

1 products out of the BP gas station.

2 Q. So was there other people in the BP gas
3 station at the time?

4 A. Yes, and I don't know who they were, but then
5 the next thing I know, Lieutenant Moschette hit me in
6 the face with a can of OC spray. He emptied a whole
7 can.

8 Q. Okay. Now, let me go back. You said he hit
9 you in the face, did he hit you with it or sprayed you
10 with it?

11 A. He sprayed it.

12 Q. He sprayed you with the OC spray?

13 A. He sprayed me with the OC spray so I couldn't
14 recognize any potential witnesses.

15 Q. All right. When he sprayed you, were you
16 telling Charlie at that point to go get your help or --

17 A. Yes.

18 Q. Okay.

19 A. I'm telling Charlie to go notify, where I live
20 at, the people, I'm being assaulted by the Delray Beach
21 cops and that's when Moschette sprayed me with the
22 pepper spray.

23 Q. Okay. Were you angry?

24 A. Of course I was angry. I wasn't angry -- I
25 wasn't resisting or anything, but that was -- that was

1 the reason why he said that he sprayed me with the
2 pepper spray because that I was resisting. I was no
3 threat to -- I was no threat to Officer Steed or
4 Lieutenant Moschette or any member of the public.

5 Q. Okay. Were -- when Officer Steed was
6 straddling you, were you trying to maneuver back and
7 forth? You said you were turning your head back and
8 forth.

9 A. Yeah.

10 Q. Okay.

11 A. Trying to not receive the impact of all these
12 blows he was hitting me in the face with.

13 Q. Okay. Anything else? Were you trying to get
14 him off at that point?

15 A. No, that's not resisting, moving my head.

16 Q. Okay. We will let the Court decide, but okay.
17 Did you try to get up at all?

18 A. No. The man weighs 300-pounds. I'm
19 handcuffed.

20 Q. Okay.

21 A. So you never saw photographs?

22 Q. Okay. I'm asking the questions, Mr. Evans.

23 A. Yes, ma'am.

24 Q. Okay. Did you arch your back or anything --

25 A. No.

DEPOSITION OF ANTHONY G. EVANS 03/14/13

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1 Q. -- trying to get him off?

2 A. No.

3 Q. Was anybody else outside prior to that, prior
4 to Officer Moschette spraying you, did you see anybody
5 else outside?

6 A. It was -- it was several people. I could
7 hear -- I could hear Lieutenant Moschette chasing
8 potential witnesses away with the threat of arrest.

9 Q. Okay.

10 A. But I couldn't see their face.

11 Q. You didn't know who they were?

12 A. I'm blinded with that gas.

13 Q. Okay. Do you know if the store clerk was out
14 there?

15 A. The store clerk. He saw everything that -- he
16 saw everything that happened. He doesn't want to
17 cooperate because he's in fear of Officer Steed and
18 losing his job.

19 Q. Or is he in fear of you?

20 A. He's not in fear of me. I don't know his
21 name, but I know his face.

22 Q. Okay. What does he look like?

23 A. He's a little short -- little short Haitian
24 guy, Haitian decent.

25 Q. Okay.

1 he didn't lift his finger until that can was empty.

2 Q. Well, how do you know the can was empty?

3 A. Well, I'm assuming that it was empty.

4 Q. Okay. Okay.

5 A. There was enough spray on my face and I was
6 not -- I was not given the opportunity by the fire
7 rescue squad that came --

8 Q. All right. Let's get to that in just a
9 minute, Mr. Evans. We're going to get to that, okay?

10 A. Okay.

11 Q. All right. So the officers at that point you
12 said actually lifted you up?

13 A. Yeah.

14 Q. And who were the officers that lifted you up;
15 do you remember?

16 A. Steed and Griffin (sic).

17 Q. So Griffith came from somewhere?

18 A. Yeah, he was somewhere in the area.

19 Q. Did you hear Griffith ever say anything to
20 you?

21 A. I heard him ask me what was in my pocket. He
22 the one that found the cocaine.

23 Q. Okay. Do you know what happened to the
24 cocaine in this whole tussle?

25 A. No.

DEPOSITION OF ANTHONY G. EVANS 03/14/13

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1 Q. Okay. So you don't know if it came out? You
2 don't know if it was on the ground?

3 A. (Witness shaking head.) I don't know what
4 happened to it.

5 Q. Okay.

6 A. All I know is they found it.

7 Q. Okay. Okay. All right. And they found -- do
8 you know if they found the cocaine prior to you getting
9 in the car or after?

10 A. Prior.

11 Q. Prior. Okay. All right. So you're saying
12 Officer Griffith and Officer Steed picked you up?

13 A. (Witness nodding head.)

14 Q. Did they ask you to get up?

15 A. I couldn't get up.

16 Q. Why couldn't you get up?

17 A. Because I was hurt.

18 Q. Did they ask you to get up?

19 A. Yeah.

20 Q. Okay. They did ask you. Okay. Did Officer
21 Steed continue to say, Stop resisting?

22 A. No. After he -- after he started beating me
23 and then to the point where after Lieutenant Moschette
24 hit me with the gas, no, he didn't say it no more after
25 that.

1 maybe 500-yards from the police department; is that
2 fair?

3 A. I don't know.

4 Q. It's close?

5 A. Yeah.

6 Q. It's like two blocks?

7 A. (Witness nodding head.)

8 Q. Okay. All right. So what happened when you
9 got to the police station?

10 A. Steed went to celebrating, ranting and raving
11 about how he bagged and tagged me and all of that.

12 Q. Who was he celebrating with?

13 A. All of the officers coming in and out seeing
14 who he arrested, giving them high fives and all of that.

15 Q. Okay. All right. Did they book you? Did
16 they fingerprint you and all that there?

17 A. Yes.

18 Q. Okay. At some point, did the paramedics come
19 to the police department --

20 A. Yes.

21 Q. -- holding cell?

22 A. (Witness nodding head.)

23 Q. Yes?

24 A. Yes, they did.

25 Q. Okay. Do you know who called for the

1 Q. All right. Let's go to -- all right. So the
2 paramedics did come. What did the paramedics do?

3 A. They asked me all kind of questions.

4 Q. Okay.

5 A. The nature of my injuries, where I hurt, and
6 everything.

7 Q. Okay.

8 A. And I told them about the gas. Nobody --
9 nobody gave me -- nobody afforded me the opportunity to
10 decontaminate myself.

11 Q. Okay. Did they at that point?

12 A. No.

13 Q. Did the paramedics do anything?

14 A. No.

15 Q. What did they do; do you remember?

16 A. They assessed me with peroxide and stuff,
17 clean up the wounds and stuff, and they took me to the
18 hospital --

19 Q. Okay.

20 A. -- for X-rays and MRIs.

21 Q. Okay. Just going back because we were just
22 talking a minute about the -- about the time in. They
23 have actually on their fire run report and we will mark
24 this as Defense Exhibit Number 9. Do you have a copy of
25 this? Do you want a copy?

DEPOSITION OF ANTHONY G. EVANS 03/14/13

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1 jail from the hospital.

2 Q. Okay.

3 A. I don't remember his name.

4 Q. The other officer?

5 A. Right.

6 Q. So he waited for you while they -- while the
7 doctors looked at you?

8 A. (Witness nodding head.)

9 Q. Okay. How long were you at the hospital; do
10 you remember?

11 A. At least about two hours or better.

12 Q. Okay. And at the hospital, Mr. Evans, did
13 they do any tests or anything to you?

14 A. Yes.

15 Q. What did they do? What kind of tests?

16 A. They ran X-rays. They ran MRIs of my back, my
17 head, my shoulder.

18 Q. They did an MRI?

19 A. Yes.

20 Q. Okay.

21 A. Because Steed -- at one point when Steed was
22 on my back, Steed took my head and banged it on the
23 pavement and I lost consciousness.

24 Q. Okay. When did you lose consciousness?

25 A. It was like a few minutes after he did it and

DEPOSITION OF ANTHONY G. EVANS 03/14/13

1 I came back to.

2 Q. All right. So --

3 A. I didn't go all the way blackout, but I was --
4 I was --

5 Q. So you didn't lose consciousness?

6 A. No, I was real dizzy.

7 Q. Okay. So you were dizzy?

8 A. Yeah.

9 Q. Okay. And is that -- was that before he hit
10 you or after he hit you?

11 A. That was after he hit me with the blow.
12 That's when Moschette came and hit me with the OC.

13 Q. The OC. Okay. And then were they trying to
14 get you up? Were they trying to get you up?

15 A. After Moschette hit me with the OC, yeah.

16 Q. Okay. Is when they were trying to get you up?

17 A. (Witness nodding head.)

18 Q. Is that a yes?

19 A. Yes.

20 Q. Okay. Okay. So they did X-rays. They did an
21 MRI. Did they attend to your -- any kind of scrapes and
22 scratches or anything like that?

23 A. Yes.

24 Q. Okay. And what did they tell you; do you
25 remember?

DEPOSITION OF ANTHONY G. EVANS 03/14/13

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1 A. They saying that there was no broken bones or
2 anything like that, but I was still in a lot of pain.

3 Q. Okay. So no broken bones. Did they say there
4 was a concussion or anything?

5 A. No.

6 Q. No concussion?

7 A. No. Just abrasions.

8 Q. Abrasions. Okay.

9 A. Mild -- mild dizziness.

10 Q. Okay. Okay. And so then what happened? Do
11 you remember the doctor you saw? Do you remember the
12 guy's name or woman's name?

13 A. This lady was a very, very disrespectful
14 individual. One of the very most disrespectful medical
15 physicians I ever seen in my life. It was a little
16 woman.

17 Q. A woman. You don't remember her name?

18 A. I laid in that bed in pain for like an hour
19 and a half before she even came to see me. Then when
20 she came to see me, she started talking all kind of
21 crazy language. She was a foreign --

22 Q. Foreign?

23 A. She was like either Vietnamese or Chinese or
24 something.

25 Q. Okay. All right. Now, when this was done

DEPOSITION OF ANTHONY G. EVANS 03/14/13

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1 possession of the cocaine that you had in your pocket;
2 is that correct?

3 A. Yes, ma'am.

4 Q. Okay. Now, one of the complaints -- I
5 actually found that you filed two complaints against
6 Officer Steed. Okay. I have -- one complaint I have
7 that was filed from an incident on 09/13 of 2010, and
8 I'm going to go ahead -- and I brought the actual
9 resolution and the other incident was for an incident on
10 03/15 of 2011, does that sound about right?

11 A. (Witness nodding head.)

12 Q. Okay. Now, when you filed your complaint, did
13 you go to the police department at that point?

14 A. Yes, I did.

15 Q. Okay. And did you speak to somebody about it?

16 A. I spoke to one of the sergeants that passed.

17 Q. Okay.

18 A. He was a good officer.

19 Q. Okay.

20 A. Sergeant Rosenthal.

21 Q. Sergeant Rosenthal. Yes, you know he died?

22 A. (Witness nodding head.)

23 Q. And from there when you spoke to him, did you
24 then go up and give a sworn statement to somebody?

25 A. Yeah, Lieutenant --

DEPOSITION OF ANTHONY G. EVANS 03/14/13

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1 Q. Flynn?

