

ESTTA Tracking number: **ESTTA635236**

Filing date: **10/27/2014**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92052260
Party	Plaintiff Steven Westlake
Correspondence Address	MARK LEVY HINMAN HOWARD KATTELL LLP 80 EXCHANGE STREET, PO BOX 5250 BINGHAMTON, NY 13901 UNITED STATES mlevy@hbk.com
Submission	Other Motions/Papers
Filer's Name	Mark Levy
Filer's e-mail	amanzer@hbk.com
Signature	/Mark Levy/
Date	10/27/2014
Attachments	POLICE GAZETTE Brief in Support of Judgment for Petitioner 102714.pdf(77734 bytes) POLICE GAZETTE Brief in Support of Judgment for Petitioner - Affidavit 102714.pdf(778566 bytes)

3. In addition, on the same date in 2007, Petitioner began to use the mark, NATIONAL POLICE GAZETTE, in various channels of commerce including, but not limited to, printed periodicals, clothing, dishware, wall art, and books.

II. The record shows the absence of any genuine issue of material fact.

4. Nine months after Petitioner's first use of the mark (i.e., on January 23, 2008), Registrant filed an application to register NATIONAL POLICE GAZETTE THE LEADING ILLUSTRATED SPORTING JOURNAL IN AMERICA in the U.S. Patent and Trademark Office, the application including two digital images as specimens, which Registrant alleged were magazine covers.

5. The application was assigned Serial No. 77/378,015.

6. Registration on the Principal Register was granted to Registrant for the mark, NATIONAL POLICE GAZETTE THE LEADING ILLUSTRATED SPORTING JOURNAL IN AMERICA, on August 4, 2009, Registration No. 3,662,484.

7. Registrant, to date, has failed to provide evidence of the existence of any magazine(s), much less any magazine published prior to Petitioner's first use of the mark, NATIONAL POLICE GAZETTE, on April 8, 2007.

8. There can be no credible opposition due to Registrant's record of continual stalling, thwarting all attempts at discovery.

9. Registrant's recent record of criminal conviction, as enumerated in Petitioner's concurrently submitted affidavit, bears directly on his credibility.

10. In fact, despite numerous delays in the present proceeding extending well over four years, Registrant has not been able to produce evidence, to date, of any

goods produced after April 8, 2007, with the exception of a web site created in 2010, actually three months after Petitioner filed a petition to cancel the registration.

11. Since Petitioner and Registrant do not dispute the above facts, there is no genuine issue for trial.

12. The TTAB is requested to grant judgment in favor of Petitioner because, as discussed below, the law dictates such result.

III. On the basis of the uncontested facts, the law entitles Petitioner to relief.

13. Petitioner has been the owner of the NATIONAL POLICE GAZETTE mark since 2007 and has been using the mark continuously.

14. Petitioner has priority to the mark.

15. There is no genuine issue of material fact.

16. Wherefore, Registrant should be estopped from continuing to oppose this cancellation action and judgment for Petitioner is warranted.

17. Petitioner respectfully requests that judgment be granted in favor of Petitioner and cancellation of Registrant's mark.

Respectfully submitted,

HINMAN, HOWARD & KATTELL, LLP

Dated: October 27, 2014

By:



Mark Levy
80 Exchange Street
P.O. Box 5250
Binghamton, NY 13901
Tel: (607) 231-6830
Fax: (606) 723-6605

CERTIFICATE OF SERVICE

I hereby certify a copy of the foregoing BRIEF IN SUPPORT OF JUDGMENT FOR PETITIONER in re: Steven A. Westlake v. Edgar Alexander Barrera, Opposition No. 92/052,260, was served on Respondent, this 27th day of October 2014, by sending same via First Class Mail, postage prepaid, to:

Edgar Alexander Barrera
10 Castania Court
St. Augustine, FL 32086

- and -

Melissa Barrera
22159 Ladera Street
Grand Terrace, CA 92313

Respectfully submitted,

HINMAN, HOWARD & KATTELL, LLP

Dated: October 27, 2014

By:



Mark Levy
80 Exchange Street
P.O. Box 5250
Binghamton, NY 13901
Tel: (607) 231-6830
Fax: (606) 723-6605

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

STEVEN A. WESTLAKE,)	
)	
Petitioner,)	
)	
EDGAR ALEXANDER BARRERA,)	Cancellation No. 92/052,260
)	(Serial No. 77/378,015)
Respondent.)	

Steven Westlake, being duly sworn deposes and states:

1. I am the petitioner in the instant matter before the United States Patent and Trademark Office (USPTO), and I submit this affidavit in support of the Brief In Support of Judgment for Petitioner, concurrently submitted.
2. I filed a petition for cancellation on March 29, 2010.
3. On April 7, 2007, no other party was using the National Police Gazette mark in commerce in any channel and no periodical under that name and/or mark had been published since January, 1977.
4. On April 8, 2007, content went live on www.PoliceGazette.us, the website of National Police Gazette Enterprises, LLC, and its trade name William A. Mays.
5. I have been using the National Police Gazette name and mark continuously in various channels of commerce ever since.
6. On January 23, 2008, Registrant Edgar Alexander Barrera applied to the USPTO to register the National Police Gazette mark using as evidence a pair of digitally created images that supposedly represented magazine covers.

Registrant's Record of Criminal Convictions, Bearing Directly on Credibility

7. On June 13, 2012, Edgar Alexander Barrera was arrested for domestic violence assault on Lester Euell.
8. The police report detailed Barrera's actions of climbing through a window and almost breaking down a door.
9. On November 2, 2012, Edgar Alexander Barrera was arrested for felony battery on person over 65, felony battery on law enforcement officers, felony resisting arrest with violence, and driving under the influence.
10. It took several police officers to bring him under control.
11. On April 8, 2013, Edgar Alexander Barrera was cited for failure to obey DL restrictions and driving on a hard surface, damaging the road.
12. On June 3, 2013, Edgar Alexander Barrera was arrested for driving under the influence.
13. On June 2, 2014, Edgar Alexander Barrera was arrested for felony obtaining a controlled substance by fraud.
14. Exhibit A shows an arrest report filed June 13, 2012. Exhibit B shows an arrest report filed November 2, 2012. Exhibit C shows case detail from the Volusia County Clerk of Circuit Court online database retrieved October 24, 2014.
15. For the foregoing reasons, I submit that Registrant's appearance in this litigation has completely been a sham; that he has never had a good-faith intention to participate. He is merely prolonging this proceeding so that he can keep his name attached to a

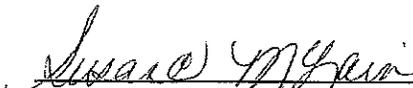
notable trademark. Therefore, I respectfully ask that the USPTO cancel Registration No. 3,662,484.

