Fredrick Stickney vs. Lt. Kim Spardaro, et al.
CASE NO.: 11-60557-CIV-JORDAN
Magistrate Judge P.A. WHITE

DEFENDANTS' OMNIBUS NOTICE OF FILING MULTIPLE DOCUMENTS AND EXHIBITS IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT

Exhibit "4"
Court Disposition Order Case No.: 10-03065CF10A

FAUN ... FI 32610/0830/ARRGN/032510/F

CIRCUIT COURT DISPOSITION ORDER IN AND FOR BROWARD COUNTY, FLORIDA

Case Number 10003065CF10A Arrest Number LH10000196 BCCN # 0035011

State of Florida VS STICKNEY, FREDRICK AKA

Judge ~~BERNARD I BOBER~~ P Bachara Cash bond / Return to depositor / Surety bond / IC

Cash bond number(s)

Charges 001 ROBBERY W/FIREARM
002 CARJACKING WITH A FIREARM
003 FLEE/ELUDE LEO-AGG FLEE UNSAFE
004 INJURE POLICE DOG - M
005 RESIST/OBSTRUCT/W/O VIOL

( )REMANDED ( ) REMAIN IC ( ) UNTIL PICKED UP BY OR
BED AVAILABLE AT

( ) Arraignment (✓) Change of Plea (✓) Guilty ( ) No Contest ( ) PSI/PDR ( ) Sentencing / Re-Sentencing
( ) Trial by Jury ( ) Trial by Court ( ) First VOP/VOCC ( ) Final VOP/VOCC ( )Admits Allegations
( ) Convicted by Jury/Court ____ ( ) Acquitted by Jury/Court ____ ( ) Dismissed ____ ( ) Speedy
( ) Discharged ____ ( ) Nolle Prosequi ____ ( ) Found Incompetent/Committed to Child/Family Services
(✓) Adj. Guilty 1-5 ( ) Adj. Withheld ____ ( ) Adj. Delinquent ____
( ) Committed to DJJ/Level ____ ( ) Sentence Withheld ____ ( ) Previous Sentence Vacated
( ) PSI Ordered
Adj. and Sentence deferred to

Type of probation / Community Control:
( ) Youthful Offender ( ) Drug Offender ( ) Sexual Offender ( ) Habitual Offender ( ) Mental Health ( ) County
PROBATION/COMM. CONTROL: ( ) Revoked ( ) Reinstated ( ) Modified ( ) Terminated
Extended ____ ( ) All previous special conditions apply
WARRANT: ( ) Dismissed ( ) Withdrawn ( ) Served in open court

SENTENCE: *(PROBATION / COMM. CONTROL)*
COUNT(S): ____
____ ( ) Years ( ) Months ( ) Days ( ) Probation ( ) Community Control ( ) Followed by
____ ( ) Years ( ) Months ( ) Days ( ) Probation ( ) Community Control
____ ( ) each count concurrent/consecutive ( ) Concurrent ( ) Consecutive to case number ____
COUNT(S): ____
____ ( ) Years ( ) Months ( ) Days ( ) Probation ( ) Community Control ( ) Followed by
____ ( ) Years ( ) Months ( ) Days ( ) Probation ( ) Community Control
____ ( ) each count concurrent/consecutive ( ) Concurrent ( ) Consecutive to case number ____

SENTENCE: *(INCARCERATION)*
COUNT(S): I - III ( ) One year plus one day ( ) 17 (✓) Years ( ) Months ( ) Days
( ) BCJ (✓) FSP, w/credit for 694 days T/S
( ) Followed by ____ ( ) Years ( ) Months ( ) Days ( ) Probation ( ) Community Control
(✓) Each count concurrent/consecutive (✓) Concurrent/consecutive ( ) To case number ____
(✓) Any other sentence ( ) Work release ( ) Prison sentence suspended
COUNT(S): IV, V ( ) One year plus one day ( ) 694 ( )Years ( ) Months (✓) Days
(✓) BCJ ( ) FSP, w/credit for 694 days T/S
( ) Followed by ____ ( ) Years ( ) Months ( ) Days ( ) Probation ( ) Community Control
(✓) Each count concurrent/consecutive (✓) Concurrent/consecutive ( ) To case number ____
( ) Any other sentence ( ) Work release ( ) Prison sentence suspended

JUDGE ____

DEPUTY CLERK ____ **DATE** 1/11/12

FILE COPY-WHITE DEFENDANT'S COPY-GREEN SHERIFF'S COPY-YELLOW PROBATION'S COPY-PINK DEFENSE ATTORNEY'S COPY-GOLD

State of Florida VS STICKNEY, REDRICK Case Number 10003065CF10A

SPECIAL CONDITIONS OF PRISON SENTENCE:

( ) Habitual Violent Offender mandatory minimum _____ years Ct(s) _____
( ) Violent Career Criminal mandatory minimum _____ years Ct(s) _____
( ) Prison Release Reoffender mandatory minimum _____ years Ct(s) _____
(X) Firearm mandatory minimum 10 years Ct(s) 1, 2
( ) Other mandatory minimum _____
(X) Habitual Offender Ct(s) 1-3 ( ) Youthful Offender ( ) Sexual Predator/Offender ( ) Boot Camp
( ) Drug Treatment ( ) Tier _____ Program
( ) To be given credit for all time previously served in prison, to be calculated by Department of Corrections

SPECIAL CONDITIONS OF PROBATION:

( ) _____ days BCJ w/credit for _____ days T/S ( ) work release ( ) Boot Camp
( ) ATTAC ( ) Work release after successful completion of ATTAC ( ) Electronic Monitor ( ) Drug Treatment
( ) BSO/SAP ( ) Upon successful completion of drug program jail sentence shall be terminated

( ) _____ hours of Community Service
( ) $ _____ COS waived/ imposed
( ) Anger Management Program
( ) BARC ( ) followed by _____
( ) Blood draw per F.S. 943.325 - 2 samples for conviction of sexual assaults; lewd or indecent acts; homicides (782.04) aggravated battery; home invasion robbery or carjacking
( ) Curfew _____
( ) Drug / Alcohol evaluation and treatment recommended
( ) Forfeit weapon / firearm
( ) F.A.C.T.
( ) House of Hope
( ) IRT ( ) followed by _____
( ) May transfer probation to _____
( ) May travel _____ for work purposes
( ) No contact with minor children without adult supervision
( ) No contact directly or indirectly with victim(s) or victim's family or others listed
( ) No driving without valid driver's license
( ) No drugs or alcohol
( ) Enter and successfully complete _____
( ) Drug Court Monitoring/Hearing set _____
( ) Other _____

( ) Obtain GED or High School diploma
( ) Peg Program
( ) Psychological/Psychiatric evaluation and treatment necessary
( ) Random drug/alcohol testing
( ) Random urinalysis/waive cost
( ) Recommend 2-year Driver's License Suspension
(X) Restitution ordered $ _____ amount reserved
( ) Restitution converted to a civil lien
( ) Spectrum
( ) Substance abuse evaluation
( ) Turning Point Bridge Program/Aftercare
( ) Work Permit
( ) Make donation of $ _____ to _____

( ) $225 Trust Fund
( ) $50 VC
( ) $5 Assessment each count
( ) $50 SN1 count(s) 1-4
( ) $50 PD application fee waived (imposed) ( ) $ 700 PD fee
( ) $100 OTF count(s) _____
( ) $20 CSTF count(s) 1-5
( ) $2 T.C. each count
( ) $65 AC each count
( ) $10 Article V Assessment
( ) $201 DVC count(s) _____
( ) $151 RCP count(s) _____
( ) $151 CAM count(s) _____
( ) $20 SN1 count(s) 5
( ) $30 CFF count(s) _____
( ) $ _____ fine plus $ _____ surcharge count(s) _____
( ) $ _____ Court Costs count(s) _____ ( ) $ _____ Extradition costs
( ) Pay balance of previously imposed costs ( ) Waive all court costs
(X) Balance of court costs and fees converted to a civil lien ( ) $100 Cost of Prosecution
( ) PD fee converted to a civil lien
( ) Other _____

JUDGE _____

DEPUTY CLERK _____ **DATE** 1/11/12

File Copy-White Defendant's Copy-Green Sheriff's Copy-Yellow Probation's Copy-Pink Defense Attorney's Copy-Gold revised 7/16/09

Fredrick Stickney vs. Lt. Kim Spardaro, et al.
CASE NO.: 11-60557-CIV-JORDAN
Magistrate Judge P.A. WHITE

DEFENDANTS' OMNIBUS NOTICE OF FILING MULTIPLE DOCUMENTS AND EXHIBITS IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT

Exhibit "5"
BSO Investigative Action Report Burglary-Residence Armed

SHERIFF'S OFFICE - BROWARD COUNTY, FLORIDA

Investigative Action Report

Case: LL10-01-02168 **Zone:** 403 **Offense:** Burglary – Residence Armed

CONTACT INFORMATION:

SUSPECT 1:

Fredrick Stickney (DOB: 05/27/65)
5055 NW 36 Street # 314
Lauderdale Lakes, FL 33319
(954) 627-4464

VICTIM 1:

Herschell M Williams (DOB: 01/16/83)
5025 NW 36 Street # 104/H
Lauderdale Lakes, FL 33319
(954) 579-4000

VICTIM 2:

Traquia Williams (DOB: 03/09/88)
5025 NW 36 Street # 104/H
Lauderdale Lakes, FL 33319
(954) 681-1788

WITNESS 1:

People's Pawn
Robert Godfrey (DOB: 05/13/84)
3260 N Sr 7
Lauderdale Lakes, FL 33319
(954) 731-7296

VEHICLE:

YEAR:	**N/A**
MAKE:	**N/A**
MODEL:	**N/A**
VIN:	**N/A**
FL REGISTRATION:	**N/A**

CASE STATUS: C/A	EX/C	UNF	P-C/A	P/ACTIVE	P/I
Detective Ronald Faircloth CCN 14118	Date: 05/11/10		Supervisor Richard Rossman CCN 8094		
Sign:			Sign:		
Print: Ronald Faircloth CCN 14118	Page 1		Print: Richard Rossman CCN 8094		

SHERIFF'S OFFICE - BROWARD COUNTY, FLORIDA

Investigative Action Report

Case: LL10-01-02168 **Zone:** 403 **Offense:** Burglary – Residence Armed

LAW ENFORCEMENT WITNESSES:

Deputy Name / CCN: Detective Ronald Faircloth 14118 (Lead Investigator)
Assignment: Broward Sheriffs Office, Lauderdale Lakes, Criminal Investigations
Address: 4300 NW 36 ST
Lauderdale Lakes, FL 33319
Telephone Number: (954) 497-1646 Ext. 259

Deputy Name / CCN: Deputy Travis Allen 14903 (Reporting Deputy)
Assignment: Broward Sheriffs Office, Lauderdale Lakes, Criminal Investigations
Address: 4300 NW 36 ST
Lauderdale Lakes, FL 33319
Telephone Number: (954) 497-1646

CASE STATUS:	C/A	EX/C	UNF	P-C/A	P/ACTIVE	P/I
Detective	Ronald Faircloth	CCN 14118	Date: 05/11/10	Supervisor	Richard Rossman	CCN 8094
Sign:				Sign:		
Print:	Ronald Faircloth	CCN 14118	Page 2	Print:	Richard Rossman	CCN 8094

SHERIFF'S OFFICE - BROWARD COUNTY, FLORIDA

Investigative Action Report

Case: LL10-01-02168 **Zone:** 403 **Offense:** Burglary – Residence Armed

NARRATIVE SECTION:

On January 27, 2010 Traquia Williams was home alone when she decided to leave to visit a family member who lived in the area. She left at approximately 2130 hours and returned at approximately 2202 hours. Traquia advised that she had locked her door prior to leaving and that she left the television on. When she came back home she unlocked the front door and walked inside. Traquia advised that she knew something was wrong when she did not hear the television running. She also observed the bedroom doors opened which she advised had been closed when she left. Traquia then stated that she exited the apartment and contacted her husband, Herschell Williams, who was at work. Herschell advised Deputy Allen that the suspect had removed a Samsung 50" television, a Wii game console, a Sony PlayStation 3, a gold necklace, and a gold bracelet. Herschell also advised me that his wife owned a Jimenez 9mm, serial number 127707, handgun that was stolen as well. The firearm was entered as stolen by Operator Andrews, CCN# 5888, with confirmation 5B141.

While investigating Broward Sheriff's Office case # LL10-01-02431 which happened around the same date and at the same apartment complex, the victim advised me that she believed that someone from the Stickney family was involved in her burglary. I checked that name in the Broward Sheriff's Office pawn database and found that Fredrick Stickney had pawned a Wii game console and a Sony PlayStation 3 on January 28, 2010 at People's Pawnshop, located at 3260 N Sr 7, Lauderdale Lakes, FL. Prior to going to the pawnshop, Herschell advised me that he would be able to identify his items because his dog had chewed on the cables and stripped open the wires in multiple places. I responded with him to the pawnshop at which time he positively identified the items as his due to the chew marks on the cables.

On February 24, 2010 I responded to the Broward Sheriff's Office Main Jail to speak with Fredrick. He was read his Miranda Rights and waived those rights, agreeing to speak to me without an attorney present. Post-Miranda Fredrick advised me that he had not burglarized the residence. He further stated that he had been living in Fort Pierce with his girlfriend and had come down to visit his friend, Jamal Nickerson. Fredrick told me that Jamal was the person that broke into the residence and he knew this because Jamal had told him so. Fredrick further advised that Jamal had shown him some of the property and asked if he knew anyone that would want the items. Fredrick advised that he then made numerous phone calls to see if anyone wanted these items. He told me that he was not able to find anyone to purchase the items so he took them to a pawnshop and pawned them, knowing that they were stolen. He also told me that Jamal had shown him the items the day before he took them to the pawnshop. He stated that he did not remember the exact time he saw the items, but he stated that it was day light out. This shows his inconsistencies as the burglary occurred at night at approximately 2130 hours. The items were pawned the very next day; therefore, it is not possible that he saw the items the day before he pawned them.

I completed a court order for cell towers for Fredrick, his brother Gregory, Jamal, and Fredrick's friend

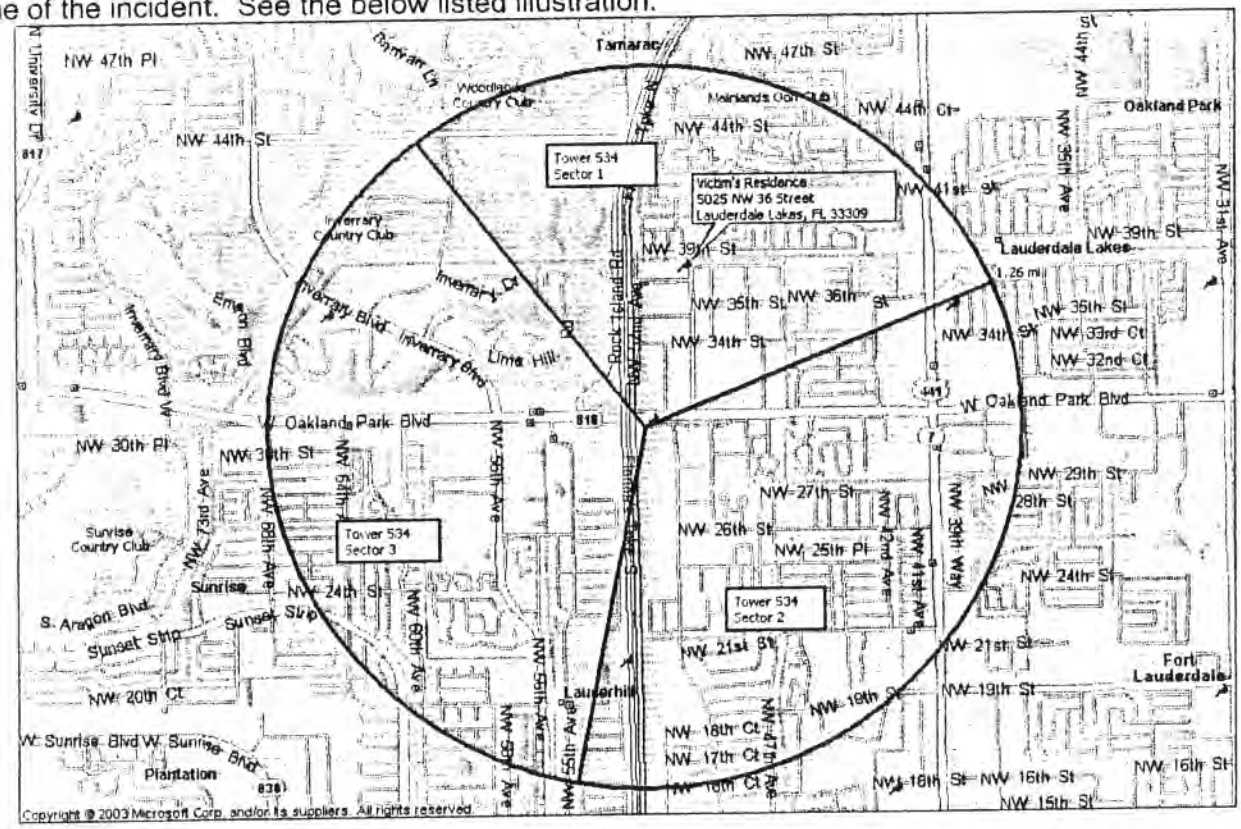
CASE STATUS: C/A	EX/C	UNF	P-C/A	P/ACTIVE	P/I
Detective Ronald Faircloth	CCN 14118	Date: 05/11/10	Supervisor Richard Rossman	CCN	8094
Sign:			Sign:		
Print: Ronald Faircloth	CCN 14118	Page 4	Print: Richard Rossman	CCN	8094

SHERIFF'S OFFICE - BROWARD COUNTY, FLORIDA

Investigative Action Report

Case: LL10-01-02168 **Zone:** 403 **Offense:** Burglary – Residence Armed

Michael Holmes. Upon receiving the results for this court order, I found that Michael and Fredrick had gone to the pawnshop together. The pawn clerk had advised me that Fredrick had come with another individual. I also found that Gregory, Jamal and Michael were not in the area at the time of the burglary. Fredrick, however, was utilizing MetroPCS tower 534 and sector 1 which provided service to Herschell's residence at the time of the incident. See the below listed illustration.



Fredrick advised me that he knew the items he pawned were stolen and that they came from Herschell's apartment based on what Jamal had told him. Upon speaking with Gregory, he advised me that Fredrick and Jamal do not get along and that is why he is blaming Jamal for the incident. As noted above, their cell phone records provide evidence that Jamal was not present at the time of the burglary, but that Fredrick was. It should also be noted that all calls made by inmates from the Broward County Jail System are recorded and a message is played prior to the call being connected which advises that the call is being recorded and requests that "0" be pressed to consent to the recording. On February 19, 2010 at 18:05:49 hours Fredrick contacted phone number (305) 986-6606. According to Sprint, that phone number belonged

CASE STATUS: C/A	EX/C	UNF	P-C/A	P/ACTIVE	P/I
Detective Ronald Faircloth	CCN 14118	Date: 05/11/10	Supervisor Richard Rossman	CCN	8094
Sign:			Sign:		
Print: Ronald Faircloth	CCN 14118	Page 5	Print: Richard Rossman	CCN	8094

SHERIFF'S OFFICE - BROWARD COUNTY, FLORIDA
Investigative Action Report

Case: LL10-01-02168 **Zone:** 403 **Offense:** Burglary – Residence Armed

to Michael Holmes, Fredrick's friend that he was at the pawnshop with. In that conversation Fredrick states to Michael, "hey yo, they ain't caught me with the gat either. I got rid of that." Then Michael says, "you got rid of the gun?" and Fredrick confirms, "I got rid of that." [redacted] and [redacted] provided sworn statements attesting to the above mentioned facts. [redacted] further expressed his desire to pursue charges against Fredrick.

CASE STATUS:

Based on my investigation, the offender has been clearly identified as Fredrick Stickney B/M 05/27/65. He resides at the address listed above. Enough information exists to support the arrest and prosecution of the listed suspects in this case. This case is therefore, Cleared by Arrest.

EXHIBITS ATTACHED:

Event Report/Case Number (Deputy Allen): LL10-01-02168 (Attached)
Court Orders for Phone Records: (Attached)
Probable Cause Affidavit for Fredrick: (Attached)
Phone Records and Tower Maps for Fredrick: (Attached)
Pawn receipt of transaction: (Attached)
Audio of Suspect Interviews: (Attached)
Sworn Victim and Witness Statements: (Attached)
Jail Calls for Fredrick: (Attached)

The foregoing police report, consisting of 6 pages, each page having been initialed by me, are hereby sworn to:

R. Faircloth — AFFIANT — 5/11/10 DATE

STATE OF FL COUNTY OF Broward The foregoing instrument was acknowledged before me this 11 day of May, 2010 by R. Faircloth NAME AND TITLE who is personally known to me or who has produced DLF TYPE OF IDENTIFICATION as identification and who did take an oath.

NOTARY PUBLIC OR PUBLIC OFFICER AND TITLE OR RANK / CCN

CASE STATUS: C/A	EX/C	UNF	P-C/A	P/ACTIVE	P/I
Detective Ronald Faircloth	CCN 14118	Date: 05/11/10	Supervisor Richard Rossman	CCN	8094
Sign:			Sign:		
Print: Ronald Faircloth	CCN 14118	Page 6	Print: Richard Rossman	CCN	8094

Fredrick Stickney vs. Lt. Kim Spardaro, et al.
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DEFENDANTS' OMNIBUS NOTICE OF FILING MULTIPLE DOCUMENTS AND EXHIBITS IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT

Exhibit "6"
Peoples Pawn Receipt

FLORIDA PAWNBROKER TRANSACTION FORM
PAWNBROKER / CREDITOR

PEOPLES PAWN SHOPS EST 1950
1250 N. State Rd. 7 Lauderdale Lakes, FL 33319

DATE 01/28/2010
TIME 13:47:34
EMP. 23

CONTROL # 283497
EPT #
MATURITY DATE 02/27/2010
TYPE OF TRANSACTION
☐ OUTRIGHT PURCHASE ☒ PAWN

PLEDGOR/SELLER

NAME (LAST)	FIRST	MIDDLE	DATE OF BIRTH	SEX (M/F)	RACE
STICKNEY	FREDRICK		05/27/1965	M	B

W WHITE, B BLACK, I AMERICAN INDIAN, A ASIAN/ORIENTAL

RESIDENTIAL ADDRESS (Street, Apt No., City, State & Zip): 5075 NW 36TH STREET LAUDERDALE LAKE, FL 33319-
HOME PHONE (AreaCode & Number): (954) 607-8384
PLACE OF EMPLOYMENT: UNHEMPLOYED
BUSINESS PHONE (AreaCode & Number): (000) 000-0000

D.L. #/OFFICIAL PHOTO I.D. #	TYPE	AGENCY/STATE	HGT	WGT	EYES	HAIR	IDENTIFYING MARKS
S325 240 65 187 0	DL	FL	6-1	190	B	B	

CODES

You are giving a Security Interest in the following property

ITEM 1

SERIAL NUMBER	OWNER APPLIED NUMBER	ITEM TYPE	BRAND	MODEL NUMBER
LU31481642		GAME CONSOLE	NINTENDO	RVL-001

DESCRIPTION OF ITEM (INSCRIPTIONS, COLOR, SIZE, MARKS, DESIGN, SCHOOL, YEAR, INITIALS, BARREL LENGTH): WII GAME CONSOLE
TYPE | ACTION | GAUGE CALIBER | FINISH | BARREL | AMOUNT PAID: 50.00
TYPE | METAL | KT | WT | GENDER | STYLE | SIZE LENGTH | # STONES | SHAPE | CT | WT | COLOR | # STONES | SHAPE | CT | WT | COLOR

ITEM 2

SERIAL NUMBER	OWNER APPLIED NUMBER	ITEM TYPE	BRAND	MODEL NUMBER
CE510327420		GAME CONSOLE	SONY	CECHG01

DESCRIPTION OF ITEM (INSCRIPTIONS, COLOR, SIZE, MARKS, DESIGN, SCHOOL, YEAR, INITIALS, BARREL LENGTH): P[S3 SONY GAME CONSOLE
TYPE | ACTION | GAUGE CALIBER | FINISH | BARREL | AMOUNT PAID: 105.00
TYPE | METAL | KT | WT | GENDER | STYLE | SIZE LENGTH | # STONES | SHAPE | CT | WT | COLOR | # STONES | SHAPE | CT | WT | COLOR

ITEM 3

SERIAL NUMBER	OWNER APPLIED NUMBER	ITEM TYPE	BRAND	MODEL NUMBER
		VIDEOGAME		

DESCRIPTION OF ITEM (INSCRIPTIONS, COLOR, SIZE, MARKS, DESIGN, SCHOOL, YEAR, INITIALS, BARREL LENGTH): 1 PS3 VIDEOGAME
TYPE | ACTION | GAUGE CALIBER | FINISH | BARREL | AMOUNT PAID: 5.00
TYPE | METAL | KT | WT | GENDER | STYLE | SIZE LENGTH | # STONES | SHAPE | CT | WT | COLOR | # STONES | SHAPE | CT | WT | COLOR

ITEM 4

SERIAL NUMBER	OWNER APPLIED NUMBER	ITEM TYPE	BRAND	MODEL NUMBER

DESCRIPTION OF ITEM (INSCRIPTIONS, COLOR, SIZE, MARKS, DESIGN, SCHOOL, YEAR, INITIALS, BARREL LENGTH):
TYPE | ACTION | GAUGE CALIBER | FINISH | BARREL | AMOUNT PAID: 0.00
TYPE | METAL | KT | WT | GENDER | STYLE | SIZE LENGTH | # STONES | SHAPE | CT | WT | COLOR | # STONES | SHAPE | CT | WT | COLOR

ITEM 5

SERIAL NUMBER	OWNER APPLIED NUMBER	ITEM TYPE	BRAND	MODEL NUMBER

DESCRIPTION OF ITEM (INSCRIPTIONS, COLOR, SIZE, MARKS, DESIGN, SCHOOL, YEAR, INITIALS, BARREL LENGTH):
TYPE | ACTION | GAUGE CALIBER | FINISH | BARREL | AMOUNT PAID: 0.00
TYPE | METAL | KT | WT | GENDER | STYLE | SIZE LENGTH | # STONES | SHAPE | CT | WT | COLOR | # STONES | SHAPE | CT | WT | COLOR

AMOUNT FINANCED	FINANCE CHARGE	TOTAL OF PAYMENTS	ANNUAL PERCENTAGE RATE	MATURITY DATE
$ 160.00	$ 32.00	$ 192.00	240.00 %	02/27/2010

See your contract for any additional information concerning prepayment and default and prepayment refunds or penalties

PREPAYMENT If you pay off early, you will not be entitled to a refund of part of the finance charge

PAYMENT SCHEDULE: TOTAL OF PAYMENTS is due on Maturity Date shown above

Pawn Default Date: 03/29/2010
Amount required to redeem pledged property on Pawn Default Date: $224.00
PURCHASE / TRUCK: $

Pledgor/Seller represents and warrants that (a) the pledged/sold property (the "PROPERTY") is not stolen, rented or leased, (b) the PROPERTY does not have any liens or encumbrances against it, (c) the Pledgor/Seller is the rightful owner of the PROPERTY, (d) the Pledgor/Seller has the legal right to enter into this pawn or sale transaction, (e) the Pledgor/Seller is not involuntary or insolvent bankruptcy of any type and (f) the Pledgor/Seller is at least 18 years of age.

I the Pledgor/Seller agree to all terms and conditions on the front and back of this form and I acknowledge receipt of a copy of this document.

I also state, Under penalty of perjury, that I have read the foregoing document and the facts stated in it are true.

Right Thumb Print of Pledgor/Seller

NOTICE: See Reverse Side

Fredrick Stickney vs. Lt. Kim Spardaro, et al.
CASE NO.: 11-60557-CIV-JORDAN
Magistrate Judge P.A. WHITE

DEFENDANTS' OMNIBUS NOTICE OF FILING MULTIPLE DOCUMENTS AND EXHIBITS IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT

Exhibit "7"
BSO Affidavit for and Order to Produce Cellular Records

IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT
OF FLORIDA, IN AND FOR BROWARD COUNTY

CRIMINAL DIVISION

IN RE: INVESTIGATION
BROWARD COUNTY SHERIFF'S OFFICE

APPLICATION FOR AN ORDER AUTHORIZING METROPCS TO PROVIDE CELL PHONE RECORDS

THIS COURT ORDER IS ISSUED PURSUANT TO FLORIDA STATUTE S. 92.605. A RESPONSE IS DUE WITHIN 20 BUSINESS DAYS OF RECEIPT OF THIS SUBPOENA UNLESS A LONGER TIME PERIOD IS STATED HEREIN.

Comes now Detective Ronald Faircloth of the Broward County Sheriff's Office and applies to this Court for an order Authorizing METROPCS to provide Historical Cell Tower Records, Call Record Details, and Owner Information for phone numbers (954) 627-4464, (954) 226-8235, and (954) 861-9329 from January 27, 2010 through January 28, 2010 on the following grounds:

Your Affiant has been a sworn law enforcement officer for five years and is currently assigned to the Lauderdale Lakes Criminal Investigations Unit. During your Affiant's assignment to his respective unit, your Affiant has been involved in a Burglary Residence investigation in violation of F.S. 810.02.

The Broward County Sheriff's Office has an ongoing criminal investigation that may involve suspects utilizing Cellular Telephone Technology. It is hereby stated that the information likely to be obtained is relevant to an ongoing investigation of suspects, currently unknown by the Broward Sheriff's Office for an armed burglary. The following sets out specific and articuable facts describing why the records are relevant and material to an ongoing police investigation.

On January 27, 2010 an unknown individual unlawfully entered the residence of Herschell Williams and stole a Samsung 50" television, a Wii, a Sony PlayStation 3, and some jewelry. While investigating a residential burglary in the same area, the victim informed me that she believed that the Stickney family may have been involved. I followed up on this lead and found that Fredrick Stickney had pawned numerous pieces of jewelry, a Wii, and a PlayStation 3 at People's Pawn, located at 3260 N Sr 7, Lauderdale Lakes. Herschell stated that he would be able to identify his gaming consoles because his dog had chewed up the cords for them. Upon responding to People's Pawn, I observed what appeared to

be numerous bite marks on the cables that were with the game consoles. Upon Herschell's arrival he positively identified the gaming consoles as his based on these marks.

Fredrick had been taken into custody for an armed carjacking in the area of these burglaries, and I therefore responded to the Broward County Jail to speak with him regarding the burglaries. Post-Miranda Fredrick advised me that he knew the items were stolen because a guy by the name of Jamal told him that he stole the items from my two victims. Fredrick advised me that he and Jamal were roommates at an apartment a few doors down from the victim in the other case so they were familiar with the people in the area. He also told me that Jamal had asked him if he wanted to buy the items, but he stated he did not play video games and therefore had no need for these items. Fredrick stated to me that he then made numerous phone calls to individuals to see if anyone wanted to purchase the items, but he was unsuccessful in selling them. It was at that time that Jamal asked him to pawn the items for him at which time he did. I asked Fredrick for his cell phone number at that time, but he refused to provide it to me. Fredrick also advised me that he had not been living in the area at the time of the incidents, but that he only came to visit Jamal.

Upon speaking with Fredrick's brother, Gregory Stickney, he provided me with Fredrick's cell phone number of (954) 627-4464. He also stated that Fredrick hangs out with an individual by the name of Mike Holmes who has a phone number of (305) 986-6606. Upon speaking with the pawn clerk, he advised that two individuals came into the store to pawn the Wii and the PlayStation 3. He advised that both individuals looked very similar. It should be noted that Mike looks similar to Gregory and Fredrick. Gregory also provided me with a phone number for Jamal, that number being (954) 226-8235, but he advised that he knows Jamal and Jamal had moved away from that area a month or so prior to the burglaries and that him and Fredrick are not friends and they do not talk.

It is believed that the requested information will assist in identifying the suspect responsible for this incident. The burglary occurred within a 30 minute time frame and it is believed that these phone records will assist in showing which of the suspects was present at the time of the burglary.

It is requested that this Court order METROPCS to provide the following records to the Broward Sheriff's Office:

Below requested information pertains to the following phone numbers: (954) 627-4464, (954) 226-

8235, and (954) 861-9329.

- **Historical Cell Tower Records from January 27, 2010 through January 28, 2010.**
- **Call Record Details, including incoming and outgoing calls from January 27, 2010 through January 28, 2010.**
- **Owner Information to include name, date of birth, social security number, address, account number, any and all phone numbers on the same account, and email address associated with that account from January 27, 2010 through January 28, 2010. Also include the above listed owner information for any other METROPCS phone numbers that were contacted by the above listed phone numbers from January 27, 2010 through January 28, 2010.**
- **All METROPCS cell site locations for Dade, Broward, and Palm Beach Counties in the State of Florida, to include LAC, CID, latitude, longitude, and the directional orientation of each tower and tower sector from January 27, 2010 through January 28, 2010.**

It is your Affiants belief that obtaining these records will assist in either locating possible suspect(s), witnesses or verifying witness statements.

Sheriff Albert Lamberti

By:
Detective Ronald Faircloth
Broward County Sheriff's Office

SWORN TO AND SUBSCRIBED
BEFORE ME ON THIS 12 DAY OF March, 2010.

Circuit Court Judge

IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT
OF FLORIDA, IN AND FOR BROWARD COUNTY

CRIMINAL DIVISION

IN RE: INVESTIGATION
BROWARD COUNTY SHERIFF'S OFFICE

ORDER

THIS COURT ORDER IS ISSUED PURSUANT TO FLORIDA STATUTE S. 92.605. A RESPONSE IS DUE WITHIN 20 BUSINESS DAYS OF RECEIPT OF THIS SUBPOENA UNLESS A LONGER TIME PERIOD IS STATED HEREIN.

This matter having come before the Court pursuant to the stated application of the Broward Sheriff's Office, which application requested that an Order be issued authorizing METROPCS to provide Historical Cell Tower Records, Call Record Details, and Owner Information for phone numbers (954) 627-4464, (954) 226-8235, and (954) 861-9329 from January 27, 2010 through January 28, 2010 to the Broward Sheriff's Office.

This Court having found that there is specific and articuable facts that the information likely to be obtained may be relevant to an ongoing police investigation related to the offense of Armed Burglary and this Court having found that there may be a connection between the aforementioned offenses and the Cell Phone Records to the Broward Sheriff's Office.

ORDERED AND ADJUDGED that METROPCS shall produce the requested records to the Broward Sheriff's Office Lauderdale Lakes Criminal Investigations Unit:

Below requested information pertains to the following phone numbers: (954) 627-4464, (954) 226-8235, and (954) 861-9329.

- **Historical Cell Tower Records from January 27, 2010 through January 28, 2010.**
- **Call Record Details, including incoming and outgoing calls from January 27, 2010 through**

January 28, 2010.

- **Owner Information to include name, date of birth, social security number, address, account number, any and all phone numbers on the same account, and email address associated with that account from January 27, 2010 through January 28, 2010. Also include the above listed owner information for any other METROPCS phone numbers that were contacted by the above listed phone numbers from January 27, 2010 through January 28, 2010.**
- **All METROPCS cell site locations for Dade, Broward, and Palm Beach Counties in the State of Florida, to include LAC, CID, latitude, longitude, and the directional orientation of each tower and tower sector from January 27, 2010 through January 28, 2010.**

If possible, the records should be delivered in an electronic format, preferably in Excel format.

It is further ordered that METROPCS shall not disclose the existence of this request, as it may interfere with the ongoing criminal investigation.

Done and Ordered this 12 Day of March, 2010.

Circuit Court Judge
Seventeenth Judicial Circuit
In and For Broward County, Florida

Fredrick Stickney vs. Lt. Kim Spardaro, et al.
CASE NO.: 11-60557-CIV-JORDAN
Magistrate Judge P.A. WHITE

DEFENDANTS' OMNIBUS NOTICE OF FILING MULTIPLE DOCUMENTS AND EXHIBITS IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT

Exhibit "8"
BSO Crime Lab Report

Broward County Sheriff's Office
Crime Laboratory
201 SE 6th Street, Room 1799
Fort Lauderdale, FL 33301

Lab Number: 10-3339
Agency Case: LL10-01-2431
Date: 4/19/2010
Page 1 of 1

CRIME LABORATORY ANALYSIS REPORT

To: 16048 - Deputy John Curcio
BSO District 04 (Lauderdale Lakes)
4300 NW 36 Street
Lauderdale Lakes, FL 33313

SUSPECT: FREDRICK STICKNEY

VICTIM: SHARON BROWN

The following evidence was submitted to this laboratory:

Items: 1 thru 2, and RF1 thru RF2 (pawn slips).

The above listed items were analyzed and only the following were determined to be of value: item RF1 and RF2

All items of value were compared to the below listed individual(s) with the following results:

- Frederick Stickney, B/M, DOB: 05/27/1965
  - Individualized (identified)
    - Item RF1: right thumb
    - Item RF2: right thumb

Sharon Brown, Jamel Nickerson, and Gregory Stickney were not compared as all latents of value were identified to the above named suspect.

Only those items discussed in the results above were examined for this report. This report represents the opinions and interpretations of the undersigned analyst.

The foregoing instrument was acknowledged before me this 20 day of [illegible], 2010 by Thomas A Mesick who is personally known to me

Diana M Edwards DD892788
STATE OF FLORIDA, COUNTY OF BROWARD

Respectfully submitted,

Thomas A Mesick
SR. Latent Print Examiner

Cc: Detective Faircloth

NOTARY PUBLIC STATE OF FLORIDA
Diana M Edwards
Commission # DD892788
Expires: MAY 31, 2013
BONDED THRU ATLANTIC BONDING CO., INC.

An ASCLD/LAB-International Accredited Laboratory
END OF OFFICIAL REPORT