

Approved: Ben Arad
Ben Arad
Assistant United States Attorney

Before: THE HONORABLE PAUL E. DAVISON
United States Magistrate Judge
Southern District of New York

22MJ9159

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: COMPLAINT
:
UNITED STATES OF AMERICA :
: Violations of Title 21
- v. - : U.S.C. §§ 841, 846.
:
JUSTO VARGAS, :
:
: COUNTIES OF OFFENSE:
: WESTCHESTER; BRONX
Defendant. :
:
----- X

SOUTHERN DISTRICT OF NEW YORK, ss.:

Joseph C. Strocchia, being duly sworn, deposes and says that he is a Special Agent with the Drug Enforcement Administration ("DEA") and charges as follows:

COUNT ONE

(Conspiracy to Distribute Fentanyl)

1. From at least on or about November 12, 2022 up to and including at least on or about November 13, 2022, in the Southern District of New York and elsewhere, JUSTO VARGAS, the defendant, and others known and unknown, intentionally and knowingly did combine, conspire, confederate, and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that JUSTO VARGAS, the defendant, and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

3. The controlled substance that JUSTO VARGAS, the defendant, conspired to distribute and possess with intent to

distribute was 400 grams and more of mixtures and substances containing a detectable amount of fentanyl, in violation of Title 21, United States Code, Section 841(b)(1)(A).

(Title 21, United States Code, Section 846.)

COUNT TWO

(Possession with Intent to Distribute)

4. On or about November 12 and 13, 2022, in the Southern District of New York, JUSTO VARGAS, the defendant, intentionally and knowingly did possess with the intent to distribute a controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

5. The controlled substance involved in the offense was 400 grams and more of mixtures and substances containing a detectable amount of fentanyl, in violation of Title 21, United States Code, Section 841(b)(1)(A).

(Title 21, United States Code, Sections 841(a)(1) and (b)(1)(A); Title 18, United States Code, Section 2.)

The bases for my knowledge and for the foregoing charges are, in part, as follows:

6. I am a Special Agent with the DEA, and I have been personally involved in the investigation of this matter. I have been employed by the DEA since September 2019. During that time, I have participated in numerous narcotics investigations. I base this affidavit on that personal experience, as well as my conversations with other law enforcement officers and my examination of various reports and records. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all the facts I have learned during the investigation. Where the contents of documents or the actions, statements, or conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

7. Based on my personal involvement in this investigation and my discussions with other law enforcement officers, I have learned, among other things, the following:

Confidential Source Contacts Connecticut Narcotics Dealers

a. In or around October 2022, a DEA confidential source (the "CS") contacted a Connecticut phone number ending in 3412 (the "CT Cellphone"), which the DEA knows from previous investigation to be associated with a group of narcotics dealers in Connecticut (the "CT Dealers").¹ The CT Dealers offered to conduct a transaction in which they would supply the CS with 20 kilograms of fentanyl in exchange for \$520,000 (the "Transaction").

b. The CS called the CT Cellphone and agreed to conduct the Transaction. The CS and the CT Dealers agreed that, before consummating the Transaction, they would conduct a preliminary meeting where the CS could sample the CT Dealers' fentanyl (the "Sampling Meeting").

Confidential Source Conducts Sampling Meeting in the Bronx

c. On or around October 27, 2022, while conducting surveillance in the vicinity of 6007 Broadway, Bronx, New York, I, along with other DEA agents and Task Force Officers ("TFOs") (collectively, the "Sampling Surveillance Team"), observed the CS approach by foot a Honda Accord (the "Honda") bearing a Washington State license plate number ending in 151. The Honda was occupied by two males, seated in the front driver's-side and passenger's-side seats ("CC-1" and "CC-2", respectively). The CS spoke with CC-1 and engaged in a hand-to-hand transaction through the Honda's open, driver's-side door, in which CC-1 handed the CS a small bag containing a powdery substance to sample.

d. The Sampling Surveillance Team later ascertained that the sample weighed approximately 97.5 grams. I also ascertained, by conducting an inquiry of the Honda's license plates, that the Honda was registered to an individual whom the CS identified as CC-2.

e. Following the Sampling Transaction, members of the Sampling Surveillance Team, including me, conducted mobile surveillance of the Honda, which traveled through Westchester County, toward Connecticut. We terminated surveillance while in Westchester County, before reaching Connecticut.

¹ The CS has been working with the DEA since 2020, has no criminal history, and is being compensated monetarily for his services. Information provided by the CS has proven reliable, has been verified independently by law enforcement, and has led to the seizure of large quantities of narcotics.

f. After the Sampling Transaction, the CS communicated with the CT Dealers by phone to coordinate the Transaction.

Confidential Source Conducts the Transaction with the Defendant

g. On or around the evening of November 11, 2022, the CS received a call from an individual using a Dominican phone number ending in 3100 ("CC-3"). CC-3 stated that he was ready to conduct the Transaction.

