

This is Sergeant Rafael Estrugo Internal Affairs. Today's date is November 27th, 2013. The time is now 10:13 A.M. This interview is being conducted at the North Miami Police Department, 700 N.E. 124th Street in the Office of Professional Compliance. Present with me is Major Gary Eugene and Mr. Odilon Celestin.

(Phonetic spelling of names is used unless proper spelling is known)

BY SERGEANT ESTRUGO:

Q Thank you for being here. Gary Eugene is here as the translator although Mr. Celestin speaks English very well. There is some terminology that may need to be translated, Police terminology or terms that may need to be translated. And that is the role that Major Eugene here is playing today. I'm going to allow Mr. Eugene to introduce himself and to explain his credibility as a translator for the Creole language. Mr. Eugene.

A (Major Eugene) Yes again like you stated, I was born in (inaudible). I've been speaking Creole all my way. And during my term here with the Miami Police Departments I spent about 27 years. And I was involved in translations in many occasions for Homicides and for other specialized units. Therefore, I'm very confident that I should be able to assist Mr. Celestin to the best of my capability.

Q And based on your experience, I'm confident as well that you'll be able to assist Mr. Celestin. And after this interview is over, I'm going to make sure that you were assisted with the translation. If not, then we can do it over with another translator, okay. I just want to make sure that you are properly being assisted in every way, shape or form. And just so you know, when you answer try to...all of us to speak a little louder because has to be...this is recording. So Mr. Celestin, you are being interviewed as a witness of this Internal Affairs Investigation that I'm investigating. This is a sworn statement in reference to Internal Affairs Case No. 2013-05, that's going to be I.A. 2013-05. You are being interviewed as a witness and you are the complainant to this Internal Affairs Investigation. This interview is being recorded. Mr. Celestin, please raise your right hand. Do you solemnly swear or affirm that everything that you say during this interview will be the truth, the whole truth and nothing but the truth?

A Yes sir.

Q Mr. Celestin, if it is determined that you have not spoken the truth, you may be charged with criminal perjury. Do you understand this fact?

A Yes.

Q Mr. Celestin, for the record, what is your name and your job title?

A My name is Odilon Celestin. I'm President C&M Bakery, 13804 N.W. 7th Avenue.

Q What is the...your president to what bakery?

A C&M Sweet Bakery and (name indistinct) store.

Q And O'King Restaurant?

A Yes.

Q O'King Restaurant, what is the address of that restaurant?

A O'King Grille Restaurant. O'King Grille Restaurant, 13695 West Dixie Highway in North Miami.

Q So 13695 West Dixie Highway is the address to O'King Grille Restaurant?

A Yes O'King Grille Restaurant and C&M Sweet Bakery.

Q And C&M Bakery?

A Yes.

Q And you are the owner correct?

A Yes.

Q You're here today to give a sworn formal statement regarding the allegations that you made against Officer Aledda. Do you remember coming in and speaking with me and filling out an allegation of misconduct form against Officer Aledda?

A Yes.

Q I have a copy of the form here. Do you remember signing this form?

A Yes.

Q Okay and the allegations that you made against Officer Aledda are excessive use of force and discourtesy, do you recall?

A Yes.

Q Now before we get into the allegations, can you please describe to me in detail how the North Miami Police Department became involved with you on October 19th, 2013?

A October 19th at 3:30 P.M....3 o'clock to 3:30 I'm driving coming to my 13695 West Dixie Highway. I see two men inside my business. I take my phone, I call the Police. I call 911 and translate me from...I don't know exactly where. Police North Miami or whatever he have to be involving. After I pull up, I'm driving go to my place. Come and ask the other

men, what you doing in my place? (Inaudible) own it. You own it. I say you have paper for it. You even don't ask me no question. He already slap me. And I run away. And run away 'til I get to my car.

Q So what I'm going to do is I'm going to go step by step so that we can paint a picture as to what happened. Remember I'm not going to be the only person reading his statement. I want...when the disposition panel reads the investigation and reads the facts of the investigation, I want there to paint a picture. So we're going to paint a story and we're going to go step by step. So you're saying that you're driving. You're driving to 13695 West Dixie Highway, which is your business. And it was around...anywhere from 3 P.M. to 3:30, around that time, correct?

A Yes.

Q So it's afternoon time?

A Yes.

Q Was it bright? It was a sunny day?

A Sunny day.

Q So you're driving and where were you...how far away from the business were you when you saw two men inside your business? A block away? Two blocks away?

A It's not block away because I'm all the way from right side and you're on left side. But I can see by 10 feet...10, seven feet, yeah.

Q Okay so you're pretty close? You're about 10 feet away from the business when you saw. And your business...just so that whoever's not familiar with the business can understand. Your business has windows all over, correct?

A Yes.

Q So you see these men how, through the window?

A From the door.

Q From the door?

A Yes.

Q And it's a glass door, correct?

A Yeah glass door.

Q So you're outside and the men are inside?

A Yes, men inside. One hold the door.

Q Okay. Now when you saw them, what did you do?

A I call the Police.

Q Okay, did you confront them?

A No. I call the Police. I wait to I drive and park my car in my parking.

Q Because what I believe you said earlier was that you asked them, hey what are you doing and then you went and you called 911.

A No I call 911 even...

Q You call 911 first?

A Even before I (inaudible) my car...in my parking.

Q Okay so you call 911. Now what did you tell the operator specifically? Do you remember what you told the operator?

A I tell them I get my business. I see two men inside my business breaking the door. And you ask me, what the color. I tell them exactly two white men.

Q So you describe two white men?

A Yeah.

Q Did you see the door brO'King?

A Yes I see door where it was open, TV on, light on inside.

Q When you say the door was brO'King, what do you mean it was brO'King? Was the glass brO'King? Was the lock brO'King? What was it specifically that caught your attention that made you think that the door was brO'King?

A Where I see because before...I see it I don't know. Because of glasses I don't see exactly if the door was brO'King. Because what happened I see is you hold one of the door. And I come and I'm close to him I see lock change.

Q So the lock was changed?

A Yes because I see two drills and lock in hand.

Q So to verify, the door wasn't brO'King but the locks were changed?

A Yes.

Q Okay. Now how did you know that the locks were changed?

A Because after I park and I come to...after I park I come to exactly to see what he's doing in business.

Q So you noticed that the locks were changed after you spoke to the operator, after you spoke to 911?

A Yes after.

Q Okay so after you spoke to the 911 operator then you went and you confronted the two subjects to ask them what they were doing in the business?

A Yes.

Q Now when you spoke to the operator, did you tell the operator that you had a gun?

A No.

Q Because typically they ask, are you armed? Are the subjects armed? Did they ask you those questions?

A I don't remember if you ask me that question. But even if you ask me, I even...I don't think you would even ask me this question. Yeah I think you ask me I say...(inaudible). I saw it because you broke...remember since I'm 10 feet away, I didn't even see exactly 100% sure what you doing. I just see the door open, light on inside, TV on inside.

Q So the light is on inside and that's not normal?

A No, no.

Q The TV is on inside. There's a TV inside?

A Yes.

Q And it's on?

A Yes.

Q And that's not normal?

A No.

Q And you said the subjects had drills in their hands?

A Yes I saw drill.

Q And these guys are not supposed to be there?

A No.

Q You didn't permission for these guys to be there, okay. Now you did see them with drills but you didn't see them with guns?

A No.

Q And you did not tell the operator that you had a gun?

A No.

Q Did she ask you...did the operator ask you at any point if anybody there had a gun? Was there any talks about guns or weapons?

A Even you...I even remember 100% even if you ask me, I don't even think and I say he have a gun because I don't see.

Q So you don't really...you're not sure. You don't remember.

A No.

Q Now you gave the 911 operator a description of the subjects because you said that they were white males.

A Correct.

Q Do you remember what the white males were wearing?

A Even this I know. I see one have jeans. He have jeans. I remember the next one I see you ask me what color shirt. I think I see red because I don't even focus on too many...

Q So one may have had a red shirt and one of them may have had jeans.

A Yeah I think the same man have jeans but he's the one I really see inside.

Q Did the operator ask you for your description just to make sure that you're not the bad guy? Did they ask you for your description of what you were wearing?

A No I don't remember if you ask me. But I think if you ask me, I know I have to tell them. Because I tell them I own a business. And like this since I call I know I already tell him. I'm Odilon Celestin and I'm own C&M Sweet Bakery. I own a business.

Q But you don't remember describing yourself to the operator?

A I don't even think I do that or if you ask me. If you ask me, I know I gone tell him. But from my mind I don't even...

Q Just to verify, if they would have asked you, of course you were going to answer the question.

A Yes.

Q But you don't remember if they asked you or if they didn't ask you?

A No.

Q Just making sure. Can you describe for me that day what you were wearing?

A That day I wear blue and...pants and I don't remember exactly. I remember I get...I don't remember exactly what. I remember my blue pants and I...

Q If you don't remember it's okay. I just trying to figure out your description. So you know that you're wearing blue pants but you don't remember what color shirt?

A No.

Q Was it a long sleeve shirt? Do you know if it was a long sleeve shirt or short sleeve shirt?

A I think...for me I think I have small...what you call it?

A (MAJOR EUGENE) Like basically like a Polo shirt.

A And jacket, I think I leave my jacket in the car. I don't remember.

Q So possibly a Polo shirt but we're not sure?

A No.

Q Was the 911 operator male or female, do you remember?

A I think a female.

Q It was a female?

A Yeah but I don't remember. I don't even...

Q It's okay. We're in November and this happened in October. So it's been a month. It's okay if you don't remember certain things. What I do want to make sure is, if you don't remember, tell me that you don't remember. That's all I'm asking. Now do you remember how long the Police took to arrive?

A For me I can say about two, three minutes because I'm very...time I call to driving, to parking, to wait. It take maybe two, three minutes.

Q Two to three minutes?

A Yeah. Maybe.

Q Now what did you do while you were waiting for the Police? I know that you stated that you did confront the subject. But did you do anything else while you were waiting for the Police?

A I get off of my car and go ask him, tell the man what you doing in my business. Basically I get off and ask him exactly what you doing. You tell him you own a business.

Q And what happened?

A And when he slap me up.

Q When you say they slap me up, you mean they injured you? They hurt you? They hit you?

A No well one chubby male and he (inaudible) in the door where he punch me.

Q Where did he punch you?

A Right in my...by my...what I call it my face.

Q In your face?

A Yes.

Q And he punched you with a closed fist? His hands were closed like this?

A Yes.

Q And just for the record, I'm closing my fist to show you that it was with a closed first, not with an open hand.

A No closed fist.

Q And how many times did he punch you?

A One time.

Q He punched you one time?

A Yeah. I run.

Q And then you ran?

A Yeah. Run again (inaudible).

Q So that one person punched you and then what did you say after that?

A And I run away. And since I run he had a drill. (Inaudible).

Q So as you were running away he punched you again with the drill?

A Yes.

Q He hit you with the drill?

A Yes.

Q Do you remember where he hit you with the drill?

A In the back.

Q On your back?

A Yeah.

Q Okay. So you ran, where did you run to?

A To run away, all the way to my car.

Q You ran to your car.

A Yes.

Q And you got inside your car?

A Yeah I open the door.

Q You open the door.

A Yes. I take my gun and he was really close to get me in my car. I come back and I slap him with it.

Q Did he see your gun?

A No because he close to me. He don't have to see because he run, I run. I really go to my car.

Q You said something about you slapped him with the gun.

A Yeah. I go to my car and I see the next one coming. And when almost ready to grab me up. Because I know if I don't have no gun I have no chance to talk anyway.

Q You said you slapped him with the gun or you hit him or you scared him with the gun so he could leave you alone.

A Yeah because the time he coming I don't know. Because since I'm coming I take my gun. And I see where he coming again to punch me and I already get my gun. I'm ready to defend myself.

Q And I want you to understand something. I'm not conducting an investigation, a criminal investigation against the Police or a criminal investigation against you or anything like that. I'm just trying to collect the facts. I don't want you to be scared about I don't want to say that because that might get me in trouble. I'm not trying to get you in trouble and I'm not trying to get the Officer in trouble. I'm not trying to get anybody in trouble. I'm just collecting facts. And this is not a criminal investigation against anyone. This is an administrative investigation against allegations that you made against a Police Officer. So when I ask these questions, it's just so that you be honest with me so that we can paint a picture as to what happened. And you said that I slapped him with a gun. So I just want to make sure what that means. Because I don't know what it means and I want to make sure that I can imagine it. When you say that you slapped him, does that mean that you waved it at him? Does it mean that you tried to hit him with it? Does it mean that you slapped him with it?

A I punch him with it.

Q You punched him with the gun?

A Yeah because he...he running me. Time I get from the door to where I parked almost 10 feet.

Q So he saw your gun obviously.

A Yeah he saw my gun.

Q Because you punched him with the gun.

A Yeah.

Q So is this the same guy that hit you with the drill on your back?

A Yes.

Q And this is the same guy that ran to your car?

A Correct.

Q Is it the same guy that punched you inside the business?

A Yes.

Q What was the other guy doing?

A He coming but he don't even really...to really close. So since the first one already punched me, I already run. Trying to come I'm already all the way from...

Q So he wasn't as violent as the other guy?

A No.

Q The other guy is the one that punched you, then he hit you with the drill and then you slapped him with the gun.

A Yeah all the way from my car.

Q To defend yourself?

A Yes.

Q Okay. Did you stay in the car at that point?

A Yes.

Q And what did they do? Did they run away? Did they stay?

A No they stayed right in front.

Q They stayed in front and they stayed waiting for you to get out of the car?

A No I don't go in car. I stand up outside.

Q Oh you were standing outside.

A Yeah.

Q So you were standing outside...

A In front of my door.

Q In front of your door and they were standing right there.

A Yes.

Q Like a confrontation?

A Yes.

Q Like a standoff, like a confrontation where they're standing and you're standing
type of thing?

A No because time I punch him with the gun he back off like four, five or six feet.

Q So he backed up a little bit?

A Yeah he backed up.

Q But he's still there?

A Yes.

Q And everyone is still outside the business?

A Yes.

Q And you're still holding the gun?

A No. I still have the gun but since I see Police pass away, I put my gun inside.

Q Okay so you're still holding the gun but when you saw the Police you put it
away?

A Yes.

Q Do you know...did they see you call 911...the bad guys?

A Yes.

Q They say you call 911?

A Oh yes.

Q So you called 911. How many times did you call 911?

A I don't remember how many times I call because I know the first time I call and I don't even remember if I call a second time. Because I know I wait for the Police.

Q Because you said you called 911.

A Yeah.

Q When you saw the two men inside.

A Yeah.

Q You called 911 and then after you called 911 you went and you confronted them.

A Yes.

Q So at that point they didn't see you call 911. But you also did say that...that they saw you. They know for sure that you called 911. So did you call a second time or did you call 911 after the confrontation?

A After...I don't think I have to call. I don't call 911. But first time when I call 911 because I see one (inaudible) in front of me in my...at me. But I don't know if he thinking he know if I be coming or what I'm doing because I'm in front of my business and he stand up in front of my business.

Q So to understand. When you were in your before confronting them you were calling 911.

A Correct.

Q And because one of them happened to look your way that's why you think that they knew that you called 911.

A Yeah because I'm driving and coming.

Q But back to the other question. How many times did you call 911, you're not sure?

A One time.

Q One time. So you are definitely sure that you called 911 one time?

A Yes one time.

Q Did you ever tell the subjects that you called 911?

A I don't have no chance.

Q You didn't have a chance.

A No. The chance I have, I just say I'm owner of business.

Q So how did you know the Police were coming? Did you see lights? Did you see sirens? What did you see to know that the Police were coming?

A When I stand up I see light and you driving by.

Q Okay so Police cars were coming?

A Yeah.

Q And these are marked Police cars that say Police on them?

A Yes.

Q Or were they undercover cars?

A No Police.

Q So they were marked Police cars?

A Yeah.

Q And it was North Miami Police, correct?

A Yes.

Q Now when the Police, who was the first Officer to show up? Do you remember?

A If I can I say a white man.

Q A white Officer?

A Yeah.

Q How many Officers arrived?

A At first I see one. But I can two seconds, I see second and by this time I see about three.

Q Okay so three. You saw one got there first and then you saw a few more. And by this point there's three Officers there.

A I have no more (inaudible).

Q So Officers started coming.

A Yeah.

Q Do you remember how many Officers showed up that afternoon total? How many Police cars?

A I can say lot.

Q A lot?

A Yeah.

Q A lot of Police came to assist you?

A Yes.

Q And the first Officer that you saw arrived you said it was a white Officer. Was it a male Officer?

A White man yeah.

Q So was he in uniform?

A Yes.

Q And this is the Officer to arrive but was the first Officer to make contact with you?

A If he the first Officer to make contact with me, I can't say I don't remember. And if the first one to make contact with me. But I see time...I think yes the first one make contact with me and tell me go on the ground.

Q So the first contact that you had with a Police Officer was this white male.

A Yes.

Q And he told you...what did he tell you?

A Go on the ground.

Q Get on the ground?

A Yes.

Q Okay so he told you to get on the ground and what did you do?

A I put my hand in the back.

Q Did you get on the ground?

A I don't go all the way from the ground because I already put my hand like this. I say I own a business. I think you be...

Q What did the...where were the other subjects? The two white subjects that were breaking into your business, where were they?

A They was standing up and maybe laugh with me.

Q Okay so they were standing up and just laughing.

A Yeah laughing because I'm the one that go to the ground and I don't know why they do after that.

Q So to paint the picture. The Police gets there. The first Officer, the white male tells you get on the ground.

A Yeah.

Q You don't get on the ground but you do put your hands behind your back.

A I don't go to the ground flat. I got turn the back and put my...

Q So you lean forward and you put your hands behind your back.

A Correct.

Q What did he say after that? Did he continue to tell you to get on the ground?

A Yes. I think he already tell me go on the ground, go on the ground. And I don't know what happened after that. I see...since he say go to ground I think I already handcuff for this time.

Q So what you were trying to explain to the Police Officer that you were the owner of the business, correct?

A Yeah.

Q What did the Officer do after that? So you lean forward and you put your hands behind your back.

A He hand me cuff.

Q He handcuffs you?

A Yes.

Q And he handcuffs you and then what happens?

A Black girl and one Police Officer I see start...after he handcuff me when he try to push me, push me anywhere, I say I'm a business owner why you do that? Why you don't ask me no questions?

Q So the white male Police Officer, he's the one that handcuffed you when you lead forward, right?

A Right because since all this...you know since this all them Police Officers, well two I'm already handcuffed and I don't know why it happened like this. Because I'm already handcuffed. I tell you by minute, by second almost two Police Officer already...by three Police Officer already...so many Police Officers.

Q So you're saying that everything happened really, really fast?

A Yeah.

Q Seconds, everything was happening in seconds?

A Yeah.

Q Okay I'm just trying to slow everything down so that I can understand. So the Police Officer tells you to get on the ground.

A Yeah.

Q But instead since you're the business owner you explain to him, I'm the business owner. You lean forward, you put your hands behind your back and that same Officer handcuffs you, correct?

A Yeah same Officer, Police Officer.

Q Now you're saying that there was another...you mentioned something about a female Officer.

A Yeah female Officer coming and...I don't even know what he doing but he wasn't him. That's why I'm thinking maybe this Police Officer don't understand me, maybe he gone ask me questions after he handcuff me.

Q What did the female Police Officer do?

A You don't do too much because nothing too much to do.

Q She was just standing around making sure everything was okay?

A Yeah.

Q And was it a Hispanic, a white female, a black female?

A Black female.

Q Black female. Now if you saw this white male Officer or this black female Officer, would you be able to identify them again?

A Yes.

Q Now you're placed in handcuffs and what happens after that? Cause at this point you're leaning forward, you're placed in handcuffs and then what happens?

A Since they handcuff me and you already push me on the wall like this. And I'm already handcuff and push me on the wall and put me in...drive me in force, push me to go from the Police car.

Q So you're handcuffed?

A Yes.

Q And the same white male Officer.

A Yeah.

Q Forces you against the wall?

A Yeah.

Q Now what wall did you push you against?

A The wall for my business.

Q The wall of your business?

A Yeah.

Q And that wall is where? Where is it located? Is it located...if I can remember your business, your business has the part that faces 137th or 138th Street then you have West Dixie, which I think is all glass. And then you have the other wall that faces the parking lot. There's a parking lot between the...

A Seven-eleven.

Q Not a seven-eleven but it's kind of a quick store right? Like a seven-eleven type store.

A Yes.

Q And your business. Is it that wall?

A Yes wall.

Q That's the wall?

A Yes.

Q So where was your car parked?

A Exactly where it parking.

Q Your car was parked right there.

A Correct.

Q So the Officer...so you were asked to lean forward...you were asked to get on the ground but you leaned forward, you get handcuffed. And then once you get handcuffed that same Officer pushes you against the wall.

A Yeah.

Q When he pushes you against the wall, what does he do after that?

A Nothing I can do.

Q No what does he do, does he search you? Does he pat you down? Does he take things out of your pockets? What does he do?

A Yeah he search me and take my wallet and my cell phone.

Q So he searched you. He patted you down to make sure that you didn't have any weapons, whatever it is and he took your wallet from you.

A Yes.

Q Okay, so he held on to your wallet and...I'm trying to picture this. So did you tell either that Officer or any other Officer, hey listen those are the guys that brO'King into my business? Not me, it was them. Did you ever tell them that?

A No question for me. They don't even listen to me. You don't even know nothing for me. I don't have no power or nothing to talk.

Q I understand that they didn't ask that many questions. But you did call 911.

A Yes.

Q And you did tell the 911 operator, hey listen these guys are breaking in. You were concerned about your business.

A Yes.

Q Hey these guys are breaking into my business you know, please help me. And you're calling 911 for Police assistance. So now that the Police is there, I mean you're still concerned. Did you tell them, hey listen those are the guys? Cause sometimes there can be a confusion, did you tell them those are the guys right there that broke into my business. Those white guys right there, those white males, those are the guys I called about. Did you ever tell them?

A I tell but after I handcuff...after I in the back of car and same Police Officer I tell him, this is me, even I tell him. This is me, even he write my name wrong. He don't care about me, even he don't care. I already see he don't care, he don't care.

Q So what Officer did you tell...what Officer did you explain to that it wasn't you that broke into the business, it was those other two subjects? Who did you tell? Was it that white Officer that handcuffed you?

A Yes. Even try to push me in the car, I said I'm the owner of the business. I'm the owner of the business.

Q Even when he was trying to get you into the Police car.

A Yeah. Now you push me and push me until I go inside the Police car.

Q When you say push me you mean he used force?

A Yeah.

Q He was very forceful when he put you in the Police car?

A Yes.

Q So he used a commanding type of force to put you in the Police car.

A Correct.

Q So he handcuffs you, puts you against the wall, searches you, takes a wallet from your pants right to make sure it's not a gun or whatever. Did he give you your wallet back?

A No.

Q Do you have your wallet today?

A Yes.

Q So your wallet was returned?

A Returned after I go...after I come in the Police station.

Q I'm just making sure that you have your property.

A Yes.

Q So they take your wallet away I guess to make sure it's not a gun or whatever it is and they put you in the Police car.

A Yes.

Q When I say they I mean the Police meaning this gentleman.

A Yes.

Q Put you in the Police car, did he have any help or was he just by himself putting you in the Police car?

A He have somebody help him.

Q But they didn't touch you?

A He touch me.

Q Okay they touched you, who helped him?

A One Police and one friend. One white man again hold second my hand.

Q So they basically held your arms and they put you in the Police car.

A Yeah.

Q Now did they close the door?

A Yes.

Q They closed the door and you're sitting in the back of the Police car, correct?

A Yes. That's the first time I see and the first time I can tell you this. I never forget this for my life. That's so hot inside. That's the first time.

Q I'm sure that's a scary moment in the back of a Police car.

A Yeah. Put me inside and don't even...

Q And especially when you didn't do anything wrong. So I can imagine how scared you were. Now you're scared now, you're handcuffed, you're sitting in the back of the Police car and they close the door.

A Close door, yeah.

Q Where was the Police car parked?

A In the front of my...same place where they handcuff me.

Q Same place where your car was, same place where they handcuffed you, same place where the wall was, same place.

A Yes.

Q Where were the other two subjects standing? The two bad guys that broke into your business.

A Stand up in the front.

Q They were just standing there?

A Yeah.

Q Were the Police talking to them?

A For me I can yes they talk to them. But even I...I even can't tell you exactly because...

Q You don't know what's going on because...was the window down?

A Window up.

Q The window was up so you can't hear anything. You have no idea what is going on.

A No.

Q So can you see the Police and the subjects talking or was the car far...

A No I see.

Q ...or was it in a position so you can see everything that's going on.

A Yeah I see everything.

Q Did they handcuff these two subjects?

A No.

Q No. Did they ask these two subjects to get on the ground?

A No.

Q Did they ask them to sit down?

A No I don't see all of this.

Q You didn't see that?

A No I don't see.

Q How long were you sitting in the Police car for?

A I can say for about an hour.

Q An hour?

A Yes, hour, hour and a half.

Q Now how did the Police know that you had a gun? At what point? Cause I know they took your gun correct?

A Yes.

Q So how did they find out that you had a gun?

A For me I don't even know. But I know one call the Police.

Q So one of those guys called the Police too?

A Yes. But after everything.

Q How do you know that one of those guys called the Police?

A Because one I see have a phone. He have a phone because I think he call the Police.

Q So you think he called the Police but we're not sure.

A No I don't know.

Q You saw him on the phone?

A Yeah I saw him on the phone.

Q And so you don't know how the Police knew that you had a gun?

A No.

Q How did they find your gun? Did you tell them where the gun was?

A I don't even remember if I tell him or if he ask me. I think yeah you ask me, I say my gun in the car. If you ask me I know I tell him. Yeah I think you ask me, where's your gun. I remember I tell him, my gun in the car.

Q And who asked you that?

A The Police Officer.

Q Which Police Officer, the same white Officer that handcuffed you?

A Yes.

Q Was it before he handcuffed you or was it after he handcuffed you?

A This I don't remember. I think after he handcuffed me or before he handcuff me. Before he handcuff me and he tell me...I don't remember exact 100% if he asked me first or after. But I think you ask me first.

Q He asked you before he handcuffed you?

A Yeah.

Q Did he ask you before he told you to get on the ground or after he asked you to get on the ground?

A This I don't remember exactly how he do.

Q Do you have a permit for your gun?

A Yes.

Q Okay and it's a concealed weapons permit, correct?

A Correct.

Q And everything is legal. Do you have a copy of that concealed weapons permit?

A Yes.

Q Do you have it with you?

A I have it with me.

Q Can I see it? So...and this is what a concealed weapons permit looks like. And all Officers know or most should know what this looks like. Did you show this concealed weapons permit to the Officer?

A Well he took my wallet. When he took my wallet I don't even get chance. He...

Q Did he ask you if you had a concealed weapons permit?

A Yes.

Q And you told him that you had..

A No he don't even ask me. He took my wallet. No he took my wallet. When he check my wallet, he already see everything.

Q Can you leave it on the desk for me cause I want to make a copy of it just for records. Just to know that you have it. What kind of gun is your gun?

A Nine millimeter.

Q It is a revolver or a semi- automatic?

A Revolver. I call it revolver.

Q The revolver has a cylinder that moves around like this and the semi-automatic has a slide on top of it. It doesn't have a cylinder.

A Automatic then.

Q It has a magazine and it has a slide so it's a semi-automatic weapon. Do you know what brand or make it is?

A I think Wilson. I don't remember this.

Q Do you know what color it is?

A Black.

Q So it's a black semi-automatic handgun, 9 millimeter, right?

A Yes.

Q Was it loaded?

A Yes.

Q Do you always carry it loaded to protect yourself?

A Yes.

Q Do you know if one was in the chamber? If one round was in the...ready to go?

A Yes ready to go.

Q What did the Officers do when they found your gun?

A I see...I'm already sitting in the Police car and I see you take everything, look at gun and I don't know what you doing because I don't know everything.

Q You can't hear what's going on but they're doing something with the gun.

A I see you pull the gun and look it and...

Q They were checking it.

A Checking it. The same Police Officer come and say you go to prison.

Q Now did any Police Officer there ask you if you were owner of the business?

A No. Nobody come and ask me. I try to tell him. Even he come in the car and even when he come in the car I see...I ask a favor to just pull window a little bit down. Because I see coming (inaudible) like this. I say please can you give me a favor. Can you give me even one second let me tell you, I'm the owner of the business. I tell him, I own the business. And (inaudible) my business. This is me. Odilon, O'King, this is me. C, Celestin, this is me. No, nothing.

Q And when you were asking him to put the window down, when you were asking to verify that you were the owner, this is the Officer sitting in the car, correct?

A Yes.

Q And that Officer is the same Officer that handcuffed you and put you against the wall and all that?

A Yes.

Q And when you were asking him all these questions, what were the other subjects doing, the bad guys? Where were they?

A I see them stand up.

Q So you still saw them standing up?

A Yeah they still stand up, nothing.

Q Did they ask you if you called 911? If you called the Police?

A Yes this Officer ask me.

Q Which Officer, the Officer in the car?

A Yeah.

Q He asked you if you called 911?

A Yes.

Q What did you tell him?

A I tell him I call 911. That's when I try...I explain him exactly. Even though you try ask me if I'm owner of the business. I say yes if you give me chance because I got all my paper in my call. Let me get a chance. Let go get some paper. Even I get a card from Police Department North Miami, just send me card with my name and my business name in it. You found it, one tall Police Officer find it in my box mail.

Q So your paperwork that proves that you own the business was in your car?

A Yes.

Q And you're saying that a Police Officer found it?

A Yes.

Q Which Police Officer was that, do you remember what he look like? Can you describe him? Him or her?

A He was a tall man. He have...

Q Hispanic? White, black, what did he look like?

A I even can't tell you if Hispanic or what. I know he's a white man.

Q So he found your papers?

A Yeah he find the papers. He find some from Police Department (inaudible). If I find his card.

Q You can take your time, we're not in a hurry.

A Give me time, if I find it I'm gone give it to you but I don't see it now.

Q So we can't find the papers?

A I go find it later but I don't find it now.

Q I'm saying with you, you don't have them now?

A No.

Q Okay. These two guys, they hit you a few times correct?

A (Inaudible) ask me, this is my name and my name...you find it anywhere.

Q Can I make a copy of this?

A Sure.

Q And just for the record, what you're showing me is a card from the North Miami Police Department from the Office of the Chief of Police. And it is to your name Odilon Celestin.

A Correct.

Q And it has your business address on it.

A Correct.

Q 13695 West Dixie Highway.

A This is with my ID to even let me talk.

Q And it has a case number 2013-30502.

A Correct.

Q What is that case number for?

A For somebody broke...really cut my pipeline for my AC.

Q Somebody cut your pipeline to your AC?

A Yeah.

Q So you were a victim of a crime there at your business and you received this card.

A Yes.

Q And it has Detective Becker on it. So Detective Becker was the Lead Investigator on this.

A Correct.

Q So this is basically some type of proof if any that you and the business have some ties together because they're sending you something at that address with your name, correct?

A Yes.

Q So I'm going to make a copy of this, is that okay?

A Yeah.

Q So these two subjects and let's go back to them. They hit you a few times, correct?

A Yes.

Q Do you remember exactly how many times they hit you? Or did it happen so fast that you don't remember?

A This happen so fast but (inaudible) you know exactly why (inaudible). You can tap somebody they don't even know.

Q And the Major is trying to get my attention. So yes sir.

A (MAJOR EUGENE) I want to make he understood you clearly. The two persons...the question you just ask him. Are you referring to the two Officers or to the two bad guys?

Q I'm referring to the two bad guys. Sorry about that. When I say subjects, the terminology in Police when we say subjects, we're talking about the bad guys that broke into your business. Now I know the Police Officers...when we spoke earlier before this when you came in for the allegation of misconduct, you were very clear that the Police Officers didn't hit you. And I know they didn't hit you but we are...but they did use some type of force. And that's what we're trying to...we're trying to figure out the type of...was it excessive force. But I'm not asking about the excessive force used by the Officer, I'm asking about the subjects that were breaking into your business. They hit you right?

A Yeah.

Q You said they struck you, they punched you, they hit you with a drill.

A Yeah the first one he already punch me.

Q And you're saying that this happened so fast that you don't remember how many times they hit you.

A Who the bad guys?

Q The bad guys.

A Two times.

Q They hit you two times.

A Yeah. First time with the hand and second time with the drill.

Q Okay so that is a definite for sure.

A Yeah.

Q Did these two subjects, the bad guys, other than the drill that they had with them, did they have any other weapons with them?

A One already have...already have knife. Because one I see is knife in hand. Next one after...I don't know who...after you search him, after later I don't know what happened he get his knife.

Q The Officer that punched you...I'm sorry, the Officer. The subject that punched you when you were by the business is the same subject that chased you and hit you with the drill on your back, correct?

A Yes.

Q Is the same subject that had the knife?

A Yes.

Q So that same subject had a knife. So on one hand he had a drill and the other hand he had a knife?

A No. When I see that knife and after Police Officer search him for maybe...he try tell him to go to hospital I see you get a knife.

Q So he didn't threaten you with the knife?

A No because he already get a drill in the hand.

Q At what point did you see the knife? Was it after you were already in handcuffs?

A Yes.

Q So he didn't threaten you with the knife or you didn't see the knife until after the fact?

A Yeah after fact. One have knife and second...one he have. I already saw it when he stand up.

Q The other guy had the knife, not the guy with the drill?

A No.

Q The other guy had a knife and you saw it?

A Yeah I saw it.

Q When did you see it?

A Since he pull up and I saw it. And Police Officer saw it. Police Officer saw a knife and he put it...even I see he put the knife in the car.

Q But I'm asking about the Police Officer, I'm asking about you. When did you see the knife? Did you see it when you first got there that he had a knife in his hand?

A No after he follow me to go to my car.

Q When he followed you to your car is when you saw that he had a knife?

A Yeah.

Q So one guy had a drill and the other guy had a knife?

A Correct.

Q Did the Police...the Police found...you told me the Police found the knife.

A Yes.

Q The guy with the drill, did he also have a knife?

A Yeah he found his knife in a pocket.

Q So they found the knife in the pocket of the person with the drill also?

A Yes.

Q And they also found a knife of the other person, the other subject who had the knife. So both of them had knives?

A Yes.

Q So were you taken to the Police station?

A Yes.

Q And who took you to the Police station?

A The same guy.

Q The same Officer took you to the Police station?

A Yes.

Q Were you upset at this point?

A Yes I'm upset.

Q Cause I know you're scared and we already determined that anybody I think would be scared in that situation where you're in the back of a Police car. You're handcuffed, you didn't do anything wrong. You call the Police on somebody else but were you upset at the fact that now you're being taken to the station?

A Yes I'm upset.

Q Did you ask to speak to a supervisor?

A Yes.

Q Who did you ask to speak to a supervisor? Did you ask that same Officer who was driving you to speak to the supervisor?

A Yes since I see nobody want to care about everything I want to say since I pull up. I can...I see one Police Officer because I don't know exactly what happened. He pull up. He's one I can open door in the back. And come in and look at me and he ask me...I don't know what happened. He start talk to me. This time conversation really...I see I'm already feel I get something different in my mind.

Q And when this Officer came to the Police car and he opened up the door. That's what you said right that he came to the Police car and he opened the door.

A Yeah.

Q Where was the Police car parked?

A I can say garage.

Q In the station?

A Yeah in the station.

Q Okay in the Police station, like a garage type.

A Yeah.

Q Okay and that's just so you know, that's probably going to be our Sally Port. That's where we bring subjects in to question them. When the car was parked in the...what

you're referring to as the garage. And the Police Officer came and opened up the door, what did that Police Officer look like?

A White...which one?

Q The Officer that opened up the door for you to talk to you.

A Black one.

Q He was a black Officer.

A Yes.

Q Was he a supervisor?

A Yes supervisor.

Q Would you recognize him if you saw him again?

A Yes.

Q And did you complain to the supervisor?

A Yes.

Q Did you explain to the supervisor what the problem was?

A He explain him some because I tell him exactly what happened. And...

Q When I say complain I mean you're upset and you're concerned about what's going on and you're scared. So did you convey these feelings, these...did you tell this supervisor what you were feeling?

A Oh yes.

Q Did you tell the supervisor that you didn't break into the business that it was the other two subjects that broke into the business?

A Yes.

Q And what did that supervisor do?

A He's the one that drive me up...back me...bring me to my business.

Q He's the one that brought you back to the business.

A Yes.

Q Okay so...but at that point when you're sitting in handcuffs in the back of the Police car this supervisor is talking to you. And you're telling him that it's not you that broke into the business it's the other two guys, what did he do?

A Which one? The one that carry me over there?

Q You're sitting in the Police car right?

A Yeah.

Q In handcuffs, correct?

A Um-hm.

Q And you're sitting in that white Officers Police car. The one that handcuffed you, the on that put you against the wall; you're sitting in his Police car.

A Yeah.

Q Now you're saying that another Police Officer, a black male Police Officer supervisor came to the door, open the door and started talking to you.

A No, no, no. This time I don't have nobody talk to me.

Q Okay so at that point you didn't have anybody talk to you.

A Somebody talk to me. This Police Officer talk to me last minute before you come and I ask him to give me a favor to even call my lawyers or my partner or my girlfriend to tell me...I ask him, where you go with me right now. And that's when he say you go in the Police station.

Q So when the Police Officer brought you to the station, the white male Police Officer. He brought you to the station, what happened when they brought you to the station? Did they take you out of the Police car? Did they remove you from the Police car?

A Yes.

Q Okay and you were still in handcuffs, correct?

A Correct.

Q They brought you into the station?

A Correct.

Q And do you remember what that area of the station look like? What did it look like? That area, the area that they brought you in, do you remember what it look like?

A For me when I go tell him...and I don't know if it different name. For me that's not prison but I call it prison because I'm already inside.

Q It look like a prison?

A Yeah glass...

Q So did they put you in one of those rooms with the glass?

A Yes.

Q They did. Did they take your handcuffs off?

A Yes.

Q Yes they did. And did they ask you anything?

A Yes.

Q What did they ask you?

A You ask me my name and I tell him exactly my name. I own a business and so, so, so. He ask me if I can get proof, I say yes I can get proof. And my house or you can just my lawyers, this is one thing I can say.

Q So they wanted proof that you owned the business?

A Yes.

Q They didn't have proof at that point?

A No you don't have no proof. Because every proof I have already in my car. My car already in my property.

Q So at that point there was no proof that you were...still no proof that you're the business owner and now they're asking you for proof?

A Yes.

Q And all your proof is...

A In my car.

Q ...in your car which is where?

A In the business. In my car in my business and I have some paper inside my business too.

Q And you also have papers inside your business?

A Yeah.

Q So what did they do when you told them that all your papers were in your car? Did they go back to the car to get it? What did they do?

A The supervisor call my lawyer. My lawyer say yes I'm the owner of the business.

Q What supervisor was that? This is the black male we're talking about?

A Yeah the black male.

Q So the black male supervisor is the one that called your lawyer?

A Yes.

Q To get verification that you are the business owner, right?

A Yes.

Q And how did they obtain that verification? Did the lawyers come to the station to bring the verification?

A No.

Q Did they just let them know over the phone, yes he's the owner?

A On the phone.

Q Over the phone.

A Same thing you can even ask me. Ask me question and I prove on paper.

Q And what did they do when they finally realized that you were the owner?

A You give me all my stuff, my phone, my gun and my wallet.

Q They gave you everything back?

A Yes.

Q And then what?

A Drive me off and carry me back to my business so I call locksmith.

Q They took you back to your business. You call the locksmith and you changed the locks. Where were the two...when you got back to your business, where were the two other subjects?

A After that I see one. And before that...before I go I see one coming with handcuff. But I don't know what communication how it went or anything because I don't know this.

Q So you don't know what happened when you were at the station. But when you got back the other guy was in handcuffs? The bad guy.

A No even before I left in Police station I see one guy...

Q So before you left the Police station you already saw one of the other guys in handcuffs coming in?

A Yes. One (inaudible) you call to handcuff, one guy he go to hospital. But after...

Q So at some point you did see these other guys in handcuffs?

A No.

Q No? You did not see these guys in handcuffs?

A Those guys even don't handcuff, even he go to hospital.

Q So let me...and if...I may need a translation here to make sure. But I'm going to ask you again. You're saying that before you left the station you saw one of the bad guys in handcuffs?

A Yes.

Q So we are under agreement that at least one of the bad guys is now in handcuffs?

A Yes.

Q The other bad guy, did you ever see him in handcuffs?

A No.

Q And just for the record and just so that we're aware. These rooms that have glass they're called holding cells. This is where we hold people when we're conducting investigations, when somebody's arrested or under arrest or possibly about to be placed under arrest. These rooms are designed so that you cannot see the people in the other rooms. They're designed that way so that there's no issue. There's no issue with integrity or there's no communication between people. So it is understood that if you're in one of those rooms, you will not be able to see who's in the room next to the room unless you're outside of that holding cell, unless you're outside of the room. But when you were being...you said when you were leaving the station you did see one of those guys coming in handcuffs, correct?

A When I come in handcuff nobody came, just me. Couple of minute later, call my lawyer, call my (inaudible) now I stand up outside because I don't have no handcuff anymore. I stand up in the front...

Q So you're not in the room anymore, you're standing...

A In the front.

Q You were free?

A Yeah I'm free stand up in the front. That's when I see this guy.

Q That's when you see...so it's not when you were in the room cause these rooms are designed so you don't see anything. It was when you were standing outside when they were helping you trying to verify if you were the business owner. And when I say they I mean the Police and when I say the Police we're talking the Sergeant, the black male Sergeant, right?

A Yeah.

Q He's helping you. He's on the phone. He's calling your lawyers and that's when you see this guy coming in handcuffs?

A Yeah.

Q So...and what did they do with that guy? Did they put him in one of those rooms?

A Yes.

Q Yes and did you see the other guy at any point in handcuffs?

A No.

Q No. The guy that you saw come in handcuffs while they were trying to...and this while they were trying to help you right? This is why they were trying to call your lawyers. Was that the guy that had the drill? Was that the guy that punched you or was that the guy that ran after your car or was that the other guy that had the knife?

A The guy that had knife.

Q It was the other guy that had the knife.

A Yes.

Q And the guy that had the drill we don't know what happened to him?

A No.

Q We don't know...you never saw him in handcuffs?

A No.

Q Okay based on the Police report that...did you bring that Police report today? Did you obtain a copy of the Police report?

A Yes. I think yes.

Q You brought it with you?

A Yes.

Q And what is the case number on your Police report? The Major's going to help you find the case number.

A 2013-00039596.

Q So the case number is 2013-00039596, correct?

A Correct.

Q So that's the same report that I have here. And in that report it says that both of these gentlemen were arrested. Do you a copy of the arrest forms? Do you have these copies right here and if not, you can just sit right here. This is the arrest form and (inaudible) affidavit that the Officers are arresting these subjects. This is one and that's the other. And they were charged with BURGLARY, BATTERY, AGGRAVATED ASSAULT WITH A DEADLY WEAPON and GRAND THEFT. And the other one...can I see it. The other one right here was charged with BURGLARY. So we're assuming that the one guy that didn't hit you was charged with BURGLARY. And the other guy who you said hit you and he used a drill to hit you and he also had a knife. He was charged with BATTERY and he was charged with AGGRAVATED ASSAULT WITH A DEADLY WEAPON. So the story that you just told me actually seems very accurate compared to these reports that state that these two subjects were arrested and what they were arrested for, correct?

A Yeah.

Q So...just so you know, both of them were arrested. Maybe you didn't see the other one but both of them were arrested.

A Where I saw it...I know, yeah.

Q Sometimes what we see and what actually...and what is actually happening are two totally different things. But you still did allege that the Officer who brought you to the station, the handcuffed you, the one who asked you to get on the ground and put you against the wall, you're still alleging that he used...do you feel that his force was excessive, correct?

A Yes.

Q You feel that he was too much force?

A Over. Even an animal...even I think he even have dogs in the house, he don't treat them like this.

Q Okay and that is why we're here. This is why we're having this conversation.

A Yes.

Q Okay, just want to make sure. Now your lawyer, the one that verified this information, do you know his name?

A Yes, Frank Wolland.

Q Frank Wolland?

A Yes.

Q And the name is Frank F-R-A-N-K. And Wolland is W-O-L-L-A-N-D.

A Correct.

Q Would that be the correct spelling?

A Yeah.

Q Can you describe Frank Wolland?

A He's a white man. He was the Mayor of North Miami.

Q He was the Mayor?

A Yeah.

Q Of North Miami?

A Yeah.

Q So our former City Mayor is your attorney?

A Yes.

Q So Frank Wolland...this black male supervisor, the Police Officer, he's the one that called Frank Wolland to verify that you are definitely the owner of this business?

A Correct.

Q And while that's happening, at the same time that's happening, that's when you see the one guy come in handcuffs?

A Yeah.

Q Okay, just making sure. Now we have pictures here and the day that you came in, which was October 30th, 2013 you came in around noon, 11 o'clock, noon. We spoke which is when you came in to allege your allegations against one of our Officers. And Crime Scene Technician Zapata, do you remember her?

A Yes.

Q She came in and she took some pictures of some of your injuries that you had shown me. Now the Sergeant, the black male supervisor and I'm only going to assume that he's a Sergeant because you said he was a supervisor. So this person, he was very helpful to you, correct?

A Correct.

Q Very helpful. Did he explain to you why you were handcuffed and why you were brought to the station? Yes?

A Yes.

Q Did he...and he's the one that drove you to...he's the one that drove you back to your business?

A Yes.

Q When you were driven back to your business, were you in handcuffs?

A No.

Q And you already had all of your property with you?

A Correct.

Q So did you tell him that you were injured by one of our Officers at that point?

A No at this point. And even by myself I didn't even see it.

Q You didn't even know that you had injuries.

A No.

Q So you get home that night...did you go home?

A Yes.

Q You go home. At what time did you leave your business to go home?

A Probably by five...5 o'clock or six.

Q So five or 6 o'clock is when you went home?

A Yes.

Q Now at what time did you realize that you were injured?

A I can tell tomorrow because that day I take a shower. I don't even look my body because I feel...I really loose my control from this happening. I keep thinking.

Q And when you say tomorrow, you say the day after?

A Yeah, yeah.

Q So that day you didn't feel anything?

A No.

Q No pain? You didn't see any injuries, no nothing?

A No.

Q The next day is when you realized that you had some injuries. Did you feel any pain?

A Yes. That day that's when I feel it. I say oh my God look. The Police Officer can kill somebody even he don't know.

Q So we are under the agreement that...let me just go back. You didn't feel any pain...did you feel any pain when the bad guys punched you?

A Yeah I do feel pain that somebody hit me. You feel it.

Q You know that he punched you and you did feel it, but did you feel pain when he punched you?

A Oh yeah I feel the pain. I don't feel too much pain but I feel pain. And next day again, I feel it more.

Q Did you feel any pain when you were hit with the drill on your back?

A No because I don't feel it same while I wake. I don't feel it.

Q How did you know that you were hit with a drill on your back? Did you see it?

A Yeah.

Q You saw the guy hitting you with the drill?

A Somebody punch you, you have to feel it.

Q Just making sure. I'm just asking. Everybody's different so I got to make sure. So you did feel when the guy punched you.

A I feel it. I saw it.

Q And you felt when the guy hit you with the drill?

A Yes.

Q You felt it.

A Felt it, what it mean? Yes.

Q Did it hurt?

A Yes it hurt because let somebody hit you...

Q Did you feel any pain when the Officer pushed you against the wall?

A Yeah that's when I (inaudible). I start scream because I see...when he pushed me on the wall I start scream.

Q You screamed when he pushed you against the wall.

A I scream a lot.

Q Did you feel any pain when they...and I want to you use your words. Used force to put you in the Police car. Did you feel any pain?

A No because this time I see...I'm already under pressure and even anything I don't thinking about this because...I didn't even think about this. I think don't go to prison.

Q So you're scared that you're going to go to jail. Now did you tell the supervisor that when they pushed you against the wall you felt pain?

A No I even don't...I tell him exactly what happened but I don't even tell him a pain. I ain't even thinking back then. I thinking only releasing me because everybody was crazy.

Q Now I'm going to refer to these pictures here. There is a total here...and these are the pictures of your injuries. There's a total of 17 pictures. They're all numbered one through 17. Picture number three, is that you?

A Yes.

Q Picture number seven, can you tell me what that is?

A Me.

Q But can you tell what part of your body that is?

A The back of my arm.

Q The back of your arm?

A Yes.

Q Do you have any injury there?

A Yes.

Q So right by your elbow?

A Yes.

Q And what is that like a scratch?

A Scratch yeah.

Q Do you know how that scratch happened?

A Yes this time Police Officer stand me up the wall.

Q Do you know how exactly did it happen? Do you know when exactly did it happen?

A This happen after I handcuff. And turn me over and he search me and push me on the wall.

Q But every other question I ask you, it's okay to tell me that you think this and you think that. Now I want to make sure 100% that you know how this happened because remember I'm investigating an Officer. I'm investigating the actions that were taken by a Police Officer. So I need to know for sure do you know...if you don't know, you can just say I don't know. Do you know 100% how on picture number seven, how that scratch to your elbow happened?

A Yeah I remember this happen that he turn me over. He turn me like really fast. He just turn him and push him against the wall.

Q Is when they turned you and they pushed you against the wall?

A Yeah.

Q When they pushed you against the wall, did they push you face first against the wall like your chest and stomach against the wall? Or did they push you...or did they push you with your back against the wall?

A In the back.

Q With your back against the wall. And that happened when they pushed you with your back against the wall?

A Correct.

Q And did you feel pain when this happened?

A Yeah you feel it.

Q Did you feel pain in your elbow there?

A Yeah you don't feel...I don't feel it right away but I feel it (inaudible).

Q So you didn't feel...you didn't feel pain right away when they pushed you against the wall on your back?

A No I don't feel (inaudible). I feel I hit something in the wall.

Q You know that your back hit the wall but you don't know...you didn't feel pain in your elbow at that moment?

A No.

Q Picture number eight and nine are just a close up of the same injury, correct?

A Um-hm

Q Now picture number 10. You're moving...on the picture...it's a picture of your face and your upper torso and you're pushing your collar to the side of your shirt and you're showing me something. Can you tell me what you're showing me there in that picture?

A This is a mark I get from my shoulder.

Q It's a mark on your...it's near your shoulder by your neck.

A Yes.

Q Between your neck and your shoulder you have a mark.

A Yes.

Q Do you know how and it's basically facing up. It's on the top of your shoulder.

A Yeah.

Q Do you know you received that mark?

A This is the first push I get on the wall.

Q That's when you were pushed against the wall?

A Yeah.

Q And that's how you got the mark...this mark on the top of your shoulder?

A Yes.

Q Okay. Did you feel pain when you were pushed against the wall?

A Yeah you feel it.

Q Did you feel pain in that specific place?

A Yes I feel it and I just don't know if I get scratched.

Q You just...you didn't know that you were scratched?

A No.

Q And picture number 11 is a close up of the same thing, correct?

A Yes.

Q And 12 is just an out of focus picture of the same thing. Thirteen, same thing correct?

A Yes.

Q Now these other pictures are just pictures of a ruler or a ruling device that shows measurements against the injuries that you have, correct?

A Yes.

Q Correct, these are just pictures of the same injuries but with a measuring device.

A Okay.

Q And this is the scratch on your elbow, correct?

A Correct.

Q Now I'm going to show you another set of pictures. These pictures are pictures of Officers that we have in our department. These pictures are all numbered and they're numbered one through 20. Some of these Officers are white. Some of these Officers are Hispanic. Some of them are black. Some of them are male and some of them are female. So these are the descriptions that you've given me of some of the people that may have been on the scene. I want you to one-by-one; I want you to move them over to the right just like this, one by one. Go over them and if you recognize anybody just let me know okay. If you recognize somebody in picture...let's say number 13 or four or six. I'm just giving out numbers. If you recognize anybody just say I recognize picture number one or I recognize number two. So go ahead. We're not in a hurry. Take your time. We're not in a hurry. I'm here to help you so you take all the time that you want.

A This is one, first one. This guy...this is one that (inaudible). This is supervisor. He's the one he drive me up to...

Q So number...picture number 13 is who you're saying and you're 100% sure.

A Yeah.

Q This is the supervisor.

A Yes.

Q Okay so this is...when we refer back to our statement, this is the black male supervisor who you spoke to. This is the one who spoke to Frank Wolland. This is the one that helped you. This is the one that took you to back to the station. And this is the one that you felt your concerns, that you were scared. That you weren't the one that broke into...all those things, this is the person?

A Yes.

Q Picture number six, who is this?

A This is one and he come...he searched my...he's the one that found this.

Q He's the one that found the card that we spoke about earlier that was sent to you by the Police Department about a pipe or a tube that was broken or taken from you. And it was basically like a case card that was issued to you, correct? He's the one that found that?

A Yeah.

Q Where did he find that?

A In my box mail.

Q In your where?

A In the mail box at his business.

Q Okay so in the mail box at your business he found that?

A Yes.

Q When did he find that?

A Same time he...

Q He found that when you were still at the restaurant?

A Yes in a car.

Q And did he take it when he found it and then give it back to you? Or how did you get that back?

A He take it. He pulled it from my...it's in my paper from everything in my wallet.

Q So he put it with your other papers?

A Yes.

Q So he didn't keep it with him or do anything? He didn't remove it. He found it and he knew it was yours so he put it with your papers, okay. And this Officer here.

A He's the one he be start everything fight with me and beat me and do whatever he want to do with me.

Q Okay so he's the one that used...and we're going to say excessive force. He's the one that pushed you against the wall. He's the one that...he was in the car with you and he's the one that brought you to the station, correct?

A Yes.

Q Now everyone else here we can disregard?

A (Inaudible).

Q Make sure you go one by one. And remember I want you to be 100% sure. If you don't know, you don't know and that's okay. And if you don't remember, that's okay too. And for the record, what did you explain to him?

A (MAJOR EUGENE) I said...I repeated exactly what you just said to him. If he doesn't remember, he can always say I don't remember. But if he have to say yes, will be fair for him to be 100% sure of what he's saying.

A I don't remember. I'm sorry.

Q If you don't remember, it's okay. If you don't remember, you don't remember. So for the record it was picture number one, picture number six and picture number 13.

A Yes.

Q Now the supervisor in picture number 13, he was very helpful to you, correct?

A Yeah.

Q And he explained everything to you, correct?

A Yes.

Q Did you understand everything that he explained to you?

A Yes.

Q Why you were released? Why you were taken into custody? Why you were brought to the station? Everything was explained to you?

A Yes.

Q And you understood everything?

A Um-hm.

Q Your car was left at the restaurant and when you were taken back to the restaurant you took possession of your car, correct?

A Correct.

