

COURT DOCKET NO. 1. _____ 2. _____		USE SEPERATE FORMS FOR EACH DEFENDENT AND FOR MULTIPLE OFFENSES OCCURRING AT DIFFERENT TIME, DATE OR LOCATION				AGENCY CASE NUMBER <b>2008-4-06929</b>		
		<b>ARREST AFFIDAVIT</b>				FBI NO.	FDLE NO.	
BOOKING OFF.	JAIL NO.	DEFENDANT NAME (LAST, FIRST, MIDDLE) <input type="checkbox"/> YES, TRUE NAME <b>Mcgaffigan, Matthew Devin</b>				ARR AGENCY ORI NO. <b>f0560100</b>		
<input type="checkbox"/> DOMESTIC RELATED		A.K.A. <input type="checkbox"/> YES, TRUE NAME				OBTS NO.		
DATE OF BIRTH <b>04/24/1982</b>	AGE <b>26</b>	PERMANENT ADDRESS (STREET NO., STREET NAME, CITY) STATE ZIP CODE COUNTY <b>119 Virginia Park BLVD Fort Pierce FL 34947</b>				PHONE <b>(810) 814-1596</b>		
DEFENDANT REQUIRED TO APPEAR IN CIRCUIT/COUNTY COURT ON AT _____ AM/PM		SEX <b>M</b>	HEIGHT <b>6'4"</b>	WEIGHT <b>370</b>	RACE <b>White</b>	D.L.# / STATE <b>M-212-544-82-144-0 - FL</b>	EYE COLOR <b>Unknown</b>	HAIR COLOR <b>Brown</b>
		SSN [REDACTED]		EMPLOYER OR SCHOOL		DISTINGUISHING MARKS		
COPY TO: CLERK OF COURTS STATE ATTORNEY JAIL ARRESTING AGENCY DEFENDANTS	ARREST DATA	DATE <b>06/03/2008</b>	MIL. TIME <b>0504</b>	STREET ADDRESS <b>920 S U S Hwy 1 Highway Fort Pierce</b>		STATE COUNTY <b>FL St. Lucie</b>		
		LONGITUDE <b>-80.22000</b>		LATITUDE <b>27.22000</b>				
	OFFENSE DATA	DATE <b>06/02/2008</b>	MIL. TIME <b>1500</b>	STREET ADDRESS <b>1 Virginia Park Boulevard Apt# 119 Fort Pierce</b>		STATE COUNTY <b>FL St. Lucie</b>		
		LONGITUDE <b>-80.22000</b>		LATITUDE <b>27.22000</b>				
<input type="checkbox"/> WEAPON SEIZED	TYPE	RESIDENCE TYPE <b>City</b>	CHARGE STATUS <b>Probable Cause</b>	UNDER THE INFLUENCE OF <b>Unknown</b>	CITIZENSHIP <b>United States of America</b>			
CHARGE TYPE	CHARGE / STATUTE NO.			DRUG ACTIVITY	DRUG TYPE			
1. Felony	SEX OFFENSE PROMOTE SEXUAL ACTIVITY OF VIC LESS THAN 16 YOA / 800.04 4b			N/A	N/A			
2. Felony	LEWD LASCV BEHAVIOR EXHIBIT BY PERS 18 YOA OLDER VICT LESS 16 YOA / 800.04 7c			N/A	N/A			
3. Felony	OBSCENE MATERIAL-POSSESS POSS PHOTOGRAPH OF SEXUAL PERFORMANCE BY CHILD / 827.071 5			N/A	N/A			
	PRINCIPAL ARRESTING OFFICER / AGENCY <b>David Cuti</b>			EMPLOYEE NO. <b>7024</b>	BOND AMOUNT			
	DISTRICT <b>ISB</b>	ZONE <b>CID PROPERTY</b>						
CO-DEFENDANTS NAME (LAST, FIRST, MIDDLE)				VICTIMS NAME				
				[REDACTED]				

I SWEAR THE STATEMENT ABOVE IS CORRECT AND TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

*Def. Cuti* 7024

SWORN TO AND SUBSCRIBED BEFORE ME THE UNDERSIGNED AUTHORITY

THIS 2 DAY OF JUNE, 2008  
*[Signature]*

# ARREST AFFIDAVIT

AGENCY CASE NO. 2008-4-06929	ARREST DATE 06/03/2008	DEFENDANT LAST NAME McGaffigan
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## Narrative

On 6/2/08, at approximately 2157 hrs, Ofc Maldonado and Officer Fasanello responded to 920 S US-1 in reference to a report of child molestation/ child pornography. Upon arrival Ofc Fasanello met with Pastor Marvin Nemitz, [REDACTED] (victim), [REDACTED] (victim's brother), [REDACTED], and [REDACTED] (victim's parents). Pastor Nemitz stated that there was an unfavorable incident that occurred between the victim (14 year old [REDACTED]) and the suspect (family friend of two years) Matthew McGaffigan. Pastor Nemitz stated that the suspect was in possession of nude photos of the victim and possible molested/ sexually battered the victim at the suspect's apartment, 119 Virginia Park Blvd. The incident occurred on 5/18/08.

Officer Fasanello met with the victim's brother [REDACTED] who stated that he and the victim had been temporally living with the suspect for the last two weeks due to transportation issues. The victim's parents were aware of their children's whereabouts. Adam stated that while in the suspects apartment, [REDACTED] and the suspect were joking about the suspect's gender preference (homosexual) when the suspect stated "Well what if I took some pictures of your brother". [REDACTED] laughed, and then he became concerned for his brothers safety. [REDACTED] stated that on 6/2/08, at approximately 1500 hrs, he asked his brother (victim/ [REDACTED]) several serious questions pertaining to [REDACTED] safety and wellbeing. [REDACTED] explained to the victim/ [REDACTED] that he was his big brother and can tell him anything without the possibility of being embarrassed. [REDACTED] asked the victim if the suspect had ever photographed him (victim) and the victim stated that the suspect asked the victim several times to photograph himself utilizing the suspect's digital camera phone. The victim felt pressured and complied with the suspect's wishes. The victim informed [REDACTED] that he took approximately three photos of his (the victim's) penis and below waist area while using the suspect's digital camera phone. [REDACTED] then asked the victim if the suspect had ever tried to touch him (the victim)?

The victim stated that the suspect asked the victim several times to allow the suspect to touch the victim's penis. The victim stated that he told the suspect "No, I feel very uncomfortable doing that". The victim stated that the suspect dropped his (the suspect) pants and stated that it's not so bad. The victim informed [REDACTED] that the suspect grabbed the victim's private area approximately a week later after the photos were taken. [REDACTED] stated that he searched around on the suspect's computer and observed several questionable photos and homosexual links. [REDACTED] then located a folder titled "New Folder" stored within the computer's external hard drive. When he opened the folder he observed approximately three photos that he identified as his brother's penis and/or below waist area. [REDACTED] and the victim quickly left the residence. [REDACTED] stated that he forgot to close the folder before leaving.

I then interviewed [REDACTED] and he gave me the same statement that he gave Ofc. Fasanello. I asked [REDACTED] when he observed the photos on the computer what the file name was named under. [REDACTED] stated that the name of the file was listed as the date the photos were taken. He advised the date and time of the photos were 05/18/08 at 1017, 1018, and 1019. I did ask [REDACTED] if he thought that his brother was having a sexual relationship with Mathew. He stated that he was not sure.

I then met with [REDACTED] (Victim). [REDACTED] had Nemitz present during the interview. I asked [REDACTED] when did Mathew start to display sexual feelings toward him. [REDACTED] stated that this all started when he asked Mathew if he was gay. Mathew told him that he was gay and that is when he started to act different towards him. When I asked [REDACTED] what did Mathew do to make him feel this way, He stated that

THE PRECEDING IS TRUE TO THE BEST OF MY PRESENT KNOWLEDGE OR BELIEF.

SIGNATURE

*Det. [REDACTED] 7024*

SWORN & SUBSCRIBED BEFORE ME THIS 3 DAY OF June 08

NOTARY / ASA

*[Signature]*

MY COMMISSION EXPIRES

P.O.

AGENCY

PPD

# ARREST AFFIDAVIT

AGENCY CASE NO. 2008-4-06929	ARREST DATE 06/03/2008	DEFENDANT LAST NAME McGaffigan
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## Narrative (Continued)

athew started to watch porn in front of him. This all took place about a month ago. [redacted] then stated that Mathew then started to masturbate in front of him. [redacted] stated that this happened around three times before he asked him to masturbate with him. [redacted] then stated that he masturbated with Mathew two times while watching porn. [redacted] advised me that Mathew would ejaculate when performing this act. I then asked [redacted] if Mathew ever tried to touch him. [redacted] stated that Mathew grabbed his penis on two different occasions. [redacted] stated that the first time Mathew grabbed his penis it was only a few seconds and he told him to stop. The second time he grabbed his penis for a few minutes and stroked his penis but then he told him to stop again.

I then asked [redacted] if Mathew ever took pictures of his penis. [redacted] stated that Mathew asked him to take pictures of himself using Matthews phone. [redacted] stated that he took three pictures of his penis on 05/18/08. He then stated that the other photos were taken on 06/01/08. [redacted] stated that both times the photos were taken he gave the phone back to Mathew.

Sgt. McWilliams and I then responded to 119 Virginia Park Blvd to make contact with Mathew McGaffigan (Suspect). Upon our arrival we met with Mathew and advised him of an allegation against him. We asked him if he had any pictures on his computer of [redacted] in a sexual nature. Mathew stated that there were pictures of [redacted] on his computer but he deleted them earlier during the day. I then asked Mathew if he would give us consent for us to take his computer and take a look around his apartment. Mathew stated that we were free to do what we needed to do and signed a consent to search form. A "E Machine" computer with an external hard drive was recovered from the scene along with boxes of porn videos and magazines. C.S.I Greiner responded to collect the evidence from Mathew.

Sgt McWilliams and I then interviewed Mathew at the police station. I read Mathew his Miranda warnings. Mathew signed the Miranda form and stated that he wishes to speak to us. Mathew stated to us that he knew that the photos on his computer were pictures of [redacted] Penis. He stated that he was not sure how they got there. We asked him when he first found out about the pictures on his computer a week ago how many times did he access them. Mathew stated that he accessed them about five time. He stated that he had intentions of masturbating to the pictures but felt guilty. Mathew stated that he did masturbate in front of [redacted] and also allowed [redacted] to masturbate in the same room with him while watching porn movies. Mathew also advised us that he would sleep in the same bed with [redacted] when he would sleep over. Mathew stated that this happened about fifteen times in the past year. Mathew also stated that during the second time that [redacted] took pictures of his penis he was aware of [redacted] doing this. Mathew told me that he did have a sexual desire for [redacted] and that this was something that just happened.

NOTE: Initials were utilized to protect the identity of the victim and his family.

THE PRECEDING IS TRUE TO THE BEST OF MY PRESENT KNOWLEDGE OR BELIEF.

SIGNATURE

*Det. Danks 70034*

SWORN & SUBSCRIBED BEFORE ME THIS 3<sup>rd</sup> DAY OF June 08

NOTARY / ASA

*De. McNeill*

MY COMMISSION EXPIRES

P.O.

AGENCY

FPPD

# ARREST AFFIDAVIT

AGENCY CASE NO. 2008-4-06929	ARREST DATE 06/03/2008	DEFENDANT LAST NAME Mcgaffigan
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## Narrative (Continued)

Location District: 2  
Location Zone: 240

Phone Numbers for Mcgaffigan, Matthew Devin: Cell -    Alt. -

THE PRECEDING IS TRUE TO THE BEST OF MY PRESENT KNOWLEDGE  
OR BELIEF.

SIGNATURE

Det. D. DeWitt 7024

SWORN & SUBSCRIBED BEFORE ME THIS 3<sup>rd</sup> DAY OF June 08

NOTARY / ASA

DeWitt

MY COMMISSION EXPIRES

P.U.

AGENCY

F.P.P.D.