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### **JAVIER ESTEBAN VELEZ CHARGED WITH DRUG DELIVERY RESULTING IN DEATH IN OCTOBER FATAL OVERDOSE IN POTTSTOWN**



**JAVIER ESTEBAN VELEZ**

NORRISTOWN, Pa. (Jan. 30, 2020) — Montgomery County District Attorney Kevin R. Steele and Pottstown Borough Police Chief Mick Markovich announce the arrest of Javier Esteban Velez, 23, of Pottstown, on the criminal homicide charge of Drug Delivery Resulting in Death in the Oct. 29, 2019, overdose death of 38-year-old Matthew A. Surbrook in the parking lot of an apartment complex in Pottstown.

Pottstown Police responded at 12:53 p.m., Tuesday, Oct. 29, 2019, to the parking lot at Upland Village, where they found the victim, who was deceased, sitting in the driver's seat of a gray Nissan Rogue owned by the victim. Inside the vehicle, police found a rolled up one-dollar bill and a torn blue wax baggie commonly used to package heroin/fentanyl, as well as three blue wax baggies filled with a white powdery substance in the victim's pants pocket. Video surveillance of the area showed that the victim arrived at 422 Upland Street at 9:30 p.m., Oct. 28 and never left his vehicle before being found by police the next day.

The ensuing joint investigation by Pottstown Police and the Montgomery County Detective Bureau revealed that the victim arranged to purchase heroin from Velez on Oct. 28, 2019. The drug buy and delivery was arranged through cell phone texts and

ended at 9:19 p.m., with the victim texting “here” to Velez. A Pottstown police officer arranged for a buy of two baggies of heroin from the defendant using the victim’s cell phone. When Velez arrived to the meet location, he was arrested and 16 plain blue wax baggies containing a white powdery substance were found on his person.

National Medical Services tested all of the contents of the baggies recovered. The blue wax baggies recovered on the deceased’s person and in his car were found to contain fentanyl. Of the 16 baggies found on Velez when he was arrested, 11 contained fentanyl and fentanyl derivatives; two contained fentanyl, cocaine and methamphetamine; two contained fentanyl and cocaine; and one contained fentanyl and methamphetamine.

“Buyers beware: these bags of illicit drugs that were being sold as heroin did not contain heroin and instead contained varying mixtures of the much more deadly fentanyl, fentanyl derivatives, cocaine and methamphetamine. This should be of great concern to drug users,” said Steele.

It was fentanyl that caused Surbrook’s death, according to an autopsy performed by the Montgomery County Coroner’s Office’s Dr. Khalil S. Wardak. Dr. Wardak opined that a lethal dose of fentanyl caused his death.

“Matthew Surbrook died from deadly fentanyl, sold to him by a drug dealer who is now behind bars. Dealers peddling their poison should think twice about doing so in Montgomery County. If someone dies and we can prove who provided the drugs to them, the dealer is on the hook for homicide,” said Steele. “As long as drug dealers continue to peddle their deadly poison in Montgomery County, our law enforcement personnel will seek to hold them accountable for these deaths.”

Velez was charged with Drug Delivery Resulting in Death—which is a felony criminal homicide charge that could result in a sentence of up to 40 years, a similar penalty to third-degree murder—as well as Possession With Intent to Deliver, Criminal Use of a Communication Facility, Possession of a Controlled Substance and Possession of Drug Paraphernalia. He was arraigned on Jan. 29, 2020, before Magisterial District Judge Scott T. Palladino, who set bail at \$500,000 cash. The defendant was remanded to the Montgomery County Correctional Facility. A preliminary hearing is set for 8:30 a.m., Feb. 12, 2020, before Magisterial District Judge Edward C. Kropp Sr.

The case will be prosecuted by Assistant District Attorney Richard H. Bradbury, Captain of the Pottstown Community Justice Unit.

Approved for release:

Kevin R. Steele

*CRIMINAL CHARGES, AND ANY DISCUSSION THEREOF, ARE MERELY ALLEGATIONS AND ALL DEFENDANTS ARE PRESUMED INNOCENT UNTIL AND UNLESS PROVEN GUILTY.*