

**7th. Judicial Circuit 707
Charging Affidavit - Volusia**

Arrest# _____

Bk# _____

Pg#1 of 5

ARREST D NOTICE TO APPEAR D AFFIDAVIT <input checked="" type="checkbox"/> C.C. <input type="checkbox"/>		ADULT <input checked="" type="checkbox"/> JUVENILE <input type="checkbox"/> 0		Court Case Number:	
(ORI) FL:		Agency Name:		Agency Case Number: FHPD22ON06390	
FCIC/NCIC Check? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> D		OBTS#		UCR: Date Arrested: Time of Arrest	
ADDRESS OF ARREST: 1090 Bishop Avenue, Orange City, FL 32763				Arrested By: MCPL. Brian Gensler number:	
DEFENDANT Name (L.F.M.): Petry, Thomas Clinton		A.K.A.:		Sex: M Race: W	
DOB: 03/21/1969		Age: 53		State: FL Year Expires: 2028 S.S.#:	
Height 5'10" Weight 200		Hair: brown Eyes: brown		POB (City, St, Country) Statement: Yes <input type="checkbox"/> No <input type="checkbox"/> O Citizenship: Yes <input type="checkbox"/> No <input type="checkbox"/> D	
Scars, Marks, Tattoos:		Business & Occupation:			
Probation: Yes <input type="checkbox"/> No <input checked="" 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 checked="" type="checkbox"/> 181	
Address-Maning/Pennant (STREET, APT. NUMBER)		(CITY)		(STATE) ZIPCODE RESIDENCE PHONE	
1090 Bishop Avenue, Orange Avenue		Orange City		FL 32763	
Address-Local (STREET, APT. NUMBER)		(CITY)		(STATE) ZIPCODE RESIDENCE PHONE	
Address-Other(Employer/School) (STREET, APT. NUMBER)		(CITY)		(STATE) ZIPCODE BUS/SCHOOL PHONE	
CHARGES DOMESTIC VIOLENCE? YES <input type="checkbox"/>		Attachments: Affidavit(s) D Statement(s) D NTA Schedule D Report D Traffic Infraction(s) D DUI D : : ges: 8			
#	Charge:	FEL <input checked="" type="checkbox"/> MISD <input type="checkbox"/> ORD <input type="checkbox"/>	FS/ORD:	Citation No.:	Bond:
1	Leaving the scene of death		316.027 (2)(c)		
#	Charge:	FEL <input checked="" type="checkbox"/> MISD <input type="checkbox"/> ORD <input type="checkbox"/>	FS/ORD:	Citation No.:	Bond:
2	Leaving the scene of death		316.027 (2)(c)		
#	Charge:	FEL <input checked="" type="checkbox"/> MISD <input type="checkbox"/> ORD <input type="checkbox"/>	FS/ORD:	Citation No.:	Bond:
3	leaving the scene of death		316.027 (2)(c)		
CO-DEFENDANT		Co-Def#1. Arrested? Y <input type="checkbox"/> O <input type="checkbox"/> N <input type="checkbox"/> Fel <input type="checkbox"/> Misd. <input type="checkbox"/> 0 Traf. <input type="checkbox"/> 0 Ord. <input type="checkbox"/> 0 NTA <input type="checkbox"/>		Co-Def#2. Arrested? Y <input type="checkbox"/> O <input type="checkbox"/> N <input type="checkbox"/> Fel. <input type="checkbox"/> 0 Misd. <input type="checkbox"/> 0 Traf. <input type="checkbox"/> 0 Ord. <input type="checkbox"/> 0 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 probable cause to believe the above named defendant, on the <u>11</u> day of <u>December</u> , <u>2023</u> , at approximately <u>2:10</u> <u>18</u> a.m. D p,m. at <u>State Road 44 .4 of a mile east of Jesse Michael Drive</u> within <u>Volusia</u> County, violated the law and did then and there: On Sunday, December 11, 2022 at 2:23 AM, Florida Highway Patrol dispatch received a report of a head-on traffic crash that occurred on State Road 44 near Jesse Michael Drive. Volusia County Fire Rescue arrived on scene at 2:23 AM and located a total of four vehicles involved. While on scene, fire rescue personnel pronounced a total of three persons dead as a result of their injuries due to this traffic crash. The three subjects that were pronounced dead on scene were [REDACTED] [REDACTED] [REDACTED] Volusia County Fire Rescue also transported [REDACTED] and Devin Perkins (22) for incapacitating injuries they sustained as a result					
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 <u>6</u> day of <u>April</u> , <u>2023</u>		I swear/affirm the above statements are correct and true. 1-----O=F=F=I C=E=R=S=F=C O M P L A I N A N S S G N=A=T=u=R=E Rt Thumb			
Name: <u>Cpt Arnoldo Lopez</u>		NAME(PRINTED)		ID NUMBER	
Notary Public <input type="checkbox"/> Law Enforcement or Corrections Officer <input checked="" type="checkbox"/> Personally Known <input type="checkbox"/> Produced Identification <input type="checkbox"/> Type of Identification:		<u>Master Corporal Brian Gensler</u>		<u>1920-564</u>	
OFFICIAL USE ONLY		Inmate Number & facility:			

Narrative 707- B Supplement

Arrest & Affidavit
 Notice to Appear

Adult
 Juvenile

Court Case Number:

Defendant Name: Petry, Thomas Clinton		Agency Case Number: FHPD22ON0639078	
CHARGES <input type="checkbox"/> 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"/>	
#4	Charge: Leaving the scene with serious bodily injuries	FEL <input checked="" type="checkbox"/> MISD <input type="checkbox"/> ORD <input type="checkbox"/>	FS/ORD: 316.027 (2)(b)
#5	Charge: Vehicular Homicide	FEL <input checked="" type="checkbox"/> MISD <input type="checkbox"/> ORD <input type="checkbox"/>	FS/ORD: 782.071
#6	Charge: Vehicular Homicide	FEL <input checked="" type="checkbox"/> MISD <input type="checkbox"/> ORD <input type="checkbox"/>	FS/ORD: 782.071

Sworn to and subscribed before me, the undersigned this 6th day of April, 2023.

Name: [Signature] Cpl. Arnold

Notary Public Law Enforcement Officer
 Personally Known Produced Identification

Type of Identification:

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

[Signature]
 OFFICER'S/COMPLAINANT'S SIGNATURE

NAME(PRINTED): Master Corporal Brian Gensler ID NUMBER 1920-564

Right thumb

Narrative 707- B Supplement

- Arrest
- Affidavit
- Notice to Appear
- Adult
- Juvenile

Court Case Number:

Defendant Name: Petry, Thomas Clinton		Agency Case Number: FHPD22ON0639078	
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: 8
# 7	Charge: Vehicular Homicide	FEL <input checked="" type="checkbox"/> MISD <input type="checkbox"/> ORD <input type="checkbox"/>	FS/ORD: 782.071
# 8	Charge: Reckless Driving with serious bodily injuries	FEL <input checked="" type="checkbox"/> MISD <input type="checkbox"/> ORD <input type="checkbox"/>	FS/ORD: 316.192(3)(a)(b)(c)(2)
#	Charge:	FEL <input type="checkbox"/> MISD <input type="checkbox"/> ORD <input type="checkbox"/>	FS/ORD:

of this traffic crash. These two were transported to Halifax Health Medical Center, located at 303 North Clyde Morris Boulevard, Daytona, Florida 32114.

Corporal Tiffany Jateff arrived on scene on Sunday, December 11, 2022 at 3:37 AM and was assigned as the lead traffic homicide investigator for this case. Upon Corporal Jateff's arrival she located several large gouge marks and debris field (Initial Area of Collision) that began in the inside eastbound travel lane of State Road 44. The debris field traveled towards the east and split toward the center median and outside travel lanes. While walking the debris field towards the outside lane, Corporal Jateff located a 2020 Toyota Tacoma [REDACTED] with heavy damage to its right front. This damage extended towards the firewall of the vehicle causing induced damage into the interior compartment of the vehicle. The left front wheel assembly was separated from the Tacoma, and the right front tire was pinned into the firewall. The severity of the impact caused the frame of the Tacoma to buckle. All the airbags deployed on the Tacoma as a result of this collision. Due to [REDACTED] being trapped in the passenger seat of the Tacoma, the passenger front door was forced open by fire rescue personnel. The windshield was smashed, and the right-side windows and left rear window were broken. Corporal Jateff also located blood along the right-side bed exterior of the vehicle.

From the initial area of collision, Corporal Jateff followed the debris field to the center median. In the center median, she located a black Infiniti Q50 sedan facing northbound. The Q50 had heavy front-end damage to the to the right front corner of the vehicle. The roofline was buckled, and the passenger A-pillar was pushed inward. From the broken windshield, she observed [REDACTED] deceased and trapped in the front passenger seat. All airbags were deployed along the interior of the Q50. Laying deceased outside of the vehicle to the east was [REDACTED] To the rear of the vehicle, [REDACTED] was laying deceased outside of the vehicle. These two subjects were ejected from within the Q50. All the decedents had green and white wristbands consistent with night club / bar usage.

The damage sustained by both the Tacoma and Q50 were consistent with a high speed, head on impact. Based on the physical evidence on scene, the Tacoma was traveling westbound in the eastbound lanes of State Road 44. During the course of Corporal Jateff's investigation, she was unable to locate the Tacoma's driver. She spoke with a witness on scene who recalled a male subject exiting the Tacoma through a window. This male subject fell to the ground and began mumbling as he walked east away from the scene. This witness also approached the Q50 and observed someone named Devin in the driver seat of the vehicle. The witness opened the driver door and Devin crawled from the vehicle. The Tacoma was towed by C&S Towing to 1014 Shadick Drive, Orange City, Florida 32763 and the Q50 was towed to the secured Florida Highway Patrol impound facility located at 1651 North Kepler Road, DeLand, Florida 32724.

Sworn to and subscribed before me, the undersigned this <u>6th</u> day of <u>April</u> , 2023	I swear/affirm the above statements are correct and true.	Right thumb
Name: <u>[Signature]</u> <u>Cap. Armitage</u>	<u>[Signature]</u> OFFICER'S/COMPLAINANT'S SIGNATURE	
Notary Public <input checked="" type="checkbox"/> Law Enforcement Officer <input checked="" type="checkbox"/> Personally Known <input type="checkbox"/> Produced Identification <input type="checkbox"/>	NAME(PRINTED) Master Corporal Brian Gensler	ID NUMBER 1920-546
Type of Identification:		

Narrative 707- B Supplement

Arrest
 Affidavit
 Notice to Appear
 Adult
 Juvenile

Court Case Number:

Page # 4 of 5

Defendant Name: Petry, Thomas Clinton		Agency Case Number: FHPD22ON0639078			
CHARGES		Attachments: Affidavit(s) D Statement(s) D NTA Schedule D Report D Traffic Infractiön(s) D		FS 1-1-11 Charges: 1	
#	Charge:	FEL 0 MISD <input type="checkbox"/> ORD <input type="checkbox"/>	FS/ORD:	Citation No:	Bond:
#	Charge:	FEL 0 MISD 0 ORD 0	FS/ORD:	Citation No:	Bond:
#	Charge:	FEL 0 MISD 0 ORD 0	FS/ORD:	Citation No:	Bond:

On Wednesday, December 14, 2022, Corporal Sean Barack obtained a sworn recorded interview of [REDACTED]. During the interview, [REDACTED] stated she had spent the afternoon on December 10 into December 11 with Thomas Clinton Petry. She stated they were initially at The Eagle's Nest, 156 E Michigan Avenue, Orange City, Florida 32763. After spending some time at this location consuming alcoholic beverages, [REDACTED] didn't remember what happened after that. [REDACTED] stated she got into the passenger seat of her 2020 Toyota Tacoma and the last she remembered, Thomas Clinton Petry was driving the Tacoma.

Statements provided by the independent witness and [REDACTED] identify Thomas Clinton Petry was operating the 2020 Toyota Tacoma at the time of this collision and failed to remain on scene and render aid to injured persons.

Due to the airbags being deployed on the Toyota Tacoma, a search warrant was issued for the DNA sample from Thomas Clinton Petry and one for deployed airbags to be tested and compared by the Florida Department of Law Enforcement. The lab results confirmed that Thomas Clinton Petry was operating the Toyota Tacoma at the time of this crash.

Corporal Walter Smith obtained a sworn recorded interview from a Jeanne Jewell. During the interview, Jeanne Jewell stated that she observed Thomas Clinton Petry walking south on Kempler Avenue. She asked if he needed a ride, which he said, yes and take him to the Ford Dealership. She stated his clothes were dirty and that he looked like he was in a fight. She had picked up Thomas Petry over 4 miles from the area of collision.

There were three independent witnesses that called 911 to report the Toyota Tacoma traveling westbound in the eastbound lanes of State Road 44. The first callers were east of State Road 415, which was 8 miles of east where the crash took place. The first callers had to pull off the roadway since the Toyota Tacoma was using both eastbound lanes. The second caller was near the crash location and flashed its headlights to attempt to let Toyota Tacoma driver know that he was dring the wrong way, but did not work.

Based on Thomas Clinton Petry driving he wrong way for at least 8 miles, driving in both lanes of eastbound traffic, failing to maintain one lane and coming from Fraternal of Order of Eagles, which he was served alcoholic beverages by the bartender during a six hour time period before leaving the establishment. Thomas Clinton Petry was driving in a reckless manner that caused a head on collision that caused 3 fatals and seroius bodily injured his right front passenger.

Sworn to and subscribed before me, the undersigned this <u>11th</u> day of <u>April</u> , <u>2023</u>	I swear/affirm the above statements are correct and true.	Right thumb
Name: <u>[Signature]</u> Notary Public <input checked="" type="checkbox"/> Law Enforcement Officer <input checked="" type="checkbox"/> Personally Known <input type="checkbox"/> Produced Identification <input checked="" type="checkbox"/>	<u>[Signature]</u> OFFICER'S/COMPLAINANT'S SIGNATURE	
Type of Identification:	NAME(PRINTED) Master Corporal Brian Gensler	ID NUMBER 1920-546