

G FDLE report

bike path watching O'Brien and Jackson at the residence and Beck went back to the park and told the deputy of the burglary.

Perez saw Jackson and O'Brien enter the residence and occasionally saw their heads moving inside the residence. Perez described O'Brien as wearing dark-colored shorts without a shirt and Jackson wearing blue jeans and a burgundy colored shirt.

Several deputies converged on the residence and Beck and Perez rode their bikes back to their residence. Neither Beck nor Perez saw or heard the shooting.

Travis O'Brien

On June 15, 2021, SA Ratliff reviewed the audio-recorded interview of Travis O'Brien conducted on June 2, 2021, by VSO Detective Shon McGuire. The interview was conducted at Advent Health Fish Memorial Hospital located at 1055 Saxon Boulevard, Orange City, Florida 32763. A review of the interview revealed the following:

Detective McGuire confirmed the personal information of O'Brien. Detective McGuire asked about O'Brien's current living arrangements. O'Brien described his room and sleeping arrangements at the children's home.

Detective McGuire inquired about O'Brien's habits by asking if he played with toys. O'Brien stated he plays with Nerf guns and video games, Call of Duty and Grand Theft Auto (GTA).

O'Brien stated he has been at the FUMCH for approximately seven months. Prior to residing at FUMCH, O'Brien was living in foster care in Palm Coast, Florida. O'Brien was transferred from foster care due to his sponsor family being unable to care for his severe Type-1 diabetes. O'Brien stated he requires eight shots per day to manage his condition.

Detective McGuire explained the Miranda Warnings to O'Brien. When asked to sign the form, O'Brien stated, he "Could not see right now." Further, O'Brien stated that he was lefthanded, and was unable to sign due to his left arm being cuffed to the stretcher. Detective McGuire then requested that he sign with his right hand. O'Brien is heard saying, "I can't see, I can't write." Detective McGuire then asked, "Do you mind talking to me?" O'Brien answered, "Yeah."

Detective McGuire proceeded to ask O'Brien why he left the FUMCH. O'Brien responded, "To just get away from it." O'Brien indicated he was sick of everyone's attitude and admitted to running away on several occasions over the past seven months. O'Brien stated, he normally stays gone for a day or two before returning to the group home. When asked where he sleeps during these periods, O'Brien stated, "I break into houses, this house had a gun in it."

O'Brien stated that he and Jackson left together from FUMCH. O'Brien stated he and Jackson were able to enter the residence by breaking the windows out with rocks and a shovel. When asked how many windows did he break O'Brien stated, "Every last one of them." O'Brien later admitted to only breaking four windows.

According to O'Brien, entry into the residence was made through one of the broken sliding glass doors. O'Brien claimed the window was broken out by Jackson utilizing a crowbar they had found in a shed on the property. After the windows were broken, the four other children with them ran away. O'Brien stated Jackson entered the residence first to see if anyone was home.

O'Brien began to ramble as he stated, "I don't know what was going on at the time, I was in between getting traumatized, and getting traumatized even more." When asked what he meant, O'Brien stated, "So much violence, so many guns." Detective McGuire questioned him where or not the guns had been displayed at that point. O'Brien responded, "They were in, they were there, we had bullets, bags of bullets where we got the crowbar, shovels, and stuff." O'Brien continued, "The barn, we were on a farm, we met them, we met the boys, by the farm then we went to the shed and we got stuff, and there are multiple rooms in the shed and all that."

G-1 FDLE report

So, when we got in...this farm and stuff, we walked out, and then we went to the house and started breaking windows, and then we got in. Then we went directly, were in the house. Then cops showed up, for no brilliant reason, don't know why, it's probably a coincidence, but they showed up, and all these other cops, one by one, by one, and then, and then, we locked ourselves in a room that had an AK-47, a shotgun, two handguns, and a box, a big box of bullets."

O'Brien continued to explain, "They shot through the glass, one of them shot through the glass. All the kid, four of them ran out the door, and, and they were like nah, you got to stay in here, and he was like, uh, I'm just messing with you, oh and then, and then, and then, they just kind of set us up and ran away. So, we were in the room with the guns." Detective McGuire then asked, "Who shot through the glass," O'Brien answered, "Nicole, Nicole, uh-huh, with a big behind shotgun, um, my god that thing was huge."

Detective McGuire asked, "So what did you do?" O'Brien stated, "I grabbed them, I grabbed, I grabbed one of the handguns, and I told her to grab the other handgun, and I took the AK-47, she had the shotgun and the handgun, and we found a way out of the room, but then we had a go out, and we all went out the garage, we looked around to see if there was anybody there, and we're handing out our guns and stuff, and the rest of the extra guns we gave to them and they had ammo, they are still out there, they are not dead in hospitals." O'Brien claimed to have given guns to the four children that he had met prior to the break-in and that they ran away with them.

O'Brien stated that when he entered the garage he had the AK-47 with a full magazine. According to O'Brien, the garage door was open. He stated he did not see any police officers because they were all behind trees. Detective McGuire asked, "Did you know they were there?" O'Brien responded, "Yeah, after twelve bullets had gone into my friend's body just dropped to my foot, hands." Detective McGuire informed O'Brien, "Well, Nicole is not dead." O'Brien stated, "She will be, twenty-five percent chance, she got shot in the chest." When asked if he shot the AK-47 at the police, O'Brien stated, "Oh, yeah, I wasn't gonna, I was gonna, they were shooting right (laughter), I'm just, I'm just right next to her."

Detective McGuire asked, "How many times did you shoot the AK-47?" O'Brien answered, "I had to reload it twice and I didn't finish the second one." Further, O'Brien stated, "When they were shooting, I was shooting back, and it sounded like (he makes shooting noises) that fast for like two mags straight, and then I used a handgun." When asked how many times did he fire the handgun, O'Brien stated, "Six and then there were no more bullets."

Detective McGuire asked, "Were you trying to shoot the cops?" O'Brien stated, "Yes, yes, yes, there's just a body compared to seven, twelve mags, going direct to your head, did (inaudible) just, just, sit there." Detective McGuire asked, "Did Nicole shoot at the cops first?" O'Brien stated, "Yeah." Further, O'Brien claimed, Jackson fired one round before being shot at by the police. O'Brien stated, "I was basically just defending myself from dying." Detective McGuire then asked if he shot at the police first, O'Brien responded, "Uh-huh and then, and then, um, so Nicole, Nicole shot the shotgun, and then she had one more but she got shot in her arm and dropped the whole gun, and then she got shot again, the first two just, dead accurate hits, the next (he makes shooting noises), and I'm just behind the wall." O'Brien briefly described the sound of the AK-47, as he fired for "two mags straight."

Detective McGuire asked, "How many times do you think you shot at the cops before they began shooting at you?" O'Brien stated, "Plenty of times." Detective McGuire asked, "Before they even shot towards you?" O'Brien stated, "Yeah, do you know why? As soon as that laser turned green to my chest, I moved and shot." O'Brien continued, "There were lasers everywhere in the house, when they turn green they are aim...there not, gonna not, press that trigger, they are going to press that trigger, so we..." When asked why he did not come out when requested by the police, O'Brien stated, "Did we listen, I told them, I told them, put the guns down, blah, blah, blah, did they listen, nope they had guns at us still. How do you know, that as soon as we walk out that, that's just...and cops give out a very bad reputation and they have a..., they ruined my life at this point, it ruined my whole outcome by shooting my friends right in front of me."

Detective McGuire asked, "Did she shoot at them?" O'Brien answered, "Yeah." Detective McGuire goes on to explain that the officers were trying to defend themselves because Jackson had shot at them. O'Brien stated,

G-2 FDLE report

"Yeah they did, they shot at, they shot at her, she shot, she shot at her, and then I put my, I put the little thing on the corner and started shooting, and then she kept on shooting, it wasn't stopping, it was (he makes shooting noises) all of those people were shooting at the same time for like ten minutes straight, I was just huddled." Detective McGuire stated that he was confused, as he attempted to clarify the series of events.

O'Brien then explained his positioning at the time of the shooting to Detective McGuire. O'Brien stated, "Here is the garage door right, there's a corner, I'm behind that corner with the AK-47 and the handgun, here's her behind the, a trash can, and then there's a car more on this side, like right here, I'm behind her, she's in front of me, she took the shots for me, one of them would've hit my shoulder." Detective McGuire asked him to slow down as he attempted to clarify the information. O'Brien admitted to knowing the police officers were outside. He is asked how many times did Jackson shoot at the officers. O'Brien stated, "Once." O'Brien claimed there was no verbal exchange after the shooting started. According to O'Brien, "They just shot immediately after, their all having, they all pointing waiting for her to shoot."

Detective McGuire attempted to clarify his earlier acknowledgment that they shot at the police officers before the officers shot at them. In response, O'Brien stated, "Yeah, when we were in the bedroom shooting at the walls, that's a, when we found the guns." O'Brien confirmed that they were aware of the officer's presence, as they were firing the guns in the bedroom. O'Brien stated that they fired at least four times through the windows while in the bedroom. According to O'Brien, Jackson fired twice out of the windows with the shotgun. Further, he stated that the officers did not return fire at that point but did recall lasers being pointed at them.

At this point, the two are interrupted as the nurse comes in to provide medical treatment (26:26). Detective McGuire resumes the interview (27:38), asking O'Brien how many times did he shoot out the windows from the bedroom. O'Brien responded, "Six." When asked if he was trying to kill one of the police officers, O'Brien stated, "No, I was just trying to tell them to back off with those pointy little lasers (inaudible) lasers every time (inaudible) they turn green." O'Brien did state he intended to shoot the officers. He confirmed only he and Jackson were in the bedroom at the time. According to O'Brien, the other boys had already departed from the residence and left them there.

O'Brien confirmed that he and Jackson made their way to the garage to get out. O'Brien stated, Jackson was behind the trash can for cover and he was positioned behind a wall just inside of the garage. O'Brien stated, "I am over there in that area, then I hear the shotgun go off, and then I was like Nicole, Nicole, and then, and then, all those, all those huge score of bullets just comes straight through her and most of them hit the wall, and direct wall that I'm behind her with, and let's just say that they, bullets can go through bricks, right like that." O'Brien stated that he was almost struck in the head, stomach, left leg, and left arm by the gunfire.

O'Brien again claimed to have fired the AK-47 at the officers from the garage. According to O'Brien, "It was a clip and then after she was, she was on the ground making creepy noises (he makes choking sound), all that noises, all that like your coughing up blood from internal bleeding type of stuff, and then, and then, I load my gun, they start shooting again, and so, I shoot back, I shoot back, and then, and then, I screamed shut the fuck up, and then they were like who you talking to, and then there's, there's this guard with like a little handgun on the side of the...here's the garage right, it's the other door, you come around and then they were all telling me to put away my gun, so I put away my gun and turned myself in."

Detective McGuire asked O'Brien how he learned to load a weapon. O'Brien then described the process of loading a rifle with a magazine. O'Brien stated he learned the process by watching the video game GTA. O'Brien then stated, "Not really, not really, Nerf guns, they are pretty realistic." O'Brien then described the handgun that he possessed at the time of the incident. O'Brien stated, "The guns, handgun's top then flipped back at all angles, it's so weird." O'Brien stated that the handgun was very small and black in color but did not know what kind.

Detective McGuire then attempted to clarify the series of events from when O'Brien left FUMCH to the point of the altercation with law enforcement personnel at the residence. O'Brien stated that he and Jackson departed from the children's home around 9:00 a.m. They ran away to the "springs" and went swimming. O'Brien confirmed that they met the other boys at the springs. According to O'Brien, they left the springs with the boys and arrived at the residence at around 3:00 p.m. O'Brien stated they were drawn to the farm because of the

shed. O'Brien stated that when they walked into the shed there were "A bunch of power tools and a big bag of different of bullets." O'Brien stated, "We were like if there's bullets, there got to be guns, so we all went searching the property for weapons, and that's when we ran in the breaking in the house, and that's how it led up to the people, as soon as we got there, the people left." O'Brien admitted to seeing the homeowner leave the property moments before they broke into the house.

O'Brien stated it was the idea of the other boys for them to break into the house and that he and Jackson went along with it. O'Brien confirmed that he physically broke out several windows to get into the residence. When questioned about the other boys, O'Brien stated, "It seems like they were runners, but I don't know where from, they were like, there were like, really out to do anything bad."

During their conversation, O'Brien would refer to himself as "We," as he described other burglaries and thefts. He claimed to have stolen guns from other homes and admitted to disposing of them in the springs. Detective McGuire asked O'Brien if he thought it was not a good idea to shoot at the police. O'Brien stated, "Yeah, and see the rest of my friends getting shot, is there blood on my face? not even little tiny dots? they wiped it off." O'Brien stated he did not know why Jackson was shooting at the police. According to O'Brien, Jackson stated, "I'm going to roll this down like GTA" while they were in the bedroom of the residence. Further, O'Brien claimed that he only started shooting the AK-47 from the garage after witnessing Jackson getting shot.

O'Brien stated, "I want a lawyer." Detective McGuire asked if he wanted to answer any further questions? O'Brien stated, "I don't want to answer no further questions." O'Brien then agreed to answer questions.

Detective McGuire confronted O'Brien on inconsistencies in his statement, particularly lying about leaving FUMCH at 9:00 a.m. O'Brien admitted that he lied and had attended school until 2:00 p.m. Further, he stated that he returned to the children's home and attended a study hall until about 3:30 p.m. O'Brien said he became upset when he was denied permission to go outside. He claimed it was the only part he lied about.

O'Brien reiterated that the other boys tricked them into going into the house and then ran away.

Law Enforcement Officer - Witness Interviews

Corporal Tony Tagle

On June 1, 2021, SA Snowden conducted a voluntary, sworn, and audio-recorded interview with DeLand Police Department (DPD) Corporal Tagle. The interview was conducted in an unmarked VSO vehicle at 1050 Enterprise Osteen Road in Enterprise, Florida. VSO Detective Steve Wheeler was present for the interview.

Corporal Tagle is an eight-year veteran with DPD. For seven years he has been a member of the Volusia County SWAT team. On the day of the incident, Corporal Tagle was monitoring the VSO radio channel that was broadcasting information about a call involving two runaway juveniles. When Corporal Tagle heard there was gunfire actively occurring on the scene, he decided to respond knowing that there was a good likelihood this would require a SWAT response. Corporal Tagle received the SWAT callout as he drove to the location.

Corporal Tagle originally drove to the FUMCH due to the call originating from that location and the mapping system in his police vehicle taking him there. When he arrived and saw no other law enforcement vehicles, Corporal Tagle flagged down an EVAC vehicle and was told where the incident was located.

As he was arriving on the incident scene, Corporal Tagle heard the exchange of gunfire. He then heard a call for medical assistance over the radio, along with the request for a "med kit." Corporal Tagle had a medical kit in his possession. After being told the scene was clear, he drove to where the involved deputies were with Jackson. As Corporal Tagle approached Jackson and the deputies, one of the deputies said they needed to transport Jackson from the scene immediately instead of waiting for the EVAC unit to arrive. A VSO Sergeant (Corporal Tagle did not know who) told Corporal Tagle to take Jackson to Publix, where EVAC would meet