SD:FJN F#. 2019R01812

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

19-MJ-1034

- against -

COMPLAINT

GILBERTO MELGAREJO and BROOKE GRAY, also known as "THEQUEENSHIVE,"

(21 U.S.C. §§ 841(b)(1)(A)(viii)), 846; 18 U.S.C. § 3551 et seg.)

Defendant.

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EASTERN DISTRICT OF NEW YORK, SS:

ALLAN LIEFKE, being duly sworn, deposes and states that he is a Special Agent with the Drug Enforcement Administration, duly appointed according to law and acting as such.

On or about between March 12, 2019 and September 24, 2019, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants GILBERTO MELGAREJO and BROOKE GRAY, together with others, did knowingly and intentionally conspire to distribute and possess with intent to distribute a controlled substance, which offense involved a substance containing methamphetamine, its salts, isomers, and salts of its isomers, a Schedule II controlled substance. The amount of methamphetamine involved in the conspiracy attributable to each defendant as a result of his/her own conduct, and the conduct of other conspirators reasonably foreseeable to him/her, was 50 grams or more of methamphetamine.

(Title 21, United States Code, Sections 846, 841(b)(1)(A)(viii); Title 18, United States Code, Sections 3551 et seq.)

The source of your deponent's information and the grounds for his belief are as follows:¹

- 1. I am a Special Agent with the Drug Enforcement Administration ("DEA"). I have been a DEA Special Agent for approximately 10 years and am currently assigned to the New York Division. During my tenure with the DEA, I have participated in numerous investigations of drug trafficking organizations during which I have conducted physical and electronic surveillance, executed court-authorized search warrants, debriefed cooperating witnesses and victims, reviewed and analyzed numerous taped conversations of those engaged in illegal activity, monitored wiretapped conversations and reviewed line sheets prepared by wiretap monitors. Through my training, education and experience, I have become familiar with the manner in which drug trafficking schemes are carried out and the efforts of persons involved in each activity to avoid detection by law enforcement.
- 2. I am familiar with the facts and circumstances set forth below from my participation in the investigation; my review of the investigative file, including the defendant's criminal history record; and from reports of other law enforcement officers involved in the investigation. 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,

Because the purpose of this Complaint is to set forth only those facts necessary to establish probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated

Background Regarding Digital Currency and the Dark Web

- as an electronic-sourced unit of value that can be used as a substitute for fiat currency (i.e. currency created and regulated by a government). Digital currency exists entirely on the internet and is not stored in any physical form. Digital currency is not issued by any government, bank, or company and is instead generated and controlled through computer software operating on a decentralized peer-to-peer network. Digital currency is not illegal in the United States and may be used for legitimate financial transactions. However, digital currency is often used for conducting illegal transactions, such as the sale of controlled substances.
- 4. Bitcoin is a type of digital currency. Bitcoin payments are recorded in a public ledger called a blockchain that is maintained by peer-to-peer verification and is thus not maintained by a single administrator or entity. Individuals can acquire Bitcoins either by "mining" or by purchasing Bitcoins from other individuals. An individual can "mine" for Bitcoins by allowing his/her computing power to verify and record Bitcoin payments on a publicly accessible ledger called a "blockchain." Individuals are rewarded for this by being given newly created Bitcoins.
- 5. An individual can send and receive Bitcoins through peer-to-peer digital transactions or by using a third-party broker. Such transactions can be done on any type of computer, including laptop computers, tablets, and cellular telephones.
 - 6. Bitcoins can be stored in "wallets". A digital wallet essentially stores

the access code that allows an individual to conduct Bitcoin transactions on the blockchain.

To access Bitcoins on the blockchain, an individual must use a public address (or "public key") and a private address (or "private key"). The public address can be analogized to an account number while the private key is like the password to access that account.

- 7. Even though the public addresses of those engaging in Bitcoin transactions are recorded on the blockchain, the true identities of the individuals or entities behind the public addresses are not recorded. If, however, a real individual or entity is linked to a public address, it would be possible to determine what transactions were conducted by that individual or entity.
- 8. Through the dark web or darknet websites accessible only through encrypted means individuals have established online marketplaces, such as Silk Road, AlphaBay, DreamMarket, Wall Street Market, Empire Market, Point/Tochka, and Berlusconi, for narcotics and other illegal items. These markets often only accept payment through digital currencies, such as Bitcoin. Accordingly, individuals intending to purchase illegal items on the dark web need to obtain Bitcoins. Conversely, individuals who have received Bitcoin as proceeds of illegal sales on the dark web need to sell their Bitcoin or convert them to fiat currency in order to spend the proceeds outside of the dark web. Such sales or exchanges of Bitcoin are often facilitated by peer-to-peer Bitcoin exchangers who advertise their services on website designed to facilitate such transactions.
- 9. Dark web sites such as Silk Road, AlphaBay, DreamMarket, Wall Street Market, Empire Market, Point/Tochka, and Berlusconi operate(d) on "The Onion Router" or "TOR" network. The TOR network is a special network of computers on the internet that is designed to conceal the true Internet Protocol ("IP") addresses of the

computers accessing the network, and, thereby, the locations and identities of the network's users. TOR likewise enables websites to operate on the network in a way that conceals the true IP addresses of the computer servers hosting the websites, which are referred to as "hidden services" on the TOR network. Such "hidden services" have complex web addresses, which are many times generated by a computer algorithm, ending in ".onion" and can only be access through specific web browser software designed to access the TOR network.

The DEA Identifies "THEQUEENSHIVE" as a Dark Web Narcotics Distributor

10. In 2018, the DEA began investigating narcotics traffickers operating on the dark web. The DEA identified narcotics vendors and contacted those vendors using various methods. The investigation monitored an online darkweb marketplace, Wall Street Market and identified a vendor named "THEQUEENSHIVE." According to information obtained from THEQUEENSHIVE's profile on Wall Street Market, THEQUEENSHIVE was a United States-based seller of heroin, methamphetamine, oxycodone, alprazolam, cocaine, MDMA, LSD, and other narcotics.

THEQUEENSHIVE's advertisement stated:

The Queens Honey. "A Private Group Of Women That Hustles Better Than Daddy" Please order by 3PM Eastern Time US in order for us to have time to package product properly and ship out same day!!! INTRO OFFER Pure Methamphetamine Pure crystal meth that is top of the line just like all of our other products! This isn't that powdery crap that instantly turns black this is the stuff you've all been looking for:) When it comes to this product truly the supply is always there and the quality never goes lower. For bulk opportunities contact me direct but please know with bulk you must FE or the deal will not commence. We stand very tall by our products and their qualities. Before you order go to our profile and READ INFORMATION if you haven't read it then DO NOT ORDER, there will be everything

you need to know if not never ne scared to ask us as that's what were hear for to answer all questions and show for once you can have a vendor you're comfortable with and happy to order from. Come get it boys...and girls haha;

11. THEQUEENSHIVE's listings page also claimed that their packaging was covert to avoid interception." For example:

We GUARENTEE you the highest quality product at the best price on the market, our services and products will speak for itself. Our packaging is as covert as seal team 6ix to ensure we avoid interception.

- 12. Information obtained from Wall Street Market showed that, as of April 24, 2019, THEQUEENSHIVE had completed 90 transactions on the market and had a rating of 4.95 out of 5 stars. Some of these transactions are outlined below.

 13. Information obtained from Empire Market showed that, as of
- November 5, 2019, THEQUEENSHIVE had completed 14 transactions on the market and had a 100% positive rating. Empire Market listed the THEQUEENSHIVE as a vendor since May 7, 2019, advertising the sale of LSD, methamphetamine, MDMA, fentanyl, and money laundering services. In a listing for LSD, THEQUEENSHIVE stated, "we are new to Empire but we are NOT new . . . as we were very well known on [Wall Street Market] before we got screwed over." Based on my training, experience, and knowledge of the investigation, THEQUEENSHIVE was referring to the fact that European law enforcement authorities shut down Wall Street Market in early May 2019, which caused THEQUEENSHIVE to switch platforms to Empire Market.

Undercover Narcotics Purchases on March 12, 2019

14. On or about March 12, 2019, DEA agents acting in an undercover capacity purchased 10 grams of methamphetamine and 10 grams of heroin for \$1,325 from

THEQUEENSHIVE through the Wall Street Market site. Per THEQUEENSHIVES's instructions on the listings, the undercover agents provided a shipment address in Queens, New York (the "Queens Address") for the methamphetamine and heroin. Upon entering the order for the methamphetamine and heroin, the undercover agents were given an identification number for the transaction and a trade address where Bitcoin should be sent as payment. The UC was also told a price in Bitcoin based on the exchange rate at the time of the purchase. The UC then sent the Bitcoin via the escrow function on Wall Street Market, as requested.

- 15. On or about March 18, 2019, DEA agents received a package at the Queens Address (the "First Package"). The First Package had a return address of The Hive CO, 532 Cancun Loop SE, Apt 408, Rio Rancho, NM 87124 (the "Cancun Loop Address"). A search of the First Package revealed approximately 10.4 grams of a substance that tested positive for methamphetamine and 10 grams of suspected heroin inside gold foil packaging.
- that the First Package was mailed from a Speedway gas station located at 6570 Paradise Blvd NW, Albuquerque, New Mexico 87114 (the "Paradise Blvd Speedway"). Video surveillance obtained from the Paradise Blvd Speedway showed that a Hispanic male, later identified as GILBERTO MELGAREJO as described below in paragraphs 26-30, mailed the First Package. Specifically, the video surveillance showed that GILBERTO MELGAREJO drove a silver Honda Civic with a sunroof to the Paradise Blvd Speedway. GILBERTO MELGAREJO MELGAREJO then entered the Speedway and placed a gold foil package into a shipping envelope. This gold foil package and shipping envelope are consistent with the appearance and contents of the First Package.

Undercover Narcotics Purchase on March 27, 2019

- 17. On or about March 27, 2019, DEA agents acting in an undercover capacity, purchased 20 grams of methamphetamine for \$735 from THEQUEENSHIVE through the Wall Street Market site. Per the THEQUEENSHIVE's instructions on the listing, the undercover agents provided the Queens Address for the shipment of the methamphetamine and heroin. Upon entering the order for the methamphetamine and heroin, the undercover agents were given an identification number for the transaction and a trade address where Bitcoin should be sent as payment. The UC was also told a price in Bitcoin based on the exchange rate at the time of the purchase. The UC then sent the Bitcoin via the escrow function on Wall Street Market, as requested.
- 18. On or about April 3, 2019, DEA agents received a package at the Queens Address (the "Second Package"). The Second Package also had the Cancun Loop Address as the return address. A search of the Second Package revealed approximately 15 grams of a substance that field-tested positive for methamphetamine. Agents received a message via The Wall Street Market indicating another package would be forthcoming to complete the order.
- 19. On April 8, 2019, DEA Agents received another package at the Queens Address (the "Third Package"). The Third Package also had the Cancun Loop Address as the return address. A search of the Third Package revealed approximately 5 grams of a substance that field-tested positive for methamphetamine, which completed the March 27, 2019 order.
- 20. Information obtained from the United States Postal Service indicated that the Second Package was mailed from the Paradise Blvd Speedway. The Third Package

was mailed from a Speedway gas station located at 2020 Autumn Sage Ave NE, Rio Rancho, New Mexico 87144 (the "Autumn Sage Speedway").

Undercover Narcotics Purchases on June 3, 2019

- 21. On or about June 3, 2019, DEA agents acting in an undercover capacity purchased 28 grams of methamphetamine and eight pills of M30 (pressed fentanyl) for \$830 from THEQUEENSHIVE through the Empire Market website. At or around the time of this transaction, the undercover agents started to communicate with THEQUEENSHIVE via text message through an encrypted messaging application ("Application 1"). Through these communications, THEQUEENSHIVE agreed to ship the methamphetamine and fentanyl to the Queens Address. The QUEENSHIVE also agreed to ship LSD to the undercover agents. THEQUEENSHIVE provided a Bitcoin wallet address to the agents where they could send Bitcoin as payment.²
- 22. On or about July 1, 2019, DEA agents received a package at the Queens Address (the "Fourth Package"). The Fourth Package had a return address of Busy Bee Inc., 532 Cancun Loop SE, Apt 406, Rio Rancho, New Mexico 87124, which is nearly identical to the Cancun Loop Address. A search of the Fourth Package revealed substances that tested positive for approximately 27.6 grams of methamphetamine, 0.4 grams of fentanyl, and 0.4 grams of LSD.
- 23. Information obtained from the United States Postal Service indicated that the Fourth Package was mailed from the Autumn Sage Speedway. Video surveillance

Subsequent investigation revealed that Company A, which runs a digitial currency exchange that permits customers to buy, sell, and store Bitcoins in individual accounts, maintained the Bitcoin wallet address provided by THEQUEENSHIVE.

obtained from the Autumn Sage Speedway showed that a Hispanic male matching the description GILBERTO MELGAREJO, the male that sent the First Package entered the Autumn Sage Speedway on June 25, 2019 with a package similar to the Fourth Package and mailed it.

Undercover Narcotics Purchases on July 22, 2019

- 24. On or about July 22, 2019, DEA agents acting in an undercover capacity contacted THEQUEENSHIVE via Application 1 to purchase 56 grams of methamphetamine, a full sheet of LSD (100 doses), and \$100 worth of MDMA for \$1,525. To pay for the purchase, the agents sent \$1,525 in Bitcoin to the Bitcoin wallet previously provided by THEQUEENSHIVE. THEQUEENSHIVE responded that that the drugs would ship that day.
- 25. On or about August 14, 2019, DEA agents received a package at the Queens Address (the "Fifth Package"). The Fifth Package had the Cancun Loop Address as the return address. A search of the Fifth Package revealed substances that tested positive for approximately 56 grams of methamphetamine, 100 doses of LSD, 14 grams of MDMA powder, and 50 grams of MDMA pills.
- 26. Information obtained from the United States Postal Service indicated that the Fifth Package was mailed from the Autumn Sage Speedway. Video surveillance obtained from the Autumn Sage Speedway showed that GILBERTO MELGAREJO, the Hispanic male that sent the First and Fourth Packages, and a female, later identified as BROOKE GRAY as described in paragraph 31-36, entered the Autumn Sage Speedway on August 12, 2019. The surveillance video shows BROOKE GRAY walking up to the postal counter with at least one package in her hands. A few seconds later, GILBERTO

MELGAREJO walks up to the postal counter carrying at least one additional package.

Together the pair mails three packages, one of which was the Fifth Package.³ After mailing the packages, GILBERTO MELGAREJO and BROOK GRAY left the Autumn Sage Speedway and entered a silver Honda Civic.

Undercover Narcotics Purchases on September 24, 2019

- 27. On or about September 24, 2019, DEA agents acting in an undercover capacity purchased 50 grams of methamphetamine from THEQUEENSHIVE for \$1,000 through Application 1. Later that day the undercover agents sent \$1,000 in Bitcoin to GILBERTO MELGAREJO's Bitcoin wallet. On or about October 21, 2019, DEA agents received a package at the Queens Address (the "Sixth Package"). The Sixth Package had a return address of Hive Extracts, 532 Cancun Loop SE, Apt 408, Rio Rancho, New Mexico 87124, which is nearly identical to the Cancun Loop Address. A search of the Sixth Package revealed approximately 50 grams of a substance that field-tested positive for methamphetamine.
- 28. Information obtained from the United States Postal Service indicated that the Sixth Package was mailed from the Paradise Blvd Speedway. Video surveillance obtained from the Paradise Blvd Speedway showed that GILBERTO MELGAREJO entered Paradise Blvd Speedway on October 17, 2019, with a package similar to the Sixth Package and mailed it.
- 29. Company A records indicate that on or about September 24, 2019, at approximately 12:33 p.m., the undercover agents sent 0.11269497 in Bitcoin to GILBERTO

The timestamp on the surveillance video matches the time that the shipping clerk wrote on the shipment label for the Fifth Package.

MELGAREJO's Bitcoin wallet. On September 24, 2019, at approximately 1:37 p.m., GILBERTO MELGAREJO exchanged 0.11253626 Bitcoin into dollars through Company A. GILBERTO MELGAREJO then sent \$928.95 from his Company A account to his PayPal account. At approximately 1:39 p.m., GILBERTO MELGAREJO then sent approximately \$503.50 to a PayPal account in the name of BROOKE GRAY. Approximately two minutes later, at 1:41 p.m., the owner of the BROOKE GRAY account withdrew the money from the PayPal account.

The DEA Identifies THEOUEENSHIVE as GILBERTO MELGAREJO

- an undercover capacity, purchased 56 grams of methamphetamine, a full sheet of LSD (100 doses), and \$100 worth of MDMA from THEQUEENSHIVE. On that date,

 THEQUEENSHIVE sent a message to the undercover agents stating that the drugs would ship that day. DEA agents then established surveillance at the Autumn Sage Speedway in anticipation of the narcotics shipment. At approximately 5:30 p.m., DEA agents observed a two-door silver Honda Civic with a sunroof, bearing a New Mexico license plate, enter the parking lot of the Autumn Sage Speedway. A review of New Mexico Department of Motor Vehicles records revealed that the license plate affixed to the vehicle is associated with a silver Honda Civic registered to GILBERTO MELGAREJO. DEA agents then compared the photograph from GILBERTO MELGAREJO's New Mexico driver license to the individual driving the Honda Civic and determined that it was the same Hispanic male that they had previously seen shipping narcotics.
- 31. Records obtained from Company A revealed that the Bitcoin wallet address previously provided to the undercover agents by THEQUEENSHIVE was opened by

GILBERTO MELGAREJO. Furthermore, a review of that Bitcoin wallet revealed transactions consistent with the purchases by the undercover agents. For example, Company A records show that on July 22, 2019, THEQUEENSHIVE sent the undercover agents an address where they should send the Bitcoin for the purchase of narcotics. Company A's records reveal that the undercover agents sent 0.14869452 in Bitcoin to GILBERTO MELGAREJO's wallet at approximately 9:58 a.m. At approximately 4:27 p.m., GILBERTO MELGAREJO exchanged the same amount in Bitcoin into dollars through Company A. GILBERTO MELGAREJO then sent the dollars from his Company A account to a PayPal account in his name.

The DEA Identifies BROOKE GRAY as a Co-Conspirator

- with THEQUEENSHIVE, the user of the account gave the undercover agents a telephone number ending in 2391 that they could use to text message THEQUEENSHIVE (the "2391 Number"). Telephone records revealed that 2391 Number was associated with a text messaging application ("Application 2"). Records from Application 2 showed that the email address associated with the account was registered with Google's Gmail email service. Records obtained from Google showed that the IP address associated with logins to the Gmail account belonged to CenturyLink. Records from CenturyLink revealed that the IP address used to access the Gmail account was subscribed to by BROOKE GRAY's father at the same address where BROOKE GRAY currently resides.
- 33. A public records check revealed that BROOKE GRAY uses a telephone number ending in 4667 (the "Gray Telephone"). Records from AT&T revealed that the Gray Telephone is subscribed to by BROOKE GRAY's mother at the same address

where BROOKE GRAY currently resides. From August 4, 2019 to September 2, 2019, the Gray Telephone was in contact with a telephone number ending in 2162 approximately 382 times. A review of GILBERTO MELGAREJO's Company A account revealed that the telephone number ending in 2162 is listed as GILBERTO MELGAREJO's telephone number (the "Melgarejo Telephone"). Other records from Company A indicate that in April and May 2019, an individual using the Melgarejo Telephone accessed BROOKE GRAY's Company A account approximately 6 times. Records obtained from CenturyLink indicate that the IP address subscribed to by BROOKE GRAY's father was used to access GILBERTO MELGAREJO's Company A account approximately four times in August and September 2019. Based on my training, experience, and knowledge of the investigation, this likely means that GILBERTO MELGAREJO and BROOKE GRAY were working together to access their respective Company A accounts.

- 34. A review of BROOKE GRAY's PayPal account revealed that from February 25, 2019 through September 24, 2019, she received approximately \$18,844.36 into her account. The only two sources for the incoming money were GILBERTO MELGAREJO (\$3,194.50) and Company A (\$15,649.86). PayPal records further revealed that BROOKE GRAY sent out a total of \$4,540.84 from her PayPal account. The only two sources she sent money to were Google and GILBERTO MELGAREJO (\$3,435.48).
- 35. Agents were also able to obtain video surveillance from the Autumn Sage Speedway from on or about July 10, 2019. The surveillance video shows GILBERTO MELGAREJO and a female exiting a red vehicle with a New Mexico license plate. After exiting the vehicle, the pair entered the store and went to the postal counter with two packages. Once they arrived at the postal counter, the female stayed with the packages

while GILBERTO MELGARJO left the counter and returned to the red vehicle.

GILBERTO MELGAREJO retrieved what appeared to be a notebook from the car and returned to the postal counter. GILBERTO MELGAREJO then appeared to copy an address from the notebook onto a shipping label for one of the packages. He then appeared to hand the notebook to the female and she appeared to verify the address on the package.

GILBETO MELGAREJO then paid to ship the packages.

36. New Mexico Department of Motor Vehicles records revealed that the red vehicle is registered to BROOKE GRAY at the same address associated with the Gmail account and the 4667 Number. DEA agents then compared the photograph from BROOKE GRAY's New Mexico driver license to the female in the July 10, 2019, surveillance video and determined that it was the same individual. DEA agents also determined that BROOKE GRAY was the female who shipped the Fifth Package in the August 12, 2019 surveillance video obtained from the Autumn Sage Speedway. Based on my training, experience, and knowledge of the investigation, I believe that there is probable cause to believe that GILBERTO MELGAREJO and BROOKE GRAY are working together to operate THEQUEENSHIVE accounts to sell narcotics, and share the profits.

37. WHEREFORE, your deponent respectfully requests that the defendants GILBERTO MELGARJO and BROOKE GRAY be dealt with according to law.

ALLAN LIEFKE

Special Agent, Drug Enforcement Administration

Sworn to before me this 6th day of November, 2019

THE HONORABLE ROANNE L. MANN

CHIEF UNITED STATES MAGISTRATE JUDGE

EASTERN DISTRICT OF NEW YORK

TO: Clerk's Office UNITED STATES DISTRICT COURT

