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ORIGINAL

Approved:

MICHAEL K. KROUSE
Assistant United States Attorney



Before: HONORABLE KEVIN NATHANIEL FOX
United States Magistrate Judge
Southern District of New York

- - - - -	x	
	:	
UNITED STATES OF AMERICA	:	<u>SEALED COMPLAINT</u>
	:	
- v. -	:	Violations of
	:	21 U.S.C. §§ 841(a)(1),
ADRIEL VASQUEZ, and	:	841(b)(1)(C), and 846;
CINDY GARCIA,	:	18 U.S.C. § 2
	:	
Defendants.	:	COUNTY OF OFFENSE:
	:	BRONX
- - - - -	x	

SOUTHERN DISTRICT OF NEW YORK, ss.:

CHRISTOPHER R. COOKE, being duly sworn, deposes and says that he is a Task Force Officer with the Drug Enforcement Administration ("DEA"), and charges as follows:

COUNT ONE

1. From at least in or about November 2017 through in or about February 2018, in the Southern District of New York and elsewhere, ADRIEL VASQUEZ and CINDY GARCIA, the defendants, 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 ADRIEL VASQUEZ and CINDY GARCIA, the defendants, 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 ADRIEL VASQUEZ and CINDY GARCIA, the defendants, conspired to distribute and

possess with intent to distribute was oxycodone, in violation of Title 21, United States Code, Section 841(b)(1)(C).

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

COUNT TWO

4. On or about February 7, 2018, in the Southern District of New York and elsewhere, ADRIEL VASQUEZ and CINDY GARCIA, the defendants, knowingly distributed and possessed with intent to distribute, and aided and abetted the distribution and possession with intent to distribute, a controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

5. The controlled substance involved in the offense was oxycodone, in violation of Title 21, United States Code, Section 841(b)(1)(C).

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

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

6. I am a Task Force Officer 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, witnesses, and others, 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. Where figures, calculations, and dates are set forth herein, they are approximate, unless stated otherwise.

7. As explained in greater detail below, I have learned, based on my participation in this investigation, review of law enforcement reports, physical surveillance, and conversations with other law enforcement officers, that ADRIEL VASQUEZ and CINDY GARCIA, the defendants, provided oxycodone pills to a co-conspirator ("CC-1"), who resided in an apartment (the "Apartment") located within a building in the Bronx, New York (the "Building"). CC-1 in turn supplied these pills to

another co-conspirator ("CC-2"). CC-2 sold these pills in various locations, including in Connecticut and Massachusetts.

8. On or about January 30, 2018, the Honorable Kevin Nathaniel Fox, United States Magistrate Judge for the Southern District of New York, issued a Search Warrant for the Apartment (the "Search Warrant"), and a Warrant and Order for prospective location information for a phone number associated with ADRIEL VASQUEZ, the defendant (the "VASQUEZ Phone").

9. On or about February 7, 2018, I and other law enforcement agents conducted physical surveillance in the vicinity of the Building, and observed the following:

a. At approximately 6:24 p.m., CC-2 arrived at the Building and parked his car (the "CC-2 Car"). CC-2 entered the Apartment carrying a black satchel bag (the "Bag"). Approximately 20 minutes later, CC-2 exited the Building without the Bag and drove away in the CC-2 Car. I and other law enforcement agents continued physical surveillance on the Building. At approximately 7:34 p.m., CC-2 returned to the Building in the CC-2 Car and entered the Apartment.

b. At approximately 8:55 p.m., a car registered to CINDY GARCIA, the defendant, parked in front of the Building (the "GARCIA Car"). Two females were in the front two seats of the GARCIA Car, and a male was in the rear seat. Because the geolocation data from the VASQUEZ Phone showed that the VASQUEZ Phone was near the Building, it appears that ADRIEL VASQUEZ, the defendant, was the male occupant in the rear seat. Shortly thereafter, CC-1 exited the Building and engaged in a brief conversation with the occupants of the GARCIA Car. About one minute later, CC-1 re-entered the Building and the GARCIA Car remained parked. At approximately 9:33 p.m., CC-1 exited the Building again, this time carrying a transparent plastic bag (the "Plastic Bag") with what appeared to be a black square-shaped object inside. CC-1 gave the Plastic Bag to the occupants of the GARCIA Car and returned to the Apartment. The GARCIA Car drove away. Based on the appearance of the black square-shaped object, and on my training and experience, it appeared that the Plastic Bag contained bundled currency.

c. At approximately 9:40 p.m., CC-2 exited the Building with the Bag, entered the CC-2 Car, and drove away. As CC-2 was leaving the parking lot, the CC-2 Car failed to signal a right turn. I stopped the CC-2 Car at approximately 9:45 p.m. CC-2 gave consent to search the CC-2 Car and the Bag. Inside

the Bag were nine individual zip lock bags. Each zip lock bag contained approximately 100 pills. Based on my training and experience, it appeared that the pills were packaged for distribution. Based on the distinctive markings on the pills, and on my training and experience, it appeared that all 900 pills were 30-milligram oxycodone pills.¹ CC-2 was then placed under arrest.

d. At approximately 9:55 p.m., I and other law enforcement officers searched the Apartment pursuant to the Search Warrant. Inside the Apartment, we recovered an empty 30-milligram oxycodone pill bottle prescribed to a person other than CC-1 and CC-2. We also recovered drug paraphernalia, such as plastic twist bags, from the garbage can in the kitchen, and \$1,000 in currency from the jacket that CC-1 was wearing when CC-1 met with the GARCIA Car in the parking lot earlier that evening. Finally, we recovered what appeared to be a drug ledger and a cellular phone belonging to CC-1 (the "CC-1 Phone"). CC-1 was then placed under arrest.

10. On or about February 14, 2018, United States Magistrate Judge Debra Freeman of the Southern District of New York signed a warrant authorizing the search of the CC-1 Phone. Based on a search of the CC-1 Phone, I learned that the phone number associated with ADRIEL VASQUEZ, the defendant, was stored under the name "Speed," and that a phone number associated with CINDY GARCIA, the defendant, was stored under the name "W Crazy."

11. A search of the CC-1 Phone revealed the following text messages and calls between CC-1 and CC-2, and between CC-1 and ADRIEL VASQUEZ, the defendant on or about February 6, 2018 – *i.e.*, one day before CC-1 and CC-2 were arrested:

¹ Based on my training and experience, 30-milligram oxycodone pills are illegally sold for approximately \$30-\$40 per pill. Accordingly, the 900 pills that were seized from CC-2 have an estimated street value of approximately \$27,000 to \$36,000.

2/6/18, 3:43 p.m.	VASQUEZ	call to CC-1 (one minute and 25 seconds)
2/6/18, 3:47 p.m.	CC-1 to CC-2	He called said he's still with very little waiting to get a better to make it here
2/6/18, 5:09 p.m.	VASQUEZ to CC-1	1000. Ready.
2/6/18, 5:09 p.m.	CC-1 to VASQUEZ	Ok let me find him
2/6/18, 5:10 p.m.	CC-1 to CC-2	U ready there's allot
2/6/18, 5:12 p.m.	CC-2 to CC-1	Copy give me a few
2/6/18, 5:12 p.m.	CC-1 to CC-2	Ok waiting
2/6/18, 6:17 p.m.	CC-1 to VASQUEZ	He's waiting on a call to pick up the tickets ok.
2/6/18, 6:18 p.m.	CC-1 to VASQUEZ	Give me a little to call u back today.
2/6/18, 6:18 p.m.	VASQUEZ to CC-1	Ok
2/6/18, 8:36 p.m.	VASQUEZ to CC-1	Ot is for today
2/6/18, 8:36 p.m.	VASQUEZ to CC-1	It ot for today
2/6/18, 8:39 p.m.	CC-1 to CC-2	Hey cita question when u think he just called
2/6/18, 8:52 p.m.	CC-2 to CC-1	What's the number that he has because I am waiting for calls
2/6/18, 8:53 p.m.	CC-1 to CC-2	1000
2/6/18, 8:55 p.m.	CC-2 to CC-1	Copy that's not a lot
2/6/18, 8:56 p.m.	CC-1 to CC-2	Lol..for him right now it is
2/6/18, 8:57 p.m.	CC-2 to CC-1	Copy give me a few I will call you but it's going to be for tomorrow
2/6/18, 8:58 p.m.	CC-1 to CC-2	Ok just let me know if for sure tommorw he can hold 4 us
2/6/18, 8:58 p.m.	CC-2 to CC-1	Copy
2/6/18, 9:49 p.m.	VASQUEZ to CC-1	Hey what up

