

UNITED STATES DISTRICT COURT

for the

Southern District of Indiana

United States of America
v.

April E. Hayworth (01)
Christina A. Smith (02)

Defendant(s)

Case No.

1:20-mj-0390

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 April 14-15, 2020 in the county of Marion in the Southern District of Indiana, the defendant(s) violated:

Table with 2 columns: Code Section, Offense Description. Rows include 21 U.S.C. §§ 841(a)(1), 18 U.S.C. § 2; 21 U.S.C. § 846; 18 U.S.C. § 2118(b); 18 U.S.C. § 2118(d).

This criminal complaint is based on these facts:

See attached affidavit.

Continued on the attached sheet.

Jason J. Homan

Complainant's signature

Jason J. Homan, TFO, DEA

Printed name and title

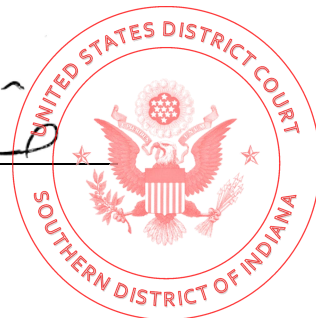
Attested to by the applicant in accordance with the requirements of Fed.R.Crim.P. 4.1 by telephone (reliable electronic means)

Date: 04/22/2020

City and state: Indianapolis, IN

Handwritten signature of Mark J. Dinsmore

Mark J. Dinsmore
United States Magistrate Judge
Southern District of Indiana



AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Jason J. Homan, am a Task Force Officer (TFO) with the Drug Enforcement Administration (DEA), in Indianapolis, Indiana, being duly sworn, state as follows:

INTRODUCTION

1. I, Jason J. Homan, am a TFO for the DEA Indianapolis District Office (IDO) Tactical Diversion Squad (TDS), assigned to the Southern District of Indiana for the United States Department of Justice (DOJ). I have been a Police Officer for the Greenwood Police Department (GPD) since 2011 and a Task Force Officer with the DEA since 2019. As part of my DEA duties, I am responsible for investigating criminal violations such as conspiracy to distribute and to possess with the intent to distribute controlled substances, in violation of Title 21, United States Code, Sections 846 and 841(a)(1) and the laundering and concealing of proceeds from drug trafficking in violation of Title 18, United States Code, Sections 1956 and 1957.

2. The information contained in this affidavit is based on my knowledge and observations made by me during the course of this investigation, on information conveyed to me by other law enforcement officers, and on my examination and review of physical evidence obtained during the investigation. I have consulted with other members of the investigative team who have extensive knowledge and experience with regard to the trafficking of controlled substances.

3. This affidavit is being submitted in support of a request for the issuance of a criminal complaint and arrest warrant for April E. Hayworth and Christina A. Smith for the offenses of Possession with the Intent to Distribute Morphine and Conspiracy to Distribute Morphine, a Schedule II Controlled Substance, in violation of Title 21, United States Code

(U.S.C.), Sections 841(a)(1) and 846 and Title 18, U.S.C. Section 2, Aiding and Abetting; and Burglary and Conspiracy to Commit Burglary involving Controlled Substances, in violation of Title 18 U.S.C, Section 2118(b) and (d).

4. Since this affidavit is being submitted for the limited purpose of securing an arrest warrant and complaint, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause for the proposed arrest warrant and complaint.

FACTS AND CIRCUMSTANCES SUPPORTING PROBABLE CAUSE

5. On April 15, 2020, DEA IDO TDS Diversion Investigator (DI) Andrew Ratcliff was contacted by Mr. Chris Lowe, Director of Pharmacy, Indiana University Health. Director Lowe provided DI Ratcliff with the initial notification of the theft or loss of controlled substances as required by Title 21 Code of Federal Regulations Section 1301.76, from the Central Indiana Cancer Centers - East, located at 6845 Rama Drive, Indianapolis, Indiana 46219. All controlled substances on site were maintained under the DEA registration of Elsayed Aly, M.D. who is registered with the DEA as a practitioner, at the same address, under DEA registration BA3876438. Dr. Aly is registered with the DEA under section 302 of the Controlled Substances Act.

6. Director Lowe provided information that on the night of April 14, 2020, two (2) females entered the restricted medication storage area, as captured by security camera video, and stole Morphine, a Schedule II controlled substance, in two strengths. Director Lowe stated that one of the females was identified as a member of the cleaning crew. Cleaning services were provided by ServiceMaster.

7. Director Lowe provided DI Ratcliff with the following information via email at various times on or about April 15, 2020:

- Still and video images of the suspects;
- Security Badge Access records for the facility; and a
- DEA 106 (Report of Theft or Loss) identifying thirty (30) total carpajets of Morphine as missing with a replacement value of \$501.70.

8. DI Ratcliff reviewed the information provided by Director Lowe and noted that two female suspects were visible in the security camera images/video. Both suspects appeared to notice the security camera and retreated from the room. Individuals wearing the same clothing re-entered, only one at a time, with a white lab coat or covering over their heads. Each individual was observed opening multiple cabinets, including the cabinet containing the missing controlled substances.

9. DI Ratcliff reviewed the report of security badge access to the building and the medication room. Card 1571 was identified at 9:33:06 p.m. as being denied access to the East Nursing Station (the station containing the controlled substances). This card was assigned to "ServiceMaster, 1." This card was used on two other occasions on April 14, 2020, first at 5:53:51 p.m. to gain access to the facility through the exterior door labeled "East Emp West Back Door." The card was again used to access this same exterior door at 8:53:13 p.m.

10. DI Ratcliff contacted Mr. Kevin Quiggle, General Manager of ServiceMaster. General Manager Quiggle stated that he was aware of the incident at the Cancer Center, and had just left the facility. General Manager Quiggle stated that he met with Indiana University Health Administrative Assistant Ms. Susan McBeath and had viewed the security

footage of the incident. General Manager Quiggle identified his employee, April Hayworth, as one of the two females seen in the footage. General Manager Quiggle denied knowing the second female (the second female was later identified as Christina A. Smith).

11. General Manager Quiggle stated that on April 14, 2020, he had received a call from an employee working with Hayworth, stating that Hayworth was screaming at him. General Manager Quiggle, along with Supervisor Dejuan Pearson, traveled to the facility to talk with the employees. They arrived at approximately 6:20 p.m. at which point Hayworth had already left the facility. General Manager Quiggle assisted Supervisor Pearson and the employee with cleaning tasks and left the facility at approximately 7:45 - 8:00 p.m. General Manager Quiggle communicated to Hayworth not to return to the facility until they spoke. General Manager Quiggle stated that Hayworth normally reports to work at 5:30 p.m., but had been arriving to work late. Additionally, General Manager Quiggle stated that he had received complaints regarding Hayworth's work.

12. DI Ratcliff contacted Assistant McBeath. Assistant McBeath stated the same information as Director Lowe and provided DI Ratcliff with a security badge photograph of Hayworth.

13. On April 15, 2020, I travelled with DI Ratcliff and Group Supervisor (GS) Christopher Smith to 6845 Rama Drive, Indianapolis, Indiana. DI Ratcliff met with Assistant McBeath who showed DI Ratcliff around the facility and the nurses' station. Assistant McBeath stated that in addition to the missing controlled substances, staff members had identified missing procedure face masks and hand sanitizer (collectively described as Personal Protective Equipment or PPE). Specifically, a review of inventory determined the following items were missing: 7 boxes

of Isolation masks; 50 tubs of Sani-wipes; 10 containers of soap; 20 bottles of hand sanitizer; 8 bottles of air deodorizer; and 6 tubs of bleach wipes. Based on my training and experience, I know these items are highly sought after in the secondary market due to shortages resulting from the Coronavirus pandemic and that these types of items are being sold on the secondary market at an increased price well over fair market value.

14. GS Smith and I conducted exterior surveillance of the medical practice and observed a female identified as April Hayworth walking into the facility. Investigators approached Hayworth, identified themselves as federal agents and asked to speak with her. Hayworth was provided her *Miranda* warnings and a recorded interview was conducted. Hayworth signed a written *Miranda* waiver. During the interview DI Ratcliff observed that the serial number on previously referenced "ServiceMaster, 1" ID card matched the card in Hayworth's possession. DI Ratcliff, GS Smith, and I conducted this interview. Hayworth initially denied involvement in the theft of the controlled substances. However, after observing the security footage and speaking with investigators, Hayworth later admitted (in non-verbatim summary) that she had in fact entered the medication room, a room that she did not have authorization to be in, with her friend, Christina A. Smith. Hayworth stated that she and Smith returned to the facility after her co-worker had completed his work and left the facility. After attempting to access the medication room with her access card and being denied, Smith opened the lock with a pair of scissors that were located nearby. Smith and Hayworth both entered the room opening various cabinets and drawers including the cabinet containing the missing controlled substances. Hayworth admitted that also taken from the facility were PPE items and an Indiana University Health laptop. Hayworth claimed that Smith was in possession of the stolen items.

