

7th. Judicial Circuit 707 Charging Affidavit - Volusia

Arrest # _____ Bk # _____ Pg # 1 of 3

ARREST NOTICE TO APPEAR AFFIDAVIT C.C. ADULT JUVENILE Court Case Number: 2023 301707 CFDB

(ORI) FL: FL0640100 Agency Name: DAYTONA BEACH POLICE DEPARTMENT Agency Case Number: 230005178

FCIC/NCIC Check? Yes No OBTS # _____ U.C.R.: _____ Date Arrested: 04-08-2023 Time of Arrest: 0218

ADDRESS OF ARREST (Street, City, State, Zip): 451 N NOVA RD DAYTONA BEACH FL 32114 Arrested: By: FLETCHER, AURIAN ID Number: D39123

DEFENDANT NAME (Last) O'DONNELL (First) RICHARD (Middle) J A.K.A.: _____ Sex: M Race: W

DOB: 05-10-1966 Age: 56 Driver's Lic./ID No.: _____ State: FL Year Expires: 2025 S.S.# - _____

Height: 5' 09" Weight: 180 Hair: GRY Eyes: BLU P.O.B. (City, State, Country): NY Statement: Yes No

Scars, Marks, Tattoos: _____ Business & Occupation: _____ Citizenship: Yes No

Probation: Yes No Sexual Predator: Yes No English: Yes No Deaf/Mute: Yes No

Address - Mailing/Permanent (STREET, APT. NUMBER) (CITY) (STATE) ZIP CODE RESIDENCE PHONE 500 Bill France Blvd DAYTONA BEACH FL 32114

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 Attachments: Affidavit(s) Statement(s) NTA Schedule Report Traffic Infraction(s) DUI Total Charges: 3

#1 Charge: Burglary of a Conveyance FEL MISD ORD FS/ORD: 810.02(4)(B) Citation No.: _____ Bond: NO BOND

#2 Charge: Battery on LEO/Firefighter/EMT/etc FEL MISD ORD FS/ORD: 784.07(2)(B) Citation No.: _____ Bond: NO BOND

#3 Charge: Resisting an Officer with Violence FEL MISD ORD FS/ORD: 843.01 Citation No.: _____ Bond: NO BOND

CO-DEFENDANT Co-Def #1. Arrested? Y N Fel. Misd. Traf. Ord. NTA Co-Def #2. Arrested? Y N Fel. Misd. Traf. Ord. NTA

#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 08 day of April, 2023, at approximately 0210 a.m. at 451 N NOVA RD DAYTONA BEACH within Volusia County, violated the law and did then and there:

1 On April 8, 2023, at approximately 0210 hours, officers were dispatched to 451 North Nova Rd (Daytona Toyota) in reference to a burglary in progress. Prior to officer's arrival, central dispatch advised that a white male was observed to be in the back parking lot of the dealership's service center inside a white vehicle. As units approached the scene, officers were directed to the back of the service center, where the white male suspect was located. 2 Upon arrival to the scene, Officer Martin, K-9 Vezzer (V-1), and I entered the property from the west side and walked towards the east side of the property, where the service lot was located. Upon approaching the rear of the building, officers observed the white male suspect, later identified as (Defendant, Richard O'Donnell), in the rear of the building holding a tennis racket. Officers immediately gave commands to O'Donnell to get down on the ground in efforts to detain O'Donnell. O'Donnell, in response to officers making contact with him, began to comply with commands, then appeared to change his mind and began to resist officer's commands. It was noted that during O'Donnell's active resistance, O'Donnell got into a fighting stance with the tennis racket in his right hand elevated in a swinging position. 3 Due to O'Donnell's active resistance, Officer Martin let K-9 Vezzer off lead in efforts to take O'Donnell into custody. As K-9 Vezzer approached O'Donnell, O'Donnell began to swing the tennis racket at K-9 Vezzer in an effort to resist. K-9 Vezzer then bit and held O'Donnell's left leg, at which point O'Donnell grabbed K-9 Vezzer's neck area in an effort to choke K-9 Vezzer. After some time while fighting with O'Donnell, I attempted to take

NOTICE TO APPEAR MANDATORY APPEARANCE YOU NEED NOT APPEAR IN COURT BUT MUST COMPLY WITH INSTRUCTIONS ON THE REVERSE SIDE OF YOUR COPY 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 JUVENILE PARENT OR CUSTODIAN CITATION No. SIGNATURE OF DEFENDANT Date RELATIONSHIP TO JUVENILE

Sworn to and subscribed before me, the undersigned this 08 day of April, 2023, Name: [Signature] I swear/affirm the above statements are correct and true OFFICER'S/COMPLAINANT'S SIGNATURE FLETCHER, AURIAN D39123 NAME (PRINTED) ID NUMBER

OFFICIAL USE ONLY Inmate Number & Facility:

Volusia**Notice to Appear Instruction Sheet**

Follow these instructions according to the boxes checked.

Court Case Number:
Agency Case Number:

- Mandatory Court Appearance -- You MUST appear at COURT. You will receive a Notice of Arraignment from the County Clerk's Office at the mailing address you have given. Failure to appear at the time and place designated, will result in a warrant being issued for your arrest.**
- Court Appearance Not Mandatory -- You MUST comply with EITHER A or B:**

**PAYMENTS SHOULD BE MADE PAYABLE TO:
CLERK OF THE COURT.**

A. Pay the Fine: You must complete the waiver information below and either mail or personally present this citation at the Clerk's Office checked below, from 8:00 a.m. to 4:30 p.m., Monday through Friday within 15 days of the issuance of this Notice to Appear. ***Fines may be paid in cash, personal check, money order or certified check made payable to: Clerk of the Court . (DO NOT MAIL CASH.)***

Total fine and costs you must pay: \$ _____

B. Contest the Citation: You MUST request that a court date be set within 15 days of the issuance of this Notice to Appear (if the 15th day falls on a Saturday, Sunday or legal holiday, the period is extended to the next working day) by either appearing between the hours of 8:00 a.m. and 10:00 a.m. at the Clerk's Office checked below, or by mailing your written request to the Clerk of the Court at the address checked below.

COUNTY CLERK'S OFFICES:

- Volusia County Courthouse, room B155, 101 N. Alabama Avenue, Deland, FL, 32724
- Court House Annex, room 109, 125 E. Orange Avenue, Daytona Beach, FL, 32114
- Volusia County Courthouse, room 6, 124 N. Riverside Drive, New Smyrna Beach, FL, 32169

I agree to appear at the time and place as designated above to answer the listed charge(s) or pay the fine and costs. I understand that if I willfully fail to request a court date and/or fail to appear before the court as required by this Notice to Appear, or fail to pay the indicated fine and costs on or before the date set forth above, I may be held in contempt of court and a warrant for my arrest will be issued.

DEFENDANT'S SIGNATURE (MANDATORY): _____

ATTENTION: PERSONS WITH DISABILITIES

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact Court Administration, 125 E. Orange Avenue, Ste.300, Daytona Beach, FL 32114; Telephone: 386-257-6096 within two (2) working days of your receipt of this notice: If you are hearing or voice impaired, call 1-800-955-8771 or 1-800-955-8770. **THIS IS NOT A COURT INFORMATION LINE.**

Plea and Waiver Information

If this notice indicates that you have the option to pay a fine or appear in court and you choose to pay the fine, follow the instructions in paragraph A above. Read and sign this page. This page MUST be returned to the clerk's office with your fine payment.

- In consideration of my not appearing in court, I enter my plea on the affidavit in this case, for the offense charged, waiving my right to be present and the reading of the affidavit. I understand the nature of the charge(s) against me and hereby enter my plea of guilty or nolo contendere (no contest) .
- In doing so, I understand the nature of the charge(s) against me, I understand that I waive my right to counsel, the right to a trial before a judge or jury, the right to a continuance, and the right to appeal. Payment of this fine will result in adjudication of guilt to this charge being withheld.
- By my signature, I acknowledge that I understand the above statements. I am not under the influence of alcohol or drugs. I also certify that my address listed below is correct.

