

AFFIDAVIT
CONTINUATION

Police

Department

Agency ORI Number
FL0531200

City of Lakeland



Lakeland, FL

INCIDENT NUMBER

190002383

CO-DEFENDANT:

VICTIM/WITNESS:

	Victim:	400 FLORIDA AVE N	LAKELAND	FL	33801	N/A	
Witness	SIMPSON, MICHAEL	400 FLORIDA AVE N	LAKELAND	FL	33801	N/A	08/12/85
Witness	ANDREWS, BRIAN	400 FLORIDA AVE N	LAKELAND	FL	33801	(863)499-2742	04/07/67

PROBABLE CAUSE:

On February 4, 2019, I School Resource Officer Cortes # 277 along with Michael Simpson (Dean) responded to classroom # 229 (Mrs. Patient) at Lawton Chiles Middle Academy after a call to the main office about an incident. An incident occurred in the classroom in which [REDACTED] (6th grade) refused to stand for the "Pledge of Allegiance" which is performed to all students every day during first period. The substitute teacher, Mrs. Ana Alvarez said, [REDACTED] refused to stand up for the pledge, and when she instructed him to "stand up," his reply was that he "won't because the flag of this country is racist." [REDACTED] then began explaining the National Anthem was "racist to black people."

Due to the incident, Mr. Simpson (Dean) and I began asking [REDACTED] to exit the classroom as he was yelling and disrupting the rest of the class. [REDACTED] continued to yell that the teacher had told him to, "Go back to Africa." Mr. Simpson continued telling [REDACTED] to exit the classroom which he continuously refused by saying, "I'm not leaving. She's the racist one." After [REDACTED] was asked several times (over 20 times), I entered the classroom, and began asking [REDACTED] to exit the classroom. [REDACTED] refused my verbal commands, and began saying, "I'm not leaving. Do you job and take her, she's the racist one who told me to go back to Africa." I asked repeatedly to [REDACTED] to leave the classroom which he continued refusing to do, which I explained to him that his demeanor of yelling, refusing to follow orders, and not allowing the class to continued, he was crossing the line into a crime for disrupting the class. [REDACTED] told me, "I don't care. You touch me and I will call the police on you." [REDACTED] continued to refuse to leave the classroom as I was explaining to him, I was trying to keep him out of trouble, to which he said, "If you touch me, I'm going to file a report on you for harassment." He then grabbed his backpack and started to walk out while telling Mr. Simpson, "Suspend me! I don't care, this school is racist."

[REDACTED] continued to walk down the hallway while I was telling him to stop, which he refused to do while telling me, "No, you're all racist." [REDACTED] walked to the main office, began crying, and screamed, "I'm going to beat that teacher," this while in the presence of other students and faculty in the main office. I confronted [REDACTED] for saying he was "going to beat a teacher" and instructed him to walk into Mr. Simpson's office to attempt to call him down, and call his mother, Dhakira Talbot. [REDACTED] told me he was not going to walk into Mr. Simpson's office, and instead walked towards the telephone to call his mother. Mr. Simpson told [REDACTED] to walk into his office and they would call his mother to inform her of the incident. [REDACTED] instead, walked out of the main office, and walked towards the school counselor's office. Since I did not know where [REDACTED] was going and concerned that he was going to walk out of the school's south end doors, I followed him in the hallway where I saw him in front of the counselor's office. [REDACTED] then began walking towards me, I stood in front of him, and verbally ordered to stop which he replied with, "Don't touch me or I will get you fired." As [REDACTED] was saying that, Brian Andrews (Principal) was walking out of the main office as he could hear [REDACTED] screaming in the hallways. Mr. Andrews verbally ordered [REDACTED] to walk into the office which he refused and told Mr. Andrews, "Don't touch me, you better don't put your hands on me." As [REDACTED] was defiant towards authority, Mr. Andrews grabbed [REDACTED] by his arms while telling him to walk into the office and calm down because the way he was acting it was unsafe and a danger to the school. [REDACTED] continued threatening Mr. Andrews with, "you're touching me. I'm going to get you fired. I'm going to get all of you fired." [REDACTED] continued to resist Mr. Andrews. [REDACTED] then walked back into the main office while continuing to yell and being defiant towards all adults present. I once again, told [REDACTED] to calm down, to which he told me to "Shut up." I told [REDACTED] that was enough and he said, "What, you want to arrest me, go ahead" while dropping his backpack, and turning away from me with his hands behind his back. I told [REDACTED] to stop with his attitude, and walked him into the conference room. While in the conference room which is in the main office, [REDACTED] continued yelling at us, calling us, "racist," "I don't care anymore," and "Touch me and you'll see."

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FORM #9013A - Revised 05/27/10

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I received sworn statements from several Lawton Chiles Middle Academy students which said, they were in the classroom when [REDACTED] refused to stand up for the "Pledge of Allegiance." Students said, [REDACTED] began saying how the flag was racist, and he was not going to stand up. Students said the substitute teacher said something to the effect of, "If you don't like it, then move back, and why are you here."

Due to [REDACTED] disruptive behavior of being defiant to me as a law enforcement officer, the Dean of Students, and the school's principal which at the time possessed a threat to the other students learning environment, safety, and welfare of the other students in the classroom, as well as his continuous refusal to follow my verbal commands to leave the classroom, to stop, to calm down, and not to make threats, he was charged with "Disrupting school function" for violation of Florida State Statute 877.13 as he disrupted the class, refused to exit the classroom, showed disrespect to the teacher, and defied the authority of a sworn law enforcement officer as well as school administration. He was also charged with Resisting an officer without violence 843.02 as he refused multiple lawful verbal commands from me.

[REDACTED] mother, Dhakari Talbot responded to the school where he made personal contact with her and explained to her the incident and the charges.

SWORN TO AND SUBSCRIBED BEFORE ME, THE UNDERSIGNED AUTHORITY, THIS 4 DAY OF February 2019

This affidavit was electronically signed

GARIBALDI, ROBERTO

22593

DEPUTY CLERK/NOTARY PUBLIC/LEO

CORTES, CARLOS J

19172

AFFIANT

I asked the student to stand up for the pledge and he answered that he won't because the pledge of this country was racist. He then started to explain why the national anthem was offensive to black people. I asked the student to why if it was so bad here he did not go to another place to live. He answered, "They brought me here", then I replied well you can always go back, because I came here from Cuba and the day I feel I'm not welcome here anymore I would find another place to leave. Then I had to call the office because I did not want to continue dealing with him.

I want to mention that the student was showing a negative attitude since the beginning, making fun of my accent and being suspicious. It was not a big deal for me, since they are kids and no a sub I know they try at first to see how far they can go...