

ARREST WARRANT

WCSO 30-11
11/2016

IN THE CIRCUIT/COUNTY COURT IN THE FIRST JUDICIAL CIRCUIT IN AND FOR WALTON COUNTY, FLORIDA

WARRANT/OTTIC AFFIDAVIT

WALTON COUNTY SHERIFF'S OFFICE

AGENCY CASE NUMBER: 2018-00000027

Suspect Information

SUSPECT NAME: Brian William Schultz DOB: 03/28/1973 AGE: 44

RACE: W GENDER: F HEIGHT: FEET: 5 INCHES: 10

WEIGHT (LBS): 200 HAIR: Bald EYES: Brown SSN: [REDACTED]

CURRENT/LAST KNOWN ADDRESS: 184 Ten Lake Drive, Defuniak Springs, Florida 32433

DL #: S432079731080 STATE: FL

ADDITIONAL DEMOGRAPHIC INFORMATION:

CHARGES

F.S.S.	Description	Felony / Misd.	Count(s)	Attempt / Commit
784.03.1a1	Battery - Touch or Strike	M	1	C

FILED
WALTON CO FLORIDA
CLERK OF COURTS
2018 JAN 22 A 11:31

ALJ



WALTON COUNTY SHERIFF'S OFFICE

ARREST WARRANT AFFIDAVIT



AGENCY CASE NUMBER: 2018-00000027

DEFENDANT: Brian William Schultz

DOB: 03/28/1973

CO-DEFENDANT(S):

COMPLAINANT:

OFFENSE LOCATION:

DATE: Jan 1, 2018

TIME: 1:16 AM

+	F.S.S.	784.03.1a1	,	Battery - Touch or Strike
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Probable Cause Statement:

Based on the testimonial evidence, the report written by the responding deputies, and my investigation, the following did occur:

At approximately 1:00 AM on the morning of January 1, 2018, Brian Schultz drove over to Kelly Schultz residence to make contact with her. The two of them were text messaging prior to Brian coming over. These text messages were about Brian's dislike of Kelly's friend [REDACTED]. Brian was not wanting Kelly to kiss [REDACTED] at midnight and decided to come over once Kelly stopped responding to his text messages. When Brian arrived, he made contact with Kelly and [REDACTED]. Based on [REDACTED] written statement, Brian confronted [REDACTED] just outside the front door of the residence and began yelling at him. Brian threatened [REDACTED] verbally and followed that by shoving him forcefully into the brick wall on the front side of the residence. Brian continued to tell [REDACTED] he would "beat his ass in the dirt". [REDACTED] began to walk towards his vehicle to leave the residence and the situation. Brian followed [REDACTED] towards [REDACTED] vehicle and forcefully shoved [REDACTED] two more times. The last shove caused [REDACTED] to stumble and drop his keys. [REDACTED] then picked up his keys and walked to the front of his own vehicle. Brian grabbed [REDACTED] by the collar with his left hand, raised his fist to [REDACTED] and called him a "pussy". [REDACTED] told Brian he was not going to do this. Brian called him a "pussy" again and let him go. [REDACTED] got in his vehicle and left.

Brian went into the residence and found Kelly on the phone trying to call 911 for assistance. Brian told her to hang up the phone. Kelly hung up the phone because she realized [REDACTED] was gone and the altercation between the two of them was over with. Brian then left the residence.

Kelly was able to show the responding deputies text messaged from Brian that he sent prior to showing up at the residence. Brian had stated "I'll come run his ass off if I need to" and "I'll show my monkey ass if need be".

This incident was witnessed by Kelly and Brian's 9 year old [REDACTED] [REDACTED] 9 year old [REDACTED] and Kelly. On the night of the incident, Kelly provided a written statement advising she heard Brian and [REDACTED] arguing, and even tried to get between them, but did not state that she witnessed anything physical. On 01/02/2018, Kelly and [REDACTED] provided an audio recorded verbal statement and [REDACTED] provided a sworn written statement. Kelly advised she was remembering more of the details of the incident as she had time to process the incident. All three of these witnesses testified that they saw Brian confronting and shoving [REDACTED]. [REDACTED] provided a sworn affidavit of complaint on the night of the incident.

On 01/11/2018, I made contact with Brian over the telephone to attempt to interview him. He stated he told Deputy Sheriff (D/S) Steve Ellison what happened that night already. I told him I would like to speak with him and get a written statement. While on the phone, Brian denied any physical confrontation with [REDACTED]. He stated he saw him at the front door and exchanged some words with him and "they weren't pretty". When asked about the shoving, Brian stated "If I wanted to, I could've beat him in the dirt out there", but it wasn't the time or place because the children were inside. He claimed to have someone in the truck with him when this happened, but refused to say who it was or to involve them in this case.

Later the same day, I made contact with Brian in person at Kelly's residence. I advised him I was there to speak with Kelly about the case and he replied with "Yeah, she's not going to talk to you". When I asked him if he had completed the written statement, he replied with "Nope!", turned in the opposite direction, and walked into the residence.

On 01/11/2018, I made contact with Kelly and discussed the case with her. She advised there were several text messages on her phone between herself and Brian that were in reference to the incident. She had read some of these text messages out loud to D/S Mitch Fugate as part of her audio recorded verbal statement. I reviewed these text messages and verified they matched the audio statement. The text messages appeared to show a dislike by Brian of [REDACTED] and Kelly's personal relationship. Brian asked repeatedly about [REDACTED] and about the time Kelly was spending with him. The conversation between Kelly and Brian was discussing a midnight kiss and whether or not [REDACTED] and Kelly were going to kiss at midnight. They were also discussing if Kelly was going to allow [REDACTED] to stay the night with her. When Kelly did not answer if she got a midnight kiss or not, Brian stated he was on his way at approximately 12:30 AM on 01/01/2018. The battery incident between Brian and [REDACTED] occurred at approximately 1:00 AM. At approximately 1:13 AM, Brian stated "Either answer the phone or I'm coming back".

Based on my investigation, Brian Schultz did actually and intentionally touch or strike [REDACTED] against the will of the other. Brian did this by shoving [REDACTED] against the brick wall of the residence, by shoving him two more times in the back as he was attempting to walk back to his own vehicle, and by grabbing [REDACTED] by the collar. This was a violation of Florida State Statute 784.03.1a1.

This did occur in Walton County, Florida.

I hereby swear, or affirm, the facts established on this affidavit are true and correct to the best of my knowledge and belief.

Signature: Aaron Ethridge ^{C335} Full-Name/Badge Number: Aaron Ethridge #C335

Subscribed and sworn to or affirmed before me on 1/17/18 by: Aaron Ethridge #C335

who is personally known to me to be a Law Enforcement Officer.

Signature: Chris Warren ^{V377} ☒ Law Enforcement Officer ☐ Corrections Officer

☒ AFFIDAVIT OF COMPLAINT/VOLUNTARY STATEMENT

☒ OFFENSE/INCIDENT REPORT

☒ OFFICER'S PROBABLE CAUSE STATEMENT

☒ REPORT OF INTERVIEW(S) WITH WITNESS(S)
(may be incorporated in offense/incident report or officer's probable cause statement)

☒ REPORT OF INTERVIEW WITH DEFENDANT
(may be incorporated in offense/incident report or officer's probable cause statement)

☒ PHYSICAL/DOCUMENT EVIDENCE (list):

Copy of text messages between suspect and witness, consent to search
form, 5 photographs, and DVD of audio statement.

Supervisor Approval: [Signature]

Print: Sgt. Dustin Carson

FOR STATE ATTORNEY OR COURT USE ONLY:

☒ Warrant Recommended

☐ Summons Recommended

☐ Low Probability of Prosecution

☐ Investigation Incomplete

ASA:

JH Mitchell

DATE:

1/12/18

Comments:

UNOFFICIAL
DOCUMENT

☐ Felony
☒ Misdemeanor



182290
685A 6601058140
Agency Case Number: 2018-00000027

☒ Adult
☐ Juvenile

ARREST WARRANT
IN THE COURT OF WALTON COUNTY, FLORIDA
STATE OF FLORIDA vs.

Brian William Schultz

To all and singular the Sheriffs of the State of Florida

Whereas Deputy Sheriff Aaron Ethridge #C335 has made an oath that on January 1, 2018

In Walton County, Florida did unlawfully violate:

+	F.S.S.	784.03.1a1	,	Battery - Touch or Strike
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, contrary to the law in such case and provided and against the peace and dignity of the State of Florida.

Bond Set by Judge:

\$1,000.00 cash/ prof. No contact violation

None ROR/Signature Cash PTR Professional Hold for First Appearance

This Warrant is a command to ARREST instanter Brian William Schultz

and bring said person before the Court to be dealt with according to law.

Given under my hand and seal on January 19, A.D. 2018.

Judge in and for Walton County, Florida