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# United States District Court

## WESTERN DISTRICT OF MISSOURI WESTERN DIVISION

UNITED STATES OF AMERICA

v.

MICHAEL CUMMINGS II,  
[DOB: 04/16/1982],

**COUNT ONE:**

***(Possession with Intent to Distribute 50 Grams or More of Methamphetamine)***

21 U.S.C. §§ 841(a)(1) and (b)(1)(B)

NLT: 5 Years' Imprisonment

NMT: 40 Years' Imprisonment

NMT: \$5,000,000 Fine

NLT: 4 Years' Supervised Release

Class B Felony

**COUNT TWO:**

***(Possession of Firearms in Furtherance of Drug Trafficking)***

18 U.S.C. § 924(c)(1)(A)(i)

NLT: 5 Years' Imprisonment (Consecutive)

NMT: Life Imprisonment (Consecutive)

NMT: \$250,000 Fine

NMT: 5 Years' Supervised Release

Class A Felony

### CRIMINAL COMPLAINT

**Case Number:** 21-MJ-00069-WBG (LMC)

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

**COUNT ONE**

***(Possession with Intent to Distribute 50 Grams or More of Methamphetamine)***

On or about June 7, 2021, in the Western District of Missouri, the defendant, MICHAEL CUMMINGS II, did knowingly and intentionally possess with the intent to distribute 50 grams or more of a mixture or substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, contrary to the provisions of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(B).

**COUNT TWO**

***(Possession of Firearms in Furtherance of a Drug Trafficking Crime)***

On or about June 7, 2021, in the Western District of Missouri, the defendant, MICHAEL CUMMINGS II, in furtherance of a drug trafficking crime, that is, possession with the intent to distribute 50 grams or more of a

mixture or substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, as charged in Count One, did knowingly possess firearms, to wit:


- a Pioneer Arms Corporation, Hellpup, 7.62 x 39mm, AKM-47 style pistol, bearing Serial Number PAC 1124159;
- a Ruger, Mark 2, .22 caliber, pistol, bearing Serial Number 84483;
- a Smith and Wesson, Model M&P 15, AR-15 style assault rifle, bearing Serial Number SP17615;
- a Ruger, Model 454 Casull, revolver, bearing Serial Number 53012375;
- a Heckler & Koch (HK), .40 caliber, semi-automatic pistol, bearing Serial Number 222-016797;
- and
- a green, SKS style, 7.62 x 54mm, assault rifle, bearing Serial Number CJ4SF1;

all contrary to the provisions of Title 18, United States Code, Section 924(c)(1)(A)(i).

I further state that I am a Special Agent with the Federal Bureau of Investigation, and that this complaint is based on the following facts:

(See attached Affidavit)

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No.

  
Special Agent Douglas McKelway  
Federal Bureau of Investigation

Sworn to by telephone

Sworn to before me ~~and subscribed in my presence,~~

June 9, 2021

11:57 AM, Jun 9, 2021


Date

at

Kansas City, Missouri

City and State

Lajuana M. Counts, United States Magistrate Judge  
Name and Title of Judicial Officer

  
Signature of Judicial Officer



**AFFIDAVIT**

I, Douglas McKelway, being duly sworn, state under oath that:

1. I have been a Special Agent (SA) of the Federal Bureau of Investigation (FBI) since February 2016, and I am currently assigned to the Kansas City Division of the FBI. I am specifically assigned to the Violent Crime/Violent Gang Squad. As an FBI SA assigned to the Violent Crime/Gang Squad, my official duties include, but are not limited to, investigation into gangs, criminal violations of the Controlled Substances Act, organized crime, and ongoing criminal enterprises.
2. This Affidavit contains information necessary to support a probable cause determination for this application. It is not intended to include every fact or matter observed by me or known by law enforcement officials. The information provided is based on my personal knowledge and observation during the course of this investigation, information conveyed to me by others, and my review of records, documents, and other physical evidence obtained during the investigation.
3. From my participation in this investigation, as well as from reviewing investigative reports and discussions with other law enforcement officers, I have learned the following information.
4. In January 2021, the FBI and Kansas City Missouri Police Department (KCPD) began an investigation into Michael CUMMINGS based on his apparent involvement in several instances of violent crime and drug trafficking. CUMMINGS is a suspect in a murder that occurred in 2018 where the victim was killed with a firearm. Additionally, CUMMINGS is a suspect in multiple assaults that occurred between 2013 and 2019. During the same time frame, CUMMINGS was a suspect in several drug possession and distribution cases, and he has been allegedly linked to multiple firearms. For instance, during the summer of 2019, during an aggravated assault investigation in which CUMMINGS was a suspect, officers also recovered at the crime scene approximately 432 grams of cocaine, 165 grams of methamphetamine, 883 grams of marijuana, 200 pills, and a pistol. Later lab testing revealed that CUMMINGS's DNA was present on the pill baggie and the recovered pistol.
5. Throughout this investigation, it became apparent to law enforcement officials that CUMMINGS resided at the residence located at 2622 Lockridge Street, Kansas City, Missouri, within the Western District of Missouri (hereinafter Suspect Residence) with his elderly mother, Annette M. Belcher.
6. On June 7, 2021, at approximately 11:57 p.m., Officers of the KCPD were dispatched to the Suspect Residence due to an Emergency Medical Service (EMS) event. Upon arrival, KCPD Officers met the Kansas City EMS personnel who were in the process of attempting lifesaving measures on Belcher, on the floor of the living room. Officers observed that Belcher was naked from the waist down and unresponsive to life saving measures. EMS pronounced Belcher dead at approximately 12:04 a.m., on June 8, 2021. The calling party, Belcher's son, CUMMINGS,

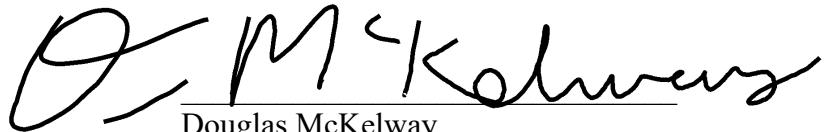
told EMS that Belcher suffered from cognitive decline and he was feeding her on the sofa with a baby bottle in the living room when she became unresponsive so he called 911. Officers noted Belcher appeared to be emaciated. Officers observed no apparent signs of prepared food on the first floor of the residence. Officers observed a baby bottle in the kitchen, however it did not appear to contain any liquid. Officers also observed on the dining room table, a loaded .40 caliber, handgun, sitting next to a sum of U.S. currency, that appeared to be in twenty-dollar and one-dollar denominations. Officers also observed a back stairwell that descended into the basement of the residence and inside the door to the stairwell appeared to be a green in color SKS-style firearm with a magazine inserted into the firearm that was leaning against the wall. Law enforcement officials conducted a criminal background check of CUMMINGS via a KCPD computer system. The response to the criminal background check resulted in a confirmation that CUMMINGS was a convicted felon and thus he was not authorized to possess firearms. KCPD Officers subsequently arrested CUMMINGS for illegal possession of a firearm, and they secured the Suspect Residence to seek a search warrant.

7. A KCPD Detective applied for and received a Jackson County Missouri search warrant for the Suspect Residence that gave permission for law enforcement investigators to seize items related to the suspicious death of Belcher, as well as drugs, firearms, currency, and other items consistent with drug trafficking.
8. During a search of the Suspect Residence during the morning of June 8, 2021, investigators discovered the following items in the southwest bedroom:
  - a. Clothes, shoes, and sunglasses for a large male. CUMMINGS is a large male;
  - b. Official mail and other documents addressed to CUMMINGS at the Suspect Residence;
  - c. A Pioneer Arms Corporation, Hellpup, 7.62 x 39mm, AKM-47 style pistol, bearing Serial Number PAC 1124159, located in the bedroom closet;
  - d. One clear baggie on the desk containing approximately 0.24 grams of a brown tar-like substance that, according to the Tru Narc testing, tested positive for the presence of Fentanyl compound / heroin;
  - e. One small, clear plastic baggie on the desk containing a user amount of opaque crystal-like substance that, according to the Tru Narc testing, tested positive for presence of methamphetamine;
  - f. Two clear plastic baggies on the desk containing approximately 28.1 grams of white substance that, according to the Tru Narc testing, tested positive for the presence of cocaine base, commonly referred to as crack cocaine;
  - g. One clear baggie in a left desk drawer with user amounts of a green leafy substance that was field-tested and resulted in a positive finding for the presence of Tetrahydrocannabinol (THC), the primary active psychoactive ingredient in marijuana;
  - h. One PVC pipe on the floor between the desk and bed that contained four larger clear plastic bags of opaque crystal-like substance that, according to the Tru Narc testing, tested positive for the presence of methamphetamine;
  - i. Approximately \$3,512 of U.S. Currency; and

- j. An electric heat press with white residue on the press.
9. The total gross weight of the suspected methamphetamine found in the southwest bedroom was approximately 351.37 grams.
10. During a search of the Suspect Residence, investigators discovered the following items in the southeast bedroom that was converted to a weight room:
  - a. A Ruger, Mark 2, .22 caliber, pistol, bearing Serial Number 84483, located on the wall shelf.
11. During a search of the Suspect Residence, investigators discovered the following items in the east middle bedroom that was used to store clothes and other items:
  - a. A Smith and Wesson, Model M&P 15, AR-15 style assault rifle, bearing Serial Number SP17615, located in the closet; and
  - b. A safe containing \$175,100 of U.S. Currency and a Ruger, Model 454 Casull, revolver, bearing Serial Number 53012375, that had previously been reported as stolen (law enforcement officials obtained a separate search warrant to search this safe).
12. During a search of the Suspect Residence, investigators discovered the following items in the living room area:
  - a. A loaded Heckler & Koch (HK), .40 caliber, semi-automatic pistol, bearing Serial Number 222-016797, found on the table;
  - b. Approximately \$438 in U.S. Currency found on the table;
  - c. Approximately \$180 in U.S. Currency found under the couch cushion;
  - d. A powdery white substance on the coffee table that, according to the Tru Narc testing, tested positive for the presence of sodium sulfate, which I know, based on my training and experience, is often used by drug dealers to dilute drugs to increase their profit.
13. During a search of the Suspect Residence, investigators discovered the following item in the basement stairwell that led to the basement from the kitchen:
  - a. A green, SKS style, 7.62 x 54mm, assault rifle, bearing Serial Number CJ4SF1.
14. A search of CUMMINGS in Missouri Casenet revealed that in October 2019, he pled guilty to possession of a controlled substance in Jackson County Missouri Circuit Court and was sentenced to six years' incarceration (Suspended Execution of Sentence). Accordingly, he has previously been convicted of a crime punishable in excess of one year of imprisonment.
15. Based on my training, experience, and knowledge of this investigation, I believe there is probable cause to conclude that CUMMINGS possessed with intent to distribute the approximate 351.37 grams of methamphetamine seized from the southwest bedroom. Additionally, I believe the case evidence establishes that there is probable cause to conclude that CUMMINGS possessed the aforementioned firearms to further his drug trafficking activities, to include his possession of methamphetamine with intent to distribute it. Factors

that I considered when making these determinations include: the amount of suspected methamphetamine is far in excess of what individuals typically possess for mere personal use; the substantial amount of U.S. Currency seized from the residence is very common for drug traffickers to possess as the currency constitutes the illicit proceeds from their prior drug sales and because drug traffickers often times need substantial amounts of currency on hand to purchase controlled substances from their source of supply; the presence of diverse kinds of drugs is also common among drug traffickers, the presence of a suspected cutting agent is consistent with drug trafficking as drug traffickers use such agents to dilute their controlled substances and thus increase their profits; the presence of numerous firearms is very common among drug traffickers because they are very commonly the target of robberies because they often have substantial amounts of currency or valuable controlled substances in their possession and they use firearms to protect their drugs and the illicit drug proceeds of their drug trafficking (as they are involved in illicit activity, they often conclude that they cannot go to law enforcement for protection); the presence of an electric heat press with white residue on the press is indicative of drug distribution; and the location of the controlled substances and firearms tend to show that CUMMINGS had dominion and control over those items.

FURTHER AFFIANT SAYETH NAUGHT.



Douglas McKelway  
Special Agent  
Federal Bureau of Investigation

Subscribed and sworn to before me this 9<sup>th</sup> day of June, 2021. 11:56 AM, Jun 9, 2021  
**Sworn to by telephone**



HONORABLE LAJUANA M. COUNTS  
United States Magistrate Judge  
Western District of Missouri

