

# Key West Police Department

Report: 12/05/2016 21:01  
Case Number: 01-16-004996

## Incident Report

### Incident

<b>Case Number:</b> 01-16-004996	<b>Report:</b> 12/05/2016 21:01	<b>Occured From:</b> 12/05/2016 20:22	<b>Occured To:</b> 12/05/2016 20:22	<b>Report Type:</b> Original
<b>Department Classification:</b> CAD MISCELLANEOUS INCIDENT		<b>Case Status:</b> OTHER	<b>Case Status Date:</b> 12/05/2016	<b>Cleared:</b> 12/05/2016 21:00
<b>Common Name:</b> 1725 CATHERINE ST KEYWEST FLORIDA 33040 (MONROE County)				

**Day of Week:** Monday  
**Dispatched:** 12/05/2016 20:24  
**Responded:** 12/05/2016 20:24  
**Arrived:** 12/05/2016 20:26  
**Map Reference:** 2243XX5XN

**Location Type:** HIGHWAY/ROADWAY  
**Beat Assignment:** 4  
**Alcohol Related:** Yes  
**Drug Related:** Unknown

### Person 1 - John Harold Binns

<b>Person Type:</b> OTHER PERSON	<b>Home Phone:</b>	<b>Business Phone:</b>	<b>Other Phone:</b> (239) 910 - 7845
<b>Race:</b> WHITE	<b>Sex:</b> Male	<b>DL Number:</b> B520468604500	<b>DL Exp. Date:</b> 12/10/2019
<b>SSN:</b>	<b>Birth Date:</b> 12/10/1969	<b>Birth Place:</b>	
<b>Person Address:</b> 5031 5TH AV Apt. 42 KEY WEST FLORIDA 33040 (MONROE County)			
<b>Employer Information:</b>			

#### Person Information

**Age:** 46  
**Driver License State:** FLORIDA  
**Driver License Country:** UNITED STATES  
**Ethnic Origin:** NON-HISPANIC

**Minimum Height:** 5'10"  
**Minimum Weight:** 185 lbs.  
**Adult/Juvenile:** ADULT

<b>Reporting Officer:</b> ALEXANDER, JR RODRIGUEZ 3465	<b>Department:</b> KEY WEST POLICE DEPARTMENT	<b>Report Status:</b> Approved
<b>Supervising Officer:</b>		<b>Date/Time:</b>
<b>Verifying Officer:</b> DONALD JULIAN BARRIOS 1850	<b>Department:</b> KEY WEST POLICE DEPARTMENT	<b>Date/Time:</b> 12/06/2016 2:02

01-16-004996

## Incident Report

### Person 2 - Michael Alan Wirkner

<b>Person Type:</b> OTHER PERSON	<b>Home Phone:</b>	<b>Business Phone:</b>	<b>Other Phone:</b> (305) 393 - 0039
<b>Race:</b> WHITE	<b>Sex:</b> Male	<b>DL Number:</b> W625541692820	<b>DL Exp. Date:</b> 08/02/2012
<b>SSN:</b>	<b>Birth Date:</b> 08/02/1969	<b>Birth Place:</b>	
<b>Person Address:</b> 1725 CATHERINE ST KEY WEST FLORIDA 33040 (MONROE County)			
<b>Employer Information:</b>			

#### Person Information

<b>Age:</b> 47	<b>Minimum Height:</b> 6'02"
<b>Driver License State:</b> FLORIDA	<b>Minimum Weight:</b> 170 lbs.
<b>Driver License Country:</b> UNITED STATES	<b>Adult/Juvenile:</b> ADULT
<b>Ethnic Origin:</b> NON-HISPANIC	

### Narrative 1 - ORIGINAL

On Monday, December 5, 2016 at approximately 2024 hours, I (Ofc. A. Rodriguez) responded to 1725 Catherine Street in reference to a possible crash.

Upon arrival, I met with John Binns who told me a male on a scooter cut him off as he was traveling eastbound on N. Roosevelt Blvd. at the intersection of George Street.

Binns stated the male was traveling in the inside lane as he was traveling in the outside lane before being cut off. Binns told me he had to lay down his scooter when he was cut off. Binns told me he then followed the male south on George Street to 1725 Catherine Street.

Binns stated he only followed the male to obtain his license plate number and was then attacked by the male who then went into the residence of 1725 Catherine Street.

As I spoke with Binns, I noticed a moderate odor of an alcoholic beverage coming from his breath and person. Binns also had minor cuts to his face and had a cut to his left knee that he described as road rash.

There was no evidence of a crash occurring and I did not see any damage to Binns' scooter or Binns' person that would indicate he was involved in a crash on his scooter.

As I spoke with Binns, a male emerged from the property, identified as Michael Wirkner.

Wirkner had a large laceration above his left eye that had coagulated and was no longer bleeding. Wirkner also had bruising and some minor swelling to his face.

Wirkner told me he was traveling east on Truman Avenue after leaving a meeting and did pass Binns as he stated he was traveling

<b>Reporting Officer:</b> ALEXANDER, JR RODRIGUEZ 3465	<b>Department:</b> KEY WEST POLICE DEPARTMENT	<b>Report Status:</b> Approved
<b>Supervising Officer:</b>		<b>Date/Time:</b>
<b>Verifying Officer:</b> DONALD JULIAN BARRIOS 1850	<b>Department:</b> KEY WEST POLICE DEPARTMENT	<b>Date/Time:</b> 12/06/2016 2:02

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# Key West Police Department

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slowly. Wirkner told me when he stopped at the traffic light on Truman Avenue at the intersection of White Street, Binns pulled up next to him and began screaming obscenities such as "faggot" to him.

Wirkner stated he drove away when the light turned green and was able to avoid conflict while driving because his scooter was faster than Binns'. Wirkner told me he thought that was the end of the interaction but then noticed Binns approaching as he dismounted his scooter at his residence. Wirkner said Binns continued to yell obscenities at him and a fist fight ensued.

Wirkner told me he did fight back and was able to get away from Binns and then entered his residence.

Wirkner told me he did not wish to pursue charges against Binns but did not want him to return to his property.

I informed Binns of the trespass warning. Binns made numerous statements to myself and Sgt. D. Barrios about harming Wirkner in the future and "handling it himself". The statements were captured on both my BWC and Sgt. D. Barrios'.

After running Binns and Wirkner through F/NCIC I discovered Binns' license to be suspended and a seize tag order in place. I advised Binns of both discoveries and seized the license plate on his scooter (Florida MCGA07).

Binns' scooter was towed by Arnold's Towing.

My BWC was activated during the interaction.

Case status other.

<b>Reporting Officer:</b> ALEXANDER, JR RODRIGUEZ 3465	<b>Department:</b> KEY WEST POLICE DEPARTMENT	<b>Report Status:</b> Approved
<b>Supervising Officer:</b>		<b>Date/Time:</b>
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01-16-004996

Case 16-4996

John Binns

Coban x1 - Rodriguez -1

made ; gave to J. Binns

12-06-16 JZ



# Incident Report Additional Name List

Key West Police Department

OCA: 16-004996

## Additional Name List

Name Code/#	Name (Last, First, Middle)	Victim of Crime #	DOB	Age	Race	Sex
1) IO 2	WIRKNER, MICHAEL ALAN		08/02/1969	47	W	M
	Address 1725 Catherine St , Key West, FL 33040-		H: 305-393-0039			
	Empl/Addr		B: - -			
			Mobile #: - -			

# INCIDENT/INVESTIGATION REPORT

Key West Police Department

Case # 16-004996

Status Codes L = Lost S = Stolen R = Recovered D = Damaged Z = Seized B = Burned C = Counterfeit / Forged F = Found

	UCR	Status	Quantity	Type Measure	Suspected Type	Up to 3 types of activity
D R U G S						

Assisting Officers

Suspect Hate / Bias Motivated:

NARRATIVE

REPORTING OFFICER NARRATIVE

Key West Police Department

OCA 16-004996
Date / Time Reported Mon 12/05/2016 21:01

Victim WIRKNER, MICHAEL ALAN	Offense SIMPLE BATTERY
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Legacy Incident Status: OTHER

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LEGACY NAMES INFORMATION

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DIMNS, JOHN - (REPORTING PARTY)

Name Type # : 1

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BINNS, JOHN - (OTHER)

Name Type # : 1

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WIRKNER, MICHAEL - (OTHER)

Name Type # : 2



CASE SUPPLEMENTAL REPORT  
NOT SUPERVISOR APPROVED

Printed: 03/13/2017 13:59

Key West Police Department

OCA: 16004996

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Case Status: INACTIVE

Case Mng Status: NA

Occurred: 12/05/2016

Offense: SIMPLE BATTERY

Investigator: (0)

Date / Time: 12/05/2016 00:00:00, Monday

Supervisor: (0)

Supervisor Review Date / Time: NOT REVIEWED

Contact:

Reference: Cad

\*\*\*\*\* CAD INFORMATION \*\*\*\*\*

Reporting Officer: RODRIGUEZ, ALEXANDER, JR

Reported Date: 12/05/2016

Added Date: 12/05/2016

Call#: 163400289 Beat: Beat 4

Units.: P80 Employees: 0000002703 WILLIAMS, CYNTHIA

Units.: S16 Employees: 0000001850 BARRIOS, DONALD

Units.: T69 Employees: 0000003465 RODRIGUEZ, ALEXANDER, JR

\*\*\* CAD Call Narrative \*\*\*

Call change from S13I to S4I BY QPADEV000D P 01 0000003365  
163400289 change from S4I to S4N BY QPADEV000D P 01 00000033  
163400289 change from S4N to S49 BY QPADEV0007 P 01 00000035  
163400289 change from S49 to S4I BY QPADEV0007 P 01 00000035  
163400289 change from S4I to S86 BY QPADEV000D P 01 00000033

R/P IS OUT OF BREATH -

R/P ADV THAT HE WAS RUN OFF THE ROAD BY ANOTHER  
MOPED, TURNED S22P.

R/P REFUSING RESCUE, ROAD RASH ON KNEES THOUGH.

SUSP WENT INTO THIS 10-20.

SUSP: W/M - 601 - THIN - PNK STRIPED SHIRT - JEANS -

NO KNOWN WEAPONS.

R/P WILL BE STANDING BY - HAS BEEN ADV TO NOT HAVE ANY  
FURTHER CONACT WITH SUSP, TO WAIT FOR OFC.

RESCUE: R1.

T69 REQ RESCUE REF LAC ABOVE THE EYE - ROUTINE

\*\*\*\*\* ORIGINAL \*\*\*\*\*

Reporting Officer: RODRIGUEZ, ALEXANDER, JR

Reported Date: 12/05/2016

Added by Employee: RODRIGUEZ, ALEXANDER, JR

Added Date: 12/05/2016

Supervisor (Reviewed): BARRIOS, DONALD

Reviewed Date: 12/06/2016

Investigator Signature

Supervisor Signature

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Case Mng Status: NA

Occurred: 12/05/2016

Offense: SIMPLE BATTERY

Investigator: RODRIGUEZ, ALEXANDER (3465)

Date / Time: 12/05/2016 00:00:00, Monday

Supervisor: BARRIOS, DONALD J (1850)

Supervisor Review Date / Time: 12/06/2016 00:00:00, Tuesday

Contact:

Reference: Orig

On Monday, December 5, 2016 at approximately 2024 hours, I (Ofc. A. Rodriguez) responded to 1725 Catherine Street in reference to a possible crash.

Upon arrival, I met with John Binns who told me a male on a scooter cut him off as he was traveling eastbound on N. Roosevelt Blvd. at the intersection of George Street.

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As I spoke with Binns, I noticed a moderate odor of an alcoholic beverage coming from his breath and person. Binns also had minor cuts to his face and had a cut to his left knee that he described as road rash.

There was no evidence of a crash occurring and I did not see any damage to Binns` scooter or Binns` person that would indicate he was involved in a crash on his scooter.

As I spoke with Binns, a male emerged from the property, identified as Michael Wirkner.

Wirkner had a large laceration above his left eye that had coagulated and was no longer bleeding. Wirkner also had bruising and some minor swelling to his face.

Wirkner told me he was traveling east on Truman Avenue after leaving a meeting and did pass Binns as he stated he was traveling slowly.

Wirkner told me when he stopped at the traffic light on Truman Avenue at the intersection of White Street, Binns pulled up next to him and began screaming obscenities such as `faggot` to him.

Wirkner stated he drove away when the light turned green and was able to avoid conflict while driving because his scooter was faster than Binns`. Wirkner told me he thought that was the end of the interaction

Investigator Signature

Supervisor Signature

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Case Status: INACTIVE

Case Mng Status: NA

Occurred: 12/05/2016

Offense: SIMPLE BATTERY

Investigator: RODRIGUEZ, ALEXANDER (3465)

Date / Time: 12/05/2016 00:00:00, Monday

Supervisor: BARRIOS, DONALD J (1850)

Supervisor Review Date / Time: 12/06/2016 00:00:00, Tuesday

Contact:

Reference: Orig

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Wirkner told me he did not wish to pursue charges against Binns but did not want him to return to his property.

I informed Binns of the trespass warning. Binns made numerous statements to myself and Sgt. D. Barrios about harming Wirkner in the future and `handling it himself`. The statements were captured on both my BWC and Sgt. D. Barrios`.

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My BWC was activated during the interaction.

Case status other.

Investigator Signature

Supervisor Signature

CASE SUPPLEMENTAL REPORT

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Key West Police Department

OCA: 16004996

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Case Status: INACTIVE

Case Mng Status: NA

Occurred: 12/05/2016

Offense: SIMPLE BATTERY

Investigator: RODRIGUEZ, ALEXANDER (3465)

Date / Time: 12/20/2016 22:51:58, Tuesday

Supervisor: BARRIOS, DONALD J (1850)

Supervisor Review Date / Time: 12/21/2016 01:33:47, Wednesday

Contact:

Reference: General Supplemental Report

This supplemental report is to change the department classification to "BATTERY" due to Binns alledging that he was battered by Wirkner.

Binns contacted Lt. J. Tripp on Monday, December 19, 2016 to express his interest in pressing charges against Wirkner for battery.

During my investigation on scene at the time of the original call, I determined that Binns was the primary aggressor, therefor there was no probable cause to arrest Wirkner. Wirkner also declined to pursue charges against Binns and this was captured on my BWC.

Investigator Signature

Supervisor Signature