


Approved: 
ALEXANDER LI
Assistant United States Attorney

Before: HONORABLE ONA T. WANG
United States Magistrate Judge
Southern District of New York

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	:	
UNITED STATES OF AMERICA	:	<u>SEALED COMPLAINT</u>
	:	
- v. -	:	Violation of
	:	21 U.S.C. § 846
JOSE LUIS TEJADA AYBAR,	:	
	:	
Defendant.	:	COUNTIES OF OFFENSE:
	:	BRONX, WESTCHESTER
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SOUTHERN DISTRICT OF NEW YORK, ss.:

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

COUNT ONE

(Narcotics Conspiracy Resulting in Death)

1. From at least in or about January 2018 up to and including at least in or about January 2020, in the Southern District of New York and elsewhere, JOSE LUIS TEJADA AYBAR, 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 JOSE LUIS TEJADA AYBAR, the defendant, 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 JOSE LUIS TEJADA AYBAR, the defendant, conspired to distribute and possess with intent to distribute were: (i) mixtures and substances containing a detectable amount of cocaine, in violation of Title 21, United

States Code, Section 841(b)(1)(C); and (ii) mixtures and substances containing a detectable amount of fentanyl, in violation of Title 21, United States Code, Section 841(b)(1)(C).

4. The use of such controlled substances resulted in the deaths of: (i) Marsha Clarke on or about September 20, 2019, in the Bronx, New York; (ii) Martin Banks on or about September 20, 2019, in Yonkers, New York; and (iii) Edward Lynch on or about September 21, 2019, in Yonkers, New York.

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

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

5. I am a Special Agent with the DEA and I have been involved in the investigation of this matter. This affidavit is based upon my participation in this investigation; my conversations with law enforcement officers, witnesses, and other individuals; my review of photographs, videos, and electronic and physical evidence; and my examination of reports and records. 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.

6. Based on my participation in this investigation, including my conversations with other law enforcement officers and witnesses, my review of photographs, cellular location information, electronically stored information, and physical evidence, and my review of reports and records, I have learned the following, in substance and in part:

Overview

a. As set forth below, from at least in or about January 2018 to at least in or about January 2020, JOSE LUIS TEJADA AYBAR ("TEJADA"), the defendant, and others known and unknown, operated a narcotics delivery service (the "Cab Louie Delivery Service") in this District. On or about September 19, 2019, an identified co-conspirator not named herein ("CC-1"), working on behalf of the Cab Louie Delivery Service, delivered cocaine to Marsha Clarke in the Bronx, New York, and to Martin Banks and Edward Lynch in Yonkers, New York. Within two days, the cocaine

delivered by CC-1, which was tainted with fentanyl, caused the overdose deaths of Clarke, Banks, and Lynch, as well as the hospitalization of Clarke's husband.

b. Soon thereafter, TEJADA saved a news article reporting the Yonkers deaths on his phone. TEJADA nevertheless continued to operate the Cab Louie Delivery Service. From in or about October 2019 to in or about January 2020, TEJADA, operating through the Cab Louie Delivery Service, repeatedly sold cocaine to a New York City Police Department ("NYPD") confidential source ("CS-1") and undercover officer ("UC-1").

Marsha Clarke's Overdose Death

c. On or about September 20, 2019, NYPD and emergency medical personnel responded to a report of an unresponsive woman, identified at the scene as Marsha Clarke, and man ("Victim-2") in an apartment located on East 239 Street in the Bronx, New York (the "Clarke Residence"). Clarke was dead at the scene. Victim-2, who was Clarke's husband, was transported to a hospital. NYPD personnel recovered from the apartment two ziplock bags containing a powdery substance, which the NYPD lab tested positive for the presence of cocaine and fentanyl. Consistent with the drugs at the scene, the medical examiner found that Clarke died from acute intoxication by the combined effects of cocaine and fentanyl.

d. On or about October 5, 2019, NYPD personnel interviewed Victim-2 at the hospital. Victim-2 stated, in substance and in part, that he and his wife, Clarke, purchased cocaine from a drop-off service listed in Victim-2's phone as "Cab Louie" (referred to herein as the Cab Louie Delivery Service). Victim-2 advised that the number was in both his phone and in his wife's phone. Victim-2 stated, in substance and in part, that he would call the Cab Louie Delivery Service, say that he needed a pickup at a particular address, and provide a number of passengers – which was code for the number of bags of narcotics requested. The user of the "Cab Louie" number would then return Victim-2's call and provide instructions on where and when to go, and Victim-2 would be met by a man driving a black Toyota. Victim-2 further stated that he typically purchased three bags for \$100, but that his wife had been dealing with "Cab Louie" lately because he gave her a better price. Victim-2 identified his phone as a black Samsung (the "Victim-2 Phone") and his wife's phone as an iPhone (the "Clarke Phone").

e. Based on my review of the contents of the Victim-2 Phone, I know that the Victim-2 Phone has a contact named "Louie The Cab" with a telephone number ending in 2942 ("Louie Telephone-

1"). On or about February 28, 2019, the Victim-2 Phone sent Louie Telephone-1 a text message stating "Pick up at [redacted] E 239th. 3 people." Based on the information provided by Victim-2, I believe that in this text message, Victim-2 ordered 3 bags of cocaine ("3 people") for delivery.

f. Based on my review of the contents of the Clarke Phone, I know that between on or about September 21, 2018 and on or about September 19, 2019, the Clarke Phone exchanged approximately 675 text messages with Louie Telephone-1. The final series of messages were on September 19, 2019, the night before Clarke was found dead:

<u>Time</u>	<u>User</u>	<u>Message</u>
7:40 p.m.	Clarke	Can I get picked up at [redacted] E239th?
7:40 p.m.	Louie Telephone-1	15 minutes
7:41 p.m.	Clarke	Ok
8:08 p.m.	Louie Telephone-1	1 minute
8:08 p.m.	Louie Telephone-1	Black Audi
8:08 p.m.	Clarke	Ok

g. Based on my review of cellphone location records, I know that on or about September 19, 2019, at approximately 8:13 p.m. – *i.e.*, five minutes after the exchange above – a particular telephone operated by CC-1 (the "CC-1 Telephone") was in the vicinity of the Clarke Residence.¹ I therefore believe that CC-1, carrying the CC-1 Telephone and acting on behalf of the Cab Louie Delivery Service, delivered the cocaine and fentanyl to Marsha Clarke that caused her death.

¹ I believe that the CC-1 Telephone was operated by CC-1 because, among other reasons: (i) records from Facebook, Inc. indicate the phone number of the CC-1 Telephone was registered to a Facebook account bearing CC-1's photograph; (ii) carrier records indicate that from on or about March 29, 2017 to on or about January 22, 2021, the phone number of the CC-1 Telephone was subscribed under a name that contains a portion of CC-1's actual name; and (iii) cellphone location information indicates that from on or about September 16, 2019 to on or about September 24, 2019, between the hours of approximately midnight to 6:00 a.m., the CC-1 Telephone was frequently located in the vicinity of the address listed on CC-1's New York driver's license.

Martin Banks's Overdose Death

h. Based on records of the Yonkers Police Department ("YPD"), I have learned that on or about September 20, 2019, law enforcement officers found a deceased victim, identified at the scene as Martin Banks, inside a vehicle parked in the vicinity of Hildreth Place in Yonkers, New York (the "Banks Location"). The medical examiner found that Banks died from acute intoxication by the combined effects of cocaine, fentanyl, and alprazolam.

i. YPD records identify Banks's phone number as a number ending in 5929 (the "Banks 5929 Telephone"). Based on toll records, I know that the Banks 5929 Telephone exchanged hundreds of text messages and calls with Louie Telephone-1 between on or about August 3, 2019 and on or about September 19, 2019 (*i.e.*, the day before Banks was found dead). In particular, I know that on or about September 19, 2019, between approximately 6:00 p.m. and 6:09 p.m., the Banks 5929 Telephone and Louie Telephone-1 exchanged a series of text messages.

j. Based on my review of cellphone location records, I know that on or about September 19, 2019, at approximately 6:12 p.m. – *i.e.*, three minutes after Banks exchanged text messages with Louie Telephone-1 – the CC-1 Telephone was in the vicinity of the Banks Location.

k. As set forth above, Banks, like Clarke, was found dead on September 20, 2019; was similarly in extensive communication with Louie Telephone-1 up until September 19, 2019; was similarly co-located with CC-1 within minutes of exchanging text messages with Louie Telephone-1; and similarly died from cocaine and fentanyl. I therefore believe that CC-1, carrying the CC-1 Telephone and acting on behalf of the Cab Louie Delivery Service, delivered the cocaine and fentanyl to Banks that caused his death.

Edward Lynch's Overdose Death

l. Based on records of the YPD, I have learned that on or about September 21, 2019,² law enforcement officers found

² The YPD's overdose response form indicates that Edward Lynch was found on September 20, 2019, but the YPD police report and medical examiner report both state a date of September 21, 2019. Because toll records for the Lynch Telephone reflect outgoing calls in the evening of September 20, 2019, I believe that the September 21, 2019 date is correct.

another deceased victim, identified at the scene as Edward Lynch, in an apartment located on King Avenue, in Yonkers, New York (the "Lynch Residence"). The medical examiner found that Lynch died from acute intoxication by the combined effects of cocaine, fentanyl, and ethanol.

m. In connection with its investigation of Lynch's overdose death, the YPD recovered a cellphone belonging to Lynch (the "Lynch Phone"), with a telephone number ending in 1870 (the "Lynch 1870 Telephone"). Based on my review of the contents of the Lynch Phone, I know that a telephone number ending in 1298 (the "Lui New Telephone") is saved as a contact on the Lynch Phone as "Lui New." I also know that Louie Telephone-1 is saved on the Lynch Phone as "Louis."

n. Based on my review of toll records, I know that the Lynch 1870 Telephone exchanged numerous voice calls and text messages with the Lui New Telephone between on or about January 11, 2018 and on or about September 19, 2019. Based on my review of the contents of the Lynch Phone, I know that the text messages between Lynch and the Lui New Telephone are very similar to the narcotics-order conversations I have reviewed between Marsha Clarke and Louie Telephone-1. For example, on or about September 19, 2019 - *i.e.*, two days before Lynch was found dead - Lynch and the Lui New Telephone exchanged the following messages:

<u>Time</u>	<u>User</u>	<u>Message</u>
5:04 p.m.	Lui New Telephone	10 minutes
5:04 p.m.	Lui New Telephone	Where??
5:04 p.m.	Lynch	Tommy ks
5:05 p.m.	Lui New Telephone	10 minutes

o. Based on my research, I have learned that "Tommy K's" is a bar (the "Tommy K Bar") located approximately one block away from the Lynch Residence, where Lynch was found dead.

p. Based on my review of cellphone location records, I know that on or about September 19, 2019 at approximately 5:46 p.m., the CC-1 Telephone and the Lynch 1870 Telephone were both in close proximity to the Tommy K Bar. As set forth above, at approximately 5:05 p.m. that day, the user of the Lui New Telephone told Lynch that the delivery service would arrive in "10 minutes" at the Tommy K Bar. At approximately 5:44 p.m. that day, while in the vicinity of the Tommy K Bar, the CC-1 Telephone placed a call to the Lui New Telephone. At approximately 5:46 p.m. that day, while in the vicinity of the Tommy K Bar, the Lynch 1870 Telephone also placed a call to the Lui New Telephone.

q. As set forth above, Lynch was found dead on September 21, 2019, one day after Clarke and Banks died; was similarly in extensive communication with a "Lui" telephone number up until September 19, 2019; was similarly co-located with CC-1 within minutes of communicating with the Lui New Telephone; and similarly died from cocaine and fentanyl. I therefore believe that CC-1, carrying the CC-1 Telephone and acting on behalf of the Cab Louie Delivery Service, delivered the cocaine and fentanyl to Lynch that caused his death.

The Controlled Purchases

r. Beginning on or about October 22, 2019, CS-1,³ acting at the direction of law enforcement, contacted the user of Louie Telephone-1 in order to purchase narcotics. According to CS-1, during one of the calls, the user of Louie Telephone-1 provided CS-1 with a telephone number ending in 2195 ("Louie Telephone-2"), and instructed CS-1 to use that telephone number going forward. Using Louie Telephone-2, CS-1 arranged to purchase \$100 worth of cocaine on or about October 29, 2019.

s. On or about October 29, 2019, after searching CS-1 for contraband and currency, law enforcement officers provided CS-1 with \$100 to complete the prearranged controlled purchase with the user of Louie Telephone-2. Law enforcement then observed CS-1 walk to a street corner in the Bronx. A gray Honda Odyssey pulled up to the corner, and CS-1 entered the vehicle. A short time later, CS-1 exited the vehicle and gave law enforcement officers three ziplock bags containing a substance subsequently determined by the NYPD lab to contain cocaine.

t. Following the October 29, 2019 controlled purchase, CS-1, purporting to act on behalf of another narcotics purchaser (who was in fact UC-1), arranged another controlled purchase with

³ In or about October 2019, CS-1 reported to the NYPD, in substance and in part, that a man known to CS-1 as "Lou" was delivering cocaine, that CS-1 had previously purchased from "Lou" in the past, and that a friend of CS-1, believed to be Edward Lynch, had died from an overdose from drugs that CS-1 believed to have been supplied by "Lou." CS-1 agreed to make a controlled purchase from "Lou" as a paid informant. On or about October 30, 2019, after the controlled purchase described above, CS-1 was arrested for burglary and has not been used as an NYPD source since. The information provided by CS-1 has been reliable and has been corroborated by the narcotics recovered and the undercover purchases described herein.

the user of Louie Telephone-2. On or about November 6, 2019, at a prearranged location in the Bronx, UC-1 entered a gray Honda minivan with the New York license plate JGP5958 (the "Minivan"). The only other occupant of the Minivan was the driver, who was CC-1. Inside the vehicle, UC-1 and CC-1 exchanged \$100 for three ziplock bags containing a substance subsequently determined by the NYPD lab to contain cocaine.

u. Based on my review of government records, I know that the Minivan is registered to TEJADA at a residence on Park Hill, in Yonkers, New York (the "Park Hill Address").

v. On or about November 20, 2019, UC-1 exchanged a series of text messages with the user of Louie Telephone-2 to purchase narcotics. A short time later, UC-1 received a call from a telephone number ending in 2768 ("Louie Telephone-3"), whose user provided more specific instructions on where to meet. Pursuant to those instructions, that same day, UC-1 went to a location in the Bronx and entered a red Mercedes truck, whose sole occupant was the driver, later identified as TEJADA. Inside the truck, UC-1 and TEJADA exchanged \$100 for three ziplock bags containing a substance subsequently determined by the NYPD lab to contain cocaine. During the exchange, TEJADA instructed UC-1 to use Louie Telephone-3 going forward.

w. On or about December 17, 2019, UC-1 identified TEJADA in a six-pack photo array as the individual from whom UC-1 had purchased cocaine on or about November 20, 2019. As discussed above, TEJADA is also the registered owner of the Minivan, in which UC-1 purchased narcotics from CC-1 on or about November 6, 2019.

x. On or about January 10, 2020, UC-1 exchanged a series of text messages with the user of Louie Telephone-3. During the exchange, the user of Louie Telephone-3 referred to himself as "Lou." In response to UC-1's inquiry about which car he had used in their prior meeting, however, the user of Louie Telephone-3 wrote it was the "Red Benz," thus confirming he was the same person who met UC-1 on or about November 20, 2019. I therefore believe that the user of Louie Telephone-3 is TEJADA, using the moniker "Lou."⁴

⁴ "Lou," "Louie," "Louis," and "Lui" all appear to be short for "Luis," which is one of TEJADA's names. Specifically, based on government records, I know that TEJADA's passport lists the name "Jose Luis Tejada Aybar." In addition, based on carrier records, I know that "Luis Luis" was the listed subscriber for Louie

y. On or about January 14, 2020, UC-1 exchanged a series of text messages and phone calls with the user of Louie Telephone-3 to purchase narcotics. Pursuant to those arrangements, that same day, UC-1 went to a location in the Bronx and entered a black Audi sedan with the partial plate HDG (the "Audi").⁵ TEJADA was the sole occupant of the Audi. Inside the Audi, UC-1 and TEJADA exchanged \$100 for three ziplock bags containing a substance subsequently determined by the NYPD lab to contain cocaine.

z. Based on my review of government records, I know that a 2011 black Audi with the New York plate HDG6468 – which contains the partial plate HDG that UC-1 saw on or about January 14, 2020 – is registered to "Leonel Tejada" at the Park Hill Address (with the same street address, but without the apartment number).

The Tejada iCloud Account

aa. Based on carrier records, I know that on or about September 26, 2019, the IMEI number of the cell phone associated with Louie Telephone-3 was 359214078958620. Based on records from Apple Inc., I know that the cell phone with that IMEI number is an Apple iPhone 7 that, on or about January 5, 2017, was registered to a particular iCloud account (the "Tejada iCloud Account"). The customer name associated with the Tejada iCloud Account is "Jose Tejada."

bb. Based on a judicially-authorized search of the Tejada iCloud Account, I know that the Tejada iCloud Account contains the following, among other things:

i. A photograph of a Florida driver's license bearing a photograph of TEJADA and the name "Jose Luis Tejada Aybar."⁶ As discussed above, the Cab Louie Delivery Service that sold fatal narcotics to Marsha Clarke, Martin Banks, and Edward Lynch used the monikers "Lou," "Louie," "Louis," and "Lui."

Telephone-1 (from July 16, 2019 to June 21, 2020) and for Louie Telephone-2 (from September 23, 2019 to August 23, 2020).

⁵ As noted above, on or about September 19, 2019 – the night before Marsha Clarke's death – the user of Louie Telephone-1 told Marsha Clarke that a narcotics delivery would come in a "Black Audi."

⁶ Law enforcement database checks indicate that the license appears to be fraudulent.

ii. A photograph of a handwritten note with the telephone number for Louie Telephone-2, through which CS-1 and UC-1 made controlled purchases from the Cab Louie Delivery Service.

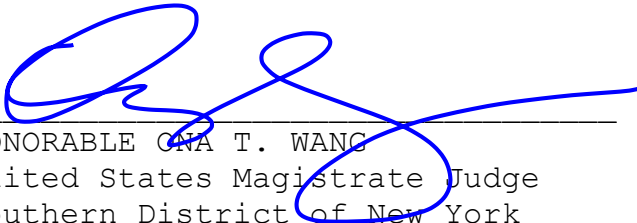
iii. Photographs of a local news article, which was published on September 24, 2019, reporting the overdose deaths of Martin Banks and Edward Lynch.

WHEREFORE, the deponent respectfully requests that a warrant issue for the arrest of JOSE LUIS TEJADA AYBAR, the defendant, and that he be arrested and imprisoned, or bailed, as the case may be.

S/ Ravi Baldeo /otw

RAVI BALDEO
Special Agent
Drug Enforcement Administration

Sworn to me through the transmission of this Complaint by reliable electronic means, pursuant to Federal Rule of Criminal Procedure 4.1, this 14th day of September 2021



HONORABLE ONA T. WANG
United States Magistrate Judge
Southern District of New York