

95

ARREST AFFIDAVIT/FIRST APPEARANCE FORM
LAKE COUNTY, FLORIDA

18007934

OBTS # 3501194617 Agency ORI # FL0350300

Court Case Number: 18CF3048-02 Felony Traffic Misdemeanor Juvenile County or Municipal Ordinance Warrant / C A P I A S Agency Case Number: 18C35569

Defendant's Name: Last First Middle Johnson Matthew David DOB Mo. Day Yr 04/14/1970 SEX M RACE W HGT 5-6 WGT 220 HAIR Brn EYES Brn

Mailing Address: St./P.O. Box 111 Prairie Falcon Drive City Groveland State FL Zip 34736 Scars-Marks-Tatoos-Amputations (describe each)

St. Add. (if different), Street City State Zip Phone: Home Place of Birth: Florida Social Security No.:

Place of Employment: Street One Yoga And Fitness 1210 Bowman St City Clermont State FL Zip 34711 Phone: Business Occupation: Acupuncture Physicia Alias:

Driver Lic. No.: J525-544-70-134-0 State: FL Vehicle towed by: Hold on Vehicle: Yes No Arrest Suffix: Agency:

Arrest Date: mo 10 day 31 year 18 Arrest Time: 839 hours Arrest Location: CPD 360 0S US HWY 27 Clermont FL

U.S. Citizen: Y N U Residence Type: 1. City 2. County 3. Florida 4. Out-of-Florida

ACTIVITY					TYPE			
A. Fraud	K. Dispense/ Distribute	M. Manufacture/ Produce/ Cultivate	O. Counterfeit P. Possess R. Smuggle S. Sell	T. Traffic U. Use X. Stolen Property Z. Other	A. Amphetamine B. Barbiturate C. Cocaine H. Hallucinogen	M. Marijuana N. N/A O. Opium/Deriv	P. Paraphernalia/ Equipment P. Heroin S. Synthetic	U. Unknown 2. Other

	Description	Counts	Activity	Type	NCIC	Status	Bond Amount	In Accordance to Bond Schedule
C	Sexual Battery (victim [redacted] or older)	2				794 011(4)	10000 per	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>
H								Y <input type="checkbox"/> N <input type="checkbox"/>
A								Y <input type="checkbox"/> N <input type="checkbox"/>
R								Y <input type="checkbox"/> N <input type="checkbox"/>
G								Y <input type="checkbox"/> N <input type="checkbox"/>
E								Y <input type="checkbox"/> N <input type="checkbox"/>
S								Y <input type="checkbox"/> N <input type="checkbox"/>

Indication of: Alcohol Influence Y N Unknown Drug Influence Y N Unknown Weapon Seized: Y N

JAIL LOG: (To be completed by Booking Officer) CPD France 182 Jail Inmate Number: 137435

Date Booked: 10/31/18 Time Booked: 1043 AM Booking Officer: Pannick Fingerprinted By: Wallace Photographed By: Green Bin Number:

Advised of Rights By: Check for Warrant(s): NCIC FCIC Local Holds: Yes No Agency of Hold:

Attorney (if known): Religion: J Pr C Other Marital Status: s M D Sep Telephone call logged: AM PM Telephone No:

Next of Kin, PARENTS OF JUVENILE (for emergency): Relation Address Telephone No:

Juvenile Disposition: 1. Hand led/Processed Within Dept and Released 2. Turned Over to D.J.J. 3. Incarcerated (County Jail)

2018 NOV - 1 AM 10:34

FAXED

ORIGINAL

Complaint/ Arrest Affidavit Continuation	Court Case No.	Agency Case No. 18C35569
Defendant's Name. Last Johnson	First Matthew Middle David	Date of Birth 04/14/1970

PROBABLE CAUSE AFFIDAVIT:

(specify probable cause, for each charge)

Before Me, the undersigned authority personally appeared Detective Melissa France who being duly sworn, alleges, on information and belief, that on the 31 day of October, 2018, in LAKE County, Florida, the defendant did:

COMMIT THE ACT OF SEXUAL BATTERY VIOLATION F.S.S. 794.011(4)

On October 30, 2018 at approximately 2000 hours, the Clermont Police Department responded to a report that juvenile [redacted] was the victim of a sexual battery. [redacted] reported the sexual battery occurred earlier that evening while she was a patient receiving acupuncture treatment from Matthew Johnson, Acupuncture Physician, at the One Yoga And Fitness, located at 210 Bowman Street Clermont, Lake County Florida.

Detective Melissa France responded to the victims home and obtained a statement from the juvenile victim. The juvenile advised she has been receiving acupuncture treatment from Matthew Johnson for the past four weeks. [redacted] advised she suffered a head injury and sought acupuncture treatment for [redacted]. The juvenile advised she has received approximately 2-3 visits per week for the past four weeks from Johnson.

The juvenile advised, the normal procedure is when she arrives for her appointment she will change into a hospital gown and lay on a massage table for her treatment. Once on the massage table the victim advised she will cover herself with a sheet provided. The victim advised a typical treatment will last approximately 60 minutes. The first 30 minutes is acupuncture therapy and the last 30 minutes is a deep tissue massage session.

On October 30, 2018, the victim advised she arrived for her session at approximately 1700 hours and discovered there was no hospital gown laid out. The victim indicated this has happened in past sessions so she will just undress and cover herself with the sheet provided. The victim advised Johnson began to make comments saying, "He likes my eyes. I remind him of an ex girlfriend. He feels so comfortable with me." The victim advised Johnson started to tell her things about his personal life and asked if she would ever tell her friends what they discussed. At this point the victim stated Johnson began to rub her legs and slid his hands up to her vaginal area. As Johnson began to touch the victims vagina Johnson asked the victim, "Do you like when I touch you there?"

The victim advised, she was in "shock and terrified." Johnson began to put his fingers inside her vagina and the victim stated this went on for approximately 15 minutes. The victim advised she laying on her stomach when this occurred. After Johnson was done digitally penetrating the juvenile victim, he "flipped me over and grabbed my legs and pulled me towards him. He put his mouth on me." When asked where Johnson put his mouth the victim advised on her vagina. While doing this Johnson asked, "do you like that?"

SWORN to and SUBSCRIBED before me
this 31 day of October
20 18

[Signature]
Notary Public [Signature]
(circle one) Certified Officer

Det. Melissa France # 102
AFFIANT

Clermont PD
ARRESTING AGENCY

SEAL

Complaint/ Arrest Affidavit Continuation	Court Case No	Agency Case No. 18C35569
Defendant's Name, Last Johnson	First Matthew Middle David	Date of Birth 04/14/1970

PROBABLE CAUSE AFFIDAVIT:

(specify probable cause, for each charge)

Before Me, the undersigned authority personally appeared Detective Melissa France who being duly sworn, alleges, on information and belief, that on the 31 day of October, 2018, in LAKE County, Florida, the defendant did:

The victim advised Johnson also licked her nipples, neck and ear. The victim also advised Johnson bit her on her leg. The victim advised Johnson then walked her out to her car and hugged her. The victim advised she just laid there on the massage table "terrified" while Matthew Johnson sexually violated her.

A controlled phone call was conducted between the victim and Johnson. The victim asked him why he did that to her tonight and Johnson replied, "it was medical treatment." Johnson further stated he could not discuss the session over the phone for "liability reasons" but told the victim to come to his office the next day and they could discuss everything in person.

The victim was transported to the Lake County Children's Advocacy Center where a medical exam was conducted.

Detective France was assisted by LCSO and contact was made with the defendant at his residence. Upon making contact the defendant advised, he knew why the police were there, "I got a very disturbing phone call earlier." The defendant agreed to provide a voluntary statement and was transported to the Clermont Police Department. The defendant was read his Miranda Rights and post Miranda he denied he had any sexual contact with the juvenile victim. Johnson admitted he has been providing acupuncture treatments to the victim for several weeks. Johnson admitted he had a session with the victim at 1700 hours on October 30, 2018. Johnson admitted the victim did not have any clothes on during the treatment other than a sheet covering her.

The defendant admitted the victim had called him upset stating she had a bad headache and her heart was racing. Due to her injury the defendant advised he thought this was related to her medical condition. The defendant further advised "for liability reasons I would not discuss anything over the phone." The defendant further advised during the call the victim questioned him on why he had sex with her. The defendant advised, "I got shell shock. I was so freaked out when she said that." The defendant further advised he made no attempts to contact the victims parents or law enforcement or medical attention.

When asked if his saliva (DNA) would be found on the victims vagina, breasts, legs, neck and ear, the defendant replied, "I don't know. It shouldn't be."

The defendant has prior arrests to include sexual battery on a victim under (12) and a kidnapping charge.

SWORN to and SUBSCRIBED before me
this 31 day of October
20 18
[Signature]
Notary Public Certified Officer
(circle one)

Det. Melissa France #182
AFFIANT
Clermont PD
ARRESTING AGENCY

SEAL

Complaint/ Arrest	Court Case No.	Agency Case No. 18C35569
Affidavit Continuation		
Defendant's Name. Last Johnson	First Matthew	Middle David
Date of Birth		04/14/1970

PROBABLE CAUSE AFFIDAVIT:

(specify probable cause for each charge)

Before Me, the undersigned authority personally appeared Detective Melissa France who being duly sworn, alleges, on information and belief, that on the 31 day of October, 2018, in LAKE County, Florida, the defendant did:

The defendant refused to submit to a polygraph test. A buccal swab was collected and the defendant was arrested for sexual battery and transported to Lake County Jail.

SWORN to and SUBSCRIBED before me
this 31 day of October
20 18

[Signature] 118
Notary Public Certified Officer
(circle one)

Det. Melissa France #102
AFFIANT
Clermont PD
ARRESTING AGENCY

SEAL

Defendant's Name: Last First Middle Date of Birth Johnson Matthew David 18C 35569

FIRST APPEARANCE FINDINGS & ORDERS

Based upon the foregoing Affidavit and/or Sworn Testimony of the undersigned finds and determines:

- As to charge(s) that there was at the time of arrest and is probable cause to believe the defendant has committed the offense with which he/she is accused and it is hereby Ordered and Adjudged that defendant is to be detained or post bond as otherwise affixed pending further proceedings.
As to charge(s) that there is a lack of evidence that the defendant committed the offense with which he/she is accused, and it is hereby Ordered and Adjudged that the Sheriff or Chief of Police having custody is directed to forthwith release defendant from custody on defendant's own recognizance, subject to defendant appearing at all subsequent court proceedings upon proper notice.
As to charge(s) that it is hereby Ordered and Adjudged the matter of probable cause is hereby continued until the next First Appearance Hearing after date hereof, at which Hearing the Arresting Agency shall present any further proof of probable cause that it may possess.

RELEASE ORDER

The above named Defendant was brought before the undersigned on this date at 9 o'clock, A.M. for a first appearance hearing and the undersigned thereupon informed him/her of the charge against him/her and provided him/her with a copy thereof and also adequately advised him/her that (1) he/she was not required to say anything and that anything he/she did say might be used against him/her, (2) if he/she was financially unable to afford an attorney that the Court would appoint one to represent him/her, and (3) he/she had the right to communicate with his/her attorney, his/her family, or his/her friends and if necessary reasonable means would be provided to enable him/her to do so; and the undersigned having considered all available relevant factors necessary to determine whether bail is necessary to assure Defendant's future appearance, and found that same is necessary, it is upon consideration thereof ORDERED AND ADJUDGED that the Defendant

- Be released on his/her own recognizance upon the condition that he/she appear as agreed below.
Be admitted to bail in the amount of \$ as to charge A, as to charge B, \$ as to charge C, \$ as to charge D, and \$ as to charge E, upon the condition that he/she appear as agreed below.

DONE AND ORDERED this 31 day of Lake County, Florida

JUDGE

DEFENDANT'S OATHS & AGREEMENTS

OATH OF INDIGENCY

- The above name Defendant personally appeared before me and, being duly sworn, states:
(1) I am the Defendant above named and desire the assistance of counsel in these proceedings.
(2) I represent to the court, under penalty of perjury, that I am without money or means with which to employ a lawyer. I have no assets which could be converted to cash, mortgaged or pledged to raise sufficient funds to employ a lawyer.
(3) Pursuant to Section 27.56, Florida Statutes, I understand that in the event I am found guilty of a criminal act, I may be civilly liable for Court cost and a reasonable attorney's fee incurred in my defense. I further understand that I shall have the opportunity to be heard and offer objections to the determination of the value of the services of the Public Defender or appointed private counsel, and cost, at the time of the final disposition of my case.

AGREEMENT TO APPEAR

I hereby acknowledge receipt of a copy of the above and I agree and promise to appear in Courtroom of the Lake County Courthouse, in Tavares, Florida, on the 26 day of November 2018, at 830 o'clock, A.M., and at such other times as the Court may order, and also agree to notify the Clerk of the Court, in writing, of my new address should I move from the address below.

DATED: NOV 01 2018 SWORN TO AND SUBSCRIBED BEFORE ME THIS DAY OF NOV 2018

Defendant: Matthew Johnson, 111 PRAIRIE FALCON DR GROVELAND, FL 34736

Deputy Clerk/Judge