

UNITED STATES DISTRICT COURT

for the
District of Maryland

FILED ENTERED
 LOGGED RECEIVED

Jun 16, 2022

AT GREENBELT
CLERK, U.S. DISTRICT COURT
DISTRICT OF MARYLAND
BY MD Deputy

United States of America)
v.)
MIKIYAS MARYIE KEFYALEW,)
a/k/a "Mick,")
)
)
)
)
)
)

Case No. 8:22-mj-01876-GLS

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 16, 2022 in the county of Montgomery in the
 District of Maryland, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
21 U.S.C. § 841(a)(1) and (b)(1)(C)	Distribution of a mixture and substance containing a detectable amount of Nphenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide, commonly known as "fentanyl," a Schedule II controlled substance, and death or serious bodily injury resulted from the use of that substance

This criminal complaint is based on these facts:

See Affidavit

Continued on the attached sheet.



Complainant's signature

Kelly Reidy, DEA TFO

Printed name and title

Sworn to before me and signed in my presence.

Date: June 15, 2022



Judge's signature

City and state: Greenbelt, Maryland

The Hon. Gina L. Simms, U.S. Magistrate Judge

Printed name and title

✓ FILED _____ ENTERED _____
LOGGED _____ RECEIVED _____

Jun 16, 2022

AT GREENBELT
CLERK, U.S. DISTRICT COURT
DISTRICT OF MARYLAND
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KOH
EGW: USAO 2022R00300

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

UNITED STATES OF AMERICA

v.

MIKIYAS MARYIE KEFYALEW
a/k/a “Mick,”

Defendant

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CASE NO. 8:22-mj-01876-GLS

FILED UNDER SEAL

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT AND ARREST WARRANT

I, Kelly Reidy, being duly sworn, hereby depose and state as follows:

Introduction

1. I make this affidavit in support of a criminal complaint and arrest warrant. Specifically, based on the following facts, I respectfully submit that there is probable cause to believe that, on or about January 16, 2022, **MIKIYAS MARYIE KEFYALEW, a/k/a “Mick” (“KEFYALEW”)** distributed a mixture and substance containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propenamide, commonly known as “fentanyl,” a Schedule II controlled substance, and death or serious bodily injury resulted from the use of that substance, in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(C).

Agent Background

2. As a Task Force Officer (“TFO”) for the Drug Enforcement Administration (“DEA”), I am empowered to investigate federal offenses involving controlled dangerous substances and firearms. I am an “investigative or law enforcement officer of the United States” within the meaning of 18 U.S.C. § 2510(7), that is, an officer of the United States who is

empowered by law to conduct investigations of and to make arrests for offenses enumerated in 18 U.S.C. § 2516.

3. I am a Corporal with the Rockville City Police Department (“RCPD”) and have been a Rockville City Police Officer since March 2002. I am currently assigned to the Montgomery County Department of Police (“MCPD”) Special Investigations Division, Drug Investigative Unit (“DIU”) as a Detective, and I was just sworn in as a DEA TFO. In March 2002, I attended the Maryland Police and Corrections Training Commission where I received blocks of instruction on the identification and effects of controlled dangerous substances. Upon graduation from the Maryland Police and Corrections Training Commission, I was assigned as a patrol officer to the RCPD. After working approximately six years in patrol, I was assigned to the RCPD Street Crimes Unit (“SCU”). I was assigned to SCU for approximately ten years, before being assigned to my current position with DIU, which I have held for approximately two years and nine months. I have made numerous controlled dangerous substance arrests and have been involved in numerous controlled dangerous substance investigations, involving both misdemeanors and felonies. I have become familiar with the patterns and practices, including communications practices, of distributors and users of controlled dangerous substances, including fentanyl. I have also participated in the execution of multiple search and arrest warrants in cases involving controlled dangerous substances.

4. The information in this affidavit is based upon my personal knowledge and information gained from speaking with other officers and individuals involved in the facts described below or reading their reports. I submit this affidavit for the limited purpose of showing probable cause for the requested warrant. Accordingly, it does not set forth all of my knowledge

about this matter. Statements and conversations are relayed in substance and in part, rather than being verbatim recitations.

Probable Cause

5. At approximately 6:03 a.m. on or about January 17, 2022, I and other officers from MCPD responded to a call for an undetermined death at an address on Massachusetts Avenue, Bethesda, Montgomery County, Maryland. Upon arrival, law enforcement discovered “Victim 1”, who was less than 18 years old, deceased in a “Jack and Jill”-style bathroom that connected to his bedroom as well as his younger sibling’s bedroom.¹

6. While searching the scene, I located a cut straw and a playing card on the vanity in the bathroom. I know based on my training and experience that cut straws are commonly used to snort controlled dangerous substances, and I know that playing cards are commonly used to create lines out of the controlled dangerous substance, prior to its ingestion. Law enforcement also seized from the scene Victim 1’s cellular phone from the bathroom floor. A sibling of Victim 1 provided me with a passcode that unlocked Victim 1’s phone and a parent of Victim 1 confirmed that the phone was then being utilized by Victim 1. Victim 1’s parent advised that the telephone number for Victim 1’s phone was xxx-xxx-7465.

7. Approximately 45 minutes after I left the scene, I received a call from Victim 1’s parent. Victim 1’s parent advised me that while he and Victim 1’s sibling were cleaning Victim 1’s room following Victim 1’s death, Victim 1’s sibling located a small blue pill stamped with “M 30.” The pill was found in Victim 1’s bathroom, located inside an Apple air pod case that I was told belonged to Victim 1, inside a tissue box. I returned to the scene and collected the pill. The

¹ For the sake of confidentiality, anonymized references in this affidavit use the term “he” regardless of the individual’s gender.

pill appeared to be a 30mg Oxycodone which I believed to be a counterfeit pill containing fentanyl.² The pill, playing card, and cut straw were transported to a secure police facility and submitted into evidence. On or about January 26, 2022, the card and straw were tested by a forensic chemist at the MCPD drug lab and produced a positive result for residue of fentanyl, a Schedule II controlled dangerous substance. On or about January 26, 2022, the suspected fentanyl pill was tested by a forensic chemist at the MCPD drug lab and produced a positive result for fentanyl. On or about May 5, 2022, a forensic chemist at the MCPD drug lab conducted a supplemental analysis of the counterfeit pill that produced a positive result for both fentanyl and 4-Anilino-N-phenethylpiperidine (“despropionyl fentanyl”). (Despropionyl fentanyl had not been tested for originally.)

8. I received the postmortem examination from the Maryland Office of the Chief Medical Examiner and the cause of death for Victim 1 was determined to be fentanyl and despropionyl fentanyl intoxication.

9. I transported the victim’s cellular phone to the MCPD Electronic Crimes Unit (“ECU”) for detectives to conduct a forensic analysis of the phone’s data.

10. Upon that forensic analysis of Victim 1’s phone, law enforcement identified a communication thread between Victim 1’s phone and a person saved as “**Mick**,” utilizing telephone number xxx-xxx-4728. As mentioned below, a phone utilizing that telephone number was recovered from **KEFYALEW** on or about March 3, 2022, and based on other communications I reviewed in this case, is believed to have been in **KEFYALEW**’s possession preceding Victim 1’s death, as well. The following is a partial transcript of the text message conversation:

On or about January 8, 2022:

² Based on my training and experience, I know that drug dealers frequently distribute fentanyl in the form of pressed pills made to look like 30mg oxycodone hydrochloride.

Victim 1: These is good
KEFYALEW: Yea
Victim 1: them jaunts smacked
KEFYALEW: Bettt

On or about January 12, 2022:

Victim 1: tryna to serve
KEFYALEW: [xxxxx]883
KEFYALEW: [xxxxx]8839

On or about January 14, 2022:

Victim 1: Come serve
KEFYALEW: Hit me on snap

11. Based on my training, experience, and knowledge of this investigation, I believe this conversation to be a discussion about a drug transaction. When Victim 1 states, “These is good” and “them jaunts smacked,” Victim 1 is referencing the strength of the drug. When Victim 1 asks “tryna to serve” and “come serve,” Victim 1 is asking if **KEFYALEW** has drugs for sale. **KEFYALEW** sends the telephone number xxx-xx-8839 and “Hit me on snap” to Victim 1. **KEFYALEW** was directing Victim 1 to a second phone on which **KEFYALEW** utilized Snapchat³ to communicate.

12. During the analysis of Victim 1’s phone, I also located a “Snapchat” conversation between Victim 1 and a username “YRN_MICK,” later identified (as described below) as **KEFYALEW**. The following is a partial transcript of the conversation, which occurred over the course of several days:

On or about December 11, 2021:

³ Snapchat is an instant messaging application. Drug dealers frequently use Snapchat because one of the principal features of Snapchat is that pictures and messages are usually only available for a short time before becoming inaccessible to their recipients.

Victim 1: [] ardmore ct
Victim 1: literally asap

On or about December 24, 2021:

Victim 1: word say less
Victim 1: come to
Victim 1: [] sangamore rd

On or about December 25, 2021:

Victim 1: [] sangamore rd [the same address referenced the day before]
Victim 1: same jaunt
Victim 1: lmk how far
KEFYALEW: Silver car

On or about December 30, 2021:

Victim 1: Yo you serving rn?

On or about December 31, 2021:

Victim 1: [] arlington rd

On or about January 8, 2022, at 7:34 p.m.:

Victim 1: rn?

On or about January 13, 2022, at 7:10 p.m.:

Victim 1: [] comanche ct

On or about January 14, 2022, at 12:19 a.m.:

Victim 1: 1-2:30

On or about January 16, 2022, at 7:22 p.m.:

Victim 1: [] comanche ct [the same address referenced on or about January 13, 2022]

On or about January 16, 2022 at 8:03 p.m.:

Victim 1: wya

13. Based on my training, experience, and knowledge of this investigation, I believe this conversation thread to be a discussion arranging drug transactions. When Victim 1 says “[] ardmore ct,” and “literally asap,” Victim 1 is giving an address to meet for the transaction and is requesting that it happen as soon as possible. Later, when Victim 1 says “[] sangamore rd,” Victim 1 is giving an address to meet for the transaction. When Victim 1 says “same jaunt,” and “lmk how far,” Victim 1 is telling **KEFYALEW** that he wants the same drugs that he purchased last time and Victim 1 wants to know when **KEFYALEW** will be arriving for the drug transaction. **KEFYALEW** responds with “Silver car,” letting Victim 1 know what vehicle he was arriving in. When Victim 1 asks “Yo you serving rn?,” Victim 1 is asking **KEFYALEW** if he has drugs for sale. On January 16, 2022, when Victim 1 provides the address on Comanche Court, I believe that Victim 1 was providing **KEFYALEW** with a meeting location to conduct a drug transaction.⁴ I believe that all of the addresses sent were meeting locations for drug transactions.

14. During the months of January and February 2022, I interviewed a witness who wishes to remain anonymous due to fear of reprisals, hereinafter referred to as Witness 1.⁵ Witness 1 advised that he knew Victim 1 purchased “Percs”⁶ from an individual known as “Mick.” I asked Witness 1 to describe the “Percs” and Witness 1 described them as small blue pills with unknown markings on them.

⁴ This suspected drug transaction occurred in the evening of January 16, 2022. Victim 1 was found deceased in the early morning hours of January 17, 2022.

⁵ Witness 1 is a civilian witness who knew Victim 1; he is under 18 years of age. Witness 1 has no criminal history, is not a target of any criminal investigation, and is not receiving any benefit for information provided.

⁶ Although originally referring to Percocets (a combination medicine containing oxycodone and acetaminophen), “Percs” is a common slang term used to reference fentanyl pills which are circular, blue in color, and imprinted with “M 30.”

15. During the month of January 2022, I queried a law enforcement database and learned that **KEFYALEW** provided the telephone number xxx-xxx-8839, matching that number found on Victim 1's phone, as his contact number to law enforcement upon an encounter on or about February 27, 2018, when he was issued a civil citation for possession of marijuana, less than 10 grams.

16. On or about August 17, 2021, **KEFYALEW** had been listed as a victim of a burglary and provided the same telephone number xxx-xxx-8839 to law enforcement.

17. On or about August 21, 2021, **KEFYALEW** was issued a criminal citation for possession of marijuana over 10 grams. Law enforcement recorded the same telephone number for **KEFYALEW**, xxx-xxx-8839. In that case, a round, blue pill stamped with "M 30" was located in the baggie of marijuana that was located in the rear passenger area of the vehicle where **KEFYALEW** was seated. This is the same description as the pill located at the scene of Victim 1's death. On or about December 2, 2021, the suspected fentanyl pill was tested by a forensic chemist at the MCPD drug lab which resulted in a positive result for fentanyl.

18. I queried the phone number xxx-xxx-8839 through various law enforcement databases and learned the phone was subscribed to Individual 1, who resides in Silver Spring, Montgomery County, Maryland, and based on the commonality in the name between Individual 1 and **KEFYALEW**, I believe Individual 1 to be a relative of **KEFYALEW**. I know that it is common for a family member to be the subscriber of a phone and allow a family member to utilize the phone. I learned through law enforcement databases that the cellular provider for phone number xxx-xxx-8839 is T-Mobile.

19. During the month of January 2022, law enforcement identified a Twitter⁷ account with the handle of “@king mickKK_,” believed to belong to **KEFYALEW**. Specifically, an image of the user for the Twitter account belonging to “@king mickKK_” was located within the account information. I compared a copy of that image to the Maryland Motor Vehicle Administration image of **KEFYALEW** and believe the two images are of the same person. Two Tweets sent from this Twitter handle stated “add me on your snap chat yrn_mick.” This is the same Snapchat account that was communicating with Victim 1 which appeared to be used to facilitate drug transactions, including the drug transaction preceding Victim 1’s death.

20. In January/February 2022, Witness 1 stated that he was with Victim 1 at an address on Comanche Court, Bethesda, Maryland (the same address referenced above) on the evening of January 16, 2022. Victim 1 had returned from a weekend trip, and came to Witness 1’s residence earlier on January 16, 2022. Witness 1 stated that at one point during the night,⁸ which he recalled was at approximately 8:00 p.m., Victim 1 stated that “Mick” had arrived, and Victim 1 went outside to meet with “Mick.” Witness 1 saw a silver sedan outside and stated that when Victim 1 returned to the residence, he was in possession of two small blue pills. At approximately 11:30 p.m., Witness 1’s father drove Victim 1 home to Victim 1’s residence on Massachusetts Avenue. Victim 1’s parent indicated that Victim 1 remained in the residence after his arrival home. Witness 1 recounted having exchanged communications with Victim 1 after his arrival home, which appear to have occurred through approximately 12:19 a.m. Law enforcement’s review indicates Victim 1 did not send any other communications on his phone after that time. Witness 1 attempted at least

⁷ Twitter is a microblogging and social networking service. Messages sent on Twitter are called “Tweets.”

⁸ As referenced in the Snapchat conversation described above, Victim 1 sent **KEFYALEW** messages at approximately 7:22 p.m. and 8:03 p.m.

one additional FaceTime call and messages through approximately 1:08 a.m., but Victim 1 did not answer or reply.

21. Witness 1 also stated that he knew Victim 1 had purchased “Percs” from “Mick” in the past. When asked how he knew this, Witness 1 stated that Victim 1 had told him this information, and Witness 1 had been present during at least one past drug transaction between Victim 1 and “Mick.” Witness 1 described “Mick” in a manner that was consistent with **KEFYALEW**. Witness 1 also indicated that Victim 1 would typically purchase two “Percs” at a time from “Mick.”

22. On or about February 23, 2022, the Honorable Judge Karla Smith, Circuit Court Judge for Montgomery County, Maryland, authorized a search and seizure warrant for **KEFYALEW**’s person. The search warrant authorized the seizure of all cellular telephone devices and SIM cards located on **KEFYALEW**.

23. On or about March 3, 2022, law enforcement was conducting surveillance in the area of Georgia Avenue and Aspen Street, NW, Washington, DC, where **KEFYALEW** was believed to be staying. At approximately 1:45 p.m., **KEFYALEW** was observed walking to a vehicle. **KEFYALEW** entered the driver’s seat of the vehicle, a Silver Toyota Corolla bearing Maryland tags (“**KEFYALEW**’s vehicle”). **KEFYALEW**’s vehicle was surveilled by law enforcement away from the area. At the intersection of Colesville Road and Dale Drive in Silver Spring, Montgomery County, Maryland, an MCPD officer initiated a traffic stop of **KEFYALEW**’s vehicle in order to effectuate the search and seizure warrant. Ultimately, **KEFYALEW**’s vehicle, which contained two cellular phones that law enforcement had observed in **KEFYALEW**’s possession upon the traffic stop, was towed to a secure police facility in order

to secure it pending a supplemental search and seizure warrant. **KEFYALEW** was released from the scene.

24. On or about March 3, 2022, the Honorable Judge Smith authorized a search and seizure warrant for **KEFYALEW**'s vehicle.

25. On or about March 3, 2022, law enforcement executed the search and seizure warrant on **KEFYALEW**'s vehicle. While searching **KEFYALEW**'s vehicle, I located and seized two Apple iPhones ("**KEFYALEW**'s phones"). I then transported **KEFYALEW**'s phones to the MCPD ECU to be held as evidence, pending application for search warrants.

26. On or about March 5, 2022, the Honorable Judge Smith authorized a search and seizure warrant for **KEFYALEW**'s phones.

27. On or about March 6, 2022, law enforcement conducted a forensic analysis of **KEFYALEW**'s phones. During the review of the phones' extractions, the Snapchat conversations listed above between Victim 1 and **KEFYALEW** were located. One of the phones had phone number xxx-xxx-8839; the other had phone number xxx-xxx-4728. Also located in one of **KEFYALEW**'s phones were photographs and multiple conversations that were indicative of drug distribution by **KEFYALEW**.

28. During the review of **KEFYALEW**'s phone extractions, law enforcement located a message from a contact saved as "Teo" sent on or about January 4, 2021, to **KEFYALEW**'s phone. The message stated, "if u kno ppl who fw ercs u should cop narcan...that lil nose jaunt to stop ppl from oding." Law enforcement also located a message from a contact saved as "Zo" sent on or about October 9, 2021, to a group chat which included **KEFYALEW**. The message stated, "But to say percs ain't being stepped on wit the fent is jhi naive and ignorant."

29. Based on my training, experience, and knowledge of this investigation, when “Teo” tells **KEFYALEW**, “if u kno ppl who fw ercs u should cop narcan...that lil nose jaunt to stop ppl from oding,” I believe he is telling **KEFYALEW** that anyone who uses Percocets—“Percs” or “ercs”—should obtain Narcan to prevent overdoses. Narcan is a brand of Naloxone, a medicine used to rapidly reverse an opioid overdose. Narcan is administered by spraying it into the victim’s nose. When “Zo” states to **KEFYALEW** “But to say perc’s ain’t being stepped on wit the fent is jhi naive and ignorant,” he is stating that it is naïve and ignorant for anyone to think that “Percs” are not being adulterated with fentanyl.

30. On or about March 15, 2022, the Honorable Judge Smith authorized a search and seizure warrant for the stored records and communications of T-Mobile to include subscriber records, historical call detail records, and geographic location data from November 1, 2021 – January 18, 2022, for phone number xxx-xxx-8839. During that month of May 2022, law enforcement obtained and compared the historical location information from Victim 1’s phone and **KEFYALEW**’s phone bearing the phone number xxx-xxx-8839. The data reviewed showed that both Victim 1’s and **KEFYALEW**’s phones were in the area of Comanche Court on January 16, 2022, at approximately 8:00 p.m., during the time of the suspected drug transaction.

Conclusion

31. Based on the foregoing, there is probable cause to issue the requested criminal complaint and arrest warrant.

Respectfully submitted,



Kelly P. Reidy
Task Force Officer
Drug Enforcement Administration

Affidavit submitted by email and attested to me as true and accurate by telephone consistent with Fed. R. Crim. P. 4.1 and 4(d) this 15th day of June, 2022



The Honorable Gina L. Simms
United States Magistrate Judge