

ORIGINAL

Approved: [Signature]
GINA CASTELLANO/JORDAN ESTES/DAISON A. RICHMAN
Assistant United States Attorneys

Before: HONORABLE HENRY PITMAN
United States Magistrate Judge
Southern District of New York

DOC # _____

16 MAG 5154

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UNITED STATES OF AMERICA	:	<u>COMPLAINT</u>
	:	
- v. -	:	Violations of
	:	21 U.S.C. §§ 846,
ALEXIS OVALLE-LOPEZ, and	:	841(b) (1) (A) and
ALDINTON VALERIO,	:	841(b) (1) (B); 18 U.S.C. §
	:	924 (c)
Defendants.	:	
	:	COUNTY OF OFFENSE:
----- x	:	BRONX, NEW YORK

SOUTHERN DISTRICT OF NEW YORK, ss.:

ANTHONY THURMAN, being duly sworn, deposes and says that he is a Special Agent with the Drug Enforcement Administration (the "DEA"), and charges as follows:

COUNT ONE
(Narcotics Conspiracy)

1. From at least in or about July 2016 up to and including at least in or about August 2016, in the Southern District of New York and elsewhere, ALEXIS OVALLE-LOPEZ and ALDINTON VALERIO, 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 ALEXIS OVALLE-LOPEZ and ALDINTON VALERIO, the defendants, and others known and unknown, would and did distribute and possess with the intent to distribute controlled substances, in violation of 21 U.S.C. § 841(a) (1).

3. The controlled substances that ALEXIS OVALLE-LOPEZ and ALDINTON VALERIO, the defendants, conspired to distribute and possess with the intent to distribute were: (1) 40 grams or more

of fentanyl, in violation of Title 21, United States Code, Section 841(b)(1)(B), and (2) 1 kilogram or 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

4. On or about August 11, 2016, in the Southern District of New York, ALDINTON VALERIO, the defendant, during and in relation to a drug trafficking crime for which he may be prosecuted in a court of the United States, namely, the narcotics offense charged in Count One of this Complaint, knowingly did use and carry a firearm, and in furtherance of such narcotics offense, knowingly did possess a firearm, and did aid and abet the use, carrying, and possession of a firearm.

(Title 18, United States Code, Sections 924(c)(1)(A)(i) and 2.)

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

5. I am a Special Agent with the DEA. This affidavit is based upon my personal participation in the investigation, my conversations with other law enforcement officers and other individuals, and my examination of reports and records prepared by law enforcement officers. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all of 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.

July 11, 2016 Fentanyl Transaction

6. On or about July 11, 2016, at my direction, a Confidential Source (the "CS")¹ called ALDINTON VALERIO, the defendant. The call was recorded by the DEA, and I have reviewed that recording. During the course of the call, the CS

¹ Since in or about 2006, the CS has provided information to law enforcement. The CS has received compensation in exchange for providing information to law enforcement. The CS's information has proved accurate and reliable and has been corroborated by other evidence.

and VALERIO agreed to meet that same day, in the Bronx, to undertake a narcotics transaction involving heroin ("Meeting-1").

7. In the afternoon on or about July 11, 2016, the CS, who was fitted with a recording device by DEA agents, arrived in the vicinity of the agree-upon location for Meeting-1 in the Bronx, New York. Based on my conversations with other DEA agents who have spoken with the CS about Meeting-1, I have learned the following, in substance and in part:

a. During the meeting, ALDINTON VALERIO, the defendant, asked the CS, in sum and substance, how much heroin the CS wanted to purchase in the future.

b. The CS told VALERIO that the CS could purchase 25, 50, or 100 grams next time, depending on the quality of the sample received that day.

c. At the end of Meeting-1, ALEXIS OVALLE-LOPEZ, the defendant, joined the meeting and gave the CS a sample of narcotics.

8. In the afternoon on or about July 11, 2016, DEA agents established surveillance in the vicinity of the agreed-upon location for Meeting-1 in the Bronx, New York. Based on my conversations with those agents, I have learned the following:

a. At approximately 2:45 p.m., the CS was dropped off in the vicinity of University Avenue and West Burnside Avenue in the Bronx, New York. The CS walked north and arrived at 1975 University Avenue.

b. At approximately 2:57 p.m., ALEXIS OVALLE-LOPEZ and ALDINTON VALERIO, the defendants, arrived across the street from 1975 University Avenue in a red Jeep Grand Cherokee ("Vehicle-1"). VALERIO exited Vehicle-1 and began speaking to the CS. OVALLE-LOPEZ drove away in Vehicle-1.

c. At approximately 3:15 p.m., OVALLE-LOPEZ returned in Vehicle-1. OVALLE-LOPEZ exited Vehicle-1 and shook hands with the CS.

d. Shortly thereafter, VALERIO and OVALLE-LOPEZ entered Vehicle-1 and drove away.

e. After Meeting-1, DEA Agents picked up the CS and recovered narcotics the CS had obtained during Meeting-1.

9. On or about July 12, 2016, the narcotics the CS obtained during Meeting-1 were laboratory tested and weighed. The narcotics weighed approximately .93 grams and tested positive for fentanyl, which is a Schedule II controlled substance.²

July 19, 2016 Fentanyl Transaction

10. On or about July 19, 2016, at my direction, the CS called ALDINTON VALERIO, the defendant, to confirm the meeting location and time for a narcotics transaction involving heroin ("Meeting-2"). The CS and VALERIO agreed to meet in the Bronx.

11. In the afternoon on or about July 19, 2016, the CS, who was fitted with a recording device by DEA agents, arrived in the vicinity of the agree-upon location for Meeting-2 in the Bronx, New York. Based on my conversations with other DEA agents who have spoken with the CS about Meeting-2, I have learned that during Meeting-2, ALDINTON VALERIO, the defendant, gave the CS drugs that he represented to be heroin, in exchange for \$2,900. The CS then asked VALERIO if he wanted to count the money. VALERIO told the CS, in sum and substance, that he trusted the CS.

12. In the afternoon on or about July 19, 2016, I and other DEA Agents established surveillance in the vicinity of the agreed-upon location for Meeting-2 in the Bronx, New York. Based on my observations and conversations with the other agents, I have learned the following:

a. At approximately 4:08 p.m., DEA Agents heard the CS receive a phone call from ALDINTON VALERIO, the defendant. During the call, VALERIO asked the CS to meet him at the intersection of 176th Street and University Avenue in the Bronx.

b. At approximately 4:31 p.m., the CS met with VALERIO in the vicinity of 176th Street and University Avenue.

² I know, based on my training and experience, that fentanyl is a synthetic opioid. Fentanyl, which is much more potent than heroin, is often used in conjunction with or as a substitute for heroin.

c. After Meeting-2, DEA Agents picked up the CS and recovered narcotics the CS had obtained during Meeting-2.

13. On or about July 20, 2016, the narcotics the CS obtained from ALDINTON VALERIO, the defendant, during Meeting-2 were laboratory tested and weighed. The narcotics weighed approximately 49 grams and tested positive for fentanyl.

July 28, 2016 Heroin Transaction

14. On or about July 28, 2016, at my direction, the CS called ALDINTON VALERIO, the defendant, to confirm the meeting location and time for a narcotics transaction involving heroin ("Meeting-3"). The CS and VALERIO agreed to meet in the Bronx.

15. In the afternoon on or about July 28, 2016, the CS, who was fitted with a recording device by DEA agents, arrived in the vicinity of the agree-upon location for Meeting-3 in the Bronx, New York. Based on my conversations with other DEA agents who have spoken with the CS about Meeting-3, I have learned the following, in substance and in part:

a. Before Meeting-3, the CS spoke with ALDINTON VALERIO, the defendant, on the phone. VALERIO told the CS, in sum and substance, that he was busy so the CS would meet with his partner in the vicinity of 175th Street and University Avenue in the Bronx. VALERIO also told the CS that he had something extra for him.

b. When the CS arrived in the vicinity of 175th Street and University Avenue, ALEXIS OVALLE-LOPEZ, the defendant, called out to him. The CS approached and recognized OVALLE-LOPEZ from the July 11, 2016 transaction described in paragraph 7, supra.

c. The CS and OVALLE-LOPEZ walked to Vehicle-1. OVALLE-LOPEZ told the CS, in sum and substance, that the narcotics were in Vehicle-1. The CS and OVALLE-LOPEZ entered Vehicle-1, and OVALLE-LOPEZ then pulled the narcotics from the center console. OVALLE-LOPEZ told the CS that there were 75 grams of heroin in the package, and that the CS could pay for the extra 25 grams next time. OVALLE-LOPEZ also told the CS that they would give the CS 100 grams next time.

d. The CS then gave OVALLE-LOPEZ \$2,900 and exited Vehicle-1.

16. In the afternoon on or about July 28, 2016, I and other DEA Agents established surveillance in the vicinity of the agreed-upon location for Meeting-3 in the Bronx, New York. Based on my observations and conversations with the other agents, I have learned the following:

a. At approximately 2:05 p.m., ALEXIS OVALLE-LOPEZ and ALDINTON VALERIO, the defendants, were observed standing in front of 1605 University Avenue.

b. At approximately 3:05 p.m., I observed OVALLE-LOPEZ enter 1605 University Avenue.

c. At approximately 3:10 p.m., the CS was dropped off in the vicinity of West 176th Street and University Avenue in the Bronx.

d. At approximately 3:20 p.m., OVALLE-LOPEZ exited 1605 University Avenue and walked north towards the CS. OVALLE-LOPEZ greeted the CS, and they began walking together. At approximately 3:30 p.m., the CS entered Vehicle-1 with OVALLE-LOPEZ. The CS remained in the vehicle for a few minutes and then exited.

e. After Meeting-3, DEA Agents picked up the CS and recovered narcotics the CS had obtained during Meeting-3.

17. On or about July 29, 2016, the narcotics the CS obtained during Meeting-3 were laboratory tested and weighed. The narcotics tested positive for heroin and weighed approximately 74 grams.

August 11, 2016 Transaction

18. On or about August 11, 2016, at my direction, the CS called ALDINTON VALERIO, the defendant, to confirm the meeting location and time for a narcotics transaction involving heroin ("Meeting-4"). The CS and VALERIO agreed to meet in the Bronx. The CS was fitted with a recording device for that meeting.

19. In the afternoon on or about August 11, 2016, I and other DEA Agents established surveillance in the vicinity of 179th Street and University Avenue in the Bronx, New York. Based on my observations and conversations with the other agents, and my conversations with the CS, I have learned the following:

a. At approximately 4:30 p.m., ALEXIS OVALLE-LOPEZ and ALDINTON VALERIO, the defendants, drove up in a gold car ("Vehicle-2") and parked along 179th Street. The CS walked over to Vehicle-2.

b. The CS obtained narcotics from the defendants.

c. I and other DEA Agents then approached the defendants. VALERIO was arrested. OVALLE-LOPEZ ran down 179th Street and turned right on University Avenue. I and other DEA Agents ran after OVALLE-LOPEZ on foot and apprehended him on University Avenue.

20. ALEXIS OVALLE LOPEZ and ALDINTON VALERIO, the defendants, were then transported away from the location where Meeting-4 took place. VALERIO was read his Miranda rights in Spanish and given an advice of rights form, in Spanish, advising him of his rights. VALERIO waived his rights. During his post-arrest interview, VALERIO consented to a search of his apartment ("Premises-1") and turned over the key to Premises-1. VALERIO also said that he had a second apartment, where narcotics were kept ("Premises-2"). VALERIO consented to a search of Premises-2 and turned over the key to Premises-2. VALERIO said, in sum and substance, that there would be cash in Premises-1 and heroin in Premises-2. VALERIO further described the narcotics in Premises-2 as "seven brown" and "two china white."

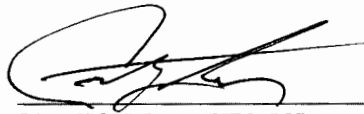
21. Pursuant to the consent given by ALDINTON VALERIO, the defendant, I and other law enforcement officers searched Premises-1. We recovered approximately \$100,000 in cash from a laundry hamper.

22. Pursuant to the consent of ALDINTON VALERIO, the defendant, I and other law enforcement officers searched Premises-2. We recovered approximately seven brick-sized packages in a bedroom in Premises-2. We recovered two gallon-sized plastic bags of white powdery substances³ from the kitchen of Premises-2. In addition, we recovered two firearms from under a mattress in another bedroom in Premises-2. The firearms were not loaded, but ammunition for the firearms was found near the firearms.

³ Because of the danger in processing fentanyl, the narcotics recovered from Premises-2 have not been field-tested.

23. Based on my training and experience, my involvement in this investigation, and the representations of ALDINTON VALERIO, the defendant, I believe that the seven brick-sized packages found in Premises-2 contain one kilogram or more of mixtures and substances containing heroin. I believe this, in part, because the way in which the substance was packaged - in compressed bricks, wrapped in tape - is a common way in which heroin is packaged. I also believe this because the defendants were previously involved in a transaction involving heroin, and because VALERIO represented that it was heroin.

WHEREFORE, deponent respectfully requests that ALEXIS OVALLE LOPEZ and ALDINTON VALERIO, the defendants, be imprisoned or bailed, as the case may be.



ANTHONY THURMAN
Special Agent
Drug Enforcement Administration

Sworn to before me this
12th day of August, 2016



THE HONORABLE HENRY PITMAN
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK