

23 Mag. 6893

UNITED STATES OF AMERICA

v.

GRACE ROSA BAEZ and
CESAR MARTINEZ,

Defendants.

COMPLAINTViolations of
21 U.S.C. §§ 812, 841, 846;
18 U.S.C. § 2COUNTY OF OFFENSE:
BRONX

SOUTHERN DISTRICT OF NEW YORK, ss.:

WILLIAM BOLINDER, being duly sworn, deposes and says that he is a Special Agent with the Federal Bureau of Investigation ("FBI"), and charges as follows:

COUNT ONE**(Conspiracy to Distribute Narcotics)**

1. In or about October 2023, in the Southern District of New York and elsewhere, GRACE ROSA BAEZ and CESAR MARTINEZ, the defendants, and others known and unknown, knowingly and intentionally combined, conspired, confederated, and agreed, together and with each other to violate the narcotics laws of the United States.

2. It was a part and object of the conspiracy that GRACE ROSA BAEZ and CESAR MARTINEZ, the defendants, and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

3. The controlled substances that GRACE ROSA BAEZ and CESAR MARTINEZ, the defendants, conspired to distribute and possess with intent to distribute were 400 grams and more of mixtures and substances containing a detectable amount of fentanyl, and one kilogram and more of mixtures and substances containing a detectable amount of heroin, in violation of Title 21, United States Code, Section 841(b)(1)(A).

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

COUNT TWO**(Distribution of Narcotics)**

4. On or about October 16, 2023, in the Southern District of New York and elsewhere, GRACE ROSA BAEZ and CESAR MARTINEZ, the defendants, knowingly and intentionally distributed and possessed with intent to distribute a controlled substance, in violation of Title 21, United States Code, Section 841(a)(1), and aided and abetted the same.

5. The controlled substance involved in the offense was mixtures and substances containing a detectable amount of fentanyl, in violation of Title 21, United States Code, Section 841(b)(1)(C).

(Title 21, United States Code, Sections 812, 841(a)(1), and 841(b)(1)(C); Title 18, United States Code, Section 2.)

COUNT THREE
(Distribution of Narcotics)

6. On or about October 17, 2023, in the Southern District of New York and elsewhere, GRACE ROSA BAEZ and CESAR MARTINEZ, the defendants, knowingly and intentionally distributed and possessed with intent to distribute a controlled substance, in violation of Title 21, United States Code, Section 841(a)(1), and aided and abetted the same.

7. The controlled substance involved in the offense was mixtures and substances containing a detectable amount of heroin, in violation of Title 21, United States Code, Section 841(b)(1)(C).

(Title 21, United States Code, Sections 812, 841(a)(1), and 841(b)(1)(C); Title 18, United States Code, Section 2.)

COUNT FOUR
(Distribution of Narcotics)

8. On or about October 19, 2023, in the Southern District of New York and elsewhere, GRACE ROSA BAEZ and CESAR MARTINEZ, the defendants, knowingly and intentionally distributed and possessed with intent to distribute a controlled substance, in violation of Title 21, United States Code, Section 841(a)(1), and aided and abetted the same.

9. The controlled substances involved in the offense were 400 grams and more of mixtures and substances containing a detectable amount of fentanyl, and one kilogram and more of mixtures and substances containing a detectable amount of heroin, in violation of Title 21, United States Code, Section 841(b)(1)(A).

(Title 21, United States Code, Sections 812, 841(a)(1), and 841(b)(1)(A); Title 18, United States Code, Section 2.)

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

10. I am a Special Agent with the FBI, and I have been personally involved in the investigation of this matter. This affidavit is based upon my personal participation in the investigation, my examination of reports and records, and my conversations with other law enforcement officers and other individuals. Because this affidavit is being submitted for the limited purpose of demonstrating 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.

Overview

11. Since at least in or about October 2023, members of law enforcement have been investigating the defendants, who represented themselves to be wholesale narcotics distributors capable of providing kilogram-quantities of cocaine, fentanyl, and heroin. Investigators learned during the course of the investigation that, at all times relevant to the conduct described herein, GRACE ROSA BAEZ, the defendant, was an active member of the New York City Police Department (“NYPD”) who had been placed on modified duty and was under departmental investigation for alleged misconduct. While that investigation was ongoing, and as described in greater detail below, BAEZ and CESAR MARTINEZ, the defendant, provided, among other things, both samples as well as kilogram quantities of fentanyl and heroin to an individual they believed to be a drug trafficker. Portions of BAEZ’s conduct, including discussions intended to further the wholesale distribution of narcotics, occurred while BAEZ was engaged in her modified duties as a member of the NYPD.

12. Based on my participation in this investigation, my review of law enforcement reports and records, and my conversations with other law enforcement officers and a confidential source (the “CS”)¹ working with law enforcement, I have learned the following, in substance and in part:

The Introduction

a. On or about October 9, 2023, an individual known to the CS, who understood the CS to be involved in narcotics trafficking activity, told the CS, in substance and in part, that the user of a phone number (“Baez Phone Number-1”) could provide the CS with large quantities of cocaine.

b. Later that day, on or about October 9, 2023, the CS contacted Baez Phone Number-1 and had a conversation² with an individual who was later identified as GRACE ROSA BAEZ, the defendant. BAEZ told the CS, in substance and in part, that she could meet the CS on or about October 11, 2023 regarding a potential narcotics transaction.

c. On or about October 11, 2023, BAEZ told the CS, in substance and in part, to meet her in front of a particular apartment building located in the Bronx, New York (“Location-1”).

d. At approximately 6:30 p.m. on or about October 11, 2023, the CS arrived at Location-1 in the CS’s car. Members of law enforcement who surveilled the meeting observed BAEZ approach and enter the CS’s car. The CS and BAEZ then had a conversation.

¹ The CS has been providing information to the FBI in exchange for financial compensation since in or about 2015. The CS was convicted of federal narcotics offenses in or about 2015. Information provided by the CS has proven reliable and has been corroborated by, among other things, recordings and events independently corroborated by law enforcement.

² Conversations between the defendants and the CS occurred in Spanish. Descriptions of those conversations contained herein are based on, among other things, recordings of those conversations and my conversations with the CS and other law enforcement agents involved in the investigation.

e. During that conversation, which lasted approximately twenty minutes, BAEZ told the CS, in substance and in part, that BAEZ could sell the CS kilogram quantities of cocaine, fentanyl, and heroin. The CS told BAEZ that the CS was interested in purchasing each type of controlled substance and wanted to sample them before any large purchase. BAEZ then provided the CS with a second phone number (“Baez Phone Number-2”), for the CS to contact and communicate with BAEZ regarding potential narcotics transactions.

The October 16, 2023 Distribution

f. From on or about October 11, 2023, until on or about October 16, 2023, BAEZ and the CS remained in communication. In particular, BAEZ, using Baez Phone Number-1, told the CS, in substance and in part, that BAEZ could sell the CS two kilograms of fentanyl for \$30,000 per kilogram; could sell the CS an additional 400 grams of heroin with pricing to be negotiated later, as described below; and further agreed to provide the CS with a sample of the fentanyl. BAEZ told the CS that the fentanyl was top quality and directed that the CS meet her on or about October 16, 2023 to obtain a sample. BAEZ offered to negotiate the price of the 400 grams of heroin by agreeing to allow the CS to first test the purity—that is, the strength—of the heroin, and then pay BAEZ based on the quality of the heroin.

g. On or about October 16, 2023, BAEZ, using Baez Phone Number-1, contacted the CS, and offered, in substance and in part, to provide the CS a sample of fentanyl. BAEZ directed the CS to meet her in front of a particular apartment building located in Yonkers, New York (“Location-2”).

h. Later that day, on or about October 16, 2023, the CS drove to Location-2. Members of law enforcement who surveilled the meeting observed BAEZ approach and get into the CS’s car. During the meeting, which was recorded, BAEZ handed the CS a plastic candy container and indicated that the fentanyl sample was inside. As depicted below, the bottle contained a small, clear bag filled with a white powdery substance, which was later tested and confirmed to contain fentanyl.



i. During the October 16, 2023 meeting, BAEZ further told the CS, in substance and in part, that BAEZ had spoken to a drug supplier, who informed BAEZ that the price for the fentanyl had increased. In response, the CS asked BAEZ to honor their agreement of \$30,000 per kilogram. BAEZ replied, in substance and in part, that she would talk to the drug supplier again regarding the price.

j. Members of law enforcement observed that after BAEZ left the CS's car she entered the apartment building at Location-2.

The October 17, 2023 Distribution

k. On or about October 17, 2023, BAEZ, using Baez Phone Number-1, told the CS, in a series of text messages, in substance and in part, that BAEZ had a sample of heroin and directed the CS to meet her at Location-2. The CS arrived at Location-2 at approximately 1:30 p.m. At approximately 1:40 p.m., members of law enforcement conducting surveillance observed BAEZ exit the apartment building located at Location-2, approach the CS's car, and meet the CS while standing next to the CS's car.

l. During the meeting, which was recorded, BAEZ handed the CS a clear plastic bag filled with a white powdery substance, which was later tested and confirmed to contain heroin. BAEZ told the CS, in substance and in part, that she had additional heroin available for sale and that she would provide the CS's phone number to her boyfriend, who was later identified as CESAR MARTINEZ, the defendant.

The October 19, 2023 Distribution

m. Later that day, on or about October 17, 2023, MARTINEZ called the CS from MARTINEZ's cellphone (the "Martinez Cellphone"). During that phone call, which was recorded, MARTINEZ informed the CS, in substance and in part, that the fentanyl's purity was not as high as originally believed, and that MARTINEZ could therefore negotiate the price. MARTINEZ further stated, in substance and in part, that by on or about October 19, 2023, MARTINEZ would have approximately one kilogram of heroin and 800 grams of fentanyl for sale, as well as cocaine for sale in the following weeks.

n. Later in the evening on or about October 17, 2023, MARTINEZ continued to communicate with the CS using the Martinez Cellphone. MARTINEZ told the CS, in substance and in part, that on or about October 19, 2023, MARTINEZ and BAEZ could sell the CS one kilogram of heroin for approximately \$25,000 and an additional 800 grams of fentanyl with pricing to be negotiated later. MARTINEZ directed the CS to test the purity of the fentanyl, and then pay BAEZ and MARTINEZ based on the quality of the fentanyl.

o. On or about October 18, 2023, BAEZ and MARTINEZ continued to correspond with the CS to negotiate a price for the narcotics. BAEZ and MARTINEZ told the CS, in substance and in part, that they would also sell the CS approximately 400 grams of a lesser-quality heroin, and an additional sample of fentanyl. BAEZ and MARTINEZ directed the CS to go to Location-2 the following day to complete their drug transaction.

p. On or about October 19, 2023, the CS arrived at Location-2 to purchase the narcotics. At approximately 12:00 p.m., members of law enforcement conducting surveillance observed BAEZ exit the apartment building at Location-2 and approach the CS. BAEZ then handed the CS packages containing suspected narcotics, including what appear to be one kilogram of heroin labeled “#1,” 400 grams of heroin labeled “400,” 640 grams of fentanyl labeled “640 MANZANA,” and an additional, separate sample of fentanyl, as depicted below:³



The Arrests

13. Based on my participation in the arrests of the defendants and my conversations with other law enforcement agents, I am aware of the following, in substance and in part:

a. On or about October 19, 2023, after GRACE ROSA BAEZ, the defendant, handed the suspected narcotics to the CS as described above, members of law enforcement placed BAEZ under arrest.

b. Following BAEZ’s arrest, members of law enforcement learned, based on their investigation, including discussions with building management for the apartment building at Location-2, that BAEZ and CESAR MARTINEZ, the defendant, lived together in an apartment unit (“the Apartment”) inside of the apartment building at Location-2.

c. Members of law enforcement approached the Apartment, knocked on the front door, identified themselves as law enforcement, and heard a male voice inside. At or around the same time, members of law enforcement outside of the apartment building observed a small package (the “Package”) being thrown out of a window from the Apartment and land behind the apartment building. Thereafter, MARTINEZ exited the Apartment and was placed under arrest.

³ Laboratory analysis for the items contained in the packages is pending.

d. When law enforcement agents retrieved and investigated the contents of the Package, they observed that the Package contained several smaller bags filled with suspected narcotics.⁴

e. Following his arrest, MARTINEZ was advised of his *Miranda* rights. MARTINEZ waived his rights and agreed to speak to law enforcement agents. During the interview that followed, MARTINEZ stated, in substance and in part, that he and BAEZ had been in a romantic relationship for approximately three years and that he lived in the Apartment.

f. MARTINEZ consented to a search of the Apartment and admitted, in substance and in part, that a kilogram press machine was located in a closet. During the search of the Apartment, members of law enforcement observed and recovered, among other things, the following:

i. The Martinez Cellphone was in MARTINEZ's possession.

ii. A small bag containing suspected narcotics was recovered on a ledge outside the Apartment windowsill.⁵ Based on my training, experience, and involvement in this investigation and others, I believe that, like the Package, MARTINEZ attempted to throw this bag of narcotics from the Apartment.

iii. A kilogram press. Based on my training, experience, and involvement in this investigation and others, I know that a kilogram press is commonly used to press and package kilogram quantities of narcotics. The kilogram press is depicted below:



⁴ Laboratory analysis for the items contained in the Package is pending.

⁵ Laboratory analysis for the items contained in the small bag is pending.

14. Based on my conversations with other law enforcement agents and my review of NYPD records, I have learned the following regarding GRACE ROSA BAEZ, the defendant:

a. Through the date of her arrest, BAEZ has been employed as a police officer with the NYPD. BAEZ began her employment with the NYPD in or about 2012. Due to alleged misconduct, BAEZ was placed on modified duty in or about 2020 while the alleged misconduct was under investigation. As of October 2023, BAEZ remained assigned to modified desk duty at a particular NYPD facility.

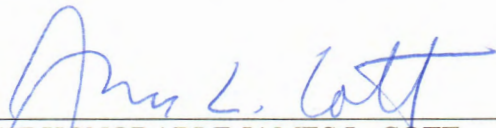
b. BAEZ engaged in some of the above-described offense conduct while on duty. For example, BAEZ was on duty: (i) on or about October 11, 2023, when BAEZ communicated with the CS regarding Location-1; (ii) on or about October 13, 2023, when BAEZ negotiated the price and quality of the fentanyl and arranged to deliver a sample of fentanyl to the CS; and (iii) on or about October 18, 2023, when BAEZ negotiated the final delivery with the CS.

WHEREFORE, I respectfully request that GRACE ROSA BAEZ and CESAR MARTINEZ, the defendants, be imprisoned or bailed, as the case may be.



WILLIAM BOLINDER
Special Agent
Federal Bureau of Investigation

Sworn to before me
this 20th day of October, 2023



THE HONORABLE JAMES L. COTT
United States Magistrate Judge
Southern District of New York