

19MAG 1052

Approved: Adam S. Hobson  
Adam S. Hobson  
Assistant United States Attorney

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

----- x  
: SEALED COMPLAINT  
:  
UNITED STATES OF AMERICA : Violations of  
: 21 U.S.C. § 841  
- v. - :  
: COUNTY OF OFFENSE:  
JOSE LOPEZ, : NEW YORK  
a/k/a "Joey," :  
: Defendant. :  
: :  
----- x

SOUTHERN DISTRICT OF NEW YORK, ss.:

MANUEL CORDOVA, 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

1. In or about October 2018, in the Southern District of New York and elsewhere, JOSE LOPEZ, a/k/a "Joey," the defendant, intentionally and knowingly distributed and possessed with intent to distribute a controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

2. The controlled substance involved in the offense was a quantity of mixtures and substances containing a detectable amount of heroin, in violation of Title 21, United States Code, Section 841(b)(1)(C).

3. The use of such controlled substance resulted in the death of Luxi Gong on or about October 27, 2018, in New York, New York.

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

COUNTS TWO THROUGH ELEVEN

4. On or about the dates set forth below, in the Southern District of New York and elsewhere, JOSE LOPEZ, a/k/a "Joey," the defendant, intentionally and knowingly distributed and possessed 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 offenses was a quantity of mixtures and substances containing a detectable amount of heroin, in violation of Title 21, United States Code, Section 841(b)(1)(C).

Count	Date of Sale	Controlled Substance
Two	November 13, 2018	Heroin
Three	November 15, 2018	Heroin and Xanax
Four	November 21, 2018	Heroin
Five	November 23, 2018	Heroin
Six	November 30, 2018	Heroin
Seven	December 5, 2018	Heroin
Eight	December 20, 2018	Heroin
Nine	January 4, 2019	Heroin
Ten	January 9, 2019	Heroin
Eleven	January 23, 2019	Heroin

(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 for the foregoing charge 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 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.

7. As described below, JOSE LOPEZ, a/k/a "Joey," the defendant, sells bundles of a highly potent form of heroin to drug addicts and other users in Manhattan and the Bronx. He advertises his product on a particular website ("Website-1") and communicates with customers using Instagram and email. The NYPD has conducted multiple undercover buys into LOPEZ after making contact with him through online bulletin boards and Instagram.

#### THE OVERDOSE DEATH

8. Based on my review of law enforcement records and reports and my participation in this investigation, I have learned, among other things, the following:

a. On or about October 27, 2018, law enforcement responded to a 911 call reporting that a female (the "Victim") had been found unresponsive in her Manhattan apartment (the "Victim Apartment"). Members of the NYPD responded to the Apartment and determined that the Victim was dead. According to the source of information who called 911 (the "SOI"), the SOI had last seen the Victim on or about October 18, 2018. Members of the NYPD found a clear plastic bag with residue (the "Bag") and a straw (the "Straw") on a desk in the Apartment. The NYPD also recovered two cellphones appearing to belong to the Victim, including a red cellphone (the "Victim Cellphone").<sup>1</sup>

b. On or about October 30, 2018, I conducted a search of the Apartment and recovered four torn glassines with residue in a trash can next to the desk (the "Glassines").

c. A review of NYPD laboratory reports shows that the Bag, the Straw, and the Glassines each contained residue of heroin.

d. Based on my review of a Certificate of Death from the New York City Department of Health and Mental Hygiene, I

---

<sup>1</sup> Based on my conversations with a family member of the Victim, I have learned that the Victim Cellphone was the Victim's current cellphone and the other cellphone found in the Apartment was the Victim's old cellphone.

have learned that the Victim's cause of death was acute heroin intoxication.

e. Between November 2, 2018 and November 13, 2018, I observed multiple text messages on the locked screen of the Victim Cellphone from a phone number ending in -5841 (the "Lopez Cellphone"). These messages included a message from the Lopez Cellphone stating "I can deliver today." Based on records provided by T-Mobile, I know that the subscriber of the Lopez Cellphone is JOSE LOPEZ, a/k/a "Joey," the defendant.

9. On or about December 4, 2018, United States Magistrate Judge Ona T. Wang signed warrants and orders for historical cellphone location information and pen register information for the Victim Cellphone and the Lopez Cellphone. Based on records provided in response to those warrants and orders, I have learned, among other things, the following:

a. On or about October 20, 2018, between approximately 9:52 a.m. and 3:08 p.m., the Victim Cellphone and the Lopez Cellphone exchanged multiple text messages.

b. On or about October 20, 2018, at approximately 2:47 p.m., the Victim Cellphone sent a text message to the Lopez Cellphone. Geolocation information shows that the Victim Cellphone was in the vicinity of the Victim Apartment and the Lopez Cellphone was at a location approximately 75 blocks north of the Victim Apartment.

c. On or about October 20, 2018, at approximately 3:13 p.m., the Lopez Cellphone called the Victim Cellphone. This was the last completed call that the Victim Cellphone ever made or received. Geolocation information shows that the Victim Cellphone and the Lopez Cellphone were both in the vicinity of the Victim Apartment when the call took place. Geolocation information shows that the Victim Cellphone never moved from the vicinity of the Victim Apartment after this call.

10. I have reviewed records from Bank of America that show that, on or about October 20, 2018, approximately \$404.00 was withdrawn from a bank account registered to the Victim using an Automated Teller Machine at a bodega in the vicinity of the Victim Apartment.

11. Based on information provided by the SOI, I learned the username and password for the Victim's Instagram account (the "Victim Instagram"). Based on my review of the Victim Instagram, and my participation in an undercover operation

involving the Victim Instagram, I have learned, among other things, the following:

a. The Victim Instagram was in communication with an Instagram account using the name "joey\_money" (the "Lopez Instagram"). Based on my comparison of the profile picture for the Lopez Instagram and a picture of JOSE LOPEZ, a/k/a "Joey," the defendant, maintained by the NYPD, I believe that LOPEZ is the person in the profile picture for the Lopez Instagram.

b. On or about November 13, 2018, I began using the Victim Instagram to communicate with the Lopez Instagram while posing as the Victim. These communications included the following communications, which occurred on or about November 13, 2018:

VICTIM INSTAGRAM: I got no phone now . . . long story

LOPEZ INSTAGRAM: I knew somethin wats wrong  
Everythin ok?  
U teyin to link up today?

VICTIM INSTAGRAM: Something happened and I had to go back  
to PA bc parents threaten to cut my \$

LOPEZ INSTAGRAM: Oh shit

VICTIM INSTAGRAM: I'll be back, my gf is staying at  
my place until then  
I was takin care of her, is it ok I  
give her your #  
Let me know

LOPEZ INSTAGRAM: Yea wat wud she need from me thho  
Yea gimme her number

VICTIM INSTAGRAM: Kim [Undercover Phone Number]

LOPEZ INSTGRAM: And wat does shr need from me

VICTIM INSTAGRAM: Food

c. Based on my training and experience and my participation in this investigation, I understood that in this conversation I, posing as the Victim, was asking to put a person named "Kim" in communication with the user of the Lopez Instagram so that "Kim" could buy "food," which I understood to be a coded term for heroin, which is commonly referred to as "dog food." As discussed in paragraph 15 below, the undercover

officer whose number was provided to the user of the Lopez Instagram made several undercover purchases of heroin from LOPEZ after being connected to the user of the Lopez Instagram.

d. On or about November 13, 2018, the following communications also occurred between the Victim Instagram and the Lopez Instagram, in which I, posing as the Victim, told the user of the Lopez Instagram that the Victim had overdosed:

LOPEZ INSTAGRAM: How were those stiks by the way

LOPEZ INSTAGRAM: Gone . . . an embarrassing long story  
I'll be messaging u from here until I  
get my phone

LOPEZ INSTAGRAM: Wat happened everything ok?

VICTIM INSTAGRAM: OD'ed . . . landlord called my parents  
and that's why I left with them to PA.  
I told you it's embarrassing  
Not the first time, shouldn't of mixed  
. . .

LOPEZ INSTAGRAM: Oooh u passed out  
U oded?

VICTIM INSTAGRAM: Yea  
I'll be back though  
I need my bars so Kim may some up for  
me

e. Based on my training and experience and my participation in this investigation, I understand that in this conversation, the user of the Lopez Instagram is asking the Victim about the quality of a recent delivery of narcotics, and the Victim is telling the user of the Lopez Instagram that the Victim had overdosed after using the narcotics.

f. On or about November 15, 2018, the following communication occurred between the Victim Instagram and the Lopez Instagram, in which the user of the Lopez Instagram asked more questions about the Victim's overdose:

LOPEZ INSTAGRAM: How did ur landlord find u? He just  
walks into your apt freely?

VICTIM INSTAGRAM: Well, I actually rent a room and apt  
owners wife walked in to check on me

LOPEZ INSTAGRAM: Ooooooh right

VICTIM INSTAGRAM: Mom pays that rent

LOPEZ INSTAGRAM: And the found u on the floor or sum weird shit like that I assume. Cu if u were layin on your bed you could have just been sleepin in they're eyes

VICTIM INSTAGRAM: They told me bed . . . I didn't respond to them so they said ems gave me some nose spray that got me up

LOPEZ INSTAGRAM: nsrahoh u got narcanned

VICTIM INSTAGRAM: That's it  
Makes your nose burn

LOPEZ INSTAGRAM: Yup

g. Based on my training and experience and my participation in this investigation, I understand that in this conversation, the user of the Lopez Instagram is explaining to the Victim that after the Victim's overdose the Victim was given "NARCAN," which is a nasal spray used to reverse the effects of an opioid overdose.

Undercover Website-1 Buys Into JOSE LOPEZ, a/k/a  
"Joey," the Defendant

12. Beginning on or about November 8, 2018, an undercover NYPD officer ("UC-1") conducted an undercover operation into a person who appeared to be advertising heroin on an online bulletin board hosted by Website-1. In the course of this operation, UC-1 purchased heroin from a person who went by the name "Joey" and used the Lopez Cellphone, and whom UC-1 later identified in a photo array as JOSE LOPEZ, a/k/a "Joey," the defendant.<sup>2</sup> Based on my discussions with UC-1, my review of NYPD reports, my review of communications between UC-1 and the Lopez Cellphone, and my review of records provided by Website-1, I have learned, among other things, the following:

---

<sup>2</sup>On or about January 23, 2019, after an undercover buy, UC-1 was shown a photo array and identified JOSE LOPEZ, a/k/a "Joey," the defendant, as the person who had sold UC-1 narcotics using the name "Joey."

a. On or about November 8, 2018, UC-1 observed the following Website-1 posting ("Post-1"): "Award winning books about dog food buns. High quality stuff. You can try it before you hand any money. Solid connect. Delivery possible. Dope books." Based on my training and experience, I know that "dog food" is a common way of referring to heroin, and "buns" is a common way of referring to "bundles," which are a form of packaging heroin.

b. Post-1 was created on or about November 2, 2018 using a Google email account ("Gmail Account-1") as the email address and cell phone number ending in -6017 (the "6017 Cellphone").

c. On or about November 8, 2018, UC-1 sent an email in response to Post-1 that said, "What's good my dogs need that food they hungry let's talk business." UC-1 received an email<sup>3</sup> in response saying, "Cool. I just gotta make sure ur legit b4 we do anything. Im sure ud like to do the same. Where r u from." After additional email communications in which UC-1 provided a phone number, UC-1 received a text message from the Lopez Cellphone saying, "Yo. . . . U hit me up on [abbreviation for Website-1]. U gave me your number."

d. On or about November 13, 2018, the user of the Lopez Cellphone, who went by the name "Joey," instructed UC-1 to meet him at a location in Manhattan. UC-1 went to the location and met LOPEZ, who gave UC-1 20 glassine envelopes of what LOPEZ said was heroin in exchange for \$160 cash. NYPD lab reports have confirmed that envelopes contained heroin.

e. On or about November 23, 2018, UC-1 contacted the Lopez Cellphone and arranged to meet at a location in Manhattan. UC-1 and LOPEZ then met at that location, where UC-1 purchased 20 glassine envelopes of what LOPEZ said was heroin in exchange

---

<sup>3</sup>Based on my training and experience, I know that Website-1 allows users to "anonymize" their email addresses to protect their privacy, but that emails that appear to come from an anonymized Website-1 email address in fact come from the email address associated with that Website-1 posting. In the communications discussed in this paragraph, the emails UC-1 received came from the anonymized email address "[Website-1] 6739346514." Based on my review of Website-1 records, I know that emails to that anonymized address in fact went to Gmail Account-1. As discussed below, I have reviewed the contents of Gmail Account-1. In the course of that review, I saw the email chain with UC-1 discussed in this paragraph.



for \$180. NYPD lab reports have confirmed that the glassine envelopes contained heroin.

f. On or about November 30, 2018, UC-1 contacted the Lopez Cellphone and arranged to meet at a location in Manhattan. UC-1 and LOPEZ then met at that location, where UC-1 purchased 40 glassines envelopes of what LOPEZ said was heroin in exchange for \$320. NYPD lab reports have confirmed that the glassine envelopes contained heroin.

g. On or about January 23, 2019, UC-1 contacted the Lopez Cellphone and arranged to meet at a location in Manhattan. UC-1 and LOPEZ then met at that location, where UC-1 purchased 30 glassine envelopes of what LOPEZ said was heroin in exchange for \$240. LOPEZ told UC-1 that the heroin was stronger than usual and that the users should "pace" themselves when taking the heroin.

13. Based on my review of records provided by Website-1, I know that in addition to Post-1, the following posts were made, which appear, based on my training and experience, to be advertisements for heroin:

a. On or about July 15, 2018, a Website-1 advertisement ("Post-2") was posted under the title "Dogfood Buns" that said the following: "Try b4 u buy. Super legit. Willing to provemyself if u r. Contact for more details. Dope dogfood buns." Post-2 was created using the Lopez Cellphone as the poster's phone.

b. On or about October 22, 2018, a Website-1 advertisement ("Post-3") was posted under the title "Fireeee Buns" that said the following: "Books of dogfood recepies. The recepies in this book are dope. Everything is legit. U can try the stuff before you hand any money. Im a solid plug and delivery is possible. Email me for details i will get back to u asap." Post-3 was created using Gmail Account-1 as the poster's email address and the 6017 Cellphone as the poster's phone.

14. On or about January 3, 2018, the United States Magistrate Judge Gabriel W. Gorenstein issued a warrant and order for the search of, among other things, Gmail Account-1. Based on my review of records produced pursuant to that warrant and order, I have learned, among other things, the following:

a. Between on or about October 23, 2018 and January 3, 2019, Gmail Account-1 sent or received over 350 emails, almost all of which appeared to relate to buying or selling

narcotics. These communications occurred on an almost daily basis.

b. Based on my review of the communications in Gmail Account-1, it appears that potential narcotics customers emailed Gmail Account-1 in response to Website-1 advertisements such as Post-1 and Post-3.

c. In some of the emails with customers, the user of Gmail Account-1 stated that he charges "100 a bun," which, based on my training and experience, I understand to mean \$100 for a bundle of heroin.

d. It appears that JOSE LOPEZ, a/k/a "Joey," the defendant, is the user of Gmail Account-1. In some of the emails with customers, the user of Gmail Account-1 identified himself as "Joey." Furthermore, in some of the emails with customers, the customer emailed a phone number for the user of Gmail Account-1 to use to communicate with the customer. These phone numbers appear in the phone records for the Lopez Cellphone on or about the date that the customer emailed the phone number to Gmail Account-1. In addition, the email communication setting up UC-1's first narcotics purchase with LOPEZ, discussed in paragraph 12(c) above, is contained in Gmail Account-1.

Undercover Instagram Buys into JOSE LOPEZ, a/k/a  
"Joey," the Defendant

15. As discussed in paragraph 11 above, on or about November 13, 2018, I communicated from the Victim Instagram with the Lopez Instagram while posing as the Victim. In the course of these communications, I introduced the user of the Lopez Instagram to an undercover officer with the NYPD ("UC-2"). I told the user of the Lopez Instagram that UC-2 was a friend who wanted to purchase "food," which I understand to be a code word for heroin. Beginning on or about November 15, 2018, UC-2 conducted multiple undercover buys from a person whom UC-2 later identified in a photo array as JOSE LOPEZ, a/k/a "Joey," the defendant.<sup>4</sup> Based on my discussions with UC-2, my review of NYPD reports, and my review of communications between UC-2 and the Lopez Cellphone, I have learned, among other things, the following:

---

<sup>4</sup>On or about December 5, 2018, after an undercover buy, UC-2 was shown a photo array and identified JOSE LOPEZ, a/k/a "Joey," the defendant, as the person who had sold UC-2 narcotics using the name "Joey."

a. On or about November 15, 2018, UC-2 contacted the Lopez Cellphone and arranged to purchase 20 glassines of heroin and 20 Xanax pills for \$300. "Joey" instructed UC-2 to meet him at a location in Manhattan. At the location, LOPEZ sold UC-2 20 glassine envelopes of what he said was heroin and 20 pills stamped "XANAX." LOPEZ told UC-2 that he was always "on deck" with heroin and that if UC-2 wanted a large amount, he would sell five "bundles" of heroin for the price of four. NYPD lab reports have confirmed that the glassine envelopes contained heroin and that the "XANAX" pills consisted of Alprazolam, which I know, based on my training and experience, to be the controlled substance marketed under the name "Xanax."

b. On or about November 21, 2018, UC-2 contacted the Lopez Cellphone and arranged to purchase five bundles of heroin for the price of \$400. UC-2 and LOPEZ then met at a location in Manhattan, where UC-2 purchased five bundles (50 glassines) of what LOPEZ said was heroin in exchange for \$400. NYPD lab reports have confirmed that the glassine envelopes contained heroin.

c. On or about December 5, 2018, UC-2 contacted the Lopez Cellphone and arranged to purchase 50 glassines of heroin for \$400. LOPEZ stated that the heroin he has is of very good quality. LOPEZ instructed UC-2 to meet him at a location in Manhattan. At the location, LOPEZ sold UC-2 50 glassine envelopes of what he said was heroin in exchange for \$400. NYPD lab reports have confirmed that the glassine envelopes contained heroin.

d. On or about December 20, 2018, UC-2 contacted the Lopez Cellphone and arranged to purchase 50 glassines of heroin for \$400. LOPEZ instructed UC-2 to meet him at a location in Manhattan. At the location, LOPEZ sold UC-2 50 glassine envelopes of what he said was heroin in exchange for \$400. NYPD lab reports have confirmed that the glassine envelopes contained heroin.

e. On or about January 4, 2018, UC-2 contacted the Lopez Cellphone and arranged to purchase 50 glassines of heroin for \$400. LOPEZ instructed UC-2 to meet him at a location in Manhattan. At the location, LOPEZ sold UC-2 50 glassine envelopes of what he said was heroin in exchange for \$400. NYPD lab reports have confirmed that the glassines contained heroin.

f. On or about January 9, 2018, UC-2 contacted the Lopez Cellphone and arranged to purchase 50 glassines of heroin for \$400. LOPEZ instructed UC-2 to meet him at a location in Manhattan. At the location, LOPEZ sold UC-2 50 glassine

envelopes of what he said was heroin in exchange for \$400. Lab results of these glassines remain pending.

16. On or about January 3, 2019, the United States Magistrate Judge Gabriel W. Gorenstein issued a warrant and order for the search of the Lopez Instagram. Based on my review of records produced pursuant to the warrant and order, I have learned, among other things, the following:

a. The user of the Lopez Instagram appears to be JOSE LOPEZ, a/k/a "Joey, the defendant. Among other things, the Instagram conversation discussed in paragraph 11(b), above, is contained within the Lopez Instagram, and the user of the Lopez Instagram directs a customer to meet him at a location in Manhattan which is in the vicinity of the address LOPEZ provided as his address to his New Jersey and New York parole officers.

b. Between on or about July 13, 2018 and January 3, 2019, the Lopez Instagram has communications with multiple Instagram users arranging the sale of narcotics, including heroin and cocaine. This communications include the following:

i. On or about July 28, 2018, LOPEZ tells an Instagram user ("Customer-1") that he is out of prison and "on dek if u need," which, based on my training and experience, I understand to mean that LOPEZ is available to sell narcotics. LOPEZ also tells Customer-1 that he "can send stuff thru mail."

ii. On or about October 2, 2018, LOPEZ and an Instagram user ("Customer-2") discussed a potential narcotics transaction. That conversation included the following exchange, in which LOPEZ appears to tell Customer-2 that he can arrange with his source of supply to sell Customer-2 3.5 grams of narcotics for \$250:

CUSTOMER-2: How much can you get?

LOPEZ: W.e. u need

CUSTOMER-2: 100

CUSTOMER-2: If is good I get more

CUSTOMER-2: But I let you know

LOPEZ: He likes to sell weight tho like atleast an 8 ball

CUSTOMER-2: How much is that?

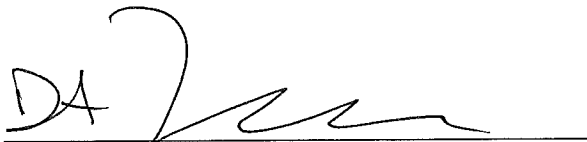
LOPEZ: 250  
CUSTOMER-2: How many grams?  
LOPEZ: 3.5  
LOPEZ: Good stuff tho

iii. On or about October 5, 2018, LOPEZ and an Instagram user ("Customer-3") discussed a narcotics transaction. Customer-3 tells LOPEZ that he wants to purchase "just like a bun and mb a half g blo," which I understand to mean a bundle of heroin and a half gram of cocaine.

iv. On or about October 28, 2018, LOPEZ and an Instagram user ("Customer-4") discussed a narcotics transaction. That conversation included the following:

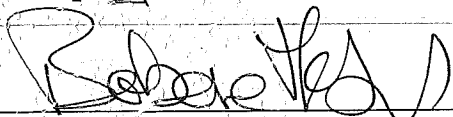
LOPEZ: Save my info im on dek all the time  
CUSTOMER-4: Ight  
CUSTOMER-4: How much ur buns  
LOPEZ: 100  
CUSTOMER-4: Damn  
LOPEZ: I cut deals if u get more than 1 and its really good stuff

WHEREFORE, deponent respectfully requests that a warrant be issued for JOSE LOPEZ, a/k/a "Joey," the defendant, and that he be imprisoned or bailed, as the case may be.



MANUEL CORDOVA  
Detective  
New York City Police Department

Sworn to before me this  
January 31, 2019



THE HONORABLE BARBARA MOSES  
UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF NEW YORK