

7th. Judicial Circuit 707 Charging Affidavit - Flagler

Arrest # _____

Bk # 10-1293

Pg #1 of 3

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: _____	
(OR) FL: _____		Agency Name: FLAGLER COUNTY S.O.		Agency Case Number: 42423-10	
FCIC/NCIC Check? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		OBTS# <u>1801030007</u>		UCR: _____	Date Arrested: <u>5/24/10</u>
ADDRESS OF ARREST: WOODS NEAR 3 PINELAND LANE				Arrested By: WEAVER	ID Number: *412
DEFENDANT		Name (L,F,M): CAPITOLA, ANTHONY DANIEL		A.K.A.: _____	Sex: M Race: W
DOB: 12/18/79	Age: 30	Driver's Lic/ID No.: C134-004-79-458-0		State: FL	Year Expires: 2012
Height: 6'2"	Weight: 170	Hair: BROWN	Eyes: BROWN	POB (City, St, Country): FLORIDA	S.S. #: _____
Scars, Marks, Tattoos: Multiple		Business & Occupation: Unemployed		Statement: Yes <input type="checkbox"/> No <input checked="" 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"/>	
Address-Mailing/Permanent: 406 Pinehaven Dr		(STREET, APT. NUMBER)		(CITY) Palm Coast (STATE) FL	ZIPCODE 32137 RESIDENCE PHONE 321-537-1578
Address-Local: Same		(STREET, APT. NUMBER)		(CITY) _____ (STATE) _____	ZIPCODE _____ RESIDENCE PHONE _____
Address-Other(Employer/School): _____		(STREET, APT. NUMBER)		(CITY) _____ (STATE) _____	ZIPCODE _____ BUS/SCHOOL PHONE _____
CHARGES		DOMESTIC VIOLENCE? YES <input type="checkbox"/>		Attachments: Affidavit(s) <input type="checkbox"/> Statement(s) <input checked="" type="checkbox"/> NTA Schedule <input type="checkbox"/> Report <input checked="" type="checkbox"/> Traffic Infraction(s) <input checked="" type="checkbox"/> DUI <input type="checkbox"/>	
#1	Charge: BATTERY ON LEO	FEL <input checked="" type="checkbox"/> MISD <input type="checkbox"/> ORD <input type="checkbox"/>	FS/ORD: 784.07	Citation No.: _____	Bond: \$10,000
#2	Charge: RESISTING ARREST WITH VIOLENCE	FEL <input checked="" type="checkbox"/> MISD <input type="checkbox"/> ORD <input type="checkbox"/>	FS/ORD: 843.01	Citation No.: _____	Bond: \$10,000
#3	Charge: VIOLATION DRIVERS LICENSE RESTRICTIONS	FEL <input type="checkbox"/> MISD <input checked="" type="checkbox"/> ORD <input type="checkbox"/>	FS/ORD: 322.16	Citation No.: _____	Bond: \$2,500
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(L,F,M): _____		Race: _____ Sex: _____		DOB: _____ Age: _____	
#2 NAME(L,F,M): _____		Race: _____ Sex: _____		DOB: _____ Age: _____	
NARRATIVE					
<p>The undersigned certifies and swears that there is probable cause to believe the above named defendant, on the <u>24th</u> day of <u>May</u>, <u>2010</u>, at approximately <u>21:29</u> <input type="checkbox"/> a.m. <input checked="" type="checkbox"/> p.m.</p> <p>at <u>Pinetree Drive and Pinelynn Drive</u> within Flagler County, violated the law and did then and there:</p> <p>knowingly and intentionally strike, touch, punch a law enforcement officer in the lawful performances of his duties with the intent to cause bodily harm. To wit : On 5/24/10 I conducted a traffic stop on a vehicle bearing FL tag #906XBS at Pinetree Drive and Pinelynn Drive in reference to the vehicle failing to come to a complete stop at the posted stop sign at the intersection of Privacy Lane and Princeton Lane. I made contact with the driver who identified himself verbally as Anthony Capitola and stated that his driver's license was a hardship license. Anthony stated that the license allowed him to drive to the store and that he was just returning home from the store. I advised Anthony that he was coming from a residential area and he stated that he had just dropped a friend off. I told Anthony to exit the vehicle and not reach into any of his pockets. Twice as Anthony was stepping out of the vehicle his right hand reached into his right front pocket. I advised Anthony to place his hands on the rear of vehicle and advised him that I was going to pat him down for officer safety. Anthony stated that he did not want me to pat him down at which point I told Anthony to place his hands behind his back and was attempting to place him under arrest reference violation of his drivers license restriction. Anthony stated "that's not gonna happen" and tried to run away. I grabbed onto Anthony's shirt at which point he turned towards me and attempted to punch me with his right hand in a closed fist in my face. Anthony's right forearm area struck the lower left side of my face. I escorted Anthony to the ground at which point he pushed me in the chest, stood up and began running away. I told Anthony several times to stop and lay down on the ground. Anthony refused my verbal commands at which point I withdrew my department issued Taser X-26 and attempted to deploy it into Anthony's back,</p>					
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"/>	
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>24TH</u> day of <u>MAY</u> , <u>2010</u> .		I swear/affirm the above statements are correct and true.		Rt Thumb	
Name: <u>Det Horler</u> HORLER <u>410</u>		OFFICER'S/COMPLAINANT'S SIGNATURE <u>D. Weaver</u> *412			
Notary Public <input type="checkbox"/> Law Enforcement or Corrections Officer <input checked="" type="checkbox"/> Personally Known <input type="checkbox"/> Produced Identification <input type="checkbox"/> Type of Identification: _____		NAME(PRINTED) D. WEAVER		ID NUMBER *412	
OFFICIAL USE ONLY		Inmate Number & facility: _____			

