

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

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

Bk # 13-1390

Pg #1 of 4

<b>ARREST</b> <input checked="" type="checkbox"/> <b>NOTICE TO APPEAR</b> <input type="checkbox"/> <b>AFFIDAVIT</b> <input type="checkbox"/> <b>C.C.</b> <input type="checkbox"/>		<b>ADULT</b> <input checked="" type="checkbox"/> <b>JUVENILE</b> <input type="checkbox"/>		Court Case Number: <b>13-510 CFFA</b>
(ORI) FL: 0 1 8 0 2 0 0	Agency Name: <b>FLAGLER BEACH POLICE DEPT.</b>	Agency Case Number: <b>13-5675</b>		
FCIC/NCIC Check? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	OBTS# <u>1801035820</u>	UCR:	Date Arrested: <b>6-14-13</b>	Time of Arrest: <b>0439</b>

ADDRESS OF ARREST: **100 Blk. South 12<sup>th</sup> Street**

Arrested By: **Ofc. Crista Rainey** ID Number: **7065**

**DEFENDANT** Name (L,F,M): **McDEVITT, JAMES MATHEW**

DOB: **1992** Age: **21** Driver's Lic/ID No.: [REDACTED] A.K.A.: [REDACTED] Sex: **M** Race: **W**

Height: **5'10"** Weight: **195** Hair: **BROWN** Eyes: **GREEN** State: **FL** Year Expires: **2021** S.S. #: [REDACTED]

POB (City, St, Country): **NY, USA**

Scars, Marks, Tattoos: [REDACTED] Business & Occupation: [REDACTED] Statement: Yes  No  Citizenship: Yes  No

Probation: Yes  No  Sexual Predator: Yes  No  English: Yes  No  Deaf/Mute: Yes  No

Address-Mailing/Permanent (STREET, APT. NUMBER) (CITY) (STATE) ZIPCODE RESIDENCE PHONE  
**12 PORTIA LANE** **PALM COAST** **FL** **32164** **[REDACTED]-9176**

Address-Local (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  Attachments: Affidavit(s)  Statement(s)  NTA Schedule  Report  Traffic Infraction(s)  DUI  Total Charges: **2**

#1	Charge: <b>BATTERY</b>	FEL <input type="checkbox"/> MISD <input type="checkbox"/> ORD <input checked="" type="checkbox"/>	FS/ORD: <b>784.03(1)(a)2b</b>	Citation No.:	Bond: <b>1,000</b>
#2	Charge: <b>SEXUAL BATTERY W/SERIOUS BODILY INJURY</b>	FEL <input checked="" type="checkbox"/> MISD <input type="checkbox"/> ORD <input type="checkbox"/>	FS/ORD: <b>794.011(1)(h)</b>	Citation No.:	Bond: <b>50,000</b>
#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  N  Fel  Misd.  Traf.  Ord.  NTA  Co-Def #2. Arrested? Y  N  Fel.  Misd.  Traf.  Ord.  NTA

#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 probable cause to believe the above named defendant, on the 14TH day of JUNE, 2013, at approximately 03:11  a.m.  p.m. at FLAGLER BEACH within FLAGLER County, violated the law and did then and there:

On the above date at approximately 0239, I was in contact with an unresponsive black male, identified as Darius White, who was possibly intoxicated at South 14<sup>th</sup> Street. Mr. White was accompanied by Sebastian Gutierrez. Mr. Gutierrez stated that he had another friend. later identified as James Mathew McDevitt (DOB 4/30/92). I went down towards the end of the block to look for Mr. McDevitt. I saw a male walking northbound towards 12<sup>th</sup> Street with a female, but couldn't make contact or identification at that time.

I then received a call from dispatch regarding a physical disturbance between a male and a female on South 12<sup>th</sup> Street. I asked Dispatch if there was another unit available, as Mr. White had displayed some indications that might have become combative. After Rescue 11 said they were ok with Mr. White, I then went to the scene of the physical disturbance.

Upon arrival, I saw Deputy Freshcorn and Deputy Underwood had Mr. McDevitt detained. The victim, [REDACTED] (DOB [REDACTED]/75) was in the northeast empty lot, approximately halfway on the corner of the 100 block of South 12<sup>th</sup> Street crying on the ground.

**NOTICE TO APPEAR** MANDATORY APPEARANCE  YOU NEED NOT APPEAR IN COURT BUT MUST COMPLY WITH INSTRUCTIONS ON THE REVERSE SIDE OF YOUR COPY  FINE, AND COSTS AMOUNT TO \$\_\_\_\_\_. I AGREE TO APPEAR IN COURT HEREIN TO ANSWER THE OFFENSE CHARGED OR TO PAY THE FINE INDICATED. I UNDERSTAND THAT SHOULD I 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 JUVENILE PARENT OR CUSTODIAN	Juve Disp.	CITATION No.	OFFICE OF THE CLERK OF THE 7th JUDICIAL CIRCUIT COURT Flagler County, Florida FILED IN 17 2013
SIGNATURE OF DEFENDANT	DATE	RELATIONSHIP TO JUVENILE	
Sworn to and subscribed before me, the undersigned This <u>14</u> day of <u>June</u> , 2013.		I swear/affirm the above statements are correct and true.	
Name: <u>Dep. Aletha #555 Sheridan</u>	OFFICER'S/COMPLAINANT'S SIGNATURE		Rt Thumb
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) <b>OFC. CRISTA RAINEY</b>	ID NUMBER <b>7065</b>	
<b>OFFICIAL USE ONLY</b>		Inmate Number & facility:	

# Narrative 707-B Supplement

Arrest  
 Affidavit  
 Notice to Appear

Adult  
 Juvenile

Court Case  
Number:

Page # 2 of 4

Defendant Name:

McDevitt, James Mathew

Agency Case Number:

13-5675

## CHARGES

DOMESTIC  
VIOLENCE?

YES

Attachments: Affidavit(s)  Statement(s)  NTA Schedule  Report  Traffic Infraction(s)

Total  
Charges: 2

#	Charge:	FEL <input type="checkbox"/> MISD <input type="checkbox"/> ORD <input type="checkbox"/>	FS/ORD:	Citation No:	Bond:
# 1	Charge: BATTERY	FEL <input type="checkbox"/> MISD <input type="checkbox"/> ORD <input checked="" type="checkbox"/>	784.03(1)(a)2b		1,000
# 2	Charge: SEXUAL BATTERY W/ SERIOUS BODILY INJURY	FEL <input checked="" type="checkbox"/> MISD <input type="checkbox"/> ORD <input type="checkbox"/>	794.011 (1)(h)		50,000
#	Charge:	FEL <input type="checkbox"/> MISD <input type="checkbox"/> ORD <input type="checkbox"/>	FS/ORD:	Citation No:	Bond:

As I approached her, she kept repeating that "He choked me," and "He raped me. He fucked the shit out of me." As [redacted] made these statements, she constantly pointed at Mr. McDevitt. I saw that [redacted] underwear (black with lace) were on the ground beside her feet, her purse approximately 2 feet from her left hip and her sandals approximately 15 feet above her head. She also had dirt inside her mouth and around her lips, as well as embedded in her nostrils. [redacted] stated that she had had an argument on the phone with her ex-boyfriend. She was walking from the beach past Mr. Gutierrez and Mr. White on South 14<sup>th</sup> Street crying, when Mr. McDevitt asked her what was wrong. She told him she had a fight with her boyfriend, at which point Mr. McDevitt offered to walk her to her friend's home. She then stated that when they approached South 12<sup>th</sup> Street, he dragged her into the empty lot, forced her to the ground, strangled her and raped her. I could not get more specific details from [redacted] at that point, as she appeared very distraught and at times expressed anger at Mr. McDevitt.

Rescue 11 stopped and tended to [redacted] until Rescue 92 arrived at the location. [redacted] was transported to Florida Hospital Flagler by Rescue 92. Flagler Beach police detective Liz Williams and Victim Advocate Cheryl Clark (who met [redacted] at the hospital) were notified of the incident via phone call by Officer McCraney. I took pictures of the location where [redacted] was originally discovered, including her belongings (purse, sandals and underwear) and an open, empty condom wrapper. Her underwear was bagged and entered into evidence.

I then took pictures of Mr. McDevitt's injuries. He had a small scrape on each knee (each approximately the size of a dime), what appeared to be a bite mark on his right cheekbone, a scrape on his left lower back and some scratch marks on the right side of his neck. As I took the pictures, Mr. McDevitt stated that he was walking [redacted] to her friend's home. He said that during their walk, [redacted] bit him in the face. He then stated that he continued to walk with her, when she led him to the empty lot and suggested they have intercourse. Mr. McDevitt stated he agreed, and as they began, he saw lights and [redacted] stated that her friend was there. Mr. McDevitt said that frightened him, so he decided to take off. He then realized that the "friend" was actually Flagler County Deputies, and that they detained him at that point.

I then spoke to Mr. Robert Tier, the reporting person, stated that he saw a male and a female (later identified as [redacted] and Mr. McDevitt) walking north on the corner of Central Avenue and South 12<sup>th</sup> Street. He heard [redacted] scream, unable to make what she was saying and then saw Mr. McDevitt put his hand over [redacted] mouth, which prompted Mr. Tier to go into his home for his cell phone to call 911. Mr. Tier then went back outside his home and saw Mr. McDevitt dragging [redacted] into the empty lot, throwing her onto the ground and moving his hips in a way that he appeared to be raping her. Mr. Tier relayed this information to the 911 operator until Flagler County Deputies arrived on scene.

Mr. McDevitt was placed under arrest and put into the back seat of my patrol car. He was then taken to Flagler Beach Police Department, where he was read his Miranda rights from my department issued Miranda card. Mr. McDevitt stated that he would answer any questions we had. His interview was recorded via Officer McCraney's in-car audio recorder, as my in-car audio recorder was not functioning properly.

Sworn to and subscribed before me, the undersigned this <u>14</u> day of <u>June</u> , 2013	I swear/affirm the above statements are correct and true.	Right thumb
Name: <u>Dep J. L. [redacted] #555</u>	<u>[Signature]</u> 7005	
Notary Public <input checked="" type="checkbox"/> Law Enforcement Officer <input checked="" type="checkbox"/> Personally Known <input checked="" type="checkbox"/> Produced Identification <input type="checkbox"/>	OFFICER'S/COMPLAINANT'S SIGNATURE	
Type of Identification:	NAME (PRINTED) OFC. CRISTA RAINEY	ID NUMBER 7065

# Narrative 707-B Supplement

Arrest  
 Affidavit  
 Notice to Appear

Adult  
 Juvenile

Court Case  
Number:

Defendant Name: <b>McDevitt, James Mathew</b>	Agency Case Number: <b>13-5675</b>
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#	Charge:	FEL <input type="checkbox"/> MISD <input type="checkbox"/> ORD <input type="checkbox"/>	FS/ORD:	Citation No:	Bond:

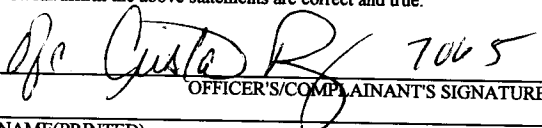
Mr. McDevitt stated he was walking [redacted] home, because she was crying because she had just been beaten up. As he was walking her northbound on Central Avenue, Mr. McDevitt stated that [redacted] picked out several places as "her home." During their walk, Mr. McDevitt reported that [redacted] bit him in the face. He decided to keep walking with her though, because she began to cry and he "has a soft spot for women." He also stated that somewhere along the way, [redacted] had also pushed him to the ground. As they approached the corner of Central Avenue and South 12<sup>th</sup> Street, [redacted] stated that the empty lot was the place she was trying to get to. She then suggested that they have intercourse there, and he agreed. Mr. McDevitt then stated that he saw a bright light, and [redacted] stated that her friend was there. At that point, Mr. McDevitt decided to leave and began to run away because he didn't know if her friend was "trouble." He then realized that it was actually Flagler County deputies arriving on scene.

Mr. McDevitt also stated that the condom was still on his penis. Officer McCraney monitored the removal of the condom and placed it into an evidence bag which I submitted into evidence. Mr. McDevitt consented to giving a DNA sample to me via 2 oral swabs (also submitted into evidence).

Mr. McDevitt was then placed into the back seat of my patrol car, where he was transported to the Flagler County Inmate Facility without further incident.

Detective Williams and Victim Advocate Cheryl Clark transported [redacted] to Flagler Hospital in St. Johns County for a sexual battery examination. Ms. Clark transported [redacted] to Flagler Beach Police Department for further interview while Det. Williams stood by at Flagler Hospital to obtain medical evidence. Detective Williams informed me that [redacted] stated that Mr. McDevitt had threatened to kill her and forced his penis into her mouth and down her throat and also into her vagina. [redacted] injuries (that I am aware of at this time) include multiple bruising inside legs and arms, a bruise under her jaw at the top of neck, multiple horizontal abrasions (when standing) inside thighs, consistent with thighs being forced apart.

Further investigation turned over to Det. Williams.

Sworn to and subscribed before me, the undersigned this <u>14</u> day of <u>June</u> , 2013	I swear/affirm the above statements are correct and true.	Right thumb
Name: <u>D. J. [redacted] Sheriff</u>	 OFFICER'S/COMPLAINANT'S SIGNATURE	
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:	NAME(PRINTED) OFC. CRISTA RAINEY	ID NUMBER 7065

# Witness/Victim/Evidence Form 707-A

Arrest  
 Affidavit  
 Notice to Appear

Adult  
 Juvenile

Court Case  
 Number:

Defendant Name: <b>McDEVITT, JAMES MATHEW</b>		Agency Case Number: <b>13-5675</b>	
Name (L,F,M):	Vic <input checked="" type="checkbox"/> Wit <input type="checkbox"/>	Race: <b>W</b>	Sex: <b>M</b> <input type="checkbox"/> <b>F</b> <input checked="" type="checkbox"/>
Address (#, Street, City, State):	Age: <b>38</b>	DOB: <b>75</b>	SSN:
Bus./School Address:	Zip: <b>32164</b>	Home Phone: <b>0626</b>	Statement: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Relative/Contact Name: <b>*STATEMENT GIVEN TO DET. LIZ WILLIAMS - TO BE ADDED LATER</b>			
Relative/Contact Address:		Bus. Phone:	
Name (L,F,M): <b>TIER, ROBERT E.</b>		Vic <input type="checkbox"/> Wit <input checked="" type="checkbox"/>	Race: <b>W</b>
Address (#, Street, City, State): <b>1200 S. CENTRAL AVE, FLAGLER BEACH, FL</b>	Age: <b>46</b>	DOB: <b>67</b>	SSN:
Bus./School Address:	Zip: <b>32136</b>	Home Phone: <b>6459</b>	Statement: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Relative/Contact Name:		Relative/Contact Address:	
Name (L,F,M): <b>GUTIERREZ, SEBASTIAN</b>		Vic <input type="checkbox"/> Wit <input checked="" type="checkbox"/>	Race: <b>W</b>
Address (#, Street, City, State):	Age: <b>20</b>	DOB: <b>93</b>	SSN:
Bus./School Address:	Zip:	Home Phone:	Statement: Yes <input type="checkbox"/> No <input type="checkbox"/>
Relative/Contact Name:		Relative/Contact Address:	
Name (L,F,M):		Vic <input type="checkbox"/> Wit <input type="checkbox"/>	Race:
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:	
Name (L,F,M):		Vic <input type="checkbox"/> Wit <input type="checkbox"/>	Race:
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:	
Name (L,F,M):		Vic <input type="checkbox"/> Wit <input type="checkbox"/>	Race:
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:	

## EVIDENCE COLLECTED

Description of Evidence	Date Recovered	Model Serial/I.D. Number	Drug Amount
BLACK LACE UNDERWEAR	6-14-13		
Owner(Name) [Redacted] (Address) [Redacted]		(Phone) [Redacted] 0626	Value
USED CONDOM	6-14-13		
Owner(Name) <b>McDEVITT, JAMES</b> (Address) <b>12 PORTIA LANE, PALM COAST, FL 32164</b>		(Phone) [Redacted] 9176	Value
PICTURES OF CRIME SCENE	6-14-13		
CD OF AUDIO INTERVIEW	6-14-13		
DNA ORAL SWABS	6-14-13		
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.

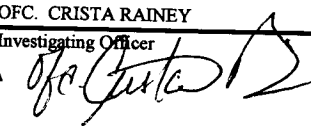
OFC. CRISTA RAINEY  
 Investigating Officer

7065  
 ID Number

FBPD

Ag

707-A



STATE VS. McDevitt, James FlaglerPg #1 of 92 13-510 CF  
 Name(L,F,M): [REDACTED] DOB: [REDACTED] Court Case Number:

FIRST APPEARANCE DATE: 6-15-13

The defendant was advised of his/her rights and furnished a copy of the complaint.  
 Defendant  requested and was appointed a Public Defender after being found indigent.  
 Defendant  not indigent, has or will retain \_\_\_\_\_ as counsel.

The Court has examined the sworn complaint and finds:

CHARGE	Battery	Sexual Battery	W. Injury		
Probable Cause Found	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			
PC Undet. - 72 hours					
PC Undet. - 96 hours					
Insufficient PC					
BOND SET AT	1,000	100,000			
ROR					
PTR					
Other					

ASA: \_\_\_\_\_ PD: \_\_\_\_\_  
 Plea: \_\_\_\_\_  
 Sentence: \_\_\_\_\_  
 Notes: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

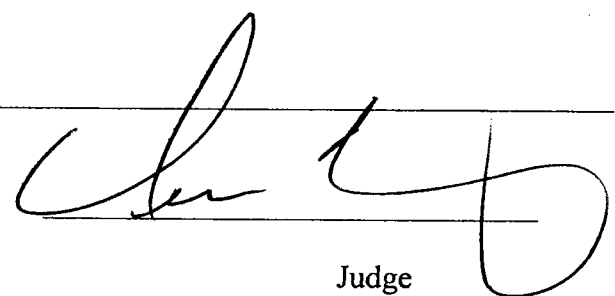
**CONDITIONS OF RELEASE**

Type Of Supervision:

- Supervised Release
- Electronic Monitoring - May require defendant to pay for use of monitoring equipment

Special Conditions:

- No contact with the alleged victim(s), witness(es), & co-defendant(s)
- No violent contact with the alleged victim(s) \_\_\_\_\_
- Do not consume illegal drugs
- Do not consume alcohol
- Submit to urinalysis tests for illegal drugs and/or alcohol
- Substance abuse assessment
- Participation in appropriate substance abuse treatment
- \_\_\_\_\_

  
 \_\_\_\_\_  
 Judge