

APPROVED: _____

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Assistant United States Attorneys

BEFORE: THE HONORABLE HENRY B. PITMAN
United States Magistrate Judge
Southern District of New York

----- x **18 MAG 7577**

UNITED STATES OF AMERICA : COMPLAINT

- v. - : Violations of

VIKTOR LITVINTSUK, : 21 U.S.C. §§ 952, 959,

Defendant. : 960 & 963; 18 U.S.C.

----- X : §§ 2, 3238

SOUTHERN DISTRICT OF NEW YORK, ss.:

JOSEPH G. CATALANO, being duly sworn, deposes and says that he is a Special Agent of the Drug Enforcement Administration ("DEA"), and charges as follows:

COUNT ONE
(Narcotics Importation Conspiracy)

1. From at least in or about October 2017, up to and including in or about July 2018, in the Southern District of New York and elsewhere, and in an offense begun and committed out of the jurisdiction of any particular State or district, VIKTOR LITVINTSUK, the defendant, who is expected to be first brought to and arrested in the Southern District of New York, and others known and unknown, intentionally and knowingly combined, conspired, confederated, and agreed to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that VIKTOR LITVINTSUK, the defendant, and others known and unknown, would and did import into the United States and into the customs territory of the United States from a place outside thereof controlled substances, in violation of Title 21, United States Code, Sections 952(a) and 960(a)(1).

3. It was further a part and an object of the conspiracy that VIKTOR LITVINTSUK, the defendant, and others known and

unknown, would and did manufacture, possess with intent to distribute, and distribute controlled substances, intending, knowing, and having reasonable cause to believe that such substances would be unlawfully imported into the United States and into waters within a distance of 12 miles of the coast of the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 959(a) and 960(a)(3).

4. The controlled substances that VIKTOR LITVINTSUK, the defendant, conspired to (a) import into the United States and into the customs territory of the United States from a place outside thereof, and (b) manufacture, possess with intent to distribute, and distribute, intending, knowing, and having reasonable cause to believe that such substances would be unlawfully imported into the United States and into waters within a distance of 12 miles of the coast of the United States from a place outside thereof, were (a) 100 grams and more of mixtures and substances containing a detectable amount of carfentanil, an analogue of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide ("fentanyl"); and (b) 400 grams and more of mixtures and substances containing a detectable amount of fentanyl, in violation of Title 21, United States Code, Section 960(b)(1)(F).

(Title 21, United States Code, Sections 952(a), 959(a), 959(d), 960(a), 960(b)(1)(F), and 963; Title 18, United States Code, Section 3238.)

COUNT TWO

(Narcotics Distribution for Importation)

5. On or about at least May 9, 2018, in the Southern District of New York and elsewhere, and in an offense begun and committed out of the jurisdiction of any particular State or district, VIKTOR LITVINTSUK, the defendant, who is expected to be first brought to and arrested in the Southern District of New York, intentionally and knowingly manufactured, possessed with intent to distribute, and distributed, and attempted to do the same, a controlled substance, intending, knowing, and having reasonable cause to believe that such substance would be unlawfully imported into the United States and into waters within a distance of 12 miles of the coast of the United States, from a place outside thereof, in violation Title 21, United States Code, Sections 959(a), 960(a)(3), and 963.

6. The controlled substance involved in the offense was 100 grams and more of mixtures and substances containing a

detectable amount of carfentanil, an analogue of fentanyl, in violation of Title 21, United States Code, Section 960(b)(1)(F).

(Title 21, United States Code, Sections 959(a), 959(d), 960(b)(1)(F), and 963; Title 18, United States Code, Sections 2 and 3238.)

COUNT THREE
(Narcotics Distribution for Importation)

7. On or about at least May 30, 2018, in the Southern District of New York and elsewhere, and in an offense begun and committed out of the jurisdiction of any particular State or district, VIKTOR LITVINTSUK, the defendant, who is expected to be first brought to and arrested in the Southern District of New York, intentionally and knowingly manufactured, possessed with intent to distribute, and distributed, and attempted to do the same, a controlled substance, intending, knowing, and having reasonable cause to believe that such substance would be unlawfully imported into the United States and into waters within a distance of 12 miles of the coast of the United States, in violation Title 21, United States Code, Sections 959(a), 960(a)(3), and 963.

8. The controlled substance involved in the offense was 100 grams and more of mixtures and substances containing a detectable amount of carfentanil, an analogue of fentanyl, in violation of Title 21, United States Code, Section 960(b)(1)(F).

(Title 21, United States Code, Sections 959(a), 959(d), 960(b)(1)(F), and 963); Title 18, United States Code, Sections 2 and 3238.)

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

9. I have been a DEA Special Agent since 2003. I am currently assigned to the DEA Special Operations Division's Bilateral Investigations Unit, which focuses on international criminal activities. During my time as a DEA Special Agent, I have become familiar with some of the ways in which narcotics traffickers operate, and have participated in numerous investigations involving international drug trafficking. I have been personally involved in the investigation of this matter. This affidavit is based on my communications with other law enforcement officers and other individuals, and on my review of various reports and records. Because this affidavit is being

submitted for the limited purpose of establishing probable cause for the offenses cited above, it does not include all of the facts that I have learned during the course of the investigation. Where the contents of communications with others and statements by others are reported herein, they are reported in substance and in part, except where otherwise indicated.

Overview

10. As set forth in greater detail below, since at least October 2017, VIKTOR LITVINTSUK, the defendant, and others known and unknown, have conspired to import large quantities of carfentanil and fentanyl into the United States.¹ VIKTOR LITVINTSUK, the defendant, his co-conspirators ("CC-1," "CC-2," and "CC-3"), and others have participated in a series of recorded meetings and phone communications with an individual they understood to be affiliated with an international drug trafficking organization (the "DTO"), for the purpose of arranging to import carfentanil and fentanyl into the United States. That individual was, in fact, a DEA confidential source ("CS-1"²).

11. In October 2017, CC-1 met with CS-1 and others in a country in eastern Europe ("Country-1"). See infra ¶ 17. During the meeting, CS-1 informed CC-1 that CS-1 was a member of a Colombian drug cartel that distributed narcotics in, among other places, the United States, and laundered the resulting proceeds.

12. Throughout the winter and spring of 2018, CS-1 participated in a series of recorded meetings with VIKTOR LITVINTSUK, the defendant, CC-1, CC-2, and CC-3 to discuss narcotics transactions. During the meetings, LITVINTSUK, CC-1, CC-2, and CC-3 agreed to provide CS-1 with fentanyl in a country in Europe ("Country-2"). The parties understood that the fentanyl would be transported to the United States, where it would be mixed with heroin and other controlled substances, and

¹ Fentanyl is a synthetic opioid that is significantly more potent than heroin. Carfentanil is an analogue of fentanyl that is approximately 100 times more potent than fentanyl and approximately 1,000 times more potent than heroin.

² CS-1 has been a paid DEA source since approximately 2014. Information provided by CS-1 has proven reliable and has been corroborated by independent evidence, including audio/video recordings.

sold to the DTO's customers in New York City, among other places. See infra ¶¶ 17-23.

13. In or about May 2018, CC-1 coordinated the transfer of samples of carfentanil to CS-1 in Country-2. See infra ¶ 24. CC-1 understood that CS-1 would retrieve the samples and have them delivered to New York, New York. On or about May 9, 2018, CC-1, CC-2, and CC-3 delivered three samples of narcotics to an agreed-upon location in Country-2. See infra ¶¶ 25-26. The three samples were subsequently tested in a laboratory in Country-2 and confirmed to contain approximately 550 grams of mixtures and substances containing carfentanil. See infra ¶ 26.

14. In late May 2018, CC-1 arranged to have additional carfentanil delivered to CS-1 for importation into the United States. See infra ¶ 27. On or about May 30, 2018, CC-2 and another individual delivered approximately 5.2 kilograms of mixtures and substances containing carfentanil to a pre-arranged location in Country-2. See infra ¶ 28. CS-1 subsequently reported to CC-1 that the carfentanil had been transported to the United States. See id.

15. In June 2018, CS-1 continued to communicate and meet with VIKTOR LITVINTSUK, the defendant, CC-1, and CC-2 concerning payment for the carfentanil and future narcotics transactions. See infra ¶¶ 29-30.

The Investigation

16. Based on my participation in this investigation, my conversations with other law enforcement officers involved in this investigation, and my review of DEA reports, I have learned, among other things, that on or about October 13 and 14, 2017, CS-1, at the DEA's direction, participated in meetings with, among others, CC-1 in Country-1. CC-1 understood from CS-1 that CS-1 was a member of the DTO, which operated in Colombia and needed assistance laundering narcotics proceeds. During the meetings, which were not recorded, CC-1 provided CC-1's phone number to CS-1 and informed CS-1, in sum and substance, that he was "well-connected" in a country in Eurasia. Based on my training, experience, and participation in this investigation, I believe that CC-1 was informing CS-1 that CC-1 had contacts within organized crime organizations in the Eurasian country who could help CC-1 traffic narcotics and launder the resulting proceeds.

January 16, 2018: CC-1 Agrees to Provide Fentanyl to
the DTO

17. On or about January 16, 2018, at the DEA's direction, CS-1 met with CC-1, among others, in Country-1. During the meeting, which was recorded, CS-1 and CC-1 discussed, among other things, CC-1 providing CS-1 with fentanyl for the DTO to traffic. Based on my review of DEA reports and recordings of the January 16, 2018 meeting and my conversations with other law enforcement officers who have communicated with CS-1, I have learned that the following occurred during the meeting, in substance and in part³:

a. CS-1 showed CC-1 a photograph depicting the Russian word for fentanyl and asked CC-1 if CS-1 could obtain that substance in Country-1. CC-1 informed CS-1, in sum and substance, that an individual arrested with fentanyl in Country-1 would receive a prison sentence of 10 years. CC-1 then explained that fentanyl "is made for rhinoceroses." CC-1 further informed CS-1 that he "knew a lot about" fentanyl, and that when "[p]eople don't know the dose, [they] die." Based on my training and experience, and as noted above, I have learned that fentanyl is a synthetic opioid that is significantly more potent than heroin, and that carfentanil is an analogue of fentanyl that is approximately 100 times more potent than fentanyl and approximately 1,000 times more potent than heroin. I know also that carfentanil is used commercially to tranquilize large animals such as elephants and rhinoceroses.

b. CS-1 informed CC-1 that the DTO was looking for a partner who could provide large quantities of fentanyl in Europe. CS-1 explained that the DTO would transport the fentanyl to Mexico, where it would be mixed with the DTO's heroin.

c. CC-1 told CS-1, among other things, that he knew "many people" who would be interested in providing the DTO with fentanyl. CS-1 explained that, for every 1,000 kilograms of heroin mixed with fentanyl that the DTO distributed, CC-1 would be paid 10% of the proceeds derived from the sales of the heroin-fentanyl mixture.

³ The January 16, 2018 meeting was conducted principally in English. From time to time during the course of the meeting, CC-1 spoke Russian into a translating application on his cellphone, which translated his words to English.

**February 17, 2018: CC-1, CC-2, and CC-3 Meet with CS-1 to
Discuss the Fentanyl Deal**

18. On or about February 17, 2018, at the DEA's direction, CS-1 met with CC-1, CC-2, and CC-3 in a country in Europe ("Country-3"). DEA agents conducted surveillance of the meeting. Based on my review of DEA reports, recordings, and draft transcripts of the February 17, 2018 meeting, and my conversations with other law enforcement officers who have communicated with CS-1, I have learned that the following occurred during the meeting, in substance and in part:

a. CC-1, CC-2, and CC-3 agreed to provide CS-1 with fentanyl in Europe. CC-3 asked CS-1 what the DTO would do with the fentanyl they provided. CS-1 explained that the DTO would mix the fentanyl with heroin. CC-3 asked CS-1 how much fentanyl the DTO would require each month. CS-1 replied that the DTO trafficked approximately 350 to 500 kilograms of heroin each month, but that it wanted to "reduce that amount and put more fentanyl So the idea was if we put the fentanyl with the heroin, our competition will lose because fentanyl is powerful. . . . And that's why we want to put the fentanyl inside because then we know we control the market." CC-2 replied: "This is big business."

b. CC-2 asked CS-1 where the DTO would distribute the heroin-fentanyl mixture. CS-1 explained that the DTO would distribute the drugs in, among other places, the United States.

c. CS-1 explained that the DTO sold one kilogram of heroin for approximately \$65,000 in New York, but that, when it mixed its heroin with fentanyl, the DTO would double the prices it charges for the narcotics. CS-1 stated: "[I]f I cut the fentanyl . . . we double the prices like for example, in New York from sixty-five it becomes a hundred and thirty."

d. CS-1 asked whether CC-1, CC-2, and CC-3 had a laboratory to produce the fentanyl. CC-2 explained that the police in Country-1 had recently shut down fentanyl laboratories in Country-1, and they would therefore have to produce the drugs in another country in Europe. CC-1 and CC-2 stated, in sum and substance, that the fentanyl they would produce would be very strong. CC-1 then picked up a grain of salt and placed it on a napkin on the table. CC-2 pointed to the grain of salt and stated: "One people. One people . . . This is . . . dead." Based on my participation in this investigation, including my conversations with CS-1, I believe that CC-1 and CC-2 were

explaining that an individual could overdose and die after ingesting the quantity of fentanyl equivalent to one grain of salt. CC-1 then stated: "I give you good product . . . tell me what you need, I give you what you need This is very strong." CC-2 explained: "Yeah, take it easy. If you ask, very easy, take you very strong."

e. CS-1 stated that the DTO was interested in purchasing fentanyl from sources outside the United States because "the quality" of fentanyl in the United States was poor. CC-2 agreed to provide fentanyl to the DTO, and explained: "You must know this is quality this is very dangerous Very dangerous shit, this is big quality."

f. The parties agreed to meet again in the future so that CC-1, CC-2, and CC-3 could provide CS-1 with a sample of fentanyl for the DTO.

March - April 2018: CC-1 and CC-2 Meet with CS-1 to Discuss the Fentanyl Deal

19. On or about March 6, 2018, at the direction of the DEA, CS-1 met with CC-1 and CC-2 in Country-1. Other DEA agents conducted surveillance of the meeting. Based on my review of DEA reports and recordings of the March 6, 2018 meeting, and my conversations with other law enforcement officers who have communicated with CS-1, I have learned that the following occurred during the meeting, in substance and in part:

a. CS-1 asked CC-1 and CC-2 if they could provide CS-1 with a sample, or "test," of fentanyl for the DTO. CC-2 agreed, and confirmed that they would meet CS-1 in another country in Europe and provide CS-1 with samples of three different batches of fentanyl (the "Three Samples"). CS-1 stated that, once the DTO had tested the Three Samples, CS-1 would inform CC-1 and CC-2 which of the Three Samples the DTO preferred and order larger quantities of that batch of fentanyl.

b. CC-1 informed CS-1 that each of the Three Samples would consist of approximately 100 grams of fentanyl. CC-2 explained that the Three Samples would contain fentanyl that was "strong . . . very strong and medium." CC-2 said that the fentanyl they would provide was "very dangerous," even in "small, small, small" amounts.

c. CC-2 informed CS-1 that he and his associates required an up-front payment of approximately €20,000 so that

they could begin producing the fentanyl for the Three Samples. CS-1 agreed to pay CC-1 and CC-2 €20,000.

d. The parties agreed that, after CS-1 provided the up-front payment of €20,000, an associate of CS-1 (the "Associate") would meet CC-1 and CC-2 in Country-2 to receive the Three Samples. In a side conversation in Russian, CC-1 and CC-2 discussed preparing the Three Samples in Country-2 in advance of the meeting.

e. CS-1 informed CC-1 and CC-2 that CS-1 would return to Country-1 in approximately one week to provide CC-1 and CC-2 with the €20,000 payment.

20. On or about March 15, 2018, at the direction of the DEA, CS-1 met with CC-1 and CC-2 in Country-1. DEA agents conducted surveillance of the meeting, which was recorded. Based on my review of DEA reports and recordings of the March 15, 2018 meeting, and my conversations with other law enforcement officers who have communicated with CS-1, I have learned that the following occurred during the meeting, in substance and in part:

a. CS-1 informed CC-1 and CC-2, in sum and substance, that CS-1 would give CC-1 and CC-2 the up-front payment of €20,000 for the Three Samples the following day. See supra ¶ 19(c).

b. CS-1 said that the DTO would mix the Three Samples -- i.e., 300 grams of fentanyl -- with approximately 600 kilograms of heroin.

c. CC-1 and CC-2 confirmed that they would provide CS-1 with the Three Samples in Country-2 within three to four weeks. CS-1 explained that the Associate would pick up the Three Samples in Country-2, confirm that the narcotics contained in the Three Samples were good quality, and then transport the Three Samples to "start to work." Based on my participation in this investigation, I understand that CS-1 was explaining that, after receiving the Three Samples, members of the DTO would transport them to the United States, where the Three Samples would be mixed with heroin for distribution (i.e., "start to work").

d. The parties agreed that, once the Three Samples had been transported to the United States, the DTO would continue to purchase additional quantities of fentanyl from CC-1 and CC-2, and their associates approximately every six weeks.

21. On or about March 17, 2018, at the direction of the DEA, CS-1 met with CC-1 and CC-2 in Country-1. DEA agents performed surveillance of the meeting, which was recorded. Based on my review of DEA reports and recordings of the March 17, 2018 meeting, and my conversations with other law enforcement officers who have communicated with CS-1, I have learned that, during the meeting, CS-1 provided CC-1 and CC-2 with €20,000 in cash, which constituted the up-front payment for the Three Samples. See supra ¶ 19(c).

22. On or about March 31, 2018, at the direction of the DEA, CS-1 met with VIKTOR LITVINTSUK, the defendant, CC-1 and CC-2 in Country-1. Based on my review of DEA reports and recordings of the March 31, 2018 meeting, and my conversations with other law enforcement officers who have communicated with CS-1, I have learned that the following occurred during the meeting, in substance and in part:

a. LITVINTSUK informed CS-1, in sum and substance, that CC-1, CC-2, and LITVINTSUK could provide CS-1 with the Three Samples in approximately one week. CS-1 asked LITVINTSUK how long it would take, after the delivery of the Three Samples, to "start doing more work," which I understand, based on my participation in this investigation, to be a reference to future fentanyl deals. LITVINTSUK replied that they would be prepared to provide additional shipments of narcotics approximately two days to a week after the delivery of the Three Samples.

b. CS-1 explained that, the following week, the Associate would park a car at a certain location in Country-2. CS-1 would provide CC-1 with the location of the parked car so that CC-1 could arrange to have the Three Samples delivered to the car.

c. CS-1 said that, after receiving the Three Samples, the Associate would "take it back" -- which I understand, based on my participation in this investigation, including my conversations with CS-1, to be a reference to the United States -- within two days.

d. LITVINTSUK asked CS-1, in sum and substance, how much money the DTO would make from selling the Three Samples. CS-1 explained that the DTO would "cut" the Three Samples with the DTO's heroin and would sell the fentanyl-heroin mixture. CS-1 said that CS-1 expected to make between approximately €4 and €5 million from the fentanyl-heroin mixture. CS-1 explained further that the DTO sells a kilogram of heroin for approximately \$65,000, but that, by mixing the heroin with the

fentanyl from the Three Samples, the DTO could expand each kilogram of heroin into three kilograms of heroin-fentanyl mixture to be sold in New York.

23. On or about April 19, 2018, CS-1 met with VIKTOR LITVINTSUK, the defendant, CC-1, and CC-2 in Country-1. During the meeting, which was recorded, the parties continued to discuss, in substance and in part, the delivery of the Three Samples and future fentanyl deals. Based on my review of DEA reports and recordings of the meeting, and my conversations with other law enforcement officers who have communicated with CS-1, I have learned that the following occurred during the meeting, in substance and in part:

a. LITVINTSUK explained that there was a delay in receiving all of the "materials" required to produce the Three Samples. LITVINTSUK stated that he had already obtained two of the three components used to produce the Three Samples, but was waiting to receive the final component. LITVINTSUK explained that he expected to receive the final component, and have the Three Samples ready for delivery, within two to three weeks.

b. CS-1 explained that the market in the "U.S." was "wide open" for the type of product the DTO would produce with the Three Samples - i.e., the heroin-fentanyl mixture.

c. LITVINTSUK asked CS-1, in sum and substance, if CS-1 could provide LITVINTSUK, CC-1, and CC-2 with "a place to stay" in another country in Europe, where they would prepare the Three Samples. CS-1 agreed to pay for an apartment in which LITVINTSUK, CC-1, and CC-2 could produce the Three Samples.

May 9, 2018: CC-1, CC-2, and CC-3 Deliver the Three Samples of Carfentanil for Importation into the United States

24. Based on my review of DEA reports and certain of the contents of a phone used by CS-1 (the "CS-1 Phone"), and my conversations with other law enforcement officers who have communicated with CS-1, I have learned that, in or about May 2018, at the direction of the DEA, CS-1 continued to communicate with CC-1 concerning delivery of the Three Samples. For example, and in substance and in part:

a. On or about May 4, 2018, CC-1 exchanged electronic messages with CS-1. CC-1 informed CS-1, in sum and substance, that CC-1 would soon travel to Country-2 to prepare the Three Samples. CC-1 told CS-1 that his "guys" were already "there," which I understand, based on my participation in this

investigation, to mean that CC-2 and CC-3 were already in Country-2 preparing the Three Samples.

b. On or about May 5, 2018, CC-1 exchanged electronic messages with CS-1. CC-1 informed CS-1, in sum and substance, that CC-1 had "good news" and asked CS-1: "When can we meet your man?" Based on my participation in this investigation, I believe that CC-1 was telling CS-1 that the Three Samples had been prepared and that CC-1 was ready to deliver them to the Associate in Country-2, as the parties had previously agreed. See supra ¶ 22. On or about the following day, May 6, CS-1 sent CC-1 an electronic message stating, in sum and substance, that the Associate would be ready to receive the Three Samples the following Tuesday -- i.e., May 8, 2018 -- in Country-2. CC-1 replied: "Ok. Tue[.]sday we will be there."

c. On or about May 8, 2018, CC-1 sent electronic messages to CS-1 which stated, in sum and substance, that CC-1 would arrive in Country-2 the following day.

d. On or about May 9, 2018, CC-1 exchanged electronic messages with CS-1. CC-1 informed CS-1 that CC-1 had arrived in Country-2 and was prepared to deliver the Three Samples. CS-1 then sent CC-1 electronic messages containing an address of a hotel in a city in Country-2 (the "Hotel"); along with the model, color, and license plate number of a particular car ("Car-1"); and a photograph depicting an overhead image of a parking lot behind the Hotel. CS-1 wrote: "The trunk is unlocked," and explained that "[t]he car will be parked behind the hotel."

25. Based on my participation in this investigation, my conversations with other law enforcement officers, and my review of reports prepared by other law enforcement officers, I have learned, among other things, that on or about May 9, 2018, the following occurred, in substance and in part:

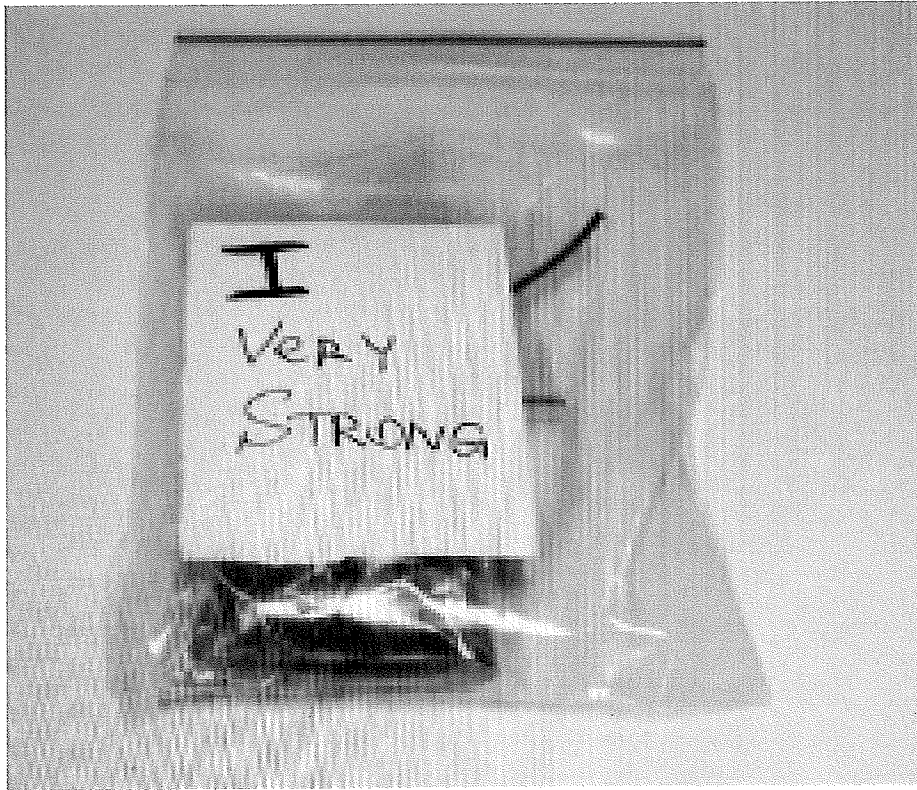
a. Law enforcement agents from Country-2 (the "Agents") parked Car-1 in the parking lot behind the Hotel. The Agents then performed surveillance of Car-1 in the vicinity of the Hotel.

b. The Agents observed CC-3 approach Car-1, open the trunk, and place a package ("Package-1") inside the trunk. CC-3

then walked away. Shortly thereafter, the Agents observed CC-3 meet with CC-1 and CC-2 near the Hotel.⁴

c. The Agents subsequently recovered Package-1 from the trunk of Car-1. Inside Package-1 were three blue rubber gloves. Inside the rubber gloves were five clear plastic bags containing a brown powdery substance (the "Bags"). One of the rubber gloves contained a Bag that was labeled: "I. Very Strong." Another of the gloves contained two Bags, one of which was labeled: "II. We think it's Better For you." The final glove contained two Bags, both of which were labeled with the number "III." Based on my participation in this investigation, including my conversations with CS-1 and my review of the recordings of the meetings described above, I believe that the numbers I, II, and III were references to the Three Samples -- i.e., three different batches of fentanyl -- that VIKTOR LITVINTSUK, the defendant, CC-1, CC-2, and CC-3 had agreed to provide to CS-1. See supra ¶ 28. Photographs depicting the Bags are below:

⁴ The Agents took photographs of CC-3 as he placed Package-1 in Car-1. They also took photographs of CC-1, CC-2, and CC-3 meeting nearby. I have compared the photographs to the video recordings made by CS-1 during the January, February, and March 2018 meetings described above, and have confirmed that the individuals depicted in the photographs are the same individuals who participated in the meetings with CS-1.





d. The brown powdery substances contained within the Bags was subsequently tested in a laboratory in Country-2 and each tested positive for the presence of carfentanil. The total weight of the Bags and the substances they contained was approximately 550 grams.

26. Based on my review of DEA reports and certain of the contents of the CS-1 Phone, and my conversations with other law enforcement officers who have communicated with CS-1, I have learned that, on or about May 14, 2018, CS-1 communicated with CC-1 by electronic message. CS-1 informed CC-1, in sum and substance, that CS-1 was in New York and the "chemist is running the test today." Based on my participation in this investigation, including my conversations with CS-1, I believe that CS-1 was informing CC-1 that the Three Samples had been transported to New York City and the DTO's chemist was in the process of testing the quality of the narcotics.

May 30, 2018: CC-1 and CC-2 Deliver Five Kilograms of Carfentanil for Importation into the United States

27. Based on my review of DEA reports and certain of the contents of the CS-1 Phone, and my conversations with other law enforcement officers who have communicated with CS-1, I have

learned that, throughout May 2018, at the direction of the DEA, CS-1 continued to communicate with CC-1 to arrange for another fentanyl transaction. For example, in substance and in part:

a. On or about May 22, 2018, CC-1 sent CS-1 an electronic message that stated, in sum and substance: "[I will be] in [Country-2] this Friday to prepare 5. Everything will be ready at . . . one week from now. Prepare your man on Tue[.]sday. But we let you know exactly at Sunday about stuff ready. The deal as before in [Country-2]." Based on my participation in this investigation, including my conversations with CS-1, I believe that CC-1 was informing CS-1 that he would have five kilograms of carfentanil for the DTO in Country-2 the following week.

b. On or about May 28, 2018, CC-1 exchanged electronic communications with CS-1. During the exchange, CC-1 provided CS-1 with a phone number for another individual ("CC-4") who would be delivering the five kilograms of carfentanil to the Associate in Country-2. CS-1 then asked CC-1 to have CC-4 contact CS-1 when CC-4 was ready to deliver the five kilograms, and confirmed that CS-1 would then provide CC-4 with "information for the delivery."

28. Based on my participation in this investigation, and my conversations with other law enforcement officers, I have learned that on or about May 30, 2018, the following occurred, in substance and in part:

a. CS-1 received an electronic communication from CC-4, which stated: "Hey, we are ready, provide me a place. Where to leave the material?" CS-1 then provided CC-4 with an address of a particular location (the "Location"), as well as the make, model, and color of a particular vehicle ("Car-2"). CS-1 informed CC-4, in sum and substance, that Car-2 would be parked at the Location at approximately 8:00 that night.

b. Country-2 agents parked Car-2 at the Location and performed surveillance of Car-2. The agents observed CC-2 and CC-4 arrive in the vicinity of the Location. CC-2 approached Car-2 and placed a red plastic bag in the trunk of Car-2. CC-2 and CC-4 then left the Location.

c. The Agents subsequently retrieved the red plastic bag from the trunk of Car-2. The Agents recovered from inside the red plastic bag two clear plastic bags containing a brown powdery substance. The brown powdery substance was subsequently tested in a laboratory in Country-2 and tested positive for the

presence of carfentanil. The total weight of the brown powdery substance and the two clear plastic bags was approximately 5.2 kilograms.

d. Shortly thereafter, CS-1 sent an electronic message to CC-1, which stated: "Was delivered 5.2." CC-1 responded, "Ok." The following day, on or about May 31, 2018, CC-1 sent an electronic message to CS-1, which stated, in part: "I have information, that 5.2 was stronger, like 10. When your guy will make the test you will know." Based on my training and experience and participation in this investigation, I believe that CC-1 was informing CS-1 that the 5.2 kilograms of carfentanil was more potent than the carfentanil in the Three Samples.

June - July 2018: Meetings to Coordinate Future Narcotics Transactions and Payments for Narcotics

29. On or about June 6, 2018, at the direction of the DEA, CS-1 met with CC-1 and CC-2 in Country-1. During the meeting, which was recorded, the parties discussed, among other things, the May 30, 2018 carfentanil transaction (see supra ¶ 28), as well as future narcotics deals. Based on my review of DEA reports and recordings of the June 6, 2018 meeting, and my conversations with other law enforcement officers who have communicated with CS-1, I have learned that the following occurred during the meeting, in substance and in part:

a. CC-1 and CC-2 informed CS-1 that, while preparing the carfentanil in Country-2 on or about May 30, 2018, CC-3 had become ill and been hospitalized. Based on my conversations with other DEA agents who have spoken to law enforcement officers from Country-2, I have learned, in substance and in part, that on or about May 31, 2018, CC-3 was admitted to a hospital in Country-2, and that he was in a coma when he was admitted, was treated by medical staff, and was subsequently released.

b. CS-1 explained that the carfentanil CC-2 had provided on May 30, 2018 had arrived in the United States and the DTO was satisfied with its quality. CS-1 said that CS-1's associates wanted to purchase larger quantities of carfentanil for importation to the United States.

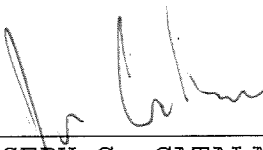
30. The following day, on or about June 7, 2018, at the direction of the DEA, CS-1 met with VIKTOR LITVINTSUK, the defendant, CC-1, and CC-2 in Country-1. Based on my review of DEA reports and recordings of the meeting, and my conversations

with other law enforcement officers who have communicated with CS-1, I have learned that the following occurred during the meeting, in substance and in part:

a. CS-1 said that CS-1 would soon pay LITVINTSUK, CC-1, and CC-2 for the May 30, 2018 carfentanil shipment.

b. The parties agreed that, once CS-1 had provided payment, LITVINTSUK, the defendant, CC1, CC-2, and CC-3 would set up a laboratory in a country in Europe in order to produce additional quantities of carfentanil for the DTO. LITVINTSUK and CC-1 explained that they would order the carfentanil components from their associates in different countries in Europe.

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



JOSEPH G. CATALANO
Special Agent
Drug Enforcement Administration

Sworn to before me this
5th day of September, 2018

S/Henry Pitman

THE HONORABLE HENRY B. PITMAN
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK

