

12 MAG 988

Approved:

Adam
ADAM FEE
Assistant U.S. Attorney

Before: HON. JAMES C. FRANCIS IV
United States Magistrate Judge
Southern District of New York

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SEALED COMPLAINT

UNITED STATES OF AMERICA :
- v. - :
Violations of 21 U.S.C.
§§ 812, 841(a)(1),
841(b)(1)(C), and 846

INGRID NAVEDO, :
RAFAEL ALFONSO VARGAS, and :
DORKIS GONZALEZ, :
COUNTY OF OFFENSE:
BRONX

Defendants. :

- - - - - X

SOUTHERN DISTRICT OF NEW YORK, ss.:

JASON BARRY, being duly sworn, deposes and says that he is a Special Agent with the U.S. Drug Enforcement Administration ("DEA"), and charges as follows:

COUNT ONE

1. From at least in or about October 2011 through in or about April 2012, in the Southern District of New York and elsewhere, INGRID NAVEDO, RAFAEL ALFONSO VARGAS, and DORKIS GONZALEZ, the defendants, and others known and unknown, intentionally and knowingly did combine, conspire, confederate, and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that INGRID NAVEDO, RAFAEL ALFONSO VARGAS, and DORKIS GONZALEZ, the defendants, and others known and unknown, would and did distribute and possess with the intent to distribute controlled substances, in violation of Title 21, United States Code, Section 841(a)(1).

3. The controlled substances involved in the offense were (i) mixtures and substances containing a detectable amount of oxycodone, a Schedule II controlled substance sold in a form commonly known as "Percocet," (ii) mixtures and substances containing a detectable amount of alprazolam, a Schedule IV controlled substance sold in a form commonly known as "Xanax," (iii) 3,4-Methylenedioxymethamphetamine, a Schedule I controlled substance sold in a form commonly known as "Ecstasy"; and (iv) phentermine, a Schedule IV controlled substance, all in violation of Title 21, United States Code, Section 841(b)(1)(C)

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

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

4. I have been a DEA Special Agent for approximately four and a half years. During that time, I have participated in numerous investigations of unlawful drug distribution. During the course of those investigations, I have conducted or participated in surveillance, drug transactions with confidential informants and undercover officers ("UCs"), the introduction of informants and UCs, the execution of search warrants, debriefings of informants, and reviews of taped conversations and drug records. Through my training, education, and experience, I have become familiar with the manner in which illegal drugs are imported and distributed; the way in which illegal drugs are prepared, packaged, and sold on the street; some of the methods of payment for such drugs; and some of the methods that are used to disguise the source and nature of the profits made by narcotics dealers.

5. I make this Affidavit in part on personal knowledge based on my participation in the investigation and on conversations with other DEA Special Agents and Task Force Officers ("TFOs"), and other law enforcement, including members of the New York City Police Department ("NYPD") and UCs; reviews of reports and other documents prepared by agents and others; and physical surveillance.

6. Throughout this Affidavit, where I assert that a statement was made, I was not the individual to whom the statement was made unless I specifically so state. Rather, information about the statement was provided by the specified law-enforcement officer (who may have had either direct or indirect knowledge of the statement) to whom I have spoken or whose reports I have read and reviewed. Such statements are

among many statements made by others and they are set forth in substance and in part, unless otherwise indicated. Similarly, the information in this Affidavit resulting from surveillance, except where otherwise specifically indicated, does not set forth my personal observations, but rather was provided to me by other law-enforcement officers who observed the events described, and to whom I have spoken or whose reports I have read.

7. Furthermore, the facts and circumstances of this investigation have been summarized for the specific purposes of this Application. I have not attempted to set forth the complete factual history of this investigation or all of its details. In making this Application, I rely only on the facts stated herein.

Overview of the Investigation

8. Since in or about October 2011, the DEA, in conjunction with other law enforcement agencies, has been investigating a drug-trafficking organization (the "DTO") that illegally sells and distributes various types of illicit pharmaceuticals, including pills containing the controlled substances oxycodone, sold in a form commonly known as "Percocet," and alprazolam, sold in a form commonly known as "Xanax," among other substances. Members of the DTO distribute these drugs, in pill form, in response to mail, email and telephone orders placed by individuals without confirming or inquiring that such individuals have obtained prescriptions for the drugs, and also engaged in street-level sales of such narcotics. As discussed below, the DEA has learned, among other things, the following information during the course of its investigation:

a. The DTO is led by a co-conspirator not named as a defendant herein ("CC-1") who operates his trafficking organization from several locations in the Bronx. INGRID NAVEDO, RAFAEL ALFONSO VARGAS, and DORKIS GONZALEZ, the defendants, and others known and unknown, also participate in the activities of the DTO in the Bronx, New York, and elsewhere. The DTO uses several residences to conduct its illicit business, including (1) an apartment in the vicinity of 181st Street in the Bronx, New York (the "181st Street Residence"); (2) an apartment in the vicinity of 173rd Street in the Bronx (the "173rd Street Residence"); (3) an apartment in the vicinity of Southern Boulevard in the Bronx, New York (the "Southern Boulevard Residence"); and (4) an apartment in the vicinity of

Sedgwick Avenue in the Bronx, New York (the "Sedgwick Avenue Residence").

b. During the period at issue in this Complaint, the DTO has been responsible for selling and distributing thousands of pills containing controlled substances to individuals throughout the United States, including shipments to New York, California, Montana, Arizona, and elsewhere.

c. As described in part below, nearly all of these shipments involve the DTO sending pills that would otherwise be available only with a doctor's prescription but are sent or distributed by the DTO directly to individuals in exchange for money.

d. The DTO also uses a business entity identified alternately as "Global Matters" or "Global Matters Teleservices" to conduct its illicit drug trafficking business. As detailed in part below, CC-1, and others associated with the DTO, have opened bank accounts and shipping accounts in Global Matters' name, and used such accounts in furtherance of the narcotics trafficking conspiracy described herein.

Probable Cause

Shipping and Bank Accounts Used By the DTO

9. Based on my review of United States Postal Service ("USPS") records, and my discussions with a Postal Inspector with the U.S. Postal Inspection Service ("Inspector-1"), I have learned the following:

a. CC-1 is the holder of a shipping account with the USPS (the "USPS Account"), which permits CC-1 to prepare and print USPS shipping labels from his personal computer. CC-1 opened the USPS Account under his own name, listed the company name as "Global Matter," and identified a particular cellphone ("CC-1 Cellphone-1") as one of the telephone numbers associated with the USPS Account. From reviewing phone records, I have learned that CC-1 Cellphone-1 is subscribed to CC-1 at an address in the vicinity of Blandon, Pennsylvania which (the "PA Address").

b. CC-1 listed two mailing addresses for the USPS Account: the 181st Street Residence and the 173rd Street Residence.

c. Beginning in or about October 2011 through in or about March 23, 2012, CC-1 and others using the USPS Account have sent nearly 800 parcels to locations throughout the United States, including the parcels discussed in this Complaint that were found to contain illicit narcotics. Each of these parcels sent using the USPS Account listed the shipper's address as one of two addresses: the 173rd Street Residence or the 181st Street Residence.

10. From reviewing bank records, I have learned the following:

a. CC-1 holds a business banking account with a particular bank ("DTO Bank Account-1"), for which he lists the account under the name "[CC-1's name] DBA Global Matter Teleservices," and identifies the business address for the company as the 181st Street Residence.

b. CC-1 and a second co-conspirator not named as a defendant herein ("CC-2") hold another business banking account with a second bank (the "DTO Bank Account-2"), for which they list the accountholder as CC-2, and the account title as "[CC-2's name] DBA Global Matter Teleservices."

The January 2012 Transaction

11. I have learned the following from another DEA Special Agent ("Agent-1") involved in this investigation:

a. At approximately 12:45 p.m. on or about January 26, 2012, a confidential source ("CS-1"¹) assisting law enforcement called CC-1 using a particular cellphone number ("CC-1 Cellphone-2"). Based on my review of phone records, I have learned that CC-1 Cellphone-2 is subscribed to an individual not named as a defendant herein, who is listed as residing at the 173rd Street Residence. According to CS-1, CS-1 has previously communicated with CC-1 by contacting the CC-1 Cellphone-2.

b. Agent-1 and other agents monitored the call between CS-1 and CC-1, during which CC-1 agreed to sell CS-1 approximately 400 Percocet pills in exchange for \$4,800 in cash.

