

# CRB COMPLAINT EVALUATION FORM

Case Number: 09-007

Complainant Name: Sandra Downs

## CASE SUMMARY

**Date of Incident:** 7/22/2009  
**Date of Complaint filed with CRB:** 7/31/2009  
**Date of Complaint filed with IA via CRB:** 8/04/2009

**Officers:** Officer D. Kouri

**Allegation:** Deficient Service  
Truthfulness

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The Complainant, Sandra Downs, mailed in a complaint to the CRB against Officer Kouri. Mrs. Downs alleges that Officer Kouri improperly handled a call he was dispatched to which involved herself. Mrs. Downs also complained that the police report authored by Officer Kouri was not completely accurate. However, as the KWPD IA office became involved, Mrs. Downs withdrew her complaint after she had learned of the surrounding circumstances of the dispatch call to Officer Kouri and after she reviewed Officer Kouri's supplemental report. Mrs. Downs had represented to the Executive Director that once she had received a copy of the supplemental report, she would no longer wish to continue her CRB complaint. She was told that her matter would go before the CRB on September 28, 2009 and she should attend if she wished any further action on this complaint by the CRB or KWPD.

This file consists of the following written materials:

1. Complaint received from Mrs. Sandra Downs and receipt of transfer of file to the KWPD;
2. One Colored Photograph Provided by Mrs. Downs as Part of Her Complaint;
3. Memorandum dated August 27, 2009 from Inspector Randy Smith & Multiple E-Mails between Mrs. Downs and KWPD personnel & copy of Supplemental Police Report; &
4. Notice Letters to involved parties;

**THE FACTUAL ALLEGATIONS OF THIS/THESE COMPLAINT(S) HAS/HAVE NOT BEEN INVESTIGATED BY EITHER THE INTERNAL AFFAIRS DIVISION OF THE KEY WEST POLICE DEPARTMENTMENT, NOR THE CITIZENS REVIEW BOARD (CRB). THIS/THESE COMPLAINT(S) IS/ARE BEFORE THE BOARD FOR ADMINISTRATIVE PROCESSING ONLY UNTIL SUCH TIME AS EITHER INTERNAL AFFAIRS OR THE CRB INVESTIGATES THE ALLEGATIONS OF THE COMPLAINT. ANY READER OF THIS/THESE COMPLAINT(S) SHOULD NOT PRESUME THAT THE OFFICER COMPLAINED AGAINST HAS ENGAGED IN ANY WRONGDOING.**

**1**



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

TO: Lt. David Smith/Inspector Randy Smith  
FROM: Stephen Muffler, Esquire  
DATE: 8/4/09  
RE: CRB Complaint 09-005/Transfer to IA

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Attached please find a complaint filed by Sandra Downs against Officer Kouri. Please acknowledge below receipt of this request and letter/enclosures and report back to the CRB with your findings within the 45 day time frame. Thanks.

Receipt

A handwritten signature in black ink, appearing to be "INSP. B. J.", is written over a horizontal line. To the right of the signature, the date "8/23/09" is handwritten.

To  
CRB

## en Review Board

103 East Quay Road, Key West, FL 33040  
 PO Box 1946, Key West, FL 33041  
 (305) 809-3887 Fax (305) 293-9827  
 email: [crb@keywestcity.com](mailto:crb@keywestcity.com)

<http://www.keywestcity.com/department/board.asp?fdd=36-153>

- What you need to know before completing the attached complaint form:
- This complaint and any attachment become public record. If you have already filed a report with Key West Police Department Internal Affairs, and you want that complaint to remain confidential until the investigation is complete, you may want to refrain from filing at this time.
- Complaints should be filed as soon as possible the time you became aware of the incident or after resolution of any criminal charges.
- Anyone who has criminal charges pending related to this complaint should consult an attorney before filing the complaint with the CRB and such pending charges may delay the progress of the investigation of your complaint with the CRB. Further, any statements made to the CRB are public record and can be used by anyone to incriminate the complainant. All statements will be uploaded to the internet
- Complainants must advise the CRB of any changes of address or phone number; failure to provide the CRB current information or means for CRB to contact the complainant may result in dismissal of the case.
- All documents received by this office, including medical records, photo IDs, communications and alike become public records and will be disclosed on the Internet and viewable by anyone or any person. You should consider this fact before sending any matters or materials to this office.
- The CRB and its employees and agents are not your legal representatives. You should seek independent legal representations to understand your legal rights regarding the matters referenced in your complaint.
- The CRB jurisdiction is limited to City of Key West Police Officers and NOT Monroe county sheriffs, correction officers, Florida Fish and Wildlife Officers, FDLE representatives, Florida Highway Patrol Officers, Federal Agents, Military personal and alike.

I have read and understand the information provided to me on this page.

Sandra Pours  
 Name/Nombre

July 27, 2009  
 Date/Fecha

# COMPLAINT FORM

## Citizen Review Board

#3 East Quay Road, Key West, FL 33040

PO Box 1946, Key West, FL 33041

<http://www.keywestcity.com>

[email\\_crb@keywestcity.com](mailto:email_crb@keywestcity.com)

(305) 809-3887 Fax (305) 293-9827

Please provide as much information as you can about the incident(s). Use additional pages if necessary.

Suministre la mayor cantidad de información posible acerca del (de los) incidente(s). Utilice páginas adicionales si fuese necesario

### A. COMPLAINANT INFORMATION DATOS DEL DENUNCIANTE

Name: Sandra Lea Downs Date of Birth: 02/14/59  
Nombre Fecha de nacimiento

Address: 22976 Bluegill Lane Cudjoe Key FL 33042  
(Dirección) Street (Ciudad) City (Estado) State (Código Postal) Zip

Mailing Address: same  
Dirección postal PO Box or Street, City, State and Zip

Work Address: \_\_\_\_\_  
(Dirección del trabajo)

Home Phone: 305 304-9303 Work Phone: ( ) same Cellular: ( ) same  
Teléfono Particular Teléfono del Trabajo Celular

### B. NATURE OF COMPLAINT: CIRCLE ALL THAT APPLY. Naturaleza de la denuncia: Circular lo todas las que apliquen.

Battery/Force Rudeness Deficient Svc Profanity Truthfulness Issue Driving False Arrest Excessive Force Searches

Other: false report officer guilty of  
(deceitful) information violation of rights misconduct intimidation  
of a witness (me)  
against Nick  
for Code Enforcement  
violations +  
perjury  
charge

### C. INFORMATION ABOUT THE OFFICER(S) INVOLVED IN THE INCIDENT DATOS DEL (DE LOS) OFICIAL (ES) INVOLUCRADO(S) EN EL INCIDENTE

Name: Officer Kouri Badge #: 3022? Vehicle #: \_\_\_\_\_  
Nombre Placa No. Patrulla No.

Please provide a physical description of officer:  
Describe la apariencia física del oficial: tall, 30<sup>5</sup> or so, med. complexion  
average weight

Name: \_\_\_\_\_ Badge #: \_\_\_\_\_ Vehicle #: \_\_\_\_\_  
Nombre Placa No. Patrulla No.

Please provide a physical description of officer:  
Describe la apariencia física del oficial: \_\_\_\_\_

Name: \_\_\_\_\_ Badge #: \_\_\_\_\_ Vehicle #: \_\_\_\_\_  
Nombre Placa No. Patrulla No.

Please provide a physical description of officer:  
Describe la apariencia física del oficial: \_\_\_\_\_

NO CHARGES ARE PENDING AGAINST  
ME RELATED TO THIS COMPLAINT

**D. VICTIM/WITNESS INFORMATION  
DATOS DE LA VICTIMA/TESTIGO**

Did you witness the incident? Yes \_\_\_ No \_\_\_  
¿Fue usted testigo del incidente denunciado? Si \_\_\_ No \_\_\_

If you are filing a complaint on behalf of someone else, what is your relationship, if any, to the person(s):  
Si usted está presentando una denuncia en nombre de otra(s) persona(s), indique cuál es su relación, si la hay, con esa(s) persona(s):

Parent \_\_\_ Spouse \_\_\_ Relative \_\_\_ Guardian \_\_\_ Child \_\_\_ Friend \_\_\_ Other \_\_\_  
Padre/Madre \_\_\_ Conyuge \_\_\_ Familiar \_\_\_ Tutor \_\_\_ Hijo/a \_\_\_ Amigo/a \_\_\_ Otra \_\_\_

Please provide as much of the following information as you can about the person(s) on whose behalf the complaint is filed and any witness(es) to the incident:  
Suministre la mayor cantidad posible de la información que se solicita a continuación, sobre la (las) persona(s) en nombre de la(s) cual(es) presenta la denuncia, y sobre el (los) testigo(s) del incidente:

**Victim/Witness #1**

**Victima/Testigo No. 1**

Is this person a: victim \_\_\_ witness   
Esta persona es: víctima \_\_\_ testigo

Name: Pastor Ernie DeLoach

Nombre \_\_\_\_\_

Address: United + White City \_\_\_\_\_ State \_\_\_\_\_

Dirección: \_\_\_\_\_ Ciudad: \_\_\_\_\_ Estado: \_\_\_\_\_

Zip Code \_\_\_\_\_ Contact numbers: Telephone 797-5175 Cell \_\_\_\_\_

Código Postal \_\_\_\_\_ Teléfono \_\_\_\_\_

**Victim/Witness #2**

**Victima/Testigo No. 2**

Is this person a: victim \_\_\_ witness \_\_\_  
Esta persona es: víctima \_\_\_ testigo \_\_\_

Name: John Hartman son / Chelsea Howard *at church when I had photos*

Nombre \_\_\_\_\_

Address: \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_

Dirección: \_\_\_\_\_ Ciudad: \_\_\_\_\_ Estado: \_\_\_\_\_

Zip Code \_\_\_\_\_ Contact numbers: Telephone 395-2301 Cell \_\_\_\_\_

Código Postal \_\_\_\_\_ Teléfono \_\_\_\_\_

**Victim/Witness #3**

**Victima/Testigo No. 3**

Is this person a: victim \_\_\_ witness \_\_\_  
Esta persona es: víctima \_\_\_ testigo \_\_\_

Name: Code Enforcement Officer, Cynthia Snell *tree commission*

Nombre (unknown name) \_\_\_\_\_

Address: \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_

Dirección: \_\_\_\_\_ Ciudad: \_\_\_\_\_ Estado: \_\_\_\_\_

Zip Code \_\_\_\_\_ Contact numbers: Telephone \_\_\_\_\_ Cell \_\_\_\_\_

Código Postal \_\_\_\_\_ Teléfono \_\_\_\_\_

*cell phones # on my record attached*

1.

On Tuesday July 21 there was a hearing in front of Honorable Judge Miller regarding Nick Downs permanent appointment of a public defender. The State expressed concern over the truthfulness of Nick's claim of indigence. So, to satisfy the State about Nick's questionable indigent status, the Honorable Judge Miller put Nick under oath and then questioned Nick about claims Nick made in his indigent statement and asked Nick if anything had changed. Under oath and with his hand raised, Nick again reconfirmed his original indigent statement and swore it was and still is all true and accurate. (No job, no money, no assets, 3 dependents, and only \$5000 of interest in any titles to vehicles, boats or trailers, etc.) The Judge questioned him in detail about the titles. Nick 3 times told the Judge he held \$5000 of interest only and claimed there was \$424,000 of debt against the titles. The State requested that Judge Miller allow me to testify and present evidence.

The State knew from our tax returns that Nick's claims of 3 dependents was false. The State and I knew Nick had assets, several thousands in cash, a \$5-\$7000 gold neck chain, and \$100,000 in titles confirmed by DMV just the week before. The State also knew that Nick had hired an attorney for another case, had a bank account in Texas, and had cash advances on credit cards which he had taken according to the calls and e-mails received. Nick also had just purchased full coverage insurance for

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trucks, and was paying an accountant to set up a new corporation for him. All of these things we would present to Judge Miller, but Judge Miller denied the State's request to present a witness and evidence. Then Judge Miller explained that this hearing was only for Nick himself to present his sworn testimony and facts about his claim of indigence. And then for all to hear, and while Nick Downs still stood with his hand raised under oath in front of Judge Miller, the Honorable Judge Miller explained what perjury was and then said, "In a recorded hearing such as this, where sworn testimony is relied upon by the Judge in order to decide a matter, perjury in a hearing such as this could result in being sentenced to 5 years in jail." Nick didn't flinch, and his final words to the Judge to conclude his claim of indigence was "I have no job, am living with friends, and am on my way now to get food stamps as soon as the hearing is over."

Unbeknownst to me or anyone in the Court at the time, at the very moment Nick was swearing he had no job and no assets, he had a crew set up on Duval Street working. Nick's truck now had newly welded aluminum ladder racks on it and a trailer behind it which he had just acquired. He was working under a new name; Florida Keys Tree Care Company which he had registered with the State on July 20th, the day

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prior to the hearing. \*\*Yet Nick had no business liability insurance or licenses yet to be working. When he severed the ties between himself and Tarzan's it left us both lacking necessary documents. Mine being the Business and Law certification, and his deficit being insurance and licenses.

That evening I began to consider the possibility that Nick had sold or conveyed titles, because though he held \$100,000 of titles, he claimed he held only \$5000. I searched DMV website, and found that Nick had conveyed title of the most valuable asset within the past few days. I printed out the documents. I was given custody of the vehicles and trailers, etc. by Judge Slaton, because of my 90% ownership of the company and a restraining order was issued to prevent Nick from taking the assets. Nick had titled them all in his name through theft, embezzlement or fraud. So the State Attorney warned of possible prosecution for grand theft if he conveyed any of the titles. But Nick defied both the Judge and the State Attorney and did just that. So I gathered the evidence to present it to the State Attorney early the next morning. This was all the day of the hearing still, Tuesday July 21st.

I arrived early to Key West the next morning July 22nd. The prosecutor was not in yet. I left a message that I was in town waiting. I then went

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to Pastor Ernie DeLoach's church office at United and White and sat and talked with him about this whole situation. Pastor Ernie has been our family's Pastor since we arrived in the Keys in 2002. He was one of the reasons I came here and he has been through everything with us, including Nick's drug use, Nick's positive test for HIV, the death of my son where Nick was found negligent, etc. Pastor Ernie always tried to help, and the whole family went to him often for advice and counseling. Pastor Ernie said that he was troubled by the fact that Nick had seemed to be avoiding him lately and he wondered if Nick was heading back down the wrong path. He said he stopped several times to talk with Nick and encourage him to come back to church whenever he saw Nick in Key West.

Pastor Ernie said he had seen Nick's truck and trailer the morning before, the day of the 8:45 hearing, at 7 AM in the morning on Duval Street where Nick was working. I was shocked. I was shocked that Nick was working at 7 and swearing under oath at 8:45 he had no job, and then going back to work, all the while knowing and having been warned by Judge Miller that perjury in a hearing such as that one would cost him 5 years in jail. And Nick had worked that same day only a mile or so from both the Courthouse and the Judge to whom he swore he had no job. And Pastor Ernie had himself witnessed it all.

5.

I had other concerns as well, regarding Nick working. I knew he wasn't licensed, and also wondered if he was doing the jobs Tarzan's was hired for prior to his arrest. I wondered if Nick was operating under my insurance without my knowledge as he did once before in Texas, and got me involved with Labor Boards and Texas Rangers. I asked Pastor Ernie the location where he had seen Nick and then I got in my car at 9:50 AM and drove to Duval Street to get the name of the business Nick was seen working at the day before to see if it was Tarzan's customer.

As I drove north on Duval Street heading to the location Nick was the day before, I was shocked to see Nick's truck again parked there facing me on the opposite side of Duval with a trailer attached loaded down with fronds and cuttings. I took out my camera which I carry with me and decided to take a photo. Nick, nor any worker was in sight. As I approached I took one photo from my car. Then I saw Nick and a worker appear from a pathway between the buildings carrying a ladder which Nick put on the racks on his truck top, unaware I was driving towards him. There was no way to turn around or turn off of Duval, as I was already nearly beside Nick's truck when Nick appeared. I took another photo as Nick climbed onto the truck wearing his gold chain and no shirt; the gold chain he does not wear to Court. Nick saw me and said to the worker, "That is my wife. She is not supposed to be within 500 feet

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of me." I said nothing, and continued driving. I did not anticipate this moment, that Nick might be there, or the irony of him appearing at the very moment I drove by. I assure you, I was as shocked as Nick was when this all happened. The Court needed to know Nick indeed had a job, assets, and was not indigent as he claimed. And I needed to know if he was taking Tarzan's jobs for himself.

Honorable Judge Tegan Slaton when approving my extension of the original injunction against Nick had foreseen this problem and wrote in the Order that "No arrest can be made until the matters are brought to Court." And when explaining what he was writing in, even cited this exact probability of passing by each other because we live and work in such a small town. I had done nothing wrong, only photograph and document illegal work being done by a man that swore under oath he had no job in order to receive an appointment of a public defender which the taxpayers will be paying for.

I went to CVS and printed out the photos and was back in the church office within 30-40 minutes from when I had left. I told Pastor Ernie what had happened. He said God ordained it and Nick nor anyone can hide from that.

7.

My son Johnny called me and needed to get a check to take to the dentist which is where he was heading, so I told him to come by the Church because Pastor Ernie said he wanted to see "John Boy". Johnny left around 11:15, and Pastor Ernie and I sat outside on the porch until he got called away to take an overseas phone call. I made calls to Code Enforcement, Cynthia Snell of the Tree Commission, and my insurance company for Tarzan's. I called Code Enforcement to see if Nick was licensed. They said, "No." I told them he was working on Duval Street, and they asked for the location to send someone out. I told them Nick was no longer there because he was leaving when I saw him. The lady on the phone seemed upset I had waited to call. I told her I wanted to be sure he was not licensed before I made a complaint like that. She told me sternly that it was my duty as a citizen to report unlicensed activity and if I saw Nick working again that I needed to report it. I asked her for Cynthia Snell's number at the Tree Commission and I left a message for Cynthia. Then I called my insurance company to see if Nick had attempted to use my insurance.

Pastor Ernie then came out and said we both needed to eat lunch. I told him I would get some money from the bank and get us food. He said he had \$7 on him, and for me to go to McDonalds because they were the "cheapest lunch in town". So I left with the \$7 at 11:47 to go to

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McDonalds on Roosevelt where I could go through the drive-thru. The electrician was on the phone with me as I left. (My cell phone record is attached).

I was driving to McDonalds down Roosevelt, when I saw Nick preparing to pull out in front of me from a side-street near Sears. I didn't want to be following him, so I turned right down the street instead of being behind him on Roosevelt. Apparently Nick had just dropped off the trailer he had been using earlier, because it was sitting right there on the side of the road. I turned around after I was sure there was distance between me and Nick and got back on Roosevelt to go to McDonalds.

Cynthia Snell called me at 11:56 when I was entering the drive thru and I spoke with her as I ordered Pastor's food. I apologized to her for the interruption. I spoke to her all the way back to the church and continued to speak with her while I delivered Pastor his food. We talked about licensing, arborist requirements, my son Johnny and my son Dustin who she knows from UF because he is an instructor at the arborist seminars, etc. etc. I told her Nick was working illegally, and she told me to make sure I report him to her if he works on city property, and report him to Code Enforcement if it's private property. I assured her Nick was not stupid enough to continue working after I had seen him, and she said Nick shouldn't have been working at all and he knew that, and because

he had blatantly violated the rules, she believed he might continue to do it. I told her, "O.K., I will call if I ever see him working illegally again." But I told her I didn't think he would do that. I thought to myself at that time how absurd it was, that both she and Code Enforcement seemed to think there was even a remote possibility of Nick continuing to work illegally and me seeing him do it. I rarely come into Key West unless I have an appointment or something and usually go directly there and leave. Meanwhile Cynthia Snell and Code Enforcement patrol the streets each and every day. The odds are in their favor of about 1,000,000-1 that they would be the ones to catch Nick, not me. Our 35 minute phone call ended at 12:31 PM. Pastor Ernie came out and I told him I was leaving for the State Attorney office and that I hoped I did not see Nick again. Pastor laughed. Pastor said he'd pray for miracles for me, and I should have called in at 12:00 to request one while I was at McDonalds because no one called in to accept a miracle. I told him I was on the phone and wished I would have heard his proposition, but still please to pray for me now.

I said my Good-Bye to Pastor Ernie, then got in my car to head to Whitehead Street to meet with the prosecutor who should be back from lunch by now, but just to be sure I called. It was 12:40 when I left the church and made the call. At 12:41 as I was turning onto Virginia to cut

through to Whitehead Street, another call came in, and I answered it. It was my former boss. I was moseying down Virginia Street talking to him when I saw Nick's truck ahead. I wasn't sure what he was doing, couldn't tell if he was pulling out, parked there, or working there. And it was at a blinking light as well, so maybe he was waiting for an oncoming car. he had another trailer attached to his truck. I slowed down not knowing what to do, I certainly did not want to drive past. That's when I saw 2 guys unloading equipment ready to work. Nick must have seen me and called 911 before I even saw him because the call for dispatch came through at 12:40:11, probably about the time I first pulled onto Virginia. I told my former boss to hold on a minute as I looked for a place to pull off the road. I saw a gravel area 1 block from Nick across the street from the Unity Church on Virginia. I looked up the number to Code Enforcement and made the call at 12:45PM, during which time my former boss got tired of waiting and hung up. Code Enforcement transferred my call, and I got a recording. I called again, and asked for an alternate number to call. I called that number and spoke with the person I made the report to. It was 12:47 PM. at this time.

I was doing my civic duty and reporting unlicensed activity just as Code Enforcement had "sternly" told me I was obligated to do just 1 hour earlier when I talked with them. I was also keeping my promise to

Cynthia Snell, I gave her my word I would report Nick if I saw him working. I certainly believed I was doing the right thing.

Code Enforcement said they needed the address where Nick was working. I said I didn't know the intersecting streets in this area, but Nick's crew was by the blinking light 1 block ahead of me on Virginia Street and I was by the Unity Church. They insisted they needed a street name, so I got out of the car and walked behind me to the street post to read what was almost illegible, and told them I was on Watson and Virginia and Nick was 1 block ahead going toward Duval. They insisted they needed the street intersection where Nick was. I didn't know what to do, I had given them all the information I had. That is when a Key West Police cruiser came around the corner Nick was at, and headed towards me. I told the Code Enforcement person on the phone, "Oh good, there is an officer coming, I'll ask him the street name, wait one moment." I waved at the Officer for to him to assist me. He watched as I walked from the corner where I was reading the sign for Code Enforcement, and hailed him from the side of the road. He abruptly stopped the car, got out of his car and came towards me very quickly. I told the KWPD Officer that Code Enforcement was on the phone with me and they needed to know the name of the street ahead where the blinking light was. Could he tell me the name, please? He did not

respond to my question and instead very aggressively came at me with his hand on his gun. I asked him again because I thought he must have misunderstood me or something. Instead of helping me, he demanded my license and asked me why I was stalking my ex-husband. I thought he was just confused so I went to my car and got my license out of my purse, and sat down meekly in the driver's seat so he would not touch me or something, while he towered over me continuing to accuse me of stalking. I reminded him I was still on the phone with Code Enforcement and could he please assist them by telling us the name of the street ahead and then we could sort out the stalking issue. He finally said a street name, and I gave it to Code Enforcement, which I think was incorrect anyway. Code Enforcement said they would send someone right away and I hung up. Then I began answering Officer Kouri's questions and responding to his accusations while he held my license in his hand scrutinizing it. He asked me why I was stalking my "ex-husband" all morning? I told him, I had filed for divorce, but I was not an ex yet, and that I certainly was NOT stalking him. He then said there was a restraining order issued "against me" for both Nick and Nick's "girlfriend". I told him I thought he was mistaken. I told him the only restraining order I knew of had been issued to me for protection against Nick. He accused me of lying so I asked him if he would like to see the restraining order which I carry on me at all times, and then I produced it

for him. He read it, and saw that it was just as I had said. I asked him if Nick had produced a restraining order to back up his claim he had one against me for both he and his girlfriend? He got very angry, read and reread the restraining order. Then he started asking me about me photographing Nick on Duval Street earlier and also he said I had threatened Nick. I told him indeed I had photographed Nick but assured him I said no word to Nick at all and certainly made no threat. Also I told him, he could check with the landlord who was on the phone with me as I passed by Nick and took the photo. He told me it was illegal to photograph Nick when I had a restraining order and he asked for my camera. I would not give it to him, and told him I thought he was wrong. He then asked me about Roosevelt and I told him about Pastor Ernie sending me to fetch burgers, and that I had avoided Nick on Roosevelt. I told him to call Pastor Ernie, that I had just minutes ago left his church and I had told the Pastor about the incident when I brought back the burger. I told the officer that he was accusing me of stalking based on what Nick had said, and that he should consider that Nick might say anything out of revenge because I had reported him for marijuana cultivation and he had just bonded out of jail recently. I told him of some of the things Nick had done since he had been out of jail trying to harm me and the family. But the officer absolutely didn't care or consider anything I said. I could see he was determined to arrest me.

I said there shouldn't be a problem with me stopping to call Code Enforcement from one block away from Nick, and I would have already been gone after I gave them the information they wanted if you were not detaining me. I told the Officer I was on my way to the State Attorney's office and offered to show him my papers I had prepared for them. I told him I had run for Sheriff and certainly I tried to abide by the law and did not intend, nor do I feel I broke any. I again asked if I was free to leave. The Officer became increasingly angry with everything I said, and told me in no uncertain terms that I would not be allowed to leave, and that I had already broken the law and he was arresting me. He ordered me to stay where I was while he went back to his car and called in asking about the restraining order. I could hear him asking "Are you sure there is none against her? Is there anything?" He got out of the car not knowing I heard him and announced I had broken my own restraining order and that was cause for arrest. I asked him his name, he said Kouri. I thought he said Corey, so I asked him his last name. He said that's it and pointed to his badge. I put on my glasses and confirmed it was Kouri.

I told him that he probably shouldn't arrest me when the restraining order specifically instructs law enforcement officers that "No arrest can be made, and that matters must be brought to the Court." These were specific instructions Judge Slaton had written in for law enforcement to

follow, and now I understood why. I asked Officer Kouri to reread the Order and told him where that part was handwritten in by Judge Tegan Slaton himself. He read it. He got angrier. Officer Kouri told me he did not care what "some Judge" had written. He said he was an Officer, and he knew what a restraining order was, and Judges can't change them. He said, They are in the computer, and that's what he goes by. I explained that this "some Judge" he referred to was the one that issued the restraining order and placed these specific instructions on it, and Judge Slaton's instructions did indeed matter whether they pertain to me, Nick, or law enforcement officers. Now, I was getting upset too, that an officer thought he could supersede a Judge. I asked to speak to a Supervisor. Two other officers had responded though none had come near me. It seemed Officer Kouri did not want them to hear from me.

So I called the State Attorney and left a message that I was being arrested and would not be coming in. And then I called my attorney and she was in Court so I called her cell phone and told her I was being arrested and why, and she said the Officer can't arrest you. I told her that he was. She could not believe it, and continued to say that he absolutely could not arrest me for parking 1 block away from Nick and calling Code Enforcement on him. She told me to show him the restraining order. I said I did. I told her I had called Pastor Ernie. She told me to call her

back or have him call her. I called Pastor Ernie and said, "Please come quickly and pick up my car which has many important documents in it, I don't want it to be towed for fear these documents go missing. I am being arrested." Pastor Ernie was in disbelief as I had JUST left his church. I told him where I was, only a few blocks from his church enroute to the State Attorney Office.

I then asked the officer how I "stalked" Nick in the 2-3 minutes between the time I left the church and when I called Code Enforcement. He said I was stalking by parking a block away from Nick. I said that I was going to take a picture of the space between me and Nick to take to Court with me showing the distance between us. He warned me to not take a picture. I told him indeed I would take the picture so that he would not be able to misrepresent where I was parked because by this time I was convinced he would do just that. Officer Kouri then pronounced that I had stalked Nick on Duval and throughout the day and accosted him by North Roosevelt. I told him each and every detail and said for him to talk to Pastor Ernie who had just arrived. I never spoke to Pastor Ernie. Pastor Ernie was questioned by the Officers, and our stories were the same because they were true. And the other 2 officers evidently were trying to convince Officer Kouri to not arrest me.

Code Enforcement showed up on a scooter, and talked with Nick and then came to where I was. He sat on the scooter the whole time, so I finally was allowed to get out of the car, and that's when the Code Enforcement officer announced that it was OK for Nick to work without licenses because Nick was working "for free", therefore the City Codes do not apply to him. The Code Enforcement Officer did not check with the homeowner or anyone else, just took Nick's word for it, and maybe even offered that excuse for Nick to use. I highly doubt Nick knew to say that, or knew to offer that up as a loophole. I had never heard such an excuse being used that could render our Codes and Laws impotent.

After this all transpired, Pastor Ernie approached me and told me Officer Kouri was not going to take me to jail after all. Officer Kouri came over and gave me back my license and restraining order and then proceeded to tell me over and over how he could arrest me if I photographed Nick again or even drove down the same street as him. I took his abuse for several minutes, while he continued to demand that I obey him. I said Yes I would obey his orders, and hoped he would allow me to leave. I asked him for a copy of the 911 call. He wrote a case number and said I could pick it up with that. I asked him how to go about getting a recording of the 911 call wherein Nick had said there was a restraining order issued to him and his girlfriend against me. The officer said no such

recording can be obtained. I informed him the Sheriff's office produced those. He got agitated and pointed to his badge and said, "See this badge, it's Key West Police, not Monroe County Sheriff. We don't have recorded calls for 911 available for you."

I said, "Thank you" to Pastor Ernie for coming, got in my car and drove straight to the Police Station and picked up the written version of the 911 call and placed an order for the recorded one which they said would be ready in a couple of days. I am still waiting for that. Then I went to see the State Attorney.

Phone records and call log is attached. Witnesses can be produced. This officer should be reprimanded or fired. He is a danger to the community and obviously prejudiced against women, or women like me. He does not respect a Judge's order, and refused to allow me to speak with a superior officer. He called me a stalker and a liar and sided with my husband all the while knowing my husband had absolutely lied in his phone call about the content of the restraining order. Officer Kouri did nothing to help the situation, or to diffuse it. He increased the danger to everyone by his own menacing presence and posturing. He did nothing to assist Code Enforcement with a location, and furthermore threatened me if I ever attempted to turn Nick in again for unlawful activities, saying

I would be arrested instead if I documented it.

A handwritten signature in cursive script that reads "Sandra Downs". The signature is written in black ink and is positioned to the right of the date.

July 27<sup>th</sup>, 2009

Sandra Downs

22976 Bluegill Lane

Cudjoe Key, FL 33042

305-304-9303

# Minutes Used

User:

305-304-9303, SANDRA MORLOCK-DOWNS

DATE	TIME	CALL TO	NUMBER CALLED	RATE PERIOD	FEATURE MINUTES
07/22	11:45 AM	MIAMI	305-595-5900	DT	TARZANS INSURANCE CO 3
07/22	11:44 AM	KEYS	305-879-0238	DT	ELECTRICIAN 1
07/22	11:40 AM	KEYS	305-809-3768	DT	Cynthia Snell tree commi. call 2
07/22	11:36 AM	KEYS	305-809-3956	DT	CODE ENFORCEMENT 1
07/22	11:34 AM	DA Call	000-000-0411	DT	2
07/22	10:53 AM	INCOMING	305-395-2301	DT	SON M2MCNG JOHN 1
07/22	10:46 AM	INCOMING	305-395-2301	DT	SON M2MCNG JOHN 2
07/22	10:44 AM	INCOMING	305-879-0238	DT	ELECTRICIAN 2
07/22	10:40 AM	INCOMING	407-973-9600	DT	CUSTOMER/TARZANS M2MCNG 2
07/22	10:21 AM	KEYS	305-664-3363	DT	ATTORNEY 3
07/22	09:55 AM	INCOMING	954-531-5837	DT	LANDLORD (Business) M2MCNG 3
07/22	09:49 AM	INCOMING	954-531-5837	DT	LANDLORD (") M2MCNG 3
07/22	09:37 AM	KEYS	305-395-2301	DT	SON M2MCNG JOHNNY 4
07/22	09:35 AM	KEYS	305-797-7103	DT	FAMILY FRIEND 2
07/22	09:28 AM	KEYS	305-292-3400	DT	STATE ATTORNEY 5
07/22	09:26 AM	KEYS	305-292-3400	DT	STATE ATTORNEY 2
07/22	09:18 AM	INCOMING	305-664-3955	DT	9
07/22	09:08 AM	KEYS	305-849-0048	DT	FORMER BOSS 1
07/22	09:05 AM	CALL WAIT	305-293-9490	DT	CW 1
07/22	09:04 AM	DA Call	000-000-0411	DT	2
07/22	09:01 AM	KEYS	305-664-3363	DT	my ATTORNEY 1
07/22	08:48 AM	INCOMING	305-879-0238	DT	ELECTRICIAN 4

now back @ church  
talking w/ attorney from CVSA  
passing by Nick on Duval  
left church

Has Nick used it  
LEFT MSG  
SAYS TO REPORT NICK I SEE HIM AGA  
ON WAY CHURCH

\* READ UP ↑ TO GO THROUGH THE DAY IN TIME ORDER



PETITIONER

given  
to  
Officer  
Kouri  
at  
scene  
by me

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

Case No.: 2009-DR-1074-K  
Division: Key West Family Court

SANDRA DOWNS,  
Petitioner,

and

NICHOLAS DOWNS,  
Respondent.

ORDER EXTENDING TEMPORARY INJUNCTION FOR PROTECTION AGAINST  
(xxx) DOMESTIC VIOLENCE ( ) REPEAT VIOLENCE  
( ) DATING VIOLENCE ( ) SEXUAL VIOLENCE

THIS CAUSE came before the Court on July 13, 2009, upon Petitioner's action for an injunction for protection and it appearing to the Court as follows:

B N/A THE COURT FINDS THE INJUNCTION SHOULD BE EXTENDED  
~~Respondent has not yet been served with the temporary injunction and notice of hearing.~~ The claims in the petition for injunction for protection make it appear to the Court that there is an immediate and present danger of domestic, repeat, dating, or sexual violence, as required under section 741.30 or section 784.046, Florida Statutes. The previously entered injunction is extended until DECEMBER 16, 2009. A status hearing on the petition is scheduled for DECEMBER 16, 2009 at 8:30 (a.m.) p.m. at the Monroe County Courthouse Annex, 502 Whitehead Street, Fourth Floor, Key West, Florida.

D THE COURT ORDERED THE EXTENSION OF THE INJUNCTION  
~~By agreement of the parties, the temporary injunction is extended.~~ The claims in the petition for injunction for protection make it appear to the Court that there is an immediate and present danger of domestic, repeat, dating, or sexual violence, as required under section 741.30 or section 784.046, Florida Statutes. The previously entered injunction is extended until \_\_\_\_\_. A status hearing on the petition is scheduled for \_\_\_\_\_ at \_\_\_\_\_ am/pm at the Monroe County Courthouse Annex, 502 Whitehead Street, Fourth Floor, Key West, Florida.

D Other THE COURT HEARD THE TESTIMONY OF THE PETITIONER + RESPONDENT + FINDS IT IS IN THEIR BEST INTERESTS THAT THE TEMPORARY INJUNCTION BE EXTENDED. THE PARTIES ARE ENGAGED IN CIVIL LITIGATION CONCERNING THE BUSINESS "TANZAN LANDSCAPING." NO CONTACT 22976 BLUE HILL LANE, CUDDE KEY + TANZAN LANDSCAPING, 22864 OVERSEAS HWY, CUDDE KEY. RESPONDENT MAY HAVE NO CONTACT ORDER MODIFIED BY CIVIL COURT.  
The claims in the petition for injunction for protection make it appear to the Court that there is an immediate and present danger of domestic, repeat, dating, or sexual violence, as required under section 741.30 or section 784.046, Florida Statutes. The previously entered injunction is extended until 12/16/09. A status hearing on the petition is scheduled 12/16/09 at 8:30 (a.m.) p.m. at the Monroe County Courthouse Annex, 502 Whitehead Street, Fourth Floor, Key West, Florida.

NOTICE: Because this is a civil case, there is no requirement that these proceedings be transcribed at public expense.

YOU ARE ADVISED THAT IN THIS COURT:

N/A a. a court reporter is provided by the court.

TS b. electronic audio tape recording only is provided by the court. A party may arrange in advance for the services of and provide for a court reporter to prepare a written transcript of the proceedings at that party's expense.

N/A c. If this is a repeat violence, dating violence, or sexual violence action, no electronic audio tape recording or court reporting services are provided by the court. A party may arrange in advance for the services of and provide for a court reporter to prepare a written transcript of the proceedings at that party's expense.

A RECORD, WHICH INCLUDES A TRANSCRIPT, MAY BE REQUIRED TO SUPPORT AN APPEAL. THE PARTY SEEKING THE APPEAL IS RESPONSIBLE FOR HAVING THE TRANSCRIPT PREPARED BY A COURT REPORTER. THE TRANSCRIPT MUST BE FILED WITH THE REVIEWING COURT OR THE APPEAL MAY BE DENIED.

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the Court Administrator's Office at (305) 292-3423 within two working days of your receipt of this order. If you are hearing or voice impaired, call TDD 1-800-955-8771.

NO ARREST ON EXTENDED INJUNCTION FOR PROTECTION UNTIL  
WRITEN IS BROUGHT BEFORE THE COURT.

ORDERED on 13 JULY 2009

  
TEGAN SLATON  
CIRCUIT JUDGE

COPIES TO:

Sheriff of Monroe County

Petitioner (or his or her attorney):

- by U. S. Mail
- by hand delivery in open court (Petitioner must acknowledge receipt in writing on the face of the original order - see below.)

Respondent (or his or her attorney):

- forwarded to sheriff for service
- by hand delivery in open court (Respondent must acknowledge receipt in writing on the face of the original order - see below.)
- by certified mail (may only be used when Respondent is present at the hearing and Respondent fails or refuses to acknowledge the receipt of a certified copy of this injunction.)

- State Attorney's Office
- Batterer's intervention program (if ordered)
- Central Governmental Depository (if ordered)
- Department of Revenue
- Domestic Violence Coordinator-Marisa Parra
- Other:

I CERTIFY the foregoing is a true copy of the original as it appears on file in the office of the Clerk of the Circuit Court of Monroe County, Florida, and that I have furnished copies of this order as indicated above.

CLERK OF THE CIRCUIT COURT

(SEAL)

By: Marilyn Ropy  
Deputy Clerk



ACKNOWLEDGMENT

I, **Sandra Downs**, acknowledge receipt of a certified copy of this Injunction for Protection.

\_\_\_\_\_  
Petitioner

ACKNOWLEDGMENT

I, **Nicholas Downs**, acknowledge receipt of a certified copy of this Injunction for Protection.

\_\_\_\_\_  
Respondent

STATE OF FLORIDA  
COUNTY OF MONROE

This Court is composed of the  
\_\_\_\_\_  
Witness

This is the \_\_\_\_\_  
13th  
A.D., 2009

JULY

\_\_\_\_\_  
KOLHAGE  
Clerk Circuit Court

By: Marilyn Ropy  
D.C.

7/22/09  
13:32:50

HTE CAD  
CAD CALL INFORMATION

PAGE 1  
092030174

Call Number: 092030174 Call Type.: 090 S90 STALKING Police  
Entry Day/Tm: 7/22/09 12:40:11 090 S90 STALKING Police

CmnN: Agency.....: 001 KEY WEST  
Location...: 1100 GRINNELL ST Apt: INTERSECTN  
City.....: KEYWEST Block#: 1100 Loc ID: I Mapr: 1193XX5XO  
Intersectn.: VIRGINIA CATHERINE

Caller Name: Last: First: Mid: See Caller:  
Address...: Apt:  
City/State: Phone#: 305-896-0787 Source:

Call Taker.: 2586 BLACK RACHEL D070015  
Dispatcher.: 3129 LAKE STEPHANIE DISPATCH2

N A R R A T I V E

MEET WITH NICHOLAS DOWNS IN REF TO BEING STALKED BY HIS EX W 12:40:22  
IFE. RP IS IN A BLU FORD F350 12:40:32  
WIFE IS THERE AND HAS AN ACTIVE RESTRAINING ORDER 12:40:49  
AGAINST HER 12:40:51  
EX WIFE IS A VIOLENT PERSON 12:41:07

V E H I C L E I N F O

Vehicle Type:  
License# Year: Make: FORD Model:  
State: VIN : Color: BLU/

\*NONE Unit Status History Information

7/22/09 12:40:22 18 ROUTE CALL TIME RT |

P72 Unit Status History Information

7/22/09 12:41:25 4 DISPATCHED D | 3022 KOURI, DAV  
7/22/09 12:41:25 11 DESIGNATED PRIMARY U P |  
7/22/09 12:41:27 32 ENROUTE 51 |  
7/22/09 12:45:05 6 AT SCENE 97 |  
7/22/09 13:29:57 20 AVAILABLE AV |

P88 Unit Status History Information

7/22/09 12:42:05 4 DISPATCHED D | 3273 JOHNSON, MAT  
7/22/09 12:42:06 32 ENROUTE 51 |  
7/22/09 12:51:35 6 AT SCENE 97 |  
7/22/09 13:29:44 9 STARTED SELF-INITIAT SI |

12/22/09  
13:32:50

HTE CAD  
CAD CALL INFORMATION

PAGE 2  
092030174

D I S P O S I T I O N S

1	055	INC REPORT NUMBER	Case#	1 - 09-003841	Unit: P72
2	049	INCIDENT REPORT	Case#	1 - 00-000000	Unit: P72



City of Key West  
Key West, Florida

09-3841

POLICE OFFICER

Off. KOURI

(305) 809-1111

1604 N. Roosevelt Blvd.  
Key West, Florida 33041

THIS APPEARED

ON BIGPINEKEY.COM

LAST WEEK —

**[Police Report: Downs Stalking]** On Wednesday, July 22, 2009 at around 1241 hours, Officer Johnson and I (Officer Kouri) responded to the intersection of Virginia Street and Grinnell Street, in reference to a stalking report. Upon arrival, I met with a white male, identified as Nicholas Downs (Victim). N. Downs was sitting in his truck, which was parked at the intersection of Virginia and Grinnell Streets. N. Downs said his wife, Sandra Downs, was parked approximately 200 feet east of him, also on Virginia Street.

N. Downs said there is a protection order in place for himself and S. Downs. N. Downs said S. Downs has been following him around Key West, since 0900 hours, this morning. N. Downs said he first ran into S. Downs on Duval Street at around 0900 hours, when she pulled along side him, took a picture of him and said "I got you now." N. Downs said S. Downs then followed him around the parking lot in Sears Town around 1200 hours. N. Downs said he again left the area in an attempt to get away from S. Downs.

N. Downs said S. Downs then saw him on United Street, around 1230 hours, and followed him to Virginia and Grinnell Street. N. Downs said he called KWPD at this time. I provided N. Downs with statements forms, which he has not brought to KWPD at the time of this report. N. Downs said he wanted a report documenting the incident for when he has to appear in court against S. Downs on December 19th 2009.

I spoke with S. Downs, who was adamant that she had done nothing wrong and was allowed to be on the same streets as N. Downs. S. Downs had a copy of the restraining order, which had hand writing on it that said no arrests are to be made in reference to violations of the injunction. The hand written statement had the signature of Judge Teagon Slaton under it. I advised S. Downs that she could not follow N. Downs around the city, that she is also in violation of the restraining order.

S. Downs said she could not be arrested and said she would be calling State Attorney Dennis Ward, who she said would resolve the matter if she was arrested. S. Downs also said that she ran for Monroe County Sheriff and knows the laws regarding injunction violations. I advised S. Downs she would be arrested if she continued to violate the injunction. No arrests were made until the injunction paperwork can be verified as to the no arrest stipulation, with the clerk and/or the Judge. I gave both parties a case number.

WHO  
POSTED

IT  
THERE

I'M  
NOT  
SURE

may  
have  
been  
Officer  
Kouri

on  
Nick

THIS APPEARED NOW  
 BIGPINEKEY.COM  
 July 28

**Key West Police Department** Date Report Prepared 07/22/2009 16:00

Incident Report

Case #. 01-09-003841

<b>INCIDENT</b>	<b>Case #</b>	<b>Date Report Prepared</b>	<b>Occurred From</b>	<b>Occurred To</b>	<b>Report Type</b>
	01-09-003841	07/22/2009 16:00	07/22/2009 09:00		Original
	<b>Dept. Classification</b>		<b>Case Status</b>	<b>Case Status Date</b>	<b>Cleared</b>
	COURT ORDER/INJUCTION VIOLATION		OPEN	07/22/2009	07/22/2009 13:41
	<b>Common Name</b>				
1100 GRINNELL St VIRGINIA St KEYWEST, FL 33040 (MONROE County)					
Day of Week : Wednesday					
Dispatched : 07/22/2009 12:41			Beat Assignment : 4		
Responded : 07/22/2009 12:41			Alcohol Related : Unknown		
Arrived : 07/22/2009 12:45			Drug Related : Unknown		
Map Reference : 1193XX5XO			Total Damaged Property Value : \$0.00		
Location Type : Highway/Roadway			Total Stolen Property Value : \$0.00		
			Total Recovered Property Value : \$0.00		

<b>OFFENSE</b>	<b>UCR by Records Personnel ONLY</b>			<b>Attempted/Committed</b>
	<b>FSS or MOV Number</b>			<b>Disposition Date</b>
	741.31	<b>Location Type</b>		
Offense : INJUCTION VIOL OF DOMEST VIOL INJ				
End of Offense: 1				

<b>PERSON</b>	<b>Person Type</b>	<b>Business/Person Name</b>			<b>Business Phone</b>
	SUSPECT/ARRESTEE	SANDRA LEA DOWNS			
	<b>Home Phone</b>	<b>Person Address</b>			
	(305) 304-9303	22976 BLUEGILL Ln CUDJOE KEY FL 33042			
	<b>Other Phone</b>	<b>Employer Address</b>			
	<b>Race</b>	<b>Sex</b>	<b>SSN</b>	<b>DL Exp. Date</b>	<b>DL Number</b>
WHITE	Female	[REDACTED]		[REDACTED]	
<b>Birth Date</b>	<b>Birth Place</b>				
02/14/1959	United States				
Age : 50		Status : Suspect			
DL State : FL		Marital Status : Married			
DL Country : United States		Speech : LOUD			
Ethnic Origin : Non-hispanic		Residency Type : City			
Min. Height : 5'02"		Residency Status : Full year			
Min. Weight : 120 lbs		Citizenship : United States			
Adult or Juvenile : ADULT		Body Marks:			
End of Person: 1					

<b>PERSON</b>	<b>Person Type</b>	<b>Business/Person Name</b>			<b>Business Phone</b>
	VICTIM	NICHOLAS JOHN DOWNS			
	<b>Home Phone</b>	<b>Person Address</b>			
	(305) 896-0787	22976 BLUEGILL Ln CUDJOE KEY FL 33042			
	<b>Other Phone</b>	<b>Employer Address</b>			
	<b>Race</b>	<b>Sex</b>	<b>SSN</b>	<b>DL Exp. Date</b>	<b>DL Number</b>
WHITE	Male	[REDACTED]		[REDACTED]	
<b>Birth Date</b>	<b>Birth Place</b>				
09/20/1966					
Age : 42		Can Identify Offender : Yes			
Occupation : CONSTRUCTION		Sobriety of Victim : Sober			
DL State : FL		Speech : NORMAL			
Ethnic Origin : Non-hispanic		Residency Type : City			
Min. Height : 5'11"		Residency Status : Full year			
Min. Weight : 160 lbs		Citizenship : United States			

<b>Reporting Officer</b>	<b>Department</b>	<b>Report Status:</b>
DAVID G KOURI (3022)	KEY WEST POLICE DEPARTMENT	Approved
<b>Officer Name</b>		<b>Date/Time</b>
<b>Verifying Officer</b>	<b>Department</b>	<b>Date / Time</b>
SGT BERNARDO BARRIOS (1555)	KEY WEST POLICE DEPARTMENT	07/22/2009 17:29

01-09-003841

Incident Report

Case # 01-09-003841

Adult or Juvenile : ADULT	Body Marks:
Victim Type : Individual-Adult	
End of Person: 2	

<b>N A R R A T I V E</b>  <b>1</b>	Topic Original
	<p>On Wednesday, July 22, 2009 at around 1241 hours, Ofc. Johnson and I (Ofc. Kouri) responded to the intersection of Virginia Street and Grinnell Street, in reference to a stalking report.</p> <p>Upon arrival, I met with a white male, identified as Nicholas Downs (Victim). N. Downs was sitting in his truck, which was parked at the intersection of Virginia and Grinnell Streets. N. Downs said his wife, Sandra Downs, was parked approximately 200 feet east of him, also on Virginia Street. N. Downs said there is a protection order in place for himself and S. Downs. N. Downs said S. Downs has been following him around Key West, since 0900 hours, this morning. N. Downs said he first ran into S. Downs on Duval Street at around 0900 hours, when she pulled along side him, took a picture of him and said "I got you now." N. Downs said S. Down then followed him around the parking lot in Sears Town around 1200 hours. N. Downs said he again left the area in an attempt to get away from S. Downs. N. Downs said S. Downs then saw him on United Street, around 1230 hours, and followed him to Virginia and Grinnell Street. N. downs said he called KWPD at this time. I provided N. Downs with statements forms, which he has not brought to KWPD at the time of this report. N. Downs said he wanted a report documenting the incident for when he has to appear in court against S. Downs on December 19th 2009.</p> <p>I spoke with S. Downs, who was adamant that she had done nothing wrong and was allowed to be on the same streets and N. Downs. S. Downs had a copy of the restraining order, which had hand written on it that no arrests are to be made in reference to violations of the injunction. The hand written statement had the signature of Judge Teagon Slaton under it. I advised S. Downs that she could not follow N. Downs around the city, that she is also in violation of the restraining order. S. Downs said she could not be arrested and said she would be calling State Attorney Dennis Ward, who she said would resolve the matter if she was arrested. S. Downs also said that she ran for Monroe County Sheriff and knows the laws regarding injunction violations. I advised S. Downs she would be arrested if she continued to violate the injunction. no arrests were made until the injunction paperwork can be verified as to the no arrest stipulation, with the clerk and/or the Judge.</p> <p>I gave both parties a case number.</p>
End of Narrative: 1	

<b>Reporting Officer</b> DAVID G KOURI (3022)	<b>Department</b> KEY WEST POLICE DEPARTMENT	<b>Report Status:</b> Approved
<b>Officer Name</b>		<b>Date/Time</b>
<b>Verifying Officer</b> SGT BERNARDO BARRIOS (1555)	<b>Department</b> KEY WEST POLICE DEPARTMENT	<b>Date / Time</b> 07/22/2009 17:29

IA  
complaint  
& request to  
be a  
supplement  
to report

Nick Downs had transferred titles of all assets belonging to Tarzan's or both he and I into his name only prior to his arrest. He held \$100,000 of titles in his name. He swore under oath to Honorable Judge Miller on July 21, that he held only \$5000. I searched DMV website the evening of the 21<sup>st</sup> to see if Nick had transferred all the titles or if he still held them. Because either he was guilty of perjury with Judge Miller, or could face charges from the State Attorney for embezzlement, or might be in violation of the restraining order issued against him by Judge Slaton. I found a \$30,000 asset had been transferred, but he still held \$70,000 worth titles; it appeared he was guilty on 2 accounts at least. I printed out the documents to take to the State Attorney the next morning. I arrived early, they were not available to see me yet so I went to Pastor Ernie's church. I waited there pretty much all morning for the prosecutor or the State Attorney to meet with me.

When I left Pastor Ernie's church (at White and United Street) at 12:40, I turned on Virginia Street to cut through to go the State Attorney's Office. Nick's truck was parked on the side of Virginia Street up ahead of me and I was traveling towards him. So I slowed down and I called Code Enforcement as they had asked me to do if I ever saw Nick working illegally again, as he was no longer licensed. Over the phone, Code Enforcement was asking me the intersecting street names so they could send someone. I didn't know the street names. So I pulled over 1 block away from where Nick was and got out of the car and walked over to the post to try and make out what it said. A KWPD car came down the road, and I told Code Enforcement, "Maybe the Officer can help me with the name of the street up ahead where Nick is parked." I thought the officer pulled over to help me. I asked him what was the street name the next block up. He told me he was arresting me for stalking and asked if I had weapons. I was shocked.

He said there was a restraining order against me which was issued to protect Nick and his girlfriend, and I was breaking it. I told him I had not been served with such a restraining order and maybe he was mistaken, the only restraining order I knew about was for MY protection against Nick and was issued the day I turned Nick in for marijuana cultivation, and that at a subsequent hearing it was extended until December. To my knowledge there was no other restraining order and none against me. Moreover, I was only there to report to Code Enforcement unlawful activities and I was not stalking. And I gave him the certified copy of the restraining order against Nick which I carry with me. The officer didn't care what it said. He went to his patrol car and I could hear him asking, "Are you sure there is none against her." There was none. Finally he was convinced that Nick had not told the truth about the restraining order, so I thought that would be the end of it. I would leave and go about my business, and Code Enforcement would come and do what they needed to do, and Officer Kouri could go back to his business. But that is not what happened.

Officer Kouri continued to verbally attack me, accusing me of stalking, and telling me he was arresting me anyway. This time he said "for breaking my own restraining order." I tried to make some sense of what he had said, but no sense could be made of it. I was on my way to the State Attorney, saw Nick working illegally, and had stopped 1 block away and called Code Enforcement. The Officer had verified the restraining order, Code Enforcement was coming, and I told him to call Pastor Ernie if he needed more proof.

He said I had stalked Nick all day, on Duval and at Searstown. I said indeed I saw Nick on Duval. Pastor Ernie had seen Nick

working there at 7 AM the day before and I was concerned he was taking the work that my company Tarzan's was supposed to do. I told the officer I had driven to that location to see if it was one of our customers because Pastor Ernie could only tell me where it was, but not the name of it. And when I got near there, Nick's truck was sitting there. So I got my camera out to take a photo of his truck with new ladder racks, a trailer, and also to document that Nick was indeed working. This is important because Nick has claimed he is jobless and indigent and the taxpayers are paying for Nick's criminal defense for the marijuana cultivation charges. Nick had set up for work at 7 AM the previous day, went to Court and swore under oath at 8:45 AM and then returned to work the rest of the day. Under oath and with the threat of 5 years in jail for perjury, Nick had claimed to Judge Miller that he had no job, no assets, and was on his way to get food stamps. Now I am witnessing he is working, has new equipment and that he had certainly perjured himself the day prior. As I took the photo, Nick came from inside the area and put a ladder on top of the truck wearing no shirt, and sporting his \$5000 gold necklace that is certainly an asset, but he claimed to not have, nor did he wear it to Court. I took a photo of this as I continued driving past. I never spoke a word. Only Nick spoke when he saw me with the camera.

I explained all of this to Officer Kouri and asked him if he wanted to see the photo. Officer Kouri said that taking the photo was breaking the restraining order and he wanted the photos and my camera. I would not give it to him. I told him I had been with Pastor Ernie all morning, except for 45 minutes when I went to check on the jobsite and while I had the photos printed at CVS to give to the State Attorney. Then I was with Pastor Ernie until he

sent me to get him a burger at McDonald's which I picked up and came straight back. I told Officer Kouri that Nick had almost pulled in front of me on Roosevelt and I turned off so that I would not be behind him, turned back around and got back on Roosevelt after he was gone. All the while I was on the phone with Cynthia Snell of the Tree Commission. Officer Kouri said, I followed Nick around and around Searstown. Officer Kouri knew if I had done that Nick would have called 911 right then, because it was apparent how zealous Nick was to have me arrested. So zealous in fact that Nick had already told lies to Officer Kouri, including the fabricated one about a restraining order for he and his girlfriend.

I told Officer Kouri to verify everything I said about whatever he wished with whomever he wished. I reminded him again that Nick was the felon, the one out on bond, the one working illegally, the one that had perjured himself with Judge Miller, and I was not like that, I respected the laws and I had run for Sheriff to see they were enforced. I certainly was not stalking Nick, and a restraining order I had against Nick should not prohibit me from checking on jobs, getting burgers, or going to the State Attorney's Office. And if Nick appears on the same streets of Key West that I am on I can't prevent that. I had a right to use the streets of Key West and if I saw Nick doing something illegal, I have an obligation to report it. If he has perjured himself and lied about his indigent status, the Judge should know. Officer Kouri said "No, I had no rights like that."

He was arresting me, he did not care what I had to say, or what proof I had. He did not let me speak to a supervisor like I requested, nor did any other officer come to speak with me on the scene. I was ordered to stay by my car. Finally, I pointed out to Officer Kouri in the restraining order Judge Slaton's handwritten

orders. Officer Kouri said he didn't care what "some Judge" had written. He said he was an Officer and knew what a restraining order was and he wasn't going to go by the certified copy he held in his hands and was looking at with the Judge's handwritten instructions on it, he was going by his computer's version of it.

I called Pastor Ernie to come pick up my car, called my attorney for advice, and called the State Attorney to let them know I would not be in as I was being arrested.

Pastor Ernie came to pick up my car. I never got a chance to speak with Pastor Ernie when he arrived, instead Pastor Ernie was questioned. He confirmed everything I said, and Officer Kouri did not arrest me. I thought Officer Kouri needed some retraining and I spoke with Chief Lee about it the next day. Chief Lee wholeheartedly agreed and assured me after our 30 minute conversation that he would take care of it.

You can understand my concern when I read Officer Kouri's report which has been boldly profiled on the Coconut Telegraph ([bigpinekey.com](http://bigpinekey.com)) for several days now. Officer Kouri's report is heinous. It totally infers Nick as having a restraining order against me, and that I was stalking him all day. There is no mention of Code Enforcement which was the reason I was there, or Pastor Ernie validating everything I said without speaking with me. No mention of any of the real facts of the case are presented. Interestingly there is NO reference to Nick illegally working, or the fact Nick lied about he and his girlfriend having a restraining order, or that Code Enforcement came and said Nick had no license. Nothing. Instead a report which paints me a stalker spending all my days chasing Nick and Nick as the victim. This is intentional and misleading, and is a maliciously false police report. And I do

believe Officer Kouri filed this to assassinate my character, maybe even publishing it himself, or knowing that it would be published on bigpinekey.com in an effort to further damage my reputation. Obviously Officer Kouri filed this "truth omitted" version of the incident to give Nick something to use against me in Court. In Officer Kouri's own official and now very public report Officer Kouri writes: "N. Downs said he wanted a report documenting the incident for when he has to appear in Court against S. Downs on Dec. 19<sup>th</sup>, 2009."

I believe Officer Kouri left out any reference of Nick working, or his crew that was with him so that Nick would not be implicated for perjury with Judge Miller because the Officer knows his report is a public document. I believe everything this Officer did was intentional and intended to cause me harm, and to assist and protect Nick Downs in order that he can commit fraud to the Courts and continue breaking the laws. Officer Kouri aided and abetted. He refused to let me speak with a supervisor and he lied about the 911 call being available for me in the recorded form. He blatantly disregarded my rights, threatened me and held me, disregarded and mocked a Judge's handwritten orders, and misrepresented every facet of the law. His actions are far removed from the Officer's Code of Conduct and from the oath he swore when he put on the badge.

Sandra Downs  
22976 Bluegill Lane  
Cudjoe Key, FL 33042  
305-304-9303

QUESTIONS I HAVE

*Nichia  
Downs  
July 27, 2009*

Regarding the previous police report made by Officer Kouri:

Paragraph #1:

Why no mention of Code Enforcement and the complaint I was making when Officer Kouri first pulled up; which he knew was the reason I was parked on the side of the road, and I was still on the phone with them when he first accosted me? Why no mention of either that or the conclusion of the matter, that in fact Code Enforcement did show up and said Nick was unlicensed. Why no exact location of where I was parked?

Paragraph #2:

Why does the officer misrepresent the protection order as being in place to protect both Nick and me? Why does Officer Kouri not mention that he, Officer Kouri based his initial arrest of me on Nick Downs fabricated statement that Nick and his girlfriend "had a restraining order against his ex-wife (me) and that I was breaking it." The officer did not ask Nick to produce this bogus order, nor did he check if there was one, instead he "enacted" my arrest based on what Nick said with no evidence or proof. When I produced the "real" restraining order for the Officer, and it was in fact to protect me from Nick with no girlfriend mentioned, why did the Officer not arrest Nick for making false statements which almost caused him to make a false arrest? Why after seeing the real Order from Judge Slaton did the

officer insist on still arresting me, even though the handwritten instructions from the Judge said, "No arrest can be made?" Why does the Officer not mention that he even accused me of lying about my current marital status and repeatedly said Nick said we were already divorced? Why does he not mention it now when it was so important then?

Why does the Officer report that I pulled alongside Nick on Duval and threatened him when I told the Officer I was traveling down the other side of the road and continued moving the whole time without saying a word and I had photos to prove at least that part of it? Why does he insist on believing Nick when I had proof Nick had repeatedly lied to him in an effort to have me arrested. Why does he not report what I said, that the reason I was on Duval when I happened upon Nick was that I was looking for the place Nick had worked the day before? Why did the Officer not consider that I was telling the truth when indeed Nick admitted he was working on Duval then, and was working now on Virginia.

Is it so Judge Miller will not find Nick guilty of perjury if he happened upon this report? Nick said under oath to Judge Miller just the day prior that he had no job, was indigent, had no assets, and was going for food stamps.

Why did the Officer not ask Nick to describe the location on Duval? Then the

Officer would have learned that in no way could I have expected Nick to appear even if I had known they were there because they were working behind gates and buildings, and only by chance did Nick walk out as I drove by. Why does the Officer say that I followed Nick round and round Searstown and not present my side of the story that I was on Roosevelt going to McDonalds when Nick appeared on a side street preparing to pull out in front of me, and I never went to Searstown or followed Nick at all. I attempted to avoid him. And why does the Officer not mention Pastor Ernie coming to the scene and being questioned as to the accuracy of my report? And that Pastor Ernie verified everything I had said prior to ever speaking with me.

Why did the Officer not question Nick pending all of Nick's accusations why Nick happened to be in the same area as me repeatedly and offered up no explanation as to why he was there, yet I had an explanation for every place I was. Perhaps Nick had followed me from the church, as my car was visibly parked right out front and it seems Nick knew where I was and also where I was going. Did this ever occur to the Officer? Why does the Officer choose to delete any reference of both the Code Enforcement Officer and Pastor Ernie from his written report. They were both critical characters in the situation and absolutely were necessary to include in this report.

Last Paragraph:

Why does the Officer report that I said, "I could NOT be arrested"; when in fact I only said, "I should not be arrested" in light of Judge Slaton's hand written instructions to "make no arrest regarding the injunction until matters are brought before the Court." And I asked him to reread the Order and confirm that indeed it said that. Why does he claim I said, "Dennis Ward would resolve the matter if I was arrested," when in fact I told the Officer that only Judge Slaton could resolve it. Was he trying to portray me as an egotistical maniac that thought I had power over the entire office of the State Attorney? Why does he mention that I said I ran for Sheriff without telling the reason why I said it. It was to represent my history of abiding by and respecting the laws, while the Officer continued to believe the 3 times convicted felon who was out on bail with a pending felony drug case who was illegally working without licenses right then and there in front of both the KWPD Officer and Code Enforcement Officer who confirmed Nick had no license. Why does the Officer lie and say I said I knew the laws regarding Injunction Violations when he heard me call my attorney to ask her questions about it?

It certainly seems in light of the facts the Officer had, that I should have been seen as the reputable one, not Nick. In retrospect, this Officer's conduct was

absurd, abusive, reprehensible and illogical. He did not believe me or Pastor Ernie but instead chose to side with a liar and convicted felon who was at that very moment in the process of breaking the law right in his face. And the Officer's conduct and report leaves me to conclude he is no better.

*Sandra Downs*

Select Year: 2009

*I did none of this yet this what officer Kouri was going to arrest me for*

## The 2009 Florida Statutes

Title XLVI

Chapter 784

CRIMES

ASSAULT; BATTERY; CULPABLE NEGLIGENCE

View Entire Chapter

### 784.048 Stalking; definitions; penalties.--

(1) As used in this section, the term:

(a) "Harass" means to engage in a course of conduct directed at a specific person that causes substantial emotional distress in such person and serves no legitimate purpose.

(b) "Course of conduct" means a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of "course of conduct." Such constitutionally protected activity includes picketing or other organized protests.

(c) "Credible threat" means a threat made with the intent to cause the person who is the target of the threat to reasonably fear for his or her safety. The threat must be against the life of, or a threat to cause bodily injury to, a person.

(d) "Cyberstalk" means to engage in a course of conduct to communicate, or to cause to be communicated, words, images, or language by or through the use of electronic mail or electronic communication, directed at a specific person, causing substantial emotional distress to that person and serving no legitimate purpose.

(2) Any person who willfully, maliciously, and repeatedly follows, harasses, or cyberstalks another person commits the offense of stalking, a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(3) Any person who willfully, maliciously, and repeatedly follows, harasses, or cyberstalks another person, and makes a credible threat with the intent to place that person in reasonable fear of death or bodily injury of the person, or the person's child, sibling, spouse, parent, or dependent, commits the offense of aggravated stalking, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) Any person who, after an injunction for protection against repeat violence, sexual violence, or dating violence pursuant to s. 784.046, or an injunction for protection against domestic violence pursuant to s. 741.30, or after any other court-imposed prohibition of conduct toward the subject person or that person's property, knowingly, willfully, maliciously, and repeatedly follows, harasses, or cyberstalks another person commits the offense of aggravated stalking, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(5) Any person who willfully, maliciously, and repeatedly follows, harasses, or cyberstalks a minor under 16 years of age commits the offense of aggravated stalking, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(6) Any law enforcement officer may arrest, without a warrant, any person he or she has probable cause to believe has violated the provisions of this section.

(7) Any person who, after having been sentenced for a violation of s. 794.011, s. 800.04, or s. 847.0135(5) and prohibited from contacting the victim of the offense under s. 921.244, willfully,

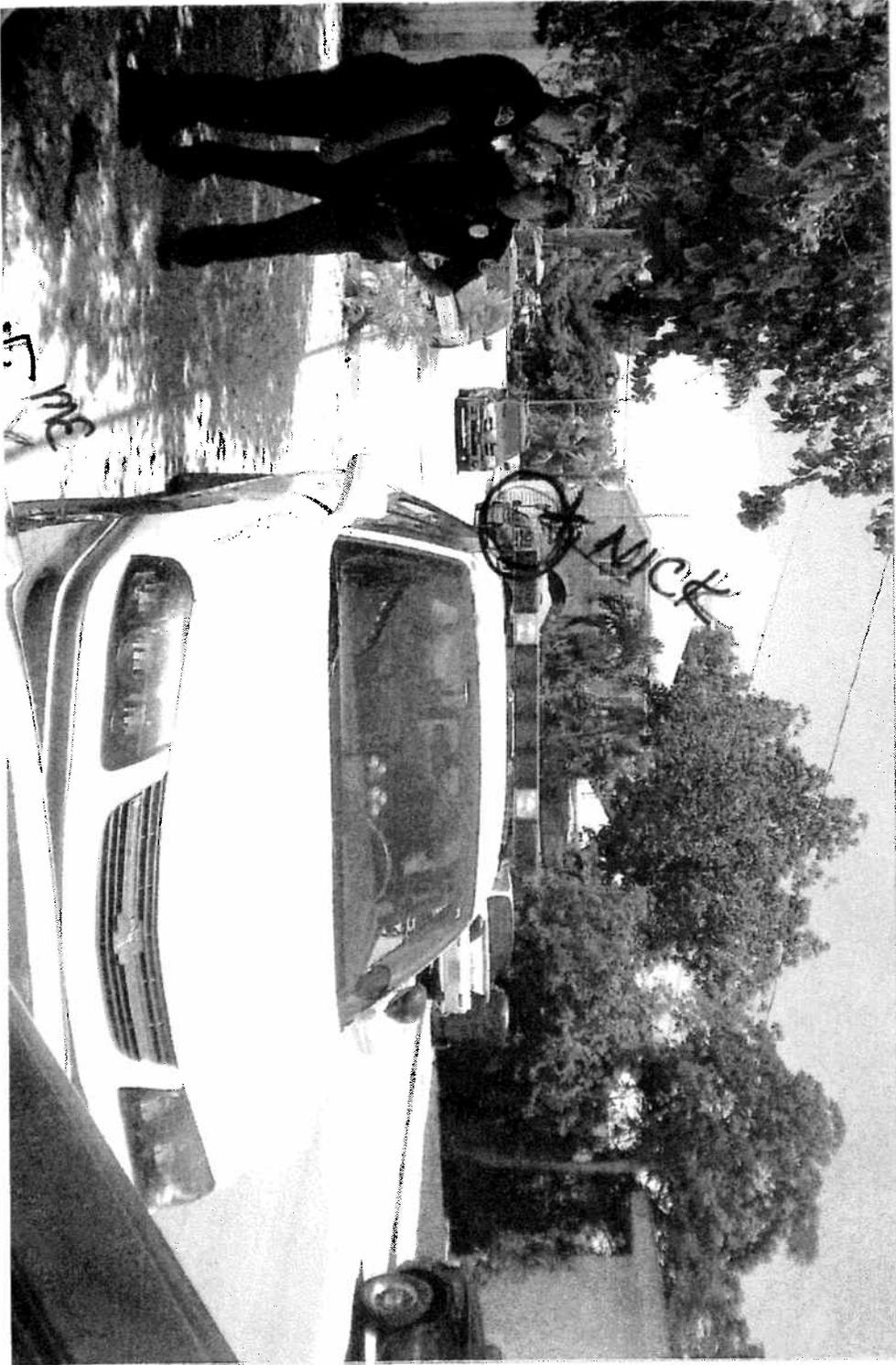
maliciously, and repeatedly follows, harasses, or cyberstalks the victim commits the offense of aggravated stalking, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(8) The punishment imposed under this section shall run consecutive to any former sentence imposed for a conviction for any offense under s. 794.011, s. 800.04, or s. 847.0135(5).

**History.**--s. 1, ch. 92-208; s. 29, ch. 94-134; s. 29, ch. 94-135; s. 2, ch. 97-27; s. 23, ch. 2002-55; s. 1, ch. 2003-23; s. 3, ch. 2004-17; s. 3, ch. 2004-256; s. 17, ch. 2008-172.

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Donald J. Lee, Jr.

Chief of Police



Key West

**POLICE DEPARTMENT**

**TO:** Stephen Muffler, Executive Director Citizen Review Board  
**FROM:** Inspector Randy Smith, Office of Internal Affairs  
**DATE:** August 27, 2009  
**RE:** Sandra Downs Complaint

On July 28, 2009, I spoke with Sandra Downs (Complainant) who explained she was unhappy with an encounter which took place on July 22, 2009. During this incident her estranged husband called 911 and Ofc. Kouri subsequently responded and wrote a report about this incident. Mrs. Downs felt the report was unfair and not complete.

After several phone conversations and meetings with Mrs. Downs, I understood the areas she was unhappy with. I explained the officer's position based on the 911 call and the misleading information provided at the scene by Mr. Downs. After these in depth conversations Mrs. Downs understood why the officer reacted like he did and why the report contained the information it did.

I met with Ofc. Kouri, who I worked with in conducting a follow-up investigation based on the information I learned from Mrs. Downs and the court. Ofc. Kouri completed a supplemental report with this additional information.

I spoke with Mrs. Downs who stated she was happy with the outcome and explained with all the information she had learned she was comfortable with what transpired and would like to drop her complaint.

I have attached email correspondence and had additional phone conversations with Mrs. Downs in which she expressed her pleasure with the police department and the handling of her complaint and case.

This complaint is **CLOSED**.

Cc: File



**RESPECT - INTEGRITY - FAIRNESS**

Key West Police Department 1604 N. Roosevelt Blvd. Key West, FL 33040 (305) 809-1111  
[www.keywestcity.com](http://www.keywestcity.com)



## Randall Smith

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**From:** sandy@sandyforsheriff.com  
**Sent:** Tuesday, August 04, 2009 10:14 AM  
**To:** Randall Smith  
**Subject:** RE:

> Thank you for your response. I appreciate your time and efforts. Can you please give me a copy of the supplement to the report which you read to me on Friday evening? I would like to close my CRB complaint upon receipt of it. I will be in Key West today with my attorney on the divorce matter, and I could pick it up at the downstairs window. Please call me or have the receptionist call me at 305-304-9303 and let me know if that is possible. Thank you, Sandy Downs

Mrs. Downs,

>  
> Thank you for your follow up e-mail and for looking at, and pointing  
> out the totality of the circumstances with which the officer was  
> working. I will place a copy of this letter in the file I started and  
> will close the complaint. Again thank you for your time and continued  
> support of the Key West Police Department and Law Enforcement as a  
> whole. If I can be of any further assistance please do not hesitate to contact me.

>  
>  
> Inspector Randy Smith  
> Office of Internal Affairs  
> Key West Police Department  
> 305-809-1081 (Office)  
> 305-809-1064 (Fax)  
> rsmith@keywestcity.com

> -----Original Message-----

> From: sandy@sandyforsheriff.com [mailto:sandy@sandyforsheriff.com]  
> Sent: Monday, August 03, 2009 11:37 AM  
> To: David Kouri  
> Cc: Randall Smith; Scott Smith  
> Subject:  
> Importance: High

>  
> Dear Inspector Smith, Captain Smith and Officer Kouri, This was posted  
> online to KWTN by me today in response to previous posts following the  
> related article. I also relayed the same information to Dennis Cooper,  
> I hope this helps.

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> First, I financed my Sheriff campaign with \$1600.00 total of my money,  
> and I have never seen a dime of any money from Nick or Nick's possible  
> drug money. Moreover while secretly growing the pot, Nick embezzled  
> over \$100,000.00 from me. Second, the pot growing rooms were in a  
> secluded and locked portion of the building Nick held the lease on and  
> I nor anyone else had keys or access to it. Third and most  
> importantly, the day of the incident with Officer Kouri, Nick placed a  
> fraudulent 911 call when he saw me turn on Virginia Street to cut through to Whitehead.  
> I had been having lunch with Pastor Ernie at Glad Tidings and was on  
> my way to the State Attorney office when I happened upon Nick at a job  
> site working. I called Code Enforcement as they instructed me to do  
> earlier if I saw him, and was intending to turn off Virginia but Code  
> Enforcement needed his exact location, so I pulled over to read the  
> sign on the corner 1 block away from him. That is when Officer Kouri  
> arrived, when I was on the phone with Code Enforcement. Both he and I  
> were victims of Nick Downs fraudulent report to 911. I initially went  
> to the Police Department to request an IA investigation and also to  
> hear the  
> 911 call made by Nick Downs. After hearing the 911 call, I certainly

> began to understand Officer Fouri's demeanor. It is sad and  
> unfortunate but we were both victims of Nick's fraudulent 911 call,  
> and I truly understand now Officer Fouri's reaction caused by that  
> call. When Code Enforcement arrived, they issued a warning to Nick  
> Downs, which he completely ignored. He was caught working again and  
> cited for same violations a few days later. All the while Nick has  
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> defender which the taxpayers will pay for, and he has been illegally and secretly  
> working.  
> It is sad that Nick has made such a mockery of our legal system and  
> used the police officers in the way he did. And it is sad indeed that  
> an Officer's reputation and mine was muddled by Nick's actions. I am  
> sure Officer Fouri is a fine officer and meant only to serve and  
> protect that day, and I feel sorry for both he and I that we were  
> propelled into that situation by a prank 911 call made by Nick Downs.  
>  
>  
>  
>  
>

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---

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**Sent:** Monday, August 03, 2009 11:37 AM  
**To:** David Kouri  
**Cc:** Randall Smith; Scott Smith

**Importance:** High

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First, I financed my Sheriff campaign with \$1600.00 total of my money, and I have never seen a dime of any money from Nick or Nick's possible drug money. Moreover while secretly growing the pot, Nick embezzled over \$100,000.00 from me. Second, the pot growing rooms were in a secluded and locked portion of the building Nick held the lease on and I nor anyone else had keys or access to it. Third and most importantly, the day of the incident with Officer Kouri, Nick placed a fraudulent 911 call when he saw me turn on Virginia Street to cut through to Whitehead. I had been having lunch with Pastor Ernie at Glad Tidings and was on my way to the State Attorney office when I happened upon Nick at a job site working. I called Code Enforcement as they instructed me to do earlier if I saw him, and was intending to turn off Virginia but Code Enforcement needed his exact location, so I pulled over to read the sign on the corner 1 block away from him. That is when Officer Kouri arrived, when I was on the phone with Code Enforcement. Both he and I were victims of Nick Downs fraudulent report to 911. I initially went to the Police Department to request an IA investigation and also to hear the 911 call made by Nick Downs. After hearing the 911 call, I certainly began to understand Officer Kouri's demeanor. It is sad and unfortunate but we were both victims of Nick's fraudulent 911 call, and I truly understand now Officer Kouri's reaction caused by that call. When Code Enforcement arrived, they issued a warning to Nick Downs, which he completely ignored. He was caught working again and cited for same violations a few days later. All the while Nick has claimed he is indigent and jobless and has been awarded a public defender which the taxpayers will pay for, and he has been illegally and secretly working. It is sad that Nick has made such a mockery of our legal system and used the police officers in the way he did. And it is sad indeed that an Officer's reputation and mine was muddled by Nick's actions. I am sure Officer Kouri is a fine officer and meant only to serve and protect that day, and I feel sorry for both he and I that we were propelled into that situation by a prank 911 call made by Nick Downs.

# Key West Police Department

Report 07/31/2009 16:35

## Incident Report

Case # 01-09-003841

<b>I N C I D E N T</b>	<b>Case #</b> 01-09-003841	<b>Report</b> 07/31/2009 16:35	<b>Occurred From</b>	<b>Occurred To</b>	<b>Report Type</b> Supplemental
	<b>Dept. Classification</b>		<b>Case Status</b> Exceptionally Cleared	<b>Case Status Date</b> 08/02/2009	<b>Cleared</b>
	<b>Common Name</b> K/WPD - 1604 N ROOSEVELT Bv Key West, FL MONROE County:				
	Total Damaged Property Value \$0.00		Total Recovered Property Value \$0.00		

<b>N A R R A T I V E</b>	Topic	Original
<b>1</b>	<p>On July 31, 2009, I (Ofc. Kouri) conducted a follow-up investigation to case#09-3841 from July 22, 2009. On July 22, 2009, I was dispatched to the intersection of Grinnell Street and Virginia Streets reference to a violation of injunction/stalking call.</p> <p>During the initial incident I met with Nicholas Downs (Reporting Party) who stated his estranged wife (Sandra Downs) was "Stalking" him. He stated she had followed him throughout the day and was taking photos of him at various times and locations. Mr. Downs felt he was being "Stalked" due to this fact. I was also led to believe there was an existing protection order in place against Mrs. Downs.</p> <p>Mrs. Downs has subsequently provided a sworn statement which details the following: Mrs. Downs explained that she had seen Mr. Downs three times during the day of July 22, 2009. Mrs. Downs explained that she feels her estranged husband is working without proper licensing and may be committing fraud. Mrs. Downs explained that this was the reason she was stopped and was taking photographs. Mrs. Downs explained, in fact, she had contacted code enforcement immediately upon seeing Mr. Downs at Grinnell Street and Virginia Streets, because she felt he was illegally working. This is why she was present when I (Ofc. Kouri) arrived. Mrs. Downs explained she was awaiting Code Enforcement's arrival. Mrs. Downs explained she had an active injunction against Mr. Downs, which prohibited him from being within 100 feet of her. Mrs. Downs produced a copy of the protection order. She further explained there was not an order against her.</p> <p>At the time of the original report I was unable to verify if an order of protection existed against Mrs. Down.</p> <p>In the follow up investigation I was able to verify there was no order in place against Mrs. Downs, only the one produced on scene against Mr. Downs. Mrs. Downs has stated she has been in touch with Code Enforcement and is speaking with them about the violations she feels are happening.</p> <p>Mrs. Downs was able to provide a reasonable explanation of why she stopped and was photographing, which has now been verified by code enforcement that a call was made to them during that time. In addition I have found there is no protection order against Mrs. Downs by Mr. Downs. The case for stalking or violation of a restraining order is now closed.</p> <p style="text-align: right;">End of Narrative: 1</p>	

<b>Reporting Officer</b> DAVID G KOURI (3022)	<b>Department</b> KEY WEST POLICE DEPARTMENT	<b>Report Status:</b> Approved
<b>Officer Name</b>		<b>Date/Time</b>
<b>Verifying Officer</b> SGT JEFFERY SCOTT WILLIAMSON (1557)	<b>Department</b> KEY WEST POLICE DEPARTMENT	<b>Date / Time</b> 08/02/2009 15:00

## Randall Smith

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**Sent:** Monday, August 03, 2009 11:37 AM  
**To:** David Kouri  
**Cc:** Randall Smith; Scott Smith

**Importance:** High

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4



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

August 3, 2009

**VIA REGULAR US MAIL**

Mrs. Sandra Lea Downs  
22976 Bluegill Lane  
Cudjoe Key, FL 33040

Complaint File: **CRB No. 09-007**  
**KWPD-IA File Number: (to be assigned)**

Dear Mrs Downs:

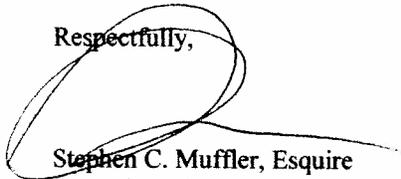
This letter shall confirm receipt of your complaint against Officer Kouri. As per the Board's standard operating procedures, your complaint has been forwarded to the Key West Police Internal Affairs Department (IA) for investigation. At this time, the Board will await IA's findings and conclusions. The Board will consider the matter thereafter if you are not satisfied with IA's handling of the complaint. The Board reserves its rights to investigate the matter at any time if appropriate under the circumstances and in accordance with the City's Charter and Florida law.

Please note that all documents and communications received by this office are considered public records. You will be updated periodically by this office during material stages of the aforementioned processes. Please make sure that this office is updated at all times of any change to your contact information or mailing address.

The Board appreciates the time you have taken to lodge this complaint. If you change your mailing address, please send in written notice to this office so our files can reflect the same.

You are welcome to call or write us with any questions you may have.

Respectfully,

  
Stephen C. Muffler, Esquire  
Executive Director  
Attorney-at-Law  
cc: File



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

September 1, 2009

VIA REGULAR US MAIL

Mrs. Sandra Lea Downs  
22976 Bluegill Lane  
Cudjoe Key, FL 33040

Complaint File: **CRB No. 09-007**  
**KWPD-IA File Number: (to be assigned)**

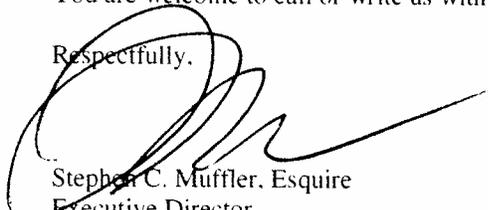
Dear Mrs. Downs:

As per the Board's standard operating procedures, your complaint has been forwarded to the Key West Police Internal Affairs Department (IA) for investigation. Enclosed please find a copy of a memorandum from Inspector Randy Smith of IA and its enclosures. The Board will consider your file which will consist of your complaint, this letter and IA's memorandum and its enclosures at its September 28, 2009 meeting at 6:00 p.m. at Old City Hall, 510 Greene Street, Key West Florida 33040. You are invited to attend such a meeting.

Please note that all documents and communications received by this office are considered public records. Please make sure that this office is updated at all times of any change to your contact information or mailing address.

You are welcome to call or write us with any questions or further statements you may have.

Respectfully,

  
Stephen C. Muffler, Esquire  
Executive Director  
Attorney-at-Law  
cc: File

**Donald J. Lee, Jr.**  
**Chief of Police**



**Key West**  
**POLICE DEPARTMENT**

**TO:** Stephen Muffler, Executive Director Citizen Review Board  
**FROM:** Inspector Randy Smith, Office of Internal Affairs  
**DATE:** August 27, 2009  
**RE:** Sandra Downs Complaint

On July 28, 2009, I spoke with Sandra Downs (Complainant) who explained she was unhappy with an encounter which took place on July 22, 2009. During this incident her estranged husband called 911 and Ofc. Kouri subsequently responded and wrote a report about this incident. Mrs. Downs felt the report was unfair and not complete.

After several phone conversations and meetings with Mrs. Downs, I understood the areas she was unhappy with. I explained the officer's position based on the 911 call and the misleading information provided at the scene by Mr. Downs. After these in depth conversations Mrs. Downs understood why the officer reacted like he did and why the report contained the information it did.

I met with Ofc. Kouri, who I worked with in conducting a follow-up investigation based on the information I learned from Mrs. Downs and the court. Ofc. Kouri completed a supplemental report with this additional information.

I spoke with Mrs. Downs who stated she was happy with the outcome and explained with all the information she had learned she was comfortable with what transpired and would like to drop her complaint.

I have attached email correspondence and had additional phone conversations with Mrs. Downs in which she expressed her pleasure with the police department and the handling of her complaint and case.

This complaint is **CLOSED**.

Cc: File



**RESPECT - INTEGRITY - FAIRNESS**

Key West Police Department 1604 N. Roosevelt Blvd. Key West, FL 33040 (305) 809-1111  
[www.keywestcity.com](http://www.keywestcity.com)



## Randall Smith

---

**From:** sandy@sandyforsheriff.com  
**Sent:** Tuesday, August 04, 2009 10:14 AM  
**To:** Randall Smith  
**Subject:** RE:

> Thank you for your response. I appreciate your time and efforts. Can you please give me a copy of the supplement to the report which you read to me on Friday evening? I would like to close my CRB complaint upon receipt of it. I will be in Key West today with my attorney on the divorce matter, and I could pick it up at the downstairs window. Please call me or have the receptionist call me at 305-304-9303 and let me know if that is possible. Thank you, Sandy Downs

Mrs. Downs,

>  
> Thank you for your follow up e-mail and for looking at, and pointing  
> out the totality of the circumstances with which the officer was  
> working. I will place a copy of this letter in the file I started and  
> will close the complaint. Again thank you for your time and continued  
> support of the Key West Police Department and Law Enforcement as a  
> whole. If I can be of any further assistance please do not hesitate to contact me.

>  
> Inspector Randy Smith  
> Office of Internal Affairs  
> Key West Police Department  
> 305-809-1081 (Office)  
> 305-809-1064 (Fax)  
> rsmith@keywestcity.com

> -----Original Message-----

> From: sandy@sandyforsheriff.com [mailto:sandy@sandyforsheriff.com]  
> Sent: Monday, August 03, 2009 11:37 AM  
> To: David Kouri  
> Cc: Randall Smith; Scott Smith  
> Subject:  
> Importance: High

> Dear Inspector Smith, Captain Smith and Officer Kouri, This was posted  
> online to KWTN by me today in response to previous posts following the  
> related article. I also relayed the same information to Dennis Cooper,  
> I hope this helps.

>  
> First, I financed my Sheriff campaign with \$1600.00 total of my money,  
> and I have never seen a dime of any money from Nick or Nick's possible  
> drug money. Moreover while secretly growing the pot, Nick embezzled  
> over \$100,000.00 from me. Second, the pot growing rooms were in a  
> secluded and locked portion of the building Nick held the lease on and  
> I nor anyone else had keys or access to it. Third and most  
> importantly, the day of the incident with Officer Kouri, Nick placed a  
> fraudulent 911 call when he saw me turn on Virginia Street to cut through to Whitehead.  
> I had been having lunch with Pastor Ernie at Glad Tidings and was on  
> my way to the State Attorney office when I happened upon Nick at a job  
> site working. I called Code Enforcement as they instructed me to do  
> earlier if I saw him, and was intending to turn off Virginia but Code  
> Enforcement needed his exact location, so I pulled over to read the  
> sign on the corner 1 block away from him. That is when Officer Kouri  
> arrived, when I was on the phone with Code Enforcement. Both he and I  
> were victims of Nick Downs fraudulent report to 911. I initially went  
> to the Police Department to request an IA investigation and also to  
> hear the  
> 911 call made by Nick Downs. After hearing the 911 call, I certainly

> began to understand Officer Fouri's demeanor. It is sad and  
> unfortunate but we were both victims of Nick's fraudulent 911 call,  
> and I truly understand now Officer Fouri's reaction caused by that  
> call. When Code Enforcement arrived, they issued a warning to Nick  
> Downs, which he completely ignored. He was caught working again and  
> cited for same violations a few days later. All the while Nick has  
> claimed he is indigent and jobless and has been awarded a public  
> defender which the taxpayers will pay for, and he has been illegally and secretly  
> working.  
> It is sad that Nick has made such a mockery of our legal system and  
> used the police officers in the way he did. And it is sad indeed that  
> an Officer's reputation and mine was muddled by Nick's actions. I am  
> sure Officer Fouri is a fine officer and meant only to serve and  
> protect that day, and I feel sorry for both he and I that we were  
> propelled into that situation by a prank 911 call made by Nick Downs.  
>  
>  
>  
>  
>

# Key West Police Department

Report 07/31/2009 16:35

## Incident Report

Case # 01-09-003841

<b>I N C I D E N T</b>	<b>Case #</b>	<b>Report</b>	<b>Occurred From</b>	<b>Occurred To</b>	<b>Report Type</b>
	01-09-003841	07/31/2009 16 35			Supplemental
	<b>Dept. Classification</b>		<b>Case Status</b>	<b>Case Status Date</b>	<b>Cleared</b>
			Exceptionally Cleared	08/02/2009	
<b>Common Name</b>					
KWPD - 1604 N ROOSEVELT Bv Key West, FL (MONROE County)					
Total Damaged Property Value : \$0.00			Total Recovered Property Value : \$0.00		
Total Stolen Property Value : \$0.00					

<b>N A R R A T I V E</b>	<b>Topic</b>	Original
	<b>1</b>	<p>On July 31, 2009, I (Ofc. Kouri) conducted a follow-up investigation to case#09-3841 from July 22, 2009. On July 22, 2009, I was dispatched to the intersection of Grinnell Street and Virginia Streets reference to a violation of injunction/stalking call.</p> <p>During the initial incident I met with Nicholas Downs (Reporting Party) who stated his estranged wife (Sandra Downs) was "Stalking" him. He stated she had followed him throughout the day and was taking photos of him at various times and locations. Mr. Downs felt he was being "Stalked" due to this fact. I was also led to believe there was an existing protection order in place against Mrs. Downs.</p> <p>Mrs. Downs has subsequently provided a sworn statement which details the following: Mrs. Downs explained that she had seen Mr. Downs three times during the day of July 22, 2009. Mrs. Downs explained that she feels her estranged husband is working without proper licensing and may be committing fraud. Mrs. Downs explained that this was the reason she was stopped and was taking photographs. Mrs. Downs explained, in fact, she had contacted code enforcement immediately upon seeing Mr. Downs at Grinnell Street and Virginia Streets, because she felt he was illegally working. This is why she was present when I (Ofc. Kouri) arrived. Mrs. Downs explained she was awaiting Code Enforcement's arrival. Mrs. Downs explained she had an active injunction against Mr. Downs, which prohibited him from being within 100 feet of her. Mrs. Downs produced a copy of the protection order. She further explained there was not an order against her.</p> <p>At the time of the original report I was unable to verify if an order of protection existed against Mrs. Down.</p> <p>In the follow up investigation I was able to verify there was no order in place against Mrs. Downs, only the one produced on scene against Mr. Downs. Mrs. Downs has stated she has been in touch with Code Enforcement and is speaking with them about the violations she feels are happening.</p> <p>Mrs. Downs was able to provide a reasonable explanation of why she stopped and was photographing, which has now been verified by code enforcement that a call was made to them during that time. In addition I have found there is no protection order against Mrs. Downs by Mr. Downs. The case for stalking or violation of a restraining order is now closed.</p>
	End of Narrative: 1	

<b>Reporting Officer</b> DAVID G KOURI (3022)	<b>Department</b> KEY WEST POLICE DEPARTMENT	<b>Report Status:</b> Approved
<b>Officer Name</b>		<b>Date/Time</b>
<b>Verifying Officer</b> SGT JEFFERY SCOTT WILLIAMSON (1557)	<b>Department</b> KEY WEST POLICE DEPARTMENT	<b>Date / Time</b> 08/02/2009 15:00



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

TO: Lt. David Smith  
FROM: Stephen Muffler, Esquire  
DATE: 9/14/09  
RE: CRB Agenda for 9/28/09

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Attached please find the agenda for the above referenced CRB meeting. Also enclosed please find the respondent officers' notices. **Would you please forward these notices to the individual officers so that they are aware of this upcoming meeting?** It would be desirable for a representative from your office attend this meeting to help address the Board's specific questions on any files or procedures. Please note that all of the Board materials are now available for yourself or the respondent officers to view on the CRB website.

# AGENDA

Citizen Review Board Meeting  
Old City Hall, 510 Greene Street  
**Monday, September 28, 2009**  
**6:00 p.m.**

1. CALL THE MEETING TO ORDER
2. ROLL CALL
3. PLEDGE OF ALLEGIANCE
4. APPROVAL OF MINUTES:
  - a. August 24, 2009
5. COMMISSION APPOINTED MEMBER INTRODUCTION (IF NEEDED)
6. TRACKING CHART REVIEW
7. CONTINUED OR NEW BUSINESS
  - a. File review: **CRB Case No. 09-005 (Price)**
  - b. File review: **CRB Case No. 09-007 (Downs)**
8. COUNSEL'S REPORT
9. CHAIRPERSON'S REPORT
10. BOARD MEMBERS REPORT/GENERAL COMMENTS
11. EXECUTIVE DIRECTOR'S REPORT
  - a. Update on Proposed CRB Budget FY 09-10
  - b. NACOLE Conference- Identification of the Two Members who Will Attend
  - c. Proposal to Cancel Some CRB Upcoming Meeting(s) Due to Low File Load;
  - d. CRB Fall 2009 E-Newsletter to go out October 1, 2009
  - e. Scheduling the 2010 Meeting Dates (in order to Reserve the Chambers)
12. PSO/IA COMMENTS/FOLLOW-UP
13. PUBLIC INPUT
14. MEDIA AND PRESS QUESTIONS
15. ADJOURNMENT



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

TO: Officer D. Kouri  
FROM: Stephen Muffler, Esquire  
DATE: 9/14/09  
RE: CRB Complaint #09-007/Downs

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Attached please find a copy of the proposed Agenda for the CRB meeting to be held at 6:00 p.m. at the Old City Hall on September 28, 2009. One or more of the Board Members and/or the Executive Director as placed the above referenced file on the Agenda for discussion. You are a respondent in this file and are invited to attend this meeting to help clarify the matter to the Board members. You are under no obligation to attend nor speak to the Board, but your input on the matter would be carefully weighed and would assist the Board in reaching a fair and just recommendation. You may attend personally, via a union representative or through legal counsel. Materials on this file may be viewable via the CRB website prior to the meeting.

# AGENDA

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12. PSO/IA COMMENTS/FOLLOW-UP
13. PUBLIC INPUT
14. MEDIA AND PRESS QUESTIONS
15. ADJOURNMENT

## Citizens Review Board

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**From:** Citizens Review Board  
**Sent:** Monday, September 14, 2009 12:18 PM  
**To:** David Kouri  
**Cc:** Citizens Review Board; David T. Smith; Randall Smith  
**Subject:** CRB Notice/CRB File #09-007 (Downs)

**Attachments:** Kouri Notice.PDF

Attached please find your notice for the CRB meeting to be held on September 28, 2009. Please contact me with any



Kouri Notice.PDF  
(45 KB)

questions. Thank you.

Stephen C. Muffler, Esquire  
Executive Director  
Attorney at Law

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City of Key West  
Citizen Review Board  
P.O. Box 1946  
Key West, Florida 33041  
tel(305) 809-3887  
fax(305) 293-9827  
crb@keywestcity.com  
[www.keywestcity.com](http://www.keywestcity.com)

**Note To Recipients:** Under Florida law, this communication and any response or reply to it, will be subject to public records requests/disclosure laws, unless an applicable privilege or rule of evidence applies.

**Note to Citizen Review Board Members:** In accordance with the Florida Sunshine Law, please do not "reply to all" if there are other board members receiving this e-mail concerning Board business. Please only reply to non-board members when responding.