

<b>PROBABLE CAUSE AFFIDAVIT</b>	FORM On View (PC Arrest) _____	Capias Request <input checked="" type="checkbox"/>	JUVENILE YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
	PURPOSE Taken into Custody (Warrant/Capias Arrest) _____	Summoned/Cited (NTA) _____	Referral _____ Civil Citation _____

<b>ADMINISTRATIVE</b>	Arresting Agency ORI <b>FL0051700</b>	Arresting Agency Name <b>Florida Department of Law Enforcement</b>	Arresting Agency Case/Arrest Number <b>OR-27-0404</b>	OBTs Number
	FDLE (SID) Number	FBI Number	DOC Number	Transport Time
	Jail Date / Time		Jail Booking Number	Booking Agency ORI
	Location of Arrest (Include Name of Business) City		Location of Offense (Business Name, Address) City	
		<b>1520 Craig Avenue</b>		<b>Titusville</b>
Offense Date OR Date Range <b>12/26/2021</b>	Arrest Date / Time	Charge Type (Check as many as apply) Felony <input checked="" type="checkbox"/> Misdemeanor _____ Traffic _____ Ordinance _____	Evidence Confiscated (Check as many as apply) Vehicle _____ Firearm _____ Property _____	

<b>DEFENDANT / JUVENILE</b>	Name (Last, First, Middle) <b>Payne, Joshua Nathan</b>		Alias and Type		Date of Birth	Age	Jacket Number
	Race <b>White</b>	Ethnicity <b>Hispanic</b>	Sex <b>Male</b>	Height	Weight	Eye Color	Hair Color
	Scars, Marks, Tattoos, Unique Physical Features (Location, Type, Description) <b>Unknown</b>						
	Local Address (Street, Apt. Number)		City, State, Zip		Phone/Type (include area code)	Primary Language <b>English</b>	
	Permanent Address (Street, Apt. Number) or Parent's Name if Juvenile		City, State, Zip		Phone/Type (include area code)	Complexion	
	<b>Same as Above</b>		<b>N/A</b>				
	Business Address (Name, Street) or School if Juvenile		City, State, Zip		Phone/Type (include area code)	Build	
	<b>Unknown</b>		<b>N/A</b>				
	Driver's License State / Number / Type	Social Security Number*	INS Number	Place of Birth		Citizenship	
						<b>USA</b>	
Residence Type:		Mark All that Apply (Y, N, Unk)		Suspected of Using (Y, N, Unk)		Drugs _____	
		Homeless <b>N</b>	Sex Offender <b>N</b>	Gang Affiliation <b>N</b>	Alcohol _____	Computer/Handheld Device _____	
PARENT Driver's License State / Number / Type	PARENT Social Security Number	Juvenile Civil Citation Not Referred Explanation		Juvenile Facility			

\*Collection of social security numbers from an arrested individual is to verify identify and may be shared with other law enforcement agencies.

<b>CHARGE</b>	PC <input type="checkbox"/> Capias <input checked="" type="checkbox"/> Warrant <input type="checkbox"/> Additional Charge _____	Date Issued	Writ Aff. _____	Domestic Violence _____	Order of Arrest _____
	Charge Description <b>Manslaughter</b>	Counts <b>1</b>	F.S. Ord. _____	Statute / Ordinance Number <b>782.07(1)</b>	Reclassifier
	Drug Activity <b>N/A</b>	Drug Type <b>N/A</b>	Amount / Unit <b>N/A</b>	Bond Amount	Warrant / Citation / Court Number

<b>PROBABLE CAUSE</b>	The undersigned certifies and swears that he/she has just and reasonable grounds to believe and does believe that the above named Defendant committed the following violation of law				
	On the <b>26</b> day of <b>December</b> at <b>07:13</b> <b>AM</b> <input checked="" type="checkbox"/> <b>PM</b> (Specifically include facts constituting cause for arrest)				
	<b>Continued on next page for narrative....</b>				
In accordance with F.S.S. 938.27, I hereby request reimbursement of investigative costs consisting of _____ hrs @ \$ _____ per hr and/or _____ miles @ _____ per mile for a total of \$ _____.					
Affidavit Attached: Yes _____ No _____ Continue for: Narrative _____ Charges _____					

<b>NOTICE TO APPEAR</b>	<b>Mandatory Appearance in Court</b>	Location (Court and Address)		Division #
		Date: Month _____ Day _____ Year _____ Time _____ AM _____ PM		
	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 OR A TAKE INTO CUSTODY ORDER SHALL BE ISSUED.			
	Signature of Defendant / Juvenile	Signature of Juvenile's Parent/Custodian	Release to: (Name)	Date

<b>ADMINISTRATIVE</b>	Hold for Other Agency Name:	Verified By:	Do Not Bond Out Reason		
			Hold for 1st Appearance (Adults Only)		
	I swear/affirm the above and attached statements are true and correct on <b>May 2022</b>	Officer's/Complainant's Signature	ID# <b>1417</b>	Officer's/Complainant's Name (Printed) <b>SA Chris Shephard</b>	
	Sworn and Subscribed before me, the undersigned, authority this <b>16</b> day of <b>May</b> 2022	Notary Signature	Notary Name (Printed) <b>Ryan Bliss</b>	Notary/Law Enforcement Officer in Performance of Official Duties. Personally Known <input checked="" type="checkbox"/> ID _____	

AGENCY NAME: <u>FDLE</u>	BREVARD COUNTY, FLORIDA	Arresting Agency Case Number <b>OR-27-0404</b>
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Defendant / Juvenile Name (Last, First, Middle) <b>Payne, Joshua Nathan</b>	OBTS Number
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<b>CO-DEF</b>	Co-Defendant Name (Last, First, Middle) <b>N/A</b>	Race	Sex	Date of Birth/Age	Juvenile (Y or N)	
	Arrested <input type="checkbox"/> At Large <input type="checkbox"/> Cited <input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor <input type="checkbox"/>					
	Co-Defendant Name (Last, First, Middle)	Race	Sex	Date of Birth/Age	Juvenile (Y or N)	
	Arrested <input type="checkbox"/> At Large <input type="checkbox"/> Cited <input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor <input type="checkbox"/>					

<b>CHARGE</b>	PC <input type="checkbox"/> Capias <input type="checkbox"/> Warrant <input type="checkbox"/> Additional Charge <input type="checkbox"/>	Date Issued	Writt Aff. <input type="checkbox"/>	Domestic Violence <input type="checkbox"/>	Order of Arrest <input type="checkbox"/>
	Charge Description <b>N/A</b>	Counts	F.S. <input type="checkbox"/>	Statute / Ordinance Number	Reclassifier
	Drug Activity	Drug Type	Amount / Unit	Bond Amount	Warrant / Citation / Court Number
	Ord. <input type="checkbox"/>				

<b>CHARGE</b>	PC <input type="checkbox"/> Capias <input type="checkbox"/> Warrant <input type="checkbox"/> Additional Charge <input type="checkbox"/>	Date Issued	Writt Aff. <input type="checkbox"/>	Domestic Violence <input type="checkbox"/>	Order of Arrest <input type="checkbox"/>
	Charge Description <b>N/A</b>	Counts	F.S. <input type="checkbox"/>	Statute / Ordinance Number	Reclassifier
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	Ord. <input type="checkbox"/>				

<b>VEHICLE *</b>	Year	Make <b>N/A</b>	Model	VIN	Tag / Tag State	Primary Color	Secondary Color
	* If Applicable, provide information related to the vehicle involved in the crime.						

On the above date and time, Titusville Police Department (TPD) Officer Joshua Payne attempted to stop James Lowery who matched the description of a suspect of a battery domestic violence complaint. Lowery walked away from Officer Payne which led to a foot pursuit. Officer Payne discharged the first cartridge from his Taser at the fleeing Lowery. The Taser was ineffective and the foot pursuit continued. Officer Payne used his radio to inform TPD dispatch and other officers that he was in a foot pursuit. Officer Payne deployed the second cartridge from his Taser and it was again ineffective. Lowery approached a gate to a residence where he turned and faced Officer Payne. Officer Payne gave commands to Lowery, " drop it, drop it, get down. " Lowery removed an object from his pocket and threw it over a fence. The object was later found to be a small red bag containing illicit narcotics. Officer Payne drew his firearm with his left hand from the holster and continued to hold his taser in his right hand.

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Officer's/Complainant's Signature 	ID# <b>1417</b>	Officer's/Complainant's Name (Printed) <b>SA Chris Shephard</b>
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<b>AGENCY NAME:</b> <u>FDLE</u>	<b>BREVARD COUNTY, FLORIDA</b>	<b>Arresting Agency Case Number</b> <b>OR-27-0404</b>
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<b>Defendant / Juvenile Name (Last, First, Middle)</b> <p style="text-align: center; font-size: 1.2em;">Payne, Joshua Nathan</p>	<b>OBTS Number</b>
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<b>CO-DEF</b>	<b>Co-Defendant Name (Last, First, Middle)</b> <p style="text-align: center;">N/A</p>	Race	Sex	Date of Birth/Age	Juvenile (Y or N)
	Arrested <input type="checkbox"/> At Large <input type="checkbox"/> Cited <input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor <input type="checkbox"/>				
	<b>Co-Defendant Name (Last, First, Middle)</b>	Race	Sex	Date of Birth/Age	Juvenile (Y or N)
	Arrested <input type="checkbox"/> At Large <input type="checkbox"/> Cited <input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor <input type="checkbox"/>				

<b>CHARGE</b>	PC <input type="checkbox"/> Capias <input type="checkbox"/> Warrant <input type="checkbox"/> Additional Charge <input type="checkbox"/>	Date Issued	Writt Aff. <input type="checkbox"/> Domestic Violence <input type="checkbox"/> Order of Arrest <input type="checkbox"/>		
	<b>Charge Description</b> <p style="text-align: center;">N/A</p>	Counts	F.S. <input type="checkbox"/> Ord. <input type="checkbox"/>	Statute / Ordinance Number	Reclassifier
	<b>Drug Activity</b>	Drug Type	Amount / Unit	Bond Amount	Warrant / Citation / Court Number

<b>CHARGE</b>	PC <input type="checkbox"/> Capias <input type="checkbox"/> Warrant <input type="checkbox"/> Additional Charge <input type="checkbox"/>	Date Issued	Writt Aff. <input type="checkbox"/> Domestic Violence <input type="checkbox"/> Order of Arrest <input type="checkbox"/>		
	<b>Charge Description</b> <p style="text-align: center;">N/A</p>	Counts	F.S. <input type="checkbox"/> Ord. <input type="checkbox"/>	Statute / Ordinance Number	Reclassifier
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	<b>Charge Description</b> <p style="text-align: center;">N/A</p>	Counts	F.S. <input type="checkbox"/> Ord. <input type="checkbox"/>	Statute / Ordinance Number	Reclassifier
	<b>Drug Activity</b>	Drug Type	Amount / Unit	Bond Amount	Warrant / Citation / Court Number

<b>VEHICLE *</b>	Year	Make	Model	VIN	Tag / Tag State	Primary Color	Secondary Color
		N/A					

\* If Applicable, provide information related to the vehicle involved in the crime.

Officer Payne continued to give Lowery commands, " get down. " Lowery turned, took a step to the gate and climbed over. Officer Payne approached the gate with his firearm in his left hand and his Taser in his right hand. Lowery was on the opposite side of the gate as Officer Payne. Evidence supports that Officer Payne simultaneously pulls the trigger of his Taser and his firearm. Officer Payne fired a single gunshot striking Lowery in the back of his head and killing him. There were no weapons found on Lowery or in his vicinity.

Brevard County Medical Examiner's autopsy report. Medical Examiner Sajid Qaiser, MD, reported that the cause of death for James Lowery was due to gunshot wound of head. The manner of death was listed as a homicide.

<b>Officer's/Complainant's Signature</b> 	<b>ID#</b> <p style="text-align: center; font-size: 1.2em;">1417</p>	<b>Officer's/Complainant's Name (Printed)</b> <p style="text-align: center; font-size: 1.2em;">SA Chris Shephard</p>
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