



Citizen Review Board  
City of Key West Florida  
Executive Director's Memo

TO: Board Members

FROM: Stephen Muffler, Esquire

DATE: 12/3/08

RE: Omar Brown CRB Case #07-001  
CRB Investigation Activity/Report

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On November 24, 2008 the Board Directed a limited investigation into the existence of a statement under oath and/or copy of the arrest affidavit (if they exist) by Officer Rodriguez related to Mr. Omar Brown's arrest and/or current prosecution. If you recall, the complainant, Mr. Omar Brown, alleges that Officer Rodriguez "lied" in paperwork submitted for his arrest and/or prosecution. To date, I have not found any evidence to substantiate such an allegation.

I have reviewed the voluminous files at the courthouse concerning Mr. Omar Brown and his co-defendant. I have copied, and attached hereto, the only filings (two letters authored by Mr. Brown) that allege such misrepresentation by Officer Rodriguez. The judge nor the attorneys involved in Mr. Brown's case have raised this issue in the case.

I have attached a copy of the "arrest affidavit" in Mr. Brown's criminal case. As it reflects, Officer Rodriguez is not the attesting officer. The arrest warrant was actually sworn to by Detective Diane Lipinski. Further, I have attached the deposition transcript of Officer Rodriguez relative to Mr. Brown's file. As you will read, Officer Rodriguez was assigned to watch the structure during the initial search of the premises while a "search warrant" was being secured. Therefore, it would be a logical conclusion to draw that Officer Rodriguez could not have made any misrepresentations under oath to secure a "search warrant" as he was physically assigned to other duties while the warrant was being secured from a judge by other officers.

I did come across one court filing (State's Supplemental Discovery Disclosure), attached hereto, which mentions a "one page" report authored by Officer Rodriguez. The courthouse file is absent a copy of this "one page" report. I have authored a letter to Mr.

Brown's public defender, a copy of which is attached hereto, requesting a copy of this report. I have not heard back from the Public Defender's Office as of the date of this report.

Attached for your review:

1. The arrest affidavit and issued arrest warrant in Omar Brown's Criminal Case No. 2006-CF-1071-A-B-K;
2. Deposition of Officer Alvaro Rodriguez dated July 7, 2008, in Omar Brown's Criminal Case No. 2006-CF-1071-A-B-K;
3. Mr. Omar Browns Handwritten Filings in Omar Brown's Criminal Case No. 2006-CF-1071-A-B-K;
4. Two Supplementary Discovery Responses and notice of consolidation of cases filed by the State Attorneys Office in Omar Brown's Criminal Case No. 2006-CF-1071-A-B-K; &
5. Letter dated December 2, 2008, addressed to Mr. Omar Browns public defender (note typos on letter: Omar Brown's file # is actually CRB 07-001 & the letter was mailed and NOT Hand delivery) .

**The Board should now decide if it desires me to continue this investigation and secure a copy of this "one page" report or should the investigation be concluded and the Board can vote on a motion concerning Mr. Brown's last allegation of "untruthfulness" against Officer Rodriguez.**

**1**

**COPY**

IN THE CIRCUIT / COUNTY COURT, 16TH JUDICIAL CIRCUIT,  
IN AND FOR THE COUNTY OF MONROE, FLORIDA

STATE OF FLORIDA

Originating agency: Key West Police Department  
Originating agency Case Number: 06-5439  
Warrant No: 2006-CF-1071-K

VS

OMAR RICARDO BROWN

### ARREST WARRANT

WHEREAS, complaint on oath and in writing, supported by affidavit of a credible witness, or witnesses, has this day been made before the undersigned Judge WAYNE MILLER,

WHEREAS, said facts made known to me and considered by me have caused me to certify and find that the facts set forth in said affidavit show and constitute probable cause for the issuance of this warrant and the Court being satisfied of the existence of said grounds set forth in the affidavit and that the laws of the State of Florida have been violated.

Based on a finding of probable cause, you are commanded to arrest the above-named defendant and bring the defendant without unnecessary delay before this court to answer to the charge of: ROBBERY (ARMED) And GRAND THEFT contrary to Section(s): 812.13 & 812.014 of FLORIDA STATUTES.

GIVEN UNDER MY HAND AND SEAL THIS 3 DAY OF SEPT 2006

JUDGE [Signature]

BOND \$ 250,000.00

#### Description of defendant:

NAME:	OMAR RICARDO BROWN
DATE OF BIRTH:	26 DEC 1974
RACE:	B
SEX:	M
HEIGHT:	507
WEIGHT:	150
EYE COLOR:	BRO
HAIR COLOR:	BLK
SSN#:	263-57-7707
FL. DL#:	
LAST KNOWN ADDRESS:	3636 Duck Ave. Key West, FL 33040

#### Extradition Information:

The State will extradite the defendant:

- State of Florida Only
- From any contiguous state
- From anywhere in the continental United States
- From anywhere

Jail Booking No	Offense No MCSO06OFF010457	Other No MCSO06CAD110208	OBTS 440/03/423
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[ SUSPECT ]

Last First Middle Title Race Sex DOB Age Hgt Wgt  
 BROWN OMAR RICARDO \*\*\* B M 11/4/1977 29 5'07" 150  
Eyes Hair MNI Number SSN I.D. No. St Type OCA/Agency ID  
 BRO BLK MCSO00MNI425744 263-57-7707 B-650-640-77-40 FL 06/07/2006

Birth Location: City: MIAMI County: DADE State: FLORIDA Nation: UNITED STATES Citizenship: US

Addresses (Current/Last Known is Listed First)

3636 DUCK AVE Apt/Lot: KEY WEST FL 33040 Phone: Entered: 5/24/2005

437 SW 5TH STREET Apt/Lot: HOMESTEAD FL Entered: 4/10/2002

917 CENTER ST Apt/Lot: KEY WEST FL 33040 Entered:

21945 SW MOODY DR Apt/Lot: NARANJA FL Entered:

Occupations (Current/Last Known is Listed First)

Business: UNEMPLOYED, Job Title: , Entered: 5/24/2005

Aliases (Last, First Middle Title DOB)

, 10/20/1977

, 12/26/1974

WALLACE, BRANDON

BROWN, RECARDO 11/27/1975

BRON, RICARDO 11/20/1974

BROWN, RECARDO 11/14/1977

BROWN, RECARDO 11/4/1977

BROWN, RICARDO 12/26/1974

BROWN, OMAR 11/26/1974

Street Names

\* none found in MNI \*

NOV 17 PM 2:01  
 MONROE COUNTY, FLA  
 RECEIVED

[ INCIDENT INFORMATION ]

Occurred Date Range: 11/15/2006 15:23 to 11/15/2006 15:23  
 No. Di Street Apt/Lot City ST Zip (GEO)  
 5501 COLLEGE RD STOCK ISLAND FL 33040 1- 1- 0209

[ CHARGES ]

812.014.2c LARC

LARC - OVER 300 DOLLARS UNDER 20000 DOLLARS

Counts	Level	Degree	GOC	UCR	NCIC	AON
1	Felony	Third	Not Applicable	230G		2399

812.13.2b ROBBERY

ROBBERY - WITH WEAPON

Counts	Level	Degree	GOC	UCR	NCIC	AON
1	Felony	First	Not Applicable	1200		1299

[ STATEMENT OF PROBABLE CAUSE / NARRATIVE ]

WILL EXTRADITE

REF ARMED ROBBERY AND GRAND THEFT

11/2/2006 SUBJ IN CUST MUSCOGEE CO GA1060006 FAX TO DEBBIE-TATYANA 11/2/2006

The above named defendant was arrested on a Monroe County Warrant, Warrant #MCSO06ARR007680. On the charge

TD

of Robbery and Grand theft. Signed by Judge Miller on September 3, 2006. Bond set at \$250,000.00. Defendant currently in custody at the Monroe County Detention Center, Key West, Florida.

Check one

- 1. Monroe County  \_\_\_
- 2. Out Of County  COUNTY \_\_\_
- 3. K.W.P.D.  \_\_\_
- 4. S.A.O.  \_\_\_
- 5. Out Of State  STATE \_\_\_

The above named defendant was arrested on a Monroe County Warrant, Warrant #MCSO06ARR007854. Reference Failure to appear, for the underlying charge of Sell fraudulent substance as controlled substance. Signed by Judge Payne on September 7, 2006. Bond set at \$ 100.00.00. Defendant currently in custody at the Monroe County Detention Center, Key West, Florida.

Check one

- 1. Monroe County  \_\_\_
- 2. Out Of County  COUNTY \_\_\_
- 3. K.W.P.D.  \_\_\_
- 4. S.A.O.  \_\_\_
- 5. Out Of State  STATE \_\_\_

The above named defendant was arrested on a Monroe County Warrant, Warrant #MCSO06ARR007905. Reference Failure to appear, for the underlying charge of Poss/sell controlled substance. Signed by Judge Miller on September 6, 2006. Bond set at \$20,000.00. Defendant currently in custody at the Monroe County Detention Center, Key West, Florida.

Check one

- 1. Monroe County  \_\_\_
- 2. Out Of County  COUNTY \_\_\_
- 3. K.W.P.D.  \_\_\_
- 4. S.A.O.  \_\_\_
- 5. Out Of State  STATE \_\_\_

The above named defendant was arrested on a Monroe County Warrant, Warrant #MCSO06ARR007906. Reference Failure to appear, for the underlying charge of driving with license suspended. Signed by Judge Miller on September 6, 2006. Bond set at \$20,000.00. Defendant currently in custody at the Monroe County Detention Center, Key West, Florida.

Check one

- 1. Monroe County  \_\_\_
- 2. Out Of County  COUNTY \_\_\_
- 3. K.W.P.D.  \_\_\_
- 4. S.A.O.  \_\_\_
- 5. Out Of State  STATE \_\_\_

The above named defendant was arrested on a Monroe County Warrant, Warrant #MCSO06ARR008982. Reference Failure to appear, for the underlying charge of Resist or obstruct officer without violence and possess/sell controlled substance. Signed by Judge Miller On October 4, 2006. Bond set at \$20,000.00. Defendant currently in custody at the Monroe County Detention Center, Key West, Florida.

Check one

- 1. Monroe County XX
- 2. Out Of County      COUNTY
- 3. K.W.P.D.
- 4. S.A.O.
- 5. Out Of State      STATE

Signature (Arresting Officer) Sgt Katz **KATZ, STEVEN** **D622**  
Name ID/SSN

Subscribed and sworn to (or affirmed) before me this 15 day of November A.D., 2006 by \_\_\_\_\_  
who is personally known to me or has produced \_\_\_\_\_ as identification.

Signature [Signature]      Notary Public      LEO   X   CO

Commission No: \_\_\_\_\_ My Commission Expires \_\_\_\_\_

Supervisor Signature \_\_\_\_\_ Date \_\_\_\_\_ Supervisor Name ( Please Print ) \_\_\_\_\_ Rank \_\_\_\_\_

[ PHYSICAL EVIDENCE ] [ NO PHYSICAL EVIDENCE LISTED ]

[ ARREST INFORMATION ]

Arrested	Residency	Injured	Extent of Injury	Resist
11/15/2006 19:18	Within jurisdiction			
		Arrested Prior	Arrest Jurisdiction	Alcohol
				Drugs
No.	Di	Street	A/L	City
5501		COLLEGE RD		STOCK ISLAND
Arresting Officer			Unit	ST Zip
D622 KATZ, STEVEN			(GEO) 1 - 1 - 0200 -	FL 33040
Reporting Officer			Unit	Officer Type
D706 MCDOWELL, CHRISTOPHER			MCSO\CORRECTIONS	
			MCSO\CORRECTIONS	Agency
				MCSO
Forward to for approval				
MCSO\CORRECTIONS				

Bond Set by LEO at Time of Arrest & Booking: \$0.00

- ( ) None
- ( ) ROR
- ( ) Cash
- ( ) Pro

Bond Set by Judge ( ) None ( ) ROR/Sign  
\$250,000.00 (X) Cash ( ) PTR  
 ( ) Any  
 (X) Pro  
 ( ) PtrIQ

( ) Purge T107581911 W111037670

vs.  
Brown, Omar

MAGISTRATE NUMBER \_\_\_\_\_  
CASE NUMBER CFK-06-1071

The following are hereby notified that the above cause is set down for hearing before the Honorable Judge Muller 12-5, 2006 at 8:45 (a.m./p.m.)

TYPE OF HEARING

LOCATION

- Arraignment
- Hearing
- Disposition Conference
- Trial by Jury
- Trial by the Court
- Sentence

Monroe County Courthouse Annex  
500 Whitehead Street  
Key West, Florida  
(305) 294-4641

- Branch Courthouse  
3117 Overseas Highway  
Marathon, Florida  
(305) 289-6027
- Branch Courthouse  
88½ Mile Marker  
Plantation Key, Florida  
(305) 852-7145

**NO SHORTS, TANKTOPS OR  
BATHING ATTIRE ALLOWED IN  
THE COURTROOMS.**

PLEASE BE GOVERNED ACCORDINGLY, State Attorney  Bondsman \_\_\_\_\_  
I certify that copies of this notice were furnished to: Defendant  Attorney Nat  
by mail or delivered this 10 day of \_\_\_\_\_, 20 06.

I ACKNOWLEDGE RECEIPT OF THE FOREGOING NOTICE  
AND DO HEREBY CERTIFY THAT MY MAILING  
ADDRESS IS 3636 Dyeck Ave  
Key West FL

RICHARD D. ROTH  
(SHERIFF)  
By Denton Date 11-15-06  
Booking Officer

AND THAT I WILL ADVISE THE CLERK IN WRITING OF ANY CHANGE OF MY ADDRESS.

DANNY L. KOLHAGE  
(CLERK OF THE CIRCUIT COURT)  
By \_\_\_\_\_ Date \_\_\_\_\_  
Deputy Clerk

SIGN Omar Brown  
DEFENDANT

Note: Any questions concerning above please call or come to the above indicated location.

File Copy    Defendant - Green Copy    Attorney - Yellow Copy    Bondsmen - Pink Copy    State Attorney - Gold Copy

*JK*

2006-CF-1071-K

**ORIGINAL ARREST AFFIDAVIT**

{ **1. ROBBERY (ARMED)** } IN VIOLATION OF FLORIDA STATUTE { **FSS 812.13** }  
 { **2. GRAND THEFT** } IN VIOLATION OF FLORIDA STATUTE { **FSS 812.014** }

IN THE CIRCUIT / COUNTY COURT, 16TH JUDICIAL CIRCUIT, COUNTY OF  
 MONROE, FLORIDA STATE OF FLORIDA VS: { **OMAR RICARDO BROWN** }

CASE #: 06-5439  
 DATE OF BIRTH: 26 DEC 1974  
 RACE: B  
 SEX: M  
 HEIGHT: 507  
 WEIGHT: 150  
 EYE COLOR: Bro  
 HAIR COLOR: Blk  
 SS#: 263-57-7707  
 FL. DL#:

SEARCHED  
 SERIALIZED  
 INDEXED  
 FILED  
 SEP 11 2006  
 MONROE COUNTY  
 FLORIDA

In the name of the State of Florida, to all singular the sheriffs of the State of Florida, **Detective Diane Lipinski** of the Key West Police Department has this day made oath that on the { **02 September 2006** }, in the county aforesaid, one: { **OMAR RICARDO BROWN** } of { **3636 Duck Ave. Key West, FL 33040** } did then and there:

Enter the Beachcomber Jewelry Store at 2786 N. Roosevelt Blvd. with Co-defendant Laquenton Cade, armed with a handgun, in which they threatened the victims (employees of the store) with the gun and ordered them to get to the ground. One of the defendants proceeded to smash two showcases containing approximately \$70,000.00 in jewelry and took it with intent to permanently deprive the owner of the property.

At approximately noon on September 2, 2006, an armed robbery occurred at Beachcomber Jewelers, 2786 N. Roosevelt Blvd., Key West, Monroe County, Florida. Two employees were on duty at the time. The employees reported that two males—at least one of whom was black—wearing dark clothing entered the store. One assailant was described as a black male, approximately 5'8" tall, with an average build, wearing a dark-colored knit hat with a short visor and blue gloves that the employees described as "textured." This assailant had his face partially covered by the collar of a dark turtleneck-type shirt, which he had pulled up to conceal his face. This assailant pointed what appeared to be a dark-colored handgun at the employees and ordered them to lie on the floor. He then stood between the prone employees and pressed the gun into their backs while the other assailant began smashing the glass jewelry cases and removing the jewelry inside. The assailant who collected the jewelry wore a dark bandana to cover his face. Once the jewelry (estimated to be worth at least \$70,000) was collected, the assailants fled out the back door. One of the victims recalled a couple coming into the store earlier in the week looking at the same rings and jewelry in the same cases as the

ones that were stolen. She described the female as a black female with braided colored hair with tattoos on her upper chest that were visible and unique. She described the male as a black male, thin with black matted hair that looked like a wig.

Rebecca Kasper, an employee of an adjacent store, heard loud noises inside Beachcomber Jewelers and came to investigate. When Kasper opened the front door of the jewelry store, she saw a person exiting through the back door. Kasper described this person as 5'8" tall, with a thin build, wearing dark clothing and a dark bandana covering his face.

Eveling Darce, who had been inside Beachcomber Jewelers that morning washing the windows, reported that between 10:30 and 11:00 a.m. she had seen a white four-door with some kind of dark material covering the passenger-side windows make two slow passes by the business.

Shortly after noon, the Key West Police Department received a call from Maria Terrell, who reported that she had just seen her ex-husband Omar BROWN driving her car (a white four-door Dodge Stratus) in the company of three other black males. Terrell reported BROWN did not have permission to be in possession of her car, and she had no idea why he was driving it. Terrell reported the windows had been covered with some material that darkened them and made it difficult to see inside. When Terrell yelled at the occupants, they ducked down, covered their faces, and drove away. Terrell reported the car stolen.

Detective Sergeant Barrios heard the stolen vehicle call over the radio. He knows Omar BROWN from prior contacts, and knows where he lives. Detective Sergeant Barrios, Sergeant Frank Zamora, and Officer Bradley Lariz responded to BROWN's residence at 3636 Duck Ave., Key West, Monroe County, Florida. The officers knocked at the door, which was eventually answered by Dominicke Terrell (Maria Terrell's son), and asked if BROWN was there. Terrell said he didn't know where BROWN was. Then Kiefa Edgerton (BROWN's girlfriend) appeared at the door and told the officers that BROWN wasn't inside. On a small table near the door, officers noticed a pair of camouflage-colored gardening gloves and a hammer nearby.

The officers went to the front of the house to confer. When they returned to the door, they noticed the gloves had disappeared. The officers knocked at the door again, but Edgerton refused to answer. Minutes later, BROWN appeared at a window and asked officers what was going on. Officers told him they were there to investigate a reported vehicle theft. BROWN admitted driving the car, but denied stealing it. BROWN appeared to be extremely agitated and nervous.

After processing the scene at Beachcomber Jewelers, Crime Scene Investigator Donald Guevremont responded to 3636 Duck Ave. Investigator Guevremont examined the hammer found near the door. The wooden handle of the hammer had fresh gouge marks that contained small fragments of glass. The handle also had red paint transfer that was consistent with the red frames of the jewelry cases damaged during the robbery. The

fresh gouge marks, glass fragments, and paint transfer suggest the hammer was used to smash the glass jewelry cases at Beachcomber Jewelers. Investigator Guevremont also inspected the head of the hammer. The head was slightly rusted and had striations in it from prior use. Investigator Guevremont compared these striations to the marks left in the remains of the smashed jewelry cases at Beachcomber Jewelers. The striations in the head of the hammer appeared to be consistent with these marks. Furthermore, the jewelry cases had stain marks that appeared to be consistent with the rust found on the head of the hammer.

A red Honda coupe was parked in front of 3636 Duck Ave. It is registered to Kiefa Edgerton. A subsequent search of the vehicle revealed small glass fragments in the rear passenger-side armrest.

Officers asked BROWN and Edgerton if they would allow a search of the premises. They refused. They also denied that anyone else was present inside. While awaiting a search warrant, the occupants of the residence stayed outside while BROWN left the area stating he was going to get some food.

A search warrant was obtained for 3636 Duck Ave. which was previously occupied by the defendant Omar BROWN, and co-defendant (Laquenton Cade), along with witness (Kiefa Edgerton who is the girlfriend of Omar BROWN, and witness #2 (Dominicki Terrell). The Key West Special Response team made entry into the house and located the defendant (Cade) in the rear bedroom.

Crime Scene Investigator Guevremont and Officer DelCid proceeded to search the residence and located a dark in color handgun which was located, along with a blue in color textured glove, within the cartilage of the residence. They also located several pieces of jewelry, which still had the price tags on, with an approximate value of \$70,000.00. which was located in the tank of the toilet in the bathroom. A black in color knit hat was also located, all of which are consistent with the items used in the commission of the robbery.

Cade and Edgerton were brought to the station to be interviewed. Cade was read his Miranda warnings which he invoked requesting an attorney. Detective Lipinski spoke to Edgerton and she stated that BROWN had called her wanting to use her car so she let him have it around 1100 this morning. Edgerton said the next time she saw BROWN was around 1230 at 3636 Duck Ave. along with Cade, and Terrell. She said Terrell was sleeping inside the house in a rear bedroom, while Cade and BROWN were sitting on the floor with a bunch of jewelry, going through it all. Edgerton asked them where they got the jewelry and they said they "hit" the jewelry store. She asked them what jewelry store and BROWN told her it was the store they were in earlier in the week, looking at rings. A short time later police arrived at the house inquiring about her car and wanted to speak to the occupants in the house, she said BROWN freaked out and told her to not let the police in, so she told the police to leave until they had a warrant. Edgerton said as more police vehicles arrived BROWN freaked out and tried going out the back window, but

was met by police. She said she went to Cade who was hiding in the bathroom and asked him what he was going to do, and he said he ain't doing nothing until the police come in. Edgerton said she was angry and went to find BROWN outside to ask him, but couldn't because the police were around. Edgerton admitted to being in the jewelry store earlier in the week with BROWN looking at rings, but she didn't realize he was in there "staking" it out.

CADE was arrested and taken to the Monroe County Detention Center. Omar BROWN is still at large.

BROWN did enter the Beachcomber Jewelry Store at 2786 N. Roosevelt Blvd. with Co-defendant Laquenton Cade, armed with a handgun, in which they threatened the victims (employees of the store) with the gun and ordered them to get to the ground. One of the defendants proceeded to smash two showcases containing approximately \$70,000.00 in jewelry and took it with intent to permanently deprive the owner of the property which is in violation of Florida State Statute.

Contrary to the Florida Statute in such cases made and provided, and against the peace and dignity of the State of Florida.

Diane M. Reynolds (Ort)  
(Affiant's Signature)

Sworn to and subscribed before me this 3<sup>rd</sup> day of September, 2006

Stacia Winter  
(Signature and title of person taking oath)



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clerk

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IN THE CIRCUIT COURT OF THE 16TH  
JUDICIAL CIRCUIT, IN AND FOR  
MONROE COUNTY, FLORIDA

CASE NO. 2006-CF-1071-K-<sup>A</sup>

STATE OF FLORIDA, :  
 :  
Plaintiff, :  
 :  
v. :  
 :  
OMAR BROWN, :  
 :  
Defendant. :

---

Deposition of ALVARO RODRIGUEZ, taken on behalf of  
Defendant herein, pursuant to Notice of Taking  
Deposition, on the 7th day of July 2008, at the Public  
Defender's Office, 801 Eisenhower Drive, Key West,  
Monroe County, Florida, as transcribed by A. Paula  
Cottis, Audio Transcriptionist and Notary Public, State  
of Florida at Large.

ASSOCIATED COURT REPORTERS OF MONROE COUNTY, INC.  
P. O. BOX 1331  
KEY WEST, FLORIDA 33041  
305-849-1737  
Keypaula@aol.com

A P P E A R A N C E S:

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JOSEPH SPATARO, ESQUIRE (Via telephone)  
State Attorney's Office  
530 Whitehead Street  
Key West, Florida 33040  
On Behalf of State of Florida

JOHN ROTOLO, ESQUIRE  
Public Defender's Office  
801 Eisenhower Drive  
Key West, Florida 33040  
On Behalf of Defendant Brown

RICHARD WUNSCH, ESQUIRE (Via telephone)  
614 Whitehead Street  
Key West, Florida 33040  
On Behalf of Laquenton Cade

- - -

I N D E X

ALVARO RODRIGUEZ, Deponent

DIRECT EXAMINATION	
By Mr. Rotolo. . . . .	Page 3
By Mr. Wunsch. . . . .	Page 13

- - -

1                                   ALVARO RODRIGUEZ,  
2           having been produced and first duly sworn as a witness  
3           on behalf of Defendant, testified as follows:

4                                   DIRECT EXAMINATION

5           BY MR. ROTOLO:

6                   Q       Would you state your name and occupation for  
7           the record, please, sir.

8                   A       I'm Officer Alvaro Rodriguez from the Key  
9           West Police Department.

10                  Q       And you were so employed on the 2<sup>nd</sup> of  
11           September of 2006?

12                  A       Yes, I was.

13                  Q       Did you have an occasion to become involved  
14           in the investigation of a burglary at the Beachcomber  
15           Jewelers on that date?

16                  A       A robbery at the --

17                  Q       I'm sorry, a robbery.

18                  A       Yes.

19                  Q       And what did you do?

20                  A       Basically responded to the scene, and canvas  
21           the scene for two, two black males that had been  
22           involved allegedly in the robbery.

23                  Q       Where did you get the information that it was  
24           two black males?

25                  A       After a be-on-the-lookout. It was issued

1 when Neary, Officer Neary, the responding officer, had  
2 gotten to the scene.

3 Q So you're saying that information would have  
4 come from Neary?

5 A That is correct.

6 Q Neary interviewing the witnesses in the --

7 A That is correct.

8 Q Okay. So you responded to Beachcombers?

9 A To the area of Beachcombers, yes.

10 Q Okay. And you're just on the lookout for --

11 A That is correct.

12 Q What is the description you were given?

13 A Two black males wearing all black clothing.

14 Q Okay. What did you do at -- did you go in  
15 the jewelry store?

16 A No, I did not.

17 Q At some point you responded instead to Duck  
18 Avenue, to Omar Brown's house?

19 A I was instructed to respond to that address,  
20 3636 Duck Avenue.

21 Q Okay. And about what time was that?

22 A I don't have the exact time on my report.

23 Q Well, if the burglary was at twelve, was  
24 reported at 12:14, would it have been shortly after  
25 that?

1           A     I would say so, yes.

2           Q     So you go to 3636 Duck Avenue.

3           A     Right.

4           Q     Are there other officers on the scene at that  
5 point?

6           A     Yes. At the scene was Sergeant Frank Zamora  
7 and Officer B. Lariz, Bradley Lariz.

8           Q     Okay. And Sergeant Zamora is in charge?

9           A     That is correct.

10          Q     And what did you do when you got there?

11          A     When I got there Sergeant Zamora and Bradley  
12 Lariz had made contact with a black female by the name  
13 of Kiefa Edgerton, and a black male by the name of  
14 Dominic Terrell.

15          Q     Okay. And what did you do?

16          A     Basically by the time I got there they had  
17 been asked if Omar Brown was in the residence, and they  
18 had said no.

19          Q     Somebody's, somebody is telling you this? I  
20 mean you weren't there when they were asked?

21          A     No. I just learned from the --

22          Q     (Unintelligible.)

23          A     -- (unintelligible).

24          Q     Okay. Fine. So they told you that they'd  
25 spoken to these people, and they said Omar Brown wasn't

1       there.

2           A     Right.

3           Q     What did they ask you to do?

4           A     Okay. I was told to stay, stay at the scene  
5       to assist them, and that's what I did.

6           Q     Okay. What did you observe there?

7           A     Okay. About ten minutes later I, an  
8       individual later identified as Omar Brown came out  
9       through the front window of the residence.

10          Q     And when you first got there the two officers  
11       are outside. Are these other people, Edgerton and  
12       Terrell with them?

13          A     To the best of my recollection, yes.

14          Q     Okay. And were they told they couldn't go  
15       back in the house? I mean what are they doing out  
16       there?

17          A     Well, mainly Sergeant Zamora and Bradley  
18       Lariz were talking to them.

19          Q     And at some point Omar Brown came out the  
20       window?

21          A     Came out the window, yes, sir.

22          Q     And what did he have to say for himself?

23          A     He was kind of, you know, upset, to the best  
24       of my recollection he was upset about us being there,  
25       and, you know, why were we there.

1 Q Okay. He's asking who that, why you're  
2 there?

3 A That is correct.

4 Q No, who is he speaking to?

5 A He's speaking to Sergeant Zamora and Bradley  
6 Lariz.

7 Q And what did they tell him?

8 A That they were conducting an investigation  
9 into a stolen vehicle that he was involved in.

10 Q Okay. And what did he say to that?

11 A To the best of my recollection, I don't think  
12 he involved himself, you know, in the stolen vehicle.  
13 I just can't recall --

14 Q I know it's a long time ago.

15 A Yeah, it's a long time.

16 Q It's a couple of years ago.

17 A Two years ago.

18 Q I'm under the impression that you don't have  
19 a firm recollection of everything that happened?

20 A No. No, sir. I have to go back to other  
21 officers' reports.

22 Q Okay. But you wrote a report yourself that  
23 is apparently on the next day, the 3<sup>rd</sup>, right?

24 A That is correct.

25 Q And it's -- do you have your report there?

1           A     I took out my report, yes.

2           Q     Okay. Why don't you go ahead and read it and  
3 tell me if you remember anything that's not included in  
4 that report.

5           A     After the encounter with Omar Brown, after he  
6 came out from the front window, I was instructed by  
7 Sergeant Zamora to stand guard outside and make sure  
8 that Edgerton, Brown and Terrell did not go back in the  
9 residence pending a search warrant of the residence.  
10 That was my main --

11          Q     Did you tell Brown, Edgerton and Terrell that  
12 they couldn't go back in the residence? Or did someone  
13 tell them that in your presence?

14          A     I don't know if it was Sergeant Zamora or  
15 Bradley Lariz. I just --

16          Q     Somebody told them.

17          A     Somebody told them not to go back, and so  
18 Sergeant Zamora told me to make sure that they do not  
19 go back in the residence.

20          Q     Okay. So --

21          A     That was my whole extent of the --

22          Q     Was there a time when you were the only  
23 officer on scene or other officers are staying there as  
24 well?

25          A     I believe Officer Lariz stayed there for a

1 while, but I believe it was mainly me who was there.

2 Q So where are these people, are they in the  
3 yard or --

4 A Right outside, in front of the residence.

5 Q Okay. And did you tell them to remain there?

6 A That is correct, as per instructed.

7 Q Right. Okay. And how did they respond to  
8 that?

9 A Well, they were, you know, quite upset, but  
10 they, they complied.

11 Q Okay. So nobody went back in the residence  
12 and --

13 A That is correct.

14 Q -- you left around 5:00 according to --

15 A Right. At 5:00 p.m. I was instructed to, to  
16 escort --

17 MR. SPATARO: Hey, John.

18 MR. ROTOLO: Yeah?

19 MR. SPATARO: This is Rick Wunsch calling in.  
20 He wants to come in. Can you hold on a second?

21 MR. ROTOLO: Sure.

22 MR. SPATARO: Hey, Rick, are you there?

23 Yeah, I'm in the middle (unintelligible).

24 Come on in here.

25 John, Rick's on his way in here. I think

1           that he got trapped at the front door here. The  
2           vicious State Attorney's Office security, you  
3           know.

4           Come on in.

5           John, Mr. Wunsch just came in.

6           We're in the depo of Officer Al Rodriguez.

7           MR. ROTOLO: Okay. And just for everybody's  
8           benefit, I guess, Joe, you know this already, but  
9           Rick, I told Detective Lipinski that she could go  
10          because there just wasn't time to do her. Running  
11          a little behind here.

12          MR. WUNSCH: Okay. But she was actually not  
13          on vacation?

14          MR. ROTOLO: She was not on vacation. She  
15          was, or just got off vacation, or I don't know  
16          what, but she showed up, and I -- since it's  
17          already 4:30 --

18          MR. WUNSCH: Hope nobody gets mad at me,  
19          she's, we sort of (unintelligible) at the end  
20          anyway.

21          MR. ROTOLO: Yeah. And let me give you a  
22          quick recap. This is Officer Rodriguez. He's  
23          written like a half-page report. Basically he was  
24          at Omar Brown's residence, and he was asked to  
25          keep everybody out while they got a search

1 warrant. And he went through a little more detail  
2 than that, but we can talk about it later or you  
3 have a transcript.

4 Q (By Mr. Rotolo) And around five o'clock  
5 there was a car towed from the residence, right?

6 A There was a vehicle, red Honda coup towed  
7 from the residence, and I escorted this vehicle to the  
8 police station, and I relinquished the vehicle keys to  
9 Detective Sergeant J.R. Torres.

10 Q Okay. So that's all you did?

11 A That's all I did.

12 Q Were you there when the vehicle was searched?

13 A Yes, I was there, but I had to make sure that  
14 the other people, you know, didn't go back in the  
15 residence, so I, my main focus was on the three  
16 individuals that were outside.

17 Q Okay. But I'm saying when the car was towed,  
18 you also left, right? You left someone else in charge  
19 of the residence?

20 A I was told to go ahead and escort the vehicle  
21 to the police station.

22 Q Okay. Now, where are the three individuals  
23 that you had been keeping out of the house at that  
24 point?

25 A They were outside and I was watching them.

1 Q Right.

2 A Right.

3 Q When you leave someone else is there to watch  
4 them?

5 A Somebody else took over, and there was  
6 Sergeant Zamora; I remember Lieutenant David Black  
7 showing up at the scene; I remember, let's see, who  
8 else showed up at the scene? K-9 Officer Rendueles was  
9 there at the scene. Who was told to replace me, I  
10 don't remember.

11 Q No, that's okay. But then so you escort the  
12 car --

13 A Yes.

14 Q -- and then does Detective Torres search it?  
15 Who searches the car?

16 A I -- at the station?

17 Q Yeah.

18 A I don't know, sir.

19 Q You just escorted it there and then you're  
20 finished?

21 A I escorted it there, I relinquished the  
22 vehicle keys to Sergeant J.R. Torres, and that was my  
23 extent of my duty.

24 MR. ROTOLO: Okay. Good enough. I don't  
25 have any more questions.

1 Rick?

2 BY MR. WUNSCH:

3 Q Officer Rodriguez --

4 A Yes.

5 Q -- this is Rick Wunsch on behalf of Laquenton  
6 Cade, by the way. Did you say that you had something  
7 to do with the escorting of the people out of the  
8 residence? Were they removed by SWAT?

9 A No, sir. No, sir. That's not what I said.

10 Q Okay. You were one of the people that were  
11 outside of the residence?

12 A That is correct. I was instructed for them  
13 not to go back in the residence.

14 Q What time did you get there?

15 A Shortly after the -- I don't have the exact  
16 time, but shortly, I don't know, shortly after the  
17 armed robbery of the Beachcombers I was instructed to  
18 go to 3636 Duck Avenue.

19 MR. WUNSCH: Let me inquire, John, did you  
20 discuss with the officer while I wasn't here, did  
21 you talk about the table, the gloves and all that,  
22 the hammer and this and that?

23 MR. ROTOLO: Not with this officer. I don't  
24 think he had -- well, go ahead, ask him.

25 Q Okay. Officer Rodriguez --

1 A Yes.

2 Q -- did you arrive before or after Detective  
3 Sergeant Zamora?

4 A After, sir.

5 Q And --

6 A Basically I was, I was, I arrived at the  
7 scene to assist Sergeant Zamora and Officer Bradley  
8 Lariz with the scene.

9 Q And when you got there had they, were they  
10 already talking to the individual that lived in the  
11 residence?

12 A Yeah. At that time they had already made  
13 contact with Edgerton and Dominic Terrell.

14 Q And was Brown also there outside being  
15 detained by them as well?

16 A No, sir, he wasn't out yet.

17 Q So he came out later on?

18 A That is correct.

19 Q Did you ever see the person who is Laquenton  
20 Cade?

21 A The person who, sir?

22 Q Laquenton Cade.

23 A Cade, no, sir.

24 Q And when you got there -- we took a  
25 deposition of -- excuse me -- Sergeant Zamora who made

1 us a nice drawing, and it seems that you had to go  
2 through two gates to get to, to the front door where  
3 Dominic Terrell and Edgerton were. Is that your  
4 recollection?

5 A Okay. To the side of the residence, yes.

6 Q And when you got there what did you see when  
7 you walked onto the property and they're talking to  
8 these two people, what did you see around the property?

9 A I don't remember seeing anything, sir.

10 Q No table with anything on it, nothing like  
11 that?

12 A I would have to go back to the other reports  
13 because I don't, I don't recall anything else.

14 Q I'm just sort of asking you to go off your  
15 memory for now. So you weren't there when any evidence  
16 was picked up by any field evidence technicians or  
17 (unintelligible)?

18 A No, sir, I wasn't there when any evidence was  
19 picked up or anything like that.

20 Q And it's not your recollection, you didn't  
21 see any gloves sitting around, nothing like that?

22 A I don't remember.

23 Q And --

24 A My main, my main focus, like I was telling  
25 Mr. Rotolo, was to, I was instructed to watch three

1 people not, not to go back inside the residence.

2 Q But you did get there -- well, how many  
3 minutes after Zamora and Lariz did you get there, do  
4 you think?

5 A I don't know how long they were there before  
6 they called me. I just don't remember.

7 Q Do you remember the call coming out for the  
8 robbery?

9 A Yes, I do.

10 Q About how long after the call came out did  
11 you get there, roughly?

12 A I don't know. I couldn't give you an exact  
13 amount of time, sir.

14 Q Can you give me an estimate? I mean was it  
15 like way later in your shift or --

16 A I just don't want to give you, you know, a 50  
17 on 30 because I don't know.

18 Q I'm sorry, did you say it's over --

19 A I don't, I don't want to give you an exact  
20 amount of time because I might give you the wrong, the  
21 wrong amount of time.

22 Q Okay. But I mean was it an hour, can you say  
23 that or --

24 A I don't think it was an hour, no. An hour  
25 would be too long, I think.

1 Q And do you recall anything about a dog coming  
2 or going or anything like that?

3 A A what, sir?

4 MR. ROTOLO: Dog.

5 A A dog. I don't remember about the dog, no.

6 Q How long after you got there did Mr. Brown  
7 join the other two people outside?

8 A Okay. About ten minutes later, more or less.  
9 That's what I have on my report, based upon the time  
10 that I, after I got there.

11 Q All right. So he -- is that when he climbed  
12 out a window or something?

13 A I'm sorry?

14 Q Did he climb out of a window?

15 A The front window, yes.

16 Q Did he offer any explanations why he came out  
17 the window instead of the door?

18 A No, sir. Detective Sergeant -- I'm sorry,  
19 Sergeant Zamora and Bradley Lariz were doing the  
20 interview outside the residence with the individuals.

21 Q If I understand correctly, it's not like he  
22 climbed out a window trying to get away, he climbed out  
23 a window that you guys were standing in front of?

24 A That is correct. Yes.

25 Q And the door was right there, right?

1           A     That is correct.

2           Q     And do remember looking around and seeing if  
3     it was wet, like if the area was wet as if it had just  
4     rained? Does that ring a bell?

5           A     I believe earlier that day had been raining,  
6     to the best of my recollection.

7           Q     And you were never around when Laquenton Cade  
8     made any statements later on; is that correct?

9           A     Who, sir?

10          Q     Laquenton Cade.

11          A     No, sir. I wasn't -- I never met that  
12     individual.

13          Q     Okay. And, I'm sorry, did you say that you  
14     left at about 5:00 with the car that was towed?

15          A     I was instructed to escort the vehicle to the  
16     police station, yes.

17          Q     That's what you said, I think earlier,  
18     (unintelligible) five o'clock?

19          A     That's what I have, yes.

20          Q     And was that Peaches' car, was that  
21     Edgerton's car?

22          A     Edgerton's car, sir.

23          Q     And can you think of anything that you had to  
24     do with this investigation that either I or Mr. Rotolo  
25     has not asked you that seems like it might be

1 significant?

2 A No, sir.

3 Q If you have the opportunity to think about  
4 anything (unintelligible) reports that you made, do you  
5 feel you've been able to give us the best deposition  
6 that you can (unintelligible) recollection?

7 A Yes, sir.

8 MR. WUNSCH: That's all that I have.

9 MR. ROTOLO: Any questions, Joe?

10 MR. SPATARO: No.

11 MR. ROTOLO: Do you want to read or waive,  
12 Officer Rodriguez?

13 THE WITNESS: I'll read.

14 MR. ROTOLO: Thank you very much.

15 (The witness was excused.)

16 (The deposition was concluded.)

17

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ALVARO RODRIGUEZ

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CERTIFICATE

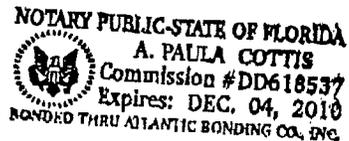
STATE OF FLORIDA )  
COUNTY OF MONROE )

I, A. Paula Cottis, Notary Public, State of Florida at Large, do hereby certify that I was authorized to and did transcribe from digital recording the deposition of ALVARO RODRIGUEZ, a witness called in the above-styled matter, and that the foregoing pages numbered from 1 to 19, inclusive, constitute a true and correct transcript of said digital recording, with any unintelligible areas duly noted.

I further certify that I am not an attorney or counsel of any of the parties, nor a relative or employee of any attorney or counsel connected with the action, nor am I financially interested in the action.

Dated this 22nd day of September 2008.

*A. Paula Cottis*



1 DANNY L. KOLHAGE  
2 CLERK OF COURTS  
3 500 WHITEHEAD STREET  
4 KEY WEST, FLORIDA 33040

5

6 I HEREBY acknowledge receipt of the  
7 TRANSCRIPT/TAPE OF: ALVARO RODRIGUEZ

8 In STATE -vs- OMAR BROWN

9 CASE NUMBER: 06-CF-1071-K

10 PUBLIC DEFENDER: JOHN ROTOLO

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13 Deputy Clerk

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16 Dated

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2-10-71

RECEIVED

CCSPD

APR 2 2008

MAR 17 PM 2:41

MARK H. JONES

DEAR MARK JONES  
Court Judge

3

ON 3/28/08 I WAS BEFORE YOUR COURT ON A MOTION FOR PRE TRIAL YOU DENIED ME FOR REASON OF MY BEING A FLIGHT RISK BUT YOU COULD NOT GIVE ME A STRAIGHT ANSWER FOR WHY I WAS CONSIDERED A FLIGHT RISK I DID NOT COMMIT THE CRIME OF WHICH I AM ACCUSED THE STATE HASN'T MEET IT'S BURDEN THERE WAS NO PROBABLE CAUSE AND WHEN I ASK YOU WHAT WAS THE PROBABLE CAUSE YOU WERE HESITANT AND AVOIDED ME WITH A PROPER ANSWER THAT'S NOT JUSTICE IN THE UNITED STATES OF AMERICA AND I FEEL THAT I'M BEING TARGETED BY K.W.P.D. OF WHICH I HAVE CONTACTED THE AMERICAN CIVIL LIBERTIES UNION POLICE PROJECT IN WASHINGTON DC TO GET SOME STRAIGHT ANSWERS YOU DON'T HAVE A CAUSE AND YOUR HANDLING THIS SITUATION KINDERGARDEN LIKE AND YOUR UPHOLDING THESE CROOKET COPS IN A VIOLATING MY RIGHTS BUT THERES A HIGHER AUTHORITY WHICH MY FAMILY

②

HAS CONTACTED AND THEY ARE LOOKING INTO THIS TRAVISTY OF JUSTICE AND THERE WILL BE A PROBE OF THE POLICE FORCE AND ALL HERE THAT ARE ATTEMPTING TO MANIPULATE THE AMERICAN LEGAL SYSTEM AND I AM AN AMERICAN I'M NUBIAN BUT JUST AS MUCH A PART OF AMERICAN HISTORY OR MORE AS THE WHITE ANGLO'S YOU GIVE JUSTICE TO EVERY DAY SO SINCE YOU AND YOUR PEOPLE HAVE INSULTED MY INTELLIGENCE FOR 20 MONTHS MAYBE YOU CAN EXPLAIN WAY TO THE PEOPLE I'VE CONTACTED I WASHINGTON D.C. AND I'VE ALSO GIVEN THEM INFORMATION ON THE BOGUS WARRANT AND SIGNING OF IT. THEY HAVE ASKED ME TO GIVE NAMES OF THESE CROOKET COPS WHO ARE FALSIFYING DOCUMENTS AND VIOLATING MY CIVIL RIGHTS I HAVE ~~COMPLIED~~ COMPLIED WITH THEM. BY GIVING THESE NAMES OF PABLO RODRIGUEZ OF FRANK ZAMORA OF BERNARDO BARRIOS JOSEPH LAKIOS AND DONNE LAPPINSKI FOR FRAMMING ME AND ALSO STATES ATTORNEY MARK WILSON FOR FABRICATING FALSE LEGAL DOCUMENTS SUCH AS SEARCH.

3

UNTIL YOU AND YOUR STAFF ARE CONTACTED  
BY THESE HIGHER AUTHORITIES FOR JUSTICE  
FOR ME AND EVERY OTHER NUBIAN INSULTS  
BY THIS KANGAROO UNLAWFUL JUSTICE SYSTEM  
HERE IN KEJWEST.

CASE SHOULD HAVE BEEN  
CLOSED!!

Speedy Anna Brown

06-12-11

RECEIVED

MAR 23 2008

MARK H. JONES

cc: SAs  
PD

①

Dear Judge Jones

— MARK JONES

I ~~am~~ Writing You THIS Letter As It pertains To My freedom Which I So Cherish At THE Moment I'm Incarcerated AT Monroe County Facility's Awaiting YOUR Decision on Whether or Not To Grant Me Pretrial or ROR Which Depends On My Being Absolutely Truthful About MY Situation. On September 306 I WAS AT MY PLACE OF Residents When THE K.W.P.D SHOWED UP AND BEGAN A Wrench Hunt!! THEY HAD NO Reason To InvaDE MY Home To PROBE MY Property with out Warrants Giving ME No Explanation of why other THAN A possible stolen Car Which Was Resolved Before THEY EVEN ARRIVED THEY Neglected To Read ME MY MARRADA Right's, THEY OVER Looked My TRESSPASSING Signs My BAD Dog Signs four or five of THEM AT MOST AND TO AD Insult To Injury!! I was Being ProfileD As A Robbery Suspect of which I WAS NOT AWARE, THE APPELLANT WAS fabricated from Beginning To End It's ALL So ONE of THE surest WAYS To PROVE MY Innocence! Along With THE TRUE fact THAT THEY HAD NO Probable CAUSE To BE AT OR SEARCH MY Home, THIS IS How THE whole Injustice BEGAN. THE Deception Given To Ofc. Pablo Rodriguez Is Not My Description In ANY WAY SHAPE

2

Our form Pablo Rodriguez Is A Liar And I  
CAN PROVE IT BECAUSE HE'S NEVER ARRESTED  
ME. NOTHING OF THIS CLOTHING HE DESCRIBES WERE  
FOUND IN MY HOME AND IF THERES JUSTICE  
AND THINGS ARE DONE BY THE BOOK BY THE  
COURTS, HE WILL BE PROVEN A LYAR UNDER OATH  
AND IN THE INTEREST OF JUSTICE HE AND ALL  
OTHERS INVOLVED WITH THIS TRAVISTY OF JUSTICE  
SHOULD BE RELEVED OF THEIR DUTY'S AS OF  
THE LAW INSTANTANEOUS. BECAUSE MORE THAN ANYTHING  
I WANT JUSTICE TO PREVAIL THE ODDS ARE AGAINST  
ME BEING A YOUNG BLACK MALE IN THIS SITUATION  
OF THAT I'M ALL MOST SURE BUT I HOPE  
AND PRAY THAT YOU ARE A FAIR MAN AND A  
MAN OF JUSTICE AND NOT COLOR I'VE DONE  
WRONG THINGS IN MY PAST YOUR HONOR. PAID MY  
DEPTS TO CACIATY BUT THIS CRIME I DID NOT COMMIT  
I'M GOING TO BE IN YOUR COURT ON THE 28<sup>th</sup> OF  
MARCH FOR MOTION ON PRETRAIL RELEASE THEY SAY  
I DONT QUALIFY BECAUSE OF MY HISTORY BUT  
YOUR HONOR I DONT HAVE A VIOLENT HISTORY AND  
I ALWAYS SHOW UP FOR COURT I'VE NEVER  
DITCHED A COURT DATE EVER AND OUT OF GREAT  
RESPECT FOR YOU I DEFINITLY WOULDN'T ON  
YOUR CALANDER I'VE BEEN FIGHTING THIS FOR 19  
MONTHS NOW I CANT DO IT ALONE I'M POOR

3

I'm BLACK AND I HAVE SOME WHAT  
A SHADY PAST BUT I DIDN'T COMMIT  
THIS CRIME I'M INNOCENT I NEED HELP  
I DON'T MIND PAYING MY DEPTH FOR SOMETHING  
I DID IT'S ONLY PWRIGHT BUT THIS I DID  
NOT DO MAY GOD BLESS YOUR DECISION  
THANKS FOR YOUR TIME.

P.S  
TIME IS RUNNING SHORT  
WE NEED THIS RESOLVED  
THE ANGER OF INJUSTICE IS TOO  
MUCH TO MEREILES!!

SINCERELY  
Emre Bon

4



**OFFICE OF THE STATE ATTORNEY  
SIXTEENTH JUDICIAL CIRCUIT**

**Mark E. Kohl**  
State Attorney

530 Whitehead Street, Suite 201  
Key West, FL 33040

**(305) 292-3400**  
Fax: (305) 294-7707

To: Clerk of the Circuit Court  
Re: Amended Consolidation of Cases  
Date: October 4, 2006

---

Please consolidate the following cases:

Defendant's Name

Case Number

Laquenton Tarell Cade

2006-CF-01078-A-K

with

Omar Ricardo Brown

2006-CF-01071-A-K

Manuel E. Madruga  
Assistant State Attorney  
Florida Bar Number 863858

6

RECEIVED  
OCT 11 2006  
CLERK OF CIRCUIT COURT  
KEY WEST, FLORIDA

Clerk

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

LOWER KEYS CRIMINAL DIVISION

STATE OF FLORIDA,  
*Plaintiff,*

vs.

Case Number 2006-CF-01071-A-B-K

A) OMAR RICARDO BROWN  
B) LAQUENTON TARELL CADE,  
*Defendant.*

\_\_\_\_\_ /

**SUPPLEMENTAL DISCOVERY RESPONSE**

The State of Florida hereby supplements the previous Discovery Response filed in this cause as follows:

RECORDED  
JUL 23 PM 3:45  
CLERK OF COURT  
MONROE COUNTY, FLA

1. REPORTS:

- Ofc. Neary (Original)
- Ofc. Villareal
- Ofc. Bulnes
- Ofc. Diaz
- Det. Lariz
- Ofc. Sunderman
- Ofc. A. Rodriguez
- Sgt. Zamora
- Sgt. B. Barrios
- CSI Guevremont
- Ofc. Valdez
- Det. Lipinski (Investigative)
- Miami-Dade PD Case #PD06-105512575 Violation of Pawn Act (Omar Brown)
- Muscogee, Georgia Arrest Case #0974-06-2006 (Omar Brown)
- ABT - Report on Gun Case #764010-06-0125

2. CAD CALLS/BOLOS (Dispatch)

- Original Robbery call at Beachcombers
  - Theft of Car (Marie Terrell)
  - 2<sup>nd</sup> Robbery Call on Angela
3. SEARCH WARRANT/INVENTORY AND RETURN (Photos)
  4. SUSPECT #1 (Laquenton Cade) - ARREST AFFIDAVIT
  5. SUSPECT #2 (Omar Brown) - ARREST WARRANT
  6. WITNESS #2 (Keifa Edgerton)
  7. WITNESS #3 (Dominick Terrell)
  8. PEOPLE OF INTEREST
    - Jerry Dean (Witness #5)
    - Maria Terrell (Witness #4)
    - Lashanda Mccray (cades Girlfriend)
    - Erik Wade
    - Dennis Lewis
    - Dennis Shelby
    - James Smith
  9. EVIDENCE/LAB SHEETS
    - Items 1 - 27 (Beachcombers)
    - Items 28-88 (3636 Duck)
    - Items 89-90 (Honda Car)
    - Items 91-103 (Tapes and Evidence)
    - Items 104-107 (Jewelry retrieved from Pawn shop)
    - Items 108-113 (Misc. Items)
    - Items sent to Lab (copy of lab reports)
  10. PHOTOS
  11. STOLEN ITEMS/RECOVERED
  12. DRAWINGS/NOTES
  13. LEADS
  14. MISCELLANEOUS

I do certify that a copy hereof has been furnished to Office of the Public Defender - Key West, 801 Eisenhower Drive, Key West, FL 33040 and to Richard Wunsch, 614 Whitehead St., Ste. 1, Key West, FL 33040 by delivery on July 23, 2007.

Respectfully submitted,

**Mark E. Kohl**, State Attorney  
530 Whitehead Street, Suite 201  
Key West, FL 33040  
Phone: (305) 292-3400  
Fax: (305) 294-7707

By:   
Manuel E. Madruga  
Assistant State Attorney  
Florida Bar # 863858

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

LOWER KEYS CRIMINAL DIVISION

STATE OF FLORIDA,  
*Plaintiff,*

vs.

Case Number 2006-CF-01071-A-B-K

A) OMAR RICARDO BROWN  
B) LAQUENTON TARELL CADE,  
*Defendant.*

\_\_\_\_\_ /

**SUPPLEMENTAL DISCOVERY RESPONSE**

The State of Florida hereby supplements the previous Discovery Response filed in this cause as follows:

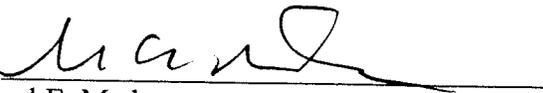
1. KWPD Report by Daniel Jones, 2 pages
2. KWPD Crime Scene Report by Donald Guevremont, 2 pages
3. Copies of three CD's bearing:
  - a. 06-5439 Maria Terrell
  - b. 305-245-6492
  - c. 305-295-9492
4. DVD (1) bearing 06-5439 Tertell Interview
5. DVD (1) bearing 06-5439 Stick & Stein Video
6. DVD (1) bearing 06-5439 Interview Peaches & Store Clerk
7. DVD (1) bearing 06-5439 #102 Peaches Interview
8. KWPD Property Receipts, 28 pages
9. Information report prepared by Det. Lipinski, 11 pages
10. KWPD Offense Report by Tom Neary, 4 pages
11. KWPD Original Report by Tom Neary, 3 pages
12. KWPD Incident Report by Ofc. Villareal, 1 page
13. KWPD Supplemental Report by Robert Bulnes, 1 page
14. KWPD Supplemental Report by Joseph B. Lariz, 4 pages

15. KWPD Supplemental Report by Robert Sunderman, 1 page
16. KWPD Supplemental Report by Alvaro Rodriguez, 1 page
17. KWPD Incident Report by Ofc. Diaz, 1 page
18. KWPD Supplemental Report by George Villareal, 1 page
19. KWPD Supplemental Report by Monica Diaz, 1 page
20. KWPD Investigative/Supplemental Report, 1 page
21. Statement of Maria Terrell, 2 pages
22. KWPD Investigative Report by Sgt. Barrios, 2 pages
23. KWPD Crime Scene Report by Donald Guevremont, 5 pages
24. Muscogee County Sheriff's Department Arrest Report of Omar Brown, 3 pages
25. Miami-Dade Police Department Report on Omar Brown, includes: photos, Affidavit from Pawn shop employee, Florida Pawnbroker Transaction Form, Miami-Dade Police CJNET Computerized Electronic Property Recovery System, Property Receipt, Offense Incident Report, 8 pages
26. Beachcomber Jewelers 09-02-06 Robbery Inventory, 6 pages
27. Florida Pawnbroker Transaction Form (1 page)

I do certify that a copy hereof has been furnished to Office of the Public Defender - Key West, 801 Eisenhower Drive, Key West, FL 33040 and to Richard Wunsch, 614 Whitehead Street, Ste. 1, Key West, FL 33040 by delivery on June 21, 2007.

Respectfully submitted,

**Mark E. Kohl**, State Attorney  
530 Whitehead Street, Suite 201  
Key West, FL 33040  
Phone: (305) 292-3400  
Fax: (305) 294-7707

By:   
Manuel E. Madruga  
Assistant State Attorney  
Florida Bar # 863858

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CITY OF KEY WEST  
Citizen Review Board  
P.O. Box 1946  
Key West, FL 33041  
Ph: (305) 809-3887  
Fax: (305) 293-9827

December 2, 2008

Mr. John Rotolo, Esquire  
Public Defender's Office-16<sup>th</sup> Judicial Circuit  
Monroe County  
801 Eisenhower Drive  
Key West, FL 33040

**VIA HAND DELIVERY**

Complaint File: **CRB #08-006/Omar Brown**  
**Request for Materials**

Dear Mr. Rotolo:

The Citizen Review Board (CRB) is an independent board with authority to review and/or investigate complaints involving Key West police officers and forward findings and/or recommendations to City management, Chief of Police, State Attorney, other state and federal law enforcement agencies and/or grand juries. I, its executive director, have been charged with securing copies of relevant documents in the CRB investigation of a complaint lodged by Mr. Omar Brown against Officer Alvaro Rodriguez of the Key West Police Department. I have enclosed a copy of his complaint which is public record for your review.

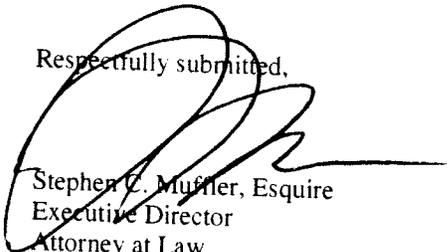
I have reviewed the court house file case number 2006-CF-1071-A-K, titled State of Florida v. Omar Brown, and it appears you are the attorney of record for said defendant. Mr. Brown alleges that Officer Rodriguez "lied" on an affidavit for a search warrant and/or arrest warrant relative to his case. However, my review of the file shows no such document authored by Officer Rodriguez exists. Further, the arrest warrant affidavit was actually attested to by Detective Diane Lipinski. (copy enclosed for your review) State's Supplemental Discovery Response dated June 27, 2007, does identify a one page report authored by Officer Rodriguez.

Could your office fax or mail me a copy of this one page report? Also, if your office has come across any document under oath that Officer Rodriguez represented that he had "*arrested the defendant before*", a copy of that document would greatly be appreciated. I already have a complete copy of Officer Rodriguez's deposition taken on July 7, 2008, and it does not reference any such allegation of a prior arrest of Mr. Brown.

It seems from my investigation, Officer Rodriguez was not the one who offered testimony under oath for the arrest warrant of Mr. Brown nor the Search Warrant of the residence where Mr. Brown was located at

the time. It is the CRB's desire to completely and fairly investigate this complaint and request your office's assistance in locating the aforementioned documentation if it is in your care, custody or control. Your office's cooperation would greatly facilitate resolving Mr. Brown's complaint that is currently pending before our Board. Please feel free to contact me directly regarding this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Stephen C. Muffler", with a long horizontal flourish extending to the right.

Stephen C. Muffler, Esquire  
Executive Director  
Attorney at Law

Encl.  
cc: File