

CRB COMPLAINT EVALUATION FORM

Case Number: 09-006

Complainant Name: Shahdaroba Rodd

CASE SUMMARY

Date of Incident: 10/28/2006
Date of Complaint filed with IA: 5/26/09
Date of Complaint filed with CRB: 5/26/09

Officers: Officer Randall Smith
Officer D. Kouri
Officer M. Koehane

Allegation: False Arrest
Untruthfulness

The Complainant, Mr. Shahdaroba Rodd, appeared in the CRB office on May 26, 2009 to file a complaint against the officers involved in his DUI arrest which occurred on October 28, 2006. Mr. Rodd fought the charges of DUI and related charges of resistance and/or obstruction of an officer without violence, refusal to submit to Breath/Urine Test and a traffic violation of failure to maintain his vehicle in the proper lane. The disposition of his charges are as follows:

1. Driving Under the Influence in violation of F.S. 316.193(1) : Jury Trial on 3/23/07 and found **Not Guilty**;
2. Resistance and/or Obstruction of an Officer without Violence in violation of F.S. 843.02: **SAO Nolle Prossed the charges (charges dropped)**
3. Refusal to Submit to Breath/Urine Test in violation of F.S. 361.1939(1)(e): **SAO took no action (charges dropped); &**
4. Failure to Drive in a Single Lane in violation of F.S. 316.089: **Found Guilty By Judge on 3/23/07 and fined \$200.00 and court costs.**

Mr. Rodd appealed his conviction of violating F.S. 316.089 on April 20, 2007, but said appeal was dismissed on November 11, 2007 for Mr. Rodd's failure to prosecute the appeal. Thus, Mr. Rodd remains convicted of violating F.S. 316.089.

Mr. Rodd has now filed a complaint against the involved officers about 3 years after the arrest and 2 years after his trial. Mr. Rodd stated to the CRB director that his hesitation in filing this complaint was in hopes that they "would leave me alone" [referencing his allegations of continued harassment & arrest/ticketing by the KWPD against him which are not the subject matter of this complaint].

Mr. Rodd's primary complaint is that Officer Smith had no probable cause to pull him over in the first place. Thus, he should have never been subjected to other officer's scrutiny for DUI which later resulted after the stop on the roadway. Mr. Rodd was driving along South Street and was initially pulled over by Officer Smith for failure to maintain his vehicle in the proper lane. Mr. Rodd supplies the statute which requires drivers to maintain their side of the roadway whenever the lane is clearly marked for traffic. Mr. Rodd supplies his colored photos taken shortly after this arrest to show that the street was NOT clearly marked as a divided roadway and thus he should not be legally charged with such a violation. However, Mr. Rodd's ONLY conviction, based on evidence beyond a reasonable doubt, was for driving on, or entering into, the wrong lane on South Street---the very ticket issued by Officer Smith. This conviction was appealed, but the appeal was abandoned by Mr. Rodd.

CRB members should be mindful that the evidentiary standard for “probable cause” for initiating a traffic stop is far less than the evidentiary standard for a conviction of “beyond a reasonable doubt”. Mr. Rodd was convicted for violating F.S. 316.089 which is the statute cited on the ticket authored by Officer Smith.

Mr. Rodd’s complaint continues alleging that after the initial ticket issued by Officer Smith, there was an continued investigation by other officers of his sobriety. Mr. Rodd alleges that the other involved officers committed numerous clerical errors when filling out the related tickets and made misstatements in the reports that were either a product of clerical errors, malfeasance or purposeful. His complaint itemizes each officer’s alleged improper conduct.

Chief Donie Lee responded with a memo dated June 3, 2009 which stated that the allegations of false arrest and untruthfulness by the listed officers “*have been resolved in a court of law nearly three years ago*”. Further Chief Lee felt no need for an investigation due to the fact that “*there is no basis to the allegations*”.

Mr. Rodd responded to Chief Lee’s memo with a formal written reply requesting an investigation and enclosing his colored photographs, short VCR clip of his DUI processing, and a video clip used at this trial addressing the vehicle’s possible speed at the time of the incident on South Street. These items were all forwarded to IA for additional comments on July 7, 2009.

Chief Lee then re-responded with another memo dated July 21, 2009 in which the Chief further explained this intent not to initiate an investigation into this matter but did state that one of the officer’s, officer Kouri, “*was careless in some of his documentation*”.

This file consists of the following written/visual materials:

1. Complaint and attachments received from Mr. Rodd and signed receipt from KWPD;
2. Memorandum dated June 3, 2009 from Chief Donie Lee;
3. Mr. Rodd’s Reply to said June 2, 2009 memorandum;
4. Short VHS Tape Clip of Mr. Rodd’s DUI Processing Provided by Mr. Rodd;
5. Short CD ROM video simulation used at Mr. Rodd’s criminal trial Provided by Mr. Rodd;
6. Colored Pictures of South Street Roadway Provided by Mr. Rodd;
7. Copies of the disposition of the criminal charges in Mr. Rodd’s criminal case & dismissal of appeal;
8. Letter to IA & Chief Lee forwarding all the items 3-5 and requesting any further input;
9. Chief Lee’s re-responding memo dated July 21, 2009; &
10. 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 DEPARTMENT, 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.

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

TO: Lt. David Smith
FROM: Stephen Muffler, Esquire
DATE: 5/26/09
RE: CRB Complaint 09-006/Transfer to IA

Attached please find a complaint filed by Mr. Rodd Shahdaroba against Officers Kouri, Keohane & Inspector R. Smith. 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 cursive script, appearing to read "Dehan", is written over a horizontal line.

Citizen Review Board

#3 East Quay Road, Key West, FL 33040

PO Box 1946, Key West, FL 33041

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

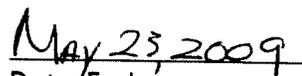
email: crb@keywestcity.com

<http://www.keywestcity.com/departement/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.


Name/Nombre


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

(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: SHANDAROA ROOD Date of Birth: SEPT. 19, 1946
Nombre Fecha de nacimiento

Address: _____
(Dirección) Street (Ciudad) City (Estado) State (Código Postal) Zip

Mailing Address: P.O. Box 742 Key West FL 33041
Dirección postal PO Box or Street, City, State and Zip

Work Address: _____
(Dirección del trabajo)

Home Phone: () _____ Work Phone: () _____ Cellular: (305) 766-2066
Teléfono Particular Teléfono del Trabajo Celular

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

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

Other: NO PROBABLE CAUSE TO INITIATE TRAFFIC STOP BY R. SMITH

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

Name: Off. KOURI, D. Badge #: 3022 Vehicle #: N/A
Nombre Placa No. Patrulla No.

Please provide a physical description of officer:

Describe la apariencia física del oficial: MALE

Name: Off. KEOHANE, M. Badge #: 2440 Vehicle #: N/A
Nombre Placa No. Patrulla No.

Please provide a physical description of officer:

Describe la apariencia física del oficial: FEMALE

Name: Off. RANDALL SMITH Badge #: 2935 Vehicle #: UNKNOWN
Nombre Placa No. Patrulla No.

Please provide a physical description of officer:

Describe la apariencia física del oficial: MALE

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: SHAH DAROBA RODD
 Nombre _____
 Address: P.O. Box 742 City KEY WEST State FL
 Dirección: _____ Ciudad: _____ Estado: _____
 Zip Code 33041 Contact numbers: Telephone _____ Cell 305-766-2006
 Código Postal _____ Teléfono _____

~~**Victim/Witness #2**~~

~~**Victima/Testigo No. 2**~~

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

~~Name: _____
 Nombre _____
 Address: _____ City _____ State _____
 Dirección: _____ Ciudad: _____ Estado: _____
 Zip Code _____ Contact numbers: Telephone _____ Cell _____
 Código Postal _____ Teléfono _____~~

~~**Victim/Witness #3**~~

~~**Victima/Testigo No. 3**~~

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

~~Name: _____
 Nombre _____
 Address: _____ City _____ State _____
 Dirección: _____ Ciudad: _____ Estado: _____
 Zip Code _____ Contact numbers: Telephone _____ Cell _____
 Código Postal _____ Teléfono _____~~

E. INFORMATION ABOUT THE INCIDENT
INFORMACION ACERCA DEL INCIDENTE

Please provide as much information as possible, using additional pages if necessary.
Suministre la mayor cantidad de informacion posible, utilizando paginas adicionales si fuese necesario.

Date: Oct. 28, 2008 Time: 1 AM (+) Location: SOUTH ST. Case # if applicable: 06-6576 **ARREST FORM**
Fecha: Oct. 28, 2008 Hora: 1 AM (+) Lugar: SOUTH ST. No. de Caso, si corresponde: _____

AT APPROX 1 AM OFC. RANDALL SMITH STOPPED MY VAN FOR AN ALLEGED TRAFFIC VIOLATION, FOR WHICH HE WROTE ME A TICKET (F.S.S. 316.089). THEN, FOR WHATEVER REASON(S), HE TOOK ME TO THE M.C.D.C. FOR SUSPICION OF DUI. OFC. SMITH WROTE NO OTHER DOCUMENTS/FOLIOS RE THIS SITUATION. HE GAVE CUSTODY OF ME TO OFC. D. KOURI. IT WAS HE WHO WROTE THE ARREST FORM/COMPLAINT AFFIDAVIT, AND ALSO (I BELIEVE) THE "FIELD SOBRIETY & ALCOHOL INFLUENCE REPORT"

My COMPLAINT WITH OFC RANDALL SMITH IS THIS: THERE WAS NO PROBABLE CAUSE TO STOP ME. FLA. STATE LAW 316.089 STATES: "DRIVING ON ROADWAYS LANED FOR TRAFFIC. WHENEVER ANY ROADWAY HAS BEEN DIVIDED INTO TWO OR MORE CLEARLY MARKED LANES FOR TRAFFIC . . .". THE TRAFFIC STOP WAS INITIATED BY MY DRIVING ON SOUTH ST, A STREET WHICH DOES NOT HAVE ANY STRIPING ON THE ROAD (EXCEPT FOR VERY SHORT SEGMENT @ CORNERS OF SOUTH ST & SIMONTON ST AND SOUTH ST & REYNOLDS ST). THEREFORE, SOUTH ST. IS NOT DIVIDED INTO 2 OR MORE CLEARLY MARKED LANES FOR TRAFFIC. THE TRAFFIC STOP WAS NOT WARRANTED & NOT LEGAL. (CONTINUED ON NEXT PAGE)

Attach additional pages if necessary. Page number 5 of 5 **ADDITIONAL TYPED** pages of narrative
Are you being prosecuted for this incident or do you have a pending criminal case? Yes _____ No X
Have you ever been convicted of a felony? Yes _____ No X
CASE IS OVER & CLOSED.

"I hereby certify that, to the best of my knowledge, and under the penalty of perjury, the statements made herein are true." I hereby acknowledge and understand that any documents, materials, medical records, e-mail and other communication delivered to the CRB office becomes public record and shall be viewable on the internet by anyone or any entity. You have been advised that any statement made to the CRB can be used by other governmental entities.

[Signature]
Signature of Complainant

MAY 23, 2009
Date signed

| | | |
|--|------------------------|---------------|
| Complaint Received by: | Complaint Reviewed by: | Action Taken: |
| Date complaint forwarded to Chief of Police: _____ | | |

SHAH DAROBA RODD

P.O. BOX 742 KEY WEST FL 33041 305-766-2006

These pages are a continuation of the complaint to the CRB as it pertains to my DUI arrest in October 2006

I have photos that I took of South Street which show no lines exist on it except at the 2 particular intersections. Officer Smith wrote me no tickets for speeding, weaving, driving on the wrong side of the road, reckless driving, careless driving, or any other driving violations. I find this to be more than a bit interesting, considering the gravity and seriousness of my alleged driving behavior as it is described in the narrative of one document.

There are 2 documents which I believe are important to my complaint: the ARREST FORM/COMPLAINT AFFIDAVIT (AF/CA) and the KW FIELD SOBRIETY AND ALCOHOL INFLUENCE REPORT (FS/AIR). The first is authored by Officer D. Kouri, badge #3022, as so noted at the bottom right of the document. The author of the second document is less settled because no one explicitly claims authorship, but I believe Kouri also wrote the FS/AIR. This complaint will reflect that belief. To what degree anyone else had on the contents is unknown to me at this time.

The Field Sobriety and Alcohol Influence Report (FS/AIR) contains a number of items either written in, or circled, which are not accurate. Near the top of the document, in STEP A, "Observation and Stopping Vehicle", one will find "Ofc. R. Smith". I don't know if Ofc. Smith told some of the information to Ofc. Kouri, or just how and why Smith's name is there.

Let's examine the "speeding" accusation.

My recollection tells me that during my DUI trial Officer Smith testified that I was going approx. 20 mph. on South Street, which is not an illegal speed. If his testimony was accurate at the trial (and I believe it was), then the question is: why is the word speeding circled on the FS/AIR? The FS/AIR shows I was first observed at 1:00 am and stopped at 1:03 am, a total elapsed time of 3 minutes. During the trial I believe it was demonstrated that if one could travel one (1) block in 3 minutes, then one could also travel 20 blocks in an hour. That stretch of South Street, the 600 block, is approx. 362 feet long; therefore 20 times 362 feet divided by 5,280 feet (in a mile) = approx 1 3/8 miles per hour. That's hardly speeding by any standards, except perhaps by a snail or a sloth.

I calculated the amount of time it would take to travel the entire 600 block of South Street if a driver was speeding. I did this for several different speeds. My figures show that only a mere 6-10 seconds would be necessary, depending on the speed. That contrasts with the assertion by Kouri that I was observed driving for 3 minutes. Another way to look at this is by figuring out how far a person, while driving at 30mph, 35mph, or 40mph in 3 minutes, could travel. I assure you it would be much longer than a mere 362 ft.

Let's examine the "running off the roadway" accusation.

This is covered by Florida state law 316.089, which defines roadway in part as "that portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder". Therefore, the only way I could have been "running off the roadway" is if I was driving on the sidewalk, and there was no testimony that I was doing any such activity.

It is simply not true that I was running off the roadway. No way, no how!

On page 1, in STEP B, of the FS/AIR, Kouri wrote that I was agitated, dirty, argumentative, and failed to provide needed identification. Kouri also circled that: my speech was slurred, the odor of alcoholic beverage on my breath was strong, my eyes were bloodshot, watery, and glassy my face was flushed my ability to walk as swaying, and needing support my ability to stand was swaying, falling, leaning on objects for support, and my actions were fighting.

A video tape was made of me at the jail, and I believe it shows that my speech was not slurred, my ability to stand and walk were not as written, and my actions were not such that they could be considered as "fighting" or "argumentative". The video shows my shirt to be clean and white. I feel that a viewing of this video will exonerate me of the alleged actions.

In STEP B there are 2 items in particular which bear looking at in detail. The first is the written notation of "failed to provide needed identification", as noted below line #10. It stands in direct contrast with the narrative found in the 3rd paragraph, 2nd sentence of the ARREST FORM/COMPLAINT AFFIDAVIT, as sworn to its accuracy by Officer Kouri, which says, "Ofc. Smith stated that he made contact with the driver and asked for his driver's license, registration, and proof of insurance. He stated that Rodd fumbled through his paperwork and handed him one item at a time."

It would seem totally impossible that I could have "failed to provide needed identification" and yet have handed over the requested items "one at a time".

The next item is line 4, STEP B of the FS/AIR, where the word 'strong' is circled. In the 3rd paragraph of the ARREST FORM/COMPLAINT AFFIDAVIT you'll find this quote, "... he [Smith] smelled an odor of an alcoholic beverage on his [Rodd's] breath ...". Then in the 4th paragraph, Kouri states "I smelled a moderate odor of an alcoholic beverage on his breath,".

So which was it? Did my breath smell strongly, moderately, or just smell of alcohol? I don't see how it could be all three. Did Kouri circle the word "strong" so as to influence the ultimate outcome of the situation?

Now let's look at other errors, and possible errors, made by Kouri. On the DUI ticket, # 4120-ENW, you'll find his name at the bottom as the author of the ticket. It appears that: he spelled my first name incorrectly, but it's hard to tell because his writing is so sloppy, he did misspell the name of the street (it is Cowford Rd., not lowford Rd.),

the zip code is either wrong or, again, too sloppily written to tell, the date of birth is incorrect as he wrote it, and the vehicle license # is wrong, too, or would certainly appear so.

It is not difficult for anyone to ascertain a driver's year of birth as listed on a Florida driver license because the birth year is an integral part of the number itself.

For instance, my DL # = R300-780-46-339-0. The "46" indicates the year I was born. So how could Kouri get this so wrong? Beats me, but he did. Also notice on this ticket that for the time of day when the arrest occurred that Kouri has it listed as 0110AM, or 1:10am. That was the correct time. I think this is important as you'll see in a moment.

Now look at ticket # 440176-W, also written by Kouri. Please note the time as he has shown it to be 0110 PM, or 1:10pm, a complete opposite of the other ticket he wrote me. But at least he was consistent in one respect; that is, he wrote my birth year down incorrectly again.

One of the more disturbing facts in what Kouri did in writing and executing the tickets - he violated Florida law #322.2615. Paragraph (1)(a) says, " ... the officer shall take the person's driver's license and issue the person a 10-day temporary permit ...". And here's where Kouri erred. He did NOT give me my temporary 10-day permit. Oh, he wrote the ticket/temporary permit all right, but he never gave me a copy of it. How can I say that with such certainty? Because my copy of ticket #4120-ENW, the one that reads "SUMMONS-VIOLATOR'S COPY" near the top right was always in the possession of the Clerk of the Court's office. When I checked the file at the Clerk's office one day, I found the copy that I should have received was attached to the file, as evidenced by the Clerk's seal on the paper.

One other disturbing aspect of both these tickets is this: I was never given the opportunity to sign the tickets. Since I never had possession of the ticket #4120-ENW, mentioned in the previous paragraph, it might be reasonable to think that I never had a chance to sign it. I'm not sure when either of the tickets was written, but neither of them was ever presented to me with the request to sign them. Where was I at the time they were written? So by me allegedly not signing the tickets I never saw, I found myself with an additional criminal charge.

Let's go back to the "ARREST FORM/COMPLAINT AFFIDAVIT" for a moment. On the first line of the 2nd paragraph, it is written "... that he observed Rodd driving eastbound on South Street." Now, without going back over a transcript of the trial to make a total certainty of what I write here, I believe that Ofc. Smith did testify that I was in fact driving westbound on South Street. If he said westbound, then he gets high marks for telling the truth at the moment because I was indeed traveling westbound, toward Simonton Street, when I was stopped. How can this be proven? Because of two documents, one from the sheriff's office and one from the towing company, which document the fact that my vehicle was towed from Simonton Street.

I explained to the DMV at my driver license suspension hearing that me being listed as driving eastbound on South Street made absolutely no sense at all. Why? For me to be

traveling eastbound, as written by Kouri, and have my vehicle towed from Simonton Street as documented, would require Ofc. Smith, who is credited with claiming I was a horrendous driver, to allow me to drive 3 blocks east on South Street, turn left at William Street, go 1 block to United St., turn left again, drive 3 blocks back to Simonton Street, make yet a 3rd left turn, and then park my vehicle on Simonton Street. This just could not be. The direction of my travel, as shown on the AF/CA, is wrong, wrong, wrong.

Now let's discuss Ofc. Keohane; she says I refused her request to take a breath test, which was the reason for my license being suspended. I never refused at all. In fact, I did offer to even take an algebra test. OK, my efforts at bringing a little levity to the situation weren't appreciated by the folks in blue, but I think that it at least shows that I wasn't "fighting" and "argumentative". I believe I have grounds to fear any test administered by the KWPD because I simply do not believe they are honest and forthright. In addition, I knew at the time of this situation of illegal procedures carried out by other police departments in respect to DUI testing. I also knew that anyone arrested for DUI could ask for the opportunity to have an independent DUI test done, one which might refute the one done by the police, and I made that knowledge and my desire that have that occur known to Ofc. Keohane. She apparently was in no mood to listen to me so she made her decision to suspend my driver license, without cause.

I believe this entire situation reeks of nonfeasance, misfeasance, and/or malfeasance by one or more of the officers involved, as well as violations of more than a few state laws. Perhaps there is even a conspiratorial aspect at play here. Who knows? How could so many important aspects of this case be wrong? How could so many errors be made by "professional" officers? My past history with the KWPD causes me to believe that I will never be one of the good guys in their view. And that's OK with me, just as long as I'm not victimized by their zealous pursuit of a conviction of me at almost any cost or by almost any means available.

Three last parting notes.

The jury in my DUI trial returned a verdict of NOT GUILTY after only 20-25 minutes of deliberations. Perhaps a year later, a man approached me, asking if I recognized him. I said no. He then proceeded to tell me that he had served as a juror at my trial. I had always been curious as why the jury had returned with a verdict so quickly so I asked him that very question. His response was that they, the jury, simply could not believe what the cops were saying.

I contested my driver's license suspension through the proper channels. At one point, I had subpoenaed all three officers involved to attend a hearing so that I might be able to question them. Officer Smith was not available the first time, but since the hearing officer felt like he was an important enough possible witness, she continued the hearing until one month later. I again subpoenaed Officer Smith; this time the subpoena was returned UNSERVED because he would be unavailable to attend for the entire months of September, October, and November, and the first 20 days of December. Altogether, he was going to be unavailable for

practically 5 full months. However, when my DUI trial was called, he had no problem with arranging his schedule so he could be a witness against me.

I believe that one or more of the officers involved are guilty of violations of state laws, mostly dealing with issues of truthfulness. Some of these laws (# and title) are:

316.067 False Reports

322.33 Making false affidavit perjury

837.05 False reports to law enforcement authorities

837.06 False official statements

838.22 Official misconduct

839.13 Falsifying records

839.24 Penalty for failure to perform duty required of officer

914.13 Commitment for perjury

There may be other laws of which I may not have knowledge that may have been violated. Additionally, one or more of the officers may have violated aspects of the Florida Rules of Criminal Procedure, including portions of Rule 3.111. All three officers may have violated policies and procedures of the KWPD. And, at the very least, Kouri is guilty of doing sloppy workmanship in filling out the various forms he did.

And they call this justice?



FLORIDA UNIFORM TRAFFIC CITATION 6295-EDK 5

COUNTY OF **MONROE** (1) F.H.P. (2) P.A. (3) S.O. (4) OTHER

CITY OF APPLICABLE **KEY WEST** **38/42** AGENCY **KWPD**

IN THE COURT DESIGNATED BELOW THE UNDERSIGNED CERTIFIES THAT HE/SHE HAS
 JUST AND REASONABLY BELIEVED TO BELIEVE AND DOES BELIEVE THAT ON

COMPLAINT
 (RETAINED BY COURT)

DATE OF VIOLATION: DAY **SAT** MONTH **10** YEAR **2006** TIME **1500** P.M. A.M.

NAME (PRINT) FIRST **SHAHNADARABA** LAST **ROSA**

STREET **5484 COWFORD ROAD**

CITY **EBRD** STATE **FL** ZIP CODE **32437**

TELEPHONE NUMBER: DATE OF BIRTH **09** DAY **19** YEAR **46** SEX **W** HAIR **B** HEIGHT **6'00"**

DRIVER LICENSE NUMBER: STATE **FL** CLASS **E** EXPIRES **02/2007** IF COMPENSATED, STATE VEHICLE TYPE HERE

PL VEHICLE: MAKE **FORD** MODEL **VAN** COLOR **BLUE** IF PLACED ON HIGHWAY, STATE VEHICLE LICENSE NO. **DJ1-4KR** TRAILER TAG NO. **FL 07** IF COMPANION CITATION, STATE

UPON A PUBLIC STREET OR HIGHWAY, OR OTHER LOCATION, NAMELY **6000 BLK SOUTH ST.**

CASE # 06-6576

- DID UNLAWFULLY COMMIT THE FOLLOWING OFFENSE. CHECK ONLY ONE OFFENSE EACH CITATION.
- UNLAWFUL SPEED INTERSTATE 4-LANE HWY WITH 80 FT. MEDIAN OUTSIDE BUL. OR REEL. DIST. MPH SPEED APPLICABLE _____ MPH
 - CARELESS DRIVING
 - VIOLATION OF TRAFFIC CONTROL DEVICE
 - VIOLATION OF RIGHT-OF-WAY
 - IMPROPER CHANGE OF LANE OR COURSE
 - IMPROPER PASSING
 - CHILD RESTRAINT
 - SAFETY BELT VIOLATION
 - IMPROPER OR UNSAFE EQUIPMENT
 - EXPIRED TAG
 - SIX (6) MONTHS OR LESS
 - MORE THAN SIX (6) MONTHS
 - NO PROOF OF INSURANCE
 - EXPIRED DRIVER LICENSE
 - FOUR (4) MONTHS OR LESS
 - MORE THAN FOUR (4) MONTHS
 - NO VALID DRIVER LICENSE
 - DRIVING WHILE LICENSE SUSPENDED OR REVOKED
- DRIVING UNDER THE INFLUENCE OF ALCOHOLIC BEVERAGES, CHEMICAL OR CONTROLLED SUBSTANCES, DRIVING WITHOUT PHYSICAL CONTROL WHILE IMPAIRED, OR DRIVING WITHOUT PHYSICAL CONTROL WITH UNLAWFUL BLOOD/URINE ALCOHOL LEVEL, BAC _____ %

OTHER VIOLATIONS OR COMMENTS PERTAINING TO OFFENSE:

FAIL TO MAINTAIN SINGLE LANE

AGGRESSIVE DRIVING IN VIOLATION OF STATE STATUTE **316.089** SUB-SECTION

CHARGE: YES NO PRIORITY DAMAGE: YES NO SALARY TO ANOTHER: YES NO SPECIAL SALARY TO ANOTHER: YES NO FALS: YES NO

6295-EDK 5

COURT INFORMATION: DATE **500 WHITEHEAD ST.**
KEY WEST, FL 33040

\$115.50

AGREES AND PROMISES TO COMPLY AND OBEY TO THE CHARGES AND RESTRICTIONS SPECIFIED IN THIS CITATION, WITHOUT REFUSAL TO ACCEPT AND SIGN THIS CITATION, AND TO COMPLY WITH THE INSTRUCTIONS CONTAINED HEREIN, IF YOU NEED REASONABLE FACILITY TO COMPLY WITH THE INSTRUCTIONS, CONTACT THE CLERK OF THE COURT.

DATE: **12/12/06**

SIGNATURE OF OFFICER: **[Signature]** OFFICER NO. **9980** A. NO. **1746** TROOP UNIT **KWPD**

HEAVY TRUCK (PICK 0400)

Select Year: 2006

The 2006 Florida Statutes

Title XXIII
MOTOR VEHICLES

Chapter 316
STATE UNIFORM TRAFFIC CONTROL

[View Entire Chapter](#)

316.089 Driving on roadways laned for traffic.--Whenever any roadway has been divided into two or more clearly marked lanes for traffic, the following rules, in addition to all others consistent herewith, shall apply:

- (1) A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.
- (2) Upon a roadway which is divided into three lanes and provides for two-way movement of traffic, a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle traveling in the same direction when such center lane is clear of traffic within a safe distance, when in preparation for making a left turn, or where such center lane is at the time allocated exclusively to traffic moving in the same direction that the vehicle is proceeding and such allocation is designated by official traffic control devices.
- (3) Official traffic control devices may be erected directing specified traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway; and drivers of vehicles shall obey the directions of every such device.
- (4) Official traffic control devices may be installed prohibiting the changing of lanes on sections of roadway, and drivers of vehicles shall obey the directions of every such device.
- (5) A violation of this section is a noncriminal traffic infraction, punishable as a moving violation as provided in chapter 318.

History.--s. 1, ch. 71-135; s. 113, ch. 99-248.

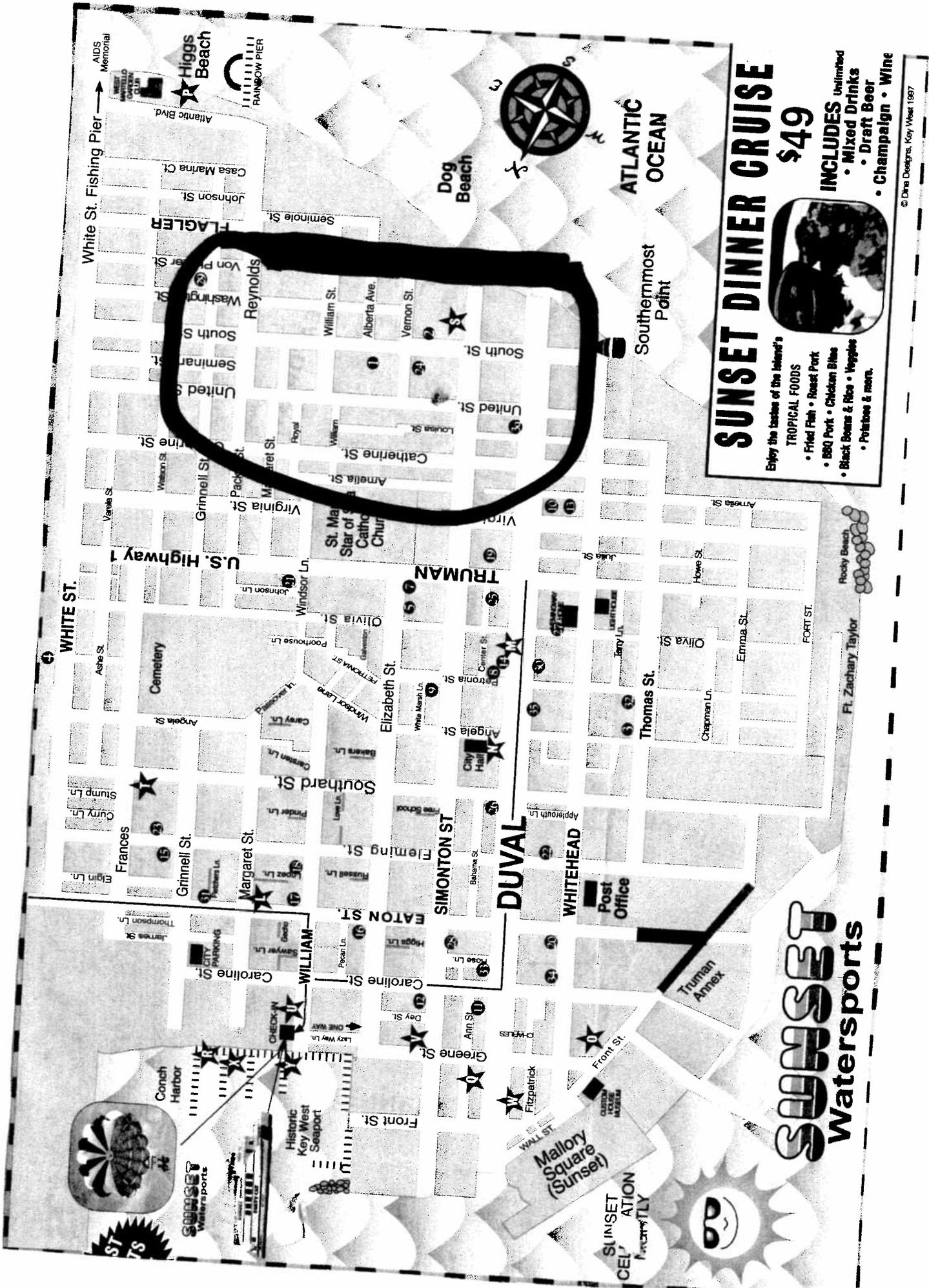
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(41) ROAD TRACTOR.--Any motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon, either independently or as any part of the weight of a vehicle or load so drawn.

(42) ROADWAY.--That portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two or more separate roadways, the term "roadway" as used herein refers to any such roadway separately, but not to all such roadways collectively.

(43) SADDLE MOUNT; FULL MOUNT.--

COURT COPY



SUNSET DINNER CRUISE \$49



Enjoy the tastes of the island's
TROPICAL FOODS

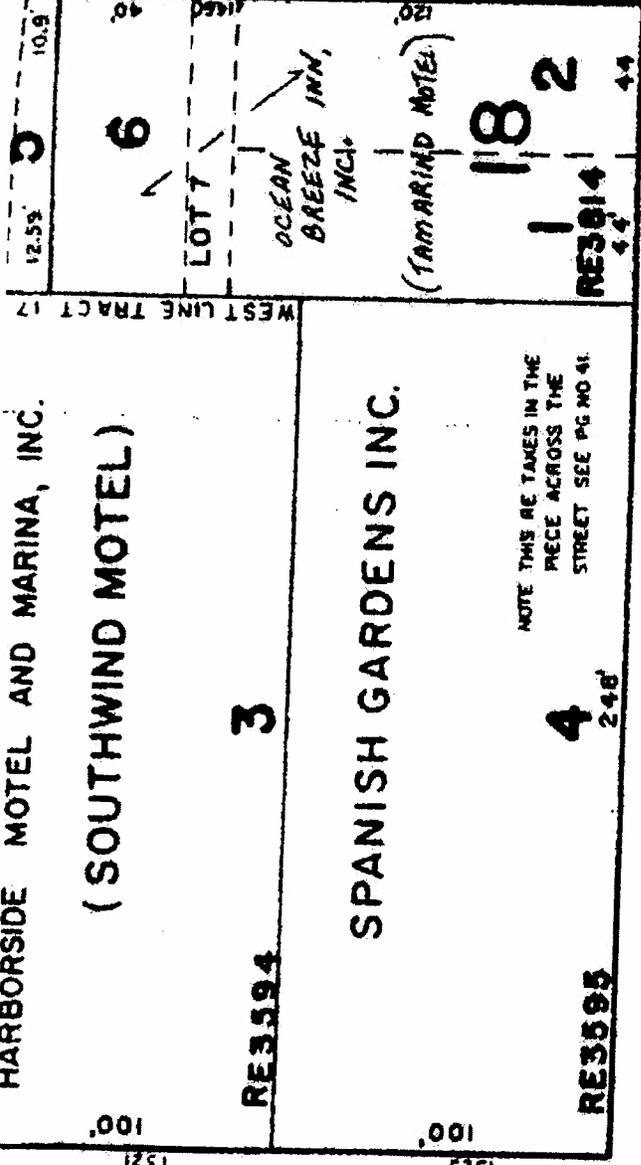
- Fried Fish • Roast Pork
- BBQ Pork • Chicken Bites
- Black Beans & Rice • Veggies
- Potatoes & more.

INCLUDES Unlimited

- Mixed Drinks
- Draft Beer
- Champaign • Wine

SUNSET Watersports

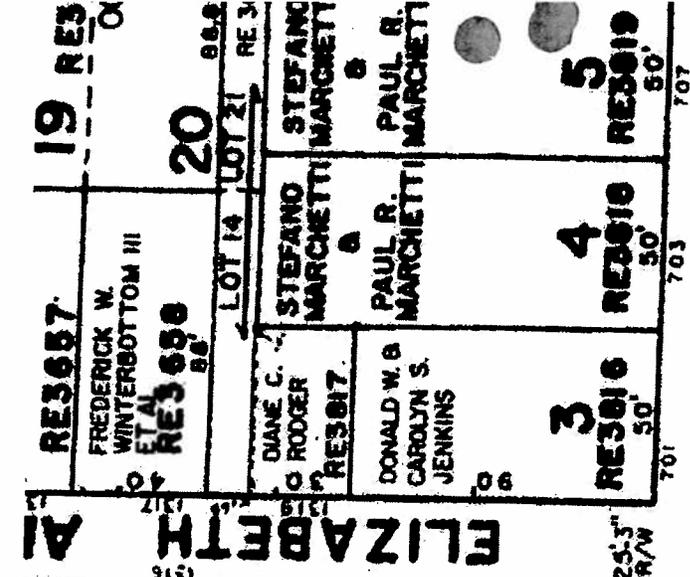
HARBORSIDE MOTEL AND MARINA, INC.
(SOUTHWIND MOTEL)



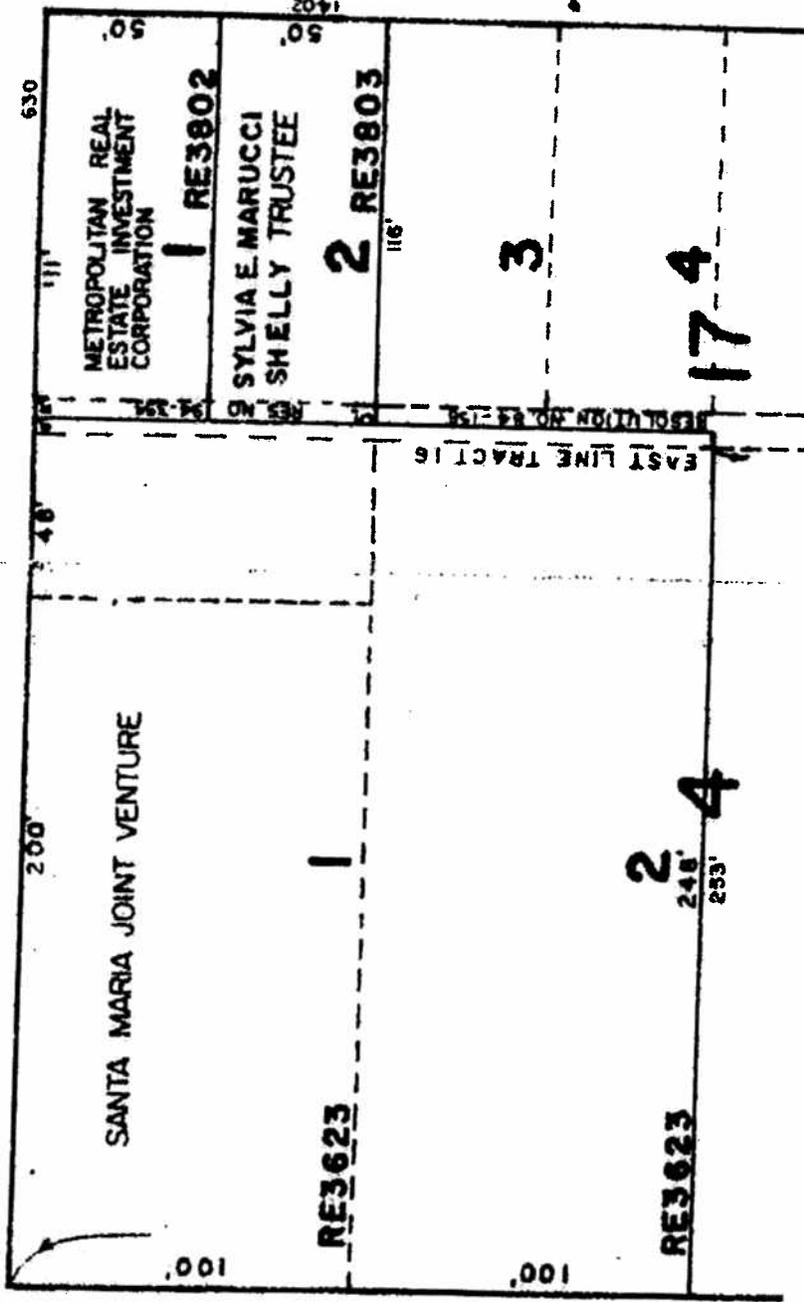
NOTE THIS RE TAXES IN THE
PIECE ACROSS THE
STREET SEE PG NO 41.

SOUTH

50
R/W



ELIZABETH A.



SANTA MARIA JOINT VENTURE

WINDWAY

50
R/W

STATE OF FLORIDA
COUNTY OF MONROE

COMPLAINT AFFIDAVIT

ARREST FORM X

ARRESTING AGENCY: KWPD

RESIDENT OF MONROE COUNTY YES X NO

RESIDENT OF FLORIDA YES X NO

CASE NO.: 06-6576 IN BOOK: _____

Defendant's Name: Rodd Shahraroba _____
(Last) (First) (Middle) Date of Birth: 19-09-1946
(Day, Month, Year)

On 10-28-2006 at approximately 0127 hrs, while at MCDC, I took custody of a white male identified as Shadaroba Rodd, from Ofc. R. Smith. Ofc. R. Smith initiated a traffic stop on Rodd at the 600 block of South Street at approximately 0110hrs on a blue Chevrolet van (FL Tag D214KP) for failure to maintain a single lane.

Ofc. Smith stated that he observed Rodd driving eastbound on South Street. He states that he was driving on the wrong side of the road, forcing a motorcyclist to pull over. Ofc. Smith stated that he also observed the driver almost strike two trash cans sitting on the curb and almost strike two vehicles, also legally parked on the side of the road.

Ofc. Smith stated that he made contact with the driver and asked for his driver's license, registration and proof of insurance. He stated that Rodd fumbled through his paperwork and handed him one item at a time. Ofc. Smith stated that as he spoke with Rodd, he smelled an odor of an alcoholic beverage on his breath and noted that his eyes were bloodshot and glassy. Ofc. Smith transported Rodd to the Monroe County Detention Center for a DUI investigation.

I met with Rodd upon his arrival to the jail. As I spoke to him, I smelled a moderate odor of an alcoholic beverage on his breath, noted that his speech was slurred and his eyes were bloodshot and glassy. During my investigation with Rodd, he stated he would not be willing to submit to standardized Field Sobriety Exercises, but that he would be willing to take a breath test, a blood test and even an algebra test.

Ofc. Keohane introduced herself to Rodd. She explained how to perform the breath test and attempted to administer the breath test to Rodd. As Ofc. Keohane reiterated the instructions to Rodd, he told her that he was not taking the test. She asked if he was refusing to submit to the test and he stated, "No". He then stated that he was not going to take to the test until he was able to speak to his lawyer.

Upon completion of my investigation with Rodd, I asked him identification questions (geographical information) to complete the arrest affidavit. Rodd refused to tell me his social security number, address, or provide a phone number, stating that he had the right to remain silent. Rodd was not advised of his Miranda Rights at the time I tried to obtain the information. Due

Sworn to and subscribed before me,
the undersigned authority, this

28th day of October, 2006

[Signature]

Judge - Clerk - Notary Public

I swear the above statement is correct and true to the
best of my knowledge and belief.

Ofc. Kouri [Signature]
Signature of Officer or Complainant

Dept. KWPD Ct. ID Number 3622

ID NO.: P114

STATE OF FLORIDA
COUNTY OF MONROE

COMPLAINANT AFFIDAVIT

ARREST FORM

ARRESTING AGENCY: KWPD

RESIDENT OF MONROE COUNTY YES X NO
RESIDENT OF FLORIDA YES X NO

CASE NO.: 06-6576 IN BOOK: _____

Defendant's Name: Rodd Shahraroba Date of Birth: 19-09-1946
(Last) (First) (Middle) (Day, Month, Year)

to his refusal to cooperate, he was also charged with resisting arrest without violence. I explained to Rodd that he would be charged with the above if he continued to refuse to provide me with the requested geographical information and he stated he understood. He continued to refuse to give me the information. Rodd was advised of his Miranda Rights and stated that he understood them. He refused to answer any questions regarding the DUI investigation without his attorney present.

Rodd was issued a total of three citations and turned over to MCDC officers without incident.

Sworn to and subscribed before me,
the undersigned authority, this

28th day of October, 2006

[Signature]
Judge - Clerk - Notary Public

I swear the above statement is correct and true to the
best of my knowledge and belief.

Ofc. Kouri [Signature] 3022
Signature of Officer or Complainant

Dept. KWPD Ct. ID Number 3022

ID NO.: P114

COURT COPY STATE ATTORNEY'S COPY P.S.D. RECORD'S COPY OFFICER'S COPY DEFENDANT'S COPY



CITY OF KEY WEST - DEPARTMENT OF POLICE FIELD SOBRIETY & ALCOHOL INFLUENCE REPORT

Defendant: SHADROKH RUDOO KWPD Case No. 06-6576 DUI Citation No. 440176-W

STEP A> OBSERVATION AND STOPPING VEHICLE Off. R. Smith

1. I first observed vehicle at 0100 hours 10-28-06 date.
2. My first observation occurred at 600 BIK SOUTH ST. in Monroe County.
3. During this observation period, I observed vehicle (circle as needed): weaving, speeding, running off the roadway and making wide turns. Other: _____
4. I stopped that vehicle at 0103 hours, at 600 SOUTH ST location.
5. I observed that Mr./Mrs./Ms. SHADROKH RUDOO was in actual physical control of the vehicle.
6. Note any problems in stopping the vehicle _____

Notes: _____

ACCIDENT CASE (Complete only if Traffic Crash Case)

7. I arrived at the crash at _____ hour, at _____ location.
8. I verified that the crash occurred at _____ hours, at _____ location.
9. I verified that Mr./Mrs./Ms. _____ was in actual physical control of the involved vehicle. (Explain how verified) _____
10. I verified that Mr./Mrs./Ms. N/A has consumed no alcoholic beverage since the crash. (Explain how verified) _____

Notes: _____

STEP B> EXAMINATION OF DRIVER

1. Response/Actions when asked for his/her driver's license and registration AGITATED
2. I asked the driver today's date and present time _____
3. His/Her speech was: clear, incoherent, hysterical, shouting, other _____
4. Odor of an alcoholic beverage on breath: strong, moderate, faint, other _____
5. Eyes were: bloodshot, watery, glassy, pupils unequal, dilated, other _____
6. Face was: flushed, pale, other _____
7. Described clothing: DIRTY. They were: dirty, soiled, disheveled
8. Ability to walk: swaying, stumbling, falling, needing support, other _____
9. Ability to stand: swaying, falling, leaning on objects for support, other _____
10. Actions were: cooperative, fighting, abusive, crying, laughing, other ARGUMENTATIVE

Notes: Failed to provide needed identification

REC'D AS PART OF DISCOVERY

TUES. 12-12-06



FLORIDA UNIFORM TRAFFIC CITATION

4120-ENW 5

COUNTY OF MONROE (1) F.P.P. (2) P.D. (3) S.O. (4) OTHER

CITY OF APPLICABLE KEY WEST 38/42 AGENCY ICWPD

IN THE COUNTY REFERENCED BELOW THE UNDERSIGNED OFFICER HAS PERSONALLY OBSERVED THE VIOLATION AND BELIEVES AND REASONABLY BELIEVES TO BELIEVE AND REASONABLY BELIEVES THAT ON

DATE OF VIOLATION MONTH SAT DAY 10 YEAR 06 HOURS 06 MINUTES 0110 P.M.

NAME (FIRST) LAST SAUNDARORA MI 1000

STREET ROAD 5484 LOWFORD RD IF DIFFERENT FROM ONE ON DRIVER LICENSE "I" HERE

CITY EBRD STATE FL ZIP CODE 32437

TELEPHONE NUMBER DATE OF BIRTH 09 DAY 19 YEAR 47 SEX M HAIR B EYES B

DRIVER LICENSE NUMBER [REDACTED] CLASS E1 COL LICENSE Y EXPIRES 07 IF COMMERCIAL, VEH. "I" HERE

VEHICLE MAKE FORD MODEL YAR COLOR BLU IF FLORIDA LICENSE, VEH. "I" HERE

VEHICLE LICENSE NO. 021 411R TRAILER TAG NO. 07 IF FLORIDA LICENSE, VEH. "I" HERE

VIOLATION OCCURRED ON HIGHWAY, OR OTHER LOCATION, NAMELY 600 BIK SOUTH STREET

FT. 1657-08

DID UNLAWFULLY COMMIT THE FOLLOWING OFFENSE. CHECK ONLY ONE OFFENSE EACH CITATION.

UNLAWFUL SPEED MPH SPEED APPLICABLE

INTERSTATE 4-LANE HWY WITH 20 FT. MEDIAN OUTSIDE BUS. OR RBL. DIST. MPH

CARELESS DRIVING SAFETY BELT VIOLATION EXPIRED DRIVER LICENSE

VIOLATION OF TRAFFIC CONTROL DEVICE IMPROPER OR UNSAFE EQUIPMENT FOUR (4) MONTHS OR LESS

VIOLATION OF RIGHT-OF-WAY EXPIRED TAG MORE THAN FOUR (4) MONTHS

IMPROPER CHANGE OF LANE OR COURSE SIX (6) MONTHS OR LESS NO VALID DRIVER LICENSE

IMPROPER PASSING MORE THAN SIX (6) MONTHS DRIVING WHILE LICENSE SUSPENDED OR REVOKED

CHILD RESTRAINT NO PROOF OF INSURANCE

DRIVING UNDER THE INFLUENCE OF ALCOHOLIC BEVERAGES, CHEMICAL OR CONTROLLED SUBSTANCE, DRUGS, OR OTHER PHYSICAL CONTROL WHILE IMPAIRED, OR DRIVING UNDER PHYSICAL CONTROL WITH UNLAWFUL BREATHER/BLOOD/URINE ALCOHOL LEVEL, OR

OTHER VIOLATIONS OR COMMENTS PERTAINING TO OFFENSE: DUI

"A.M." IS CHECKED, WHICH IS CORRECT

1657-08

AGGRESSIVE DRIVING IN VIOLATION OF STATE STATUTE 316.173

COURT YES NO PRIORITY DAMAGE YES NO HARM TO ANOTHER YES NO BODILY HARM TO ANOTHER YES NO

CRIMINAL VIOLATION COURT APPEARANCE REQUIRED AS INDICATED BELOW

INFRACTION COURT APPEARANCE REQUIRED AS INDICATED BELOW

INFRACTION WHICH DOES NOT REQUIRE APPEARANCE IN COURT

COURT INFORMATION 11/20

JOSE MILLER THE SUD WINTEREN

COURT LOCATION

4120-ENW 5

ARREST DELIVERED TO MCDC DATE 12-28-06

I AGREE AND PROMISE TO COMPLY AND OBEY TO THE CHARGES AND INSTRUCTIONS SPECIFIED IN THIS CITATION. BELIEVE, REFUSAL TO ACCEPT AND SIGN THIS CITATION MAY RESULT IN ARREST. I UNDERSTAND MY SIGNATURE IS NOW AN ADMISSION OF GUILT OR WAIVER OF RIGHTS. IF YOU NEED RESPONSIBLE FACILITY ACCOMMODATIONS TO COMPLY WITH THIS CITATION, CONTACT THE CLERK OF THE COURT.

SIGNATURE OF VIOLATOR [Signature]

NAME - SIGNATURE OF OFFICER ICWPD B. NO. 302 P114 WPOOF UNIT

NO SIGNATURE BY ME



FLORIDA DMV UNIFORM TRAFFIC CITATION **440176-W-4**

FL. H.A. FL. H.A. FL. H.A. FL. H.A.
 COUNTY OF MONROE CITY OF APPLICABLE Key West **FLORIDA HIGHWAY PATROL**
 39/42 **COMPLAINT** KCPB
 IN THE COURT SUPERIOR BELOW THE UNDERSIGNED CERTIFIES THAT HE/SHE HAS JUST AND REASONABLY BELIEVED AND DOES BELIEVE THAT ON
 DATE OF VIOLATION JAN 10 2006 TIME 0110 HOURS
 NAME (PRINT) SHANDARDA LAST RODD
 STREET 5484 LAWFORD ROAD CITY CORD
 TELEPHONE NUMBER 72437 ZIP CODE 33007
 DRIVER LICENSE NUMBER 316-1939
 SEX F CLASS E RESTRICTIONS 7 VE. LIC. EXP. 2007
 VE. MAKE FORD MODEL VAN COLOR BIVE VE. LIC. NO. DEL 4KP
 UPON A PUBLIC STREET OR HIGHWAY OR OTHER LOCATIONS, NAMELY 600 AIR SOUTH ST
 VIOLATION

← NOTICE "P.M." IS CHECKED, WHICH IS NOT TRUE & CORRECT

AND UNLAWFULLY COMMIT THE OFFENSE OF DRIVING UNDER THE INFLUENCE OF ALCOHOLIC BEVERAGES, CHEMICAL OR CONTROLLED SUBSTANCES; DRIVING WITHOUT PHYSICAL CONTROL WHILE IMPAIRED, OR ABOVE BLOOD ALCOHOL LEVEL _____ %

EXCESSIVE SPEED
 DAMAGE TO OTHER PROPERTY
 INJURY TO PERSONS
 DAMAGE TO PROPERTY
 OTHER
 THIS IS A CRIMINAL VIOLATION, COURT APPEARANCE REQUIRED, AS INDICATED BELOW.
 COURT JUDGE MILLER TIME 500 **440176-W-4**
 COUNTY AND LOCATION WINDYHEAD

APPROX DELIVERED TO FLDC DATE 1-28-06
I AGREE AND PROMISE TO COMPLY AND ADHERE TO THE CHARGES AND INSTRUCTIONS SPECIFIED IN THIS CITATION. WILLFUL REFUSAL TO ACCEPT AND OBEY THE CITATION MAY RESULT IN ARREST. I UNDERSTAND BY SIGNATURE IS NOT AN ADMISSION OF GUILT OR TRAVEL OF RIGHTS. IF YOU WISH REASONABLE PROBABLE ALTERNATIVES TO COMPLY WITH THIS CITATION, CONTACT THE CLERK OF THE COUNTY.

SIGNATURE OF DEPENDENT _____
 EFFECTIVE THE DATE OF ARREST, YOUR DRIVING PRIVILEGE IS SUSPENDED/DISQUALIFIED FOR:
 DRIVING WITH AN UNLAWFUL BLOOD ALCOHOL LEVEL. THIS SUSPENSION/DISQUALIFICATION IS FOR A PERIOD OF SIX MONTHS IF THIS IS THE FIRST VIOLATION OF DRIVING WITH UNLAWFUL BLOOD ALCOHOL LEVEL OR ONE YEAR IF PREVIOUSLY SUSPENDED OR DISQUALIFIED FOR DRIVING WITH AN UNLAWFUL BLOOD ALCOHOL LEVEL. WHEN OPERATING A CMV, YOUR COMMERCIAL DRIVER LICENSE/PRIVILEGE WILL ALSO BE DISQUALIFIED FOR THE SAME PERIOD OF TIME AS THE SUSPENSION.
 REFUSAL TO SUBMIT TO LAWFUL BREATH, BLOOD OR URINE TEST F.S. 322.2015. THIS SUSPENSION IS FOR A PERIOD OF ONE YEAR IF THIS IS FIRST REFUSAL OR 18 MONTHS IF PREVIOUSLY SUSPENDED FOR THIS OFFENSE. WHEN OPERATING A CMV, YOUR COMMERCIAL DRIVER LICENSE/PRIVILEGE WILL ALSO BE DISQUALIFIED FOR A PERIOD OF ONE YEAR FOR A FIRST REFUSAL OR PERMANENTLY FOR A SECOND REFUSAL WHILE OPERATING A CMV.
 LICENSE SURRENDERED? YES NO REASON _____
 ELIGIBLE FOR PERMIT? YES NO REASON _____

← NO SIGNATURE BY ME

UNLESS INELIGIBLE, THIS CITATION SHALL SERVE AS A TEMPORARY DRIVER LICENSE AND WILL EXPIRE AT MIDNIGHT ON THE 7TH DAY FOLLOWING THE DATE OF ARREST.
AT THE _____ DRIVER IMPROVEMENT HEARING OFFICE, YOU MAY REQUEST, WITHIN 10 DAYS AFTER THE DATE OF ARREST, A REVIEW OF SUSPENSION BY THE DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES. SEE REVERSE SIDE.

SIGNATURE OF OFFICER KOAL 3022 P114 KUPD
 RANK 3022 STATION NO. P114 DIVISION KUPD



4120-ENW 5

FLORIDA UNIFORM TRAFFIC CITATION

COUNTY OF MONROE (1) F.H.P. (2) P.D. (3) S.O. (4) OTHER

CITY (IF APPLICABLE) KEY WEST AGENCY ICWPD

IN THE COURT OF MONROE BELOW THE UNDERSIGNED CERTIFIES THAT HE SHE HAS JUST AND RESPONSIBLY EXAMINED AND DOGS RELIEVE CITATION

COMPLAINT BY AGENCY

DAY OF WEEK SAT MONTH 10 DAY 29 YEAR 06 TIME 0110 AM PM

STATE OF SAN JOAQUIN COUNTY MONROE ROAD 600 BIK MILE SOUTH STREET STREET

PLATE 5484 LICENSE 2E937

CITY EBRO COUNTY MONROE STATE FL

DATE OF BIRTH 09 MONTH 19 YEAR 1977 SEX M HAIR BRO EYES BRN

DRIVER LICENSE NUMBER [REDACTED] STATE FL CLASS A EXPIRES 2009 COMMERCIAL

VEHICLE MAKE FORD MODEL VAN YEAR TAG 07 STATE TAG FL COMPANION CITATION

TRAILER TAG NO. 021 STATE TAG FL YEAR TAG 07 COMPANION CITATION

LOCATION 600 BIK SOUTH STREET

DIR N MILES N S E W OF NODE

DID UNLAWFULLY COMMIT THE FOLLOWING OFFENSE. CHECK ONLY ONE OFFENSE EACH CITATION.

UNLAWFUL SPEED _____ MPH SPEED APPLICABLE _____ MPH

INTERSTATE 4-LANE HWY WITH 20 FT. MEDIAN OUTSIDE BUS OR RES. DIST.

CARELESS DRIVING SAFETY BELT VIOLATION EXPIRED DRIVER LICENSE

VIOLATION OF TRAFFIC CONTROL DEVICE IMPROPER OR UNSAFE EQUIPMENT FOUR (4) MONTHS OR LESS

VIOLATION OF RIGHT-OF-WAY EXPIRED TAG MORE THAN FOUR (4) MONTHS

IMPROPER CHANGE OF LANE OR COURSE SIX (6) MONTHS OR LESS NO VALID DRIVER LICENSE

IMPROPER PASSING MORE THAN SIX (6) MONTHS DRIVING WHILE LICENSE SUSPENDED OR REVOKED

CHILD RESTRAINT NO PROOF OF INSURANCE

DRIVING UNDER THE INFLUENCE OF ALCOHOLIC BEVERAGES, CHEMICAL OR CONTROLLED SUBSTANCES DRIVING ACTUAL PHYSICAL CONTROL WHILE IMPAIRED OR DRIVING ACTUAL PHYSICAL CONTROL WITH UNLAWFUL BREATH/BLOOD/URINE ALCOHOL LEVEL BAL _____

OTHER VIOLATIONS OR COMMENTS PERTAINING TO OFFENSE OUT

AGGRESSIVE DRIVING IN VIOLATION OF STATE STATUTE 316.195

UNLAWFUL PROPERTY DAMAGE YES NO

HARM TO ANOTHER YES NO

SERIOUS BODILY INJURY TO ANOTHER YES NO

FATAL YES NO

4120-ENW 5

DATE 11/20 OFFICER JUOBE Miller TAG SOU WINTER 06

LOCATION _____

INVESTIGATED BY MCDC DATE 10-28-06

NAME Wouri 302 DIA ICWPD DATE 11/20

STATE OF FLORIDA COUNTY OF MONROE

This Copy is a True Copy of the Original on File in this Office. Witness my hand and Official Seal.

This 4th day of December

A.D., 20 06
By Me Taylor D.C.
DAVID M. TAYLOR
CLERK OF COURT
MONROE COUNTY, FLORIDA

D(1111) 316.195

SAT SUN MON TUE WED THUR FRI

Select Year: 2006

Go

The 2006 Florida Statutes

Title XXIII
MOTOR VEHICLESChapter 322
DRIVERS' LICENSES[View Entire Chapter](#)

322.2615 Suspension of license; right to review.--

(1)(a) A law enforcement officer or correctional officer shall, on behalf of the department, suspend the driving privilege of a person who is driving or in actual physical control of a motor vehicle and who has an unlawful blood-alcohol level or breath-alcohol level of 0.08 or higher, or of a person who has refused to submit to a urine test or a test of his or her breath-alcohol or blood-alcohol level. The officer shall take the person's driver's license and issue the person a 10-day temporary permit if the person is otherwise eligible for the driving privilege and shall issue the person a notice of suspension. If a blood test has been administered, the officer or the agency employing the officer shall transmit such results to the department within 5 days after receipt of the results. If the department then determines that the person had a blood-alcohol level or breath-alcohol level of 0.08 or higher, the department shall suspend the person's driver's license pursuant to subsection (3).

(b) The suspension under paragraph (a) shall be pursuant to, and the notice of suspension shall inform the driver of, the following:

1.a. The driver refused to submit to a lawful breath, blood, or urine test and his or her driving privilege is suspended for a period of 1 year for a first refusal or for a period of 18 months if his or her driving privilege has been previously suspended as a result of a refusal to submit to such a test; or

b. The driver was driving or in actual physical control of a motor vehicle and had an unlawful blood-alcohol level or breath-alcohol level of 0.08 or higher and his or her driving privilege is suspended for a period of 6 months for a first offense or for a period of 1 year if his or her driving privilege has been previously suspended under this section.

2. The suspension period shall commence on the date of issuance of the notice of suspension.

3. The driver may request a formal or informal review of the suspension by the department within 10 days after the date of issuance of the notice of suspension.

4. The temporary permit issued at the time of suspension expires at midnight of the 10th day following the date of issuance of the notice of suspension.

5. The driver may submit to the department any materials relevant to the suspension.

(2) Except as provided in paragraph (1)(a), the law enforcement officer shall forward to the department, within 5 days after issuing the notice of suspension, the driver's license; an affidavit stating the officer's grounds for belief that the person was driving or in actual physical control of a motor vehicle while under the influence of alcoholic beverages or chemical or controlled substances; the results of any breath or blood test or an affidavit stating that a breath, blood, or urine test was requested by a law enforcement officer or correctional officer and that the person refused to submit; the officer's description of the person's field sobriety test, if any; the notice of suspension; and a copy of the crash report, if any. The failure of the officer to submit materials within the 5-day period specified in this subsection and in subsection (1) does not affect the department's ability to consider any evidence submitted at or prior to the hearing. The officer may also submit a copy of a videotape of the field sobriety test or the attempt to administer such test.



RODD, SHAHDAROBA

DoB:09/19/1946 Age:58 Sex:M Race:W

Arrest Date: 10/28/2006 CAD #: Arrest #: MCSO06ARR009557 Offense #:
KWPD06OFF006576

Address:

STREET OF KEY WEST, KEY WEST, FL 33040

Occupation:

MCSO05MNI001158 in UNKNOWN

MCSO05MNI001158 in UNKNOWN

Arrest Location: **BLK OF SIMONTON ST KEY WEST, 1300**

Charges:

1 Unknown Count(s) of 316.193.1A

TRAFFIC OFFENSE DUI - DRIVING UNDER THE INFLUENCE

1 Misdemeanor Count(s) of 316.1932.

BREATH, BLOOD, URINE TESTS FOR ALCOHOL, RIGHT TO REFUSE

1 Unknown Count(s) of 843.02.

RESISTING W/OUT VIOLENCE

Officer/Agency: **KWPD - KWPD** Bond Amount: \$0



ARNOLD'S TOWING

5540 3RD AVE.
STOCK ISLAND
KEY WEST, FLORIDA 33040
305 / 292-3832
FAX# 305 / 292-9882

Wheel lifts
Flat beds
Lo-Boy
Licensed Repossessors

| | | | |
|---------------------------------|----------------|------------------------|--|
| DATE 10/28/06 | KEYS NO | HOLD | VEHICLE NO. OR ID NUMBER 1F7DE14FXEHA4628 |
| MAKE OF CAR FORD | MODEL E-150 | YEAR 84 | COLOR Blue |
| TOWED FROM 1300 SIMONSON ST. | | LICENSE NO. D214KPE | |
| TOWED TO YARD | | | |

CHARGE TO: NAME

MAIL STREET ADDRESS

CITY, STATE ZIP CODE

| | |
|------|--|
| KWPD | |
| | |
| | |

| | | |
|--|-----------|-----------|
| AUTHORIZED BY | SIGNATURE | PHONE NO. |
| OWNER'S NAME-ADDRESS OR OWNER OPERATOR IF DIFFERENT FROM ABOVE | | |

| | | | | |
|----------------|------------------|---------------|--------------|-------------------------------|
| ENDING MILEAGE | STARTING MILEAGE | TOTAL MILEAGE | DRIVER ME | TRK # 30 |
| | | | P.O. NO. | R.O. NO. |
| | | | TIME START | AM PM TIME FINISH AM PM |

| | | |
|---------------|--------|-----------------|
| # TOW. VEHS.: | # MEN: | # RECOVERY HRS: |
| HOOKUP | 150 | STOR @ 30 |
| MILES @ | | ADMIN-CHG. |
| ROAD SERVICE | | PROCESSING FEE |
| RECOVERY | | PAID OUT |
| LABOR | | MISC. AH |
| WAITING TIME | | 30.00 |
| 2ND TOW | | SUB TOTAL |
| SWAP VEHICLE | | DISCOUNT |
| | | TOTAL |
| | | 230.00 |

SPECIAL COMMENTS

ACCEPTED BY:

090022

SUBPOENA/SUBPOENA DUCES TECUM

DATE: _____
TIME: _____
BY: _____

STATE OF FLORIDA
DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES
DIVISION OF DRIVER LICENSES

ADMINISTRATIVE SUSPENSION CASE NO.: 440176W

In Re: Shahdaroba Rodd

Driver License No.: DL#R300-780-46-339-0

TO: DETECTIVE RANDALL SMITH, BADGE #2935
KEY WEST POLICE DEPT.
1604 No. ROOSEVELT BLVD, KEY WEST FL 33040

YOU ARE COMMANDED to appear before A HEARING OFFICER at the following date, time and place:

DATE: September 20, 2007

TIME: 11:00AM

PLACE: Florida Highway Patrol
3384 Overseas Highway
Marathon, Florida

and bring with you the following:

YOU ARE SUBPOENAED to testify in the above license suspension hearing.

Only the hearing officer may release you from this subpoena.

WITNESS my hand and seal of the Department this 16th day of August , 2007.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

BY: [Signature]

Inquiries regarding your obligations under this subpoena may be directed to:

SUPERVISOR OR DESIGNEE
BUREAU OF ADMINISTRATIVE REVIEWS

(305) 443-7569

Subpoena requested by:

SHAHDAROBA RODD
P O Box 623
KEY WEST FL 33041

MONROE COUNTY SHERIFFS OF
Deputy Worksheet / Return of Service

Document #: MCSO07CIV003772NON

Agency #:

Plaintiff: IN RE

Defendant: SHAHDAROBA RODD

Type of Process: SUBPOENA

Attorney/Agent:

SHAHDAROBA RODD

PO BOX 623

KEY WEST, FL 33041

Case Number: 440176W

Court: MISDEMEANOUR

Court Date: SEPTEMBER 20, 2007

Serve: SMITH, RANDALL DET.

1604 NORTH ROOSEVELT BLVD., KEY WEST, FL 33040

MNI Intel Flags as of: 8/29/2007

none

Instructions:

Received these papers on 8/29/2007, at 2:20 PM further more serving papers on date: 8-31-07 and time 10:15

attempted 1 _____ attempted 2 _____ attempted 3 _____

___ INDIVIDUAL - NORMAL SERVICE

By serving the within named person a true copy of the writ with the date and hour of service endorsed thereon by me, and at the same time delivering to the named person a copy of the complaint, petition or initial pleading.

___ SUBSTITUTE - AT USUAL PLACE OF ABODE

By serving a true copy this Writ, with the date and hour of service endorsed thereon by me and a copy of the complaint, petition or initial pleading at the witness/Defendant's usual place of abode, on any person residing therein the age of Fifteen years or older to wit; and informing such person of their contents

___ SUBSTITUTE - BY SERVING PRIVATE MAILBOX

Pursuant to Florida Statutes, Chapter 48.031 (6); Substitue service may be made by leaving a copy of the process with ther person in charge of the private mailbox if the process server determines the person maintains a private mailbox at that location.

___ SUBSTITUTE - ON AGENCY DESIGNATED PERSONEL

By leaving a true copy of this Writ with the date and hour of service endorsed thereon by me, to a designated supervisory or administrative employee at the witness's place of employment as designated by employee's agency. Giving at least 5 days prior to date of subpoena.

UNEXECUTED - NOTICE OF UNEXECUTED

Notice of Unexecuted; Papers returned the same unexecuted as to the within named Defendant/Witness for the reason that after diligent search failed to locate Defendant/Witness in Monroe County, Florida

VACATION 4-1-07 → 12/20
+
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Service Cost:

Deposit:

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MONROE

By: Charlie Cobb 7867

Deputy Sheriff



Key West Police Department

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William A. Mauldin
Chief of Police

Non-Emergency
305-809-1111

Chief's Office
305-809-1042

Administration
305-809-1085

Special Services
305-809-1083

Records
305-809-1073

Property-Evidence
305-809-1061

Professional Standards
305-809-1035

Community Affairs
305-809-1011

Public Information
305-809-1058

Detectives
305-809-1015

Patrol Division
305-809-1013

November 29, 2006

Shahdaroba Rodd
P.O. Box 623
Key West, Fl 33041

Dear Mr. Rodd

Chief Mauldin has forwarded your letter to him dated Tuesday, November 7, 2006 to me for response.

I have spoken to the Officers involved in the incident you mention in your letter that occurred on October 14, 2006 on Duval Street at approximately one-fifteen in the morning. The police responded to an anonymous call in reference to a male in front of Willie T's restaurant reportedly flashing his genitals and then found passed out and lying on the sidewalk. It was determined by the Officers on scene that you were the person referred to in the phone calls to dispatch and may have been the victim of a battery. A radio broadcast for the possible suspects was made. During the course of the investigation, you were taken into protective custody due to the level of your intoxication at approximately one-forty a.m. and transported to the Hospital for treatment of your injuries. At two-forty two a.m. you were transported to the jail and placed into protective custody. At that time you indicated to the Officers you no longer wished to press charges or have anything to do with the situation.

The Officers did not write a report due to the fact that you were an intoxicated, uncooperative victim who refused to cooperate with an investigation. The Officer's cleared the jail at that time.

You came to the police station on October 18, 2006 to file an after the fact report on the incident at which time a report was written based on the information you provided the officer. (KWPD case # 06-006384).



1604 N. Roosevelt Blvd.



Key West, Florida 33040
www.keywestcity.com

In regard to your arrest for D.U.I. on October 28, 2006, your assertion that the merits of the case are a court issue is correct. I suggest you consult with your legal representative regarding the issuance of a D.U.I. citation and your driving privileges as well.

The officers' involved with your arrest for D.U.I. do not recall exactly what happened to your vehicle registration or insurance card. I apologize if your cards were not returned to you as you allege, but I will be glad to assist you in any way I can to replace your cards. I suggest you contact your insurance company to request a replacement card and the tag office to request a duplicate registration.

If you have any questions please don't hesitate to contact me at (305) 809-1035.

Sincerely,

A handwritten signature in black ink that reads "Lt. Jim Benkoczy". The signature is written in a cursive style with a long, sweeping underline that extends to the right.

Lt. Jim Benkoczy, Commander
Professional Standards

Cc: William A. Mauldin, Chief of Police
Capt. Donie Lee, Commander, Investigative Operations Bureau

2

Donald J. Lee, Jr.

Chief of Police



Key West

POLICE DEPARTMENT

TO: Steve Muffler, Citizens Review Board

FROM: Donald J. Lee Jr., Chief of Police 

DATE: June 3, 2009

RE: Shahdaroba Rodd-06-6576

I have received and reviewed the complaint packet from your officer in reference to Mr. Rodd's. The allegations of false arrest and untruthfulness by the listed officers have been resolved in a court of law nearly three years ago. I do not intend on initiating an internal investigation into this matter as I feel there is no basis to the allegations.

CC: Lt. David Smith, Professional Standards



RESPECT - INTEGRITY - FAIRNESS

Key West Police Department 1604 N. Roosevelt Blvd. Key West, FL 33040 (305) 809-1111
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3

SHAH DAROBA RODD

P.O. BOX 742 KEY WEST FL 33041 305-766-2006

Key West Citizen Review Board
#3 East Quay Road Key West FL 33040
P.O. Box 1946 Key West FL 33041

Tuesday, June 30, 2009

Dear CRB,

In reply to my complaint about several KWPD officers being less than fully truthful, Police Chief Lee has decided not to initiate an investigation into the matter. He claims that my allegations of false arrest and untruthfulness were addressed at my trial; his claim is incorrect. My trial was about me, about me defending myself on the DUI charge and the traffic violation. It was not about proving anything more than that.

This is my response as to why this matter screams "INVESTIGATE ME".

The evidence, I believe, is abundantly clear that one or more of the officers involved falsified documents, committed perjury, did not tell the truth, and may have violated any number of state laws that have connections to truthfulness. I do not believe that these violations were "simple, careless mistakes". Rather, I contend that they were committed deliberately, willfully, and intentionally.

A careful inspection of the documents in the case will reveal that there was no legal reason - no probable cause - for Randall Smith to have initiated the traffic stop which ultimately led to all the subsequent events and actions. Please read the law carefully, and then compare it with the reality of lines being painted on South St. Perhaps each of you will take the time and opportunity to travel the section of South Street from Reynolds St. to Simonton St. to ascertain for yourself the existence of painted traffic lines.

And while you are there, please take the opportunity to establish how long it takes an auto to travel the 600 block of South Street (which is the primary focus of the case). Travel at the speed limit, travel much slower, and if you dare, speed down that section. (But if you speed, please be very careful not to get yourself in trouble). Make mental notes, or physical notes if you wish, so that you have a clear understanding of the ridiculousness of Officer Kouri's written notation of me speeding on South Street while at the same time it took 3 minutes to travel that particular section. (I have pushed a bicycle with a flat tire that length of South Street in approx. 1 ½ minutes so the claim of me driving that span while speeding and that taking 3 minutes to accomplish is beyond belief.)

The DVD which is submitted here was created in the Public Defender's Office. I was the source of some of the material upon which it is based, chiefly the plat map that I secured from the Tax Assessor's office. I also provided the photographs which are included here. By looking at this evidence you can see there are no lines on South Street, other than at the intersections of it with Simonton Street and Reynolds Street. How can a person be charged with this state traffic law violation if there are no lines present on the road?

I don't have a clue as to why Officer Kouri was the person who authored the Complaint Affidavit and the Field Sobriety and Alcohol Influence Report, especially since he never was at the street scene. Only the KWPD can tell you that. But what I can tell you is that Kouri is wrong in many aspects of the case. I believe if he is going to write a fictional account of happenings, he should label it correctly and compete with Stephen King, Danielle Steele, Jules Verne and other fiction writers. Fiction has no proper place in police reports.

It appears the KWPD will not investigate this matter. Therefore, it will be up to you to determine if he, Kouri, was wrong, and, if so, why he was wrong. Was it intentional and accidental, or deliberate and willful. Was Randall Smith justified in stopping me? Was Keohane correct in suspending my license for a "refusal"?

I urge you to do as complete an investigation as possible, for there are many seemingly small aspects to the case, which, when added together, may make the big picture become clearer.

In the past, prior to the creation of the CRB, whenever a citizen lodged a complaint with Internal Affairs against a member of the KWPD, the complaint was always declared "UNFOUNDED"; the cop was always right, and the citizen was always wrong. Or so it seemed. Then came that pivotal moment, the tipping point if you will, in the summer of 2001.

The CRB was created by the citizens of Key West primarily because the KWPD was either unwilling or incompetent to investigate its own personnel when citizens complained about improper behavior by the KWPD. The arrest of the publisher of Key West the Newspaper in the summer of 2001 for printing stories of possible untruthfulness in under-oath court testimony by then Lt. Al Flowers was a catalyst for the creation of the CRB; the other principal in those stories was me.

Please read at least some of the background stories of that situation in 2001 to perhaps get a fuller understanding of the apparent need by members of the KWPD to lie, mislead, and fabricate in court and in documents. This attitude is and has been ongoing, systemic, pervasive, and endemic. But it needs to stop. NOW. Please open an investigation of my October 2006 DUI arrest.



Shahdaryba Rodd

INSIDE:
ENTERTAINMENT
& WHAT-TO-DO
GUIDE & MAP

Key West

THE NEWSPAPER

KEY WEST, FLORIDA MAY 11, 2001

State Attorney Reviewing Allegation That Lt. Flowers Lied In Court

KWTN Team Report

In the wake of controversial Police Lt. Al Flowers' two formal reprimands in six months, which resulted in a de facto demotion, critics are starting to pile on. Rod Macdonald said this week that Flowers lied in court back in January 1997—and he produced documents that appear to support his allegation.

Macdonald, who legally changed his name to Shahdaroba Rodd, has asked State Attorney Mark Kohl to investigate—and Kohl's chief investigator, Kirby Owen, is reviewing the case, according to a letter from Owen to Macdonald dated April 30, 2001.

Back on Oct. 29, 1996, Lt. Flowers stopped Macdonald and ticketed him for riding a bicycle at night without a light.

CONTROVERSIAL OFFICER TICKETED BICYCLE RIDER FOR ALLEGEDLY HAVING WRONG ADDRESS ON DRIVERS LICENSE— AND THEN MAY HAVE USED BAD INFORMATION TO TRY TO MAKE CHARGE STICK

He also charged Macdonald with failing to notify the Florida Dept. of Highway Safety and Motor Vehicles (DMV) of a change of address.

In Judge Wayne Miller's traffic court on Jan. 28, 1997, Flowers testified that Macdonald had handed him a drivers license with the address 5415 Little Acre Road, Ebro, Florida, on it. According to a partial transcript of the hearing provided by the State Attorney's Office, Flowers also testified that Macdonald told

him that his current address was General Delivery in Key West. And that's what he wrote on the ticket.

"Flowers simply made up the part about the drivers license," Macdonald said. "But when I tried to protest in court, I was told to shut up. I didn't give Flowers my drivers license that night because I didn't have it with me," Macdonald said. "I gave him a state-issued ID card as identification. But even had I given him my license, the

See FLOWERS, page 4

A NOVEL BY ELLE

The Willing

The Willing Seller is about government. It is fiction based on chapters on line: Visit www.kw.com to our fiction index. Double take you to the index of chapters. C To get back to the chapter index,

CHAI

On Monday, Kate decided to visit various agencies and hear what various agencies had to say. She visited three offices at random, Courthouse, Department of Environmental Affairs, and Department of Community Affairs (which is the Department of Communist Affairs).

Her first interview was with the Department of Environmental Affairs. He was way quite comfortably through the interview. He represented the County as a scofflaw, hiding behind ignorance. He said that all along they were harming the County. He was meticulous for the files and went on to say that the Department of Environmental Affairs on Little Knockemdown were not doing their job. And the County was generous. And the County was generous. Did it have anything to do with the County? Sue had secured legal representation. Without the cost of an attorney, she was in the end.

What about Mr. Johnson?

PAGE ONE CONTINUED

The Forgetful Mr. Friedlander

by Dennis Reeves Cooper

It has always amazed me that the court system allows any two-bit lawyer to subpoena

Friedlander, representing Waste Management, recently subpoenaed this newspaper, "commanding" us to show up

thrown out of court last month because, Judge Richard Payne said, the charges against the defendants were not specific

tion was canceled last week—but nobody bothered to tell us. So we prepared for it, rescheduled some meetings and, on

SECOND AND LAST PAGE
OF 5/11/01 ARTICLE

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Macdonald: "This Is Just Another Example Of Flowers Abusing His Position As a Police Officer"

FROM page 1
address he would have seen would have been Star Route Box 7, Ebro, Florida. My permanent address is Ebro."

Macdonald produced documents this week showing that, on January 2, 1997, he requested the DMV to change his permanent address from the Star Route address to the Little Acre Road address—two months after Flowers stopped

Macdonald, but several weeks before the hearing before Judge Miller. He also produced a copy of a letter from the DMV confirming that the change had been processed.

"Therefore, it's impossible for Flowers to have seen a license in October 1996 that showed the Little Acre Road address," Macdonald said. "What we can presume happened is that Flowers, preparing for the Jan. 28, 1997, hearing a day or so in advance, checked the DMV for my Ebro address, wrote it down, then came into court and testified under oath that he saw that address on my drivers license back in October 1996—when he saw no such thing. That's perjury."

"This is simply another example of Flowers abusing his position as a police officer by piling on questionable charges, then lying in court to try to make the charges stick."

Judge Miller dismissed the DMV notification charge, but found Macdonald guilty of riding a bicycle at night without a light. At the hearing, Macdonald produced a flashlight he said he had been using that night, but Miller ruled that it was too small.

At presstime, neither Flowers nor Police Chief Buz Dillon had responded to a request for comment.



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Key West

THE NEWSPAPER

KEY WEST, FLORIDA JUNE 1, 2001

INSIDE THE KWPD

Internal Affairs Finds Perjury Allegations Against Flowers "Unfounded"— Without An Investigation

KWTN Team Report

When citizens feel that they may have been treated badly by the Key West Police Dept., they have the right to file a complaint. And once that complaint is filed, the assumption is that it will be investigated by Internal Affairs.

And whether that investigation results in a conclusion of "sustained" or "unfounded", all citizens want to assume that the investigation has been objective and complete.

But *Key West The Newspaper* has learned that this is not always the case. In one case KWTN investigated, Inspector Bob Christensen reported that

QUESTIONS: HOW CAN CITIZENS EVER AGAIN TRUST THE RESULTS WHEN COPS INVESTIGATE THEMSELVES?

CAUGHT RED-HANDED, THE KWPD'S POSITION: "NO COMMENT"

allegations of perjury against Lt. Al Flowers were "unfounded"— yet, according to the information in the official file, the only investigation that Christensen conducted was to ask Flowers if he did it.

Flowers denied the allegations— and Christensen closed the file. And he even threatened the citizen who complained with possible le-

gal action if he continued to complain.

But the citizen had already complained to the Florida Dept. of Law Enforcement (FDLE), which put Christensen in the position of having to report the findings of his investigation to that agency. He told the FDLE that he had found the allegations "un-
See RED-HANDED, page 4

A NOVEL BY ELLE

The Willing

The Willing Seller is about government. It is fiction based on chapters on line: Visit www.ku to our fiction index. Double take you to the index of chapters. To get back to the chapter index

CHA

Houseboat Row was just block long marina at the top occupied by small one and were very picturesque, general. Some even had gardens, plant decks. Many had original art extremely domestic and con boat was called the Marcia, na the light of her father's eye.

Jack Peterson himself character. A reporter's dream late and also funny. Every s genuine sound byte. And he view with Peterson would n one of those languishing siler He was smart, witty, erudite

Secondly, and this was Blazing blue eyes, a mischiev dressed neatly, but colorfully cal, he apparently went in co

PAGE ONE COMMENTARY

Hey, Mr. Mayor: Where's the Welcom

by Dennis Reeves Cooper

Last week, we told you about a new ferry company coming to town. The \$6 mil-

So now, do you think the City Commission might pass a resolution "strongly supporting" the efforts of this com-

five years ago— City Commissioner Jimmy Weekley brought such a resolution before the City Commission. The resolu-

them, they all— like sheep— voted for it without even asking any questions.

Only months later did we

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KWTN To Christensen: "You Didn't Investigate That Perjury Allegation At All, Did You?" Christensen: "No Comment"

RED-HANDED, from page 1 founded"—but he didn't mention that he hadn't really conducted any investigation.

This week, a KWTN reporter went to Christensen's office and reviewed the file on this case— then asked Christensen, "You didn't investigate the perjury allegation at all, did you?"

Christensen: "No comment."

"The significance of this revelation is this," said a local attorney. "How can citizens ever again trust the results when cops investigate themselves? How can citizens ever again assume that Internal Affairs investigations are objective and complete?"

Here's a recap— and an update— of the original story that appeared in KWTN on May 11.

Back on Oct. 29, 1996, Lt. Flowers stopped Rod Macdonald and ticketed him for riding a bicycle at night without a light. He also charged Macdonald with failing to notify the Florida Dept. of Safety and Motor Vehicles (DMV) of a change of address on his drivers license.

In Judge Wayne Miller's traffic court on Jan. 28, 1997— according to a partial transcript of the hearing provided by the State Attorney's Office— Flowers testified under oath that Macdonald had handed him a drivers license with the address 5415 Little Acre Road, Ebro, Florida, on it.

"That simply wasn't true," said Macdonald, who has since legally changed his name to Shahdaroba Rodd. "I didn't give Flowers my drivers license that night because I

didn't have it with me. But when I tried to protest in court, I was told to shut up.

"What I showed Flowers was a state-issued ID card," Macdonald said. "But even if I had showed him my license that night, the address he would have seen would have been Star Route 7, Ebro, Florida. My permanent address is Ebro."

Macdonald produced documents last month showing that on Jan. 2, 1997, he requested the DMV to change the address on his license from the Star Route address to the Little Acre Road address— two months after Flowers had stopped him— but several weeks before the trial. He also produced a copy of a letter from the DMV confirming that the change had been processed.

"Therefore, it would have been impossible for Flowers to have seen a license in October that had the Little Acre Road address on it," Macdonald said. "What we can assume happened is that Flowers, preparing for the Jan. 28, 1997, hearing a day or so in advance, checked the DMV for my Ebro address, came up with the Little Acre Road address, wrote it down and, then, went into court and testified under oath that he had seen this address on my drivers license in October 1996.

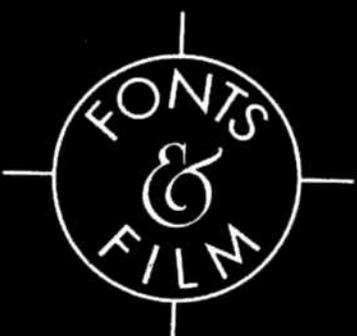
CONTINUED on next page

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Macdonald: "The Question Is How Long Have Flowers and Other Cops Been Routinely Lying Under Oath— And How Long Have Christensen and Others Been Protecting Them?"

RED-HANDED, from page 4
"He flat out lied."

Despite Flowers' testimony, Judge Miller dismissed the DMV notification charge against Macdonald.

This week, KWTN asked Inspector Christensen: "Did you at least contact the DMV to see what address was on Macdonald's license on Oct. 29, 1996? That would seem to be at the very heart of the perjury allegation that you were supposed to be investigating."

Christensen: "No comment."

KWTN found no indication in the file that Christensen or anyone else in the Key West Police Dept. had contacted the DMV during the time the case was supposedly under investigation.

"Christensen and others in the Police Dept. may see Flowers' lying in court about

an address as no big deal," Macdonald said. "But he was using that lie to try to persuade the judge that I was guilty. That might not be important to the cops— but it was important to me.

"A question here is how long have Flowers and other cops been doing this—and how long have Christensen and others been protecting them?"

Earlier this year, Macdonald asked State Attorney Mark Kohl to get involved in this case and Chief Investigator Kirby Owen did open a file. But last week, Owen informed Macdonald that the statute of limitations for a perjury charge, a third degree felony, is three years—and, in this case, that time limitation

has expired.

But Flowers' questionable testimony may no longer be the story here. The story may now be Inspector Bob Christensen finding the allegations against Flowers "unfounded" without even conducting an investigation—and then telling the FDLE that he did.

Question: Is this case an aberration, or do Internal Affairs investigators routinely "make up" findings without conducting investigations? Asked to explain his apparent failure to conduct an investigation before coming to a conclusion in the Macdonald case, Inspector Christensen said, "No comment."

Stay tuned.

KATHY

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Key West

THE NEWSPAPER

KEY WEST, FLORIDA JUNE 8, 2001

INSIDE THE KWPD

Internal Affairs Scandal: Dillon, Christensen Deny Wrongdoing In Perjury Case

KWTN Team Report

City Commissioner Tom Oosterhoudt this week asked Police Chief Buz Dillon for a response to allegations that a Police Dept. internal affairs investigator declared perjury charges against Police Lt. Al Flowers "unfounded" without conducting an investigation.

"I want to know what is going on with Internal Affairs seeming to cover up for Al Flowers lying on the witness stand," Oosterhoudt told Dillon in a memo dated June 5. "I would like to see proof that this investigation was carried out and that IA did not cover up perjury by a Key West police officer."

Oosterhoudt met with both Dillon and Inspector Bob

**"WE FOLLOWED PROCEDURES"
COPS TELL COMMISSIONER
OOSTERHOUDT. BUT THEY ADMIT
THAT DMV WAS NOT CONTACTED
TO CHECK OUT PERJURY CHARGE
SOURCE CLOSE TO POLICE DEPT:
INVESTIGATION MAY HAVE BEEN
REOPENED. COPS WON'T CONFIRM
OR DENY**

**THIS IS NOT THE FIRST CASE OF
ALLEGED PERJURY BY A POLICE
OFFICER THAT HAS GONE
UNINVESTIGATED**

Christensen Wednesday. Both

officials reportedly told Oosterhoudt that standard departmental procedures had been followed in the investiga-

tion of the complaint.

Last week, a *Key West The Newspaper* reporter looked at the file at the police station and

See IA SCANDAL, page 4

A NOVEL BY ELLIOTT

The Willing

The Willing Seller is at government. It is fiction based on chapters on line: Visit www.kwt.com to our fiction index. Doubt take you to the index of chapters To get back to the chapter index

CH

Halfway through his jail take it, sixty days was too Winston and told him he was killing him, the jail food was weight and he just wasn't decent older black guy who prison most of his life, put average person thinks. Make hisself, just can't take it. The Billy Ray seemed to be one animal in a cage.

By nature, Billy Ray thought that was one of the reasons endless sky, the sea, the earth right now, some open space give anything for a breath of creek of jail. The sweaty undisinfectant. He just wanted

Winston appreciated chance for him to score so

PAGE ONE COMMENTARY

Still Lots Of Questions About B

by Dennis Reeves Cooper

At the City Commission meeting Tuesday night, despite

ers of the trust say they'll use the money to purchase property for affordable housing.

Turner termed Oosterhoudt's call for a background check of BCCLT Executive Di-

no one had bothered to ask the company to post a performance bond— and that it will not

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Source Close To KWPD: "Christensen Has To Refuse Comment Because Investigation Has Been Reopened"

FLORIDA SCANDAL, from page 1
 found no evidence that any investigation had been conducted— other than asking Flowers if he had done it. When KWTN questioned Inspector Christensen about this, he refused comment.

Christensen heads Internal Affairs and was responsible for investigating the allegations against Flowers. But when KWTN asked Christensen, "You didn't investigate those allegations at all, did you?", Christensen responded: "No comment."

A source close to the police department said this week that Christensen may not have been able to comment because the investigation has been reopened. At press time, however, KWPD officials had not responded to a request to confirm or deny this report.

Christensen not only closed the file without conducting an investigation, he threatened the citizen who filed the complaint with legal action if he continued to complain.

"It would be wise for you to remember that Lt. Al Flowers has rights too and is free to exercise those rights if he should choose to do so," Christensen wrote to Shahdaroba Rodd in March 2000.

But Rodd had already complained to the Florida

Dept. of Law Enforcement (FDLE). When the FDLE started asking questions, Christensen reiterated, in writing, that he had found the allegations of perjury against Flowers "unfounded"—but he did not tell the FDLE that he had made that judgment without investigating the allegation.

Key West The Newspaper broke this story last month in an article headlined "State Attorney Reviewing Allegation That Lt. Flowers Lied in Court."

Since that time, Chief Investigator Kirby Owen has determined that the statute of limitations on perjury charges is three years and, therefore, the State Attorney's Office has closed the file on that investigation.

The allegation that Christensen had declared the perjury allegation unfounded without conducting an investigation broke here last week.

Here's a recap:
 Back on Oct. 29, 1996, Lt. Flowers stopped Rod Macdonald (who has since legally changed his name to Shahdaroba Rodd) and ticketed him for riding a bicycle at night without a light. He also charged Macdonald with failing to notify the Florida Dept. of Safety and Motor Vehicles (DMV) of a change of address on his drivers license.

In Judge Wayne Miller's traffic court on Jan. 28, 1997— according to a partial transcript of the hearing provided by the State Attorney's Office—Flowers testified under oath that Macdonald had handed him a drivers license with the address 5415 Little Acre Road, Ebro, Florida, on it.

"That simply wasn't true," said Macdonald. "I didn't give Flowers my drivers license that night because I didn't have it with me. But when I tried to protest in court, I was told to shut up.

"What I showed Flowers was a state-issued ID card," Macdonald said. "But even if I had showed him my license that night, the address he would have seen would have been Star Route 7, Ebro, Florida. My permanent address is Ebro."

Macdonald produced documents last month showing that on Jan. 2, 1997, he requested the DMV to change the address on his license from the Star Route address to the Little Acre Road address—two months after Flowers had stopped him— but several weeks before the trial. He also produced a copy of a letter from the DMV confirming that the change had been processed.

"Therefore, it would have been impossible for Flowers to have seen a license in
CONTINUED on next page

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This Is Not the First Time That Allegations Of Perjury By a Police Officer Have Gone Uninvestigated

IA SCANDAL, from page 4
October that had the Little Acre Road address on it," Macdonald said. "What we can assume happened is that Flowers, preparing for the Jan. 28, 1997, hearing a day or so in advance, checked the DMV for my Ebroadress, came up with the Little Acre Road address, wrote it down and, then, went into court and testified under oath that he had seen this address on my drivers license in October 1996.

"He flat out lied."

Despite Flowers' testimony, Judge Miller dismissed the DMV notification charge against Macdonald.

Commissioner Oosterhoudt told KWTN Wednesday that neither Chief Dillon nor Inspector Christensen showed him any evidence that the DMV had been contacted as part of an investigation to determine the truthfulness of Flowers' testimony about the address he may or may not have seen on Macdonald's drivers license on Oct. 29, 1996— although this was at the heart of Macdonald's complaint.

"Christensen and others in the Police Dept. may see Flowers' lying in court about an address as no big deal," Macdonald said. "But he was using that lie to try to persuade the judge that I was guilty. That might not be important to the cops— but it was important to me.

"A question here is how long have Flowers and other cops been doing this—and how long have Christensen and oth

of driving while intoxicated. One of those arrested was Key West Civil Service Board member Gene Peary— who argued that he was a passenger, not a driver.

For a number of months before his arrest, Peary said he had been harassed by members of the police union for stands he had taken in support of former Police Chief Ray Peterson, as well as for voting to promote Officer Ken Hock following a testing fiasco. At the arrest scene, Peary said he overheard Lt. Al Flowers say, "We've finally got that little faggot."

Since that time, Flowers has been reprimanded by the department for calling a female police officer a "bulldyke" and the gay community "sodomites."

At Peary's trial, Stinson

testified under oath that he had seen Peary and the other man change seats— which, he said, justified the double arrest. But the trial ended with a hung jury.

At the second trial, Stinson— also testifying under oath— changed his story, admitting that he had neither seen Peary get out of the drivers side of the vehicle nor change seats with the other man.

Peary was acquitted. But, to date, the KWPD has refused to conduct an investigation.



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INSIDE THE KWPD

FDLE Now Investigating Police Internal Affairs Scandal Here. Chief Dillon Given 45 Days To Respond To Coverup Allegations

by Dennis Reeves Cooper

The Florida Dept. of Law Enforcement (FDLE) this week gave Key West Police Chief Buz Dillon 45 days to respond to allegations that a KWPD Internal Affairs investigator declared a citizen complaint against Lt. Al Flowers "unfounded" without conducting an investigation. The complaint alleged that Flowers lied in court in January 1997.

The FDLE got involved at the request of *Key West The Newspaper* after KWPD officials refused to respond to questions about either the perjury allegation or Internal Affairs' apparent failure to investigate that charge.

"It's unlikely that Chief Dillon will tell the FDLE 'no comment,'" said a source inside the Police Dept.

This story started back on Oct. 29, 1996, when Lt. Al Flowers stopped Rod Macdonald and ticketed him for riding a bicycle at night without a light. He also gave Macdonald a ticket for allegedly failing to notify the Dept. of Motor Vehicles (DMV) of a change of address.

At the hearing on Jan. 28,

See FDLE, page 4

SOURCE INSIDE KWPD: "WILL THE CHIEF TELL THE TRUTH OR WILL HE CONTINUE TO PARTICIPATE IN THE COVERUP?"

KWTN ASKS FDLE TO GET INVOLVED AFTER KWPD OFFICIALS RESPOND TO QUESTIONS WITH "NO COMMENT"

INFORMATION FROM DMV SUGGESTS FLOWERS LIED UNDER OATH IN JUDGE MILLER'S COURT

Did Arael Unwittingly "Rat" On Cepero?

Last April, City Manager Julio Arael revealed that Jesus Cepero, reportedly an electrician's helper here, had come to him and alleged that he had done unlicensed electrical work for then-suspended Key West Building Dept. Director Catherine Harding. Arael, in the midst of trying to fire Harding, added that allegation to his list of charges and asked Acting Building Dept. Director Charles Stephenson to investigate the allegation and report back to him.

In his response to Arael, Stephenson did not recommend any action against Cepero, but simply observed that "Mr. Cepero should not have engaged in

See CEPERO, page 3

A NOVEL BY ELLEI

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CHAP

"It's a swell time, I'm taking a break, said it, thinking. Taking a break? "No, we can talk now." She picked up a pen and tore off the used top of the envelope called. I've been thinking about you."

"Me, too. I've been thinking about myself to keep still so that the silence would break the silence. It worked. She must have made some calls. She must have been insulted when I say that, I had hastily.

"I'm not insulted. Of course. Get to the point, Kate urged. I have to be careful. "So, you had promised whatever you say will be true."

"Good. My story, what a complicated. As you've probably heard the subject you've been covering."

"The landgrab?" Kate asked.

"The landgrab? Right." "Where do you live?" Kate asked. keep things moving.

"The property is in the land. It has been in my family for generations. Her breath out, as though she was holding her nerves. There was another soul. Her caller was having a drink. always the possibility she was wrong hands— but somehow Kate told her."

"Have you lived in the land? picture the woman. The voice of the hesitancy . . . they made her cautious. Someone who'd been stocky gray-haired woman with reporters. She knew something had happened. She heard it. But she wasn't sure."

"All my life. I was born in Key West. Torch when I was a wee one."

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Source Inside the KWPD: Chief Dillon Now Has a Choice. He Can Tell the FDLE the Truth About Whether Or Not Internal Affairs Fully Investigated Perjury Allegations— Or He Can Continue To Participate In the Coverup

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FDLE, from page 1
 1997, Judge Wayne Miller found Macdonald guilty on the bicycle light charge, but threw out the DMV notification charge.

Subsequently, Macdonald (who later legally changed his name to Shahdaroba Rodd) filed a formal complaint with police Internal Affairs, alleging that Flowers, in an effort to make the DMV charge stick, had lied in court about the address he said he saw on Macdonald's license.

In August 1997, Inspector Bob Christensen declared Macdonald's complaint "unfounded." When Macdonald complained to the FDLE, Christensen assured that agency that the allegation had been fully investigated and that it was "unfounded."

But, three weeks ago, when KWTN looked at the in-

vestigation file, there was no indication that Macdonald's complaint had been investigated. For example, the primary allegation was that Flowers had lied about an address he had seen when he ticketed Macdonald— but the file showed no contact with the DMV to check out the allegation.

When KWTN asked Inspector Christensen about that, he responded, "No comment."

According to a hearing transcript provided by the State Attorney's Office, Flowers testified in court on Jan. 28, 1997, that he had seen the following address on Macdonald's license on Oct. 29, 1996: 5415 Little Acre Road, Ebro FL.

But this week, KWTN checked with the DMV. According to DMV Public Information Specialist Debra Baxley, the address that was listed for Macdonald in the DMV's records on Oct. 29, 1996, was Star Route Box 7, Ebro. Baxley also said that Macdonald changed his address to the Little Acre Road address in January 1997. That change became effective on Jan. 22, 1997.

Macdonald says that he didn't have his drivers license with him on the night that Flowers stopped him. He says he showed Flowers a state-issued ID card. But, he says, even if Flowers had seen his license that night, it would have had the Star Route address on it.

"When Flowers testified under oath that he saw the Little Acre Road address on my license that night, he just flat out lied," Macdonald said. "What I think happened is that Flowers, preparing for the Jan. 28, 1997, hearing a day or do in advance, checked the DMV records and found my new address and— having no clue that this was a new address— wrote it down, went into court and testified under oath that he had seen that address on my license three months earlier, when he had seen no such thing!"

A source inside the KWPD told KWTN this week: "Chief Dillon now has a choice. He can tell the truth about whether or not Christensen fully investigated allegations that Flowers committed perjury— or he can continue to participate in the coverup."

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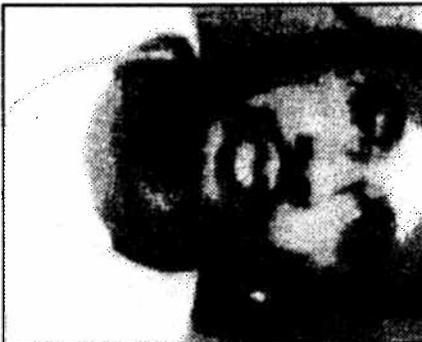
with Bahama Village drug dealer Kenny Alston, 37. He may now be facing life in prison. On Monday, he pled guilty in federal court to eight counts of an indictment charging numerous narcotics trafficking violations.

Back in November 1997, some Bahama Village residents were questioning how Alston—an ex-convict and a known drug dealer with 19 arrests over a 10-year period—was able to continue to remain on the street. Those questions were reflected in a page one story in *Key West The Newspaper*, headlined “Alleged Drug

When that story appeared on November 21, 1997, Alston had just been listed on the Crimestoppers TV show as one of the Ten Most Wanted fugitives in the state. But on the morning after the broadcast, Alston was seen riding a bicycle at the corner of Emma Street and Truman Avenue. He stopped to speak to a woman.

Three police cars passed while the couple was chatting on the curb. One officer even stopped his car to speak with the woman.

Sgt. James Daniels, who, at that time, headed the Key West Police Department's Spe-



KENNY ALSTON

dial Operations unit, later told KWTN that Alston was not arrested that morning because, the previous evening, he had turned himself in and was out

See ALSTON, page 4

The Reverend called Donald into his office at 3:15, about the time his aide was fixing to call it a day. Donald str some papers into the handsome initialed attache case his mother had given him for his birthday two years ago, grat his seersucker suit jacket off a hook in the closet and exited office, turning out the light and locking the door. He wa briskly down the hall and tapped on the Rev's door, then wa in without waiting for a “Come in,” like he always did. The stood there just inside the door with his briefcase in one h and his jacket slung over his shoulder, waiting for a word f the Man. He was hoping his boss just had a scheduling d that needed clarifying, something minor. But, instead, Reverend gestured him inside. “Close the door,” he i pointing to a chair across from his desk. “Take a load off.

Shit, Donald thought, keeping the smile on his face and consternation out of his eyes and managing not to even gl at his watch, as he did what he was asked. He was meetings of the boys at Hukilau for drinks and a poo-poo platter, the had a poker game at eight. Between the two, he was planni get in a couple hours of paper work at home. He prayed

See SELLER, pa

PAGE ONE COMMENTARY

What Will Police Chief Dillon Tell the FDLE?

by Dennis Reeves Cooper

Key West Police Chief Buz Dillon now has 31 days to respond to the Florida Dept. of Law Enforcement (FDLE) about allegations that KWPD Internal Affairs investigator Bob Christensen declared a citizen complaint against Lt. Al Flowers “unfounded” without conducting an investigation.

The complaint alleged that Flowers lied in court in 1997.

In a letter dated June 7, 2001, Rod Casswell, the head of the FDLE Professional Standards Dept., gave Dillon 45 days to respond. The FDLE got involved at the request of *Key West The Newspaper* after KWPD officials refused to answer questions about either the

perjury allegation or Internal Affairs' apparent failure to investigate that charge.

KWTN has learned that investigators from the FDLE's criminal investigation division are also looking at these allegations.

What will Dillon tell the FDLE?

If those allegations are

true—as our independent investigation strongly suggests—

Dillon should simply report that he has conducted his own probe, found that those allegations are true, show that he has disciplined the officers involved, and promise that it won't happen again. Case closed.

If his investigation finds

that Flowers did not commit perjury and that Christens *did* fully investigate that char he should fully document a disclose those findings.

In other words, he should tell the truth and let the di fall where they may. There no good reason for him to participate in what appears to b

See POLICE, pag

Alston

FROM page 4
tampering with evidence, resisting arrest and driving with a suspended license.

At one point, Alston's bond was reportedly \$450,000 in an effort to keep him behind bars. His attorney was able to get that amount reduced to \$175,000—and Alston's parents reportedly pledged their home as collateral for the bond.

In November 1997, when KWTN reported that Alston was walking free in Bahama Village while police officers watched, he was using a mobile home on Ninth Avenue on Stock Island to manufacture crack cocaine. And he was distributing those drugs on the streets of Key West.

He ran that manufacturing and distribution operation until he was arrested in December 1999 as part of Operation Sundown, a drug sweep conducted jointly by the federal Drug Enforcement Administration and the Key West Police Dept.

As part of his plea on Monday, Alston revealed details of his drug manufacturing and distribution operation.

He is scheduled to appear before U.S. District Court Judge James Lawrence King for sentencing on August 27.

Police Coverup

FROM page 1
coverup. After all, this scandal didn't even happen on Dillon's watch. It happened while Capt. David Lariz was Acting Chief—after former Chief Ray Peterson had been pushed out and before Dillon was hired away from the Alapretta, Georgia, Police Dept.

But, unfortunately, what this whole story is about is police officers apparently lying and covering it up for *no good reason!* We have a situation here in which an officer apparently lied in court—for no good reason! Then, we have an Internal Affairs investigator who, apparently, refused to investigate, but said he did—and, then, declared the allegation unfounded! For no good reason!

Before we go on, we need to cite the standard disclaimer that most cops are hard-working and honest and would never lie in court, blah, blah, blah. But having said that, our theory is that some cops here are simply *accustomed* to lying and getting away with it.

Some may do it so routinely that they may no longer even realize that it's wrong. They lie to justify handing out questionable tickets and to justify questionable arrests. And they lie to cover for other officers who hand out questionable tickets and make questionable arrests.

This may have been going on for years. And when they're confronted about it, their standard comment is a testy "no comment." The Blue Wall of Silence goes up and they go into their "how-dare-you-sully-the-good-name-of-the-department posture.

But the real reason it continues is that Police Chief Dillon and City Manager Julio Avel and the City Commission allow it to happen over and over and over again!

Of course, we already know—and we have reported it to you—that both Dillon and Avel are no strangers to coverup. You may recall that they promoted an officer to captain who had once been

CONTINUED on next page



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Dillon and Arael Are No Strangers To Coverups

FROM previous page

forced to resign from the Sheriff's Office after an investigation determined that the man had once had an affair with a 17-year-old boy. Then, when he applied for a job with the KWP/D, he failed to disclose why he had to leave the Sheriff's Dept. During the promotional selection process, Arael and Dillon sort of forgot to disclose the officer's background to the City Commission or the citizenry.

When somebody from the Dept. of Children & Families (DCF) leaked information to Chief Dillon that Key West *The Newspaper* was researching a story about one of his offic-

ers, he called us and asked us to kill the story—but he refused to reveal his "deep throat" at the DCF. When the DCF regional director conducted an investigation, everybody in the office reportedly denied leaking the information.

But one of the employees in that office is Mrs. Julio Arael. If the leak came from Mrs. Arael, we really can't blame Dillon for protecting that source. Julio is his boss. If Mrs. Arael was the leak, that gives Dillon the unique advantage of "having something" on Arael. It's usually the other way around.

You may or may not recall a story we broke back in

1999, reporting that Arael was mad at Dillon and that he might be building a "Blue Book" of charges against his relatively new Chief of Police. If you were in town in 1997, you will remember that Arael had attempted to justify his efforts to fire Chief Peterson by building a Blue Book of bogus charges. When Arael was finally able to force Peterson to retire, however, all of those charges were declared "unfounded."

In 1999, Arael wanted Dillon to hire the son of a former police officer and Dillon was dragging his feet. Of course, Dillon knew that the kid had been in trouble with the law earlier in the year for allegedly

flashing his Law Enforcement Explorers Cadet badge to try to pick up a 19-year-old girl. State Attorney Kirk Zuehlch had dropped charges of impersonating an officer. And Internal Affairs had declared a complaint by the girl's boyfriend to be unfounded (Duh?).

On October 27, 1999, an irritated Arael fired off a scathing memo to Dillon: "I am now seriously concerned that your department does not have the ability to fill vacancies expeditiously... Leaving a vacant position three-plus months when we have a qualified candidate is poor management and an apparent lack of organization in the hiring process of your department."

Arael, who had also used "poor management" as a major charge against Peterson, threatened to take police hiring decisions away from Dillon.

On that same day, Arael also wrote another memo to Dillon, scolding him because the clocks in the police communications center were re-

portedly wrong. We're not making this up.

But ever since Dillon agreed to keep his leak at the DCF a secret, Arael has not only stopped writing him scathing memos, we predict that he will reward Dillon with a lucrative new contract.

Can you stomach another example of a police coverup? Both Dillon and Arael know that Officer Ken Stinson may have committed perjury in court in the Gene Peary case a couple of years ago. Yet, to this day, they refuse to investigate.

