

**AFFIDAVIT-COMPLAINT**

Juvenile Def  Application for Warrant / Capias SA Case No. (s)

1. Agency Name: **BAY COUNTY SHERIFF'S OFFICE** 2. Agency Report Number: **2016-063112** 3. Charge Type:  Felony  Misd  Traffic

4. Date/Time of Offense: **08/16/2016 @ 08:00** 5. Date/Time of Arrest: 6. Arresting Officer: **RICHARD GIBBS #427**

8. Defendant's Name: (Last) (First) (Middle) (First) (Middle) ALIAS  
**SWINNEY, MARSHALL LEE**

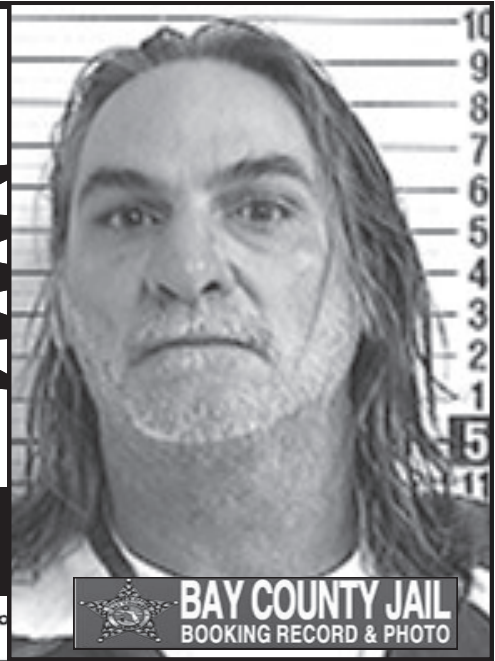
10. Race/Sex: **W / M** 11. DOB: **06/12/1967** 12. Residence Type:  Florida  Out of State  Yes  No

13. Weapon Seized: 14. Charge Type AND 15. Height: **5'03"** 16. Weight: **120** 17. Eye Color: **BRO** 18. Hair Color: **GRY** 19. Scars, marks, tattoos, etc.: **TATTOO OF HEART ON R. BR.**

24. Address (Street, Apartment Number): (City)  
**6319 US 98 EAGLE INN #4 PANAMA CITY**

25. Charge Description (#1): **THEFT - THEFT IS \$300 OR MORE BUT LESS THAN** 26. Statute: **812.014(2C1)**

27. Charge Description (#2): **CRIMES AGAINST PERSON - EXPLOITATION** 28. Statute or Ord: **825.103**



**CONCRETE WORK on 11th Street NEVER COMPLETED THEFT & EXPLOTATION OF 92 YEAR OLD**

84. NARRATIVE OF THE FACTUAL BASIS FOR PROBABLE CAUSE: The undersigned certifies that he / she has just and reasonable grounds to believe that the defendant did commit the violation as stated above and the factual basis for belief is as follows:

Your affiant swears and affirms between August 16th, 2016 and September 13th, 2016 the above named defendant, Marshall Lee Swinney did knowingly and intentionally commit the offense of Grand Theft, FSS 812.014(2C1), and Exploitation of the Elderly; FSS 825.103, against the victim, William Dickens at, 1133 N. East Ave., in the following manner;

**\$1,390.00 THEFT**

The defendant Marshall Swinney agreed to fix concrete that was starting to collapse and concave inward at 1133 N. East Avenue on August 16th, 2016. Marshall advised William he could do the work and quoted he needed \$890.00 for materials and products to complete the job. Marshall was given a check by William Dickens for \$890.00 for the task. On or about September 5th, 2016, Marshall explained to William he needed more money to complete the job, in which he requested approximately \$500.00 more. William again paid Marshall \$500.00 on or about September 5th, 2016.

William Dickens and his wife Francis Dickens, both stated Marshall never completed the work, and after being paid the \$500.00 on or about September 5th, 2016 they could no longer get in contact with him. They explained they called and left several voice messages for him, but however he refused to return their calls. Francis gave a sworn taped statement attesting to the fact Marshall never completed any work at 1133 N. East Avenue after receiving a total of approximately \$1,390.00.

Marshall stated post Miranda, he did receive \$890.00 in August sometime and as well received \$500.00 more around September 5th, 2016. He advised none of the money he received from the Dickens went towards the materials and products needed to complete the job, which was originally agreed upon. Marshall uttered he had been working at another job site during the time frame he agreed to complete the concrete work for the Dickens. Marshall stated the money was used for things other than the materials and products.

Marshall did knowingly obtain and use as well as endeavored to obtain and use \$1,390.00 of William Dickens's to either temporarily or permanently deprive William Dickens of the right to \$1,390.00 or the benefit of the funds. Marshall appropriated the \$1,390.00 as if his own. The victim, William Dickens is 92 years of age, in which Marshall entered into a business agreement with William but however committed grand theft against William.

Due to these facts your affiant believes Marshall to be in violations of FSS 812.014(2C1) and Exploitation of the Elderly; FSS 825.103.

These offenses did occur in Bay County, Florida.

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