

FILED

MARCH 15, 2023

STATE GRAND JURY JUDGE

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - CRIMINAL

State Grand Jury
Number SGJ786-23-2
Superior Court
Docket Number **23-3-00041-S**

STATE OF NEW JERSEY)

v.)

INDICTMENT

ELIAS SANTIAGO)

The Grand Jurors of and for the State of New Jersey, upon
their oaths, present that:

COUNT ONE

(Strict Liability for Drug-Induced Death - First Degree)

ELIAS SANTIAGO

between on or about August 16, 2022, and on or about August 17,
2022, at the City of Sea Isle City, in the County of Cape May,
in the Commonwealth of Pennsylvania, in the State of Delaware,
elsewhere, and within the jurisdiction of this Court, did
manufacture, distribute or dispense a controlled dangerous
substance and/or an analog of such substance, that is, fentanyl
and/or a fentanyl analog, a Schedule I and/or Schedule II
narcotic drug and/or an analog of such substance, in violation
of N.J.S.A. 2C:35-5a, and M.M. did die on or about August 17,
2022, as a result of injecting, inhaling, or ingesting the

fentanyl and/or the analog of such substance distributed by ELIAS SANTIAGO, to wit:

- (A) the said ELIAS SANTIAGO, operated a Telegram group called "BaldysRUS," which displayed pictures, videos, and different prices of CDS currently available for sale;
- (B) through the Telegram application, the said ELIAS SANTIAGO distributed CDS and counterfeit drugs;
- (C) on or about August 15, 2022, 17 year old M.M. contacted SANTIAGO via Telegram and asked to purchase 4 Xanax bars and 1 30mg Codeine pill;
- (D) M.M. requested to pay through the mobile application CashApp;
- (E) SANTIAGO provided his CashApp profile information with the name of "Elias Santiago" and the username "\$ykesllt98;"
- (F) M.M. paid SANTIAGO through CashApp and sent back a screenshot of his CashApp receipt indicating that he paid "Elias Santiago" \$75 for the drugs, including a delivery fee;
- (G) that same day, SANTIAGO delivered the drugs to M.M.'s house in Sea Isle City;

- (H) on or about August 16, 2022, M.M. ordered more CDS from SANTIAGO using the Telegram App;
- (I) specifically, M.M. ordered 24 Percocet pills, 19 Xanax bars, a quarter ounce of marijuana "shake," and a half ounce of marijuana "nugs," for \$615 including a delivery fee;
- (J) M.M. sent SANTIAGO screenshots of his CashApp receipt indicating that he paid SANTIAGO;
- (K) on the same date at 5:05p.m., SANTIAGO messaged M.M. that he would be arriving at his residence shortly to deliver the order;
- (L) after SANTIAGO completed the drug delivery, M.M. used his cell phone to record videos of the drugs SANTIAGO delivered that same day;
- (M) On August 16, 2023, at 8:27 p.m., M.M. messaged SANTIAGO to arrange a purchase of marijuana and requested the drugs to be delivered to 2022 Cedar Lane, Ocean Grove, New Jersey, the residence of one of M.M.'s friends;
- (N) M.M. sent SANTIAGO a screenshot of his CashApp receipt indicating that he paid Santiago \$265 for marijuana;
- (O) At 8:27 p.m., SANTIAGO messaged M.M. and advised that he arrived to complete the marijuana delivery;

- (P) Later that evening, M.M. left the Cedar Lane residence and traveled to his/her friend A.P.'s house at 455 Church Hill Road, Franklin Township, Chester County, Pennsylvania;
- (Q) Prior to his/her arrival, M.M. and A.P. communicated through Snap Chat, confirming that M.M. was coming to A.P.'s house and bringing the drugs he/she purchased from SANTIAGO;
- (R) On August 17, 2022, in the Commonwealth of Pennsylvania, A.P.'s father found his unresponsive child on the bottom bunk of the bunk bed, called the ambulance and attempted CPR while waiting for the ambulance to arrive;
- (S) after the ambulance arrived, they located the unresponsive body of M.M. on the top bunk. Both M.M. and A.P. were transported to a hospital in Delaware, where they were pronounced dead;
- (T) A.P.'s father located M.M.'s bookbag in A.P.'s bedroom;
- (U) the bag contained the pills that M.M. purchased from SANTIAGO on August 16, 2022, specifically a blue package labeled 'Gelatti' containing 18 white round

- pills marked as Oxycodone, and a blue package labeled "Gelatti" containing 17 green pills marked as Xanax;
- (V) the pills were submitted to the Pennsylvania State Police Regional Laboratory for testing;
- (W) the Drug Identification report provided that the white round pills in the resealable packet printed "Gelatti" were consistent with a preparation and appearance of oxycodone and acetaminophen;
- (X) although the pills appeared to be oxycodone, they were actually fentanyl (Schedule II) and methamphetamine (Schedule II);
- (Y) in addition, 16 tablets also contained despropionyl fluorofentanyl (Schedule I) and fluorofentanyl (Schedule I);
- (Z) the green rectangular pills in the resealable packet printed "Gelatti," were consistent in appearance with alprazolam (Xanax);
- (AA) the green pills were analyzed and contained clonazepam, meaning those were also counterfeit;
- (BB) the autopsies of both victims were conducted;
- (CC) the autopsy reports indicated that A.P. and M.M. suffered from intoxication by the combined effects of fentanyl, found in the counterfeit oxycodone pills,

and para-fluorofentanyl, also found in the oxycodone pills;

(DD) the cause of death for both juveniles was intoxication by the combined effects of fentanyl and para-fluorofentanyl, and the manner of death was listed as an accident,

contrary to the provisions of N.J.S.A. 2C:35-9a, and against the peace of this State, the government and dignity of the same.

COUNT TWO

(Strict Liability for Drug-Induced Death - First Degree)

ELIAS SANTIAGO

between on or about August 16, 2022, and on or about August 17, 2022, at the City of Sea Isle City, in the County of Cape May, in the Commonwealth of Pennsylvania, in the State of Delaware, elsewhere, and within the jurisdiction of this Court, did manufacture, distribute or dispense a controlled dangerous substance and/or an analog of such substance, that is, fentanyl and/or a fentanyl analog, a Schedule I and/or Schedule II narcotic drug and/or an analog of such substance, in violation of N.J.S.A. 2C:35-5a, and A.P. did die on or about August 17, 2022, as a result of injecting, inhaling, or ingesting the fentanyl and/or the analog of such substance distributed or dispensed by ELIAS SANTIAGO, contrary to the provisions of N.J.S.A. 2C:35-9a, and against the peace of this State, the government and dignity of the same.

COUNT THREE

(Distribution of an Imitation Controlled
Dangerous Substance - Third Degree)

ELIAS SANTIAGO

between on or about August 15, 2022, and on or about August 16, 2022, at the City of Sea Isle City, in the County of Cape May, elsewhere, and within the jurisdiction of this Court, knowingly or purposely did distribute a substance not a controlled dangerous substance, upon the express or implied representation the substance was a controlled dangerous substance, contrary to the provisions of N.J.S.A. 2C:35-11a, and against the peace of this State, the government and dignity of the same.

COUNT FOUR

(Possession of CDS - Third Degree)

ELIAS SANTIAGO

on or about August 16, 2022, at the City of Sea Isle City, in the County of Cape May, elsewhere, within the jurisdiction of this Court, knowingly or purposely did possess a controlled dangerous substance and/or controlled substance analog, that is, fentanyl and/or a fentanyl analog, a Schedule I and/or Schedule II narcotic drug and/or an analog of such substance, contrary to the provisions of N.J.S.A. 2C:35-10a(1), and against the peace of this State, the government and dignity of the same.

COUNT FIVE

(Distribution of a Controlled
Dangerous Substance - Third Degree)

ELIAS SANTIAGO

on or about August 16, 2022, at the City of Sea Isle City, in the County of Cape May, elsewhere, and within the jurisdiction of this Court, knowingly or purposely did distribute a controlled dangerous substance and/or an analog of such substance, that is, fentanyl and/or a fentanyl analog, a Schedule I and/or Schedule II narcotic drug and/or an analog of such substance, contrary to the provisions of N.J.S.A. 2C:35-5a(1), N.J.S.A. 2C:35-5b(5), and against the peace of this State, the government and dignity of the same.

COUNT SIX

(Distribution of a Controlled
Dangerous Substance - Third Degree)

ELIAS SANTIAGO

on or about August 16, 2022, at the City of Sea Isle City, and at the Township of Dennis, both in the County of Cape May, elsewhere, and within the jurisdiction of this Court, knowingly or purposely did distribute marijuana in a quantity of one ounce or more but less than five pounds, including any adulterants or dilutants, contrary to the provisions of N.J.S.A. 2C:35-5a(1), N.J.S.A. 2C:35-5b(11)(b), and against the peace of this State, the government and dignity of the same.

COUNT SEVEN

(Distribution of an Imitation Controlled
Dangerous Substance - Third Degree)

ELIAS SANTIAGO

on or about August 30, 2022, at the Township of Egg Harbor, in the County of Atlantic, elsewhere, and within the jurisdiction of this Court, knowingly or purposely did distribute a substance not a controlled dangerous substance, upon the express or implied representation the substance was a controlled dangerous substance, to wit:

- (A) through examining M.M.'S phone, the Pennsylvania State Police detectives learned that M.M. purchased the drugs in New Jersey prior to his death;
- (B) on August 22, 2022, Pennsylvania State Police contacted New Jersey State Police (NJSP) Crime Suppression South Unit to assist with the investigation;
- (C) NJSP identified the address for ELIAS SANTIAGO as 203 Newark Avenue, Egg Harbor Township, New Jersey;
- (D) on August 30, 2022, in the township of Egg Harbor, in the County of Atlantic, NJSP conducted an undercover controlled purchase from SANTIAGO;
- (E) the undercover detective contacted SANTIAGO through Telegram and requested 4 Xanax pills, 2 oxycodone pills, and 1 codeine pill;

(F) the undercover detective met SANTIAGO at a predetermined meet location to conduct a purchase;

(G) the drugs that were purchased were submitted to the lab and testing showed that the Xanax was actually Clonazepam, which is a sedative not approved for medical use or found in Xanax; the oxycodone was actually Procaine, which is generally used for dental anesthesia and is not found in oxycodone; and the codeine was not counterfeit,

contrary to the provisions of N.J.S.A. 2C:35-11a, and against the peace of this State, the government and dignity of the same.

COUNT EIGHT

(Distribution of a Controlled
Dangerous Substance - Third Degree)

ELIAS SANTIAGO

on or about August 30, 2022, at the Township of Egg Harbor, in the County of Atlantic, elsewhere, and within the jurisdiction of this Court, knowingly or purposely did distribute a controlled dangerous substance, that is, codeine, a Schedule II narcotic drug, contrary to the provisions of N.J.S.A. 2C:35-5a(1), N.J.S.A. 2C:35-5b(5), and against the peace of this State, the government and dignity of the same.

COUNT NINE

(Possession with Intent to Distribute an Imitation Controlled
Dangerous Substance - Third Degree)

ELIAS SANTIAGO

on or about September 7, 2022, at the Township of Egg Harbor, in the County of Atlantic, elsewhere, and within the jurisdiction of this Court, knowingly or purposely did possess with intent to distribute a substance not a controlled dangerous substance, upon the express or implied representation the substance was a controlled dangerous substance, to wit:

(A) On September 7, 2022, NJSP executed a Search Warrant at SANTIAGO's house and recovered the following items: (1) a blue packaging bag stamped "POMELO" and "Cookies" containing nine pink round tablets labeled "K/56" (which was supposed to be "oxycodone" by the markings on the pill but tested positive for Xylazine which is a horse/cattle sedative/anesthesia); (2) a blue packaging bag stamped "Gelatti" containing greenish brown residue; (3) a blue packaging bag stamped "Gelatti" containing unknown residue; and (4) multiple empty "Gelatti" bags, the same type of "Gelatti" bags that were used to package the drugs M.M. purchased from SANTIAGO,

contrary to the provisions of N.J.S.A. 2C:35-11a, and against the peace of this State, the government and dignity of the same.

AAG PEARL MINATO
DIRECTOR
DIVISION OF CRIMINAL JUSTICE



Pearl Minato, Director
Division of Criminal Justice

A TRUE BILL:

Terrance Oesterle Deputy, Foreperson

Dated: 3/15/23