

17 MAG. 7756

ORIGINAL

Approved: Nicholas Folly
NICHOLAS FOLLY/CATHERINE GEDDES
Assistant United States Attorneys

Before: THE HONORABLE SARAH NETBURN
United States Magistrate Judge
Southern District of New York

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	:
UNITED STATES OF AMERICA	: <u>COMPLAINT</u>
	:
- v. -	: Violations of 21 U.S.C.
	: § 846; 18 U.S.C.
LORNE VICTORIA,	: §§ 924(c)(1)(A)(i), and 2
	:
Defendant.	: COUNTY OF OFFENSE:
	: BRONX
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SOUTHERN DISTRICT OF NEW YORK, ss.:

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

COUNT ONE

1. From in or about March 2016 through in or about October 2017, in the Southern District of New York and elsewhere, LORNE VICTORIA, the defendant, and others known and unknown, intentionally and knowingly did combine, conspire, confederate, and agree together and with each other to violate the narcotics laws of the United States.

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

3. The controlled substance that LORNE VICTORIA, the defendant, conspired to distribute and possess with intent to distribute was 1,000 kilograms and more of mixtures and substances containing a detectable amount of marihuana, in violation of Title 21, United States Code, Section 841(b)(1)(A).

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

COUNT TWO

4. On or about October 18, 2017, LORNE VICTORIA, the defendant, during and in relation to a drug trafficking crime for which he may be prosecuted in a court of the United States, namely, the drug trafficking conspiracy charged in Count One of this Complaint, knowingly did use and carry a firearm, and, in furtherance of such crime, did possess a firearm, and did aid and abet the use, carrying, and possession of a firearm.

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

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

5. I am a Special Agent with the DEA. This affidavit is based upon my personal participation in the investigation of this matter, my conversations with law enforcement agents, witnesses and others, my review of video recordings, as well as my examination of reports and records. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

The Marijuana DTO

6. Since in or about March 2017, the DEA, the Internal Revenue Service ("IRS"), the New York City Police Department ("NYPD"), and other law enforcement agencies (collectively, the "Investigating Agencies") have been investigating a group of individuals involved in a large-scale marijuana drug trafficking and money laundering organization (the "DTO") operating in the Bronx, New York and other locations, which is led by an individual named Hallil Tabar ("TABAR"). The DTO has shipped hundreds of boxes containing thousands of pounds of marijuana from California to various locations in New York. Based on the investigation to date, between March 2016 and the present, over 6,600 pounds of marijuana, with a conservative value of approximately \$22 million, were sent to residences and businesses in Manhattan, the Bronx, and New Rochelle. Members of the DTO brought multiple boxes of marijuana per week to several "stash houses" where the marijuana was further distributed to customers and dealers.

7. On or about October 6, 2017, a grand jury sitting in the Southern District of New York returned a sealed one-count indictment, 17 Cr. 618 (RA), charging eight members of the DTO, including TABAR, with conspiracy to distribute and possess with intent to distribute more than 1,000 kilograms of marijuana, in violation of Title 21, United States Code, Sections 846 and 841(b)(1)(A) (the "Indictment"). That Indictment was unsealed on October 18, 2017.

Surveillance of the Stephens Avenue Residence

8. As noted above, while investigating the DTO, the Investigating Agencies identified several "stash houses" located in the Bronx that the investigation has shown are locations where the marijuana is stored and re-packaged for distribution, and where proceeds from the trafficking are kept. Residences of members of the DTO have also been identified by the Investigating Agencies. Among those locations, the Investigating Agencies identified a residence located on Stephens Avenue in the Bronx (the "Stephens Avenue Residence") that the DTO used to store and re-package marijuana for distribution.

