



## **VOLUSIA SHERIFF'S OFFICE CITIZEN'S COMPLAINT FORM**

**(Instructions for completing)**

### **Complainant:**

Print first name, middle initial, last name. Enter numerical date of birth (month, day, year).  
(Example 03/14/75). M or F will be indicative of male or female.

### **Personnel Involved:**

Print first name, middle initial, last name. Enter four-digit Identification Number of Department member, if known.

### **Witnesses:**

Print first name, middle initial, last name. Print full address, enter P.O. Box for mail purposes only. Enter phone number to include area code.

### **Complaint:**

**Nature of Complaint:** To be stated in Complainant's own words as to what is the complaint.

**Date/Time of Incident:** Enter date and time incident occurred.

**Location:** Print street number, street name and city in which incident occurred.

**Detail by Complainant:** A complete description of the incident to include all witnesses. A continuation form is available to assist the complainant or supervisor in providing complete detail of the complaint.

**Note:** The complainant will sign the Citizen's Complaint Form before a notary public or law enforcement officer. Minors who wish to file a complaint must be accompanied by a parent or guardian who must also sign the complaint form.

### **Supervisor's Signature:**

The supervisor who receives the complaint will sign and date the form to include the time signed.

The original Citizen Complaint Form will be forwarded to the Internal Affairs Unit as soon as possible, upon receipt of the original complaint. The investigating supervisor will maintain and utilize a copy of said complaint while completing the investigation. This copy of the Citizen's Complaint Form along with the supervisor's investigative findings will be forwarded to the Sheriff or designee, via chain-of-command. The Sheriff or designee will determine if the citizen's complaint has been satisfactorily addressed by the supervisor completing the Citizen's Complaint Form. The Sheriff or designee will then determine if the complaint needs to be further investigated. If the Sheriff or designee, determines that the incident requires additional investigation, he will assign that duty to the subject employee's Division or to the Internal Affairs Section. The Sheriff or designee will sign and date the form and may include comments. Barring extenuating circumstances, the investigation will be completed within 45 days. The complainant will be notified, in writing, of the investigative findings.

### **Supervisor's Comments:**

The employee's immediate supervisor, or an appointed supervisor, will review the complaint. Supervisors conducting the initial complaint review will enter comments indicating the results of their inquiries. The complainant's satisfaction or dissatisfaction with the supervisor's conclusions/explanations will also be documented.

Investigations by supervisory personnel shall be forwarded in memo form to the Sheriff or designee, via chain-of-command for review to ensure citizen complaints are resolved satisfactorily. After review, the completed supervisory review containing all chain-of-command input shall be forwarded to Internal Affairs Section for record maintenance.

These reports, and all copies, will be completed and submitted to the Internal Affairs Supervisor within forty-five (45) calendar days.

- End of Instruction Page -



## VOLUSIA SHERIFF'S OFFICE CITIZEN'S COMPLAINT FORM

**COMPLAINANT:**

Name: Robert Flaherty DOB 1/17/1968 Case # 23-6323 Sex M  
Res. Address 1423 Birwood St Deltona FL 32725 Phone 484 620-4974  
Bus. Address Phone

**Personnel Involved:**

Name: Deputy Nicholas Maletto I.D. No. 9031  
Name: I.D. No.

**Witnesses:**

Name: Florida Lawyer David Shekhter Address:  
Phone:  
Name: Judge Angela Dempsey Address:  
Phone:

Additional witness information to be entered on Citizen's Complaint Continuation Form.

**Complaint:**

Nature of Complaint: Failure of Deputy Maletto to produce identity-related evidence  
Date/Time of Incident: 7/24/2023  
Location: 1166 E Normandy Blvd Deltona FL

**Detail by Complainant:**

Failure of Deputy Maletto to bring identity-related evidence to traffic court on a case involving a death and serious injury, refusing the judge's offer of a continuance that resulted in the driver being found not guilty.

**CAUTION:** Whoever knowingly makes a false statement in writing with intent to mislead a public servant in the performance of their official duty shall be guilty of a misdemeanor of the second degree; pursuant to Florida State Statute S.S. 837.06. Further, if the person filing a complaint against a deputy knew the charges to be false at the time of filing the complaint, the accused has the right to pursue civil damages against the complainant; pursuant to Florida State Statute 112.532(3).

I SWEAR AND AFFIRM THE ABOVE

STATEMENTS ARE TRUE AND CORRECT

SIGNATURE

STATE OF FLORIDA  
COUNTY OF VOLUSIA

Sworn to (or affirmed) and subscribed before me by means of ☐ physical presence or ☐ online notarization,

this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by \_\_\_\_\_  
Affiant's Name

Signature of (Circle One: Notary Public-State of Florida or Law Enforcement Officer)

(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally known OR Produced Identification

(Type of Identification Produced)

Supervisor ID# Date/Time



## Citizen's Complaint Continuation Form

Page 1 of 3 Pages

### Summary:

On April 2, 2023, my sister, Eileen Flaherty, and I were walking our dog on the sidewalk on the 1100 block of East Normandy Boulevard when we were struck from behind by Ralph Aguilar. My sister was thrown 59 feet 5 inches and died at the scene. I was taken to the hospital with multiple injuries including a brain bleed. The dog suffered a back injury.

After what our family and friends view as a sloppy and incomplete investigation, Mr. Aguilar received a careless driving citation that indicated a mandatory court appearance was required. A traffic court hearing was scheduled for July 24, 2023. Ralph Aguilar never showed. Because Deputy Maletto failed to bring any identity-related evidence to court and refused offers from Judge Dempsey to get his presentation together for a later hearing, the driver was found not guilty. I want an investigation into Deputy Maletto's action and answers to specific questions outlined later in this complaint.

Crash Report 23-6323

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## Citizen's Complaint Continuation Form

Page 2 of 3 Pages

On April 2, 2023, my sister, Eileen Flaherty, and I were walking our dog on the sidewalk on the 1100 block of East Normandy Boulevard when we were struck from behind by Ralph Aguilar. My sister was thrown 59 feet 5 inches and died at the scene. I was taken to the hospital with multiple injuries including a brain bleed. The dog suffered a back injury.

Before striking us, Mr. Aguilar crossed the center line, ran off the roadway, struck a traffic sign located on the grass shoulder, and pulled the sign out of the ground. After striking us, Mr. Aguilar came to rest on the lawn of 1166 East Normandy Boulevard after striking a boulder weighing 2,340 lbs. that he pushed 15 feet. These facts are documented in numerous crash reports prepared by the Volusia County Sheriff's Office.

According to police body-cam video, within two minutes of arriving on the scene, lead investigator Deputy Nicholas Maletto was approached by the driver's brother, Michael Aguilar. Michael informed Deputy Maletto that he and Ralph were retired police officers, came from a family of blue, that he knew VCSO officers (Ruben Escobar and Jeff Hoffman), and showed Deputy Maletto cards in his wallet.

After what our family and friends view as a sloppy and incomplete investigation, Mr. Aguilar received a careless driving citation that indicated a mandatory court appearance was required. A traffic court hearing was scheduled for July 24, 2023. Ralph Aguilar never showed. Because Deputy Maletto failed to bring any identity-related evidence to court and refused offers from Judge Dempsey to get his presentation together for a later hearing, the driver was found not guilty. This lack of justice re-victimized me and my family and insulted the memory of my sister.

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## Citizen's Complaint Continuation Form

Page 3 of 3 Pages

My complaint against Deputy Maletto that I want investigated follows. Please respond to these questions.

1. Deputy Maletto claimed to have sent identity-related evidence to Judge Dempsey, but she did not have it. Why didn't he exercise due diligence in ensuring that all needed evidence was received in a case that involved a death? What are the VCSO procedures for submitting comprehensive evidence?

2. A mountain of identity-related evidence existed: three incident reports, several hours of police body-cam video, the toxicology report, and the careless driving citation. Numerous pieces of evidence were prepared by Deputy Maletto and available to him. What are the VCSO procedures for presenting identity-related and other evidence in court? Is it the policy of the VCSO for deputies to arrive at traffic court, especially for a case involving a death, without any identity-related evidence?

3. If one assumes that Deputy Maletto made a mistake by failing to submit identity-related evidence and bring it to court, albeit a very serious one, why did he reject Judge Dempsey's offer of a continuance to bring this evidence at another time? This offer was confirmed by Mr. Aguilar's attorney, David Shekhter, in a March 14, 2024 Daytona Beach News-Journal article titled "Ex-cop who fatally ran over woman on Deltona sidewalk goes unpunished, angering brother." Is it the policy of the VCSO to refuse a continuance when making a serious error such as coming to court with no identity-related evidence, especially when that error results in a driver who killed one person and seriously injured another being found not guilty?

I would like to invoke my rights per Florida statutes Chapter 119 and receive copies of all documentation/evidence, not previously provided.

I look forward to your response.

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