

7th. Judicial Circuit 707  
 Charging Affidavit - FLAGLER

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

Bk # 17-2438

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"/>	
(ORI) FL: 0 1 8 0 0 0 0		Agency Name: <b>Flagler County Sheriff's Office</b>	
FCIC/NCIC Check? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		OBTS# <u>1801050304</u>	
ADDRESS OF ARREST: <b>Zebra Finch/Zelda, CT, Palm Coast, Florida, 32164-</b>		Arrested By: <b>Duenas Jonathon</b>	
Name (L.F.A.): <b>Nesbit, Matthew, Scott</b>		A.K.A.:	
DOB: <b>09/08/1973</b> Age: <b>44</b>		Driver's Lic ID No.: <b>N213-557-73-328-0</b>	
Height: <b>5 06</b> Weight: <b>150</b> Hair: <b>Brown</b> Eyes: <b>Brown</b>		State: <b>Florida</b> Year Expires: <b>2020</b>	
Scars, Marks, Tattoos:		Business & Occupation:	
Prohibition: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		Sexual Predator: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Address-Existing Permanent (STREET, APT. NUMBER) (CITY) (STATE) ZIPCODE RESIDENCE PHONE		Address-Local (STREET, APT. NUMBER) (CITY) (STATE) ZIPCODE RESIDENCE PHONE	
Address-Other (Employer/School) (STREET, APT. NUMBER) (CITY) (STATE) ZIPCODE BUS/SCHOOL PHONE		Statement: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Citizenship: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
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 checked="" type="checkbox"/> Traffic Infraction(s) <input type="checkbox"/> DUT <input type="checkbox"/> Total Charges: <b>3</b>	
#1 Charge: <b>Agg Assault on LEO</b>	FEL <input checked="" type="checkbox"/> MISD <input type="checkbox"/> ORD <input type="checkbox"/>	FS ORD: <b>784.07.2C</b>	Citation No.: Bond: <b>None</b>
#2 Charge: <b>Agg Assault on LEO</b>	FEL <input checked="" type="checkbox"/> MISD <input type="checkbox"/> ORD <input type="checkbox"/>	FS ORD: <b>784.07.2C</b>	Citation No.: Bond: <b>None</b>
#3 Charge: <b>Battery On Police Dog</b>	FEL <input type="checkbox"/> MISD <input type="checkbox"/> ORD <input type="checkbox"/>	FS ORD: <b>843.19.3</b>	Citation No.: Bond: <b>None</b>
CO-DEFENDANT Co-Def #1. Arrested? Y <input type="checkbox"/> N <input type="checkbox"/> Fel <input type="checkbox"/> Misd. <input type="checkbox"/> Trnf. <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"/> Trnf. <input type="checkbox"/> Ord. <input type="checkbox"/> NTA <input type="checkbox"/>	
NARRATIVE		The undersigned certifies and swears that there is a probable cause to believe the above names defendant, on the <u>6th</u> day of <u>November</u> , <u>2017</u> , at approximately <u>15:45</u> <u>X</u> A.M. <u>X</u> P.M. at <u>Zebra Finch PL ZeldaCT</u> within <u>Flagler</u> County, violated the law and did then and there.	
On Monday, November 6 <sup>th</sup> , 2017 at approximately 2:45 PM I, Deputy J. Duenas #594, responded to the area of Zebra Finch Place and Zelda Court in Palm Coast, FL 32164 in reference to Deputies being on scene with an unoccupied stolen vehicle that had just fled a traffic stop.			
Upon my arrival, I was notified by K-9 Corporal Gimbel that the suspect driving the vehicle (Matthew Nesbit // Described as a white male L.S.W green cargo shorts and no shirt) was known to the Deputies that had made initial contact with the vehicle and that there were current charges against him for Fleeing and Eluding,			
Supervisor Approved: <u>SCOT J. W. FLENN</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:	
SIGNATURE OF DEFENDANT		RELATIONSHIP TO JUVENILE	
DATE		CITATION No.	
Sworn to and subscribed before me, the undersigned This <u>06</u> day of <u>Nov</u> , <u>2017</u> .		I swear affirm the above statements are correct and true.	
Name: <u>[Signature]</u>		OFFICER'S COMPLAINT'S SIGNATURE	
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>JONATHAN DUENAS #594</u>	
Type of Identification:		ID NUMBER	
OFFICIAL USE ONLY		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 4

Defendant Name: <b>Nesbit, Matthew, Scott</b>		Agency Case Number: <b>2017-00097466</b>	
Name (L,F,M): <b>Gimbel, Fredrick,</b>	Vic <input checked="" type="checkbox"/> Wit <input type="checkbox"/>	Race:	Sex: <input checked="" type="checkbox"/> M <input type="checkbox"/> F
Address: <b>901 E Moody BLVD Bunnell, Florida</b> (# Street, City, State)		Zip: <b>32110-</b>	Home Phone: <b>(386)437-4116</b>
Bus/School Address:		Zip:	Statement: Yes <input type="checkbox"/> No <input type="checkbox"/>
Relative/Contact Name:		Relative/Contact Address:	
Phone:		Phone:	
Name (L,F,M): <b>Duenas, Jonathon,</b>		Vic <input checked="" type="checkbox"/> Wit <input type="checkbox"/>	Race:
Address: <b>901 E Moody BLVD Bunnell, Florida</b> (# Street, City, State)		Zip: <b>32110-</b>	Home Phone: <b>(386)437-4116</b>
Bus/School Address:		Zip:	Statement: Yes <input type="checkbox"/> No <input type="checkbox"/>
Relative/Contact Name:		Relative/Contact Address:	
Phone:		Phone:	
Name (L,F,M):		Vic <input type="checkbox"/> Wit <input type="checkbox"/>	Race:
Address: (# Street, City, State):		Zip:	Home Phone:
Bus/School Address:		Zip:	Statement: Yes <input type="checkbox"/> No <input type="checkbox"/>
Relative/Contact Name:		Relative/Contact Address:	
Phone:		Phone:	
Name (L,F,M):		Vic <input type="checkbox"/> Wit <input type="checkbox"/>	Race:
Address: (# Street, City, State):		Zip:	Home Phone:
Bus/School Address:		Zip:	Statement: Yes <input type="checkbox"/> No <input type="checkbox"/>
Relative/Contact Name:		Relative/Contact Address:	
Phone:		Phone:	
Name (L,F,M):		Vic <input type="checkbox"/> Wit <input type="checkbox"/>	Race:
Address: (# Street, City, State):		Zip:	Home Phone:
Bus/School Address:		Zip:	Statement: Yes <input type="checkbox"/> No <input type="checkbox"/>
Relative/Contact Name:		Relative/Contact Address:	
Phone:		Phone:	
Name (L,F,M):		Vic <input type="checkbox"/> Wit <input type="checkbox"/>	Race:
Address: (# Street, City, State):		Zip:	Home Phone:
Bus/School Address:		Zip:	Statement: Yes <input type="checkbox"/> No <input type="checkbox"/>
Relative/Contact Name:		Relative/Contact Address:	
Phone:		Phone:	
Name (L,F,M):		Vic <input type="checkbox"/> Wit <input type="checkbox"/>	Race:
Address: (# Street, City, State):		Zip:	Home Phone:
Bus/School Address:		Zip:	Statement: Yes <input type="checkbox"/> No <input type="checkbox"/>
Relative/Contact Name:		Relative/Contact Address:	
Phone:		Phone:	

## EVIDENCE COLLECTED

Description of Evidence	Date Recovered	Model Serial/I.D. Number	Drug Amount
photographs	11/06/2017		
Owner (Name)	(Address)	(Phone)	Value
knife-suspect's weapon	11/06/2017		
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.

D/S  # 594 FCSO  
 Investigating Officer ID Number Agency

707-A - COURT COPY

# Narrative 707-B Supplement

Arrest  
 Affidavit  
 Notice to Appear  
 Adult  
 Juvenile

Court Case Number:

Page # 3 of 4

Defendant Name: <b>Nesbit, Matthew, Scott</b>	Agency Case Number: <b>2017-00097466</b>
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CHARGES		DOMESTIC VIOLENCE?	YES	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:

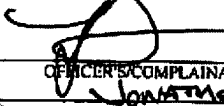
Felony VOP, Grand theft Auto, Resisting an officer without violence.

Based on the aforementioned charges, I removed K-9 Valor from my patrol vehicle and gave multiple loud, clear K-9 announcements toward a wooded lot located directly SW of the intersection. After no response was heard or seen, K9 Valor was then deployed at the vehicle. K9 Valor alerted to fresh ground disturbance and pursued the track into the wooded lot. K9 Valor worked in a south direction through the wooded lot. While working south, K9 Valor located a white in color t-shirt that was lying on the ground. K9 Valor worked south past the shirt and along a fence line. K9 Valor worked back to the location of the shirt, picked up the fresh ground disturbance and began pursuing it east through the woods. K-9 Valor located Nesbit, who was concealed under heavy brush in the wooded lot. Nesbit immediately stood up and displayed large knife with a black handle. He began to make stabbing motions with the knife towards Corporal Gimbel and myself as he shouted that he was going to kill me and my K-9 partner repeatedly. Based on Nesbit's aggressive demeanor, attacking motions, and being currently armed with a knife, I felt that he had the well-founded and apparent ability to carry out his threat to do harm to Corporal Gimbel or myself. I then began giving loud, clear verbal announcements for Nesbit to drop the knife, to which he did not comply.

Shortly thereafter the subject then fled out of the woods and toward the roadway along the fence line of the residence located at 46 Zebulah's Trail. I lost sight of the subject, but a neighbor at 44 Zebulah's Trail exited her home and advised that there was a man in her back yard jumping the fence into her neighbor's yard. The subject was then observed by the Flagler County Emergency Services Helicopter (Fire-Flight) entering the wooded area directly behind 38 Zebulah's Trail.

The subject was later located and apprehended by Corporal Gimbel and K-9 Marko in the wooded area behind 38 Zebulah's Trail. It should be noted that as K9 Marko engaged Nesbit, he struck K9 Marko several times with a closed and opened fist. Fortunately, despite Nesbit's aggressive resistance, K9 Marko did not sustain any known injuries. (Refer to Corporal Gimbel's supplement report for further information). The subject continued his active resistance by refusing to show his hand and then pulling it from Sergeant Welker's control as he attempt to handcuff him. The subject's resistance was eventually thwarted and he was taken into custody.

I remained in the area in which the subject was apprehended due to having located the knife as earlier described lying in the brush directly underneath of where K9 Marko had physically apprehended him. CSI

Sworn to and subscribed before me, the undersigned this <u>6<sup>th</sup></u> day of <u>NOV</u> <u>2017</u>	I swear/affirm the above statements are correct and true.	Right Thumb
Name: <u>W. F. + SA (Gimbel)</u>	 OFFICER'S/COMPLAINANT'S SIGNATURE <u>Jonathan Duenas #594</u>	
Notary Public <input type="checkbox"/> Law Enforcement Officer <input checked="" type="checkbox"/> Personally Known <input type="checkbox"/> Produced Identification <input type="checkbox"/> Type of Identification:		

707-B - COURT COPY

# Narrative 707-B Supplement

Arrest  
 Affidavit  
 Notice to Appear  
 Adult  
 Juvenile

Court Case Number:

Page # 4 of 4

Defendant Name: <b>Nesbit, Matthew, Scott</b>	Agency Case Number: <b>2017-00097466</b>
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#	Charge:	FEL <input type="checkbox"/> MISD <input type="checkbox"/> ORD <input type="checkbox"/>	FS/ORD:	Citation No:	Bond:	CHARGES	
						DOMESTIC VIOLENCE? YES <input type="checkbox"/>	Total Charges:
						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:		

Weibling then responded to the scene and took over with evidence collection.

Nesbit will be charged with two additional counts of aggravated assault on a Law Enforcement Officer and battery on a police dog due to the threats made toward Corporal Gimbel and myself upon Initially locating him in the wooded area and the intentional striking of K9 Marko during his apprehension.

Nesbit was treated by medical personnel on scene and transported to Florida Hospital Flagler. Once medically cleared, Nesbit was transported to the Flagler County Detention Facility.

Taser Axon Flex footage uploaded.

Nothing further to report.

Sworn to and subscribed before me, the undersigned this <u>1TH</u> day of <u>NOV</u> , 20 <u>17</u> .	I swear/affirm the above statements are correct and true.	Right thumb
Name: <u>(Signature)</u>	<u>(Signature)</u>	
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>J. M. ...</u>	ID NUMBER <u>594</u>
Type of Identification:		

707-B - COURT COPY

# K9 UNIT

# FLAGLER COUNTY SHERIFF'S OFFICE

RECORD STATUS - COMPLETE/APPROVED

## K-9 DEPLOYMENT DETAIL REPORT

TYPE	Track			AGENCY #	2017-00097466
STARTED	11/6/2017 2:45 PM	ENDED	11/6/2017 3:45 PM	REFERENCE #	T-171162049
LOCATION	Zebra Finch Pl / Zelda Ct Palm Coast, FL				District 2
ORIG/ REQ. AGENCY	Flagler County Sheriff's Office			ENTERED BY	Jonathon Duenas
HIGHEST CHARGE LEVEL	Felony			# OF ARRESTS	1
Record Summary	K9 Patrol: Track				

### ACTIVITIES (1)

1	K9 Apprehensions-Apprehension-No Bite			Jonathon Duenas / K9 Valor
2:45 PM	Loc Type: [Woods]	Overall: [Successful Track/ Successful Location]	People Search	
Specific Loc: [BEHIND 46 ZEBULAH'S TRL]		Alert Given: [NO] Indication: [NO] Subst. Pres: [NO] Substantiated: [NO] Loc. Known: [NO] Veh. Rel: [NO]		
Distractions: []		COND: , TEMP: , HUM: , WIND DIR: , WIND SPD:		
TRAINING/FIND ITEMS (0)				
PEOPLE INVOLVED (1)				
Type: [Offender]	name: [Nesbit, Matthew Scott]			
Address: 45 Panel Lane FL Palm Coast				Highest Ch: [Felony] Summary: [] Arrested: [True]

### RECORD NOTES (2)

[NARRATIVE] Jonathon Duenas On Monday, November 6th, 2017 at approximately 2:45 PM I, Deputy J. Duenas #594, responded to the area of Zebra Finch Place and Zelda Court in Palm Coast, FL 32164 in reference to Deputies being on scene with an unoccupied stolen vehicle that had just fled a traffic stop.

Upon my arrival, I was notified by K-9 Corporal Gimbel that the suspect driving the vehicle (Matthew Nesbit // Described as a white male L.S.W green cargo shorts and no shirt) was known to the Deputies that had made initial contact with the vehicle and that there were current charges against him for Fleeing and Eluding, Felony VOP, Grand theft Auto, Resisting an officer without violence.

Based on the aforementioned charges, I removed K-9 Valor from my patrol vehicle and gave multiple loud, clear K-9 announcements toward a wooded lot located directly SW of the intersection. After no response was heard or seen, K9 Valor was then deployed at the vehicle. K9 Valor alerted to fresh ground disturbance and pursued the track into the wooded lot. K9 Valor worked in a south direction through the wooded lot. While working south, K9 Valor located a white in color t-shirt that was lying on the ground. K9 Valor worked south past the shirt and along a fence line. K9 Valor worked back to the location of the shirt, picked up the fresh ground disturbance and began pursuing it east through the woods. K-9 Valor located Nesbit, who was concealed under heavy brush in the wooded lot. Nesbit immediately stood up and displayed large knife with a black handle. He began to make stabbing motions with the knife towards Corporal Gimbel and myself as he shouted that he was going to kill me and my K-9 partner repeatedly. Based on Nesbit's aggressive demeanor, attacking motions, and being currently armed with a knife, I felt that he had the well-founded and apparent ability to carry out his threat to do harm to Corporal Gimbel or myself. I then began giving loud, clear verbal announcements for Nesbit to drop the knife, to which he did not comply.

Shortly thereafter the subject then fled out of the woods and toward the roadway along the fence line of the residence located at 46 Zebulah's Trail. I lost sight of the subject, but a neighbor at 44 Zebulah's Trail exited her home and advised that there was a man in her back yard jumping the fence into her neighbor's yard. The subject was then observed by the Flagler County Emergency Services Helicopter (Fire-Flight) entering the wooded area directly behind 38 Zebulah's Trail.

The subject was later located and apprehended by Corporal Gimbel and K-9 Marko in the wooded area behind 38 Zebulah's Trail. It should be noted that as K9 Marko engaged Nesbit, he struck K9 Marko several times with a closed and opened fist. Fortunately, despite Nesbit's aggressive resistance, K9 Marko did not sustain any known injuries. (Refer to Corporal Gimbel's supplement report for further information). The subject continued his active resistance by refusing to show his hand and then pulling it from Sergeant Welker's control as he attempt to handcuff him. The subject's resistance was eventually thwarted and he was taken into custody.

I remained in the area in which the subject was apprehended due to having located the knife as earlier described lying in the brush directly underneath of where K9 Marko had physically apprehended him. CSI Weibling then responded to the scene and took over with evidence collection.

Nesbit will be charged with two additional counts of aggravated assault on a Law Enforcement Officer and battery on a police service dog due to the threats made toward Corporal Gimbel and myself upon initially locating him in the wooded area and the intentional striking of K9 Marko upon his apprehension.

Taser Axon Flex footage uploaded.

Nothing further to report.

Officer's Digital Signature	Jonathon Duenas [Digitally Signed: 11/6/2017 8:14:23 PM]	Callout: [NO]	UOF: [NO]	Demonstration: [NO]
Approving Signature	Jon Welker [Digitally Signed: 11/8/2017 8:18:27 PM]	Warrant by K9: [NO]	Warrant #: [N/A]	

# K9 UNIT

# FLAGLER COUNTY SHERIFF'S OFFICE

RECORD STATUS - COMPLETE/APPROVED

## K-9 DEPLOYMENT DETAIL REPORT

TYPE	Area Search			AGENCY #	2017-00097466
STARTED	11/6/2017 2:33 PM	ENDED	11/6/2017 5:02 PM	REFERENCE #	T-171161715
LOCATION	10 Zelda Court Palm Coast, FL				District 2
ORIG/ REQ. AGENCY	Flagler County Sheriff's Office			ENTERED BY	Frederick Gimbel
HIGHEST CHARGE LEVEL	Felony		# OF ARRESTS	1	
Record Summary	K9 Patrol: Area Search				

### ACTIVITIES (1)

#### 1 Search for Person-Area Search

Frederick Gimbel / K9 Marko

8:52 AM	Loc Type: [Woods]	Overall: <input type="checkbox"/>	People Search
Specific Loc: [10 Zelda Court]	Alert Given: [YES] Indication: [YES] Subst. Pres: [YES] Substantiated: [NO] Loc. Known: [NO] Veh. Rel: [YES]		
Distractions: <input type="checkbox"/>	COND: Mostly Cloudy, TEMP: 71.6, HUM: 100, WIND DIR: , WIND SPD: 5.8		

### TRAINING FIND ITEMS (0)

### PEOPLE INVOLVED (1)

Type: [Offender]	name: [Nesbitt, Matthew Scott]	Highest Ch: [Felony] Summary: <input type="checkbox"/>
Address: 325 Wellington Dr FL Palm Coast		Arrested: [True]

### RECORD NOTES (2)

[NARRATIVE] Frederick Gimbel On Monday, 11/06/17, at approximately 1433 hours, I responded to the intersection of Zebra Finch Pl / Zelda Court, Palm Coast, Florida 32164 in reference to a Stolen Vehicle.

Prior to arrival, I was advised that Deputies located a stolen vehicle occupied by Matthew Nesbitt. The vehicle fled from deputies as they attempted to stop the vehicle. The vehicle was later located at the above intersection by Deputy Chambers.

Upon arrival, Deputy West advised that he currently has charges against Nesbitt in reference to the following: Grand Theft Auto, Fleeing and Eluding, Resisting without Violence, and Violation of Probation.

Let it be known that upon arrival, a lighted perimeter was already established with additional roving clearly marked Flagler County Sheriff's Office patrol vehicles throughout the immediate area.

Deputy J Duenas deployed his canine partner, Valor, in an attempt to locate the now unsearched fleeing felon. See Deputy J Duenas's canine deployment report for further.

I provided security as a backup unit during Deputy J Duenas's deployment. During his deployment Deputy J Duenas located the male concealing himself in thick brush. Verbal commands were given to the unsearched felon at which time, Nesbitt stood up from behind the brush holding a large knife in his right hand. Verbal commands were repeatedly given for Nesbitt to drop the knife. Let it be known that Nesbitt held the knife up at his head height in a threatening manner while stating several times that he was going to kill us. Nesbitt also made several slicing movement at us with the knife, furthering his aggressive actions. Nesbitt's threats and overt hostile actions made it apparent that he was capable and willing to carry out his remarks which caused an immediate threat to the safety of

Deputy Duenas and I, Nesbitt fled in a southwest direction to 46 Zebulahs Trail. Nesbitt began to jump over several fences to further his effort to escape.

We lost sight of Nesbitt in the rear yards between Zebulahs Trail and Zelda Court traveling southbound. Let it be known; Fire Flight advised that they last observed the unsearched, armed fleeing felon enter the woods behind 10 Zelda Court.

I considered the following factors prior to deploying K9 Marko for a search:

- 1 The suspect was known to have committed an Aggravated Assault on Law Enforcement / Grand Theft Auto / Fleeing and Eluding / Violation of Probation, which are all felonies in the State of Florida.
- 2 The armed fleeing felon already ambushed law enforcement and made overt threatening actions / remarks.
- 3 The armed felon took flight on foot further into a residential neighborhood; therefore the armed forcible felon posed an immediate threat to the safety of residents and law enforcement.

I deployed K9 Marko, a certified patrol canine, on lead to the southern side of 12 Zelda Court. Let it be known that canine announcements were not given prior to deployment because the fleeing felon was known to be armed with a knife and had already attempted to ambush law enforcement. Additionally, the armed felon was actively attempting to evade arrest by flight. I worked in a westerly direction to the rear of 12 Zelda Court with no alerts provided. K9 Marko worked into the rear fenced in yard of #12 with no alerts provided. K9 Marko was re-deployed at the rear of 10 Zelda Court where Fire Flight last observed Nesbitt enter the woods. K9 Marko worked along a fence line into the woods approximately 20-30 feet and apprehended Nesbitt. Upon hearing that K9 Marko had contact, I advised my backup deputies of the contact and moved forward to get a visual of the armed felon. Upon moving forward, I observed K9 Marko had physically apprehended him in the right upper thigh area and that the armed felon was actively striking K9 Marko with a closed and open fist. As I moved forward and began giving verbal commands, Nesbitt turned over face down and put his hands underneath of him, concealing them from my view. I was only able to gain a visual of the armed felon's right hand; therefore I advised Sgt J Welker that he needed to be secured prior to removing K9 Marko. Once Sgt J Welker gained control of Nesbitt's hands, K9 Marko was immediately removed and back away from the scene.

Med-Rescue was immediately dispatched to the scene to provide medical treatment for Nesbitt. Engine 92 responded and treated Nesbitt on scene.

After treatment, Nesbitt was transported to Florida Hospital Flagler (FHF) where he received further treatment. Once on scene at FHF, I took photographs of the injuries. Photographs will be uploaded into Aegis Records.

A Response to Resistance form will be completed and submitted via the chain of command.

No further information.

Officer's Digital Signature	Frederick Gimbel [Digitally Signed: 11/6/2017 8:07:04 PM]	Callout: [NO]	UOF: [YES]	Demonstration: [NO]
Approving Signature	Jon Welker [Digitally Signed: 11/6/2017 8:21:42 PM]	Warrant by K9: [NO]	Warrant #: [N/A]	





# FLAGLER COUNTY SHERIFF'S DEPARTMENT

## CASE NARRATIVE SUPPLEMENT

1001 Justice Ln  
Bunnell, FL  
32110

CASE NO.

**2017-00097466**

DETECTIVE ASSIGNED

E V E N T	REPORTED DATE/TIME	INCIDENT TYPE	
	OCCURRED FROM DATE/TIME	OCCURRED TO DATE/TIME	LOCATION OF OCCURRENCE

O F F E N S E	SECTION - TYPE	ATTEMPT/COMMIT	COURTS	DESCRIPTION
	1			
	2			

V I C T I M / I N J U R Y S I N G	SUBJECT CODE		NAME (LAST, FIRST, MIDDLE)				PRIMARY PHONE		
	STATEMENT TYPE		ADDRESS (STREET ADDRESS, CITY, STATE, ZIP)				OTHER PHONE		
	DOB	AGE	RACE	SEX	HEIGHT	WEIGHT	HAIR COLOR	EYE COLOR	SOCIAL SECURITY
	INJURY TYPE		INJURY - MEDICAL TREATMENT		INJURY - TRANSPORTED BY		OTHER CONTACT INFO		
	SCHOOL/EMPLOYER NAME						SCHOOL/EMPLOYER PHONE		
	SCHOOL/EMPLOYER ADDRESS (STREET ADDRESS, CITY, STATE, ZIP)								

S U S P E C T	SUBJECT CODE		NAME (LAST, FIRST, MIDDLE)				PRIMARY PHONE		
	STATEMENT TYPE		ADDRESS (STREET ADDRESS, CITY, STATE, ZIP)				OTHER PHONE		
	DOB	AGE	RACE	SEX	HEIGHT	WEIGHT	HAIR COLOR	EYE COLOR	SOCIAL SECURITY
	INJURY TYPE		INJURY - MEDICAL TREATMENT		INJURY - TRANSPORTED BY		OTHER CONTACT INFO		
	SCHOOL/EMPLOYER NAME						SCHOOL/EMPLOYER PHONE		
	SCHOOL/EMPLOYER ADDRESS (STREET ADDRESS, CITY, STATE, ZIP)								

O T H E R S U B J E C T	SUBJECT CODE		NAME (LAST, FIRST, MIDDLE)				PRIMARY PHONE		
	STATEMENT TYPE		ADDRESS (STREET ADDRESS, CITY, STATE, ZIP)				OTHER PHONE		
	DOB	AGE	RACE	SEX	HEIGHT	WEIGHT	HAIR COLOR	EYE COLOR	SOCIAL SECURITY
	INJURY TYPE		INJURY - MEDICAL TREATMENT		INJURY - TRANSPORTED BY		OTHER CONTACT INFO		
	SCHOOL/EMPLOYER NAME						SCHOOL/EMPLOYER PHONE		
	SCHOOL/EMPLOYER ADDRESS (STREET ADDRESS, CITY, STATE, ZIP)								

REPORTING OFFICER	DATE	REVIEWING OFFICER	DATE
<b>Welker, Jonathan, ,</b>	<b>11/06/2017</b>	<b>Gimbel, Frederick, J, II</b>	<b>11/06/2017</b>



FLAGLER COUNTY SHERIFF'S DEPARTMENT  
NARRATIVE

CASE NO.

2017-00097466

1001 Justice LN  
Bunnell, FL  
32110

Narrative

On 11/06/17 at approximately 14:32 hours, I heard units advised an occupied stolen vehicle fled from them eastbound on SR 100 from the Capri Trailer Park. As units coordinated efforts to locate the vehicle, Deputy Chambers advised he located the vehicle unoccupied at Zebra Finch and Zelda Ct.

At approximately 14:40 hours, I arrived on scene. I noted that marked FCSO deputies had established a lighted perimeter. Additionally, I noted Fire Flight was over the area and immediately visible. I held a perimeter point at the intersection of Zebra Finch and Zelda Court. I observed Deputy Duenas move to the edge of the wooded lot located at the SW corner of the intersection. I heard him give several loud K9 warnings before deploying his police service dog to conduct a search. For details, see Deputy Duenas' supplement report.

A short time later, I heard Deputy Duenas and Corporal Gimbel yelling repeatedly, "...drop the knife..." I moved to their location in the wooded area. I observed the fleeing felon standing approximately 10 feet in front of Deputy Duenas and Corporal Gimbel. I observed the felon holding a knife in his right hand above his head. I moved to a position to provide cover and repeatedly gave lawful commands to the armed felon to drop the knife. I observed the male take a step towards the deputies and bring the knife down in a stabbing motion several times. I heard the armed felon repeatedly yell, "I'll fucking kill you." I observed the armed felon continue to maintain an aggressive stance and threaten deputies while ignoring all of our lawful commands. As other deputies moved in from Zelda Court, the armed forcible felon took flight south through the wooded lot. Several deputies and I pursued the armed felon as he fled westbound towards Zebulahs Trail. The armed forcible felon continued to ignore lawful commands to surrender and continued to resist by fleeing towards the front of # 46 Zebulahs Trail, where we lost sight. The armed forcible felon continued to flee from other deputies, southbound through fenced lots.

I coordinated units to ensure the perimeter was manned. Fire Flight staff advised the armed felon was observed fleeing into the wooded lot located behind # 10 Zelda Court. Law enforcement personnel were coordinated and a search team organized to accompany Corporal Gimbel during his canine deployment.

At approximately 15:40 hours, Corporal Gimbel located the armed forcible felon in the wooded lot behind 10 Zelda Court. As I approached, I heard Corporal Gimbel and other members of the arrest team ordering the armed forcible felon to show his hands. As I moved closer, I observed the armed felon's left arm was concealed under his torso. I also gave repeated lawful commands for the armed felon to show his hands and to put them behind his back. The forcible felon continued to actively resist by not complying. Once the armed forcible felon did comply and we could see he was not holding the knife, Corporal Gimbel immediately removed K9 Marko and I moved into to handcuff him. I was able to secure the felon's right hand in a plastic flex cuff. As I attempted to secure his left hand, the felon continued to actively resist by rolling his torso and pulling his hand from my control. Eventually, I was able to control the felon's left arm and place it in the flex cuff. Despite the forcible felon's continued efforts to pull the arm from my control, Detective Morales was able to

## Case Supplement Narrative Report

(Narrative Continued)

move in and secure the flex cuff in place.

In an effort to prevent injury to law enforcement personnel during a search, I asked the forcible felon where the knife was. He responded, "...under my stomach poking me you stupid fuck..." It should be noted; the knife was located directly under where the forcible felon was concealing himself in the thick brush. The forcible felon was turned over to deputies on scene.

Deputy Duenas maintained security of the scene where the armed forcible was apprehended. Additionally, he maintained security of the forcible felon's weapon until it was secured by CSI Weibling. It should be noted; CSI Weibling also took photos of the apprehension scene and the surrounding area. For details see her supplement report.

Axon video will be uploaded.

No further information at this time.