

17 MAG 1005

Approved:

ANDREW THOMAS

Assistant United States Attorney

Before: THE HONORABLE JAMES L. COTT
United States Magistrate Judge
Southern District of New York

- - - - - x
UNITED STATES OF AMERICA :
: SEALED COMPLAINT
- v. - :
: Violations of
VICTOR PETERSON, : 18 U.S.C. §§ 812,
a/k/a "CD," : 841(a)(1) and 841(b)(1)(C)
a/k/a "JD-CD," :
: COUNTY OF OFFENSE:
Defendant. : NEW YORK
:
- - - - - x

SOUTHERN DISTRICT OF NEW YORK, ss.:

THOMAS MORONEY, being duly sworn, deposes and says that he is a Detective with the New York City Police Department ("NYPD"), and charges as follows:

COUNT ONE

1. On or about October 20, 2016, in the Southern District of New York, VICTOR PETERSON, a/k/a "CD," a/k/a "JD-CD," the defendant, intentionally and knowingly distributed and possessed with the intent to distribute a controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

2. The controlled substances involved in the offense were mixtures and substances containing detectable amounts of heroin and fentanyl in violation of Title 21, United States Code, Section 841(b)(1)(C).

3. The use of such controlled substances resulted in the death of Kevin Coombs on or about October 21, 2016.

(Title 21, United States Code, Sections 812, 841(a)(1), and 841(b)(1)(C).)

COUNT TWO

1. On or about December 5, 2016, in the Southern District of New York, VICTOR PETERSON, a/k/a "CD," a/k/a "JD-CD," the defendant, intentionally and knowingly distributed and possessed with the intent to distribute a controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

2. The controlled substance involved in the offense was mixtures and substances containing a detectable amount of cocaine base, in a form commonly known as "crack," in violation of Title 21, United States Code, Section 841(b)(1)(C).

(Title 21, United States Code, Sections 812, 841(a)(1), and
841(b)(1)(C).)

COUNT THREE

1. On or about December 14, 2016, in the Southern District of New York, VICTOR PETERSON, a/k/a "CD," a/k/a "JD-CD," the defendant, intentionally and knowingly distributed and possessed with the intent to distribute a controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

2. The controlled substance involved in the offense was mixtures and substances containing a detectable amount of cocaine base, in a form commonly known as "crack," in violation of Title 21, United States Code, Section 841(b)(1)(C).

(Title 21, United States Code, Sections 812, 841(a)(1), and
841(B)(1)(C).)

COUNT FOUR

1. On or about January 12, 2017, in the Southern District of New York, VICTOR PETERSON, a/k/a "CD," a/k/a "JD-CD," the defendant, intentionally and knowingly distributed and possessed with the intent to distribute a controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

2. The controlled substance involved in the offense was mixtures and substances containing a detectable amount of cocaine base, in a form commonly known as "crack," in violation of Title 21, United States Code, Section 841(b)(1)(C).

(Title 21, United States Code, Sections 812, 841(a)(1), and
841(B)(1)(C).)

COUNT FIVE

1. On or about January 31, 2017, in the Southern District of New York, VICTOR PETERSON, a/k/a "CD," a/k/a "JD-CD," the defendant, intentionally and knowingly distributed and possessed with the intent to distribute a controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

2. The controlled substance involved in the offense was mixtures and substances containing a detectable amount of heroin in violation of Title 21, United States Code, Section 841(b)(1)(C).

(Title 21, United States Code, Sections 812, 841(a)(1), and
841(B)(1)(C).)

The bases for my knowledge and for the foregoing charges are, in part, as follows:

3. I am a Detective with the NYPD, Manhattan North Narcotics, and have been with the NYPD for approximately 10 years. I have been personally involved in the investigation of this matter. This affidavit is based upon my personal participation in the investigation, my examination of reports and records, and my conversations with other law enforcement agents and other individuals. Because this Affidavit is being submitted for the limited purpose of demonstrating probable cause, it does not include all of the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

4. On or about the afternoon of October 21, 2016, NYPD officers and paramedics (the "First Responders") responded to a report of a distressed person at the corner of West 86th Street and Amsterdam Avenue, in Manhattan, New York.

5. Based on conversations with certain of the First Responders, review of NYPD records, and conversations with an NYPD detective who spoke to staff at Lenox Hill Hospital, I have learned that the First Responders found Kevin Coombs, unconscious and unresponsive, on the sidewalk near 86th Street and Amsterdam Avenue at approximately 1:00 p.m. The First Responders transported Coombs to Lenox Hill Hospital, but Coombs died. Hospital staff pronounced Coombs dead at approximately

1:58 p.m.

6. Based on conversations with a forensic pathologist at the Office of the Chief Medical Examiner and a review of Coombs's death certificate, I have learned that Coombs died with fentanyl and heroin in his body, as well as traces of methadone, among other things. According to the pathologist, the fentanyl and heroin were a but-for cause of Coombs's death.

7. A security guard inside the apartment building at 269 Columbus Avenue informed me that Kevin Coombs resided in a particular unit (the "Apartment") within the building. I searched the Apartment and found, among other things, two ziplock bags containing a brown residue. According to an analysis performed by the NYPD Police Laboratory, the brown residue contained fentanyl.

8. First Responders discovered a cellphone in Coombs's possession on October 21, 2016 (the "Cellphone"). Based on a review of the Cellphone, I learned that Coombs had composed a text message before his death, but had not sent it. The message read, in substance, "Man that shit is so good. I literally just finished the last oe." The unfinished message was addressed to a call number stored in the Cellphone under the name "cd" (the "CD Number").

9. Based on a review of provider records, cellphone geolocation data, and a search of the Cellphone, I have learned, among other things, the following:

a. Between at least October 16, 2016 and October 21, 2016, the CD Number and the Cellphone exchanged numerous text messages and calls.

b. On or about October 20, 2016, around approximately 6:00 a.m., the Cellphone and the CD Number were both located in the vicinity of Amsterdam Avenue between 88th Street and 89th Street.

10. Law enforcement officers and I interviewed three persons ("Friend-1," "Friend-2," and "Friend-3," collectively, the "Friends") who had known Coombs for months and had seen him on a daily basis before he died. Based on conversations with the Friends and a review of NYPD records, I have learned, in substance and in part, the following:

a. Coombs was a heroin addict who used heroin daily.

b. On or about October 20, 2016, Coombs separately showed Friend-1 and Friend-2 ziplock bags of a brown granular substance that Coombs said he had purchased from a new dealer (the "Dealer").

c. Coombs described the Dealer to Friend-1, in substance, as a skinny black male with shorter hair on the sides and dreadlocks, who dressed "half-way decent," and who wore square glasses. Coombs described the Dealer to Friend-2, in substance, as a black male with long hair who sold drugs near 97th Street alongside a white male.

d. At approximately 11:11 p.m. on October 20, 2016, Friend-3 discovered Coombs in Coombs's apartment with faint breathing. Friend-3 called 911. Emergency medical services personnel responded, successfully treated Coombs on site, and then took him to Lenox Hill Hospital.

e. On or about October 21, 2016, Coombs was discharged from Lenox Hill Hospital. After he was discharged, Coombs told Friend-3 that he obtained the heroin that had sent him to the hospital from a new dealer who operated near 96th Street and Broadway and was of Jamaican descent.

11. Based on conversations with an NYPD officer acting undercover (the "UC"), a review of recorded calls and text messages between the UC and the CD Number, visual surveillance, and a review of NYPD databases, I have learned the following:

a. VICTOR PETERSON, a/k/a "CD," a/k/a "JD-CD," the defendant, is a black male with dreadlocks and rectangular glasses, whom law enforcement officers have frequently seen near the intersection of Amsterdam Avenue and 96th Street.

b. PETERSON identified the CD Number as his personal number during an interview subsequent to being arrested by NYPD officers on or about January 18, 2016.

c. On or about November 21, 2016, the UC contacted the CD Number and, in substance, inquired about purchasing narcotics. The person using and answering the CD Number identified himself, in substance, as "JD CD." Based on visual surveillance and cellphone geolocation data, I believe that "JD-CD" was, in fact, PETERSON, and that PETERSON was using the CD Phone.

d. On or about December 5, 2016, near the intersection of 96th Street and Broadway, the UC purchased from "JD-CD" two baggies of a white rock-like substance that appeared to be cocaine base, commonly known as "crack," in exchange for approximately \$100 (the "First Buy"). The transaction was audio and video recorded.

e. On or about December 7, 2016 the UC reviewed a photobook containing approximately twenty photographs, one of which was a photograph of PETERSON. The UC, in substance, identified PETERSON as the person who had participated in the First Buy.

f. On or about December 14, 2016, the UC purchased from PETERSON two baggies of a white rock-like substance that appeared to be crack in exchange for approximately \$100 (the "Second Buy"). The transaction was audio and video recorded.

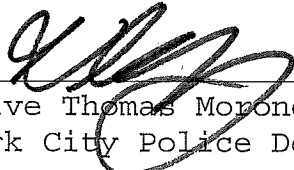
g. On or about January 12, 2017, near the intersection of 96th Street and Broadway, the UC purchased from PETERSON two baggies of a white rock-like substance that appeared to be crack in exchange for approximately \$100 (the "Third Buy"). The transaction was audio and video recorded.

h. On or about January 12, 2017, during the Third Buy, PETERSON told the UC, in substance and in part, that he did not currently have any heroin for sale, but that he typically received heroin at the end of every month and should have some for sale at the end of January.

i. On or about January 31, 2017, near the intersection of 96th Street and Broadway, the UC purchased from PETERSON twenty envelopes of a powdered substance in exchange for \$190 (the "Fourth Buy"). The transaction was audio and video recorded.

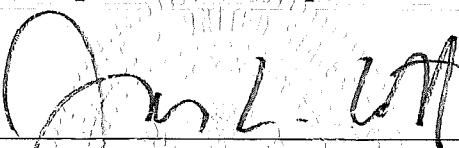
12. The NYPD Police Laboratory analyzed samples of the contents of the baggies from the First Buy, Second Buy, and Third Buy, and from two of the envelopes from the Fourth Buy. I have learned that each of the baggies from the First Buy, Second Buy, and Third Buy tested positive for the presence of cocaine base, and that the analyzed envelopes from the Fourth Buy tested positive for heroin.

WHEREFORE, deponent respectfully requests that a warrant issue for the arrest of VICTOR PETERSON, a/k/a "CD," a/k/a "JD-CD," the defendant, and that he be arrested and imprisoned or bailed, as the case may be.



Detective Thomas Moroney
New York City Police Department

Sworn to before me this
8th day of February, 2017



THE HONORABLE JAMES L. COTT
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK