

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

RUBINSKY PADILLA, and
LUIS ROSARIO,
a/k/a “Gallo,”

Defendants.

COMPLAINT

Violations of 21 U.S.C. §§ 841 and 846

COUNTY OF OFFENSE:
BRONX

SOUTHERN DISTRICT OF NEW YORK, ss.:

Jose Reyna, being duly sworn, deposes and says that he is a Detective with the New York City Police Department (“NYPD”), and charges as follows:

COUNT ONE
(Narcotics Trafficking Conspiracy)

1. From at least in or about October 2022 through at least in or about February 2024, in the Southern District of New York and elsewhere, RUBINSKY PADILLA and LUIS ROSARIO, a/k/a “Gallo,” the defendants, and others known and unknown, knowingly and intentionally combined, conspired, confederated, and agreed together and with each other to violate the controlled-substance laws of the United States.

2. It was a part and an object of the conspiracy that RUBINSKY PADILLA and LUIS ROSARIO, a/k/a “Gallo,” the defendants, 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 substances involved in the offense were (i) 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); (ii) 100 grams and more of mixtures and substances containing a detectable amount of para-fluorofentanyl, a fentanyl analogue, in violation of Title 21, United States Code, Section 841(b)(1)(A); (iii) 500 grams and more of mixtures and substances containing a detectable amount of cocaine, in violation of Title 21, United States Code, Section 841(b)(1)(B); and (iv) 100 grams and more mixtures and substances containing a detectable amount of heroin, in violation of Title 21, United States Code, Section 841(b)(1)(B).

(Title 21, United States Code, Sections 846 and 841.)

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

4. I am a Detective with the NYPD, and I have been personally involved in the investigation of this matter. This affidavit is based upon my personal participation in the investigation, my examination of reports and records, and my conversations with other law-enforcement officers and other individuals. Because this affidavit is being submitted for the limited purpose of demonstrating probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

Background

5. Based on my investigation, including conversations with and review of reports created by an NYPD detective (the “Detective”), as well my review of 911 calls, I have learned that, at least since in or about October 2022, a group of narcotics traffickers (the “DTO”) have maintained a narcotics operation at a house located at the street address 755 Coster Street, Bronx, New York (“755 Coster”). 755 Coster is a three-story, two-family residence controlled in its entirety by the DTO. As further described herein, the DTO routinely sells, among other things, heroin, fentanyl and fentanyl analogue, and has continued operations despite repeated law enforcement actions including search warrants, drug seizures, and arrests.

6. Based on my investigation, including my conversations with the Detective and my review of reports created in connection with undercover narcotics purchases, as well as a 911 call report from a witness (“Witness-1”), I have learned that the DTO operates out of 755 Coster every day from at least approximately 10 a.m. to 12 a.m. The front door to 755 Coster is typically left open, and narcotics transactions often take place inside 755 Coster. Usually, a member of the conspiracy is stationed in a lawn chair in the entryway of the residence while other members of the conspiracy are located inside and outside 755 Coster to service customers.

7. Based on my investigation, including my review of 911 calls, police reports, and complaints from the community, including an interview of an individual (“Witness-2”) who lives in the vicinity of 755 Coster, I have learned, among other things, in substance and in part, the area in which 755 Coster is located in a residential area that is plagued by the persistent narcotics operation running out of 755 Coster. For example, Witness-2 described witnessing drug sales, seeing drug paraphernalia on the sidewalk in the proximity of 755 Coster, and, in the summer months, witnessing individuals who appeared to be suffering from drug addiction, often loitering or unconscious, in the vicinity of 755 Coster.

8. Based on my investigation, including my review of arrest reports, I am aware that, (a) between approximately 2015 and 2024, RUBINSKY PADILLA, the defendant, has been arrested on nine occasions for narcotics offenses in the vicinity of 755 Coster; and (b) between approximately 2015 and 2024, LUIS ROSARIO, a/k/a “Gallo,” the defendant, has been arrested on fifteen occasions for narcotics offenses in the vicinity of 755 Coster.

The Defendants Sell Narcotics to Undercover Officers

9. Based on my review of NYPD records as well as my conversations with a NYPD detective who conducted surveillance at 755 Coster, I have learned, that on or about and between December 9, 2022, and on or about December 15, 2023, NYPD officers acting in an undercover capacity made at least six narcotics purchases in 755 Coster. In particular:

a. On or about December 9, 2022—less than two weeks after an overdose death described in more detail below—an undercover NYPD officer (“UC-1”) entered 755 Coster, met an individual later identified as RUBINSKY PADILLA,¹ the defendant, and proceeded to a first-floor bedroom where UC-1 purchased two yellow glassine envelopes each containing a tan powdery substance from PADILLA in exchange for \$20. The substance later was tested and confirmed to contain heroin and fentanyl at the NYPD Controlled Substances Analysis Section (the “NYPD Laboratory”).

b. On or about December 28, 2022, UC-1 entered 755 Coster through the front door and met PADILLA inside. PADILLA and UC-1 proceeded into a bedroom on the left-hand side of the first floor, where UC-1 purchased two pink glassine envelopes containing a tan powdered substance from PADILLA in exchange for \$20. The substance later was tested and confirmed to contain heroin and fentanyl at the NYPD Laboratory.

c. On or about January 12, 2023, UC-1 entered 755 Coster through the front door and met with an individual known to UC-1 as “GALLO,” who was later identified as LUIS ROSARIO,² the defendant. ROSARIO and UC-1 then proceeded into a bedroom on the left-hand side of the first floor, where UC-1 purchased ten pink glassine envelopes containing a tan powdery substance from ROSARIO in exchange for \$60. The substance was later tested and confirmed to contain heroin and fentanyl at the NYPD Laboratory. During the transaction, ROSARIO identified himself to UC-1 as PADILLA’s brother-in-law.

d. On or about January 20, 2023, UC-1 entered 755 Coster and met with ROSARIO. UC-1 and ROSARIO proceeded to a first-floor bedroom where UC-1 purchased ten pink glassine envelopes containing a tan powdery substance from ROSARIO in exchange for \$60. The substance later was tested and confirmed to contain heroin and fentanyl at the NYPD Laboratory.

e. On or about March 29, 2023, UC-1 approached 755 Coster and observed ROSARIO sitting in front of the building. UC-1 entered the building and met with another individual (“CC-1”) inside the foyer. UC-1 purchased ten blue glassine envelopes containing a tan

¹ Based on my review of NYPD records and conversations with other law enforcement officers, I have learned in substance and in part that on or about February 15, 2023, a photo array identification procedure was conducted, during which UC-1 identified RUBINSKY PADILLA as the individual from whom UC-1 purchased narcotics at 755 Coster on December 9 and 28, 2022.

² Based on my review of NYPD records and conversations with other law enforcement officers, I have learned in substance and in part that on or about April 6, 2023, as described in more detail below, the NYPD executed a search warrant at 755 Coster, and arrested, among others, ROSARIO, who was inside 755 Coster at the time. Following ROSARIO’s arrest, UC-1 identified ROSARIO as “GALLO” from whom UC-1 previously had purchased narcotics at 755 Coster.

powdery substance from CC-1 in exchange for \$60. During the interaction, CC-1 stated, in sum and substance, that “Gallo” is the boss. Based on my involvement in the investigation, including my conversations with the Detective, I have learned ROSARIO uses the nickname “Gallo.” The substance in the blue glassine envelopes purchased by UC-1 was later tested and confirmed to contain heroin and fentanyl at the NYPD Laboratory.

f. On or about December 15, 2023, approximately one month before a suspected overdose death described in more detail below, a second undercover NYPD officer (“UC-2”) met with an unidentified man (“CC-2”) outside of 1058 Southern Boulevard, in the vicinity of 755 Coster. UC-2 and CC-2 walked together to the corner of Coster and Hunt’s Point. CC-2 then walked to and inside of 755 Coster, shortly thereafter returning to UC-2. UC-2 purchased three green glassine envelopes from CC-2 in exchange for \$40. Based on my review of NYPD records and my training and experience, I believe that CC-2 went into the Subject Premises to retrieve narcotics as he was not holding a supply on his person at the time UC-2 approached him. The substance in the green glassine envelopes later was tested and confirmed to contain heroin at the NYPD Laboratory.

Surveillance and Witness Reports Regarding 755 Coster

10. Based on my review of NYPD records, including 911 call reports, as well as my conversations with the Detective, who conducted surveillance at 755 Coster, I have learned, among other things, the following:

a. On or about October 31, 2022, Witness-1 reported, in substance and in part, that the Witness-1 had observed what appeared to be narcotics transactions at 755 Coster, as well as numerous individuals going in and out of 755 Coster on a daily basis. Witness-1 also reported that it appeared that one person acted as a lookout, watching for law enforcement, at 755 Coster, and that there was a black gun at 755 Coster.

b. On or about November 4, 2022, members of law enforcement conducted surveillance of 755 Coster and observed that it appeared to be a private residence and that the door of the residence was wide open.

c. On or about January 6, 2023, an individual (“Individual-1”) was arrested for criminal possession of stolen property by an NYPD officer in the 40th Precinct in the Bronx, New York. During a custodial interview, Individual-1 stated, in substance and in part, that Individual-1 knew a male called “Abuelo” who lived at 755 Coster and was a daytime manager of the DTO’s operations at 755 Coster. Individual-1 stated also that Individual-1 had observed Abuelo in possession of a black semi-automatic firearm approximately one week earlier. Law enforcement later identified “Abuelo” as the individual described below as Victim-3 who died of a suspected drug overdose inside 755 Coster on or about January 19, 2024.

d. On or about January 14, 2023, NYPD officers conducted surveillance of 755 Coster. The officers observed multiple people entering 755 Coster and then exiting quickly thereafter. Based on my training and experience, I believe this pattern to be consistent with narcotics trafficking activity.

e. On or about February 13, 2023, an individual (“Witness-2”) reported in a 911 call that several men appeared to be selling heroin and fentanyl at 755 Coster. Witness-2 reported that the men had dropped drugs on the ground in the vicinity of 755 Coster, and that one of Witness-2’s children almost picked up the drugs.

f. On or about July 26, 2023, an individual (“Witness-3”) reported in a 911 call that individuals appeared to be selling drugs inside and outside of 755 Coster. Witness-3 reported seeing people coming in and out of the residence throughout the day in a manner consistent with the 911 calls and NYPD surveillance described above.

Search Warrants Executed at 755 Coster from 2015 through 2024

11. Based on my review of NYPD records, and conversations with other law enforcement officers, I have learned, in substance and in part, that between approximately in or about 2015 and in or about 2022, the NYPD executed seven search warrants at 755 Coster in an attempt to investigate and abate the narcotics trafficking activity. The NYPD recovered narcotics from 755 Coster during each search. For example:

a. In or about 2015, the NYPD executed a search warrant at 755 Coster and recovered, among other things: 30 black Ziplock bags containing cocaine base; 84 glassine envelopes containing heroin; one plastic bag containing cocaine; 11 yellow Ziplock bags containing cocaine base; 6 large rocks of cocaine base in a sandwich bag; 56 zips of cocaine base; and a firearm, specifically, a 22 caliber Smith & Wesson.

b. In or about 2019, the NYPD executed a search warrant at 755 Coster and recovered, among other things, over 60 Ziplock bags containing cocaine base and 20 blue glassine envelopes containing heroin.

c. In or about 2020, the NYPD executed a search warrant at 755 Coster and recovered, among other things, 32 Ziplock bags containing cocaine, 68 Ziplock bags containing cocaine base, and 2 blue glassine envelopes containing heroin.

d. In or about 2022, the NYPD executed a search warrant at 755 Coster and recovered, among other things, 12 green glassine envelopes containing heroin, 40 Ziplock bags containing cocaine base, and an empty magazine for 9mm ammunition.

12. Based on my review of documents provided by the Bronx District Attorney’s Office, as well as my review of NYPD property vouchers, lab reports, and photographs taken at 755 Coster on or about April 6, 2023, I have learned that on or about March 31, 2023, the Honorable Matthew Grieco, County of Bronx, Criminal Court Judge, authorized a search warrant for 755 Coster. On or about April 6, 2023, the NYPD executed that search warrant at 755 Coster (the “April 2023 Search”), and during that search, the following, among other things, occurred:

a. Members of law enforcement encountered and arrested RUBINSKY PADILLA and LUIS ROSARIO, a/k/a “Gallo,” the defendants inside 755 Coster. Specifically:

i. ROSARIO was arrested after he appeared to have exited the second-floor kitchen and walked towards a staircase. Inside the second-floor kitchen, members of law

enforcement recovered a black shopping bag containing 1,163 glassine envelopes of heroin and 152 caps containing cocaine.

ii. PADILLA was arrested inside a bedroom on the second floor, next to the second-floor kitchen. The NYPD also recovered from the second-floor bedroom, among other things: (i) sixty red glassine envelopes containing heroin, fentanyl, para-fluorofentanyl, and 6-monoacetylmorphine; (ii) fourteen rubber bands; (iii) a gray handbag containing a large Ziploc bag containing cocaine as well as twenty-one-dollar bills; and (iv) a twist of cocaine.

b. Members of law enforcement recovered, among other things, and as partially depicted below:

i. A prescription bottle containing 32 glassine envelopes of a substance containing heroin, fentanyl, para-fluorofentanyl, and 6-monoacetylmorphine;

ii. A prescription bottle containing 49 vials of cocaine;

iii. A stuffed toy ghost containing 50 glassine envelopes of a substance containing heroin, fentanyl, para-fluorofentanyl, and 6-monoacetylmorphine;

iv. A clear baggie containing 28 vials of cocaine;

v. A black scale;

vi. A black shopping bag containing 1,163 glassine envelopes of a substance containing heroin and fentanyl, and 152 caps containing cocaine; and

vii. 60 glassine envelopes of a substance containing heroin, fentanyl, para-fluorofentanyl, and 6-monoacetylmorphine.



Select narcotics recovered from 755 Coster during the April 2023 Search

13. Based on my participation in the investigation, I have learned that, on or about February 13, 2024, the Honorable Valerie Figueredo, United States Magistrate Judge, Southern District of New York authorized a search warrant for 755 Coster. On or about February 14, 2024, the NYPD executed the search warrant at 755 Coster (the “February 2024 Search”), and during that search, the following, among other things, occurred:

a. Members of law enforcement encountered and arrested LUIS ROSARIO, a/k/a “Gallo,” the defendant, inside 755 Coster. Specifically:

i. ROSARIO was arrested on the first floor in a small room on the left immediately past the entrance. In that room, members of law enforcement recovered multiple small caps that, based on my observations, training, and experience, I believe contain cocaine base, and approximately three bundles of glassine envelopes that, based on my observations, training, and experience, I believe contain heroin.

b. Members of law enforcement recovered, among other things, and as partially depicted below:

i. Multiple clear plastic bags each containing tens of caps, which, based on my observations, training, and experience, I believe contain cocaine base;

ii. A box of light blue glassine envelopes;

iii. A large sieve and a smaller kitchen strainer;

- iv. A blender;
- v. U.S. currency;
- vi. A medium and large clear plastic bag, each containing a powdery substance, which, based on my observations, training, and experience, I believe contains heroin;
- vii. Multiple bundles of glassine envelopes packaged in bundles, which based on my observations, training, and experience, I believe contain heroin.



Select narcotics and packaging paraphernalia recovered from 755 Coster during the February 2024 Search



Select narcotics and paraphernalia recovered from 755 Coster during the February 2024 Search

The Overdose Deaths

14. Based on my review of information obtained from, among other sources, NYPD complaint reports, an NYPD database, records from the Office of the Chief Medical Examiner for the City of New York (“OCME”), and discussions with other members of law enforcement, I have learned, among other things, that from approximately in or about 2018 through in or about 2024, there have been at least 30 non-fatal and twelve fatal overdoses, or drug poisonings, within a radius of approximately three city blocks of 755 Coster, three of which are described in more detail herein.

