

**U.S. District Court
Southern District of Florida (Miami)
CIVIL DOCKET FOR CASE #: 1:11-cv-24638-JAL**

Williams v. Feria
Assigned to: Judge Joan A. Lenard
Referred to: Magistrate Judge Patrick A. White
Cause: 42:1983 State Prisoner Civil Rights

Date Filed: 12/28/2011
Jury Demand: Plaintiff
Nature of Suit: 550 Prisoner: Civil Rights
Jurisdiction: Federal Question

Plaintiff

Lemane Deon Williams
Prisoner ID: M05282

represented by **Lemane Deon Williams**
M05282
Gulf Correctional Institution–Annex
Inmate Mail/Parcels
699 Ike Steele Road
Wewahitchka, FL 32465
PRO SE

V.

Defendant

Officer Anthony Feria
Badge #2637– Miami Dade Police Dept.

represented by **Erica Sunny Shultz Zaron**
Miami–Dade County Attorney's Office
111 N.W. 1st Street
Suite 2810
Miami, FL 33128
305–375–5151
Fax: 305–375–5611
Email: zaron@miamidade.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Lauren Elizabeth Morse
Miami–Dade County Attorney's Office
Stephen P. Clark Center
111 N.W. First Street
Suite 2810
Miami Beach, FL 33139
305–375–5151
Email: laurenm@miamidade.gov
ATTORNEY TO BE NOTICED

| Date Filed | # | Docket Text |
|------------|----------|--|
| 12/28/2011 | <u>1</u> | A COMPLAINT Under The Civil Rights Act, 42 U.S.C. §1983, against Anthony Feria. Filing fee \$ 350.00. IFP Filed, filed by Lemane Deon Williams.(cqs) (Entered: 12/29/2011) |
| 12/28/2011 | 2 | Judge Assignment to Judge Joan A. Lenard (Entered: 12/29/2011) |
| 12/28/2011 | 3 | Clerks Notice of Magistrate Judge Assignment to Magistrate Judge Patrick A. White. Pursuant to Administrative Order 2003–19 for a ruling on all pre–trial, non–dispositive matters and for a Report and Recommendation on any dispositive matters. (cqs) (Entered: 12/29/2011) |
| 12/28/2011 | <u>4</u> | Application To Proceed Without Prepayment Of Fees and Affidavit, inmate account statment attached by Lemane Deon Williams. (cqs) (Entered: 12/29/2011) |
| 01/10/2012 | <u>5</u> | ORDER PERMITTING PLAINTIFF TO PROCEED WITHOUT PREPAYMENT OF FILING FEE BUT ESTABLISHING DEBT TO CLERK OF \$350.00 and Granting <u>4</u> Motion for Leave to Proceed in forma pauperis. Signed by Magistrate |

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| | | Judge Patrick A. White on 1/9/2012. (tw) (Entered: 01/10/2012) |
| 01/10/2012 | <u>6</u> | ORDER OF INSTRUCTIONS TO PRO SE CIVIL RIGHTS LITIGANTS. Signed by Magistrate Judge Patrick A. White on 1/9/2012. (tw) (Entered: 01/10/2012) |
| 01/23/2012 | <u>7</u> | NOTICE to the Court by Lemane Deon Williams re <u>1</u> Complaint (jua) (Entered: 01/24/2012) |
| 02/16/2012 | <u>8</u> | REPORT AND RECOMMENDATIONS on 42 USC 1983 case re <u>1</u> Complaint filed by Lemane Deon Williams. Recommending 1.The claim of excessive force shall proceed against Officer Feria, in his individual capacity. 2. Service will be ordered by separate order. Objections to RR due by 3/5/2012. Signed by Magistrate Judge Patrick A. White on 2/16/2012. (tw) (Entered: 02/16/2012) |
| 03/06/2012 | <u>9</u> | ORDER adopting Report and Recommendations <u>8</u> of Magistrate Judge White and allowing Plaintiff's claim of excessive force to proceed against Officer Feria in his individual capacity. Signed by Judge Joan A. Lenard on 3/6/2012. (cew) (Entered: 03/06/2012) |
| 04/20/2012 | <u>10</u> | NOTICE of Change of Address by Lemane Deon Williams (Address Updated) (gp) (Entered: 04/20/2012) |
| 05/04/2012 | <u>11</u> | MOTION for Default Judgment by Anthony Feria. (cqs) (Entered: 05/07/2012) |
| 05/08/2012 | <u>12</u> | ORDER by Clerk of Non-Entry of Default <u>11</u> Motion for Default Judgment, no summons have yet been issued.. Signed by Magistrate Judge Patrick A. White on 5/8/2012. (cz) (Entered: 05/08/2012) |
| 05/08/2012 | <u>13</u> | ORDER RE SERVICE OF PROCESS REQUIRING PERSONAL SERVICE UPON AND INDIVIDAL.The United States Marshal shall serve a copy of the complaint and appropriate summons upon:Detective Anthony Feria (Badge #2637), Metro-Dade Police Department, 9105 N.W. 25th Street, Miami, FL 33172. Signed by Magistrate Judge Patrick A. White on 5/8/2012. (tw) (Entered: 05/08/2012) |
| 05/09/2012 | <u>14</u> | Summons Issued as to Anthony Feria. (br) (Entered: 05/09/2012) |
| 05/23/2012 | <u>15</u> | NOTICE of Change of Address by Lemane Deon Williams (system updated) (cqs) (Entered: 05/23/2012) |
| 05/24/2012 | <u>16</u> | SUMMONS (Affidavit) Returned Executed on <u>1</u> Complaint by Lemane Deon Williams. Anthony Feria served on 5/21/2012, answer due 6/11/2012. (cqs) (Entered: 05/24/2012) |
| 05/31/2012 | <u>17</u> | NOTICE of Change of Address by Lemane Deon Williams (system updated) (cqs) (Entered: 05/31/2012) |
| 06/05/2012 | <u>18</u> | MOTION for Extension of Time to File Response/Reply as to <u>1</u> Complaint by Anthony Feria. (Zaron, Erica) (Entered: 06/05/2012) |
| 06/06/2012 | <u>19</u> | ORDER granting <u>18</u> Motion for Extension of Time to File Response/Reply re <u>18</u> MOTION for Extension of Time to File Response/Reply as to <u>1</u> Complaint Responses due by 6/25/2012. Signed by Magistrate Judge Patrick A. White on 6/6/2012. (cz) (Entered: 06/06/2012) |
| 06/25/2012 | <u>20</u> | ANSWER and Affirmative Defenses to Complaint by Anthony Feria.(Zaron, Erica) (Entered: 06/25/2012) |
| 06/27/2012 | <u>21</u> | SCHEDULING ORDER: Amended Pleadings due by 10/25/2012. Discovery due by 10/11/2012. Joinder of Parties due by 10/25/2012. Motions due by 11/16/2012. Signed by Magistrate Judge Patrick A. White on 6/26/2012. (tw) (Entered: 06/27/2012) |
| 08/29/2012 | <u>22</u> | MOTION to Appoint Counsel by Lemane Deon Williams. Responses due by 9/17/2012 (cqs) (Entered: 08/29/2012) |
| 08/30/2012 | <u>23</u> | ORDER denying <u>22</u> Motion to Appoint Counsel Signed by Magistrate Judge Patrick A. White on 8/30/2012. (cz) (Entered: 08/30/2012) |
| 09/14/2012 | <u>24</u> | Motion to Dismiss Case as Frivolous <u>1</u> Complaint by Anthony Feria. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> |

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| | | Exhibit E)(Zaron, Erica) (Entered: 09/14/2012) |
| 09/14/2012 | <u>25</u> | MOTION to Stay <i>Case Pending Ruling on Motion to Dismiss</i> by Anthony Feria. Responses due by 10/1/2012 (Zaron, Erica) (Entered: 09/14/2012) |
| 09/14/2012 | <u>26</u> | MOTION for Order Authorizing Clerk of Courts to Accept Filing of Video by Anthony Feria. (Zaron, Erica) (Entered: 09/14/2012) |
| 09/17/2012 | 27 | ORDER granting <u>26</u> Motion for Order authorizing clerk of courts to accept filing of video Signed by Magistrate Judge Patrick A. White on 9/17/2012. (cz) (Entered: 09/17/2012) |
| 09/17/2012 | <u>28</u> | ORDER OF INSTRUCTING PRO SE PLAINTIFF CONCERNING RESPONSE as to <u>24</u> Motion to Dismiss Case as Frivolous <u>1</u> Complaint .(Responses due by 10/12/2012) Signed by Magistrate Judge Patrick A. White on 9/17/2012. (tw) (Entered: 09/17/2012) |
| 09/20/2012 | <u>29</u> | NOTICE Of Filing Bond Hearing Video, by Lemane Deon Williams (cqs) (Entered: 09/20/2012) |
| 10/09/2012 | <u>30</u> | MOTION to Stay Summary Judgment by Lemane Deon Williams. Responses due by 10/26/2012 (cqs) (Entered: 10/09/2012) |
| 10/09/2012 | <u>31</u> | MOTION For Discovery/Reguest For Production Of Documents. by Lemane Deon Williams. (cqs) (Entered: 10/09/2012) |
| 10/09/2012 | <u>32</u> | MOTION to Compel <i>Discovery</i> by Lemane Deon Williams. Responses due by 10/26/2012 (cqs) (Entered: 10/09/2012) |
| 10/09/2012 | <u>34</u> | MOTION for Discovery/ Request For Production Of Documents by Lemane Deon Williams. Responses due by 10/26/2012 (cqs) (Entered: 10/10/2012) |
| 10/09/2012 | <u>35</u> | MOTION to Compel <i>Discovery</i> by Lemane Deon Williams. Responses due by 10/26/2012 (cqs) (Entered: 10/10/2012) |
| 10/09/2012 | <u>36</u> | MOTION to Stay Summary Judgment by Lemane Deon Williams. Responses due by 10/26/2012 (cqs) (Entered: 10/10/2012) |
| 10/09/2012 | <u>37</u> | NOTICE of Filing; Request For Admissions by Lemane Deon Williams (cqs) (Entered: 10/10/2012) |
| 10/09/2012 | <u>38</u> | NOTICE of Filing; Fisrt Set Of Interrogatories by Lemane Deon Williams (cqs) (Entered: 10/10/2012) |
| 10/10/2012 | 33 | ORDER granting <u>25</u> Motion to Stay, the only remaining dates are joinder of parties and the filing of dispositive motions, however a dispositive motion has been filed ; granting in part and denying in part <u>30</u> plaintiff's Motion to Stay to the extent the plaintiff is granted a thirty day extension of time to respond to the motion for summary judgement; denying <u>31</u> Motion to Produce, the discovery dates have passed; deferring <u>32</u> Motion to Compel, the defendants shall respond to this motion. Signed by Magistrate Judge Patrick A. White on 10/10/2012. (cz) (Entered: 10/10/2012) |
| 10/11/2012 | 39 | ORDER denying <u>34</u> Motion for Discovery, dates have passed; deferring ruling on <u>35</u> Motion to Compel, defendants have been ordered to respond; denying <u>36</u> Motion to Stay summary judgement. Signed by Magistrate Judge Patrick A. White on 10/11/2012. (cz) (Entered: 10/11/2012) |
| 10/22/2012 | <u>40</u> | RESPONSE in Opposition re <u>32</u> MOTION to Compel <i>Discovery</i> , <u>35</u> MOTION to Compel <i>Discovery</i> filed by Anthony Feria. (Zaron, Erica) (Entered: 10/22/2012) |
| 10/29/2012 | 41 | ORDER granting in part and denying in part <u>35</u> Motion to Compel, IF THIS CASE SURVIVES SUMMARY JUDGEMENT, in light of the plaintiff's pro-se status, and the fact that the discovery was requested, albeit just before the deadline, the defendants shall respond to the discovery within its control or knowledge. Signed by Magistrate Judge Patrick A. White on 10/29/2012. (cz) (Entered: 10/29/2012) |
| 11/01/2012 | <u>42</u> | NOTICE of Attorney Appearance by Lauren Elizabeth Morse on behalf of Anthony Feria (Morse, Lauren) (Entered: 11/01/2012) |

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| 11/13/2012 | <u>43</u> | Statement of: Disputed Factual Issues by Lemane Deon Williams (cqs) (Entered: 11/13/2012) |
| 11/13/2012 | <u>44</u> | NOTICE of Filing Declaration in Opposition to Motion for Summary Judgment by Lemane Deon Williams (cqs) (Entered: 11/13/2012) |
| 11/13/2012 | <u>45</u> | MOTION for Leave to File Amended Complaint by Lemane Deon Williams. (cqs) (Entered: 11/13/2012) |
| 11/13/2012 | <u>46</u> | Brief In Opposition To Defendant's Summary Judgment Motion by Lemane Deon Williams. (cqs) (Entered: 11/13/2012) |
| 11/13/2012 | <u>47</u> | Brief In Opposition To Defendant's Summary Judgment Motion by Lemane Deon Williams. (cqs) (Entered: 11/14/2012) |
| 11/13/2012 | <u>48</u> | Declaration In Opposition To Defendant's Motion For Summary Judgment by Lemane Deon Williams (cqs) (Entered: 11/14/2012) |
| 11/13/2012 | <u>49</u> | Statement of: Disputed Factual Issues by Lemane Deon Williams (cqs) (Entered: 11/14/2012) |
| 11/13/2012 | <u>50</u> | MOTION for Leave to File Amended Complaint by Lemane Deon Williams. (cqs) (Entered: 11/14/2012) |
| 11/14/2012 | 51 | ORDER granting <u>45</u> Motion for Leave to File; granting <u>50</u> Motion for Leave to File SOLELY TO PERMIT THE PLAINTIFF TO CORRECT THE NAME OF THE HOSPITAL HE WAS TAKEN TO. Signed by Magistrate Judge Patrick A. White on 11/14/2012. (cz) (Entered: 11/14/2012) |
| 11/23/2012 | <u>52</u> | REPLY to Response to Motion re <u>24</u> Motion to Dismiss Case as Frivolous <u>1</u> Complaint filed by Anthony Feria. (Morse, Lauren) (Entered: 11/23/2012) |
| 11/30/2012 | <u>53</u> | Pretrial Statement/ General Statement by Lemane Deon Williams (cqs) (Entered: 11/30/2012) |
| 12/07/2012 | <u>54</u> | Partial REPLY to Response in Support of re <u>24</u> Motion to Dismiss Case as Frivolous <u>1</u> Complaint filed by Lemane Deon Williams. (cqs) (Entered: 12/07/2012) |
| 12/14/2012 | <u>55</u> | NOTICE by Anthony Feria <i>Regarding Pre-Trial Statement</i> (Morse, Lauren) (Entered: 12/14/2012) |
| 01/02/2013 | <u>56</u> | NOTICE of Filing Supplemental Discovery Evidence by Lemane Deon Williams (cqs) (Entered: 01/02/2013) |
| 01/17/2013 | <u>57</u> | MOTION To Request Permission To Supplement Plaintiff's Pretrial Statement/General Statement by Lemane Deon Williams. (yar) Modified to correct filer on 1/18/2013 (asl). (Entered: 01/17/2013) |
| 01/17/2013 | <u>58</u> | MOTION Supplementing Preliminary Statement General Statement <u>53</u> Statement by Lemane Deon Williams. (yar) Modified to correct filer on 1/18/2013 (asl). (Entered: 01/17/2013) |
| 01/18/2013 | 59 | Clerks Notice of Docket Correction re <u>58</u> MOTION Supplementing Preliminary Statement General Statement re <u>53</u> Statement, <u>57</u> MOTION for Leave to File per call from attorney. Modified Filer by Clerk. (asl) (Entered: 01/18/2013) |
| 01/22/2013 | 60 | ORDER granting <u>57</u> Motion for Leave to File. granting <u>58</u> Motion to supplement statement. Signed by Magistrate Judge Patrick A. White on 1/22/2013. (cz) (Entered: 01/22/2013) |

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 11-CV-24638-Lenard/White

**The attached hand-written
document
has been scanned and is
also available in the
SUPPLEMENTAL
PAPER FILE**

(Rev. 09/2007) Complaint Under The Civil Rights Act, 42 U.S.C. § 1983

cat/div 1983/550 Dade UNITED STATES DISTRICT COURT
Case # _____ Southern District of Florida
Judge _____ Mag White
Actn Ifo yes Fee pd \$ _____ Case Number: **11-CV-24638-Lenard/White**
Receipt # _____

LEMANE DEON WILLIAMS
(Enter the full name of the plaintiff in this action)

v.

DETECTIVE: ANTHONY FERIA BADGE # 2637
MIAMI-DADE COUNTY POLICE OFFICER



(Above, enter the full name of the defendant(s) in this action)

A COMPLAINT UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. § 1983

Instructions for Filing:

This packet includes four copies of the complaint form and two copies of the Application to Proceed without Prepayment of Fees and Affidavit. To start an action you must file an original and one copy of your complaint for the court and one copy for each defendant you name. For example, if you name two defendants, you must file the original and three copies of the complaint (a total of four) with the court. You should also keep an additional copy of the complaint for your own records. All copies of the complaint must be identical to the original.

Your complaint must be legibly handwritten or typewritten. Please do not use pencil to complete these forms. The plaintiff must sign and swear to the complaint. If you need additional space to answer a question, use an additional blank page.

Your complaint can be brought in this court only if one or more of the named defendants is located within this district. Further, it is necessary for you to file a separate complaint for each claim that you have unless they are all related to the same incident or issue.

(Rev. 09/2007) Complaint Under The Civil Rights Act, 42 U.S.C. § 1983

There is a filing fee of \$350.00 for this complaint to be filed. If you are unable to pay the filing fee and service costs for this action, you may petition the court to proceed in forma pauperis.

Two blank Applications to Proceed without Prepayment of Fees and Affidavit for this purpose are included in this packet. Both should be completed and filed with your complaint.

You will note that you are required to give facts. THIS COMPLAINT SHOULD NOT CONTAIN LEGAL ARGUMENTS OR CITATIONS.

When these forms are completed, mail the original and the copies to the Clerk's Office of the United States District Court, Southern District of Florida, 301 North Miami Avenue, Miami, Florida 33128-7788.

I. Parties

In Item A below, place your name in the first blank and place your present address in the third blank.

A. Name of plaintiff: LEMANE DEON WILLIAMS
Inmate #: ~~100001196~~ 10001196 CELL 3B1
Address: METRO WEST DETENTION CENTER
13850 N.W. 41ST STREET MIAMI, FLORIDA 33178

In Item B below, place the full name of the defendant in the first blank, his/her official position in the second blank, and his/her place of employment in the third blank. Use Item C for the names, positions, and places of employment for any additional defendants.

B. Defendant: ANTHONY FERIA
is employed as A DETECTIVE / POLICE OFFICER BADGE # 2637
at MIAMI-DADE COUNTY POLICE DEPT

C. Additional Defendants: _____

(Rev. 09/2007) Complaint Under The Civil Rights Act, 42 U.S.C. § 1983

II. Statement of Claim

State here as briefly as possible the facts of your case. Describe how each defendant is involved. Include also the names of other persons involved, dates, and places.

Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach an additional blank page if necessary.

IN APPROXIMATELY JANUARY 2010 DETECTIVE ANTHONY FERIA (BADGE 2637) MIAMI-DADE POLICE ARRESTED ME FOR VARIOUS CHARGES AFTER HE PLACED ME IN HANDCUFFS HE TRANSPORTED ME TO THE POLICE STATION. HE KEPT ASKING ME FOR THE "GUN", THEN HE COMMENCED TO START BEATING ME UP, HE PUSHED ME WHILE I WAS IN HANDCUFF RESTRAINTS BEHIND MY BACK WHEN I FELT THE OFFICER BEGAN PUNCHING ME IN MY FACE AND BODY. I SUFFERED A BROKEN HAND/INDEX FINGER, CHIPPED TEETH, SEVERAL ABRASIONS AND BRUISES. I WAS THEN TAKEN TO THE COUNTY JAIL, BUT THE JAIL REFUSED TO RECEIVE ME DUE TO MY VISIBLE INJURIES (PLEASE SEE INCLUDED COPY OF BOOKING PHOTO) I WAS THEN TRANSPORTED TO JACKSON MEMORIAL HOSPITAL, WARD "D" TO UNDERGO TREATMENT FOR MY INJURIES WHICH INCLUDED SURGERY TO MY HAND WHERE A STEEL PLATE WAS INSERTED IN MY RIGHT INDEX FINGER. I HAVE LOST COMPLETE RANGE OF MOTION ON MY RIGHT INDEX FINGER. (UNABLE TO BEND) THIS IS A PERMANENT INJURY

(Rev. 09/2007) Complaint Under The Civil Rights Act, 42 U.S.C. § 1983

III. Relief

State briefly exactly what you want the court do to do for you. Make no legal arguments. Cite no cases or statutes.

FOR MY PAIN, SUFFERING, MENTAL ANGUISH AND PERMANENT
DISABLING INJURY I AM SEEKING MONETARY COMPENSATION
IN THE AMOUNT OF \$10,000,000 (TEN MILLION DOLLARS) AS WELL
AS HAVING THE DEFENDANT PAY FOR MY HOSPITAL BILL/FEE'S
I AM ALSO REQUESTING A TERMINATION OF THE DEFENDANT AS
A MIAMI-DADE POLICE OFFICER. IF TERMINATION IS NOT POSSIBLE
A REDUCTION IN RANK/PAY GRADE ALONG WITH A REPRIMAND
IN OFFICERS FILE. I WOULD ALSO LIKE TO FILE CHARGES
ON THIS OFFICER FOR AGG. BATTERY UNDER THE COLOR
OF AUTHORITY.

IV. Jury Demand

Do you demand a jury trial? Yes No

(Rev. 09/2007) Complaint Under The Civil Rights Act, 42 U.S.C. § 1983

Signed this 2ND day of DECEMBER, 2011

Lemore Williams
(Signature of Plaintiff)

I declare under penalty of perjury that the foregoing is true and correct. *(optional)*

Executed on: DECEMBER 2ND 2011

Lemore Williams
(Signature of Plaintiff)

LEMANE DEON WILLIAMS
JAIL # 100011196 CELL 3B1
METRO WEST DETENTION CENTER
13850 N.W. 41ST STREET
MIAMI, FLORIDA 33178

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No. 11 CV 24638 JAL

**The attached hand-written
document**

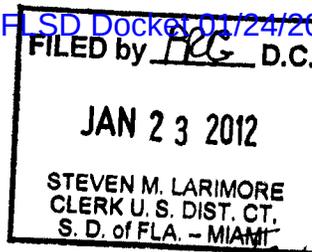
has been scanned and is

also available in the

SUPPLEMENTAL

PAPER FILE

RE: 11-CV-24638 - JAL



MR. WILKIE D. FERGUSON, JR.

JANUARY 16th 2012

I AM IN RECEIPT OF YOUR CORRESPONDENCE DATED JANUARY 10, 2012 (PLEASE SEE ENCLOSED COPY)

I WILL TRY AND CLARIFY THE INTENT OF MY FORMAL COMPLAINT AGAINST OFFICER ANTHONY FERIA OF THE MIAMI-DADE POLICE DEPT BADGE #2637 WITH THE UNITED STATES DISTRICT COURT, SOUTHERN DISTRICT OF FLORIDA. I FILED THE COMPLAINT AGAINST OFFICER FERIA BECAUSE HE VIOLATED MY CIVIL RIGHTS WITH HIS MALICIOUS INTENTIONAL BRUTAL TREATMENT OF MY PERSON DURING THE COURSE OF HIM ARRESTING ME.

(PLEASE REFER TO PAGE 3 IN MY STATEMENT OF CLAIM → COPY INCLUDED)

OFFICER FERIA CONSTANTLY ABUSED ME PHYSICALLY WHILE I WAS IN HANDCUFF RESTRAINTS WHICH CAUSED MY LISTED INJURIES (BROKEN HAND, ETC.) → SEE PAGE 4 OF COMPLAINT. THE PURPOSE OF MY COMPLAINT IS TO FILE A LAWSUIT AGAINST OFFICER FERIA DUE TO HIM VIOLATING MY CIVIL RIGHTS. AND I AM SEEKING MONETARY DAMAGES IN THE AMOUNT OF \$10,000,000 (TEN MILLION DOLLARS)

I AM SEEKING \$ 5,000,000 (5 million dollars) FOR PAIN + SUFFERING AND \$ 5,000,000 (5 million dollars) FOR PUNITIVE DAMAGES. THIS OFFICER VIOLATED MY CIVIL RIGHTS USING THE COLOR OF AUTHORITY AND I WOULD ALSO LIKE TO FILE FORMAL CHARGES OF AGG.

BATTERY ON OFFICER FERIA. I FEEL I HAVE BEEN LEGALLY WRONGED

IN CLOSING I HOPE THAT MY CORRESPONDENCE HELPED TO CLARIFY ANY MISUNDERSTANDINGS YOU MIGHT HAVE HAD CONCERNING MY COMPLAINT THAT I HAVE FILED.

RESPECTFULLY SUBMITTED,

~~General Deon Williams~~
LEMANE DEON WILLIAMS

CASE#: 11-CV-24638-JA1 DATE: _____

Pursuant to the Local Rules of this court, the enclosed document(s) is/are being returned for the reason(s) indicated below:

- You failed to provide the case number on the document and we are unable to determine the case number from our records.
- The case is assigned to another court. Send the documents to that court.
- The enclosed discovery items are not accepted by this Court. Local Rule 26.1.B.
- Your Motion is being returned for the lack of fee in the amount of _____ (\$75.00 per attorney per case). Local Rule 4.B. and Administrative Order 96-61.

~~* We are having a difficult time telling from your submission exactly what you want the Court to do, if anything. If you feel that you have been legally wronged or injured in a way the Court can redress, please file a formal complaint with the Court (filing requirement booklet attached).~~

Other: _____

STEVEN M. LARIMORE
Court Administrative • Clerk of Court

By: _____
Deputy Clerk

| | | | | |
|---|---|---|---|---|
| <input type="checkbox"/> Key West 301 Simonton St. Key West, FL 33040 305-296-8100 | <input type="checkbox"/> Miami Room 8N09 400 N. Miami Ave Miami, FL 33128 305-523-5100 | <input type="checkbox"/> Fort Lauderdale 299 E. Broward Blvd Ft. Lauderdale, FL 33301 954-769-5400 | <input type="checkbox"/> West Palm Beach 701 Clematis St. W. P. Beach, FL 33401 561-803-3400 | <input type="checkbox"/> Fort Pierce 300 South. 6 th Street Ft. Pierce, FL 34950 772-467-2300 |
|---|---|---|---|---|

(Rev. 09/2007) Complaint Under The Civil Rights Act, 42 U.S.C. § 1983

II. Statement of Claim

State here as briefly as possible the facts of your case. Describe how each defendant is involved. Include also the names of other persons involved, dates, and places.

Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach an additional blank page if necessary.

IN APPROXIMATELY JANUARY 2010 DETECTIVE ANTHONY FERIA (BADGE 2637), MIAMI-DADE POLICE ARRESTED ME FOR VARIOUS CHARGES AFTER HE PLACED ME IN HANDCUFFS HE TRANSPORTED ME TO THE POLICE STATION. HE KEPT ASKING ME FOR THE "GUN", THEN HE COMMENCED TO START BEATING ME UP, HE PUSHED ME WHILE I WAS IN HANDCUFF RESTRAINTS BEHIND MY BACK WHEN I FELT THE OFFICER BEGAN PUNCHING ME IN MY FACE AND BODY. I SUFFERED A BROKEN HAND/INDEX FINGER, CHIPPED TEETH, SEVERAL ABRASIONS AND BRUISES. I WAS THEN TAKEN TO THE COUNTY JAIL, BUT THE JAIL REFUSED TO RECEIVE ME DUE TO MY VISIBLE INJURIES (PLEASE SEE INCLUDED COPY OF BOOKING PHOTO) I WAS THEN TRANSPORTED TO JACKSON MEMORIAL HOSPITAL, WARD "D" TO UNDERGO TREATMENT FOR MY INJURIES WHICH INCLUDED SURGERY TO MY HAND WHERE A STEEL PLATE WAS INSERTED IN MY RIGHT INDEX FINGER. I HAVE LOST COMPLETE RANGE OF MOTION ON MY RIGHT INDEX FINGER. (UNABLE TO BEND) THIS IS A PERMANENT INJURY

(Rev. 09/2007) Complaint Under The Civil Rights Act, 42 U.S.C. § 1983

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State briefly exactly what you want the court do to do for you. Make no legal arguments. Cite no cases or statutes.

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IN THE AMOUNT OF \$10,000,000 (TEN MILLION DOLLARS) AS WELL
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IN OFFICERS FILE. I WOULD ALSO LIKE TO FILE CHARGES
ON THIS OFFICER FOR AGG. BATTERY UNDER THE COLOR
OF AUTHORITY.

IV. Jury Demand

Do you demand a jury trial? Yes No

LEMAVE DEON WILLIAMS
JAIL # 100011196 CELL 301
METRO WEST DETENTION CENTER
13850 N.W. 41 STREET
MIAMI, FLORIDA 33178



WILKIE D. FERGUSON, JR.
UNITED STATES COURTHOUSE
400 NORTH MIAMI AVE. ROOM 8109
MIAMI, FLORIDA

UNITED STATES POSTAL SERVICE



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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 11-24638-CIV-LENARD
MAGISTRATE JUDGE P.A. WHITE

LEMANE DEON WILLIAMS, :
 :
 Plaintiff, :
 :
 v. :
 :
 DETECTIVE FERIA, :
 :
 Defendant. :

REPORT OF
MAGISTRATE JUDGE

I. Introduction

The plaintiff, Lemane Deon Williams, a detainee at the Metro West Detention Center, filed a pro se civil rights complaint pursuant to 42 U.S.C. §1983 on December 28, 2011, for damages, raising claims of excessive force, arising from events surrounding his arrest in January of 2010.

This Cause is before the Court upon a preliminary screening of the complaint (DE#1) pursuant to 28 U.S.C. §1915. The plaintiff is proceeding in forma pauperis.

II. Analysis

As amended, 28 U.S.C. §1915 reads in pertinent part as follows:

Sec. 1915 Proceedings in Forma Pauperis

* * *

(e)(2) Notwithstanding any filing fee, or any portion thereof, that may have been paid, the court shall dismiss the case at any time if the court determines that -

* * *

(B) the action or appeal -

* * *

(i) is frivolous or malicious;

(ii) fails to state a claim on which relief may be granted; or

(iii) seeks monetary relief from a defendant who is immune from such relief.

This is a civil rights action Pursuant to 42 U.S.C. §1983. Such actions require the deprivation of a federally protected right by a person acting under color of state law. See 42 U.S.C. 1983; Polk County v Dodson, 454 U.S.312 (1981); Whitehorn v Harrelson, 758 F. 2d 1416, 1419 (11 Cir. 1985. The standard for determining whether a complaint states a claim upon which relief may be granted is the same whether under 28 U.S.C. §1915(e)(2)(B) or Fed.R.Civ.P. 12(b)(6) or (c). See Mitchell v. Farcass, 112 F.3d 1483, 1490 (11 Cir. 1997)("The language of section 1915(e)(2)(B)(ii) tracks the language of Federal Rule of Civil Procedure 12(b)(6)"). A complaint is "frivolous under section 1915(e) "where it lacks an arguable basis either in law or in fact." Neitzke v. Williams, 490 U.S. 319, 325 (1989); Bilal v. Driver, 251 F.3d 1346, 1349 (11 Cir.), cert. denied, 534 U.S. 1044 (2001). Dismissals on this ground should only be ordered when the legal theories are "indisputably meritless," id., 490 U.S. at 327, or when the claims rely on factual allegations that are "clearly baseless." Denton v. Hernandez, 504 U.S. 25, 31 (1992). Dismissals for failure to state a claim are governed by the same standard as Federal Rule of Civil Procedure 12(b)(6). Mitchell v. Farcass, 112 F.3d 1483, 1490 (11 Cir. 1997)("The language of section 1915(e)(2)(B)(ii) tracks the language of Federal Rule of Civil Procedure 12(b)(6)"). In order to state a claim, a plaintiff must show that conduct under color of

state law, complained of in the civil rights suit, violated the plaintiff's rights, privileges, or immunities under the Constitution or laws of the United States. Arrington v. Cobb County, 139 F.3d 865, 872 (11 Cir. 1998).

To determine whether a complaint fails to state a claim upon which relief can be granted, the Court must engage in a two-step inquiry. First, the Court must identify the allegations in the complaint that are not entitled to the assumption of truth. Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555 (2007)). Twombly applies to §1983 prisoner actions. See Douglas v. Yates, 535 F.3d 1316, 1321 (11 Cir. 2008). These include "legal conclusions" and "[t]hreadbare recitals of the elements of a cause of action [that are] supported by mere conclusory statements." Second, the Court must determine whether the complaint states a plausible claim for relief. Id. This is a "context-specific task that requires the reviewing court to draw on its judicial experience and common sense." The plaintiff is required to plead facts that show more than the "mere possibility of misconduct." The Court must review the factual allegations in the complaint "to determine if they plausibly suggest an entitlement to relief." When faced with alternative explanations for the alleged misconduct, the Court may exercise its judgment in determining whether plaintiff's proffered conclusion is the most plausible or whether it is more likely that no misconduct occurred.¹

¹ The application of the Twombly standard was clarified in Ashcroft v. Iqbal, 129 S.Ct. 1937 (2009).

Statement of the Claims

The plaintiff contends that Miami-Dade County Detective Anthony Feria arrested him in January of 2010 for various charges. He claims that he handcuffed him and transported him to the police station. He repeatedly asked him for "the gun", and then started to beat him. Feria pushed him while restrained and he fell. He continued to punch him in his face and body. The plaintiff suffered a broken hand and index finger, chipped teeth, and several abrasions and bruises. He was then transported to Ward D in Jackson Memorial Hospital, where he required surgery to his hand and a steel plate inserted in his right index finger. He states he has lost motion of his injured finger. He seeks ten million dollars in monetary damages and injunctive relief.²

Use of Force

Claims of excessive force by police officers are cognizable under 42 U.S.C. §1983, as are claims that officers who were present failed to intervene. Fundiller v. City of Cooper City, 777 F.2d 1436 (11 Cir. 1985). A claim that a law enforcement officer used excessive force in the course of an arrest, an investigatory stop, or any other seizure of a free citizen is to be analyzed under the Fourth Amendment and its "reasonableness" standard. Graham v. Connor, 490 U.S. 386 (1989); Hadley v Gutierrez, 526 F.3d 1324, 1329 (11 Cir. 2008); Vinyard v. Wilson, 311 F.3d 1340, 1346-47 (11 Cir. 2002); Lee v. Ferraro, 284 F.3d 1188, 1197 (11 Cir. 2002); Ortega v. Schram, 922 F.2d 684, 694 (11 Cir. 1991).

2. The plaintiff also filed (DE#7) which is cumulative of the initial complaint filed.

Such an analysis requires a court to balance "the nature and quality of the intrusion on the individual's Fourth Amendment interests against the importance of the government interest alleged to justify the intrusion." Graham, supra, quoting United States v. Place, 462 U.S. 696 (1983). The factors to consider when balancing an arrestee's constitutional rights and the need for use of force include (1) the severity of the crime at issue; (2) whether the suspect poses an immediate threat to the safety of the officers or others, and (3) whether the suspect is actively resisting arrest or attempting to evade arrest by flight; Graham, supra, 490 U.S. at 396; Vinyard, supra, 311 F.3d at 1347; Lee, supra, 284 F.3d at 1197; and in determining whether the force applied was "reasonable" under the circumstances, the Court must examine: (1) the need for the application of force; (2) the relationship between the need and the amount of force that was used; and (3) the extent of the injury inflicted upon the individual to whom the force was applied. Graham, at 396; Vinyard, at 1347; Lee at 1998. Although the test applied by the Eleventh Circuit previously included a subjective prong, examining whether the force was applied maliciously, see e.g. Leslie v. Ingraham, 786 F.2d 1533, 1536 (11 Cir. 1986), that factor was eliminated from the analysis by Graham and other cases establishing that the excessive force inquiry should be completely objective, thereby excluding consideration of the Officer's intentions. Lee, supra, 284 F.3d at 1198 n.7. Thus, "reasonableness" for purposes of such an analysis is judged according to an objective standard under the totality of the circumstances, without regard to the officers' underlying intent. Graham, supra at 389. In Lee, the Eleventh Circuit explained that "Graham dictates unambiguously that the force used by a police officer in carrying out an arrest must be reasonably proportionate to the need for that force, which is measured by the severity of the crime, the danger to the officer, and the risk of flight." Lee, supra, 284 F.3d at 1198. Courts mut

account for the fact that the police officers are forced to make split second judgements in circumstances that are tense, uncertain and rapidly evolving as to the use of force used. Baptiste v Gutierrez, 627 F.3d 816, 821 (11 Cir. 2010).

Analysis of complaint

Research at the Miami Dade Custody Inmate Information website reveals that the plaintiff is facing charges in state case no. 10-4200 for aggravated assault upon a police officer, robbery with a deadly weapon and other charges. It may well be that the Officer is entitled to qualified immunity. However, at this preliminary stage, the plaintiff has stated a claim of use of unlawful force, and the claim will require further development to determine its sufficiency.

The plaintiff has not specified whether he intends to sue the defendant officer in his individual or official capacity. A §1983 suit against a defendant in his official capacity is tantamount to a suit against the State, and thus the defendant would be immune from monetary damages based upon the Eleventh Amendment. Gamble v. Fla. Dept. of Health and Rehabilitative Services, 779 F.2d 1509, 1512-13 (11 Cir. 1986). The allegations of the complaint, however, minimally state a classic case of an official acting outside the scope of their duties and in an arbitrary manner. Scheuer v. Rhodes, 416 U.S. 232, 238 (1974). Under this construction of the complaint, this Court has jurisdiction over the defendant in his individual capacity.

III. Recommendation

Based on the foregoing, it is recommended that:

1. The claim of excessive force shall proceed against Officer Feria, in his individual capacity.
2. Service will be ordered by separate order.

Objections to this report may be filed with the District Judge within fourteen days of receipt of a copy of the report.

It is so recommended at Miami, Florida, this 16th day of February, 2012.



UNITED STATES MAGISTRATE JUDGE

cc: Lemane Deon Williams
Metro West Detention Center
Address of record

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 11-24638-CIV-LENARD/WHITE

LEMANE DEON WILLIAMS,

Plaintiff,

v.

DETECTIVE FERIA,

Defendant.

-----/

**ORDER ADOPTING REPORT & RECOMMENDATION OF MAGISTRATE
JUDGE (D.E. 8)**

THIS CAUSE is before the Court on the Report and Recommendation of the Magistrate Judge (“Report,” D.E. 8), issued on February 16, 2012, recommending that Plaintiff’s claim of excessive force proceed against Officer Feria in his individual capacity. The Parties were provided fourteen (14) days to file objections to the Report. To date, the Parties have not filed any objections to the Report. Failure to timely file objections shall bar parties from attacking on appeal the factual findings contained in the report. See Resolution Trust Corp. v. Hallmark Builders, Inc., 996 F.2d 1144, 1149 (11th Cir. 1993). Therefore, after an independent review of the Report and record, it is hereby **ORDERED AND ADJUDGED** that:

1. The Report of the Magistrate Judge (D.E. 8), issued on February 16, 2012, is **ADOPTED**;

2. Plaintiff's claim of excessive force shall proceed against Officer Feria in his individual capacity; and
3. Service will be ordered by a separate order from the Magistrate Judge.

DONE AND ORDERED in Chambers at Miami, Florida, this 6th day of March, 2012.


JOAN A. LENARD
UNITED STATES DISTRICT JUDGE

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 11-24638-CIV-LENARD/White

LEMANE DEON WILLIAMS,

Plaintiff,

v.

DETECTIVE FERIA,

Defendant.

**MOTION TO DISMISS COMPLAINT AS FRIVOLOUS PURSUANT TO 28 U.S.C.
§1915(e)(2)(B)(i)**

Detective Anthony Feria of the Miami-Dade Police Department (“Detective Feria”), pursuant to 28 U.S.C. § 1915(e)(2)(B)(i), moves to dismiss this case on the grounds that it is frivolous. In support of the Motion, Detective Feria states the following.

BACKGROUND

Detective Feria works in the Robbery Unit of the Miami-Dade Police Department. On February 8, 2010, he was dispatched to the scene of an armed robbery, involving a shooting, in which Plaintiff was the suspect. Offense-Incident Report attached hereto as Exhibit “A.”¹

¹ The Court may consider the Arrest Affidavit and Offense-Incident Report because the documents are public records. *See generally Jackson v. BellSouth Telecomm.*, 181 F. Supp. 2d 1345, 1353-54 (S.D. Fla. 2001) (determining that a court can consider “matters of public record, items appearing in the record of the case,” and documents “refer[ed] to ... in the complaint and ... central to the plaintiff’s claim”). The documents can also be considered because they are obviously authentic and are not expressly refuted by the allegations in the Complaint. *See Horsley v. Feldt*, 304 F.3d 1125, 1134 (11th Cir. 2002) (permitting courts to consider documents that are central to the claim and obviously authentic in ruling on a motion to dismiss or for judgment on the pleadings). In addition, public records that are central to the claim can be considered on a motion to dismiss. *See Sosa v. Hames*, 218 F. App’x 976, 978 n.2 (11th Cir. Feb. 28, 2007) (determining that public records that are central to the claim can be considered on a motion to dismiss); *Walker v. Prieto*, 414 F. Supp. 2d 1148, 1154 n.1

Plaintiff was held at the scene by his robbery victim and two of the victim's brothers, who had apparently struggled to wrestle the gun away from Plaintiff, put him in a choke-hold, and held him until the police arrived. Arrest Affidavit attached hereto as Exhibit "B." By the time Detective Feria arrived on-scene, Plaintiff was already in the custody of other Miami-Dade police officers. Ex. A. Detective Feria assumed control over the investigation and interviewed Plaintiff back at police headquarters. Ex. A., [DE 1 at 4]. It was there Plaintiff alleges that, out of nowhere, Detective Feria launched a brutal physical attack on him, causing him to break his hand, chip his teeth, and suffer several abrasions and bruises. [DE 1 at 4]. Plaintiff's story, that a seasoned robbery detective who he had never met and who had no apparent motive to harm him (especially given the mountain of incriminating evidence discovered at the scene) violently and relentlessly beat him to the point that he needed surgery that very day has never made any sense. Now, it is clear why. The story is a complete fabrication. Evidence discovered in this case reveals that Plaintiff has lied to this court about critical facts, namely that he visited Ward D and had surgery to his hand within hours of being beaten by Detective Feria. Indeed, unequivocal proof demonstrates that: 1) he was never admitted to Ward "D" on the night in question; 2) he did not have surgery that day or the day after; and 3) he appears to have had no physical limitations, including to his hand, the day after the alleged beating. Plaintiff should no longer be entitled to the benefit of the statutory waiver of fees because his case is based on lies, is frivolous, and must be dismissed.

MEMORANDUM OF LAW

Plaintiff sought, and obtained permission from the Court, to proceed with this case *pro se* in accordance with the rules under the Prison Litigation Reform Act ("PLRA") [DE 4, 5]. The

PLRA serves an important function in conserving resources as both the Supreme Court and the Eleventh Circuit have acknowledged that pro se litigants have a long history of abusing the federal court system by filing an excessive number of frivolous complaints. *See In re McDonald*, 489 U.S. 180, 180-82 (1989); *Battle v. Cent. State Hosp.*, 898 F.2d 126, 127 (11th Cir. 1990). Two of the many unmeritorious reasons that prisoners are incentivized to file frivolous lawsuits are that litigation often results in a “short sabbatical in the nearest federal courthouse.” *Mitchell v. Farcass*, 112 F.3d 1483, 1489 (11th Cir. 1997) (quoting *Cruz v. Beto*, 405 U.S. 319, 327 (1972)) (Rehnquist, J., dissenting). The government is the natural target for such “litigious aggression” because there is a range of “alleged slights” that can easily be claimed by prisoners while they are in custody. *Napier v. Preslicka*, 314 F.3d 528, 534 (11th Cir. 2002). However, the government is not the only entity negatively impacted by pro se litigants’ frivolous lawsuits. The volume of pro se litigation also largely encumbers the already overburdened judicial system. *See Mitchell*, 112 F.3d at 1486 (quoting *Hampton v. Hobbs*, 106 F.3d 1281, 1286-87 (6th Cir. 1997)). Indeed, Congress has even deemed prisoners “pestiferous litigants,” *Kerr v. Puckett*, 138 F.3d 321, 323 (7th Cir. 1998), filing multiple lawsuits because pro se litigants have copious amounts of free time on their hands and the cost of filing suit under the in forma pauperis statute is extremely low. *See Kerr*, 138 F.3d at 323; *Mitchell*, 112 F.3d at 1489. Thus, Congress enacted the PLRA based largely on the determination that pro se litigants file a larger proportion of frivolous lawsuits than any other class of litigants. *Alexander v. Hawk*, 159 F.3d 1321, 1324 (11th Cir. 1998) (quoting *Rivera v. Allin*, 144 F.3d 719, 727-28 (11th Cir. 1998)).

As a mechanism for controlling such excessive and burdensome litigation, the PLRA mandates that a district court dismiss a lawsuit if at any time during the course of litigation the court determines the lawsuit is frivolous. *See Thibeaux v. United States Attorney Gen.*, 275 Fed.

Appx. 889, 892 (11th Cir. 2008); *Bilal v. Driver*, 251 F.3d 1346, 1348 (11th Cir. 2001). Specifically, the PLRA provides that, “[n]otwithstanding any filing fee, or any portion thereof, that may have been paid, the court *shall* dismiss the case at any time if the court determines that . . . the action or appeal—is frivolous or malicious.” 28 U.S.C. § 1915(e)(2)(B)(i) (1996) (emphasis added); *Bilal*, 251 F.3d at 1348 (noting that dismissal under § 1915(e)(2)(B)(i) is mandatory)).

A lawsuit can be dismissed as frivolous when it does not have an arguable basis in law or in fact, or when the plaintiff’s complaint has little or no reasonable chance of success. *Denton v. Hernandez*, 504 U.S. 25, 31 (1992); *Carroll v. Gross*, 984 F.2d 392, 393 (11th Cir. 1993); *Clark v. Ga. Pardons & Paroles Bd.*, 915 F.2d 636, 639 (11th Cir. 1990). In making the determination as to frivolity, the court need not “accept without question the truth of the plaintiff’s allegations.” *Hunt v. California*, No. CV 12-2291 MEJ, 2012 WL 1999433, at *1 (N.D. Cal. June 4, 2012) (quoting *Denton*, 504 U.S. at 32). Factual allegations are frivolous when they are “clearly baseless.” *See Denton*, 504 U.S. at 33. While a district court cannot dismiss a complaint as frivolous simply because its factual allegations seem unlikely, *see Denton*, 504 U.S. at 33, a complaint can be dismissed as frivolous when the court harbors a reasonable doubt regarding the plaintiff’s factual allegations. *Jenkins v. Fernandez*, 147 Fed. App’x 107, 109 (11th Cir. 2005) (affirming district court’s dismissal of frivolous lawsuit because the district court harbored a reasonable doubt regarding plaintiff’s claim that he paid for services he did not receive when the invoice plaintiff used in an attempt to prove payment was paid for with a credit card that did not match any account number on plaintiff’s credit report); *see also Bilal*, 251 F.3d at 1350. Moreover, a lawsuit should be dismissed as frivolous on a dispositive motion when the moving party has produced affirmative evidence contradicting plaintiff’s unsupported

allegations. *See Redd v. Conway*, 160 F. App'x. 858, 862 (11th Cir. 2005) (affirming district court's dismissal of plaintiff's frivolous retaliation claim on motion for summary judgment because defendant provided affirmative evidence showing that plaintiff, who was alleging that he was given inadequate medical care, was seen by the medical staff repeatedly, prescribed ointment, evaluated and given medication, and bandaged, and x-rayed). Finally, what appears to be a legitimate claim may cross into the realm of being frivolous if the facts are "grossly exaggerated or totally false." *Hunt*, 2012 1999433 at *1 (quoting *Molski v. Evergreen Dynasty Corp.*, 500 F.3d 1047, 1060-61 (9th Cir. 2007)).

Courts may also dismiss any action brought under the PLRA that is malicious pursuant to § 1915(e)(2)(B)(i). Indeed, "[m]alice can be inferred from a complaint that contains material factual misrepresentations or plainly abuses the judicial process." *Horton v. Thomas*, No. 96 C 0367, 1996 WL 67013, *2 (N.D. Ill. Feb. 14, 1996).

The Court should dismiss the instant case because there is more than a reasonable doubt about Plaintiff's factual allegations and Plaintiff's misstatements in the Complaint serve only to abuse the judicial process. Plaintiff alleges that, as a result of Detective Feria's assault at headquarters, he "suffered a broken hand/index finger, chipped teeth, several abrasions and bruises." [DE 1 at 4]. These allegations are completely refuted by a video of Plaintiff's bond hearing taken the day after his arrest.² Relevant portions of video from Plaintiff's bond hearing

²As the Supreme Court instructed in its recent decision in *Scott v. Harris*, 550 U.S. 372, 380 (2007), "[w]hen opposing parties tell two different stories, one of which is blatantly contradicted by the record, so that no reasonable jury could believe it, a court should not adopt that version of the facts for purposes of ruling on a motion for summary judgment." In *Scott*, where it had the benefit of a video, the Court was unwilling to disregard the images on the video in favor of the completely contradictory story told by the plaintiff. *Id.* at 380-81. Similarly, and particularly here, where the PLRA allows the Court to look beyond the plaintiff's pled facts, the Court should not ignore what is plainly visible in favor of the Plaintiff's fabricated story.

(the “Video”) are attached hereto as Exhibit “C.”³ Plaintiff was arrested at 7:49 p.m. on February 8, 2010, and booked into the jail on February 9, 2010 at 4:37 a.m. Jail Booking Record attached hereto as Exhibit “D,” which indicates TOR (“Time of Arrest”) and TIJ (“Time in Jail”). Plaintiff appeared at his bond hearing on February 9, 2010 at approximately 2:23 p.m. As this Court will clearly see on the Video, Plaintiff appears to have no limitations in the use of his hand as he gestures with both hands before waiting for his turn before the judge and during his colloquy with the judge. Although he complains to the judge in front of him about the circumstances of his arrest, he makes no mention of the fact that he was allegedly beaten during his interrogation. Likewise, the Video shows no evidence of chipped teeth or any other infirmity limiting Plaintiff in any way.

Plaintiff also falsely claims that he was “taken to the County jail, but the jail refused to receive me due to my visible injuries,” and that he was “then transported to Jackson Memorial Hospital, Ward “D” to undergo treatment for my injuries which included surgery to my hand where a steel plate was inserted in my right index finger.” **[DE 1 at 4]**. If Plaintiff is to be believed, he was somehow transported to Ward D, operated on, and admitted to the jail sometime between his arrest at 7:49 p.m. on February 8, 2010 and his admission to the jail at 4:37 a.m. on February 9, 2010. Not only is the suggestion incredible as a matter of common sense, it is completely untrue as a matter of reality. As the Court will see from the Video, there is no evidence whatsoever that Plaintiff had surgery on his hand efore the bond hearing—all that is evident is a small bandage on Plaintiff’s index finger. Moreover, Plaintiff is lying about his admission to Ward D that night as well. Indeed, the custodian of records for the sign-in sheet at

³ Detective Feria will file a Motion for an Order Authorizing the Clerk of Courts to Accept Filing of A Video immediately after filing this Motion. The Video will be submitted to the clerk as soon as the Order is entered. A copy of the Video has been sent to Plaintiff with the remainder of the Motion to Dismiss and exhibits.

Ward D has no record of Plaintiff being admitted there on the day of his arrest or the day after. Declaration of Lieutenant Ruben Okera, with attached Ward D sign-in sheet, is attached hereto as Exhibit "E."

In sum, Plaintiff has alleged that Detective Feria attacked him in the interrogation room so violently that he was thereafter taken to the hospital for treatment that included surgery to his hand. Those facts are belied by undisputed evidence now in the record. Plaintiff should not be allowed to maintain this frivolous and malicious lawsuit against Detective Feria any longer. Accordingly, this Court should dismiss the Complaint as a matter of law.

Dated: September 14, 2012

Respectfully submitted,

R. A. CUEVAS, JR.
Miami-Dade County Attorney
Stephen P. Clark Center
111 N.W. 1st Street, Suite 2810
Miami, Florida 33128

By: s/ Erica S. Zaron
Erica S. Zaron
Assistant County Attorney
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served by CM/ECF, or by U.S. Mail where indicated, on September 14, 2012, on all counsel or parties of record on the Service List below.

s/ Erica S. Zaron

Assistant County Attorney

SERVICE LIST

Lemane Deon Williams
M05282
Gulf Correctional Institution-Annex
Inmate Mail/Parcels
699 Ike Steele Road
Wewahitchka, FL 32465
Pro Se
Service via U.S. Mail

Erica S. Zaron
Assistant County Attorney
E-Mail: zaron@miamidade.gov
Miami-Dade County Attorney's Office
Stephen P. Clark Center
111 NW 1st Street, Suite 2810
Miami, FL 33128
Tel: 305- 375-5151
Fax: 305-375-5611
Attorney for Defendant Detective FERIA
No Service Made

OFFENSE-INCIDENT REPORT

| | | | | | |
|---|--|--|--|--|--|
| Agency Code 30 | Gang Related <input type="checkbox"/> | Agency Report <input type="checkbox"/> | Juvenile Warn/Dismiss <input type="checkbox"/> | 1. Original Report <input type="checkbox"/> | 2. Supplement <input checked="" type="checkbox"/> |
| Date of Supplement | | Agency Report Number 010100208059113 | | | |
| Original Day Reported MON 020810 | Date 020810 | Time (mil) 1938 | Time Dispatched (mil) 1939 | Time Arrived (mil) 1951 | Time Completed (mil) 0335 |
| Incident Type 1. Felony 2. Traffic Felony | 3. Misdemeanor 4. Traffic Misdemeanor | 5. Ordinance 9. Other | Incident: Day From MON | Date 02/08/10 | Time (mil) 1938 |
| OFF/INC #1 #1 | Type ATT ARMED ROBBERY | Description ATT ARMED ROBBERY | A-Attempted C-Committed | Statute Violation Number A 812113 | NCC/UCR Code 1200 |
| OFF/INC #2 #2 | Type ATT MURDER | Description ATT MURDER | A-Attempted C-Committed | Statute Violation Number A 7821051 | NCC/UCR Code 1200 |
| Incident Location (Street, Apt. Number) 15480 S.W 284 ST HOMESTEAD 33033 | | | City HOMESTEAD | Zip 33033 | District C25 |
| Business Name/Area Identifier VISTA TRACE | | | Grid 3502 | Area 02 | Zone 02 |
| Location Type 01. Residence-Single 02. Apartment/Condo 03. Residence-Other 04. Hotel/Motel 05. Convenience Store 06. Gas Station 07. Liquor Sales 08. Bar/Nightclub 09. Supermarket 10. Dept/Discourt Store 11. Specialty Store 12. Drug Store/Hospital 13. Bank/Financial Inst. 14. Commercial/Office Bldg. 15. Industrial/Mfg. 16. Storage 17. Gov't/Public Bldg. 18. School/University 19. Jail/Prison 20. Religious Bldg. 21. Airport 22. Bus/Rail Terminal 23. Construction Site 24. Other Structure 25. Parking Lot/Garage 26. Highway/Roadway 27. Park/Woodlands/Field 28. Lake/Waterway 29. Motor Vehicle 30. Other Mobile 99. Other | | | Occupancy 0. N/A 1. Occupied 2. Unoccupied 3. Abandoned | | |
| # OFF/INC. 4 | # Victims 1 | # Offenders 1 | # Prem. Ent. 0 | # Veh. Stolen 0 | Type Weapon 00. N/A 01. Handgun 02. Rifle 03. Shotgun 04. Firearm 05. Knife/Cutting Instrument 06. Blunt Object 07. Hands/Fist/Feet 08. Polson 09. Explosives 10. Fire/Incendiary 11. Threat/Intimidation 12. Simulated Weapon 13. Drugs 88. Unknown 99. Other |
| V/V Code V-Victim W-Witness C-Reporting Person | P-Proprietor Z-Other | Victim Type 0. N/A 1. Juvenile 2. L.E. Officer 3. Adult | 4. Business 5. Government 6. Church 9. Other | Race N-N/A W-White B-Black | I-American Indian O-Oriental/Asian U-Unknown |
| Injury Type 00. N/A 01. Gunshot 02. Stabbed | 03. Laceration 04. Unconscious 05. Poss. Broken Bones 06. Poss. Internal Injury | 07. Loss of Teeth 08. Burns 09. Abrasions/Bruises 99. Other | Victim Relationship To Offender 00. N/A 01. Undetermined 02. Stranger | 06. Parent 07. Brother/Sister 08. Child 09. Step-Parent | 10. Step-Child 11. In-Law 12. Other Family 13. Student 14. Teacher 15. Child of Boy/Girl 16. Boy/Girl Friend 17. Friend 18. Neighbor 19. Sitter/Day Care 20. Employee 21. Employer 22. Landlord/Tenant 23. Acquaintance 99. Other Known |
| OFF/INC Indicator 1. #1 3. Both 2. #2 | V/W Code 1 V | # 1 | V. Type 3 | Name (Last, First, Middle or Business) PEREZ, FELIX J | Residence Phone (786) 370-3710 |
| Address (Street, Apt. Number) 15480 S.W 284 ST #2308 HOMESTEAD FL 33033 | | | | | Business Phone () |
| Other Contact Info. (Time Available, Interpreter, etc.) | | | | | Synopsis of Involvement VICTIM |
| If V/W Code V, W, or P | Race W | Sex M | Date of Birth or Age 12/23/1983 | Res. Type 02 | Res. Status 1 |
| Extent of Injury 2 | | | | | Injury Type(s) 01 |
| Relationship 02 | | | | | Ethnicity 02 |
| Will victim prefer charges? Yes <input type="checkbox"/> No <input type="checkbox"/> | | | | | |
| OFF/INC Indicator 1. #1 3. Both 2. #2 | V/W Code 1 W | # 1 | V. Type 3 | Name (Last, First, Middle or Business) PEREZ, FELIX S | Residence Phone (786) 370-3710 |
| Address (Street, Apt. Number) 15480 S.W 284 ST #2308 HOMESTEAD FL 33033 | | | | | Business Phone () |
| Other Contact Info. (Time Available, Interpreter, etc.) | | | | | Synopsis of Involvement BROTHER OF V1 |
| If V/W Code V, W, or P | Race W | Sex M | Date of Birth or Age 04/06/1987 | Res. Type 02 | Res. Status 1 |
| Extent of Injury 0 | | | | | Injury Type(s) 0 |
| Relationship 02 | | | | | Ethnicity 02 |
| Will victim prefer charges? Yes <input type="checkbox"/> No <input type="checkbox"/> | | | | | |
| OFF/INC Indicator 1. #1 3. Both 2. #2 | Suspect Code S-Suspect A-Arrestee | E-Escapee Z-Other | Code # A11 | Juvenile <input type="checkbox"/> | Name (Last, First, Middle) WILLIAMS, LEMANE D |
| Maiden Name | | | Nickname/Street Name | | Place of Birth USA |
| Last Known Address (Street, Apt. Number) 17351 S.W 104 AVE MIAMI FL 33157 | | | | | Business Phone () |
| Occupation | | | | | Employer/School |
| Driver's License State/Number | | | | | Immigration and Naturalization Number |
| Other I.D. Number | | | | | OBTS Number (Arrested) |
| FCIC/NCIC | | | | | |
| Clothing (Describe) BLACK SHIRT / BLUE JEAN SHORT | | | | | Scars/Marks/Tattoos (Location/Describe) CAT ON SHOULDER |
| Race B | Sex M | Date of Birth or Age 12/21/1978 | Height 61 | Weight 165 | Eye Color BRN |
| Complexion DARK | Build MED | Facial Hair CLEAN | Teeth NOR | Speech/Voice | Hair Color BLK |
| Special Identifiers | | | | | Hair Style AFR |
| Hair Length SHR | | | | | |
| OFFENSE DESCRIPTION SEE NARRATIVE | | | | | |
| #3 1 POSS OF FIREARM BY CONVICTED FELON A 790 23 5200 | | | | | |
| #4 1 REMOVAL OF SERIAL # FROM FIREARM C 790 27 5200 | | | | | |
| Person/Unit Notified ROBBERY DET FERIA | | | | | |
| Officer(s) Reporting MCAHERON / RODRIGUEZ | | | | | |
| Officer Reviewing (If Applicable) F-9062 | | | | | |
| Case Status | | | | | |
| Clearance Type 1. Arrest 2. Exceptional 3. Unfounded 4. Open Pend. | | | | | |
| A-Adult J-Juvenile | | | | | |
| Date Cleared | | | | | |
| Assigned To FERIA | | | | | |
| By UR | | | | | |
| Date 2-17-10 | | | | | |
| Number Arrested 1 | | | | | |
| Exception Type 1. Extradition Declined 2. Arrest on Primary Offense Secondary Offense Without Prosecution 3. Death of Offender 4. V/W Refused to Cooperate 5. Prosecution Declined 6. Juvenile/No Custody | | | | | |
| OBTS Number | | | | | |
| Page 1 | | | | | |

NARRATIVE CONTINUATION

| | | | |
|---|--|--|---|
| Agency Code 30 | Gang Related | Juvenile In Report | 1. Original 2. Supplement |
| Date of Supplement | MIAMI-DADE POLICE DEPARTMENT | | Agency Report Number P, D, 1, 0, 0, 2, 0, 8, 0, 5, 9, 1, 1, 3 |
| Original Date Reported 02/08/10 | Original Primary Offense Description ATT ARMED ROBBERY | Victim # 1 Name PEREZ, FELIX | Original NCIC/UCR Code |
| Original OFF/INC Location | Primary Offense Changed To | A-Attempted C-Committed | New Statute Violation Number |

THIS UNIT WAS DISPATCHED TO THE ABOVE LOCATION REF A MALE DOWN WITH SHOTS BEING FIRED. UPON THE UNIT ARRIVAL CONTACT WAS MADE WITH V' BROTHERS W' AND W². W' AND W² ADVISED V' HAD RECENTLY SOLD AN UNKNOWN VEHICLE TO AN UNKNOWN MALE FOR \$23,000. W' AND W² ADVISED A' WAS AWARE V' HAD \$300 DOLLARS ON HIS PERSON AT THAT TIME. W' AND W² THEN STATED A' APPROACHED V' AND DEMANDED HIS MONEY BY POINTING A 38 CAL REVOLVER AT HIM. W' AND W² THEN STATED A' ATTEMPTED TO PISTAL WHIP V' AT WHICH POINT V' WAS ABLE TO RAISE HIS HANDS PREVENTING A' FROM STRICKING HIM. W' AND W² THEN STATED A' TWISTED HIS FIREARM DOWNWARD FIRING LISTED WEAPON STRICKING V' IN THE LOWER ABDOMEN ONCE. V' THEN STARTED YELLING FOR ASSISTANCE AT WHICH POINT W' AND W² EXITED THE ABOVE LOCATION AND CONFRONTED A'. W' ADVISED AS A' WAS ABOUT TO FIRE HIS SECOND ROUND V' WAS ABLE TO REDIRECT THE FIREARM CAUSING THE BULLET TO STRICK THE CEILING ON THE THIRD FLOOR. W² ADVISED HE WAS ABLE TO PUT A' IN A REAR CHOKE HOLD AS W' TOOK THE FIREARM AWAY. (3302 OFC. ARAUZ ID 7907 WAS THE FIRST UNIT ON SCENE AND TOOK A' INTO CUSTODY. ROBBERY DET. FERIA RESPONDED AND TOOK OVER THE INVESTIGATION. CRIME LAB GONZALEZ RESPONDED AND IMPOUNDED LISTED FIREARM. CRIME LAB GONZALEZ UNIT 1424. V' WAS TREATED BY RESCUE 6 LT. LITT AND TRANSPORTED TO RYDER VIA AIR RESCUE. UNITS ON SCENE: C3500, C5000, C3302, C3505, C3504, C3503, C3301, C3306, C3305. AREA CANSERS CONDUCTED W²3 LOCATED AND HEARD SHOTS DID NOT SEE ROBBERY.

| | | | | | | | | | | | |
|---|--|--|---|---|--|---|---|--|--------------------------------|--------------|------------------------|
| Suspect Code S - Suspect A - Arrestee | Code # 1 #1 3 Both 2 #2 | Offense Indicator 1 #1 3 Both 2 #2 | Residence Type 1 City 3 Florida 2 County 4 Out of State | Citizenship | Drug Indication 1 Yes 8 Unknown 2 No | Alcohol Indication 1 Yes 8 Unknown 2 No | | | | | |
| Drug Activity S. Sell N. N/A P. Possess | S. Soil B. Buy T. Traffic | R. Smuggle D. Deliver E. Use | K. Dispense/ Distribute | M. Manufacture/ Produce/ Cultivate | Z. Other | Drug Type N. N/A A. Amphetamine | B. Barbiturate C. Cocaine E. Heroin | H. Hallucinogen M. Marijuana O. Opium/Drv. | P. Paraphernalia/ Equipment | S. Synthetic | U. Unknown Z. Other |
| Name of Parent or Custodian (Last, First, Middle) | | | | | | | Residence Phone | | | | |
| Address (Street, Apt. Number) | | | | | | | Business Phone | | | | |
| Notified By: (Name) | | | Date | Time | Juvenile Disposition 1. Handled/Processed Within Dept. and Released 2. Turned Over to HRS/CYF 3. Incarcerated (County Jail) | | | | | | |
| Released to: (Name) | | | Relationship | Date | Time | | | | | | |
| Person/Unit Notified DET FERIA 344 | | | Time | | Related Report Number(s) | | | | | | |
| Officer(s) Reporting MCPHERSON/RODRIGUEZ | | | ID. Number(s)/Locator Code 5912/7700/43 | Unit C3506 | Date 2/8/10 | | | | | | |
| Officer Reviewing (if Applicable) LAZQUEZ | | | ID. Number | Routed To | Referred To | Assigned To By | | | | | |
| Case Status | Clearance Type 1. Arrest 2. Exceptional | 3. Unfounded 4. Open Pend. | A-Adult J-Juvenile | Date Cleared | Jail Number | Number Arrested | | | | | |
| Exception Type 1. Extradition Declined | 2. Arrest on Primary Offense Secondary Offense Without Prosecution | | 3. Death of Offender 4. V/W Refused to Cooperate | 5. Prosecution Declined 6. Juvenile / No Custody | OBTS Number | Page 2 of 4 | | | | | |

PERSON(S) REPORT

| | | |
|---|--|---|
| Agency Code 30 | MIAMI-DADE POLICE DEPARTMENT | Agency Report Number P.D. 1100208059113 |
| Date of Supplement | Primary Offense Description ATT ARMED ROBBERY | Victim # 1 Name PEREZ, FELIX, J |
| Original Date Reported 07.08.2010 | Residence Status 0. N/A 1. Full Year 2. Part Year 3. Non-Resident | |
| V/W Code V-Victim W-Witness C-Reporting Person | Victim Type 0. N/A 1. Juvenile 2. L.E. Officer 3. Adult | Residence Type 0. N/A 1. City 2. County |
| Injury Type 00. N/A 01. Gunshot 02. Stabbed | 03. Laceration 04. Unconscious 05. Poss. Broken Bones 06. Poss. Internal Injury | 07. Loss of Teeth 08. Burns 09. Abrasions/ Bruises 09. Other |
| OFF/INC Indicator 1. #1 2. #2 | V/W Code 1. W 2. C | V. Type 3. 3 |
| Name (Last, First, Middle or Business) PEREZ, RENE | | Residence Phone (786) 370-3710 |
| Address (Street, Apt. Number) 1548D S.W. 284 ST # 2308 | | City State Zip HOMESTEAD, FL 33033 |
| Other Contact Info. (Time Available, Interpreter, etc.) BROTHER OF V1 | | |
| If Victim Type 1, 2, or 3 | Race W | Sex M |
| Date of Birth or Age 02.12.1981 | Res. Type 02 | Res. Status 1 |
| Extent of Injury 0 | Injury Type(s) 010 | Relationship 01 |
| Ethnicity | Will victim prefer charges? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> | |
| OFF/INC Indicator 1. #1 2. #2 | V/W Code 1. W 2. C | V. Type 3. 3 |
| Name (Last, First, Middle or Business) SENSEBE, YASMIN | | Residence Phone () |
| Address (Street, Apt. Number) 220 N.E. 12 AVE # 176 | | City State Zip HOMESTEAD FL 33030 |
| Other Contact Info. (Time Available, Interpreter, etc.) WITNESS, (ONLY HEARD SHOTS) | | |
| If Victim Type 1, 2, or 3 | Race W | Sex F |
| Date of Birth or Age 02.11.1990 | Res. Type 02 | Res. Status 1 |
| Extent of Injury 0 | Injury Type(s) 010 | Relationship 01 |
| Ethnicity | Will victim prefer charges? Yes <input type="checkbox"/> No <input type="checkbox"/> | |
| OFF/INC Indicator 1. #1 2. #2 | Suspect Code S-Suspect A-Arrestee | E-Escapee M-Missing |
| R-Recovered Missing | Z-Other | Code # |
| Juvenile | Name (Last, First, Middle) | |
| Maiden Name | Nickname / Street Name | Place of Birth |
| Last Known Address (Street, Apt. Number) | | City State Zip |
| Occupation | Employer / School | Address |
| Driver's License State/Number | Immigration and Naturalization Number | Other ID. Number |
| OBTS Number (Arrested) | FCIC/NCIC | |
| Clothing (Describe) | Scars / Marks / Tattoos (Location / Describe) | |
| Hair Style | | |
| Race | Sex | Date of Birth or Age |
| Height | Weight | Eye Color |
| Hair Color | Hair Length | |
| Complexion | Build | Facial Hair |
| Teeth | Speech / Voice | Special Identifiers |
| OFF/INC Indicator 1. #1 2. #2 | Suspect Code S-Suspect A-Arrestee | E-Escapee M-Missing |
| R-Recovered Missing | Z-Other | Code # |
| Juvenile | Name (Last, First, Middle) | |
| Maiden Name | Nickname / Street Name | Place of Birth |
| Last Known Address (Street, Apt. Number) | | City State Zip |
| Occupation | Employer / School | Address |
| Driver's License State/Number | Immigration and Naturalization Number | Other ID. Number |
| OBTS Number (Arrested) | FCIC/NCIC | |
| Clothing (Describe) | Scars / Marks / Tattoos (Location / Describe) | |
| Hair Style | | |
| Race | Sex | Date of Birth or Age |
| Height | Weight | Eye Color |
| Hair Color | Hair Length | |
| Complexion | Build | Facial Hair |
| Teeth | Speech / Voice | Special Identifiers |
| Incident Type 1. Runaway 2. Parental 3. Involuntary 4. Disabled 5. Endangered | 6. Disaster Victim 7. Voluntary Adult 8. Unknown | Foul Play Suspected? 1. Yes 2. No |
| Missing Before? 1. Yes 2. No 3. Unknown | Fingerprints Available? 1. Yes 2. No 3. Unknown | Photo Available? 1. Yes 2. No 3. Unknown |
| Dental Record Available? 1. Yes 2. No 3. Unknown | MCIC Form Provided? 1. Yes 2. No | |
| Date Last Seen | Time Last Seen | Location Last Seen (Address, City, St.) |
| Accompanied By | | |
| Mental / Physical Condition | Medication Required / Type | Doctor / Dentist (Name, Phone Number) |
| Property Carried | ID Type / Number | ID Type / Number |
| Probable Destination | Name / Address | Transportation Mode |
| Recovery Information 0. N/A 1. Voluntary | 2. Located - Not Returned | 3. Hospitalized 4. HRIS Custody |
| 5. Law Enforcement Custody | 6. Returned to Parent | 7. Deceased 8. Other |
| Officer(s) Reporting MCPHERSON / RODRIGUEZ | ID. Number | Unit |
| Officer Reviewing (If Applicable) WATSON | Routed To | Assigned To |
| | Referred To | By |
| | | Date |
| | | Date |

| Agency Code | | MIAMI-DADE POLICE DEPARTMENT | | Agency Report Number | |
|--|--|------------------------------------|--|--|--|
| 30 | | | | 77100208059113 | |
| Date of Supplement | | Original Date Reported | | Primary Offense Description | |
| | | 02072010 | | ATT ARMED ROBBERY | |
| ADM | | Status Code | | Victim #1 Name | |
| | | R- Recovered | | F. PAPER | |
| Person Code | | Damage Code | | Recovery Location | |
| V- Victim | | 0. N/A | | 1. Family Residence | |
| S- Suspect | | 1. Arson | | 5. Park/Playground | |
| M- Missing | | 2. Stripped/Theft From | | 6. Shopping Mall | |
| A- Arrestee | | 3. Criminal Mischief | | 7. Woods | |
| E- Escape | | 4. During Other Offense | | 8. Housing Project | |
| | | 5. Other | | 9. Other | |
| Person Code # | | Year | | Model | |
| 11 | | 9 | | U/C | |
| Tag Reg./Doc. # | | Reg. State | | Decal Number | |
| | | FL | | | |
| VIN/Hull/FAA | | Estimated Value | | Lien Holder | |
| | | | | | |
| Condition | | Insurance Company | | Description (Identifying Characteristics, Noticeable Damage, Interior Color, etc.) | |
| 1. Window Closed | | | | U/C | |
| 2. Locked | | | | | |
| Color (Top/Bottom) | | Vessel Name | | Hull Material | |
| | | | | | |
| Recovery Address/Geographic Indicator | | Date Recovered | | Value Recovered | |
| | | | | | |
| Recovery Loc. | | Original Reporting Agency | | Report Number | |
| | | | | | |
| Method of Theft | | Comments Stripped | | Location of Original Theft | |
| 0. N/A | | 1. VIN Plate | | | |
| 1. Keys | | 2. Tires/Wheels | | | |
| 2. Tow Truck | | 3. Radio/CB | | | |
| 3. Hot Wire | | 4. Battery | | | |
| 4. Steering Column | | 5. Interior | | | |
| 5. Ignition Punch | | 6. Transmission | | | |
| 8. Unknown | | 7. Engine Parts | | | |
| | | 8. Major Body Parts | | | |
| | | 9. Tag/Decal Stolen | | | |
| | | 10. Other-Specify: | | | |
| Towed By | | Storage Location | | FCIC/NCIC | |
| | | | | | |
| Type of Theft | | 06. Embezzlement | | 08. From Public Access Bldg. | |
| 00. N/A | | 07. From Coin Oper. Machine | | 09. From Vehicle Exortion | |
| 01. Burglary | | 08. From Public Access Bldg. | | 11. By Computer Fraud | |
| 02. Robbery | | 09. From Vehicle Exortion | | 99. Other | |
| 03. Snuffling | | 11. By Computer Fraud | | 0.00 | |
| 04. Pocket Picking | | 99. Other | | | |
| 05. Purse Snatching | | | | | |
| Person Code | | Status Code | | Damage Code | |
| V-Victim | | 1. Stolen | | 0. N/A | |
| S-Suspect | | 2. Recovered | | 1. Arson | |
| A-Arrestee | | | | 2. Criminal Mischief | |
| Z-Other | | | | 3. During other Offense | |
| Property Type | | Quantity | | Name | |
| A. Auto Accessory/Part | | 1 | | FIREARM | |
| B. Bicycle | | | | | |
| C. Camera/Photo Equipment | | | | | |
| D. Drug | | | | | |
| E. Equipment/Tool | | | | | |
| F. Food/Liquor/Consumable | | | | | |
| G. Gun | | | | | |
| H. Household Appliance/Goods | | | | | |
| I. Plant/Citrus | | | | | |
| J. Jewelry/Precious Metal | | | | | |
| K. Clothing/Fur | | | | | |
| L. Livestock | | | | | |
| M. Musical Instrument | | | | | |
| N. Construction Machinery | | | | | |
| O. Office Equipment | | | | | |
| P. Art/Collection | | | | | |
| Q. Computer Equipment | | | | | |
| R. Radio/Stereo | | | | | |
| S. Sports Equipment | | | | | |
| T. TV/Video/VCR | | | | | |
| U. Currency/Negotiable | | | | | |
| V. Credit Card/Non-Negotiable | | | | | |
| W. Boat Motor | | | | | |
| X. Structure | | | | | |
| Y. Farm Equipment | | | | | |
| Z. Miscellaneous | | | | | |
| Person Code # | | Item # | | Status | |
| A1199 | | 61 | | | |
| Serial Number | | Owner Applied Number | | Description (Size, Color, Caliber, Barrel Length, Etc.) | |
| SCRATCHED OFF | | | | 38. CAL | |
| Value | | Value Recovered | | Date Recovered | |
| \$ | | \$ | | | |
| Person Code # | | Item # | | Status | |
| | | | | | |
| Serial Number | | Owner Applied Number | | Description (Size, Color, Caliber, Barrel Length, Etc.) | |
| | | | | | |
| Value | | Value Recovered | | Date Recovered | |
| \$ | | \$ | | | |
| Person Code # | | Item # | | Status | |
| | | | | | |
| Serial Number | | Owner Applied Number | | Description (Size, Color, Caliber, Barrel Length, Etc.) | |
| | | | | | |
| Value | | Value Recovered | | Date Recovered | |
| \$ | | \$ | | | |
| Property Stolen Value | | Change in Property Stolen Value | | | |
| \$ | | \$ | | | |
| Property Recovered Value | | Change in Property Recovered Value | | | |
| \$ | | \$ | | | |
| Activity | | Type | | Unit | |
| P. Possess | | A. Amphetamine | | U. Unknown | |
| S. Sell | | B. Barbiturate | | Z. Other | |
| B. Buy | | C. Cocaine | | 1. Gram | |
| T. Traffic | | D. Marijuana | | 2. Milligram | |
| R. Smuggle | | E. Heroin | | 3. Kilogram | |
| | | F. Hallucinogen | | 4. Ounce | |
| | | | | 5. Pound | |
| | | | | 6. Ton | |
| | | | | 7. Liter | |
| | | | | 8. Milliliter | |
| | | | | 9. Dose Unit/Item | |
| Activity | | Type | | Description | |
| | | | | | |
| Activity | | Type | | Description | |
| | | | | | |
| Activity | | Type | | Description | |
| | | | | | |
| Officer(s) Reporting | | I.D. Number(s)/Locator Code | | Unit | |
| RODRIGUEZ / M. WILSON | | 770/CPT 48 | | C3506 | |
| Officer Reviewing (if Applicable) | | ID. Number | | Routed To | |
| A. G. G. | | | | | |
| Case Status | | Clearance Type | | Date Cleared | |
| | | 1. Arrest | | | |
| | | 2. Exceptional | | | |
| | | 3. Unfounded | | | |
| | | 4. Open Pend. | | | |
| | | A-Adult | | | |
| | | J-Juvenile | | | |
| Exception Type | | 3. Death of Offender | | 5. Prosecution Declined | |
| 1. Extradition | | 4. V/W Refused to Cooperate | | 6. Juvenile/No Custody | |
| 2. Arrest on Primary Offense Secondary Offense Without Prosecution | | | | | |
| | | | | | |
| OBTS Number | | Jail Number | | Number Arrested | |
| | | | | | |

| | | | | | | | |
|--|--|--|--|---|--|--|--|
| OBTS NUMBER | | COMPLAINT/ARREST AFFIDAVIT | | | | POLICE CASE NO. PD 1002 08 059113 | |
| SPECIAL OPERATION: <input checked="" type="checkbox"/> FELONY <input type="checkbox"/> MISD <input type="checkbox"/> TRAFFIC <input type="checkbox"/> JUV <input type="checkbox"/> DV <input type="checkbox"/> MOVES <input type="checkbox"/> CIV INF <input type="checkbox"/> WARRANT | | JAIL NO. 1011196 | | PMHD <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown | | COURT CASE NO. F10004200 | |
| IDS NO. | | AGENCY CODE 30 | | MUNICIPAL P.D. DEF. ID NO. | | MOPD RECORDS AND ID NO. 0613080 | |
| DEFENDANT'S NAME (LAST, FIRST, MIDDLE) WILLIAMS, LEMANE | | ALIAS and / or STREET NAME CAT. | | SIGNAL: <input type="checkbox"/> 100 <input type="checkbox"/> 150 <input type="checkbox"/> 200 <input type="checkbox"/> 300 <input type="checkbox"/> 400 <input type="checkbox"/> 500 | | GANG ACTIVITY RELATED ARREST <input checked="" type="checkbox"/> | |
| DOB (MM/DD/YYYY) 12/12/1978 | | AGE 31 | | RACE B | | SEX M | |
| ETHNICITY: <input type="checkbox"/> Hispanic <input checked="" type="checkbox"/> Not Hispanic | | HEIGHT 5'11" | | WEIGHT 185 | | HAIR COLOR BLK | |
| SCARS, TATTOOS, UNIQUE PHYSICAL FEATURES (Location, Type, Description) "QUATERIA" ON LT. ARM | | HAIR LENGTH AFO | | HAIR STYLE SHT | | EYES BRN | |
| GLASSES <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | | FACIAL HAIR GOT | | TEETH BLK | | PLACE OF BIRTH (City, State/Country) FLORIDA | |
| LOCAL ADDRESS (Street, Apt. Number) 15480 S.W. 284 ST #2308 | | (City) HOMESTEAD | | (State) FL | | PHONE (786) 4880031 | |
| PERMANENT ADDRESS (Street, Apt. Number) S/A | | PHONE () | | CITIZENSHIP U.S. | | OCCUPATION NONE | |
| <input type="checkbox"/> BUSINESS OR <input type="checkbox"/> SCHOOL NAME AND ADDRESS NONE | | PHONE () | | ADDRESS SOURCE: <input type="checkbox"/> Direct <input checked="" type="checkbox"/> Subpoena <input type="checkbox"/> Other | | | |
| DRIVER'S LICENSE NUMBER / STATE W452 524 78452-0FL | | SOCIAL SECURITY NO. | | WEAPON SEIZED? Type <input checked="" type="checkbox"/> Yes Revolver <input type="checkbox"/> No | | If Def. has Concealed Weapons Permit PERMIT # W- <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | |
| ARREST DATE (MM/DD/YYYY) 02/08/2010 | | ARREST TIME (HHMM) 1945 | | ARREST LOCATION (Include name of business) 15480 SW 284ST (VISTA TRACE) | | INDICATION OF: Alcohol influence: <input type="checkbox"/> Y <input checked="" type="checkbox"/> N <input type="checkbox"/> LAW Drug influence: <input type="checkbox"/> Y <input checked="" type="checkbox"/> N <input type="checkbox"/> LAW | |
| CO-DEFENDANT NAME (Last, First, Middle) | | DOB (MM/DD/YYYY) | | <input type="checkbox"/> IN CUSTODY <input type="checkbox"/> FELONY <input type="checkbox"/> JUVENILE | | <input type="checkbox"/> AT LARGE <input type="checkbox"/> DV <input type="checkbox"/> MISDEMEANOR | |
| 1. | | | | | | | |
| CO-DEFENDANT NAME (Last, First, Middle) | | DOB (MM/DD/YYYY) | | <input type="checkbox"/> IN CUSTODY <input type="checkbox"/> FELONY <input type="checkbox"/> JUVENILE | | <input type="checkbox"/> AT LARGE <input type="checkbox"/> DV <input type="checkbox"/> MISDEMEANOR | |
| 2. | | | | | | | |
| CO-DEFENDANT NAME (Last, First, Middle) | | DOB (MM/DD/YYYY) | | <input type="checkbox"/> IN CUSTODY <input type="checkbox"/> FELONY <input type="checkbox"/> JUVENILE | | <input type="checkbox"/> AT LARGE <input type="checkbox"/> DV <input type="checkbox"/> MISDEMEANOR | |
| 3. | | | | | | | |
| JUV only <input type="checkbox"/> Parent <input type="checkbox"/> Guardian <input type="checkbox"/> Foster-Care | | (Name) | | (Street, Apt. Number) | | (City) (State/Country) (Zip) (Phone) | |
| CHARGES | | CHARGE AS: | | COUNTS | | FL STATUTE NUMBER | |
| 1. ATT. ARMED ROBBERY (GUN) | | <input checked="" type="checkbox"/> S.E.S. <input type="checkbox"/> ORD | | 1 | | 812.13 (2A) | |
| 2. ATT. MURDER | | <input checked="" type="checkbox"/> S.E.S. <input type="checkbox"/> ORD | | 1 | | 782.051 (2) | |
| 3. POSS. OF FIREARM BY CONVICTED FELON | | <input checked="" type="checkbox"/> S.E.S. <input type="checkbox"/> ORD | | 1 | | 790.23 (1) | |
| 4. REMOVAL OF SERIAL # FROM FIREARM | | <input checked="" type="checkbox"/> S.E.S. <input type="checkbox"/> ORD | | 1 | | 790.27 (1) | |
| WARRANT TYPE OR TRAFFIC CITATION <input type="checkbox"/> AC <input type="checkbox"/> CAPIAS <input type="checkbox"/> BW <input type="checkbox"/> FW <input type="checkbox"/> PW <input type="checkbox"/> JUV PU <input type="checkbox"/> DW <input type="checkbox"/> WRT | | CASE #: | | | | | |
| The undersigned certifies and swears that he/she has just and reasonable grounds to believe, and does believe that the above named Defendant committed the following violation of law: On the 8TH day of FEBRUARY , 20 10 at 1938 (HHMM) at 15480 SW 284ST (VISTA TRACE) 3RD FLOOR (Location, include name of business) | | | | | | | |
| <p>ABOVE Δ CONFRONTED VICTIM (FELIX J. PEREZ) AT LISTED ADDRESS. Δ IMMEDIATELY PRODUCED A 38CAL REVOLVER POINTED IT AT VICTIM & DEMANDED HIS MONEY. NOTE: VICTIM HAD SOLD CAR & HAD \$2300.00 ON HIS PERSON. VICTIM IN FEAR FOR HIS LIFE SAID OK. Δ BEGAN TO PUT HIS HAND IN HIS POCKET TO GIVE Δ HIS MONEY. Δ FOR NO APPARENT REASON RAISED HIS GUN AND TRIED TO PISTOL WHIP VICTIM IN HEAD. VICTIM (OUT OF REACTION) RAISED HIS HAND TO KEEP FROM GETTING STRUCK IN FACE.</p> | | | | | | | |
| HOLD FOR OTHER AGENCY: Name: | | VERIFIED BY | | <input type="checkbox"/> HOLD FOR BOND HEARING. DO NOT BOND OUT (Officer Must Appear at Bond Hearing). | | <input type="checkbox"/> I understand that should I willfully fail to appear before the court as required by this notice to appear that I may be held in contempt of court and a warrant for my arrest shall be issued. Furthermore, I agree that notice concerning the time, date, and place of all court hearings should be sent to the above address. I agree that it is my responsibility to notify Clerk of the Court (Juvéniles notify Juvenile Division) anytime that my address changes. | |
| I SWEAR THAT THE ABOVE STATEMENT IS TRUE AND CORRECT. | | SWORN TO AND SUBSCRIBED BEFORE ME, THE UNDERSIGNED AUTHORITY THIS: 09 | | DAY OF FEBRUARY , 20 10 | | <input type="checkbox"/> You need not appear in court, but must comply with the instructions on the reverse side hereof. | |
| OFFICER'S / COMPLAINTANT'S SIGNATURE ANTHONY FERIA | | COURT ID NUMBER/LOC. CODE MDPD | | Deputy of the Court or Notary Public | | Signature of Defendant / Juvenile and Parent or Guardian | |

COMPLAINT/ARREST AFFIDAVIT

MOPD RECORD COPY

(right thumb print)

Transport Officer (s) _____ / _____ ID# _____ - _____ Dept# _____ Taken To _____

Transport Officer (s) _____ / _____ ID# _____ - _____ Dept# _____ Taken To _____

Transport Officer (s) _____ / _____ ID# _____ - _____ Dept# _____ Taken To _____

Does defendant have any signs/complaints of injury? YES NO Indicate any signs or complaints of injury regardless whether they happened prior to, during, or after arrest, or whether they have any connection to the arrest at all
(If Yes, complete below data/notify supervisor)

Explain: _____

Name and Rank of Supervisor Notified: _____

Defendants Vehicle

| | | | | | | |
|------|------|-------|-----|-------|-----|-------|
| YEAR | MAKE | MODEL | TAG | STATE | VIN | COLOR |
|------|------|-------|-----|-------|-----|-------|

OWNER/DRIVER/DESIGNEE RELEASE FORM & DISCLAIMER OF LIABILITY

Owner/Driver/Designee (O/D/D must read and sign disclaimer of liability if vehicle is left at scene, or removed, or released to O/D/D at scene.

Released to: _____ / _____ Left on Scene? YES NO
(Print Name - Signature) D/L # State

The undersigned certifies that he/she is the legal owner/driver/designee of the vehicle described above. In consideration of being permitted to leave the vehicle mentioned at the location, or removed, or released, the undersigned hereby releases and discharges Miami-Dade County and all of its agents and employees for any damage to, or damage caused, theft of, or theft from, the vehicle described above.

Signature of Owner/Driver/Designee Signature of Officer Witnessing ID #

| OBTS NUMBER | | COMPLAINT/ARREST AFFIDAVIT CONTINUATION | | | | POLICE CASE NO. PD100208059113 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|--|---|---|---|---|---------|--|----|--|------------|--------|-------------------|--------------|---------|-----|----|----------------------------------|----|---|--|--|--|--|--|--|--|----|---|--|--|--|--|--|--|--|----|---|--|--|--|--|--|--|--|----|---|--|--|--|--|--|--|--|
| JAIL NO. 10 11196 | | COURT CASE NO. F10004200 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| IDS NO. | AGENCY CODE 30 | MUNICIPAL P.D. DEF. ID NO. | MDPD RECORDS AND ID NO. 0613080 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| DEFENDANT'S NAME (LAST, FIRST, MIDDLE) WILLIAMS, LEMANE | | | | | | DOB (MM/DD/YYYY) 12/12/1978 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 4. ADDITIONAL CO-DEFENDANT NAME (Last, First, Middle) | | | | DOB (MM/DD/YYYY) | | <input type="checkbox"/> IN CUSTODY <input type="checkbox"/> FELONY <input type="checkbox"/> JUVENILE <input type="checkbox"/> AT LARGE <input type="checkbox"/> DV <input type="checkbox"/> MISDEMEANOR | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 5. ADDITIONAL CO-DEFENDANT NAME (Last, First, Middle) | | | | DOB (MM/DD/YYYY) | | <input type="checkbox"/> IN CUSTODY <input type="checkbox"/> FELONY <input type="checkbox"/> JUVENILE <input type="checkbox"/> AT LARGE <input type="checkbox"/> DV <input type="checkbox"/> MISDEMEANOR | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>ADDITIONAL CHARGES</th> <th>CHARGE AS:</th> <th>COUNTS</th> <th>FL STATUTE NUMBER</th> <th>VIOL OF SECT</th> <th>CODE OF</th> <th>UCR</th> <th>DV</th> <th>WARRANT TYPE OR TRAFFIC CITATION</th> </tr> </thead> <tbody> <tr> <td>5.</td> <td><input type="checkbox"/> F.S. <input type="checkbox"/> ORD</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td> <input type="checkbox"/> AC <input type="checkbox"/> CAPIAS <input type="checkbox"/> BW <input type="checkbox"/> FW <input type="checkbox"/> PW <input type="checkbox"/> JUV PU <input type="checkbox"/> AW <input type="checkbox"/> DWW <input type="checkbox"/> WRIT CASE #: </td> </tr> <tr> <td>6.</td> <td><input type="checkbox"/> F.S. <input type="checkbox"/> ORD</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td> <input type="checkbox"/> AC <input type="checkbox"/> CAPIAS <input type="checkbox"/> BW <input type="checkbox"/> FW <input type="checkbox"/> PW <input type="checkbox"/> JUV PU <input type="checkbox"/> AW <input type="checkbox"/> DWW <input type="checkbox"/> WRIT CASE #: </td> </tr> <tr> <td>7.</td> <td><input type="checkbox"/> F.S. <input type="checkbox"/> ORD</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td> <input type="checkbox"/> AC <input type="checkbox"/> CAPIAS <input type="checkbox"/> BW <input type="checkbox"/> FW <input type="checkbox"/> PW <input type="checkbox"/> JUV PU <input type="checkbox"/> AW <input type="checkbox"/> DWW <input type="checkbox"/> WRIT CASE #: </td> </tr> <tr> <td>8.</td> <td><input type="checkbox"/> F.S. <input type="checkbox"/> ORD</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td> <input type="checkbox"/> AC <input type="checkbox"/> CAPIAS <input type="checkbox"/> BW <input type="checkbox"/> FW <input type="checkbox"/> PW <input type="checkbox"/> JUV PU <input type="checkbox"/> AW <input type="checkbox"/> DWW <input type="checkbox"/> WRIT CASE #: </td> </tr> </tbody> </table> | | | | | | | | ADDITIONAL CHARGES | CHARGE AS: | COUNTS | FL STATUTE NUMBER | VIOL OF SECT | CODE OF | UCR | DV | WARRANT TYPE OR TRAFFIC CITATION | 5. | <input type="checkbox"/> F.S. <input type="checkbox"/> ORD | | | | | | | <input type="checkbox"/> AC <input type="checkbox"/> CAPIAS <input type="checkbox"/> BW <input type="checkbox"/> FW <input type="checkbox"/> PW <input type="checkbox"/> JUV PU <input type="checkbox"/> AW <input type="checkbox"/> DWW <input type="checkbox"/> WRIT CASE #: | 6. | <input type="checkbox"/> F.S. <input type="checkbox"/> ORD | | | | | | | <input type="checkbox"/> AC <input type="checkbox"/> CAPIAS <input type="checkbox"/> BW <input type="checkbox"/> FW <input type="checkbox"/> PW <input type="checkbox"/> JUV PU <input type="checkbox"/> AW <input type="checkbox"/> DWW <input type="checkbox"/> WRIT CASE #: | 7. | <input type="checkbox"/> F.S. <input type="checkbox"/> ORD | | | | | | | <input type="checkbox"/> AC <input type="checkbox"/> CAPIAS <input type="checkbox"/> BW <input type="checkbox"/> FW <input type="checkbox"/> PW <input type="checkbox"/> JUV PU <input type="checkbox"/> AW <input type="checkbox"/> DWW <input type="checkbox"/> WRIT CASE #: | 8. | <input type="checkbox"/> F.S. <input type="checkbox"/> ORD | | | | | | | <input type="checkbox"/> AC <input type="checkbox"/> CAPIAS <input type="checkbox"/> BW <input type="checkbox"/> FW <input type="checkbox"/> PW <input type="checkbox"/> JUV PU <input type="checkbox"/> AW <input type="checkbox"/> DWW <input type="checkbox"/> WRIT CASE #: |
| ADDITIONAL CHARGES | CHARGE AS: | COUNTS | FL STATUTE NUMBER | VIOL OF SECT | CODE OF | UCR | DV | WARRANT TYPE OR TRAFFIC CITATION | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 5. | <input type="checkbox"/> F.S. <input type="checkbox"/> ORD | | | | | | | <input type="checkbox"/> AC <input type="checkbox"/> CAPIAS <input type="checkbox"/> BW <input type="checkbox"/> FW <input type="checkbox"/> PW <input type="checkbox"/> JUV PU <input type="checkbox"/> AW <input type="checkbox"/> DWW <input type="checkbox"/> WRIT CASE #: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 6. | <input type="checkbox"/> F.S. <input type="checkbox"/> ORD | | | | | | | <input type="checkbox"/> AC <input type="checkbox"/> CAPIAS <input type="checkbox"/> BW <input type="checkbox"/> FW <input type="checkbox"/> PW <input type="checkbox"/> JUV PU <input type="checkbox"/> AW <input type="checkbox"/> DWW <input type="checkbox"/> WRIT CASE #: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 7. | <input type="checkbox"/> F.S. <input type="checkbox"/> ORD | | | | | | | <input type="checkbox"/> AC <input type="checkbox"/> CAPIAS <input type="checkbox"/> BW <input type="checkbox"/> FW <input type="checkbox"/> PW <input type="checkbox"/> JUV PU <input type="checkbox"/> AW <input type="checkbox"/> DWW <input type="checkbox"/> WRIT CASE #: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 8. | <input type="checkbox"/> F.S. <input type="checkbox"/> ORD | | | | | | | <input type="checkbox"/> AC <input type="checkbox"/> CAPIAS <input type="checkbox"/> BW <input type="checkbox"/> FW <input type="checkbox"/> PW <input type="checkbox"/> JUV PU <input type="checkbox"/> AW <input type="checkbox"/> DWW <input type="checkbox"/> WRIT CASE #: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>AND GRABBED D'S ARM. D IMMEDIATELY TWISTED THE GUN AT VICTIMS STOMACH AND SHOT VICTIM ONE (1) TIME IN ABDOMEN. VICTIM BEGAN YELLING FOR HELP AT WHICH TIME HIS BROTHERS, WITNESS (RENE PEREZ) & (FELIX SAMUEL PEREZ) EXITED THEIR RESIDENCE IN FRONT OF STAIRWELL WHERE ROBBERY WAS TAKING PLACE. D AT THIS TIME POINTED GUN AT WITNESS RENE PEREZ. D FIRED A SECOND SHOT WHICH VICTIM REDIRECTED HIS ARM UPWARDS AND IT STRUCK CEILING IN STAIRWELL. WITNESS RENE PEREZ WAS ABLE TO JOIN THE FIGHT WITH D AND VICTIM FOR THE D'S GUN. WITNESS RENE PEREZ WAS ABLE TO PLACE D IN A CHOKE HOLD AS WITNESS FELIX SAMUEL PEREZ JOINED FIGHT AND TOOK GUN AWAY FROM D. D WAS HELD UNTIL POLICE ARRIVED AND HE WAS ARRESTED. NOTE: VICTIM TRANSPORTED TO JACKSON TRAUMA VIA AIR RESCUE. VICTIM IN STABLE CONDITION. GUN FROM D RECOVERED. D POST MIRANDA ACKNOWLEDGED SHOOTING VICTIM AND POSSESSION OF GUN WHICH HAD SERIAL # SCRATCHED OFF. D FURTHER ADVISED HE WAS A CONVICTED FELON. D ARRESTED & TRANSPORTED TO T&K VIA HQ.</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| PAGE _____ OF _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| HOLD FOR OTHER AGENCY Name: _____ | | VERIFIED BY: _____ I SWEAR THAT THE ABOVE STATEMENT IS TRUE AND CORRECT. | | <input type="checkbox"/> HOLD FOR BOND HEARING. DO NOT BOND OUT (Officer Must Appear at Bond Hearing). | | <input type="checkbox"/> I understand that should I willfully fail to appear before the court as required by this notice to appear that I may be held in contempt of court and a warrant for my arrest shall be issued. Furthermore, I agree that notice concerning the time, date, and place of all court hearings should be sent to the above address. I agree that it is my responsibility to notify Clerk of the Court (Juvéniles notify Juvenile Division) anytime that my address changes. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| OFFICER'S / COMPLAINT'S SIGNATURE ANTHONY TENIA | | COURT ID NUMBER/LOC. CODE 2637(49) MDPD | | SWORN TO AND SUBSCRIBED BEFORE ME: THE UNDERSIGNED AUTHORITY THIS _____ DAY OF _____ 2012 STACEY BROWN | | <input type="checkbox"/> You need not appear in court, but must comply with the instructions on the reverse side hereof. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| NAME (Printed) | | AGENCY NAME | | Deputy of the Court of Non-Judicial | | Signature of Defendant / Juvenile and Parent or Guardian | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

COMPLAINT/ARREST AFFIDAVIT CONTINUATION - MDT RECORD COPY

EXHIBIT C

Video of bond hearing
to be filed conventionally with the Clerk of Courts
upon entry of an Order authorizing same.

State prison

281 301 301-241 303

MIAMI-DADE COUNTY
CORRECTION AND REHABILITATION DEPARTMENT
JAIL BOOKING RECORD

CIN# 0613080



10-1196

10001196
EMAME WILLIAMS

RINT



| | | | | | |
|-------------------|----------------|--------------------------------|-------|---------------|------------------------|
| JAIL NUMBER | DEFENDANT NAME | RACE | SEX | DATE OF BIRTH | |
| 10001196 | EMAME WILLIAMS | | | 02/28/1972 | |
| ADDRESS | HEIGHT | WEIGHT | HAIR | EYES | SOCIAL SECURITY NUMBER |
| 10001196 | 5'01" | 170 | BLK | BRO | |
| CITY AND STATE | RESIDENCE | TOR | TU | BOOKED DATE | CELL LOCATION |
| MIAMI | FL 3306 | 38149 | MIAMI | 02/03/10 | PTOLN |
| COURT CASE NUMBER | PRINT | ARREST LOCATION | | | |
| 10-004199 | Y | MIRIAM BEACH ST (MIRIAM BEACH) | | 497 | |

| DATE | SEC | INPUT NUMBER | CHARGE DESCRIPTION / PENALTIES | NO. | CASE / WARRANT NUMBER | BOND AMOUNT |
|------|-----|--------------|---|-----|-----------------------|-------------|
| | | | RESULT/ACCIDENT/INJURY/PAID/CRIMINAL/FT/10/20 | | 10-004199 | |
| | | | RESULT/ACCIDENT/INJURY/PAID/CRIMINAL/FT/10/20 | | | |
| | | | RESULT/ACCIDENT/INJURY/PAID/CRIMINAL/FT/10/20 | | | |
| | | | ROBBERY/TOPIN V. MADDEN/FLORIDA/CRIMINAL | | 10-004199 | |
| | | | ATTEMPTING SEXUAL ABUSE | | | |
| | | | ATTEMPTING SEXUAL ABUSE | | | |
| | | | ATTEMPTING SEXUAL ABUSE | | | |

DISPOSITIONS

2/9/10 F10-4199 — Arr 3/1 Barzee —
 ch1) 15,000 — ch2) 15,000 —
 ch3) 15,000 —
 F10-4200 ch4) 50,000 — ch5) 50,000 —
 ch6) 10,000 — ch7) 10,000 — E18/08561

3/1/10 F10004200 - CONT 3/2/10 Trial - CASE transferred to Division
 70 R.O.C. Division — and case #

| | |
|---|---|
| COMMENTS | Strip Searched: Yes/Time _____ Date: _____ No _____ |
| | Reason: _____ |
| | Officer's Name/Badge # (print): _____ |
| | Signature: _____ |
| | Supervisor's Name/Badge # (print): _____ |
| Signature: _____ | |
| Recording Supervisor/Badge # (print): _____ | |
| Signature: _____ | |

| | | | |
|--------------|-----------------|-----------------|--------------|
| AKA'S | BOND AMOUNT | BONDSMAN NAME | BONDSMAN # |
| | | JRC | |
| RELEASE INFO | BONDING COMPANY | | |
| RELEASED BY | DATE OF RELEASE | TIME OF RELEASE | POWER NUMBER |
| CG4542 | APR 06 2012 | 0600 | |

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO. 08-20554-CIV-KING/WHITE**

LEMANE WILLIAMS,

Plaintiff,

v.

Detective Feria

Defendant.

DECLARATION OF LT. RUBEN OKERA

Pursuant to 28 U.S.C. § 1746, Ruben Okera declares under penalty of perjury as follows:

1. My name is Ruben Okera. I am a lieutenant with Miami-Dade County Department of Corrections and Rehabilitation ("MDCR") and have been employed by MDCR since 1989. I am currently assigned to Ward D.
2. In 2010, arrestees in need of medical attention were transported to Ward D prior to admission to a MDCR facility.
3. As the lieutenant responsible for the operation of Ward D I am familiar with a MDCR record known as Jackson Memorial Hospital Prisoner Admission and Release Sheet (Hospital Service Unit) (the "Sign-In Sheet"). MDCR officers assigned to Ward D record on the Sign-In Sheet the names of all prisoners and arrestees admitted to, and released from, Ward D as well as the date, time and other related information.
4. I have reviewed the Sign-In Sheet for February 8, 2010 and February 9, 2010. (A copy of the Sign-In Sheet is attached hereto as Exhibit 1).

5. My review of the Sign-In Sheet revealed that Lemane Williams was not admitted to Ward D on either date.

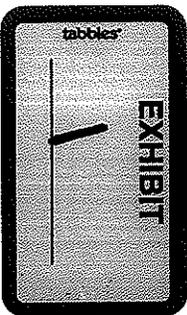
I declare under penalty of perjury that the foregoing is true and correct. Executed on this 13th day of September, 2012



Ruben Okera

JACKSON MEMORIAL HOSPITAL PRISONERS ADMISSION AND RELEASE SHEET (HOSPITAL SERVICE UNIT)

| DATE | TIME | PRISONERS NAME | R.S.A. | CHARGES | AGENCY BROUGHT IN BY | ADMIT OR LOCATION | P | RELEASE TO | READY TO | TIME | DATE |
|-------------|------|-----------------------|--------|---------------------------------|--------------------------|-------------------|---|---------------|----------|------|-------------|
| FEB 07 2010 | 0240 | DAVILA-RIVERA, GARCIA | W/M | BATTERY DV | MPD EBY Pineda #1483 | T | N | MPD Pineda | 0850 | 0850 | FEB 07 2010 |
| FEB 07 2010 | 0415 | BENIGNO, Kadir | W/M | Simple battery | MPD Chavarria #1461 | T | N | MPD Chavarria | 0430 | 0430 | FEB 07 2010 |
| FEB 08 2010 | 0600 | Kao Melvin | W/M | Disorderly Conduct | MPD Blecio #92 | | N | MPD Blecio | 0617 | 0617 | FEB 08 2010 |
| FEB 07 2010 | 0900 | JOHNS more | W/M | ASSAULT with a dangerous weapon | MPD SHARPE Latorre #1483 | T | N | SATMATE #1483 | 1300 | 1300 | FEB 07 2010 |
| FEB 07 2010 | 115 | OSCAR DOUGLASS | W/M | BATTERY | MPD SHARPE Latorre #1483 | T | N | SATMATE #1483 | 1100 | 1100 | FEB 07 2010 |
| FEB 07 2010 | 175X | McKenzie, NICO | W/M | Battery | MPD SHARPE Latorre #1483 | T | N | SATMATE #1483 | 1750 | 1750 | FEB 07 2010 |
| FEB 07 2010 | 1921 | JIMENEZ, JESUS | W/M | Disorderly Conduct | MPD SHARPE Latorre #1483 | T | N | SATMATE #1483 | 1921 | 1921 | FEB 07 2010 |
| FEB 07 2010 | 1958 | BULLS CHRISTOPHER | W/M | Battery | MPD SHARPE Latorre #1483 | T | N | SATMATE #1483 | 1958 | 1958 | FEB 07 2010 |
| FEB 07 2010 | 2206 | WITTY, SCOTT | W/M | BATTERY | MPD SHARPE Latorre #1483 | T | N | SATMATE #1483 | 2206 | 2206 | FEB 07 2010 |
| FEB 07 2010 | 2210 | REYES, DONALD | W/M | BATTERY | MPD SHARPE Latorre #1483 | T | N | SATMATE #1483 | 2210 | 2210 | FEB 07 2010 |
| FEB 07 2010 | 2210 | WILSON, MICHELLE | W/M | Disorderly | MPD SHARPE Latorre #1483 | T | N | SATMATE #1483 | 2210 | 2210 | FEB 07 2010 |
| FEB 07 2010 | 2310 | AGARWAL, SARABH | W/M | BATTERY | MPD SHARPE Latorre #1483 | T | N | SATMATE #1483 | 2310 | 2310 | FEB 07 2010 |
| FEB 07 2010 | 0030 | Walden, Albert | W/M | Crim. Mis. | MPD SHARPE Latorre #1483 | T | N | SATMATE #1483 | 0030 | 0030 | FEB 07 2010 |
| FEB 07 2010 | 0130 | HENRY, MICHAEL | W/M | BATTERY | MPD SHARPE Latorre #1483 | T | N | SATMATE #1483 | 0130 | 0130 | FEB 07 2010 |
| FEB 07 2010 | 0233 | SANTANA, JOEL | W/M | BATTERY | MPD SHARPE Latorre #1483 | T | N | SATMATE #1483 | 0233 | 0233 | FEB 07 2010 |
| FEB 07 2010 | 0600 | CHAVILLO, RAFAEL | W/M | Disorderly | MPD SHARPE Latorre #1483 | T | N | SATMATE #1483 | 0600 | 0600 | FEB 07 2010 |
| FEB 07 2010 | 0641 | AGUILAR, JUAN | W/M | Disorderly | MPD SHARPE Latorre #1483 | T | N | SATMATE #1483 | 0641 | 0641 | FEB 07 2010 |
| FEB 07 2010 | 1302 | BOSQUE, MARCOS | W/M | Disorderly | MPD SHARPE Latorre #1483 | T | N | SATMATE #1483 | 1302 | 1302 | FEB 07 2010 |
| FEB 07 2010 | 1715 | VILLAS, FELIPE | W/M | Disorderly | MPD SHARPE Latorre #1483 | T | N | SATMATE #1483 | 1715 | 1715 | FEB 07 2010 |
| FEB 07 2010 | 1855 | RILEY, JOHNNY | W/M | Disorderly | MPD SHARPE Latorre #1483 | T | N | SATMATE #1483 | 1855 | 1855 | FEB 07 2010 |



| JACKSON MEMORIAL HOSPITAL PRISONERS ADMISSION AND RELEASE SHEET (HOSPITAL SERVICE UNIT) | | | | | | | | | | | | |
|---|------|-------------------------|-------|-----------------------|--|-------------------|---|--|----------|-------|--------------|--|
| DATE | TIME | PRISONERS NAME | R.S.A | CHARGES | AGENCY BROUGHT IN BY | ADMIT OR LOCATION | P | RELEASE TO: | READY TO | TIME | DATE | |
| FEB 0 8 2010 | 1945 | CALVARE, KERVIN | B/M | ROBB/CAR JACKING | DOC off RIMMEL/WITTEB | W/10 607 | | PTDC William | | 0410 | FEB 0 8 2010 | |
| FEB 0 8 2010 | 2005 | Johnson, Samantha | B/F | Battery | off Gunders off Moore and | | | Gen Hornum HSU Plant | | 2325 | FEB 0 8 2010 | |
| FEB 0 8 2010 | 2050 | MITCHELL, SARA-AN | B/M | H.T.O. RESISTANCE w/o | MPRO. off. SMITH STAY | | | MPRO off SMITH STAY | | 2115 | FEB 0 8 2010 | |
| FEB 0 8 2010 | 2145 | WASSERMAN, ADAM | W/M | ARSON | MPD off. COLLARD | | | FHD off. COLLARD | | 2148 | FEB 0 8 2010 | |
| FEB 0 8 2010 | 2201 | BROWN, LUKE | B/M | CAR JACKING | MPD off. TURNER | | | MPD ARAND TURNER | | 2216 | FEB 0 8 2010 | |
| FEB 0 8 2010 | 2240 | BENOITE, STELDON | B/M | ARMED ROBBERY | MPD off. BENOIT P.D. off. HELBRECK JER | | | MPD off. BENOIT P.D. off. HELBRECK JER | | 2180 | FEB 1 0 2010 | |
| FEB 0 8 2010 | 2320 | LEVAKIN, JOSEPH | B/M | AGG. BATT | off. HALL | | | MPD off. TACON | | 18 10 | FEB 0 8 2010 | |
| FEB 0 8 2010 | 0800 | Falls, Gindale | B/M | Battery (D.V.) | off. WIND | | | MPD off. DETRIC | | 1330 | FEB 0 8 2010 | |
| FEB 0 8 2010 | 0356 | MURRAY, Alan | B/M | Fleeing + eluding | off. WIND | | | MPD off. DETRIC | | 0355 | FEB 0 8 2010 | |
| FEB 0 8 2010 | 0445 | Clarke, Michelle | B/F | Controlled sub | off. WIND | | | MPD off. DETRIC | | 1930 | FEB 0 8 2010 | |
| FEB 0 8 2010 | 0530 | Rodriguez-Bacot, Prisco | W/M | Battery | off. WIND | | | MPD off. DETRIC | | | | |
| FEB 0 9 2010 | 1310 | Gerrard, Elvís | B/M | Battery on LEED | off. WIND | | | MPD off. DETRIC | | 1930 | FEB 0 9 2010 | |
| FEB 0 9 2010 | 1540 | ARMSTRONG, CHRISTINA | B/F | MURDER/ARMED | off. WIND | | | MPD off. DETRIC | | 1930 | FEB 0 9 2010 | |
| FEB 0 9 2010 | 1730 | KEYS, CURTIS | B/M | BATT W/DANGER W/O | off. WIND | | | MPD off. DETRIC | | 2225 | FEB 0 9 2010 | |
| FEB 0 9 2010 | 1735 | McCALLISTER, ARMAND | W/M | AGG BATT | off. WIND | | | MPD off. DETRIC | | 1830 | FEB 0 9 2010 | |
| FEB 0 9 2010 | 1908 | ONISA, DONATO | B/M | FROM CRISIS | off. WIND | | | MPD off. DETRIC | | 0130 | FEB 1 0 2010 | |
| FEB 0 9 2010 | 1941 | ST LOUIS, PETER | B/M | ROBB FOR TAKE | off. WIND | | | MPD off. DETRIC | | 0930 | FEB 1 0 2010 | |
| FEB 0 9 2010 | 2100 | DOREUS, NANNENE | B/M | COG/PASN | off. WIND | | | MPD off. DETRIC | | 0900 | FEB 1 0 2010 | |
| FEB 0 9 2010 | 2125 | TELFORD, CARVIN | B/M | COG OF SEASON | off. WIND | | | MPD off. DETRIC | | 0428 | FEB 0 9 2010 | |
| FEB 0 9 2010 | 2125 | VASQUEZ, JACINTO | W/M | HOOD FOR CUSTOMS | off. WIND | | | MPD off. DETRIC | | 0420 | FEB 1 0 2010 | |

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO. 11-24638-CIV-LENARD/White

LEMANE DEON WILLIAMS,

Plaintiff,

v.

DETECTIVE FERIA,

Defendant.

**DEFENDANT'S MOTION TO STAY CASE PENDING RULING ON MOTION TO
DISMISS**

On September 14, 2012, Defendant, Detective Anthony Feria ("Detective Feria"), filed a motion to dismiss this case as frivolous pursuant to 28 U.S.C. § 1915(e)(2)(B)(i) [DE 24]. This case was initially screened by the Court under the frivolity standard [DE 8] and the Court found the case sufficiently pled to proceed against Detective Feria. *Id.* at 6-7. However, it has since become clear that a number of the fundamental allegations in the case, namely, that Detective Feria beat Plaintiff so badly that he was thereafter admitted to Ward D, where he then had surgery on his hand, are untrue. Accordingly, the Court should stay this case to prevent any further burden on Detective Feria and to foreclose Plaintiff from further abusing the judicial process through this lawsuit.

MEMORANDUM OF LAW

As more fully explained in the County's Motion to Dismiss, Plaintiff has alleged that he was beaten by Detective Feria so badly that he broke his hand, and was taken to Ward D where he underwent surgery. [DE 1 at 4; 24 at 2] However, as the evidence introduced in support of the Motion to Dismiss make clear, Plaintiff was never admitted to Ward D either the day of, or

the day after, his arrest. *Id.* at 5-6. A video from Plaintiff's bond hearing the day after his arrest also shows Plaintiff freely using the hand that he claims Detective Feria broke—requiring surgery—without any difficulty whatsoever. *Id.* at 6. Plaintiff has misrepresented at least two critical facts in the case and should not be entitled to prolong this charade. Plaintiff's claim is frivolous and malicious under the standards set forth by the PLRA. Accordingly, Detective Feria respectfully requests that the Court stay this case pending resolution of his outstanding Motions to Dismiss.

Courts have “general discretionary power” to stay proceedings “in the interest of justice and in control of their dockets.” *I.A. Durbin, Inc. v. Jefferson Nat'l Bank*, 793 F.2d 1541, 1552 n. 13 (11th Cir. 1986). The Eleventh Circuit has recognized that dispositive motions should generally be resolved before any discovery is allowed. *See Chudasama v. Mazda Motor Corp.*, 123 F.3d 1353, 1367 (11th Cir. 1997) (“Facial challenges to the legal sufficiency of a claim or defense, such as a motion to dismiss based on failure to state a claim for relief, should . . . be resolved before discovery begins.”) (footnote omitted); *see also Horsley v. Feldt*, 304 F.3d 1125, 1131 n.2 (11th Cir. 2002) (affirming district court's suspension of discovery pending resolution of motion for judgment on the pleadings); *In re Managed Care Litigation*, Case No. 00-1334-MD, 2001 WL 664391, at *2 (S.D. Fla. June 12, 2001) (Moreno, J.) (staying discovery pending resolution of motion to dismiss). Section I(D)(5) of the Discovery Practices Handbook indicates that a stay is appropriate where there is a “specific showing of prejudice or burdensomeness” made.

From a practical standpoint, this Court essentially implements a stay when it initially screens a case for frivolity under §1915. *Wappler v. Kleinsmith*, No. 1:08-cv-595, 2009 WL 734675, at *3 (W.D. Mich. Mar. 12, 2009) (granting stay of discovery while the court reviews

the plaintiff's first amended complaint against the requirements of the PLRA). That is, until the District Court issued its Order approving the Magistrate's recommendation to allow this case to proceed, service of process had not issued and the case did not progress. The fact that the issue of frivolity came to light in a later stage of the proceedings should not alter the Court's obligation to prevent Detective Feria from the burdens of defending a lawsuit until it is determined that Plaintiff's claim has any merit.

Here, absent a stay, Detective Feria will be forced to engage in the burdens of pre-trial preparation while his properly-framed Motion to Dismiss remains pending. The burden is especially onerous here given the grounds supporting the motion, namely, that Plaintiff has misrepresented essential facts in order to advance a meritless case against him. For these reasons, a stay of the case is warranted until the Court can rule on Detective Feria's Motion to Dismiss.

Southern District of Florida Local Rule 7.1(a)(3)

Given that Plaintiff is proceeding *pro se* and is currently incarcerated undersigned counsel has not been able to confer with Plaintiff in compliance with Rule 7.1(a)(3).

Dated: September 14, 2012

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served by CM/ECF, or by U.S. Mail where indicated, on September 14, 2012, on all counsel or parties of record on the Service List below.

s/ Erica S. Zaron

Assistant County Attorney

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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 11-24638-CIV-LENARD/White

LEMANE DEON WILLIAMS,

Plaintiff,

v.

DETECTIVE FERIA,

Defendant.

**DEFENDANT'S MOTION FOR AN ORDER AUTHORIZING THE CLERK OF
COURTS TO ACCEPT FILING OF A VIDEO**

Defendant, Detective Anthony Feria ("Detective Feria"), pursuant to Southern District of Florida Local Rule 5.1, hereby requests that the Court enter an Order authorizing the Clerk of Courts to accept by means of traditional filing a copy of a bond hearing video, offered as Exhibit C in support of his Motion to Dismiss the Complaint [DE 24].

Dated: September 14, 2012

Respectfully submitted,

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