

Approved: Lauren Schorr
Lauren Schorr / Hagan Scotten
Assistant United States Attorneys

COPY

Before: HONORABLE PAUL E. DAVISON
United States Magistrate Judge
Southern District of New York

15 MAG 3504

-----	x
	:
UNITED STATES OF AMERICA	:
	:
- v. -	:
	:
ALFRED RAMIREZ, and	:
JAMES COONEY,	:
	:
Defendants.	:
	x

SEALED COMPLAINT

Violations of
21 U.S.C. §§ 812, 841,
846, and 18 U.S.C. § 2

COUNTY OF OFFENSE:
ORANGE, DUTCHESS, AND
WESTCHESTER

SOUTHERN DISTRICT OF NEW YORK, ss.:

MICHAEL MULLER, being duly sworn, deposes and says that he is a Special Agent with the Drug Enforcement Administration ("DEA"), and charges as follows:

COUNT ONE

1. From at least in or about 2012, up to and including in or about September 2015, in the Southern District of New York and elsewhere, ALFRED RAMIREZ and JAMES COONEY, the defendants, and others known and unknown, intentionally and knowingly did combine, conspire, confederate, and agree with others to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that ALFRED RAMIREZ and JAMES COONEY, the defendants, and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance, in violation of Title 21, United States Code, Section 841(a) (1).

3. The controlled substance involved in the offense was at least approximately 10,893 tablets containing 30 milligrams of, commonly known as "OxyContin," a Schedule II controlled substance, in violation of 21 U.S.C. § 841(b) (1) (C).

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

COUNT TWO

4. From at least in or about 2012, up to and including in or about September 2015, in the Southern District of New York and elsewhere, ALFRED RAMIREZ, the defendant, 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 at least approximately 10,893 tablets containing 30 milligrams of oxycodone, commonly known as "OxyContin," a Schedule II controlled substance, in violation of 21 U.S.C. § 841(b)(1)(C).

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

COUNT THREE

6. From at least on or February 15, 2015, up to and including in or about March 23, 2015, in the Southern District of New York and elsewhere, JAMES COONEY, the defendant, 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).

7. The controlled substance involved in the offense was tablets containing 30 milligrams of oxycodone, commonly known as "OxyContin," a Schedule II controlled substance, in violation of 21 U.S.C. § 841(b)(1)(C).

(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 charges are, in part, as follows:

8. I am a Special Agent with the DEA, and I have been involved in the investigation of the above-described offense. I am familiar with the facts and circumstances set forth below from my personal participation in the investigation, including my review of pertinent documents, and from my conversations with fellow law enforcement officers. 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.

9. Based on my training and experience, which includes the investigation of the diversion of legitimately manufactured pharmaceuticals to unauthorized individuals, and my conversations with other law enforcement agents, I am familiar with various types of controlled substances that are often distributed illegally. As relevant to this investigation, I have learned the following:

a. Oxycodone is a semi-synthetic opioid analgesic that is similar to codeine and morphine. It is a Schedule II controlled substance. Oxycodone is the active ingredient in OxyContin, Percocet, Endocet, Roxicodone, and Roxicet.

b. Oxycodone may be prescribed legitimately to relieve moderate to severe pain, but can result in addiction similar to an addiction to codeine or morphine. There is an illegal market for oxycodone, as a substitute for, or adjunct to, other illegal narcotics, such as heroin.

10. Since in or about March 2015, I have participated in an investigation into individuals distributing prescription medications containing controlled substances, such as oxycodone, without authorization, and into physicians issuing prescriptions for such controlled substances without a legitimate medical basis. The investigation has involved, among other things, surveillance, reviewing records from the Department of Health and Human Services ("HHS"), the use of confidential informants and undercover law enforcement officers, and the consensual recording of meetings.

11. The DEA has been assisted in its investigation by three confidential informants ("CI-1,"¹ "CI-2,"² and "CI-3"³), and undercover law enforcement officers ("UC-1" and "UC-2").

BACKGROUND/HISTORICAL INFORMATION

12. Based on my review of public information published by the State of New York, I know that ALFRED RAMIREZ, the defendant, is a registered physician in New York State who is licensed to practice psychiatry.

