

FILED
IN THE BENTON COUNTY DISTRICT COURT, BENTONVILLE DIVISION
AFFIDAVIT OF PROBABLE CAUSE TO OBTAIN A WARRANT

STATE OF ARKANSAS
(City of Bentonville)

2019 AUG -7 P 1:36

PLAINTIFF

VS:

JENNIFER LOPEZ-JONES
DISTRICT COURT CLERK
BENTONVILLE, AR

CATHY C. CASTO
W/F; DOB: 02/08/1959
AR DL [REDACTED]

DEFENDANT

FACTS CONSTITUTING PROBABLE CAUSE

Comes now Detective Sergeant Kris Moffit, of the Bentonville Police Department, and under oath doth state:

On June 27th, 2019, the Bentonville Police Department received a Child Abuse Hotline Report regarding a physical abuse at a daycare. According to the hotline narrative, the alleged victim was identified as a 4-year-old female named KS. KS attends the Bright Beginnings Daycare located at 2306 SW D Street in Bentonville. The alleged offender was identified as the daycare's administrator, Cathy Casto.

On June 26th, the anonymous caller reported to the hotline that KS was not listening and having an "episode". Cathy put KS in a "choke hold" and took her out of the classroom into the hallway. The reporter stated that KS's feet were not touching the ground because of the choke hold Cathy had on KS. The reporter stated that KS was stating, "Ouchy ouchy, you're hurting me".

A forensic interview was scheduled for KS at the Benton County Children's Advocacy Center for June 27th, 2019 at 1500 hours. During the interview, KS made no disclosures of abuse.

Afterwards, an interview was conducted with KS's guardian. The guardian reported that KS had a scratch on her neck and said KS disclosed that Cathy caused the scratch.

On June 28th, Detective Jerrod Wiseman conducted an interview with Cathy Casto and her assistant director. He informed Cathy that he was conducting a criminal investigation and informed her that she was the suspect. Detective Wiseman informed Cathy that she was not under arrest and she could stop the interview at any time, and she understood.

During the interview, Cathy stated that KS has been a "handful" since her first day of school. KS was completely out of control, jumping from table to table and was throwing things. Cathy said that during nap time, she stepped into the classroom to help get the children to calm down. There were two other teachers present. KS refused to calm down by screaming and laughing. She was also telling all three teachers that they were "stupid" and "I don't have to do what you tell me". Cathy said that it was clear that KS was not going to calm down, so she brought her to the office to separate her from the other kids because it was nap time.

Cathy demonstrated how she grabbed KS. Cathy said that KS was sitting in a chair and was "thrashing around". Cathy demonstrated the hold by reaching over KS's chest and grabbing under her arm pit area. Cathy said that KS was grabbing her arm and denied carrying KS or any other child by the neck.

Detective Wiseman reviewed the surveillance video of the incident. The video was consistent with Cathy's statement as far as describing KS's actions. When Cathy came into the room, she put KS's socks and shoes on while KS was on her back. As soon as Cathy turned her head, KS quickly got out of her cot and ran to a nearby chair. KS took off her shoes and threw them on the ground. Cathy noticed that KS was not in her bed and the video depicted Cathy quickly grabbing KS with both hands. Since KS was sitting down, one of her arms crossed over KS's chest, while the other one was supporting KS. She quickly walked toward the door and likely, her supporting hand came off KS to open the door.

The next camera view was the hallway and Cathy continued walking with KS's feet dangling above the floor with her arm across the top of KS's chest. Cathy's arm appeared to be near or on KS's neck. The video also depicted KS reaching up to Cathy's

arm as she was toward the front office/lobby door, which is approximately 12 feet away from the door of the classroom she had just exited.

The last camera shot was Cathy going into the lobby area with the same hold on KS. This camera angle depicted that Cathy's forearm was closer or actually over KS's throat. Cathy stated that KS remained in the office until she calmed down.

Detective Wiseman reviewed photographs of the scratch on KS's neck. Based on the video footage, it is unclear how or when the scratch on KS's neck occurred.

On July 2nd, Detective Wiseman spoke with three identified adults that were seen in the video. The first person stated she was sitting on the bench in the lobby when Cathy came into the lobby with KS. She stated her head was down and she didn't hear KS say anything. She also said Cathy would never hurt a child.

The second and third person both stated they didn't believe Cathy hurt KS and did not see Cathy grab KS by the throat. Both people were inside the classroom when Cathy came into the room to address the situation with KS.

On July 3rd, Detective Wiseman spoke with another identified woman who stated she was in the lobby when Cathy walked into the lobby with KS. She said when Cathy walked in, Cathy's hand was over KS's mouth. However, after Cathy entered the office and closed the door, she heard KS yelling that Cathy was "hurting" her. She reported she has not seen Cathy be inappropriate with any other children.

Based on the foregoing, I request that a warrant be issued for Cathy C. Casto for committing the offense(s) of, Assault in the Second Degree (5-13-206) (Class B Misdemeanor).

I swear that the allegations contained herein are the truth, the whole truth, and nothing but the truth.

Witness my hand this 7th day of August, 2019.


Detective Sergeant Kris Moffit
Bentonville Police Department

