

NR:VTN
F. #2020R00241

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- against -

MOELEEK HARRELL,
also known as “Moe Money,”
PAUL HARRIS,
also known as “Baldhead,”
ANTHONY KENNEDY,
also known as “Biggie,”

Defendants.

TO BE FILED UNDER SEAL

COMPLAINT AND
AFFIDAVIT IN
SUPPORT OF ARREST
WARRANTS

(21 U.S.C. §§ 841(b)(1)(C) and 846; 18
U.S.C. §§ 3551 et seq.)

Case No. 20-472-M

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EASTERN DISTRICT OF NEW YORK, SS:

Kiran Mathew, being duly sworn, deposes and states that he is a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives, duly appointed according to law and acting as such.

In or about and between September 2019 and June 2020, within the Eastern District of New York and elsewhere, the defendants MOELEEK HARRELL, also known as “Moe Money,” PAUL HARRIS, also known as “Baldhead,” and ANTHONY KENNEDY, also known as “Biggie,” together with others, did knowingly and intentionally conspire to distribute and possess with intent to distribute a controlled substance, which offense involved

a mixture or substance containing a detectable amount of 5-Fluoro-MDMB-Pica, a Schedule I controlled substance, contrary to Title 21, United States Code, Section 841(a)(1).

(Title 21, United States Code, Sections 846 and 841(b)(1)(C); 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 Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF") and have been involved in the investigation of numerous cases involving narcotics trafficking and other crimes against the government. I am familiar with the facts and circumstances set forth below from my participation in the investigation; my review of the investigative file and from reports of other law enforcement officers involved in the investigation.

2. ATF agents and investigators from the New York City Department of Investigation ("DOI") have been investigating contraband rings involving, among other things the introduction of narcotics into the correctional facilities operated by the New York City Department of Correction ("DOC") located on Rikers Island ("Rikers") in East Elmhurst, New York. In connection with these investigations, agents have, among other things, reviewed telephonic call detail records, financial records, including online transfer tools such as Cash App, conducted surveillance and initiated stops of DOC employees at Rikers.

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.

3. Law enforcement agents have also reviewed recorded telephone calls made by Rikers inmates using the DOC's Securus system. To use the Securus system, each inmate records voice exemplars that enable the system to recognize the inmate's voice. The inmate is then assigned a PIN permitting access to the system. Although inmates are required to only use their own PIN to make outgoing telephone calls, in practice inmates frequently use other inmates' PINs to disguise the source of their calls. Because of the voice exemplars, however, the Securus system can typically recognize a given inmate's voice even when he is improperly using another inmate's PIN. Inmates also receive notice at the start of each call that their conversations using the Securus system are recorded and monitored.

4. The defendant MOELEEK HARRELL was arrested by the New York City Police Department ("NYPD") on or about January 21, 2019 on charges including murder. He has been detained in the custody of the DOC since that date. From on or about January 22, 2019, HARRELL was incarcerated at the DOC's Manhattan Detention Center facility. On or about May 15, 2019, HARRELL was transferred from the Manhattan Detention Center to the George R. Vierno Center ("GRVC") on Rikers. On or about December 6, 2019, HARRELL was transferred from the GRVC to the Otis Bantum Correctional Center ("OBCC") on Rikers. On or about March 13, 2020, HARRELL was transferred from the OBCC back to the GRVC. On or about April 9, 2020, HARRELL was transferred from the GRVC back to the OBCC, where he is presently incarcerated.

5. On or about September 22, 2019, at about 12:00 p.m., a woman whose identity is known to law enforcement authorities ("Coconspirator-1") came to Rikers to visit HARRELL. DOC officers searched Coconspirator-1 and recovered a stack of 57 pages, many of which appeared to be coated with an oily substance and from which emanated a

strong smell of marijuana. A DOC officer field tested one of the pages recovered from Coconspirator-1 and obtained a positive result for the presence of synthetic cannabinoid. One of the pages was subsequently tested by the NYPD laboratory and yielded a positive result for the presence of 5-Fluoro MDMB-Pica, a Schedule I controlled substance, which is commonly referred to as K2. Based on my training and experience, knowledge of the investigation, and information described further below, I believe that Coconspirator-1 had received the 57 pages from the defendant PAUL HARRIS and that Coconspirator-1 intended to deliver them to HARRELL.

6. On or about November 7, 2019, DOC officers searched HARRELL's jail cell at the GRVC. During that search officers seized an Apple iPhone, which, was subsequently searched pursuant to a judicially-authorized search warrant (the "Contraband iPhone"). Evidence seized from the Contraband iPhone revealed that HARRELL was working with the defendant PAUL HARRIS and others to smuggle sheets of K2-soaked papers—like those seized from Coconspirator-1—into Rikers, by mail or in person by third parties such as Coconspirator-1.

7. A review of the data seized from the Contraband iPhone revealed communications with a telephone number ending in 0645 (the "Harris Phone") that was used by HARRIS to speak to inmates jailed at Rikers using the Securus system.² The Harris Phone is subscribed in the name of "Adonis Reed" and is saved as a contact in the Contraband iPhone under the name "Aul."

² HARRIS also listed the Harris Phone as his contact number in connection with opening a bank account in his name in or about February 2019.

8. A review of messages from the Contraband iPhone revealed the following communications between HARRIS (using the Harris phone) and HARRELL (using the Contraband iPhone) on the morning of September 22, 2019, which demonstrate that HARRIS had provided K2-soaked papers to Coconspirator-1 to deliver to HARRELL:

a. At 8:45 a.m., HARRIS sent a video to HARRELL in which a man is seen flipping through a stack of pages that appeared to be a transcript of a court proceeding. As the man flips through the pages, he explained, “The sequence is one dummy, two pages is live. One dummy, two pages is live.” The man explained further, as he continued to flip through the pages, “It’s like a booklet . . . One fake, two real. One fake, two real.” The pages depicted in the video appear to be the same pages that were seized from Coconspirator-1 later that day. Based on my training, experience, investigation of the case to date and discussions with other law enforcement officers, I believe HARRIS was describing for HARRELL which of the pages within the stack had been soaked in K2, and that more specifically, the last two pages of every three pages had been soaked in K2.

b. At 8:54 a.m., HARRELL sent a text message to HARRIS in which HARRELL provided the home address of Coconspirator-1. HARRIS acknowledged the text message by responding, “OK.”

c. At 9:54 a.m., HARRIS sent a text message to HARRELL saying, “She got it.” Based on my training, experience, investigation of the case to date and discussions with other law enforcement officers, I believe HARRIS was informing HARRELL that HARRIS had delivered the K2-soaked papers to Coconspirator-1.

9. A review of messages from the Contraband iPhone revealed the following communications between HARRIS (using the Harris phone) and HARRELL (using the Contraband iPhone) in October 2019, in which they discuss another package of K2-soaked papers that HARRIS planned to deliver to HARRELL:

a. On or about October 1, 2019, HARRIS sent a text message to HARRELL that said, “20 on deck made today.” Based on my training, experience, investigation of the case to date and discussions with other law enforcement officers, I believe that in this exchange, HARRIS informed HARRELL that he had 20 sheets of papers recently soaked in K2 (“20 on deck made today”).

b. On October 2, 2019, they had the following exchange of text messages:

HARRELL: Yurrr

HARRIS: Yurrrrr

HARRIS: Just waking up

HARRELL: You got the papers ??

HARRIS: They done bro I just gotta slide n pick them up

HARRELL: My shorty who you dropped them off to got the bread

HARRIS: Ok bet can I link her tomorrow A.M. bro

Based on my training, experience, investigation of the case to date and discussions with other law enforcement officers, I believe that in this exchange, HARRELL asked if HARRIS had “the papers,” referring to the K2-soaked sheets of paper that HARRIS had messaged about the day before. HARRIS then explained that the papers had been made but that he needed to pick them up (“They done bro I just gotta slide n pick them up”). HARRELL told HARRIS that the woman (“shorty”) to whom HARRIS had delivered papers previously

10. In other messages seized from the Contraband iPhone, some of which are described below, HARRIS (using the Harris Phone) and HARRELL (using the Contraband iPhone) discussed sending K2-soaked papers to HARRELL by mail:

a. On October 21, 2019, HARRIS and HARRELL had the following exchange of text messages:

HARRIS: Yurrrr

HARRIS: Bro son still waiting on that order but he found another plug where they ship out faster he only bought enough for like a 8 sheets I wanted to send one to see if it fire 🔥 you got a nigga info I can send it too thru mail don't wanna hot ya name up

HARRIS: Let me know

HARRELL: [Name of GRVC Inmate-1] [Book and Case Number]

HARRIS: Ok

Based on my training, experience, investigation of the case to date and discussions with other law enforcement officers, I believe that in this exchange HARRIS and HARRELL were discussing a shipment of K2-soaked papers. Specifically, HARRIS told HARRELL that the person making the K2-soaked papers found a source of supply (“plug”) that shipped K2 more quickly (“they ship out faster”) but that he only had enough K2 to create eight sheets (“he only bought enough for like a 8 sheets”). HARRIS further stated that he wanted HARRELL to try one sheet to see if the quality was good (“I wanted to send one to see if it fire 🔥”). HARRIS also stated that he did not want to raise suspicion about HARRELL, so he asked for the name of a third party to whom HARRIS could send the K2-soaked papers through the mail (“you got a nigga info I can send it too thru mail don't wanna hot ya name up”). In response, HARRELL sent the name of GRVC Inmate-1 and the Book and Case Number of GRVC Inmate-1, who, based on my review of DOC records and discussions with other law

enforcement agents, I know was incarcerated with HARRELL at the GRVC. I am further aware that mail sent by third parties are routed to inmates based on the addressee's name and Book and Case Number.

b. On or about October 23, 2019, HARRIS and HARRELL continued their conversation with the following exchange of text messages:

HARRIS: Yurrrrr
HARRIS: It's in the air
HARRIS: Coming from church
HARRELL: Kopy bro
HARRIS: Aight
HARRIS: Last page

Based on my training, experience, participation in the investigation to date, and discussions with other law enforcement officers, I believe that in this exchange, HARRIS informed HARRELL that HARRIS had mailed out the K2-soaked papers they had discussed the previous day. I further believe that HARRIS identified where to find the specific K2-soaked papers as the "last page" of the packet HARRIS had sent.

c. On or about October 28, 2019, HARRIS and HARRELL had the following exchange of text messages:

HARRELL: Yurrrrr
HARRIS: Yurrrrr
HARRELL: Td that shit fire but the other 1s better
HARRIS: Make it a lil stronger because nigga still waiting these niggas ship like in 10 days
HARRELL: Nah it's cool how it is
HARRELL: Imma send you 500\$ tomorrow

Based on my training, experience, investigation of the case to date and discussions with other law enforcement officers, I believe that in this exchange HARRELL informed HARRIS that the sample of new K2-soaked papers had arrived and that it was good, but that prior shipments were of a higher quality (“Td that shit fire but the other 1s better”). HARRIS asked if the K2-soaked papers should be made with a higher potency (“Make it a lil stronger”) and HARRELL stated the quality was fine as is (“Nah it’s cool how it is”).

11. As set forth above, HARRIS (using the Harris Phone) communicated with HARRELL (using the Contraband iPhone) about mailing shipments of K2-soaked papers to Rikers. On April 20, 2020, DOC officers confiscated one such shipment mailed from HARRIS and intended for HARRELL at Rikers. More specifically, DOC officers identified and opened a piece of United States Postal Priority Mail addressed to “MOELEEK HARRELL,” bearing HARRELL’s Book and Case Number and sent from “P. HARRIS.” Within the Priority Mail package was a book containing pages that appeared to be coated with an oily substance and appeared similar to the K2-soaked papers recovered from Coconspirator-1. A DOC officer conducted field tests on samples of the book and obtained a positive result for the presence of synthetic cannabinoid and either fentanyl or heroin.

12. As described below, law enforcement authorities determined during the course of the investigation that HARRELL and HARRIS were also working with the defendant ANTHONY KENNEDY to have K2-soaked papers smuggled into Rikers.

13. Based on my participation in the investigation to date, including my conversations with other law enforcement officers and review of reports, and my review of Securus calls, I am aware that KENNEDY is a cousin of HARRELL and that KENNEDY uses a phone number ending in 7837 (the “Kennedy Phone”) to speak with inmates

incarcerated at Rikers who were using the Securus system. I further know that the Kennedy Phone is used by KENNEDY because during a Securus call made on April 7, 2020, starting at 2:21 p.m., from an inmate at Rikers to the Kennedy Phone, the speaker identified himself as “Anthony Kennedy.”

14. Two Securus calls made by HARRELL in May 2020 are detailed herein that contain discussions between HARRELL, HARRIS and KENNEDY regarding K2-soaked papers.

a. On or about May 7, 2020, HARRELL made a call using the Securus system and spoke to KENNEDY and HARRIS. During the call, they had the following exchange:³

HARRELL: What you doing?

KENNEDY: Nigga, I’m with Baldhead. Nigga, you pussy.

HARRELL: Don’t try to play my son close. Fuck is he talking about, bro-bro.

KENNEDY: [laughs]

[HARRIS laughing in the background]

HARRELL: Hey yo, bro-bro. Tell that nigga don’t try to play you close. The fuck is he talking about.

HARRIS: Hey, yo. What up?

* * *

HARRELL: Shit better be that Pacqui, huh?

KENNEDY: Yo, you hear me? I’m on the way to go see Tay Milly right now. That’s what I’m about to go do, you heard?

HARRELL: Oh, all right. Say no more.

KENNEDY: So that’s why—You know what I mean?

HARRELL: Yeah.

³ The transcripts of Securus calls provided herein are drafts and are subject to revision.

HARRIS: Gonna try these nut cracker drinks out, you heard?

HARRELL: Yeah, yeah, yeah. [Laughs].

Based on my training, experience, and participation in the investigation to date, I believe that in this call, HARRELL, HARRIS and KENNEDY were discussing K2-soaked papers. Specifically, KENNEDY first told HARRELL that he (KENNEDY) was with HARRIS (“baldhead”). Thereafter both KENNEDY and HARRIS can be heard speaking over the telephone. HARRELL told KENNEDY that the “Shit better be that Pacqui” which, based on context, and discussed below, I believe was a reference to K2-soaked papers and that HARRELL was telling KENNEDY that a batch of K2-soaked papers that HARRIS and KENNEDY were working on needed to be good quality (“that Pacqui”). Thereafter, KENNEDY told HARRELL that he (KENNEDY) was going to see an individual named “Tay Milly” (“I’m on the way to go see Tay Milly right now. That’s what I’m about to go do”) and HARRIS stated that they were “Gonna try these nut cracker drinks out”. Based on context and subsequent calls recounted infra, I believe that KENNEDY and HARRIS were talking about visiting an individual named “Tay Milly” to test the potency of K2-soaked papers, which HARRIS referred to as “nut cracker drinks.”

b. On May 8, 2020, HARRELL called KENNEDY using the Securus system. During that call, KENNEDY and HARRELL discussed KENNEDY and HARRIS’s visit with “Tay Milly” and the testing of the K2-soaked papers. In particular, HARRELL started the call by asking KENNEDY, “Hey yo, everything sturdy with that?” and KENNEDY responded “Fire.” Based on my training experience and participation in the investigation to date, I believe that HARRELL was asking how the testing of the K2-soaked papers had gone, and KENNEDY responded that the batch of K2-soaked papers they tested

was a good quality, calling it “fire,” which is a term HARRIS and HARRELL have also used to describe the potency of the K2-soaked papers. See supra ¶ 10(a) and (c). Later in the telephone call they had the following exchange:

HARRELL: Bro-bro ain’t – he got a chance to put everything together or nah?

KENNEDY: Huh?

HARRELL: Bro-bro ain’t get a chance to put everything together? Nah?

KENNEDY: Nah, hell no. That was just late last night. He just did the, you know, for Milly, you heard?

HARRELL: Alright, say no more. Alright, say no more. I’mma hit you back in a minute. You heard?

KENNEDY: Yeah, you listening though?

HARRELL: Yeah.

KENNEDY: You know how you in the can and you know how we used to be bored, my nigga, and you want to just watch a—you want to just see—Yo bro, nigga start tweaking.

HARRELL: You said what?

KENNEDY: A nigga start tweaking, bro. That shit had me crying, you hear me?

HARRELL: Oh, word?

KENNEDY: I said “Oh yeah, yeah, yeah.”

HARRELL: [laughs] Alright, say that. Say that. Say that.

Based on my training, experience, and participation in the investigation to date, I believe that in this exchange, HARRELL and KENNEDY were discussing the test of the K2-soaked papers conducted with “Tay Milly” the night before. Specifically, HARRELL asked if HARRIS (“bro bro”) had gotten the K2-soaked papers together (“Bro-bro ain’t get a chance to put everything together”). Thereafter, using guarded language to avoid explicit reference to the K2-soaked papers they tested, KENNEDY said that HARRIS did not get everything together because they had only just tested the papers with “Tay Milly” the night before

(“Nah, hell no. That was just late last night. He just did the, you know, for Milly, you heard?”). KENNEDY continued, however, and highlighted for HARRELL that a third party “start[ed] tweaking.” I believe KENNEDY was referring to the testing of the K2-soaked papers the night before and that KENNEDY was saying that the K2-soaked papers he tested were so strong that the tester began “tweaking” which is a slang term for a drug user’s strong reaction to certain drugs. Further, I am aware that users of K2 can have a strong reaction to the drug, which is described as “tweaking” as a result of using K2.

15. For reasons described below, I believe that HARRELL and KENNEDY communicated with a person they referred to as “Twin,” who has been identified by law enforcement authorities as a specific DOC correction officer (“Coconspirator-2”), and that Coconspirator-2 smuggled K2-soaked papers that were supplied by HARRIS into Rikers on May 19, 2020 and May 29, 2020.

16. On or about May 17, 2020, at 2:07 p.m., HARRELL called KENNEDY at the Kennedy Phone using the Securus system and had the following exchange:

HARRELL: Yo

KENNEDY: What’s up, my nigga?

HARRELL: Hey, yo. What up, buzzin? Hey yo, you in the City?

KENNEDY: Yeah.

HARRELL: What you getting into today?

KENNEDY: I don’t, ain’t shit. I’m stuck right now in Long Island. I ain’t got no car. I was about to take an Uber to Jersey. What’s up?

HARRELL: You said you ain’t got no car?

KENNEDY: Nah.

HARRELL: Alright, bet.

KENNEDY: I mean, [unintelligible] running around. What you need me to do?

HARRELL: Well I need you to go grab that bread my momma love and, uh, my son gonna holler at you tonight.

KENNEDY: Alright, so I ain't gonna go nowhere.

HARRELL: Huh? And then holler at Baldhead and all that.

KENNEDY: Alright, say no more. [Unintelligible]. Holler at momma love, then holler at Baldhead. Of course. I know.

HARRELL: Alright, yeah. You can do that. Or – I ain't gonna front – I can have him holler at Baldhead. However you want to do it though. If you can't get around that, I'll just holler at him to do it.

KENNEDY: Alright, if I can't get around to all that, I'm about to hit Baldhead up right now. I'ma tell him that he gonna have to [unintelligible] everything. See auntie, everything. I'ma [unintelligible] right now.

Based on my training, experience, and participation in the investigation to date, I believe that in this exchange, HARRELL and KENNEDY were discussing the pick-up of money and K2-soaked papers. HARRELL instructed KENNEDY to pick up money from HARRELL's mother ("go grab that bread my momma love") and to then wait for someone to contact him (KENNEDY) ("my son gonna holler at you tonight"). KENNEDY agreed ("alright"). HARRELL further instructed KENNEDY that after he (KENNEDY) picked up the money, KENNEDY should contact HARRIS ("then holler at Baldhead") to pick up the K2-soaked papers. Then HARRELL suggested alternatively that HARRELL could have the other person contact HARRIS directly ("I can have him holler at Baldhead. However you want to do it."). KENNEDY responded that if he was unable to handle everything himself ("if I can't get around to all that"), KENNEDY would ask HARRIS to take care of it ("I'm about to hit Baldhead up right now. I'ma tell him that he gonna have to [do] everything.").

17. On or about May 17, 2020, at 2:10 p.m., HARRELL called his mother, Tracy Turner, at a phone number ending in 2677, using the Securus system and had the following exchange:

HARRELL: Hey look, I need you to, uh, put, put, uh, put, uh, put 10 to the side for me. You hear me?

TURNER: Put 10 to the side for you?

HARRELL: Yeah. I'ma have either Biggie or I'ma have – I'ma have Biggie or either Ms. Bently [phonetic] son, they gonna come grab that from you.

TURNER: Alright.

HARRELL: Alright?

TURNER: Okay.

Based on my training, experience, and participation in the investigation to date, I believe that in this exchange, HARRELL asked Turner to set aside \$10,000 (“put 10 to the side for me”), so that either KENNEDY (“Biggie”) or HARRIS (“Ms. Bently son”) could come pick it up from her (“they gonna come grab that from you”).

18. On or about May 17, 2020, at 4:02 p.m., HARRELL called KENNEDY at the Kennedy Phone, using the Securus system, and had the following exchange:

KENNEDY: What's up? Who this?

HARRELL: It's buzzin.

KENNEDY: Oh, buzzin. What's up, bro-bro?

HARRELL: What's good?

KENNEDY: Aint shit. [Talking to someone in background: [unintelligible], what's up?]

HARRELL: What's the word? You gonna, you gonna handle that?

KENNEDY: Huh? I seen auntie already.

HARRELL: Oh, you saw her?

KENNEDY: I just seen, I just left auntie.

HARRELL: Oh alright, bet. Say no more.

KENNEDY: Alright, I'm waiting for Baldhead to hit me. If push come to shove, I'ma just drop the ch – whatever. I got this, you heard? I got you, buzzin.

HARRELL: Alright, say no more.

Based on my training, experience, and participation in the investigation to date, I believe that in this exchange, KENNEDY told HARRELL that he (KENNEDY) had just visited Turner ("I just seen, I just left auntie") and was waiting for HARRIS to contact him (KENNEDY) ("I'm waiting for Baldhead to hit me").

19. On or about May 18, 2020, at 8:16 a.m., HARRELL called KENNEDY at the Kennedy Phone, using the Securus system, and had the following exchange:

KENNEDY: What's up buzzin?

HARRELL: Yo, what's good? Twin ever hit you?

KENNEDY: Yeah, I spoke to Twin.

HARRELL: Alright.

KENNEDY: I mean he text me. He text me, and I'm texting him like 'What's up?' He hit me back. He talking about today.

HARRELL: Alright, bet. Say no more. Say no more.

KENNEDY: Twin sound a little leery. I'm like – Yeah, Twin sound a little leery. I'm like 'Bro, just everything sturdy.' You heard?

HARRELL: Oh, word?

KENNEDY: Yeah, Twin sound a little leery, Bro. I ain't gonna hold you, you heard?

HARRELL: Like, like, like, like how?

KENNEDY: Like I ain't gonna lie to you, Bro-bro. Cause like – Bro-bro, I ain't gonna lie. From the, from the text, I'm like, Yo Twin texting me? I'm like, why he sound like that? Like call. You know Bro-bro hit. Cause I'm like, tomorrow. I'm like – alright, fuck it. So I hit, 'Like, are you sure?' He's like, 'Yeah.' But then, I'm like, 'Alright, everything sturdy. I'm ready, whatever.' Then he hit, 'Yo bro, I'm saying though like, there's no sme—?' I'm like, 'Bro, everything sturdy, Bro-bro.' Like you heard? He like, 'Then say no more.' Then he's like, 'Alright, drop the addy.' I'm like, 'You said tomorrow, right?'

I'm like, 'Yeah.' I'm like, 'I switch up places, Bro-bro.' Like, you feel what I'm saying?

HARRELL: Yeah.

KENNEDY: 'I'ma drop it when you ready. When you say you ready, I'ma drop it where I'm at.' But I would rather, um, I'ma tell him today when he drop it, 'You drop it. I'm coming to you.' You know what I mean? Or you think I should just tell him to drop it, come to me, whatever?

HARRELL: It don't matter though. It don't matter though. Just go to the studio though. Record that song though.

Based on my training, experience, and participation in the investigation to date, I believe that in this exchange, HARRELL and KENNEDY were discussing the communications KENNEDY had had with Twin about delivering the K2-soaked papers to Twin. I further believe that during this conversation and others described infra, KENNEDY and HARRELL were using coded language and that when they referred to a "song" they were actually referring to a package of K2-soaked papers. Specifically, KENNEDY told HARRELL that he (KENNEDY) spoke to Twin via text message ("I mean he text me, and I'm texting him") and it appeared that Twin seemed nervous ("Twin sound a little leery"). KENNEDY told Twin that everything was fine ("Bro, just everything sturdy"). KENNEDY asked HARRELL whether KENNEDY should offer to go meet Twin ("I'ma tell him . . . 'You drop it. I'm coming to you.'"), or have Twin come to KENNEDY ("Or you think I should just tell him to drop it, come to me, whatever?"). HARRELL told KENNEDY that it didn't matter ("it don't matter though") as long as Twin gets the K2-soaked papers ("Just go to the studio though. Record that song though.").

20. On or about May 18, 2020, at 12:43 p.m., HARRELL called KENNEDY at the Kennedy Phone, using the Securus system, and had the following exchange:

HARRELL: What's up, Bro-bro?

KENNEDY: What's up, Bro-bro?

HARRELL: Hey yo, you spoke to Twin or he text you?

KENNEDY: [unintelligible]

HARRELL: Huh?

KENNEDY: Text first, then I spoke to him [unintelligible].

HARRELL: But you spoke to him? You heard his voice?

KENNEDY: [unintelligible]

HARRELL: I can't hear you.

KENNEDY: I said yeah. That nigga, Twin started to sound shaky, you heard?

HARRELL: Yeah.

KENNEDY: And, I ain't gonna lie, the reason I feel that – I had the, I hit him. He hit me from a different, a different, a different, um...

HARRELL: Yeah.

KENNEDY: You heard? Word, I'm on it though. He said, you know, everything sturdy, so...

HARRELL: Alright, say no more.

Based on my training, experience, and participation in the investigation to date, I believe that in this exchange, HARRELL and KENNEDY were discussing communications KENNEDY had with Twin. KENNEDY informed HARRELL that he (KENNEDY) had spoken to Twin on the telephone ("I spoke to him") and that Twin called from a different phone number than Twin had previously used ("He hit me from a different"). KENNEDY told HARRELL that Twin again appeared nervous ("Twin started to sound shaky") but that Twin would proceed with their plan ("He said, you know, everything sturdy").

21. On or about May 18, 2020, at 4:45 p.m., HARRELL called HARRIS at a phone number ending in 9420, using the Securus system, and had the following exchange:

HARRIS: Hey yo, you heard me too? I got, um, I got, uh, um, things for you. Two, um...

HARRELL: Huh?

HARRIS: I got a Koran and a Bible for you to read. I got you both, it's two.

HARRELL: Alright, alright, bet. Say no more. Alright, say no more. Uh, so I'ma just let you know when.

HARRIS: Alright, bet. Just holler at me.

HARRELL: Alright, say no more.

Based on my training, experience, and participation in the investigation to date, I believe that in this exchange, HARRIS informed HARRELL that HARRIS had two units or packages of K2-soaked papers that HARRIS was going to provide to HARRELL ("I got you both, its two"). I believe that HARRIS used coded language and referred to the two contraband packages as "a Koran" and "a Bible."

22. On or about May 18, 2020, at 7:27 p.m., HARRELL called KENNEDY at the Kennedy Phone, using the Securus system, and had the following exchange:

KENNEDY: Hey yo, you hear me?

HARRELL: Yo?

KENNEDY: You spoke to Baldhead?

HARRELL: Earlier, why? What up?

KENNEDY: Huh?

HARRELL: Earlier.

* * *

KENNEDY: I said I was speaking to him, and I was just telling him I'm waiting on like, I'm waiting on the call. Like, he said 'Alright. I told Bro-bro I'm doubling up.' [laughs]. He told you that?

HARRELL: Nah, nah. He didn't tell me.

KENNEDY: Yeah, some shit about, you know, for the ticket. He like, 'Man, I'm doubling up, man.' I'm like, 'Bro, I don't know. I'm just following Bro-bro instructions.' You heard?

HARRELL: I don't get it. Whachu mean?

KENNEDY: You know what you was supposed to, you know what [unintelligible] holler at him, what I'm supposed to snatch from him, right? He saying when I come see him, instead of one, he hollering at me with two, you heard?

HARRELL: That's what he gave you. It's two for me.

KENNEDY: Alright, yeah. He's saying two for you. You heard?

HARRELL: Right.

KENNEDY: That's what I'm saying. Yeah, yeah, yeah. You heard? Cause he's like, 'Yo for that. He's like for that my nigga.' That's what he said, you heard? He's like, 'I spoke to bro-bro.'

HARRELL: Oh nah, he was already doing two anyway. He capping. He already knew the vibes, nigga. It was already a deuce, he sliding two.

KENNEDY: Oh, it was already a deuce anyway?

HARRELL: Yeah. Hell yeah.

KENNEDY: Oh, oh, alright, alright.

Based on my training, experience, and participation in the investigation to date, I believe that in this exchange, HARRELL and KENNEDY were discussing the delivery of two units or packages of K2-soaked papers to HARRELL. The information conveyed by HARRELL to KENNEDY during this call is consistent with the information HARRELL had received from HARRIS during the call described in the preceding paragraph. Specifically, KENNEDY asked HARRELL if HARRELL had spoken to HARRIS ("You spoke to Baldhead?") and HARRELL confirmed that he had. KENNEDY told HARRELL that when KENNEDY met HARRIS, HARRIS gave him two packages instead of one package ("instead of one, he hollering at me with two"). HARRELL told KENNEDY that HARRELL knew HARRIS had given KENNEDY two packages to give to HARRELL ("That's what he gave you. It's

two for me.”). HARRELL told KENNEDY that HARRELL had expected to receive two units (“he was already doing two anyway”).

23. On or about May 19, 2020, at 6:33 a.m., HARRELL called KENNEDY at the Kennedy Phone, using the Securus system, and had the following exchange:

KENNEDY: Fuck this calling me at 6 in the morning for, nigga. Everything sturdy.

HARRELL: [laughs] Huh?

KENNEDY: Fuck a nigga calling me a 6:30 in the morning for, nigga? I’m home nigga. I’m home in bed with my bitch, nigga. What’s up?

HARRELL: Hey yo, everything sturdy?

KENNEDY: Nigga, I wouldn’t be home if it wasn’t, nigga. What’s up?

HARRELL: Alright. [laughs].

* * *

HARRELL: I ain’t gonna front though, that song better be fire though. That song better be fire, too. Dead ass.

KENNEDY: Nah.

HARRELL: 10-pack? That shit better be fire. [laughs]

KENNEDY: [laughs]

HARRELL: I will be here ready to cry, buzzo. Like, dead ass.

KENNEDY: [laughs]. Yo, yo, you hear me?

HARRELL: Yeah.

KENNEDY: Nigga, Twin ain’t never seen no 10-pack before. [laughs]

HARRELL: [laughs] I already know. Yo, yo, I already be knowing.

KENNEDY: [laughs] Yo, yo, nigga like, ‘Ya’ll official.’ [laughs]

* * *

KENNEDY: Bro, I can’t gonna lie bro – niggas is outside, bro. These last 3 days have been nice bro, I was in Brooklyn. I was in Broo – I jetted, I jetted. Nigga, I was in the crib, I got the call at I want to say 11, nigga...

Based on my training, experience, and participation in the investigation to date, I believe that in this exchange, HARRELL and KENNEDY were discussing KENNEDY’s delivery of

\$10,000 and K2-soaked papers to Twin. HARRELL asked KENNEDY if KENNEDY had met with Twin and delivered everything (“everything sturdy?”). KENNEDY responded that everything had been taken care of (“I wouldn’t be home if it wasn’t”). HARRELL expressed that the papers better be of good quality (“that song better be fire though”). KENNEDY informed HARRELL that Twin had never seen \$10,000 before (“Twin ain’t never seen no 10-pack before”) and that Twin said they (KENNEDY and HARRELL) were “official” to be paying him \$10,000. KENNEDY further told HARRELL that he (KENNEDY) had been at home when he (KENNEDY) received a call from Twin at 11 the day before (“I was in the crib, I got the call at I want to say 11”).

24. On or about May 19, 2020, at 1:59 p.m., HARRELL called HARRIS at a phone number ending in 9420, using the Securus system, and had the following exchange:

HARRELL: Hello?

HARRIS: Yo?

HARRELL: Yo, what’s up, Bro-bro?

HARRIS: Yo, what’s good?

HARRELL: Hey yo, good looking too, you heard?

HARRIS: You already know, son. It ain’t nothing.

HARRELL: Nah, that’s a fact. Hey yo, hey yo, on that Biggie CD – every song fire?

HARRIS: Say it again.

HARRELL: On the Biggie CD that you ga – the Biggie CD, the CD you gave Biggie – every song on there fire? Supposed to be fire?

HARRIS: Yeah, everything.

HARRELL: Every song?

HARRIS: Everything, from front to back.

HARRELL: [laughs] Alright, I love you, Bro-bro. You hear me?

HARRIS: [unintelligible] new album. That shit – you know that’s a classic.

HARRELL: Yeah, that's a classic. I love you to death, Bro. It ain't nothing. I ain't gonna front, I'm about to bless you crazy, you heard?

Based on my training, experience, and participation in the investigation to date, I believe that in this exchange, HARRELL and HARRIS were discussing the quantity of K2-soaked papers that HARRELL had received. Specifically, HARRELL asked HARRIS if every page of the package that HARRIS had given KENNEDY had been soaked with K2 ("on that Biggie CD, the CD you gave Biggie – every song on there fire?"). HARRIS confirmed to HARRELL that every page had been soaked in K2 ("yeah, everything"). HARRELL wanted further confirmation and asked a second time ("every song?"). HARRIS again responded that every page of the package had been soaked in K2 ("everything, from front to back"). HARRELL then expressed his appreciation to HARRIS ("I love you, Bro-bro") and told HARRIS that HARRIS could expect to receive payment soon ("I'm about to bless you crazy").

25. Based on my knowledge of the investigation, the calls described above, and my review of video footage from the OBCC at Rikers, I believe that Coconspirator-2 delivered a package of K2-soaked papers to HARRELL on the afternoon of May 19, 2020, just before HARRELL spoke to HARRIS during the telephone call described in the preceding paragraph. More specifically, video from OBCC depicted the following events. On or about May 19, 2020, at about 1:18 p.m., Coconspirator-2 entered HARRELL's housing area with something protruding from his right, back pocket. At about 1:25 p.m., Coconspirator-2 opened the door to the room to the left of the showers and momentarily entered the room. When he exited the room, he no longer had the item in his back, right pocket. At about 1:30 p.m., Coconspirator-2 allowed HARRELL, who was carrying a white

bucket, to enter the room to the left of the showers. Shortly thereafter, HARRELL exited the room still holding the white bucket. HARRELL then took a shower with the white bucket close by. At 1:44 p.m., HARRELL exited the shower area with his white bucket, and walked back toward his cell.

26. On or about May 20, 2020, at 11:58 a.m., HARRELL called an associate (“Associate”) at a telephone number ending in 0163 using the Securus system and asked the Associate to make a three-way call with “Iggy” (KENNEDY). Once the Associate called KENNEDY, HARRELL and KENNEDY had the following exchange:

KENNEDY: Yo, what’s up?

HARRELL: What up buzzin?

* * *

KENNEDY: Yo my, you know, um, buzzin hit me talking about I got 5 bands for him. You heard?

HARRELL: Yeah. Yeah, nah, nah, Yeah, yeah... But tell him Bro-bro said, uh, nigga, uh...

KENNEDY: I already know – TD. I know Right?

HARRELL: Huh?

KENNEDY: You said tell him Bro-bro said, what?

HARRELL: No, no. Uh, uh. Remember it was a double up?

KENNEDY: Uh huh.

HARRELL: It was a double up, but only one though, you heard?

KENNEDY: Alright.

HARRELL: You understand what I’m trying to say?

KENNEDY: Yeah, I understand. Say less.

HARRELL: Yeah.

KENNEDY: What’s up though?

HARRELL: But on an, but look, but on another note though, Twin nigga though, the Twin nigga asking for that chicken though. But niggas paid him, niggas paid them to do two songs in the studio though, you feel what I'm trying to say? Niggas recorded one, so, you feel what I'm trying to say?

KENNEDY: Yeah.

HARRELL: Niggas recorded one song. You know what I mean though? And niggas already paid him up front though. I don't know – niggas gonna record that song today or whatever, and then he get the rest of the chicken.

KENNEDY: Alright, say less. Say less.

HARRELL: [unintelligible] let niggas do one song. You only did one song with niggas. You feel what I'm trying to say? Let niggas do one song.

KENNEDY: Alright, copy.

HARRELL: You feel what I'm trying to say? Niggas already paid him. [Unintelligible]. But that wasn't the agreement though.

* * *

HARRELL: I ain't gonna front – ask Twin when he letting ya'll come back to the studio if that's the case.

KENNEDY: Uh, he said that him, Milly, supposed to be recording that track on Saturday. You heard? That's what he told me.

HARRELL: Alright.

KENNEDY: That he gonna hit, gonna get up with Tay Milly and all them on Saturday, but you know what I'm saying?

HARRELL: Alright, so, so tell him you gonna give him that shit on Saturday, Sunday.

* * *

HARRELL: ...niggas gotta finish that mixtape though, cause I ain't gonna front though, niggas put that bread up for that shit and all that. Niggas wasting niggas time though. I mean, niggas did Gucci – niggas recorded a couple fire songs. But, nigga – what is 2 or 3 songs if you ain't finishing the whole mixtape though? You can keep that shit. You feel what I'm trying to say?

KENNEDY: That's a fact. That's a fact. Oh, so niggas ain't even drop the whole mixtape?

HARRELL: Nah. Nah, when I spoke...

KENNEDY: [unintelligible] that nigga two.

HARRELL: Nah, when I spoke to Bro-bro and them, Tay Milly and them, nah, niggas said they did one track.

KENNEDY: That's crazy.

HARRELL: I thought he was gonna do the double dip, so I don't know.

KENNEDY: Shit's crazy.

* * *

HARRELL: Yeah, but tell Twin that and tell me what, tell me what niggas say.

KENNEDY: I ain't gonna front, you know what's crazy? I woke up to that. I figured I already hollered. [Unintelligible]. Early. Word, so I'm just waiting. I'ma holler.

HARRELL: Nah, I ain't gonna front though – but wing him anyway though. Cause, wing him so niggas won't even have to be paying that nigga so much by the hour. That studio fire and all that, but I know if niggas turn him gang niggas ain't gonna be paying that much for the studio.

KENNEDY: I ain't even gonna lie, I ain't even gonna lie, he really ready to sign though. Like the way, I could just tell like, the nigga bop...

Based on my training, experience, and participation in the investigation to date, I believe that in this exchange, HARRELL and KENNEDY were discussing how Twin did not deliver both of the packages of K2-soaked papers to HARRELL. HARRELL told KENNEDY that HARRELL only received one of the two packages of K2-soaked papers (“It was a double up, but only one though”) and that Twin asked for his money (“Twin nigga asking for that chicken though”). HARRELL said Twin was paid to deliver two packages, not one (“niggas paid them to do two songs in the studio though...Niggas recorded one”). HARRELL instructed KENNEDY to ask Twin when Twin would deliver the second package of K2-soaked papers (“ask Twin when he letting ya'll come back to the studio”). KENNEDY told HARRELL that it would be delivered on Saturday (“he said that him, Milly, supposed to be recording that track on Saturday”). HARRELL instructed KENNEDY to tell Twin that he

(KENNEDY) would pay Twin on Saturday or Sunday (“so tell him you gonna give him that shit on Saturday, Sunday”). HARRELL complained to KENNEDY that Twin was wasting his time (“Niggas wasting niggas time though”) because although Twin delivered one order of the K2-soaked papers (“niggas did Gucci – niggas recorded a couple fire songs”), Twin was paid to deliver both packages (“niggas put that bread up for that shit”).

27. On or about May 20, 2020, at 12:20 p.m., HARRELL called KENNEDY at the Kennedy Phone, using the Securus system, and had the following exchange:

HARRELL: Hey yo, deliver that message to Twin though.

KENNEDY: Alright.

HARRELL: Alright?

KENNEDY: I was gonna wait for him to hit me back, but I’ma deliver it first.

HARRELL: Alright. Oh, nah, nah, you can wait for him to hit you, you can wait for him to hit you back.

KENNEDY: Yeah, cause I told you, I already hollered, you heard?

HARRELL: Alright, say no more.

KENNEDY: I got the text. So I was gonna just wait, you know what I’m saying?

HARRELL: Alright.

KENNEDY: I got you, Bro. I got you, Bro-bro.

Based on my training, experience, and participation in the investigation to date, I believe that in this exchange, HARRELL told KENNEDY to deliver a message to Twin but KENNEDY said he already reached out to Twin (“I already hollered”) and received a text, so he (KENNEDY) was going to wait for a response (“I got the text. So I was gonna just wait”).

28. On or about May 23, 2020, at 11:07 a.m., HARRELL called KENNEDY at the Kennedy Phone, using the Securus system, and had the following exchange:

KENNEDY: Yo, I hollered at, yo Twin hit me.

HARRELL: Oh yeah. What he talking about?

KENNEDY: Shit. He like, 'Bro-bro said, ah ah.' I told the nigga that – he hit me last night – I'm like, 'I ain't even gonna lie. I'm not back yet. Got you though, you heard.' I'm like, 'What's up with the...' know what I mean? He like, 'I got him. Bro-bro told me to chill.' [laughs]

HARRELL: Yeah, yeah, yeah. Yeah, that's a fact.

KENNEDY: Oh, alright.

HARRELL: Nah, nah, nah – Bro-bro did tell him that though too though. Yeah, chill all around the board though. [Unintelligible]. He didn't finish that though.

[HARRELL and KENNEDY talking over one another]

HARRELL: I'ma let you know when everything-everything though, when he drop that track.

KENNEDY: Alright, say no more then. I'm just keeping you on – you know what I mean?

Based on my training, experience, and participation in the investigation to date, I believe that in this exchange, HARRELL and KENNEDY were discussing KENNEDY's conversation with Twin. KENNEDY informed HARRELL that Twin had called KENNEDY ("Twin hit me") and Twin had told KENNEDY that HARRELL ("Bro-bro") had told Twin not to deliver everything at once ("Bro-bro told me to chill"). HARRELL confirmed that he had said that ("Yeah, that's a fact."). HARRELL told KENNEDY that he (HARRELL) would let KENNEDY know when Twin delivered the second package ("I'ma let you know when everything – everything though, when he drop that track").

29. On or about May 24, 2020, at 8:02 p.m., HARRELL called KENNEDY at the Kennedy Phone, using the Securus system, and had the following exchange:

HARRELL: Hey yo, Twin, if Twin, if Twin hit you, tell him you gonna link him tomorrow, you heard?

KENNEDY: Alright, say less.

HARRELL: I'ma have wifey holler at you with that chicken.

KENNEDY: Say less.

* * *

KENNEDY: I don't know why this nigga ain't call back. I'm just gonna tell that nigga, 'Nigga, that shit ain't right. Nigga, get busy.'

HARRELL: Yeah.

KENNEDY: [laughs] Right?

HARRELL: That nigga playing games. [Unintelligible]

KENNEDY: Yeah.

Based on my training, experience, and participation in the investigation to date, I believe that in this exchange, HARRELL instructed KENNEDY that if Twin contacts KENNEDY ("if Twin hit you"), KENNEDY should tell Twin to meet with him (KENNEDY) the next day ("tell him you gonna link him tomorrow"). HARRELL told KENNEDY that HARRELL's girlfriend would give KENNEDY the money ("I'ma have wifey holler at you with that chicken"). KENNEDY expressed to HARRELL his frustration with Twin's lack of communication ("I don't know why this nigga ain't call back").

30. On or about May 28, 2020, at 8:14 p.m., HARRELL called KENNEDY at the Kennedy Phone, using the Securus system, and had the following exchange:

HARRELL: Hey yo, Twin ain't never hit you?

KENNEDY: Yeah.

HARRELL: He did?

KENNEDY: Yeah.

HARRELL: Alright. Say no more.

KENNEDY: I ain't gonna lie – told him I'm out of town right now. I was hitting him, you know what I'm saying, he ain't holler back, like. I was waiting around. He said, 'Oh yeah'. He was busy, 'Don't worry about it.' Hit him when I get back in town.

HARRELL: Alright, say no more.

KENNEDY: You already know I know how to do this. I got you, you heard?

HARRELL: [laughs] Yeah, I love you.

Based on my training, experience, and participation in the investigation to date, I believe that in this exchange, HARRELL and KENNEDY were discussing KENNEDY's communications with Twin. HARRELL asked KENNEDY if Twin had reached out to him yet ("Twin ain't never hit you?"). KENNEDY told HARRELL that Twin had contacted KENNEDY and that KENNEDY had told Twin that he (KENNEDY) was out of town ("told him I'm out of town right now"). KENNEDY had told Twin that KENNEDY would contact Twin once KENNEDY got back to town ("hit him when I get back to town").

31. On or about May 29, 2020, at 1:15 p.m., DOI investigators observed Coconspirator-2 at OBCC with something protruding from his right, back pocket, just as Coconspirator-2 had appeared in the video footage from May 19, 2020, described above in paragraph 25. Believing the object in Coconspirator-2's right, back pocket to be the second package of K2-soaked papers intended for HARRELL, DOI investigators approached Coconspirator-2 and interviewed him.

32. On or about May 29, 2020, following the interview of Coconspirator-2, DOI investigators seized a comic book from Coconspirator-2. The pages of the comic book appeared to have been soaked in or coated with an oily substance. DOI investigators performed field tests on samples of the comic book. One field test yielded positive results

for the presence of synthetic cannabinoid, and a second field test yielded positive results for fentanyl and/or heroin.

33. On May 29, 2020, at approximately 4:00 p.m., DOC officers conducted a search of HARRELL's cell in the OBCC and recovered 19 comic book pages hidden inside various other books. The comic book pages resembled the pages from the comic book seized from Coconspirator-2 and appeared to have been soaked in or coated with an oily substance. DOC officers performed field tests on samples of the comic book pages found inside HARRELL's cell. One field test yielded positive results for the presence of synthetic cannabinoid, and a second field test yielded positive results for fentanyl and/or heroin.⁴

34. Based on my training, experience, knowledge of the investigation, and review of Securus calls made by HARRELL, I believe that inmates at Rikers have paid HARRELL's coconspirators in exchange for K2-soaked papers that have been smuggled into Rikers at HARRELL's direction. For example, based on my review of records received from Square, Inc., which owns Cash App, I am aware that from in or about and between December 2019 and March 2020, Tracy Turner (referenced above in paragraphs 17-18) received more than \$30,000 in payments from several individuals. I believe those individuals were associates of inmates at Rikers because the "Subject" field for each of those payments listed a nickname, such as "Yetta" or "Wiz," that has been identified by law

⁴ A test performed by the NYPD laboratory on a sample from the same comic book identified the presence of MDMB-4en-PINACA, which is commonly referred to as K2. The laboratory did not identify the presence of fentanyl or heroin on the sample it tested.

enforcement authorities as a nickname belonging to an inmate who was incarcerated at Rikers with HARRELL during the relevant period of time.

WHEREFORE, your deponent respectfully requests that the defendants MOELEEK HARRELL, also known as "Moe Money," PAUL HARRIS, also known as "Baldhead," and ANTHONY KENNEDY, also known as "Biggie," be dealt with according to law. Your affiant also respectfully requests that this affidavit and any issued arrest warrants be sealed as the defendants remain at large and public disclosure of this affidavit and/or arrest warrants may lead them to flee or otherwise seek to avoid apprehension.



Kiran Mathew
Special Agent, Bureau of Alcohol, Tobacco,
Firearms and Explosives

Sworn to before me by telephone this
22 day of June, 2020



THE HONORABLE CHERYL L. POLLAK
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK