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October 24, 2011

Mr. Michael Coffin, Director
Department of Public Protection
125 W. New York Avenue, Suite 183
DeLand, FL 32720

Re: Response to Notice of Intent to Dismiss Richard Gardner
Pursuant to Section 455(f)(2) of the Volusia County
Merit System Rules and Regulations.

Dear Mr. Coffin:

This firm represents Captain Richard S. Gardner. I am writing in regard to the Notice of Intent to Dismiss dated October 18, 2011 ("NOI"), from you, as Director of the Department of Public Protection, to Captain Gardner. The NOI acknowledges that the applicable Merit System Rules and Regulations provide Captain Gardner a right to respond and provides a deadline of Monday, October 24, 2011 at 4:30 p.m. as his deadline to do so. This letter is Mr. Gardner's response.

Summary of Response

The NOI begins by stating that, "as a result" of Capt. Gardner's "actions documented in IA 2011-09297", you intend to dismiss him "from employment with the County of Volusia." As explained below, however, the actions "documented" in IA 2011-09297 do not provide just cause for dismissal of Capt. Gardner's long-standing employment with the County of Volusia. Indeed, the NOI concedes the IA investigation did not yield sufficient grounds to dismiss Capt. Gardner when it alleges, as additional grounds for dismissal, matters outside the IA investigation and report, including "evidence" not disclosed to Capt. Gardner prior to his interview and unrecorded questions and statements. By relying upon these additional matters, you and the County have violated Captain Gardner's rights provided by the Law Enforcement Officers' Bill of Rights codified in Section 112.532, Florida Statutes. Worse, as addressed below, you relied upon evidence that you have manufactured in violation of multiple provisions of Florida law, including the criminal "Official misconduct" statute codified at Section 838.022, Florida Statutes.

Contrary to your assertions, Capt. Gardner did not violate any policy or statute. Nor did he provide any untruthful statements in the internal affairs investigation or otherwise. In short, the County does not have just cause to dismiss Capt. Gardner or to take *any* adverse employment action whatsoever against him.

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It is plain to see that your decision to fire Capt. Gardner is the result of pressure you came under from the local newspaper for not following up on the "anonymous" letter referenced in your NOI in a timely manner as well as pressure that you and the County are under as a result of the Tameris and Simmons cases. On October 18, 2011, Director Sweat and Deputy Chief Scott Petersohn followed Capt. Gardner to his house to recover his weapon and car. Petersohn agreed that Capt. Gardner's fate is attached to the Simmons and Tameris case (and wished him luck). Sure enough, this was confirmed the next day when we read pages 3 and 4 of the NOI. Mr. Dave Byron then re-confirmed this fact in his press release and statements to the press.

It is also plain to see that you are trying to twist something that is, at most, a policy failure, which would be your fault, into a policy violation that you intend to pin on Capt. Gardner. As you were reminded when the Tameris and Simmons allegations came to light, the County does not have an anti-fraternization policy pertaining to off-duty conduct. As you are also aware, the County has not made any new policies in that regard since that time, nor have you suggested it do so. Whereas there is a criminal statute that prohibits the conduct alleged against Tameris and Simmons, the conduct for which you intend to fire Captain Gardner is not even a policy violation. The subject relationships were between consenting adults and did not involve direct report relationships at work. It appears, then, that you have identified what you now perceive to be a policy failure and have set out to spin it as a policy violation against Capt. Gardner. Indeed, your claim that Capt. Gardner violated policy is belied by the fact that you have taken no action against Winters or any of the many other employees in the Division, indeed your Department as a whole, who have engaged in and continue to engage in the same conduct. This constitutes a violation of Merit Rule 86-451, which requires that adverse action taken be based upon cause supported by sufficient evidence, be consistent with other such actions taken throughout county government, and be fair and equitable.

More fundamentally, you and the County have violated the due process policies in place by usurping Director Sweat's authority to make this decision. This constitutes a violation of Departmental Standards Directive 27.01.33. As Director of the Division of Beach Safety and Capt. Gardner's immediate supervisor, it was Director Sweat's decision as to what adverse employment action to take, if any, assuming just cause. Indeed, the IA report's cover letter from Deputy Director Jim Ryan to you stated: "By copy of this memorandum, the Director of the Beach Safety Division is directed to review and initiate appropriate disciplinary action."

However, as you know because he told you, Director Sweat did not see grounds for dismissal and would not have fired Capt. Gardner. In fact, he told you that he did not even see a policy violation. When Director Sweat pressed you on what policy Captain Gardner violated, you could not answer.¹ Nevertheless, you instructed Director Sweat to tell Capt. Gardner to resign by 5:00 Friday or be fired.² When Director Sweat asked you who made the decision, you said "you don't need to know . . . it's done." Thus, when you realized that Director Sweat, rightfully, would not yield to external pressures and fire Capt. Gardner for conduct that is neither a policy violation, nor uncommon in County government, you took the decision away from him.³ Director Sweat thereafter refused to endorse a policy violation.

¹ That was a violation of Departmental Standards Directive 27.01.24.

² That was a violation of Merit Rule 86-427.

³ On October 13, Director Sweat summoned Capt. Gardner to his office. Director Sweat was clearly upset when Capt. Gardner entered his office. Director Sweat informed Capt. Gardner that:

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"Anonymous" letter

Before addressing, the serious errors of fact, reasoning and law set forth in the NOI, I first address the so-called anonymous letter since the NOI acknowledges that you initiated the internal affairs investigation of Capt. Gardner based upon that letter.

The letter was sent four times. It was first sent on August 23, 2011, to you. It was next sent on September 11, 2011, to the Beach Department. The letter was sent a third time on September 14, 2011, again to you. At no point during this time period did you open an internal affairs investigation. The letter was sent a fourth time during the week of September 19th to the local newspaper. According to Director Sweat, you then received a call from a reporter, who by then knew you had had the letter for a month and who asked why you were not doing anything about it. It was not until you received this question that you initiated the internal affairs investigation. In short, you sat on the letter and only acted when questioned by the paper. Juxtaposed against this fact, the indignant tone contained in the NOI and Dave Byron's media statements is clearly a contrived pretense.

You have recently admitted, in the presence of Deputy Director Jim Ryan and others, your interest in pursuing this matter is self-preservation because, as you said, it is no secret that you are running for Sheriff in 2016. The fact that you did nothing with the "anonymous" letter until confronted by the local paper clearly demonstrates that your decision to fire Mr. Gardner was an act of self-preservation. You also admitted that if you had known about "this" before the anonymous letter, you could have done something about it. This obviously implies that if the letter had not been sent, then Capt. Gardner would not have received the NOI.⁴

As to the anonymous letter, it is common knowledge that anonymous letters are inherently unreliable since, among other reasons, they are written by people who lack the courage to stand behind their accusations and who often have axes to grind, biases to exploit or personal agendas to pursue. This letter, which is full of half-truths and lies, is no different.

"They told me that they intend to dismiss you" and that they said Capt. Gardner had until 5:00 Friday, October 14, and not one minute later, to resign or be fired. When Capt. Gardner asked "Who's they?", Director Sweat said that when he asked you who made the decision, you told him "You don't need to know . . . it's done." Capt. Gardner then said "you gotta be kidding me", to which Director Sweat responded by saying, "That's exactly what I said to them." Capt. Gardner then said to Director Sweat, "Wow, I'm like your starting quarterback" to which Director Sweat responded by saying, "I know, I can't believe this." When Capt. Gardner asked what policy he violated, Director Sweat said, "I have no idea Rich, I told them it looks bad, it smells bad, it is bad, but guys we simply don't have a policy violation here."

⁴The only thing that changed between then and now is the anonymous letter and the heat you felt from the press as a result of the anonymous allegations contained therein. That does not constitute just cause for dismissal of Capt. Gardner. If you weren't going to fire him before the letter and the only thing that changed since was the fact of the letter itself, then you clearly do not have just cause to terminate our client.

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The anonymous author's name is Thomas McGibeny, one of the Beach Patrol officers.⁵ As you know, he and Captain Mindy Greene have been dating for over a year and have been living together for nearly as long. The fact that you have not fired either one of them is further proof that the non-existent anti-fraternization policy is not grounds for dismissal. Of course, since dating an adult co-worker that is not a direct report violates no policy, you should not fire either of them for that conduct.

One of the matters McGibeny addressed (and mischaracterized) in his unsigned letter was the evening of August 6, 2011, when Officer Gittner requested that Captain Gardner take her weapons. Officer Gittner only told three people about that, one of which was Mindy Greene, McGibeny's live-in girlfriend, and the other two do not work for the County and would not have knowledge of the other half truth's set forth in the letter. That, and other particulars of the letter, told Capt. Gardner that McGibeny had authored the letter.

Moreover, although the letter and one of the envelopes were typed, two of the envelopes were handwritten. Capt. Gardner was provided the two handwritten envelopes by the internal affairs investigator, Nikki Dofflemyer. Capt. Gardner then pulled some of Thomas McGibeny's recent reports, through a public records request, and sent them with the envelopes to Don Quinn, one of the top expert forensic document examiners in Florida. The expert identified McGibeny as having authored the handwriting on the envelopes. A copy of Mr. Quinn's expert report is attached hereto.

As you know, McGibeny is in line directly behind Andrew Ethridge to be promoted as supervisor at the Beach Safety Division and Ethridge is also behind Capt. Gardner for that promotion. Not surprisingly, they are two of his primary targets in the letter. That is motive. Indeed, in addition to lying about Capt. Gardner, McGibeny's letter specifically addresses the issue of Mr. Ethridge's promotion and references Mr. Ethridge's two arrests for domestic battery. McGibeny used you as a tool to, partially, accomplish his obvious goal of getting Ethridge and Capt. Gardner out of his way.

Response to NOI

You state in your NOI to dismiss that Captain Gardner violated Sec. 86-453(8), (10), (12), (13) and (21) and Sec. 86-45 of the Volusia County Merit Rules and Regulations. You also state that Capt. Gardner violated Sec. 11.01.05 of the Division of Beach Safety Policies and Procedures.

Sec. 86-453. Reasons for disciplinary action, provides that "Any of the following violations may be sufficient grounds for disciplinary action ranging from oral reprimand to dismissal, depending on the seriousness of the offense and other circumstances related to the situation:

(8) Criminal, dishonest or other conduct which interferes with effective job performance or has an adverse effect on the efficiency of county service.

...

(10) Incompetent or unsatisfactory performance of duties.

...

(12) Knowingly giving false statements to supervisors, other officials or the public.

⁵ Since he did not sign his name, he is not a purported whistle-blower.

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...
(13) Any conduct, on or off duty, that reflects unfavorably on the county as an employer.

...
(21) Any other conduct or action of such seriousness that disciplinary action is considered warranted.

Sec. 86-45. Conduct of employees, which you also accuse Capt. Gardner of violating, provides as follows:

(a) *Code of conduct.* Employees of the county government are employed to provide service to the citizenry of the county and the public in general and are expected to conduct themselves in a manner that will reflect credit on the county government, public officials, fellow employees and themselves. Employees must avoid any action which might result in or create the impression of using public office for private gain, giving preferential treatment to any person, or losing impartiality in conducting public business.

Finally, Sec. 11.01.05 of the Division of Beach Safety Policies and Procedures, provides: "Neglect of duty offenses include any act, failure to act or instance wherein an employee ignored, paid no attention to, disregarded, failed to care for, give proper attention to or carry out the duties and responsibilities of their position whether through carelessness, oversight or neglect."

Your accusations notwithstanding, there is no evidence to support any of these charges. Indeed, you are wrong in every respect. In fact and as a matter of law, Captain Gardner has violated no policy and is not subject to dismissal for just cause or otherwise.

Before addressing the "evidence" upon which you rely, I first note that Section 86-427 of the Merit Rules and Regulations addresses dismissals and, among other things, provides that dismissals "are discharges or separations made for just cause". (e.s.) That is the applicable overriding standard to which the evidence must be applied: Dismissal must be based on just cause.

Also relevant is Sec. 86-451 of the Merit Rules and Regulations, which provides that "disciplinary action may be imposed upon an employee for conduct or actions which interfere with or prevent the effective and efficient performance of a department's responsibilities." This section further provides that "the purpose of such disciplinary action shall be to effect correction of employee conduct rather than to be solely punitive." Finally, this section provides that "the type and severity of disciplinary action shall be related to the gravity of the offense, the employee's record of disciplinary action, length of service, and actions taken in similar cases both within the department and in other departments."

As for the evidence to support your decision to fire Capt. Gardner, you begin by stating that "[i]ncluded as an allegation in the anonymous letter" was a rumor that Capt. Gardner had a brief, two to three week, relationship with Officer Winters. Both Officer Winters and Captain Gardner testified truthfully when asked about the relationship. Moreover, during the brief period of the relationship, Capt. Gardner was not Officer Winter's direct supervisor as she was in field training and supervised by either a

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field training officer or Captain Mike Berard. Indeed, it is conceded that she was not a direct report of Capt. Gardner's.⁶ Furthermore, there is no allegation or evidence of improper on-duty conduct.

Despite the fact that none of the policies you claim Capt. Gardner violated prohibit two consenting adults from engaging in a relationship off-duty so long as one does not directly report to the other, you nevertheless include the fact of Capt. Gardner's brief relationship with Officer Winters as a basis for dismissal. In fact, this relationship did not violate any policy or statute and all parties involved were completely truthful about the relationship when asked. Accordingly, this is not just cause for dismissal. Moreover, the fact that you decided to fire Capt. Gardner, but not Officer Winters, for being involved in the same relationship is unequal treatment in violation of Sec. 86-451 of the Merit Rules and Regulations which, in part, requires that "the type and severity of disciplinary action shall be related to the gravity of the offense, the employee's record of disciplinary action, length of service, *and actions taken in similar cases both within the department and in other departments.*" (e.s.). In fact, there is no precedent whatsoever for your decision to fire Capt. Gardner for engaging in a lawful relationship that violated no County policy.

You next point to the relationship that Capt. Gardner had with Officer Gittner and note that the anonymous letter alleged he was sleeping with her on duty and that she was in line for a position under his supervision.⁷ While it is true that Capt. Gardner had a relationship with Officer Gittner, as determined by the investigator, it is not true that they slept together while on duty nor is it true that he was ever her

⁶Although it is conceded on page 2 of the NOI that Capt. Gardner was "not her direct supervisor", through contorted reasoning you nevertheless conclude that he was her supervisor. Your conclusion does not follow and, if it did, then the anti-nepotism policy would prevent Scott Petersohn's son from working there. Your unequal treatment of my client violates the Section 86-451(b) requirement that "any adverse action taken must be based on cause supported by sufficient evidence, be consistent with other such actions taken throughout county government, and be fair and equitable."

⁷McGibeny also alleges in his letter that Capt. Gardner nominated officer Gittner twice for officer of the year and that he hacked into her Facebook and bank accounts. McGibeny says that "with all the heat from other similar incidents something needs to be done." First of all, that is slanderous. There is nothing whatsoever similar between an off-duty relationship between two consenting adults that did not involve a direct report, on the one hand, and the alleged crimes that he was referring to, on the other hand. Of course, as addressed above, McGibeny had a self-serving ulterior motive for sending his letter. Second, the allegations that Capt. Gardner twice nominated officer Gittner for officer of the year and that he hacked into her Facebook and bank accounts are false. Capt. Gardner did not, nor could he have since he was not her supervisor, nominate officer Gittner for officer of the year. Director Sweat nominated officer Gittner both times. As to the Facebook allegation, officer Gittner suspected he logged in to her account because he knew of a relationship she was having with a DBPD officer. Capt. Gardner, however, did not do that and his source of knowledge of the relationship was otherwise. McGibeny's source of officer Gittner's suspicion, however, was Capt. Greene, his live-in girlfriend, with whom officer Gittner had confided. Finally, Capt. Gardner did not hack into officer Gittner's bank account. The internal affairs report did not sustain any of these allegations.

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direct supervisor. The only "basis" for this charge is the spurious allegation in the anonymous letter. Furthermore, Officer Gittner was not even eligible to be promoted into an investigator's position as her probation relating to that position prohibited her from qualifying for it until 02/2012. She was not in line for the position. Indeed, she could not even had applied for it, pursuant to Director Sweat's policy.

Again, despite the fact that none of the policies you claim Capt. Gardner violated prohibit two consenting adults from engaging in a relationship off-duty so long as one does not directly report to the other, you nevertheless include the fact of Capt. Gardner's relationship with Officer Gittner as a basis for dismissal.

Furthermore, as stated above, Sec. 86-451 requires that "the type and severity of disciplinary action shall be related to the gravity of the offense, the employee's record of disciplinary action, length of service, and actions taken in similar cases both within the department and in other departments." Thus, even if there were an anti-fraternization policy, dismissal would not be appropriate given that Captain Gardner is a twenty-seven year employee of the County who has no prior offenses. Further, Capt. Gardner's performance evaluations have consistently exceeded expectations. Indeed, less than a year ago you offered him the position to Deputy Chief, but gave it to Scott Petersohn after Capt. Gardner refused to accept what would have amounted to about a \$30,000 pay cut.⁸

At the bottom of page two you provide additional proof that your NOI is in bad faith by including the following as grounds for dismissal: "[Officer Gittner] admitted . . . that she had hugged you on [one] occasion while either or both of you were on duty and that others would have seen this." In fact, as you knew or should have known when you wrote that, Capt. Gardner was teaching a taser class; everyone has to be tasered. Officer Gittner was afraid. After she was tasered, she approached and hugged Capt. Gardner.

At the top of page three you point to the evening of August 6th as a basis for dismissing Capt. Gardner. Specifically, you state that Officer Gittner called Capt. Gardner and told him "that she was frustrated and wanted to leave the Division of Beach Safety" and that she told him to come get her gun. You then state: "She contends that you took it to mean that she was going to do harm to herself and, when asked, admitted that, at this time, she was not feeling stable." That is patently a false statement.

First of all, those were your investigator's words, not Officer Gittner's. Specifically, on page 14 of her internal affairs witness interview, your investigator asked "Ok. Have you ever called Rich Gardner and asked him to come over and he had to secure your weapon because you were not feeling stable?" Officer Gittner responded to this loaded question with a one word answer: "Yes".

Second, as you are fully aware, officer Gittner clarified and otherwise completely explained the answer away on the very next page of the transcript. Specifically, on page 15 of the transcript, your investigator asked Officer Gittner to tell her what happened. Officer Gittner said: "I was upset one night . . . and I was more frustrated and I just wanted to leave the department and I made a comment to come get my gun and . . . and Rich took it to mean I was gonna do harm to myself which I would never do. . . .". Your investigator then asked if Officer Gittner had meant when she said to come get her gun that she was going to do harm to herself. Officer Gittner replied: "No." That is the evidence to be gleaned from her sworn testimony, yet, because of your agenda, you turn it completely on its head. Words that your

⁸You did not counter Capt. Gardner's request for a pay raise for the position so as to prevent a pay cut. The offer "suddenly" disappeared.

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investigator shoved into Officer Gittner's mouth after she clarified a contrary intended meaning is not just cause for dismissal of Capt. Gardner. It is, however, evidence of the unfairness and incompetence of your "investigation".

Not only do you rely upon your own investigator's words that Officer Gittner clarified and otherwise completely explained away, but you taint your conclusion even further by completely ignoring Capt. Gardner's testimony, *i.e.*, the rest of the evidence on this subject. During his interview, your investigator asked: "Have you ever had cause to secure Officer Gittner's service weapon due to her mental status?" to which he responded "No." Your investigator then asked the following compound question: "Have you ever had to secure Officer Gittner's service weapon?", to which he responded "Yes". When

asked to explain, Capt. Gardner testified that Officer Gittner was upset because their relationship had ended and that "she asked me to come over and take her weapons because she felt [] like she wanted to quit her job."

Your investigator then asked: "Did she indicate to your or did you believe that she was gonna bring harm to herself when you talked to her?" Capt. Gardner's response was quite clear: "I did not, although I asked her." After some other questions, your investigator came back to this point when she asked: "Did she indicate that she wanted to hurt herself? Why would she ask you to take that [] personal weapon?" Again, Capt. Gardner's response was clear: "I think she was just looking for attention. I think she wanted me to come over and discuss the relationship . . ."

Your investigator also asked: "[D]uring her testimony she said that she believed that you thought that she was gonna harm herself. Why do you think Cara would say that?" Capt. Gardner's response couldn't be clearer: "Because I asked her."⁹ Your investigator followed up: "And what did you ask her, exactly?" Capt. Gardner answered: "I think I asked her if she planned to hurt herself and do I need to Baker act her and she said no." Again your investigator followed up: "Were you worried about her when you went to her house at one o'clock in the morning?" Capt. Gardner answered: "In the sense of her harming herself, no. I know her M.O., her M.O. is attention and . . . you know, I think she was just looking for the attention."

In short, your "finding" that Capt. Gardner thought Officer Gittner was going to do harm to herself the night of August 6 is not only false, but is also, obviously, the result of your intentional manipulation of the evidence to support your agenda. This contrivance is not just cause for dismissal of our client's employment by the County.

Your manipulation of the evidence continued when you wrote: "The next day, before Officer Gittner was to report for duty, you returned the weapons to her without making any evaluation of her fitness for duty." That is also false. First, as you know from the only evidence there is on the subject, Officer Gittner was not going to hurt herself in the first place and Capt. Gardner knew it. She was seeking attention. Second, as to the next morning, both Officer Gittner and Capt. Gardner testified they met and had a conversation. Furthermore, your investigator expressly addressed that point by asking Capt. Gardner: "Was there any type of assessment done for Officer Gittner prior to giving her back her weapon?" Capt. Gardner responded: "Other than just my personal assessment for you know . . ." Your

⁹ Your manipulation of this testimony, the only evidence on the subject, is evidence of the fact that you do not have grounds to support your intended action. Your conduct reflects unfavorably on the county as an employer.

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investigator: "And tell me what that was." Capt. Gardner: "Well that she ... my personal experience with her is that it's all about attention it's not about harming yourself she's she wants the ... attention or the opportunity to talk about resuming the relationship and ... I truly felt that that was the reason that she threatened to quit her job."

That is the only evidence on the subject. Your conclusion, then, that "The next day, before Officer Gittner was to report for duty, you returned the weapons to her without making any evaluation of her fitness for duty", is obviously made up.

You conclude this line when you state: "Further, you made no report of this incident to your supervisors although on that date, you were assigned as the on-call Deputy Chief for the Division." The evidence on this point is as follows: Investigator: "Is there a reason you didn't refer her through the proper channels to resign her position?" Gardner: "Well, it was one o'clock in the morning, she was upset. I think deep inside I believed it was a ploy just to get me over there so that we could discuss the relationship. . . . I simply, at her request, went to her residence for about ten minutes, took her weapons and retained them. . . she contacted me the next morning and advised she wished to resume her employment and I returned them." Investigator: "Did she give you any type of letter saying she was resigning when you went to her house that evening?" Gardner: "No." Investigator: "Did she try to give you any other equipment to you?" Gardner: "No." Investigator: "Is there any reason that you did not recommend or redirect her to go through proper channels to resign her position?" Gardner: "It was one in the morning. The next day she sent a message advising that she wanted her weapons back and wanted to resume her position. I mean, people say they want to quit everyday but you know you don't go and report that everyday just cause somebody wants to quit you know people talk about it every day."

There is no policy that required Capt. Gardner to "report" this "incident" as you have insinuated. This is not just cause for dismissal.

The next ground for dismissal you point to is the fact that Cara Gittner sometimes visited Capt. Gardner when he worked security in the parking garage during 2009—2010. That, however, is not a policy violation. Moreover, Capt. Gardner testified that he did not have any type of physical or sexual contact with Officer Gittner during those visits. You also state that Capt. Gardner was supposed to be providing a security presence while on duty at the parking garage, but, in fact, that is exactly what he was doing and there is exactly zero evidence to the contrary.

Your next excuse for dismissal of Capt. Gardner is that his relationship with Officer Gittner "undermined his authority". Again, Officer Gittner is not a direct report. Moreover, relationships within the Division are not uncommon. If you were going to fire Capt. Gardner for being involved in a relationship, even though there is no anti-fraternization policy, then you would have many more employees to fire. Aside from Greene/McGibeny, there are at least three other on-going relationships to which the still non-existent policy would apply.

You then accuse Capt. Gardner of making two false statements and intentional misleading. Your accusations are false.

First, you state: "During the time that you were involved with Officer Gittner, you were asked by a supervisor whether you were having an inappropriate relationship with her, which you denied." That is false. Although Director Sweat asked Capt. Gardner about a year ago if he was involved in a relationship with Officer Gittner, Sweat asked that question after Capt. Gardner and Officer Gittner had broken up.

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Accordingly, Capt. Gardner replied, "No." Capt. Gardner's response was true. If he had said "yes", that they were still in a relationship after they had broken up, that would have been false.

Now, as you know, the relationship subsequently resumed, but Director Sweat did not thereafter ask again. Indeed, when Capt. Gardner read this line in the presence of Director Sweat, while sitting in the passenger seat of Sweat's vehicle at the south end of Sunsplash Park after having been presented with your NOI, he had to read it several times. While he was running his finger under it each time, Director Sweat spoke up and said, "I know. I had to read that 3 times, too. I told them you didn't lie to me, only that it was misleading."

Second, you state: "More recently, I asked you whether there was anything in your background which could cause embarrassment to the Division and you said, "No." That is a lie. You never asked Capt. Gardner that question either within or without the internal affairs investigation.

The conversation that you are obviously alluding to was the discussion and negotiation concerning your offer to promote Capt. Gardner to Deputy Chief earlier this year. In a meeting that included Kevin Sweat, you asked Capt. Gardner the following question: "Obviously, we're in the midst of a lawsuit here. You realize you're going to be the new head of the beach. You have to understand this is a business so don't take this the wrong way. If you are appointed to Deputy Chief, are we going to find out that you had knowledge of the Simmons and Tameris allegations prior to it being reported?" The answer to that question *was* no—Capt. Gardner did not learn of those allegations until the internal investigations were revealed.

You never, however, asked him the broad question contained in your NOI. What you have obviously done, then, is replace a question you did ask with a question that you did not ask in order to make it look like Capt. Gardner gave a false answer. In other words, you manufactured evidence in order to harm Capt. Gardner. That conduct is grounds for your dismissal. In fact, it could form the ground for your criminal prosecution. Among other things, your conduct constitutes "Official misconduct" proscribed by criminal statute Section 838.022, which provides, in relevant part, that: "It is unlawful for a public servant, with corrupt intent . . . to cause harm to another, to: [] Falsify, or cause another person to falsify, any official record or official document; . . .".

Indeed, when Capt. Gardner read this line in the presence of Director Sweat, he stopped and said "this isn't true". Director Sweat said "I know it's not true and that is not the way I remember it either." Capt. Gardner then reminded that you had asked if he "knew about Simmons and Tameris." Director Sweat said "I know." He then said "Don't go telling people about this. You know I'll be fired. But if I have to, I will tell the truth about that conversation under oath." This statement evidences an atmosphere of intimidation in your department and that you will fire people if they do not lie for you. If true, that would be further grounds for your dismissal.

Moreover, this conversation was not part of an IA investigation, nor does the final report say anything about it. Evidently, then, since there was not enough evidence in the IA report to justify your unfortunate decision to turn Capt. Gardner into a scapegoat for the "anonymous" letter, you made up and injected additional "evidence" after the investigation was over¹⁰. It seems obvious that this was done with intent to harm Capt. Gardner.

¹⁰ I note that the NOI draft dated 10/17 does not contain the allegation of making a false statement. Obviously, since that draft, someone, probably from Dan Eckert's office, told you that you needed more "evidence".

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The inclusion of these false allegations in your NOI is not only wrongful because they are false (and that you personally know at least one of them is false), but is also wrongful because it violates the Law Enforcement Officers' Bill of Rights. That statute provides that before the investigative interview, the officer must be provided all statements and other evidence to be used against him. Captain Gardner requested this information in writing and received only the three witness interviews. No one provided him the false evidence addressed above and which you used to support your decision to fire him.

By relying upon your own false, unsworn and unrecorded statements from nearly a year ago that were not part of the internal affairs investigation or report and which were not provided to Capt. Gardner prior to his interview, you have violated his rights provided by the Law Enforcement Officers' Bill of Rights codified in Section 112.532, Florida Statutes.

Finally, you finish stating your case against Capt. Gardner by noting that the Division was under "intense scrutiny related to lawsuits by former minor employees alleging unlawful sexual relationships between officers and minor lifeguards" and that, because of that scrutiny, "additional direction and training was provided . . . about the importance of professionalism, particularly in the context of relationships in the workplace." That too is a false statement on your part. In fact, the only additional training was in the area of sexual harassment which has absolutely nothing whatsoever to do with Capt. Gardner's conduct or your trumped up charges against him. None of the training pertained to the non-policy violation of two consenting adults, not involving a direct report. Indeed, again, there are numerous such relationships ongoing within the Division and your Department. The truth is, even after the intense scrutiny to which you refer, there were no policy changes. Your department continued to hire minors and continued not to have an anti-fraternization policy.

You conclude by stating that our client's conduct "demonstrates a complete lack of judgment which cannot be tolerated." Your conclusion is not supported by the evidence.

More importantly, your decision to dismiss Capt. Gardner is not supported by the Merit Rules and Regulations. Sec. 86-451(b) of the Merit Rules and Regulations, provides that "disciplinary action may be imposed upon an employee for conduct or actions which interfere with or prevent the effective and efficient performance of a department's responsibilities." Not only did Capt. Gardner not violate any policy, but also, his conduct did not interfere with or prevent the effective and efficient performance of the department's responsibilities. It was McGibeny's formerly anonymous letter and your self preserving reaction to it that has affected the efficient performance of the division's responsibilities. Capt. Gardner should be at work.

This rule further provides that "the purpose of such disciplinary action shall be to effect correction of employee conduct rather than to be solely punitive." The draconian punishment of dismissal that you propose to mete out to Capt. Gardner-- for violation of no policy--in order to protect yourself does not comply with this standard. Again, as you have recently admitted and as the evidence will show, the real purpose of the present disciplinary action is Mike Coffin's "self-preservation". There is no attempt here "to effect correction of employee conduct." You should back off of this abuse of governmental power/authority before executing your stated intent to dismiss Capt. Gardner.

Finally, this section provides that "the type and severity of disciplinary action shall be related to the gravity of the offense, the employee's record of disciplinary action, length of service, and actions taken in similar cases both within the department and in other departments." And, "any adverse action

October 24, 2011

taken must be based on cause supported by sufficient evidence, be consistent with other such actions taken throughout county government, and be fair and equitable."

You do not even come close here. In fact, there is no precedent for the action you intend to take, nor should there be since there has been no policy violation.

As set forth above, Capt. Gardner's conduct violated no policy. Thus, the Section 86-453 provisions that you cite to are not reasons for disciplinary action. Capt. Gardner's performance has consistently exceeded expectations. Indeed, as recently as September 22, 2011, Director Sweat gave him a performance evaluation that gave him an "exceeds standard" rating. Capt. Gardner gave no false statement, notwithstanding your manufactured evidence to the contrary. Finally, the conduct that Capt. Gardner did engage in is not proscribed by any policy and, further, is common within the Division, within your Department and within County government as a whole. Moreover, you improperly added the subsection (8), (10), & (12) charges after the fact. None of those charges were in the final report.

Moreover, Section 86-45 does not provide a reason to fire Capt. Gardner. As to subsection (a), upon which you rely, Capt. Gardner engaged in no conduct that isn't commonly engaged in by other County employees and none of his conduct "result[ed] in or create[d] the impression of using public office for private gain, giving preferential treatment to any person, or losing impartiality in conducting public business." This is a trumped up charge.

Finally, there is zero evidence that Capt. Gardner neglected any duty of his position. That charge is false.

In short, the internal affairs investigation failed to prove any violations of law or policy, despite conclusions to the contrary by the investigator. Captain Gardner was subsequently verbally informed that he would be fired if he did not resign within a 24 hour period based upon the apparent findings of this internal affairs investigation. Then, when Capt. Gardner failed to resign, he remained in a state of suspended animation (5 days) with regards to the status of his employment with the County of Volusia. During this time, the County then concocted additional allegations not presented in the internal affairs investigation or report in a transparent attempt to buttress its previously unsubstantiated causes for dismissal.

It is without question that the County does not have just cause to dismiss Captain Gardner from County employment. Instead, as you have admitted, this is just "self-preservation" on your part. Firing someone as an overreaction to a problem the County may have with someone else is not just cause for dismissal.¹¹ Moreover, yielding to media pressure by firing a long-term employee with an outstanding personnel record who has violated no policy and who has done nothing that is not commonly done in this or any other workplace in an ill-conceived attempt to protect yourself and future political ambitions is poor leadership.

Again, there were no policy violations, no statutory violations and no untruthful statements. Thus, not only do you not have just cause to dismiss Mr. Gardner, you do not have just cause to take any adverse employment action against him whatsoever.

¹¹ This is a violation of Merit Rule 86-451—discharge of Capt. Gardner solely punitive and in response to other former County employees conduct.

October 24, 2011

Pursuant to your invitation at the end of your NOI, I, as well as Capt. Gardner, hereby request a meeting with the Director of the Beach Safety Division as provided in the Policies and demand that the County follow its policies. If you want to be there too, that would be fine. Please call my secretary, Randy Knight, at the number above to schedule a day, time and place for us to meet.

Finally, pursuant to Section 112.533(3), Florida Statutes, you are instructed to include this letter in Capt. Gardner's personnel file.

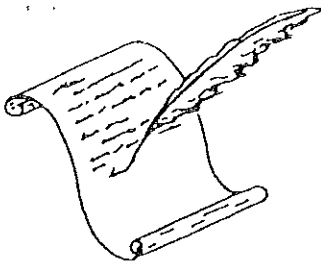
Sincerely,



Jonathan D. Kaney III

Telephone (386) 675-0691
jake@kanevolivari.com

JDK:rk
Enclosure



DON QUINN

FORENSIC DOCUMENT EXAMINER

(904) 721-3434
(904) 616-3014

DON QUINN, INCORPORATED
2771 Monument Rd.
Suite 29 #317
Jacksonville, FL 32225

October 12, 2011

McKinnon & McKinnon, Attorneys at Law, P.A.
ATTN: Abraham C. McKinnon, Esquire
Suite A, Granada Oaks Professional Building
595 West Granada Boulevard
Ormond Beach, Florida 32174

RE: RICHARD GARDNER

OUR FILE NUMBER: 1110052

Dear Mr. McKinnon:

This report is in response to your request for an examination of certain documents in the above referenced matter.

EXHIBITS EXAMINED

- Q 1 Photocopy of envelope bearing questioned hand printed Return Address and Address as follows:
Return Address: Ralph Thomas, 515 S. Atlantic Ave, Daytona Beach, FL 32718
Address: Department of Public Safety, 123 W. Indiana Blvd, Deland, Florida 32720
- Q2 Photocopy of envelope bearing questioned hand printed Return Address and Address as follows:
Return Address: Ann Nonamus, 123 W. Indiana Blvd., Deland, FL 32720
Address: Front Desk, 515 S. Atlantic Ave, Daytona Beach, FL 32118
- K1 - K8 Various documents bearing known hand printing of Ofc. T. McGibeny, described as follows:
- K1 7th Judicial Circuit 798 Charging Affidavit, dated 2/14/09
 - K2 7th Judicial Circuit 798 Charging Affidavit, dated 03/15/09
 - K3 Volusia County Beach Patrol Property Report, dated 03/29/08
 - K4 7th Judicial Circuit 798 Charging Affidavit, dated 03/29/08
 - K5 Witness/Victim/Evidence Form 798-A
 - K6 Volusia County Beach Patrol Property Report, dated 05/15/09
 - K7 Florida Uniform Traffic Citation 3947-CQN, dated 03/05/2010
 - K8 Florida Uniform Traffic Citation 3948-CQN, dated 03/14/2010

Abraham C. McKinnon, Esquire

Page 2

October 12, 2011

Our File Number 1110052

PURPOSE OF EXAMINATION

To determine whether the author of Exhibits K1 through K8 (Ofc. T. McGibeny) can either be identified or eliminated as the author of the questioned hand printed Return Address and Address entries appearing on Exhibit Q1 and Exhibit Q2.

RESULTS OF EXAMINATION

1. The author of Exhibits K1 through K8 (Ofc. T. McGibeny) executed the questioned hand printed Return Address and Address entries appearing on Exhibit Q1; and the "515 S. Atlantic Ave Daytona Beach, Fl. 32118" portion of the Address entry appearing on Exhibit Q2.
2. The author of Exhibits K1 through K8 (Ofc. T. McGibeny) probably executed the questioned hand printed Return Address entry and the "Front Desk" portion of the Address entry appearing on Exhibit Q2.

REMARKS

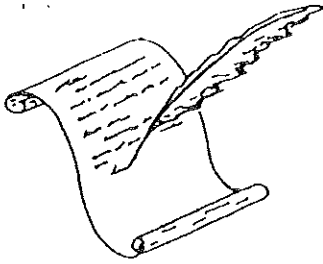
1. Resume' and Brief Statement of Experience of Don Quinn, Forensic Document Examiner, are attached as TAB 1 and TAB 2.
2. Identification to Elimination Scale is attached as TAB 3.

Respectfully submitted,



Don Quinn
Forensic Document Examiner

DQ/



(904) 721-3434
(904) 616-3014

DON QUINN

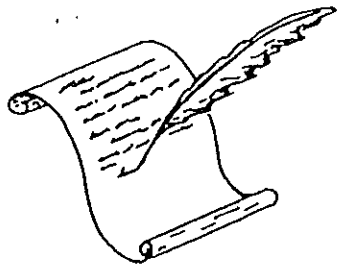
FORENSIC DOCUMENT EXAMINER

DON QUINN, INCORPORATED
2771 Monument Rd.
Suite 29 #317
Jacksonville, FL 32225

OPINION SCALE

The full range of identification to elimination opinions resulting from examinations I conduct are as follows:

1. A particular writer executed certain entries (full identification of a particular writer)
2. The writer very probably executed certain entries
3. The writer probably executed certain entries
4. There are indications the writer may have executed certain entries
5. The writer can neither be eliminated nor identified as the writer of certain entries
6. There are indications the writer may not have executed certain entries
7. The writer probably did not execute certain entries
8. The writer very probably did not execute certain entries
9. The writer did not execute certain entries (full elimination of a particular writer).



DON QUINN

FORENSIC DOCUMENT EXAMINER

(904) 721-3434
(904) 616-3014

DON QUINN, INCORPORATED
2771 Monument Road
Suite 29 #317
Jacksonville, FL 32225

RESUME'

Objective: To provide private consultation in the examination of questioned document problems

Experience:

- 1980 to Present PRIVATE CONSULTATION in the examination of questioned document problems, Jacksonville, Florida
- 1979 to 1996 JACKSONVILLE REGIONAL CRIME LABORATORY, Florida
Department of Law Enforcement, Jacksonville, Florida, Crime Laboratory Analyst/Senior Crime Laboratory Analyst
- 1974 to 1979 U.S. ARMY CRIMINAL INVESTIGATION LABORATORY, USACIL, Fort Gordon, Georgia, Document Examiner/Training Officer
- 1972 to 1973 U.S. ARMY DEGREE COMPLETION PROGRAM, Leave Of Absence to East Tennessee State University, Student in Criminal Justice
- 1971 to 1972 U.S. ARMY CRIMINAL INVESTIGATION LABORATORY, Republic of Vietnam, Document Examiner/Officer in Charge
- 1967 to 1971 U.S. ARMY CRIMINAL INVESTIGATION LABORATORY, Frankfurt, West Germany, Document Examiner/Member Fraud Investigation Team
- 1964 to 1967 U.S. ARMY CRIMINAL INVESTIGATION LABORATORY, Fort Gordon, Georgia, Resident Student/Document Examiner

Professional Organizations:

- Southern Association of Forensic Scientists
- Southeastern Association of Forensic Document Examiners
- American Society for Testing and Materials International

Personal: Born: Asheville, NC, September 18, 1934

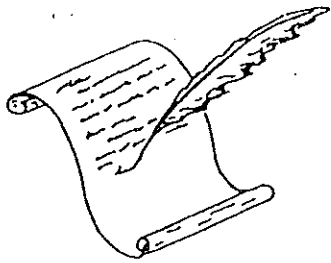
Education: Associate of Arts, June 1956
Brevard College, Brevard, NC
Bachelor of Science, December 7, 1973
East Tennessee State University, Johnson City, TN

SPECIAL TRAINING:

1966 U.S. Post Office Identification Laboratory, Washington, DC
Fundamentals of Questioned Document Examination
1974 Federal Bureau of Investigation Academy, Quantico, VA
Survey of Document Examinations
1980 Institute of Paper Chemistry, Appleton, WI
Paper Analysis for the Forensic Sciences
1985 Federal Bureau of Investigation Academy, Quantico, VA
Fundamentals of Document Examination For Laboratory Personnel
1985 Federal Bureau of Investigation Academy, Quantico, VA
International Symposium on Questioned Documents

SPECIAL RECOGNITION:

1970-71 Appointment to U.S. Army Club Fraud Investigation Team under
the direction of the U.S. Senate Permanent Sub-Committee on
Investigations
1978 Certificate of Achievement, Department of the Army
Distinguished Service as Document Examiner during the
investigation of a multiple homicide
1979 The Legion of Merit, Department of the Army, Meritorious Service
as Questioned Document Examiner and Training Officer, 1974 - 1979
1986 Certificate of Appreciation, Department Of The Treasury,
Bureau Of Alcohol, Tobacco And Firearms, regarding a
significant firearms investigation
2000 Southeastern Association of Forensic Document Examiners
Outstanding Contribution to the Profession of Forensic
Document Examination, April 14, 2000



DON QUINN

FORENSIC DOCUMENT EXAMINER

DON QUINN, INCORPORATED
2771 Monument Rd.
Suite 29 #317
Jacksonville, FL 32225

(904) 721-3434
(904) 616-3014

- Brief Statement of Experience -

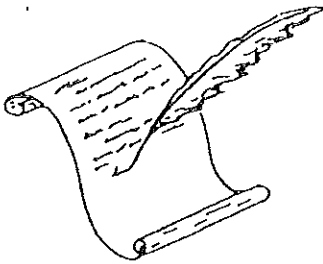
Mr. Quinn completed a two year resident training and study program in the field of questioned document examination while with the United States Army Crime Laboratory, Fort Gordon, Georgia, between the years 1964 and 1966. This training included reading and studying books written by recognized professionals in the forensic field of document examination; a study of various handwriting and hand printing systems; a study of chemistry used in the examination of inks; and a study of photography to include infra-red and ultraviolet lighting techniques used in the examination of altered documents. Additionally, Mr. Quinn studied with the Post Office Identification Laboratory in Washington, D.C.; the FBI Academy in Quantico, Virginia; and the Institute of Paper Chemistry in Appleton, Wisconsin in order to remain current with his forensic field.

Since first being qualified as an expert witness in 1966, Mr. Quinn has testified in the states of Florida, Georgia, South Carolina, North Carolina, Virginia, Rhode Island, New Jersey, New York, Illinois, Kentucky, Tennessee, Indiana, Missouri, Oklahoma, Texas, Colorado, Arizona, California, Washington and Alaska. He has also testified in Iceland, England, Belgium, West Germany, Italy, Turkey, Pakistan, Japan, and Vietnam.

Mr. Quinn retired from the Army Crime Laboratory System on October 31, 1979 and accepted a position as Crime Laboratory Analyst with the Florida Department of Law Enforcement at the Jacksonville Regional Crime Laboratory, Jacksonville, Florida. In January 1980, he began his private consultation service in questioned document problems in Jacksonville, Florida. Since that date he has testified in the 1st, 2nd, 3rd, 4th, 5th, 6th, 7th, 8th, 9th, 10th, 11th, 12th, 13th, 14th, 15th, 17th, 18th, 19th and 20th Judicial Circuits in the state of Florida; and in the states of Alabama, Alaska and Georgia.

Mr. Quinn retired from the Florida Department of Law Enforcement, Jacksonville Regional Crime Laboratory, Jacksonville, Florida on October 17, 1996 and has continued his private practice in Forensic Document Problems since that time.

Mr. Quinn is a member of the Southern Association of Forensic Scientists, the Southeastern Association of Forensic Document Examiners and the American Society for Testing and Materials International.



INVOICE
DON QUINN
FORENSIC DOCUMENT EXAMINER

(904) 721-3434
(904) 616-3014

DON QUINN, INCORPORATED
2771 Monument Rd.
Suite 29 #317
Jacksonville, FL 32225

McKinnon & McKinnon, Attorneys at Law, P.A.
ATTN: Abraham C. McKinnon, Esquire
Suite A, Granada Oaks Professional Building
595 West Granada Boulevard
Ormond Beach, Florida 32174

FEID 59-3423412
October 12, 2011
Invoice # 1110052

RE: RICHARD GARDNER

Consultation in the above referenced matter to include telephone conferences with Lynn Fahnestock, Legal Assistant, and examination of certain envelopes bearing questioned hand printed Return Address and Address entries

.....\$625.00

Paid in full by McKinnon & McKinnon Check # 7878

THIS WORK WAS COMPLETED ON OCTOBER 12, 2011

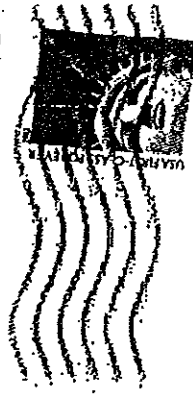
Thank you,

Don Quinn
Forensic Document Examiner

DQ

RALPH THOMAS
515 S. ATLANTIC AVE
DAYTONA BEACH, FL
32718

1110052
EX 81
P

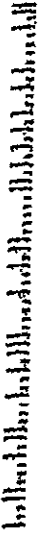


MIAMI FLORIDA FL 321
02 SEP 2011 PM 11:11

DEPARTMENT OF PUBLIC SAFETY
123 W. INDIANA BLVD
DELAND, FLORIDA
32720

ATT: DIRECTOR MIKE COFFIN

32720+4615



Ann Norman
123 W. Indiana Blvd.
Deland, FL 32720

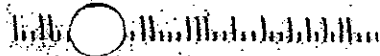
MID FLORIDA PDC
FL 3272 T
24 SEP 2011 PM

Front Desk
515 S. ATLANTIC AVE
DAYTONA BEACH, FL.
32118

1110052
EX B2
19



32118+4507



ARREST NOTICE TO APPEAR AFFIDAVIT C.C. ADULT JUVENILE Court Case Number: _____
 (ORD) FL: 164117100 Agency Name: VOLUSIA COUNTY BEACH PATROL Agency Case Number: 09-00-0112
 FCIC/NCIC Check? Yes No OBTS# _____ UCR: _____ Date Arrested: 2/14/09 Time of Arrest: 1530

ADDRESS OF ARREST: 500 N. OCEAN BEACH DAYTONA BEACH Arrested By: OFF. T. MCGIBENY ID Number: 863
DEFENDANT NAME (L,E,M): ASHCRAFT TIMOTHY CLAY A.K.A.: NONE Sex: M Race: W
 DOB: 12/12/71 Age: 37 Driver's Lic./ID No.: A261 803 714470 State: FL Year Expires: 11 S.S. #: 403-94-1901
 Height: 6-01 Weight: 193 Hair: RED Eyes: BLUE P.O.B. (City, State, County): WINCHESTER, KY Statement: Yes No
 Scars, Marks, Tattoos: ON SHOULDER MARINE TATTOO Business & Occupation: UNEMPLOYED Citizenship: Yes No
 Address - (Main/Permanent) (STREET, APT. NUMBER) (CITY) (STATE) ZIP CODE RESIDENT PHONE
219 RODGER CT 1110052 HOLLY HILL FL 32119 303-615
 Address - Local (STREET, APT. NUMBER) (CITY) (STATE) ZIP CODE RESIDENT PHONE
SAME AS ABOVE EX K1 _____ _____ _____ _____
 Address - Other (Employer/School) (STREET, APT. NUMBER) (CITY) (STATE) ZIP CODE BUS/SCHOOL
NONE _____ _____ _____ _____

CHARGES DOMESTIC VIOLENCE? YES NO Attachments: A Statement(s) NTA Schedule Report Traffic Infraction(s) Total Charges: _____
 #1 Charge: POSS. ALCOHOL ON BEACH FEL MISD ORD FS/ORD: 20-112 Citation No.: _____ Bond: _____
 #2 Charge: _____ FEL MISD ORD FS/ORD: _____ Citation No.: _____ Bond: _____
 #3 Charge: _____ FEL MISD ORD FS/ORD: _____ Citation No.: _____ Bond: _____

CO-DEFENDANT Co-Def #1 Arrested? Y N Fel Misd Traf Ord NTA
 #1 NAME (L,E,M): _____ Race: _____ Sex: _____ DOB: _____ Age: _____
 #2 NAME (L,E,M): _____ Race: _____ Sex: _____ DOB: _____ Age: _____

NARRATIVE The undersigned certifies and swears that there is probable cause to believe the above-named defendant, on the 14 day of FEBRUARY, 2009, at approximately 3:30 a.m. p.m. at 500 BLK N. OCEAN BEACH D.B. within VOLUSIA County, violated the law and did then and there: POSSES AND CONSUME AN OPEN ALCOHOLIC BEVERAGE ON THE BEACH TO WITS ONE 16OZ CAN OF BUDWEISER "HIGH GRAVITY" BEER SAID EVIDENCE DESTROYED ON SCENE. DEF. WAS ROR WITH THIS NTA.

NOTICE TO APPEAR MANDATORY APPEARANCE YOU NEED NOT APPEAR IN COURT BUT MUST COMPLY WITH INSTRUCTIONS ON THE REVERSE SIDE OF YOUR COPY FINE, AND COSTS AMOUNT: 50.00
 I AGREE TO APPEAR IN COURT HEREIN TO ANSWER THE OFFENSE CHARGED OR TO PAY THE FINE INDICATED. I UNDERSTAND THAT SHOULD I WILLFULLY FAIL TO APPEAR BEFORE THE COURT AS REQUIRED, OR PAY THE LISTED FINE, I MAY BE HELD IN CONTEMPT OF COURT AND A WARRANT FOR MY ARREST WILL BE ISSUED.

SIGNATURE OF DEFENDANT: [Signature] Date: _____
 SIGNATURE OF JUVENILE PARENT OR CUSTODIAN: _____ JUVENILE DISP. CITATION No. _____
 RELATIONSHIP TO JUVENILE: _____
 Sworn to and subscribed before me, the undersigned, this 14 day of FEBRUARY, 2009. I swear/affirm the above statements are correct and true.
 Name: _____
 Notary Public Law Enforcement or Corrections Officer Produced Identification
 Type of Identification: POLICE Name (printed): OFF. T. MCGIBENY # 863 ID Number: _____
 Inmate Number & Facility: _____

OFFICIAL USE ONLY

ARREST NOTICE TO APPEAR AFFIDAVIT C.C. ADULT JUVENILE

(ORI) FL: 64117100 Agency Name: VOLUSIA COUNTY BEACH INTL

FCIC/NCIC Check? Yes No OBTS# UCR: Date Arrested: 03/15/09 Time of Arrest: 1620

ADDRESS OF ARREST: 1819 S. OCEAN BEACH DAKOTA BEACH SHORES Arrested By: OFC. MCLIBBY ID Number: 863

DEFENDANT NAME (L,F,M): GAY WALTER LEE JR A.K.A.: - NONE - Sex: M Race: W

DOB: 12-07-85 Age: 20 Driver's Lic. ID No.: 090578738 State: SC Year Expires: 10 S.S. #: 250-79-2175

Height: 5-11 Weight: 185 Hair: BROWN Eyes: GREEN P.O.B. (City, State, County): BEAUFORT, SC Statement: Yes No

Scars, Marks, Tattoos: (D) SHOULDER, (C) RIBCAGE Business & Occupation: STUDENT Citizenship: Yes No

Address - Mailing/Permanent: PO BOX 309 ST. HELEN 110052 (CITY) (STATE) ZIP CODE RESIDENT PHONE 842-812-6033

Address - Local: N/A (CITY) (STATE) ZIP CODE RESIDENT PHONE

Address - Other (Employer/School): CLEMSON UNIVERSITY (CITY) (STATE) ZIP CODE BUS/SCHOOL N/A N/A

CHARGES DOMESTIC VIOLENCE? YES Attachments: Affidavit(s) Statement(s) NTA Schedule Report Traffic Infraction(s) Total Charges:

#1	Charge: POSS. ALCOHOL UNDER 21 YOA	FEL <input type="checkbox"/> MISD <input type="checkbox"/> ORD <input type="checkbox"/> FS/ORD: <input checked="" type="checkbox"/>	Citation No.: 362.111	Bond:
#2	Charge:	FEL <input type="checkbox"/> MISD <input type="checkbox"/> ORD <input type="checkbox"/> FS/ORD:	Citation No.:	Bond:
#3	Charge:	FEL <input type="checkbox"/> MISD <input type="checkbox"/> ORD <input type="checkbox"/> FS/ORD:	Citation No.:	Bond:

CO-DEFENDANT Co-Def #1. Arrested? Y N Fel Misd Traf Ord NTA

#1	NAME (L,F,M):	Race:	Sex:	DOB:	Age:
#2	NAME (L,F,M):	Race:	Sex:	DOB:	Age:

NARRATIVE The undersigned certifies and swears that there is probable cause to believe the above-named defendant, on the 15th day of MARCH, 2009, at approximately 4:20 p.m. at 1819 S. OCEAN BEACH DBS within VOLUSIA County, violated the law and did then and there: POSSES AND CONSUME AN OPEN ALCOHOLIC BEVERAGE ON THE BEACH TO WJT'S OWN. 12OZ CUP CONTAINING "BUSCH LIGHT" BEER SAID EVIDENCE DESTROYED ON SCENE AND DEF WAS ROR WITH THIS NTA. NFI

NOTICE TO APPEAR MANDATORY APPEARANCE YOU NEED NOT APPEAR IN COURT BUT MUST COMPLY WITH INSTRUCTIONS ON THE REVERSE SIDE OF YOUR COPY FINE, AND COSTS AMOUNT: 218.00

I AGREE TO APPEAR IN COURT HEREIN TO ANSWER THE OFFENSE CHARGED OR TO PAY THE FINE INDICATED. I UNDERSTAND THAT SHOULD I WILLFULLY FAIL TO APPEAR BEFORE THE COURT AS REQUIRED, OR PAY THE LISTED FINE, I MAY BE HELD IN CONTEMPT OF COURT AND A WARRANT FOR MY ARREST WILL BE ISSUED.

SIGNATURE OF DEFENDANT: *[Signature]* Date: _____

SIGNATURE OF JUVENILE PARENT OR CUSTODIAN: _____ JUVENILE DISP. No. _____

RELATIONSHIP TO JUVENILE: _____ CITATION No. _____

Sworn to and subscribed before me, the undersigned, this 15 day of MARCH, 2009.

Name: Dan Deakin 8151 Notary Public Law Enforcement Produced Identification Type of Identification: POLICE

I swear/affirm the above statements are correct and true

OFFICER'S/COMPLAINANT'S SIGNATURE: OFC. T. MCLIBBY #863 Name (printed): OFC. T. MCLIBBY D Number: 863

Right thumb: *[Fingerprint]*

OFFICIAL USE ONLY

VOLUSIA COUNTY BEACH PATROL
PROPERTY REPORT

015452

08-000470

INCIDENT NUMBER

FOUND PROPERTY FINDER WISHES TO CLAIM YES NO

Admin.	Incident Type NARCOTICS / ARREST			Location of Incident 800 N. OCEAN BEACH DAYTONA BEACH			
	Date Reported 03/29/08	Date Occurred 03/29/08	Time Reported 1417	Time Occurred 1417	Zone 3	T.H.C. <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	Other Agency Case Number

Victim/Reporting Party	Business Name Victim? Yes/No					Address		Phone #
	Victim/Reporting Party/Defendant, etc. Person Code							()
	Code	Sex	Race	D.O.B.	Name	Address		Phone #
	D-1	M	W	07/10/89	MATTHEW BUGARA	1004 RUTH JORDAN W OCFEE FL 34761		(321) 368-6373
Vehicle Owner: 1110052					Address		()	
Sex: Race: D. EXK3					Vehicle Type: (Boat/Plane/Car, etc.)			

Year	Make	Mod.	Color	Int. Color	LIY	LIS	LIC	Decal No.
VIN Number:			Title State:		Vehicle Towed To:			
Damage:					Towed By:			
Entry Point:			Vehicle Hold For:					

- | | | | | |
|----------------------------|--------------|-------------------------------|--------------------------|--------------------------------|
| 1. Evidence | 4. Lost | 7. Found/Contraband | 9. Stolen | 12. Return to Owner |
| 2. Damaged Prop. | 5. Recovered | 8. Prisoner Personal Property | 10. Disposal | 13. Vehicle Inventory Property |
| 3. Photographed & Released | 6. Found | | 11. Property of Deceased | |

Leave Blank	Prop. Codes	Item #	How Many	Description (Or Vehicle Inventory) (Type, Make, Model, Color, Serial, Marks, Etc.)	Amount
None Box 4	1	1.		CLEAR PLASTIC BAGGIE W/ GREEN LEAFY SUBSTANCE WHICH TESTED PRESUMPTIVE FOR CANNABIS WEIGHED AT APPROX. 9 GRAMS	\$ 1
CASE CLOSED					
Totals: \$					1

Leave Blank	Item #	Date	Time	Released By	Received By	Reason for change
	1	03/29/08	1545	OFC T. MCGIBEN	EVIDENCE LOCKER	SAFE KEEPING
	1	3-31-08	1100	SUID LOCKER	P. [Signature]	[Signature]
	1	5-6-10	1130	P. [Signature]	E. [Signature]	DESTROYED BY FIRE

Narrative/Circumstances:
- SEE 798 -

Approval/Status	FCIC/NCIC Entry Date: By/	Cases: <input type="checkbox"/> Not Assigned <input type="checkbox"/> Inactive <input type="checkbox"/> Exc. Cleared <input type="checkbox"/> Closed
	FCIC <input type="checkbox"/> NCIC <input type="checkbox"/> Cancelled Date: By/	Status: <input type="checkbox"/> Continued <input type="checkbox"/> Unfounded <input type="checkbox"/> Cleared/Arrest
	T.T. BOLO? Area:	Charges Pend. Lab Exam. <input type="checkbox"/> Yes <input type="checkbox"/> No
	NIC #: Lab Exams Req.	
	Reporting Officer: (printed) OFC. T. MCGIBEN	Date: 03-29-08 I.D. # BC88
Reporting Officer: [Signature]		
Approved By: [Signature]		

ARREST <input type="checkbox"/> NOTICE TO APPEAR <input checked="" type="checkbox"/> AFFIDAVIT <input type="checkbox"/> C.C. <input type="checkbox"/> ADULT <input checked="" type="checkbox"/> JUVENILE <input type="checkbox"/>	Court Case Number:
(OR) FL: 6411700 Agency Name: VOLUSIA COUNTY BEACH PATROL	Agency Case Number: 09-00-0470
FCIC/NCIC Check? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> OBTS#	UCR: Date Arrested: 03/29/09 Time of Arrest: 1417
ADDRESS OF ARREST: 800 N. OCEAN BEACH DAYTONA BEACH	Arrested By: OFC. T. MCGIBENY ID Number: 863
DEFENDANT NAME (L,F,M): BUGARA MATTHEW	A.K.A.: - NONE Sex: M Race: W
DOB: 07/10/1989 Age: 18 Driver's Lic. ID No.: B260-540-89-250-0	State: FL Year Expires: 12 S.S. #: 591-86-4089
Height: 5-06 Weight: 125 Hair: Brown Eyes: BLUE	P.O.B. (City, State, County): ORLANDO, FL Statement: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Scars, Marks, Tattoos: NONE	Business & Occupation: ENGINEER Citizenship: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Address - Mailing/Permanent (STREET, APT. NUMBER) 1004 RUTH JORDANA COURT 1110052	(CITY) GORFF (STATE) FL ZIP CODE 321-360-8313
Address - Local (STREET, APT. NUMBER) SAME AS ABOVE	(CITY) GORFF (STATE) FL ZIP CODE 321-360-8313
Address - Other (Employ/School) MASTER LINES	(STREET, APT. NUMBER) N/A (CITY) OAKLAND (STATE) FL ZIP CODE N/A BUSSCHOOL

CHARGES	DOMESTIC VIOLENCE? YES <input type="checkbox"/> NO <input type="checkbox"/>	Attachments: Affidavit(s) <input type="checkbox"/> Warrant(s) <input type="checkbox"/> NTA Schedule <input type="checkbox"/> Report <input type="checkbox"/> Traffic Infraction(s) <input type="checkbox"/> Total Charges: 1
#1 Charge: POSSESSION OF CANNABIS UNDER 20GMS	FEL <input type="checkbox"/> MISD <input checked="" type="checkbox"/> ORD <input type="checkbox"/> FS/ORD: 893.13(6)b	Citation No.: Bond:
#2 Charge:	FEL <input type="checkbox"/> MISD <input type="checkbox"/> ORD <input type="checkbox"/> FS/ORD:	Citation No.: Bond:
#3 Charge:	FEL <input type="checkbox"/> MISD <input type="checkbox"/> ORD <input type="checkbox"/> FS/ORD:	Citation No.: Bond:


CO-DEFENDANT	Co-Def #1. Arrested? Y <input type="checkbox"/> N <input type="checkbox"/> Fel <input type="checkbox"/> Misd <input type="checkbox"/> Traf <input type="checkbox"/> Ord <input type="checkbox"/> NTA <input type="checkbox"/>	Co-Def #2. Arrested? Y <input type="checkbox"/> N <input type="checkbox"/> Fel <input type="checkbox"/> Misd <input type="checkbox"/> Traf <input type="checkbox"/> Ord <input type="checkbox"/> NTA <input type="checkbox"/>		
#1 NAME (L,F,M):	Race:	Sex:	DOB:	Age:
#2 NAME (L,F,M):	Race:	Sex:	DOB:	Age:

NARRATIVE

The undersigned certifies and swears that there is probable cause to believe the above-named defendant, on the 29 day of MARCH, 2009, at approximately 2:17 p.m. at 800 N. OCEAN BEACH DAYTONA BEACH within VOLUSIA County, violated the law and did then and there: KNOWINGLY & UNLAWFULLY HAVE IN HIS POSSESSION A CLEAR CELLOPHANE BAGGIE CONTAINING A GREEN LEAFY SUBSTANCE, WHICH WAS LOCATED IN THE DEF. VEHICLE IN THE ABOVE CENTER CONSOLE, THAT TESTED PRESUMPTIVE POSITIVE FOR CANNABIS. THE DEF. WAS ARRESTED INCIDENT TO ARREST WHEN A STRONG OODOR OF CANNABIS WAS COMING FROM THE DEF. VEHICLE. THE DEF. WAS SITTING IN THE DRIVER SEAT OF HIS RED JEEP GRAND CHEROKEE. DEF. WAS COOPERATIVE WITH THIS OFFICER BY TELLING THIS OFFICER WHERE TO LOCATE "THE REST OF THE WEED". THE GREEN LEAFY SUBSTANCE THAT WAS FOUND IN THE ABOVE CENTER

NOTICE TO APPEAR	MANDATORY APPEARANCE <input checked="" type="checkbox"/>	YOU NEED NOT APPEAR IN COURT BUT MUST COMPLY WITH INSTRUCTIONS ON THE REVERSE SIDE OF YOUR COPY <input type="checkbox"/>	FINE, AND COSTS AMOUNT:
I AGREE TO APPEAR IN COURT HEREIN TO ANSWER THE OFFENSE CHARGED OR TO PAY THE FINE INDICATED. I UNDERSTAND THAT SHOULD I WILLFULLY FAIL TO APPEAR BEFORE THE COURT AS REQUIRED, OR PAY THE LISTED FINE, I MAY BE HELD IN CONTEMPT OF COURT AND A WARRANT FOR MY ARREST WILL BE ISSUED.			

SIGNATURE OF DEFENDANT: <i>Matthew Bugara</i>	Date: 3/29/09	SIGNATURE OF JUVENILE PARENT OR CUSTODIAN	JUVE DISP.
		RELATIONSHIP TO JUVENILE	CITATION No.

Sworn to and subscribed before me, the undersigned, this 29 day of MARCH, 2009.	I swear/affirm the above statements are correct and true	
Name: <i>T. McGibeny</i>	OFFICER'S/COMPLAINANT'S SIGNATURE: <i>T. McGibeny</i>	
Notary Public Personally Known <input type="checkbox"/> Law Enforcement or Corrections Officer Produced Identification <input checked="" type="checkbox"/> Type of Identification: BCSO	Name (printed): T. MCGIBENY ID Number: 863	

OFFICIAL USE ONLY

Inmate Number & Facility:

Witness/Victim/Evidence Form 798-A

Arrest
 Affidavit
 Notice to Appear
 Adult
 Juvenile Court Case Number:

Defendant Name: SUGARA MATTHEW		Agency Case Number: 08-00-0470	
Name (L,FM):	Vic <input type="checkbox"/> Wit <input type="checkbox"/>	Race:	Sex:
Address (#,Street, City, State):	Statement: Yes <input type="checkbox"/> No <input type="checkbox"/>		DOB:
Bus/School Address:	Zip:		SSN:
Relative/Contact Name	Relative/Contact Address:		Home Phone:
Name (L,FM):	Vic <input type="checkbox"/> Wit <input type="checkbox"/>	Race:	Sex:
Address (#,Street, City, State):	Statement: Yes <input type="checkbox"/> No <input type="checkbox"/>		DOB:
Bus/School Address:	Zip:		SSN:
Relative/Contact Name	Relative/Contact Address:		Home Phone:
Name (L,FM):	Vic <input type="checkbox"/> Wit <input type="checkbox"/>	Race:	Sex:
Address (#,Street, City, State):	Statement: Yes <input type="checkbox"/> No <input type="checkbox"/>		DOB:
Bus/School Address:	Zip:		SSN:
Relative/Contact Name	Relative/Contact Address:		Home Phone:
Name (L,FM):	Vic <input type="checkbox"/> Wit <input type="checkbox"/>	Race:	Sex:
Address (#,Street, City, State):	Statement: Yes <input type="checkbox"/> No <input type="checkbox"/>		DOB:
Bus/School Address:	Zip:		SSN:
Relative/Contact Name	Relative/Contact Address:		Home Phone:
Name (L,FM):	Vic <input type="checkbox"/> Wit <input type="checkbox"/>	Race:	Sex:
Address (#,Street, City, State):	Statement: Yes <input type="checkbox"/> No <input type="checkbox"/>		DOB:
Bus/School Address:	Zip:		SSN:
Relative/Contact Name	Relative/Contact Address:		Home Phone:
Name (L,FM):	Vic <input type="checkbox"/> Wit <input type="checkbox"/>	Race:	Sex:
Address (#,Street, City, State):	Statement: Yes <input type="checkbox"/> No <input type="checkbox"/>		DOB:
Bus/School Address:	Zip:		SSN:
Relative/Contact Name	Relative/Contact Address:		Home Phone:
Name (L,FM):	Vic <input type="checkbox"/> Wit <input type="checkbox"/>	Race:	Sex:
Address (#,Street, City, State):	Statement: Yes <input type="checkbox"/> No <input type="checkbox"/>		DOB:
Bus/School Address:	Zip:		SSN:
Relative/Contact Name	Relative/Contact Address:		Home Phone:

EVIDENCE COLLECTED

Description	Date Recovered	Model Serial/I.D. Number	Drug Amount
CLEAR PLASTIC BAGGIE OF PRESUMPTIVE Owner: STATE OF FLORIDA	ANNARDS		APPROX. 96GRAMS

I certify that the foregoing is a complete list of witnesses/victims & evidence known to me.

Investigating Officer: *Officer Tom* ID Number: **863** Agency: **VCBP**

VOLUSIA COUNTY BEACH PATROL
PROPERTY REPORT

09-00-0862
INCIDENT NUMBER

15571

FOUND PROPERTY FINDER WISHES TO CLAIM YES NO

Admin.	Incident Type LOST PROPERTY			Location of Incident 200 BLOCK S. OCEAN BEACH DAYTOWA BEACH			
	Date Reported 05/15/09	Date Occurred 05/13/09	Time Reported 0935	Time Occurred 2200	Zone 3	T.H.C. <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	Other Agency Case Number

Victim/Reporting Party	Business Name Victim? Yes/No				Address			Phone #
	Victim/Reporting Party/Defendant, etc. Person's Code				Address			Phone #
	Code V-1	Sex F	Race W	D.O.B. 08/18/84	Name KRISTEN GARNETT 4 WINTHROP DRIVE MARSHFIELD MA, 02050			Phone # (781) 834-0998

Vehicle Owner:				Address			Phone #
Sex:	Race:	D.O.B.		Vehicle Type: (Boat/Plane/Car, etc.)			

Year	Make	Model	Int. Color	LIY	LIS	LIC	Decal No.
VIN Number:			Title State:	Vehicle Towed To:			
Damage:			Towed By:				
Entry Point:			Vehicle Hold For:				

- Prop. Codes
- | | | | | |
|----------------------------|--------------|------------------------|--------------------------|-----------------------|
| 1. Evidence | 4. Lost | 7. Found/Contraband | 9. Stolen | 12. Return to Owner |
| 2. Damaged Prop. | 5. Recovered | 8. Prisoner's Personal | 10. Disposal | 13. Vehicle Inventory |
| 3. Photographed & Released | 6. Found | Property | 11. Property of Deceased | Property |

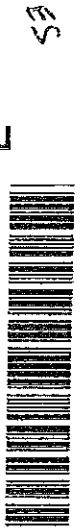
Property Listing	Leave Blank	Prop. Codes	Item #	How Many	Description (Or Vehicle Inventory) (Type, Make, Model, Color, Serial, Marks, Etc.)	Amount
		4	1	1	MA DRIVERS LICENSE IN V-IS NAME	\$ 0
Totals: S						0

Chain of Custody	Leave Blank	Item #	Date	Time	Released By	Received By	Reason for change

Narrative/Circumstances: **ON THE ABOVE SAID DATE, TIME, AND LOCATION V-1 (KRISTEN GARNETT) WAS WALKING ON THE BEACH. WHILE WALKING V-1 (GARNETT) HAD ITEM #1 IN HER POCKET W/ HER CELLPHONE. WHEN V-1 (GARNETT) CELLPHONE RANG ~~FOR~~ ITEM #1 FELL OUT OF HER POCKET AND WAS UNABLE TO FIND IT IN THE SAND B/C IT WAS TOO DARK.**

FCIC/NCIC Entry Date: By/	Cases: <input type="checkbox"/> Not Assigned <input type="checkbox"/> Inactive <input type="checkbox"/> Exc. Cleared <input type="checkbox"/> Closed
FCIC <input type="checkbox"/> NCIC <input type="checkbox"/> Cancelled Date: By/	Status: <input type="checkbox"/> Continued <input type="checkbox"/> Unfounded <input type="checkbox"/> Cleared/Arrest
T.T. BOLO? Area:	Charges Pend. Lab Exam.
NIC #: Lab Exams Req.	<input type="checkbox"/> Yes <input type="checkbox"/> No

Reporting Officer: (printed) OFC. T. McJIBERY	Date: 05/15/09	I.D. # 863
Reporting Officer: <i>[Signature]</i>	Date: 05/21/09	I.D. # 821
Approved By: <i>[Signature]</i>		



ES

1110052
EXK7
9

FLORIDA UNIFORM TRAFFIC CITATION 3947-CON 1

COUNTY OF VOLUSTA
CITY OF VOLUSTA
COUNTY AGENCY PATROL
CONTR. UNIT

DATE OF VIOLATION: MAR 03 03
TIME OF VIOLATION: 04:01
LOCATION: BEACH BLVD DAYWALK BEACH

PLATE: C962790821210
CLASS: FC
TYPE: 19
VEHICLE MAKE: CHEVROLET
VEHICLE MODEL: IMPALA

VEHICLE LICENSE: 89767W
VEHICLE REGISTRATION: 89767W
VEHICLE SALES TAX: 89767W

VEHICLE WEIGHT: 4000 LBS
VEHICLE HEIGHT: 6'0"

VEHICLE COLOR: BLACK
VEHICLE MAKE: CHEVROLET
VEHICLE MODEL: IMPALA

VEHICLE MAKE: CHEVROLET
VEHICLE MODEL: IMPALA

VEHICLE MAKE: CHEVROLET
VEHICLE MODEL: IMPALA

VEHICLE MAKE: CHEVROLET
VEHICLE MODEL: IMPALA

REPORT OF ACTION ON CASE

VIOLATIONS CHECKED:
Date:
Amt. Of Fine Paid \$:
COSTS \$:
COURT ACTION:
Date:
Disposition:

Ant. Of Fine Paid \$:
License Action:
Costs \$:

OFFICER NOTES FOR TESTIFYING IN COURT:
PLEASE NOTE FACTS AND CIRCUMSTANCES IN ADDITION TO THOSE CHECKED ON FACE OF COMPLAINT. THAT IS: 1. ANY SPECIFIC ACTION OF VIOLATOR WHICH INCREASED THE HAZARD OF THE VIOLATION; 2. WHERE VIOLATION OBSERVED AND CONTACT MADE; 3. TOTAL DISTANCE TRAVELED DURING PURSUIT; 4. STATEMENTS BY VIOLATOR AND GENERAL ATTITUDE; AND 5. PLACE OF EMPLOYMENT.

SLIPPERY PAVEMENT: Wet, Rain, Night, Fog, Rain, Unlighted, Cross, Oncoming, Pedestrian, Same, Direction
DARKNESS: Unlighted, Cross, Oncoming, Pedestrian, Same, Direction
OTHER TRAFFIC PRESENT: Same, Direction

CAUSED PERSON TO DODGE: Driver, Pedestrian, Just
CRASH? Yes, No
CRASH BY APPROX. FT.: Front, Rear, Side, Intersection

HIGHWAY TYPE: 2 Lane, 3 Lane, 4 Lane, 4 Lane Divided
AREA: Rural, Residential, School, Industrial, Business

DEF. WAS WARNED ONCE BY TDS OFF TO TURN DOWN MUSIC IN THE 800 BLK COULD BE HEARD AT LEAST 75-100 YDS AWAY. DEF. DID SO WHEN TUPUED MUSTC BACK UP TO THE 900 BLK. CAPT. GARDNER TOLD DEF TO TURN IT DOWN ALSO IN THE 900 BLK. DEF DID SO. DEF TURNED MUSEC BACK UP AT THE 1000 BLK. CAPT. GARDNER HEARD BY HISSELF AFTER I STARTED A PATROL THE DEF. DEF STARTED HOSTILE AND VERY HOSTILE. DEF TOLD ME TO GO BACK TO THE SCHOOL AND BECOME A REAL FUCKING COP.



FLORIDA UNIFORM TRAFFIC CITATION

3948-CQN ¹/₂

COUNTY OF VOLUSTA
CITY OF PALM BAY
STATE OF FLORIDA

110057
BRK8

PLATE NO: 1A
REGISTRATION NO: 2210
EXPIRES: 10/10/10
ISSUED: 10/10/10

VIOLATION: 3948-CQN
OFFENSE: UNLAWFULLY COMMIT THE FOLLOWING OFFENSE:
CHECK ONLY ONE OFFENSE EACH CITATION.

- CARELESS DRIVING
- VIOLATION OF TRAFFIC CONTROL DEVICE
- VIOLATION OF RIGHT-OF-WAY
- IMPROPER CHANGE OF LANE OR COURSE
- IMPROPER PASSING
- CHILD RESTRAINT
- DRIVING UNDER THE INFLUENCE OF ALCOHOL OR DRUGS...

AGGRESSIVE DRIVING
AGGRIEVOUSLY ENDANGERING THE SAFETY OF OTHERS
3948-CQN

ARREST REQUIRED TO
CITY OF PALM BAY
OFFICER: [Signature]

REPORT OF ACTION ON CASE

VIOLATIONS BUREAU: _____
Date: _____
Amt. Of Fine Paid \$: _____ Costs \$: _____
COURT ACTION: _____
Date: _____
Disposition: _____
Amt. Of Fine Paid \$: _____ Costs \$: _____

OFFICER'S NOTES FOR REPORTING IN COURT:
PLEASE NOTE FACTS AND CIRCUMSTANCES IN ADDITION TO THOSE CHECKED ON
FACE OF COMPLAINT - THAT IS: ANY SPECIFIC ACTION OF VIOLATOR WHICH
INCREASED THE HAZARD OF THE VIOLATION; 2. WHERE VIOLATION OBSERVED AND
CONTACT MADE; 3. TOTAL DISTANCE TRAVELED DURING PURSUIT; 4. STATEMENTS
BY VIOLATOR AND GENERAL ATTITUDE; AND 5. PLACE OF EMPLOYMENT.

SLEPPY PAVEMENT	<input type="checkbox"/> Wet <input type="checkbox"/> Rain <input type="checkbox"/> Night <input type="checkbox"/> Fog	CAUSED PERSON TO DODGE	<input type="checkbox"/> PD <input type="checkbox"/> PI <input type="checkbox"/> Fatal <input type="checkbox"/> Vehicle	HIGHWAY TYPE	<input type="checkbox"/> 2 Lane <input type="checkbox"/> 3 Lane <input type="checkbox"/> 4 Lane <input type="checkbox"/> 4 Lane Divided
DARKNESS	<input type="checkbox"/> Unlighted <input type="checkbox"/> Cross <input type="checkbox"/> Oncoming <input type="checkbox"/> Pedestrian <input type="checkbox"/> Same	MISSED CRASH BY APPROX. FT.	<input type="checkbox"/> Side Swipe <input type="checkbox"/> Head On <input type="checkbox"/> Rear End <input type="checkbox"/> Pan off Roadway <input type="checkbox"/> Intersection	AREA:	<input type="checkbox"/> Rural <input type="checkbox"/> Residential <input type="checkbox"/> School <input type="checkbox"/> Industrial <input type="checkbox"/> Business
OTHER TRAFFIC PRESENT	<input type="checkbox"/> Direction				

WITNESSES: _____

VEHICLE DEFECTS

- Service Brake _____
- Parking Brake _____
- Headlights _____
- Tail Lights _____
- Stop Lights _____
- Windshield Wiper _____
- Horn _____
- Tires _____
- Other _____