

FILED
Scott County
Time: 1:31:21 PM

SEP 30 2022

Case # 22-125

IN THE COURT OF SCOTT COUNTY

AFFIDAVIT FOR WARRANT OF ARREST

Barbara Whiteley
County and Circuit Clerk
By: *Barbara Whiteley*

ASP CASE ASP-2022-0310

Potential Defendants Name **OMAR GONZALEZ**

DOB: 12/14/1983 Sex: H/M

Type/Class: MISDEMEANOR

Address: 1164 McEntire Street Waldron, Arkansas 72958

Phone Number:

Pursuant to Rule 7.1 of the Arkansas rules of Criminal Procedure. The undersigned affiant being duly sworn deposes and says that he/she has reason to believe the above named person has committed the offense(s) of

(3) COUNTS OF BATTERY IN THE THIRD DEGREE - A.C.A § 5-13-203

(a) A person commits battery in the third degree if:

- (1) With the purpose of causing physical injury to another person, the person causes physical injury to any person;**
- (2) The person recklessly causes physical injury to another person;**
- (3) The person negligently causes physical injury to another person by means of a deadly weapon;**
- (4) The person purposely causes stupor, unconsciousness, or physical or mental impairment or injury to another person by administering to the other person, without the other person's consent, any drug or other substance; or**
- (5) The person knowingly causes physical contact with a first responder by spitting, throwing, or otherwise transferring bodily fluids, pathogens, or human waste onto the person of the first responder.**

(b)

(1) Battery in the third degree under subdivisions (a)(1)-(4) of this section is a Class A misdemeanor.

(2) Battery in the third degree under subdivision (a)(5) of this section is a Class A misdemeanor with a mandatory fine of two thousand five hundred dollars (\$2,500) and a mandatory minimum sentence of at least thirty (30) days of imprisonment for which the defendant is required to serve at least thirty (30) days before being released from imprisonment.

On or about the 16TH day of February 2022, in Scott County, Arkansas, against the peace and dignity of the State of Arkansas.

Facts Constituting Reasonable Cause

- 1. The Affiant is a Special Agent with the Arkansas State Police and currently assigned to Company C stationed in Texarkana. I have been a sworn law enforcement officer in the State of Arkansas for approximately 33 years. I have been employed with the Arkansas State Police for approximately 28 years.**
- 2. On Wednesday February 16th, 2022, at approximately 11:11 pm the Mansfield and Huntington Police Departments were in pursuit of a white van. The van was operated by Robert L. Deer of Van Buren, Arkansas. The van was traveling South on Highway 71. Waldron City Officers Omar Gonzalez and Mike Collett along with Scott County, Sheriff's Deputies Jason Stearman, Jonathan Woodard and Sheriff Randy Shores joined the pursuit in the Packsaddle Community. Officers pursued the van through the City of Waldron.**
- 3. Mr. Deer lost control of his van at the Intersection of U.S Highway 71 and Echo Road at which time his vehicle left the roadway and came to a stop. Huntington Officer Mark Harris and Mansfield Officer Chelsie Fletcher ordered Deer out of his vehicle and on the ground. Mr. Deer complied, exited his vehicle, and lay on the ground.**
- 4. When Officer Gonzalez approached Mr. Deer from his blind side, Gonzalez kicked Deer in the back of his head. Gonzalez then placed his knee in the back of Deer and struck Mr. Deer several times in the head with his fist. After Mr. Deer's hands were cuffed behind his back, Officer Gonzalez picked Mr. Deer**

off the ground and slung him into the front of Mr. Deer's van, headfirst. This treatment resulted in Mr. Deer's right eye swelling shut.

I swear that the allegations contained herein are the truth, the whole truth and nothing but the truth.

Cpl. John E. Rhone #995

Affiant's Signature
Arkansas State Police
2501 N. Hazel Street, Hope AR
(870)777-8944

SSA JOHN RHONE
Affiant's Name (Printed)

Subscribed and sworn to before me on this 27th Day of September 2022



Kimberly S. McJunkins

By: _____
Notary Public/Municipal/Circuit Clerk

ORDER

I hereby find that this sworn affidavit demonstrates reasonable and probable cause for the issuance of a warrant(s) of arrest for the above-named individual for the above stated offense(s). I further order the Circuit Clerk to issue a warrant for the above listed Defendant.

Jay Dee Ray

Honorable Circuit/ Municipal Judge

Dated: 9-28-2022