

7th. Judicial Circuit 707  
Charging Affidavit - Volusia

1103766

Arrest # \_\_\_\_\_ Bk # \_\_\_\_\_ Pg # 1 of 4

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: 2022 304194 MMB	
(ORI) FL: FL0640100	Agency Name: DAYTONA BEACH POLICE DEPARTMENT		Agency Case Number: 220007704
FCIC/NCIC Check? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	OBT'S #	U.C.R:	Date Arrested: 05-03-2022
ADDRESS OF ARREST (Street, City, State, Zip): 1420 Mason Ave DAYTONA BEACH FL 32117		Arrested By: CORBITT, JAMEL	ID Number: D48063
DEFENDANT NAME (Last) O'DONNELL (First) RICHARD (Middle) JOSEPH		A.K.A.:	Sex: M Race: W
DOB: 05-10-1966	Age: 55	Driver's Lic./ID No.:	State: FL Year Expires: 2025 S.S.# -
Height: 5' 09	Weight: 185	Hair: BLN Eyes: BLU	P.O.B. (City, State, Country): NY
Scars, Marks, Tattoos:	Business & Occupation:		Statement: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> 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) 500 BILL FRANCE BLVD		(CITY) DAYTONA BEACH (STATE) FL	ZIP CODE 32114 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

<b>CHARGES</b>		DOMESTIC VIOLENCE? Yes <input type="checkbox"/>	Attachments: Affidavit(s) <input checked="" 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: 2
#1	Charge: Loitering or Prowling	FEL <input type="checkbox"/> MISD <input checked="" type="checkbox"/> ORD <input type="checkbox"/>	FS/ORD: 856.021	Citation No.:	Bond: 500				
#2	Charge: Resist Officer w/o Viol.	FEL <input type="checkbox"/> MISD <input checked="" type="checkbox"/> ORD <input type="checkbox"/>	FS/ORD: 843.02	Citation No.:	Bond: 500				
#3	Charge:	FEL <input type="checkbox"/> MISD <input type="checkbox"/> ORD <input type="checkbox"/>	FS/ORD:	Citation No.:	Bond:				
<b>CO-DEFENDANT</b>		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 03 day of May, 2022, at approximately 0805 a.m. at 1420 MASON AVE DAYTONA BEACH within Volusia County, violated the law and did then and there:

1 On May 3, 2022, at approximately 0753 hours, I was dispatched to 1420 Mason Ave in reference to a suspicious person, later determined a person loitering and prowling. While on scene I made contact with Austin Cummins (W-1) and Richard O'Donnell (D-1).

2

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4 Cummins stated the following:

5 A naked male, later identified as O'Donnell, was walking around the parking lot of 1400 Mason Ave. O'Donnell was behaving erratic and when he was told to put on clothes by Cummins, O'Donnell became verbally aggressive towards Cummins. O'Donnell then tried to enter Cummins' work truck, a white Chevy pickup bearing FL tag CMJR83, by pulling on the door handle. When O'Donnell could not open the door, he then walked up to other vehicles looking into their windows. Cummins stated that O'Donnell also tried to gain access to a white van, bearing the FL tag X0081E, that was located in the rear parking lot of 1420 Mason Ave. Cummins stated that O'Donnell then picked up a metal pipe and yelled obscenities. (Unknown if directed at anyone).

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11

12 O'Donnell was observed behind 1420 Mason Ave in an open field, at 810 N Clyde Morris Blvd. Between 1420 Mason Ave and 810 N Clyde Morris Blvd were bushes and trees. Contact was made with O'Donnell and he was instructed to walk towards the officers on scene, myself, Ofc. Ellington and Ofc. Glass. We were all in our department issued uniforms, equipped with a badge, gun belt and radio. O'Donnell refused to walk toward

14

15 Officers. The decision was made to detain O'Donnell due to his erratic behavior and him pulling on door handles and looking through car windows.

<b>NOTICE TO APPEAR</b>	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		SIGNATURE OF JUVENILE PARENT OR CUSTODIAN	CITATION No.
Date		RELATIONSHIP TO JUVENILE	

Sworn to and subscribed before me, the undersigned this 03 day of May, 2022	I swear/affirm the above statements are correct and true	Clerk Circuit & County Court Volusia County, FL.
Name: K. Ellington	OFFICER'S/COMPLAINANT'S SIGNATURE	
Notary Public <input type="checkbox"/> Law Enforcement or Corrections Officer <input checked="" type="checkbox"/>	CORBITT, JAMEL	D48063
Personally Known <input checked="" type="checkbox"/> Produced Identification <input type="checkbox"/>	NAME (PRINTED)	ID NUMBER
Type of Identification:	Inmate Number & Facility:	

OFFICIAL USE ONLY

**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**

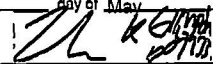

Arrest  
 Affidavit  
 Notice to Appear  
 Adult  
 Juvenile

Court Case Number:

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Defendant (Last) Name: <b>ODONNELL</b>	(First) <b>RICHARD</b>	(Middle) <b>JOSEPH</b>	Agency Case Number: <b>220007704</b>
<b>CHARGES</b>		DOMESTIC VIOLENCE? Yes <input type="checkbox"/>	Total Charges: 2
Attachments: Affidavit(s)? <input checked="" type="checkbox"/>		Statement(s) <input checked="" type="checkbox"/>	NTA Schedule <input type="checkbox"/> Report <input checked="" type="checkbox"/> Traffic Infraction(s) <input type="checkbox"/>
#	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  
 17 When I attempted to restrain O'Donnell he pulled his arms away and backed up with clenched fists. I tried grabbing his arms a second time and  
 18 O'Donnell continue to tense up and turned away. O'Donnell was escorted to the ground by myself and Ofc. Ellington. O'Donnell continued to resist  
 19 while on the ground by placing his hands under his body and refusing Officer's commands. O'Donnell was ordered multiple times to stop resisting  
 20 and to place his arms behind his back. O'Donnell then turned from his stomach and onto his side with clenched fists. Ofc Glass informed O'Donnell  
 21 that he would be Tased if he continued to resist. O'Donnell continued to resist by attempting to turn over on his back making it difficult for officers to  
 22 effect an arrest. Ofc. Glass used his department-issued Taser and drive stunned, O'Donnell. (see Ofc. Glass supplement). Officers were then able to  
 23 gain compliance and restrained O'Donnell without further incident.  
 24  
 25 O'Donnell had 3 small lacerations, 1 on his right wrist, 1 on his left cheek, and 1 on his right shoulder blade. 5 photos were taken of O'Donnell's  
 26 injuries via Axon capture. Cummins provided a written sworn statement. O'Donnell was read his Miranda rights by me, and O'Donnell refuse to state  
 27 if he understood his rights. O'Donnell was transported to 129 Valor Blvd and transferred to prison transport. This investigation was captured on my  
 28 department issued Axon.  
 29  
 30 It should be noted, that entry was not made into any vehicles due to them all being secured. O'Donnell refused all medical attention. Sgt. Jessmer  
 31 responded to the scene.  
 32  
 33 It should be noted, O'Donnell was present at a location in a manner that is unusual for a law abiding citizen. Post Miranda O'Donnell refused to speak  
 34 with Law enforcement and was unable to dispel my alarm. O'Donnell was subsequently transported to the Volusia County Branch Jail.

Sworn to and subscribed before me, the undersigned this <u>03</u> day of <u>May</u> , 2022 Name: 	I swear/affirm the above statements are correct and true  OFFICER'S/COMPLAINANT'S SIGNATURE	Right Thumb
Notary Public <input type="checkbox"/> Law Enforcement Officer <input checked="" type="checkbox"/> Personally Known <input checked="" type="checkbox"/> Produced Identification <input type="checkbox"/> Type of Identification:	CORBITT, JAMEL NAME (PRINTED)	D48063 ID NUMBER

# Witness/Victim/Evidence Form 707-A

Arrest  
 Affidavit  
 Notice to Appear  
 Adult  
 Juvenile

Court Case Number: 220007704

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Defendant (Last) Name: O'DONNELL		(First) Name: RICHARD		(Middle) Name: JOSEPH		Agency Case Number: 220007704					
Name: (Last) O'DONNELL		(First) RICHARD		(Middle) JOSEPH		Vic <input type="checkbox"/> Wit <input checked="" type="checkbox"/>	Race: W	Sex: M <input checked="" type="checkbox"/> F <input type="checkbox"/>	Age: 55	DOB: 05-10-1966	SSN: [REDACTED]
Address (#, Street, City, State): 500 BILL FRANCE BLVD DAYTONA BEACH FL						Zip: 32114		Home: (386) 282-9781		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 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:			
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:			
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
5 photos via axon capture	05-03-2022		
Owner Name (Last) (First) (Address)		(Phone)	Value
Description of Evidence	Date Recovered	Model Serial/I.D. Number	Drug Amount
Owner Name (Last) (First) (Address)		(Phone)	Value
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
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.

CORBITT, JAMEL  
Investigating Officer

*J. Corbett*  
D48063  
ID Number

DBPD  
Agency