

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

Arrest # _____

Bk # 22-522

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"/>		Court Case Number: 2022 CF 000215	
(ORD) FL: 0 1 8 0 0 0 0		Agency Name: Flagler County Sheriff's Office		Agency Case Number: 2022-00020806	
FCIC/NCIC Check? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		OBTS# <u>1801062094</u>		Date Arrested: 03/07/2022	
ADDRESS OF ARREST: 26, WHIRLAWAY, DR, Palm Coast, Florida, 32164		Arrested By: Zalak Jonathan		Time of Arrest: 17:55	
DEFENDANT		Name (L.F.M.): HORTON, PHOEBE, JUNE		A.K.A.:	
DOB: 07/13/1976		Age: 45		Sex: Female Race: WHITE	
Height: 5 06		Weight: 165		Hair: BROWN Eyes: BROWN	
Scars, Marks, Tattoos:		Business & Occupation:		Statement: 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"/>	
Address - Mailing/Permanent: 26 Whirlaway DR		(CITY) Palm Coast (STATE) Florida		ZIP CODE 32164 RESIDENCE PHONE	
Address - Local: 26 Whirlaway DR		(CITY) Palm Coast (STATE) Florida		ZIP CODE 32164 RESIDENCE PHONE (904)866-2549	
Address - Other (Employer/School):		(CITY) (STATE) ZIP CODE		BUS/SCHOOL PHONE	
CHARGES		DOMESTIC VIOLENCE? YES <input checked="" 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"/>	
#1 Charge: CHILD ABUSE WO GREAT BODILY HARM		FEL <input checked="" type="checkbox"/> MISD <input type="checkbox"/> ORD <input type="checkbox"/>		FS/ORD: 827.03.2.C Citation No.: Bond: None	
#2 Charge:		FEL <input type="checkbox"/> MISD <input type="checkbox"/> ORD <input type="checkbox"/>		FS/ORD: Citation No.: Bond:	
#3 Charge:		FEL <input type="checkbox"/> MISD <input type="checkbox"/> ORD <input type="checkbox"/>		FS/ORD: Citation No.: Bond:	
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		The undersigned certifies and swears that there is a probable cause to believe the above names defendant, on the <u>7th</u> day of <u>March</u> , <u>2022</u> , at approximately <u>17:55</u> <u>A.M.</u> <u>X</u> P.M. at <u>26 WHIRLAWAY DR</u> within <u>Flagler</u> County, violated the law and did then and there.			
** MARSY'S LAW VICTIM INFORMATION **					
On March 7, 2022, I, Deputy Zalak, was dispatched to 26 Whirlaway Dr in regards to an assist other agency call which was later reclassified as a domestic disturbance. The call was in reference to a Department of Children and Family (DCF) report of physical abuse to a child. The reporting party was an officer with DCF who was later identified as Tara (ID#TP10101).					
Tara advised she received an anonymous tip regarding a child who was later identified, as LH. LH					
Supervisor Approved: <u>Miley, James Martin 03/07/2022</u>					
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:		Juv. Disp. CITATION No.	
SIGNATURE OF DEFENDANT		DATE		RELATIONSHIP TO JUVENILE	
Sworn to and subscribed before me, the undersigned, This <u>7</u> day of <u>March</u> , <u>2022</u> .		I swear/affirm the above statements are correct and true.		Right Thumb	
Name: <u>ARC HSJ</u>		OFFICER'S COMPLAINT'S SIGNATURE		Juv. Disp. CITATION No.	
Notary Public <input type="checkbox"/> Law Enforcement or Corrections Officer <input type="checkbox"/> Personally Known <input type="checkbox"/> Produced Identification <input type="checkbox"/>		NAME (PRINTED) <u>D. Zalak</u>		ID NUMBER <u>963</u>	
OFFICIAL USE ONLY		Inmate Number & facility:		Right Thumb	

707 - COURT COPY

Witness/Victim/Evidence Form 707-A

Arrest
 Affidavit
 Notice to Appear

 Adult
 Juvenile

Court Case Number:

Pg #2 of 4

Defendant Name: HORTON, PHOEBE, JUNE		Agency Case Number: 2022-00020806	
Name (L,F,M):		SSN:	
Address (#, Street, City, State):		Statement: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
Bus/School Address:		Bus. Phone:	
Relative/Contact Name:		Relative/Contact Address:	
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:
Bus/School Address:		Zip:	Home Phone:
Relative/Contact Name:		Relative/Contact Address:	
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:
Bus/School Address:		Zip:	Home Phone:
Relative/Contact Name:		Relative/Contact Address:	
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:
Bus/School Address:		Zip:	Home Phone:
Relative/Contact Name:		Relative/Contact Address:	
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:
Bus/School Address:		Zip:	Home Phone:
Relative/Contact Name:		Relative/Contact Address:	
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:
Bus/School Address:		Zip:	Home Phone:
Relative/Contact Name:		Relative/Contact Address:	
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:
Bus/School Address:		Zip:	Home Phone:
Relative/Contact Name:		Relative/Contact Address:	
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:
Bus/School Address:		Zip:	Home Phone:
Relative/Contact Name:		Relative/Contact Address:	

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.

Investigating Officer

ID Number

Agency

707-A - COURT COPY

Narrative 707-B Supplement

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

Court Case Number:

Page # of

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:

currently attends Crookshank Elementary School in St. John's County. While on scene I made contact with LH's mother and step father who were both identified by their DAVID photos, as Phoebe Horton and Sean Borca.

Tara conducted her investigation and interviewed LH prior to my arrival who advised that the previous day, March 6, 2022 the family went to church. While at church LH began to misbehave becoming very noisy. After church the family went home and LH explained he kept having to use the bathroom. At one point he could no longer hold it and accidentally peed his pants.

LH stated that Phoebe became very upset and entered his bedroom. While in the bedroom LH was hit approximately ten (10) on the buttocks with a black in color belt. LH advised that during the incident he was held down by Sean while Phoebe hit him with the belt. After the beating LH stated that his buttocks began to bleed a little. LH stated that while being hit he observed Phoebe bring the belt up above her head and then strike his buttocks. See DCF case report # 070905 for further information.

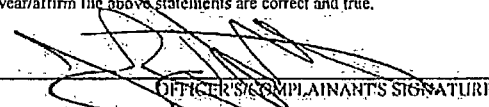
Tara was able to provide photos of the injuries which appeared to be a series of repeated beatings with said belt leaving substantial redness and bruising covering most of the buttocks.

After speaking with LH, Tara and I began to interview Sean and Phoebe separately.

At this point Sean and Phoebe became upset with my presence. Sean was the first to be interviewed, while being interviewed Sean stated that since LH is not his biological child he does not put his hands on him. Sean stated he leaves the disciplining up to Phoebe.

Upon concluding the interview with Sean, we began to interview Phoebe. Phoebe stated she went to tropical smoothie and LH began to act up on Sunday. After the visit they returned home and stated she disciplined LH by hitting him with a black belt 4 times on each side of his buttocks. She made numerous utterances that she altered her sons ADHD medicine on Saturday and stopped administering it because he complained about feeling "spiders on his arms". She stated his next doctor's appointment isn't until another 30 days and decided to try another medication he has on Sunday. Phoebe stated LH did take that medicine, but she feels he doesn't act correctly when taking it. She stated when she hits him he doesn't have any remorse or react and doesn't feel pain. It should be noted that Phoebe is currently employed at Sebastian Middle School as a teacher.

Phoebe continued to state, that on the way home today she said she was going to slap him again if he

Sworn to and subscribed before me, the undersigned, this <u>7</u> day of <u>March</u> , 20 <u>22</u> .	I swear/affirm the above statements are correct and true.	Right thumb
Name: <u>JPC HS</u>		
Notary Public <input type="checkbox"/> Law Enforcement Officer <input type="checkbox"/> Personally Known <input type="checkbox"/> Produced Identification <input type="checkbox"/>	OFFICER'S/COMPLAINANT'S SIGNATURE	
Type of Identification:	NAME (PRINTED) <u>J. Lalax</u>	ID NUMBER <u>963</u>

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: _____

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:		

continued to act up. She said when she got home she slapped him on the wrist and he laughed at her, almost in a mocking manner". While speaking with her, Phoebe stated Sean does not discipline her son.

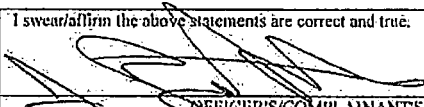
Due to the circumstances, Phoebe was placed under arrest for child abuse without great bodily harm. Tara advised she would take custody of LH and transport him to his father, Chris Horton.

Sean refused to sign any domestic, agency paperwork or case card information from DCF or FCSO Deputies and states it's a problem between the mother and father.

Phoebe was transported to Sheriff Perry Hall Inmate Facility without incident.

Pictures will be uploaded into AEGIS.

Axon footage will be uploaded into evidence.com

Sworn to and subscribed before me, the undersigned this <u>7</u> day of <u>March</u> 20 <u>22</u>	I swear/affirm the above statements are correct and true:	Right thumb
Name: <u>AC (TS)</u>		
Notary Public <input type="checkbox"/> Law Enforcement Officer <input type="checkbox"/> Personally Known <input type="checkbox"/> Produced Identification <input type="checkbox"/>	OFFICER'S/COMPLAINANT'S SIGNATURE	
Type of Identification: _____	NAME (PRINTED) <u>S. Talak</u>	ID NUMBER <u>963</u>

707-B - COURT COPY