

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

Report No. 200000792 Nature of Call: **ABAT SIMP** Report Date: 05-17-2020 Report Time: 0754 District: HH

Confidential: Arrest # _____ Bk # 1067014 Pg # 1 of 4

ARREST <input checked="" type="checkbox"/>	NOTICE TO APPEAR <input type="checkbox"/>	AFFIDAVIT <input checked="" type="checkbox"/>	C.C. <input type="checkbox"/>	ADULT <input checked="" type="checkbox"/>	JUVENILE <input type="checkbox"/>	Court Case Number: <u>20-307514 CEVB</u>
(ORI) FL: <u>FL0640700</u>	Agency Name: <u>HOLLY HILL POLICE DEPARTMENT</u>	Agency Case Number: <u>200000792</u>				
FCIC/NCIC Check? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	OBTS # _____	U.C.R. _____	Date Arrested: <u>5/17/2020</u>	Time of Arrest: <u>2144</u>		
ADDRESS OF ARREST (Street, City, State, Zip): <u>717 Unabelle St. Holly Hill, FL 32117</u>			Arrested By: <u>B. Williams</u>	ID Number: <u>HH250</u>		
DEFENDANT		NAME (Last) <u>1 Borca</u>	(First) <u>Sean</u>	(Middle) <u>L</u>	A.K.A.: _____	Sex: <u>M</u> Race: <u>W</u>
DOB: <u>06-20-1975</u>	Age: <u>44</u>	Driver's Lic./ ID No.: _____	State: <u>FL</u>	Year Expires: <u>2028</u>	S.S.# - _____	
Height: <u>5' 11</u>	Weight: _____	Hair: <u>BRO</u>	Eyes: _____	P.O.B. (City, State, Country): <u>Canada</u>		Statement: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Scars, Marks, Tattoos: _____	Business & Occupation: _____				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/Mute: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			
Address - Mailing/Permanent (STREET, APT. NUMBER) <u>26 Whirlaway Drive</u>		(CITY) <u>Palm Coast</u>	(STATE) <u>FL</u>	ZIP CODE <u>32164</u>	RESIDENCE PHONE <u>(904) 600-4897</u>	
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 <input checked="" 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"/>	DUI <input type="checkbox"/>	Total Charges: <u>3</u>
#1 Charge: <u>Felony Battery - Domestic by Strangulation</u>	FEL <input checked="" type="checkbox"/> MISD <input type="checkbox"/> ORD <input type="checkbox"/>	FS/ORD: <u>784.041(2)(A)</u>	Citation No.: _____	Bond: <u>No Bond</u>				
#2 Charge: <u>Tampering with a Witness</u>	FEL <input checked="" type="checkbox"/> MISD <input type="checkbox"/> ORD <input type="checkbox"/>	FS/ORD: <u>914.22(1)A</u>	Citation No.: _____	Bond: <u>No Bond</u>				
#3 Charge: <u>Battery Cause Bodily Harm</u>	FEL <input type="checkbox"/> MISD <input checked="" type="checkbox"/> ORD <input type="checkbox"/>	FS/ORD: <u>784.03(1)(A)2</u>	Citation No.: _____	Bond: <u>No Bond</u>				

CO-DEFENDANT	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 (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, 2020, at approximately 0754 a.m. p.m.

at 717 Unabelle Avenue HOLLY HILL within Volusia County, violated the law and did then and there:

1 Defendant Borca willfully, unlawfully, and with a well formed criminal intent battered his girlfriend of three years (later identified as Ms. Kozimor) by striking her on the right side of her face, striking her in her eye, grabbing her hair, pulling her down, and choking her to the point that she could not breathe. Defendant Borca also grabbed her cell phone as she was attempting to call for law enforcement assistance. Defendant Borca and Ms. Kozimor have never resided together as if a family nor do they have any children together however their relationship has been one of expectation of affection and / or sexual involvement.

2 To wit:

3 On Sunday, May 17th, 2020 at approximately 0758hrs., I was dispatched to 717 Unabelle Avenue for the report of an assault and battery. While en route I was advised by VCSO Central that the reporting party had advised that this had been ongoing for the previous hour between a male (later identified as Defendant Borca) and a female (later identified as Ms. Kozimor). The reporting party further advised that Defendant Borca had last been observed walking eastbound on Unabelle Avenue and then possibly southbound on Center Avenue towards Walker Street.

4 On arrival I made contact with Ms. Kozimor at which time she stated the following: Approximately two days ago, Ms. Kozimor and Defendant Borca were involved in a "domestic violence" incident during which time all of the windows of her residence had been broken.

NOTICE TO APPEAR	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 _____	JUVE DISP. _____
Sworn to and subscribed before me, the undersigned this <u>17</u> day of <u>May</u> , 2020		I swear that the above statements are correct and true	
Name: <u>[Signature]</u>	OFFICER'S/COMPLAINANT'S SIGNATURE <u>[Signature] #138</u>		
Notary Public <input type="checkbox"/> Law Enforcement or Corrections Officer <input checked="" type="checkbox"/>	NAME (PRINTED) <u>[Signature] #138</u>		
Personally Known <input type="checkbox"/> Produced Identification <input type="checkbox"/>	ID NUMBER _____		
Type of Identification: _____	Inmate Number & Facility: _____		

FILED
IN OPEN COURT
MAY 18 2020
Clerk Circuit & County
Court Volusia County, FL

OFFICIAL USE ONLY

Volusia

Notice to Appear Instruction Sheet
Follow these instructions according to the boxes checked.

Court Case Number:
Agency Case Number:

- Mandatory Court Appearance -- You MUST appear at COURT. You will receive a Notice of Arraignment from the County Clerk's Office at the mailing address you have given. Failure to appear at the time and place designated, will result in a warrant being issued for your arrest.
Court Appearance Not Mandatory -- You MUST comply with EITHER A or B:

PAYMENTS SHOULD BE MADE PAYABLE TO:
CLERK OF THE COURT.

A. Pay the Fine: You must complete the waiver information below and either mail or personally present this citation at the Clerk's Office checked below, from 8:00 a.m. to 4:30 p.m., Monday through Friday within 15 days of the issuance of this Notice to Appear. Fines may be paid in cash, personal check, money order or certified check made payable to: Clerk of the Court. (DO NOT MAIL CASH.)

Total fine and costs you must pay: \$

B. Contest the Citation: You MUST request that a court date be set within 15 days of the issuance of this Notice to Appear (if the 15th day falls on a Saturday, Sunday or legal holiday, the period is extended to the next working day) by either appearing between the hours of 8:00 a.m. and 10:00 a.m. at the Clerk's Office checked below, or by mailing your written request to the Clerk of the Court at the address checked below.

COUNTY CLERK'S OFFICES:

- Volusia County Courthouse, room B155, 101 N. Alabama Avenue, Deland, FL, 32724
Court House Annex, room 109, 125 E. Orange Avenue, Daytona Beach, FL, 32114
Volusia County Courthouse, room 6, 124 N. Riverside Drive, New Smyrna Beach, FL, 32169

I agree to appear at the time and place as designated above to answer the listed charge(s) or pay the fine and costs. I understand that if I willfully fail to request a court date and/or fail to appear before the court as required by this Notice to Appear, or fail to pay the indicated fine and costs on or before the date set forth above, I may be held in contempt of court and a warrant for my arrest will be issued.

DEFENDANT'S SIGNATURE (MANDATORY):

ATTENTION: PERSONS WITH DISABILITIES

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact Court Administration, 125 E. Orange Avenue, Ste.300, Daytona Beach, FL 32114; Telephone: 386-257-6096 within two (2) working days of your receipt of this notice: If you are hearing or voice impaired, call 1-800-955-8771 or 1-800-955-8770. THIS IS NOT A COURT INFORMATION LINE.

Plea and Waiver Information

If this notice indicates that you have the option to pay a fine or appear in court and you choose to pay the fine, follow the instructions in paragraph A above. Read and sign this page. This page MUST be returned to the clerk's office with your fine payment.

- 1. In consideration of my not appearing in court, I enter my plea on the affidavit in this case, for the offense charged, waiving my right to be present and the reading of the affidavit. I understand the nature of the charge(s) against me and hereby enter my plea of guilty or nolo contendere (no contest).
2. In doing so, I understand the nature of the charge(s) against me, I understand that I waive my right to counsel, the right to a trial before a judge or jury, the right to a continuance, and the right to appeal. Payment of this fine will result in adjudication of guilt to this charge being withheld.
3. By my signature, I acknowledge that I understand the above statements. I am not under the influence of alcohol or drugs. I also certify that my address listed below is correct.

Defendant's Signature: Date:

Defendant's Name (print):

Defendant's Address:

Narrative Supplement 707-B

Arrest
Affidavit
Notice to Appear
Adult
Juvenile

Court Case Number:

Defendant Name: Borca, Sean L. Agency Case Number: 200000792
CHARGES: DOMESTIC VIOLENCE? Yes [X]
Attachments: Affidavit(s)? [] Statement(s) [] NTA Schedule [] Report [] Traffic Infraction(s) [] Total Charges: 3

16 On Sunday, May 17th, 2020 at around midnight, Defendant Borca came over to Ms. Kozimor's residence to assist her in repairing the broken windows. During this time Ms. Kozimor and Defendant Borca were "bickering" at which time he cut his foot on one of the broken pieces of glass. While Ms. Kozimor assisted Defendant Borca in cleaning his foot he referred to her by a different female name. At that time Ms. Kozimor became upset towards Defendant Borca and asked for him to get away from her. Defendant Borca then grabbed Ms. Kozimor by her hair, pulled her down to the floor, and began using his fist to strike her in her eye. Defendant Borca then used his fist to strike Ms. Kozimor on the right side of her face. Defendant Borca then pushed Ms. Kozimor to the floor at which time he began choking her to the point that she could not breath causing her to go unconscious. Defendant Borca then began "throwing" Ms. Kozimor around the residence and would not allow her to get up from the floor. Defendant Borca continually kept grabbing at and began choking Ms. Kozimor again however she did not lose consciousness and she could barely breath. Ms. Kozimor then went to grab her cell phone that Defendant Borca had already broken and attempt to call "someone" for assistance. Defendant Boca again grabbed Ms. Kozimor and attempted to hold her down. Ms. Kozimor then attempted to get to the front door of the residence however Defendant Borca stopped her. Ms. Kozimor then stated that due Defendant Borca being intoxicated she was able to push him away and exit the residence. Ms. Kozimor then fled to a nearby neighbor's residence and asked for them to call 9-1-1. According to Ms. Kozimor it was during this time that Defendant Borca had left the residence.

30 According to Ms. Kozimor, she and Defendant Borca have been boyfriend / girlfriend for approximately three years. Ms. Kozimor advised that she and Defendant Borca have never resided together as if a family nor do they have any children in common. Ms. Kozimor described her relationship with Defendant Borca as being one of expectation of affection and / or sexual involvement.

34 Ms. Kozimor also stated that Defendant Borca had been upset with her over her not wanting to have sex with him. I asked Ms. Kozimor if Defendant Borca had attempted to force himself on her.

37 During the course of this investigation I was able to observe black and blue marks on the right side of Ms. Kozimor's face, as well as over her right eye and right side of her forehead, some black and blue marks on the right side of her throat, black and blue marks on her upper right arm, black and blue marks on her upper left arm, and scratches on her right arm. Ms. Kozimor was seen on scene by the Holly Hill Fire Department.

41 When asked how Defendant Borca had arrived at her residence Ms. Kozimor advised that she had gone to his residence, picked him up, and transported him back to her residence.

44 It should be noted that as I was responding to the scene the Holly Hill Police Department had received a call of a suspicious person near the intersection of Walker Street and Center Avenue. This subject had been observed walking around the area in his underwear. Officer Shaheen was able to learn that this male had been observed entering a blue SUV with a decal on the side and then traveling northbound on Center Avenue. It is believed that this subject and Defendant Borca are one in the same.

49 Ms. Kozimor had allowed me into her residence for the purpose of taking digital photographs of the areas where this incident had occurred. During this time I observed Ms. Kozimor's broken cell phone along with her Florida driver's license on the ground in front of her residence. I asked Ms. Kozimor if she was calling for law enforcement assistance when Defendant Kozimor had broken her cell phone. Ms. Kozimor replied by saying that she had utilized "Suri" (a feature that allows a user to use the cell phone hands free) to call 9-1-1.

54 Ms. Kozimor wishes to pursue charges against Defendant Borca.

56 Digital photographs were taken of Ms. Kozimor as well as of the scene and later submitted as evidence at the Holly Hill Police Department along with Ms. Kozimor's audio interview. Ms. Kozimor was able to positively identify Defendant Borca from his DAVID photograph (without his personal information).

60 Ms. Kozimor has recently been placed under the Baker Act regarding a previous incident with Defendant Borca whereas she had used a knife to cut herself in order to gain some sympathy from him and to get him to stay at her residence. Please see HH20-0786 for further details.

Sworn to and subscribed before me, the undersigned this 17 day of May, 2020. Name: [Signature]
I swear/affirm the above statements are correct and true. [Signature] #138
Notary Public [] Law Enforcement Officer [X]
Personally Known [] Produced Identification []
Type of Identification: NAME (PRINTED) ID NUMBER

Witness/Victim/Evidence Form 707-A

Arrest
 Affidavit
 Notice to Appear
 Adult
 Juvenile

Court Case Number:

Page # 4 of 4

Defendant (Last) Name: Borca		(First) Name: Sean	(Middle) Name: L	Agency Case Number: 200000792
Name: 1 Kozimor	(First) Name: Jennifer	(Middle) Name: Leigh	Vic Wit: <input checked="" type="checkbox"/> <input type="checkbox"/>	Race: W Sex: M <input type="checkbox"/> F <input checked="" type="checkbox"/> Age: 44 DOB: 03-01-1976 SSN:
Address (#, Street, City, State): 717 Unabelle Avenue HOLLY HILL FL			Zip: 32117	Home: Phone: (386) 679-7976 Statement: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Bus: Phone: (386) 767-4831
Bus/School Address: 650 Reed Canal Road SOUTH DAYTONA FL			Zip: 32119	Phone: (386) 767-4831
Relative/Contact Name		Relative/Contact Address:		Phone:
Name: (Last)	(First)	(Middle)	Vic Wit: <input type="checkbox"/> <input type="checkbox"/>	Race: Sex: M <input type="checkbox"/> F <input type="checkbox"/> Age: DOB: SSN:
Address (#, Street, City, State):			Zip:	Home: Phone: Statement: <input type="checkbox"/> Yes <input type="checkbox"/> No Bus: Phone:
Bus/School Address:			Zip:	Phone:
Relative/Contact Name		Relative/Contact Address:		Phone:
Name: (Last)	(First)	(Middle)	Vic Wit: <input type="checkbox"/> <input type="checkbox"/>	Race: Sex: M <input type="checkbox"/> F <input type="checkbox"/> Age: DOB: SSN:
Address (#, Street, City, State):			Zip:	Home: Phone: Statement: <input type="checkbox"/> Yes <input type="checkbox"/> No Bus: Phone:
Bus/School Address:			Zip:	Phone:
Relative/Contact Name		Relative/Contact Address:		Phone:
Name: (Last)	(First)	(Middle)	Vic Wit: <input type="checkbox"/> <input type="checkbox"/>	Race: Sex: M <input type="checkbox"/> F <input type="checkbox"/> Age: DOB: SSN:
Address (#, Street, City, State):			Zip:	Home: Phone: Statement: <input type="checkbox"/> Yes <input type="checkbox"/> No Bus: Phone:
Bus/School Address:			Zip:	Phone:
Relative/Contact Name		Relative/Contact Address:		Phone:
Name: (Last)	(First)	(Middle)	Vic Wit: <input type="checkbox"/> <input type="checkbox"/>	Race: Sex: M <input type="checkbox"/> F <input type="checkbox"/> Age: DOB: SSN:
Address (#, Street, City, State):			Zip:	Home: Phone: Statement: <input type="checkbox"/> Yes <input type="checkbox"/> No Bus: Phone:
Bus/School Address:			Zip:	Phone:
Relative/Contact Name		Relative/Contact Address:		Phone:
Name: (Last)	(First)	(Middle)	Vic Wit: <input type="checkbox"/> <input type="checkbox"/>	Race: Sex: M <input type="checkbox"/> F <input type="checkbox"/> Age: DOB: SSN:
Address (#, Street, City, State):			Zip:	Home: Phone: Statement: <input type="checkbox"/> Yes <input type="checkbox"/> No Bus: Phone:
Bus/School Address:			Zip:	Phone:
Relative/Contact Name		Relative/Contact Address:		Phone:

EVIDENCE COLLECTED

Description of Evidence	Date Recovered	Model Serial/I.D. Number	Drug Amount
Digital photographs	05-17-2020		
Owner Name (Last) (First)	(Address)	(Phone)	Value
HHPD	1065 Ridgewood Avenue HOLLY HILL FL	(386) 248-9475	
Description of Evidence	Date Recovered	Model Serial/I.D. Number	Drug Amount
Audio interview with Ms. Kozimor	05-17-2020		
Owner Name (Last) (First)	(Address)	(Phone)	Value
HHPD	1065 Ridgewood Avenue HOLLY HILL FL	(386) 248-9475	
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
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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

R. Weber #138

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

Investigating Officer

ID Number

HHPD
Agency