parked on Albert Avenue in Newark, New Jersey. At approximately 12:01 a.m., officers observed Gutierrez driving a white Lincoln LS park on Albert Avenue. Gutierrez got out of the white Lincoln LS, approached the front passenger door of the white Lincoln Town Car, and engaged in what appeared to be a hand-to-hand drug transaction. Gutierrez then got back in the white Lincoln LS and drove off.

63. Shortly thereafter, law enforcement officers conducted a vehicle stop of the white Lincoln Town Car and determined that the two individuals, including Individual-1, were in possession of 1 brick of a substance that field-tested positive for heroin.

64. On or about August 14, 2014, at approximately 1:08 p.m., Gutierrez, using the Gutierrez 9921 Phone, spoke with an individual (hereinafter, "Individual-2") about the purchase of a firearm. Specifically, Gutierrez and Individual-4 had the following conversation:

Individual-2: Yeah, I checked it. It's auto-- is, you ain't got to cock it.  
You ain't got to keep cocking it. It keeps spinning with it.

Gutierrez: Yeah, cause it-- that . . . I can't really deal with that. I  
don't got time to be doing that.

Individual-2: Nah, it keeps spinning when you pull the trigger.

Gutierrez: Aight, that's what I'm talking about.

Individual-2: Listen, if you want to look it up, it's called the Judge on the  
barrel and it's a Taurus .45 revolver.

Gutierrez: You said a f\*\*\*ing Judge Taurus .45, right?

Individual-2: A Taurus .45 revolver, that shit is nasty and is black.

Gutierrez: You gonna hold it for me, right?

Individual-2: Black with rubber grip. He said he can hold it till  
tomorrow. Um, what time can you come up tomorrow?

Gutierrez: I don't know. Probably after 4:00 though cause my girl  
gets out at 4:00 and if anything, I'll have her take me.

Based on the content of this conversation, Individual-2 told Gutierrez that Individual-2 had the ability to obtain for Gutierrez a Taurus Judge semi-automatic revolver. A Taurus Judge semi-automatic revolver is capable of chambering both a .410 2-1/2" shotgun shell and a .45 Colt cartridge. Gutierrez told Individual-2 to have the seller hold the firearm for him (Gutierrez).

65. Shortly thereafter, at approximately 1:27 p.m., Gutierrez, using the Gutierrez 9921 Phone, spoke with Individual-2 again and had the following exchange:

Gutierrez: Hello?

Individual-2: It's a no go on that, son. Dude just gave him five bills for  
that right now.

Gutierrez: Aight.

Individual-2: But, listen, I come across them shits frequently throw away.

Gutierrez: Yeah, that shit got me mad as hell. I wanted that shit, man.

As the conversation continued, Gutierrez and Individual-2 had the following discussion:

Individual-2: You don't want no .40s? Nothing like that?

Gutierrez: Yeah, anything a .40 or up, son, or a Mac.

Based on the content of this conversation, Individual-2 told Gutierrez that the seller had already sold the Taurus Judge semi-automatic revolver. But Individual-2 told Gutierrez that Individual-2 frequently came across similar firearms and asked Gutierrez what caliber firearms he preferred. Gutierrez told Individual-2 that he was interested in any firearms that were .40 caliber or higher or a Mac-10 automatic machine gun.

66. On or about August 17, 2014, at approximately 4:00 p.m., Gutierrez used the Gutierrez 9391 Phone to place a call. As the phone rang but before the individual whom Gutierrez had called answered the phone, Gutierrez could be heard saying, "If he a rat, it's wrap. Cause I play the game how the game go, my n\*\*\*\*. I stick to the rules, you heard, son? I don't break the rules, my n\*\*\*\*, for nobody. And if he a rat then--." Based on the content of this conversation, Gutierrez stated that if someone was a rat then that individual would be targeted for retaliation. Gutierrez further stated that he (Gutierrez) would not make exceptions for anyone if they cooperated with law enforcement.