13. Based on my conversations with CI-1, I have learned the following about CI-1's interactions with RAMIREZ prior to CI-1's cooperation with law enforcement:

a. Since at least in or about 2012, CI-1 has regularly purchased oxycodone prescriptions from RAMIREZ, without a legitimate medical basis. According to CI-1, RAMIREZ has never conducted a physical examination of CI-1.

b. CI-1 has also purchased oxycodone prescriptions from RAMIREZ on behalf of another individual ("Individual-1"). CI-1 stated that Individual-1 had an appointment with RAMIREZ on one occasion in February 2015, during which Individual-1 gave RAMIREZ a pharmacy report⁴ which reflected that Individual-1 had been prescribed Percocet. At that meeting, RAMIREZ wrote Individual-1 a prescription for 60 30 milligram ("30mg") oxycodone tablets and 60 Xanax tablets. After this meeting, RAMIREZ never saw Individual-1 again but continued to give

¹ CI-1, who was introduced to law enforcement by CI-2, is working with law enforcement in the hopes of receiving lenient treatment for an unrelated state felony. Information provided by CI-1 has proven reliable and has been corroborated by, among other things, surveillance, video recordings, physical evidence, and records obtained by law enforcement, as discussed in part below.

² CI-2 is working with law enforcement in the hopes of receiving lenient treatment relating to CI-2's involvement with RAMIREZ. Information provided by CI-2 has proven reliable and has been corroborated by, among other things, surveillance, video recordings, physical evidence, and records obtained by law enforcement, as discussed in part below.

³ CI-3 is a paid informant who has provided reliable information to the DEA in previous cases. Information provided by CI-3 in this case has proven reliable and has been corroborated by, among other things, surveillance, video recordings, physical evidence, and records obtained by law enforcement, as discussed in part below.

⁴ A pharmacy report, or a prescription history report, is the patient's prescription profile at a particular pharmacy.

prescriptions for those two narcotics for Individual-1 to CI-1.

14. Based on my conversations with CI-2, I have learned the following about CI-2's interactions with RAMIREZ prior to CI-2's cooperation with law enforcement:

a. CI-2 has been a customer of RAMIREZ for approximately four years. In the past, CI-2 met with RAMIREZ at an office in Fishkill, New York. According to CI-2, RAMIREZ never conducted a physical examination of CI-2. CI-2 merely gave a MRI report to RAMIREZ in order to obtain prescriptions from RAMIREZ. CI-2 paid RAMIREZ \$150.00 per visit in order to obtain, among other things, prescriptions for oxycodone.

b. JAMES COONEY, the defendant, would regularly pick up oxycodone prescriptions in CI-2's name from RAMIREZ and would fill those prescriptions at a pharmacy in Middletown, New York (the "Middletown Pharmacy"). COONEY charged CI-2 10 30mg oxycodone tablets as payment each time Cooney picked up and filled CI-2's prescriptions.

c. CI-2 purchased oxycodone pills from COONEY for \$25.00 per 30mg oxycodone pill.

15. On or about September 10, 2015, law enforcement officers conducted a traffic stop on a vehicle (the "Vehicle") on the Palisades Parkway in Alpine, New Jersey. Three persons present in the Vehicle were arrested for possession of marijuana. One of the persons arrested ("Individual-2")⁵ waived Miranda rights and agreed to speak with law enforcement. That interview was recorded. Based on my review of the interview recording, I have learned that the Vehicle was traveling to RAMIREZ's office in Orange County, New York from Queens, New York, where its occupants reside, to obtain prescriptions from RAMIREZ. Individual-2 stated that this was Individual-2's third appointment with RAMIREZ for this purpose. Individual further explained that once they arrived at RAMIREZ's office, Individual-2 expected to receive approximately \$200, or more, from the another person in the Vehicle. Individual-2 then planned to obtain prescriptions from RAMIREZ in exchange for that money. The Vehicle would then return to Queens, where Individual-2 expected to fill the prescriptions from RAMIREZ at a drug store in Queens and turn the drugs obtained over to one of the other individuals in the Vehicle. Individual-2 had taken

⁵ The State of New Jersey has since dismissed the marijuana charge against Individual-2 for reasons unrelated to this investigation.

similar steps in connection with Individual-2's other two visits with RAMIREZ.

16. Based on my participation in this investigation, including surveillance conducted by myself and other law enforcement agents, and my conversations with CI-1 and CI-2, I am aware that, from in or about May 2015 through in or about August 2015, RAMIREZ worked at an office on Midway Park Drive in Middletown, New York (the "Midway Park Location"). Before working at the Midway Park Location, RAMIREZ worked at several other locations in and around Orange County, New York. In or about September 2015, RAMIREZ began to work at an office on Crystal Run Road in Middletown, New York (the "Crystal Run Road Location").

17. Other law enforcement agents and I have observed that, from in or around May 2015 through in or around August 2015, RAMIREZ met "patients" or customers at the Midway Park Location approximately two days per week. On each day, RAMIREZ met between nine and 29 customers. RAMIREZ typically met with customers in the afternoon and evening hours, often as late as 10 p.m. Those dates and hours are consistent with information provided by CI-1 and CI-2 as to when RAMIREZ operates.

18. Based on my participation in this investigation, I am aware that, before RAMIREZ began to work out of the Crystal Run Road Office, he sold prescriptions to customers from his car, a gold Lexus that law enforcement has frequently observed RAMIREZ driving (the "Lexus"). Specifically, I have spoken to other law enforcement officers (the "Officers") who conducted surveillance of RAMIREZ on or about August 27, 2015, and who interviewed a customer of RAMIREZ ("Customer-1") also on that date, and I have learned the following:

a. RAMIREZ shared his office at the Midway Park Location with an individual who appears to be another practicing doctor ("Doctor-1"). On August 27, 2015, Doctor-1 had a dispute with RAMIREZ, the subject and/or result of which was RAMIREZ choosing or being forced to cease using his office at the Midway Park Location.

b. On or about August 27, 2015, RAMIREZ was observed sitting in the Lexus, which was parked in the parking lot of the Midway Park Location. At approximately 5:10 p.m., Customer-1 approached RAMIREZ in the Lexus and then returned to Customer-1's car.

c. Immediately thereafter, the Officers interviewed

Customer-1,⁶ and Customer-1 stated that RAMIREZ had moved his office to a new location. Customer-1 further stated that RAMIREZ told Customer-1 to sit in Customer-1's car and return to the Lexus in ten minutes. Customer-1 referred to RAMIREZ as "Dr. Kookoo" and said that Customer-1 had been visiting him for a while because it was "easy."

d. Customer-1 then returned to RAMIREZ in the Lexus and received a piece of paper. Law enforcement officers again spoke to Customer-1 after this transaction. Customer-1 was now in possession of at least one prescription from RAMIREZ. Customer-1 also informed law enforcement officers that another customer was waiting to see RAMIREZ, and RAMIREZ told Customer-1 that the other customer should pull up next to RAMIREZ's Lexus.

e. At approximately 6:00 p.m., RAMIREZ exited the Lexus with white papers in his hand and walked into the Midway Park Location. At approximately 6:20 p.m., RAMIREZ exited the Midway Park Location with another individual ("Customer-2"). The Officers observed RAMIREZ direct Customer-2 to sit on a park bench directly in front of the Midway Park Location. RAMIREZ walked back to the Lexus. At approximately 6:28 p.m., RAMIREZ exited the Lexus, opened the trunk of the Lexus, and removed several white sheets of paper from a box (the "Document Box") in the trunk of the Lexus. RAMIREZ then walked to back to Customer-2, and handed Customer-2 a white sheet of paper that was the size of a prescription script. Customer-2 handed RAMIREZ cash. RAMIREZ returned to the Lexus.

f. Other than Customer-1 and Customer-2, between approximately 5:45 p.m. and 9:00 p.m., law enforcement officers observed approximately seven to ten other individuals obtain white pieces of paper the size and shape of a prescription script from RAMIREZ, which he appeared to be selling from the Lexus. Three examples are discussed below:

i) At approximately 5:45 p.m., the Officers observed an individual ("Customer-3") standing at the passenger side of the Lexus. Customer-3 left the Lexus with a white paper in hand that was the size of a prescription script and walked to Customer-3's vehicle.

ii) At approximately 6:54 p.m., RAMIREZ waved

⁶ Customer-1 did not receive anything from law enforcement in exchange for providing this information. The information provided by Customer-1 is reliable and has been independently corroborated by other evidence, including surveillance conducted on or about August 27, 2015.

over to another individual ("Customer-4") sitting on the bench outside the Midway Park Location. Customer-4 approached the passenger side of the Lexus, and RAMIREZ handed Customer-4 a white piece of paper that was the size of a prescription script. Customer-4 returned to Customer-4's vehicle.

iii) At approximately 7:10 p.m., an individual ("Customer-5") met RAMIREZ in the Lexus. RAMIREZ gave Customer-5 a white piece of paper that was the size of a prescription script. Customer-5 looked at the document and placed it in his shorts pocket. Customer-5 exited the Lexus and returned to Customer-5's car.

19. Based on my review of records obtained from HHS, I have learned the following:

a. Between in or about November 2012 through on or about September 1, 2015, COONEY filled 34 prescriptions from RAMIREZ for oxycodone 30mg tablets, for which 3,880 pills were dispensed.

b. Between in or about December 2012 through in or about March 2015, CI-1 filled 27 prescriptions from RAMIREZ for oxycodone 30mg tablets, for which 2,878 pills were dispensed.

c. Between in or about April 2013 through in or about March 2015, CI-2 filled 19 prescriptions from RAMIREZ for oxycodone 30mg tablets, for which 2,100 pills were dispensed.

d. Between on or about June 16, 2015 and July 21, 2015, Individual-2 filled two prescriptions from RAMIREZ for oxycodone 30mg tablets, for which 220 pills were dispensed.

CONTROLLED PURCHASES OF OXYCODONE

20. Between at least in or about May 2015 through in or about August 2015, CI-1, CI-2, and CI-3, and two undercover law enforcement officers ("UC-1" and "UC-2") made approximately ten controlled purchases of oxycodone from ALFRED RAMIREZ, the defendant. All of these controlled purchases were done at the direction of law enforcement, were recorded, and were accompanied by law enforcement surveillance.⁷ During each purchase, RAMIREZ did not conduct a physical examination.

⁷ Where I refer to the contents of previously recorded communications, my quotations and descriptions are based on preliminary draft summaries and transcriptions, my review of the recordings, and/or my discussions with other individuals, including CI-1, CI-2, CI-3, UC-1 and UC-2, and Individual-1.

During three controlled purchases, CI-1 also purchased illegal prescriptions for other individuals who were not present.

21. In the aggregate, during the controlled purchases, CI-1, CI-2, CI-3, and UC-2 purchased prescriptions for approximately 1,815 30mg oxycodone tablets, among other drugs, from RAMIREZ. The circumstances of six purchases are described in detail below.

May 31, 2015

22. On or about May 31, 2015, law enforcement officers met with CI-1, equipped CI-1 with a recording device, and provided CI-1 with \$300.00 from for the purpose of illegally purchasing prescriptions from RAMIREZ. Based on surveillance that other law enforcement officers and I conducted, my review of the recordings, and my conversation with CI-1, I have learned the following:

a. At approximately 7:00 p.m., CI-1 entered the Midway Park Location. At approximately 8:52 p.m., CI-1 entered RAMIREZ's private office in the Midway Park Location. RAMIREZ did not examine CI-1.

b. During this meeting, CI-1 obtained the following six prescriptions from RAMIREZ in exchange for \$300.00:

i) Three prescriptions in the name of CI-1: (1) 120 30mg oxycodone tablets; (2) 60 1mg alprazolam tablets;⁸ (3) 60 30mg Adderal tablets;

ii) One prescription in the name of CI-2, who was not present during the meeting, for 120 30mg oxycodone tablets;

iii) Two prescriptions in the name of another individual, who was not present during the meeting: (1) 80 30mg oxycodone tablets; (2) alprazolam.

c. CI-1 exited the Midway Park Location at approximately 9:50 p.m. CI-1 then met law enforcement officers at a predetermined location, and was searched for contraband.

⁸ Alprazolam, often sold under the trade name "Xanax," is a prescription drug primarily intended to treat anxiety disorders. Alprazolam is a Schedule IV controlled substance, and I know, based on my training and experience, that persons who abuse oxycodone often also abuse alprazolam, because the two drugs are perceived as having complementary effects.

June 4, 2015

23. On or about June 4, 2015, law enforcement officers met with CI-1 and CI-3, and equipped CI-1 and CI-3 with recording devices. Law enforcement officers provided CI-1 with \$420.00 and CI-3 with \$250.00 for the purpose of illegally purchasing prescriptions from RAMIREZ. Law enforcement officers also provided CI-3 with a compact disc which CI-3 would tell RAMIREZ contained MRI records and was labeled "St. John's Hospital" but which was in fact a blank CD (the "blank MRI disc"). Based on surveillance that other law enforcement officers and I conducted, my review of the recordings, and my conversations with CI-1 and CI-3, I have learned the following:

a. At approximately 9:00 p.m., CI-1 and CI-3 entered the Midway Park Location, and subsequently entered RAMIREZ's private office in the Midway Park Location.

b. CI-1 introduced CI-3 to RAMIREZ. CI-3 handed RAMIREZ the blank MRI disc, which RAMIREZ left on his desk. CI-1 and CI-3 did not observe a computer in RAMIREZ's office. RAMIREZ asked CI-3 to provide him with "papers" before he would provide CI-3 with a prescription because doing otherwise would be "too dangerous."

c. Subsequently, RAMIREZ provided CI-1—with whom he had a pre-existing relationship—with prescriptions. CI-1 asked Ramirez, "If I gave you money that you would be able to give me a month's script, so I don't have to come back." RAMIREZ said, "You want to give me 180 I'll be glad to do it." CI-1 said, "Yes I need all of them, the Adderall, Xanax, and oxycodone, all of them and you know so I don't have to come back, it makes it easier[.]" CI-1 obtained three prescriptions in CI-1's name from RAMIREZ in exchange for \$180.00: (1) 120 30mg oxycodone tablets; (2) 60 1mg alprazolam tablets; (3) 60 30mg Adderal tablets. Those prescriptions were the same prescriptions CI-1 obtained four days prior on May 31, 2015, except the prescriptions purchased on June 4, 2015 were dated June 28, 2015.

d. RAMIREZ did not examine CI-1 or CI-3.

e. CI-1 and CI-3 exited the Midway Park Location at approximately 11:35 p.m. CI-1 and CI-3 then met law enforcement officers at a predetermined location, and were searched for contraband.

June 18, 2015

24. On or about June 18, 2015, approximately two weeks later, law enforcement officers met with CI-1 and CI-3, and equipped CI-1 and CI-3 with recording devices. Law enforcement officers provided CI-3 with \$250.00 for the purpose of illegally purchasing prescriptions from RAMIREZ. Law enforcement officers also provided CI-3 with a prescription history report which was obtained from a pharmacy in Beacon, New York. Based on surveillance that other law enforcement officers and I conducted, my review of the recordings, and my conversations with CI-1 and CI-3, I have learned the following:

a. At approximately 3:00 p.m., CI-1 and CI-3 entered the Midway Park Location. At approximately 3:25 p.m., CI-3 filled out patient paperwork, including pedigree information and medical history, at the request of RAMIREZ. At approximately 4:18 p.m., CI-1 and CI-3 entered RAMIREZ's private office.

b. During the meeting with RAMIREZ, CI-3 told RAMIREZ that CI-3 needed oxycodone for "pain," but intentionally obfuscated as to specifics, variously telling RAMIREZ that CI-3 felt pain "everywhere," then agreeing to RAMIREZ's suggestion that the pain was in CI-3's knees, then claiming back pain as well. In addition, CI-3 told RAMIREZ that CI-3 needed Xanax to go to sleep. CI-3 gave RAMIREZ the prescription history report, which indicated that CI-3 obtained Xanax from a physician until May 13, 2015. RAMIREZ did not conduct a physical examination of CI-3 or review CI-3's medical records.

c. CI-3 obtained two prescriptions in CI-3's name from RAMIREZ in exchange for \$250.00: (1) 90 30mg oxycodone tablets; and (2) 60 2mg alprazolam tablets. RAMIREZ did not examine CI-3.

d. RAMIREZ told CI-3 that the next appointment would cost \$150.00. CI-3's next appointment was scheduled for July 16, 2015.

e. CI-3 observed that there were no other medical personnel in RAMIREZ's office or waiting room area.

f. At approximately 4:35 p.m., CI-1 and CI-3 exited the Midway Park Location. CI-1 and CI-3 then met law enforcement officers at a predetermined location, and were searched for contraband.

