

Approved: *Lindsey Keenan*
LINDSEY KEENAN
Assistant United States Attorney

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

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UNITED STATES OF AMERICA : SEALED COMPLAINT

- v. - : Violations of 21 U.S.C.
846

ROBERT CIERVO, :
MARGARET FLOOD, : COUNTY OF OFFENSE:
ROBERT FLOOD, and : ORANGE
TRAVIS HOPPER :
Defendants. :

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SOUTHERN DISTRICT OF NEW YORK, ss.:

THOMAS ANDERSON, 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)

1. From at least in or about June 2019 to in or about September 2019, in the Southern District of New York and elsewhere, ROBERT CIERVO, MARGARET FLOOD, ROBERT FLOOD, and TRAVIS HOPPER, 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 ROBERT CIERVO, MARGARET FLOOD, ROBERT FLOOD, and TRAVIS HOPPER, the defendants, and others known and unknown, would and did possess with the intent to distribute a controlled substance, in violation of 21 U.S.C. § 841(a)(1).

3. The controlled substances involved in the offense were 40 grams and more of mixtures and substances containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide, commonly known as Fentanyl, in violation of 21 U.S.C. § 841(b)(1)(B); and mixtures and substances containing a detectable amount of heroin, in violation of 21 U.S.C. § 841(b)(1)(C).

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

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

4. I am a Special Agent with the FBI, and I have been personally involved in the investigation of this matter. My duties and responsibilities include the investigation of narcotics offenses, among other crimes. I base this affidavit on that personal experience, as well as on my conversations with other law enforcement officers, and my examination of various reports and records. Because this affidavit is being submitted for the limited purpose of demonstrating 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.

5. Since at least in or about June 2019, the FBI, the Port Jervis Police Department (the "PJPD"), and the New York State Police (the "NYSP") have been investigating ROBERT CIERVO, MARGARET FLOOD, ROBERT FLOOD, and TRAVIS HOPPER, the defendants, and others known and unknown, for narcotics trafficking in and around Port Jervis, New York.

6. On at least thirty-four occasions between in or about June 2019 and in or about September 2019, confidential informants to the PJPD, who were at times accompanied by an undercover law enforcement officer, purchased narcotics, namely heroin mixed with fentanyl, from ROBERT CIERVO, MARGARET FLOOD, ROBERT FLOOD, and TRAVIS HOPPER, the defendants. Below are descriptions of some of the narcotics transactions involving CIERVO, MARGARET FLOOD, ROBERT FLOOD, and HOPPER.

MARGARET FLOOD AND ROBERT FLOOD

7. From my participation in this investigation and discussions with other law enforcement officers, I have learned the following about a narcotics transaction between a confidential informant ("CI-1")¹ and MARGARET FLOOD, the defendant, that took place on or about June 6, 2019:

a. In the presence and at the direction of law enforcement, CI-1 placed a call a phone assigned a call number ending in 2431 (the "Flood Phone"), which CI-1 said belonged to a person known to CI-1 as "Margaret." During the call, CI-1 and the person using the Flood Phone agreed to meet at an address on East Main Street in Port Jervis, New York, to complete a narcotics transaction.

b. Law enforcement officers searched CI-1 for contraband and found none, and provided CI-1 with pre-recorded buy money. Law enforcement officers drove CI-1 to the East Main Street Address, and maintained surveillance as CI-1 approached a White Chevrolet HHR (the "Chevrolet") and engaged in a hand to hand transaction with the woman in the driver's seat.

c. CI-1 returned to law enforcement, and turned over the substance received from the woman during the narcotics transaction. The substance was off-white, and powdery, and divided into 10 bags stamped "I am Back." The substance weighed approximately .25 grams, and field-tested positive for the presence of heroin.

d. CI-1 identified a law enforcement photograph of MARGARET FLOOD, the defendant, as the person who sold him/her the substance.

