

19 MAG 11398

Approved: Dominic A. Gentile
DOMINIC A. GENTILE / PETER J. DAVIS
Assistant United States Attorneys

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

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	:	<u>SEALED COMPLAINT</u>
UNITED STATES OF AMERICA	:	
	:	Violations of 21 U.S.C.
- v. -	:	§§ 846, 841(a), and
	:	841(b)(1)(C), and 18
LAGARIA SLAUGHTER, and	:	U.S.C. § 2
TANNER HOWELL,	:	
	:	COUNTY OF OFFENSE:
Defendants.	:	NEW YORK

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SOUTHERN DISTRICT OF NEW YORK, ss.:

ANTHONY RUSSO, being duly sworn, deposes and says that he is a Detective with the New York City Police Department ("NYPD"), and charges as follows:

COUNT ONE
(Narcotics Conspiracy)

1. From in or about May 2018, through in or about March 2019, in the Southern District of New York and elsewhere, LAGARIA SLAUGHTER, 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 LAGARIA SLAUGHTER, the defendant, and others known and unknown, would and did distribute and possess with intent to distribute controlled substances, in violation of Title 21, United States Code, Section 841(a)(1).

3. The controlled substances that LAGARIA SLAUGHTER, the defendant, conspired to distribute and possess with intent to distribute were (a) mixtures and substances containing a detectable amount of 3,4-methylenedioxymethamphetamine, in a form

commonly known as "Molly," and (b) mixtures and substances containing a detectable amount of lysergic acid diethylamide, in a form commonly known as "LSD," in violation of Title 21, United States Code, Section 841(b) (1) (C).

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

COUNT TWO

(Distribution and Possession with Intent to Distribute a Controlled Substance)

4. On or about September 1, 2018, in the Southern District of New York and elsewhere, LAGARIA SLAUGHTER and TANNER HOWELL, the defendants, intentionally and knowingly did distribute and possess 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 mixtures and substances containing a detectable amount of 3,4-methylenedioxymethamphetamine, in a form commonly known as "Molly."

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

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

6. I am a Detective with the NYPD. I have been personally involved in the investigation of this matter. This Affidavit is based upon my personal participation in the investigation, my examination of reports and records, and my conversations with other law enforcement agents and other individuals. 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.

Overview

7. As set forth more fully below, the NYPD began investigating the circumstances surrounding the death of a young woman ("Victim-1") who died of a drug overdose on September 3, 2018. Victim-1 began experiencing the effects of the drug overdose on September 1, 2018, after using drugs while attending the

Electric Zoo music festival (the "Festival") on Randall's Island in Manhattan, New York. Victim-1 died on September 3, 2018 after being treated for the overdose at a hospital in Manhattan. New York City's Office of the Chief Medical Examiner determined that Victim-1's death was caused by acute intoxication from the combined effects of 3,4-methylenedioxymethamphetamine (Molly), cocaine, methamphetamine, amphetamine, phenylpropanolamine (appetite suppressant), and benzodiazepine (Xanax). The investigation revealed that LAGARIA SLAUGHTER and TANNER HOWELL, the defendants, both members of the U.S. military stationed at a base located in New York State (the "Base"), distributed Molly to Victim-1 on September 1, 2018, while she was attending the Festival and shortly before she overdosed. From approximately May 2018 through March 2019, SLAUGHTER trafficked Molly, as well as lysergic acid diethylamide (LSD), working with others to sell Molly and LSD to customers on and off the Base.

SLAUGHTER, HOWELL, and CW-1

8. Based on my participation in this investigation, including my conversations with other law enforcement agents and my review of reports and records, including records from Victim-1's cellphone (the "Victim-1 Phone"), I have learned, in substance and among other things, the following:

a. The Victim-1 Phone, which law enforcement obtained following Victim-1's overdose, contains a series of text messages between Victim-1 and others on and around September 1, 2018. Based on several of these communications, and my training, experience, and participation in this investigation, including the facts set forth below, I believe that certain of the individuals with whom Victim-1 was communicating were involved in selling Molly to Victim-1 at the Festival on September 1, 2018. For example, in one text message sent to the Victim-1 Phone on September 9, 2018, several days after her death, the sender stated: "Hey, this [is] the guy that sold y'all the Ms at EZoo, do you have Tanner's number?" The phone number associated with the sender of this text message is a number ending in 3736 (the "3736 Phone"). Based on my training, experience, and participation in this investigation, I believe that the term "Ms" was a reference to capsules of Molly.

b. The contact list on the Victim-1 Phone includes an entry for "Tanner Howell" assigned to a phone number ending in 6997 (the "6997 Phone"). As set forth below, TANNER HOWELL, the defendant, is the subscriber to the 6997 Phone.

c. Victim-1's Facebook page included a link to the Facebook account of "Tanner Howell." The publicly available portion of that

Facebook page for Tanner Howell includes photographs of an individual, dressed in a U.S. military uniform, whom I believe to be HOWELL, based on my review of government photographs of HOWELL.

9. Based on my participation in this investigation, including my conversations with other law enforcement agents, including military investigators, and my review of reports and records, including records received pursuant to a subpoena served on the service provider for the 6997 Phone and 3736 Phone, I have learned, in substance and among other things, the following:

a. The subscriber to the 6997 Phone is TANNER HOWELL, the defendant, who is a member of the U.S. military assigned to the Base.

b. The subscriber to the 3736 Phone is an individual who is cooperating with law enforcement ("CW-1")¹ and is also a member of the U.S. military assigned to the Base.

10. Based on my participation in this investigation, including my interviews of CW-1, my conversations with other law enforcement agents, including military investigators, and my review of phone records, I have learned, in substance and among other things, the following:

a. CW-1 has been stationed at the Base since in or about January 2018, and has known LAGARIA SLAUGHTER, the defendant, since that time.

b. In or about April or May 2018, SLAUGHTER provided CW-1 with cocaine and LSD for his personal use. SLAUGHTER told CW-1 that he obtained the drugs through the internet, specifically the "dark web."

c. In or about May or June 2018, SLAUGHTER asked CW-1 if CW-1 wanted to help SLAUGHTER sell some of the drugs that SLAUGHTER obtained from the dark web. CW-1 and SLAUGHTER agreed to pool their money to purchase 25 tabs of LSD and enough Molly to fill 40 to 50 capsules. SLAUGHTER ordered the drugs over the internet and had them delivered to a post office box outside the Base. SLAUGHTER mixed, weighed, and packaged the Molly into capsule form in preparation for distribution.

¹ CW-1 pleaded guilty to federal narcotics trafficking charges and has agreed to cooperate with law enforcement in the hope of obtaining leniency at sentencing. The information provided by CW-1 has been corroborated by independent means, including phone records and seizures of narcotics.

d. In or about August 2018, SLAUGHTER organized a trip to New York City to attend the Festival, which was held over Labor Day weekend. CW-1, among other service members stationed at the Base, purchased tickets for the Festival for September 1, 2018. SLAUGHTER told CW-1 that they would be able to sell large quantities of Molly while at the Festival. CW-1 and SLAUGHTER pooled their money and SLAUGHTER purchased the ingredients for Molly over the internet. SLAUGHTER mixed, weighed, and packaged approximately 80 capsules of Molly to bring to the Festival.

Electric Zoo

11. Based on my participation in this investigation, including my interviews of CW-1, my conversations with other law enforcement agents, including military investigators, and my review of phone records and medical records, I have learned, in substance and among other things, the following:

a. On or about August 31, 2018, LAGARIA SLAUGHTER, the defendant, CW-1, and other service members stationed at the Base traveled to New York City and stayed at a rental property in Brooklyn, New York. SLAUGHTER carried the 80 pills of Molly in his backpack on the trip from the Base to New York City.

b. On or about the evening of August 31, 2018, SLAUGHTER, CW-1, and other members of their group went out to a nightclub in Manhattan. While at the club, SLAUGHTER and CW-1 struck up a conversation with TANNER HOWELL, the defendant, who was also a service member stationed at the Base. Neither SLAUGHTER nor CW-1 had met HOWELL prior to meeting him in the club. HOWELL asked SLAUGHTER and CW-1 if they knew if anyone was selling Molly, and SLAUGHTER replied, "we got." HOWELL told SLAUGHTER that he was going to the Festival the following day with a large group of friends and they wanted to buy a lot of Molly to take while at the Festival. SLAUGHTER told HOWELL that each capsule of Molly cost \$10. HOWELL told SLAUGHTER that he would contact SLAUGHTER the next day to tell him exactly how many capsules he (HOWELL) wanted to buy. SLAUGHTER instructed CW-1 to record HOWELL's phone number (the 6997 Phone), which CW-1 entered into his phone.

c. On or about the following morning of September 1, 2018, at the Brooklyn rental property, SLAUGHTER told CW-1 to call HOWELL and ask him how many capsules of Molly he intended to purchase. CW-1 called HOWELL, who told CW-1 that he wanted to buy 57 capsules and asked CW-1 if he would bring the Molly into the Festival to provide to HOWELL. After conferring with SLAUGHTER, CW-1 declined and told HOWELL that he and SLAUGHTER did not want to risk

smuggling the capsules past security and that they would meet HOWELL outside the entrance to the Festival.

d. Prior to departing for the Festival, SLAUGHTER placed 57 capsules of Molly into a paper towel that he wrapped into a makeshift container, and then placed the drugs into his backpack. SLAUGHTER, CW-1, and another member of their group traveled by car from Brooklyn to the Festival on Randall's Island. While en route to the Festival, CW-1 spoke with HOWELL several times on the phone to inform him of their progress. During one of the conversations, HOWELL told CW-1 that he was already inside the venue but was going to have two female members of his (HOWELL's) group - one of whom was Victim-1, as explained below - meet CW-1 and SLAUGHTER outside the concert entrance to retrieve the drugs. HOWELL then gave Victim-1's cellphone number (i.e., the Victim-1 Phone) to CW-1 and told CW-1 to contact Victim-1 to make arrangements to give her the drugs.

e. The Victim-1 Phone contains a series of text message exchanges with the 3736 Phone (CW-1's phone) making arrangements to meet at the entrance to the Festival to execute the transaction. For example, at approximately 4:45 p.m., Victim-1, using the Victim-1 phone, and CW-1, using the 3736 Phone, exchanged the following text messages:

Victim-1: "Hey I'm Tanner's friend let me Know if he cash app'd you and where you want to meet"

CW-1: "The traffics horrible lol but I'm only like 10 minutes out nn my plan was to link up with you, call him so he can cashapp me, and ima just hand it to you."

f. A short while later, Victim-1 and CW-1 exchanged the following text messages:

Victim-1: "I'm here what's your eta?"

CW-1: "5 minutes now"

Victim-1: "By bag check under the bridge"

CW-1: "I'm just walking on the sidewalk now almost there"

g. The Victim-1 Phone also contains a series of text message exchanges with the 6997 Phone (HOWELL's phone) at or around the same time as the exchanges described above. HOWELL sent a text message to Victim-1 providing Victim-1 with CW-1's phone number,

that is, the 3736 Phone, thereby connecting Victim-1 and CW-1 for the purpose of conducting the Molly transaction.

h. After receiving CW-1's phone number, and after exchanging the above described series of text messages with CW-1, Victim-1 sent HOWELL a text message saying "with guy" at or around the time Victim-1 met SLAUGHTER and CW-1 at the entrance to the Festival. Based on my training, experience, and participation in this investigation, I believe Victim-1 was informing HOWELL that she was with CW-1 and SLAUGHTER at the Festival entrance to obtain the Molly.

i. At approximately 5:10 p.m. that same day, after CW-1 had communicated with Victim-1 via text messages and voice calls to arrange the transaction (and as reflected in the texts discussed above), SLAUGHTER and CW-1 met with Victim-1 at the entrance gate to the Festival. Victim-1, who was accompanied by a friend, told SLAUGHTER and CW-1 that she did not have the money to pay for the drugs. Victim-1 then called HOWELL and asked him how he wanted to pay for the drugs being distributed to Victim-1 and her friend. Victim-1 handed the phone to CW-1 so CW-1 could speak with HOWELL. HOWELL asked CW-1 if he would accept payment through an electronic transfer using a certain mobile phone application. CW-1 asked SLAUGHTER if that form of payment was acceptable and SLAUGHTER agreed.

j. HOWELL then transmitted an electronic payment of \$560 to CW-1. After HOWELL made that payment for the approximately 57 capsules of Molly, SLAUGHTER removed the capsules of Molly from his backpack and handed them to CW-1, who in turn handed the Molly to Victim-1. Upon completion of the transaction, Victim-1 and her friend entered the Festival with the Molly. As described above, Victim-1 overdosed later that day and died two days later.

k. Following the Festival, CW-1 and SLAUGHTER continued to sell Molly and LSD both inside and outside the Base. In or about October 2018, HOWELL sent a text message to CW-1 telling him that he (HOWELL) wanted to buy Molly and asked CW-1 to bring the Molly to HOWELL's barracks at the Base. CW-1 sold HOWELL approximately three to five capsules of Molly that SLAUGHTER had supplied to CW-1 for distribution. During the transaction, HOWELL told CW-1 about Victim-1's death. HOWELL told CW-1 that Victim-1 was taking several different types of drugs at the Festival, but failed to stay hydrated.

l. In or about October 2018, shortly after meeting with HOWELL, CW-1 informed SLAUGHTER about Victim-1's death. In

response, SLAUGHTER instructed CW-1 to delete any drug-related text messages from his phone.

Searches of SLAUGHTER's Barracks and Cellphone

12. Based on my participation in this investigation, my conversations with other law enforcement agents, including military investigators, and my review of phone records, I have learned, in substance and among other things, the following:

a. On or about April 24, 2019, at the Base, law enforcement conducted a judicially authorized search of the barracks of LAGARIA SLAUGHTER, the defendant.

b. Law enforcement recovered from SLAUGHTER's barracks, among other things, approximately 10 capsules of a substance that a laboratory tested and determined contained Molly, 55 doses of a substance that a laboratory tested and determined contained LSD, a quantity of psilocybin mushrooms (a hallucinogenic), and drug packaging materials.

13. Based on my participation in this investigation, including my participation in an interview of LAGARIA SLAUGHTER, the defendant, my conversations with other law enforcement agents, including military investigators, and my review of phone records and medical records, I have learned, in substance and among other things, the following:

a. On or about April 24, 2019, law enforcement conducted a video-recorded interview of SLAUGHTER at the Base. SLAUGHTER was advised of, and waived, his *Miranda* rights. SLAUGHTER provided the following information, in substance and in part:

i. SLAUGHTER stated that all of the drugs found in his barracks belonged to him, but claimed that they were all just for his personal use.

ii. SLAUGHTER stated that he brings the drugs to music festivals "just in case."

iii. SLAUGHTER admitted that he attended the Electric Zoo Festival from August 31, 2018 to September 2, 2018, but claimed that he had never met Victim-1.

b. On or about September 18, 2019, pursuant to a judicially authorized search warrant, investigators searched SLAUGHTER's cellphone, which was recovered during the search described above. SLAUGHTER's phone contained, among other things, group text

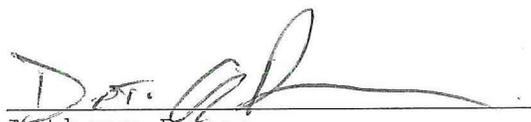
message exchanges with other service members stationed at the Base. In one exchange, SLAUGHTER told the group:

"So dead ass I think ima put in an order for 500 coming soon cause with tax season it's gonna be insane Just wanted to give a heads up incase anyone is gonna want in"

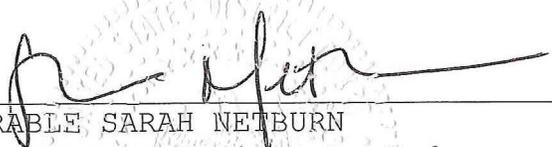
"Sounds good just let me know Like I said before if y'all ever want it gotcha for 5 a piece unless your putting in"

Based on my training, experience, and participation in this investigation, I believe that SLAUGHTER was referring to 500 capsules of Molly that he would sell to the group for \$5 per capsule.

WHEREFORE, I respectfully request that warrants be issued for the arrests of LAGARIA SLAUGHTER and TANNER HOWELL, the defendants, and that they be imprisoned or bailed, as the case may be.


Anthony Russo
Detective
New York City Police Department

Sworn to before me this
5th day of December, 2019


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