



**Sheriff's Office
PART I
Collier County
Naples, Florida**

CLERKS CASE NO. 11-CF-41
REPORT NUMBER 1100000141

Agency ORI Number **FL0110000**

ADMIN	DEPT. OF CORR. NO.	BOOKING NO. 11-0082	ARRESTING AGENCY CCSO	A # 186034	A adult <input type="checkbox"/> J juvenile <input checked="" type="checkbox"/> A				
	F B I NO.	F D L E NO.	O B T S NO. 1101083568						
DEFENDANT	LAST NAME Schaller, James L		FIRST NAME James L	MIDDLE	RACE W	SEX M	DATE OF BIRTH 11/07/1960	AGE 50	
	AKA #1 (Last, First Middle) Dr. J, JJ		AKA #1 DOB	AKA #2 (Last, First Middle)		AKA #2 DOB			
	SOCIAL SECURITY NO. [REDACTED]		DRIVERS'S LICENSE NO. S460452604070		DL STATE FL		VALID DL YES		
	HEIGHT 601	WEIGHT 210	HAIR BRO	HAIR STYLE 01 STRAIGHT	FACIAL HAIR 01 CLEAN SHAVEN	EYES HAZ	GLASSES Y	BUILD MED	SKIN LGT
	ADDRESS 14555 Indigo Lakes Circle # Naples FL 34119						RESIDENCE PHONE (239) 304-5353		
	CITY OF BIRTH Paris		STATE FN	SCARS/MARKS/TATTOOS None					
	IMMIGRATION STATUS C		ALIEN #						
	RESIDENCE STATUS L-LOCAL		JUVENILE DISPOSITION	MARITAL STATUS MARRIED	CITIZENSHIP		OCCUPATION Research Physician		
	EMPLOYER Self Employed Same as home address						BUSINESS PHONE () -		
	NEXT OF KIN / GUARDIAN Schaller, Joyce				PHONE 2392723563	RELATIONSHIP WIFE			
NEXT OF KIN / GUARDIAN ADDRESS Same as suspects				APT	CITY	ST ZIP			
BOOKING DATE 1-3-11	TIME JAIL RC'D. 0505	BOOKING DEPUTY / ID AD 3312			NCIC <input checked="" type="checkbox"/>	FCID <input checked="" type="checkbox"/>	LOCAL <input checked="" type="checkbox"/>		
IN CUSTODY (Y/N) Y	RELEASE DATE	TIME	BONDING DEPUTY / OFFICER		BOND AMOUNT	BOND TYPE: (SURETY, CASH)			
RELEASED? (Name of Bondsman / Depositor)			CASH BOND NO.		ADDRESS				
HOLD (Y-N)	HOLD FOR	ARRAIGNMENT (Felony) Date: 01-31-2011 Time: 0815			ARRAIGNMENT (Misdemeanor) Date: Time:				

Car Camera Footage Available: **NO**

FILED #4
 COLLEER COUNTY, FLORIDA
 2011 JAN -3 10 32
 CLERK OF COURTS
 BY _____
 ORIGINAL
 D.C.

DOMESTIC VIOLENCE

CHARGE PART II

**Sheriff's Office
Collier County
Naples, Florida**



LAST NAME, FIRST NAME Schaller, James
REPORT NUMBER 1100000141

Agency ORI Number **FL0110000**

OFFENSE	ARRESTING AGENCY CCSO	ARREST DATE 01/02/2011	ARREST TIME 2345	ARREST LOCATION 14555 Indigo Lakes Circle		
	GEOGRAPHIC INDICATOR 2105	ARREST TYPE O-On Site/PC	CRIME LOCATION 14555 Indigo Lakes Circle			CRIME DATE 01/02/2011
	OFFICER / WITNESS Cpl. Wray, Cpl. Caceres, Cpl. Mcmil			CITATION NUMBERS		
	VEH. DISPOSITION (Towed By)	MAKE	MODEL	YEAR	TAG	STATE

CHARGE / BOND	CHARGE DESC AGG ASSAULT - WITH DEADLY WEAPON WO INTENT TO KILL				COUNTS 1	FLA. STATUTE 784.021-1a
	GENERAL OFFENSE CHARACTER P PRINCIPAL		LEVEL OF OFFENSE F - FELONY	BOND SET BY JUDGE (SBJ) Cash Surety Jail		
	WARRANT NO.	DATE OF WARRANT	STATE	DRUG TYPE	DRUG UNIT	
	ACTIVITY		VALUE	/	QTY.	WEAPON 04 FIREARM

CHARGE / BOND	CHARGE DESC AGG ASSAULT - WITH DEADLY WEAPON WO INTENT TO KILL				COUNTS 1	FLA. STATUTE 784.021-1a
	GENERAL OFFENSE CHARACTER P PRINCIPAL		LEVEL OF OFFENSE F - FELONY	BOND SET BY JUDGE (SBJ) Cash Surety Jail		
	WARRANT NO.	DATE OF WARRANT	STATE	DRUG TYPE	DRUG UNIT	
	ACTIVITY		VALUE	/	QTY.	WEAPON 04 FIREARM

NOTICE TO APPEAR	<input type="checkbox"/> I understand that should I willfully fail to appear before the court as required by this notice that I may be held in contempt of court and a warrant for my arrest shall be issued. Furthermore, I agree that notice concerning the time, date, and place of all court hearings should be sent to the aforementioned address. I agree that it is my responsibility to notify the Clerk of the Court anytime that my address changes.	
	<input type="checkbox"/> I hereby promise to be and appear in the appropriate court at the time and the place designated by this notice. COURT: <input type="checkbox"/> County <input type="checkbox"/> Circuit <input type="checkbox"/> Juvenile ADDRESS: _____ DATE: _____ TIME: _____	
	<input type="checkbox"/> Defendant can pay a fine in lieu of a Court Appearance Fine: _____ Sworn to and subscribed before me this _____ day of _____, _____ _____ Signature of Defendant / Juvenile _____ Signature of Parents of Juv. Defendant	
	Notary / Deputy _____ PAGE <u>2</u> OF <u>4</u>	

ORIGINAL

PART III

Sheriff's Office
Collier County
Naples, Florida



LAST NAME, FIRST NAME Schaller, James
REPORT NUMBER 1100000141

Agency ORI Number **FL0110000**

ARRESTED CO-DEFENDANTS

DEFENDANT DID THE FOLLOWING ACT(S) WHICH CONSTITUTE A VIOLATION OF THE LAW (ELEMENTS OF THE CRIME / PROBABLE CAUSE STATEMENT)

On 01/02/11 at approximately 2312 hours, Cpl. Lang #2215, Cpl. McMillan #2659, Cpl. Wray #2011 and Cpl. Caceres #2367 responded to the area of 14556 Indigo Lakes Circle in reference to a fight in progress. Dispatch advised responding units of a possible weapon being mentioned by the person(s) involved in the fight. The reported person to this incident was an anonymous male.

Upon arrival, Cpl. Lang came into contact with Justin Schaller 07/07/1995 (Victim #2) who stated that his father, James Schaller 11/07/60, had threatened to blow his head off with a firearm as a result of a verbal altercation that had taken place. Justin Schaller stated that his father had held a gun to his friend Zachary Kelenski's head and threatened to kill him for pushing his mother Jamie Kelenski.

At this point due to the allegation being made by Justin Schaller, responding units entered the residence at 14555 Indigo Lakes Circle and secured James Schaller. James Schaller was handcuffed and removed from the residence and secured into Cpl. Lang's vehicle. Schaller was advised of his Miranda warnings by Cpl. Lang and he advised he understood them.

During further investigation Justin Schaller stated that he had snuck out of his house at 14555 Indigo Lakes Circle with his friend Zachary Kelenski 04/22/1996 (Victim #1). When they returned to the residence, Zachary Kelenski's mother, Jamie Kelenski was present and started to get into verbal altercation with Zachary about getting into the vehicle. Zachary refused to enter the vehicle and Jamie, started to spank Zachary on the buttocks area with a wooden switch. Zachary stated to his mother Jamie, that if she continued he would hit her back. Jamie then hit Zachary again and as a result, Zachary then pushed Jamie. James Schaller observed this taking place and then entered his residence and came back out with a small type black revolver handgun and pointed it at Zachary Kelenski's head and told him "That is assault and battery, get into the car, or I will blow your head off". Justin Schaller then stated he attempted to get in the middle of his father and Zachary Kelenski to prevent his father from shooting Zachary and that is when James Schaller turned towards Justin and threatened to blow his head off also. Justin states that his father never aimed the gun at him but did aim the gun at Zachary's head.

Cpl. Lang then spoke with James Schaller and he stated that he did own several firearms and that he does have a small type black revolver that he carries on him at all times. Cpl. Hammond recovered 2 revolver type handguns from the master bedroom area of the residence. James Schaller advised there was another firearm in the upstairs master bedroom closet and that it should be a Springfield XD. Cpl. Hammond and retrieved that firearm as well.

Sworn to and subscribed before me this <u>3</u> day of <u>January</u> , <u>2011</u> <i>[Signature]</i> (Notary/Deputy)	THE ABOVE STATEMENTS ARE TRUE TO THE BEST OF MY KNOWLEDGE, INFORMATION, OR BELIEF <i>[Signature]</i> ARRESTING LAW ENFORCEMENT OFFICER CPL. William R. Lang	ORIGINAL I.D. NO. 2215 PAGE <u>3</u> OF <u>4</u>
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PART III
Sheriff's Office
Collier County
Naples, Florida



LAST NAME, FIRST NAME Schaller, James
REPORT NUMBER 1100000141

Agency ORI Number **FL0110000**

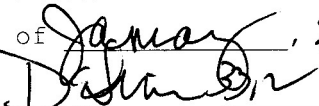

ARRESTED CO-DEFENDANTS

DEFENDANT DID THE FOLLOWING ACT(S) WHICH CONSTITUTE A VIOLATION OF THE LAW (ELEMENTS OF THE CRIME / PROBABLE CAUSE STATEMENT)

James Schaller stated that all the other firearms he owns were locked behind two secured doors with electronic locks and a combination bicylce lock and he refused to provide the combination for the locks. No other firearms were able to be retrieved at this time for safe keeping.

Det. Tayar was contacted and responded and spoke with Zachary Kelenski and Jamie Kelenski both provided similar statements in reference to the incident. Zachary Kelenski stated that he was in fear for his life at the time that James Schaller pointed the gun at his head and threatened to blow his head off.

ORIGINAL

Sworn to and subscribed before me this <u>3</u> day of <u>January</u> , 2011  _____ (Notary/Deputy)	THE ABOVE STATEMENTS ARE TRUE TO THE BEST OF MY KNOWLEDGE, INFORMATION, OR BELIEF  _____ ARRESTING LAW ENFORCEMENT OFFICER CPL. William R. Lang	I.D. NO. 2215 PAGE <u>4</u> OF <u>4</u>
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TW
FP

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR
COLLIER COUNTY, FLORIDA CRIMINAL ACTION

STATE OF FLORIDA

CASE NO: 11-41CF (FRH)
(JFS)

vs.

JAMES L SCHALLER

Race: White Sex: Male
D.O.B.: 11/7/1960
SS #:

FILED
COLLIER COUNTY, FLORIDA
2011 JAN 25 AM 8:08
CLERK OF COURTS
BY: _____

INFORMATION FOR:

- 1) Aggravated Assault with a Deadly Weapon, F.S. 784.021, Third Degree Felony
- 2) Aggravated Assault with a Deadly Weapon, F.S. 784.021, Third Degree Felony

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF FLORIDA:


STEPHEN B. RUSSELL, State Attorney of the Twentieth Judicial Circuit of the STATE OF FLORIDA, by and through the undersigned Assistant State Attorney, prosecuting for the STATE OF FLORIDA, in the County of Collier under oath information makes that James L Schaller,

Count(s):

- 1. On or about January 2, 2011 in Collier County, Florida, did unlawfully commit an assault upon Z.K., by threatening by word or act to do violence to said person, coupled with an apparent ability to do so, and by doing an act which created a well-founded fear in said Z.K. that said violence was imminent, by pointing a deadly weapon, to-wit: gun, at the head of Z.K., contrary to Florida Statute 784.021,
- 2. On or about January 2, 2011 in Collier County, Florida, did unlawfully commit an assault upon J.S., by threatening by word or act to do violence to said person, coupled with an apparent ability to do so, and by doing an act which created a well-founded fear in said J.S. that said violence was imminent, by pointing a deadly weapon, to-wit: gun, at the head of J.S., contrary to Florida Statute 784.021,

against the peace and dignity of the STATE OF FLORIDA,

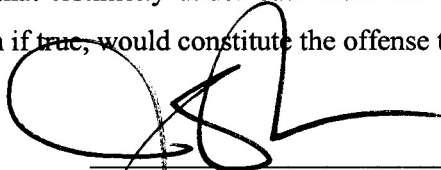
STEPHEN B. RUSSELL
STATE ATTORNEY

BY: 

James F. Stewart
Assistant State Attorney
Florida Bar Number 0042497
3315 E. Tamiami Trail, Suite 602
Naples, Florida 34112
(239) 252-8470

STATE OF FLORIDA, COUNTY OF COLLIER

Personally appeared before me, James F. Stewart, Assistant State Attorney of the Twentieth Judicial Circuit of the State of Florida, being personally known to me, who being duly sworn, says that this information is filed in good faith and certifies that testimony under oath from the material witness or witnesses for the offense has been received which if true, would constitute the offense therein charged.


James F. Stewart

Sworn to and Subscribed before me this 24th day of January, 2011, by James F. Stewart, personally known to me.



Maryann Malizia
Notary Public My commission expires: _____

Presented and filed in the CIRCUIT COURT this 25 day of January, 2011

DWIGHT E. BROCK, CLERK OF THE COURT

BY: Kathy White
Deputy Clerk

RE: James L Schaller, 11-41CF

STATE OF FLORIDA

JUDGMENT

SSN:

DOB:

11/07/1960

VS. Defendant

Case #:

11-2011-CF-000041-AXXX-XX

The defendant being personally before this court represented by

Public Defender Appointed

the attorney of record, and the state represented by Hollander, Lee

Stewart, James Frederick

Entered a Plea of Guilty Admitted Violation conditions No Contest Not Guilty to the following crime:
Been tried and Found Guilty by Jury Court Found in Violation of the following crime:

Conditions

Count/Crime/Statute/Level/Degree

1 Aggravated Assault with Deadly Weapon without Intent to Kill 784.021(1)(a) F/T

Order of the Court: Adjudicated Guilty Adjudication Withheld Previously Adjudicated Guilty

SENTENCE

Habitual Felony Offender Habitual Violent Felony Offender Youthful Offender Violent Career Criminal Sexual Predator

Prison Releasee Reoffender Three-time Violent Felony Offender Does Does not pose a danger to the community

Age of victim at time of offense yrs. Did Did Not use force or coercion.

Did Did Not involve sexual activity Did Did Not involve unclothed genitals or genital area

FILED IN OPEN COURT

SEP 21 2011

STATE PRISON COUNTY JAIL Days Months Year(s) Time Served By Death D.C.

Minimum Mandatory Years Jail time is a special condition of Probation/Community Control

Suspended upon Completion of Project Recovery

Credit Time Served days Since To begin serving on

followed by

COMMUNITY CONTROL Days Months Year(s) Life

Community Control Revoked Terminated Reinstated to:

followed by

PROBATION 4 Days Months Year(s) Life

Probation Revoked Terminated Reinstated to:

Probation/Community Control Type: State County Administrative Drug Offender Sex Offender

Defendant to report to probation upon release from custody within hours Immediately on or before

D.L. Suspended D.L. Revoked Months Years

May obtain work permit May not obtain work permit

Impoundment of Vehicle days

DUI School (appropriate phase) Victim Impact Panel

Hours Community Service May pay off Out of state

Ignition Interlock Inability to pay, apply for reimbursement No contact with victim

No alcohol in residence

No Possession or consumption of alcoholic beverages

Not to enter any establishment that primarily sells alcohol

Substance abuse evaluation at own expense within 30 days, follow recommendations

\$ Fine + 5% + \$20 Crime Stoppers Court Costs Composite Costs

\$ 100 Prosecution Costs \$ 823.00 Investigation Costs \$

\$ 40.00 Public Defender Application Fee Public Defender Fees \$

Use Cash Bond for Fines and Fees Community Service in lieu of Fines Court Costs Waived

Restitution \$ to at per month

Court orders restitution and reserves Jurisdiction to determine amount.

All costs to be paid within first of probation/community control Collections Program

Consecutive to Count(s): Case(s): any sentence now serving

Concurrent with Count(s): Case(s): any sentence now serving

DONE AND ORDERED IN OPEN COURT ON THIS 21 DAY OF Sept, 2011

CIRCUIT COURT JUDGE [Signature]

30 Days to Appeal

FILED IN OPEN COURT

Handwritten notes: Any prior mental health evaluation may be substituted. Mental Health assessment evaluation.

State of Florida











v.

Schaller, James L

Case Number: 11-2011-CF-000041-AXXX-XX

Defendant

FINGERPRINTS OF DEFENDANT

1. R. Thumb	2. R. Index	3. R. Middle	4. R. Ring	5. R. Little
				
1. L. Thumb	2. L. Index	3. L. Middle	4. L. Ring	5. L. Little
				

Fingerprints taken by:

Chuck England 0125 DP CCSD
Name 9-21-2011 Title

I HEREBY CERTIFY that the above and foregoing fingerprints on this judgment are the fingerprints of the defendant, Schaller, James L and that they were placed thereon by the defendant in my presence in open court this date.

James L. Schaller
JUDGE

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been

furnished to Lee Hollander

(the Public Defender or the Attorney of Record) by interoffice or U.S. mail

this 23 day of Sept, 2011

By Deputy Clerk: [Signature]

Clerk of the Circuit Court
Collier County, Florida