Q It was not towed from the...from your business or anything, it was always left there?

A Yeah.

Q And one last question, could those injuries that you described to me and we referred to in those pictures, could those injuries that you sustained, could they have been sustained when the subjects that were breaking into your business, when they attacked you?

A No.

Q Mr. Celestin, has Major Eugene been helpful to you to your expectations in translating my questions to you?

A Yes.

Q Is there anything that I have failed to ask you want to add?

A No.

Q Has everything that you said been the truth to the best of your knowledge?

A Yes.

Q Mr. Celestin, have I helped you and assisted you to your standards and to your expectations with everything that you need regarding this matter?

A Yes.

Q Mr. Celestin, do you have anything that you wish to add?

A No. Anything I go say and I wait for last investigation to answer. And that's something (inaudible).

Q Can you speak a little bit louder?

A Okay I wait for last minute for last part for investigation. Not something I go give up because it's one I fight. I know everybody have to respect somebody.

Q Absolutely. Just so you know my job and I explained this to you when you came earlier but I want to make sure that it is understood. And if you don't understand he'll explain it to you in Creole. My job is not make a determination as to whether these Officers of these individuals were guilty of any type of misconduct. My job is to just collect facts. Once I collect all the facts and I speak to all the witnesses and I speak to the individuals that you pointed out and the individuals that the investigation shows that were on the scene. After I speak to all the witnesses and collect all those facts, I give that information to a panel, a disposition panel.

A Okay.

Q You understand?

A Yes.

Q And then that panel will make a determination.

A Okay.

Q The panel...once the panel makes the determination then you will be sent a letter and you will be notified by my office of what the determination was.

A Okay.

Q Yes?

A Yes.

Q Thank you very much...

A Thank you very much.

Q ...for your time. I appreciate it.

A Thank you.

Q We're going to go off tape. And thank you Major Eugene for assisting me in the translation.

TRANSCRIBED BY:


FELICIA LA JUNE BELLAMY

NORTH MIAMI

POLICE

DEPARTMENT

OFFICE OF PROFESSIONAL COMPLIANCE

Internal Affairs Investigation

Interview of Department Employee as a Witness in an Investigation

Case Number: *FA 2013-05*

Employee Names/I.D. Number

Odeun Celestin

Work Address: *13804 NW 7 Ave*

Position or Assignment:

Work Telephone Number:

305-698-0110

Date of Interview:

11/27/13

Time of Interview:

10:05 A 13A

Name of Interviewer:

Estrugo

Place of Interview:

IA OFF.

Assignment of Interviewer:

IA

Names of Other Persons Present:

EUGENE / TRANG

On Tape

- This is Sergeant Rafael Estrugo – Internal Affairs.

- Today's date is: *11/27/13*

- The time is: *10:13A*

- This interview is being conducted at the North Miami Police Department, 700 Northeast 124th Street, in the Office of Profession Compliance.

- Present in the room with me is: *Major Gary Eubank / [unclear]*

- (Name) _____, you are being interviewed as the Witness

of an Internal Affairs Investigation that I am investigating.

IA 2013-05

- This is a sworn statement in reference to Internal Affairs Case Number:
- You are being interviewed as a Witness to an Internal Affairs Investigation.
- ~~Since you are not the focus of this investigation, you do not need a Union Representative or an Attorney present to represent you in this case.~~
- ~~You are required to answer all of my questions pertaining to your actions or knowledge obtained while employed with the City of the North Miami. Failure to answer any question may subject you to Disciplinary Action.~~
- ~~If at any time during this interview you feel that your answers might result in Disciplinary Action against you, advise me and the interview will be stopped until you obtain Union Representation.~~
- This interview is being recorded.
- (Name) _____, please raise your right hand. Do you solemnly swear or affirm that everything you say during this interview will be the truth, the whole truth, and nothing but the truth?
- (Name) _____, if it is determined that you have not spoken the truth, you may be charged with Criminal Perjury. Do you understand this fact?

Questions

- (Name) _____, is there anything I have failed to ask you that you would like to add to this statement?
- (Name) _____, has everything you said been the truth to the best of your knowledge?
- ~~(Name) _____, you are advised that, under Chapter 112.533 (3), entitled, "Disclosure of Internal Affairs Complaints", any person who is a participant in an internal investigation...who willfully discloses any information obtained pursuant to the agency's investigation, including, but not limited to, the identity of the officer(s) under investigation, the nature of the questions asked, information revealed, or documents furnished in connection with a confidential investigation of a n agency, before such complaint, document, action, or proceeding becomes a public record as provided by this section is guilty of a misdemeanor of the first degree, punishable as provided in section 775.082 (Penalties) and section 77.083 (Fines).~~
- Do you have any further information that you wish to add?
- ~~Since this investigation is continuing, you are hereby ordered not to discuss the details of this investigation, except with Legal Counsel or your Union Representative.~~
- (Name) _____, this concludes the interview.
- The time is now:
- Thank you for your cooperation in this matter.

Celestin

Okny Grace

Celestin

President

C&M

BATTERY

Okny

Her.

- Name & Job Title
- Do you own the business located at 13695 West Dixie Highway
- What is the name of the business
- You are here today to give a sworn formal statement regarding the allegations you made against Officer Aledda.

- Before we get into the allegation, can you please describe to me in detail how the North Miami Police Department became involved with you on October 19th, 2013.

- What did you see specifically?
- What happened?
- Did you dial 911?
- What did you tell the 911 operator specifically?
- Did you tell the 911 operator that you had a gun?
- Did the 911 operator ask you if you were armed with a weapon?
- Did the 911 operator ask you if the other parties were armed with a weapon?

- Did you give the 911 operator a description of the subjects?
- Did she ask you for a description?
- Can you describe the other subjects for me now?
- Did you give the operator a description of yourself?
- Did the operator ask for a description of yourself?
- Can you describe for me now what you were wearing?
- Was the 911 operator male or female?
- How long did the police take to arrive?
- What did you do while waiting for the police?

After 911

3P - 3:30 P.

2 men

locks changed

Break door
Two W/M.

Red Jeans

NO

Blue Pants

P/O

Two/Three minutes.

Punched one tire
Drill - BACK

SUBJECTS
CALLED
911

Can Gun

2nd

- What were the subjects doing while you waited for the police? ✓
- Did the subjects call 911? ✓
- Did you tell the subjects that you were calling the police? ✓
- Who was the first officer to arrive? NO
- What did the officer do? Can forward cuffs
- Were you placed in handcuffs? 1 hour B/F female officer
- Were the subjects placed in handcuffs?
- Did the police officers ask you for your gun? wallet
- Did the officers ask you if you had a gun? where's your gun Alleda
- After or before you were handcuffed? Before?
- Were you sitting or standing when the officer handcuffed you? Alleda
- Which police officer handcuffed you specifically?
- Can you describe the officer
- What did he do after you were handcuffed?
- Did they place you in the back of a police car?
- Could you see what was going on, or did the officer sit you in a police car that was away from the view of what was going on?
- Did a police officer search your car?
- Where was your gun? CCW
- Why was your gun there? PERMIT
- Do you have a concealed weapons permit for your gun?
- What kind of gun is it? 9mm semi black -
- Was it loaded?
- What did the officers do when they found your gun? looking
- Were you handcuffed after or before the other subjects? >
- Who was handcuffed last?
- What did the police do with the other subjects?

Window Down

- Did they ask you if you were the owner? ✓
- Did they ask you if you called 911? Yes Medda
- Did they ask you what happened?
- Did the other subjects injure you in any way? ✓
- Did they hit you? Two drill / no drill
- Did they threaten you? ✓
- Did they threaten you with a weapon? ✓
- Did you see the weapon? ✓
- Can you describe the weapon? ✓
- Did you describe the weapon to the police? ✓
- Did the police find the weapon? Police found Knives
- Were you taken to the police station? ✓
- Why? ✓
- By whom? ✓
- Can you describe the officer? ✓
- What did the police officer do when you arrived at the station? ✓
- Did the police officer remove the handcuffs? ✓
- Which police officer removed the handcuffs? ✓
- Can you describe the officer? ✓
- Was the gun returned? ✓
- How did the police verify that you were the owner? ✓
- Who verified that information? FRANK WOLLAND ✓
- Can you describe him? W/M. MAYOR ✓
- Did you know that you had been injured? ✓
- Earlier you told me that the subjects hit you correct? ✓
- Did you see the other subjects at the station at any point? ✓
- Were they in handcuffs? ✓

W/M OFFICER

B/M SUPERVISOR

- Did the other subjects get arrested?
- You mentioned that this officer was rude, can you explain why?
- Who drove you back to the restaurant?
- Can you describe the officer?
- Were you in handcuffs when you were driven back to the restaurant?
- Did any officer explain to you why you were handcuffed?
- Why you were taken to the station? ✓
- Why you were released? ✓
- Did you understand? ✓
- Did the officers leave your car there at the restaurant? ✓
- How did you get your car back?
- Did you ask to speak to a supervisor at any point? ✓
- Who did you ask? ✓
- Can you describe that officer? ✓
- What supervisor did you speak to? ✓
- Can you describe the supervisor for me? ✓
- Lets look at the pictures. ✓
- Explain each picture and how you obtain the injury? ✓
- Now you explained to me that you did not notice the injuries until you got home and you were not in pain correct? ✓
- So how do you know how you obtained each injury or when? ✓
- Could the injuries have occurred when the subjects attacked you? ✓

This is Sergeant Rafael Estrugo Internal Affairs. Today's date is Monday, April 14th, 2014. The time is now 2:49 P.M. This interview is being conducted at the North Miami Police Department, 700 N.E. 124th Street in the Office of Professional Compliance. This interview is being recorded.

(Phonetic spelling of names is used unless proper spelling is known)

BY SERGEANT ESTRUGO:

Q You are being interviewed as a subject of an Internal Affairs Investigation. You have the right to have a union representative present who will serve as a witness to these proceedings and who shall have the opportunity to advise you of your contractual rights. You are further entitled to all of the rights and privileges guaranteed by your union contract and by the laws of the Constitution of the United States and the State of Florida. You will be asked questions specifically directed towards your actions and knowledge obtained while employed with the City of North Miami. Failure to answer any questions relating to your employment or fitness for duty, may subject you to disciplinary action. Present in the room with me is Mr. Bernadeau and his representative. Mr. Bernadeau, you are being interviewed as the subject of an Internal Affairs Investigation that I'm investigating. A complaint was made against you by Mr. Odilon Celestin. The date of the complaint was October 30th, 2013. The complainant alleged that you used excessive force and that you were rude. Under the Police Officer's Bill of Rights, you are entitled to have an attorney and/or representative present during questioning. Mr. Bernadeau, do you understand this statement?

A Yes.

Q Do you waive this right at this time?

A No.

Q I'm going to now ask that your representative please identify herself and spell her name.

A (Ms. Escobar) Christina Escobar P.B.A. Staff Counsel. Escobar E-S-C-O-B-A-R.

Q This is a sworn statement in reference to Internal Affairs Case No. I.A. 13-05. That's going to be I.A. 13-05. For the record I'm going to advise you of your Garrity Rights. I'm going to give you a copy to read along if you desire. Under the Garrity Rule, you are required to give this statement for administrative purposes. You will be asked questions that are specifically, directly and narrowly related to the performance of your official duties or fitness for duty. I further advise you that if you refuse to answer any

questions related to performance of your duties or fitness for duty, you are subject to departmental charges including but not limited to insubordination, which could result in disciplinary action and/or dismissal from the City of North Miami Police Department. Neither your statement nor any information or evidence which is gained by reason of such statements can be used against you in any subsequent criminal proceeding except perjury. However these statements may be used against you in relation to subsequent departmental charges. Do you understand everything I have read to you?

A Yes.

Q Please read the form and sign it at the bottom. Mr. Bernadeau, have you been given an opportunity to review the complaint and all related statements and all other existing evidence that I have obtained thus far that relates to this incident?

A Yes.

Q Mr. Bernadeau, please raise your right hand. Do you solemnly swear or affirm that everything you say during this interview will be the truth, the whole truth and nothing but the truth?

A Yes.

Q Mr. Bernadeau, if it is determined that you have not spoken the truth you may be charged with criminal perjury. Do you understand this fact?

A Yes.

Q Have you had the opportunity to review the complaint and related statements and evidence provided to you?

A Yes.

Q These are all the statements and/or evidence that I have obtained in this case. Are you prepared to give me a statement at this time?

A Yes.

Q For the record, there is another subject Officer in this case who will be interviewed after you okay. Can you please state your name, spell your name and your job title please?

A First name Alens A-L-E-N-S. Last name is Bernadeau B-E-R-N-A-D-E-A-U. I'm a Police Officer with North Miami Police Department.

Q What section do you work for?

A Uniform Patrol.

Q And what shift do you work for?

A Afternoons.

Q What are your responsibilities as a Police Officer on the afternoon shift?

A We're pretty much road patrol.

Q And do you respond to calls for service?

A Yes.

Q How long have you been employed with the City of North Miami?

A I'm working on two years now, a year and a couple of months.

Q And all as a Law Enforcement Officer?

A Yes.

Q Where do you conduct your work? What is the address to the station?

A 700 N.E. 124th Street.

Q On October 19th you responded to 13695 West Dixie Highway as a back-up Officer on an in-progress call. Do you recall?

A Not responding there.

Q Okay.

A I responded first at 139 and West Dixie Highway.

Q You responded first to 139th Street and N.E. West Dixie Highway?

A Yes.

Q Okay and what happened at 139 Street and West Dixie and why were you responding there?

A I responded there...a call went out and I believe it was about a ROBBERY. That was the first location given so I responded to that area. I saw a black male fitting the description of the victim. I made contact with him. He was (inaudible) at the time. I asked him if they had called Police and they said no.

Q So first you responded to 139 and West Dixie in reference to an ARMED ROBBERY.

A Yes.

Q Correct? And you met somebody there who you felt matched the description.

A Yes.

Q And they told you they were not involved?

A No.

Q Okay and so what happened after that?

A From there I got in the area, I advised that and then they gave a different location.

Q Okay and what was that different location?

A I don't remember. At the time I believe it was 136 and Dixie, in the area of that area.

Q Does 13695 West Dixie Highway sound familiar to you?

A Yes.

Q Did you respond there?

A Yes.

Q So you responded there to the second location because you felt that that location was involved in the ARMED ROBBERY or that's the location...

A That's the location that dispatch then provided. That it would be that location.

Q And when you got there what happened?

A I got there as soon as I responded I pulled up. There was a black male that was already placed into custody.

Q So when you got there, there was a black male already placed into custody?

A Um-hm.

Q And who was...how many Police Officers were there when you arrived?

A Maybe four to five.

Q And who were the Police Officers that were there?

A I know Officer Aledda was there. Officer Bony, Calderon, Becker, that's all I can remember.

Q So Aledda, Bony, Calderon and Becker, so four Officers?

A Yes.

Q That you remember?

A Yes.

Q And you say that there was a black male that was already in custody?

A Yeah in custody.

Q What do you mean by in custody?

A He was placed...he was already in handcuffs.

Q He was in handcuffs, okay. Where was this black male subject in custody?

A At the time he was on the ground but placed in handcuffs.

Q He was on the ground in handcuffs?

A Yeah in the parking lot area.

Q When you say that he was on the ground in the parking lot area, was...describe that to me.

A I pulled up. So I got out of the car. He was already in cuffs and he was laying on the ground.

Q And when you say...okay he was laying on the ground.

A Yeah.

Q Was he laying face first or was he on his back?

A Face first.

Q So he was laying on his chest?

A Yes.

Q And do you remember if there were any Officers standing over him?

A I can't remember at the time.

Q So he was just...was he just laying on the ground by himself with nobody around him?

A No I'm pretty sure Officers...I can't remember if Officers were directly next to him. I know there was Police cars and everything there. I can't say if somebody was directly next to him.

Q Okay so when you got there you noticed that there was this black male subject handcuffed, on the ground, chest first, on his chest, what did you notice after that? What did you immediately notice after that?

A I saw two white males. One had blood around his mouth area and that's pretty much all I can remember. And then I believe we took...they took the black male subject and they put him in the car. I don't remember which Officer put him in the car but he was placed in the car and that was it.

Q So a Police Officer took the black male subject and put him in the Police car?

A Yeah.

Q Do you know whose Police car?

A I don't remember.

Q Do you know what Police Officer put him in the Police car?

A I do not remember.

Q This black male subject, can you describe him a little bit further?

A No.

Q How long were you at the scene for?

A Maybe about 10, 15 minutes.

Q And what was your responsibility at the scene?

A I made contact with the subjects and was pretty much just...he had advised at the time that the black male subject struck him in his mouth with a firearm.

Q So you made contact with the...when you say you made contact with the subjects, you're talking about the two white male subjects?

A Yes.

Q And you made contact with them individually?

A Yes.

Q Or together?

A Individually.

Q Individually. And what did the first one tell you?

A The first guy I can't remember what he told me. I just remember the guy with the bloody mouth. He advised that he was struck with a firearm in his mouth.

Q Okay so the first guy you don't remember what he told you but the second guy, who's the guy with the bloody mouth he told you...

A He was struck.

Q ...that the black male subject did what?

A Struck him with a firearm in his mouth.

Q Struck him with a firearm in his mouth?

A Yeah.

Q And do you remember what the injury was on this guys mouth?

A I don't remember I just know he had blood around his lip area.

Q So he had blood around his lip area?

A Yeah.

Q Did Fire Rescue respond?

A Yes.

Q Did you see Fire Rescue respond?

A Yes.

Q And did you see...was he transported anywhere?

A Yeah. He was treated by Rescue and then we had...me and Bony, Officer Bony had to transport him to Aventura.

Q Okay so you guys rode in the Rescue truck with him?

A No we followed Rescue truck. At that time we did not know if he was going to be a subject or not.

Q Did any Police Officer ride in the Rescue truck with him?

A I cannot remember at the time. I know I was in my Police car following Rescue.

Q You know that you and Officer Bony both responded to the hospital with this subject.

A Yes.

Q So did you respond to the holding cell area at any point for this call?

A No.

Q No?

A From there we cleared the hospital. Something...actually my vehicle it overheated, I had to go to the Motor Pool.

Q Your vehicle overheated in route to the hospital or on the way back?

A No when I got there, when I started it up on my way back it overheated.

Q Okay.

A I had to get a tow. Then I was dropped off at the Motor Pool.

Q So is it fair to say that when your vehicle on your way back from the hospital and your vehicle overheating, was that the end of your involvement with this call?

A Yes.

Q Okay. Did you...just so you know, the complainant came in here to make allegations of Police misconduct against an Officer and named an Officer. And after naming that Officer then pointed you, even though the name doesn't match you. Pointed you as the subject Officer. And after checking the records it shows that you were there and that's why you're here. Did you use...did you at any point put your hands on Mr. Odilon Celestin?

A No.

Q Did you assist into taking him into custody?

A No.

Q Did you assist in transporting him from one place to another?

A No.

Q Did you assist in escorting him...

A No.

Q ...to the Police car?

A No.

Q No? Do you remember while being on the scene if he was...do you remember what his demeanor was?

A I know he was...I don't want to say combative but he was very angry and upset during that time.

Q Describe angry and upset. What does that mean?

A I know he was very loud and he wasn't really talking as much.

Q What was he saying?

A I do not recall.

Q Did you see any...did you observe him having any injuries?

A No.

Q Did you hear him make any complaints about any injuries or pain?

A No.

Q Did you hear him say to anyone that he felt that there was excessive force being used against him?

A No.

Q Did you hear him try to explain himself?

A No.

Q Did you know what the call was about?

A The call...the only thing I remember the call was about it being a ROBBERY, that's it.

Q But after being on the scene, did that change or did it stay being a ROBBERY?

A If I'm not mistaken...actually I do not recall.

Q The end result of this, do you remember who was arrested and who was released? Who was the suspect and who was the victim?

A The white males I believe was arrested.

Q Do you know if this black male gentleman was released?

A I'm not sure.

Q How do you know that these two subjects were arrested?

A On our way...well actually while we was at Aventura Hospital we got a phone call. I can't remember which Officer but he said that they would be the subject. And from there we knew to put them in handcuffs on the way of transporting them back.

Q Where was he transported to after the hospital?

A My vehicle overheated. I believe he was transported back to the station.

Q By somebody else?

A Yes.

Q Do you know who that somebody else was?

A Officer Bony.

Q Bony, okay. Is there any other information or evidence that you would like to add at this time?

A No.

Q Mr. Bernadeau, is there anything that I have failed to ask you that you would like to add to your statement?

A No.

Q Mr. Bernadeau, has everything you said been the truth to the best of your knowledge?

A Yes.

Q Mr. Bernadeau, you are advised that under Chapter 112.533 Subsection 3, entitled disclosure of Internal Affairs Complaints. Any person who is a participant in an Internal Affairs Investigation who willfully discloses any information obtained pursuant to the agencies investigation including but not limited to the identity of the Officer or Officers under investigation the nature of the questions asked, information revealed or documents furnished in connection with a confidential investigation of an agency before such complaint, document, action or proceeding becomes a public record as provided by this section is guilty of a misdemeanor of the first degree; punishable as provided in Section 775.082 Penalties and Section 77.083 Fines. Mr. Bernadeau, this concludes the interview. The time is now 3:03 P.M. Thank you for your cooperation. Do you have anything to add?

A (Ms. Escobar) Nothing, thank you.

Q All right. Thank you so much.

TRANSCRIBED BY:


FELICIA LAJUNE BELLAMY

NORTH MIAMI

POLICE

DEPARTMENT

OFFICE OF PROFESSIONAL COMPLIANCE

Internal Affairs Investigation

Interview of Officer as the Subject of an Investigation

ON TAPE

- This is Sergeant Rafael Estrugo – Internal Affairs.
- Today's date is: *Monday April 14th, 2014*
- The time is: *2:49 PM*
- This interview is being conducted at the North Miami Police Department, 700 Northeast 124th Street, in the Office of Professional Compliance.
- This interview is being recorded.
- You are being interviewed as the Subject of an Internal Affairs Investigation.
- You have the right to have a Union Representative present, who will serve as a witness to these proceedings, and who shall have the opportunity to advise you of your contractual rights.
- You are further entitled to all of the rights and privileges guaranteed by your Union Contract and by the laws of the Constitutions of the United States and the State of Florida.
- You will be asked questions specifically directed toward your actions, or knowledge obtained, while employed with the City of the North

Miami. Failure to answer any questions relating to your employment or fitness for duty may subject you to Disciplinary Action.

- Present in the room with me is: Ms/(Mr) Bernabeau Ofc _____ and his/her representative.
- Ms/(Mr) Bernabeau, you are being interviewed as the **Subject** of an Internal Affairs Investigation that I am investigating.
- A Complaint was made against you **by**: MR. DILON CELESTIN
- The **Date** of the Complaint was: OCTOBER 30TH, 2013
- The Complaint **alleged that**: YOU USED EXCESSIVE FORCE & WAS RUDE.
- Under the **POBOR**, you are entitled to have an Attorney and /or other Representative present during questioning.
- Ms/(Mr) Bernabeau, do you understand this statement?
- **Do you waive this right at this time? (if so have form signed)**
- I'm going to now ask that your Representative please identify him/herself and spell your name.
- This is a sworn statement in reference to Internal Affairs **Case Number**: IA-13-05
- For the record, I am going to advise you of your Garrity Rights.
- I am going to give you a copy to read along if you desire. (**READ the FORM**)

Garrity Rule

- Under the **Garrity Rule**, you are required to give this statement for administrative purposes. You will be asked questions that are specifically, directly, and narrowly related to the performance of official duties or fitness for duty. I further advise you that if you refuse to answer questions related to the performance of your duties or fitness for duty, you are subject to departmental charges, including, but not limited to, insubordination, which could result in Disciplinary Action and/or Dismissal from the City of North Miami Police Department.
- Neither your statement nor any information or evidence which is gained by reason of such statements, can be used against you in any subsequent criminal proceeding, except Perjury. However, these statements may be used against you in relation to subsequent departmental charges.
- Do you understand everything that I have read to you?
- Please read the form and sign it at the bottom.
- Ms/Mr. Bernstein, have you have been given an opportunity to review the complaint and all related statements, and all other existing evidence that I have obtained thus far, that relates this incident?
- (Name) Mr. Bernstein, please raise your right hand. Do you solemnly swear or affirm that everything you say during this interview will be the truth, the whole truth, and nothing but the truth?
- (Name) Mr. Bernstein, if it is determined that you have not spoken the truth, you may be charged with Criminal Perjury – Do you understand this fact?

- Have you had an opportunity to review the complaint and related statements and evidence provided to you?
- These are all of the statements and / or evidence that I have obtained in this case. Are you prepared to give me a statement at this time?

QUESTIONS

- (Name) Mr. Benmoreau, is there anything I have failed to ask you that you would like to add to this statement?

- (Name) Mr. Beardslee, has everything you said been the truth to the best of your knowledge?
- (Name) Mr. Beardslee, you are advised that, under Chapter 112.533 (3), entitled, "Disclosure of Internal Affairs Complaints", any person who is a participant in an internal investigation...who willfully discloses any information obtained pursuant to the agency's investigation, including, but not limited to, the identity of the officer(s) under investigation, the nature of the questions asked, information revealed, or documents furnished in connection with a confidential investigation of a n agency, before such complaint, document, action, or proceeding becomes a public record as provided by this section is guilty of a misdemeanor of the first degree, punishable as provided in section 775.082 (Penalties) and section 77.083 (Fines).
- (Name) Mr. Beardslee, this concludes the interview.
- The time is now: 3:03 PM
- Thank you for your cooperation.



OFFICE OF PROFESSIONAL COMPLIANCE

Internal Affairs Investigation

"Garrity Notice"

Under the Garrity Rule, you are required to give this statement for administrative purposes. You will be asked questions that are specifically, directly, and narrowly related to the performance of official duties or fitness for duty. I further advise you that if you refuse to answer questions related to the performance of your duties or fitness for duty, you are subject to departmental charges, including, but not limited to, insubordination, which could result in Disciplinary Action and/or Dismissal from the City of North Miami Police Department.

Neither your statement nor any information or evidence which is gained by reason of such statements, can be used against you in any subsequent criminal proceeding, except Perjury. However, these statements may be used against you in relation to subsequent departmental charges.

04/14/2014
Date

Off. BERNABEAN [Signature]
Employee Name & Signature

IA-13-05
I.A. Case Number

Witness Name & Signature

This is Sergeant Rafael Estrugo Internal Affairs. Today's date is April 17th, 2014. The time is now 3:13 P.M. This interview is being conducted at the North Miami Police Department, 700 N.E. 124th Street in the Office of Professional Compliance. This interview is being recorded.

(Phonetic spelling of names is used unless proper spelling is known)

BY SERGEANT ESTRUGO:

Q You are being interviewed as a subject of an Internal Affairs Investigation. You have the right to have a union representative present who will serve as a witness to these proceedings and who shall have the opportunity to advise you of your contractual rights. You are further entitled to all of the rights and privileges guaranteed by your union contract and by the laws of the Constitution of the United States and the State of Florida. You will be asked questions specifically directed towards your actions or knowledge obtained while employed with the City of North Miami. Failure to answer any questions relating to your employment or fitness for duty, may subject you to disciplinary action. Present in the room with me is Mr. Aledda and his representative. Mr. Aledda, you are being interviewed as the subject of an Internal Affairs Investigation that I'm investigating. A complaint was made against you by Odilon Celestin. The date of the complaint was October 19th, 2013. The complainant alleged that you used excessive force and were rude. Under the Police Officer Bill of Rights, you are entitled to have an attorney and/or representative present during questioning. Mr. Aledda, do you understand this statement?

A Yes.

Q Do you waive this right at this time?

A No.

Q I'm going to now ask that your representative please identify himself and spell her name.

A (Mr. Coyle) Sure Brendan Coyle from the Dade County Police Benevolent Association. First name B-R-E-N-D-A-N. Last name Coyle C-O-Y-L-E.

Q This is a sworn statement in reference to Internal Affairs Case No. I.A. 13-05, that's I.A. 13-05. For the record I'm going to advise you of your Garrity Rights. I'm going to give you a copy to read along if you desire. Under the Garrity Rule, you are required to give this statement for administrative purposes. You will be asked questions that are specifically, directly and narrowly related to the performance of your official duties or fitness for duty. I further advise you that if you refuse to answer questions

related to performance of your duties or fitness for duty, you are subject to departmental charges including but not limited to insubordination, which could result in disciplinary action and/or dismissal from the City of North Miami Police Department. Neither your statement nor any information or evidence which is gained by reason of such statements can be used against you in any subsequent criminal proceeding except perjury. However these statements may be used against you in relation to subsequent departmental charges. Do you understand everything that I have read to you?

A Yes.

Q Please read the form and sign it at the bottom. Mr. Aledda, have you been given an opportunity to review the complaint and all related statements and all other existing evidence that I have obtained thus far that relates to this incident?

A Yes.

Q Mr. Aledda, please raise your right hand. Do you solemnly swear or affirm that everything you say during this interview will be the truth, the whole truth and nothing but the truth?

A I do.

Q Mr. Aledda, if it is determined that you have not spoken the truth you may be charged with criminal perjury. Do you understand this fact?

A Yes.

Q Have you had the opportunity to review the complaint and related statements and evidence provided to you?

A Yes.

Q These are all the statements and/or evidence that I have obtained in this case. Are you prepared to give me a statement at this time?

A Yes.

Q For the record, what is your name, spell your name and your job title?

A Officer Jonathon Aledda. J-O-N-A-T-H-O-N, last name A-L-E-D-D-A. Police Officer, Uniform Patrol afternoon shift.

Q And what are your responsibilities?

A On calls for duty.

Q How long have you been employed with the City of North Miami?

A Approximately two years.

Q All as a Law Enforcement Officer?

A Yes.

Q Where do you conduct your work? What is the stations' address?

A 700 N.E. 124 Street, North Miami.

Q On October 19th you responded to 13695 West Dixie Highway as a back-up Officer on an in-progress call. Do you recall?

A Yeah I believe (inaudible).

Q I just want to make a correction. Earlier I had told you that the complaint was made against you on October 19th, that's actually the date of the incident. The complaint was made against you on October 30th, 2013.

A Okay, no problem.

Q I apologize for that misunderstanding. According to the detail call for service log it appears that you responded in reference to an in-progress call. Do you remember what the call was?

A It was initially two males in Mario the Baker around that area of that address or what the business used to be. And then it became a ROBBERY in progress as I was in route to that so it changed. Cause it was like a block away so I (inaudible) in route to the first call even though they gave me another call. (Inaudible). So I responded to the initial location that was dispatched to me for the suspicious incident.

Q The initial call, do you remember where you were dispatched to?

A I don't remember the exact I just know it was on West Dixie Highway heading towards N.E. 130 and West Dixie.

Q Does 13695 West Dixie Highway, the old Mario the Baker does that sound familiar to you?

A Yeah that does.

Q And the second call, was that...based on the municipal frequency was at 139th Street and West Dixie Highway?

A Correct.

Q Now how far apart are these locations?

A I would say a block away.

Q According to the municipal frequency dispatcher it was advised that these calls were possibly related. Which place did you respond to first?

A The original dispatch location because I heard units taking arrivals at the 139 and West Dixie location and I was already posted to the initial location so that's where I responded.

Q So you went to the old Mario the Baker, which is now the O King Grille Restaurant?

A Correct.

Q That's where you went first?

A Yes.

Q Were you the first person to arrive there?

A Yes.

Q Were you assigned the call as a Lead Officer, the primary unit?

A I believe so, yes.

Q Okay. So you get there and paint a picture for me. What do you see? What happens?

A I arrived and on the radio it was described as a black male using...has a gun on him and so as I arrive I see two or one white Hispanic male and an Anglo male standing near the parking lot area. And the white Hispanic male has blood coming out of his mouth. I think around his chin. And they point at the black male who is described by the dispatcher as the subject. And they point and saying, he has a gun on him. He has a

gun. He hit me, he has a gun. At that point I told the black male subject at this point to put his hands up, which he did just to make he didn't have the gun. I didn't have him (inaudible) or anything at that point cause I could see his hands. I then told him to get on the ground and began to comply. As other Officers arrived, he was probably like three quarters of the way down to the ground like I was telling him to do, and he all of a sudden got the urge to stand up and disobey my lawful commands for my safety to get on the ground and began to walk backwards, like back pedal slowly. That caught my alarm because I was told originally that he had a gun. I saw what he did to the other...what they are claiming that he did to the other male. So I thought he might be violent, might be trying to go...maybe I couldn't see the gun on him from his front, maybe he had it in his waistband. Maybe he had it back somewhere else or where he had it stored where he could easily access the gun. At that point I preceded to grab him and secure him against the wall with the other Officers that arrived. He was handcuffed for our safety until we figured out what was going on. He was then placed in my vehicle and upon further investigation we figured out that there was more to the call that just was originally dispatched.

Q So other than one of the subjects there, the one whose bleeding, who you said pointed at the black male subject, other than that information about him pointing and saying that he has a gun, did you have other information before arriving?

A Yeah he matched the BOLO of the male that was given by the dispatcher as the subject that had the gun that was committing the ROBBERY.

Q So you got this call as a ROBBERY in-progress and the subject was described as a black male subject.

A Wearing the exact same clothes.

Q You get to the scene and he's...they give you a description, a clothing description?

A Um-hm.

Q You get to the scene and you two subjects. One which was...did he have an injury?

A The white Hispanic male? Yeah he was bleeding from his like lip and mouth area.

Q And then that subject is the one that tells you that the black male subject has a gun, correct? Now in your statement earlier you said that that subject was claiming that he did something. What did he claim to you that the black male subject did to him?

A That he hit him with the gun that caused the injury to him.

Q And he was telling you that as you were arriving?

A I arrived. I said what's going on cause I saw the black male subject. They immediately point at him to...him, him he's got a gun, he's got a gun. So he was holding his mouth. You know he was saying that the other guy did it to him or whatever. He says that's the guy (inaudible). That's the guy who caused this.

Q When you said that you grabbed him and you secured him, can you describe to me how you grabbed him? And what your definition of securing him means and was there anybody there when you grabbed him and you secured him?

A I grabbed him there's numerous Officers that responded. So it was a bunch of us that were able to secure him by grabbing his wrist. As his momentum was already pushing him back towards the wall, so we were able to secure him against the wall so he wouldn't fall on the ground or anything so we wouldn't have to wrestle with him. So we secured him against the wall, turned him around and handcuffed him.

Q So when you say secure you mean you handcuffed him?

A Correct.

Q Who placed the handcuffs on?

A I don't recall.

Q Was it you?

A I don't believe it was me. There were so many people there.

Q When you say he was then placed in your Police car, do you know who placed him in your Police car?

A I don't recall.

Q So did you...you said you noticed two white male subjects, correct? And you said that you noticed the black male subject who matched the description.

A Correct.

Q Was there anyone else on the scene that was not a Police Officer?

A Yeah there was a witness there. And after we had secured the black male who was acting irrationally cause...well after he was being handcuffed or whatever he just started yelling and screaming. So his behavior matched what was being described as...what would place him as the subject of the call along with the description. And the description of what he did to the other male. There was a witness there who said that he say the events unfold. And he said that no the other guys were chasing after him, after the black male's car and that he did a defensive of himself. That's when we went back and we questioned the black male subject about what his involvement really was with what was going on.

Q When you got there, did that other...can you describe the witness for me? What did he look like?

A Black male, probably like in his 50's. Like a beard, a grey beard maybe had glasses.

Q When you get there did that witness say anything to you?

A I don't recall if it was directly to me or if he spoke to another Officer. But he spoke with somebody and they relayed the information to me. And then that's when I started talking with the...

Q Okay but as you're getting there and this is all moving very fast. Do you remember him saying anything to you or directing any comments toward you?

A No he didn't saying until after the facts and we were trying to get everybody's stories. That's when he came out and said that he saw what he saw.

Q What was the black male subject, what was his demeanor?

A He was irate at one point. After when we were securing him, he was saying things like kill me, kill me then, just kill me then if you're not going to...this is not right. Kill me then, kill me then. So his actions were...he was tensing up a little bit. We didn't have to do that much because there were so many Officers that helped secure him and put him in handcuffs. If it was just me and him, his physical actions and the way that he was behaving might have caused me to use something else to be able to control him. But since we had so many people there he was easily controlled.

Q Would you say that the black male subject was cooperative?

A He started to be until he decided to get up and disobey my lawful commands to get on the ground for my safety. After that point he was very

uncooperative. And then once he was placed in the car and had some time to kind of hang out and cool down and able to explain his side of the story, then he became cooperative and helped us out.

Q Now you said you took him or somebody placed him in the back seat of your Police car, correct?

A Yes.

Q Was there ever a point on the scene where you were sitting in your Police car and he was sitting in the back seat; that you were both in the car at the same time?

A I transported him from that scene.

Q While you were in your Police car and he was sitting in the back seat, did he make any comments?

A Yeah I spoke to him. I lowered the window and I talked to him side by side in the window and asked him basically his side of the story of what happened. So yeah I talked to him.

Q Who did you transport?

A The Celestin.

Q The black male subject Odilon Celestin?

A Um-hm.

Q Where di you transport him to?

A The station.

Q And when you got to the station what happened?

A We put him in the holding cell. I spoke with Sergeant Mesidor that was on the scene at the holding cell. Kind of briefed him on what was going on and we tried to figure out what we could do because there is nothing in the billing that shows that he's the owner. There was a piece of mail there that was there but everything else in the building didn't have his business name or his name on it. So it very murky as who the owner of the business was and who was in the right at that moment. That's why I transported him to the station to kind of figure things out without having him...without everybody outside and having to get a big spectacle. At that point we were able to

contact...Sergeant Mesidor was able to make contact with the attorney who closed the deal on the property.

Q And you were there when this is happening?

A Correct. We contacted the attorney who closed the deal. He confirmed that Mr. Celestin had bought the business recently. And because it was such a recent purchase that the property hasn't been listed as his in records yet. So after that point we released his property, released his (inaudible) to him, transported him back to the scene so he could secure the business.

Q Who transported him back to the scene?

A I believe it was Sergeant Mesidor. I was at the holding cell with the two other white males that we took into custody.

Q So from the time that you initially made contact with him, to the time that he was taken to the station...he was eventually released, correct?

A Correct.

Q How long would you say...how long of a period of time would you say that was? Just give me an approximate.

A Well we were at the scene for at least like half an hour trying to figure things out, half an hour 45 minutes. At the station for another 15 minutes maybe an hour and a half.

Q So total?

A Yeah.

Q But what do you think total of the time that you had with him? Total time approximate.

A Hour and a half.

Q And in that hour and a half more or less, did he ever complain to you about having any injuries?

A No, Fire Rescue was on scene because they had to treat the other male and he didn't say anything.

Q Did he ever complain to you about being in any type of pain?

A No.

Q Did he ever express to you that he felt or did he ever express to you any allegations of wrong blame on your part or anybody else's part on the scene?

A No.

Q Did you ever witness him express pain, injury or any of the things that I mentioned to you earlier to anyone else on the scene?

A No.

Q At the holding was he handcuffed when you brought him in?

A Yes.

Q Was he eventually uncuffed?

A Yes.

Q And between the time that you...that he was brought in cuffs to the time that he was uncuffed, how long do you think it was? How much time do you think it was?

A Twenty-five minutes, half an hour cause we had to contact and tell people. So it was like twenty-five minutes to half an hour.

Q And what was the reason that he was brought to the station and handcuffed in the first place?

A Because he was still a subject of the case because if it wasn't his property he would have committed the offense against the white male.

Q So is it safe to say that everyone on the scene was a subject of the investigation?

A Correct until we could figure out what's going on.

Q So the other two subjects that were there, were they ever handcuffed?

A Yeah they were handcuffed. One was transported to the hospital by some Officers. And then the other one was transported along with me in a different car to the station and both of them were arrested.

Q Were all three handcuffed at the same upon your arrival?

A No.

Q Why would you say...how long after Celestin was handcuffed that eventually the other two subjects were handcuffed?

A When we figured out what was going on and we looked at the documents inside, so I would say half an hour. Cause it was kind of chaotic and there were lots of things inside. We had to figure out what was going on.

Q So my question is, Odilon Celestin was handcuffed first correct?

A Correct.

Q And the other two subjects who you're claiming was also subjects were not handcuffed initially?

A Not initially.

Q Can you explain to me why the focus was on Mr. Celestin versus the other two?

A The focus on Mr. Celestin because that's how the call was dispatched. He was dispatched as the subject that was in possession of a firearm committing a ROBBERY. And on scene his actions, did not comply lawful commands raised awareness on my part that made me think that he was the subject. And then his demeanor and yelling and stuff they all led to have us believe that he was the subject. That's why he was taken into custody initially.

Q What was the demeanor of the other two white male subjects that were on the scene?

A They were calm.

Q Were they cooperative?

A Yeah they spoke with us. One of the white males that was taken into custody didn't even...he was basically doing work for somebody else thinking that he was in the right.

Q Do you feel that Odilon Celestin, the complainant, at any point posed a Officer safety concern for yourself and for the other Officers that were there on the scene?

A Yes.

Q In what way?

A In the way that he had a firearm. Later on it was discovered that it was in car. And he was in direct possession. He was the only one when we arrived that knew where that was. Nobody else knew where that was.

Q Do you feel that the other two subjects...did the other two subjects ever pose any type of Officer safety concerns while on the scene?

A No.

Q Why?

A Because of their demeanor. Because one of them is already injured. And if he would want to retaliate to anybody he would have had the chance to do so after he got hurt by Mr. Celestin. But he was I guess hurt enough or scared enough to stay away. And he was cooperative with Officers and both of them answered questions. They were at no point aggressive towards us or didn't answer anything that we were asking them to do. Again they were eventually found to be in the wrong in what they were doing. But they weren't on scene being aggressive when we first arrived. And they weren't the people that were described as being the subjects upon dispatched.

Q Was Officer Bernadeau on the scene?

A Yes.

Q Can you describe to me what Officer Bernadeau's involvement or role was at the scene?

A Not really. There were so many Officers there that was...they were all pretty much helping either secure the subject and placing him in the car or talking with the other white males that were involved or securing the location from being BURGLARIZED again I guess. But securing the location or finding out who the

property owner was. So everybody was assisting in one thing or the other. I think he went to the hospital.

Q Did Officer Bernadeau take any part of any role in securing the subject with you or assisting you in securing the subject?

A I don't recall.

Q Did you observe or witness Officer Bernadeau use any type of force whether excessive or not against the complainant?

A No.

Q Do you feel that you used excessive force against the complainant?

A No.

Q Did you use force against the complainant?

A No. I handcuffed him.

Q When you say that, was he at any point resisting?

A Well he didn't comply with lawful commands to get on the ground. And then his retreat...if there weren't as many Officers as there were, he might have been resisting. But there were too many people there to kind of help control him. So he couldn't really...he just pretty much I guess gave when once he realized there was too many people for him to be combative against or pose a threat to. And at that point he started yelling things out like he wanted to kill himself or whatever.

Q Did you have a chance to look through the file?

A Yes.

Q Did you have a chance to look at the crime scene photographs taken by our crime scene unit of the alleged or on the injuries that he alleges were caused on the scene/

A Yes.

Q Did you recall seeing those injuries on Odilon Celestin that day on the scene?

A No.

Q On the scene...I'm sorry at the holding cell in the station, did anyone explain to...once he was released, the complainant, did anyone explain to the complainant why such actions were taken? And explain to him the process?

A Sergeant Mesidor was on scene at the holding cell. And I was present there while he explained to him why we had to do what we had to do. And how we had taken an extra step of contacting the attorney who closed the deal. Cause he could have very easily been arrested too along with them because of the facts surrounding the case. And he thanked Sergeant Mesidor for doing that for him. And was grateful to be able to go back home.

Q Have you seen the complainant since that day whether in criminal court or anywhere else?

A Criminal court.

Q You saw him in criminal court?

A Three times.

Q Three times you've seen in criminal court?

A Yeah.

Q Did he make any statements to you?

A No.

Q Did you make any statements to him?

A No.

Q Did you have any interactions with him or him with you that were not audible but in any way, shape or form?

A No.

Q Did you see the witness anywhere in criminal court or anywhere?

A Yeah once.

Q Did he have any interaction with you?

A No.

Q Whether audible or at all?

A No.

Q And just to confirm, the complainant was not arrested, correct?

A Correct.

Q Who was arrested?

A The two male subjects that were on scene.

Q And what were they arrested for?

A One of them was arrested for BURGLARY or TRESPASSING (inaudible) and then they changed it to TRESPASSING. And then the other one was charged with BURGLARY, BATTERY, AGGRAVATED ASSAULT and THEFT.

Q And why was he charged with AGGRAVATED ASSAULT and BATTERY?

A Because upon Celestin deciding to not wait for Officers to respond to the location and go in himself, he was confronted by him and struck by the white Hispanic male. Then his phone was taken...Celestin's phone was taken from him by the white Hispanic male. And chased after him and he displayed a knife on his waist. And that's what caused Celestin to take out his gun and hit him with the gun.

Q On the scene you collected information and collected facts and evidence, correct?

A Correct.

Q Based on those facts and evidence that you collected, what would you say happened...how would you say that the white male subject who was injured, how did he receive that injury?

A By pistol.

Q By a pistol?

A Yeah being pistol whipped by the gun itself he had in his possession.

Q When you say pistol whipped, what do you mean by that?

A Striking him in a forceful manner across the face using the weapon as the blunt object of force.

Q So Odilon Celestin struck the subject, the white male subject in his...where?

A Along his chin area.

Q In his chin or his mouth area with the gun, correct?

A Correct.

Q And that's what caused the injury?

A Correct.

Q Did you notice Odilon Celestin ever having a holster on his possession?

A Yeah he had a holster on his waist.

Q Was anything holstered in the holster or was it empty?

A Once we patted down there was nothing in the holster. The gun was located in the car.

Q Was the holster visible to you when you arrived on the scene and you were giving him the verbal commands?

A I don't recall but all I saw were his hands up.

Q Do you feel that you...do you feel that you were rude to Mr. Celestin at any point?

A No.

Q Did he ever ask you any questions expecting an answer from you?

A He was asking he was arrested or what was going on. And I explained to him after he calmed down. Once he started talking he started explaining things and he started telling me his part of the story. I started piecing things together.

Q Now you were...just said that once he calmed down you explained to him. Did you refuse to answer the questions because of his demeanor or did you answer the question right then and there?

A I answered the question right then and there but before it was...he wasn't asking questions he was just yelling and being angry. And then he started asking things and starting to say well why aren't they being arrested or what's going on with them. I started asking him questions to help me figure out what was going on.

Q Did you notice any Officer on the scene use force against the complainant?

A No.

Q Whether excessive or not?

A No.

Q Was the complainant in your custody at all times?

A Yes.

Q So there was no point where someone else took custody of the complainant and could have caused any injury to him? He was in your custody the whole time, correct?

A Correct. I was in the area of him being handcuffed. And like I said, if it was me directly transporting him to the car. But he was in my car. So he didn't complain of anything while I was in the car either.

Q Why was one of the subjects taken to the hospital?

A Because of the injuries that Celestin made to his face.

Q Can you describe the extent of the injury?

A It was a laceration around his lip or mouth or chin area. I don't know if it had to get stitches or not cause I didn't go. I think it did or else he wouldn't have had to go the hospital. But I think he got stitches around his chin.

Q Mr. Aledda, is there anything that I have failed to ask you that you would like to add to this statement?

A No.

Q Mr. Brendon Coyle, anything you'd like to add?

A (Mr. Coyle) I don't have anything. Thank you.

Q Mr. Aledda, has everything you said been the truth to the best of your knowledge?

A Yes.

Q Mr. Aledda, you are advised that under Chapter 112.533 Subsection 3, entitled disclosure of Internal Affairs Complaints. Any person who is a participant in an Internal Affairs Investigation who willfully discloses any information obtained pursuant to the agencies investigation including but not limited to the identity of the Officer or Officers under investigation the nature of the questions asked, information revealed or documents furnished in connection with a confidential investigation of an agency before such complaint, document, action or proceeding becomes a public record as provided by this section is guilty of a misdemeanor of the first degree; punishable as provided in Section 775.082 Penalties and Section 77.083 Fines. Mr. Aledda, this concludes the interview. The time is now 3:46 P.M. Thank you for your cooperation.

TRANSCRIBED BY:


FELICIA LAJUNE BELLAMY

NORTH MIAMI
POLICE DEPARTMENT

OFFICE OF PROFESSIONAL COMPLIANCE

Internal Affairs Investigation
Interview of Officer as the Subject of an Investigation

ON TAPE

- This is Sergeant Rafael Estrugo – Internal Affairs.
- Today's date is: APRIL 17 2014
- The time is: 3:13 PM
- This interview is being conducted at the North Miami Police Department, 700 Northeast 124th Street, in the Office of Profession Compliance.
- This interview is being recorded.
- You are being interviewed as the Subject of an Internal Affairs Investigation.
- You have the right to have a Union Representative present, who will serve as a witness to these proceedings, and who shall have the opportunity to advise you of your contractual rights.
- You are further entitled to all of the rights and privileges guaranteed by your Union Contract and by the laws of the Constitutions of the United States and the State of Florida.
- You will be asked questions specifically directed toward your actions, or knowledge obtained, while employed with the City of the North

Miami. Failure to answer any questions relating to your employment or fitness for duty may subject you to Disciplinary Action.

- Present in the room with me is: Ms/Mr. Aleda Ofc _____ and his/her representative.
- Ms/Mr. Aleda, you are being interviewed as the **Subject** of an Internal Affairs Investigation that I am investigating.
- A Complaint was made against you **by**: Odilon Celestin.
- The **Date** of the Complaint was: October 19th, 2013
- The Complaint ^{art} **alleged that**: You used excessive force & were rude
- Under the **POBOR**, you are entitled to have an Attorney and /or other Representative present during questioning.
- Ms/Mr. Aleda, do you understand this statement?
- **Do you waive this right at this time? (if so have form signed)**
- I'm going to now ask that your Representative please identify him herself and spell your name.
- This is a sworn statement in reference to Internal Affairs **Case Number**: IA-13-05
- For the record, I am going to advise you of your Garrity Rights.
- I am going to give you a copy to read along if you desire. (**READ the FORM**)

Garrity Rule

- Under the **Garrity Rule**, you are required to give this statement for administrative purposes. You will be asked questions that are specifically, directly, and narrowly related to the performance of official duties or fitness for duty. I further advise you that if you refuse to answer questions related to the performance of your duties or fitness for duty, you are subject to departmental charges, including, but not limited to, insubordination, which could result in Disciplinary Action and/or Dismissal from the City of North Miami Police Department.
- Neither your statement nor any information or evidence which is gained by reason of such statements, can be used against you in any subsequent criminal proceeding, except Perjury. However, these statements may be used against you in relation to subsequent departmental charges.
- Do you understand everything that I have read to you?
- Please read the form and sign it at the bottom.
- Ms/Mr. Alceda, have you have been given an opportunity to review the complaint and all related statements, and all other existing evidence that I have obtained thus far, that relates to this incident?
- (Name) Ma Alceda, please raise your right hand. Do you solemnly swear or affirm that everything you say during this interview will be the truth, the whole truth, and nothing but the truth?
- (Name) Mr Alceda, if it is determined that you have not spoken the truth, you may be charged with Criminal Perjury – Do you understand this fact?

- Have you had an opportunity to review the complaint and related statements and evidence provided to you?
- These are all of the statements and / or evidence that I have obtained in this case. Are you prepared to give me a statement at this time?

QUESTIONS

- (Name) Mr. Alveda, is there anything I have failed to ask you that you would like to add to this statement?

- (Name) Mr. Alreda, has everything you said been the truth to the best of your knowledge?
- (Name) Mr. Alreda, you are advised that, under Chapter 112.533 (3), entitled, "Disclosure of Internal Affairs Complaints", any person who is a participant in an internal investigation...who willfully discloses any information obtained pursuant to the agency's investigation, including, but not limited to, the identity of the officer(s) under investigation, the nature of the questions asked, information revealed, or documents furnished in connection with a confidential investigation of a n agency, before such complaint, document, action, or proceeding becomes a public record as provided by this section is guilty of a misdemeanor of the first degree, punishable as provided in section 775.082 (Penalties) and section 77.083 (Fines).
- (Name) Mr. Alreda, this concludes the interview.
- The time is now: 3:45 PM.
- Thank you for your cooperation.



North Miami Police Report Detail

Print Date/Time: 10/20/2013 09:38
 Login ID: msalaverria
 Case Number: 2013-00039596

North Miami Police Department
 ORI Number: FL0131800

Case Details:

Case Number:	2013-00039596	Incident Type:	Burglary, Structure
Location:	13695 W DIXIE HWY NORTH MIAMI, FL 33161	Occured From:	10/19/2013 15:30
		Occured Thru:	10/19/2013 15:30
		Reported Date:	10/19/2013 15:36 Saturday
Reporting Officer ID:	422-Aledda	Status:	Closed
		Status Date:	10/19/2013
Assigned Bureau:	Investigative		

Case Assignments:

Assigned Officer	Assignment Date/Time	Assignment Type	Assigned By Officer	Due Date/Time
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<u>Associated Cases</u>	<u>Status</u>	<u>Assisting ORI's</u>	<u>Role</u>
<u>Modus Operandi</u>	<u>Solvability Factors</u>	<u>Weight</u>	

Offenses

No.	Group/ORI	Crime Code	Statute	Description	Counts
1	State	130A	784.021(1)(a)	Agg Assault With Deadly Weapon	1
2	State	2200	810.02	Burglary to Structure	1
3	State	130B	784.03	Battery	1
4	State	230I	812.014(2)(c)	Grand Theft- All Other Thefts	1



North Miami Police Report

Detail

Print Date/Time: 10/20/2013 09:38
Login ID: msalaverria
Case Number: 2013-00039596

North Miami Police Department
ORI Number: FL0131800

Offense # 1

Group/ORI: State Crime Code: 130A Statute: 784.021(1) Counts: 1 Attempt/ Commit Code: Commit
(a)

Description: Agg Assault With Deadly Weapon Offense Date: 10/19/2013

NCIC Code: Scene Code: Restaurant Bias/Motivation: None
Offense Status: Closed Status Date: 10/19/2013 Occupancy Code:
Arson Code: Domestic Code: No Child Abuse:
Gang Related: No Aiding/Abetting: Sub-Code:
of Adults: # of Juveniles: IBR Seq. No: 1
Property Damage Amt.: Abandoned Structure: Household Status:
Domestic Circumstance: Carjacking: Premise Code:
Accessing Situation: Hate Bias Indicator: Prior Inv - Victim:
Gambling Motivated: Order of Protection:
Prior Inv - Offender: Anti-reproductive rights crime:
Special Circumstances: Precipitating Event:

Offender Suspected of Using

Alcohol:
Drugs:
Computer:
Aggravated Assault/ Homicide Circumstances #1:
Aggravated Assault/ Homicide Remarks #1:
Justifiable Homicide Circumstances :
Method of Entry Type:
Point of Entry:
Method of Exit Type:
Point of Exit:
Direction of Travel:
Counterfeit Type:

Victim Suspected of Using

Alcohol:
Drugs:
Computer:
Aggravated Assault/ Homicide Circumstances #2:
Aggravated Assault/ Homicide Remarks #2:
Larceny Type:
Method of Entry :
of Premises Entered :
Method of Exit :
How Left Scene:

Justifiable Homicide Code :

Larceny Type:

Counterfeit Status:

Counterfeit Amount:

Evidence Collected

Criminal Activity

Tools Used

Security Systems

Dead Bolt

Weapon Code : Knife/Cutting Instrument

Feature: Caliber: Caliber Other: Weapon Length:
Weapon Gauge: Gauge Other: Weapon Grips: Weapon Finish:
Weapon Finish Other: Weapon Other:



North Miami Police Report Detail

Print Date/Time: 10/20/2013 09:38
Login ID: msalaverria
Case Number: 2013-00039596

North Miami Police Department
ORI Number: FL0131800

Offense # 2

Group/ORI: State	Crime Code: 2200	Statute: 810.02	Counts: 1	Attempt/ Commit Code: Commit
Description: Burglary to Structure				Offense Date: 10/19/2013
NCIC Code:		Scene Code: Restaurant		Bias/Motivation: None
Offense Status: Closed		Status Date: 10/19/2013		Occupancy Code:
Arson Code:		Domestic Code: No		Child Abuse:
Gang Related: No		Aiding/Abetting:		Sub-Code:
# of Adults:		# of Juveniles:		IBR Seq. No: 2
Property Damage Amt.:		Abandoned Structure:		Household Status:
Domestic Circumstance:		Carjacking:		
Accessing Situation:		Hate Bias Indicator:		Premise Code:
Gambling Motivated:		Order of Protection:		Prior Inv - Victim:
Prior Inv - Offender:		Anti-reproductive rights crime:		
Special Circumstances:		Precipitating Event:		

Offender Suspected of Using

Alcohol:
Drugs:
Computer:
Aggravated Assault/ Homicide Circumstances #1:
Aggravated Assault/ Homicide Remarks #1:
Justifiable Homicide Circumstances :

Method of Entry Type: Slipped Lock
Point of Entry: Front Door
Method of Exit Type: No Force
Point of Exit: Front
Direction of Travel: S

Counterfeit Type:
Evidence Collected

Victim Suspected of Using

Alcohol:
Drugs:
Computer:
Aggravated Assault/ Homicide Circumstances #2:
Aggravated Assault/ Homicide Remarks #2:

Justifiable Homicide Code :

Method of Entry : Key/Pick
of Premises Entered :
Method of Exit : No Force
How Left Scene: On Foot

Larceny Type:

Counterfeit Status:

Criminal Activity

Tools Used

Drill

Counterfeit Amount:

Security Systems

Dead Bolt



North Miami Police Report Detail

Print Date/Time: 10/20/2013 09:38
Login ID: msalaverria
Case Number: 2013-00039596

North Miami Police Department
ORI Number: FL0131800

Offense # 3

Group/ORI: State	Crime Code: 130B	Statute: 784.03	Counts: 1	Attempt/ Commit Code: Commit
Description: Battery				Offense Date: 10/19/2013
NCIC Code:		Scene Code: Restaurant		Bias/Motivation: None
Offense Status: Closed		Status Date: 10/19/2013		Occupancy Code:
Arson Code:		Domestic Code: No		Child Abuse:
Gang Related: No		Aiding/Abetting:		Sub-Code:
# of Adults:		# of Juveniles:		IBR Seq. No: 3
Property Damage Amt.:		Abandoned Structure:		Household Status:
Domestic Circumstance:		Carjacking:		Premise Code:
Accessing Situation:		Hate Bias Indicator:		Prior Inv - Victim:
Gambling Motivated:		Order of Protection:		
Prior Inv - Offender:		Anti-reproductive rights crime:		
Special Circumstances:		Precipitating Event:		

Offender Suspected of Using

Alcohol:
 Drugs:
 Computer:
 Aggravated Assault/ Homicide Circumstances #1:
 Aggravated Assault/ Homicide Remarks #1:
 Justifiable Homicide Circumstances :
 Method of Entry Type:
 Point of Entry:
 Method of Exit Type:
 Point of Exit:
 Direction of Travel:
 Counterfeit Type:
Evidence Collected

Victim Suspected of Using

Alcohol:
 Drugs:
 Computer:
 Aggravated Assault/ Homicide Circumstances #2:
 Aggravated Assault/ Homicide Remarks #2:
 Justifiable Homicide Code :
 Larceny Type:
 Method of Entry :
 # of Premises Entered :
 Method of Exit :
 How Left Scene:

Counterfeit Status:
Criminal Activity

Tools Used

Counterfeit Amount:
Security Systems



North Miami Police Report

Detail

Print Date/Time: 10/20/2013 09:38
 Login ID: msalaverria
 Case Number: 2013-00039596

North Miami Police Department
 ORI Number: FL0131800

Offense # 4

Group/ORI: State Crime Code: 2301 Statute: 812.014(2) Counts: 1 Attempt/ Commit Code: Commit
 (c)
 Description: Grand Theft- All Other Thefts Offense Date: 10/19/2013
 NCIC Code: Scene Code: Restaurant Bias/Motivation: None
 Offense Status: Closed Status Date: 10/19/2013 Occupancy Code:
 Arson Code: Domestic Code: No Child Abuse:
 Gang Related: No Aiding/Abetting: Sub-Code:
 # of Adults: # of Juveniles: IBR Seq. No: 4
 Property Damage Amt.: Abandoned Structure: Household Status:
 Domestic Circumstance: Carjacking: Premise Code:
 Accounting Situation: Hate Bias Indicator: Prior Inv - Victim:
 Gambling Motivated: Order of Protection: Precipitating Event:
 Prior Inv - Offender: Anti-reproductive rights crime:
 Special Circumstances:

Offender Suspected of Using

Victim Suspected of Using

Alcohol:
 Drugs:
 Computer:
 Aggravated Assault/ Homicide Circumstances #1:
 Aggravated Assault/ Homicide Remarks #1:
 Justifiable Homicide Circumstances :
 Method of Entry Type:
 Point of Entry:
 Method of Exit Type:
 Point of Exit:
 Direction of Travel:
 Counterfeit Type:
 Evidence Collected

Alcohol:
 Drugs:
 Computer:
 Aggravated Assault/ Homicide Circumstances #2:
 Aggravated Assault/ Homicide Remarks #2:
 Justifiable Homicide Code :
 Method of Entry :
 # of Premises Entered :
 Method of Exit :
 How Left Scene:

Larceny Type: All Other

Counterfeit Status: Criminal Activity Counterfeit Amount: Security Systems
 Tools Used

Subjects

Type	No.	Name	Address	Phone	Race	Sex	DOB/Age
Other	1	Rolland, Frank	12065 W DIXIE HWY North Miami, FL 33161	(786)279-7829	White	Male	10/18/1952
Arrestee	1	Torres, Miguel De Jesus	212 SE 2 ST Hallandale, FL 33009	(305)215-5597	White	Male	11/28/1963
Arrestee	2	Zyablikov, Dmitriy	19370 COLLINS AVE Sunny Isles, FL 33160	(786)617-0920	White	Male	08/24/1963
Victim	1	Celestine, Odillon Saintilma	13640 NW 2ND AVE NORTH MIAMI, FL 33168	(786)271-3210	Black	Male	08/08/1975
Victim	2	O King Grill Restaurant	13695 W DIXIE HWY NORTH MIAMI, FL 33161				38
Witness	1	Broussard, Bernard	1400 NW 54 ST Miami, FL 33142	(786)285-8104	Black	Male	06/08/1950 63



North Miami Police Report

Detail

Print Date/Time: 10/20/2013 09:38
 Login ID: msalaverria
 Case Number: 2013-00039596

North Miami Police Department
 ORI Number: FL0131800

Subject # 1-Other

Primary: No	Race: White	Sex: Male	DOB: 10/18/1952
Name: Rolland, Frank	Height:	Weight:	Build:
Address: 12065 W DIXIE HWY North Miami FL 33161	Eyes:	Hair:	Age: 61
Primary Phone: (786)279-7829	SSN:	DVL #:	State:
Resident Type: City	Resident Status: Full Year	Statement Type:	Custody Status:
Disposition:	Date:		

Related Offenses

Related Weapons

Victim/Offender Relationship

Transported By:	Extent of Injury:	Hospital:
Domestic Violence:	Domestic Violence Referrals:	Federal Agencies Involved:
Condition:	Medical Treatment:	

Missing Person Information

Subject # 1-Arrestee

Primary: No	Arrestee Type: Arrestee	Sex: Male	DOB: 11/28/1963
Name: Torres, Miguel De Jesus	Race: White	Weight: 190.0 lbs.	Build: Medium
Address: 212 SE 2 ST Hallandale FL 33009	Height: 5ft 8in	Hair: Black	Age: 49
Primary Phone: (305)215-5597	Eyes: Brown	DVL #: T6205446342 80	State: FL
Resident Type: Florida	Resident Status: Full Year	Statement Type: Verbal	Custody Status:
Disposition:	Date:		

Related Offenses

Group/ORI	Crime Code	Statute	Description
State	130B	784.03	Battery
State	2200	810.02	Burglary to Structure
State	130A	784.021(1)(a)	Agg Assault With Deadly Weapon

Related Weapons

Victim/Offender Relationship

No.	Type	Name	Relationship
1	Arrestee	Torres, Miguel De Jesus	Stranger

Transported By:	Extent of Injury:	Hospital:
Domestic Violence:	Domestic Violence Referrals:	Federal Agencies Involved:
Condition:	Medical Treatment:	

Missing Person Information



North Miami Police Report

Detail

Print Date/Time: 10/20/2013 09:38
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 Case Number: 2013-00039596

North Miami Police Department
 ORI Number: FL0131800

Subject # 2-Arrestee

Primary: Yes Name: Zyablikov, Dmitriy Address: 19370 COLLINS AVE Sunny Isles FL 33160 Primary Phone: (786)617-0920 Resident Type: County Disposition:	Arrestee Type: Arrestee Race: White Height: 5ft 6in Eyes: Brown SSN: Resident Status: Full Year Date:	Sex: Male Weight: 140.0 lbs. Hair: Black DVL #: DOB: 08/24/1963 Build: Thin Age: 50 State: Statement Type: Custody Status:
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Related Offenses

Group/ORI	Crime Code	Statute	Description
State	2200	810.02	Burglary to Structure

Related Weapons

Victim/Offender Relationship

No.	Type	Name	Relationship
2	Arrestee	Zyablikov, Dmitriy	Stranger

Transported By:	Extent of Injury:	Hospital:
Domestic Violence Condition:	Domestic Violence Referrals:	Federal Agencies Involved:
	Medical Treatment:	

Missing Person Information

Subject # 1-Victim

Primary: No Name: Celestine, Odilion Saintilma Address: 13640 NW 2ND AVE NORTH MIAMI FL 33168 Primary Phone: (786)271-3210 Resident Type: City Disposition:	Victim Type: Individual Race: Black Height: Eyes: SSN: Resident Status: Full Year Date:	Sex: Male Weight: Hair: DVL #: DOB: 08/08/1975 Build: Age: 38 State: Statement Type: Custody Status:
---	--	---

Related Offenses

Group/ORI	Crime Code	Statute	Description
State	2301	812.014(2)(c)	Grand Theft- All Other Thefts
State	130B	784.03	Battery
State	2200	810.02	Burglary to Structure
State	130A	784.021(1)(a)	Agg Assault With Deadly Weapon

Related Weapons

Victim/Offender Relationship

Transported By:	Extent of Injury:	Hospital:
Domestic Violence Condition:	Domestic Violence Referrals:	Federal Agencies Involved:
	Medical Treatment:	

Missing Person Information



North Miami Police Report

Detail

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 Case Number: 2013-00039596

North Miami Police Department
 ORI Number: FL0131800

Subject # 2-Victim

Primary: No	Victim Type: Business	
Name: O King Grill Restaurant	Race:	Sex:
Address: 13695 W DIXIE HWY NORTH MIAMI FL 33161	Height:	Weight:
	Eyes:	Build:
Primary Phone:	SSN:	Hair:
Resident Type:	Resident Status:	DVL #:
Disposition:	Date:	Statement Type:
		Custody Status:

Related Offenses

Group/ORI	Crime Code	Statute	Description
State	2200	810.02	Burglary to Structure

Related Weapons

Victim/Offender Relationship

Transported By:	Extent of Injury:	Hospital:
Domestic Violence:	Domestic Violence Referrals:	Federal Agencies Involved:
Condition:	Medical Treatment:	

Missing Person Information

Subject # 1-Witness

Primary: No	Race: Black	Sex: Male	DOB: 06/08/1950
Name: Broussard, Bernard	Height:	Weight:	Build:
Address: 1400 NW 54 ST Miami FL 33142	Eyes:	Hair:	Age: 63
Primary Phone: (786)285-8104	SSN:	DVL #:	State:
Resident Type: County	Resident Status: Full Year	Statement Type:	
Disposition:	Date:	Custody Status:	

Related Offenses

Related Weapons

Victim/Offender Relationship

Transported By:	Extent of Injury:	Hospital:
Domestic Violence:	Domestic Violence Referrals:	Federal Agencies Involved:
Condition:	Medical Treatment:	

Missing Person Information

Arrests

Arrest No.	Name	Address	Date/Time	Type	Age
10242A	Zyablikov, Dmitriy	13695 W DIXIE HWY NORTH MIAMI, FL 33161	10/19/2013 15:50	Felony Charge	50
10241A	Torres, Miguel De Jesus	13695 W DIXIE HWY NORTH MIAMI, FL 33161	10/19/2013 15:40	Felony Charge	49



North Miami Police Report

Detail

Print Date/Time: 10/20/2013 09:38
 Login ID: msalaverria
 Case Number: 2013-00039596

North Miami Police Department
 ORI Number: FL0131800

Arrest # : 10241 A	Date/Time : 10/19/2013 15:40	Type : Felony Charge	Status : TGK
Name : Torres, Miguel De Jesus	Race : White	Sex : Male	DOB : 11/28/1963
Address : 212 SE 2 ST Hallandale, FL 33009	Height : 5ft 8in	Weight : 190.0 lbs.	Build : Medium
	Eyes : Brown	Hair : Black	Marital :
Phone : (305)215-5597	SSN : 264-95-3237	DVL# : T620544634280	State : FL

Location: 13695 W DIXIE HWY
NORTH MIAMI, FL 33161

ID Procedure:	Miranda ID:	Miranda Date/Time:
Age at Arrest : 49	Resident Type : Florida	Resident Status : Full Year
Basin For Caution :	Arrest Result Of : Criminal Activity	Clears Case : Yes
Alcohol Influence : No	Drug Influence : No	Resisted Arrest : No
Statement Type :	Statement ID :	

Arresting Officers	Bureau	School Resource Officer
422-Aledda		No

Condition:	Medical Treatment:	Hospital:
Transported By:	Extent of Injury:	

Associated Numbers

Warrant ORI:	Warrant Number:
Booking ORI:	Booking Number:
Court ORI:	Court Case Number:



North Miami Police Report

Detail

Print Date/Time: 10/20/2013 09:38
 Login ID: msalaverria
 Case Number: 2013-00039596

North Miami Police Department
 ORI Number: FL0131800

Arrest Charges

No.	Group/ORI	Crime Code	Statute	Description
1	State	2301	812.014(2)(c)	Grand Theft- All Other Thefts
Counts:	1		Charge Date/Time: 10/19/2013 15:40	Attempt/Commit: Commit
Domestic:			Plea:	Larceny:
Disposition:			Disposition Date:	NCIC Code:
Court Date/Time:			Bond Date/Time:	Other ORI: No
Court Disposition:				Court Disposition Date:

Arrest Charges

No.	Group/ORI	Crime Code	Statute	Description
2	State	2200	810.02	Burglary to Structure
Counts:	1		Charge Date/Time: 10/19/2013 15:40	Attempt/Commit: Commit
Domestic:			Plea:	Larceny:
Disposition:			Disposition Date:	NCIC Code:
Court Date/Time:			Bond Date/Time:	Other ORI: No
Court Disposition:				Court Disposition Date:

Arrest Charges

No.	Group/ORI	Crime Code	Statute	Description
3	State	130B	784.03	Battery
Counts:	1		Charge Date/Time: 10/19/2013 15:40	Attempt/Commit: Commit
Domestic:			Plea:	Larceny:
Disposition:			Disposition Date:	NCIC Code:
Court Date/Time:			Bond Date/Time:	Other ORI: No
Court Disposition:				Court Disposition Date:

Arrest Charges

No.	Group/ORI	Crime Code	Statute	Description
4	State	130A	784.021(1)(a)	Agg Assault With Deadly Weapon
Counts:	1		Charge Date/Time: 10/19/2013 15:40	Attempt/Commit: Commit
Domestic:			Plea:	Larceny:
Disposition:			Disposition Date:	NCIC Code:
Court Date/Time:			Bond Date/Time:	Other ORI: No
Court Disposition:				Court Disposition Date:

Property

Vehicles



North Miami Police Report

Detail

Print Date/Time: 10/20/2013 09:38
Login ID: msalaverria
Case Number: 2013-00039596

North Miami Police Department
ORI Number: FL0131800

OfficerID: Jaleda, Narrative

I was dispatched to a burglary in progress. Upon arrival contact was made with V-Celestine as well as A- Torres and A- Zyablikov. Celestine was advised to have a gun in his possession and Torres was bleeding from the mouth. Celestine was taken into custody for officer safety and his Smith & Wesson semi-automatic firearm was located in his vehicle before being impounded.

A records check was conducted on all individuals involved as well as with the firearm used and produced negative results.

After all parties involved were separated and the area was safe, each party was interviewed separately. Celestine advised that he arrived at his new business, "O' King Grill Restaurant", and called police immediately when he noticed the front door's lock missing with the door open. Celestine entered the business and saw Torres and Zyablikov sitting in the restaurant with drills as well as other tools they used to gain entry. Celestine asked both individuals what they were doing and a verbal confrontation ensued before quickly escalating physically when Torres struck Celestine several times in the face before taking Celestine's phone (Black Blackberry valued at \$600 which was recovered on scene). In fear for his life, Celestine fled to his car to find safety but was pursued by Torres.

Once at the car, Torres began hitting Celestine with his hands and then produced a black/gray Sheffield pocket knife. Feeling as though his life was in danger Celestine produced a Smith & Wesson semi-automatic firearm and struck Torres in the face just prior to police arrival.

W- Broussard said he was in the area when he saw Torres come after Celestine and provided testimony that corresponded with Celestine's claims.

Upon checking the business for rightful ownership, there were no documents readily available that would show Celestine being the owner. For this reason, Celestine was transported to the station for questioning until information could be acquired to prove he was the owner. Upon arrival, contact was made with O-Rolland who advised he was the closing attorney who vouched for being present when Celestine took ownership of the property.

Celestine was released from police custody, transported back to his business, and given a Case Card to follow up on the case. Celestine was reminded to contact police before entering a property that could possibly be burglarized and was grateful for North Miami Police's efforts to investigate the circumstance of the events that took place.

Torres was taken into custody and post Miranda (per card) advised he was contracted by Zyablikov to gain access to the building that he use to own. Zyablikov only speaks Russian and there were no units in the county that could translate. Torres' statements did not dispel any of the elements of the crime or claims made by Celestine and Broussard.



North Miami Police Report

Detail

Print Date/Time: 10/20/2013 09:38
Login ID: msalaverria
Case Number: 2013-00039596

North Miami Police Department
ORI Number: FL0131800

Torres and Zyablikov were arrested. Torres was transported to Aventura for medical clearance (Miami-Dade Fire Rescue #31, Lt.. Garcia, #3209612) and then both parties were transported to TGK without incident.



North Miami Police Report Detail

Print Date/Time: 10/20/2013 09:38
Login ID: msalaveria
Case Number: 2013-00039596

North Miami Police Department
ORI Number: FL0131800

OfficerID: Jaleda, Narrative

This supplement was created to include the additional charge listed.




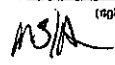
North Miami Police Report Detail

Print Date/Time: 10/20/2013 09:38
Login ID: msalaverria
Case Number: 2013-00039596

North Miami Police Department
ORI Number: FL0131800

Routing:

COMPLAINT/ARREST AFFIDAVIT

ORBS NUMBER		COMPLAINT/ARREST AFFIDAVIT				POLICE CASE NO 2013-00039596	
SPECIAL OPERATION		<input checked="" type="checkbox"/> FELONY <input type="checkbox"/> MISD <input type="checkbox"/> TRAFFIC <input type="checkbox"/> JUV <input type="checkbox"/> DV <input type="checkbox"/> MOVES <input type="checkbox"/> CIV INV <input type="checkbox"/> WARRANT <input type="checkbox"/> FUGITIVE WARRANT <input type="checkbox"/> In state <input type="checkbox"/> Out of state		JAIL NO		RMHD <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> UNKNOWN	
IDS NO		AGENCY CODE 06		MUNICIPAL P.D. DEF ID NO		MCPD RECORDS AND ID NO	
DEFENDANT'S NAME (LAST FIRST MIDDLE) Zyablikov, Dmitriy		ALIAS and/or STREET NAME		SIGNAL <input type="checkbox"/> 100 <input type="checkbox"/> 150 <input type="checkbox"/> 200 <input type="checkbox"/> 300 <input type="checkbox"/> 400 <input type="checkbox"/> 500		GANG ACTIVITY RELATED ARREST <input checked="" type="checkbox"/> N FRAUD RELATED ARREST <input checked="" type="checkbox"/> N	
DOB (MM/DD/YYYY) 08/24/1963		AGE 50		RACE W		SEX M	
<input type="checkbox"/> Hispanic <input checked="" type="checkbox"/> Not Hispanic ETHNICITY OTH		HEIGHT 5 06		WEIGHT 140		HAIR COLOR BLK	
HAIR LENGTH SHT		HAIR STYLE STR		EYES BRO		GLASSES <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
SCARS TATTOOS, UNIQUE PHYSICAL FEATURES (Location, Type Description)		PLACE OF BIRTH (City State/Country) Russia Russia		FACIAL HAIR CLN		TEETH NOR	
LOCAL ADDRESS (Street Apt Number) 19370 Collins AVE Sunny Isles, FL 33160-		(City) (State) (Zip)		PHONE (786)617-0920		CITIZENSHIP Russia	
PERMANENT ADDRESS (Street Apt Number) <input type="checkbox"/> HOMELESS <input type="checkbox"/> UNKNOWN		(City) (State/Country) (Zip)		PHONE		OCCUPATION	
<input type="checkbox"/> BUSINESS OR <input type="checkbox"/> SCHOOL NAME AND ADDRESS (Street) (City) (State/Country) (Zip)		PHONE		ADDRESS SOURCE <input type="checkbox"/> DL		<input checked="" type="checkbox"/> Verbal <input type="checkbox"/> _____	
DRIVER'S LICENSE NUMBER / STATE		SOCIAL SECURITY NO		WEAPON SEIZED? Type <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		If Def has Concealed Weapons Permit PERMIT # W <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
INDICATION OF Alcohol influence <input type="checkbox"/> Y <input checked="" type="checkbox"/> N		Drug influence <input type="checkbox"/> Y <input checked="" type="checkbox"/> N		GRID			
ARREST DATE (MM/DD/YYYY) 10/19/2013		ARREST TIME (H:MM) 15:50		ARREST LOCATION (include name of business) 13695 W DIXIE HWY NORTH MIAMI, FL 33161 O'King Grill Restaur			
CO-DEFENDANT NAME (Last, First, Middle) 1 Torres, Miguel De Jesus		DOB (MM/DD/YYYY) 11/28/1963		<input checked="" type="checkbox"/> IN CUSTODY <input checked="" type="checkbox"/> FELONY <input type="checkbox"/> JUVENILE <input type="checkbox"/> AT LARGE <input type="checkbox"/> DV <input checked="" type="checkbox"/> MISDEMEANOR			
CO-DEFENDANT NAME (Last, First, Middle) 2		DOB (MM/DD/YYYY)		<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> FELONY <input type="checkbox"/> JUVENILE <input type="checkbox"/> AT LARGE <input type="checkbox"/> DV <input type="checkbox"/> MISDEMEANOR			
CO-DEFENDANT NAME (Last, First, Middle) 3		DOB (MM/DD/YYYY)		<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> FELONY <input type="checkbox"/> JUVENILE <input type="checkbox"/> AT LARGE <input type="checkbox"/> DV <input type="checkbox"/> MISDEMEANOR			
<input type="checkbox"/> Parent (Name) (Street Apt Number) (City) (State/Country) (Zip) (Phone)		<input type="checkbox"/> Guardian <input type="checkbox"/> Foster Care		Contracted? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
CHARGES		CHARGE AS		QUANTS		FL STATUTE NUMBER	
1 Burglary to Structure		<input checked="" type="checkbox"/> F S <input type="checkbox"/> ORD		1		810.02	
2		<input checked="" type="checkbox"/> F S <input type="checkbox"/> ORD					
3		<input checked="" type="checkbox"/> F S <input type="checkbox"/> ORD					
4		<input type="checkbox"/> F S <input type="checkbox"/> ORD					
WARRANT TYPE OR TRAFFIC CITATION		<input type="checkbox"/> AC <input type="checkbox"/> CAPIAS <input type="checkbox"/> BW <input type="checkbox"/> FW <input type="checkbox"/> PW <input type="checkbox"/> JUV PU <input type="checkbox"/> AW <input type="checkbox"/> DWV <input type="checkbox"/> WRIT		CASE #			
The undersigned certifies and swears that herein has just and reasonable grounds to believe, and does believe that the above named Defendant committed the following violation of law		On the 19 day of October , 20 13 at 15:30 (H:MM) at 13695 W DIXIE HWY NORTH MIAMI, FL 33161 O'King Grill Restaur (Narrative, be specific)		(Location, include name of business)			
The Victim arrived at his business, "O' King Grill Restaurant", and called police immediately when he noticed the front door's lock missing with the door open. The Victim entered the business and saw the Def and Co-Def sitting in the restaurant and asked what they were doing.		The Def was taken into custody and was unable to give a statement because he only spoke Russian. However, the Co-Def was read Miranda (per card) and advised he was contracted by the Def to gain access to the building that the Def use to have ownership of. The Co-Def's statements did not dispel any of the elements of the crime or claims made by the Victim. The Co-Def and Def were arrested (Def transported to Aventura for medical clearance) and transported to TGK without incident.					
HOLD FOR OTHER AGENCY		VERIFIED BY		<input type="checkbox"/> HOLD FOR BOND HEARING DO NOT BOND OUT (Officer Must Appear at Bond Hearing)		<input type="checkbox"/> I understand that should I voluntarily fail to appear before the court as required by this notice to appear that I may be held in contempt of court and a warrant for my arrest shall be issued. Furthermore, I agree that notice concerning the time, date, and place of all court hearings should be sent to the above address. I agree that it is my responsibility to notify Clerk of the Court/Juveniles notify Juvenile Division anytime that my address changes.	
I SWEAR THAT THE ABOVE STATEMENT IS TRUE AND CORRECT  OFFICER'S / COMPLAINTANT'S SIGNATURE Aledda NAME (Printed)		COURT ID NUMBER/LOC CODE 422 (06) NORTH MIAMI AGENCY NAME		SWORN TO AND SUBSCRIBED BEFORE ME THE UNDERSIGNED AUTHORITY THIS 19 DAY OF October , 20 13 Carter 383 Deputy of the Court or Notary Public		<input type="checkbox"/> You need not appear in court, but must comply with the instructions on the reverse side hereof. Signature of Defendant / Juvenile and Parent or Guardian 	

COMPLAINT/ARREST AFFIDAVIT

COMPLAINT/ARREST AFFIDAVIT POLICE CASE NO 2013-00039596

SPECIAL OPERATION FELONY MISD TRAFFIC JUV DV MOVES CIV INF JAIL NO PMHD Yes No Unknown COURT CASE NO

IDS NO AGENCY CODE 06 MUNICIPAL P.D. DEF ID NO MOPD RECORDS AND ID NO STUDENT ID NO GANG ACTIVITY RELATED ARREST? FRAUD RELATED ARREST?

DEFENDANT'S NAME (LAST FIRST MIDDLE) ALIAS and / or STREET NAME TORRES, Miguel, De Jesus

DOB (MM/DD/YYYY) AGE RACE SEX Hispanic Not Hispanic HEIGHT WEIGHT HAIR COLOR HAIR LENGTH HAIR STYLE EYES GLASSES FACIAL HAIR TEETH

SCARS TATTOOS, UNIQUE PHYSICAL FEATURES (Location, Type Description) PLACE OF BIRTH (City State/Country) Cuba Cuba

LOCAL ADDRESS (Street Apt Number) (City) (State) (Zip) PHONE CITIZENSHIP 212 SE 2 ST Hallandale, FL 33009- (305)215-5597 US

PERMANENT ADDRESS (Street Apt Number) HOMELESS UNKNOWN (City) (State/Country) (Zip) PHONE OCCUPATION

BUSINESS OR SCHOOL NAME AND ADDRESS (Street) (City) (State/Country) (Zip) PHONE ADDRESS SOURCE Verbal

DRIVER'S LICENSE NUMBER / STATE SOCIAL SECURITY NO WEAPON SEIZED? Type Knife Cutting Instr H.Def has Concealed Weapons Permit INDICATION OF Alcohol Intoxication Drug Intoxication

ARREST DATE (MM/DD/YYYY) ARREST TIME (HH:MM) ARREST LOCATION (includes name of business) GRID 10/19/2013 15:40 13695 W DIXIE HWY NORTH MIAMI, FL 33161 O'King Grill Restura

CO-DEFENDANT NAME (Last, First, Middle) DOB (MM/DD/YYYY) IN CUSTODY FELONY JUVENILE AT LARGE DV MISDEMEANOR

CO-DEFENDANT NAME (Last, First, Middle) DOB (MM/DD/YYYY) IN CUSTODY FELONY JUVENILE AT LARGE DV MISDEMEANOR

CO-DEFENDANT NAME (Last, First, Middle) DOB (MM/DD/YYYY) IN CUSTODY FELONY JUVENILE AT LARGE DV MISDEMEANOR

JUV only Parent Guardian Foster Care (Name) (Street Apt Number) (City) (State/Country) (Zip) (Phone) Contacted? Yes No

Table with columns: CHARGES, CHARGE AS, COLINTS, FL STATUTE NUMBER, VOL OF SECT, CODE OF UCR, DV, WARRANT TYPE OR TRAFFIC CITATION. Rows include Burglary to Structure, Battery, Agg Assault With Deadly Weapon, Grand Theft- All Other Thefts.

The undersigned certifies and swears that he/she has just and reasonable grounds to believe and does believe that the above named Defendant committed the following violation of law On the 19 day of October 20 13 at 15:30 (HH:MM) at 13695 W Dixie HWY NORTH MIAMI, FL 33161 O'King Grill Restura

The Victim arrived at his business, "O' King Grill Restaurant", and called police immediately when he noticed the front door's lock missing with the door open. The Victim entered the business and saw the Def and Co-Def sitting in the restaurant and asked what they were doing. A verbal confrontation ensued and quickly escalated physically when the Def. struck the Victim several times in the face and took the Victim's phone. In fear for his life the Victim fled to his car to find safety. However, the Victim was pursued by the Def. who began hitting the Victim with his hands and then produced a black/gray Sheffield pocket knife. Feeling as though his life was in danger the Victim produced a Smith & Wesson semi-automatic firearm and struck the Def. in the face just prior to police arrival.

The Def was taken into custody and post Miranda (per card) the Def advised he was contracted by the Co-Def to gain access to the building that the Def use to have ownership of. The Def's statements did not dispel any of the elements of the crime or claims made by the Victim. The Co-Def and Def were arrested (Def transported to Aventura for medical clearance) and transported to TGK without incident.

HOLD FOR OTHER AGENCY Name VERIFIED BY HOLD FOR BOND HEARING DO NOT BOND OUT (Officer must appear at Bond Hearing)

I SWEAR THAT THE ABOVE STATEMENT IS TRUE AND CORRECT SWORN TO AND SUBSCRIBED BEFORE ME THE UNDERSIGNED AUTHORITY THIS 19 DAY OF October 2013 Carter 383

OFFICER'S / COMPLAINT'S SIGNATURE Aledda NORTH MIAMI AGENCY NAME NAME (Printed) Deputy of the Court or Notary Public

White Copy (Sign thumb print) MS/A

PROPERTY RECEIPT

MIAMI-DADE POLICE DEPT.

MIAMI-DADE POLICE CASE NO.

Page 1 of 1

9111 N.W. 25th Street
Miami, Florida 33172
(305) 471-2900

PEB INVENTORY NO. _____ Agency Code 06

DATE-TIME IMPOUNDED 10/19/13 1530hrs

PROPERTY BUREAU LOCATOR CODE _____

OTHER DEPT. CASE NO. 2013-39596

OTHER DEPT. PROPERTY LOCATION AND INVENTORY NO. _____

FOR PROPERTY AND EVIDENCE BUREAU USE ONLY

ADDRESS WHERE PROPERTY IMPOUNDED (Give exact location where property was located.)
13695 West Dixie HWY

TYPE OF CASE
Burglary

DISCOVERED BY (Name)
Ofc Alceda

ADDRESS CITY STATE
700 NE 124 ST North Miami FL

TEL #
(305) 891-8111

OWNER VICTIM
Odilon Saintilma Celestine

ADDRESS CITY STATE
13640 NW 2 Ave North Miami FL

TEL #
786 1271-3210

SUBJECT SUSPECT

RACE SEX DOB
B M 08/08/75

INCARCERATED WARRANT
 YES NO YES NO

EVIDENCE LOST PROPERTY ABANDONED PROPERTY SAFEKEEPING PRISONER PROPERTY
Check one if applicable to EVIDENCE only: FORFEITURE/SEE BACK FINGERPRINT CARD LAB REQUEST

ITEM NO.	QUANTITY	DESCRIPTION (Article - Brand - Model - Serial No. - Size - Color - Caliber - Barrel - Itemize currency by denomination)	Currency Only Total Face Value	PROPERTY BUREAU ONLY
<u>1</u>	<u>1</u>	<u>Black semi-automatic 9mm Smith & Wesson handgun. SN: MPL8781</u>		
LAST ITEM				

I HEREBY ACKNOWLEDGE THAT THE ABOVE LIST REPRESENTS ALL PROPERTY TAKEN FROM MY POSSESSION AND THAT I HAVE RECEIVED A COPY OF THIS RECEIPT.

I HEREBY ACKNOWLEDGE THAT THE ABOVE LIST REPRESENTS ALL PROPERTY IMPOUNDED BY ME IN THE OFFICIAL PERFORMANCE OF DUTY AS A DEPUTY SHERIFF / LAW ENFORCEMENT OFFICER.

(PRINT AND SIGN) _____

Ofc Alceda [Signature] 211 422
LEAD INVESTIGATOR PRINT/SIGN SECTION/UNIT BADGE#
Ofc Alceda [Signature] 06 422
IMPOUNDING OFFICER PRINT/SIGN DISTRICT BADGE#

For Property and Evidence Bureau Use Only

RECEIVED	PRINT NAME	SIGNATURE AND BADGE NO.	REASON	DATE AND TIME RECEIVED
RECEIVED	<u>Odilon S Celestine</u>	<u>[Signature]</u>	<u>Returned Property</u>	<u>10/19/2013 17:45 HRS.</u>
RECEIVED	PRINT NAME	SIGNATURE AND BADGE NO.	REASON	DATE AND TIME RECEIVED
RECEIVED	PRINT NAME	SIGNATURE AND BADGE NO.	REASON	DATE AND TIME RECEIVED

(Cont'd on back)

IMPORTANT...PLEASE READ CAREFULLY

It has come to our attention that you were the victim of a crime. We are truly concerned to learn of your unfortunate experience. This notice is to confirm the case number of your report which you recorded with the North Miami Police Department.

Your case number is 2013- 30502

If we develop investigative leads that are significant to your case, we will contact you. In the event you should obtain further information, or have questions regarding this incident, please contact Detective Becker at (305) 891-0294, extension 23119 and refer to the above case number.

If you desire a copy of the police report, it will be provided at no cost. Please contact our records section at (305) 891-0294 Ext. 21108.

Date 10/9/13

NMMPD # 2013-39596