

AB:JPM
F. #2017R01869

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
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UNITED STATES OF AMERICA

- against -

KEITH WYCHE,
ALLEN O'NEIL and
KYRON GRAHAM,

Defendants.

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EASTERN DISTRICT OF NEW YORK, SS:

TRAVEIS GUY, being duly sworn, deposes and states that he is a Special Agent with the Federal Bureau of Investigation, duly appointed according to law and acting as such.

In or about and between February 2017 and September 2018, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants KEITH WYCHE, ALLEN O'NEIL and KYRON GRAHAM, together with others, did knowingly, intentionally and unlawfully conspire to distribute and possess with intent to distribute one or more substances containing heroin and fentanyl, Schedule I and II controlled substances, respectively, in violation of Title 21, United States Code, Section 841.

(Title 21, United States Code, Section 846)

TO BE FILED UNDER SEAL

AFFIDAVIT AND
COMPLAINT IN SUPPORT OF
APPLICATION FOR ARREST
WARRANTS

(21 U.S.C. §§ 841, 846; 18 U.S.C. § 2)

18-MJ-862

In or about and between February 2017 and September 2018, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants KEITH WYCHE and ALLEN O'NEIL, together with others, did knowingly and intentionally distribute and possess with intent to distribute one or more substances containing heroin and fentanyl, Schedule I and II controlled substances, respectively, and serious bodily injury to, and the death of, one or more individuals resulted from the use of such substances.

(Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(C) and Title 18, United States Code, Section 2)

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 Federal Bureau of Investigation ("FBI"), Newark Division, assigned to the Transnational Organized Crime-East ("TOC East") Squad at Newark Headquarters. As such, I am a law enforcement officer empowered to conduct investigations of and to make arrests for criminal offenses committed within the United States. I have been an FBI Agent for approximately one year and two months and have been assigned to the TOC East Squad for approximately three months. I have been the case agent and participated in over a dozen criminal investigations of offenses including, but not limited to, illegal possession of firearms and conspiracy to distribute heroin. Prior to

¹ 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.

employment with the FBI, I was a Federal Probation Officer with the United States District Court in the Middle District of Florida for approximately seven years.

2. On or about April 18, 2017, New York City Police Department (“NYPD”) officers and emergency personnel responded to a 911 call concerning a possible drug overdose by a resident of Staten Island, New York (“Victim-1”) at a location in Staten Island. At the location, inside a home, first responders discovered Victim-1 dead from an apparent drug overdose. NYPD detectives and officers found glassine envelopes and a hypodermic syringe with suspected narcotics on or near Victim-1 at the time of his/her death. The New York City Office of Chief Medical Examiner determined that the immediate cause of Victim-1’s death was acute intoxication from the combined toxic effects of cocaine, fentanyl, and alprazolam (Xanax).

3. Text messages recovered from Victim-1’s phone indicated that on the morning of Victim-1’s death, on April 18, 2017, Victim-1 had texted with a cellular telephone number ending in 5862 (the “First Seller Phone”). The text messages showed that Victim-1’s phone texted with the First Seller Phone concerning the purchase of narcotics, and that Victim-1 indicated that he/she wished to purchase two bags of narcotics. At approximately, 9:16 a.m., approximately two to three hours prior to Victim-1’s death, the First Seller Phone texted Victim-1’s phone “Come out.” Law enforcement officers also identified a message to Victim-1’s phone from the First Seller Phone, sent on or about April 15, 2017, which read, “Rise and shine I’m around.” Victim-1 listed the name “Marco 5” as the contact name for the First Seller Phone.

4. On or about October 27, 2017, NYPD officers and detectives responded to a report of a drug overdose by a resident of Staten Island, New York (“Victim-

2”) in Staten Island. Victim-2 was medically resuscitated after the New York City Fire Department administered naloxone and Victim-2 received hospital treatment.

5. Based on statements made to the NYPD by Victim-2 and a witness to Victim-2’s overdose, law enforcement officers learned that Victim-2 had contacted an individual known as “Marco” to purchase heroin in the hours prior to the time of Victim-2’s overdose. “Marco” had met Victim-2 while driving what was described as a white Jeep Cherokee with black rims and sold Victim-2 envelopes of what Victim-2 understood to be heroin. Based on statements by Victim-2 and a witness, approximately ten minutes after Victim-2 obtained the heroin from Marco, Victim-2 ingested the substance in the glassine envelopes provided by Marco, and Victim-2 experienced the effects of a drug overdose to include stopping breathing.

6. Based on information provided by multiple confidential informants, whose information has proven reliable and has been corroborated by other evidence, including certain evidence described below, “Marco” was identified as a black male who drove a white Jeep vehicle. As described below, “Marco” was subsequently identified as the defendant KEITH WYCHE, who is the registered owner of a white, 2011 Jeep Cherokee with black wheel rims (the “Jeep Vehicle”). According to confidential informants and individuals who have purchased narcotics from “Marco,” a second individual who used the name “James” worked with “Marco” to distribute narcotics in Staten Island. As described below, “James” was subsequently identified as the defendant ALLEN O’NEIL, who has been repeatedly observed and photographed driving a 2007 Infiniti M35 (the “Infiniti Vehicle”) from which he sells narcotics. Beginning in or about June 2018, O’NEIL became the registered owner of a white 2015 Lexus GS350 sedan (the “Lexus Vehicle”). Based on

information from phone records, confidential informants and witnesses, WYCHE and O'NEIL have been distributing narcotics in Staten Island since at least in or about February 2017.

7. During the investigation, law enforcement officers learned that WYCHE and O'NEIL shared cellular telephones that they used to communicate with customers who purchased heroin, cocaine, or other drugs from WYCHE and O'NEIL. Among other investigative activities, law enforcement officers have repeatedly engaged confidential informants to contact the cellular telephones used by WYCHE and O'NEIL to arrange controlled purchases or buys of narcotics.² In addition to the First Seller Phone, law enforcement officers have identified several additional telephone numbers shared by WYCHE and O'NEIL (the "Seller Phones"). After sending messages with the Seller Phones, officers have observed either of WYCHE or O'NEIL, driving the Jeep Vehicle, Infiniti Vehicle, or Lexus Vehicle, meet with and sell narcotics to confidential informants. Law enforcement officers have observed WYCHE and O'NEIL selling narcotics to confidential informants on at least 18 separate occasions, including on the dates described below.

8. Based on information from confidential informants and a review of text messages sent from the Seller Phones, law enforcement officers have learned that buyers in

² For all controlled purchases of narcotics described herein, the confidential informants who participated in the controlled buys were searched by the NYPD prior to engaging in the transaction. The purpose of the search, which is standard practice for these transactions, is to confirm that the confidential informants are not in possession of narcotics prior to engaging the transaction. After the controlled buys, the confidential informants were again searched to confirm that the items purchased have been turned over to law enforcement and to confirm that money provided by law enforcement for the narcotics purchase had not been stolen.

Staten Island knew the identity of the person selling drugs on a particular date (either “Marco” or “James”) based on a text message that was generally sent each morning to customers. Generally, when O’NEIL possessed the telephone, the text message read “Good Morning,” and when WYCHE possessed the cellular phone, the message read “Rise and Shine.” As described above, text messages from Victim-1’s cell phone showed that on or about April 15, 2017, the First Seller Phone sent a message to Victim-1 that read “Rise and shine I’m around.”

9. In or about July 2018, law enforcement officers installed GPS tracking devices, pursuant to search warrants, on each of the Jeep Vehicle, Infiniti Vehicle, Lexus Vehicle. During the period of GPS tracking, law enforcement officers have arranged controlled purchases of narcotics from both WYCHE and O’NEIL. Law enforcement officers observed each of these controlled purchases, all of which occurred at locations in Staten Island, New York. WYCHE made the sales while driving either the Jeep Vehicle or Infiniti Vehicle. O’NEIL made the sales while driving the Lexus Vehicle. Based on laboratory testing, WYCHE sold glassine envelopes that contained either a mixture of heroin or fentanyl as well as glassines that contained only fentanyl. O’NEIL sold glassine envelopes that contained a mixture of heroin and fentanyl.

10. GPS data from the Jeep Vehicle and Lexus Vehicle also showed that the Jeep Vehicle and Lexus Vehicle have repeatedly traveled to a residential block in the Bronx, New York. On or about August 5, 2018, law enforcement officers canvassed this area of the Bronx for video surveillance footage and identified footage of the Jeep Vehicle and Lexus Vehicle. Based on GPS data, between July 31, 2018 and August 17, 2018, either the Jeep Vehicle or Lexus Vehicle traveled to the Bronx location on at least five separate

occasions. On each of those dates, an individual later identified as the defendant KYRON GRAHAM was observed on surveillance camera footage exiting a residential building and meeting with either the Jeep Vehicle or the Lexus Vehicle. Law enforcement officers also reviewed surveillance footage that showed GRAHAM enter or meet the relevant the Lexus Vehicle and Jeep Vehicle. The duration of time that GRAHAM met with the vehicles on each occurrence varied between approximately one minute and one hour. After GRAHAM left the vehicles, the Subject Vehicles departed the Bronx location and returned to New Jersey. GPS data showed that either of WYCHE and O'NEIL generally traveled each day from locations in New Jersey to Staten Island to sell narcotics.

11. Law enforcement officers identified the defendant KYRON GRAHAM by comparing images obtained from surveillance camera footage to known law enforcement photographs of GRAHAM. I have reviewed those photographs and recognize GRAHAM as the individual who met the Lexus Vehicle and the Jeep Vehicle. Additionally, GRAHAM had provided an apartment address at the same location during prior arrests by the NYPD (hereinafter the "Bronx Apartment"). Law enforcement records further showed that WYCHE, O'NEIL and GRAHAM are members of the Bloods gang.

12. On or about July 31, 2018, GPS data showed that the Lexus Vehicle traveled from Staten Island, New York, leaving at approximately 6:11 p.m., to the location of the Bronx Apartment, arriving at approximately 7:15 p.m. The travel time between the locations was approximately one hour and four minutes. The Lexus Vehicle departed from the Bronx Apartment location at approximately 8:13 p.m. Law enforcement officers reviewed surveillance video footage for that time period. After the Lexus Vehicle arrived and parked in front of the Bronx Apartment building, GRAHAM exited the front door of the

building and met the Lexus Vehicle in the street. As GRAHAM walked toward the Lexus Vehicle, a large round bulge was visible on surveillance footage in the right, rear side of GRAHAM's pants. GRAHAM then entered the passenger side of the Lexus Vehicle. Surveillance footage showed that the bulge in the rear of GRAHAM's pants was no longer present when GRAHAM left the Lexus Vehicle and returned to the building. From my training and experience, I am aware that drug dealers often conceal narcotics under their clothing and in their pockets. I am also aware that persons selling heroin and fentanyl to customers receive a large quantity of the drugs from a supplier (i.e., GRAHAM), which the sellers must divide out, cut with other agents, and then place in bags for sale. Based on my training and experience and subsequent patterns of behavior and the nature of the sales made by WYCHE and O'NEIL, I believe that the bulge was a quantity of narcotics (i.e., heroin or fentanyl) that was provided to WYCHE and O'NEIL.

13. On or about August 4, 2018, GPS data showed that the Lexus Vehicle traveled from Perth Amboy, New Jersey at approximately 3:19 p.m. to the Bronx Apartment and arrived at approximately 4:36 p.m. The travel between the locations was approximately one hour and 17 minutes. The Lexus Vehicle departed the Bronx Apartment location at approximately 4:43 p.m.; thus, the Lexus Vehicle was at the Bronx Apartment location for approximately seven minutes. Law enforcement officers reviewed video surveillance footage for that time period. The footage showed that just prior to the Lexus Vehicle arriving, GRAHAM began to walk inside the Bronx Apartment building. As GRAHAM entered the building, the Lexus Vehicle arrived. GRAHAM remained in the Bronx Apartment building for a period of time, while the Lexus Vehicle remained parked in the street, and then GRAHAM exited the Bronx Apartment carrying a plastic bag in his right

hand, which he then placed in a right rear pocket. GRAHAM then walked toward the Lexus Vehicle (which was not visible on camera). Surveillance footage showed GRAHAM returned in front of the building approximately four minutes later. GPS data showed that the Lexus Vehicle then departed the location.

14. On or about August 8, 2018, the Jeep Vehicle traveled from New Jersey to the Bronx Apartment, arriving at approximately 2:00 p.m. Surveillance footage showed GRAHAM travel from the street to the Bronx Apartment. After the Jeep Vehicle had been waiting for approximately ten minutes in front of the Bronx Apartment, GRAHAM exited the Bronx Apartment and walked to the Jeep Vehicle. GRAHAM met with the Jeep Vehicle for approximately one minute before it departed the location.

15. On or about August 11, 2018, the Jeep Vehicle traveled from Somerset, New Jersey, leaving at approximately 8:22 a.m., and drove to the Bronx Apartment, arriving at approximately 9:37 a.m. After the Jeep Vehicle arrived, surveillance footage showed GRAHAM exit the front of the Bronx Apartment building and enter the rear passenger door of the Jeep Vehicle, which was double-parked in the street. GRAHAM was inside the Jeep Vehicle for approximately five minutes before it departed the location.

16. During the time period that WYCHE and O'NEIL met GRAHAM outside the Bronx Apartment, both WYCHE and O'NEIL continued to sell heroin and fentanyl in Staten Island, New York. For example, on or about July 31, 2018, prior to traveling to the Bronx Apartment, law enforcement officers conducted a controlled purchase of narcotics from O'NEIL in Staten Island. O'NEIL sold glassines of suspected heroin from the Lexus Vehicle, which subsequent laboratory testing showed actually contained heroin and fentanyl. Additionally, on or about August 9, 2018, one day after the Jeep Vehicle met

GRAHAM outside the Bronx Apartment, law enforcement officers conducting surveillance observed WYCHE driving the Jeep Vehicle and engaging in a controlled purchase of heroin from WYCHE in Staten Island. On that date, WYCHE sold glassines of suspected heroin, which subsequent testing showed actually contained heroin and fentanyl.

WHEREFORE, your deponent respectfully requests that the defendants KEITH WYCHE, ALLEN O'NEIL, and KYRON GRAHAM be dealt with according to law.

TRAVEIS GUY
Special Agent, Federal Bureau of Investigation

Sworn to before me this
14th day of September, 2018.

THE
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK