

**To:** Frederick Bateman, Esq.  
*MORGAN & MORGAN*

**FROM:** Roy R. Bedard  
*RRB SYSTEMS INTERNATIONAL*

**IN RE:** CJSTC Probable Cause review in the matter of Francis Carter

**DATE:** October 24, 2011

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I. **Introduction**

My name is Roy R. Bedard; I reside in Tallahassee, Florida, where I am a full-time Professional Law Enforcement and Corrections Trainer. I am the owner and president of RRB Systems International, a police and public safety product and training corporation headquartered in Tallahassee, Florida that conducts law enforcement, corrections and public safety training throughout the world. I am a twenty-four year veteran of law enforcement and my standards are currently held by the Tallahassee Police Department. I am a listed subject matter expert in police use of force by the Florida Department of Law Enforcement and the US Department of Homeland Security. I have been qualified in State and Federal Court as an expert in police procedures, police training and use of force. I have been asked by former MPD Officer Francis R. Carter's attorney to consult in the matter of a probable cause review for Francis Carter.

II. **Qualifications and Background**

I have taught a variety of police courses including classes in police and corrections procedures, police management and civil liability throughout the US and abroad. I have taught patrol procedures, traffic stops, criminal investigations, and basic and advanced defensive tactics to academies, corrections and law enforcement agencies throughout Florida and many other parts of the nation. I have provided training and policy development to the Federal Law Enforcement Training Center and the Federal Bureau of Prisons. I have developed police tactics training courses and hold patents, trademarks and copyrights on a variety of police equipment and law enforcement training. I have consulted and produced police films and television shows which are used in colleges and law enforcement academies across the state and nation. These films address police procedures, traffic direction, the use of force; and issues involving Civil and Criminal liability.

I received a Bachelors degree from the Florida State University in Criminology and Criminal Justice in 1999. For the past twenty-four years, I have served as a full time police officer, police trainer and reserve officer. I began at the Florida State University as a patrol officer and participated in most of my police career as a field-training officer. I have been active with the Tallahassee Police Department since 1990.

I am an adjunct trainer at the Florida Public Safety Institute since 1987, in Havana Florida providing training services for basic, advanced and specialized law enforcement and corrections officials.

I am certified as a police instructor by Florida's Criminal Justice Standards and Training Commission. I serve as a task force member to the Use of Force and Defensive Tactics Development Committee for police and corrections at the Florida Department of Law Enforcement in Tallahassee, Florida.

I have previously appeared as an expert witness in a variety of cases, having been qualified in both state and federal courts as an expert in use of force, police procedures and combat stress. My experience and publications are described more fully in the curriculum vitae, prepared by me and attached to this report.

### III. **Materials Provided for Review:**

- Internal Affairs Investigation Employee Notification 11/25/09
- Memorandum from Sergeant Daniel Lynch to Police Chief Don Carey 12/22/09
- Internal Affairs Investigation Employee Notification 01/4/10
- Memorandum from Sergeant Daniel Lynch to Police Chief Don Carey 01/25/10
- Affidavit for Arrest Warrant for Francis R. Carter 01/28/10
- Signed Arrest Warrant by Judge Earp 01/28/10
- Melbourne Police Department News Release 01/28/10
- Administrative Leave Notification 02/01/10
- Internal Affairs Investigation Employee Notification 02/03/10
- Memorandum from Chief Donald Carey to Officer Frank Carter 02/10/10
- Memorandum from Sgt. Daniel Lynch to Officer Frank Carter 02/11/10
- Fraternal Order of Police Office of General Counsel media release 02/11/10
- Torpy Law Offices, Richard Torpy Letter to Chief Carey 02/15/10
- Letter from Chief Don Carey to Richard Torpy, Torpy Law Offices 02/16/10
- 80 hour Suspension Letter from Chief Carey to Officer Frank Carter 02/26/10
- Nolle Prosequi State of Florida v Francis R. Carter filed 03/18/2011
- Benefit cancellation notice from City of Melbourne to Officer Fran Carter 05/27/10
- City of Melbourne Notice of Possible Dismissal and Appeal Rights 07/06/10
- Termination of employment from Chief Carey to Officer Frank Carter 08/19/10
- Internal Investigation Report by Steve Mimbs, Chief of Police 11/9/10
- Nolle Prosequi State of Florida v Francis R. Carter filed 11/19/2010
- Probable Cause determination Case # 29982 (not dated)
- FDLE Global Profile Sheet for Francis R. Carter, Jr. 07/11/2011
- Draft Administrative Complaint prepared by Erica Bradham FDLE, 07/13/11

- FDLE Notice of Probable cause Determination by Glen Hopkins to Chief Carey 07/20/11
- Memo to FDLE Bureau Chief Glen W. Hopkins from Steve Mimbs, Police Chief MPD 08/09/11
- Investigative Narrative by FDLE SA Ryan Bliss (not dated)
- City of Melbourne City Council Meeting Minutes, July 27, 2010
- City of Melbourne Police Department Investigation Summary for Francis R Carter

#### **IV. Sources**

The following documents are considered authoritative and constitute certain details germane to the review of his case. It is from these references that I support my opinions and proffer this report.

1. Rothlein, Steve, Lober J.D, Richard (April 1996), *The Ramifications of Internal Affairs Investigations*, The Police Chief
2. Knowles, John; Persico, Nicola; Todd, Petra (February 2001). "Racial Bias in Motor Vehicle Searches: Theory and Evidence". *The Journal of Political Economy* 109 (1): 203–29
3. Florida State Statues (2009)

## V. Timeline and Facts of the Review

1. Chief Don Carey was selected as Police Chief for the city of Melbourne by City Manager Jack Schluckebier on June 09, 2003
2. Prior to Chief Carey's arrival at the Melbourne Police Department certain members of the Melbourne Police Union protested his hiring.
3. Chief Don Carey had previously been the Chief at three other police departments including the City of Omaha Nebraska, The City of Independence, Missouri and the City of Blacksburg, VA and had received votes of no confidence from the police unions at those respective agencies.
4. The Melbourne Police Department Union President was Officer Frank Carter.
5. Chief Don Carey and Officer Frank Carter were continuously embroiled in political conflict.
6. For many years Officer Frank Carter had been the subject of many internal complaints that he reasonably believed were motivated by the agency administration. In nearly all of them, he prevailed when no evidence could be found to support the charges.
7. On November 12, 2009 Karen Gregory, the former girlfriend of Melbourne Police Officer Frank Carter contacted the Melbourne Police Chief Donald Carey to allege misconduct by Officer Carter.
8. On November 12, 2009 Officer Carey notified FDLE Resident Agent in Charge Wayne Ivey that he had received information that Officer Carter may have violated the law in an on and off duty capacity and requested that the Florida Department of Law Enforcement open an investigation.
9. On November 13, 2009 RAC Ivey, FDLE Special Agent Ryan Bliss and Melbourne internal Affairs Investigator interviewed Karen Gregory regarding her allegations.
10. November 25, 2009 City of Melbourne Police Chief Donald Carey notified Officer Frank Carter that an internal investigation was being conducted on Carter for allegations that he had "obtained an apartment, at no cost" through his position as a police officer and that the apartment was utilized by Carter while on duty and without supervisory approval. See IA-2009-52

11. On December 22, 2009, Sergeant Daniel Lynch of the Melbourne Police Department submitted a Memorandum to Melbourne Police Chief Don Carey regarding his investigation of the complaint. Sgt. Lynch stated that while investigating the in car video of Officer Carter, he noted five (5) traffic stops conducted between the dates of April 26, 2009 and September 27, 2009 that “had questionable probable cause.”
12. The original complaint given to Sgt. Lynch was to investigate a claim that Officer Frank Carter had unlawfully obtained a fully furnished apartment at the Melbourne University Apartment complex due to his official capacity as a police officer for the City of Melbourne and was derelict in his duties by spending on duty work time inside the apartment to “sleep, watch television and do other nonwork activities.”<sup>1</sup>
13. As part of this investigation, Sgt. Lynch requested the City of Melbourne IT department download all of Officer Carter’s dash cam video for the past six months to determine if he had visited the apartments during his on-duty hours.
14. Sgt. Lynch reviewed six DVD’s provided to him by the Melbourne IT Department, which contained select vignettes of Officer Carter’s police activities.
15. While analyzing the captured video, Sgt. Lynch turned his investigation to determining the *quality* of Officer Carter’s traffic stops, analyzing them to second-guess Officer Carter’s probable cause for stopping motor vehicles.
16. On January 25, Sergeant Lynch wrote a memorandum to Chief Don Carey accusing Officer Carter of unlawfully stopping citizens in motor vehicles. Sgt. Lynch questioned Officer Carter’s ability to “objectively patrol” and suggested the Officer Carter’s performance was motivated by racial bias.
17. Based upon Sgt. Lynch’s Memorandum, the Florida Department of Law Enforcement was brought into this new allegation to begin a criminal investigation of Officer Carter.
18. Special Agent (SA) Ryan Bliss of FDLE, who had previously interviewed Karen Gregory regarding the “free apartment” was now assigned the case alleging racial bias, Official misconduct and False Documentation, the later being criminal violation allegations in the State of Florida
19. At the conclusion of SA Bliss’ investigation he composed a probable cause affidavit for the criminal charges of Official Misconduct (F.S. 838.022)-5 Counts and Falsifying records (F.S. 839.13)-2 Counts.
20. This probable cause affidavit was reviewed by Circuit Judge James Earp who signed a warrant commanding the arrest of Officer Carter on January 28, 2010.

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<sup>1</sup> Cops: Officer Used Title For Free Apt., (March 3, 2010), [www.clickorlando.com](http://www.clickorlando.com)9 WKMG Local 6.

21. Officer Carter turned himself in for arrest at the Brevard County Jail on Thursday, January 28, 2010.
22. Officer Carter was released on bond on Saturday, January 30, 2010 on a \$1000.00 bond for each charge.
23. On November 22, 2010, before preceding to trial, Assistant State Attorney Thomas Hastings reviewed the Information and finding insufficient probable cause for the arrest determined that the State would issued a Nolle Prosequi for the accusations against Officer Carter for the May 18, 2009 issuance of a Uniform Traffic Citation. The Asst. State Attorney stipulated that prosecution would continue for a separate accusation regarding Brevard County Case No: 2010-CF-58322-A, relating to the April 26, 2009 allegations for Uniform Traffic Citation #8943-GDW.
24. On March 21, 2011 Assistant State Attorney Hastings reviewed the Information for Brevard County Case No: 2010-CF-58322-A, and finding insufficient probable cause for the arrest of Officer Carter issued a Nolle Prosequi on this case as well.
25. On August 9, 2011, subsequent to the dropped criminal charges of Officer Frank Carter, Melbourne Police Chief Steve Mimbs asked the Florida Department of Law Enforcement Criminal Justice Professionalism Program to continue a probable cause hearing for Administrative violations based upon the agencies internal affairs investigation against Officer Carter.
26. The FDLE Criminal Justice Standards and Training Commission scheduled a Probable Cause hearing for the purpose of determining the viability of the Administrative Complaint before proceeding to a full hearing for a disciplinary case. The notification was issued to Officer Carter on July 20, 2011.

## **VI. Analysis**

### **A. Introduction of Review**

I have been asked to render an opinion upon the materials provided to me by the defendant's counsel regarding the investigation of Officer Frank Carter by Sgt. Daniel Lynch and Chief Don Carey of the Melbourne Police Department and Special Agents Ryan Bliss and Wayne Ivey of the Florida Department of Law Enforcement. The investigation resulted in the arrest and prosecution of Officer Carter for felony and misdemeanor charges. These charges were later dropped by the State Attorney's Office after a finding of insufficient evidence. Francis R. Carter (Frank) was a twenty-two year veteran officer of the Melbourne Police Department at the time of his arrest.

The investigation, now available to the public has been the source of much controversy. It is wrought with complicated political conflicts, which are a matter of record between the former Police Chief Don Carey and Police Officer Frank Carter. A thorough investigation of this matter makes it difficult to ignore the scope and variety of stories that have emerged beyond the agencies investigation. Admittedly, such information can quickly complicate an objective review of the facts.

Still, the facts of this case as presented to me stand alone. A civil process will determine the veracity of the respective legal claims in the future and any opinion regarding these areas is presently beyond my scope of review.

It is not my intent to assign credibility to any statement of fact but rather to consider all that has been presented to me and to draw upon the facts as they are recorded to formulate a professional opinion within a reasonable degree of certainty that the procedures and methods used by the investigating agencies were bona fide acceptable practices. To accomplish this, I have conducted an exhaustive review of the materials provided to me and have compared them to a variety of sources that are considered authoritative and from which I have relied upon with respect to police procedures as generally accepted among the law enforcement profession.

## B. Internal Affairs

Traditionally, law enforcement agencies manage citizen complaints about police corruption and misconduct through an ad hoc disciplinary procedure conducted by an internal investigation arm of the agency.

Of the 25,000+ police agencies in the United States, all but a few have an internal process to investigate police misconduct<sup>2</sup>

If officers have been accused or are suspected of misconduct, unprofessional behavior or policy violations a process is ordinarily in place to internally investigate the accusation or suspicion. If officers, after a thorough investigation have been found to be engaging in misconduct or policy violations, these behaviors may be remedied through a variety of internal corrective actions and processes. These remedies include oral or written reprimands, suspensions, mandatory retraining in the agencies policies, procedures or required skills and perhaps even termination. Absent overt egregious violations of law it is exceedingly rare that an investigation leads to a criminal prosecution. If an officer's questionable conduct were alleged to be against state code, statute or Federal law, internal affairs investigators would most often seek the assistance of criminal investigators from within the department or they may appeal to outside agencies to pursue the criminal investigation.

Internal affairs investigations are conducted for the purpose of determining the validity of formal complaints from members of the public or police officials. Internal Affairs investigators do not provide corrective actions but rather issue the findings of their investigation to an executive authority that then applies corrective actions in compliance with organizational policies, rules, regulations and within the confines of Florida Statute 112. Agencies that allow for collective bargaining are required to consider and abide by legal agreements regarding disciplinary procedures.

Internal investigations most commonly render dispositions of *sustained*, where the evidence demonstrates that the complaint has merit, *not sustained*, where the evidence cannot show that the complaint has merit or *unfounded* where the evidence can show neither the complaint having merit or not having merit. Other designations may apply to include *complaint withdrawn* when the complainant has voluntarily decided that the original complaint was not accurate or new information has shown the complainant that their original perception of the complaint was inaccurate under a new or different light. Other terms may also be used by different agencies.

It is not uncommon for an internal affairs investigator to uncover new forms of misconduct while investigating the original complaint. When this occurs, each new allegation is documented, assigned a new case number and individually pursued in accordance with the process described above.

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1. 2 Rothlein, Steve, Lober J.D, Richard, The Ramifications of Internal Affairs Investigations, The Police Chief, April 1996



### **C. The Investigation of Officer Frank Carter**

On November 12, 2009, Officer Frank Carter's ex-girlfriend Karen Gregory contacted Chief Carey directly to report several allegations that Officer Carter had engaged in inappropriate behavior, criminal violations and unsavory conduct. Her complaint stemmed from a personal relationship that she had with Officer Carter that had subsequently soured.

Chief Carey contacted the Florida Department of Law Enforcement Resident Agent in Charge (RAC) Wayne Ivey to request a criminal investigation of Officer Carter.

Ivey assigned FDLE Special Agent (SA) Ryan Bliss to head up the criminal investigation. The following day, RAC Ivey, SA Bliss and MPD Internal Affairs Sergeant Danny Lynch interviewed Karen Gregory with respect to her complaints against Officer Carter.

Special Agent Bliss was the primary investigator in the criminal allegations against Officer Carter while MPD Sgt. Danny Lynch was the primary investigator for claims made by Gregory involving administrative violations.

Bliss wrote in his investigative narrative a synopsis of the history between Officer Carter and Karen Gregory demonstrating a relationship spanning more than four years. In 2005 Officer Carter and Karen Gregory had entered into a domestic relationship and as a result participated together in several business dealings involving the borrowing and lending of money for the purchase and sale of real estate.

The narrative describes the domestic relationship ending in 2007 when Gregory moved out of Carter's home and into an apartment owned by Carter that was subject to foreclosure. According to the narrative, Gregory continued to ask Carter for money claiming that he owed her \$220,000. Gregory told the investigators that when she attempted to contact Carter by text message he refused to answer. Karen Gregory did not show the investigators any contracts, agreements or other proofs of her claims. Her claims for being owed money were civil in nature, and thus not investigated by SA Bliss or Sgt. Lynch.

Gregory shared a text message with SA Bliss that read, "just remember I get any call from the Chief and you will be out of condo within sixty days or less so start planning to get another location."

From this it could be reasonably inferred that the text was in the context of a response to a threat made to Officer Carter by Karen Gregory. The text message suggested that Officer Carter had somehow been made aware that Karen Gregory had threatened to sabotage his career by bringing their personal relationship to the Chief of Police and he was warning her against that.

The investigative narrative detailed another claim that Officer Carter was threatening Karen Gregory with text messages. SA Bliss wrote several pages detailing a lengthy and intensive investigation of these threatening text messages received by Karen Gregory. After SA Bliss had run down all of the

investigative leads the investigation revealed that Daniel Bowman a former colleague of Officer Carter had sent them. Not being able to draw any conclusive evidence of criminal activity on the part of Officer Carter the investigation ended.

The next investigation SA Bliss undertook regarded Karen Gregory's claim that she was being extorted. Gregory told Bliss that she communicated with Officer Carter via text message, asking what could be done to prevent foreclosure of an apartment that she was occupying. According to Gregory, Officer Carter asked for "one thousand pictures" of Karen Gregory and her friends. SA Bliss took this to mean that Officer Carter's use of the term "pictures" was intended to mean "nude photos." Perhaps it was.

Rather than concluding Officer Carter's private communications with Gregory as being satirical, the idea of Carter diffusing a foreclosure for the cost of one thousand nude photos being absolutely ridiculous, SA Bliss wrote of Gregory's claim in all seriousness. To cast further doubt on the legitimacy of Gregory's extortion complaint SA Bliss mentioned that Gregory chose to send ten nude photos *before* she decided to report the alleged crime.

Though SA Bliss gave a considerable amount of time and attention to these initial reports it appears as though he did at some point recognize that Karen Gregory's claims were not criminal in nature as he chose to not criminally pursue any of them.

What must have started to sound to the investigators like the histrionic ranting of a scorned ex-girlfriend was nonetheless pursued in all earnestness. Perhaps the investigators felt that it was necessary to ignore what was becoming more obvious and address every claim made by Gregory as a courtesy to Chief Carey who had taken the extraordinary step of not only investigating the unofficial complaints internally, but immediately involved an outside agency, namely the Florida Department of Law Enforcement. Whatever the reason, the two investigators continued to try and run down every lead that Gregory gave them regardless of merit.

Sgt. Danny Lynch investigated a complaint from Karen Gregory, an alleged administrative violation that Officer Carter had obtained an apartment for free as a consideration of his official position with the Melbourne Police Department. Further, she alleged that Officer Carter had spent time in the apartment during his on-duty hours to, "sleep, watch television and do other nonwork activities."<sup>3</sup>

Recalling that Officer Carter was a twenty-two year veteran at the MPD and a lightning rod for controversy because of his aggressive no nonsense policing style, this claim should have struck Sgt. Danny Lynch as being particularly odd. Suddenly Carter was being accused of sleeping on duty and doing nonwork activities. A simple pull of his activity log and a visit to the apartment complex could have likely laid this claim to rest. But Sgt. Lynch did not attempt to do that. From this claim, yet another full administrative investigation was launched<sup>4</sup>.

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3 Cops: Officer Used Title For Free Apt., (March 3, 2010), [www.clickorlando.com](http://www.clickorlando.com)9 WKMG Local 6.

4 See MPD IA-2009-52

On November 25, 2009, Officer Frank Carter was notified of an active internal investigation for “information that you have obtained an apartment, at no cost, through your position as a police officer and that this apartment is utilized by you while on duty and without supervisory approval.”<sup>5</sup> This complaint was another made by Karen Gregory in her oral interview by the investigators.

In my interview with Frank Carter, he admitted that the apartment existed and described it to me as a fully furnished efficiency type apartment at the *Melbourne University Apartment* complex. Zone officers who worked in the surrounding neighborhoods regularly used it. Another similar apartment located at *Stonewood Townhomes* 325 E. University Blvd was also routinely used by police officers for duty functions. Both apartments were well known and frequented by officers and shift supervisors. The use of these apartments was by approval of the apartment manager for the purpose of drawing uniformed patrol officers to these often-troubled locations. At times the apartment would be used for planning, writing reports, collecting paperwork or using the restroom facilities in safety. Apartments such as these became common throughout the State and nation in beginning in the 1990s as part of far reaching community oriented policing programs<sup>6</sup>. They have and continue to serve as effective force multipliers, providing substation amenities to street patrol officers at no cost to the taxpayers. Certainly Sgt. Lynch would have known of the existence of such apartments and most likely SA Bliss would have also.<sup>7</sup> Though the apartments were commonly used, no specific agency policy addressed them, how to acquire them or how they should be used. When the complaint originated the Chief measured it against a general gratuity policy forbidding the acceptance of any gratuities.

Administrative complaints received by police departments on police officers must be treated with caution and critical analysis. Police officers are in the conflict business and rarely leave a call for service with everyone satisfied. Without a doubt, a percentage of complaints received by internal affairs divisions are driven by anger or retribution. Understanding this, many states have enacted laws to prevent citizens from filing false complaints by requiring that they put their complaint in writing and that they sign the complaint under penalty of perjury. In Florida, Statute 112.533 entitled, **Receipt and processing of complaints** requires that law enforcement officers who are assigned the responsibility of investigating the complaint verify pursuant to s. 92.525 that the contents of the report are true and accurate based upon the person’s personal knowledge, information and belief.

The purpose of such laws is not to discourage or prevent citizens from making complaints, but rather to persuade individuals from seeking retribution by filing false claims. Ordinarily, a complaint such as the one provided by Karen Gregory, must be initiated in earnest, but balanced with a certain amount of healthy skepticism. It was clear from the beginning that Ms. Gregory had a proverbial ax to grind with Officer Carter. Though this by itself was no reason to dismiss her claims, it did create a

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<sup>5</sup> See Internal Affairs Investigation Employee Notification by Chief Don Carey, 11/25/09

<sup>6</sup> See Safer Neighborhoods Through Community Oriented Policing Vol. 1 for a full discussion on agency/apartment partnerships, April 2001 by the United States Conference of Mayors

<sup>7</sup> When the investigation yielded more than a dozen reprimands to officers who frequented the apartment, the scope of how well known the apartment was had been clearly documented.

specter of doubt that would need to be resolved before jeopardizing Officer Carter's career. With the variety of civil claims, criminal claims and official misconduct reports against this twenty-two year highly decorated veteran of law enforcement, a reasonable investigator could not naturally dismiss the possibility of an ulterior motive.

Chief Carey knew the Gregory was an angry ex-girlfriend with an agenda because she told him so. Her ambition was to recover money she claimed was owed to her by Officer Carter and to prevent getting kicked out of an apartment she was living in rent-free for two years. The apartment was in Carter's name and Karen Gregory had no lawful claim to it. In other words, Karen Gregory's reporting seemed to have more to do with her losses than the City of Melbourne's gain. A career law enforcement professional and prudent investigator like Don Carey would be compelled to ascertain elements of Ms. Gregory's claim in order to validate or invalidate the need for what could likely become a costly investigation. For Karen Gregory's report to be valid it would need to be put in writing and taken under oath or signed and executed by a person who affirmed that the facts or matters stated or recited in the document to be true.<sup>8</sup> Though a public records request was made of the Frank Carter investigation no sworn or written statement by Ms. Karen Gregory was found in the documents.

On January 25, 2010, Sgt. Dan Lynch issued another memorandum to Chief Carey stating that incidental to the investigation of the apartment complex scandal, he had "possibly developed probable cause against Frank Carter for Official Misconduct (F.S.S. 838.022) and Falsifying Records (F.S.S. 839.13)" for several traffic stops he observed through the lens of Officer Carter's in car video. The allegations now raised by Lynch were not merely administrative violations. These allegations were criminal and carried with them sanctions that could result in the arrest of Officer Carter.

It is not unusual that an investigator would notify the Chief Executive and request assistance from a criminal investigation division (CID) or an outside agency to conduct the investigation of newly uncovered crimes. However, in this case, the findings of Sgt. Danny Lynch were so completely separate from the investigation he was reportedly assigned that it would have been sure to raise the eyebrows of Chief Carey.

Traffic stops do not happen in a vacuum. They are public events and there are always other witnesses including the alleged violator, their passengers and other officers on the scene. Add to this the documentation of the suspect officer calling in the stop to dispatch and a record of the stop captured by the in car video and it would be hard to imagine flagrant criminal behavior by Officer Carter. It must be understood that until Sgt. Lynch raised the question, there had been no accusations that Officer Carter had wrongfully stopped vehicles and fabricated uniform traffic citations by anyone, including the traffic violators. If the agency would have previously received notice from members of the public or other officers on the scene of the traffic stops that Officer Carter was wrongfully stopping motor vehicles without the requisite probable cause then the agency would have been derelict in not resolving the matter much earlier.

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<sup>8</sup> See Florida Statute 95.525 entitled Verification of documents; perjury by false written declaration, penalty.

Of the five traffic stops that Sgt. Lynch declared questionable, none of the vehicle occupants formally complained of being unlawfully stopped. It is assumed that each driver had taken their tickets and handled them as most people do, through the court system. One driver, Laura Cabrera who was later subpoenaed in the probable cause hearing against Frank Carter after receiving two citations, handled them without complaint, and testified under oath that she had in fact committed the violations!

Officers throughout the nation make judgment calls on violations that they reasonably perceive. They make arrests, stop suspicious persons, investigate crimes, pull over vehicles and issue citations based upon those individual observations and beliefs. Their charge sheets detail the facts and circumstances upon which they have relied to draw their conclusions of reasonable suspicion and probable cause. These sheets are of the most visible and transparent nature, available for review by supervisors, citizens, the courts, attorneys or anyone else who wishes to review their content.

If drivers wish to contest an officer's charges, the courts allow for and even encourage such challenges. Each uniform traffic citation is printed with a full description of the driver's rights and a sufficient amount of time is given to each violator to appear in traffic court for a judicial review.

The idea that an investigator would randomly second guess an officer's probable cause for a traffic stop and ultimately launch criminal complaints against him for what amounts to a judgment call leaves a chilling effect for everyone in the law enforcement profession. If it were suddenly acceptable to second guess an officer's determination of probable cause and an alternative opinion carried with it sanctions that could hurt an officer or his career, effective law enforcement in America would likely cease as officers would react to and protect themselves by making only arrests that were beyond a reasonable doubt, a burden of proof currently reserved only for prosecutors

#### **D. The Traffic Stops**

As previously stated Sgt. Danny Lynch watched several or all of Officer Frank Carter's traffic stops on the six DVDs he says the City of Melbourne IT gave him.

Because these traffic stops were captured on video, anyone is provided an opportunity to likewise review them. I took this opportunity as a trained law enforcement officer of twenty-four years to also review them and to offer my own critique with respect to the probable cause as determined by Officer Carter. After reviewing the stops, I like the Assistant State Attorney who nolle prossed the criminal case against Officer Carter, found insufficient evidence support criminal charges against Officer Carter.

Sgt. Lynch entered a second factor into the record; one that he likely knew would incite prejudice into the investigation. Sgt. Lynch suggested a sinister and politically charged motive for the traffic stops. He wrote, "Based on my review of these videos I see an issue with Ofc. Carter's ability to objectively patrol. It would appear on the surface there is no probable cause for these stops. Therefore, I would recommend further investigation into possible *race based profiling techniques* being used by Ofc. Carter.

## **E. Race Based Profiling**

A proper conclusion of race based profiling can only be determined by analyzing the aggregate of the officer's and/or agencies self-initiated traffic stops and citizen contacts. It seems extraordinarily irresponsible that Sgt. Lynch, so early into the investigation would have suggested this motive without a full and thorough consideration of the many elements needed to support such an inflammatory claim. When any particular race of person can be shown to be disproportionately represented in police/citizen contacts, race based profiling may reasonably be alleged. To determine this proportionality a comparative analysis would have to be conducted based upon complete community demographics.

If Sgt. Dan Lynch wanted to make a case for race based profiling against Officer Carter he should have included data of the particular community that Officer Carter was assigned to and provided a description of every vehicle or person stop that Officer Carter had made over the last six months of police activity that he studied. Trends in the data could have been controlled for race and may have provided evidence for his highly charged claim. Absent this, Sgt. Lynch's memorandum was merely reckless and slanderous and it ultimately led to a public news release painting Officer Carter as a racist<sup>9</sup>. Sgt. Lynch a departmental supervisor who had received training under Florida's human diversity curriculum would have had to have known that in these politically charged times that the mere accusation of racism would likely do irreparable harm to Officer Carter's reputation.

This is precisely why many law enforcement agencies have adopted racial coding criteria in their data management. After twenty-two years of patrolling Officer Carter would have collected a considerable amount of data in his self initiated police activities that could have been queried and analyzed for such trends. But rather than doing the proper research, Sgt. Lynch drew his conclusion from the five traffic stops that he reported.

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<sup>9</sup> See MPD News Release by Commander Ron Bell entitled: Arrest of Police Officer 01/28/10

## **F. The Criminal Investigation**

Not finding probable cause for the claims of criminal extortion by Karen Gregory SA Bliss segued his report into the administrative investigation that was conducted by MPD Sgt. Lynch involving the review of Officer Carter's in-car video. SA Bliss specifically stated in his report that the purpose for studying the in car camera video was "an effort to determine if Carter was at the apartment while on duty with the MPD."

SA Bliss appears to have concurred or collaborated in the opinions expressed by Sgt. Lynch's administrative review. His cause for establishing criminal probable cause against Officer Carter relied on the videos of the five traffic stops previously identified by Sgt. Lynch in the December 22 Memorandum to Chief Carey.

Whereas Sgt. Lynch specifically requested that the case be "turned over" to the Florida Department of Law Enforcement and that the administrative investigation "be tolled" until the Florida Department of Law Enforcement has a chance to review the findings" it appears from SA Bliss's narrative that his investigation was not an independent review but was based solely on the heuristic analysis derived by Sgt. Lynch the complainant of the criminal investigation. Either this was the case or SA Bliss participated in Sgt. Lynch's investigation long before he was officially requested and approved.

The record shows that on January 25<sup>th</sup> Sgt. Lynch requested that his investigation be tolled and the Florida Department of Law Enforcement review the findings. Within three days of that request being sent to Chief Carey SA Bliss reviewed what must have been hundreds of hours of video (if it were an independent investigation), drafted a five page probable cause affidavit, got a warrant signed and had Officer Frank Carter in custody.

The probable cause affidavit written by SA Bliss is extraordinarily subjective. The traffic stops he recounts are laced with the own investigators assertion that probable cause exists for the stops and the subsequent citations issued. The investigation does not in one single incident describe a single violation be Frank Carter with respect to the crimes he was charged with.

A careful reading of SA Bliss's narrative shows that his own findings are inconsistent with his conclusions. In twenty-four years of police work I have never seen a more contrived criminal investigation.

## **Incident #1 – April 26, 2009**

On Sunday April 26, 2009 Officer Carter was working with MPD Officer Derek Middendorf on a specific street crimes detail patrolling the southeast section of Melbourne. Both Officers were in Officer Carter's patrol vehicle wearing marked tactical uniforms.

The video shows a vehicle driven by Laura Cabrera, a suspect well known to Officer Carter and one was known by Officer Carter to have previously participated in the illegal drug trade. Cabrera caught Officer Carter's attention and he radioed to others that her passenger "is holding ninety-nine percent of the time." The most effective crime fighters are able to recognize the criminal element in their neighborhoods and to react to their presence. It is normal and expected that they are watched more intensely and that police officers would take any opportunity to have contact with them.

SA Bliss stated in his narrative "in an effort to stop the vehicle and search the vehicle for illegal narcotics, Officer Carter immediately executes a u-turn and begins to follow the vehicle."

The video shows Cabrera's vehicle parked facing the roadway that Officer Carter is stopped on. This vehicle is not "stopped at a stop sign attempting to turn onto Lipscomb St." as Bliss recounts in his report. This vehicle is stopped perpendicular to the roadway and someone is transacting something out of the passenger side window. The in car camera has clearly captured a black male subject standing at the window of the vehicle. Immediately upon seeing Officer Carter he stands upright, turns around and walks his bicycle down the sidewalk away from the officers in their marked patrol car.

Skilled drug interdiction officers recognize this behavior as common among street level drug dealers. The sudden alarm of the male subject, the quick turning and walking away and the pushing of the bicycle rather than riding of the bicycle, are all ways that drug-carrying suspects avoid contact with law enforcement. They recognize that officers must have reasonable suspicion to stop them and so they minimize the opportunity of doing something noticeably wrong by staying off of the bicycle where their driving behavior could otherwise be analyzed and used as grounds for a stop.

As the drivers vehicle pulled onto the roadway Officer Carter fell in behind it. Immediately the driver took a left turn onto an adjacent roadway. To not alarm the driver and to provide the officer more opportunity to observe the vehicles behavior, Officer Carter drove past the street and used his rear view and side mirrors to watch what was now going on behind him. He was able to see the vehicle once again emerge from the side street and pull onto Lipscomb St and begin driving the opposite direction. This odd behavior coupled with the other odd behaviors he had previously observed created a reasonable suspicion that something was going on. This street being a well-documented high crime drug area led Officer Carter to reasonably believe that his suspicions of a recent drug transaction were accurate. He u-turned his vehicle and once again fell in behind the car.



Under these circumstances, law enforcement officers will often look for any reason to lawfully stop a motor vehicle. They will observe the vehicle in great detail looking for non-moving or moving violations. Pretextual stops are not against the law<sup>10</sup>. They have been considered important techniques in drug interdiction and are taught and used everyday throughout the United States.

Within seconds, the vehicle can be seen approaching a stop sign. It hesitated, rolled over the stop bar, and only then came to a stop. According to Florida statute 316.123(2)(a)<sup>11</sup>, the vehicle must come to a complete stop *before* passing the stop bar. There is no question that this vehicle violated Florida State Statute and provided probable cause for a lawful traffic stop.

The in car video shows that Officer Carter activated his overhead emergency lights and pulled the car over. After having the vehicle stopped, Officer Carter lawfully called for a police K-9<sup>12</sup> who arrived on the scene, detected the odor of illegal substance in the car and hit on it. The Court has determined that running a trained drug sniffing K9 to detect the presence of narcotics is not a search under the meaning of the Fourth Amendment<sup>13</sup>. However the positive “hit” gave grounds for a full search based upon probable cause and the vehicle exception to the warrant requirement. The driver and passenger were subsequently arrested, cocaine was seized and a variety of charges were brought against the offenders.

SA Bliss was also critical of the citation written by Officer Carter for Florida Statute 316.217 entitled, ***When lighted lamps are required***. Bliss noted in the video that Officer Carter stopped the vehicle at 7:35pm, but the internet indicated that sundown on that day was not official until twenty-three minutes later at 7:58. He also noted that he could “see the sun in the western sky” as Officer Carter drove behind the suspect vehicle. In my viewing of the video, it is apparent that the sun is going down and it hovers above the horizon suggesting that the day is heading into nightfall. Though the in car camera shows the scene as being relatively well lit, we are aware that camera optics have the ability to use existing light spectrums to enhance lighting for the purpose of developing clearer video. Some cameras can work off of infrared spectrums and can show full detail in total darkness. Using the in car lighting camera system to support a conclusion that “it wasn’t dark out” is ridiculous.

Apparently Officer Carter’s naked eye detected that the lighting was not sufficient for motorists to operate without headlights and from this he drew his conclusion. It is likely that he did not check the official sundown time on the Internet, but failing to do this is not criminal. It was a judgment call for

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10 Whren v. United States, 517 U.S. 806

11 **F.S.S. 316(2)(a)** Except when directed to proceed by a police officer or traffic control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection. After having stopped, the driver shall yield the right-of-way to any vehicle which has entered the intersection from another highway or which is approaching so closely on said highway as to constitute an immediate hazard during the time when the driver is moving across or within the intersection.

12 Illinois v. Caballes, 543 U.S. 405 (2005)

13 United States v. Place, 462 U.S. 696 (1983)

Officer Carter and by the time he put pen to paper to actually write out the citation it was very dark. I noticed that Officer Carter did have his headlights on when he pulled over Laura Cabrera, as did another vehicle that passed them in the opposite direction suggesting that at least some of the people in the neighborhood believed that it was dark enough for headlights.

But more striking in this review by SA Bliss is that with two MPD officers were involved in the stop and we should expect that both Officer Carter and Officer Middendorf would be equally culpable for the criminal allegations raised by Sgt. Lynch and agreed upon by SA Bliss. Both of them can clearly be seen standing at Cabrera's vehicle engaged in the stop. Yet after this investigation concluded, only Officer Carter was charged with Official misconduct and Falsifying Documents.

When Officer Middendorf stated in his interview that the driver "pulled just over the white stop bar," he indicated his agreement with Officer Carter's assessment and could thus be considered complicit in the alleged crime. He made no attempt to prevent Carter from stopping the vehicle and falsely issuing the citation. But rather than pursue charges against Middendorf, SA Bliss painted him as an oppressed nearly incompetent officer who was in the "unfortunate" position of being assigned to Officer Carter and who allowed crimes by the officer to routinely happen in his presence. According to Bliss, Middendorf "did not question" Carter because of his seniority.

### **Incident #2 – May 5, 2009**

In the second incident detailed by SA Bliss, Officer Carter, again accompanied by Officer Middendorf was working on a street crimes detail when he observed a known citizen, Bobby Lee Lewis operating a brown 1985 Chevy Caprice Classic. Officer Carter knew the driver very well and knew him to be involved in the illicit drug trade. He had many contacts with Bobby Lee Lewis on several occasions and knew that Lewis had been arrested many times before. According to SA Bliss, Mr. Lewis had come to the Internal Affairs Division of the Melbourne Police Department to allege "illegal behavior" but did not file a formal complaint against Mr. Carter.

SA Bliss is critical of the officer's traffic stop because when he watched it from the in car video capture, he concluded that when Officer Carter turned off his headlights in the patrol car, "it subsequently revealed the license plate light on the Brown 1985 Chevy Caprice to be operable *and clearly illuminating the license plate.*"

I too watched the video and disagree with SA Bliss' assessment. Though the light is operable, it is not clearly illuminating the license plate. Rather, the hanging bulb is casting an uneven light in a strip down the middle of the plate and only a soft radiant light can be seen bleeding out onto the rest of the license plate. This lighting pattern would have likely made reading the tag accurately at night difficult or impossible from the required distance of 50 feet.<sup>14</sup> Whereas Florida Statute 316.610 requires "police officers at any time, upon reasonable cause to believe that a vehicle is unsafe or not equipped as required by law, or that it's equipment is not in proper adjustment or repair, require the

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<sup>14</sup> Florida Drivers Handbook: Chapter 5, Your Vehicle (DHSMV)

driver of the vehicle to stop and submit the vehicle to an inspection and such test with reference thereto as may be appropriate.” Officer Carter wrote the equipment violation with the express intent of forcing Mr. Lewis to get a new well functioning, fully illuminating rear tag light. He wrote *No tag lights – does not illuminate*, a completely accurate statement. Mr. Brooks did not have a tag light as described by statute. Rather he had a hanging bulb from the rear of his car that did not properly illuminate his tag as required by law.

### **Incident #3 – May 18, 2009**

In the third incident detailed by SA Bliss, Officer Carter stopped a vehicle on a rainy evening that did not have its headlights activated. Officer Carter called out the vehicle as “suspicious” to the MPD dispatcher. The in car video clearly shows the vehicle in the rain with its lights off. F.S.S. 316.217 (1)(b) requires that vehicles display headlights during any rain, fog or smoke, and SA Bliss acknowledged this in his narrative.

SA Bliss stated that, “Officer Carter was positioned perpendicular to the vehicle traveling west on University Blvd across five lanes of traffic. Officer Carter was positioned at Melbourne Fire Station number 75, which is located on the South side of University Blvd at 151 University Blvd. From the angle of Officer Carter’s vehicle to the suspect vehicle the right directional signal that would be used to merge on University Blvd is not visible and could not be viewed to determine if it was activated.”

In reviewing this video I was able to see the right headlight and the wet reflecting street beneath the vehicle’s turn signal. I am reasonably sure that under these given circumstances, I would be able to see the blinking of the right blinker across the headlight lens and on the ground beneath the vehicle. I too observed neither. I could however see the lights reflecting on the ground from the taxi that was behind the suspicious vehicle further supporting Officer Carter’s conclusion that he could have seen the blinker of the closer car if it had been activated over SA Bliss’s position that he absolutely could not.

The vehicle was pulled over for these violations and Officer Carter requested a search of the vehicle to which the driver refused.

Officer Carter requested a K9 unit but according to SA Bliss’s narrative, “was denied by the shift supervisor, Lieutenant Marc Claycomb because of case law involving retaliatory searches”. Officer Carter complied with the Supervisors order but planned to fact check with the State Attorney’s office. In fact, absent consent, officers must have reasonable suspicion to hold a person for a canine sniff. It is not clear if Officer Carter felt he had reasonable suspicion based upon any articulable circumstances.

Though SA Bliss states that the driver was issued seven citations, the only one he argues is for failure to properly use a turn signal, a judgment call on the part of SA Bliss better argued in traffic court .

#### **Incident #4 September 27, 2009**

Officer Carter responded to a call for a drug investigation where a suspect vehicle was provided to dispatch by the anonymous caller. Having observed a vehicle that matched the description provided by the call taker, Officer Carter made contact with the operator/occupant of the suspicious vehicle.

Three other officers were on the scene including Officer Blake Lanza who was tasked with determining the opacity of the tinted windows. Officer Lanza reported to Officer Carter that the tinting was illegal. Officer Carter can be heard asking Officer Lanza to check the tint on the windows for compliance and Officer Lanza told Officer Carter that he did. Officer Carter wrote the drive four citations, one for each improperly tinted window. SA Bliss is critical that each window was not independently checked for compliance before the citations were issued. It is not reasonable to assume that different tints existed on each window. Ordinarily the human eye can detect similarities in tint and most officers recognize that tint, if applied in different opacity grades will be different to the front windows and the rear windows rather than each window independently. Officer Carter was prudent in asking Officer Lanza to check the front and back and a check of each window would have been considered excessive and unnecessary.

Further, SA Bliss observed the suspect car in motion on the in car video yet accepted the driver's testimony that "the vehicle was parked with the ignition turned off." Again, SA Bliss concluded that he was able to see more from the in dash video than Officer Carter would be able to see—or not see while actually on the scene. SA Bliss concluded, "From officer Carters position it was impossible to determine if Johnson was wearing a seat belt while operating the vehicle."

#### **Incident #5 November 17, 2009**

SA Bliss described an incident in which Officer Carter responded to a report of narcotic transactions occurring in the City of Melbourne. When he arrived on scene with several other officers of the MPD he came into contact with Melvin Farmer, a subject who was "agitated and yelling at the officers." In the narrative retelling of the event SA Bliss stated that Melvin Farmer was wrongly issued trespass warnings by Officer Carter for certain properties that he did not enter onto.

It appears as though SA Bliss has confused the *trespass warning*, which does not require entry onto a property with *trespassing* as defined by Florida State Statue 810.09, which does. Trespass warnings are intended to keep a person from entering or remaining on a property either by actual communication to the offender or by posting, fencing or cultivation as described in F.S.S. 810.00. Trespass warnings are not crimes per se, but provide probable cause grounds for an arrest in the event that an offender declares that he or she was not aware of their trespass. SA Bliss went on to describe an extremely convoluted account of all of the officers on the scene, few of who could agree as to where Melvin Farmer was or had been.

## **G. Conclusion**

Officer Frank Carter was subjected to an intensive investigation by the Melbourne police department for several alleged criminal and administrative violations.

His investigation was initiated after his ex-girlfriend Karen Gregory called Chief Donald Carey directly and reported several incidents of criminal activity, civil violations and official misconduct.

Chief Carey did not require Ms. Gregory to file a formal, official written complaint under oath and subject to perjury. Rather, he assigned his own Internal affairs investigator Sgt. Danny Lynch to open an investigation internally, and immediately contacted the Florida Department of Law Enforcement for a criminal investigation on Karen Gregory's claims.

FDLE Resident Agent in Charge Wayne Ivey assigned Special Agent Ryan Bliss to investigate the criminal charges per Donald Carey's request.

Both the internal investigation and the criminal investigation were worked together with Sgt. Lynch and SA Bliss sharing investigative information. The evidence shows that it was only three days from the date that Sgt. Lynch requested the assistance of the Florida Department of Law Enforcement (January 25) to the date that Officer Carter was arrested based on an extensive probable cause affidavit written by FDLE Special Agent Ryan Bliss (January).

In the two months of investigation of Officer Carter conducted by MPD Sgt. Lynch and FDLE SA Bliss, Officer Carter was investigated for multiple crimes and multiple administrative violations. None of the investigations that began with Karen Gregory's claims were founded or prosecuted.

The only investigation that yielded results was the accusation originated by IA investigator Danny Lynch in which he became the complainant for criminal violations against Officer Carter to wit; Official Misconduct and Falsifying documents. His complaint and investigation originated as an administrative complaint for a different investigation (IA-2009-059), and was later morphed into criminal charges that were subsequently pursued by FDLE Agent Bliss and dropped by the State Attorney for a lack of probable cause.

Along with the criminal charges brought against Officer Carter, Chief Donald Carey approved a news release declaring that Officer Carter had been charged with five felony counts of Official Misconduct and several misdemeanor counts of Falsification of Records. The news release unnecessarily went on to say that, "the criminal charges emanate from a number of traffic stops and subsequent citations that Officer Carter made *on people of color.*"

A statement the City Manager was forced to give Officer Carter a public apology for.

Under fire, Chief Don Carey resigned from the Melbourne Police Department and was replaced by Deputy Chief Steve Mimbs.

On August 9<sup>th</sup>, in spite of the dropped charges for Official Misconduct, the lack of probable cause for any other criminal violation or final dispositions for the original internal affairs complaints Chief Mimbs moved forward with an Administrative Complaint to the Criminal Justice Standards and Training Commission requesting a probable cause hearing against Officer Frank Carter seeking revocation of his law enforcement standards. Chief Mimbs wrote the the panel asking to “accept my recommendation, based on the facts and circumstances of the findings contained in the internal investigation. As noted, the internal investigation showed no findings after it became a criminal investigation and it is not clear what Chief Mimbs believed the findings to be. The only findings I could determine was the lack of probable cause issued by the Brevard County State Attorney for the Criminal Charges.

Chief Mimbs reported on CJSTC Form 78 that the MPD sustained Violations of 943.13(4) or (7) or Rule 11B-27.0011, F.A.C. (Moral Character). The investigation and final disposition should have been attached to CJSTC form 78 and a copy submitted to Officer Frank Carter, the subject of the IA investigation. To date no official record of a sustained complaint has been found.

Statute 943.13(4) involves disqualifications for officers who have been convicted of felonies or misdemeanors involving perjury or false statements or who have pled no contest to felonies or misdemeanors involving perjury or a false statement.

Rule 11B-27.001 requires that the Commission only consider Moral Character violations as those described in Florida Statute 943.13(4) and those that violate the background investigations under the strict procedures established by the Commission. Several specific statues are included and it appears that F.S.S. 838.022 Official Misconduct is the one on question.

There is no sustained internal investigation finding against Officer Carter for Official Misconduct or Falsifying Documents. These charges were handled criminally and were dropped by the State Attorney officially disqualifying F.S.S. 838.022 from consideration by the Commission.

The Florida Department of Law Enforcement Global Profile Sheet shows that the Separation reason for Officer Carter is based upon “**Termination for Agency Policy.**” It specifically says “No Moral Character Violation” suggesting that administrative charges for official misconduct or perjury were either not sustained or not investigated.

However, at the bottom of the Global Profile Sheet, the Case detail specifically says, “The major offense for this case is, 7301 Official Misconduct” a contrarian statement to the prior statement made on the same sheet. It is beyond the Commission’s purview to revoke an officer’s standards strictly for violations of agency policy.

The Draft Administrative Complaint to the Probable Cause Panel cites four instances of falsifying uniform traffic citations and one incident of falsifying a trespass warning. It references a violation of Florida Administrative Code 11B-27.0011(4)(a) or (b) with the statutory citation being 832.022 listed five times in relation to each administrative charge. Though F.A.C. 11B-27.0011 specifically deals with Moral Character violations the Global Profile Sheet specifically says “**No moral character violation.**”

Further, Florida Statute 832.022 does not exist as a statute in the State of Florida. It is likely that the statutes listed were intended to be 838.022, *Official Misconduct*, which again begs the question of moral character.

In reviewing all of the facts and documents presented to me, there is no evidence of Official Misconduct under the meaning of F.A.C. 11B-027.001.

I cannot find any reason why Officer Carter has been presented to the Criminal Justice Standards and Training Commission probable cause panel for review. He has had his conduct reviewed by the Brevard County State Attorney for criminal violations and there was no evidence to support a prosecution. All criminal charges were officially dropped. The Melbourne Police Department has apparently never completed a proper Internal Affairs investigation and so no agency disposition has been concluded. Officer Carter has never received or been issued a finding on his case for the administrative violations he was notified of.

As additional information is made available and as new facts may be uncovered during the discovery process, my professional opinions may change to reflect the newfound information; however, the opinions expressed herewith are current and are based upon the information reviewed and my experience as of this date.

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Roy R. Bedard  
October 24, 2011