

**County Court or Circuit Court  
Criminal Division, Lake County, Florida**

**State of Florida**

**vs.**

**Matthew Donnelly**

14CF160-04

**Sexual Battery**

**DOB: 06/28/77**

**F.S.S. 794.011(4)(g)**

**LCSO case number: 140005189**

FELONY DIVISION  
2014 JAN 22 P 4 53  
CLERK OF COUNTY  
AND COUNTY COURT  
LAKE COUNTY  
TAVARES FLORIDA

**Affidavit of Probable Cause**

**Before me, personally appeared Sergeant Kristin Thompson, who being duly sworn, says:**

1. That the events hereinafter set forth occurred in Lake County, Florida.
2. That on 01/01/14 the victim, an adult female, reported to the Lake County Sheriff's Office that she was digitally penetrated by the defendant during the early morning hours of 01/01/14.
3. That the defendant is a Deputy Sheriff, employed by the Lake County Sheriff's Office, and was on duty at the time of the incident.
4. That the victim advised on 12/31/13 she and her boyfriend were attending a New Year's Eve celebration at Senior Frogs, a nightclub/ bar in Orlando, FL.
5. That the victim advised she drank too much and could not recall leaving the bar at the end of the night. She stated that she "blacked out".
6. That the victim advised she later awoke to the defendant standing beside her car while she was in the passenger seat.
7. That the victim stated the defendant would only speak with her and not her boyfriend and that the defendant kept interrupting when her boyfriend was trying to speak.
8. That the victim further advised she thought her boyfriend was then taken and secured in the rear of the defendants patrol vehicle.
9. That the victim stated she placed her hand on the defendants hand and asked that the defendant please not take her boyfriend to jail.
10. That the victim advised the defendant then focused down at her vaginal area.
11. That the victim advised the defendant began to digitally penetrate her vagina and stated he would not take her boyfriend to jail however she could not tell anyone.
12. That the victim advised she never exited her vehicle and that the defendant was reaching into her vehicle while she sat in the passenger side seat.
13. That the victim advised the defendant told her that she was "fucking sexy" and that he had a wife.
14. That the victim advised she was scared and felt she had no choice but to cooperate.
15. That the victim stated the defendant repeated over and over not to tell anyone and that he was going to let her boyfriend go.
16. That the defendant called for relatives to come pick up the victim and her boyfriend.
17. That the victim advised she asked for a card from the defendant however he would not provide her one.
18. That the victim's boyfriend advised he was placed in the rear seat of the defendants patrol car.
19. That the relative who picked up the victim provided sworn statement that she was immediately advised by the victim during the drive home that defendant digitally penetrated her vagina.
20. That the victim participated in a Sexual Assault Examination.
21. That the exam revealed cervical injury, specifically the top layer of tissue removed around the cervical opening.
22. That a check of the computer dispatch screen of the Lake County Sheriff's Office indicated the defendant checked out with the victim and her boyfriend on 01/01/14, while on duty, at 0334 hours and did not clear the call until 0446 hours.

23. That a check was also conducted and revealed that no other on duty deputy sheriff checked out with the defendant during that time nor did they drive by.
24. That the in car dash camera of the defendants patrol vehicle was accessed and viewed.
25. That the camera revealed the victims boyfriend could be seen in the road flagging down the defendant for assistance.
26. That when the defendant approached the victim's boyfriend who indicated his girlfriend, the victim was unresponsive in their vehicle and needed help.
27. That the camera further showed the defendant was standing at the passenger side of the victim's vehicle.
28. That the victims boyfriend can also be seen near the vehicle for a short period of time and then his whereabouts are unknown.
29. That the in car camera system provided video and no audio.
30. That the camera showed a lapse in time where it was turned off for approximately twenty-two (22) minutes and then it comes back on for approximately one (1) minute.
31. That when the camera came back on it showed the defendant standing next to the passenger side of the victim's vehicle holding a flashlight.
32. That the defendants patrol vehicle was processed for evidence and swabs were collected.
33. That swabs of the defendants patrol vehicle were sent to the Florida Department of Law Enforcement for analysis.
34. That in addition, a buccal swab was collected from the victim for comparison.
35. That lab test revealed a female DNA profile on the steering wheel, the gear shifter knob and the flashlight of the defendants patrol vehicle.
36. That the female DNA profile is a match for the victim.
37. That based on initial contact with the victim, it is learned she is impaired and/or incapacitated. It is concern for her wellbeing that prompted her boyfriend to initiate the encounter between the defendant and the victim. In addition, she was coerced into submitting for fear of her boyfriend facing criminal charges. The defendant is an on duty law enforcement officer and reasonably leads the victim to believe he is in a position of control and authority. Finally, at no time was the victim inside or around the defendants patrol vehicle therefore there is no reasonable explanation as to the presence of her DNA found. It is believed that probable cause exists for the arrest of the defendant for Sexual Battery, when the offender is a law enforcement officer.

Due to sworn affidavit of the victim and witness, and the evidence in this case, your Affiant has reason to believe that probable cause exists for the arrest of the defendant.

Sworn to and Subscribed before me  
This 10<sup>th</sup> day of December, 2013.

*[Signature]* 212

*[Signature]*  
Affiant

☒ Certified Officer ☒ Personally known to me

Finding of Probable Cause

*I have reviewed the above affidavit and find that probable cause does exist to hold and bind, over the defendant named therein. Dated*  
*[Signature]*  
TO BE FILED WITH THE AFFIDAVIT