

# 7th. Judicial Circuit 707 Charging Affidavit - FLAGLER

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

Bk # 15-2412

Pg #1 of 5

<b>ARREST <input checked="" type="checkbox"/> NOTICE TO APPEAR <input type="checkbox"/> AFFIDAVIT <input type="checkbox"/> C.C. <input type="checkbox"/></b>				<b>ADULT <input checked="" type="checkbox"/> JUVENILE <input type="checkbox"/></b>				Court Case Number: <b>2015 CF 000881</b>			
(ORI) FL: 0 1 8 0 0 0 0				Agency Name: <b>Flagler County Sheriff's Office</b>				Agency Case Number: <b>2015-00112091</b>			
FCIC/NCIC Check? Yes <input type="checkbox"/> No <input type="checkbox"/>				OBTS# <u>180645080</u>				UCR:		Date Arrested: <b>11/4/2015</b>	
ADDRESS OF ARREST: <b>4950, BELLE TERRE, PKWY, PALM COAST, Florida, 32137</b>								Arrested By: <b>Cowan</b>		Alicia	
<b>DEFENDANT</b>				Name (L.F.M.): <b>Ovenshire, Levi, Evan</b>				A.K.A.:		ID Number: <b>466</b>	
DOB: <b>08/20/1997</b>		Age: <b>18</b>		Driver's Lic ID No.: <b>0152525973000</b>		State: <b>Florida</b>		Year Expires: <b>2021</b>		Sex: <b>Male</b> Race: <b>White</b>	
Height: <b>6 3</b>		Weight: <b>150</b>		Hair: <b>Brown</b>		Eyes: <b>Brown</b>		POB (City, St. Country):		Statement: Yes <input type="checkbox"/> No <input type="checkbox"/>	
Scars, Marks, Tattoos:				Business & Occupation:				Citizenship: Yes <input type="checkbox"/> No <input type="checkbox"/>			
Probation: Yes <input type="checkbox"/> No <input type="checkbox"/>				Sexual Predator: Yes <input type="checkbox"/> No <input type="checkbox"/>				English: Yes <input type="checkbox"/> No <input type="checkbox"/>		Deaf/Mute: Yes <input type="checkbox"/> No <input type="checkbox"/>	
Address-Mailing Permanent (STREET, APT. NUMBER)				(CITY)				(STATE)		ZIP CODE	
Address-Local (STREET, APT. NUMBER)				(CITY)				(STATE)		ZIP CODE	
<b>806 Seventh ST</b>				<b>Bunnell</b>				<b>Florida</b>		<b>32110- (386)586-5347</b>	
Address-Other (Employer School) (STREET, APT. NUMBER)				(CITY)				(STATE)		ZIP CODE	
<b>CHARGES</b>				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"/> DUI <input type="checkbox"/>			
								Total Charges: <b>4</b>			
#1 Charge: <b>Principle to Agg Assault w/ deadly weapon</b>		FEL <input checked="" type="checkbox"/> MISD <input type="checkbox"/> ORD <input type="checkbox"/>		FS/ORD: <b>777.011</b>		Citation No.:		Bond: <b>1500.00</b>			
#2 Charge: <b>Poss Marijuana Under 20 Grams</b>		FEL <input type="checkbox"/> MISD <input checked="" type="checkbox"/> ORD <input type="checkbox"/>		FS/ORD: <b>893.13.6B</b>		Citation No.:		Bond: <b>500.00</b>			
#3 Charge: <b>Poss Legend Drug Without Prescription</b>		FEL <input type="checkbox"/> MISD <input checked="" type="checkbox"/> ORD <input type="checkbox"/>		FS/ORD: <b>499.03</b>		Citation No.:		Bond: <b>500.00</b>			
<b>CO-DEFENDANT</b>				Co-Def #1. Arrested? Y <input checked="" type="checkbox"/> N <input type="checkbox"/> Fel <input checked="" 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: <b>White</b>				Sex: <b>Female</b>		DOB: <b>1997</b> Age: <b>17</b>	
#2 NAME (L.F.M.):				Race:				Sex:		DOB: Age:	
<b>NARRATIVE</b>											
The undersigned certifies and swears that there is a probable cause to believe the above names defendant, on the <u>4th</u> day of <u>November</u> , 2015, at approximately <u>18:36</u> A.M. <u>X</u> P.M. at <u>Belle Terre PKWY BelleaireDR</u> within <u>Flagler</u> County, violated the law and did then and there.											
On Wednesday, November 04, 2015 at 6:19pm I, Deputy Cowan, was dispatched to the area of Belle Terre Parkway and Belleaire Drive reference to a weapons complaint. While en route dispatch advised that there was a black, Saturn, passenger car, bearing Florida tag # H757KF traveling southbound on Belle Terre Parkway. Dispatch further advised that the vehicle was occupied by 3 juveniles and the front passenger had a M16, rifle type gun pointing it out of the window. Dispatched stayed on the phone with victims and gave updated locations.											
Supervisor Approved: <b>Reckenwald, Jon Daniel</b>											
<b>NOTICE TO APPEAR</b>				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>4</u> day of <u>Nov</u> , 2015				I swear affirm the above statements are correct and true.				Rt Thumb			
Name: <u>Dep. A. Cowan</u>				OFFICER'S COMPLAINT'S SIGNATURE							
Notary Public <input type="checkbox"/> Law Enforcement or Corrections Officer <input checked="" type="checkbox"/>				NAME (PRINTED)				ID NUMBER			
Personally Known <input type="checkbox"/> Produced Identification <input type="checkbox"/>				Type of Identification: <u>% Haggerty #523</u>				<u>Dep. A. Cowan</u> <u>4666</u>			
<b>OFFICIAL USE ONLY</b>				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 5

Defendant Name: <b>Ovenshire, Levi, Evan</b>		Agency Case Number: <b>2015-00112091</b>	
Name (L,F,M): <b>Giordano, Richard, John</b>	Vic <input checked="" type="checkbox"/> Wit <input type="checkbox"/>	Race: <b>White</b>	Sex: <b>M</b> <input checked="" type="checkbox"/> <b>F</b> <input type="checkbox"/>
Age: <b>32</b>	DOB: <b>4/11/1983</b>	SSN: <b>--</b>	
Address <b>5 Burning Bush PL Palm Coast, Florida</b> (#, Street, City, State):		Zip: <b>32137-</b>	Home Phone: <b>(386)864-4886</b>
Bus/School Address:		Zip:	Statement: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Relative/ Contact Name:		Relative/Contact Address:	Bus. Phone: Phone:
Name (L,F,M): <b>Grill, Jenny, Leigh</b>	Vic <input checked="" type="checkbox"/> Wit <input type="checkbox"/>	Race: <b>White</b>	Sex: <b>M</b> <input type="checkbox"/> <b>F</b> <input checked="" type="checkbox"/>
Age: <b>34</b>	DOB: <b>9/10/1981</b>	SSN: <b>--</b>	
Address <b>5 Burning Bush PL Palm Coast, Florida</b> (#, Street, City, State):		Zip: <b>32137-</b>	Home Phone: <b>(352)478-1825</b>
Bus/School Address:		Zip:	Statement: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Relative/ Contact Name:		Relative/Contact Address:	Bus. Phone: Phone:
Name (L,F,M): <b>Barilka, James, Michael</b>	Vic <input type="checkbox"/> Wit <input checked="" type="checkbox"/>	Race: <b>White</b>	Sex: <b>M</b> <input checked="" type="checkbox"/> <b>F</b> <input type="checkbox"/>
Age: <b>56</b>	DOB: <b>5/19/1959</b>	SSN: <b>--</b>	
Address <b>21 Birchfield PL Palm Coast, Florida</b> (#, Street, City, State):		Zip: <b>32137-</b>	Home Phone: <b>(386)225-5650</b>
Bus/School Address:		Zip:	Statement: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Relative/ Contact Name:		Relative/Contact Address:	Bus. Phone: Phone:
Name (L,F,M): <b>Roberts-Barilka, Carol, Dreyfus</b>	Vic <input type="checkbox"/> Wit <input checked="" type="checkbox"/>	Race: <b>White</b>	Sex: <b>M</b> <input type="checkbox"/> <b>F</b> <input checked="" type="checkbox"/>
Age: <b>53</b>	DOB: <b>6/12/1962</b>	SSN: <b>--</b>	
Address <b>21 Birchfield PL Palm Coast, Florida</b> (#, Street, City, State):		Zip: <b>32137-</b>	Home Phone: <b>(386)793-5176</b>
Bus/School Address:		Zip:	Statement: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Relative/ Contact Name:		Relative/Contact Address:	Bus. Phone: Phone:
Name (L,F,M): <b>[REDACTED]</b>	Vic <input type="checkbox"/> Wit <input checked="" type="checkbox"/>	Race: <b>White</b>	Sex: <b>M</b> <input type="checkbox"/> <b>F</b> <input checked="" type="checkbox"/>
Age: <b>17</b>	DOB: <b>[REDACTED] 1998</b>	SSN: <b>--</b>	
Address <b>[REDACTED]</b> (#, Street, City, State):		Zip: <b>33410-</b>	Home Phone: <b>[REDACTED] 7764</b>
Bus/School Address:		Zip:	Statement: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Relative/ Contact Name:		Relative/Contact Address:	Bus. Phone: Phone:
Name (L,F,M):	Vic <input type="checkbox"/> Wit <input type="checkbox"/>	Race:	Sex: <b>M</b> <input type="checkbox"/> <b>F</b> <input type="checkbox"/>
Age:	DOB:	SSN:	
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:	Bus. Phone: Phone:

## 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.

A. Cowan  
Investigating Officer

466  
ID Number

FLCSO  
Agency

707-A - COURT COPY

# Narrative 707-B Supplement

☒ Arrest  
☐ Affidavit  
☐ Notice to Appear

☐ Adult  
☐ Juvenile

Court Case  
Number:

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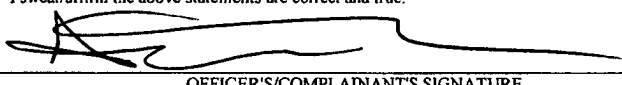
Defendant Name: <b>Ovenshire, Levi, Evan</b>		Agency Case Number: <b>2015-00112091</b>	
<b>CHARGES</b>	DOMESTIC VIOLENCE? YES <input type="checkbox"/>	Attachments: Affidavit(s) <input type="checkbox"/> Statement(s) <input type="checkbox"/> NTA Schedule <input type="checkbox"/> Report <input type="checkbox"/> Traffic Infraction(s) <input type="checkbox"/>	Total Charges:
#	Charge: <b>Principle to Agg Assault w/deadly</b>	FEL <input checked="" type="checkbox"/> MISD <input type="checkbox"/> ORD <input type="checkbox"/>	FS/ORD: <b>777.011</b>
#	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:
			Citation No:
			Bond: <b>1500.00</b>

I observed the vehicle drive behind the Publix (4950 Belle Terre Parkway, Palm Coast, Florida 32137), and verified that it was the vehicle. Due to the location of the vehicle (at a stop sign and about to enter a busy roadway) I initiated a traffic stop on the access road behind Publix, and waited for additional units to arrive to continue with a felony traffic stop. Front passenger of the vehicle, now known as [REDACTED] exited the vehicle. [REDACTED] was not armed, only had a wallet with a FL ID, Social Security card, and \$10.00 cash on her person. [REDACTED] revealed that she knew why we pulled them over. She further began to utter that she had a toy gun from Halloween, she was holding it out of the window, and she knew someone would call the cops. [REDACTED] was secured for officer safety and placed into my marked patrol car. After the 3 subjects were secured and the vehicle was cleared, I read [REDACTED] her Miranda Warning of Rights at 6:36pm. Post-Miranda [REDACTED] advised that she was the only one that had the toy gun. That she was holding it out of the window, but that she did not point it at anyone. [REDACTED] advised that she was just playing around and having fun with her friends because she's moving to California tomorrow.

The driver of the vehicle, now known as Levi Ovenshire, exited the vehicle. Ovenshire was not armed, had only a cell phone, lighter, and eye drops on his person. Ovenshire was secured for officer safety and placed into Deputy Finn's marked patrol car. Deputy Finn read Miranda to Ovenshire at 7:29pm. Ovenshire stated that he knew [REDACTED] was doing it and he did attempt to stop her from doing so. Please see Deputy Finn's report for further details.

The rear passenger of the vehicle, now known as [REDACTED] exited the vehicle. [REDACTED] was not armed, had only a FL id card, bank card, and a school id on her person. [REDACTED] was secured for officer safety and placed into Cpl. Reckenwald's marked patrol car.

While inventorying the black, 2008, Saturn, Astra, bearing Florida tag # H757KF revealed a black, plastic, rifle type weapon, on the passenger side of the dash board. The weapon appeared to once have an orange tip that had been altered by coloring over it with black marker/paint. Also within the vehicle there was a small, glass, jar between the center console and front passenger seat. Jar contained 1.7 grams of cannabis and 5 round, white, tablets. Tablets had PLIVA 433 on one side and a line across the middle on the other side. Tablets were later

Sworn to and subscribed before me, the undersigned this <b>4th</b> day of <b>Nov</b> , <b>2015</b>	I swear/affirm the above statements are correct and true.	Right thumb
Name: <b>Det. A. S.</b>		
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) <b>Dep. A. Bowen</b>	ID NUMBER <b>466</b>
Type of Identification: <b>As Haggerty #503</b>		

707-B - COURT COPY

# Narrative 707-B Supplement

☒ Arrest  
☐ Affidavit  
☐ Notice to Appear

☐ Adult  
☐ Juvenile

Court Case  
Number:

Page # 4 of 5

Defendant Name:

Ovenshire, Levi, Evan

Agency Case Number:

2015-00112091

## CHARGES

DOMESTIC  
VIOLENCE?

YES ☐

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

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:

identified using Drugs.com as 50mg Trazodone Hydrochloride, a prescription medication. Within the vehicle, on the front, passenger side between the seat and edge of door, there was a small, red, change purse containing 3 half pieces of white, squared tablets. Tablets had XANAX written on one side, and 2 on the other with lines at each quarter. The tablets were later identified using Drugs.com as 2mg Xanax/Alprazolam, a controlled, prescription medication.

Mr. Giordano and his fiancée, Ms. Grill, were traveling southbound on Belle Terre Parkway, when the above vehicle was driving erratically. Mr. Giordano stated that he then saw the front passenger of the vehicle hanging out of the window with a rifle and pointed it at his car. He stated that he slammed on his brakes because he was scared for their lives. At that time Mr. Giordano called 911 and Ms. Grill was so terrified that she began to duck down in the car. Mr. Giordano and Ms. Grill were both visibly shaken up by the incident, stating they were scared for their lives. Mr. Giordano gave a sworn, written statement of the incident, but Ms. Grill was too upset.

Mr. and Mrs. Barilka were also traveling southbound on Belle Terre Parkway and observed the same actions from the described vehicle. They stated that the front passenger with the weapon was pointing it at other vehicles and acting as though they were shooting it. Mr. and Mrs. Barilka are concealed weapon permit holders, familiar with weapons, and did not feel threatened by the weapon that the passenger had out of the window because they felt that it was a toy weapon, even though there was no orange tip on the weapon. Due to the possibility of others seeing this incident and being scared, they also called 911 and gave identifying information of the incident. Mr. and Mrs. Barilka both gave sworn, written statements of the incident.

Post-Miranda, [REDACTED] advised that the small, red, change purse that had 3 halves of Xanax in it, was hers. Post Miranda, Ovenshire advised that the jar containing cannabis and Trazadone was his. The vehicle was towed by Roger's Towing, the rotation company. [REDACTED] was charged with 2 counts of Aggravated Assault with a Deadly Weapon, and 1 count of Possession of a Controlled Substance without a Prescription. Ovenshire was charged with 2 counts of Principal to Aggravated Assault with a Deadly Weapon, 1 count of Possession of Marijuana (less than 20 grams), and 1 count of Possession of a legend drug without a prescription. [REDACTED] and Ovenshire were transported to the Flagler County Inmate Facility without incident. [REDACTED] a juvenile from Palm Beach County, was also transported to FCIF to await the arrival of her mother, Ms. Welch.

Sworn to and subscribed before me, the undersigned this <u>4</u> day of <u>Nov</u> , 2015		I swear/affirm the above statements are correct and true.		Right thumb
Name: <u>Dr. Haggerty</u>				
Notary Public <input type="checkbox"/> Law Enforcement Officer <input checked="" type="checkbox"/> Personally Known <input type="checkbox"/> Produced Identification <input type="checkbox"/>		OFFICER'S/COMPLAINANT'S SIGNATURE		
Type of Identification: <u>Ps Haggerty #523</u>		NAME (PRINTED): <u>Dep. A. Cavan</u>	ID NUMBER: <u>4466</u>	

707-B - COURT COPY

# Narrative 707-B Supplement

☒ Arrest  
☐ Affidavit  
☐ Notice to Appear

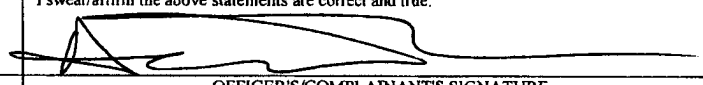
☐ Adult  
☐ Juvenile

Court Case  
Number:

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Defendant Name: Ovenshire, Levi, Evan		Agency Case Number: 2015-00112091			
<b>CHARGES</b>	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:

There is no additional information available at this time.

Sworn to and subscribed before me, the undersigned this <u>18</u> day of <u>NOV</u> , 2015		I swear/affirm the above statements are correct and true.		Right thumb
Name: <u>D. Haggerty</u>				
Notary Public <input type="checkbox"/> Law Enforcement Officer <input checked="" type="checkbox"/> Personally Known <input type="checkbox"/> Produced Identification <input type="checkbox"/>		OFFICER'S/COMPLAINANT'S SIGNATURE		
Type of Identification: <u>P/s Haggerty #523</u>		NAME (PRINTED) <u>Dcp. A. Cowan</u>	ID NUMBER <u>466</u>	

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