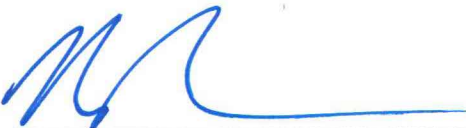


Approved: 
MICHAEL D. LONGYEAR / NICOLAS ROOS
Assistant United States Attorneys

Before: HONORABLE JAMES L. COTT
United States Magistrate Judge
Southern District of New York

- - - - - X
: UNITED STATES OF AMERICA : COMPLAINT
: :
: - v. - : Violation of
: : 21 U.S.C. § 846
: EMANUELLI RIVERA, and :
: PEDRO DISLA ROJAS, :
: : COUNTY OF OFFENSE:
: Defendants. : BRONX
: :
- - - - - X

SOUTHERN DISTRICT OF NEW YORK, ss.:

NELSON CRESPO, being duly sworn, deposes and says that he is a Special Agent with the United States Bureau of Alcohol, Tobacco, Firearms, and Explosives ("ATF") and charges as follows:

COUNT ONE

1. From at least on or about January 30, 2018, to at least on or about May 9, 2018, in the Southern District of New York and elsewhere, EMANUELLI RIVERA and PEDRO DISLA ROJAS, the defendants, and others known and unknown, intentionally and knowingly, did combine, conspire, confederate, and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that EMANUELLI RIVERA and PEDRO DISLA ROJAS, the defendants, and others known and unknown, would and did distribute and possess with the intent to distribute controlled substances, in violation of Title 21, United States Code, Section 841(a) (1).

3. The controlled substances that EMANUELLI RIVERA and PEDRO DISLA ROJAS, the defendants, conspired to distribute and possess with the intent to distribute were 100 grams and

more of mixtures and substances containing a detectable amount of carfentanil, an analogue of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide ("fentanyl"), in violation of Title 21, United States Code, Section 841(b)(1)(A); and mixtures and substances containing a detectable amount of heroin, in violation of Title 21, United States Code, Section 841(b)(1)(C).

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

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

4. I am a Special Agent with the ATF and 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, and my conversations with law enforcement agents and witnesses. 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 actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

5. As described in more detail below, the investigation has revealed that EMANUELLI RIVERA and PEDRO DISLA ROJAS, the defendants, are working with others to distribute multi-gram quantities of substances containing carfentanil. Based on my conversations with chemists from the Drug Enforcement Administration ("DEA") and my review of DEA reports, I understand that carfentanil is an analogue of fentanyl, which can be lethal at the 2-milligram range, depending on route of administration and other factors. Carfentanil is used as a tranquilizing agent for elephants and other large mammals. Carfentanil is 100 times more potent than fentanyl.

JANUARY 30, 2018 SALE OF 50 GRAMS OF CARFENTANIL

6. On or about January 30, 2018, at the direction of law enforcement, a confidential witness (the "CW")¹ met a co-

¹ In or about June 2016, the CW was charged in the United States District Court for the District of Massachusetts with distributing, among other things, heroin. The CW has provided information to law enforcement in hopes of obtaining leniency at sentencing in his criminal case. The CW's information has generally proved accurate and reliable and has been corroborated

conspirator not named in this Complaint ("CC-1"), to undertake a narcotics transaction. Based on my conversations with the CW and my observations of the transaction, I have learned, among other things, the following:

a. The CW contacted CC-1 by calling CC-1's cellular telephone. CC-1 directed the CW to meet CC-1 at a location near West 204th Street and Post Avenue in New York, New York. The CW called CC-1 when the CW arrived at the location.

b. CC-1 met the CW at the location and entered the CW's car. CC-1 informed the CW that they had to drive to the Grand Concourse section of the Bronx to pick up the narcotics. CC-1 instructed the CW to drive to the vicinity of East 175th Street and Grand Concourse in the Bronx.

c. Upon their arrival in the vicinity of East 175th Street and Grand Concourse, the CW gave CC-1 \$3,250 in pre-recorded buy money. CC-1 exited the vehicle, walked toward a grocery store on Grand Concourse, and met with EMANUELLI RIVERA, the defendant. CC-1 returned to the CW's car and handed the CW a clear plastic bag containing approximately 50 grams of apparent narcotics ("Substance-1"). CC-1 told the CW that CC-1 was going to remain at the location and exited the CW's car.

7. Based on my review of laboratory reports from the Drug Enforcement Administration's Northeast Laboratory (the "DEA Lab"), I have learned, among other things, the following:

a. Substance-1 weighed approximately 50 grams and contained a detectable amount of carfentanil.

MAY 9, 2018 ARREST

8. Based on my participation in this investigation, I know that on or about May 9, 2018, law enforcement agents obtained a search warrant to search a basement apartment ("Apartment-1") located at 125 Mount Hope Place in the Bronx, New York (the "Building"), which is located approximately two blocks from where the January 30, 2018 transaction took place, for, among other things, narcotics.

by other evidence, such as surveillance by law enforcement. Unless otherwise noted, all actions by the CW described herein were taken at the direction of law enforcement.

9. In preparing to search Apartment-1, law enforcement personnel positioned themselves to surveil the entrance of the Building. Based on surveillance of public spaces within the Building, I understand that Apartment-1 is the only apartment located in the basement of the Building.

10. At approximately 6:00 p.m., law enforcement personnel observed EMANUELLI RIVERA, the defendant, enter the Building and take the elevator to the basement level. Law enforcement personnel then observed RIVERA exit the Building. Law enforcement personnel then intercepted RIVERA and placed him under arrest. RIVERA was found to be in possession of approximately 100 grams of a white powdery substance ("Substance-2").

a. Due to the lethal nature of carfentanil, I understand that testing a substance for the presence of carfentanil must be done in a laboratory setting. Accordingly, Substance-2 was secured and sent to the DEA Lab for testing.

SEARCH OF APARTMENT-1

11. Following the arrest of EMANUELLI RIVERA, the defendant, law enforcement personnel executed a search of Apartment-1. Based on my participation in the search, my conversations with members of law enforcement personnel, and my observations, I have learned the following:

a. As members of law enforcement personnel attempted to gain entry into Apartment-1, PEDRO DISLA ROJAS, the defendant, opened the door to Apartment-1. Law enforcement personnel secured ROJAS and removed him from Apartment-1.

b. The following items, among other things, were recovered from a bedroom that was connected to the kitchen ("Bedroom-1"):

i. Plastic glassine bags containing what appeared to be a white powdery substance;

ii. Boxes of empty glassine bags and other glassines stamped with "Sweet Dreams" and "Nasty Boyz," pictured below:



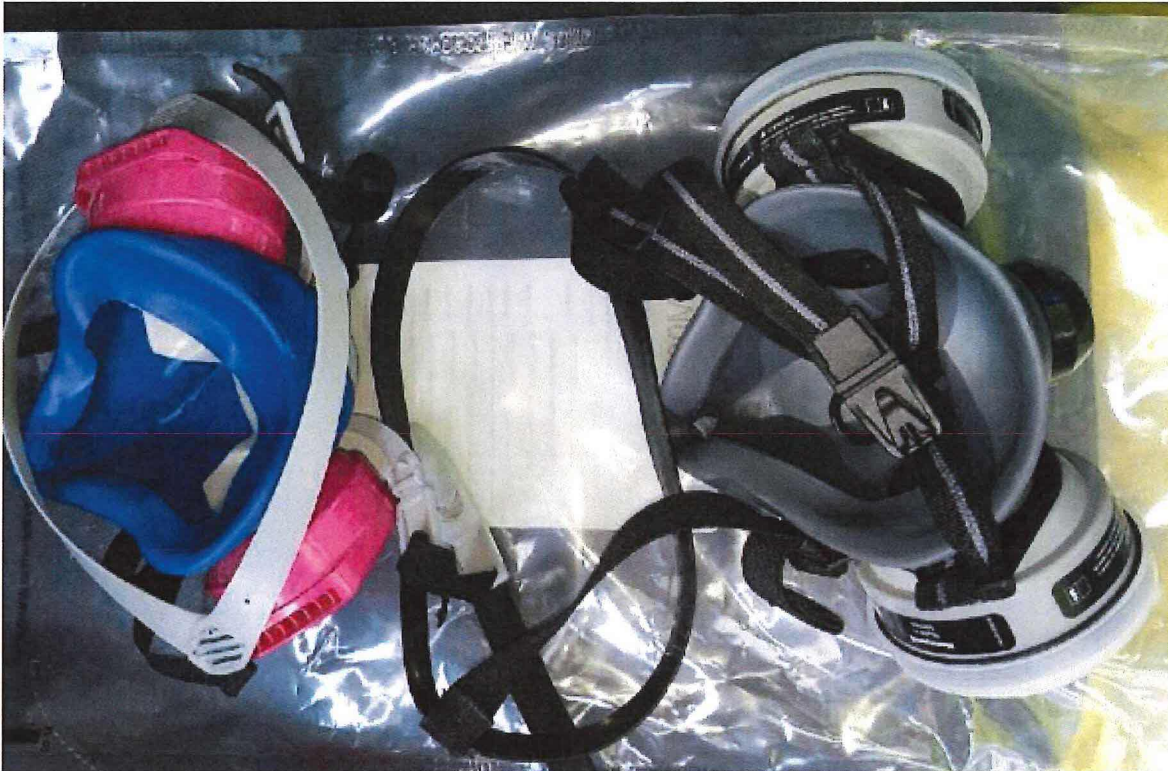
iii. A stamp with a picture of wings and the words "My Angel," pictured below:



iv. Green saran wrap;

v. Grinders;

- vi. Strainers;
 - vii. An unassembled wooden press machine;
- and
- viii. Two respirator masks, pictured below:



12. Based on my conversation with a member of law enforcement personnel, the substance in one of the glassine bags identified above in paragraph 11(b) (i) field tested positive for heroin.

13. Based on my training and experience in investigating the distribution of narcotics, I know the following:

- a. Individuals engaged in the distribution of narcotics tend to market their narcotics with different names and typically stamp the bags containing their narcotics, similar to the names and stamps identified above in paragraphs 11(b) (ii)-(iii).

b. The items identified above in paragraphs 11(b)(iv)-(vii), are tools commonly used by individuals engaged in narcotics trafficking to prepare and package their narcotics.

c. The respirator masks identified above in paragraph 11(b)(viii) are commonly used by those engaged in the mixing of narcotics - especially in the case of mixing potent substances such as carfentanil.

14. Law enforcement personnel recovered additional items from a bedroom located in the rear of the apartment ("Bedroom-2"), including:

a. One plastic bag containing a white powdery substance;

b. One clear plastic cup containing a white powdery substance; and

c. One clear plastic bag containing a light orange powdery substance.

15. All of the powdery substances recovered from Apartment-1 have been sent to the DEA Lab for testing.

16. After completion of the search, law enforcement personnel interviewed a porter from the Building, who stated in substance and in part:

a. EMANUELLI RIVERA and PEDRO DISLA ROJAS, the defendants, reside in Bedroom-1 of Apartment-1.

WHEREFORE, deponent respectfully requests that EMANUELLI RIVERA and PEDRO DISLA ROJAS, the defendants, be arrested, and imprisoned or bailed, as the case may be.

Special Agent Nelson Crespo, ATF

Sworn to before me this
10th day of May, 2018

THE HONORABLE JAMES L. COTT
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK