

**IN THE CIRCUIT COURT FOR THE SIXTEENTH JUDICIAL CIRCUIT
IN AND FOR MONROE COUNTY, FLORIDA**

**CITY OF KEY WEST, FLORIDA
CITIZEN REVIEW BOARD,**

CASE NO.: 2009-CA-1008-K

Plaintiff,
vs.

PABLO RODRIGUEZ,

Defendant.

**PLAINTIFF, CITY OF KEY WEST, FLORIDA, CITIZEN REVIEW
BOARD'S NOTICE OF WITHDRAWAL OF SUBPOENA**

The Plaintiff, CITY OF KEY WEST, FLORIDA, CITIZEN REVIEW BOARD ("CRB"), hereby gives notice that it has withdrawn the Subpoena for Testimony directed to Pablo Rodriguez, and no longer seeks enforcement of said subpoena, and states further:

1. This is an action to enforce a Subpoena for Testimony duly issued by the City of Key West, Citizen Review Board ("CRB") for the testimony of Officer Pablo Rodriguez before the Citizen Review Board.

2. The CRB is reviewing the circumstances that led to the issuance of the search warrant in a criminal investigation of Omar Brown (CRB Case No. 07-001). The search warrant was issued at the request of Officer Pablo Rodriguez of the Key West Police Department, who signed a sworn Affidavit and Application for Search Warrant.

3. In his CRB complaint, Mr. Brown contends that Officer Rodriguez falsely stated in the search warrant affidavit that he "has arrested [Omar Brown] in the past."

4. The CRB conducted its own investigation to determine whether Mr. Brown

previously had been arrested by Officer Rodriguez. The CRB found no evidence of prior arrests. In an effort to resolve the discrepancy, the CRB requested that Officer Rodriguez appear voluntarily before the board to explain the factual circumstances regarding prior arrests of Mr. Brown by Officer Rodriguez. Officer Rodriguez refused to appear before the CRB on the advice of his attorney.

5. At a regularly scheduled meeting of the CRB conducted February 9, 2009, the CRB voted unanimously for the issuance of a subpoena to Officer Rodriguez for testimony before the CRB. On March 10, 2009, the Chairman of the CRB, Bryan Green, executed a Subpoena for Testimony for Officer Pablo Rodriguez of the Key West Police Department for testimony before the CRB. The subpoena commanded Officer Rodriguez to appear before the CRB on April 27, 2009, at 6:30 p.m. at Old City Hall, 510 Greene Street, Key West, Florida. The subpoena was served on Officer Rodriguez in accordance with Florida law.

6. Officer Rodriguez failed to appear before the CRB as directed by the subpoena.

7. The CRB then commenced this action to enforce its subpoena.

8. On Thursday, January 21, 2010, the CRB obtained a copy of the transcript of the hearing on Omar Brown's motion to suppress in the criminal case styled: *State of Florida v. Omar Brown, et al.* In that case, Officer Rodriguez was examined under oath by both the state attorney and Omar Brown's attorney regarding prior instances where Officer Rodriguez had "arrested" Mr. Brown. The CRB was not able to conduct a public meeting regarding the status of the subpoena until the evening of Monday, January 25, 2010.

9. The CRB is satisfied that all questions that it would have asked Officer Rodriguez had Officer Rodriguez responded to the CRB subpoena, were asked and answered by Officer

Rodriguez in the criminal proceeding. As a result, the CRB voted at a public meeting conducted January 25, 2010, that it no longer requires the testimony of Officer Rodriguez to complete its investigation of Omar Brown's complaint to the CRB, and directed that the Subpoena for Testimony be withdrawn.

CONCLUSION

For the reasons stated above, the CRB withdraws the Subpoena for Testimony it issued and served on Pablo Rodriguez and no longer seeks enforcement of the subpoena.



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**Attorneys for CITY OF KEY WEST
CITIZEN REVIEW BOARD**

CERTIFICATE OF SERVICE

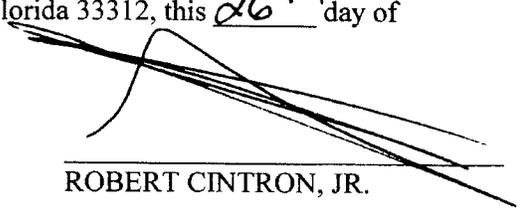
I HEREBY CERTIFY that a true and correct copy of this document was furnished by:

United States Postal Service First Class Mail, Facsimile Transmission (954.791.2141),

Hand delivery, E-Mail, and/or Express Courier, to **RHEA P. GROSSMAN, ESQ.**,

2650 West State Road 84, Suite 103, Ft. Lauderdale, Florida 33312, this 26th day of

JANUARY 2010.



ROBERT CINTRON, JR.