707 - COURT COPY

Narrative 707-B Supplement

☒ Arrest
☐ Affidavit
☐ Notice to Appear

☒ Adult
☐ Juvenile

Court Case
Number:

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Defendant Name: CAPITOLA, ANTHONY DANIEL		Agency Case Number: 42423-10	
CHARGES	DOMESTIC VIOLENCE? YES <input type="checkbox"/>	Attachments: Affidavit(s) <input type="checkbox"/> Statement(s) <input checked="" type="checkbox"/> NTA Schedule <input type="checkbox"/> Report <input checked="" type="checkbox"/> Traffic Infraction(s) <input checked="" type="checkbox"/>	
# 4	Charge: ATTEMPTED ESCAPE FROM ARREST	FEL <input checked="" type="checkbox"/> MISD <input type="checkbox"/> ORD <input type="checkbox"/>	FS/ORD: 944.40
#	Charge:	FEL <input type="checkbox"/> MISD <input type="checkbox"/> ORD <input type="checkbox"/>	FS/ORD:
#	Charge:	FEL <input type="checkbox"/> MISD <input type="checkbox"/> ORD <input type="checkbox"/>	FS/ORD:

however, the probes did not make contact with Anthony. I caught up with Anthony behind a residence at which point Anthony began to lean his hands against a barbeque grill behind the residence. I withdrew my department issued firearm and told Anthony no fewer than three times "get on the ground with your hands behind your back, you're under arrest". Anthony took flight again towards Pineland Lane. I caught up with Anthony near the woodline at which point Anthony turned towards me in an aggressive stance with his fists balled up in a fighting position. I withdrew my department issued ASP baton and delivered approximately five to six total baton strikes to Anthony's upper right and upper left outside leg while continuing to tell him to lay on the ground and stop resisting. My baton became dislodged from my hand at which point Anthony attempted to run into the woods once again. I escorted Anthony to the ground at which point he was still resisting my attempts to place him under arrest by trying to stand up. I withdrew my department issued Taser X-26 and deployed one cycle into Anthony's lower back in a contact stun mode. Anthony stated "ok, ok, that's enough" but still refused to comply with my commands to place his hands behind his back and he was given another cycle into his lower back in a contact stun mode. Anthony complied and placed his hands behind his back and he was placed under arrest. Anthony was transported to FHF for medical clearance before being transported to the Flagler County Inmate Facility. See report for further information.

Sworn to and subscribed before me, the undersigned this <u>24</u> day of <u>May</u> , 2010	I swear/affirm the above statements are correct and true.	Right thumb
Name: <u>Det. Holden Holder</u> 410	<u>D. Weaver</u> #412	
Notary Public <input type="checkbox"/> Law Enforcement Officer <input checked="" type="checkbox"/>	OFFICER'S/COMPLAINANT'S SIGNATURE	
Personally Known <input type="checkbox"/> Produced Identification <input type="checkbox"/>	NAME (PRINTED) <u>D. Weaver</u>	ID NUMBER <u>412</u>
Type of Identification:		