2/6/18, 10:05 p.m.	VASQUEZ call to CC-1 (44 seconds)	
2/6/18, 10:07 p.m.	CC-1 to CC-2	Let me know before midnight today if for sure
2/6/18, 10:41 p.m.	CC-2 call to CC-1 (one minute and 40 seconds)	
2/6/18, 11:30 p.m.	CC-1 to VASQUEZ	Hey tommorw early afternoon he's picking up
2/6/18, 11:31 p.m.	VASQUEZ to CC-1	Oo[.] Ok

12. Based on my training and experience, and my participation in this investigation, it appears that in these messages, ADRIEL VASQUEZ, the defendant, tells CC-1 that he has 1,000 oxycodone pills. CC-1 then informs CC-2 that VASQUEZ has 1,000 pills available, and CC-2 says "that's not a lot." CC-2 then agrees to take the pills, but not until the next day. CC-1 then tells VASQUEZ to come "tommor[ow] early afternoon."

13. A search of the CC-1 Phone also revealed the following text messages and calls between CC-1 and CC-2, between CC-1 and ADRIEL VASQUEZ, the defendant, and between CC-1 and CINDY GARCIA, the defendant, on February 7, 2018 - *i.e.*, the same day CC-1 and CC-2 were arrested:

2/7/18, 1:39 p.m.	CC-2 call to CC-1 (34 seconds)	
2/7/18, 1:46 p.m.	CC-1 to VASQUEZ	Call u around 6
2/7/18, 1:47 p.m.	VASQUEZ to CC-1	Ok[.] Do u need more then 1
2/7/18, 1:54 p.m.	CC-1 to VASQUEZ	Not sure yet maybe
2/7/18, 1:55 p.m.	VASQUEZ to CC-1	Ok
2/7/18, 4:46 p.m.	CC-2 call to CC-1 (20 seconds)	
2/7/18, 5:08 p.m.	CC-1 to VASQUEZ	940 I'll be calling around 6-7
2/7/18, 6:24 p.m.	CC-1 call to VASQUEZ (47 seconds)	
2/7/18, 6:27 p.m.	CC-1 call to VASQUEZ (45 seconds)	
2/7/18, 7:19 p.m.	CC-2 call to CC-1 (13 seconds)	
2/7/18, 7:20 p.m.	CC-2 to CC-1	900
2/7/18, 7:22 p.m.	CC-2 call to CC-1 (20 seconds)	
2/7/18, 7:24 p.m.	CC-1 to VASQUEZ	Ok only have for 840 ready[.] Copy
2/7/18, 7:28 p.m.	CC-1 call to VASQUEZ (8 seconds)	

2/7/18, 7:24 p.m.	CC-1 to GARCIA	Hey
2/7/18, 7:32 p.m.	CC-1 call to GARCIA (8 seconds)	
2/7/18, 7:33 p.m.	CC-1 call to VASQUEZ (37 seconds)	
2/7/18, 7:34 p.m.	CC-1 call to VASQUEZ (10 seconds)	
2/7/18, 7:35 p.m.	VASQUEZ to CC-1	Ok[.] Onthe way
2/7/18, 7:36 p.m.	CC-1 to VASQUEZ	Ok stop fucking I see u
2/7/18, 7:53 p.m.	CC-1 to VASQUEZ	Lol????
2/7/18, 8:20 p.m.	CC-1 call to GARCIA (8 seconds)	
2/7/18, 8:22 p.m.	CC-1 call to VASQUEZ (36 seconds)	
2/7/18, 8:49 p.m.	VASQUEZ call to CC-1 (6 seconds)	
2/7/18, 9:24 p.m.	VASQUEZ call to CC-1 (6 seconds)	

14. Based on my training and experience, and my participation in this investigation, it appears that in these text messages, CC-2 tells CC-1 that he only needs 900 pills. When CC-1 is not able to reach ADRIEL VASQUEZ, the defendant, CC-1 tries to contact CINDY GARCIA, the defendant, instead. As explained in ¶ 9.b, *supra*, GARCIA's car was parked outside the Building on February 7th, and it appeared that CC-1 provided the occupants of the car with a bag containing money. The fact that CC-1 tried calling GARCIA indicates that GARCIA was one of the female passengers observed in the GARCIA Car the night of the arrest. Moreover, CC-2 was later arrested with 900 oxycodone pills, which is consistent with the text message where CC-2 asks CC-1 to get "900" from VASQUEZ. Accordingly, it appears that VASQUEZ and GARCIA delivered 900 oxycodone pills to CC-1, who then provided those pills to CC-2.

15. A search of the CC-1 Phone also revealed several text message exchanges between CC-1 and CINDY GARCIA, the defendant. These exchanges further implicate GARCIA in the conspiracy to distribute oxycodone. For instance, the following text messages are from January 5 and 6, 2018:

1/5/18, 12:07 p.m.	CC-2 to CC-1	Okay just 2000 square feet for today
1/5/18, 12:57 p.m.	GARCIA to CC-1	Loca
1/5/18, 5:33 p.m.	CC-1 to GARCIA	Hey going to need 1880[.] Will we be good
1/5/18, 5:35 p.m.	GARCIA to CC-1	Ok[.] R u ready

1/5/18, 5:36 p.m.	CC-1 to GARCIA	I'll be calling when he almost here like 2 hours
1/5/18, 5:36 p.m.	GARCIA to CC-1	Ok
1/5/18, 7:43 p.m.	CC-1 to GARCIA	Call u in 1 hour please be ready
1/5/18, 8:02 p.m.	GARCIA to CC-1	I am
1/5/18, 8:34 p.m.	GARCIA call to CC-1 (1 minute 6 seconds)	
1/5/18, 9:15 p.m.	CC-1 call to GARCIA (33 seconds)	
1/5/18, 9:15 p.m.	CC-1 to GARCIA	Yoooo
1/5/18, 9:16 p.m.	CC-1 call to GARCIA (35 seconds)	
1/5/18, 9:22 p.m.	GARCIA call to CC-1 (10 seconds)	
1/5/18, 10:13 p.m.	GARCIA call to CC-1 (14 seconds)	
1/5/18, 10:20 p.m.	GARCIA call to CC-1 (13 seconds)	
1/5/18, 10:53 p.m.	CC-1 call to GARCIA (1 minute 29 seconds)	
1/5/18, 10:55 p.m.	GARCIA call to CC-1 (28 seconds)	
1/5/18, 11:11 p.m.	GARCIA call to CC-1 (17 seconds)	
1/5/18, 11:31 p.m.	CC-1 to GARCIA	Sorry almost done
1/5/18, 11:47 p.m.	GARCIA to CC-1	So what up
1/5/18, 11:48 p.m.	GARCIA to CC-1	So what up
1/5/18, 11:48 p.m.	GARCIA to CC-1	1hr loca isvthis for real
1/5/18, 11:49 p.m.	CC-1 to GARCIA	Sorry going down
1/5/18, 11:50 p.m.	GARCIA call to CC-1 (22 seconds)	
1/6/18, 12:10 a.m.	GARCIA call to CC-1 (9 minutes 20 seconds)	
1/6/18, 3:12 p.m.	GARCIA to CC-1	How many ur guy is going to need today
1/6/18, 3:35 p.m.	GARCIA to CC-1	I got 1000 if u need it

16. Based on my training and experience, and my participation in this investigation, it appears that in these text messages, CC-1 asked CINDY GARCIA, the defendant, to bring 1880 oxycodone pills to the Apartment, and GARCIA agreed. At 11:49 P.M., CC-1 stated that she was "going down." Based on my review of surveillance video from the Building, I have learned that CC-1 exited the Apartment at approximately 11:53 p.m. that night, carrying an orange shopping bag. CC-1 then returned to

her Apartment approximately 12 minutes later without the bag. Eight minutes after that, CC-2 exited the Apartment with a black backpack and left the Building. Accordingly, based on the text messages and calls above, as well as the surveillance video, it appears that, on or about January 5, 2018, GARCIA delivered 1880 oxycodone pills to CC-1, who then gave the pills to CC-2. Then, the next afternoon, GARCIA asked CC-1 "[h]ow many" CC-2 would need that day. GARCIA told CC-1 that she had "1000 if u need it."

17. A search of the CC-1 Phone also revealed the following text message exchange between CC-1 and CINDY GARCIA, the defendant, which occurred on or about January 24, 2018:

1/24/18, 6:23 p.m.	CC-1 to VASQUEZ	Hey 520 ready
1/24/18, 6:28 p.m.	VASQUEZ to CC-1	Ok
1/24/18, 7:30 p.m.	CC-1 to VASQUEZ	How much longer?
1/24/18, 7:32 p.m.	VASQUEZ to CC-1	Tx cindy she the one going over to. U r to much of a temptation to me lol
1/24/18, 7:32 p.m.	VASQUEZ to CC-1	Call her phone
1/24/18, 7:33 p.m.	CC-1 to GARCIA	Hey how much longer?
1/24/18, 7:35 p.m.	GARCIA to CC-1	I'm here
1/24/18, 7:36 p.m.	CC-1 to GARCIA	Ok going down

18. Based on my training and experience, and my participation in this investigation, it appears that in these messages, CC-1 expected ADRIEL VASQUEZ, the defendant, to bring 520 oxycodone pills, but VASQUEZ sent "cindy" - i.e., CINDY GARCIA, the defendant - instead. Based on my review of surveillance video in the Building, I learned that CC-1 exited her Apartment at approximately 7:41 p.m. that night. At approximately 7:44 p.m., CC-1 returned to the Apartment. At approximately 8:04 p.m., CC-1 exited her Apartment again, this time carrying a shopping bag. At approximately 8:08 p.m., CC-1 returned to her Apartment without the shopping bag. At approximately 8:30 p.m., CC-2 exited the Apartment carrying the Bag. Accordingly, based on the text messages above, as well as the surveillance video, it appears that, on or about January 24,

2018, GARCIA delivered 520 oxycodone pills to CC-1, who then gave the pills to CC-2.

19. Based on previous surveillance, it also appears that ADRIEL VASQUEZ, the defendant, traveled to the Building to supply CC-1 and CC-2 with Oxycodone on other occasions. For instance:

a. On or about November 20, 2017, at approximately 9:43 p.m., CC-2 drove a blue SUV (the "SUV") to the Building. After parking the SUV, CC-2 entered the Apartment carrying the Bag. Approximately five minutes later, CC-1 left the Apartment and entered the SUV. At approximately 9:59 p.m., a BMW sedan that appeared to be the same as a car belonging to VASQUEZ (the "BMW"), arrived at the Building and parked next to the SUV. CC-1 exited the SUV and entered the BMW. Approximately three minutes later, CC-1 exited the BMW and returned to the Apartment. At approximately 10:16 p.m., CC-2 left the Apartment carrying what appeared to be the Bag, entered the SUV, and drove away.

b. On or about December 5, 2017, at approximately 4:07 p.m., CC-2 entered the Apartment carrying what appeared to be the Bag. At approximately 6:20 p.m., CC-1 left the Apartment and entered the BMW, which was again parked in front of the Building. Approximately eight minutes later, CC-1 exited the BMW and returned to the Apartment.

20. On or about March 5, 2018, geolocation data showed that the VASQUEZ Phone was located near an apartment in Yonkers, New York, which, based on my review of commercial databases, is where ADRIEL VASQUEZ, the defendant, resides (the "VASQUEZ Apartment"). Law enforcement agents conducted surveillance on the VASQUEZ Apartment and observed the BMW registered to ADRIEL VASQUEZ and the GARCIA Car parked in the driveway. As stated in ¶¶ 9.b & 19, *supra*, cars similar to these two cars were observed at the Apartment at times when CC-1 appeared to provide oxycodone pills to CC-2.

WHEREFORE, I respectfully request that a warrant be issued for the arrest of ADRIEL VASQUEZ and CINDY GARCIA, the defendants, and that they be arrested and imprisoned or bailed, as the case may be.



Christopher R. Cooke
Task Force Officer
Drug Enforcement Administration

Sworn to before me this
March 22, 2018



THE HONORABLE KEVIN NATHANIEL FOX
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK