

**IN THE UNITED STATES DISTRICT COURT  
 FOR THE DISTRICT OF MARYLAND**

**UNITED STATES OF AMERICA**

**v.**

**ELIAS NICK COSTIANES, JR.,**

**Defendant.**

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**CASE NO. 1:21-mj-2421 TMD**

**Filed Under Seal**

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**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT AND ARREST WARRANT**

I, Special Agent Sean P. O'Rourke of the Federal Bureau of Investigation ("FBI"), being first duly sworn, hereby depose and state as follows:

**INTRODUCTION AND AGENT BACKGROUND**

1. I am a Special Agent with the FBI. As such, I am a "federal law enforcement officer" within the meaning of Federal Rule of Criminal Procedure 41(a)(2)(C), that is, a government agent engaged in enforcing the criminal laws and duly authorized by the Attorney General to request a search warrant. I have been a Special Agent since May 13, 2018. Upon joining the FBI, I attended new agent training at the FBI Academy in Quantico, Virginia. I am currently assigned to the Joint Terrorism Task Force ("JTTF") in the FBI's Baltimore Field Office, where my duties include investigating both international and domestic terrorism, which typically involves violations of Title 18 of the United States Code.

2. Prior to joining the FBI, I served nine years with the City of Norfolk Police Department in Norfolk, Virginia, as a police officer, detective, and Task Force Officer with the FBI's Violent Crime Task Force. I have attended drug identification courses and have participated in federal, state, and local investigations of individuals engaged in trafficking firearms and controlled dangerous substances. I have prepared multiple search warrant applications, conducted

or participated in physical and electronic surveillance, assisted in the execution of search warrants, debriefed informants, and reviewed other pertinent records. I have worked directly with confidential sources and informants to conduct controlled purchases of controlled substances. I have interviewed users of controlled substances and gained working knowledge of their addictions to controlled substances, signs of abuse, and methods in which they obtained controlled substances. And I have listened to numerous intercepted communications between individuals involved in or suspected to be involved in the distribution of controlled substances. Accordingly, I have become familiar with drug traffickers' use of electronic devices, their patterns of activity, the methods and language that drug traffickers use to disguise drug trafficking, and the source and nature of the profits they earn from their illegal activities.

3. I submit this Affidavit in support of an application for a criminal complaint and arrest warrant. Based on my training and experience, and the facts as set forth in this Affidavit, I submit there is probable cause to believe that **ELIAS NICK COSTIANES, JR. ("COSTIANES")** has committed violations of (a) 21 U.S.C. § 846 (conspiracy to distribute and to possess with intent to distribute a controlled substance); and (b) 18 U.S.C. § 922(g)(3) (possession of firearms and ammunition by an unlawful user of any controlled substance) (the "TARGET OFFENSES").

4. The information in this Affidavit comes from my personal observations, my training and experience, and information obtained from other agents, witnesses, and government agencies. Because I submit this Affidavit for the limited purpose of obtaining a criminal complaint and arrest warrant, it does not include all of the facts that I have learned during the course of this investigation. Moreover, where the contents of documents, and the actions, statements, and conversations of others are described herein, they are reported only in substance and in part, except where otherwise indicated.

**PROBABLE CAUSE**

5. On January 6, 2021, numerous individuals breached the secure perimeter of the U.S. Capitol and, once inside, engaged in a riot to obstruct a joint session of Congress that had convened to certify the results of the 2020 Presidential Election. The FBI immediately began to investigate and solicited tips from members of the public who could help identify participants in the riot. On January 8, 2021, the FBI received an online tip reporting that **COSTIANES**, a resident of Nottingham, Maryland, had utilized an account with SnapChat—a mobile social media application—to broadcast videos of his participation in the Capitol riot. The FBI obtained copies of the SnapChat videos, which depicted **COSTIANES** breaching the Capitol perimeter, encouraging rioters to enter the building itself, and riding a “Senators Only” elevator to gain entrance to the gallery of the Senate chamber. Video surveillance inside the Capitol building also captured **COSTIANES**’s entrance into the Senate gallery.

6. Based on the video evidence, in addition to other information developed during the investigation, the U.S. District Court for the District of Columbia issued an arrest warrant for **COSTIANES** pursuant to a criminal complaint alleging various offenses relating to **COSTIANES**’s participation in the Capitol riot. *See* Case No. 21-mj-0196.<sup>1</sup> In addition, the U.S. District Court for the District of Maryland issued warrants authorizing the FBI to search **COSTIANES**’s residence, **COSTIANES**’s vehicle, and the cellphone believed to have been used by **COSTIANES** during the Capitol riot—an Apple iPhone 11 ProMax (the “SUBJECT PHONE”). The warrants (hereinafter, the “Capitol Riot Warrants”) specifically authorized the

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<sup>1</sup> On March 3, 2021, **COSTIANES** was indicted by a federal grand jury in the District of Columbia in connection with his participation in the Capitol riot. *See* Crim. No. 1:21-cr-00180-RJL.

FBI to search for evidence, fruits, and instrumentalities of **COSTIANES**'s involvement in the Capitol riot.

7. The FBI executed the Capitol Riot Warrants on February 12, 2021. Inside the residence, officers encountered **COSTIANES** on a couch in the living room.<sup>2</sup> The SUBJECT PHONE was located within arms' reach of **COSTIANES**. **COSTIANES** was advised of his *Miranda* rights, knowingly waived those rights, and voluntarily agreed to speak with law enforcement. Among other things, **COSTIANES** told officers that he had, in fact, entered the Capitol building during the riot on January 6, 2021. **COSTIANES** also told officers that he had been sleeping on the living room couch and that they would find firearms that belonged to him in the basement.

8. Officers then searched the basement of the residence and—consistent with **COSTIANES**'s statement—found four firearms: a Glock Model 17 9mm pistol, a Smith & Wesson M&P 15 semi-automatic rifle, a Ruger Mini-14 Ranch Rifle .223 caliber semi-automatic rifle, and a Remington Model 870 shotgun. Although the Glock and the Smith & Wesson were registered to **COSTIANES**, the other two firearms were not. Officers also found numerous quantities of 9mm, .22 caliber, .223 caliber, and shotgun ammunition in the basement. FBI took custody of the firearms and ammunition pursuant to **COSTIANES**'s consent. The firearms and ammunition were later examined and found to meet the federal definitions as set forth in the U.S. Code. Because I know, based on my own investigation and my consultation with the Bureau of Alcohol, Tobacco, Firearms and Explosives, that none of the firearms or ammunition were

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<sup>2</sup> Officers also encountered a woman who identified herself as **COSTIANES**'s sister and a fellow resident of the premises.

manufactured in the state of Maryland, they necessarily traveled in interstate commerce prior to being recovered by the FBI on February 12, 2021.

9. Elsewhere in **COSTIANES**'s residence, officers found four vials that each contained a clear substance and were labeled "Testosterone Enanthate." Two of the vials were found on the kitchen counter; the other two were found in an upstairs bathroom. The contents of the vials were later analyzed by the Drug Enforcement Administration ("DEA")'s Mid-Atlantic Laboratory and found to contain testosterone enanthate (three vials) or testosterone cypionate (one vial), both Schedule III controlled substances.

10. In the cushions of the living room couch where **COSTIANES** had been observed during the search warrant execution, officers found a used hypodermic needle. I know that illegal users of synthetic testosterone use hypodermic needles to perform sub-cutaneous injections into muscle in order to use the substance. The needle was later analyzed by the FBI Laboratory's DNA Casework Unit, which determined that male DNA was present on the outside of the needle cap. According to the Unit's analysis, the male DNA originated from two individuals, and the lab found "strong support" for including **COSTIANES** as one of the two individuals.<sup>3</sup>

11. Officers also searched **COSTIANES**'s vehicle, which was parked outside his residence. Inside the center console of the vehicle, officers found a mason jar containing a leafy green material that was later identified by the DEA Laboratory as approximately 28 grams of a substance containing a detectable amount of marijuana, a Schedule I controlled substance. Next to the mason jar, agents found a silver digital scale that appeared to have trace amounts of suspected marijuana on its surface. I know that users frequently keep amounts of marijuana in air-

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<sup>3</sup> According to the Unit, this result was 12,000 times more likely if **COSTIANES** and an unknown, unrelated person were the contributors than if two unknown, unrelated persons were contributors.

tight containers to keep the marijuana from drying out, which preserves the amount of tetrahydrocannabinol (“THC”)—the active chemical in marijuana—present in the substance. I also know that users and distributors of controlled substances utilize digital scales to weigh amounts of controlled substances at the time of sale to ensure that the amount received or sold corresponds to the agreed-upon weight.

12. While the search continued, officers took **COSTIANES** into custody and transported him to D.C. for an initial appearance on the criminal complaint. During the transport, **COSTIANES** told officers that, before breaching the Capitol on January 6, 2021, **COSTIANES** smoked marijuana with a group of other individuals at approximately 10:00 a.m. **COSTIANES** also told officers that he “does not take prescriptions” and that he kept a personal amount of marijuana in his vehicle.

13. After **COSTIANES** made his initial appearance in D.C., he was ordered released pending trial and, later that day, returned to his residence in Nottingham. Meanwhile, all of the evidence seized during the search of **COSTIANES**’s residence and vehicle—including the aforementioned firearms, ammunition, suspected controlled substances, and the **SUBJECT PHONE**—was transported to the FBI’s Evidence Control Room in Windsor Mill, Maryland. There, the contents of the **SUBJECT PHONE** were forensically extracted, and a forensic extraction report was separately submitted into evidence.

14. Based on the seizure of firearms, ammunition, and suspected controlled substances from **COSTIANES**’s residence and vehicle, law enforcement obtained another warrant to draw **COSTIANES**’s blood to search for evidence of his use of controlled substances. On February 17, 2021, I met **COSTIANES** at a medical facility in Baltimore County to execute the blood draw warrant. Although I advised **COSTIANES** not to discuss his criminal case—since, by that point,

**COSTIANES** was represented by an attorney on the District of Columbia complaint—**COSTIANES** told me, without having been prompted, that he had been treated for “low T” and that he “takes something” for the condition, which I believe referred to **COSTIANES**’s use of testosterone. **COSTIANES** later told an employee at the medical facility that, although he had previously consulted a physician in connection with his testosterone levels, he did not “believe in prescriptions.” After executing the blood draw warrant, I submitted the sample of **COSTIANES**’s blood to the FBI Chemistry Unit, which determined that THC—the active chemical ingredient in marijuana—was present in **COSTIANES**’s blood. The Chemistry Unit did not, however, detect cocaine or opioids in the sample.<sup>4</sup>

15. After executing the blood draw warrant, I began reviewing the SUBJECT PHONE extraction report and located numerous items that fell within the categories of things to be seized under the search warrant for the SUBJECT PHONE (the “SUBJECT PHONE Warrant”). I also observed several photographs of items that, although falling outside the scope of the SUBJECT PHONE Warrant, readily appeared to be contraband—specifically, controlled substances. Those photographs—which metadata indicated had been taken in March 2020 (in the vicinity of **COSTIANES**’s workplace) and August 2020 (in the vicinity of **COSTIANES**’s residence)—depicted glass vials labeled “Testosterone Enanthate” and “Feral Gear,” which were identical in appearance to the vials seized from **COSTIANES**’s residence on February 12, 2021. I also observed photographs depicting images of glass and plastic containers holding large quantities of

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<sup>4</sup> Because testosterone is a naturally occurring substance, the Chemistry Unit—by policy—does not test biological samples for testosterone. Accordingly, I sent **COSTIANES**’s blood sample to the Sports Medicine Research and Testing Laboratory (“SMRTL”) in South Jordan, Utah, which analyzes blood samples for exogenous (*i.e.*, synthetic) testosterone using isotope ratio mass spectrometry. SMRTL was unable to detect exogenous testosterone in the sample—although SMRTL clarified that the length of time during which exogenous testosterone can be detected varies from 2 to 10 days, depending on how the testosterone user administered the substance.

a green leafy substance that appeared to be marijuana. Additionally, I observed photographs small plastic baggies containing small quantities of a white powdery substance that appeared to be cocaine. Like the photographs depicting suspected testosterone, some of the photographs of suspected marijuana and cocaine included location metadata indicating that the photographs were taken in the part of Baltimore County where **COSTIANES** resides.

16. Also within the photographs section of the SUBJECT PHONE report, I observed screen captures of text message conversations between **COSTIANES** and other individuals containing the words “powder,” “zips,” “girl,” and “ball,” which I know to be slang terms for quantities and types of cocaine. I further observed other references to weights of controlled substances, including “Eights,” which I believe refers to an eighth of an ounce, usually of cocaine, and “QP’s,” which I believe refers to quarter pounds, usually in the context of marijuana. I further believe that, because these weights were referenced in conversations in which dollar amounts were also mentioned, these screen captures reflected discussions concerning controlled substance transactions.

17. Finally, I observed numerous photographs or videos of firearms. For example, I saw a photograph of what appeared to be a Glock Model 17 handgun tucked into a person’s waistband, with metadata indicating the image had been captured in May 2018 in the vicinity of **COSTIANES**’s residence. I also saw a photograph depicting several long gun cases sitting in the backseat and rear floor of a vehicle that appears to be **COSTIANES**’s vehicle, with metadata indicating the image had been captured in March 2019 in the vicinity of **COSTIANES**’s residence. In addition, I saw a video (with information indicating the video was captured in October 2019) on the SUBJECT PHONE that initially depicted **COSTIANES**’s face and, later, depicted other



persons shooting firearms that appeared to be the same makes and models as the firearms seized from **COSTIANES**'s residence on February 12, 2021.

18. Although the SUBJECT PHONE Warrant authorized the search of the entire SUBJECT PHONE, in an abundance of caution I sought and obtained an additional warrant authorizing the seizure of evidence relating to firearms, ammunition, or controlled substances—even though the controlled substances were readily identifiable as contraband and **COSTIANES**'s unlawful use of controlled substances rendered the firearms and ammunition contraband, too. I also sought and obtained a warrant authorizing the search and seizure of data from the Apple iCloud account associated with the SUBJECT PHONE (the “iCloud Warrant”). I sought the iCloud Warrant based on my belief that the extraction report had not captured all of the information that had been originally stored on the SUBJECT PHONE because, among other reasons, (1) I found a text message conversation in which **COSTIANES** directed a contact to delete their previous conversation about the Capitol riot, and (2) some of the photographs of suspected controlled substances contained metadata (detailing the location, date, and time), while other photographs that appeared to have been taken at same location or similar locations did not.

19. I submit that, along with the SUBJECT PHONE extraction report, the data produced by Apple in response to the iCloud Warrant indicates—consistent with the evidence obtained earlier in the investigation—**COSTIANES** was an unlawful user of marijuana (a Schedule I controlled substance), cocaine (a Schedule II controlled substance), and testosterone (a Schedule III controlled substance). I submit that the extraction report, iCloud data, and earlier-obtained evidence also establishes that **COSTIANES** has conspired to distribute controlled substances—specifically, cocaine and testosterone.

20. As to **COSTIANES**'s use of marijuana, his iCloud account contained approximately 300 messages with contacts involved in **COSTIANES**'s purchase or use of marijuana. **COSTIANES**'s earliest communications concerning the purchase or use of marijuana occurred in January 2019, and **COSTIANES** continued to engage in such communications during the majority of the remaining months in 2019, and the majority of 2020. Some of the messages from the iCloud account and extraction report themselves revealed the frequency of **COSTIANES**'s use of marijuana. For example, on August 17, 2019, **COSTIANES** wrote to cellphone contact M.C., "Haven't gotten high in 2 days now :( [.]". And on October 1, 2020, **COSTIANES** wrote to contact M.A., "I mean I don't remember the last time I didn't bro I smoke weed every[d]ay lmao." Moreover, the duration and consistency of these communications is consistent with **COSTIANES**'s admission to using marijuana just before breaching the Capitol on January 6, 2021, the seizure of 28 grams of marijuana and a digital scale from **COSTIANES**'s vehicle on February 12, 2021, and the detection of THC in the blood sample obtained from **COSTIANES** on February 17, 2021. It is also consistent with a message that **COSTIANES** sent to cellphone contact "Sherry" on February 13, 2021—the day after the FBI executed the Capitol Riot Warrants. **COSTIANES** wrote, "[T]he FBI took my weed LOL. But they were kind enough to leave all my bowls and they left them all out so they knew that I would know they knew lol nice of them actually ;) [.]".

21. As to **COSTIANES**'s use of cocaine, the SUBJECT PHONE extraction report contained an undated photograph of **COSTIANES** appearing to smoke suspected cocaine, and **COSTIANES**'s iCloud Account contained more than 450 messages with contacts involved in the purchase or use of cocaine. **COSTIANES**'s earliest communications concerning the purchase or use of cocaine occurred in March 2020, and **COSTIANES** continued to engage in such

communications during April, May, August, October, November, and December 2020. Data from **COSTIANES**'s iCloud account indicated that cellphone contact T.S. was one of **COSTIANES**'s cocaine suppliers.<sup>5</sup> In October 2020, **COSTIANES** and T.S. engaged in the following text message conversation<sup>6</sup>:

T.S.	COSTIANES	Thu, 08 Oct 2020 17:02:42(PT)	Yoo
T.S.	COSTIANES	Thu, 08 Oct 2020 17:02:49(PT)	U didn't
T.S.	COSTIANES	Thu, 08 Oct 2020 17:02:53(PT)	Neeed
T.S.	COSTIANES	Thu, 08 Oct 2020 17:02:56(PT)	Anything
T.S.	COSTIANES	Thu, 08 Oct 2020 17:02:58(PT)	Today
T.S.	COSTIANES	Thu, 08 Oct 2020 17:03:01(PT)	Huh
COSTIANES	T.S.	Thu, 08 Oct 2020 17:03:04(PT)	No
COSTIANES	T.S.	Thu, 08 Oct 2020 17:03:09(PT)	<b>I have to quit</b>
COSTIANES	T.S.	Thu, 08 Oct 2020 17:03:12(PT)	<b>I have a problem</b>
COSTIANES	T.S.	Thu, 08 Oct 2020 17:03:18(PT)	<b>Nose hurts and bleeding all day</b>
COSTIANES	T.S.	Thu, 08 Oct 2020 17:03:27(PT)	But thanks bro
T.S.	COSTIANES	Thu, 08 Oct 2020 17:03:40(PT)	Ok send that cash

Despite acknowledging his “problem” using cocaine, **COSTIANES**'s iCloud account revealed that he continued using cocaine after October 2020. For example, on December 11, 2020, **COSTIANES** messaged cellphone contact “Andrew,” stating, “I’ve been blowing rails LOL,” which I believe is a reference to ingesting lines (“rails”) of cocaine through the nose.

<sup>5</sup> This data was consistent with financial records revealing that, between August 2020 and January 2021, **COSTIANES** used multiple mobile applications and bank accounts to send T.S. a total of \$8,121.

<sup>6</sup> Certain text in the following quoted messages has been highlighted in bold for emphasis; the bold text does not appear in the original.

22. Based on other records, I believe that **COSTIANES**'s use of cocaine continued beyond December 2020 and into January and February 2021. Every text message conversation between **COSTIANES** and T.S. in **COSTIANES**'s iCloud account related to cocaine; **COSTIANES** and T.S. did not appear to have any non-drug related communications. And, according to the SUBJECT PHONE extraction report, **COSTIANES** communicated with T.S. extensively during the weeks leading up to **COSTIANES**'s arrest on the D.C. complaint. **COSTIANES** and T.S. contacted each other by phone 34 times in December 2021, 17 times in January 2021, and 9 times between February 1 and February 12, 2021. And, between December 2020 and January 2021, **COSTIANES** used multiple mobile applications and bank accounts to send T.S. a total of \$2,594, including \$1,195 during January alone—and as late as January 26, 2021.<sup>7</sup> Based on my training and experience, as well as the substance of **COSTIANES**'s communications with T.S., I know the amount that **COSTIANES** paid T.S. in January 2021 is consistent with the purchase of more than half an ounce of cocaine.<sup>8</sup>

23. As to testosterone, the digital evidence corroborated my belief—based on the items seized during the search warrant execution on February 12, 2021—that **COSTIANES** was an unlawful user of the substance. **COSTIANES**'s iCloud account contained more than 350 messages with contacts involved in **COSTIANES**'s purchase or use of testosterone. Moreover, **COSTIANES**'s communications concerning the purchase or use of testosterone occurred at least

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<sup>7</sup> On January 21, 2021, T.S. was arrested in Baltimore County and charged with, among other offenses, possession with intent to distribute narcotics. T.S. was released the next day, and is currently pending trial in Baltimore County Circuit Court.

<sup>8</sup> Although, as noted above, the FBI's Chemistry Unit did not detect the presence of cocaine in the sample of **COSTIANES**'s blood that I obtained on February 17, 2021, cocaine metabolites are unlikely to be detected in the blood more than two days after the person used cocaine. *See* Am. Addiction Centers, *How Long Does Cocaine Stay in Your System*, [www.americanaddictioncenters.org/cocaine-treatment/how-long-in-system](http://www.americanaddictioncenters.org/cocaine-treatment/how-long-in-system) (last updated May 19, 2021).

as early as February 2020 and continued during March, April, May, July, August, September, October, and November 2020. For example, on February 15, 2020, **COSTIANES** messaged cellphone contact J.R. (who later became **COSTIANES**'s primary supplier) stating that he (**COSTIANES**) was looking for a new testosterone supplier inside the U.S. because there is "less chance customs gets it". On September 15, 2020, **COSTIANES** wrote to cellphone contact D.M., "I've been doing one cc a week now for a month feeling good." On November 21, 2020, **COSTIANES** wrote to cellphone contact J.R. (whom I believe was **COSTIANES**'s primary testosterone supplier), "I'm doing 1cc of test a week think I should step it up??"

24. **COSTIANES**'s communications relating to the purchase or use of testosterone also continued into 2021. For example, on February 10, 2021, just two days before agents executed the Capitol Riot Warrants, **COSTIANES** and D.M. engaged in the following text message conversation regarding testosterone, which they called "test":

D.M.	COSTIANES	Wed, 10 Feb 2021 18:01:01(PT)	So are you running low yet on the test??
COSTIANES	D.M.	Wed, 10 Feb 2021 18:01:27(PT)	I've got 1 full bottle and one almost empty
COSTIANES	D.M.	Wed, 10 Feb 2021 18:01:33(PT)	You need some
D.M.	COSTIANES	Wed, 10 Feb 2021 18:01:59(PT)	Yeah I'm ready. You liking it?
<b>COSTIANES</b>	<b>D.M.</b>	<b>Wed, 10 Feb 2021 18:02:13(PT)</b>	<b>I take once a week</b>

25. In addition to confirming that **COSTIANES** was an unlawful user of marijuana, cocaine, and testosterone, the electronic evidence also revealed that **COSTIANES** had conspired to traffic cocaine and testosterone by acquiring controlled substances from his suppliers to distribute to friends and associates.


26. For example, the iCloud data indicated that one of **COSTIANES**'s cocaine buyers was cellphone contact "S.C." In the following conversation that took place over text message from October 30 to November 1, 2020, **COSTIANES** agreed to procure 4 half-gram bags of cocaine from **COSTIANES**'s supplier on S.C.'s behalf:

COSTIANES	S.C.	Fri, 30 Oct 2020 12:05:06(PT)	<b>He just sells small \$50 bags... it's super strong</b>
S.C.	COSTIANES	Fri, 30 Oct 2020 12:06:03(PT)	<b>Can I get 4 of those? Yeah I can meet you. Thanks!</b>
COSTIANES	S.C.	Fri, 30 Oct 2020 12:06:25(PT)	Probably shouldn't be a problem....
COSTIANES	S.C.	Fri, 30 Oct 2020 12:06:51(PT)	You have to meet me promptly like 7:30 give or take... I have to go to PA right after I pick them up
S.C.	COSTIANES	Fri, 30 Oct 2020 12:07:47(PT)	No problem. I'll be there.
COSTIANES	S.C.	Fri, 30 Oct 2020 12:08:00(PT)	Okay cool
S.C.	COSTIANES	Sun, 01 Nov 2020 06:50:45(PT)	Hey man. Thanks again for the assist. Hope your party was fun. You did realize your guy is ripping you off tho. Those were .3, not .5. But good quality.
COSTIANES	S.C.	Sun, 01 Nov 2020 06:52:54(PT)	He told me they .5
COSTIANES	S.C.	Sun, 01 Nov 2020 06:52:58(PT)	I've never weighted them
COSTIANES	S.C.	Sun, 01 Nov 2020 06:53:20(PT)	<b>But yes I've been getting ripped like that for 6 months now... a ball is straight up 350</b>
S.C.	COSTIANES	Sun, 01 Nov 2020 06:53:51(PT)	I believe you. I weighed them tho and they were all .3
COSTIANES	S.C.	Sun, 01 Nov 2020 06:54:03(PT)	I'm glad you weighed it I never have actually.... but as you say it's very good shit he doesn't mess with it so I'm like whatever. <b>Sucks I used to get ball for 250</b>
COSTIANES	S.C.	Sun, 01 Nov 2020 06:54:11(PT)	<b>Now he only has those 50's</b>
COSTIANES	S.C.	Sun, 01 Nov 2020 06:54:19(PT)	I'm going to call him later
COSTIANES	S.C.	Sun, 01 Nov 2020 06:54:58(PT)	Sorry brother it's how he gives it to me.... <b>I did 8 two days ago and 4 last night lol</b>



27. I know that **COSTIANES**'s reference to a "ball" is a reference to an "eight-ball," or an eighth of an ounce of cocaine, which is approximately 3.5 grams. Thus, **COSTIANES** informed S.C. that **COSTIANES**'s supplier used to sell 3.5 grams of cocaine for \$250, but that the price had gone up, and now his supplier was selling the same quantity for \$350, or a half gram for \$50. I believe that, when S.C. told **COSTIANES** that the "\$50 bags" were actually ".3," S.C. was telling **COSTIANES** that each of the bags **COSTIANES** distributed to S.C. contained only three-tenths—rather than half—of a gram of cocaine. Moreover, when **COSTIANES** wrote, "I did 8 two days ago and 4 last night lol," I believe that **COSTIANES** was referring to the "\$50 bags" and stating that he used a total of 4 grams of cocaine on October 28, and 2 grams of cocaine on October 29, 2021.

28. In the following conversation, which began approximately four days later, **COSTIANES** agreed again to help S.C. obtain cocaine from **COSTIANES**'s supplier:

S.C.	COSTIANES	Thu, 05 Nov 2020 09:50:47(PT)	Hey. Not trying to bug you but lmk next time you see your friend.
COSTIANES	S.C.	Thu, 05 Nov 2020 09:50:55(PT)	Lol
COSTIANES	S.C.	Thu, 05 Nov 2020 09:51:06(PT)	Sorry dude I've been off past couple days
COSTIANES	S.C.	Thu, 05 Nov 2020 09:51:18(PT)	I mean he's always around if it's not late
S.C.	COSTIANES	Thu, 05 Nov 2020 09:51:22(PT)	No worries
COSTIANES	S.C.	Fri, 06 Nov 2020 12:05:34(PT)	<b>So you want the ball for 350?</b>
S.C.	COSTIANES	Fri, 06 Nov 2020 12:21:38(PT)	<b>Yes sir</b>
COSTIANES	S.C.	Sat, 07 Nov 2020 14:02:42(PT)	<b>Hey bro bad news</b>
COSTIANES	S.C.	Sat, 07 Nov 2020 14:02:50(PT)	<b>Dude only has 9 small bags left</b>
COSTIANES	S.C.	Sat, 07 Nov 2020 14:02:53(PT)	
S.C.	COSTIANES	Sat, 07 Nov 2020 14:29:48(PT)	I don't know what this means please explain

COSTIANES	S.C.	Sat, 07 Nov 2020 14:30:18(PT)	<b>He will only give me 2.5 g for 300</b>
COSTIANES	S.C.	Sat, 07 Nov 2020 14:30:26(PT)	I told him no thank you it's too much
COSTIANES	S.C.	Sat, 07 Nov 2020 14:30:45(PT)	<b>He said he is paying 2200 an oz almost 100 a g his cost</b>
COSTIANES	S.C.	Sat, 07 Nov 2020 14:30:56(PT)	<b>So I said don't worry about it</b>
S.C.	COSTIANES	Sat, 07 Nov 2020 14:31:17(PT)	<b>I'll take it if that's all there is</b>
S.C.	COSTIANES	Sat, 07 Nov 2020 14:31:40(PT)	But also whatever
COSTIANES	S.C.	Sat, 07 Nov 2020 14:35:31(PT)	Yeah I mean I told him cancel
COSTIANES	S.C.	Sat, 07 Nov 2020 14:35:35(PT)	It's up to you dude
COSTIANES	S.C.	Sat, 07 Nov 2020 14:35:47(PT)	It's quality shit he doesn't touch it
COSTIANES	S.C.	Sat, 07 Nov 2020 14:36:02(PT)	<b>He used to pay 1100 a oz and I could get balls for 200-250</b>
COSTIANES	S.C.	Sat, 07 Nov 2020 14:36:09(PT)	<b>But that was pre-COVID</b>
S.C.	COSTIANES	Sat, 07 Nov 2020 14:36:37(PT)	I'm fine with it if you're up for meeting me
COSTIANES	S.C.	Sat, 07 Nov 2020 14:36:59(PT)	Let me call him... I'm still at work for the next 20
COSTIANES	S.C.	Sat, 07 Nov 2020 14:38:20(PT)	<b>I didn't realize it was .3 I thought it was .4-.5 each small bag... I did some last night but think prices are too much and would like to just quit</b>
COSTIANES	S.C.	Sat, 07 Nov 2020 14:39:47(PT)	I just talked to him... he said he sold it already since I talked to him lol
COSTIANES	S.C.	Sat, 07 Nov 2020 14:40:05(PT)	The dude legit has a bunch of customers and he says everyone is hitting hit up cause Biden won
COSTIANES	S.C.	Sat, 07 Nov 2020 14:40:12(PT)	<b>He is going to get more just let me know bro</b>

29. Although the messages indicated that **COSTIANES** ultimately did not consummate this particular transaction, they reflected **COSTIANES**'s intent to broker further cocaine transactions and further revealed **COSTIANES**'s awareness that his cocaine supplier was transacting in multi-ounce quantities and distributing cocaine to several others. I also believe that,



when **COSTIANES** claimed his supplier “doesn’t touch it,” **COSTIANES** was claiming that his cocaine supplier was not “cutting,” or diluting, the cocaine he sold.

30. Finally, the iCloud data revealed that **COSTIANES** was facilitating the distribution of testosterone from **COSTIANES**’s testosterone supplier, J.R., to **COSTIANES**’s cellphone contact D.M. For example, I believe that, between May 10 and May 15, 2020, **COSTIANES** arranged to buy three 10-mL bottles of testosterone from J.R. on behalf of D.M., as captured in the text message conversations that follow.

a. On May 10, D.M. reached out to **COSTIANES**.

D.M.	COSTIANES	Sun, 10 May 2020 15:29:59(PT)	Hey buddy. <b>I’m loving stuff I got from your buddy. I would be interested interested [sic] in 3 or 4 more bottles if he has them for sale.</b> Will send \$\$\$ Friday with finders fee. Thanks and hope you’re having an okay day. I’m sure it’s tough today. Love ya brother
COSTIANES	D.M.	Sun, 10 May 2020 15:34:01(PT)	Lmao no finders see needed lol but thank you I’m sure I’ll have my skis parked at you house a few times this summer so we call it even lol Love you brotha!!!
D.M.	COSTIANES	Sun, 10 May 2020 15:47:14(PT)	I love that shit. <b>\$\$\$ coming Friday if he has more</b>

b. On May 11, **COSTIANES** confirmed availability and price with J.R.<sup>9</sup>

J.R.	COSTIANES	Mon, 11 May 2020 01:32:08(PT)	<b>\$180 which is dirt fucking cheap for 4 bottles, this is my buddy running a special and me not upcharging you. 👍.</b> I'm just going to credit you an additional bottle of test plus that discount for the hgh not coming in. The hgh who knows when it shows up if it ever does at this point. Tracking shows it hasn't moved since March 28th. <b>So</b>
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<sup>9</sup> I believe that J.R.’s references to “hgh” referred to Human Growth Hormone, or HGH. Although HGH is not controlled under the Controlled Substances Act, 21 U.S.C. § 303(e)(1) prohibits the distribution of or possession with intent to distribute HGH “for any use . . . other than the treatment of a disease or other recognized medical condition, where such use has been authorized by the Secretary of Health and Human Services . . . and pursuant to the order of a physician.” And the HHS Secretary has not approved HGH use for anti-aging, bodybuilding, or athletic enhancement.

			<b>you will get 5 bottles of test if that works for you?</b>
COSTIANES	J.R.	Mon, 11 May 2020 07:54:31(PT)	Perfect!

c. After **COSTIANES** confirmed the transaction, **COSTIANES** delivered the testosterone to D.M. on May 12, 2020.

COSTIANES	D.M.	Mon, 11 May 2020 07:55:16(PT)	<b>He just text me back he can do 3 for \$200</b>
COSTIANES	D.M.	Mon, 11 May 2020 07:55:19(PT)	Same thing
D.M.	COSTIANES	Mon, 11 May 2020 08:39:16(PT)	Awesome. <b>Will send you \$\$\$ on Friday</b>
COSTIANES	D.M.	Mon, 11 May 2020 08:39:49(PT)	👍
COSTIANES	D.M.	Tue, 12 May 2020 08:08:58(PT)	<b>Your order is placed ;)</b>
D.M.	COSTIANES	Tue, 12 May 2020 08:11:06(PT)	Ok thank you. Do you know when you are coming to get it
COSTIANES	D.M.	Tue, 12 May 2020 08:11:21(PT)	I'm just leaving now about to put your address in the Waze probably couple hours if that works?

d. On Friday, May 15, 2020, D.M. sent **COSTIANES** \$210 using a mobile payment application.<sup>10</sup>

31. According to the iCloud data, **COSTIANES** facilitated yet another testosterone transaction between J.R. and D.M. between September 15 and September 17, 2020. As reflected by the following text message conversations between D.M. and **COSTIANES** and then between **COSTIANES** and J.R., **COSTIANES** agreed to buy six 10-mL bottles of testosterone from J.R. and to sell three of the bottles to D.M.

