

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

**24 MAG 3475**

UNITED STATES OF AMERICA

**SEALED COMPLAINT**

v.

Violations of 18 U.S.C. §§ 1001, 1349;  
and  
21 U.S.C. § 846

GHISLAINE BARRIENTOS,

Defendant.

COUNTY OF OFFENSE:  
BRONX

SOUTHERN DISTRICT OF NEW YORK, ss.:

JOSEPH DUOME, 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 to Commit Honest Services Wire Fraud)**

1. In or about April 2024, in the Southern District of New York and elsewhere, GHISLAINE BARRIENTOS, the defendant, and others known and unknown, willfully and knowingly combined, conspired, confederated, and agreed together and with each other to commit honest services wire fraud, in violation of Title 18, United States Code, Sections 1343 and 1346.

2. It was a part and an object of the conspiracy that GHISLAINE BARRIENTOS, the defendant, and others known and unknown, knowingly having devised and intending to devise a scheme and artifice to defraud, and to deprive the public and the New York City Department of Correction (“DOC”) of their intangible right to the honest services of BARRIENTOS, would and did transmit and cause to be transmitted by means of wire, radio, and television communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds for the purpose of executing such scheme and artifice, in violation of Title 18, United States Code, Sections 1343 and 1346, to wit, BARRIENTOS, a DOC correction officer, conspired with others to and did bring prison contraband into a DOC facility, in exchange for bribes, and transmitted and caused to be transmitted telephone calls, text messages, and other electronic communications to and from the Southern District of New York and elsewhere in furtherance of that scheme.

(Title 18, United States Code, Section 1349.)

**COUNT TWO**

**(Conspiracy to Distribute Controlled Substances)**

3. In or about April 2024, in the Southern District of New York and elsewhere, GHISLAINE BARRIENTOS, the defendant, and others known and unknown, knowingly and

intentionally combined, conspired, confederated, and agreed together and with each other to violate the controlled-substance laws of the United States.

4. It was a part and an object of the conspiracy that GHISLAINE BARRIENTOS, 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).

5. The controlled substances involved in the offense were a quantity of: (i) mixtures and substances containing a detectable amount of 3-methyl-N-[[1-(4-penten-1-yl)-1H-indazol-3-yl]carbonyl]-L-valine, methyl ester (known as “MDMB-4en-PINACA”), a Schedule I controlled substance, in violation of Title 21, United States Code, Section 841(b)(1)(C); and (ii) mixtures and substances containing a detectable amount of cocaine, in violation of Title 21, United States Code, Section 841(b)(1)(C).

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

**COUNT THREE**  
**(False Statements)**

6. On or about April 24, 2024, in the Southern District of New York and elsewhere, GHISLAINE BARRIENTOS, the defendant, in a matter within the jurisdiction of the executive branch of the Government of the United States, knowingly and willfully made a materially false, fictitious, and fraudulent statement and representation, to wit, during an interview with a Special Agent from the FBI, BARRIENTOS falsely stated, in sum and substance, that she had never been asked by an inmate to bring contraband into a correctional facility and that cash in her vehicle was money from her home, when in truth and in fact, BARRIENTOS, on at least three occasions, had brought contraband into a correctional facility at the request of an inmate and the cash in her vehicle was payment in exchange for having provided contraband to that inmate.

(Title 18, United States Code, Section 1001(a)(2).)

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

7. I am a Special Agent with the FBI, and I have been personally involved in the investigation of this matter, which has been jointly investigated with the New York City Department of Investigation (“DOI”). This affidavit is based upon my personal participation in the investigation of this matter, my conversations with other law enforcement personnel, and 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 participation in the 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

8. Based on my involvement in this investigation, I have learned that GHISLAINE BARRIENTOS, the defendant, and others known and unknown, engaged in a scheme in which BARRIENTOS, in exchange for bribe payments, introduced controlled substances to the DOC facility known as the Robert N. Davoren Complex (“RNDC”) at Riker’s Island. BARRIENTOS

engaged in this scheme with an inmate (“Inmate-1”), who is currently in custody at the RNDC, and an associate of Inmate-1 (“CC-1”). On at least two occasions, CC-1 used a delivery service to deliver controlled substances and cash to BARRIENTOS, who then brought or attempted to bring the controlled substances to Inmate-1 at the RNDC. Inmate-1 then sold the controlled substances to other inmates, who paid CC-1 using electronic payment applications.

### The Defendant and Related Parties

9. Based on my review of DOC records and my involvement in this investigation, I have learned, among other things, the following:

a. GHISLAINE BARRIENTOS, the defendant, was a DOC employee from on or about June 27, 2016 through on or about May 24, 2024.

b. Employment records for BARRIENTOS listed and/or used personal cellphone numbers ending in 0785 and 2829. On or about April 24, 2024, law enforcement agents recovered an iPhone 8 from the vehicle of BARRIENTOS, with a number ending in 6327 (the “Barrientos Contraband Cellphone”). The Barrientos Contraband Cellphone contains “selfie” photographs of BARRIENTOS. The Barrientos Contraband Cellphone was not listed in BARRIENTOS’s employment records.

10. Based on my review of DOC records and other records obtained in the course of this investigation, I have learned, among other things, the following:

a. CC-1 has visited Inmate-1 at the RNDC on multiple occasions, including most recently on or about November 26, 2023. Based on my review of DOC records, I know that Inmate-1 is known by a particular alias (“Alias-1”).

b. The Barrientos Contraband Cellphone has a contact named “[Alias-1] Niece” associated with a phone number ending in 4480 (the “CC-1 Phone”). Based on my review of subscriber information for the CC-1 Phone, I have learned that it is used by an individual with the same first name and last initial as CC-1.<sup>1</sup> Additionally, a Cash App account subscribed in the name of CC-1 (the “CC-1 Cash App Account”) lists the CC-1 Phone as the phone number for the CC-1 Cash App Account.

### DOC Policies

11. Based on my communications with other law enforcement personnel, I have learned, among other things, the following:

a. According to the DOC Employee Rules and Regulations, employees of DOC facilities “shall not enter into any transaction with an inmate, nor carry, convey, or make accessible to an inmate within a facility/command any intoxicant, opiate, narcotic, or other contraband article, nor traffic with an inmate in any manner.” According to the DOC Inmate Handbook, “‘Contraband’ shall mean any item that is not sold in the commissary, that is not on the approved list of permissible items, that is possessed in more than the approved amount or, that

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<sup>1</sup> The user information only includes a last initial. The subscriber of the CC-1 Phone is not CC-1.

the inmate does not have permission to possess,” including, “items that may disrupt the safety, security, good order and discipline of the facility.” The DOC Inmate Handbook also expressly prohibits inmates from possessing drugs and cellphones, stating that inmates “shall not sell or exchange prescription drugs or non-prescription drugs” and that they shall not possess any type of electronic telecommunication and/or recording device or any part of such instrument, which is designed to transmit and/or receive telephonic, electronic, digital, cellular or radio communications.” Finally, the DOC Inmate Handbook warns that “[a]ny person who tries to introduce contraband into a facility may also be subject to criminal prosecution.” Based on the foregoing, as well as my training and experience and my communications with other law enforcement personnel, I know that a cellphone of any type is considered contraband, as are marijuana, synthetic cannabinoids, and tobacco.

b. The primary duty of correction officers is to ensure the care, custody, and control of the inmate population of the DOC. In connection with this duty, correction officers participate in inspections and searches of inmates and DOC facilities, and are tasked with, among other things, ensuring that contraband is not brought into the facilities at which they work. DOC employees, including GHISLAINE BARRIENTOS, the defendant, received training on employee rules and regulations, which prohibit employees from, among other things, entering into transactions with inmates and providing inmates with contraband.

#### April 7, 2024 Smuggling of Contraband

12. Based on my review of the contents of the Barrientos Contraband Cellphone and surveillance footage still images from RNDC,<sup>2</sup> I have learned, among other things, that:

a. On or about April 4, 2024, GHISLAINE BARRIENTOS, the defendant, using the Barrientos Contraband Cellphone, exchanged text messages with the CC-1 Phone. Among other messages, BARRIENTOS sent CC-1 a photograph of a list of food items, including “3 Pans of fried chicken wings.” BARRIENTOS then texted CC-1, “Hey this is from [Alias-1.] Just let me know u got it[.] So I can tell him[.]” CC-1 replied, “Got it[.]”

b. Surveillance footage still images from RNDC shows that, on or about April 7, 2024, BARRIENTOS exited the “Bubble”<sup>3</sup> at approximately 1:31 p.m. and went to the cell of a particular inmate (“Inmate-2”). Approximately twenty-six minutes later, Inmate-2 came to the door of the Bubble, reached in, and retrieved a clear plastic bag containing what appears to be chicken wings.

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<sup>2</sup> The underlying surveillance footage on April 7, 2024 was not preserved, though a DOI investigator (the “Investigator”) involved in this investigation reviewed it. I have reviewed surveillance footage stills captured by the Investigator and spoken to the Investigator in the course of this investigation.

<sup>3</sup> The “Bubble” refers to the control post between two housing areas where an assigned correction officer controls who enters and exits the housing areas. Inmates are prohibited from entering this area and must request correction officer assistance to retrieve anything from the Bubble.

c. As further captured on surveillance footage still images, Inmate-2 then brought the bag to the vicinity of Inmate-1's cell.

April 15, 2024 Smuggling of Controlled Substances

13. Based on my review of the contents of the Barrientos Contraband Cellphone, I have learned, among other things, the following:

a. On or about April 11, 2024, GHISLAINE BARRIENTOS, the defendant, using the Barrientos Contraband Cellphone, texted CC-1 the following message: "Gm can u ft audio me when u get a chance[?]" Approximately five hours later, BARRIENTOS and CC-1 exchanged a FaceTime audio call.

b. Later that same day, BARRIENTOS texted CC-1, the following message: "On ur way?" CC-1 responded with a photograph of a phone screen, showing a delivery service application with delivery that was scheduled to arrive at approximately 4:50 p.m.

14. Based on my review of surveillance footage from RNDC, I have learned, among other things, the following:

a. On or about April 15, 2024, GHISLAINE BARRIENTOS, the defendant, exited the Bubble at approximately 1:52 p.m.,<sup>4</sup> as set forth in the following still image from RNDC surveillance footage:



b. BARRIENTOS then headed to the vicinity of Inmate-1's cell. At approximately 1:54 p.m., BARRIENTOS approached Inmate-1's cell, and then entered the cell, outside the view of surveillance cameras, for approximately thirty seconds. BARRIENTOS and

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<sup>4</sup> Based on my review of timestamps from other surveillance cameras and my conversations with the Investigator, I have learned that the timestamp for the "RNDC-5UPN-VEST-2" camera was approximately five hours ahead of the actual time.

Inmate-1 then both appeared to exit the cell at approximately 1:55 p.m., as set forth in the following still images from RNDC surveillance footage:





RNDC-5UPN-REAR-1 04/15/24 13:54:30



RNDC-5UPN-REAR-1 04/15/24 13:55:07



RNDC-5UPN-REAR-1 04/15/24 13:55:39



15. Based on my review of the CC-1 Cash App Account and DOC records, I have learned, among other things, the following:

a. Between on or about April 11, 2024 and on or about April 20, 2024, the CC-1 Cash App Account received three payments. The first payment was for \$600 and stated in the “Subject” field, “from [Alias-2].” Based on my review of DOC records, I know there was an inmate at RNDC at that time who is known by Alias-2. The second and third payments were both for \$500, respectively, and both stated “[Alias-3]” in the “Subject” field. Based on my review of DOC records, I know there is an inmate at RNDC who is known by Alias-3.

b. Based on my involvement in this investigation, I believe this money was sent to CC-1, as payment for controlled substances Inmate-1 had sold to inmates known by Alias-2 and Alias-3, respectively.

c. Based on my participation in this investigation, I have learned, among other things, that Block, Inc. is the parent company of Cash App; and that all of Cash App’s data servers are located outside of the state of New York. Accordingly, on any occasion in which two or more individuals transact on Cash App, and at least one of those individuals is located outside of California,<sup>5</sup> that particular Cash App transaction, by definition, involves an interstate wire.

d. On or about April 17, 2024, DOC employees conducted a search of Inmate-1’s cell. During the search, DOC employees recovered a black bag containing, among other items, 145 sheets of paper that appeared to have previously been soaked in liquid. A K-9 alerted to the presence of controlled substances on the paper. A field test indicated the presence of cocaine on the paper.

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<sup>5</sup> Based on my review of law enforcement databases, I have learned that CC-1 lives in New Jersey.



April 24, 2024 Seizure of Controlled Substances

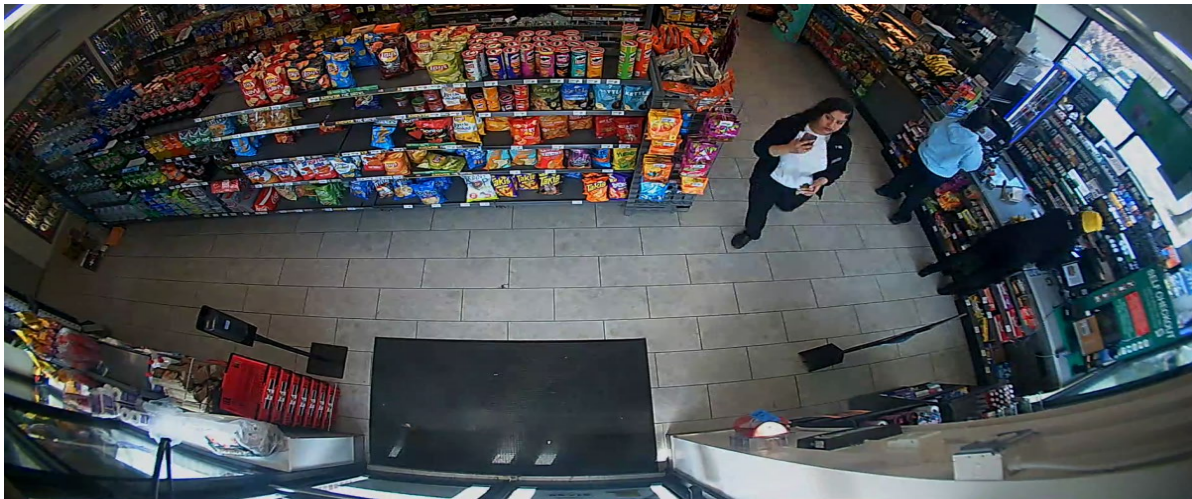
16. Based on my review of the contents of the Barrientos Contraband Cellphone, I have learned, among other things, the following:

a. Between on or about April 23, 2024 and on or about April 24, 2024, GHISLAINE BARRIENTOS, the defendant, using the Barrientos Contraband Cellphone, and CC-1, exchanged several FaceTime audio calls.

b. On or about April 24, 2024, CC-1 sent BARRIENTOS a text message containing a screenshot from a delivery service application showing that a delivery was scheduled to arrive at a certain address (“Address-1”) in Mount Vernon, New York, at approximately 11:36 a.m. CC-1 sent BARRIENTOS a second screenshot showing a revised delivery time of approximately 11:49 a.m.

17. Based on my involvement in this investigation, I have learned that Address-1 is the address for a convenience store located in Mount Vernon, New York (the “Convenience Store”), where GHISLAINE BARRIENTOS, the defendant, works part-time. Based on my review of surveillance footage from the Convenience Store, I have learned among other things, the following:

a. At approximately 11:47 a.m., an individual I recognize as BARRIENTOS exited the Convenience Store while speaking on the phone, as shown in the below still images from surveillance footage:





b. Approximately one minute later, BARRIENTOS re-entered the Convenience Store carrying a small bag (“Bag-1”), as shown in the below still image from surveillance footage (Bag-1 is circled in red):



c. Approximately ten minutes later, BARRIENTOS exited the Convenience Store, again with nothing in her hands. She then re-entered the Convenience Store approximately thirty seconds later holding a different shopping bag (“Bag-2”), as shown in the below still images from surveillance footage (Bag-2 is circled in red):



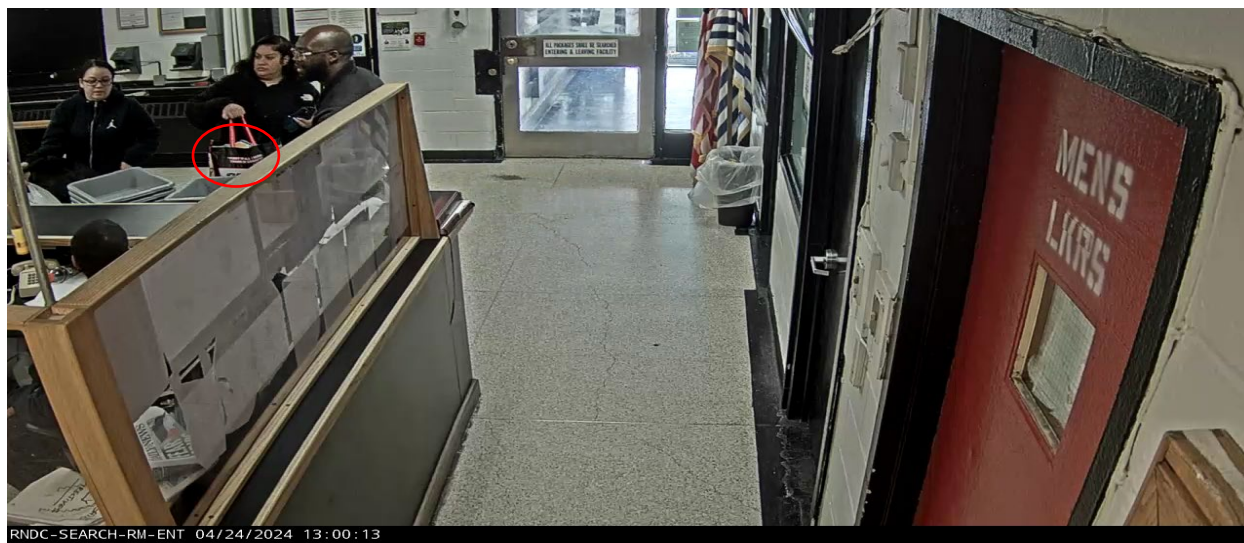
d. Approximately ten minutes later, BARRIENTOS purchased a few items at the Convenience Store. BARRIENTOS approached the register while holding Bag-1 and Bag-2, and placed both bags on the counter. BARRIENTOS then removed a white envelope from Bag-1 and took cash out of that envelope, as shown in the below still images from surveillance footage:



e. BARRIENTOS left the Convenience Store at approximately 12:14 p.m.

18. Based on my participation in this investigation, including my review of surveillance footage at the RNDC and my involvement in an operation at the RNDC, I have learned, among other things, the following:

a. At approximately 1:00 p.m., on or about April 24, 2024, GHISLAINE BARRIENTOS, the defendant, arrived for a shift at the RNDC. She was carrying Bag-2 when she entered the RNDC, as shown in the below still image from surveillance footage:



b. After going through security screening, BARRIENTOS was escorted to another area of the RNDC, where a K-9 was present. The K-9 alerted for the presence of controlled substance in Bag-2. DOC employees then searched Bag-2 and recovered approximately ten sheets of paper that had previously been soaked in liquid.

c. One of the ten sheets of paper was submitted for analysis by the New York City Police Department. The sheet tested positive for the presence of MDMB-4en-PINACA, which, based on my training and experience, I know is commonly referred to as “K2” and is a federally controlled substance.

d. BARRIENTOS was then interviewed by law enforcement officers. During that interview, BARRIENTOS stated, in sum and substance, that no inmate had ever asked BARRIENTOS to bring them any contraband. BARRIENTOS denied knowing why a K-9 would alert to the presence of controlled substances.

e. BARRIENTOS further denied that she had any phones other than the phone that was listed in her employment records (*i.e.*, not the Barrientos Contraband Cellphone). After BARRIENTOS gave law enforcement officers consent to search her vehicle, she admitted that the Barrientos Contraband Cellphone was in the vehicle and that it was her phone. BARRIENTOS also claimed that there would be a little less than approximately \$2,500 cash in her vehicle, which she stated was money from her home.

f. Law enforcement officers searched BARRIENTOS's vehicle and recovered, among other things, Bag-1, inside of which were a manilla envelope containing approximately 25 sheets of paper that had previously been soaked in liquid and a white envelope containing approximately \$2,466 in United States currency, as well as the Barrientos Contraband Phone, as shown in the following photographs:<sup>6</sup>



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<sup>6</sup> My ongoing investigation—which, among other things, includes witness information, a review of surveillance video, recorded phone calls, DOC records, financial records, and the recovery and search of prison contraband—has revealed that, from at least in or about February 2024 to in or about April 2024, BARRIENTOS worked with at least one other uncharged coconspirator, in addition to Inmate-1 and CC-1, to smuggle prison contraband into a DOC facility in exchange for thousands of dollars in payments in connection with this conduct. In particular, between in or about February 2024 and in or about April 2024, I have identified approximately \$9,400 in Cash App transactions that BARRIENTOS received from individuals associated with another inmate. Nevertheless, the charges in this Complaint relate exclusively to conduct relating to Inmate-1.

WHEREFORE, I respectfully request that a warrant be issued for the arrest of GHISLAINE BARRIENTOS, the defendant, and that she be imprisoned or bailed, as the case may be.

/s authorized electronic signature

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JOSEPH DUOME  
Special Agent  
Federal Bureau of Investigation

Sworn to me, this 30th day of September, 2024.



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