

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

STATE OF FLORIDA

Agency Case No. CR#2021-00210810

VS.

Jimmy R. Tate

Court Case No.

AFFIDAVIT FOR ARREST WARRANT

State of Florida
County of Brevard

BEFORE ME, Agent Neil Lee, #4401 a sworn law enforcement officer, personally came Agent Nalicia Bailey ID#3851, of the Brevard County Sheriff's Office, who being duly sworn deposes and says: that Affiant has reason to believe and does believe that probable cause exists for the arrest of **Jimmy R. Tate** from hereinafter known as the **Defendant**, **DOB: 01/23/1967, SSN# [REDACTED]** Last Known Address: **820 Hawks Ridge Court NE, Palm Bay, Brevard County, Florida, 32905, Height: 5'10, Weight: 180, Race: Black, Gender: Male** for a violation of the laws of the State of Florida, to wit: **Distribute Obscene Material to Minor** contrary to section **847.0133**, which occurred at **1603 Stadium Parkway, Melbourne, Brevard County, Florida, 32940**.

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 Friday, June 04, 2021, at approximately 1600 hours, Viera High School Assistant Principal, Ms. Heather Smith called Corporal (Cpl) J. Ready (ID#0660) to inform him about an incident that occurred on a school bus. The incident occurred on Wednesday, June 02, 2021, and Thursday, June 03, 2021. Ms. Smith stated a parent brought her daughter to Viera High School and requested to speak with a school administrator about a school bus driver who gave her daughter an inappropriate book to read. Ms. Smith informed Cpl. Ready the book was titled "Daddy's Little Girl".

Ms. Smith read through a few pages and saw graphic details about an adult male engaged in sexual activity with a three-year-old female. Ms. Smith advised there were no pictures in the book and was unsure if this incident would require law enforcement's involvement. The parent of the student left the book with Ms. Smith and requested to meet with Ms. Smith and Cpl. Ready on Monday, June 07, 2021, at 0900 hours.

On Monday, June 07, 2021, at approximately 0900 hours, Ms. Smith provided Cpl. Ready with the book. The author of the book was listed as "Jimmy Tate." The book contained eight chapters, with a total of ninety-four front and back pages. Cpl. Ready read some of the pages in the book and noticed the following:

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1. Chapter one page nine, the book described how a male named John raped a female named Freda.
2. Chapter two pages eighteen through twenty-one, the book detailed another rape involving an adult male and a three year old female. Throughout chapter two, the book described how the male continued to engage in sex acts with the three-year-old female.

From hereinafter, the victim who is a [REDACTED] year old female, will be identified as AS.

After Cpl. Ready spoke with Ms. Smith, Cpl. Ready met with AS [REDACTED] [REDACTED] advised AS was currently in California with her father for the summer break. [REDACTED] confirmed the book that Ms. Smith provided Cpl. Ready titled "Daddy's Little Girl" is the same book she gave to Ms. Smith. [REDACTED] informed Cpl. Ready on what AS told her about the incident.

[REDACTED] advised AS is currently a ninth grader at Viera High School and routinely rides the school bus to and from school every day. On Wednesday, June 02, 2021, AS's bus driver, later identified as the Defendant, handed AS the book [REDACTED] gave to Ms. Smith. AS was getting onto the bus when the Defendant asked her to read it. AS read some of the book, however she was not able to finish it due to the book detailing very graphic sexual encounters. The book made AS feel uncomfortable and unsafe. The next day, on Thursday, June 03, 2021, AS got onto the bus and the Defendant asked AS how did she liked the book. AS told the Defendant the book was very detailed and he laughed. The Defendant's reaction caused AS to become even more uncomfortable.

[REDACTED] became aware of the incident on Friday, June 04, 2021, one day after the last day of school. [REDACTED] noticed AS was not being herself and was told by [REDACTED] roommate, AS was going to throw the book in the garbage at their residence. [REDACTED] roommate asked AS what was wrong and AS slammed the book on a table and advised she was upset about what she read in the book that her bus driver gave her to read. [REDACTED] later took possession of the book and read through chapter two. [REDACTED] was not able to read past chapter two because she was "disgusted". [REDACTED] then transported AS to Viera High School to report the incident to the school.

After Cpl. Ready received [REDACTED] account of the incident, she advised she wanted to pursue criminal charges. Cpl. Ready also took possession of the book.

After further investigation, Cpl. Ready was informed the Defendant is assigned to bus number M82. The Defendant is the assigned bus driver on AS bus route. The Defendant is also the author of the book as a picture of the Defendant is on the back of his book.

Cpl. Ready spoke with District School Security Agent Joe Martin (ID#0517) who made arrangements to have the school bus video pulled and transferred into the District Security office located at the school board.

Your Affiant asked Cpl. Ready to take photographs of the front and back of book as well as a few pages inside the book. Your Affiant then researched the book on The Amazon website and located a book titled: "Tiny Daddy's Little Girl by Jimmy Tate." The item description on Amazon provided a synopsis of the book which stated the book is about a little girl name "Tiny who losses her innocence to her favorite uncle by unknowingly seducing him with her eyes as he lusts for her big girl figure in a tiny frame. His is killed by her mother leaving Tiny with bad dreams, a proteen heavy drinking habit, and anger issues." The book has a picture of a little black girl and could be purchased from Amazon for \$5.49. The Defendant self-published the book on The Amazon website.

Your Affiant then conducted a search on Facebook social media and located the Defendant's Facebook page. On March 06, 2021, the Defendant made a Facebook post about his book titled: "Tiny Daddy's Little Girl." The post contained a hyperlink to The Amazon website to purchase the book. The Defendant stated it was his first attempt at being an author. On May 18, 2021, the Defendant made a Facebook post stating he was trying to locate the people who purchased his book due to unedited copies of the book mistakenly being printed and sold. On October 31, 2019, the Defendant shared a picture on Facebook social media of him standing in front of a school bus.

Your Affiant called The Brevard County School Board District Security Office and spoke with Analyst Brook Hines (ID#1623). Your Affiant requested a copy of the video footage from bus M82, which captured the incident. Analyst Hines confirmed the school bus video captured the incident on June 02, 2021, and June 03, 2021. The school bus is equipped with audio capabilities and the video footage docs have audio.

Your Affiant called [REDACTED] to confirmed AS's location. She advised AS was with her father, for the summer break. [REDACTED] provided an address and telephone number for AS's father.

At approximately 1500 hours, Your Affiant called San Luis Obispo County Sheriff's Office located in California and spoke with Detective K. Dickel (ID#1259). Your Affiant asked Detective Dickel for her assistance with this investigation and briefed her on the incident. Detective Dickel later arranged a forensic interview with AS. Detective Dickel scheduled a forensic interview with AS on June 08, 2021, at 1000 hours.

On June 08, 2021, your Affiant received a DVD disc with the video footage from bus M82. Your Affiant later reviewed the video footage and observed the following:

On June 02, 2021, at approximately 1419 hours, bus M82 was parked at Viera High School when a white female student identified as AS got onto the bus. The bus driver identified as the Defendant handed a book to AS and asked her to read it. The Defendant then asked AS to tell him what she thought about the book. AS took the book and walked to the back of the bus. The Defendant then shouted to AS, "read a chapter and tell me what you think." At 1433 hours, AS walked to the front of the bus to give the book back to the Defendant. The Defendant told AS to keep the book. AS responded by saying this book is really good. The Defendant then laughed as AS exited the bus.

On June 03, 2021, at approximately 0813 hours, AS walked onto the school bus and the Defendant asked AS what she thought about the book. AS stated the book was very detailed as she walked to the back of the bus. The Defendant laughed at AS reaction.

It should be noted, the bus camera located in the front of the bus near the driver was not working on June 02, 2021, and June 03, 2021. On June 03, 2021, at 1357 hours, the Defendant was observed cleaning the bus after his route was completed.

After reviewing the video footage, your Affiant contacted the Defendant supervisor, Ms. Michelle Roy. Ms. Roy is the area transportation supervisor for Brevard County Schools. Ms. Roy confirmed the Defendant worked on June 02, 2021 and June 03, 2021. The Defendant was assigned to his normal route M82, which transport Viera High School students.

On June 09, 2021, your Affiant met with Cpl. Ready to collect the book in question. The book was transferred to your Affiant for the purpose of this investigation. The book is titled "Tiny, Daddy's Little Girl by Jimmy Tate." The book appeared to be a history book as a picture of a little black girl was located on the cover of the book. Your Affiant read the book to better understand the content in the book. Your Affiant located several pages of very detailed sexual encounters.

In assisting the reader with this case, your Affiant documented several key sexual content from the book for the purposes of this investigation.

1. Chapter one page nine, the Defendant detailed a rape involving a male named John and a woman named Freda. "He climbed through her open window and finds her as he knew she would be, naked, hot, wet, and asleep. He kisses her right thigh, then left. He parts her lips between her legs with his tongue and she moans intensely with an instant orgasm that partly awakens her. Freda was deeply under spell of whiskey and its control, but she is somewhere between asleep and awake. She thinks she is dreaming of John taking her, but it is not a dream. She makes love to him half the night unknowingly and still believing she is dreaming even after he ejaculates in her three times."
2. Chapter two page seventeen, the Defendant detailed a rape involving a male named Randy and a three year old girl named Tiny. "Tiny is a small for a three year old but very pretty with big seductive eyes and a very nice figure for a child. Randy eyes gets hypnotically fixed on Tiny and he stop short while speaking and begins to romanticize about Tiny to the point that he forgets he was talking to Julie. He notice her shapely legs and thighs coming out of her tiny shorts that barely cover her rear. He also noticed her lean athletic body, a body that looks like a girl of fourteen but in a smaller version"
3. Chapter two page eighteen, "Randy is still romanticizing about Tiny and is trying to turn his attention away, but his penis is now erect and throbbing. Tiny sees it and asked what was in his pants and innocently enough she quickly reaches and grabs on it tightly before Randy could react. It moves a little and throb in her hand and she tightens her grip even more. Randy likes the feel of her tight grip on his penis but tries to move her hand. He is

paralyzed with desire and cannot move because of the pleasure that her small warm hand and tight grip give."

4. Chapter two page nineteen, "Randy could feel the blood pulsate in his penis and says it's hard and shaking; Randy moans and starts to panic. Randy knows what he was thinking about doing was wrong, but he was too caught up looking into those seductive eyes as she looked at him smiling and still holding his penis tightly. Finally he couldn't stop himself, Tiny do you want to see it? He says nervously. Okay Tiny zip down my pants and reach in. She hesitated but was still holding on to his penis, and when his penis moved again she quickly unzipped his pants. Looking up at Randy's face, she see his head is back and his eyes were closed, a face covered with deep desire. Tiny blindly reaches in and grabs his penis and it throbs in her hand. She pulls it out and asked, what is it? She had never seen anything like it and did not know what it was. She exclaimed in a low excited voice, it's hot and has a hole in it and its jumping in my hand. Tiny was in delight and did not know what just happened was wrong."
5. Chapter two page twenty, "Randy pulls off Tiny's short and tickles her causing her grip to tighten even more and a stronger pull on his penis that felt so good that he almost ejaculated in her face. He played with her nipples first then opened her shorts. He sucked on his middle finger and put it in her shorts and tickled her clitoris. Randy take her and lays her on her mother's bed and pulls her tight short off and kisses her forehead. She laugh and says I love you Uncle Randy. He kisses her chest and sucks on her nipples and it tickled her, making her giggle loudly. She arches into him from the tickling and then he works his way down slowly until he reaches her naval. She holds her legs tightly closed and she still giggling as Randy looks her in the cyes and spread her legs, so he could taste her little treasure. Uncle Randy that hurts..., stop! No Tiny, you are a big girl now, it is okay you will see. Ok, she replies. She cries a little but lets him go, then he takes out his penis again and tries to push it in her. She bleeds a little and cries a little more. Tiny you are a big girl now, don't cry. He kisses her and sucks his middle finger and ease it into her, managing to get the whole finger in after about three minutes."
6. Chapter two page twenty-one, "Randy has his penis in Tiny's mouth and feeling the beginning sergc of an orgasm and his is aware that Freda has come in the house since didn't hear the door shut as he moaned from ejaculating into Tiny's mouth and on her face. Tiny chokes from his sperm spraying down her throat as Freda rounds the corner and sees what was going on."
7. Chapter two page twenty-seven, "Eddie's mind flashed back and he could see the blood and semen on Tiny's face and blood between her legs as well as the semen still dripping from Randy's still erected penis as he laid dead with his eyes open."
8. Chapter three page forty-one, Tiny is now ten years old and is having flash back of Uncle Randy raping her. Tiny had become an alcoholic from the trauma.

9. Chapter three page forty-seven, detailed Uncle Randy raping Tiny.
10. Chapter eight page nine-two, Tiny age ten, meets a guy named Bootleg where they engage in sexual activity. "As soon as the light goes off, she sits in Bootleg's lap and takes his left hand, and puts it under her shirt and into her bra. Bootleg was shocked and didn't know how to react, so he just sat there while she massaged her breast with his hand. He felt her nipple stiffen and then she started to grind in his lap. He took his other hand and started on her right breast. She leans back on him and says unhook my bra, so he does. Both are hot for each other and Tiny was so wet that she soaked through her pants and onto his and bootleg still squeezing her breast, he could feel her heart beating faster and even her it. They lay and makes love like ono other couple could imagine doing. She moans loudly as she struggles to muffle her cries of passion."

It should be noted, these chapters is a representation of obscene material in Florida State Statute 847.001(10)

On June 16, 2021, at approximately 1015 hours, your Affiant spoke with Ms. Roy who stated the following in substance: She reviewed bus M82 cameras from May 22, 2021, to June 03, 2021, and did not observe the Defendant interacting with any other student besides AS. The only interaction Ms. Roy observed was when the Defendant gave AS the book. Ms. Roy stated the front bus camera was not working during the incident, however she recognized the Defendant voice on the cameras.

On June 24, 2021, at approximately 1136 hours, Agent Lee (ID#4401) and Your Affiant responded to Melbourne Library located at 500 East Fee Avenue, Melbourne, to speak with the Defendant. In essence, the Defendant confirmed "Tiny, Daddy's Little Girl" is a book he authored and self-published. The book is fictional as he fabricated the story. He explained, the book started out as a true story based on his ex-wife whose nick name is "Tiny." The Defendant's marriage was crazy because his ex-wife was an alcoholic. The original name of the book was "Tiny Navy Seabee Wife" which was supposed to be based on his ex-wife's childhood. The Defendant stated he does not know much about his ex-wife childhood which caused him to fabricate the story.

While speaking with the Defendant he informed your Affiant that he gave a student one of his books and thought maybe your Affiant was there to speak with him about the incident. The Defendant is a bus driver with The Brevard County Schools and identified the student as AS. He stated he asked AS to read his book and she told him his book was very detailed. The Defendant thought given AS his book it was a good idea because AS likes to read novels. The Defendant believed AS was a senior at Viera High school and thought his book was age appropriate. Your Affiant asked the Defendant what age he considered age appropriate and he stated thirteen and older.

Your Affiant then asked the Defendant if he thought the sexual content in his book was appropriate for a student to read and he replied "I don't know." The Defendant stated again he thought his book was appropriate for AS to read. The Defendant agreed there were four different incidents in his book that detailed sexual encounters. He explained, the first sexual encounter

was when John raped Freda, the second incident was when Uncle Randy raped Tiny, and there were two sexual encounter between Tiny and Bootleg.

Your affiant then told the Defendant AS's mother read his book and asked the Defendant how he thinks she felt about AS reading his book. The Defendant stated AS's mother was probably pretty upset. Your Affiant asked the Defendant if he thought any parent would be upset if their child was given his book to read and he replied "maybe." The Defendant stated he received a letter from Viera High School about a complaint. The letter stated the incident happened two days before school ended. The Defendant knew the complaint was about him given AS his book to read and knew he would probably be fired from his job as a result of his actions. The Defendant advised he honestly believed his book was appropriate for sixteen and older. The Defendant did not believe his book was a sex novel but agreed that the sexual encounters were very detailed and explicit. Your Affiant asked the Defendant if he would like to apologize to AS or her mother and he said yes. The Defendant wrote an apology letter to AS's mother apologizing for the incident.

On June 30, 2021, at approximately 1357 hours, your Affiant spoke to [REDACTED] who advised the following in substance: Her roommate, "Jimmy" observed AS attempting to throw a book in the garbage. Her roommate asked AS what was in her hand and AS stated it was a book her bus driver gave to her. AS was upset about the book and her roommate decided to read the book. [REDACTED] stated she was sleeping at the time and when she woke up her roommate gave her the book. [REDACTED] read half way through chapter two and stop because the book was very disgusting. [REDACTED] then asked AS if the Defendant ever touched her and she replied "no." [REDACTED] asked AS if the bus driver had given anyone else the book and she said no. [REDACTED] then contact Viera High school to report the incident. AS expressed to [REDACTED] that the book made her feel very disgusted and scared. [REDACTED] stated AS likes to read books and was reading Twilight at the time. AS also enjoys history books and books about slavery. AS told [REDACTED] the only reason why she took the book was because she though the book was about slavery. [REDACTED] confirmed AS does not read sex novels.


On July 02, 2021, your Affiant received Detective Dickel's report in regards to AS's forensic interview. In essence, AS advised she was getting onto the bus after school when the Defendant gave her to book to read. AS was very confused on why the Defendant only gave her the book, however she thought the book was a history book. AS read some pages in the book and told the Defendant the book was very detailed as she was getting off the bus. AS said the book was about inappropriate stuff as she ready a part about a women having an orgasm. AS decided to continue reading the book in hope of reading pass the sexual part, however the book got more detailed about the woman having another orgasm. AS became very upset and disgusted by the book. AS tried throwing the book in the garbage when she got home. AS stated the book made her feel very uncomfortable. The next day she got onto the bus and the Defendant asked her what she thought of the book. AS informed the Defendant the book was very detailed as she walked quickly to the rear of the bus. AS stated she wanted to cry because she thought the Defendant was going to try to touch her. AS felt very unsafe and uncomfortable. Child Forensic Interview Specialist Lori Gomez asked AS if she wanted to tell her about the details she read in the book and AS agreed. AS told Specialist Gomez full details about Freda being raped by John and Tiny being raped by Randy. AS stated again she initially though the book was about slavery.

Based on the information provided in this investigation to include the Defendant being the author of the book titled: "Tiny, Daddy's Little Girl," and knowingly gave AS his book to read. The Defendant agreeing to his book being very detailed and the sexual encounters being too explicit for a student. 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, **Jimmy R. Tate**, has committed a violation of the laws of the State of Florida, to wit: **Distribute Obscene Material to Minor** contrary to section 847.0133.

Your Affiant Agent Nalicia Bailey is a sworn Law Enforcement Officer employed by Brevard County Sheriff's Office since October 19, 2015. Your Affiant has attended Florida Department of Law Enforcement and other agency training courses including, but limited to the following:

1. Basic Law Enforcement Academy-Daytona State College
2. Speed Measurement-Eastern Florida State College
3. A.R.I.D.E and Standardized Field Sobriety Exercises- Eastern Florida State College
4. Field Training Officer-Eastern Florida State College
5. Breath Test Operator- Eastern Florida State College
6. Interview and Interrogation- Eastern Florida State College
7. Instructor Techniques- Eastern Florida State College
8. Child Sex Crimes- Eastern Florida State College

WHEREAS, your Affiant makes this affidavit and prays for the issuance of an Arrest Warrant with authority to effect the arrest of **Jimmy R. Tate** for the violation of the laws of the State of Florida, to wit: **Distribute Obscene Material to Minor** contrary to section 847.0133.


 Agent Nalicia Bailey ID#3851
 Brevard County Sheriff's Office
 Affiant

SWORN TO AND SUBSCRIBED BEFORE ME THIS 7th DAY OF July,
 A.D. 2021 BY Officer/Detective/Agent (Affiant) WHO IS PERSONALLY KNOWN TO ME
 OR WHO PRODUCED Personally Known AS IDENTIFICATION.


 Agent N. LEE ID#4401
 COUNTY, FLORIDA