



# CITY OF ORMOND BEACH

Office of the City Attorney • P.O. Box 277 • 173 South Beach Street • Ormond Beach, FL 32175-0277 • (386) 676-3217 • Fax (386) 676-3321

March 31, 2023

Burt Colucci  
National Socialist Movement Corporation, Inc.  
Post Office Box 423223  
Kissimmee, FL 32742-3223  
[CommanderColucci@nsm88.org](mailto:CommanderColucci@nsm88.org)

Re: National Socialist Movement Corporation, Inc.; application for special event permit

Dear Mr. Colucci:

The application submitted on behalf of the National Socialist Movement Corporation, Inc., for a conditional special event permit is untimely, deficient and incomplete and therefore, must be denied because it does not comply with the city's regulations and laws. The application requires the city to grant a special event permit with specific conditions that expressly conflict with Chapter 15, Article III of the city's Code of Ordinances pertaining to the issuance of permits; and Chapter 14, Article X regarding public nuisance hate groups.<sup>1</sup> The city is prohibited from issuing a special event permit unless the application meets all applicable requirements of the city's regulations and law, including additional conditions that are deemed to be reasonably necessary.<sup>2</sup>

The untimely application is dated March 11, 2023 for an event to be held on April 22, 2023. A fully completed application must be submitted to the city at least sixty calendar days before a proposed event.<sup>3</sup>

The application states that the National Socialist Movement will not provide any insurance for the event. By ordinance, an event organizer, which would include the National Socialist Movement, is required to provide comprehensive general liability insurance that meets the city's minimum insurance requirements *and* to hold harmless and indemnify the city (including its officers and employees) from and against all liability arising from or related to the event. These requirements cannot be waived or reduced.<sup>4</sup>

The refusal by the National Socialist Movement to pay for necessary expenses for law enforcement services in the interest of public safety and to avoid any contact with the Volusia County Sheriff's Department raises significant public safety risks. The Volusia County Sheriff's Department is empowered to enforce laws throughout Volusia County, including within the city of Ormond Beach. The city has no legal authority to issue a permit restricting or impeding the duties of the Volusia County Sheriff's Department. These unreasonable

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<sup>1</sup> Including section 823.05 and Chapter 874, Florida Statutes

<sup>2</sup> Sections 15-100, 15-102 and 15-103, Code of Ordinances

<sup>3</sup> Sections 15-100, Code of Ordinances

<sup>4</sup> Section 15-104, Code of Ordinances

conditions, required by the National Socialist Movement for the issuance of a permit, present an unreasonable risk of danger to the health, safety and welfare of the general public, and to governmental personnel.<sup>5</sup>

The National Socialist Movement appears to be an on-going hate group whose members regularly promote in electronic media, printed material and events, animosity, violence, hostility, and malice against people because of race, gender, religion, creed, disability, sexual orientation, ethnicity, or national origin.<sup>6</sup> Members of the National Socialist Movement share a common style of dress, symbols, logos, images, and signage that is publicly displayed in an on-going manner to further its primary purpose of promoting hatred and violence. The website of the National Socialist Movement provides credible evidence of the on-going illicit purpose as a hate group<sup>7</sup>, including “The NSM 25-Point Plan.” The display of common style of dress, symbols, logos, images, and signage establishes a presumption under section 14-103.3 of the city’s Code of Ordinances that the National Socialist Movement is a recognized hate group.

Prominent members and leaders of the National Socialist Movement have been arrested, charged and/or convicted for committing hate related crimes. Specifically, Mr. Joshua D. Terrell, your co-defendant, was charged and adjudicated guilty on March 10, 2023 in Orange County, Florida with violation of Chapter 784.03(1)(A)(1), battery (Evidencing Prejudice), a third degree felony. The crimes were committed at a rally of the applicant. You, as a co-defendant with Joshua Terrell, are currently charged in Orange County, Florida with violation of Chapter 784.03(1)(A)(1), battery (Evidencing Prejudice) with a trial date scheduled in June 2023. A copy of the charging documents are attached hereto. You are also indicted in Arizona for committing hate-related offenses at rallies there.

The city also cannot issue a special event permit to the National Socialist Movement because it fails to comply with all conditions that are required by Chapter 15, Article III of the city’s Code of Ordinances; and, because the organization and its members are a public nuisance hate group as provided in Chapter 14, Article X of the city’s Code of Ordinances that promotes violence, on-going animosity, hostility, and malice against people because of race, gender, religion, creed, disability, sexual orientation, ethnicity, and national origin.

**The National Socialist Movement has a right to appeal the denial of the special event permit, and to appeal the presumption that the National Socialist Movement is an on-going hate group, to the city commission. The next regularly scheduled meeting will be on April 18, 2023. If you desire to appeal the determination to the city commission, you must submit your request, together with all material you wish to be considered, to my office no later than 5:00 p.m. April 10. All decisions by the city commission constitute final agency action and any further appeal, if necessary or desired, shall be filing a writ of certiorari with the Volusia County circuit court in accordance with section 15-103(b) of the city’s Code of Ordinances and the Florida Rules of Civil Procedure.**


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<sup>5</sup> Section 15-102, Code of Ordinances

<sup>6</sup> Southern Poverty Law Center; Anti-Defamation League; National Gang Intelligence Center; Federal Bureau of Investigation

<sup>7</sup> [www.nsm88.org](http://www.nsm88.org)

Sincerely,

A handwritten signature in blue ink, appearing to read "Randal A. Hayes". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Randal A. Hayes, Esq.  
City Attorney

C: City Commission  
City Manager

IN THE CLERK'S OFFICE OF THE NINTH JUDICIAL CIRCUIT COURT OF ORANGE COUNTY, STATE OF FLORIDA

THE STATE OF FLORIDA

VS.

JOSHUA D. TERRELL, and

BURT COLUCCI

48-2022-CF-001337-O

INFORMATION # 48-2022-CF-001340-O

DIVISION - 17

1. BATTERY (Evidencing Prejudice) (F3-L1)

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

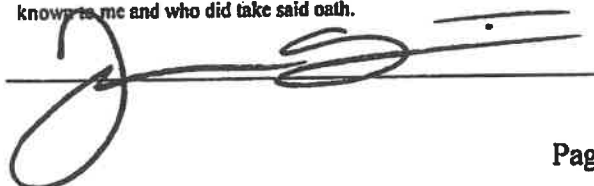
MONIQUE H. WORRELL, State Attorney of the Ninth Judicial Circuit prosecuting for the State of Florida in Orange County, or MONIQUE H. WORRELL, State Attorney of the Ninth Judicial Circuit prosecuting for the State of Florida in Orange County, by and through the undersigned Designated Assistant State Attorney, under oath, CHARGES that JOSHUA D. TERRELL, and BURT COLUCCI, on or about the 29th day of January, 2022, in said County and State, did, in violation of Florida Statutes 784.03(1)(a)(1) and 784.03(1)(a)(2) and 775.085, commit a battery upon DAVID NEWSTAT, and in furtherance of said battery, the said defendants did actually and intentionally touch or strike the said DAVID NEWSTAT, against the will of the victim or did intentionally cause bodily harm to DAVID NEWSTAT, and JOSHUA D. TERRELL, and BURT COLUCCI did intentionally select DAVID NEWSTAT as a victim based on the race, color, ancestry, ethnicity, religion, sexual orientation, national origin, mental or physical disability, or advanced age of DAVID NEWSTAT.

This information encompasses the transaction and all charges listed on complaint number 48-2022-CF-001337-O and 48-2022-CF-001340-O. The Orange County Sheriff's Office and the Orange County Corrections Department shall substitute the charge(s) indicated on the information for those on the above cited complaint. The bond(s) shall remain the same as that last set on 48-2022-CF-001337-O and 48-2022-CF-001340-O.

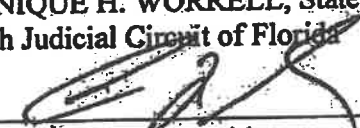
STATE OF FLORIDA  
COUNTY OF ORANGE

Personally appeared before me Christopher Lillard Smith, Assistant State Attorney of the Ninth Judicial Circuit of Florida, who being first duly sworn, says that he/she has received testimony under oath from the material witness or witnesses, which if true, would constitute the offense herein, and that he/she institutes the prosecution in good faith.

The foregoing instrument was acknowledged before me this day of March, 2022 by the aforementioned Assistant State Attorney who is personally known to me and who did take said oath.



MONIQUE H. WORRELL, State Attorney  
Ninth Judicial Circuit of Florida

By   
Christopher Lillard Smith  
Designated Assistant State Attorney  
Florida Bar No. 367461



JENNA WHITE  
Commission # HH 162702  
Expires August 9, 2025  
Bonded Thru Digital Notary Services

CS/CS

In the Circuit Court of the  
Ninth Judicial Circuit, in and  
for Orange County, Florida

Division: Div 17  
Case No: 2022-CF-001337-A-O  
Courtroom: 12-D

State of Florida,  
Plaintiff,

vs.

JOSHUA D. TERRELL  
Defendant.

Date of birth: 1/28/1976  
SSN: ██████████

### JUDGMENT

The defendant, JOSHUA D. TERRELL, being personally before this Court, represented by OFFICE OF PUBLIC DEFENDER, and the state represented by The State of Florida:

1. BATTERY(EVIDENCING PREJUDICE)	784.03(1)(A)(1)	Third Degree - Felony	Nolo Contendere	1 - Adjudicated Guilty
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Filed in Open Court on March 10, 2023

Deputy Clerk in Attendance: , , Matthew L., Tremayn C.  
Office of Tiffany M. Russell, Orange County Clerk of the Circuit and County Courts

Previously Assigned to: <b>Div:</b> <b>-HI-</b> TO BE COMPLETED BY HOMICIDE ONLY
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AGENCY CASE NUMBER: 22-006960

COURT CASE NUMBER: \_\_\_\_\_

**IN THE CIRCUIT COURT OF THE  
NINTH JUDICIAL CIRCUIT IN AND  
FOR ORANGE COUNTY, FLORIDA**

**STATE OF FLORIDA**

vs.

NAME: **Burt Colucci**

D.O.B: **3/28/1976** RACE/SEX: **White/ Male**

HOME ADDRESS: **1238 Honeytree Lane East, Lakeland, Florida 33801**

PHYSICAL DESCRIPTION: HEIGHT: **6'0** WEIGHT: **240 lbs** HAIR: **Brown** EYES: **Brown**

SOCIAL SECURITY NUMBER **[REDACTED]**

DRIVERS LICENSE NUMBER: **Florida; C420-060-76-108-0**

**AFFIDAVIT FOR ARREST WARRANT**

STATE OF FLORIDA  
COUNTY OF ORANGE

Comes now the affiant, **Robert Fischer, 7706**, a sworn law enforcement officer, to wit: a **Deputy Sheriff** for the **Orange County Sheriff's Office**, submitted via a secure electronic file system before the below signed Judge, **The Honorable Michael Deen**, Judge, in and for **Orange County, Florida, Ninth Judicial Circuit**, who makes this affidavit and states under oath that affiant has probable cause to believe that certain laws have been violated **Orange County, Florida**, and that on/between **January 29, 2022**, the Defendant, **Burt Colucci**, did violate Florida State Statute(s), and commit the offense(s) of:

**C1: Battery (Evidencing Prejudice)**

**FSS: 784.03-5**

Your affiant, **Robert Fischer, 7706**, is and has been since **November 6, 2014**, a duly sworn **Deputy Sheriff**, with the **Orange County Sheriff's Office**.

Your affiant, **Deputy Sheriff Robert Fischer**, is a lawfully sworn **Deputy Sheriff of Orange County, Florida**. Your affiant graduated from the **Kenneth C Thompson Institute of Public Safety at Polk State College in Polk County, Florida**. Your affiant has worked in the **Uniform Patrol Division, JAM Unit, Night General Investigations Squad**, and in the current role as **Detective in the Persons Crimes Squad**. During this time, your affiant has authored numerous legal documents, to include multiple search and arrest warrants.

YOUR AFFIANT, IN THE COURSE OF THIER OFFICIAL DUTIES, HAS COME TO INVESTIGATE:

On **January 29, 2022**, the **Orange County Sheriff's Office** initially responded to the intersection of **North Alafaya Trail and Waterford Lakes Parkway** in reference to multiple subjects in **Nazi uniforms** in the area making hand gestures and yelling racist comments at passing motorists.

At approximately **1331 hours** deputies responded to the intersection in reference to a young male being pepper sprayed by individuals associated with the **Nazi gathering**. Deputies located the victim, as well as multiple demonstrators in the area, all apparently suffering from chemical agent being deployed. The deputies, at the initial scene had limited video evidence, and were unable to determine a primary aggressor.

Since this incident your affiant has been able to obtain multiple videos that were captured by the victim, passersby, as well as the demonstrators.

Your affiant spoke to the victim on January 31, 2022, and again on February 1, 2022 to obtain an accurate depiction of events. The victim stated the following is a synopsis of their statements:

On January 29, 2022 the victim was driving on North Alafaya Trail, preparing to turn right on Waterford Lakes Parkway, when he observed a group of protestors, wearing insignia commonly associated with Nazi or neo-Nazi groups, shouting at passing vehicles. The victim stated demonstrators spat in his direction and some spit may have come into his vehicle through the sunroof. The victim exited his vehicle, left his driver side door open, and walked toward a group of protestors, many of whom had swastikas prominently displayed. The group began yelling several anti-Semitic statements at the victim. The victim displayed a "Star of David" charm (a symbol associated with the Jewish faith) he wears on his necklace, and he engaged in the verbal argument with the protestors where he openly stated he was of Jewish faith. The victim also had an Israeli flag prominently displayed on his license plate holder at the rear of his vehicle.

One of the protestors, whom the protestors refer to as "Grandfather", walked toward the victim's open driver's side door. The victim was able to move the subject aside and re-enter his vehicle. It should be noted that during my review of videos I heard this individual say he was planning on taking the victim's vehicle. Once inside the vehicle the victim engaged in a verbal argument with "Grandfather." The victim states the "Grandfather" spit on the victim, so he threw a crumpled up piece of paper at the subject, then the "Gandfather" spat on him again. The victim said he exited his vehicle, and pushed "Grandfather." Multiple people from the group approached him, and he was pepper sprayed and punched before he was able to get assistance from other motorists to get him and his vehicle to safety.

It should be noted that deputies spoke with someone who identified himself as "Dave," but refused to provide his full identity or any statement on what occurred. It appears that "Dave" is the same individual referred to as the "Grandfather" by the demonstrators. Additionally, members of the demonstrator group that did speak with deputies provided similar accounts, but did not include statements that a member of their demonstration spat on the victim. Deputies on-scene also spoke with a witness who reported seeing the victim recording the demonstrators and getting spat on.

The victim stated he had an Apple iPhone 13 knocked from his hand during the incident. The victim returned to the scene after the incident and was able to recover his phone in a storm drain that was near where the incident occurred. The victim provided a billing statement for his Apple iPhone 13 Pro, which shows the retail price as \$999.99.

The victim captured one of the vehicles leaving the area, and identified the driver of the vehicle as Burt Colucci. The victim was able to provide materials linking Colucci to the National Socialist Movement, the Anti-Defamation League has identified this group as a neo-Nazi organization. The victim also provided me the video he captured during the incident which prominently featured Colucci, and another video captured by a passerby showing Colucci pepper spraying the victim. The victim also provided an item of clothing that appears to have staining from a bodily fluid, possibly saliva. The item of clothing was taken into evidence and is pending forensic examination.

The suspects in this case are well known members of the National Socialist Movement with significant public presence on online media associated with the National Socialist Movement. The victim identified Burt Colucci as the person who pepper sprayed him. He was also able to identify him based on open-source information.

Through the videos the victim collected of the incident he was able to point out some of the individuals in the videos of the incident and explain their involvement. Based on what the victim explained, open source information, a detailed tip, law enforcement databases and intelligence, I was able to confirm the identity of the subject who stole the victim's phone as Jason Brown, and the subject that punched the victim as Joshua Terrell. I used law enforcement information to confirm all three subject's

**demographic information.**

**The victim stated he feels he was attacked due to his Jewish faith, he is willing to testify in court in reference to this incident, and wishes to prosecute criminally.**

**I reviewed multiple videos that I obtained during my investigation. The following is a description of the event as documented on the video evidence:**

**The victim arrived in his vehicle, exited, and approached several individuals who were shouting anti-Semitic slurs, including, "That's the Jew!", "You fucking Kike motherfucker!", "You filthy Jew," and "Filthy fucking Kike!" It appeared that these slurs were being shouted on a megaphone loud enough for all the demonstrators to hear. Most of the demonstrators were wearing military style uniforms with swastikas and neo-Nazi patches displayed on their person. The victim identified himself as belonging to the Jewish faith and displayed a "Star of David" charm to the demonstrators.**

**The victim had an interaction that was captured on video with Bert Colucci, who was dressed in a black "NSM" hat and a black shirt with a swastika armband on his left arm, approached the victim and stated, "You're an ugly fucking Jew." Colucci can clearly be seen spitting at the victim, and the victim said, "Don't you dare spit on me again." Later Colucci repeatedly said, "Fuck you Jew." As the verbal argument between the victim and the group continued Colucci told the victim, "Go back to Israel you ugly fucking kike." During this time a male, later identified as Joshua Terrell, stood approximately thirty feet from the victim, waving a flag with a large swastika while looking at the victim. At one point during the interaction, the crowd can be heard chanting "We hate Jews." During the victim's interaction with the demonstrators. Someone from the crowd can be heard yelling, "Beat the shit out of him!" Colucci is clearly identifiable on the video captured by the victim.**

**Jason Brown was a few feet of the victim, wearing a red hat white with a white swastika, and a black shirt with a swastika arm band on his left arm. Brown is carrying a megaphone and Israeli flag, which he desecrates in an attempt to provoke the victim. Brown told the victim, "I guess your parents must have missed the oven." These actions were in reference to the victim's Jewish faith. Brown also stated, "If you touch one of us, I'ma knock you out." Browns statement appears to be an attempt justify an excessive attack for minor contact with any member of the demonstration. Brown also yelled anti-Semitic slurs on a megaphone. Brown is clearly identifiable on video captured by the victim.**

**While interacting with the demonstrator the victim noticed a white male, whom protestors referred to as "Grandfather". He was approximately six feet tall, approximately seventy five years of age, dressed in a black hat and black shirt with swastika on his left arm. "Grandfather" walked toward the victim's open car door, and the victim was able to push him aside and safely enter his vehicle. As this is occurred several in the group yelled, "We hate Jews." "Grandfather" walked to the victim's passenger side window, and another verbal argument began. The victim threw a piece of paper at "Grandfather", and "Grandfather" responds by spitting on the victim. The victim exited his vehicle, and encounters "Grandfather" near the rear of the vehicle, where the victim pushes "Grandfather."**

**As victim retreated toward the driver side of his vehicle he dropped his phone and Jason Brown, still wearing the red hat and carrying the megaphone, picked up the victim's phone and ran back to the side of the road. The victim later found his phone damaged beyond repair and shared a video of his phone inside of a storm drain submerged in water.**

**The victim tried to enter his car to leave, but Colucci approached him from the front of the vehicle and deployed a chemical agent, striking both the victim and demonstrators in the area.**

**Terrell approached the victim at about the same time Colucci deployed the chemical agent and struck him multiple times with closed fists. At the time this incident occurred "Grandfather" is not seen in the immediate area as the interaction between the victim and him had concluded. A video of the incident obtained through open source shows Terrell saying, "I just fucking pliced him up," and "I**



hit him with a six piece.” This is an obvious reference to Terrell striking the victim.

Other motorists in the area were able to get the victim and his vehicle out of the area.

Additionally, an open source social media post, apparently made by Burt Colucci, referenced the incident and stated “Orlando event today. A 75 year old man with us was physically attacked by an open Jew. The problem was addressed and the Jew was dealt with. He won’t forget today for a long time.”

Based upon my investigation Burt Colucci did intentionally touch or strike the victim by Colucci intentionally deploying chemical agent on the victim. At the time of the battery, the victim was attempting to leave the area the demonstration was occurring. Based upon the victim telling the defendant his faith, Colucci repeatedly referring specifically to the victim and his Jewish faith, and using slurs referring to the victim’s faith, there is probable cause to conclude that the attack was motivated by the suspect’s prejudice against the victim’s Jewish faith in violation of Florida statute 784.03-5

Based on the above facts your affiant is respectfully requesting this arrest warrant for the above charge.

**Robert Fischer, 7706**

**AFFIANT**

SWORN TO AND SUBSCRIBED before me in the County and State aforesaid this 2 day of February, 2022.

**Sgt. Matthew Collins; 5511**

**PLACED UNDER OATH BY**

# ARREST WARRANT

## CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT

IN AND FOR

### ORANGE COUNTY, FLORIDA

State of Florida  
v.  
**Burt Colucci**  
*Defendant*

Previously Assigned to Div:	-HI-
Agency Case No.:	22-006960
Court Case No.:	



DOB: 3/28/1976  
 Race/ Sex: White/ Male  
 Height: 6'0  
 Weight: 240 lbs  
 Hair: Brown  
 Eyes: Brown  
 Social Security: [REDACTED]  
 Driver License: Florida; C420-060-76-108-0  
 Address: 1238 Honeytree Lane East, Lakeland, Florida 33801

**TO: ALL AND SINGULAR SHERIFF'S OF THE STATE OF FLORIDA, AND THEIR SWORN DEPUTIES OR SPECIAL DEPUTIES; CHIEFS OF POLICE AND THEIR DULY SWORN OFFICERS; ANY INVESTIGATOR OF THE SEVERAL STATES ATTORNEY'S OFFICE; AND/OR ANY LAW ENFORCEMENT OFFICER, STATE OR FEDERAL:**

An Affidavit or sworn Complaint having this day, via a secure electronic file system, been presented to me, the Honorable Michael Deon, Judge, in and for Orange County, Florida, Ninth Judicial Circuit wherein it is alleged that on/between **January 29, 2022**, and present in Orange County, Florida, the Defendant, **Burt Colucci**, did in violation of Florida State Statutes and commit the offense(s) of:

**C1: Battery (Evidencing Prejudice)**

FSS: 784.03-5

Therefore, you are hereby commanded to arrest instanter the said Defendant if he/she be found within your jurisdiction, and bring him/her before the proper court to be dealt with according to law.

C1: \$10,000

The said Defendant shall be admitted to bail in the total sum of \$ 10,000

Other conditions of release shall include: No contact with the victim, not to possess any firearms, pepper spray, or any weapons whatsoever

  
 JUDGE, NINTH JUDICIAL CIRCUIT

**RETURN**

Received the within original Warrant on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, and executed the same in \_\_\_\_\_ COUNTY, Florida on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by arresting the within named Defendant, and at the same time informing him/her of the cause of arrest and the issuance of this warrant.

John W. Mina  
 SHERIFF OF ORANGE COUNTY

By \_\_\_\_\_, D/S