

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES OF AMERICA

v.

JOHN RYAN MCKERNAN,

Defendant

UNDER SEAL

Case No.: 1:22-mj-245

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT AND ARREST WARRANT

I, Justin Cutchin, being duly sworn, depose and state the following:

INTRODUCTION

1. This affidavit is submitted in support of a criminal complaint and arrest warrant charging the defendant, JOHN RYAN MCKERNAN (herein referred to as MCKERNAN), with knowingly, intentionally, and unlawfully distribute a mixture and substance containing a detectable amount of N-phenyl-N- [1-(2-phenylethyl)-4-piperidinyl] propenamide, commonly referred to as fentanyl, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(I).

2. I am a Special Agent with the Federal Bureau of Investigation (“FBI”) and have been so employed since August 2021. I am currently assigned to the Washington Field Office, Northern Virginia Resident Agency. I am on a squad that investigates darknet related narcotics trafficking and I have been assigned to this squad since January 2022. Prior to being hired as a Special Agent with the FBI, I was a Police Officer with the Cheraw Police Department in Cheraw, South Carolina and was so employed from August 2017 to June 2021. I have received formal

training in the investigation of drug and violent crimes. I have investigated or assisted in the investigation of criminal activity involving narcotics. I have been a sworn law enforcement officer during all times herein.

3. The facts and information contained in this affidavit are based upon my training and experience, participation in this and other investigations, personal knowledge, and observations during this investigation, as well as the observations of other individuals involved in this investigation. All observations not personally made by me were relayed to me by the individuals who made them or were conveyed to me through my review of the records, documents, and other physical evidence obtained during the investigation. This affidavit is meant to convey information necessary to support probable cause for the requested complaint and arrest warrant and is not intended to include every fact observed by me or known to the government. The inferences and conclusions I draw from the evidence included in this affidavit are what I believe based on my training, experience, and knowledge of the investigation.

PROBABLE CAUSE

4. The United States, including the FBI and the U.S. Postal Inspection Service ("USPIS"), is conducting a criminal investigation of a darknet market ("DM") vendor that operates using several different monikers including, KingofKeys, the Wickr¹ account magicboy27, and the Signal² account KofK. Since May 2022, the FBI has been conducting controlled purchases from this vendor.

5. A DM is a hidden commercial website that operates on a portion of the Internet that is often referred to as the TOR network, darkweb, or darknet. A DM operates as a black market,

¹ Wickr is an end to end encrypted communications application accessed via mobile telephones and computers.

² Signal is an end to end encrypted communications application accessed via mobile telephones and computers. Signal accounts are associated with phone numbers but can also display a username specified by the user. Signal account numbers must be able to receive SMS messages, thus tend to be legitimate phone numbers.

selling or brokering transactions involving legal products as well as drugs, weapons, counterfeit currency, stolen credit card details, forged documents, unlicensed pharmaceuticals, steroids, and other illicit goods.

6. Individuals typically purchase narcotics through DMs from "vendors," who accept digital currency such as Bitcoin³ for payment. "Vendors" are the darknet's sellers of goods and services, often of an illicit nature, and they do so through the creation and operation of "vendor accounts" on DMs. Customers, meanwhile, operate "customer accounts." Vendor and customer accounts are not identified by numbers, but rather monikers or "handles," much like the username one would use on a clear web site. If a moniker on a particular marketplace has not already been registered by another user, vendors and customers can use the same moniker across multiple marketplaces. Based on customer reviews, vendors can become well known as "trusted" vendors.

KingofKeys Vice City DM Account

7. In May 2022, the FBI reviewed a vendor profile for KingofKeys on a DM known as Vice City. The profile indicated that the account was created in August 2021, and that the vendor had completed at least 139 sales at that time. The profile offered several listings for varying quantities of pressed⁴ Oxycodone pills, and pressed Xanax bars. Within the profile, KingofKeys described the pressed Oxycodone pills as "High in Potency." The KingofKeys profile further described that "We have years of experience in the shipping department and offer the stealth that is critical to keep our customers safe."

³ Bitcoin is a type of digital cryptocurrency. Functionally, it serves the same purpose as United States dollars, except that it is not tied to a central bank and is not regulated by a government body such as a treasury. Bitcoin transactions take place entirely online and offer a degree of anonymity to users. Bitcoin transactions are securely recorded in a public ledger called a blockchain. Based on my training and experience, individuals who are involved in criminal activity over the darkweb often purchase items in Bitcoin to conceal the true nature of the funds from law enforcement.

⁴ Pressed refers to counterfeit pills. Counterfeit pills are fake medications that have different ingredients than the actual medication. They may contain no active ingredient, the wrong active ingredient, or have the right ingredient but in an incorrect quantity. Counterfeit pills may contain lethal amounts of fentanyl and are extremely dangerous because they often appear identical to legitimate prescription pills, and the user is likely unaware of how lethal they can be.

Undercover Drug Purchase from KingofKeys Vice City DM Account

8. On May 10, 2022, an FBI employee operating in an undercover capacity (herein referred to as "UC") accessed the Vice City market and ordered 10 Oxycodone pills from KingofKeys. The UC provided an address in Prince William County, within the Eastern District of Virginia, where KingofKeys could send the pills and the UC paid for the pills with Bitcoin.

9. On May 16, 2022, an FBI UC accessed the Vice City Market to review the order placed on May 10, 2022, with KingofKeys. In a message dated May 16, 2022, KingofKeys stated "we cant decrypt pgp⁵ right now is there anyway you could use Wickr, Signal, or Protonmail?" The UC provided their Wickr contact information using KingofKeys Pretty Good Privacy ("PGP") Public Key. KingofKeys responded to the UC stating "kk I will hit you up now." Shortly after, the FBI UC received a message on Wickr from magicboy27 stating, "yo. this is k of k."

10. On May 23, 2022, law enforcement retrieved a USPS Priority Mail envelope at the address designated by the UC. The return address on the envelope was an address in Scottsdale, AZ 85255, and had a name bearing the initials S.N.. Inside of the Priority Mail Flat Rate Envelope was a standard white envelope. Inside the envelope was a mylar bag that was gold on one side and clear on the other. Inside of the gold mylar bag was a black mylar bag that contained 10 round light blue pills and 1 blue rectangle pill. The practice of placing the pills into multiple mylar bags is commonly referred to as "stealth". This is done in an attempt to prevent the package from being seized by law enforcement during shipping. The round light blue pills had "M" stamped on one

⁵ PGP is used on dark web markets to encrypt communications between vendors and customers. When a customer orders from a vendor or sends a vendor a message on a dark web market, that information may be stored in the marketplace's database. Given concerns that the marketplace server may be hacked or seized by law enforcement, vendors and customers often communicate via PGP encrypted means to address this security problem. A vendor has both a PGP private key and a public key. A customer can use the vendor's public key to encrypt a message. The vendor then uses the private key to decrypt the message. Vendors keep their private key secure but not their public key, which they put on their profile. This is done so customers may use a vendor's PGP public key to encrypt data sent to the vendor, such as the customer's name and address. Only the corresponding PGP private key, held by the vendor, can decrypt the data.

side and "30" on the other. Pharmaceutical grade Oxycodone pills are embossed with "M" on one side and "30" on the other; the "30" indicates 30 mg. The round light blue pills were sent to the DEA Mid-Atlantic Laboratory (herein referred to as "DEA MAL"). The pills tested positive for containing fentanyl and weighed 1.096 grams.

11. On June 2, 2022, investigators conducted a DM review on Vice City market for vendor profile KingofKeys. KingofKeys had completed 144 transactions and received 111 reviews.

Undercover Drug Purchase on Wickr

12. On May 28, 2022, an FBI UC placed an order on Wickr with magicboy27 for 100 pills. When placing the order, magicboy27 sent a message to the UC stating "50% up front and 50% on the drop", meaning the UC would pay half of the payment when the order was placed and the other half when the package was shipped. Magicboy27 provided a Bitcoin address to the UC and the UC then deposited the Bitcoin for half the payment. The UC provided an address within the Eastern District of Virginia, where magicboy27 could send the pills. On June 6, 2022, law enforcement retrieved a USPS envelope at the address designated by the UC. The return address on the envelope was the same Scottsdale, Arizona address and name from the May 10, 2022, order. Inside the USPS Priority Mail Flat Rate Envelope was a standard white envelope with the UC address and name written on the front. Inside of the standard white envelope was a mylar bag that was gold on one side and clear on the other. Inside of that mylar bag was another mylar bag that was also gold on one side and clear on the other. That mylar bag contained light blue pills that had "M" stamped on one side and "30" on the other. The pills were sent to the DEA MAL and tested positive for fentanyl and weighed 10.804 grams.

13. Investigators received a report from the USPIS that revealed the labels for the orders placed on May 10, 2022, and May 28, 2022, were purchased from a nearby PostNet.⁶

Identification of John Ryan MCKERNAN

14. On June 8, 2022, in response to a record request relating to the May 10 and May 28, 2022 packages from PostNet, investigators received an email from a PostNet employee with the initials S.N. (“herein referred to as Witness-1”) stating the following, among other things:

Here's what I know: Tall, young (20 something) white male that goes by the name Johnny. He describes himself as being autistic. He rides his bike here to the store. He brings in flat rate envelopes already sealed with the addresses in his phone. (Sometimes he will have the addresses scribbled on a scratch piece of paper) I type in the information and provide him with a label as he requests tracking. He pays cash. He will come in 2 - 3 days in a row and then I won't see him for a month or more. He first came in back in November. (I think?) I don't have cameras here at the store so I wouldn't have any pictures. I do have an email address for him: johnnycash227@protonmail.com (The name associated with the email is John McKernan but I am cannot verify that is his name?) The return address will always have my name and store address on it as it is tied to my endicia account. (The service that processes all of my USPS Services that I sell)

15. Witness-1 also provided scans of the shipping labels purchased for the May 10, 2022, and May 28, 2022, orders.

16. Investigators further requested the FBI Laboratory to conduct fingerprint analysis on the May 28, 2022 package. The analysis revealed four fingerprints that were a match to MCKERNAN, found on an envelope and plastic bag within the package.

17. Arizona Department of Motor Vehicle records of MCKERNAN revealed an apartment in the 20100 block of N 78th Place in Scottsdale, Arizona associated with the defendant, referred to hereinafter as the “SUBJECT PREMISES.”

Undercover Drug Purchases on Signal

⁶ PostNet provides consumers printing and shipping solutions for USPS, UPS, and FEDEX. Each franchise is independently owned and operated.

18. On June 6, 2022, an FBI UC provided a Signal contact number to magicboy27 on Wickr. At 12:59 P.M. EDT on the same day, the FBI UC received a series of three messages from an account with a display name of “KofK” the messages stated, “Yo” “It’s k of j” “k”. The phone number linked to the KofK Signal account was +1-602-647-2689 (“herein referred to as SUBJECT PHONE 1”).

19. Investigators obtained records from Coinbase⁷ for subscriber information for any accounts registered to MCKERNAN. The records indicated that there were two accounts associated with MCKERNAN. One account was associated with the SUBJECT PREMISES, email account: johnnycash227@protonmail.com, and phone number +1-480-501-3038 (“herein referred to as SUBJECT PHONE 2”). A second account was associated with email account: johnnycash227@gmail.com, and SUBJECT PHONE 1.

20. On June 14, 2022, an FBI UC placed an order on Signal with KofK for 100 pressed Oxycodone pills. KofK provided a Bitcoin address to the UC and the UC then deposited the Bitcoin for half the payment. The UC provided an address within the Eastern District of Virginia, where KofK could send the pills.

21. On June 15, 2022, the FBI UC contacted KofK to check the status of the order. At 2:45 P.M. EDT KofK messaged the FBI UC, stating “I’m heading there right now it goes out in 45 mins.”

22. At 3:07 P.M. EDT that same day, Witness-1 sent Investigators two pictures via email. One picture was of a white male known to the employee as “Johnny”, with blonde and brown hair, white sunglasses, black shirt, and red shorts. Johnny was taking a picture of a shipping

⁷ Coinbase is a secure online platform for buying, selling, transferring, and storing cryptocurrency.

label that was sitting on a package scale on the counter at PostNet. The second picture was a USPS Priority Mail Envelope with the address the UC provided KofK on Signal.

23. At 3:12 P.M. EDT on June 15, 2022, approximately five minutes after Witness-1 sent the pictures to investigators, the FBI UC received a picture from KofK on Signal. The picture was of the bottom half of a shipping label. I compared the image provided by Witness-1, and the image provided to the UC by KofK. The label purchased by MCKERNAN appears to be the same label provided by Witness-1, due to the same shipping address and tracking number appearing on both photographs of the labels.

24. On June 21, 2022, law enforcement retrieved a package at the address provided by the FBI UC to KofK for the June 14, 2022, order. The package, a USPS Priority Mail Flat Rate Envelope, was the same package as the package in the picture Witness-1 provided investigators. The USPS envelope contained a standard white envelope with the name and address provided by the FBI UC. Inside of the envelope was a mylar bag that was gold on one side and clear on the other. Inside of that mylar bag was another mylar bag that was gold on one side and clear on the other. Inside of that mylar bag were 85 light blue pills that had "M" stamped on one side and "30" on the other. The pills were sent to the DEA MAL and tested positive for containing fentanyl and weighed 9.21 grams.

25. On July 10, 2022, an FBI UC placed an order on Signal with KofK for 200 pressed Oxycodone pills. KofK provided a Bitcoin address to the UC and the UC then deposited the Bitcoin for half the payment. The UC provided an address within the Eastern District of Virginia, where KofK could send the pills.

26. On July 12, 2022, at around 12:37 P.M. MST KofK sent a picture of a shipping label to the FBI UC. Also on July 12, 2022, law enforcement conducted surveillance at SUBJECT

PREMISES. At approximately 1:22 P.M. MST, MCKERNAN was observed leaving SUBJECT PREMISES with papers in hand. One piece of paper appeared to be a shipping label printed on a white piece of paper. From my review of the photographs, the shipping label held by MCKERNAN at the SUBJECT PREMISES appears to be the same as the partial shipping label sent by KofK to the UC on that same date.

27. On July 18, 2022, law enforcement retrieved a package from the address designated by the UC. The package was white and affixed to the front was a shipping label with a return address of Los Angeles, California. The tracking number on the shipping label was the same as that sent by KofK to the UC on July 12, 2022. Inside of the package was a white envelope that contained two black mylar bags. Inside each mylar bag was four clear cylinders that held the pills with white paper placed on top of the pills, likely to keep the pills from moving around in the cylinders. The light blue pills had "M" on one side and "30" on the other. The pills were sent to the DEA MAL and results are pending.


28. I compared the pictures taken during the July 12 surveillance with the picture sent by Witness-1 on June 15, 2022, and confirmed MCKERNAN is the individual portrayed in each based on my familiarity with his photograph from DMV records.

29. On July 27, 2022, an FBI UC placed an order for 50 pressed Oxycodone pills with KofK on Signal. KofK provided a Bitcoin address to the UC and the UC then deposited the Bitcoin for half the payment. The UC provided an address within the Eastern District of Virginia, where KofK could send the pills. Several days later, law enforcement retrieved a USPS envelope at the address designated by the UC. The package had a return address of Calif City, California. The package was white and had a USPS postage label affixed to the front. Inside the package was a white envelope that held a black mylar bag. Inside the mylar bag were two clear cylinders that held

light blue pills that had "M" on one side and "30" on the other. The pills were sent to the DEA MAL and results are pending.

CONCLUSION

30. Based on the facts set forth above, I respectfully submit there is probable cause to believe that, from at least in or about May 2022, up to and including August 2022, in the Eastern District of Virginia and elsewhere, the defendant JOHN RYAN MCKERNAN, knowingly, intentionally, and unlawfully distributed a mixture and substance containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propenamide, commonly referred to as fentanyl, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1).


Justin Cutchin
Special Agent
Federal Bureau of Investigation

Subscribed and sworn to in accordance with Fed. R. Crim. P. 4.1
by telephone on September 6, 2022.

John F.
Anderson

Digitally signed by John F.
Anderson
Date: 2022.09.06 15:32:15
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The Honorable Judge John F. Anderson
United States Magistrate Judge