

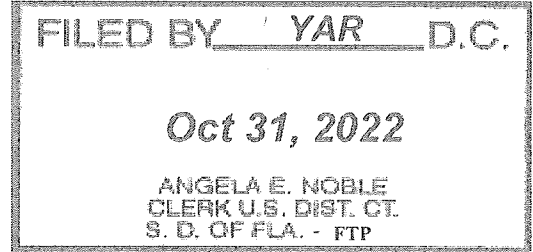
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 2:22-MJ-00142 Maynard

UNITED STATES OF AMERICA

v.

CHRISTOPHER JON BAUER and
BRITTANY LYN DURKIN, _____/



CRIMINAL COVER SHEET

1. Did this matter originate from a matter pending in the Central Region of the United States Attorney's Office prior to August 8, 2014 (Mag. Judge Shaniek Maynard)? No
2. Did this matter originate from a matter pending in the Northern Region of the United States Attorney's Office prior to October 3, 2019 (Mag. Judge Jared Strauss)? No

Respectfully submitted,

JUAN ANTONIO GONZALEZ
UNITED STATES ATTORNEY

By:

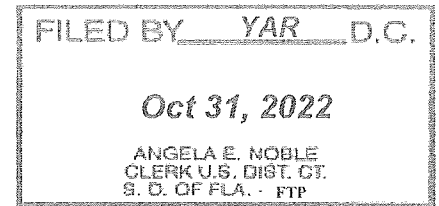
A handwritten signature in black ink, appearing to read "Carmen M. Lineberger", written over a horizontal line.

CARMEN M. LINEBERGER
Assistant United States Attorney
Court ID No. A5501180
101 South U.S. Highway 1, Suite 3100
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UNITED STATES DISTRICT COURT

for the

Southern District of Florida



United States of America v.

CHRISTOPHER JON BAUER and BRITTANY LYN DURKIN,

Case No.

2:22-MJ-00142 Maynard

Defendant(s)

CRIMINAL COMPLAINT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

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 August 31, 2022 in the county of Indian River in the Southern District of Florida, the defendant(s) violated:

Table with 2 columns: Code Section (21 U.S.C. § 841(a), 21 U.S.C. § 846) and Offense Description (Possession with Intent to Distribute a Controlled Substance, Conspiracy to Possess with Intent to Distribute Controlled Substance).

This criminal complaint is based on these facts:

-SEE ATTACHED AFFIDAVIT-

Continued on the attached sheet.

Handwritten signature of David Catalano

Complainant's signature

David Catalano, Special Agent, HSI

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by videoconference.

Date: October 31, 2022



Handwritten signature of Shaniek M. Maynard

Judge's signature

City and state: Fort Pierce, Florida

Shaniek M. Maynard, U.S. Magistrate Judge

Printed name and title

**AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR AN ARREST WARRANT**

I, David Catalano, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am employed as a Special Agent with Homeland Security Investigations (“HSI”) and have been employed with said Administration since July 24, 2010. I am responsible for enforcing federal criminal statutes relating to Homeland Security Investigations, including offenses enumerated in Titles 18 and 21 of the United States Code.

2. During my employment with HSI, I have received specialized training regarding the investigation and prosecution of offenses involving the possession, manufacture, distribution, and importation of illegal drugs, as well as methods used to conceal and finance illegal drug transactions. As a Special Agent with HSI, I have participated in narcotics investigations involving consent searches, controlled purchases, search warrants, and searches incident to arrest.

3. During my tenure as a law enforcement officer, I have conducted investigations of, and have been instructed in, investigative techniques concerning the unlawful distribution of illegal narcotics, possession with intent to distribute controlled substances, importation of illegal narcotics, use of communication facilities to conduct illegal narcotics transactions, money laundering, maintaining places for purposes of manufacturing, distributing or using controlled substances, and conspiracies to commit these offenses.

4. Through investigations and training, I have become familiar with narcotics traffickers’ methods of operation, including the distribution, storage, and transportation of narcotics, the collection of money that represents the proceeds of narcotics trafficking, and money laundering. I am also aware that drug traffickers often speak in guarded or coded language when discussing their illegal business in an effort to further prevent detection. These investigations have

resulted in arrests of individuals who have smuggled, received, and distributed controlled substances, including fentanyl, powder cocaine, cocaine base, commonly known as “crack cocaine,” marijuana, heroin, and MDMA, and the arrests of individuals who have laundered proceeds emanating from those illegal activities. These investigations have also resulted in seizures of illegal drugs and proceeds of the distribution of those illegal drugs. I have also conducted investigations concerning the identification of co-conspirators through the use of telephone records and bills, financial records, drug ledgers, photographs, and other documents. I have also participated in the debriefings of many of those individuals arrested who later cooperated with law enforcement.

5. Based upon training and experience, as well as experience gleaned through prior investigations, I have learned that cellular telephones provide illegal narcotics traffickers with mobile access and control over their illegal trade. I have also learned that drug traffickers often utilize cellular telephones to communicate with one another in furtherance of their illegal narcotics activities both via voice and text message communications. I also know that illegal narcotics traffickers routinely utilize false information when registering their cellular telephones and utilize cellular telephone numbers and cellular telephones for short periods of time.

6. I have utilized numerous confidential sources to successfully infiltrate various-sized narcotics enterprises by way of intelligence gathering, participation in consensual recordings, and monitored purchases of controlled substances. I have executed search warrants for controlled substances-related documents and have conducted surveillance in connection with numerous narcotics investigations. My training and experience as an HSI Special Agent, along with conversations with other federal, state, and local investigators familiar with narcotics trafficking, form the basis of the opinions and conclusions set forth below, which I drew from the facts set forth herein.

7. This affidavit is made in support of a criminal complaint against Christopher Jon Bauer (BAUER) and Brittany Lyn Durkin (DURKIN), for violation of Title 21, United States Code, § 841(a), which makes it a crime to Possess with Intent to Distribute a Controlled Substance; and Title 21, United States Code, §846, which makes it a crime to Conspire to Possess with Intent to Distribute a Controlled Substance

8. The statements contained in this affidavit are based in part on my own training, experience, and knowledge of the facts and circumstances surrounding this investigation from my own investigative efforts, as well as from information obtained from other law enforcement officers with personal knowledge of the evidence and activities described herein. Because this affidavit is being submitted for the limited purpose of securing authorization for the requested search warrant, I have not included each and every fact known to me concerning this investigation. Instead, I have set forth only the facts that I believe are necessary to establish the necessary foundation for the requested arrest warrant.

PROBABLE CAUSE

9. I have been investigating the illegal possession and distribution of controlled substances and the conspiracy to do so by Christopher Ryan Bauer (BAUER) and his associates, including Brittany Lyn Durkin (DURKIN).

10. On July 18, 2022, Sebastian Police Department (SPD) Detective Brian Melius received a Treasure Coast Crime Stopper Complaint stating two ounces per week of fentanyl are being purchased by BAUER on the dark web. The fentanyl is shipped from an unknown address in California to 317 Sea Grape Avenue, Sebastian, Indian River County, Florida 32958, in the Southern District of Florida.

11. The anonymous complainant stated, in summary, that the USPS packages are addressed to the 317 Sea Grape Avenue, with the recipient listed as "Brittany Barber," later

identified as DURKIN. The anonymous complainant stated DURKIN is being coerced to receive the packages due to a debt owed to BAUER. The anonymous complainant stated the drugs are being distributed from BAUER's residence, 901 Waterway Drive, Barefoot Bay, Florida, 32976, in the Middle District of Florida.

SURVEILLANCE OF 317 SEA GRAPE AVENUE, SEBASTIAN, FLORIDA

12. On July 19, 2022, Detective Brian Melius conducted surveillance at 317 Sea Grape Avenue. He observed DURKIN, standing in the driveway of the residence. Detective Melius observed DURKIN walk from 317 Sea Grape Avenue to her nearby residence, located at 332 Columbus Street, Sebastian, Florida 32958.

13. On August 1, 2022, I received the aforementioned information from Detective Melius, related to DURKIN.

14. On August 16, 2022, I contacted the United States Postal Inspector's Service, Orlando Field Office, and requested a mail cover for 317 Sea Grape Avenue, Sebastian, Florida 32958. United States Postal Inspector Kenneth Guttman provided a historical database result of United States Postal Express Packages, for the aforementioned address, with the following information:

- USPS Priority, Mail Express package, dated 07/18/2022 (Tracking# 9470136109361559598207) Addressed to "Brittany Barber" located at 317 Sea Grape Avenue, Sebastian, Florida, from a location in Palm Desert, California.
- USPS package dated 07/30/2022 (Tracking# 9470136109361608509826) Addressed to "Brittany Barber" located at 317 Sea Grape Avenue, Sebastian, Florida, from a location in Palm Desert, California.
- USPS package dated 08/08/2022 (Tracking# 9470136109361637638276) Addressed to "Brittany Barber" located at 317 Sea Grape Avenue, Sebastian, Florida, from a location in Palm Desert, California.

15. On August 16, 2022, I conducted records checks for both DURKIN and BAUER, utilizing Law Enforcement Databases. I positively identified both subjects as Brittany Lyn DURKIN, who resides at 332 Columbus Street, Sebastian, Florida 32958 and Christopher Jon BAUER, who resides at 901 Waterway Drive, Barefoot Bay, Florida 32976.

16. On the same day, I conducted a criminal history check utilizing the National Crime Information Center, yielding negative results for DURKIN and negative results for BAUER, involving any criminal charges involving the distribution of narcotics.

SURVEILLANCE OF SEBASTIAN POST OFFICE

17. On August 31, 2022, at approximately 12:30 pm, Detective Melius and I set up surveillance at the United States Post Office, located at 1290 Main Street, Sebastian, Florida 32958. At approximately 1:00 pm, I saw a red Cadillac SUV, Florida License Plate 46DDPI, driven by BAUER, with DURKIN in the front passenger seat, arrive at the Post Office. Law Enforcement Database research identifies the Cadillac SUV as registered to BAUER, at 901 Waterway Drive, Barefoot Bay, Florida 32976.

18. At approximately 1:01 pm, we observed DURKIN walk into the Post Office and back out, a short time later, carrying a USPS Express package. DURKIN then got into the front passenger seat of the Cadillac with BAUER, who drove out of the parking lot.

19. SPD Detective Sergeant Roy Cole attempted to stop the vehicle, for a traffic violation, at Main Street and Federal Highway, in Sebastian, Florida. BAUER, who was driving the Cadillac SUV, fled and a lengthy high-speed pursuit ensued through Sebastian, which resulted in the vehicle becoming disabled at 411 Mango Street, Sebastian, Florida. SPD officers took the occupants, BAUER and DURKIN, into custody following the apprehension.

20. During an inventory of BAUER's vehicle, law enforcement officers discovered a clear baggy, on the front seat floorboard, containing a white-powdery substance, which was field tested, yielding a positive result for methamphetamine.

21. On BAUER's person, during a search incident to arrest, officers found a black vacuum sealed bag, which contained a white-powdery substance, which was field tested, yielding a positive result for fentanyl. Law enforcement estimated the quantities of narcotics, seized following the arrest of BAUER and inventory of his vehicle, to be 79.1 grams of fentanyl and 20 grams of methamphetamine.

22. On October 29, 2022, the Drug Enforcement Administration Southeast Laboratory, located in Miami, FL, provided laboratory testing results for the Cocaine, Methamphetamine and Fentanyl seized from BAUER's vehicle following his State of Florida arrest on August 31, 2022, evidencing distribution amounts. The Fentanyl (Exhibit 4) weighed approximately 64 grams. The Methamphetamine (Exhibit 6) weighed approximately 12.5 grams.

INTERVIEW OF BRITTANY DURKIN

23. While on scene, Detective Melius and I conducted an interview of DURKIN, inside my assigned government vehicle. DURKIN was read her Miranda warnings, and voluntarily signed the HSI Miranda Rights Form, indicating she was willing to waive her right to an attorney and agreeing to answer questions. The interview was audio recorded using my government issued cellular device.

24. DURKIN stated in summary that she had picked up approximately ten (10 packages), on behalf of BAUER, at the Sebastian Post Office, and approximately six (6) packages, on behalf of BAUER, at her grandparents' residence, located at 317 Sea Grape Avenue.

25. DURKIN stated she believed the packages to contain Fentanyl, because she knew that BAUER would mix it with other unknown substances and sell as Heroin.

26. DURKIN stated she was last at BAUER's residence, 901 Waterway Drive, Barefoot Bay, Florida 32976, on Monday, August 29, 2022, at which time she observed multiple clear baggies containing a white powdery substance, which she believed to be Fentanyl. She knew this because, during the time at BAUER's residence, DURKIN and BAUER both ingested the narcotics utilizing a needle.

27. DURKIN stated she has witnessed BAUER purchase suspected Fentanyl from the "Dark Web." DURKIN stated that to access the "Dark Web," BAUER utilizes his laptop computer. DURKIN stated BAUER receives the Fentanyl and "cuts" the narcotics with other unknown substances and sells them as Heroin.

28. DURKIN stated that, because BAUER is cognizant of law enforcement's ability to monitor internet activity, BAUER used the "Dark Web" to purchase Fentanyl and receive the product via United States Postal Service. DURKIN stated she believed BAUER had his laptop computer in the vehicle, as this was customary for him to keep within his possession.

29. DURKIN consented to the search of her cellular device, phone number 772-663-8405, a black Android - Samsung, which was located on the passenger side floor of BAUER's Cadillac. The consent was documented on an HSI Consent to Search Form and will be maintained in the HSI Case Folder. During the course of the consensual search of DURKIN's cellular phone, DURKIN identified phone numbers, 321-615-6924 and 321-655-9994, which she utilized to communicate with BAUER.

30. DURKIN specifically identified a conversation which she had with BAUER earlier that day, on August 31, 2022, utilizing text message, which show BAUER had contacted DURKIN, utilizing his cellular phone number 321-655-9994 and stated "the package is in

Orlando.” BAUER responded to the message stating, “OK, I’ll go to the Post Office.” BAUER responded stating “nothing else is taking these withdrawals away.”

31. On September 8, 2022, I submitted a subpoena to T-Mobile requesting subscriber information for telephone numbers, 321-615-6924 and 321-655-9994. On September 9, 2022, I received a subpoena response from T-Mobile, for both telephone numbers. T-Mobile identified TELEPHONE 1 subscriber information as belonging to Christopher BAUER, 901 Waterway Drive, Sebastian, Florida and provided no name or address for telephone number. Both telephone number’s call history, which was provided by T-Mobile from March 2022 to September 8, 2022, contained numerous calls and text messages placed to DÜRKIN’s cellular device, 772-663-8405, on August 31, 2022.

**FEDERAL SEARCH WARRANT EXECUTED AT 901 WATERWAY DRIVE,
SEBASTIAN, FLORIDA**

32. On September 2, 2022, I applied for and received a search warrant for BAUER’s residence, 901 Waterway Drive, Barefoot Bay, Micco, Brevard County, Florida 32976, issued by U.S. Magistrate Judge David A. Baker (Mag. # 6:22-MJ-1896-DAB). Later that day, HSI Fort Pierce, with assistance from HSI Cocoa Beach and Sebastian Police Department, executed a federal search warrant at BAUER’s residence.

33. HSI Special Agents conducted a search of the residence and located within the Master Bathroom, a multi-colored rubber box containing white powdery substance, which later field tested positive for Fentanyl; a silver bowl containing a white powdery substance, which later field tested positive for Fentanyl; several counterfeit Xanax pills, several empty pill capsules, and multiple empty sandwich baggies, which were the same in size and design as those located on BAUER’s person and inside his vehicle on August 30, 2022; two Narcan nasal sprays; and a digital

scale and multiple pieces of drug paraphernalia consistent with tools needed to “cut” and manufacture powdered narcotics, with the intention of mixing and packaging for individual sale.

34. Agents also found, within the Master Bedroom, six empty and opened black vacuum sealed bags, which were the same in size and design as those located in BAUER’s vehicle on August 30, 2022.

35. Within the Master Bedroom; six empty and opened black vacuum sealed bags, which were the same in size and design as those located in BAUER’s vehicle on August 31, 2022.

FEDERAL SEARCH WARRANT EXECUTED ON BAUER’S CELLULAR PHONE DEVICES

36. On October 11, 2022, I applied for and received search warrants for BAUER’s cellular devices bearing phone numbers, 321-615-6924 and 321-655-9994 issued by U.S. Magistrate Judge Shaniek M. Maynard (Mag. # 22-MJ-00133-SMM and 22-MJ-00134-SMM).

37. On October 14, 2022, United States Secret Service extracted the data from both BAUER’s cellular devices and provided said extracted data to me so that a search of the data could be conducted to identify storage material implicating BAUER’s knowledge and direct involvement with the purchase and receipt of Fentanyl, via United States Postal Service. With assistance from the Indian River County Sheriff’s Office, I conducted the examination and identified at least three text messages received on BAUER’s Apple iPhone, bearing phone number 321-655-9994, which stated that packages with Tracking# 9470136109361559598207, Tracking# 9470136109361608509826 and Tracking# 9470136109361637638276 had arrived at Sebastian Post Office and were ready for delivery.

CONCLUSION

38. Law enforcement has been investigating and has obtained a substantial amount of information regarding the drug trafficking activities of BAUER and his associates, including

DURKIN. This investigation has revealed through verified confidential source information, law enforcement surveillance, the seizure of narcotics, and witness interviews that BAUER and his associates have been involved in the trafficking of fentanyl, powder cocaine and crystal methamphetamine.

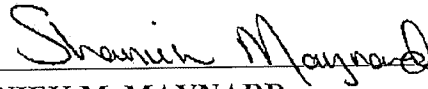
39. Based on the foregoing facts, I believe there is probable cause to charge BAUER and DURKIN with their violations of Title 21, United States Code, § 841(a), Possession with Intent to Distribute a Controlled Substance; and Title 21, United States Code, §846, their Conspiracy to Possess with Intent to Distribute a Controlled Substance. I respectfully request that this Court issue an arrest warrant for the BAUER and DURKIN.

FURTHER YOUR AFFIANT SAYETH NAUGHT.



DAVID CATALANO
Special Agent
Homeland Security Investigations

Sworn to before me, by video conference, in accordance with the requirements of Rule 4.1 of the Federal Rules of Criminal Procedure, this 31st day of October, 2022.



SHANIEK M. MAYNARD
UNITED STATES MAGISTRATE JUDGE