

BSOPICS - JMS Inmate Information

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New Query

DELOSRIOS, JUAN**JMS/Arrest No** 801201073**DOB** Sunday, March 06, 1966**Race** W**Hair Color** GRY**Height** 5'04"**Age** 46**Gender** Male**Eye Color** BRO**Weight** 206 lbs**Arresting Agency** MAIN JAIL**Arrest Date** Friday, June 29, 2012 11:15**Arrest Location** 555 S.E. 1ST AVE, FT LAUDERDALE, FL 33301**Status** IN CUSTODY - Main Jail**Case Number** NA**Arresting Officer** MAYER**Expected Release Date*****Charge(s) Information****CHARGE NUMBER** 1**Court Case Number** 12182AF10-000**Statute** 800.04-6b**Description** LEWD/LASC CONDUCT BY PERSON 18YOA OR OLDER**Comment** LEWD OR LASCIVIOUS CONDUCT UPON A CHILD UNDER THE AGE OF SIXTEEN BY AN OFFENDER OVER THE AGE OF EIGHTEEN**Bond Type** BD**Bond Amount** 15,000.00**Charge Status** PENDING TRIAL**CHARGE NUMBER** 2**Court Case Number** 12182AF10-000**Statute** 800.04-6b**Description** LEWD/LASC CONDUCT BY PERSON 18YOA OR OLDER**Comment** LEWD OR LASCIVIOUS CONDUCT UPON A CHILD UNDER THE AGE OF SIXTEEN BY AN OFFENDER OVER THE AGE OF EIGHTEEN**Bond Type** BD**Bond Amount** 15,000.00**Charge Status** PENDING TRIAL

*Subject to change.

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New Query





MICHAEL J. SATZ
STATE ATTORNEY
SEVENTEENTH JUDICIAL CIRCUIT OF FLORIDA
BROWARD COUNTY COURTHOUSE
201 SE SIXTH STREET, SUITE 660 A, FORT LAUDERDALE, FL 33301-3360
PUBLIC RECORDS REQUEST

Contact Mrs. Seltzer at (954) 831-7228 / SSeltzer@sao17.state.fl.us

Requestor : **MEDIA**

Company :

Address:

City, State, Zip

Email:

Request Reference #: **1308**

Phone:

Fax:

Date: **06/28/2012**

Pursuant to Chapter 119, Florida Statutes, request is made for:

Request Type: **COPIES**

Record Type: **Public Records Request**

Defendant: **DE LOS RIOS, JUAN**

Description : **Copy of Warrant and Affidavit to Arrest**

YOU ARE ADVISED that the State Attorney's Office is not the custodian of the official court records. The records you have requested are only those in the custody of the State Attorney, subject to all legal exceptions and/or redactions. For a copy of the complete and official record and/certified copies, contact the office of Howard Forman, Clerk of the Court, 17th Judicial Circuit of Florida, at (954) 831-6565

(For SAO use only)

Letter acknowledging request sent by _____

Date _____

Active case discovery pulled by A.S.A. _____

Date _____

Reviewed/Redacted by _____

Date _____

Approved/Disapproved by *Luan Seltzer*

Date *6-28-12*

File unable to be located by Unit _____

Date _____

See Notes/Exemptions/Redactions indicated below

Request Withdrawn--Date _____

SAO has no record as requested _____

SAO record was destroyed per §119.021(2)(d), _____

Notes/Exemptions from Public Record Disclosure (For Reviewing ASA use only)

☐ Active internal affairs investigation => exempt, §112.533, FS; §655.057(1)(a), FS

☐ Attorney notes=> confidential and exempt, Lopez v. State 696 So. 2d 725 (Fla. 1997); Arbelaez v. State, 775 So. 2d 909 (Fla.2000)

☐ Confession by Defendant on active cases=> exempt, §119.071(2)(e), FS

☐ Bank account numbers, debit, charge and credit account numbers and social security numbers=> exempt, §215.322(6)1, FS; §119.071(5)(a)(b), FS; §655.057, FS; §655.059, FS

