

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Western District of Kentucky

FILED VANESSA L. ARMSTRONG, CLERK

DEC 20 2018

U.S. DISTRICT COURT WEST'N. DIST. KENTUCKY

United States of America)
v.)
Amir Karat)

Case No. 3:18-MJ-802

Defendant(s)

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 October 25, 2018 in the county of Jefferson in the Western District of Kentucky, the defendant(s) violated:

Code Section Title 21, United States Code, Section 841 Offense Description Possession With Intent to Distribute a Controlled Substance

This criminal complaint is based on these facts:

See attached.

Continued on the attached sheet.

Complainant's signature

Sgt. Thomas D. Schardein, TFO-DEA

Printed name and title

Sworn to before me and signed in my presence.

Date: 12/20/2018

Judge's signature

Regina S. Edwards, U.S. Magistrate Judge

City and state: Louisville, KY

Regina S. Edwards, U.S. Magistrate Judge

Printed name and title

COMPLAINT AFFIDAVIT

1. I am an investigative or law enforcement officer who is employed by the Louisville Metro Police Department (LMPD) and have been employed as such since November 1999. Your affiant is currently assigned to the Louisville Metro Police Departments Narcotics Division and in that capacity has worked the below detailed investigation jointly with members of the United States Drug Enforcement Administration (DEA) Louisville Division. Your affiant is a provisional Task Force Officer assigned to assist the United States Drug Enforcement Administration.

2. Your affiant has received specialized training in the enforcement of laws concerning controlled substances. Your affiant has testified in judicial proceedings for violations of controlled substance laws in both State and Federal Courts. Your affiant also has been involved in various types of electronic surveillance, and in the debriefing of defendants and informants, as well as others who have knowledge of the distribution and transportation of controlled substances, and of the laundering and concealing of proceeds from drug trafficking.

3. During the course of my career I have received law enforcement training on surveillance techniques, arrest and control techniques, interview and interrogation techniques, report writing, confidential source management, and drug identification.

4. Prior to my promotion to Sergeant with in the Louisville Metro Police Department I served in a variety of investigative capacities which include, but are not limited to the following:

- Baker District 4th Platoon (Flex) Detective assigned to work street level narcotics investigations.
- Baker District Detective assigned to work general crimes against properties and persons.
- Task Force Officer assigned to the FBI Joint Terrorism Task Force assigned to work assigned investigations under the purview of the FBI-JTTF.
- 5th Division Flex Detective assigned to work street level narcotics investigations.

5. Following my promotion to Sergeant, I was assigned to the LMPD 8th Division as a Patrol Sergeant, and later was assigned as the supervisor of the Impact Platoon and later as the Detective Sergeant. I was then selected for the position of supervisor of the LMPD Intelligence Unit, which was later merged into the LMPD Narcotics Major Case Unit. In February of 2018, I assumed command of LMPD Narcotics Drug Diversion Unit.

6. During my employment as a sworn officer, I have personally been involved in several investigations related to drug trafficking. I have also participated in interviews of suspects involved in the possession and sale of illegal drugs. I regularly use confidential sources and conduct surveillance of persons involved in the possession and distribution of controlled substances. Further, I have participated in the execution of arrests and search warrants for persons and places connected with the possession, manufacture, and distribution of controlled substances

to include, but not to be limited to, cocaine, methamphetamine, marijuana, synthetic cannabinoids (Spice) and heroin.

7. This affidavit is submitted in support of an application for a criminal complaint for **Amir KARAT** for a violation of Title 21 U.S.C. § 841, possession with the intent to distribute a controlled substance, which consisted of an undetermined quantity of counterfeit Percocet's believed to have been manufactured with fentanyl or a fentanyl analog.¹

8. This investigation is based on the overdose death investigation of Derrick ELDER by LMPD as detailed in the initial death investigation. The initial report, prepared by Detective Matthew Crouch reads, "Witness found victim unresponsive and notified 911. EMS and the Coroner responded and pronounced the victim deceased. After notifying 911 about her husband being unresponsive, the witness searched his cell phone and found recent texts about him purchasing narcotics. Coroner Pryse responded. An Autopsy and a toxicology will be performed. Victim's cell phone was collected."

9. On November 2, 2018 Sgt. Schardein made telephonic contact with JE the spouse of Derrick ELDER (whose identity has been made known). During this conversation the following information was obtained:

- ELDER and JE have been married for approximately three months, however, have been "a couple" for several years. They have one child and JE is currently three months pregnant as of the writing of this report.
- ELDER had multiple past surgeries stemming from having played college football for Western Kentucky University.
- ELDER had admitted to his spouse in the past to having become addicted to pain killers (Opiates) following these surgeries and was believed to use these pain killers to self-manage his pain and discomfort.
- JE was unaware of who ELDER's source of supply may have been.
- ELDER was employed at a restaurant known as LE MOO, located at 2300 Lexington Road, Louisville, Kentucky as a server.
- ELDER was very close with the bartender at LE MOO known to JE only as "**Amir**".
- JE stated that "Amir" did not attend the funeral, which was odd and out of character.

¹ This is based upon information obtained during the investigation and referenced Paragraph #13 of this affidavit and the stored communications between telephones 502-762-7066 and 502-807-2293, it is believed that **Amir KARAT** supplied the fatal dose to ELDER.

10. An initial review was conducted revealing that the cellphone of Derrick ELDER contained a large amount of stored text (SMS/IMS) data. One specific series of text between ELDER and telephone number 502-807-2293 indicates that the owner of 502-807-2293 had narcotics involvement with ELDER.²

11. A query of the Calls for Service in the LMPD ILEADS system indicates that telephone 502-807-2293 revealed the following:

a. April 3, 2017 at 00:21, a caller identified only as “**Amir**”, utilized telephone 502-807-2293 for a Call for Service.

b. August 27, 2017 at 22:29, a caller identified as **Amir KARET** (spelling as listed in under the run report), utilized telephone 502-807-2293, and reported a hit and run accident.

12. A further review of the LMPD ILEADS system revealed that **Amir KARAT** has documented involvements in the ILEADS system for what appear to be minor traffic offenses. This review provided the following additional identifying data:

KARAT, Amir, white male, 6’01”, 240 lbs, born **** 1983, with a Social Security Number ending in 5322. A possible address of 5606 Kasey Way, Louisville, Kentucky 40291 was documented in the ILEADS system.

13. A review of the initial download of ELDER’s cellular telephone, with telephone number 502-762-7066, revealed a very large number of stored communications. An initial review revealed the below communication between ELDER (telephone 502-762-7066) and 502-807-2293 which showed no stored contact information.

Start Time: Time	IM #	From	To	Body of Message
10/23/2018 6:21	1	5028072293	5027627066	Lmk tomorrow how many percs you want
10/23/2018 6:21	2	5028072293	5027627066	I got 150 of em
10/23/2018 6:21	3	5027627066	5028072293	What?
10/23/2018 6:21	4	5027627066	5028072293	I want a lot
10/23/2018 15:59	1	5027627066	5028072293	You working tonight?
10/23/2018 17:13	1	5027627066	5028072293	U up yet?
10/23/2018 18:28	1	5027627066	5028072293	Bring some to work...
10/23/2018 18:28	2	5027627066	5028072293	Please
10/23/2018 18:28	3	5028072293	5027627066	They are at Ahmed’s bar
10/23/2018 18:28	4	5028072293	5027627066	How May you want
10/23/2018 18:28	5	5027627066	5028072293	How much are they?
10/23/2018 18:28	6	5028072293	5027627066	I think he wants ten a piece but maybe if you buy ten they can be nine
10/23/2018 18:28	7	5027627066	5028072293	I’ll take 10 then
10/23/2018 18:28	8	5027627066	5028072293	And more come Thursday if they are still around?
10/23/2018 18:28	9	5028072293	5027627066	I texted him if anything we get it later

² As detailed below, the investigation has revealed that **Amir KARAT** is associated with telephone # 502-807-2293.

10/23/2018 19:09	1	5027627066	5028072293	Would love you if we can get somehow before work
10/23/2018 19:12	1	5028072293	5027627066	Nope
10/23/2018 19:12	2	5028072293	5027627066	Running late
10/23/2018 19:12	3	5027627066	5028072293	I'll stop by and get them just a thought
10/23/2018 19:12	4	5028072293	5027627066	Lol bro I am at work and he is likely sleeping till later
10/24/2018 19:06	1	5028072293	5027627066	When do you want these
10/24/2018 19:06	2	5028072293	5027627066	And how many
10/24/2018 22:43	1	5027627066	5028072293	If they are \$8 I'll take 25 if there 9 or \$10 I'll take 20
10/24/2018 22:43	2	5027627066	5028072293	And I'll take them tomorrow!
10/25/2018 18:42	1	5028072293	5027627066	I got your shit
10/25/2018 18:42	2	5028072293	5027627066	26 on me

14. Based upon my training and experience, it is believed that the text messages refer to the illegal purchase of percocet ("Percocet").³

15. On November 8, 2018 at 17:44 hours, Sergeant ("Sgt.") Schardein and Special Agent ("SA") Nathan Mills (DEA) met with JE, spouse of Derrick ELDER, and SEA, a relative of Derrick ELDER (whose identity has been made known) at the LMPD Narcotics Division. The following information was obtained during the interview, however may not have been obtained in the order it is documented below:

- When shown a photo of **Amir KARAT** provided by the Real Time Crime Center, Jessica Elder identified it to be the subject she knows only as **Amir**. ELDER reiterated that suspicion had been raised when **KARAT** had not come to the funeral or visitation which was odd because he was one of ELDER's closest friends.
- ELDER never indicated to his spouse from whom he purchased pills.
- SEA stated that **Amir** contacted him/her from 502-807-2293 and stated he (**KARAT**) had not contacted JE. JE stated that **KARAT** sounded super panicky and stated he (**KARAT**) wanted to know "it is was true" that ELDER had passed away. Further SEA stated that **KARAT** had texted him/her. SEA provided screen shots of these communications to law enforcement which have been attached to the investigative file.

16. On November 11, 2018 Sgt. Schardein was telephonically contacted by SWM, a family friend (whose identity has been made known), and who provided the following information.

- SWM stated that on November 4, 2018 he/she attended a fundraiser designed to raise money in honor of Derrick ELDER at Le Moo. Following a dinner, he/she had stayed and went to the bar area. While at the bar area he/she was seated with a subject known to him/her only as **Amir**.

³ Percocet is the brand name of the combination of Acetaminophen and Oxycodone, which is prescribed to treat moderate to severe pain. Currently Oxycodone is a Schedule II narcotics.

- During this time **Amir (KARAT)**, unprompted, stated that he (**KARAT**) was aware that **ELDER** had “a problem” with pills and that when he (**ELDER**) was unable to get them he (**ELDER**) would have symptoms of opiate detox to include being sweaty, anxious and complaining of discomfort.
- **SWM** stated that he (**KARAT**) told her he “didn’t have anything to do with this” (meaning the death of **ELDER**).
- **Amir (KARAT)** further stated he (**KARAT**) was aware that **ELDER** was obtaining pills from “a bus boy”, however did not identify the busboy.
- **Amir (KARAT)** also stated he had spoken with law enforcement already.⁴
- **SMW** stated that he/she does not know **Amir (KARAT)**, having only met him at the wedding of **Jessica and Derrick** in July and felt it is odd that he would speak as openly as he did.

17. A further review of the text messages, detailed in paragraph 13, between **KARAT** and **ELDER** indicated that **KARAT** had to go to **Ahmed’s Bar** to pick up pills that were ultimately sold to **ELDER**.

18. During a review of the information collected it was determined that **KARAT** had contact with telephone number of 502-439-9453 which was found to be subscribed an **Ahmed AL-MUHTASEB**. **Ahmed AL-MUHTASEB** is known to **LMPD** to be the owner operator of **Vis-à-vis Bar & Grill** located at 1164 South 3rd Street, Louisville, Kentucky 40203. Furthermore, a Google search of the telephone number indicated 502-439-9453 was listed as the number for the business as well.

19. A review of the telephone data obtained by administrative subpoena for 502-807-2293, which is the phone utilized by **KARAT** indicated that between October 10, 2018 and October 25, 2018 there six (6) confirmed contacts between **KARAT** and the telephone of 502-439-9453, which is one of the telephones identified as being utilized by **Ahmed AL-MUHTASEB**. It should be noted that at least two (2) of these contacts appear to have occurred on October 25, 2018 (which is referenced in paragraph 13).

20. During a routine de-confliction check, it was learned that Detective **Brad Beckham** (**LMPD** Narcotics Major Case Unit) had an active criminal investigation involving **Ahmed “Mikey” AL-MUHTASEB** and others who are believed to be trafficking in quantities of cocaine, heroin, and “repressed” pills. At this time **Sgt. Schardein** and Detective **Beckham** exchanged investigative information. It was agreed that **Sgt. Schardein** would take no investigative or enforcement action against **KARAT** until Detective **Beckham** was prepared for enforcement actions against **Ahmed AL-MUHTASAB** and others.

⁴ During this investigation, and the interviews with **KARAT** there has been no evidence that **KARAT** had spoken with Law Enforcement before his interview by **Sgt. Schardein** and **SA Mills** on November 30, 2018.

21. On November 12, 2018 Sgt. Schardein provided official currency to Detective Beckham for a controlled buy of suspected repressed pills. Detective Beckham utilized a Confidential Informant (hereinafter referred to as CI) to meet with Ahmed AL-MUHTASEB, and conducted a controlled buy of 150 Round Yellow Pills marked with C-230.⁵ The pills have been directed to the Kentucky State Police Forensic lab for testing. As of the preparation of this affidavit there are no published results of any testing in the Kentucky State Police BEAST system.

22. On November 27, 2018 Detective Beckham of the LMPD Narcotics Major Case Unit executed a series of search warrants associated with Ahmed AL-MUHTASEB and others. These warrants resulted in the recovery of a large pill press, suspected fentanyl powder and other narcotics. In addition the “die” used to manufacture the illicit pills was recovered from one of the search warrant locations. These items and other evidence have been processed into the LMPD property room for normal testing by the Kentucky State Police Laboratory. As of the preparation of this affidavit there are no published results of any testing of these items.

23. On November 30, 2018 Sgt. Schardein and SA Nate Mills travelled to Le Moo Restaurant. Sgt. Schardein and SA Mills were introduced to **Amir KARAT**, who asked why Law Enforcement wanted to speak with him. Sgt. Schardein and SA Mills explained that the investigation was a follow up to the death investigation concerning Derrick ELDER. **KARAT** agreed to speak with law enforcement and led Sgt. Schardein and SA Mills to a semi private dining area.

24. Sgt. Schardein explained to **KARAT** that the interview would be recorded and asked if that was acceptable and **KARAT** agreed he was “OK” with being recorded. **KARAT** provided the following information, which may not be detailed in the exact order in which it was obtained:

- **KARAT** stated ELDER had started working at Le Moo Restaurant for a period of nine (9) months to twelve (12) months but was not sure if ELDER had been employed under a previous management team, or during the last holiday season.
- **KARAT** described being very close to ELDER while at work and then said there was a period when **KARAT**'s car had broken down. During that time ELDER, who had lived in the same area as **KARAT**, would give **KARAT** rides to and from work at Le Moo. **KARAT** then said, “Other than that we hung out with his wife, maybe once, after his wedding in Nashville. And then they announced their pregnancy of course and all of that.” **KARAT** described being closer to ELDER at work than away from work.
- When asked, **KARAT** stated that ELDER drank a lot, and had talked about taking pain killers while playing college football, for pain relief. **KARAT** stated he was unsure when, or how much, ELDER took, but was aware of ELDER having an issue with substance abuse but stated he never got a full disclosure about that one. **KARAT** said he believed ELDER was good about hiding the substance abuse. **KARAT** stated that he was aware that ELDER had taken Percocet following a car wreck.

⁵ A review of Drugs.com indicates yellow pills marked C-230 are typically identified as a narcotic analgesic combination containing Acetaminophen and Oxycodone Hydrochloride 325mg/10mg.

- **KARAT** began to describe ELDER as being a “Heavy Dude” and stated he felt that ELDER working at Le Moo may have “been worse for him”. **KARAT** stated ELDER worked a lot and would often be sweating and explained that the restaurant can be a hot environment. **KARAT** then stated that ELDER would always drink large cans of NOS and would often have two (2) cans a day.⁶
- At this point Sgt Schardein asked **KARAT**, “Who is Ahmed?”. **KARAT** then stated “Ahmed works down.... Ahh he owns the Hookah Lounge I believe.” **KARAT** when asked stated that the business was located on 3rd Street and Oak.⁷
- **KARAT**, who was visibly nervous, stated, “I had cut ties with him... I used to hang out with him, drink with him, play poker at the casino or the boat, but I don’t want anything to do with the guy anymore. Cause he turned wild, crazy, angry, didn’t make sense have the time he was talking to me so... that is all I am really going to say about him, cause, I have stopped talking to him. It has been a few weeks.” **KARAT** then clarified that “maybe a week ago, he had paid me back for a loan I had given him... \$300 from the casino that he owed me.” **KARAT** then said, “I didn’t even pick up the money, and I want nothing to do with that kid.”
- **KARAT** does not know Ahmed’s full name. **KARAT** explained that Ahmed uses the nickname “Mikey” and when he **KARAT** met “Mikey” it was at the Casino and the **KARAT**, “plays cards there... I don’t do anything wrong there.” And that at the Casino other individuals often called Ahmed by the name of “Mikey”.
- **KARAT** when asked stated he was unaware of any criminal involvements with Ahmed. **KARAT** then stated, “whatever he did over... he always had different phones with him... I don’t ask.”
- **KARAT** believes that Ahmed may be Jordanian but was unsure of Ahmed’s background.
- **KARAT** stated that he had learned that Ahmed was arrested for driving without a license and then “read what is all was and was like, wow.” **KARAT** stated the arrest of Ahmed had scared him.
- **KARAT**, when told that Law Enforcement had been able to access ELDER’s Phone, stated before being asked, “Derrick has asked me for some pills, sometimes.” And that he (**KARAT**), “never tried to help him with it because... I tried one time, because he

⁶ It is believed that “NOS” refers to NOS Energy Drink which is normally sold in 16 and 24 oz cans. A web search indicates that NOS contains high levels of taurine and caffeine and guarana.

⁷ **Investigators Note:** This location has previously been identified in this investigation, and other investigations as being VIS A VIS BAR & GRILL, which is also known as VIS A VIS HOOKAH LOUNGE, located at 1164 S 3rd Street, Louisville, Kentucky 40203. This business is known to be owned and operated by Ahmed AL-MUHTASEB.

kept nagging about it, but it never happened.” When asked when this was, **KARAT** said it was “right before he passed, actually.”

- **KARAT** then stated, “I don’t want to incriminate myself” and asked if he should talk to an attorney, to which Sgt. Schardein replied, “If you want to” and it was then explained that no matter the results of the interview, the investigators would leave when the interview was concluded and that **KARAT** would stay at work.
- **KARAT** then continued saying he would try to help ELDER in multiple ways by telling him (ELDER) that “he needs help” or “needs to clean himself up” and “I never sold him anything.” **KARAT** then continued without being prompted, “did he ever buy anything from somebody else here? I don’t know if he ever got anything from Matt or the other kid that used to bus tables here, I don’t know...”

24. Following the interview of **KARAT**, Sgt. Schardein was contacted by JE, the spouse of Derrick ELDER. JE noted having been contacted by **Amir KARAT** and that **KARAT** had attempted to call JE’s phone and sent JE text messages. JE indicated that **KARAT** was concerned that law enforcement had interviewed him (**KARAT**). JE had made screen shot of these communications and forwarded them to Sgt. Schardein. Based on the timing of the messages, it appears that **KARAT** sent these messages to JE, following Sgt. Schardein and SA Mills departure from the restaurant.

25. The following is a transcript of the screen shots.

AK – Can you call me at some point if you have a moment?

JE – I’m at work, what is up?

AK – Nothing crazy but needed to speak with you. Detectives were here asking questions about Derrick and I wanted to see what in the world is going on exactly. I have nothing to fear I just wanted to see what you know. It freaked me out just a bit honestly. Is there a criminal investigation? Did he use something the night he died?

JE – He told me he wasn’t using pills!! Was he??

AK – He always kept asking about them I told him a million times no. IDK Jess, this is all weird and shitty. And I am sorry sweetie, I hope you are ok. Any time I see cops I think deportation Jess. I fear they will just bag me up again and send me to detention and bosni. So I am sorry

JE – He asked you for pills? He told me he didn’t take them. What do you know that I don’t? I’m just so torn up, pregnant and dealing with Luca still. Overwhelmed is an understatement.

AK – I know Jess, IDK anything other than he live unhealthily. Drinking two Noss a day, eating profusely, drinking and that’s that. He was always sweating at work like crazy. Can’t always be his being fat can it idk!!!!

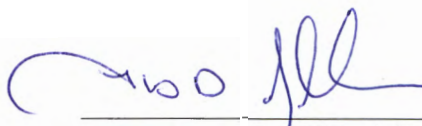
JE – I have no idea. 5 weeks and 1 day, I am just so sad.

AK – I know that is why I freaked out in away and had to talk about it all over again. Maybe we can talk tonight. I gotta get back to work. Like o said Jess if there is any way I can help, I am here. Not sure what I could do, but I am here.

26. Sgt. Schardein and others then conducted a series of interviews with individuals known to associate with ELDER that had been identified during the investigation, or during interviews. In each interview these individuals identified **Amir KARAT** as being a friend or close associate of the ELDER.

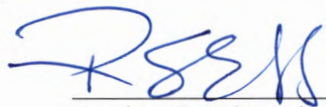
27. On December 4, 2018 Sgt. Schardein and SA Nathan Mills received a copy of the Medical Examiners report, ME-18-1072, in which Dr. Amy Burroughs-Beckham has determined, in her opinion, that “Death in this 31-year-old white male, Derrick ELDER, is due to fentanyl intoxication (fentanyl, acetyl-fentanyl, 4-ANPP)”.

Based on the above-mentioned facts, I believe probable cause exists to believe **Amir KARAT** has committed violations of Title 21, United States Code, Section 841, possession with intent to distribute a controlled substance which consisted of an undetermined quantity of counterfeit Percocet’s believed to have been manufactured with fentanyl or a fentanyl analog.



Sgt. Thomas D. Schardein,
Task Force Officer
Drug Enforcement Administration

Subscribed and sworn to before me this 20th day of December, 2018.



Regina S. Edwards
United States Magistrate Judge