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District of Hawaii

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII
Jun 26, 2023
Lucy H. Carrillo, Clerk of Court

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UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	MAG. NO. 23-1013 WRP
)	
Plaintiff,)	
)	CRIMINAL COMPLAINT;
vs.)	AFFIDAVIT IN SUPPORT OF
)	CRIMINAL COMPLAINT
AVERY GARRARD,	(01))	
KEINA DRAGESET,	(02))	
)	
Defendants.)	
_____)	

CRIMINAL COMPLAINT

I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief:

Conspiracy to Distribute and Possess with Intent to Distribute,
Resulting in Death, 40 grams or more of Fentanyl
(21 U.S.C. §§ 841(a)(1), 841(b)(1)(B)(vi), and 846)

From at least on or about May 24, 2023, with the exact date unknown, and continuing thereafter until June 23, 2023, within the District of Hawaii, AVERY GARRARD and KEINA DRAGESET, the defendants, did knowingly and intentionally conspire with each other and with others to distribute and possess with intent to distribute, resulting in death, 40 grams or more of a mixture and substance containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide, commonly known as fentanyl, a Schedule II controlled substance.

All in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B)(vi), and 846.

I further state that I am a Special Agent with the Drug Enforcement Administration (DEA), and that this Complaint is based upon the facts set forth in the attached "Affidavit in Support of Criminal Complaint," which is attached hereto and incorporated herein by reference.

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DATED: June 26, 2023, at Honolulu, Hawaii.



Joshua Kent
Special Agent
Drug Enforcement Administration

Sworn to under oath before me telephonically, and attestation acknowledged pursuant to Fed. R. Crim. P. 4.1(b)(2), on this 26th day of June 26, 2023.



Rom A. Trader
United States Magistrate Judge

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

1. I am a Special Agent with the Drug Enforcement Administration and currently assigned to the Honolulu District Office.

2. The United States, including the DEA, FBI, and United States Postal Service (USPS), have been conducting a criminal investigation into AVERY GARRARD and KEINA DRAGESET, the persons identified in the attached Criminal Complaint, and other identified and unidentified subjects, regarding the distribution and possession with intent to distribute 40 grams or more of mixtures or substances containing fentanyl, and other controlled substances, and conspiracy to do the same, resulting in death, in violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(B)(vi), and 846.

3. On June 4, 2023, at approximately 6:22 A.M., Honolulu Police Department (HPD) and Emergency Medical Services (EMS) responded to a 911 emergency call at the Outrigger Reef Waikiki Beach Resort, room 284, located at 2169 Kalia Road, Honolulu, HI. According to Honolulu Police Report #23-213633, HPD found five (5) individuals (hereinafter, VICTIMS #1, #2, #3, #4, and #5) who were either unresponsive or required medical attention. HPD and EMS suspected the individuals had overdosed on an unknown substance. HPD HAZMAT tested substances found at the scene, which yielded positive results for methamphetamine and fentanyl. EMS pronounced VICTIM #2 dead at the scene. EMS transported all other VICTIMS to local hospitals based on the severity of their condition. VICTIM #1 was pronounced dead within 24 hours.

4. According to the Honolulu Police Report #23-213633, multiple types of drugs were found at the scene. One appeared to be a small baggie with a white crystalline substance, along with a glass pipe, which in the affiant's training and experience resembles crystal methamphetamine and an accompanying glass pipe to ingest the crystal methamphetamine. Another substance was a black, tar like substance in a plastic bag, which in the affiant's training and experience resembles black-tar heroin.

5. On June 5th, 2023, DEA investigators obtained hotel records for room 284, where the incident occurred. The hotel room was rented by VICTIM #3, whose condition was classified as "critical" when transported to a nearby hospital.

6. On June 6th, 2023, DEA investigators spoke with VICTIM #5, who had recovered from the suspected overdose. VICTIM #5 advised they ran into VICTIM #1, who is an old friend, at a concert and returned to the Outrigger Hotel room with VICTIM #1 through #4. VICTIM #5 advised they had drank alcohol earlier and may have used methamphetamine that day, but could not recall. VICTIM #5 stated they knew that VICTIM #1 had brought crystal methamphetamine to the hotel room, but was not sure what the other drugs were. VICTIM #5 advised they snorted a white powder in the hotel room, which they believed was provided by VICTIM #1, and within a few minutes VICTIM #5 lost consciousness. VICTIM #5 believed the substance to be cocaine and did not know it contained fentanyl. VICTIM #5 consented to a search of their medical discharge papers, in which a urinalysis was completed. The results showed a presumptive positive for amphetamines, methamphetamines, opiates, and fentanyl.

7. Investigators spoke with VICTIMS #3, #4, and #5, the surviving victims of the overdose incident. All three advised they believed the drugs provided by VICTIM #1 was cocaine and/or molly (MDMA), and all three snorted the substance. All three did not know the substance possibly contained fentanyl.

8. On June 7th, 2023, DEA received the VICTIM #1's phone from Honolulu Police Department. Investigators were able to gain access to the phone and conduct a digital extraction of its contents. DEA investigators searched the phone, which indicated that VICTIM #1 resided on the Isle of Hawaii and traveled to Oahu for a concert on June 3, 2023.

9. Investigators further discovered a text message exchange with an individual later identified by investigators, hereinafter referred to as SOURCE #1¹

10. The text thread between VICTIM #1 and SOURCE #1 begins in May 13, 2023, and throughout references drug discussions, such as Source #1 stating, "You guys all fly clean, I got you." The affiant believes this references VICTIM #1

¹ While not yet formally charged, SOURCE #1 is facing federal criminal charges and began cooperating with law enforcement in hopes of ultimately receiving consideration for a lower sentence. The law enforcement agents responsible for this investigation believe that the information provided by SOURCE #1 has been accurate and is reliable because (1) SOURCE #1 has provided information against his/her penal interest regarding the possession and distribution of controlled substances, (2) SOURCE #1's cooperation has resulted in the recovery of controlled substances by law enforcement, and (3) law enforcement agents have been able to corroborate information provided by SOURCE #1.

flying to Oahu from the Isle of Hawaii, and that they should not fly over with drugs because Source #1 has drugs on Oahu. As well, “do you like green papaya, mabey for the concert.” The affiant believes this is referencing providing marijuana to VICTIM #1 for a concert.

11. The following is an excerpt of the conversation between “Source #1” and VICTIM #1 on June 3, 2023:

-VICTIM #1 (3:37 PM): I’m about 10 mins from hotel

-VICTIM #1 (3:47 P.M.): Just got to hotel

-SOURCE #1 (3:47 P.M.): At safeway going ti check out bow and come. Green?

-VICTIM #1 (3:47 P.M.): Nah no need green

-VICTIM #1 (4:01 P.M.): Lmk when u reach ill come down

-SOURCE #1 (4:14 P.M.): K, dropping food off and let you know

-VICTM #1 (4:15 P.M.): I’ll probably be outta here by 5:15 to go dinner

-VICTIM #1 (4:16 P.M.): Concert starts 6:00

-SOURCE #1 (4:17 P.M.): I’ll hurry

-VICTIM #1 (4:17 P.M.): U da man

12. The affiant believes that this text conversation between VICTIM #1 and SOURCE #1, which references “green”, common slang for marijuana, indicates that VICTIM #1 intended to meet with Source #1 at the hotel.

13. According to VICTIM #1’s phone, at 4:38 P.M., VICTIM #1 received an incoming phone call from Source #1.

14. DEA investigators reviewed surveillance video during this timeframe from the Outrigger Hotel’s camera systems. Investigators observed VICTIM #1

meet with an individual in a white shirt, who arrived on a blue moped, near the check-in counter approximately one hour after VICTIM #1 checked-in. The individual driving the moped then retrieved an object from within the moped, resembling a manila envelope, then provided it to VICTIM #1. VICTIM #1 then took a photograph of the individual who arrived on the blue moped with their phone. According to VICTIM#1's phone, this photograph was taken at 4:41 P.M, and matched the physical characteristics of SOURCE #1.

15. The following is the continued excerpt of the conversation between SOURCE #1 and VICTIM #1 between June 3, 2023, and June 4, 2023:

-SOURCE #1 (5:56 P.M.): Sorry for the used Tupperware bro. Had new dishes on the way, but stopped and taxed one of the boys on the way. Hows traffic, right. Enjoy the show man.

-VICTIM #1 (6:25 P.M.): Eh what is the pinkish purple powder?

-SOURCE #1 (June 4, 2023, 12:22 A.M.): Exactly what I've been looking for all night. Hooe you still have it. Should be a bag with brown and one with purple. I have to return that stuff. Call me in the morning please? Big, big mistake. Running around like an idiot today and went all different directions at once. Anyways call me in the morning if can so I can run by. Thanks bro

16. Based on the affiant's training and experience, "Tupperware" and "dishes" are slang for crystal methamphetamine. SOURCE #1 "taxed one of the boys", means SOURCE #1 took crystal methamphetamine from someone as a tax, which is the crystal methamphetamine provided to VICTIM #1 and eventually recovered from the scene of the overdose.

17. Based on the training and experience of the affiant, the text message from VICTIM #1 asking about the powder indicates that VICTIM #1 did not know what the powder was, and further that SOURCE #1 provided VICTIM #1 the powder.

18. Based on the training and experience of the affiant, SOURCE #1 stating that he had to return "a bag with brown and one with purple", followed by "Big, big mistake", indicates SOURCE #1 sold VICTIM #1 the wrong drugs, and was trying to have VICTIM #1 return the drugs provided earlier that day.

SOURCE #1 stating “bag with brown” is suspected to be the suspected black-tar heroin recovered from the scene of the overdose.

19. On June 20, 2023, DEA and FBI served a federal search warrant (Mag No. 23-00967 WRP) at SOURCE #1’s residence. Approximately 40 gross grams of crystal methamphetamine and approximately 330 gross grams of marijuana were seized from the residence. SOURCE #2 cooperated with investigators and identified their sole fentanyl source of supply (hereinafter SOURCE #2). SOURCE #1 advised the fentanyl provided by SOURCE #2 is the fentanyl distributed VICTIM #1 on June 3, 2023.

20. On June 20, 2023, investigators conducted a probable cause arrest of SOURCE #2 for possession of fentanyl with intent to distribute. SOURCE #2² cooperated with investigators and provided consent to search their residence and their phone. During the search of the residence, investigators seized approximately 50 grams of suspected fentanyl, which was field tested and yielded positive results for fentanyl.

21. SOURCE #2 advised their sole source of supply for fentanyl in the past few months (including for the month of June, 2023) is an individual they knew as “Avery”. Investigators showed a picture of AVERY GARRARD’s Hawaii Driver’s License, as well as a Honolulu Police Department booking photograph from 2017, both of which SOURCE #2 positively identified as “Avery”, their fentanyl source of supply.

22. SOURCE #2 advised GARRARD had supplied them fentanyl on multiple occasions, mainly in “pieces” (street vernacular for 25 grams) which GARRARD charged between \$2500 and \$3500 per “piece”. SOURCE #2 advised they heard from third-party sources that GARRARD had previously lived somewhere near Nuuanu, but recently moved to the Symphony Apartments (located at 888 Kapiolani Blvd, Honolulu, HI). SOURCE #2 also advised GARRARD’s girlfriend was the “brains of the operation” and knew about the fentanyl distribution.

² While not yet formally charged, the SOURCE #2 is facing federal criminal charges and began cooperating with law enforcement in hopes of ultimately receiving consideration for a lower sentence. The law enforcement agents responsible for this investigation believe that the information provided by SOURCE #2 has been accurate and is reliable because (1) SOURCE #2 has provided information against his/her penal interest regarding the possession and distribution of controlled substances, (2) SOURCE #2’s cooperation has resulted in the recovery of controlled substances by law enforcement, and (3) law enforcement agents have been able to corroborate information provided by the SOURCE #2.

23. During the consent search of SOURCE #2's phone, the affiant observed an iMessage thread with a contact under the name avery.garrard@icloud.com. The affiant believes that this is GARRARD's iCloud account because it contains his first and last name.

24. The iMessage thread between GARRARD and SOURCE #2 contains discussions and pictures regarding drug transactions, primarily suspected fentanyl. The most recent discussion regarding drug transactions prior to June 3, 2023 occurred on May 24, 2023.

25. On June 5, 2023, in anticipation for a suspected fentanyl transaction, GARRARD told SOURCE #2 that "I'll head over in a bit I'll be with my chick in a white Tesla." In a previous DEA investigation regarding GARRARD, investigators identified GARRARD's girlfriend, KEINA DRAGESET, owns a white Tesla registered in her name.

26. In February 2023, a former DEA CS advised GARRARD was an ounce-to-quarter pound quantity fentanyl source of supply. The CS advised they had previously purchased fentanyl from GARRARD while he was in a white Tesla, which the CS advised belonged to GARRARD's girlfriend. The CS also advised they had previously purchased fentanyl from GARRARD in front of his apartment building, 2033 Nuuanu Avenue. The CS advised that GARRARD and his girlfriend receive fentanyl from the Dark Web.³

27. According to open source information, in February, 2023, GARRARD and DRAGESET resided at 2033 Nuuanu Avenue, Apt 10A, Honolulu, HI.

28. DEA issued an administrative subpoena to FedEx regarding mail sent to 2033 Nuuanu Avenue, Apt 10A, Honolulu, HI. According to FedEx records, DRAGESET received a parcel from a company called "LFA Machines". Open source queries show LFA Machines distribute tablet presses and accessories.

29. The affiant knows from training and experience that powder fentanyl can be pressed into tablet form for distribution, and tablet presses, like the type LFA Machines sells, are used to press the powder fentanyl into tablet form.

³ The Dark Web is a subsection of the deep web which is part of the world wide web that is not indexed by traditional search engines. The dark web requires specific software, configurations or authorizations to access. Identities and locations of darknet users remain anonymous due to a layered encryption system.

30. USPS advised that around approximately March 2023, DRAGESET began forwarding mail from 2033 Nuuanu Avenue, Apt 10A, Honolulu, HI to 888 Kapiolani Blvd, Apt 4301, Honolulu, HI (hereinafter the “DRAGESET premises”).

31. According to USPS business records, since March 20, 2023, there have been five parcels sent from Southern California (Los Angeles, Palm Desert, and San Diego) to the DRAGESET premises. These parcels were sent using Priority Mail or Priority Mail Express and transacted using cash. All five of these parcels weighed between approximately 1 to 4 ounces. Further, parcels of similar size were sent to DRAGESET and GARRARD’s previous residence, 2033 Nuuanu Avenue, Apt 10A, Honolulu, Hawaii, under DRAGESET’s name.

32. According to an FBI Darknet Investigation between late 2022 and early 2023, information gathered revealed parcels suspected to contain illegal narcotics, purchased via the Darknet marketplace, were addressed to a “Keina Drageset” at 2033 Nuuanu Ave. Apt. 10A, Honolulu, HI 96817, and the DRAGESET premises.

33. According to USPS, a parcel was intended to be delivered at the DRAGESET premises at 888 Kapiolani Blvd. apartment 4301, on Monday, June 26, 2023. The addressee’s name on the parcel was “Keina Drageset.” On June 23, 2023, a search warrant was issued to search that parcel under Mag. No. 23-1004 WRP. The warrant was subsequently executed on June 23, 2023, and the USPS Postal Inspectors who executed that search warrant recovered approximately 8.6 gross grams of a white powder, that field tested positive for fentanyl.

34. According to DRAGESET’s Hawaii Driver’s license, as of March 22, 2023, DRAGESET listed her residence as 888 Kapiolani Blvd, APT 4301, Honolulu, HI. On June 22, 2023, the Honorable Magistrate Judge Rom Trader signed and authorized a federal search warrant for 888 Kapiolani Blvd, Apt 4301, Honolulu, HI (the DRAGESET premises) (Mag No. 23-00995).

35. On June 23, 2023, DEA and FBI served that search warrant. Both DRAGESET and GARRARD were not present. During the search, investigators found multiple baggies of suspected controlled substances in plain view on the kitchen table, along with paraphernalia for distribution. Investigators also found approximately \$100,000 in US currency in a safe (pending an official count), along with controlled substances which field tested positive for the presence of fentanyl. Investigators also found a laptop that was logged onto the Dark Web, with multiple

marketplaces saved for ordering narcotics. Identifying information found at the residence indicated KEINA DRAGESET currently resides at 888 Kapiolani Blvd, APT 4301, Honolulu, HI, including DRAGESET's United States Passport and a recently delivered Amazon package.


36. Investigators conducted presumptive tests on the suspected controlled substances on the kitchen table, which yielded positive results for crystal methamphetamine and fentanyl. The gross quantity of fentanyl was approximately 500 gross grams. Because DRAGESET and GARRARD were not present in the DRAGESET premises, law enforcement officers began looking for them to arrest them for a conspiracy to distribute and possess with intent to distribute 40 grams or more of fentanyl, resulting in death, in violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(B)(vi), and 846.

37. Later on June 23, 2023, GARRARD and DRAGESET were found in an automobile, further described as a white Tesla, and arrested at that time. Investigators observed a clear baggie containing a white powdery substance through the vehicle's window in the backseat where DRAGESET had been sitting. A search of the automobile incident to their arrest, as well as pursuant to the automobile exception to the Fourth Amendment requirement for a search warrant, resulted in the discovery and seizure of fentanyl.

38. Based on the foregoing facts, I respectfully submit there is probable cause to believe that from beginning on or before May 24, 2023 (see paragraph 24 above), through June 23, 2023 (the day of their arrests), in the District of Hawaii, AVERY GARRARD and KEINA DRAGESET, defendants herein, conspired with each other and with others known and unknown to law enforcement, to distribute and possess with intent to distribute 40 grams or more of a mixture or substance containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidnyl] propenamide, commonly known as fentanyl, a Schedule II controlled substance, and that they were the suppliers and part of the distribution chain of the fentanyl that resulted in the deaths of VICTIMS 1 and 2, on June 4, 2023, as described above, all in violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(B)(vi), and 846.

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DATED: June 26, 2023, at Honolulu, Hawaii.



Joshua Kent
Special Agent
Drug Enforcement Administration

This Criminal Complaint and Affidavit in support thereof were presented to, approved by, and probable cause to believe that the defendant above-named committed the charged crime found to exist by the undersigned Judicial Officer at 11:38 a.m. on June 26, 2023.

Sworn to under oath before me telephonically, and attestation acknowledged pursuant to Federal Rule of Criminal Procedure 4.1(b)(2), on this 26th day of June 2023.



Rom A. Trader
United States Magistrate Judge