

INCIDENT REPORT (CONT.)

SUBJECT / MISSING SECTION

Form for Subject/Missing Section for Clarks Desarea M. Includes fields for offense indicator, subject code, date of birth, physical description, and contact information.

SUBJECT / MISSING SECTION

Form for Subject/Missing Section for Wyatt Donald E. Includes fields for offense indicator, subject code, date of birth, physical description, and contact information.

NARRATIVE

1 On 10-01-12 at approximately 2058 hours, Deputy Gering responded to 302 S Spring Garden Ave #C10 in reference to a possible theft. Central
2 dispatch advised a female called 911 and stated \$60.00 was stolen from her wallet which was in her apartment, and her wallet was left behind.
3 Upon arrival, Deputy Gering made contact with Desarea M. Clark (D1) and her live in boyfriend, Malcolm T. Banks (O1).
4
5 Banks advised the following: When he arrived home, he observed his next door neighbor, Donald E. Wyatt (O3), crouched down in front of his
6 (Banks') apartment's ajar door. His door was left ajar because he always leaves it in that condition. When he began to walk up the stairs to see
7 what Wyatt wanted, Wyatt went into his own apartment and shut the door. Banks and Clark then went into their apartment and observed Clark's
8 black wallet was missing from her purse, which was on the ground right next to the apartment's front door. Banks confronted Wyatt and Wyatt
9 denied taking anything. Clark confronted Wyatt's live in girlfriend, Traci S. Howard (O2), and Howard started a physical altercation by pushing her.
10 Clark then called 911 to report the incident. Clark advised she wished to press charges against Wyatt for stealing her wallet.

ADMINISTRATIVE

Administrative section including final case status, connecting report number, agency, and officer reporting information.

VOLUSIA COUNTY SHERIFF'S OFFICE

NARRATIVE / SUPPLEMENT

EVENT	Report Date 10-01-2012	Report Time 2058	Orig. Reported Date 10-01-2012	Nature of Call (for Incident) 43	Agency Report Number 120028887	1.Original	2.Supplement	1
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NARRATIVE / CONTINUATION

11

12 Upon contact Wyatt / Howard advised the following: Wyatt knocked on Banks' ajar door to return a CD. When he observed Banks wasn't home,

13 he placed the CD on a table right next to the front door. He advised he did not take Clarks wallet and he did not notice a purse on the ground next

14 to the front door. After he went back into his apartment, he was accosted by Banks and Clark. Clark then started a short physical altercation with

15 Howard by slapping her. Wyatt then called 911 to report the incident.

16

17 It should be noted that Clark was unable to advise why she initially told central dispatch \$60.00 was taken from her wallet and it was left in her

18 apartment by the thief. Clark was also treated by Volusia County Fire Services on scene because she was experiencing minor back pain. She

19 refused to be transported to a hospital via EVAC.

20

21 Wyatt and Howard consented to a search of their apartment. Deputy Gering searched the apartment and was unable to locate Clark's wallet.

22 Deputy Gering was also unable to locate any independent witnesses to the incident.

23

24 At the time of Deputy Gering's initial investigation, he determined there was insufficient probable cause to warrant charges being pursued against

25 any party involved. After explaining this determination to Clark, she became extremely irate. She was upset because Deputy Gering was not

26 arresting Wyatt and because Deputy Gering was not able to locate her wallet inside of Wyatt's apartment. Deputy Gering continuously attempted

27 to explain the reason behind his determination (lack of physical evidence, no independent witnesses, conflicting statements) to Clark but she was

28 inconsolable. She stated she wanted another officer and "the chief of police" to respond to the scene so she could get what she wanted. Deputy

29 Gering observed Clark dialing her cell phone and then speaking with someone on the phone. Deputy Gering assumed Clark called 911 and

30 advised if that was the case, she needed to hang up or she would be arrested for misuse of 911. Clark ignored Deputy Gering's warning and

31 walked away.

32

33 Approximately two minutes later, central dispatch advised Clark called in on 911 and advised she wanted a different unit or a sergeant to respond

34 because she was not happy with how the call was being handled. Deputy Gering then contacted Clark in front of her apartment building. She

35 confirmed that she called 911 while law enforcement was already on scene and there was no emergency whatsoever. Clark was arrested for

36 misuse of 911 and transported to the Volusia County Branch Jail.

37

38 After transporting Clark to the jail, central dispatch received another call from Howard advising she was assaulted after Deputy Gering left, see

39 VCSO case number 12-28896 for details. While on scene for the second incident, Deputy Gering asked Wyatt and Howard if he could again

40 search their apartment for Clark's wallet. Both parties consented to the search and Deputy Gering located Clark's wallet lodged between a cooler

41 and the apartment's wall in the apartment's living room area. The black wallet contained Clark's H&R Block Mastercard, TD Bank Visa debit card,

42 EBT Access card, Medicaid card, Deland high school ID card, and Daytona State College ID card. No currency was located inside of the wallet.

43 The wallet was turned over to the District 2 evidence locker.

44

45 Upon bring questioned about the location of the wallet, Wyatt and Howard advised it must have been placed there by Banks or Clark or one of

46 their friends while they were in their apartment. Wyatt advised after Banks told his friends / family members who live in the apartment complex

47 about the situation, they got together and entered Wyatt's apartment to confront him. Wyatt advised the wallet must have been placed there by

48 one of them while they were accosting him.

49

50 After locating the wallet, Deputy Gering was unable to make contact with Banks to estimate the wallet's value. Clark also did not advise an

51 estimated value of her wallet before she was arrested. Deputy Gering estimated the value of the wallet at \$20.00. Deputy Gering will attempt to

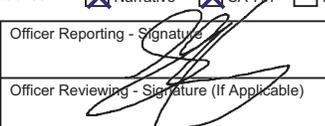
52 obtain a sworn written statement from Clark on 10-02-12.

53

54 A 707 Charging Affidavit charging Wyatt with petit theft was forwarded to the State Attorney's Office for review.

55

56 Case status: Pending / Filed

ADMINISTRATIVE	Final Case Status: <u>1</u>	Final Case Status Codes: 1.Arrest/Adult 2.Arrest/Juv. 3.Exceptional/Adult 4.Exceptional/Juv. 5.Closed 6.Unfounded	<input type="checkbox"/> Victim Advocate	<input type="checkbox"/> Triad	<input type="checkbox"/> SA Referral
<input type="checkbox"/> DCF Hotline	Date:	Time:	<input type="checkbox"/> FCIC / NCIC Entry	<input type="checkbox"/> T.T. BOLO	Date:
<input type="checkbox"/> CAC	Spoke With:		<input type="checkbox"/> FCIC / NCIC Cancel		By:
Connecting Report Number	Agency	Additional Forms Attached: <input checked="" type="checkbox"/> Narrative <input checked="" type="checkbox"/> SA 707 <input type="checkbox"/> Persons <input type="checkbox"/> Property <input type="checkbox"/> Veh./Tow Sheet <input type="checkbox"/> Other Describe: _____			
Officer Reporting - Printed	Officer Reporting - Signature		ID. Number	Unit	Date
Gering, Scott			7741	1A24	10-01-2012
Officer Reviewing - Printed (If Applicable)	Officer Reviewing - Signature (If Applicable)		ID. Number	Unit	Date

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

Arrest # _____ Bk # _____ Pg # 1 of 1

<input checked="" type="checkbox"/> ARREST		<input type="checkbox"/> NOTICE TO APPEAR		<input type="checkbox"/> AFFIDAVIT		<input type="checkbox"/> C.C.		<input checked="" type="checkbox"/> ADULT		<input type="checkbox"/> JUVENILE		Court Case Number:							
(ORI) FL: <u>FL0640000</u>		Agency Name: <u>VOLUSIA COUNTY SHERIFF'S OFFICE</u>		Agency Case Number: <u>120028887</u>		FCIC/NCIC Check? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		OBTS #		U.C.R.:		Date Arrested: <u>10-01-2012</u>		Time of Arrest: <u>2224</u>					
ADDRESS OF ARREST (Street, City, State, Zip): <u>302 S Spring Garden Ave #C10 DELAND FL 32720</u>						Arrested By: <u>Gering, Scott</u>				ID Number: <u>7741</u>		Sex: <u>F</u> Race: <u>B</u>							
DEFENDANT		NAME (Last): <u>Clark</u>		(First): <u>Desarea</u>		(Middle): <u>M</u>		A.K.A.:		Sex: <u>F</u> Race: <u>B</u>		DOB: <u>12-28-1992</u>		Age: <u>19</u>					
Driver's Lic./ID No.: <u>C462-173-92-468-0</u>		State: <u>DL</u>		Year Expires: _____		S.S.# - <u>XXXX</u>		Height: <u>5' 00</u>		Weight: <u>120</u>		Hair: <u>BLK</u>		Eyes: <u>BRO</u>					
Scars, Marks, Tattoos:		Business & Occupation:		P.O.B. (City, State, Country): <u>NY</u>		Statement: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		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): <u>302 S Spring Garden Ave #C10</u>		(CITY): <u>DELAND</u>		(STATE): <u>FL</u>		ZIP CODE: <u>32720</u>		RESIDENCE PHONE: <u>(386) 337-2865</u>		Address - Local (STREET, APT. NUMBER): _____		(CITY): _____		(STATE): _____		ZIP CODE: _____		RESIDENCE PHONE: _____	
Address - Other (Employer/School) (STREET, APT. NUMBER): _____		(CITY): _____		(STATE): _____		ZIP CODE: _____		BUS/SCHOOL PHONE: _____											

CHARGES		DOMESTIC VIOLENCE? Yes <input 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"/>		DUI <input type="checkbox"/>		Total Charges: <u>1</u>			
#1	Charge: <u>Misuse of Wireless 911 System</u>	FEL <input type="checkbox"/> MISD <input checked="" type="checkbox"/> ORD <input type="checkbox"/>		FS/ORD: <u>365.172(13)</u>		Citation No.:		Bond: <u>250.00</u>		#2	Charge:	FEL <input type="checkbox"/> MISD <input type="checkbox"/> ORD <input type="checkbox"/>		FS/ORD:		Citation No.:		Bond:	
#3	Charge:	FEL <input type="checkbox"/> MISD <input type="checkbox"/> ORD <input type="checkbox"/>		FS/ORD:		Citation No.:		Bond:											

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 (Last): _____	(First): _____		(Middle): _____		Race:		Sex:		DOB:		Age:	
#2	NAME (Last): _____	(First): _____		(Middle): _____		Race:		Sex:		DOB:		Age:	

NARRATIVE

The undersigned certifies and swears that there is probable cause to believe the above-named defendant, on the 01 day of October, 2012, at approximately 0858 a.m. p.m. at 302 S Spring Garden Ave DELAND within Volusia County, violated the law and did then and there:

1 Deputy Gering was investigating a complaint of a possible theft. The defendant became upset with Deputy Gering's investigation because the
 2 subjects she was alleging stole from her were not being taken to jail by Deputy Gering. She advised she was going to have "the chief of police"
 3 respond to help with her situatuin. At approximately 2217 hours, Deputy Gering observed the defendant on the phone with what he believed to be a
 4 911 dispatcher.
 5
 6 Deputy Gering advised the defendant she would be arrested if she called central dispatch via 911 when there was no emergency. The defendant
 7 ignored Deputy Gering's warning and walked away from him. Approximately two minutes later, central dispatch advised the defendant called in via
 8 911 and requested that another unit or a sergeant respond because she was not happy with how the situation was being handled. The defendant
 9 was located by Deputy Gering approximately one minute later by her apartment. She confirmed that she called 911 for a different unit to respond and
 10 that there was no emergency whatsoever.
 11
 12 The defendant was arrested and transported to the Volusia County Branch Jail.

NOTICE TO APPEAR		MANDATORY APPEARANCE <input type="checkbox"/>		YOU NEED NOT APPEAR IN COURT BUT MUST COMPLY WITH INSTRUCTIONS ON THE REVERSE SIDE OF YOUR COPY <input type="checkbox"/>		FINE, AND COSTS AMOUNT:	
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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.

SIGNATURE OF DEFENDANT		Date		SIGNATURE OF JUVENILE PARENT OR CUSTODIAN		RELATIONSHIP TO JUVENILE		JUVE DISP.	
								CITATION No.	

Sworn to and subscribed before me, the undersigned this <u>01</u> day of <u>October</u> , <u>2012</u> , Name: <u>Scott J. Samurac</u>		I swear/affirm the above statements are correct and true		OFFICER'S/COMPLAINANT'S SIGNATURE		Rt Thumb			
Notary Public <input type="checkbox"/> Law Enforcement or Corrections Officer <input checked="" type="checkbox"/>		PERSONALLY KNOWN <input checked="" type="checkbox"/> PRODUCED IDENTIFICATION <input type="checkbox"/>		Type of Identification: _____		GERING, SCOTT		7741	
				NAME (PRINTED)		ID NUMBER			

OFFICIAL USE ONLY		Inmate Number & Facility:	
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VOLUSIA COUNTY SHERIFF'S OFFICE

PROPERTY REPORT

THEFT EVENT	Report Date	Report Time	Original Incident Date	Nature of Call (for Incident)	Agency Report Number	1. Original						
	10-01-2012	2058	10-01-2012	43	120028887	2. Supplement <u>1</u>						
THEFT	Type Theft	Type Theft Codes										
	99	00. N/A	02. Robbery	04. Pocket Picking	06. Embezzlement	08. From Public Access Bldg.	09. From Vehicle	11. By Computer	13. Bicycle	99. Other		
CODES	Person Code	Person Involvement Code		Status Code:								
	V-Victim	N-Next of Kin	1. Finder	1. Evidence	5. Lost	8. Found	12. Stolen And Recovered	16. Vehicle Inventory Prop.				
	S-Suspect	O-Other	2. Owner	2. Damaged Prop.	6. Recovered	9. Found/Contraband	13. Disposal	17. Baker Act				
D-Defendant	R-Reporting Party	3. Suspect	3. Arson/Burned	7. Recovered (Outside Agency Recovered)	10. Prisoner's Pers.Prop.	14. Prop. Of Deceased	18. Seized/Confiscated					
W-Witness		4. Other	4. Photo & Release		11. Stolen	15. Return to Owner	19. Abandoned					
DRUG CODES	Category Code	E-Equipment/Measuring Devices/Tools		I-Items of Identification		V.Viewing Equip (Binoculars)						
	B. Bicycle	F-Furniture and Furnishings		J-Special Docs/Food Stamps/Tickets		M. Musical Instrument		R-Radio/TV/Sound Devices				
	C. Camera/Photo Equipment	G-Games and Gambling Apparatus		K-Keepsakes and Collectibles		O. Office Equipment		S-Sports/Camping/Rec.Equip.				
	D-Data Processing Equipment	H-Household Appliance/Housewares		L. Livestock		P.Personal Accessories		T-Toxic Chemicals				
DRUG CODES	Activity	D. Deliver		Z. Other		Type		Unit				
	P. Possess	E. Use				A. Amphetamine		1. Gram				
PROPERTY	Leave Blank:	Person Code	#	Pers. Invl.	Item #	Status	Category	Article	Description			
					1	12	Y	OTHER	Black wallet with Clark's cards and \$60.00			
	Serial Number	Owner Applied Number		Value Recovered:		Date Recovered:		Forfeiture Y / N:	F.W.T.C. (Y/N)	Value		
						\$20.00		10-01-2012			\$80.00	
	If Article	Qty.	Brand	Model	Jewelry Type	If Drug	Activity	Type	Quantity	Unit	Estimated Street Value	
											\$	
	If Gun	Make	Model	Caliber	Type/Cat	Action	Finish	Barrel Length	Barrel Type			
PROPERTY	Leave Blank:	Person Code	#	Pers. Invl.	Item #	Status	Category	Article	Description			
	Serial Number	Owner Applied Number		Value Recovered:		Date Recovered:		Forfeiture Y / N:	F.W.T.C. (Y/N)	Value		
						\$					\$	
	If Article	Qty.	Brand	Model	Jewelry Type	If Drug	Activity	Type	Quantity	Unit	Estimated Street Value	
											\$	
	If Gun	Make	Model	Caliber	Type/Cat	Action	Finish	Barrel Length	Barrel Type			
PROPERTY	Leave Blank:	Person Code	#	Pers. Invl.	Item #	Status	Category	Article	Description			
	Serial Number	Owner Applied Number		Value Recovered:		Date Recovered:		Forfeiture Y / N:	F.W.T.C. (Y/N)	Value		
						\$					\$	
	If Article	Qty.	Brand	Model	Jewelry Type	If Drug	Activity	Type	Quantity	Unit	Estimated Street Value	
											\$	
	If Gun	Make	Model	Caliber	Type/Cat	Action	Finish	Barrel Length	Barrel Type			
PROPERTY	Leave Blank:	Person Code	#	Pers. Invl.	Item #	Status	Category	Article	Description			
	Serial Number	Owner Applied Number		Value Recovered:		Date Recovered:		Forfeiture Y / N:	F.W.T.C. (Y/N)	Value		
						\$					\$	
	If Article	Qty.	Brand	Model	Jewelry Type	If Drug	Activity	Type	Quantity	Unit	Estimated Street Value	
											\$	
	If Gun	Make	Model	Caliber	Type/Cat	Action	Finish	Barrel Length	Barrel Type			
CHAIN OF CUSTODY	Item #	Date:	Time:	Released by (Printed):		Released by (Signature):		Received by (Printed):		Received by (Signature):		
	1	10-02-2012	0600	Deputy Greing				District 2 evidence locker				
	Leave Blank:			Reason for Change:								
				Evidence								
	Item #	Date:	Time:	Released by (Printed):		Released by (Signature):		Received by (Printed):		Received by (Signature):		
	Leave Blank:			Reason for Change:								
	Item #	Date:	Time:	Released by (Printed):		Released by (Signature):		Received by (Printed):		Received by (Signature):		
	Leave Blank:			Reason for Change:								
	Item #	Date:	Time:	Released by (Printed):		Released by (Signature):		Received by (Printed):		Received by (Signature):		
	Leave Blank:			Reason for Change:								
Item #	Date:	Time:	Released by (Printed):		Released by (Signature):		Received by (Printed):		Received by (Signature):			
Leave Blank:			Reason for Change:									
Item #	Date:	Time:	Released by (Printed):		Released by (Signature):		Received by (Printed):		Received by (Signature):			
Leave Blank:			Reason for Change:									
Item #	Date:	Time:	Released by (Printed):		Released by (Signature):		Received by (Printed):		Received by (Signature):			
Leave Blank:			Reason for Change:									
ADMIN.	Officer Reporting - Printed			Officer Reporting - Signature			ID. Number	Unit	Date			
	Gering, Scott						7741	1A24	10-01-2012			
Officer Reviewing - Printed (If Applicable)			Officer Reviewing - Signature (If Applicable)			ID. Number	Unit	Date				

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

Arrest # _____ Bk # _____ Pg # 1 of 3

ARREST <input type="checkbox"/> NOTICE TO APPEAR <input type="checkbox"/> AFFIDAVIT <input checked="" type="checkbox"/> C.C. <input type="checkbox"/> ADULT <input checked="" type="checkbox"/> JUVENILE <input type="checkbox"/>		Court Case Number: _____	
(ORI) FL: <u>FL0640000</u>	Agency Name: <u>VOLUSIA COUNTY SHERIFF'S OFFICE</u>	Agency Case Number: <u>120028887</u>	
FCIC/NCIC Check? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	OBTS # _____	U.C.R.:	Date Arrested: _____
ADDRESS OF ARREST (Street, City, State, Zip): _____		Arrested By: _____	ID Number: <u>7741</u>
DEFENDANT	NAME (Last) <u>Wyatt</u> (First) <u>Donald</u> (Middle) <u>E</u>	A.K.A.:	Sex: <u>M</u> Race: <u>W</u>
DOB: <u>02-18-1973</u>	Age: <u>39</u> Driver's Lic./ID No.: <u>W300-185-73-058-0</u>	State: <u>FL</u>	Year Expires: _____ S.S.# - <u>XXXX</u>
Height: <u>6' 04</u>	Weight: <u>150</u> Hair: <u>BRO</u> Eyes: <u>BLU</u>	P.O.B. (City, State, Country): <u>TN</u>	
Scars, Marks, Tattoos:	Business & Occupation:	Statement: Yes <input type="checkbox"/> No <input checked="" 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) <u>302 S Spring Garden Ave #C9</u>		(CITY) <u>DELAND</u> (STATE) <u>FL</u>	ZIP CODE <u>32720</u> RESIDENCE PHONE <u>(386) 747-6873</u>
Address - Local (STREET, APT. NUMBER)		(CITY) _____ (STATE) _____	ZIP CODE _____ RESIDENCE PHONE _____
Address - Other (Employer/School) (STREET, APT. NUMBER)		(CITY) _____ (STATE) _____	ZIP CODE _____ BUS/SCHOOL PHONE _____

CHARGES	DOMESTIC VIOLENCE? Yes <input 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"/>	DUI <input type="checkbox"/>	Total Charges: <u>1</u>
#1 Charge: <u>Petit Theft 1st Off.</u>	FEL <input type="checkbox"/> MISD <input checked="" type="checkbox"/> ORD <input type="checkbox"/>	FS/ORD: <u>812.014(3)(A)</u>	Citation No.:	Bond:				
#2 Charge:	FEL <input type="checkbox"/> MISD <input type="checkbox"/> ORD <input type="checkbox"/>	FS/ORD:	Citation No.:	Bond:				
#3 Charge:	FEL <input type="checkbox"/> MISD <input type="checkbox"/> ORD <input type="checkbox"/>	FS/ORD:	Citation No.:	Bond:				

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 (Last) _____ (First) _____ (Middle) _____	Race: _____ Sex: _____ DOB: _____	Age: _____
#2 NAME (Last) _____ (First) _____ (Middle) _____	Race: _____ Sex: _____ DOB: _____	Age: _____

NARRATIVE

The undersigned certifies and swears that there is probable cause to believe the above-named defendant, on the 01 day of October, 2012, at approximately 0858 a.m. p.m. at 302 S Spring Garden Ave DELAND within Volusia County, violated the law and did then and there:

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 2 dispatch advised a female called 911 and stated \$60.00 was stolen from her wallet which was in her apartment, and her wallet was left behind. Upon
 3 arrival, Deputy Gering made contact with Desarea M. Clark (D1) and her live in boyfriend, Malcolm T. Banks (O1).
 4
 5 Banks advised the following: When he arrived home, he observed his next door neighbor, Donald E. Wyatt (O3), crouched down in front of his
 6 (Banks') apartment's ajar door. His door was left ajar because he always leaves it in that condition. When he began to walk up the stairs to see what
 7 Wyatt wanted, Wyatt went into his own apartment and shut the door. Banks and Clark then went into their apartment and observed Clark's black
 8 wallet was missing from her purse, which was on the ground right next to the apartment's front door. Banks confronted Wyatt and Wyatt denied
 9 taking anything. Clark confronted Wyatt's live in girlfriend, Traci S. Howard (O2), and Howard started a physical altercation by pushing her. Clark
 10 then called 911 to report the incident. Clark advised she wished to press charges against Wyatt for stealing her wallet.
 11
 12 Upon contact Wyatt / Howard advised the following: Wyatt knocked on Banks' ajar door to return a CD. When he observed Banks wasn't home, he
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 14 front door. After he went back into his apartment, he was accosted by Banks and Clark. Clark then started a short physical altercation with Howard
 15 by slapping her. Wyatt then called 911 to report the incident.

NOTICE TO APPEAR	MANDATORY APPEARANCE <input type="checkbox"/>	YOU NEED NOT APPEAR IN COURT BUT MUST COMPLY WITH INSTRUCTIONS ON THE REVERSE SIDE OF YOUR COPY <input type="checkbox"/>	FINE, AND COSTS AMOUNT: _____
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.			
SIGNATURE OF DEFENDANT _____ Date _____		SIGNATURE OF JUVENILE PARENT OR CUSTODIAN _____	JUVE DISP. CITATION No. _____
		RELATIONSHIP TO JUVENILE _____	

Sworn to and subscribed before me, the undersigned this <u>02</u> day of <u>October</u> , <u>2012</u> , Name: <u>[Signature]</u>	I swear/affirm the above statements are correct and true	Rt Thumb
Notary Public <input type="checkbox"/> Law Enforcement or Corrections Officer <input checked="" type="checkbox"/>	OFFICER'S/COMPLAINANT'S SIGNATURE <u>[Signature]</u>	
Personally Known <input type="checkbox"/> Produced Identification <input type="checkbox"/>	<u>GERING, SCOTT</u> <u>7741</u>	
Type of Identification: _____	NAME (PRINTED) ID NUMBER	

OFFICIAL USE ONLY Inmate Number & Facility: _____

Narrative Supplement 707-B

Arrest
 Affidavit
 Notice to Appear
 Adult
 Juvenile

Court Case Number:

Defendant Name: Wyatt	(First) Donald	(Middle) E	Agency Case Number: 120028887
CHARGES		DOMESTIC VIOLENCE? Yes <input 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: 1	
#	Charge:	FEL <input type="checkbox"/> MISD <input type="checkbox"/> ORD <input type="checkbox"/>	FS/ORD: Citation No.: Bond:
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16

17 It should be noted that Clark was unable to advise why she initially told central dispatch \$60.00 was taken from her wallet and it was left in her

18 apartment by the thief. Clark was also treated by Volusia County Fire Services on scene because she was experiencing minor back pain. She

19 refused to be transported to a hospital via EVAC.

20

21 Wyatt and Howard consented to a search of their apartment. Deputy Gering searched the apartment and was unable to locate Clark's wallet. Deputy

22 Gering was also unable to locate any independent witnesses to the incident.

23

24 At the time of Deputy Gering's initial investigation, he determined there was insufficient probable cause to warrant charges being pursued against any

25 party involved. After explaining this determination to Clark, she became extremely irate. She was upset because Deputy Gering was not arresting

26 Wyatt and because Deputy Gering was not able to locate her wallet inside of Wyatt's apartment. Deputy Gering continuously attempted to explain

27 the reason behind his determination (lack of physical evidence, no independent witnesses, conflicting statements) to Clark but she was inconsolable.

28 She stated she wanted another officer and "the chief of police" to respond to the scene so she could get what she wanted. Deputy Gering observed

29 Clark dialing her cell phone and then speaking with someone on the phone. Deputy Gering assumed Clark called 911 and advised if that was the

30 case, she needed to hang up or she would be arrested for misuse of 911. Clark ignored Deputy Gering's warning and walked away.

31

32 Approximately two minutes later, central dispatch advised Clark called in on 911 and advised she wanted a different unit or a sergeant to respond

33 because she was not happy with how the call was being handled. Deputy Gering then contacted Clark in front of her apartment building. She

34 confirmed that she called 911 while law enforcement was already on scene and there was no emergency whatsoever. Clark was arrested for misuse

35 of 911 and transported to the Volusia County Branch Jail.

36

37 After transporting Clark to the jail, central dispatch received another call from Howard advising she was assaulted after Deputy Gering left, see VCISO

38 case number 12-28896 for details. While on scene for the second incident, Deputy Gering asked Wyatt and Howard if he could again search their

39 apartment for Clark's wallet. Both parties consented to the search and Deputy Gering located Clark's wallet lodged between a cooler and the

40 apartment's wall in the apartment's living room area. The black wallet contained Clark's H&R Block Mastercard, TD Bank Visa debit card, EBT

41 Access card, Medicaid card, Deland high school ID card, and Daytona State College ID card. No currency was located inside of the wallet. The

42 wallet was turned over to the District 2 evidence locker.

43

44 Upon bring questioned about the location of the wallet, Wyatt and Howard advised it must have been placed there by Banks or Clark or one of their

45 friends while they were in their apartment. Wyatt advised after Banks told his friends / family members who live in the apartment complex about the

46 situation, they got together and entered Wyatt's apartment to confront him. Wyatt advised the wallet must have been placed there by one of them

47 while they were accosting him.

48

49 After locating the wallet, Deputy Gering was unable to make contact with Banks to estimate the wallet's value. Clark also did not advise an estimated

50 value of her wallet before she was arrested. Deputy Gering estimated the value of the wallet at \$20.00. Deputy Gering will attempt to obtain a sworn

51 written statement from Clark on 10-02-12.

52

53 A 707 Charging Affidavit charging Wyatt with petit theft was forwarded to the State Attorney's Office for review.

Sworn to and subscribed before me, the undersigned this <u>02</u> day of <u>October</u> , 2012 Name: 	I swear/affirm the above statements are correct and true  OFFICER'S/COMPLAINANT'S SIGNATURE	Right Thumb
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:	GERING, SCOTT NAME (PRINTED)	7741 ID NUMBER