

AFFIDAVIT

Sherriff's
Polk County



Off
Bartow, FL

FORM #9013 - Revised 01/08/03

INCIDENT NUMBER
2010-033706

Agency ORI Number
FL05300000

JUVENILE ADULT BOOKING # _____ OBTS # _____

IN CIRCUIT/COUNTY COURT IN THE TENTH JUDICIAL CIRCUIT IN AND FOR POLK COUNTY, FL

SUBMITTING MEMBER DETECTIVE LYLE TRIPP

MEMBER # 5736

DATE/TIME OF ARREST/INCIDENT 04/03/2010 01:46 EVIDENCE COLLECTED YES _____ NO

LOCATION OF INCIDENT MAJESTIC VIEW, LAKELAND, FLORIDA 33813

CROSS STREET SLIGH ROAD

COMPLAINT AFFIDAVIT _____ ARREST REPORT

CITY OF _____ COUNTY OF POLK, STATE OF FLORIDA

THE UNDERSIGNED AFFIANT SWEARS SHE/HE HAS JUST AND REASONABLE GROUNDS TO BELIEVE THAT ON 04/02/2010 AT

APPROXIMATELY 11:00 PM IN THE VICINITY OF LAKELAND, POLK COUNTY, FLORIDA

WOHLFARTH - SIMMONS KYLE D ALIAS

LAST FIRST MIDDLE

ADDRESS 2328 E. CIVITAN AVE LAKELAND FL 33801 PHONE UNKNOWN

RACE WHITE SEX MALE DOB 12/18/1991 HT 5-07 WT 140 EYE BROWN HAIR BROWN

COMPLEXION FAIR/LIGHT BUILD SLENDER SPEECH NORMAL POB LAKELAND, FL

SCARS/MARKS/TATTOOS NONE MARITAL STATUS SINGLE

DL# W416-504-91-458-0 ST FL SS# OCCUPATION STUDENT

EMPLOYER/SCHOOL LAKELAND HIGH SCHOOL, PHONE _____

JUV-PARENTS _____ PHONE _____

PROBABLE CAUSE TO FOLLOW VICTIM/WITNESS INFORMATION

COMMITTED THE OFFENSE(S) OF:

1) LEWD BATTERY FSS 800.04 (4)(A) LEVEL/DEGREE F/2

CO-DEFENDANTS: ERIC ARCE

VICTIM: NAME _____ ADDRESS _____ PHONE _____

WITNESS: NAME _____ ADDRESS _____ PHONE _____

**IN CIRCUIT/COUNTY COURT IN THE TENTH JUDICIAL CIRCUIT
IN AND FOR POLK COUNTY, FLORIDA**

PROBABLE CAUSE:-

THE VICTIM (_____ 15 YEARS OF AGE) IS THE

THE SUSPECT (KYLE SIMMONS, W/M, 12/18/91, 18 YEARS OF AGE) IS THE

ON 04/02/10 AT APPROXIMATELY 2300 HOURS, DEPUTY DAVID CLEMENTS #5931 OBSERVED A WHITE FORD PICKUP TRUCK BEARING FLORIDA TAG H36 1GQ ON THE SIDE OF MAJESTIC VIEW, LAKELAND, FLORIDA. DEPUTY CLEMENTS PUT HIS SPOT LIGHT ON THE TRUCK AND OBSERVED NUMEROUS PEOPLE INSIDE THE TRUCK MOVING AROUND. DEPUTY CLEMENTS APPROACHED THE TRUCK AND OBSERVED TWO FEMALES. ONE FEMALE (LATER IDENTIFIED AS _____ W/F, 06/12/95, 14 YEARS OF AGE) WAS LOCATED IN THE BACK SEAT COMPLETELY NAKED AND PUTTING HER BRA ON. THE OTHER FEMALE (LATER IDENTIFIED AS THE VICTIM, _____) WAS LOCATED IN THE FRONT SEAT PUTTING HER PANTIES AND JEANS UP. DEPUTY CLEMENTS ALSO OBSERVED TWO WHITE MALES INSIDE THE TRUCK. ONE WHITE MALE (LATER IDENTIFIED AS THE SUSPECT, KYLE SIMMONS) WAS IN THE FRONT SEAT WITH _____. THE OTHER WHITE MALE (LATER IDENTIFIED AS THE SUSPECT, ERIC ARCE, W/M, 11/29/91, 18 YEARS OF AGE) WAS IN THE BACK SEAT WITH _____

AFFIDAVIT CONTINUATION

Sherriff's



Of Bartow, FL

FORM 09813A - Revised 01/08/03

Agency ORI Number
FL05300000

INCIDENT NUMBER
2010-033706

Polk County

AT APPROXIMATELY 0321 HOURS, I CONDUCTED A RECORDED INTERVIEW WITH THE VICTIM AT THE LAKE LAND REGIONAL MEDICAL CENTER IN LAKE LAND, FLORIDA. THE FOLLOWING IS A SUMMARY OF THE INTERVIEW.

THE VICTIM STATED SHE WAS IN THE FRONT SEAT OF THE TRUCK WITH THE SUSPECT WHO IS THE SUSPECT KNOWS SHE IS 15 YEARS OLD. THE VICTIM AND THE SUSPECT STARTED TO KISS AND TOUCH EACH OTHER. THE VICTIM PULLED HER PANTS AND PANTIES DOWN TO HER ANKLES. THE SUSPECT PUT HIS FINGER INSIDE OF HER VAGINA WHILE THE VICTIM RUBBED THE SUSPECT'S PENIS UNDER HIS UNDERWEAR. THIS INCIDENT LASTED APPROXIMATELY 10 MINUTES UNTIL THEY STOPPED BECAUSE DEPUTY CLEMENTS ARRIVED. THIS WAS CONSENSUAL SEXUAL ACTIVITY AND THE SUSPECT NEVER FORCED HER TO DO ANYTHING. DURING THIS INCIDENT ARCE AND WERE "MAKING OUT" IN THE BACK SEAT OF THE TRUCK, BUT DOES NOT KNOW WHAT EXACTLY THEY DID.

ON 04/03/10 AT APPROXIMATELY 0330 HOURS, RN BRENDA KONITZER AND DR. LUZOD COLLECTED A SEXUAL ASSAULT KIT AND THE VICTIM'S CLOTHING FROM THE VICTIM.

AT APPROXIMATELY 0520 HOURS, I CONDUCTED A POST-MIRANDA RECORDED INTERVIEW WITH THE SUSPECT AT THE SOUTHEAST DISTRICT SUB-STATION IN LAKE LAND FLORIDA. THE FOLLOWING IS A SUMMARY OF THE INTERVIEW .

THE SUSPECT STATED HE KNOWS THE VICTIM IS 15 YEARS OLD AND SHE IS HE WAS IN THE FRONT SEAT OF THE TRUCK WITH THE VICTIM AND THEY WERE KISSING AND TOUCHING EACH OTHER. THE VICTIM STARTED TO RUB HIS PENIS UNDER HIS UNDERWEAR AND HE WAS TOUCHING HER VAGINA WITH HIS HAND. THE SUSPECT PUT ONE FINGER INSIDE THE VICTIM'S VAGINA WHICH LASTED FOR A SEVERAL MINUTES. THEY STOPPED AND STARTED PULLING UP THEIR CLOTHING WHEN THE DEPUTY ARRIVED. THIS WAS CONSENSUAL SEXUAL ACTIVITY AND HE NEVER FORCED HER TO DO ANYTHING SHE DID NOT WANT TO DO.

BASED ON THE INTERVIEWS, KYLE SIMMONS COMMITTED COUNT OF LEWD BATTERY ON THE VICTIM.

SWORN TO AND SUBSCRIBED BEFORE ME, THE UNDERSIGNED AUTHORITY, THIS 3 DAY OF April 2010
DEP [Signature] #5736
AFFIRM

PERSONALLY KNOWN _____ PRODUCED ID _____ ID TYPE _____

NO BILL/PETITION _____ PROSECUTION APPROVED: _____
ASSISTANT STATE ATTORNEY

AFFIDAVIT

**Sheriff's
Polk County**



**Office
Bartow, FL**

FORM 69813 - Revised 01/08/03

**INCIDENT NUMBER
2010-033706**

Agency ORI Number
FL05300000

JUVENILE **ADULT** BOOKING # _____ OBTS # _____

IN CIRCUIT/COUNTY COURT IN THE TENTH JUDICIAL CIRCUIT IN AND FOR POLK COUNTY, FL

SUBMITTING MEMBER DETECTIVE LYLE TRIPP MEMBER # 5736

DATE/TIME OF ARREST/INCIDENT 04/03/2010 01:46 EVIDENCE COLLECTED YES NO

LOCATION OF INCIDENT MAJESTIC VIEW, LAKELAND, FLORIDA 33813

CROSS STREET SLIGH ROAD

COMPLAINT AFFIDAVIT _____ ARREST REPORT

CITY OF _____ COUNTY OF POLK, STATE OF FLORIDA

THE UNDERSIGNED AFFIANT SWEARS SHE/HE HAS JUST AND REASONABLE GROUNDS TO BELIEVE THAT ON 04/02/2010 AT

APPROXIMATELY 11:00 PM IN THE VICINITY OF LAKELAND, POLK COUNTY, FLORIDA.

ARCE ERIC ALIAS _____

LAST ERIC FIRST ERIC MIDDLE _____

ADDRESS 1519 MARINER BLVD LAKELAND FL 33801 PHONE (863) 399-9412

RACE HISPANIC/LATINO SEX MALE DOB 11/29/1991 HT 5-10 WT 200 EYE BROWN HAIR BLACK

COMPLEXION MEDIUM BUILD MEDIUM SPEECH NORMAL POB TAMPA, FL

SCARS/MARKS/TATTOOS NONE MARITAL STATUS SINGLE

DL# A620-200-91-429-0 ST FL SS# _____ OCCUPATION STUDENT

EMPLOYER/SCHOOL LAKELAND HIGH SCHOOL PHONE _____

JUV-PARENTS _____ PHONE _____

PROBABLE CAUSE TO FOLLOW VICTIM/WITNESS INFORMATION

COMMITTED THE OFFENSE(S) OF:

- 1) LEWD BATTERY FSS 800.04 (4)(A) LEVEL/DEGREE F/2
- 2) LEWD MOLESTATION FSS 800.05 (5)(C)(2) LEVEL/DEGREE F/2

CO-DEFENDANTS: KYLE SIMMONS

VICTIM: NAME _____ ADDRESS _____ PHONE _____

WITNESS: NAME _____ ADDRESS _____ PHONE _____

**IN CIRCUIT/COUNTY COURT IN THE TENTH JUDICIAL CIRCUIT
IN AND FOR POLK COUNTY, FLORIDA**

PROBABLE CAUSE:

THE VICTIM (W/F, 06/12/95, 14 YEARS OF AGE) IS THE

THE SUSPECT (ERIC ARCE, W/M, 11/29/91, 18 YEARS OF AGE) IS THE

ON 04/02/10 AT APPROXIMATELY 2300 HOURS, DEPUTY DAVID CLEMENTS #5931 OBSERVED A WHITE FORD PICKUP TRUCK BEARING FLORIDA TAG H36 1GQ ON THE SIDE OF MAJESTIC VIEW, LAKELAND, FLORIDA. DEPUTY CLEMENTS PUT HIS SPOT LIGHT ON THE TRUCK AND OBSERVED NUMEROUS PEOPLE INSIDE THE TRUCK MOVING AROUND. DEPUTY CLEMENTS APPROACHED THE TRUCK AND OBSERVED TWO FEMALES. ONE FEMALE (LATER IDENTIFIED AS THE VICTIM, W/F, 06/12/95, 14 YEARS OF AGE) WAS LOCATED IN THE BACK SEAT COMPLETELY NAKED AND PUTTING HER BRA ON. THE OTHER FEMALE (LATER IDENTIFIED AS W/F, 10/27/94, 15 YEARS OF AGE) WAS LOCATED IN THE FRONT SEAT PUTTING HER PANTIES AND JEANS ON. DEPUTY CLEMENTS ALSO OBSERVED TWO WHITE MALES INSIDE THE TRUCK. ONE WHITE MALE (LATER IDENTIFIED AS KYLE SIMMONS, W/M, 12/18/91, 18 YEARS OF AGE) WAS IN THE FRONT SEAT WITH

**AFFIDAVIT
CONTINUATION**

Sheriff's



Office

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FLO5300000

Polk County

Bartow, FL

INCIDENT NUMBER

2010-033706

THE OTHER WHITE MALE (LATER IDENTIFIED AS THE SUSPECT, ERIC ARCE) WAS IN THE BACK SEAT WITH

TOLD DEPUTY CLEMENTS SHE GAVE ERIC ARCE, A "HAND JOB" AND HE "FINGERED" HER IN HER "FUSSY" WHILE THEY WHERE IN THE BACK SEAT OF THE TRUCK.

ON 04/03/10 AT APPROXIMATELY 0230 HOURS, RN BRENDA KONITZER AND DR. LUZOD COLLECTED A SEXUAL ASSAULT KIT AND THE VICTIM'S CLOTHING.

AT APPROXIMATELY 0321 HOURS, I CONDUCTED A RECORDED INTERVIEW WITH THE VICTIM AT THE LAKELAND REGIONAL MEDICAL CENTER IN LAKELAND, FLORIDA. THE FOLLOWING IS A SUMMARY OF THE INTERVIEW.

THE VICTIM STATED SHE WAS IN THE BACK SEAT OF THE TRUCK WITH THE SUSPECT WHO THE SUSPECT KNOWS SHE IS 14 YEARS OLD BECAUSE THEY GO TO SCHOOL TOGETHER. THE VICTIM AND THE SUSPECT STARTED TO KISS AND TOUCH EACH OTHER. THE VICTIM TOOK OFF HER SHIRT, BRA AND SHORTS BUT STILL HAD HER PANTIES ON. THE SUSPECT MOVED HER PANTIES TO THE SIDE AND PUT HIS FINGERS INSIDE OF HER VAGINA WHICH LASTED A FEW MINUTES. THE VICTIM GAVE THE SUSPECT A "HAND JOB" WHICH SHE DESCRIBED AS RUBBING OR STROKING THE SUSPECT'S PENIS INSIDE HIS UNDERWEAR. THEY STOPPED BECAUSE DEPUTY CLEMENTS ARRIVED. THIS WAS CONSENSUAL SEXUAL ACTIVITY AND THE SUSPECT NEVER FORCED HER TO DO ANYTHING. DURING THIS INCIDENT SIMMONS AND WERE "MAKING OUT" IN THE FRONT SEAT OF THE TRUCK. THE VICTIM DOES NOT EXACTLY WHAT SIMMONS AND WERE DOING BECAUSE SHE WAS NOT WATCHING THEM.

AT APPROXIMATELY 0556 HOURS, I CONDUCTED A POST-MIRANDA RECORDED INTERVIEW WITH THE SUSPECT AT THE SOUTHEAST DISTRICT SUB-STATION IN LAKELAND FLORIDA. THE FOLLOWING IS A SUMMARY OF THE INTERVIEW .

THE SUSPECT STATED HE KNOWS THE VICTIM IS 14 YEARS OLD AND SHE IS HE WAS IN THE BACK SEAT OF THE TRUCK WITH THE VICTIM AND THEY WERE KISSING AND TOUCHING EACH OTHER. THE VICTIM REMOVED HER SHIRT, BRA AND SHORTS AND WAS ONLY WEARING PANTIES. THE VICTIM STARTED TO RUB HIS PENIS INSIDE HIS UNDERWEAR AND HE WAS RUBBING THE VICTIM'S BREAST. THE SUSPECT THEN STARTED TO RUB THE VICTIM LEGS AND MOVED HIS HAND TO HER VAGINA. THE SUSPECT PUT ONE FINGER INSIDE THE VICTIM'S VAGINA WHICH LASTED FOR A FEW MINUTES. THIS WAS CONSENSUAL SEXUAL ACTIVITY AND HE NEVER FORCED HER TO DO ANYTHING SHE DID NOT WANT TO DO.

BASED ON THE INTERVIEWS, ERIC ARCE COMMITTED ONE COUNT OF LEWD BATTERY AND ONE COUNT OF LEWD MOLESTATION ON THE VICTIM.

SWORN TO AND SUBSCRIBED BEFORE ME, THE UNDERSIGNED AUTHORITY, THIS

3 DAY OF April 2010

[Signature]
DEPUTY CLERK/NOTARY PUBLIC/LEO #2309

DEF *[Signature]* #5736
AFFIANT

PERSONALLY KNOWN

PRODUCED ID

ID TYPE

NO BILL/PETITION

PROSECUTION APPROVED:

ASSISTANT STATE ATTORNEY