

FILED (DC) 2/27/18

~~SEALED~~ UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY: [Signature] DEPUTY

UNSEALED PER ORDER OF COURT

18MJ0935

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
Kyle Anthony SHEPHARD,)
)
Defendant.)
_____)

Magistrate Case No. _____

COMPLAINT FOR VIOLATION OF:

Title 21, U.S.C., Sec. 841(a)(1) &
(b)(1)(C) – Distribution of Fentanyl
Resulting in Death
(Felony)

The undersigned complainant, being duly sworn, states:

On or about January 27, 2017, within the Southern District of California, defendant KYLE ANTHONY SHEPHARD, did knowingly and intentionally distribute a mixture and substance containing a detectable amount of fentanyl, a Schedule I Controlled Substance, which resulted in the death of another person, to wit, M.C.; in violation of Title 21, United States Code, Sections 841(a)(1) & (b)(1)(C).

And the complainant further states that this complaint is based on the attached probable cause statement of facts which is incorporated herein by reference.

[Signature]

SIGNATURE OF COMPLAINANT
Lise Nielsen, Special Agent
Naval Criminal Investigation Service

Sworn to before me and subscribed in my presence this 27th day of February, 2018.

[Signature]

MITCHELL D. DEMBIN
UNITED STATES MAGISTRATE JUDGE

[Signature]

PROBABLE CAUSE STATEMENT

I, Lise Brit Nielsen, Special Agent (SA) for the Naval Criminal Investigative Service (NCIS) being duly sworn, depose and state:

1. I am currently assigned as a SA for NCIS aboard Marine Corps base Camp Pendleton (MCBCP), California. I have been an SA with NCIS for approximately 19 years. The information contained in this affidavit is based upon my personal knowledge and on the information I have learned from reviewing official reports, and speaking with other federal law enforcement officers, and witnesses.
2. On Sunday January 29, 2017, Corporal M.C., 1st Marine Division, U.S. Marine Corps, was found unresponsive in his barracks room aboard Marine Corps Base Camp Pendleton, California. He was pronounced dead at the scene by Camp Pendleton Fire Department personnel. Corporal M.C. was discovered on the floor next to his computer chair with his gaming headphones still on. The last known contacts with Corporal M.C. occurred late Friday night and shortly after midnight on Saturday morning. A forensic examination of Corporal M.C.'s computer showed his last computer activity taking place at 1:44 a.m. on January 28, 2017.
3. On February 1, 2017, an autopsy was conducted at the Naval Medical Center San Diego. The toxicology screen was positive for fentanyl. Colonel Ladd Tremaine, M.D., Medical Corps, U.S. Army, Armed Forces Medical Examiner, determined that Corporal M.C. died of opioid toxicity caused by a fentanyl overdose.
4. On April 28, 2017 a forensic chemist with the Defense Forensic Science Center reported that a blue pill seized from Corporal M.C.'s barracks room tested positive for fentanyl. The pill was discovered on the headboard next to a powdery substance and a rolled up dollar bill.
5. Kyle SHEPHARD distributed the fentanyl pills to Corporal M.C. that cause his death on January 27, 2017. Text messages obtained from Corporal M.C.'s phone revealed he was introduced to SHEPHARD in November 2016. During the next three months (November, December 2016 and January 2017) SHEPHARD arranged numerous sales of fentanyl and other drugs to Corporal M.C. Their text conversations included SHEPHARD acknowledging that the pills could easily lead to an overdose. Their

relationship culminated on Friday, January 27, 2017, when SHEPHARD sold four fentanyl pills to Corporal M.C. for one hundred dollars. The contents of that text message are included below.

Corporal M.C. – 6:14 PM – Yo whats good bro.

Shephard – 6:15 PM – What’s good?

Corporal M.C. – 6:17 PM – Can u meet up in a lil bit?

Shephard – 6:20 PM – Yes come to esco

Corporal M.C. – 6:21 PM – Do u have the fetanyl ones or the other ones

Shephard – 6:22 PM – I have both but new fet prices are 25 the others are 20 I lost a Plug and had my prices raised significantly with the fet ones

Corporal M.C. – 6:34 PM – Any deals

Corporal M.C. – 6:41 PM – And where do u wanna meet

Shephard – 6:41 PM – If you get quite a bit

Corporal M.C. – 6:44 PM – Kk ill take 4 for a hundo

Corporal M.C. – 6:53 PM – Im omw

Shephard – 6:57 PM - Fasho

Corporal M.C. – 7:25 PM – Where we meeting

Shephard – 7:28 PM – My housr

Corporal M.C. – 7:34 PM – Im in here

Shephard – 7:36 PM – Me too

Corporal M.C. – 7:36 PM – Im near the address 336

6. An investigation of SHEPHARD’s continuing criminal activities revealed that on December 12, 2017, SHEPHARD and a female associate were arrested and thereafter charged by the San Diego District Attorney’s Office with distribution of a controlled substance. I learned from law enforcement

officers involved in the arrest of SHEPHARD that the controlled substance SHEPHARD was charged with possessing for distribution was approximately 2,000 fentanyl laced pills.

Dated: February 27, 2018

A handwritten signature in black ink, appearing to read "Lise Brit Nielsen", written over a horizontal line.

Lise Brit Nielsen,
Special Agent
Naval Criminal Investigative Service