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FORMER FBI AGENT CHARGED WITH OBSTRUCTING JUSTICE, FALSIFYING RECORDS, AND POSSESSING HEROIN

PHILADELPHIA - Matthew Lowry, 33, of Upper Marlboro, Maryland, was charged today in the District of Columbia with crimes arising out of his tampering with substantial quantities of drug evidence while working as a Special Agent with the Federal Bureau of Investigation ("FBI"), announced United States Attorney Zane David Memeger of the Eastern District of Pennsylvania. The 64-count information charges Lowry with 20 counts of obstruction of justice, 18 counts of falsification of records, 13 counts of conversion of property, and 13 counts of possession of heroin.

Lowry was assigned to the Washington, D.C. Field Office ("WFO"), and was a member of the Cross-Border Task Force ("CBTF"). As a member of the CBTF, the defendant participated in several large-scale investigations that resulted in numerous seizures of significant quantities of narcotics, including heroin. According to the information, in 2013 and 2014, the defendant tampered with heroin evidence seized during several of his investigations. As those investigations occurred within the District of Columbia and the districts surrounding it, those offices have been recused by the Department of Justice, and the prosecution is being conducted by the United States Attorney's Office for the Eastern District of Pennsylvania.

In several instances, it is alleged that the defendant went to the WFO's Evidence Control Center ("ECC") and removed seized heroin from evidence, writing on a chain of custody record a false explanation for his taking of the evidence. The information alleges that over a period of several weeks or months, the defendant kept the heroin in his car and periodically ingested it. Before returning the heroin to the ECC or bringing it to a laboratory for testing, the defendant allegedly (1) added to the heroin a measured amount of a cutting agent, either the supplement Creatine or the laxative Purelax, in order to account for the weight discrepancy resulting from his illegal usage; (2) placed the altered heroin into a new evidence bag, on which he placed a new sticker signifying that the evidence bag had been sealed; (3) copied the content written on the original sealing sticker to the new sealing sticker, forging the names or signatures of FBI agents

who purportedly witnessed his sealing of the evidence; (4) peeled off a barcode sticker from the original evidence bag and applied it to the new bag; and (5) disposed of the original evidence bag and sealing sticker.

The defendant also participated in many undercover, controlled purchases of heroin from targets in his investigations. Following several of these transactions, the defendant, rather than check the heroin into evidence as required, is alleged to have kept the heroin in his car for a period of several weeks or months, during which he periodically ingested it. Before checking the heroin into the ECC, it is alleged that the defendant (1) added a cutting agent to account for the weight discrepancy resulting from his ingesting the heroin; (2) placed sealing stickers on evidence bags and filled out all requested information except for the seizure and sealing dates, which he left blank; (3) requested that another agent, who had no knowledge of the defendant's improper motives, sign as the witnessing official the undated sealing stickers; and (4) wrote on the sealing stickers the accurate date on which the drugs were seized but falsely indicated that the evidence was sealed that same day.

Additionally, on one occasion, the defendant participated in an undercover, controlled purchase of heroin from a target, and in lieu of turning the heroin into evidence and documenting its seizure, the defendant allegedly ingested the heroin and never turned it into evidence.

The FBI referred this matter to the Department of Justice Office of the Inspector General, which initiated the investigation. The investigation has not identified any criminal conduct by other agents

If convicted, the defendant faces at least 87 months in prison under the advisory guideline range calculated by the government, three years of supervised release, a fine of up to \$16 million, and a \$6,400 special assessment.

The case was investigated by the Department of Justice Office of the Inspector General, with assistance from the Federal Bureau of Investigation as requested by the OIG. It is being prosecuted by Assistant United States Attorneys Kevin R. Brenner and Maureen McCartney.

An Information is an accusation. A defendant is presumed innocent unless and until proven guilty.

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