

JD22233213

IN THE CIRCUIT COURT
OF THE SEVENTH JUDICIAL CIRCUIT
IN AND FOR VOLUSIA COUNTY, FLORIDA

STATE OF FLORIDA

FDLE Case No. OR-14-0202

VS.

Kimberly Ann Kilpatrick

Court Case No. ~~2009~~ 302035 CFDB

WARRANT FOR ARREST

IN THE NAME OF THE STATE OF FLORIDA, TO ALL AND SINGULAR, THE SHERIFFS
AND THEIR DULY SWORN DEPUTIES OF THE STATE OF FLORIDA:

WHEREAS, AN AFFIDAVIT HAS BEEN MADE BY Special Agent Chris Shephard of the Florida Department of Law Enforcement, Volusia County, Florida, and it appears to the Court, from having read said affidavit, that there is sufficient probable cause to believe that on December 14, 2016 and January 17, 2017, the defendant **Kimberly Ann Kilpatrick**, did commit a violation of the laws of the State of Florida, to wit: **Grand Theft**, contrary to section **F.S.S. 812.014**, Florida Statutes, and **Exploitation of Disabled Adult**, contrary to section **F.S.S. 825.103**, Florida Statutes, which occurred at **4545 South Clyde Morris Boulevard, Port Orange, Volusia County, Florida, 32129**.



Kimberly Ann Kilpatrick, dob [REDACTED] SSN [REDACTED]
[REDACTED] 5'3", 140 pounds, white, female

YOU ARE THEREFORE COMMANDED TO ARREST INSTANTER the said defendant,
Kimberly Ann Kilpatrick, and bring her before me to be dealt with according to law.

Grand Theft (F-1),
Exploitation of Disabled Adult (F-2),


Bond Amount \$ 50,000 —
Bond Amount \$ 50,000 —

Conditions of release:

No Contact with Victim - David Fouts

or

GIVEN UNDER MY HAND AND SEAL THIS 4th DAY OF May, 2022.



JUDGE OF THE CIRCUIT/COUNTY COURT
SEVENTH JUDICIAL CIRCUIT
VOLUSIA COUNTY, FLORIDA

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STATE OF FLORIDA

FDLE Case No. OR-14-0202

VS.

KIMBERLY ANN KILPATRICK

Court Case No. ~~2022~~ ~~3000856~~ ~~003~~

CLERK OF THE CIRCUIT
8 CIV COURT VOLUSIA CO
FL 32159

2022 MAY -4 AM 9:15

FILED

AFFIDAVIT FOR ARREST WARRANT

State of Florida
County of Volusia

BEFORE ME, Leah P. Case Circuit/County Court Judge in and for Volusia County, Florida, personally came Special Agent Chris Shephard, of the Florida Department of Law Enforcement, who being duly sworn deposes and says: that Affiant has reason to believe and does believe that probable cause exists for the arrest of **Kimberly Ann Kilpatrick**, dob [REDACTED] SSN [REDACTED] **5'3", 140 pounds, white, female** for a violation of the laws of the State of Florida, to wit: **Grand Theft**, contrary to section **F.S.S. 812.014**, Florida Statutes, and **Exploitation of Disabled Adult**, contrary to section **F.S.S. 825.103**, Florida Statutes, which occurred at **4545 South Clyde Morris Boulevard, Port Orange, Volusia County, Florida, 32129**.

THE FACTS tending to establish the grounds for this application and the probable cause of Affiant believing that such facts exist are as follows:

On April 11, 2022, the State Attorney's Office (SAO), of the Seventh Judicial Circuit of Florida requested the Florida Department of Law Enforcement (FDLE) conduct an investigation into Kimberly Kilpatrick for an alleged theft. At the time of the alleged theft Kilpatrick was employed as a Captain at the Port Orange Police Department (POPD). The SAO contacted your Affiant at the FDLE for assistance in the investigation.

On April 24, 2016, David Fouts was involved in a motorcycle accident leaving him with multiple injuries including a Traumatic Brain Injury (TBI) and killing his wife, [REDACTED]. A GoFundMe page was created for Fouts and Kilpatrick managed a SunTrust Bank account associated with the GoFundMe proceeds on the behalf of Fouts. Two transactions in the amount of \$18,219.99 and \$7,572.49 appeared to have been removed from the SunTrust Bank account and ultimately benefited Kilpatrick.

At the time of the motorcycle accident Fouts was assigned as a Detective with the POPD. Kilpatrick was a Captain with POPD and was assigned as Fout's liaison by POPD to assist with charitable donations to pay medical bills.

During the course of a financial fraud examination, the deposits, withdrawals and checks from SunTrust bank account ending in [REDACTED] were examined. Kilpatrick opened the SunTrust Bank account on April 26, 2016. Kilpatrick controlled this account with the daughter of David Fouts, [REDACTED] listed as co-owner. All checks drawn against this account were signed by Kilpatrick and no others.

Two debits from SunTrust Account # [REDACTED] were identified as being used for the personal benefit of Kilpatrick:

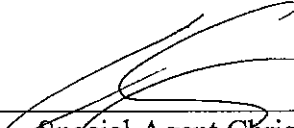
1. A wire transfer on December 14, 2016 in the amount of \$18,219.99 was accomplished by Kilpatrick, transferring funds to a Wells Fargo Bank Account # [REDACTED]. The description of the wire reflects "Freedom Financial Payment." **In response to a subpoena, Freedom Financial Network provided records reflecting receipt of this amount from Kilpatrick as a final payment on a consolidation loan obtained by Kilpatrick. This "Consolidation Plus" loan consolidated 5 consumer debts owed by Kilpatrick totaling \$34,789 yet negotiated a settlement for the amount of \$17,785.50 at 26% interest. Semi-monthly payments of \$426 for a total of 65 payments commenced on October 10, 2016, which was debited from Kilpatrick's personal bank account held with BB&T. The final payment wired from the SunTrust account held for the benefit of David Fouts on December 14, 2016 paid off this consolidation loan early, thus saving Kilpatrick thousands of dollars in interest on the loan.**
2. Check number 129 in the amount of \$7,572.49 made payable to Adams Cameron Title was signed by Kilpatrick on January 17, 2017. This check was converted to a cashier's check by SunTrust on January 17, 2017, payable to Adams Cameron Title. In response to a subpoena, Adams Cameron Title provided closing documents for the purchase of a new home located at [REDACTED] purchased by Kilpatrick. The amount needed to close on the purchase was \$7,572.49.

At the time of the transactions made by Kilpatrick, David Fouts was in the early stages of recovering from a motorcycle accident that left him with multiple injuries to include, a traumatic brain injury, skull fractures, open tibia fracture, closed femur fractures, rib fractures, scapular fracture, hematoma, pelvic fractures and he was required to be intubated. David Fouts suffered from cognitive, physical and mental limitations from his injuries. While David Fouts remained in critical condition, Kilpatrick was assigned and trusted to receive donations and assist the Fouts family with paying medical bills. While in the position of a sworn law enforcement officer, Kilpatrick ultimately used \$25,792.48 of funds donated to the Fouts family for her personal use and gain without the knowledge or permission of [REDACTED] or David Fouts.

Based on the above facts, statements and physical evidence provided, your Affiant has probable cause to believe and does believe that the above listed probable cause, all leads to the substantiation that defendant, **Kimberly Ann Kilpatrick**, has committed a violation of the laws of the State of Florida, to wit: for a violation of the laws of the State of Florida, to wit: **Grand Theft**, contrary to section **F.S.S. 812.014**, Florida Statutes, and **Exploitation of Disabled Adult**, contrary to section **F.S.S. 825.103**, Florida Statutes.

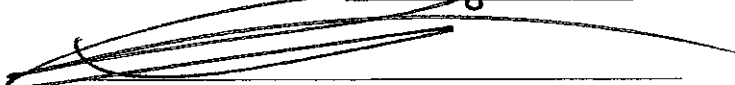
Your Affiant, Special Agent Chris Shephard (hereinafter referred to as Your Affiant) is a sworn Law Enforcement Officer employed by the Florida Department of Law Enforcement who is currently assigned to the FDLE Brevard Field Office. Your Affiant has over eighteen years of law enforcement experience, in conducting crimes against persons and property, some of which resulted in multiple arrests. Your Affiant is currently a law enforcement officer certified by the Florida Police Standards Board and has been a certified law enforcement officer in the state of Florida since 2004.

WHEREAS, your Affiant makes this affidavit and prays for the issuance of an Arrest Warrant with authority to effect the arrest of **Kimberly Ann Kilpatrick** for the violation of the laws of the State of Florida, to wit: **Grand Theft**, contrary to section **F.S.S. 812.014**, Florida Statutes, and **Exploitation of Disabled Adult**, contrary to section **F.S.S. 825.103**, Florida Statutes.



Special Agent Chris Shephard
Florida Department of Law Enforcement
Affiant

SWORN TO AND SUBSCRIBED BEFORE ME THIS 4th DAY OF May,
A.D. 2022 BY SPECIAL AGENT CHRIS SHEPHARD (Affiant) WHO IS PERSONALLY
KNOWN TO ME OR WHO PRODUCED Badge AS IDENTIFICATION.



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