

1 AFFIDAVIT

2 I, James P. Mahoney, being duly sworn, state under oath as follows:

3 INTRODUCTION

4 1. I am a Special Agent with the Department of Homeland Security, Immigration  
5 and Customs Enforcement, Homeland Security Investigations (“HSI”) and have been so  
6 employed since November 2007. I was an Officer with the Suffolk County (Massachusetts)  
7 Sheriff’s Department from March 2003 until January 2004. I was an Officer with U.S. Customs  
8 and Border Protection, Department of Homeland Security, from January 2004 until I became a  
9 Special Agent with HSI. I am currently assigned to the Organized Crime Drug Enforcement  
10 Task Force (“OCDETF”) Boston Strike Force, and my primary duties include the investigation  
11 of organized narcotics traffickers. Since becoming a Special Agent with HSI, I have conducted  
12 or participated in many investigations involving the illegal manufacture, smuggling, and  
13 distribution of controlled substances, as well as the laundering of proceeds from the sale of those  
14 illegal substances.

15 2. I have conducted investigations of unlawful drug distribution and importation in  
16 violation of 21 U.S.C. §§ 841(a)(1), 843(b), 846, 952, 960 and 963, and have conducted and  
17 participated in physical surveillance, surveillance of undercover transactions, the introduction of  
18 undercover agents, and debriefings of informants and witnesses; reviewed taped conversations  
19 and telephone, financial and drug records; and participated in wiretaps. I have made arrests for  
20 violations of Title 21 of the United States Code, and have conducted and participated in the  
21 execution of search warrants for controlled substances, during which drugs, drug proceeds and  
22 drug paraphernalia have been seized. I have participated in numerous controlled deliveries of  
23 narcotics. I have received extensive specialized training in the field of controlled substance

1 identification, investigation, and enforcement.

2 3. As a result of this training and experience, I am familiar with the language,  
3 methods and habits of people engaged in conspiracies to violate the drug trafficking laws of the  
4 United States, including the methods that they employ to smuggle narcotics into the United  
5 States. I am familiar with narcotics traffickers' methods of operation, including methods used by  
6 them to distribute, store, and transport narcotics and to collect, expend, account for, transport,  
7 and launder drug proceeds. I am also familiar with the manner in which narcotics traffickers use  
8 common carriers, mail and private delivery services, personal and rented cars and trucks, and a  
9 variety of other motor vehicles to meet with co-conspirators, customers and suppliers; transport,  
10 distribute, and purchase narcotics; transport funds used to purchase narcotics; and transport the  
11 proceeds of narcotics transactions. I am also familiar with ways in which narcotics traffickers  
12 keep records of their drug business, including records of drug distribution, the collection of drug  
13 proceeds, and the laundering of drug proceeds.

14 4. This Affidavit is made in support of an application for a criminal complaint  
15 charging FRANCISCO TORRES, a/k/a "Sisco 16," a/k/a "Cisco," ("TORRES") (YOB 1980)  
16 with possession with intent to distribute cocaine and distribution of cocaine, a Schedule II  
17 controlled substance, in violation of 21 U.S.C. § 841(a). Because this Affidavit is submitted only  
18 for the limited purposes of establishing probable cause for a criminal complaint, it does not  
19 contain every fact learned during the investigation, but only information necessary to support  
20 probable cause to show that TORRES violated 21 U.S.C. § 841(a).

21 5. On or about October 11, 2016, agents with the HSI and officers from the New  
22 Hampshire State Police conducted a controlled delivery of narcotics to an individual living in  
23 New Hampshire, referred to herein as the "Cooperating Witness" or "CW." The CW had

1 ordered narcotics on the Internet from a source in a foreign country and federal agents in New  
2 York had intercepted that drug shipment as it crossed the U.S. border. HSI agents and the New  
3 Hampshire State Police conducted a controlled delivery to identify the CW, confront him with  
4 his purchase of narcotics, and search the location of the delivery. Upon the controlled delivery  
5 and search of the CW's home on or about October 11, 2016, officers discovered substantial  
6 evidence of narcotics distribution and several firearms.

7         6. The CW was immediately cooperative with officers, providing information about  
8 his own narcotics dealing as well as his sources of supply. The CW identified "Sisco" as his  
9 longtime source of supply for small quantities of cocaine. The CW told officers that "Sisco" was  
10 an approximately 40-year-old Puerto Rican male, usually drove an older model, gold Mercedes  
11 Benz sedan, and lived in Boston. The CW also told officers that he had begun purchasing larger  
12 quantities of cocaine from "Sisco" in the summer of 2016. The CW explained that in three  
13 separate transactions starting in or about June 2016, he had purchased from "Sisco" a total of 750  
14 grams of cocaine for \$31,500. Each transaction was for 250 grams of cocaine at a price of  
15 \$10,500. In each of the transactions, the CW had communicated by telephone or text message  
16 with "Sisco" in advance of the transaction and then met with "Sisco" in Boston at locations  
17 chosen by "Sisco."

18         7. Officers reviewed the CW's mobile telephone and found a long string of text  
19 messages with a contact listed as "Sisco 16" and a telephone number of \*\*\*-\*\*\*-6660. The CW  
20 identified this person as his source of supply for cocaine. According to Verizon Wireless, the  
21 subscriber for \*\*\*-\*\*\*-6660 is FRANCISCO TORRES at \*\* Itasca Street in Mattapan,  
22 Massachusetts.

23         8. Officers' subsequent investigation revealed that TORRES is "Sisco." Officers'

1 surveillance of TORRES confirmed that TORRES meets the description of “Sisco” provided by  
2 the CW. In addition, TORRES lives at \*\* Itasca Street in Mattapan (the same address at which  
3 \*\*\*-\*\*\*-6660 is subscribed). TORRES drives a 2002 brown Mercedes C320, Massachusetts  
4 Reg. 6EAL80, and that vehicle is registered to him.

5 9. The investigation also determined that TORRES works at Logan International  
6 Airport for JetBlue Airways. Of particular concern was the fact that through his work, TORRES  
7 not only had ready access to secure locations at Logan International Airport, but he also had  
8 access to the aircraft and loading ramps at the airport. In addition, TORRES has a “Customs  
9 Seal” issued to him by the U.S. Department of Homeland Security, Customs and Border  
10 Protection. That Customs Seal gives TORRES access to locations in Logan International Airport  
11 and aircraft which include international flights and passengers. This raised concerns that  
12 TORRES may be using his employment at JetBlue and his access to aircraft flying international  
13 routes to further his narcotics distribution activities.

14 10. Officers’ review of the CW’s text communications with TORRES revealed coded  
15 messages between the CW and TORRES regarding the purchase of cocaine in the summer and  
16 fall of 2016. The coded text revealed multiple offers from TORRES to sell the CW cocaine in  
17 quantities ranging up to one half kilogram of cocaine for prices as low as \$18,500 and as high as  
18 \$23,000. The text messages confirmed two transactions between the CW and TORRES for the  
19 sale of cocaine: one on June 28, 2016, and one on September 20, 2016.

20 11. In addition, the text messages between the CW and TORRES revealed that in  
21 early August 2016, TORRES was having difficulty with his source of supply. TORRES was  
22 concerned about both the quality of the cocaine he was receiving and a particular shipment  
23 which was “caught up in transit.” TORRES told the CW in a text that he traveled to Mexico to

1 “see what the problem was.” By early September, 2016, TORRES texted that he was looking for  
2 a new source because “Mexico ain’t playing right.” Nearly two weeks later TORRES texted the  
3 CW: “Yo broski we are back in action. I can have you good tomorrow night.” TORRES also  
4 texted the CW: “Just tested it!! Bullseye accuracy 1/1. Better than the other.” Based on my  
5 training and experience, this means that TORRES had a new source for cocaine, had tested the  
6 purity of the cocaine and it was of high purity.

7 12. Over the next several weeks, at the request of law enforcement officers, the CW  
8 communicated with TORRES by text to conduct a controlled purchase of cocaine from  
9 TORRES. Among other things, on or about October 15, 2016, through coded text messages,  
10 TORRES quoted prices for the purchase of cocaine: \$19,500 for half a kilogram and \$10,500 for  
11 one quarter kilogram.<sup>1</sup>

12 13. On or about November 11, 2016, at the direction of law enforcement officers, the  
13 CW spoke with TORRES on the telephone and arranged the purchase from TORRES of 250  
14 grams of cocaine for \$10,500. The call was audio recorded. In the call TORRES explained, “I  
15 got your 250 [grams], right? We normally do those at 42 [per gram] on that. I have 400 [grams]  
16 total if you want that . . . . So you have your choice of 400 [grams] or the 250 [grams], whichever  
17 works for you.” The CW responded that he would “probably just stick with the 250 [grams] . . .  
18 .” The two men went on to discuss not only the coming transaction for 250 grams of cocaine but  
19 future transactions. TORRES told the CW in response to a question about when TORRES  
20 could sell him more cocaine: “whenever you are ready is fine.” In the recorded call, the two men

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<sup>1</sup> The CW and TORRES typically used sports language to communicate about cocaine sales by text. So, for instance, TORRES’s offer to sell stated, “I’m scoring 19.5 points a game for the half and 10.5 points a game for the first quarter.”

1 agreed to meet early the following week to complete the transaction for 250 grams.

2 14. On or about November 15, 2016, at the direction of law enforcement officers, the  
3 CW arranged by telephone and text message to meet with TORRES to complete the transaction.  
4 TORRES told the CW that he would meet the CW at a specified location in Boston's South End.  
5 Prior to the CW's meeting with TORRES, officers searched the CW and his automobile and  
6 provided the CW \$10,500 in buy money. Officers also placed a recording device on the CW and  
7 activated that device. Under the surveillance of officers, the CW drove to the appointed meeting  
8 location and waited on a corner to meet with TORRES. At approximately 8:15 pm, officers  
9 conducting surveillance observed TORRES's Mercedes sedan pick up the CW at the arranged  
10 location. While in the Mercedes, the CW provided TORRES, who was driving, with \$10,500 in  
11 cash and TORRES provided the CW with 250 grams of cocaine contained in an Apple TV box  
12 contained in a Forever 21 bag. Agents later conducted a field test on the product purchased and  
13 the test was positive for cocaine.

14 15. After the controlled purchase, law enforcement officers instructed the CW to  
15 remain in contact with TORRES and to plan a final transaction at which officers would interdict  
16 TORRES in the course of selling cocaine to the CW.

17 16. Beginning in December 2016, officers instructed the CW to seek a price for a  
18 kilogram of cocaine from TORRES and to explain to TORRES that the CW was not only buying  
19 cocaine for the CW's distribution, but that the CW had an associate who also wanted cocaine to  
20 distribute. Initially the CW attempted to put TORRES in direct contact with his associate (who  
21 was in fact a Drug Task Force undercover officer), but TORRES cautiously declined, texting,  
22 "First few times I rock with you." In early January, when the CW sought to introduce his  
23 associate to TORRES in person, TORRES cautiously declined again, "Got to be honest don't

1 really want to meet him right now.”

2 17. On or about February 14, 2017, officers directed the CW to set up a final purchase  
3 of cocaine with TORRES. The CW contacted TORRES by text and texted: “. . .I’m ready to  
4 play that game just lemme know what works.” TORRES responded, “Your regular game or your  
5 boy,” inquiring whether the CW wanted his usual amount of 250 grams or a larger amount for  
6 the CW’s associate as well. The CW responded “Yeah the one me and him were playing  
7 together,” indicating that he wanted a kilogram of cocaine. The next morning TORRES  
8 responded, “Aight Ima put it together. Be ready” and “1st quarter gonna be a real good game,”  
9 referring to the quality of the first 250 grams. Later on February 15, the CW asked about the  
10 other 750 grams, to which TORRES responded, “You want the whole game?” and texting,  
11 “You’ve only ever played the first quarter of a game.”

12 18. On or about February 16, 2017, TORRES sent a text to the CW and asked him to  
13 call. The CW returned TORRES’s call a short while later while in the presence of an HSI agent  
14 and New Hampshire State Trooper. The call was recorded. During the call TORRES explained  
15 in coded language that he could not immediately sell a full kilogram of cocaine but had 850  
16 grams of cocaine to sell at \$39 per gram (for a total of \$33,150). He explained that he recently  
17 had access to 10 kilograms of cocaine (calling them “10 games”), but no longer had them  
18 because they had been sold.

19 19. Later in the day on February 16, 2017, TORRES and the CW agreed to meet at 8  
20 p.m. at the same location in the South End where they conducted the exchange of 250 grams on  
21 November 15, 2016.

22 20. Just prior to 8 p.m. on February 16, 2017, officers met with the CW, searched  
23 him, and searched his automobile. Officers provided the CW with \$33,000 in cash contained in

1 a distinctive Whole Foods shopping bag to exchange with TORRES for the cocaine. Officers  
2 also provided the CW with several audio and video recording devices, which they activated.  
3 Under officers' surveillance, the CW drove from his meeting with officers directly to a location  
4 in the South End which had been designated by TORRES.

5 21. At approximately 8:30 p.m., officers observed TORRES walking towards the  
6 CW's car which was parked at the corner of Tremont and West Brookline Streets in the South  
7 End. TORRES was carrying a large brown Timberland shopping bag. Officers observed the  
8 CW get out of his car holding the Whole Foods shopping bag containing the cash, and meet with  
9 TORRES on Tremont Street. The two men walked a short distance together down Tremont  
10 Street, exchanging words and then exchanged bags.

11 22. As TORRES walked away from the exchange holding the cash in the Whole  
12 Foods bag, law enforcement officers approached him to interdict him. TORRES threw the cash  
13 over a fence just before officers stopped him. The cash was immediately recovered. In the  
14 Timberland bag given to the CW by TORRES was a shoe box containing two wrapped packages  
15 of a white powder that field tested positive for cocaine. The total weight of the cocaine seized  
16 was approximately 850 grams.

17 **CONCLUSION**

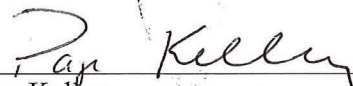
18 23. Based upon my training and experience, as well as the information I have gained  
19 in this investigation, I believe there is probable cause to conclude that, between in or about at  
20 least June 2016 and February 2017, FRANCISCO TORRES, a/k/a "Sisco 16," a/k/a "Cisco," did  
21 knowingly and intentionally possess with intent to distribute, and distributed, cocaine a Schedule



1 II controlled substance, in violation of 21 U.S.C. § 841(a).

  
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JAMES P. MAHONEY  
HSI Special Agent

Sworn to and subscribed before me  
on this 17th day of February, 2017

  
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Hon. M. Page Kelley  
United States Magistrate Judge

