

JD:DJL  
F:2017R01870

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

**17M1063**

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**TO BE FILED UNDER SEAL**

UNITED STATES OF AMERICA

AFFIDAVIT AND  
COMPLAINT IN SUPPORT  
OF APPLICATION FOR  
ARREST WARRANT

- against -

MICHAEL HITSOUS,

(21 U.S.C. § 841(a), 841(b)(1)(C) and 846)

Defendant.

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EASTERN DISTRICT OF NEW YORK, SS:

DOMINICK LIBRETTI, being duly sworn, deposes and states that he is an officer with the New York City Police Department (“NYPD”), duly appointed according to law and acting as such.

Upon information and belief, in or about and between February 2017 and December 2017, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant MICHAEL HITSOUS, together with others, did knowingly and intentionally conspire to distribute and possess with intent to distribute a controlled substance containing heroin, a Schedule I controlled substance, in violation of Title 21 United States Code, Sections 841(a)(1) and 846.

(Title 21, United States Code, Section 846 and 841(b)(1)(C))

Upon information and belief, in or about and between February 2017 and December 2017, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant MICHAEL HITSOUS, together with others, did

knowingly and intentionally conspire to distribute and possess with intent to distribute a controlled substance containing fentanyl, a Schedule II controlled substance, in violation of Title 21 United States Code, Sections 841(a)(1) and 846.

(Title 21, United States Code, Section 846 and 841(b)(1)(C))

The source of your deponent's information and the grounds for his belief are as follows:<sup>1</sup>

1. I am an officer with the New York City Police Department ("NYPD"). I have been involved in the investigation of numerous cases involving the illegal distribution of narcotics and other drugs. I am familiar with the facts and circumstances set forth below from my involvement in the investigation, review of the records of the NYPD and my conversations with NYPD officers.

2. Since approximately February 2017, detectives and officers of an NYPD opioid task force based in Staten Island have been investigating a series of opioid overdoses. The investigation includes, but is not limited to, the overdose "saves" (i.e., medical intervention to prevent death) of Jane Doe # 1 – whose identity is known to the government – a 23-year-old female, which occurred in or about February 2017 in Staten Island as well as the overdose save of Jane Doe # 2 – whose identity is known to the government – a 25-year-old female, which occurred in or about September 2017 in Staten Island. The overdose of Jane Doe # 2 occurred in the residence of the defendant MICHAEL HITSOUS. Police and emergency services responded to the defendant HITSOUS' residence following a 911 call

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<sup>1</sup> Because the purpose of this complaint and affidavit is only to set forth those facts necessary to establish probable cause for an arrest warrant, I have not described all the relevant facts and circumstances of which I am aware.

placed by Jane Doe # 3 – whose identity is known to the government – and found Jane Doe # 2 unconscious. Emergency personnel revived her by administering the drug Narcan and removed Jane Doe # 2 to the hospital for further treatment.

3. On or about February 8, 2017, Jane Doe # 1 spoke with NYPD officers regarding her overdose incident. She stated, in sum and substance, that she drove with a friend to the defendant MICHAEL HITSOUS' residence. Jane Doe # 1 told officers that her friend went into the residence and purchased heroin from the defendant HITSOUS. Jane Doe # 1 informed officers that she does not personally know the defendant HITSOUS, but is aware that he sells narcotics from his residence. Jane Doe # 1 then ingested the narcotics purchased from HITSOUS and overdosed. Jane Doe # 1's sister, Jane Doe # 4 – whose identity is known to the government – found Jane Doe # 1 unconscious, blue in the face and a needle in her hand. Jane Doe # 4 successfully administered the drug Narcan and revived Jane Doe # 1. Jane Doe # 1 was subsequently removed by first responders to the hospital for further treatment.

4. Following Jane Doe # 1's overdose, NYPD detectives engaged several confidential informants<sup>2</sup> to arrange for the purchase of narcotics from the defendant MICHAEL HITSOUS. On or about March 12, 2017, officers met with a confidential informant ("CI-1") arrange for the purchase of narcotics from the defendant HITSOUS at his residence. The attempted purchase was unsuccessful. CI 1 stated, in sum and substance, that the defendant HITSOUS told CI-1 that he no longer distributed narcotics.

