

ARREST WARRANT



S.A. NO. 16AF051208 CCR NO. 2016003266
DIVISION _____ JUDGE _____
CIRCLE ONE FELONY AW MISDEMEANOR AW
ASST ST ATTY L. Michael

PLEASE PRINT LEGIBLY - ALL SPACES

IN THE NAME OF THE STATE OF FLORIDA
TO ALL SINGULAR THE SHERIFFS OR DEPUTY
SHERIFFS OF THE STATE OF FLORIDA

WHEREAS, upon the sworn affidavit, complaint or other sworn testimony of Detective C. Mobley the undersigned Judge of the Fourth Judicial Circuit of Florida, in and for Clay County, has found that there exists probable cause to believe that one Mathew David Hamrsky did on or between the dates of February 4, 2016 in Clay County, Florida commit the offense(s) of Aggravated Manslaughter and Aggravated Child Neglect contrary to the provisions of Section(s) 782.07/3 and 827.03/2B Florida Statutes.

You are HEREBY COMMANDED to arrest Mathew David Hamrsky:

Last Known Address: 1639 Morningside Drive Middleburg, FL 32068

Race: W Height: 6'00 DOB: 09/06/1989 Eyes: Blue
Sex: M Weight: 150 SSN: [REDACTED] Hair: Brown

Scars, Marks, or Tattoos: None

if he / she be found in your county, and safely keep him / her so that you have his / her body before a Judge of the Clay County Circuit Court, at the Courthouse in Green Cove Springs, instanter, to be dealt with according to law. Appearance bond is fixed at \$ 1) 250,003 2) 150,003

Given under my hand and seal this 8th day of September 20 16

- Special Conditions upon release:
- No Contact with Victim
 - No alcohol consumption
 - No driving
 - Observe Curfew: _____
 - Other: _____

[Signature]
Judge of the C. J. T. Court of the Fourth
Judicial Circuit in and for Clay County, Florida

Enter in NCIC or FCIC: YES NO (Check One)
If YES, Extradition Code: C / Z / S / E / D (Circle One)
ASA Approval: [Signature]

Received this Arrest Warrant the 8 day of September 20 16 and executed it on the 8 day of September 20 16 by arresting the within named MATHEW DAVID HAMRYSKY and having him / her now before the Court this 8 day of September 20 16.

Arresting Officer: D. SANTANA ID# 01821
Agency: CPSD
Duty Section: OES / RED.

JAIL DOCKET NO: _____
SA/118/CC Page 4 of 4

AFFIDAVIT FOR ARREST WARRANT

STATE OF FLORIDA
COUNTY OF CLAY

S.A. NO.
DIVISION
CIRCLE ONE
ASST ST ATTY

16AF 051208 CCR NO
JUDGE
MISDEMEANOR AW
FELONY AW
L. Michael

2016003266

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Before me the undersigned Judge of the Fourth Judicial Circuit, in and for Clay County, Florida, personally came Detective C. Mobley, who, being duly sworn deposes and says that he / she has reason to believe and does believe that one, Mathew David Hamrysky, described as follows:

Last Known Address: 1639 Morningside Drive Middleburg, FL 32068

Race: W

Height: 6'00

DOB: 09/06/1989

Eyes: Blue

Sex: M

Weight: 150

SSN: [REDACTED]

Hair: Brown

Scars, Marks, or Tattoos: None

did in Clay County, Florida, on or between the dates of February 4, 2016, commit the crime(s) of Aggravated Manslaughter and Aggravated Child Neglect, contrary to the provisions of Section(s) 782.07/3 and 827.03/2B, Florida Statutes. Affiant's reasons for so believing are as follows:

Your affiant is a law enforcement officer employed by the Clay County Sheriff's Office with 7 years of experience. Your affiant is assigned to the Robbery/Homicide Section and has been in investigations for over a year.

On 2-4-16 at 1936 hours, the Clay County Sheriff's Office received a call from 442-135 Blanding Boulevard in reference to a 9 month old baby that was not breathing. The mother, Ashley Smith, called 911 and was in the room with her boyfriend, Mathew Hamrysky, while he attempted CPR. Clay County Fire Rescue transported the victim, Charli Smith, to the Orange Park Medical Center where she was later pronounced deceased at 2208 hours by Dr. Loyd.

Investigation revealed that the victim's mother was working at Captain D's, 318 Blanding Blvd, while Mathew Hamrysky was watching her children, Charli (victim) and [REDACTED] (2 year old). Ashley had been at work since 1600 hours and it wasn't until 1915 hours that Mathew called her at work and told her to come home because the victim was not breathing. Ashley arrived back at the room at 1930 hours. She observed the victim to be unresponsive and not breathing.

(Active)

~~Mathew stated~~
~~Mathew stated~~
~~Mathew stated~~
~~Mathew stated~~
~~Mathew stated~~

Mathew's initial statement

(EX)

AFFIDAVIT FOR ARREST WARRANT (CONTINUED)

Active

Approximately 20 minutes later Mathew noticed that the victim was no longer breathing so he called Ashley at work and told her to come home. Ashley had to walk home from work which took her approximately 10-15 minutes. Once Ashley came into the room and saw the victim she called 911.

Mathew estimated that it was approximately 40 minutes from the time that he saw the victim with obvious signs of trauma to the point that 911 was called. When asked why not call 911 right away Mathew replied _____

(EX)

Later in the interview when confronted that his story did not make sense and was not consistent with the victim's injuries Mathew continued to tell the same story. After several minutes Mathew later advised _____

(EX)

Further investigation revealed that Mathew dropped the victim between 1700 and 1800 hours. At 1809 hours Mathew videotaped the victim lying on the bed struggling to breathe. At 1830 hours, Ashley calls Mathew to check on the children but Mathew tells her that everything is fine and never mentions that the victim is injured. At 1847 hours Mathew videotaped the victim again while she was in the pack and play having a possible seizure. At 1915 hours Mathew calls Ashley at work to tell her that the victim was not breathing. At 1930 hours Ashley gets back to the room from work and at 1936 hours Ashley calls 911.

According to the above timeline information provided by Mathew, 1 hour and 15 minutes goes by after dropping the victim in the pack and play. During that time Mathew clearly notices the victim is injured, observes several changes in her behavior, takes two separate video's of the victim's change in behavior, and does not tell Ashley about the incident when she calls to check on the children. Mathew made several admissions: _____

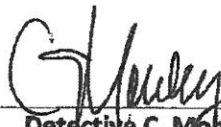
(EX)

AFFIDAVIT FOR ARREST WARRANT (CONTINUED)

On 6-10-16 Dr. Buchsbaum ruled the victim's death a homicide listing the cause of death as blunt impact head trauma.


Child Abuse Pediatrics Fellow Dr. Pena with the First Coast Child Protection Team also reviewed the case. Dr. Pena reviewed records from Orange Park Medical Center, the victim's pediatrician, the video's from Mathew's cell phone, and the autopsy report. Dr. Pena advised that based on review of the timelines and the above records, it can be determined with a high degree of medical certainty that if emergent medical intervention had been sought immediately after the victim sustained the injuries identified in the autopsy, more likely than not, these measures would have prolonged and/or saved the victim's life. Dr. Pena added that in neither of the two videos where the victim is displaying seizure activity and agonal breathing would she be feeling pain, at least not in a manner than could be objectively measured by validated pediatric pain scales. However, Dr. Pena notes that it is important to recognize that the incident that led to the victim's injuries would have been very painful just prior to losing consciousness.

Dr. Pena also advised that based on all of the documents in the reports that he has reviewed and all of the information that I have provided him with about the case, the victim's injuries are not consistent with Mathew's statement that he dropped the victim into the pack and play from a standing position.


10157

Affiant: Detective C. Mabley ID # 6957
Agency: Clay County Sheriff's Office
Duty Section: Robbery/Homicide Unit

Sworn to and subscribed before me this 8th day of September 20 16, by the aforementioned Affiant [] who is personally known to me or [] who has produced _____ as identification and who did take an oath.



Judge of the Circuit Court of the Fourth
Judicial Circuit in and for Clay County, Florida