In case you haven't been paying attention: In March 1997, Officer Stinson arrested two women in the same vehicle on charges of driving while intoxicated. One of those arrested was Key West Civil Service Board member Peary—who argued that he was a passenger, not a driver.

For a number of months before his arrest, Peary said he had been harassed by members of the police union for
CONTINUED on next page

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KWTN Conducts Internal Affairs Probe Cops Refused To Do

FROM previous page
stands he had taken in support of Chief Peterson, as well as for voting to promote Officer Ken Hock following a testing fiasco. At the arrest scene, Peary said he overheard Lt. Flowers say, "We've finally got that little faggot!"

Since that time, Flowers has been reprimanded by the department for calling a female police officer a "bull dyke" and the gay community "sodomites."

At Peary's trial, Stinson testified under oath that he had seen Peary and the other man switch seats— which justified the double arrest. That trial ended with a hung jury.

At the second trial, Stinson—also testifying under oath— changed his story, admitting that he had neither seen Peary get out of the driver's side of the vehicle nor change seats with the driver. Peary was acquitted.

Did Stinson tell the truth at the first trial and lie at the second one? Or did he lie at the first one and tell the truth at the second trial? After the second trial, we asked Chief Dillon about that. He sent us a written response: "There is no reason to believe that Officer Stinson didn't tell the truth."

We faxed back another question: "Which time, Buz?"

His response was no response.

Now, there may be some plausible reason why Stinson might tell two different under-oath stories about the same arrest at two different times, although we can't imagine what that reason might be— other than to try to wrongly convict a man of a bogus charge. And the fact that Dillon refuses to explain it only tends to verify our theory that neither Chief Dillon nor City Manager Avel nor any member of the City Commission (other than Tom Oosterhoudt) seem to care if

our cops lie.

Now, back to the report Chief Dillon is being forced to compile for the FDLE. If he chooses not to take the "full disclosure" route that we outlined earlier in this piece, we may all get to see just how creative he can be. We will all get to read it because it will eventually become public record and we will publish it for you. And, of course, we'll also critique it.

If he chooses to try to defend Lt. Flowers and Inspector Christensen, he will have to explain the following:

On October 29, 1996, Lt. Flowers stopped Rod Macdonald and ticketed him on a bicycle light violation. He also issued a second ticket to Macdonald for allegedly failing to notify the State Dept. of Motor Vehicles (DMV) of an address change.

Last week, KWTN spoke to Debra Baxley, a spokesperson for the DMV. She told us that, on the night of October 29, 1996, the address on Macdonald's drivers license was Star Route Box 7, Ebro, Florida. Macdonald said that was his permanent address. But maybe Flowers thought that Macdonald should have contacted the DMV and changed his address to the address he wrote on the ticket: General Delivery (streets), Key West.

On January 2, 1997, Macdonald— probably reacting to Flowers' scolding— mailed a note to the DMV requesting a change of address that reflected a street address. The new address: 5415 Little Acre Road in Ebro. According to the DMV's Baxley, that new address became official in the DMV computer on January 22, 1997.

However, at Macdonald's hearing before Judge Wayne Miller on January 28,

CONTINUED on next page



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| 57 Spoonbill Way-3/3 | PENDING | |
| 6 Kingfisher-3/2.5 | PENDING | |
| 12 Kingfisher Lane-3/2.5 | \$399,000 | 560 Porter La |
| 50 Spoonbill Way-3/3 | \$415,000 | 217 Southard |
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Police Coverup

FROM previous page

1997, Flowers testified under oath that, on the night of October 29, 1996, Macdonald had handed him a drivers license with the Little Acre Road address on it— which, of course, according to the DMV, would have been an impossibility, since that address did not become official in the DMV records until January 22, 1997, just a few days before the hearing.

In other words, Flowers apparently lied in court, under oath— for no good reason— other than to try to get Macdonald convicted on a bogus charge!

First of all, the DMV notification charge was a "pile on" charge. Flowers had stopped Macdonald for a bicycle light infraction. The purpose of the extra ticket was to further "punish" a man who Flowers considered to be a "dirtbag." But in his wildest dreams, Flowers would have never imagined that Macdonald would contest the ticket and force him to jus-

tify the charge in court!

Macdonald says he didn't show Flowers his drivers license that night. "I didn't have it with me," he told KWTN. "I showed him a state-issued ID."

But if Flowers actually saw a license that night (as he testified under oath that he did), he apparently didn't write down the address. So when he was notified that he had to show up in court and defend the DMV notification ticket, he— rather than telling the judge the truth, that he didn't have sufficient evidence to show that Macdonald was guilty of failing to change his address with the DMV— he apparently decided to "create" some evidence.

What we think may have happened is this: On the day of the trial, or a day or so earlier, Flowers checked with the DMV to get Macdonald's Ebro address. He gets the Little Acre Road address and, without a clue that this is brand new address in the DMV computer, writes it down and goes into court and testifies, under oath, that this was the address he saw on Macdonald's license three months earlier— when, of course, he saw no such thing! He told a lie in court. For no good reason.

Question: Is it okay for a cop to lie in court as long as it's just a small lie? If so, Dillon should explain this to the FDLE— and to the citizens of Key West.

Incidentally, Judge Miller threw the DMV notification charge out of court.

As often happens when people start telling fibs and then trying to cover them up, this story has evolved from a relatively minor story about a cop telling a "small" fib in court to a more significant story about an Internal Affairs investigator who supposedly investigated the perjury allegation but, in reality, never did. We know that because we used the state public records law to gain access to Inspector

Christensen's investigation file. And there's no evidence in that file that he ever contacted the DMV to check out Macdonald's allegation that Flowers lied in court. But he declared the complaint "unfounded" anyway.

After we looked at the file in Christensen's office, we asked him: "You didn't check with the DMV a all, did you?"

His response: "No comment."

"Well, we'll check it out for you," we told him."

"Have at it," he said.

So we did. We simply called the DMV. It took about two days to confirm that Flowers, even if he did see Macdonald's drivers license on the night of October 29, 1996, could not have seen the Little Acre Road on it— even though he testified under oath in a court of law that this was the address he had seen!

By declaring Macdonald's complaint "unfounded" without even checking with the DMV— as we did— Christensen, in essence, also lied. And for no good reason!

Christensen now says that Macdonald's allegation that Flowers committed perjury had been previously checked out by other investigators and declared "unfounded." But we found no evidence in any of the investigation files we were shown that anybody at the KWPD ever checked with the DMV. Does this suggest that the other investigators may have fibbed a bit, too?

How will Chief Dillon explain this to the FDLE? Stay tuned.

The State Attorney briefly looked at the allegations that Flowers had committed perjury. That investigation was terminated when it was determined that the three-year statute of limitations on perjury charges had expired. But that happened because Christensen refused to investigate the charge. Convenient, huh?

Experience
the
Sensation!



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4

Audio/Visual Available at the CRB Office for Inspection

5

Audio/Visual Available at the CRB Office for Inspection

6

Colored Pictures Available Online or at the CRB Office for Inspection

7

COURT MINUTES

IN THE 16th JUDICIAL CIRCUIT
IN AND FOR MONROE COUNTY, FLORIDA

Bond # _____ Bond \$ _____

CASE NUMBER: 2020 mm 30200

Court Opened 9:00 AM on March / 23 / 2021 with the following officer present: _____
TIME MONTH DAY YEAR

(ONE CASE PER PAGE)

HONORABLE Danny Fowler STATE ATTORNEY Houli Harris
DEFENSE ATTORNEY PD - Demetrius COURT REPORTER Perla Cuervo BAILIFF Paulino
STATE OF Florida VS Shahdara hoda

DEFENDANT CHARGED WITH: 1) DUI 2) _____
4) _____ 5) _____

FILED IN OPEN COURT
15 DAY OF MARCH 2021
DANNY L. KOLHAGE
CLERK CIRCUIT COURT

PLED TO COUNTS: 1) _____ 2) _____
4) _____ 5) _____ BY: _____ D.C.

PLEA x Trial

- In jail
- Denial
- Not Guilty
- Demand Filed
- 10 Days Granted For Motion
- 40 Paid App Fee W/I 7 Days
- PD Appt (_____) Contact Weekly
- Information File

- Present with Attorney
- Negotiated plea
- Bond Set \$ _____
- Other Def found not guilty by jury
- Present Without Attorney
- Guilty
- PSI Ordered
- Not Present In Court
- Nolo-Contendre
- Speedy Trial
- Issue Capias
- Bond Estreated
- Factual Basis

Sentencing Date: _____ Accepts Plea Admittance No Objection to Score Sheet _____ PTS

SENTENCE

IT IS THE JUDGEMENT OF THE COURT AND THE SENTENCE OF THE LAW THAT YOU, THE ABOVE NAMED DEFENDANT:

- Adjudication Guilty
- Nolle-Prosequi
- Drug Offender
- Drug Court
- Probation Restored
- _____ Hours Comm Service _____ Hours Monthly
- Community Control - Period of _____
- Complete terms probation w/in _____ Months
- Confined to MCSO Jail for _____ Days
- Jip Program
- Early Release Review After JIP Program
- Hold & Transport (bed space) to _____
- Same Terms and Conditions
- State Prison
- Tier Program or Other W/I Prison
- Sentence Concurrent
- Urinalysis _____ Weekly
- Psychological Evaluation _____
- NA / AA Meetings _____ Weekly
- No Contact with Victim
- No Harmful Contact
- Surrender Weapons
- Indiv/Group Counseling w/Res. Trmt. if needed
- Indigent for Evaluation/Treatment
- Adjudication Withheld
- Placed on Probation
- After Care
- Probation Revoked
- New Period of Probation
- Electronic Monitor Phone Line Inst. within 10 days
- New Period of Community Control
- Indigent for Cost of Supervision
- Jail Program
- PSW/COS Waived during Jail / Program
- Care Center
- Furlough Granted Start _____ / End _____
- Make up Arrears
- Credit For Time Served (CFTS)
- Other Jury \$499 NP - Both Parties STIP
- Sentence Consecutive to proceed with jury
- 90 / 90 Program
- Report to DOC within _____ of Release
- License Revoked / Suspended Work Permit
- Make equal monthly installments
- Previously Imposed JL Remains in Effect
- Daily Activity/Exercise as directed 1/2-1 hr Daily 3xs week
- Sub Abuse Eval W/I _____ days & treatment if needed
- Advised of Immigration Rights Appeal Rights

COSTS

- Attorney's Fees \$ _____
- Fines \$ _____
- Judgment Lien \$ _____
- Convert Fines to CSW @ \$10.00/hr
- FHP \$ _____
- Bond Money - deduct court cost \$ _____
- F.S. 27.3455 - \$ _____
- Cost _____
- Cost Super DOC - \$ _____
- Early Term. _____
- FFWL - \$ _____
- Refund Bond Money _____
- BOCC - \$ _____
- SA \$ _____
- MCSO \$ _____
- PD \$ _____
- Restitution \$ _____

OTHER INFORMATION: CA # 2020 EDK Def found guilty
DANNY L. KOLHAGE, CLERK OF THE CIRCUIT AND COUNTY COURTS.
BY: _____ DEPUTY CLERK, in attendance.

Continued
 See Second Page

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

CASE NO. 06 MM 3020 K
JUDGE PEARY S. FOWLER

STATE OF FLORIDA
Plaintiff

v.

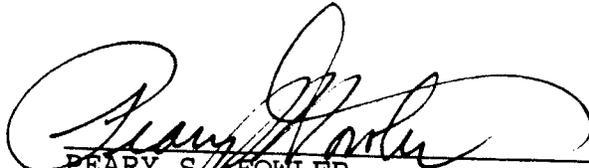
SHAHDAROBA RODD,
Defendant

JUDGMENT OF NOT GUILTY

THE DEFENDANT HAVING BEEN FOUND NOT GUILTY of the offense charged in the above-styled case, it is, therefore

ORDERED that the defendant is hereby adjudged not guilty of the offense therein charged, and he may go hence without day.

ORDERED at Key West, Monroe County, Florida, this 23rd day of March, 2007.


PEARY S. FOWLER
COUNTY JUDGE

Copies furnished to:

Defendant
Office of the State Attorney
Office of the Public Defender

23

March 1



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

CASE NO. 06 MM 3020 K
JUDGE PEARY S. FOWLER

STATE OF FLORIDA
Plaintiff

v.

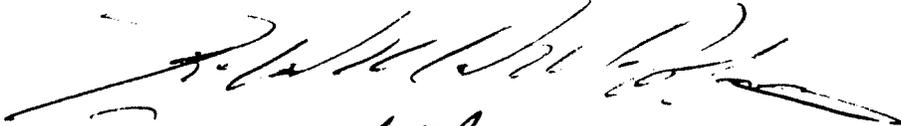
SHAH DAROBA RODD,
Defendant

VERDICT

____ We, the jury find the Defendant guilty of Driving Under the Influence of alcohol to the extent that his normal faculties were impaired.

We, the jury find the Defendant not guilty of Driving Under the Influence of alcohol to the extent that his normal faculties were impaired.

So say we all.


RODRIGO M. MONTEFALCON
FOREPERSON

PRINTED NAME

3-23-07

DATE

~~STATE OF FLORIDA
COUNTY COURT
CLERK
NO.~~

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

CASE # 06-TR-10001-K

2006-MM-3020-K

SHAH DAROBA RODD, APPELLANT pro se

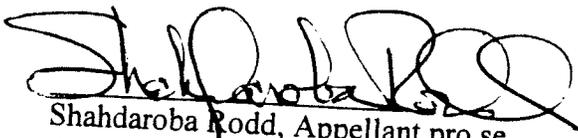
v.

STATE OF FLORIDA, APPELLEE

NOTICE OF APPEAL

NOTICE IS GIVEN that Shahdaroba Rodd, Defendant/Appellant pro se, appeals to the Circuit Court of the Sixteenth Judicial Circuit the order of this court rendered March 23, 2007. The nature of the order is an adjudication of guilt for violating Florida State Statute 316.089, Failure to maintain a single lane.

The original defense of this violation was to have been argued in the Traffic Court on December 21, 2006, but because it was an element of a D.U.I. case, it was assigned to the County Court and consolidated into the DUI trial, in which a verdict of not guilty of DUI was rendered by a jury on March 23, 2007.



Shahdaroba Rodd, Appellant pro se
P.O. BOX 623 Key West FL 33041
305-766-2006

4/20/07 v. KW



NOT FINAL UNTIL TIME EXPIRES
TO FILE FOR REHEARING PURSUANT
TO F.R.App.P. 9.330(a), AND
IF FILED, DISPOSED OF

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

APPELLATE DIVISION

CASE NO: 2007-CF-470-K
LOWER TRIBUNAL NO: 2006-MM-3020-K

SHAHDAROBA RODD,

Appellant

Vs.

STATE OF FLORIDA,

Appellee



2007 NOV 14 PM 4:05
CLERK OF COURT
STATE OF FLORIDA

ORDER OF DISMISSAL FOR FAILURE TO PROSECUTE

Appeal from the County Court, Honorable Peary Fowler, County Judge.

Shahdaroba Rodd, Pro Se.

Office of the State Attorney, Counsel for Appellee.

PER CURIAM

This cause having been reviewed by the Court, and it appearing that notice of appeal was filed in this cause on April 23, 2007, and has not been prosecuted further since the filing of said notice of appeal, it is ORDERED that this Appeal is DISMISSED for lack of prosecution.

November 14, 2007

DAVID J. AUDLIN, JR.
CIRCUIT JUDGE

Traffic/Criminal Case Detail Information

| | |
|-------------------------|----------------------------|
| Defendant Name | Date of Birth |
| RODD, SHAHDAROBA | 9/19/1946 |
| Case Number | Uniform Case Number |
| TRK0610001 | 442006TR010001000AKW |
| Defense Attorney | Judge |
| | Slaton, Tegan |

Scheduled Court Appearances

| Date | Time | Location/Court Room | Description |
|------------|------------------------|---------------------|-----------------|
| 12/21/2006 | 1/1/1900 9:00:00 AM | KW COURTROOM A | TRAFFIC HEARING |

Charges

| Offense Date | Statute Code | Statute Description | Date | Disposition |
|--------------|--------------|------------------------------|------|-------------|
| 10/28/2006 | 316.089 | FAIL TO DRIVE IN SINGLE LANE | | |

Docket Information

| Date | Time | Description | Text |
|------------|------|-------------|---|
| 12/28/2006 | - | | CASE "TAPED" TO NETTA'S DESK |
| 12/21/2006 | - | | CASE CONSOLIDATED INTO 06-MM-3020-K |
| 11/22/2006 | - | | TRAFFIC HEARING <12/21/2006> 09:00 A.M. |
| 11/22/2006 | - | | REQ FOR TRAF HEARING, NOT GUILTY PLEA 12/21/2006 09:00 A.M. |
| 11/22/2006 | - | | TRAF SUMMONS & SUP ISSUED |
| 10/28/2006 | - | | CITATION FILED * |

Traffic/Criminal Case Detail Information

| | |
|-------------------------|----------------------------|
| Defendant Name | Date of Birth |
| RODD, SHAHDAROBA | 9/19/1946 |
| Case Number | Uniform Case Number |
| MMK063020 | 442006MM003020000AKW |
| Defense Attorney | Judge |
| DEFENDER, PUBLIC | Miller, Wayne |

Scheduled Court Appearances

| Date | Time | Location/Court Room | Description |
|------------|------------------------|---------------------|-----------------------------|
| 11/20/2006 | 1/1/1900 9:00:00 AM | KW COURTROOM D | ARRAIGNMENT |
| 1/8/2007 | 1/1/1900 2:00:00 PM | KW COURTROOM C | DOCKET SOUNDING |
| 2/1/2007 | 1/1/1900 2:00:00 PM | KW COURTROOM C | DOCKET SOUNDING |
| 2/12/2007 | 1/1/1900 8:30:00 AM | KW COURTROOM C | TRIAL/MISDEMEANOR/CRIM TRAF |
| 2/15/2007 | 1/1/1900 9:00:00 AM | KW COURTROOM C | TRIAL/MISDEMEANOR/CRIM TRAF |
| 3/1/2007 | 1/1/1900 2:00:00 PM | KW COURTROOM C | DOCKET SOUNDING |
| 3/15/2007 | 1/1/1900 2:00:00 PM | KW COURTROOM C | MOTION |
| 3/23/2007 | 1/1/1900 9:00:00 AM | KW COURTROOM C | TRIAL/MISDEMEANOR/CRIM TRAF |

Charges

| Offense Date | Statute Code | Statute Description | Date | Disposition |
|--------------|----------------|---|-----------|-----------------------------|
| 10/28/2006 | 316.193(1) | DRIVING UNDER THE INFLUENCE | 3/23/2007 | Acq/Not Guilty - Jury Trial |
| 10/28/2006 | 843.02 | RESIST OR OBSTRUCT OFFICER WITHOUT VIOLENCE | | Nolle Prossed |
| 10/28/2006 | 316.1939(1)(e) | REFUSAL TO SUBMIT TO BREATH/URINE TEST | | No Action Taken By State |

Docket Information

| Date | Time | Description | Text |
|-----------|------|------------------------------|--|
| 7/17/2007 | | Conversion: Bond Information | Bond Type: SURETY BOND / Bond Amount: 3500.00 / Power Number: A061870739 / Surety: AA, BAIL BOND |
| 7/13/2007 | | - | AFFIDAVIT OF INDIGENT |

| | | |
|-----------|--------------------------|---|
| 3/12/2007 | - | SUBPEONA RET SERVED <03/07/2007> OFC. RANDALL SMITH |
| 3/12/2007 | - | SUBPEONA RET SERVED <03/07/2007> OFC. KOURI, KWPD |
| 3/12/2007 | - | SUBPEONA RET SERVED <03/07/2007> OFC. KEOHANE |
| 3/9/2007 | - | MOTION TO DISMISS COUNT 2 OF INFORMATION |
| 3/5/2007 | - | MOTION HEARING <03/15/2007> 02:00 P.M. |
| 3/1/2007 | - | COURT MINUTES |
| 3/1/2007 | - | NOTICE OF HEARING FOR 3- 15-07 |
| 2/16/2007 | SUPP DISCOVERY EXHIBIT * | SUPP DISCOVERY EXHIBIT |
| 2/15/2007 | SUPP DISCOVERY EXHIBIT * | SUPPLEMENTAL DEFENSE DISCOVERY PRODUCTION |
| 2/15/2007 | - | JUDGE KEPT FILE ON TRIAL DATE |
| 2/15/2007 | - | JURY TRIAL SET <02/15/2007> 09:00 A.M. |
| 2/15/2007 | - | ORD CONTINUING TRIAL DATE AND PRETRIAL CONFERENCE / (STATE AND DEFENDANT HANDED COPIES IN OPEN COURT) |
| 2/15/2007 | - | COURT MINUTES - STATE REQUEST CONT - GRANTED - CONT TO MARCH TD(TST) / JUDGE SET CASE TO BE TRIED ON TUESDAY OF TRIAL WEEK - STATE REQ / RICHARDSON HRG - JUDGE FOWLER FINDS VIOLATION OF DISCOVERY-UNWILLFUL |
| 2/15/2007 | EXHIBIT LIST | EXHIBIT LIST(NO EVIDENCE ENTERED - TRIAL CONT) |
| 2/15/2007 | TIME LOG SHEET | TIME LOG SHEET - PAGE 3 |
| 2/15/2007 | STATE'S WITNESS LIST | STATE'S AND DEF WITNESSES - TRIAL CONTINUED - NO WITNESSES TESTIFIED |
| 2/15/2007 | - | TRIAL LOG - STATE REQUEST RICHARDSON HRG AND CONTINUANCE |
| 2/15/2007 | - | JURY TRIAL SET <03/19/2007> 08:30 A.M. |
| 2/15/2007 | - | DOCKET SOUNDING NOTICE 03/01/2007 02:00 P.M. |
| 2/15/2007 | - | ORD CONTINUING TRIAL DATE AND PRETRIAL |

| | | |
|-----------|----------------------|--|
| | | CONFERENCE / (STATE AND DEFENDANT RECEIVED COPIES IN OPEN COURT) |
| 2/15/2007 | - | COURT MINUTES - STATE REQ CONT - STATE REQUEST RICHARDSON HRG - / JUDGE FINDS DEF TO BE IN DISCOVERY VIOLATION BUT FINDS IT TO BE / UNWILLFUL - JUDGE GRANTS CONTINUANCE TO MARCH TD - RELEASES JURORS |
| 2/15/2007 | EXHIBIT LIST | EXHIBIT LIST(STATE CONT TO MARCH TD) |
| 2/15/2007 | TIME LOG SHEET | TIME LOG SHEET - PAGE 3 |
| 2/15/2007 | STATE'S WITNESS LIST | STATE'S WITNESSES AND DEF WITNESSES |
| 2/15/2007 | - | TRIAL LOG |
| 2/12/2007 | - | PANEL UTILIZATION RECORD |
| 2/12/2007 | - | PANEL SERVICE RECORD |
| 2/12/2007 | - | LIST OF JURORS |
| 2/12/2007 | - | JURY SHEET NO 1 |
| 2/12/2007 | - | COURT MINUTES - READY FOR TRIAL - TRIAL TO BE HEARD ON FEB 15, 2007 / AT 9:00 AM |
| 2/12/2007 | - | JURY TRIAL SET <02/15/2007> 09:00 A.M. |
| 2/12/2007 | TIME LOG SHEET | TIME LOG SHEET - JURY SELECTION PAGES 1 AND 2 |
| 2/12/2007 | - | JURY SHEET NO. 1 |
| 2/12/2007 | - | PANEL USAGE SUMMARY |
| 2/12/2007 | - | PANEL UTILIZATION RECORD |
| 2/12/2007 | - | PANEL SERVICE RECORD |
| 2/12/2007 | - | LIST OF JURORS |
| 2/12/2007 | - | COURT MINUTES - TRIAL SET FOR THURS 2-15-07 |
| 2/12/2007 | TIME LOG SHEET | TIME LOG SHEET - JURY SELECTION PAGES 1 - 2 |
| 2/12/2007 | - | PANEL USAGE SUMMARY |
| 2/8/2007 | - | RETURNED SUBPOENA NOT SERVED OFC. RANDALL SMITH 02-07-07 |
| 2/8/2007 | - | RETURNED SUBPOENA NOT SERVED OFC. D KOURI 02-07-07 |
| 2/8/2007 | - | RETURNED SUBPOENA NOT SERVED OFC. KUNIKO 02-07-07 |

| | | |
|------------|---------------------|---|
| 2/2/2007 | - | COURT MINUTES |
| 1/30/2007 | - | DEFENSE DISCOVERY PRODUCTION |
| 1/10/2007 | - | JURY TRIAL SET <02/12/2007> 08:30 A.M. |
| 1/10/2007 | - | DOCKET SOUNDING NOTICE 02/01/2007 02:00 P.M. |
| 1/8/2007 | - | COURT MINUTES (FEB TD- COMPLETE DISCOVERY) |
| 1/8/2007 | ORDER TO CONTINUE * | ORDER TO CONTINUE (FEB TRIAL DATE) |
| 12/21/2006 | - | COURT MINUTES - TRAFFIC COURT - MAGISTRATE TEGAN SLATON CONSOLIDATES / IFRACTION 2006MM3020K (JUST GIVEN TO ME TODAY BY MICHELLE - PREV TAPED / TO MY DESK W/OUT KNOWLEDGE)(DATE CIT RECEIVED 02/05/2007) |
| 12/15/2006 | - | AMENDED INFORMATION |
| 12/8/2006 | - | PAYMENT ACCEPTED / RECEIPT # - 00055037 |
| 12/8/2006 | - | STATES RESPONSE TO DISCOVERY NOTICE, DEMAND FOR RECIPROCAL DISCOVERY, / DEMAND FOR NOTICE OF ALIBI, STATE'S WITNESS LIST |
| 12/4/2006 | - | PAYMENT ACCEPTED / RECEIPT # - 00066112 |
| 11/22/2006 | - | JURY TRIAL SET <01/22/2007> 08:30 A.M. |
| 11/22/2006 | - | DOCKET SOUNDING NOTICE 01/08/2007 02:00 P.M. |
| 11/20/2006 | - | NO ACTION FILED COUNT * COUNT 003 |
| 11/20/2006 | - | FILED COUNT 002 |
| 11/20/2006 | - | FILED COUNT 001 |
| 11/20/2006 | - | INFORMATION |
| 11/20/2006 | - | WRITTEN PLEA OF NOT GUILTY AND DEMAND FOR JURY TRIAL, BILL OF / PARTICLUARS AND NOTICE OF DISCOVERY |
| 11/20/2006 | - | COURT MINUTES |
| 11/20/2006 | - | NOTICE |
| 11/15/2006 | - | CITATION FILED #4120ENW |
| 11/13/2006 | - | CITATION FILED #440176W |
| 11/3/2006 | - | FAXED COPY OF ORIGINAL |

| | | |
|------------|---|--|
| 11/1/2006 | - | FIRST APPEARANCE FORM |
| 10/30/2006 | - | ARRAIGNMENT SET <11/20/2006> 09:00 A.M. |
| 10/30/2006 | - | FAXED COPY/ FIRST APPEARANCE FORM |
| 10/30/2006 | - | FIRST APPEARANCE FORM |
| 10/30/2006 | - | SURETY BOND #A061870739 \$500.00 AA BAIL BONDS |
| 10/30/2006 | - | SURETY BOND #A061870740 \$1000.00 AA BAIL BONDS |
| 10/30/2006 | - | SURETY BOND #A061870741 \$2000.00 AA BAIL BONDS |
| 10/30/2006 | - | COPY/ CITATION FILED #4120ENW |
| 10/30/2006 | - | COPY/ CITATION FILED #440176W |
| 10/30/2006 | - | NOTICE |
| 10/30/2006 | - | ARREST FORM |

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

TO: Chief Donie Lee
FROM: Stephen Muffler, Esquire
DATE: 7/8/09
RE: Rodd File CRB #09-006

I delivered to David Smith the below items yesterday for his review and reconsideration of the above referenced matter. I have also been directed to deliver these items to your attention as some of them are new materials provided by Mr. Rodd after you drafted your June 3, 2009 memorandum in this case.

1. Complaint and attachments received from Mr. Rodd and signed receipt from KWPD;
2. Memorandum dated June 3, 2009 from Chief Donie Lee;
3. Mr. Rodd's Reply to said June 2, 2009 memorandum;
4. Short VCR Tape Clip of Mr. Rodd's DUI Processing Provided by Mr. Rodd;
5. Short CD ROM video used at Mr. Rodd's criminal trial Provided by Mr. Rodd; **(I HAVE TRANSFERRED THIS CLIP TO Lt. David Smiths computer in his office and it is viewable off of his desktop as he has the proper software on his computer to view it).**
6. Colored Pictures of South Street Roadway Provided by Mr. Rodd;
7. Copies of the disposition of the criminal charges in Mr. Rodd's criminal case;

I will remove the file from the CRB agenda for the June 27th date and reschedule it to give your department time to review these new materials and respond.



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

TO: Lt. David Smith
FROM: Stephen Muffler, Esquire
DATE: 7/7/09
RE: Rodd File CRB #09-006

David:

I have delivered to you the following today:

1. Complaint and attachments received from Mr. Rodd and signed receipt from KWPD;
2. Memorandum dated June 3, 2009 from Chief Donie Lee;
3. Mr. Rodd's Reply to said June 2, 2009 memorandum;
4. Short VCR Tape Clip of Mr. Rodd's DUI Processing Provided by Mr. Rodd; (will play it at your office during our meeting on 7/7/09 as I only have one copy)
5. Short CD ROM video used at Mr. Rodd's criminal trial Provided by Mr. Rodd; (will play this at your office during our meeting on 7/7/09 and transfer a copy from the thumb drive to your computer that morning)
6. Colored Pictures of South Street Roadway Provided by Mr. Rodd;
7. Copies of the disposition of the criminal charges in Mr. Rodd's criminal case;

These will make up the material documents in the Rodd CRB File #09-006 and will be reviewed by the CRB members. I wanted to make sure that IA had Mr. Rodd's response and related audio/visual items. Please pass these along to Chief Lee so that he is aware of the existence of these additional items. If you wish me to enclose any further KWPD responses please send them to me by July 15th so I have time to include them in the package. Thanks.

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Donald J. Lee, Jr.

Chief of Police



Key West

POLICE DEPARTMENT

TO: Stephen Muffler, Citizens Review Board

FROM: Donald J. Lee, Jr. Chief of Police

DATE: July 21, 2009

RE: Shahdaroba Rodd-06-6576

I have received and reviewed the latest video provided to you by Mr. Rodd. The new video provided does not prove or support allegations of false arrest and untruthfulness. These issues have been resolved in a court of law. Although Mr. Rodd was acquitted by a jury for DUI, he was found guilty of failing to maintain a single lane by a judge. Neither I nor the judge at the time believed that the officers were untruthful or made a false arrest.

I do agree with Mr. Rodd that Ofc. Kouri was careless in some of his documentation. At the time Ofc. Kouri was a new officer being trained by Ofc. Keohane. The arrest occurred on Fantasy Fest weekend which may have further affected Ofc. Kouri's work product.

I do not intend on initiating an internal investigation into this matter as I feel there is not merit or basis to the allegations.

CC: Lt. David Smith, Professional Standards



RESPECT - INTEGRITY - FAIRNESS

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



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

May 26, 2009

Mr. Rodd Shahdaroba
P.O. Box 742
Key West, FL 33041

VIA REGULAR US MAIL

Complaint File: **CRB No. 09-006**
KWPD-IA File Number: (to be assigned)

Dear Mr. Shahdaroba:

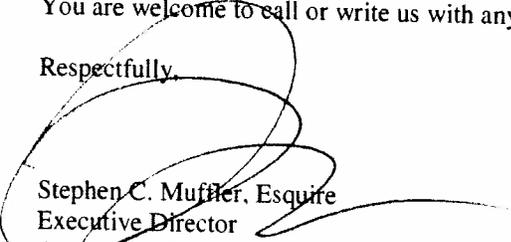
This letter shall confirm receipt of your complaint against Officers Kouri, Keohane & Randy Smith. As per the Board's standard operating procedures, your complaint has been forwarded to the Key West Police Internal Affairs Department (IA) for investigation. At this time, the Board will await IA's findings 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

July 8, 2009

VIA REGULAR US MAIL

Mr. Shahdaroba Rodd
P.O. Box 742
Key West, FL 33041

Complaint File: **CRB No. 09-006**
KWPD-IA File Number: (to be assigned)

Dear Mr. Rodd:

Please be advised that your matter has been pulled from the CRB agenda and will **NOT** be addressed at the CRB meeting on July 27, 2009. You provided a VCR tape, a computer generated computer animation of South Street, colored photographs of South Street and a detailed reply to the KWPD memorandum dated June 3, 2009. These items are "new materials" which have been shipped to the KWPD for their review and re-evaluation of your complaint. Thus, we must now await the KWPD's re-evaluation and amended response, which I will timely forward to you for your review and reply. I will keep you informed of this matter and your new rescheduled CRB hearing date when I learn of the same.

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

Respectfully,

A handwritten signature in black ink, appearing to read "Stephen C. Muffler", is written over a large, stylized, scribbled signature line.

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

July 28, 2009

VIA REGULAR US MAIL

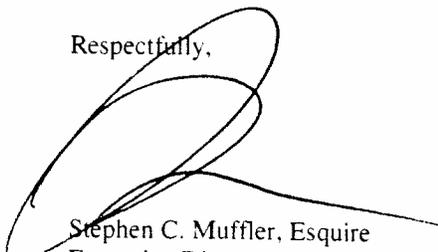
Mr. Shahdaroba Rodd
P.O. Box 742
Key West, FL 33041

Complaint File: **CRB No. 09-006**
KWPD-IA File Number: (None)

Dear Mr. Rodd:

Enclosed please find KWPD memorandum dated July 21, 2009 which I received yesterday. Your case file will be prepared and ready to be evaluated by the CRB at its next meeting on August 24, 2009. (Note the CRB meeting for August 10th was cancelled). If you wish to respond to this latest memorandum, please do so in writing and get it to me no later than August 10th so I can timely prepare all the materials. Please be prepared to attend the August 24, 2009 meeting at 6:00 p.m. at the Old City Hall.

Respectfully,



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



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

TO: Lt. David Smith
FROM: Stephen Muffler, Esquire
DATE: 8/12/09
RE: CRB Agenda for 8/24/09

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.

PLEASE ARRANGE FOR THE AVAILABILITY OF THE SUBJECT RESPONDENT OFFICERS' PRIOR DISCIPLINARY HISTORY AND COMMENDATIONS (LIST OF THEM BY SOME KIND OF SUMMARY PER THE KWPD & IA WORKING AGREEMENT) AT THIS CRB MEETING. THANKS.

AGENDA

Citizen Review Board Meeting
Old City Hall, 510 Greene Street
Monday, August 24, 2009
6:00 p.m.

1. CALL THE MEETING TO ORDER
2. ROLL CALL
3. PLEDGE OF ALLEGIANCE
4. APPROVAL OF MINUTES:
 - a. July 27, 2009
5. TRACKING CHART REVIEW
6. CONTINUED OR NEW BUSINESS
 - a. File review: **CRB Case No. 09-006 (Rodd)**
 - b. Board Discussion on Considering Rule Change on Timing of the Board's Access/Review of Officer's Prior Disciplinary History
7. COUNSEL'S REPORT
8. CHAIRPERSON'S REPORT
9. BOARD MEMBERS REPORT/GENERAL COMMENTS
10. EXECUTIVE DIRECTOR'S REPORT
 - a. Search for New Commission Appointment Member (search update)
 - b. Update on Proposed CRB Budget FY 09-10
 - c. Proposal to Cancel Some CRB Upcoming Meeting(s) Due to Low File Load
11. PSO/IA COMMENTS/FOLLOW-UP
12. PUBLIC INPUT
13. MEDIA AND PRESS QUESTIONS
14. ADJOURNMENT



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

TO: Officer M. Koehane
FROM: Stephen Muffler, Esquire
DATE: 8/12/09
RE: CRB Complaint #09-006/Rodd

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 August 24, 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.

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

TO: Officer D Kouri

FROM: Stephen Muffler, Esquire

DATE: 8/12/09

RE: CRB Complaint #09-006/Rodd

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

TO: Inspector Randy Smith
FROM: Stephen Muffler, Esquire
DATE: 8/12/09
RE: CRB Complaint #09-006/Rodd

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 August 24, 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.

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