¹ CI-1 works with the PJPd for compensation, and has participated in several investigations. The information provided by CI-1 has proven reliable, and at times been corroborated by independent evidence.

8. From my participation in this investigation and discussions with other law enforcement officers, I have learned the following about a narcotics transaction between another confidential informant ("CI-2")² and MARGARET FLOOD, the defendant, that took place on or about July 10, 2019:

a. In the presence and at the direction of law enforcement, CI-2 placed a call to the Flood Phone. During the call, CI-2 and the person using the Flood Phone agreed to meet at an address on Route 6, in Orange County, New York, to complete a narcotics transaction.

b. Law enforcement officers searched CI-2 for contraband and found none, and provided CI-2 with pre-recorded buy money. An undercover law enforcement officer (the "UC") accompanied CI-2 to the address on Route 6. Law enforcement maintained surveillance as CI-2 and the UC approached the Chevrolet and engaged in successive hand to hand transactions with the woman in the driver's seat.

c. After the transaction, CI-2 and the UC gave law enforcement the substances received from the woman during the narcotics transaction. The substances were off-white, and powdery, and divided into twenty individual bags stamped "Beast Mode." The substance weighed approximately .5 grams, and field-tested positive for the presence of fentanyl.

d. The UC identified a law enforcement photograph of MARGARET FLOOD, the defendant, as the person who sold him/her the substance.

9. From my participation in this investigation and discussions with other law enforcement officers, I have learned the following about a narcotics transaction between the UC, MARGARET FLOOD, and ROBERT FLOOD, the defendants, that took place on or about August 13, 2019:

a. At approximately 2:15 p.m., the UC placed a call to the Flood Phone. During the call, the UC and the person using the Flood Phone agreed to meet at a retail store in Westfall, Pennsylvania, to complete a narcotics transaction.

² CI-2 works with the PJPD for compensation, and has participated in several investigations. The information provided by CI-2 has proven reliable, and at times been corroborated by independent evidence.

b. The UC transported him/herself to the retail store, and law enforcement maintained surveillance as the UC approached the Chevrolet. According to the UC, MARGARET FLOOD stated, in substance and in part, that ROBERT FLOOD had the heroin. The UC then engaged in a hand to hand transaction with ROBERT FLOOD.

c. After the transaction, the UC gave law enforcement the substance received during the narcotics transaction. The substance was off-white and powdery, and divided into 20 individual bags stamped "Fire." The substance weighed approximately .5 grams, and field-tested positive for the presence of fentanyl.

d. The UC identified a law enforcement photograph of ROBERT FLOOD, the defendant, retrieved from a law enforcement database as the person who sold him/her the substance.

10. From my participation in this investigation and discussions with other law enforcement officers, including the UC, I have learned that using procedures similar to those set forth in Paragraphs 7-9 above, law enforcement conducted additional controlled narcotics transactions with MARGARET FLOOD, the defendant, on or about the following dates: July 4, July 9, July 17, July 18, July 19, July 23, July 26, July 29, and August 2, 2019. Law enforcement conducted an additional controlled narcotics transaction with MARGARET FLOOD and ROBERT FLOOD, the defendants, on or about August 27, 2019. Following each of these narcotics transactions, the substances sold by MARGARET FLOOD and ROBERT FLOOD field-tested positive for the presence of fentanyl and/or heroin.

TRAVIS HOPPER

11. From my participation in this investigation and discussions with other law enforcement officers, I have learned the following about a narcotics transaction between CI-2, the UC, and TRAVIS HOPPER, the defendant, that took place on or about July 23, 2019:

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a. At approximately 5:20 p.m., the UC placed a call to a phone assigned a call number ending in 7440 (the "Hopper Phone"). During the call, the UC and the person using the Hopper Phone agreed to meet at an address on Kingston Avenue in Port Jervis, New York, to complete a narcotics transaction.

b. Law enforcement officers searched CI-2 for contraband and found none, and provided CI-2 with audio and video recording devices, and pre-recorded buy money. The UC transported CI-2 to the Kingston Avenue address. Law enforcement maintained surveillance as an individual matching HOPPER's description got into the UC's car. According to the UC, the UC and CI-2 each provided HOPPER money in exchange for a substance. The UC stated that HOPPER said, in substance and in part, that the substance was "strong."

c. After the transaction, the UC and CI-2 gave law enforcement the substances received during the narcotics transaction with HOPPER. The substances were off-white and powdery, and divided into 20 individual bags stamped "Escobar." The substances weighed approximately .5 grams, and field-tested positive for the presence of fentanyl.

e. The UC and CI-2 identified a Pennsylvania Department of Motor Vehicles photograph of TRAVIS HOPPER, the defendant, as the person who sold them the substances.

12. From my participation in this investigation and discussions with other law enforcement officers, including the UC, I have learned that using procedures similar to those set forth in Paragraph 11 above, law enforcement conducted additional controlled narcotics transactions with TRAVIS HOPPER, the defendant, on or about July 25 and July 29, 2019. Following each of these narcotics transactions, the substances sold by HOPPER field-tested positive for the presence of fentanyl and/or heroin.

ROBERT CIERVO

13. From my participation in this investigation and discussions with other law enforcement officers, I have learned the following about a narcotics transaction between CI-2 and ROBERT CIERVO, the defendant, that took place on or about July 12, 2019:

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a. In the presence and at the direction of law enforcement, CI-2 contacted an individual using the Facebook handle "Rob.Ciervo.9" (the "Ciervo Account") which CI-2 said belonged to a person known to CI-2 as Robert Ciervo. Over Facebook Messenger, CI-2 and the person using the Ciervo Account agreed to meet at a fast food restaurant in Port Jervis, New York, to complete a narcotics transaction.

b. Law enforcement officers searched CI-2 for contraband and found none, and provided CI-2 with pre-recorded buy money. Law enforcement officers drove CI-2 to the fast food restaurant, and maintained surveillance as CI-2 got into a black Jeep bearing Pennsylvania registration KZP1501 (the "Jeep").³ According to CI-2, while he/she was in the Jeep, he/she exchanged the pre-recorded buy money for a substance. According to CI-2, CIERVO said, in substance and in part, that he recently sold heroin to an individual who died, and he was concerned law enforcement would attribute the death to his heroin sales. In addition, CI-2 stated that CIERVO asked CI-2 to erase any Facebook communication with the Ciervo Account before getting out of the Jeep.

c. After the transaction, CI-2 returned to law enforcement, and turned over the substance received during the narcotics transaction. The substance was off-white and powdery, and divided into 20 individual bags stamped "Beast Mode." The substance weighed approximately .5 grams, and field-tested positive for the presence of fentanyl.

d. CI-2 identified a law enforcement photograph of ROBERT CIERVO, the defendant, as the person who sold him/her the substance.

14. From my participation in this investigation and discussions with other law enforcement officers, I have learned the following about a narcotics transaction between another confidential informant ("CI-3")⁴ and ROBERT CIERVO, the

³I have reviewed records provided by the Pennsylvania Department of Transportation, and I have learned that the Jeep is registered to Robert J. Ciervo, and Robert W. Ciervo, in Dingman's Fry, Pennsylvania.

⁴CI-3 works with the PJPd for compensation, and has participated in several investigations. The information provided by CI-3 has

defendant, that took place on or about July 26, 2019:

a. In the presence and at the direction of law enforcement, CI-3 placed a call to a phone assigned a call number ending in 0432 (the "Ciervo Phone").⁵ During the call, CI-3 and the person using the Ciervo Phone agreed to meet at an address in Montague, New Jersey, to complete a narcotics transaction.

