IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT IN AND FOR BREVARD COUNTY, FLORIDA

05-2019-CF-28034 - AXXX-XX

AFFIDAVIT FOR ARREST WARRANT

BEFORE ME, Me Malous Judge of the Circuit Court of the Eighteenth Judicial Circuit in and for Brevard County, Florida, personally appeared Special Agent Bradley D. Lewis of the Florida Department of Law Enforcement who, being first being duly sworn by me, deposes and requests that an arrest warrant be issued for:

Name: Jose G. Aguiar

Date of Birth: 08/31/1970

Last Known Address: 515 Grant Road, Palm Bay, Florida, 32909

Social Security Number:

Race: Hispanic

Sex: Male

Height: 5'9"

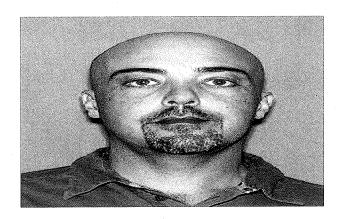
Weight: Approximately 170 lbs.

Hair Color: Black/shaved head

Eye Color: Blue

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RREVARD CO. FL.

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Charging Jose G. Aguiar with:

One count of violation of section 895.03(3), Florida Statutes, to wit: Racketeering, a felony of the first degree.

One count of violation of sections 895.03(3), 895.03(4) and 777.04(3) Florida Statutes, to wit: Conspiracy to Commit Racketeering, a felony of the first degree.

The facts establishing probable cause for the issuance of a warrant are as follows:

Your affiant is a Special Agent (SA) with the Florida Department of Law Enforcement (FDLE) and is assigned to the Federal Bureau of Investigation Brevard County Safe Streets Task Force. Your affiant has been a sworn law enforcement officer in the state of Florida for over 22 years, during which Your affiant has written and executed numerous arrest and search warrants. Prior to becoming employed with FDLE, Your affiant was employed with the Brevard County and Lake County Sheriff's Offices where Your affiant worked in uniformed patrol, special operations, and criminal investigations. Your affiant has conducted numerous criminal investigations pertaining to homicides, robberies, drug sales and trafficking, fraud, sex crimes and other violations of Florida criminal statutes and has attended numerous training courses related to these subjects.

Your affiant was contacted by the Federal Bureau of Investigation (FBI) regarding allegations of corruption and undue influence of city officials occurring in Palm Bay, Florida: the initial complaint involved specific allegations regarding Palm Bay City Councilman Jeffrey Bailey (among others) and threats or undue influence by Jose Aguiar and David Dominic Isnardi. Your affiant was assigned as the lead investigator in OR-14-0134. In that capacity your affiant learned the following:

The criminal investigation focused on a group of persons, Aguiar and Isnardi, for multiple violations of Florida law, including violations of Chapters 895 (RICO), 836, 838, 893, the use of a telephone to facilitate the commission of a felony in violation of Florida Statue

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934.215, and Possession of a Firearm by a Convicted Felon in violation of 790.23. The investigation revealed that Aguiar and Isnardi were associated in fact, and operating as an enterprise to continuously facilitate an ongoing pattern of specific criminal activities from at least September 12, 2015 through as least January 12, 2016, to include conspiracy to commit extortion, conspiracy to commit bribery, and conspiracy to deliver controlled substances. Due to the nature of the investigation a confidential source (CS) was utilized.

On September 12, 2015, a Confident Source (hereinafter "CS") was outfitted with electronic devices for the purpose of monitoring and recording a meeting between the CS and Jose G. Aguiar (hereinafter "Aguiar") at a residence occupied by the CS and owned by Aguiar. The residence was located at 1853 Canova Street in Palm Bay, Brevard County, Florida and was referred to as "the Clubhouse." The CS was an integral employee of the City of Palm Bay and was offered the residence for free and then at a discounted rate by Aguiar. Aguiar, Isnardi, Palm Bay City Councilman, and others affiliated with the city often met at the residence and socialized.

The CS traveled to the Clubhouse to meet with Aguiar but the meeting didn't take place as anticipated. The CS and Aguiar conversed over the telephone with Aguiar and a recording of the telephonic conversation was obtained. It should be noted that some of Aguiar's statements were not clearly discernible in the recording. The recording was reviewed and the CS was subsequently debriefed regarding the content of the conversation. The following is a summary of the conversation between the subjects on this date:

Aguiar informed the CS that he delivered prescription painkillers, "the same type as last time," to the Clubhouse for distribution to Palm Bay City Councilman Jeffrey Bailey (hereinafter "Bailey"). Aguiar said he was also going to get Bailey some "Oxys" (slang terminology for Oxycodone) in what the CS thought was Aguiar's way of increasing Bailey's addiction to prescription drugs. The subjects discussed placing cameras inside the residence and Aguiar said he would hire someone to install surveillance cameras at the Clubhouse for the specific purpose of recording former Palm Bay City Councilman Calvin Holton (hereinafter "Holton") having sexual relations with female prostitutes, which, according to the CS, Holton frequently did. The

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CS informed Aguiar that Holton "keeps bothering" him for a key to the residence so Holton could utilize the residence for sexual rendezvous anytime he wanted.

On September 17, 2015, a CS was outfitted with an electronic device(s) for the purpose of monitoring and recording a meeting between the CS and Aguiar at Palm Bay City Hall. The following is a summary of the brief conversation between the CS and Aguiar that occurred before a city council meeting:

The CS and Aguiar met and the CS asked Aguiar "Where's Dave (Isnardi) at?" The subjects again discuss placing cameras inside the Clubhouse for the purpose of extorting members of the Palm Bay City Council. They discussed the different types of cameras they could utilize in their plot, and Aguiar said they should go to "one of those private eye places, there's one in Melbourne" where they could obtain cameras to record and then extort members of the Palm Bay City Council. Prior to entering the council meeting, Aguiar confidently informed the CS that he has "a game plan for all the big guys!"

The CS later informed Federal Bureau of Investigation (FBI) Special Agent (SA) Trela that on September 22, 2015, a meeting took place at Aguiar's residence. During the unrecorded meeting, Aguiar, David Isnardi (hereinafter "Isnardi") and the CS discussed expanding the extortion plot to include other members of Palm Bay's City Council. Originally, the subjects planned on targeting only Holton and subsequently expanded their extortion plot to include Palm Bay City Councilman Jeffrey Bailey Jr. (hereinafter "Bailey) after Bailey began creating issues for Palm Bay City Manager Gregg Lynk. It was reported that Isnardi helped get Lynk hired as Palm Bay's City Manager and ultimately Lynk was unduly influenced by Aguiar and Isnardi.

The subjects discussed where they could obtain surveillance equipment and came to the conclusion that they should install the equipment themselves to limit their exposure. Subsequent to the installation of the cameras inside the Clubhouse, the subjects planned on inviting Bailey to the Clubhouse to socialize with the CS, Isnardi, Aguiar, and some prostitutes. At a point after arriving at the Clubhouse, Isnardi and Aguiar would create some sort of rouse and would depart leaving Bailey at the Clubhouse with the prostitutes in the hope they would be able to record

Bailey having sexual relations with one or more of the prostitutes. The subjects expected to confront Bailey after obtaining the damaging recording and utilize the recording to obtain Bailey's vote on issues pertaining to Isnardi's job security and zoning issues related to properties Aguiar owns. Aguiar wanted to obtain a zoning variance on a property he owned in Palm Bay where Aguiar expected to open a scrap metal business. Aguiar was willing to pay Isnardi and the CS if they helped Aguiar obtain a zoning variance to have the property zoned as industrial, which would greatly increase the value of the property. If the zoning variance was approved, Isnardi would become a silent partner in the business. During a subsequent interview with Isnardi, Isnardi admitted that he and Aguiar planned on owning the scrap business together.

On September 25, 2015, a CS was outfitted with an electronic device(s) for the purpose of monitoring and recording a meeting between the CS, Aguiar, and Isnardi. The following is a summary of the recorded meeting between the subjects:

While driving around looking at various properties for a scrap yard, Aguiar, Isnardi, and the CS talked about the brevity of life and Aguiar responded by stating, "I'm going to do everything I like do...obeying the law ain't one of them." The subjects viewed photographs of a prostitute(s) in what was an attempt to decide which prostitute they would utilize in the extortion plot against the city councilman. The CS suggested utilizing two different prostitutes so the two councilmen wouldn't "compare notes," to which Isnardi responded, "I agree." It was reported that Palm Bay City Manager Greg Lynk (hereinafter "Lynk") was upset over Bailey's behavior, specifically the way Bailey was voting at city council meetings. Bailey reportedly "needed to toe the line, not vote against them, and not question what they were doing at the meetings."

The subjects discussed the scrap metal business again and how they would need to obtain approval from Lynk and members of the city council if they wanted to have the property rezoned. The rezoning of the property would substantially increase the value of the property that would potentially provide Aguiar with an estimated \$600,000 to \$800,000 profit upon resale. While discussing the value of steel, Aguiar asked the CS and Isnardi if they remember the "Big Dig" project in Boston. In what appears to be Aguiar's admittance to his role in the theft of a large amount of steel, Aguiar said "we'd" have brand new steel delivered on a truck through the

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front gate and the steel would be loaded on another truck that would leave through the back gate. Aguiar claimed they eventually had "acres" of the apparently stolen steel that they stored until the price of the steel was high enough to sell.

On November 5, 2015, a CS was outfitted with an electronic device(s) for the purpose of monitoring and recording a meeting between the CS, Isnardi, Aguiar, and Julie Bottum (hereinafter "Bottum"), Aguiar's girlfriend. The following is a summary of the recorded meeting:

Prior to attending a hearing pertaining to an agricultural exemption for Aguiar's property at 515 Grant Road, the CS, Isnardi, Aguiar and Bottum met at the Viera Government Center and discussed how the CS and/or Isnardi would present the request on behalf of Aguiar and Bottum. The discussed pending political races and the purchase of properties where the scrap yard would be built.

The conversation eventually turned to issues they were having with Holton and Bailey. While referring to the plot to extort Bailey and Holton, the topic of purchasing and installing surveillance equipment at the Clubhouse was again brought up. Isnardi stated, "We need to do that thing" and Isnardi said he would contribute \$50 towards the purchase of surveillance equipment (I'll throw fifty at it"). Isnardi also mentioned that he researched surveillance cameras on the internet. Ultimately, Aguiar said he would pay for the equipment (I'll put up the money") if one of the other involved subjects would initially pay for the equipment. Aguiar said Bailey ("the kid") is "fucking broke" and Aguiar admitted that he previously offered Bailey a house. When discussing Bailey's alleged quest for power, Isnardi stated, "That's going to bite him."

Aguiar discussed how Bailey and Holton are not in line with his agenda, and mentioned how Bailey and Holton were attempting to obtain a third person on the city council that would allow them to "oust a lot of people" from city employment, such as Isnardi. Aguiar said they needed to obtain something solid on Holton and Bailey ("We gotta get them both") or they (Bailey and Holton) would gain control of the city council. Aguiar said he's been positioning people in key positions since October of 2015, and Aguiar stated that he's not going to let "those

fucking jerkoffs destroy everything." According to Aguiar, "Everyone's in position who should be in position."

On December 20, 2015, a CS was outfitted with an electronic device(s) for the purpose of monitoring and recording a social gathering that was held at Aguiar's residence of 515 Grant Road, Palm Bay, Florida, on this same date. The following is a summary of the information obtained during the gathering:

During the social gathering, Aguiar mentioned how Bailey was creating issues and how he (Aguiar) suspected Bailey was the person leaking information to the press. Aguiar said they "needed to do something with the kid (Bailey) otherwise they were going to have nothing but problems with this kid." Aguiar specifically mentioned that they would "lose the votes" if they weren't able to "get him (Bailey) something." The CS informed Aguiar that Bailey is being approved under the first time homebuyers program and Aguiar agreed to give Bailey money for a down payment on a home. The CS also informed Aguiar that Bailey was out of pills, to which Aguiar responded, "I'll hook him up with some."

During a conversation between the CS and Bailey, the topic of housing for Bailey is again brought up. The CS informed Bailey that Aguiar would provide Bailey with a down payment for a house. The topic of prescription pills is discussed and the CS informed Bailey that "it's almost impossible to find Oxys" (slang terminology for Oxycodone). Several of the attendees discussed firearms as the CS, Bailey, Holton and Palm Bay City Councilman Harry Santiago prepared to fire weapons at a shooting range on Aguiar's property.

Aguiar and the CS traveled to a safe inside Aguiar's residence and Aguiar opened the safe. They talked about ammunition and Aguiar informed the CS he also has a "nine" (slang terminology for a nine-millimeter gun). The CS mentioned observing a .357 handgun and a shotgun inside the safe. According to the CS, Aguiar handed the CS a shotgun from the safe and they departed from the residence and traveled to the shooting range where subjects were already shooting. The recorded footage also revealed that the safe contained various boxes of ammunition. Bailey later confirmed that he was present during the gathering and observed the

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CS with a shotgun. Aguiar was convicted of Conspiracy to Distribute Cocaine on November 25, 1997.

On January 12, 2016, a CS was outfitted with an electronic device(s) intended for the purpose of monitoring and recording a meeting with Aguiar at his residence of 515 Grant Road, Palm Bay, Florida, on this same date. The following is a summary of the information obtained during the meeting:

During this recorded meeting, the topic of Palm Bay City Councilman Bailey was introduced into the conversation. Aguiar mentioned how Bailey is after Palm Bay City Manager Gregg Lynk (hereinafter "Lynk"). Aguiar said he helped get Bailey elected and how Bailey was now asking law enforcement "all kinds of questions about me. That's a big problem right there, that's a big problem." Aguiar claimed he's been investigated by law enforcement every couple of years, and then stated," And this puke thinks he's going to get something on me?"

The CS asked Aguiar if he thought Bailey was attempting to obtain evidence against him, to which Aguiar stated, "Here's the deal, we gotta take this motherfucker out! Whether we do it the way you guys said, whether we hired a good private investigator, and I'm going to pay... I'm going to try everything. Last resort is me! As last resort, I'll terrorize this motherfucker in public." Aguiar said he would only need the opportunity to address the city council to inform them how he's given Bailey "thousands of fucking dollars, or I could sue him." During a subsequent interview of Bailey, Bailey admitted that Aguiar offered him a house and that he received \$300 in cash from Aguiar. Bailey did not report Aguiar's cash donation, which he held onto to until he turned the money over to FBI Agent Sean Anderson during an interview.

The CS informed Aguiar that Isnardi also wanted to expose Bailey's drug dependency. Aguiar responded to the comment by stating, "He's after Gregg (Lynk), he's after Dave (Isnardi), he's after everybody. This motherfuck is a dangerous fucking prick. You're not going to fuck my friends like that." The topic of Bailey's desire to become the mayor was discussed, during which Aguiar claimed he's "already has little Joe lined up to run for his seat. I'm going to

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kick his ass, he ain't winning again." Aguiar then stated, "I don't know if I should just approach him and grab him by the throat and tell him how it is, or we should, or I should just avoid him...set this motherfucker up or something?"

While further discussing Bailey, Aguiar stated, "Our boys a problem, that why I showed him that money. I wanted to see where he was at. And right after I showed him that money he runs to the cops. Like the cops are going to get something on me? Really, If the FBI can't fucking do it, do you really think these local yokels are going to do something?" As it pertains to the statement Aguiar made regarding how he showed Bailey a bag of money, Bailey subsequently confirmed that Aguiar showed him a bag that contained a large amount of cash before telling Bailey, "I take care of my friends." SA Trela was outside the restaurant during the meeting and witnessed Bailey and Aguiar travel to Aguiar's vehicle, which is where the money reportedly was shown to Bailey.

When referring to Bailey's alleged addiction to prescription drugs, the CS said, "The boys got a bad problem." Aguiar said he could sue the city and Bailey, and stated, "I've given them all kinds of cash to rezone my building to be a medical marijuana" dispensary. Aguiar again mentioned that he thinks Bailey is leaking information to the newspaper which was causing problems. Aguiar then stated, "We gotta put this kid to fucking sleep." Aguiar admitted that he offered Bailey a house, which Bailey reportedly turned down because "he only wants power." Aguiar expressed his frustration with Bailey by stating, "At this point, I just want to tear him up." Aguiar is overheard giving the CS some pills, and Aguiar inquired if the CS "would like some of the others."

Aguiar appeared to become increasingly agitated as they discussed issues they were having with Bailey, who Aguiar repeatedly referred to as, "This fucking puke." The CS asked Aguiar what he wanted to do, to which Aguiar replied, "Tell Dave to make it happened as soon as possible because the longer we wait the more of a problem this kid is going to be. We gotta

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discredit him right now because of this newspaper thing." Aguiar also said he would buy a whole page ad in the newspaper after Bailey was arrested. Aguiar said he was also contemplated setting up a meeting with Bailey where he (Aguiar) would grab Bailey "by the nuts and intimidate the fuck out of him." Aguiar then stated, "We gotta take this kid out, we gotta take this kid out" and "he's digging, he's digging, keeps digging all over city hall."

Aguiar requested Bailey's address and then said he could have his boys drive by Bailey's residence and "drop some grenades." According to Aguiar, "It almost happened to Mazziotti... my friends got no problem blowing shit up." Aguiar and the CS discussed the best way to "send a message" to Bailey and Aguiar said they needed to "set him up or we're going to be violent with him." While discussing Bailey, Aguiar said "Bailey's been "talking shit about David, talking shit about Andy, talking shit about fucking our people." The CS informed Aguiar that Lynk was also frustrated by the issues Bailey was causing and how Lynk also wanted Bailey setup. Lynk reportedly didn't want to hear about or participate in the plot.

They discussed the plot to "take down" by having Bailey arrested with drugs in his car and what type of drugs they would plant inside Bailey's vehicle. Ultimately, Aguiar provided 40 pills (9.4 grams) and 3.4 grams of a granular substance to the CS, and instructed the CS to plant the items in Bailey's vehicle underneath the driver's seat, in the glove box, and underneath the floor mats. Aguiar is overheard saying something about mollies, and after providing the drugs to the CS, Aguiar stated, "That should be enough." It was also reported that Isnardi said he would have a sheriff's deputy he knew conduct a traffic stop on Bailey's vehicle after the drugs were placed inside Bailey's vehicle, which ultimately would lead to Bailey's arrest. Aguiar said, "Mollies are a hot commodity" with law enforcement and are easily detected by law enforcement dogs. Aguiar instructed the CS to wear gloves and utilize a plastic bag when planting the drugs in Bailey's vehicle. Aguiar also instructed the CS to "Make it happen" and mentioned how they would "smear the fuck out of" Bailey after Bailey's arrest. A sampling of the pills and granular substance were submitted to the DEA laboratory, which confirmed the pills were Oxycodone and Tramadol and the granular substance was Ethylone.

The CS informed Aguiar that Palm Bay City Manager Gregg Lynk was ready to "snap" and quit, to which Aguiar stated, "We gotta take this kid out!" They briefly discussed who they needed to retain in certain positions within Palm Bay's city government to maintain their ability to control unspecified outcomes for their benefit. When describing his ability to control people in Palm Bay's city government and influence votes for his benefit, Aguiar stated, "Were finally in a fucking position and time of our lives where we can make some fucking money, run the fucking show." Aguiar informed the CS that he was going to keep his distance from the co-conspirators for a while in an attempt to eliminate any suspicion being directed towards him. Aguiar said he kept his "circle very, very fucking small" and stated, "They got nothing on me." Aguiar said that couldn't shoot Bailey or use explosives because it would draw too much attention. When describing Isnardi's commitment to the plot, the CS informed Aguiar that Isnardi was "in one hundred percent." Aguiar said nothing in response.

On January 12, 2016, shortly after departing from Aguiar's residence, the CS met with FBI Task Force Officer (TFO) Christopher Castiello near Aguiar's residence and turned over two plastic baggies, one of which contained forty pills (9.4 grams) and 3.4 grams of a granular substance that the CS obtained from Aguiar. A sampling of the pills and granular substance were submitted to a Drug Enforcement Agency (DEA) laboratory for examination and the results of the examination revealed that the granular substance was Ethylone, and the pills were Tramadol and Oxycodone, controlled substances in the state of Florida.

In support of the recorded statement that Isnardi was planning on having a deputy sheriff conduct a traffic stop on Bailey's vehicle to locate illegal drugs inside Bailey's vehicle and arrest Bailey thereafter, on August 4, 2017, Isnardi and Attorney John Murphy came to the FBI Melbourne Field Office after Murphy requested a meeting on behalf of Isnardi. While discussing the alleged plot to extort Bailey and Holton, Isnardi admitted that he participated in conversations about installing cameras in the "Clubhouse" to record Bailey and Holton in compromising positions. He also admitted that he was involved in conversations about Bailey's unwillingness to "toe the line" and to vote as directed by Aguiar. Isnardi confirmed that there

were conversations about how Holton thought he was "high and mighty" and how they were going to take him down. When questioned if he offered to pay for the cameras, Isnardi recalled that he might have offered to pay \$50.00 towards the purchase of the cameras and admitted that he also researched the purchase of surveillance equipment online.

When questioned about the plot to plant drugs inside Bailey's vehicle, Isnardi denied that there was an actual plan to plant drugs inside Bailey's vehicle, yet admitted that the CS informed him that he (the CS) had wiped drugs on the outside of Bailey's vehicle. Isnardi also admitted that he informed the CS that he would have "no problem" obtaining a police drug dog to search Bailey's vehicle and admitted that he contacted Brevard County Sheriff's Office (BCSO) Agent Jason West about the possibility of illegal drugs being inside Bailey's vehicle. When questioned if he thought it was okay to plant drugs inside Bailey's vehicle, Isnardi initially stated, "He was doing drugs anyway." Ultimately, Isnardi claimed the plot was only "guys talking shit, drinking beers and smoking cigars."

On August 4, 2017, Brevard County Sheriff's Office (BCSO) Agent Jason West was interviewed. Agent West reported that approximately one year prior to the interview, he was contacted by Isnardi. Agent West wasn't sure but he thought Isnardi provided him some information pertaining to drug activity involving members of the Warlock Motorcycle Club. Agent West informed Isnardi that he would contact BCSO's drug unit on Isnardi's behalf.

On August 14, 2017, Palm Bay's Assistance Public Works Director Bernard Weiss was interviewed. Weiss reported that approximately one and a half years prior to the interview, Isnardi informed him that Bailey might be "dealing, selling drugs, or something near a school." Weiss promptly contacted PBPD Lt. Greg Latulippe and reported the aforementioned allegation to Lt. Latulippe.

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On September 6, 2017, Lt. Latulippe was interviewed. Lt. Latulippe confirmed that he was contacted by Weiss regarding the aforementioned information. Shortly after obtaining the information from Weiss, Lt. Latulippe contacted former PBPD Chief Mark Renkens and informed Chief Renkens of Isnardi's allegations.

On April 9, 2018, Bailey was interviewed. Bailey reported that Aguiar sought out individuals in positions of influence and would attempt to gain their cooperation via offers of benefit(s) or via implied threats. Bailey admitted that he previously used Tramadol at the "Clubhouse" and witnessed Holton use cocaine at the Clubhouse. Bailey also said that Holton informed him that he (Holton) had obtained prostitutes for Palm Bay Mayor Capote while in Tallahassee, and offered to obtain a prostitute for Bailey as well. Bailey also admitted that Aguiar had offered him free rent at one of his residences and had shown Bailey "a bag full of money" during one meeting. On a subsequent interview of Bailey, Bailey also admitted that Aguiar gave him \$300.00 in cash prior to Bailey's last election. Bailey did not spend the money and subsequently turned the money over to FBI Special Agent Sean Anderson.

Based upon the evidence and information gathered during the course of the investigation, Your Affiant has established probable cause to believe that **Jose G. Aguiar** did willfully violate: did willfully violate Florida Statue 895.03(3), to wit: Racketeering, a felony of the first degree, and Florida Statues 895.03(3), 895.03(4), and 777.04(3), to wit: Conspiracy to Commit Racketeering, a felony of the first degree.

An additional arrest warrant will be sought for David Dominic Isnardi for multiple charges in connection with this matter.

WHEREFORE, your Affiant prays that a warrant be issued commanding the Executive Director of the Florida Department of Law Enforcement or any of his duly authorized Special Agents and all Sheriffs or any of their duly authorized Deputies to arrest **Jose G. Aguiar** for the

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violations noted herein and bring him before the Court so that he may be dealt with according to law.

Bradley D. Lewis

Special Agent

Florida Department of Law Enforcement

SWORN TO AND SUBSCRIBED before me this ______ day of _______, 2019.

CIRCUIT JUDGE OF THE EIGHTEENTH JUDICIAL CIRCUIT IN AND FOR BREVARD COUNTY, FLORIDA

Nancy Maloney Circuit Judge