

ORIGINAL

Approved: Thane Rehn  
THANE REHN  
Assistant United States Attorney

18 MAG 2084

Before: HONORABLE SARAH NETBURN  
United States Magistrate Judge  
Southern District of New York

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UNITED STATES OF AMERICA	:	<u>COMPLAINT</u>
	:	
- v. -	:	Violations of
	:	21 U.S.C. §§ 812,
LUIS SOTO and	:	841(b)(1)(B), 846,
YESSENIA JIMENEZ,	:	and 924(c)
	:	
Defendants.	:	COUNTY OF OFFENSE:
	:	BRONX
	:	

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SOUTHERN DISTRICT OF NEW YORK, ss.:

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

COUNT ONE

1. On or about March 13, 2018, in the Southern District of New York and elsewhere, LUIS SOTO and YESSENIA JIMENEZ, the defendants, 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 LUIS SOTO and YESSENIA JIMENEZ, the defendants, and others known and unknown, would and did distribute and possess with intent to distribute controlled substances, in violation of Title 21, United States Code, Section 841(a)(1).

3. The controlled substances that LUIS SOTO and YESSENIA JIMENEZ, the defendants, conspired to distribute and possess with the intent to distribute were 100 grams and more of

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, Section 846.)

COUNT TWO

4. On or about March 13, 2018, in the Southern District of New York, LUIS SOTO and YESSENIA JIMENEZ, the defendants, intentionally and knowingly distributed and possessed with 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 100 grams and more of 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 812, 841(a) (1), and 841(b) (1) (B).)

COUNT THREE

6. On or about March 13, 2018, in the Southern District of New York and elsewhere, LUIS SOTO and YESSENIA JIMENEZ, the defendants, during and in relation to a drug trafficking crime for which they may be prosecuted in a court of the United States, namely, the narcotics offenses charged in Counts One and Two of this Complaint, knowingly did use and carry a firearm, and in furtherance of such narcotics offenses, did possess a firearm, and did aid and abet the use, carrying, and possession of a firearm.

(Title 18, United States Code, Sections 924(c) (1) (A) (i) and 2.)

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

7. I am a Special Agent with the DEA, and I have been personally involved in the investigation of this matter. This affidavit is based upon my personal participation in the investigation of this matter, my conversations with law enforcement agents, witnesses, and others, as well as my examination of reports, records, and recorded conversations. Because this affidavit is being submitted for the limited purpose of establishing 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. Where figures, calculations, and dates are set forth herein, they are approximate, unless stated otherwise.

8. Based on my participation in this investigation, including in-person surveillance, my conversations with other law enforcement officers and others, and my review of reports and records, I have learned, among other things, the following:

a. On or about January 30, 2018, the Honorable Kevin Nathaniel Fox, United States Magistrate Judge for the Southern District of New York, issued a search warrant for a cellphone (the "CC-1 Cellphone") that had been seized from a suspected narcotics trafficker ("CC-1"), who had been found on or about January 14, 2018, in Queens, New York, in possession of approximately \$70,740 in United State currency, which was bundled in a way that appeared to me, based on my training and experience, to be narcotics proceeds.

b. A subsequent search of the CC-1 Cellphone revealed that shortly before CC-1 was apprehended with the narcotics proceeds, CC-1 had received text messages from a phone number known by law enforcement to be used by an importer of narcotics from Mexico. These text messages passed along the number for another cellphone (the "Soto Cellphone") and stating "con el 7 de parte de Rodolfo," which means "with the 7 from Rodolfo." Based on my training and experience, and my review of prior messages between narcotics traffickers in this investigation and others, these messages indicated that CC-1 was being instructed to contact the Soto Cellphone to pick up \$70,000 in narcotics proceeds.

c. On or about February 2, 2018, the Honorable Kevin Nathaniel Fox issued a Warrant and Order for prospective and historical toll and GPS location information (the "GPS Order") for the Soto Cellphone. On the basis of information received pursuant to the GPS Order, as well as law enforcement surveillance to determine the user of the Soto Cellphone, I learned that the user of the Soto Cellphone was LUIS SOTO.

d. In February and March 2018, I and other law enforcement agents conducted surveillance of SOTO. Based on this surveillance, I learned, among other things, that SOTO appeared

to reside at a particular apartment in the Bronx, New York (the "Bronx Apartment"), along with YESSENIA JIMENEZ, the defendant.

e. I have spoken with a New York City Police Department ("NYPD") detective who reviewed a NYPD personnel database, and have learned that JIMENEZ is currently employed as a NYPD officer.

f. On or about March 11, 2018, based on information received pursuant to the GPS Order, I learned that SOTO had driven from New York to Massachusetts, and that on or about March 12, 2018, at approximately 10:30 p.m., he began driving back to New York.

g. On or about March 13, 2018, I and other law enforcement agents conducted surveillance outside of the Bronx Apartment. At approximately 2:00 a.m., we observed a vehicle (the "Car") parking near the Bronx Apartment. After the Car parked near the Bronx Apartment, we saw SOTO get out of the Car and remove several bags from the trunk of the Car, including a weighted plastic grocery bag.

h. One of the agents conducting surveillance approached the vehicle from the passenger side and shined a flashlight into the passenger side window. He observed JIMENEZ sitting in the passenger side seat with an open purse on the floor of the vehicle in front of her. Inside the purse, in plain view, he observed what appeared to be thousands of dollars in cash in bundles and what appeared to be the handle of a pistol.

i. I and the other law enforcement agents then instructed JIMENEZ to get out of the vehicle and conducted a protective search of JIMENEZ and SOTO. We discovered that JIMENEZ had approximately \$25,000 in cash in her purse, as well as her NYPD service firearm, which is a Glock Model 19, 9 millimeter semi-automatic pistol, which was loaded. We further discovered that SOTO had an additional approximately \$25,000 in cash in the black plastic grocery bag. This money was bundled in a way that appeared to me, based on my training and experience, to be narcotics proceeds.

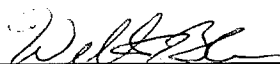
j. After law enforcement agents recovered the \$50,000, SOTO was placed in custody and informed of his *Miranda* rights. He then stated that he had picked up the money in Massachusetts, but did not state what the money was for.

k. On or about March 13, 2018, the Honorable Sarah Netburn, United States Magistrate Judge for the Southern District of New York, issued a search warrant for the Bronx Apartment. I have spoken with the law enforcement agents who conducted the search of the Bronx Apartment, and have learned that they found among other things, approximately 250 grams of a substance that, based on its look and smell and the manner in which it is packaged, appears to be heroin,<sup>1</sup> located in a closet in the apartment.

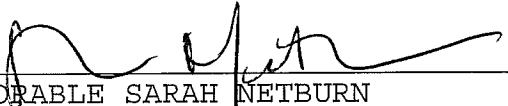
l. Based on the above facts, including SOTO's admission that the \$50,000 recovered from the car was picked up from Massachusetts, and the text message from the CC-1 Cellphone in which SOTO is identified as a person who handles narcotics proceeds, I believe that the \$50,000 represents narcotics proceeds.

m. I have spoken with NYPD officers and have learned that JIMENEZ was not in uniform and was not on duty at the time of her arrest.

WHEREFORE, I respectfully request that LUIS SOTO and YESSENIA JIMENEZ, the defendants, be imprisoned or bailed, as the case may be.

  
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WILLIAM BLANCO  
SPECIAL AGENT  
DRUG ENFORCEMENT ADMINISTRATION

Sworn to before me this  
13th day of March, 2018

  
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THE HONORABLE SARAH NETBURN  
UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF NEW YORK

<sup>1</sup>Because of the possibility that heroin might contain fentanyl and the danger in processing fentanyl outside of a controlled laboratory environment, and pursuant to DEA policy, the substance has not been field-tested.