15. Hayworth agreed to assist investigators in the recovery of the stolen property. Hayworth placed and received multiple recorded telephone calls with a contact in her telephone contacts labeled as "Pig." Hayworth identified "Pig" as Christina Smith. Hayworth told investigators that Smith was planning on selling the morphine and expected to receive "bands." Hayworth informed investigators that "bands" is a slang term for one thousand dollars of United States Currency. Investigators arranged, through Hayworth, to purchase all thirty (30) vials/carpujets of morphine for \$3,000 United States Currency. During one call, Smith told Hayworth that she had provided one vial to another unknown person and asked if she should attempt to recover that vial. Hayworth stated yes. During one of these telephone calls, an individual with the initials A.J. was heard saying that they needed to be smart, and only sell the vials a few at a time. Hayworth convinced Smith to bring all of the vials in her possession.

16. During the recorded calls, Hayworth informed investigators that Smith was staying at the Quality Inn Northwest, 9251 Wesleyan Road, Indianapolis, Indiana 46228, and would be traveling in a black Chevrolet impala owned by A.J. Investigators were able to locate and surveil this vehicle prior to it leaving this address. Investigators observed two individuals, identified as Smith and A.J. enter the vehicle. The investigation revealed that Smith had an active warrant from Marion County. Investigators observed the vehicle travel to the area of 6845 Rama Drive, Indianapolis, Indiana 46219, where the Indianapolis Metropolitan Police Department initiated a traffic stop. Smith was arrested on an outstanding arrest warrant and A.J. was detained for investigation. Officers searched the vehicle and recovered suspected marijuana, a scale, and twenty-nine (29) carpujets of Morphine. The morphine was located in the vicinity of the front passenger seat where Smith was sitting at the time of the stop.

17. Additionally, Hayworth provided investigators with two boxes of procedure masks from her hotel room that had been taken from the Cancer Center.

18. During the arrest, Smith made statements to officers indicating that her juvenile children were left unattended in the hotel room. Based on these statements, officers conducted a welfare check at the Quality Inn room 236. No children were located in the room. However, in plain view officers observed the laptop believed to have been stolen from the Cancer Center. Officers took custody of the laptop.

19. Smith was transported to the Indianapolis Metropolitan Police Department North District Roll Call where investigators conducted a post *Miranda* interview. Smith signed a written *Miranda* waiver.

20. In a recorded statement, Smith initially told investigators that Hayworth stole the controlled substances from the facility, but had left them in the vehicle. Smith alleged that she was simply returning the substances to Hayworth when she was arrested. Smith later admitted that she had gone to Hayworth's work at the Central Indiana Cancer Center, and along with Hayworth, broke into the medication room with a pair of scissors. Smith stated that she opened the exterior locked door with scissors while Hayworth was the individual who opened the medication cabinet and removed the morphine. Smith also stated that she had taken a laptop which she was not able to access due to a biometric fingerprint lock. Smith stated that Hayworth had contacted her indicating that a buyer was interested in purchasing the morphine for \$3,000. Smith stated that she anticipated she would receive a share of this payment. Smith stated that this was not the first time Hayworth had stolen items from her employer. Smith stated that she was aware of Hayworth stealing hand sanitizer and masks to sell.

21. Investigators conducted a subsequent recorded interview with A.J. on April 17, 2020, during which A.J. admitted that he knew Smith was selling the morphine, but his only interest was in her safety, claiming that a person could be killed or robbed attempting to sell that amount of controlled substance.

22. Indianapolis, Indiana is located within the Southern District of Indiana.

CONCLUSION

23. Based upon the above, I respectfully submit that probable cause exists to believe that April E. Hayworth and Christina A. Smith violated Title 21, United States Code (U.S.C), Section 841(a)(1) and 846 (Possession with Intent to Distribute Morphine and Conspiracy to distribute Morphine); and Title 18, U.S.C. 2 (Aiding and Abetting); and Title 18 U.S.C, Section 2118(b) and (d) (Burglary and conspiracy to commit burglary involving controlled substances).

Jason J. Homan

Jason J. Homan
Drug Enforcement Administration

Subscribed and sworn to me, pursuant to Federal Rules of Criminal Procedure 4.1 and 41(d)(3), by reliable electronic means.

Dated: 04/22/2020



Mark J. Dinsmore
United States Magistrate Judge
Southern District of Indiana

