



Sheriff's Office

Volusia County

Ben F. Johnson, Sheriff

INTERNAL AFFAIRS

SEP 13 2011

RECEIVED

To: Sheriff Ben F. Johnson *BFJ*

Date: September 4, 2011

From: Lieutenant E. Westfall
Watch Commander *EJ*

File: 052M092.11

Subject: Emergency Suspension / Deputy Michael Stott
Re: 11-26555

On September 3, 2011, at approximately 2327 hours, central dispatched received a 911 call from a female at Deputy Stott's residence, located at [REDACTED], who indicated that she was the victim of a battery and Stott was the alleged perpetrator. The female was later determined to be Stott's spouse, Rosa Fernandez-Stott. A subsequent investigation into the allegation, Volusia County Sheriff's Office case number VP11002655, established probable cause to arrest Stott for battering his spouse.

In accordance with directive 26.1.39, Lieutenant Westfall provided notice to Deputy Michael Stott (ID # 2381) of his emergency suspension following his arrest for domestic violence on September 4, 2011, at approximately 0009 hours. In light of the charge, Stott was asked to surrender his department issued pistol, shotgun, and Taser, as well as his badges, identification cards, and assigned vehicle. Lieutenant Adkins was notified of the event, who took possession of all Stott's issued equipment, with exception to the vehicle, which was secured in District II's rear parking lot. This memorandum serves as notice to the Sheriff for concurrence as outlined in directive 26.1.40.

Attachments:

Incident report
CAD printout

C. Chief B. Lee *WAR 9/7/11*
Major B. Jones
Captain C. Mandizha

**VOLUSIA COUNTY SHERIFF'S OFFICE
INTERNAL AFFAIRS**

REPORT OF INVESTIGATION

REPORT NUMBER: IA #11-009

PERIOD COVERED: September 3, 2011

DATE REPORTED: September 3, 2011

SUBJECT(S) NAME: Deputy Michael Stott ID#2381

INVESTIGATING OFFICER: Sergeant Timothy Morgan/ Lieutenant Paul Adkins

BASIS FOR INVESTIGATION:

On September 3, 2011, Deputy Michael Stott while off duty was arrested at his residence located in Deland Fl, by members Volusia County Sheriff's Office for Simple Battery (DV). *(See 707 charging affidavit #11-26555)*

OFFENSE (S):

26.2.129 Misdemeanor Injurious to the Department - Department personnel shall adhere to all federal, state and local laws and shall not commit any act or crime defined as a misdemeanor, first or second degree, whether chargeable or not, which brings discredit upon the Department or otherwise impairs the operation and efficiency of the Sheriff's Office and/or which is likely to impair the ability of personnel concerned to perform assigned duties. *(Violation subject to dismissal)*

And, Volusia County Merit System Rules and Regulations 86-453 (13)., Any conduct, on or off duty, that reflects unfavorably on the County as an employer. *This violation may be sufficient grounds for disciplinary action ranging from oral reprimand to dismissal, depending on the seriousness of the offense and other circumstances related to the situation.*

INVESTIGATIVE SUMMARY:

On September 6, 2011, Deputy Chief William Lee assigned the above-described incident to the Internal Affairs Unit for investigation. This report details the investigation conducted by Sergeant Timothy Morgan and Lieutenant Paul Adkins of the Internal Affairs Unit.

On September 6, 2011 Sergeant Morgan obtained copies of the reports completed by Deputy Kyle Bainbridge of the Volusia County Sheriff's Office, which detailed the events of the above described incident.

According to the charging affidavit completed by Deputy Bainbridge, on September 3, 2011 at 2327 hours, he was dispatched to Deputy Michael Stott's residence located in Deland in reference to a Domestic Dispute. Upon his arrival, he contacted the victim, Mrs. Rosa Fernandez-Stott, who was later identified as Deputy Michael Stott's wife. Mrs. Fernandez-Stott advised they both were attending a social gathering and Deputy Stott began to accuse her of flirting with a younger guest. Mrs. Fernandez-Stott added when they arrived home, they began to argue in the backyard of their residence, at which time Deputy Stott pushed her to the ground causing her to injury her right knee.

Deputy Bainbridge report reads:

While on scene, Deputy Stott walked towards him and stated *'I'm ready to go to jail.'* Deputy Stott confirmed that they had attended a party and were both consuming alcoholic beverages during the social gathering. While speaking to Deputy Stott, Deputy Bainbridge noticed a scratch on Deputy Stott's left cheek. Deputy Stott advised, she (Mrs. Fernandez), *"Came at me."* Deputy Bainbridge advised Deputy Stott that Mrs. Fernandez-Stott injured her knee, and he replied, *"She must have got that from blowing the guy."*

Deputy Bainbridge's investigation into the incident resulted in the arrest of Deputy Stott for Simple Battery (DV). *(See 707 charging affidavit #11-26555)*

On September 7, 2011, Sergeant Morgan and Lieutenant Adkins of the Internal Affairs Unit contacted Deputy Michael Stott at the Deland Courthouse. Sergeant Morgan served Deputy Stott with a Notice of Internal Investigation and provided him with a copy of the Law Enforcement Officer's Bill of Rights. In addition Deputy Stott was advised that he was relieved from his duties as a Deputy II and re-assigned to a position as directed by the Sheriff. He was also instructed not to drive a marked department vehicle, nor act in any capacity as a Deputy Sheriff until this matter is resolved. Lieutenant Westfall secured Deputy Stott's weapons, department identifications, and vehicle prior to Sergeant Morgan's contact with Deputy Stott. *(See Tab B)*

On September 6, 2011, Lieutenant Adkins contacted Mrs. Rosa Fernandez-Stott and requested an interview. Mrs. Stott declined to be interviewed in reference to this incident.

On September 14, 2011, Lieutenant Adkins and Investigator Glen Bennett obtained a sworn recorded statement from Deputy Kyle Bainbridge.

Deputy Kyle Bainbridge

Deputy Kyle Bainbridge advised that on September 3, 2011, while on duty, he, along with Sergeant Maddox, Deputy Moss, Deputy Gordon and Deputy Adamczyk responded to 1535 South Ridgewood Avenue in Deland in reference to a 911 call received from the residence reporting a disturbance.

Deputy Bainbridge said that he, Sergeant Maddox and Deputy Moss arrived at the residence at the same time and contacted Deputy Stott, who was standing near front of the residence. Deputy Bainbridge said that when Deputy Stott realized that other deputies were on-scene, Deputy Stott walked up to the deputies with his arms extended, saying that he (Deputy Stott) was ready to go to jail. Deputy Bainbridge said that Deputy Stott had a strong odor associated with an alcoholic beverage on or about his person.

Deputy Bainbridge advised that Deputy Stott told him that he (Deputy Stott) and his wife, Mrs. Fernandez-Stott, had been drinking at a party and he (Deputy Stott) became jealous over Mrs. Fernandez-Stott's flirtatious behavior with another male. Deputy Bainbridge said that Deputy Stott told him that he (Deputy Stott) and Mrs. Fernandez-Stott became involved in a verbal argument at the party that continued when they got home. Deputy Bainbridge said that Deputy Stott told him that argument never became physical on his part and never admitted to striking or pushing Mrs. Fernandez-Stott.

Deputy Bainbridge advised that Deputy Stott did not provide an explanation for the injury on his (Deputy Stott's) face other than it happened during the physical altercation but would not elaborate on exactly that physical altercation was. Deputy Bainbridge said that the injury on Deputy Stott appeared to be scratches.

Deputy Bainbridge said that he spoke with Mrs. Fernandez-Stott who told him that she and Deputy Stott had attended a party in the neighborhood and had been consuming alcoholic beverages. Deputy Bainbridge advised that Mrs. Fernandez-Stott said that Deputy Stott accused her of flirting with another male and when she and Deputy Stott got home, they became involved in a verbal argument that turned physical when Deputy Stott pushed her to the ground several times causing an abrasion to her knee. Deputy Bainbridge said that Mrs. Fernandez-Stott did not provide an explanation for the injuries on Deputy Stott. Deputy Bainbridge said that he could smell the odor associated with an alcoholic beverage on or about Mrs. Fernandez-Stott's person. Deputy Bainbridge described the interior of the Stott's residence as in tact but having a broken lamp on the floor.

Deputy Bainbridge said that he did not personally speak with Mrs. Fernandez on the night of the incident, but rather gleaned information from her through Deputy Adamczyk and Deputy Gordon.

Deputy Bainbridge said that the determination to arrest Deputy Stott was based on Deputy Stott starting a verbal argument and Mrs. Fernandez-Stott's claim that Deputy Stott pushed her down coupled with the physical evidence. *(See Tab E)*

On September 14, 2011, Lieutenant Adkins and Investigator Glen Bennett obtained a sworn recorded statement from Deputy Moss.

Deputy Kevin Moss

Deputy Moss advised that on September 3, 2011, he responded as a back up unit to Deputy Stott's

residence. Deputy Moss said that when he arrived, Deputy Stott was contacted in the front yard. Deputy Moss described Deputy Stott as extremely upset and intoxicated but advised that Deputy Stott's demeanor remained polite and professional. Deputy Moss said the Deputy Stott recognized him, so he remained with Deputy Stott and attempted to calm him while the investigation was conducted.

Deputy Moss said that Deputy Stott told the deputies, "Just take me to jail, I'm done with this, I'm done with women, just take me to jail." According to Deputy Moss, Deputy Stott repeatedly denied hitting Mrs. Fernandez-Stott, was unaware of injuries to himself (Deputy Stott), and unaware of the injuries to Mrs. Fernandez-Stott.

Deputy Moss advised that Deputy Stott told him that he (Deputy Stott) and Mrs. Fernandez-Stott were at a party, both were drinking, and a young lady approached him and said, "Why is your wife hitting on my boyfriend?" Deputy Moss advised that Deputy Stott said he (Deputy Stott) turned around, saw Mrs. Fernandez-Stott with a 22 year old guy and, as a result, they (Deputy Stott and Mrs. Fernandez Stott) got into a verbal argument. Deputy Moss said that Deputy Stott told him that he (Deputy Stott) left the party and went home, followed shortly by Mrs. Fernandez-Stott. According to Deputy Moss, Deputy Stott said that another verbal argument ensued at their residence and he (Deputy Stott) went in the back yard to get away.

Deputy Moss advised that the Stott residence appeared to be in order with the exception of what appeared to be broken glass on the floor that had been swept up.

Deputy Moss said that he did not speak to Mrs. Fernandez or Mrs. Fernandez-Stott. (*See Tab F*)

On September 16, 2011, Lieutenant Adkins and Sergeant Tim Morgan obtained a sworn recorded statement from Deputy Ben Gordon.

Deputy Ben Gordon

During Deputy Gordon's sworn statement, he advised that on September 3, 2011, he responded to 1535 South Ridgewood Avenue in Deland in reference to a disturbance. Deputy Gordon advised that when he arrived, Deputy Stott was already in handcuffs and being interrogated by Deputy Bainbridge and Deputy Moss. Deputy Gordon advised that he observed scratches on Deputy Stott's neck. Deputy Gordon said that Deputy Stott appeared to be intoxicated but very respectful and calm towards the deputies speaking with him. Deputy Gordon said that he went into the residence to gather information from Mrs. Fernandez-Stott and Mrs. Fernandez.

Deputy Gordon advised that Mrs. Fernandez-Stott told him that after returning home from a party, she confronted Deputy Stott in the back yard of their residence over his (Deputy Stott's) behavior at the party. According to Deputy Gordon, Mrs. Fernandez said that she and Deputy Stott "shot words

back and forth” and she (Mrs. Fernandez-Stott) “got up in his (Deputy Stott’s) face at which point Deputy Stott pushed her across the face then pushed her forward as she was walking away causing the abrasion to her knee. Deputy Gordon said that Mrs. Fernandez-Stott said that Deputy Stott has been acting more jealous lately and that she was very, very afraid of what Deputy Stott was going to do that night because nothing like this has ever happened before.

Deputy Gordon said the injury he observed on Mrs. Fernandez-Stott’s knee was consistent with what Mrs. Fernandez-Stott said occurred. Deputy Gordon advised that Mrs. Fernandez-Stott never provided an explanation for the scratches on Deputy Stott’s neck.

Deputy Gordon also said that he spoke with Mrs. Fernandez, who spoke very little English, with the assistance of Mrs. Fernandez-Stott. Deputy Gordon advised the Mrs. Fernandez said that she did not see any physical altercation between Deputy Stott and Mrs. Fernandez-Stott, only that she heard Deputy Stott come in the house and exchange a couple of words with Mrs. Fernandez-Stott at which point Mrs. Fernandez-Stott called 9-1-1. Deputy Gordon said that Mrs. Fernandez never told him that she was in fear of Deputy Stott but he (Deputy Gordon) could tell through observations that she was afraid of Deputy Stott.

Deputy Gordon described the residence as being disheveled with broken glass on the floor.
(See Tab G)

On September 16, 2011, Lieutenant Adkins and Sergeant Tim Morgan obtained a sworn recorded statement from Sergeant George Maddox.

Sergeant George Maddox

During Sergeant Maddox’s sworn statement, he advised that on September 3, 2011, he responded to 1535 South Ridgewood Avenue in Deland in reference to a disturbance. Sergeant Maddox said that he realized that this location was the Stott residence prior to arriving, so he had Deputy Bainbridge, and Deputy Moss meet him away from the residence so that they could all arrive at the same time. Sergeant Maddox advised upon their approach to the residence he had Central Communications call to request that Deputy Stott and Mrs. Fernandez-Stott step outside. Sergeant Maddox advised that Deputy Stott was observed walking outside the residence and contacted. Sergeant Maddox said that Deputy Stott walked towards them, put his hands out, and said, “Go ahead, take me to jail.” Sergeant Maddox said that Deputy Bainbridge contacted Mrs. Fernandez-Stott while he (Sergeant Maddox) and Deputy Moss stayed with Deputy Stott. Sergeant Maddox said he immediately notified the Watch Commander, Lieutenant Westfall, once it was learned that there had been a physical altercation.

Sergeant Maddox advised that Deputy Stott told him that he (Deputy Stott) and Mrs. Fernandez-Stott were involved in an argument over her flirtatious behavior. According to Sergeant Maddox, Deputy Stott never admitted to engaging in a physical altercation with Mrs. Fernandez-Stott. Sergeant Maddox described Deputy Stott’s demeanor as respectful even though Deputy Stott appeared

intoxicated.

Sergeant Maddox said he listened in while Deputy Bainbridge interviewed Mrs. Fernandez-Stott. Sergeant Maddox said he heard Mrs. Fernandez-Stott tell Deputy Bainbridge that she and Deputy Stott were involved in an argument and Deputy Stott shoved her to the ground and struck her in the face. Sergeant Maddox said he observed the injury to Mrs. Fernandez-Stott's knees and advised that it was consistent with being shoved to the ground. Sergeant Maddox advised that Mrs. Fernandez-Stott appeared to be slightly intoxicated. (*See Tab H*)

On September 21, 2011, Lieutenant Adkins and Sergeant Tim Morgan obtained a sworn recorded statement from Deputy Martha Adamczyk.

Deputy Martha Adamczyk

During Deputy Adamczyk's sworn statement, she advised that on September 3, 2011 she responded to 1535 South Ridgewood Avenue in Deland in reference to a disturbance. Deputy Adamczyk said that when she arrived, Deputy Bainbridge, Deputy Moss, and Sergeant Maddox were already there and talking with Deputy Stott in the front yard. Deputy Adamczyk said that she began speaking with Mrs. Fernandez-Stott who told her that she (Mrs. Fernandez-Stott) and Deputy Stott were involved in a verbal argument that ultimately turned physical when Deputy Stott pushed her (Mrs. Fernandez-Stott) down causing an abrasion to her (Mrs. Fernandez-Stott) knee.

Deputy Adamczyk said that Mrs. Fernandez-Stott told her that she (Mrs. Fernandez-Stott) and Deputy Stott were at a party in the neighborhood where they both consumed alcoholic beverages. Deputy Adamczyk said that Mrs. Fernandez-Stott said that Deputy Stott confronted her over an allegation made by another female at the party that she (Mrs. Fernandez-Stott) was acting inappropriately toward a younger male that was attending the party. Deputy Adamczyk said that Mrs. Fernandez-Stott said that she followed Deputy Stott back to their residence and then out to the back yard where she (Mrs. Fernandez-Stott) continued to question Deputy Stott about his accusations. Deputy Adamczyk said that Mrs. Fernandez-Stott said that during this conversation, Deputy Stott pushed her to the ground a couple of times causing a "grass burn, rug burn, on her knee, kind of an abrasion." Deputy Adamczyk said that the injury she observed on Mrs. Fernandez-Stott was consistent with what Mrs. Fernandez-Stott stated had occurred.

Deputy Adamczyk said that Mrs. Fernandez-Stott told her that this type of behavior was completely out of the ordinary for Deputy Stott and that she (Mrs. Fernandez-Stott) did not want him arrested but did say that she (Mrs. Fernandez-Stott) was in fear that night. Deputy Adamczyk said that Mrs. Fernandez-Stott did appear to be intoxicated.

Deputy Adamczyk said that she also spoke with Mrs. Fernandez, Deputy Stott's mother-in-law, through the assistance to Mrs. Fernandez-Stott as an interpreter. According to Deputy Adamczyk, Mrs. Fernandez said that she (Mrs. Fernandez) did not witness anything physical between Deputy Stott and Mrs. Fernandez-Stott. Deputy Adamczyk said that Mrs. Fernandez said that this was not

normal behavior for Deputy Stott and thought it was caused by alcohol consumption.

Deputy Adamczyk advised that the interior of the Stott residence appeared normal with the exception of broken glass on the floor that Mrs. Fernandez was cleaning up.

Deputy Adamczyk said that she transported Deputy Stott to the Branch Jail during which time she did notice an odor of an alcoholic beverage on Deputy Stott and that he appeared to be intoxicated.

Deputy Adamczyk said that Deputy Stott was respectful and courteous to her and the deputies that were on scene. *(See Tab I)*

On September 17, 2011, Lieutenant Adkins, with the assistance of Mr. Edgar Burgos as an intrepeter, made contact with Mrs. Fernandez by telephone to request an interview. Mrs. Fernandez declined to be interviewed in reference to this incident.

On September 27, 2011, Lieutenant Adkins obtained a sworn recorded statement from Deputy Michael Stott at the Sheriff's administrative Office.

Deputy Michael Stott

Deputy Michael Stott advised on September 3, 2011, while off duty, he and his wife, Mrs. Fernandez-Stott were attending a party at a neighbors house. Deputy Stott said that both he and his wife consumed alcoholic beverages. Deputy Stott estimated that he had consumed eight (8) twelve ounce Sam Adams Latitude 48 bottles of beer in a three hour time frame and that his wife was drinking wine and shots of Jagermeister. Deputy Stott advised that he was intoxicated but "not fall down drunk" but described his wife as being much more intoxicated than he.

Deputy Stott said that during the party, he and his wife were outside by the neighbor's pool when another unknown male pushed both he (Deputy Stott) and his wife into the pool, enraging his wife. Deputy Stott said that his wife got out of the pool and attacked the unknown male. Deputy Stott said his wife and the unknown male fell on to the pool deck where she scratched her knee. Deputy Stott advised that others at the party broke the fight up before he (Deputy Stott) was able to get out of the pool and help his wife. Deputy Stott said that once the fight ended, the unknown male left the party and he (Deputy Stott) and his wife continued to mingle with other guests.

Deputy Stott said that while he was talking with his neighbor's son an unknown female approached him (Deputy Stott) and said that she wanted his (Deputy Stott's) wife to stop trying to pick her (unknown female's) boyfriend up. Deputy Stott said he looked at his wife and saw that she had her arm around another unknown male and had her face up to his ear. Deputy Stott said he became upset because it looked like his wife was kissing the unknown male. Deputy Stott said that he approached his wife and told her "I'm going home. I don't need to see this stuff". Deputy Stott said his wife began yelling and screaming at him (Deputy Stott) so he decided to leave and walk home.

Deputy Stott said when he got to his residence, he went out in the back yard to “hide” from his wife while she walked around looking for him, yelling and screaming. Deputy Stott said that his wife eventually found him and began yelling, getting right up in his face. Deputy Stott said he picked her up by the arms and moved her out of the way so he could get away from her. Deputy Stott said that he did this several times trying to get away from her, but she would get right back in his face. Deputy Stott said that he did not know if when he picked his wife up and moved her if she may have fallen, but advised that he never pushed her down or struck her at any point.

Deputy Stott said that he eventually got away from his wife and went inside their residence. Once inside, Deputy Stott said that he wife told him “I called 911 you’re going to jail.” Deputy Stott said that he then changed out of his wet clothes and went out front to meet the deputies. Deputy Stott said that on his way out of the house, he unintentionally knocked over a lamp causing it to fall and break.

Deputy Stott advised that when the deputies arrived, he approached the deputies and said, “Take me to jail.” Deputy Stott said that he could not stay there because his wife’s son, nephews, and mother was there it was “not a good situation.” Deputy Stott said that if anyone was going to go to jail it was better for it to be him (Deputy Stott). Deputy Stott said that he “took the hit for her.”

Deputy Stott said that when his wife came to bail him out of jail, she pointed out bruises on her arms. Deputy Stott advised that those bruises were from when he picked his wife up and moved her out of his way. Deputy Stott denied causing any of the injuries to his wife that were observed by the deputies that night.

Deputy Stott denied telling the deputies on scene that his wife received the injury to her knee by performing oral sex on the male she was talking to at the party. Deputy Stott advised, “I would never say that about my wife, especially to another guy or somebody else because that is disrespectful to my wife ok and I saw that in there and yeah it upset me but I never said that because it didn’t happen and I don’t know where it came from ok. Because my wife would never do you know my wife would never do that, she would never stoop low enough ok, and especially at a party.”

During the later part of the interview and after already saying that he did not remember how his face was injured, Deputy Stott interjected that said that once he got home from the party, he began to change into dry clothing when his wife came into the room and began hitting him. Deputy Stott said that his wife scratched his face when he tried to get away from her and go outside. *(See Tab J)*

On October 7, 2011, Assistant State Attorney Ashley Maxwell made an announcement of No Information or intent not to prosecute Deputy Stott for Domestic Battery. *(See Tab K)*

Conclusion: On October 18, 2011, this Internal Investigation was presented to the Sheriff at his Administrative Staff meeting. After review, the Sheriff determined the violation of Department Standards Directives:

26.2.127 Misdemeanor Injurious to the Department:

Unfounded

County Merit System Rules and Regulations 86-453 (13):

Sustained

EXHIBIT(S):

A) Official Correspondence

B) 707 Charging Affidavit #11-26555
Incident Report #11-2655
Witness Statements

C) Volusia County Jail booking photo

D) CAD history

E) Transcript of Deputy Kyle Bainbridge

F) Transcripts of Deputy Kevin Moss

G) Transcripts of Sergeant George Maddox

H) Transcripts of Deputy Ben Gordon

I) Transcript of Deputy Martha Adamczyk

J) Transcript of Deputy Michael Stott

K) Copy of No Information document.

L) Compact Disc of recorded interviews with Deputy Bainbridge, Deputy Moss, Sergeant Maddox, Deputy Gordon, Deputy Adamczyk, and Deputy Stott. Compact Disc recordings of 911 calls and LE2 radio traffic.

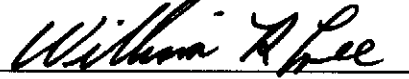
WITNESSES:

Deputy Kyle Bainbridge
Volusia County Sheriff's Office

Deputy Michael Stott
Volusia County Sheriff's Office

I, the undersigned, do hereby swear, under penalty of perjury, that, to the best of my personal knowledge, information, and belief, I have not knowingly or willfully deprived, or allowed another to deprive, the suspect of the investigation of any rights contained in ss. 112.532 and 112.533, Florida Statutes.

INVESTIGATOR:  1433 DATE: 10/29/11
Lieutenant Paul Adkins
Internal Affairs Investigator

APPROVED BY:  DATE: 10/31/11
Chief Deputy William R. Lee
SHERIFF BEN F. JOHNSON
VOLUSIA COUNTY FLORIDA



VOLUSIA COUNTY SHERIFF'S OFFICE
P.O. BOX 569
DELAND, FL 32721-0569

LETTER OF REPRIMAND

Name: Michael Stott ID# 2381 Case# IA-11-009 (SD-11-124)

Division: Judicial Services Date: 10/28/2011

District: Deland Courthouse

1. As a result of an investigation it has been determined you did commit the following violation(s) of the Volusia County Sheriff's Office Standards Directives:

Volusia County Merit System Rules and Regulations 86-453 (13).. Any conduct, on or off duty, that reflects unfavorably on the County as an employer. This violation may be sufficient grounds for disciplinary action ranging from oral reprimand to dismissal. Depending on the seriousness of the offense and other circumstances related to the situation.

2. Specific behavior and dates of the behavior that support the charge.

Upon completion of Internal Affairs investigation IA-11-009 and review by the Sheriff, it was found that your actions did violate the above listed county policy.

On September 3, 2011 at 2327 hours, deputies were dispatched to your residence after receiving two 9-1-1 calls indicating that there was a disturbance there. During the investigation conducted by the deputies, it was learned that you and your wife had attended a party earlier in the evening where both of you consumed alcoholic beverages to the point of intoxication. While at the party, you and your wife became engaged in a verbal argument. This verbal argument continued when you and your wife returned home. Once home, the verbal argument escalated to the point where it became physical.

[Handwritten signature]
10/28/11

**LETTER OF REPRIMAND
PAGE 2**

That evening, the deputies observed scratches to the side of your face and neck and an abrasion on your wife's knee. Your wife told the deputies that you pushed her down several times causing the injury. You denied touching your wife. You told the deputies that the injury to your neck was caused when your wife "came at" you but would not elaborate further. Based upon their investigation, the deputies determined that there was probable cause to arrest you for simple domestic battery.

During your interview with Internal Affairs, you advised that the injury to your wife's knee occurred at the party when she got in a fight with another attendee of the party. You also admitted to picking your wife up by the arms and moving her out of your way, several times, in order to get away from her. Additionally, it was not until the end of your internal affairs statement that you revealed that the scratches to your face and neck were a result of your wife "attacking you" in the bedroom just after returning home from the party and prior to you grabbing her.

Although your case was ultimately dismissed, your arrest caused embarrassment to the Volusia County Sheriff's Office and to the County of Volusia. As a deputy sheriff and county employee, your conduct on and off-duty is expected to reflect the standards set forth by the County Merit System Rules and Regulations and Volusia County Sheriff's Office Directives.


Take notice and govern yourself accordingly as subsequent violations of department policy may result in progressive disciplinary action.

Due to the aforementioned violation(s) I am hereby giving you a written reprimand which will become a permanent part of your official personnel file in the County Personnel Office.

You have the right to submit written comments to be included in the file. You also have the right to file an appeal through the grievance procedure should you so select.

If there is any problem or condition that is troubling you that we are unaware of please advise so that this office will have the opportunity to assist you in correcting this problem.

Any subsequent violations of department standards will result in progressive disciplinary action. Take due notice and govern yourself accordingly.

Signature: _____ Date/Time: _____
Supervisor:  _____ Date/Time: 10/28/11

Reviewed by:
Lt. _____ Date _____ Capt. _____ Date _____
Major _____ Date _____ Sheriff _____ Date _____

Distribution:
White-Employee Pink-District or Section/Unit Yellow-Division Goldenrod-Sheriff/IA



Florida Department of
Law Enforcement

Gerald M. Bailey
Commissioner

Criminal Justice Professionalism Program
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Tallahassee, Florida 32302-1489
(850) 410-8600
www.fdle.state.fl.us

Rick Scott, *Governor*
Pam Bondi, *Attorney General*
Jeff Atwater, *Chief Financial Officer*
Adam Putnam, *Commissioner of Agriculture*

October 21, 2011

INTERNAL AFFAIRS

OCT 26 2011

RECEIVED

Honorable Ben F. Johnson
Sheriff
Volusia County Sheriff's Office
Post Office Box 569
Deland, Florida 32721-0569

SUBJECT: Michael W. Stott
DOB: 07/05/55
RE: Battery – Domestic Violence
DATE OF ARREST: 09/04/11

Dear Sheriff Johnson:

This charge(s) may require disciplinary action against this officer's criminal justice certification by the Criminal Justice Standards and Training Commission.

Please forward a complete copy of all documents related to this matter, including a completed CJSTC-78 form (or CJSTC-61/61A, if applicable), copies of arrest reports, arrest affidavits, internal investigative reports, court documents, resignation/dismissal documents, and the officer's current home address and phone numbers through regular mail to the address above, or by faxing it to the attention of Jill Simpson at fax #:(850)410-0548, or emailing it to JillSimpson@fdle.state.fl.us

Commission staff will review this information to determine whether any disciplinary action by the Commission is warranted. If we find no basis for disciplinary action, the officer's record will reflect that determination.

Please contact Jill Simpson, Case Specialist in the Bureau of Standards, at (850) 410-8662 or via email to: JillSimpson@fdle.state.fl.us if you have any questions related to this request or the officer's potential disciplinary case.

Thank you for your cooperation and assistance.

Sincerely,

Glen W. Hopkins, Bureau Chief
Bureau of Standards
Criminal Justice Professionalism Program

GWH/js

G/G1



INTERNAL INVESTIGATION REPORT
Incorporated by Reference in Rule 11B-27.003(2)(a), F.A.C.



Please type or print in black or blue ink and use capital and small letters for names, titles, and addresses

OFFICER

- 1. Social Security Number: [redacted]
2. Officer's Name: Stott, Michael W
3. Officer's Last Known Address: [redacted]
4. Officer's Telephone Number: [redacted]

AGENCY

- 5. Agency ORI: FL0640000
6. Agency Name: Volusia County Sheriff's Office
7. Agency Contact Person: Lieutenant Paul Adkins
8. Agency Contact Person's Telephone Number: (386)736-5961
9. Agency FAX Number: (386) 740-5190

VIOLATION - ALLEGATION

- 10. Nature of Allegation(s): Deputy was arrested for Domestic Battery.
11. Agency Disposition: Sustained - (Violation of Section 943.13(4) or (7) or Rule 11B-27.0011, F.A.C.) []
Sustained - (Violation of Agency Policy) [x] Not Sustained [] Unfounded [] Exonerated []

- 12. Limitation Period for Disciplinary Action: Date Internal Investigation Initiated: 08/06/11 Date Internal Investigation Completed: 10/18/11
Exception to limitation period for disciplinary action: Place a check mark by the exception to limitations that apply
[] Written waiver of limitation by officer
[] Ongoing criminal investigation or criminal prosecution
[] Officer incapacitated or unavailable
[] Multi-jurisdictional investigation
[] Emergency or natural disaster as declared by the Governor

- 13. Criminal Charges Filed: None.
14. Agency Disciplinary Action: Letter of Reprimand.
15. If the allegation has been sustained and determined to be a violation of Section 943.13(4) or (7), F.S. or Rule 11B-27.0011, F.A.C., attach and forward the following documentation to the Florida Department of Law Enforcement.
[] Summary of the Facts [] Internal Investigation Report [] Name & Address of Witness
[] Witness Statement/Disposition [] Certified Court Documents [] Other Supportive Information

NOTICE: Pursuant to Section 943.1395(5), F.S., an employing agency must conduct an internal investigation when having cause to suspect that an officer it employs is not in compliance with Section 943.13(4) or (7), F.S. or Rule 11B-27.0011, F.A.C. If the investigation is sustained, the employing agency must forward a report to the Commission as specified by Rule 11B-27.003.

16. Agency administrator's signature: [Signature of William R. Lee] 17. Date Signed: 10/31/11

18. Agency administrator's name and title: WILLIAM R. LEE CHIEF DEPUTY

Detailed History for Police Event #P112462000 As of 9/06/2011 10:16:02

Output for: 2459

Priority:2 Type:33 - Assault/Battery

Location: [REDACTED]

Map:55 E2

Created:	09/03/2011 23:27:47	DISP9	4197
Entered:	09/03/2011 23:28:12	DISP9	4197
Dispatch:	09/03/2011 23:28:47	DISP11	4028
Enroute:	09/03/2011 23:31:33	M219	2499
Onscene:	09/03/2011 23:33:37	DISP11	4028
Transprt:	09/04/2011 00:31:35	DISP11	7020
Complete:	09/04/2011 00:35:54	DISP11	7020
Closed:	09/04/2011 01:46:57	M314	7391

ICUnit: PrimeUnit:1C23 Dispo:INC Type:33 - Assault/Battery

Agency:VP Darea:02 Zone:24 RD:211

Case #:VP110026555 Detail

-
- 23:27:47 CREATE Location:[REDACTED] Type:22D Name:STOTT, MICHAEL
Phone:[REDACTED] Source:RESD Darea:02 RD:211 TypeDesc:Domestic Disturbance
LocDesc:[REDACTED] Priority:1 Response:2PAT Agency:VP Map:55
E2 LocType:S
 - 23:27:47 ALI E911Phne:[REDACTED] E911Pilot:[REDACTED] E911Add:[REDACTED]
E911Subs:STOTT, MICHAEL E911Src:RESD
 - 23:28:12 ENTRY Comment:911 CALL.. FEMALE KEEPS YELLING FOR SOMEONE TO HURRY UP
 - 23:28:12 -NPREMS Comment:(none)
 - 23:28:15 SELECT
 - 23:28:19 INFO Darea:02 Comment:GOING TO BE A DEPUTY
 - 23:28:29 INFO Darea:02 Comment:MALE IS HITTING THE FEMALE
 - 23:28:46 INFO Darea:02 Comment:****MALE IS DEPUTY****
 - 23:28:47 DISP 1C23 Operator:2499 OperNames:ADAMCZYK,MARTHA
 - 23:28:47 -PRIU 1C23
 - 23:28:51 INFO Darea:02 Comment:SHE HUNG UP ON ME
 - 23:29:04 BACKUP 1C26 UnitID:1C23 Location:[REDACTED] Operator:7391
OperNames:BAINBRIDGE,KYLE
 - 23:29:09 BACKUP 1C20 UnitID:1C26 Location:[REDACTED] Operator:2377
OperNames:MADDOX,GEORGE
 - 23:29:44 INFO Darea:02 Comment:NO ANSWER ON CALLBACK
 - 23:30:45 INFO Location:[REDACTED] Name:STOTT, MICHAEL Phone:[REDACTED]
Source:RESD Darea:02 LocDesc:btwn [REDACTED] and END Comment:FEM BACK
LL....CANT UNDERSTAND WHAT SHE NEEDS
 - 23:30:55 INFO Darea:02 Comment:AND SHE DISC AGAIN UPON ASKING QUESTIONS
 - 23:31:10 INFO Darea:02 Comment:ATTEMPTING TO CALLBACK
 - 23:31:33 *ENRTE 1C23
 - 23:32:41 MISC 1C20 Comment:10-39 183
 - 23:32:48 INFO Darea:02 Comment:FEM BACK LL --- SPANISH SPEAKING FEM ...SAYS
NEVERMINDSHE WILL CALLBACK IF SHE NEEDS US
 - 23:32:51 INFO Darea:02 Comment:13A
 - 23:33:37 ONSCN 1C20 1C26
 - 23:35:01 *BACKER 1C24 UnitID:1C26 Location:[REDACTED] Operator:7744

OperNames:GORDON,BEN
 23:35:09 BACKUP 1K94 UnitID:1C24 Location: [REDACTED] Operator:2445
 OperNames:MOSS,KEVIN
 23:35:13 ONSCN 1K94
 23:36:40 MISC Comment:10-25 W/FEMALE , ADV TO STEP OUT
 23:38:01 MISC Comment:10-25
 23:38:08 ONSCN 1C23
 23:38:14 OK 1C23 1C20 1C26 1K94
 23:38:17 NOMORE
 23:38:35 *ONSCN 1C23
 23:40:33 BACKUP 1C22 UnitID:1C26 Location: [REDACTED] Operator:7757
 OperNames:RODRIGUEZ,JULIO
 23:40:43 OK 1C23
 23:40:47 ENRTE 1C22
 23:42:15 OK 1C22 1C24
 23:52:49 MISC 1C20 Comment:NEED RESCUE FOR ABRASIONS
 23:53:11 -XREF Service:E Event:#E\$CADMN49127 Type:92TN Agency:EV Comment:REQ RESCUE FOR MINOR ABRASIONS FROM AN ASSAULT
 23:53:11 -XREF Service:F Event:#F\$CADMN49128 Type:92TN Agency:VF Comment:REQ RESCUE FOR MINOR ABRASIONS FROM AN ASSAULT
 23:53:11 -XREF Service:P Event:#P112462050 Type:92TN Agency:VP Comment:REQ RESCUE FOR MINOR ABRASIONS FROM AN ASSAULT
 23:53:23 COMBIN Service:P Event:#P112462050 Type:92TN Agency:VP
 23:55:37 MISC 1C20 Comment:PER 1C20
 23:55:41 *BACKER 183 UnitID:1C20 Location: [REDACTED] Operator:1350
 OperNames:WESTFALL,ERIC S
 23:57:36 PRMPT 1C22 Comment:Preempted and dispatched to call #P112462053
 23:58:33 *CASE 1C26 Case#:VP110026555
 [09/04/2011]
 00:08:25 *RFT 1C26 OLN:F655733657871
 00:09:02 *MISC 1C26 Comment:a/m 1015
 00:23:08 *ONSCN 183
 00:31:35 TRANSP 1C26 Location:D2, DEL Comment:WITH AM
 00:31:54 OK 183
 00:35:54 CMPLT 1C26
 00:35:56 OK 1C26
 00:37:51 MISC Comment:IA LT. ADKINS HAS BEEN ADVISED OF THE CALL
 00:40:33 *CLEAR 1K94
 00:45:37 PRMPT 1C24 Comment:Preempted and dispatched to call #P112470047
 00:45:53 *CHGLOC 1C20 Location:DISTRICT 2
 00:49:35 *ONSCN 1C20
 00:50:03 CHANGE Type:22D-->33 Response:2PAT-->1PAT Priority:1-->2 TypeDesc:Domestic Disturbance-->Assault/Battery Comment:PER 1C20
 00:53:36 OK 1C20
 01:02:19 *CLEAR 183
 01:06:25 *CLEAR 1C23 Dispo:NR DispoLevel:10
 01:39:44 *CLEAR 1C20
 01:46:57 *CLEAR 1C26 Dispo:INC DispoLevel:0
 01:46:57 -CLEAR
 01:46:57 *CLOSE
 01:47:39 XREF Service:P Event:#P112470133 Type:83 Agency:DL
 01:48:13 RO
 01:48:17 SELECT
 01:48:21 DISPOS 1C23 Location:D2, DEL Operator:2499 OperNames:ADAMCZYK,MARTHA
 01:48:21 -PRIU 1C23

01:48:33 TRANSP 1C23 Location:BJ, DB Comment:354
01:48:38 COMBIN Service:P Event:#P112470133 Type:83 Agency:DL
02:07:09 CMPLT 1C23 Mileage:370
02:13:21 OK 1C23
02:26:36 *CLEAR 1C23 Dispo:NR DispoLevel:10
02:26:36 -CLEAR
02:26:36 *CLOSE

CONTACT INFO:

Name	Phone	RPaddr	RP_Cont	Other_PX	Weapon?	SigEvent
STOTT, MICHAEL	[REDACTED]					

Detailed History for Police Event #P112462050 As of 9/06/2011 10:16:39

Output for: 2459

Priority:2 Type:92TN - Trauma Non Emerg

Location: [REDACTED]

Map:55 E2

Created:	09/03/2011 23:53:11	DISP9	4197
Entered:	09/03/2011 23:53:11	DISP9	4197
Closed:	09/03/2011 23:53:23	DISP11	7020

ICUnit: PrimeUnit: Dispo: Type:92TN - Trauma Non Emerg

Agency:VP Darea:02 Zone:24 RD:211 Detail

23:53:11 -CREATE Location:[REDACTED] Type:22D Name:STOTT, MICHAEL Phone:[REDACTED]
 Source:RESD Darea:02 RD:211 TypeDesc:Domestic Disturbance LocDesc:btwn W BERESFORD RD and END Priority:1 Response:2PAT Agency:VP Map:55 E2 LocType:S

23:53:11 -ALI E911Phe:[REDACTED] E911Pilot:736-7705 E911Add:[REDACTED]
 E911Subs:STOTT, MICHAEL E911Src:RESD

23:53:11 -ENTRY Comment:911 CALL.. FEMALE KEEPS YELLING FOR SOMEONE TO HURRY UP

23:53:11 -INFO Darea:02 Comment:GOING TO BE A DEPUTY

23:53:11 -INFO Darea:02 Comment:MALE IS HITTING THE FEMALE

23:53:11 -INFO Darea:02 Comment:****MALE IS DEPUTY****

23:53:11 -INFO Darea:02 Comment:SHE HUNG UP ON ME

23:53:11 -INFO Darea:02 Comment:NO ANSWER ON CALLBACK

23:53:11 -INFO Location:[REDACTED] Name:STOTT, MICHAEL Phone:[REDACTED]
 Source:RESD Darea:02 LocDesc:btwn W BERESFORD RD and END Comment:FEM BACK LL....CANT UNDERSTAND WHAT SHE NEEDS

23:53:11 -INFO Darea:02 Comment:AND SHE DISC AGAIN UPON ASKING QUESTIONS

23:53:11 -INFO Darea:02 Comment:ATTEMPTING TO CALLBACK

23:53:11 -MISC 1C20 Comment:10-39 183

23:53:11 -INFO Darea:02 Comment:FEM BACK LL — SPANISH SPEAKING FEM ...SAYS NEVERMINDSHE WILL CALLBACK IF SHE NEEDS US

23:53:11 -INFO Darea:02 Comment:13A

23:53:11 -MISC Comment:10-25 W/FEMALE , ADV TO STEP OUT

23:53:11 -MISC Comment:10-25

23:53:11 -MISC 1C20 Comment:NEED RESCUE FOR ABRASIONS

23:53:11 CLONE Type:22D-->92TN TypeDesc:Domestic Disturbance-->Trauma Non Emerg Priority:1-->2
 Response:2PAT-->1PAT Comment:REQ RESCUE FOR MINOR ABRASIONS FROM AN ASSAULT

23:53:11 -XREF Service:P Event:#P112462000 Type:22D Agency:VP

23:53:11 -XREF Service:E Event:#ESCADMIN49127 Type:92TN Agency:EV

23:53:11 -XREF Service:F Event:#FSCADMIN49128 Type:92TN Agency:VF

23:53:12 -PREMIS Comment:PPR

23:53:15 SELECT

23:53:23 COMBIN Service:P Event:#P112462000 Type:22D Agency:VP

23:53:23 -CLOSE

CONTACT INFO:

Name	Phone	RPaddr	RP_Cont	Other PX	Weapon?	SigEvent
STOTT, MICHAEL	[REDACTED]					

Witness Statement

PA – Lt Paul Adkins TM – Inv. Tim Morgan BG – Dep. Ben Gordon

PA Ok the recorder is on. This is will be a taped interview in reference to IA-11-009. Today's date is 9-16-11 and the time is 0902 hours. The location of this interview is the District Two office. Presently being interviewed is Dep. Ben Gordon. Also present is Sgt. Tim Morgan with the Volusia County Sheriff's Office Internal Affairs unit. I am Lt. Paul Adkins with the Volusia County Sheriff's Office Internal Affairs Unit. Dep. Gordon, are you aware this interview is being recorded?

BG Yes.

PA As a Florida law enforcement officer and a Notary Public of the state of Florida I am empowered to take sworn statements. At this time I would ask you to raise your right hand to be sworn. Do you swear that the statement you're about to give is the truth, the whole truth, and nothing but the truth so help you God?

BG I do.

PA Before we get started I'd like to ask you a couple questions about yourself.

BG Ok.

PA How long have you been working for the sheriff's office?

BG A year and a month or two months, something like that.

PA And during that period of time where have you been assigned?

BG District Two.

PA The entire time?

BG Yeah.

PA Ok. And were you working on September 3rd of this year?

BG Yes.

PA And on that date what was your assignment?

BG Patrol in 24 zone.

PA And on that date did you have the opportunity to answer a call for service at [REDACTED]?

BG I did.

PA And can you tell me about that call?

BG It came out as a 22 I believe 22, 22D and I was actually 10-10 so other units were going and I kind of hurried up my process just because I don't like anyone to take reports in my calls or in my zone. So I left and I was a little bit delayed but when I got there I came up on scene, parked down the road you know walked up and I observed other deputies you know already doing the process you know trying to interview and see what's going on. When I got there Dep. Stott was in handcuffs and Dep. Bainbridge and they were talking to him trying to figure out what was going on, the whole situation. And we just proceeded and kind of got the story about how they kind of got to where they were at. Dep. Stott had scratches on his neck and after them, the other deputies talking to him I went in the house to collect the statements from the victim his wife. I got her statement and her mother was also there, her grandmother or yeah her mother. And she spoke Spanish and so I you know we tried to figure out the whole story then we got her side of the story, we had her complete a statement as well with the wife writing since she couldn't write in Spanish or she could only speak Spanish and then we had her sign if it was accurate you know just kind of detailing the incident as well.

PA Ok.

BG And then Dep. Bainbridge took him 10-15 to the district and I got another call towards the end so.

PA Ok just for the record let me clarify a couple things.

BG Yeah.

PA When you say a 22?

BG A disturbance.

PA Disturbance?

BG Yeah.

PA And you said 10-10?

BG Yeah, lunch.

PA Lunch, and 10-15?

BG Arrest.

PA Ok. When you responded and you showed up on scene.

BG Uh huh.

PA How many other folks were there? Who was there before you?

BG Bainbridge, Dep. Moss, Dep. Adamczyk and I think yeah the sergeant was there as well, Sgt. Maddox.

PA Ok and when you first got there what did you do specifically?

BG As soon as I got up there Dep. Moss and Dep. Bainbridge were talking to Dep. Stott and trying to figure out kind of what the whole incident kind of leading up to this was and kind of what happened you know, the incident specifically what happened. And I sat around and kind of was making sure he was ok and after they were fine or I knew that you know he was calm and he wasn't you know aggressive you know he was just talking to us I walked inside to see if I could help out with you know the, if it was gonna be a DV to go ahead and get started and help out with the DV portion of the report.

PA Ok. Do you remember anything specific that the deputies were saying to Stott or that Stott was saying to them?

BG Not really. Just that you know, just about the incident I mean just talking about that they were at a pool party before hand or whatever and he kind of got agitated over his wife I guess made a move on some other guy and it upset him so he left and then he was all upset and the wife, he kind of stormed out of the house and went in the back yard and his wife was kind of wondering, couldn't find him for a while and then walked out to the back yard and confronted him and I guess they exchanged some words and she got up in his face and apparently he pushed her or something like that and she fell down to the ground scraped her knees and some other stuff I think and then she ran back inside and called 911 and I guess he came inside and from the mother's standpoint she didn't see the incident she just saw when he came back he was real pissed and was yelling and so that's when she called 911 and we came and responded.

PA Ok now what you just told me that little scenario that you just told me is that what you gleaned from the investigation?

BG Yeah the whole incident yeah.

PA Anything specific that Dep. Stott may have told you or that you may have heard him say to the other deputies?

BG I mean he kept on saying you know he was sorry for putting us in this position, for us coming out and having to deal with this and I'm trying to think if there's anything else. I mean he was, he appeared intoxicated and he was stumbling around which kind of lend credibility to his story of you know he was at a pool party down the street and I think they walked home you know and I think, apparently both of them were intoxicated it wasn't just him both of them seemed, he actually was stumbling around so.

PA Ok you said he appeared intoxicated. Did you detect an odor of an alcoholic beverage on or about his person?

BG I did not. I actually have a bad sense of smell but he was stumbling around and he kind of was kind of out of it.

PA Ok how was his demeanor? Dep. Stott's demeanor?

BG It was calm. We actually I believe they actually had two handcuffs on his, around back just incase something you know precautionary stuff but he was calm he didn't, he wasn't argumentative or he wasn't yelling at us he wasn't you know. He was saying you know "just do your job you've got to do what you've got to do" so.

PA Did he ever admit to you that he struck his wife Mrs. Fernandez Stott?

BG He said I believe he said, I don't know if he said he did or he didn't but I remember him saying that if he did he was gonna you know it was gonna be worth his while you know that it was gonna be, it would be significant and that I think his point was you know if he was gonna go to jail it was gonna be for a good reason and I don't think he felt like it was a good reason whatever he did.

PA Did he ever specifically say to you as far as verbal altercation physical altercation and describe that specifically to you?

BG I got, I had the, he was telling, when I heard him he was telling me the events leading up to it. He kept, I think he said to Bainbridge and Moss more you know this is not true or she's kind of making up a little bit of it or, I don't recall him actually saying that he hit her but I don't know what he told Dep. Moss or Dep. Bainbridge.

PA Ok did you speak with Mrs. Fernandez Stott?

BG A little bit yes.

PA And what did she tell you?

BG She pretty much told me the after part. She told me that she came home from the party and that she went and was looking for him and she couldn't find him so she walked in the back yard and they've got like a gate and then they've got like a little shed off to the west side of the house and he was sitting in a chair and she walked up and confronted him and kind of was like "why are you so angry what's going on?" and then he kind of, from what I gleaned he said you know "I saw you with the other guy making a move" and so they kind of got, shot words back and fourth and she I guess got up in his face and so I think he either, I don't remember exactly what happened I know he pushed her...

PA Just what she told you I mean we understand the jest of what happened so just (inaudible) what she told you.

BG Ok she said that he hit her, just kind of like pushed her across the face and then pushed her down. It wasn't like a fist it just kind of was like a push in the face and then he pushed her forward when she was kind of walking away and that's how she got the abrasions on her knees so.

PA And that's what she told you, she said that he pushed her...

BG Yeah.

PA ...causing injuries to the knee?

BG Uh huh.

PA And did you observe those injuries?

BG Yes.

PA And were they consistent with what she described happened?

BG Yes.

PA Ok. And when you spoke to her what was her demeanor?

BG She was, she was apologetic and she was, I could tell she kind of didn't want, she called us but she didn't really want us to do anything. She kept on trying to go out and talk to Dep. Stott while we were trying to figure out and keep them separated she kept asking you know "can I talk to Dep. Stott, can I talk to him, can I talk to him, can I talk to him?" And you know we told her now is not the best time I'll ask my sergeant and he pretty much eventually she had talked to him and he said it's not a great time and so, and then by the time we got done with her Dep. Stott was already transported to District Two just to complete paperwork and different stuff like that.

PA Ok.

BG So she actually never got to talk to him but she was, I mean she was apologetic, she was obviously upset and nervous and so.

PA Ok. Were you able to smell any alcohol on her at all?

BG I was not, no I didn't really.

PA And you said earlier that she did appear to be intoxicated?

BG Yeah.

PA And how do you...

BG Well the other deputies that I was interacting with they noticed that she had, they smelled alcohol on her and they both said that they had a couple drinks, that they came from this pool party. So they said you know they said that they had been drinking.

PA Based on your personal observations did she appear intoxicated?

BG I would say yeah. She, she wasn't very, she kind of seemed spaced out kind of not really definite you know she wasn't really, she was kind of clouded I could tell she was.

PA Ok. Going back to Dep. Stott you had mentioned that he had an injury on him?

BG Yes.

PA What was that injury?

BG He had scratches, it looked like scratches on his neck.

PA Ok did he tell you how that happened or did you hear him saying how that happened?

BG No, I actually we were, it was dark and we actually didn't notice it until kind of further talking to him some light caught his neck and we were like what's that? And you know he was saying he got scratched during the incident and I didn't ever hear his side of the story of how he got that and the victim didn't really just say how that happened whether she scratched him or what.

PA So what you're saying is, let me ask you this. Was his neck injury consistent with the story that you got from Mrs. Fernandez as what happened, or Fernandez Stott?

BG To be honest with you I didn't really get that story particularly of how he got that scratch. I don't know if she told another deputy one thing of how it happened and I just didn't, I just didn't catch that part of it.

PA Ok. And during your interactions with Dep. Stott did you ever observe him to be disrespectful towards you or any of the deputies on scene?

BG No.

PA And based on the investigation that was conducted there are you aware of how probable cause was determined?

BG Yeah, the way I understood the concise story was that you know he, it was a verbal altercation at which time he you know turned it physical by pushing her in the face and then pushing her in the back, her falling to the ground and I don't know if subsequently there was other injuries with his neck, whether that was the first that he was that he was the primary aggressor and he started the altercation, the physical altercation.

PA Sgt. Morgan do you have any questions?

TM I just have a couple questions for you. It seems like the LT covered just about everything. The residence, you had the chance to go into the residence?

BG Yes.

TM And can you describe the state of that residence?

BG When I walked into the residence there was a vase or there was something glass that had been broken. It looked disheveled you know it looked like there had been a lot of movement in the house and the glass was prominently what I noticed when I first walked in because there was glass all over the floor.

TM Where at in the house?

BG It was the living room right when you enter the door.

TM You also made the statement, you did have the opportunity to take a statement from the mother in law. Did she make any statements to you that he had struck her, pushed her or did anything to her?

BG No, she said according to her she told us, and it was kind of broken up because she was, the wife was translating a lot of this stuff but she could speak you know pretty normal simple English. The way that I got it from her was that she was at the house inside the house the whole time so she didn't see the actual physical altercation outside she just heard Dep. Stott come in the house and exchange a

couple words with the wife and that's the point that the wife called 911. She didn't say what happened actually outside just what his attitude and his demeanor when he walked back in the house.

TM Ok and on Dep. Stott's wife Mrs. Fernandez Stott did you see any red marks on her or any...

BG The mother?

TM I know you described her knees, no the wife.

BG Oh the victim.

TM I know you described her knees.

BG Yeah.

TM Was there any reddening anywhere else or any pictures of anything that you know of?

BG To be honest with you I didn't notice anything on her face like, she was saying that she got pushed from the head. The only noticeable thing that I noticed was her knees were like if you got pushed and got like a rug burn type thing on her knees and that she had grass on her, she was barefoot so she had like grass and a bunch of dirt all over her feet and stuff so.

TM Ok and did you complete any type of paperwork on this incident?

BG I did not, no.

TM Ok. That's all I have LT.

PA Ok. A couple more questions real quick. Was Mrs. Fernandez Stott, did she ever express to you that she was in fear of Dep. Stott?

BG Yes.

PA And what did she tell you?

BG She told me that lately he's been feeling jealous or that she's more attractive than she used to be. She talked about different things that had happened and that over the time he had been kind of feeling insignificant or you know that she was gonna leave him and go off to some other guy and she told us that you know when he came home from the party she was very very afraid of what he was going to do and I guess she told us that this had never happened before that usually if they have a couple words is usually it's just words and they calm down and he's very

you know gentleman like and that this is the first time that actually happened and because it got physical at this time that she was nervous and afraid that it was going to get worse so.

PA And her mother Maria Fernandez, did she tell you whether she was fearful of Dep. Stott?

BG She never told me that she was fearful but I could, you could tell that she was, she was upset as well and she was kind of trying to defend her daughter you know and trying to defend them both I think. It wasn't anything verbal it was more just by her demeanor but you could kind of tell.

PA Sgt. Morgan? Ok, Dep. Gordon is there anything that you would like to add or delete from your statement?

BG Nope.

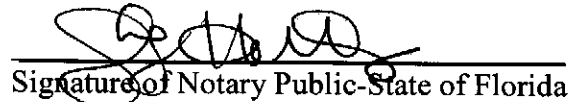
PA Ok with that being said the time is 0920 hours, that will conclude the interview.

I, Lt. Paul Adkins, swear that the forgoing is an accurate transcription of the sworn recorded statement of Deputy Ben Gordon taken by me on September 16, 2011.

(Signed)



Sworn to and subscribed before me this 28th
Day of October, 2011.



Signature of Notary Public-State of Florida

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

My Commission Expires:

My Commission Number is:

Personally Known

Produced identification

Type of Identification Produced



Witness Statement

PA – Lt Paul Adkins GB – Inv. Glen Bennett KM – Dep. Kevin Moss

PA Ok the recorder is on. This is will be a taped interview in reference to IA-11-009. Today's date is September 14, 2011 and the time is 1347 hours. The location of this interview is the Stephen Saboda Training Center. Presently being interviewed is Dep. Kevin Moss. Also present is Inv. Glen Bennett with the Volusia County Sheriff's Office Internal Affairs unit. I am Lt. Paul Adkins with the Volusia County Sheriff's Office Internal Affairs Unit. Dep. Moss, are you aware this interview is being recorded?

KM Yes I am.

PA As a Florida law enforcement officer and a Notary Public of the state of Florida I am empowered to take sworn statements. At this time I would ask you to raise your right hand to be sworn. Do you swear that the statement you're about to give is the truth, the whole truth, and nothing but the truth so help you God?

KM I do.

PA Dep. Moss how long have you been employed with the Sheriff's Office?

KM Just over 11 years.

PA And during those 11 years what kind of assignments have you had?

KM Bomb squad, road patrol, I worked in civil for almost a year and the last six years I've been in K9.

PA And that's your current assignment is K9?

KM Correct, road patrol K9.

PA And were you working on September 3rd, 2011?

KM Yes.

PA And what was your assignment that night?

KM K9 road patrol. My duties are to back up normal road patrol deputies.

PA Ok, Dep. Moss we're here to discuss an incident that occurred on [REDACTED] involving an off duty deputy Dep. Stott and his wife Rosa Fernandez Stott. Do you recall this incident?

KM Yes I do.

PA And in your own words can you tell me what your involvement was and what you did?

KM It was an off duty law enforcement officer, I responded to the scene with Sgt. Maddox and Dep. Bainbridge. We met just down the street at [REDACTED] and [REDACTED] and approached from there without lights on foot. As we're approaching Sgt. Maddox asked central to have Dep. Stott exit his house to the front yard to meet us out there. As we were getting close to the house you could see Dep. Stott walk out the front door, walked over to his patrol car and was leaning against the back of his patrol car. The female, his wife exited the house and was sitting on the front porch as we approached. At that time Dep. Maddox called, I'm sorry Sgt. Maddox called Dep. Stott over to him. He met us at about the center part of the front yard, it was a large front yard and that's where they made contact with him and started asking him what was going on and what happened, we had gotten a call from his wife over an incident. Dep. Stott was pretty intoxicated that night as well as his wife who was there at the time. He was very upset crying saying his wife was messing around with a 22 year old guy at a party they were at and just kept saying "just take me to jail" put his hands out in front of him "just take me to jail, I'm done with this, I'm done with women, just take me to jail" He had a small mark across I think it's the left side of his face. Later on we noticed another mark he had on his back. His wife came out, I didn't see the injury on his wife because we had them separated and Dep. Bainbridge was talking to his wife at that time but I was advised she had a small mark on her leg where she was supposedly knocked to the ground. I stood by with Dep. Stott there because out of that group of people that were there Sgt. Maddox, Bainbridge and I think there was the other two deputies that work that zone, Gordon, Ben Gordon, I'm not sure what the other guy's name is? Rodriguez I think it is, works 22 zone were there. I was the only one that Dep. Stott actually recognized and knew so I sat there and talked with him for a while and tried to calm him down. He was pretty upset over the whole incident. He swears, he kept swearing to me that he never touched her but obviously she had some marks on her so somehow she had fallen or gotten knocked down somewhere in the whole incident. Just kept stating they were at the party, they were drinking, a young lady approached him and said "why is your wife hitting on my boyfriend" which is a 22 year old guy. He turned around, this is from his words to me, saw then there, they got into a verbal argument, he claims he went back to his house, she followed, they got into some type of verbal altercation over there. He claimed to me that he went out back and she followed him out there and then shortly a short time later we were called. I believe there was some glass or something broken in the house that was swept up too. There was no explanation to me why that was there or how she got her mark on her knee. He didn't even notice he was bleeding from the face there until I pointed that out. Dep. Bainbridge photographed that. He was placed in handcuffs after Bainbridge spoke to the wife and spoke to him and spoke to her

mother who was also in the house. Placed in handcuffs and charged with simple battery. All the notifications were made, Lt. Westfall arrived. His car, his guns, his ID and badge were all taken and we drove that to District Two.

PA Ok.

KM Pretty simple.

PA Did you speak to anybody else besides Dep. Stott?

KM No, I never spoke to his wife; I didn't speak to the mother or any of them. He's the only one I spoke with, I stood by with him the whole time until I could get him in a car.

PA And you did say he had an odor of alcoholic beverage on or about his person?

KM Yes him and his wife.

PA Can you describe that? Was it...

KM When his wife first approached, she came up at the same time he did you could see and observe and smell the odor of alcohol from both of them. They both were very intoxicated. That's when we separated them and Bainbridge was speaking with the wife while I talked to Dep. Stott.

PA And did you generate any paperwork in reference this incident?

KM No I did not.

PA Did you have a chance to read Dep. Bainbridge's report at all?

KM I have not, no.

PA The injuries that Dep. Stott had on his person, were they consistent with what he described happened?

KM He didn't state anything about even being hit at the time. I just started asking if he was scratched or hit anywhere else and he pulled up his shirt and you could see two small red marks across his back and he didn't even know he was bleeding in the front. It was like a small little nick and one little scratch and a very tiny nick that was just bleeding on his face.

PA Do you remember in your interactions with Dep. Stott was he ever disrespectful towards yourself or any of the other deputies there?

KM No.

PA And is also what you were saying is that he never admitted to striking his wife?

KM He never admitted to me about striking his wife, no. But he did keep sticking his hands out saying "just take me to jail, I'm done with women"

PA Ok and did you go inside the house at all?

KM I walked in the house when we went to the garage to get his keys and stuff from the garage and there was a small pile of glass where somebody had swept out some glass on the floor.

PA Other than that what was the condition of the house?

KM Clean, normal, small dogs running around.

PA Any alcohol present that you were aware of inside?

KM Not that I saw. From my understanding it was a party at a friends house like right next door to theirs, across the field.

PA Inv. Bennett do you have any questions?

KM No sir.

PA Alright, Dep. Moss is there anything that you'd like to add or delete from your statement?

KM No.

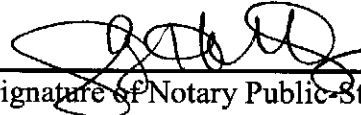
PA Thank you very much. With that being said, the time is 1354 hours and that concludes the interview.

I, Lt. Paul Adkins, swear that the forgoing is an accurate transcription of the sworn recorded statement of Deputy Kevin Moss taken by me on September 14, 2011.

(Signed)



Sworn to and subscribed before me this 28th
Day of October, 2011.



Signature of Notary Public - State of Florida

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

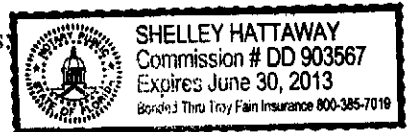
My Commission Expires:

My Commission Number is:

Personally Known

Produced identification

Type of Identification Produced



Witness Statement

PA – Lt Paul Adkins GB – Inv. Glen Bennett KB – Dep. Kyle Bainbridge

PA Ok the recorder is on. This is will be a taped interview in reference to IA-11-009. Today's date is September 14, 2011 and the time is 1329 hours. The location of this interview is the Stephen Saboda Training Center. Presently being interviewed is Dep. Kyle Bainbridge. Also present is Inv. Glen Bennett with the Volusia County Sheriff's Office Internal Affairs unit. I am Lt. Paul Adkins with the Volusia County Sheriff's Office Internal Affairs Unit. Dep. Bainbridge, are you aware this interview is being recorded?

KB Yes.

PA As a Florida law enforcement officer and a Notary Public of the state of Florida I am empowered to take sworn statements. At this time I would ask you to raise your right hand to be sworn. Do you swear that the statement you're about to give is the truth, the whole truth, and nothing but the truth so help you God?

KB I swear.

PA Dep. Bainbridge as you are aware we are here to discuss an incident that occurred on September 3rd at [REDACTED]. Were you working that evening?

KB Yes I was.

PA In what capacity were you working that evening?

KB Patrol.

PA A particular zone?

KB I was assigned to 26 zone that night.

PA And how long have you been employed with the Sheriff's Office?

KB Coming up on five years.

PA And since you've been employed which areas have you worked?

KB District Two patrol has been my main assignment thru out those five years.

PA Ok, I know I told you before, we're here to discuss an incident that occurred at Dep. Michael Stott's residence involving him and his wife Maria, I'm sorry Rosa Fernandez Stott. Do you recall this incident?

KB Yes I do.

PA Can you in your own words tell me what happened that evening?

KB I responded there in reference to a disturbance and when we got there I contacted his wife at first and she appeared somewhat intoxicated and said that they had been at a party at a neighbor's house that night and Dep. Stott had been accusing her of being flirtatious with another male there, and when they got home it escalated to the point where he pushed her down to the ground causing an abrasion to her knee.

PA Ok, how did you find out about the call?

KB It came in thru Central.

PA Did anybody else respond with you?

KB Yes.

PA Who else were they?

KB Sgt. Maddox, Dep. Moss were the initial two when we got there, and then Dep. Adamczyk and Dep. Gordon eventually responded as well.

PA Who arrived on scene first do you remember?

KB It was me, Dep. Moss and Maddox all arrived at the same time.

PA Ok. And when you arrived who did you first contact and where were they?

KB As soon as we arrived she was still in the house, Dep. Stott was outside located by his patrol car and started walking over towards us an initially made contact with Sgt. Maddox and like I said he was out in the front yard, she was inside.

PA Do you remember what he said?

KB As soon as he came walking up to Sgt. Maddox he held his hands out in front of him saying that he was ready to go to jail.

PA Did he say anything else to you at that point?

KB No not at that point. Sgt. Maddox pulled him aside as the wife came outside and I ended up contacting her.

PA Ok what did the wife tell you?

KB She stated that they were at a party and they both had been consuming alcohol and she accused him or he accused her of being flirtatious and then after they got home they were in the yard and another verbal argument escalated into being physical at which point he pushed her down to the ground and then she went on to say several times and she got an abrasion on her knee.

PA Ok when you said she described it as a physical altercation or you just told me a physical altercation, did she go into details as far as what that involved?

KB She said it was a, basically all the physical altercation was is he pushed her down on the ground several times and then stormed into the house where her mother was.

PA Did she say that she hit him at all?

KB She didn't say, no.

PA Ok. And did you speak to Dep. Stott?

KB Yes I did.

PA Ok what did Dep. Stott have to say?

KB He said that they both had been consuming alcohol at a party and he admitted there was a verbal altercation but he stated there was no physical altercation at all.

PA Did he tell you what this is all over?

KB Yes he collaborated the wife's story that he believed her to be flirtatious with another man.

PA Did he tell you how the confrontation began?

KB Not into detail, he just stated when they were at the party she had been flirtatious with the guy and when they went home he started a verbal argument with her.

PA Do you remember if he told you where this party was?

KB He said it was in the neighborhood, he didn't give me an address.

PA And did you speak with Maria Fernandez?

KB I didn't personally, no.

PA Did anybody relay information or anybody else speak to her?

KB Yes, Dep. Adamczyk and Dep. Gordon.

PA And did those deputies tell you what she said?

KB Yeah they said that she heard a verbal altercation, she never saw any physical altercation and when they were outside because the mother was inside and when Dep. Stott came inside he was moving things around in an aggressive manner and she became fearful at that point.

PA What was Dep. Stott's demeanor when you first contacted him?

KB Upset. He wasn't crying but he was obviously upset.

PA Did he have the odor of an alcoholic beverage about him?

KB Yes.

PA Can you describe it? Was it strong, weak?

KB Very strong.

PA How about Mrs. Fernandez Stott, did she have an odor of an alcoholic beverage on or about her person?

KB She did but it was not as strong I didn't believe.

PA The injuries that you observed on Mrs. Fernandez Stott, would you say they were consistent with the story that was given to you by both Dep. Stott and Mrs. Fernandez Stott?

KB Yes, it looked similar to that of a rug burn.

PA Ok now were there any injuries on Dep. Stott?

KB Yeah he had two abrasions on his left side of his neck.

PA And were those consistent with the story that you were given from both parties?

KB No.

PA What did those appear to be to you?

KB Nails. It would be from nail marks.

PA Like a...

KB Scratching.

PA Scratching. At any time during your contact with Dep. Stott was he disrespectful to you or any other deputy that was on scene?

KB No.

PA Did you complete a 707 charging affidavit in this incident?

KB Yes I did.

PA And would this be the 707 that you completed for this incident?

KB Yes it is.

PA Case number is 11-26555, begins 'touch strike the victim against her will' signed by...

KB Yes.

PA Ok. And within this charging affidavit is there anything that is not correct or maybe since you've had time to think about it, anything that would be different?

KB No.

PA Did you also complete an incident report on this?

KB Yes I did.

PA And for the record I have an incident report 11-26555 and the first part of the narrative says 'on 9-3-2011 at approximately 2327 hours Dep. Bainbridge responded' would this be the incident report you completed?

KB Yes.

PA And is there anything in this incident report that is incorrect or that you would change at this point?

KB No.

PA And at the end of the investigation you obviously came up with probable cause one way or the other. In this incident you completed a charging affidavit on Dep. Stott which resulted in his arrest. How did you determine that he was the primary aggressor in this incident?

KB Based on the totality of he started a verbal argument based on the wife's actions and he actually according to the wife physically touched her and pushed her down.

PA Now did he ever, did Dep. Stott ever say that he struck his wife?

KB No.

PA But he did say that "I pushed her"?

KB Nope.

PA No. Never admitted to any physical contact what so ever.

KB Well at first, and then asked him how he got the abrasions to his neck and he said "during the physical altercation"

PA Did he go into any kind of details on the physical altercation?

KB Very vague and that's all he stated about that.

PA Did you have the opportunity to go inside the house?

KB Yes I did.

PA What was the condition of the house?

KB For the most part it was in tact, there was a I think a lamp or something to that effect that was broken on the floor.

PA Ok was any alcohol present within the house that you noticed?

KB Not out in plain view no.

PA Inv. Bennett do you have any questions.

GB No sir.


PA Ok, is there anything that you'd like to add or delete from your statement?

KB Nope.

PA Ok with that being said the time is 1340 hours and that concludes the interview.

I, Lt. Paul Adkins, swear that the forgoing is an accurate transcription of the sworn recorded statement of Deputy Kyle Bainbridge taken by me on September 14, 2011.

(Signed)



Sworn to and subscribed before me this 28th
Day of October, 2011.



Signature of Notary Public-State of Florida

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

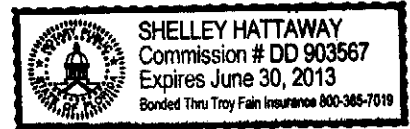
My Commission Expires:

My Commission Number is:

Personally Known

Produced identification

Type of Identification Produced



Witness Statement

PA – Lt Paul Adkins TM – Inv. Tim Morgan MA – Dep. Martha Adamczyk

PA Ok the recorder is on. This is will be a taped interview in reference to IA-11-009. Today's date is 9-21-11 and the time is 0908 hours. The location of this interview is the District Two office. Presently being interviewed is Dep. Martha Adamczyk. Also present is Sgt. Tim Morgan with the Volusia County Sheriff's Office Internal Affairs unit. I am Lt. Paul Adkins with the Volusia County Sheriff's Office Internal Affairs Unit. Dep. Adamczyk, are you aware this interview is being recorded?

MA Yes.

PA As a Florida law enforcement officer and a Notary Public of the state of Florida I am empowered to take sworn statements. At this time I would ask you to raise your right hand to be sworn. Do you swear that the statement you're about to give is the truth, the whole truth, and nothing but the truth so help you God?

MA I do.

PA Ok and Dep. Adamczyk how long have you been working for the sheriff's office?

MA Nine years.

PA And in those nine years what assignments have you had?

MA Road patrol, SRD, dive team.

PA And what's your current assignment?

MA District two patrol.

PA And were you working on September 3rd of this year?

MA Yes.

PA And did you respond to [REDACTED]?

MA I did.

PA Ok can you tell me about why you responded there and what you did there, what you saw and what you heard?

MA I was dispatched to a I think it came out as a disturbance, I'm not really sure what the original call was. Female was calling in, quickly added into the information was the fact that it was a deputy's house. Several other units got there prior to me. In fact I was probably close to one of the last ones in my unit to get there. Report of a battery domestic violence with a deputy involved. What did I do? I walked up, by that time Sgt. Maddox and Dep. Bainbridge were up front with Dep. Stott and K9 was there. Anyway I went up and spoke a little bit to Sgt. Maddox and helped. I took the female, the Mrs. Stott I think, I don't know if her last name changed, into the house to try and nail down exactly what happened from her side and knew that I would eventually be trying to work her into trying to get a statement as we do with all people involved in DV. And I went inside, talked with her and her mom a little bit trying to ascertain what happened. The whole story.

PA What did she tell you? What did...

MA They had been at a gathering a couple houses down that alcohol had been consumed and that there was some allegation made by some other younger female that was at the party that I guess Mrs. Stott was acting inappropriately towards some other male, some younger male and for whatever reason that female had talked to Stott about it and he had gotten upset. I guess he had confronted his wife or some sort of disagreement had occurred and then they ended up coming back, going back to their house and I don't remember right now as to how they ended up in the back yard. I think he went first and then she went out there to find out what his deal was and I was told that he pushed her down a couple times, she showed me a grass burn, rug burn on her knee kind of a little abrasion and both her and her mom said this was completely out of the ordinary behavior, this is completely not his behavior pattern. She didn't want him arrested. She you know wasn't, she was in fear that night but knew that this wasn't his normal way of doing things. She didn't want to write a statement initially, she didn't want to you know be any further involved she just was very concerned that his pattern at that stage was gonna go too far and she just wanted that pattern stopped. Not that this was a normal thing but this was something they weren't used to. So but by that time I noticed, because I was the initial officer dispatched I really thought I was getting information to have to do the paperwork and got told somewhere along the lines that Bainbridge was already there and already got the information prior to me and so he was going thru with the paperwork.

PA When you spoke with Mrs. Stott, did she appear to be intoxicated? Could you smell it on her breath?

MA Impaired, yes.

PA Could you smell an odor of alcoholic beverage on her?

MA I don't remember.

PA Ok. Did she at any point say that Dep. Stott struck her other than pushing?

MA Not that I recall.

PA And did you observe the injury on her knee?

MA Yes.

PA And was that consistent with what she told you happened?

MA Yes.

PA And did you speak with her mother, I think it was Mrs was it Fernandez?

MA The other adult female in the house yes.

PA And what did she tell you?

MA She said it wasn't normal for him she thought it was the alcohol and that you know she, it just, I got this whole feeling that everything would have been fine it's just that whatever had occurred right then and there had concerned them enough to call us to make it stop but this wasn't a normal reoccurring event.

PA Did she say that she witnessed any of the physical altercation that occurred?

MA Not the stuff that happened outside. I guess there was something inside. I wasn't really, I'm not real confident with being able to say exactly what happened inside. Something got broken maybe pushed off the table or something like that. It wasn't like it was thrown at somebody but it was a coincident.

PA Is that what Mrs. Fernandez told you was something got smashed inside?

MA There was smashed stuff on the floor like glass or something that had come off a table.

PA Was there any explanation given to you as far as that?

MA I want to say he bumped into the table or something got thrown on the table I just, it wasn't like it was something where it was gotten thrown but that, she was inside, she was a little difficult to understand. Her English wasn't really all that good.

PA Ok. Did anybody assist you in helping you understand her?

MA Gordon, Dep. Gordon ended up getting statements from them so that's, I kind of stopped my attempts to a...

PA Ok.

MA ...full conversation with her.

PA Besides the broken glass you said that was on the floor was there anything out of place that, what was the condition of the house?

MA Other than that everything looked normal, I mean like cleaned up and she was cleaning that up when I came inside so. But everything had occurred out back between the two of them. The mother had been inside from what I understand.

PA How many times did Mrs. Stott say that Dep. Stott pushed her?

MA I don't know that I got an exact number. Several. More than, definitely more than one, maybe more than two?

PA Did she, once again she never mentioned or told you that Dep. Stott struck her?

MA Huh uh.

PA Ok. And were you able to locate any signs of a struggle in the backyard area where this supposedly took place?

MA That was, by that time I was relieved of having to do further investigation.

PA Ok. Did you talk with Dep. Stott at all?

MA Not too much. Definitely not concerning this case. I did end up transporting him over to the jail but the conversation wasn't anything concerning what had occurred at the (unintelligible).

PA Did you detect an odor of an alcoholic beverage on or about his person?

MA Yes.

PA Did he appear to be intoxicated?

MA Yeah.

PA Ok. And what was his demeanor towards you and the other deputies? Was he ever rude or use any kind of vulgar language?

MA No.

PA Sgt. Morgan?

TM Yeah. Do you know Dep. Stott?

MA No, I mean I've heard of him and I may have seen him but I don't know him.

TM And you made a comment to the lieutenant. You were told he pushed her down. Who told you this?

MA By her, the wife.

TM By her Mrs. Fernandez Stott she told you this?

MA Yeah that's her name, the wife.

TM Mrs. Fernandez Stott.

MA Ok.

TM And while speaking to Mrs. Fernandez Stott did she appear to be in fear?

MA A little bit.

TM And can you describe Mrs. Fernandez Stott's demeanor to us while you were speaking with her?

MA Towards law enforcement or towards...

TM Towards, in general.

MA Upset that it had occurred, upset that we had to get called out to stop it. I want to say upset that she was being accused of something that she hadn't done at the party. She was concerned that if the incident hadn't been stopped by the call to the sheriff's office that it may have gone further but she didn't want to see you know...

TM Did she express that to you?

MA Generally yeah you know she just thought that it was going down a more violent manner I guess.

TM And you also made the statement that this was not normal for him. Who made that statement to you?

MA Both Fernandez Stott and Fernandez.

TM And you transported Dep. Stott to the county jail?

MA Yes.

TM Did you see any injury to Dep. Stott?

MA There was, I want to say some sort of scratches on his neck maybe? I don't know, there was something minor.

TM And at any time did you discuss how he was injured?

MA Nope.

TM Did he bring it to your attention that he was injured?

MA It was brought up to the group standing outside with him.

TM But never brought to your attention?

MA Not to me specifically, no.

TM So there was no discussion on how he was injured?

MA Huh uh.

TM And did you obtain any pictures or anything while you were at the scene?

MA No because once like I said I got there and I was thinking that I was going to be taking the call, it was going to be mine because I was the initial dispatched but I was told kind of early on that Bainbridge was gonna take it and so it all went to him.

TM And how long would you say you were with Ms. Fernandez Stott?

MA 30 minutes maybe?

TM 30 minutes. That's all I have.

PA I just have one question for you.

MA Sure.

PA When you were speaking with Mrs. Stott did she ever give you any kind of an explanation that would have coincided or been consistent with the injuries on Dep. Stott's neck?

MA I'm not sure that I knew at that point that he had injuries because they were standing in the front yard with him. I wasn't, I went inside thinking normally you know I'm a female I'm gonna go interview the female, that's how we normally split them up on DV's so I was kind of in a holding pattern seeing if I could get her to tell me the story because a lot of times with the DV's we'll get the oral story and then they'll decide not to write it down so I wasn't over there talking with him you know.

PA Did anybody ever explain to you how those injuries got onto Dep. Stott?

MA I think I was, I heard it was part of the thing in the back yard but I don't remember who said it, it was I want to say general discussion when we were trying to hash things out.

TM Just for the record to clarify, while you were with Mrs. Stott did she ever say she had to defend herself at any time while she was in the back yard? Did she make any statement like that to you?

MA I don't remember.

TM Did she ever say she's the one who initiated?

MA Uh huh. She went out there to ask him what his deal was you know, he was already out there and she wanted to know why he was accusing her of the thing at the party.

TM Ok that's it.

PA Is there anything you want to add or delete from the statement you gave us?

MA No.

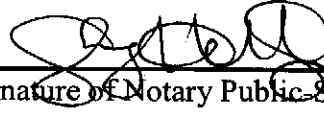
PA The time is 9:23 and that concludes the interview.

I, Lt. Paul Adkins, swear that the forgoing is an accurate transcription of the sworn recorded statement of Deputy Martha Adamczyk taken by me on September 21, 2011.

(Signed)



Sworn to and subscribed before me this 28th
Day of October, 2011.



Signature of Notary Public - State of Florida



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

My Commission Expires:

My Commission Number is:

Personally Known _____

Produced identification

Type of Identification Produced

VOLUSIA COUNTY SHERIFF'S OFFICE
OFFICE OF INTERNAL AFFAIRS

ADMINISTRATION OF OATH / PERJURY WARNING

IA-11-009
Case Number

Michael Stott
Witness Name

I am LT Paul Adams with the Volusia County Sheriff's Office, Internal Affairs Unit. Today's date is 1/27/11 and the current time is 1302. The location of this interview is, Sheriff's ADM. Also present during this interview is _____

Are you aware that this interview is being recorded? _____

I am conducting an official administrative investigation concerning

Sgt Paul #2 Notice Of IA

As a Florida Law Enforcement Officer and a Notary Public of the State of Florida, I am empowered to take sworn statements. At this time, I would ask that you raise your right hand to be sworn. Do you solemnly swear or affirm that the statement you are about to give is the truth, the whole truth, and nothing but the truth?

Any false statements about material matters given by a witness under oath will constitute perjury, which is a Third Degree Felony according to Section 837.02, Florida Statutes.

Do you understand that if you knowingly make material mis-statements of facts to me during this investigation, you will have committed the crime of perjury? Yes

Answer



Investigator Signature

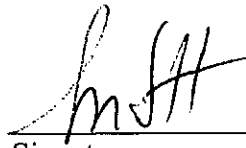
Witness Signature

Date

ADVISEMENT OF RIGHTS FOR A DISCIPLINARY INTERVIEW

I wish to advise you that you are being questioned as part of an official investigation of the Volusia County Sheriff's Office. You will be asked questions specifically directed and narrowly related to the performance of your official duties or fitness for office. You are entitled to all rights and privileges guaranteed by the laws and the constitution of this state and the constitution of the United States, including the right not to be compelled to incriminate yourself. I further wish to advise you that if you refuse to testify or to answer questions relating to the performance of your official duties or fitness for duty, it will be considered an act of insubordination and a violation of a direct order by a superior or competent authority. If you do answer, neither your statements nor any information or evidence, which is gained by reason of such statements, can be used against you in any subsequent criminal proceeding, **(except for perjury or obstruction of justice charges)**. However, these statements may be used against you in relation to subsequent department charges.

The aforementioned Advisement of Rights is not the warning in criminal cases under the Miranda decision. As mentioned, Miranda has no application in a disciplinary interview.



Signature

9-27-11

Date

ADMINISTRATION

Location

Witnessed By:



WITNESS STATEMENT

PA – Lt. Paul Adkins MS – Dep. Michael Stott

PA Ok the recorder is on. This will be an administration of oath perjury warning reference to IA case number IA-11-009. The witness name is Dep. Michael Stott. I am Lt. Paul Adkins with the Volusia County Sheriff's Office Internal Affairs Unit. Today's date is 9-27-11 and the current time is 1352 hours. The location of this interview is the Sheriff's Office Administration. Dep. Stott, are you aware this interview is being recorded?

MS Yes sir.

PA I'm conducting an official administrative investigation concerning 26.2.127 Misdemeanor injurious to the department, and Volusia County Merit System Rules and Regulations 86-453 (13). As a Law Enforcement Officer and a Notary Public of the State of Florida I am empowered to take sworn statements. At this time I would ask that you to raise your right hand to be sworn. Do you solemnly swear or affirm that the statement you are about to give is the truth, the whole truth and nothing but the truth?

MS I do.

PA Any false statements about material matters given by a witness under oath will constitute perjury which is a third degree felony according to section 837.02 Florida Statutes. Do you understand that if you knowingly make material misstatements of facts to me during this investigation you will have committed the crime of perjury?

MS Yes.

PA Dep. Stott did you read and understand the advisement of rights for discipline pertaining to Garrity?

MS That's these?

PA It's the page you initially signed on.

MS Yes.

PA Ok, Dep. Stott when you were served with your notification did you receive a copy of your officer's bill of rights with your notice?

MS Yes.

PA And do you have any questions reference your bill of rights?

MS No.

PA Did you have the opportunity to review the SA707 arrest affidavit and incident report completed by Dep. Bainbridge?

MS Yes.

PA The 911 recordings?

MS Yes.

PA And the witness statements...

MS Yes.

PA ...transcripts that were obtained from Deputies Bainbridge, Moss, Adamczyk, Gordon and Maddox?

MS Yes.

PA And we're here today to discuss an incident which occurred on September 3rd of this year. This incident involves your arrest for simple battery where it was alleged that you battered Rosa Fernandez Stott.

MS Yes.

PA Ok. And how long have you been employed with the Volusia County Sheriff's Office?

MS 16 years in February.

PA And where are you currently assigned?

MS JSD courthouse in Deland.

PA And is that your normal assignment with the exception of when you're on this administrative period of time?

MS Yes sir.

PA And how long have you been at the Deland Justice Center?

MS About four years approximately.

PA And what is your job there?

MS Bailiff.

PA Bailiff. And first of all I want to try to establish your relationship with Ms. Fernandez Stott. How do you know her?

MS She's my wife.

PA And how long have you been married?

MS Seven years in October.

PA Ok, in October. In your own words describe the events that occurred that led the Volusia County Sheriff's Office to respond to your residence which ultimately resulted in your arrest.

MS Give the whole story, is that what you're...?

PA Yes sir.

MS We went to a party at her girlfriend's house and we were sitting inside, it was a pool party we were eating, drinking beer and she was drinking wine or whatever and we're having a good time just sitting there we were talking her and I and a couple of other people and eventually we went outside around the pool at which time we were sitting around, I was still drinking just beer ok, and she started drinking, she was drinking wine and I know she was doing shots of Jagermeister I think it was a green bottle ok, and I got thrown into the pool. I stood up and I got thrown into the pool and at which time she got thrown into the pool also and she got visibly, awfully upset I should say because it was her time of the month and she was dressed, not dressed to go into the pool and after the man had threw her into the pool, threw her in, ran off ok. She got right out of the pool and went to straighten herself out because it was that time of the month and she came back out. The man came back out at which time she attacked him at the pool deck falling and scratching her knee, stood back up and tackled him again pushing him back into the fence in the yard at which time a bunch of people, I was trying to get out of the pool but it was crowded, I couldn't get out as fast as I would like to. People separated them. The gentleman left the scene not to come back this time and everything calmed down. I was over talking to a boy, the homeowners son which is uh, I can't remember her name now my wife's girlfriend, ex-girlfriend. And we're talking about a scooter because my step-son moved back from Texas and we're talking about a scooter so I can get him some sort of transportation to get back and fourth to school and around town. At which time a young girl come up to me and said to me you know, she said something I didn't quite hear it because I was involved in a conversation. She hit me on the arm a couple more times I looked at her I said "what do you want?" she says "I want your wife to

stop trying to pick up my boyfriend” I said “what are you talking about?” she says “look, look” at which time I turned around, my wife had her arm around his head and was, her face was up to his ear. Now I was intoxicated, not fully intoxicated but I had enough in me that I saw it I got upset. Ok, it did look like what you know what I thought it looked like that she was you know kissing the guy on the side of the head. Later on I found out that you know the next day or so that she was just discussing the music with the guy. I believe her there’s no reason not to believe her. At that time like I said I was drinking and I told her “I’m going home” I said “I don’t need to see this stuff” and she started yelling and screaming at me and what have you and you know got into a big discussion I went home. She came home with me she caught up to me and she was yelling and we were yelling back and forth and so on so forth. I don’t like arguments plain and simple, I don’t like arguments. We got to the house I disappeared and I went out back and I just hid out back. I could hear her yelling and screaming around the house calling me a coward because I’m not facing her. I’ve been a police officer too long to know that was not a good situation for me to be in. I went and hid and I stayed hiding. Well she came out after things about an hour or so calmed down, she came out, she found me. She got right into my face and started screaming hollering at me and you know yelling and hollering and I picked her up by the arms, moved her to the left, stood her up and said “stay the fuck out of my face” at which time I proceeded to walk back out to the field again she got into it again. I grabbed her by the arms, picked her up, set her back down again. I said “stay the fuck out of my face, leave me the fuck alone” and I started to walk again at which time she did it again. I picked her up, now whether she fell each time I picked her up and did this I don’t know because all I was trying to do was get away from her. Ok, and I came into the house. She says “I called 911 you’re going to jail” I said “that’s all well and good it’ll get me out of this place” I went and changed my clothes, I put jeans on got out of my wet clothes and by that time I walked out to the front yard to wait for the sheriff’s department to show up at which time they were there. And when I walked over I says “take me to jail” I could not stay there because her son was there, her nephews were there, her mother was there it was not a good situation. If anybody was gonna go to jail I’d just as soon it be me. She would not have gone to jail easy I can tell you that right now. She’s Latin descent she would have fought all the way, she would have had all kinds of charges which would have brought more bills to me and lawyers bills. Just take me and I’ll go to jail. I will take the hit and do what I have to do and that’s what I did. And that’s basically the end of the story. Now whether she fell I don’t know but I never struck her, I grabbed her and she had black and blues she showed me the next day when she bonded me out, when she came and picked me up at jail she showed me the marks on her arms. I says “yes those are from me because I grabbed you and moved you two or three times. I did not want you in my face” Because I do not do well in arguments, I don’t like them. But the scratch on her knee and what other bruises if she had any was not caused from me. I do not hit women.

PA Ok. How much did you have to drink that night?

MS I bought two six packs and I had four left to put in the refrigerator, so that's 12 minus 4, 8 beers.

PA And how big were those?

MS Regular 12 ounce, they were Sam Adams Latitude 48 I like the beer.

PA And what time frame did you consume those? About how long did it take you?

MS We got to the party maybe about I don't know maybe 8:00, I had been working all day been cutting grass and stuff. I'd say probably about 8-9:00 maybe somewhere in there.

PA That you started drinking or?

MS Oh when we got to the party, we had to go to the store first. We went to the store picked up the beer and wine which it was wine for her and then we came back, I got the cooler and then we went to the party.

PA So how long did it take you to consume these beers roughly then?

MS Eight beers, well what time did this all happen was it 11 something? About three hours.

PA Three hours. You said that she was drinking wine and also shots of Jagermeister?

MS Yeah they were sitting around, we were sitting around out back on the patio chairs and they were passing around Jagermeister. I don't like it, I don't like, it reminds me of cough syrup.

PA And you told me earlier that you did feel intoxicated? Did you feel that you were intoxicated?

MS Well I mean I wasn't fall down drunk I had my functions about me but I wasn't completely sober either. You know as far as falling down drunk no I wasn't falling down drunk.

PA And how about your wife? Was she, how intoxicated was she?

MS She was drinking, she was pretty heavy drinking I mean she can't handle that, I call it fall down juice which is the straight alcohol and she was she did quite a few shots of that.

PA So she was very intoxicated or?

MS Not more than I was.

PA You said once you arrived back home from the party you went out back in the back yard?

MS I went out to the pasture.

PA Were you in like a building? Somewhere...

MS No I walked the pasture for a while and then I could hear her screaming and hollering and after I walked the pasture for a while I figured ok things will calm down because I can see the house, I can see if she's coming out towards me, I can go someplace else to the left to the right of the pasture and when I felt as though everything was calmed down enough I went to the (?elk?) building which is just a lean-to I used to have the horses there before the tornado and I sat there. I had a couple of chairs set up, we used to sit out back there and just sit there and talk and you know enjoy the day you know lots of times and that's where I sat and I was falling asleep. It was a beautiful night out, I remember I was falling asleep and I figured that I'd just fall asleep and get up the next morning and that would be it.

PA And you said while you were out there at this lean-to, now is this attached to the house or is it...

MS No there's nothing attached to the house, I've got a garage a 35x50 garage beside the house, this is behind the garage.

PA Ok about how far away from the house is it?

MS 150 feet maybe.

PA And you said she found you again after you were out back and cooling off and whatever, she found you again she approached you what did she say to you?

MS Oh she was just yelling and screaming she was like, she was all assholes and elbows, pardon the expression but I mean she was just going you know screaming at me and everything else calling me you know different things and stuff. She was upset because I had insulted her respectability by I asked her what the hell she was trying to do being 46 years old trying to pick up a 22 year old. You know I, it's a Latin thing ok. She doesn't see the respect that she, that I lost by her going over there and if these people saw it then what are these people thinking of me but she doesn't realize that it's all me, me, me, me, me ok, and that's the way it was and she just thought that I insulted her in front of all these people.

PA Did you make any threats or accusations towards her?

MS No.

PA How about her, did she make any threats or accusations towards you?

MS Not that I can remember.

PA And when you guys were outside from what you told me she was yelling at you, was she also cursing at the same time?

MS Yeah she was just, she was out of control. I mean I'm not, I don't know if she was hitting me or whatever I mean she's only 120 pounds I mean so she could have been hitting me and I didn't realize it or I didn't feel it, I was just I had my mind set that I had to get out of there I just had to get away from her. And that was my mind set then you know. All I know is every time I tried to move she was right in front of my face like I said I just picked her up and moved her.

PA So for the record you're saying that she may have hit you but you did not know? Was that because you were intoxicated?

MS I don't know, I didn't know anything until like reading the reports here. Kevin or the rest of them said I had marks on me. I didn't know I had marks on me, I didn't know I was bleeding or anything like that.

PA Do you feel that you were intoxicated to that level that you may have not realized that?

MS No, no I was, I wasn't intoxicated that much ok, and the whole thing was is my mind set is I wanted to get away from that situation. I've been in it ok and at that time I had no use for her what so ever. I've gone thru two wives, two wives that have done that to me and I just figured that it was third time's a charm. And I figured that she was over there flirting with the guy setting something up and I'd been done with it. And then Kevin Moss even said that's all I was babbling about, I've had my fill of women I just want out. Take me to jail just get me out of here I want out.

PA Going back to what you told me when the deputies first arrived, when they first arrived they said they saw you outside and when you guys made contact you said "take me to jail"

MS Uh huh.

PA What did you make that statement for?

MS I made that statement because for one ok, I wanted out of the place she wasn't going to leave me alone ok. And I couldn't think of any other way to go for one and for two I knew that if they found her to be the aggressor ok, I knew one of us gonna go to jail. One of us is gonna go to jail that's the new thing now with the

law enforcement that somebody goes to jail ok that's that talk about and that's what you see. So I figured they can't take her because I can't stay in that house because her mother's in there, her son's in there, her nephews were in there I just couldn't stay in that house. I probably would have ended up in the hospital the next morning or something I don't know. But I didn't want her to go to jail. She couldn't handle it so yeah you could say I took the hit for her.

PA Ok. Now when you said that you couldn't let her go to jail, did you lie to the deputies to keep her from going to jail that night?

MS I didn't say anything to the deputies. I never said because I don't remember if she hit me or not I don't know but I just knew I had to be out of that place, I had to be gone. So I don't know if that's what you would say lying, I don't know?

PA And with the exception of when you told me, when you guys were in the back yard and she was in your face and you said that you just had to get out of there and you picked her up by the arms and moved her out of your way. With the exception of that did any other time did you touch, push or hit your wife?

MS No.

PA And obviously we've had this discussion already but to the best of your recollection did at any time your wife touch, push or hit you?

MS She could have, she could have. My wife will tell you now that she's sober and everything else, my wife will tell you if I ever hit her I'd put her in the hospital. And that's what I'm afraid and I would never hit a woman. I've been brought up better than that.

PA So for the record the statement made by your wife on the night of the incident that you pushed her to the ground several times, is that true or not true?

MS I don't remember pushing her, I remember grabbing her so I can't say if it's false. If she fell on the ground due to her intoxication or whatever I don't know.

PA And you told me that you are aware that she had an injury on her knee?

MS Yes.

PA When did you find out about that injury?

MS The next day.

PA And do you know how she got that injury?

MS Pushing that guy on the pool deck, she slipped on the pool deck. I watched her slip on the pool deck, and I take it back it wasn't the next day. I saw her that day, that night she pushed the guy and she says "look I'm bleeding" and that was at the pool deck at the party.

PA And did you, did you make the statement or a similar statement to the arresting deputies that Mrs. Stott's injury occurred by giving a blow job to another guy?

MS Yeah I never said that. I would never say that about my wife, especially to another guy or somebody else because that is disrespectful to my wife ok and I saw that in there and yeah it upset me but I never said that because it didn't happen and I don't know where it came from ok. Because my wife would never do you know my wife would never do that, she would never stoop low enough ok. And especially at a party.

PA Ok. After you were in the back yard and you said you picked her up and moved her out of your way a couple times. Were there obstacles keeping you from going around her?

MS Yeah her.

PA Her? So if she...

MS Yeah I mean as soon as...

PA ...(inaudible) walk in your direction she would meet in front of you?

MS Right, as soon as I moved her she was in front of me again. I moved her again she was in front of me again.

PA Did you have the option to go backwards? Would that have worked at all?

MS I could have gone anywhere but (unintelligible) I wanted to get out, move forward.

PA Now you said once that occurred you said you went inside the house is that correct? Or she went inside the house?

MS She, yeah somehow or another she went thru the fence. She opened up the gate and when she opened up the gate I went thru it also ok. And that's when we went in the house ok and I remember going into the house and I went back to change my clothes because I was still soaking wet ok, and that's when I found out she was calling she had called the sheriff's department was calling the sheriff's department or whatever. Ok, so I says well I'll get dressed, wear white underwear ok going to jail because you know somebody's gonna go to jail here and so I got dressed ok. And like I said I saw her nephew's in there I saw her son's in there

and I says you know this is absolutely ridiculous you know, absolutely ridiculous and I knew that like I said you know now days somebody goes to jail.

PA Did anything occur inside besides you getting dressed?

MS No we just yelled.

PA Was there anything...

MS Oh, yeah. I tripped over a stupid table or a lamp or something in the living room going out the front door.

PA Was that just prior to you exiting the residence to meet the deputies?

MS I was going out and I don't know somebody came to my right and I went around them and there was a lamp there on the table and I was, it just fell over. I think it was, it had a metal top and a glass bowl or something underneath it you know the metal and I heard it break but by that time I was going out the door.

PA Now the mother in law Ms. Fernandez is that correct, her name?

MS Uh huh.

PA Was she present during any of the argument between you and your wife?

MS She saw yeah. Ok I just, something else just came to mind. When I got home that's what I was doing, I got home and I was going in to change, into the bedroom and that's when she came in yes. That's where the scratch is that's where it all ended up happening is in the bedroom ok. I was trying to change, she got me in the bed ok, her mother was there yelling and screaming at us and that's when yeah she did hit me.

PA Ok.

MS That's where I got the scratches because I was trying to get away.

PA Ok.

MS Ok and I had a tank top on and I had a collared shirt and when I see, I'm trying to remember. The collared shirt was soaking wet, I took the collared shirt off ok and I threw it on the floor of the bedroom then I had my tank top on and she had hold of my tank top ok. The tank top has now been thrown away it was covered, it had blood on it and it was all ripped ok. And that was in the bedroom and that's when her mother was there and her mother was screaming and hollering "ok you've got to stop this, you've got to stop this" and that's when I went out the back door and I never did get changed.

PA So this is immediately after you left the party, you came inside the residence.

MS Right.

PA She followed you in there and what was said, what did you guys talk about what was said?

MS I told her to leave me alone she's nothing but a whore. I did because that's the way I felt at that moment and I felt that way when Kevin came up and everybody else that she was just you know, she was over there trying to hustle the guy. I've seen it you know I've seen it. Two wives did that you know and the last wife she was bipolar she was a friggin nut ok and that's what she used to do she used to go over sit, we'd go somewhere and she'd sit in the corner like on a bike ride or something with a bunch of people and she'd hustle and she'd get the guy's number and then when I'm on extraditions or whatever she'd be over sleeping with the guy.

PA So now going back to the room and where she struck, do you remember how she struck you?

MS Yeah she was clawing at me. Slapped me in the head and stuff like this, smarting off.

PA Did you strike her at that point at all?

MS No I just wanted to get away.

PA What were you doing while she was clawing at you and striking?

MS Trying to grab her hands and push her away and stuff and trying to get away, trying to get out. And my shirt came off of my body and that's when she had she shirt when the shirt came off my body and I went out thru the doors.

PA Did she come after you?

MS Oh yeah but she couldn't find me because I went out to the field.

PA Did you run away or did you just walk?

MS Oh I ran. I did as fast as I could just to get the hell out of there.

PA Mrs. Fernandez which would be your mother in law.

MS Yeah.

PA So she witnessed this altercation?

MS She witnessed the altercation in the bedroom.

PA And at any time did she join in?

MS No.

PA Did she touch, push or hit you at all?

MS No she just, she was just standing there yelling she was scared to death. I could tell she was scared to death I could see it in her face. You know and I didn't want to, she's 75, 76 years old I don't want to turn around and have her have a heart attack or something there then I'd have to live with it. No I wanted out, I wanted to go.

PA Did you at any time touch, strike or push your mother in law Mrs. Fernandez?

MS No, no I would never do that.

PA And do you remember who called 911?

MS She did, Rosie. Teach me a lesson.

PA Did you call for assistance at all?

MS No. I would never touch the phone.

PA Why didn't you call for assistance?

MS Because I figured if I got away from the house and stayed away from the house I'd be all set and I didn't want to bring a bad, I didn't want to put a mark on the sheriff's department when there's no need to.

PA What I want to do real quick is to touch on some of the statements that were made in the report now. When I asked you earlier and you weren't sure where the scratches on your face occurred or how they happened and you remember now, and you said that you didn't call her an off color comment, you said you called her a whore.

MS Uh huh.

PA Going back to the statement that the deputies had written down in the reports about her injury, does that still stand or...

MS Her knee?

PA Yes.

MS Oh yeah that was done on the pool deck.

PA Ok but your statement to the deputies according to the report said that she must have gotten that giving a guy a blow job, you did not say that?

MS That's not, no, I did not say that.

PA Ok and according to Dep. Moss Ms. Fernandez your mother in law says this occurs whenever you consume alcohol, is this...

MS No actually, it doesn't occur when I, I don't drink per say that much ok. I have maybe two or three beers a week ok, it's usually on a Saturday after I cut the lawns ok. And most of the time if I go out and we go to a party, an adult type party ok I come home and if I'm a little intoxicated we usually, her and I will just sit there and sing the tequila song ok and I lay on her bed we just lay there and laugh and joke and we sing songs ok. This is, this isn't caused as much from the alcohol as bringing back bad memories or seeing my wife flirting and hanging on to another guy ok, and yeah from what my wife says that she's a lot prettier now yeah. She had a tummy tuck ok? And since she's had a tummy tuck she just thinks she's the queen bee. I mean she'll go out there and she'll go on the dance floor she'll wiggle her ass and everything else but if you're at an adult type place it don't bother me because I'm in my own type of atmosphere people my age ok? But her son my wife's oldest son came home from the Marine's last August. We took him to an adult party and there was this lady there. This lady was trying to hustle him and my wife says "oh that's so cute" blah blah blah, "Look she's hot after my son" but then when we got home and the lady called her up and said "hey listen give me your son's phone number.." and blah blah blah and completely rocked this kid off his feet. Ok, and he was calling her to the point where she got second thoughts and said no it's not worth the fling and she told my wife to have her son stop calling ok, that type of thing. Ok, that she's not interested and it wouldn't be right and blah blah and my wife got upset. And I said "Well what do you think you're doing here with these 20 something year olds at these parties. What do you think you're doing to them?" I says "you did the same damn thing down at Dexter's". "I'm sitting at the bar" and I says "and having a beer and you're up there dancing" which I have no objections to, she can dance all night long. But when the dance is over she comes back to me. Well she came back got her glass and went and sat at the table with these bunch of guys, young kids. "What are you doing?" "oh well I..." you know and she you know she hangs on them. Now I'm not saying she's cheating on me I'm not saying she's, but it don't look right and it's feeding these kids stuff that they don't need and you try and explain it to her you know these kids will follow us home one night, see where we live I said "and you're so damn scared of somebody breaking into the house what's gonna happen if I'm at work or something during the day

and this kid comes and says hey remember that night you were flirting with me, you were leading me on? Well now I'm here for my piece of pie" she don't see that and that's what upsets me you know.

PA Ok. Now you mentioned to me that your son in law may have been inside the house during the altercation, is that, was there anybody else in the house?

MS Well from what I understand, I don't know I wasn't in the house long enough ok. But from what I understand her nephews were there ok, and I don't know whether her son was there if she said her son was there or her son wasn't there I don't really remember. But I wasn't there, I mean I came into the house to change we ended up with an argument in the bedroom and then I went outside then I came in and changed but I didn't see anybody or, I just went straight line tunnel vision right to my bedroom I want to get my pants and stuff on and be done with it.

PA So to your recollection it was just you know people present were your mother in law and your wife?

MS Just my mother in law, me and her.

PA Ok. You said you drink about two or three beers a week and usually after you cut the grass?

MS Yeah it's usually on Saturday's. I don't drink during the week because I go home, I work out and stuff like that and I've got the weights set up in my living room. Not my living room my family room type of thing so I go home and I exercise and stuff and she has a glass of wine or two a day you know but I don't drink until usually Saturday. Saturday or Sunday if we go someplace like last Sunday where did we go? Crabby Joe's down off by Dunlawton Bridge on the ocean side. We went in there and we had some chicken wings and I had two beers and we came home.

PA Ok. And do you know what the current status of your criminal case is?

MS No but I'll tell you they haven't filed yet. I think from what I understand that they'll probably dismiss it tomorrow.

PA Tomorrow?

MS Because I have an arraignment tomorrow afternoon at 1:30 but I haven't talked to anybody I don't, I don't want to. I've done enough damage to the sheriff's department here as it is. I don't need to go talk to the state or ask somebody to talk to the state or whatever and have them say can you imagine this guy what the fuck he's doing here you know.

PA Ok, and do you have an attorney?

MS No.

PA No?

MS They appointed a public defender but if I need one I'll grab one I know enough of them but I don't think I'm gonna need one because like I said I don't see anything here.

PA And have you discussed this case with your wife and mother in law since your arrest?

MS Oh yeah my wife's all upset because you know everything's going on.

PA And in those discussions what...

MS Oh no you mean discuss the actual case, no.

PA No?

MS No.

PA Ok.

MS No you told me not to, says don't discuss with anybody so no.

PA So you have not...

MS My wife doesn't even know I'm here today.

PA Ok. So just...

MS My mother in law did say something the other day, you called her the other day?

PA Yes.

MS She did say "Mike somebody called for me" she's sitting there and she's thinking and I says "well who was it?" she says "somebody from the sheriff's department" I said "well did they say what they wanted?" she says "yeah he's investigating something" I said "was it Lt. Adkins?" "yeah yeah that's the name" I says "ok"

PA So you have not threatened or coerced either one of them to not come and cooperate with us or the state attorney's office?

MS No she came down and picked me up the next morning.

PA Ok. Alright, you have anything that you'd like to add or delete from the statement you've provided me today?

MS No.

PA And the last thing I would like to do before we conclude the interview is; do you feel you have violated policy 26.2.127 Misdemeanor injurious to the department? If you need a chance to read...

MS By being arrested?

PA This is the, just a copy of the letter for the record, this is a copy of the letter that was provided to you when you were served with your notice of internal affairs...

MS I remember the letter it's on my desk at home. No I don't think I committed the misdemeanor ok.

PA Ok and do you feel that you violated County Merit System Rules and Regulations 86-453 sub 13?

MS Which one is that?

PA This one down here. Once again we're referring to the letter of notice of internal affairs.

MS Uh, no I don't think I've done that because I didn't do anything really. I'm just trying to protect myself and get out of the situation but yeah by having my name in the newspaper I suppose it could point out that I embarrassed the sheriff's department and embarrassed the county yeah.

PA So do you feel yes or no that you violated that policy?

MS No I don't feel as though I violated a policy in my actions, but the action that occurred from my actions maybe. Do you understand what I'm saying?

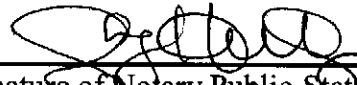
PA Yes sir I sure do. With that being said the time is 1430 hours and that will conclude the interview.

I, Lt. Paul Adkins, swear that the forgoing is an accurate transcription of the sworn recorded statement of Deputy Michael Stott taken by me on September 27, 2011.

(Signed)



Sworn to and subscribed before me this 28th
Day of October, 2011.



Signature of Notary Public-State of Florida



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

My Commission Expires:

My Commission Number is:

Personally Known

Produced identification

Type of Identification Produced

Witness Statement

PA – Lt Paul Adkins TM – Sgt. Tim Morgan GM – Sgt. George Maddox

PA Ok the recorder is on. This is will be a taped interview in reference to IA-11-009. Today's date is 9-16-11 and the time is 0923 hours. The location of this interview is the District Two office. Presently being interviewed is Sgt. George Maddox. Also present is Sgt. Tim Morgan with the Volusia County Sheriff's Office Internal Affairs unit. I am Lt. Paul Adkins with the Volusia County Sheriff's Office Internal Affairs Unit. Sgt. Maddox, are you aware this interview is being recorded?

GM Yes I am.

PA As a Florida law enforcement officer and a Notary Public of the state of Florida I am empowered to take sworn statements. At this time I would ask you to raise your right hand to be sworn. Do you swear that the statement you're about to give is the truth, the whole truth, and nothing but the truth so help you God?

GM Yes.

PA Sgt. Maddox how long have you been working for the sheriff's office?

GM Probably 15 years going on 16.

PA And in that period of time what areas have you worked in?

GM District two, I was an SRO for a stint and that's pretty much it.

PA And your current assignment is?

GM District two patrol.

PA As a?

GM Patrol sergeant.

PA And Sgt. Maddox were you working on September 3rd of this past year or this year?

GM Yes I was.

PA And did you respond to a call at [REDACTED]?

GM Yes.

PA And in your own words can you tell me about that call?

GM Yes. We received a phone call, central received a phone call a 911 call apparently from a female that was yelling for help on the phone according to the call saying "hurry up". At that point I observed the location of the address, the name that came up came up to a Michael Stott and at that point I knew the Michael Stott or we're familiar with Michael Stott being a deputy with the Volusia County Sheriff's Office. Myself and Dep. Bainbridge immediately responded to the scene and when we arrived at the location near the area Dep. Kevin Moss he joined us there prior to walking up to the house. Once we arrived near the location we walked up basically on foot up to the residence close enough to where we can actually see the residence and at which time I notified central to make a phone call into the residence to have the subjects inside walk outside.

PA Go ahead.

GM Ok, once central got a hold of someone inside both parties walked outside. As myself, Dep. Bainbridge and Dep. Moss approached we observed Michael Stott walking towards the outside. I immediately put my light on him and told him "just walk towards me". When he walked towards me and the other deputies he immediately put his hands out and said "go ahead, take me to jail". At that point Dep. Bainbridge I believe began interviewing the wife while we just stood by, myself and Dep. Moss stood by with Michael Stott. At that point once I determined the, from once I got the information from Dep. Bainbridge that there was a physical altercation involved I immediately notified the watch commander which also responded to the scene. The deputies, Dep. Bainbridge conducted his investigation. I assisted to make sure that the investigation was being conducted thoroughly at which point Dep. Stott was subsequently taken into custody.

PA Ok. When you were standing with Dep. Stott and Dep. Moss what did Dep. Stott tell you? Did he give you, what was his version of events? Did he tell you anything?

GM He was just rambling on about he was tired of women in general. He just continued, he was just rambling. He did advise that he had been drinking and just pretty much saying "take me to jail" he said that maybe two, maybe two or three times and like I said he did indicate that he had been drinking.

PA Did he tell you that he and Mrs. Fernandez Stott were involved in any kind of altercation?

GM Yes he did confirm that they were in an argument and he was upset because of her flirtatious behavior. But like I said he was just continuing, he was rambling about other things and then while he stood there talking to Dep. Moss I walked away so I didn't hear the entire thing.

PA Ok. Did he, did you hear him say how this all started this evening?

GM No more than he said he was upset with his wife for being flirtatious with a younger gentlemen.

PA When you were talking with Dep. Stott did you detect an odor of an alcoholic beverage on or about his person?

GM No I didn't detect, I didn't get that close to detect any odor on his person.

PA Ok did he appear to be intoxicated?

GM Yes he did appear to be intoxicated.

PA And what were your observations that would lead you to believe that he had been intoxicated?

GM His speech was slurred slightly, not much. He wasn't to that stint to where he was falling off his feet or anything. He was able to stand on his own. Just glossy eyes and just slurred speech.

PA Ok when you first approached him, I know you already mentioned it, what was his demeanor like?

GM He was calm but noticeably upset over whatever had taken place that night.

PA Did he ever admit to you that he struck Mrs. Fernandez Stott?

GM No not to me.

PA Did you observe any injuries on Dep. Stott?

GM I didn't observe any injuries, I, according to the deputy the deputy observed on his neck. However I did observe on the female injuries, abrasions to her legs.

PA Ok.

GM Her right let.

PA And did you happen to get the opportunity to speak with Mrs. Fernandez Stott, his wife?

GM Well I was listening in while the deputy, Dep. Bainbridge was interviewing her and obtaining the statement and basically her statement was that they were in an

argument and she went to, wanted to talk with him and apparently he didn't want to talk but he stood up and pushed her shoved her to the ground.

PA Did she ever admit to striking Dep. Stott at all?

GM No not to my knowledge.

PA And the injuries that you observed to her knees, were they consistent with her version of events?

GM Yes it appeared.

PA And what was her demeanor when you spoke with her or when she spoke to Dep. Bainbridge that you observed?

GM She was, once again she was also upset however she didn't want her, she didn't want Michael to get in any trouble but she appeared to be afraid.

PA Did she ever express to you in words that she was afraid of Dep. Stott?

GM Yes at the beginning. Well she said she was afraid, that's the reason why she called because she didn't know what was going to happen next so she wanted, she wanted support immediately.

PA Now did she, did you detect an odor of alcohol on or about her person?

GM No.

PA And did she appear to be intoxicated?

GM Slightly. Like I said both appeared slightly intoxicated not to where they were physically falling.

PA And were you present or did you speak with Mrs. Maria Fernandez I guess the mother or Maria Fernandez or Rosa Fernandez Stott. The mother of Dep. Stott's wife.

GM I only assisted with listening to Dep. Gordon and Dep. Adamczyk obtain the statements from her.

PA Do you recall anything that she may have relayed to those deputies?

GM No, no more than she had a little language problem. I really couldn't understand what she was saying however Dep. Gordon and Dep. Adamczyk spoke with her to try to obtain the information and I didn't really get that much information from her.

PA Based on your...

GM Oh...

PA Go ahead.

GM I do remember one thing she was saying. That it was the whole thing is over alcohol.

PA Uh huh.

GM And she said if they wouldn't drink alcohol this would have never happened.

PA Based on your observations during the investigation did she appear to be fearful of Dep. Stott?

GM The mother?

PA Yes.

GM No not to my knowledge.

PA And based on your observations there did she say that she witnessed the altercation?

GM No she never indicated that she witnessed the altercation however she witnessed after the fact when both parties returned back into the home and apparently Dep. Stott struck some furniture and broke a glass on the floor. But she according to her she never witnessed the actual incident.

PA And according to your observations or investigation was she ever struck?

GM No.

PA Was the mother...ok. And you did have the opportunity to go inside the house?

GM Yes I did.

PA And can you describe the condition of the house inside?

GM Apparently the mother had already cleaned up the some glass, small glass that I observed on the floor. It was already clean and mopped. She had already cleaned up the interior of the residence.

PA Did there appear to be any kind of alcoholic beverage inside the residence?

GM No.

PA And based on the investigation how did you or Dep. Bainbridge come to the conclusion that Dep. Stott was the primary aggressor?

GM Based on the observations of himself initially coming to us saying "take me to jail" as if he was guilty. Also the part where he was obviously upset over what his wife had done that night and what the initial call that came up on 911 she was yelling screaming for someone to hurry up for help and also in the 911 call it indicated that a male was hitting the female or hitting her.

PA Ok. And just to clarify real quick, did Dep. Stott ever tell you that he struck Mrs. Fernandez Stott?

GM No.

PA Did Dep. Stott ever tell you that they were involved in any type of altercation at all?

GM Yes that's not, he wouldn't say that he was involved in a physical altercation however the verbal altercation he confirmed that he was upset with her because something had happened that night.

PA Ok. And Dep. Stott never or did Dep. Stott ever tell you guys that Mrs. Fernandez Stott struck him? Did he ever say that she...

GM I think we find out after the fact after I think after he was in custody and then that's when that part came out but Dep. Bainbridge had all the information as far as that because that was discovered after the, after he was taken into custody I do believe.

PA Ok and going to Mrs. Fernandez Stott, she said that Dep. Stott pushed her correct?

GM Yes.

PA Did she ever say that he struck her other than the push?

GM She indicated that she was struck in the face however there was no signs of any, there was no indication that she had been struck in the face.

PA And when you say she indicated to you guys she was struck in the face did she say "he struck me in the face"?

GM Yes. When she went outside to show the actual location at which it took place at the rear of the residence she was demonstrating that he shoved her to the ground.

She got up and I believe she was shoved again and then he struck her in the face. And once again once we investigated that portion of it we found no indication that she had been struck in the face however it is believed that she had been shoved to the ground.

PA Ok so no physical evidence to corroborate her claim that she was struck in the face?

GM Right.

PA No how about the ground around where this incident took place, did it look like it had been (inaudible)...

GM We could never determine the actual location because there's, it's a huge yard. She was pointing in several different locations. It's all grassy area so it's not like any indication in the dirt or in the grass show an exact location where the incident may have taken place. However the injury to her knee, the abrasion to her knee does seem like it could have happened in that area she indicated.

PA Ok. And during your interview with or during your contact with Dep. Stott was he ever disrespectful towards you or any other deputies on scene?

GM Not at all.

PA Sgt. Morgan do you have any questions?

TM Yeah, one second. Sgt. Maddox you said when you responded, and I'm going to go back to more towards the beginning here.

GM Ok.

TM You walked up to the house to see what you could see basically. Did you see anything?

GM I saw, once the, I notified central I saw both parties coming off the porch together.

TM And while you were standing there did you hear anything? Yelling, screaming?

GM No.

TM And the mother, the mother in law within the residence she made a reference to alcohol consumption?

GM Yes.

TM Did she lead you to believe this was a common occurrence within the residence?

GM Yes.

TM Did any parties there admit that this happens frequently or there's...

GM No, no one said anything about anything frequently, however as I said before the mother or the mother in law appeared to believe that it was alcohol, I could understand her saying that she said alcohol is the problem.

TM And you observed the injuries to Mrs. Fernandez Stott. Did you have the occasion to talk to Dep. Stott about his opinion how she was injured?

GM No, Dep. Bainbridge interviewed him about that. I didn't get into any questioning as far as how the incident took place.

TM So there was no mention or you didn't overhear or hear Dep. Stott make any comments about her injuries to her knees?

GM No more then when he was talking to Dep. Bainbridge about, because he was rambling like I said he was rambling on and on about several different things and the only part that come out after the fact once he was arrested was the part about he was upset with her because she was flirting with a younger male and then they indicate him saying that he never hit her or never shoved her or never pushed her.

TM He did make that statement to you?

GM Not to me, to Dep. Bainbridge.

TM You were present when that statement was made though?

GM Yes.

TM He said he never hit, struck, slapped, pushed or anything like that?

GM Right.

TM Was there ever mention of how much alcohol he had consumed?

GM No.

TM And I believe you touched on this but I'll touch on it one more time. You said you went in the house and there was some furniture pushed around and some broken glass on the floor that the mother in law had cleaned up?

GM Yes.

TM Were you able to determine who broke that?

GM According to the mother in law Michael Stott did. Said he was upset when he returned back in to the house and he began throwing a couple of glass, hit a couple of furniture, knocked a couple things on the floor and she immediately cleaned it up.

TM Where was this at? What part of the house?

GM In the living room.

TM And when the watch commander arrived on scene, I don't want you to speak for the watch commander, what did he observe? Was the incident still continuing or was it pretty much over?

GM Well we were still conducting the overall investigation.

TM Ok.

GM We were basically trying to make the determination as to who was the aggressor and at that point I think just prior to he coming on scene I think we did make that determination that Michael Stott was the primary aggressor in the case.

TM And do you recall where Dep. Stott was sitting or where he was at when the watch commander arrived?

GM He was standing outside in front of the residence with Dep. Moss.

TM Ok, and do you know if the watch commander actually spoke to Dep. Stott?

GM I didn't witness him.

TM Ok. That's all I have.

PA Ok, Sgt. Maddox is there anything that you'd like to add or delete from your statement today?

TM No, that's it.

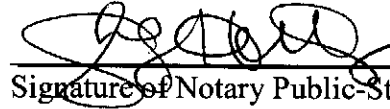
PA Ok with that being said the time is 9:43 and that will conclude the interview.

I, Lt. Paul Adkins, swear that the forgoing is an accurate transcription of the sworn recorded statement of Sgt. George Maddox taken by me on September 16, 2011.

(Signed)



Sworn to and subscribed before me this 28th
Day of October, 2011.



Signature of Notary Public-State of Florida

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

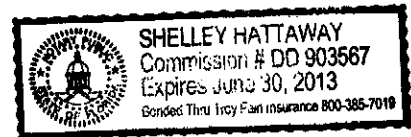
My Commission Expires:

My Commission Number is:

Personally Known

Produced identification

Type of Identification Produced



**IN THE COUNTY COURT, SEVENTH
JUDICIAL CIRCUIT, IN AND FOR
VOLUSIA COUNTY, FLORIDA**

STATE OF FLORIDA

VS.

CASE NUMBER: 2011-07104MMAWS

MICHAEL W STOTT

INTERNAL AFFAIRS

A DEFENDANT

OCT 07 2011

RECEIVED

ANNOUNCEMENT OF NO INFORMATION

The State of Florida, by and through its undersigned Assistant State Attorney, announces and hereby files a No Information or intent not to prosecute with respect to the following charge(s):

- 1) DOMESTIC BATTERY

Dated this 7 day of October, 2011, A.D., at DAYTONA BEACH, Florida.

Ashley Maxwell
ASHLEY MAXWELL
ASSISTANT STATE ATTORNEY
BAR NUMBER: 0084465

PHYSICAL EVIDENCE: VOLUSIA COUNTY SHERIFFS OFFICE, VCSO110026555

IS NO LONGER NEEDED FOR COURT AND MAY BE DISPOSED OF ACCORDING TO LAW.

HOLD FOR FURTHER COURT PROCEEDINGS AND/OR INSTRUCTIONS.