

AGENCY CASE #: MP240005643

REPORT DATE: 01/29/2024

MARSY'S LAW?

# ARREST AFFIDAVIT

243381

<b>CASE INFORMATION</b>	CIRCUIT <b>18TH JUDICIAL CIRCUIT</b>		REPORTING AGENCY <b>MELBOURNE POLICE DEPARTMENT</b>				REPORT DATE <b>01/29/2024</b>	
	REPORTING AGENCY ORI # <b>FL0050700</b>		ARRESTING AGENCY ORI # <b>FL0050700</b>		SUBMITTING AGENCY ORI # <b>FL0050700</b>		BOOKING AGENCY ORI # <b>FL0050700</b>	
	AGENCY CASE # <b>MP240005643</b>		JAIL BOOKING # <b>2024-0001217</b>		JUVENILE? <b>NO</b>	TYPE OF ARREST <b>ON-VIEW ARREST</b>		
	OBTS # <b>0501465619</b>		EVIDENCE CONFISCATED			EVIDENCE CONFISCATED DESCRIPTION		
	<input checked="" type="checkbox"/> 1. FELONY <input type="checkbox"/> 2. TRAFFIC FELONY <input checked="" type="checkbox"/> 3. MISDEMEANOR <input type="checkbox"/> 4. TRAFFIC MISDEMEANOR <input type="checkbox"/> 5. ORDINANCE <input type="checkbox"/> 6. OTHER/CAPIAS							
<b>LOCATION OF ARREST</b>	<b>ARREST</b>		<b>BOOKING</b>			<b>JAIL</b>		
	DATE <b>01/29/2024</b>	TIME <b>12:54 AM</b>	DATE <b>01/29/2024</b>	TIME <b>01:26 AM</b>	DATE <b>1/29/24</b>	TIME <b>0200</b>		
	AT BUSINESS? <b>NO</b>		COMPANY NAME					
<b>LOCATION OF OFFENSE</b>	STREET # <b>2981</b>	PRE DIRECTION	STREET NAME <b>PINEAPPLE</b>		POST DIRECTION	STREET CATEGORY CODE <b>AVENUE</b>	APT/UNIT #	
	CITY <b>MELBOURNE</b>	STATE <b>FL</b>	ZIP <b>32935</b>	LATITUDE AND LONGITUDE				
	AT BUSINESS? <b>NO</b>		COMPANY NAME					
<b>ARRESTEE</b>	PERSON # <b>1</b>	COARRESTEE STATUS	JUVENILE? <b>NO</b>	PARENTS CONTACTED?	RELATIONSHIP TO SUBJECT		NTA? <b>NO</b>	
	BUSINESS/GOVERNMENT NAME			VICTIM TO SUBJECT RELATIONSHIP				
	FIRST NAME <b>CHARLES</b>		MIDDLE NAME <b>ALBERT</b>	LAST NAME <b>KOHLER</b>		SUFFIX	DATE OF BIRTH <b>10/14/1970</b>	AGE <b>53</b>
GENDER <b>M</b>	HEIGHT <b>6'00"</b>	RACE <b>W</b>	ETHNICITY <b>NOT HISPANIC OR LATINO</b>		ALIAS / MAIDEN	ALT NAME DESC.	COMPLEXTION <b>FAIR</b>	
BUILD <b>HEAVY</b>		WEIGHT <b>220 LBS</b>	EYE COLOR <b>BRO</b>	HAIR COLOR <b>BLD</b>	PHYSICAL FEATURE			
SCARS/MARKS/TATOOS (LOCATION / DESCRIBE)								
DUI INDICATOR		SPEAKS ENGLISH? <b>YES</b>	THREAT? <b>NO</b>	PROBATION? <b>NO</b>	GANG AFF? <b>NO</b>	SEX OFFENDER? <b>NO</b>	MENTAL HEALTH <b>YES</b>	
HOMELESS? <b>NO</b>								
<b>IDENTIFICATION</b>								
DRIVER LICENSE # <b>K-460-141-70-374-0</b>			DL STATE <b>FL</b>	DL CLASS <b>E</b>	PLACE OF BIRTH <b>FL</b>	COUNTRY OF CITIZENSHIP <b>US</b>		
SOC. SEC. #	INS #	FBI # <b>378008AC3</b>	FCIC/NCIC #	BOOKING #	SPN #	DOC #	OTHER ID #	
<b>PERMANENT ADDRESS</b>								
STREET # <b>476</b>		STREET NAME <b>A1A</b>			STREET CATEGORY CODE <b>HIGHWAY</b>	APT/UNIT #		
CITY <b>SATELLITE BEACH</b>			STATE <b>FL</b>	ZIP CODE <b>32937</b>	ADDRESS SOURCE			
PERSON RESIDENCE CODE <b>RESIDENT</b>			PHONE #		E-MAIL			

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<b>CHARGE INFORMATION</b>	VICTIM PERSON #	OFFENSE START DATE	OFFENSE END DATE	INCIDENT START DATE	INCIDENT END DATE		
	0	01/29/2024	01/29/2024	01/29/2024	01/29/2024		
	JUVENILE REFERRAL						
	CHARGE TYPE	CHARGE SEVERITY	ORDINANCE #	STATE STATUTE	STATUTE CATEGORY		
FSS	FELONY		784.07(2C)	ASSAULT			
STATUTE DESCRIPTION			COUNTS	INCREASED PENALTY	DOMESTIC VIOLENCE		
AGG ASSAULT ON OFFICER FIREFIGHTER EMT ETC			2				
DRUG ACTIVITY	DRUG TYPE	DRUG AMOUNT	BAIL BOND TYPE	BOND DATE	BOND AMOUNT	WARRANT #	
N/A			NO BOND	01/29/2024	\$0.00		
<b>CHARGE INFORMATION</b>	VICTIM PERSON #	OFFENSE START DATE	OFFENSE END DATE	INCIDENT START DATE	INCIDENT END DATE		
	0	01/29/2024	01/29/2024	01/29/2024	01/29/2024		
	JUVENILE REFERRAL						
	CHARGE TYPE	CHARGE SEVERITY	ORDINANCE #	STATE STATUTE	STATUTE CATEGORY		
FSS	MISDEMEANOR		843.02	RESIST OFFICER			
STATUTE DESCRIPTION			COUNTS	INCREASED PENALTY	DOMESTIC VIOLENCE		
OBSTRUCT WO VIOLENCE			1				
DRUG ACTIVITY	DRUG TYPE	DRUG AMOUNT	BAIL BOND TYPE	BOND DATE	BOND AMOUNT	WARRANT #	
					\$500.00		
<b>CHARGE INFORMATION</b>	VICTIM PERSON #	OFFENSE START DATE	OFFENSE END DATE	INCIDENT START DATE	INCIDENT END DATE		
	0	01/29/2024	01/29/2024	01/29/2024	01/29/2024		
	JUVENILE REFERRAL						
	CHARGE TYPE	CHARGE SEVERITY	ORDINANCE #	STATE STATUTE	STATUTE CATEGORY		
FSS	FELONY		790.07(2)	WEAPON OFFENSE			
STATUTE DESCRIPTION			COUNTS	INCREASED PENALTY	DOMESTIC VIOLENCE		
USE DISPLAY ETC FIREARM DURING FELONY			2				
DRUG ACTIVITY	DRUG TYPE	DRUG AMOUNT	BAIL BOND TYPE	BOND DATE	BOND AMOUNT	WARRANT #	
					<del>\$50,000.00</del>	15K X 2	
<b>VICTIM STATE OF FLORIDA</b>	PERSON #	COARRESTEE STATUS	JUVENILE?	PARENTS CONTACTED?	RELATIONSHIP TO SUBJECT	NTA?	
	2						
	BUSINESS/GOVERNMENT NAME			VICTIM TO SUBJECT RELATIONSHIP			
	STATE OF FLORIDA						
	FIRST NAME	MIDDLE NAME	LAST NAME		SUFFIX	DATE OF BIRTH	AGE
	GENDER	HEIGHT	RACE	ETHNICITY	ALIAS / MAIDEN	ALT NAME DESC.	COMPLEXTION
	BUILD	WEIGHT	EYE COLOR	HAIR COLOR	PHYSICAL FEATURE		
	SCARS/MARKS/TATOOS (LOCATION / DESCRIBE)						
	DUI INDICATOR	SPEAKS ENGLISH?	THREAT?	PROBATION?	GANG AFF?	SEX OFFENDER?	MENTAL HEALTH
<b>IDENTIFICATION</b>							
DRIVER LICENSE #		DL STATE	DL CLASS	PLACE OF BIRTH	COUNTRY OF CITIZENSHIP		
SOC. SEC. #	INS #	FBI #	FCIC/NCIC #	BOOKING #	SPN #	DOC #	OTHER ID #
<b>PERMANENT ADDRESS</b>							
STREET #		STREET NAME			STREET CATEGORY CODE	APT/UNIT #	
					ALLEY		

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CITY	STATE	ZIP CODE	ADDRESS SOURCE
PERSON RESIDENCE CODE	PHONE #	E-MAIL	

<b>ENFORCEMENT OFFICIAL</b>	FIRST NAME <b>DANIEL</b>	LAST NAME <b>MOFFATT</b>	BADGE # <b>4891</b>	RANK <b>DETECTIVE</b>	SIGNATURE METHOD <b>DIGITAL</b>
	I SWEAR/AFFIRM THE ABOVE ATTACHED STATEMENTS ARE TRUE AND CORRECT ON <b>01/29/2024</b> at <b>03:55</b>			OFFICER SIGNATURE <i>D. Moffatt</i>	
<b>AFFIRMING OFFICIAL</b>	AFFIRMING OFFICIAL NAME <b>SGT. ISHIKAWA</b>	BADGE # <b>422</b>	AFFIRMING AGENCY ORI # <b>FL0050700</b>	SIGNATURE METHOD <b>DIGITAL</b>	AFFIRMING OFFICIAL SIGNATURE <i>Sgt. Ishikawa</i>
	SUBSCRIBED AND AFFIRMED TO BEFORE ME ON <b>01/29/2024</b> AT <b>04:18</b> BY <b>Detective Daniel Moffatt - ID 4891</b> WHO IS PERSONALLY KNOWN TO ME OR HAS PRODUCED _____ AS IDENTIFICATION. <input checked="" type="checkbox"/> LEO/CO (FSS 117.10)				

The undersigned certifies and swears that he/she has just and reasonable grounds to believe that the above named defendant committed the following violation of law:  
On 01/28/2024 , at 23:38 (Specifically include facts constituting cause for arrest.)

PROBABLE CAUSE STATEMENT

On January 28, 2024, at approximately 2338 hours (11:38 PM), officers of the Melbourne Police Department were conducting an area search in the vicinity of the intersection of Pineapple Avenue and Parkway Drive in efforts to locate a suspect for an incident which was unrelated to the circumstances leading to this incident. Those search efforts led Lieutenant Benjamin Delaney #3234 and Field Training Officer Andrew Vasquez #4584 to be in the back yard of 2981 Pineapple Avenue, Melbourne, Florida.

While in the back, Lieutenant Delaney's attention was drawn to the door located on the southeast area of the back of the residence by the sound of the door being opened. Once opened, Lieutenant Delaney observed a white male of middle-to-older age emerge partially from the doorway. The doorway was lit sufficient enough for Lieutenant Delaney to see the white male's face. Lieutenant Delaney called out to the subject and announced himself aloud as a Melbourne Police Officer, while wearing a department issued "CLASS B" uniform which included a chest placard with the word "POLICE" written in 3" tall block letters, .

Lieutenant Delaney then observed the white male's hand raise up, wielding a silver-in-color firearm he recognized as a revolver-type handgun. The handgun was leveled in the direction of Lieutenant Delaney, placing him in fear for his life and the life of Field Training Officer Vasquez, who was wearing a near identical uniform as Lieutenant Delaney. Lieutenant Delaney called out to Field Training Officer Vasquez, "he has a gun!" This then drew the attention of Field Training Officer Vasquez. Field Training Officer Vasquez then observed the white male and the firearm, being able to clearly ascertain both. Field Training Officer Vasquez described the white male as middle-age or older and the firearm as a silver-in-color revolver-type handgun.

The white male stepped back into the residence via the same doorway. Lieutenant Delaney observed the subject manipulating the handgun in a manner consistent with accessing a revolver's ammunition cylinder to load or unload it. This is also common behavior when ensuring a revolver is adequately loaded.

The suspect retreated fully into the residence and closed the door. A perimeter, using City of Melbourne marked patrol vehicles with POLICE insignias and markings along with emergency red and blue lights activated, to contain the residence was established; ensuring the subject had no opportunity to flee the residence. Once the perimeter was established, Officer Yennis Diaz #5245 was positioned on the north side of the residence and observed a white male of the same description peer over a wood structure inside the residence and then disappear behind it once again.

Investigation was conducted in the owner information for a silver Nissan minivan parked on the property which showed Charles Albert Kohler III as the registered owner. The Florida Driver And Vehicle Information Database (D.A.V.I.D.) and independent internet resources (real estate and attorney profiles) contained images which were shown to Lieutenant Delaney, Field Training Officer Vasquez, and Officer Diaz who all individually confirmed the person shown in the images was one-in-the-same seen at the target location: Charles Albert Kohler III.

Efforts to have Mr. Kohler exit the residence were initially unsuccessful. Numerous attempts were made utilizing the public address (PA) systems of patrol vehicles to have Mr. Kohler exit the residence and peacefully surrender. Several officers also approached each of the doors in the residence with a shield and gave loud verbal announcements and knocked on the doors stating, "Police, come to the door." Mr. Kohler did not comply. Mr. Kohler would continue to be observed walking around the interior of the residence, ignoring officer's instructions to surrender and step outside.

The Melbourne Police Department Crisis Negotiation Unit was eventually successful in having Mr. Kohler exit without additional incident.

Lieutenant Benjamin Delaney #3234 and Field Training Officer Andrew Vasquez #4584 had lawful reason to be in the yard of 2891 Pineapple Avenue and furthermore identified themselves to Mr. Kohler as officers of the Melbourne Police Department after Mr. Kohler opened the back door of the residence. Mr. Kohler, then knowing his back yard was occupied by law enforcement officers, raised a handgun at them in a manner which placed them in fear for their lives.

Probable cause exists to charge Mr. Kohler with two (2) counts of Aggravated Assault with a Deadly Weapon (Firearm), two (2) counts of Use of a Firearm in the Commission of a Felony, and Resisting Officers Without Violence.

Full Case Report to Follow

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AFFIRMING OFFICIAL NAME \_\_\_\_\_ SUBSCRIBED AND AFFIRMED TO BEFORE ME ON \_\_\_\_\_

AFFIRMING OFFICIAL SIGNATURE \_\_\_\_\_ WHO IS A LAW ENFORCEMENT OFFICER OR NOTARY

I swear/affirm the above attached statements are true and correct. OFFICER'S SIGNATURE

*M.F.H.*

P.C. Exists for Charge(s): <input type="checkbox"/> YES	
<input type="checkbox"/> NO	
_____	_____
Judge's Signature	Date
I AGREE TO APPEAR AT THE TIME AND PLACE DESIGNATED TO ANSWER THE OFFENSE CHARGED OR TO PAY THE FINE SUBSCRIBED. I UNDERSTAND THAT SHOULD I WILLFULLY FAIL TO APPEAR BEFORE THE COURT AS REQUIRED BY THIS NOTICE TO APPEAR, THAT I MAY BE HELD IN CONTEMPT OF COURT AND A WARRANT FOR MY ARREST SHALL BE ISSUED. SIGNING THIS NOTICE TO APPEAR IS NOT AN ADMISSION OF GUILT. YOUR SIGNATURE ACKNOWLEDGES RECEIPT OF THE INFORMATION LISTED HEREON.	
DEFENDANT/JUVENILE SIGNATURE	PARENT/GUARDIAN SIGNATURE