

STATE OF FLORIDA

OFFICE OF THE GOVERNOR EXECUTIVE ORDER NUMBER 10-116 (Executive Order of Suspension)

WHEREAS, Carlos L. Irizarry, is presently serving as Commissioner for the City of Kissimmee; and

WHEREAS, on May 27, 2010, an Incident Report was issued by the Orange County Sheriff's Office, charging Carlos L. Irizarry with aggravated assault (domestic violence), a violation of section 784.021(1), Florida Statutes, which resulted in his arrest; and

WHEREAS, a violation of section 784.021(1), Florida Statutes, constitutes a felony of the third degree; and

WHEREAS, section 112.51, Florida Statutes, provides that the Governor may suspend from office any elected municipal officer who is arrested for a felony; and

WHEREAS, it is in the best interests of the residents of the City of Kissimmee, and the citizens of the State of Florida, that Carlos L. Irizarry be immediately suspended from the public office, which he now holds, upon the grounds set forth in this executive order.

NOW, THEREFORE, I, CHARLIE CRIST, Governor of Florida, pursuant to section 112.51, Florida Statutes, find as follows:

A. Carlos L. Irizarry is, and at all times material was, Commissioner for the City of Kissimmee, Florida.

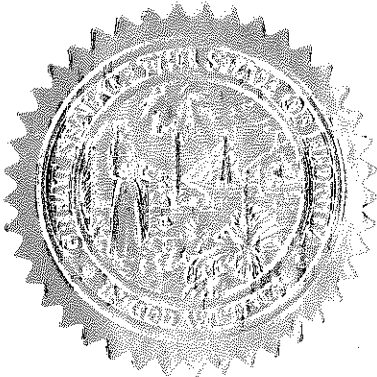
B. The Commissioner's Office for the City of Kissimmee, Florida, is within the purview of the suspension powers of the Governor, pursuant to Section 112.51, Florida Statutes.

C. The attached Incident Report alleges that Carlos L. Irizarry committed acts in violation of the laws of Florida. This suspension is predicated upon Carlos L. Irizarry's arrest, the surrounding facts of which are described in the attached Incident Report. The Incident Report alleges conduct constituting a felony and is incorporated as if fully set forth in this executive order.


BEING FULLY ADVISED in the premises, and in accordance with the Constitution and the laws of the State of Florida, this Executive Order is issued, effective today:

Section 1. Carlos L. Irizarry is suspended from the public office, which he now holds, to wit: Commissioner for the City of Kissimmee, Florida.

Section 2. Carlos L. Irizarry is prohibited from performing any official act, duty, or function of public office; from receiving any pay or allowance; and from being entitled to any of the emoluments or privileges of public office during the period of this suspension, which period shall be from today, until a further Executive Order is issued, or as otherwise provided by law.



IN TESTIMONY WHEREOF, I have hereunto set my hand and have caused the Great Seal of the State of Florida to be affixed at Tallahassee, this 28th day of May, 2010.


GOVERNOR

ATTEST:

SECRETARY OF STATE

FILED
2010 MAY 20 PM 5:19
TALLAHASSEE, FLORIDA

Incident Report
ORANGE COUNTY SHERIFF'S OFFICE

10-47251

Supplement No
ORIG

Administrative Information												
Agency ORANGE COUNTY SHERIFF'S OFFICE			Report No 10-47251		Supplement No ORIG		Reported Date 05/27/2010		Reported Time 10:55		CAD Call No 101471328	
Status REPORT WITH ARREST-DOMESTIC			Nature of Call AGG ASSAULT		Location of Occurrence 653 E WETHERBEE RD			City ORLANDO	ZIP Code 32824	Rep Dist 40E	Area 4	Beat 40
From Date 05/27/2010		From Time 10:54	Officer 101279/HOMSTEAD, CYNTHIA			Assignment SECTOR 4 SQUAD 2		Entered by 101279/HOMSTEAD, CYNTHIA				
Assignment SECTOR 4 SQUAD 2			Approving Officer 1676/DUNCAN, PARKS			Approval Date 05/27/2010		Approval Time 18:52:56				
Scene Processed? Y/N N			Tourist Victim? Y/N N			Firearm? N		Weapon? N		Mask? N		
Vest? N			Hate Crime? N			Special Victim? N		DCF Notified? N		DCF Notified by Whom? N		
Property Form Yes			Witness Statement Yes									
# Offenses 1	Offense 784.021 (1) (A) -17		Description AGGRAVATED ASSAULT (Complaint Type					
Summary Narrative												
Inv#	Inv# No	Type	Name	MNI	Race	Sex	DOB					
DEF	1	I	IRIZARRY, CARLOS L		W	M	09/29/1955					
Inv#	Inv# No	Type	Name	MNI	Race	Sex	DOB					
LOC	1	L	LIVING WORLD ACADEMY									
Inv#	Inv# No	Type	Name	MNI	Race	Sex	DOB					
REP	1	I	LOPEZ, SAMUEL		W	M	09/18/1951					
Inv#	Inv# No	Type	Name	MNI	Race	Sex	DOB					
VIC	1	I	[REDACTED]		W	F	[REDACTED]					
Inv#	Inv# No	Type	Name	MNI	Race	Sex	DOB					
WIT	1	I	PEREZ, AMNERIS		W	F	10/23/1981					
Inv#	Inv# No	Type	Name	MNI	Race	Sex	DOB					
WIT	2	I	CASTELLANO, MARIA NELA		W	F	09/06/1979					
Vehicle Summary												
Property Summary												
Summary Narrative												

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DEFENDANT* (ARS USE ONLY) 1: IRIZARRY, CARLOS L												
Name	Race	Sex	DOB	Age	Ethnicity	Juvenile?	Height	Weight	Hair Color			
IRIZARRY, CARLOS L	WHITE	MALE	09/29/1955	54	HISPANIC	No	5'10"	165#	GRAY OR SALT & PEPPER			
Eye Color	Skin	Dom Violence	Place of Birth									
BROWN	MEDIUM	YES	PUERTO RICO (STATE ONLY)									
Type	Address		City	State	ZIP Code							
HOME ADDRESS	409 FOUNTAIN HEAD CIR #138		KISSIMMEE	FLORIDA	34741							
Type	ID No	OLS										
OPERATOR LICENSE	[REDACTED]	FLORIDA										
Phone Type	Phone No											
CELL	(321) 443-4946											
Involvement			Arrest Type	Arrest Date	Arrest Time	Status	Arrest Location		City	Rep Dist		
DEFENDANT (ARS USE ONLY)			Arrested	05/27/2010	12:33:00	BOOKED	653 E WETHERBEE RD		ORLANDO	40E		
Place of Birth			City of Birth	Best								
PUERTO RICO (STATE ONLY)			SAN JUAN	40								
Charge	Level	Charge Literal		Bond Amt								
784.021(1)(A)-17	F	AGGRAVATED ASSAULT (\$0.00								
LOCATION/BUSINESS NAME 1: LIVING WORLD ACADEMY												
Name LIVING WORLD ACADEMY												
REPORTER 1: LOPEZ, SAMUEL												
Name	Race	Sex	DOB	Age	Juvenile?	Place of Birth						
LOPEZ, SAMUEL	WHITE	MALE	09/18/1951	58	No	PUERTO RICO (STATE ONLY)						
Type	Address		City	State	ZIP Code							
HOME ADDRESS	4884 BRIGHTMOUR CI		ORLANDO	FLORIDA	32837							
Type	ID No	OLS										
OPERATOR LICENSE	[REDACTED]	FLORIDA										
Phone Type	Phone No											
CELL	(407) 851-9800											
VICTIM* 1: [REDACTED]												
Name	Race	Sex	DOB	Age	Juvenile?	Means of Attack	Extent of Injury	Dom Violence				
[REDACTED]	WHITE	FEMALE	[REDACTED]	[REDACTED]	No	HANDGUN*	NONE*	YES				
Relationship to Offender			Place of Birth									
SPOUSE (FDLE do not remove)			PUERTO RICO (STATE ONLY)									
Type	Address		City	State	ZIP Code							
HOME ADDRESS	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]							
Type	ID No	OLS										
OPERATOR LICENSE	[REDACTED]	FLORIDA										
Phone Type	Phone No											
CELL	[REDACTED]											
WITNESS 1: PEREZ, AMNERIS												
Name	Race	Sex	DOB	Age	Juvenile?	Place of Birth						
PEREZ, AMNERIS	WHITE	FEMALE	10/23/1981	28	No	PUERTO RICO (STATE ONLY)						
Type	Address		City	State	ZIP Code							
HOME ADDRESS	2630 CHAR ST		ORLANDO	FLORIDA	32839							
Type	ID No	OLS										
OPERATOR LICENSE	[REDACTED]	FLORIDA										
Phone Type	Phone No											
CELL	(407) 729-7966											
WITNESS 2: CASTELLANO, MARIA NELA												
Name	Race	Sex	DOB	Age	Juvenile?	Place of Birth						
CASTELLANO, MARIA NELA	WHITE	FEMALE	09/06/1979	30	No	PUERTO RICO (STATE ONLY)						
Type	Address		City	State	ZIP Code							
HOME ADDRESS	2604 JETTY DRQ		KISSIMMEE	FLORIDA	34743							
Type	ID No	OLS										
OPERATOR LICENSE	[REDACTED]	FLORIDA										
Phone Type	Phone No											
CELL	(407) 535-5555											
Property												
Modus Operandi												
Crime Code(s) AGGRAVATED ASSAULT												
Narrative												

On 05-27-10, I responded to Living World Academy located at 653 E Wetherbee Rd in reference to a man in the parking lot with a gun.

Upon arrival Sgt Parks Duncan and I made contact with Samuel Lopez (R) who stated the man with the gun was leaving in a black Lincoln. Sgt Duncan located him and conducted a traffic stop on him as he was leaving the area. After exiting the vehicle the driver was identified as Carlos Irizarry. He was asked if he was armed with a gun and he replied that he had a gun but not on him. He stated his gun was inside his vehicle on the front floor board. As he turned, Sgt Duncan observed what appeared to be a black holster in the back of his pants. Carlos was secured for officer safety and then patted down for a weapon. While patting him down, I located an empty holster

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tucked into the back belt area of Carlos' pants. After determining Carlos did not have a gun on him, he was unsecured. He then gave permission to check his vehicle to verify his gun was inside it. I located a black Glock 27, .40cal with a round in the chamber with a full magazine inside it. I unloaded the handgun and secured it in my patrol vehicle. Carlos stated he wanted to tell his side of the story. Carlos then wrote a Sworn Statement. I asked Carlos if he had a Concealed Firearm's permit and he said he did. He told me that he always left the gun in the car when he comes to the school because he knows he can't carry it on the school grounds. He said when he arrived here to watch his future grand-daughter's graduation, he dropped his future fiance off at the door and parked the vehicle in the parking lot. He said before exiting the car, he placed his gun on the floor board just under his front seat. He said while he was inside of the school, his estranged wife [REDACTED] came up to him and started an argument with him. She called him several names and then told him she was going to call her attorney. He said he followed her out to her vehicle and as she got in her white Mercury Sable and attempted to leave, he tried to talk to her. He said she told him he was a "traitor and a liar" and then closed the door. Carlos said he told her he wanted to talk to her and when she would not open the door, he pointed his finger at her and told her he would break the window if she did not listen to him. He said he poked at the window two or three times in an attempt to get her to open the door but she refused. He then walked away from the car when began backing out of the parking lot.

Carlos said he walked over to Samuel Lopez (R) after leaving his estranged wife and spoke with him. He said he told Samuel that someone called his wife and told her he was there with another woman. He said Lopez asked him if he had a gun and he told him that he did but it was not on him, it was in the car. He asked Lopez if he wanted to see it and was told "no". While he was talking to Lopez the Sheriff's Office arrived so he walked over to his vehicle.

D/S Richard Sheiman (4963) made contact with Samuel Lopez (R). Lopez told him that while standing in front of the school, two separate mothers of students that go to his school, came up to him. They told him there was a man in the parking lot with a gun in his hand. Lopez immediately confronted the man, later identified as Carlos Irizarry. Carlos stated to Lopez, "I was only pointing my finger". Carlos further stated to Lopez that, "He pointed his gun." Lopez said Carlos told him he had a gun and then showed it to the victim. (See D/S Sheiman's Supplement.)

D/S Sheiman also spoke with Amneris Perez (W-1) who told him she was walking in the parking lot after the graduation when she observed a white car attempting to pull away from a man standing next to it. She then observed the defendant pointing a black handgun at the driver's window and tapping the glass. When the car drove away the defendant started walking back towards the front of the school. She said she saw the defendant carrying the handgun by his waist. She then ran back into the school where it was safe. She said she was positive the item he had in his hand was a gun.

D/S Sheiman then spoke with Maria Castellano (W-2) who said she was getting ready to walk to the parking lot when she heard a man and a woman arguing. She followed them and saw them as they got to a white vehicle where the argument became very heated. The female got into the vehicle and tried to close the door but the defendant would not allow her to. She then saw the door slam shut and then saw a black object in his hand, tapping it on the window. She heard the defendant tell the woman that if she drove away, he would shoot her. Maria was not able to positively identify the black object in the defendant's hand as a hand gun but because she heard him say he would shoot her, she believed it was. She then ran into the school for safety.

Carlos was advised he was under arrest for Aggravated Assault with a Firearm: Domestic Violence.

Approximately five minutes after placing Carlos in my patrol car, he complained of being hot and was having trouble breathing. Orange County Fire Rescue 55 responded and transported Carlos to Dr Phillips Hospital for treatment. He was released and transported to BRC without incident.

The Sworn Statement from Carlos was included with this report. The listed Glock 27 was placed into evidence.

It should be noted that Carlos and his estranged wife [REDACTED] have been married for 33 years. There has not been any prior incidents of Domestic Violence reported in the past between Carlos and [REDACTED]

An attempt was made to contact [REDACTED] via the phone with negative results. All the necessary Domestic Violence paperwork was completed and included with this report.