☐ Biometric ID Information=>exempt; §119.071(5)(g), FS

☐ information revealing id of Confidential Informant or confidential source=> exempt, §119.071(2)(f), FS

☐ Defendant not entitled to free copy of file.=> Roesch v. State, 633 So. 2d 1 (Fla. 1993)

☐ Criminal History Data=> exempt, §943.0525, FS

☐ Department of Corrections Records & Investigations=> exempt, §945.10, FS

☐ Autopsy Photographs=> exempt, §406.135(1), FS

☐ F.M.S. Reports=> exempt, §395.51, FS

☒ Home Addresses, etc., of current or former prosecutors, law enforcement personnel, firefighters, judges and code inspectors=> exempt, §119.071(4)(d)1, FS

☐ Traffic Crash Report exempt for 60 days after report is filed=>exempt, §316.066(5)(a), FS

☐ Videotaped statement of minor victim of sexual battery=>exempt, §119.071(j)2.a., FS

☐ DL and DMV records=>exempt, §119.0712(2), FS

☐ Other exemptions=> _____

☐ Mental Health records => exempt, §394.4615(1), FS; §456.057, FS

☐ On active, pending cases, information not disclosed to defense in discovery=> exempt, Satz v. Blankenship, 407 So. 2d 396 (Fla. 4DCA 1981); Tribune Co. v. Public Records, 493 So. 2d 480 (Fla. 2nd DCA_1986)

☐ Personal assets of crime victim=> exempt, §119.071(2)(i), FS

☒ Personal victim information in cases of sexual offense, child abuse, lewd & lascivious offense=> exempt, §119.071(2)(h), FS; §794.024

☐ Medical Records=> exempt, §395.3025(4), FS; §395.3025(8), FS; §456.057, FS

☐ PSI, PTI, pre-plea, post-sentence investigative records=> exempt, §945.10(1)(b), FS

☐ Reports of abuse of vulnerable adult=> exempt, §415.107, FS

☐ Department of Children & Families Reports of child abuse=> exempt, §39.0132(4)(a), FS; §39.202, FS

☐ School records=> exempt, §1002.22, FS

☐ Photograph of victim of sexual offense=> exempt, §119.071(2)(h)

☐ Active criminal intelligence and investigative information=> exempt, §119.071(2)(c), FS

☐ Identity of caller requesting or reporting "911" emergency=>exempt, §365.171(15), FS

☐ Juvenile Records=>exempt, §985.04, FS

☐ Drivers License digital imaging=> exempt, §322.142(4), FS

☐ Telecommunications records=>exempt, §119.071(5)(d)

☐ Pharmacy Records=>exempt, §465.017(2)

IN THE COUNTY/CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT,
IN AND FOR BROWARD COUNTY, FLORIDA

STATE OF FLORIDA,
Plaintiff,

Vs.

JUAN DE LOS RIOS
Defendant

WARRANT TO ARREST

IN THE NAME OF THE STATE OF FLORIDA, TO ALL AND SINGULAR THE
SHERIFFS AND CONSTABLES OF THE STATE OF FLORIDA:

WHEREAS, Captain James Dunkelberger of the Miramar Police Department, has this day made oath before me that on the 18th day of January, 2012, in the County and State aforesaid, one JUAN DE LOS RIOS W/M 03/06/1966 did then and there unlawfully commit the following crimes:

COUNT ONE

Count I. Lewd or Lascivious Conduct upon a child under the age of sixteen by an offender over the age of eighteen

On the 18th day of January, 2012 in the County and State aforesaid, did willfully and maliciously in an unlawful manner require the victim, who was a minor under the age of sixteen, to expose her genitalia (Vagina) in a lewd and lascivious manner towards him. Juan De Los Rios is an adult over the age of eighteen and such action was contrary to F.S.800.04 (6) (a) (2).

COUNT TWO

Count II. Lewd or Lascivious Conduct upon a child under the age of sixteen by an offender over the age of eighteen

On the 18th day of January, 2012 in the County and State aforesaid, did willfully and maliciously in an unlawful manner require the victim, who was a minor under the age of sixteen, to expose her Breasts in a lewd and lascivious manner toward him. Juan De Los Rios is an adult over the age of eighteen and such action was contrary to F.S.800.04 (6) (a) (2).

**IN THE COUNTY/CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT,
IN AND FOR BROWARD COUNTY, FLORIDA**

The offense(s) set forth in the foregoing Warrant is/are contrary to the statute(s) in such case made and provided, and against the peace and dignity of the State of Florida. Attached hereto and made a part hereof by incorporation is the Affidavit executed by Captain James Dunkelberger, Affiant herein.

Count I. Lewd or Lascivious Conduct upon a child under the age of sixteen by an offender over the age of eighteen

Bond Amount: \$ 15,000.00


Count II. Lewd or Lascivious Conduct upon a child under the age of sixteen by an offender over the age of eighteen

Bond Amount: \$ 15,000.00

THESE ARE, THEREFORE, to command you forthwith to arrest the said JUAN DE LOS RIOS W/M 03/06/1966 and bring him before me to be dealt with according to law.

THIS WARRANT SHALL BE RETURNED NO LATER THAN NA of _____, 2012.

(Sworn to and subscribed before me this
28 Day of June A.D. 2012)



CIRCUIT COURT JUDGE
17th Judicial Circuit

IN THE COUNTY/CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT,
IN AND FOR BROWARD COUNTY, FLORIDA

STATE OF FLORIDA,
Plaintiff,

Vs.

JUAN DE LOS RIOS
Defendant

AFFIDAVIT TO ARREST

BEFORE ME, Judge of the Circuit Court in and for Broward County, personally came Captain James Dunkelberger, of the Miramar Police Department, who after being duly sworn, deposes and says that on the 18th day of January, 2012, in the County and State aforesaid, one JUAN DE LOS RIOS W/M 03/06/1966 did then and there unlawfully commit the following crime(s):

On Thursday January 26th 2012 the victim "JV", who is identified as a fifteen year old female minor, along with her parents and a witness responded to the Miramar Police Department to file a report. The victim and the witness reported that on Wednesday January 18th 2012, in the City of Miramar, County of Broward, the victim was required by directive to expose her genitalia (Vagina) as well as her breasts in a lewd and lascivious manner to the defendant who is an adult over the age of eighteen.

The parties made initial contact with Patrol Sergeant Christopher Saunders and Patrol Officer Melinda Shannon. According to Officer Shannon, the victim and the witness reported that on Wednesday January 18th 2012, the witness and the victim drove to a location identified as the Fountains at Miramar and parked in a parking lot. The victim advised that she and the witness sat in the back seat of the car and were talking. She stated at one point she observed a man in uniform through the window outside of the vehicle whom she believed was a police officer. She advised she rolled down the window and they began speaking to the man in the uniform.

The victim advised the offender began to question them as to what they were doing there and asked them if they were having sex. The victim told the officer that they were just talking at which time the offender said he needed to check if they were having sex. He then asked her to pull down her pants so he could check if they were having sex. The victim said she believed he was a police officer, therefore out of fear she pulled down her pants and her underwear. The victim stated the officer had a flashlight and he looked at her vagina and said okay you guys can get out of here.

The victim provided a description of the offender and indicated he was driving a silver or gray vehicle. The witness described the vehicle model as being a Ford Crown Victoria. The victim stated she did not observe any patches on the offender's uniform however she did observe a hard plated name tag that had a hyphenated last name with the letter "R" in the second portion of the name, possibly Ruiz. The victim stated she could identify the offender if she saw him again. It should be noted that Officer Shannon stated during her interview with the witness he indicated the offender used a silver flashlight during the incident.

Sergeant Saunders completed his shift and began to drive home when he contacted the on-duty Shift Commander Captain Jeff Levine. Sergeant Saunders advised Captain Levine that based on the victim's description of the offender Miramar Police Captain Juan De Los Rios may have been the officer who approached the victim and the witness while they were in their vehicle.

Captain Levine contacted Captain De Los Rios who advised he might be the officer as he did initiate contact with a suspicious vehicle behind some businesses in that area the week before. Captain De Los Rios informed Captain Levine that as he walked up to the vehicle he observed two people in the back seat of the vehicle. The female occupant (who stated that she was 16 years old) claimed that they were not doing anything and was concerned about her parents being contacted. Captain De los Rios then told them they needed to leave the area and then he went to his vehicle and left.

On Thursday January 26th 2012 this affiant took over the initial and subsequent follow up investigation into the complaint. This affiant responded to Police Headquarters and made contact with Officer Shannon and Captain Levine regarding the information from the initial report of the allegation. On the same date, this affiant also responded to the victim's residence where contact was made with the victim and her mother. This affiant requested to see the clothing the victim was wearing on the day of the incident. The victim produced a pair of Blue Jeans which contained a button in the front to fasten them and produced a white shirt that she was wearing on the day of the incident. This affiant photographed the pants and the t-shirt.

A sworn digital recorded statement was taken from the victim without a pre-interview. During the victim's statement, she stated on the date of the incident her friend, witness S. led her up from school in his blue Toyota Camry. She stated they went to a nearby McDonalds where she briefly spoke to a friend and then she and the witness departed together in his vehicle. The victim advised she was on her way home however she and the witness decided to hang out and talk. She stated they drove to an industrial area known as the Fountains of Miramar and parked in the back of some business buildings in the employee parking lot. The victim advised they went to the back seat of the car and were talking for about an hour and a half.

The victim stated that while they were in the back of the vehicle at one point she looked down and when she looked back up she observed someone at their vehicle through the left rear driver's side window of the vehicle. She stated the witness turned around, looked at the offender and told the victim that it was a cop. She stated the offender in the uniform came around the vehicle to the right rear passenger side window where the victim was seated. The victim observed the offender and stated he was an officer dressed in a uniform. The victim rolled down the window and the offender began to ask them questions and requested the witness to produce identification. The witness complied and provided his drivers' license to the offender. The victim advised the offender asked them how old they were to which she replied that she was fifteen turning sixteen and that the witness told the offender that he was nineteen.

The victim described the offender as being a white male, of medium height and medium build. She stated the offender was clean shaven and had blonde or white hair. The victim advised the offender was wearing a dark blue uniform, almost like a Miramar uniform however he did not have a stitched on name tag like normal Miramar Police uniforms. She stated the offender had a hard nameplate as a name tag on his shirt. She described the printing on the name plate to have been a hyphenated name.

The victim advised at one point the offender in the uniform crossed his arms and leaned against the window, looked at them, gave a long hard pause and stated "Well, are you having sex? What are you doing here? The victim advised she and the witness both told the officer no, no, no Officer no. The victim advised the offender said that he needed to check. The victim asked him "Check what"? The offender said "I need to see inside." The victim said, "Inside what?" The victim stated the offender indicated in between her legs. The victim further advised the offender said "I need you to pull down your pants". The victim advised her pants were completely on and were buttoned at the time of his instruction.

The victim stated because the offender was an officer she assumed that it was the right thing to do so she cooperated and in her words "obeyed him" and said "All right" and did it. The victim advised she pulled her pants down halfway and the offender told her "I need you to take it all the way off". She stated the offender told her to take off her underwear as well in which she complied and completely removed both her pants and her underwear all the way off of her feet. The victim stated the offender told her to turn toward him to which she complied. She stated she then observed him with a flashlight and he said "I need you to open it" meaning; quoted by the victim in her statement "my area" (victim statement page 16 of 25). Such instructions were directed to the victim for her to expose her vaginal area to him (victim statement page 17 of 25). The victim stated the offender then looked at her vaginal area with his flashlight. She stated the offender did not touch her at all. She stated she put her clothes back on at which time the offender asked her, "No anal sex? No sex in general?" The victim told him "No. No."

The victim stated the offender said to her, "I need to check for bruising." The offender told the victim to pull down her shirt to which she complied by pulling down her shirt from the top down and let him glance. The victim stated the offender said, "Well, I need you to pull it down further" and the victim complied. The victim stated she did not have to take off her brassier during the aforementioned action. The victim stated the offender nodded and said alright. The offender returned witness Gaynor's drivers' license to him and said something to the effect of "Go home."

The victim stated she saw the offender leave in a gray or silver car. She stated she didn't know what kind of car it was but was told by the witness that he observed the car and identified it as a Ford Crown Victoria model. The victim stated the offender's car was parked further down behind them.

The victim stated when the offender told her to take off her clothes she felt afraid, intimidated, and that she had to comply with his instructions because he was a police officer. She stated when the offender told her to open her legs he stated that he wanted to see if anything was coming out and to determine if she had been penetrated or to see if they were having sex. The victim further advised that she could identify the offender if she saw him again.

After the offender told the victim and the witness to leave she stated that the witness took her home. The victim advised initially she did not tell her parents because she was embarrassed and scared. She stated on Monday January 23rd 2012 she told her older sister what had occurred with the officer at which time her sister said to the victim that she needed to speak up and tell her mother. On Tuesday January 24th 2012 the victim informed her mother of the aforementioned actions involving the offender who the victim believed to have been a police officer.

The victim informed this affiant that she could show me the incident location. After the statement was taken from the victim, this affiant drove the victim along with her parents to the incident location. The victim directed this affiant to an industrial business located at 15800 SW 26th Street in the City of Miramar, County of Broward. The victim identified this location as the exact location of the aforementioned incident that occurred on January 18th 2012. While at the incident location, this affiant observed numerous exterior surveillance cameras that were installed on the north side of the business where the incident occurred. The business was identified as CVS Caremark. The victim and her parents were then driven home.

The following morning on Friday January 27th 2012 this affiant made contact with the security supervisor of the business CVS Caremark and requested to view the exterior video surveillance camera recording from the incident date of January 18th 2012. Security Supervisor Elvin Morales played the surveillance video for this affiant during the time frame of 12:30 hours to 15:00 hours on the incident date of January 18th 2012. This affiant observed the witness's blue Toyota Camry pull into a parking space in front of the

business at approximately 12:38 P.M. on January 18th 2012. The vehicle remained stationary for approximately two hours as described by the victim.

At approximately 14:39 hours this affiant observed a dark gray Ford Crown Victoria unmarked vehicle drive by the witness's vehicle along the east end of the parking lot near a construction site. This observation was from the camera located on the north east corner of the business and was of a high elevated position pointing toward the parking lot. At approximately 14:39 the gray Ford Crown Victoria unmarked vehicle was observed to have entered the parking area of the CVS Caremark employee parking spaces where the vehicle was observed travelling in an easterly direction toward the area where the victim and the witness were parked at. At 14:40 hours a subject was observed walking toward the victim and the witnesses' vehicle and the subject made contact with the vehicle.

It should be noted that due to the quality of the surveillance footage the offender cannot be further identified at this time however the position of the offender and the manner in which he made contact with the victim and the witness is consistent with the victim's statement as to his approach and contact only.

This affiant obtained a copy of the aforementioned digital video surveillance from Security Supervisor Morales and placed the DVR CD into property as evidence on Friday January 27th 2012. In addition, on Friday January 27th 2012 this affiant made contact with the witness at the incident location of 15800 SW 25th Street in the City of Miramar. The witness arrived in the same vehicle he and the victim occupied on the date of the incident. The witness provided a sworn digitally recorded statement to this affiant at approximately 15:15 hours. The witness stated he met the victim at church approximately six or seven months prior and became friends. He advised he picked the victim up from school in his vehicle which he identified as a blue 2003 Toyota Camry. He stated they went to McDonalds for a little while and then drove to the parking lot at the incident location. He stated they went to the area to talk and catch up because it had been a while since they had time to hang out with one another. At one point they moved to the back seat of the vehicle and were simply talking.

The witness stated at one point a man who he thought may have been a police officer approached his vehicle on the left rear drivers' side where the witness had been seated. He stated the offender peeked through the window and then came around to the rear passenger side window where the victim was seated. He stated the offender asked the victim to roll down the window to which she complied. The offender requested witness's drivers' license from him to which he complied and handed it over to the offender. The offender asked them what exactly what were they doing there. The witness informed the offender that they were just sitting there talking. He stated the offender then asked them if they were having sex to which they told him No. The witness advised the offender asked for proof that they weren't having sex. He stated by that, the offender asked the victim to pull down her pants and her underwear and to prove that they were not having sex.

The witness advised the offender stated he wanted to see if there was something there, any inflammation or if there was something coming out to prove they were not having sex. The witness stated the victim's jeans were on and they were buttoned. He stated he observed the victim take off her pants and her underwear and saw the offender pull out a plain black flashlight. According to the witness, the offender asked the victim to scoot closer to him. The witness believed the victim turned her body toward the offender. He stated he heard the offender tell the victim "I need you to spread your legs wider so I can see". The witness stated he looked away when he heard the offender tell the victim to spread her legs.

The witness stated after the victim complied, the first thing she did was put her underwear back on and then she asked the offender "Can we please go". He stated he believed the victim was very scared to show the offender her vaginal area. He further advised that at the time the victim was ordered to expose her vagina to the offender, the offender still had possession of the witness's drivers' license. Furthermore

he did not think that they were free to leave and thought they had to stay there and comply with the offender. In addition the witness stated the offender never went back to his car to check his license. The witness stated the offender told them "She is very young. You guys, you know you need to stay out of this situation, and you shouldn't be here." He stated the offender gave him his license back and the offender left and got in his car. When the witness was questioned regarding the victim's shirt and if the offender told her to do anything with it, the witness stated he might have asked her to pull her shirt up but he wasn't actually sure.

The witness stated that after the offender left they went back into the front seat of the car and they both cried and hugged one another. The witness and the victim left the area and the witness drove the victim home. The witness stated the victim told her sister and her mother on Monday or Tuesday of what had occurred during the incident with the offender in uniform who they thought was a police officer. The witness said he could identify the offender if he saw him again. The witness provided a description of the offender which was similar in nature to that provided by the victim.

On January 27th 2012 this affiant compiled a "Double Blind" photograph array which is an identification procedure designed to eliminate biased results, in which the identity of an offender is concealed from both the administrator and subject of the procedure. The double blind array consisted of six photographs of individuals in uniform which were similar in nature to that described by the victim and the witness. The double blind array was provided to Sergeant Shalida Smith of the Miramar Police Department to independently administer the array with the witness. Sergeant Smith was not informed of the identity of the possible offender. At approximately 15:50 hours on January 27th 2012 Sergeant Smith conducted the double blind array with the witness. The witness identified Miramar Police Captain Juan De Los Rios as the offender who approached him and victim on January 18th 2012. Furthermore, the witness identified Captain De Los Rios as the offender who was in uniform and had instructed the victim to take off her clothes and expose her vaginal area to him. The witness signed the identified photograph and the double blind array was placed into property as evidence.

On Sunday January 29th 2012 Sergeant Shalida Smith conducted a double blind array with the victim. The double blind array contained the same photographs as the previous double blind array however this affiant changed the sequence of the photographs prior to issuing the packet to Sergeant Smith in order to maintain the integrity of the photo array. The victim identified Miramar Police Captain Juan De Los Rios as the offender who approached her on January 18th 2012 and instructed her to remove her clothing to expose her vagina to him. The victim signed the identified photograph and the double blind array was placed into property as evidence. In addition, on this date, this affiant collected the clothing from the victim that she was wearing during the incident date and time of January 18th 2012. The collected clothing consisted of one pair of blue jean pants identified as size three made by lipstick, one white Ralph Lauren sport size t-shirt, one beige colored maden form brazier, and one pair of pink and black colored Princess make underwear briefs.

The clothing was placed in a paper evidence bag sealed with evidence tape and was placed into property as evidence with instructions for the CSI Unit to photograph the items. Contact was also made with the victim's sister, _____ A sworn audio digital statement was taken of Ms. _____ regarding the information the victim conveyed to her regarding the allegation and the advice she provided to the victim to report the incident.

On Monday January 30th 2012 contact was made with the Broward County State Attorney's Office where an initial briefing of the victim's allegations was conveyed to Assistant State Attorney Adriana Alcalde. This affiant applied for a search warrant via affidavit of application to seize potential evidence from the identified offender (Captain De Los Rios) consisting of his departmental issued uniform equipment as potential evidence. An additional search warrant was also applied for via affidavit of application to search

the vehicle identified as a 2001 dark gray Ford Crown Victoria VIN # 2FAFP71W91X158637, owned by The City of Miramar which was assigned to and driven by the offender (Captain De Los Rios) during the incident date and time of the alleged offense to collect potential evidence directly involved in the offense. Both warrants were reviewed by Assistant State Attorney Alcalde and were granted by the Honorable Judge Michael Robinson.

On Tuesday January 31st 2012 this affiant made contact with the offender (Captain De Los Rios) in the presence of Sergeant Smith at the Miramar Police Department Headquarters building located at 3064 N. Commerce Parkway. Contact was made with Captain De Los Rios for the sole purpose of issuing him the aforementioned search warrant of his departmental issued clothing and equipment.

This affiant read the search warrant to Captain De Los Rios in its entirety to which he indicated he understood. Captain De Los Rios was cooperative and surrendered his departmental issued gold colored hard plated name tag consisting of the following characters "J. De Los Rios" which was placed into property as evidence. No other items were seized from Captain De Los Rios' person.

On Tuesday January 31st 2012 the 2001 dark gray Ford Crown Victoria VIN # 2FAFP71W91X158637, owned by The City of Miramar and assigned to Captain De Los Rios was temporarily seized pursuant to the authorized search warrant for the purpose of executing such warrant. This affiant along with Sergeant Smith conducted a search of the vehicle for potential evidence directly related to the alleged crime. A medium sized black in colored Stinger model flashlight with serial # 1288946 was observed in the vehicle located between the front driver and passenger seat protruding upward. It should be noted that the flashlight was estimated to have been approximately seven inches in length, consisting of a black colored exterior metal finish however the very front globe housing black finish was scratched and was of a silver metal color. The flashlight was seized as potential evidence and was recovered by CST Peluso to be photographed and submitted to the property division.

On Thursday February 2nd 2012 this affiant issued a Subpoena Duces Tecum to Mr. Elvin Morales, Security Supervisor of CVS Caremark, to seize the original digital recording hard drive containing the exterior video surveillance during the time frame of the alleged offense at the incident location of the CVS Caremark Company building. Mr. Morales accepted the subpoena and released the hard drive. This affiant submitted the device to the property division to be secured as evidence.

This affiant reviewed all versions of the surveillance video both original as well as the enhanced versions. Such review revealed that the video cannot clearly identify Captain De Los Rios as the individual who made contact with the victim and the witness. The video is consistent with the victim and the witness' accounts as to the offender approaching the vehicle and the location of contact at the rear passenger side of the vehicle where the victim indicated she was seated. However it is this affiant's interpretation based on the review that the offender appears to lean very close to the rear passenger side door area and at one point it appears that the offender raises his left hand upward consistent with the level of his shoulder area. The quality of the video does not identify facial characteristics of the offender nor does it display any type of items the offender may have possessed in his hands. In addition it should be noted that all versions of the video do not capture any activity within the vehicle.

On Wednesday April 25th 2012 the victim and her mother attended a pre file interview with Assistant State Attorney Alcalde and this affiant regarding this case. At such interview the victim and her mother both indicated they wished to pursue criminal charges against Captain Juan De Los Rios for the aforementioned criminal allegations.

Based on the allegations depicted in the sworn statements made by the victim and the witness as well as the positive identification by them of Captain Juan De Los Rios as the offender, probable cause has been

established by this affiant that; the one JUAN DE LOS RIOS W/M 03/06/1966 did then, and there, on January 18th 2012, unlawfully commit the following crime(s):

**I. LEWD OR LASCIVIOUS CONDUCT UPON A CHILD UNDER THE AGE OF SIXTEEN
BY AN OFFENDER OVER THE AGE OF EIGHTEEN - F.S.800.04 (6) (a) (2)**

Captain Juan De Los Rios on January 18th 2012, in the County and State aforesaid, did willfully and maliciously in an unlawful manner require the victim, who was a minor under the age of sixteen, to expose her genitalia (Vagina) in a lewd and lascivious manner toward him. Juan De Los Rios is an adult over the age of eighteen and such action was contrary to F.S.800.04 (6) (a) (2).

**II. LEWD OR LASCIVIOUS CONDUCT UPON A CHILD UNDER THE AGE OF SIXTEEN
BY AN OFFENDER OVER THE AGE OF EIGHTEEN - F.S.800.04 (6) (a) (2)**

Captain Juan De Los Rios on January 18th 2012, in the County and State aforesaid, did willfully and maliciously in an unlawful manner require the victim, who was a minor under the age of sixteen, to expose her Breasts in a lewd and lascivious manner toward him. Juan De Los Rios is an adult over the age of eighteen and such action was contrary to F.S.800.04 (6) (a) (2).

The offense(s) set forth in the foregoing Affidavit is/are contrary to the statute(s) in such case made and provided, and against the peace and dignity of the State of Florida.

**I. LEWD OR LASCIVIOUS CONDUCT (Felony 2nd) F.S.800.04 (6) (a) (2)
UPON A CHILD UNDER THE AGE
OF SIXTEEN BY AN OFFENDER
OVER THE AGE OF EIGHTEEN**

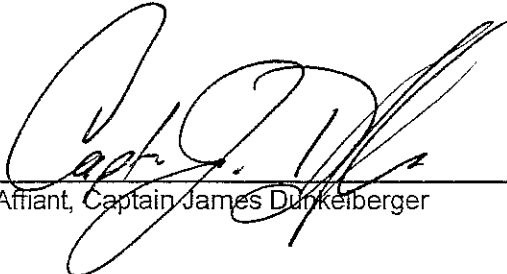
**II. LEWD OR LASCIVIOUS CONDUCT (Felony 2nd) F.S.800.04 (6) (a) (2)
UPON A CHILD UNDER THE AGE
OF SIXTEEN BY AN OFFENDER
OVER THE AGE OF EIGHTEEN**

Suspect Information:

Name

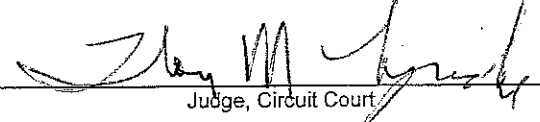
JUAN DE LOS RIOS W/M 03/06/1966

Address on Driver License



Affiant, Captain James Dunkelberger

Affiant Sworn to and subscribed before me this 28 day of June, A.D. 2012.

 (SEAL)

Judge, Circuit Court