

7th. Judicial Circuit 707
Charging Affidavit - Volusia

Report No 210009204

Nature of Call INFO

Report Date 05-19-2021 Report Time: 0925 District: 04

Confidential

Arrest# _____ Bk # _____ Pg # 1 of 5

ARREST NOTICE TO APPEAR AFFIDAVIT C.C. ADULT JUVENILE

(ORI) FL: FL0640000 Agency Name: VOLUSIA COUNTY SHERIFF'S OFFICE Agency Case Number: 210009204

MIC/NCIC Check? Yes No OBTS # _____ U.C.R. _____ Date Arrested: _____ Time of Arrest: _____

ADDRESS OF ARREST (Street, City, State, Zip): _____ Arrested By: COBB BRIAN ID Number: 7550 Sex: F Race: W

DEFENDANT

NAME (Last) STUCK (First) TAMMY (Middle) S A.K.A.: _____ Sex: F Race: W

DOB: 09-13-1984 Age: 55 Driver's Lic / ID No.: S320817648330 State: FL Year Expires: 2021 S.S.#: _____

Height: 5'08 Weight: 200 Hair: BRO Eyes: HAZ P.O.B. (City, State, Country): _____ 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
1279 HOWLAND BOULEVARD (CITY) DELTONA (STATE) FL 32738 (386) 968-2201

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: 1

#1 Charge: Knowingly Make False Official Stmt. FEL MISD ORD FS/ORD: 837.06 Citation No.: _____ Bond: _____

#2 Charge: _____ FEL MISD ORD FS/ORD: _____ Citation No.: _____ Bond: _____

#3 Charge: _____ FEL MISD ORD FS/ORD: _____ Citation 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 17 day of May, 2021, at approximately 0600 a.m. p.m.

at 2345 PROVIDENCE BLVD DELTONA within Volusia County, violated the law and did then and there:

1 *****NO BWC - NONE ASSIGNED*****

2

3 On May 18, 2021, Sergeant Cobb was provided a citizen's complaint authored by Tammy Stuck. In the complaint, Stuck indicates the following:

4

5 "Nature of Complaint: Unwanted Touching

6 Date/Time of Incident: April 22, 2021 @ or about 6:45pm

7 Location: Deltona City Hall

8

9 Detail by Complainant:

10

11 While attending a townhall meeting at Deltona City Hall when first arriving I went through the metal detector setting of the alarm. I did not have any

12 articles with me so I went back through and set it off 2 more times. When my husband pointed out it had to be my brace that was clearly visible

13 through my pants due to my broken leg and torn meniscus. The deputy the proceeded to come around the table and ask if he could touch it. This

14 shocked me and made me very uncomfortable and when he did he caused me pain and did not touch the outside of my leg he, for some reason,

15 began feeling my inner part of my leg in the area of my thigh. As a disabled female this in my opinion should not be allowed. He made me feel very

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 DEFENDANT _____ Date _____ RELATIONSHIP TO JUVENILE _____

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

Sworn to and subscribed before me, the undersigned this 19 day of May, 2021, at _____, Volusia County, Florida.

me: COBB BRIAN #1350

_____, Public Law Enforcement or Corrections Officer

Personally Known Produced Identification

Type of Identification: _____

I swear/affirm the above statements are correct and true

OFFICER'S/COMPLAINANT'S SIGNATURE: COBB BRIAN ID NUMBER: 7550

OFFICIAL USE ONLY Inmate Number & Facility: _____

Narrative Supplement 707-B

Arrest
 Affidavit
 Notice to Appear
 Adult
 Juvenile

Court Case Number:

Page # 3 of 5

Defendant (Last) Name: STUCK		(First) TAMMY	(Middle) S	Agency Case Number: 210009204
CHARGES		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 type="checkbox"/> Traffic Infraction(s) <input type="checkbox"/> Total Charges: 1
#	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 uncomfortable and violated. When my husband told him to stop he just laughed which made it worse. No one should have to endure this type of
 17 treatment simply to take part in their local government. This Deputy is obviously overzealous and feels that he is Superior to the rest of us. He had
 18 no Right to put his hands on me in the manner that he did and it makes me wonder how many other women he may have abused who were too
 19 afraid to come forward. I have no expectations that any discipline will be given but it needed to be reported none the less."

20
 21 Below this statement is the following warning:

22
 23 "CAUTION: Whoever knowingly makes a false statement in writing with intent to mislead a public servant in the performance of their official duty shall
 24 be guilty of a misdemeanor of the second degree: pursuant to Florida State Statute S.S. 837.06. Further, if the person filing a complaint against a
 25 deputy knew the charges to be false at the time of filing the complaint, the accused has the right to pursue civil damages against the complainant:
 26 pursuant to Florida State Statutes 112.532(3)."

27
 28 The statement was sworn to by Stuck and notarized by Senior Deputy Hernandez #2514 on May 17, 2021.

29
 30 The above citizen's complaint was received by Captain Paul Kammerer on April 23, 2021, and a Supervisor's Inquiry was conducted into the incident.

31
 32
 33 Within the Supervisor's Inquiry, memorialized under CC 21-007, Captain Kammerer indicates that the allegations of misconduct are unfounded.
 34 Captain Kammerer supports his statement with evidence obtained through the inquiry. It should be noted, at the time the Supervisor's Inquiry was
 35 conducted, Tammy Stuck had not completed and returned the Citizen's Compliant Form. Tammy did not return the sworn document until May 17,
 36 2021; coincidentally, the same night another Deltona City Hall meeting was occurring

37
 38 Due to the discrepancies found on the surveillance footage from the night of the incident, Chief Deputy J. Gallagher requested a criminal investigation
 39 be completed to determine if probable causes exist to charge Stuck with making a false statement to a public servant, in violation of F.S.S. 837.06

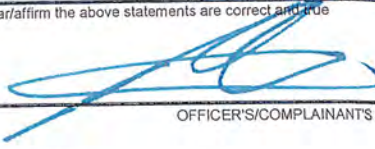
40
 41 On May 18, 2021, Sergeant Cobb reviewed the surveillance footage and observed the following:

42
 43 Complaint Video #1 at .24 seconds, Jeffrey and Tammy Stuck enter Deltona City Hall and begin conversing with Deputy Thomas. Jeffrey Stuck goes
 44 through the magnetometer followed by Tammy Stuck. An alert sounds as Tammy Stuck goes through. She walks back through the magnetometer
 45 and proceeds through again resounding the alert. Deputy Thomas approaches Tammy Stuck with a detection wand, scans her right leg and asks her
 46 if she has something on her knee. Tammy Stuck states, "Oh, I have a metal brace on my leg". Tammy Stuck is wearing long pants concealing the
 47 knee brace. Deputy Thomas asks Tammy Stuck if he can touch it. Tammy Stuck's response was not audible and immediately Deputy Thomas can be
 48 seen touching the outside middle area of the right knee at .45 seconds with his right hand and the inside middle area of the right knee at .46 seconds
 49 with his right hand. As Deputy Thomas is completing the pat down, Jeffrey Stuck states, "no you cannot touch my wife" and Tammy Stuck can be
 50 heard simultaneously giggling. As Jeffrey and Tammy Stuck proceed into Deltona City Hall Commission Chambers, Jeffrey Stuck calls Deputy
 51 Thomas an "ass hat".

52
 53 Complaint Video #2 captures Jeffrey Stuck and Deputy Thomas conversing after the meeting. At 1.40 seconds Jeffrey Stuck approaches Deputy
 54 Thomas and states something to the effect of "Don't you ever put your hands-on my wife again". Deputy Thomas in summary explains the security
 55 process for being allowed entry into the Commission Chambers. Jeffrey Stuck then asks for Deputy Thomas' name which he immediately provides.
 56 Jeffrey Stuck then asks for Deputy Thomas' department issued identification. Deputy Thomas stated that he will get it for him from his patrol vehicle
 57 after the remaining patrons within Deltona City Hall exit. At 3.29 seconds Deputy Thomas exits Deltona City Hall with Jeffrey Stuck following. Video
 58 ends.

59
 60 During the course of the inquiry it was determined John O' Grady was captured on surveillance video standing behind the Stuck's when entering
 61 Deltona City Hall. O' Grady was contacted by Deputy Godenzi in regards to what he observed. O'Grady provided the following sworn written
 62 statement:

63
 64 "I was walking into the City Commission chambers on April 22. I was attending Code Enforcement community meeting. As I walked into the
 65 entrance I observed a deputy talking with a white male and a white female. They were going through the city safety protocol. The white male walked
 66 through the the "walk through metal detector" without incident. The white female walked through the metal detector next and an alarm was set off.

Sworn to and subscribed before me, the undersigned this 19 day of May, 2021, at: Capt E. L. #1350		I swear/affirm the above statements are correct and true	Right Thumb
Notary Public <input type="checkbox"/> Law Enforcement Officer <input checked="" type="checkbox"/>		 OFFICER'S/COMPLAINANT'S SIGNATURE	
Personally Known <input type="checkbox"/> Produced Identification <input type="checkbox"/>	COBB, BRIAN NAME (PRINTED)		
Type of Identification:			

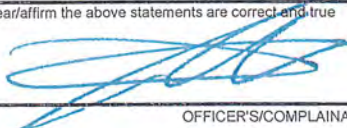
Narrative Supplement 707-B

Arrest
 Affidavit
 Notice to Appear
 Adult
 Juvenile

Court Case Number:

Defendant Name: (Last) STUCK (First) TAMMY (Middle) S		Agency Case Number: 210009204	
CHARGES		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 type="checkbox"/> Traffic Infraction(s) <input type="checkbox"/>	Total Charges: 1
#	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:

67 The deputy asked the female to step to the side. The deputy asked if she had anything else on her. At this time the white female and white male
 68 simultaneously said it is my/her knee brace. The deputy then asked if he could "pat" it down. I did not hear what the female said but the deputy then
 69 bent down and patted the knee brace with both hands. He then stood up and I could not hear what he said but the female turned and entered the
 70 chambers. During this time as the deputy was patting the female knee brace the white male stated...you cannot touch my wife...
 71 It was my observation and opinion that the deputy was following good safety protocols in an attempt to keep everyone safe."
 72
 73 O'Grady's observations are of similar nature as to the unbiased evidence presented by the surveillance footage on the night of the incident.
 74
 75 On the evening of May 17, 2021, Deltona City Hall had a scheduled public meeting. On this date, Tammy and Jeffrey Stuck attended the meeting.
 76 During the public speaker portion of the meeting, Tammy approached the microphone and addressed the Deltona City Commission. Tammy advised
 77 the following:
 78
 79 She was attending a previous City Hall meeting and when she came through the metal detector a Deputy "put his hands on me, put his hands
 80 between my legs, and I have a history of trauma. That metal detector needs to go." Tammy goes on to state that no one should put their hands on
 81 her, another woman or even a man.
 82
 83 The statements made by Tammy were audio and video recorded by the City of Deltona during the Commission meeting, and have been saved as
 84 evidence.
 85
 86 It should be noted, Tammy provided this statement to the Deltona City Commission on the same date she signed her sworn Citizen's Complaint in
 87 front of Senior Deputy Hernandez. Based on Tammy's statement to the Commission on the same day she signed her Citizen's Complaint, it is
 88 apparent her misrepresentation within the Citizen's Complaint was not simply a poor perception of what occurred, it was a flagrant misrepresentation
 89 of the facts in an effort to mislead a public servant.
 90
 91 Based on the evidence presented, and the statements made, Sergeant Cobb believes there is sufficient evidence rising to a level of probable cause
 92 to arrest Tammy for knowingly making a false statement in writing, in violation of F.S.S. 837.06, a misdemeanor of the second degree.
 93 As such, Sergeant Cobb completed an SA 707 charging Tammy Stuck with the aforementioned Florida State Statute. The affidavit was submitted to
 94 the State's Attorney Office for review.
 95
 96 CASE STATUS: CLOSED/FILED

Sworn to and subscribed before me, the undersigned this <u>19</u> day of <u>May</u> , <u>2021</u> at <u>Cape Coral #1350</u>	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:	COBB, BRIAN NAME (PRINTED)	7550 ID NUMBER