¹ CS-1 has been working with the DEA for several years and is being paid for information. CS-1's information previously has proven reliable and been corroborated by independent investigation.

CS-1 and CC-1 agreed to conduct this transaction in the parking lot (the "Parking Lot") of a restaurant located in the vicinity of Webster Avenue in the Bronx, New York.

c. On or about January 26, 2012, Agent-1 and other law enforcement agents were conducting surveillance at the Parking Lot.

d. At approximately 2:00 p.m., Agent-1 observed CC-1 approach CS-1 in the Parking Lot. CC-1 and CS-1 then entered a blue Honda minivan (the "Minivan"), which left the Parking Lot and drove onto Webster Avenue. The Minivan was being driven by another individual, later identified as CC-2. Agent-1 observed CS-1 exit the Minivan as it stopped in the vicinity of Webster Avenue and 173rd Street.

e. According to a task-force officer ("TFO-1") who was also conducting surveillance of the Minivan, after dropping off CS-1, the Minivan proceeded to a location in the vicinity of the 173rd Street Residence in the Bronx, where CC-1 exited the Minivan and entered the 173rd Street Residence. I have learned from reviewing public utility records for the 173rd Street Residence that, since in or about October 2010 through in or about March 2012, an individual using CC-1's name has been paying utility bills associated with that residence.

f. Agent-1 learned the following from another DEA Special Agent ("Agent-2"), who debriefed CS-1 following the meeting with CC-1 and CC-2, as well as from Agent-1's review of an audio recording made of the meeting by CS-1 using a recording device concealed on CS-1's body:

i. According to CS-1, in the Minivan, CC-1 asked CS-1 if CS-1 had the money. CS-1 stated that he had the money, and then handed approximately \$4,800 to CC-1.

ii. CC-1 then told CS-1 that the pills were in a bag (the "Bag") behind a seat in the Minivan. CS-1 retrieved the Bag.

iii. The driver of the Minivan, later identified as CC-2, then drove the Minivan out of the Parking Lot. After driving a short distance, the driver later identified as CC-2 stopped the Minivan, and CS-1 exited the vehicle carrying the Bag. As CS-1 was leaving the Minivan, CC-1 told CS-1 to call him again on CC-1 Cellphone-2 if CS-1 needed anything.

iv. CS-1 subsequently identified the driver of the Minivan as the individual depicted in a particular photograph. This photograph was taken from the driver's license of CC-2.

g. Agent-1 recovered the Bag, and found that it contained approximately 400 pills. Subsequent laboratory tests confirmed that the pills contained in the Bag tested positive for the presence of oxycodone.

12. From my review of motor vehicle records relating to the Minivan, I have learned that the Minivan is registered to CC-2 at the PA Address discussed in paragraph 11(a).

13. On or about March 1, 2012, I spoke with CS-1 and learned the following:

a. According to CS-1, in or about March 2012, CC-1 spoke with CS-1 using CC-1 Cellphone-2.

b. On or about March 1, 2012, CS-1 again spoke with CC-1, who was using CC-1 Cellphone-2, and discussed purchasing additional Percocet pills from CC-1.

The Arizona Drug Shipments

14. I have learned that the DTO has distributed dozens of parcels containing pills to individuals in Arizona. Specifically, from speaking with another DEA Special Agent ("Agent-3") and other law enforcement officers in Arizona, and reviewing reports and other documents prepared by the DEA, I have learned of the following illicit pill shipments made by the DTO, among many others not described herein:

October 14, 2011 Shipment

a. In or about October 2011, a confidential source ("CS-2"²), who was working with the DEA, ordered approximately 95 Percocet pills from a co-conspirator not named as a defendant herein ("CC-3") who is associated with the DTO.

² CS-2 has been providing information to the DEA for several months, and is working with the DEA in exchange for financial compensation. CS-2's information previously has been proven reliable and corroborated by independent investigation.

b. On or about October 13, 2011, CC-3 told CS-2 that several parcels containing the requested pills had been sent using a major private shipping company ("Shipping Company-1"), and provided to CS-2 a tracking number for the parcels containing the pills.

c. On or about October 14, 2011, agents recovered the three parcels (the "October 14 Parcels") associated with the tracking number provided by CC-3, and found that the packages contained approximately 95 pills.

d. The three October 14 Parcels each listed the shipper's address as the 181st Street Residence. CS-2 was directed to send the payment for the pills contained in the October 14 Parcels to an individual not named as a defendant herein at the 181st Street Residence. Subsequent laboratory tests confirmed that the pills contained in the October 14 Parcels tested positive for the presence of oxycodone.

October 28, 2011 Shipment

e. In or about late October 2011, CS-2 ordered approximately 60 Percocet pills from CC-3, who provided CS-2 with a tracking number for a Shipping Company-1 parcel (the "October 28 Parcel") containing a portion of the requested pills.

f. On or about October 28, 2011, agents retrieved the October 28 Parcel, which listed the shipper as an individual at the 181st Street Residence. Subsequent laboratory tests confirmed that the pills contained in the October 28 Parcel tested positive for the presence of oxycodone.

December 23, 2011 Shipment

g. In or about late December 2011, CS-2 ordered approximately 60 "Percocet" pills from another co-conspirator not named as a defendant herein ("CC-4"), who is associated with the DTO.

h. On or about December 21, 2011, CC-4 directed CS-2 to send payment for the 60 pills to CC-1 at the 181st Street Residence.

i. On or about December 21, 2011, CS-2 subsequently received a Shipping Company-1 parcel (the "December 21 Parcel"), which CS-2 forwarded to the DEA. The December 21

Parcel listed the shipper as CC-1's name and the shipper's address as the 181st Street Residence. Subsequent laboratory tests confirmed that the pills contained in the December 21 tested positive for the presence of oxycodone.

December 28, 2011 Shipment

j. In or about late December 2011, Agent-3, who was at this time working in an undercover capacity as an individual interested in acquiring large quantities of pharmaceuticals and distributing them to others, used email, text and phone communications to order approximately 100 "Percocet" pills from another co-conspirator not named as a defendant herein ("CC-5") who was associated with the DTO.

k. On or about December 22, 2011, CC-5 told Agent-3 that the pills were on their way to the address provided by Agent-3, and gave Agent-3 a tracking number for the package containing the pills. On or about December 28, 2011, the USPS parcel (the "December 28 Parcel") bearing this same tracking number arrived at a USPS facility in Arizona. Another agent recovered the December 28 Parcel, and found that it contained approximately 100 pills.

l. The shipper of the December 28 Parcel was listed in CC-1's name followed by "Global Matter" at the 181st Street Residence and the 173rd Street Residence. The December 28 Parcel also listed the number assigned to CC-1 Cellphone-2 as the shipper's contact number.

m. Subsequent DEA lab tests have confirmed that the pills from the December 28 Parcel tested positive for the presence of oxycodone.

The 2011 and 2012 CC-6 Shipments

n. On or about each of the following 12 dates, either CS-2 or Agent-3 or another DEA Special Agent, working in an undercover capacity, received parcels containing purported Percocet pills, after having negotiated the purchase of such pills co-conspirators not named as defendants herein who are associated with the DTO: November 4, 2011, November 10, 2011, November 22, 2011, November 28, 2011, December 2, 2011, December 28, 2011, January 12, 2012, January 13, 2012, January 18, 2012, January 25, 2012, February 29, 2012, and March 12, 2012 (collectively, the "CC-6 Parcels").

o. Each of the CC-6 Parcels (1) listed the shipper as an individual not named as a defendant herein ("CC-6"); and (2) listed the shipping address as either the 181st Street Residence or the Southern Boulevard Residence.

p. For nearly all of the transactions involving the CC-6 Parcels, CS-2 or the undercover agent who ordered the pills was directed to send payment for the requested pills to CC-6 at (1) the 181st Street Residence or (2) the Southern Boulevard Residence, and did so by sending money orders to the specified address.

q. For the remaining transactions involving the CC-6 Parcels, CS-2 or the undercover agent who ordered the pills was directed to send payment for the requested pills to entities named "G-M" or "G-MATTER" either at (1) the Sedgwick Avenue Residence, or (2) the Southern Boulevard Residence, and did so by sending money orders to the specified address. I believe, based on my knowledge of this investigation, that "G-M" or "G-MATTER" refer to the entity "Global Matters," which is used by the DTO to further its illicit drug trafficking activity.

r. For each of the CC-6 Parcels - other than the parcels received on February 29 and March 29, 2012 - subsequent laboratory tests have confirmed that the pills contained in the parcels tested positive for the presence of oxycodone.

s. The test results for the pills seized from the parcels received on February 29 and March 12, 2012, are not yet available. However, I have learned from speaking with Agent-3 and reviewing relevant reports prepared by the DEA that the pills in these parcels are similar in size and appearance to those contained in the other CC-6 Parcels that tested positive for the presence of oxycodone.

t. With respect to the parcels received on February 29, 2012 and March 12, 2012, each of these parcels listed CC-6 as the shipper as well as a particular phone number (the "CC-6 Cellphone") for the shipper. Based on my review of phone records, I have learned that the CC-6 Cellphone is a cellphone subscribed to CC-6 at the Southern Boulevard Residence.

u. Based on my review of public utility records relating to the Southern Boulevard Residence, I have learned that, since in or about October 2004 through in or about March

2012, CC-6 has been listed as the sole individual paying utility bills associated with that residence.

15. From speaking with another DEA Special Agent ("Agent-4"), I have learned the following:

a. On or about March 29, 2012, Agent-4 visited the Southern Boulevard Residence.

b. On the door to the front entrance of the building in which the Southern Boulevard Residence is located, Agent-4 observed a hand-written sign (the "Sign") posted on the door that stated as follows: "Please [name of Shipping Company-1]!!!! If the door is close call me at [the call number assigned to the CC-6 Cellphone], so I can come down and get the package!!!! Thank you!!!!"

c. The Sign also listed the apartment number for the Southern Boulevard Residence.

March 2012 Shipment

16. From speaking with Agent-3 and other law enforcement officers in Arizona, and reviewing reports and other documents prepared by the DEA, I have learned the following:

a. In or about March 2012, another DEA Special Agent ("Agent-5") negotiated a purchase of approximately 100 Percocet pills from CC-4. CC-4 directed Agent-5, who was acting in an undercover capacity and communicating with CC-4 through email, phone and/or text message correspondence, to pay for the pills by making a bank deposit to DTO Bank Account-2. CC-4 also provided Agent-5 with a tracking number for the parcel containing the pills.

b. On or about March 20, 2012, Agent-5 received the parcel bearing the tracking number provided by CC-4 (the "March 20 Parcel"). The March 20 Parcel listed the shipper as CC-6 and the shipper's address as the Southern Boulevard Residence. The March 20 Parcel listed the shipper's contact telephone as the CC-6 Cellphone. As noted above, the CC-6 Cellphone is subscribed to CC-6 at the Southern Boulevard Residence.

The NYPD Transactions

17. I have learned the following from speaking with a detective ("Detective-1") with the NYPD:

a. Beginning in or about October 2011 through in or about January 2012, an undercover officer ("UC-1") made a series of purchases of illicit pharmaceuticals from a co-conspirator not named as a defendant herein ("CC-7"), who is associated with the DTO. During the course of his telephone conversations with UC-1, CC-7 identified himself as an employee of Global Matters.

b. During this period, UC-1 placed telephone orders from CC-7 for a total of approximately 215 Xanax pills and approximately 30 Percocet pills in three separate transactions. The three transactions occurred, respectively, on or about October 20, 2011, November 12, 2011, and January 19, 2012.

c. For the November 12, 2011 and January 19, 2012 transactions, CC-7 directed UC-1 to pay for the pills by sending a money order or making a bank deposit into DTO Bank Account-2.

d. The pills sent to UC-1 in connection with the January 19, 2012 transaction were sent via Shipping Company-1. The parcel containing these pills listed the shipper as CC-6, at the Southern Boulevard Residence.

e. Subsequent lab tests performed by the NYPD on the pills received by UC-1 in connection with these three transactions confirmed that the pills tested positive for the presence of oxycodone and alprazolam, which I know, based on my training and experience, to be a Schedule IV controlled substance commonly sold in the form of Xanax.

Shipping Accounts Held By the DTO

18. I have learned the following from reviewing records maintained by Shipping Company-1:

a. In or about 2011, Shipping Company-1 had several active customer accounts that bore the name "Global Matters" or were otherwise associated with CC-1, the leader of the DTO, and the DTO.

b. In or about late 2011, Shipping Company-1 flagged an account held by CC-6 (the "CC-6 Shipping Account") as being associated with illegal activity, and disabled the account user's ability to access the account online. The CC-6 Shipping Account lists CC-6 as the account user and the account address as the Southern Boulevard Residence.

c. On or about December 2, 2011, an individual identifying herself by the same first name used by CC-6 called Shipping Company-1 using the CC-6 Cellphone, which, as noted above, is subscribed to CC-6 at the Southern Boulevard Residence. The caller identified herself as an employee of Global Matters, stated that she needed access to the account in order to ship herbs and pills to Global Matters' customers, and said that she was associated with CC-1.

d. In or about 2011, there were at least two other Shipping Company-1 customer accounts associated with "Global Matters" and the DTO. The first such account lists the account user as CC-1 at the 181st Street Residence. The second lists the account user as "Global Matters" at the 181st Street Residence.

DORKIS GONZALEZ's Participation in the DTO

19. On April 11, 2012, law enforcement agents conducted a court-authorized search of the Southern Boulevard Residence.

20. Agents conducting the search of the Southern Boulevard residence found DORKIS GONZALEZ at the residence. GONZALEZ was found inside of one bedroom at the Southern Boulevard Residence (the "GONZALEZ Bedroom"). In the GONZALEZ Bedroom, agents looked behind the headboard of the bed in which GONZALEZ was found, and recovered the following:

a. more than one hundred pills which I have subsequently observed and which, based on my training and experience and my knowledge of this investigation, I recognize as "Percocet" and "Xanax" pills similar in size and appearance to pills previously recovered in connection with this investigation that tested positive for the presence of controlled substances; and

b. approximately hundreds of shipping labels and shipping envelopes from Shipping Company-1, which I recognize as the same types of labels and envelopes previously used by the

DTO to ship illicit narcotics to others, as discussed in this Complaint.

21. Agents also recovered from DORKIS GONZALEZ, the defendant, the CC-6 Cellphone, used in furtherance of the DTO's drug trafficking activities, as described above in paragraph 14-16, 18, and 19.

RAFAEL ALFONSO VARGAS's Participation in the DTO

22. From reviewing USPS records, and other evidence identified below, and speaking with Inspector-1, I have learned of several recent parcels that were attempted to be shipped using the USPS Account, including the following:

a. First, in or about late March 2012, an individual later identified as RAFAEL ALFONSO VARGAS ("ALFONSO"), the defendant, mailed a USPS parcel ("ALFONSO Parcel-1") to a residence in Long Island, New York (the "Long Island Residence"). The shipper of the Long Island Parcel was listed as an individual not named as a defendant herein at the 181st Street Residence.

b. From reviewing USPS records, Inspector-1 has learned that, between in or about October 11, 2011, through in or about March 14, 2012, approximately 29 other parcels were sent from either the 181st Street Residence or the 173rd Street Residence to the Long Island Residence.

c. Inspector-1 has reviewed surveillance video from a post office located in the vicinity of Grand Concourse, Bronx, New York (the "Bronx Post Office"), taken in or about the date and time when, according to USPS records, ALFONSO Parcel-1 was shipped to the Long Island Residence. Based on his review of that video, Inspector-1 identified ALFONSO as the individual observed dropping a package for mailing at the Bronx Post Office in and around the time when ALFONSO Parcel-1 was left for mailing at the Bronx Post Office. Inspector-1 was able to recognize ALFONSO based on his prior review of photographs of ALFONSO, including a photograph taken from the driver's license of RAFAEL ALFONSO VARGAS.

d. On or about March 28, 2012, Inspector-1 seized ALFONSO Parcel-1 at a Post Office in Long Island, New York, prior to its delivery.

e. Second, on or about April 4, 2012, Inspector-1 was present at the Bronx Post Office, and observed RAFAEL ALFONSO VARGAS, the defendant, drop a parcel ("ALFONSO Parcel-2") for mailing. On or about April 4, 2012, at approximately 7:00 p.m., myself and other law enforcement agents observed RAFAEL ALFONSO VARGAS, the defendant, whom I recognize based on my prior review of a photograph taken from immigration documents associated with ALFONSO, leave the Sedgwick Avenue Residence driving a white sport utility vehicle (the "SUV"). I have learned from speaking with Inspector-1, that, at approximately 7:20 p.m., Inspector-1 observed ALFONSO in the Bronx Post Office dropping off ALFONSO Parcel-2 for shipment. Inspector-1 then observed ALFONSO exit the Bronx Post Office. A few minutes after ALFONSO left the Bronx Post Office, Agent-1 observed ALFONSO enter the SUV and drive away.

f. I have learned from speaking with other law enforcement agents that, later in the evening on or about April 4, 2012, agents observed the SUV parked in the vicinity of the Sedgwick Avenue Residence.

g. On or about April 4, 2012, Inspector-1 seized ALFONSO Parcel-2 at the Bronx Post Office, prior to its leaving the post office, and observed that the shipper of ALFONSO Parcel-2 was listed as an individual not named herein at the 181st Street Residence.

23. On or about April 10, 2012, myself and Inspector-1 executed court-authorized searches of ALFONSO Parcel-1 and ALFONSO Parcel-2. From both parcels, we recovered over one hundred pills, including pills that I recognize, based on my training and experience and my knowledge of this investigation, as pills commonly known as "Percocet" and "Xanax."

24. On April 11, 2012, law enforcement officers conducted a court-authorized search of the Sedgwick Avenue Residence. I have learned from speaking with DEA agents who participated in the search of the Sedgwick Avenue Residence that the following items, among other things, were recovered from that location:

a. several thousand pills which, based on my training and experience and my knowledge of this investigation, I recognize as "Percocet" pills similar in size and appearance to pills previously recovered in connection with this investigation that tested positive for the presence of oxycodone; and

b. hundreds of shipping labels and shipping envelopes from Shipping Company-1, which I recognized as the same types of labels and envelopes previously used by the DTO to ship illicit narcotics to others, as discussed in this Complaint.

25. Agents conducting the search found RAFAEL ALFONSO VARGAS, the defendant, present at the Sedgwick Avenue Residence, and placed him under arrest.

INGRID NAVEDO's Participation in the DTO

26. I learned the following from speaking with Inspector-1 as well as reviewing reports and other documents prepared by Inspector-1 and others:

a. On or about October 31, 2011, Customs and Border Protection ("CBP") officers at Baltimore/Washington International Thurgood Marshall Airport seized a package (the "October 31 Parcel") addressed to a residence in Valley Stream, New York (the "Valley Stream Residence"), which was opened by the CBP and found to contain over 2,000 pills. Subsequent laboratory tests confirmed that the pills in the October 31 Parcel contained alprazolam.

b. On or about November 3, 2011, Inspector-1 and other law enforcement officers searched the Valley Stream Residence pursuant to a court-authorized search warrant. Among other things, the officers recovered from the Valley Stream Residence a USPS delivery confirmation receipt, which reflected that a parcel had been sent by the resident of the Valley Stream Residence ("CC-5") to "Ingrid Navedo" at the 181st Street Residence.

c. CC-5 was subsequently interviewed by a Special Agent ("HSI Agent-1") with the Department of Homeland Security, Homeland Security Investigations ("HSI"), and told HSI Agent-1, among other things, the following:

i. CC-5 stated that he had purchased the 2,000 Xanax pills contained in the October 31 Parcel from a website.

ii. CC-5 stated that, in or about October 2011, CC-5 had ordered Vicodin pills from another website but was unhappy with the quality of pills he had received.

According to CC-5, an individual associated with the website from which CC-5 had ordered the pills told CC-5 to send the pills back to their United States distributor, and directed CC-5 to mail the pills to "Ingrid Navedo" at the 181st Street Residence.

iii. In or about early November 2011, shortly before the search of the Valley Stream Residence, CC-5 had repackaged the Vicodin pills in a parcel (the "Valley Stream Parcel") and sent them to "Ingrid Navedo" at the 181st Street Residence.

d. On or about November 7, 2011, Inspector-1 and other law enforcement officers intercepted the Valley Stream Parcel before it reached the 181st Street Residence, and conducted a court-authorized search of the parcel. During the search of the Valley Stream Parcel, law enforcement officers recovered approximately 500 pills, which appear, based on Inspector-1's training and experience, to be similar in appearance to Vicodin pills.

27. Based on my review of records maintained by the New York State Department of Children and Family Services ("NYDCS"), I have learned that, as of April 11, 2012, the 181st Street Residence is a registered family day care center, which is registered and operated by an "Ingrid Navedo."

28. On or about April 11, 2012, myself and other agents conducted a court-authorized search of the 181st Street Residence and recovered, among other things, the following:

a. several thousand pills which, based on my training and experience and my knowledge of this investigation, I recognize as "Percocet," "Viagra," and phentermine pills similar in size and appearance to pills previously recovered in connection with this investigation that tested positive for the presence of oxycodone; and

b. numerous USPS money orders;

c. mail addressed to "Global Matter Teleservices" at the 181st Street Residence; and

d. numerous empty envelopes addressed to individuals not named herein at locations in various states, including Connecticut and Tennessee.

29. I have learned from speaking with other agents who participated in the search of the 181st Street Residence, that several thousand pills that appear to be "Percocet" pills were recovered from a closet several feet away from an area where the agents believe, based on the multiple children's toys and children's furniture pieces present in the area, NAVEDO operated the day care business at the 181st Street Residence.

30. I arrested NAVEDO at the 181st Street Residence. Subsequently, after being advised of her *Miranda* rights and agreeing to speak with law enforcement, NAVEDO told me the following:

a. NAVEDO operated a day care business at the 181st Street Residence, and also stored pills there for CC-1 on behalf of the DTO.

b. NAVEDO was aware that at least some portion of the pills she was storing at the 181st Street Residence were illegal narcotics.

c. At the 181st Street Residence, NAVEDO received numerous packages on behalf of CC-1 and the DTO, some of which she knew contained pills or payment for pills sent by the DTO.

The Search of the 173rd Street Residence

31. On April 11, 2012, law enforcement officers conducted a court-authorized search of the 173rd Street Residence. I have learned from speaking with DEA agents who participated in the search of the 173rd Street Residence that the following items, among other things, were recovered from that location:

a. several thousand pills which, based on my training and experience and my knowledge of this investigation, I recognize as "Percocet" pills similar in size and appearance to pills previously recovered in connection with this investigation that tested positive for the presence of oxycodone, and pills similar in size and appearance to 3,4-Methylenedioxymethamphetamine, a Schedule I controlled substance sold in a form commonly known as "Ecstasy";

b. hundreds of shipping labels and shipping envelopes from Shipping Company-1, which I recognized as the same types of labels and envelopes previously used by the DTO to

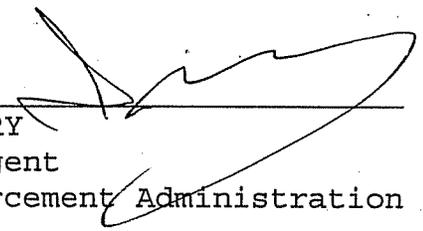
ship illicit narcotics to others, as discussed in this Complaint; and

c. a ledger used to record quantities and recipients of pill shipments sent by the DTO.

32. Agents conducting the search of the 173rd Street Residence encountered CC-1 at the residence, and placed him under arrest. Following his arrest, after being advised of his *Miranda* rights and agreeing to speak with law enforcement, CC-1 told me, among other things, that CC-1 paid DORKIS GONZALEZ, the defendant, sums of U.S. currency on a frequent basis in exchange for her participation in the narcotics trafficking activities of the VAGAS DTO led by CC-1.

33. Based on my participation in the search of the 181st Street Residence, my conversations with other law enforcement agents who participated in the searches of the 173rd Street Residence, the Southern Boulevard Residence, and the Sedgwick Avenue Residence, and other law enforcement agents who participated in recovering and analyzing items seized from these locations, I have learned that approximately 122,000 pills were recovered from these four residences associated with the DTO, including pills which I recognize, based on my training and experience, as pills commonly sold in the form of "Percocet," "Xanax," "Ecstasy," and phentermine, as well as other unidentified pills.

WHEREFORE, I respectfully request that INGRID NAVEDO, RAFAEL ALFONSO VARGAS, and DORKIS GONZALEZ, the defendants, be arrested, and imprisoned or bailed, as the case may be.



JASON BARRY
Special Agent
Drug Enforcement Administration

Sworn to before me this
11th day of April, 2012

HON. JAMES C. FRANCIS IV
United States Magistrate Judge
Southern District of New York