

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF VIRGINIA

Norfolk Division

UNITED STATES OF AMERICA)	
)	
v.)	CRIMINAL NO. 2:21cr 84
)	
ANTHONY G. DIMAIUAT,)	
)	
Defendant.)	

STATEMENT OF FACTS

The parties stipulate that the allegations in Count One of the Criminal Information and the following facts are true and correct, and that had the matter gone to trial the United States would have proven them beyond a reasonable doubt with competent, admissible evidence:

1. In early 2020, the United States Postal Inspection Service (“USPIS”), the Federal Bureau of Investigation, and the Food and Drug Administration Office of Criminal Investigations, began conducting a criminal investigation of a darknet market (“DM”) vendor that operated using the moniker “Xanscriptz.” A DM is a hidden commercial website that operates on a portion of the Internet that is often referred to as the TOR network, darkweb, or darknet. A DM operates as a black market, selling or brokering transactions involving legal products as well as drugs, weapons, counterfeit currency, stolen credit card details, forged documents, unlicensed pharmaceuticals, steroids, and other illicit goods.

2. In February 2020, a member of the investigative team identified a suspected DM vendor operating in the Hampton Roads area. The investigative team analyzed USPS business records for approximately 70 mailings in February 2020 from Norfolk, VA. A review of the records revealed a high number of USPS Priority Mail parcels with similar postage and weight. All the parcels contained the same or a similar sender name of Baker Wireless Co. and return

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address on Bonney Road in Virginia Beach, VA. A further review of the records revealed several of the parcels contained pre-printed shipping labels and were packaged in the same USPS Priority Mail small flat rate box, and that all of the parcels contained postage purchased from a third-party reseller of postage.

3. A related USPS Priority Mail parcel with tracking number 9114 9023 0722 4636 5636 74 destined for St. Louis, MO, was identified. Postage for this parcel was purchased at the Virginia Beach Main Post Office, from the USPS Self Service Kiosk, on February 1, 2020 at 8:17am. Four stamps in the amount of \$8.30 were purchased in one transaction for a total transaction amount of \$33.20. Payment for the stamps was via prepaid VISA debit card ending in 0977. One of the four stamps purchased was used on Priority Mail parcel 9114 9023 0722 4636 5636 74, bearing a sender name and return address of an address in Virginia Beach, Virginia, and addressed to a St. Louis, Missouri residence.

4. A review of USPS sales transaction records revealed the prepaid VISA debit card ending in 0977 was used as the payment method for 36 transactions totaling \$2,506.70 between October 9, 2019, and February 1, 2020. The transaction amounts varied between \$7.35 and \$194.40. The 36 transactions were conducted at three different Post Offices in Virginia Beach. In addition, all 36 transactions were conducted at Self Service Kiosk machines. Photographs obtained from transactions conducted on December 18 and 20, 2019, January 27, 29, and 30, 2020, and February 1, 2020, all reflect a white male with dark hair wearing a dark colored Nike jacket, later identified as ANTHONY DIMAIUAT, purchasing the postage.

5. A query of Virginia DMV records showed that DIMAIUAT appeared to be the same individual captured conducting postal transactions at the USPS Self Service Kiosks located at the

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Witchduck, Acredale and Virginia Beach Main Post Offices between December 2019 and February 2020.

6. On April 20, 2020, a member of the investigative team, while acting in an undercover capacity, visited the Dark Web Empire Market vendor page for "Xanscriptz." The member of the investigative team noted the vendor page displayed approximately 968 sales, a 100% positive feedback rating, and a profile creation date of August 7, 2019. The products listed for sale on this page were 3mg Pfizer-branded Xanax bars. Pfizer Inc. is an American multinational pharmaceutical corporation that manufactures Xanax prescription medications. The investigative team member ordered 100 3mg Xanax bars from "Xanscriptz." The price for the pills was \$150 plus \$10 for Priority Mail Express Shipping, bringing the total to \$160. Approximately .02480073 Bitcoins, or \$170.16, were transferred from an undercover Coinbase account to an escrow wallet with Empire Market for the purchase.

7. On April 21, 2020, a USPS label was created and an associated parcel was subsequently delivered to a UC mailbox in Arnold, Maryland, on April 23, 2020. On April 23, 2020, the member of the investigative team recovered the above-mentioned USPS Priority Mail parcel with tracking number 9405 5368 9784 6564 9824 89 from the UC mailbox in Arnold, Maryland, and photographed the evidence. The USPS shipping box listed a return address at a business in Portsmouth, Virginia, and contained one small clear vacuum sealed food saver bag containing white rectangular pills stamped with "XANAX" on one side and "2" on the other, weighing 28.35 grams. The evidence was transferred to the US Postal Inspection Service for retention and laboratory analysis. Subsequent USPIS laboratory analysis of one of the pills purchased on April 20, 2020, showed that it contained Clonazolam, a non-scheduled substance, and confirmed that the pill was not actually Xanax.

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8. On April 22, 2020, a member of the investigative team conducted an undercover purchase of ten Xanax-labeled pills from darknet vendor XanScriptz on Empire Market. An address in Chicago, Illinois, was provided to the vendor for the shipment. On April 27, 2020, USPS Priority Mail parcel with tracking number 9405 5368 9784 6556 5580 86 was retrieved from the UC box. The parcel was subsequently opened and consisted of one small clear vacuum sealed bag containing 11 ½ white rectangular pills stamped with "XANAX" on one side and "2" on the other, weighing 2.8 grams. Packaging material included one USPS flat rate Priority Mail envelope, one self-seal manila envelope, one white bubble mailer with a USPS Priority Mail sticker (Label 107R), and one silver mylar bag. The parcel contained a pre-printed label with the sender name and a return address in Chesapeake, Virginia. Subsequent USPIS laboratory analysis of one of the pills purchased on April 22, 2020, showed that it contained Clonazepam, a non-scheduled substance, and confirmed that the pill was not actually Xanax.

9. Based on this information, the investigative team obtained a federal search warrant for DIMAIUAT's Virginia Beach residence. On May 20, 2020, the investigative team executed the search warrant. During the search, law enforcement recovered two label printers and envelopes, a ledger, three digital scales, a food saver, three rolls of priority mail stickers, approximately 2,400 grams of white pills, two glass jars containing a white powder, drug packaging material, postal boxes, and USPS envelopes. Subsequent USPIS laboratory analysis of a sampling of the pills seized on May 20, 2020, revealed they contained Clonazepam and Flubromazepam, which are non-scheduled substances. A USPIS Laboratory analysis of the white powder discovered in the glass vials confirmed that the substance contained cocaine.

10. DIMAIUAT was present at the time of the federal search warrant on May 20, 2020. He was informed he was not under arrest and advised of his *Miranda* rights. He agreed

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to waive his rights and speak with the investigators. He told investigators that he began purchasing Xanax pills on the DM approximately two years prior to the execution of the search warrant. He typically purchased 250-500 pills at one time from DM vendors for personal use and to redistribute locally in the Eastern District of Virginia. He further stated that in late 2019, he established the XanScriptz vendor account on the DM. He provided his password and log-in information to the investigative team. The defendant stated that he did not use the pills he purchased recently and was not aware of the substance used in the manufacturing of the pills he purchased from a particular DM vendor. He stated that the vendor's DM page from the recent pills he had ordered contained reviews from other customers stating that the pills he purchased would not contain Alprazolam or Fentanyl. Authentic Xanax pills contain Alprazolam. The pills that DIMAIUAT distributed as the XanScriptz vendor were misbranded pharmaceutical drugs.

11. After law enforcement left DIMAIUAT's residence on May 20, 2020, DIMAIUAT realized that law enforcement had not located and seized a quantity of fake Xanax pills. DIMAIUAT brought it to the attention of law enforcement on a later date and voluntarily provided the pills to law enforcement.

12. DIMAIUAT admits that on April 22, 2020, when he introduced for distribution in interstate commerce the package of white pills stamped with "XANAX" referenced in paragraph 8, that he did so knowing the pills did not contain Alprazolam, and that he transmitted the misbranded drug with the intent to defraud or mislead the purchaser.

13. Virginia Beach, Virginia is within the Eastern District of Virginia.

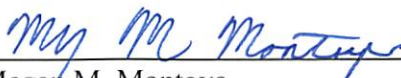
14. The actions of the defendant, as recounted above, were in all respects knowing and deliberate, with the intent to defraud and mislead, and were not committed by mistake, accident, or other innocent reason.

15. All of the incidents set forth above occurred in the Eastern District of Virginia.

16. The defendant acknowledges that the foregoing statement of facts is a partial summary of the case and does not describe all of the defendant's conduct relating to the offense charged in this case.

Respectfully submitted,

RAJ PAREKH
ACTING UNITED STATES ATTORNEY

By: 
Megan M. Montoya
Assistant United States Attorney

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After consulting with my attorney and pursuant to the plea agreement entered into this day between the defendant, ANTHONY G. DIMAIUAT, and the United States, I hereby stipulate that the above Statement of Facts is true and accurate, and that had the matter proceeded to trial, the United States would have proved the same beyond a reasonable doubt.



ANTHONY G. DIMAIUAT

I am ANTHONY G. DIMAIUAT's attorney. I have carefully reviewed the above Statement of Facts with him. To my knowledge, his decision to stipulate to these facts is an informed and voluntary one.



Jeffrey A. Swartz, Esq.
Counsel for the Defendant