

7th. Judicial Circuit 707  
Charging Affidavit - FLAGLER

Arrest # \_\_\_\_\_

Bk # 21-2783

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: 2021 CF 001234
(ORD) FL: 0 1 8 0 0 0 0	Agency Name: Flagler County Sheriff's Office	Agency Case Number: 2021-00114023		
FCIC/NCIC Check? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	OBTS# <u>10101555</u>	UCR:	Date Arrested: 12/25/2021	Time of Arrest: 00:25
ADDRESS OF ARREST: CLOVE/DOGWOOD, AVE, Bunnell, Florida, 32110		Arrested By: Marsan	Necole	ID Number: 1034
<b>DEFENDANT</b> Name (L.F.M.): WESTERVELT, JOSEPH, MICHAEL		A.K.A.:		Sex: Male Race: WHITE
DOB: 05/19/1994	Age: 27	Driver's Lic ID No.: W236493941791	State: Florida	Year Expires: 2023
Height: 6 02	Weight: 200	Hair: BLACK	Eyes: BLUE	POB (City, St, Country):
Scars, Marks, Tattoos:	Business & Occupation:		Statement: Yes <input checked="" type="checkbox"/> No <input 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/Blute: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Address - Mailing Permanent (STREET, APT. NUMBER): 56 RYLAND DR		(CITY): PALM COAST	(STATE): Florida	ZIP CODE: 32164
Address - Local (STREET, APT. NUMBER): 56 RYLAND DR		(CITY): PALM COAST	(STATE): Florida	ZIP CODE: 32164
Address - Other (Employer/School) (STREET, APT. NUMBER):		(CITY):	(STATE):	ZIP CODE: (000)000-0000
<b>CHARGES</b> DOMESTIC VIOLENCE? YES <input type="checkbox"/>		Attachments: Affidavit(s) <input checked="" type="checkbox"/> Statement(s) <input type="checkbox"/> NTA Schedule <input type="checkbox"/> Report <input type="checkbox"/> Traffic Infraction(s) <input type="checkbox"/> DUI <input type="checkbox"/>		Total Charges: 1
#1 Charge: METHAMPHETAMINE - POSSESSION	FEL <input checked="" type="checkbox"/> MISD <input type="checkbox"/> ORD <input type="checkbox"/>	PS/ORD: 893.13.6.A	Citation No.:	Bond: \$2500
#2 Charge:	FEL <input type="checkbox"/> MISD <input type="checkbox"/> ORD <input type="checkbox"/>	PS/ORD:	Citation No.:	Bond:
#3 Charge:	FEL <input type="checkbox"/> MISD <input type="checkbox"/> ORD <input type="checkbox"/>	PS/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 (L.F.M.):	Race:	Sex:	DOB:	Age:
#2 NAME (L.F.M.):	Race:	Sex:	DOB:	Age:
<b>NARRATIVE</b> The undersigned certifies and swears that there is a probable cause to believe the above named defendant, on the 25th day of December, 2021, at approximately 00:25 X A.M. P.M. at 56 RYLAND DR within Flagler County, violated the law and did then and there.				
On Friday, December 24, 2021, at approximately 10:27 p.m. hours, while on a proactive patrol in the area of County road 305, Bunnell, I, Deputy Marsan, observed a gold Cadillac traveling southbound. From prior law enforcement interaction, I knew that Cadillac to not have a tag assigned to it, and the current registration is cancelled.				
I observed the vehicle to be bearing Florida tag Y49EUL, which through a FCIC/NCIC search I verified that Florida tag was not assigned to any vehicle. I activated my emergency lights on my agency issued patrol vehicle to				
Supervisor Approved: Lowe, William B 12/25/2021				
<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		DATE	RELATIONSHIP TO JUVENILE	Jury Disp. CITATION No.
Sworn to and subscribed before me, the undersigned This 25th day of Dec 2021		I swear affirm the above statements are correct and true.		
Name: <u>[Signature]</u> #526		OFFICER'S/COMPLAINANT'S SIGNATURE		
Notary Public - Law Enforcement or Corrections Officer <input checked="" type="checkbox"/> Personally Known <input type="checkbox"/> Production Identification <input type="checkbox"/> Type of Identification:		NAME (PRINTED)	ID NUMBER	
<b>OFFICIAL USE ONLY</b>		N. Marsan	1034	
		Inmate Number & facility:		

707 - COURT COPY

# Witness/Victim/Evidence Form 707-A

Arrest  
 Affidavit  
 Notice to Appear  
 Adult  
 Juvenile

Court Case Number:

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Defendant Name: WESTERVELT, JOSEPH, MICHAEL		Agency Case Number: 2021-00114023	
Name (L,F,M): UPTON, KALYN, RAE	Vic <input type="checkbox"/> Wit <input checked="" type="checkbox"/>	Race: WHITE	Sex: M <input type="checkbox"/> F <input checked="" type="checkbox"/>
Address 2895 ROYAL PALM DR BUNNELL, Florida	Age: 31	DOB: 02/19/1990	SSN: --
Bus/School Address:	Zip: 32110	Home Phone: (386)401-2883	Statement: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Relative/Contact Name:	Relative/Contact Address:	Phone:	Phone:
Name (L,F,M):	Vic <input type="checkbox"/> Wit <input type="checkbox"/>	Race:	Sex: M <input type="checkbox"/> F <input type="checkbox"/>
Address (#, Street, City, State):	Age:	DOB:	SSN:
Bus/School Address:	Zip:	Home Phone:	Statement: Yes <input type="checkbox"/> No <input type="checkbox"/>
Relative/Contact Name:	Relative/Contact Address:	Phone:	Phone:
Name (L,F,M):	Vic <input type="checkbox"/> Wit <input type="checkbox"/>	Race:	Sex: M <input type="checkbox"/> F <input type="checkbox"/>
Address (#, Street, City, State):	Age:	DOB:	SSN:
Bus/School Address:	Zip:	Home Phone:	Statement: Yes <input type="checkbox"/> No <input type="checkbox"/>
Relative/Contact Name:	Relative/Contact Address:	Phone:	Phone:
Name (L,F,M):	Vic <input type="checkbox"/> Wit <input type="checkbox"/>	Race:	Sex: M <input type="checkbox"/> F <input type="checkbox"/>
Address (#, Street, City, State):	Age:	DOB:	SSN:
Bus/School Address:	Zip:	Home Phone:	Statement: Yes <input type="checkbox"/> No <input type="checkbox"/>
Relative/Contact Name:	Relative/Contact Address:	Phone:	Phone:
Name (L,F,M):	Vic <input type="checkbox"/> Wit <input type="checkbox"/>	Race:	Sex: M <input type="checkbox"/> F <input type="checkbox"/>
Address (#, Street, City, State):	Age:	DOB:	SSN:
Bus/School Address:	Zip:	Home Phone:	Statement: Yes <input type="checkbox"/> No <input type="checkbox"/>
Relative/Contact Name:	Relative/Contact Address:	Phone:	Phone:
Name (L,F,M):	Vic <input type="checkbox"/> Wit <input type="checkbox"/>	Race:	Sex: M <input type="checkbox"/> F <input type="checkbox"/>
Address (#, Street, City, State):	Age:	DOB:	SSN:
Bus/School Address:	Zip:	Home Phone:	Statement: Yes <input type="checkbox"/> No <input type="checkbox"/>
Relative/Contact Name:	Relative/Contact Address:	Phone:	Phone:
Name (L,F,M):	Vic <input type="checkbox"/> Wit <input type="checkbox"/>	Race:	Sex: M <input type="checkbox"/> F <input type="checkbox"/>
Address (#, Street, City, State):	Age:	DOB:	SSN:
Bus/School Address:	Zip:	Home Phone:	Statement: Yes <input type="checkbox"/> No <input type="checkbox"/>
Relative/Contact Name:	Relative/Contact Address:	Phone:	Phone:

## EVIDENCE COLLECTED

Description of Evidence	Date Recovered	Model Serial/I.D. Number	Drug Amount
SILVER VAPE CONTAINING WHITE LIQUID- PRESUMPTIVE POSITIVE	MEB 2/2021		
Owner (Name)	(Address)	(Phone)	Value
Description of Evidence	Date Recovered	Model Serial/I.D. Number	Drug Amount
Owner (Name)	(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

I certify that the foregoing is a complete list of witnesses/victims & evidence known to me.

Investigating Officer

ID Number

Agency

707-A - COURT COPY

# Narrative 707-B Supplement

- Arrest
- Affidavit
- Notice to Appear
- Adult
- Juvenile

Court Case Number:

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Defendant Name:	Agency Case Number:
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#	Charge:	FEL <input type="checkbox"/> MISD <input type="checkbox"/> ORD <input type="checkbox"/>	FS/ORD:	Citation No:	Bond:

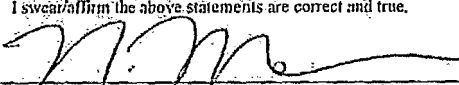
initiate a traffic stop in the area of Clove Ave and Dogwood St., Bunnell. I approached the vehicle, identified myself as Deputy Marsan with the Flagler County Sheriff's Office and made contact with the two occupants of the vehicle. The driver, later identified as Kalyn Upton, and the front passenger, later identified as Joseph Westervelt. Kalyn advised the Cadillac belongs to her and she just purchased it a few days prior from Joseph. Joseph advised he purchased the vehicle from someone by the last name of Chambers in Daytona. I asked Kalyn if she had any documents for the vehicle, to which Joseph advised he has the title of the Cadillac however, it is located at a family member's residence in the R section. I advised Kalyn due to the vehicle not being registered, the vehicle should not be driven on any public roadway.

While speaking with Kalyn and obtaining further information in regards to the vehicle, I observed both her and Joseph to be nervous, looking away when speaking to me, looking down in the vehicle and their heart rates appeared to be elevated. Deputy Prevatt requested a Flagler County K9 Deputy to respond to my traffic stop. K9 Deputy Towns arrived on scene as I was completing three Florida Uniform Traffic Citation's for Kalyn. I requested K9 Deputy Towns to utilize his partner to conduct a free air sniff around the exterior of the vehicle. Upon completion, K9 Deputy Towns advised me that probable cause exists to conduct a search. See KATS K9 Deployment Report for further information.

I then made contact with Joseph and a requested him to exit the vehicle. Upon patting Joseph down for weapons, a silver "vape" canister fell out of his right pant leg and onto the ground. Joseph was immediately detained and I collected the "vape" canister. Joseph denied the "vape" canister being his despite it falling out of his pant leg. I then conducted a search of Joseph's person but yielded negative results. I placed Joseph in the back of my patrol car and then approached Kalyn. I requested Kalyn to exit the vehicle and conducted a pat down for weapons, which yielded negative results.

Upon further investigation into the silver "vape" canister, I observed an off white liquid substance inside the removable cartridge. A Lynn Peavey Quick Check Methamphetamine Test Kit was utilized, which yielded a presumptive positive indication for Methamphetamine with Corporal Smith and Deputy Prevatt as my witness. A probable cause search of Kalyn's person, which yielded negative results.

I then conducted a probable cause search the Cadillac and located three (3) pieces of aluminum foil on top of the rear passenger storage compartment. I opened one of pieces of foil and observed a brown residue on it. Due to my training and experience, I know illegal narcotics to be used by smoking it from aluminum foil. A NARK

Sworn to and subscribed before me, the undersigned this <u>25</u> day of <u>December</u> , 2021. Name: <u>H. 806</u> 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:	I swear/affirm the above statements are correct and true.  OFFICER'S/COMPLAINANT'S SIGNATURE NAME (PRINTED) <u>N. Marsan</u> ID NUMBER: <u>1034</u>	Right thumb
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707-B - COURT COPY

# Narrative 707-B Supplement

Arrest  
 Affidavit  
 Notice to Appear
  Adult  
 Juvenile

Court Case Number:

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Defendant Name:	Agency Case Number:
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#	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"/>	FS/ORD:	Citation No:	Bond:
#	Charge:			FEL <input type="checkbox"/> MISD <input type="checkbox"/> ORD <input type="checkbox"/>		
#	Charge:			FEL <input type="checkbox"/> MISD <input type="checkbox"/> ORD <input type="checkbox"/>		
#	Charge:			FEL <input type="checkbox"/> MISD <input type="checkbox"/> ORD <input type="checkbox"/>		

II Fentanyl Reagent Quick Test Kit was utilized, which yielded a presumptive positive indication for Fentanyl. I immediately utilized proper PPE and collected the remaining pieces of aluminum foil that contained a black, ash like burnt substance to be submitted into evidence. No other items of evidentiary value were located within the vehicle.

I read Kalyn her Miranda Rights, directly from Corporal Smith's Miranda Card that was provided to him from the 7th Judicial Circuit State's Attorney's Office. Kalyn advised that she understood her rights and wished to speak to me. Kalyn denied having any knowledge of any illegal contraband inside the Cadillac.

I then read Joseph his Miranda Rights, directly from Corporal Smith's Miranda Card that was provided to him from the 7th Judicial Circuit State's Attorney's Office. Joseph advised that he understood his rights and wished to speak to me. Joseph denied any knowledge of any illegal contraband inside the Cadillac.

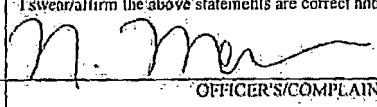
Joseph was placed under arrest for possession of Methamphetamine.

All items of evidentiary value will be turned into Evidence for further processing. Additional charges pending FDLE Lab Submission. An FDLE Lab Submission Form will be completed for substance identification.

Vehicle was removed from the scene by rotation tow service, John's Towing. See case report for further information. Axon video footage will be uploaded in a timely manner.

No further information at this time.

My Axon was later uploaded to Evidence.com for further review.

Sworn to and subscribed before me, the undersigned this <u>25</u> day of <u>December</u> , 20 <u>21</u> . Name: <u>N. Morgan</u> 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:	I swear/affirm the above statements are correct and true.  OFFICER'S/COMPLAINANT'S SIGNATURE NAME (PRINTED) <u>N. Morgan</u> ID NUMBER <u>1034</u>	Right thumb
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707-B - COURT COPY