

**AFFIDAVIT FOR
CRIMINAL OFFENSE**

**IN THE CIRCUIT/COUNTY COURT
COLLIER COUNTY, FLORIDA
AGENCY CASE NUMBER: 07-13888**

**STATE OF FLORIDA, vs. LUIS F FONSECA
STATE OF FLORIDA, COLLIER COUNTY**

Personally came before me, Detective David Hurm Jr #831, Collier County Sheriff's Office, Naples, Florida, who, being by me first duly sworn deposes and says between 04-10-2007 and 04-20-2007 in Collier County, Florida, one LUIS F FONSECA did commit LEWD LASCIVIOUS MOLESTATION in violation of Florida State Statute 800.04-5B.

My probable cause being based upon the following facts:

1. On 04-25-2007 Your affiant responded to the Golden Gate Substation in reference to a suspicious incident involving a juvenile. Your affiant met with H/F [REDACTED] 12-12-1970 who stated her daughter H/F [REDACTED] 07-12-1995 told her that she saw her stepfather (H/M Louis Fonseca 10-18-1961) touching her brother H/M [REDACTED] 10-17-2000 in the privates.
2. On 04-25-2007 your affiant observed the taped interview of [REDACTED] conducted by CPT specialist Denise Doyle at the Children's Advocacy Center. [REDACTED] demonstrated the difference between the truth and a lie by example. She said that about a week ago she and her brother came home from school and Luis was home. She said that she was in the living room watching the television and began to wonder where her brother was because it was so quiet in the house. She was in the hallway approaching the bedroom when she saw both of them (Luis and [REDACTED]) in bed together. She said that "they were lying next to each other on their backs looking at the roof". She said that her stepfather (Luis) was touching [REDACTED] privates in the front. She said she heard Luis tell [REDACTED] "you have big ones". She said that they both had their clothes on and that Luis

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was using his hand to touch. [REDACTED] private part on top of the clitoris. She said that Luis was "squishing and squeezing [REDACTED] private part". She said that the incident stopped because she went back into the living room and yelled for [REDACTED] to come into the living room with her. She told [REDACTED] what she had seen and told him he had to tell their mom. [REDACTED] said that [REDACTED] told her "he was too scared to tell their mom". She said that [REDACTED] told her that it had also happened in the kitchen and in the living room.

3. On 04-25-2007 your affiant observed the taped interview of [REDACTED] conducted by Denise Doyle at the Children's Advocacy Center. [REDACTED] demonstrated the difference between the truth and a lie by example. [REDACTED] denied anyone touching or trying to touch his "weenie" or his "butt". He said that if anyone did he would tell his mom.

4. On 04-25-2007 your affiant interviewed [REDACTED] mom [REDACTED]. She said that [REDACTED] initially denied being touched by Luis, but later he told her that Luis had touched his privates, and that it had happened two other times. After the incident she brought [REDACTED] to the doctors for a check up. She told the doctor that an uncle had touched [REDACTED] instead of her husband because she was embarrassed.

5. On 04-25-2007 DCF investigator Aneta Tarnowicz and your affiant conducted a taped interview of Fonseca at the Golden Gate Substation. Your affiant explained to him that he was free to leave at any time and that he did not have to talk to me at all. He said that he was eager to talk to us and that he understood that he could stop and leave at any time. He said that he thinks that this investigation was made up by his wife because they are getting a divorce and she is trying to help herself out. Your affiant asked him if he knew why we were talking and he said it was about the accident. He explained that he and [REDACTED] were playing in the living room when [REDACTED] jumped on his back and started to fall off. He said that he grabbed him to keep him from falling. When he did so he said that he grabbed the pants near his privates, but only to keep him [REDACTED] from falling. Fonseca said that he has never been alone with [REDACTED], that they have never been alone in a bedroom together, and that they have never lain in bed together. Your affiant told him that we were being told he was seen touching [REDACTED] on the privates. Fonseca said "no it's not true, no it's not true. How come I do this? I have no mental problems, I'm a nice person, why I'm gonna touch any kids, for what?"

6. On 04-27-2007 your affiant observed the taped polygraph examination of Fonseca conducted by specialist Ben Blalock #2971. During the pre-examination interview and during the examination, Fonseca denied ever being alone in his bedroom with [REDACTED] of ever being on his bed with [REDACTED] and denied ever touching [REDACTED] in the privates. Fonseca was asked the following questions during the polygraph; Did you touch [REDACTED] penis through his pants in your bedroom? Did you put your hand on [REDACTED] penis through his pants in your bedroom? Were you alone with [REDACTED] in your bedroom on that day? After careful review of the Polygram's, there was deception indicated in each of the three Polygram's reviewed regarding this issue.

7. After being advised in his post test interview that there was deception indicated, Fonseca admitted that he and [REDACTED] were alone in the bedroom. He said that [REDACTED] was attempting to climb on the bed and he put out his left hand to stop him. He said that his hand accidentally touched him on the privates. He said that [REDACTED] did not at any time get onto the bed, and denied that touching his privates was an intentional act.

Wherefore Your Affiant requests an arrest warrant be issued for LUIS F FONSECA D.O.B. 10-18-1961 W/M, 5-05, 145, brown hair, brown eyes, SSN: [REDACTED] Florida drivers license F522-526-61-370-0 of 3095 Linwood Ave, Naples Florida 34112, for LEWD LASCIVIOUS MOLESTATION 800.04-5B

Det. [Signature] #831
Signature of Affiant

State of Florida
County of Collier

Sworn to and subscribed before me this 21st day of May, 2007, by
Detective David Hurm Jr. #831

☒ Personally known, or
CCSO Type of Identification
a. CCSO ID: 831
b. FL D/L: _____
c. Other: _____

[Signature]
NOTARY PUBLIC/JUDGE
Printed Name PRISCILLA DUTREY
My Commission Expires: 5-16-10
(SEAL)

