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CASE NUMBER: FR-2021-CR-000129
SEALED: 5/17/2021

AFFIDAVIT

Agency: Franklin County Sheriff's Office
Case Number: Agency # F2021-00449

FILED
MAY 24 2021
CLERK OF THE DISTRICT COURT

STATE OF KANSAS, COUNTY OF FRANKLIN
DATE: 05/14/2021

I, Detective Hargesheimer, a duly commissioned law enforcement officer in the State of Kansas, being first duly sworn on oath, says that I have reason to believe as follows:

1. That the following crime(s):

    1. **Battery in violation of KSA21-5413(a)(2)**
    2. **Battery in violation of KSA21-5413(a)(2)**

The person(s) alleged to have committed said crime(s):

Mark Samsel, [redacted]

2. The act(s) described in this affidavit occurred in Franklin County, Kansas
3. This application and affidavit are based on the following facts

On 04-29-2021 I, Detective Hargesheimer, the Affiant, was notified and asked to assist Wellsville Police Department in an investigation. I later found the investigation involved a substitute teacher, Mark Samsel battering and abusing [redacted] I responded to Wellsville High School and spoke with [redacted] in a conference room. Present in the room was Lt. Lasswell and by [redacted] parents request Principal Josh Adams.

I first introduced myself as a Detective with the Franklin County Sheriff's Office. I then asked him if he knew why I wanted to speak with him. He stated he knew it was about what happened during 5th period on 04/28/2021. I then asked him to tell me all about 5th period on that date.

[redacted] stated he arrived to the art class room at approximately 11:18 AM and saw Mark Samsel as the substitute teacher. He said, "What's up Mark?" and then went to his seat. He stated after class began, Mark began talking about God the Devil, the wrath of God and how rap music is wrong and the kids should listen to other types of music. Mark then began talking about how a black boy he knows tried to commit suicide. [redacted] stated he started listening to Mark about the

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suicidal boy and then didn't want to hear it again for the fourth time, so he put his ear buds in. [redacted] stated the class was scared but didn't show it. He also stated they felt confused and did not know what to do.

[redacted] then walked across the room and began talking to a friend in the class. He stated Mark kept yelling about everything. [redacted] stated he began talking to another kid in class and Mark told [redacted] not to talk when he's talking because [redacted] did not have the floor. At approximately 11:25 AM, Mark then threatened [redacted] with holding hands with another boy from class and go outside to walk around the track. [redacted] ignored him. He and [redacted] and several other kids from class went outside through a door in the classroom that leads directly outside the building. The kids then spoke about what was going on in the classroom and then after approximately 5 minutes, went back inside the class room.

[redacted] stated he stood in the classroom for approximately 5 minutes after reentering the room. Mark, while standing directly in front of [redacted] grabbed [redacted] shoulders with both hands and shoved him against the wall. [redacted] took Mark's hands and threw them off of him. [redacted] was able to free himself from Mark's grip. [redacted] then ran to the other side of the room, jumped over a table, and sat down in his seat. I asked [redacted] how Mark acted, what his mood was like, when he was throwing him into the wall. [redacted] stated Mark seemed mad but also as though he was "playing around". He stated he pushed him into the wall "pretty hard". I asked [redacted] why he ran around the room after Mark pushed him into the wall. [redacted] stated he did not want to be touched, he was scared of what just happened and wanted to get away from Mark. This was the first time during the incident [redacted] felt fear.

[redacted] stated, after he was pushed into the wall he spoke to a friend in the class, then went to talk to [redacted] again, then went to gather art supplies to work on his project. [redacted] stated he had not yet started on the project because Mark was yelling the entire time and he couldn't pay attention. Approximately 10 minutes went by after being pushed into the wall and [redacted] left his seat again. [redacted] stated Mark stepped in front of him, looked angry and as though he was "going to do something to me" and told [redacted] he was going to kick him in the "balls". [redacted] stated he ignored this threat because he did not believe a teacher would ever do that. [redacted] then

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stated approximately another 10 minutes went by when Mark kicked him in the testicles with his right foot, but [redacted] moved back in an attempt to dodge the strike. [redacted] stated the kick did strike him in the testicles hard enough that he winced over in pain. He stated he was confused, in pain and had to catch his breath before returning to his seat. He stayed in his seat for approximately 10 minutes before he left the class room by his own accord, at approximately 11:50 AM, and waited for the period to end, at 12:05 PM, in the hallway.

[redacted] then showed me and allowed me to take photos of his injuries. There was a mark that could be described as "road rash" approximately the size of a golf ball on his right shoulder blade. There was also a scratch on his left shoulder blade that seemed to travel across his shoulder from the outside and towards his spine. This scratch was approximately 3-4 inches in length. [redacted] stated after the incident his back and his testicles were in pain. He stated it took approximately 10-15 minutes for the pain to subside.

[redacted] then showed me a video on his phone that [redacted] sent him. The video showed Mark grabbing [redacted] and pushing him into the wall and stating "I'm going to unleash the wrath of God on you right now." It then showed [redacted] breaking free from Mark and running away screaming.

On 04-29-2021 at approximately 1:24 P.M. I responded to Mark Samsel's home address with Sgt. Vega and Deputy Rivers. There we contacted Mark and informed him he was being detained and being taken to the Sheriff's Office for an interview.

Once at the Sheriff's Office Mark was placed in interview room 1. I informed Mark he was detained at that point and not free to leave. I then read Mark his Miranda Warnings verbatim from my agency issued card. Mark verbally stated he understood his rights. I then asked if he still wanted to speak with me. Mark stated, "Sure". He then stated he was interested as to what would make my life easier, "Because I'm pretty good and I could talk to you." He then stated he didn't want to waste my time with a long story. He stated he had nothing to hide and would tell the full truth. He then asked what I wanted to do. I told him I wanted to speak with him. He then agreed to speak with me.

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After Mark spoke about several different things, Mark then realized he was rambling and asked if I wanted him to skip to what happened during 5th period. I asked him to go ahead and talk about 5th period. Mark then stated the students were comfortable with him and began joking around with him. He also stated he did not know who was bringing charges against him but assumed there were several that did not like what he had to say that day. He then said there was one young man, he was still unwilling at this point to say [redacted] name, that he threatened to call Mr. Adams, the principal, several times on but he thought Mark was joking. I then left the room to get Mark something to drink. When I returned I asked him to use the kids names if he knew them. He then said, "My man, [redacted] was the one that from the moment he walked in the door was high strung and kept breaking my one rule." He stated he was being a "goofball" the entire class. He stated the entire class had to be reminded about his rule but "my bud, Mr. [redacted]" broke the rule the entire class.

Mark stated he threatened to call the principal numerous times about [redacted] behavior but due to the phone being all the way across the room, he never called. He stated he did tell [redacted] to go to the office but [redacted] didn't listen. He then told [redacted] he was disturbing his class and not following his rule so he wanted him to go to the office, [redacted] ignored him again. He then told [redacted] that if he is going to continue being a "goofball" he has 2 options. Either sit down and do his work or go outside and sit alone on the bench. [redacted] would go out the door a little way and then come back in. Mark said he told [redacted], "You're leaving me at wit's end." He then gave [redacted] another ultimatum and told him to go outside or Mr. Adams will be called. [redacted] then left the class room for 5-10 seconds and came right back into the classroom and continued not to follow instructions.

Mark then stated, "At this point I probably should have called Mr. Adams, but I didn't because the phone was all the way at the other end of the room and that's probably an excuse." He then stated the thing that popped into his mind is the same thing that his coaches use to do. He stated if a kid got out of line they would make the kids hold hands a walk a lap around the gym. Mark decided he would make [redacted] hold hands with [redacted] and walk a lap around the track if he continued to not do what he was told. He then threatened this punishment to [redacted]. He demonstrated to me, as he did to [redacted], by clasping his own hands together, palm facing palm, fingers not laced. [redacted] did not like the idea of holding hands with [redacted] but continued to

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break the rules. Mark explained they refused to hold hands to walk a lap. He then asked [redacted] for assistance in controlling the students because she is responsible. He stated he told [redacted] was to friendly and did not believe he was serious and asked her to have the boys hold hands and walk a lap. He then stated that at this point he started losing his temper a little bit. He then started raising his voice until another teacher, [redacted] came into the room. [redacted] asked Mark if everything was ok. Mark told him no and pointed at [redacted]. [redacted] then yelled at [redacted] to get in line several times. [redacted] then began behaving until shortly after [redacted] left the room.

Mark stated again that the students had him at "wits end". He then gave [redacted] another ultimatum to either go outside and stay outside or he was going to call Mr. Adams. [redacted] and [redacted] then walked outside, holding hands for 2 or 3 minutes. When the boys returned to the class, they were both carrying dandelions. The boys both walked up to Mark and stuck the dandelions in Mark's face. He then addressed [redacted] first and said, "[redacted] please." [redacted] then sat the weed down and went to his seat. [redacted] continued to put the weed in Mark's face. [redacted] then was face to face with Mark. Mark demonstrated this by clapping his hands together as though the two face were touching one another. Mark stated he was not scared but did not want [redacted] in his personal space. He then stated he told [redacted] to give him some space and that he has reached the point where Mr. Adams needed to be involved.

Mark then looked at the ceiling and told me he wanted to get this right. He then said, "I think he stepped into me and I think he bumped me." Mark then stated, "I barely grabbed him, firmly, but enough, right by the shoulders. He then stated he said "[redacted] stop. Give me my space." Mark was demonstrating what he did while he spoke. He had his arms fully extended and looked as though he was holding something in each hand. He then stated he, "as gently as I could put him right there." As he said this he turned his upper body towards the right and to the wall. As his hands got close to the wall he released his grip as if he let go of something. Mark then stated he has heard that [redacted] has a bruise on his back. He then stated, "I would honest to God never do anything to hurt him." Mark thought maybe [redacted] bruises "softly" but "God works in mysterious ways."

Mark stated after that "episode" was over he "thinks" he told [redacted] to go to the office. Mark stated he walked away from [redacted] but [redacted] followed. Mark stated he told [redacted], "This isn't

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funny anymore and you're gonna make me lose a gasket and I'm already about there." [redacted] then stood right next to Mark again. Mark demonstrated the closeness by clapping his hands together. He then stated he asked [redacted], what do you think your dad or your brother [redacted] would do if this was you?" Mark looked as though he was searching for the right words. He continued his statement to [redacted], "What do you think they would do?" He then stated he thinks he said, "They would kick you in the butt or something." [redacted] thought it was funny so Mark told him he needs to get away from him or go to the office.

[redacted] then got back into Mark's face. Mark again demonstrated this by putting his hands together as if two faces were touching. Mark stated, "At first I backed away." He told [redacted], "[redacted], this is not funny and if you come at me one more time, I'm going to do what your own dad would do and what I've told you I'm going to do probably 2 or 3 times now." He then stated [redacted] did it again and he bumped Mark. Mark then demonstrated a kick and stated, "I barely did this. And I told him that actions have consequences, I'm not joking around." Mark then stated, "I did not kick the young man, I did not strike him. I did it just enough to…and I don't even know if I made contact with you to be honest."

Mark then stated, "and he, of course, embellished it, and he, if you've seen any soccer games recently, where, especially our international friends, take a foul and drop to the floor. He embellished the heck out of it." He stated when [redacted] got back up he asked if he was ok and then asked him if he needed to go to the nurse. [redacted] stated he was ok and did not need the nurse. Mark asked him several times if he was sure. He then asked [redacted] if he would like to go sit down at his desk and do his work. He thinks [redacted] did just that after a few minutes. Mark stated, "I probably made an inappropriate joke but I was at wits end." He stated that within seconds of that happening, he was removed from the class room.

I first commented on [redacted] behavior. Mark then began speaking about, [redacted] family, how he normally acts, baseball, playing cards, and then stated that [redacted] mom, "Momma bear" is charging him. He then started guessing what his charges would be. He guessed it would be "assault and battery" and stated that in reality, "It was self-defense."

I then cleared the air with Mark by telling him that neither [redacted] nor his parents reported the incident. I then told him that it was the multitude of videos that caused everyone to intervein. Mark stated he saw the video and knows what it was. I then asked Mark if he remembered what

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he said to [redacted] when he put him into the wall. Mark replied, "Something about the wrath of God." I then explained [redacted] injuries. Mark's reply was, "God works in mysterious ways." I then asked Mark if he feared for his safety when [redacted] was in his face or was bumping him. Mark looked as though he was thinking intently and stated, "Fear would be to strong of a word. The only thing I fear is God." He also stated he did not know what [redacted] was going to do though.

Mark then stated, "This is going to sound super weird." He then began explaining, [redacted] girlfriend, "Took a video that is going to look crazy to the world." Mark stated that just before the second "episode" with [redacted], the girl had her phone out and Mark could tell she was recording. The girl then "winked" at Mark. Mark stated he did not believe the girl was going to use the video against him but rather for "a higher purpose". He then stated, "Even though I didn't want to do any of the things I did right there and this what's going to end me up in a manic hospital probably, because it has all the appearances of a psychotic episode, or manic episode [redacted]." Mark stated he understood this shouldn't have happened especially not in school but after he warned [redacted] several times (Mark raised his foot up as if he was going to kick something), he stated, "I had a crystal-clear moment, and I swear to God and the camera, that God said "Yes" that is what I was supposed to do." I then clarified that God told him that was what he was supposed to do. Mark stated, "That's going to get me into trouble isn't it? Yes, it is."

I then asked about [redacted] behavior again. I told Mark he has described [redacted] as being Goofy and silly through out the interview. Mark stated, "Adjectives I could use would be, disruptive, disobedient, goofy. He was being a kid, a teenager in a public-school setting." I asked if he felt as though [redacted] showed any anger or aggression. Mark stated, "Anger, no. Aggression, a little." He went on to explain that [redacted] would probably consider him to be a close friend. So, he believed [redacted] was acting as he would as a teenager with a close friend or his dad, "Which is more of what it was. In a public-school setting."

I then asked how he felt during 5th hour, to describe his "adjectives". He stated, "Happy, sad, stretched to my limit the more [redacted] was doing [redacted], exhausted. I asked exhausted with what, if he exhausted his patience. Mark stated he did not break his patience because he could

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have not done what he did. I then asked why he did it then. Mark pointed to the ceiling. I then asked him if God told him to put his hands on the child. Mark stated, "Twice." He then described the second "episode" where the girl winked at him, nodded her head as if to say, "go do it". He stated he knew it was wrong and he shouldn't do it, he stated he did not want do it. He stated, "The whole world is telling me not to do it, God said, Yes." Mark believes this was God's plan.

I asked Mark what words he used to tell [redacted] what he was going to do to him. Mark stated, "I said, [redacted], I'm going to kick you in the balls. Or the nuts. And I said it about three times over the course of 5-10 minutes." I asked if he said "Balls or the nuts." He said, "I don't know. Probably both." He stated he said it multiple times and, "He was crystal clear as to what I said." He stated he verbally asked [redacted] if he understood that if he got in his face again he was going to "kick him in the balls". He stated [redacted] stated, "Yeah."

Mark stated when he kicked [redacted] it was more like "sarcasm, not a kick or a strike or anything like that" but [redacted] was putting on a show, down to the ground he goes. [redacted] then "popped back up, laughing and thought it was funny, "Swear to God on the bible."

I broke contact shortly after and Mark was transported to the FRCO Adult Detention Facility.

On 05-08-2021 I interviewed [redacted] at the Sheriff's Office located at 220 S. Beech St. in Ottawa KS. Present during the interview was [redacted] mother [redacted].

I asked [redacted] to tell me about class the day of the incident. [redacted] stated when she arrived to class Mark Samsel was playing music. As the bell rang Mark told the class that it's going to be "the most uncomfortable class of your life." I asked [redacted] what that meant to her and she did not know what it meant. [redacted] then spoke about [redacted] asking Mark about the project he was working on. [redacted] felt as though [redacted] was attempting to get his work done. She then stated, Mark kept pushing and grabbing [redacted] and being very "touchy" with him.

[redacted] stated at this time during the class, she became annoyed and asked Mark why he was being loud and disruptive. [redacted] stated she was sitting down next to [redacted] when she asked the question to Mark. Mark came over to her, bent over, placed his hands on his knees and got into [redacted] face. Mark then said something to the effect of, "If I don't do this do you think they'll get it through their thick skulls?"

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Mark then got even closer to [redacted] face and grabbed her by the shoulders. She stated Mark was not aggressive when he grabbed her, he left no marks or injuries on her person. Mark, while holding [redacted] shoulders, asked her, "Do you have mental problems?" he further asked her if she was suicidal. I later asked [redacted] how she felt when Mark was in her face. [redacted] immediately replied, "Scared." She stated she has [redacted] and does not like people grabbing her. I asked what exactly made her scared. She stated she thought Mark was going to hurt her.

Mark also made a reference to "those two in the corner", speaking about her and [redacted], "could be making out." It was at this time [redacted] was feeling very uncomfortable and asked [redacted] if he wanted to go take a walk with her, the two then left the room.

When [redacted] and [redacted] returned to the room, she stated it was quiet. Mark was still speaking about God and the devil. Mark was also asking "everyone in the room" if they were suicidal. Shortly after this point the class ended.

I verify under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed: 05/14/2021

Detective W. Hargesheimer,
Franklin County Sheriff's Office

Subscribed in my presence and sworn to before me this 14th day of May, 2021.

NOTARY PUBLIC - State of Kansas
VICKIE ECKARD
My Appt. Exp. 9-15-23

Vickie Eckard

Notary Public

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