

AFFIDAVIT

Agency ORI Number
FL05300000

Sheriff's
Polk County



Office
Bartow, FL

FORM #9013 - Revised 01/88/03

INCIDENT NUMBER
2009-109627

JUVENILE



ADULT

BOOKING #

OBTs #

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

SUBMITTING MEMBER DETECTIVE MATTHEW NEWBOLD

MEMBER # 5039

DATE/TIME OF ARREST/INCIDENT

11/02/2009

17:30

EVIDENCE COLLECTED

YES

NO

LOCATION OF INCIDENT

2710 SUNSHINE DR. N, LAKELAND, FL 33801

CROSS STREET

COMBEE RD.

COMPLAINT AFFIDAVIT



ARREST REPORT

CITY OF

LAKELAND

COUNTY OF POLK, STATE OF FLORIDA.

THE UNDERSIGNED AFFIANT SWEARS SHE/HIS HAS JUST AND REASONABLE GROUNDS TO BELIEVE THAT

11/01/2009

AT

APPROXIMATELY

05:45 AM

IN THE VICINITY OF

LAKELAND

, POLK COUNTY, FLORIDA.

GARDNER

CHAUNCEY

JAMES

ALIAS N/A

LAST

FIRST

MIDDLE

ADDRESS 2710 SUNSHINE DR. N LAKELAND FL 33801

PHONE (863) 934-3109

RACE BLACK

SEX MALE

DOB 10/04/1982

HT 6-01

WT 175

EYE BROWN

HAIR BROWN

COMPLEXION DARK

BUILD SLENDER

SPEECH NORMAL

POB BARTOW, FL

SCARS/MARKS/TATTOO

N/A

MARITAL STATUS SINGLE

DL# G635110823640

ST FL

SS#

OCCUPATION UNEMPLOYED

EMPLOYER/SCHOOL

N/A

PHONE UNKNOWN

JUV-PARENT

PHONE

PROBABLE CAUSE TO FOLLOW VICTIM/WITNESS INFORMATION

COMMITTED THE OFFENSE(S) OF:

1) WILFUL KILL-MURDER WHILE ENGAGED IN CERTAIN FELONY

FSS

782.04(1A2)

LEVEL/DEGREE

F/C

2) AGGRAVATED CHILD ABUSE

FSS

827.03(2)

LEVEL/DEGREE

F/I

CO-DEPENDANTS:

TIVASHA E. LOGAN

VICTIM:

CHAUNTASIA GARDNER

2710 SUNSHINE DR. N LAKELAND, FL 33801

UNKNOWN

NAME

ADDRESS

PHONE

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

PROBABLE CAUSE:

ON 11/01/09 AT APPROXIMATELY 0602 HOURS, DEPUTY DEANNA PRY I.D. #2292 ARRIVED AT 2710 SUNSHINE DR. NORTH, LAKELAND, FL IN RESPONSE TO ASSISTING EMS PERTAINING TO A FIVE (5) MONTH OLD CHILD WHO WAS NOT BREATHING. THE CHILD, CHAUNTASIA GARDNER, B/F, DOB: 05/11/09, WAS PRONOUNCED DEAD BY EMS PERSONNEL AT APPROXIMATELY 0611 HOURS.

IT WAS DETERMINED THE VICTIM LIVED WITH HER PARENTS, TIVASHA E. LOGAN (MOTHER/SUSPECT 1) AND CHAUNCEY J. GARDNER (FATHER/SUSPECT 2). THE VICTIM'S FIVE SIBLINGS ALSO LIVED AT THE RESIDENCE. THREE OF THE FIVE (5) CHILDREN SHARED LOGAN AND GARDNER AS PARENTS.

THE DECEDENT WAS OBSERVED ON THE FLOOR WEARING A PINK SHIRT AND WHITE DIAPERS. IT WAS IMMEDIATELY NOTICED THE DECEDENT WAS EMACIATED AND APPEARED IN AN OBVIOUS MALNOURISHED CONDITION. THE DECEDENT'S RIB'S AND SPINAL COLUMN WERE EASILY VISIBLE. THE DECEDENT'S JAW BONES WERE EASILY VISIBLE AND HER EYES HAD THE APPEARANCE THEY WERE SUNKEN. THE AREA OF HER ABDOMEN WAS ALSO SUNKEN. HER SKIN HAD A LOOSE AND WRINKLY APPEARANCE.



THE RESIDENCE APPEARED VERY WELL KEPT. THE REFRIGERATOR AND CUPBOARDS WERE WELL STOCKED WITH FOOD AND DRINKS FOR CHILDREN AND ADULTS, HOWEVER, ONLY A SINGLE CAN OF ENFAMIL BABY FORMULA WAS FOUND IN THE RESIDENCE. THERE WAS ONLY A VERY SMALL AMOUNT LEFT IN THE CAN.

DURING THE INTERVIEW WITH THE TIVASHA LOGAN, SHE STATED THE VICTIM WAS BORN TWO (2) MONTHS PREMATURE ON 05/11/09 AT LRMC. SHE WAS DISCHARGED FROM THE HOSPITAL ON 07/29/09 AND SHE APPEARED TO BE A HEALTHY BABY. LOGAN SAID THE VICTIM WAS BROUGHT HOME WHERE SHE AND GARDNER SHARED THE RESPONSIBILITY OF CARING FOR THE VICTIM. SHE SAID THEY FED HER 2 OZ. OF BABY FORMULA EVERY THREE TO THREE AND A HALF HOURS. SHE MIXED ONE HALF OZ. OF FORMULA WITH ONE AND ONE HALF OZ. OF WATER. LOGAN SAID THE DIRECTIONS ON THE CAN OF ENFAMIL DIRECTED THEM HOW TO PREPARE THE BOTTLE. LOGAN THEN SAID SHE DIDN'T READ THE DIRECTIONS AND THAT GARDNER TOLD HER THAT'S WHAT THE DIRECTIONS READ.

THE DIRECTIONS ON THE ENFAMIL ACTUALLY DIRECT TO MIX EQUAL AMOUNT OF ENFAMIL AND WATER.

LOGAN SAID THE VICTIM HADN'T BEEN SICK OR SUFFERED ANY AILMENTS SINCE BEING RELEASED FROM THE HOSPITAL AND HADN'T SEEN A DOCTOR SINCE HER RELEASE. LOGAN SAID SHE TRIED SEVERAL TIMES TO GET AN APPOINTMENT WITH A DOCTOR BUT WAS UNSUCCESSFUL BECAUSE NO DOCTOR OR DOCTOR'S OFFICE WOULD ACCEPT THE VICTIM'S FORM OF MEDICAID. LOGAN DID SAY SHE RECEIVES SSI BENEFITS FOR HER OLDEST CHILD, SHE ALSO RECEIVES SSI BENEFITS AND SHE IS ON FOOD STAMPS AND WIC. LOGAN RECEIVED A CHECK FROM SSI ON 10/1/09 IN THE AMOUNT OF \$674 FOR THE VICTIM.

LOGAN SAID SHE FIRST NOTICED THE VICTIM LOST WEIGHT AND WAS SKINNY ON WEDNESDAY (10/28/09) OR THURSDAY (10/29/09). LOGAN SAID SHE DIDN'T THINK ANYTHING OF IT BECAUSE THE VICTIM WAS ALWAYS THAT SKINNY. LOGAN SAID THE VICTIM WEIGHED 7 LB. 8 OZ. WHEN SHE LEFT THE HOSPITAL. LOGAN SAID SHE HAD THE VICTIM WEIGHED AT THE HEALTH DEPARTMENT IN AUGUST AND THE VICTIM HAD GAINED 2 OZ. LOGAN SAID THAT ON 11/01/09 AT APPROXIMATELY 0545 HOURS WHEN SHE FOUND THE VICTIM UNRESPONSIVE, SHE NOTICED IT APPEARED HER BONES WERE STICKING OUT OF HER FACE. SHE SAID THE VICTIM'S FACE WASN'T LIKE THAT BEFORE 11/01/09. WHEN ASKED IF SHE THOUGHT ABOUT TAKING THE VICTIM TO THE DOCTOR WHEN SHE NOTICED SHE WAS LOSING WEIGHT, LOGAN REITERATED SHE DIDN'T THINK ANYTHING OF IT.

VONDA STEWARD, ADVISED DETECTIVES SHE CONFRONTED LOGAN TWO WEEKS PRIOR TO 11/01/09 AND TOLD HER THE VICTIM NEEDED TO BE SEEN BY A DOCTOR BECAUSE OF HER WEIGHT. VONDA STEWART ADVISED LOGAN TOLD HER THE VICTIM SAW A DOCTOR RECENTLY AND THAT SHE WEIGHED EIGHT (8) LBS. I CONFRONTED LOGAN WITH THAT INFORMATION AND SHE ADMITTED THE SHE LIED TO HER MOTHER BECAUSE HE MOTHER KEPT HOUNDING HER ABOUT THE VICTIM NEEDING TO SEE A DOCTOR. LOGAN SAID SHE TOLD HER MOTHER THE VICTIM WEIGHED EIGHT (8) LBS. WHEN IN FACT SHE DIDN'T. LOGAN THEN ADMITTED THAT SHE NOTICED THE VICTIM WAS LOSING A LOT OF WEIGHT APPROXIMATELY TWO (2) WEEKS AGO BUT SHE WAS SCARED SHE WAS GOING TO GET IN TROUBLE. LOGAN ALSO ADMITTED SHE KNEW SHE COULD AND SHOULD HAVE TAKEN THE VICTIM TO THE HOSPITAL BUT SHE KNEW THE E.R. STAFF WOULD NOTIFY DCF. LOGAN ALSO ACKNOWLEDGED THE FACT SHE WAS GOING TO WAIT UNTIL THE VICTIM'S DOCTOR APPOINTMENT ON 11/02/09, HOPING THE PRIVATE DOCTOR WOULDN'T REPORT THE VICTIM'S CONDITION.

DURING AN INTERVIEW WITH CHAUNCEY GARDNER, HE STATED NOTHING WAS WRONG WITH THE VICTIM AND THAT SHE APPEARED THE SAME AS SHE DID WHEN SHE LEFT THE HOSPITAL. GARDNER SAID HE ONLY NOTICED THE VICTIM MAY HAVE LOST SOME WEIGHT ON 10/28/09 OR 10/29/09 BECAUSE SHE FELT A LITTLE LIGHTER WHEN HE HELD HER. GARDNER SAID HE AND LOGAN FED THE VICTIM APPROPRIATELY.

I OBSERVED A PICTURE OF THE VICTIM WHEN SHE WAS FORTY TWO DAYS OLD, DATED 06/20/09, AT LRMC, THE VICTIM WEIGHED FOUR (4) LBS. EIGHT (8) OZ. SHE APPEARED TO BE HEALTHY AND HER WEIGHT



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APPEARED APPROPRIATE FOR HER AGE. I ALSO OBSERVED A PHOTO OF THE VICTIM DATED 07/28/09 AND THE VICTIM APPEARED HEALTHY AND OF THE APPROPRIATE WEIGHT.

ON 11/02/09 AN AUTOPSY WAS PERFORMED BY DR. STEPHEN NELSON, CHIEF MEDICAL EXAMINER OF DISTRICT 10. DURING THE AUTOPSY, DR. NELSON IDENTIFIED THERE WAS A SMALL AMOUNT (LESS THAN 5 CC) OF A THIN WATERY FLUID IN THE VICTIM'S STOMACH. THERE WERE NO FECES IN THE SMALL BOWEL BUT ONLY A PASTE-LIKE SUBSTANCE IN HER COLON. THE VICTIM WEIGHED SIX (6) LBS. AT THE TIME OF THE AUTOPSY. DR. NELSON RELATED THAT THE AVERAGE (50) PERCENTILE OF BABIES AT FIVE (5) MONTHS OF AGE WEIGH 15 3/4 LBS. DR. NELSON ALSO RELATED THE AVERAGE LENGTH OF A FIVE (5) MONTH OLD CHILD IS SIXTY FOUR (64) CM, HEAD TO HEEL. THE VICTIM WAS FIFTY SIX (56) AND A HALF CM, HEAD TO HEEL. THE MEASUREMENTS CORRESPOND TO LESS THAN THE ONE PERCENTILE OF CHILDREN OF THIS AGE. THIS MEANS 99% OF CHILDREN FIVE MONTHS OLD, WEIGH MORE AND ARE LONGER.

SWORN TO AND SUBSCRIBED BEFORE ME, THE UNDERSIGNED AUTHORITY, THIS _____ DAY OF _____ 20 _____

DEPUTY CLERK/NOTARY
PUBLIC/LEO

AFFIANT

PERSONALLY KNOWN

PRODUCED ID

ID TYPE

NO BILL/PETITION

PROSECUTION

ASSISTANT STATE ATTORNEY

AFFIDAVIT

Sheriff's



Office

FORM #9013 - Revised 01/98/03

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DATE/TIME OF ARREST/INCIDENT 11/02/2009 17:30

EVIDENCE COLLECTED

YES NO

LOCATION OF INCIDENT 2710 SUNSHINE DR. NORTH, LAKELAND, FL33801

CROSS STREET COMBEE RD.

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CITY OF LAKELAND

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11/01/2009

AT

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LOGAN

TIVASHA

E.

ALIAS N/A

LAST

FIRST

MIDDLE

ADDRESS 2710 SUNSHINE DR. NORTH LAKELAND FL 33801

PHONE (863) 934-3109

RACE BLACK

SEX FEMALE

DOB 10/20/1984

HT 5-05

WT 203

EYE BROWN

HAIR BROWN

COMPLEXION DARK

BUILD HEAVY

SPEECH NORMAL

POB DADE CITY, FL

SCARS/MARKS/TATTOO SCARS AND TATTS

MARITAL STATUS SINGLE

DL# L25080584880

ST FL

SS#

OCCUPATION UNEMPLOYED

EMPLOYER/SCHOOL NONE

PHONE

JUV-PARENT

PHONE

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FSS

782.04(1A2)

LEVEL/DEGREE

F/C

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FSS

827.03(2)

LEVEL/DEGREE

F/1

CO-DEFENDANTS: CHAUNCEY J. GARDNER

VICTIM: CHAUNTASIA GARDNER
NAME

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ADDRESS

PHONE

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SWORN TO AND SUBSCRIBED BEFORE ME, THE UNDERSIGNED AUTHORITY, THIS _____ DAY OF _____ 20_____

DEPUTY CLERK/NOTARY
PUBLIC/LEO

AFFIANT

PERSONALLY KNOWN

PRODUCED ID

ID TYPE _____

NO BILL/PETITION

PROSECUTION

ASSISTANT STATE ATTORNEY