

Approved: Matthew J. King
MATTHEW J. KING
Assistant United States Attorney

Before: THE HONORABLE ONA T. WANG
United States Magistrate Judge
Southern District of New York

23 MAG 5518

----- X
UNITED STATES OF AMERICA :
 :
- v. - :
SOPHIA MARKS, :
 :
Defendant. :
----- X

COMPLAINT

Violations of
21 U.S.C. § 841

COUNTY OF OFFENSE:
NEW YORK

SOUTHERN DISTRICT OF NEW YORK, ss.:

JOSEPH ALIBERTI, 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
(Distribution of Narcotics)

1. On or about July 1, 2023, in the Southern District of New York and elsewhere, SOPHIA MARKS, the defendant, knowingly and intentionally distributed and possessed with intent to distribute a controlled substance, in violation of Title 21, United States Code, 841(a)(1).

2. The controlled substances involved in the offense were (i) mixtures and substances containing a detectable amount of fentanyl, in violation of Title 21, United States Code, Section 841(b)(1)(C), and (ii) mixtures and substances containing a detectable amount of alprazolam, in violation of Title 21, United States Code, Section 841(b)(2).

(Title 21, United States Code, Section 841.)

COUNT TWO

(Distribution of Narcotics)

3. On or about July 9, 2023, in the Southern District of New York and elsewhere, SOPHIA MARKS, the defendant, knowingly and intentionally distributed and possessed with intent to distribute a controlled substance, in violation of Title 21, United States Code, 841(a)(1).

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

(Title 21, United States Code, Section 841.)

COUNT THREE

(Distribution of Narcotics)

5. On or about July 13, 2023, in the Southern District of New York and elsewhere, SOPHIA MARKS, the defendant, knowingly and intentionally distributed and possessed with intent to distribute a controlled substance, in violation of Title 21, United States Code, 841(a)(1).

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

(Title 21, United States Code, Section 841.)

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

7. 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 officers 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.

8. Based on my training and experience, my conversations with other law enforcement officers, and my review of publicly available information, I have learned the following, in substance and in part:

a. Since at least 2021, the DEA has seen a significant increase in the prevalence of counterfeit prescription pills laced with fentanyl, a lethal synthetic opioid that has led to a dramatic increase in overdose deaths. Indeed, in 2021 alone, the DEA seized more than

9.5 million counterfeit pills, more than the previous two years combined. DEA laboratory testing of those pills has revealed a dramatic rise in the number of counterfeit pills containing at least two milligrams of fentanyl, which is considered sufficient for a potentially deadly dose.

b. According to the Centers for Disease Control and Prevention (“CDC”), synthetic opioids (like fentanyl) are the primary driver of overdose deaths in the United States. Indeed, overdose deaths involving opioids rose 38.1 percent from 2020 to 2021, and overdose deaths involving synthetic opioids (primarily illicitly manufactured fentanyl) rose 55.6 percent during that same period and appear to be the primary driver of the increase in total drug overdose deaths.

c. Counterfeit pills are often made to look almost identical to prescription opioid medications such as oxycodone. For example, legitimate prescription oxycodone pills are often blue with an “M” on one side and the number “30” on the other side.

d. Counterfeit oxycodone pills are often laced with fentanyl. Such pills are referred to by a number of street names, including “Buttons,” “30s,” and “Blues.” Given the ease with which these counterfeit pills can be transported and concealed, they are widely accessible and often sold on the street and over the internet.

9. As set forth in greater detail below, between on or about July 1, 2023 and on or about July 13, 2023, SOPHIA MARKS, the defendant, sold counterfeit oxycodone pills containing fentanyl on at least three separate occasions. On one of those occasions—July 1, 2023—MARKS sold three counterfeit oxycodone pills containing fentanyl and two tablets of alprazolam (Xanax) to a 19-year-old male (the “Victim”). The Victim subsequently ingested one of the counterfeit oxycodone pills and died of a suspected overdose on or about July 2, 2023. On the next two occasions—that is, July 9 and July 13, 2023—MARKS sold a total of 50 suspected counterfeit oxycodone pills to an undercover police officer (the “UC”). On or about July 13, 2023, following her second sale to the UC, MARKS was arrested and found to be in possession of approximately 156 more suspected counterfeit oxycodone pills and approximately \$1,500 in cash. Shortly after her arrest, law enforcement agents conducted a search of MARKS’s bedroom and recovered a large amount of cash.

The July 1, 2023 Fentanyl Sale and the Victim's Death

10. Based on my conversations with other law enforcement officers, my review of law enforcement reports and records, and my review of electronic communications between the Victim and SOPHIA MARKS, the defendant, I have learned the following, among other things:

a. Between on or about June 29, 2023, and on or about July 2, 2023, MARKS communicated via text message with the Victim concerning her sale of counterfeit oxycodone pills and Xanax to him.¹

¹ Based on my review of records from a cellphone service provider and a technology company, I know that the phone number the Victim was communicating with belonged to SOPHIA MARKS, the defendant. For example, the phone number the Victim was using is listed as the phone number

b. During these communications, on or about June 30, 2023, the Victim told MARKS that he had lost “all the thirties.” Based on my training and experience, I believe that “thirties” is a reference to counterfeit oxycodone pills that, as described above, are blue and stamped with “M” and “30” to appear as though they are legitimate oxycodone pills. The Victim then told MARKS, in sum and substance, that he wanted to buy another three pills. In response, MARKS asked the Victim, “[d]o you r[eal]ly need them,” and told the Victim “I[] [don’t] wanna kill u.” The Victim expressed confusion about what MARKS meant when she wrote she did not want to kill him. MARKS clarified that she meant that she did not want to kill him “w[ith] the 30s.” Based on my training and experience, I believe that “30s” also is a reference to counterfeit oxycodone pills. The text conversation between the Victim and MARKS continued, and MARKS wrote to the Victim, “I j[ust] don’t like serving u them cuz they not script.” Based on my training and experience, I understand “they not script” to mean that the pills MARKS was selling were not prescription oxycodone pills, and that she recognized that they were dangerous as a result.

c. Their text conversation continued the next day, on or about July 1, 2023. At approximately 6:30 p.m. that day, MARKS asked the Victim, “[d]id you want the 30s?” In response, the Victim asked, “[a]re they all fent or h,” and MARKS told the Victim that they were “pressies.” Based on my training and experience, I understand “fent” to mean fentanyl and “pressies” to mean that the oxycodone pills MARKS was offering for sale were made from a pill press, i.e., they were counterfeit. The Victim then offered \$75 for three pills and MARKS told the Victim that she could sell the three pills for \$85. The Victim also asked if MARKS could sell him “Zan,” which, based on my training and experience, I understand to be a reference to Xanax. MARKS wrote, in sum and substance, that she could not sell the “bars” yet, which, based on my training and experience, I understand to be another reference to Xanax. The Victim asked when he could come get the pills and MARKS told the victim, “[d]on’t go overboard w[ith] these.”

d. At approximately 8 p.m. on or about July 1, 2023, MARKS wrote the Victim that she could sell three “30s,” i.e., counterfeit oxycodone pills, and two tablets of Xanax, which she referred to again as “bars,” for \$105. The Victim agreed to the purchase on those terms and asked MARKS if she could send them to him via a car service. The Victim and MARKS then agreed to arrange for a car service to go to a location approximately one block away from where MARKS lived in midtown Manhattan (the “Drop Location”), pick up the drugs from MARKS (which she said she would disguise in a United States Postal Service envelope), and deliver the drugs to the apartment building in which the Victim was residing in downtown Manhattan. When the Victim and MARKS were discussing how to disguise the drugs so as to avoid detection by the car service driver, MARKS wrote, “u act like i[] [don’t] have experience doing that.” Then, as the conversation between MARKS and the Victim continued, the Victim indicated that he paid MARKS for the drugs via mobile payment service cellphone application, and MARKS appeared to confirm receipt of the money by telling the Victim “Thank u.” The Victim then provided details about the car service to MARKS—for example, explaining that the

associated with MARKS’s iCloud account and the subscriber for the phone number is listed as an individual whom I have learned is the mother of SOPHIA MARKS at an address that I understand to be where MARKS resides. In addition, and as described in more detail below, the UC texted this same phone number to arrange for the two undercover purchases from MARKS.

car would be a red SUV. At approximately 9:15 p.m., MARKS confirmed that she delivered the drugs to the car driver by telling the Victim, “[j]ust gave it to him.”

e. At approximately 1:50 a.m. on or about July 2, 2023, long after the drugs had been delivered to the Victim, as described below, MARKS texted the Victim, “u good?” The Victim never responded.

11. Based on my review of surveillance video, I believe that the drugs MARKS sold to the Victim were delivered to the Victim on or about July 1, 2023. More specifically:

a. I have reviewed surveillance video maintained by an apartment building near the Drop Location around the date and time when MARKS told the Victim that she delivered the drugs to the car service—that is, on or about July 1, 2023 between approximately 9 p.m. and 9:30 p.m. That surveillance video showed an SUV arriving at the Drop Location, a female walking up to the SUV, and then walking away. The SUV then drove away.

b. I also reviewed surveillance video maintained by the apartment building in which the Victim was residing in downtown Manhattan for the evening of July 1, 2023. That surveillance video shows that, between approximately 9:35 p.m. and 9:45 p.m., the Victim walked up to the passenger side of a red SUV, received a white envelope from the driver, walked back into the apartment building, and entered the building’s elevator.

12. Based on my conversations with other law enforcement officers, my review of law enforcement records, and my conversations with witnesses, I have learned that on or about July 2, 2023—that is, the day after the Victim received three counterfeit oxycodone pills and Xanax from SOPHIA MARKS, the defendant—the victim was found dead of a suspected overdose that likely was the result of fentanyl poisoning. More specifically, I have learned the following, among other things:

a. On or about July 2, 2023, the Victim was found dead in the apartment where he was staying in downtown Manhattan.

b. When law enforcement arrived at the apartment in connection with the death of the Victim, they discovered at the scene (i) one bag containing suspected cocaine, (ii) one straw with residue, (iii) two round blue pills with “M” and “30” written on them, and (iv) seven rectangular yellow tablets.

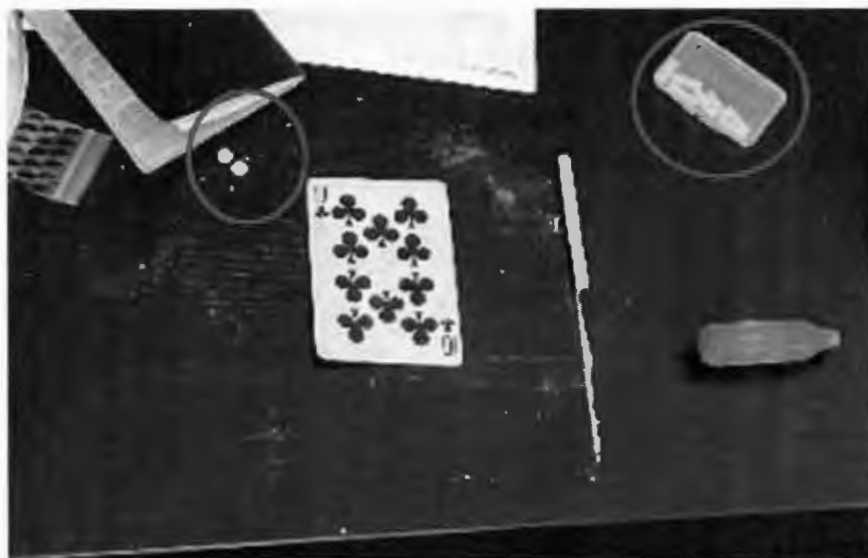
c. Based on my training and experience, I believe that the two blue “M30” pills discovered at the scene of the Victim’s death are counterfeit oxycodone pills that typically contain fentanyl and that the seven rectangular yellow tablets also found at the scene of the Victim’s death are genuine Xanax.

d. Laboratory testing of one of the two blue “M30” pills recovered from the scene of the Victim’s death determined that it contained fentanyl. Based on this laboratory testing and my training and experience, I believe that the blue “M30” pills found at the scene of the Victim’s death were counterfeit pills containing fentanyl.

e. Laboratory testing of one of the seven yellow tablets that was recovered from the scene of the Victim's death determined that it contained alprazolam, which is Xanax, a benzodiazepine.

f. Following the Victim's death, an initial toxicology screen of the Victim was undertaken. That toxicology screen returned a positive result for the presence of cocaine, fentanyl, and benzodiazepines in the Victim's system.

g. Based on the fact that fentanyl was found in the Victim's system at the time of his death and that only two counterfeit "M30" pills were recovered from the scene of the Victim's death, when the Victim had ordered three such pills from MARKS the night before, I believe that the Victim ingested one of the counterfeit oxycodone pills that he received from MARKS. Below is a photograph of the two blue counterfeit oxycodone pills and the seven tablets of Xanax recovered from the scene of the Victim's death.



The July 9, 2023 Fentanyl Sale

13. Based on my conversations with other law enforcement officers, including the UC, my review of law enforcement reports and records, and my review of audio and video recordings of the July 9, 2023, meeting between the UC and SOPHIA MARKS, the defendant, described below, I have learned the following, among other things:

a. Following the death of the Victim, on or about July 6, 2023, the UC began communicating with MARKS using text messages and an instant messaging application, including by texting the same phone number that the Victim used to communicate with MARKS.

b. Between on or about July 6, 2023, and on or about July 9, 2023, MARKS communicated about meeting with the UC to sell the UC 25 Percocet pills for \$500.

c. On or about July 9, 2023, MARKS told the UC to meet her at a location that was approximately two blocks from MARKS's residence in midtown Manhattan and one block from the Drop Location.

d. At approximately 5 p.m. that same day, the UC met MARKS and gave MARKS \$500. In exchange, MARKS sold the UC 25 blue circular pills.

e. During the undercover buy, MARKS told the UC, in reference to the pills MARKS just sold the UC, "please be careful with these," "don't do more than one at a time," and "my friend just died."²

f. Each pill the UC obtained from MARKS on or about July 9, 2023, was a blue, round pill marked with "M" on one side and "30" on the other side. Laboratory testing of one of the blue "M30" pills MARKS sold to the UC determined that it contained fentanyl. Based on this laboratory testing and my training and experience, I believe that the blue "M30" pills MARKS sold to the UC were counterfeit oxycodone pills containing fentanyl. Below is a photograph of the pills MARKS sold the UC on July 9, 2023.



² Based on my review of law enforcement reports and records, my conversations with other law enforcement officers, and my review of audio and video recordings of the July 9 and July 13, 2023 sales to the UC, I believe that the friend whom SOPHIA MARKS, the defendant, was referring to when speaking to the UC is another individual suspected of dying after a drug overdose. This individual, who was also a 19-year-old male, died on or about June 14, 2023, in an apartment in Manhattan. MARKS was present at the scene of this individual's death. An initial toxicology screen of this individual was undertaken. That toxicology screen returned a positive result for the presence of fentanyl in his system, among other substances.

The July 13, 2023 Fentanyl Sale

14. Based on my conversations with other law enforcement officers, including the UC, my review of law enforcement reports and records, and my review of audio and video recordings of the July 13, 2023, meeting between the UC and SOPHIA MARKS, the defendant, described below, I have learned the following, among other things:

a. On or about July 12, 2023, the UC communicated again with MARKS using an instant messaging application, and MARKS discussed meeting with the UC to sell the UC another 25 “30s” for \$500.

b. On or about July 13, 2023, MARKS told the UC to meet her at the same location she had met him during the July 9, 2023, sale, which was approximately two blocks from MARKS’s residence in midtown Manhattan and one block from the Drop Location.³

c. At approximately 6:20 p.m. that same day, the UC met MARKS and gave MARKS \$500. In exchange, MARKS gave the UC a small Ziplock bag containing 25 blue circular pills.

d. During the sale, MARKS talked to the UC again about her friend who died. MARKS said, in sum and substance, that she was snorting a pill off her phone, that her friend also snorted some of it off her phone, that she fell asleep, and that, when she woke up, her friend was non-responsive. MARKS also told the UC, in sum and substance, that tomorrow—that is, July 14, 2023—would mark one month since her friend died.⁴

e. Each pill that MARKS sold the UC on or about July 13, 2023, was a blue, round pill marked with “M” on one side and “30” on the other side. Based on my training and experience, I believe that the pills sold by MARKS to the UC were counterfeit oxycodone pills containing fentanyl.

f. Shortly after MARKS sold the UC the suspected counterfeit oxycodone pills, law enforcement officers arrested MARKS. MARKS was searched incident to arrest, and law enforcement agents recovered approximately 156 more suspected counterfeit oxycodone pills and approximately \$1,500 in cash. Below are photographs of some of the pills and cash seized from MARKS incident to her arrest.

³ Based on my conversations with other law enforcement officers involved in this investigation, I have learned that law enforcement officers observed SOPHIA MARKS, the defendant, leave a particular apartment in the vicinity of the Drop Location, and walk to the location of the July 13, 2023, undercover buy. MARKS’s parents later confirmed that the apartment that MARKS walked out of to attend the undercover buy is MARKS’s current residence.

⁴ As explained above, *see, supra*, fn. 2, an individual died approximately one month ago, on or about June 14, 2023, and MARKS was present at the scene of his death.



The Search of SOPHIA MARKS's Bedroom

15. Based on my conversations with other law enforcement officers involved in this investigation, I have learned the following, among other things:

a. After her arrest on or about July 13, 2023, the parents of SOPHIA MARKS, the defendant, provided verbal and written consent to law enforcement to search the apartment they share with MARKS, which includes MARKS's bedroom. MARKS's parents also told law enforcement officers that they (i) owned the apartment in which the bedroom was located,

(ii) have free access to MARKS's room when she is not around, and (iii) MARKS does not lock to the door to her room.


b. After MARKS's parents provided consent, law enforcement officers conducted a search of MARKS's bedroom. During that search, law enforcement officers found a large amount of cash. Below are photographs of the cash recovered from MARKS's bedroom.



WHEREFORE, the deponent respectfully requests that SOPHIA MARKS, the defendant, be imprisoned or bailed, as the case may be.

Det. Joseph Aliberti
JOSEPH ALIBERTI
Detective
New York City Police Department

Sworn to before me this
14th day of July, 2023



THE HONORABLE ONA T. WANG
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK