

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA :
 :
 v. : Hon. Claire C. Cecchi
 :
 : Mag No. 10-4118 (CCC)
 :
 KERLWIN TAVERAS, :
 a/k/a "Charlie" : **CRIMINAL COMPLAINT**
 :

I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief. From in or about March 2009 to the present, at Newark Liberty International Airport, in the District of New Jersey and elsewhere, defendant KERLWIN TAVERAS, a/k/a "Charlie," did:

knowingly and intentionally agree and conspire with others to distribute and possess with intent to distribute 5 kilograms or more of a mixture and substance containing a detectable amount of cocaine, a Schedule II controlled substance, contrary to Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A)(ii).

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

I further state that I am a Special Agent with Immigration and Customs Enforcement, and that this complaint is based on the following facts:

SEE ATTACHMENT A

continued on the attached page and made a part hereof.

Eric Gallagher, Special Agent
Immigration and Customs Enforcement

Sworn to before me and subscribed in my presence,

September 7, 2010, at Newark, New Jersey

HONORABLE CLAIRE C. CECCHI
UNITED STATES MAGISTRATE JUDGE

Signature of Judicial Officer

ATTACHMENT A

I, Eric Gallagher, a Special Agent with Immigration and Customs Enforcement (“ICE”), am fully familiar with the facts set forth herein based on my own investigation, my conversations with witnesses and other law enforcement officers, and my review of reports, documents, and items of evidence. Since this complaint is being submitted for a limited purpose, I have not set forth each and every fact that I know concerning this investigation.

1. At all times relevant to this Complaint:
 - a. Continental Airlines operated a daily non-stop flight between Santo Domingo, Dominican Republic and Newark Liberty International Airport (“the Airport”). This flight was known as number 751 (“Flight 751”).
 - b. The Dominican Republic was a known source from which drugs were shipped to the United States, and the airport in Santo Domingo was the largest airport in the Dominican Republic.
2. Defendant KERLWIN TAVERAS, a/k/a “Charlie,” was employed by Continental Airlines as a baggage handler at the Airport from in or about 2008 to in or about May 2009.
3. Law enforcement investigation has uncovered evidence – including intercepted communications, drug seizures, and other information – which indicates that during the time period charged defendant TAVERAS and other conspirators distributed and possessed with intent to distribute over 5 kilograms of cocaine. Specifically, defendant TAVERAS and others, including other Continental employees, conspired to smuggle approximately 125 kilograms of cocaine into the United States through the Airport. In furtherance of the conspiracy, the conspirators, including defendant TAVERAS, facilitated: the transportation of cocaine on Flight 751 inside pieces of luggage; the removal of that cocaine from Flight 751 once it arrived at the Airport; and the distribution of that cocaine in and around the New Jersey and New York area.
4. During the course of this investigation, law enforcement officers have made five separate seizures of significant quantities of cocaine. All of the seizures have been made from items placed on Flight 751. Specifically, the seizures took place on or about the following dates:
 - a. on or about March 17, 2009, approximately 23 kilograms were seized;
 - b. on or about June 11, 2009, approximately 24 kilograms were seized;
 - c. on or about August 17, 2009, approximately two kilograms were seized;

- d. on or about October 29, 2009, approximately 29 kilograms were seized; and
 - e. on or about September 4, 2010, approximately 47 kilograms were seized.
5. In four of the five seizures, the cocaine had been placed in medium-sized “gym” bags. In three of these seizures, the bags had “gate check,” or hand-written, baggage tags. From my training and experience, I know that gate check tags indicate that luggage so tagged has been “checked” at the departing gate – in this case, in Santo Domingo by co-conspirators of defendant TAVERAS.

The March 17, 2009 Seizure

6. On or about March 17, 2009, law enforcement officers received information that a shipment of approximately twenty kilograms of cocaine was onboard Flight 751. Law enforcement officers met Flight 751 when it arrived at the Airport. When the officers arrived at Flight 751, a co-conspirator of defendant TAVERAS, CC-1, was inside the aircraft unloading luggage.
7. Law enforcement officers located a black and gray Everlast bag with a gate check baggage tag. Inside the bag were approximately twenty bricks of cocaine, weighing approximately 23 kilograms in total.
8. Subsequently, law enforcement obtained the telephone numbers used by CC-1 and a co-conspirator: CC-2. CC-1’s telephone was assigned to a number ending in 6687 (the “CC-1 6687 Number”). CC-2’s telephone was assigned to a number ending in 2810 (the “CC-2 2810 Number”).
9. Law enforcement officers subsequently analyzed the activity of the telephone facilities assigned those numbers on and around the March 17, 2009 seizure. This toll analysis supports the conclusion that CC-1, CC-2, and others were working together on or about March 17, 2009 to conduct illegal drug business. Specifically, this analysis revealed that the CC-1 6687 Number was in contact with the CC-2 2810 Number zero times on March 16, 2009, seven times on March 17, 2009, and zero times on March 18, 2009.

Taveras’s Travel with CC-2

10. Records checks have revealed that on or about May 2, 2009, CC-2 traveled from Santiago, Dominican Republic, to John F. Kennedy International Airport (“Kennedy”). Upon arrival at Kennedy, CC-2 was examined by agents with Customs and Border Protection (“CBP”). CC-2 told the inspecting officer that he was in possession of all of his luggage. The CBP officer noticed, however, that the baggage tag on CC-2’s luggage was in defendant TAVERAS’s name. CC-2 told the officer the bag was tagged incorrectly and that CC-2 did not know who defendant TAVERAS was. Upon further questioning, however, CC-2 admitted that CC-2 and defendant TAVERAS did, in fact,

know each other, and that in fact the two were traveling together.

The June 11, 2009 Seizure

11. On or about June 11, 2009, the Dominican Republic National Police seized approximately three kilograms of cocaine from Flight 751 before it left the Dominican Republic.
12. Law enforcement officers met Flight 751 when it arrived at the Airport and found that CC-1 had been assigned to work the international gates that day, which include the gate for Flight 751. CC-1 was nowhere to be found, however – law enforcement officers learned from Continental Airlines Corporate Security that CC-1 had gone home, claiming to be ill. Further investigation revealed that CC-1 left the Airport after the seizure had been made in the Dominican Republic but before Flight 751's arrival at the Airport.
13. When law enforcement officers examined the luggage of Flight 751, they discovered approximately 21 kilograms of cocaine inside of a red and blue duffle bag with a gate check baggage tag.
14. Law enforcement officers then conducted toll analysis for the days surrounding the June 11, 2009 seizure. This analysis revealed a dramatic increase in call activity between the CC-1 6687 Number and the CC-2 2810 Number on or about June 11, 2009 – an increase similar to that surrounding the March 17, 2009 seizure. This toll analysis, which revealed a remarkably similar pattern of communications between the co-conspirators as did the analysis of the communications surrounding the March 17, 2009 seizure, supports the conclusion that CC-1, CC-2, and others were working together on or about June 11, 2009 to conduct illegal drug business. Specifically, this analysis revealed that the CC-1 6687 Number was in contact with the CC-2 2810 Number zero times on June 10, 2009, 5 times on June 11, 2009, and zero times on June 12, 2009;

The August 17, 2009 Seizure

15. On or about August 17, 2009, CC-1 was working at the Airport without his Port Authority-issued identification badge. In particular, CC-1 was in the area where Flight 751 was to land that day. Because of this possible security breach, CC-1 was escorted off Airport premises.
16. When Flight 751 arrived that day, law enforcement officers seized approximately 2 kilograms of cocaine that were secreted within two back support belts lying in the baggage hold of the plane.
17. Further investigation revealed that another co-conspirator, CC-3, had been inside the baggage hold of Flight 751 after the flight had arrived. CC-3 was not assigned to work on Flight 751 that day. During a subsequent interview with law enforcement officers,

CC-3 admitted that CC-3 was not assigned to work Flight 751 and was not specifically asked to assist in unloading luggage from Flight 751. CC-3 stated, however, that CC-3's supervisor gave verbal authorization for CC-3 to work on Flight 751. Law enforcement then interviewed the supervisor, who disputed CC-3's account.

18. CC-3 also provided law enforcement with consent to search his phone. This search revealed that CC-1 was in contact with CC-3 approximately ten minutes after law enforcement effected the seizure of the approximately two kilograms of cocaine.

The October 29, 2009 Seizure

19. Or about October 29, 2009, law enforcement officers seized approximately 29 kilograms of cocaine from Flight 751. Two Continental employees, CC-4 and CC-5, who were not scheduled to work Flight 751, were found at Flight 751 when it landed. Both were arrested at the scene.
20. CC-3 and CC-4 were charged with knowingly and intentionally agreeing and conspiring with others to distribute and possess with intent to distribute 5 kilograms or more of a mixture and substance containing a detectable amount of cocaine, a schedule II controlled substance, contrary to Title 21, United States Code, Sections 841(a)(1) and (b)(1)(A)(ii), in violation of Title 21, United States Code, Section 846.

The September 4, 2010 Seizure

21. On or about September 4, 2010, law enforcement officers seized approximately 47 kilograms of cocaine from Flight 751. CC-1 and CC-3 were taken into custody following the seizure.
22. Law enforcement officers subsequently analyzed the activity of the telephone facilities assigned to CC-1 and to defendant TAVERAS on or around September 4, 2010. This toll analysis supports the conclusion that defendant TAVERAS and others were working together on or about September 4, 2010 to conduct illegal drug business. Specifically, this analysis revealed that the number assigned to defendant TAVERAS's telephone was in contact with the number assigned to CC-1's telephone numerous times on or around September 4, 2010.

The Intercepted Communications

23. Law enforcement officers have confirmed that defendant TAVERAS's cellular telephone facilities have been utilized to make and receive large numbers of calls to the Dominican Republic. As noted above, the Dominican Republic is a transshipment location for the international smuggling of illegal drugs. Moreover, the drugs in this case are being shipped on Flight 751, a daily flight from the Dominican Republic to the Airport.

24. From on or about April 28, 2010 through on or about June 27, 2010, and from on or about July 23, 2010 through on or about August 21, 2010, wire and electronic communications of CC-1 were intercepted pursuant to court orders authorizing the interception of such communications. From on or about July 30, 2010 through on or about August 28, 2010, wire communications of defendant TAVERAS were intercepted pursuant to court orders authorizing the interception of such communications. Examples of some of these calls are set forth below. The descriptions of the intercepted conversations set forth below are partial, non-verbatim summaries based on descriptions of the conversations prepared by monitors. In these descriptions, comments enclosed in parentheses are based upon my knowledge, training, and experience, the knowledge, training, and experience of other law enforcement agents with whom I have spoken, and the results of the investigation to date. All times ascribed to conversations and other events are approximate.
25. On or about April 29, 2010, CC-1 received a telephone call from another co-conspirator, CC-4. CC-1 immediately began chastising CC-4 for calling, stating, “you wait until you see me in person. What’s wrong with you? I don’t know you. You got the wrong number.” (CC-1 is attempting to dissuade CC-4 from contacting CC-1 over his telephone, as CC-1 is fearful of law enforcement monitoring of his illegal activities.) CC-1 continued to berate CC-4, saying “Don’t ever do that again. Change the conversation. . . . No names okay? Copy?” (CC-1 tells CC-4 not to use names, so that law enforcement will not be able to identify co-conspirators.) CC-1 stated, “What the fuck is wrong with you, saying shit on my fucking voice mail nigga! What the fuck wrong with you nigga? Don’t [you] know that the fucking phone is a fucking human enemy?” (CC-1 is warning CC-4 about the dangers of using telephones, as telephone interceptions can be used to build criminal cases.) When CC-4 protested that CC-4 was not using CC-4’s own phone to contact CC-1, CC-1 became even more incensed, saying, “Anybody’s phone nigga! What the fuck! And you leave me a voicemail, what the fuck is wrong with you? you know that there’s a satellite recording that shit?” (CC-1 is angry because CC-1 does not want CC-1’s words recorded by law enforcement.) CC-1 went on to state “Don’t leave me no shit like that. What the hell is wrong with you you got to wait until you see me in my house. Don’t say shit like that.” CC-1 continued that CC-4 used extremely poor judgment to call CC-1 because CC-1’s phone was not registered in his own name: “you know this shit is not under my name. So it’s even worse.” (CC-1 is acknowledging that registering phone numbers in names other than one’s own name is a tactic used by drug traffickers to thwart law enforcement, and that leaving messages regarding the drug conspiracy on such a phone is particularly dangerous.) When CC-4 replied, “Exactly! It’s not!” CC-1 retorted, “That’s even worse. Exactly! Exactly! So what that means motherfucker! Conspiracy!” (CC-1 acknowledges that CC-4’s actions have demonstrated the existence of the drug conspiracy in operation between CC-1, CC-4, and others.)
26. On or about May 2, 2010, CC-1 received a call from CC-2. CC-2 told CC-1, “there’s a problem here,” which CC-2 stated related to difficulties CC-2 was having with CC-3

regarding fallout from the drug conspiracy. CC-2 reported to CC-1 that a “Pete” had called CC-2, and that “you know Pete don’t want to fuck with him and shit. Pete said that he knows [CC-3 is] a snitch.” CC-2 stated, “So Pete went and told him that I said that nigga [CC-3] is a snitch.” (CC-2 is saying that he believes CC-3 has been cooperating with authorities.) CC-2 continued, regarding CC-3, that “He’s shooting reckless, taking it out because he said he stood quiet with some bullshit about us and my fault and because of that they want to lock him up and he’s staying shut for that.” (CC-2 is saying that CC-3 is protesting that CC-3 did not cooperate with the authorities when questioned regarding a drug seizure that occurred on or about August 17, 2009.)

27. Also on or about May 2, 2010, CC-1 and CC-3 exchanged text messages regarding CC-3’s feelings towards CC-2 and their respective actions in conspiring to distribute cocaine. For example, CC-3 sent a text to CC-1 stating that CC-2 “told Pete that I was a shit and a snitch and now he’s denying it.” (CC-3 is stating that CC-2 told “Pete” that CC-3 had informed on the other conspirators.) CC-3 also texted to CC-1, “I want to break his head.” (CC-3 is expressing his anger at CC-2.) For, CC-3 stated, “That guy,” (meaning CC-2) “planned everything.” (CC-3 is stating that CC-2 was responsible for planning the August 17, 2009 drug shipment.) For this, CC-3 texted to CC-1, “I just want to hit [CC-2].” CC-1 advised CC-3 to “just take it easy,” but CC-3 had other ideas: “fuck that,” he texted. CC-1, though, cautioned CC-3 to remember what was really at stake: “Listen the job is more important then [sic] that.” (CC-1 is telling CC-3 that the continued viability of the drug conspiracy is more important than the disputes of its members.) But for CC-3, it was critical that CC-1 explain what really happened with regard to the August 17 shipment: “I just need for us to go talk to Pete so you can tell him who is the real snitch.” (CC-3 is alleging that it was CC-2, not CC-3, who alerted the authorities to the August 17, 2009 drug shipment.)
28. Defendant TAVERAS and CC-1 have also repeatedly discussed how CC-2’s actions during the conspiracy fell short of CC-1’s expectations. Moreover, from these discussions, it is clear that defendant TAVERAS is still in communication with CC-2 and CC-2’s family regarding drug business. On or about June 12, 2010, defendant TAVERAS called CC-1 and stated that CC-2 “sent you greetings with this guy.” CC-1 replied that he did not receive defendant TAVERAS’s message from CC-2. Later in the conversation, defendant TAVERAS said, in reference to CC-2 and the Dominican Republic, “Oh, because you know that he has a big problem over there.” CC-1 asked “What kind of problem?” Defendant TAVERAS replies, “And stuff . . . eh?” (Defendant TAVERAS is stating that CC-2 is in trouble with the narcotics suppliers.) Defendant TAVERAS then stated, “they sent out for him, you know, and stuff, that it was for an ugly situation. . . .” (Defendant TAVERAS is stating that the narcotics suppliers in the Dominican Republic have sent for CC-2, and that CC-2 is in trouble over the loss of narcotics shipments.) CC-1 replied, “Hopefully God is with him.”
29. On or about June 13, 2010, defendant TAVERAS called CC-1. CC-1 stated that CC-2 deserves whatever that is bad that is happening to him now – specifically, having CC-2’s

car impounded by the authorities – “for having bad intentions and for being greedy” (CC-1 is stating that CC-2 took too much of the proceeds of the conspirators’ drug trafficking himself, and did not share with the other co-conspirators, such as CC-1.) Defendant TAVERAS says that CC-2 had gone to the Dominican Republic. CC-1 asked, “But for what? For what? What is he doing there?” Defendant TAVERAS replied, “They sent for him.” (Defendant TAVERAS is stating that the narcotics suppliers who supply the conspirators sent for CC-2, requiring CC-2 to go to the Dominican Republic.)

30. On or about June 23, 2010, CC-1 stated to defendant TAVERAS, “I have good news but bad ones for us.” CC-1 continued that “they confirmed that this guy did . . . remember the time that he called you to tell you that he did not do anything?” (CC-1 is referring to a conversation between CC-2 and defendant TAVERAS where CC-2 told defendant TAVERAS that CC-2 had not engaged in a narcotics transaction.) Defendant TAVERAS indicates that he recalled, and CC-1 stated, “They told me that two months ago this guy did . . . I do not know the exact date but two months ago he had money, and he probably still has money.” (CC-1 is telling defendant TAVERAS that, two months ago, CC-2 engaged in a narcotics transaction.) CC-1 stated later, “Yes, he did something, they confirmed that with me, Charlie So now you know, he pretended to be dead and stuff, and he did not even get your hands or my hands wet, and the one that needs the most . . . he did not help him either.” (CC-1 is stating that CC-2 engaged in a narcotics transaction, but did not provide any of the money to CC-1, defendant TAVERAS, or another co-conspirator.)
31. On or about June 24, 2010, defendant TAVERAS told CC-1 that defendant TAVERAS saw CC-2’s brother, nicknamed “Robertico,” and that Robertico “he had, you know he had some . . . what’s Jordan’s style . . . they were Jordans” (Defendant TAVERAS is here referring to cocaine, specifically, to the fact that “Robertico” was in possession of cocaine. The basketball player Michael Jordan wore number 23, and, from my training and experience, I know that because the price of a kilogram of cocaine sometimes costs approximately \$23,000, narcotics traffickers often refer to kilograms of cocaine as “Jordans.”) CC-1 asked, “What? Jordans?” Defendant TAVERAS replied, “Yes, Jordans!” CC-1 asked, “Are they here already?” (The two are confirming that Defendant TAVERAS is referring to kilograms, and CC-1 is asking whether the cocaine is in the United States already.) Defendant TAVERAS continued that he saw “Robertico” with “Jordans” on another occasion as well, and that “the only one who is going to buy Robertico sneakers is the brother.” (Defendant TAVERAS is stating that the only supplier of drugs to Robertico is CC-2.)
32. On or about August 22, 2010, defendant TAVERAS received a call from CC-1. Defendant TAVERAS stated, “listen, but [CC-2] is talking . . . a lot of stupid shit that he is not supposed to be talking about.” (Defendant TAVERAS is stating that CC-2 is saying things regarding the drug conspiracy that CC-2 should not be saying.) CC-1 replied, “About who? About us? About you? Or about what?” Defendant TAVERAS replied, “No, about everybody. That they call him ‘el Jefe.’ That’s the shit that’s coming

out of his mouth. That he's the boss." Defendant TAVERAS then continued that CC-2 is in the Dominican Republic, and is in "big, big, big trouble, man. . . . The problem that he has." CC-1 replied, "It's big?" Defendant TAVERAS replied in the affirmative, and stated, "You already know. . . . I called, I spoke to [CC-2's] brother and everything." (Defendant TAVERAS is stating that CC-2 is in trouble with the drug organization supplying the conspirators, and that defendant TAVERAS has been in communication with "Robertico.")