

*Special Death Investigation Report*

*Concerning*

*Marlon Robert Brown Sr.*

*Medical Examiner Case 13-07-261*

*Date of Death May 8, 2013*

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## **I. Assumption of Medical Examiner Jurisdiction**

On May 8, 2013 at 0332 hours Corporal Kibler of the Florida Highway Patrol (FHP) notified on-call Medical Examiner Forensic Investigator (F.I.), Tara Malphurs, of the death of Marlon Robert Brown, a 38-year-old man. It was reported that Marlon Brown died of apparent traumatic injuries following a police pursuit in DeLand, Florida at South Delaware Avenue and West Beresford Avenue.

The Volusia County Medical Examiner's Office assumed jurisdiction in accordance with Florida Statute 406.11, as it appeared that the death may have occurred by accident and under unusual circumstances.

## **II. Investigative Procedures**

In determining the cause and manner of death of Marlon Brown, the following investigative procedures were carried out and findings/statements were evaluated:

- A. Scene response
- B. Autopsy
- C. Microscopic examination of tissue
- D. Toxicology of blood and body fluids
- E. Evaluation of the blood for hemoglobinopathies
- F. Review of reports and other documents:
  - Volusia County Emergency Medical Services (EVAC) run sheet
  - DeLand Fire Department run sheet
  - DeLand Police Department Incident Report #DL130003117
  - Volusia County Sheriff Office Communication Center Report
  - Florida Highway Patrol H.I.T.S. Press Release
  - FHP Reconstruction Diagram and GPS and Speed information
  - In-car video from the DeLand police car

## **III. Known Circumstances Preceding Death**

According to the law enforcement investigation, at approximately 0036 hours on May 8, 2013 a Volusia County Sheriff Deputy had initiated a traffic stop on the car driven by Marlon Brown. When the car did not stop and turned onto a DeLand City street, DeLand Police Officers in two separate vehicles, with lights and sirens engaged, followed the car in order to accomplish the traffic stop on the fleeing vehicle. The suspect drove the car off the road, slowed the car and exited, fleeing on foot. One police car continued driving forward and the fleeing suspect became trapped under the police car. During the course of the pursuit, the police car struck a chain-link fence in close association with its final resting place.

## **IV. Emergency Services**

The DeLand officer notified central dispatch of the incident. Volusia County Emergency Medical Services (EVAC) and the DeLand Fire Department received the call at

**Decedent Name:** Marlon Robert Brown Sr.      **Medical Examiner Case #:** 13-07-261

0038 hours and arrived at the scene at 0048 hours. Emergency rescue personnel observed that the area was dark and they were unable to see the decedent clearly, as he was trapped under the vehicle. The decedent was lying prone with the neck bent towards chest area. He was not moving at all. Using cribbing and high-pressure airbags, personnel from the DeLand Fire Department were able to lift the vehicle up enough and secure it in place in order to assess for vital signs. No vital signs were detected and Marlon Brown was pronounced by personnel from the DeLand Fire Department at 0114 hours.

#### **V. Medical Examiner Investigator's Observations and Activities at the Scene**

F.I. Tara Malphurs arrived at the scene at 0430 hours and obtained background information from Corporal Meyer of the FHP. She observed the police car near a damaged chain-link type fence which appeared to separate residential yards. She observed the decedent, Marlon Brown, trapped under the front passenger side of the police car near the tire. The body was positioned on the right side and the head appeared to be tucked down onto the chest. No obvious signs of trauma were seen initially. Minimal damage to the car was noted near the center of the front bumper.

Again, using cribbing and high-pressure airbags, DeLand Fire Department personnel were able to lift the car up enough to retrieve the body from under the vehicle. The body was pulled toward the back of the vehicle to get free of the tire and then was pulled to the side and placed on an open body bag. Upon examination of the body, F.I. Malphurs noted blood and sandy dirt on the right side of the face, and no evidence of long bone fractures. Photographs were taken and contract transport personnel transported the body to the medical examiner facility.

Identification of the body as being that of Marlon Brown was provided by Corporal Meyer.

#### **VI. Autopsy Procedure and Findings**

Dr. Shiping Bao, Associate Medical Examiner, commenced the autopsy on May 8, 2013 at 0925 hours. Dr. Marie Herrmann, Chief Medical Examiner, reviewed the findings with Dr. Bao during the examination.

##### **Evidence of Injury**

- Vascular congestion of the face
- Hemorrhage of the right bulbar conjunctiva
- Laceration on the nose
- Rupture of left tympanic membrane
- Subgaleal hemorrhage of the left temporal region of the head
- Abrasions on the right shoulder, right buttock and upper portion of the left side of the back
- Hemorrhage into the anterior and posterior neck muscles
- Hemorrhage into the posterior cervical spinal dura mater



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There were no skull fractures, rib fractures, pelvic fractures or long bone fractures. There were no contusions on the upper or lower extremities. The airway was clear and free of foreign material.

There was no evidence of chronic medical conditions such as coronary atherosclerosis, hypertensive heart disease or cerebrovascular disease. Histologic examination of the heart, lung and liver demonstrated non-specific findings of vascular congestion.

## VII. Toxicology Results

Specimen	Drug/Substance	Concentration
Peripheral Blood	Alprazolam	24 ng/mL
Peripheral Blood	Oxycodone	11 ng/mL

## VIII. Other Laboratory Results

Test	Result
DNA mutation analysis for hemoglobinopathies	Normal adult hemoglobin

## IX. Review of In-car Video

I, Dr. Herrmann, reviewed the in-car video. It appeared that Marlon Brown exited his vehicle and ran toward the front of it, then moved toward the left and forward. He appeared to be having difficulty running through the uneven dirt and vegetation. He slipped and fell and then the police car came to a stop on top of him.

## X. Medicolegal Questions

### 1. How did Marlon Robert Brown die?

Marlon Brown became trapped under the police car while he was on the ground. His head was bent downward toward his chest and he was compressed in that position and he was unable to breathe. The cause of death is termed *mechanical asphyxia*.

### 2. What is mechanical/positional asphyxia?

Asphyxia refers to conditions in which there is inadequate delivery of oxygen to the cells of the body.

Conditions that lead to asphyxia include an interference with the act of breathing, such as compression of the chest.

Death results from respiratory arrest following a slowed heart rhythm and asystole in response to lack of adequate oxygen to the respiratory centers in the brainstem.

Marlon Brown was found in a position that indicated that his airway, neck blood vessels and chest expansion were each compromised leading to mechanical (compressional and positional) asphyxia. The physical weight of the car interfered with breathing and blood flow due to thoracic compression and the position of the head bent forward onto the chest lead to airway restriction and vascular compromise.

**3. How long does it takes for someone to die of asphyxia?**

The time it takes to reach unconsciousness and the time it takes to die of asphyxia are influenced by the circumstances of the event, the presence of intoxicating substances and the medical condition of the individual.

Experimental studies of neck compression indicate loss of consciousness in less than 10 seconds when the carotid arteries are compressed. However, the minimal duration of neck compression after loss of consciousness to cause death has not been clearly defined. It has been reported that death may occur as soon as 90 seconds.

**4. Was Marlon Brown struck and flung from the front of the police car?**

There is no evidence that he was struck by the vehicle. There were no skull fractures and no fractures of the pelvis or lower extremities.

**5. What is the significance of the abrasions on the back and the hemorrhages into the muscles?**

The abrasions on the back show the contact points between the car and the body where he was held in place by the weight of the car.

The hemorrhages into the conjunctiva, the neck muscles and the dura mater are evidence of the head-bent-forward position and increased vascular pressure in an attempt to breathe against a compressed chest due to the weight of the car.

**6. What are oxycodone and alprazolam? Did these substances contribute to the death?**

Oxycodone is a narcotic medication used to relieve certain types of pain. The concentration of oxycodone in the blood of Marlon Brown at the time of death would not be considered to be in the toxic range where side effects such as respiratory depression would occur.

Alprazolam is a benzodiazepine medication used in the treatment of anxiety disorders. The concentration of alprazolam in the blood of Marlon Brown at the time of death would be considered to be in the therapeutic range. Common side effects from alprazolam include drowsiness and fatigue.



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Combined use of these two substances, which each have a depressant effect on the central nervous system, may increase the side effects of drowsiness. It is unknown if the effects of these medications contributed to the death. However, it is unlikely that in the absence of these substances he would have survived.

**7. Why was a test for hemoglobinopathies performed on the blood?**

This test was performed to determine if Marlon Brown had an abnormal hemoglobin which may have contributed to his death as a result of the failure of his body to get sufficient oxygen. Individuals with hemoglobinopathy may be less tolerant of hypoxia (decreased oxygen).

**8. Were there any medical conditions that contributed to the death?**

No, there was no evidence of chronic heart or pulmonary disease which may have contributed to the death.

**XI. Determination of the Cause and Manner of Death:**

The determination of the cause and manner of death is dependent on information elicited during the medicolegal death investigation. The historical circumstances, scene investigation, postmortem examination and results of laboratory studies are all important components utilized in formulating a cause and manner of death opinion. The cause of death is the pathologic disease or physiologic derangement that leads to the terminal event. Manner of death is a classification of death based on the circumstances surrounding a particular cause of death and how that cause came into play. It is a designation that succinctly describes under what circumstances a death occurred. In Florida the categories are natural, accident, suicide, homicide, and undetermined.

The cause of death of Marlon Robert Brown is determined to be mechanical asphyxia and is based on the following:

- A. the circumstances of finding Marlon Brown trapped under the car, combined with
- B. the physical findings at autopsy of facial congestion, scleral hemorrhage, muscular hemorrhages and skin abrasions, and
- C. the absence of skull, pelvic and long bone fractures.

The manner of death is determined to be accident, and is based on

- A. the circumstances, as currently known, of the attempt by the police to initiate a traffic stop, and
- B. the circumstances, as currently known, of Marlon Brown failing to heed the attempt, and
- C. the circumstances, as currently known, of Marlon Brown exiting his vehicle and fleeing on foot, and
- D. as currently known, there is no evidence that the injury occurred with intent to harm or cause death.

**Decedent Name:** Marlon Robert Brown Sr.

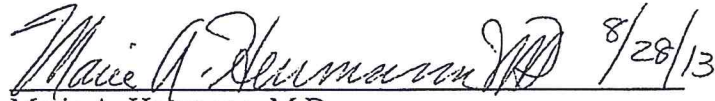
**Medical Examiner Case #:** 13-07-261

In conclusion:

The cause of death is: Mechanical Asphyxia.

The manner of death is: Accident.

How the incident occurred: Pedestrian trapped under moving motor vehicle.



Marie A. Herrmann, M.D.

Chief Medical Examiner, Volusia and Seminole Counties



Office of the Medical Examiner  
1360 Indian Lake Road  
Daytona Beach, FL 32124-1001

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MEDICAL EXAMINER REPORT

Name	<b>Brown Sr., Marlon Robert</b>	Case Number	<b>13-07-261</b>
Date of Death	May 8, 2013	County of Death	Volusia
Date of Exam	May 8, 2013	Time of Exam	0925 Hours

I. Mechanical Asphyxia

- A. Congestion of face with a 3/4-inch laceration on nose
- B. Congestion of right bulbar conjunctiva with hemorrhage
- C. Abrasions on right shoulder, right buttock, and left upper back
- D. Rupture of left tympanic membrane with focal hemorrhage
- E. Left temporal subgaleal hemorrhage
- F. Muscular hemorrhage on anterior and posterior neck
- G. Mild hemorrhage on posterior cervical spinal dura mater

Cause of Death: Mechanical Asphyxia  
Manner of Death: Accident  
How incident occurred: Pedestrian trapped under moving motor vehicle

 8/28/13

Signed by: Marie A. Herrmann, M. D., Chief Medical Examiner,  
in the absence of Shiping Bao, M.D., Associate Medical Examiner.  
Note: Autopsy examination performed by and draft report prepared by  
Shiping Bao, M.D.

XC: State Attorney's Office  
Florida Highway Patrol



*"Accredited by the National Association of Medical Examiners"*

Name **Brown Sr., Marlon Robert**Case Number **13-07-261**

**MEDICAL EXAMINER REPORT  
REPORT OF POSTMORTEM EXAMINATION**

**OFFICIALS PRESENT AT EXAMINATION**

None.

**EXTERNAL EXAMINATION**

The body is viewed unclothed. The body is that of a normally developed, adult black male appearing the stated age of 38 years with a body length of 66 inches and body weight of 229 pounds. The body presents a medium build with average nutrition, normal hydration and good preservation. Rigor mortis is complete and lividity is well developed and fixed on the posterior surfaces of the body. The body is cold to touch post refrigeration. Short black hair covers the scalp. The face has a short beard and mustache. There is average body hair of adult-male-pattern distribution. The eyes are closed. The left eye has clear bulbar and palpebral conjunctivae. The irides are brown with white sclerae. There are no cataracts or arcus present. The pupils are equal at 5 millimeters. The orbits appear normal. The nasal cavities are unremarkable with an intact septum. The oral cavity presents natural teeth with fair oral hygiene. The right ear is unremarkable with no hemorrhage in the external auditory canal. The neck is rigid due to postmortem changes, and there are no palpable masses. The chest is symmetrical. The abdomen is unremarkable.

The upper and lower extremities are equal and symmetrical and present cyanotic nail beds without clubbing or edema. There are no fractures, deformities or amputations present. The external genitalia present descended testicles and an unremarkable penis. The back reveals dependent lividity with contact pallor. The left buttock is atraumatic, and the anus is intact. The integument is of normal color.

**OTHER IDENTIFYING FEATURES**

There are identification bands on the ankles.

There are tattoos of illegible symbols on the bilateral arms.

**EVIDENCE OF INJURY**

- Mechanical Asphyxia
  - Congestion of face with a ¾-inch laceration on nose
  - Congestion of right bulbar conjunctiva with 2 x 1 centimeter area of hemorrhage
  - Two linear abrasions up to 1 inch - right anterior shoulder
  - ½-inch abrasion - right lateral shoulder
  - 1 x ¼ inch abrasion - right posterior shoulder
  - 6 x 4 inch area of abrasions - right buttock
  - 5 x 2 inch abrasion - left upper back
  - Rupture of left tympanic membrane with focal hemorrhage
  - 12 x 7 centimeter hemorrhage - left temporal subgaleal tissues
  - 5 x 4 centimeter hemorrhage - right anterior neck (sternocleidomastoid) muscle



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**MEDICAL EXAMINER REPORT  
REPORT OF POSTMORTEM EXAMINATION**

- 10 x 10 centimeter area of hemorrhage - right/middle posterior neck (trapezius) muscle
- 3 x 2 centimeter area of hemorrhage - left posterior neck (splenius) muscle
- 2.5 x 2 centimeter area of mild hemorrhage - posterior spinal dura mater of cervical spine 3 and 4
- No injury found on skull, cranial dura, brain, vertebrae, cervical spinal cord, chest wall, pleural or abdominal cavity

**EVIDENCE OF RECENT MEDICAL TREATMENT**

None.

**EVIDENCE OF ORGAN AND/OR TISSUE DONATION**

None.

**INTERNAL EXAMINATION: The following excludes any previously described injuries.**

**BODY CAVITIES**

The chest wall is intact. The pleura and peritoneum are congested, smooth, glistening and essentially dry; devoid of adhesions or effusion. There is no scoliosis, kyphosis or lordosis present. The left and right diaphragms are in their normal location and appear grossly unremarkable. The pericardial sac is intact, smooth, glistening and contains normal amounts of serous fluid.

The subcutaneous fat measures 5 centimeters and is normally distributed, moist and bright yellow. The musculature of the chest and abdominal area is of normal color and texture.

**NECK AND TONGUE**

The neck presents an intact hyoid bone as well as the thyroid and cricoid cartilages. The larynx has unremarkable vocal cords and folds that appear widely patent without foreign material. The epiglottis is a characteristic plate-like structure without edema, trauma or pathological lesions. The vasculature of the anterior neck is unremarkable. The trachea and anterior spine are in the midline, and present no traumatic injuries or pathological lesions. The tongue is unremarkable.

**CARDIOVASCULAR SYSTEM**

The heart weighs 390 grams and there is no chamber hypertrophy or dilatation. The left ventricular wall is 1.3 centimeters and the right is 0.3 centimeters. The cardiac valves appear unremarkable. The coronary ostia are in the normal anatomical location leading into widely patent coronary arteries. Right dominant circulation is present. The endocardial surface is smooth without thrombi or inflammation. Sectioning of the myocardium presents no gross evidence of ischemic changes either of recent or remote origin. The aortic arch, along with the great vessels, appears grossly unremarkable.

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**MEDICAL EXAMINER REPORT  
REPORT OF POSTMORTEM EXAMINATION**

**RESPIRATORY SYSTEM**

The lungs appear hyperinflated and together weigh 830 grams. There are no gross pneumonic lesions or abnormal masses identified. The tracheobronchial tree and pulmonary arterial system are intact and grossly unremarkable. The pleural surfaces are pink and smooth with focal mild anthracosis.

**HEPATOBIILIARY SYSTEM**

The liver weighs 1350 grams and presents a brown, smooth, glistening surface. Focal patchy yellow discoloration, due to mild fatty metamorphosis, is present. On sectioning, the hepatic parenchyma is yellow-brown, homogeneous and congested. The unremarkable gallbladder contains approximately 8 milliliters of greenish bile. There is no cholecystitis or lithiasis. The biliary tree is patent. The pancreas presents a lobulated yellow cut surface without acute or chronic pancreatitis.

**HEMOLYMPHATIC SYSTEM**

The spleen weighs 80 grams and presents a gray-pink intact capsule and a dark red parenchyma. There is no lymphadenopathy. The thymus gland is involuted.

**GASTROINTESTINAL SYSTEM**

The esophagus is intact with normal gastroesophageal junctions and without erosions or varices. The stomach is also normal without gastritis or ulcers, and contains 450 milliliters of gastric fluid with food particles. The loops of the small and large bowel appear grossly unremarkable. The appendix is unremarkable.

**UROGENITAL SYSTEM**

The kidneys weigh 130 grams and 150 grams right and left respectively. On sectioning, the cortex presents a normal thickness above the medulla. The renal columns of Bertin extend between the well-demarcation pyramids and appear unremarkable. The medulla presents normal renal pyramids with unremarkable papillae; the pelvis is of normal size and is lined by gray glistening mucosa. There are no calculi, the renal arteries and veins are normal. The ureters are of normal caliber lying in their course within the retroperitoneum and drain into an unremarkable urinary bladder that is devoid of urine.

The external genitalia present an unremarkable penis without hypospadias, epispadias or phimosis. There are no infectious lesions or tumors noted. The descended testicles are of normal size encased within an intact and unremarkable scrotal sac. There are no abnormal masses or hernias on palpation. The prostate is of normal size and shape and sectioning presents two normal lateral lobes with a thin median lobe forming the floor of the unremarkable urethra. There are no gross pathological lesions.



Name Brown Sr., Marlon Robert

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**MEDICAL EXAMINER REPORT  
REPORT OF POSTMORTEM EXAMINATION**

**ENDOCRINE SYSTEM**

The thyroid gland is of normal size and shape and presents two well-defined lobes with a connecting isthmus and a beefy-brown cut surface. There are no goitrous changes or adenomas present. The adrenal glands are of normal size and shape. Sectioning presents no gross pathological lesions.

**MUSCULOSKELETAL SYSTEM**

The ribs, sternum, clavicles, pelvis and vertebral column have no recent fractures. The muscles are normally formed.

**CENTRAL NERVOUS SYSTEM**

The calvarium is intact without bony abnormalities or fractures. The brain weighs 1390 grams and presents moderate congestion of the leptomeninges. The overlying dura is intact and unremarkable. The cerebral hemispheres reveal a normal gyral pattern with moderate global edema. The brainstem and cerebelli are normal in appearance with no evidence of cerebellar tonsillar notching. The circle of Willis is patent and presents no evidence of thrombosis or berry aneurysm. Upon coronal sectioning of the brain, the ventricular system is symmetrical and contains clear cerebrospinal fluid. There are no space-occupying lesions present.

**MICROSCOPIC EXAMINATION:** One slide examined on May 22, 2013.

HEART: No diagnostic abnormality.

LUNGS: Vascular congestion.

LIVER: Central lobular congestion.

**TOXICOLOGY:** See separate report from NMS Laboratories.

SB

End of Report



NMS Labs

CONFIDENTIAL

SA

3701 Welsh Road, PO Box 433A, Willow Grove, PA 19090-0437
Phone: (215) 657-4900 Fax: (215) 657-2972
e-mail: nms@nmslabs.com
Robert A. Middleberg, PhD, DABFT, DABCC-TC, Laboratory Director

Toxicology Report

Report Issued 05/18/2013 07:00

Patient Name Brown Marlon
Patient ID [REDACTED]
Chain 14014
Age 38 Y
Gender Male
Workorder 13120468

To: 10277
Volusia County Medical Examiner Office
Attn: Teri Hanans
1360 Indian Lake Road
Daytona Beach, FL 32124

Page 1 of 4

Positive Findings:

Table with 4 columns: Compound, Result, Units, Matrix Source. Rows include Alprazolam (24 ng/mL) and Oxycodone - Free (11 ng/mL), both from Peripheral Blood.

See Detailed Findings section for additional information

Testing Requested:

Table with 2 columns: Analysis Code (8051B), Description (Postmortem Toxicology - Basic, Blood (Forensic))

Specimens Received:

Table with 5 columns: ID, Tube/Container, Volume/Mass, Collection Date/Time, Matrix Source, Miscellaneous Information. Rows 001 and 002 show Gray Top Tubes with volumes of 8.9 mL and 8.75 mL respectively, collected on 05/08/2013 at 09:30.

All sample volumes/weights are approximations.
Specimens received on 05/09/2013.

S.B. [Signature]

ORIG. TO SB
COPY TO TM v.8
DATE 5-20-13

**Dr. Christopher G. Shapley**  
(AUTOMOTIVE ENGINEER)

██████████  
██████████  
Phone ██████████

FAX ██████████

August 28th, 2013

Mr. R. J. Larriza  
Office of the State Attorney, 7th Judicial Circuit  
4010 Lewis Speedway  
St. Augustine, FL 32084

RE: State Attorney Investigation SAI-DB-130515004

Dear Mr. Larizza:

At your request I have analyzed the metadata captured by the Eagle Eye dashcam video system, I have;

- 1) Reviewed the "LASSEN iQ GPS MODULE" specifications,
- 2) Reviewed the "Lassen iQ GPS Receiver System Designer Reference Manual"
- 3) Discussed the function of the "Lassen iQ Receiver", with Mr. Peter Loomis, the GPS Engineer with Trimble Lassen IQ
- 4) Discussed the function of the "Eagle Eye" system with Mr. Kevin Agnew, Software Engineer Eagle Eye Systems'
- 5) Analyzed the Metadata files from the accident vehicle.
- 6) Reviewed the Florida Highway Patrol , Investigative Report

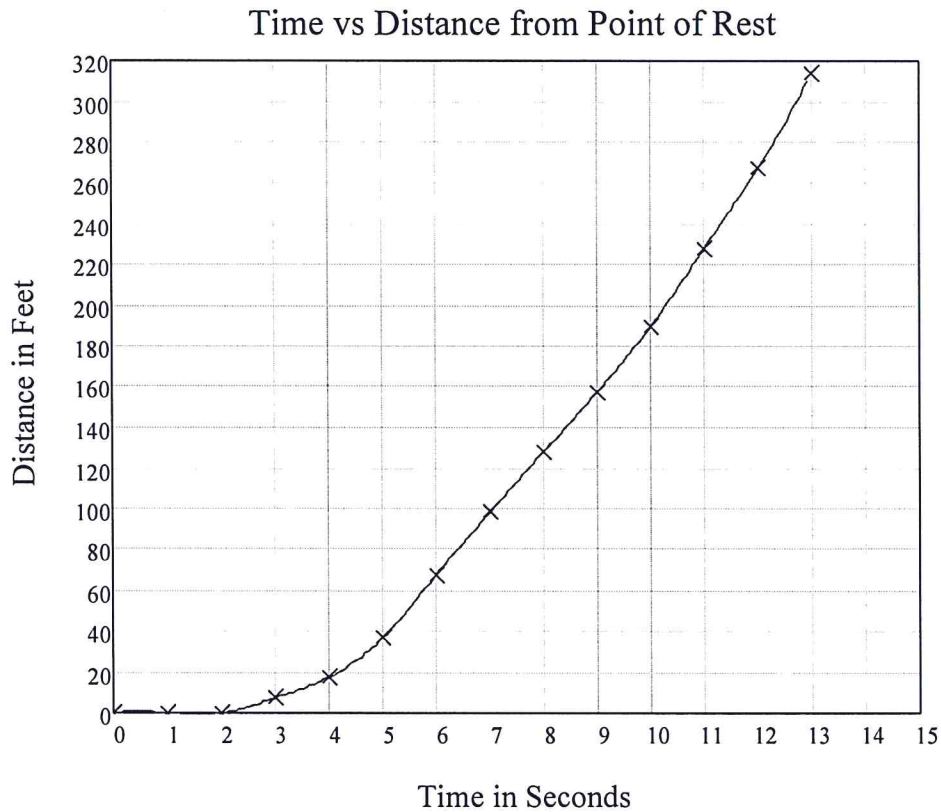
The Eagle Eye dashcam unit incorporates a "LASSEN iQ GPS MODULE". It uses data from this device to record vehicle speed and position. Speed information is provided, once per second, by the "iQ" device along with GPS location, this information is added to the metadata file, as soon as it is received. The clocks in the "iQ" device and the "Eagle Eye" device are not synchronized.

There is a period during which the "iQ" system is "acquiring" satellites and warming up, consequently the data in this period may not be reliable. Therefore the metadata prior to 36 minutes and 56 seconds has not been included in this analysis.

The Eagle Eye software converts the speed to miles per hour and performs a "validity check", there is no additional processing of the "iQ" data.

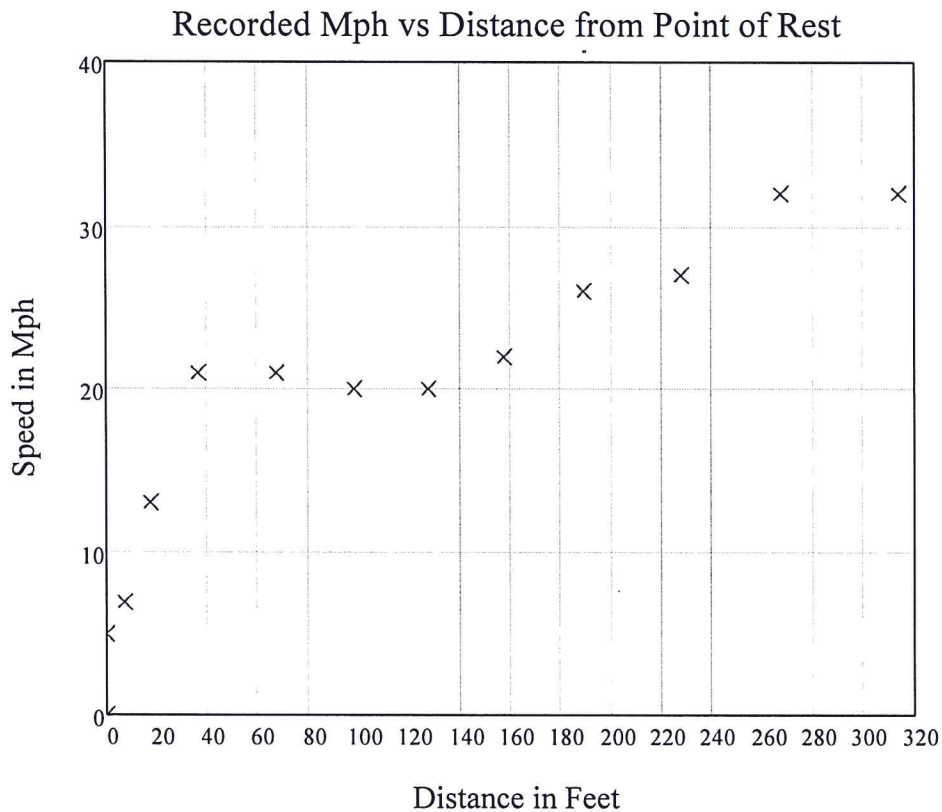
Vehicle speed is determined in the "iQ" device based on the distance traveled in the preceding second. System specifications this gives an accuracy of .06 m/s or .13 mph. This value is transmitted every second. If the vehicle travels 5 feet in the first half of the preceding second and is stationary for the second half, this would be reported as a speed of 5 feet per second or 3.4 mph. Only after being at rest for further second would the speed be reported as zero. Delays caused by lack of synchronization between the "iQ" module and the "Eagle Eye" device, as well as time required for computation, cause the indicated speed to lag the video images captured in the "Eagle Eye" system.

Converting the recorded speed to feet per second and totaling these gives the following chart of time vs. distance from point of rest,





Combining the distance traveled from point of rest with the appropriate recorded average speed gives the chart below;



During any one second period the speed of the vehicle can fluctuate, spending some time above the average speed and some time below. The car involved is indicated in Ref (6) to be a 2009 Chevrolet Impala Police car. This is front wheel drive vehicle with about 233 horse power and a curb weight of about 3,800 lbs. About 60% of the vehicle's weight is on the front wheels. Ref (6), includes the result of a drag test performed at the scene, which gave a coefficient of friction for the grassy lot of 0.59.

With the power and friction available, the police car could accelerate by about 2 mph, slow down by 4 mph and finally gain 2 mph within one second. Consequently the vehicle speed could exceed the average trend line by about 2 mph.

These opinions are based upon the information available at this time, should additional facts be made available these opinions may be modified or additional opinions offered. If you have any questions or would like additional information, please feel free to call.

Yours truly,

**C. Shapley**



Relevant Data Contained in Original File is:

minutes	seconds	mph
36	49	0
36	50	0
36	51	0
36	52	0
36	53	19
36	54	13
36	55	13
36	56	32
36	57	32
36	58	27
36	59	26
37	0	22
37	1	20
37	2	20
37	3	21
37	4	21
37	5	13
37	6	7
37	7	5
37	8	0
37	9	0
37	10	0

The video shows the vehicle coming to rest with the time showing 37:03 which is 37 minutes and 3 seconds

shift the speed data to properly match the time and disregard data after vehicle stops

minutes	seconds	mph
36	49	13
36	50	13
36	51	32
36	52	32
36	53	27
36	54	26
36	55	22
36	56	20
36	57	20
36	58	21
36	59	21
37	0	13
37	1	7
37	2	5
37	3	0



Disregard the data prior to 36:51 as the fluctuations are too large and may be due to "GPS" warm-up

minutes	seconds	mph
36	51	32
36	52	32
36	53	27
36	54	26
36	55	22
36	56	20
36	57	20
36	58	21
36	59	21
37	0	13
37	1	7
37	2	5
37	3	0

The speed signal is based on the distance traveled in the *prior* second

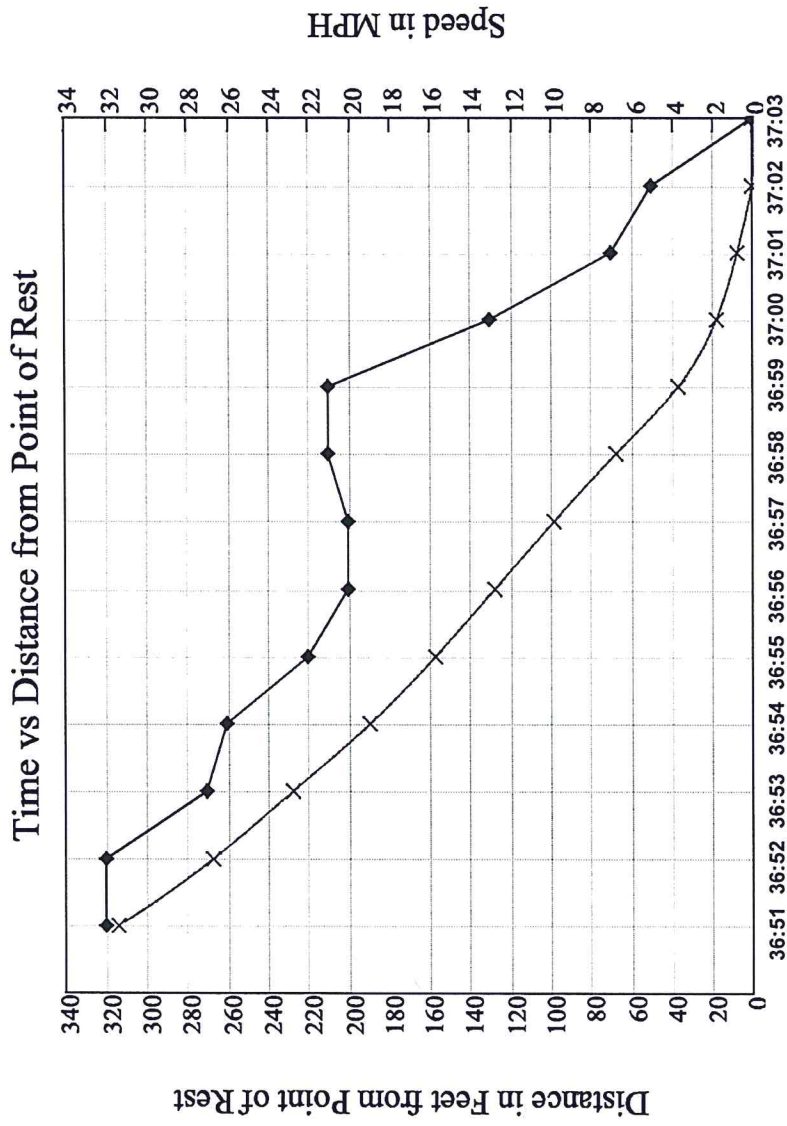
Get total time by multiplying minutes by 60 and adding seconds

Get feet traveled by multiplying each mph value by 1.4666

Get total feet traveled by all of the feet covered until vehicle stops

Get seconds til stationary by subtracting 2223 seconds from each value

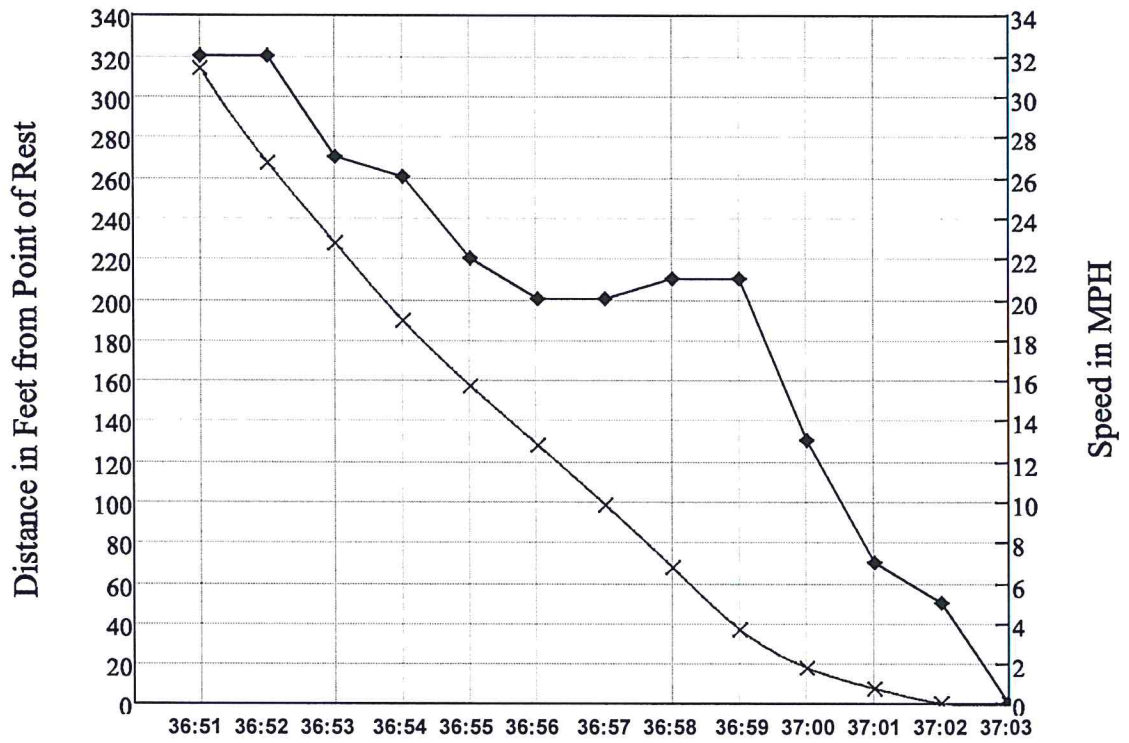
minutes	seconds	mph	feet traveled	total travel	time secs	seconds til stationary
36	51	32	46.9	313.9	2211	-12
36	52	32	39.6	266.9	2212	-11
36	53	27	38.1	227.3	2213	-10
36	54	26	32.3	189.2	2214	-9
36	55	22	29.3	156.9	2215	-8
36	56	20	29.3	127.6	2216	-7
36	57	20	30.8	98.3	2217	-6
36	58	21	30.8	67.5	2218	-5
36	59	21	19.1	36.7	2219	-4
37	0	13	10.3	17.6	2220	-3
37	1	7	7.3	7.3	2221	-2
37	2	5	0.0	0.0	2222	-1
37	3	0	0.0	0.0	2223	0



Time is Video Time Corrected for Delays in recording Eagle Eye Data

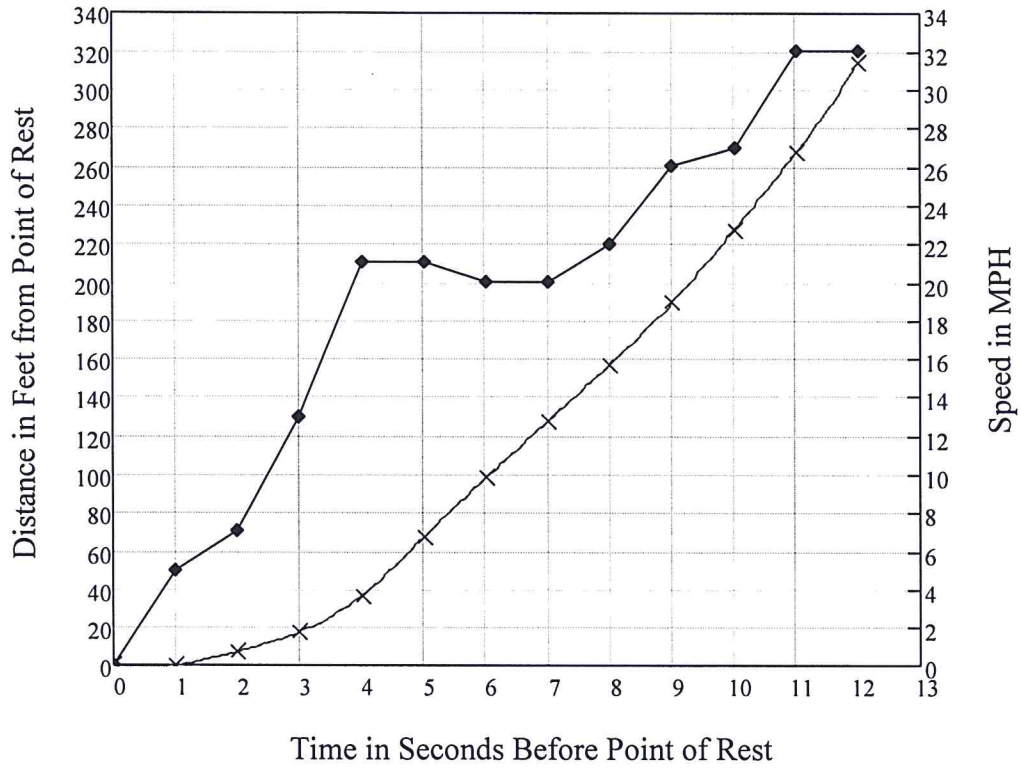


Time vs Distance from Point of Rest



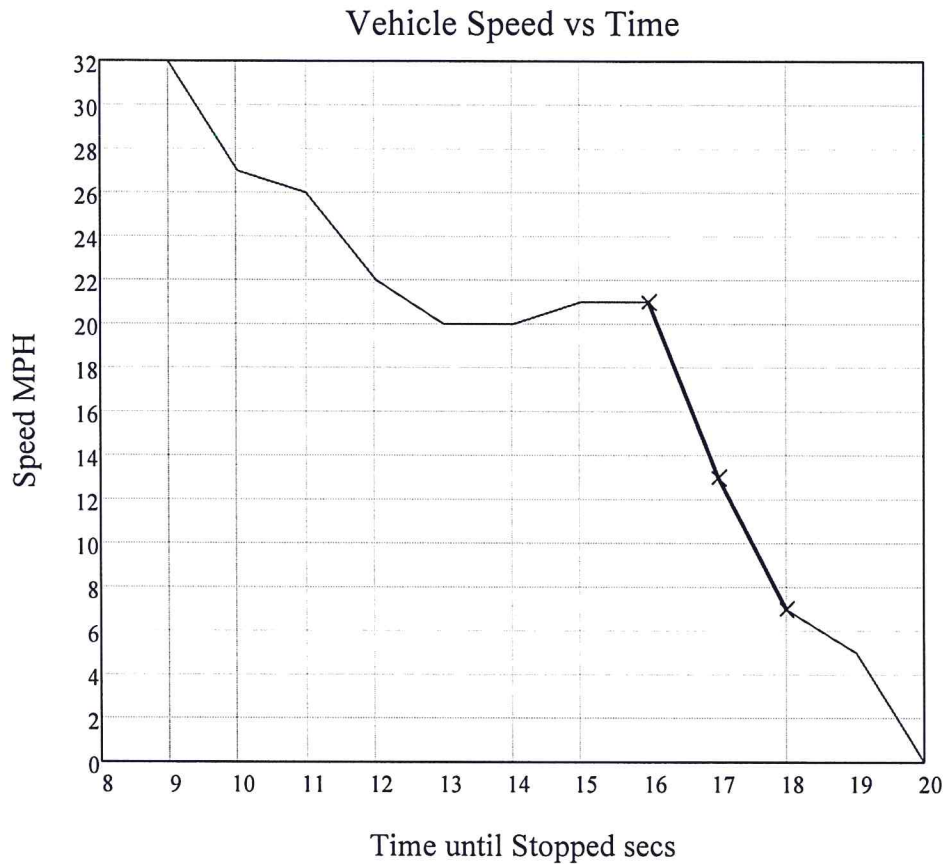
Time is Video Time Corrected for Delays in recording Eagle Eye Data

Time vs Distance from Point of Rest



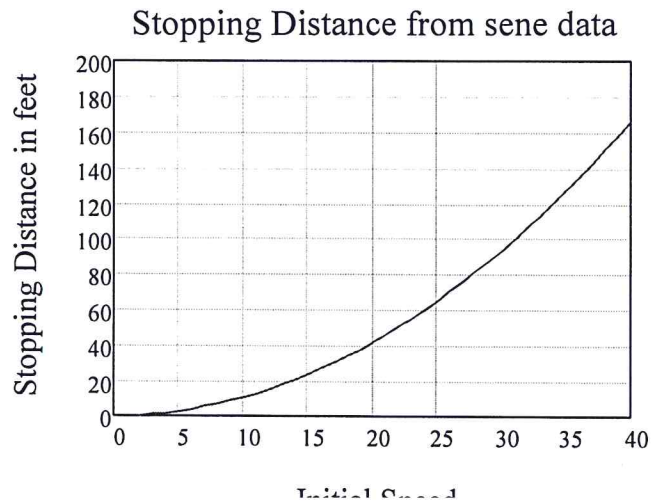
- trace 1 Distance in feet
- xxx trace 2 Distance in feet
- ◆◆◆ trace 3 Reported Speed in Mph

The EagleEye shows that during the 4 seconds prior to coming to rest the vehicle was losing speed, therefore the tire marks in the period must have been due to braking and if the surface was disturbed as for "Acceleration marks", the vehicle must have been braking as rapidly as the available friction would permit



Using the data from the blue section of the trace gives sustained deceleration of 0.32g using this deceleration rate gives the stopping distance graph below

velocity := 2.. 40





# CURRICULUM VITAE

William T. Gaut, PhD

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E-Mail: [wtgaut@aol.com](mailto:wtgaut@aol.com)

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## Professional Experience:

**Current**      **Criminal Justice Consultant/Expert Witness**  
Working in the fields of Criminal Justice and Private/Proprietary Security.

**Previous**      **Birmingham Police Department; Birmingham, AL (1968-1992)**  
Rank at Retirement: Captain of Detectives

Uniform Patrol Division

Police Academy Instructor (Sergeant)

Assisted in the development and implementation of the Alabama Minimum Standards & Training Commission Curriculum, Policies and Procedures.

Detective Sergeant - Homicide Division

Lead investigator for literally hundreds of major felony cases of Homicide, Rape, Felony Assault, and Kidnapping.

Lieutenant – Chief's Administrative Staff

Supervised the Business aspect of the department including purchasing of daily supplies and equipment, Preparation, Implementation, Control of the annual budget, and Departmental Inspections. Responsibilities included licensing, inspection and supervision of all Public Service Entities and City Emergency Medical respondents.

Coordinated the Departmental Accreditation activities through the Commission on Accreditation for Law Enforcement Agencies (CALEA).

Captain - Precinct Commander (East & North Precincts)

Supervised the daily activities of 90-120 officers per precinct.

Detective Captain (Detective Division Commander)

Supervised the activities of 130 investigators.

**Jefferson County Alabama District Attorney=s Office (1992-1994)**

Administrator/Director : Special Services Division; Birmingham, AL

Designed and performed the initial public research project to determine the need for a new Financial Crimes division, and wrote the organization's Daily Operations Procedures. Screened/hired the clerical and investigative staff. Administered the division's daily operations including Purchasing, Accounts Payable, Accounts Receivable, Payroll, Case/Trial Preparation, Case Filing System, Courtroom Litigation, Computer System Design and Marketing. The Special Services Division specialized in the investigation, prosecution, and recovery of worthless checks, fraud, embezzlement and related white-collar financial crimes.

**Jefferson State Community College; Birmingham, AL (1997-1999)**

Adjunct Professor

Teaching the following subjects:

Criminal Law

Homicide Investigation

Fundamentals of Criminal Investigation

Fundamentals of Criminal Justice (Police Practices and Procedures)

**Other Professional Experience:**

**Security Training Institute, Inc.; Birmingham, AL (1972-1990)**

Owner CEO and majority stockholder of this multi-state, Subchapter-S corporation operating in the States of Alabama, Georgia, and Louisiana. STI specialized in the training and certification of private and proprietary security guards and security management. We trained for virtually every industry including but not limited to Hotels, Manufacturing, Banking, Private Security, Retail Food Service, Retail Department Stores, Public Police Officers, Public Utilities, Shopping Malls, Public School Systems, and Major Universities. STI was the second largest security training organization in the United States.

**RaDiUs/Jasper Motorsports, Inc.; Denver, NC (1995-1996)**

General Manager/CEO

General Manager and CEO of this NASCAR Racing organization. Managed the daily operations of the corporation including Security and Risk Management, Personnel, Purchasing, Accounts Payable, Accounts Receivable, Payroll, and Marketing.

## Teaching Experience

Instructor/Professor at the Birmingham Police Academy and Jefferson State Community College in the fields of Homicide Investigation, Criminal Investigation, Police Management, Emergency Response, and Fundamentals of Law Enforcement; and lectured in the fields of Criminal Justice, Security Fundamentals and Business Management at the following Universities:

University of Alabama

Birmingham Southern College

Jefferson State Community College

University of Alabama-Birmingham

Auburn University

Samford University

## Education:

- PhD Doctor of Philosophy in Criminal Justice  
Dissertation: *Examining The Relationship Between Law Enforcement Accreditation and Citizen Complaints, Civil Lawsuits, and Adverse Civil Judgments*  
Northcentral University
- MA Public & Private Management (MPA/MBA)  
Birmingham Southern College
- BS Criminal Justice  
University of Alabama-Birmingham
- AS Law Enforcement  
Jefferson State Community College

## Certifications & Memberships:

- Certified (Level III) Forensic Medical Investigator  
Board Certification, Diplomate Status: The American Board of Forensic Examiners  
Certified Forensic Consultant  
Certified Police Academy Instructor (former designation by the State of Alabama)  
Certified Driving Instructor (former designation by the State of Florida)  
Member National Sheriff's Association (NSA)  
Member American Society of Industrial Security (ASIS)  
Member American Academy of Forensic Sciences (AAFS)  
Member American College of Forensic Examiners (ACFEI)  
Member International Association of Chiefs of Police (IACP)  
Member American Correctional Association (ACA)  
Member National Emergency Number Association (NENA)  
Member Delta Mu Delta National Honor Society



# William T. Gaut, PhD

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## FEE SCHEDULE\*

➤ **Retainer: \$1,500.00**

Should you choose to retain my services, I require a non-refundable \$1,500.00 retainer in advance. Research, review, and consultation activities are billed at \$175.00 per hour against the retainer. If the retainer is depleted, monthly statements will be mailed with payment expected upon receipt of the statement.

➤ **Deposition/Trial testimony held in Collier or Lee County, Florida: \$1,500.00 per day or any portion thereof.**

➤ **Deposition/Trial testimony held outside of Collier or Lee County, Florida: \$2,500.00 per day or any portion thereof.**

➤ **Travel: \$1,000 per day of travel, or any portion thereof.**

Travel charges are added only when travel occurs on a day other than deposition/trial day.

➤ **Out-Of-Pocket Expenses:**

There are no additional charges for out-of-pocket expenses.

\*As always, retention of my services does not guarantee a report favorable to your client.



## Attachment #3

<u>Year</u>	<u>Attorney</u>	<u>Address</u>	<u>City</u>	<u>ST</u>	<u>Zip</u>	<u>Phone</u>	<u>Style</u>	<u>Court</u>	<u>Client</u>	<u>Opinion</u>	<u>Deposed</u>	<u>Trial</u>	<u>Case Number</u>
2008	J. Bernard Brannan	602 South Full Street	Montgomery	AL	36104	334-264-8118	Greene v. Sheriff Phillip Miller	Fed	Plaintiff	yes	yes	Yes	1:07-CV-0439
2008	Herbert B. Dell	5001 S. University Dr.	Ft. Lauderdale	FL	33328	954-434-0605	Smith v. Florida Healthy Kids	State	Plaintiff	yes	No		50 2006 CA002860X
2008	Tom Jerla	100 S.E. 3rd Avenue	Ft. Lauderdale	FL	33394	954-761-8600	JaneDoe v. The Mills Corp.	State	Defendant	yes	yes		07-2316 CA 02
2008	William E. Emerick	300 Main Street	Lafayette	IN	47902	765-423-1561	Browell v. Davidson	Fed	Plaintiff	yes	yes		4:06-CV-142-AS-PRC
2008	Derek A. Reams	524 9th Street West	Bradenton	FL	34205	941-748-1358	Wells & Kelly v St Petersburg	State	Plaintiff	yes	yes		03-8737-CI-15
2008	Cory Itkin	1401 McKinney Street	Houston	TX	77010	713-222-3800	Silva v. Rio Grande	Fed	Plaintiff	yes	yes		C.A.NO.:M-07-122
2008	Scott W. Leeds	2541 SW 27 Avenue	Miami	FL	33133	305-567-1200	1110 Brickell v. Intergrative	State	Defendant	yes	yes		00-32416 CA-32
2008	Joseph Weathers	110 3rd Avenue SE	Moultrie	GA	31768	229-985-1121	Hayes v. Tallahassee	Fed	Plaintiff	yes	yes	yes	4:07cv282-RH/WCS
2008	Paul E. Bross	50 N. Grove Street	Merritt Island	FL	32953	321-456-5914	Oliver v. Orlando	Fed	Plaintiff	yes	yes		06-CA-4408
2008	Robert I. Reardon	160 Hempstead Street	New London	CT	06320	860-442-0444	Gadway v City of Norwich	Fed	Plaintiff	yes	yes		3:05cv935 (RNC)
2008	Elihu H. Berman	509 S. Mart. Luth. Kng	Clearwater	FL	33756	727-465-1977	Mathis v. Coats	State	Plaintiff	yes	yes		06-7333-CI-11
2008	Daryl D. Parks	240 N. Magnolia Drive	Tallahassee	FL	32301	850-222-3333	Jackson v. Cochran/Lakeland	Fed	Plaintiff	yes	yes	yes	53-2005-CA-3847
2008	Deborah J. Gander	255 Aragon Ave	Coral Gables	FL	33134	305-476-7400	Ricci v. Village of Science Dr	State	Plaintiff	yes	yes		06-CA-5564
2008	Melinda T. Powers	240 N. Magnolia Drive	Tallahassee	FL	32301	850-222-3333	Hinson v. Holly Hills/Daytona	Fed	Plaintiff	yes	yes		2004-10036-CIDL
2008	Douglas Hopson	203 N. Wabash Ave.	Chicago	IL	60601	312-726-4000	Curry v. Morgan	State	Plaintiff	yes	yes		03-L-16070
2008	Mark Miller	221 E. Osceola Street	Stuart	FL	34994	772-283-8260	Cole v. Shoar	State	Plaintiff	yes	yes		CA-07-1127
2008	William K. Holland	720 Olive Street	St. Louis	MO	63101	314-231-4100	Booker v. McWright	Fed	Plaintiff	yes	yes		4:07CV00355 ERW
2008	Mark Smith	202 Del Prado Blvd. S.	Cape Coral	FL	33990	239-574-7442	Bokmuller v. Lee Co. Sch Sys	State	Plaintiff	yes	yes	yes	06-CA-001335
2008	Joel J. Ewusiak	4301 Anchor Plaza Pky	Tampa	FL	33634	813-289-0700	Rocker v. Marlon County	Fed	Plaintiff	yes	yes		5:07-CV465-OC10GRJ
2008	Steven B. Goff	258 Riverside Drive	River Falls	WI	54022	715-425-8161	Hessler v. St Croix County	Fed	Plaintiff	yes	yes		08-cv-166-bbc
2009	Joel J. Ewusiak	4301 Anchor Plaza Pky	Tampa	FL	33634	813-289-0700	Diggs et al v. Marlon County	Fed	Plaintiff	yes	yes		5:07-cv-438-Oc-10GRJ
2009	Daryl D. Parks	240 N. Magnolia Drive	Tallahassee	FL	32301	850-222-3333	Jackson v. Cochran/Lakeland	Fed	Plaintiff	yes	yes	yes	53-2005-CA-3847
2009	Brice Tondre	215 S. Wadsworth Blvd.	Lakewood	CO	80226	303-296-3300	Jackson v. Town of Vail	Fed	Plaintiff	yes	yes		08-CV-00464 LTBMJW
2009	Matthew Davison	100 Med Tech Parkway	Johnson City	TN	37604	423-928-0181	Mathes v. Holder/Carter City	State	Defendant	yes	yes		C11266
2009	Eric Quetglas	1021 Ashford Ave	Conrado	PR	00908	787-722-0635	Orta v. Embassy Suites	Fed	Plaintiff	yes	yes		05-1388 (PG)
2009	Barbara S. Nicholas	901 Main Street	Dallas	TX	75202	214-665-4156	Dunlap v. City of Dallas	Fed	Defendant	yes	No	yes	3-07CV2147-L
2009	Thomas C. Crooks	Three First Nat'l Plaza	Chicago	IL	60602	312-641-2260	Phillips v. Allen	Fed	Plaintiff	yes	yes		07 CV 00666
2009	Matthew Davison	100 Med Tech Parkway	Johnson City	TN	37604	423-928-0181	Mathes v. Holder/Carter City	State	Defendant	yes	yes	yes	C11266
2009	Barry J. Byrnes	715 E. Idaho, Bldg 2	Las Cruces	NM	88004	505-525-0077	Vondrake v City of La Cruces	Fed	Plaintiff	yes	yes		CIV05-0172
2009	Albert V. Smith	410 Magnolia Street	Spartanburg	SC	29304	864-585-8174	Melton v. Spartanburg	State	Plaintiff	yes	yes		Need Case No.
2009	Charmaime Nichols	305 Elm St., Suite B	Sevierville	TN	37862	865-774-2330	Lazarek v. HEI Nashville	State	Plaintiff	yes	yes		07C2927
2009	Patrick McCarthy	4475 Legendary Drive	Destin	FL	32541	850-837-3662	King v. Panama City	Fed	Plaintiff	yes	yes		5:08-cv-308-RS/MD
2009	Mark Matthes	130 North Main Street	Goshen	IN	46526	574-533-1171	Williams v. Diamond Lil's	Fed	Plaintiff	yes	yes		66C01-0711-CT-00011
2009	Peter T. Marchesi	#27 Temple St	Waterville	ME	4903	888-451-8400	Eaton v. Hancock County	Fed	Defendant	yes	yes		Need Case No.
2009	Derek A. Reams	524 9th Street West	Bradenton	FL	34205	941-748-1358	Wells & Kelly v St Petersburg	State	Plaintiff	yes	yes	yes	03-8737-CI-15

2009	Jonathan Goodman	One S.E. Third Avenue	Miami	FL	33131	305-374-5600	Florida v. Cooper	State	Defendant	yes	yes	07-CF-14206A
2009	Jay C. Cooper	1404 Dean Street	Ft. Myers	FL	33901	239-931-9995	Patrone v. Orlando/Universal	Fed	Plaintiff	yes	yes	6:08-CV-1686-ORL31K
2009	Cheryl A. Piate	142 North Cherry St	Olathe	KS	66061	913-829-6336	Hooks v. Lenexa P.D.	Fed	Plaintiff	yes	yes	Need Case No.
2009	Joel Magolnick	3001 SW 3rd Avenue	Miami	FL	33129	305-285-2000	Baldonado v. Duquesne Univ.	Fed	Plaintiff	yes	yes	2:08-CV-01221
2009	Amy S. Tingley	200 S. Orange Avenue	Orlando	FL	32801	407-316-0393	Signature Pharmacy v. Orlando	State	Plaintiff	yes	yes	48-2008-CA-24606-O
2010	Carl J. Dicampfi	4601 N. Armenia Ave	Tampa	FL	33603	813-998-9529	Johnson v. L J Diner	State	Plaintiff	yes	yes	2008-CA-005146
2010	Gregory A. Morris	46 The Green	Dover	DE	19901	302-678-9900	Swithenbank v. Georgetown	Fed	Plaintiff	yes	yes	08-965 (GMS)
2010	Ronald T. Spriggs	1011 S. Jackson Street	Amarillo	TX	79101	806-376-7260	Ceballos v. Plainview	Fed	Plaintiff	yes	yes	5-08CV0056-C
2010	J. Edwin Mills	1215 East Amelia Street	Orlando	FL	32803	407-246-7090	Terrell (Zylstra) v. Palm Bay	Fed	Plaintiff	yes	yes	6:09-cv-01440-1A-DAB
2010	Cary M. Toland	855 East Harrison	Brownsville	TX	78520	956-544-4606	Lozano v. City of Austin	Fed	Plaintiff	yes	yes	1:09-CV-200
2010	Robert A. Norgard	310 E. Main Street	Bartow	FL	33830	863-533-8556	Florida v. Leon Davis	State	Defendant	yes	yes	CF07-009613-XX
2010	Elihu H. Berman	509 S. Mart. Luth. Kng	Clearwater	FL	33756	727-465-1977	Mathis v. Coats	State	Plaintiff	yes	yes	06-7333-CJ-11
2010	Sidley-Austin Firm	787 Seventh Avenue	New York	NY	10019	212-839-5300	Ziegler v. Alabama	Fed	Defendant	yes	No	Rule 32 Hearing
2010	Jeff R. Laird	P.O. Box 890420	Oklahoma	OK	73189	405-378-3033	Corey v. State of Oklahoma	Fed	Plaintiff	yes	yes	CIV-07-551-HE
2010	Benjamin Nwoye	100 W. Monroe	Chicago	IL	60601	312-658-1660	Pinkerton v Chicago	Fed	Plaintiff	yes	yes	08-CV-3441
2010	Jeff R. Laird	P.O. Box 890420	Oklahoma City	OK	73189	405-378-3033	Corey v. State of Oklahoma	Fed	Plaintiff	yes	yes	CIV-07-551-HE
2010	Maria D. Hale, Esq.	545 Delaney Avenue	Orlando	FL	32801	407-425-4640	Lorance v. Kissimmee	State	Plaintiff	yes	yes	6:09-cv-1679-Orl-31CJk
2011	Randy Seago	2775 Hwy 74 East	Sylva	NC	28779	828-586-3200	No. Carolina v. Edw. Wong II	State	Defendant	yes	yes	Criminal Case
2011	Courtland C. Merrill	90 South Seventh Street	Minneapolis	MN	55402	612-349-6969	Death Review	State	Plaintiff	yes	yes	2009-18289
2011	P. Shawn Harris	125 West Main Street	Forrest	MS	39074	601-469-9910	Luster v. Alcorn State Univ.	State	Plaintiff	yes	yes	2008-32
2011	Charles D. Schmidt	20800 Swenson Drive	Waukesha	WI	53186	800-372-3020	Conley v. Hankel	Fed	Plaintiff	yes	yes	3:10-cv-791-wmc
2011	Patrick Gent	4000 Hollywood Blvd	Hollywood	FL	33021	954-989-8775	Miller v. McGregor & Mel-Re	State	Defendant	yes	yes	08-CA-20281
2012	Sidley-Austin Firm	787 Seventh Avenue	New York	NY	10019	212-839-5300	Willie Minor v Alabama	Fed	Defendant	Yes	Yes	Rule 32 Hearing
2012	Elizabeth Kaveny	161 N. Clark Street	Chicago	IL	60601	312-580-2040	Copaack v. O'Donnell	State	Plaintiff	yes	yes	08 L 000898
2012	Jeff Gilliam	710 N. 20th Street	Birmingham	AL	35203	205-254-2369	Murphy v. Birmingham PD	State	Defendant	yes	yes	2008-cv-900393.00
2012	Steven R. Pruzan	1000 Second Ave	Seattle	WA	98104	206-624-8830	King v. USA	USMil	Plaintiff	yes	yes	Military Tribunal
2012	Heidi Weller	210 15th Street	Rock Island	IL	61201	309-558-3250	Roos v. Rock Island County	Fed	Defendant	yes	yes	10L 104
2012	Elizabeth Kaveny	161 N. Clark Street	Chicago	IL	60601	312-580-2040	Macon v. Anthony	State	Plaintiff	yes	yes	10 L 12835
2012	Kevin Humphries	625 Commerce Drive	Lakeland	FL	33813	863-709-1800	Florida v. Justin Matthew Gold	State	Defendant	yes	yes	Criminal CF10-004727
2013	Chad Brazzeal	12800 University Dr.	Ft. Myers	FL	33906	239-433-6880	Baldwin v. 7-Eleven	State	Plaintiff	yes	yes	12-ca-000772
2013	Paul Brass	50 North Grove Street	Merritt Island	FL	32953	321-456-5914	Flowers v.	State	Plaintiff	yes	yes	6:12-cv-00202
2013	Jeff Rosenblum	80 Monroe Avenue	Memphis	TN	38103	901-527-9600	Chandler v. Fayette County	State	Plaintiff	yes	Yes	5255
2013	Christopher Adams	102 Broad Streec	Charleston	SC	29402	843-577-2153	USA v. Casey	Fed	Defendant	yes	yes	05-277
2013	Kevin W. Betz	211 N. Pennsylvania St	Indianapolis	IN	46204	317-687-2222	Hart v. Mannina	Fed	Plaintiff	yes	yes	1:10-cv-1691
2013	Elizabeth Kaveny	161 N. Clark Street	Chicago	IL	60601	312-580-2040	Macon v. Anthony	State	Plaintiff	yes	yes	10 L 12835



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## REPORT OF POLICE PRACTICES EXPERT WILLIAM T. GAUT, Ph.D.

I.	Expert Qualifications .....	1
II.	Materials Relied Upon .....	3
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	Current Fee Schedule .....	Attachment #2

### **I. Expert Qualifications**

A copy of my current resume is attached<sup>1</sup> reflecting my qualifications to speak to this matter. I have testified as an expert in the discipline of police practices and to the principles of homicide investigation, vehicular pursuits, and police use of force. A list of those cases in which I have given testimony as an expert at trial or by deposition in the preceding five years is attached<sup>2</sup> and made a part of this report. In approximately 65%-70% of all cases, I have been retained by plaintiff attorneys, and in 30%-35% of cases by defense attorneys. My fees for services are attached.<sup>3</sup>

My general police experience includes 24 years with a major municipal police department where I served in every capacity from uniformed patrol Officer to command-level supervisor and two years as District Attorney's Director of Special Services as an Alabama State Police Officer.

My command-level experience includes that of Lieutenant, commanding the Chief's Administrative staff; Captain of Detectives, where I supervised the daily activities of 120 investigators; and Patrol

<sup>1</sup> See Attachment #1, Curriculum Vitae of William T Gaut, PhD.

<sup>2</sup> See Attachment #3, Excel spreadsheet of prior cases, 2005 through 2013.

<sup>3</sup> See Attachment #2, Fee Schedule.

Precinct Commander, where I supervised the daily activities of 130 police Officers and basic/intermediate level supervisory Officers.

In my capacity as a State police officer with the Jefferson County District Attorney's Office, I designed and performed the initial public research project to determine the need for a white-collar financial unit. Following the formation of the unit, I was hired as the Director of Special Services and wrote the organization's Daily Operations Procedures. I screened/hired the clerical and investigative staff. I directly supervised the division's daily operations including supervision of investigative staff, purchasing, accounts payable, accounts receivable, payroll, case/trial preparation, case filing system, courtroom litigation, computer system design and marketing.

During my career as a police officer, I was responsible for knowing and regularly applying the law in daily situations so as not to violate the constitutional rights of those I served. I did this by studying police procedures at a certified police academy, by taking Constitutional Law, and Criminal Law courses in college, by studying applicable Criminal Codes, by reviewing lower court, appellate court, and Supreme Court decisions, by making constitutionally valid arrests, and by acceptance of testimony in criminal and civil court cases. Since I retired as a sworn police officer, I have maintained my knowledge of constitutional principles through continuing education, through graduate coursework in pursuing my master and doctoral degrees, through my association with the Commission on Accreditation for Law Enforcement Agencies (CALEA), through regular studies of International Association of Chiefs of Police Training Keys and Model Policies, through regular reading of peer reviewed articles written for the National Sheriffs Association, through regular reading of Lexis-Nexis publications, through review of VerdictSearch archives, and through my work as a police practices expert.

My education consists of an Associate Degree in Criminal Justice; a Bachelor's Degree in Criminal Justice; a Master's Degree in Public and Private Management (MPA/MBA), and a PhD Degree in Criminal Justice. I have completed specialty training from the Federal Bureau of Investigation, the Drug Enforcement Administration, the US Secret Service, the US Marshall's Service, the Internal Revenue Service, U.S. Alcohol-Tobacco & Firearms Division, the New York City Police Department, the Los Angeles Police Department, the Boston Police Department, and the Texas Department of Public Safety, sometimes called the Texas Ranger Police Academy.

My teaching experience includes that of Certified Police Academy Instructor, guest lecturer in the field of Criminal Justice at major universities, and Adjunct College Professor in the field of Criminal Justice. As an Adjunct College Professor, I taught full courses in Homicide Investigation, Criminal Law, Fundamentals of Investigation, and Fundamentals of Criminal Justice.



My experience as a Police Academy Instructor includes (1) sitting on the original committee appointed by the Governor of Alabama to formulate minimum standards of training for all Alabama police officers and (2) participating as a provider in the pilot project in the State of Louisiana to determine the minimum training standards for private and proprietary security officers. During my entire law enforcement career, I regularly taught Homicide Investigation and Fundamentals of Supervision at the Birmingham Police Academy. The courses were taught to rookie police officers, to newly promoted detectives, and to newly promoted basic and intermediate supervisors at the Sergeant and Lieutenant ranks.

My education and experience in forensic examinations includes extensive training in crime-scene evidence collection and analysis, field experience in forensic analysis, and college level coursework in evidence collection and analysis. I am an active member of the American Academy of Forensic Sciences and the American College of Forensic Examiners International. Both organizations require education and experience in forensic science for membership. By ACFEI proctored examination, I am a Certified Forensics Consultant and a certified Level III Forensics Medical Investigator. ACFEI also requires continuing education in the field of forensics. I currently hold Board Certification Diplomate status by the American Board of Forensic Examiners. My forensic education credits include multiple forensic courses at the doctoral level, all taken within the past three years. In addition, to maintain Diplomate status with ACFEI, I am required to take at least 15 hours in forensic courses annually.

## **II. Materials Relied upon**

I agree to hold all information provided to me by the States Attorney in confidence. Case material reviewed included documents and audio/video CD's, now contained in 2 binders, and the additional material and reference sources identified in this report. Materials include, but are not limited to:

1. Office of the State Attorney Investigative Report, Serial # 1, dated 5-8-13.
2. Office of the State Attorney Investigative Report, Serial # 2, dated 5-22-13.
3. Office of the State Attorney Investigative Report, Serial # 3, dated 5-22-13.
4. Office of the State Attorney Investigative Report, Serial # 4, dated 5-20-13.
5. Office of the State Attorney Investigative Report, Serial # 5, dated 5-16-13.
6. Office of the State Attorney Investigative Report, Serial # 6, dated 5-30-13.
7. Office of the State Attorney Investigative Report, Serial # 7, dated 5-20-13.
8. Office of the State Attorney Investigative Report, Serial # 8, dated 6-6-13.
9. Office of the State Attorney Investigative Report, Serial # 9, dated 5-31-13.
10. Office of the State Attorney Investigative Report, Serial # 10, dated 5-23-13.

11. Office of the State Attorney Investigative Report, Serial # 11, dated 5-31-13.
12. Office of the State Attorney Investigative Report, Serial # 12, dated 5-22-13.
13. Office of the State Attorney Investigative Report, Serial # 13, dated 5-23-13.
14. Office of the State Attorney Investigative Report, Serial # 14, dated 5-??-13.
15. Office of the State Attorney Investigative Report, Serial # 15, dated 6-7-13.
16. Office of the State Attorney Investigative Report, Serial # 16, dated 6-5-13.
17. Office of the State Attorney Investigative Report, Serial # 17, dated 6-4-13.
18. Office of the State Attorney Investigative Report, Serial # 18, dated 5-8-13.
19. Office of the State Attorney Investigative Report, Serial # 19, dated 5-8-13.
20. Office of the State Attorney Investigative Report, Serial # 20, dated 5-8-13.
21. Office of the State Attorney Investigative Report, Serial # 21, dated 5-23-13.
22. Voluntary Sworn Statements Signature Pages:
 

Matt Branch	Steve Huber	Jose Ortiz
Mark Marella	Eric Schmalmaac	
Richard Scott	Robert Williams	
23. Deland Police Department Directive: Vehicle Pursuits.
24. Deland Police Department Directive: Professional Traffic Stops.
25. Deland Police Department Directive: Response To Resistance.
26. Deland Police Department Directive: In-Car Camera System.
27. Marcia Wright Statement.
28. Officer James Harris Training Records.
29. Officer James Harris Vehicle GPS Records.
30. Office of the State Attorney Investigative Report, Serial # 22, dated 5-23-13.
31. Office of the State Attorney Investigative Report, Serial # 21, dated 6-18-13.
32. FDLE Training Curriculum.
33. CMS Chapter 1: Law Enforcement Vehicle Operations.
34. CMS Chapter 2: First Aid For Criminal Justice Officers.
35. CMS Chapter 3: Criminal Justice Firearms.
36. CMS Chapter 4: Criminal Justice Defensive Tactics.
37. CMS Chapter 5: Dart-Firing Stun Gun.
38. CMS Chapter 6: Criminal Justice Officer Physical Fitness Training.
39. CMS Glossary.
40. US Naval Observatory Moon Data; Weather Data; Geological Data.
41. Multiple Audio/Video CD's:
  - Harris In-Car Camera
  - Ferrari In-Car Camera
  - Witness Statements
42. Florida Statutes.
43. FHP Investigative Report.



The following items also comprise the bases for my opinions. Those publications or documents listed below which are too voluminous or costly to include herein are identified and their sources provided:

1. My personal and professional experience as a Lead Detective, Intermediate Detective Supervisor, and Command Level Supervisor for a public Law Enforcement Agency.
2. My education in the field of Law Enforcement and Criminal Justice.
3. The Commission on Accreditation for Law Enforcement Agencies (CALEA) Standards for Law Enforcement Agencies, 1999/2004/2006.
4. The International Association of Chiefs of Police Model Policies and Training Keys relevant to the instant issues.
5. Florida Statutes.

In any subsequent testimony, I may refer to any of the facts, data, or standards included in documents or data referenced herein or attached hereto and documents or data received after this date. I may also use any of the documents, standards, or data referenced herein as exhibits in my testimony.

### **III. Factual Background**

My understanding of the facts in this case is based upon my review of the material listed above, and summarized as follows:

On May 8, 2013, about 12:30am, Volusia County Deputy John Szabo observed a vehicle driver without a fastened seatbelt. When Deputy Szabo attempted to stop the vehicle, the driver fled. Deputy Szabo discontinued his attempt to perform the traffic stop, and broadcast the vehicle flight to surrounding police units. Deland police officers Justin Ferrari and James Harris, parked only a few blocks from Deputy Szabo's location observed the vehicle and, based on the reported unlawful flight, attempted to stop the vehicle. The driver again fled but quickly turned onto a dead end street, with the Deland officers close behind. The driver of the suspect vehicle then slowed his vehicle and fled on foot, with the vehicle still in gear and moving. Officer Ferrari turned his attention to the suspect's vehicle and flight path, while Officer Harris drove his police car in the direction of the fleeing suspect. During the flight, the suspect slipped and fell in front of the moving police car. Officer Harris' vehicle struck the suspect. The suspect, later identified as Marlon Robert Brown, died from vehicular blunt force trauma.<sup>4</sup>

On 6-27-13, I was contacted by Florida State's Attorney R.J. Larizza, who asked that I review all available case documents and opine as to Officer Harris' conduct in terms of whether or not the officer's actions were proper and in keeping with national standards of police practices.

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<sup>4</sup> See Office of the State Attorney Investigative Report, Serial #1, dated 05/08/13.

I conducted the analysis in four phases. I first examined the circumstances of the original incident involving Mr. Brown and Volusia County Deputy John Szabo. The second phase reviewed the actions of Deland Police Officers Justin Ferrari and James Harris as they initially attempted to perform a traffic stop of Mr. Brown. The third phase examined the actions of Deland Police Officers after they activated their emergency lights and initiated a vehicle pursuit of Mr. Brown. The fourth phase examined the actions of Deland Police Officer James Harris, as he used his police vehicle to pursue Mr. Brown, who was on foot.

#### **IV. Opinions**

Based on my experience, documents reviewed, Florida statutes, and generally accepted national law enforcement standards, my opinions are:

1. Volusia County Deputy John Szabo **did not** violate police standards and generally accepted police practices when he attempted to initiate a traffic stop of the vehicle driven by Marlon Robert Brown. When Mr. Brown fled in his vehicle, Deputy Szabo's action in terminating any vehicle pursuit was correct and in keeping with police standards.
2. Deland Police Officers Justin Ferrari and James Harris **did not** violate police standards and generally accepted police practices when they initially drove their marked patrol car behind the vehicle of Marlon Robert Brown, with the intent to act as a primary unit and a backup unit in performing a traffic stop.
3. Once Marlon Robert Brown demonstrated his intent to flee, Deland Police Officers Justin Ferrari and James Harris **did not** violate national police standards<sup>5</sup> or generally accepted police practices, when they initiated a vehicle pursuit of Marlon Robert Brown.
4. Once Marlon Robert Brown demonstrated his intent to flee, Deland Police Officers Justin Ferrari and James Harris **did** violate the more restrictive standards of the Deland Police Department, when they initiated a vehicle pursuit of Marlon Robert Brown. Deland Police Department policy dictated the vehicle pursuit should have been terminated.

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<sup>5</sup> See IACP Model Policy: Vehicle Pursuits.



5. Deland Police Officer James Harris' actions in using his vehicle to pursue Marlon Robert Brown, who was fleeing on foot, violated the more restrictive DPD standards, and amounted to, at most, careless driving. I saw no convincing evidence to indicate Deland Police Officer James Harris committed a criminal violation, as defined by relevant Florida statutes.\*

\*The ultimate interpretation and decision as to a criminal violation is deferred to the Florida Office of the State Attorney.

## V. Bases For Opinions

Both Officer Ferrari and Officer Harris are law enforcement officers certified by the State of Florida. That certification is granted only after each officer has attended and successfully completed a specific course of study at a State approved training facility.

The training consists of some 770 hours of academy training, plus the mandated additional annual training. Following his academy training and State certification, the evidence shows Officer Harris received and an additional 160 hours of law enforcement training, for a total of 930 hours.

Relevant to this analysis, I examined the record to determine if Officer Harris also had training in the operation of a police car beyond the normal expectations of a citizen driver. The evidence shows that Officer Harris attended and successfully completed a relevant driving course of instruction, which included hands-on operation of an emergency vehicle.<sup>6</sup>

Police officers are typically not lawyers. However, in order to function as effective law enforcement officers, it is essential that they know and understand the criminal statutes, which they are charged with enforcing. I examined the evidence to determine if Officer Harris' conduct was proper police procedure. In that vein, I noted the relevant Florida statute as:

*782.071 Vehicular homicide.—“Vehicular homicide” is the killing of a human being, or the killing of a viable fetus by any injury to the mother, caused by the operation of a motor vehicle by another in a reckless manner likely to cause the death of, or great bodily harm to, another.*

*(1) Vehicular homicide is:*

*(a) A felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.*

*(b) A felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if:*

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<sup>6</sup> See Officer James Harris Training Records.

1. *At the time of the accident, the person knew, or should have known, that the accident occurred; and*
2. *The person failed to give information and render aid as required by s. 316.062.*

The question here is whether or not Officer Harris' actions amounted to *reckless* conduct as required by the applicable statute. Taken from training, experience, and from Black's Law Dictionary, Police officers should adhere to the following definition of *reckless conduct*:

*Conduct whereby the actor does not desire harmful consequences but nonetheless foresees the possibility and consciously takes the risk. Recklessness involves a greater degree of fault than negligence but a lesser degree of fault than intentional wrongdoing. A state of mind in which a person does not care about the consequences of his or her actions.<sup>7</sup>*

The evidence shows the original intentions of both Officer Ferrari and Officer Harris was to perform a traffic stop of a vehicle previously thought to have fled from a Volusia County officer only seconds before. The officers initially followed the vehicle, which almost immediately turned onto a secondary street, then turned onto a third street. At that point, at the intersection of West Beresford Avenue and South Delaware Avenue, Officer Ferrari and Officer Harris activated their overhead emergency lights and turned behind the vehicle, which then turned off the roadway and into a dead-end area. When Mr. Brown reached the end of the grassy area, he exited the still moving vehicle. The time lapse from the initiation of emergency lights to the vehicles stop was nine (9) seconds.

Mr. Brown then ran from his car on foot toward a fenced area with Officer Harris in pursuit in his police car. Officer Harris pursued Mr. Brown across an open area until Mr. Brown fell in front of the police car and was struck by the car. This portion of the incident lasted six (6) seconds.

In reviewing the actions of a police officer, the courts have consistently ruled that officers' actions are not to be analyzed in 20-20 hindsight. Actions must be viewed under the standard of *objective reasonableness*. That is, not what an officer thinks at the time of the action, but what a reasonable officer would think under the same or similar circumstances. Flight from police officers to avoid apprehension is common. Similarly, police pursuit of suspected offenders is also common. In order to lawfully stop a citizen, officers are taught the concepts of *reasonable suspicion* and *probable cause*.

*Reasonable suspicion* is defined as:

*An articulable set of facts or circumstances that would lead a reasonable police officer to believe a crime has been, is being, or is about to be committed.*

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<sup>7</sup> Black's Law Dictionary, Seventh Edition, Bryan A. Garner Editor, 1999.



Following a police action, an officer must be able to articulate the circumstances that led to suspicion. In the instant case, I looked to see if Officer Harris had the required *reasonable suspicion* to justify the pursuit of Mr. Brown. The evidence showed that within seconds, prior to Officer Harris' action, a Volusia County deputy had attempted to stop Mr. Brown's vehicle for a traffic infraction. When Mr. Brown fled, the Volusia County deputy broadcast his location, vehicle description, the circumstances of flight, and the name of the roadway. Upon seeing Mr. Brown's vehicle, the Deland officers followed the vehicle at normal speeds with the intent to initiate a traffic stop. Officers Ferrari and Harris continued the attempted traffic stop, which lasted nine (9) seconds and a total distance of 460 feet. At the intersection of Beresford Avenue and Delaware Avenue, both officers activated their emergency lights to signal Mr. Brown to stop. Mr. Brown did not stop and accelerated to the end of the street where he left the roadway a distance of 160 feet.<sup>8</sup>

I next turned my attention to specific circumstances under which officers Ferrari and Harris initiated their attempt to stop the vehicle driven by Marlon Robert Brown.

According to Florida State Statute:

*316.1935 Fleeing or attempting to elude a law enforcement officer; aggravated fleeing or eluding.—*

*(1) It is unlawful for the operator of any vehicle, having knowledge that he or she has been ordered to stop such vehicle by a duly authorized law enforcement officer, willfully to refuse or fail to stop the vehicle in compliance with such order or, having stopped in knowing compliance with such order, willfully to flee in an attempt to elude the officer, and a person who violates this subsection commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.*

*(2) Any person who willfully flees or attempts to elude a law enforcement officer in an authorized law enforcement patrol vehicle, with agency insignia and other jurisdictional markings prominently displayed on the vehicle, with siren and lights activated commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.*

In the instant case, the Deland officers knew Mr. Brown originally fled from Volusia County Deputy John Szabo, who was driving a marked patrol car with emergency equipment (lights & siren) activated.<sup>9</sup> The evidence shows that Mr. Brown knew or should have known that Florida law

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<sup>8</sup> Google Earth GPS measurement.

<sup>9</sup> See Deputy John Szabo audio statement to FDLE investigator.

required him to stop his vehicle. Instead, Mr. Brown made a conscious decision to flee.<sup>10</sup> As a trained police officer, as evidenced by his certification, Officer Harris knew the Florida statute prohibiting flight from a police officer in a marked vehicle, while driving a motor vehicle. Officer Harris knew a vehicle had just fled from a Volusia County Deputy in close proximity to his location by hearing a broadcast via his official police radio.

Police officers are allowed to consider their prior experience and information from a law enforcement source in the development of *reasonable suspicion*.<sup>11</sup> With the knowledge of Florida law, the information from an official police source, the general location of the offense, and the timeliness of the information, Officer Harris possessed the articulable reasonable suspicion to believe the driver of the suspect vehicle had committed a third degree felony of fleeing or attempting to elude a law enforcement officer. The evidence shows that officers Ferrari and Harris possessed the articulable reasonable suspicion to believe the driver of the vehicle had committed a third degree felony, for which he could be lawfully detained.

The facts show that when Deland police officers Ferrari and Harris, both in marked police cars, saw the vehicle and attempted to perform a traffic stop of his vehicle, Mr. Brown again fled, committing a second felony offense of fleeing or attempting to elude a law enforcement officer. Once at the dead end street, Officer Harris saw Mr. Brown jump from his moving vehicle, leaving passengers inside the now uncontrolled driverless vehicle. According to Florida Statute 316.1935:

*(3) Any person who willfully flees or attempts to elude a law enforcement officer in an authorized law enforcement patrol vehicle, with agency insignia and other jurisdictional markings prominently displayed on the vehicle, with siren and lights activated, and during the course of the fleeing or attempted eluding:*

*(a) Drives at high speed, or in any manner which demonstrates a wanton disregard for the safety of persons or property, commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. [Emphasis Added]*

Though it is unclear if officer Harris knew about the passengers endangered inside a moving driverless vehicle, it is important to note that, in addition to having reasonable suspicion about the commission of a prior felony, the second action of flight by Mr. Brown was personally observed by Officer Harris.

*Probable Cause* is defined as:

*A set of facts or circumstances that would lead a reasonable person to believe that a crime has been committed, and the person to be arrested committed the crime.*

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<sup>10</sup> See Serial #4, Serial #6, and Audio Statements of Laheia Olivera and Sanmeshia Latoya Johnson.

<sup>11</sup> Constitutional Law by Jacqueline R. Kanovitz, 2010, pgs 113-118.



Officer Harris' personal observation of a felony offense committed by Mr. Brown provides the required *probable cause* to pursue and arrest Mr. Brown.

My conclusion, based on the foregoing evidence, is that Officer James Harris was in lawful pursuit of a felony offender, later determined to be Marlon Robert Brown. Upon observation of a felony offense, a police officer has a duty to attempt to apprehend the offender.

The next question pertains to whether or not Officer Harris followed standard police procedures and the procedures set out in the Deland Police Department Policy on Vehicle Pursuit. I examined the circumstances under which Officer Harris pursued Mr. Brown. The evidence showed Mr. Brown fled from Deland police officers in his vehicle. Deland officers initiated an attempted traffic stop of very short duration. From the time Deland Police Officer Ferrari activated his emergency overhead lights, the time and distance travelled by Mr. Brown was 9 seconds and 460 feet. The evidence shows the total incident lasted approximately 22 seconds. Evidence from the In-Car Camera systems of the police vehicles clearly show that both Officer Harris and Officer Ferrari had their emergency lights activated<sup>12</sup> in pursuit of Mr. Brown. Neither Officer Ferrari nor Officer Harris activated their respective sirens.

*316.271 Horns and warning devices.—*

*(6) Every authorized emergency vehicle shall be equipped with a siren, whistle, or bell capable of emitting sound audible under normal conditions from a distance of not less than 500 feet and of a type approved by the department, but such siren, whistle, or bell shall not be used except when the vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law, in which event the driver of the vehicle shall sound the siren, whistle, or bell when reasonably necessary to warn pedestrians and other drivers of the approach thereof.*

The fact that officers did not activate their sirens is not relevant because, on the dead end street, there were no pedestrians or other drivers to warn of the approach of emergency vehicles. Police officers are trained to use certain tactics to pursue and arrest criminal offenders. Two of those tactics are *Vehicle Pursuit* and *Foot Pursuit*. The IACP provides definitions of each tactic as:

***Vehicle Pursuit:** An active attempt by an officer in an authorized emergency vehicle to apprehend a fleeing suspect who is actively attempting to elude the police.<sup>13</sup>*

***Foot Pursuit:** An incident where an officer chases (on foot) a person who is evading detention or arrest.<sup>14</sup>*

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<sup>12</sup> See In-Car Camera Videos: Ferrari & Harris.

<sup>13</sup> See IACP Model Policy: Vehicle Pursuits.

<sup>14</sup> See IACP Model Policy: Foot Pursuits.

Generally accepted law enforcement standards suggest the initiation or continuation of vehicle and foot pursuits are to be judged under the following guideline: Does the need for apprehension outweigh the danger to officers, surrounding innocent pedestrians and vehicular traffic? Volusia County Deputy Szabo's decision to terminate his pursuit was correct. In that circumstance, Deputy Szabo observed a minor traffic infraction. The immediate flight of the driver was along an open public street. Deputy Szabo had no knowledge of the driver's intended direction of flight and he chose to abandon the pursuit, rather than endanger potential innocent citizens who might be travelling along an open thoroughfare.

Those circumstances changed when the driver was observed by the Deland police officers. Instead of continuing along an open public street, the driver turned into a known dead end street that was 300 feet in length. There were no pedestrians or other motoring vehicles to be endangered by a pursuit. Further, the officers had knowledge of a prior flight with potential danger to innocent citizens by the fleeing driver. The Deland officers observed the flight of the driver for a second time within seconds or minutes of the first offense. Under those circumstances, a reasonable police officer would believe that flight, with potential danger of harm to the driver, other officers or innocent citizens was likely to occur any time an officer attempted to stop this driver. The need for apprehension now outweighed any potential danger to citizens in the immediate area of the dead end street.

Under generally accepted police standards, the Deland police officers were correct in their decision to pursue Mr. Brown's vehicle. There is no bright line differentiating an intended traffic stop from a vehicle pursuit. In theory, a pursuit takes place any time a police officer activates emergency equipment with the intent to have the driver stop. Prior to the attempted traffic stop, the evidence shows Deland officers following behind Mr. Brown's vehicle at normal speed and without the activation of emergency lights, which is the signal for a motorist to stop.<sup>15</sup> A vehicle pursuit is determined by the actions of the driver and the reactions of the officer.

The question begs, at what point does an intended traffic stop become a vehicle pursuit? When officers activate emergency lights and/or siren and the driver accelerates or makes evasive turns instead of slowing to a stop, followed by the reactive acceleration of the police vehicle, only then can it be said that a vehicle pursuit is initiated. The video evidence shows Mr. Brown accelerating as the officers activate emergency lights, and then making an evasive turn leaving the designated roadway. The video metadata shows Officer Harris's car accelerating from 0mph to 19mph and to 32mph. By definition, Officer Harris now initiated a vehicle pursuit of the fleeing vehicle. In this case, the actual vehicle pursuit portion of the incident, lasted less than 9 seconds, and a distance of 460 feet, before Mr. Brown abandoned his still moving vehicle, leaving passengers inside the vehicle exposed to serious bodily injury or death in a moving driverless vehicle.

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<sup>15</sup> See Officer Harris & Ferrari In-Car Videos.



There are exigent circumstances that we must consider. Remember that officers, when deciding to initiate a vehicle pursuit, must weigh the need for immediate apprehension vs the danger to innocent citizens. In the instant case, the officers knew this was a very short dead end street. Officers knew there was no other vehicular traffic. Officers knew there was little possibility of pedestrians on or near the roadway.

In my experience, citizens do not instantaneously stop upon seeing a police vehicle behind them. This is not intended to interpret Mr. Brown’s state of mind or intentions. It is intended to identify the expectations of the reasonable police officer. Until Mr. Brown accelerated and drove off the designated roadway, instead of stopping, there was no expectation of another flight and there was no vehicle pursuit. Even drivers who have recently fled from a police officer may be expected to stop when more officers arrive, especially when confronted with a dead end street. In any event, according to the evidence, when Officers activated emergency lights and Mr. Brown acted by accelerating and making an evasive turn, at this point officers Ferrari and Harris reacted by initiating a vehicle pursuit.

The pursuit of Mr. Brown eventually involved both a vehicular and a foot pursuit. Officer Harris utilized his police car to gain a tactical advantage in chasing Mr. Brown, while Officer Ferrari left his vehicle and initiated a foot pursuit. Through public misconception, it is often assumed that police officers are somehow more athletic than offenders. There have been more than a few documented instances where offenders simply outran police officers. In that vein, police officers are taught to use available tactical advantages in the pursuit of offenders. According to nationally accepted standards, officers should, **if possible**, consider several options in deciding to initiate or continue a vehicle or foot pursuit<sup>16</sup> [Emphasis Added]. Those options, along with my analyses are as follows:

Foot Pursuit:

- Aerial Support.....
- Containment of the Area.....
- Canine Search.....
- Police Saturation of the Area.....
- Later Apprehension if Identity Known..

Analysis:

- Not available on a timely basis.
- Insufficient personnel to accomplish containment.
- Unknown if a K-9 tracking dog was available.
- Insufficient personnel to saturate the area.
- The driver’s identity was not known.

Vehicle Pursuit:

- Road/Weather/Environment Conditions..
- Population Density.....
- Vehicle and/or Pedestrian Traffic.....
- Seriousness of the Offense.....

Analysis:

- Open field/dry/total darkness.
- Suburban residential area.
- None.
- Seat Belt: Infraction;
- 3<sup>rd</sup> Degree Felony x 2

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<sup>16</sup> See IACP Model Policies: Vehicle Pursuit/Foot Pursuit.

Of note is the fact that the portion of the vehicular pursuit of Mr. Brown (on foot) by Officer Harris (in his vehicle) lasted only six (6) seconds. Officer Harris had to weigh all the options for continuing the pursuit, and the best options for a timely apprehension.....all in six (6) seconds.

Environmental conditions play a part in any police action. Officer Harris may be criticized for driving his police car off the designated roadway and into an open field in pursuit of Mr. Brown, who was now fleeing on foot. That is not an unusual or forbidden police tactic. As noted in Officer Ferrari's statement to FHP investigators, Officer Ferrari lost sight of Mr. Brown in the darkness almost immediately after Mr. Brown fled from his vehicle.

I examined the available video of the incident and noted there was no ambient light except that of one overhead street light at least 200 feet away, and Officer Ferrari's headlights, which were not directed at the flight path of Mr. Brown. Of course, Officer Harris' headlights illuminated Mr. Brown and his flight path. The U.S. Naval Observatory Astronomical Applications Department provided data for the moon illumination on the date, time, and location of the incident. That data shows the moon set at 6:11pm on the preceding day, and did not rise until 5:40am the following morning. Based on the evidence, the area of the incident would have been in total darkness. Even if one were to consider "reflective" light, the data shows that the New Moon occurred on May 9, 2013, meaning that the total illumination from the moon would have been less than 3% at the time of this incident. The evidence corroborates Officer Ferrari's statement that it was "too dark" to see the flight path of Mr. Brown, if both officers were on foot. In this case, there was total darkness, and, once beyond the headlights area of illumination, a suspect may "disappear" into the darkness, as noted by Officer Ferrari who lost sight of Mr. Brown in the darkness.

I next examined the U.S. Weather Bureau archives of weather in the area on the date and time of the incident. The records show zero precipitation, with a temperature of 62.6° F, and humidity at 88%. The important factor here is the humidity. Plants expel water vapor in a process called *transpiration*, defined as:

*Transpiration is the process by which moisture is carried through plants from roots to small pores on the underside of leaves, where it changes to vapor and is released into the atmosphere.<sup>17</sup>*

The process, in layman's terms, shows the amount of moisture on plants in relation to humidity. Lower humidity results in higher evaporation rates leaving less expelled water on the plant surface. Higher humidity results in less evaporation, leaving more moisture on the plant.

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<sup>17</sup> See U.S. Geological Service at <http://ga.water.usgs.gov/edu/watercycletranspiration.html>.



Officer Harris was driving a 2009 Chevrolet Impala. That vehicle base weight is 3,555 pounds, with a 110.5" wheelbase. Police emergency vehicles contain additional emergency and communications equipment weighing an average of 300 pounds. With the driver's weight added, the total weight is over 4,000 pounds.

The stopping power of a motor vehicle is based on total weight, forward momentum, gravity, and friction. Friction is measured in terms of a coefficient of friction calculation: the amount of force it takes to push an object (4,000 lb vehicle) across a material surface (wet grass). As an example, the static frictional coefficient of a dry tire across a dry road surface is 1.0. The same tire, when wet, across a wet surface, results in a coefficient of 0.2. Again, in the simplest terms, five times less force is necessary when the surfaces are wet. This means that Officer Harris' 4,000 pound vehicle is unlikely to accomplish an abrupt stop when travelling across wet grass.

The next question is whether or not Officer Harris violated any law enforcement standard by driving his vehicle off the designated roadway in pursuit of Mr. Brown, who was on foot. There are no known standards to address this action other than the general standard that officers are to drive with "due care" for the safety of themselves, other officers, innocent citizens, and even the offender. The decision about due care is left to the discretion of the pursuing officer

This was essentially an open field, bounded in part by a chain link fence and an adjacent wooded area. With no danger to innocent pedestrians or drivers, and the unlikely danger of damage to property, it is not unusual for officers to drive emergency vehicles off a designated roadway, especially if the pursued vehicle has just driven off the roadway. The In-Car video shows Mr. Brown running toward a fence, then abruptly changing direction toward the open end of the fence. Officer Harris' direction of travel places him in close proximity to Mr. Brown's direction of travel, thereby gaining the tactical advantage of position without excessive physical exertion. There has been the suggestion that Officer Harris drove his vehicle through a chain link fence and struck Mr. Brown. The video evidence contradicts that suggestion. Mr. Brown is clearly between the police vehicle and the fence. The forward momentum carries the vehicle first into Mr. Brown and then into the end of the fence. I would reasonably suggest that Mr. Brown was attempting to circumvent the fence, while Officer Harris was trying to cut off Mr. Brown's escape route, with both arriving at the point at same moment.

Without a statement from Officer Harris, metadata from a recording system, or eyewitness testimony, it is impossible to determine if Officer Harris applied his brakes in an attempt to avoid contact with Mr. Brown. The best currently available evidence is the video metadata showing the speed of Officer Harris' vehicle.<sup>18</sup> On Beresford Avenue, the greatest speed of the Harris vehicle is recorded at 39 mph. When Officer Harris activated his emergency lights at the intersection of Beresford and

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<sup>18</sup> See Metadata "P" on Officer Harris' In-Car Cameral system.

Delaware, his speed reduced to less than 5 mph. On Delaware Avenue, Harris increased his speed to 32 mph. When Mr. Brown first exited his vehicle, Harris speed is documented at 27 mph. As Mr. Brown fled on foot, Harris reduced his speed to 22 mph then to 21 mph. As Mr. Brown falls in front of the Harris vehicle and is struck, Officer Harris' speed is recorded at 20 mph, and under one (1) second is reduced to 13 mph, then 7 mph and ultimately to zero. The constant reduction in speeds, from Mr. Brown's exit of his vehicle until he is struck by Officer Harris' car, occurs over a total 6.1 seconds. A vehicle test will show if the reduction in speed occurred from braking or from natural slowing, i.e. for a distance of 160' at 27mph, over similar terrain, will a vehicle slow to 13mph without braking.

There is the question about Officer Harris' intent. Of course, we cannot know with certainty what was in Officer Harris' mind at the time of this incident. However, the physical evidence does not support an intentional act. If the act were intentional, I would expect to see Officer Harris' vehicle speed remain constant, or accelerate. To the contrary, there is no evidence that Officer Harris maintained a constant speed or accelerated his vehicle toward Mr. Brown. From the instant Mr. Brown is seen jumping from his moving vehicle, Officer Harris' vehicle speed continuously decreases.

There is a question about the possibility of the phenomenon of *tunnel vision*, defined by the American Psychiatric Association as, *a tendency to focus on a single concern, while neglecting or ignoring other important priorities*. In psychological terms, tunnel vision refers to a narrow or exclusive focus on a particular issue or object. This is a subconscious tendency rather than an intentional act. In cases of high stress or anxiety, tunnel vision may manifest in the physiological inability to perceive peripheral objects. It is entirely possible that Officer Harris' visual and psychological focus on apprehending Mr. Brown altered his ability to judge distance and speed of his vehicle in relation to Mr. Brown's physical position.

Based on my experience and the above factual evidence, it is my opinion to the degree of professional certainty that Deland Police Officer James Harris did not violate police standards and generally accepted police practices when he initially drove his marked patrol car behind the vehicle of Marlon Robert Brown, with the intent to act as a backup in performing a traffic stop. Officer Harris' actions after he activated his emergency lights amount to the initiation of a vehicle pursuit, which did not violate national standards.

However, many police departments write policies far more restrictive than national standards. The Deland Police Department has a written policy pertaining to Vehicle Pursuits<sup>19</sup> that is similar, but more restrictive, than national standards suggested by the International Association of Chiefs of Police (IACP). The DPD Policy provides the definition of a *vehicle pursuit* as:

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<sup>19</sup> Deland Police Department Departmental Standards Directive 5.17 Vehicle Pursuits.



*An active attempt by an officer in an authorized emergency vehicle to apprehend a forcible felon who is actively attempting to elude the police.*

Although undefined in the policy, a forcible felony is defined by Florida Statute and is generally considered a Part I Offense<sup>20</sup> including Murder, Manslaughter, Rape, Robbery, Kidnapping, and Aggravated Assault. In fact, Florida State Statute 776.08 specifically defines a *forcible felony* as:

*776.08 Forcible felony.—“Forcible felony” means treason; murder; manslaughter; sexual battery; carjacking; home-invasion robbery; robbery; burglary; arson; kidnapping; aggravated assault; aggravated battery; aggravated stalking; aircraft piracy; unlawful throwing, placing, or discharging of a destructive device or bomb; and any other felony which involves the use or threat of physical force or violence against any individual.*

Fleeing a law enforcement officer, although a second-degree felony, is not considered a forcible felony. In that regard, Officer Harris’ initial vehicle pursuit of Mr. Brown was a violation of Deland Police Department policy.

Next, once Mr. Brown exited his vehicle and fled on foot, Officer Harris was no longer engaged in a vehicle pursuit, but a foot pursuit of a fleeing felon. There is the question about Officer Harris’ action in driving around Officer Ferrari’s stopped vehicle. Pertaining to the secondary vehicle the DPD policy states:

*Pulling in front of or overtaking the primary pursuit vehicle is prohibited, unless the primary pursuit vehicle becomes disabled or otherwise calls out of the pursuit.*

I do not consider Officer Harris’ action in passing Officer Ferrari a policy violation because Officer Ferrari had stopped his vehicle, and the suspect, Mr. Brown, had now exited his vehicle. The policy is designed to prevent “competition” of primary vs secondary vehicles during the active pursuit of the vehicle. Once the primary pursuit vehicle and suspect vehicle have both stopped and the occupant of the suspect vehicle has fled on foot, there is no longer an active vehicle pursuit by the primary vehicle.

Again, not specifically articulated by national standards or DPD policy, the pursuit of a suspect on foot by an officer in a vehicle may also be considered a vehicle pursuit. Though I have seen no national standards or DPD policy guidelines for this scenario, the same general national standards for a foot pursuit are similar to those for a vehicle pursuit, i.e. Does the need for immediate apprehension outweigh the danger to officers and innocent citizens? Although the DPD policy

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<sup>20</sup> See FBI Uniform Crime Reports classification of offenses.



pertains to vehicle pursuits, the policy states:

*An officer shall not engage in a pursuit if one or more of the following circumstances exist:*

- *Road, weather and environmental conditions are such as to prevent the safe operation of the vehicle.*

In the instant case, environmental conditions, including darkness, wet grass, and unknown terrain, are to be considered. A reasonable officer should know that a 4,000 lb vehicle travelling across a grassy area at a speed greater than the speed of a running human poses a significant danger to the pedestrian. Although the act may not be criminal in nature, it is careless driving, which may be the result of exigent circumstances, ie *duty to apprehend a fleeing felon, tunnel vision, and high transpiration* (wet grass due to high humidity).

## **VI. Conclusions**

Volusia County Deputy John Szabo possessed, from personal observation, probable cause to believe that Marlon Robert Brown committed a traffic infraction, for which he could have been stopped and cited. Deputy Szabo did not violate police standards and generally accepted police practices when he attempted to initiate a traffic stop of the vehicle driven by Marlon Robert Brown. When Mr. Brown fled in his vehicle, Deputy Szabo's action in terminating any vehicle pursuit was correct and in keeping with police standards.

Having received information from an official police source about a felony offense, and upon seeing the vehicle described, near the location and time of the offense, Deland Police Officers Justin Ferrari and James Harris were correct in their attempt to perform a traffic stop of the suspected offender. Their collective actions at this time did not violate national police standards<sup>21</sup> and generally accepted police practices.

Based on reasonable exigent circumstances, once Marlon Robert Brown demonstrated his intent to flee and pursuit did not endanger innocent third party citizens, Deland Police Officers Justin Ferrari and James Harris were correct in their decision to perform a vehicle pursuit, which did not violate national police standards<sup>22</sup> or generally accepted police practices.

Once Marlon Robert Brown demonstrated his intent to flee, Deland Police Officers Justin Ferrari and James Harris did violate the more restrictive standards of the Deland Police Department, when they initiated a vehicle pursuit of Marlon Robert Brown, who was not suspected of the commission of

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<sup>21</sup> See IACP Model Policy: Vehicle Pursuits.

<sup>22</sup> Ibid.

violent felony as required by Deland Police Department Policy.

Deland Police Officer James Harris' actions in using his vehicle to pursue Marlon Robert Brown, who was fleeing on foot, violated the more restrictive DPD standards, and amounted to careless driving.

This concludes my findings and opinions in this case based on examination of documents to this date. I respectfully reserve the right to modify or add to my opinions based on the receipt and examination of additional information.

  
\_\_\_\_\_  
William T. Gaut, PhD

7-31-2013  
Date

# William T. Gaut, PhD

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## SUPPLEMENTAL REPORT OF POLICE PRACTICES EXPERT WILLIAM T. GAUT, Ph.D.

This supplemental report addresses the possibility of *Strobe Effect* on Deland Officer James Harris. I began the analysis by again viewing the in-car video from the perspective of Officer Harris. I found that the high-intensity overhead strobe lights of Deland Police Officer Justin Ferrari were activated directly in front of Officer Harris during the police pursuit of Marlon Robert Brown. I also found Officer Harris' high-intensity overhead strobe lights were activated.

Through the United States Department of Transportation, the National Highway Transportation and Safety Administration (NHTSA) researched and developed a series of tests administered by police officers to determine driver sobriety.<sup>1</sup> Those tests, now in use by police departments across the United States, and recognized by the Courts, are called Standardized Field Sobriety Tests (SFST). The SFST Battery of Tests consists of Horizontal Gaze Nystagmus, Walk and Turn, and One Leg Stand. The SFST Instructor's Manual makes one comment clear throughout the training course:

*Note: Always face suspect away from flashing or strobe lights<sup>2</sup>*

Strobe light is intermittent or flashing light. The effect takes place in the human eye where the image seen during the last flash of light is retained by the retina long enough so that the ensuing image is superimposed on the first. The strobe effect was first discovered as a means to "trick" the eye and the mind into believing that motion existed when there was none. Early motion pictures capitalized on the effect in the production of "flickers" the first "moving pictures." Today, we know that certain flashes of light, particularly high-intensity light, can have adverse effects.

The activation of strobe lights is scientifically and medically known to cause *Strobe Effect* or *Stroboscopic Effect* in human beings. From a physiological perspective, the human eye can focus on

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<sup>1</sup> See [www.nhtsa.dot.gov](http://www.nhtsa.dot.gov)

<sup>2</sup> See SFST Lesson Plan, Instructor's Notes.



only one item at a time. From a medical perspective, flashing strobe lights are known to sometimes cause epileptic seizures, dizziness, nausea,<sup>3</sup> distorted vision, distorted perception, confusion, loss of balance, and temporary blindness.

The human eye reacts to light in a number of ways. In the simplest terms, the pupils contract or dilate according to the amount of light. The eyes adjust to changing light, but the adjustment is not instantaneous, and sometimes distorted. A bright light causes the pupil to contract. When the bright light is extinguished, the pupil dilates. An example is when you walk into a darkened theatre and you are temporarily blind until your pupils dilate in adjustment to the lack of light. One of the best examples of a stroboscopic effect is a distorted view of a wheel in forward motion that appears to be rolling backwards. A camera flash may cause after effects of “spots” of temporary blindness. The physiological cause of a *strobe effect* is the pattern of a bright light flashing on and off, which can cause distorted vision. As a basic example, hold a newspaper directly in front at reading distance and blink your eyes rapidly. Notice that reading becomes difficult if not impossible, i.e. distorted vision.

A bright flashing light causes a physiological action of repeated contraction and dilation of the pupil, as the brain attempts to adjust to the two conflicting images. In many people, the rapid change causes nausea, imbalance, and anxiety serious enough to produce seizures. As previously noted, with a strobe effect, the brain retains a previous image long enough so that an ensuing image seems superimposed on the first. A moving figure may appear to change directions when there is no actual change. An image moving in one direction may appear to move in the opposite direction under the effects of strobe lights. Reaction time is correspondingly diminished for the milliseconds it takes for the brain to adjust to the reality of perception.

By contrast, in order to compensate for slowed reaction time, the NIKE<sup>®</sup> company has developed stroboscopic eyewear for athletes. By continuous use of artificial strobes, the device overcomes the natural slowed reaction, and trains the brain to compensate for the distorted perception, thereby increasing reaction times.<sup>4</sup> Of course, police officers, including Officer Harris, do not have the benefit of the NIKE<sup>®</sup> product to “retrain the brain.”

In order to be seen at great distances, manufacturers of emergency lights developed colored lights, progressing to flashing lights, then to flashing strobe lights.<sup>5</sup> Today, police vehicles are equipped with high-intensity strobe lights for even more visibility. However, the increased illumination also produces a greater chance for strobe effects.

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<sup>3</sup> See <http://www.helium.com/items/2244439-what-is-the-strobe-effect>.

<sup>4</sup> See NIKE<sup>®</sup> Stroboscopic Eyewear.

<sup>5</sup> See University of Purdue Study at: [docs.lib.purdue.edu/cgi/viewcontent.cgi?article=2650&context=jtrp](http://docs.lib.purdue.edu/cgi/viewcontent.cgi?article=2650&context=jtrp)

Knowing the adverse effects of high-intensity strobe lights, manufacturers now offer directional strobes, typically in use by state police agencies. The practical theory is to use alternate colored flashing lights bright enough to be seen in both daylight and dark and at great distances. The directional option is so that officers can turn off high-intensity strobes in a specific direction, so as not to blind or distort the view of approaching drivers. Without this directional option, there have been numerous cases of drivers actually rear-ending emergency vehicles because of distorted perception caused by the *strobe effect*.

In the instant case, Deland Officer James Harris was directly facing into the high-intensity strobe lights of Officer Ferrari's patrol car. Officer Harris was further receiving the reflective light from his own activated high-intensity strobe lights. Coupled with the surrounding darkness, the possibility of adverse *strobe effect* likely contributed to a distorted perception of distance and direction, resulting in a slowed reaction time.

This concludes my findings and opinions in this supplemental area of examination based on examination of documents to this date. I respectfully reserve the right to modify or add to my opinions based on the receipt and examination of additional information.

  
\_\_\_\_\_  
William T. Gaut, PhD

8-31-2013  
Date

OFFICE OF THE STATE ATTORNEY

SEVENTH JUCICIAL CIRCUIT

R.J. LARIZZA



State Attorney Investigation

RELATED ITEM

Case Number: SAS-DI-130515004

Date: 7/23/13

Report #: 46

Related Item #: 1

Item Description: Volusia County Sheriff's office  
Incident Report written by S/S John Sebo.  
Case # 130012483

Investigator: Gina Baker

Signature: \_\_\_\_\_

ID#: \_\_\_\_\_



# VOLUSIA COUNTY SHERIFF'S OFFICE

## INCIDENT REPORT

Page 1 of 3 Pages

<input type="checkbox"/> Juvenile <input type="checkbox"/> Hate Crime <input type="checkbox"/> Gang <input type="checkbox"/> Elderly Abuse / Exploitation <input type="checkbox"/> Domestic Violence      VOR _____ <input type="checkbox"/> Endangered / Other _____		Agency Report Number <b>130012483</b>	
Agency ORI Number <b>FLO640000</b>		Zone # <b>24</b>	Telephone Handled Call? (T.H.C.) 1. Yes 2. No <b>2</b>
Reported: Day <b>Wednesday</b>	Date <b>05-08-2013</b>	Time (mil.) <b>0036</b>	Time Dispatched (mil.) <b>0036</b>
Time Arrived (mil.) <b>0036</b>		Time Completed (mil.)	
Nature of Call (Report Type) <b>ASSIST</b>		Assist Agency	
Incident Type: 1. Felony 2. Traffic Felony	3. Misdemeanor 4. Traffic Misdemeanor	5. Ordinance 9. Other	Incident: Day From <b>Wednesday</b>
Date <b>05-08-2013</b>		Time (mil.) <b>0036</b>	Day <b>TO</b>
Occurred During: D - Day N - Night		U - Unknown <b>N</b>	
Offense #1 <b>9</b>	Type <b>77777777</b>	Statute Violation Number	Description <b>ASSIST AGENCY</b>
Offense #2	Type	Statute Violation Number	Description
A - Attempted C - Committed		A - Attempted C - Committed	
Incident Location (Street, Apt. Number) <b>900 BLK S DELAWARE AV</b>			
City <b>DELAND</b>		Zip <b>32720</b>	
Business Name / Area Identifier	# Prem. Entered	Drug Related 0. N/A 1. Yes 2. No <b>0</b>	Alcohol Related 0. N/A 1. Yes 2. No <b>0</b>
Forced Entry 1. Yes 3. Attempted 2. No	Arson-Inhabited 1. Occupied 3. Abandoned 2. Unoccupied	Arson-Attempted 1. Yes 2. No	
Location Type <b>27</b>	Location Type Codes 01. Residence-Single 02. Apartment/Condo 03. Residence/Other 04. Hotel/Motel	05. Convenience Store 06. Gas Station 07. Liquor Sales 08. Bar/Nightclub	09. Supermarket 10. Dep/Discount Store 11. Specialty Store 12. Drug Store/Hospital
13. Bank/Financial Inst. 14. Commercial/Office Bldg. 15. Industrial/Mfg. 16. Storage	17. Gov/V Public Bldg. 18. School/University 19. Jail/Prison 20. Religious Bldg.	21. Airport 22. Bus/Rail Terminal 23. Construction Site 24. Other Structure	25. Parking Lot/Garage 26. Highway/Roadway 27. Park/Woodlands/Field 28. Lake/Waterway
29. Motor Vehicle 30. Other Mobile 88. Unknown 99. Other			
V/W Code V-Victim N-Next of Kin W-Witness O-Other R-Reporting Person	Victim/Subject Type 0. N/A 4. Business 1. Juvenile 5. Government 2. L.E. Officer 6. Church 3. Adult 9. Other	Address/Phone Type B. Business/Work C. Cell H. Home	Race W-White O-Oriental/Asian B-Black U-Unknown I-American Indian
Sex M-Male F-Female U-Unknown	Residence Type 0. N/A 3. Florida 1. City 4. Out-of-State 2. County	Residence Status 0. N/A 1. Full Year 2. Par. Year 3. Non-Resident	
Means of Attack F-Firearm O-Other Dangerous K-Knife/Cutting Inst. H-Hands, Fists, Feet, Etc.	Extent of Injury 00. N/A 01. Gunshot 02. Slabbed 03. Laceration 04. Unconscious 05. Poss. Broken Bones	06. Poss. Internal Injury 07. Loss of Teeth 08. Bums	09. Abrasions/Bruises 10. No Visible Injury 99. Other Serious Injury
Domestic Violence 1. Yes 2. No		Victim Relationship to Offender S-Spouse B-Sibling P-Parent O-Other Family C-Child H-Co-Habitant	
Z-Other			
Offense Indicator 1. #1 3. Both 2. #2	V/W Code #	V. Type	Nature of Call (for Victim, if different from Incident)
Name (Last/Business)		(First) (Middle)	
Address (Street, Apt. Number)			
City		State	Zip
Residence Phone			
Business/School/Other Address (Street, Apt. Number)			
City		State	Zip
Address Type		Business/School/Other Phone	
Phone Type			
Other Contact Info (Time Available, Interpreter, etc.)			
Synopsis of Involvement			
If Victim Type 1, 2, or 3	Race	Sex	Date of Birth
Age	Ethnicity	Res. Type	Res. Status
Means of Attack	Extent of Injury	Domestic Violence	Relationship
Offense Indicator 1. #1 3. Both 2. #2			
V/W Code #	V. Type	Nature of Call (for Victim, if different from Incident)	
Name (Last/Business)		(First) (Middle)	
Address (Street, Apt. Number)			
City		State	Zip
Residence Phone			
Business/School/Other Address (Street, Apt. Number)			
City		State	Zip
Address Type		Business/School/Other Phone	
Phone Type			
Other Contact Info (Time Available, Interpreter, etc.)			
Synopsis of Involvement			
If Victim Type 1, 2, or 3	Race	Sex	Date of Birth
Age	Ethnicity	Res. Type	Res. Status
Means of Attack	Extent of Injury	Domestic Violence	Relationship
Offense Indicator 1. #1 3. Both 2. #2			
V/W Code #	V. Type	Nature of Call (for Victim, if different from Incident)	
Name (Last/Business)		(First) (Middle)	
Address (Street, Apt. Number)			
City		State	Zip
Residence Phone			
Business/School/Other Address (Street, Apt. Number)			
City		State	Zip
Address Type		Business/School/Other Phone	
Phone Type			
Other Contact Info (Time Available, Interpreter, etc.)			
Synopsis of Involvement			
If Victim Type 1, 2, or 3	Race	Sex	Date of Birth
Age	Ethnicity	Res. Type	Res. Status
Means of Attack	Extent of Injury	Domestic Violence	Relationship
Offense Indicator 1. #1 3. Both 2. #2			
V/W Code #	V. Type	Nature of Call (for Victim, if different from Incident)	
Name (Last/Business)		(First) (Middle)	
Address (Street, Apt. Number)			
City		State	Zip
Residence Phone			
Business/School/Other Address (Street, Apt. Number)			
City		State	Zip
Address Type		Business/School/Other Phone	
Phone Type			
Other Contact Info (Time Available, Interpreter, etc.)			
Synopsis of Involvement			
If Victim Type 1, 2, or 3	Race	Sex	Date of Birth
Age	Ethnicity	Res. Type	Res. Status
Means of Attack	Extent of Injury	Domestic Violence	Relationship



# INCIDENT REPORT (CONT.)

SUBJECT / MISSING SECTION	Offense Indicator 1. #1    3. Both 2. #2		Subject Code S-Suspect    V-Victim D-Defendant    (Missing Person)		Code #	Subj. Type	Name (Last) (First) (Middle)		Race	Sex	Ethnicity				
	Date of Birth		Age	To Age	Height	To Height	Weight	To Weight	Eye Color	Hair Color	Maiden Name				
	Nickname / Street Name			Place of Birth - City		County	State	Employer/Other/School		Occupation					
	Last Known Address (Street, Apt. Number)					City	State	Zip	Address Type	Phone	Phone Type				
	Other Address (Street, Apt. Number)					City	State	Zip	Address Type	Phone	Phone Type				
	Driver's License State/Number			Social Security Number			Other ID Number			ID Type					
	Clothing (Describe)					Scars/Marks/Tattoos (Type/Describe)			Scars/Marks/Tattoos (Type/Describe)						
	Hair Length /Style		Skin	Build	Facial Features		Speech/Voice	Deformity	Glasses						
	If Subject:	Demeanor	Mask	Weapon Type		If Arrested:			Subject Was Already in Custody? 1. Yes 2. No		Warrant From: 1. This Agency 2. Other Agency				
	Date of Last Contact		Date of Emancipation		Caution	Caution Reason		Personal Habits (Drugs / Alcohol)							
May Be With:		Physical Condition:		Mental Condition:		Doctor Name:		Dentist Name:							
IF MISSING		Incident Type		6. Disaster Victim		Foul Play Suspected?		Missing Before?		Fingerprints Available?		Photo Available?		Dental Record Available?	
		1. Runaway		7. Voluntary Adult		1. Yes		1. Yes		1. Yes		1. Yes		1. Yes	
		2. Parents		8. Unknown		2. No		2. No		2. No		2. No		2. No	
		3. Involuntary				8. Unknown		8. Unknown		8. Unknown		8. Unknown		8. Unknown	
		4. Disabled													
5. Endangered															
I, _____ (Printed) _____ (Signature) certify that I have reported the above person as a missing person; and this agency has my permission to enter this person in a statewide alert.															
SUBJECT / MISSING SECTION	Offense Indicator 1. #1    3. Both 2. #2		Subject Code S-Suspect    V-Victim D-Defendant    (Missing Person)		Code #	Subj. Type	Name (Last) (First) (Middle)		Race	Sex	Ethnicity				
	Date of Birth		Age	To Age	Height	To Height	Weight	To Weight	Eye Color	Hair Color	Maiden Name				
	Nickname / Street Name			Place of Birth - City		County	State	Employer/Other/School		Occupation					
	Last Known Address (Street, Apt. Number)					City	State	Zip	Address Type	Phone	Phone Type				
	Other Address (Street, Apt. Number)					City	State	Zip	Address Type	Phone	Phone Type				
	Driver's License State/Number			Social Security Number			Other ID Number			ID Type					
	Clothing (Describe)					Scars/Marks/Tattoos (Type/Describe)			Scars/Marks/Tattoos (Type/Describe)						
	Hair Length /Style		Skin	Build	Facial Features		Speech/Voice	Deformity	Glasses						
	If Subject:	Demeanor	Mask	Weapon Type		If Arrested:			Subject Was Already in Custody? 1. Yes 2. No		Warrant From: 1. This Agency 2. Other Agency				
	Date of Last Contact		Date of Emancipation		Caution	Caution Reason		Personal Habits (Drugs / Alcohol)							
May Be With:		Physical Condition:		Mental Condition:		Doctor Name:		Dentist Name:							
IF MISSING		Incident Type		6. Disaster Victim		Foul Play Suspected?		Missing Before?		Fingerprints Available?		Photo Available?		Dental Record Available?	
		1. Runaway		7. Voluntary Adult		1. Yes		1. Yes		1. Yes		1. Yes		1. Yes	
		2. Parents		8. Unknown		2. No		2. No		2. No		2. No		2. No	
		3. Involuntary				8. Unknown		8. Unknown		8. Unknown		8. Unknown		8. Unknown	
		4. Disabled													
5. Endangered															
I, _____ (Printed) _____ (Signature) certify that I have reported the above person as a missing person; and this agency has my permission to enter this person in a statewide alert.															
NARRATIVE	<p>1 On 5/8/13 around 0036 hours, Deputy Szabo observed a gold color Toyota car bearing Florida license plate BKCR10 parked in the middle of the road near the intersection of Green Street and Parsons Avenue with all the doors open. As Deputy Szabo drove closer to the vehicle, he observed approximately five individuals inside the vehicle. All the individuals closed the doors and Deputy Szabo observed an unknown black male walking away from the vehicle. The vehicle drove past Deputy Szabo and he observed a black male driver not wearing his seat belt. Deputy Szabo activated his blue emergency lights and attempted a traffic stop. The vehicle continued northbound on Parsons Avenue and continued to drive at approximately 25 miles per hour, but did not stop. Deputy Szabo obeyed all traffic laws and activated his siren but the vehicle still did not stop.</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8 At that point, Deputy Szabo shut off his blue lights and sirens approximately half way between Green Street and West Beresford Avenue and notified central dispatch that the vehicle turned westbound onto West Beresford Avenue. It should be noted once Deputy Szabo realized the vehicle was not stopping he continued to obey all traffic laws and department policies. Deputy Szabo observed two Deland Police vehicles to be</p> <p>9</p> <p>10</p>														
	Final Case Status: <u>5</u>		Final Case Status Codes: 1.Arrest/Adult 2.Arrest/Juv. 3.Exceptional/Adult 4.Exceptional/Juv. 5.Closed 6.Unfounded						<input type="checkbox"/> Victim Advocate <input type="checkbox"/> Triad <input type="checkbox"/> SA Referral						
	<input type="checkbox"/> DCF Hotline <input type="checkbox"/> CAC		Spoke With: _____		Date: _____ Time: _____		<input type="checkbox"/> FCIC / NCIC Entry <input type="checkbox"/> T.T. BOLO		Date: _____ By: _____						
	Connecting Report Number: <u>130003117</u>		Agency: <u>Deland PD</u>		Additional Forms Attached: <input type="checkbox"/> Narrative <input type="checkbox"/> SA 707 <input type="checkbox"/> Persons <input type="checkbox"/> Property <input type="checkbox"/> Veh./Tow Sheet <input type="checkbox"/> Other Describe: _____										
	Officer Reporting - Printed: <u>Szabo, John</u>				Officer Reporting - Signature: _____				ID. Number: <u>7955</u>		Unit: <u>1C26</u>		Date: <u>05-08-2013</u>		
	Officer Reviewing - Printed (If Applicable): _____				Officer Reviewing - Signature (If Applicable): _____				ID. Number: _____		Unit: _____		Date: _____		

# VOLUSIA COUNTY SHERIFF'S OFFICE

## NARRATIVE / SUPPLEMENT

Page 3 of 3 Pages

Report Date 05-08-2013	Report Time 0036	Orig. Reported Date	Nature of Call (for Incident) ASSIST	Agency Report Number 130012483	1.Original 2.Supplement   1
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11 traveling on West Beresford Avenue and were right behind the vehicle when it turned onto West Beresford Avenue.

12

13 Officer Ferarri (Deland Police Department) notified central dispatch that he was behind the vehicle headed westbound. A few moments later,

14 Officer Ferarri notified central dispatch that the driver was fleeing on foot in the 900 block of South Delaware Avenue and he needed rescue code

15 three.

16

17 At that point, Deputy Szabo was on West Beresford Avenue approaching Delaware Avenue and responded to the scene with an emergency

18 response, due to the information relayed by Officer Ferrari.. Deputy Szabo parked and ran approximately 150 feet towards the Deland Police

19 vehicle that was parked near a fence towards the end of a grassy field. Deputy Szabo asked Officer Harris (Deland Police Department) what he

20 needed rescue for and he said, "He's under my car."

21

22 At that point Sergeant Sawicki was notified. Deputy Szabo photographed the scene.

23

24 The scene was secured by the Deland Police Department and Deputy Szabo had no further involvements. (See Deland case # 130003117)

25

26 Case Status: Closed

NARRATIVE / CONTINUATION

ADMINISTRATIVE	Final Case Status: <u>5</u>	Final Case Status Codes: 1.Arrest/Adult 2.Arrest/Juv. 3.Exceptional/Adult 4.Exceptional/Juv. 5.Closed 6.Unfounded	<input type="checkbox"/> Victim Advocate <input type="checkbox"/> Triad <input type="checkbox"/> SA Referral		
	<input type="checkbox"/> DCF Hotline <input type="checkbox"/> CAC	Spoke With:	Date:	Time:	<input type="checkbox"/> FCIC / NCIC Entry <input type="checkbox"/> T.T. BOLO
	Connecting Report Number: <u>130003117</u> Agency: <u>Deland PD</u>	Additional Forms Attached: <input type="checkbox"/> Narrative <input type="checkbox"/> SA 707 <input type="checkbox"/> Persons <input type="checkbox"/> Property <input type="checkbox"/> Veh./Tow Sheet <input type="checkbox"/> Other Describe: _____			
	Officer Reporting - Printed <u>Szabo, John</u>	Officer Reporting - Signature 	ID. Number	Unit	Date
Officer Reviewing - Printed (If Applicable)	Officer Reviewing - Signature (If Applicable) 	ID. Number	Unit	Date	



**OFFICE OF THE STATE ATTORNEY**  
**SEVENTH JUDICIAL CIRCUIT OF FLORIDA**  
**VOLUSIA, FLAGLER, PUTNAM & ST. JOHNS COUNTIES**

**INVESTIGATIVE REPORT**

---

This investigation is in reference to an attempted traffic stop by the City of Deland Police Department which resulted in a traffic crash and the death of Marlon Brown. This investigative report will document my receipt of Volusia County Central Communication Records and Reports pertaining to this incident from May 8, 2013.

On July 17, 2013, State Attorney Assistant Chief Investigator Mike Taylor requested I obtain copies of all Volusia County Central Communication records and reports pertaining to this investigation. On July 18, 2013, I obtained the requested information and have attached the reports and records to this investigative report as related items.

The following item(s) have been attached to this report as related items:

1. VCSO Communications Detailed History Fire Event #F131280004.
2. VCSO Communications Detailed History Police Event #P131280068.
3. Deland Police Department Supervisor and Basic Profile reports.
4. VCSO Central Communications Operations Manual excerpt pertaining to DAREAS & Zones pages 144-149.
5. VCSO Central Communications Operations Manual excerpt pertaining to Ten Codes page 43.
6. VCSO Central Communications Operations Manual excerpt pertaining to Signals pages 25-42.

Case Number: SAI-DB-130515004	Serial # 47
Author: Gina Baker	Office: St. Johns
Activity Start Date: 07/17/13	Activity End Date: 07/18/13

OFFICE OF THE STATE ATTORNEY

SEVENTH JUCICIAL CIRCUIT

R.J. LARIZZA



State Attorney Investigation

RELATED ITEM

Case Number: SAS-D3-130515004

Date: 7/18/13

Report #: 47

Related Item #: 1

Item Description: VCSO Communications Detailed  
Fire Event #F13280004.

Investigator: Gina Baker

Signature: \_\_\_\_\_

ID#: \_\_\_\_\_

Fire Event #F131280004

Page 1 of 2

Detailed History for Fire Event #F131280004 As of 7/22/2013 08:47:21

Output for: 1445

Tactical:T17C

Priority:E Type:4F - MVA w/ Injuries

Location:S DELAWARE AV/W BERESFORD AV, DEL <899/ 410>

Map:54 B1

Created:	05/08/2013 00:38:55	DISP11	7991
Entered:	05/08/2013 00:38:55	DISP11	7991
Dispatch:	05/08/2013 00:39:01	CC36	7476
Enroute:	05/08/2013 00:39:59	CC23	7459
Onscene:	05/08/2013 00:43:33	CC23	7459
Closed:	05/08/2013 02:05:55	CC32	7322

ICUnit:BAT30 PrimeUnit:L81 Dispo:PCR Type:4F - MVA w/ Injuries

Agency:DDF Darea:VCFW Station:81L RD:8114

Case #:EV130027069  Detail

---

00:38:55 -CREATE Location:S PARSONS AV/GREEN ST, DEL Type:12F Darea:02 RD:207  
TypeDesc:Fleeing Driver LocDesc: <999/ 320> Priority:2 Response:1PAT  
Agency:VP Zone:24 Map:54 B1 LocType:H

00:38:55 -ENTRY

00:38:55 -MISC 1C26 Comment:BAIL OUT

00:38:55 -MISC 1C26 Comment:NEEDS RESCUE CODE 3

00:38:55 -MISC 1C26 Comment:10-33 GIVEN AS CALL WAS ENTERED

00:38:55 CLONE 7991/DISP11 Type:12F->4F Darea:02->VCFW RD:207->8101T TypeDesc:Fleeing Driver->MVA w/ Injuries Priority:2->E Response:1PAT->613 Agency:VP->VF  
Service:P Event:#P131280068 Type:12F Agency:VP

00:38:55 -XREF

00:38:57 SELECT 7476/CC36

00:38:55 -PREMIS Comment:PPR

00:39:01 DISP L81 Operator:L81 OperNames:L81

00:39:01 DISP A266 Operator:A266 EV1420 EV1457 OperNames:A266; ABAD,JUAN;  
RANKIN,KEVIN

00:39:01 -PRIU L81

00:39:05 CASE A266 Case#:EV130027069

00:39:12 TACASN Tactical:None->T17A

00:39:59 ENRTE 7459/CC23 A266 Comment:OH

00:41:31 MISC L81 Comment:UNABLE TO RAISE X3

00:42:03 \*ENRTE L81/DD0005 L81

00:43:33 ONSCN 7459/CC23 A266

00:43:57 MISC A266 Comment:LKEO DIVERTED THEM TO DELEWARE AND UNK  
CROSS ST

00:45:40 CHANGE L81 Location:S PARSONS AV/GREEN ST, DEL->S DELAWARE AV/W  
BERESFORD AV, DEL Comment:NEW LOCATION PER LEO AVL

00:45:43 CHANGE Response:613->413 RD:8101T->8114 Agency:VF->DDF

00:45:45 -PREMIS Comment:PPR, FPR

00:45:49 CHGLOC L81 A266

00:46:37 MISC 7991/DISP11 Comment:RESCUE NEEDS TO RESPOND TO 900 BLK S DELEWARE

00:48:32 ONSCN 7459/CC23 A266

00:48:57 ONSCN L81



Fire Event #F131280004

Page 2 of 2

00:56:01 MISC A266 Comment:STANDING BY  
 00:57:46 MISC L81 Comment:PREPARING TO DO VEH LIFT W AIRBAGS  
 01:01:00 MISC L81 Comment:L81 ADV TO NTFY BAT  
 01:01:09 MISCN 7476/CC36 Comment:BAT80 ALPGA PAGED  
 01:01:17 MISC 7459/CC23 L81 Comment:ADVISED NOT A ROLLOVER  
 01:05:08 DISP 7476/CC36 BAT30 Operator:BAT30 OperNames:BAT30  
 01:05:55 MISC 7459/CC23 L81 Comment:ADD BAT PER L81 REQ  
 01:06:08 MISC L81 Comment:WILL BE ONSCENE FOR EXTENDED AMT OF TIME  
 01:06:37 ENRTE BAT30  
 01:07:59 IC L81 ICUnit:L81 Comment:PARSONS CMD  
 01:12:11 MISC A266 Comment:POSS HAS A FEMALE PT  
 01:14:31 MISC L81 Comment:NO CODE NO VITALS  
 01:16:06 DISP 7476/CC36 SQE35 Operator:SQE35 OperNames:SQE35  
 01:16:10 MISC 7459/CC23 BAT30 Comment:NEED A SQD  
 01:18:26 MISC SQE35 Comment:NON EMERG PER BAT30  
 01:18:50 ENRTE 6785/CC35 SQE35  
 01:18:56 MISC 7459/CC23 SQE35 Comment:UNABLE TO RAISE SQE35  
 01:19:28 PG 7322/CC32 L81 BAT30 SQE35 Comment:MVA AFTER A FLEEING DRIVER CHASE, INCIDENT #F131280004 @ INTERSECTION OF S DELEWARE AVE/W BERESFORD AVE, DELAND - PER L81 ONE NO VITALS ON SCENE, ALSO APPEARS TO BE IN COUNTY AREA NOW. SQE35, BAT30 ENRT. WORKING ON TAC 17DISPATCH SUPERVISOR  
 01:19:53 MISC 7459/CC23 A266 Comment:STILL ONSCENE .AWAITING PT DECISION  
 01:20:00 \*ONSCN BAT30/VF051 BAT30  
 01:21:06 TACASN 7459/CC23 Tactical:T17A-->T17C  
 01:28:02 MISC BAT30 Comment:WHEN SQE35 GETS TO PARSONS HOLD SO THEY CAN GET THE LADDER OUT. WILL NEED TO BRING SQE35 IN  
 01:28:08 ONSCN SQE35  
 01:29:42 -ICX L81 Comment:ASSUMING CMD  
 01:29:42 IC BAT30 ICUnit:BAT30 Comment:ASSUMING CMD  
 01:40:44 MISC A266 Comment:WILL BE INSERV W A REFUSAL  
 01:42:03 CLEAR A266 Dispo:PCR Comment:REFUSAL  
 01:44:39 CLEAR 7322/CC32 L81  
 01:48:36 RI SQE35  
 02:00:47 OK BAT30 SQE35  
 02:00:54 RI SQE35  
 02:05:49 MISC Comment:FD IS RELEASED FOR NOW FROM THE SCENE, ONCE LEO CALLS TO HAVE UNITS RETURN BOTH SQE35 AND SQD46 WILL NEED TO BE SENT  
 02:05:55 CLEAR BAT30 SQE35  
 02:05:55 -CLEAR  
 02:05:55 -ICX BAT30  
 02:05:55 CLOSE

OFFICE OF THE STATE ATTORNEY

SEVENTH JUCICIAL CIRCUIT

R.J. LARIZZA



State Attorney Investigation

RELATED ITEM

Case Number: SAS-DB-130515004

Date: 7 / 18 / 13

Report #: 47

Related Item #: 2

Item Description: UCSO Communications Detailed

Police: Ever # P 131280068

Investigator: Gina Baker

Signature: \_\_\_\_\_

ID#: \_\_\_\_\_

Detailed History for Police Event #P131280068 As of 7/18/2013 09:35:23

Output for: 6942

Priority:2 Type:12F - Fleeing Driver  
 Location:S PARSONS AV/GREEN ST, DEL <999/ 320>  
 Map:54 B1

Created:	05/08/2013 00:36:38	DISP11	7991
Entered:	05/08/2013 00:36:38	DISP11	7991
Dispatch:	05/08/2013 00:36:38	DISP11	7991
Enroute:	05/08/2013 00:36:38	DISP11	7991
Onscene:	05/08/2013 00:36:38	DISP11	7991
Transprt:	05/08/2013 06:56:18	DISP11	6941
Closed:	05/08/2013 08:33:51	DISP11	6941

ICUnit: PrimeUnit:1C26 Dispo:INC Type:12F - Fleeing Driver  
 Agency:VP Darea:02 Zone:24 RD:207  
 Case #:DL130003117, VP130012483 [Detail](#)

- 00:36:38 CREATE Location:S PARSONS AV/GREEN ST, DEL Type:12F Darea:02 RD:207 TypeDesc:Fleeing Driver LocDesc: <999/ 320> Priority:2 Response:1PAT Agency:VP Zone:24 Map:54 B1 LocType:H
- 00:36:38 ENTRY
- 00:36:38 DISPOS [1C26](#) Location:S PARSONS AV/GREEN ST, DEL Operator:7955 OperNames:SZABO,JOHN
- 00:36:38 -PRIU [1C26](#)
- 00:36:38 -PREMIS Comment:PPR
- 00:36:57 BACKER [1C20](#) UnitID:1C26 Location:S PARSONS AV/GREEN ST, DEL Operator:7179 OperNames:SAWICKI,JUSTIN
- 00:36:57 BACKER [1C24](#) UnitID:1C26 Location:S PARSONS AV/GREEN ST, DEL Operator:7958 OperNames:WARENSFORD,AUSTIN
- 00:36:57 BACKER [1C25](#) UnitID:1C26 Location:S PARSONS AV/GREEN ST, DEL Operator:8056 OperNames:DELAHANTY,ROBERT
- 00:36:57 BACKER [5A81](#) UnitID:1C26 Location:S PARSONS AV/GREEN ST, DEL Operator:DL712 OperNames:FERRARI,JUSTIN TAYLOR
- 00:37:04 ONSCN [1C20](#) [1C24](#) [1C25](#) [5A81](#)
- 00:37:06 \*BACKER [5A21](#) UnitID:5A81 Location:S PARSONS AV/GREEN ST, DEL Operator:DL570 OperNames:PASLEY,LATISHA
- 00:37:11 MISC [1C26](#) Comment:BAIL OUT
- 00:37:16 MISC [1C26](#) Comment:NEEDS RESCUE CODE 3
- 00:37:25 MISC [1C26](#) Comment:10-33 GIVEN AS CALL WAS ENTERED
- 00:38:16 BACKUP [5A41](#) UnitID:1C20 Location:S PARSONS AV/GREEN ST, DEL Operator:DL731 OperNames:HARRIS,JAMES
- 00:38:38 \*BACKER [5A51](#) UnitID:5A81 Location:S PARSONS AV/GREEN ST, DEL Operator:DL727 OperNames:PAEZ,MICHAEL
- 00:38:43 ONSCN [5A41](#)
- 00:38:55 -XREF Service:F Event:#F131280068 Type:4F Agency:VF



00:39:22 MISC 1C26 Comment:AIR1 NEEDED  
00:39:37 MISC 1C26 Comment:NEED 10-81 NOW  
00:39:43 ONSCN 5A21 5A51  
00:39:56 BACKUP 5A10 UnitID:1C24 Location:S PARSONS AV/GREEN ST, DEL Operator:DL627  
OperNames:FAUSTICH,GRANT  
00:40:04 MISC Comment:AIR1 AWARE AND COMING UP  
00:40:14 BACKUP AIR1 UnitID:1C20 Location:S PARSONS AV/GREEN ST, DEL Operator:6700 7258  
OperNames:DARLING,BUDD; OLDDHAM,JOHN  
00:40:16 MISC 1C26 Comment:PPL ARE GATHERING  
00:41:34 BACKUP 5A31 Operator:DL636 OperNames:MIRINO,MICHAEL  
00:41:39 ONSCN 5A31  
00:42:07 MISC 1C20 Comment:CANCELING AIR1  
00:42:33 \*CLEAR 5A21 Dispo:NR  
00:42:34 MISC 1C20 Comment:AIR1 AWARE CANCELING  
00:42:42 CLEAR AIR1 Dispo:NR  
00:43:19 ONSCN 5A10  
00:45:08 OK 1C26  
00:45:20 RFT 1C26 OLN:H423410846440  
00:45:28 RFT 1C26 OLN:0416524908030  
00:45:36 MISCN 5A10 Comment:TO CLARIFY- 5A10 REQ WRECKER AT 0039 HOURS  
00:45:37 RFT 1C26 OLN:J520112887930  
00:46:04 RFT 1C26 Name:JOHNSON ,SANMESHIA L Sex:F DOB:19880416  
00:46:09 MISCN 5A81 Comment:RESCUE NEEDS TO GO TO 900 BLK S DELAWARE- EXPEDITE  
00:46:20 LOGM 1C26 Message:011305080446008939 MessageType:Text Received:05/08/2013 00:46:06  
Comment:HELLSTROM FL DL NOT VALID  
00:47:05 LOGM 1C26 Message:011305080447008957 MessageType:Text Received:05/08/2013 00:46:23  
Comment:HELLSTROM P&P  
00:47:13 MISCN 5A31 Comment:GOING TO TTY FOR WRECKER  
00:47:23 CLEAR 5A51 Dispo:NR  
00:47:26 LOGM 1C26 Message:011305080447008969 MessageType:Text Received:05/08/2013 00:47:07  
Comment:OLVERA FL DL NLT VALID  
00:48:01 LOGM 1C26 Message:011305080448008978 MessageType:Text Received:05/08/2013 00:47:38  
Comment:OLVERA P&P  
00:48:15 LOGM 1C26 Message:011305080448008982 MessageType:Text Received:05/08/2013 00:48:04  
Comment:JONES VALID FL DL  
00:48:31 BACKER 183 Operator:2373 OperNames:JOHNSON,TIMOTHY J  
00:49:12 LOGM 1C26 Message:011305080449008999 MessageType:Text Received:05/08/2013 00:48:51  
Comment:JOHNSON VALID FL DL  
00:51:42 MISC 5A31 Comment:DIXONS RESPONDING/ ETA LESS THAN 10  
00:52:56 MISCN 1C26 Plate:DKCR10 Comment:TAG  
00:53:12 LOGM 1C26 Message:011305080453009032 MessageType:Text Received:05/08/2013 00:52:59  
Comment:28 BGE TOYT  
00:53:46 MISCN 5A10 Comment:10-98 10-33  
00:54:28 CONTACT 1C26 1C20 1C24 1C25 5A10 5A31 5A41 5A81 183 Contact:15  
01:00:28 MISCN 1C20 Comment:NEED TAPE PULLED  
01:00:59 CASE 1C26 Case#:VP130012483 Comment:FOR ASSIST  
01:03:28 OK 5A10  
01:09:12 \*ONSCN 183

01:09:54 CLEAR 5A31 Dispo:NR  
01:11:25 OK 1C26 1C20 1C24 1C25 5A10 5A41 5A81 183  
01:11:26 NOTIFY 5A10 Notified:FHP RESPONDING  
01:19:11 NOTIFY Notified:911 TAPES Comment:EMAIL REQ SENT  
01:21:07 BACKUP 5L10 Operator:DL522 OperNames:BATTEN,GARY  
01:21:54 ONSCN 5L10  
01:22:04 NOTIFY 5L10 Notified:UPDATE FHP  
01:25:54 OK 5L10  
01:33:19 MISC Comment:NEED DELAND SUPV OR PIO TO CONTACT AUTUMN JONES W/ CH 9 NEWS AT 407.822.8353  
01:44:11 BACKUP 5A31 UnitID:5A81 Location:S PARSONS AV/GREEN ST, DEL Operator:DL636 OperNames:MIRINO,MICHAEL  
01:44:13 ONSCN 5A31  
01:44:15 OK 5A31  
01:50:03 \*BACKOS 1C22 UnitID:1C24 Location:S PARSONS AV/GREEN ST, DEL Operator:7757 OperNames:RODRIGUEZ,JULIO  
01:55:23 BACKUP 5G10 UnitID:5A81 Location:S PARSONS AV/GREEN ST, DEL Operator:DL588 OperNames:MAY,CHAPLAIN R  
01:56:03 ENRTE 5G10  
01:56:40 OK 1C22  
02:03:23 ONSCN 5G10  
02:03:24 OK 5G10  
02:12:40 MISC 5L10 Comment:FHP ON SCENE  
02:15:22 \*CLEAR 1C25 Dispo:NR  
02:15:31 CLEAR 1C22  
02:15:46 CHGLOC 5A31 Location:DPD, DEL  
02:16:28 MISC 5L10 Comment:REQ RADIO TRAFFIC BE SENT TO 5L10  
02:18:03 \*CLEAR 183 Dispo:NR  
02:19:13 \*ONSCN 5A31  
02:23:07 OK 5A31  
02:34:20 OK 5A81  
02:34:30 CASE 5A81 Case#:DL130003117  
02:42:02 \*MISC 1C20 Comment:Comments at 00:37:11 to 00:37:25 were not made by 1C26 they were made by 5A81.  
02:42:09 -XREF Service:F Event:#P131280068 Type:92CP Agency:DDF Comment:B/M  
02:43:59 BACKUP 5A21 UnitID:5A41 Location:S PARSONS AV/GREEN ST, DEL Operator:DL570 OperNames:PASLEY,LATISHA  
02:44:04 ENRTE 5A21  
02:49:12 BACKUP 5A51 UnitID:5A21 Location:S PARSONS AV/GREEN ST, DEL Operator:DL727 OperNames:PAEZ,MICHAEL  
02:50:24 ENRTE 5A51  
02:51:48 \*ONSCN 5A21  
02:53:33 \*ONSCN 5A51  
02:57:44 CHGLOC 5A21 Location:DPD, DEL Comment:2 FEMALE 10-12'S  
02:59:43 OK 5A51  
03:01:09 \*ONSCN 5A21  
03:03:27 MISC Comment:MILLER,JEFF PX: 407.513.1313 WITH NEWS CHANNEL 13 REQUESTING A CALL FROM PIO



03:05:27 OK 5A21  
 03:09:39 CLOS 5A31 Location:W BERESFORD AV/S DELAWARE AV, DEL  
 03:09:41 OK 5A31  
 03:15:44 CHGLOC 5A21 Location:W BERESFORD AV/S DELAWARE AV, DEL Comment:WITH 2 10-12'S  
 03:18:04 \*ONSCN 5A21  
 03:23:17 OK 5A21  
 03:30:53 PRMPT 5A21 Comment:Preempted and dispatched to call #P131280293  
 03:31:08 CLEAR 5A51 Dispo:NR  
 03:32:30 -XREF Service:F Event:#F131280027 Type:MX Agency:DDF Comment:CONTACT TROOPER KIBLER  
 904.626.6424  
 03:36:28 PRMPT 5A10  
 04:13:28 MISC Comment:CHEEK,CHRISTIE PX: 407.521.1323 WITH LOCAL 6 REQUESTING A CALL FROM THE PIO  
 04:19:25 -XREF Service:F Event:#F131280032 Type:92N Agency:DDF Comment:REQ EVAC TO REAR OF PD NON  
 EMERGENCY FOR MISC SERVICES.  
 04:19:25 -XREF Service:P Event:#P131280037 Type:92N Agency:DL Comment:REQ EVAC TO REAR OF PD NON  
 EMERGENCY FOR MISC SERVICES.  
 04:36:55 MISC Comment:FYI - VCFS SQD46 IS STUCK IFO 916 S PARSONS AVE--FRYERS HAS BEEN CALLED TO  
 COME ASSIST - ETA APROX 45-60 MINS  
 04:42:48 MISC Comment:JEN WITH CH.9 PX: 407.822.8380 REQUESTING A CALL FROM THE PIO  
 05:03:17 CHGLOC 1C20 Location:D2, DEL  
 05:07:12 \*ONSCN 1C20  
 05:08:02 CLEAR 1C24 Dispo:NR  
 05:08:31 \*CLEAR 1C26 Dispo:INC  
 05:16:19 OK 1C20  
 05:37:08 CLOS 5G10 Location:DPD, DEL  
 05:37:11 OK 5G10  
 05:43:14 \*CLEAR 1C20 Dispo:INC  
 05:43:49 CLEAR 5A41 Dispo:NR  
 05:53:15 MISC Comment:DARRYL MOODY FROM WDBO NEWS WOULD LIKE A CALL AT 407 297 6397  
 05:55:32 MISCN Comment:PIO IS REFERRING NEWS TO FHP'S PIO  
 06:04:16 MISC Comment:FHP CALLED IN AND WE LET THEM KNOW THE OFFICER IS STILL AT DELAND PD  
 06:06:01 CLOS 5A81 Location:900 BLK S DELAWARE AV, DEL Comment:STILL 10-97 ON SCENE ----- 10-39  
 TO FHP  
 06:06:08 OK 5A81  
 06:06:49 CLOS 5G10 Location:DPD  
 06:06:57 OK 5G10  
 06:15:20 CLEAR 5G10  
 06:18:20 MISC Comment:FHP KELLY CALLING BACK IN STATING THEIR FHP TROOPER AT DELAND PD SHE WAS  
 TOLD THE UNITS ARE STANDING BY AT THE 900 BLK OF S DELEWARE  
 06:23:31 MISC Comment:FHP LT ASNILL IS WITH MY DPD UNITS ON SCENE  
 06:38:21 CLEAR 5L10  
 06:44:18 \*BACKER 5D61 UnitID:5A81 Location:900 BLK S DELAWARE AV, DEL Operator:DL678  
 OperNames:CODY,RICHARD  
 06:45:28 \*ONSCN 5D61  
 06:45:57 OK 5D61  
 06:56:18 TRANSP 5A31 Location:DPD  
 07:09:50 CLEAR 5A31  
 07:33:15 CLEAR 5D61 Dispo:INC Comment:SUPPLEMENT \*\*



07:33:52 CLOS 5A81 Location:DPD

07:35:27 OK 5A81

07:37:39 INV 5A81 Type:INVP Priority:1 Name:BROWN, MARLON R Race:B Sex:M DOB:09/19/1974 Age:38  
Category:P

08:33:51 CLEAR 5A81 Dispo:INC

08:33:51 -CLEAR

08:33:51 CLOSE