



Legal Advisor

Jerry Hill,
State Attorney

FEBRUARY 2006

VOLUME 20, ISSUE 2

SUGGESTIONS FOR THOROUGH REPORTS

By Pete Sternlicht

BARTOW PHONE NUMBERS:

SWITCHBOARD	534-4800
MISDEMEANOR INTAKE	534-4928
MISDEMEANOR	534-4926
DOMESTIC VIOLENCE	534-4882
VICTIM ASSISTANCE	534-4861
FELONY INTAKE	534-4987
FELONY	534-4964
INVESTIGATIONS	534-4804
VIOLATION OF PROBATION	534-4803
CHILD ABUSE / NEGLECT	534-4857
HOMICIDE DIVISION	534-4959
ON CALL PAGER	819-1526
WORTHLESS CHECKS	534-4874
JUVENILE DIVISION	534-4905
FAX - MAILROOM	534-4945
WITNESS MANAGEMENT MISDEMEANOR/TRAFFIC	534-4021
WITNESS MANAGEMENT FELONY	534-4020
WITNESS MANAGEMENT FAX	534-4034

The completeness of a police report can make a difference in the strength of a case. While most police reports are done well, there are times that additional details are needed, and if documented, would add weight to the prosecution of the defendant.

1. One omission that frequently arises is not listing all the civilian witnesses that are present at a crime scene. When you make an arrest of the driver of an automobile, if there are others in the car, please document your report with their information. This will help us avoid the defense asking for continuances based on incomplete police reports.
2. In addition to civilian witnesses, it is also important to document all members of law enforcement who are present. This includes supervisors. Should another law enforcement officer hear you read



Pete Sternlicht is an Assistant State Attorney in Felony Division 2. In addition to his caseload, Pete also serves as the Felony Division 2 Chief. Pete has been with the office since December 1980.

Miranda to a suspect this should be documented in your report. If another law enforcement officer was present when the defendant makes an oral or recorded statement, your report should reflect this. This is

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EMPLOYEE BIRTHDAYS
FEBRUARY 2006February 1

Hilda King, Felony Intake

February 2

John Kromholz, HardeeSAD

February 3

Cheryl Davison, Highlands SAD

February 4

Hardy Pickard, Felony 3

February 5Richard Castillo, Highlands SAD
Heather Graham, Lakeland SADFebruary 8Tiffany Ramkhalawan, CSE
Paul Sessions, RecordsFebruary 9Carol Burlingham, Juvenile
Connie Cantrell, Winter Haven SADFebruary 10Shelly Goodman, CSE
Jay Wagner, Highlands SADFebruary 12

Brittini Deatherage, Misdemeanor

February 13

Sandra Dean, Highlands SAD

February 14

Steele Goff, Highlands SAD

February 16

James Erb, Felony 5

February 19

Camille Smalls, Records

February 22

Irene Carballo, CSE

February 26Ruth Fornella, Highlands SAD
Elizabeth Williams, CSEFebruary 28Cheryal Congdon, Felony Intake
Sheila Tindle (29th), Misdemeanor*Happy Birthday!*

SUGGESTIONS FOR THOROUGH REPORTS

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particularly important if the other law enforcement officer does not write a supplement. The day of trial is not the appropriate time for the State to discover that there were other officers since it may result in the additional officers not being allowed to testify.

3. When documenting a statement by the defendant, please put all of what the defendant says regarding the crime. Please do not omit what the defendant says because you do not believe it or you do not think it is relevant. Your credibility will be enhanced if you document everything the defendant says to you.
4. There are times when the reports will state you spoke to a neighbor, a manager of a business, a bystander, etc.. Please document your reports with the name of the neighbor, manager, bystander, etc.. Along with the person's information. Also please make sure to include what the person told you. This is another area that helps us avoid continuances of the case.
5. When you locate pieces of evidence please describe specifically where each item was located. In drug cases this is particularly important. Please specify in your report if the item was in plain view and where it was specifically located. Should narcotics be located in a dresser in a bedroom please tell us if the dresser contained men's or women's clothing, the defendant's wallet, etc.. Advise of any evidence that will connect the drugs to the defendant. Cases involving constructive possession of drugs are very difficult to prove. Again, any civilians, besides the defendant who are present, need to be identified in your report along with the civilian's personal information.
6. In cases involving the theft of a motor vehicle, please document whatever evidence would make it obvious to the defendant that the vehicle is stolen. While recent possession of a stolen motor vehicle is important please tell us if the car is hot-wired, the ignition is popped, a window is broken, etc. Obviously, any statement the defendant makes regarding how he or she came into possession of the car is also important. If the defendant

SUGGESTIONS FOR THOROUGH REPORTS

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gives a plausible explanation, you may need to do some follow-up to disprove the explanation.

The above suggestions for more complete reports is not all en-

compassing. Not only does the well documented police report add weight to the State's case, it also does something else. It enhances your credibility. This is especially so at a jury trial as well as when your deposition is taken.

TOP COPS

I would like to recognize **Detective Alejandro Angulo** of the PSCO drug task force. I had a 2nd-degree misdemeanor reckless driving trial with him. I believe the case began based on suspecting the defendant may have had drugs, but that did not turn out to be the case. Detective Angulo still wrote an excellent and detailed report about the reckless driving. In addition, he measured the exact distance of each of the parts of the incident leading to reckless driving. Finally, Detective Angulo was very prepared for trial and took this case as serious as if it was a major drug trafficking case. A lot of times the 2nd-degree misdemeanors get overlooked as not being important, however, Detective Angulo still did a top job and prepared this case as if it was a first-degree felony.

Assistant State Attorney
Amanda Bolin, Felony Division 2

I would like to take a moment to recognize a few officers who have been very helpful and made my new job duties

much easier. In October 2005, I was reassigned to the Investigations Division of the SAO. My job duties include process service and locating victims and witnesses for the SAO. Occasionally, I come across a victim or witness who can't be found using the latest and greatest investigative tools. When this occurs, I have found that the officers who work with these individuals and know the communities they serve and protect are the best sources. These officers are: **Sergeant Green** of the Haines City Police Department, **Officer Troy Young** of the Lakeland Police Department, **Deputy John Wyant** of the Polk County Sheriff's Office, **Detective David Wyant** of the Bartow Police Department, **Officer Wade Garner** of the Dundee Police Department, and last, but not least, **Officer Tommy Stokes** of the Bartow Police Department who has assisted me on numerous occasions over the years. Again, thank you for all your help.

Lorena Diaz,
Investigations

EMPLOYEE BIRTHDAYS MARCH 2006

March 3
Alan Burns, Juvenile

March 5
Dave Molloy, Lakeland SAO

March 8
Joe McCarthy, Felony Intake

March 9
Brenda Edenfield, Comp. Services

March 11
Melissa Shaw, Winter Haven SAO

March 13
Lori Gordon, Misdemeanor Intake
Scott Gaul, Felony 5
Cindy Spears, Front Desk

March 18
Dan Butler, Investigations

March 19
Mitch Ladner, Felony 1

March 20
LouAnn Lango, Felony 5
Linda Taylor, Lakeland SAO

March 21
Paul Wallace, Homicide

March 23
Tammy Furlong, Felony 6
Charlie Lee, Felony 3

March 24
Cori Chastang, Misdemeanor

March 25
Kristin Williams, Scoresheets

March 26
Gene Malpas, Hardee SAO

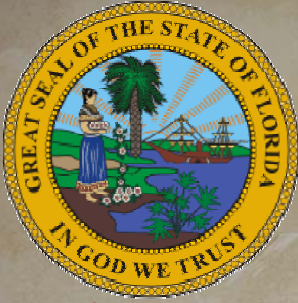
March 29
Ginger Quinn, Misdemeanor
David Ward, Highlands SAO

March 30
Brad Copley, Special Projects
Sherry Qualls, Worthless Checks

March 31
Steven Alamia, Felony 1
Luci Douglas, Juvenile

Happy Birthday!!!





Hardee County

124 South 9th Avenue
Wauchula, FL 33873
Phone: (863) 773-6613
Fax: (863) 773-0115

Highlands County

411 South Eucalyptus
Sebring, FL 33870
Phone: (863) 402-6549
Fax: (863) 402-6563

Polk County

P.O. Box 9000, Drawer SA
Bartow, FL 33831-9000
Phone: (863) 534-4800
Fax: (863) 534-4945

Child Support Enforcement

215 N. Floral Avenue
Bartow, FL 33830
Phone: (863) 519-4749
Fax: (863) 519-4759

Lakeland Branch Office

930 E. Parker Street, Suite 238
Lakeland, FL 33801
Phone: (863) 499-2596
Fax: (863) 499-2650

Winter Haven Branch Office

Gill Jones Plaza
3425 Lake Alfred Rd. 9
Winter Haven, FL 33881
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...FROM THE COURTS...

AN EXAMPLE OF VEHICULAR HOMICIDE.

The defendant, a juvenile, was charged with vehicular homicide. At his trial, the evidence established that shortly before sunrise one morning, the defendant was driving to his school on a five-lane road through a residential area. He was straddling two lanes at a speed of approximately 100 miles an hour as he drove through a sharp curve. He lost control of

his vehicle and slid into oncoming traffic where he collided with the victim's car. The court found him guilty, and on appeal, the Fifth District affirmed, holding that the evidence was sufficient to show that the defendant operated his vehicle in a reckless manner likely to cause death or great bodily harm. *D.E. v. State*, 30 FLW D1397 (Fla. 5th DCA June 3, 2005).

STATUTE OUTLAWING UNAUTHORIZED USE OF POLICE BADGE IS UNCONSTITUTIONAL.

The defendant was charged with Unlawful Use of Police Badges in violation of section 843.085, Florida Statutes, for wearing a Pinellas County Sheriff's Office T-shirt. She filed a motion to dismiss, asserting that section 843.085 was unconstitutional. The trial court denied the motion, and

she was convicted as charged. On appeal, the Supreme Court reversed, holding that section 843.085 is unconstitutionally overbroad and vague and violates substantive due process. *Sult v. State*, 30 FLW S470 (Fla. June 23, 2005).

CEMENT WALL IS NOT A DEADLY WEAPON.

The defendant was charged with and convicted of aggravated battery with a deadly weapon for beating his former girlfriend's head against a cement wall. On appeal, the Third

District reversed and reduced the conviction to battery, holding that a wall cannot be a deadly weapon. *Zapata v. State*, 30 FLW D1572 (Fla. 3d DCA June 22, 2005).

CRIME OF GIVING FALSE NAME CANNOT OCCUR DURING CONSENSUAL ENCOUNTER.

The defendant was charged with giving a false name to a law enforcement officer. At his trial, the arresting officer testified on cross examination that the defendant gave a false name during a consensual encounter. On redirect, the prosecutor asked whether the defendant was detained, at least for the purpose of obtaining identification, and the officer responded affirmatively. When the defense tried to recross

on the issue, the court refused to allow it to do so. The defendant was convicted as charged. On appeal, the First District reversed, holding that since a defendant is guilty of giving a false name only if he does so while under arrest or lawfully detained and not during a consensual encounter, the court should have allowed recross on that issue. *Bordelon v. State*, 30 FLW D1842 (Fla. 1st DCA July 29, 2005).