

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

24 MAG 1378

UNITED STATES OF AMERICA

v.

CARLOS RIVERA,

Defendant.

SEALED COMPLAINT

Violations of 18 U.S.C. § 1349, 21 U.S.C.
§ 846

COUNTY OF OFFENSE:
BRONX

SOUTHERN DISTRICT OF NEW YORK, ss.:

JUSTIN STONE, being duly sworn, deposes and says that he is a Special Agent with the Federal Bureau of Investigation, and charges as follows:

COUNT ONE
(Conspiracy to Commit Honest Services Wire Fraud)

1. From at least in or about December 2021 through at least in or about February 2022, in the Southern District of New York and elsewhere, CARLOS RIVERA, the defendant, and others known and unknown, willfully and knowingly combined, conspired, confederated, and agreed together and with each other to commit honest services wire fraud, in violation of Title 18, United States Code, Sections 1343 and 1346.

2. It was a part and an object of the conspiracy that CARLOS RIVERA, the defendant, and others known and unknown, having devised and intending to devise a scheme and artifice to defraud, and to deprive the public and the New York City Department of Correction (“DOC”) of their intangible right to RIVERA’s honest services, would and did transmit and cause to be transmitted by means of wire, radio, and television communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds for the purpose of executing such scheme and artifice, in violation of Title 18, United States Code, Sections 1343 and 1346, to wit, RIVERA, a DOC correction officer, conspired with others to and did bring prison contraband into a DOC facility, in return for bribes, and those exchanges were facilitated through telephone calls, Instagram messages, text messages, and electronic payments in interstate commerce.

(Title 18, United States Code, Section 1349.)

COUNT TWO
(Conspiracy to Distribute Narcotics and Controlled Substances)

3. From at least in or about December 2021, through at least in or about February 2022, in the Southern District of New York and elsewhere, CARLOS RIVERA, the defendant, and others known and unknown, knowingly and intentionally combined, conspired, confederated, and agreed together and with each other to violate the narcotics and controlled-substance laws of the United States.

4. It was a part and an object of the conspiracy that CARLOS RIVERA, the defendant, and others known and unknown, would and did distribute and possess with intent to distribute a narcotic and a controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

5. The narcotics involved in the offense was a quantity of mixtures and substances containing a detectable amount of oxycodone, in violation of Title 21, United States Code, Section 841(b)(1)(C).

6. The controlled substance involved in the offense was a quantity of mixtures and substances containing a detectable amount of marijuana, in violation of Title 21, United States Code, Section 841(b)(1)(D).

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

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

7. I am a Special Agent with the Federal Bureau of Investigation (“FBI”), and I have been personally involved in the investigation of this matter, which has been jointly investigated with the New York City Department of Investigation (“DOI”). This affidavit is based upon my personal participation in the investigation of this matter, my conversations with other law enforcement personnel, 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 participation in the 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.

Overview

8. At all times relevant to this Complaint, CARLOS RIVERA, the defendant, was a correction officer employed by the DOC. RIVERA was assigned to work at the North Infirmery Command (“NIC”), which is one of the jail facilities on the New York City jail complex on Rikers Island in the Bronx, New York. NIC, like the other facilities on Rikers Island, is operated by the DOC.

9. As explained in greater detail below, from in or about December 2021 through February 2022, CARLOS RIVERA, the defendant, engaged in a scheme to smuggle contraband into NIC for the benefit of a particular NIC inmate (“Inmate-1”) in exchange for bribes and kickbacks. Specifically, RIVERA would meet with associates of Inmate-1 in the Bronx, New York. At these meetings, these associates would provide prison contraband – including, but not limited to cellphones, oxycodone, marijuana, and cigarettes – to RIVERA, which RIVERA would then transport into NIC and deliver to Inmate-1. On at least some of these occasions, Inmate-1 and his associates provided RIVERA with monetary bribes, in exchange for RIVERA agreeing to introduce contraband into the DOC facility. At least some of these bribes were transmitted via “Cash App,” a mobile payment application whose data servers are based in California.

Background

10. Based on my communications with other law enforcement personnel, my review of DOC records, and my training and experience, I have learned, among other things, the following:

a. According to the DOC Employee Rules and Regulations, employees of DOC facilities “shall not enter into any transaction with an inmate, nor carry, convey, or make accessible to an inmate within a facility/command any intoxicant, opiate, narcotic, or other contraband article, nor traffic with an inmate in any manner.” According to the DOC Inmate Handbook, “‘Contraband’ shall mean any item that is not sold in the commissary, that is not on the approved list of permissible items, that is possessed in more than the approved amount or, that the inmate does not have permission to possess,” including, “items that may disrupt the safety, security, good order and discipline of the facility.” The DOC Inmate Handbook also expressly prohibits inmates from possessing drugs and cellphones, stating that inmates “shall not sell or exchange prescription drugs or non-prescription drugs” and that they shall not possess any type of electronic telecommunication and/or recording device or any part of such instrument, which is designed to transmit and/or receive telephonic, electronic, digital, cellular or radio communications.” Finally, the DOC Inmate Handbook warns that “[a]ny person who tries to introduce contraband into a facility may also be subject to criminal prosecution.” Based on the foregoing, as well as my training and experience and my communications with other law enforcement personnel, I know that a cellphone of any type is considered contraband, as are marijuana, oxycodone, and tobacco.

b. The primary duty of correction officers is to ensure the care, custody, and control of the inmate population of the DOC. In connection with this duty, correction officers participate in inspections and searches of inmates and DOC facilities, and are tasked with, among other things, ensuring that contraband is not brought into the facilities at which they work. DOC employees, including CARLOS RIVERA, the defendant, receive training on employee rules and regulations, which prohibit employees from, among other things, entering into transactions with inmates and providing inmates with contraband.

Securus Calls

11. Based on my participation in this investigation, my review of law enforcement and DOC records, my conversations with other law enforcement personnel, and my review of recorded calls and summaries of such calls obtained and prepared during this investigation, I have learned, among other things, the following:

a. Phone calls placed by inmates housed at facilities on Rikers Island, including NIC, are recorded by a system called Securus.

b. To use the Securus system, each inmate is assigned a personal identification number (“PIN”) that must be used to access the system. However, although inmates are required by DOC rules to use their own PIN to make outgoing calls, in practice inmates frequently use other inmates’ PINs to disguise their participation in outgoing calls.

c. Sometimes, Inmate-1 would place Securus calls using other inmates’ PINs, but I and other law enforcement personnel are able to determine when Inmate-1 is placing a call based on Inmate-1’s voice and the phone numbers Inmate-1 calls. As detailed further below, beginning in or about December 2021, Inmate-1 began calling various cellphones used by certain associates in furtherance of the below-described conspiracies to have CARLOS RIVERA, the defendant, smuggle contraband, including controlled substances, into NIC in exchange for monetary bribes. Inmate-1 would occasionally stop using recorded lines to call his coconspirators

for some period of time (often when he was in possession of a contraband cellphone) but would resume doing so after searches at the jail resulted in seizures of cellphones.

RIVERA's December 23, 2021 Contraband Delivery to Inmate-1

12. As detailed below, I believe that throughout mid-December 2021, Inmate-1, using a contraband cellphone, communicated with and instructed several non-incarcerated associates to collect contraband, including marijuana and Percocet,¹ and to provide said contraband to CARLOS RIVERA, the defendant, so that RIVERA could smuggle the contraband into NIC for Inmate-1's benefit. These efforts culminated on December 23, 2021, when RIVERA delivered contraband, including marijuana and Percocet, to Inmate-1 inside of NIC.

13. Based on my review of DOC records, including records related to the seizure of contraband, I have learned, in substance and in part, the following:

a. From in or about January 2018 through in or about August 2022, CARLOS RIVERA, the defendant, was employed by the DOC. At all times relevant to this Complaint, RIVERA worked as a correction officer at NIC.

b. At all times relevant to this Complaint, Inmate-1 was an inmate on Rikers Island and at all times until March 1, 2022, Inmate-1 was housed in NIC. A particular nickname (the "Inmate-1 Alias") is listed in DOC records as an alias for Inmate-1 (and, as detailed below, a portion of the Inmate-1 Alias is included in Inmate-1's Instagram username, and Inmate-1's associates frequently refer to Inmate-1 by using the Inmate-1 Alias).

c. On or about December 22, 2021, a DOC correction officer conducted a search of Inmate-1's jail cell in NIC. Inside Inmate-1's cell, the officer recovered a particular cellphone (the "Inmate-1 Cellphone"), a cellphone charger, and a 6-inch metal rod, all inside a pillowcase.

14. Based on my review of the contents of the Inmate-1 Cellphone, I have learned, among other things, the following:

a. The Inmate-1 Cellphone contains a screenshot of an iMessage communication between Inmate-1 (using the Inmate-1 Cellphone) and an individual saved under a particular nickname ("CC-1") in the Inmate-1 Cellphone (the "iMessage Screenshot"):

i. The iMessage Screenshot, in turn, contains a partial screenshot, sent via iMessage from Inmate-1 to CC-1, depicting a portion of the profile page of an Instagram account which contained multiple photographs of CARLOS RIVERA, the defendant (the "RIVERA Instagram Account"). Based on my participation in this investigation, I believe CC-1 is a co-conspirator in this scheme. Furthermore, based on my training and experience, I believe Inmate-1 was providing a screenshot of the RIVERA Instagram Account profile page so that CC-1 and the user of the RIVERA Instagram Account (*i.e.*, RIVERA) would communicate directly with one another.

¹ Based on my training, experience, and research, I know that Percocet is a brand-name prescription drug that contains oxycodone, a Schedule II controlled substance.

ii. The iMessage Screenshot also contained a second screenshot, sent from CC-1 to Inmate-1, in response to the above-described screenshot. The second screenshot depicted a portion of a direct message Instagram conversation between CC-1 and RIVERA, using the RIVERA Instagram Account.² Based on both the metadata associated with the iMessage Screenshot and a comparison of that screenshot with other evidence (including identical messages obtained, pursuant to a search warrant, from the RIVERA Instagram Account), I know that the iMessage Screenshot was taken on December 11, 2021, and that the underlying Instagram direct messages between CC-1 and RIVERA depicted in the iMessage Screenshot also occurred on December 11, 2021. In the Instagram direct messages, CC-1 told RIVERA, among other things, “Nfs [No fucking shit] you gotta do rii [right] for my blood cuhzin [Inmate-1 Alias] no cap. Yu do rii ima do rii feel me. He told me yu be doing rii but yu be acting sometimes feel me yu gotta hold him down all The [sic] way.” Based on my training and experience, and my familiarity with this investigation, I believe that in these messages CC-1 warned RIVERA that, despite Inmate-1’s claims to the contrary, CC-1 suspected that RIVERA was behaving suspiciously (“He [*i.e.*, Inmate-1] told me yu be doing rii but you be acting sometimes”) and CC-1 warned RIVERA to “do right” by Inmate-1, and fully support Inmate-1, if RIVERA wanted to be treated right by CC-1 (“yu do rii ima do rii . . . yu gotta hold him down all The way”).

iii. As detailed below, on the following day, December 12, 2021, CC-1 messaged RIVERA via Instagram, asking RIVERA to pick up four packs of cigarettes for Inmate-1, and advised that CC-1 would provide RIVERA with marijuana and rolling papers for RIVERA to smuggle into NIC for Inmate-1. (*See infra* ¶ 16(d)).

b. A call number ending in 2924 (the “2924 Phone Number”) is saved as a contact in the Inmate-1 Cellphone and associated with a particular contact name (“CC-2”). In or about December 2021, Inmate-1, using the Inmate-1 Cellphone, exchanged a series of messages with CC-2, who was using the 2924 Phone Number. Among other things, on or about December 15, 2021, CC-2 wrote to Inmate-1, “Yo I got dat for you mak.” Soon afterwards, Inmate-1 wrote back “Send me ah pic of them.” CC-2 responded by sending a photograph depicting two bags containing green leafy substances that, based on my training and experience, are consistent with the appearance of marijuana. CC-2 added the message “They big ass nuggets.” Based on my training and experience, I believe these messages reflect CC-2 telling Inmate-1 that he possessed a parcel of marijuana that he intended to send to Inmate-1 (“for you mak”) at NIC, and then CC-2 sent a photograph of the parcels of marijuana.

c. In or about December 2021, Inmate-1, using the Inmate-1 Cellphone, also had several communications with the user of a phone with call number ending in 9531 (the “9531 Phone Number”). The 9531 Phone Number is saved in the Inmate-1 Cellphone as a contact with a particular nickname (“CC-3”). Several of Inmate-1’s communications with CC-3 involved discussions of bringing contraband into NIC. Among other things, on or about December 13, 2021, at approximately 3:25 p.m., Inmate-1 messaged CC-3 at the 9531 Phone Number, and wrote “I got ah new Uber ride scam buggz but he from the Bronx he gone link u today get tht from butta he

² This particular screenshot only contained images of some of the messages sent from CC-1 to the RIVERA Instagram Account. However, a separate screenshot on the Inmate-1 Cellphone contained a larger version of the communications between CC-1 and RIVERA, which includes a screenshot of RIVERA and an image of the RIVERA Instagram Account username (“los.096”), which makes clear that the conversation was indeed between CC-1 and RIVERA.

got ah 7th for me and I'm bout to buy ah zip from the ["CC-4"] nigga." Based on my training and experience and my conversations with other law enforcement personnel, I believe "I got ah new Uber ride scam buggz" is a reference to having a new correction officer who was willing to bring contraband into NIC, and who could freely move people and items around the prison facility – just as a ride-sharing vehicle from Uber Technologies Inc. would move people or goods around a city. Based on my training and experience, and my involvement in this investigation, I believe "scam buggz" is a codeword for a correction officer who is unlawfully transporting contraband for inmates. Inmate-1 subsequently messaged CC-3 saying "Yo [CC-3] sturdy tht shit up to try to make it no smell," which, based on my training and experience, I believe is a reference to Inmate-1 asking CC-3 to seal contraband – likely containing a controlled substance with an odor, such as marijuana – in a way that it would not be detected by correction officers or detection canines when it was being unlawfully smuggled into NIC.

d. Later that day, on or about December 13, 2021, at approximately 7:20 p.m., Inmate-1 messaged CC-3 and asked "Did u pick those up for me[?]" CC-3 responded "Nah I didn't gang" and "I dead forgot." Inmate-1 subsequently told CC-3 "Ii get my shit from [CC-4]" and sent CC-3 a screenshot of RIVERA's profile page (containing multiple photographs of RIVERA) from the RIVERA Instagram Account. Based on my participation in this investigation, I believe CC-3 and CC-4 are co-conspirators in this scheme. Furthermore, based on my training and experience, I believe Inmate-1 was instructing CC-3 to pick up contraband from CC-4 and was providing a screenshot of the RIVERA Instagram Account profile page so CC-3 and the user of the RIVERA Instagram Account (*i.e.*, RIVERA) could communicate directly with one another.

e. On or about December 16, 2021, Inmate-1 messaged CC-3 and wrote "[["CC-5"] got the weed and my perks bro plz sturdy tht up for me gang 🍊 🍊 I need tht we all really go back to gp the 21 I'm trynna get right." Based on my training and experience, I believe this message reflects Inmate-1 telling CC-3 that CC-5, whom I also believe to be a coconspirator, possessed marijuana ("weed") and Percocet ("perks"), which were to be smuggled to Inmate-1. Inmate-1 also told CC-3 that Inmate-1 was eager to come into possession of this contraband ("I'm trynna get right.").

f. Thereafter, also on or about December 16, 2021, Inmate-1 messaged CC-3 and wrote "Text scam bugs on the gram text him ya number and just put [the 9531 Phone Number]. I got tht for [Inmate-1 Alias] make sure u come get tht for him today they're told him he on the pack up tomorrow." Based on my training and experience, I believe this message reflects Inmate-1 instructing CC-3 to message a correction officer ("scam bugs") – whom I believe to be CARLOS RIVERA, the defendant – using Instagram ("on the gram") and to copy the message that Inmate-1 had written for CC-3 (*i.e.*, instructing RIVERA to retrieve a package of contraband from CC-3 for Inmate-1's benefit). The message from Inmate-1 included CC-3's cellphone number and told the correction officer that CC-3 had contraband for Inmate-1 ("I got tht for [Inmate-1 Alias]"), which the correction officer needed to pick up that day because Inmate-1 believed Inmate-1 might be packed up and moved from NIC to another Rikers Island jail facility the next day ("on the pack up tomorrow"). CC-3 responded to Inmate-1 with a message stating "I just hit his line," which I believe to be a reference to CC-3 saying he messaged the correction officer using Instagram.

g. On or about December 17, 2021, Inmate-1 messaged CC-3, stating in part and substance, "Sturdy everything up make it like the first," which, based on my training and experience, I believe is a reference to CC-3 preparing a delivery for Inmate-1 that would be

smuggled into NIC, as CC-3 had done with a prior package. Several minutes later, Inmate-1 wrote “Ii sturdy the one w the perks up for me plzz” and “mark the shit from [CC-4],” which, based on my training and experience, is a reference to Inmate-1 instructing CC-3 to prepare a delivery of Percocet (“perks”) and designating what contraband items, within the larger package designated for Inmate-1, came from CC-4. Later that day, CC-3 sent Inmate-1 the following photograph showing two plastic-wrapped bundles, which, based on my training and experience, are consistent with the packaging commonly applied to contraband – specifically controlled substances, such as marijuana – smuggled into prison facilities:



h. On or about December 18, 2021, Inmate-1 messaged CC-3 saying “Scram bugz ain’t hit you yet?” CC-3 responded “nah” and then Inmate-1 instructed CC-3 to “Text tht nigga on da gram like Wasup mak wtw” and “Be like bro need this I ain’t sturdy this up for him for no reason.” Based on my training and experience, these communications appear to reflect Inmate-1 asking CC-3 if the correction officer – who I believe to be CARLOS RIVERA, the defendant – had reached out to CC-3 to receive contraband that the officer would then smuggle into NIC for Inmate-1’s benefit. When CC-3 responded that the officer has not reached out to CC-3, Inmate-1 instructed CC-3 to send a message to the officer on Instagram (“on da gram”) to follow-up.

i. On or about December 20, 2021, Inmate-1 received a message from the user of a phone with call number ending in 1986, which was saved as a contact in the Inmate-1 Cellphone as CC-5's nickname (the "1986 Phone Number"). CC-5 sent a message to Inmate-1 providing a particular "\$Cashtag"—i.e., a type of username that individuals can use to send money via Cash App, which, as detailed further below, is a money transfer application—which included CC-2's nickname (the "CC-2 \$Cashtag"). Approximately an hour after the user of the 1986 Phone Number sent the CC-2 \$Cashtag to Inmate-1, Inmate-1 forwarded the CC-2 \$Cashtag to another individual. Based on my training and experience, I believe the communications involving the \$Cashtag are references to sending money to CC-2, the user of the 2924 Phone Number.

j. Inmate-1 also used the Inmate-1 Cellphone to communicate with CARLOS RIVERA, the defendant, about bringing contraband into NIC in December 2021. Specifically, on or about December 21, 2021, Inmate-1, using an Instagram account with a username which included the Inmate-1 Alias (the "Inmate-1 Instagram Account"), exchanged Instagram messages with the RIVERA Instagram Account. In the messages, RIVERA sent the following messages to Inmate-1 in quick succession: "Delete these" and "See u Thursday." Inmate-1 responded by saying "Been did I don't save nun when I send it." Based on my training and experience, I believe in these messages, RIVERA instructed Inmate-1 to delete his messages with RIVERA, which is commonly done to evade detection from law enforcement authorities. RIVERA also told Inmate-1 that he would "See u Thursday," which is a reference to seeing Inmate-1 later that week. After these messages, RIVERA messaged Inmate-1 saying "Linkin bro tmm." Based on my training and experience, "tmm" is shorthand for "tomorrow" and, as such, I believe this message was a reference to RIVERA meeting with an associate of Inmate-1's the following day to receive contraband that RIVERA could subsequently deliver to Inmate-1.

k. The Inmate-1 Cellphone contained several photographs appearing to depict marijuana and/or synthetic cannabinoids, commonly known as "K2." Based on my review of these photographs and my training and experience, I believe that some of these photographs appear to be taken inside a penal facility, and at least two appear to be taken outside of a penal facility.

15. Based on my review of publicly accessible data, I know that December 21, 2021 was a Tuesday and December 23, 2021 was a Thursday.

16. On or about March 30, 2022, the Honorable Sarah L. Cave, United States Magistrate Judge, issued a warrant (the "Instagram Warrant") authorizing the search of the RIVERA Instagram Account, the Inmate-1 Instagram Account, and an account affiliated with CC-3, which had a username that included CC-3's nickname (the "CC-3 Instagram Account") (the "Instagram Warrant"). Based upon my review of the records received in connection with the RIVERA Instagram Account, I have learned the following, among other things:

a. The RIVERA Instagram Account contains multiple photographs of CARLOS RIVERA, the defendant.

b. The RIVERA Instagram Account has used the display names "los.096" (which contains the last three letters of the first name, and the last two digits of the birth year—i.e. 1996—of RIVERA) and "96x____" (which also contains RIVERA's birth year).

c. In multiple message threads, the RIVERA Instagram Account received messages from other individuals who referred to the user of the RIVERA Instagram Account as “Carlos.”

d. On or about December 12, 2021, CC-1, whose Instagram Username is identical to CC-1’s nickname, sent the following direct message to the RIVERA Instagram Account: “Yooo gang bro yu could bring my cuhzin 4 packs of 200’s the longs only and ima give yu some weed and fonto tmrw to bring” to which RIVERA responded “Say less Bro . . . Ima do right.” Based on my training and experience and my involvement in this investigation, I believe that CC-1 was asking RIVERA to smuggle four packs of long cigarettes³—along with marijuana and fonto, a tobacco leaf commonly used as a rolling paper for tobacco and/or marijuana, which CC-1 was going to provide RIVERA directly (“ima give yu some weed and fonto”)—into NIC for Inmate-1; and that RIVERA agreed to this request (“Ima do right”) but warned CC-1 to avoid being so explicit with his messages (“Say less Bro”), presumably in an effort to avoid detection from law enforcement.

e. On or about December 21, 2021, RIVERA, using the RIVERA Instagram Account, exchanged a series of messages with CC-3, using the CC-3 Instagram Account. Among other things, CC-3 wrote “Wassup u coming to get lil bro shit or what,” RIVERA responded “Ima scoop that tmm,” CC-3 wrote “Copy what time,” and RIVERA responded “Ima hit you in the morning when I step out.” Based on my training and experience, I believe that CC-3 was inquiring whether RIVERA planned to travel to CC-3 to collect a package containing contraband for Inmate-1 (“coming to get lil bro shit or what[?]”), that RIVERA indicated that he would travel to and get the package from CC-3 the following day (“Ima scoop that tmm [tomorrow]”), and that RIVERA would contact CC-3 the following morning when he was about to travel to see CC-3.

f. On or about December 22, 2021 at 10:17 a.m., RIVERA messaged CC-3 inquiring about the address where he should meet CC-3 (“What’s ya addy”) and at approximately 10:21 a.m., CC-3 provided a particular street address that, based on my training and experience, is in the Hunts Point neighborhood in the South Bronx (the “CC-3 Hunts Point Address”). Seconds later, RIVERA responded that he would be there in ten minutes (“10 mins bro”). Moments later, at about 10:34 a.m., RIVERA advised that he had arrived (“Here bro”) and at approximately 10:36 a.m., CC-3 responded “Coming.” Hours later, at approximately 4:11 p.m., CC-3 messaged RIVERA, instructing RIVERA to move swiftly to provide Inmate-1 with the contraband package that CC-3 had earlier provided to RIVERA, because Inmate-1 believed that Inmate-1 was going to be moved from NIC to another facility the following day: “They just packed 3 niggas n [Inmate-1 Alias] is leaving tmmrw sturdy him up.” Second later, RIVERA responded that he would take care of it: “I got him gang.”

17. Based on my review of DOC records, I have learned that at all times relevant to this Complaint, CARLOS RIVERA, the defendant, reported that he lived in Yonkers, New York, which is located just north of the Bronx, New York.

³ Based on my training and experience, I know that “100’s” are 100-millimeter-long cigarettes, which are sold in packs, and which are longer than standard-packed cigarettes. I believe in these calls that CC-1 used the term “200’s” interchangeably with “100’s.”

18. Based on my review of New York State Department of Motor Vehicle records, I have learned that at all times relevant to this Complaint, CARLOS RIVERA, the defendant, was the registered owner of a gray Jeep Grand Cherokee with a license plate ending in 190 (the “RIVERA Jeep”).

19. Based upon my review of license plate reader (“LPR”) data, I have learned that at approximately 10:24 a.m. on December 22, 2021, the RIVERA Jeep traveled from Manhattan to the South Bronx via the Willis Avenue Bridge. At approximately 10:46 a.m. on the same date, the RIVERA Jeep traveled from the South Bronx to Manhattan via the Third Avenue Bridge. Finally, on December 22, 2021, at approximately 1:25 p.m., the RIVERA Jeep traveled from Manhattan to the Bronx via the Henry Hudson Bridge.

20. Based on my training and experience and from working in the New York City metropolitan area, I know that it is approximately a ten-minute drive during moderate traffic from the Willis Avenue Bridge to the CC-3 Hunts Point Address, and about a ten-minute drive from the CC-3 Hunts Point Address to the Third Avenue Bridge. Accordingly, I believe that the foregoing is consistent with CARLOS RIVERA, the defendant, driving from Manhattan to the CC-3 Hunts Point Address via the Willis Avenue Bridge at 10:24 a.m., RIVERA texting CC-3 that he had arrived at the CC-3 Hunts Point Address at 10:34 a.m., RIVERA meeting with CC-3 at the CC-3 Hunts Point Address to receive a package containing contraband shortly at about 10:36 a.m., and RIVERA then traveling back into Manhattan via the Third Avenue Bridge at 10:46 a.m. Further, because the RIVERA Jeep then traveled from Manhattan to the Bronx via the Henry Hudson Bridge (which is the area of the Bronx immediately south of Yonkers, New York), I believe this is consistent with RIVERA being the driver of the RIVERA Jeep on December 22, 2023, and RIVERA traveling from Manhattan to his Yonkers home in the early afternoon of December 22, 2023.

21. Based on my review of surveillance video from inside NIC, I have learned, in substance and in part, the following:

a. On or about Thursday, December 23, 2021, *i.e.*, the Thursday following the December 21, 2021, messages discussed above (*see supra* ¶ 14(d)), CARLOS RIVERA, the defendant, and Inmate-1 had an in-person interaction, during which I believe RIVERA delivered the above-described package of contraband, including marijuana and Percocet, to Inmate-1.

b. Specifically, during the 9:00 a.m. hour, RIVERA, among other things, walked to Inmate-1’s jail cell in NIC, whereupon they appeared to speak briefly before Inmate-1 was escorted by another staff member to the shower area. Separately, RIVERA traveled to get towels and was then off-camera for a period of time before RIVERA returned to the surveilled area with three towels in-hand. RIVERA then went to the staff locker room area but left the towels outside the locker room. He then emerged from the locker room, took the three towels, and then went to the shower area. There, he inspected one towel in particular, including by examining the rolled-up towel. RIVERA then handed the towel to Inmate-1.

c. Based on my training and experience and my communications with other law enforcement personnel, I believe the above-described sequence is consistent with RIVERA concealing contraband in a towel and covertly bringing it to Inmate-1. Moreover, the events took

place on the exact day when RIVERA stated he would see Inmate-1 following their discussion via Instagram (“See u Thursday”).

22. Based on my discussions with other law enforcement personnel, and my review of summaries of recorded Securus calls prepared by other law enforcement personnel, I have learned, among other things, that on or about December 23, 2021, at approximately 10:58 a.m. (*i.e.*, less than two hours after the above-described exchange between Inmate-1 and CARLOS RIVERA, the defendant), Inmate-1 placed a Securus call to CC-2 at the 2924 Phone Number. During the call, Inmate-1 told CC-2, in substance, that Inmate-1 was “buzzin off perk right now.” Based on my training and experience, I believe that Inmate-1 was communicating that Inmate-1 had taken Percocet (“perk”), provided to him by RIVERA, and was high (“buzzin”), which is in turn, consistent with Inmate-1’s previous December 16 and 17, 2021 communications with CC-3, in which the two discussed smuggling Percocet into NIC for Inmate-1. (*See supra* ¶ 14(e), (g)).

RIVERA’s January 13, 2022 Contraband Delivery to Inmate-1

23. As detailed below, I believe from at least on or around January 11, 2022, through at least on or about January 13, 2022, Inmate-1 communicated and otherwise conspired with several non-incarcerated associates – including CC-2 and CC-3 – to collect and provide CARLOS RIVERA, the defendant, with contraband, including Percocet and about two ounces of marijuana, which RIVERA ultimately smuggled into NIC and provided to Inmate-1 on January 13, 2022, in exchange for monetary bribes.

24. Based on my discussions with other law enforcement personnel, and my review of summaries of recorded Securus calls prepared by other law enforcement personnel, I have learned, among other things, that on or about January 11, 2022, Inmate-1 placed a Securus call to CC-3 at the 9531 Phone Number. During the call, Inmate-1 told CC-3, in substance, to text “buggz” (*i.e.*, a correctional officer, who, based on this investigation, I believe to be CARLOS RIVERA, the defendant) and to tell said officer that Inmate-1 has “a band” for him to bring the “9x.”⁴ During the call, Inmate-1 advised CC-3 to tell RIVERA that he would provide him with \$200 in exchange for two “boxes of 200.” Based on my training and experience and my involvement in this investigation, I know that “a band” is common slang for \$1,000, that a “9x” is common slang for a cellphone, and, as described above, that “boxes of 200” are a reference to packs of elongated cigarettes. Accordingly, during this call, I believe that Inmate-1 was instructing CC-3 to tell RIVERA that Inmate-1 would pay RIVERA \$1,000 in exchange for smuggling a cellphone into NIC for Inmate-1 and \$200 in exchange for two packs of cigarettes.

25. Based on my review of records received in connection with the Instagram Warrant, I have learned that on or about the evening of January 11, 2022, CC-3 sent the following direct messages to CARLOS RIVERA, the defendant, at the RIVERA Instagram Account: “So [Inmate-1 Alias] got a band so you can bring the 9x front like it your” “N 200” “N 2boxes.” Based on my training and experience, I believe that CC-3 was relaying to RIVERA that Inmate-1 was offering

⁴ As detailed below, while Inmate-1 discussed the prospect of RIVERA smuggling a cellphone into NIC for Inmate-1 on January 11, 2022, I believe that it was not until the afternoon of January 11—hours after RIVERA smuggled marijuana into NIC for Inmate-1—that Inmate-1’s coconspirators ultimately purchased the cellphone in question, and that RIVERA did not ultimately smuggle the cellphone into NIC until January 25, 2022.

RIVERA \$1,000 (“[Inmate-1 Alias] got a band”) in exchange for RIVERA smuggling a cellphone into NIC (“so you can bring the 9x”) and advised that RIVERA could bring it into NIC by pretending that the phone belonged to RIVERA (“front like it your[s]”). Further, Inmate-1 was offering \$200 (“N [*i.e.* and] 200”) for RIVERA to smuggle two packs of cigarettes into NIC for Inmate-1 (“N 2boxes”).

26. Based on my discussions with other law enforcement personnel, and my review of summaries of recorded Securus calls prepared by other law enforcement personnel, I have learned, among other things, that:

a. On or about January 12, 2022, Inmate-1 placed a Securus call to CC-2 at the 2924 Phone Number (and Inmate-1 referred to CC-2 by CC-2’s nickname during the call). During the call, Inmate-1 indicated to CC-2 that Inmate-1 was attempting to obtain “2 zips of the za,” and “yerks” which, based on my training and experience, is slang for two ounces of marijuana (“2 zips of the za”) and Percocet (“yerks”). At one point in the call, CC-2 conferenced-in another individual whom I believe to be a coconspirator (“CC-6”). During the call, CC-6 indicated that he could obtain a particular strain of marijuana (“Lemon Cherry Gushers”) “for 650” (*i.e.*, \$650). Thereafter, CC-6 dropped off the phone line, whereupon Inmate-1 instructed CC-2 to move forward in obtaining “2 zips” (*i.e.* two ounces) of marijuana from CC-6 in exchange for \$650.

b. On or about January 12, 2022, Inmate-1 placed a subsequent Securus call to CC-2 at the 2924 Phone Number. During the call, CC-2 added a female to the phone call (“CC-7”), apparently using a three-way-calling feature. In sum and substance, Inmate-1 asked CC-7, in part and substance, to “sturdy something up for me because they don’t know how to do it . . . its some weed, you heard... but I need it sturdied up by tonight because it is supposed to get to me tomorrow.” Based on my training and experience, I believe this reflects Inmate-1 asking CC-7 to compress and package marijuana so that it could be introduced into NIC the following day without being detected. CC-7 stated that she did not have the “joint it goes in” and Inmate-1 responded by asking “The saran wrap? Imma have them bring it to you.” During the call, Inmate-1 instructed CC-2 to bring CC-7 “the saran wrap and the 2 zips” (*i.e.*, two ounces of marijuana). Inmate-1 instructed CC-2 to transport the items to CC-7 immediately because when “this nigga [*i.e.*, RIVERA] spins off from here [*i.e.*, leaves NIC at the end of his shift] he gonna grab that up . . . I am trying to get it picked up today so I can get it by tomorrow morning.” During the same call, Inmate-1 instructed CC-2 to tell CC-7, who had dropped off the call, to “make it smell-proof.” Based on my training and experience, I believe Inmate-1 was advising that the marijuana, which has a strong and identifiable odor, be packed tightly in saran wrap so that it could be smuggled into NIC without being detected by correction officers or detection canines.

c. On or about the evening of January 12, 2022, Inmate-1 placed another Securus call to CC-2 at the 2924 Phone Number. During the call, CC-2 stated, in substance, “we got them things.” In response, Inmate-1 asked, in substance, “You got the yerks? There are 20 of them, right?” CC-2 responded affirmatively. Based on my training and experience, I believe that CC-2 was confirming to Inmate-1 that CC-2 had received 20 pills of Percocet (which would be included among the items being smuggled into NIC for Inmate-1’s benefit the following day).

27. Based on my review of records received in connection with the Instagram Warrant, I have learned that the following message exchanges occurred on or about January 12, 2022:

a. At approximately 4:46 p.m., CC-3 messaged CARLOS RIVERA, the defendant, at the RIVERA Instagram Account and provided RIVERA with the 2924 Phone Number (*i.e.* CC-2’s phone number) and then advised RIVERA that the phone number belonged to Inmate-1’s younger sibling, who had a package waiting for RIVERA to pick up, and that RIVERA should call CC-2 at the 2924 Phone Number, when RIVERA got out of work⁵: “That [Inmate-1 Alias’s] lil brother he got that pack for you hit him when you get out”.

b. Thereafter, between about 6:18 p.m. and 6:20 p.m., CC-3 sent the following additional messages to RIVERA: “He waiting on you.” “That call.” “Do the right thing” “He needs that 2m.” Based on my training and experience I believe that CC-3 was telling RIVERA that CC-2 was waiting for RIVERA to call CC-2 (“He waiting on you.” “That call.”) and then encouraging RIVERA to call CC-2 (“Do the right thing”) because Inmate-1 needed to receive the above-described package containing two ounces of marijuana the following day (“He needs that 2m [*i.e.*, tomorrow]”).

c. At about 8:06 p.m., CC-3 sent the following message to RIVERA: “Nigga got the van for you.” Based on my training and experience, and from my review of the above-described January 11, 2022 Securus call between Inmate-1 and CC-3 (*see supra* ¶ 24), I believe that CC-3 intended to write “Nigga got the *band* [*i.e.*, \$1,000] for you” (but accidentally typed “van” instead of “band”).

d. From approximately 8:46 p.m. to 8:47 p.m., CC-3 sent the following messages to RIVERA: “[Inmate-1 Alias] said it going to be up if he don’t get that he ain’t jacking shit” “Nigga got everything for you” “The money right” “So get my son right.” Based on my training and experience, I believe that CC-3 was indicating that Inmate-1 would be upset if RIVERA did not collect the above-described contraband package from CC-2 (“[Inmate-1 Alias] said it going to be up if he don’t get that”), that CC-2 had a package containing all of the relevant contraband waiting for RIVERA to pick up (“Nigga got everything for you”), and that RIVERA was being well compensated for smuggling the contraband (“The money right”) such that RIVERA should come through for Inmate-1 (“So get my son right.”).

e. From approximately 8:49 p.m. to 8:50 p.m., RIVERA sent the following messages to CC-3: “Tell that nigga stfu [shut the fuck up] nigga mad impatient bro lol [laughing out loud]” and then RIVERA asked CC-3 where CC-2 was located (“Where boy at”) to which CC-3 responded that CC-3 had provided RIVERA with CC-2’s phone number, such that RIVERA should contact him directly (“I sen[t] you the number”).

28. Based on my review of license plate reader records, I learned that on January 12, 2022, at approximately 5:03 a.m. – at a time coinciding with the start of RIVERA’s shift at NIC – the RIVERA Jeep traveled from Manhattan towards Queens via the Robert F. Kennedy Bridge (the “RFK Bridge”) and that at about 5:42 p.m., following the conclusion of RIVERA’s shift at NIC, the RIVERA Jeep traveled across the RFK Bridge from Queens in the direction of Manhattan and the Bronx.

⁵ Based on my review of DOC records I have learned that RIVERA worked a shift on January 12, 2022.

29. Based on a review of AT&T cell site records, received pursuant to a judicially authorized warrant, and corresponding subscriber and call detail records, I have learned that:

a. A particular phone number ending in 1444 (the “RIVERA 1444 Phone Number”) is subscribed to “Carlos Rivera” at a residential address consistent with the one on file with the New York State Department of Motor Vehicles for CARLOS RIVERA, the defendant.

b. On or about January 12, 2022, by approximately 6:38 p.m., the RIVERA 1444 Phone was in the vicinity of his home in Yonkers, New York, and by approximately 9:35 p.m., the RIVERA 1444 Phone was in the vicinity of the CC-3 Hunts Point Address in the South Bronx. For reasons described below, I believe this is consistent with RIVERA traveling to meet with and receive a package of contraband, including Percocet and marijuana from CC-2, which, the following day, RIVERA smuggled into NIC and provided to Inmate-1 in exchange for monetary bribes.

30. Based on my discussions with other law enforcement personnel, and my review of summaries of recorded Securus calls prepared by other law enforcement personnel, I have learned, among other things, that at approximately 9:48 a.m. on or about January 13, 2022, Inmate-1 placed a call to CC-2 at the 2924 Phone Number. During the call, CC-2 informed Inmate-1, in sum and substance and in coded language, that the correction officer had “got that last night,” which I believe, based on my training and experience, referred to CARLOS RIVERA, the defendant, picking up the package of contraband, including marijuana and Percocet, from CC-2. CC-2 further informed Inmate-1 that CC-2 gave the correction officer “the two things” and “five bills.” Based on my training and experience, I believe CC-2 referenced giving the officer the marijuana and Percocet (“the two things”) and \$500 (“five bills”). During the same call, CC-2 indicated, in sum and substance and using coded language, that the correction officer had arrived in a Trackhawk, which based on my training and experience, is a reference to a particular vehicle, the Trackhawk model of the Jeep Grand Cherokee. As noted above, the RIVERA Jeep is a Jeep Grand Cherokee; however, RIVERA’s particular Cherokee model is not a Trackhawk. Accordingly, I believe CC-2 correctly identified the vehicle he observed as a Jeep Grand Cherokee, but erred in describing it specifically as a Trackhawk. (*See supra* ¶ 18.)

31. Based on my review of surveillance video from inside NIC, I have learned, in substance and in part, the following:

a. At approximately 9:52 a.m. on January 13, 2021, CARLOS RIVERA, the defendant, and another correction officer let Inmate-1 out of his NIC jail cell. RIVERA then carried a bucket into the shower area near Inmate-1’s cellblock and then emerged from the shower area without the bucket in hand. Thereafter, another correction officer escorted Inmate-1 to the shower area.

b. At approximately 10:25 a.m., Inmate-1 emerged from the shower area holding a bucket identical in appearance to the one RIVERA previously brought into the shower area, and then Inmate-1 returned to Inmate-1’s jail cell in possession of the bucket.

c. Based on my training and experience and my communications with other law enforcement personnel, I believe the above-described sequence is consistent with RIVERA concealing contraband in the bucket and covertly delivering it to Inmate-1.

RIVERA's January 25, 2022 Contraband Delivery to Inmate-1

32. As detailed below, I believe that from at least on or about January 11, 2022, through at least on or about January 25, 2022, Inmate-1 conspired with several non-incarcerated associates to provide CARLOS RIVERA, the defendant, with prison contraband, including a cellphone, which RIVERA ultimately smuggled into NIC and provided to Inmate-1 on or about January 25, 2022, in exchange for bribes.

33. Based on my discussions with other law enforcement personnel, and my review of summaries of recorded Securus calls prepared by other law enforcement personnel, I have learned, among other things, that:

a. As stated above, on or about January 11, 2022, Inmate-1 placed a Securus call to CC-3 at the 9531 Phone Number, during which Inmate-1 instructed CC-3 to inform CARLOS RIVERA, the defendant, that Inmate-1 would pay RIVERA "a band" (*i.e.*, \$1,000) in exchange for smuggling Inmate-1 a "9x" (*i.e.*, a cellphone).

b. On or about January 13, 2022, at approximately 4:47 p.m., Inmate-1 placed a Securus call to CC-2 at the 2924 Phone Number. During that call, CC-2 stated, among other things, that he was in a store to purchase a phone for Inmate-1. CC-2 confirmed that Inmate-1 wanted a phone serviced by AT&T. CC-2 thereafter confirmed that he purchased a black iPhone 7.

c. On or about January 16, 2022, Inmate-1 placed a Securus call to CC-2 at the 2924 Phone Number. During the call, Inmate-1 asked CC-2 "Yo bro, where my jack at." CC-2 responded "In my crib." Later in the same call, Inmate-1 instructed CC-2 to text "scram bugz" (*i.e.*, CARLOS RIVERA, the defendant). CC-2 answered, "I did already. He didn't respond." Inmate-1 then responded "Yeah, he told me he's never going to respond but tell him to pull up." Based on my training and experience, I know that "jack" is slang for a cellphone. Accordingly, I believe that in the above-described call, Inmate-1 inquired where CC-2 was storing the iPhone 7 that CC-2 had purchased for Inmate-1 on January 13, 2022 ("Yo bro, where my jack at"). CC-2 responded that the phone was being stored in CC-2's residence ("In my crib"). Thereafter, Inmate-1 instructed CC-2 to text RIVERA and instruct him to retrieve the above-described cellphone from CC-2 ("tell him to pull up"), presumably so that RIVERA could smuggle it into NIC for Inmate-1.

34. Based on my review of records received in connection with the Instagram Warrant, I have learned that:

a. On or about January 19, 2022, CC-3 sent the following two direct messages to CARLOS RIVERA, the defendant, at the RIVERA Instagram Account: (a) "Bro said it up if you don't do the right thing" and (b) "9x."

b. On or about January 20, 2022, RIVERA responded "Who got it"

c. Shortly thereafter, CC-3 responded "The same nigga."

d. Based on my training and experience, I believe that CC-3 was indicating that Inmate-1 would be upset if RIVERA did not do the "right thing" and smuggle a cellphone ("9x")

into NIC for Inmate-1. Thereafter, RIVERA asked CC-3 who possessed the cellphone (“Who got it”) to which CC-3 responded that it was the same person from whom RIVERA had previously picked up contraband to bring into the NIC for Inmate-1 (*i.e.* CC-2).

35. Based on my discussions with other law enforcement personnel, and my review of summaries of recorded Securus calls prepared by other law enforcement personnel, I have learned, among other things, that on or about January 24, 2022, Inmate-1 placed a Securus call to CC-2 at the 2924 Phone Number. During the call, Inmate-1 stated in substance to CC-2, “I should be sturdy on what you’re on tomorrow.” Based on my training and experience, I believe that “what you’re on” was referencing CC-2’s use of a cellphone to communicate with Inmate-1, and that by the following day (“tomorrow”), after CARLOS RIVERA, the defendant, smuggled a cellphone into NIC for Inmate-1’s benefit, Inmate-1 would also be communicating “on” a cellphone.

36. Based on my review of surveillance video from inside NIC, I have learned, in substance and in part, the following:

a. At approximately 4:30 p.m. on January 25, 2022, CARLOS RIVERA, the defendant, and another DOC correction officer escorted Inmate-1 from his NIC jail cell to the shower area near Inmate-1’s cellblock.

b. Shortly thereafter, RIVERA entered the shower area holding a bucket and went off camera. When he returned to within the camera’s view, RIVERA was no longer holding the bucket.

c. At approximately 5:26 p.m., RIVERA returned to the shower area. Thereafter, Inmate-1 emerged from the shower area followed by RIVERA, who was holding a bucket identical in appearance to the one RIVERA previously brought into the shower area. RIVERA then escorted Inmate-1 back to Inmate-1’s cell and provided the bucket to Inmate-1, who brought the bucket into Inmate-1’s jail cell.

d. Based on my training and experience and my communications with other law enforcement personnel, I believe the above-described sequence is consistent with RIVERA concealing contraband in the bucket and covertly delivering it to Inmate-1.

37. Based on my review of records received in connection with the Instagram Warrant, I have learned, among other things, that:

a. On or about the evening of January 25, 2022, Inmate-1, using the Inmate-1 Instagram Account, began exchanging direct messages with other individuals, consistent with Inmate-1 having access to a cellphone.

b. In one such direct messaging conversation from the evening of January 25, 2022, Inmate-1 sent a message containing only a phone number ending in 9855 (the “9855 Phone Number”). Immediately thereafter, Inmate-1 sent the following message to the same recipient: “That my math.” In response, the recipient wrote: “Bet I just texted you.” Based on my training and experience, and my familiarity with this investigation, I believe that Inmate-1 was providing an associate with the phone number assigned to a contraband cellphone that Inmate-1 had just received at NIC, and that, in response, the associate acknowledged receipt of the number and indicated that he just sent a text message to Inmate-1 at the 9855 Phone Number.

38. Based on a review of call detail records for the 9855 Phone Number, I have learned that on or about January 26, 2022, from approximately 9:17 a.m. to 9:18 a.m., the three calls were placed from the 9855 Phone Number to the RIVERA 1444 Phone Number.

39. Based on my discussions with other law enforcement personnel, and my review of summaries of recorded Securus calls prepared by other law enforcement personnel, I have learned, among other things, that at approximately 9:48 a.m. on or about March 1, 2022, Inmate-1 placed a pair of calls to CC-2 at the 2924 Phone Number.

a. During the calls, Inmate-1 referenced a particular contraband cellphone (the “Inmate-1 9855 Phone”) that Inmate-1 previously possessed and provided to another specific inmate, who Inmate-1 identified by nickname during the call (“Inmate-2”). During one of the calls, Inmate-1 instructed CC-2 to have intermediaries contact Inmate-2 on that contraband phone, and specified a portion of the phone number associated with that phone (the “Inmate-1 9855 Phone Number”).

b. During portions of both calls, at Inmate-1’s instruction, CC-2 conferenced-in Inmate-2 by dialing the Inmate-1 9855 Phone Number. During portions of the calls, Inmate-1 advised, in substance and in part, that because Inmate-1 would be moving from NIC to another DOC facility on Rikers Island, Inmate-1 wanted to retrieve the Inmate-1 9855 Phone from Inmate-2, and that Inmate-2 should place the Inmate-1 9855 phone inside of a pillow, and provide it to one of the correctional officers who would be escorting Inmate-1 from NIC to the other facility. Inmate-2 agreed to do so and stated that “I’m doing it right now. You really a weird nigga for that though.” In response, Inmate-1 stated, in substance, “How am I a weird nigga. I got the green. That’s it. Fuck is you talking about. I paid the band for that nigga.” Based on my training and experience, I believe that during this last portion of the call, Inmate-1 was indicating that he had paid \$1,000 for the Inmate-1 9855 Phone (“I paid the band for that.”).

40. On or about March 1, 2022, NIC correction officers recovered a black iPhone 7 from inside of a pillow that Inmate-2 was holding. A search of that phone revealed that it was serviced by AT&T and assigned to the 9855 Phone Number (the “Inmate-1 9855 Phone”).

41. Based on a review of records provided by AT&T, I have learned, among other things, that the Inmate-1 9855 Phone Number was subscribed in the name of Inmate-1, and with a purported home address which, based on my investigation, I have learned is the residence of CC-2.

42. Based upon a review of cell site records obtained pursuant to a judicially authorized warrant for the Inmate-1 9855 Phone Number, I have learned the following:

a. The Inmate-1 9855 Phone Number was used for the first time at approximately 5:07 p.m. on or about January 13, 2022, when it placed the first of four short calls (each less than 10 seconds in length) during an approximately 40-minute span. All of these calls used cell towers that were located in the South Bronx. Thereafter, the Inmate-1 9855 phone was not used to place any additional calls until around 5:35 p.m. on or about January 25, 2022, which, for reasons described below, I believe to have been moments after Inmate-1 received the phone from CARLOS RIVERA, the defendant.

b. All calls placed to or from the Inmate-1 9855 Phone Number from January 25, 2022, and beyond used cell towers that were located on or near Rikers Island.

43. Based on a review of records maintained by Stride Bank, I have learned the following, among other things:

a. Stride Bank maintains an account held in the name of CARLOS RIVERA, the defendant, who lists a date of birth, social security number, and residential address that is consistent with the information contained in DOC personnel records for RIVERA (the “RIVERA Stride Account”).

b. The email address on file for the RIVERA Stride Account is a particular Gmail address beginning with portions of RIVERA’s name (the “RIVERA Gmail Address”).

c. The phone number for the RIVERA Stride Account is the RIVERA 1444 Phone Number.

RIVERA’s February 16, 2022 Contraband Delivery to Inmate-1

44. As detailed below, I believe from at least on or about February 14, 2022, through at least on or about February 16, 2022, CARLOS RIVERA, the defendant, conspired with Inmate-1 and others smuggle prison contraband into NIC for Inmate-1 in exchange for monetary bribes.

45. Based on my discussions with other law enforcement personnel, and my review of summaries of recorded Securus calls prepared by other law enforcement personnel, I have learned, among other things, that:

a. On or about February 14, 2022, Inmate-1 placed a Securus call to CC-2 at the 2924 Phone Number. During this and subsequent calls, Inmate-1 and CC-2 no longer referred to CARLOS RIVERA, the defendant, as “scram buggz” and seem to have instead used a new nickname, to wit, “2 sleezy.” During the February 14 call, Inmate-1 asked CC-2, in substance, “2 sleezy ain’t text you back?” CC-2 responded “I was on the phone with that nigga. I tell him I’m gonna come. He said that umm he gonna get that shit tomorrow cause that’s when...” at which point Inmate-1 interjected “light so look, send bro those 3 bills.” Thereafter, in reference to RIVERA, CC-2 stated in substance “he asked how much you [*i.e.*, Inmate-1] are trying to do for that?” to which Inmate-1 responded “tell him that I got 5 bills for him. Tell him that we will send him 3 right now. Send him 300 right now. Send him 3 bills right now. Tell him that I’m going to send him the other 2 in a few.” Thereafter, Inmate-1 instructed CC-2 to text CC-6 and ask CC-6, in substance, “you can’t send me a zip. I’m going to send you 100. Matter of fact, never mind, we gonna get it together.” Based on my training and experience, and my involvement in this investigation, I believe that during this call, CC-2 advised Inmate-1 that RIVERA arranged to collect contraband from CC-2 the following day (“he gonna get that shit tomorrow”); Inmate-1 instructed CC-2 to tell RIVERA that Inmate-1 would pay RIVERA \$500 total (“tell him that I got 5 bills for him”); Inmate-1 instructed CC-2 to send RIVERA \$300 immediately (“Tell him that we will send him 3 right now. Send him 300 right now. Send him 3 bills right now.”); and that RIVERA would be paid the remaining \$200 thereafter (“Tell him that I’m going to send him the other 2 in a few.”).

b. On or about the morning of February 15, 2022, Inmate-1 placed a Securus call to CC-2 at the 2924 Phone Number during which Inmate-1 instructed CC-2 to send another \$100 to RIVERA: “Send out, send 100 to my son 2 sleezy for me.” Thereafter, Inmate-1 indicated that when sending the payment CC-2 should list Inmate-1’s nickname in the memo field of the

payment to RIVERA: “Put [Inmate-1 Alias] you heard. Tell him the other going to be in a few.” Thereafter, RIVERA inquired of CC-2 how much money CC-2 had stored in CC-2’s Cash App account (“How much is on the App?”) to which CC-2 responded “100” (*i.e.*, \$100).

c. On or about the evening of February 15, 2022, Inmate-1 placed another Securus call to CC-2 at the 2924 Phone Number. During the call, Inmate-1 stated, in substance “Hit 2 sleezy, you heard, tell him I said I need that.” Based on my training and experience, I believe Inmate-1 was instructing CC-2 to contact RIVERA and to advise RIVERA that Inmate-1 urgently needed RIVERA to smuggle in contraband for Inmate-1. Thereafter, Inmate-1 asked CC-2 “Did you fucking do that?” CC-2 responded affirmatively, at which point Inmate-1 inquired what CC-2 wrote to RIVERA. In response, CC-2 stated, “I said yo [Inmate-1 Alias] said whats up he need that brody, he need that ASAP. Like when can you get that?”

46. Based on my review of records from Block Inc. (“Block”), information received from a representative at Block, and publicly available information, I have learned, in sum and substance, the following:

a. Block operates Cash App, a mobile phone application and payment service platform. Cash App users can use their Cash App accounts to send and receive money; to transfer money to other Cash App users; to make purchases; and to send and receive money from bank accounts. When money is sent, the sender may include a descriptive note along with the transfer of money.

b. Cash App’s data servers are located in California. Every request to process a financial transaction through Cash App passes through Cash App’s data servers in California, including for example, requests by Cash App customers to (1) transfer funds from one Cash App account to another Cash App account, also known as a “peer-to-peer transaction”; or (2) transfer funds between a Cash App account and a bank account. For example, requests made within the Bronx, New York to transfer funds through a Cash App account result in an interstate wire from Bronx, New York to Cash App’s data servers in California.

c. Block records show that a particular Cash App account is held in the name of “Carlos Rivera” (the “RIVERA Cash App Account”).

i. The email address on file for the RIVERA Cash App Account is the RIVERA Gmail Address.

ii. The user birth date on file for the RIVERA Cash App Account is the same birth date on file in DOC records for CARLOS RIVERA, the defendant.

iii. One of the user phone numbers listed for the RIVERA Cash App Account is a phone number ending in 9596 (the “RIVERA 9596 Phone Number”). In or about February 2022, the Rivera Cash App Account received three money transfers relevant to this investigation:

Date and Time	Sender \$Cashtag	Recipient Display Name	Value	Note
2022-02-14 21:29:22 UTC	CC-2 \$Cashtag	carlos	\$300	[Inmate-1 Alias’s] bro said he got 5 for you sending other 2 m

2022-02-15 13:45:56 UTC	CC-2 \$Cashtag	carlos	\$100	[Inmate-1 Alias] other 100 sending in a few
2022-02-15 22:15:49 UTC	CC-2 \$Cashtag	carlos	\$100	[Inmate-1 Alias]

iv. The “display name” of the sender (*i.e.*, the purported sender’s name that the recipient would see upon the receipt of the Cash App transaction) for each transaction was the name of a specific female. Based on my involvement in this case, I know that Cash App display names need not reflect the identity of the actual sender, and that, as stated above, one of the other display names associated with the CC-2 \$Cashtag was a name that included CC-2’s nickname. (*See supra* ¶ 14(i)). Further, the email address associated with the CC-2 \$Cashtag included the first letter of CC-2’s first name and the entirety of CC-2’s surname. Moreover, the transactions – a \$300 on February 14, 2022, followed by two \$100 payments on February 15, 2022 – is wholly consistent with the above-described and below-described Securus calls in which CC-2 and Inmate-1 discussed making a \$300 payment on February 14, 2022 and \$100 payments on February 15, 2022. (*See supra* ¶ 45 (a)-(b)). Accordingly, I believe that the above-described Cash App payments were made by CC-2 to RIVERA.

47. Based on my training and experience and my communications with other law enforcement personnel, I believe the references to the Inmate-1 Alias in the notes accompanying the three above-listed transfers to the RIVERA Cash App Account are references to Inmate-1, who used the Inmate-1 Alias as part of his username for the Inmate-1 Instagram Account.

48. Based on my review of subscriber information for the RIVERA 9596 Phone Number obtained from AT&T, I have learned, in substance and in part, that the subscriber name listed for the RIVERA 9596 Phone Number is “Carlos Rivera.” The user account was active from on or about July 1, 2021, through on or about December 26, 2021. The subscriber email address listed for the RIVERA 9596 Phone is the RIVERA Gmail Address.

49. Based on my review of call detail records for the RIVERA 1444 Phone Number, I have learned that on or about the evening of February 15, 2022, the RIVERA 1444 Phone Number placed at least two phone calls to CC-2 at the 2924 Phone Number.

50. Based on my review of surveillance video from inside NIC, I have learned, in substance and in part, that on or about February 16, 2022, at about 12:58 p.m., while Inmate-1 was inside of his jail cell, CARLOS RIVERA, the defendant, approached and opened the door to Inmate-1’s cell. Thereafter, the jail cell door obstructed the view of the camera, such that it is impossible to see beyond the door, where Inmate-1 and a portion of RIVERA’s body (including, at times, RIVERA’s hands) were located. Based on my training and experience and my communications with other law enforcement personnel, I believe the above-described sequence is consistent with RIVERA providing contraband to Inmate-1 inside of Inmate-1’s jail cell.

51. Based on my discussions with other law enforcement personnel, and my review of summaries of recorded Securus calls prepared by other law enforcement personnel, I have learned, among other things, that from on or about February 16, 2022, at approximately 4:08 p.m. and on or about February 17, 2022, at approximately 7:41 p.m., Inmate-1 placed at least four calls to CC-2 at the 2924 Phone Number. During each call, Inmate-1 inquired whether individuals sent money to CC-2. On each of the four calls, CC-2 answered affirmatively, indicating that CC-2 received payments of \$200, \$50, \$50, and \$100, respectively. Based on my training and experience, I

believe these conversations are consistent with CC-2 receiving payments via Cash App in exchange for Inmate-1 providing contraband (which he received from CARLOS RIVERA, the defendant) to various Rikers inmates, who then paid for the contraband by sending funds to CC-2.

52. Based on a search of the Inmate-1 9855 Phone and corresponding metadata, I have learned that on or about February 18, 2022, the Inmate-1 9855 Phone took a photograph of an individual's hand holding multiple pills, with several bags of green leafy substance (consistent with marijuana) appearing in the background. The photograph and its background were consistent with the photograph having been taken inside of a DOC correctional facility.

RIVERA's Interview

53. On or about June 22, 2022, law enforcement personnel with the FBI and DOI conducted an interview of CARLOS RIVERA, the defendant. I was one of the participants in that interview. At the beginning of the interview, we advised RIVERA that his speaking with law enforcement was voluntary, that he was free to leave at any time, and that no work-related disciplinary action would be taken against RIVERA solely because he chose not to speak with law enforcement. After those warnings, RIVERA agreed to be interviewed. During the interview, RIVERA made the following statements, among others, in sum and substance:

a. During the interview, RIVERA was asked whether he was aware of any NIC inmates engaged in unlawful conduct while inside of NIC. RIVERA responded affirmatively and mentioned the names of several inmates, including Inmate-1. Thereafter, RIVERA was shown a single photograph of Inmate-1 and again identified Inmate-1 by name.

b. RIVERA initially denied using his personal cellphone to exchange communications with any inmates, but subsequently admitted that he exchanged text messages with Inmate-1, whom RIVERA identified by name, and that some of these messages were designed to coordinate the pickup of contraband by RIVERA so that RIVERA could smuggle it into NIC and provide it to Inmate-1.

c. RIVERA identified the RIVERA Instagram Account as his own and admitted exchanging messages via Instagram with the individual using the Instagram account in CC-1's nickname. RIVERA understood that in those messages CC-1 was asking RIVERA to bring contraband into NIC for Inmate-1.

d. RIVERA admitted visiting an area of the Bronx in the vicinity of 138th Street and the Major Deegan Expressway (*i.e.*, in the South Bronx) on two different occasions to pick up contraband for Inmate-1. RIVERA could not recall the exact dates of these contraband pickups, but recalled it being cold outside, and estimated that these meetings occurred in or around December 2021 and/or January 2022. RIVERA further admitted that the first time he traveled to the Bronx to pick up contraband, he received two saran-wrapped packages. RIVERA claimed that he believed the packages contained cigarettes, but could not explain why cigarettes would be wrapped in this manner, and acknowledged it was possible that the wrapped packages also contained drugs. RIVERA stated that he brought the items through the front gate at NIC during one of his work shifts and provided it to Inmate-1 inside Inmate-1's prison cell. RIVERA stated that the second Bronx meeting occurred approximately one week after the first meeting, within a few blocks of the first location. During the second meeting, RIVERA picked up an Apple iPhone

and cellphone charger, which he received from a different individual than the first meeting. RIVERA also smuggled the iPhone into the NIC and provided it to Inmate-1 inside of Inmate-1's prison cell.

e. RIVERA, upon being confronted with an Excel spreadsheet detailing certain Cash App transactions, stated that he could not recall how much money he was paid to smuggle contraband to Inmate-1, but estimated that it was approximately \$400 to \$500 paid via Cash App. RIVERA denied receiving cash payments.

WHEREFORE, I respectfully request that a warrant issue for the arrest of CARLOS RIVERA, the defendant, and that he be imprisoned or bailed, as the case may be.

s/ Justin Stone by the Court with permission

JUSTIN STONE
Special Agent
Federal Bureau of Investigation

Sworn to me through the transmission of this Complaint by reliable electronic means (telephone), this 4th day of April, 2024.



THE HONORABLE ROBYN F. TARNOFSKY
United States Magistrate Judge
Southern District of New York

24 MAG 1379

UNITED STATES OF AMERICA

v.

CHANTAL DE LOS SANTOS,
SHANEQUA WASHINGTON,
and
KENNETH WEBSTER,

Defendants.

SEALED COMPLAINT

Violations of 18 U.S.C. §§ 371 and 1349

COUNTY OF OFFENSE:
BRONX

SOUTHERN DISTRICT OF NEW YORK, ss.:

JUSTIN STONE, being duly sworn, deposes and says that he is a Special Agent with the Federal Bureau of Investigation (“FBI”), and charges as follows:

COUNT ONE
**(Conspiracy to Solicit and Receive a Bribe by Agent of
Organization Receiving Federal Funds)**

1. From at least in or about March 2022 through at least in or about April 2022, in the Southern District of New York and elsewhere, CHANTAL DE LOS SANTOS and SHANEQUA WASHINGTON, the defendants, and others known and unknown, willfully and knowingly combined, conspired, confederated, and agreed together and with each other to commit an offense against the United States, to wit, solicitation and receipt of a bribe by an agent of an organization receiving federal funds, in violation of Title 18, United States Code, Section 666(a)(1)(B).

2. It was a part and an object of the conspiracy that CHANTAL DE LOS SANTOS and SHANEQUA WASHINGTON, the defendants, at least one of whom was an agent of a local government, and an agency thereof, to wit, the New York City Department of Correction (“DOC”), which received, in the calendar year 2022, benefits in excess of \$10,000 under a federal program involving a grant, contract, subsidy, loan, guarantee, insurance, and other form of federal assistance, would and did corruptly solicit and demand for the benefit of a person, and accepted and agreed to accept, a thing of value from a person, intending to be influenced and rewarded in connection with business, a transaction, and a series of transactions of DOC involving a thing of value of \$5,000 and more, to wit, DE LOS SANTOS and WASHINGTON conspired to and did bring prison contraband into a DOC facility, in return for bribes, including payments from contraband sales, in violation of Title 18, United States Code, Section 666(a)(1)(B).

Overt Acts

3. In furtherance of said conspiracy and to effect the illegal object thereof, CHANTAL DE LOS SANTOS and SHANEQUA WASHINGTON, the defendants, committed and caused to be committed the following overt acts, among others, in the Southern District of New York and elsewhere:

a. On or about March 26, 2022, DE LOS SANTOS met in New York, New York, with WASHINGTON, who was employed by the DOC, and provided WASHINGTON with prison contraband, so that WASHINGTON would, and did, bring said contraband into a DOC facility located in the Bronx, New York, and provide said contraband to an inmate.

b. On or about March 31, 2022, DE LOS SANTOS met with WASHINGTON, who was employed by the DOC, and provided WASHINGTON with prison contraband, so that WASHINGTON would, and did, bring said contraband into a DOC facility located in the Bronx, New York, and provide said contraband to an inmate.

c. In exchange for WASHINGTON agreeing to introduce contraband into the DOC facility, WASHINGTON received, after each of the above-described contraband deliveries, bribes, including payments from subsequent sales of contraband within the DOC made to a Cash App account that she managed and controlled, collectively totaling more than \$5,000.

(Title 18, United States Code, Section 371.)

COUNT TWO
(Conspiracy to Commit Honest Services Wire Fraud)

4. From at least in or about March 2022 through at least in or about April 2022, in the Southern District of New York and elsewhere, CHANTAL DE LOS SANTOS and SHANEQUA WASHINGTON, the defendants, and others known and unknown, willfully and knowingly combined, conspired, confederated, and agreed together and with each other to commit honest services wire fraud, in violation of Title 18, United States Code, Sections 1343 and 1346.

5. It was a part and an object of the conspiracy that CHANTAL DE LOS SANTOS and SHANEQUA WASHINGTON, the defendants, and others known and unknown, having devised and intending to devise a scheme and artifice to defraud, and to deprive the public and the DOC of their intangible right to the honest services of a particular DOC program counselor (*i.e.*, WASHINGTON), would and did transmit and cause to be transmitted by means of wire, radio, and television communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds for the purpose of executing such scheme and artifice, in violation of Title 18, United States Code, Sections 1343 and 1346, to wit, DE LOS SANTOS and WASHINGTON conspired to and did bring prison contraband into a DOC facility, in return for bribes, including payments from contraband sales, and those exchanges were facilitated through telephone calls, text messages, payments and messages transmitted using mobile payment platform Cash App, and other electronic communications in interstate commerce.

(Title 18, United States Code, Section 1349.)

COUNT THREE
(Conspiracy to Commit Honest Services Wire Fraud)

6. From at least in or about May 2022 through at least in or about June 2022, in the Southern District of New York and elsewhere, CHANTAL DE LOS SANTOS and KENNETH WEBSTER, the defendants, and others known and unknown, willfully and knowingly combined,

conspired, confederated, and agreed together and with each other to commit honest services wire fraud, in violation of Title 18, United States Code, Sections 1343 and 1346.

7. It was a part and an object of the conspiracy that CHANTAL DE LOS SANTOS and KENNETH WEBSTER, the defendants, and others known and unknown, having devised and intending to devise a scheme and artifice to defraud, and to deprive the DOC and a particular DOC contractor (“DOC Service Provider-1”), of their intangible right to the honest services of a DOC Service Provider-1 employee (*i.e.*, WEBSTER), would and did transmit and cause to be transmitted by means of wire, radio, and television communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds for the purpose of executing such scheme and artifice, in violation of Title 18, United States Code, Sections 1343 and 1346, to wit, DE LOS SANTOS and WEBSTER conspired to and did bring prison contraband into a DOC facility, in return for bribes, including payments from contraband sales, and those exchanges were facilitated through telephone calls, text messages, WhatsApp messages, and other electronic communications in interstate commerce.

(Title 18, United States Code, Section 1349.)

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

8. I am a Special Agent with the Federal Bureau of Investigation (“FBI”), and I have been personally involved in the investigation of this matter, which has been jointly investigated with the New York City Department of Investigation (“DOI”). This affidavit is based upon my personal participation in the investigation of this matter, my conversations with other law enforcement personnel, 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 participation in the 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.

Overview

9. Based on the facts set forth below, I respectfully submit that there is probable cause to believe the following:

a. From in or about March 2022 through in or about April 2022, CHANTAL DE LOS SANTOS, the defendant, a former correction officer, together with two inmates (“Inmate-1” and “Inmate-2”) housed at the Anna M. Kross Center (“AMKC”) on Rikers Island in the Bronx, New York, conspired and worked together to bribe SHANEQUA WASHINGTON, the defendant, a DOC program counselor, to smuggle contraband into the AMKC. At Inmate-1’s request, DE LOS SANTOS provided WASHINGTON with paper sheets that I believe to have been soaked in controlled substances (the “contraband sheets”). WASHINGTON then brought the contraband sheets into the AMKC and provided them to Inmate-2, with whom she was in a romantic relationship. Inmate-2, in turn, provided the contraband sheets to Inmate-1 and, for at least one of the contraband deliveries, kept a portion of the sheets. Inmate-1 and Inmate-2 then sold the contraband sheets to other inmates housed at the AMKC. In exchange for WASHINGTON smuggling the contraband sheets into the AMKC on one occasion, Inmate-2 received a portion of the contraband sheets, and WASHINGTON received, into a Cash App account that she controlled

and managed, at least \$4,000 in payments from the subsequent sale of those sheets within the AMKC. In exchange for WASHINGTON smuggling the contraband sheets into the AMKC on another occasion, WASHINGTON received, into a Cash App account that she controlled and managed, over \$6,500 in payments from subsequent sales of the contraband sheets within the AMKC.

b. From in or about May 2022 through in or about June 2022, DE LOS SANTOS, Inmate-1, and two other inmates (“Inmate-3” and “Inmate-4”) conspired and worked together to bribe KENNETH WEBSTER, the defendant, who was supervised and trained by the DOC and employed by DOC Service Provider-1, a DOC contractor, to smuggle contraband to Inmate-1 and Inmate-3 inside the AMKC. At Inmate-1’s request, DE LOS SANTOS provided WEBSTER with contraband (at least some of which DE LOS SANTOS received from acquaintances of Inmate-4), including cigarettes, alcohol, cellphones, electronic tablets, and paper sheets that I believe to have been soaked in controlled substances. WEBSTER then brought the contraband into the AMKC and provided it to Inmate-1 and Inmate-3. Inmate-1 then sold certain of the contraband that he received to other inmates, including Inmate-4. In exchange for smuggling the contraband into the AMKC, WEBSTER received cash bribes from DE LOS SANTOS.

DOC Employment History of DE LOS SANTOS, WASHINGTON, and WEBSTER

10. Based on my conversations with other law enforcement personnel, and my review of DOC and DOC Service Provider-1 records, recorded jail calls, and messages found on contraband cellphones seized from the AMKC, I know the following:

a. At all times relevant to this Complaint, CHANTAL DE LOS SANTOS, the defendant, was a former DOC correction officer, having been employed on a probationary basis as a DOC correction officer from in or about January 2018 through at least in or about October 2019. During her probationary period as a DOC correction officer, DE LOS SANTOS was investigated for, and determined to have engaged in, an improper relationship with Inmate-1. As a result, DE LOS SANTOS was never granted a permanent position as a DOC employee.

b. From in or about October 2017 through in or about September 2022, SHANEQUA WASHINGTON, the defendant, was a DOC program counselor. At all times relevant to this Complaint, WASHINGTON was assigned to the Robert N. Davoren Center (“RNDC”) on Rikers Island, and was in a romantic relationship with Inmate-2.

c. From in or about January 2022 through in or about September 2022, KENNETH WEBSTER, the defendant, was a DOC-approved DOC Service Provider-1 employee who provided services to the DOC inmate population pursuant to the DOC Service Provider-1 Contract (as defined below). According to DOC service provider orientation forms signed by WEBSTER, WEBSTER’s title was “Director Tablet Distribution.”

d. From on or about February 18, 2022, through on or about July 19, 2022, Inmate-1 was an inmate housed in AMKC’s Quad 11 Lower housing area. At all times relevant to this Complaint, Inmate-1 used a particular nickname (the “Inmate-1 Alias”).

e. From on or about April 3, 2021, through on or about June 15, 2022, Inmate-2 was an inmate housed in AMKC’s Quad 11 Upper housing area. At all times relevant to this Complaint, Inmate-2 used a particular nickname (the “Inmate-2 Alias”).

f. From on or about February 24, 2022, through on or about July 12, 2022, Inmate-3 was an inmate housed in AMKC's Quad 11 Lower housing area. At all times relevant to this Complaint, Inmate-3 used a particular nickname (the "Inmate-3 Alias").

g. From on or about May 20, 2022, through on or about July 24, 2022, Inmate-4 was an inmate housed in AMKC's Quad 17 Lower housing area.

Background Regarding the DOC and Contraband

11. Based on my communications with other law enforcement personnel, my review of DOC records, and my training and experience, I have learned, among other things, the following:

a. According to the DOC Employee Rules and Regulations, employees of DOC facilities "shall not enter into any transaction with an inmate, nor carry, convey, or make accessible to an inmate within a facility/command any intoxicant, opiate, narcotic, or other contraband article, nor traffic with an inmate in any manner." According to the DOC Inmate Handbook, "'Contraband' shall mean any item that is not sold in the commissary, that is not on the approved list of permissible items, that is possessed in more than the approved amount or, that the inmate does not have permission to possess," including, "items that may disrupt the safety, security, good order and discipline of the facility." The DOC Inmate Handbook also expressly prohibits inmates from possessing drugs and cellphones, stating that inmates "shall not sell or exchange prescription drugs or non-prescription drugs" and that they shall not possess any type of electronic telecommunication and/or recording device or any part of such instrument, which is designed to transmit and/or receive telephonic, electronic, digital, cellular or radio communications." Finally, the DOC Inmate Handbook warns that "[a]ny person who tries to introduce contraband into a facility may also be subject to criminal prosecution." Based on the foregoing, as well as my training and experience and my communications with other law enforcement personnel, I know that a mobile electronic device of any type, including a cellphone or tablet, is considered contraband, as are marijuana, synthetic marijuana, tobacco, and alcohol.

b. DOC community coordinators, commonly known as program counselors, are DOC employees whose primary duty is to provide counseling, mentoring, and other support services to the inmate population of the DOC. In connection with this duty, program counselors are assigned to specific housing areas and meet with inmates in individual and group settings within those areas. DOC employees, including SHANEQUA WASHINGTON, the defendant, received training on employee rules and regulations, which prohibit DOC employees from, among other things, entering into transactions with inmates and providing inmates with contraband.

12. Based on my review of the New York City Counsel's Report of the Finance Division on the Fiscal 2022 Preliminary Plan for the Department of Correction,¹ I know that the budget for the DOC for fiscal year 2022 included \$8,286,000 in federal funding received by the DOC.

¹ Available at <https://council.nyc.gov/budget/wp-content/uploads/sites/54/2021/05/072-DOC.pdf>.

Background Regarding DOC Service Provider-1

13. Based on my communications with other law enforcement and DOC personnel, my review of DOC and DOC Service Provider-1 records, and my review of public source information, I have learned, among other things, the following:

a. DOC Service Provider-1 is a private company that provides community reentry services to former inmates and, through contracts with correctional facilities, counseling and other services to inmates. On or about July 20, 2021, DOC Service Provider-1 entered into a three-year contract with the DOC (the “DOC Service Provider-1 Contract”) pursuant to which DOC Service Provider-1 employees, who were primarily formerly inmates, provided certain programming and services to the DOC inmate population. As reflected in DOC’s Request for Proposal (which was incorporated into the DOC Service Provider-1 Contract), the “over-arching goal [of the programs to be provided by DOC Service Provider-1 was] to help individuals cope with the stressors of incarceration, promote positive engagement while in custody and minimize the likelihood of further involvement with the justice system post-release.” The DOC Service Provider-1 Contract stated that it was to remain in effect from April 1, 2021, to March 31, 2024; however, in or about October 2022, the DOC canceled the DOC Service Provider-1 Contract after learning that DOC Service Provider-1 employees had smuggled prison contraband to DOC inmates, among other violations of DOC rules and regulations.

b. The services that DOC Service Provider-1 provided to the DOC included, among other things, assisting with the distribution of DOC-approved electronic tablets to inmates, among other tasks, as part of the DOC’s tablet program (the “Tablet Program”). As set forth in an AMKC “Command Level Order,” dated June 10, 2020, the Tablet Program offered eligible inmates access to DOC-approved electronic tablets from 8:00 a.m. to 8:00 p.m., to “afford [inmates] programming, reward program participation, and reduce idle time.” The DOC-approved tablets were black Samsung tablets with a visible DOC serial number and a screwed-on protective frame. In addition, the DOC-approved tablets were restricted such that they did not permit general access to the internet, including access to social media applications and television streaming services (limited internet access to permit tablet updates, however, was available in certain housing areas). DOC Service Provider-1 employees assisted with the implementation of the Tablet Program by, among other things, distributing tablets to inmates, retrieving tablets from inmates, and addressing inmates’ tablet-related questions. Tablets were distributed to inmates from a tablet charging cart, which was generally located in the correction officer station (commonly known as the “bubble”) near the entrance of a housing unit. DOC Service Provider-1 employees were prohibited from distributing tablets to inmates in their cells, or otherwise interacting with inmates in their cells; instead, such interactions were required to occur in a common area, where cameras were located. DOC Service Provider-1 employees who worked in the Tablet Program were informed of that policy and other DOC policies, and were trained and supervised by DOC staff.

c. Pursuant to the DOC Service Provider-1 Contract, DOC Service Provider-1 employees were required to “comply with all security . . . regulations instituted by” the DOC. In particular, except as otherwise specifically authorized by the DOC Service Provider-1 Contract, the DOC Service Provider-1 Contract provided that DOC Service Provider-1 employees, among other things, were “forbidden to take or bring into a DOC facility, any articles for an inmate”; “shall not contact, or communicate with or give anything to inmates”; “shall not possess on their person any contraband” (“contraband” is defined at length in the DOC Service Provider-1

Contract, and encompasses the items referenced in paragraph 11.a above); and “[t]he introduction of electronic/recording devices,” including “cellular . . . phones,” “into any facility without the approval of the Commanding Officer of that facility is strictly prohibited.” In addition, among other things, DOC Service Provider-1 employees were required to “remain in the area of their work assignment”; were prohibited from bringing to an inmate, or taking from an inmate, “any article, letters, notes or messages”; and were prohibited from “bring[ing] drugs” onto the premises at any time.

d. Non-DOC employees who provide services at DOC facilities, including KENNETH WEBSTER, the defendant, receive training on DOC rules and regulations, which prohibit DOC service providers from, among other things, entering into transactions with inmates and providing inmates with contraband. For example, DOC Service Provider-1 employees, including WEBSTER, attended an orientation at which they received training on, among other things, the DOC’s policies regarding entering into transactions with inmates and bringing in contraband. In addition, DOC Service Provider-1 employees, including WEBSTER, signed a “NYC DOC Guidelines for Providing Services Acknowledgment Form”; those guidelines state, among other things, “I will not . . . relay messages to or between [incarcerated] individuals or the public, or bring in anything (contraband) for them.”

Contraband Phones

14. Based on my participation in this investigation, my review of law enforcement and DOC records, my conversations with other law enforcement personnel, and my review of certain cellphones seized from the AMKC and elsewhere, I know that, during the period of the conspiracies charged in this Complaint, among other times, DOC personnel seized numerous cellphones from within inmate housing areas on Rikers Island, including from housing areas within the AMKC. Regarding two of those phones, in particular, I have learned the following:

a. *The Inmate-1 Contraband Phone.* On or about June 24, 2022, during a search of AMKC’s Quad 11 Lower housing area, DOC personnel seized a particular white Apple iPhone (the “Inmate-1 Contraband Phone”) from an inmate within the housing area. Although the phone was in the possession of an inmate other than Inmate-1 at the time of its seizure, I believe, based on my review of the phone’s contents, that, at least in or about May and early June 2022, Inmate-1 was the primary user of the phone. Specifically, based on my review of messages found on the Inmate-1 Contraband Phone, I know that the Inmate-1 Contraband Phone contains numerous messages from a social media account with the Inmate-1 Alias as the username. In addition, based on my review of images found on the Inmate-1 Contraband Phone, I know that the Inmate-1 Contraband Phone contains images of a Cash App account profile that, as described below (see paragraph 31.b), I believe to be operated by Inmate-1. The Inmate-1 Contraband Phone also contains numerous images of Inmate-1, including images of Inmate-1 with Inmate-3.

b. Based on my review of messages found on the Inmate-1 Contraband Phone, I know that the Inmate-1 Contraband Phone was assigned at least two different phone numbers: in or about May 2022, a particular number ending in 4039 (the “Inmate-1 4039 Phone Number”) and, beginning on or about May 31, 2022, a particular number ending in 3845 (the “Inmate-1 3845 Phone Number”). (Based on my training and experience, I know that an iPhone can text from two different numbers if different subscriber identity module (“SIM”) cards are used.) As described more fully below, I know that Inmate-1 also used other cellphones and phone numbers.

c. *The Inmate-4 Contraband Phone.* On or about June 23, 2022, during a search of AMKC's Quad 17 Lower housing area, DOC personnel seized a particular black Apple iPhone ("The Inmate-4 Contraband Phone"), assigned a phone number ending in 6985, from Inmate-4's cell, and which I believe, based on my conversations with other law enforcement personnel who reviewed the contents of that phone, was used by Inmate-4.

Securus Calls

15. Based on my participation in this investigation, my review of law enforcement and DOC records, my conversations with other law enforcement personnel, and my review of recorded calls and summaries of such calls obtained and prepared during this investigation, I have learned, among other things, the following:

a. Phone calls placed by inmates housed at facilities on Rikers Island, including AMKC, are recorded by a system called Securus.

b. To use the Securus system, each inmate is assigned a personal identification number ("PIN") that must be used to access the system. However, although inmates are required by DOC rules to use their own PIN to make outgoing calls, in practice inmates, including Inmate-1 and Inmate-2, frequently use other inmates' PINs to disguise their participation in outgoing calls.

c. As described below, I and other law enforcement personnel have been able to determine that Inmate-1 and Inmate-2, among other inmates, made certain Securus calls in furtherance of the charged conspiracies, based on the PIN number associated with the Securus call, the inmate's voice, and the phone numbers dialed by the inmate.

WASHINGTON Delivered Contraband Received from DE LOS SANTOS

WASHINGTON Smuggled Contraband Into the AMKC on or about March 26, 2022

16. Based on my review of recorded Securus calls and call summaries, I know that, on or about March 25, 2022, at approximately 8:00 p.m., Inmate-1 made a recorded Securus call (the "March 25, 2022, 8:00 p.m. call") to a particular phone number ending in 1927 (the "1927 DE LOS SANTOS Phone Number").

17. Based on my review of subscriber records for the 1927 DE LOS SANTOS Phone Number, I know that that phone number is subscribed to in the name of CHANTAL DE LOS SANTOS, the defendant.

18. Based on my review of recorded Securus calls and call summaries, I know that, during the March 25, 2022, 8:00 p.m. call, Inmate-1 provided CHANTAL DE LOS SANTOS, the defendant, with a particular phone number ending in 3710 (the "3710 WASHINGTON Phone Number") and instructed DE LOS SANTOS, among other things, to give "them shits" to the user of that phone on that day.

19. Based on my review of subscriber records for the 3710 WASHINGTON Phone Number, I know that the 3710 WASHINGTON Phone Number is a prepaid account subscribed to in the name "PRE PAID." I further know, based on my review of records obtained from Block Inc. ("Block") (which, as described further below, operates mobile payment platform Cash App), that

the 3710 WASHINGTON Phone Number is associated with a particular Cash App account holder whose “Identity Verification Name” is SHANEQUA WASHINGTON, the defendant, and that the address of that account holder is listed as a particular address in Brooklyn, New York, which, based on my review of DOC records, is WASHINGTON’s address. In addition, based on my review of a still image of DOC video surveillance footage, I know that, during the time of a recorded Securus phone call from Inmate-2 to the 3710 WASHINGTON Phone Number, WASHINGTON, while walking inside a DOC facility as recorded on DOC video surveillance footage, was, in fact, holding a phone to her ear and appeared to be on a phone call. I therefore believe that WASHINGTON was the user of the 3710 WASHINGTON Phone Number, that is, the number that Inmate-1 had provided to DE LOS SANTOS.

20. Based on my review of recorded Securus calls and call summaries, and my conversations with other law enforcement personnel, I know that Inmate-1 and CHANTAL DE LOS SANTOS, the defendant, also discussed the following on the March 25, 2022, 8:00 p.m. call:

a. DE LOS SANTOS informed Inmate-1 that she had “11,” and Inmate-1 instructed DE LOS SANTOS, in substance, to give all 11 to “her.” Based on my training and experience, my conversations with other law enforcement personnel, and the context of the March 25, 2022, 8:00 p.m. call, as described further below, I believe that “11” was a reference to a quantity of contraband, in particular, 11 sheets of paper soaked in controlled substances. I further believe that Inmate-1 instructed DE LOS SANTOS to provide that contraband to SHANEQUA WASHINGTON, the defendant, whose phone number Inmate-1 provided to DE LOS SANTOS during the same phone call.

b. Inmate-1 instructed DE LOS SANTOS, in substance, to tell Inmate-2 (referenced as the Inmate-2 Alias) that the 1927 DE LOS SANTOS Phone Number was associated with Inmate-1, and “whenever he’s ready that’s situated.”

21. Based on my review of call detail records from the 1927 DE LOS SANTOS Phone Number, I know that, on or about March 25, 2022, at approximately 8:03 p.m.—*i.e.*, a few minutes after the March 25, 2022, 8:00 p.m. call, during which Inmate-1 provided DE LOS SANTOS with the phone number for SHANEQUA WASHINGTON, the defendant—DE LOS SANTOS sent a text message to WASHINGTON at the 3710 WASHINGTON Phone Number, and, approximately one minute later, WASHINGTON sent a text message back to DE LOS SANTOS.

22. Based on my review of recorded Securus calls and call summaries, I know the following:

a. On or about March 25, 2022, at approximately 8:07 p.m., Inmate-2 made a recorded Securus call (the “March 25, 2022, 8:07 p.m. call”) to SHANEQUA WASHINGTON, the defendant, at the 3710 WASHINGTON Phone Number.

b. During the March 25, 2022, 8:07 p.m. call, WASHINGTON told Inmate-2, in substance and in part, that someone had sent her a message. Specifically, according to WASHINGTON, the message she received stated that Inmate-1 (referenced as the Inmate-1 Alias) said to tell Inmate-2 (referenced as the Inmate-2 Alias), “this is the number, whenever he’s ready it’s situated.”

c. During the March 25, 2022, 8:07 p.m. call, Inmate-2 instructed WASHINGTON, in substance and in part, to meet with the person who had messaged her. WASHINGTON then asked Inmate-2, “I’m giving them anything?” Inmate-2 responded, in part, “No, they giving you something.”

23. Based on the foregoing, including, the fact that CHANTAL DE LOS SANTOS, the defendant, had messaged SHANEQUA WASHINGTON, the defendant, just minutes before the March 25, 2022, 8:07 p.m. call, I believe that the person Inmate-2 instructed WASHINGTON to meet with was DE LOS SANTOS.

24. Based on my review of call detail records from the 1927 DE LOS SANTOS Phone Number, I know that, shortly after the March 25, 2022, 8:07 p.m. call between Inmate-2 and SHANEQUA WASHINGTON, the defendant, WASHINGTON sent CHANTAL DE LOS SANTOS, the defendant, a text message. A few minutes later, DE LOS SANTOS called WASHINGTON; the duration of that call was approximately one minute and 24 seconds. WASHINGTON and DE LOS SANTOS continued to communicate with each other by text message and phone call over the course of the night on or about March 25, 2022, and the early morning hours on or about March 26, 2022.

25. Based on my review of recorded Securus calls and call summaries, I know following:

a. On or about March 26, 2022, at approximately 5:26 a.m., Inmate-2 made a recorded Securus call to SHANEQUA WASHINGTON, the defendant. During that call, Inmate-2 asked WASHINGTON, “did you see the girl,” which I believe to be a reference to CHANTAL DE LOS SANTOS, the defendant. WASHINGTON responded, in substance, in the affirmative.

b. A few hours later, Inmate-2 made another recorded Securus call to WASHINGTON. During that call, Inmate-2 stated, among other things, “it’s for one o’clock.” Based on my training and experience and the context of the above-referenced call, I believe that Inmate-2’s statement, “it’s for one o’clock,” was, in substance, an instruction to WASHINGTON to meet him at approximately 1:00 p.m. to deliver him the contraband that WASHINGTON had picked up from DE LOS SANTOS the night before.

c. At approximately 1:01 p.m., Inmate-1 made a recorded Securus call to DE LOS SANTOS, and asked, in substance and in part, if she “[took] care of that yesterday.” DE LOS SANTOS responded in the affirmative, and said that the meeting happened in “the City” in “Chinatown” at around 12:30 a.m. and DE LOS SANTOS gave all “11” to the person she met. Inmate-1 told DE LOS SANTOS, in substance and in part, that all that he had to do was give another individual, who, based on the context of the call, I believe to be Inmate-2, some “parts,” because that individual was doing Inmate-1 a favor.

d. Based on my review of license plate reader (“LPR”) reports, I know that, at approximately 12:19 a.m. on or about March 26, 2022, a vehicle registered in the name of CHANTAL DE LA SANTOS was located near the intersection of Mott Street and Canal Street, in the Chinatown neighborhood of Manhattan. Based on that LPR report and DE LOS SANTOS’s statement to Inmate-1 that the meeting occurred in “Chinatown” in the “City,” I believe that the

above-referenced meeting between DE LOS SANTOS and WASHINGTON occurred in the Chinatown neighborhood of Manhattan.

26. Based on my review of DOC video surveillance footage, I know the following:

a. On or about March 26, 2022, at approximately 1:12 p.m., SHANEQUA WASHINGTON, the defendant, entered AMKC's Quad 11 Upper housing area and met with Inmate-2 in a common room in his housing area. During that meeting, WASHINGTON provided Inmate-2 with two large manila envelopes. WASHINGTON's meeting with Inmate-2 is depicted in still images below.



Still images of WASHINGTON meeting with Inmate-2 (manila envelopes circled in red)

b. Later on or about March 26, 2022, a few hours after receiving the manila envelopes from WASHINGTON, Inmate-2 left his housing area holding one of the envelopes, walked toward AMKC's Quad 11 Lower housing area, where Inmate-1 was housed, and slid the envelope under a door for Inmate-1, who, together with Inmate-3 and others, took possession of it. Moments later, Inmate-1 opened the envelope and began examining what appear to be paper sheets.



Still images of Inmate-2 bringing the manila envelope to Inmate-1 (left), Inmate-1 retrieving the envelope from under the door (middle), and Inmate-1 examining paper sheets (right)

27. Based on conversations with other law enforcement personnel, my review of DOC records, and my review of a report of an interview of a DOC Assistant Commissioner, I know that, on or about March 26, 2022, the date of the meeting between Inmate-2 and SHANEQUA WASHINGTON, the defendant, in the AMKC's Quad 11 Upper common area, WASHINGTON had no legitimate reason to be inside the AMKC. Specifically, WASHINGTON was a DOC

program counselor assigned to a different facility on Rikers Island, *i.e.*, the RNDC, only provided counseling services to young adult inmates, and had not received preapproval to meet with any young adults who were housed in the AMKC, as required by DOC policies. I also know, based on conversations with other law enforcement personnel who reviewed DOC records, that there was only one young adult housed in the AMKC on or about March 26, 2022, and that that inmate was not housed in the area where WASHINGTON met with Inmate-2 on or about March 26, 2022.

28. Based on my review of recorded Securus calls and call summaries, I know the following:

a. On or about March 26, 2022, at approximately 8:04 p.m., Inmate-1 made a recorded Securus call (the “March 26, 2022, 8:04 p.m. call”) to the 1927 DE LOS SANTOS Phone Number. During that call, Inmate-1 told CHANTAL DE LOS SANTOS, the defendant, among other things, “that shit all the way sturdy” and to “check the app.” Based on my training and experience, I believe that “all the way sturdy” was a reference to Inmate-1’s approval of the quality of the paper sheets soaked in controlled substances that he had received, and “app” was a reference to either Zelle or Cash App, as described below.

b. During the March 26, 2022, 8:04 p.m. call, Inmate-1 also told DE LOS SANTOS, among other things, that he was keeping “a lot” and giving another individual, whom I believe to be Inmate-2, “4.” Based on the foregoing, and as described further below, I believe that “4” was a reference to four paper sheets soaked in controlled substances.

*Zelle Payments to DE LOS SANTOS After WASHINGTON’s
March 26, 2022 Contraband Delivery*

29. Based on my review of records obtained from Early Warning Services, LLC (“EWS”), a financial technology services company that operates mobile payment platform Zelle, I know that, from on or about March 27, 2022, through on or about March 29, 2022, a Zelle account in the name of CHANTAL DE LOS SANTOS, the defendant, (the “DE LOS SANTOS Zelle Account”) received, among other payments, two payments, collectively totaling \$2,800. One of the payments included a subject with a particular name followed by “16 L,” which I believe to be a reference to AMKC’s Quad Lower 16 housing area; the other payment included a subject with a particular name, which, based on my review of DOC records, I know to be an alias for an inmate who was housed at the AMKC at the time of the payment. Based on the foregoing, including Inmate-1’s instruction to DE LOS SANTOS to “check the app” (see paragraph 28.a above), I believe that the above-referenced payments were made on behalf of inmates and related to sales of contraband by Inmate-1, following the delivery by SHANEQUA WASHINGTON, the defendant, of contraband on or about March 26, 2022.

Cash App Payments to Inmate-1 After WASHINGTON’s March 26, 2022 Contraband Delivery

30. Based on my review of records obtained from Block and publicly available information, I have learned, in sum and substance, the following:

a. Block operates Cash App, a mobile phone application and payment service platform. Cash App users can use their Cash App accounts to send and receive money; to transfer money to other Cash App users; to make purchases; and to send and receive money from bank

accounts. When money is sent, the sender may include a descriptive note along with the transfer of money.

b. Cash App's data servers are located in California. Every request to process a financial transaction through Cash App passes through Cash App's data servers in California, including for example, requests by Cash App customers to (1) transfer funds from one Cash App account to another Cash App account, also known as a "peer-to-peer transaction"; or (2) transfer funds between a Cash App account and a bank account. For example, requests made within the Bronx, New York, to transfer funds through a Cash App account result in an interstate wire from New York to Cash App's data servers in California.

31. Based on my review of records obtained from Block, I know the following:

a. A particular Cash App account has the display name "12k Solid" and the cashtag² "4ever12k" (the "Inmate-1 12k Solid-1 Cash App Account"). Although the "Identification Verification Name" on the account name is not Inmate-1's name, I believe that, from at least on or about March 20, 2022, through at least on or about April 10, 2022, Inmate-1 was the user of that account. In particular, the SMS alias for the Inmate-1 12k Solid-1 Cash App Account was the 4039 Inmate-1 Phone Number, which, based on my review of messages found on the Inmate-1 Contraband Phone and the Inmate-4 Contraband Phone, I know to have been used by Inmate-1; the 4039 Inmate-1 Phone Number was also saved in the Inmate-4 Contraband Phone as the Inmate-1 Alias. Based on my review of messages found on the Inmate-1 Contraband Phone, I also know that Inmate-1 provided the "12k solid" account and "4ever12k" cashtag as his payment information to others.

b. A particular Cash App account has the display name "10 Toes" and the cashtag "12ksolid" (the "Inmate-1 12k Solid-2 Cash App Account"). Although the "Identification Verification Name" on the account name is not Inmate-1's name, I believe that, from at least on or about May 28, 2022, through at least in or about July 2022, Inmate-1 was the user of that account. In particular, from at least in or about May 28, 2022, through at least in or about July 6, 2022, the SMS alias for the Inmate-1 12k Solid-2 Cash App Account was the 3845 Inmate-1 Phone Number, which, based on my review of messages found on the Inmate-1 Contraband Phone and the Inmate-4 Contraband Phone, I know to have been used by Inmate-1. The 3845 Inmate-1 Phone Number was also saved in Inmate-4's phone as the Inmate-1 Alias, followed by the number 3; I believe that the "3" reflects Inmate-1's multiple contraband phones and/or SIM cards over time.

c. From on or about the night of March 26, 2022, through on or about March 31, 2022, the Inmate-1 12k Solid-1 Cash App Account received approximately 47 payments, totaling over \$17,600, in addition to numerous attempted payments that were declined or otherwise not processed. Many of the payments included subjects referencing AMKC housing areas following what I believe to be inmate aliases, such as "[alias] 11 upper," "[alias] hound 14L," "[alias] 14upper," "from [alias] 20upper," and "[alias] 16 1," among others. In addition, one of the payments had the subject "from [alias] 18 low and save me a whole PAG," and was in the amount of \$1,000. Based on my training and experience and my conversations with other law enforcement personnel, I know that, at the time of that payment, the black market price

² Based on public source information, I know that a "cashtag" is the term used to refer to a Cash App account's unique identifier (similar to a username).

at a Rikers DOC facility for an entire page of paper soaked in controlled substances was \$1,000.³ Accordingly, based on the payment amount and subject of the above-referenced payment (in particular, “save me a whole PAG”), I believe that that payment was for an entire page of paper soaked in controlled substances.

Evidence of Payments to WASHINGTON Shortly After March 26, 2022

32. Based on my review of records obtained from Block, I know the following:

a. From on or about March 27, 2022, through on or about March 31, 2022, a Cash App account with the display name “Nancy Young” (the “WASHINGTON Nancy Young Cash App Account”) and the cashtag “nancymula1” received certain mobile payments, as described further below. The listed SMS alias of the WASHINGTON Nancy Young Cash App Account is the 3710 WASHINGTON Phone Number; the “Identity Verification Name” of the WASHINGTON Nancy Young Cash App Account is Inmate-2, who, as described above, was in a romantic relationship with WASHINGTON; and the email alias of the WASHINGTON Nancy Young Cash App Account contains Inmate-2’s name. In addition, based on my review of recorded Securus calls and my conversations with other law enforcement personnel who reviewed such calls, I know that, on recorded Securus calls, WASHINGTON and Inmate-2 discussed certain payments that WASHINGTON, in fact, made from that account. Accordingly, I believe that WASHINGTON managed and controlled the WASHINGTON Nancy Young Cash App Account.⁴

b. From on or about March 27, 2022, through on or about March 31, 2022, the WASHINGTON Nancy Young Cash App Account received, among other payments, four payments collectively totaling \$4,000, which, as described above (see paragraph 31.c), I know to be consistent with the price of four paper sheets soaked in controlled substances. Each payment included a subject referencing a name that, based on my review of DOC records, was an alias of an inmate housed at the AMKC at the time of the payment; in addition, one of the payments also included, in the subject, “hold that please.” Accordingly, I believe that the above-referenced payments were made on behalf of inmates housed at the AMKC to purchase the four contraband sheets that Inmate-2 received from WASHINGTON on or about March 26, 2022.

33. In sum, based on the foregoing, I believe the following: At Inmate-1’s request, on or about March 26, 2022, shortly after midnight in the Chinatown neighborhood of Manhattan, CHANTAL DE LOS SANTOS, the defendant, provided SHANEQUA WASHINGTON, the defendant, with 11 sheets of paper that had been soaked in controlled substances. WASHINGTON, in turn, smuggled the contraband sheets into the AMKC in manila envelopes and provided them to Inmate-2. Per his agreed-upon arrangement with Inmate-1, Inmate-2 kept four of the contraband

³ Based on my training and experience, I am aware that, while \$1,000 is the black market price of a paper sheet soaked in controlled substances, the price of an individual sheet may vary based on the type of controlled substances used to soak the sheet (e.g., synthetic cannabinoids, commonly known as K2, or fentanyl), and on the amount of controlled substances applied to a sheet.

⁴ The subjects of many of the payments sent from the WASHINGTON Nancy Young Cash App Account reference the Inmate-2 Alias, which I believe indicates that they were made on behalf of Inmate-2. As explained elsewhere herein, however, I believe that WASHINGTON had access to, and managed and controlled, the WASHINGTON Nancy Young Cash App account, and at times received funds, and/or benefited from the funds, that were held in that account.

sheets and gave the remainder to Inmate-1 by sliding them under the door to his housing area. Inmate-1 and Inmate-2 then sold their contraband sheets within the AMKC, with payments from the sales made to the DE LOS SANTOS Zelle Account and Inmate-1 12k Solid-1 Cash App, and to the WASHINGTON Nancy Young Cash App Account, respectively.

WASHINGTON Smuggled Contraband Into the AMKC on or about April 1, 2022

34. Based on my review of recorded Securus calls and call summaries, I know the following:

a. On or about March 30 and March 31, 2022, Inmate-1 and CHANTAL DE LOS SANTOS, the defendant, and Inmate-2 and SHANEQUA WASHINGTON, the defendant, respectively, had separate recorded Securus calls in which each pair discussed, among other things, the logistics for a meeting planned for March 31, 2022, between DE LOS SANTOS and WASHINGTON. (On those calls, Inmate-1 and DE LOS SANTOS did not reference WASHINGTON by name, and Inmate-2 and WASHINGTON did not reference DE LOS SANTOS by name. Based on my review of call detail records from the 1927 DE LOS SANTOS Phone Number, however, I know that, consistent with the occurrence of a meeting between DE LOS SANTOS and WASHINGTON, the 1927 DE LOS SANTOS Phone Number and the 3710 WASHINGTON Phone Number were also in frequent communication with each other on or about March 30 and March 31, 2022.)

b. On or about April 1, 2022, during a recorded Securus call between Inmate-1 and DE LOS SANTOS, Inmate-1 asked, in substance, whether the March 31, 2022 meeting occurred (“you did that right?”) and DE LOS SANTOS responded in the affirmative.

35. Based on my review of DOC video surveillance and a DOC log book, on or about April 1, 2022, SHANEQUA WASHINGTON, the defendant, entered AMKC’s Quad 11 Upper housing area, met with Inmate-2 in a common room, and provided Inmate-2 with what appears to be a tan folder, as depicted below. After receiving the folder from WASHINGTON, Inmate-2 brought it to his cell.



Still images of WASHINGTON bringing folder to Inmate-2

*Payments to Inmate-1 and DE LOS SANTOS After
WASHINGTON’s April 1, 2022 Contraband Delivery*

36. Based on my review of records obtained from Block, I know that, from on or about April 1, 2022, through on or about April 10, 2022, the Inmate-1 12k Solid-1 Cash App Account received at least 11 payments, collectively totaling over \$2,300, in addition to attempted payments

that were declined or otherwise not processed. Based on my training and experience, and my conversations with other law enforcement personnel, I believe that the payment subjects, payment amounts, payment timing, and the number of above-referenced payments, are consistent with payments being made to Inmate-1 on behalf of other inmates relating to contraband sales.

37. Based on my review of records obtained from EWS, I know that, from on or about April 4, 2022, through on or about April 8, 2022, the DE LOS SANTOS Zelle Account received four payments, collectively totaling \$2,550. Two of those payments, collectively totaling \$750, included a subject with a particular name, which, based on my review of DOC records, I know to be an alias for an inmate who was housed at the AMKC.

*Payments to the WASHINGTON Nancy Young Cash App Account
After WASHINGTON's April 1, 2022 Contraband Delivery*

38. Based on my review of records obtained from Block, I know the following:

a. On or about April 5, 2022, the WASHINGTON Nancy Young Cash App Account received a payment of \$2,500 from the Inmate-1 12k Solid Cash App account, with the Inmate-1 Alias as the subject (the "April 5, 2022 Payment").

b. In addition to the April 5, 2022 Payment, from on or about April 1, 2022, through on or about April 15, 2022, the WASHINGTON Nancy Young Cash App Account received at least 13 payments, collectively totaling over \$6,500. Each of those payments included a subject referencing a name that, based on my review of DOC records, was an alias of an inmate housed in the AMKC at the time of the payment; and/or included a subject referencing a particular name followed by an AMKC housing area (*i.e.*, names followed by "11 upper," "11lower," and "16 lowa"); and/or was sent by a sender who, based on DOC visitation records, was an acquaintance of an inmate housed in the AMKC at the time of the payment. Accordingly, I believe that the above-referenced payments were made on behalf of inmates housed at the AMKC relating to sales of the contraband sheets that SHANEQUA WASHINGTON, the defendant, brought into the AMKC on or about April 1, 2022.

39. Based on my review of recorded Securus calls and my conversations with other law enforcement personnel who reviewed such calls, I know that, as proceeds from sales of the contraband that SHANEQUA WASHINGTON, the defendant, delivered to Inmate-2 on or about April 1, 2022, were being paid into the WASHINGTON Nancy Young Cash App Account, Inmate-2 told WASHINGTON, in substance and in part, that she should transfer some of the money from that account to a different account; she should use some of the money from one or both of those accounts for herself; and that Inmate-2 intended to pay for WASHINGTON's future travel. In particular, on or about April 3, 2022:

a. During a Securus call initiated at approximately 12:19 p.m., Inmate-2 told WASHINGTON, in substance, to take \$800 from the "app"—which I believe to be a reference to the WASHINGTON Nancy Young Cash App Account—and buy "toiletries for the house." In response, WASHINGTON said, in part, "that's a lot for toiletries." Inmate-2 replied, "get all the toiletries you need."

b. During a Securus call initiated at approximately 1:51 p.m. (the "1:51 p.m. Securus Call"), Inmate-2 told WASHINGTON, in substance, to transfer money from the

WASHINGTON Nancy Young Cash App Account to a different account, and to keep \$1,500 for herself (“1,500 is yours”). On a Securus call later the same day, Inmate-2 asked WASHINGTON, among other things, “You took your money?” WASHINGTON responded, “Yes, I took my money.”⁵

c. During the 1:51 p.m. Securus Call, Inmate-2 asked WASHINGTON, “Am I still sending you to Jamaica or no?” WASHINGTON responded, “Of course you are.” Inmate-2 replied, “I’m going to give you the money for Jamaica before the end of this week.”

40. Based on my review of DOC records, I know that, on or about August 12, 2022, while under investigation for the conduct described above, WASHINGTON notified DOC personnel that she was resigning from the DOC on August 27, 2022, and on or about September 17, 2022, WASHINGTON’s DOC employment was terminated.⁶

WEBSTER’s Deliveries of Contraband Received from DE LOS SANTOS

WEBSTER Smuggled Contraband Into the AMKC on or about May 25, 2022

41. Based on my review of Securus call summaries, I know that, on or about May 24, 2022, at approximately 12:49 p.m., Inmate-1 made a recorded Securus call to the 1927 DE LOS SANTOS Phone Number. During that call, Inmate-1 told CHANTAL DE LOS SANTOS, the defendant, in substance and in part, to be ready and that someone would be reaching out to her.

42. Based on my review of DOC video surveillance footage, I have learned that, on or about May 24, 2022, KENNETH WEBSTER, the defendant, entered AMKC’s Quad 11 Lower housing area, where Inmate-1 and Inmate-3 are housed. As seen on the DOC video surveillance

⁵ Based on my review of records obtained from Block, I am aware that, before WASHINGTON’s April 1, 2022 contraband delivery, WASHINGTON at times transferred money from her personal Cash App account (*i.e.*, a Cash App account with the display name SHANEQUA WASHINGTON) to the WASHINGTON Nancy Young Cash App Account. Accordingly, certain of the money from the WASHINGTON Nancy Young Cash App Account that WASHINGTON used for her personal benefit may have been in repayment for WASHINGTON’s prior transfers.

⁶ My investigation—which, among other things, includes a review of surveillance video, recorded phone calls, DOC records, financial records, call detail records, and the recovery and search of prison contraband—has also revealed that, on at least one occasion in late February 2022, before WASHINGTON provided Inmate-2 with contraband that she received from DE LOS SANTOS for the benefit of Inmate-1, WASHINGTON brought contraband to Inmate-2 for the benefit of a different inmate (“Inmate-5”), in exchange for which WASHINGTON received numerous payments, totaling thousands of dollars, into the WASHINGTON Nancy Young Cash App Account. Based on my review of laboratory reports of tests conducted on contraband that was seized from Inmate-5 five days after that delivery, the contraband included marijuana and synthetic cannabinoids, commonly known as K2. Based on my review of DOC video surveillance footage, I also know that, on or about May 6, 2022, WASHINGTON delivered an envelope to Inmate-2 in his AMKC housing area, in a manner similar to the contraband deliveries on or about March 26 and April 1, 2022, described above. Nevertheless, the charges against WASHINGTON in this Complaint relate exclusively to conduct that occurred in or about March and April 2022.

footage, while WEBSTER was inside that housing area, Inmate-3 wrote something down on a piece of paper and handed the paper to WEBSTER.

43. Based on my review of call detail records from a phone assigned a number ending in 1876 (the “1876 WEBSTER Phone Number”), on or about May 24, 2022, at approximately 1:17 p.m.—which was a few minutes after KENNETH WEBSTER, the defendant, had left the AMKC that day—the 1876 WEBSTER Phone Number called, for the first time, the 1927 DE LOS SANTOS Phone Number; the call duration was approximately 59 seconds. The 1876 WEBSTER Phone Number and the 1927 DE LOS SANTOS Phone Number proceeded to communicate with each other on numerous occasions on or about May 24, 2022.

44. Based on my review of subscriber records for the 1876 WEBSTER Phone Number, I know the following: The 1876 WEBSTER Phone Number is a prepaid phone number subscribed to in the name “PREPAID CUSTOMER.” The name of the listed user of the 1876 WEBSTER Phone is not KENNETH WEBSTER, the defendant, and the listed address for the 1876 WEBSTER Phone is not WEBSTER’s address. However, based on my review of records obtained from Block, among other records described below, I believe that WEBSTER is the user of the 1876 WEBSTER Phone Number. In particular:

a. The 1876 WEBSTER Phone Number is listed as the SMS alias for a particular Cash App account (the “WEBSTER Cash App Account”).

b. The “Identity Verification Name” of the WEBSTER Cash App Account is a specific first and last name that, based on my review of law enforcement records containing birth certificate information, is the name of WEBSTER’s mother.

c. An address listed for the WEBSTER Cash App Account is a specific address in the Bronx, New York (the “WEBSTER Bronx Address”) that is also listed as WEBSTER’s address in DOC Service Provider-1 records that I have reviewed.⁷

d. The cashtag alias for the WEBSTER Cash App Account is “wegetyouthere247.” Based on my review of Cash App records, “We Get You There Inc.” is the name on a different Cash App account that was created by WEBSTER, and the address listed for that account is the WEBSTER Bronx Address.

e. The bank account number listed for the WEBSTER Cash App Account is a particular number ending in 4982 (the “4982 Bank Account”). Based on my review of bank records, I know that the name on the 4982 Bank Account is “KENNETH ONASIS WEBSTER.”

45. Based on the foregoing, I believe that the 1876 WEBSTER Phone Number and the WEBSTER Cash App Account are used by WEBSTER.

46. Based on my review of recorded Securus calls and call summaries, I know the following:

⁷ The WEBSTER Cash App Account lists WEBSTER’s apartment as 30, while DOC Service Provider-1 records list his apartment as 3-0, but the street addresses in both records are otherwise identical.

a. On or about May 24, 2022, after the first call between CHANTAL DE LOS SANTOS, the defendant, and KENNETH WEBSTER, the defendant, Inmate-1 called the 1927 DE LOS SANTOS Phone Number at least approximately 10 times.

b. Based on my training and experience, I believe that, during those recorded calls, Inmate-1 and DE LOS SANTOS, using coded language, discussed, among other things, a future meeting between DE LOS SANTOS and WEBSTER, and a subsequent contraband delivery by WEBSTER in exchange for WEBSTER receiving a cash payment of \$5,000 (referenced on the calls variously as “5,” the “whole 5,” and the “whole 5 straight”). For example, at approximately 2:43 p.m., Inmate-1 instructed DE LOS SANTOS to tell “that number that called [her]”—which I believe to be a reference to the 1876 WEBSTER Phone Number (see paragraph 43 above)—that, in substance, the deal would be the “whole 5 straight” for “everything in one shot.”

c. On at least two calls on or about May 24, 2022, Inmate-1 and DE LOS SANTOS discussed, among other things, how DE LOS SANTOS was going to obtain \$5,000, including whether DE LOS SANTOS could take the money out from an ATM. DE LOS SANTOS stated, in substance, that she was on a “mission” because “the nigga,” which I believe to be a reference to WEBSTER, insisted on receiving at least “3 bands,” which I believe to mean \$3,000, that day. DE LOS SANTOS said that she planned to go to her “cousin or something” to get the “3 fucking bands” because the “bank is closed already” and the ATM would not allow her to take out that much money, and DE LOS SANTOS would withdraw the remainder of the money (*i.e.*, the remainder of the \$5,000) she needed from the bank the next day.

47. Based on my review of DOC video surveillance footage, on or about May 25, 2022, at approximately 11:16 a.m., KENNETH WEBSTER, the defendant, walked into the AMKC Quad 11 Lower housing area. WEBSTER then followed Inmate-3 into a particular cell, while Inmate-1 placed a towel over the entrance of that cell in a manner that, based on my training and experience and my conversations with other law enforcement personnel, is often used by inmates to obstruct the view of DOC cameras, as depicted below.



WEBSTER, in light blue shirt, walking into Inmate-3’s cell (left), meeting with Inmate-1 and Inmate-3 (middle), and leaving after the meeting (right)

48. Based on my conversations with other law enforcement and DOC personnel, I know that KENNETH WEBSTER, the defendant, had no legitimate reason to be in an inmate’s cell. As a DOC Service Provider-1 employee and DOC service provider, WEBSTER was not permitted to distribute tablets or otherwise meet with inmates in their cells, but rather was only allowed to distribute tablets and meet with inmates in common areas.

49. Based on my review of records obtained from a particular financial institution, on or about May 25, 2022, CHANTAL DE LOS SANTOS, the defendant, withdrew \$2,000 in cash from her bank account—*i.e.*, the remainder of the \$5,000 that she needed to pay WEBSTER.

50. Based on my review of call detail records obtained from the 1876 WEBSTER Phone Number, on or about May 25, 2022, between approximately 1:48 p.m. and approximately 7:16 p.m., the 1876 WEBSTER Phone Number and the 1927 DE LOS SANTOS Phone Number called each other multiple times.

51. Based on my review of records obtained from Block, I know that, from on or about May 28, 2022, through on or about June 1, 2022, the Inmate-1 12k Solid-1 Cash App Account received 12 payments, ranging between \$21 and \$100 each. Most of those payments included subjects with references to particular names, which were different from the names of the sender accounts. Based on my training and experience, and my conversations with other law enforcement personnel, I believe that the payment subjects, payment amounts, payment timing, and the number of above-referenced payments, are consistent with payments being made to Inmate-1 on behalf of other inmates relating to contraband sales.

52. Based on my review of records obtained from a financial institution, I know that, on or about May 31, 2022, KENNETH WEBSTER, the defendant, made a deposit of \$850 in cash into his bank account.

May 25, 2022 Messages Between Inmate-1 and Inmate-4 Regarding Contraband

53. Based on my review of messages found on the Inmate-4 Contraband Phone, I know, among other things, the following:

a. On or about May 25, 2022, Inmate-4 received a text message from the Inmate-1 4039 Phone Number, stating, “Yo this [Inmate-1 Alias].” (In addition, at the time of the seizure of the Inmate-4 Contraband Phone on or about June 23, 2022, the 4039 Inmate-1 Phone Number was saved in Inmate-4’s phone as the Inmate-1 Alias.) I therefore believe that Inmate-1 was the user of the Inmate-1 4039 Phone Number.

b. Following the May 25, 2022 text message from Inmate-1 to Inmate-4, the Inmate-1 4039 Phone Number and the Inmate-4 Contraband Phone continued to communicate over text message and discussed, among other things, prison contraband. For example, on or about May 25, 2022, Inmate-1 texted Inmate-4, stating, in substance, that Inmate-4 should let others know that Inmate-1 had “a iPhone for 5 packs.” Based on my training and experience, and my conversations with other law enforcement personnel, I believe that “5 packs” is slang for \$5,000.

*May 27, 2022 Communications Regarding Contraband Tablets,
Among WEBSTER, Inmate-1, Inmate-3, and Inmate-4*

54. Based on my review of publicly accessible information, including websites maintained by Meta Platforms, Inc. (“Meta”) and WhatsApp, I have learned, among other things, that Meta is the parent company of WhatsApp; that all communications conducted via WhatsApp rely upon/run through Meta’s data servers; and that all of Meta’s data servers are located outside of the state of New York. Accordingly, on any occasion in which two or more individuals

communicate via WhatsApp, and at least one of those individuals is located within New York, that particular WhatsApp communication, by definition, involves an interstate wire.

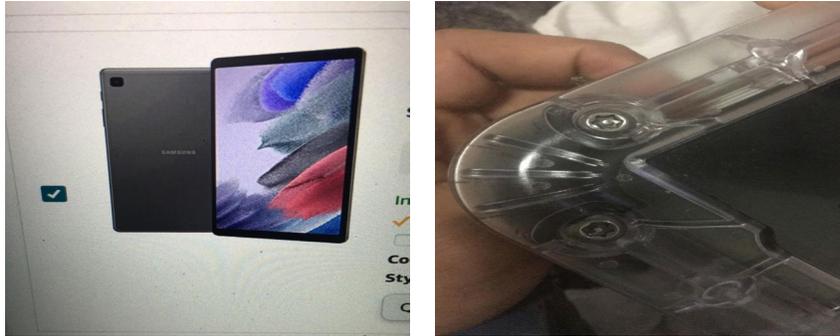
55. Based on my review of messages, including WhatsApp messages, and call records found on the Inmate-1 Contraband Phone, I know that the following messages and calls occurred between the Inmate-1 Contraband Phone and the 1876 Webster Phone on or about May 27, 2022:

a. At approximately 12:04 a.m., the Inmate-1 Contraband Phone called the 1876 WEBSTER Phone Number, which did not answer. About 15 minutes later, at approximately 12:19 a.m., the Inmate-1 Contraband Phone again called the 1876 WEBSTER Phone Number. The duration of that call was approximately five minutes and 55 seconds.

b. At approximately 12:34 p.m., the Inmate-1 Contraband Phone sent a WhatsApp message to a particular WhatsApp account with a username containing the 1876 WEBSTER Phone Number (the “1876 WEBSTER WhatsApp Account”). That message included an image of the back of a black Samsung tablet, attached to which was a sticker containing, among other things, a “NYCDOC” number and bar code. Based on my review of that image and my conversations with other law enforcement personnel, I believe that that image appears to show the back of a DOC-authorized tablet.

c. Along with the above-referenced image of the DOC-authorized tablet, the Inmate-1 Contraband Phone messaged the 1876 WEBSTER WhatsApp Account, “That mine. The other one for [Inmate-1 last name] look it up he don’t know his tablet number.” Based on that text message (*i.e.*, the fact that Inmate-1 was referenced in the third person), I believe that Inmate-1 did not send the above-referenced message, but rather the message was sent by an acquaintance of Inmate-1 who had access to the Inmate-1 Contraband Phone, whom I believe to be Inmate-3.

d. At approximately 10:09 p.m., the Inmate-1 Contraband Phone made a WhatsApp call to the 1876 WEBSTER WhatsApp Account. The duration of that call was approximately 12 minutes and 40 seconds. During that call, the 1876 WEBSTER WhatsApp Account sent the Inmate-1 Contraband Phone a message containing an image that appears to show an internet webpage advertising a black Samsung tablet, which, based on my conversations with other law enforcement personnel, is consistent with the appearance a DOC-authorized tablet. Later during that call, the Inmate-1 Contraband Phone sent the 1876 WEBSTER WhatsApp Account a message containing an image depicting, based on my conversations with other law enforcement personnel, what appears to be the corner of the protective frame that covers a DOC-authorized tablet, with the screws used to secure the protective frame visible. Those images are depicted below.



Photographs exchanged by the 1876 WEBSTER WhatsApp Account and Inmate-1 Contraband Phone

56. Based on my review of messages found on the Inmate-4 Contraband Phone, I know that the 4039 Inmate-1 Phone Number and the Inmate-4 Contraband Phone sent each other the following messages, among others, on or about May 27, 2022:

a. At approximately 3:07 p.m., Inmate-1 texted Inmate-4, stating, in part, “anything you need my cab ready for Monday.” Based on my training and experience, and my conversations with other law enforcement personnel, I know that “cab” is a slang reference that inmates use to refer to DOC staff and service providers who smuggle contraband into and/or throughout the DOC.

b. At approximately 10:30 p.m.—*i.e.*, just a few minutes after the call between the Inmate-1 Contraband Phone and the 1876 WEBSTER WhatsApp Account described above (see paragraph 55.d)—Inmate-1 texted Inmate-4, stating, in part, that Inmate-1 had a “tablet for sell.” Inmate-4 responded, “Shit got internet ?” At approximately 11:20 p.m., Inmate-1 replied, in part, “Yea everything I’m getting the same one but active at&t with the case and all tht.” At approximately 11:24 p.m., Inmate-4 texted Inmate-1, stating, in substance, that he wanted to buy the tablet.

57. In sum, based on the foregoing, my training and experience, and my conversations with other law enforcement personnel, I believe the following:

a. On or about May 27, 2022, Inmate-1 and/or Inmate-3 requested, in substance, that KENNETH WEBSTER, the defendant, bring into the AMKC at least two contraband tablets that resembled DOC-authorized tablets. Specifically, Inmate-3 sent WEBSTER a photograph of the sticker on the back of his DOC-authorized tablet, and, in substance, instructed WEBSTER to look up Inmate-1’s sticker (see paragraphs 55.b and 55.c above), I believe for the purpose of enabling WEBSTER to create or obtain copies of those stickers and apply them to the requested contraband tablets. Inmate-1 and/or Inmate-3 then sent WEBSTER a photograph of a DOC-authorized tablet’s protective frame and securing screws (see above-right image), which would enable WEBSTER to bring a tool to remove the protective frames from the DOC-authorized tablets and attach them to the contraband tablets instead. Inmate-1 then offered to sell to Inmate-4 one such contraband tablet, which would appear the same as the DOC-authorized tablet, both in tablet model (*see* above-left image) and in its protective frame, but which, unlike the DOC-authorized tablet, would be fully equipped with internet (“I’m getting the same one but active at&t with the case and all tht”).

b. My conclusions above are bolstered by the fact that, based on my review of text messages found on the Inmate-4 Contraband Phone, on or about June 7, 2022, Inmate-1, in fact, sent Inmate-4 a video of a tablet being used (the user is not visible other than his fingers) to access Instagram and Netflix—applications that, based on my conversations with DOC personnel, I know are not available on DOC-authorized tablets. After sending that video, Inmate-1 texted Inmate-4, in substance, asking him if he wanted to buy the contraband tablet, and noted, “never Get caught go anywhere with it.”

May 28-June 1, 2022 Communications Regarding Controlled Substances and Other Contraband, Among DE LOS SANTOS, WEBSTER, Inmate-1, and Inmate-4,

58. Based on my review of messages found on the Inmate-4 Contraband Phone, I know the following:

a. On or about May 28, 2022, the 4039 Inmate-1 Phone Number texted the Inmate-4 Contraband Phone, asking, “When u think tht other shit gunna be ready.” Inmate-4 responded, in substance, that it might be ready by Tuesday or Wednesday (*i.e.*, May 31 or June 1, 2022). Inmate-4 further texted Inmate-1, “I’ll send it straight to wifey,” and later asked, “you want me to just give you the potion and you whip it up in ya cell ???” Moments later, Inmate-4 again texted Inmate-1, “Just got to pour it in a white bucket soak the sheet let it dry soak it again let it dry.” Inmate-1 responded, “I aint gunna lie I don’t wanna fuck tht bag up but if u can’t situate it then fuck it I’ll have no chose.” Approximately 43 minutes later, Inmate-1 texted Inmate-4, “let me know when my people could get it then,” and Inmate-4 responded, in part, “I’ll try to line it for tomorrow afternoon or evening.” Inmate-1 then stated, “I need the paper too,” and Inmate-4 responded, “Let me see if I got extra if not tell ya shorty get it from staples or target it’s 100 percent cotton.”

59. Based on my training and experience, and the context of the statements described in paragraph 58.a above, I believe that, in that conversation, Inmate-1 and Inmate-4 were discussing a planned delivery of controlled substances into the AMKC. In particular, I believe that Inmate-4 was stating, in substance, that he would have an acquaintance (“my people”) provide the controlled substances (the “potion”) used to make paper sheets soaked in such substances to CHANTAL DE LOS SANTOS, the defendant (“wifey” or “shorty”), and that Inmate-1 could then make (“whip it up”) such paper sheets by getting the papers from Inmate-4 or DE LOS SANTOS (“Let me see if I got extra [paper] if not tell ya shorty to get it from staples”) and by then following Inmate-4’s instructions (“Just got to pour [the potion] in a white bucket soak the sheet let it dry soak it again let it dry”).

60. Based on my review of messages found on the Inmate-4 Contraband Phone, I know of the following text messages between Inmate-1 and Inmate-4 on or about May 30, 2022:

a. At approximately 3:23 p.m., Inmate-1 texted Inmate-4, requesting an update from Inmate-4 (“So wasssup with tht other situation”). Moments later, Inmate-1 again texted Inmate-4, stating, “Im trying to situate tht for tomorrow.”

b. At approximately 5:14 p.m., Inmate-4 texted Inmate-1, stating, among other things, “That’s done now” and, approximately 30 minutes later, sent Inmate-1 an image (depicted below) of a brown liquid in a plastic bottle, which, based on my training and experience, is

consistent with the appearance of liquid synthetic cannabinoids, commonly known as K2. Inmate-4 then texted Inmate-1, stating, “20 fire fire 🔥 or 35 good ones you still ca[n] move.” Based on my training and experience and my conversations with other law enforcement personnel, I believe that Inmate-4 was telling Inmate-1, in substance, that he could spread the liquid over 20 sheets of paper and the papers would be especially potent, or Inmate-1 could spread it over 35 sheets of paper, and the papers would be satisfactory such that Inmate-1 could still sell it.



Image of brown liquid

c. Between approximately 8:03 p.m. and approximately 9:40 p.m., Inmate-1 and Inmate-4 texted each other multiple times discussing, in substance, the timing of the meeting between their respective acquaintances to transfer the liquid controlled substances. At approximately 9:40 p.m., Inmate-1 texted Inmate-4, “Touch down,” which I believe means that the transfer of the brown liquid shown above occurred.

61. Based on my review of messages found on the Inmate-1 Contraband Phone, I know that, on or about May 31, 2022, at approximately 2:26 p.m., the 1927 DE LOS SANTOS Phone sent a text message to the Inmate-1 Contraband Phone that contained a screenshot of a different text conversation, as described further below, that appears to be between CHANTAL DE LOS SANTOS, the defendant, and an individual with a phone number ending in 6354 (the “6354 Phone”).

a. Specifically, in the screenshotted conversation, DE LOS SANTOS stated, “This is [Inmate-1 Alias]’s wife” and “He’s with [Inmate-3 Alias].” The 6354 Phone responded, “Yes Aight Tell Him This [alias] & [alias] We Trynna Send That Breesh By Tonight For The Jack Or Tomorrow In The Am The latest.” The 6354 Phone then added, “Have That Ready” and “& Don’t Hit This Number Back Sis This Jail Jack.”

b. Based on my training and experience, and my conversations with other law enforcement personnel, I believe that “Breesh” is a coded reference to money, “Jack” is a coded reference to a cellphone, and “Jail Jack” is a coded reference to a contraband cellphone. Accordingly, I believe that in the above-referenced screenshotted conversation, two inmates told DE LOS SANTOS, in substance, to tell Inmate-1 that they were trying to send him money to buy a cellphone from him that night or the next day at the latest; to have the cellphone ready; and to not call the 6354 Phone back, because it was a contraband phone (and thus calling it could alert correction officers to its existence).

62. Based on my review of messages found on the Inmate-4 Contraband Phone, I know that, on or about May 31, 2022, at approximately 6:57 p.m., Inmate-4 texted Inmate-1, “Yoooo u sturdy ?” At approximately 7:45 p.m., Inmate-1 responded, “Nah boy couldn’t b[ring the liquid.” On or about June 1, 2022, at approximately 8:02 a.m., Inmate-4 replied, “So just make em in the

town.” Based on the foregoing and my training and experience, I believe that Inmate-1 was telling Inmate-4, in substance, that the liquid shown in the above image couldn’t be brought through AMKC security (“boy couldn’t b[ring the liquid”), and Inmate-4 suggested that Inmate-1 instead have the papers soaked in the liquid before it was brought in (“So just make em in the town”).

63. Based on my review of messages found on the Inmate-1 Contraband Phone, I know that, on or about May 31 and June 1, 2022, Inmate-1 and CHANTAL DE LOS SANTOS, the defendant, texted each other regarding a planned contraband delivery. In particular, I know the following:

a. On or about May 31, 2022, at approximately 7:27 p.m., the Inmate-1 Contraband Phone texted the 1927 DE LOS SANTOS Phone, stating “Baby if you not busy I may need you to link son today.” DE LOS SANTOS responded, “I have a lash appointment I’m about to go to.”

b. Over the course of the evening on or about May 31, 2022, and the early morning hours on or about June 1, 2022, Inmate-1 and DE LOS SANTOS continued to text each other. On or about June 1, 2022, at approximately 1:16 a.m., Inmate-1 texted DE LOS SANTOS, “Tomorrow baby I need you deadass,” and a few minutes later, “And make sure you situate everything.” A few minutes later, DE LOS SANTOS texted Inmate-1, “I got this baby.” Inmate-1 then texted DE LOS SANTOS, “Tomorrow I get the tablet it’s up,” followed by, “Movie night.”

c. As the Inmate-1 Contraband Phone was texting with DE LOS SANTOS, the Inmate-1 Contraband Phone was also communicating with the 1876 WEBSTER WhatsApp Account. For example, at approximately 7:38 p.m., the Inmate-1 Contraband Phone messaged KENNETH WEBSTER, the defendant, “Llamame,” which I know is Spanish for “call me.”

64. Based on my review of call detail records from the 1876 WEBSTER Phone Number, I know that, on or about June 1, 2022, at approximately 4:04 p.m., the 1876 WEBSTER Phone Number called the 1927 DE LOS SANTOS Phone Number. The duration of the call was approximately one minute. After that call, DE LOS SANTOS and KENNETH WEBSTER, the defendant, continued to communicate with each other by phone numerous times on the same date, until approximately 9:49 p.m.

WEBSTER Smuggled Contraband Into the AMKC on or about June 2, 2022

65. Based on my review of DOC video surveillance footage, I know that, on or about June 2, 2022, at approximately 12:39 p.m., KENNETH WEBSTER, the defendant, entered the AMKC Quad 11 Lower housing area, carrying a backpack, as depicted below. Approximately one minute later, WEBSTER entered Inmate-1’s cell, while Inmate-3 stood outside. Within approximately one minute, WEBSTER left Inmate-1’s cell.



Still images of WEBSTER walking to Inmate-1's cell; Inmate-3 standing outside (right)

Inmate-1 and Inmate-4 Discussed the June 2, 2022 Contraband Delivery

66. Based on my review of messages found on the Inmate-4 Contraband Phone, I know that, on or about June 2, 2022, following what I believe to be the delivery by KENNETH WEBSTER, the defendant, of contraband to Inmate-1 earlier the same day, Inmate-1 and Inmate-4 discussed the fact that Inmate-1 had just received contraband. In particular, I know the following:

a. At approximately 8:10 p.m., a particular phone number ending in 2475 (the "2475 Inmate-1 Phone Number"), which, as described below, I believe was being used by Inmate-1, texted the Inmate-4 Contraband Phone, "It's up." Several minutes later, the 2475 Inmate-1 Phone Number sent Inmate-4 a photograph of 8 packs of cigarettes, a water bottle containing a clear liquid, and a stack of stained paper sheets, all on a surface that is consistent with an AMKC inmate bed, as depicted below. Based on my training and experience, and my conversations with other law enforcement personnel, I know that the color and staining of the paper sheets in the photograph are consistent with paper sheets that had been soaked in controlled substances.



Photograph sent by Inmate-1 to Inmate-4

b. In response to the above-referenced text messages from the 2475 Inmate-1 Phone Number, Inmate-4 responded, "Who this ?" In response, Inmate-1 texted Inmate-4 the Inmate-1 Alias. (Based on my review of messages found on the Inmate-4 Contraband Phone, I also know that, at the time of the seizure of the Inmate-4 Contraband Phone on or about June 23, 2022, the 2475 Inmate-1 Phone Number was saved in the Inmate-4 Contraband Phone as the Inmate-1 Alias, followed by the number "1.") Inmate-4 responded, "Oh shit yeaaaaaaaaa." Inmate-1 replied, "Active." Based on the foregoing, I believe that Inmate-1 had just received a new contraband cellphone and was using it to text Inmate-4.

c. At approximately 8:20 p.m., Inmate-4 texted Inmate-1, “Them shits look dark to they hitting.” Inmate-1 responded, in substance, in the affirmative. Inmate-4 replied, “Niceeeeeee.” Based on the fact that Inmate-1 had just sent Inmate-4 the above photograph, I believe that Inmate-4 was referencing the darkness of the controlled substances-soaked paper sheets (“them shits”) in the photograph, and asking about their potency (“they hitting”).

d. Moments later, Inmate-1 texted Inmate-4, “Got the patron in the cut.” Based on the foregoing, I believe that the clear liquid in the water bottle shown in the above-referenced photograph was alcohol, *i.e.*, Patron tequila.

e. At approximately 8:21 p.m., Inmate-4 texted Inmate-1, “I thought ya jack got caught” and “Send me a little I need that.” Inmate-1 responded, “Nah that shit got fucked up . Had to get another one.” Based on the foregoing, and my training and experience, I believe that Inmate-4 was telling Inmate-1, in substance, that he thought Inmate-1’s cellphone (“jack”) had been discovered and confiscated, and Inmate-1 replied, in substance, that the phone had not been confiscated but it had broken such that he needed to get another one.

f. At approximately 8:31 p.m., Inmate-1 texted Inmate-4, in part, “I got the box’s at 400.” Based on my training and experience, and my conversations with other law enforcement personnel, I believe that Inmate-1 was, in substance, offering to sell Inmate-4 the packs of cigarettes (*i.e.*, “box[es]”) shown in the above photograph at \$400 per pack. Inmate-4 responded, “Ok ima grab 2,” and then instructed Inmate-1, “Send ya Zelle.” In reply, Inmate-1 texted Inmate-4 the 1927 DE LOS SANTOS Phone Number.

Cash Transfers and Deposits Following WEBSTER’s June 2, 2022 Contraband Delivery

67. Based on my review of records obtained from EWS, I know that, on or about June 3, 2022, an individual who is an acquaintance of Inmate-4 (based on DOC records indicating that the individual had visited Inmate-4 in prison) transferred \$800 to the DE LOS SANTOS Zelle Account. Based on the foregoing (see paragraph 66.f above), I believe that that payment was for Inmate-4’s purchase of the two packs of contraband cigarettes from Inmate-1, which cigarettes I believe Inmate-1 had received from KENNETH WEBSTER, the defendant, the previous day, *i.e.*, on or about June 2, 2022.

68. Based on my review of records obtained from Block, I know that, from on or about June 2, 2022, through on or about June 13, 2022, the Inmate-1 12k Solid-2 Cash App Account received approximately 36 payments, collectively totaling over \$12,000. Similar to prior payments into the Inmate-1 12k Solid-1 Cash App Account, as described above, based on my training and experience and my conversations with other law enforcement personnel, I believe that the number of payments, the amounts of the payments, the timing of the payments, and the subjects of the payments (the vast majority of which contain names that are different from the sender name), are consistent with payments being made on behalf of inmates relating to contraband sales.

69. Based on my review of records obtained from a financial institution, I know that, on or about June 3, 2022, KENNETH WEBSTER, the defendant, deposited \$3,000 in cash into a bank account in his name.

WEBSTER Smuggled Contraband Into the AMKC on or about June 14, 2022

70. Based on my review of call detail records obtained from the 1876 WEBSTER Phone Number, I know that, from on or about June 10, 2022, at approximately 9:31 p.m., through on or about June 11, 2022, at approximately 1:47 a.m., the 1927 DE LOS SANTOS Phone Number and the 1876 WEBSTER Phone Number called, and attempted to call, each other on numerous occasions.

71. Based on the foregoing and my review of records obtained from a financial institution, I know that, on or about June 10, 2022, at approximately 1:22 a.m., approximately five minutes after a brief (duration: 10 seconds) call from CHANTAL DE LOS SANTOS, the defendant, to KENNETH WEBSTER, the defendant, and approximately 10 minutes before a brief (duration: 14 seconds) call from WEBSTER to DE LOS SANTOS, DE LOS SANTOS withdrew approximately \$1,000 in cash from an ATM.

72. Based on my review of call detail records obtained from the 1876 WEBSTER Phone Number, I know that, from on or about June 12, 2022, at approximately 10:06 p.m., through on or about June 13, 2022, at approximately 12:56 p.m., CHANTAL DE LOS SANTOS and KENNETH WEBSTER, the defendants, called each other on several occasions.

73. Based on my review of DOC video surveillance, I know the following:

a. On or about June 14, 2022, at approximately 12:05 p.m., KENNETH WEBSTER, the defendant, entered AMKC's Quad 11 Lower housing area. Approximately eight minutes later, WEBSTER, carrying a transparent backpack that appears to contain a teal container-like object, walked into Inmate-3's cell. The entrance of Inmate-3's cell was obscured by a towel in a manner that, based on my training and experience and my conversations with other law enforcement personnel, is often used by inmates to obstruct the view of DOC cameras. As WEBSTER was inside Inmate-3's cell, Inmate-1 stood outside the cell. Within approximately one minute of entering Inmate-3's cell, WEBSTER left Inmate-3's cell. As WEBSTER was walking down the hallway, WEBSTER's transparent backpack appeared to no longer contain the teal container. Still images of WEBSTER walking to Inmate-3's cell (left), meeting with Inmate-3 while Inmate-1 stood outside (middle), and walking back down the hall after the meeting (right) are below.



Still images of WEBSTER meeting with Inmate-3, with clear backpack, before and after, circled

74. Based on my review of records obtained from Block, I know that, from on or about June 14, 2022, through on or about June 22, 2022, the Inmate-1 12k Solid-2 Cash App Account received at least 77 payments, collectively totaling over \$9,500. Similar to prior Cash App payments to Inmate-1, as described above, based on my training and experience and my conversations with other law enforcement personnel, I believe that the number of payments, the amounts of the payments, the timing of the payments, and the subjects of the payments (the vast majority of which reference names that are different from the sender name), are consistent with payments being made on behalf of inmates relating to contraband sales.

75. In sum, based on the foregoing, I believe the following: in or about May and June 2022, KENNETH WEBSTER, the defendant, smuggled contraband—which he received from CHANTAL DE LOS SANTOS, the defendant—including cellphones, tablets, cigarettes, paper sheets soaked in controlled substances, and alcohol—into the AMKC on at least three occasions (see, e.g., paragraphs 47, 65, and 73). In exchange for bringing contraband to Inmate-1 and/or Inmate-3 inside the AMKC, DE LOS SANTOS paid WEBSTER in cash, as first discussed by DE LOS SANTOS and Inmate-1 on recorded Securus calls on or about May 25, 2022 (see paragraphs 46.a to 46.c), and as evidenced by DE LOS SANTOS’s cash withdrawals on or about May 25, 2022, and June 10, 2022, while she was communicating with WEBSTER and shortly before WEBSTER made contraband deliveries (see paragraphs 49 to 50 and 70 to 71). After receiving the cash bribes from DE LOS SANTOS, WEBSTER deposited large sums of cash into his bank account, including \$3,000 in cash on or about June 3, 2022, which was one day after he brought contraband into the AMKC (see paragraphs 52 and 69).

76. Based on my review of DOC records, I know that, on or about September 14, 2022, DOC personnel confiscated the DOC identification card that had previously been provided to KENNETH WEBSTER, the defendant, and he was removed from the AMKC and escorted off of Rikers Island for conduct relating to his interactions with inmates inside the AMKC.⁸

⁸ My investigation—which, among other things, includes a review of surveillance video, recorded phone calls, DOC records, financial records, call detail records, and the recovery and search of prison contraband—has also revealed that WEBSTER brought contraband into the AMKC for inmates other than Inmate-1 and Inmate-3 from at least in or about July 2022 through in or about September 2022, in exchange for cash bribes and bribes paid via Cash App. Nevertheless, the charges against WEBSTER in this Complaint relate exclusively to conduct that occurred in or about May and June 2022.

WHEREFORE, I respectfully request that warrants be issued for the arrest of CHANTAL DE LOS SANTOS, SHANEQUA WASHINGTON, and KENNETH WEBSTER, the defendants, and that they be arrested, imprisoned or bailed, as the case may be.

s/ Justin Stone by the Court with permission

JUSTIN STONE
Special Agent
FBI

Sworn to me through the transmission of this Complaint by reliable electronic means (telephone), this 4th day of April 2024.



THE HONORABLE ROBYN F. TARNOFSKY
United States Magistrate Judge
Southern District of New York

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

24 MAG 1377

UNITED STATES OF AMERICA

v.

STEPHANIE DAVILA, and
KRISTOPHER FRANCISCO,
a/k/a “Scrap,”
a/k/a “Scrappy,”

Defendants.

SEALED COMPLAINT

Violations of 18 U.S.C. §§ 666 and 1349,
21 U.S.C. § 846

COUNTY OF OFFENSE:
BRONX

SOUTHERN DISTRICT OF NEW YORK, ss.:

JUSTIN STONE, being duly sworn, deposes and says that he is a Special Agent with the Federal Bureau of Investigation, and charges as follows:

COUNT ONE
**(Conspiracy to Solicit and Receive a Bribe by Agent of
Organization Receiving Federal Funds)**

1. From at least in or about July 2021 through at least in or about August 2021, in the Southern District of New York and elsewhere, STEPHANIE DAVILA and KRISTOPHER FRANCISCO, a/k/a “Scrap,” a/k/a “Scrappy,” the defendants, and others known and unknown, willfully and knowingly combined, conspired, confederated, and agreed together and with each other to an offense against the United States, to wit, solicitation and receipt of a bribe by an agent of an organization receiving federal funds, in violation of Title 18, United States Code, Section 666(a)(1)(B).

2. It was a part and an object of the conspiracy that STEPHANIE DAVILA and KRISTOPHER FRANCISCO, a/k/a “Scrap,” a/k/a “Scrappy,” the defendants, at least one of whom was an agent of a local government, and an agency thereof, to wit, the New York City Department of Correction (“DOC”), which received, in the calendar year 2021, benefits in excess of \$10,000 under a federal program involving a grant, contract, subsidy, loan, guarantee, insurance, and other form of federal assistance, would and did corruptly solicit and demand for the benefit of a person, and accepted and agreed to accept, a thing of value from a person, intending to be influenced and rewarded in connection with business, a transaction, and a series of transactions of DOC involving a thing of value of \$5,000 and more, to wit, DAVILA and FRANCISCO conspired to and did pay cash bribes exceeding \$5,000 to a co-conspirator (“CW-1”), who was at that time employed as a correction officer by the DOC, and provided CW-1 with prison contraband, including cellphones, controlled substances, and cigarettes, so that CW-1 would, and did, bring said contraband into a DOC facility and provide said contraband to FRANCISCO, in violation of Title 18, United States Code, Section 666(a)(1)(B).

Overt Acts

3. In furtherance of said conspiracy and to effect the illegal objects thereof, STEPHANIE DAVILA and KRISTOPHER FRANCISCO, a/k/a “Scrap,” a/k/a “Scrappy,” the defendants, committed and caused to be committed the following overt acts, among others, in the Southern District of New York and elsewhere:

a. On or about July 13, 2021, DAVILA met in the Bronx, New York, with CW-1, and provided CW-1 with prison contraband, including cellphones, controlled substances, and cigarettes, so that CW-1 would, and did, bring said contraband into a DOC facility and provide said contraband to FRANCISCO.

b. On or about August 4, 2021, DAVILA met with CW-1, who was employed by the DOC, in the Bronx, and provided CW-1 with prison contraband, so that CW-1 would, and did, bring said contraband into a DOC facility and provide it to FRANCISCO.

c. On or about August 21, 2021, DAVILA met with CW-1, who was employed by the DOC, in the Bronx, and provided CW-1 with prison contraband, so that CW-1 would, and did, bring said contraband into a DOC facility and provide it to FRANCISCO.

d. During each of the above-described meetings, DAVILA provided CW-1 with cash bribes collectively totaling more than \$5,000, in exchange for CW-1 agreeing to introduce contraband into the DOC facility.

(Title 18, United States Code, Section 371.)

COUNT TWO **(Conspiracy to Commit Honest Services Wire Fraud)**

4. From at least in or about July 2021 through at least in or about August 2021, in the Southern District of New York and elsewhere, STEPHANIE DAVILA and KRISTOPHER FRANCISCO, a/k/a “Scrap,” a/k/a “Scrappy,” the defendants, and others known and unknown, willfully and knowingly combined, conspired, confederated, and agreed together and with each other to commit honest services wire fraud, in violation of Title 18, United States Code, Sections 1343 and 1346.

5. It was a part and an object of the conspiracy that STEPHANIE DAVILA and KRISTOPHER FRANCISCO, a/k/a “Scrap,” a/k/a “Scrappy,” the defendants, and others known and unknown, having devised and intending to devise a scheme and artifice to defraud, and to deprive the public and the DOC of their intangible right to the honest services of a particular correction officer (*i.e.*, CW-1), would and did transmit and cause to be transmitted by means of wire, radio, and television communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds for the purpose of executing such scheme and artifice, in violation of Title 18, United States Code, Sections 1343 and 1346, to wit, DAVILA and FRANCISCO conspired to and did provide monetary bribes to CW-1 in exchange for which CW-1 introduced prison contraband into the DOC, and those exchanges were facilitated through telephone calls, text

messages, iMessages, WhatsApp messages, and other electronic communications in interstate commerce.

(Title 18, United States Code, Section 1349.)

COUNT THREE
(Conspiracy to Distribute Narcotics and Controlled Substances)

6. From at least in or about July 2021 through at least in or about August 2021, in the Southern District of New York and elsewhere, STEPHANIE DAVILA and KRISTOPHER FRANCISCO, a/k/a “Scrap,” a/k/a “Scrappy,” the defendants, and others known and unknown, knowingly and intentionally combined, conspired, confederated, and agreed together and with each other to violate the narcotics and controlled-substance laws of the United States.

7. It was a part and an object of the conspiracy that STEPHANIE DAVILA and KRISTOPHER FRANCISCO, a/k/a “Scrap,” a/k/a “Scrappy,” the defendants, and others known and unknown, would and did distribute and possess with intent to distribute a narcotic and controlled substances, in violation of Title 21, United States Code, Section 841(a)(1).

8. The narcotic involved in the offense was a quantity of mixtures and substances containing a detectable amount of fentanyl, in violation of Title 21, United States Code, Section 841(b)(1)(C).

The controlled substances involved in the offense were a quantity of mixtures and substances containing a detectable amount of *N*-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-butyl-1 *H* -indazole-3-carboxamide (also known as ADB-BUTINACA), a positional isomer of *N*-(1-amino-3-methyl-1-oxobutan-2-yl)-1-pentyl-1 *H* -indazole-3-carboxamide (also known as AB-PINACA), in violation of Title 21, United States Code, Section 841(b)(1)(C), and a quantity of mixtures and substances containing a detectable amount of marijuana, in violation of Title 21, United States Code, Section 841(b)(1)(D).

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

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

9. I am a Special Agent with the Federal Bureau of Investigation (“FBI”), and I have been personally involved in the investigation of this matter, which has been jointly investigated with the New York City Department of Investigation (“DOI”). This affidavit is based upon my personal participation in the investigation of this matter, my conversations with other law enforcement personnel, 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 participation in the 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.

Overview

10. From in or about July 2021 through in or about August 2021, STEPHANIE DAVILA, the defendant, a former correction officer, and KRISTOPHER FRANCISCO, a/k/a

“Scrap,” a/k/a/ “Scrappy,” the defendant, an inmate housed at the Anna M. Kross Center (“AMKC”) on Rikers Island in the Bronx, New York, conspired and worked together to bribe a correction officer to smuggle contraband provided by DAVILA to FRANCISCO inside AMKC. The contraband included fentanyl, marijuana, synthetic cannabinoids more commonly known as “K2,” cigarettes, and cellphones.

11. As explained in greater detail below, from in or about July through in or about August 2021, STEPHANIE DAVILA, the defendant, was in a romantic relationship with KRISTOPHER FRANCISCO, a/k/a “Scrap,” a/k/a/ “Scrappy,” the defendant, a DOC inmate housed at AMKC. DAVILA was previously employed by the DOC, and worked on Rikers Island, but resigned from the DOC in or about mid-2021.¹ Following DAVILA’s resignation, DAVILA and FRANCISCO conspired to bribe a different correction officer to smuggle contraband from DAVILA to FRANCISCO. Specifically, from in or about July through in or about August 2021, DAVILA and FRANCISCO bribed CW-1 to smuggle contraband provided by DAVILA to FRANCISCO at AMKC, which, like the other facilities on Rikers Island, is operated by the DOC. To carry out the scheme, DAVILA met with CW-1 in the Bronx, New York. At those meetings, DAVILA provided contraband and cash bribes to CW-1. In exchange for the cash bribes, CW-1 then transported the contraband into AMKC and delivered it to FRANCISCO or other inmates associated with FRANCISCO.

12. At all times relevant to this Complaint, CW-1, who is presently a cooperating witness,² was a correction officer employed by the DOC (and was not a cooperating witness or otherwise acting at the direction of law enforcement in July and August 2021). CW-1 was assigned to work at the AMKC.

¹ My ongoing investigation—which, among other things, includes witness information, a review of surveillance video, recorded phone calls, DOC records, license plate reader records, financial records, and the recovery and search of prison contraband, including a cellular telephone containing incriminating evidence—has revealed that in late 2020 and early 2021, while DAVILA was a DOC correctional officer, she worked with FRANCISCO and at least one uncharged coconspirator to smuggle prison contraband, including controlled substances, into a DOC facility for FRANCISCO’s benefit, and that DAVILA received thousands of dollars in payments in connection with this conduct. Nevertheless, the charges in this Complaint relate exclusively to conduct which occurred after DAVILA resigned from the DOC.

² CW-1 pled guilty to the following charges pursuant to a cooperation agreement: bribery, in violation of 18 U.S.C. §§ 666(a)(1)(B) and 2, conspiracy to commit bribery, in violation of 18 U.S.C. § 371, conspiracy to commit honest services wire fraud, in violation of 18 U.S.C. § 1349, and conspiracy to distribute narcotics and controlled substances, in violation of 21 U.S.C. § 846, in hopes of obtaining leniency at sentencing. The conduct to which CW-1 pleaded guilty is substantially similar to the conduct charged in Counts One through Three of this Complaint. In addition, CW-1 has acknowledged that on at least one occasion CW-1 knowingly and intentionally provided an inflated estimate of CW-1’s income to a financial institution in connection with an application for the extension of CW-1’s credit limit. As detailed throughout this Complaint, CW-1’s information is corroborated by other evidence.

Background

13. Based on my communications with other law enforcement personnel, my review of DOC records, and my training and experience, I have learned, among other things, the following:

a. According to the DOC Employee Rules and Regulations, employees of DOC facilities “shall not enter into any transaction with an inmate, nor carry, convey, or make accessible to an inmate within a facility/command any intoxicant, opiate, narcotic, or other contraband article, nor traffic with an inmate in any manner.” According to the DOC Inmate Handbook, “‘Contraband’ shall mean any item that is not sold in the commissary, that is not on the approved list of permissible items, that is possessed in more than the approved amount or, that the inmate does not have permission to possess,” including, “items that may disrupt the safety, security, good order and discipline of the facility.” The DOC Inmate Handbook also expressly prohibits inmates from possessing drugs and cellphones, stating that inmates “shall not sell or exchange prescription drugs or non-prescription drugs” and that they shall not possess any type of electronic telecommunication and/or recording device or any part of such instrument, which is designed to transmit and/or receive telephonic, electronic, digital, cellular or radio communications.” Finally, the DOC Inmate Handbook warns that “[a]ny person who tries to introduce contraband into a facility may also be subject to criminal prosecution.” Based on the foregoing, as well as my training and experience and my communications with other law enforcement personnel, I know that a cellphone of any type is considered contraband, as are marijuana, synthetic cannabinoids, and tobacco.

b. The primary duty of correction officers is to ensure the care, custody, and control of the inmate population of the DOC. In connection with this duty, correction officers participate in inspections and searches of inmates and DOC facilities, and are tasked with, among other things, ensuring that contraband is not brought into the facilities at which they work. DOC employees, including STEPHANIE DAVILA, the defendant, who was a DOC employee from on or about January 8, 2018, through on or about May 28, 2021, and CW-1 received training on employee rules and regulations, which prohibit employees from, among other things, entering into transactions with inmates and providing inmates with contraband.

14. Based on my review of the New York City Counsel’s Report of the Finance Division on the Fiscal 2022 Preliminary Plan for the Department of Correction,³ I know that the budget for the DOC for fiscal year 2021 included \$8,286,000 in federal funding received by the DOC.

Securus Calls

15. Based on my participation in this investigation, my review of law enforcement and DOC records, my conversations with other law enforcement personnel, and my review of recorded calls and summaries of such calls obtained and prepared during this investigation, I have learned, among other things, the following:

³ Available at <https://council.nyc.gov/budget/wp-content/uploads/sites/54/2021/05/072-DOC.pdf>.

a. Phone calls placed by inmates housed at facilities on Rikers Island, including AMKC, are recorded by a system called Securus.

b. To use the Securus system, each inmate is assigned a personal identification number (“PIN”) that must be used to access the system. However, although inmates are required by DOC rules to use their own PIN to make outgoing calls, in practice inmates frequently use other inmates’ PINs to disguise their participation in outgoing calls.

c. Sometimes, KRISTOPHER FRANCISCO, a/k/a “Scrap,” a/k/a/“Scrappy,” the defendant, placed Securus calls using other inmates’ PINs, but I and other law enforcement personnel were able to determine when FRANCISCO placed a call based on FRANCISCO’s voice and the phone numbers FRANCISCO dialed.

d. Beginning in or about October 2020, while STEPHANIE DAVILA, the defendant, was employed by the DOC as a correction officer, FRANCISCO began calling various cellphones used by DAVILA (based on my and other law enforcement members’ recognition of DAVILA’s voice) on recorded calls via Securus. Over time, FRANCISCO sometimes stopped using recorded lines to call DAVILA for a period of time, but then resumed doing so after searches at the jail resulted in seizures of contraband cellphones.

DAVILA Paid Bribes to CW-1 to Deliver Contraband to FRANCISCO in July 2021

16. Based on my discussions with other law enforcement personnel, and my review of summaries of recorded Securus calls prepared by other law enforcement personnel, I have learned, among other things, that:

a. On or about July 8, 2021, KRISTOPHER FRANCISCO, a/k/a “Scrap,” a/k/a “Scrappy,” the defendant, placed a Securus call to STEPHANIE DAVILA, the defendant, at a certain cellphone number ending in 1077 (the “DAVILA 1077 Phone”). During the call, FRANCISCO and DAVILA discussed, among other things, obtaining a “pedro.” Based on my training and experience and my involvement in this investigation, I believe that “pedro” is slang used by FRANCISCO and DAVILA that refers to a contraband cellphone. This belief is bolstered by FRANCISCO and DAVILA’s discussions, in which, for instance, they referred to a “pedro” with a “SIM.” Based on my training and experience, I know that a subscriber identity module (“SIM”) card is a chip that can be inserted into a cellphone to enable the cellphone to access a cellphone provider’s network, so that the cellphone can be used to place calls and access the internet.

b. On or about July 11, 2021, FRANCISCO placed a Securus call to the DAVILA 1077 Phone. During that call, DAVILA appears to have read aloud to FRANCISCO a WhatsApp message that DAVILA had received on her phone. DAVILA indicated that the WhatsApp message stated in substance “Papa sent me.” (Based on my discussions with other law enforcement personnel who have reviewed numerous recorded communications between DAVILA and FRANCISCO, I know that DAVILA frequently referred to FRANCISCO as “Papa.”) FRANCISCO then asked DAVILA if someone “hit [DAVILA] on WhatsApp,” and DAVILA answered in the affirmative. FRANCISCO then stated that it was “lit,” and that it was the “situation,” which, based on my training and experience, I believe was FRANCISCO’s

confirmation that the above-described message received by DAVILA on WhatsApp was from the person DAVILA should be meeting with (*i.e.*, CW-1).

17. Based on my review of subscriber records for the DAVILA 1077 Phone, I know that it is subscribed to in the name “Stephanie Davila”—*i.e.*, STEPHANIE DAVILA, the defendant—with an email address containing DAVILA’s first initial and last name (the “DAVILA Email”). Based on my review of toll records for the DAVILA 1077 Phone, I know that beginning on or about July 13, 2021, the DAVILA 1077 Phone began exchanging calls with a certain cellphone with a call number ending in 3773 (the “FRANCISCO 3773 Phone”).

18. Based on my review of subscriber records for the FRANCISCO 3773 Phone, I know that it is a prepaid phone subscribed to in the name “PREPAID CUSTOMER,” and that the DAVILA Email is the subscriber email for the FRANCISCO 3773 Phone.

19. Based on my review of New York Department of Motor Vehicles records, I know that STEPHANIE DAVILA, the defendant, is the registrant of a white Honda Civic bearing a certain New York license plate (the “DAVILA Honda”).

20. Based on my review of mobile license plate reader data, I know that on or about July 13, 2021, the DAVILA Honda traveled to the Bronx. As described in greater detail below, during meetings with law enforcement personnel assigned to this case, CW-1 has identified the location in the Bronx where CW-1 would meet with STEPHANIE DAVILA, the defendant, to exchange contraband and bribe payments, and the mobile license plate reader data for the DAVILA Honda on or about July 13, 2021, is consistent with travel to that location.

21. Based on my discussions with other law enforcement personnel, and my review of summaries of recorded Securus calls prepared by other law enforcement personnel, I have learned, among other things, that on or about July 13, 2021, STEPHANIE DAVILA and KRISTOPHER FRANCISCO, a/k/a “Scrap,” a/k/a “Scrappy,” the defendants, discussed paying CW-1 \$5,000, and discussed DAVILA obtaining half of that amount herself by withdrawing money from banks. On or about July 14, 2021, DAVILA confirmed to FRANCISCO that DAVILA had paid \$5,000 to CW-1. In these calls, DAVILA and FRANCISCO did not refer to CW-1 by name; when discussing the amount paid to an unnamed person, they discussed a total amount of “5,” and DAVILA discussed the need to withdraw “25.” Based on my training and experience, my involvement in this investigation, and my discussions with other law enforcement personnel, I believe that in these discussions, DAVILA and FRANCISCO were discussing payments to CW-1, and were discussing amounts of \$5,000 total and \$2,500 to be withdrawn by DAVILA.

22. Based on my review of records provided by multiple financial institutions, I know that on or about July 13, 2021, STEPHANIE DAVILA, the defendant, made ATM withdrawals at two different financial institutions totaling \$2,500.

23. Based on my review of surveillance footage from AMKC from on or about July 14, 2021, I know that on that date, CW-1 met with KRISTOPHER FRANCISCO, a/k/a “Scrap,” a/k/a “Scrappy,” the defendant, in the vicinity of a janitor closet in FRANCISCO’s housing unit (the “Janitor Closet”). The two then walked together to another area of FRANCISCO’s housing unit where CW-1 provided FRANCISCO with a plastic bag. The two then walked together back to and inside of the Janitor Closet. When they emerged from the Janitor Closet, FRANCISCO was

holding a blue bucket, which he carried to and inside of his jail cell. Based on the foregoing, I believe that CW-1 surreptitiously provided contraband to FRANCISCO inside the Janitor Closet, and outside the view of CW-1's fellow correction officers and surveillance cameras

24. Based on my discussions with other law enforcement personnel, and my review of summaries of recorded Securus calls prepared by other law enforcement personnel, I have learned, among other things, that on or about July 14, 2021, KRISTOPHER FRANCISCO, a/k/a "Scrap," a/k/a "Scrappy," the defendant, placed a Securus call to the DAVILA 1077 Phone, and asked STEPHANIE DAVILA, the defendant, in substance and in part, for a passcode, and inquired about a particular four-digit number. Based on my training and experience and my involvement in this investigation, I believe that this was a request for a password or PIN that could be used to access a contraband cellphone FRANCISCO had recently received from CW-1 that same day.

25. Based on my review of DOC records and my conversations with other law enforcement personnel, I know that on or about August 11, 2021, DOC correction officers conducted a search of the AMKC cellblock where KRISTOPHER FRANCISCO, a/k/a "Scrap," a/k/a "Scrappy," the defendant, was housed. During the search a DOC correction officer recovered an Apple iPhone from a particular inmate housed on FRANCISCO's cellblock. A subsequent search of that iPhone revealed that it was associated with a call number ending in 3773—*i.e.*, the FRANCISCO 3773 Phone. Based on my review of the contents of the FRANCISCO 3773 Phone, I know that it contained, among other things, the following:

a. Multiple photographs of STEPHANIE DAVILA, the defendant, and FRANCISCO, including photographs that appear to be screenshots taken on the phone while it was using Apple's FaceTime feature, with images of DAVILA and FRANCISCO picture-in-picture.

b. Text message communications with the DAVILA 1077 Phone, which was saved to the contacts in the FRANCISCO 3773 Phone as "Wifey."

c. Multiple photographs of packages containing cigarettes and packages containing a green leafy substance that is consistent with the appearance of marijuana or K2.

d. Multiple photographs, depicting inmates and/or contraband, including the at least one depicting FRANCISCO—with clothing and surroundings consistent with his being at AMKC—holding a bag of cigarettes, and additional packages, wrapped in green cellophane, containing what appears to be marijuana or K2 (the "Green Cellophane Package Photo"), and a second photograph which appears to depict the contents of the Green Cellophane Packages:



FRANCISCO Received Additional Contraband from CW-1 in August 2021

26. Based on my review of toll records for the DAVILA 1077 Phone, I know that on or about August 5, 2021, the DAVILA 1077 Phone exchanged a series of phone calls with a cellphone with a call number ending in 7331 (the “CW-1 7331 Phone”). Based on my review of subscriber information for the CW-1 7331 Phone, I know that the CW-1 7331 Phone is subscribed to in the name of CW-1.

27. Based on my review of surveillance footage from AMKC from on or about August 6, 2021, I know that on or about that date, KRISTOPHER FRANCISCO, a/k/a “Scrap,” a/k/a “Scrappy,” the defendant, and CW-1 met on FRANCISCO’s cellblock and appeared to speak with one another. CW-1 then walked to and appeared to unlock the door to the Janitor Closet. At around the same time, FRANCISCO entered a particular jail cell and, when he emerged, he was carrying a blue bucket. FRANCISCO then walked to and inside of the Janitor Closet holding the blue bucket. When FRANCISCO emerged from the Janitor Closet, he was no longer holding the bucket. Thereafter, CW-1 entered the Janitor Closet and emerged from the closet shortly thereafter. Shortly thereafter, FRANCISCO returned to the Janitor Closet. When FRANCISCO emerged from the Janitor Closet, he was holding the blue bucket, which he carried back to and inside of FRANCISCO’s jail cell. Based on the foregoing, I believe that CW-1 surreptitiously and indirectly provided contraband to FRANCISCO by placing it inside the bucket and placing the bucket in the

Janitor Closet, where FRANCISCO was able to retrieve the bucket and its content outside the view of surveillance cameras.

28. Based on my discussions with other law enforcement personnel and my review of DOC reports, I know that on or about August 11, 2021, correction officers conducted a search of the cellblock where KRISTOPHER FRANCISCO, a/k/a “Scrap,” a/k/a “Scrappy,” the defendant, was housed at AMKC and recovered a substantial amount of contraband, including the FRANCISCO 3773 Phone discussed above and multiple other cellphones, cigarettes, marijuana, and sheets of paper that were discolored in a manner that, based on my training and experience, appear to have been soaked in controlled substances (the “K2 Sheets”).

29. Based on my discussions with other law enforcement personnel who, in turn, reviewed and prepared summaries of recorded Securus calls, I have learned, among other things, that on or about August 21, 2021, KRISTOPHER FRANCISCO, a/k/a “Scrap,” a/k/a “Scrappy,” the defendant, placed a Securus call to the DAVILA 1077 Phone. During that call, STEPHANIE DAVILA, the defendant, confirmed to FRANCISCO that DAVILA had given “him” an envelope. Later in the call, using coded language, FRANCISCO asked DAVILA how much “bread” was needed, and DAVILA responded “2.” Based on my training and experience and my involvement in this investigation, I believe DAVILA and FRANCISCO were using coded language confirming that DAVILA had paid CW-1 \$2,000 in exchange for the delivery of an envelope containing contraband.

30. Based on my review of surveillance footage from AMKC from on or about August 23, 2021, I know that on that date, surveillance footage captured CW-1 carrying a yellow envelope into the housing area in AMKC where KRISTOPHER FRANCISCO, a/k/a “Scrap,” a/k/a “Scrappy,” the defendant, was housed at that time and handing the envelope to FRANCISCO.

31. Based on my conversations with a criminalist employed by the New York City Police Department, I have learned that the above-described K2 Sheets were tested and found to contain a detectable amount of the synthetic cannabinoid *N*-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-butyl-1 *H*-indazole-3-carboxamide (also known as ADB-BUTINACA).⁴

32. Based upon my review of publicly accessible information, including websites maintained by Meta Platforms, Inc. (“Meta”) and WhatsApp, I have learned, among other things, that Meta is the parent company of WhatsApp; that all communications conducted via WhatsApp rely upon/run through Meta’s data servers; and that all of Meta’s data servers are located outside of the state of New York. Accordingly, on any occasion in which two or more individuals communicate via WhatsApp, and at least one of those individuals is located within New York, that particular WhatsApp communication, by definition, involves an interstate wire.

⁴ ADB-BUTINACA, which was specifically listed as a Schedule I controlled substance effective December 13, 2023, 88 Fed. Reg. 86266, is a positional isomer of the synthetic cannabinoid *N*-(1-amino-3-methyl-1-oxobutan-2-yl)-1-pentyl-1 *H*-indazole-3-carboxamide (also known as AB-PINACA), which was specifically listed as a Schedule I controlled substance effective October 16, 2017, 82 Fed. Reg. 47971.

Information from CW-1

33. Based on my participation in interviews of CW-1, my conversations with other law enforcement agents who have interviewed CW-1, and my review of reports and notes summarizing interviews with CW-1, I have learned, in substance and in part, that:

a. In or about the summer of 2021, CW-1 agreed to smuggle contraband into AMKC in exchange for cash bribes, and in fact smuggled contraband into the facility in exchange for bribes on at least four separate occasions.

b. Specifically, in the summer of 2021, a particular AMKC inmate offered to pay cash to CW-1 in exchange for CW-1 smuggling contraband into AMKC. The contraband included cellphones, marijuana, sheets of paper—some of which were saturated with synthetic cannabinoids and others of which were saturated with fentanyl—and cigarettes. CW-1 agreed to that offer. That inmate instructed CW-1 to communicate with an intermediary via WhatsApp to arrange payment and the delivery of contraband to CW-1, and CW-1 did so. CW-1 then arranged to meet with the intermediary at an area in the Bronx that he identified by the cross streets.

c. On or about June 7, 2022, during an initial interview with law enforcement, which was conducted prior to CW-1's arrest (the "Pre-Arrest Interview"), CW-1 reviewed a series of at least six photographs, each depicting a different individual. One of the photographs depicted KRISTOPHER FRANCISCO, a/k/a "Scrap," a/k/a "Scrappy," the defendant, and another depicted STEPHANIE DAVILA, the defendant. CW-1 identified the photograph of FRANCISCO as the above-described inmate for whom he smuggled contraband, and CW-1 identified the photograph of DAVILA as the above-described intermediary from whom he received the above-described contraband.⁵

d. During the Pre-Arrest Interview, CW-1 was shown the Green Cellophane Packages Photo. CW-1 confirmed that the packages contained in that photo were consistent in appearance with some of the items that CW-1 smuggled into AMKC for FRANCISCO.

e. DAVILA told CW-1, among other things, that DAVILA was a former correction officer on Rikers Island, that DAVILA was in a relationship with FRANCISCO, and that DAVILA previously smuggled contraband into the jail when she worked as a correction officer.

⁵ When CW-1 initially viewed the photograph of DAVILA, CW-1 did not identify her. At that time, CW-1 had not yet admitted to CW-1's own involvement in the above-described criminal scheme. Later in the same interview, after CW-1 admitted to smuggling contraband into AMKC in exchange for cash bribes, CW-1 acknowledged that one of CW-1's coconspirators was the person in the photograph depicting DAVILA. CW-1 has since admitted in subsequent proffers that CW-1 recognized DAVILA when her photograph was first shown to CW-1, but that CW-1 purposefully did not initially identify her to avoid implicating himself in a criminal scheme. CW-1 currently does not recall the name of the coconspirator (*i.e.*, DAVILA) nor does CW-1 remember the name of the inmate (*i.e.*, FRANCISCO) that CW-1 worked with in the above-described criminal scheme (*i.e.*, FRANCISCO).

f. CW-1 met with DAVILA to pick up contraband on four or five occasions.⁶ Each time that CW-1 met with DAVILA, DAVILA paid CW-1 cash bribes in exchange for CW-1's contraband smuggling.⁷ At each meeting, DAVILA also provided CW-1 with contraband, including cigarettes, marijuana, and sheets of paper which DAVILA told CW-1 were saturated in fentanyl. During one meeting, DAVILA provided CW-1 with two cellphones.

g. After receiving the bribes and the above-described contraband at each of these meetings with DAVILA, CW-1 brought the contraband into AMKC and gave it to FRANCISCO. To bring the contraband into AMKC, CW-1 placed the contraband under CW-1's vest and carried it through the initial security gate. On at least one occasion, CW-1 brought the contraband to a janitor closet in the housing area where FRANCISCO was housed, and placed the contraband in a blue bucket so that FRANCISCO could retrieve the bucket from the janitor closet.

h. Separate from the smuggling of contraband for FRANCISCO and DAVILA described above, CW-1 also smuggled sheets of paper saturated with what CW-1 understood to be K2 to another inmate in AMKC, in exchange for bribes from another intermediary, on approximately four other occasions.

WHEREFORE, I respectfully request that warrants be issue for the arrest of STEPHANIE DAVILA and KRISTOPHER FRANCISCO, a/k/a "Scrap," a/k/a "Scrappy," the defendants, and that they be imprisoned or bailed, as the case may be.

s/ Justin Stone by the Court with permission

JUSTIN STONE
Special Agent
Federal Bureau of Investigation

Sworn to me through the transmission of this Complaint by reliable electronic means (telephone), this 4th day of April, 2024.


THE HONORABLE ROBYN F. TARNOFSKY
United States Magistrate Judge
Southern District of New York

⁶ During the Pre-Arrest Interview, CW-1 stated, in substance and in part, that CW-1 met with DAVILA on "at most" four occasions. During subsequent post-arrest interviews, CW-1 acknowledged that CW-1 met with DAVILA on approximately four or five occasions.

⁷ During the Pre-Arrest Interview, CW-1 indicated that CW-1 was paid \$2,000 during each meeting with DAVILA. During subsequent post-arrest interviews, CW-1 admitted that on at least some occasions, CW-1 received as much as \$5,000 in cash from DAVILA. CW-1 estimates that CW-1 received a total of between approximately \$12,000 to \$15,000 in cash bribes from DAVILA.