

7th. Judicial Circuit 707

Charging Affidavit - FLAGLER

Arrest # _____

Bk # 17-1830

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"/>		Count Case Number: _____	
(ORD) FL: 0 1 8 0 0 0 0 Agency Name: Flagler County Sheriff's Office		Agency Case Number: 2017-00073562	
FCIC/NCIC Check? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> OBTs# 180649731		Arrested Date: 08/28/2017 Time of Arrest: 16:48	
ADDRESS OF ARREST: 3000, Palm Coast, PKWY, Palm Coast, Florida, 32137.			
DEFENDANT		Arrested By: Cavas Troy	
Name (L.F.A.D.): MARTINEZ, KELVIN		A.K.A.: _____	
DOB: 01/08/1962	Age: 55	ID No.: _____	Signature: _____
Height: 6 10	Weight: 180	Hair: Brown	Eye: Brown
Scars, Marks, Tattoos:	Business & Occupation: _____		
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/Blind: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Address - Mailing Permanent		Address - Current	
Address - Local		Address - Other (Employer/School)	
CHARGES			
#1	Charge: Child Abuse	DOMESTIC VIOLENCE? YES <input checked="" type="checkbox"/>	Attachment: Affidavit(s) <input type="checkbox"/> Statement(s) <input checked="" type="checkbox"/> NTA Schedule <input type="checkbox"/> Report <input type="checkbox"/> Traffic Infraction(s) <input type="checkbox"/> DCU <input type="checkbox"/> Total Charges: 2
#2	Charge: Domestic battery by strangulation	FEL <input checked="" type="checkbox"/> MISD <input type="checkbox"/> ORD <input type="checkbox"/>	ES/ORD: 827.02.1
#3	Charge: _____	FEL <input type="checkbox"/> MISD <input type="checkbox"/> ORD <input type="checkbox"/>	ES/ORD: 784.041.2
CO-DEPENDANT		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"/>	
#1 NAME(L,F,A,D): _____		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"/>	
#2 NAME(L,F,A,D): _____		Race: _____ Sex: _____ DOB: _____ Age: _____	
NARRATIVE			
The undersigned certifies and swears that there is a probable cause to believe the above names defendant, on the 28th day of August, 2017, at approximately 16:48 A.M. X P.M. at 84 Webster LN within Flagler County, violated the law and did then and there, Domestic Disturbance.			
Upon my arrival, I made contact with _____ had a swollen abrasion to his left eye. I could also clearly see red marks on the right side of his throat and behind his right ear. _____ advised that when he had gotten home from school, he noticed his computer had been unplugged from the wall. _____ advised that he approached _____ (Kelvin Martinez) in the kitchen			
Supervisor Approved: Dopp, Jonathan Aaron 08/28/2017			
NOTICE TO APPEAR			
MANDATORY APPEARANCE <input type="checkbox"/>		YOU NEED NOT APPEAR IN COURT BUT MUST COMPLY WITH INSTALLATIONS ON THE REVERSE SIDE OF YOUR COPY <input type="checkbox"/>	
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	SIGNATURE OF JUVENILE PARENT OR CUSTODIAN	RELATIONSHIP TO JUVENILE
Signed by me _____	Sworn to and subscribed before me, the undersigned	I swear affirm the above statements are correct and true.	
Name: _____	This 28th day of Aug 17.	OFFICER'S COMPLAINTANT'S SIGNATURE	
Notary Public <input type="checkbox"/> Law Enforcement or Coroner's Officer <input type="checkbox"/>		NAME(PRENTED)	
Personally Known <input type="checkbox"/> Produced Identification <input type="checkbox"/>		ID NUMBER	
Type of Identification: _____		Limit Number	
at facility: _____		698	

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Arrest Report Page 2 Of 4

Narrative 707-B Supplement

☒ Arrest
☐ Affidavit
☐ Notice to Appear
☐ Adult
☐ Juvenile

Court Case
Number:

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Defendant Name:
MARTINEZ, KELVIN

Agency Case Number:
2017-00073562

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:
#	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:

of the residence to ask him about the computer being unplugged. ■■■■■ said that he asked Kelvin to tell him about the computer and to let him turn it off appropriately to not damage the computer. ■■■■■ stated that Kelvin then began yelling at him about the bills and the cost of letting electronics run in the house. ■■■■■ stated that when Kelvin began yelling at him, he started yelling back.

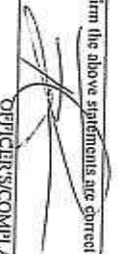
■■■■■ stated that once he yelled back at Kelvin, Kelvin "smacked" him causing him to fall to the ground. ■■■■■ then advised that Kelvin then struck him on the left side of his face, above the eye, with a closed fist. ■■■■■ stated that Kelvin used his right hand to strike him with the closed fist. ■■■■■ stated that Kelvin then climbed on top of him while he was on the ground and that he then began to fight back. While he was trying to fight back, Kelvin put his left hand around ■■■■■'s throat and began squeezing to the point that ■■■■■ was unable to breathe. ■■■■■ said that he then put his hand around Kelvin's throat and then began striking Kelvin back. ■■■■■ said that he then escaped from underneath Kelvin and retreated behind the couch in the living room. ■■■■■ stated that Kelvin continued to yell at him until Kelvin went into his bedroom.

■■■■■ stated that when Kelvin was in the bedroom, he picked up a knife from the kitchen to defend himself with, and ran across the street to call 911. ■■■■■ stated that while he was on the phone with a communication specialist, Kelvin exited the residence to his vehicle and left the area to go to work at Daytona State College in Palm Coast. ■■■■■ then returned to the residence to wait for LEO to arrive.

■■■■■ stated that ■■■■■ I made contact with Javier via telephone and advised him of the incident. Javier stated that he was leaving Tampa to respond back to Palm Coast to pick up ■■■■■ I called DCF and requested an immediate response due to the extent of the injuries to ■■■■■ I spoke with Jelica (ID # 395) who advised a report would be taken and an investigator would be in route to the residence.

■■■■■ completed a Domestic Violence Assessment and Statement Form on the incident and it will be submitted to records. I provided ■■■■■ with a DV pamphlet and took photos of him. The photos will be uploaded to Aegis.

Rescue 21 responded to the scene and treated ■■■■■ for his injuries. ■■■■■ refused to be transported to FHF. Contact was made with Javier by paramedics via telephone who allowed for him not to be transported.

Sworn to and subscribed before me, the undersigned this <u>28</u> day of <u>May</u> , <u>2017</u> .		I swear/affirm the above statements are correct and true.		Right thumb
Name: <u>184-18823</u>		 OFFICER'S/COMPLAINANT'S SIGNATURE		
Notary Public <input type="checkbox"/> Law Enforcement Officer <input type="checkbox"/> Personally Known <input type="checkbox"/> Produced Identification <input type="checkbox"/>				
Type of Identification:	NAME (PRINTED) <u>Cavus, Troy</u>	ID NUMBER <u>698</u>		

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Narrative 707-B Supplement

☒ Arrest
☐ Affidavit
☐ Notice to Appear

☐ Adult
☐ Juvenile

Court Case
Number:

Page # 4 of 4

Defendant Name:
MARTINEZ, KELVIN

Agency Case Number:
2017-00073562

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:
#	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:

Deputy Conway then stood by with [REDACTED] while I drove to Daytona State College (3000 Palm Coast Parkway) to make contact with Kelvin. Upon my arrival at DSC, Kelvin exited the building and made contact with me in the parking lot of the school. Kelvin advised that when [REDACTED] arrived home from school, [REDACTED] told him to not turn his computer off. Kelvin began telling [REDACTED] about the cost of running all the electronics and that is when [REDACTED] began to yell at him. Kelvin then stated that [REDACTED] then began swinging at him and struck him above his left eye. Kelvin then showed me the mark he had above his eye from [REDACTED] striking him. Kelvin then stated that [REDACTED] continued to swing at him until Kelvin took [REDACTED] to the ground and pinned him to prevent from being struck. Kelvin advised he pinned [REDACTED] to the ground by holding his shoulders down, but at no time did she strike [REDACTED] in the face or choke him. Kelvin said that once [REDACTED] calmed down, he let [REDACTED] up and left the residence so he could go to work.

I took photographs of Kelvin and they will be uploaded to Aegis as well.

Based on the statements from [REDACTED] and the marks that he had on his face and neck, I determined that Kelvin was the primary aggressor. I then placed him under arrest and transported him to FCLF without incident.

Deputy Conway stood by with [REDACTED] until DCF Investigator Beth Jensen #dsd12616, arrived at [REDACTED] DCF then stood by with [REDACTED] until Javier could arrive so [REDACTED] could be taken for a CPT interview.

No further action taken and Axon video will be uploaded to evidence.com.

Sworn to and subscribed before me, the undersigned this <u>23</u> day of <u>Aug</u> , <u>19</u> .		I swear/affirm the above statements are correct and true.		Right thumb
Name: <u>1234 1134</u>		OFFICER'S/COMPLAINANT'S SIGNATURE: <u>[Signature]</u>		
Notary Public <input checked="" type="checkbox"/> Law Enforcement Officer <input type="checkbox"/> Personally Known <input type="checkbox"/> Produced Identification <input type="checkbox"/>		NAME (PRINTED) <u>Casey, Troy</u>		
Type of Identification:		ID NUMBER <u>698</u>		

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