

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Middle District of Florida

United States of America )

STEVEN JOSEPH MALHAM, ANGELO MANUEL FONTANEZ, PEDRO )
JUAN RIVERA-AVILES a/k/a "Viejo," JASON PAUL MANORE, AREF )
HAMDAN a/k/a "Al," WILBERT JOEL ALEQUIN-PAGAN a/k/a "Gordo," )
ROBERT BRYAN SAUTNER, EMMANUEL VERGES, ZULEYKA )
JEANETTE COLON RIVERA, a/k/a "Mia," CONSTANTINE )
KOTSIANIDIS, DOMINGO PEREZ LAMBOY a/k/a "Chino", ERNESTO )
CABANA-TORRES a/k/a "Peluca" )

Case No. 6:16-mj-1084

Defendant(s)

AMENDED CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of November 2013 to October 2015 in the county of Orange in the Middle District of Florida, the defendant(s) violated:

Table with 2 columns: Code Section (21 U.S.C. § 846) and Offense Description (conspiracy to distribute and to possess with intent to distribute a controlled substance, that is, heroin).

This criminal complaint is based on these facts: See attached affidavit (incorporated by reference herein).

Continued on the attached sheet.

Handwritten signature of Conrad V. Henry

Special Agent Conrad V. Henry, DEA Printed name and title

Sworn to before me and signed in my presence.

Date: 2/24/16

Seal of the United States District Court for the Middle District of Florida and handwritten signature of Gregory J. Kelly

The Honorable Gregory J. Kelly Printed name and title

City and state: Orlando, FL

**STATE OF FLORIDA**

**CASE NO. 6:16-mj-1084**

**COUNTY OF ORANGE**

**AMENDED MASTER AFFIDAVIT IN SUPPORT  
OF THE ISSUANCE OF CRIMINAL COMPLAINTS**

I, Conrad V. Henry, being duly sworn, state the following:

**INTRODUCTION**

1. I am a Special Agent ("SA") with the United States Drug Enforcement Administration ("DEA"), Orlando District Office, and am therefore empowered to conduct investigations of, and to make arrests for, federal drug trafficking offenses and related crimes, as enumerated in Titles 21 and 18 of the United States Code.

2. I have been employed by the DEA as an SA since February 2008. I received nineteen weeks of training at the DEA Academy at Quantico, Virginia. I have received extensive training pertaining to narcotic investigations and the investigation of various crimes which arise from drug trafficking activities.

3. I have participated in and conducted investigations of violations of various state and federal criminal laws, including: unlawful possession with intent to distribute controlled substances; distribution of controlled substances; use of communication facilities to commit narcotics offenses; importation of controlled substances; conspiracy to import, possess, and distribute controlled substances; and money laundering. These investigations have resulted in arrests of individuals who have smuggled, received, and distributed controlled substances, including cocaine, marijuana, heroin, methamphetamine, methylone, steroids and MDMA, and the arrest of individuals who have laundered proceeds emanating from those illegal activities. These investigations

have also resulted in seizures of illegal drugs and proceeds of the distribution of those illegal drugs.

4. I have also conducted investigations concerning the identification of co-conspirators through the use of telephone records and bills, financial records, drug ledgers, photographs, and other documents. I have also participated in the debriefings of many of those individuals arrested who later cooperated with the Government.

5. I have directed numerous confidential informants and cooperating witnesses to successfully infiltrate various-sized narcotics enterprises by way of intelligence gathering, participation in consensual recordings, and monitored purchases of controlled substances. I have executed search warrants for controlled substances and have conducted surveillance in connection with numerous narcotic investigations.

6. I have participated in court-ordered interceptions of wire communications involving cellular telephones. I am familiar with the ways in which narcotic traffickers conduct their business, including methods of importing and distributing narcotics, money laundering, the use of telephones to facilitate their illegal acts, and the use of numerical codes and code words to conduct drug transactions. My training and experience as a DEA SA, and my conversations with other DEA SAs and other federal, state and local law enforcement investigators familiar with narcotics trafficking and money laundering matters, form the basis of my opinions and conclusions set forth below, which I drew from the facts set forth herein.

## **PURPOSE OF AFFIDAVIT**

7. This affidavit is made in support of an application for the issuance of criminal complaints and arrest warrants charging the following individuals with conspiracy to distribute and possess with intent to distribute a controlled substance, that is, heroin, in violation of 21 U.S.C. § 846: (1) **ANGEL MANUEL FONTANEZ** (“**FONTANEZ**”); (2) **PEDRO JUAN RIVERA-AVILES, a/k/a “VIEJO”** (“**RIVERA-AVILES**”); (3) **STEVEN JOSEPH MALHAM** (“**MALHAM**”); (4) **JASON PAUL MANORE** (“**MANORE**”); (5) **AREF HAMDAN, a/k/a “AL”** (“**HAMDAN**”); (6) **WILBERT JOEL ALEQUIN-PAGAN, a/k/a “GORDO”** (“**ALEQUIN-PAGAN**”); (7) **ROBERT BRYAN SAUTNER** (“**SAUTNER**”); (8) **EMMANUEL VERGES** (“**VERGES**”); (9) **ZULEYKA JEANETTE COLON-RIVERA, a/k/a “MIA”** (“**COLON-RIVERA**”); (10) **CONSTANTINE KOTSIANIDIS** (“**KOTSIANIDIS**”); (11) **ERNESTO CABANAS-TORRES** (“**CABANAS-TORRES**”); and (12) **DOMINGO PEREZ-LAMBOY, a/k/a “CHINO”** (**PEREZ-LAMBOY**). As set forth below, this offense took place beginning on a date unknown, but at least as early as in or about November 2013, and continuing until in or about October 2015, in Orange County, Florida, in the Middle District of Florida, and elsewhere.

## **PROBABLE CAUSE BASIS**

### **Background on the DTO a/k/a the Company**

8. The above-listed individuals and other unidentified individuals are members or participants in a drug trafficking organization (“**DTO**”) that distributes street-level quantities of heroin in the Orlando area, primarily in the tourist district in West Orange County, Florida, near International Drive. This investigation started in

November 2013 and has involved, among other things, the following techniques: (1) debriefing numerous confidential sources (hereinafter, referred to as "CS-1," "CS-2," and "CS-4," respectively) and a source of information ("SOI"); (2) using undercover agents and the CS's for recorded telephone conversations and meetings with members of the DTO; (3) utilizing undercover agents and the CS's to make controlled purchases of heroin from members of the DTO; and (4) the installation, pursuant to a Federal Court Order, of a closed circuit television ("CCTV") camera system inside the Majestik Tattoo and Barbershop, located at 5389 S. Kirkman Road, Suite 205, where members of the DTO would meet.

9. As noted, CS-1, CS-2, CS-4, and one SOI were debriefed about the DTO during this investigation.<sup>1</sup> CS-1, CS-2, and CS-4 cooperated with the DEA in exchange for possible consideration in connection with criminal charges that the individuals were facing. CS-2 eventually had his/her status with law enforcement changed and started receiving payments in exchange for cooperation. The SOI cooperated after a law enforcement officer stopped him/her after the SOI purchased heroin. The SOI was about to use the heroin the SOI purchased but decided to cooperate out of a desire to break his/her addiction to heroin. The information these individuals provided to law enforcement about the DTO was generally consistent and found to be truthful and reliable, based on the other evidence this investigation revealed. Based on the collective information provided by the CS's and the SOI, I have learned the following about the DTO:

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<sup>1</sup> During this investigation, and in prior search warrant affidavits, the DEA also relied on information provided by a fourth CS, referred to as "CS-3," who was cooperating with the Metro Bureau of Investigation ("MBI") in exchange for possible consideration in connection with criminal charges CS-3 was facing. I have recently learned that CS-3 is no longer cooperating with MBI. Accordingly, this affidavit relies solely on the information provided by CS-1, CS-2, CS-4, and the SOI.

- a. Members of the DTO referred to themselves as “La Compania” or “the Company.”
- b. The DTO had its heroin suppliers in other states, including California. The heroin was transported back to Orlando where it was broken down into “bundles,” which consisted of 50 baggies of heroin.<sup>2</sup>
- c. The DTO sold a kilogram of heroin per week.
- d. The DTO used a telephone number that changed frequently to service customers (“the heroin line”). Customers called the heroin line and arranged to purchase heroin from a DTO member. The heroin line changed hands from one co-conspirator to the next.
- e. The DTO sold heroin using workers who worked 12-hour shifts selling heroin every day.
- f. **FONTANEZ** made \$12,000 to \$15,000 in profit per day from the heroin sales made by members of the DTO.
- g. Leadership of the DTO changed hands from **FONTANEZ** to **CABANAS-TORRES** after **FONTANEZ** was arrested by the Orlando Police Department (“OPD”) for possessing heroin. **CABANAS-TORRES** was identified in the original affidavit as the second leader of the DTO.

**Controlled Heroin Purchases Made from Members of the DTO**

10. As set forth below, undercover agents and some of the CS's have made numerous controlled heroin purchases from members or participants of the DTO,

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<sup>2</sup> Based on the laboratory results obtained during this investigation, one bundle of heroin sold by the DTO weighed approximately 3 to 4 grams of heroin.

including the individuals named in this affidavit. When a CS participated in a controlled heroin purchase, the CS was searched for contraband prior to conducting the buy and no contraband was found on any of the CS's prior to the buys. In addition, some, but not all of the controlled buys mentioned below, were recorded by a recording device.

***November 22, 2013 Heroin Sale by FONTANEZ and RIVERA-AVILES***

11. On November 22, 2013, at the Sun Brook Villas apartment community, located near 5870 Windhover Drive, in Orlando, Florida, DEA SA Dan Tilton, while acting in an undercover capacity, purchased 5 baggies of heroin from **FONTANEZ** and **RIVERA-AVILES**, for \$100 in DEA Official Advanced Funds ("OAF"). CS-1, who accompanied SA Tilton on this buy, has since been deactivated as a DEA CS because the CS failed to maintain contact with the DEA. Prior to the buy, CS-1 identified **FONTANEZ** as a heroin and cocaine trafficker who CS-1 had observed selling narcotics at hotels, parking lots, and residences in the Orlando area. The CS-1 spoke to **FONTANEZ**, via cellular telephone, and arranged the heroin sale, as witnessed by SA Tilton. SA Tilton and CS-1 drove together in an undercover vehicle to the above-listed location at the direction of **FONTANEZ**. Upon arriving at this location, SA Tilton observed an individual, who was eventually identified to be **FONTANEZ** in the driver seat of a pickup truck, and a second individual, who was eventually identified to be **RIVERA-AVILES**, sitting in the passenger seat.<sup>3</sup>

12. CS-1 introduced SA Tilton to **FONTANEZ** and **RIVERA-AVILES** told the agent "Keep the money down, keep the money down." SA Tilton observed **FONTANEZ** holding a black leather wallet that contained several small clear Ziploc baggies of what

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<sup>3</sup> When I indicate throughout this affidavit that a particular defendant was identified by a witness, such identification was made from a photograph of the individual retrieved from a database that law enforcement has access to.

appeared to be heroin. Eventually, **FONTANEZ** asked SA Tilton and CS-1 if they wanted "up" (cocaine). SA Tilton and CS-1 told **FONTANEZ** that they wanted "down" (heroin). **FONTANEZ** asked SA Tilton if he had his phone and SA Tilton retrieved his phone from his undercover vehicle. When SA Tilton returned, **FONTANEZ** advised the agent that he had given the heroin to CS-1 when the agent was getting his phone. Thereafter, SA Tilton took possession of the 5 baggies of heroin.

13. Thereafter, **FONTANEZ** and SA Tilton exchanged cellular telephone numbers. **FONTANEZ** provided 407-501-1330 as his number and advised SA Tilton that he wanted to save the agent's phone number and requested a steady phone number for the agent. **FONTANEZ** and **RIVERA-AVILES** both asked SA Tilton how he used heroin ("shooting" or "snorting"). In response, SA Tilton told them that he did not use heroin and that he sold the heroin to students from the University of Central Florida. **FONTANEZ** also asked if CS-1 vouched for SA Tilton and made the agent lift up his shirt, and asked if the agent was "packing." The agent complied with these requests and CS-1 told **FONTANEZ** that the CS vouched for SA Tilton. **FONTANEZ** also told SA Tilton that he "packs" "sometimes," but does not like trouble and likes "everything all business." SA Tilton and CS-1 eventually departed the location after giving the money to **RIVERA-AVILES**. The five baggies of heroin were secured as evidence and laboratory results confirmed that they contained .21 grams of heroin.

14. This controlled purchase in 2013 was the operation that initiated this investigation into the DTO.

***January 13, 2015 Heroin Sale by MALHAM and CABANAS-TORRES***

15. On January 13, 2015, in the parking lot of 5389 S. Kirkman Road, the



mini-mall where the Majestik Tattoo and Barbershop is located, Orange County West Task Force ("OCWTF") Agent Josh Graham, while acting in an undercover capacity, and CS-2, purchased 20 baggies of heroin from **CABANAS-TORRES** and **MALHAM**, for \$200 in OCWTF OAF.<sup>4</sup> CS-2 provided law enforcement with cellular telephone number 407-914-8398, the heroin line that the DTO was using at the time (hereinafter referred to as "heroin line #1"). CS-2 arranged for the purchase of 20 baggies of heroin by calling **MALHAM** on heroin line #1. CS-2 recognized the voice of the person he/she spoke to on heroin line #1 as **MALHAM**, who CS-2 described as a driver and seller for the DTO who drove a silver Nissan Xterra. At **MALHAM's** direction, CS-2 and Agent Graham drove to the above-listed location and waited. Agent Graham observed a silver Nissan Xterra arrive at the parking lot, and **CABANAS-TORRES** appeared and instructed the agent and CS-2 to wait. Thereafter, Agent Graham observed **CABANAS-TORRES** walk upstairs to the rear of the Majestik Tattoo and Barbershop and then return to the Nissan Xterra. Agent Graham handed the CS-2 \$200 and CS-2 entered the vehicle where **MALHAM** was sitting. CS-2 handed **MALHAM** the \$200 and **MALHAM** handed CS-2 the 20 baggies of heroin. Agent Graham and CS-2 eventually departed the location with the heroin, which was eventually secured as evidence. Field test results confirmed that the baggies contained heroin.

***February 6, 2015 State Arrest of FONTANEZ and KOTSIANIDIS***

16. On February 6, 2015, unrelated to my DEA investigation into the DTO,

OPD officers were called to the parking lot of a Wendy's, located at 5503 Major

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<sup>4</sup> It should be noted that in a previous affidavit for a search warrant assigned Middle District of Florida Case number 6:15-mj-1124, I indicated that 20 grams of heroin was purchased on this date. After clarifying the details of this transaction with OCWTF Agent Graham, I confirmed that 20 baggies (not grams) of heroin were sold by the DTO on January 13, 2015.

Boulevard, in Orlando, by an anonymous caller who reported possible drug activity. Upon arriving at this location, the officers observed a silver Lexus bearing State of Florida tag number 608QJI parked in the parking lot for a period of time. Four individuals approached the vehicle, knocked on the window, and entered the vehicle. The individuals then exited the vehicle and left. An OPD officer approached the vehicle to investigate and observed **FONTANEZ, KOTSIANIDIS**, and a rear passenger in the vehicle. **KOTSIANIDIS** was in the driver-seat of the vehicle and **FONTANEZ** was the front passenger. The rear passenger of the vehicle eventually opened a door to the vehicle and an officer smelled the odor of marijuana emanating from inside. The officer further observed drug paraphernalia, including a syringe and copper mesh, on the floorboard next to the rear passenger's foot. During a subsequent search of the vehicle, an officer recovered from the center console of the vehicle 190 clear plastic baggies of heroin packaged for distribution. OPD officers eventually interviewed the rear passenger of the vehicle who advised that he had called a phone number and was instructed to go to the Wendy's. Upon arriving at the Wendy's, the rear passenger recognized the silver Lexus from prior drug purchases that he had made from **FONTANEZ** in the past. This vehicle was registered to **KOTSIANIDIS**. The rear passenger further told the officers that he entered the silver Lexus and asked for four "dimes" of heroin and handed **FONTANEZ** \$40. The rear passenger further stated that the officers approached just as **FONTANEZ** was handing him the heroin. **FONTANEZ** and **KOTSIANIDIS** were eventually arrested by OPD and an officer recovered \$450 in cash from **KOTSIANIDIS's** pocket. Laboratory results confirmed that 80 of the 190 baggies seized from the silver Lexus contained 6.08 grams of heroin.

17. After his arrest, **FONTANEZ** remained in custody at the Orange County Jail for several weeks and **CABANAS-TORRES** assumed control of the DTO.

***February 20, 2015 Heroin Sale by RIVERA-AVILES***

18. On February 20, 2015, at the parking lot of a Lowes, located at 8700 W. Colonial Drive, in Orlando, OCWTF Agent Carlos Anglero, while acting in an undercover capacity, and CS-2, purchased 13 baggies of heroin from **RIVERA-AVILES** and another individual, using \$130 in OAF. Prior to the transaction, CS-2 spoke to **RIVERA-AVILES** by calling cellular telephone number 407-668-1368, the heroin line that the DTO was using at the time (hereinafter, referred to as "heroin line #2"). CS-2 had previously received heroin line #2 from a member of the DTO. **RIVERA-AVILES** directed CS-2 and Agent Anglero to the above-listed location. Upon arriving at this location, Agent Anglero approached a black 2014 Kia vehicle where **RIVERA-AVILES** and another member of the DTO were located. After waiting for other customers to purchase heroin, CS-2 entered the vehicle and purchased eight baggies of heroin from **RIVERA-AVILES** and the other DTO member, for \$80 in OAF. CS-2 exited the vehicle and handed this heroin to Agent Anglero. Thereafter, Agent Anglero entered the same vehicle and **RIVERA-AVILES** asked him: "How much do you want?" Agent Anglero asked for ten baggies and **RIVERA-AVILES** stated that he only had five left and needed to re-supply. Agent Anglero gave **RIVERA-AVILES** \$50 and the second DTO member who was in the vehicle handed the agent five baggies of heroin. **RIVERA-AVILES** also told the agent that if he needed more he should call **RIVERA-AVILES** back. Agent Anglero and CS-2 eventually departed the location with the heroin, which was eventually secured as

evidence. Laboratory results confirmed that the 13 baggies contained .79 grams of heroin. The second DTO member who participated in this sale was eventually approached and agreed to cooperate, and is the individual referred to as CS-4 in this affidavit. At the time of the buy on February 20, 2015, CS-4 had not been approached by the DEA and was not cooperating.

***February 23, 2015 Heroin Sale by MANORE and CABANAS-TORRES***

19. On February 23, 2015, at the parking lot of an Amscot, located at 2422 S. Kirkman Road, in Orlando, Agent Anglero, acting in an undercover capacity, and while accompanied by CS-2, purchased seven baggies of heroin from **MANORE** and **CABANAS-TORRES**, using \$70 DEA OAF. Prior to the buy, CS-2 spoke to an unidentified member of the DTO by calling heroin line #2. The DTO member directed CS-2 and Agent Anglero to the above-listed location and advised that "Jason" was driving, referring to **MANORE**. Upon arriving at this location, Agent Anglero and CS-2 parked next to **MANORE**, who was in a black 2005 Nissan Titan pickup truck bearing State of Florida tag number BBS-Z14 that was registered to an individual with **MANORE's** last name. The agent and CS-2 entered the pickup truck with **MANORE**, where **CABANAS-TORRES** was sitting in the passenger seat. **MANORE** counted out seven baggies of heroin and Agent Anglero paid **CABANAS-TORRES** \$70. After the sale, the agent gave **CABANAS-TORRES** a piece of paper with his phone number and requested that his phone number be saved. Agent Anglero and CS-2 eventually departed the location with the heroin, which was eventually secured as evidence. Laboratory results confirmed that the seven baggies contained .45 grams of heroin.

20. After the sale, surveillance agents followed **MANORE** and **CABANAS-**

**TORRES** as they travelled in the Nissan Titan to the Majestik Tattoo and Barbershop, where the leader of the DTO entered the barbershop while **MANORE** waited in the pickup truck. **CABANAS-TORRES** entered and exited the barbershop with a fanny pack. This same fanny pack was used to store heroin in future controlled buys. **CABANAS-TORRES** returned to the Nissan Titan where **MANORE** was waiting and the two individuals drove to 5310 Moxie Boulevard, in Orlando, **MANORE's** residence, as identified from additional buys at a later time during the investigation and ongoing surveillance. **MANORE** has since moved from this address but his address has not been updated in the Florida Driver and Vehicle Information Database ("DAVID") system.

***February 24, 2015 Heroin Sale by CABANAS-TORRES***

21. On February 24, 2015, at the parking lot of a Starbucks, located at 2604 East Colonial Drive, in Orlando, Agent Anglero, while acting in an undercover capacity, purchased 20 baggies of heroin from **CABANAS-TORRES** using \$200 OCWTF OAF. Prior to the buy, Agent Anglero spoke to **CABANAS-TORRES** by calling heroin line #2. **CABANAS-TORRES** directed the agent to the above-listed location. The agent recognized **CABANAS-TORRES's** voice from the prior controlled buy that took place on February 23, 2015. Upon arriving at this location, **CABANAS-TORRES** directed the agent to walk to a 2008 silver Nissan Xterra bearing State of Florida tag number 372-RCP, where he was the sole occupant of the vehicle. This vehicle was registered to **MALHAM**. Agent Anglero entered the vehicle and **CABANAS-TORRES** asked how much the agent wanted. The agent replied "20" and **CABANAS-TORRES** sold the agent 20 baggies of heroin for \$200. Agent Anglero eventually departed the location with the heroin, which was eventually secured as evidence. Laboratory results

confirmed that the 20 baggies contained 1.2 grams of heroin.

22. After the sale, surveillance agents followed **CABANAS-TORRES** as he drove the Nissan Xterra to 1033 North Fern Creek Avenue, in Orlando, the residence of **MALHAM**, as identified from the registration information from the vehicle. After a period of time, the Nissan Xterra departed **MALHAM's** residence with **CABANAS-TORRES** and an unidentified occupant in the vehicle. The vehicle eventually arrived at the parking lot of the Majestik Tattoo and Barbershop, where at least four unidentified individuals approached the vehicle quickly and met with the occupants for approximately 30 seconds before walking or running away. This activity is indicative of street-level heroin sales that the DTO regularly engages in. I believe that the individuals approaching the vehicle were customers of the DTO who were purchasing heroin from the occupants of the vehicle in the parking lot of the barbershop. Thereafter, agents observed **CABANAS-TORRES** exit the passenger side of the Nissan Xterra and walk toward the front of the building.

***February 26, 2015 Heroin Sale by CABANAS-TORRES***

23. On February 26, 2015, at the building where the Majestik Tattoo and Barbershop is located, in Orlando, Agent Anglero, while acting in an undercover capacity, purchased a "bundle" of heroin (50 baggies) from **CABANAS-TORRES**, using \$470 in OCWTF OAF. This buy was once again set up by the agent calling heroin line #2. The agent spoke to **CABANAS-TORRES** on the heroin line, and he directed the agent to the above-listed location. At this location, Agent Anglero met with **CABANAS-TORRES** and purchased the heroin for \$470 (the agent was given a discounted price for the heroin). **CABANAS-TORRES** removed the heroin from a fanny pack which the

agent observed contained an additional four to five bundles of heroin. Agent Anglero eventually departed the location with the heroin, which was eventually secured as evidence. Laboratory results confirmed that the 50 baggies contained 3.1 grams of heroin. After the sale, surveillance agents observed **CABANAS-TORRES** enter the Majestik Tattoo and Barbershop.

24. During this controlled purchase, surveillance agents observed the aforementioned Nissan Xterra that is registered to **MALHAM** conducting aggressive counter surveillance maneuvers in the area. At one point, the silver Nissan Xterra stopped directly behind two vehicles that were occupied by surveillance agents who were watching Agent Anglero conduct the purchase from a nearby business. Minutes later, the silver Nissan Xterra drove, at a high rate of speed, through the parking lot and abruptly parked adjacent to another agent's vehicle that was parked in a different business, across from the Majestik Tattoo and Barbershop. The vehicle then drove away. One of the surveillance agents observed that the driver of the Nissan Xterra matched the general physical description of **MALHAM**.

***March 2, 2015 Heroin Sale by MANORE***

25. On March 2, 2015, at **MANORE's** residence, located at 5310 Moxie Boulevard, in Orlando, Agent Anglero, while acting in an undercover capacity, purchased 50 baggies of heroin from **MANORE**, using \$500 in OCWTF OAF. This buy was set up similar to the previous buys in that the agent called heroin line #2 and spoke to **MANORE** who told the agent that he was "open." Via phone conversations, **MANORE** directed the agent to the above-listed location where agents observed **MANORE's** Nissan Titan parked in the driveway of the residence. The agent met with

**MANORE** at this location and told **MANORE** that he wanted "50." **MANORE** entered his residence and returned with 50 baggies of heroin which he sold to the agent for \$500. Agent Anglero eventually departed the location with the heroin, which was eventually secured as evidence. Laboratory results confirmed that the 50 baggies contained 3.5 grams of heroin.

***March 4, 2015 Heroin Sale by RIVERA-AVILES***

26. On March 4, 2015, inside apartment number 208, at Bella Capri apartments, located at 4832 Cason Cove Drive, in Orlando, Agent Anglero, while acting in an undercover capacity, purchased 50 baggies of heroin from **RIVERA-AVILES** and two unidentified individuals, using \$500 in OCWTF OAF. Similar to the above described purchases, Agent Anglero set up this buy by calling heroin line #2. An unknown member of the DTO answered heroin line #2 and directed the agent to the above-listed location. Upon arriving at the location, an unidentified male invited the agent to enter apartment number 208. Inside the apartment, Agent Anglero observed the unidentified male, **RIVERA-AVILES**, an unidentified female, and an approximately one year old child. During the buy, the agent heard the unidentified male tell **RIVERA-AVILES**: "Hurry up, he's here!" The unidentified female counted baggies of heroin and placed small baggies of heroin on the kitchen counter. **RIVERA-AVILES** and the unidentified female then called Agent Anglero over, and **RIVERA-AVILES** counted out 50 baggies of heroin. One of the three individuals in the apartment handed Agent Anglero the 50 baggies and he counted them and said: "Ok, they're all there." The agent also observed the unidentified female and **RIVERA-AVILES** package smaller individual bags of heroin into the bigger plastic bag that held them. As this was happening, the child was



standing in the kitchen and the unidentified female picked the child up, and carried heroin in one hand and the child in another. Before leaving, Agent Anglero paid for the heroin and, eventually, secured the drugs as evidence. As he was exiting the apartment, the agent heard the unidentified male tell the unidentified female: "I need eleven more because she's coming to get them!" Laboratory results confirmed that the 50 baggies contained 3.7 grams of heroin.

***March 11, 2015 Heroin Sale by RIVERA-AVILES***

27. On March 11, 2015, Agent Anglero, while acting in an undercover capacity, returned to apartment number 208, at the same location of the previous buy, and purchased 50 baggies of heroin from **RIVERA-AVILES** and an unidentified male, using \$400 in DEA OAF and \$100 in OCWTF OAF. Prior to the buy, the agent called heroin line #2. **RIVERA-AVILES** answered heroin line #2 and instructed the agent that he needed 25 minutes to "re-up" and get more heroin. Eventually, **RIVERA-AVILES** directed the agent to the above-listed location, via telephone conversation. Upon arriving at this location, Agent Anglero observed **RIVERA-AVILES** arrive in a vehicle and greet him. **RIVERA-AVILES** told Agent Anglero:

"The last few days or week we have been having trouble with the person that holds everything and as a result we are losing customers to someone else! ... We are trying to get our customers back, and they will be back. When you have a good product they will always come back! We just have to continue putting out a good product for the people and they will return!"

28. The agent and **RIVERA-AVILES** eventually entered apartment number 208 where the same unidentified male from the prior buy on March 4, 2015 was located. The unidentified male confirmed that Agent Anglero was buying a "bundle" of heroin.

The male walked to the kitchen and **RIVERA-AVILES** yelled to the male "it's under the toaster!" In response, the unidentified male stated, "I know!" Thereafter, Agent Anglero observed the unidentified male pull a clear plastic bag out from under the toaster. The unidentified male then handed the bag that contained 50 baggies of heroin to Agent Anglero and the agent paid the male \$500. Agent Anglero eventually departed the location with the heroin, which was eventually secured as evidence. Laboratory results confirmed that the 50 baggies contained 4.1 grams of heroin.

***March 28, 2015 Heroin Sale by CABANAS-TORRES***

29. On March 28, 2015, at the direction of agents, CS-4 purchased ten baggies of heroin from **CABANAS-TORRES** inside the Majestik Tattoo and Barbershop, in Orlando. Prior to the buy, CS-4 identified for law enforcement cellular telephone number 407-286-1661 as the new heroin line that the DTO was using (hereinafter, referred to as "heroin line #3"). CS-4 called heroin line #3 and set up the purchase. Agents monitored CS-4 during the phone call and throughout the operation. The individual who CS-4 spoke to upon calling heroin line #3 directed CS-4 to go to the above-listed location and OCWTF Agent James Avilla drove CS-4 there. Upon arriving at this location, CS-4 entered the barbershop with \$100 in OCWTF OAF that had been provided to CS-4. Shortly thereafter, agents observed CS-4 exit the barbershop and return to Agent Avilla who remained in a vehicle during the controlled purchase. After the purchase, CS-4 met with agents and turned over 10 baggies of heroin that CS-4 advised he/she purchased directly from **CABANAS-TORRES** inside the barbershop. Furthermore, CS-4 advised that during the buy, **CABANAS-TORRES** was wearing a fanny pack that contained several bundles of heroin. CS-4 further advised agents that

since **FONTANEZ's** arrest, the DTO was under the leadership of **CABANAS-TORRES** and **FONTANEZ's** brother. The purchased heroin from this date was eventually secured as evidence. Laboratory results confirmed that the ten baggies contained .70 grams of heroin.

***April 10, 2015 Heroin Sale by CABANAS-TORRES***

30. On April 10, 2015, in the parking lot of an Orlando Ale House, located at 5573 South Kirkman Road, in Orlando, DEA Task Force Agent ("TFA") Ashley Scott purchased 150 bags of heroin from **CABANAS-TORRES** using \$1,500 in DEA OAF. Prior to the buy, CS-4 called heroin line #3 to set up the purchase. During the phone call, CS-4 immediately recognized **CABANAS-TORRES** as the individual who answered heroin line #3. This individual instructed TFA Scott and CS-4 to the above-listed location. TFA Scott and CS-4 drove to this location in an undercover vehicle. Surveillance agents also observed **CABANAS-TORRES** exit the Majestik Tattoo and Barbershop, get into a 1999 red convertible BMW bearing State of Florida tag number N326KV, and drive to the Ale House parking lot. Eventually, TFA Scott met with **CABANAS-TORRES** inside the BMW, where she purchased two bundles of heroin for \$1,000. **CABANAS-TORRES** provided TFA Scott with heroin line #3, the same phone number provided by CS-4 that was used to arrange the purchase. **CABANAS-TORRES** also called TFA Scott's undercover phone number from heroin line #3 that was in his possession at the time in order to confirm that he had the agent's telephone number saved. Thereafter **CABANAS-TORRES** told TFA Scott that he needed to meet with another customer, but that he would return with the third bundle of heroin that he had previously agreed to sell the agent. **CABANAS-TORRES** departed the location

and returned to the area of the Majestik Tattoo and Barbershop where agents observed him meet with a suspected customer. Eventually, **CABANAS-TORRES** returned to TFA Scott's location at the Ale House parking lot and sold her the third bundle of heroin in exchange for the remaining \$500 that the agent had with her. TFA Scott eventually departed the location with the heroin, which was eventually secured as evidence.

Laboratory results confirmed that the 150 bags contained 11.7 grams of heroin.

31. After the buy, **CABANAS-TORRES** returned to the Majestik Tattoo and Barbershop and entered the business.

***April 16, 2015 Heroin Sale by HAMDAN and ALEQUIN-PAGAN***

32. On April 16, 2015, at the parking lot of an apartment complex, located in the vicinity of 5877 Windover Drive, in Orlando, TFA Scott, while acting in an undercover capacity, purchased 150 bags of heroin from **HAMDAN** and **ALEQUIN-PAGAN**, using \$1,500 in DEA OAF. TFA Scott arranged the buy by calling heroin line #3. After being directed to one location, TFA Scott was re-directed to follow a Nissan Maxima bearing State of Florida tag number 324-QTC to the above-listed location. Eventually, TFA Scott entered the Nissan Maxima which was occupied by two individuals who were eventually identified as **HAMDAN** (the front passenger) and **ALEQUIN-PAGAN** (the driver). **HAMDAN** introduced himself as "AL," and **ALEQUIN-PAGAN** introduced himself as "GORDO." TFA Scott paid **HAMDAN** \$1,500 which **HAMDAN** counted and **ALEQUIN-PAGAN** handed the agent 150 bags of heroin. During the buy, the agent observed a plastic bag containing several bundles of heroin in the center console of the Nissan Maxima. TFA Scott eventually departed the location with the heroin, which was eventually secured as evidence. Laboratory results

confirmed that the 150 bags contained 10.9 grams of heroin.

33. After the buy, surveillance agents observed **HAMDAN** and **ALEQUIN-PAGAN** travel in the Nissan Maxima to the Majestik Tattoo and Barbershop where they entered the barbershop. Shortly thereafter, **CABANAS-TORRES** arrived in a white Toyota van bearing State of Florida tag number L02-7YM, and parked near the Nissan Maxima. **CABANAS-TORRES** also entered the Majestik Tattoo and Barbershop. After approximately 45 minutes, agents observed **CABANAS-TORRES** return to the parked Toyota van where he met with **HAMDAN**. Both **HAMDAN** and **CABANAS-TORRES** then entered the Toyota van and sat in the vehicle as numerous unknown individuals approached and entered the van for two to three minutes. These individuals then exited the van and immediately departed the area. This pattern of activity is indicative of the drug transactions committed by the DTO, as observed by agents during this investigation.

***April 29, 2015 Heroin Sale by HAMDAN and ALEQUIN-PAGAN***

34. On April 29, 2015, at the parking lot of a Golden Corral, located at 8032 International Drive, in Orlando, TFA Scott, while acting in an undercover capacity, purchased 200 bags of heroin from **HAMDAN** and **ALEQUIN-PAGAN**, using \$2,000 in DEA OAF. Similar to the previous buys, TFA Scott arranged this purchase by calling heroin line #3. **HAMDAN** answered heroin line #3, and, during a series of phone conversations, he directed the agent to the above-listed location. Upon arriving at this location, TFA Scott entered the same Nissan Maxima from the previous buy, and met with **HAMDAN** and **ALEQUIN-PAGAN**. TFA Scott gave \$2,000 to **HAMDAN** who

counted the money. While attempting to count the money, **HAMDAN** answered a light blue silver phone, which appeared to be the same phone that TFA Scott observed in the possession of **CABANAS-TORRES** during the buy on April 10, 2015. Once the money was counted, **HAMDAN** told **ALEQUIN-PAGAN** everything was good, and **ALEQUIN-PAGAN** provided TFA Scott with 200 bags of heroin. TFA Scott eventually departed the location with the heroin, which was eventually secured as evidence. Laboratory results confirmed that the 200 bags contained 15.2 grams of heroin.

***May 19, 2015 Heroin Sale by ALEQUIN-PAGAN and VERGES***

35. On May 19, 2015, at the parking lot of a Ross Store, located at 4661 Millenia Plaza Way, in Orlando, TFA Scott, while acting in an undercover capacity, purchased 200 bags of heroin from **ALEQUIN-PAGAN** and **VERGES**, using \$2,000 in DEA OAF. Like the other buys, TFA arranged this purchase by calling heroin line #3. In a series of phone conversations, TFA Scott eventually arranged for the purchase of 4 bundles (200 bags) of heroin for \$2,000 from the DTO. TFA Scott drove, as directed by the member of the DTO who was using heroin line #3 to the above-listed location. Upon arriving at this location, TFA met with **ALEQUIN-PAGAN** and an individual eventually identified as **VERGES**, both of whom arrived in a Nissan Altima bearing State of Florida tag number DIU-R52, which was registered to **VERGES**. TFA Scott entered the Nissan Altima, and paid **VERGES** \$2,000, which **VERGES** counted. Thereafter, **ALEQUIN-PAGAN** handed 200 bags of heroin to TFA Scott. TFA Scott eventually departed the location with the heroin, which was eventually secured as evidence. Laboratory results confirmed that the 200 bags contained 14.7 grams of heroin.

***June 3, 2015 Heroin Sale by SAUTNER***

36. On June 3, 2015, at the parking lot of a 7-Eleven, located at 4999 West Oak Ridge Road, in Orlando, TFA Scott, while acting in an undercover capacity, purchased 200 bags of heroin from **SAUTNER** and another member of the DTO, using \$2,000 in DEA OAF. As she had done in the past, TFA Scott arranged this purchase by calling heroin line #3. TFA Scott received instructions from a member of the DTO to go to an Olive Garden, located at 7300 West Colonial Drive in Orlando. The person who gave her the instructions also advised that he was in a light green Infinity vehicle. After arriving at the Olive Garden, TFA Scott observed a light green 2000 Infinity bearing State of Florida tag number G26-4KU, which was registered to **SAUTNER** and occupied by two individuals. TFA Scott entered this vehicle, as directed by the driver, who was later identified as **SAUTNER**. TFA Scott observed a tray sitting on the lap of the individual who was in the front passenger seat of the vehicle. The tray contained approximately 20 baggies of heroin. TFA Scott advised that she wanted 200 bags of heroin and was told by the occupants that they did not have enough heroin with them. The passenger of the vehicle introduced himself as "Flaco," and the driver, **SAUTNER**, introduced himself as "Rob." TFA Scott recognized **SAUTNER's** voice as the same individual she had spoken to earlier on heroin line #3. **SAUTNER** apologized to TFA Scott for not bringing the requested amount of heroin. Eventually, TFA Scott and **SAUTNER** agreed to meet later at a different location to complete the sale.

37. Thereafter, surveillance agents observed **SAUTNER** and "Flaco" drive in the Infinity to a 7-Eleven, located at located at 6994 West Colonial Drive, in Orlando, where agents further observed "Flaco" enter the rear seat of the above-listed Nissan Xterra that was registered **MALHAM**. After a short time, "Flaco" exited the Nissan Xterra and returned to the Infinity.

38. Later on the same date, **SAUTNER** contacted TFA Scott and told her to meet him at a location to complete the sale. Shortly thereafter, **SAUTNER** contacted TFA Scott again and told her that patrol, referring to the police, were in the area and that she should meet him at the 7-Eleven at the intersection of Oak Ridge Road and Millenia Boulevard. Thereafter, TFA Scott drove to the 7-Eleven, located at 4999 West Oak Ridge Road in Orlando, and entered the Infinity that was driven by **SAUTNER** and had "Flaco" as the passenger. Upon entering the vehicle, "Flaco" handed the agent a brown paper bag. TFA Scott opened the bag and retrieved 200 bags of heroin from it. TFA Scott then gave "Flaco" \$2,000 and he counted the money. TFA Scott eventually departed the location with the heroin, which was eventually secured as evidence. Laboratory results confirmed that the 200 bags contained 14.5 grams of heroin.

***July 7, 2015 Heroin Sale by VERGES and COLON-RIVERA***

39. On July 7, 2015, at the rear of the mini-mall where the Majestik Tattoo and Barbershop is located, in Orlando, TFA Scott, while acting in an undercover capacity, purchased 200 bags of heroin from **VERGES** and **COLON-RIVERA**,<sup>5</sup> using \$2,000 in DEA OAF. As she had done on numerous prior occasions, TFA arranged this

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<sup>5</sup> As noted in the Request for Leave To Dismiss Complaint and Quash Arrest Warrant filed by the United States on February 22, 2016, Colon-Rivera was previously misidentified in the original complaint affidavit.



transaction by calling heroin line #3. She initially spoke to a female member of the DTO on heroin line #3, and then, later, she talked to a male individual who was using the heroin line.

40. TFA Scott was ultimately directed to the above-listed location where she was instructed that the DTO members who would sell her the heroin would arrive in a white Chrysler 300. A vehicle with this make and model, bearing State of Florida tag number BPJ-B57, eventually arrived and proceed directly toward the rear of the business. TFA Scott followed the vehicle to the rear of the building, where she observed **VERGES**, the driver of the vehicle, backing the vehicle into a designated parking space. TFA Scott also observed a female, later identified as **COLON-RIVERA**, sitting in the front passenger seat of the vehicle. TFA Scott entered the Chrysler 300, and was greeted by **COLON-RIVERA** who introduced herself as "Mia." **COLON-RIVERA** handed 200 bags of heroin to TFA Scott and the agent provided **COLON-RIVERA** with \$2,000, which **COLON-RIVERA**, in turn, handed to **VERGES**, who counted it. During the transaction, TFA Scott complained about the two males who were sent by the DTO to sell her heroin on June 3, 2015 (**SAUNTER** and "Flaco"). In response, **COLON-RIVERA** told TFA Scott that the second leader of the DTO hired and fired both individuals so TFA Scott did not have to worry about seeing them again. Once **VERGES** finished counting the money, TFA Scott asked him to save her new phone number, which he did by inputting the number into a cellular telephone. TFA Scott eventually departed the location with the heroin, which was eventually secured as evidence. Laboratory results confirmed that the 200 bags contained 15.2 grams of heroin.

41. A CCTV video recording system that was installed on June 30, 2015, inside the Majestik Tattoo and Barbershop, pursuant to a Court Order issued under Middle District of Florida Case No. 6:15-mc-42-Orl-37DAB, revealed that the following transpired shortly after the controlled buy on July 7, 2015: **VERGES, ALEQUIN-PAGAN, COLON-RIVERA**, the second leader of the DTO, and another member of the DTO, were all inside the barbershop at the same time. The second leader of the DTO was standing at the counter handling cash. **COLON-RIVERA** walked to the front counter where the second leader of the DTO and another member of the DTO were standing. **COLON-RIVERA** placed a white box on the counter, as the individuals at the counter were talking. **COLON-RIVERA** also engaged in conversation with the second leader of the DTO, who ultimately walked to the back office of the shop and signaled the other DTO member to come with him. The second leader of the DTO and the other DTO member ultimately had a private meeting, inside the rear office of the shop. This other member of the DTO is the brother of **FONTANEZ**, the first leader of the DTO.

***July 15, 2015 - a New Heroin Line Is Texted To TFA Scott***

42. On July 15, 2015, TFA Scott received a text message from cellular telephone number 407-341-2348, the new heroin line that the DTO was using (hereinafter, referred to as "heroin line #4"). The text message read: "Hey guys this the new company number hit us up we are running good."

***August 26, 2015 Heroin Sale by CABANAS-TORRES***

43. On August 26, 2015, at the parking lot of the Coconut Palms Apartments, located at 4618 Middlebrook Road, in Orlando, TFA Scott, while acting in an undercover

capacity, purchased 200 bags of heroin from **CABANAS-TORRES** using \$2,000 in DEA OAF. TFA Scott arranged this purchase by calling heroin line #4. The individual who spoke to TFA Scott on heroin line #4 ultimately directed her to the above-listed location and advised that he would be in a white vehicle with the emergency lights turned on. Upon arriving at this location, TFA Scott parked directly next to a white Acura bearing State of Florida tag number PA677G, and observed **CABANAS-TORRES** in the driver-seat of the vehicle. The agent entered the vehicle and **CABANAS-TORRES** commented that he had not seen her in a long time. TFA Scott gave **CABANAS-TORRES** \$2,000 and he handed her 200 bags of heroin.

44. After she purchased the heroin, TFA Scott told **CABANAS-TORRES** that she was looking to make a larger purchase of heroin and could possibly come up with \$20,000 to \$30,000 for the heroin. **CABANAS-TORRES** advised that he would have to check with his business partner because he was about to switch and it was no longer going to be his turn to hold the heroin line. **CABANAS-TORRES** showed TFA Scott two cellular phones, and stated that one was the "worker phone," and the other was his personal phone. **CABANAS-TORRES** ultimately provided TFA Scott with his personal cellular telephone number. As TFA Scott was entering the telephone number into her phone, **CABANAS-TORRES** asked her to let him see how she spelled his nickname "Peluca" in the phone. **CABANAS-TORRES** also joked about how TFA Scott "wiped him out" and showed her that he only had six baggies of heroin left in the center console of the vehicle. TFA Scott eventually departed the location with the heroin, which was eventually secured as evidence. Laboratory results confirmed that the 200 bags contained 15.2 grams of heroin.

45. Based on the foregoing heroin sales that members of the DTO have made to date, the DTO is responsible for distribution and possession with the intent to distribute 100 grams or more of heroin during the conspiracy alleged in this affidavit.

***October 27, 2015 Meeting With CABANAS-TORRES***

46. On October 9, 2015, TFA Scott received a text message from **CABANAS-TORRES**, who was using cellular telephone number 407-797-8812, and identified himself in the message by his nickname "Peluca." On October 27, 2015, TFA Scott met with **CABANAS-TORRES** at a BJ's Restaurant and Brewhouse, located at 4151 Conroy Road, in Orlando. During this meeting, **CABANAS-TORRES** and TFA Scott discussed the future purchase of larger quantities of heroin. On October 29, 2015, TFA Scott received a text message from **CABANAS-TORRES**, who was still using 407-797-8812. In this message, **CABANAS-TORRES** quoted the agent a price for over 100 grams of heroin.

***February 24, 2016, Meeting with PEREZ-LAMBOY and COLON-RIVERA***

47. On February 24, 2016, at approximately 9:20 a.m., while surveilling the residence of **COLON-RIVERA**, at 4830 Susie Way, Orlando, Florida, plain-clothed law enforcement agents observed **PEREZ-LAMBOY** entering the residence. At approximately 9:30 a.m., **PEREZ-LAMBOY** exited the residence, and agents stopped and engaged him in casual conversation. **PEREZ-LAMBOY** consented to a search of his person, where agents located thirteen bags of heroin. In a post-arrest, post-*Miranda* interview, **PEREZ-LAMBOY** admitted that, immediately prior to his arrest, he had purchased the thirteen bags of heroin from **COLON-RIVERA** for \$91. He knew that

**COLON-RIVERA** worked for "the Company," and he had seen the heroin line in her possession at the time. He also knew that **FONTANEZ** was the leader of the Company. **PEREZ-LAMBOY** further related that approximately one month ago, he drove **RIVERA-AVILES** to the area of Sand Lake Road and Turkey Lake Road in Orlando, Florida, where they sold an individual one bundle of heroin for \$75. **PEREZ-LAMBOY** admitted that he had driven **RIVERA-AVILES** for similar heroin deals over the previous four months. Moreover, **PEREZ-LAMBOY** purchased approximately seven bags of heroin from **RIVERA-AVILES** approximately three weeks prior.

48. On the same day, February 24, 2016, at approximately 9:40 a.m., plain-clothed agents knocked on the door of **COLON-RIVERA**, and she answered the door. They informed her why they were present and administered her the *Miranda* warnings. She agreed to speak with the agents. When TFA Scott entered the residence, **COLON-RIVERA** addressed her as "Ashley," TFA Scott's undercover name. The agents requested consent to search her residence, and **COLON-RIVERA** granted it. During the subsequent search, agents located 200 bags of heroin and two handguns.

49. Also on February 24, 2016, following the arrest of **MALHAM**, **HAMDAN**, **MANORE**, and **PEREZ-LAMBOY** each positively identified **COLON-RIVERA** as DTO operative "Mia."

### **CONCLUSION**

50. On the basis of the foregoing facts and evidence, I submit that probable cause exists to charge (1) **ANGEL MANUEL FONTANEZ**, (2) **PEDRO JUAN RIVERA-AVILES**, a/k/a "VIEJO"; (3) **STEVEN JOSEPH MALHAM**; (4) **JASON PAUL MANORE**; (5) **AREF HAMDAN**, a/k/a "AL"; (6) **WILBERT JOEL ALEQUIN-PAGAN**,

a/k/a "GORDO"; (7) ROBERT BRYAN SAUTNER; (8) EMMANUEL VERGES; (9) ZULEYKA JEANETTE COLON-RIVERA, a/k/a "MIA"; and (10) CONSTANTINE KOTSIANIDIS; (11) ERNESTO CABANAS-TORRES, and (12) DOMINGO PEREZ-LAMBOY, a/k/a "CHINO" (PEREZ-LAMBOY) with conspiracy to distribute and possess with intent to distribute a controlled substance, that is, heroin, in violation of 21 U.S.C. § 846, and to issue an arrest warrants authorizing the arrests of these individuals for this violation.

48. This concludes my affidavit.

  
Special Agent Conrad V. Henry  
Drug Enforcement Administration

Sworn to and subscribed before me  
this 24<sup>th</sup> day of February, 2016.

  
The Honorable Gregory J. Kelly  
United States Magistrate Judge