

Orange County

ICJIS Arrest Affidavit

Division #:

Arrested  At-Large  JRA

Document #: 360426

Court Case #:

Date: 7/27/2011

Location of Defendant Vehicle: NONE Date-Time Booked: 07/27/2011 18:36 Agency Case Number: 201100330957

(ORI): FL0480400 Agency Name: ORLANDO POLICE DEPT FCIC/NCIC Check:  Date-Time of Arrest: 07/27/2011 17:19

Address of Arrest: 918 W. SMITH STREET

DEFENDANT Adult  Juvenile  Name Key: Jacket Number: Inmate Number: 11028862 Language: ENGLISH

NAME (L,F,M): KELLEY, CARYN A.K.A.: Race: W Sex: F DOB: 1/19/1965 Age: 46

Height: 5'08" Weight: 140 Hair: BLN Eyes: BRO POB City: State: OH Country: United States of

RES Street#: 918 W SMITH ST Citizenship: UNITED STATES

City: ORLANDO State: FL Zip: 32804 Home Phone: (321) 251-7185 Other Phone:

Scars/Tattoos: Ethnicity: NOT HISPANIC OR LATINO

Driver's License/ State ID No: K400-100-65-519-0 State: FL Year Expires: 2018 SSN #: 301-70-0116

Next of Kin Name: DURHAM, BRIAN Address: ORLANDO FL Phone:

Business and Occupation: UNKNOWN

Bus Street#:

City: State: FL Zip: Bus Phone:

AGGRAVATORS: Firearm  Weapon  Mask  Vest  Convicted Sex Batterer  Hate Crime  Special Victim: Domestic Violence? Y

OFFENSES Felony  Misd.  ORD.  Traffic  Court Location: CIRCUIT

Table with 7 columns: GOC Code \*, Description, Bond Amt \$, FSS/ORD, FDLE Rec#, Drug Name, Citation Number. Row 1: 1 N,D, FIRST DEGREE MURDER WITH A FIREARM, NONE, 782.04(1)(A) (1)-1, 2535.

CODEFEDANT table with 4 rows. Columns: #, NAME (L,F,M), Arrs? Juv. Fel. Misd. ORD. Traff. NTA, Race, Sex, Age, DOB.

DCF Notified? N By Whom? On Probation? N Miranda Warning? Y By Whom? SPRAGUE, TERESA Invoked? Y

Sworn to and subscribed before me, this \_\_\_ day of \_\_\_ year \_\_\_ Notary Public  Law Enforcement or Corrections Officer  Personally Known  Produced Identification  Type of Identification: Signature: I swear or affirm the above statements are correct and true (407) 246-2470 Officer's Signature SCHNEIDER PATRICK / 3173 Officer's Bus. Phone No. Booking/Receiving Signature

**ICJIS Continuation of:**

Arrest Affidavit  
 Notice to Appear

Document #: 360426

<b>Defendant's Name:</b> KELLEY, CARYN	<b>Case Number:</b> 201100330957
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**NARRATIVE:** The undersigned has probable cause to believe the above-named defendant on the, 27 of July 2011 at 4:50 AM at 918 W. SMITH STREET (Zone: C2) in Orange County did

On 9/27/11 at 0449 hours, Orlando Police officers were dispatched to 918 W Smith Streer in Orlando, Orange County, Florida, in reference to a man who had been shot. The "911" caller, The Defendant, Caryn Kelley, stated her boyfriend was not breathing and was dying from a gunshot wound. The dispatcher asked the defendant if her boyfriend shot himself and she advised he did not. The dispatcher asked if she had the gun and she stated, "It was a self defense thing...I did... but it was an accident." The defendant also made other spontaneous statements to "911" advising "her boyfriend had put the gun to his own head and stated, 'Just let me do it.'" She stated "He was joking", and she told him "don't do it, it's stupid." She requested an ambulance and asked for help advising she didn't know what to do. The dispatcher asked the defendant where the gun was located and she advised it was in the bedroom with the two of them.

Officer Goree (12484) arrived first and stated via sworn statement while waiting for another officer to arrive, the defendant ran outside screaming, "He's shot and not breathing!" Officer Boop (#17026) arrived and the two officers entered the home. Officer Boop entered the bedroom and located the victim, identified as Phillip Peatross (W/M, 07/21/1965). Officer Goree noted the defendant had blood on both hands and appeared intoxicated with slurred speech and the odor of alcohol. Officer Boop advised via sworn statement he entered the residence through the front door and then entered the master bedroom. He observed a white male lying on the ground up against the left side of the bed with his head resting against the bed. The male was not moving and was unresponsive. Officer Boop checked for a pulse and did not feel a pulse. He observed blood on the bed and on the floor where the male was lying. He observed an unknown caliber revolver approximately two feet away from the male victim lying on the floor to the left of his body.

The Orlando Fire Department station #3 arrived and pronounced the victim deceased at approximately 0500 hours. The officers exited, secured the scene and notified the Criminal Investigations Division. Assisting Officers also attempted to locate potential witnesses.

Officer Cali Kruger (14780) advised via a sworn written statement while she was on scene assisting other officers she overheard the defendant make several excited utterances. The defendant was overheard saying "she and her boyfriend were arguing. She was holding her gun above her head when her boyfriend asked 'what are you going to do shoot me?' She advised she told him 'no' and he grabbed the gun and held it to his own head. They began to struggle over the gun. She told him to stop because the gun was loaded, at some point the gun went off". Officer Kruger also heard her make another excited utterance which contradicted this version of what happened. The defendant described to officers "her and the victim argued prior to the shooting, during which she told the victim not to leave because he was drunk and it was stupid to drink and drive. As he left the house, she told him not to come back to the house unannounced because she had a firearm and she said she would use it."

Contact was made with neighbor Alan Oppel who lives at 910 W. Smith Street. He completed a sworn written statement. Alan stated he had just finished watching television at midnight on 9/27/11 and he and his wife went to bed. Their bedroom window faces the home at 918 W. Smith Street. Alan stated they could hear their neighbor, the defendant, Caryn Kelley "partying as usual." He stated she is known to party late and when she is drunk she is very loud to the point of being able to clearly hear what is being said from her home. At this time, around midnight, Alan heard the defendant saying, "Just go" repeatedly and loudly to someone. He recognized this voice to be his neighbor, the defendant and testified it was her voice without any doubt. He stated this yelling went on for about ten minutes.

The defendant was transported to Orlando Police Criminal Investigations Division for an interview. Detective Schneider (3173) and I listened to the "911" call and confirmed the previously mentioned excited utterances prior to conducting the interview. Detective Schneider and I began the interview with the defendant at approximately 0759 hours. While attempting to read Miranda to the defendant, she kept interrupting us making several excited utterances about what occurred. She stated "It was dark when someone came into the house. I heard the 'beep beep' and we fought over the gun...he pointed it somewhere...and I

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didn't want to shoot him and he didn't want to shoot himself...and it just went off. I can't believe I did...that happened." The defendant also spontaneously stated, "He came at me in the dark and I didn't know who it was." After fully reading through Miranda and the defendant stating she fully understood her rights, she invoked her right to counsel. The interview was terminated at approximately 0815 hours.

Due to the conflicting statements contained within the multiple excited utterances of the defendant, and her lack of cooperation in the investigation, a search warrant was obtained for the residence of 918 W Smith Street. The honorable Judge Martha C. Adams signed the warrant at approximately 1200 hours.

At approximately 1257 hours, CST Styer, CST Thomas, Det. Sprague, and I entered the Defendant's residence pursuant to the search warrant. As we entered the residence, I observed the garage door was up in the open position. I had already noted the victim possessed a garage door opener for this residence in his vehicle (Jeep). There were keys still in the lock of the door leading from the garage into the main residence. This doorway was located on the west side of the residence and led into the kitchen area. There was a light on in the kitchen above the breakfast bar. There were bottles of alcohol and mixers on the kitchen counter and glasses with unfinished alcoholic beverages on the breakfast bar. Both sets of doors, which lead from the kitchen and breakfast area to the rear patio deck, were shut but unlocked. We observed what appeared to be transfer blood on the seat of one of the bar stools in the breakfast area. We located the victim in the southeast (master) bedroom on the floor slumped against the east side of the bed. The victim appeared to have suffered from a single gunshot wound. There was blood on the bed and on the night stand behind the victim's back. A gun, .38 caliber revolver was located on the floor just east of his body. The 46" television located in the northeast corner of the bedroom was in the on position and volume was off. The light above the bed was on. CST's Styer and Thomas documented the scene with photographs and measurements and collected evidence from the scene. These actions were documented in their reports and in the Search Warrant inventory.

Based upon the physical evidence and the sworn testimony of the witnesses it was established the defendant argued with the victim prior to the shooting incident. She also intentionally lied when she stated, "It was dark and I didn't know who it was." This statement was contradicted by the physical evidence of the ambient light from the television and her statements about how they argued both before and during the struggle over the gun. Furthermore, she displayed premeditation when she made the excited utterance to officers warning the victim not to return, because she had a firearm and intended to use it. It was determined the victim had keys to the residence, maintained clothing in the residence, and had pictures of himself and the victim displayed throughout the residence. Based upon these facts and other testimony received, it is believed the defendant and victim had and maintained a domestic relationship; thus making this an incident of domestic violence.

Based upon the physical evidence, the testimony of the witnesses, and the conflicting statements contained within the excited utterances of the defendant probable cause exist to prove the defendant knowing and with pre-meditation shot the victim with a firearm causing his death. The defendant, Caryn Kelley was subsequently charge with first degree murder.

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