

Office of the Sheriff



Sheriff of Charlotte County

7474 Utilities Road
Punta Gorda, Florida 33982
(941) 639-2101

STATE OF FLORIDA
COUNTY OF CHARLOTTE

State of Florida

Plaintiff,

- vs -

CLARKE, ELROY

DOB 1/11/82

2080 SANDY PINE DR

PUNTA GORDA FL, 33982

Defendant

CLARKE, ELROY (DEFENDANT)

Before me, a notary public, Poole, Timothy AFFIANT, personally appeared, who being duly sworn alleges on information and belief, that in Charlotte County the state of Florida the defendant CLARKE, ELROY did commit the offense(s) listed to wit:

810.09 2b - Trespass Failure to Leave Property Upon Order by Owner (LEV:M DEG:F 2774)

OCA/CASE/WARRANT NUMBER: 2406-002334

Arrest Date/Time: 06/04/24 17:00


Arrest Location: 809 East Marion Ave, PUNTA GORDA, FL

Related OCA/CASE Numbers: District 3.

Probable cause for this arrest is as follows:

On 6-4-2024 at approximately 1530 hours while on marked patrol, I was dispatched to District 3, 3110 Loveland Blvd, Punta Gorda, Charlotte County, Florida for an individual wanting information about his estranged wife removing their children from their mutual residence. I met with Elroy Wayne Orandy Clarke in the foyer of D3. Clarke told me he was "Maroon" and the laws don't apply to him I attempted to get Clarke to continue with his questions about his children, but he continued demanding that I explain where he could find the legal definition of sovereign citizen. Clarke said his estranged wife removed their children from their mutual home and wanted some type of paperwork explaining why his wife was allowed to remove their children. I asked if there was any kind of court order defining their parenting plans. Clarke began asking what would give a judge the authority to say anything about his children. Conversation continued in this vein with Clarke continuing to ask for a legal reference to everything he questioned. During this time, Clarke stood from his seat and approached me while raising his voice. Clarke walked directly up to me in an apparent attempt to intimidate me. Clarke continued switching back and forth between asking about the judge's authority over his kids and the definition of sovereign citizen. I told Clarke I was done speaking with him and walked back into the secure area of District 3. I walked into the front office and found Clarke at the window. Clarke wanted my badge number, and I provided it several times as he continued to repeat it back incorrectly. I told Clarke he needed to leave due to Clarke's loud and disruptive behavior and the fact he was causing a disturbance in the lobby as he appeared to just want to argue and

continue talking loudly. I told Clarke he needed to leave based on his behavior. Clarke's combative demeanor in the public lobby of District 3 was a threat to anyone who may have entered the building, so I ordered him to leave the building. Clarke remained at the window continuing to ask questions. I told him again that he needed to leave, or he would be arrested. Clarke remained. I exited the secure side of District 3 and walked into the front lobby where I told Clarke to leave again. Clarke said he was leaving but had not moved toward the door. I told Clarke he needed to leave, he refused and became even more belligerent. At that time due to Clarke moving towards me in an aggressive manner while raising his voice and refusing several lawful orders to exit the building, I placed Clarke in handcuffs. In an effort to calm Clarke down who seemed to be reaching an elevated agitated state I offered to remove the handcuffs if he calmed down and he agreed. I removed the handcuffs and attempted to de-escalate the situation. At that time, Cpl Staub arrived on scene at which time Clarke began claiming his hand was injured. Clarke demanded to go to the hospital as he believed he had a serious injury to his hand. EMS was called and Clarke was transported to the hospital. Once medically cleared, Clarke was taken into custody and transported to the Charlotte County Jail for violation of FSS 810.09 2b, Trespass after Warning.



Signed

AFFIANT Poole, Timothy 2041

06/04/24 19:00:13

Sworn to (or affirmed) before me by means of physical presence, on 6/4/24 by Poole, Timothy, and subscribed by Giaquinto, Kristin at the direction of Poole, Timothy by written statement, and in the presence of these witnesses:



Signed

NOTARY PUBLIC/DEPUTY SHERIFF Giaquinto, Kristin

06/04/24 19:00:24

RECORD OF FIRST APPEARANCE HEARING

Felony: _____ Misdemeanor: _____

Date of Hearing: _____

STATE OF FLORIDA
VS
CLARKE, ELROY

Case Number: _____

On the above date the above named defendant has been advised that he is under arrest for the following charge(s):

Statute & Description

Court Sets Bond

810.09 2b - Trespass Failure to Leave Property Upon Order by Owner (LEV:M DEG:F 2774)

Arrestment on _____ At _____ AM in the _____ Court, Punta Gorda Florida

Defendant advised of right to an attorney:

- Defendant waives right to an attorney.
- Defendant will retain private attorney.
- Defendant states indigence and requests services of the Office of the Public Defender.
 - Found indigent, after review of Application for Determination of Indigent Status.
 - Found NOT indigent. (*if denied, may seek judicial review per Fla. Stat. § 57.082(4))
 - Appointing counsel on an interim basis, defendant must complete Application of Indigent Status, per Fla. Stat. § 27.52(3)
- No contact with victim(s) per separate order.
- May make one trip back to residence to retrieve personal property (with deputy supervision).
- No alcohol consumption or possession.
- Defendant qualifies under the *Anti-Murder Act* - must be held NO BOND pursuant to FS § 903.0351.
- Defendant qualifies under the *Jessica Lunsford Act*. A Danger Hearing was not conducted because the Defendant is held NO BOND at this time.
- The Court has reviewed the Sheriff's Office determination of qualification and, at this time, has determined that the Defendant does not qualify under either the *Jessica Lunsford* or *Anti-Murder Act*.
- This is to certify that I have examined the evidence in this case and find probable cause.
 - No probable cause found: 24 hours to produce.

Judge's signature

Defendant's signature