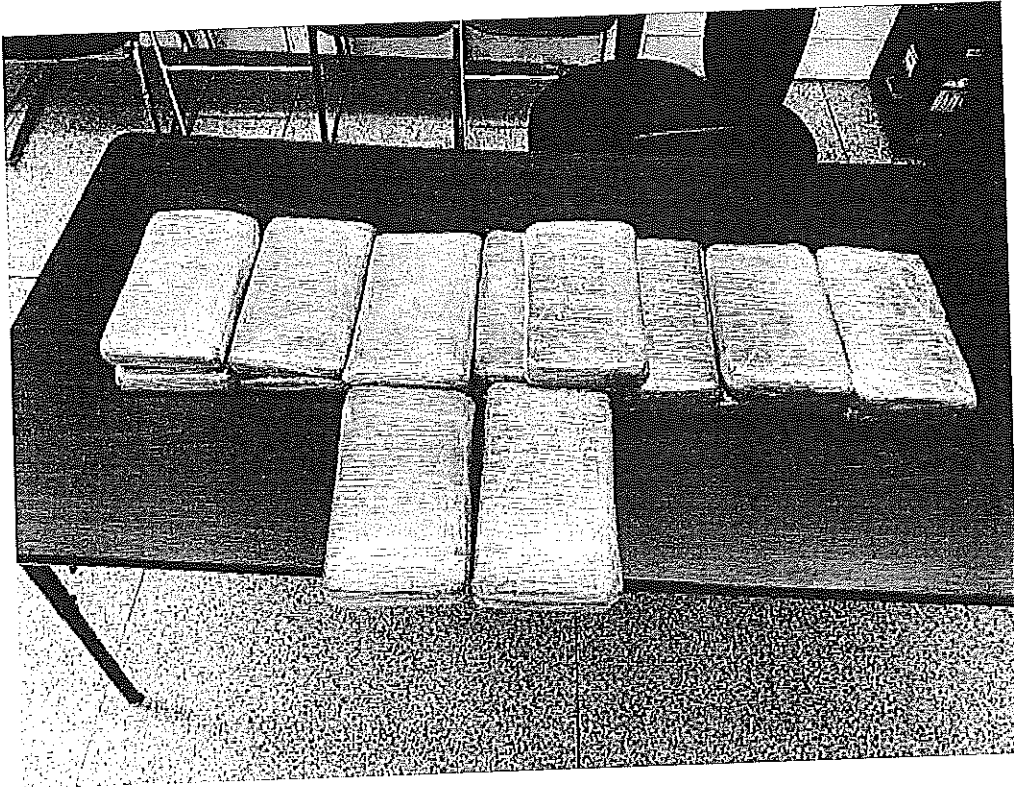
h. On or around November 12, 2022, the CS received a call from an individual using a Colombian phone number ending in 5092 ("CC-4"). CC-4 stated that he had dispatched an associate to the Hartford, Connecticut area to obtain the fentanyl for the Transaction.

i. Later, on or around November 12, 2022, CC-3 called the CS again and stated that CC-3's associate had picked up the fentanyl for the Transaction. The CS told CC-3 that it was too late in the day to conduct the Transaction and that the Transaction could take place the next day.

j. On or around November 13, 2022, the CS agreed with CC-3 that the Transaction would take place that day at Cross County Center, a shopping center in Yonkers, New York.

k. Later, on or around November 13, 2022, the CS arrived at the agreed-upon location and received a call from an individual later identified as JUSTO VARGAS, the defendant, using a New Jersey phone number ending in 4985, who told the CS that he would arrive in a white Jeep with the fentanyl.

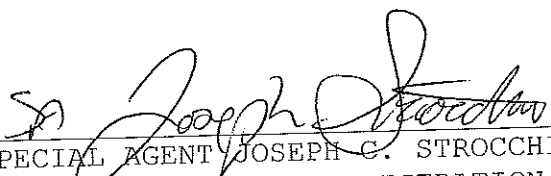
l. Later, on or around November 13, 2022, JUSTO VARGAS, the defendant, arrived at the Cross County Center parking lot in a white Jeep and parked adjacent to the CS's vehicle. The parties exited their respective vehicles and stood next to the open trunk of the white Jeep, which contained what appeared to the CS to be 19 kilograms of fentanyl. DEA Agents then intervened and arrested JUSTO VARGAS, the defendant, and seized the fentanyl, which is pictured below:



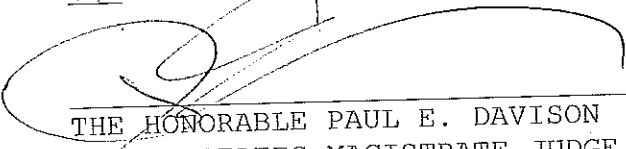
m. Based on a field test that I conducted at the DEA's New York Field Division office, I concluded that the seized substances contain fentanyl.

n. Following his arrest and after waiving his *Miranda* rights, JUSTO VARGAS, the defendant, agreed to speak with law enforcement officers and confessed that he had picked up 19 kilograms of fentanyl from an address in Connecticut and driven the fentanyl to the Cross County Center parking lot in order to complete the Transaction with the CS.

WHEREFORE, the deponent respectfully requests that JUSTO VARGAS, the defendant, be imprisoned or bailed, as the case may be.


SPECIAL AGENT JOSEPH C. STROCCHIA
DRUG ENFORCEMENT ADMINISTRATION

Sworn to me this
15 day of November, 2022.


THE HONORABLE PAUL E. DAVISON
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK