

IN THE CIRCUIT COURT OF ORANGE COUNTY, STATE OF FLORIDA

THE STATE OF FLORIDA

INFORMATION # 2011-CF-5008-0

VS.

DIVISION - 17

DANTE CANDELARIA

- 1. FALSE IMPRISONMENT (F3-L6)
- 2. FALSE IMPRISONMENT (F3-L6)
- 3. BATTERY (M1)

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF FLORIDA:

LAWSON LAMAR, State Attorney of the Ninth Judicial Circuit prosecuting for the State of Florida in Orange County, OR LAWSON LAMAR, State Attorney of the Ninth Judicial Circuit prosecuting for the State of Florida in Orange County, by and through the undersigned Designated Assistant State Attorney, under oath, CHARGES that DANTE CANDELARIA, on the 28th day of January, 2011, in said County and State, did, in violation of Florida Statutes 787.02(1) and 787.02(2), forcibly, by threat, or secretly confine, abduct, imprison or restrain Emilie Rodriguez, without lawful authority and against the will of Emilie Rodriguez.

COUNT TWO

LAWSON LAMAR, State Attorney of the Ninth Judicial Circuit prosecuting for the State of Florida in Orange County, OR LAWSON LAMAR, State Attorney of the Ninth Judicial Circuit prosecuting for the State of Florida in Orange County, by and through the undersigned Designated Assistant State Attorney, under oath, CHARGES that DANTE CANDELARIA, on the 28th day of January, 2011, in said County and State, did, in violation of Florida Statutes 787.02(1) and 787.02(2), forcibly, by threat, or secretly confine, abduct, imprison or restrain Bryan Payne, without lawful authority and against the will of Bryan Payne.

COUNT THREE

LAWSON LAMAR, State Attorney of the Ninth Judicial Circuit prosecuting for the State of Florida in Orange County, OR LAWSON LAMAR, State Attorney of the Ninth Judicial Circuit prosecuting for the State of Florida in Orange County, by and through the undersigned Designated Assistant State Attorney, under oath, CHARGES that DANTE CANDELARIA, on the 28th day of January, 2011, in said County and State, did, in violation of Florida Statute 784.03, commit a battery upon Bryan Payne, and in furtherance of said battery, the said Defendant did actually and intentionally touch or strike the said Bryan Payne, against the will of the victim or did intentionally cause bodily harm to Bryan Payne.

STATE OF FLORIDA
COUNTY OF ORANGE

Personally appeared before me Steven K. Foster, Assistant State Attorney of the Ninth Judicial Circuit of Florida, who being first duly sworn, says that he/she has received testimony under oath from the material witness or witnesses, which if true, would constitute the offense herein, and that he/she institutes the prosecution in good faith.

The foregoing instrument was acknowledged before me this 13 day of April, 2011 by the aforementioned Assistant State Attorney who is personally known to me and who did take said oath.

Arleen Moreno-Morales

LAWSON LAMAR, State Attorney
Ninth Judicial Circuit of Florida

By *Steven K. Foster*
Steven K. Foster
Designated Assistant State Attorney
Florida Bar No. 371645

SF/SF



MEMORANDUM

CASE NO.

- Charge(s):
- Ct. 1. FALSE IMPRISONMENT (F3-L6)
Statute No.(s) 787.02(1), 787.02(2)
JIT No. 787.02(2)
 - Ct. 2. FALSE IMPRISONMENT (F3-L6)
Statute No.(s) 787.02(1), 787.02(2)
JIT No. 787.02(2)
 - Ct. 3. BATTERY (M1)
Statute No.(s) 784.03
JIT No. 784.03-7

SUMMONS CAPIAS RETURN DATE: IN CUSTODY:

CASE NO:

DEFENDANT: DANTE CANDELARIA

ADDRESS/PHONE: Unknown, ,

SEX: Male RACE: White DOB: 10/23/1972

HEIGHT: 5' 08" WEIGHT: 170 lbs. HAIR: Black EYES: Brown

SS#: Unknown DL#: FL [REDACTED] ID#:

BUSINESS/PHONE: Orlando Police Dept, 100 S Hughey Ave, Orlando, FL 32802

ADDITIONAL ID:

INVESTIGATION OFFICER: Shannan H. Socarras, ORPD 11-073185

Arrest Date:

REMARKS:

Arrested At Large JRA

Date: 3/10/11

Location of Defendant's Vehicle: _____ Date-Time Booked: _____ Agency Case Number: 2011-73185

(ORI) FL048: 0 | 4 | 0 | 0 Agency Name: Orlando Police Department FCIC/NCIC Check Date-Time of Arrest: _____ hrs

Address of Arrest: _____

DEFENDANT Adult: Juvenile:

NAME (L,F,M): Candelaria, Dante A.K.A.: _____ Race: WHT Sex: M DOB: 10/23/1972 Age: 38

Height: 5'8 Weight: 170 lbs Hair: Blk Eyes: Bro P.O.B. City: _____ P.O.B. State: _____ P.O.B. Country: _____

RES. Street #: 100 RES. Street Name: S. Hughey Road Designator: Ave. Citizenship: US

City: Orlando State: FL Zip: 32802 Home Phone: _____ Other Phone: _____

Scars/Tattoos: _____ Ethnicity: _____

Driver's Lic/ State ID No. _____ State: FL Year Expires: 2017 S.S. #: _____

Next of Kin Name: _____ Address: _____ Phone: _____

Business and Occupation: _____

BUS. Street #: _____ City: _____ State: _____ Zip: _____ Business Phone: _____

AGGRAVATORS- Firearm Weapon Mask Vest Convicted Sex Offender Hate Crime special Victim: _____ Domestic Violence? YES NO

OFFENSES FELONY MISD. ORD. TRAFFIC Court Location: Circuit 1

#	GOC Code #	Description	Cts	FSS/Ord	FDLE Rec #	Drug Name	Citation #	Bond
1		FALSE IMPRISONMENT		787.02(2)				
2		BATTERY		784.03-7				
3								
4								
5								
6								

CHECK IF OFFENSES CONTINUED

CO-DEFENDANT	#1	NAME (L,F,M):	Arrested?	Juv	Fel.	Misd.	Traf.	Ord.	NTA	Race:	Sex:	Age:	DOB:	
	#2	NAME (L,F,M):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
	#3	NAME (L,F,M):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
	#4	NAME (L,F,M):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				

DCF Notified? _____ By Whom? _____ On Probation? _____ Miranda Warning? _____ By Whom? _____ Invoked? _____

Sworn to and subscribed before me, this 10 day of March, 2011

[Signature] 3035
 Notary Public Law Enforcement or Corrections Officer Personally Known Produced Identification

Type of Identification: _____

I swear/affirm the above statements are correct and true.

[Signature]
 OFFICER'S SIGNATURE
 Socarras, Shannan 5270
 Officer's Printed Name (L,F) Employee #
 407-246-2927
 Officer's Bus. Phone No.
 Booking/Receiving Signature

Notice to Defendant Regarding Social Security Number: This Law Enforcement Agency has collected your Social Security Number (SSN) as required by FSS 119.071. This agency will use it for the purpose of confirming your identity, and sharing it with other governmental agencies to identify records linked to that SSN. This collection and use of your SSN is required by this agency to fulfill its lawful duties and responsibilities.

ORIGINAL Court Copy

Continuation of:

Charging Affidavit
 Notice to Appear

Defendant's Name: Candelaria, Dante	Case Number: 2011-73185	Page 2 of
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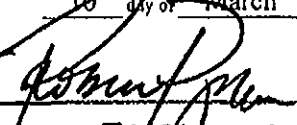
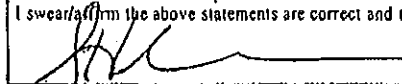
NARRATIVE The undersigned has probable cause to believe the above-named defendant, on the 10 day of March, 2011 at approximately a.m. p.m. at _____ (District: _____) in Orange County did:

On 2-14-11 I, Sergeant Shannan Socarras, supervisor of the Orlando Police Department's Assault and Battery Unit, was assigned to handle a battery investigation involving an Orlando Police Officer.

The victim in this case, Bryan Payne, along with his mother, Mary Payne, contacted the Orlando Police Department on the night of 1-28-11 and requested a supervisor to respond to their home in reference to a complaint on an officer. Sgt. Jose Velez supervisor of the Gang Unit responded to the Payne Residence. Bryan Payne completed a "Citizen's Complaint Form" that Sgt. Velez provided. Payne indicated in his complaint that on 1-28-11 he was in front of McCoy Elementary School, at 5255 S. Semoran Bv., when he was confronted by Officer Candelaria who threw him against a wall, threw him to the ground, punched him in the mouth, searched him and then told him to go home. Officer Candelaria accused him of being in a car that ran from him earlier. Sgt. Velez took photos of Payne and his lip area that he said was injured when he was struck. On Feb. 1, 2011, Sgt. Velez obtained a copy of video capturing the incident, from Orange County Public Schools employee Emerson Mann. Sgt. Velez sent the Citizen Complaint form, the photos and the CD to the Chief of Police.

On 2-14-11, I viewed the video previously collected by Sgt. Velez, which was given to me by Lt. Ring. The video is dated 1-28-11 and at 2051 hours it shows the victim on the bench on the west side of the corridor of McCoy Elementary School. The victim gets up to walk and an officer, who resembles Officer Candelaria wearing what appears to be a Orlando Police Department Gang Unit uniform, comes into view from the north. The officer grabs the victim by his right arm and escorts him to a corner near the front door of the school. Two other persons, who were seated on the east bench get up and leave the area. In the corner, the victim appears to be facing the officer. It is hard to see exactly what happens in this corner since it falls along the very edge of the area captured by the video camera. The officer appears to throw the victim to the ground, which causes the victim to land in a seated position facing the officer. The officer takes a position directly over the victim and uses his left hand to push the victim down completely to the ground so that he is lying on his back. The officer extends his right hand toward the victim's face. The victim appears to take a defensive posture by putting both of his hands up seemingly to protect his face. The officer appears to have his finger in the victim's face. The video is not entirely clear, but it appears that the officer's right hand moves in close to the victim's face. I could not see a strike to the mouth, as alleged by the victim, however this could be due to the quality of the video and the distance they are from the camera. The officer picks the victim up and takes him to another wall and faces him up against the wall. He appears to handcuff the victim and search him. He removes items from the victims pocket and throws them to the ground. The officer appears to be talking on his police radio via his shoulder mike. The officer then un-handcuffs the victim and steps back from him. The victim picks up his property from the ground while the officer watches. The victim begins to head east and the officer extends his arm to direct him to go west, the victim goes to the west. I placed this original video into OPD evidence #E20468A, after requesting the Video Unit, CST Garipey #4725, make two copies. I contacted victim Payne by phone on 2-14-11 and interviewed him at the Orlando Police Department on 2-15-11 at 1000 hours. Payne advised in the interview the following: Payne was sitting down at McCoy Elementary. Payne wasn't feeling well, and was waiting for his girlfriend and her friend to come back from the store (Racetrac). Payne saw a person come up to him grab him by his jacket, and lift him up. The person "forcibly" moved him to a wall and placed him up against the wall so his back was against it. Payne was in fear because he didn't immediately recognize the person; however, he eventually realized that it was Officer Candelaria, whom he knew from previous incidents. Payne said when he realized who it was, he became more scared. Candelaria asked him if he thought it was cool to run from police officers. He told Candelaria he had no idea what happened. Candelaria later told him that he was in a car with "Juan" and he said he was going to, "fuck Juan's life up". Candelaria threw him to the ground, so that he landed on his back. Candelaria became more upset and started yelling at him. Payne saw Candelaria's fist rise up (described it as his arm cocked back and knew a hit was coming) and he was punched in the lip. Payne said, "What's wrong with you, you can't hit me." Candelaria said, "It's alright, it was a bitch hit". Payne took this statement to mean it was just a tap, not a big deal. Candelaria kept yelling at Payne as he picked Payne up off the ground. Candelaria threw Payne into another wall. Candelaria placed Payne in handcuffs, which prompted Payne to ask why he was putting him in handcuffs. Candelaria told him he was going to see what he had and began searching him. Candelaria removed his belongings from his pockets and threw the items to the ground. Sometime during this search, Candelaria said something on his police radio to the effect of "show me out with one..." After Candelaria was done, he un-handcuffed Payne and told him to go home. Payne attempted to head towards his girlfriend's house; however, Candelaria pointed him to the direction of his home and told him if he saw him on the streets that night it would be worse. Payne walked to Burger King where he borrowed an employee's phone to call his mom to get a ride home. He said his lip was chapped and had bled a little bit from the strike to the mouth he received. He used paper towels in the Burger King bathroom to wipe his lip. Payne was scared during the encounter and offered no resistance in any way to Candelaria. Payne would like to prosecute. He completed and signed a sworn written statement. I read Payne the Photographic Lineup Admonition and showed him a photo lineup (labeled #1) which included Candelaria's photograph (taken from the DHSMV) in position 6. Payne looked at the lineup, immediately picked out the person in position 6, and identified him as Officer Candelaria, the officer involved in the described incident. He completed and signed a Witness Photo Display Identification Form. Payne identified the two people who were sitting on the bench during the beginning of the incident as Malia Wilkerson (actual last name is Wilkinson) and Luz Galaz. He provided the name of his girlfriend as Emilie Rodriguez. I attempted to clarify whether he was sitting on a bench when the officer first grabbed him (as he indicated) or standing (as seen on the video). Payne believed he was sitting when first contacted by Candelaria, but said he could have already stood up.

I ordered a copy of the photographs, taken by Sgt. Velez, and obtained a proof sheet. I did not see any obvious injury to the victim's lip area. I ordered a copy of the radio transmission where Candelaria checked himself out on this incident. He states, "T104, I'm going to be out with a 13P, Commander and Turnbull." The radio transmission time was 8:36pm on 1-28-11. T104 was Candelaria's OPD unit # on 1-28-11. A "13P" is a police code for suspicious person. I researched incidents involving Candelaria and the victim and found Officer Candelaria stopped victim Payne on 12-11-10 and completed an OPD Field Interview Report (FIR) on him and his associates, FIR #10-557157. Officer Candelaria arrested the victim on 12-17-10 for a battery to a female victim, documented under OPD case # 10-555674.

Sworn to (or affirmed) and subscribed before me this <u>10</u> day of <u>March</u> , 2011 	I swear/affirm the above statements are correct and true.  Socarras, Shannan OFFICER'S SIGNATURE OFFICER'S PRINTED NAME (L,F)
Notary Public <input type="checkbox"/> Law Enforcement or Corrections Officer <input checked="" type="checkbox"/> Personally Known <input type="checkbox"/> Produced Identification <input type="checkbox"/>	Notice to Defendant Regarding Social Security Number: This Law Enforcement Agency has collected your Social Security Number (SSN) as required by FSS 119.071. This agency will use it for the purpose of confirming your identity, and sharing it with other governmental agencies to identify records linked to that SSN. This collection and use of your SSN is required by this agency to fulfill its lawful duties and responsibilities.
Type of Identification	Officer's Bus. Phone No. 407-246-2927 Officer's Name Key 5270

Continuation of:

Charging Affidavit
 Notice to Hear

Defendant's Name: Candelaria, Dante	Case Number: 2011-73185	Page 3 of
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On 01-28-11, Candelaria documented OPD case #11-44505, titled "Suspicious Incident" and 11-44425, titled "Resisting Arrest Without Violence". He states in his narratives that at approximately 2016 hours on this date, he was on duty and driving his OPD unmarked pickup truck in the area of S. Semoran Blvd. and Turnbull Dr. He observed a vehicle traveling east on Turnbull Dr. from S. Semoran Blvd. He recognized the driver as Juan Rodriguez, whom he knew had a suspended driver license. He could see the front seat passenger was Alexander Valentin and back seat passenger was Walter Drake. He states these people are documented gang members. He states there were two other people that he could not identify. He attempted to do a traffic stop; however, the driver fled and could not be located. Candelaria's report does not indicate Bryan Payne was in the car. A short time after this incident is when Candelaria encountered the victim at McCoy Elementary. It should be noted that McCoy Elementary sits near the intersection of S. Semoran Blvd. and Turnbull Dr., which is where the vehicle eluded Candelaria. Candelaria previously conducted the battery investigation of OPD case # 11-44505. As a result of his investigation, he arrested Bryan Payne, Juan Rodriguez, Emilie Rodriguez and other associates. In his investigative supplement, Candelaria documented these people to be members of the F.F.L. or Families for Life Gang.

On the same date, 1-28-11 at 2054 hours, 38 minutes after the fleeing and eluding incident, Candelaria checks out with a suspicious person at Commander Dr. and Turnbull Dr., under OPD incident # 11-44468. This time is consistent with the time on the video from McCoy Elementary where it appears he talks on his police radio (video time was 2053 hours). McCoy Elementary sits at the intersection of Commander Dr. and Turnbull Dr. He cleared this call as a service call only, no report, no arrest or Field Interview Report or any other documentation were submitted.

I interviewed Emilie Rodriguez on 2-16-11 at 1430 hours at her home. She advised that she was hanging out with Bryan Payne, Lucy (Luz Galarza), Malia (Malia Wilkinson) and Nadia (NOI). She left Bryan, Luz and Malia at McCoy Elementary while she and Nadia went to the Racetrac gas station at the corner so she could use the restroom. After she used the restroom inside the business and exited the store, Candelaria had his gun out pointing it at her and told her to sit "the fuck" down. She said, "What did I do?" Candelaria told her "this isn't for you", that he had a message for her brother (who is Juan Rodriguez, the person who eluded him earlier). Candelaria said, "Tell him I'm going to mess his life up and that he thinks it's funny to flee from a cop well it's not and I'm here to tell him it's not and if he thinks he did time the first time then wait until I catch him, he will be doing way more." He then sent her home. As she headed towards home and in the direction of the school, Officer Candelaria followed her on foot on the sidewalk. When she got to the front of the school, she observed Officer Candelaria run across the street, pick Bryan up by his shirt and take him to the entrance of the building and slam him against the wall. He picked him up again and slammed him on the ground and got on him, then picked him up again and threw him on the bench to sit down. She was scared, didn't know what to do and thought he had hurt Bryan bad. After it was over, Candelaria saw her again and told her to go home. She did not see Candelaria punch Bryan, but also stated she could not tell if he had hit him. There were pillars which may have blocked her view as she stood across the street. This may explain why she thought Candelaria sat Bryan on a bench rather than put him up against the wall/pillar prior to searching him as seen in the video. The bench is next to the pillar. I questioned her if she felt threatened when he pointed his gun at her, and she stated she did not think he would shoot her, she just did what he told her to do because he was a police officer and he had arrested her before and she did not want to get in more trouble. Emilie provided the name of her friend Nadia that she went to Racetrac with and her phone number (redacted). Nadia told her the officer followed her (Emilie) into the Racetrac, waited for her to leave the restroom and then followed her out of the Racetrac. Emilie said she never saw the officer in the store. She said Nadia saw the encounter where he told her to sit down. I read Emilie the Photographic Line-up Admonition and showed her photographic lineup #2, where Candelaria was in position #5. She identified the person in position #5 as the officer involved in the described incident. She completed and signed a Witness Photo Display Identification Form along with a sworn written statement.

On 2-16-11 at 1525 hours, I interviewed Luz Galarza at her home. She stated she was sitting down with her friend on a bench at the school when Bryan was "getting pushed around by a cop." The officer was saying, "You're the one that try to run away from me with your friends." He said to her and her friend, "You two got something to do with this?" They said "no" and left the area. Galarza could not identify the officer from a photo lineup.

On 2-16-11 at 1550 hours, I interviewed Malia Wilkinson at her home. She advised she was sitting down with her friend Lucy at the school. Her head was hurting so she had closed her eyes. She heard footsteps, opened her eyes and saw a male police officer that ran toward Bryan Payne and picked him up and threw him against the wall and then the floor and back and forth. When he finished, he came toward them and said if you are not involved with him, go ahead and walk away, so they left. She could not identify the officer from a photo lineup.

Sworn to (or affirmed) and subscribed before me this <u>10</u> day of <u>March</u> , 2011 	I swear/affirm the above statements are correct and true.  Socarras, Shannan
Notary Public <input type="checkbox"/> Law Enforcement or Corrections Officer <input type="checkbox"/> Personally Known <input checked="" type="checkbox"/> Produced Identification <input type="checkbox"/> Type of Identification: _____	OFFICER'S SIGNATURE _____ OFFICER'S PRINTED NAME (L,F) Officer's Name Key: 15270 Officer's Bus. Phone No.: 407-246-2927

Continuation of:

Charging Affidavit
 Notice to Appear

Defendant's Name: Candelaria, Dante	Case Number: 2011-73185	Page 4 of
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On 2-16-11, I called Nadia on her phone. She advised she saw the officer follow Emilie into the bathroom and then follow her out and told her to either "sit the fuck down" or "shut the fuck up"; she wasn't clear on the verbiage. She said she kept going and did not see a gun in the officer's hands. She refused to provide her full name or other information and refused to meet with me for a statement.

On 2-15-11, I spoke to Sgt. Velez, Candelaria's supervisor who took the initial complaint from Bryan Payne. He did not notice an injury to the victim's lip, but noticed it was possibly swollen. He could not tell if his lip normally looks that way. He took photos of the victim. Sgt. Velez confirmed he retrieved the video from the school and sent it with his paperwork to the Chief of Police. Payne told him that during the encounter, the officer grabbed him by the shoulder and told him to go a different way upon leaving. This seemed to be the only thing not consistent with the video. Sgt. Velez is providing a written statement.

On 2-18-11, I responded to the Burger King located at 5297 S. Semoran Bv. This is the Burger King that Payne advised he went to immediately after the encounter with Candelaria. I was able to view the video at this location, however, due to their software, was not able to download the video. I observed that their video system is behind our police headquarters time by 9 minutes. At 2050 hours (video time) on 1-28-11, I could see a person that I believed to be the victim (based on same sex, manner of dress and hair style of person in the McCoy elementary video). This person walks in the direction of a Burger King employee who was standing in front of the counter. He and the employee then go out of view. I see him walk around, sit and then go to the ladies room door to speak to someone at the door. I asked the manager, Lydia Trevino, who the employee was and she advised Nickelle (later identified as Nickelle Bryant). I called the victim to clarify his actions inside Burger King. He said he approached the female employee and borrowed her phone and he called his mom. He waited for a little while and then walked to the ladies restroom and asked her again to use her phone. I stopped seeing the victim around 2058 hours video time. I later contacted Nickelle on 3/7/11 by phone and she advised she remembered a young man asking to borrow her phone twice. She said he did not speak to her about any prior incidents and she did not notice any obvious injury to him.

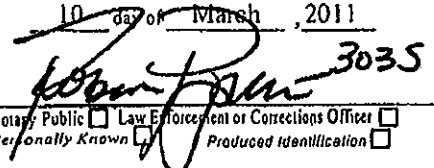

On 2-18-11, I viewed the video from the night in question at the Racetrac gas station located at 5405 S. Semoran Bv. Their time is 1 minute behind our police headquarters time. At 2044 hours (video time) I observe a brown Ford pick-up truck enter the parking lot from the north entrance and park on the south side of the building. I observe Candelaria, in his typical uniform, exit the truck and walk toward the south side of the building out of view. This area is at the front of the store, to the far south side close to the corner of the building. His presence may have possibly not been seen by customers approaching from the north side (as Emilie Rodriguez stated she had). Shortly thereafter, I see a female (who looks like Emilie Rodriguez) enter the store via the front doors. I see Candelaria enter behind her. The female entered the hallway leading to the restrooms and Candelaria follows her. They are both out of view at this time. I then see the female exit via the front doors and Candelaria follows her. There is not a camera capturing the area of the north side of the store, so I cannot see any further encounter between them. At 2102 hours, I see Candelaria return to his truck and exit the parking lot. This time would be after the encounter with Payne and consistent with Emilie Rodriguez' statement that he followed her on foot. I later recounted with Emilie her dress that night and she confirmed she was wearing the same clothes I had seen the female on the video wearing.

On 2-25-11 at 1600 hours, I met with Harold Payne, Bryan's father, at his home. He advised that he picked up Bryan from the Burger King after his wife received a call from Bryan. Bryan seemed shaken and upset. Bryan told him that he was walking home and this cop jumped out saying something about him getting away from him earlier and now he is going to pay for it. Bryan told him the officer roughed him up and punched him in the mouth and busted his lip. Harold noticed swelling to Bryan's lip. Harold wrote a sworn statement. I will be meeting with Mrs. Payne on 3-10-11 to obtain a sworn written statement from her.

On 3-2-11, I met with Emerson Mann who is employed by the Orange County Public Schools. He provided me a copy of the original video, on a CD, from McCoy Elementary school on the night in question. I delivered this video to the OPD video unit and requested copies. Upon completion, I placed the original CD into OPD evidence # E20872A. I viewed the video to guarantee the same content as I watched previously and found it to be the same. I'm still waiting on the Racetrac video from their corporate office.

On 3-1-11 @ 1600 hours, I paged Candelaria via his department issued pager. He returned by call on my cell phone at 1651 hours and left a message. I called him back on his cell number he provided at 1734 hours and we spoke. I advised I was investigation a criminal complaint against him and would like to meet with him to talk about the case if he is willing. He advised he would talk to me and said he could come in on Monday 3-7-11. He could not give an exact time; I advised he could leave me a message indicating a time of his choosing and that I would be available that day from 0800-1600 hours. I did not hear from him and I therefore contacted Fraternal Order of Police President Sam Hoffman to advise that I'm investigating the criminal complaint on Ofc. Candelaria and that he is welcome to speak to me prior to my filing the case with the State Attorney's Office. Hoffman advised he would get a message to Candelaria's counsel.

My investigation revealed that Candelaria was actively searching for a person who fled from him within the hour. He seemed to stake out the Semoran and Turnbull area in hopes of finding the suspects. He approached witness Rodriguez and questioned her. He followed witness Rodriguez and when he saw victim Payne at the school, ran to him, grabbed him and put him up against a wall. He threw him to the ground, causing the victim to land on his back. He can be viewed on the video so close to the victim's face, however, it is hard to tell if contact with his face occurred. According to victim Payne, Candelaria struck him in the mouth. Victim Payne can be seen with his hands up in a defensive posture. Candelaria then pulls him up and places him up against another wall. He handcuffs victim Payne, thereby restraining him, and searches him. He then notifies his headquarters that he is out with a suspicious person. After this, he directed the victim to go home. As indicated in his police reports #11-44505 and 11-44425, documenting the incident of the fleeing vehicle, he did not advise he saw Bryan Payne in the car and had no cause to detain him for that incident. Whatever relationship existed between Bryan Payne and the driver of the fleeing vehicle would not have been a reason to stop, grab, put up against a wall, throw to the ground, punch, handcuff and search the victim. Based on the facts of my investigation to include victim and witness statements and video evidence, I find probable cause to charge Candelaria with Battery and False Imprisonment.

Sworn to (or affirmed) and subscribed before me this <u>10</u> day of <u>March</u> , 2011  Notary Public <input type="checkbox"/> Law Enforcement or Corrections Officer <input 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 SIGNATURE Officer's Name Key 5270 OFFICER'S PRINTED NAME (L,F) Socarras, Shannan Officer's Bus. Phone No.: 407-246-2927
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ORLANDO POLICE DEPARTMENT

Case #: 11-73185

Date of Statement: Month: 2 Day: 15 Year: 11 Time: 1024

Statement

Please fill out in full detail

Offense: _____
 Date of Offense: Month: 1 Day: 28 Year: 11 Time: 2051

Suspect (last, first, middle): _____

Location of Offense: _____ District: _____

Person Code: Name (last, first, middle): PAYNE, BRYAN M. Age: 18 DOB: [REDACTED] Race: W Sex: M
 Address Residence: [REDACTED] Fetrow Dr. Orlando Zip: 32812 Phone: [REDACTED]
 Address Business: _____ Zip: _____ Phone: _____
 Email Address: _____

Type of ID shown: _____ ID# if applicable: _____

BRYAN PAYNE do hereby voluntarily make the following statement without threat, coercion, offer of benefit, or favor by any persons whomsoever.

On the day in question I was sitting down at McCoy elementary. I wasn't feeling well, so I stopped at the school. I put my head down and waited for my girlfriend and her friend to come back from the store (RaceTrax). I remember ~~BP~~ Candalaria coming up and lifting me to my feet and slamming me in to the walls over and over again. I was in fear at first and then when I realized who it was I was even more scared. He stated asked me if I thought it was cool to run from police officers. I told him I had no idea what happened. He later told me I was in a car with John and he stated he was going to "fuck John's life up" he threw me to the ground and he got more upset and started yelling at me and then I seen his fist rise up and he struck me in my hip. ~~BP~~ After that he kept yelling at me picked me back up and threw me into another

Sworn to and subscribed before me, this 15 day of Feb., 2011
 Notary Public Law Enforcement Officer Name Key 5270
 Personally Known Produced Identification Type P.I.D
(DAVID PHOTO)

I swear/affirm the above and/or attached statements are correct and true.
 Signature: [Signature]

My signature below means that I refuse to prosecute the person(s) named above for the alleged crime(s) that occurred to me or to the property under my control.
 Signature: _____ Date: _____

Victim Rights Booklet provided? Yes No
 I will testify in court and prosecute criminally. Initials: BP
 Miranda Warning Read? Yes No Page 1 of 2

(Departmental policy prohibits use of this section in domestic violence cases.)

Orlando Police Department

Case #: 11-73185

Statement (CONTINUED)

wall where he stated he was going to
 to find out what I had he put me
 in handcuffs immediately and begin searching
 me he didn't find anything and took me
 off the handcuffs, as I tried to walk to
 my girlfriends house he told me that I
 have to go home and if he sees me again
 that night it would be worse. So after that
 I went to Burger King and ~~BP~~ BP
 called my parents my Dad picked me up
 and my mother called the non emergency
 line and we made a ~~report~~ report with condlaria's
 Boss. I recognised the officer as my
 arresting officer in ~~BP~~ December.
 When it first started to happen my two
 friends LUZ (LUZ) Galarza and maria Wilkerson
 was present and he ~~BP~~ walked towards them
 and told them if they had nothing to do
 with this than leave. If this goes to court
 I will testify and prosecute.

Sworn to and subscribed before me, this 15 day of Feb 11

Notary Public Law Enforcement Officer Name Key 5270
 Personally Known Produced Identification Type _____

I swear/affirm the above and/or attached statements are correct and true.

Signature: [Signature]

ORLANDO POLICE DEPARTMENT

Carr #: 11-73185

Date of Statement: Month: 2 Day: 16 Year: 11 Time: 1430

Statement

Please fill out in full detail

Date of Offense: Month: 1 Day: 28 Year: 11 Time: 2051

Suspect (last, first, middle):

Location of Offense: District:

Person Code: W Name (last, first, middle): Rodriguez, Emilie Age: 16 DOB: [REDACTED] Race: WH Sex: F
 Address Residence: [REDACTED] Brown Park Dr. Orlando Zip: 32822 Phone: [REDACTED]
 Address Business: School - North Star High School Zip: [REDACTED] Phone: [REDACTED]
 Email Address:

Type of ID shown: ID# if applicable:

I, Emilie Rodriguez, do hereby voluntarily make the following statement without threat, coercion, offer of benefit, or favor by any persons whomsoever.

Bryan, Nadia, Lucy, Nadia and I were hanging around my house when Nadia decided to go to the store so we all went walking. As we got to the store Bryan, Lucy and Nadia sit at the school while Nadia and I go inside Race Track. I use the bathroom and when I get outside the store I walk to the right and I turn around and recognize officer Dante Candelaria he already has his gun out pointing at me and tells me to sit down, he says "I have a message for your brother tell him Im going to mess his life up and that he thinks its funny to see from a cop well its not and im here to tell him its not, and if he thinks he did time the first time then wait until I catch him, he will be doing way more. Then he sent me home. He then followed me and seen bryan, he ran across the street picked bryan up by his shirt took him to the entrance of the building and slammed him against the wall picked him up again and slammed him on the ground got on him for

Sworn to and subscribed before me this 16 day of Feb, 2011
 Notary Public Law Enforcement Officer Name Key 5270
 Personally Known Produced Identification Type FL ID
R 312-210-94-9300

I swear/affirm the above and/or attached statements are correct and true.
 Signature: Emilie Rodriguez

My signature below means that I refuse to prosecute the person(s) named above for the alleged crime(s) that occurred to me or to the property under my control.
 Signature: _____ Date: _____
 (Departmental policy prohibits use of this section in domestic violence cases.)

Victim Rights Booklet provided? Yes No
 I will testify in court and prosecute criminally. Initials: _____
 Miranda Warning Read? Yes No Page 1 of 2

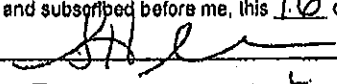
Orlando Police Department

Case #: 11-73185

Statement (CONTINUED)

like two minutes then picked him up again
 and threw him on the bench to sit down.
 I was scared and didn't know what to do
 I thought he had hurt him bad. Afterwards
 he left told Bryan to go home and see
 me again and told me to go home.

Sworn to and subscribed before me, this 16 day of Feb, 2011

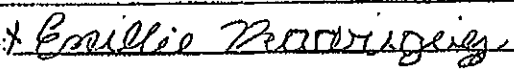


Notary Public Law Enforcement Officer Name Key

Personally Known Produced Identification Type

ID By XIMAGE PHOTO

I swear/affirm the above and/or attached statements are correct and true.

Signature: 

Page 2 of 2

ORLANDO POLICE DEPARTMENT

Case #: 11-73185

Statement

Please fill out in full detail

Date of Statement: Month: 2 Day: 14 Year: 11 Time: 1525

Offense:

Date of Offense: Month: 1 Day: 28 Year: 11 Time: 2051

Suspect (last, first, middle):

Location of Offense:

District:

Person Code: W Name (last, first, middle): Galarza Luz Moria Age: 17 DOB: [REDACTED] Race: W Sex: F

Address Residence: [REDACTED] San Luis Dr. Orlando Zip: 32812 Phone: [REDACTED]

Address Business: [REDACTED] Zip: [REDACTED] Phone: [REDACTED]

Email Address:

Type of ID shown:

ID# if applicable:

I, Luz Galarza, do hereby voluntarily make the following statement without threat, coercion, offer of benefit, or favor by any persons whomsoever.

I was sitting down with my girl friend on bench while my friend Brian was getting pushed around by a cop saying where you the that you the one that try to run away from me with your friends while the cop was saying that he asked me and my girl friend Do you 2 got something to do with this? we so we got up and said no while Brian was get slam against on to the floor and the wall.

Sworn to and subscribed before me, this 16 day of Feb, 11

[Signature]

Notary Public Law Enforcement Officer Name Key 5270

Personally Known Produced Identification Type _____

I swear/affirm the above and/or attached statements are correct and true.

Signature: Luz Galarza

My signature below means that I refuse to prosecute the person(s) named above for the alleged crime(s) that occurred to me or to the property under my control.

Victim Rights Booklet provided? Yes No

Signature _____ Date _____

I will testify in court and prosecute criminally. Initials: _____

Miranda Warning Read? Yes No Page 1 of 1

(Departmental policy prohibits use of this section in domestic violence cases.)

ORLANDO POLICE DEPARTMENT

Case #: 11-73185

Date of Statement: Month: 2 Day: 16 Year: 11 Time: 15:50

Statement

Please fill out in full detail

Date of Offense: Month: 1 Day: 28 Year: 11 Time: 20:51

Suspect (last, first, middle):

Location of Offense: 5255 S Semoran Bv. District:

Person Code: W Name (last, first, middle): WILKINSON, MARIA Age: 17 DOB: [REDACTED] Race: W Sex: F
 Address Residence: [REDACTED] George St #B Orlando Zip: 32806 Phone: [REDACTED]
 Address Business: Zip: Phone:
 Email Address:

Type of ID shown: Her father present + ID'd her ID# if applicable:

I, Maria Wilkinson, do hereby voluntarily make the following statement without threat, coercion, offer of benefit, or favor by any persons whomsoever.

I was sitting down with my friend Name Lucy. My head was hurting so bad from the bad weather, that I had to put my head back and relax. I ~~was~~ open my eyes because I heard foot steps. It was a Male officer that ran toward Bryan P. and litterly pick him up and threw him against the wall, and floor back and forth. After he got done throwing him around, he came toward us, and said if you are not involed with him, do head walk away. So I did, walk away toward home.

Sworn to and subscribed before me, this 16 day of Feb 11
 Notary Public Law Enforcement Officer Name Key
 Personally Known Produced Identification Type _____

I swear/affirm the above and/or attached statements are correct and true.
 Signature: Maria Wilkinson

My signature below means that I refuse to prosecute the person(s) named above for the alleged crime(s) that occurred to me or to the property under my control.
 Signature _____ Date _____
 (Departmental policy prohibits use of this section in domestic violence cases.)

Victim Rights Booklet provided? Yes No
 I will testify in court and prosecute criminally. Initials: _____
 Miranda Warning Read? Yes No Page 1 of 1

ORLANDO POLICE DEPARTMENT

Statement

Please fill out in full detail

Date of Statement:	Month: 2	Day: 25	Year: 11	Time: 1000	Suspect (last, first, middle):
Offense:					
Date of Offense:	Month: 1	Day: 28	Year: 11	Time: 2051	
Location of Offense:					District:
Person Code:	Name (last, first, middle): PAYNE, HAROLD M.			Age:	Race: B Sex: M
W	Address Residence: [REDACTED] FETROW DR.			Zip:	Phone: [REDACTED]
	Address Business:			Zip:	Phone:
	Email Address:				
	Type of ID shown: FL DL ID# if applicable: [REDACTED]				

I, Harold Payne, do hereby voluntarily make the following statement without threat, coercion, offer of benefit, or favor by any persons whomsoever.

On Jan 28th around 9 PM my wife received a call from my son Bryan Payne. He then told my wife that he was punched in the mouth by a cop and he was doing nothing but coming home. He also said that he was in front of a school to come pick him up. Around 10 min. I picked up Bryan at the corner of the Shelton and brought him home. He seemed very shaken and was upset. While at home Bryan told me and his mother about this cop that keeps harrassing him for nothing. While in the car on the way home Bryan said that he was walking home and this cop jumped out saying something about him getting away from him earlier and now he (Bryan) is going to pay for it then he reached him (Bryan) up and punched him in the mouth and busted his lip. I noticed that his lip was swollen.

Sworn to and subscribed before me, this 25 day of Feb, 11

[Signature]

Notary Public Law Enforcement Officer Name Key 5270

Personally Known Produced Identification Type _____

I swear/affirm the above and/or attached statements are correct and true.

Signature: [Signature]

My signature below means that I refuse to prosecute the person(s) named above for the alleged crime(s) that occurred to me or to the property under my control.

Signature _____ Date _____

(Departmental policy prohibits use of this section in domestic violence cases.)

Victim Rights Booklet provided? Yes No

I will testify in court and prosecute criminally. Initials: _____

Miranda Warning Read? Yes No

Page 1 of 1

ORLANDO POLICE DEPARTMENT

Case #: 11-73185

Date of Statement:	Month: 3	Day: 9	Year: 2011	Time: 1730
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Statement

Please fill out in full detail

Date of Offense:	Month: 1	Day: 28	Year: 2011	Time:
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Suspect (last, first, middle):

Location of Offense: District Grid:

Person Code: W	Name (last, first, middle): VELEZ, JOSE	Age:	DOB:	Race:	Sex:
	Address (street, city, state): Res.: ON FILE AT OPD	Zip:	Phone:		
	Address (street, city, state): Bus.: 100 S. HUGHEY AVE. ORLANDO FL	Zip: 32802	Phone: 407-246-4167		

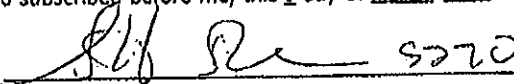
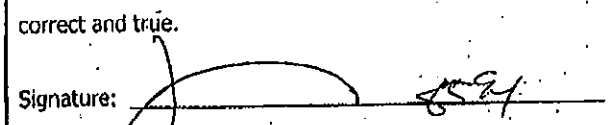
Type of ID shown: ID# if applicable:

I, SGT. JOSE VELEZ, do hereby voluntarily make the following statement without threat, coercion, offer of benefit, or favor by any persons whomsoever.

On January 28, 2011 at approximately 2125 hours, I, Sgt. Jose Velez #8594, received a page from communications asking me to call Ms. Mary Payne reference a complain on Detective Dante Candelaria. I called Ms. Payne and she told me that Candelaria had made contact with her son, Brian Payne, earlier in the evening and that Candelaria had hit her son on the mouth. I then agreed to meet with her and her son at their residence. At approximately 2224 hours, I arrived at 4330 Ferlow Dr. and met with Brian Payne. Mary Payne was not in the residence at the time but would arrive later. Brian told me that earlier in the evening Detective Candelaria contacted him at the entrance to McCoy Elementary. Brian stated that Candelaria pushed him against a wall and punched him on the mouth. Brian stated that Candelaria told him that it was a "bitch slap." Brian told me that Candelaria questioned him about the whereabouts of a friend. I asked Brian if there was anyone else present at the time and he told me that there were two girls with him but that Candelaria had them leave prior to making contact with him. Brian told me there were cameras at the entrance to the school and that the incident should have been recorded by the cameras. According to Brian's verbal statement, after Candelaria told him to leave, he began walking East towards Commander Dr. Candelaria then grabbed him by the shoulder and told him to walk the other way while pointing West. Brian then walked to a Burger King and called his mother.

I had Brian complete a Citizen's Complaint Form and took photographs of his lip, face, and stomach. Although Brian told me that he was bleeding from his lip after Candelaria hit him, I could not see any cuts on his lip. Brian also showed me a small cut on his belly that he stated was caused by Candelaria throwing him on the ground. I pointed out to Brian that the cut already had a scab indicating it was an old injury.

After obtaining Brian's statement and photographs I left the residence. I have not spoken with Brian or his mother since then.

Sworn to and subscribed before me, this <u>9</u> day of <u>March</u> , 2011.	I swear/affirm the above and/or attached statements are correct and true.
Signature: 	Signature: 
Notary Public <input type="checkbox"/> Law Enforcement Officer <input type="checkbox"/> Name Key <input type="checkbox"/> Personally Known <input type="checkbox"/> Produced Identification <input type="checkbox"/> Type <input type="checkbox"/>	Victim's Rights Booklet provided? Yes <input type="checkbox"/> No <input type="checkbox"/>
My signature below means that I refuse to prosecute the person(s) above for the alleged crime(s) that occurred to me or to the property under my control.	I will testify in court and prosecute criminally. Initials: _____
Signature: _____ Date: _____	Miranda Warning Read? Yes <input type="checkbox"/> No <input type="checkbox"/>
(Departmental policy prohibits use of this section in domestic violence cases.)	Page <u>1</u> of <u>1</u>

OP-36C-01/21/02

- Original State Attorney
- Copy Records
- Copy Detective
- Copy Victim

ORLANDO POLICE DEPARTMENT

Case #: 11-73185

Date of Statement: Month: 3 Day: 10 Year: 11 Time: 4:06

Statement

Please fill out in full detail

Date of Offense: Month: 1 Day: 28 Year: 11 Time: 20:51

Suspect (last, first, middle): _____

Location of Offense: _____ District: _____

Person Code: W Name (last, first, middle): Payne Mary L Age: 40 DOB: [REDACTED] Race: W Sex: F
 Address Residence: [REDACTED] Fetrow Dr. Zip: 32812 Phone: [REDACTED]
 Address Business: _____ Zip: _____ Phone: _____
 Email Address: _____

Type of ID shown: FL DL ID# if applicable: [REDACTED]

Mary Payne do hereby voluntarily make the following statement without threat, coercion, offer of benefit, or favor by any persons whomsoever.

On the evening of 1-28-11 I received a call from my son Bryan Payne. He stated that he had been punched in the mouth by the gang unit officer, in front of McCoy Elem School. He was very upset and panicked. I then told my husband to pick him near the Burger King on Semoran. My husband returned home with Bryan, who appeared to have a small crack in his lip. His lip was red, but I did not see any blood. I then called 911 and was referred to the officers Superior, who advised me that he would come to my house to file a report. The officer came out and took a report and pictures.

Sworn to and subscribed before me, this 10 day of March, 11
 Notary Public Law Enforcement Officer Name Key 5270
 Personally Known Produced Identification Type _____

I swear/affirm the above and/or attached statements are correct and true.
 Signature: Mary Payne

My signature below means that I refuse to prosecute the person(s) named above for the alleged crime(s) that occurred to me or to the property under my control.
 Signature _____ Date _____
 (Departmental policy prohibits use of this section in domestic violence cases.)

Victim Rights Booklet provided? Yes No
 I will testify in court and prosecute criminally. Initials: _____
 Miranda Warning Read? Yes No Page _____ of _____