

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

Arrest # _____

Bk #19-0406

Pg #1 of 5

ARREST <input checked="" type="checkbox"/> NOTICE TO APPEAR <input type="checkbox"/> AFFIDAVIT <input type="checkbox"/> C.C. <input type="checkbox"/>		ADULT <input checked="" type="checkbox"/> JUVENILE <input type="checkbox"/>		Court Case Number: 2019 CF 000142	
(ORI) FL: 0 1 8 0 0 0 0		Agency Name: Flagler County Sheriff's Office		Agency Case Number: 19-15906	
FCIC/NCIC Check? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		OBTS# 1801054156		UCR:	Date Arrested: 02/19/19
ADDRESS OF ARREST: 9 Llovera Place, Palm Coast, FL 32164		Arrested By: Detective F. Gamarra		ID Number: 590	
DEFENDANT		Name (L,F,M): Farrelly, Sean, Patrick		A.K.A.: Poppy	
DOB: 07/12/71	Age: 47	Driver's Lic/ID No.: F640-795-71-252-0	State: FL	Year Expires: 2020	S.S. #: [REDACTED]
Height: 6'2"	Weight: 240	Hair: Unk	Eyes: Unk	POB (City, St, Country): Kentucky	Statement: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Scars, Marks, Tattoos: Unknown	Business & Occupation: Construction and Excavation		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): 9 Llovera Place		(CITY): Palm Coast	(STATE): FL	ZIPCODE: 32164	RESIDENCE PHONE: Unknown
Address-Local (STREET, APT. NUMBER):		(CITY):	(STATE):	ZIPCODE:	RESIDENCE PHONE:
Address-Other(Employer/School) (STREET, APT. NUMBER):		(CITY):	(STATE):	ZIPCODE:	BUS/SCHOOL PHONE:
CHARGES		DOMESTIC VIOLENCE? YES <input checked="" type="checkbox"/>		Attachments: Affidavit(s) <input checked="" 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: 4	
#1	Charge: Sexual Battery	FEL <input checked="" type="checkbox"/> MISD <input type="checkbox"/> ORD <input type="checkbox"/>	FS/ORD: 794.011(8)(B)(L)(9)	Citation No.:	Bond: NONE
#2	Charge: Unlawful Sexual Activity with Certain Minors	FEL <input checked="" type="checkbox"/> MISD <input type="checkbox"/> ORD <input type="checkbox"/>	FS/ORD: 794.05	Citation No.:	Bond: NONE
#3	Charge: Contributing to the Delinquency of a Child	FEL <input type="checkbox"/> MISD <input checked="" type="checkbox"/> ORD <input type="checkbox"/>	FS/ORD: 827.04	Citation No.:	Bond: 500
CO-DEFENDANT		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,M):		Race:	Sex:	DOB:	Age:
#2 NAME(L,F,M):		Race:	Sex:	DOB:	Age:
NARRATIVE					
<p>The undersigned certifies and swears that there is probable cause to believe the above named defendant, on the 19th day of February, 2019, at approximately 5:30 <input type="checkbox"/> a.m. <input checked="" type="checkbox"/> p.m. at 9 Llovera Place, Palm Coast, within Flagler County, violated the law and did then and there:</p> <p>Did commit the crime of Sexual Battery, Florida State Statute 794.011(8)(B)(L)(9), a first degree felony, Unlawful Sexual Activity with Certain Minors, Florida State Statute 794.05, a second degree felony, Contributing to the Delinquency of a Child, Florida State Statute 827.04, and Possession of Marijuana, under 20 grams, Florida State Statute 893.13. Details are as follows: On February 17, 2019, at approximately 1350 hours, [REDACTED] contacted the Flagler County Sheriff's Office (FCSO) about inappropriate behavior between the victim (Victim's identity is known to law enforcement, and will be referred to as the victim throughout this affidavit), and Sean Patrick Farrelly. [REDACTED] stated he is the victim's guardian. [REDACTED] stated that [REDACTED] the victim's adopted daughter, is currently in a romantic relationship with Farrelly.</p> <p>Deputy B. Colson arrived at the victim's location and began a line of questioning for the purpose of fact finding. The victim informed Deputy Colson that approximately a year ago, Farrelly started making comments to victim regarding her genitals; specifically that he wanted to touch them. The victim further stated that Farrelly told her that he would pay her, and give her anything she wanted if she would only have sexual intercourse with him. The victim stated Farrelly would send the victim photographs via cellular phone of small stacks of money with captions like "want to play" and "come over". The victim stated that Farrelly would sometimes enter her bedroom at night and pull the covers off her in bed and ask her to have sex with him.</p>					
NOTICE TO APPEAR		MANDATORY APPEARANCE <input checked="" type="checkbox"/>		YOU NEED NOT APPEAR IN COURT BUT MUST COMPLY WITH INSTRUCTIONS ON THE REVERSE SIDE OF YOUR COPY <input type="checkbox"/>	
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.		FINE, AND COSTS AMOUNT:			
SIGNATURE OF DEFENDANT		DATE		RELATIONSHIP TO JUVENILE	
Sworn to and subscribed before me, the undersigned, This 19 th day of February, 2019.		I swear/affirm the above statements are correct and true.		Rt Thumb	
Name: Corporal G. Hristakopoulos #618		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"/>		Detective Franklin Gamarra		590	
Type of Identification:		Inmate Number & facility:			
OFFICIAL USE ONLY					

Narrative 707-B Supplement

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 Adult
 Juvenile

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Defendant Name: **Farrelly, Sean, Patrick** Agency Case Number: **19-15906**

CHARGES		DOMESTIC VIOLENCE?	YES <input checked="" 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: Possession of Marijuana, less than 20 grams	FEL <input type="checkbox"/> MISD <input type="checkbox"/>	ORD <input checked="" type="checkbox"/>	FS/ORD:	Citation No:	Bond: 500	
#	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:	

The victim stated that Farrelly did enter the bathroom while she was naked, and showering, asking to let him shower with her. The victim stated that on one occasion, Farrelly exposed his penis and attempted to have the victim sit on top of him while his penis was fully exposed. The victim stated that the above incidents occurred at [REDACTED] house, where she lives together with Farrelly.


The victim then informed Deputy Colson that while in the vehicle with Farrelly, Farrelly began touching her genital area over her clothing. The victim pushed Farrelly's hand away, and he proceeded to grab her inner thigh.

On February 18, 2019, at approximately 1534 hours, at the victim's residence, Detective Franklin Gamarra of the Flagler County Sheriff's Office (FCSO), and Department of Children and Families (DCF) Child Protection Investigator (CPI) Michelle Sheppard met with the victim, and her sister, [REDACTED] at their residence. Detective Gamarra informed both the victim and [REDACTED] that he was simply attempting to learn the facts of the case, and would not be conducting an official interview. The victim consented to a search of her cellular phone, specifically the messages between her and Farrelly.

Detective Gamarra reviewed the messages between her and Farrelly. Farrelly's contact had a picture of his face, with an attached phone number of 386-597-9191. Detective Gamarra would later conduct a search of the Aegis Records Management System (RMS) and find that Farrelly had used that phone number on previous occasions. Detective Gamarra viewed various messages where Farrelly checked on the victim's location, and informed her that he would be picking her up. Additionally Farrelly sent messages giving orders to complete certain tasks, or be at certain places. Based on those facts, the age difference between Farrelly (47 years old), and the victim (16 years old), and the fact that Farrelly, [REDACTED] and the victim live in the household as a family unit, it is reasonably believed that the victim feels Farrelly is in a position of authority and control over her, being in a position of familial or custodial authority over her.

Detective Gamarra continued to review the messages and located various messages that indicated that an inappropriate sexual relationship could be taking place. Some of those messages are detailed below:

Farrelly: "Where are you"
 Victim: "In my room"
 Farrelly: "OK" "Can I come in" "All clear"
 Victim: "Austin home"
 Farrelly: "Ok"

Sworn to and subscribed before me, the undersigned this <u>19th</u> day of <u>Feb</u> , 2019.	I swear/affirm the above statements are correct and true.	Right thumb
Name: <u>Hester Colson</u>		
Notary Public <input type="checkbox"/> Law Enforcement Officer <input checked="" type="checkbox"/>	OFFICER'S/COMPLAINANT'S SIGNATURE	
Personally Known <input type="checkbox"/> Produced Identification <input type="checkbox"/>	NAME (PRINTED) <u>FRANKLIN GAMARRA</u>	ID NUMBER <u>590</u>
Type of Identification:		

Narrative 707-B Supplement

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 Adult
 Juvenile

Court Case Number:

Defendant Name: Farrelly, Sean, Patrick	Agency Case Number: 19-15906
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CHARGES	DOMESTIC VIOLENCE? YES <input checked="" 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:


On November 24, 2018, at approximately 1026 hours, Detective Gamarra observed the following messages:
 Farrelly: "You want to play" "What are you doing"
 Victim: "Going to bed"
 Farrelly: "Want to play" (In a subsequent forensic interview, the victim stated that the term "Want to play" meant whether or not the victim wanted to have sex with Farrelly)
 Victim: "Not really"
 Farrelly: "Ok" "You sure"
 Victim: "I'm sure"
 Farrelly: "Ok" "Cash\$\$\$" (In a subsequent forensic interview, the victim stated that Farrelly would always pay her for sex, usually \$30.00 U.S Currency, with a top pay of \$40.00 U.S Currency one at least one occasion)

On November 27, 2018, at approximately 1455 hours, Detective Gamarra observed the following messages:
 Farrelly: "you going to be ready when I get home"
 Victim: "Maybe"
 Farrelly: "What?" "Really" "You going to make me wait longer"
 Victim: "Only if u bring me cigarettes home"
 Farrelly: "You promise"
 Victim: "Yes"
 Farrelly: You have to take shots before I get home" "So your primed up" (In a subsequent forensic interview, the victim stated that Farrelly would provide her alcohol, or cannabis, or a combination of the two, in order to help her have sex with him, or as Farrelly referred to as being "primed up".

Detective Gamarra stated that he observed various messages like the ones transcribed above, to include Farrelly providing cannabis to the victim, alcohol to the victim, and photographs of money in Farrelly's hand. Detective Gamarra also observed messages where Farrelly states he needs "Sammy time". [REDACTED] the victim's sister, advised that Farrelly uses that term to state he wants to have sex. In a subsequent forensic interview, the victim stated that Farrelly uses the term "Sammy time" to refer to sex.

On February 19, 2019, at approximately 1030 hours, Detective Gamarra, Corporal George Hristakopoulos of MCU, Child Protection Team (CPT) Case Coordinator Allison Ogden, and CPI Sheppard met with the victim, [REDACTED] and [REDACTED] at CPT's office for the purpose of conducting a forensic interview with the victim.

During the forensic interview, which was monitored by Detective Gamarra, Corporal Hristakopoulos and CPI Sheppard, the victim disclosed the following information to Case Coordinator Ogden:

Sworn to and subscribed before me, the undersigned this <u>14th</u> day of <u>Feb</u> , 2019. Name: <u>Patrick Farrelly</u> Notary Public <input type="checkbox"/> Law Enforcement Officer <input checked="" type="checkbox"/> Personally Known <input type="checkbox"/> Produced Identification <input type="checkbox"/> Type of Identification:	I swear/affirm the above statements are correct and true.  OFFICER'S/COMPLAINANT'S SIGNATURE NAME (PRINTED): <u>Patrick Gamarra</u> ID NUMBER: <u>590</u>	Right thumb
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Narrative 707-B Supplement

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Defendant Name: Farrelly, Sean, Patrick		Agency Case Number: 19-15906	
CHARGES	DOMESTIC VIOLENCE? YES <input checked="" 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:

- Farrelly and the victim have been having sexual intercourse since approximately March of 2018.
- Farrelly had sexual intercourse with the victim at their current address in Palm Coast, a previous address in Palm Coast, and at a trailer within Flagler County maintained by an unidentified person.
- Farrelly always paid the victim in U.S. Currency after sex, and always used a condom during sexual intercourse.
- Farrelly often has the victim drink alcohol or smoke cannabis to help her have sex with him.
- The victim stated that Farrelly keeps his condoms within his gray pick-up truck so that [REDACTED] doesn't find them (The suspect operates a gray Dodge Ram).
- Farrelly has had the victim give him a "Hand Job" to full ejaculation
- Farrelly has grabbed and slapped her butt since the victim was 15 years of age.
- Farrelly has tried to solicit oral sex from the victim.
- Farrelly bribes the victim and pays the victim for sexual acts, to include sexual intercourse.

Detective Gamarra stated that there is an overwhelming amount of information, and disclosure by the victim during the forensic interview indicating that Farrelly and the victim were engaged in sexual intercourse, and other sexual activities. Detective Gamarra further stated that the comments made by the victim during the forensic interview corroborate the information gathered from the text message exchange between the victim and Farrelly.

At approximately 1521 hours, Detective Gamarra and Corporal Hirstakopoulos utilized investigative tactics in order to monitor communications between the victim and Farrelly. Detective Gamarra gives the following summary of the communications:

The victim informed Farrelly that she heard it was possible to get pregnant, even while using a condom during sexual intercourse. The victim asked Farrelly if this was true. Farrelly stated it wasn't true, and that he would speak to her when she got home. The victim then informed Farrelly that he was the only person she had "done it with" (meaning having sexual intercourse with). Farrelly stated, "Alright, well, I'll talk to you when we get home."

The victim would later tell Farrelly that she wanted to talk about the possibility of getting pregnant while using a condom during sexual intercourse. Farrelly informed her again that he would talk to her when she got home. The victim told Farrelly she didn't want to get pregnant. Farrelly informed her that she was not going to get pregnant. The victim then informed Farrelly, "I promise you, you're the only one." Farrelly then changed the subject and told the victim he will talk to her when she gets home. The victim then hung up the phone. Farrelly would send a text message stating that he would not talk about the issue on the phone, but will be there for her no matter what. The victim then texted back, "Fuck you no more deals" (the term "deals" is a term identified by the victim to be used by Farrelly to indicate he wanted sex). Farrelly simply responded "I love you everything is fine breathe deep".

Sworn to and subscribed before me, the undersigned this <u>14th</u> day of <u>Feb</u> , 2019.	I swear/affirm the above statements are correct and true.	Right Hand
Name: <u>[Signature]</u> 614	<u>[Signature]</u>	
Notary Public <input checked="" type="checkbox"/> Law Enforcement Officer <input checked="" type="checkbox"/> Personally Known <input type="checkbox"/> Produced Identification <input type="checkbox"/>	OFFICER'S/COMPLAINANT'S SIGNATURE	
Type of Identification:	NAME (PRINTED) <u>Franklin Gamarra</u>	ID NUMBER <u>550</u>

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Court Case Number:

Defendant Name: Farrelly, Sean, Patrick	Agency Case Number: 19-15906
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#	Charge:	FEL <input type="checkbox"/> MISD <input type="checkbox"/> ORD <input type="checkbox"/>	FS/ORD:	Citation No:	Bond:

Farrelly then informed the victim that they will go off privately away from [REDACTED] to talk about it. The victim then asked Farrelly "You promise you didn't get me pregnant?" Farrelly answered, "There's no way you can be pregnant." The victim then asked Farrelly, "Are you sure about that?" Farrelly stated "um hmm" Farrelly then asked the victim if she believes that she is pregnant. The victim stated that she was having morning sickness, and Farrelly responded that they will talk about it when she gets home. The call was then disconnected. Farrelly immediately called the victim back, and asked the victim "You swear to God you're not recording this conversation?" The victim assured Farrelly she was not recording the conversation. Farrelly stated that he didn't want to talk about it and go to prison. During the remaining conversation, Farrelly was concerned with his conversation being recorded, and he being arrested. Farrelly asked the victim if she had signs of pregnancy. The victim stated she was nauseous and throwing up. Farrelly stated he didn't think she was pregnant, and that they would talk about it later in the evening, face to face. The victim asked Farrelly once more if he promised that he had not gotten her pregnant, to which Farrelly answered "[REDACTED] I swear to you, I did not". Farrelly went on to express his concern for being recorded. The victim told Farrelly that she didn't want to have sex with him anymore, to which Farrelly responded "Ok". He stated he didn't want to talk about it anymore.


Farrelly then asked the victim when he was going to jail. Farrelly stated he was scared and nervous. Farrelly asked the victim to swear that he wasn't being set up. Farrelly then told the victim to relax, and that they would talk about it later. Farrelly also told the victim he was worried that the victim said something to [REDACTED] (implying the victim disclosed the sexual relationship to her sister).

Based on the above set of circumstances, probable cause exist that Sean Patrick Farrelly did commit the crimes of Sexual Battery, Florida State Statute 794.011(8)(B)(L)(9), a first degree felony, Unlawful Sexual Activity with Certain Minors, Florida State Statute 794.05, a second degree felony, and Contributing to the Delinquency of Dependency of a Child, Florida State Statute 827.04, a first degree misdemeanor.

Detective Gamarra and Corporal Hristakopoulos responded to 9 Llovera Place, Palm Coast, within Flagler County to locate Farrelly for the purpose of arresting him. Upon arriving at the residence, Farrelly was located in his driveway. Farrelly informed law enforcement that he did not want to speak to them without legal representation. Farrelly was then handcuffed and placed under arrest. Detective Gamarra then conducted a search incident to lawful arrest and located a zip-lock bag containing less than twenty (20) grams of cannabis. Detective Gamarra stated he was able to identify the green leafy substance as cannabis based on his law enforcement training and experience in cannabis investigations.

Farrelly was additionally charged with Possession of Cannabis, under 20 grams, Florida State Statute 893.13(1)(A), a first degree misdemeanor.

Farrelly was transported to the Flagler County Detention Facility without incident.

Sworn to and subscribed before me, the undersigned this <u>19th</u> day of <u>Feb</u> , 2019. Name: <u>Franklin Gamarra</u> Notary Public <input type="checkbox"/> Law Enforcement Officer <input checked="" type="checkbox"/> Personally Known <input type="checkbox"/> Produced Identification <input type="checkbox"/>	I swear/affirm the above statements are correct and true.  OFFICER'S/COMPLAINANT'S SIGNATURE NAME (PRINTED): <u>Franklin Gamarra</u> ID NUMBER: <u>570</u>	Right Thumb
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