July 9, 2015

25. On or about July 9, 2015, law enforcement officers met with CI-2, equipped CI-2 with a recording device, and provided CI-2 with \$150.00 for the purpose of illegally purchasing prescriptions from RAMIREZ. Based on surveillance that other law enforcement officers and I conducted, my review of the recordings, and my conversation with CI-2, I have learned the following:

a. At approximately 2:50 p.m., law enforcement officers observed RAMIREZ, who was driving the Lexus, enter the parking lot of the Midway Park Location.

b. CI-2 met with RAMIREZ in the Midway Park Location parking lot and they walked into the Midway Park Location.

c. CI-2 obtained two prescriptions in CI-2's name from RAMIREZ in exchange for \$150.00: (1) 120 30mg oxycodone tablets; and (2) Alprazolam 0.5mg. RAMIREZ also provided CI-2 with an article regarding arthritis. RAMIREZ did not examine CI-2.

d. At approximately 5:00 p.m., CI-2 exited the Midway Park Location. CI-2 met with law enforcement officers at a predetermined location and was searched for contraband.

July 16, 2015

26. On or about July 16, 2015, CI-3's next appointment date, at approximately 7:00 p.m., law enforcement officers met with CI-1, CI-3, and UC-1, and equipped all three with recording devices. Law enforcement provided CI-1 with \$400.00, CI-3 with \$150.00, and UC-1 with \$250.00, all for the purpose of illegally purchasing prescriptions from RAMIREZ. Based on surveillance that other law enforcement officers and I conducted, my review of the recordings, and my conversation with CI-1, CI-3, and UC-1, I have learned the following:

a. At approximately 7:35 p.m., CI-1, CI-3, and UC-1 entered the Midway Park Location.

b. During the meeting, CI-1 introduced RAMIREZ to UC-1. UC-1 gave RAMIREZ a false MRI report, and the same prescription history report that CI-3 gave Ramirez on June 18, 2015, as described above in Paragraph 23. RAMIREZ provided UC-1 with an appointment on July 30, 2015.

c. During the meeting, RAMIREZ asked CI-3 how CI-3 was feeling, and CI-3 said that CI-3 was feeling "good." RAMIREZ did not examine CI-3, and did not ask CI-3 about pain.

d. CI-3 obtained three prescriptions from RAMIREZ in CI-3's name in exchange for \$150.00: (1) 90 30mg oxycodone tablets; (2) 60 2mg alprazolam tablets; and (3) 60 300mg Ibuprofen tablets.

e. At approximately 9:00 p.m., CI-1, CI-3, and UC-1 exited the Midway Park Location. CI-1, CI-3, and UC-1 met with law enforcement officers at a predetermined location and they were searched for contraband.

August 22, 2015

27. On or about August 22, 2015, law enforcement officers met with CI-3 and UC-2, and equipped CI-3 and UC-2 with recording devices. Law enforcement officers provided UC-2 with \$300.00 for the purpose of illegally purchasing prescriptions from RAMIREZ. Based on surveillance that other law enforcement officers and I conducted, my review of the recordings, and my conversation with CI-3 and UC-2, I have learned the following:

a. At approximately 6:35 p.m., CI-3 and UC-2 entered the Midway Park Location.

b. A short time later, CI-3 exited the Midway Park Location and advised law enforcement officers that RAMIREZ would provide CI-3 prescriptions for the following month. Law enforcement officers provided CI-3 with \$200.00, and CI-3 returned to the Midway Park Location.

c. During the meeting, CI-3 obtained two prescriptions in the name of CI-3 from RAMIREZ in exchange for \$150.00: (1) 90 30mg oxycodone tablets; and (2) 60 2mg alprazolam tablets. RAMIREZ did not examine CI-3, and CI-3 had previously obtained identical prescriptions from RAMIREZ on or about August 13, 2015 as part of a controlled purchase not otherwise described herein.

d. During the meeting, UC-2 used the same name that UC-1 used during the July 16, 2015 meeting with RAMIREZ. UC-2 obtained three prescriptions in the name of UC-1 from Ramirez in exchange for \$300.00: (1) 85 30mg oxycodone tablets; (2) 60 30mg Adderall tablets; and (3) 60 60mg alprazolam tablets. RAMIREZ did not examine UC-2.

e. At approximately 7:30 p.m., CI-3, and UC-2 exited

the Midway Park Location. CI-3 and UC-2 met with law enforcement officers at a predetermined location and they were searched for contraband.

MARCH 23, 2015 OVERDOSE

28. On or about March 23, 2015, an individual ("Victim-1") was found dead at a residence in Yonkers, New York (the "Yonkers Residence"). Based on my review of police reports prepared by the Yonkers Police Department (the "YPD") and my conversations with Yonkers police officers (the "YPD Officers"), I have learned the following:

a. Victim-1 was found lying on Victim-1's bed, and was pronounced dead on arrival.

b. The YPD Officers recovered from underneath Victim-1's body two 1mg alprazolam pills.

c. The YPD Officers also recovered from the Yonkers Residence an empty oxycodone pill bottle (the "Oxycodone Pill Bottle"), among other things.

29. I have reviewed a toxicology report prepared by the Westchester County Office of the Medical Examiner, which concludes that the cause of Victim-1's death was oxycodone and alprazolam.

30. I have viewed the Oxycodone Pill Bottle and observed that "Dr. RAMIREZ, ALFRED" is the doctor listed on the Oxycodone Pill Bottle, that the prescription was written on February 15, 2015. The name that the Oxycodone Pill Bottle was prescribed to had been scratched off.

31. Based on my review of data received from the New York State Department of Health ("NYS DHS") regarding the Oxycodone Pill Bottle, I have learned the following: On or about February 15, 2015, ALFRED RAMIREZ, the defendant wrote JAMES COONEY, the defendant, prescriptions for 120 30mg oxycodone tablets and 60 2mg alprazolam tablets. On or about February 17, 2015, COONEY filled the 60 2mg alprazolam tablets prescription at a pharmacy in Yonkers, New York, and paid using health insurance. On or about February 23, 2015, COONEY filled the 120 oxycodone 30mg tablets prescription at the Middletown Pharmacy, and paid using his health insurance. COONEY received the Oxycodone Pill Bottle from the Middletown Pharmacy.

32. Based on my review of subscriber records provided by T-Mobile, records from a public utility company, and statements

by CI-1 and CI-2, I am aware that COONEY's phone number ends with 1737 (the "1737 Phone Number"), and that COONEY resides in Yonkers, New York.

33. I have reviewed the content of Victim-1's cellphone (the "Victim-1 Cellphone"), and I have learned the following:

a. Victim-1 had created a "contact" in the Victim-1 Cellphone for "Cooney Jr" with the 1737 Phone Number. As noted above in Paragraph 31, this phone number is COONEY, the defendant's, phone number.

b. Victim-1 and COONEY exchanged text messages on or about March 20, 2015. Victim-1 wrote, "Hey you don't have anything right." COONEY wrote, "Yeah I'm good. Got 30s now and I have a few zannys. But I'll have a bunch of zannys manana." Victim-1 wrote, "Ok I'll text you in a bit." COONEY wrote, "I'm working till like 8." Victim-1 wrote, "Yeah that's fine." At approximately 8:05 p.m., Victim-1 wrote, "Hey when your home give me a text and I'll take a cab over . . . If that's cool. If not just let me know . . . What number is your building." COONEY wrote, "185." (I know that COONEY resides in a building numbered "185" in Yonkers.) Victim-1 wrote, "In cab . . . Outside." COONEY wrote, "Coming down." Based on my training and experience, and my participation in this investigation, I believe "30s" refers to oxycodone 30mg and that "zannys" refers to Xanax, or alprazolam.

c. Victim-1 and COONEY also exchanged phone calls on the evening of March 20, 2015. COONEY called Victim-1 at approximately 8:26 p.m., and Victim-1 called COONEY at approximately 8:27 for approximately 16 seconds.

34. As reflected above, RAMIREZ has issued prescriptions to COONEY, CI-1, CI-2, CI-3, UC-2, and Individual-2, for a total of at least approximately 10,893 30mg oxycodone tablets.

WHEREFORE, the deponent respectfully requests that ALFRED RAMIREZ and JAMES COONEY, the defendants, be arrested, and that he be imprisoned or bailed, as the case may be.



MICHAEL MULLER
Special Agent
Drug Enforcement Administration

Sworn to before me this
30th day of September 2015

HONORABLE PAUL E. DAVISON
United States Magistrate Judge
Southern District of New York