

Approved: Nicolas Roos
NICOLAS ROOS
Assistant United States Attorney

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

17 MAG . 7822

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: SEALED COMPLAINT
UNITED STATES OF AMERICA :
: Violation of
- v. - : 21 U.S.C. § 846
: COUNTY OF OFFENSE:
CRISTIAN RODRIGUEZ, : BRONX
: Defendant. :
: :
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SOUTHERN DISTRICT OF NEW YORK, ss.:

ANDREW R. PERRY, 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 at least in or about May 2016 up to and including the present, in the Southern District of New York and elsewhere, CRISTIAN RODRIGUEZ, 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 CRISTIAN RODRIGUEZ, the defendant, and others known and unknown, would and did distribute and possess with intent to distribute controlled substances, in violation of 21 U.S.C. § 841(a)(1).

3. The controlled substances that CRISTIAN RODRIGUEZ, the defendant, conspired to distribute and possess with intent to distribute were (1) 100 grams and more of mixtures and substances containing a detectable amount of heroin, in violation of 21 U.S.C. § 841(b)(1)(B), and (2) a quantity of

mixtures and substances containing a detectable amount of oxycodone, in violation of 21 U.S.C. § 841(b)(1)(C).

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

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

4. I am a Special Agent with the DEA and I have been personally involved in the investigation of this matter. This affidavit is based upon my personal participation in the investigation of this matter, my conversations with law enforcement agents, and my review of documents and other evidence. 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 actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

OVERVIEW

5. Since at least in or about May 2016, CRISTIAN RODRIGUEZ, the defendant, conspired with others to distribute controlled substances, including heroin and oxycodone, over the Internet and through the mail. The sale of these controlled substances were advertised on B2B online marketplaces¹ and arranged by email. Members of the conspiracy shipped hundreds of orders of controlled substances around the world, including to the United States. RODRIGUEZ and others facilitated this distribution of controlled substances by filling orders for oxycodone and other controlled substances that were placed on B2B online marketplaces and negotiated by email, and mailing those controlled substances throughout the United States, including to the Southern District of New York. RODRIGUEZ compensated other members of the conspiracy, including co-

¹ Based on my training and experience, I know that a B2B online marketplace is a marketplace operating on the Internet, which allows participants to buy and sell items directly to one another with greater anonymity than is possible on the traditional Internet. Some B2B marketplaces facilitate the sale of both legal and illegal items, while others sell exclusively illegal items such as drugs, firearms, and other hazardous materials. The narcotics conspiracy at issue in this case involved both types of B2B marketplaces.

conspirators located overseas, by sending them funds via Western Union.

B2B DISTRIBUTION CONSPIRACY

6. In or about July 2017, using an undercover email account that is maintained by the DEA (the "UC Email Account"), I began communicating with a particular Google email account ("Email Account-1") associated with B2B online advertisements for controlled substances that could be shipped to the United States. Based on my email communications with Email Account-1, and my review of records provided by Google, pursuant to a court-authorized search warrant for Email Account-1, I have learned, among other things, the following:

a. In or about September 2016, Email Account-1 was created. Subsequently, Email Account-1 was used to register for at least ten B2B online marketplaces. Based on my review of Internet protocol ("IP") records associated with Email Account-1, I have learned that Email Account-1 has been accessed from locations in New York, London, England, and Lahore, Pakistan. Because the IP records for Email Account-1 show logins from multiple locations in different countries on the same day, it appears that Email Account-1 is being accessed and used by multiple individuals in different locations.

b. Based on my review of emails from Email Account-1, I know that the users of Email Account-1 posted offers to sell controlled substances such as OxyContin, Xanax, and Percocet on B2B online marketplaces. When individuals responded to these advertisements on the B2B online marketplaces, the users of Email Account-1 began communicating with customers by email using Email Account-1. In these emails, the users of Email Account-1 negotiated transactions and provided prices for controlled substances, including oxycodone, to customers in the United States and other countries. The operators of Email Account-1 often instructed their customers to pay for their purchases of controlled substances using Western Union, MoneyGram, PayPal, or credit card.

c. Although the users of Email Account-1 told customers that they shipped controlled substances from India and the Philippines, the users of Email Account-1 also negotiated with regional suppliers of controlled substances to supply prescription drugs in particular countries. For example, in one email with a potential supplier based in the United States, a user of Email Account-1 wrote, "I want a supplier from UK or USA

specifically. We get many orders on daily basis ranging as much as 100-200 orders. The demand is high in USA. Our clients want shipping from there." Additionally, the users of Email Account-1 sometimes filled customers' orders by procuring controlled substances from third parties and then directing that the controlled substances be sent directly to customers. For example, in or about November 2016, an individual who emails indicate is based in New Jersey began communicating with Email Account-1 about purchasing oxycodone powder. In response, a user of Email Account-1 stated, "I didn't have the Powder ... but ... I will arrange the powder for you ... I started contacting all my suppliers and ... One of them just told me that he has it." At or around the same time, the users of Email Account-1 contacted a seller on a B2B online marketplace about purchasing oxycodone powder and shipping it to an individual in the United States.

UNDERCOVER PURCHASES OF CONTROLLED SUBSTANCES

7. In connection with this investigation, the DEA has maintained an undercover mailbox (the "UC Mailbox") in lower Manhattan. From my review of the contents of mail matter received in the UC Mailbox; reports of laboratory tests conducted on pills received in those mail matters; email communications with Email Account-1; and my communications with other law enforcement agents involved in this investigation, I have learned, among other things, the following:

The July 2017 UC Purchase

a. In or about July 2017, an undercover law enforcement agent ("UC-1") contacted an individual about buying prescription drugs and having them shipped to a location in the United States. UC-1 gave the individual the email address for the UC Email Account. On or about July 19, 2017, I received an email at the UC Email Account from Email Account-1 that stated in pertinent part, "I am drop shipper² from US to US. This time I have two products for domestic shipping as follows: 1) Xanax 2mg

² Based on my training and experience, I understand the phrase "drop shipper" to refer to a person who receives controlled substances from a distributor typically located outside of the United States, and who then ships the controlled substances--sometimes in smaller quantities--to buyers inside the United States at the direction of the distributor. Drop shippers are often used by narcotics traffickers to disguise the origin of the controlled substances.

(3.50 USD price per pill.) ... 2) Roxycodone 30mg ... We will receive payment in UK ... and will prefer WU [i.e., Western Union] the most." On or about July 20, 2017, I replied to the email and requested, in sum and substance, that the users of Email Account-1 send a sample of oxycodone. On or about July 22, 2017, I received an email from Email Account-1 stating, in sum and substance, that a sample had been sent to me and providing me with a United States Postal Service ("USPS") tracking number.

b. On or about July 26, 2017, the UC Mailbox received a USPS priority mail envelope bearing the return address "Bob Wagner, Wagner Accessories, 2716 Marion Avenue, Apt. 2M, Bronx, New York 10458-3821." The tracking number on the envelope matched the tracking number that was sent to me by email on July 22, 2017. The package contained samples of what appeared to be oxycodone, Xanax, and Ambien. The purported tablets of oxycodone were subsequently tested by a DEA laboratory, which determined that the tablets were made of pressed heroin and other substances.

The August 2017 UC Purchase

c. On or about August 7, 2017, I emailed Email Account-1 and stated, in sum and substance, that I wished to buy 50 pills of oxycodone. A user of Email Account-1 responded in pertinent part, "I have oxycodone 80 mg in stock and price per pill is \$15." The email further stated, "we buy the stock from different countries and I have to send the payment to India to buy stock so can you send the payment now via WU from USA to India." On or about August 8, 2017, I agreed, in sum and substance, to purchase 50 pills of oxycodone for \$780. On or about August 9, 2017, I received an email from Email Account-1 instructing me to send the payment via Western Union to an individual ("CC-1") located in Bulandshahr, India. On or about August 11, 2017, I emailed Email Account-1 and stated that money had been wired to CC-1 using Western Union. I received an email on or about August 12, 2017, stating, in sum and substance, that the oxycodone would be sent two days later, and on or about August 15, 2017, I received an email from Email Account-1 with a USPS tracking number.

d. On or about August 15, 2017, the UC Mailbox received a USPS priority mail envelope bearing the return address "Bob Wagner, Wagner Accessories, 2716 Marion Avenue, Apt. 2M, Bronx, New York 10458-3821." The tracking number on the envelope matched the tracking number that was sent to me by email on

August 15, 2017. The package contained approximately 50 pills that appeared to be oxycodone.

The September 2017 UC Purchase

e. On or about September 6, 2017, I received an email from Email Account-1 stating, "I send you 10 pills for sample GG-249 Xanax 2mg, Kindly check quality & let me confirm if you want to buy these pills...." I replied the same day and stated, in sum and substance, that I wanted to purchase 100 oxycodone pills. I received a reply from Email Account-1 stating in pertinent part, "Oxy 80mg x \$15 USD per pill x 100 pills = \$1500 USD including shipping charges," and requesting that I send the funds by Western Union to an individual in Lahore, Pakistan. On or about September 14, 2017, I asked, in sum and substance, to purchase 150 oxycodone pills. In response, I received an email from Email Account-1, which stated, in sum and substance, that the cost would be \$2,250 and that I should wire the money via Western Union to an individual in China. On or about September 22, 2017, I received an email requesting that I instead send the money to an individual in Lahore, Pakistan. On or about September 28, 2017, I confirmed that the money had been wired to the individual in Pakistan. In response, I received an email from Email Account-1 on September 29, 2017, providing me with a USPS tracking number for "150 pills Oxy."

f. On or about October 4, 2017, the UC Mailbox received a USPS priority mail envelope bearing the return address "Bob Wagner, Wagner Accessories, 2716 Marion Avenue, Apt. 2M, Bronx, New York 10458-3821." The tracking number on the envelope matched the tracking number that was sent to me by email on September 29, 2017. The package contained approximately 150 pills that appeared to be oxycodone. The pills were subsequently tested by a DEA laboratory, which determined that the tablets were made of pressed heroin and other substances.

The Defendant's Participation in the Conspiracy

8. On or about September 7, 2017, with the assistance of other law enforcement agents, I conducted surveillance of the vicinity of 2716 Marion Avenue, Apt. 2M in the Bronx, New York, which was the address indicated on the packages containing the controlled substances purchased in the DEA's undercover operation. Based on my own observations and my conversations with other law enforcement officers, I have learned the following:

a. On September 7, 2017, at approximately 12:20 p.m., CRISTIAN RODRIGUEZ, the defendant, exited 2716 Marion Avenue and walked to a United States Post Office located at 2963 Webster Avenue, Bronx, New York. At the Post Office, RODRIGUEZ deposited seven USPS Priority Mail envelopes into a mailbox. RODRIGUEZ then returned to 2716 Marion Avenue and entered Apartment 2M.

b. The USPS seized the envelopes and, pursuant to a court-authorized search warrant, opened the packages. Each envelope contained the return address "Bob Wagner, Wagner Accessories, 2716 Marion Avenue, Apt. 2M, Bronx, New York 10458-3821." Each of the envelopes contained prescription medications, including what appeared to be pills of Xanax.

9. From my review of records provided by Western Union, I have learned that CRISTIAN RODRIGUEZ, the defendant, has sent payments to other individuals involved in the controlled substances conspiracy. Specifically, based on my review of the records, I have learned, among other things, the following:

a. On at least 40 occasions, RODRIGUEZ sent funds via Western Union to individuals located abroad. Each time RODRIGUEZ sent money, RODRIGUEZ provided 2716 Marion Avenue, Bronx, New York as his address.

b. On at least ten occasions, RODRIGUEZ sent funds via Western Union to CC-1 in Bulandshahr, India, to whom I was told by the users of Email Account-1 to send money for the purchase of oxycodone. RODRIGUEZ received no payments from CC-1.

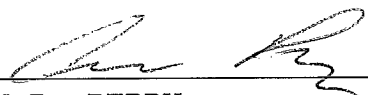
c. On at least nine occasions, RODRIGUEZ sent funds via Western Union to an individual in the Dominican Republic named "Robert Wagner," which is a variation of the name listed on the packages RODRIGUEZ mailed containing controlled substances. RODRIGUEZ received no payments from "Robert Wagner."

10. Based on my participation in this investigation, and my review of email from Email Account-1 directing me to send money via Western Union to CC-1 as "payment to India to buy stock," I believe the aforementioned Western Union transfers made by CHRISTIAN RODRIGUEZ, the defendant, were payments for the purchase of controlled substances. Indeed, were RODRIGUEZ merely a "drop-shipper" of packages for others, I would expect, based on my training and experience, to see payments to RODRIGUEZ for his shipping services, not from RODRIGUEZ to his

co-conspirators. Accordingly, I believe RODRIGUEZ is sending funds to co-conspirators overseas via Western Union to purchase controlled substances for further sale and distribution in the United States, including in the Southern District of New York.


11. Furthermore, based on my training and experience, and my participation in this investigation, I believe that the short amount of time between when I placed an order for controlled substances, and when I received the packages containing the controlled substances, indicates that CRISTIAN RODRIGUEZ, the defendant, acquired and packaged the controlled substances that were shipped to the UC Mailbox. More specifically, the time between when I placed an order for oxycodone with users of Email Account-1, and when I received a USPS Priority Mail envelope sent by RODRIGUEZ, was typically one to three days. Such a period of time is too brief for a third party to mail the controlled substances to RODRIGUEZ and for RODRIGUEZ, in turn, to re-package and ship the controlled substances to a customer. Accordingly, I believe that RODRIGUEZ was directly involved in the acquisition, packaging, and distribution of the controlled substances that were sent to the UC Mailbox.

WHEREFORE, deponent respectfully requests that a warrant be issued for the arrest of CRISTRIAN RODRIGUEZ, the defendant, and that he be imprisoned or bailed, as the case may be.



ANDREW R. PERRY
Special Agent
Drug Enforcement Administration

Sworn to before me this
20th day of October, 2017



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