

IN THE CIRCUIT/COUNTY COURT IN THE FIRST JUDICIAL CIRCUIT IN AND FOR OKALOOSA COUNTY, FLORIDA

COPY

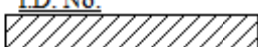
WARRANT/OTIC ACTIVE

OKALOOSA CO SHERIFF'S OFFICE

REPORT NO: OCSO16ARR008587

Jail Booking No	Offense No OCSO16OFF009766	Other No OCSO16CAD127641	OBTS
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[SUSPECT]

Last First Middle Title Race Sex DOB Age Hgt Wgt
 GONZALEZ FIDEL MICHUA W M 6/30/1987 29 5-05 130
Eyes Hair MNI Number SSN ID. No. St Type OCA/Agency ID
 BRO BRO OCSO12MNI011162  FL 198955

Birth Location: City: County: State: Nation: MEXICO Citizenship: MEXICO
 Address

108 DON BISHOP RD SANTA ROSA BEACH FL 32459

Occupations (Current/Last Known is Listed First)

Business: SELF EMPLOYED, Job Title: PAINTER, Entered: 1/18/2014

Aliases (Last, First Middle Title DOB)

CASTANEDA, NOE BENAL 6/28/1984

Street Names

* none found in MNI *

[INCIDENT INFORMATION]

Occurred Date Range: 7/31/2016 06:58 to 7/31/2016 23:45 Lat / Long 30.39692 / -86.48744
 No. Di Street Apt/Lot City ST Zip (GEO)
 734 LEGION DR 82 DESTIN FL 325 3 - 25 - -

[CHARGES]

782.04.1a1

HOMICIDE

MURDER FIRST DEGREE PREMEDITATED

<u>Counts</u>	<u>Level</u>	<u>Degree</u>	<u>GOC</u>	<u>UCR</u>	<u>NCIC</u>	<u>AON</u>	<u>Bond Amount</u>
1	Felony	Capital Accessory after the fact	090A			912	

[STATEMENT OF PROBABLE CAUSE / NARRATIVE]

On July 31, 2016, the defendant, Fidel Michua Gonzalez violated violated F.S.S. 782.04 (1)(a)(I); The unlawful killing of a human being when perpetrated from a premeditated design to effect the death of the person killed or any human being and F.S.S. 777.03 (2)(a); Accessory after the fact – capital felony. Facts and circumstances to support this probable cause are as follows:

On August 2, 2016, at approximately 0736 hours, Deputies Frederick and McFall responded to 734 Legion Drive, Unit 82, Destin, Florida for a welfare check. They made contact with James Rice who indicated he was Osvaldo Torres Michua's boss. Rice indicated Osvaldo lived at unit 82 and informed them Osvaldo had not shown up for work since Friday, July 29, 2016 and he rarely misses a day of work.

Rice came to Osvaldo's residence to make contact with him and observed what appeared to be blood spatter on the second floor sliding glass door. Deputies Frederick and McFall attempted to make contact at the front door and second floor balcony door, but there was no answer. The deputies gained access to the rear of Osvaldo's backyard, where there was an unlocked sliding glass door and entered the residence. The responding deputies made their way up to the second floor and observed what appeared to be blood throughout the master bedroom, to include the sliding glass door and the white blinds. They did not observe any bedding/linen on the bed.

A "ping" of the victim's phone showed the following:

July 31, 2016, at 0959 hours showed his phone within a 1500 meter radius near the intersection of Bishop Tobert Road and U.S. Highway 98, Santa Rosa Beach, Walton County, Florida.

July 31, 2016, at 1003 hours showed his phone within a 1500 meter radius near the intersection of Bishop

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Tobert Road and U.S. Highway 98, Santa Rosa Beach, Walton County, Florida.

Your affiant conducted an interview with Rice. Rice stated Osvaldo has worked for him for approximately eight years. Over the last six months he has been acting strange. Osvaldo seldom missed work and told others he wanted to go back to Mexico. Approximately three weeks ago, Osvaldo missed work for a week and when he showed up his right eye was significantly discolored from where it appeared he had been in a fight. Rice also provided information that Osvaldo went to a bar with a person named Selvin. Selvin was later identified as Selvin Rojas.

On August 2, 2016, while investigators were at Osvaldo's apartment, his sister, Evelina Torres Michua arrived on scene. She indicated she had not heard from her brother since July 27, 2016. She arrived to make contact with him because of this and her mother, who lives in Mexico did not hear from him on Sunday, which caused concern. Osvaldo always calls his mother on Sunday. A sworn written statement was obtained from Evelina on August 5, 2016, indicating Osvaldo was missing and based on the crime scene he was entered into NCIC/FCIC as a missing endangered adult.

While on scene doing further investigation, Maria Eugenta Marta Montes was interviewed. She provided Deputy Jose Pereira a black Samsung Galaxy S5 phone in a black leather type folding case. Maria stated she resides next door to Osvaldo. Maria was departing her apartment in the early morning hours of July 31, 2016, when she observed a Hispanic male laying on the ground near Unit 82. Maria stated the male appeared to be sleeping and was snoring. Maria did not recognize the Hispanic male and it was not her neighbor. Maria began to walk towards Legion Drive to get picked up for work and felt something under her foot. Maria stated she looked down on the side walk, just to the north of her front door and observed a black phone. Maria picked up the phone and kept it until the evening of August 2, 2016, when she observed law enforcement at Osvaldo's apartment and believed the information she had may be helpful. Maria stated she last observed Osvaldo in front of his apartment on July 29, 2016, between 1500 and 1600 hours.

On August 3, 2016, Investigator Jeremy Miller informed your affiant he was reviewing security video a neighbor had on the exterior of his apartment. The following is a timeline with approximate times from July 31, 2016:

0658 hours: Video shows a male walking around Osvaldo's front door area. It is unsure where the male came from, but the timeline correlates with the timeline provided by Maria. The male who is wearing a white t-shirt and blue jeans walks past Osvaldo's door to the end of the building. He is walking around and appears to be looking for something.

0700 hours: The suspect goes around the corner and he jumps the wooden fence and goes out of sight of the camera.

0703 hours: The suspect comes back from the fence area. The suspect then walks past Osvaldo's door and paces back and forth.

0703: Suspect goes to the borrowed black Ford F150, opens and closes the tool box. When he comes back in sight of the camera it appears he is carrying something heavy.

0704: The suspect jumps the fence again, but due to the sunlight you cannot see what happened with the object it appeared he was carrying.

0707 hours: The suspect comes back from the fence area and goes out of sight to the left of Osvaldo's front door.

0729 hours: The suspect comes back to the front of the building and then walks to the fence where he climbs over to the other side.

0734 hours: The blinds covering the upstairs sliding glass door of Osvaldo's apartment start moving violently. At one point you can see the glass vibrating as if someone or something is banging against it.

0811 hours: A gray Chevrolet Tahoe comes into view of the camera.

0812 hours: The Tahoe turns around and goes out of sight of the camera.

0812 hours: Someone peaks out of the upstairs second floor sliding glass window.

0818 hours: The Tahoe comes back in front of Osvaldo's unit and stops for a few seconds.

0819 hours: The Tahoe turns around and goes out of sight of the camera.

0822 hours: Someone comes from the area where the Tahoe was last seen on camera and walks up to the front door. They are there for a few seconds and start walking back to where they come from. While they are walking away someone peaks out of the second floor sliding glass window.

0829 hours: The suspect exits Osvaldo's front door as if trying to disguise himself or hide his face and begins walking north towards the front of the apartment complex. The suspect is now wearing a black t-shirt and blue jeans.

1231 hours: A green Ford Explorer arrive in the parking lot and stops in front of the apartment and a male exits the front passenger side of the vehicle. The Ford Explorer has a roof rack on top and some type of emblem on the

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bottom left corner of the hatch; just right of the left taillight. The male then enters Osvaldo's residence through the front door.

1244 hours: The male who is believed to be the same male from earlier in the surveillance video exiting the victim's residence from the front door. The male is wearing a green shirt and khakis and it appears the male is looking for an item, possibly his cell phone. The male retraces his steps from earlier walking in front of the Osvaldo's unit and over to the dumpster area and then back. The male enters the Osvaldo's unit again and then exits with what is believed to be a cellular telephone. It also appears the male is texting on the phone, and a short time later the green Ford Explorer arrives. The male hurriedly enters the passenger side and departs the area.

2320 hours: An SUV type vehicle comes into camera view.

2321 hours: The vehicle partially backs up into a parking space left of the unit.

2322 hours: Two subjects exit vehicle, vehicle drives out of frame.

2324 hours: The vehicle backs into a parking space left of the unit.

2328 hours: A light appears in the vehicle.

2331 hours: A subject opens the hatch of the vehicle and then the front porch light goes out.

2332 hours: Two figures walk past a porch light on the apartment building. The porch light for Osvaldo's unit goes out and lights inside turn on.

2339 hours: Observe what appears to be flashlight waving around in the upstairs master bedroom where the crime occurred.

2343 hours: One subject exits the unit.

2345 hours: Downstairs light turns off inside the unit. Another subject exits the unit.

2345 hours: Vehicle leaves.

On August 3, 2016, a search warrant was executed on the telephone found by Maria Eugenta Marta Montes. Upon executing the search warrant, it was discovered that the telephone was owned by an individual identified as Oscar Castaneda. After recovering photos of Castaneda on the telephone, a photo of Castaneda was shown to Rojas, who confirmed that was the man who identified himself as "Jorge" and who he gave a ride to.

The photo was also shown to Maria Eugenta Marta Montes, who advised Castaneda looked a lot like the man she discovered sleeping in between her unit and the victim's unit on July 31st at approximately 0600 hours.

On August 5, 2016, your affiant and Corporal Dennis conducted an interview with Selvin Rojas. Rojas stated he had given the Osvaldo a ride to Bric-A-Brac in Destin, Florida. Rojas advised shortly after arriving at the bar he separated from Osvaldo and never saw him again. When Rojas left the bar he stated he was approached by a Hispanic male who identified himself as "Jorge." Rojas stated "Jorge" asked him to take him to Osvaldo's apartment complex because he lived there as well. Rojas stated he gave "Jorge" a ride back to 734 Legion Drive, Unit 50, which is where Rojas resides. Rojas advised when he got out of his car "Jorge" departed towards the back of the apartment complex where the victim lives. Rojas stated "Jorge" returned to his residence several hours later requesting to look into Rojas' vehicle because he thought he left his cell phone in his car.

It should be noted when doing a background investigation on the victim, it was discovered that he established an account with Gulf Power in 2010 and listed the name Oscar Castaneda as his "closest relative."

After Castaneda's cell phone was forensically analyzed it was discovered there were numerous text messages between his wife, Ann Marie Castaneda, and himself. The following are some of those text messages:

07-30-2016 at 2348hrs: Castaneda sent a text message to Ann Marie, "More than anything I want to kill Castor"

07-30-2016 at 2348hrs: Castaneda sent a text message to Ann Marie, "I really do"

07-31-2016 at 0044hrs: Ann Marie sent a text message to Castaneda, "Yes you can but before you do think about it the only reason why I say that is because you believe in God but I want him dead also".

07-31-2016 at 0044hrs: Castaneda sent a text message to Ann Marie, "Ok I'm killing the stupid ass".

07-31-2016 at 0310 hours: Ann Marie sent a text message to Castaneda, "Get rid of him it does need to be done but please be careful ok te amo".

It was established through analyzing the text messages that Ann Marie admits to having a sexual relationship

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with Osvaldo, who they refer to as "Castor." Ann Marie asks Castaneda to drop the issue like he said he was going to do. Castaneda responds "Yes I dropped but I still have to kill him."

While analyzing Castaneda's phone records it was determined that his last missed phone call on July 31, 2016, prior to losing his phone was made at 0417 from telephone number 850-419-4430. This number has been identified as Fidel Gonzalez' number. Contact was made with Walton County Sheriff's Office, who advised Gonzalez provided this phone number in 2015 as his number.

On August 5, 2016, while law enforcement was conducting surveillance on Castaneda, he went to an apartment complex where a 2002 green Ford Explorer, Florida tag Y57KEH, was seen. The vehicle matches the description of the vehicle that picked up the male from the victim's apartment complex. According to the Florida Department of Highway Safety and Motor Vehicles, the Explorer is registered to Gonzalez. Castaneda exited his vehicle and entered an apartment within the complex. The Gonzalez lives in the bottom left unit of building 18. Castaneda is observed going in and out of the bottom left unit. At one point Castaneda is also observed sitting on the front porch with one of the occupants, later identified as Fidel Gonzalez. Castaneda and Gonzalez, are seen exiting the apartment and getting into their separate vehicles. Gonzalez gets into the Ford Explorer with a female and a child and travel to Walmart. Castaneda departed in his vehicle and went to his residence located at 151 Beacon Way, Santa Rosa Beach, Florida. Photographs of the vehicle are taken of the Ford Explorer, which indicate this SUV appears to be the same SUV that was seen at Osvaldo's residence. This Ford Explorer has a roof rack and has a dealership label on the bottom left corner of the hatch.

On August 8, 2016, your affiant conduct an interview with the co-defendant, Oscar Castaneda. Your affiant advised Oscar of his Miranda Warnings prior to the interview. Oscar agreed to speak with me about the disappearance of the victim, Osvaldo Torres Michua and provided the following information.

- Oscar was at La Raza Night Club in Fort Walton Beach prior to going to Bric a Brac.
- Went to Bric a Brac and was drinking (alcoholic beverages).
- A friend from Sun Cay apartments (old name for Legion Village Townhomes) gave Oscar a ride to the apartments because he did not have a ride home.
- When he got there he remembers waking up on the sidewalk.
- At first stated he left and called his wife, Ann Marie Castaneda.
- Found a black male and used his phone to call his wife.
- Ann picked him up near the Destin Airport on Airport Road.
- Your affiant confront Oscar about knowing the whole story and he stated, "Well of course, you are the investigators."
- Admits to jumping the fence several times.
- Admits to speaking with Osvaldo at Bric a Brac.
- Oscar was drinking, but not drunk.
- When Oscar gets to Osvaldo's apartment Osvaldo does not open the door and his car is not there and he falls asleep.
- When he wakes up he cannot find his phone.
- He went into the apartment two or three times looking for his phone.
- Oscar denies there was a fight because Osvaldo was not home.
- Osvaldo is his friend.
- They are pretty good friends and hang out.
- He had no reason to harm him.
- Your affiant asks, what if he messes with your wife and he replies, "I love her. I wouldn't stay with her no more."
- Oscar denies seeing Osvaldo at the apartment again.
- Oscar stated he know there are cameras in the area.
- Repeatedly states Osvaldo did not do him wrong.
- He does not know where Osvaldo is.
- Your affiant told him about the text messages from his phone talking about killing Osvaldo and he denies killing him.
- He then admits to Osvaldo punching him and Osvaldo must have taken off afterwards.
- Then states there were more guys.
- States he thinks he is gone and probably left to Mexico.
- States, "We don't really fight."

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OKALOOSA CO SHERIFF'S OFFICE

REPORT NO: OCSO16ARR008587

- States again about falling asleep, waking up and looking for phone.
- Admits to coming back later in the day and at night to look for his phone with Fidel.
- States nothing happened in the bedroom.
- States, "I saw him downstairs."
- Your affiant asks Oscar about what happened in the bedroom and he states it was downstairs. He avoids talking about the bedroom.
- Admits that his wife saw him talking to Osvaldo at Bric a Brac and he only talked to him a little bit.
- Continues to deny knowing where Osvaldo is.
- Admits to being at the apartment to get his stuff.
- He then says he was not punched, but he was pushed.
- He admitted to changing clothes in the apartment and the clothes should be at his house.

Based on information Oscar provided a search was obtained and executed on August 8, 2016, at his residence, 151 Beacon Way, Santa Rosa Beach, Florida. Post Miranda, Investigators Smith and Kelly obtained the following information from Oscar's wife, Ann while at the residence.

- Between 0900 and 1000 hours, August 1, 2016, she overheard a conversation between Oscar and someone she believes to be Fidel.
- They were talking in Spanish but she understood them saying they needed to get a vehicle.
- Oscar stated they were are not using her vehicle.
- They needed to take the tag off the vehicle.
- They needed to get shovels.
- She heard them say several times, "The woods off Church St, or the woods off Chat Holley?" "What do you think about that?"
- "Where is the blanket?", "It's in a trash bag."
- Oscar left and did not return until 0100-0200 Tuesday morning.
- She was woken up by the smell of Gasoline.
- He immediately took a shower and put his clothes in the garage.
- When Ann questioned him, he said he was burning some stuff on a bon fire on Chat Holley.
- On Wednesday morning he left early for work and took the gas soaked clothes with him.
- Oscar and Osvaldo had been in a fight approximately two months ago at Osvaldo's apartment and it spilled outside.

On August 9, 2016, your affiant and Deputy Hipwell conducted an interview with the defendant, Fidel Gonzalez at the Walton County Jail, where he was incarcerated on a traffic offense. Deputy Hipwell advised Fidel of his Miranda Warnings in Spanish prior to the interview. Fidel agreed to speak with us about the disappearance of Osvaldo and provided the following information.

- Fidel stated on the morning of July 31, 2016, believed to be around 0100 hours while he and Oscar were at Bric a Brac, Oscar asked him to take him to the apartment complex to look for his phone. It should be noted, Oscar's phone was in his possession at this time.
- Fidel later received a call from Oscar asking for help with a job. Due to Oscar being his boss he felt obligated.
- At approximately 2100 hours, July 31, 2016, Oscar came to Fidel's apartment. Oscar took two shovels from the back of his truck and placed them inside Fidel's Ford Explorer.
- Fidel drove to Osvaldo's apartment as Oscar was a front seat passenger. Fidel did not know they were going to Osvaldo's apartment.
- When they arrived at the apartment and went upstairs to the master bedroom, Fidel saw a dead body and started freaking out.
- Oscar told him to calm down and only he (Oscar) could get into trouble.
- Fidel did not get a good look at the body as Oscar immediately started wrapping the body with the bedding.
- Fidel observed a lot of blood in the bedroom.
- Fidel asked Oscar, "What have you done?"
- Oscar told Fidel, "I've had problems."
- Oscar also told Fidel he had a fight with someone where punches were thrown.
- Fidel later learned the dead person was Osvaldo when he was told by Osvaldo's brother-in-law, Damian that Osvaldo was missing and asked Fidel if he seen him at Bric a Brac.

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- Fidel helped Oscar clean up the bedroom with Clorox and the use of three round shower sponges.
- Both subjects carried Osvaldo's body out of the apartment and placed the body into the back of Fidel's Ford Explorer.

- Oscar drove the vehicle to the burial site in south Walton County, Florida and Fidel rode as a front seat passenger.

- Fidel then agreed to show investigators where Osvaldo's body was buried.

- Once Fidel identified the area where Osvaldo's body was buried, a cadaver dog from Bay County Sheriff's Office was used to locate the exact burial site.

On August 10, 2016, an autopsy was conducted on Osvaldo's body by Dr. Andrea Minyard, Forensic Pathologist, Chief Medical Examiner, District, Florida. The preliminary findings indicate a wound on the left side of the neck was caused by a sharp object. This was more than likely a mortal wound based on the blood vessels in that area being destroyed. Dr. Minyard positively identified Osvaldo through his dental records.

This offense occurred in Okaloosa County, Florida where your affiant is a law enforcement officer. Based on the text messages and the totality of circumstances in this case, the defendant is an accessory after the fact in the premeditated the death of Osvaldo.

Signature (Arresting Officer) Name ID/SSN

Subscribed and sworn to (or affirmed) before me this 11 day of August A.D., 2016 by who is personally known to me or has produced as identification.

Signature Notary Public LEO CO

Commission No: My Commission Expires

Supervisor Signature Date Supervisor Name (Please Print) Rank

[PHYSICAL EVIDENCE] [NO PHYSICAL EVIDENCE LISTED]

[ARREST INFORMATION]

Arrested Residency Injured Extent of Injury Resist
Within state Arrested Prior Arrest Jurisdiction Alcohol Drugs
No. Di Street A/L City ST Zip Lat / Long
Arresting Officer Unit (GEO) - - - Officer Type
Reporting Officer Unit Original Offense Jurisdiction
077 COOPER, RICHARD L OCSO/FSV/INV/CID OCSO

Forward to for approval
OCSO/FSV/INV/CID

Bond Set by LEO at Time of Arrest & Booking: \$0.00

() None
() ROR

COPY

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() Cash
() Pro

Bond Set by Judge _____ (X) None () ROR/Sign
() Cash () PTR
() Any
() Pro
() PtIQ

()Purge FL PICK UP FILES _____
()SC _____

Return Court: CIRCUIT COURT: FELONY Date: Time: 14:30
Instructions: 1940 LEWIS TURNER BD, FT WALTON BEACH, FL

[COURT INFORMATION]

Court Judge Date
Sent CIRCUIT
Rcvd CIRCUIT MANEY 8/11/2016
Court Case Number 16-9766

Assigned To:

[DISPOSITION]

Disposition Type Release Type Other Desc
Release Date Release Time Release Officer Printed Printed By
No

Released To

Court DispositionType Court Disposition Description

[ADDITIONAL PERSONS]

COURT DISPOSITION: _____

(right index)

No Bill / Petition Issue Warrant Prosecution Approved

Signature of Assistant State Attorney Date

COPY

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WARRANT/OTIC ACTIVE

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REPORT NO: OCSO16ARR008585

Jail Booking No	Offense No OCSO16OFF009766	Other No OCSO16CAD127641	OBTS
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[SUSPECT]

<u>Last</u>	<u>First</u>	<u>Middle</u>	<u>Title</u>	<u>Race</u>	<u>Sex</u>	<u>DOB</u>	<u>Age</u>	<u>Hgt</u>	<u>Wgt</u>
CASTANEDA	OSCAR			W	M	2/2/1980	36	5'06"	170
<u>Eyes</u>	<u>Hair</u>	<u>MNI Number</u>	<u>SSN</u>	<u>ID. No.</u>	<u>St</u>	<u>Type</u>	<u>OCA/Agency ID</u>		
BRO	BLK	OCSO01MNI017719			FL				

Birth Location: City: County: State: Nation: Citizenship:
Address

151 BEACON WAY SANTA ROSA BEACH FL 32459

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Aliases (Last, First Middle Title DOB)

* none found in MNI *

Street Names

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[CHARGES]

782.04.1a1

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0812 hours: The Tahoe turns around and goes out of sight of the camera.

0812 hours: Someone peaks out of the upstairs second floor sliding glass window.

0818 hours: The Tahoe comes back in front of Osvaldo's unit and stops for a few seconds.

0819 hours: The Tahoe turns around and goes out of sight of the camera.

0822 hours: Someone comes from the area where the Tahoe was last seen on camera and walks up to the front door. They are there for a few seconds and start walking back to where they come from. While they are walking away someone peaks out of the second floor sliding glass window.

0829 hours: The suspect exits Osvaldo's front door as if trying to disguise himself or hide his face and begins walking north towards the front of the apartment complex. The suspect is now wearing a black t-shirt and blue jeans.

1231 hours: A green Ford Explorer arrive in the parking lot and stops in front of the apartment and a male exits the front passenger side of the vehicle. The Ford Explorer has a roof rack on top and some type of emblem on the bottom left corner of the hatch; just right of the left taillight. The male then enters Osvaldo's residence through the front door.

1244 hours: The male who is believed to be the same male from earlier in the surveillance video exiting the

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victim's residence from the front door. The male is wearing a green shirt and khakis and it appears the male is looking for an item, possibly his cell phone. The male retraces his steps from earlier walking in front of the Osvaldo's unit and over to the dumpster area and then back. The male enters the Osvaldo's unit again and then exits with what is believed to be a cellular telephone. It also appears the male is texting on the phone, and a short time later the green Ford Explorer arrives. The male hurriedly enters the passenger side and departs the area.

2320 hours: An SUV type vehicle comes into camera view.

2321 hours: The vehicle partially backs up into a parking space left of the unit.

2322 hours: Two subjects exit vehicle, vehicle drives out of frame.

2324 hours: The vehicle backs into a parking space left of the unit.

2328 hours: A light appears in the vehicle.

2331 hours: A subject opens the hatch of the vehicle and then the front porch light goes out.

2332 hours: Two figures walk past a porch light on the apartment building. The porch light for Osvaldo's unit goes out and lights inside turn on.

2339 hours: Observe what appears to be flashlight waving around in the upstairs master bedroom where the crime occurred.

2343 hours: One subject exits the unit.

2345 hours: Downstairs light turns off inside the unit. Another subject exits the unit.

2345 hours: Vehicle leaves.

On August 3, 2016, a search warrant was executed on the telephone found by Maria Eugenta Marta Montes. Upon executing the search warrant, it was discovered that the telephone was owned by an individual identified as Oscar Castaneda. After recovering photos of Castaneda on the telephone, a photo of Castaneda was shown to Rojas, who confirmed that was the man who identified himself as "Jorge" and who he gave a ride to.

The photo was also shown to Maria Eugenta Marta Montes, who advised Castaneda looked a lot like the man she discovered sleeping in between her unit and the victim's unit on July 31st at approximately 0600 hours.

On August 5, 2016, your affiant and Corporal Dennis conducted an interview with Selvin Rojas. Rojas stated he had given the Osvaldo a ride to Bric-A-Brac in Destin, Florida. Rojas advised shortly after arriving at the bar he separated from Osvaldo and never saw him again. When Rojas left the bar he stated he was approached by a Hispanic male who identified himself as "Jorge." Rojas stated "Jorge" asked him to take him to Osvaldo's apartment complex because he lived there as well. Rojas stated he gave "Jorge" a ride back to 734 Legion Drive, Unit 50, which is where Rojas resides. Rojas advised when he got out of his car "Jorge" departed towards the back of the apartment complex where the victim lives. Rojas stated "Jorge" returned to his residence several hours later requesting to look into Rojas' vehicle because he thought he left his cell phone in his car.

It should be noted when doing a background investigation on the victim, it was discovered that he established an account with Gulf Power in 2010 and listed the name Oscar Castaneda as his "closest relative."

After Castaneda's cell phone was forensically analyzed it was discovered there were numerous text messages between his wife, Ann Marie Castaneda, and himself. The following are some of those text messages:

07-30-2016 at 2348hrs: Castaneda sent a text message to Ann Marie, "More than anything I want to kill Castor"

07-30-2016 at 2348hrs: Castaneda sent a text message to Ann Marie, "I really do"

07-31-2016 at 0044hrs: Ann Marie sent a text message to Castaneda, "Yes you can but before you do think about it the only reason why I say that is because you believe in God but I want him dead also".

07-31-2016 at 0044hrs: Castaneda sent a text message to Ann Marie, "Ok I'm killing the stupid ass".

07-31-2016 at 0310 hours: Ann Marie sent a text message to Castaneda, "Get rid of him it does need to be done but please be careful ok te amo".

It was established through analyzing the text messages that Ann Marie admits to having a sexual relationship with Osvaldo, who they refer to as "Castor." Ann Marie asks Castaneda to drop the issue like he said he was going to do. Castaneda responds "Yes I dropped but I still have to kill him."

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While analyzing Castaneda's phone records it was determined that his last missed phone call on July 31, 2016, prior to losing his phone was made at 0417 from telephone number 850-419-4430. This number has been identified as Fidel Gonzalez' number. Contact was made with Walton County Sheriff's Office, who advised Gonzalez provided this phone number in 2015 as his number.

On August 5, 2016, while law enforcement was conducting surveillance on Castaneda, he went to an apartment complex where a 2002 green Ford Explorer, Florida tag Y57KEH, was seen. The vehicle matches the description of the vehicle that picked up the male from the victim's apartment complex. According to the Florida Department of Highway Safety and Motor Vehicles, the Explorer is registered to Gonzalez. Castaneda exited his vehicle and entered an apartment within the complex. The Gonzalez lives in the bottom left unit of building 18. Castaneda is observed going in and out of the bottom left unit. At one point Castaneda is also observed sitting on the front porch with one of the occupants, later identified as Fidel Gonzalez. Castaneda and Gonzalez, are seen exiting the apartment and getting into their separate vehicles. Gonzalez gets into the Ford Explorer with a female and a child and travel to Walmart. Castaneda departed in his vehicle and went to his residence located at 151 Beacon Way, Santa Rosa Beach, Florida. Photographs of the vehicle are taken of the Ford Explorer, which indicate this SUV appears to be the same SUV that was seen at Osvaldo's residence. This Ford Explorer has a roof rack and has a dealership label on the bottom left corner of the hatch.

On August 8, 2016, your affiant conduct an interview with the defendant, Oscar Castaneda. Your affiant advised Oscar of his Miranda Warnings prior to the interview. Oscar agreed to speak with me about the disappearance of the victim, Osvaldo Torres Michua and provided the following information.

- Oscar was at La Raza Night Club in Fort Walton Beach prior to going to Bric a Brac.
- Went to Bric a Brac and was drinking (alcoholic beverages).
- A friend from Sun Cay apartments (old name for Legion Village Townhomes) gave Oscar a ride to the apartments because he did not have a ride home.
- When he got there he remembers waking up on the sidewalk.
- At first stated he left and called his wife, Ann Marie Castaneda.
- Found a black male and used his phone to call his wife.
- Ann picked him up near the Destin Airport on Airport Road.
- Your affiant confront Oscar about knowing the whole story and he stated, "Well of course, you are the investigators."
- Admits to jumping the fence several times.
- Admits to speaking with Osvaldo at Bric a Brac.
- Oscar was drinking, but not drunk.
- When Oscar gets to Osvaldo's apartment Osvaldo does not open the door and his car is not there and he falls asleep.
- When he wakes up he cannot find his phone.
- He went into the apartment two or three times looking for his phone.
- Oscar denies there was a fight because Osvaldo was not home.
- Osvaldo is his friend.
- They are pretty good friends and hang out.
- He had no reason to harm him.
- Your affiant asks, what if he messes with your wife and he replies, "I love her. I wouldn't stay with her no more."
- Oscar denies seeing Osvaldo at the apartment again.
- Oscar stated he know there are cameras in the area.
- Repeatedly states Osvaldo did not do him wrong.
- He does not know where Osvaldo is.
- Your affiant told him about the text messages from his phone talking about killing Osvaldo and he denies killing him.
- He then admits to Osvaldo punching him and Osvaldo must have taken off afterwards.
- Then states there were more guys.
- States he thinks he is gone and probably left to Mexico.
- States, "We don't really fight."
- States again about falling asleep, waking up and looking for phone.
- Admits to coming back later in the day and at night to look for his phone with Fidel.
- States nothing happened in the bedroom.

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- States, "I saw him downstairs."
 - Your affiant asks Oscar about what happened in the bedroom and he states it was downstairs. He avoids talking about the bedroom.
 - Admits that his wife saw him talking to Osvaldo at Bric a Brac and he only talked to him a little bit.
 - Continues to deny knowing where Osvaldo is.
 - Admits to being at the apartment to get his stuff.
 - He then says he was not punched, but he was pushed.
 - He admitted to changing clothes in the apartment and the clothes should be at his house.

Based on information Oscar provided a search was obtained and executed on August 8, 2016, at his residence, 151 Beacon Way, Santa Rosa Beach, Florida. Post Miranda, Investigators Smith and Kelly obtained the following information from Oscar's wife, Ann while at the residence.

- Between 0900 and 1000 hours, August 1, 2016, she overheard a conversation between Oscar and someone she believes to be Fidel.
- They were talking in Spanish but she understood them saying they needed to get a vehicle.
- Oscar stated they were are not using her vehicle.
- They needed to take the tag off the vehicle.
- They needed to get shovels.
- She heard them say several times, "The woods off Church St, or the woods off Chat Holley?" "What do you think about that?"
- "Where is the blanket?", "It's in a trash bag."
- Oscar left and did not return until 0100-0200 Tuesday morning.
- She was woken up by the smell of Gasoline.
- He immediately took a shower and put his clothes in the garage.
- When Ann questioned him, he said he was burning some stuff on a bon fire on Chat Holley.
- On Wednesday morning he left early for work and took the gas soaked clothes with him.
- Oscar and Osvaldo had been in a fight approximately two months ago at Osvaldo's apartment and it spilled outside.

On August 9, 2016, your affiant and Deputy Hipwell conducted an interview with the co-defendant, Fidel Gonzalez at the Walton County Jail, where he was incarcerated on a traffic offense. Deputy Hipwell advised Fidel of his Miranda Warnings in Spanish prior to the interview. Fidel agreed to speak with us about the disappearance of Osvaldo and provided the following information.

- Fidel stated on the morning of July 31, 2016, believed to be around 0100 hours while he and Oscar were at Bric a Brac, Oscar asked him to take him to the apartment complex to look for his phone. It should be noted, Oscar's phone was in his possession at this time.
- Fidel later received a call from Oscar asking for help with a job. Due to Oscar being his boss he felt obligated.
- At approximately 2100 hours, July 31, 2016, Oscar came to Fidel's apartment. Oscar took two shovels from the back of his truck and placed them inside Fidel's Ford Explorer.
- Fidel drove to Osvaldo's apartment as Oscar was a front seat passenger. Fidel did not know they were going to Osvaldo's apartment.
- When they arrived at the apartment and went upstairs to the master bedroom, Fidel saw a dead body and started freaking out.
- Oscar told him to calm down and only he (Oscar) could get into trouble.
- Fidel did not get a good look at the body as Oscar immediately started wrapping the body with the bedding.
- Fidel observed a lot of blood in the bedroom.
- Fidel asked Oscar, "What have you done?"
- Oscar told Fidel, "I've had problems."
- Oscar also told Fidel he had a fight with someone where punches were thrown.
- Fidel later learned the dead person was Osvaldo when he was told by Osvaldo's brother-in-law, Damian that Osvaldo was missing and asked Fidel if he seen him at Bric a Brac.
- Fidel helped Oscar clean up the bedroom with Clorox and the use of three round shower sponges.
- Both subjects carried Osvaldo's body out of the apartment and placed the body into the back of Fidel's Ford Explorer.

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IN THE CIRCUIT/COUNTY COURT IN THE FIRST JUDICIAL CIRCUIT IN AND FOR OKALOOSA COUNTY, FLORIDA

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- Oscar drove the vehicle to the burial site in south Walton County, Florida and Fidel rode as a front seat passenger.
- Fidel then agreed to show investigators where Osvaldo's body was buried.
- Once Fidel identified the area where Osvaldo's body was buried, a cadaver dog from Bay County Sheriff's Office was used to locate the exact burial site.

On August 10, 2016, an autopsy was conducted on Osvaldo's body by Dr. Andrea Minyard, Forensic Pathologist, Chief Medical Examiner, District, Florida. The preliminary findings indicate a wound on the left side of the neck was caused by a sharp object. This was more than likely a mortal wound based on the blood vessels in that area being destroyed. Dr. Minyard positively identified Osvaldo through his dental records.

This offense occurred in Okaloosa County, Florida where your affiant is a law enforcement officer. Based on the text messages and the totality of circumstances in this case, the defendant premeditated the death of Osvaldo.

Signature (Arresting Officer) Name ID/SSN

Subscribed and sworn to (or affirmed) before me this 11 day of August A.D., 2016 by _____ who is personally known to me or has produced _____ as identification.

Signature _____ Notary Public _____ LEO _____ CO

Commission No: _____ My Commission Expires _____

Supervisor Signature Date Supervisor Name (Please Print) Rank

[PHYSICAL EVIDENCE] [NO PHYSICAL EVIDENCE LISTED]

[ARREST INFORMATION]

Arrested	Residency		Injured		Extent of Injury		Resist	
	Within state		Arrested Prior	Arrest Jurisdiction	Alcohol		Drugs	
No.	Di	Street	A/L	City	ST	Zip	Lat / Long	
Arresting Officer			Unit		(GEO)	- - -		Officer Type
Reporting Officer			Unit					Original Offense Jurisdiction
077		COOPER, RICHARD L	OCSO/FSV/INV/CID					OCSO
Forward to for approval								
OCSO/FSV/INV/CID								

Bond Set by LEO at Time of Arrest & Booking: \$0.00

- () None
- () ROR
- () Cash
- () Pro

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REPORT NO: OCSO16ARR008585

Bond Set by Judge None ROR/Sign
 Cash PTR
 Any
 Pro
 PtIQ
 Purge FL PICK UP FILES
 SC

Return Court: CIRCUIT COURT: FELONY Date: _____ Time: 14:30
 Instructions: 1940 LEWIS TURNER BD, FT WALTON BEACH, FL

[COURT INFORMATION]

	Court	Judge	Date
Sent	CIRCUIT		
Rcvd	CIRCUIT	MANEY	8/11/2016
Court Case Number 16-9766			

Assigned To:

[DISPOSITION]

<u>Disposition Type</u>	<u>Release Type</u>	<u>Other Desc</u>
<u>Release Date</u>	<u>Release Time</u>	<u>Release Officer</u>
		<u>Printed</u> <u>Printed By</u>
		No
<u>Released To</u>		
<u>Court DispositionType</u>	<u>Court Disposition Description</u>	

[ADDITIONAL PERSONS]

COURT DISPOSITION: _____

(right index)

No Bill / Petition
 Issue Warrant
 Prosecution Approved

Signature of Assistant State Attorney Date

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