

STATE OF MARYLAND

*

IN THE

v.

*

CIRCUIT COURT FOR

KYLE L. THOMAS

*

CECIL COUNTY

Defendant

*

CASE NO.:

* * * * *

CRIMINAL INFORMATION

The State Prosecutor for the State of Maryland informs and charges the Defendant, KYLE L. THOMAS, with having committed the following offenses:

I. INTRODUCTION AND BACKGROUND

At all times relevant to this Information:

a. THOMAS and Snapchat

1. KYLE LOGAN THOMAS (“THOMAS”) served as a sworn law enforcement officer with the rank of Deputy in the Cecil County Sheriff’s Office (the “CCSO”) from February 2021 until July 2023.

2. As a Deputy with the CCSO, THOMAS utilized CCSO departmental property, but was permitted to have a personal cell phone.

3. THOMAS used his personal cell phone to, among other things, access social media applications, including Snapchat.

4. Snapchat, owned by Snap, Inc., uses third-party data storage servers that are located outside of the State of Maryland. Snapchat users can send messages, photos, and videos to other users, and once the message, photo, or video is viewed by both parties, the exchange will erase.

5. Snapchat has a feature that enables a user to save something to an album titled “My Eyes Only” that restricts others from accessing the content without a password.

6. THOMAS, who was married, frequently utilized Snapchat to communicate and exchange photos and videos with other users because the communications or other exchanges typically disappear.

b. Commissioner and Civil Orders

7. Law enforcement officers routinely file criminal charges against individuals through various mechanisms, including by filing an Application for a Statement of Charges with a commissioner.

8. Civilians can also request to file criminal charges by filing an Application for Statement of Charges with a commissioner.

9. A commissioner is a judicial officer involved in the issuance of charging documents, criminal summonses, and warrants. If a commissioner determines that there is probable cause based on an Application of Statement of Charges, the Commissioner can issue an arrest warrant or criminal summons, and a charging document charging an individual with crime(s).

10. Civilians can also petition a commissioner for an interim (or short-term) peace or protective order, before the petitioner seeks a final peace or protective order from a judge.

11. Peace and protective orders are civil orders that mandate that an individual stay away from, and not contact, a person(s) or place(s).

12. A *protective* order applies when the petitioner is in a family-like or sexual relationship with the individual they are seeking the order against. A *peace* order applies to all other relationships.

13. To issue a final protective, a judge must find that there was an act of abuse against the petitioner. A final protective order provides the petitioner with safeguards for up to one year, but can be extended.

14. To issue a final peace order, a judge must find that the petitioner was subjected to abuse, harassment, stalking, or that other crimes, including visual surveillance or revenge porn, were

committed against the petitioner. A final peace order provides safeguards for up to six months, but can be extended.

II. VICTIM #1

15. Paragraphs 1 through 14 of this Information are incorporated as though fully set forth herein.

a. THOMAS's Relationship and Exchange with VICTIM 1

16. In or around 2020, THOMAS became engaged in a romantic relationship with VICTIM 1, an adult female. VICTIM 1 ended the relationship in approximately August 2021.

17. Throughout their relationship, THOMAS shared photographs and videos with VICTIM 1, primarily via Snapchat, depicting THOMAS engaged in sexual acts.

18. On June 16, 2021, THOMAS was on duty as a sworn Deputy with the CCSO from 7:45 a.m. until 7:00 p.m.

19. At approximately 12:21 p.m., while on duty, THOMAS shared a video with VICTIM 1 using the "My Eyes Only" album on Snapchat, which depicted THOMAS in his CCSO uniform, in the CCSO building, touching his exposed penis.

COUNT ONE (Misconduct in Office)

20. On or before June 16, 2021, at Cecil County, Maryland, KYLE L. THOMAS, in violation and perversion of his duties as a sworn law enforcement officer, did corruptly commit misconduct in office by knowingly, willfully, and intentionally acting in his official capacity as a law enforcement officer and taking and sending a sexually explicit video of himself to VICTIM 1, while on duty and in the course of his official duties, in violation of the Common Law of Maryland and against the peace, government, and dignity of the State.

Common Law

CJIS Code 2-0645

Penalty: Anything not cruel and unusual

b. Aftermath of Relationship with VICTIM 1

21. Several times throughout their relationship, VICTIM 1 attempted to end her relationship with THOMAS. In response, THOMAS made verbal threats towards VICTIM 1. In approximately August 2021, VICTIM 1 again attempted to cease all contact with THOMAS.

22. After an interaction between VICTIM 1 and THOMAS in or around October 2022, VICTIM 1 and others made complaints about THOMAS to the CCSO.

23. The CCSO opened an internal investigation into THOMAS, which concerned, among other things, his interactions with VICTIM 1.

24. On or before October 28, 2022, THOMAS became aware of the internal investigation. THOMAS later became aware that VICTIM 1 had been interviewed by the CCSO, and that a copy of the video that he shared with VICTIM 1 on Snapchat had been provided to the CCSO.

25. In response, several times on November 11 and 14, 2022, THOMAS contacted VICTIM 1's place of business, a doctor's office at which THOMAS was not a patient, requesting to make a complaint against VICTIM 1.

26. As a result of THOMAS's behavior, VICTIM 1 obtained a Final Peace Order against THOMAS.

27. On March 1, 2023, VICTIM 1 reported an alleged violation of the Final Peace Order to the CCSO.

28. On May 4, 2023, THOMAS was charged with failing to comply with the Peace Order.

29. On April 6, 2023, THOMAS, acting in his personal capacity, filed an Application for Statement of Charges with a Cecil County Commissioner.

30. In the Application for Statement of Charges filed by THOMAS, he requested that VICTIM 1 be charged with providing false information in support of the peace order, in violation of Md. Code, Cts. & Jud. Proc. § 3-1503. THOMAS also requested that VICTIM 1 be charged with

revenge porn, in violation of Md. Code, Crim. Law, § 3-809, alleging that VICTIM 1 showed the video of THOMAS in his uniform exposing his penis to her husband and THOMAS's employer, the CCSO.

31. The Commissioner issued a Criminal Summons with a Statement of Charges, which charged VICTIM 1 with revenge porn in violation of Md. Code, Crim. Law § 3-809; charges were not filed against VICTIM 1 for a violation of Md. Code, Cts. & Jud. Proc. § 3-1503 related to the reported violation of the peace order.

32. The Cecil County State's Attorney's Office dismissed all charges based on allegations made by THOMAS against VICTIM 1.

COUNT TWO
(Witness Retaliation – Contacting VICTIM 1's Employer)

33. On or about November 11, 2022, through and including on or about November 14, 2022, at Cecil County, Maryland, KYLE L. THOMAS, did intentionally harm and threaten to harm, with the intent of retaliating against VICTIM 1, a witness, for reporting a crime or delinquent act, by contacting her employer to make a complaint, in violation of Criminal Law Article § 9-303 of the Annotated Code of Maryland and against the peace, government, and dignity of the State.

CR 9-303
CJIS Code 1-1567
Penalty: 10 years and/or \$5,000

COUNT THREE
(Witness Retaliation – Criminal Charges)

34. On or about April 6, 2023, at Cecil County, Maryland, KYLE L. THOMAS, did intentionally harm, with the intent of retaliating against VICTIM 1, a witness, for reporting a crime or delinquent act, by filing criminal charges against VICTIM 1, in violation of Criminal Law

Article § 9-303 of the Annotated Code of Maryland and against the peace, government, and dignity of the State.

CR 9-303

CJIS Code 1-1567

Penalty: 10 years and/or \$5,000

III. VICTIM #2

35. Paragraphs 1 through 19 and 21 through 32 of this Information are incorporated as though fully set forth herein.

a. THOMAS's Relationship with and Recordings of VICTIM 2

36. In or around 2019, THOMAS became engaged in a sexual relationship with VICTIM 2, an adult female. VICTIM 2 ended the relationship in approximately May 2023.

37. Throughout their relationship, and without VICTIM 2's consent, THOMAS took videos and photos of himself and VICTIM 2 engaged in sexual acts.

38. Several times throughout their relationship, VICTIM 2 attempted to end her relationship with THOMAS. In response, THOMAS sent videos of himself and VICTIM 2 engaged in sexual acts to VICTIM 2.

39. THOMAS also threatened to send videos of VICTIM 2 engaged in sexual acts to other individuals or post the videos online.

40. On or about July 3, 2022, after VICTIM 2 told THOMAS to delete the photos and videos that he had of her on his phone, THOMAS told VICTIM 2 that he couldn't "wait to psot [*sic*] them one day soon [m]aybe when you get pregnant or married or..."

41. From at least April 2022 through and including at least January 2023, THOMAS sent dozens of videos of himself and VICTIM 2 engaged in sexual acts to other Snapchat users without VICTIM 2's consent or knowledge.

42. THOMAS asked random Snapchat users to watch the videos.

43. THOMAS also paid several Snapchat users to watch the videos.

44. On July 17, 2022, THOMAS sent a video of himself and VICTIM 2 engaged in sexual intercourse to Snapchat User 1.

45. VICTIM 2 did not give THOMAS consent to send the video.

46. On July 31, 2022, THOMAS sent a video of himself and VICTIM 2 engaged in sexual intercourse to Snapchat User 2.

47. VICTIM 2 did not give THOMAS consent to send the video.

48. On August 27, 2022, THOMAS sent a video of himself and VICTIM 2 engaged in sexual intercourse to Snapchat User 3.

49. VICTIM 2 did not give THOMAS consent to send the video.

50. On January 7, 2023, THOMAS sent two videos of himself engaged in sexual intercourse with VICTIM 2, and two videos of himself engaging in fellatio with unidentified females, to Snapchat User 4.

51. VICTIM 2 did not give THOMAS consent to send the video.

COUNT FOUR
(Visual Surveillance with Prurient Intent)

52. On or about 2019 through May 2023, at Cecil County, Maryland, KYLE L. THOMAS, did, with prurient intent, conduct visual surveillance of another person, VICTIM 2, in a private place without the consent of that person in that place, in violation of Criminal Law Article § 11-202 of the Annotated Code of Maryland and against the peace, government, and dignity of the State.

CR 3-902

CJIS Code 3-5715

Penalty: 1 year and/or \$2,500

COUNT FIVE
(Revenge Porn)

53. On or about July 17, 2022, at Cecil County, Maryland, KYLE L. THOMAS, did knowingly distribute a visual representation of VICTIM 2 via Snapchat, that displays VICTIM 2 engaged in an act of sexual activity, with the intent to harm or harass VICTIM 2, under circumstances in which THOMAS knew VICTIM 2 did not consent to the distribution, or with reckless disregard as to whether VICTIM 2 consented to the distribution, and under circumstances in which VICTIM 2 had a reasonable expectation that the image would remain private, in violation of Criminal Law Article § 9-809 of the Annotated Code of Maryland and against the peace, government, and dignity of the State.

CR 3-809
CJIS Code 1-1326
Penalty: 2 years and/or \$5,000

COUNT SIX
(Revenge Porn)

54. On or about January 7, 2023, at Cecil County, Maryland, KYLE L. THOMAS, did knowingly distribute a visual representation of VICTIM 2 via Snapchat, that displays VICTIM 2 engaged in an act of sexual activity, with the intent to harm or harass VICTIM 2, under circumstances in which THOMAS knew VICTIM 2 did not consent to the distribution, or with reckless disregard as to whether VICTIM 2 consented to the distribution, and under circumstances in which VICTIM 2 had a reasonable expectation that the image would remain private, in violation of Criminal Law Article § 9-809 of the Annotated Code of Maryland and against the peace, government, and dignity of the State.

CR 3-809
CJIS Code 1-1326
Penalty: 2 years and/or \$5,000

COUNT SEVEN
(Distribution of Obscene Material)

55. On or about July 17, 2022, at Cecil County, Maryland, KYLE L. THOMAS, did, in this State, knowingly distribute obscene material, via Snapchat, in violation of Criminal Law Article § 11-202 of the Annotated Code of Maryland and against the peace, government, and dignity of the State.

CR 11-202
CJIS Code 1-0295
Penalty: 1 year and/or \$1,000
Subsequent Offense: 3 years and/or \$5,000

COUNT EIGHT
(Distribution of Obscene Material)

56. On or about July 31, 2022, at Cecil County, Maryland, KYLE L. THOMAS, did, in this State, knowingly distribute obscene material, via Snapchat, in violation of Criminal Law Article § 11-202 of the Annotated Code of Maryland and against the peace, government, and dignity of the State.

CR 11-202
CJIS Code 1-0295
Penalty: 1 year and/or \$1,000
Subsequent Offense: 3 years and/or \$5,000

COUNT NINE
(Distribution of Obscene Material)

57. On or about August 27, 2022, at Cecil County, Maryland, KYLE L. THOMAS, did, in this State, knowingly distribute obscene material, via Snapchat, in violation of Criminal Law Article § 11-202 of the Annotated Code of Maryland and against the peace, government, and dignity of the State.

CR 11-202
CJIS Code 1-0295
Penalty: 1 year and/or \$1,000
Subsequent Offense: 3 years and/or \$5,000

COUNT TEN
(Distribution of Obscene Material)

58. On or about January 7, 2023, at Cecil County, Maryland, KYLE L. THOMAS, did, in this State, knowingly distribute obscene material, via Snapchat, in violation of Criminal Law Article § 11-202 of the Annotated Code of Maryland and against the peace, government, and dignity of the State.

CR 11-202

CJIS Code 1-0295

Penalty: 1 year and/or \$1,000

Subsequent Offense: 3 years and/or \$5,000

b. Retaliation and Continued Contact with VICTIM 2

59. On October 28, 2022, CCSO Deputies served THOMAS with a CCSO Order of Emergency Suspension and a Non-Contact Order (the “No-Contact Order”) that prohibited THOMAS from contacting several individuals, including VICTIM 2, pursuant to an ongoing investigation.

60. THOMAS refused to sign the No-Contact Order.

61. From at least November 13, 2022, through and including May 4, 2023, while the No Contact Order was still in effect, THOMAS repeatedly contacted VICTIM 2 in person, through text messages, and on social media applications including Snapchat.

62. VICTIM 2 ended her relationship with THOMAS in approximately May 2023.

63. On or about May 3, 2023, THOMAS was provided a copy of an affidavit in support of a search warrant, which contained statements made by VICTIM 2. The next day, on May 4, 2023, THOMAS sent a photo of the affidavit to VICTIM 2, accompanied by expletives calling VICTIM 2 a “liar” and a “bitch.”

64. Consequently, on May 11, 2023, VICTIM 2 obtained a Final Protective Order against THOMAS.


COUNT ELEVEN
(Witness Retaliation – Copy of Affidavit)

65. On or about May 4, 2023, at Cecil County, Maryland, KYLE L. THOMAS, did intentionally threaten to harm, with the intent of retaliating against VICTIM 2, a witness, for reporting a crime or delinquent act, by sending an image of statements VICTIM 2 made to law enforcement to VICTIM 2, in violation of Criminal Law Article § 9-303 of the Annotated Code of Maryland and against the peace, government, and dignity of the State.

CR 9-303
CJIS Code 1-1567
Penalty: 10 years and/or \$5,000

Respectfully Submitted,
Charlton T. Howard, III
Maryland State Prosecutor

By:



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