

**STATE OF VERMONT
BOARD OF NURSING**

In re: Christopher W. Stewart
License No. 025-93701

}
}
}

Docket No. 2013-700(LPN)

Appearances:

Prosecuting the case: Gabriel Gilman
Respondent: Did not appear

Presiding Officer: Larry S. Novins

DEFAULT ORDER

The Board held a hearing on the above matter on June 9, 2014 at the Office of Professional Regulation Conference Room at the City Center in Montpelier, Vermont. Mr. Stewart did not attend and was not represented by counsel.

Findings of Fact

1. Mr. Stewart was licensed as a practical nurse and is therefore subject to the regulatory authority of this Board. 3 V.S.A. §§ 129, 129a, 814(d) expired people, 26 V.S.A. § 1582(a), the Administrative Rules of the Board of Nursing, and the Rules of the Office of Professional Regulation.
2. On February 18, 2014 Mr. Stewart was sent a Notice of Charges in this matter by certified mail to his last known address. A copy of the Specification of Charges is attached to this Default Order.
3. OPR Rule 3.3 requires that an Answer be filed within 20 days of the date on which the notice of charges was mailed by the Director.
4. Licensees are required to notify the Board of any change of address within 30 days. 3 V.S.A. § 129a(a)(14).
5. Mr. Stewart retained counsel to represent him in this matter. Counsel informed the prosecuting attorney that he would not file an answer in this matter and let the default proceed.
6. Mr. Stewart has not filed an answer to the charges.
7. Upon hearing the Prosecution's presentation and taking notice of its own file, the Board finds Mr. Stewart to be in Default. The allegations contained in the Specification of Charges are therefore treated as the facts on which the Board's Order is based. OPR Rule 3.4, 3 V.S.A. § 809(d), and 3 V.S.A. § 814(c).

Conclusions of Law

Mr. Stewart has received adequate or constructive notice of the charges in this matter as

indicated by the Board's file and the Prosecution's presentation. Because Mr. Stewart has failed to answer the charges, the factual allegations in the Stipulation and Consent Order are treated as if proved. O.P.R. Rule 3.4. Accordingly, the Board finds, in this Default Hearing held pursuant to 3 V.S.A. §809(d), that Mr. Stewart has engaged in the unprofessional conduct alleged in the Specification of Charges.

Order

In accordance with the above Findings of Fact and Conclusions of Law, Mr. Stewart's privilege to reinstate his expired license is hereby **Suspended Indefinitely**. Should Mr. Stewart apply for reinstatement, the Board at that time will determine whether any conditions can permit him to resume practice while protecting public health and safety.

Appeal Rights

This is a final administrative determination by the Vermont Board of Nursing.

A party aggrieved by a final decision of a board may appeal this decision by filing a written Notice of Appeal with the Director of the Office of Professional Regulation, Vermont Secretary of State, 89 Main St., Fl. 3, Montpelier, VT 05620-3402 within 30 days of the entry of this Order.

If an appeal is filed, the Director of the Office of Professional Regulation shall assign the case to an appellate officer. The review shall be conducted on the basis of the record created before the board. In cases of alleged irregularities in procedure before the board, not shown in the record, proof on that issue may be taken by the appellate officer. 3 V.S.A. §§ 129(d) and 130a.

To request a stay of the Board's decision, please refer to the attached stay instructions.

Vermont Board of Nursing

By:


Ellen Watson, APRN, Vice Chair

Date: June 9, 2014

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY:

6/9/14

STATE OF VERMONT
SECRETARY OF STATE
OFFICE OF PROFESSIONAL REGULATION
BOARD OF NURSING

IN RE:)
CHRISTOPHER W. STEWART)
License Nos. 025.0093701)

Docket No. 2013-700

SPECIFICATION OF CHARGES

Now comes the State of Vermont, by and through State Prosecuting Attorney Gabriel M. Gilman, and makes the following charges against the respondent, Christopher W. Stewart:

Board Authority

1. The Vermont Board of Nursing (the "Board") has jurisdiction to investigate and adjudicate allegations of unprofessional conduct committed by Nurses pursuant to 3 V.S.A. §§ 129, 129a; 26 V.S.A. Chapter 28; the Administrative Rules of the Board of Nursing ("ARBN"); and the Rules of the Office of Professional Regulation.

Statement of Facts

2. Christopher W. Stewart ("Respondent") of St. Albans, Vermont was licensed by the Board as a practical nurse under license number 025.0093701. The license was summarily suspended by Order of February 10, 2014.
3. At all times relevant, Respondent was employed a licensed practical nurse at the St. Albans Health and Rehabilitation Center (the "Facility").
4. Respondent diverted drugs and supplies from the Facility.
5. In early December 2013, Respondent resided with another traveling nurse employed at the Facility.
6. On or about December 10, 2013, Respondent's roommate observed a significant quantity of hypodermic needles, spoons, lighters, loose pills, fentanyl patches, and other drug paraphernalia inside Respondent's room in the shared residence. Some medication wrappers bore the names of Facility patients. The roommate contacted Facility administrators, who advised him to contact the police.
7. Respondent admitted to responding police that he had been a drug addict for nearly a decade. Respondent admitted diverting supplies from the Facility but insisted that he obtained drugs on the street.

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
89 Main Street
3rd Floor
Montpelier, VT
05620-3402

Violations

8. The above acts and circumstances, alone or in combination, violate:
- a. 26 V.S.A. § 1582(a)(3) (Is unable to practice nursing competently by reason of any cause) which includes performance of unsafe or unacceptable patient care pursuant to ARBN Rule 11.2(b)(1) and failure to conform to the essential standards of acceptable and prevailing nursing practice pursuant to ARBN Rule 11.2(b)(2);
 - b. 26 V.S.A. § 1582(a)(5) (Is habitually intemperate or is addicted to the use of habit-forming drugs);
 - c. 26 V.S.A. § 1582(a)(7) (Engages in conduct of a character likely to deceive, defraud, or harm the public) which includes diverting supplies, equipment, or drugs for personal or other unauthorized use pursuant to ARBN Rule 11.2(d)(4) and falsifying or altering clinical records or making inaccurate or misleading entries pursuant to ARBN Rule 11.2(d)(3);
 - d. 3 V.S.A. § 129a(a)(3) (Failing to comply with provisions of federal or state statutes or rules governing the practice of the profession); and
 - e. 3 V.S.A. § 129a(b)(1) and (2) (Failure to practice competently by reason of any cause on a single occasion or on multiple occasions may constitute unprofessional conduct, whether actual injury to a client, patient, or customer has occurred. Failure to practice competently includes: (1) performance of unsafe or unacceptable patient or client care; or (2) failure to conform to the essential standards of acceptable and prevailing practice).

Request for Relief

WHEREFORE, the license of Christopher W. Stewart should be revoked, suspended, reprimanded, conditioned, or otherwise disciplined.

DATED at Montpelier, Vermont this 13th day of February, 2014.

STATE OF VERMONT
SECRETARY OF STATE

By: _____

Gabriel M. Gilman
State Prosecuting Attorney



Prosecuting Attorney
Office of
Professional Regulation
89 Main Street
3rd Floor
Montpelier, VT
05620-3402

**STATE OF VERMONT
BOARD OF NURSING**

In re: Christopher W. Stewart
License No. 025-93701

}
}
}

Docket No. 2013-700(LPN)

**DECISION ON REQUEST FOR
SUMMARY SUSPENSION ORDER**

Appearances:

Prosecuting the case: Gabriel Gilman
for Respondent: did not appear

Presiding Officer: Larry S. Novins

**Summary Suspension Order
FINDINGS OF FACT, CONCLUSIONS OF LAW,
AND ORDER**

On February 10, 2014 this matter came before the Board of Nursing on a Request for a Summary Suspension. The hearing was held at the Office of Professional Regulation conference room at the City Center in Montpelier, Vermont. Mr. Stewart did not appear. The Board has authority to summarily suspend a license pending further action, if it determines that public health, safety, or welfare imperatively requires emergency action. 3 V.S.A. § 814(c).

Findings of Fact

Based on a Review of the pleadings and the file, and on evidence presented to the Board at the hearing, the Board finds:

1. Mr. Stewart was a licensed practical nurse. His license expired on January 31, 2014. He remains subject to the regulatory authority of this Board for any activities occurring while licensed. 3 V.S.A. §§ 129, 129a, 814(c), 26 V.S.A. § 1582(a), the Administrative Rules of the Board of Nursing, and the Rules of the Office of Professional Regulation. 3 V.S.A. § 814(c) permits the Board to summarily suspend a license if it finds that public health, safety, or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order.
2. The prosecutor has filed a "Request for Summary Suspension." A copy of the Request is attached to this Decision and Order. The Request alleges that Mr. Stewart possessed a significant quantity of hypodermic needles, spoons, lighters, loose pills, Fentanyl patches and other drug paraphernalia. Some had been taken from patients at the St. Albans Health and Rehabilitation Center and were not prescribed to Mr. Stewart.

3. Mr. Stewart admitted that he had been a drug addict for nearly a decade.
4. Mr. Stewart was charged with possession of drugs and was arraigned in the Franklin County Superior Court, Criminal Division on December 10, 2013. He was released on conditions 1,2,3, and 10 as well as an unsecured bond in the amount of \$2,500.
5. Mr. Stewart did not renew his license. It expired on January 31, 2014. He can not practice in the State of Vermont until or unless his license is reinstated. The licensing data base has a "warning" not to take any action to renew or reinstate his license without consulting the Executive Director of the Board of Nursing.
6. The Request for Summary Suspension further alleges that the public health, safety or welfare imperatively requires emergency action.
7. Notice of this hearing was sent to Mr. Stewart at his last known address via certified mail dated January 29, 2014. There is no indication of whether the notice was received or not received.
8. The Board finds for purposes of this hearing that Mr. Stewart has a serious drug addiction problem.
9. The allegations in the Request for Summary Suspension (copy attached) have been established to the necessary degree.
10. The evidence presented does imperatively require emergency action for the public health, safety, and welfare. Specifically, summary suspension is necessary to prevent Mr. Stewart from resuming practice in Vermont and to provide notice to other jurisdictions where he may be licensed. If he practices anywhere, patient harm is very likely to occur.

Conclusions of Law

Our Findings of Fact and Conclusions of Law in this Summary Suspension hearing are for purposes of deciding whether *at this time* there is an imperative need to take emergency action. 3 V.S.A. § 814(c). Our Findings of Fact and Conclusions of Law herein are for purposes of this Order only.

The Prosecutor's Request for a Summary Suspension is supported by the evidence presented. The Board concludes that the allegations in the Request for Summary Suspension have been established to the necessary degree. For purposes of this Summary Suspension Hearing, the Findings of Fact above do support Summary Suspension of Mr. Stewart's license. There is an imperative need to take emergency action. 3 V.S.A. § 814(c).

Vermont law requires that unprofessional charges be filed promptly with Mr. Stewart being afforded a prompt hearing. At any merits hearing in this matter, the prosecutor will bear the burden of proving unprofessional conduct. Our Findings and Conclusions in this matter will not absolve the prosecution or Mr. Stewart from producing or challenging relevant evidence at a merits hearing. The Findings of Fact and Conclusions of Law at a contested hearing will be based exclusively on the evidence admitted at that hearing.

Order

The Request for Summary Suspension is **Granted**. Mr. Stewart's privilege to reinstate or renew his license is summarily suspended pending proceedings for revocation or other action. These proceedings shall be promptly instituted and determined. 3 V.S.A. § 814(c).

APPEAL RIGHTS

This is a final administrative determination by the Vermont Board of Nursing.

A party aggrieved by a final decision of a board may appeal this decision by filing a written Notice of Appeal with the Director of the Office of Professional Regulation, Vermont Secretary of State, 89 Main Street, Fl. 3, Montpelier, VT 05620-3402 within 30 days of the entry of this order.

If an appeal is filed, the Director of the Office of Professional Regulation shall assign the case to an appellate officer. The review shall be conducted on the basis of the record created before the board. In cases of alleged irregularities in procedure before the board, not shown in the record, proof on that issue may be taken by the appellate officer. 3 V.S.A. §§ 129(d) and 130a. To request a stay of the Board's decision, please refer to the attached stay instructions.

Vermont Board of Nursing

By:

Jeanine Carr
Jeanine Carr, RN, Chair

Date: February 10, 2014

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 2/10/14

STATE OF VERMONT
SECRETARY OF STATE
OFFICE OF PROFESSIONAL REGULATION
BOARD OF NURSING

IN RE:

CHRISTOPHER W. STEWART
License Nos. 025.0093701

)
)
)

Docket No. 2013-700

PETITION FOR SUMMARY SUSPENSION

Now comes the State of Vermont, by and through State Prosecuting Attorney Gabriel M. Gilman, and petitions the Board to summarily suspend the license of Christopher W. Stewart, numbered 025.0093701:

Board Authority

1. The Vermont Board of Nursing (the "Board") has jurisdiction to investigate and adjudicate allegations of unprofessional conduct committed by Nurses pursuant to 3 V.S.A. §§ 129, 129a; 26 V.S.A. Chapter 28; the Administrative Rules of the Board of Nursing ("ARBN"); and the Rules of the Office of Professional Regulation.
2. The Board of Nursing is authorized by 3 V.S.A. § 814 to summarily suspend the license of a nurse when it finds that the public health, safety, or welfare imperatively requires emergency action.

Statement of Facts

3. Christopher W. Stewart ("Respondent") of St. Albans, Vermont is licensed by the Board as a practical nurse under license number 025.0093701.
4. At all times relevant, Respondent was employed a licensed practical nurse at the St. Albans Health and Rehabilitation Center (the "Facility").
5. Respondent diverted drugs and supplies from the Facility.
6. Those facts and circumstances set out in the December 10, 2013 affidavits of St. Albans Police Officer Michael E. Malinowski, Cpl. Holly B. Moore, and Sgt. Keith P. McMahon—attached hereto as Exhibits A, B, and C, respectively¹—are repeated and re-alleged as if fully set forth herein.

¹ Matter has been redacted with black marker to protect the privacy of third party witnesses. Unredacted copies of the affidavits are held on file and would have been provided to Respondent at his arraignment.

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
89 Main Street
3rd Floor
Montpelier, VT
05620-3402

7. In early December 2013, Respondent resided with another traveling nurse employed at the Facility.
8. On or about December 10, 2013, Respondent's roommate observed a significant quantity of hypodermic needles, spoons, lighters, loose pills, fentanyl patches, and other drug paraphernalia inside Respondent's room in the shared residence. Some medication wrappers bore the names of Facility patients. The roommate contacted Facility administrators, who advised him to contact the police.
9. Respondent admitted to responding police that he had been a drug addict for nearly a decade. Respondent admitted diverting supplies from the Facility but insisted that he obtained drugs on the street.
10. On December 10, 2013, Respondent was arraigned in the Franklin Criminal Division, on docket no. 1399-12-13 FrCr, and charged with narcotic possession in violation of 18 V.S.A. 4234(a)(1), a misdemeanor.

Violations

11. The above acts and circumstances, alone or in combination, violate:
 - a. 26 V.S.A. § 1582(a)(3) (Is unable to practice nursing competently by reason of any cause) which includes performance of unsafe or unacceptable patient care pursuant to ARBN Rule 11.2(b)(1) and failure to conform to the essential standards of acceptable and prevailing nursing practice pursuant to ARBN Rule 11.2(b)(2);
 - b. 26 V.S.A. § 1582(a)(5) (Is habitually intemperate or is addicted to the use of habit-forming drugs);
 - c. 26 V.S.A. § 1582(a)(7) (Engages in conduct of a character likely to deceive, defraud, or harm the public) which includes diverting supplies, equipment, or drugs for personal or other unauthorized use pursuant to ARBN Rule 11.2(d)(4) and falsifying or altering clinical records or making inaccurate or misleading entries pursuant to ARBN Rule 11.2(d)(3);
 - d. 3 V.S.A. § 129a(a)(3) (Failing to comply with provisions of federal or state statutes or rules governing the practice of the profession); and
 - e. 3 V.S.A. § 129a(b)(1) and (2) (Failure to practice competently by reason of any cause on a single occasion or on multiple occasions may constitute unprofessional conduct, whether actual injury to a client, patient, or customer has occurred. Failure to practice competently includes: (1) performance of unsafe or unacceptable patient or client care; or (2) failure to conform to the essential standards of acceptable and prevailing practice).

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
89 Main Street
3rd Floor
Montpelier, VT
05620-3402

12. The facts as set out above establish that emergency action is imperative to protect the public health, safety, or welfare of the people of the State of Vermont.

Request for Relief

WHEREFORE, pursuant to 3 V.S.A. § 814(c), the State of Vermont requests that the Board summarily suspend the Respondent's nursing license.

DATED at Montpelier, Vermont this 16th day of January, 2014.

STATE OF VERMONT
SECRETARY OF STATE

By: _____

Gabriel Gilman
State Prosecuting Attorney

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
89 Main Street
3rd Floor
Montpelier, VT
05620-3402



AFFIDAVIT

ST. ALBANS POLICE
CASE #: 13SA010428

STATE OF VERMONT
FRANKLIN COUNTY

Now Comes Officer Michael E. Malinowski, Affiant, being duly sworn and oath, deposes and says he has probable cause to believe that Christopher Stewart DOB: 05/01/1984 (hereinafter referred to as "defendant") has committed the offense of Depressant, Stimulant, and Narcotic Drugs; Possession, A violation of Title 18 VS 4234.

1. I am a full time certified police officer in the state of Vermont and have been since May 24th, 2013. I have been employed as a full time patrol officer for the St. Albans Police Department since November of 2012.

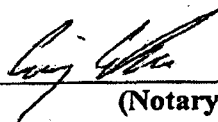
2. On December 10, 2013 at approximately 0207 hours, I was dispatched to 81 Fairfield Street apartment #3 in the city of St. Albans to speak with [REDACTED] (he will hereinafter be referred to as Paul) who advised that he had located a large quantity of hypodermic needles as well as a large amount of unmarked pills in his roommates room.

3. I arrived at the above residence and spoke with Paul and Stacey [REDACTED] (she will hereinafter be referred to as Stacey). Paul stated that he had returned home and could hear the Defendant's cat making noise in the Defendant's room. Paul entered the room and found the cat stuck in the Defendant's clothing drawer. Paul stated that when he entered the room to remove the cat that was stuck, he saw large quantities of hypodermic needles, unmarked prescription pills, spoons, and q-tips. He advised me that due to the quantity he called the St. Albans Police Department. Stacey also advised that she had entered the room and saw prescription medications that were not prescribed to the Defendant. I asked Stacey and Paul if they would be interested in writing sworn written statements which they both agreed to write.

4. Paul in a sworn written statement states and deposes the following: "I Paul [REDACTED] came home to 81 Fairfield St, and heard the cat moaning in the bedroom, after walking into the bedroom and seeing the cat in the dresser drawer. I opened the dresser and found multiple needles and percription drugs laying in the drawer. Fentinol Patches, and used needles filled boxes and drawers. Many persribtion drugs and hyperdermic needle came from SAHRC. Some medication has SAHRC Patients names on the Medication itself. I and a fellow coworker found multiple prescription drugs in the drawers, boxes, closets, and in cups around the bedroom. Also found in a suboxone strips in the room. We then

Subscribed and Sworn to before me on

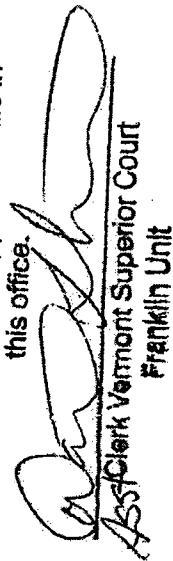
This 10 day of December 2013


(Notary Public)


(Affiant)

12/10/13
(Date)

12/14 Certified to be a true copy of original as the same appears on file in this office.


Ass't Clerk Vermont Superior Court
Franklin Unit

AFFIDAVIT

**ST. ALBANS POLICE
CASE #: 13SA010428**

**STATE OF VERMONT
FRANKLIN COUNTY**

Now Comes Officer Michael E. Malinowski, Affiant, being duly sworn and on oath, deposes and says he has probable cause to believe that Christopher Stewart DOB: 05/01/1984 (hereinafter referred to as "defendant") has committed the offense of Depressant, Stimulant, and Narcotic Drugs; Possession, A violation of Title 18 VSA 4234.

contacted SAHRC Administrators. After consulting with them we proceeded to call local PD. St. Albans PD arrived then took over seen."

5. Stacey in a sworn written statement states and deposes the following: "I was called to the downstairs apt by my co-worker paul. When I entered the apt., we went into the bed (Chris') room where paul had discovered drugs in a drawer. There were hypodermic used needles, various pills, a bottle of ativan intensol that ha a resident's name on from the nursing home where we work. Upon further inspection we discovered a cache of pills (hundreds), used needles in a detergent bottle, fentanyl patch wrappers, old fentanyl patches, im (intramuscular) neeleds, butterfly needlet, another drawer full of the same, a big taped box full of baggies of pills, drug paraphernalia that came from our place of employment. Needles were all used, q-tips, spoons, alcohol wipes, bloody rag, remnants of blood on needles, I was familiar with many of the drugs because I knew that they came from the nursing home as we use them daily- all the paraphernalia appeared to have come from nursing home- I don't think all the pills are from the home."

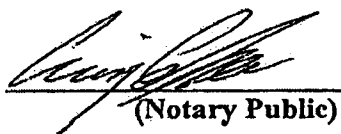
6. Sgt. McMahon arrived on scene and because the Defendant's door was left open, we were both able to see what appeared to be hypodermic needles and loose pills on the top of the dresser.

7. After speaking with Stacey and Paul, I seized the Defendant's room and Cpl. Moore stood guard outside the room preventing anyone from entering or exiting the room.

8. Sgt. McMahon and I went to St. Albans Health and Rehab to speak with the administrators who were awaiting our arrival and were already notified by Paul in regards to this incident. The administrators brought the Defendant to their office where Sgt. McMahon spoke with him. The Defendant when advised of the facts and circumstances consented to allowing the St. Albans Police Department search his room at 81 Fairfield Street apartment #3.

Subscribed and Sworn to before me on

This 10 day of December 2013


(Notary Public)


(Affiant)

12/10/13
(Date)

AFFIDAVIT

**ST. ALBANS POLICE
CASE #: 13SA010428**

**STATE OF VERMONT
FRANKLIN COUNTY**

Now Comes **Officer Michael E. Malinowski**, Affiant, being duly sworn and on oath, deposes and says he has probable cause to believe that **Christopher Stewart** DOB: **05/01/1984** (hereinafter referred to as "defendant") has committed the offense of **Depressant, Stimulant, and Narcotic Drugs; Possession**, A violation of Title 18 VSA 4234.

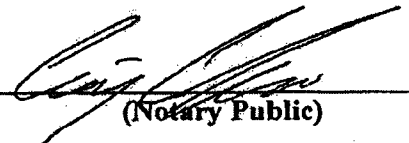
9. After being given consent to search, I drove back to 81 Fairfield Street apartment #3 where Cpl. Moore and I searched the Defendant's room. During the search Cpl. Moore and I took pictures of the evidence that was seized. The evidence seized was hypodermic needles, q-tips, spoons, and various quantities and types of prescription medication that was not prescribed to the Defendant. The actual types and quantities of each prescription medication will be in a supplemental affidavit.

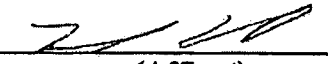
10. After seizing the evidence I advised Sgt. McMahon to place the Defendant under arrest and the Defendant was then transported to the St. Albans Police Department. Where the Defendant was processed and lodged at Northwestern Correctional Center.

11. Based on the above facts and circumstances I have reason to believe that the Defendant was in possession of the felony amount of depressant, stimulant, and narcotic drugs.

Subscribed and Sworn to before me on

This 10 day of December 2013


(Notary Public)


(Affiant)

12/10/13
(Date)

SUPPLEMENTAL AFFIDAVIT

ST. ALBANS POLICE
CASE #: 13SA010428

STATE OF VERMONT
FRANKLIN COUNTY

Now Comes Ofc. Michael E. Malinowski, Affiant, being duly sworn and on oath,
deposes and says.

After cataloging and identification of the unmarked pills, the following quantities and
drugs were identified:

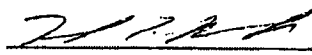
4 10 mg. Simvastatin
2 50 mg. Trazedine Hydrochloride
1 20 mg. Badofen
2 50 mg. Cennalax-S
6 .5 mg. Clonazepam
1 150 mg. Trazodone Hydrochloride
3 100 mg. Trazodone Hydrochloride
4 1 g. Sucralfate
2 300 mg. Clindamycin
7 500 mg. Metformin
2 1000 mg. Metformin Hydrochloride
1 5 mg. Amlodipine Besylate
1 20 mg. Lipitor Atorvastatin Calcium
1 60 mg. Diltiazem Hydrochloride
2 500 mg. Cephalexin
1 40 mg. Simvastatin
1 80 mg. Furosemide
4 10 mg. Atorvastatin Calcium
12 10 mg. Crestor
9 7.5 mg. Meloxicam Oral
6.5 30 mg. Mirtazapine Oral
5 875 mg. Omoxcillin
15 .5 mg. Ripiniroll Oral
1 1 mg. Risperidone
1 5 mg. Amlodipine
3 m 20 Klor-con
2 60 m-2 mL Ketorolac Tromethamine
4 10 mg. Memantine Hydrochloride
9 25/100 mg Carbidopa and Levodopa
1 7.5 mg Buspirone Hydrochloride

Subscribed and Sworn to before me on

This 18 day of December 20 13



(Notary Public)



(Affiant)

12/18/13

(Date)

SUPPLEMENTAL AFFIDAVIT

**ST. ALBANS POLICE
CASE #: 13SA010428**

**STATE OF VERMONT
FRANKLIN COUNTY**

Now Comes Ofc. Michael E. Malinowski, Affiant, being duly sworn and on oath,
deposes and says.

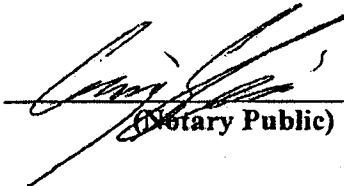
1 200 mg. Celebrex
7 300 mg. Lithium Carbonate
1 20 mg. Simvastatin
2 325mg. Actaminophen
3 1000 mg. Melformin Hydrochloride
1 600 mg. Gabapentin
1 750 mg. Levetiracetam
3 875/125 mg. Amoxicillin Clavulanate
3 500 mg. Levetiracetam
101 .5 mg. Amlodipine Besylate
2 .5 mg. Risperidone Oral
1 40 mg. Paroxetine Hydrochloride
2 10 mg. Desipramine Hydrochloride
1 5 mg. Namenda
1 750 mg. Levetiracetam
2 150 mg. Pradaxa

Total number of pills: 245

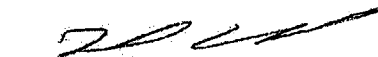
The drugs were tagged and placed into evidence for storage.

Subscribed and Sworn to before me on

This 10 day of December 2013



(Notary Public)



(Affiant)

12/10/13

(Date)

Paranco Printers NYC M490

State's Exhibit

B

Case: 13SA010428

- Subscribed and Sworn to before me on**

B. Moore
(Affiant).

12-10-13
(Date)

**SUPPLEMENTAL AFFIDAVIT
ST. ALBANS POLICE STATE OF VERMONT
FRANKLIN COUNTY**

NOW COMES Corporal Holly B. Moore, Affiant, being duly sworn and on oath, deposes and says:

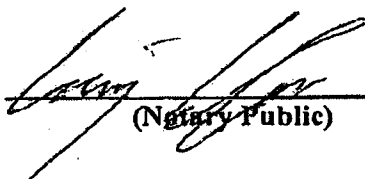
6.) I found a vast amount of what appeared to be patient's daily report sheets in Stewart's closet. These were also seized and packaged as evidence.

7.) The Consent Search of Stewart's bedroom was concluded at approximately 0410 hours. All evidence was transported to St. Albans Police Department and logged into Evidence. This ended my involvement in this case.

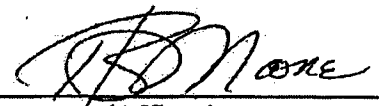
8.) Stewart was lodged at Northwest State Correctional Facility in St. Albans, VT pending arraignment. Bail was set at \$10,000 by the Honorable James Crucitti.

Subscribed and Sworn to before me on

This 10th day of December 2013



(Notary Public)



(Affiant)

12-10-13

(Date)

SUPPLEMENTAL AFFIDAVIT

ST. ALBANS CITY POLICE

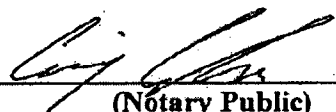
STATE OF VERMONT
FRANKLIN COUNTY

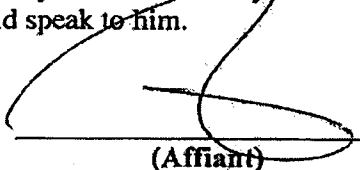
Now Comes Sergeant Keith P. McMahon, Affiant, being duly sworn and on oath, deposes and says.

1. On 12/10/2013 at approximately 0207 hours the St. Albans Police Department received a complaint of drugs in a residence at 81 Fairfield Street #3 in the City of St. Albans.
2. The complaint that we received was that a roommate of a male who worked at St. Albans Health and Rehab had found drugs in a rented bedroom dresser drawer.
3. Paul [REDACTED] advised that he is roommates with Christopher Stewart, DOB: 05/01/1984. He advised that they were both traveling nurses at St. Albans Health and Rehab. He advised that Stewart was currently at work and he was at their residence. He advised that during the evening he heard a cat that resides in the residence moaning in Stewart's bedroom so he went to investigate. He learned that the cat somehow had gotten stuck in Stewart's dresser drawer so he opened it to retrieve the cat. In doing so, he observed a very large amount of prescription medication and syringes that he knows Stewart is not prescribed. At that time he immediately contacted his administrator at St. Albans Health and Rehab to notify them of his findings. They immediately advised him to file a complaint with the Police.
4. Officer Malinowski went to speak to [REDACTED] at the residence. On arrival he learned that [REDACTED] had not touched any of the medication. Officer Malinowski did not enter the bedroom and contacted me via telephone to advise me of his findings. He advised that he could see a large amount of syringes and drug wrappers. I advised him to get a sworn written statement from [REDACTED] and I would be up to assist him. On arrival I entered the residence and was showed where the bedroom was. I observed that the door was open and I could see a large amount of drug paraphernalia sitting on the dresser. This included syringes and drug wrappers.
5. At that time I asked Cpl. Moore of the St. Albans Police Department to come to the scene and seize the bedroom. We were notified by dispatch that the administration staff called to advise that they were in route to St. Albans Health and Rehab to meet with us in regards to Stewart. They advised that they wanted to relieve him of his duties this evening so we could speak to him.

Subscribed and Sworn to before me on

This 10 day of December 2013


(Notary Public)


(Affiant)
12/10/13
(Date)

SUPPLEMENTAL AFFIDAVIT

ST. ALBANS CITY POLICE

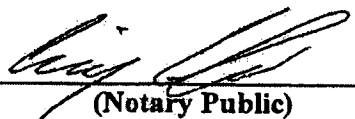
STATE OF VERMONT
FRANKLIN COUNTY

Now Comes Sergeant Keith P. McMahon, Affiant, being duly sworn and on oath, deposes and says.

6. At this time Officer Malinowski and I went to St. Albans Health and Rehab to meet with the staff and Stewart. We met with staff and they advised us that recently they have had an issue with medication that has been coming up missing. At this time they had no knowledge of who might have been taking the medication.
7. After speaking with staff they got Stewart and escorted him to an office so that we could speak to him. I asked him if he knew why we might be speaking to him and he advised that he had not idea.
8. I advised him of the complaint that we had received and asked him if that refreshed his memory. He advised me that he had been taking some syringes from the Rehab Center but advised that he had not been taking any prescription drugs. I advised him that because of the complaint that we received I wanted consent to search his bedroom. Stewart agreed to give me written consent to search his bedroom.
9. At that time Officer Malinowski went to the residence located at 81 Fairfield Street #3 to assist Cpl. Moore in searching the bedroom while I stayed with Stewart. After Officer Malinowski left St. Albans Health and Rehab I spoke to Stewart. He was adamant there were no illegal drugs in his bedroom. I asked him if he had a drug problem and he told me that he had been an addict for the better part of 10 years. He advised me that he did have some empty narcotic packages in his room but that it was all drugs that he had purchased on the "street." He advised me that he mainly cooks and "shoots up" most of the time. Stewart advised me that he was a traveling LPN and that he was scheduled to leave on December 28 2013 due to his contract expiring. He advised me that he had "re-upped" his stay at St. Albans Health and Rehab but that now he would probably just go home to Oklahoma where he is from.
10. After a short time Officer Malinowski advised me that they were done searching and that he had found large amount of medication that was not prescribed to him. At that time I took Stewart into custody and transported him to the St. Albans Police Department to be processed.

Subscribed and Sworn to before me on

This 10 day of December 2013


(Notary Public)


(Affiant)

12/10/13
(Date)

SUPPLEMENTAL AFFIDAVIT

ST. ALBANS CITY POLICE

**STATE OF VERMONT
FRANKLIN COUNTY**

Now Comes Sergeant Keith P. McMahon, Affiant, being duly sworn and on oath,
deposes and says.

11. After arriving at the station I read Stewart his Miranda right which he exercised his right to an attorney and refused to speak to me. At that time he was secured in a holding cell. After securing him I assisted Officer Malinowski with cataloging and identifying the medication. This ended my involvement.

Subscribed and Sworn to before me on

This 10 day of December 20 13



(Notary Public)



(Affiant)

12 / 10 / 13

(Date)