

**7th. Judicial Circuit 707**  
**Charging Affidavit - FLAGLER**

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

Bk # 20-0033

Pg #1 of 5

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: <b>2020 CF 000007</b>	
(ORI) FL: 0 1 8 0 0 0 0		Agency Name: <b>Flagler County Sheriff's Office</b>		Agency Case Number: <b>2020-00001369</b>	
FCIC/NCIC Check? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		OBTS# <u>1801056619</u>		Date Arrested: <b>01/05/2020</b> Time of Arrest: <b>11:09</b>	
ADDRESS OF ARREST: <b>26, WHIRLAWAY, DR, Palm Coast, Florida, 32164</b>				Arrested By: <b>Conway Philip</b> ID Number: <b>767</b>	
<b>DEFENDANT</b> Name (L.F.M.): <b>BORCA, SEAN, L</b>		A.K.A.:		Sex: <b>Male</b> Race: <b>WHITE</b>	
DOB: <b>06/20/1975</b> Age: <b>44</b>		Driver's Lic ID No.: <b>B620792752200</b>		State: <b>Florida</b> Year Expires: <b>2028</b> S.S. #: <b>[REDACTED]</b>	
Height: <b>5 11</b> Weight: <b>205</b> Hair: <b>BROWN</b> Eyes: <b>BLUE</b>		POB (City, St, Country):		Statement: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Citizenship: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
Sears, 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"/>	
Address-Mailing Permanent (STREET, APT. NUMBER) <b>26 WHIRLAWAY DR</b>		(CITY) <b>PALM COAST</b> (STATE) <b>Florida</b> ZIP CODE <b>32164</b>		RESIDENCE PHONE:	
Address-Local (STREET, APT. NUMBER) <b>26 WHIRLAWAY DR</b>		(CITY) <b>PALM COAST</b> (STATE) <b>Florida</b> ZIP CODE <b>32164</b>		RESIDENCE PHONE: <b>(904)600-6897</b>	
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 type="checkbox"/> Statement(s) <input type="checkbox"/> NTA Schedule <input type="checkbox"/> Report <input checked="" type="checkbox"/> Traffic Infraction(s) <input type="checkbox"/> DUI <input type="checkbox"/>		Total Charges: <b>2</b>	
#1	Charge: <b>AGG ASSAULT - DEADLY WEAPON W/O INTENT TO KILL</b>	FEL <input checked="" type="checkbox"/> MISD <input type="checkbox"/> ORD <input type="checkbox"/>	FS ORD: <b>784.021.1.A</b>	Citation No.:	Bond: <b>NONE</b>
#2	Charge: <b>BATTERY - SIMPLE</b>	FEL <input type="checkbox"/> MISD <input checked="" type="checkbox"/> ORD <input type="checkbox"/>	FS ORD: <b>784.03.1.B</b>	Citation No.:	Bond: <b>NONE</b>
#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 (L.F.M.):		Race:		Sex:	
#2 NAME (L.F.M.):		Race:		Sex:	
<b>NARRATIVE</b>		The undersigned certifies and swears that there is a probable cause to believe the above names defendant, on the <u>5th</u> day of <u>January</u> , 2020, at approximately <u>11:09</u> <u>X</u> A.M. <u></u> P.M. at <u>26 WHIRLAWAY DR</u> within <u>Flagler</u> County, violated the law and did then and there.			
On 01/05/2020, at approximately 1039 hours, Flagler County Dispatch received a 911 call from Jazmin Diaz. Jazmin advised that she was at an unknown location, and was just threatened with a shotgun. While dispatch was speaking with Jazmin, an unknown male yelled in the background "26 Whirlaway Drive", Jazmin's phone also geo located to 26 Whirlaway Drive. Jazmin told dispatch that a male put the firearm away after they fought over the gun.					
Upon arrival, I asked dispatch to have Jazmin step outside. Upon approaching the residence from the East					
Supervisor Approved: <b>Myers, Robert S. 01/05/2020</b>					
<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"/>	
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.		FINE AND COSTS AMOUNT:			
SIGNATURE OF DEFENDANT		DATE		RELATIONSHIP TO JUVENILE	
Sworn to and subscribed before me, the undersigned This <u>5</u> day of <u>January</u> 2020		I swear affirm the above statements are correct and true.		Rt Thumb	
Name: <u>Padua #728</u>		OFFICER'S COMPLAINT'S SIGNATURE: <u>Dep. Conway 767</u>			
Notary Public <input type="checkbox"/> Law Enforcement or Corrections Officer <input type="checkbox"/> Personally Known <input type="checkbox"/> Produced Identification <input type="checkbox"/> Type of Identification:		NAME (PRINTED) <u>Dep. Conway</u>		ID NUMBER <u>767</u>	
<b>OFFICIAL USE ONLY</b>		Inmate Number & facility:			

707 - COURT COPY

# Witness/Victim/Evidence Form 707-A

Arrest  
 Affidavit  
 Notice to Appear
 
 Adult  
 Juvenile

Court Case Number:

Pg #2 of 5

Defendant Name: <b>BORCA, SEAN, L</b>		Agency Case Number: <b>2020-00001369</b>	
Name (L,F,M): [REDACTED]	Vic Wit: <input checked="" type="checkbox"/> <input type="checkbox"/>	Race: <b>WHITE</b>	Sex: <input checked="" type="checkbox"/> M <input type="checkbox"/> F
Address (#, Street, City, State): [REDACTED]	Age: <b>17</b>	DOB: <b>2002</b>	SSN: [REDACTED]
Bus/School Address:	Zip: <b>32164</b>	Home Phone: [REDACTED]	Statement Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Relative/Contact Name:	Relative/Contact Address:	Bus Phone:	Phone:
Name (L,F,M): <b>DIAZ, JAZMIN,</b>	Vic Wit: <input checked="" type="checkbox"/> <input type="checkbox"/>	Race: <b>HISPANIC</b>	Sex: <input type="checkbox"/> M <input checked="" type="checkbox"/> F
Address <b>10125 EASTMAR CMNS BLVD 1423, ORLANDO, Florida</b>	Age: <b>35</b>	DOB: <b>04/19/1984</b>	SSN: [REDACTED]
Bus/School Address:	Zip: <b>32825</b>	Home Phone: <b>(321)900-7027</b>	Statement Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Relative/Contact Name:	Relative/Contact Address:	Bus Phone:	Phone:
Name (L,F,M):	Vic Wit: <input type="checkbox"/> <input type="checkbox"/>	Race:	Sex: <input type="checkbox"/> M <input type="checkbox"/> F
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:	Bus Phone:	Phone:
Name (L,F,M):	Vic Wit: <input type="checkbox"/> <input type="checkbox"/>	Race:	Sex: <input type="checkbox"/> M <input type="checkbox"/> F
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:	Bus Phone:	Phone:
Name (L,F,M):	Vic Wit: <input type="checkbox"/> <input type="checkbox"/>	Race:	Sex: <input type="checkbox"/> M <input type="checkbox"/> F
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:	Bus Phone:	Phone:
Name (L,F,M):	Vic Wit: <input type="checkbox"/> <input type="checkbox"/>	Race:	Sex: <input type="checkbox"/> M <input type="checkbox"/> F
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:	Bus Phone:	Phone:

## EVIDENCE COLLECTED

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
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.

*Det. Conway*  
Investigating Officer

*767*  
ID Number

*FC50*  
Agency

707-A - COURT COPY

# Narrative 707-B Supplement

Arrest  
 Affidavit  
 Notice to Appear
  Adult  
 Juvenile

Court Case Number:

Page # 3 of 5

Defendant Name: <b>BORCA, SEAN, L</b>		Agency Case Number: <b>2020-00001369</b>	
<b>CHARGES</b>	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"/>	
#	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:

side, I observed a female in the garage crying, and on the phone. At that moment, Jazmin acknowledged me and began to limp out of the garage. I observed Jazmin had fresh abrasions on her knees, and had a white dust covering both of her legs. I removed Jazmin from the property, and to a safe location.

Jazmin was crying and breathing heavily. Female first states, "I am not a prostitute." Jazmin said that male advised he would give her \$500.00 if she picked him up and drove him home. Jazmin advised she has previously met the man, and told him that she does not do sexual acts, and male advised he did not mean it like that. Jazmin advised she brought him to the residence. Jazmin advised that the male began to harass her, and started to touch her butt, at which time she pushed him away and said, no, I don't do that. At that time the male told her that she just needed to leave, and she asked him to pay her because she did not have any gas. At that time she advised the male's name was Sean. Jazmin advised Sean stated, "I am going to take care of this." Sean went to his room, retrieved a shotgun, cocked the gun and pointed the shotgun at her. Jazmin advised that she immediately jumped on Sean, at which time they began to fight on the ground. Jazmin advised that after the gun was put away, Sean stated he was just joking.

Flagler County Dispatch received a phone call from Sean while we were interviewing Jazmin. Sean told Dispatch that there was a female at his residence refusing to leave. Dispatch told the male to step outside, at which time he was secured in handcuffs for officer safety. Immediately after detaining Sean, I made an announcement into the residence asking anyone else to step outside, at which time Sean's seventeen-year-old son [REDACTED] stepped outside. Deputies then cleared the residence, to ensure no one else was inside of the residence.

I read Sean his Miranda Rights, to which he advised he understood and was willing to speak with me. Let it be noted that Sean had visible injuries on his knees, consistent with one whom had scraped their knees on the floor. I asked Sean what happened, and Sean advised he had Jazmin pick him up from a residence out of the county. Sean advised that he met her in the club about a month ago. Sean stated that they hung out and were having fun, and watched some television. Sean advised that Jazmin stated out of nowhere, "pay me \$500.00, or I am calling the police." Sean stated he then said, "I am not giving you \$500.00, that was not the agreement", insinuating that an agreement of some sort had been made between the two of them. Sean then denied any agreement being made. Sean then went into stating, "I know better than that, I am an R/N Graduate, I'm an educated man." Sean advised that Jazmin then stated she would call the police, and she called them. Sean advised that he never had possession of a gun, and that all of his guns were under his bed. Sean also stated that he and Jazmin were never physical. I asked Sean why Jazmin would have fresh scrape marks on her knees, and

Sworn to and subscribed before me, the undersigned this <u>5</u> day of <u>January</u> , 2020.	I swear/affirm the above statements are correct and true.		Right thumb
Name: <u>Padilla #1278</u>	<i>Dep. Conway 767</i> 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"/>	NAME (PRINTED) <u>Dep. Conway</u>	ID NUMBER <u>767</u>	
Type of Identification:			

707-B - COURT COPY

# Narrative Supplement 707-B

Arrest  
 Affidavit  
 Notice to Appear  
 Adult  
 Juvenile

Court Case Number:

Page # 4 of 5

Defendant Name: <b>BORCA, SEAN, L</b>		Agency Case Number: <b>2020-00001369</b>	
<b>CHARGES</b>	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"/>	
#	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:

he advised that he does not know how she got them.

At this time, I told Sean that Jazmin advised that he pointed a gun at her, and they fought on the ground. Let it be noted that Sean did not appear to be in shock by this statement, and calmly said, "Sir, my guns are under my bed." I asked Sean if Jazmin has ever been to his residence before tonight, and he advised that she has not. I asked Sean if he owned a shot gun, to which he advised that he did. I asked Sean what kind of shot gun it was, and he advised that it was a Beretta, 12 gauge, black in color. I asked Sean how Jazmin would know that he owned a shotgun, and he stated "That's a good question."

Let it be noted that we conducted a show-up on scene. Jazmin positively identified Sean as the male that assaulted her with the firearm, and grasped her butt and breasts. Furthermore, Jazmin advised that the gun was a shotgun, all black, and she kept repeating "it made a loud noise as he clicked it", motioning her hands as if she was cocking a shotgun. Jazmin advised that the incident began in the garage when she was smoking a cigarette. Sean grabbed her butt, and then stuck his hand down the front of her shirt, grasping her left breast.

I spoke to [redacted] who first told deputies on scene that nothing happened. [redacted] agreed to complete a sworn statement, and was advised that a false statement is a crime. [redacted] then advised he wished to change his story. [redacted] advised that he was trying to sleep, and he heard them arguing. [redacted] said he heard her screaming at his dad, accusing him of bringing the gun out. He exited the room and observed them wrestling on the floor. [redacted] advised he saw the gun sitting on the floor next to them, so he grabbed it and put it under his dad's bed. [redacted] advised that the gun was a Beretta 12 gauge, black in color. [redacted] escorted me into the residence, and advised that he placed the shotgun underneath at the edge of the bed, which was no longer in the spot he placed it. I then looked under the bed, and the shotgun was in the middle, loaded with one shell. The shotgun was a 12 gauge Beretta, black in color.

I approached Jazmin with the shotgun, and she gasped and had a look of fear on her face. I asked Jazmin if this was the gun that Sean pointed at her, and she advised that it was. I asked Sean if he keeps his firearms loaded while under the bed, and Sean advised he was unsure, and did not wish to answer questions any longer.

Sean was placed under arrest for aggravated assault with a deadly weapon, and battery. Photos were taken and later uploaded to Aegis. Jazmin completed a sworn statement, advising she wished to pursue charges. Let it be noted that Jazmin was seen by medical personnel on scene, and did not go to the hospital. Sean refused medical. Jazmin was provided with a copy of her victim rights. The shotgun will be submitted as evidence.

Sworn to and subscribed before me, the undersigned this <u>5</u> day of <u>JANUARY</u> 2020	I swear/affirm the above statements are correct and true.	Right thumb
Name: <u>Padilla #1228</u>	<i>Dep. Conway 767</i> 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"/>	NAME (PRINTED) <u>Dep. Conway</u>	ID NUMBER <u>767</u>
Type of Identification:		

707-B - COURT COPY

# Narrative 707-B Supplement

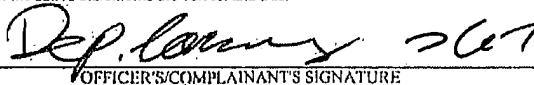
Arrest  
 Affidavit  
 Notice to Appear
 
 Adult  
 Juvenile

Court Case Number:

Defendant Name: <b>BORCA, SEAN, L</b>	Agency Case Number: <b>2020-00001369</b>
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#	Charge:	FEL <input type="checkbox"/> MISD <input type="checkbox"/> ORD <input type="checkbox"/>	FS/ORD:	Citation No:	Bond:

Axon

Sworn to and subscribed before me, the undersigned, this <u>5</u> day of <u>January</u> , 20 <u>20</u> . Name: <u>Podula # 728</u>	I swear/affirm the above statements are correct and true. <div style="text-align: center;">               OFFICER'S/COMPLAINANT'S SIGNATURE         </div>	Right thumb
Notary Public <input type="checkbox"/> Law Enforcement Officer <input type="checkbox"/> Personally Known <input type="checkbox"/> Produced Identification <input type="checkbox"/>	NAME (PRINTED) <u>Dep. Conway</u> ID NUMBER <u>707</u>	
Type of Identification:		

707-B - COURT COPY