

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Middle District of Florida

United States of America

v.

HEIDI KALOUS

Defendant(s)

8:19MJ2098 JSS

Case No.

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of June 5, 2019 in the county of Hillsborough in the Middle District of Florida, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
21 U.S.C. § 846	Conspiracy to distribute, and possession with intent to distribute heroin, fentanyl analogues.

This criminal complaint is based on these facts:

See attached affidavit.

Continued on the attached sheet.

[Handwritten signature]

Complainant's signature

Lindsay Shaffer, Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 8/19/19

[Handwritten signature]

Judge's signature

City and state: Tampa, Florida

JULIE S. SNEED, U.S. MAGISTRATE JUDGE

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Lindsay Shaffer, after being duly sworn, depose and say as follows:

Introduction and Agent Background

1. I am commissioned as a Special Agent with the Drug Enforcement Administration (DEA) and have been so appointed since February 2012. I am presently assigned to the DEA Tampa District Office in the Middle District of Florida. My duties as a DEA Special Agent include the investigation of various criminal activities of narcotics traffickers and their associates.

2. This affidavit is being submitted in support of a Criminal Complaint charging Heidi KALOUS (“KALOUS”) with Conspiracy to Distribute and Possess With Intent to Distribute Heroin, Fentanyl, and Fentanyl Analogues, in violation of 21 U.S.C. § 846.

3. This affidavit does not contain all of the information pertaining to this investigation, and merely provides probable cause to issue a warrant for the defendant’s arrest. I have personally participated in this investigation described below and am familiar with the information contained in this affidavit through my personal knowledge and information learned from others during the course of this investigation.

Probable Cause

A. Fatal Overdose of Nicholas Rossi on June 5, 2019

4. On June 5, 2019, at approximately 10:30 p.m., Pinellas County Sheriff's Office ("PCSO") detectives responded to The Dunedin Cove Motel, located at 1220 Main St, Dunedin, Florida, room 6, regarding the opioid overdose death of Nicholas Rossi (known hereafter as the deceased). During the investigation, two plastic bags containing a suspected mixture of heroin and fentanyl were located inside the room with the deceased. The Pinellas County Laboratory later confirmed that both bags contained a mixture of heroin and fentanyl.

5. A syringe was found near the deceased's hand and an injection site was located on the deceased's arm(s). The renter of a nearby room (hereinafter "Person 1") pointed to room 17 and said a female named "Heidi" provided the deceased with narcotics.¹ It should be noted no cell phone was found on the deceased or in the deceased room. The deceased's brother was later interviewed and stated that the deceased did not have a cell phone.

6. On the same day, PCSO detectives interviewed "Heidi," who was identified as Heidi KALOUS and was staying in room 17 of the Dunedin Cove Motel. During her interview, which was audio recorded, KALOUS was read her *Miranda* rights, and agreed to speak to law enforcement. KALOUS admitted she

¹ Due to the amount of people in the area of the deceased room, Person 1 did not wish to speak with police further after making this statement. Attempts were made to contact Person 1 at a later date to which Person 1 did not want to provide additional information on "Heidi."

obtained \$20 from the deceased on or about June 5, 2019. She then contacted her distributor via phone to purchase the narcotics. At approximately 7:38 p.m. that night, KALOUS met her distributor at the hotel, who then supplied her with what she believed to be heroin.

7. After receiving the suspected heroin, KALOUS immediately took the narcotics to the deceased in room 6. KALOUS returned to the deceased room approximately one hour later to check on him and found him deceased. KALOUS then called 911 and law enforcement arrived several minutes later.

8. On or about June 6, 2019, PCSO detectives obtained and reviewed video surveillance footage from the Dunedin Cove Motel. The video surveillance shows that on or about June 5, 2019, at approximately 8:01 p.m.—approximately 23 minutes after KALOUS called her distributor—KALOUS met with an individual in the Dunedin Cove Motel parking lot. The two are seen entering room 17 for a short period of time. They then exit the room, walk to the individual's car and appear to exchange items. The individual then leaves, while KALOUS walks into room 6, where the fatal overdose would later occur.

9. On July 17, 2019, the Chief Medical Examiner for Pasco and Pinellas County concluded that Rossi suffered an accidental death caused by fentanyl toxicity.

10. Following this fatal overdose, PCSO detectives conducted three undercover purchases from KALOUS.

B. Controlled Purchase 1 — June 19, 2019

11. On June 19, 2019, at the direction and in the presence of detectives, CS-1² placed a recorded phone call to KALOUS and requested to purchase approximately \$120 worth of crack cocaine. CS-1 and KALOUS agreed to meet at the Dunedin Cover Motel, 1200 Main Street, Dunedin, Florida, room 17 to conduct the deal. Of note, room 17 was the same room occupied by KALOUS prior to and during the fatal overdose of the deceased. CS-1 was searched for contraband prior to conducting this deal; the search yielded negative results. A PCSO detective, acting in an undercover capacity (hereinafter referred to as the “UC”), was equipped with a recording device and accompanied CS-1 to purchase crack cocaine from KALOUS.

12. The UC and CS-1 traveled to Dunedin Cove Motel, room 17. Once inside the room, the UC noted there were three females in the room, one being KALOUS. KALOUS told the UC and CS-1 to sit on the couch and stated her source of supply was due to arrive shortly. A short time later, KALOUS told the UC her source of supply was at the motel and requested his money for the crack cocaine. The UC handed KALOUS \$120 and detectives observed KALOUS meet with the occupants of a Dodge Charger in the motel parking lot.

² CS-1 has several felony convictions. Specifically, in 1995, CS-1 was convicted of Trespassing; Obstructing an Officer without Violence; Possession of Synthetic Cannabinoids; Possession of Marijuana over 20 Grams; Aggravated Assault and Felon in Possession of a Firearm. In 2003, CS-1 was convicted of Sale of Counterfeit Drugs. Between 2009 and 2016, CS-1 was convicted of Grand Theft, Petty Theft, Uttering Forged Bills, Sale/Delivery of Cocaine and Possession of a Controlled Substance. CS-1 has been a CS since on or about April 2019 and has provided information that has been independently corroborated through law enforcement databases and operations. CS-1 is working as a CS for money.

13. After this meeting, detectives observed KALOUS re-enter room 17. The UC saw KALOUS take several pieces of suspected crack cocaine out of her hand, walk over to CS-1 and handed him/her several pieces of crack cocaine. The UC immediately took custody of the narcotics from CS-1 and KALOUS handed CS-1 two more pieces of crack cocaine. The UC and CS-1 left the motel room and the UC took possession of the additional crack cocaine pieces once back in the UC vehicle. The field test and the Pinellas County Laboratory confirmed both substances tested positive as cocaine; the substance weighed approximately 1.08 grams.

C. Controlled Purchase 2 — June 27, 2019

14. On June 17, 2019 CS-2³, at the direction and in the presence of detectives, called KALOUS and requested \$50 worth of heroin. This call was not recorded but was conducted in the presence of PCSO detectives. KALOUS and CS-2 agreed to meet at the Dunedin Cove Motel, room 17. CS-2 was searched for contraband prior to conducting this deal and the search yielded negative results. CS-2 was equipped with a recording device and provided with \$50 worth of departmental funds. At approximately 3:30 p.m. CS-2 entered room 17 and met with KALOUS. CS-2 stated KALOUS was on the phone with her suspected source of supply when CS-2 walked into the room. KALOUS told CS-2 her source of supply did not want to pull into the motel parking lot. CS-2 gave KALOUS \$50 and detectives observed KALOUS and an unidentified female leave the hotel property, on foot, and return to

³ CS-2 has been convicted of Actual Constructive Possession of a Synthetic Cannabinoid in 2014 and 2015. CS-2 has been a CS since on or about May 2019 and has provided information that has been independently corroborated through law enforcement databases and operations. CS-2 is working as a CS for monetary benefits.

the property shortly thereafter. Detectives then observed KALOUS walk into room 17. CS-2 stated that upon entering the room, KALOUS handed him/her \$50 worth of heroin. Under the surveillance of detectives, CS-2 left room 17 and met with detectives at an undisclosed location. The Pinellas County Laboratory later reported that the substance purchased from KALOUS contained two bags of a mixture of acetyl fentanyl and fentanyl that weighed approximately 1/10th of a gram each.

D. Controlled Purchase 3 — June 27, and 28, 2019

15. On or about June 27, 2019, at approximately 10:09 p.m., CS-2 at the direction and in the presence of detectives, placed a recorded phone call to KALOUS and requested \$30 worth of heroin. KALOUS and CS-2 agreed to meet at the Dunedin Cove Motel, room 17. CS-2 was searched for contraband prior to conducting this deal, which yielded negative results. CS-2 was equipped with a recording device and provided with \$30 worth of departmental funds. CS-2 met KALOUS inside room 17 and gave KALOUS \$30 for the heroin. CS-2 later told detectives KALOUS was on the phone with her suspected source of supply and told this subject several people were waiting around for narcotics. This was confirmed via the audio and video recording device worn by CS-2.

16. Between approximately 10:20 p.m. and 12:02 a.m., detectives observed KALOUS and other females walking to and from rooms 17 and 19. KALOUS was then observed at Dunedin Coin Laundry, 1041 Main Street, Dunedin, Florida. At approximately 11:22 p.m. detectives observed a white Ford Fusion pick up KALOUS in the Dunedin Coin Laundry parking lot. Detectives maintained

surveillance and observed KALOUS meet with a black male in the area of Martin Luther King Junior St., and La Salle Street, Clearwater, Florida. Following this meeting, KALOUS was driven back to the Dunedin Cove Motel and walked into room 19. CS-2 was told KALOUS needed to “break it up.” Based on my training and experience, I am aware that the phrase “break it up” often means dividing up narcotics for multiple customers. In this case, it appears KALOUS collected money from multiple customers and made one purchase for all of them. Subsequently, upon returning to the motel, KALOUS needed to divide the narcotics in relation to how much money she was given by each customer.

17. A few minutes later, CS-2 walked to the door of room 19 and was handed what he/she believed to be heroin by a second female. Under the surveillance of detectives, CS-2 left the motel and met with detectives at an undisclosed location. Detectives took custody of the narcotics and the Pinellas County Laboratory later reported this substance to be a mixture of heroin and fentanyl which weighed approximately 1/10th of a gram.

18. Based upon the information contained in this affidavit, I believe there is probable cause to believe Heidi KALOUS knowingly conspired to distribute and possessed with intent to distribute heroin, fentanyl, and fentanyl analogues, in violation of 21 U.S.C. § 846.



Lindsay Shaffer, Special Agent
U.S. Drug Enforcement Administration

Sworn to and subscribed before me on this ____ day of August, 2019.



JULIE S. SNEED
United States Magistrate Judge