

AFFIDAVIT

Sheriff's
Polk County



Office
Winter Haven, FL

JURISDICTION Received 07/05/13

Agency ORI Number
FL0530000

INCIDENT NUMBER
130043502

 JUVENILE X ADULT BOOKING # OBITS#

IN CIRCUIT/COUNTY COURT IN THE TENTH JUDICIAL CIRCUIT IN AND FOR POLK COUNTY, FL

SUBMITTING MEMBER HOGAN,ALAN MEMBER # 6041

DATE/TIME OF ARREST/INCIDENT 7/5/2013 20:00:00

LOCATION OF INCIDENT 3143 CRYSTAL HILLS DR LAKELAND

 NOTICE TO APPEAR X COMPLAINT AFFIDAVIT ARREST REPORT
CITY OF LAKELAND(Unincorporated) COUNTY OF POLK STATE OF FLORIDA



THE UNDERSIGNED AFFIANT SWEARS SHE/HE HAS JUST AND REASONABLE GROUNDS TO BELIEVE THAT ON 07/05/13 AT

APPROXIMATELY 20:00:00 IN THE VICINITY OF LAKELAND POLK COUNTY, FLORIDA

VOSBURG,VIVIAN ALIAS

LAST FIRST MIDDLE ADDRESS 3143 CRYSTAL HILLS DR LAKELAND, FL 33801 PHONE (863)934-8007

RACE/SEX W/F DOB 5/11/1983 HT 411 WT 150 EYE BRO HAIR BLN COMP BUILD

SPEECH SCARS POB MARITAL STATUS

DL# ST FL SS# OCCUPATION

EMPLOYER/SCHOOL DOLLAR GENERAL PHONE

JUV-PARENTS PHONE n/a

NOTICE TO APPEAR/OF APPOINTMENT

I AGREE TO APPEAR IN COURT/JAC AT 20 AT AM/PM TO ANSWER THE CHARGE(S) IN THIS COMPLAINT OR TO PAY THE PRESCRIBED FINE FOR THIS OFFENSE. I UNDERSTAND THAT A WILFUL FAILURE TO APPEAR WILL RESULT IN A WARRANT FOR MY ARREST AND MAY BE A NEW OFFENSE (DO NOT BE LATE)

Defendant/Violators Signature Parent/Guardian Signature Date

COMMITTED THE OFFENSE(S) OF:

<u>Knowing Abuse Child w/o Bodily Harm</u>	<u>FSS/FAC/CO</u>	<u>827.03(2)(C) Counts: 2</u>	<u>LEVEL/DEGREE F3</u>
<u>Child Neglect w/o Great Harm</u>	<u>FSS/FAC/CO</u>	<u>827.03(3)(C) Counts: 4</u>	<u>LEVEL/DEGREE F3</u>

AFFIDAVIT CONTINUATION

Sheriff's Polk County



Office Winter Haven, FL

FLORIDA REVENUE

Agency ORI Number FL0530000

INCIDENT NUMBER 130043502

CO-DEFENDANT:

VICTIM/WITNESS:

Victim	H/M	N/A
Victim	H/F	N/A
Victim	H/F	N/A
Victim	H/M	N/A
Victim	W/F	N/A
Victim	H/M	N/A

PROBABLE CAUSE:

- Victim #1 is , 12.
- Victim #2 is 12.
- Victim#3 is , 9.
- Victim #4 is , 10.
- Victim #5 is , 11.
- Victim #6 is , 14.

The suspect is Vivian Lee Vosburg W/F, 05/11/1983, 30.

On 10/17/13 I was made aware of a video that had been posted on the social media website Facebook in or about July 2013. The video depicts what appears to be two (2) juvenile boys fighting on a bed. An adult female then enters and begins to punch and hit victim #2, later identified as . The suspect then leans over and punches victim #1, later identified as , in the face who then slides off the bed and onto the floor. The suspect then continues to hit and punch victim #2 while victim #1 slides off the bed and onto the floor. During the video four (4) children were seen in the area of the incident. These children were later identified as . The incident location was later determined to 3143 Crystal Hills Drive, Lakeland (Polk County).

I responded to and conducted a screening with during which he disclosed being hit on the head by , Vivian Lee Vosburg (suspect). After and had got into a fight. stated were present at the time.

I responded to and conducted a screening with , during which he stated he did not remember being hit during the incident with , but that she had hit him in the past. stated were present at the time.

Both victims were transported, by the Department of Children and Families, to the Child Advocacy Center in Bartow where a forensic interview was conducted. During his interview denied being hit stating she disciplines by taking away electronics and grounding him.

During interview he stated he and were fighting when entered the room and began hitting him on the back of the head and shoulders to get him off stated did not hit during the incident.

I responded to 3143 Crystal Hills Drive, Lakeland and made contact with Vivian Lee Vosburg. Vivian agreed to an interview and drove herself to the Sheriff's Operation Center in Winter Haven. At the onset of the interview I advised Vivian she was not under arrest, she did not have to talk to me and she was free to leave at any time. Vivian acknowledged she understood and continued with the interview. DCF also responded to the home and screened the remaining children. Two (2) of the children screened admitted to being present during the recorded incident; however, were unable to advise who recorded the fight.

AFFIDAVIT
CONTINUATION

Sheriff's
Polk County



Office
Winter Haven, FL

FD-302 (Rev. 11-27-10)

Agency ORI Number
FL0530000

INCIDENT NUMBER
130043502

I showed Vivian the video we had been made aware of and she stated that _____ and _____ were "seriously fighting." She then said "I don't do this to _____" that _____ were fighting and choking each other, Vivian had been having "a bad day" and she tried to break them up. I expressed to Vivian my issue was that she was using closed fists to punch the children and she replied by saying she was not hitting the boys hard.

Vivian repeatedly stated she was not feeling well that day, that she had a long day at work and _____ were continually fighting. I asked her where she hit _____ to which she stated she accidentally hit him. She then admitted she hit _____ one time on the face and _____ about ten (10) times on the back of the head and shoulders. Vivian claimed the reason she continued to hit _____ after _____ slid off the bed was because he was trying to get up to fight _____ more.

Vivian admitted she did go too far "that day I did" because she wasn't feeling that good that day and that "that day it got out of hand." She said afterwards she did feel guilty and she had apologized to _____ and _____

Based on the images depicted on the video, statements given by the victims during screening and interviews and the admission of the alleged suspect to punching the victims with a closed fist, probable cause exists that Vivian Lee Vosburg did commit the offense of Child Abuse (2 counts) and Child Neglect (4 counts) for committing the abuse in the presence of four (4) _____ children.

SWORN TO AND SUBSCRIBED BEFORE ME, THE UNDERSIGNED AUTHORITY, THIS _____ 18 DAY OF _____ October 2013

This affidavit was electronically signed

DIAZ, VICTOR

6424

HOGAN, ALAN

6041

DEPUTY CLERK/NOTARY PUBLIC/EO

AFFIANT