

7th. Judicial Circuit 707
Charging Affidavit - FLAGLER

Arrest # _____

Blk # 11-2798

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:	
(ORI) FL: 0 1 8 0 0 0 0		Agency Name: Flagler County Sheriff's Office		Agency Case Number: 2011-00063009	
FCIC/NCIC Check? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		OBTS# <u>1801034175</u>		UCR:	Date Arrested: 9/30/2011
ADDRESS OF ARREST: 101 PALM HARBOR PKWY		Arrested By: Sapp Michael		Time of Arrest: 12:48	
DEFENDANT		Name (L,F,M): Ferrena, Dan, N		A.K.A.:	
DOB: 04/21/1957	Age: 54	Driver's Lic/ID No.: F650-174-57-141-0	State: Florida	Year Expires: 2013	S.S. #: XXXXXXXXXX
Height: 5 08	Weight: 180	Hair: Black	Eyes: Brown	POB (City, St, Country)	Statement: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Scars, Marks, Tattoos:		Business & Occupation: Ferrena Self Employed		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"/>	
Address-Mailing/Permanent (STREET, APT. NUMBER)		(CITY)		(STATE) ZIPCODE RESIDENCE PHONE	
Address-Local (STREET, APT. NUMBER)		(CITY)		(STATE) ZIPCODE RESIDENCE PHONE	
282 Riverwalk DR		Palm Coast		Florida 32137- (386)449-9443	
Address-Other(Employer/School) (STREET, APT. NUMBER)		(CITY)		(STATE) ZIPCODE BUS/SCHOOL PHONE	
101 Palm Harbor PKWYSuite 135		Palm Coast		Florida 32137- (386)449-9443	
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 type="checkbox"/> Traffic Infraction(s) <input type="checkbox"/> DUI <input type="checkbox"/> Total Charges: 1	
#1	Charge: Agg Assault With Deadly Weapon	FEL <input checked="" type="checkbox"/> MISD <input type="checkbox"/> ORD <input type="checkbox"/>	FS/ORD: 784.021.1A	Citation No.: N/A	Bond: \$1,500.00
#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 30th day of September, 2011, at approximately 12:48 A.M. X P.M. at 101 PALM HARBOR PKWY Palm Coast, Florida, 32137 within Flagler County, violated the law and did then and there.					
Charge 1.) Did intentionally and unlawfully threaten by word or act to do violence to the person of Joshua Newby (victim), coupled with an apparent ability to do, which created a well-founded fear in the victim that such violence was imminent, and further did commit the assault with a black Walther "PPS" .40 caliber semi-automatic handgun, a deadly weapon, contrary to Florida Statute 784.021(1)(a).					
On 09-30-2011 at approximately 12:00pm, I responded to 101 Palm Harbor Parkway Suite 135 (Palm Coast Gold Buyers) Palm Coast, Florida 32137 in reference to threats. Upon arrival I made contact with Dan Ferrena (defendant) and Joshua Newby (victim). Joshua advised that he went inside into "Palm Coast Gold Buyers" to look at a watch. Joshua advised he initially went into the store with his daughter. Josh said that shortly after he looked at the watch, he asked his wife, Dariane Newby (witness) and friend, Rosemary Garcia (witness) to look at the watch with him. According to Joshua, Dariane and Rosemary had several children with them and that they all came into the store at once. According to Joshua, shortly after the children entered the store, Dan Ferrena's wife, Edith Ferrena (witness) rudely told them to leave. Joshua said that Edith told him that a jewelry store was no place for children. Joshua advised he told Edith and Dan that they would take their business somewhere else and exited the store. Joshua stated that after he exited the store, he					
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 30 day of Sept, 2011.		I swear/affirm the above statements are correct and true.		Rt Thumb	
Name: <u>[Signature]</u>		OFFICER'S/COMPLAINANT'S SIGNATURE		Juve 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"/> Type of Identification:		NAME(PRINTED)		ID NUMBER	
OFFICIAL USE ONLY		Inmate Number & facility:			

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Narrative 707-B Supplement

Arrest X Adult
 Affidavit Juvenile
 Notice to Appear

Court Case Number:

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Defendant Name:
Ferrena, Dan, N

Agency Case Number:
2011-00063009

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 type="checkbox"/> Traffic Infraction(s) <input type="checkbox"/>	Total Charges: 1
#	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:

was upset by the way he was treated and went back inside to speak with Dan and Edith about the incident.

Joshua said when he went back inside, he told Dan and Edith that he was going to let everyone know what a horrible business they are and not to do business with them. Joshua said that a verbal argument ensued between them. Joshua advised that during the argument, he became angry and called Edith a "fucking cunt". Joshua said that Dan then demanded that he leave the store and became aggressive towards him for what he said to Edith. According to Joshua, as he exited the store, Dan followed him out while yelling and screaming at him calling him and his family "trash". According to Joshua, Dan then told him to call him a "fucking cunt" to his face and did so in a threatening manner as if to provoke a fight. Joshua said he took off his glasses and then told Dan to "bring it on". At this time, Joshua said that Dan removed black semi-automatic handgun from his waistband, cocked it and pointed it directly at him. Joshua stated that he was in fear for his life and felt as though Dan was going to shoot him because of their argument. Joshua advised that Dan continued to try and provoke him by yelling "come back" several times while pointing the handgun at him. Joshua advised he immediately walked away and called 911.

After speaking with Joshua, I made contact with Dan, Edith and one of their customers, Roberta Callegari (witness). Dan advised that Joshua came in with rowdy children and was asked to leave by Edith. Dan advised after that shortly after Joshua walked out, he walked back in and started causing a scene. Dan advised that Joshua was cussing and yelling at everyone in the store and then called Edith a "fucking cunt". Dan said that this is the point where he became involved and told Joshua to leave immediately. Dan said that Joshua complied, walked out of the store and back over to his family. Dan said when he told Joshua to call him a fucking cunt to his face, Joshua clenched his fists and charged at him in a threatening manner. Dan said that he was in fear for his safety, so he removed his handgun from his waistband and displayed it down by his side. According to Dan, he never cocked his handgun and pointed it at Joshua. When asked why he displayed his handgun, Dan advised he did it to let Joshua know that he was armed with a firearm. At this time, Dan was placed under arrest for aggravated assault with a deadly weapon and transported to the Flagler County Inmate Facility without incident. It should be noted that Dan was cooperative throughout the entire incident.

Sworn to and subscribed before me, the undersigned this 30 day of July, 2011

I swear/affirm the above statements are correct and true.

Right thumb

Name: [Signature]
 Notary Public Law Enforcement Officer
 Personally Known Produced Identification

[Signature]
 OFFICER'S/COMPLAINANT'S SIGNATURE

NAME (PRINTED)

ID NUMBER

Type of Identification:

707-B - COURT COPY