

**Volusia Sheriff's Office
Non Arrest Affidavit (Adult) - PASS ALONG**

Case No.: VP250012169

Agency ORI Number: FL0640000	Agency Name: Volusia Sheriff's Office	Juvenile: No	<input checked="" type="checkbox"/> Domestic Violence	<input type="checkbox"/> Marsy's Law
Court Case Number: 2025 104282	Arrestee Armed With:	US Citizen? <input type="checkbox"/> Yes <input type="checkbox"/> No	Citizen of:	
Arrested By: CFDB	ID Number:	Arrested Date:	Arrested Time:	

Reported Date/Time 06/06/2025 14:45:00	Arrest Location	City
State	Zip Code	County
Zone	District	Location Description

Charge No. 1	Felony or Misdemeanor Felony	Statute 782.07 3	Description 782.07 3 HOMICIDE-NEGLIG MANSL - AGGRAVATED OF CHILD	UCR/NIBRS Code 09B	Bond Type	Bond Amount
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Charge No. 2	Felony or Misdemeanor Felony	Statute 827.03 2b	Description 827.03 2b NEGLECT CHILD - NEGLECT CHILD WITH GREAT BODILY HARM	UCR/NIBRS Code 13A	Bond Type	Bond Amount
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Last Name GARDNER	First Name SCOTT	Middle Name ALLEN	Suffix	Sex M	Race White	Ethnicity Non-Hispanic
Date of Birth 8/29/1991	Place of Birth	Wears Glasses	Age 33	Height	Weight lbs	Eye Color
Driver's License Number / State - / -	Social Security Number	Misc ID Number / Type / State - / - / -	SPN			
Contact information						
Last Known Address 311 KENILWORTH AV	City Ormond Beach	State FL	Zip Code 32174	County VOLUSIA	Country	Description
Employer/School Code/Description	Employer/School Name	Employer/School Address	City	State	County	Code
Employer/School Country	Employer/School Phone	Defendant Primary Phone Number (386) 285-6296	Defendant Secondary Phone Number	Residency Resident	Speaks English?	

CLERK OF THE CIRCUIT COURT
 VOLUSIA COUNTY, FL
 2025 JUN 19 PM 2:35
 CC-53

The undersigned certifies and swears that there is probable cause to believe the above-named defendant, SCOTT GARDNER, on the 6th day of June, 2025, at approximately 14:45 hours at 1088 OCEAN SHORE BLVD, Ormond Beach, FLORIDA, violated the law and did then and there.

Narrative Title: Narrative

On Friday, June 6, 2025, the Ormond Beach Police Department responded to 37 Standish Drive, Ormond Beach following a 911 call. The 911 call was placed at approximately 2:45pm by Scott Gardner, who advised his son was not breathing. Scott informed the 911 operator the following, "He has been fine, We, I just picked him up, I got him from school and we came home and now he's, and we went for a ride".

Officer Pedevillano with the Ormond Beach Police Department was the first responding officer. Officer Pedevillano was wearing a body worn camera (BWC) which captures video and audio. Officer Pedevillano was met by Scott in the front yard, and he was brought into the living room area of the residence where he took over life saving measures. Officer Pedevillano attempted to open the mouth of the child to establish an airway in the performance of CPR but was unable to due to the child's jaw being in a rigid state and unable to move. Officer Pedevillano at one point tried prying open [redacted]'s mouth but quit because it was locked closed. Officer Pedevillano would later document in his police report, "the child's joints (arms/knees) were stiff as well. It appeared [rigor mortis] had set in."

Officer Pedevillano was able to gather information from Scott. During the statement, Scott said earlier in the day [redacted] had a low-grade fever and had "boogies." Scott made the following statements, "An hour ago we were hanging out, we ate lunch, playing and laughing" as well as "As soon as I turned on to Granada he was talking." Scott told him they were driving to the park and he noticed something was wrong with [redacted] when he quit talking so he (Scott) reached back and "started slapping him in the face". Scott also told Officer Pedevillano, "I pulled over on the side of the road, I breathed into his mouth, and his eyes opened."

Interviews were conducted with Scott's mother, Jodi Thereault, who lives at 37 Standish Drive, Ormond Beach, as well as Bryan Crivac on June 6, 2025. Jodi and Bryan were at the residence when Scott pulled up and told them that [redacted] was not breathing. Bryan informed Detective Burnett he was outside of 37 Standish Drive, when "Scotty" pulled up and started running with [redacted] towards the door. He said he saw [redacted] was purple. He followed that up by saying the only part of [redacted] that was discolored was the purple on [redacted]'s backside and legs. He stated he could not open [redacted]'s mouth and it was like he [redacted] had "lockjaw" and was biting down. He also advised that [redacted] was "hot."

Jodi informed Detective Burnett she was in the kitchen when Scott arrived running into her house carrying [redacted]. She stated Scott was screaming and [redacted] was "purple." She advised she saw Bryan (her boyfriend) blow into [redacted]'s mouth and try to open it. She said [redacted]'s jaw was so tight. She said Bryan could not open [redacted]'s mouth. She stated it did not appear [redacted] was

choking on anything and was unresponsive.

██████████ had been transported to AdventHealth Daytona Beach where he was pronounced deceased. The actual time ██████████ was pronounced deceased was at 3:30pm. However, Dr. Cuculino, the doctor in the ER, said ██████████ had an internal temperature of 107.8 degrees. He made a statement that ██████████ had been dead for some time based upon the discoloration he ██████████ had as well as the lockjaw being early signs of rigor mortis. There were no obvious signs of trauma to the exterior of ██████████'s body. Dr. Cuculino told Detective Burnett that Scott smelled of alcohol.

Officer Sesemann's BWC video captured Dr. Cuculino inform Scott that ██████████ was deceased. During that conversation, Scott kept telling the doctor to do his job and fix this. Dr. Cuculino advised Scott that ██████████ had been deceased for over an hour.

A nurse at the hospital stated the body cools down about 3 to 4 degrees and hour, so he ██████████ was about 111 degrees when law enforcement first arrived. Another nurse can be heard on Officer Sesemann's BWC while he was at the hospital that she has never seen a child with such a high temperature.

Detective Stage, Detective Ortiz, and Detective Burnett interviewed Scott at the hospital and Scott provided the following information: Scott was getting ready for the day, at their residence, ██████████ (he lived there only with ██████████). Scott noticed that ██████████ seemed to be acting strangely and so he felt his forehead. Scott then used a thermometer to take ██████████'s temperature which read at 99 degrees Fahrenheit. Scott then gave ██████████ a dose of cold medicine and called ██████████'s daycare to advise them that ██████████ had a fever and would not be getting dropped off today. Scott then sent a text message to his employer advising that ██████████ had a fever and that he would be staying home from work today to take care of him.

Scott then fed ██████████ breakfast and stayed in the residence for the duration of the morning until the early afternoon. At approximately 12:00-1:30pm, Scott took ██████████ in his vehicle to go walk at Bicentennial Park located at 1800 Ocean Shore Boulevard. While driving on SR A1A North towards the park, Scott stated that ██████████ became unusually quiet, which caused Scott to become concerned. Scott then reached back and attempted to rouse ██████████ but he was unsuccessful.

Scott pulled over on the right shoulder of the roadway and began attempting to do CPR on ██████████. After determining that this was not an optimal location to handle the situation, Scott re-entered his vehicle and drove to his mother's house located nearby at 37 Standish Dr.

Upon being questioned more about their day, Scott stated that he had gone to Pet Supermarket (1185 W. Granada Boulevard, Ormond Beach) when they opened at 09:00am, to get a refund for a previous purchase. Scott advised that he brought ██████████ with him for the trip and that they had entered the store together and left together without incident. Scott then stated he went back home to his residence before leaving for the park at approximately 12:00-1:30pm.

Scott stated that he took the following route to go to the park: Scott left the house between 12:00-1:30pm, traveling southbound on US HWY 1 to the intersection of W. Granada Boulevard and Yonge Street. Scott then turned left, traveling eastbound on Granada Boulevard until reaching SR A1A, where he turned left and proceeded North on Ocean Shore Boulevard. Scott stated that shortly after passing the intersection of Neptune Avenue and Ocean Shore Boulevard he had pulled over to check on ██████████ and then called 911.

Scott confirmed that he was the only one in the direct presence or care ██████████ for the entire duration of the day, and that ██████████ did not have any health conditions which would be related to his unexplained death.

On Monday, June 9, 2025, detectives learned that Scott had made additional trips on June 6, 2025, that he had not disclosed to law enforcement when he was interviewed on June 6, 2025. Detectives learned that Scott had stopped at Hanky Panky's Lounge, located at 1088 Ocean Shore Boulevard, Ormond Beach.

Scott opened a tab at the Hanky Panky's Lounge on the day of ██████████'s death. The first tab was opened at 12:56pm and consisted of

the following items:

- Domestic Bottle Beer
- X2 Call Shots

Total: \$15.50

Detectives began to interview employees at Hanky Panky's and customers who were at Hanky Panky's on Friday, June 6, 2025. Michael Ford provided the receipt that showed Scott used his credit card for the bar tab that was closed out at 12:56pm. Another receipt was provided that showed Scott closed out another bar tab on June 6, 2025, at 11:48pm. Kristen Talbot, a bartender at Hanky Panky's advised she served Scott and his mother on the evening of June 6, 2025. She said she paid for their tab (11:48pm receipt) because Scott told her that he had just lost his son earlier that day. She advised she did hear from someone that Scott was in the bar earlier in the day.

Detectives interviewed Ashley Cagle, who was a bartender at Hanky Panky's that was working on June 6, 2025. She stated another bartender (Kayla) asked her to come and help. She said she arrived around noon and Scott was there and they talked about one of the other bartenders being sick. She advised she took another customer home; this was after 2pm, and Scott was still at the bar. She stated at no time did a child come into the bar.

Sergeant Pagliari interviewed Markala Oman who was also working at Hanky Panky's on June 6, 2025, between noon and 7pm. She stated Scott arrived at the bar around 12pm. She remembered having a conversation with him about [REDACTED] having a low-grade fever. She stated Scott had one bottle of beer as well as a shot of Fireball. She remembered cashing Scott out at 12:56pm. She stated before Scott left, a customer had come into the store and told her they had backed into her vehicle. She said she asked Scott to look at the damage, and she remembered this was shortly after 1pm. She remembered the time because she had sent her boyfriend a text message about her vehicle. She stated after Scott looked at her vehicle, he came back into the bar and had another beer and shot.

Detective Dovine (Ormond Beach Police Department) conducted an interview with Morgan Kleotzer on June 10, 2025. She advised she is a friend of Scott's and has known him for years. She provided multiple interviews to law enforcement, but in the interview on June 10, 2025, she said she was at Scott's mother's house earlier in the day. She said Scott's sister was present as well as another individual. During this conversation, Scott told her that he had left [REDACTED] in his truck while he drank inside of Hanky Panky's.

Detectives canvassed the immediate area around Hanky Panky's for video surveillance or witnesses. Detective Mele and Detective Fowler (Ormond Beach Police Department) interviewed Andrea Erli, who cuts hair at Classic Cuts (1100 Ocean Shore Boulevard, Ormond Beach). Andrea stated she remembered cutting Scott's hair on Friday, June 6, 2025. She said Scott came in around 11:30am, while she was cutting someone else's hair. She had the receipt for the other customer who paid her at 11:41am. She stated when she finished with Scott's hair it was around 12pm. Andrea said she knew Scott and identified him from a picture Detective Fowler showed her. When Andrea made the identification looking at the picture she stated, "Oh my god, that's the baby, I never saw the baby." Andrea provided a sworn written statement.

Detectives obtained video surveillance from Latitude Margaritaville (1057 Ocean Shore Boulevard, Ormond Beach), which is approximately 440 feet south of Hanky Panky's. The video surveillance showed Scott's vehicle traveling south on Ocean Shore Boulevard at 2:43pm. Scott's mother's house is approximately 1.0 mile south of Hanky Panky's and the 911 call Scott made was at approximately 2:45pm.

Detective McGuire conducted a sworn, recorded interview with Scott on Friday, June 13, 2025. Initially in the interview, Scott provided Detective McGuire with the same timeline he had provided the Ormond Beach Police Department on June 6, 2025. Detective McGuire began to tell Scott information had surfaced that he was at Hanky Panky's on Friday, June 6, 2025. Scott eventually provided a timeline for his day that more accurately reflected the evidence that has been collected to that point. Scott stated he and [REDACTED] went to Pet Supermarket around the time they opened and were there about half an hour (9:30am to roughly 10am). Scott stated he took [REDACTED] back home (311 Kenilworth Avenue, Ormond Beach) to play for a while. Scott advised that [REDACTED] and he went up to Hanky Panky's. Scott said around noon he went next to the barbershop and was there only a few minutes. Scott stated he had his usual at the bar, and maybe another drink after he had helped a bartender who had her vehicle backed into. Scott confirmed that when he received his haircut and was in the bar, he had left [REDACTED] in the vehicle. He stated the truck was off, the windows were rolled down, and he had a battery operated fan pointed in [REDACTED]'s direction. Scott advised when he returned to his vehicle, he observed something was not right with [REDACTED], so he blew into his mouth. Scott stated [REDACTED]'s eyes opened and he drove straight to his mother's house.

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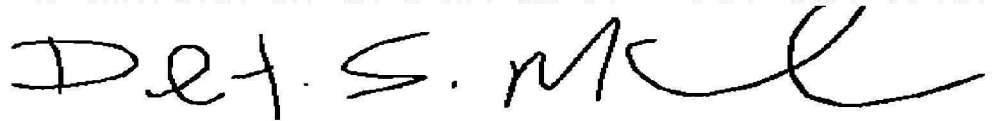
Dr. Ripple, Associate Medical Examiner, performed the autopsy on [REDACTED]'s body. Preliminary information obtained was that [REDACTED] died of Hyperthermia and she concurred with Dr. Cuculino, and that [REDACTED] had been deceased at least an hour before he arrived at the hospital.

Based upon evidence collected and statements made, there is probable cause to charge Scott with Aggravated Manslaughter of a child and Child Neglect Causing Great Bodily Harm, with the death of [REDACTED] Gardner, who is approximately 1.5 years old. On Friday, June 6, 2025, Scott knowingly and willfully left his child in a vehicle for multiple hours while he (Scott) received a haircut and consumed alcoholic drinks at a bar (Hanky Panky's). [REDACTED] was left by himself, and with his age he is unable to care for himself or get free from the vehicle that was left parked during the day (roughly 11:30am to 2:40pm) in the Florida heat (approximately 90 degrees). During this time, based upon the statements, there is no indication Scott checked on his child after parking the vehicle for his haircut and going into the bar. Scott's own statements were that he did not leave the air conditioner on in the vehicle for the child but instead had left the windows down and pointed a small battery powered fan in [REDACTED]'s direction.

Officer No. 1

I swear/affirm the above statements are correct and true

Officer Signature



Officer Name
McGuire, Shon 1652

Involvement Type
Issuer

Involvement Date
06/19/2025 09:19:00

Signature Type
A Digital Signature

Notarizing Officer No. 1

Sworn to (or affirmed) and subscribed before me by means of (X) physical presence or () online notarization, this 19 day of June, 2025

Officer Signature



Officer Name
Wheeler, Steven 7960

Involvement Date
06/19/2025 09:19:00

Signature Type
A Digital Signature

Notary Public

Law Enforcement or Corrections Officer

Personally Known

Produced Identification

Type of Identification

Others Involved/Evidence

Court Case Number:

Other Involved Person No. 1 - VICTIM

Last Name First Name Middle Name Suffix Sex Race Ethnicity

Date of Birth Place of Birth Age Height Weight Eye Color Hair Color Hair Length

OTHER INVOLVED

Organization No. 1

Organization Name

Involvement Type

Organization Phone

Address

Apt

City

State

Zip Code

County

Country

ORGANIZATION

Volusia Sheriff's Office
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Officer No. 1

I swear/affirm the above statements are correct and true

OFFICER

Officer Signature

Det. S. McKel

Officer Name
McGuire, Shon 1652

Involvement Type
Issuer

Involvement Date
06/19/2025 09:19:00

Signature Type
A Digital Signature