



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

TO: Board Members

FROM: Stephen Muffler, Esquire

DATE: 12/16/08

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

This is the second investigative report on this file. At issue is if Officer Rodriguez submitted any written statement under oath or otherwise that mentioned a that Officer Rodriguez previously arrested Mr. Brown in the past. If such written statement exists, is it truthful. Mr. Brown alleged that such a statement was untruthful and authored by Officer Rodriguez under oath to secure an arrest warrant and/or search warrant in his pending criminal case.

The Board, during its meeting on December 8, 2008, directed me to continue my efforts to secure a copy of the one (1) page police incident report authored by Officer Rodriguez. I had to resort to other avenues to secure this item as Mr. Brown's public defender did not send the requested item after numerous requests. Attached are my ongoing letters and requests for this one (1) page document. Ultimately the State Attorneys Office responded with a copy of the attached one page report. The one page report is absent any statement about a prior arrest of Omar Brown contrary to Mr. Brown's assertions.

I cannot find any document that supports Mr. Brown's assertions that Officer Rodriguez "lied" about arresting Mr. Brown before.

Attached for your review:

1. Letter and public records requests dispatched after the CRB Meeting on December 8, 2008;
2. State Attorneys Fax response that includes a copy of the one page report.

The Board should now address M. Brown's final allegation of untruthfulness against Officer Rodriguez. The remaining allegations against all other officers in this file were previously disposed of by the Board at its meeting on November 24, 2008.

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

TO: Inspector Randall Smith
FROM: Stephen Muffler, Esquire
DATE: 12/10/08
RE: CRB Request for Public Records

Per Lt. Smith's directions received yesterday by e-mail, I am to start sending you my communications regarding pending investigations and IA issues.

CRB has expressed an interest in reviewing the police report and/or incident report and/or supplemental report authored by Officer A. Rodriguez relative to case #06-5439. One of the Defendants/Arrestees is named Omar Brown. Please consider this the CRB's public records request for this item. If you cannot provide or locate this item, please so inform me of the same. Thank you for your continued attention to CRB requests.



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

December 10, 2008

VIA HAND DELIVERY

Mr. Mark E. Kohl, Esquire
State Attorney-16th Judicial Circuit
Monroe County
State Attorney's Office
Whitehead Street
Key West, FL 33040

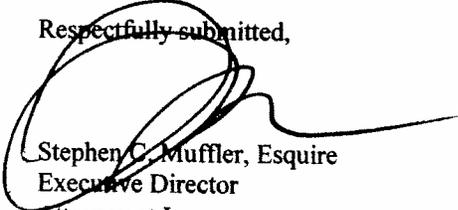
Complaint File: **CRB #07-001**
Public Records Request

Dear State Attorney Kohl:

The Citizen Review Board (CRB) is an independent board with authority to review and/or investigate complaints involving Key West police officers and forward findings and/or recommendations to City management, Chief of Police, State Attorney, other state and federal law enforcement agencies and/or grand juries. I, its executive director, have been charged with securing copies of a report that we believe was submitted to your office relative to case number 2006-CF-01071-A-B-K. One of the defendants in this consolidated case is Mr. Omar Brown. I have enclosed a copy of your office's two (2) separate supplementary discovery disclosures filed in this case. The CRB desires a copy of **Officer A. Rodriguez's** mentioned report and/or supplemental report.

Our Board's efforts to secure the subject evidence from other sources, as of this date, have not succeeded. To further our office's investigation, could you please allow me to copy this evidence from your office's files? It would greatly facilitate resolving an issue in a file that is currently pending before our Board. Please feel free to contact me directly regarding this matter.

Respectfully submitted,


Stephen C. Muffler, Esquire
Executive Director
Attorney at Law

Encl.
cc: File

Clerk

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

LOWER KEYS CRIMINAL DIVISION

STATE OF FLORIDA,
Plaintiff,

vs.

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

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

_____ /

SUPPLEMENTAL DISCOVERY RESPONSE

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

FILED
CLERK OF COURT
MONROE COUNTY, FLORIDA
MAY 3 2006
5:45

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

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

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

Respectfully submitted,

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

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

Clerk

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

LOWER KEYS CRIMINAL DIVISION

STATE OF FLORIDA,
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Case Number 2006-CF-01071-A-B-K

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

_____ /

SUPPLEMENTAL DISCOVERY RESPONSE

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

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

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

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

Respectfully submitted,

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

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



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

December 10, 2008

VIA HAND DELIVERY

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

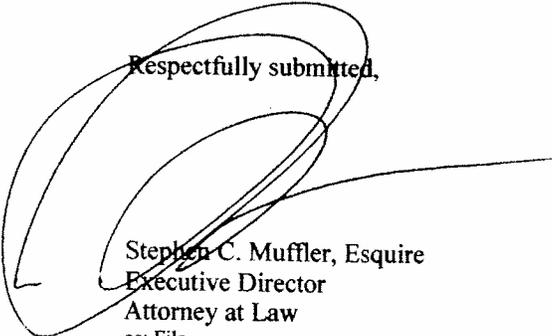
Complaint File: **CRB #08-006/Omar Brown**
Request for Materials

Dear Mr. Rotolo:

Thank you for leaving a message on my voice mail last week. The Citizen Review Board (CRB) is still very much interested in securing a copy of any police report or supplemental report authored by Officer Alvaro Rodriguez of the Key West Police Department that was proffered to your office via State's Discovery Response filed in case number 2006-CF-1071-A-K, titled State of Florida v. Omar Brown.

I realize you are now out of the office for an extended period of time. If your assistant could fax or mail us a copy of this document, it would be greatly appreciated. I have left several voice messages on your answering service to this effect. Thanks you for your continued attention to this matter.

Respectfully submitted,


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

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OFFICE OF THE STATE ATTORNEY
SIXTEENTH JUDICIAL CIRCUIT

Mark E. Kohl
State Attorney

Suite 201
530 Whitehead Street
Key West, Florida 33040

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

FACSIMILE TRANSMITTAL SHEET

TO: Steve Muffler

FAX #: 293-9827

FROM: Bj Gray

FAX #: _____
PHONE#: _____

NUMBER OF PAGES: 2 (including this cover page)

DATE: 12/16/08 **TIME:** _____

MESSAGE: (IF ANY)

Ref: Omar Brown
2006CF1071-

Date/Time: 9/05/06 / 9:00:19

System: HTE
Program: CHF004P

KEY WEST POLICE DEPARTMENT
Narrative Print

Page:

Case Number: 1-06-005439

***** N A R R A T I V E # 5 *****
SUPPLEMENTAL REPORT

Reported By: RODRIGUEZ, ALVARO M.
Entered By.: RODRIGUEZ, ALVARO M.

9/03/06
9/03/06

I responded to 3636 Duck Ave. to assist Sgt. F. Zamora and Ofc. B. Lariz in an ongoing investigation of an armed robbery that had occurred at Beachcombers Jewelers [2786 North Roosevelt Blvd.]. Upon arrival contact had been made with a black female by the name of Kiefa K. Edgerton and a black male by the name of Dominick Terrell. These individuals were asked several times if a Mr. Omar Brown was in the residence and they said no. However, about 10 minutes later Brown came out through the front window of the residence. Subsequently Edgerton and Terrell also came out of the residence. I then stood guard outside the residence and made sure that Edgerton, Brown, and Terrell did not return inside the residence pending a search warrant of said location. At around 5:00p.m. a 2006 red Honda bearing Fl. Tag L897T was towed from in front of 3636 Duck Ave. to the rear parking lot of The Key West Police Department as evidence. I escorted this vehicle to the police station. The vehicle belongs to Ms. Edgerton.

** End of Report **