9. Specifically, on or about June 20, 2017, law enforcement agents conducted surveillance of Henry Rodriguez ("RODRIGUEZ," one of the co-defendants charged in the Indictment), by locating a Mercedes (the "Mercedes"), which law enforcement agents observed RODRIGUEZ frequently drive, and to which a GPS tracking device had been affixed pursuant to a June 16, 2017 warrant signed by the Honorable James C. Francis IV, U.S. Magistrate Judge. At approximately 10:00 a.m. on June 20, law enforcement agents observed the Mercedes parked on the east side of Stephens Avenue across from the Stephens Avenue Residence. Approximately fifteen minutes later, RODRIGUEZ and an unindicted co-conspirator ("CC-1") were observed exiting the Stephens Avenue Residence. CC-1 was carrying a large brown shipping box on his shoulder, and RODRIGUEZ was carrying a weighted black duffel bag. They placed both of these items into the trunk of the Mercedes, and RODRIGUEZ then drove away in the Mercedes while CC-1 drove away in the same direction in a BMW (the "BMW"), which had been parked on the west side of Stephens Avenue just north of the Stephens Avenue Residence. Based on my participation in this investigation (including the seizure of other boxes of marijuana en route to the Stephens Avenue Residence), I believe that the shipping box that CC-1 was carrying was consistent in size and appearance to other boxes of marijuana that were delivered to the DTO at other stash houses.

10. Later on June 20, 2017, at approximately 10:45 a.m., law enforcement agents observed the Mercedes and the BMW parked next to each other on Fox Street in the Bronx. A few minutes later, CC-1 and RODRIGUEZ were observed removing the brown box and duffle bag from the trunk of the Mercedes and entering the residence of RODRIGUEZ, an apartment located on Fox Street in the Bronx (the "Fox Street Residence"). At approximately 2:43 p.m., law enforcement agents observed William Baez ("BAEZ"), another co-defendant who is charged in the Indictment, park on Fox Street and enter the Fox Street Residence. BAEZ was inside for approximately fifteen minutes before leaving.

11. On or about June 29, 2017, law enforcement agents conducted surveillance of the Stephens Avenue Residence. At approximately 9:30 a.m., CC-1 was observed exiting the BMW and entering the Stephens Avenue Residence. At approximately 10:05 a.m., a FedEx Express truck parked in front of the Stephens Avenue Residence and the driver carried two large heavy brown shipping boxes to the side driveway entrance of the residence. Approximately seven minutes later, CC-1 exited the Stephens Avenue Residence with both boxes and put them into the rear of the BMW, and drove to the Fox Street Residence and brought both boxes into the apartment. Several minutes after CC-1 had exited the Stephens Avenue Residence, LORNE VICTORIA, the defendant, also exited the Stephens Avenue Residence, along with an unidentified male. Based on my participation in this investigation, I believe that the two shipping boxes were consistent in size and appearance to other boxes of marijuana that were delivered to DTO at other stash houses.

July 18, 2017 Seizure from the Stephens Avenue Residence

12. On or about July 18, 2017, I was notified by FedEx that two parcels were scheduled to be delivered to the Stephens Avenue Residence, both sent from a particular location in San Francisco (the "San Francisco Sender") and weighing approximately 29 pounds each. I requested that these parcels be put on hold. A certified narcotics-detecting canine gave a positive indication to the presence of narcotics in both boxes.

13. On or about July 18, 2017, I obtained a search warrant for the boxes signed by the Honorable Sarah Netburn, U.S. Magistrate Judge. Upon opening the boxes, I and other law enforcement agents immediately noticed the strong odor of marijuana coming from the boxes. Both boxes contained packing peanuts and large purple plastic bins wrapped in gift wrap. Inside both of the plastic bins was a total of 39 vacuum sealed

plastic bags of marijuana. The weight of marijuana in the two boxes was, in total, approximately 45 pounds.

Records Relating to the Stephens Avenue Residence Deliveries

14. As part of this investigation, and based in part on the surveillance and seizure described above, I requested FedEx to provide the Investigating Agencies with data related to, among other things, packages shipped from the San Francisco Sender to the Stephens Avenue Residence.

15. From my review of the records provided by FedEx, I have learned that between in or about March 2016 through July 2017, approximately 47 packages were delivered to the Stephens Avenue Residence that had been sent via overnight delivery from the San Francisco Sender. All 47 packages had similar weights. The packages were addressed to "L&V Electronics, L. Victoran." No business by that name is known to operate out of the Stephens Avenue Residence. At least some of the packages were signed for by "L. Victoria," which resembles the name of LORNE VICTORIA, the defendant.

16. FedEx also provided records related to fourteen other addresses in the Bronx that received boxes sent from the San Francisco Sender (some of which addresses had been surveilled by law enforcement agents involved in this investigation and at which some of the defendants charged in the Indictment were observed retrieving boxes and bringing them to other stash houses). In total, FedEx records identified approximately 330 packages of similar weight sent via overnight delivery by the San Francisco Sender to various addresses in the Bronx and Manhattan during this time period.

Execution of the Search Warrant

17. On or about October 16, 2017, the Honorable Sarah Netburn, United States Magistrate Judge, signed a search and seizure warrant for, among other premises, the Stephens Avenue Residence (the "October 16, 2017 Search Warrant").

18. On or about October 18, 2017, law enforcement agents executed the October 16, 2017 Search Warrant at the Stephens Avenue Residence, as well as eleven other locations listed in the October 16, 2017 Search Warrant. Based on my conversations with a DEA agent who was present during the search of the Stephens Avenue Residence, I have learned the following, among other things:

a. During the search of the Stephens Avenue Residence, law enforcement agents from the DEA found several pounds of marijuana in one of the bedrooms in the Stephens Avenue Residence. In addition, in another bedroom, which is believed to be used by LORNE VICTORIA, the defendant (the "Defendant's Bedroom"), law enforcement agents found a sawed-off Mossberg shotgun (the "Shotgun"), as well as a defaced black and metallic-colored .45 caliber semi-automatic handgun (the "Handgun").

b. Law enforcement agents found an identification card in the name of "LORNE VICTORIA" in the Defendant's Bedroom.

c. When law enforcement entered the Stephens Avenue Residence, an individual (the "Brother") was present, and identified himself as the brother of VICTORIA. The Brother told law enforcement agents that he had recently arrived from the Virgin Islands to visit VICTORIA, and that the Shotgun and Firearm belonged to VICTORIA.

19. On or about October 18, 2017, law enforcement agents executed the October 16, 2017 Search Warrant at the Fox Street Residence. Based on my conversations with a law enforcement agent who was present during the search, I have learned, among other things, that one loaded firearm, approximately three and a half kilograms of cocaine, and several pounds of marijuana were found inside of the Fox Street Residence. Co-defendant RODRIGUEZ was present in the Fox Street Residence at the time of the search.

20. A photograph depicting the firearms and drugs found at the Stephens Avenue Residence, where LORNE VICTORIA, the defendant, resided, and the Fox Street Residence, where boxes removed from the Stephens Avenue Residence have been taken, as well as other guns and narcotics obtained pursuant to the execution of the October 16, 2017 Search Warrant at other premises, is below:



21. From my conversations with other DEA agents who were present at the time of the execution of the search warrant at the Stephens Avenue Residence on or October 18, 2017, I have learned that after conducting the search, DEA agents placed LORNE VICTORIA, the defendant, under arrest. After he was arrested, VICTORIA told the agents, in substance and in part, that the Shotgun and the Handgun belonged to VICTORIA.

WHEREFORE, deponent respectfully requests that LORNE VICTORIA, the defendant, be imprisoned or bailed, as the case may be.

JARETT F. MONTERIO
Special Agent
Drug Enforcement Administration

Sworn to before me this
18th day of October, 2017

THE HONORABLE SARAH NETBURN
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK