

IN THE CIRCUIT COURT
OF THE EIGHTEENTH JUDICIAL CIRCUIT
IN AND FOR BREVARD COUNTY, FLORIDA

STATE OF FLORIDA

Brevard County Sheriff's Office
Case No. CR# 22-00446803

VS.

AMENDED WARRANT

Patrick Michael Kelly

Court Case No.

AFFIDAVIT FOR ARREST WARRANT

State of Florida
County of Brevard

BEFORE ME, Agent Danielle Quinn personally came Agent Andres Nunez Badge # 4420, of the Brevard County Sheriff's Office, who being duly sworn deposes and says: that Affiant has reason to believe and does believe that probable cause exists for the arrest of Patrick Michael Kelly, D.O.B 06/19/1983, White, Male 6'2, 232 LBS, [REDACTED] LKA 2235 Framura Lane, Melbourne, Brevard County, Florida, 32940, for a violation of the laws of the State of Florida, to wit: Aggravated Assault w/deadly weapon w/o intent to kill (DV), contrary to section 784.021(1)a Florida Statutes, Discharging Firearm on Residential Property, contrary to Florida State Statutes 790.15, which occurred at 2235 Framura Lane, Melbourne, Brevard County, Florida, 32940.

THE FACTS tending to establish the grounds for this application and the probable cause of Affiant believing that such facts exist are as follows:

On December 28, 2022, at approximately 22:28 hours Deputy K.Griffin # 4796 responded to a residence located at 2235 Framura Lane, Melbourne, Brevard County, Florida 32940, in reference to a disturbance.

Prior to arrival, BCSO dispatch advised units that the male had was an active law enforcement officer with the City of Cocoa and he had been drinking. BCSO dispatch also advised the male had discharged his firearm in the residence and was threatening to shoot every cop and deputy who arrived on scene.

As units arrived and set up a perimeter on the residence, Deputy Griffen stated she made contact with the female half at hereinafter identified as the victim at the intersection of Vilano Lane and Arrivas Way. The victim stated during a sworn recorded statement, she and her boyfriend of three (3) years, Mr. Patrick Michael Kelly, hereinafter referred to as the defendant, are Police Officers with the Cocoa Police Department. The victim stated the defendant was making statements about shooting her, her son, and any law enforcement that showed up. It was relayed to units that he has multiple rifles and handguns in the residence that were fully loaded. While she was in the residence he discharged a shot gun after he threatened to shoot her.

SAO-JA/JMK
Amended 10/13/2020

1



Deputy Griffin stated BCSO units attempted to make contact with the defendant at which time she transported the victim to West Precinct located at 2725 Judge Fran Jamieson Way, Building E, Melbourne, Florida 32940. Deputy Griffin stated upon her arrival, she provided me with a sworn audio recorded statement. During the statement she advised the following in summation:

The Defendant arrived home from work from his shift at the Cocoa Police Department (CPD) around 1530 hours and appeared to be very angry, he was also making statements about shooting people. The victim stated she believed he mentioned killing her and some other people, but could not recall who in particular. The victim stated the defendant tends to make statements like this sometimes-quoting movies.

The victim stated the defendant is a 15-year CPD veteran and prior service Army veteran. The victim stated she has been dating and residing with the defendant as a family unit for the past three years.

The victim stated the defendant has a history of alcoholism, as is actively attending multiple Alcoholics Anonymous meetings over the past couple years. He recently started drinking again and began to drink when he came home from work. She stated he has consumed multiple Kirin Light beers and Vodka. The victim does not know if he has been diagnosed with any mental health conditions however she believes he has Post Traumatic Stress Disorder (PTSD). She stated he was also triggered about a disagreement with his father. She then stated he started to drink and he began to bring up issues from his passed, agitating him about multiple things.

The victim stated he usually does this when he drinks, however tonight he was acting differently. She stated he was going to call her son, but due to his intoxication she did not know what he was going to say to him so she discouraged him from speaking to him.

The victim stated she was able to send her son a text message and told him not to come home. She stated the defendant has never been physical with her before but when she left to go into the bathroom he followed her and would not leave her side. The victim stated while she was sitting on the toilet, she texted her son and Mr. Kelly came into the bathroom telling her to give him her phone. She told him he was not taking her phone and he said "no, you know what this is." He then grabbed her hand and told her to give him her phone once again. She let him have the phone, saying "fine, here have the phone." Further into the night he forgot about the phone and she was able to get it back from the bedroom.

The victim stated while in the bathroom he had wrapped his arm around her from behind, holding her in the bathroom by her shoulder. This happened when she was attempting to leave the bathroom. He let go of her when she gave him her phone, no longer blocking her from leaving the bathroom.

The victim stated this was the first time he had gotten physical with her, causing her to realize this was an escalated issue. She attempted to separate herself by heading upstairs to go to sleep while upstairs she heard a lot of noises coming from the master bedroom where the defendant was. The victim stated when she came down and walked into the bedroom he had his AK 47 and AK 15 sitting out with modified magazines he had taped together. She immediately became fearful and felt like she could not run and felt stuck in the house. He continued to tell her "Oh yeah" and

SAO-JA/JMK
Amended 10/13/2020

2

refused to go to sleep and de-escalate the situation. The defendant told her "No, no, no, if you called the police I'm going to jail. I'm telling you right now I'm not going back to jail, this is aggravated assault with a firearm, this is false imprisonment."

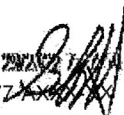
The victim stated while in the bedroom he grabbed her by the shirt and said he was going to shoot his sergeant in the face tomorrow and he was going to kill everyone while she watched. She then went over to the bed where their safes are telling him to try to lay down and try to sleep. He walked out to the kitchen and came back into the bedroom with his duty vest. He closed the French doors to their bedroom and wrapped his vest around the handles. He made threats stating "if you call the deputies I am going to kill every single one of those motherfuckers, I am not going back to jail I will shoot and kill them all." At this point he took all of his guns out and put them next to the bed. He then opened up the smaller safe attempting to grab her duty weapon. She told him not to take that because she needs it for work. He then walked around the room right next to her on the south east side of the room. He picked up his shotgun and began to load it. While he was loading the gun she grabbed her phone and told him she was going to the kitchen. He then said "you wanna hear ..." and she heard the shot gun be loaded and the bang of it being fired. She then ran out of the house through the garage down the street.

She advised she believed this was PTSD, because they can usually talk through things instead of him being violent. He has previously been arrested for Domestic Violence in a previous relationship. The victim stated he was very clear to her that he was going to use every angle he could to start shooting people. She believed he was both suicidal and homicidal, however he was more homicidal due to his statements. Her biggest concern was the defendant following through on his statements to shoot and kill deputies.

The victim stated she did not have any further information to provide during the statement and was not injured however, was in fear for her life.

While speaking with the victim at West Precinct, deputies continued to attempt contact with the defendant. As the perimeter was set up, the defendant began shooting periodically from inside the residence at deputies on the perimeter.

During a post Miranda interview, the defendant, stated he was having a bad day at work and when he came home, he started to consume alcoholic beverages. He then stated things escalated with the victim at which time, he accidentally discharged his weapon inside the residence and he knew he had "fucked up" and it went south from there. He stated he discharged his firearm several times through the roof of the residence to scare off responding deputies and the intent was not to shoot them but to scare them to back off from the house and leave him alone. The defendant stated he feels that something is wrong with him and he does not know what it is however he is remorseful and regrets scaring everyone due to his inability to control his problems.

2022 OCT 13 11:00 AM


Based on the above facts, statements and physical evidence provided, your Affiant has probable cause to believe and does believe that the above listed probable cause, all leads to the substantiation that defendant, **Patrick Michael Kelly**, has committed a violation of the laws of the State of Florida, to wit: Aggravated Assault w/deadly weapon w/o intent to kill, contrary to section 784.021. (1)a Florida Statutes, Discharging Firearm on Residential Property, contrary to Florida State Statutes 790.15.

Your Affiant, Agent Andres Nunez (hereinafter referred to as Your Affiant) is a sworn Law Enforcement Officer employed by the Brevard County Sheriff's Office since August, 13, 2018, and is currently an Investigative Agent with the Major Crimes Division and assigned to the Special Victims Unit. The primary responsibility of the Special Victim's Unit is investigating sex offenses, crimes against children, elderly and domestic violence crimes. Your affiant has a Master's degree in Public Administration and over twenty-four years of combined law enforcement experience conducting the following investigations: crimes against persons, property, federal gaming laws, advanced traffic reconstruction, many have resulted in arrests and successful prosecution. You Affiant's training includes basic and advanced specialized courses to include, court preparation, field training officer, dangerous drugs and narcotics, dui SFST's, ARIDE, Drug Recognition Expert school, federal tribal law enforcement, casino/gaming crimes, hostage negotiations, adult/child sex crimes, conducting background investigations, line supervision, interview and interrogations, CIT, and several hundred hours of in-service training during a span of just over 24 years of law enforcement service career.

WHEREAS, your Affiant makes this affidavit and prays for the issuance of an Arrest Warrant with authority to effect the arrest of **Patrick Michael Kelly** for the violation of the laws of the State of Florida, to wit: Aggravated Assault w/deadly weapon w/o intent to kill, contrary to section 784.021.(1)a Florida Statutes, Discharging Firearm on Residential Property, contrary to Florida State Statutes 790.15.



Agent Andres Nunez Badge # 4420
Brevard County Sheriff's Office
Affiant

SWORN TO AND SUBSCRIBED BEFORE ME THIS 29 DAY OF December,
A.D. 2022 BY Agent Andres Nunez (Affiant) WHO IS PERSONALLY KNOWN TO ME OR
WHO PRODUCED _____ AS IDENTIFICATION.


Agent Daniello Quinn #674

BREVARD COUNTY, FLORIDA

SAO-JA/JMK
Amended 10/13/2020

