

**7th. Judicial Circuit 707  
Charging Affidavit - FLAGLER**

Arrest # \_\_\_\_\_

Bk # \_\_\_\_\_

Pg #1 of 5

ARREST <input type="checkbox"/> NOTICE TO APPEAR <input type="checkbox"/> AFFIDAVIT <input checked="" type="checkbox"/> C.C. <input type="checkbox"/>		ADULT <input checked="" type="checkbox"/> JUVENILE <input type="checkbox"/>		Court Case Number: <b>21-810 CF</b>	
(ORI) FL: 0 1 8 0 0 0 0		Agency Name: <b>Flagler County Sheriff's Office</b>		Agency Case Number: <b>2021-00085447</b>	
FCIC/NCIC Check? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		OBTS#		UCR:	Date Arrested: <b>09/13/2020</b>
ADDRESS OF ARREST:		Arrested By: <b>Scalia Sarah</b>		ID Number: <b>720</b>	
<b>DEFENDANT</b> Name (L.F.N.): <b>GIDDENS, NYSEAN, DWIGHT</b>		A.K.A.:		Sex: <b>Male</b>	Race: <b>BLACK</b>
DOB: <b>12/16/1997</b>	Age: <b>23</b>	Driver's Lic/ID No.: <b>G352624974560</b>	State: <b>Florida</b>	Year Expires: <b>2021</b>	S.S. #:
Height: <b>6.6.0</b>	Weight:	Hair: <b>BROWN</b>	Eyes: <b>BROWN</b>	POB (City, St, Country):	Statement: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Scars, Marks, Tattoos:	Business & Occupation:		Citizenship: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
Probation: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Sexual Predator: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	English: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Deaf/Mute: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
Address-Mailing/Permanent (STREET, APT. NUMBER) <b>502 S CHERRY ST</b>		(CITY) <b>BUNNELL</b>	(STATE) <b>Florida</b>	ZIPCODE <b>32110</b>	RESIDENCE PHONE
Address-Local (STREET, APT. NUMBER) <b>502 CHERRY ST</b>		(CITY) <b>BUNNELL</b>	(STATE) <b>Florida</b>	ZIPCODE <b>32110</b>	RESIDENCE PHONE <b>(352)215-9792</b>
Address-Other(Employer/School) (STREET, APT. NUMBER)		(CITY)	(STATE)	ZIPCODE	BUS/SCHOOL PHONE
<b>CHARGES</b>		DOMESTIC VIOLENCE YES <input type="checkbox"/> NO <input type="checkbox"/> Attachments: Affidavit(s) <input type="checkbox"/> Statement(s) <input type="checkbox"/> NTA Schedule <input type="checkbox"/> Report <input type="checkbox"/> Traffic Infraction(s) <input type="checkbox"/> DUI <input type="checkbox"/>			Total Charges: <b>1</b>
#1	Charge: <b>MANSLAUGHTER - VOLUNTARY</b>	FEL <input checked="" type="checkbox"/> MISD <input type="checkbox"/> ORD <input type="checkbox"/>	FS/ORD: <b>782.07.1</b>	Citation No.:	Bond:
#2	Charge:	FEL <input type="checkbox"/> MISD <input type="checkbox"/> ORD <input type="checkbox"/>	FS/ORD:	Citation No.:	Bond:
#3	Charge:	FEL <input type="checkbox"/> MISD <input type="checkbox"/> ORD <input type="checkbox"/>	FS/ORD:	Citation No.:	Bond:
<b>CO-DEFENDANT</b>		Co-Def #1. Arrested? Y <input type="checkbox"/> N <input type="checkbox"/> Fel <input type="checkbox"/> Misd. <input type="checkbox"/> Traf. <input type="checkbox"/> Ord. <input type="checkbox"/> NTA <input type="checkbox"/>		Co-Def #2. Arrested? Y <input type="checkbox"/> N <input type="checkbox"/> Fel <input type="checkbox"/> Misd. <input type="checkbox"/> Traf. <input type="checkbox"/> Ord. <input type="checkbox"/> NTA <input type="checkbox"/>	
#1 NAME(L.F.N.):		Race:	Sex:	DOB:	Age:
#2 NAME(L.F.N.):		Race:	Sex:	DOB:	Age:
<b>NARRATIVE</b>					
The undersigned certifies and swears that there is a probable cause to believe the above names defendant, on the <u>13th</u> day of <u>September</u> , 2020, at approximately <u>08:17</u> <u>X</u> A.M. <u></u> P.M. at <u>18 Utrillo PL</u> within <u>Flagler</u> County, violated the law and did then and there.					
On September 13, 2020, at approximately 8:17 AM, Flagler County Sheriff's Office (FCSO) Communications received a 911 call from Autumn Smith stating that her boyfriend, Shaun Callahan, was cold to the touch and was not breathing. At approximately 8:19 AM, FCSO Deputies and EMS arrived at the residence and located Shaun in a bed, unresponsive, with rigor mortis and lividity present. At 8:27 AM, Shaun was pronounced deceased by Flagler County Fire Rescue (FCFR) Engine 92 Paramedic Price.					
Deputy Robert Lewis observed a cell phone on the bed next to Shaun's body. Deputy Lewis also located a white powdery substance arranged in a line, surrounded by two lighters and covered by a wallet. Deputy Lewis					
Supervisor Approved: <b>Miller, Michael David 08/11/2021</b>					
<b>NOTICE TO APPEAR</b>		MANDATORY APPEARANCE <input type="checkbox"/>	YOU NEED NOT APPEAR IN COURT BUT MUST COMPLY WITH INSTRUCTIONS ON THE REVERSE SIDE OF YOUR COPY <input type="checkbox"/>		FINE AND COSTS AMOUNT:
I AGREE TO APPEAR IN COURT HEREIN TO ANSWER THE OFFENSE CHARGED OR TO PAY THE FINE INDICATED. I UNDERSTAND THAT SHOULD I WILLFULLY FAIL TO APPEAR BEFORE THE COURT AS REQUIRED, OR PAY THE LISTED FINE, I MAY BE HELD IN CONTEMPT OF COURT AND A WARRANT FOR MY ARREST WILL BE ISSUED.					
SIGNATURE OF DEFENDANT		DATE	RELATIONSHIP TO JUVENILE	Juve Disp.	CITATION No.
Sworn to and subscribed before me, the undersigned		I swear/affirm the above statements are correct and true.			Rt Thumb
This <u>11</u> day of <u>Aug</u> , 2021		<b>Det. Scalia #720</b>			
Name: <b>Det. Scalia #679</b>		OFFICER'S/COMPLAINANT'S SIGNATURE			
Notary Public <input type="checkbox"/> Law Enforcement or Corrections Officer <input checked="" type="checkbox"/>		NAME(PRINTED)	ID NUMBER		
Personally Known <input type="checkbox"/> Produced Identification <input type="checkbox"/>		<b>Det. Scalia</b>	<b>720</b>		
Type of Identification:					
<b>OFFICIAL USE ONLY</b>		Inmate Number & facility:			

707 - COURT COPY

# Witness/Victim/Evidence Form 707-A

Arrest  
 Affidavit  
 Notice to Appear  
 Adult  
 Juvenile

Court Case Number:

Defendant Name: <b>GIDDENS, NYSEAN, DWIGHT</b>		Agency Case Number: <b>2021-00085447</b>	
Name (L,F,M): <b>CALLAHAN, SHAUN, JAMES</b>	Vic <input checked="" type="checkbox"/> Wit <input type="checkbox"/>	Race: <b>WHITE</b>	Sex: <b>M</b> <input checked="" type="checkbox"/> <b>F</b> <input type="checkbox"/>
Address (#, Street, City, State): <b>18 UTRILLO PL PALM COAST, Florida</b>		Zip: <b>32164</b>	Age: <b>37</b> DOB: <b>10/30/1983</b> SSN: <b>--</b>
Bus/School Address:		Home Phone: <b>(000)000-0000</b>	Statement: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Relative/Contact Name:		Relative/Contact Address:	Bus. Phone:
Name (L,F,M):		Vic <input type="checkbox"/> Wit <input type="checkbox"/>	Race:
Address (#, Street, City, State):		Sex: <b>M</b> <input type="checkbox"/> <b>F</b> <input type="checkbox"/>	Age:    DOB:    SSN:
Bus/School Address:		Zip:	Home Phone:    Statement: Yes <input type="checkbox"/> No <input type="checkbox"/>
Relative/Contact Name:		Relative/Contact Address:	Bus. Phone:    Phone:
Name (L,F,M):		Vic <input type="checkbox"/> Wit <input type="checkbox"/>	Race:
Address (#, Street, City, State):		Sex: <b>M</b> <input type="checkbox"/> <b>F</b> <input type="checkbox"/>	Age:    DOB:    SSN:
Bus/School Address:		Zip:	Home Phone:    Statement: Yes <input type="checkbox"/> No <input type="checkbox"/>
Relative/Contact Name:		Relative/Contact Address:	Bus. Phone:    Phone:
Name (L,F,M):		Vic <input type="checkbox"/> Wit <input type="checkbox"/>	Race:
Address (#, Street, City, State):		Sex: <b>M</b> <input type="checkbox"/> <b>F</b> <input type="checkbox"/>	Age:    DOB:    SSN:
Bus/School Address:		Zip:	Home Phone:    Statement: Yes <input type="checkbox"/> No <input type="checkbox"/>
Relative/Contact Name:		Relative/Contact Address:	Bus. Phone:    Phone:
Name (L,F,M):		Vic <input type="checkbox"/> Wit <input type="checkbox"/>	Race:
Address (#, Street, City, State):		Sex: <b>M</b> <input type="checkbox"/> <b>F</b> <input type="checkbox"/>	Age:    DOB:    SSN:
Bus/School Address:		Zip:	Home Phone:    Statement: Yes <input type="checkbox"/> No <input type="checkbox"/>
Relative/Contact Name:		Relative/Contact Address:	Bus. Phone:    Phone:
Name (L,F,M):		Vic <input type="checkbox"/> Wit <input type="checkbox"/>	Race:
Address (#, Street, City, State):		Sex: <b>M</b> <input type="checkbox"/> <b>F</b> <input type="checkbox"/>	Age:    DOB:    SSN:
Bus/School Address:		Zip:	Home Phone:    Statement: Yes <input type="checkbox"/> No <input type="checkbox"/>
Relative/Contact Name:		Relative/Contact Address:	Bus. Phone:    Phone:
Name (L,F,M):		Vic <input type="checkbox"/> Wit <input type="checkbox"/>	Race:
Address (#, Street, City, State):		Sex: <b>M</b> <input type="checkbox"/> <b>F</b> <input type="checkbox"/>	Age:    DOB:    SSN:
Bus/School Address:		Zip:	Home Phone:    Statement: Yes <input type="checkbox"/> No <input type="checkbox"/>
Relative/Contact Name:		Relative/Contact Address:	Bus. Phone:    Phone:
<b>EVIDENCE COLLECTED</b>			
Description of Evidence <b>SEE EVIDENCE SHEETS</b>		Date Recovered <b>09/13/2020</b>	Model Serial/I.D. Number
Owner(Name)	(Address)	(Phone)	Drug Amount
Description of Evidence		Date Recovered	Model Serial/I.D. Number
Owner(Name)	(Address)	(Phone)	Value
Description of Evidence		Date Recovered	Model Serial/I.D. Number
Description of Evidence		Date Recovered	Model Serial/I.D. Number
Description of Evidence		Date Recovered	Model Serial/I.D. Number
Description of Evidence		Date Recovered	Model Serial/I.D. Number
Description of Evidence		Date Recovered	Model Serial/I.D. Number
Description of Evidence		Date Recovered	Model Serial/I.D. Number
Description of Evidence		Date Recovered	Model Serial/I.D. Number
Description of Evidence		Date Recovered	Model Serial/I.D. Number
Description of Evidence		Date Recovered	Model Serial/I.D. Number

Unofficial Document

I certify that the foregoing is a complete list of witnesses/victims & evidence known to me.

Det. S. Scalia      720  
Investigating Officer      ID Number

FCSO  
Agency

**Narrative 707-B Supplement**

Arrest  
 Affidavit  
 Notice to Appear

Adult  
 Juvenile

Court Case Number:

Defendant Name: <b>GIDDENS, NYSEAN DWIGHT</b>		Agency Case Number: <b>2021-00085447</b>			
<b>CHARGES</b>	DOMESTIC VIOLENCE? YES <input type="checkbox"/>	Attachments: Affidavit(s) <input type="checkbox"/> Statement(s) <input type="checkbox"/> NTA Schedule <input type="checkbox"/> Report <input type="checkbox"/> Traffic Infraction(s) <input type="checkbox"/>			
#	Charge:	FEL <input type="checkbox"/> MISD <input type="checkbox"/> ORD <input type="checkbox"/>	FS/ORD:	Citation No:	Bond:
#	Charge:	FEL <input type="checkbox"/> MISD <input type="checkbox"/> ORD <input type="checkbox"/>	FS/ORD:	Citation No:	Bond:
#	Charge:	FEL <input type="checkbox"/> MISD <input type="checkbox"/> ORD <input type="checkbox"/>	FS/ORD:	Citation No:	Bond:

initiated a crime scene and crime scene log.

Corporal George Hristakopoulos was notified of the death and he, Detective Agustin Rodriguez, and Detective Sarah Scalia responded to the residence to investigate Shaun's death. Crime Scene Investigator Laura McKinlay also responded.

Detectives spoke with Shaun's parents, Charles and Jackie Callahan, and girlfriend, Autumn. Autumn stated she last heard from Shaun on September 12, 2020 around 9 PM when they spoke over the phone. The morning of September 13, 2020, Autumn was scheduled to work at Publix and Shaun was supposed to meet her there to pick up their child. Shaun never arrived and Autumn grew concerned when Shaun did not answer the phone. Autumn drove to 18 Utrillo Place and upon entering Shaun's room, she found him lying on his bed, slumped over, cold to the touch and not breathing. Autumn called for help from Shaun's parents and called 911.

Shaun resided with his parents. Charles and Jackie stated they last saw Shaun on September 12, 2020 around 10 PM. Shaun was in the US Army and uses the VA for medical care. Charles and Jackie were unaware of any health issues Shaun had or any diagnoses. Charles and Jackie told Detective Scalia they found Shaun partially sitting up in his bed, slumped over to the right. Jackie stated that Shaun seemed healthy and happy and was making plans for his future. Charles, Jackie, and Autumn all stated they did not alter or remove anything from Shaun's room after calling 911. Autumn stated she knew Shaun used cocaine, but he was "trying to stop". Autumn was familiar with a few people that Shaun would purchase cocaine from and provided that information to Detective Rodriguez.

Charles and Jackie provided verbal consent for detectives to search Shaun's room for any evidence of what caused his death. CSI L. McKinlay took digital photographs. Detective Rodriguez and Detective Scalia searched Shaun's room. During the search, the white powdered substance was located, and various non-narcotic prescriptions were located. This white powdered substance was tested and was found presumptive positive for the presence of fentanyl. This white powdered substance was later submitted to the Florida Department of Law Enforcement (FDLE) Crime Laboratory for chemical analysis for testing. Detectives later received an FDLE lab report stating the white powdered substance located in Shaun's bedroom was "Fentanyl (One or more additional components were present but not identified)".

Detective Rodriguez collected Shaun's cell phone, a white iPhone within a white protective case, for use in the investigation. No other items of evidentiary value were located within Shaun's room during this search.

Detectives later received a Medical Examiner Report for Shaun Callahan that listed the cause of death as Fentanyl Toxicity. The Medical Examiner Report also states that the concentration of fentanyl in Shaun's blood

Sworn to and subscribed before me, the undersigned this <u>11</u> day of <u>August</u> , 2021	I swear/affirm the above statements are correct and true.	Right thumb
Name: <u>Det. [Signature] #679</u>	<u>Det. S. Scalia #720</u> OFFICER'S/COMPLAINANT'S SIGNATURE	
Notary Public <input type="checkbox"/> Law Enforcement Officer <input checked="" type="checkbox"/> Personally known <input type="checkbox"/> Produced Identification <input type="checkbox"/>	NAME (PRINTED) <u>Detective S. Scalia</u>	ID NUMBER <u>720</u>
Type of Identification:		

707-B - COURT COPY

**Narrative 707-B  
Supplement**

Arrest  
 Affidavit  
 Notice to Appear

Adult  
 Juvenile

Court Case  
Number:

Page # 4 of 5

Defendant Name: <b>GIDDENS, NYSEAN DWIGHT</b>		Agency Case Number: <b>2021-00085447</b>	
<b>CHARGES</b>	DOMESTIC VIOLENCE? YES <input type="checkbox"/>	Attachments: Affidavit(s) <input type="checkbox"/> Statement(s) <input type="checkbox"/> NTA Schedule <input type="checkbox"/> Report <input type="checkbox"/> Traffic Infraction(s) <input type="checkbox"/>	Total Charges:
#	Charge:	FEL <input type="checkbox"/> MISD <input type="checkbox"/> ORD <input type="checkbox"/>	FS/ORD: Citation No: Bond:
#	Charge:	FEL <input type="checkbox"/> MISD <input type="checkbox"/> ORD <input type="checkbox"/>	FS/ORD: Citation No: Bond:
#	Charge:	FEL <input type="checkbox"/> MISD <input type="checkbox"/> ORD <input type="checkbox"/>	FS/ORD: Citation No: Bond:

is 14ng/mL.

FCSO Detective Fiona Ebrill was able to utilize digital forensic software to access Shaun's cell phone. Once inside the phone, there were several messages from someone with the nickname "Duke". Through investigative techniques, the phone number for Duke was found to belong to a Nysean Giddens from Bunnell. On September 12, 2020, Shaun and Nysean were communicating via text message. The following conversation was discovered regarding the sale and delivery of narcotics.

- Around 8:30 PM, Shaun asked Nysean, "you got a decent 60?"
- Nysean replied, "yea bro". There was discussion about payment. Shaun asked if it was "chunk".
- Nysean told Shaun he was on the way and Shaun replied, "aight putting cash in box thx man".
- Shaun asked Nysean to turn his lights off and asked, "...is it better same or worse?"
- At approximately 10:20 PM, Nysean texted Shaun "turning".
- At 10:29 PM, Shaun texted Nysean, "good?" and Nysean replied, "Yea".
- At 10:42 PM, Shaun texted Nysean, "can't get that chunk anymore huh everybody running out or what". Nysean replied, "Yea bro that chunk high and hard yo find but saving my money up to deal with my brother ppl...I need big money to go see him lol"

No other communications were located on September 12, 2020, between Shaun and any other person about the purchase, sale, delivery, or use of narcotics, besides his communications with Nysean.

Detective Rodriguez was able to assume the decedent's identity and set up a repeat purchase with Nysean in the parking lot of the Tractor Supply, located at 250 Belle Terre Boulevard, Palm Coast. Other FCSD Detectives and Deputies assisted with the operation. Corporal Finn positively identified the driver of a silver Chevrolet Equinox as Nysean Giddens. During a search incident to arrest of the Chevrolet Equinox, Detective Rodriguez located a white Apple iPhone with a cracked screen on top of the center console. Detective Rodriguez also used Shaun's cell phone to call "Duke" and the white Apple iPhone with the cracked screen began to ring. Shaun's name was displayed on the white Apple iPhone with the cracked screen. This confirmed that Duke was in fact Nysean.

Detective Rodriguez read Nysean his Miranda warnings from a 7th Judicial Circuit Miranda Rights Card. Nysean stated that he understood his rights and agreed to speak with detectives. Detective Rodriguez, Corporal Finn, and Detective Scalia spoke with Nysean roadside, where he admitted to selling narcotics to Shaun the night before. Nysean believed he delivered cocaine to Shaun and left it in his mailbox at his residence.

Sworn to and subscribed before me, the undersigned this <u>11</u> day of <u>August</u> , 2021	I swear/affirm the above statements are correct and true.	Right thumb
Name: <u>Det. [Signature] #679</u>	<u>Det. [Signature] #720</u> OFFICER'S/COMPLAINANT'S SIGNATURE	
Notary Public <input type="checkbox"/> Law Enforcement Officer <input checked="" type="checkbox"/> Personally known <input type="checkbox"/> Produced Identification <input type="checkbox"/>	NAME (PRINTED) <u>Detective S. Scalia</u>	ID NUMBER <u>720</u>
Type of Identification:		

707-B - COURT COPY

**Narrative 707-B  
Supplement**

Arrest  
 Affidavit  
 Notice to Appear

Adult  
 Juvenile

Court Case  
Number:

Page # 5 of 5

Defendant Name: <b>GIDDENS, NYSEAN DWIGHT</b>	Agency Case Number: <b>2021-00085447</b>
--	---

<b>CHARGES</b>	DOMESTIC VIOLENCE? YES <input type="checkbox"/>	Attachments: Affidavit(s) <input type="checkbox"/> Statement(s) <input type="checkbox"/> NTA Schedule <input type="checkbox"/> Report <input type="checkbox"/> Traffic Infraction(s) <input type="checkbox"/>	Total Charges:
----------------	---	---	----------------

#	Charge:	FEL <input type="checkbox"/> MISD <input type="checkbox"/> ORD <input type="checkbox"/>	FS/ORD:	Citation No:	Bond:
#	Charge:	FEL <input type="checkbox"/> MISD <input type="checkbox"/> ORD <input type="checkbox"/>	FS/ORD:	Citation No:	Bond:
#	Charge:	FEL <input type="checkbox"/> MISD <input type="checkbox"/> ORD <input type="checkbox"/>	FS/ORD:	Citation No:	Bond:

Nysean was initially deceitful, but later admitted that he had a small amount of "cocaine" hidden "under [his] balls." Eventually, a small baggy (wrapped in cellophane) containing a quantity of a white powdery substance was recovered from Nysean's underpants.

Detective Rodriguez advised Nysean that Shaun passed away of an overdose on the narcotics sold to him by Nysean. Nysean then made further admissions in court. Nysean confirmed that the person he sold what he believed was cocaine to was Shaun Callahan. Nysean stated "I didn't know man" and "I did that myself". Nysean stated that he felt his life was over and "I didn't know". Nysean stated he did not know that there was fentanyl in the substance he delivered to Shaun. Nysean believed the substance he delivered to Shaun was cocaine.

Unofficial Document

Based on the above investigation, there is probable cause to believe that Nysean Dwight Giddens, did by his or her own act, procurement, or culpable negligence, kill the victim, Shaun Callahan, by obtaining and delivering to his residence, a substance containing fentanyl, which caused the death of the victim without lawful justification and under circumstances not constituting excusable homicide or murder, contrary to Florida Statute 782.07. (2 DEG FEL)

Sworn to and subscribed before me, the undersigned this <u>11</u> day of <u>August</u> , 2021	I swear/affirm the above statements are correct and true.	Right thumb
Name: <u>Det. [Signature] #679</u>	<u>Det Scalia #720</u> OFFICER'S/COMPLAINANT'S SIGNATURE	
Notary Public <input type="checkbox"/> Law Enforcement Officer <input checked="" type="checkbox"/> Personally Known <input type="checkbox"/> Produced Identification <input type="checkbox"/>	NAME (PRINTED): <u>Detective S. Scalia</u>	ID NUMBER: <u>720</u>
Type of Identification:		

707-B - COURT COPY