

FOIC/NOI CHECK YES  NO

**ARREST/NOTICE TO APPEAR  
PROBABLE CAUSE AFFIDAVIT/  
JUVENILE REFERRAL**

1. Arrest  
2. Notice to Appear  
3. Arrest Affidavit  
4. Complaint Affidavit  
5. Request for Capias  
6. Juvenile Referral

211B

1

OATS Number: **8888888888**  
 Agency ORI Number: **FL0050000** Agency Name: **Brevard County Sheriff's Office** Agency Report Number: **2016-00315012**  
 Charge Type:  1. Felony  3. Misdemeanor  5. Ordinance  2. Traffic  4. Traffic Misdemeanor  6. Other  
 Location of Arrest (Include Name of Business): **2855 Raintree Lake CIR Merritt Island** City: **Merritt Island**  
 Location of Offense (Business Name, Address): **2855 Raintree Lake CIR** City: **Merritt Island**  
 Date of Arrest: **09/16/2016** Time of Arrest: **02:20** Transport Date: **09/16/2016** Transport Time: **02:25** Jail Date: **09/16/2016** Jail Time: **04:30** Fingerprinted:  Identifcation Only  APS  Criminal  FBI Number: \_\_\_\_\_  
 Date of Offense: **09/16/2016** FOLE Number: \_\_\_\_\_ DOC Number: \_\_\_\_\_

Name (Last, First, Middle): **MC Cormack, XAVIER ERIC** Alias: \_\_\_\_\_  
 Race:  White  Hispanic/Latino  Black  Asian  Unknown  Other  
 Sex: **M** Date of Birth: \_\_\_\_\_ Height: **6'3** Weight: **217** Eye Color: **Brown** Hair Color: **Black** Complexion: **Olive** Build: **Medium**  
 Scars, Marks, Tattoos, Unique Physical Features (Location, Type, Description): \_\_\_\_\_  
 Local Address (Street, Apt. Number): \_\_\_\_\_ (City): \_\_\_\_\_ (State): \_\_\_\_\_ (Zip): \_\_\_\_\_ Phone: **(321) \_\_\_\_\_**  
 Permanent Address (Street, Apt. Number) or Parent's Name if Juv.: \_\_\_\_\_ (City): \_\_\_\_\_ (State): \_\_\_\_\_ (Zip): \_\_\_\_\_ Phone: \_\_\_\_\_  
 Business Address (Name, Street) or Parent's Address if Juv.: **860 Camp RD Cocoa, FL 32927-** (City): \_\_\_\_\_ (State): \_\_\_\_\_ (Zip): \_\_\_\_\_ Phone: **(321)690-1500**  
 Driver's License State/Number: **FL M-\_\_\_\_\_** Social Security Number: \_\_\_\_\_ INS Number: \_\_\_\_\_ Place of Birth: **New York** Citizenship: **U.S. Citizen**  
 \*Collection of social security numbers from an arrested individual is to verify identity and may be shared with other law enforcement agencies

Co-Defendant Name (Last, First, Middle): \_\_\_\_\_ Race: \_\_\_\_\_ Sex: \_\_\_\_\_ Date of Birth or Age: \_\_\_\_\_  
 Co-Defendant Name (Last, First, Middle): \_\_\_\_\_ Race: \_\_\_\_\_ Sex: \_\_\_\_\_ Date of Birth or Age: \_\_\_\_\_

Activity:  R.N.A.  R.Possess  S.Sell  B.Buy  T.Traffic  R.Struggle  D.Disturb  E.Une  K.Custodian  D.Disturb  M.Manufacture  P.Produce  C.Cannabis  Z.Other  
 Drug Type:  N.N/A  A.Amphetamine  B.Barbiturate  C.Cocaine  E.Marijuana  H.Hydrocodone  M.Marijuana  O.Opiam/Opium  P.Pseudoephedrine/Equipment  S.Synthetic  
 1. Unlawful  2. Other

Charge Description: **DUI >0.15 1st Offense OR DUI W Pers <18 in Veh 1st Offense**  
 Activity:  PC  Capias  AC  BW  FW  PW  Juv. PU  Citation  
 Counts: **1**  F.S.  Ord. Statute Violation Number: **316.193.4** Commit: \_\_\_\_\_ Violation of Section (ORD): \_\_\_\_\_  
 Bond Amount: **\$500.00** Court Number: **16-20** **16 CT 41257 XXXX XX/15**  
 Date Issued: \_\_\_\_\_  Writ. Att.  Domestic Viol. Inj.  Order of Arrest

Charge Description: \_\_\_\_\_  
 Activity:  PC  Capias  AC  BW  FW  PW  Juv. PU  Citation  
 Counts: \_\_\_\_\_  F.S.  Ord. Statute Violation Number: \_\_\_\_\_ Violation of Section (ORD): \_\_\_\_\_  
 Bond Amount: \_\_\_\_\_ Court Number: \_\_\_\_\_  
 Date Issued: \_\_\_\_\_  Writ. Att.  Domestic Viol. Inj.  Order of Arrest

The undersigned certifies and swears that he/she has just and reasonable grounds to believe, and does believe that the above named Defendant committed the following violation of law:  
 On the **16** day of **September, 2016** at **0220**  A.M.  P.M. (Specifically include facts constituting cause for arrest)  
**On the above date and time, the defendant did knowingly operate a motor vehicle while under the influence of an alcoholic beverage. A gray, 4 door, Dodge charger bearing the Florida license \_\_\_\_\_ was observed traveling northbound on North Courtenay Parkway at Florida Avenue. Prior to this intersection, the vehicle was observed traveling 67 mph in a 45 mph zone (this speed was confirmed with a department issued Stalker Dual DSR Serial #217-0293). The vehicle, due to its high rate of speed and the wet road, skid to a stop at this intersection.**  
 In accordance with F.S.S. 938.27, I hereby request reimbursement of investigative costs consisting of \_\_\_\_\_ hrs at \$ \_\_\_\_\_ per hr and/or \_\_\_\_\_ miles at \_\_\_\_\_ c per mile for a total of \$ \_\_\_\_\_. Affidavit enclosed Y  N  Continue for: Narrative  Charges

In accordance with F.S.S. 874, two (2) or more characteristics constitutes gang member; one (1) characteristic constitutes gang associate.  
 GANG MEMBER  ADMITS  ID BY PARENT  DOCUMENTED  STYLE OF DRESS  HAND SIGNS  TATTOO  KNOWN ASSOCIATE  
 GANG ASSOCIATE  ID BY PHYSICAL EVIDENCE  IN COMPANY OF MEMBERS  AUTHORIZED COMMUNICATION  ID BY INFORMANT

**Mandatory Appearance In Court**  
 Location (Court, Room Number, Address): \_\_\_\_\_  
 Time: \_\_\_\_\_ Month: \_\_\_\_\_ Day: \_\_\_\_\_ Year: \_\_\_\_\_ Time: \_\_\_\_\_  
 I AGREE TO APPEAR AT THE TIME AND PLACE DESIGNATED TO ANSWER THE OFFENSE CHARGED OR TO PAY THE FINE SUBSCRIBED. I UNDERSTAND THAT SHOULD I FAIL TO APPEAR BEFORE THE COURT AS REQUIRED BY THIS NOTICE TO APPEAR, THAT I MAY BE HELD IN CONTEMPT OF COURT AND A WARRANT FOR MY ARREST OR A TAKE INTO CUSTODY ORDER SHALL BE ISSUED.  
 Signature of Defendant/Juvenile: \_\_\_\_\_ Signature of Juv. Parent/Custodian: \_\_\_\_\_ Release to: (Name) \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_

Misdemeanor  Hold for Other Agency Name: \_\_\_\_\_  
 Adults Only  Held for First Appearance  Do Not Bond This Person  
 I swear/attest the above and attached statements are true and correct.  
**Yes**  
 Officer's/Complainant's signature: **Electronically Signed**  
 ID No./Dist: **1903** **Patrol - East**  
 Name (Printed): **Bivins Heather**  
 Sworn to subscribed before me, the undersigned authority this \_\_\_\_\_ day of **09/16/2016**  
 Signature: **Electronically Signed**  
 Print or Type Name: **Brian Otto, 0716**  
 Notary Law Enforcement Officer in Performance of Official Duties  
 Personally known  ID Produced   
 Bonding Agency: \_\_\_\_\_ Amount: \_\_\_\_\_  
 Returnable Court Date: \_\_\_\_\_ Returnable Court Time: \_\_\_\_\_  
 Court Location: \_\_\_\_\_ Page: \_\_\_\_\_ of **2**

FILED IN SHARPS  
 2016 SEP 16 AM 7:36  
 SCOTT  
 BOND

AGENCY NAME: Brevard County Sheriff's Office

**BREVARD COUNTY, FLORIDA**

NARRATIVE Continuation Page 2 of 2

AGENCY REPORT NO.  
**2016-00315012**

(Last, First, Middle)

DEFENDANT/JUVENILE: **MC Cormack, XAVIER, ERIC**

OBTS NO.  
**8888888888**

<b>CHARGE</b>	Charge Description		Counts	<input type="checkbox"/> F.S. <input type="checkbox"/> Ord.	Status Violation Number	Violation of Section (ORD)
	Act vity	Drug Type	Amount/Unit	Bond Amount	Court Number	
<input type="checkbox"/> PC <input type="checkbox"/> Capias <input type="checkbox"/> AC <input type="checkbox"/> BW <input type="checkbox"/> FW <input type="checkbox"/> FW <input type="checkbox"/> Juv. PU <input type="checkbox"/> Citation		Date Issued	<input type="checkbox"/> Writ. Att. <input type="checkbox"/> Domestic Viol. Inj. <input type="checkbox"/> Order of Arrest			
<b>CHARGE</b>	Charge Description		Counts	<input type="checkbox"/> F.S. <input type="checkbox"/> Ord.	Status Violation Number	Violation of Section (ORD)
	Act vity	Drug Type	Amount/Unit	Bond Amount	Court Number	
<input type="checkbox"/> PC <input type="checkbox"/> Capias <input type="checkbox"/> AC <input type="checkbox"/> BW <input type="checkbox"/> FW <input type="checkbox"/> FW <input type="checkbox"/> Juv. PU <input type="checkbox"/> Citation		Date Issued	<input type="checkbox"/> Writ. Att. <input type="checkbox"/> Domestic Viol. Inj. <input type="checkbox"/> Order of Arrest			

(continued)

When the traffic device turned green, the vehicle accelerated at a high rate of speed before it was observed turning on Pioneer Road from North Courtenay Parkway. While on Pioneer Road, the vehicle was observed traveling 40 mph in a 30 mph zone (this speed was confirmed with a department issued Stalker Dual DSR Serial #217-0293). Contact was made with the driver, Mr. Xavier McCormack (arrestee) who had slurred speech and was slow and lethargic in his actions. Mr. McCormack further advised that he had recently left the bar where he had consumed "a couple" alcoholic beverages. Mr. McCormack was asked to perform SFSEs, which were not performed to standard. After being arrested, Mr. McCormack provided a breath sample of .194 and .206. Detailed case report to follow.

Officer's Signature

**Electronically Signed**

Officer's Name PRINTED

**Heather Bivins, 1903**

COURT FILE   STATE ATTORNEY   SHERIFF'S RECORDS   JAIL   LAW ENFORCEMENT   DEFENDANT'S COPY