

COUNTY COURT OR CIRCUIT COURT - CRIMINAL DIVISION
PINELLAS COUNTY, FLORIDA

STATE OF FLORIDA :
V. : WITNESS AFFIDAVIT
NICHOLAS BOLLEA :

BEFORE ME, A NOTARY PUBLIC, personally appeared Todd Turpack,
who being duly sworn says:

Your Affiant is a duly sworn law enforcement officer with the
Clearwater Police Department..

On August 26, 2007 at approximately 7:45 p.m., your Affiant
received a call from the Clearwater Police Department
communication center at which time your Affiant was informed there
had been a major traffic crash in the area of 1290 Court Street.
Your Affiant arrived on scene at approximately 8:01 p.m. At that
time your Affiant noticed there were several police cruisers
already on scene blocking both eastbound and westbound traffic on
Court Street. There were also multiple Clearwater Fire Rescue
vehicles on scene.

Your Affiant noted there was a 1998 Toyota Supra located on
the center raised median of Court Street, which divided the east
and westbound lanes of travel. The 1998 Toyota Supra came to rest
facing west-southwest with all four tires upon the median. Your
Affiant noticed the rear of the vehicle was damaged due to impact
with a palm tree. Your Affiant noted the frame of the Toyota was
severely distorted with the rear quarter raised in the area of the
B-pillar. The rear of the driver's side had a higher
concentration of damage since this was the area that sustained the

majority of the impact. Your Affiant noted almost every body panel appeared buckled from the impact. Your Affiant noted the rear license plate of the vehicle broke loose due to impact and was found approximately 15 feet from the vehicle's final rest. Your Affiant also noted there were small pieces of yellow plastic body panels as well as vehicle parts located in both the inside and outside lanes of westbound Court Street. Also, shrubbery and mulch was thrown upon the roadway due to the impact.

During the course of the investigation your Affiant learned there were two occupants inside of the 1998 Toyota Supra. Based upon eye-witness statements and NICHOLAS BOLLEA's own admissions, the driver was determined to be NICHOLAS BOLLEA. The passenger was determined to be John Graziano III. Your Affiant learned both were transported via Bay Flight to Bayfront Medical Center. Your Affiant further learned in speaking with hospital personnel that upon arrival John Graziano III had minimal brain wave activity. In addition, John Graziano III was on a full ventilation system and he was unable to move his extremities.

During the course of the investigation your Affiant, as well as numerous other law enforcement officers from the Clearwater Police Department, interviewed numerous eye-witnesses to the driving pattern of the 1998 Toyota Supra prior to the time of the crash. During the course of the investigation your Affiant and other officers learned a second vehicle was involved, a silver Dodge Viper. It was determined the driver of the silver Dodge Viper was Daniel Jacobs, a white male, date of birth June 1, 1985. It was also determined Daniel Jacobs had a passenger in

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his vehicle who was later identified as Barrett Lawrance, white male, date of birth March 25, 1980.

Your Affiant reviewed the report of Officer Thomas Milne of the Clearwater Police Department. Officer Milne interviewed Robert and Janice Steele. Robert and Janice Steele indicated they had been near the Hess Mart at Fort Harrison Avenue and Chestnut Street when they saw the yellow Supra and Viper. Robert and Janice Steele further indicated the two vehicles were racing east on Chestnut from Fort Harrison Avenue and they felt the two cars were being driven recklessly, dangerously, and faster than the posted 40-miles per hour speed limit.

During the course of the investigation, eye-witness Eric Sherman was interviewed. Eric Sherman indicated that he was at the corner of South Fort Harrison and Chestnut Street, stopped at the red light. At this time he was facing eastbound on Chestnut Street. Mr. Sherman noted two vehicles, a silver Viper and a yellow Toyota Supra approaching on South Fort Harrison. He further noted these vehicles came to an "aggressive" stop at that intersection. The yellow Toyota Supra made a right-hand turn onto Chestnut Street closely followed by the silver Viper. At that time, both appeared to be travelling at a high rate of speed eastbound on Chestnut. Mr. Sherman specifically noted the yellow Toyota Supra was fishtailing as it proceeded at a high rate of speed eastbound on Chestnut. He further indicated both vehicles, the 1998 Toyota Supra as well as the silver Viper, appeared to be "pacing" each other, meaning they were about to race.

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Your Affiant read the report of Officer Thomas Milne of the Clearwater Police Department. Officer Milne interviewed Stacey Auriemma. Ms. Auriemma indicated she was at the intersection of Chestnut and South Myrtle stopped at a red light. She indicated to her right she noted a yellow sports car and silver sports car later determined to be the yellow 1998 Toyota Supra and the silver Dodge Viper. She indicated as both vehicles proceeded through the intersection, they appeared to be racing and travelling at speeds greater than the posted 40 mile per hour speed limit. Furthermore, the driver of the yellow car lost control and began to fishtail which enabled the silver sports car to gain a big lead.

Your Affiant reviewed a report written by Sgt. Richard Harris of the Clearwater Police Department. Sgt. Harris interviewed Rabih Cheaib. Mr. Cheaib indicated he was in a vehicle with some friends coming from Clearwater Beach. They were travelling eastbound on Court Street and they entered into the drive through window of Rita's Italian Ice located at 1010 Court Street. As they were waiting at the drive through window, he heard the sound of a turbo-charged vehicle accelerating. At that time, he turned toward the direction of the sound and within a second or two, two vehicles came into sight. One of the vehicles was a yellow Toyota Supra and a second vehicle appeared to be a Dodge Viper. He noted the yellow Toyota Supra was in the curb lane while the Dodge Viper was in the inside lane. He further indicated he heard the "turbos whistling" and knew the sound was coming from the Toyota Supra. He would indicate the

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Toyota Supra was approximately one-half to one car length in front of the Dodge Viper. He estimated the speed of the Supra and the Viper to be in excess of 60 miles per hour and their speed was increasing. He further indicated both vehicles were "accelerating hard." Later, as they were preparing to leave Rita's Italian Ice, he saw several police vehicles come into the area. They pulled out onto Court Street and began driving east at which time they saw the yellow vehicle which had just passed by them at a high rate of speed in the median area where the crash had occurred.

Your Affiant spoke with eyewitness Denise Cirella. Ms. Cirella indicated she was driving eastbound on Chestnut when she came to the intersection of Chestnut Street and Myrtle. At that time, the light was red. As she sat at this intersection, a silver convertible stopped on her left. Your Affiant was able to determine this silver convertible was the silver Viper being operated by Daniel Jacobs. She indicated a yellow sports car, which your Affiant determined to be the 1998 Toyota Supra being driven by NICHOLAS BOLLEA, was on her right. She indicated as she looked over at the driver of the yellow vehicle, she noted that driver "grimaced" at the occupants of the silver convertible. Ms. Cirella indicated once the light at Chestnut Street and Myrtle turned green, both vehicles "tore off" at a high rate of speed. Both vehicles continued eastbound on Chestnut Street which then converted into Court Street. She indicated she lost sight of both vehicles and had to stop at the next intersection. She further indicated when she approached the

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intersection of Court Street and South Missouri Avenue, she once again saw both vehicles. She observed both vehicles getting ready to engage in a race and at that time remembered thinking, "Not these two again." Ms. Cirella indicated the silver car sped off ahead of the yellow car. She indicated the yellow car appeared to be out of control and was fishtailing. She then observed the yellow car swerve from lane to lane with its back tires spinning. The yellow car lost control, spun around, jumped the median, and struck the tree. When asked if she felt that both vehicles were racing during the period of time that she was observing the vehicles, she indicated she felt both vehicles were, in fact, racing.

Your Affiant spoke with eyewitness Despina Sibley. Ms. Sibley indicated she was travelling eastbound on Court Street and stopped for a red light at South Missouri Avenue. At the time she stopped, she believed she was the first car at the stop bar.

She noted to her right, in the outside lane, was a yellow car. Your Affiant determined this yellow car was the 1998 Toyota Supra being driven by NICHOLAS BOLLEA. Immediately after the light turned green, she looked up and noted a silver vehicle was now directly in front of her vehicle. Your Affiant determined this silver vehicle was the silver Dodge Viper, being driven by Danny Jacobs. Ms. Sibley indicated once past the intersection, both vehicles appeared to be playing "cat and mouse." She further indicated both vehicles were attempting to get parallel with each other and noted each vehicle would jump forward and then slow immediately. It appeared to her as though this was an indication

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they were going to race. She indicated after a few moments, both vehicles began to accelerate at a high rate of speed and the silver car passed the yellow car very rapidly. She observed the back of the yellow car began to fishtail and saw smoke coming from the vehicle. She indicated as the car was fishtailing and losing control, it was possible the right front tire of the yellow car struck the right curb at which time the car began to spin, jump over the median, and crash into the palm tree.

Your Affiant interviewed eyewitness Ashley Williams. Ms. Williams indicated she was travelling westbound on Court Street approaching the last median break just prior to South Missouri Avenue. Ms. Williams observed two vehicles racing one another. Ms. Williams indicated she was able to determine the vehicles were racing due to the fact she heard a lot of engine noise coming from the vehicles and both vehicles were "side by side." She indicated as the vehicles passed her, she observed through one of her side mirrors, the yellow vehicle lose control and strike a tree. She further observed the other vehicle kept going.

Your Affiant spoke with the passenger in the silver Dodge Viper, Barrett Lawrance. Barrett Lawrance indicated at approximately 2:30-3:00 p.m. he, NICHOLAS BOLLEA, Daniel Jacobs, and Terry Bollea went onto Terry Bollea's boat. They went to Shepard's but did not stop due to a large crowd. They spent some time on the boat, after which they went to Three Rooker Island. Once leaving Three Rooker Island, they returned to Shepard's Tiki Bar in Clearwater Beach. Mr. Lawrance indicated he did see

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NICHOLAS BOLLEA drinking on the boat, however, he could not state exactly what he was drinking. He did state he observed Daniel Jacobs drink a bottle of Corona beer. Mr. Lawrance indicated they returned to NICHOLAS BOLLEA'S residence and at some point in time it was determined they were going to eat at Arigato's restaurant. Barrett Lawrance entered into the passenger side of the silver Dodge Viper with Daniel Jacobs while NICHOLAS BOLLEA and John Graziano III entered into the yellow Toyota Supra. They proceeded north on South Harrison and then turned right onto Chestnut Street. Mr. Lawrance indicated once they arrived at the intersection of Court Street and South Missouri, both vehicles had to stop for a red light. When asked if Daniel Jacobs and NICHOLAS BOLLEA were operating their vehicles recklessly prior to stopping at the intersection of Court Street and South Missouri Avenue, Mr. Lawrance indicated Daniel Jacobs and NICHOLAS BOLLEA often "speed around." He further indicated both NICHOLAS BOLLEA and Daniel Jacobs were driving "fast" prior to the intersection of Court Street and South Missouri Avenue. During this interview, Mr. Lawrance indicated "this is how they always drive," in referring to NICHOLAS BOLLEA and Daniel Jacobs.

During the investigation your Affiant interviewed the driver of the silver Viper, Daniel Jacobs. Daniel Jacobs indicated NICHOLAS BOLLEA was driving the yellow car and the passenger in the yellow car was John Graziano. He further indicated his passenger was Barrett Lawrance. Daniel Jacobs indicated they were on their way to Arigato Steak House for dinner when the crash occurred. He indicated the silver Dodge Viper he was

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driving was owned by Terry Bollea. When asked how fast he felt they were travelling at the time the crash occurred, Daniel Jacobs indicated it was between 55 and 60 miles per hour. However, during the course of the investigation, your Affiant spoke with several witnesses who indicated the speed was much greater. Upon re-interview, Daniel Jacobs indicated the fastest he was travelling was "not more than 70, at max." Your Affiant would note the speed limit in the areas between South Fort Harrison and Chestnut Street and the location of the crash is 40 miles per hour. When asked if either he, Barrett Lawrance, John Graziano, and/or NICHOLAS BOLLEA had ingested any alcohol prior to driving to the restaurant, Daniel Jacobs indicated he did not recall whether or not NICHOLAS BOLLEA drank. However, he did indicate earlier that afternoon he had two Michelob Light beers and two Corona beers on Terry Bollea's boat. He also stated NICK BOLLEA was on the boat with him. He further indicated he drank a 32-ounce rum runner while at Shepard's, which is located on Clearwater Beach.

After witnessing the Supra crash, Daniel Jacobs indicated he did return to the scene. He then tried to contact NICHOLAS BOLLEA'S father, Terry Bollea, on the telephone in order to inform him of the crash. Since they were unable to contact him by telephone, he and Barrett Lawrance drove back to the Bollea residence to contact Terry Bollea.

With respect to the crash scene itself, it was noted by officers who initially responded to the scene the roadway was wet due to a recent rain shower. With respect to visual obstacles,

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there were none noted on the road that would have contributed to the cause of this crash. It should further be noted that the area where this crash occurred is considered to be a major thoroughfare in Pinellas County. There are numerous businesses and residential areas that connect to this main street.

Your Affiant has reviewed medical records that were subpoenaed by the State Attorney's office. With respect to the medical records, it was noted NICHOLAS BOLLEA told medical personnel the reason for the crash was "I was driving the car and lost control due to a wet rainy road and hit a tree." Your Affiant also reviewed hematology reports for NICHOLAS BOLLEA taken on August 26, 2007 at 9:18 p.m., which is approximately two hours after the time of the crash. It was noted that the ethanol serum level was 0.055.

With respect to the speed of the Toyota Supra at or close to the time NICHOLAS BOLLEA lost control of the vehicle, preliminary results of the crash reconstruction revealed the vehicle was travelling in excess of 60 miles per hour in the posted 40 miles per hour zone.

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Based on the totality of circumstances, determined through this investigation, it has been determined NICHOLAS BOLLEA was operating his motor vehicle recklessly and did cause serious bodily injury to his passenger John Graziano III in violation of Florida Statute 316.192(3)(c)(2).

The foregoing instrument was

acknowledged before me this day of NOV 01 2007, 2007 by Todd Turpack who is personally known to me or has produced as identification and who did take an oath.

TODD TURPACK
AFFIANT

645 PIERCE ST. CLEARWATER, FL.
AFFIANT'S ADDRESS

727-562-4242
AFFIANT'S TELEPHONE NUMBER

[Signature]
NOTARY PUBLIC



Clerk of the Circuit Court - Hills County, Florida
Commission # 0094701 expires October 4, 2010
BONDED THRU TROY FAIR INSURANCE INC.

M-SR/1012LF5

FINDING OF PROBABLE CAUSE

I, Richard A. Lane have reviewed this affidavit and do find there is probable cause to hold and bind over for

trial the defendant named in this affidavit.

Clerk of this Court is hereby directed to ISSUE CAPIAS for arrest of Defendant
NICHOLAS BOLLEA
Defendant is to be admitted to Bail in the sum of \$ 10,000 including surcharge
MA Lane
Circuit/County Judge

Richard A. Lane
JUDGE

Nov 7 2007
DATE

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