

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

UNITED STATES OF AMERICA

CRIMINAL COMPLAINT

vs.

DONNA MARIA MOORE

CASE NUMBER: 8:09-mj-

8:09 MJ 1279 MAP

I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief. On or about March 31, 2009, in Polk County, in the Middle District of Florida,

DONNA MARIA MOORE,

the defendant herein, did knowingly, intentionally, and willfully distribute a quantity of a mixture or substance containing a detectable amount of heroin, a controlled substance, the use of which resulted in the death of Christopher Friar.

In violation of Title 21, United States Code, Sections 841(a)(1) and 841 (b)(1)(C). I further state that I am a Detective with the Polk County Sheriff's Office, and that this Complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof: Yes No


Signature of Complainant
ANGELA MACKE

Sworn to before me and subscribed in my presence,

June 18, 2009

at

Tampa, Florida

MARK A. PIZZO
United States Magistrate Judge
Name & Title of Judicial Officer


Signature of Judicial Officer

AFFIDAVIT

Angela Macke, being duly sworn, deposes and says that she is a Detective with the Polk County Sherriff's Office ("PCSO") and upon information and belief, she submits there is probable cause to believe that DONNA MOORE, in violation of Title 21, United States Code, Section 841(a)(1), distributed heroin to Christopher FRIAR who died as a result of using said substance.

The source of your Affiant's information and the grounds for her belief are as follows:

1. I have been a Detective with the PCSO since 2006. I am currently assigned to the Homicide Unit and have been so assigned for three years. I have received specialized training in all aspects of death investigations including, but not limited to, homicides, suicides, suspicious deaths and drug overdose deaths. The statements contained in this Affidavit are based on information provided by other law enforcement officers involved in this investigation, on information provided by cooperating individuals, and on my experience and background as a Homicide Investigator with the PCSO.

2. I am submitting this affidavit in support of a criminal complaint charging DONNA MOORE with distribution of heroin, in violation of Title 21, United States Code, Section 841(a)(1). This affidavit does not set forth all facts known to me regarding the referenced investigation.

Background of the Investigation

3. On March 31, 2009, Christopher FRIAR was found unconscious on the master bathroom floor at 5211 Messina Avenue, Lakeland, Florida by Bonnie GARDNER, FRIAR's mother. Also at the residence at this time was Ellis LOYD, FRIAR's grandfather, and Madhurima MANGIPUDY, FRIAR's girlfriend. MANGIPUDY had called 911 and EMS responded to the scene and transported FRIAR to the Lakeland Medical Center, where he remained in a coma until he died on April 5, 2009.

4. On April 1, 2009, PCSO Detective Kevin Matheny responded to the residence at 5211 Messina Avenue to inspect the bathroom wherein FRIAR had been found unresponsive. Detective Matheny located a metal spoon with a cotton filter and an off-white residue inside a cabinet in the bathroom. Florida Department of Law Enforcement (FDLE) Crime Laboratory Analyst Mark Hester, in a report dated April 14, 2009, concluded that the residue on the spoon was heroin.

5. Detective Matheny also found a greeting card and envelope in the same bathroom cabinet as the spoon. The envelope was addressed to Christopher FRIAR at "5211 Meffena St., Lakeland, Florida 33813." The return address was listed as "MS D.M. Mohr, 234 Lex, Bklyn, N.Y. 11216." Taped to the inside of the greeting card were several individual packets imprinted in red with a clock and "RIGHT TIME," each containing trace amounts of tan powder. Florida Department of Law Enforcement Crime Laboratory Analyst Mark Hester, in a report dated April 14, 2009, concluded that a sample of the tan powder was heroin. Detective Matheny also located a similar packet in the waste can between the sink cabinet and toilet. The greeting card containing the packets of heroin had a handwritten message on the inside addressed to

"Brownie" and signed "Love Always Donna Marcia Moore and Denise Flynn Love You Always."

6. On April 1, 2009, PCSO Detective Matheny interviewed Bonnie GARDNER. GARDNER stated that, when she arrived at her residence located at 5211 Messina Avenue on the evening of March 31, 2009, she called for her son, but received no response. GARDNER then began to search the residence and found FRIAR lying on the floor of the master bathroom. GARDNER located a syringe and a spoon in FRIAR's pocket. GARDNER further stated that she knew that FRIAR was addicted to heroin in the past. This interview was audio recorded.

7. On April 1, 2009, PCSO Detective Matheny interviewed Madhurima MANGIPUDY. MANGIPUDY stated that she arrived with FRIAR at 5211 Messina Avenue on the evening of March 31, 2009. MANGIPUDY stated that one of the reasons for this visit was for FRIAR to pick up mail from New York. MANGIPUDY further stated that she saw FRIAR pick up some mail and then go into his bedroom. MANGIPUDY stated that FRIAR then went into his mother's bedroom to gather clothing and that he was in the bedroom for approximately twenty minutes. This interview was audio recorded.

8. On April 7, 2009, Florida's District 10 Medical Examiner, Stephen Nelson, M.D. performed an autopsy on FRIAR. Doctor Nelson listed the cause of death as "Heroin Intoxication" and the manner of death as "Accident."

9. On April 8, 2009, Detective Aaron Campbell and Detective Matheny conducted a second interview of GARDNER. GARDNER stated that FRIAR had resided in New York prior to moving to Florida. GARDNER stated that FRIAR stopped

using heroin with the help of a methadone clinic before moving to Florida. A few days before FRIAR's overdose, FRIAR told GARDNER that he was expecting a letter from New York. According to GARDNER, FRIAR called her several times asking if the letter had arrived.

10. On May 6, 2009, FDLE Crime Laboratory Analyst Carol Greenwell reported that a complete DNA profile was obtained from the seal of the envelope that was addressed to "Chris FRIAR" from "MS D.M. Mohr" and that the DNA profile was consistent with originating from a female individual. No DNA results were obtained from the stamp on the envelope. This envelope was then transferred to the Latent Prints Section where a detailed palm print was obtained. A check for palm prints and DNA for DONNA MOORE was conducted by the New York City Police Department and with the Federal Bureau of Investigation. Neither agency had palm prints or DNA on file for DONNA MOORE.

11. A computer inquiry, conducted by law enforcement officers involved in this investigation, into both public records and law enforcement databases, listed DONNA MOORE as a black female with a date of birth of May 31, 1961, Social Security Number 055-56-2915, residing at 234 Lexington Avenue, Brooklyn, New York 11216. Notably, DONNA MOORE had several aliases listed in the public records and law enforcement databases searched, including "DONNA MOHR."

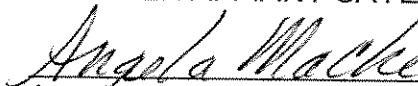
12. Based on the above information, on June 16, 2009, a federal search warrant was obtained in New York for DONNA MOORE'S saliva and palm prints

13. On June 17, 2009, Detective Campbell and Special Agent Daniel S. McDonough of the Drug Enforcement Administration ("DEA") met with DONNA MOORE

at her residence in New York for the purpose of executing the search warrant for her saliva and palm prints. After explain to DONNA MOORE the purpose of the visit, Detective Aaron Campbell spoke with DONNA MOORE who was not in custody and had not yet been informed that law enforcement had a search warrant for her saliva and palm prints. During the interview, DONNA MOORE admitted to sending Christopher FRIAR heroin and identified the envelope found in the bathroom at 5211 Messina Avenue, Lakeland, as being the envelope in which she mailed the heroin. She also identified the greeting card she enclosed with the heroin and confirmed that she had signed the card. The interview was audio recorded. DONNA MOORE then consensually provided Detective Aaron Campbell with saliva and palm prints. Only after DONNA MOORE confessed and voluntarily provided saliva and palm prints was she informed that law enforcement had a search warrant for her saliva and palm prints. At the conclusion of the interview, Detective Campbell and Special Agent McDonough left without arresting DONNA MOORE.

WHEREFORE, your deponent requests that a criminal complaint be issued charging DONNA MOORE with distribution of heroin, in violation of 21, United States Code, Section 841(a)(1).

FURTHER AFFIANT SAYETH NAUGHT.



Angela Macke, Detective
Polk County Sheriff's Office

Sworn before me and subscribed in my presence
this 18th day of June, 2009.



MARK A. PIZZO
UNITED STATES MAGISTRATE JUDGE