

IN THE CIRCUIT COURT
OF THE EIGHTEENTH JUDICIAL CIRCUIT
IN AND FOR BREVARD COUNTY, FLORIDA

1680453

STATE OF FLORIDA

Melbourne Police Department Case MP19004457

VS.

Allen Glenn Arias

Court Case No.

SCOTT ELLIS
2019 FEB 20 A 8:41
FILED IN MELB-15
CLERK OF CIR. CT.
BREVARD CO. FL.

AFFIDAVIT FOR ARREST WARRANT

State of Florida
County of Brevard

BEFORE ME, George Turner Circuit/County Court Judge in and for Brevard County, Florida, personally came Detective Ian Mitchell, #2956, of the Melbourne Police Department, who being duly sworn deposes and says: that Affiant has reason to believe and does believe that probable cause exists for the arrest of **Allen Glenn Arias, date of birth 12/09/1977, social security number [REDACTED], last known address 408 Count Street, Melbourne, 6'0", 200, white, male,** for a violation of the laws of the State of Florida, to wit: **Aggravated Manslaughter of an Elderly Person**, contrary to section **782.07(2)**, Florida Statutes, which occurred at **408 Count Street, Melbourne, Brevard County, Florida.**

THE FACTS tending to establish the grounds for this application and the probable cause of Affiant believing that such facts exist are as follows:

On January 22, 2019, at approximately 12:30 a.m., I, Detective Ian Mitchell, was called out to a suspicious death at Holmes Regional Medical Center. I arrived at the emergency room wing of the hospital to meet with a patrol supervisor.

Acting Lieutenant John Grinwis provided me with a brief synopsis of events at the hospital. Allen Arias and his wife, Bonnie Arias, brought Allen's grandmother, Anita Arias, to the emergency room by private vehicle around 10 p.m. the prior day. Anita was unresponsive from the time she arrived and was pronounced deceased shortly thereafter at 10:24 p.m. Anita Arias was 87 years old and being cared for by Allen in her home located at 408 Count Street, Melbourne. Medical personnel observed multiple pressure ulcers which prompted concerns of neglect.

The deceased nude female, Anita Arias, was in Trauma Bay B when I arrived. I immediately took note of multiple pressure ulcers, commonly referred to as bed sores. These ulcers were located along the back and legs of the deceased. Ulcers located on her feet had active insect activity, live maggots, that did not appear to be fresh. I noticed dark blue discoloration behind her right ear and on the right side of her neck. I advised Medical Examiner Investigator Richard Reynolds of my observations. He put a hold on the deceased for an autopsy to be performed.



408 Count Street

I requested patrol units secure the residence at 408 Count Street, Melbourne, for a possible search warrant. Officers Stephen Koubek and Gary Hibbs secured the residence.

Interviews: Allan & Bonnie Arias

Allen Arias was located in the family room of Holmes Regional Medical Center's emergency wing. I informed Alan that I wished to speak with him alone. Additionally, I explained that his cooperation was voluntary, and he was free to leave. Alan agreed to speak with me in the chapel area adjoining the emergency room lobby. The door was left ajar, and his path to leave was not blocked or otherwise obstructed.

Allen told me that he had been caring for his grandmother for years. After moving into his grandmother's home, he became her caretaker as her health declined. Recently, she had gone to and been released from Melbourne Terrace Rehabilitation Center, located at 251 E. Florida Ave., Melbourne. She had been placed in the facility temporary as a result of a urinary tract infection and mobility issues. Sometime in early December, Allen picked her up and took her to her home. According to Allen, he was given little to no direction on how to care for his grandmother. Allen only knew that he needed to give her medication for diabetes and a urinary tract infection. Allen told me that his grandmother's mobility declined quickly. She started lying in bed all day long. He would fight her to bathe once weekly. Allen has a fulltime job, and his wife volunteers, which meant Anita would be left home during the day alone. She would decline to eat most meals in favor of ice-cream instead. Allen told me that he knew that he had to make a decision soon as to whether to admit her to a long-term care facility.

Allen had January 21st (Martin Luther King Jr. Day) off from work. According to Allen, he noticed that his grandmother was quieter than usual, but responsive to him. He knew that his grandmother was overdue for a bath. He lifted her out of bed and into the bath. During the bath, he observed that she was becoming unresponsive. Bonnie Arias helped him drive Anita to the emergency room for help. Alan then told me that he knew that he had an active writ of bodily attachment for missing child support payments. I informed him that I was not aware of any reason to have him detained and, many child support issues are not enforceable by law enforcement. I again explained that I was not detaining him or anyone else at the hospital.

I then requested to speak with Bonnie Arias separately in the Chapel. Allen took a seat with family. Officer Hunt remained nearby, but did not block anyone's path to leave or inform anyone they could not leave. The room was set up the same way it had been for Allen. Bonnie was advised that she was not being detained, and the interview was voluntary.

Bonnie told me she made Allen take her to the hospital in September after she would not stop screaming at the house. Anita was placed in the Melbourne Terrace Rehabilitation Center following her stay at Holmes Regional Medical Center. Bonnie explained that Allen had been put in a poor position with his grandmother. She explained that they were not equipped to care for Anita after she was discharged from the Melbourne Terrace Rehabilitation Center.

Bonnie knew that Alan was providing food and medication to Anita, but they lacked a proper bed or bathing site. Bonnie further stated that Anita was suffering from dementia and treated family poorly, so she let Alan care for her. Bonnie explained that she had not seen Anita out of bed in weeks. She told me that she expressed her concerns to Allen about ten days prior. Bonnie told me that Allen was giving Anita a bath. She found it strange that Anita was not making noise because she typically fought bathing. Alan called her for help. Bonnie observed that Anita was unable to hold her head up but able to grip her hand. They decided that she needed to go to the hospital.

The audio recorded interviews has been entered digitally at the Melbourne Police Department.

I spoke to Officer Kelly Hunt, who was at the scene. She advised me that Allen did have a writ of bodily attachment for failure to pay child support that was active and had to be enforced. At that time, I approached Allen and explained officers were obligated to take him into custody. Allen was visibly upset but agreed to go peacefully. I explained Allen's status to Bonnie. I made it clear that his status had nothing to do with my investigation.

I also told Bonnie that officers were securing 408 Count Street for a search warrant. Bonnie appeared to be shaken by the news. She then screamed at Allen, who was still standing nearby, that they would both be arrested after police saw the house. Bonnie told me the house was disgusting and dirty. I told Bonnie I was only interested in the conditions Anita lived in, not minor issues like dirty dishes. Bonnie then told me that Anita's room was revolting, and she was going to jail. Allen was transported to the Brevard County Jail for processing.

Search Warrant: 408 Count Street

I completed a search warrant for 408 Count Street, Melbourne, on January 22, 2019. The search warrant was approved by the State Attorney's Office and signed by Judge George Turner at the Melbourne Courthouse. The warrant was executed on January 22, 2019, at approximately 9:30 a.m. I had the assistance of CSI Kristen Meadows, CID Lt. Trevor Shaffer, Detective Tom Cahalan, Detective Mark Jennewien, and Detective Amy Perez.

The house was cluttered and dirty throughout. Numerous containers of partially eaten food were located among piles of objects. Walking a straight path without stepping or tripping on an object was almost impossible. An excess of fourteen reptile enclosures were located throughout the living room and kitchen.

The living room had several bottles of prescription medication sitting on a table in the center of the room. These medications were prescribed to Anita Arias by her physician assistant Mirabella Muller at Melbourne Terrace Rehabilitation Center. Looking closer, the medications all appeared to have been filled on November 30, 2018, but most appeared nearly full. CSI Meadows collected the prescriptions as evidence and counted the medication still in the bottle. Among the medication prescribed was Metformin. This medication is prescribed to control diabetes. CSI Meadows discovered bottles of Levofloxacin 750 mg (fill date 11/30/18), Pantoprazole sodium 40 mg (fill date 11/30/18), Midorine 2.5 mg (fill date 11/30/18), Cephalexin 500 mg (fill date 12/05/18), and Metformin 500 mg (fill date 11/30/18). All were full. Medications from 2016

were found partially empty. This included Metoprolol 50 mg, 26 of 30 present, and omeprazole 20 mg, 26 of 30 present. A receipt from Walmart Pharmacy indicated that the prescriptions filled 11/30/18 were paid for on December 6, 2018 at 7:38 p.m. That receipt was also taken as evidence.

As I walked to the northwest portion of the home, I detected a foul odor consistent with human waste and decay. I walked toward the northwest bedroom to find a trash can in the center of the room with a shovel leaned against it. To the left side of the trash can was a mattress with no sheet. It was covered with what appeared to be dog sanitation pads. A portable toilet appeared to be placed on top of the mattress as well. Beneath the sanitation pads were large stains covering the top. The stains appeared to be a combination of blood and feces. Additionally, a diaper full of feces was located between the mattress and the west wall. The mattress had a large depression in the center nearest the wall and live maggots. A large stain of what appeared to be blood was located on the wall above the depression.

On the right side of the trash can there was a large quantity of trash piled against the northeast wall. The trash was approximately 2 feet tall. Among the items piled up were a large quantity of empty Banquet frozen meal boxes and soiled diapers. Both Bonnie and Allen had mentioned they fed Anita television dinners often. The south wall had a nightstand with a television. I located a painter's mask and a bottle of cleansing spray nearby. Bonnie had previously described using cleansing spray instead of bathing Anita.

The bathroom nearest Anita's room had a fly trap hanging from the ceiling. Wet towels and clothing were located in the bathtub along with a large pillow. The clothing was marked with the name "Anita." The crime scene was later released on January 23, 2019.

Melbourne Terrace Rehabilitation Center Interview: Mandy Walcott

Detective Cahalan and I traveled to the Melbourne Terrace Rehabilitation Center in hopes of locating patient records for Anita Arias. We met with facility administrator Brittney Dumont. She told us that nurse case manager Mandy Walcott would have the most information about any patient who was discharged. She allowed us to interview Walcott in her presence.

Mandy Walcott, during a sworn recorded interview, told Detective Cahalan and I that she spoke to Allen Arias four times regarding his grandmother's medical status and needs. Mandy asked if Anita would have 24 hours care upon discharge, and Allen told her that she would. Walcott did receive a request for a list of home healthcare providers, which she provided. However, Allen never notified her that he contacted anyone. Allen received a discharge package in which he was provided with a list of medications Anita was prescribed. Walcott reached out to Allen by phone following Anita's discharge. Allen never returned her calls.

Mandy Walcott told me that Anita was wheelchair bound but able to transition with assistance when she left the facility. There is no documentation that indicated Anita had any pressure ulcers at the time of discharge. Records indicate that Anita was discharged on December 6, 2018.

The audio recorded interview has been entered digitally at the Melbourne Police Department.

Follow-up Interview: Bonnie Arias

On January 22, 2019, at approximately at 2 p.m., Bonnie Arias agreed to come to the Criminal Investigations Division for a voluntary interview. I called Bonnie by phone to request the interview. During the recorded conversation, Bonnie asked if she was "going home after." I promised Bonnie she would not be arrested. Once at the Criminal Investigations Division, Bonnie was informed before and during the interview that she was free to leave and not under arrest.

Bonnie told me she was upset and angry about the situation she was in. Bonnie explained she "deliberately" stayed out of the medical conversations Allen had with doctors. She felt that Alan had misrepresented some of the statements by doctors about Anita's health. Bonnie told me that she had given multiple ultimatums for Allen to stop performing in-home care for his grandmother. She cited that the family was not equipped to care for Anita. Anita was checked into Holmes Regional Medical Center in September because of Bonnie's insistence. That hospital stay resulted in Anita being placed at Melbourne Terrace Rehabilitation Center until her discharge in December.

I asked Bonnie about a face mask I located in Anita's room. Bonnie explained that she needed to wear the mask to clean Anita due to the terrible smell toward the end of her stay at the house. I asked Bonnie what she thought about needing a face mask to deal with Anita. Bonnie replied, "What the fuck are you (referencing Allen) doing? Like literally, what the fuck are you doing? What is going on in here? What are you not telling me?" Bonnie asked Allen to give Anita a bath. At that time, she saw a large bedsore on her side. According to Bonnie, she did not realize how bad it had become until the night Anita passed away.

Bonnie told me that shovel was in the room from the last time they tried to clean the room. She told me this was approximately 6 months ago. Bonnie told me she changed the sheets several times and observed a large stain on the mattress. She told me the stain was "disgusting" and "probably poo." I asked Bonnie how she felt about the overall conditions that Anita lived in at their house. Bonnie told me that it got so overwhelming trying to clean that she just quit. I inquired about Anita's medication. Bonnie told me it was kept in the living room, and she had read the paperwork on it. Bonnie was adamant she had nothing to do with administering Anita's medication. Bonnie stated, "I didn't want my fingerprints on that because I didn't want something bad to happen and have the family blame me for it! Either I'm ignoring her, or I'm killing her." Bonnie told me she did not even want to touch Anita's medications. Allen was the caregiver for his grandmother.

I explained to Bonnie that she still had an obligation to step in. She told me that she understood that. I asked her why she did not contact law enforcement or emergency services. Bonnie told me that she felt trapped because she thought she would go to jail if she called. Bonnie felt she was taking the blame for Anita's poor behavior and habits. Bonnie denied that she had a financial motivation to keep Anita at the house, but acknowledged Anita's pension and social security were a major source of monthly family income.

Autopsy

On January 23, 2019, at approximately 9 a.m., the autopsy of Anita Arias was completed at the Brevard Medical Examiner's Office by Dr. Gary Cumberland. Crime Scene Investigator Kristen Meadows and I attended. Dr. Cumberland noted all nine ribs were cracked, which is consistent with the CPR received at Holmes Regional Medical Center. No other significant trauma was located.

On February 18, 2019, I received the Medical Examiner's final autopsy report. Dr. Cumberland concludes that Anita Arias' cause of death was complications from dehydration, emaciation, and hyperglycemia. Autopsy findings indicate complications suggestive of neglect. This includes multiple areas of red excoriation with insect infection, scattered decubitus-type ulceration overlying bony pressure points, changes in early myiasis, wasting of skeletal muscle, and subcutaneous tissues. Lab results indicate that Anita Arias' blood glucose levels measured 853 mg/dL. The manner of death was rule as natural.

According to medical records, Anita suffered from type 2 diabetes. A preliminary glucose test revealed her glucose levels were in excess of 1000 milligrams per deciliter. The test performed does not register any higher reading than 1000 mg/dL. Normal readings are below 140 mg/dL. Glucose above 1000 mg/dL can be lethal. Multiple bed sores were located along the right side of Anita Arias' body.

Melbourne Terrace Rehabilitation Center Interview: Verona Haughton

On January 24, 2019, at approximately 9 a.m., Detective Amy Perez and I spoke with Verona Haughton who provided a sworn statement. Haughton was the employee that discharged Anita Arias on December 6, 2018. She spoke with us voluntarily in the presence of Melbourne Terrace Rehabilitation Center's legal counsel, Janice L. Merrill. Ms. Merrill also informed me that additional medical records would require a subpoena.

Haughton recalled discharging Anita Arias to Allen Arias on December 6th around 7 p.m. She told me that Anita's grandson, Allen, picked her up. Anita was in bed at the time of the discharge but able to use a wheelchair. Haughton described Anita's health as fair at the time. She did not recall Anita having any skin issues. Haughton asked Allen if he was going to have help at home. Allen indicated that he would. Haughton provided Allen with discharge paperwork, which he signed. He was quiet and did not ask follow-up questions concerning Anita's care.

Follow-up Interview: Allen Arias

On January 24, 2019, at approximately 4 p.m., Detective Amy Perez and I conducted a follow-up interview with Allen Arias at the Brevard County Jail Complex. Allen was brought to a small conference room in the sergeant's office inside the complex. Arias sat down with Detective Perez and I around a wooden table. I advised Allen of his Miranda rights, which he waived.

Allen told me that he worked as an undocumented employee doing automotive repairs. He typically received one hundred dollars per day. He stopped working in November and only recently started working again in December. Bonnie did not provide any additional income. Allen expressed that it was hard to support the family as the sole income provider. Anita's pension and social security were used to help pay monthly bills such as his truck payments. I asked Allen about the ownership of the home. He explained that he needed a loan to pay off back taxes on the house. Allen and Anita signed the home over to his prior employer in exchange for the taxes being paid off and \$2,000. Brevard County Property Appraiser information indicates that GJF Investments owns the property.

During the course of my interview, Allen acknowledged that he had signed a discharge paper at Melbourne Terrace Rehabilitation on December 6, 2018. The paper clearly advised to follow-up with a physician. Further Allen acknowledged that he was given instructions on giving Anita her medications as well. The Post Discharge Plan of Care reads, "These discharge instructions have been reviewed with me in a language I understand. All questions have been answered to my satisfaction. I have received the medications or written prescription as indicated above." Allen acknowledged his signature is below that statement. Allen told me that he filled Anita's prescription at the Neighborhood Walmart near his house, which is located at 3550 S. Babcock St., Melbourne. The investigation indicates this was on November 30, 2018. He received instructions with the medications at the time he picked up the prescription.

Allen repeated that he had been giving Anita her medication. He explained that he had been using apple juice or apple sauce to take the medications as instructed by the pharmacy. I advised Allen that all the medication prescribed for Anita on 11/30/18 was full. Allen later admitted that he did not give Anita her medications because she refused to take them. Allen told me that she had refused to take medications before and been fine. He never took her to a primary care provider because she refused to go. I explained to that Anita was prescribed Metformin among other things. Metformin helps lower blood glucose levels by improving the way the body handles insulin. Anita's blood glucose levels were too high to be measured using diabetic test strips during autopsy.

Allen explained that Anita kept involuntarily pulling her knees into her chest. He would frequently have to come straighten her legs. When he straightened her legs, she would scream like he was breaking her legs. Allen later told me this was a warning sign that he should have taken her to the hospital. I described the substandard conditions that I found in Anita's living quarters. I described the condition of the mattress which contained blood, feces, and maggots. I disclosed that Anita had maggots in her bed sores when she was brought to the hospital. Allen acknowledged that he slacked off on changing Anita's diapers. He admitted that he should have taken Anita to the hospital sooner. I advised Allen that I believed his actions, or lack of actions, played a substantial role in his grandmother's death.

Toward the end of my interview, Allen began crying uncontrollably. He asked for a lawyer and requested to speak to a chaplain as well. Detective Perez located the on-duty chaplain for counseling. We then left the facility.

There is probable cause to believe that Allen Arias' culpable negligence resulted in the untimely death of Anita Arias for whom he was the caregiver.

Based on the above facts, statements and physical evidence provided, your Affiant has probable cause to believe and does believe that the above listed probable cause, all leads to the substantiation that defendant, **Allen Glenn Arias**, has committed a violation of the laws of the State of Florida, to wit: **Aggravated Manslaughter of an Elderly Person**, contrary to section **782.07(2)**, Florida Statutes.

Your Affiant, Detective Ian Mitchell (hereinafter referred to as Your Affiant), is a sworn Law Enforcement Officer employed by the Melbourne Police Department. Your Affiant has been a Police Officer with the Melbourne Police Department, Brevard County, Florida since January 2010. Your affiant is a certified law enforcement officer in the state of Florida, his certification having been obtained after attending over 700 hours of training in the law enforcement academy at Valencia Community College and passing the State Exam. Your affiant has a Bachelor of Arts degree in Political Science from the University of Central Florida. Your affiant was a Patrol Officer from 2010 to 2012, a Street Crimes Officer from 2012 to 2013, a Field Training Officer from 2013 to 2015, and your Affiant is currently assigned to the Criminal Investigations Division as a Major Crimes Detective. Your affiant has investigated numerous felony crimes. Your affiant has numerous hours of Advanced Training, which includes the Detective Academy, Homicide Investigations, Unresolved Death Investigations, Search/Arrest Warrants and Court Orders, Investigative Interviews, Narcotics and Dangerous Drugs Investigations, and Courtroom Procedures and Testimony.

WHEREAS, your Affiant makes this affidavit and prays the issuance of an Arrest Warrant with authority to enter any premises to effect said arrest, in due form for the arrest of **Allen Glenn Arias** for the violation of the laws of the State of Florida, to wit: **Aggravated Manslaughter of an Elderly Person**, contrary to section **782.07(2)**, Florida Statutes.



Detective Ian Mitchell, Badge #2956
Melbourne Police Department

Affiant

SWORN TO AND SUBSCRIBED BEFORE ME THIS 20th DAY OF February,
A.D. 2019 BY Detective Ian Mitchell (Affiant) WHO IS PERSONALLY KNOWN TO ME
OR WHO PRODUCED _____ AS IDENTIFICATION.



JUDGE OF THE CIRCUIT/COUNTY COURT
EIGHTEENTH JUDICIAL CIRCUIT
BREVARD COUNTY, FLORIDA