Dated: October 24, 2014



Steven Westlake, Petitioner

Sworn and subscribed to before me this 24th day of October, 2014



Notary Public, State of New York
Commission Expires 11/20/2017

SUSAN C. McLain
Notary Public, State of New York
4958926
My Commission Expires 11/20/2017



EXHIBIT A

7th. Judicial Circuit 707
Charging Affidavit - Volusia

Report No. 120017462

Nature of Call: 22B

Report Date: 06-12-2012 Report Time: 2223 District: 03

Confidential: 0100 Arrest # _____ Bk # _____ 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: 1239881MMA65
(ORI) FL: FL0640000	Agency Name: VOLUSIA COUNTY SHERIFF'S OFFICE	Agency Case Number: 120017462				
FCIC/NCIC Check? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	OBTS # 6402204894	U.C.R. Date Arrested: 06-12-2012	Time of Arrest: 2311			
ADDRESS OF ARREST (Street, City, State, Zip): 1539 VALENCIA AVE. DAYTONA BEACH FL 32117			Arrested By: Clark, Kenneth		ID Number: 7737	
DEFENDANT		NAME (Last): 1 BARRERA	(First): EDGAR	(Middle): A	A.K.A.:	Sex: M Race: W
DOB: 09-31-1982	Age: 30	Driver's Lic./ID No.: B665201821110	State: FL	Year Expires: 2019	S.S.#:	
Height: 5' 10"	Weight: 140	Hair: BLK	Eyes: BRO	P.O.B. (City, State, County): GUATEMALA CIT GT	Statement: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Scars, Marks, Tattoos:	Business & Occupation:		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"/>	Deaf/Mute: Yes <input type="checkbox"/> No <input type="checkbox"/>			
Address - Mailing/Permanent: 1539 VALENCIA AVE.		(STREET, APT. NUMBER)	(CITY): DAYTONA BEACH	(STATE): FL	ZIP CODE: 32117	RESIDENCE PHONE: (386) 852-0012
Address - Local:		(STREET, APT. NUMBER)	(CITY):	(STATE):	ZIP CODE:	RESIDENCE PHONE:
Address - Other (Employer/School):		(STREET, APT. NUMBER)	(CITY):	(STATE):	ZIP CODE:	BUS/SCHOOL PHONE:

CHARGES	DOMESTIC VIOLENCE? Yes <input checked="" 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: 1
#1 Charge: Assault/Intentional Threat to do Viol. (DV)	FEL <input type="checkbox"/> MISD <input checked="" type="checkbox"/> ORD <input type="checkbox"/>	FS/ORD: 784.011	Citation No.:	Bond: NO BOND				
#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 (Last):	(First):	(Middle):	Race:	Sex:	DOB:	Age:
#2 NAME (Last):	(First):	(Middle):	Race:	Sex:	DOB:	Age:

NARRATIVE

The undersigned certifies and swears that there is probable cause to believe the above-named defendant, on the 12 day of June, 2012, at approximately 1111 a.m. p.m. at 1539 VALENCIA AVE. DAYTONA BEACH within Volusia County, violated the law and did then and there:

1 intentionally and unlawfully threaten by word or act to do violence to Lester A. Euell (Victim), coupled with an apparent ability to do so, which created
 2 a well-founded fear in Euell that such violence was imminent, contrary to Florida Statute 784.011.
 3
 4 On Tuesday, 06/12/2012, at approximately 2323 hours, Deputy Clark responded to 1539 Valencia Ave., in reference to a report of a domestic
 5 disturbance.
 6
 7 Upon arrival, Deputy Clark met with Euell who stated Edgar A Barrera (Defendant), whom he lives with as a family unit, verbally assaulted him this
 8 evening. Euell stated he was named Barrera's Godfather when he was born. Euell stated he and Barrera have resided together in the same home for
 9 the past eight years. Euell advised Barrera had arrived home this evening and was intoxicated. Euell advised he did not want Barrera to enter the
 10 house in such a state as there has been violence in the past when Barrera drinks. Euell advised Barrera entered through the front window at which
 11 time he called the Sheriff's Office. Euell advised he locked himself in his room to avoid Barrera. Euell stated Barrera attempted to break the door to
 12 gain entry into his room. Euell stated Albert J. Kerling (Witness) had to physically restrain Barrera from breaking the door and entering the room. Euell
 13 stated Barrera threatened to harm him which caused a well founded fear. Euell stated he is afraid Barrera will kill him. Euell advised he has suffered a
 14 stroke in the past and does not feel he could defend himself from Barrera. Euell stated he wished to pursue criminal charges. Euell advised he was
 15 not injured during this incident and refused medical treatment. Euell completed a sworn written statement and was provided with a Domestic Violence

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"/>	FINE, AND COSTS AMOUNT:
-------------------------	---	--	-------------------------

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.

SIGNATURE OF DEFENDANT: Schumann TD	Date:	SIGNATURE OF JUVENILE PARENT OR CUSTODIAN:	JUVE DISP. CITATION:
Sworn to and subscribed before me, this undersigned this 12 day of June, 2012		I swear/affirm the above statements to be correct and true	
Name: Sgt. J. J. [Signature]	[Signature]	OFFICER'S/COMPLAINANT'S SIGNATURE:	CLERK'S SIGNATURE:

Notary Public <input type="checkbox"/> Law Enforcement or Corrections Officer <input checked="" type="checkbox"/>	CLARK, KENNETH	7737
Personally Known <input type="checkbox"/> Produced Identification <input type="checkbox"/>	NAME (PRINTED)	ID NUMBER
Type of Identification:	Inmate Number & Facility:	

OFFICIAL USE ONLY

707 - COURT COPY

00630039

Filed in Open Court
Seventh Judicial Circuit
Volusia County, Florida

JUN 13 2012

[Signature]

Narrative Supplement 707-B

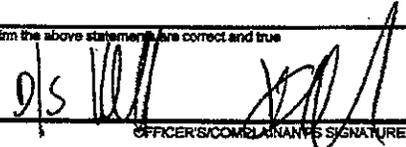
Arrest
 Affidavit
 Notice to Appear
 Adult
 Juvenile

Court Case Number:

Page # 2 of 3

Defendant (Last) Name: BARRERA		(First) EDGAR	(Middle) A	Agency Case Number: 120017462
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:

16 Rights and Remedies Pamphlet which he signed for.
 17
 18 Deputy Clark met with Kerling who stated he had to physically restrain Barrera from breaking down the bedroom door to Euell's room. Kerling
 19 completed a sworn written statement.
 20
 21 Upon learning Deputies were enroute, Barrera fled from the residence. Barrera was located a short time later in the bathroom of the Walmart located
 22 on Flomich St. and Nova Rd.
 23
 24 Barrera was placed under arrest for Assault (Domestic Violence) and was subsequently transported without incident to the Volusia County Branch
 25 Jail.
 26
 27 It should be noted, this was the second response to the defendants residence this evening. During the first response the defendant admitted he had a
 28 substance abuse problem and needed help. The defendant voluntarily went to the hospital for treatment, but never admitted himself.

Sworn to and subscribed before me, the undersigned this <u>12</u> day of <u>June</u> , 2012 Name: <u>Sgt. J. Dawercool</u>		I swear/affirm the above statements are correct and true 		Right Thumb
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"/>	CLARK, KENNETH	7737	
Type of Identification:		NAME (PRINTED)	ID NUMBER	

Witness/Victim/Evidence Form 707-A

Arrest
 Affidavit
 Notice to Appear
 Adult
 Juvenile

Court Case Number: 120017482

Page # 3 of 3

Defendant (Last) Name: BARRERA		(First) Name: EDGAR		(Middle) Name: A		Agency Case Number: 120017482	
Name: (Last) 1 EUELL		(First) LESTER		(Middle) A		Vic <input type="checkbox"/> Wt <input type="checkbox"/>	Race: W Sex: M <input checked="" type="checkbox"/> F <input type="checkbox"/> Age: 56 DOB: 10-18-1955 SSN:
Address (#, Street, City, State): 1539 VALENCIA AVE. DAYTONA BEACH FL 32117						Home: (388) 852-0085 Bus: Zip:	
Relative/Contact Name:						Relative/Contact Address:	
Name: (Last) 1 KERLING		(First) ALBERT		(Middle) J		Vic <input type="checkbox"/> Wt <input type="checkbox"/>	Race: W Sex: M <input checked="" type="checkbox"/> F <input type="checkbox"/> Age: 71 DOB: 08-08-1940 SSN:
Address (#, Street, City, State): 1539 VALENCIA AVE. DAYTONA BEACH FL 32117						Home: (388) 852-6258 Bus: Zip:	
Relative/Contact Name:						Relative/Contact Address:	
Name: (Last)		(First)		(Middle)		Vic <input type="checkbox"/> Wt <input type="checkbox"/>	Race: Sex: M <input type="checkbox"/> F <input type="checkbox"/> Age: DOB: SSN:
Address (#, Street, City, State):						Home: Bus: Zip:	
Relative/Contact Name:						Relative/Contact Address:	
Name: (Last)		(First)		(Middle)		Vic <input type="checkbox"/> Wt <input type="checkbox"/>	Race: Sex: M <input type="checkbox"/> F <input type="checkbox"/> Age: DOB: SSN:
Address (#, Street, City, State):						Home: Bus: Zip:	
Relative/Contact Name:						Relative/Contact Address:	
Name: (Last)		(First)		(Middle)		Vic <input type="checkbox"/> Wt <input type="checkbox"/>	Race: Sex: M <input type="checkbox"/> F <input type="checkbox"/> Age: DOB: SSN:
Address (#, Street, City, State):						Home: Bus: Zip:	
Relative/Contact Name:						Relative/Contact Address:	
Name: (Last)		(First)		(Middle)		Vic <input type="checkbox"/> Wt <input type="checkbox"/>	Race: Sex: M <input type="checkbox"/> F <input type="checkbox"/> Age: DOB: SSN:
Address (#, Street, City, State):						Home: Bus: Zip:	
Relative/Contact Name:						Relative/Contact Address:	

EVIDENCE COLLECTED

Description of Evidence	Date Recovered	Model Serial/I.D. Number	Drug Amount
Owner Name (Last) (First) (Address)		(Phone)	Value
Description of Evidence	Date Recovered	Model Serial/I.D. Number	Drug Amount
Owner Name (Last) (First) (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.

CLARK, KENNETH
Investigating Officer

7737
ID Number

VCISO
Agency

VS

1202191

in Court

Booking Number: 876759

Barrera, Edgar (Defendant)

Case Number: 12039881 NNAES

Charges:

1. Domestic Violence Assault

2.

3.

PRETRIAL SUPERVISION ORDER

The above named defendant is hereby placed under supervision by Pretrial Services, subject to the following conditions:

Standard Conditions:

- The defendant will allow a Pretrial Services Officer to conduct visits at his/her residence and/or his/her job site.
The defendant understands that this court-ordered release may be revoked and that he/she may be subject to incarceration if:
...he/she violates any Federal, State, or Local laws, including criminal traffic violations.
...he/she fails to appear at any scheduled court hearing.
...he/she fails to report to his/her assigned Pretrial Services Officer as scheduled.
...he/she fails to provide an acceptable urine specimen for drug testing when instructed by his/her assigned Pretrial Services Officer.
...he/she changes residence or telephone status without first advising his/her assigned Pretrial Services Officer.
...he/she leaves the state of Florida without permission from the Court.
...he/she fails to comply with any of the special conditions of release specified below.

Special Conditions:

In addition to the standard conditions listed above, the defendant must comply with all special conditions indicated below. Pretrial Services may adjust supervision requirements based on compliance with conditions of release without further notice or hearing.

- () No contact with the victim/witness/co-defendant.
(X) No violent contact with the victim/witness/co-defendant.
() May return to residence with law enforcement to retrieve belongings.
(X) Do not consume alcohol.
(X) Do not use drugs without a valid prescription.
() Take medications as prescribed.
(X) Submit to random urinalysis.
(X) Do not possess firearms, weapons, or chemical sprays.
() Anti-Drug Initiative/Level 1 Candidate.
() Electronic Monitoring.
() Call-in status.

Victim/Witness/Co-defendant:
Euell, Lester

Post \$ ROR bond, then report to Pretrial Services

You must report to the Pretrial Services Office indicated below on the second workday after your release from custody between 8:00 am and 11:00 am:

- (X) Daytona Beach: S. James Foxman Justice Center, 251 N. Ridgewood Ave., Rm. 131
() DeLand: Volusia County Courthouse, 101 N. Alabama Ave., Rm. B-123
() Electronic Monitoring/GPS: You will receive reporting instructions from Pretrial Services upon release from jail.

12 JUN 11 12:00 PM 200
FILED
CLERK OF THE CIRCUIT & COUNTY OF VOLUSIA, FL

PRETRIAL SUPERVISION ORDER

Pursuant to Rule 3.131, Fla.R.Cr.P., the defendant is hereby subject to the court-ordered supervision conditions of Pretrial Services.

DATE 6/13/12 PTS OFFICER [Signature]

PER CIRCUIT/COUNTY JUDGE D. FOXMAN

630639

PTSO

FIRST APPEARANCE ACTION FORM

CASE: CTC1239881MMAES
STATE OF FLORIDA
VS
BARRERA, EDGAR
SPN: 00630639
BKG#: WSB76759

FIRST APPEARANCE DATE: 06-13-2012

CELL: 01C11U

DIANE M. MATOUSEK
CLERK OF THE CIRCUIT COURT
VOLUSIA COUNTY, FLORIDA
P.O. BOX 6043
DELAND, FL 32721-6043

The defendant was advised of his/her rights and furnished a copy of the complaint.
The court has examined the sworn complaint and hereby finds and orders:

<input checked="" type="checkbox"/> Defendant indigent - PD appointed	<input type="checkbox"/> No contact with victim(s), witness(s), & co-defendant(s) - See separate order	<input checked="" type="checkbox"/> Do not consume alcohol
<input type="checkbox"/> Defendant not indigent - to court	<input type="checkbox"/> Do not possess firearms/weapons	<input checked="" type="checkbox"/> Random urinalysis
M/ASSAULT/INTENT THREAT (DV)		
STATE ATTORNEY ACTION		
<input checked="" type="checkbox"/> Probable Cause Found		_____ days VCI, less _____ days credit
<input type="checkbox"/> PC Under Review		
<input type="checkbox"/> Insufficient PC	PLEA ACTION	
<input type="checkbox"/> RGR	<input type="checkbox"/> \$223.00 Misdemeanor	<input type="checkbox"/> \$575.00 Misd. Asslt. & Battery
<input checked="" type="checkbox"/> PTR (Supervised Release - See separate order)	<input type="checkbox"/> Nolo Plea	<input type="checkbox"/> \$238.00 Misd. Drug & Alcohol <input type="checkbox"/> \$500.00 Prostitution
BOND SET AT \$ _____		
STATE ATTORNEY ACTION		
<input type="checkbox"/> Probable Cause Found		_____ days VCI, less _____ days credit
<input type="checkbox"/> PC Under Review		
<input type="checkbox"/> Insufficient PC	PLEA ACTION	
<input type="checkbox"/> RGR	<input type="checkbox"/> \$223.00 Misdemeanor	<input type="checkbox"/> \$575.00 Misd. Asslt. & Battery
<input type="checkbox"/> PTR (Supervised Release - See separate order)	<input type="checkbox"/> Nolo Plea	<input type="checkbox"/> \$238.00 Misd. Drug & Alcohol <input type="checkbox"/> \$500.00 Prostitution
BOND SET AT \$ _____		
STATE ATTORNEY ACTION		
<input type="checkbox"/> Probable Cause Found		_____ days VCI, less _____ days credit
<input type="checkbox"/> PC Under Review		
<input type="checkbox"/> Insufficient PC	PLEA ACTION	
<input type="checkbox"/> RGR	<input type="checkbox"/> \$223.00 Misdemeanor	<input type="checkbox"/> \$575.00 Misd. Asslt. & Battery
<input type="checkbox"/> PTR (Supervised Release - See separate order)	<input type="checkbox"/> Nolo Plea	<input type="checkbox"/> \$238.00 Misd. Drug & Alcohol <input type="checkbox"/> \$500.00 Prostitution
BOND SET AT \$ _____		

Defendant Address Change Verification: _____

DIANE M. MATOUSEK, CLERK OF THE CIRCUIT COURT
Filed in Open Court this 13 day of JUNE, 20 12
DEPUTY CLERK IN ATTENDANCE

Done and Ordered in Volusia County, Florida this 13 day of JUNE, 20 12

ASSISTANT STATE ATTORNEY

PRESIDING JUDGE

Copy Distribution: Court File (original) - Booking - State Attorney - Defense Attorney/Defendant

IN THE CIRCUIT COURT, SEVENTH JUDICIAL CIRCUIT
IN AND FOR VOLUSIA COUNTY, FLORIDA

MMAE

Case No. 2012-39881

STATE OF FLORIDA

vs.

Carrera, Edgar
Defendant

Description of Defendant
Sex: M Race: W
DOB: 3/31/82

ORDER REGARDING CONTACT BEFORE TRIAL

It is intended that this order meet the requirements of 18 U.S.C., s. 2265, and therefore intended that it be accorded the full faith and credit by the court of another state or Indian tribe as if it were the order of the enforcing state or of the Indian tribe.

Pursuant to Sec. 903.047 Florida Statutes, the Defendant is granted pretrial release under the following conditions, and it is hereby ORDERED that the Defendant:

1. a. Shall have no contact with the protected person(s) Texter Cuell either directly or indirectly, through mail, e-mail, fax, telephone, through another person, or in any other manner. If the protected person(s) attempts to contact you, you are violating this Order if you communicate with him/her. Unless otherwise provided herein, Defendant shall not go to, in, or within 500 feet of: protected person's current or future residence; current or future place of employment; or current or future school. Defendant shall not knowingly go within 100 feet of the protected person's automobile at any time.
b. May have peaceful, non-violent contact with the protected person(s) _____

2. May return to the residence one time only at a time arranged with a law enforcement agency with jurisdiction over the residence, to obtain personal belongings, including clothing, items of personal hygiene and tools of the trade. Going to the residence without a law enforcement officer is a violation of your pretrial release. A law enforcement officer with jurisdiction over the residence from which these items are retrieved shall accompany defendant to the home and stand by to ensure that defendant vacates the premises with only such personal belongings.

3. a. Shall not use, possess, or purchase a firearm or ammunition.
b. Shall surrender any firearms and ammunition in defendant's possession to the Volusia County Sheriff's Department or local law enforcement agency and submit a written receipt to the Clerk of Court within 48 hours.

4. Shall refrain from criminal activity of any kind. Shall not use, threaten, or attempt to use physical force against the protected person(s).

ORDERED on 6-13-12 in Volusia County, Florida

[Signature]
CIRCUIT/COUNTY JUDGE

This Order shall remain in effect until this case is concluded, unless modified by the Court. This Court is aware that in certain cases there may be a possible conflict between the terms of this Order and an injunction, visitation, shared parenting, or other court order. The terms of this Order must be followed if the Defendant is to remain on pretrial release.

Violation of this Order will subject you to arrest. Upon probable cause to believe that you violated the terms of this Order, law enforcement is authorized, pursuant to Sec. 901.15, Florida Statutes, to conduct a warrantless arrest of you, the Defendant. A willful violation of the terms of the Order constitutes a misdemeanor of the first degree, pursuant to Sec. 741.29(6), Florida Statutes. This carries a maximum punishment upon conviction of one (1) year in jail and a fine of \$1,000.00, or may subject Defendant to a criminal contempt of court charge and/or result in revocation of bond and/or pretrial release.

Pursuant to Sec. 741.29(6), Florida Statutes, after arrest for violation of this Order, the Defendant is to be held in custody until his/her First Appearance.

I understand that I can be returned to custody pending trial without further hearing upon violation of the conditions as set forth herein and that I will be subject to a federal felony if this order involves an intimate partner and/or family member and I possess a firearm or ammunition in violation of this Order. I acknowledge receiving a copy of this Order.

Filed in Open Court
Seventh Judicial Circuit
Volusia County, Florida

[Signature]
DEFENDANT

- Copies to:
1. Defendant (by hand delivery in open court)
2. State Attorney (for protected person(s))

JUN 13 2012

JS-0211-1210

ORCT

EXHIBIT B

7th. Judicial Circuit 707
Charging Affidavit - Volusia

Report No. 120032145 Nature of Call: 22B Report Date: 11-01-2012 Report Time: 2300 District: 03
 887235 Confidential: 0226 Arrest # _____ Bk # _____ 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: 1736793 CAES
(ORI) FL: FL0640000	Agency Name: VOLUSIA COUNTY SHERIFF'S OFFICE			Agency Case Number: 120032145		
FCIC/NCIC Check? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	OBTS # 6402210772	U.C.R.:	Date Arrested: 11-02-2012	Time of Arrest: 2324		ID Number: 7754
ADDRESS OF ARREST (Street, City, State, Zip): 1539 VALENCIA AVENUE DAYTONA BEACH FL 32117			Arrested By: Miller, Dennis	A.K.A.:		Sec: M Race: W
DEFENDANT		NAME (Last): 1 BARRERA-MANSILLA	(First): EDGAR	(Middle): A	State: FL	Year Expires: 2019 S.S.#: 603-96-7225
DOB: 03-31-1982	Age: 30	Driver's Lic./ID No.: B865-201-82-111-0	Sex: M	Height: 5' 10	Weight: 220	Hair: BLK Eyes: BRO
P.O.B. (City, State, Country): GT			Business & Occupation:		Statement: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Citizenship: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
Scars, Marks, Tattoos:		Sexual Predator: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		English: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		Dead/Alive: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Address - Mailing/Permanent: 1539 VALENCIA AVENUE		(CITY): DAYTONA BEACH	(STATE): FL	ZIP CODE: 32117	RESIDENCE PHONE: (386) 852-0012	
Address - Local:		(CITY):	(STATE):	ZIP CODE:	RESIDENCE PHONE:	
Address - Other (Employer/School):		(CITY):	(STATE):	ZIP CODE:	BUS/SCHOOL PHONE:	

CHARGES		DOMESTIC VIOLENCE? Yes <input checked="" type="checkbox"/>	Attachment: 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: 5
#1 Charge:	Battery on Person 65 YOA or Older (Reclass)	FEL <input checked="" type="checkbox"/> MISD <input type="checkbox"/> ORD <input type="checkbox"/>	FS/ORD: 784.08(2)(C)	Citation No.:	Bond: NO BOND				
#2 Charge:	Battery on LEO/Firefighter/EMT/etc	FEL <input checked="" type="checkbox"/> MISD <input type="checkbox"/> ORD <input type="checkbox"/>	FS/ORD: 784.07(2)(B)	Citation No.:	Bond: 5,000				
#3 Charge:	Battery on LEO/Firefighter/EMT/etc	FEL <input checked="" type="checkbox"/> MISD <input type="checkbox"/> ORD <input type="checkbox"/>	FS/ORD: 784.07(2)(B)	Citation No.:	Bond: 5,000				
CO-DEFENDANT		Co-Def #1. Arrested? Y <input type="checkbox"/> N <input type="checkbox"/>	Fel <input type="checkbox"/> Misd <input type="checkbox"/> Trsf <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"/> Trsf <input type="checkbox"/> Ord <input type="checkbox"/> NTA <input type="checkbox"/>				
#1 NAME (Last):	(First):	(Middle):	Race:	Sex:	DOB:	Age:			
#2 NAME (Last):	(First):	(Middle):	Race:	Sex:	DOB:	Age:			

NARRATIVE

The undersigned certifies and swears that there is probable cause to believe the above-named defendant, on the 01 day of November, 2012, at approximately 1100 a.m. p.m. at 1539 VALENCIA AVENUE DAYTONA BEACH within Volusia County, violated the law and did then and there:

1 On Thursday, 11/01/2012, at approximately 2301 hours, Deputy Miller was dispatched and responded to 1539 Valencia Avenue, Daytona Beach, in reference to a report of a disturbance. Upon arrival, Deputy Miller observed a silver in color Ford passenger car bearing Florida license plate X039DT backing out of the driveway. Deputy Miller activated his emergency lights and the vehicle stopped in the driveway. Deputy Miller contacted the vehicle's operator, the defendant, and instructed him to exit the vehicle. Deputy Miller observed a strong odor of alcoholic beverage emanating from the vehicle. The defendant was instructed to sit next to the vehicle, which he refused to do. After several verbal commands the defendant sat down. While in contact with the defendant, Deputy Miller observed the defendant was unable to stand without swaying back and forth. Additionally, the defendant had bloodshot eyes, slurred speech, and was sweating, all of which indicated he was under the influence of alcohol and/or narcotics.

2 Deputy Miller contacted Albert Kerling (V1) who advised he and his step god-son, the defendant, were involved in a physical altercation. According to Kerling, the defendant arrived home at approximately 2230 hours. Kerling stated the defendant appeared intoxicated and sat down on the living room couch. Kerling further stated the defendant fell asleep. Kerling sat next to the defendant in order to watch over him. At approximately 2300 hours, Kerling stated the defendant awoke and became aggressive with him. Kerling advised the defendant began to grab a hold of him and proceeded to push him. Kerling stated he attempted to control the defendant who became increasingly more violent and aggressive with him. Deputy Miller asked if the defendant had punched or kicked him, which Kerling stated he was unsure. Kerling's domestic partner, and the god-father of the defendant, Lester Euell (W1), contacted the Sheriff's Office for assistance. At this point, the defendant retrieved a set of car keys and attempted to flee the

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:

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.

SIGNATURE OF DEFENDANT: Hutcherson 11/28/2012 8:30		SIGNATURE OF JUVENILE PARENT OR CUSTODIAN		JUVE DISP. CITATION
Date		RELATIONSHIP TO JUVENILE		Filed in Open Court Seventh Judicial Circuit Volusia County, Florida
Sworn to and subscribed before me, the undersigned this 02 day of November, 2012		I swear that the above statements are correct and true		NOV 02 2012
Name: [Signature]		OFFICER'S/COMPLAINANT'S SIGNATURE		
Notary Public <input type="checkbox"/> Law Enforcement or Corrections Officer <input checked="" type="checkbox"/>		MILLER, DENNIS		7754
Personally Known <input type="checkbox"/> Produced Identification <input type="checkbox"/>		NAME (PRINTED)		ID NUMBER
Type of Identification:		Inmate Number & Facility:		00630639

OFFICIAL USE ONLY

Narrative Supplement 707-B

Arrest
 Affidavit
 Notice to Appear
 Adult
 Juvenile

Court Case Number:

Defendant (Last) Name: BARRERA-MANSILLA	(First) EDGAR	(Middle) A	Agency Case Number: 120032145
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"/>	Total Charges: 5
#4	Charge: Resist Officer with Viol.	FEL <input checked="" type="checkbox"/> MISD <input type="checkbox"/> ORD <input type="checkbox"/>	FS/ORD: 843.01 Citation No.: Bond: 5,000
#5	Charge: DUI Alcohol or Drugs	FEL <input type="checkbox"/> MISD <input checked="" type="checkbox"/> ORD <input type="checkbox"/>	FS/ORD: 316,193 Citation No.: 4119XFC Bond: 1,000

16 residence. Kerling provided Deputy Miller with a sworn written statement detailing the incident.

17

18 Deputy Miller contacted Euell who corroborated Kerling's account of the incident. Euell informed Deputy Miller he was working in his office and heard

19 a commotion in the living room. When Euell went to investigate, he observed the defendant grabbing and pushing Kerling. Euell stated he was unable

20 to assist Kerling due to pre-existing medical conditions and contacted the Sheriff's Office for assistance. Euell provided Deputy Miller with a sworn

21 written statement detailing the incident.

22

23 Deputy Miller observed Kerling had abrasions on his chin and the left side of his nose. Kerling's injuries were photographed and submitted into the

24 District Three evidence locker. Deputy Miller offered Kerling medical assistance, to which he refused. While interviewing Kerling and Euell, Deputy

25 Miller was informed the defendant is the god-son of Euell and the three reside together as a single family unit at 1539 Valencia Avenue, Daytona

26 Beach. Deputy Miller provided Kerling with a victim's legal rights a remedies packet, for which he signed for. Additionally, Deputy Miller completed a

27 victim's notification card, which was submitted with this report.

28

29 Deputy Miller contacted the defendant who was visibly intoxicated. The defendant informed Deputy Miller he had recently returned home from a night

30 out, consuming alcohol. The defendant further stated he lost control with Kerling. The defendant admitted to pushing and grabbing Kerling. Deputy

31 Miller placed the defendant under arrest.

32

33 Deputy Miller escorted the defendant to his patrol vehicle. While attempting to search the defendant, he continually pulled away and resisted Deputy

34 Miller's efforts. Deputy Miller instructed the defendant multiple times to stop resisting and to comply with his instructions, to which he refused. The

35 defendant continued to pull away and forced his entire weight onto Deputy Miller. As a result of the defendant's actions, Deputy Miller was forced to

36 escort the defendant to the ground. Once on the ground, Deputy Miller was able to complete his search of the defendant.

37

38 Deputy Miller and Deputy Bowen assisted the defendant in standing up and escorted him back to Deputy Miller's patrol vehicle. The defendant was

39 instructed to enter the vehicle, to which he refused to do by not placing his legs into the vehicle. Deputy Miller walked around to the other side of his

40 patrol vehicle in an attempt to help place the defendant fully into the vehicle. At this point, Deputy Miller grabbed a hold of the defendant's shoulder's

41 and Deputy Bowen attempted to place his feet into the patrol vehicle. The defendant began to violently kick Deputy Bowen striking her in the arms

42 and chest. Deputy Miller disengaged from the defendant and retrieved his hobble restraint.

43

44 Deputy Miller attempted to place the defendant's feet into the hobble. Upon doing so, the defendant began to violently kick at Deputy Miller's chest

45 and face. The defendant's kicking struck Deputy Miller in the arms and chest. Deputy Miller ordered the defendant to stop resisting, which he refused

46 to comply with and continued to violently kick at Deputy Miller. Deputy Miller drew his department issued Taser and ordered the defendant to comply

47 or the Taser would be deployed, the defendant continued to resist. Deputy Miller removed the Taser cartridge and deployed a 5 second drive-stun to

48 the side of the defendant's left leg. At the end of the cycle, the defendant continued to resist and kick Deputy Miller. A second drive-stun was

49 deployed to the defendant's stomach and the defendant continued to provide resistance to Deputy Miller by kicking violently. Another cycle was

50 deployed to the defendant's stomach, at the end of the cycle the defendant stopped resisting and allowed Deputy Miller to place his feet into the

51 hobble restraint. Deputy Miller informed Sergeant Smith of the use of force and subsequently he responded to the scene.

52

53 While in the backseat, the defendant continued to kick and bang his head against the door and cage. The defendant was secured in a shoulder

54 restraint to prevent the defendant from injuring himself.

55

56 It should be noted, due to the defendant's violent behavior field sobriety exercises could not be done. The defendant was asked to submit to a breath

57 test to determine its alcohol content, which he refused to do. See Deputy Goff's supplemental report for complete details.

58

59 Based on the statements made and evidence on scene, Deputy Miller determined the defendant willfully and unlawfully touched and struck Kerling,

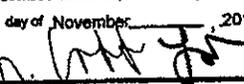
60 who is 72 years of age, against his will. After being placed under arrest, the defendant willfully, maliciously, and unlawfully battered Deputy Miller and

61 Deputy Bowen who were engaged in the lawful performance of their duties. Additionally, the defendant resisted, obstructed, and opposed Deputy

62 Miller and Deputy Bowen and offered violence in doing so. As such, the defendant was charged with one count of battery on person 65 YOA and

63 older, 2 counts of battery of LEO, one count of resisting with violence, and driving under the influence. The defendant was transported to the branch

64 jail.

Sworn to and subscribed before me, the undersigned this 02 day of November, 2012	I swear/affirm the above statements are correct and true	Right Thumb
Name: 		
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"/>	MILLER, DENNIS	7754
Type of Identification:	NAME (PRINTED)	ID NUMBER

Witness/Victim/Evidence Form 707-A

Arrest
 Affidavit
 Notice to Appear
 Adult
 Juvenile

Court Case Number: 120032145

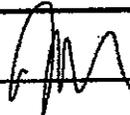
Defendant (Last) (First) (Middle)		Agency Case Number: 120032145	
Name: BARRERA-MANSILLA EDGAR A			
Name: (Last) (First) (Middle)		Vic: <input checked="" type="checkbox"/> Wt: <input type="checkbox"/> Race: W Sex: M <input checked="" type="checkbox"/> F <input type="checkbox"/> Age: 72 DOB: 08-08-1940 SSN:	
1 KERLING ALBERT J			
Address (#, Street, City, State): 1539 VALENCIA AVENUE DAYTONA BEACH FL		Zip: 32117 Home: Phone: (386) 852-6259	
Bus/School Address:		Statement: <input type="checkbox"/> Yes <input type="checkbox"/> No	
Relative/Contact Name		Relative/Contact Address:	
Name: (Last) (First) (Middle)		Vic: <input checked="" type="checkbox"/> Wt: <input type="checkbox"/> Race: W Sex: M <input checked="" type="checkbox"/> F <input type="checkbox"/> Age: 57 DOB: 10-31-1955 SSN:	
1 EUELL LESTER A			
Address (#, Street, City, State): 1539 VALENCIA AVENUE DAYTONA BEACH FL		Zip: 32117 Home: Phone: (386) 852-0085	
Bus/School Address:		Statement: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Relative/Contact Name		Relative/Contact Address:	
Name: (Last) (First) (Middle)		Vic: <input type="checkbox"/> Wt: <input type="checkbox"/> Race: Sex: M <input type="checkbox"/> F <input type="checkbox"/> Age: DOB: SSN:	
Address (#, Street, City, State):		Zip: Home: Phone: Statement: <input type="checkbox"/> Yes <input type="checkbox"/> No	
Bus/School Address:		Zip: Home: Phone: Statement: <input type="checkbox"/> Yes <input type="checkbox"/> No	
Relative/Contact Name		Relative/Contact Address:	
Name: (Last) (First) (Middle)		Vic: <input type="checkbox"/> Wt: <input type="checkbox"/> Race: Sex: M <input type="checkbox"/> F <input type="checkbox"/> Age: DOB: SSN:	
Address (#, Street, City, State):		Zip: Home: Phone: Statement: <input type="checkbox"/> Yes <input type="checkbox"/> No	
Bus/School Address:		Zip: Home: Phone: Statement: <input type="checkbox"/> Yes <input type="checkbox"/> No	
Relative/Contact Name		Relative/Contact Address:	
Name: (Last) (First) (Middle)		Vic: <input type="checkbox"/> Wt: <input type="checkbox"/> Race: Sex: M <input type="checkbox"/> F <input type="checkbox"/> Age: DOB: SSN:	
Address (#, Street, City, State):		Zip: Home: Phone: Statement: <input type="checkbox"/> Yes <input type="checkbox"/> No	
Bus/School Address:		Zip: Home: Phone: Statement: <input type="checkbox"/> Yes <input type="checkbox"/> No	
Relative/Contact Name		Relative/Contact Address:	
Name: (Last) (First) (Middle)		Vic: <input type="checkbox"/> Wt: <input type="checkbox"/> Race: Sex: M <input type="checkbox"/> F <input type="checkbox"/> Age: DOB: SSN:	
Address (#, Street, City, State):		Zip: Home: Phone: Statement: <input type="checkbox"/> Yes <input type="checkbox"/> No	
Bus/School Address:		Zip: Home: Phone: Statement: <input type="checkbox"/> Yes <input type="checkbox"/> No	
Relative/Contact Name		Relative/Contact Address:	
Name: (Last) (First) (Middle)		Vic: <input type="checkbox"/> Wt: <input type="checkbox"/> Race: Sex: M <input type="checkbox"/> F <input type="checkbox"/> Age: DOB: SSN:	
Address (#, Street, City, State):		Zip: Home: Phone: Statement: <input type="checkbox"/> Yes <input type="checkbox"/> No	
Bus/School Address:		Zip: Home: Phone: Statement: <input type="checkbox"/> Yes <input type="checkbox"/> No	
Relative/Contact Name		Relative/Contact Address:	
Name: (Last) (First) (Middle)		Vic: <input type="checkbox"/> Wt: <input type="checkbox"/> Race: Sex: M <input type="checkbox"/> F <input type="checkbox"/> Age: DOB: SSN:	
Address (#, Street, City, State):		Zip: Home: Phone: Statement: <input type="checkbox"/> Yes <input type="checkbox"/> No	
Bus/School Address:		Zip: Home: Phone: Statement: <input type="checkbox"/> Yes <input type="checkbox"/> No	
Relative/Contact Name		Relative/Contact Address:	
Name: (Last) (First) (Middle)		Vic: <input type="checkbox"/> Wt: <input type="checkbox"/> Race: Sex: M <input type="checkbox"/> F <input type="checkbox"/> Age: DOB: SSN:	
Address (#, Street, City, State):		Zip: Home: Phone: Statement: <input type="checkbox"/> Yes <input type="checkbox"/> No	
Bus/School Address:		Zip: Home: Phone: Statement: <input type="checkbox"/> Yes <input type="checkbox"/> No	

EVIDENCE COLLECTED

Description of Evidence	Date Recovered	Model Serial/I.D. Number	Drug Amount
Owner Name (Last) (First) (Address)		(Phone)	Value
Description of Evidence	Date Recovered	Model Serial/I.D. Number	Drug Amount
Owner Name (Last) (First) (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
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.

MILLER, DENNIS
Investigating Officer



7754
ID Number

VCSO
Agency

CLASSIFICATION: FELONY

IN THE CIRCUIT COURT OF THE SEVENTH JUDICIAL CIRCUIT, IN AND FOR VOLUSIA COUNTY, FLORIDA, IN THE YEAR TWO THOUSAND TWELVE

STATE OF FLORIDA

VS.

EDGAR A BARRERA
W/M; DOB: 03/31/1982 SS# 603-96-7225

CASE NO: 2012-36293CFAES
AGENCY: VC/SO/120032145

INFORMATION

CHARGE(S):

- I) RESIST ARREST WITH VIOLENCE
- II) DRIVING UNDER THE INFLUENCE

R.J. LARIZZA, State Attorney for the Seventh Judicial Circuit of the State of Florida and as such prosecuting attorney for this Court, in the name of and by the authority of the State of Florida charges that:

COUNT I: EDGAR A BARRERA, on or about November 1, 2012, in the County of VOLUSIA and State of Florida, did knowingly and intentionally resist, obstruct or oppose Deputy Miller and/or Deputy Bowne, a law enforcement officer of the Volusia County Sheriff's Office, in the execution of a legal process or in the lawful execution of a legal duty, by offering or doing violence to the person of such officer, contrary to Florida Statute 843.01. (3 DEG FEL)

COUNT II: IN THAT EDGAR A BARRERA on or about November 1, 2012, in the County of VOLUSIA and State of Florida, did drive or was in actual physical control of a vehicle, while under the influence of alcoholic beverages or chemical substances as set forth in Florida Statute 877.111, or a controlled substance as set forth in Florida Statute 893 or any combination thereof, and was affected to the extent that normal faculties were impaired; or while having a blood or breath alcohol level of .08 or higher, contrary to Florida Statute 316.193(1). (1st DEGREE MISD)

FOR THE STATE ATTORNEY

Stefanie Presnell

STEFANIE PRESNELL
ASSISTANT STATE ATTORNEY
SEVENTH JUDICIAL CIRCUIT OF THE
STATE OF FLORIDA
BAR NUMBER: 0056818

COUNTY OF VOLUSIA

STATE OF FLORIDA

Personally appeared before me STEFANIE PRESNELL, Assistant State Attorney, for the Seventh Judicial Circuit of the State of Florida, known to me to be the foregoing prosecuting officer, who being duly sworn, says that the allegations set forth in the foregoing information are based upon facts that have been sworn to as true, and which, if true, would constitute the offense therein charged. Subscribed in good faith. Said facts based on testimony of material witnesses.

SWORN to and subscribed before me this 21 day of November, 2012.

Submitted to the Clerk of the CIRCUIT Court, Seventh Judicial Circuit, in and For VOLUSIA County, Florida, on the 21 day of November, 2012.

Nancy L. Colee
NOTARY PUBLIC AT LARGE
STATE OF FLORIDA



CLERK OF THE CIRCUIT COURT
COUNTY: VOLUSIA
2012 NOV 26 AM 11:35

FILED

INFO

Exhibit C

Exhibit C (1 of 2)

Volusia County Clerk of Circuit Court - Case Detail

Case Information

Case Number: 2014 302522 CFDB
 Case Style: STATE OF FLORIDA v. EDGAR ALEXANDER BARRERA MANSILLA Div: 41
 DOB: 03/31/1982
 Next Court Date:
 Judge: R MICHAEL HUTCHESON Case Type: FELONY
 Filing Date: 05/19/2014
 Category: FELONY
 Security: PUBLI
 Processing Location: JUSTICE CENTER Status: CLOSED
 Next Court Location:

Summary Docket Case Events Court Events Custody Charge Details

Sequence	Court	Citation	Statute	Lvl/Deg	Plea	Last Action	Action Date
1	1		893.13(7)(a)9 - OBTAIN/ATT.OBTAIN CONTROLLED SUBST. BY FRAUD	F / T	Plea: Nolo Contendere	Adjudication Withheld	10/7/5/2014

Phase Information

Phase	Offense Description	Lvl/Deg	Status
Initial	893.13(7)(a)9 - OBTAIN/ATT.OBTAIN CONTROLLED SUBST. BY FRAUD	Felony / Third Degree	Arrest
Prosecutor	893.13(7)(a)9 - OBTAIN/ATT.OBTAIN CONTROLLED SUBST. BY FRAUD	Felony / Third Degree	Same
Court	893.13(7)(a)9 - OBTAIN/ATT.OBTAIN CONTROLLED SUBST. BY FRAUD	Felony / Third Degree	Same

Sentence Information

SENTENCE TYPE: 10-16-2014 DOCKET SOUNDING PRIVATE DATE: 10/16/2014 IMPOSED DATE: 10/16/2014 EFFECTIVE DATE: 10/16/2014 STATUS: CONCURRENT WITH CASE: ANY ACTIVE CASE
 SENTENCE DESC: PROBATION TYPE: DEPT. OF CORRECTIONS PROBATION LGTH: 3 YEAR(S) COUNTY OF SUPERVISION: VOLUSIA
 SENTENCE DESC: COMMUNITY CONTROL SENTENCE LGTH: 6 MONTH(S)
 SENTENCE DESC: ASSESSMENT IMPOSED COURT COST: \$418.00

Exhibit C (2 of 2)

Volusia County Clerk of Circuit Court - Case Detail

Case Information

Case Number: 2014 302522 CFDB **Judge:** R MICHAEL HUTCHESON **Case Type:**
Case Style: STATE OF FLORIDA v. EDGAR ALEXANDER BARRERA MANSILLA **Div:** 41 **Filing Date:**
DOB: 03/31/1982 **SPN:** 630639 **Processing**
Next Court Date: **Next Court Location:**

Summary	Docket	Case Events	Court Events	Custody	Charge Details				
Arrest Date	Last Location	Booking Number	Bail Amount	Release Date	Reason	Bail Paid	Days In Custody		
06/02/2014 09:10 AM	BRANCH JAIL	926428	1500.00	06/25/2014 06:48 PM	SURETY BOND		24		