

7th. Judicial Circuit 707
Charging Affidavit - Volusia

ELS 1029-1034

Arrest # _____ Bk # _____ Pg # 1 of 2

ARREST <input type="checkbox"/>	NOTICE TO APPEAR <input type="checkbox"/>	AFFIDAVIT <input checked="" type="checkbox"/>	C.C. <input type="checkbox"/>	ADULT <input type="checkbox"/>	JUVENILE <input type="checkbox"/>	Court Case Number: 2013 31011 mmsB
(ORI) FL: FL0640100	Agency Name: DAYTONA BEACH POLICE DEPARTMENT	Agency Case Number: 120000733				
FCIC/NCIC Check? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	OBTS # _____	U.C.R. _____	Date Arrested: _____	Time of Arrest: _____		ID Number: _____
ADDRESS OF ARREST (Street, City, State, Zip): _____			Arrested By: _____		A.K.A.: _____	
DEFENDANT		NAME (Last): Szabo	(First): Stephen	(Middle): W	Sex: M	Race: W
DOB: 09-18-1982	Age: 29	Driver's Lic./ID No.: _____	State: FL	Year Expires: _____	S.S.# - _____	
Height: 5' 11	Weight: _____	Hair: BRO	Eyes: BLU	P.O.B. (City, State, Country): _____		Statement: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Scars, Marks, Tattoos: _____	Business & Occupation: _____			Citizenship: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
Probation: Yes <input type="checkbox"/> No <input type="checkbox"/>	Sexual Predator: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	English: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Deaf/Mute: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			
Address - Mailing/Permanent (STREET, APT. NUMBER): 2554 Yale Rd		(CITY): SOUTH DAYTONA FL	(STATE): FL	ZIP CODE: 32119	RESIDENCE PHONE: _____	
Address - Local (STREET, APT. NUMBER): _____		(CITY): _____	(STATE): _____	ZIP CODE: _____	RESIDENCE PHONE: _____	
Address - Other (Employer/School) (STREET, APT. NUMBER): _____		(CITY): _____	(STATE): _____	ZIP CODE: _____	BUS/SCHOOL PHONE: _____	

CHARGES	DOMESTIC VIOLENCE? Yes <input type="checkbox"/>	Attachments: Affidavit(s)? <input type="checkbox"/>	Statement(s) <input checked="" type="checkbox"/>	NTA Schedule <input type="checkbox"/>	Report <input checked="" type="checkbox"/>	Traffic Infraction(s) <input type="checkbox"/>	DUI <input type="checkbox"/>	Total Charges: 1
#1 Charge: Battery Touch/Strike	FEL <input type="checkbox"/> MISD <input type="checkbox"/> ORD <input checked="" type="checkbox"/>	FS/ORD: 784.03(1)(A)1	Citation No.: _____	Bond: _____				
#2 Charge: _____	FEL <input type="checkbox"/> MISD <input type="checkbox"/> ORD <input type="checkbox"/>	FS/ORD: _____	Citation No.: _____	Bond: _____				
#3 Charge: _____	FEL <input type="checkbox"/> MISD <input type="checkbox"/> ORD <input type="checkbox"/>	FS/ORD: _____	Citation No.: _____	Bond: _____				

CO-DEFENDANT	Co-Def #1. Arrested? Y <input type="checkbox"/> N <input type="checkbox"/> Fel. <input type="checkbox"/> Misd. <input type="checkbox"/> Traf. <input type="checkbox"/> Ord. <input type="checkbox"/> NTA <input type="checkbox"/>	Co-Def #2. Arrested? Y <input type="checkbox"/> N <input type="checkbox"/> Fel. <input type="checkbox"/> Misd. <input type="checkbox"/> Traf. <input type="checkbox"/> Ord. <input type="checkbox"/> NTA <input type="checkbox"/>
#1 NAME (Last): _____ (First): _____ (Middle): _____	Race: _____ Sex: _____ DOB: _____	Age: _____
#2 NAME (Last): _____ (First): _____ (Middle): _____	Race: _____ Sex: _____ DOB: _____	Age: _____

NARRATIVE

The undersigned certifies and swears that there is probable cause to believe the above-named defendant, on the 15 day of January, 2012, at approximately 1240 a.m. p.m. at 512 Seabreeze Blvd DAYTONA BEACH within Volusia County, violated the law and did then and there:

1 did unlawfully actually and intentionally touch or strike another person, (V-1) Johnson, against his will or did intentionally cause bodily harm to that person.

2 On the above date and time DBPD officers responded to "Bishop's Tavern" in reference to some type of disturbance. Officers interviewed witnesses and attempted to interview the victim. (V-1) was then subsequently transported to Halifax Hospital after the disturbance. On 1/31/12 this writer conducted a interview with (V-1) at 129 Valor Blvd (CID). Further, (V-1) explained that he was at the bar and approached a witness (Martinelli) to dance with him. (V-1) relayed he grabbed Martinelli's hand and proceeded to the dance floor. While dancing with Martinelli, (V-1) suddenly fell to the floor after being struck in the left side of his face. (V-1) explained that he could not tell how he was struck in his face but did see club management holding back (S-1) Szabo.

3 (V-1) stated that he did not provoke the fight with (S-1) and that Martinelli walked voluntarily to the dance floor with him. (V-1) told this writer that he was provided (S-1)'s name from friends and confirmed his identity via Facebook profile photo. (V-1) stated that he does wish to prosecute in this case. The interview was recorded to DVD and a copy was submitted into evidence. Photographs of the victims injuries were also submitted into evidence by this writer. An interview was also conducted with witness (Cummings) at DBPD. Cummings explained that (V-1) was dancing with several people and noticed that he suddenly fell to the floor. Cummings told this writer that (V-1) did not provoke a fight nor did he grab on any females with his hands. The interview was recorded to DVD and a copy was submitted into evidence. This police report also contains a conflicting statement of the incident from a witness on 1/26/12.

NOTICE TO APPEAR	MANDATORY APPEARANCE <input type="checkbox"/>	YOU NEED NOT APPEAR IN COURT BUT MUST COMPLY WITH INSTRUCTIONS ON THE REVERSE SIDE OF YOUR COPY <input type="checkbox"/>	FINE, AND COSTS AMOUNT: _____
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I AGREE TO APPEAR IN COURT HEREIN TO ANSWER THE OFFENSE CHARGED OR TO PAY THE FINE INDICATED, I UNDERSTAND THAT SHOULD I WILLFULLY FAIL TO APPEAR BEFORE THE COURT AS REQUIRED, OR PAY THE LISTED FINE, I MAY BE HELD IN CONTEMPT OF COURT AND A WARRANT FOR MY ARREST WILL BE ISSUED.

SIGNATURE OF DEFENDANT: _____	Date: _____	RELATIONSHIP TO JUVENILE: _____	FILED IN THE OFFICE OF THE CLERK OF THE JUDICIAL CIRCUIT COURT VOLUSIA COUNTY FLORIDA
Sworn to and subscribed before me, the undersigned this <u>15</u> day of <u>February</u> , <u>2012</u>	Name: <u>[Signature]</u>	I swear/affirm the above statements are correct and true	OFFICER'S/COMPLAINANT'S SIGNATURE: <u>Det. M. Mehalko</u>
Notary Public <input type="checkbox"/> Law Enforcement or Corrections Officer <input checked="" type="checkbox"/>	Personally Known <input type="checkbox"/> Produced Identification <input type="checkbox"/>	Type of Identification: _____	MEHALKO, MATTHEW D58193 NAME (PRINTED) ID NUMBER
OFFICIAL USE ONLY		Inmate Number & Facility: _____	JUL 3 2013 FEB 16 REC'D

STATE VS.

Name (L,F,M):

DOB:

Court Case Number:

FIRST APPEARANCE DATE: _____

The defendant was advised of his/her rights and furnished a copy of the complaint.

Defendant () requested and was appointed a Public Defender after being found indigent.

Defendant () not indigent, has or will retain _____ as counsel.

The Court has examined the sworn complaint and finds:

CHARGE			
Probable Cause Found			
PC Undet. - 72 hours			
PC Undet. - 96 hours			
Insufficient PC			
BOND SET AT			
ROR			
PTR			
Other			

ASA: _____ PD _____

Plea: _____

Sentence: _____

Notes: _____

Type of Supervision:

() Supervised Release

() Electronic Monitoring - May require defendant to pay for use of monitoring equipment

Special Conditions:

() No contact with the alleged victim(s), witness(es), & co-defendant(s)

() No violent contact with the alleged victim(s) _____

() Do not consume illegal drugs

() Do not consume alcohol

() Submit to urinalysis tests for illegal drugs and/or alcohol

() Substance abuse assessment

() Participation in appropriate substance abuse treatment

() _____

Judge

Witness/Victim/Evidence Form 707-A

Arrest
 Affidavit
 Notice to Appear
 Adult
 Juvenile

Court Case Number: 120000733

Page # 3 of 3

Defendant (Last) Name: Szabo		(First) Stephen	(Middle) W	Agency Case Number: 120000733	
Name: (Last) Johnson	(First) Keith	(Middle) Ryan	Vic Wit <input type="checkbox"/>	Race: W	Sex: M <input checked="" type="checkbox"/> F <input type="checkbox"/>
Address (#, Street, City, State): 1715 Victory Palm Dr EDGEWATER FL		Zip: 32132	Home Phone: (407) 756-3110		Statement: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Bus/School Address:		Zip:	Bus Phone:		Phone:
Relative/Contact Name		Relative/Contact Address:		Phone:	
Name: (Last) Marshlack	(First) David	(Middle)	Vic Wit <input checked="" type="checkbox"/>	Race: W	Sex: M <input checked="" type="checkbox"/> F <input type="checkbox"/>
Address (#, Street, City, State): 512 Seabreeze Blvd DAYTONA BEACH FL		Zip: 32118	Home Phone: (727) 433-2222		Statement: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Bus/School Address:		Zip:	Bus Phone:		Phone:
Relative/Contact Name		Relative/Contact Address:		Phone:	
Name: (Last) Stavris	(First) Stephen	(Middle)	Vic Wit <input checked="" type="checkbox"/>	Race: W	Sex: M <input checked="" type="checkbox"/> F <input type="checkbox"/>
Address (#, Street, City, State): 512 Seabreeze Blvd DAYTONA BEACH FL		Zip: 32118	Home Phone: (386) 341-1444		Statement: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Bus/School Address:		Zip:	Bus Phone:		Phone:
Relative/Contact Name		Relative/Contact Address:		Phone:	
Name: (Last) Butterback	(First) Joanne	(Middle)	Vic Wit <input checked="" type="checkbox"/>	Race: W	Sex: M <input type="checkbox"/> F <input checked="" type="checkbox"/>
Address (#, Street, City, State): 223 N Hollywood Av #1 DAYTONA BEACH FL		Zip: 32118	Home Phone: (352) 430-7900		Statement: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Bus/School Address:		Zip:	Bus Phone:		Phone:
Relative/Contact Name		Relative/Contact Address:		Phone:	
Name: (Last) Martinelli	(First) Megan	(Middle)	Vic Wit <input checked="" type="checkbox"/>	Race: W	Sex: M <input type="checkbox"/> F <input checked="" type="checkbox"/>
Address (#, Street, City, State): 822 Bayridge Lane PORT ORANGE FL		Zip: 32127	Home Phone: (386) 366-3945		Statement: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Bus/School Address:		Zip:	Bus Phone:		Phone:
Relative/Contact Name		Relative/Contact Address:		Phone:	
Name: (Last) Cummings	(First) Megan	(Middle) Denise	Vic Wit <input checked="" type="checkbox"/>	Race: W	Sex: M <input type="checkbox"/> F <input checked="" type="checkbox"/>
Address (#, Street, City, State): 549 Hamlet Drive PORT ORANGE FL		Zip: 32127	Home Phone:		Statement: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Bus/School Address:		Zip:	Bus Phone:		Phone:
Relative/Contact Name		Relative/Contact Address:		Phone:	

EVIDENCE COLLECTED

Description of Evidence	Date Recovered	Model Serial/I.D. Number	Drug Amount
2 DVD Interviews	01-31-2012		
Owner Name (Last) (First) (Address)		(Phone)	Value
DBPD (129 Valor Blvd DAYTONA BEACH FL)		671-5100	
Photographs of Injury	01-31-2012		
Owner Name (Last) (First) (Address)		(Phone)	Value
DBPD (129 Valor Blvd DAYTONA BEACH FL)		671-5100	
Description of Evidence	Date Recovered	Model Serial/I.D. Number	Drug Amount
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Description of Evidence	Date Recovered	Model Serial/I.D. Number	Drug Amount
Description of Evidence	Date Recovered	Model Serial/I.D. Number	Drug Amount
Description of Evidence	Date Recovered	Model Serial/I.D. Number	Drug Amount
Description of Evidence	Date Recovered	Model Serial/I.D. Number	Drug Amount
Description of Evidence	Date Recovered	Model Serial/I.D. Number	Drug Amount

I certify that the foregoing is a complete list of witnesses/victims & evidence known to me.

MEHALKO, MATTHEW
Investigating Officer

D58193
ID Number

DBPD
Agency

707-A COURT COPY