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<sup>2</sup> The confidential informants are paid by the NYPD in connection with their work as informants. The officers have found the confidential informants to be reliable based, in part, on their completion of arranged purchases of drugs and other corroborating evidence.

5. On or about April 6, 2017, NYPD officers met with a confidential informant ("CI-2") to arrange for the purchase of heroin from the defendant MICHAEL HITSOUS. CI-2 called the defendant HITSOUS to arrange the purchase. Prior to the meeting, officers searched CI-2 for contraband with negative results. Officers provided CI-2 with \$160.00 in United States currency with which to purchase narcotics from the defendant HITSOUS. Upon arrival, officers conducting surveillance witnessed CI-2 walk to and enter the defendant HITSOUS' residence. The meeting was surveilled by the NYPD.

6. Thereafter, NYPD officers watched CI-2 leave the residence and return to the officers' vehicle. CI-2 gave the officers 20 glassine envelopes ("glassines") of narcotics provided by the defendant HITSOUS. CI-2 stated, in sum and substance, that he/she asked the defendant HITSOUS for "2 buns" of heroin (i.e., 20 glassine's of heroin); defendant HITSOUS stated that the price was \$160.00; CI-2 handed the defendant HITSOUS \$160.00 and in return, the defendant HITSOUS provided CI-2 with 20 glassines, indicating that it was heroin.

7. On or about April 8, 2017, CI-2 called the defendant MICHAEL HITSOUS and arranged for the purchase of heroin at the defendant HITSOUS' residence. Prior to the meeting, CI-2 met with NYPD officers who searched him/her for contraband with negative results. Officers provided CI-2 with \$160.00 in United States currency with which to purchase narcotics from the defendant HITSOUS. Upon arrival, officers conducting surveillance witnessed CI-2 meet the defendant HITSOUS in the front yard and walk to the back yard. This meeting was surveilled by the NYPD.

8. Thereafter, officers watched CI-2 exit the back yard of the residence with defendant MICHAEL HITSOUS. Officers saw the defendant HITSOUS reenter the house and CI-2 return to the officers' vehicle. CI-2 gave the officers 20 glassines of narcotics which had

been provided by the defendant HITSOUS. CI-2 stated, in sum and substance, that he/she gave the defendant HITSOUS \$160.00 and that the defendant HITSOUS handed him/her 20 glassines of narcotics, indicating that it was heroin. The narcotics provided by CI-2 subsequently tested positive for heroin.

9. On or about June 14, 2017, NYPD officers met with a confidential informant ("CI-3") to arrange for the purchase of heroin from the defendant MICHAEL HITSOUS. CI-3 called the defendant HITSOUS to arrange the purchase. Prior to the meeting, officers searched CI-3 for contraband with negative results. Officers provided CI-3 with \$80.00 in United States currency with which to purchase narcotics from the defendant HITSOUS. Upon arrival, officers conducting surveillance witnessed CI-3 walk to and enter the defendant HITSOUS' residence. The meeting was surveilled by the NYPD.

10. Thereafter, officers watched CI-3 leave the residence and return to the officers' vehicle. CI-3 gave the officers 11 glassines of narcotics provided by the defendant MICHAEL HITSOUS. CI-3 stated, in sum and substance, that he/she entered the defendant HITSOUS' residence and the defendant HITSOUS told CI-3 to remain in the kitchen while he went upstairs to retrieve the narcotics. CI-3 stated that when defendant HITSOUS returned, CI-3 gave him the money and defendant HITSOUS provided CI-3 with 11 glassines of narcotics, indicating that it was heroin. The narcotics provided by CI-3 subsequently tested positive for heroin and fentanyl.

11. On or about October 12, 2017, NYPD officers met with a confidential informant ("CI-4") to arrange for the purchase of heroin from the defendant MICHAEL HITSOUS. CI-4 called the defendant HITSOUS to arrange the purchase. Prior to the meeting, officers searched CI-4 for contraband with negative results. Officers provided CI-4 with

\$80.00 in United States currency with which to purchase narcotics from the defendant HITSOUS. Upon arrival, officers conducting surveillance witnessed CI-4 walk to and enter the defendant HITSOUS' residence. The meeting was surveilled by the NYPD.

12. Thereafter, officers watched CI-4 leave the residence and return to the officers' vehicle. CI-4 gave the officers 10 glassines of narcotics provided by the defendant MICHAEL HITSOUS. CI-4 stated, in sum and substance, that he/she gave the defendant HITSOUS \$80.00 and defendant HITSOUS provided CI-4 with 10 glassines of narcotics, indicating that it was heroin. The narcotics provided by CI-4 subsequently tested positive for fentanyl.

13. On or about October 17, 2017 NYPD officers arranged for an undercover officer ("UC") to purchase narcotics from the defendant MICHAEL HITSOUS. The UC, equipped with a recording device, met the defendant HITSOUS in the back yard of his residence. The UC paid the defendant HITSOUS \$80.00 in United States currency and in return received 12 glassines of narcotics. The following is a draft excerpt of the encounter:

UC: I have \$160, can I have 2 from you?

HITSOUS: I don't have – I only have 12 bags ...

UC: That's it?

HITSOUS: Yea a bun is 2 bags, it's all I have left.

UC: Wait 2 or 12?

HITSOUS: A bun? Yea 12. When I get back I'll have more, so it's 100. I need this other [undiscernible].

UC: Ok, here's \$100.

HITSOUS: Ok here's 12,

UC: Ok.

HITSOUS: It's good [undiscernible].

UC: Ok, let me just put it away, I don't like walking out with it.

Based on my training, experience and the investigation to date, "buns" or "bundles" is a code for narcotics. The narcotics provided by the defendant HITSOUS to the UC subsequently tested positive for heroin and fentanyl.

14. On or about December 8, 2017, CI-4 called the defendant MICHAEL HITSOUS and arranged for the purchase of heroin. This call was consensually recorded. The following is a draft excerpt of the call:

HITSOUS: You said you need 2 correct?

CI-4: ...how much?

HITSOUS: You know how much.

CI-4: \$150?

HITSOUS: No . . . starting to getting annoying now. You know how much it is[.]

CI-4: \$160?

HITSOUS: Yes.

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HITSOUS: ...Alright and you need 2 correct?

CI-4: Yea, I guess so.

HITSOUS: Alright, bye.

Prior to the meeting, officers searched CI-4 for contraband with negative results. Officers provided CI-4 with \$160.00 in United States currency with which to purchase narcotics from

the defendant HITSOUS. Upon arrival, officers conducting surveillance witnessed CI-4 walk to and enter the defendant HITSOUS' residence. The meeting was surveilled by the NYPD.

15. Thereafter, officers watched CI-4 leave the residence and return to the officers' vehicle. CI-4 gave the officers 20 glassines of narcotics provided by the defendant MICHAEL HITSOUS. CI-4 stated, in sum and substance, that he/she gave the defendant HITSOUS \$160.00 and defendant HITSOUS provided CI-4 with 20 glassines of narcotics, indicating that it was heroin. Officers are awaiting the lab results for the narcotics provided by the defendant HITSOUS to CI-4.

WHEREFORE, your deponent respectfully requests that the defendant MICHAEL HITSOUS be dealt with according to law.



IT IS FURTHER REQUESTED THAT, because public filing of this document at this time could result in a risk of flight by the defendant all papers submitted in support of this application, including the complaint and arrest warrant, be sealed until further order of the Court.

Dated: Brooklyn, New York  
December 14, 2017



DOMINICK LIBRETTI  
Officer  
New York City Police Department

Sworn to before me this  
14th day of December, 2017



M. LEVY  
UNITED STATES MAGISTRATE JUDGE  
EASTERN DISTRICT OF NEW YORK