

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

No. 16-mj-03640-AOR

UNITED STATES OF AMERICA

Vs.

JOSE PATIN, SR.,
and
WILKIN DE JESUS MATOS FELIZ,

Defendants.

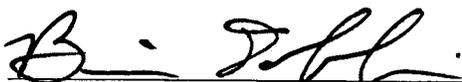
CRIMINAL COVER SHEET

1. Did this matter originate from a matter pending in the Northern Region of the United States Attorney's Office prior to October 14, 2003? ___ Yes X No
2. Did this matter originate from a matter pending in the Central Region of the United States Attorney's Office prior to September 1, 2007? ___ Yes X No

Respectfully submitted,

WIFREDO A. FERRER
UNITED STATES ATTORNEY

By:



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AO 91 (Rev. 08/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the Southern District of Florida

United States of America)
v.)
Jose Patin, Sr.,)
and)
Wilkin de Jesus Matos Feliz,)

Case No. 16-mj-03640-AOR

Defendant(s)

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 11/15/2016 through 12/6/2016 in the county of Miami-Dade in the Southern District of Florida, the defendant(s) violated:

Table with 2 columns: Code Section and Offense Description. Rows include 21 U.S.C. § 846 (Conspiracy to possess with intent to distribute more than five kilograms of cocaine) and 21 U.S.C. § 841(a)(1) (Possession with intent to distribute more than five kilograms of cocaine).

This criminal complaint is based on these facts: Please refer to the attached affidavit in support of complaint.

Continued on the attached sheet.

Michael D. Shum Complainant's signature

Special Agent Michael CONFIDENTIAL Printed name and title

Sworn to before me and signed in my presence.

Date: 12/07/2016

Alicia M. Otazo-Reyes Judge's signature

City and state: Miami, Florida

Alicia M. Otazo-Reyes, U.S. Magistrate Judge Printed name and title

AFFIDAVIT

I, **CONFIDENCIAL**, being duly sworn, depose and state as follows:

1. I am a Special Agent with the Drug Enforcement Administration (DEA), United States Department of Justice, currently assigned to the Miami Field Division. As such, I am an investigative or law enforcement officer of the United States within the meaning of Title 18, United States Code, Section 2510(7), and therefore am empowered to conduct investigations of, and make arrests for, the offenses enumerated in Title 18, United States Code, Section 2516(1)(e), and Title 21 of the United States Code. I have been employed as a Special Agent with the DEA since approximately January 2012 and assigned to the Miami Field Division since August 2012. As a Special Agent with DEA, I have successfully completed DEA Basic Agent Training held at the DEA Academy in Quantico, Virginia.

2. During my employment with the DEA, I have participated in narcotics investigations that have included: physical and electronic surveillance; execution of search and seizure warrants; evidence handling; undercover operations; the control and administration of confidential sources; and domestic and international drug distribution organizations. I also have spoken on numerous occasions with informants, suspects, and experienced narcotics investigators concerning the manner, means, methods and practices that drug traffickers use to further the operation of their drug trafficking organizations and the most effective methods of investigating and dismantling drug trafficking organizations.

3. The information contained in this affidavit is submitted for the purpose of supplying probable cause for the issuance of a complaint establishing that Jose PATIN, Sr. and Wilkin deJesus MATOS Feliz, a/k/a "Chu Chu," committed the offenses of conspiring to possess with intent to distribute five kilograms or more of a mixture or substance containing cocaine, in

violation of Title 21, United States Code, Section 846; and possession of more than five kilograms of cocaine with the intent to distribute, in violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2.

4. I have personally participated in this investigation, debriefed the confidential source (“CS”) related to this investigation, spoken to other federal, state, and local law enforcement involved in the investigation, and reviewed the reports about this investigation. As such, I am thoroughly familiar with the information contained in this Affidavit, either through personal investigation, physical surveillance, or through information provided by other law enforcement agents who have conducted interviews or themselves obtained information that they in turn have reported to me. As this affidavit is submitted for the sole purpose of providing probable cause for the complaint, I have not included each and every fact known to me concerning this investigation in this affidavit.

PROBABLE CAUSE

PATIN and MATOS gave the CS two kilograms of cocaine on November 16, 2016

5. The DEA developed a confidential source (“CS”) during this investigation. The CS provided information that the CS had received multiple kilogram quantities of cocaine and heroin in the past from PATIN, who would smuggle the narcotics into the United States through a variety of methods, including hidden in planes operated by PATIN’S charter air business, located at the Ft. Lauderdale Executive Airport in Broward County, Florida.

6. On November 15, 2016, at the direction of law enforcement, the CS placed a consensually monitored and recorded phone call to PATIN. During the call, PATIN agreed to meet with the CS the next day to give the CS some kilograms of cocaine on consignment. On November 16, 2016, PATIN instructed the CS to meet PATIN at the Islander Café, located at 651

Brickell Key Boulevard in Miami, Florida. Law enforcement conducted surveillance of the meeting, and the CS consensually recorded the meeting, which occurred at approximately 11:16 a.m. Prior to the meeting, the CS and the CS's vehicle were searched for drugs and money with negative results.

7. During the meeting, PATIN talked about his narcotics business, and PATIN told the CS to take it slow, which meant for the CS to be careful selling the narcotics. PATIN also provided the CS with new meanings for coded talk, such as the word "boat" would mean that PATIN wanted to meet at the Rusty Pelican Restaurant on Key Biscayne. PATIN also stated that the word "marina" meant that PATIN wanted to meet at PATIN'S residence, located at 520 Brickell Key Drive, Apartment 914 in Miami, Florida. PATIN also asked if the CS knew anyone that needed "twenty," or twenty kilograms of cocaine. When the CS responded in the affirmative, PATIN told the CS that PATIN could get it but needed some time as the cocaine was not close by. PATIN also provided the CS with a new prepaid phone that the CS was to use to communicate with PATIN, and PATIN provided the CS with a new phone number to contact PATIN.

8. Law enforcement then observed MATOS arrive at the Islander Café and approach PATIN and the CS. PATIN gave MATOS a key fob and directed him to go get the box. MATOS left the area on foot, then enter a burgundy Toyota Tundra, which law enforcement observed MATOS drive to the parking garage of 520 Brickell Key Drive. A few minutes later, MATOS drove the Toyota Tundra out of the parking garage for 520 Brickell Key Drive and drove to the parking garage near the Islander Café. PATIN told the CS to go meet MATOS. The CS walked to the Toyota Tundra in the parking garage where MATOS was waiting for the CS. MATOS handed the CS a box, opened the box, and cut into the top package of cocaine to show the CS. The CS then took the box and placed it into the CS's vehicle. The CS then left and drove to a

predesignated location to meet with law enforcement. At that time, the CS turned over the box with the two kilograms of cocaine. A field test of the packages confirmed that the substance given to the CS by PATIN and MATOS was cocaine.

9. On December 1, 2016, the CS made a consensually recorded phone call to PATIN. During the call, PATIN indicated that both PATIN and MATOS were currently in the Dominican Republic, but they would be returning the week of December 5, 2016. PATIN instructed the CS that PATIN expected to meet with the CS to receive the proceeds from the two kilograms given to the CS on November 16. PATIN also indicated that he was putting together a load of cocaine to bring to Miami. The CS asked for additional kilograms of cocaine.

10. On December 5, 2016, the CS made a consensually recorded phone call to PATIN, and during the conversation, PATIN indicated that he would be returning to Miami and wanted to meet with the CS on December 6, 2016 to receive the money owed for the two-kilogram delivery and to receive additional kilograms of cocaine. On December 6, 2016, during a consensually recorded phone call with PATIN, the CS and PATIN agreed to meet at the Islander Café at 651 Brickell Key Boulevard. Prior to this meeting, the CS met with law enforcement, and the CS and the CS's vehicle were searched for contraband or money with negative results. The CS was provided with a briefcase containing flash money, which was placed in the trunk of the CS's vehicle. The CS then drove to the Islander Café to meet with PATIN.

11. Law enforcement established surveillance at the Islander Café prior to the meeting. Law enforcement observed PATIN and MATOS at the Islander Café together. The CS arrived and sat with PATIN and MATOS. During the meeting, PATIN asked where the money for the drugs was, and the CS replied it was in the trunk of his car. PATIN asked why it had taken so long for the CS to collect the money for the two kilograms, and the CS replied it was due to the

Thanksgiving holiday. PATIN asked how many additional kilograms the CS wanted for this transaction, and the CS asked for five kilograms. PATIN responded that PATIN would give the CS four kilograms. PATIN then asked for the CS's keys to the CS's vehicle, which the CS gave to PATIN and MATOS. PATIN then instructed the CS to wait at the Islander Café.

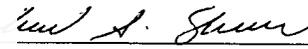
12. PATIN and MATOS then left the Islander Café and entered the parking garage, where PATIN entered his vehicle and MATOS began to enter the CS's vehicle. At that time, PATIN and MATOS were arrested. PATIN'S keys were seized at that time. Law enforcement then began to execute a search warrant on PATIN's residence at 520 Brickell Key Drive, a short distance away from the Islander Café. Law enforcement observed a 2015 Toyota Highlander, License Plate number ERJR92, in the parking spot for PATIN'S apartment. During surveillance of the parking garage for PATIN's apartment on December 5, 2016, the Highlander had not been observed in the parking space. The Highlander was registered to Isabel Maria Patin, PATIN's daughter, and PATIN had the key fob to the Highlander at the time of his arrest. The CS confirmed that he had met with PATIN on November 10, 2016, in the Highlander, and the CS identified the key fob for the Highlander as the key fob PATIN gave to MATOS on November 16, 2016 to retrieve the two kilograms of cocaine. Law enforcement had a narcotics K-9 conduct a sniff test around the vehicle, and the K-9 alerted for the presence of narcotics in the vehicle. A search of the Highlander revealed two boxes in the rear passenger area of the Highlander. Each box contained two kilograms of cocaine, that were wrapped in plastic wrap similar to the plastic wrap used in the delivery of the first two kilograms of cocaine on November 16, 2016. The packages were field tested, which revealed the presence of cocaine.

13. PATIN was interviewed by law enforcement, and PATIN provided a written waiver of his *Miranda* rights and agreed to answer questions. PATIN stated that his wife and daughter

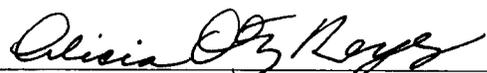
are in the Dominican Republic, and the daughter had been there for over a month. PATIN was asked who parked the Highlander in that parking spot, since it had not been there the day before. PATIN replied that PATIN had parked the Highlander there. A short time later, PATIN pretended to be confused and attempted to deny that he had parked the Highlander in that parking space.

CONCLUSION

14. Based on the foregoing, your affiant respectfully submits that probable cause exists to believe that PATIN and MATOS have conspired to possess with the intent to distribute more than five kilograms of cocaine, in violation of Title 21, United States Code, Section 846; and possessed with the intent to distribute more than five kilograms of cocaine, in violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2. FURTHER YOUR AFFIANT SAYETH NOT.

CONFIDENTIAL 
Michael Shaw, Special Agent
Drug Enforcement Administration

SWORN TO AND SUBSCRIBED
before me this 7th day of December, 2016.


HON. ALICIA M. OTAZO-REYES
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF FLORIDA