



OSCEOLA COUNTY SHERIFF'S OFFICE

Deputy Report for Incident 10I013626

Nature: SEX BATTERY 37R
Location: 3501

Address: 2717 PATRICIAN CIR
KISSIMMEE FL

Offense Codes: 1000, 130A

Received By: CHISHOLM, C	How Received: T	Agency: OCSO
Responding Officers: RHINE, C, LINDBERY, J, COVAS, J, TULLOS, W, SHAH, J, STEVENS, D, MENDEZ, L		
Responsible Officer: LINDBERY, J	Disposition: CAA 02/14/10	
When Reported: 20:21:00 02/13/10	Occurred Between: 16:00:00 02/13/10 and 17:00:00 02/13/10	

Assigned To: SAURO, S
Status: CLO

Detail: PCU
Status Date: 02/15/10

Date Assigned: 02/15/10
Due Date: **/**/**

Complainant: 50742

Last: KPD

First: ZONE 53K

Mid:

DOB: **/**/**

Dr Lic:

Address: [REDACTED]

Race:

Sex:

Phone: (407)846-3333
BUSN

City: KISSIMMEE, FL 34741

Offense Codes

Reported:

Additional Offense: 1000 KIDNAPPING/ABDUCTION
4KD

Additional Offense: 130A SIMPLE ASSAULT/BATTERY

Observed: F1 1ST DEGREE FELONY 8 YEARS

Circumstances

ZDON
ZDON
WE07 HANDS/FISTS/FEET
LT01 SINGLE FAMILY RESIDENCE
LT29 MOTOR VEHICLE
DOMES DOMESTIC VIOLENCE INVOLVED
RCOHA RELATIONSHIP COHABITANT
ZDON

Responding Officers:
RHINE, C

Unit :
235

LINDBERY, J	231
COVAS, J	244
TULLOS, W	234
SHAH, J	241
STEVENS, D	233
MENDEZ, L	S24

Responsible Officer: LINDBERY, J

Received By: CHISHOLM, C

How Received: T TELEPHONE

When Reported: 20:21:00 02/13/10

Judicial Status: GUI

Misc Entry: L.MENDEZ

Agency: OCSO

Last Radio Log: **:**:** **/**/**

Clearance: AR ARREST WITH REPORT

Disposition: CAA **Date:** 02/14/10

Occurred between: 16:00:00 02/13/10

and: 17:00:00 02/13/10

Modus Operandi:

Description :

Method :

Involvements

Date	Type	Description	Relationship
02/13/10	Cad Call	20:21:00 02/13/10 SEX BATTERY 37R	Initiating Call

Narrative

WRITTEN BY D/S JAMES LINDBERY # 1368
ZONE 35
INCIDENT # 10I013626

OFFENSE 1 SEXUAL BATTERY F. S. S. 794.011(5) ATT.
OFFENSE 2 FALSE IMPRISONMENT F. S. S. 787.02(2) COMM.
OFFENSE 3 ASSAULT F. S. S. 784.011(1) COMM.
OFFENSE 4 BATTERY-DOMESTIC F. S. S. 784.03(1) A(1) COMM.

ON 02-13-2010 AT APPROXIMATELY 2112 HOURS I RESPONDED TO [REDACTED], AND MET WITH OFFICER PADILLA #632 WITH THE KISSIMMEE POLICE DEPARTMENT(KPD). UPON MY ARRIVAL OFFICER PADILLA INFORMED ME HE WAS WORKING A KIDNAPPING, AND DOMESTIC BATTERY CASE(KPD CASE# 0110001321) WHICH ALSO OCCURRED IN THEIR JURISDICTION. OFFICER PADILLA INFORMED ME OF A FURTHER INCIDENT THAT HAD OCCURRED IN THIS COUNTIES JURISDICTION RELATED TO HIS CASE.

I MET WITH [REDACTED] (VICTIM) WHO TOLD ME THE FOLLOWING VIA VERBAL, AND SWORN WRITTEN STATEMENT:

ON THIS DATE AT APPROXIMATELY 1601 HOURS ANSELMO MORALES-TORRES WHO IS HER BOYFRIEND, AND THE FATHER OF HER DAUGHTER CAME TO THE ABOVE RESIDENCE UNINVITED. HE TOLD HER THAT HE WANTED TO TALK WITH HER ABOUT THEIR RELATIONSHIP, AND SHE TOLD HIM THAT SHE DID NOT WANT TO TALK WITH HIM. SHE SAID SHE WAS STANDING ON THE FRONT WALKWAY JUST OUTSIDE THE FRONT DOOR OF HER RESIDENCE. AT THAT POINT HE BECAME VERY ANGRY TOWARDS HER, AND GRABBED HER BY HER SHOULDERS, AND PUSHED HER TO HIS CAR. HE FORCED HER THROUGH THE FRONT DRIVER SIDE DOOR, AND PUSHED HER TO THE PASSENGER SEAT. SHE SAID SHE TRIED TO OPEN THE DOOR, BUT HE GRABBED HER BY HER ARM, AND FORCED HER TO STAY INSIDE THE VEHICLE. SHE TOLD HIM SHE WANTED TO GO INSIDE HER HOUSE BUT HE SAID THEY HAD TO TALK FIRST. HE THEN BEGAN TO DRIVE, AND TOLD HER HE WOULD NOT STOP THE CAR UNTIL THEY TALKED ABOUT THEIR RELATIONSHIP. HE TOLD HER HE WOULD GO THROUGH ALL TRAFFIC LIGHTS SO SHE COULD NOT GET OUT OF THE CAR. SHE EXPLAINED HE DROVE THEM TO HIS HOUSE WHICH IS LOCATED AT [REDACTED], AND HE OPENED THE GARAGE DOOR, AND PARKED THE CAR INSIDE. SHE SAID ONCE THE VEHICLE CAME TO A STOP HE USED THE GARAGE DOOR OPENER, AND CLOSED THE DOOR WHILE STILL INSIDE THE VEHICLE. WHILE THEY WERE SITTING INSIDE THE VEHICLE HE STARTED TO YELL, AND SAY IF SHE WAS NOT GOING TO BE WITH HIM, SHE WOULD NOT BE WITH ANYBODY. WHILE HE WAS YELLING AT HER HE RAN HIS FINGERS AGGRESSIVELY DOWN HIS FACE, AND NECK CAUSING SCRATCH MARKS.

AFTER A FEW MOMENTS HE ASKED HER TO GO INSIDE THE RESIDENCE TO TALK. SHE SAID SHE TOLD HIM YES SHE WOULD GO INSIDE ONLY BECAUSE SHE KNEW HIS MOTHER, AND SISTER WERE THERE, AND SHE WANTED TO BE WITH THEM SO SHE WAS SAFE. ONCE THEY WALKED INSIDE THE RESIDENCE SHE BEGAN TO RUN TOWARDS HIS SISTER AND MOTHER TO GET AWAY FROM HIM. ONCE SHE BEGAN TO RUN HE GRABBED HER BY THE BACK OF HER SWEATER, AND PUSHED HER TO THE FLOOR. WHILE SHE WAS ON THE FLOOR HE GRABBED HER BY HER SHOULDERS, AND DRAGGED HER TO HIS BEDROOM WHICH WAS LOCATED ON THE SECOND FLOOR OF THE RESIDENCE. ONCE HE GOT HER TO HIS BEDROOM HIS SISTER TRIED TO HELP HER, BUT COULD NOT SINCE HE LOCKED HIS BEDROOM DOOR. SHE TOLD ME HE THEN GRABBED HER AGAIN BY THE SHOULDERS, AND PUSHED HER TO THE GROUND. WHILE SHE WAS SITTING ON THE GROUND HE GRABBED A PAIR OF SCISSORS OFF THE FLOOR, AND ASKED HER WHAT WOULD HAPPEN IF HE BEGAN TO CUT HER HAIR. SHE TOLD ME SHE WAS AFRAID HE WAS GOING TO CUT HER OR STAB HER, SO SHE ASKED HIM TO PLEASE NOT DO THAT.

SHE TOLD ME WHILE SHE WAS SITTING ON THE FLOOR SHE ALMOST BEGAN TO CRY, AT WHICH POINT MORALES-TORRES TOLD HER HE WOULD TAKE HER HOME, BUT SHE HAD TO HAVE SEX WITH HIM FIRST. SHE TOLD HIM SHE DID NOT WANT TO HAVE SEX WITH HIM. HE TOLD

HER WAS GOING TO GIVE HER TEN SECONDS TO GO TO THE BED, AND IF SHE DID NOT HE WOULD GRAB HER, AND MAKE HER GO. MORALES-TORRES THEN BEGAN TO COUNT, AND WHEN SHE DID NOT MOVE HE GRABBED HER, AND PICKED HER UP FROM THE FLOOR, AND TOOK HER TO HIS BED. ONCE AT THE BED HE PUSHED HER DOWN TO THE MATTRESS, AND HELD HER DOWN. SHE SAID WITH ONE HAND HE TOOK HIS SHORTS, AND UNDERWEAR OFF. SHE SAID HE ALREADY HAD HIS SHIRT OFF FROM WHEN HE TOOK IT OFF WHILE DRIVING TO HIS HOUSE. SHE SAID WHILE HE WAS HOLDING HER DOWN ON THE BED WITH ONE HAND HE BEGAN STROKING HIS PENIS WITH HIS OTHER HAND. HE THEN USED BOTH HANDS TO TRY AND PULL HER PANTS DOWN. SHE SAID SHE QUICKLY TRIED TO PULL HER PANTS BACK UP, BUT HE THEN PULLED REALLY HARD, AND WAS SUCCESSFUL IN GETTING HER PANTS AND PANTIES OFF. WHILE HE WAS PULLING HER CLOTHES OFF SHE WAS CRYING, AND PLEADING WITH HIM NOT TO DO THAT. SHE SAID HE THEN BEGAN TO TRY AND HAVE ORAL SEX WITH HER WHILE SHE WAS TRYING TO PUSH HIM AWAY. SHE SAID SHE WAS TRYING TO CLOSE HER LEGS BUT HE PULLED THEM APART, AND ATTEMPTED TO PUT HIS ERECT PENIS INSIDE HER VAGINA. SHE THEN COVERED HER VAGINA WITH HER HAND TO KEEP HIM FROM PENETRATING IT WITH HIS PENIS. SHE WAS TELLING HIM THE ENTIRE TIME "PLEASE STOP," AND "DON'T DO THAT." SHE THEN BEGAN TO MOVE HER BUTT AROUND, AND EVENTUALLY SAT UP WITH HER BACK AGAINST THE WALL BEHIND THE BED. HE THEN PULLED HER BACK DOWN ON THE BED, AND PULLED HER LEGS APART, AND AGAIN TRIED TO PENETRATE HER VAGINA WITH HIS PENIS. SHE AGAIN COVERED HER VAGINA WITH HER HAND, AND TRIED TO SIT UP ON THE BED. SHE SAID THIS HAPPENED A TOTAL OF THREE TIMES, AND HE WAS NEVER SUCCESSFUL IN PENETRATING HER VAGINA. SHE SAID IN FEAR OF HIM SHE TOLD HIM SHE WAS GOING TO BE WITH HIM, AND NO ONE ELSE, BECAUSE SHE KNEW IF SHE SAID THAT HE WOULD BRING HER BACK HOME. SHE THEN ASKED HIM TO TAKE HER BACK HOME SO THEY COULD RESOLVE THINGS. HE THEN GOT OFF OF HER, AND PUT HIS UNDERWEAR AND PANTS BACK ON. HE THEN TOLD HER HE HOPED SHE WAS NOT LYING TO HIM, AND SHE REPLIED SHE WAS NOT LYING, AND ASKED HIM AGAIN TO TAKE HER HOME. SHE THEN PUT HER CLOTHES BACK ON, AND HE EVENTUALLY TOOK HER HOME WITH NO FURTHER PROBLEMS.

WHILE MORALES-TORRES WAS DRIVING HER HOME HE TOLD HER HE WAS SORRY, HE LOVED HER, AND ASKED HER TO FORGIVE HIM. SHE SAID SHE ARRIVED BACK TO HER RESIDENCE AT AROUND 1700 HOURS.

SHE EXPLAINED SHE, AND MORALES-TORRES HAVE BEEN IN A ROMANTIC RELATIONSHIP FOR TWO YEARS, AND TWO MONTHS. SHE SAID THEY HAVE A 17 MONTH OLD DAUGHTER TOGETHER NAMED MARIA JOSE MORALES. SHE SAID THEY HAVE NEVER LIVED TOGETHER IN THE PAST AS A FAMILY. SHE TOLD ME MORALES-TORRES HAS HIT HER IN THE PAST, AND SHE HAS HAD AN INJUNCTION ON HIM IN 2009. SHE TOLD ME SHE HAD THE INJUNCTION DISMISSED BECAUSE THEY WERE TRYING TO WORK ON THEIR RELATIONSHIP. SHE TOLD ME SHE IS AFRAID OF HIM BECAUSE HE TOLD HER IF SHE IS NOT WITH HIM SHE IS NOT GOING TO BE WITH ANYONE ELSE.

CONTACT WAS MADE WITH MORALES-TORRES AT HIS RESIDENCE LOCATED AT [REDACTED]. I INFORMED MORALES-TORRES OF HIS MIRANDA WARNING, AND HE TOLD ME HE UNDERSTOOD, AND WISHED TO SPEAK WITH ME.

HE SAID HE WENT OVER TO [REDACTED] HOUSE TO SPEAK WITH HER ABOUT THEIR RELATIONSHIP. HE SAID SHE VOLUNTARILY GOT INTO HIS VEHICLE, AND THEY DROVE THE HIS RESIDENCE TO TALK. HE SAID SHE TOLD HIM SHE HAD TO BE HOME QUICKLY. ONCE AT HIS RESIDENCE SHE WALKED UP STAIRS TO HIS BEDROOM TO TALK WITH HIM. HE TOLD ME AT NO POINT DID HE FORCE HER TO GO TO HIS ROOM OR NOT LET HER LEAVE HIS RESIDENCE. WHILE THEY WERE SPEAKING WITH EACH OTHER IN HIS ROOM HE ONLY TRIED TO KISS HER. HE SAID HE NEVER FORCED HIMSELF ON HER OR TRY TO HAVE SEX WITH HER. HE SAID SHE TOLD HIM SHE WANTED TO GO HOME WHILE HE WAS SPEAKING WITH HER. HE TOLD HER HE WOULD TAKE HER HOME IN A FEW MINUTES AND CONTINUED TO TRY, AND TALK WITH HER. HE SAID AFTER APPROXIMATELY TEN MINUTES HE TOOK HER BACK TO HER HOUSE. HE TOLD ME WHILE THEY WERE ARGUING SHE SCRATCHED

HIM ON HIS NECK WITH HER FINGER NAILS.

I OBSERVED A RED MARK ON [REDACTED] LEFT ARM. I ALSO OBSERVED A SMALL TEAR ON HER SWEATER UNDER HER LEFT ARM PIT. I OBSERVED SEVERAL RED SCRATCHES ON MORALES-TORRES' NECK, AND CHEST AREA CONSISTANT WITH [REDACTED] STATEMENT. PHOTOS OF BOTH PARTIES INJURIES ALONG WITH [REDACTED] SWEATER WERE TAKEN, AND SUBMITTED INTO EVIDENCE. BOTH PARTIES DECLINED MEDICAL TREATMENT.

[REDACTED] WAS GIVEN A DOMESTIC VIOLENCE PAMPHLET WITH THIS AGENCIES CASE NUMBER WRITTEN ON IT. SHE WAS INFORMED A DOMESTIC SERVICE OFFICER, AND HELP NOW WOULD CONTACT HER FOR A FOLLOW UP INVESTIGATION. HELP NOW AND THE DEPARTMENT OF CHILDREN, AND FAMILIES WERE NOTIFIED OF THIS INCIDENT VIA FACSIMILE.

BASE ON THE ABOVE I HAVE PROBABLE CAUSE TO BELIEVE MORALES-TORRES IS IN VIOLATION OF F.S.S. 794.011(5), F.S.S. 787.02(2), F.S.S. 784.021(1)A, AND F.S.S. 784.03(1)A(1); ATTEMPTED SEXUAL BATTERY(DOMESTIC), FALSE IMPRISONMENT, AGGRAVATED ASSAULT, AND BATTERY. MORALES-TORRES WAS ARRESTED AND TRANSPORTED TO THE OSCEOLA COUNTY JAIL WITHOUT INCIDENT.