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UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

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UNITED STATES OF AMERICA :  
 : Mag. No. 18-4023  
 :  
 v. : Hon. Michael A. Hammer  
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 FRANCISCO PEREZ, and :  
 : **CRIMINAL COMPLAINT**  
 NADIA MORONTA PENA :  
 :  
 :


I, Michael Caporale, being duly sworn, state the following is true and correct to the best of my knowledge and belief:

SEE ATTACHMENT A

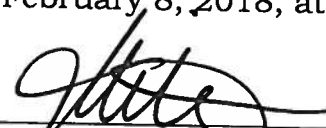
I further state that I am a Special Agent with the Drug Enforcement Administration and that this Complaint is based on the following facts:

SEE ATTACHMENT B

continued on the attached page and made a part hereof.

  
\_\_\_\_\_  
Michael Caporale, Special Agent  
Drug Enforcement Administration

Sworn to before me and subscribed in my presence,  
on February 8, 2018, at Newark, New Jersey

  
\_\_\_\_\_  
HONORABLE MICHAEL A. HAMMER  
UNITED STATES MAGISTRATE JUDGE

**ATTACHMENT A**

**COUNT ONE**

From on or about January 9, 2018 through on or about February 7, 2018, in Passaic County, in the District of New Jersey, and elsewhere, the defendants,

FRANCISCO PEREZ, and  
NADIA MORONTA PENA,

knowingly and intentionally conspired and agreed 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) & (b)(1)(B)(i).

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

## ATTACHMENT B

I, Michael Caporale, am a Special Agent with the Drug Enforcement Administration ("DEA"). I have knowledge of the following facts based upon both my investigation and discussions with other law enforcement personnel and others. Because this affidavit is being submitted for the sole purpose of establishing probable cause to support the issuance of a Complaint, I have not included each and every fact known to the Government concerning this matter. Where statements of others are set forth herein, these statements are related in substance and in part. Where I assert that an event took place on a particular date, I am asserting that it took place on or about the date alleged.

1. The DEA has been investigating the illegal manufacturing and distribution of opioids and other narcotics in New Jersey and elsewhere. As part of that investigation, a law enforcement agent working undercover ("UC") in New Jersey received information that FRANCISCO PEREZ ("PEREZ") was distributing oxycodone<sup>1</sup> pills illegally.

2. From on or about January 9, 2018 through January 11, 2018, the UC and PEREZ communicated via telephone in order to set up a meeting to discuss the UC's purchase of oxycodone pills. The UC and PEREZ agreed to meet on or about January 11, 2018 to discuss the deal (the "January 11 Meeting").

### **A. The January 11, 2018 Meeting and Distribution of 20 Sample Pills**

3. The January 11 Meeting was arranged to take place at a parking lot in or around Paterson, New Jersey. The UC arrived before PEREZ in a vehicle, parked in the parking lot, and waited for PEREZ to arrive. Thereafter, at approximately 2:57 p.m., law enforcement agents surveilling the location from nearby observed a blue Honda Odyssey (the "Perez Vehicle") pull into the lot and park. PEREZ was seated in the driver's seat, and an unknown female ("UF") was seated in the passenger seat. Law enforcement agents then observed PEREZ exit the driver's seat of the Perez Vehicle and get into the front passenger seat of the UC's vehicle.

4. During a recorded conversation that occurred inside the UC's vehicle, PEREZ and the UC discussed the UC's future purchase of oxycodone. PEREZ handed the UC a small bag containing several pills, which the UC understood to be a sample of the oxycodone pills that PEREZ had available for purchase (the "January 11 Sample Pills"). PEREZ told the UC that he and his co-conspirators had large quantities of oxycodone available at all times, and that PEREZ had up to 30,000 pills available for purchase if the UC wanted

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<sup>1</sup> Oxycodone is a Schedule II controlled substance and its unauthorized distribution is illegal under federal law.

them. PEREZ and the UC discussed that the UC would contact PEREZ in the near future to set up a purchase of oxycodone pills.

5. The January 11 Sample Pills were examined by law enforcement agents and were determined to consist of approximately 20 tablets that, based on the agents' knowledge, training, and experience, are similar in size, shape, color, and physical markings to the 30-milligram tablets of oxycodone manufactured by pharmaceutical companies. When the January 11 Sample Pills were tested in a laboratory, however, they were determined to contain a mixture of heroin and Tramadol.<sup>2</sup> The net weight of the January 11 Sample Pills was 2.507 grams.<sup>3</sup>

#### **B. The January 23, 2018 Meeting and Purchase of 1,000 Pills**

6. Following the January 11 Meeting, the UC communicated with PEREZ to set up a second meeting, at which time the UC would be prepared to purchase approximately 1,000 of the purported oxycodone pills from PEREZ. The UC and PEREZ planned to meet on or about January 23, 2018 to conduct the narcotics transaction (the "January 23 Meeting").

7. At approximately 10:15 a.m. on January 23, 2018, law enforcement agents established surveillance at PEREZ's residence in Hazleton, Pennsylvania (the "Perez Residence"). Upon arrival, law enforcement agents observed the Perez Vehicle parked in the driveway of the Perez Residence. At approximately 3:05 p.m., agents observed Perez and a UF enter the Perez Vehicle, back out of the driveway, and drive away. Thereafter, agents maintained constant surveillance on the Perez Vehicle, which travelled directly from the Perez Residence to a parking lot in or around Paterson, New Jersey that was to be the location for the January 23 Meeting.

8. At approximately 5:00 p.m., the UC travelled in a vehicle to the location for the January 23 Meeting and parked in the lot. At approximately 5:32 p.m., law enforcement agents observed PEREZ drive the Perez Vehicle into the parking lot, exit the car, and get into the UC's car.

9. During a recorded conversation that took place inside the UC's vehicle, the UC asked PEREZ if he had the "stuff" and PEREZ handed the UC a baby diaper. Inside the baby diaper was a vacuum-sealed plastic package containing what appeared to be numerous pills that looked like the January 11 Sample Pills (the "January 23 Pills"). The UC then handed PEREZ

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<sup>2</sup> Tramadol is a Schedule IV controlled substance, and is a synthetic opioid that acts as a narcotic-like painkiller.

<sup>3</sup> Based on the consistency in size and shape of each of the January 11 Sample Pills, there is probable cause to believe that each of the pills containing heroin weigh approximately 0.12535 grams.

approximately \$9,000 in controlled buy funds in exchange for the January 23 Pills. During the meeting, PEREZ explained to the UC that he has customers that he is able to supply with up to 200,000 oxycodone pills at a time, and that the UC should contact him if the UC was interested in purchasing larger quantities of oxycodone pills in the future. PEREZ also told the UC that he is a "family man" and that he had brought his wife and children with him in the Perez Vehicle to conduct the narcotics transaction. After the deal, law enforcement agents observed a UF and several minor children walk through the parking lot and get into the Perez Vehicle before it departed.

10. The January 23 Pills are similar in size, shape, and coloring to the January 11 Sample Pills, and, based on my training and experience, are designed to mimic the appearance of 30-milligram tablets of oxycodone manufactured by pharmaceutical companies. Laboratory testing has confirmed that the January 23 Pills contain a mixture of heroin and Tramadol. The gross weight of the January 23 Pills, including the vacuum-sealed plastic packaging, is approximately 159.5 grams.

### **C. The February 7, 2018 Meeting and Seizure of Pills**

11. On or about February 5, 2018 and February 6, 2018, the UC again spoke with PEREZ to set up a meeting where the UC would purchase approximately 40,000 oxycodone pills from PEREZ. On or about February 6, 2018, PEREZ spoke with the UC via telephone. During the conversation, PEREZ told the UC that he and "the girls" were in the process of counting the oxycodone pills to prepare for the deal. Information obtained during the course of the investigation indicated that PEREZ was located at the Perez Residence at the time he told the UC he was actively counting pills.

12. On or about February 7, 2018, the UC and PEREZ arranged to meet at a parking lot in or around Paterson, New Jersey at approximately 1:00 p.m. (the "February 7 Meeting"). During a telephone conversation with the UC that day, PEREZ told the UC he had been up "all night" counting pills for the deal. At approximately 11:17 a.m., law enforcement agents surveilling the Perez Residence observed PEREZ and a UF resembling NADIA MORONTA PENA ("PENA") exit the residence and get into the Perez Vehicle. Thereafter, law enforcement agents observed the Perez Vehicle as it travelled from the Perez Residence to the location in Paterson for the February 7 Meeting.<sup>4</sup>

13. At approximately 2:24 p.m., law enforcement agents observed the Perez Vehicle pull into the parking lot for the February 7 Meeting and park next to the UC's car (the "UC Vehicle"), which was already on-site. Thereafter, PEREZ exited the Perez Vehicle and got into the front passenger seat of the UC

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<sup>4</sup> During the course of the agents' surveillance, the Perez Vehicle briefly stopped at an auto body shop, where PEREZ exited the Perez Vehicle and picked up a black object that agents believe was a large speaker.

Vehicle. During a recorded conversation inside the UC Vehicle, PEREZ asked the UC where the money was for the oxycodone pills. The UC responded that the money was close by with another individual. PEREZ exited the UC Vehicle, got back into the Perez Vehicle, then exited a few minutes later and re-entered the UC Vehicle, empty-handed. The UC and PEREZ again discussed the location of the money for the pill purchase. Then, PEREZ rolled down the passenger-side window of the UC Vehicle and motioned to a female, later identified as PENA, who was seated in the Perez Vehicle. PEREZ yelled to PENA to "bring it over," and PENA then exited the Perez Vehicle, carrying a heavily-weighted white plastic shopping bag (the "White Bag"). PENA got into the rear passenger side of the UC Vehicle and handed the UC the White Bag. The UC looked inside the White Bag and could clearly see that it contained another bag of clear plastic with what appeared to be thousands of blue-colored pills inside (the "February 7 Pills"). PEREZ then directed PENA to return to the Perez Vehicle with the White Bag and PENA complied. At that point, the UC exited the UC Vehicle, giving a sign to law enforcement agents nearby to move in and arrest PEREZ and PENA.

14. When PEREZ was arrested, he was still seated in the front passenger seat of the UC Vehicle. PENA was arrested in the driver's seat of the Perez Vehicle, and the White Bag was found in plain view, sitting on top of the center console of the Perez Vehicle, immediately next to where PENA had been sitting. Law enforcement agents confirmed that PEREZ and PENA were the only two individuals who arrived at the February 7 Meeting in the Perez Vehicle.

15. After PEREZ and PENA's arrest, law enforcement officers recovered the White Bag and found the February 7 Pills inside. Based on my training and experience, the February 7 Pills appear to be approximately 20,000 or more tablets that are similar in size, shape, color, and appearance to the January 11 Sample Pills and the January 23 Pills. The gross weight of the February 7 Pills, including packaging, is approximately 2,500 grams.

#### **D. The Search of the Perez Residence**

16. On or about February 7, 2018, law enforcement agents conducted a lawful search at the Perez Residence. During the search, agents recovered numerous pills similar in appearance to the oxycodone pills described above, as well as approximately 1 kilogram of a powdery substance believed to be heroin, pill-press materials, and other paraphernalia used to package and distribute narcotics. A firearm was recovered from a hidden compartment behind a bathroom wall. Hidden inside a box found at the Perez Residence, agents also recovered several bottles of clear liquid that were each labeled "fentanyl."

17. Based on information obtained during the investigation and the search of the Perez Residence, there is probable cause to believe that the primary occupants of the Perez Residence are PEREZ, PENA, and their five minor children.