Defendant's Signature: _____
(First) (Middle) (Last)

Date: _____

Defendant's Name (print): _____

Defendant's Address: _____

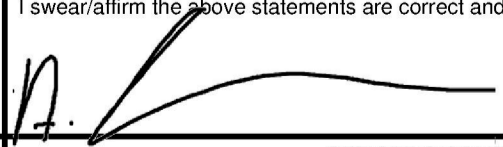
Narrative Supplement 707-B

Arrest
 Affidavit
 Notice to Appear
 Adult
 Juvenile

Court Case Number:

Defendant Name: ODONNELL	(Last)	(First) RICHARD	(Middle) J	Agency Case Number: 230005178
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: 3
#	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 O'Donnell into custody by placing one handcuff on his right hand. After successfully getting one handcuff on O'Donnell's hand, O'Donnell began to
 17 tense up to resist my efforts to place O'Donnell into custody. It should be noted that O'Donnell tensed up the entire time until Officer Lee was able to
 18 utilize my department-issued Taser seven (X40007C34) and deployed two initial probes (X4820E0TD) into O'Donnell's back area. It should be noted
 19 that after O'Donnell received a five-second deployment of my department-issued Taser seven, he continued to resist officer's attempts to take him
 20 into custody. Due to O'Donnell's resistance level officer, Lee then deployed a second set of probes (X4921M6TH). After receiving another
 21 five-second deployment of the Taser, O'Donnell continued to resist officers by continuing to tense his arm.
 22
 23 After some time, more officers arrived on scene, at which point O'Donnell was taken into custody. See Officer Martin's and Officer Lee's supplemental
 24 reports for more information. After O'Donnell was taken into custody, I contacted Lloyd Judd (W-1, security officer), who advised that he observed
 25 O'Donnell inside the passenger seat in a white 2008 Toyota bearing Florida tag QQSM02 which was parked in the back parking lot behind the service
 26 center. Judd advised that the vehicle was parked in the service area for service. While speaking with Judd, how advised that he maintained a visual
 27 on O'Donnell as he was observed rummaging through the vehicle. Judd stated that after some time while on the phone with 911, O'Donnell was
 28 observed leaving the vehicle and walking towards the service center building, where officers then contacted O'Donnell.
 29
 30 Officer Harrell obtained a sworn written statement from Judd. Judd stated that Daytona Toyota would like to press charges. While on scene, I
 31 obtained four digital photographs of the vehicle via Axon capture. It should be noted that an attempt to contact for the registered owner of the vehicle
 32 Grace Fillak (V-3), was attempted by Deland Police Department. Officer Harrell collected the tennis racket and placed it into property and evidence.
 33 My Taser probes, along with other officers' Taser probes, were entered into property and evidence. It should be noted that other officers on scene
 34 utilized their Tasers on scene. See their supplemental reports.
 35
 36 O'Donnell was then taken to Halifax Hospital, where he was treated for his injuries. I took three digital photographs via axon capture of O'Donnell's
 37 injuries sustained during his active resistance.
 38
 39 Due to the totality of the circumstances, O'Donnell was arrested for burglary to an unoccupied conveyance, battery on a law enforcement service
 40 animal, and resisting arrest with violence. O'Donnell, after being discharged from Halifax Hospital, was transported to the Volusia County Branch Jail
 41 without further incident.
 42
 43 This investigation was captured on my department-issued Axon camera.

Sworn to and subscribed before me, the undersigned this <u>08</u> day of <u>April</u> , 2023 Name: <i>T. Belcher</i>	I swear/affirm the above statements are correct and true 	Right Thumb
Notary Public <input type="checkbox"/> Law Enforcement Officer <input checked="" type="checkbox"/> Personally Known <input type="checkbox"/> Produced Identification <input type="checkbox"/> Type of Identification:	OFFICER'S/COMPLAINANT'S SIGNATURE FLETCHER, AURIAN NAME (PRINTED)	D39123 ID NUMBER

Witness/Victim/Evidence Form 707-A

Arrest
 Affidavit
 Notice to Appear
 Adult
 Juvenile

Court Case Number:

Defendant (Last) (First) (Middle)			Agency Case Number:		230005178				
Name: O'DONNELL RICHARD J			Vic <input checked="" type="checkbox"/> Wit <input type="checkbox"/>		Race:	Sex: M <input type="checkbox"/> F <input type="checkbox"/>	Age:	DOB:	SSN:
Address (#, Street, City, State): Daytona Toyota			Zip:		Home: Phone:	Statement: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
Bus/School Address: 451 N NOVA RD DAYTONA BEACH FL			Zip: 32114		Home: Phone:	Bus: Phone:			
Relative/Contact Name			Relative/Contact Address:		Phone:				
Name: (Last) (First) (Middle)			Vic <input type="checkbox"/> Wit <input checked="" type="checkbox"/>		Race: W	Sex: M <input checked="" type="checkbox"/> F <input type="checkbox"/>	Age: 67	DOB: 10-11-1955	SSN:
Address (#, Street, City, State): 1134 MEDITATION LOOP DAYTONA BEACH FL			Zip: 32114		Home: Phone: (386) 871-3508	Statement: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
Bus/School Address:			Zip:		Home: Phone:	Bus: Phone:			
Relative/Contact Name			Relative/Contact Address:		Phone:				
Name: (Last) (First) (Middle)			Vic <input checked="" type="checkbox"/> Wit <input type="checkbox"/>		Race: W	Sex: M <input type="checkbox"/> F <input type="checkbox"/>	Age:	DOB:	SSN:
Address (#, Street, City, State): K-9 VEZER			Zip:		Home: Phone:	Statement: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
Bus/School Address: 129 VALOR BLVD DAYTONA BEACH FL			Zip: 32114		Home: Phone:	Bus: Phone:			
Relative/Contact Name			Relative/Contact Address:		Phone:				
Name: (Last) (First) (Middle)			Vic <input checked="" type="checkbox"/> Wit <input type="checkbox"/>		Race: W	Sex: M <input type="checkbox"/> F <input checked="" type="checkbox"/>	Age: 33	DOB: 09-11-1989	SSN:
Address (#, Street, City, State): 201 S CHANDLER AVE DELAND FL			Zip: 32724		Home: Phone:	Statement: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
Bus/School Address:			Zip:		Home: Phone:	Bus: Phone:			
Relative/Contact Name			Relative/Contact Address:		Phone:				
Name: (Last) (First) (Middle)			Vic <input type="checkbox"/> Wit <input type="checkbox"/>		Race:	Sex: M <input type="checkbox"/> F <input type="checkbox"/>	Age:	DOB:	SSN:
Address (#, Street, City, State):			Zip:		Home: Phone:	Statement: <input type="checkbox"/> Yes <input type="checkbox"/> No			
Bus/School Address:			Zip:		Home: Phone:	Bus: Phone:			
Relative/Contact Name			Relative/Contact Address:		Phone:				
Name: (Last) (First) (Middle)			Vic <input type="checkbox"/> Wit <input type="checkbox"/>		Race:	Sex: M <input type="checkbox"/> F <input type="checkbox"/>	Age:	DOB:	SSN:
Address (#, Street, City, State):			Zip:		Home: Phone:	Statement: <input type="checkbox"/> Yes <input type="checkbox"/> No			
Bus/School Address:			Zip:		Home: Phone:	Bus: Phone:			
Relative/Contact Name			Relative/Contact Address:		Phone:				

EVIDENCE COLLECTED

Description of Evidence	Date Recovered	Model Serial/I.D. Number	Drug Amount
7 digital photographs	04-08-2023		
Owner Name (Last) (First) (Address)	(Phone)	Value	
TENNIS RACKET	04-08-2023		
Owner Name (Last) (First) (Address)	(Phone)	Value	
8 TASER PROBES	04-08-2023		
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
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.

FLETCHER, AURIAN
Investigating Officer



D39123
ID Number

DBPD
Agency