Victim-1

15. Based on my review of surveillance video, call detail records, a 911 call, and reports prepared by members of the NYPD, I have learned, among other things, the following:

a. On or about November 27, 2022, at approximately 11:06 p.m., an individual (“Individual-2”) placed a frantic 911 call reporting that Individual-2’s “friend” (“Victim-1”) had “OD’ed.”

b. The next day, on or about November 28, 2022, NYPD Officers found Victim-1's body—in a state of rigor mortis—on the side of the road near the northeast corner of Oak Point Avenue and Barretto Street in Bronx, New York—around the corner and approximately a four-minute walk from 755 Coster. When they discovered Victim-1's body, the officers recovered a hypodermic needle in close proximity to the body.

c. On or about March 7, 2023, the OCME determined that Victim-1 died from acute intoxication from the combined effects of fentanyl and cocaine.

d. On or about June 20, 2023, Individual-2 who was with Victim-1 at the time of his death—informed law enforcement, in substance and in part, that Individual-2 obtained what Individual-2 understood to be the drugs that caused Victim-1's death from a particular house in the Bronx, New York. Based on Individual-2's description of the house and my involvement in the investigation, I believe that Individual-2 was referring to 755 Coster.

e. On or about April 6, 2023, following his arrest, described above, LUIS ROSARIO, the defendant, was advised of his *Miranda* rights, and thereafter agreed to review a set of photographs from law enforcement. ROSARIO identified a photograph of Individual-2 as a person “that always goes to buy dope,” which I understand to mean that ROSARIO recognized Individual-2 as one of the DTO's customers.

Victim-2

16. There have been at least eight non-fatal and four fatal overdoses at a shelter for the homeless (the “Shelter”) located around the corner and approximately a four-minute walk from 755 Coster. For example, on or about January 3, 2023—just over a month after Victim-1's death—Victim-2 died at the Shelter of a drug overdose or poisoning. As with Victim-1, the OCME determined that Victim-2 died from acute intoxication from the combined effects of fentanyl and cocaine.

Victim-3

17. Based on my review of reports created by NYPD officers including the Detective, as well as my review of body-worn camera footage and the recording of a 911 call, I have learned, among other things, the following:

a. On or about January 19, 2024, the NYPD officers (the “Responding Officers”) responded to a 911 call reporting an unresponsive male—whom the caller referred to as a “drug addict”—in need of medical assistance at 755 Coster. Upon arrival, the Responding Officers found an unresponsive man (“Victim-3”) laying in the kitchen. The Responding Officers noted that Victim-3 was in a state of rigor mortis, making it likely that Victim-3 had likely been dead for several hours before a 911 call had been made. Victim-3's body was found in a condition that made the Responding Officers believe that Victim-3 had died of a drug overdose or poisoning, including the presence of a black substance under Victim-3's nose. An official cause of death has not yet been determined.

b. A cursory search of Victim-3's body and the area around Victim-3's body did not recover narcotics or narcotics paraphernalia.

c. While at 755 Coster, the Responding Officers spoke with an individual ("CC-3") who, in sum and substance, identified himself as the person responsible for 755 Coster and claimed, in sum and substance, that Victim-3 was known to him as someone who had previously used narcotics and had moved into the 755 Coster recently after having been released from jail days before. CC-3 is known to law enforcement as a long-time resident of the 755 Coster who has, at times, participated in hand-to-hand sales of narcotics at the 755 Coster.

d. Based on my review of reports created by the Detective, I have learned, among other things, that Victim-3 had previously been observed selling narcotics at 755 Coster and had been identified by at least one witness as a drug dealer.

WHEREFORE, I respectfully request that a warrant be issued for the arrest of RUBINSKY PADILLA, and that RUBINSKY PADILLA and LUIS ROSARIO, a/k/a "Gallo," the defendants, be arrested, and imprisoned or bailed, as the case may be.

Jose Reyna (by VF with permission)

JOSE REYNA
Detective, NYPD

Sworn to before me by reliable electronic means
this 14th day of February, 2024.



THE HONORABLE VALERIE FIGUEREDO
United States Magistrate Judge
Southern District of New York