D.M.	COSTIANES	Tue, 15 Sep 2020 13:44:18(PT)	<b>Can you see if your guy can get any more of stuff on right.</b> Not crazy about stuff on left.
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<sup>10</sup> Although the messages in **COSTIANES**'s iCloud account did not reveal where **COSTIANES** met J.R. to obtain this particular quantity of testosterone, the messages do indicate that, on May 28, 2020, at approximately 6:05 p.m., **COSTIANES** traveled to J.R.'s address in Silver Spring, Maryland, to pick up another quantity of testosterone.

			Thanks Getting close to ordering more <sup>[OBJ]</sup>
COSTIANES	J.R.	Tue, 15 Sep 2020 13:45:42(PT)	<sup>[OBJ]</sup> Can you help with this? And I'm gonna probably need some more also :- ) thanks brother hope you're having a great day
COSTIANES	D.M.	Tue, 15 Sep 2020 13:46:37(PT)	<b>I just text him. I think I may have some of that at the house</b> I'm on my way to West Virginia but be back tomorrow I'll check for you I can send you mine while we wait on a new shipment <b>I've been doing one cc a week now for a month feeling good.</b> Does it ever make your joints hurt and feel like sore in your muscles when you do that stuff?
J.R.	COSTIANES	Tue, 15 Sep 2020 13:47:22(PT)	<b>Yes gonna place a order soon. Just send me how many you need</b>
COSTIANES	J.R.	Tue, 15 Sep 2020 13:54:05(PT)	<b>6 bottles please... 3 for me and 3 for my friend hopefully cheaper if we order more</b>
J.R.	COSTIANES	Tue, 15 Sep 2020 13:54:44(PT)	Cool 👍
COSTIANES	J.R.	Tue, 15 Sep 2020 14:00:01(PT)	Thank you
J.R.	COSTIANES	Thu, 17 Sep 2020 05:02:00(PT)	<b>\$240 for 6 bottles of the one of the right. Not always that cheap fyi but i am planning big order</b>
COSTIANES	J.R.	Thu, 17 Sep 2020 05:11:45(PT)	Okay
COSTIANES	J.R.	Thu, 17 Sep 2020 05:12:09(PT)	<b>Do you want bitcoin or cash app?</b> And hopefully tomorrow morning you can meet me at the gym with the HGH I'm almost back from West Virginia right now
COSTIANES	D.M.	Thu, 17 Sep 2020 05:13:05(PT)	<b>[J.R.] just text me and he can get us the six bottles for 360 the one that you like with a picture on the right. I told him OK go ahead and order</b>
COSTIANES	D.M.	Thu, 17 Sep 2020 05:13:22(PT)	He said it's not usually that cheap but with my six bottles and his big water he's getting a better deal :- )
J.R.	COSTIANES	Thu, 17 Sep 2020 05:15:09(PT)	Send cash app please. Last time i ended up having to buy more bit 3 times. I will be at gym in am so for sure. This hgh is over 2 ccs a vile, everyone else pays \$300 a kit fyi
COSTIANES	J.R.	Thu, 17 Sep 2020 05:16:15(PT)	Thank you so much!!!!



COSTIANES	J.R.	Thu, 17 Sep 2020 05:16:22(PT)	<b>I just paid you on Cash App</b>
J.R.	COSTIANES	Thu, 17 Sep 2020 05:16:37(PT)	👍
J.R.	COSTIANES	Thu, 17 Sep 2020 09:56:17(PT)	Order placed
COSTIANES	J.R.	Thu, 17 Sep 2020 10:01:12(PT)	Liked "Order placed"
COSTIANES	D.M.	Thu, 17 Sep 2020 10:01:28(PT)	<b>Hoping your still in I just sent him the money and he placed order ;)</b>

**CONCLUSION**

32. Based on the forgoing, I submit there is probable cause to believe that **COSTIANES** has committed the TARGET OFFENES and, therefore, request that the Court issue the proposed criminal complaint and arrest warrant.

Respectfully submitted,

*Sean P. O'Rourke*

Sean P. O'Rourke, Special Agent  
Federal Bureau of Investigation

Affidavit submitted by email and attested to me as true and accurate by telephone consistent with Fed. R. Crim. P. 4.1 and 41(d)(3) this 23 day of August, 2021.

HONORABLE THOMAS M. DIGIROLAMO  
UNITED STATES MAGISTRATE JUDGE