b. Law enforcement officers searched CI-3 and CI-3's vehicle for contraband and found none, and provided CI-3 with audio and video recording devices, and pre-recorded buy money. Law enforcement officers maintained surveillance as CI-3 drove him/herself to the Montague, New Jersey address. When CI-3 arrived, an individual matching CIERVO's description exited the residence, stopped at the Jeep, then approached CI-3's car and engaged in a hand to hand transaction.⁶

c. While law enforcement was conducting surveillance, the Chevrolet arrived at the Montague, New Jersey address, and MARGARET FLOOD, the defendant, engaged in a hand to hand transaction with CIERVO in the parking lot.

d. After the transaction, CI-3 returned to law enforcement, and turned over the substance received from CIERVO during the narcotics transaction. The substance was off-white and powdery, and divided into 60 individual bags stamped with either "Lucky 7" or "Go." The substance weighed approximately 1.5 grams, and field-tested positive for the presence of fentanyl.

15. I have reviewed the audio and video recording of the July 26, 2019, narcotics transaction between CI-3 and ROBERT CIERVO, the defendant, and I have learned that during the transaction CIERVO referenced narcotics stamped with the name "Checkmate."

proven reliable, and at times been corroborated by independent evidence.

⁵ I have reviewed records provided by Verizon, and learned that the Ciervo Phone is subscribed to in the name of Robert Ciervo.

⁶ I observed the individual who exited the residence and after reviewing a law enforcement photograph of Robert Ciervo, I am confident they are one and the same person.

16. From my participation in this investigation and discussions with other law enforcement officers, I have learned that on or about July 26, 2019, law enforcement conducted a controlled narcotics purchase from MARGARET FLOOD, the defendant. During the transaction, FLOOD sold CI-2 a substance stamped with "Checkmate," which field-tested positive for the presence of fentanyl.

17. From my participation in this investigation and discussions with other law enforcement officers, I have learned the following about a narcotics transaction between CI-3 and ROBERT CIERVO, the defendant, that took place on or about September 6, 2019:

a. In the presence and at the direction of law enforcement, CI-3 placed a call to the Ciervo Phone. During the call, CI-3 and the person using the Ciervo Phone agreed to meet at an address in Montague, New Jersey, to complete a narcotics transaction.

b. Law enforcement officers searched CI-3 and CI-3's vehicle for contraband and found none, and provided CI-3 with audio and video recording devices, and pre-recorded buy money. Law enforcement officers maintained surveillance as CI-3 drove him/herself to the Montague, New Jersey address. When CI-3 arrived, CIERVO exited the residence, stopped at the Jeep, then approached CI-3's car and engaged in a hand to hand transaction.

c. After the transaction, CI-3 returned to law enforcement, and turned over the substance received from CIERVO during the narcotics transaction. The substance was off-white and powdery, and divided into 150 individual bags stamped "King of New York." The substances weighed approximately 3.75 grams, and field-tested positive for the presence of fentanyl.

18. From my participation in this investigation and discussions with other law enforcement officers, I have learned that using procedures similar to those set forth in Paragraphs 13, 14, and 17 above, law enforcement conducted additional controlled narcotics transactions with ROBERT CIERVO, the defendant, on or about the following dates: July 25, July 30, August 1, August 2, August 5, August 7, August 9, August 12, August 13, August 16, August 20, August 22, September 4, September 10, and September 23, 2019. Following each of these narcotics transactions, the substances sold by CIERVO field-

tested positive for the presence of fentanyl and/or heroin.

19. Based on my training, experience, and participation in this investigation, I am aware that individuals who traffic heroin often mix heroin with fentanyl, which is less expensive but has a similar opiate effect. In so doing, narcotics traffickers create a cheaper, more potent product.

20. Based on my participation in this investigation, I know that during the controlled narcotics transactions detailed above, law enforcement has purchased mixtures and substances containing a detectable amount of heroin, and more than 40 grams of substances that field-tested positive for the presence of fentanyl, from ROBERT CIERVO, MARGARET FLOOD, ROBERT FLOOD, and TRAVIS HOPPER, the defendants.

21. From my participation in this investigation and discussions with other law enforcement officers, I have learned that ROBERT CIERVO, MARGARET FLOOD, ROBERT FLOOD, and TRAVIS HOPPER, the defendants, regularly distribute substances marked with the same stamp, including on the following dates:

a. On or about July 10, 2019, law enforcement conducted a controlled narcotics purchase from MARGARET FLOOD, and received substances in bags stamped "Beast Mode." Similarly, on or about July 12, 2019, law enforcement conducted a controlled narcotics purchase from CIERVO, and received substances in bags stamped "Beast Mode."

b. On or about July 25, 2019, law enforcement conducted a controlled narcotics purchase from CIERVO, and received substances in bags stamped "Go." Similarly, on or about July 25, 2019, law enforcement conducted a controlled narcotics purchase from TRAVIS HOPPER, and received substances in bags stamped "Go."

c. On or about July 26, 2019, law enforcement conducted a controlled narcotics purchase from CIERVO, and received substances in bags stamped "Lucky 7." Similarly, on or about July 29, 2019, law enforcement conducted a controlled narcotics purchase from MARGARET FLOOD, and received substances in bags stamped "Lucky 7."

d. On or about July 29, 2019, law enforcement conducted a controlled narcotics purchase from HOPPER, and received substances in bags stamped "On Demand." Similarly, on

or about July 30, 2019, law enforcement conducted a controlled narcotics purchase from CIERVO, and received substances in bags stamped "On Demand."

e. On or about August 13, 2019, law enforcement conducted a controlled narcotics purchase from CIERVO, and received substances in bags stamped "Fire." Similarly, on or about August 13, 2019, law enforcement conducted a controlled narcotics purchase from MARGARET FLOOD and ROBERT FLOOD, and received substances in bags stamped "Fire."

22. Based on my review of records provided by Facebook pursuant to a search warrant issued by the Honorable Paul E. Davison, United States Magistrate Judge for the Southern District of New York, I have learned the following about the Ciervo Account:

a. The call number assigned to the Ciervo Phone is the phone number associated with the Ciervo Account.

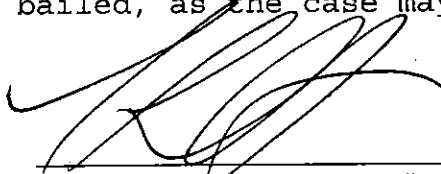
b. On or about June 8, 2019, in an exchange that took place on Facebook Messenger, CI-2 contacted the Ciervo Account to arrange a narcotics transaction. The person using the Ciervo Account advised CI-2 in substance and in part, "Im working I'ma give you somebody's number." Then, the person using the Ciervo Account provided CI-2 with the call number associated with the Flood Phone and advised CI-2 in substance and in part, to contact his "runner," named "Margaret."

c. On or about July 15, 2019, in an exchange that took place on Facebook Messenger, CI-2 contacted the Ciervo Account to arrange a narcotics transaction. The person using the Ciervo Account responded, in substance and in part, "im gunna give you someone's number." Then, the person using the CIERVO account provided CI-2 the call number assigned to the Hopper Phone and said "His names Travis."

d. On or about July 27, 2019, in an exchange that took place on Facebook Messenger, the person using the Ciervo Account told a person who appeared to be requesting to purchase narcotics, "anything less than 60 you have to see one of my runners."

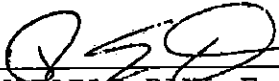
23. Based upon the information set forth in Paragraphs 13 and 22 above, I believe ROBERT CIERVO, the defendant, uses the Ciervo Account.

WHEREFORE, deponent respectfully requests that ROBERT CIERVO, MARGARET FLOOD, ROBERT FLOOD, and TRAVIS HOPPER, the defendants, be imprisoned or bailed, as the case may be.



SPECIAL AGENT THOMAS ANDERSON
FEDERAL BUREAU OF INVESTIGATION

Sworn to before me this
26th day of September 2019



THE HONORABLE PAUL E. DAVISON
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK