



REDACTED COPY



**ISP CASE NUMBER 24ISPC011536**  
**AMENDED**  
**SEARCH WARRANT 1**

**Probable Cause Affidavit**  
**LIST OF PROPERTY, OBJECTS, THINGS,**  
**INFORMATION OR PERSONS SEIZED OR PRODUCED**  
**AFFIDAVIT**

STATE OF INDIANA            )  
   ) SS:  
 COUNTY OF DUBOIS         )

IN THE MATTER OF         )  
 A REQUEST FOR THE        )

ISSUANCE OF A             )  
 SEARCH WARRANT         )

IN THE DUBOIS COUNTY  
 SUPERIOR COURT

CAUSE NUMBER:  
19D01-2410-MC-001127

Lieutenant Jeffrey C. Hearon, of the Indiana State Police Department, swears or affirms that he believes and has probable cause to believe that certain documents, hereinafter described is concealed in, or upon, the following described property, to wit:

**Delta Airlines**  
**Attention: Legal Department**  
**1030 Delta Boulevard**  
**Atlanta, GA 30354-1989**

The property or data to be seized or documented, which constitutes unlawfully obtained property, contraband, property used or possessed with the intent to use in the commission or concealment of an offenses of official misconduct and theft is described as follows:

**Any and all billing and account information dated May 1, 2023 – October 5, 2024, including but not limited to the following: flight history, itinerary, reservation information, subscriber information, “SkyMiles” Accounts, purchase history, refund history, statements, payment history, including canceled checks, bank account numbers, wire transfers, Automated**

**Clearing House (ACH) Payments, Electronic Funds Transfer (EFT), credit card numbers, correspondences, mailing addresses, and email addresses for the following people:**

1. **Thomas "Tom" J. Kleinhelter**  
575 N Weisheit Drive, Jasper, IN 47546

██████████ ██████████

**Gender: Male**

██████████ ██████████

2. **Angela "Angie" Kleinhelter**  
575 N Weisheit Drive, Jasper, IN 47546

██████████ ██████████

**Gender: Female**

██████████ ██████████

STATEMENT OF PROBABLE CAUSE

**Affiant's Experience:**

I, Indiana State Police Lieutenant Jeffrey C. Hearon, being a duly sworn peace officer for the State of Indiana, have been employed by the Indiana State Police for 36 years.

Your affiant, Jeffrey C. Hearon, a law enforcement officer with the Indiana State Police, being duly sworn, swears and affirms under penalties for perjury that the following statements are true and accurate to the best of my knowledge:

I am a police officer with the Indiana State Police. I have been a police officer with the Indiana State Police since 11/13/1988. I am a "law enforcement officer" as that term is defined in Ind. Code 35-31.5-2-185.

I am currently assigned as a Lieutenant to the Area V Field Investigations of the Indiana State Police. In connection with my official duties, I am involved in investigations relating to violations of the Indiana Criminal Code.

I have received training relating to the enforcement of the Indiana Criminal Code, including the following:

- A. My initial training at the Indiana Law Enforcement Academy in 1988. I have satisfied the minimum basic training requirements established by rules adopted by the law enforcement training board under I.C. 5-2-1-9 and described in I.C. 35-37-4
- B. I have attended numerous additional training courses; see attached transcripts.

As a result of my training and experience, I am familiar with the techniques and methods of operation used by individuals involved in criminal activity to conceal their activities from detection.

**Investigation:**

In support of affiant's assertion of Probable Cause, the following facts are known to affiant, to wit:

During July 2024, the Indiana State Police became aware of the findings of a regularly scheduled audit of Dubois County. According to the findings of the State Board of Accounts, there were purchases from the Jail Commissary fund that did not fall under the County Sheriff's discretionary spending authority set forth at Indiana Code 36-8-10-21. These unallowable expenditures from the fund were approved by County Sheriff, Thomas "Tom" J. Kleinhelter. Indiana State Board of Accounts (SBOA) auditors determined additional procedures were needed to evaluate expenditures from the fund for the duration of Kleinhelter's term beginning January 1, 2019, through December 31, 2023.

As the County Sheriff, Kleinhelter oversaw the Jail Commissary fund established under Indiana Code 36-8-10-21. All monies received from jail commissary sales are to be deposited into the fund's bank account. The statute provides categories of expenses that can be disbursed from the Jail Commissary fund at the Sheriff's discretion. All categories of expenditures listed within the statute are at the discretion of the Sheriff without the need for further appropriation by the county fiscal body. Specifically, Indiana Code 36-8-10-21 states the following:

**IC 36-8-10-21 Application to certain counties; jail commissary fund; disposition of money from commissary sales; record of receipts and disbursements**

*Sec. 21. (a) This section applies to any county that has a jail commissary that sells merchandise to inmates.*

*(b) A jail commissary fund is established, referred to in this section as "the fund". The fund is separate from the general fund, and money in the fund does not revert to the general fund.*

*(c) The sheriff, or the sheriff's designee, shall deposit all money from commissary sales into the fund, which the sheriff or the sheriff's designee shall keep in a depository designated under IC 5-13-8.*

*(d) The sheriff, or the sheriff's designee, at the sheriff's or the sheriff's designee's discretion and without appropriation by the county fiscal body, may disburse money from the fund for:*

*(1) merchandise for resale to inmates through the commissary;*

*(2) expenses of operating the commissary, including, but not limited to, facilities and personnel;*

*(3) special training in law enforcement for employees of the sheriff's department;*

*(4) equipment installed in the county jail;*

*(5) equipment, including vehicles and computers, computer software, communication devices, office machinery and furnishings, cameras and photographic equipment, animals, animal training, holding and feeding equipment and supplies, or attire used by an employee of the sheriff's department in the course of the employee's official duties;*

*(6) an activity provided to maintain order and discipline among the inmates of the county jail;*

*(7) an activity or program of the sheriff's department intended to reduce or prevent occurrences of criminal activity, including the following:*

*(A) Substance abuse.*

*(B) Child abuse.*

*(C) Domestic violence.*

*(D) Drinking and driving.*

*(E) Juvenile delinquency.*

*(8) expenses related to the establishment, operation, or maintenance of the sex and violent offender registry web site under IC 36-2-13-5.5; or*

*(9) any other purpose that benefits the sheriff's department that is mutually agreed upon by the county fiscal body and the county sheriff.*

*Money disbursed from the fund under this subsection must be supplemental or in addition to, rather than a replacement for, regular appropriations made to carry out the purposes listed in subdivisions (1) through (8).*

*(e) The sheriff shall maintain a record of the fund's receipts and disbursements. The state board of accounts shall prescribe the form for this record. The sheriff shall semiannually provide a copy of this record of receipts and disbursements to the county fiscal body. The semiannual reports are due on July 1 and December 31 of each year. Funds misappropriated, diverted or unaccounted for through malfeasance, misfeasance, or nonfeasance in office of any official or employee may be the personal obligation of the responsible official or employee. (Accounting and Uniform Compliance Guidelines Manual for Counties of Indiana, Chapter 1)*

As stated above, under Indiana Code 36-8-10-21(d)(9), other expenditures not specifically listed that benefit the Sheriff's Department must be mutually agreed upon by both the Sheriff and the County fiscal body prior to being disbursed.

Through their work, State Board of Accounts investigators located approximately \$78,000.00 of questionable expenses. Of those expenses, Kleinhelter was able to provide State Board of Accounts with unverified justifications, for all but \$16,774.71 of expenses, of which \$8,852.95 of these expenses were attributed to airfare and training conference costs for Kleinhelter's wife, Angela "Angie" Kleinhelter (See itemized table below).

Travel and Conference Expenses Paid With Jail Commissary Funds				
Travel Expenses for Angie Kleinhelter	Payee	Payment Method	Purchase Date	Purchase Amount
Registration for the National Sheriff's Association Conference in Phoenix, AZ	Vendor	Check 3702	02-26-21	\$ 244.40
Airfare to Panama City, FL for a law enforcement training event	Vendor	Commissary Card [REDACTED]	05-02-23	887.40
Reimbursement for airfare to Dubai for the World Police Summit	Sheriff	Check 4083	05-16-23	7,373.65
Reimbursement for airfare to Sandestin, FL for a law enforcement training conference	Vendor	Commissary Card [REDACTED]	10-04-23	347.50
Total				<u>\$ 8,852.95</u>

Angie Kleinhelter was not an employee of the County during the time of these expenses. Thus, the expenditures from the Jail Commissary fund for her travel reimbursements and the conference registration fall outside the Sheriff's discretionary spending authority under Indiana Code. Therefore, any expenditure of commissary funds on travel or training conferences for Angie Kleinhelter must have been for the benefit of the Sheriff's Department and approved by the County fiscal body pursuant to Indiana Code 36-8-10-21(d)(9). Sheriff Kleinhelter did not request or obtain approval from the County fiscal body for these expenses regarding his wife.

The remainder of the unjustified expenses were found to have occurred on November 1, 2023, when Kleinhelter purchased four Visa \$100.00 prepaid gift cards and 50 Blackstone, 22-inch, flat-top grills for a total \$7,921.76. Kleinhelter took possession of one of the grills, leaving the gift cards and 49 grills to be given to employees of the Sheriff's Department as gifts. Purchasing grills and kitchen equipment may be otherwise permissible if the equipment is installed in the jail and used to serve inmates. However, since the expenditures were gifts for employees and Kleinhelter himself, the purchases did not satisfy the acceptable expenses outlined in Indiana Code. Additionally, these expenses were not approved by the County Council in accordance with Indiana Code 36-8-10-21(d)(9). Following State Board of Accounts inquiries to Kleinhelter and an evaluation of County policies, it was determined there is no gift policy approved by the Board of County Commissioners which would have allowed this expenditure.

The State Board of Accounts determined Kleinhelter was personally responsible for the unjustified expenses and charged with repaying the Jail Commissary fund \$16,774.71.

During the week of June 17, 2024, Kleinhelter was notified he was solely responsible for the charges and needed to pay the balance from his own, personal funds. Below is an itemization.

1. Airfare for World Police Summit May 5-7, 2024, \$8,852.95
2. Four Visa \$100.00 prepaid gift cards and 50 Blackstone, 22-inch, flat-top grills for a total \$7,921.76.
3. Total reimbursement \$16,774.71

On June 18, 2024, after having been notified he was individually responsible for repaying \$16,774.71 to the Jail Commissary fund, Kleinhelter contacted the Dubois County Auditor, Sandy Morton, via email, and requested, "Can you get me a check for \$16,774.71 from the Sheriff donation [REDACTED]?" Kleinhelter instructed Morton, "Just put it into my commissary account." Morton, responded, "I don't understand. That money was a donation and can be used for your purposes. Why would we put it in the commissary and not just spend it from the donation fund?" Kleinhelter remained adamant the amount be placed into the commissary fund, stating "Because that is how I want to do it." After receiving Kleinhelter's response, Morton contacted the State Board of Accounts field examiners for guidance.

Again, State Board of Accounts informed Kleinhelter he was personally responsible for paying the balance, as airfare and law enforcement conference fees for his wife were not permissible expenses, nor were the purchases of gift cards and flat-top grills for himself and his employees. Again, Kleinhelter expressed understanding and explained he would need to speak with his accountant to arrange for the repayment of funds to the commissary account. Kleinhelter prepared a check, which was photographed and shared with State Board of Accounts. The check was to be deposited the following week, when Kleinhelter returned from a Sheriff's Conference in Oklahoma.

Later, after Kleinhelter made the appropriate payment, it was discovered Kleinhelter submitted a voucher to receive a reimbursement of \$16,774.71 from the Sheriff's donation fund. This reimbursement was dated July 15, 2024, and included Scott Stockton's (State Board of Accounts) name, as if the reimbursement had been endorsed by Scott Stockton of the State Board of Accounts (Image of voucher below).

7-15-2024

ACCOUNTS PAYABLE VOUCHER
DUBOIS COUNTY • JASPER, INDIANA

An invoice or bill to be properly itemized must show: kind of service, where performed, dates service rendered, by whom, rates per day, number of hours, rate per hour, number of units, price per unit, etc.

Payee: Tom Kleinhalter
Purchase Order No. 048-01-01-05
Terms
Date Due

Table with 4 columns: Invoice Date, Invoice Number, Description (or note attached invoice(s) or bill(s)), Amount. Includes entry for reimbursement to State Auditor Brett Stockton for \$16,774.71.

I hereby certify that the attached invoice(s), or bill(s), is (are) true and correct and that the materials or services itemized thereon for which charge is made were ordered and received except

Date 7-15-2024

Signature of Tom J. Kleinhalter

Title Sheriff

I hereby certify that the attached invoice(s), or bill(s), is (are) true and correct and I have audited same in accordance with IC 5-11-10-2.

Date \_\_\_\_\_ 20\_\_

County Auditor

Sheriff's Fees Due County

Table listing Sheriff's Fees Due County: Commissary Sold, Phone Commission, DOC Inmate Refund, Miscellaneous, Total \$16,774.71

COMMISSARY CASH RECEIPT

No. 2408

Jasper, Indiana
June 26, 2024
Cause No.
Acct. No. Tax Warrant No.
Received of Tom Kleinhalter the sum of sixteen thousand seven hundred seventy four and 71/100 Dollars

Payment Type: Check [checked], Cash, Money Order
Amount: \$16,774.71
Signature: Joann M. Schriener, Sheriff Dubois County

Kleinhalter eventually withdrew this voucher request, which he claimed to have done through a phone call with Ed Wheel (SBOA). However, it was found during the exit conference the voucher request was still standing. Kleinhalter did not formally withdraw the voucher request until it was pointed out during the State Board of Accounts Exit Conference, which was a meeting discussing their findings with the county fiscal body.

Reviewing ledgers for the Commissary fund, check no. 4083 was observed, dated May 17, 2023. This check was endorsed to Tom Kleinhalter for \$15,764.50. This check was written the day following Kleinhalter's booking the trip for he and his wife for the World Police Summit, scheduled to take place in Dubai during March 2024 (Image of check below).

Commissary Account  
SHERIFF OF DUPAGE COUNTY 04/21 4083  
305 BRIDGE STREET  
JANESVILLE, WI 53403-3000

May 16 2023

PAY TO THE ORDER OF Tom Kleinhalter \$15,764.50

Fifteen thousand seven hundred sixty-four and 50/100

OLD NATIONAL BANK  
oldnational.com

For Tom J. Kleinhalter

⑆086300012⑆ 04083

FRONT LOAD  
X Tom J. Kleinhalter

ONE -  
IF IT BILLY PERVEY SPOKE IT  
AFTER A FEW LECTURES IN THE CLASS

4083 \$15,764.50 05/17/2023

Review of the records regarding the Dubai trip show Kleinhelter officially booked the flight on May 16, 2023. The Kleinfelders were scheduled to leave Indiana and begin their journey to the United Arab Emirates on February 29, 2024. The Audit conducted by State Board of Accounts did not begin until May 2024. During the audit process, which included discussions and inquiries with State Board of Accounts Investigators Ed Wheelie, Scott Stockton, and James Donoho, Kleinhelter failed to tell or correct the impression he had canceled the United Arab Emirates World Police Summit Trip. Kleinhelter did not make any mention of the trip being canceled until he was interviewed by the Indiana State Police on August 29, 2024. The SBOA Audit was completed and published on July 26, 2024. Because Kleinhelter withheld information about the canceling the trip, State Board of Accounts only found Kleinhelter liable for repaying costs related to his wife. Had State Board of Accounts known the trip was canceled, Kleinhelter would have been responsible for returning all the county funds used to pay for the trip. As it stands now, I have reason to believe Sheriff Tom Kleinhelter personally benefitted \$8,852.95 from the cancelation of the 2024 World Police Summit Dubai trip, either by a refund or equal credit for Delta Air Miles.

Additionally, if he did cancel the trip, Kleinhelter would have needed to make the cancelation prior to February 2024. This means, at minimum, the trip would have been canceled for at least 4 months, without any repayment of county funds. Kleinhelter did not make any payment until he was directed to do so by State Board of Accounts, which Kleinhelter repeatedly attempted to circumvent.

When Indiana State Police asked Kleinhelter to explain the finances regarding the Dubai trip, he stated the following:

*“That. Um, the Dubai trip did not, did not happen. So that was on my personal credit card. Okay. The commissary paid me for that. From that, when I canceled the trip, Delta provided me airline credit instead of cash. Okay. So, I did not pay it back immediately, but when I had, when this came through, I immediately moved some money around to, from my financial advisor to get that paid off. And then I also paid my ticket off that paid for it and the darn hotel room, which I didn't know at the time, but it was a non, um, ... cancel policy. So, I paid that. Um, and that's, that's all been paid back.”*

The Commissary ledgers provided from SBOA to the Indiana State Police fail to show any deposits from Kleinhelter or Delta Airlines for 2023 or 2024. At this point, there is no documentation corroborating Kleinhelter's claims of the Dubai trip being paid back to the Commissary fund, and his explanation of what occurred with the airline credit is left unresolved. Additionally, receipts document Tom and Angela Kleinhelter as having “SkyMiles” accounts registered with Delta Airlines. The “SkyMiles” program is a frequent flyer program with rewards including free upgrades, free travel, free drinks, and other preferred customer benefits. As they are documented using their “SkyMiles” accounts for their purchases, the Kleinhelters would have reaped additional, personal profits through Delta Airlines (Image of receipt below).

The Delta Airlines receipt also documents Kleinhelter paying for the trip with an American Express credit card ending in [REDACTED]. The State Board of Accounts audit determined that number belonged to Kleinhelter's personal credit card. (Image of receipt below).

Date of Purchase: May 16, 2023

## Evansville, IN ▶ Dubai, United Arab Emirates

### Passenger Information

<b>THOMAS JOSEPH KLEINHELTER</b> SkyMiles#: [REDACTED] <b>ANGELA MARIE KLEINHELTER</b> SkyMiles#: [REDACTED]
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Confirmation Number: J07JU2  
 Ticket Number: 0062109765270  
 0062109765272

### FLIGHT

Date and Flight	Status	Class	Seat/Cabin
EVV ▶ ATL   Thu 29Feb2024   9E 4925	OPEN	I	
ATL ▶ CDG   Thu 29Feb2024   AF 8672	ARPT	I	
CDG ▶ DXB   Fri 01Mar2024   AF 8626	ARPT	I	
DXB ▶ CDG   Fri 08Mar2024   AF 8627	ARPT	D	
CDG ▶ ATL   Fri 08Mar2024   DL 83	OPEN	D	
ATL ▶ EVV   Fri 08Mar2024   9E 5174	OPEN	D	

### DETAILED CHARGES

#### Air Transportation Charges

Base Fare:	\$6,000.00	USD
Carrier-imposed International Surcharge (YR):	\$1,200.00	USD

#### Taxes, Fees and Charges

United Arab Emirates - Passenger Service Charge (AE)	\$20.40	USD
United States - September 11th Security Fee (Passenger Civil Aviation Security Service Fee) (AY)	\$11.20	USD
FG	\$9.50	USD
France - Civil Aviation and Airport Tax (FR)	\$11.00	USD
France - Passenger Service Charge (QX)	\$44.30	USD
United Arab Emirates - Passenger Security and Safety Fee (TP)	\$1.40	USD
United States - Transportation Tax (US)	\$42.20	USD
United States - Animal and Plant Health Inspection Service Fee (APHIS User Fee - Passengers) (XA)	\$3.83	USD
United States - Passenger Facility Charge (XF)	\$13.50	USD
United States - Immigration and Naturalization Fee (Immigration User Fee) (XY)	\$7.00	USD
United States - Custom User Fee (YC)	\$6.52	USD
United Arab Emirates - Advanced Passenger Information Fee (ZR)	\$2.80	USD
<b>Total Per Passenger:</b>	<b>\$7,373.65</b>	<b>USD</b>
<b>Total (2 Passengers)</b>	<b>\$14,747.30</b>	<b>USD</b>

Paid with American Express ending [REDACTED]

It was also found that Kleinhelter attempted to propose a resolution to the Commissary Fund, which included a vast array of expenses that were not outlined in Indiana Code. The proposed resolution would have widened the scope of allowable expenses and would have authorized these expenditures from the commissary account without requiring Kleinhelter to present the expenses to the County Counsel, for approval, as outlined in IC 36-8-10-21(d)(9). Additionally, Kleinhelter claimed the State Board of Accounts had approved the proposed resolution. Email threads between Kleinhelter and State Board of Accounts personnel do not show any type of support or endorsement to Kleinhelter's proposed resolution (Image of resolution below).

**Section 6.** Pursuant to Indiana Code § 36-8-10-21 (d)(9) and Section 5 subdivision (9) of this Resolution, the Dubois County Council and the Dubois County Sheriff mutually agree upon the following disbursement of funds, in an amount not to exceed \$ \_\_\_\_\_, from the Fund to be used as follows:

- 1) All forms of training and conferences associated with the duties of the Sheriff's Office;
- 2) Reimbursement for expenses of inmates in transit;
- 3) Reimbursement for lost or damaged inmate property;
- 4) Postage for indigent inmates;
- 5) Shipping costs regarding department equipment or evidence;
- 6) Supplies or equipment to promote education activities for inmates;
- 7) Reimbursement for investigation expenses;
- 8) Expenses for advertising community events that promote the Sheriff's Office;
- 9) Reimbursement for damaged employee property;
- 10) Matching funds for grants;
- 11) Sheriff's Office cell phone contract and equipment;
- 12) Expenses for installation and service of department equipment;
- 13) Expenses for contracting with professional consultants;
- 14) Expenses associated with rental/purchase of specialized equipment, including vehicles to be utilized by the Sheriff's Office;
- 15) Expenses associated with special events for inmates or employees such as Holiday Events, Retirement Events, Recognition Events;
- 16) Expenses regarding special details or investigations; Expenses associated with hosting training events; and
- 17) Any purpose that benefits the Sheriff's office that does not exceed \_\_\_\_\_.

Given the State Board of Accounts audit has shown Kleinhelter to engage in deceitful behavior, such as making false statements, misrepresenting the statements of others, attempting to manipulate others to avoid consequences, and attempting to manipulate others for future benefit, it is imperative to determine if the proper course of action was taken to return County funds to their rightful place.

To further this investigation, I am requesting the court grant law enforcement authority to review records via a search warrant, retained by Delta Airlines, to include flight history, itinerary, reservation information, subscriber information, "SkyMiles" accounts, purchase history, refund history, statements, payment history, including canceled checks, bank account numbers, wire transfers, Automated Clearing House (ACH) Payments, Electronic Funds Transfer (EFT), credit card numbers, correspondences, mailing addresses, and email addresses for Tom Kleinhelter and Angela Kleinhelter.

**Conclusion:**

I am investigating official misconduct involving Dubois County Sheriff, Thomas "Tom" J. Kleinhelter.

The facts set forth in this affidavit are based upon my own personal observations, my training and experience, and information obtained during this investigation, along with my mapping and analysis of the data.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

All of the above events occurred in Dubois County, Indiana.

I swear (affirm), under penalty of perjury as specified by IC 35-44-2-1, that the foregoing representations are true.

DATED: October 17, 2024

/s/ Lieutenant Jeffrey C. Hearon PE 5201  
AFFIANT