

14 MAG 1630

Approved: Joshua A. Naftalis
JOSHUA A. NAFTALIS
Assistant United States Attorney

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

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UNITED STATES OF AMERICA	:	<u>SEALED COMPLAINT</u>
- v. -	:	Violation of
	:	21 U.S.C. §§ 812, 841,
PATRICK MORGAN,	:	846; 18 U.S.C. § 2
	:	
Defendant.	:	COUNTY OF OFFENSE:
	:	NEW YORK

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SOUTHERN DISTRICT OF NEW YORK, ss.:

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

COUNT ONE

1. In or about August 2013, in the Southern District of New York and elsewhere, PATRICK MORGAN, the defendant, 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 PATRICK MORGAN, the defendant, and others known and unknown, would and did distribute and possess with the intent to distribute a controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

3. The controlled substances that PATRICK MORGAN, the defendant, conspired to distribute and possess with the intent to distribute were (a) 4-methylenedioxymethylamphetamine ("MDMA" or "ecstasy"), and (b) 3,4-methylenedioxymethcathinone ("methylone" or "Molly"), in violation of Title 21, United States Code, Section 841(b)(1)(C).

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

COUNT TWO

4. In or about August 2013, in the Southern District of New York and elsewhere, PATRICK MORGAN, the defendant, intentionally and knowingly distributed and possessed with the intent to distribute a controlled substance, in violation of Title 21, United States Code, Section 841(a)(1), and aided and abetted the same.

5. The controlled substances involved in the offense were (a) 4-methylenedioxymethylamphetamine ("MDMA" or "ecstasy"), and (b) 3,4-methylenedioxymethcathinone ("methylone" or "Molly"), in violation of Title 21, United States Code, Section 841(b)(1)(C).

(Title 21, United States Code, Sections 812, 841(a)(1), and 841(b)(1)(C), and Title 18, United States Code, Section 2.)

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

6. I am a Special Agent with DEA, and I have been personally involved in the investigation of this matter. This affidavit is based upon my conversations with law enforcement agents and others, and my examination of reports and records. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all 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.

7. From this investigation and my review of public records, I have learned, in substance and in part, that Electric Zoo was a three-day, outdoor electronic music festival on Randall's Island, New York, scheduled to be held from on or about August 30, 2013 through on or about September 1, 2013. Attendance at Electric Zoo was estimated to be over 130,000 people.

8. From interviews by law enforcement of an individual ("Individual-1"),¹ I have learned, in substance and in part, the following:

¹ Individual-1 has been voluntarily assisting law enforcement in this investigation. Information provided by Individual-1 has been corroborated by other evidence in this investigation,

a. In or about early August 2013, PATRICK MORGAN, the defendant, sold Individual-1, another individual ("Individual-2"),² and a third individual, Jeffrey Russ, Molly pills at an electronic music concert in Buffalo, New York.

b. In or about mid-August 2013, Individual-1, Individual-2, and Jeffrey Russ agreed to pool their money in order to buy Molly pills from PATRICK MORGAN, the defendant, that they intended to consume themselves and to distribute to others at the Electric Zoo music festival.

c. Thereafter, in or about mid-August 2013, MORGAN sold approximately eighty Molly pills to Individual-1 for approximately \$1,100. Individual-1 told MORGAN, in substance and in part, that Individual-1, Individual-2, and Russ intended to consume some of these Molly pills and distribute at no charge to other individuals some of these Molly pills at Electric Zoo.

d. On or about August 30, 2013, Individual-1, Individual-2, and Russ attended Electric Zoo and brought some of the Molly pills purchased from PATRICK MORGAN, the defendant, with them.

9. From interviews by law enforcement of Individual-2, I have learned, in substance and in part, the following:

a. On or about August 30, 2013, Jeffrey Russ consumed Molly pills supplied by PATRICK MORGAN, the defendant, at Electric Zoo.

b. Toward the end of the concert, Russ told Individual-2 that he was not feeling well, collapsed, and had a seizure.

c. EMT technicians treated Russ until an ambulance arrived.

10. According to my review of records from the NYPD, I have learned, in substance and in part, the following:

including, among other things, information provided by other individuals, text messages, New York City Police Department ("NYPD") records, and records from the New York City Office of the Chief Medical Examiner ("OCME").

² Individual-2 has been voluntarily assisting law enforcement in this investigation. Information provided by Individual-2 has been corroborated by other evidence in this investigation, including, among other things, information provided by other individuals, text messages, NYPD records, and OCME records.

a. On or about August 30, 2013, Jeffrey Russ was transported by ambulance from Randall's Island to Harlem Hospital.

b. When Russ arrived at Harlem Hospital he was unresponsive, had a temperature of approximately 108 degrees, and had a rapid heartbeat.

c. On or about August 31, 2013, at approximately 3:21 a.m., doctors at Harlem Hospital pronounced Russ dead.

d. Molly pills found on Russ's person contained MDMA and methydone.

11. From my review of OCME records, I have learned, in substance and in part, that Jeffrey Russ died from "acute intoxication by the combined effects of methylenedioxymethamphetamine [MDMA] and methydone with hyperthermia."

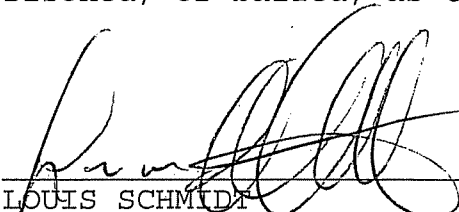
12. On or about March 18, 2014, at the direction of law enforcement, Individual-1 met with PATRICK MORGAN, the defendant, to discuss, among other things, the Molly that MORGAN had supplied to Individual-1, Individual-2, and Jeffrey Russ in advance of Electric Zoo.

13. From my review of text messages sent to and from Individual-1's cellular telephone, I have learned, in substance and in part, the following:

a. On or about March 24, 2014, at the direction of law enforcement, Individual-1 sent MORGAN the following text message: "Hey it was great to see you last week. Glad we got to talk about Jeff a little it was bugging me. Just know that I no longer blame us for giving the molly to him because it was him that made the mistake of taking too much."

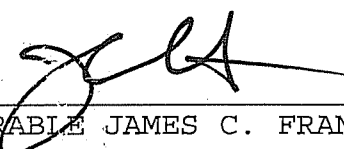
b. On or about March 25, 2014, MORGAN sent Individual-1 the following text message in response: "Yeah man u too call me whenever u want."

WHEREFORE, deponent prays that PATRICK MORGAN, the defendant, be arrested and imprisoned, or bailed, as the case may be.



LOUIS SCHMIDT
SPECIAL AGENT
DRUG ENFORCEMENT ADMINISTRATION

Sworn to before me this
25th day of July, 2014



THE HONORABLE JAMES C. FRANCIS IV
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK