

VOLUSIA COUNTY SHERIFF'S OFFICE

INCIDENT REPORT

Page 1 of 4 Pages

EVENT DATA	<input checked="" type="checkbox"/> Juvenile <input type="checkbox"/> Hate Crime <input type="checkbox"/> Gang <input type="checkbox"/> Elderly Abuse / Exploitation <input checked="" type="checkbox"/> Domestic Violence VOR <u>S - Spouse</u> <input type="checkbox"/> Endangered / Other		Agency Report Number 100014239																				
	Agency ORI Number FL0640000					Zone # 26		Telephone Handled 1. Yes 2. No 2															
	Reported: Day Sunday		Date 05-09-2010		Time (mil.) 2135		Time Dispatched (mil.) 2135		Time Arrived (mil.) 2142		Time Completed (mil.) 0300		Nature of Call (Report Type) 33 Simple or Agg Assault/Battery(UCR class)										
	Incident Type: 1. Felony 2. Traffic Felony		3. Misdemeanor 4. Traffic Misdemeanor		5. Ordinance 9. Other		Incident: Day From Sunday		Date 05-09-2010		Time (mil.) 2130		TO Day Date Time (mil.)		Occurred During: D - Day U - Unknown N - Night N								
	Offense #1 1		Type 1		Statute Violation Number 784.045(1)(A)2		Description Agg. Battery Prsn. Uses Deadly Weapon						A - Attempted C - Committed C										
	Offense #2		Type		Statute Violation Number		Description						A - Attempted C - Committed										
	Incident Location (Street, Apt. Number) 1165 S Blue Lake Av										City DELAND		Zip 32724										
	Business Name / Area Identifier			# Prem. Entered		Drug Related 0. N/A 1. Yes 2. No 0		Alcohol Related 0. N/A 1. Yes 2. No 0		Forced Entry 1. Yes 3. Attempted 2. No		Arson-Inhabited 1. Occupied 3. Abandoned 2. Unoccupied		Arson-Attempted 1. Yes 2. No									
	Location Type 01		Location Type Codes 01. Residence-Single 02. Apartment/Condo 03. Residence/Other 04. Hotel/Motel 05. Convenience Store 06. Gas Station 07. Liquor Sales 08. Bar/Nightclub 09. Supermarket 10. Dept/Discount Store 11. Specialty Store 12. Drug Store/Hospital 13. Bank/Financial Inst. 14. Commercial/Office Bldg. 15. Industrial/Mfg. 16. Storage 17. Gov't/Public Bldg. 18. School/University 19. Jail/Prison 20. Religious Bldg. 21. Airport 22. Bus/Rail Terminal 23. Construction Site 24. Other Structure 25. Parking Lot/Garage 26. Highway/Roadway 27. Park/Woodlands/Field 28. Lake/Waterway 29. Motor Vehicle 30. Other Mobile 88. Unknown 99. Other																				
	V/W Code V-Victim N-Next of Kin W-Witness O-Other R-Reporting Person		Victim/Subject Type 0. N/A 1. Juvenile 2. L.E. Officer 3. Adult 4. Business 5. Government 6. Church 9. Other		Address/Phone Type B. Business/Work C. Cell H. Home M. Message N. Next of Kin O. Other P. Pager S. School V. Vacation		Race W-White O-Oriental/Asian B-Black U-Unknown I-American Indian		Sex M-Male F-Female U-Unknown		Residence Type 0. N/A 1. City 2. County 3. Florida 4. Out-of-State		Residence Status 0. N/A 1. Full Year 2. Par. Year 3. Non-Resident										
Means of Attack F-Firearm K-Knife/Cutting Inst.		O-Other Dangerous H-Hands, Fists, Feet, Etc.		Extent of Injury 00. N/A 01. Gunshot 02. Stabbed 03. Laceration 04. Unconscious 05. Poss. Broken Bones 06. Poss. Internal Injury 07. Loss of Teeth 08. Burns 09. Abrasions/Bruises 10. No Visible Injury 99. Other Serious Injury		Domestic Violence 1. Yes 2. No		Victim Relationship to Offender S-Spouse P-Parent C-Child B-Sibling O-Other Family H-Co-Habitant Z-Other															
Offense Indicator 1. #1 2. #2 3. Both		V/W Code # V 1		V. Type 3		Nature of Call (for Victim, if different from Incident)		Name (Last/Business) (First) (Middle) Gerard Sarah Elizabeth															
Address (Street, Apt. Number) 1165 S Blue Lake Av										City DELAND		State FL		Zip 32724		Residence Phone (706) 587-2500							
Business/School/Other Address (Street, Apt. Number) Flo-Met 810 Flightline Blvd										City DELAND		State FL		Zip 32724		Address Type B		Business/School/Other Phone (386) 736-4890		Phone Type B			
Other Contact Info (Time Available, Interpreter, etc.)										Synopsis of Involvement													
If Victim Type 1, 2, or 3		Race W		Sex F		Date of Birth 08-15-1981		Age 28		Ethnicity U		Res. Type 2		Res. Status 1		Means of Attack O		Extent of Injury 10		Domestic Violence 1		Relationship S	
Offense Indicator 1. #1 2. #2 3. Both		V/W Code # O 2		V. Type 3		Nature of Call (for Victim, if different from Incident)		Name (Last/Business) (First) (Middle) Wines Justin Aaron															
Address (Street, Apt. Number) 1410 Windy Knoll Ln										City DELAND		State FL		Zip 32724		Residence Phone (386) 527-8700							
Business/School/Other Address (Street, Apt. Number)										City DELAND		State FL		Zip 32724		Address Type B		Business/School/Other Phone		Phone Type			
Other Contact Info (Time Available, Interpreter, etc.)										Synopsis of Involvement													
If Victim Type 1, 2, or 3		Race W		Sex M		Date of Birth 04-20-1972		Age 38		Ethnicity U		Res. Type 2		Res. Status 1		Means of Attack		Extent of Injury		Domestic Violence		Relationship	
Offense Indicator 1. #1 2. #2 3. Both		V/W Code # O 2		V. Type 1		Nature of Call (for Victim, if different from Incident)		Name (Last/Business) (First) (Middle) Turlington Bella Reilly															
Address (Street, Apt. Number) 1165 S Blue Lake Av										City DELAND		State FL		Zip 32724		Residence Phone (706) 587-2500							
Business/School/Other Address (Street, Apt. Number) Freedom Elementary School										City DELAND		State FL		Zip 32724		Address Type B		Business/School/Other Phone		Phone Type			
Other Contact Info (Time Available, Interpreter, etc.)										Synopsis of Involvement													
If Victim Type 1, 2, or 3		Race W		Sex F		Date of Birth 08-07-2001		Age 8		Ethnicity U		Res. Type 2		Res. Status 1		Means of Attack		Extent of Injury		Domestic Violence		Relationship	
Offense Indicator 1. #1 2. #2 3. Both		V/W Code # O 3		V. Type 1		Nature of Call (for Victim, if different from Incident)		Name (Last/Business) (First) (Middle) Gerard Andre Allen															
Address (Street, Apt. Number) 1165 S Blue Lake Av										City DELAND		State FL		Zip 32724		Residence Phone (706) 587-2500							
Business/School/Other Address (Street, Apt. Number)										City DELAND		State FL		Zip 32724		Address Type		Business/School/Other Phone		Phone Type			
Other Contact Info (Time Available, Interpreter, etc.)										Synopsis of Involvement													
If Victim Type 1, 2, or 3		Race W		Sex M		Date of Birth 12-16-2007		Age 2		Ethnicity U		Res. Type 2		Res. Status 1		Means of Attack		Extent of Injury		Domestic Violence		Relationship	
Offense Indicator 1. #1 2. #2 3. Both		V/W Code #		V. Type		Nature of Call (for Victim, if different from Incident)		Name (Last/Business) (First) (Middle)															
Address (Street, Apt. Number)										City		State		Zip		Residence Phone							
Business/School/Other Address (Street, Apt. Number)										City		State		Zip		Address Type		Business/School/Other Phone		Phone Type			
Other Contact Info (Time Available, Interpreter, etc.)										Synopsis of Involvement													
If Victim Type 1, 2, or 3		Race		Sex		Date of Birth		Age		Ethnicity		Res. Type		Res. Status		Means of Attack		Extent of Injury		Domestic Violence		Relationship	

INCIDENT REPORT (CONT.)

Offense Indicator 1. #1 2. #2	3. Both	1	Subject Code S-Suspect D-Defendant	V-Victim (Missing Person)	Code	#	Subj. Type	Name (Last)	(First)	(Middle)	Race	Sex	Ethnicity																																																								
05-20-1980			29				3		Gerard			Joshua		James	W	M	U																																																				
Date of Birth			Age		To Age		Height		To Height		Weight		To Weight		Eye Color		Hair Color		Maiden Name																																																		
05-20-1980			29																																																																		
Nickname / Street Name					Place of Birth - City					County					State					Employer/Other/School					Occupation																																												
Last Known Address (Street, Apt. Number)										City					State					Zip					Address Type					Phone					Phone Type																																		
1165 S Blue Lake Av										DELAND					FL					37224					H					(706) 587-2837					H																																		
Other Address (Street, Apt. Number)										City					State					Zip					Address Type					Phone					Phone Type																																		
Driver's License State/Number										Social Security Number										Other ID Number										ID Type																																							
AL										7879157										XXXXXXXXXX																																																	
Clothing (Describe)										Scars/Marks/Tattoos (Type/Describe)										Scars/Marks/Tattoos (Type/Describe)																																																	
Hair Length /Style										Skin										Build										Facial Features										Speech/Voice										Deformity										Glasses									
If Subject:										Demeanor										Mask										Weapon Type										If Arrested:										Subject Was Already in Custody?										Warrant From:									
																																								1. Yes 2. No										2										1. This Agency 2. Other Agency									
Date of Last Contact										Date of Emancipation										Caution										Caution Reason										Personal Habits (Drugs / Alcohol)																													
May Be With:										Physical Condition:										Mental Condition:										Doctor Name:										Dentist Name:																													
Incident Type										6. Disaster										Foul Play Suspected?										Missing Before?										Fingerprints Available?										Photo Available?										Dental Record Available?									
1. Runaway										Victim										1. Yes 2. No										1. Yes 2. No										1. Yes 2. No										1. Yes 2. No																			
2. Parents										7. Voluntary										1. Yes 2. No										1. Yes 2. No										1. Yes 2. No										1. Yes 2. No																			
3. Involuntary										Adult										1. Yes 2. No										1. Yes 2. No										1. Yes 2. No										1. Yes 2. No																			
4. Disabled										8. Unknown										1. Yes 2. No										1. Yes 2. No										1. Yes 2. No										1. Yes 2. No																			
5. Endangered																																																																					
I, _____ (Printed)										_____ (Signature)										certify that I have reported the above person as a missing person; and this agency has my permission to enter this person in a statewide alert.																																																	

Offense Indicator 1. #1 2. #2	3. Both	1	Subject Code S-Suspect D-Defendant	V-Victim (Missing Person)	Code	#	Subj. Type	Name (Last)	(First)	(Middle)	Race	Sex	Ethnicity																																																								
Date of Birth			Age		To Age		Height		To Height		Weight		To Weight		Eye Color		Hair Color		Maiden Name																																																		
05-20-1980			29																																																																		
Nickname / Street Name					Place of Birth - City					County					State					Employer/Other/School					Occupation																																												
Last Known Address (Street, Apt. Number)										City					State					Zip					Address Type					Phone					Phone Type																																		
Other Address (Street, Apt. Number)										City					State					Zip					Address Type					Phone					Phone Type																																		
Driver's License State/Number										Social Security Number										Other ID Number										ID Type																																							
Clothing (Describe)										Scars/Marks/Tattoos (Type/Describe)										Scars/Marks/Tattoos (Type/Describe)																																																	
Hair Length /Style										Skin										Build										Facial Features										Speech/Voice										Deformity										Glasses									
If Subject:										Demeanor										Mask										Weapon Type										If Arrested:										Subject Was Already in Custody?										Warrant From:									
																																								1. Yes 2. No										2										1. This Agency 2. Other Agency									
Date of Last Contact										Date of Emancipation										Caution										Caution Reason										Personal Habits (Drugs / Alcohol)																													
May Be With:										Physical Condition:										Mental Condition:										Doctor Name:										Dentist Name:																													
Incident Type										6. Disaster										Foul Play Suspected?										Missing Before?										Fingerprints Available?										Photo Available?										Dental Record Available?									
1. Runaway										Victim										1. Yes 2. No										1. Yes 2. No										1. Yes 2. No										1. Yes 2. No																			
2. Parents										7. Voluntary										1. Yes 2. No										1. Yes 2. No										1. Yes 2. No										1. Yes 2. No																			
3. Involuntary										Adult										1. Yes 2. No										1. Yes 2. No										1. Yes 2. No										1. Yes 2. No																			
4. Disabled										8. Unknown										1. Yes 2. No										1. Yes 2. No										1. Yes 2. No										1. Yes 2. No																			
5. Endangered																																																																					
I, _____ (Printed)										_____ (Signature)										certify that I have reported the above person as a missing person; and this agency has my permission to enter this person in a statewide alert.																																																	

1 On 05/09/10 at 2135hrs Deputy Mott was dispatched to 1165 S. Blue Lake Ave. near Deland reference a disturbance between a husband and wife.

2

3

4 While enroute Central Communications advised the reporting party, later identified via Alabama driver's license (AL# 8325605) as Gerard, Sarah (V1) was at a neighbor's house reporting her husband, Gerard, Joshua (D1) had "trashed" their house. Additionally, Gerard (D1) had reportedly poured gasoline on Gerard (V1) and threatened to kill her dog. Gerard (V1) fled to the neighbors house with her two small children to call 911.

5

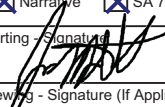
6 Gerard (V1) updated 911 stating Gerard (D1) sent her a text message stating "I will not go to jail I will kill them all."

7

8

9 When Deputy Mott was turning onto S. Blue Lake Ave. from E. Beresford Ave. Sgt. Mejias arrived and advised over the radio he was in contact with Gerard (D1) in the driveway who was armed with a gun. As Deputy Mott was arriving on scene a few seconds later Sgt. Mejias advised there

10

Final Case Status:	5	Final Case Status Codes:	1.Arrest/Adult	2.Arrest/Juv.	3.Exceptional/Adult	4.Exceptional/Juv.	5.Closed	6.Unfounded	<input type="checkbox"/> Victim Advocate	<input type="checkbox"/> Triad	<input type="checkbox"/> SA Referral		
<input checked="" type="checkbox"/> DCF Hotline	Date:		Time:		<input type="checkbox"/> FCIC / NCIC Entry		<input type="checkbox"/> T.T. BOLO		Date:		By:		
<input type="checkbox"/> CAC	Spoke With: Kim 5333		05-10-2010		0240		<input type="checkbox"/> FCIC / NCIC Cancel						
Connecting Report Number			Agency			Additional Forms Attached:							
10-14249			VCSSO			<input checked="" type="checkbox"/> Narrative <input checked="" type="checkbox"/> SA 707 <input type="checkbox"/> Persons <input checked="" type="checkbox"/> Property <input type="checkbox"/> Veh./Tow Sheet <input type="checkbox"/> Other Describe: _____							
Officer Reporting - Printed				Officer Reporting - Signature				ID. Number		Unit		Date	
Mott, Joshua								1681				05-09-2010	
Officer Reviewing - Printed (If Applicable)				Officer Reviewing - Signature (If Applicable)				ID. Number		Unit		Date	

SUBJECT / MISSING SECTION

SUBJECT / MISSING SECTION

NARRATIVE

ADMINISTRATIVE

VOLUSIA COUNTY SHERIFF'S OFFICE

NARRATIVE / SUPPLEMENT

EVENT	Report Date 05-09-2010	Report Time 2135	Orig. Reported Date 05-09-2010	Nature of Call (for Incident) 33	Agency Report Number 100014239	1.Original	2.Supplement	1
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NARRATIVE / CONTINUATION

11 were shots fired and requested rescue respond emergency.

12

13 Upon arrival Deputy Mott observed a white male later identified as Gerard (D1) face down in the driveway with a shotgun adjacent him, and Sgt.

14 Mejias covering him and giving him verbal commands.

15

16 Deputy Mott heard a female scream and observed her running towards Sgt. Mejias from the house immediately north of the location of incident.

17 This female was later identified as Gerard (V1). Deputy Mott ran to intercept her while shouting for her to stop. Gerard (V1) continued to run

18 towards the scene. Deputy Mott intercepted Gerard (V1) prior to her reaching the scene and physically restrained her as she was extremely

19 distraught. Soon after Deputy Mott was able to calm Gerard (V1) she returned to the neighbor's house with the assistance of the neighbor, Wines,

20 Justin (O1).

21

22 Deputy Mott did not play an active role in the investigation of the shooting incident. See VCSO 10-14249.

23

24 Gerard (D1) was transported to Halifax Medical Center by VCSO Airone, and was not interviewed by Deputy Mott.

25

26 Deputy Mott spoke with Gerard (V1) in the driveway of 1410 Windy Knoll Ln., the house adjacent the location of incident to the north. Gerard (V1)

27 was waiting in her van with her two small children, Turlington, Bella (O2) and Gerard, Andre (O3). Gerard (V1) advised she had been at the beach

28 with the kids during the day today. When she arrived home Gerard (D1) was upset and appeared to be drunk. Gerard (V1) attempted to calm him

29 down and tried to reason with him. When this didn't work she left with the children to give him time to calm down. Gerard (V1) returned a short

30 time later after receiving unpleasant text messages from Gerard (D1). When she pulled into the driveway Gerard (D1) "flipped" and threw a

31 television in the garage to the ground. Gerard (D1) also had caused significant damage in the kitchen, by shattering a window in the kitchen and

32 destroying its frame. Gerard (D1) also shattered the glass door of the oven with a pot. Gerard (D1) attempted to set Gerard's (V1) kayak on fire

33 by pouring gasoline on it. Gerard (V1) attempted to stop him from doing this however Gerard (D1) pushed her away. Gerard (D1) then threw

34 gasoline on Gerard (V1) and waived his cigarette at her. Gerard (V1) grabbed the gas can and threw it away, however Gerard (D1) attempted to

35 reach it again. Gerard (V1) was able to beat him to the can, however Gerard (D1) struck her in the face. Gerard (V1) fled with her children in her

36 van and went to the neighbors house to call 911. Gerard was identified via her Alabama driver's license and completed a written statement.

37 Gerard (V1) received a domestic abuse pamphlet which she signed for on a domestic violence face sheet. Deputy Mott secured a consent to

38 search of the residence from Gerard (V1).

39

40 Gerard (V1) advised she was not injured, and Deputy Mott could not observe any injuries on her. Deputy Mott did notice however that Gerard (V1)

41 smelled strongly of gasoline, concentrated in her hair and neck.

42

43 Deputy Mott spoke with Wines about the incident however he had not observed any of the commotion at the Gerard residence because of the

44 positioning of their house. The house is a significant distance away from the Gerard's, and it faces the opposite direction. Wines advised he

45 heard steps on their stairs, as their front door is on the second floor with an exterior staircase. There was then a knock on the door. When Wines

46 answered it he observed Gerard (V1) by her van asking for a telephone. Gerard (V1) appeared to be upset. While Gerard (V1) was on the phone

47 with 911 Wines was waiting outside with her when he heard three gunshots from the opposite side of the house. Wines advised he was not a

48 witness to the incident. The first police officer he observed at the scene was Deputy Mott as Gerard (V1) went running towards her house

49 screaming.

50

51 Deputy Mott surveyed the location of incident and noted a kayak on the driveway at the entrance to the garage. Deputy Mott noticed a small

52 puddle on it which smelled of gasoline. A large television was lying on its face in the driveway. The interior garage door was standing open.

53 Deputy Mott could see inside the kitchen through this door and observed a large quantity of shattered glass as well as an aluminum window frame

54 lying on the floor. Inside the kitchen Deputy Mott noted the oven door was shattered, with a large cooking pot lying on the floor adjacent it.

55

56 Deputy Bourke responded to the scene as a crime scene investigator reference the shooting incident and took digital photographs of the scene.

57 Deputy Mott was provided a compact disc containing these photographs which were remanded to VCSO Evidence.

58

59 Deputy Mott arrested Gerard (D1) reference aggravated battery. Gerard (D1) is currently admitted into Halifax Health Medical Center.

60

61 Deputy Mott contacted the Department of Children and Families to provide the information surrounding this incident. Deputy Mott spoke with

62 operator 5333.

63

64 Case status is closed, cleared by the arrest of an adult.

ADMINISTRATIVE	Final Case Status: <u>5</u>	Final Case Status Codes: 1.Arrest/Adult 2.Arrest/Juv. 3.Exceptional/Adult 4.Exceptional/Juv. 5.Closed 6.Unfounded	<input type="checkbox"/> Victim Advocate <input type="checkbox"/> Triad <input type="checkbox"/> SA Referral		
	<input checked="" type="checkbox"/> DCF Hotline <input type="checkbox"/> CAC	Spoke With: <u>Kim 5333</u>	Date: <u>05-10-2010</u>	Time: <u>0240</u>	<input type="checkbox"/> FCIC / NCIC Entry <input type="checkbox"/> FCIC / NCIC Cancel
	Connecting Report Number: <u>10-14249</u>	Agency: <u>VCSO</u>	Additional Forms Attached: <input checked="" type="checkbox"/> Narrative <input checked="" type="checkbox"/> SA 707 <input type="checkbox"/> Persons <input checked="" type="checkbox"/> Property <input type="checkbox"/> Veh./Tow Sheet <input type="checkbox"/> Other Describe: _____		
	Officer Reporting - Printed <u>Mott, Joshua</u>	Officer Reporting - Signature 	ID. Number <u>1681</u>	Unit	Date <u>05-09-2010</u>
Officer Reviewing - Printed (If Applicable)	Officer Reviewing - Signature (If Applicable)	ID. Number	Unit	Date	

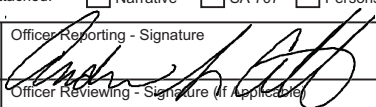
VOLUSIA COUNTY SHERIFF'S OFFICE

NARRATIVE / SUPPLEMENT

EVENT	Report Date 05-10-2010	Report Time 1444	Orig. Reported Date 05-09-2010	Nature of Call (for Incident) 33	Agency Report Number 100014239	1.Original		2.Supplement	2
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1 On 05/09/2010, at 2209 hours, Inv. Cotton was contacted by the VCISO Communications Center in reference to an officer involved shooting. Inv.
 2 Cotton requested that the Major Case on call and on call Crime Scene Unit be notified and proceeded to the scene. Upon arriving at the scene
 3 Inv. Cotton was contacted by Sgt. Combs via telephone requesting that he divert to Halifax Hospital to stand by with the suspect. While enroute to
 4 the Hospital Inv. Cotton was notified by Sgt. Savercool that they were staged on the third floor in the waiting room near the Operating room. Inv.
 5 Cotton arrived and made contact with Sgt. Savercool and Deputy Jeffries who advised that the suspect was awake and alert and complaining of
 6 pain when moved but did not make any statements before going into surgery. Inv. Cotton was contacted by SA Krafft of FDLE requesting
 7 directions to the staging area. Inv. Cotton then met with SA Krafft and advised him of the findings at the hospital at that time. Inv. Cotton stood by
 8 with SA Krafft until a nurse advised that the projectile was ready to be recovered. Inv. Cotton accompanied SA Karfft to the Operating room where
 9 the projectile and the suspect's shorts were turned over to him. SA Krafft then transported the items to the Crime Scene to be turned over to the
 10 VCISO Crime Scene Unit.
 11
 12 At 0043 hours Inv. Cotton was contacted by Sgt. Combs advising that he could secure from the Hospital. Inv. Cotton then left Deputy Jeffries
 13 standing by in the waiting room. At the time Inv. Cotton secured the suspect was still in the Operating Room.
 14
 15 No further action by Inv. Cotton. Case turned over to the Major Case Unit.

NARRATIVE / CONTINUATION

ADMINISTRATIVE	Final Case Status:	Final Case Status Codes: 1.Arrest/Adult 2.Arrest/Juv. 3.Exceptional/Adult 4.Exceptional/Juv. 5.Closed 6.Unfounded	<input type="checkbox"/> Victim Advocate	<input type="checkbox"/> Triad	<input type="checkbox"/> SA Referral
<input type="checkbox"/> DCF Hotline	Date:	Time:	<input type="checkbox"/> FCIC / NCIC Entry	<input type="checkbox"/> T.T. BOLO	Date:
<input type="checkbox"/> CAC	Spoke With:		<input type="checkbox"/> FCIC / NCIC Cancel		By:
Connecting Report Number	Agency	Additional Forms Attached: <input type="checkbox"/> Narrative <input type="checkbox"/> SA 707 <input type="checkbox"/> Persons <input type="checkbox"/> Property <input type="checkbox"/> Veh./Tow Sheet <input type="checkbox"/> Other Describe: _____			
Officer Reporting - Printed Cotton, Andrew	Officer Reporting - Signature 		ID. Number 2174	Unit 1E33	Date 05-10-2010
Officer Reviewing - Printed (If Applicable)	Officer Reviewing - Signature (If Applicable)		ID. Number	Unit	Date

**7th. Judicial Circuit 707
Charging Affidavit - Volusia**

Arrest # _____ Bk # _____ Pg # 1 of 3

ARREST <input checked="" type="checkbox"/> NOTICE TO APPEAR <input type="checkbox"/> AFFIDAVIT <input type="checkbox"/> C.C. <input type="checkbox"/>		ADULT <input checked="" type="checkbox"/> JUVENILE <input type="checkbox"/>		Court Case Number: _____	
(ORI) FL: <u>FL0640000</u>		Agency Name: <u>VOLUSIA COUNTY SHERIFF'S OFFICE</u>		Agency Case Number: <u>100014239</u>	
FCIC/NCIC Check? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		OBTS # _____		U.C.R. _____	
ADDRESS OF ARREST (Street, City, State, Zip): <u>1165 S Blue Lake Av DELAND FL 32724</u>				Arrested: By: <u>Mott, Joshua</u>	
DEFENDANT		NAME (Last) <u>Gerard</u> (First) <u>Joshua</u> (Middle) <u>James</u>		A.K.A.: _____	
DOB: <u>05-20-1980</u>		Age: <u>29</u> Driver's Lic./ID No.: <u>7879157</u>		State: <u>AL</u> Year Expires: _____ S.S.# - <u>XXXXXXXXXX</u>	
Height: _____ Weight: _____ Hair: _____ Eyes: _____		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 checked="" 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) (CITY) (STATE) ZIP CODE RESIDENCE PHONE		<u>1165 S Blue Lake Av DELAND FL 37224 (706) 587-2837</u>	
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 checked="" type="checkbox"/>		Attachments: Affidavit(s) <input type="checkbox"/> Statement(s) <input type="checkbox"/> NTA Schedule <input type="checkbox"/> Report <input type="checkbox"/> Traffic Infraction(s) <input type="checkbox"/> DUI <input type="checkbox"/>		Total Charges: <u>1</u>	
#1	Charge: <u>Agg. Battery Prsn. Uses Deadly Weapon</u>	FEL <input checked="" type="checkbox"/> MISD <input type="checkbox"/> ORD <input type="checkbox"/>	FS/ORD: <u>784.045(1)(A)2</u>		Citation No.: _____		Bond: <u>None</u>
#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 09 day of May, 2010, at approximately 0930 a.m. p.m. at 1165 S Blue Lake Av DELAND within Volusia County, violated the law and did then and there:

1 On 05/09/10 at 2135hrs Deputy Mott was dispatched to 1165 S. Blue Lake Ave. near Deland reference a disturbance between a husband and wife.

2

3 While enroute Central Communications advised the reporting party, later identified via Alabama driver's license (AL# 8325605) as Gerard, Sarah (V1) was at a neighbor's house reporting her husband, Gerard, Joshua (D1) had "trashed" their house. Additionally, Gerard (D1) had reportedly poured gasoline on Gerard (V1) and threatened to kill her dog. Gerard (V1) fled to the neighbors house with her two small children to call 911. Gerard (V1) updated 911 stating Gerard (D1) sent her a text message stating "I will not go to jail I will kill them all."

7

8 When Deputy Mott was turning onto S. Blue Lake Ave. from E. Beresford Ave. Sgt. Mejias arrived and advised over the radio he was in contact with Gerard (D1) in the driveway who was armed with a gun. As Deputy Mott was arriving on scene a few seconds later Sgt. Mejias advised there were shots fired and requested rescue respond emergency.

11

12 Upon arrival Deputy Mott observed a white male later identified as Gerard (D1) face down in the driveway with a shotgun adjacent him, and Sgt. Mejias covering him and giving him verbal commands.

14

15 Deputy Mott heard a female scream and observed her running towards Sgt. Mejias from the house immediately north of the location of incident. This

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: _____	
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 _____	
SIGNATURE OF JUVENILE PARENT OR CUSTODIAN _____		Date _____		JUVE DISP. CITATION No. _____	

Sworn to and subscribed before me, the undersigned this _____ day of _____, _____, Name: _____		I swear/affirm the above statements are correct and true		Rt Thumb _____	
Notary Public <input type="checkbox"/> Law Enforcement or Corrections Officer <input type="checkbox"/>		OFFICER'S/COMPLAINANT'S SIGNATURE			
Personally Known <input type="checkbox"/> Produced Identification <input type="checkbox"/>		<u>MOTT, JOSHUA</u>		<u>1681</u>	
Type of Identification: _____		NAME (PRINTED)		ID NUMBER	
OFFICIAL USE ONLY		Inmate Number & Facility: _____			

Narrative Supplement 707-B

Arrest
 Affidavit
 Notice to Appear
 Adult
 Juvenile

Court Case Number:

Defendant Name: (Last) Gerard	(First) Joshua	(Middle) James	Agency Case Number: 100014239
CHARGES		DOMESTIC VIOLENCE? Yes <input type="checkbox"/> Attachments: Affidavit(s)? <input type="checkbox"/> Statement(s) <input type="checkbox"/> NTA Schedule <input type="checkbox"/> Report <input type="checkbox"/> Traffic Infraction(s) <input type="checkbox"/> Total Charges:	
#	Charge:	FEL <input type="checkbox"/> MISD <input type="checkbox"/> ORD <input type="checkbox"/>	FS/ORD: Citation No.: Bond:
#	Charge:	FEL <input type="checkbox"/> MISD <input type="checkbox"/> ORD <input type="checkbox"/>	FS/ORD: Citation No.: Bond:
#	Charge:	FEL <input type="checkbox"/> MISD <input type="checkbox"/> ORD <input type="checkbox"/>	FS/ORD: Citation No.: Bond:

16 female was later identified as Gerard (V1). Deputy Mott ran to intercept her while shouting for her to stop. Gerard (V1) continued to run towards the
 17 scene. Deputy Mott intercepted Gerard (V1) prior to her reaching the scene and physically restrained her as she was extremely distraught. Soon
 18 after Deputy Mott was able to calm Gerard (V1) she returned to the neighbor's house with the assistance of the neighbor, Wines, Justin (O1).
 19
 20 Deputy Mott did not play an active role in the investigation of the shooting incident. See VCSO 10-14249.
 21
 22 Gerard (D1) was transported to Halifax Medical Center by VCSO Airone, and was not interviewed by Deputy Mott.
 23
 24 Deputy Mott spoke with Gerard (V1) in the driveway of 1410 Windy Knoll Ln., the house adjacent the location of incident to the north. Gerard (V1)
 25 was waiting in her van with her two small children, Turlington, Bella (O2) and Gerard, Andre (O3). Gerard (V1) advised she had been at the beach
 26 with the kids during the day today. When she arrived home Gerard (D1) was upset and appeared to be drunk. Gerard (V1) attempted to calm him
 27 down and tried to reason with him. When this didn't work she left with the children to give him time to calm down. Gerard (V1) returned a short time
 28 later after receiving unpleasant text messages from Gerard (D1). When she pulled into the driveway Gerard (D1) "flipped" and threw a television in
 29 the garage to the ground. Gerard (D1) also had caused significant damage in the kitchen, by shattering a window in the kitchen and destroying its
 30 frame. Gerard (D1) also shattered the glass door of the oven with a pot. Gerard (D1) attempted to set Gerard's (V1) kayak on fire by pouring
 31 gasoline on it. Gerard (V1) attempted to stop him from doing this however Gerard (D1) pushed her away. Gerard (D1) then threw gasoline on
 32 Gerard (V1) and waived his cigarette at her. Gerard (V1) grabbed the gas can and threw it away, however Gerard (D1) attempted to reach it again.
 33 Gerard (V1) was able to beat him to the can, however Gerard (D1) struck her in the face. Gerard (V1) fled with her children in her van and went to
 34 the neighbors house to call 911. Gerard was identified via her Alabama driver's license and completed a written statement. Gerard (V1) received a
 35 domestic abuse pamphlet which she signed for on a domestic violence face sheet. Deputy Mott secured a consent to search of the residence from
 36 Gerard (V1).
 37
 38 Gerard (V1) advised she was not injured, and Deputy Mott could not observe any injuries on her. Deputy Mott did notice however that Gerard (V1)
 39 smelled strongly of gasoline, concentrated in her hair and neck.
 40
 41 Deputy Mott spoke with Wines about the incident however he had not observed any of the commotion at the Gerard residence because of the
 42 positioning of their house. The house is a significant distance away from the Gerard's, and it faces the opposite direction. Wines advised he heard
 43 steps on their stairs, as their front door is on the second floor with an exterior staircase. There was then a knock on the door. When Wines
 44 answered it he observed Gerard (V1) by her van asking for a telephone. Gerard (V1) appeared to be upset. While Gerard (V1) was on the phone
 45 with 911 Wines was waiting outside with her when he heard three gunshots from the opposite side of the house. Wines advised he was not a
 46 witness to the incident. The first police officer he observed at the scene was Deputy Mott as Gerard (V1) went running towards her house screaming.
 47
 48
 49 Deputy Mott surveyed the location of incident and noted a kayak on the driveway at the entrance to the garage. Deputy Mott noticed a small puddle
 50 on it which smelled of gasoline. A large television was lying on its face in the driveway. The interior garage door was standing open. Deputy Mott
 51 could see inside the kitchen through this door and observed a large quantity of shattered glass as well as an aluminum window frame lying on the
 52 floor. Inside the kitchen Deputy Mott noted the oven door was shattered, with a large cooking pot lying on the floor adjacent it.
 53
 54 Deputy Bourke responded to the scene as a crime scene investigator reference the shooting incident and took digital photographs of the scene.
 55 Deputy Mott was provided a compact disc containing these photographs which were remanded to VCSO Evidence.
 56
 57 Deputy Mott arrested Gerard (D1) reference aggravated battery. Gerard (D1) is currently admitted into Halifax Health Medical Center.
 58
 59 Deputy Mott contacted the Department of Children and Families to provide the information surrounding this incident. Deputy Mott spoke with
 60 operator 5333.
 61
 62 Case status is closed, cleared by the arrest of an adult.

Sworn to and subscribed before me, the undersigned this _____ day of _____, _____, Name:	I swear/affirm the above statements are correct and true	Right Thumb
Notary Public <input type="checkbox"/> Law Enforcement Officer <input type="checkbox"/> Personally Known <input type="checkbox"/> Produced Identification <input type="checkbox"/> Type of Identification:	OFFICER'S/COMPLAINANT'S SIGNATURE MOTT, JOSHUA NAME (PRINTED)	1681 ID NUMBER