

Probable Cause Affidavit
JUPITER POLICE DEPARTMENT
Agency ORI# FL0501700 Case #17-002239

Defendant: Kitchings, Gary Timothy

Race/Sex: W/M

DOB: 11-5-59

**Charges: Kidnapping, Sexual Battery (deadly weapon/force), Burglary Occupied Dwelling
Unarmed**

Victim- MR

Victim phone-

On May 7, 2017, at 0203 hours, Jupiter Police Officers responded to a sexual battery complaint that just occurred at Jupiter, Palm Beach County, Florida. Officer K. Pope arrived and met with the victim.

The victim advised that she was at Sun Fest in downtown West Palm Beach, FL after just arriving in town the previous day. The victim advised she requested an Uber to pick her up at 0026 hours on this date. The victim advised that due to several billing problems with Uber, she began to take screenshots of the Uber screen. This included the driver's photo, first name and vehicle tag as shown in the Uber App. The Uber driver/ suspect showed up on the screen as "Gary" and he was later identified as Gary T. Kitchings (w/m, 11-5-59). The vehicle identified in the Uber confirmation was a Nissan Versa, Florida tag HFUG04. The tag came back as a Florida registration to a silver 2016 Nissan registered to Gary Kitchings. The DAVID photo for Kitchings matched the photo of the Uber driver "Gary".

I was called out to further investigate this case and responded to the Jupiter Medical Center. I was told by the victim the following occurred: Kitchings picked up two other women during her ride. After dropping the two women off, he began to verbally flirt with her. Kitchings reached over, touched her leg and tried to run his right hand up her shirt. The victim advised she pushed Kitchings' hand away and he tried to touch her again. At this point she pushed it away again and told him she didn't want that. The victim advised the suspect then grabbed her left hand and tried to place it in his groin area but she resisted and pulled it back.

The victim said they exited the highway and soon after, as they were eastbound, she tried to open the door and jump out, but it was locked. The victim advised that Kitchings saw this and told her that he had a gun under the seat and if she didn't do what he wanted, he would kill her. The victim advised that Kitchings had unzipped his pants just prior to getting off the highway, and now forced her head down into his groin. He told her to suck his penis. The victim advised that she feared Kitchings had a gun, so she performed oral sex on him against her will. At one point, Kitchings told her he was "going to cum" and he wanted her to swallow it. Prior to ejaculating, Kitchings told her he was going to urinate instead, and made her drink his urine. The victim advised after he finished urinating, he continued to force her to perform oral sex on him and shortly after he ejaculated in her mouth.

The victim advised they arrived at her residence soon after. She got out and ran to her house. She believed Kitchings was going to drive away. The victim told me that as she got to her front door and began to open it, Kitchings came up behind her and grabbed her by her left upper arm and pushed her inside her house. The victim advised she began to scream as loud as she could and Kitchings closed the door and put his left hand down to his waistband. He told the victim he would "kill her and her dogs, if she didn't shut up". The victim said she thought she saw a gun under Kitchings' shirt, but he never displayed one. The victim advised that she stopped screaming and he pushed her toward her master bedroom and onto her bed.

The victim said Kitchings then took off her "stockings", which I later clarified to mean her pantyhose, and then made her take off her white skirt. The victim advised that Kitchings penetrated her vaginally and then put his penis into her mouth, forcing her to perform oral sex. The victim said Kitchings then penetrated her anally and then vaginally and ejaculated inside of her. The victim advised Kitchings was not wearing a condom at any point during the crimes. The victim said Kitchings appeared calm and in control for most of the incident, except when she tried to get out of the car. The victim said after the suspect sexually battered her in her house, he left and told her that if she told anyone he would come back and kill her.

The victim described Kitchings as being a white male, about 55 years old and being about 5'5" tall. The victim further described Kitchings as being slightly heavy set with a larger belly, weighing about 185 lbs. with dark hair

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and a mustache. The victim said she believed Kitchings was wearing glasses with possibly a clear frame. The victim said she didn't notice any scars or tattoos on Kitchings and said he appeared to have a tan skin tone.

During the follow-up investigation, I confirmed that Kitchings lives and works at 563 Safe Haven Drive, West Palm Beach, FL 33411.

On May 8, 2017, I received a copy of the 911 call the victim made to police at 0203 hours on May 7, 2017. The victim's first statement to the 911 dispatcher when asked where her emergency was is "I've been raped". The victim was crying and was clearly distraught over what just occurred. The victim gave her address and said she was locked in her bedroom "in case the guy comes back". The victim also said she was in her closet and the suspect was an Uber driver. When the dispatcher asked where the rape occurred, the victim said in the car and at her house.

The victim was so upset that the dispatcher had to try and calm her down repeatedly. The victim described taking a photo of the drivers tag when using Uber. The victim gave the tag of the suspect vehicle as HFUG04, which comes back to the suspect Kitchings. The victim advised that during the time they were driving, she tried to jump out of the car but the door was locked, and Kitchings said he had a gun under the seat and would "kill me" if she didn't do what he wanted. The victim said "I tried to jump out, I wanted to jump out" but Kitchings locked the doors. The victim said the suspect's name was "Gary" and he was about 55 years old.

The victim later stated "he came into my place and I didn't even know". The victim also said Kitchings came in behind her, shut the door and locked it. The dispatcher asked if Kitchings attacked her inside her apartment she said "yes, he did, he raped me inside my apartment and inside the car". The victim said "I kept screaming help, but nobody came to help me". The victim stated she needed to put clothes on, and the dispatcher asked her to put something on and not to bathe or touch her clothing she was wearing before.

It should be noted that since a gun was implied by the suspect multiple times,

During the investigation, the victim's written and audio recorded statements at the Butterfly House, her video recorded statement at the Jupiter Police Department and her 911 recorded call were consistent with no obvious discrepancies. The victim submitted to all requested forensic testing as well to assist with the investigation.

Based on the above facts, probable cause exists against Gary Kitchings for KIDNAPPING, punishable by life, because he did forcibly, secretly or by threat, confine, abduct or imprison M.R., against that person's will and without lawful authority, with the intent to (commit a sexual battery), contrary to Florida Statute 787.01(1)(a)and(2). (1 DEG FEL, PBL

Based on the above facts, probable cause also exists against Gary Kitchings for SEXUAL BATTERY (deadly weapon/physical force) because he did commit sexual battery upon (MR), a person 12 years of age or older, without that person's consent, by (forced oral, vaginal and anal sex), and in the process thereof used or threatened to use a deadly weapon and/or used actual physical force likely to cause serious personal injury, contrary to Florida Statute 794.011(3) and 775.087(1). (LIFE FEL)

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Based on the above facts, probable cause further exists against Gary Kitchings for BURGLARY, occupied structure, because he did knowingly enter the victim's home, property of M.R. , with the intent to commit an offense therein (sexual battery) , Gary Kitchings remained in the victim's home to commit or attempt to commit a forcible felony and there was a human being in the victim's home at the time Gary Kitchings entered or remained in the victim's home, contrary to Florida Statute 810.02(1)and(3). (2 DEG FEL)

The foregoing instrument was sworn to or affirmed
before me this 8th day of May 2017 by

State of Florida
County of Palm Beach

Detective Troy Jenne 403/1072,
who is personally known to me.

Signature/Arresting Officer

Signature of Police Officer (F.S.S. 117.10)

Date: May 8, 2017