2 A. -- Flynn.

3 Q. Yeah. Okay. And that's -- he's an IA,
4 internal affairs investigator. Okay. And Lieutenant
5 Flynn was to investigate the case, and so he took your
6 sworn statement?

7 A. (Witness nodding head.)

8 Q. Okay. I'm looking at -- now, let's go to the
9 one that's from the incident of 09/13 of 2010. I'll
10 give you a copy. I made a copy of the final resolution
11 and we will mark this as State's -- excuse me, as
12 Defense Exhibit Number 11, and in here the final
13 resolution what I have seen -- do you know -- first of
14 all, let me ask you, do you know Chief Strianese?

15 A. I know of him, but I was given -- I was
16 given -- I went down to city hall --

17 Q. Uh-huh.

18 A. -- to complain.

19 Q. Uh-huh.

20 A. To complain about --

21 Q. Officer Steed?

22 A. I went to city hall to complain about the
23 chief, as well --

24 Q. Okay.

25 A. -- to the city manager about him not having

DEPOSITION OF ANTHONY G. EVANS 03/14/13

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1 complaint on 09/13 -- against Officer Steed -- 2010,
2 were you aware that Chief Strianese exonerated Officer
3 Steed?

4 A. No, I wasn't aware of it.

5 (Defense Exhibit No. 11 was marked for
6 identification.)

7 Q. Okay. It's on there. We will go ahead and
8 mark that. All right. And now there was an incident,
9 the incident of March 15th of 2011, which I think you
10 talked about a little bit earlier in the deposition?

11 (Defense Exhibit No. 12 was marked for
12 identification.)

13 A. Right.

14 Q. Again, you went up to the IA, did you talk to
15 the same officer initially? Did you talk to -- when you
16 first went in to file the complaint?

17 A. At that time on that case right there?

18 Q. Uh-huh.

19 A. I had done retained a civil attorney. I was
20 about to file suit against the city.

21 Q. Okay.

22 A. He advised me at the time when I went down
23 there to speak with Lieutenant Flynn, if he would start
24 to ask any type of out of the way questions, to
25 terminate the interview in which I did.

DEPOSITION OF ANTHONY G. EVANS 03/14/13

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1 Q. Okay. All right. Was there criminal charges
2 also associated with this charge --

3 A. No.

4 Q. -- on 03/15?

5 A. No.

6 Q. Okay. All right. So you did go back down to
7 do a sworn statement with Lieutenant Flynn?

8 A. And I did as my attorney asked me.

9 Q. Okay.

10 A. She said if he started asking any out of the
11 way questions, to terminate the interview in which I
12 did.

13 Q. Okay.

14 A. Now, at some point -- at some point by them
15 having practiced in the same city that they're suing
16 they backed away from my case.

17 Q. The attorney -- your attorney did?

18 A. (Witness nodding head.)

19 Q. Okay.

20 A. And before I got a chance to retain some new
21 attorneys I came to prison.

22 Q. Okay. I've got you. All right. Let's go
23 back. So officer -- so Lieutenant Flynn took your
24 statement. You gave as much as you did and then you
25 stopped the interview?

DELRAY BEACH POLICE DEPARTMENT
 MISCONDUCT INVESTIGATIVE REPORT
 FINAL RESOLUTION

cc: Officer D. Steed 2/11/11

LA#	10-008
SR#	

To: Chief of Police
 From: Lieutenant Ed Flynn
 Employee: Officer David Steed ID #944
 Complainant: Anthony Evans Alleged Violation(s): R & R #5 Obedience to Laws, Ordinances and Standards
 (Excessive Force)

Inquiry Date: 9/16/10
 Time and Date of Violation: 9/13/10 @ 2113 hrs.

This inquiry has been investigated by:
 Lt. E. Flynn 330 01/11/11
 Investigator I.D. Number Date

FINDINGS: Sustained Not Sustained
 Unfounded Exonerated RR #5
 Attach Narrative Report

I have reviewed the inquiry investigation and understand that I have 48 hours to respond in writing with any additions.
 I have reviewed the inquiry investigation and have nothing to add.

Employee Signature: [Signature] I.D. Number: 944 Date: 1/12/10

I have, reviewed the investigation on the involved employee and recommend the following action:
 FINDINGS: Agree Violation: R & R #5 Discipline: N/A
 Disagree
 (Reasons for dissenting the findings must be attached.)
 Sergeant/Supervisor: [Signature] I.D. Number: 738 / ARGENT Date: 1/12/11

Lt. [Signature] / [Signature] / [Signature]	642	<input checked="" type="checkbox"/> Agree	1/12/11
Lieutenant/Section Supervisor	I.D. Number	<input type="checkbox"/> Disagree	
Capt. [Signature] Goldmann	449	<input checked="" type="checkbox"/> Agree	1/14/11
Captain/Division Commander	I.D. Number	<input type="checkbox"/> Disagree	
Det. [Signature] Capt. [Signature] Mitchell	505	<input checked="" type="checkbox"/> Agree	1/20/2011
Assistant Chief	I.D. Number	<input type="checkbox"/> Disagree	
[Signature] [Signature] / [Signature]	AWs/452	<input checked="" type="checkbox"/> Agree	01/24/2011
Chief of Police	I.D. Number	<input type="checkbox"/> Disagree	

(Indicate Dissent in Written attachment) Date

I have read the above allegations, findings and recommendations and accept this action.
 I wish to have a hearing (formal discipline cases only) with the Chief of Police. To appeal disciplinary action: To appeal finding:

Employee: [Signature] I.D. Number: N/A Date: N/A

Final Resolution

Rules & Reg. Violation: R & R #5 Discipline: NONE / EXONERATED
 Rules & Reg. Violation: N/A Discipline: N/A
 Chief of Police: [Signature] Date: 01/24/11

(If applicable indicate suspension hours. If an assessment or reimbursement indicate percents and monies for payment)

Results made available to the complainant by mail on: _____
 Date Name ID #

If applicable, the date Notice of Disciplinary Action was served: _____
 Calendar date(s) of suspension: _____

EXHIBIT E

The employee has complied with the recommended action.

Name Rank / I.D. # Date

DELRAY BEACH POLICE DEPARTMENT
 MISCONDUCT INVESTIGATIVE REPORT
 FINAL RESOLUTION

IA#	11-003
SR#	

cc: Ofc. Steed 7/19/11 ppt

To: Chief of Police
 From: Lieutenant Ed Flynn Inquiry Date: 3/25/11
 Employee: Officer David Steed ID #944 Time and Date of Violation: 03/15/11 @ 0022
 Complainant: Anthony Evans Alleged Violation(s): R & R #5 Obedience to Laws, Ordinances and Standards
 (Excessive Force)

This inquiry has been investigated by:
 Lt. E. Flynn Investigator I.D. Number 330 Date 05/25/11
 FINDINGS Sustained Not Sustained
 Unfounded R&R #5 Exonerated
 Attach Narrative Report

I have reviewed the inquiry investigation and understand that I have 48 hours to respond in writing with any additions.
 I have reviewed the inquiry investigation and have nothing to add.
 Employee Signature: [Signature] I.D. Number: 944 Date: 5/27/11

I have, reviewed the investigation on the involved employee and recommend the following action:
 FINDINGS Agree Disagree
 Violation: NONE Discipline: NONE
 (If applicable indicate suspension hours. If an assessment or reimbursement indicate percents and monies for payment)
 Sergeant/Supervisor: [Signature] ID Number: 613 Date: 5/27/11
 (Reasons for dissenting the findings must be attached.)

Officer/Supervisor	I.D. Number	Agree <input type="checkbox"/> Disagree <input type="checkbox"/>	Date
Lt. Andrew Proschette	642	<input checked="" type="checkbox"/> Agree <input type="checkbox"/> Disagree	5/28/11
Capt. Goldman	449	<input checked="" type="checkbox"/> Agree <input type="checkbox"/> Disagree	N/A
Asst. Chief Milenkovic	518	<input checked="" type="checkbox"/> Agree <input type="checkbox"/> Disagree	6/2/11
Chief of Police [Signature]	AW5/452	<input checked="" type="checkbox"/> Agree <input type="checkbox"/> Disagree	06/10/2011

I have read the above allegations, findings and recommendations and accept this action.
 I wish to have a hearing (formal discipline cases only) with the Chief of Police. To appeal disciplinary action: To appeal finding:
 Employee: [Signature] I.D. Number: N/A Date: N/A

Final Resolution
 Rules & Reg. Violation: R+R # 5 Discipline: Unfounded / NONE
 Rules & Reg. Violation: N/A Discipline: N/A
 Chief of Police: [Signature] ID # 452 Date: 6/10/2011
 (If applicable indicate suspension hours. If an assessment or reimbursement indicate percents and monies for payment)

Results made available to the complainant by mail on: 7/20/11 ppt 137
 Date Name ID #

If applicable, the date Notice of Disciplinary Action was served: _____
 Calendar date(s) of suspension: _____

The employee has complied with the recommended action. **EXHIBIT F**
 Name Rank / I.D. # Date
 Rev. 11/04/2009

STATE OF FLORIDA VS.

CASE NO.

ID

*** 502010MM021399AXX5B

VSIM

Name EVANS, ANTHONY DOB 3/14/68 Race B Sex M Arrest 2011008552

For 1: TRESPASS AFTER WARNING 2: RESIST OFFICER WITHOUT VIOLENCE 3: TCATS POSSESSION OF NARCOTICS EQUI MORE CHARGE(S) FOR THIS CASE

Cit.# CT1: 40 Dist.# 40 ISS 9/13/10 Agency 40

Bond Reg Type Amt Ref A/C

Date 3/10/11 Judge: Hanser State: FL Epstein

Interp: Spanish/Creole Present/Needed Deft Pres W/Counsel/PD Blust

RECALL CAPIAS CAPIAS ORDERED Bond Set \$ Bond Forf/Disch/Remains

Obtain / Waive Atty Advised of rights Sworn & Testified Indigent/Not Indigent

Plea: Not Guilty Private counsel Appt. PD Appt'd \$50 Fee PD Discharged

GC CT 1, 2, 3, 6 NC CT Adj GC CT 1, 2, 3, 6 W/Hold CT

PLEA TO COURT Best int. Action/plea/bond forfeiture of vacated & set aside Sentencing Passed

Nolle Prosequi CT 4, 5 Dismiss CT

SEE Order Assessing Costs/Judgment 368 100 Mos/ Days to pay Report immediately to Clerks Office To Complete collections agreement

Total deduct \$ from cash bond in case # Apply To

Jail sent, Consec/Concur W/

Prob Yrs/Mos Consec/Concur W/

Prob Term/Rev/Continue Day Immobilization AA/NA mtg Driver Lisc Susp. Mos/Yrs.

Early term after Mos/when conditions are met Hrs Comm Serv in lieu of fine/costs

Hrs Comm Service/enroll w/in days W/PBCCS program/Non prof. Org. BIP/enroll w/in days

DUI School/enroll w/in days/any rec. treat VIP/enroll w/in days No Consum/Poss Alcohol/Drug/Mind Altering Sub. W/O RX

Psych/drug/alcohol eval/treat as needed PIPE/PREP Random Alcohol/Drug Test at Deft Expense HIV/STD/Hep A, B, C test/class

No violent Contact w/Victim Restitution ordered/reserved \$ TO

lost ct 1 only

Arraign Cs Dispo NJ Trial Trial Plea Cal Call Status Prelim Final Sent Rest Hrg

Deft pres waived/required Also set for:

Clerk to notice PD to notice WST Waiver Of Jury File to Judges Office St/Def Motion for cont granted/denied.

Bondsman: Prob: GAL:

By: Deputy Clerk Def Counsel

Mailed To:

JAIL INFORMATION
Time Served
Jail Mos/Days
With credit for days already served
Straight Time/Served as
Short/long weekends
No objection to work release
May do In-House Arrest
Jail sent to commence on at M.
REMANDED
SERVICE OF CAPIAS
DO NOT FIRST APPEAR
Bond set at/reduced to \$
RELEASE SOR/OR

STATE OF FLORIDA - PALM BEACH COUNTY
I hereby certify that this recording is a true copy of the record in my office with no omissions, if any as required by law.
THIS IS THE DAY OF APRIL 2013
SHARON R. ROCK
CLERK & COMPTROLLER
DEPUTY CLERK

Room County Courthouse 205 N. Dixie, West Palm Beach
Room So County Complex 200 W. Atlantic Ave., Delray Beach
Room No County Complex 3188 PGA Blvd., Palm Beach Gardens
Courtroom, Criminal Justice Bldg. 38844 State Road 80, Belle Glade
Courtroom, Criminal Justice Complex 3228 Gun Club Rd., West Palm Beach

IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS ANY ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS PROCEEDING, YOU ARE ENTITLED, AT NO COST TO YOU, THE PROVISION OF CERTAIN ASSISTANCE. PLEASE CONTACT MS. MARY JAFFE, ADA COORDINATOR, IN THE ADMINISTRATIVE OFFICE OF THE COURT, PALM BEACH COUNTY COURT-HOUSE, 205 NO. DIXIE HIGHWAY, ROOM 5.2500, WEST PALM BEACH, FLORIDA, 33401; TELEPHONE NUMBER (561) 355-4380 WITHIN TWO (2) WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE. IF YOU ARE HEARING OR VOICE IMPAIRED, CALL 1-800-955-8771.

EXHIBIT 6

EFFECTIVE JULY 1, 2008

4040
 IN THE COUNTY COURT OF THE FIFTEENTH
 JUDICIAL CIRCUIT, CRIMINAL DIVISION,
 IN AND FOR PALM BEACH COUNTY, FLORIDA

CASE NO: 2010MM021399AXX

STATE OF FLORIDA

vs.
 Defendant: Anthony Evans
 Social Security No.:
 Date of Birth: 3/14/68

RECORDER'S SPACE



STATE OF FLORIDA - PALM BEACH COUNTY
 I hereby certify that the foregoing is a
 true copy of the record in my office with
 reflections, if any as required by law.
 THIS 12th DAY OF March 2013
 SHARON R. BOCK
 CLERK & COMPTROLLER
 DEPUTY CLERK

ORDER ASSESSING ADDITIONAL CHARGES, COSTS AND FINES AND ENTERING JUDGMENT (IF INDICATED)

The Defendant is hereby ordered to pay and a judgment is hereby entered on behalf of Palm Beach County, Palm Beach County Administrative Complex, Palm Beach County Florida 33401 and the State of Florida, Florida Department of Financial Services, Tallahassee, Florida 32399 in the following sums as indicated:

INITIAL
 IF WAIVED

- | | <u>Fines</u> | |
|---|--------------|---|
| 1. | \$ 0.00 | Total of fines assessed in sentence. |
| 2. | \$ 0.00 | (Crimes Compensation Trust Fund) pursuant to Section 938.04, Florida Statutes (statutorily mandated 5% surcharge/cost on any fine entered in line 1). |
| 3. | \$ 0.00 | (Crime Stoppers Trust Fund) \$20.00 pursuant to Section 938.06(1), Florida Statutes (statutorily mandated cost to be added if any fine imposed). |
| <u>Mandatory Costs</u> | | |
| 4. | \$ 20.00 | (County Crime Prevention Fund) pursuant to Section 775.083(2), Florida Statutes (statutorily mandated). <i>Remove if part of a negotiated settlement and not imposed by the Court.</i> |
| 5. | \$ 3.00 | (Additional Court Cost Clearing Trust Fund) pursuant to Section 938.01(1), Florida Statutes (statutorily mandated). |
| 6. | \$ 50.00 | (Crimes Compensation Trust Fund) pursuant to Section 938.03(1), Florida Statutes (statutorily mandated). |
| 7. | \$ 2.00 | (Criminal Justice Education by Municipalities and Counties) pursuant to Section 938.15, Florida Statutes to be paid to:
<input type="checkbox"/> Palm Beach County, Florida (statutorily mandated where locally authorized).
<input type="checkbox"/> the City/Town/Village of _____ Florida (statutorily mandated where locally authorized). |
| 8. | \$ 60.00 | (Additional Court Costs) pursuant to Section 938.05(1), Florida Statutes (statutorily mandated). |
| 9. | \$ 65.00 | (Additional Court Costs for local requirements and other County funded programs) pursuant to Section 939.185(1)(a), Florida (statutorily mandated where locally authorized). |
| 10. | \$ 3.00 | (Teen Court) pursuant to Section 938.19(2), Florida Statutes (statutorily mandated where locally authorized). |
| <u>Discretionary or Specific Offense/Required Costs</u> | | |
| 11. | \$ 50.00 | (Public Defender Application Fee) pursuant to Sections 27.52(2)(a) and 938.29, Florida Statutes (a \$50.00 fee shall be imposed if not previously collected or waived). <i>Remove if previously paid or represented by private counsel.</i> |
| 12. | \$ 50.00 | (Public Defender's Fees and Costs) pursuant to Section 938.29, Florida Statutes and Fla. R. Crim. P. 3.720(d)(1) and Local Administrative Order. (Minimum fee of \$50.00 is statutorily mandated following notice of imposition and right to contest amount, additional amount is discretionary). <i>Remove if represented by private counsel.</i> |
| 13. | \$ 0.00 | (Additional fees and cost of publicly appointed counsel) pursuant to Section 938.29, Florida Statutes and Fla. R. Crim. P. 3.720(d)(1) (notice of imposition and right to contest amount required). |
| 14. | \$ 0.00 | (County Alcohol and Other Drug Abuse Trust Fund) pursuant to Section 938.21 and 938.23, Florida Statutes (may be imposed for any criminal violation of s.316.193, s.856.011, s.856.015, or Chapters 562, 567, 568, or 893, but may not exceed the amount of any fine imposed for the offense). |
| 15. | \$ 15.00 | (County Alcohol and Other Drug Abuse Trust Fund) \$15.00 pursuant to Section 928.13, Florida Statutes (statutorily mandated where locally authorized if found guilty of any misdemeanor under the laws of the state in which the unlawful use of drugs or alcohol is involved). |
| 16. | \$ 0.00 | (DUI Court Cost) \$135.00 pursuant to Section 938.07, Florida Statutes for any violation of Sections 316.193 or 327.35 (statutorily mandated). |
| 17. | \$ 0.00 | (Domestic Violence Surcharge) \$201.00 pursuant to Section 938.08, Florida Statutes for any violation of Sections 784.011, 784.021, 784.03, 784.041, 784.045, 784.048, 784.07, 784.08, 784.081, 784.082, 784.083, 784.085, or 794.011, and any offense of Domestic Violence as described in Section 741.28, Florida Statutes (statutorily mandated). |
| 18. | \$ 0.00 | (Rape Crisis Center Fund) \$151.00 pursuant to Section 938.085, Florida Statutes for any violation of Sections 784.011, 784.021, 784.03, 784.041, 784.045, 784.048, 784.07, 784.08, 784.081, 784.082, 784.083, 784.085, or 794.011 (statutorily mandated). |
| 19. | \$ 0.00 | (Operating Trust Fund of the FDLE) \$100.00 pursuant to Section 938.25, Florida Statutes (may be imposed for any criminal violation of s.893.13 if the court finds defendant has ability to pay and will not be prevented thereby from being rehabilitated or from making restitution). |
| 20. | \$ 50.00 | (Prosecution/Investigative Costs) The Court having considered the financial resources of the Defendant, the financial needs and ability of the Defendant, and other factors which this Court has deemed appropriate, a surcharge pursuant to Section 938.07, Florida Statutes (may be imposed where agency entitled to costs of prosecution requests and documents specific costs). |
| 21. | \$ 0.00 | (State Agency Law Enforcement Radio System Trust Fund) \$3.00 pursuant to Section 318.18(17), Florida Statutes (statutorily mandated for violations of: fleeing/eluding; leaving scene of crash; DUI; reckless driving; making false crash reports; failure/refusal to comply with lawful order; refusal to weigh vehicle; racing on highway; refusal to submit to breathalyzer test; refusal to submit to blood/urine test). |
| <u>Other Charges</u> | | |
| 22. | \$ 0.00 | (Emergency Medical Services Trust Fund) \$5.00 for violation of s. 316.027, s.316.051, or s.316.192 |
| 23. | \$ 0.00 | |
| Total: | \$ 368.00 | |

FILED
 CIRCUIT & COUNTY COURTS
 (CRIMINAL DIV)

Payment of charges, costs, and fines are:

- a condition of probation.
- to be paid IN FULL TODAY: Defendant to proceed immediately to the Clerk and Comptroller's Office to pay the full amount due. If payment is not made today, then LET EXECUTION ISSUE and this Judgment shall bear interest at the rate prescribed by law until satisfied.
- due immediately; hence, FOR WHICH LET EXECUTION ISSUE. This Judgment shall bear interest at the rate prescribed by law until satisfied.
- due within 6 months and is to be paid through the Clerk and Comptroller's Office pursuant to a COLLECTIONS AGREEMENT established TODAY. \$ will be paid today to the Clerk and Comptroller's Office as a down payment on the collections agreement. If the Collection Agreement is not established today, LET EXECUTION ISSUE and this Judgment shall bear interest at the rate prescribed by law until satisfied.
- to be paid by the Defendant performing: _____, at a rate of \$ _____ per/hour, due within _____ days in lieu of actual payment.

FAILURE TO PAY YOUR FINES AND COURT COSTS WILL RESULT IN YOU DRIVER'S LICENSE BEING SUSPENDED AND/OR A JUDGEMENT BEING ENTERED AGAINST YOU AND/OR YOUR DELINQUENT ACCOUNT BEING REFERRED TO A COLLECTION AGENCY AND/OR A WARRANT BEING ISSUED FOR YOUR ARREST.

DONE AND ORDERED in Open Court in Palm Beach County, Florida this 10th day of March 2011

Hon. Leonard Hanser
 COUNTY COURT JUDGE

cc: Administrative Office of the Court State Attorney Defendant Defense Counsel Probation

Form County (7/2008)
 FORM 003-A

**DELRAY BEACH POLICE DEPARTMENT
NON-CRIME REPORT FORM**

CASE #: 11-007344		D 0 W	SUN WED	MON THU SAT	TUE FRI	INCIDENT TYPE: TRESPASS WARNING	DATE 3/15/11	
TIMES REPORTED 0022	DISPATCHED 0022	ARRIVED 0022	FINISHED 0030	OFC. ID # 944	OFC. CALL # C241			
EXACT LOCATION/ADDRESS 945 W. ATLANTIC AVE								
COMPLAINANT		<input checked="" type="checkbox"/> MALE	<input type="checkbox"/> FEMALE		LAST/FIRST/MI	NBR/STREET/CITY	<input type="checkbox"/> SAME AS EXACT	PHONE NBR.
<input checked="" type="checkbox"/> BLK	<input type="checkbox"/> SPA	<input type="checkbox"/> IND	ELAYYAN, MOHAMMAD		945 W. ATLANTIC AVE.			561 279-2216
<input checked="" type="checkbox"/> WHT	<input type="checkbox"/> ASI	<input type="checkbox"/> HAI						
S U S P E C T		<input checked="" type="checkbox"/> MALE	<input type="checkbox"/> FEMALE		LAST/FIRST/MI	NBR/STREET/CITY	<input type="checkbox"/> SAME AS EXACT	PHONE NBR.
		<input checked="" type="checkbox"/> BLK	<input type="checkbox"/> SPA	<input type="checkbox"/> IND	EVANS, ANTHONY			
		<input type="checkbox"/> WHT	<input type="checkbox"/> ASI	<input type="checkbox"/> HAI				
SOC. SEC. NBR.		DOB	AGE					
		3 / 14 / 68	43					

TRESPASS WARNING

This is to serve as your official notification and warning not to trespass on the property located at: 945 W. ATLANTIC AVE
Address of Location

You are not allowed to visit or in any way physically trespass on the property of:
COMMUNITY MARKET
Name of the Business

Copy of this warning will be on file with the Delray Beach Police Department. If you are found *trespassing after this warning*, you will be arrested in accordance with Florida State Statute 810.09.

[Signature]
Signed - Owner/Agent

3/15/11
Date

MANAGER
Title

refused to sign
Trespasser Signature

[Signature]
Witness Signature

Cad Entry Completed: YES NO

Narrative:

The manager notified me that Anthony Evans was begging people for money and wanted him Trespassed Warned for the property.

SUPERVISOR INT mmw2	OFFICER SIGNATURE & PRINT <u>[Signature]</u> DAVID T. STEED (944)	DP ID#	DATE PROCESSED	MICROFILM REEL/BLIP NUMBER
------------------------	---	--------	----------------	----------------------------

EXHIBIT **H** MAR 15 2011

EXHIBIT - I

IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT,
IN AND FOR _____ COUNTY, FLORIDA

Case No. 502011 DR 002319 XXXCS
Division: FZ

ANTHONY EVANS
Petitioner,

and

DAVID STEED
Respondent.

FILED
FEB 28
A 11:19
SOUTH CITY

PETITION FOR INJUNCTION FOR PROTECTION AGAINST REPEAT VIOLENCE

I, (full legal name) ANTHONY GEORGE EVANS, being sworn, certify that the following statements are true:

SECTION I. PETITIONER (This section is about you. It must be completed.)

1. Petitioner currently lives at: (address, city, state, zip code) 196 N.W. 8TH AVE
DELRAY BEACH, FL 33444

[if applies]

Petitioner seeks an injunction for protection on behalf of a minor child.
Petitioner is the parent or legal guardian of (full legal name) _____
a minor child who is living at home.

2. Petitioner's attorney's name, address, and telephone number is: _____

(If you do not have an attorney, write "none.")

SECTION II. RESPONDENT (This section is about the person you want to be protected from. It must be completed.)

1. Respondent currently lives at: (address, city, state, and zip code) DELRAY BEACH
POLICE DEPARTMENT

Respondent's Driver's License number is: (if known) EL52000680940FL

2. Petitioner has known Respondent since: (date) FEBRUARY 2010

3. Respondent's last known place of employment: DELRAY BEACH
Employment address: POLICE DEPARTMENT
Working hours: _____

EXHIBIT I

4. Physical description of Respondent:
 Race: B Sex: Male Female Date of Birth: 3-14-68
 Height: 6:3 Weight: 200 Eye Color: BROWN Hair Color: BLACK
 Distinguishing marks and/or scars: NONE
 Vehicle: (make/model) NONE Color: NONE Tag Number: NONE
5. Other names Respondent goes by (aliases or nicknames): NONE
6. Respondent's attorney's name, address, and telephone number is: N/A
 (If you do not know whether Respondent has an attorney, write "unknown." If Respondent does not have an attorney, write "none.")

SECTION III. CASE HISTORY AND REASON FOR SEEKING PETITION (This section must be completed.)

1. Has Petitioner ever received or tried to get an injunction for protection against domestic violence, repeat violence, dating violence, or sexual violence against Respondent in this or any other court?
 Yes No If yes, what happened in that case? (include case number, if known)
INTERNAL AFFAIRS HEARING, OFFICER WAS CLEARED
2. Has Respondent ever received or tried to get an injunction for protection against domestic violence, repeat violence, dating violence, or sexual violence against Petitioner in this or any other court?
 Yes No If yes, what happened in that case? (include case number, if known)

3. Describe any other court case that is either going on now or that happened in the past between Petitioner and Respondent (include case number, if known):
3-10-11
4. Respondent has directed at least two incidents of "violence," meaning assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, or false imprisonment, or any criminal offense resulting in physical injury or death against Petitioner or a member of Petitioner's immediate family. One of these two incidents of "violence" has occurred within 6 months of the date of filing of this petition. The most recent incident (including date and location) is described below.
 On {date} 2-6-11 2-17-11, at {location} ATLANTIC AVE AND
 Respondent to S.W 157 on 9-2010

Check here if you are attaching additional pages to continue these facts.

- 5. Other prior incidents (including dates and location) are described below:
 On (date) September 2010, at (location) Atlantic Ave,
 Respondent February 17, 2011

II

EVANS WAS THAZZED BY STEED USE OF EXCESSIVE FORCE REFUSED TO CALL PARAMEDICS ON 2-17-11 MADE STATEMENTS WHEN EVER I SEE YOU, I WILL FOLLOW YOU, HARRASS YOU AND ABREST YOU. MY JOB IS SECURED THERE IS NOTHING THE CITY OR CHIEF CAN DO TO ME. ON 9-2010 MADE STATEMENT DO I HAVE TO KILL YOU TO KEEP YOU OFF THIS PROPERTY?

Check here if you are attaching additional pages to continue these facts.

- 6. Petitioner genuinely fears repeat violence by Respondent. Explain: I'M GOING SERIOUS RECONSTRUCTION FOOT SURGURY, WITH TITANIUM SCREWS IN LEFT FOOT. I WANT THIS OFFICER TO STAY AWAY FROM ME, BECAUSE STEED IS CONSTANTLY TRYING TO PROVOKE ME TO REACT TO HIS STUPIDITY SO THAT HE CAN SERIOUSLY HARM ME, AND HAVE THE CITY TO BACK HIM UP

7. Additional Information

[all that apply]

- a. Respondent owns, has, and/or is known to have guns or other weapons.
Describe weapon(s): _____
- b. This or prior acts of repeat violence have been previously reported to: (person or agency) _____

SECTION IV. INJUNCTION (This section must be completed.)



- 1. Petitioner asks the Court to enter an injunction prohibiting Respondent from committing any acts of violence against Petitioner and:
 - a. prohibiting Respondent from going to or within 500 feet of any place Petitioner lives;
 - b. prohibiting Respondent from going to or within 500 feet of Petitioner's place(s) of employment or the school that Petitioner attends; the address of Petitioner's place(s) of employment and/or school is: _____
 - c. prohibiting Respondent from contacting Petitioner by telephone, mail, by e-mail, in writing, through another person, or in any other manner;
 - d. ordering Respondent not to use or possess any guns or firearms;
- all that apply)
 - e. prohibiting Respondent from going to or within 500 feet of the following place(s) Petitioner or Petitioner's immediate family must go to often: _____
 - f. prohibiting Respondent from knowingly and intentionally going to or within 100 feet of Petitioner's motor vehicle; and any other terms the Court deems necessary for the safety of Petitioner and Petitioner's immediate family.

I UNDERSTAND THAT BY FILING THIS PETITION, I AM ASKING THE COURT TO HOLD A HEARING ON THIS PETITION, THAT BOTH THE RESPONDENT AND I WILL BE NOTIFIED OF THE HEARING, AND THAT I MUST APPEAR AT THE HEARING.

I UNDERSTAND THAT I AM SWEARING OR AFFIRMING UNDER OATH TO THE TRUTHFULNESS OF THE CLAIMS MADE IN THIS PETITION AND THAT THE PUNISHMENT FOR KNOWINGLY MAKING A FALSE STATEMENT INCLUDES FINES AND/OR IMPRISONMENT.

Dated: 2-28-11

Anthony C. Evans
 Signature of Petitioner
 Printed Name: ANTHONY EVANS
 Address: 190 NW 87th AVE
 City, State, Zip: DELRAY BEACH, FL 33444
 Telephone Number: 561-573-4290
 Fax Number: _____

STATE OF FLORIDA
COUNTY OF Palm Beach

Sworn to or affirmed and signed before me on 2/28/11 by Anthony Evans



Yvonne Chisolm

NOTARY PUBLIC or DEPUTY CLERK
Yvonne Chisolm

[Print, type, or stamp commissioned name of notary or clerk.]

Personally known
Produced identification
Type of identification produced FD FD

EXHIBIT 2

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT,
IN AND FOR PALM BEACH COUNTY, FLORIDA

Case No.: 502011DR002319XXXXSB
Division: FZ

ANTHONY EVANS,
Petitioner,

And

DAVID STEED,
Respondent.

2011 FEB 28 PM 2:21
SHERIFF
PALM BEACH
SOUTH CITY

ORDER DENYING PETITION FOR INJUNCTION FOR PROTECTION AGAINST
() DOMESTIC VIOLENCE (X) REPEAT VIOLENCE () DATING VIOLENCE
() SEXUAL VIOLENCE

The Court has reviewed the Petition for Injunction for Protection Against Domestic, Repeat, Dating, or Sexual Violence filed in this cause and finds that Petitioner has failed to comply with one or more statutory requirements applicable to that petition including the following:

- _____ 1. Petitioner has failed to allege in a petition for domestic violence that Respondent is a family or household member as that term is defined by Chapter 741, Florida Statutes.
- _____ 2. Petitioner has used a petition form other than that which is approved by the Court and the form used lacks the statutorily required components.
- _____ 3. Petitioner has failed to complete a mandatory portion of the petition.
- _____ 4. Petitioner has failed to sign the petition.
- JLM 5. Petitioner has failed to allege facts sufficient to support the entry of an injunction for protection against domestic, repeat, dating, or sexual violence because: The incident described does comport with the requirements of the repeat violence injunction criteria.
- _____ 6. Other: _____

It is therefore, ORDERED AND ADJUDGED that the Petition is denied without prejudice to amend or supplement the petition to cure the above stated defects.

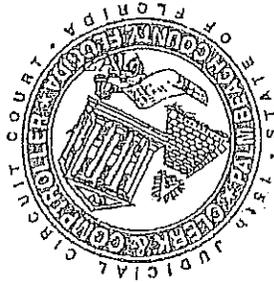
ORDERED on February 28, 2011


CIRCUIT JUDGE

COPIES TO:

Petitioner: by hand delivery in open Court
 by U.S. mail

I CERTIFY the foregoing is a true copy of the original as it appears on file in the office of Sharon R. Bock, Clerk & Comptroller, Palm Beach County, Florida, and that I have furnished copies of this order as indicated above.



Sharon R. Bock
Clerk & Comptroller

By: *Jeanne Chalm*
Deputy Clerk

4050

IN THE CRIMINAL DIVISION OF THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
 IN AND FOR PALM BEACH COUNTY, FLORIDA

STATE OF FLORIDA
 I hereby certify that the foregoing is a true and correct copy of the record in my office with this case file.
FILED MAR 12 2013
 Criminal Department
 SHARON R. BOCK
 CLERK & COMPTROLLER
 JUN 22 2012
 SHARON R. BOCK
 Clerk & Comptroller
 Palm Beach County

CASE NO: 2012CF001001AMB DIV: S
 OBTS NUMBER:

STATE OF FLORIDA [] COMMUNITY CONTROL VIOLATOR
 v. [] PROBATION VIOLATOR

ANTHONY GEORGE EVANS, B/M, 03/14/1968, [REDACTED]

JUDGMENT

The above defendant, being personally before this Court represented by PUBLIC DEFENDER (attorney) J. Wade, Esq.

<input type="checkbox"/> Having been tried and found guilty of the following crime(s):	<input checked="" type="checkbox"/> Having entered a plea of guilty to the following crime(s):	<input type="checkbox"/> Having entered a plea of nolo contendere to the following crime(s):
--	--	--

COUNT	CRIME	OFFENSE STATUTE NUMBER(S)	DEGREE
1	Sale of Cocaine	893.13(1)(a)1	2F

- and no cause having been shown why the Defendant should not be adjudicated guilty, IT IS ORDERED THAT the defendant is hereby ADJUDICATED GUILTY of the above crime(s).
- and having been convicted or found guilty of, or having entered a plea of nolo contendere or guilty, regardless of adjudication, to attempts or offenses relating to sexual battery (ch.794), lewd and lascivious conduct (ch.800), or murder (s.782.04), aggravated battery (s.784.045), burglary, (s.810.02) carjacking (s.812.133), or home invasion robbery (s.812.135), or any other offense specified in section 943.325, the defendant shall be required to submit blood specimens.
- and good cause being shown: IT IS ORDERED THAT ADJUDICATION OF GUILT BE WITHHELD.

SENTENCE STAYED The Court hereby stays and withholds imposition of sentence as to count(s) and places the Defendant on probation and/or Community Control under the supervision of the Dept. Of Corrections (conditions of probation set forth in separate order).

SENTENCE DEFERRED The Court hereby defers imposition of sentence until _____.

The Defendant in Open Court was advised of his right to appeal from the Judgment by filing notice of appeal with the Clerk of Court within thirty days following the date sentence is imposed or probation is ordered pursuant to this adjudication. The defendant was also advised of his right to the assistance of counsel in taking said appeal at the expense of the State upon showing of indigency.

DONE AND ORDERED in Open Court at Palm Beach County, Florida, this 22 day of June, 2012.

[Signature]

 CIRCUIT COURT JUDGE

EXHIBIT J

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

STATE OF FLORIDA

CASE NO.: 2012CF 009001A xx

Anthony Evans
Defendant



STATE OF FLORIDA - PALM BEACH COUNTY
OBTS NO.: _____

I hereby certify that the foregoing is a true copy of the record in my office with redactions, if any, as required.
THIS DAY OF MAR 12 2013
SHARON R. BOCK
CLERK & COMPTROLLER

FILED

Circuit Criminal Department

JUN 22 2012

Sentence
DEPUTY CLERK

SHARON R. BOCK
Clerk & Comptroller
Palm Beach County

As to Count (s) _____

The Defendant, being personally before this Court, accompanied by _____, his/her attorney of record, and having been adjudicated guilty herein, and the Court having given the Defendant an opportunity to be heard and to offer matters in mitigation of sentence, and to show cause why the defendant should not be sentenced as provided by law, and no cause being shown,

IT IS THE SENTENCE OF THE COURT that:

The Defendant pay a fine of \$ _____ pursuant to § _____, Fla. Stat., plus all court costs and additional charges as outlined in the separate order assessing additional charges, costs and fines entered herein.

The Defendant is hereby committed to the custody of the:

Department of Corrections _____ Sheriff of Palm Beach County, Florida
 Department of Corrections as a Youthful Offender

to be imprisoned for a term of 80 months. It is further ordered that the Defendant shall be allowed a total of 149 days as credit for time incarcerated prior to imposition of this sentence.

IT IS FURTHER ORDERED that the composite terms of all sentences imposed for the counts specified in the order shall run (CHECK ONE) consecutive to concurrent with (CHECK ONE) the following:

any active sentence being served
 specific sentences 2012CF 000998A xx, 2012CF 001000A xx.

In the event the above sentence is to the Department of Corrections, the Sheriff of Palm Beach County, Florida is hereby ordered and directed to deliver the Defendant to the Department of Corrections together with a copy of the Judgment and Sentence, and any other documents specified by Florida Statute. Additionally, pursuant to §947.16(4), Florida Statutes, the Court retains jurisdiction over the Defendant.

Pursuant to §§322.055, 322.056, 322.26, 322.274, Fla. Stat., the Department of Highway Safety and Motor Vehicles is directed to revoke the Defendant's privilege to drive. The Clerk of Court is ordered to report the conviction and revocation to the Department of Highway Safety and Motor Vehicles.

The defendant in open court was advised of the right to appeal from this sentence by filing Notice of Appeal within thirty (30) days from this date with the Clerk of Court. The Defendant was also advised of the right to the assistance of counsel in taking said appeal at the expense of the State upon a showing of indigency.

DONE AND ORDERED in open court at West Palm Beach, Palm Beach County, Florida this 22 day of June, 2012.

CIRCUIT JUDGE

IN THE CRIMINAL DIVISION OF THE CIRCUIT COURT OF THE
 FIFTEENTH JUDICIAL CIRCUIT OF FLORIDA,
 IN AND FOR PALM BEACH COUNTY



STATE OF FLORIDA - PALM BEACH COUNTY

I hereby certify that the foregoing is a true copy of the record in my office with redactions, if any as required by law.

THIS DAY OF **MAR 12 2013**
 SHARON R. BOCK
 CLERK & COMPTROLLER
 By: *[Signature]*
 DEPUTY CLERK

CASE NO. 50-2012-CF-001001-AXXX-MB

DIV. S: Felony - S (Circuit)

OBTS NUMBER:

STATE OF FLORIDA

COMMUNITY CONTROL VIOLATOR

V

ANTHONY EVANS
 DEFENDANT

PROBATION VIOLATION

FILED
 Circuit Criminal Department
 JUN 22 2012
 SHARON R. BOCK
 Clerk & Comptroller
 Palm Beach County

March 14, 1968

BLACK

Male

DATE OF BIRTH

RACE

GENDER

SOCIAL SECURITY NUMBER

DS ONEAL #0408

The fingerprints below are those of said Defendant taken by Deputy Sheriff

1. R. THUMB	2. R. INDEX	3. R. MIDDLE	4. R. RING	5. R. LITTLE
6. L. THUMB	7. L. INDEX	8. L. MIDDLE	9. L. RING	10. L. LITTLE

THE COURT CERTIFIES that the fingerprints shown above are those of the Defendant and were placed thereon by said Defendant in the Court's presence in Open Court at Palm Beach County, Florida, this 12 day of June, 2012

[Signature]

CIRCUIT COURT JUDGE

4050

IN THE CRIMINAL DIVISION OF THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

STATE OF FLORIDA • PALM BEACH COUNTY

CASE NO: 2012CF001000AMB
OBTS NUMBER:

DIV: S

FILED
Circuit Criminal Department
JUN 7 2012
I hereby certify that the foregoing is a true copy of the record in my office with this DAY OF MAR 12 2012
SHARON R. BOCK
CLERK & COMPTROLLER
SHARON R. BOCK
Clerk & Comptroller
Palm Beach County
DEPUTY CLERK

STATE OF FLORIDA [] COMMUNITY CONTROL VIOLATOR

v. [] PROBATION VIOLATOR

ANTHONY GEORGE EVANS, B/M, 03/14/1968, [REDACTED]

JUDGMENT

The above defendant, being personally before this Court represented by PUBLIC DEFENDER (attorney) Jo Wade, Esq.

<input type="checkbox"/> Having been tried and found guilty of the following crime(s):	<input checked="" type="checkbox"/> Having entered a plea of guilty to the following crime(s):	<input type="checkbox"/> Having entered a plea of nolo contendere to the following crime(s):
--	--	--

COUNT	CRIME	OFFENSE STATUTE NUMBER(S)	DEGREE
1	Sale of Cocaine	893.13 (1)(a)	2F

- and no cause having been shown why the Defendant should not be adjudicated guilty, IT IS ORDERED THAT the defendant is hereby ADJUDICATED GUILTY of the above crime(s).
- and having been convicted or found guilty of, or having entered a plea of nolo contendere or guilty, regardless of adjudication, to attempts or offenses relating to sexual battery (ch.794), lewd and lascivious conduct (ch.800), or murder (s.782.04), aggravated battery (s.784.045), burglary, (s.810.02) carjacking (s.812.133), or home invasion robbery (s.812.135), or any other offense specified in section 943.325, the defendant shall be required to submit blood specimens.
- and good cause being shown: IT IS ORDERED THAT ADJUDICATION OF GUILT BE WITHHELD.

SENTENCE STAYED [] The Court hereby stays and withholds imposition of sentence as to count(s) and places the Defendant on [] probation and/or [] Community Control under the supervision of the Dept. Of Corrections (conditions of probation set forth in separate order).

SENTENCE DEFERRED [] The Court hereby defers imposition of sentence until _____.

The Defendant in Open Court was advised of his right to appeal from the Judgment by filing notice of appeal with the Clerk of Court within thirty days following the date sentence is imposed or probation is ordered pursuant to this adjudication. The defendant was also advised of his right to the assistance of counsel in taking said appeal at the expense of the State upon showing of indigency.

DONE AND ORDERED in Open Court at Palm Beach County, Florida, this 22 day of June, 2012.

[Signature]
CIRCUIT COURT JUDGE

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

STATE OF FLORIDA

CASE NO.: 2012CF 001000A-XX

v.
Anthony Evans
Defendant



STATE OF FLORIDA - PALM BEACH COUNTY

I hereby certify that the foregoing is a true copy of the record in my office with redactions, if any as required by law.

THIS MAR 12 2013 DAY OF MARCH
SHARON R. BOCK
CLERK & COMPTROLLER

FILED

Circuit Criminal Department

JUN 22 2012

SENTENCE SHARON R. BOCK
DEPUTY CLERK

SHARON R. BOCK
Clerk & Comptroller
Palm Beach County

As to Count (s) _____

The Defendant, being personally before this Court, accompanied by _____, his/her attorney of record, and having been adjudicated guilty herein, and the Court having given the Defendant an opportunity to be heard and to offer matters in mitigation of sentence, and to show cause why the defendant should not be sentenced as provided by law, and no cause being shown,

IT IS THE SENTENCE OF THE COURT that:

The Defendant pay a fine of \$ _____ pursuant to § _____, Fla. Stat., plus all court costs and additional charges as outlined in the separate order assessing additional charges, costs and fines entered herein.

The Defendant is hereby committed to the custody of the:

_____ Department of Corrections _____ Sheriff of Palm Beach County, Florida
_____ Department of Corrections as a Youthful Offender

to be imprisoned for a term of 80 months. It is further ordered that the Defendant shall be allowed a total of 149 days as credit for time incarcerated prior to imposition of this sentence.

IT IS FURTHER ORDERED that the composite terms of all sentences imposed for the counts specified in the order shall run (CHECK ONE) _____ consecutive to _____ concurrent with (CHECK ONE) the following:

_____ any active sentence being served
_____ specific sentences 2012CF 001000A, 2012CF 000998A-XX

In the event the above sentence is to the Department of Corrections, the Sheriff of Palm Beach County, Florida is hereby ordered and directed to deliver the Defendant to the Department of Corrections together with a copy of the Judgment and Sentence, and any other documents specified by Florida Statute. Additionally, pursuant to §947.16(4), Florida Statutes, the Court retains jurisdiction over the Defendant.

Pursuant to §§322.055, 322.056, 322.26, 322.274, Fla. Stat., the Department of Highway Safety and Motor Vehicles is directed to revoke the Defendant's privilege to drive. The Clerk of Court is ordered to report the conviction and revocation to the Department of Highway Safety and Motor Vehicles.

The defendant in open court was advised of the right to appeal from this sentence by filing Notice of Appeal within thirty (30) days from this date with the Clerk of Court. The Defendant was also advised of the right to the assistance of counsel in taking said appeal at the expense of the State upon a showing of indigency.

DONE AND ORDERED in open court at West Palm Beach, Palm Beach County, Florida this 22 day of June, 2012.

CIRCUIT JUDGE



I hereby certify that the foregoing is a true copy of the record in my office with redactions, if any, required.

THIS 12 DAY OF JUNE, 2012
 SHARON R. BOCK
 CLERK & COMPTROLLER
 By [Signature]
 DEPUTY CLERK

IN THE CRIMINAL DIVISION OF THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT OF FLORIDA, IN AND FOR PALM BEACH COUNTY

CASE NO. 50-2012-CF-001000-AXXX-MB DIV. S: Felony - S (Circuit)

OBTS NUMBER:

FILED
 Circuit Criminal Department
 JUN 22 2012
 SHARON R. BOCK
 Clerk & Comptroller
 Palm Beach County

STATE OF FLORIDA

COMMUNITY CONTROL VIOLATOR

V

PROBATION VIOLATION

ANTHONY EVANS
 DEFENDANT

March 14, 1968

BLACK

Male

DATE OF BIRTH

RACE

GENDER

SOCIAL SECURITY NUMBER

The fingerprints below are those of said Defendant taken by Deputy Sheriff

DJ O'NEAL #6408

1. R. THUMB	2. R. INDEX	3. R. MIDDLE	4. R. RING	5. R. LITTLE
6. L. THUMB	7. L. INDEX	8. L. MIDDLE	9. L. RING	10. L. LITTLE

THE COURT CERTIFIES that the fingerprints shown above are those of the Defendant and were placed thereon by said Defendant in the Court's presence in Open Court at Palm Beach County, Florida, this 22 day of JUNE, 2012

[Signature]

CIRCUIT COURT JUDGE

4050

IN THE CRIMINAL DIVISION OF THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA



STATE OF FLORIDA • PALM BEACH COUNTY
I hereby certify that the foregoing is a true copy of the record in my office with redactions, if any as required by law.

CASE NO: 2012CF000998AMB
OBTS NUMBER:

DIV: S

FILED MAR 12 2013
Circuit Criminal Department
SHARON R. BOCK
CLERK & COMPTROLLER
DEPUTY CLERK

STATE OF FLORIDA [] COMMUNITY CONTROL VIOLATOR

v. [] PROBATION VIOLATOR

ANTHONY GEORGE EVANS, B/M, 03/14/1968, [REDACTED]

SHARON R. BOCK
Clerk & Comptroller
Palm Beach County

JUDGMENT

The above defendant, being personally before this Court represented by PUBLIC DEFENDER (attorney) *J. Wade Esq.*

<input type="checkbox"/> Having been tried and found guilty of the following crime(s):	<input checked="" type="checkbox"/> Having entered a plea of guilty to the following crime(s):	<input type="checkbox"/> Having entered a plea of nolo contendere to the following crime(s):
--	--	--

COUNT	CRIME	OFFENSE STATUTE NUMBER(S)	DEGREE
1	Possession of Cocaine	893.13(6)(a)	3F

- and no cause having been shown why the Defendant should not be adjudicated guilty, IT IS ORDERED THAT the defendant is hereby ADJUDICATED GUILTY of the above crime(s).
- and having been convicted or found guilty of, or having entered a plea of nolo contendere or guilty, regardless of adjudication, to attempts or offenses relating to sexual battery (ch.794), lewd and lascivious conduct (ch.800), or murder (s.782.04), aggravated battery (s.784.045), burglary, (s.810.02) carjacking (s.812.133), or home invasion robbery (s.812.135), or any other offense specified in section 943.325, the defendant shall be required to submit blood specimens.
- and good cause being shown: IT IS ORDERED THAT ADJUDICATION OF GUILT BE WITHHELD.

SENTENCE STAYED [] The Court hereby stays and withholds imposition of sentence as to count(s) and places the Defendant on [] probation and/or [] Community Control under the supervision of the Dept. Of Corrections (conditions of probation set forth in separate order).

SENTENCE DEFERRED [] The Court hereby defers imposition of sentence until _____.

The Defendant in Open Court was advised of his right to appeal from the Judgment by filing notice of appeal with the Clerk of Court within thirty days following the date sentence is imposed or probation is ordered pursuant to this adjudication. The defendant was also advised of his right to the assistance of counsel in taking said appeal at the expense of the State upon showing of indigency.

DONE AND ORDERED in Open Court at Palm Beach County, Florida, this 22 day of June, 2012.

CIRCUIT COURT JUDGE

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

STATE OF FLORIDA

CASE NO.: 2012CF 000998A XX

v.

OBTS NO.: _____

Anthony Evans
Defendant



STATE OF FLORIDA • PALM BEACH COUNTY

I hereby certify that the foregoing is a true copy of the record as filed in my office with the Circuit Criminal Department.

FILED

JUN 12 2013

THIS DAY OF JUNE 2013
SHARON R. BOCK
CLERK & COMPTROLLER

By Sharon R. Bock
Clerk & Comptroller
Palm Beach County

SENTENCE

As to Count (s) _____

The Defendant, being personally before this Court, accompanied by _____, his/her attorney of record, and having been adjudicated guilty herein, and the Court having given the Defendant an opportunity to be heard and to offer matters in mitigation of sentence, and to show cause why the defendant should not be sentenced as provided by law, and no cause being shown,

IT IS THE SENTENCE OF THE COURT that:

The Defendant pay a fine of \$ _____ pursuant to § _____, Fla. Stat., plus all court costs and additional charges as outlined in the separate order assessing additional charges, costs and fines entered herein.

The Defendant is hereby committed to the custody of the:

_____ Department of Corrections
_____ Department of Corrections as a Youthful Offender
_____ Sheriff of Palm Beach County, Florida

to be imprisoned for a term of 5 years. It is further ordered that the Defendant shall be allowed a total of 149 days as credit for time incarcerated prior to imposition of this sentence.

IT IS FURTHER ORDERED that the composite terms of all sentences imposed for the counts specified in the order shall run (CHECK ONE) _____ consecutive to _____ concurrent with (CHECK ONE) the following:

_____ any active sentence being served
_____ specific sentences 2012CF 001006A XX, 2012CF 001006A XX

In the event the above sentence is to the Department of Corrections, the Sheriff of Palm Beach County, Florida is hereby ordered and directed to deliver the Defendant to the Department of Corrections together with a copy of the Judgment and Sentence, and any other documents specified by Florida Statute. Additionally, pursuant to §947.16(4), Florida Statutes, the Court retains jurisdiction over the Defendant.

Pursuant to §§322.055, 322.056, 322.26, 322.274, Fla. Stat., the Department of Highway Safety and Motor Vehicles is directed to revoke the Defendant's privilege to drive. The Clerk of Court is ordered to report the conviction and revocation to the Department of Highway Safety and Motor Vehicles.

The defendant in open court was advised of the right to appeal from this sentence by filing Notice of Appeal within thirty (30) days from this date with the Clerk of Court. The Defendant was also advised of the right to the assistance of counsel in taking said appeal at the expense of the State upon a showing of indigency.

DONE AND ORDERED in open court at West Palm Beach, Palm Beach County, Florida this 22 day of June, 2012.

CIRCUIT JUDGE

IN THE CRIMINAL DIVISION OF THE CIRCUIT COURT OF THE
 FIFTEENTH JUDICIAL CIRCUIT OF FLORIDA,
 IN AND FOR PALM BEACH COUNTY



STATE OF FLORIDA • PALM BEACH COUNTY
 I hereby certify that the foregoing is a true copy of the record in my office with redactions, if any as required by law.
 THIS ___ DAY OF MAR 12, 202013

CASE NO. 50-2012-CF-000998-AXXX-MB

DIV. S: Felony - S (Circuit)

By [Signature]
 SHARON R. BOCK
 CLERK & COMPTROLLER
 DEPUTY CLERK

OBTS NUMBER:

FILED
 Circuit Criminal Department

STATE OF FLORIDA

COMMUNITY CONTROL VIOLATOR

JUN 22 2012

SHARON R. BOCK
 Clerk & Comptroller
 Palm Beach County

V

ANTHONY EVANS
 DEFENDANT

PROBATION VIOLATION

March 14, 1968

BLACK

Male

DATE OF BIRTH

RACE

GENDER

SOCIAL SECURITY NUMBER

The fingerprints below are those of said Defendant taken by Deputy Sheriff

D/S O'Neal [Signature]

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[Signature]

CIRCUIT COURT JUDGE

DELRAY BEACH POLICE DEPARTMENT

General Order 915

INTERNAL AFFAIRS

Original Issue: 03/11/2004

Effective: 05/10/2006

Revision Number: 3

Distribution: All

CFA Standards: *4.11M; 4.12M; *27.01M; 27.02M; 27.03; 27.04; 27.05; 27.06M

I. POLICY

The Delray Beach Police Department recognizes that a system to investigate inquiries is necessary to evaluate the propriety of certain activities and individual employee conduct. Investigative guidelines are essential to ensure this agency is conducting administrative investigations in an impartial manner. Therefore, it is the policy of the Department that all misconduct or alleged wrongdoing on the part of an employee(s), regardless of the source, shall be investigated by the Internal Affairs Section or other component of this agency as directed by the Chief of Police.

II. DEFINITIONS

Conclusions of Fact – Final determination about allegations based on investigative findings.

Exonerated – Alleged action(s) occurred but were justified, lawful, and proper. Employee acted in compliance with departmental Rules & Regulations, and/or policy and procedure.

Internal Affairs Investigation – A formal investigation of serious alleged misconduct or violation(s) of rules and regulations, Department policy, moral character violation as defined by CJSTC or criminal violation(s) by any member of this agency which may result in disciplinary action.

Not Sustained – Insufficient evidence available to prove or disprove allegation(s). The allegation(s) appeared to have merit, however, there was insufficient evidence to either prove or disprove the allegation(s).

Supervisor's Review – A formal investigation of alleged misconduct or violation(s) or rules and regulations and Department policy, which are minor in nature, by any member of this agency, which may result in disciplinary action.

Sustained – Allegations supported by sufficient evidence to justify a reasonable conclusion that the action(s) occurred. The allegation(s) proved by the investigative findings to be valid (guilty).

Unfounded – Allegation(s) are false or did not occur. The incident did not occur or is without foundation of existence.

III. THE ORDER

1.0 As specified by F.S.S. 112.533, this agency shall maintain a system for the receipt, investigation, and determination of inquiries received from any person concerning allegations of definable misconduct by any employee of the Department. Any citizen or employee may initiate an inquiry. As specified by F.S.S. 119.01, this agency shall maintain a system to provide for the custody, public access, and disposal of public records.

1.1 When an inquiry concerning an employee is brought to the attention of a member of the Department, the complainant shall be directed to the Shift Commander who shall interview the complainant to determine the specific act(s) of alleged misconduct, and prepare a Delray Beach Police Department Initial Notice of Inquiry citing the alleged act(s) of misconduct in compliance with General Order 335: Citizen Complaints.

EXHIBIT K

DELRAY BEACH POLICE DEPARTMENT

General Order 915

- 1.2 The Chief of Police, or designee, shall assign the inquiry either to the Internal Affairs Section as an Internal Affairs Investigation; or, when appropriate, another component of the Department as a Supervisor's Review for investigation.
- 2.0 All inquiries shall be forwarded to the Internal Affairs Section for recording. Either an Internal Affairs or Supervisor's Review case number shall be assigned.
 - 2.1 The case shall be entered in either the Internal Affairs or Supervisor's Review Case Log listing the name of the complainant(s), employee(s) under investigation, allegation(s) of misconduct and date the inquiry was received for investigation
- 3.0 Upon completion of the final resolution relative to a Supervisor's Review/Internal Investigation, the case file shall be forwarded to the Internal Affairs Section where entries shall be recorded in the appropriate logs indicating the date of final resolution(s) and finding(s). Entries to the affected employee(s) Supervisor's Review/Internal Affairs Records file shall be made documenting investigated allegation(s) and the respective finding(s) to each.
 - 3.1 Completed Supervisor's Reviews and Internal Affairs investigations shall be maintained in the offices of the Internal Affairs Section in file cabinets that are secured at all times.
- 4.0 All active Supervisor's Reviews/Internal Investigations are considered confidential in nature pursuant to the provisions of Chapter 112 of the Florida Statutes and are exempt from the provisions of Public Records Access described in Chapter 119.
 - 4.1 Disclosure of information contained in active Supervisor's Reviews/Internal Investigations shall be done so only through the provisions of the applicable subsections enumerated in Florida State Statute 112.
 - 4.2 The provisions set forth in Florida State Statute 119 shall govern all public access and inspections of closed Supervisor's Reviews/Internal Investigations. All requests for copies of any materials contained in either closed Supervisor's Reviews or Internal Affairs investigations shall be made through the Office of the Police Legal Advisor
 - 4.3 Employees shall be informed of all requests made for public access to either their closed Supervisor's Review or Internal Affairs records. This notification shall consist of the specific case that was examined and, if known, by whom.
- 5.0 All allegations of misconduct or alleged wrongdoing on the part of an employee(s), regardless of the source, shall be investigated by the Internal Affairs Section or other component of this agency as directed by the Chief of Police.
 - 5.1 Complaints involving allegation(s) of criminal misconduct shall be evaluated by the Chief of Police, or designee, and the Internal Affairs Commander to determine if it shall be investigated by the Florida Department of Law Enforcement or other law enforcement agency.
 - a. The Chief of Police shall determine when the administrative investigation shall begin.
 - 5.2 Employees under investigation, probationary or non-probationary, shall be notified in writing at least 24 hours prior to the investigative interview of the time, date, and location of the interview as well as the allegations under investigation. A copy of the I.N.O.I., citing the complainant's allegation(s) against the employee, shall be attached to this written notice.
 - 5.3 Sworn employees under investigation are entitled to the protection provided by the Delray Beach Police Department Employee's Bill of Rights (Article 34 of the current Contract) as agreed to by the City and the P.B.A., and the Police Officer's Bill of Rights (F.S.S. Chapter 112).

DELRAY BEACH POLICE DEPARTMENT

General Order 915

- a. Non-sworn employees under investigation are entitled to the protection provided by the City of Delray Beach's Civil Service Code of Rules and Regulations, and the National Conference of Firefighters & Oilers (NCFO) agreement for those positions that are affected.
 - b. All members under investigation are entitled to the protections provided by the Delray Beach Police Department General Orders, and the Constitution of the United States.
- 6.0 The employee under investigation shall be afforded the opportunity to read all written statements taken pursuant to the investigation of allegations cited in the inquiry prior to the time of the investigative interview.
- 6.1 Sworn Personnel
- a. The interview shall be conducted in compliance with Florida Statute 112 (Police Officer's Bill of Rights) and all applicable provisions of the current Contract in effect between the City of Delray Beach and the officer's/sergeant's bargaining unit, or the City of Delray Beach Civil Service Rules and Regulations, whichever is applicable.
 - b. The employee under investigation shall be afforded the opportunity to read a copy of Chapter 112 of the Florida Statutes (the Police Officer's Bill of Rights) as well as the applicable provision in the current Contract between the officer's/sergeant's bargaining unit (if applicable) and the City of Delray Beach, also entitled "Police Bill of Rights," prior to the investigative interview.
- 6.2 For those employees under investigation not covered by a contract the interview shall be conducted in compliance with the City of Delray Beach's Civil Service Rules and Regulations.
- 6.3 For those employees under investigation covered by the contract in effect between the City of Delray Beach and the National Conference of Firefighters & Oilers (NCFO), the interview shall be conducted in compliance with all applicable provisions of the current contract.
- 7.0 When violations of a serious nature occur, the actions may include immediate removal from duty.
- 7.1 These violations include, but are not limited to:
- a. Criminal misconduct
 - b. Domestic violence
 - c. Insubordination
 - d. Sabotage
 - e. Any threat to the Department members or the public.
 - f. Suspected drug or alcohol use while on duty.
 - g. Use of deadly force
- 7.2 Administrative Leave
- a. Employees placed on administrative leave at the discretion of the Chief of Police, or designee, for pending investigative or disciplinary purposes shall be transferred by memorandum titled "Relieved From Duty" to the Internal Affairs Section and be under the direct supervision of the Internal Affairs Section commander until such time as determined by the Chief of Police, or designee.
 - b. In the case of sworn personnel the memorandum shall be served by the Deputy Chief of Police, or designee, or in the case of non-sworn personnel the Support Services Division Commander, or designee.
 - 1. The employee shall be called to the office of the issuing authority to receive the "Relieved From Duty" memorandum.

DELRAY BEACH POLICE DEPARTMENT

General Order 915

2. The issuing authority shall review with the affected employee all stipulations and parameters of their relief from duty as enumerated in the "Relieved From Duty" memorandum.
 3. The affected employee shall sign and date where specified the "Relieved From Duty" memorandum acknowledging receipt.
 4. A "Relieved From Duty Equipment Inventory" shall be completed by the issuing officer, and equipment shall be entered into the Evidence Section by same (Refer to 7.3. a & b).
 5. A copy of the "Relieved From Duty" memorandum shall be given to the employee and the original shall be placed in the investigative case file.
- c. For security purposes, Front Desk, Communications, Payroll and Department Administrative Assistants shall be notified when someone is placed on Administrative Leave.
- 7.3 Employees who are placed on administrative leave from duty are not authorized admittance to the building past the security doors unless assigned to an escort which shall be the employee's supervisor or their designee. The same restricted admittance applies to the secured parking areas and facilities within the police complex.
- a. When a sworn employee has been relieved of duty, paid or unpaid, the employee shall be required to turn in the following Departmental equipment which shall be placed into Evidence until the action has been resolved:
 1. Chest badge
 2. Employee key card
 3. Employee identification cards (wallet and clip-on).
 4. Duty weapon & ammunition
 5. Taser (if applicable)
 6. Portable radio
 7. Department computer
 8. Vehicle Keys
 - b. When a non-sworn employee has been relieved of duty, paid or unpaid, the employee shall be required to turn in the following Departmental equipment which shall be placed into Evidence until the action has been resolved:
 1. Chest Badge, if applicable to the position.
 2. Employee key card
 3. Employee identification cards (wallet and clip-on).
 4. Portable radio (if applicable to the position).
 5. Department computer (if applicable to the position).
- 7.4 Employees must remain at home between the hours of 0900 to 1700, Monday through Friday, with weekends and City approved holidays off.
- a. Each Monday through Friday, employees must report by telephone to Internal Affairs at 1000 and 1400 hours.
- 7.5 Employees must honor all subpoenas and other court related requests. Employees shall notify Internal Affairs prior to departure for the Department to pick up subpoenas and then again upon return to their residence.
- 7.6 Employees shall be required to attend any assigned Department business in plainclothes, and shall not be permitted to wear a uniform, carry a weapon, or display any Department identification while relieved of duty.
- a. Off duty police jobs or details shall be suspended.

DELRAY BEACH POLICE DEPARTMENT

General Order 915

- b. If the employee must leave their residence for personal reasons (medical appointments included), the employee must call Internal Affairs prior to departure and again upon return to their residence.
- 7.7 Employees on unpaid administrative shall adhere to the directives pertaining to "Relieved From Duty" notice with the exception of the following.
- a. Transferred and available to the Internal Affairs Section.
 - b. Remain at home between the hours of 0900 and 1700, Monday through Friday.
 - c. Report or make requests by telephone to the Internal Affairs Section.
- 8.0 When any employee is the subject of an investigation the assigned investigator shall make a preliminary review and assessment of the allegation(s) of misconduct cited in the inquiry.
- 8.1 The investigator shall gather and evaluate all available evidence such as: excerpts of Communications Section audio tapes, Crime Scene Section photographs, and police reports.
- a. By order of the Chief of Police, or designee, and in compliance with Article 30 of the current contract between the Police Benevolent Association (PBA) and the City of Delray Beach, or Article 33 of the current National Conference of Firefighters & Oilers (NCFO) Contract and the City of Delray Beach, and the City of Delray Beach Administrative Policies and Procedures PER-12, the subject employee shall submit to medical and/or laboratory examinations, including blood and urinalysis, any ballistics, chemical and Breathalyzer examinations or test. The Department shall pay the cost of such tests.
 - b. The use of Polygraph Examinations and/or Voice Analyzer Stress Tests for Department personnel shall be conducted in conformity with state statutes, contract agreements, and court decisions taking precedent at that time. Such tests shall be conducted or administered by the Department at the department's expense.
 - 1. In accordance with Article 34 of the current Contract between the Police Benevolent Association (PBA) and the City of Delray Beach, sworn employees under investigation may not be compelled to submit to a Polygraph Examination and/or Voice Analyzer Stress Test, or any other instrument designed to detect deception.
 - 2. In accordance with Article 34 of the current Contract between the Police Benevolent Association (PBA) and the City of Delray Beach, sworn employees under investigation may request to voluntarily submit to a Polygraph Examination and/or Voice Analyzer Stress Test, or any other instrument that is designed to detect deception.
 - c. An employee may be required to be photographed and/or participate in a lineup when reasonable suspicion exists that he or she was involved in an incident and the complainant is confident that an identification of the suspect employee can be made.
 - 1. If the suspect employee refuses to be photographed or appear in a lineup, he or she may be compelled to be photographed and/or appear.
 - 2. Refusal to comply could result in the Department obtaining a subpoena to acquire the records.
 - d. An employee may be required to submit a financial disclosure statement when the actions are essential to a particular internal administrative investigation.
 - 1. If the suspect member refuses to disclose financial records, he/she may be compelled to supply the records.
 - 2. Refusal to comply could result in the Department obtaining a subpoena to acquire the records.

DELRAY BEACH POLICE DEPARTMENT

General Order 915

9.0 An investigative report documents research into allegations of misconduct investigated either by the Internal Affairs Section or, in the case of a Supervisor's Review, by a component of the Department other than Internal Affairs.

9.1 The Investigative Report shall contain:

- a. A completed copy of the Delray Beach Police Department's Internal Investigative Report/Supervisor's Review on each employee who is the subject of the investigation.
 1. Investigations conducted by the Internal Affairs Section shall be checked Internal Investigative Report.
 2. Investigations conducted by components other than Internal Affairs shall be checked Supervisor's Review.
- b. A summary of the allegations and the investigation into them.
- c. Investigative conclusions based upon the evidence and testimony obtained in the case.
- d. Findings relative to each allegation cited in the inquiry shall be designated as:
 1. Exonerated
 2. Unfounded
 3. Not Sustained
 4. Sustained

9.2 Once an investigative report has been completed with the finding relative to each allegation cited in the inquiry, the case file shall be reviewed and processed as follows:

- a. Forward to the affected employee(s) for review who:
 1. Shall have 48 hours to respond in writing to the finding(s).
 2. May sign the Internal Investigative Report signifying their acceptance.
- b. Immediate supervisor for review who shall:
 1. Concur with the investigative finding(s) by checking the "Agree" portion of the Internal Investigative Report and make a disciplinary recommendation, if applicable.
 2. Disagree by checking the "Disagree" portion of the Internal Investigative Report and articulate in writing their reason(s).
 - a) If disagreeing with a Sustained finding(s) of the allegation(s), a discipline recommendation is not applicable and the supervisor shall indicate so by marking the disciplinary section "N/A".
 - b) If disagreeing with a Not-Sustained, Unfounded or Exonerated finding(s) of an allegation(s), the supervisor shall make a discipline recommendation appropriate to their recommended finding(s).
 3. When applicable refer to General Order 411 Disciplinary Actions and enter the recommended disciplinary action(s) to be imposed.
- c. Forward to the Lieutenant/Section Manager who shall:
 1. Mark the "Agree" section of the Internal Investigative Report when agreeing with the supervisor's finding(s) and discipline recommendation(s), if applicable.
 2. Mark the "Disagree" section of the Internal Investigative Report when disagreeing with the supervisor's finding(s) and/or discipline recommendation(s), if applicable.
 3. The Lieutenant/Section Commander shall complete and include a memorandum in the case file articulating their reasons for disagreement and their recommended changes to the finding(s) or discipline recommendation(s).

DELRAY BEACH POLICE DEPARTMENT

General Order 915

- d. Forward to the Division/District Commander for review who shall repeat the same steps as the Lieutenant/Section Commander.
 - e. Forward to the Deputy Chief, if applicable in the chain-of-command, who shall repeat the same steps as the Division/District Commander.
 - f. Forward to the Chief of Police who shall:
 - 1. If the employee has been exonerated or the allegations are not sustained or unfounded and the recommendations have not changed during the review by the chain-of-command, the Chief of Police may close the case or request a Chief's Hearing.
 - 2. If the allegations are sustained and discipline has been recommended the Chief of Police may request a Chief's Hearing or forward the case to the next step (g).
 - g. In the case of disciplinary action to be imposed, the employee(s) shall be notified by the Executive Assistant that the noted case requires their review in the Chief's office, or review with their shift/section commander.
 - h. If after reviewing the allegation(s)/finding(s) and applicable recommendations by the employee(s) chain-of-command, the employee(s) may:
 - 1. Accept disciplinary recommendations.
 - 2. Request a hearing with the Chief of Police.
 - i. If after a hearing the affected employee(s) chooses not to accept the final resolution of the case or the level of discipline recommended by the Chief of Police, they may grieve the matter in accordance with prescribed procedures outlined in General Order 730.
- 9.4 When an investigation or review of an allegation is concluded, the Internal Affairs Section shall notify the complainant, via letter, with a copy to the officer/employee of the outcome of the investigation.
- a. In cases where the complainant is the Delray Beach Police Department, the officer/employee will be notified of the outcome of the investigation by being given a copy of the INOI/Final Resolution sheet.
 - b. In cases of merit review, the division /district commander's administrative assistant will ensure that the complainant is notified of the outcome.
- 9.5 In all cases employees under administrative investigation shall be sent a photocopy of the "Initial Notice of Inquiry" and the face sheet of the Delray Beach Police Department Internal Investigative Report/Supervisor's Review upon completion of the final resolution relative to the Internal Investigation/ Supervisor's Review.

10.0 Internal Affairs Commander

10.1 The Internal Affairs Section Commander shall compile and submit to the Chief of Police:

- a. Monthly and yearly statistical reports regarding Internal Affairs and Supervisor's Review investigations.
- b. A status report of all open Supervisor's Review inquiries, outstanding more than 30 days, by the 20th of each month.

Reference:

Replaces G.O. 915 dated 07/16/2004

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 12-80648-Civ-Marra
MAGISTRATE JUDGE P. A. WHITE

Anthony g. Evans, :
 :
 Plaintiff, :
 :
 v. : ORDER INSTRUCTING PRO SE
 : PLAINTIFF CONCERNING RESPONSE
 David Steed, et al., : TO MOTION FOR SUMMARY JUDGMENT
 : (DE# 36)
 Defendants. :

In this prisoner civil rights action the defendant(s) David Steed, et al., have filed a motion for summary judgment pursuant to Fed.R.Civ.P. 56, or a motion to dismiss with supporting documentation which the court will treat as a motion for summary judgment pursuant to Fed.R.Civ.P. 12(b)(6).

The plaintiff is hereby notified that this Court will consider this motion without oral hearing, and that he may file a response in opposition thereto for consideration by the Court. Somerville v. Hall, 2 F.3d 1563 (11 Cir. 1993); Griffith v. Wainwright, 772 F.2d 822, 825 (11 Cir. 1985); Moore v. Florida, 703 F.2d 516 (11 Cir. 1983); Barker v. Norman, 651 F.2d 1107 (5 Cir. 1981); Kibort v. Hampton, 538 F.2d 90 (5 Cir. 1976).

The attention of the plaintiff is particularly drawn to all provisions of Fed.R.Civ.P. 56, and specifically to that portion of Rule 56(e), which provides:

If a party fails to properly support an assertion of fact or fails to properly address another party's assertion of fact as required by Rule 56(c), the court may:

- (1) give an opportunity to properly support or address the fact;
- (2) consider the fact undisputed for purposes of the motion;

- (3) grant summary judgment if the motion and supporting materials—including the facts considered undisputed—show that the movant is entitled to it; or
- (4) issue any other appropriate order

The plaintiff is specifically cautioned as follows:

1. Any issue determined by summary judgment will not be tried. If a summary judgment is granted as to all issues, there will be no trial and a final judgment will be entered without further proceedings.
2. The evidence presented by the defendant in support of the motion for summary judgment may be accepted by the Court as true if it is not contradicted by affidavits or other sworn evidence such as depositions, submitted by the plaintiff.
3. The plaintiff cannot rely solely on his complaint and other initial pleadings, but must respond with affidavits, depositions, or otherwise, to show that there are material issues of fact which require a trial.

Coleman v. Smith, 828 F.2d 714 (11 Cir. 1987); Brown v. Shinbaum, 828 F.2d 707 (11 Cir. 1987). Thereupon, it is

ORDERED that if plaintiff files a response to the pending motion for summary judgment, such response shall be filed on or before Jun 7, 2013.

DONE AND ORDERED at Miami, Florida, this 9th day of May, 2013.

s/ Patrick A. White
PATRICK A. WHITE
U.S. MAGISTRATE JUDGE

cc: Anthony G. Evans, Pro Se
187491
Lawtey Correctional Institution
Inmate Mail/Parcels
7819 N.W. 228th Street
Raiford, Florida 32026