

Response to Resistance Report

Key West Police Department

Case No: 15-005798

1. A Response to Resistance Report will be completed by the supervisor for: (Check all that apply)

- ☒ A response through the use of non-lethal weapons,
☐ Applies weaponless physical force of strikes, kicks, or "take-downs"
☐ When any person sustains an apparent substantial or fatal injury as a result of the application of force
☒ When any person complains of injury as a result of the application of force
☐ Discharge of firearm in the line of duty off-duty or on-duty (other than for training, maintenance or ballistics testing)

INCIDENT

2. Date: 12/31/2015 3. Time: 09:46 4. Location: 1075 Duval St 5. Incident type: Theft/resisting

6. Resistance Level 7. Explanation 8. Response Option 9. Explanation

- ☐ Passive: ☐ Physical Control
☒ Active: Subject fled from officer ☒ Non-lethal Weapon Taser
☐ Aggressive: ☐ Deadly Force
☐ Deadly Force:

SUBJECT

10. Last Name: Bethel 11. First: Tony Austin 12. Race: W 13. Sex: M

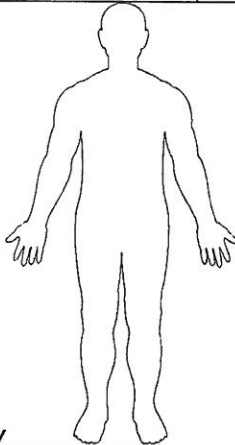
14. DOB: 7/2/1992 15. Height: 5'11" 16. Weight: 165

17. Did you observe the subject: ☐ No ☒ Yes If NO, explain why in Section 42. If "YES", complete sections 18-22

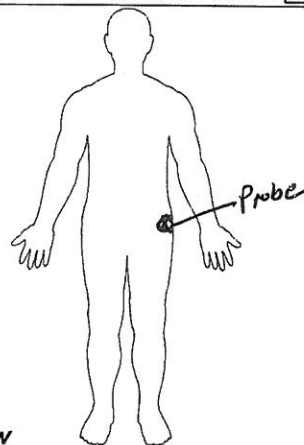
18. Appeared to be: ☐ Intoxicated ☒ Under the influence of controlled substance ☒ Emotionally / mentally disturbed

19. Injuries: ☐ No ☒ Evident ☐ Alleged (If Evident or Alleged, describe and indicate areas on charts in Section 22)

20. Photographed: ☐ No ☒ Yes 21. Treated: ☐ No ☒ Yes By: ☒ EMT/Paramedic on scene ☐ Hospital ☐ Detention



22. Anterior View



Posterior View

OFFICER

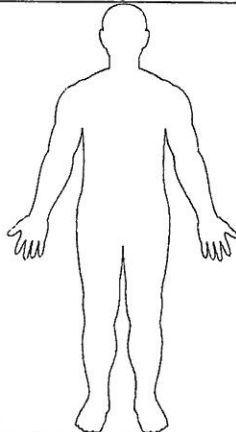
23. Officer: Michael Chaustit 24. Race: W 25. Sex: M 26. Age: 37 27. Height: 6'00" 28. Weight: 275

29. Duty Status: ☒ On-duty ☐ Off-duty ☐ Extra duty employment ☒ Uniformed ☐ Plain clothes 30. Yrs Exp: 9

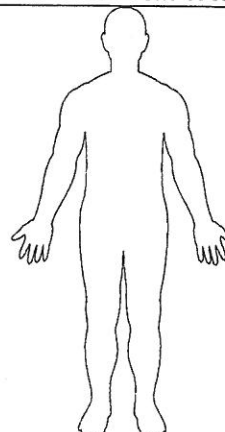
31. Injuries: ☒ No ☐ Evident ☐ Alleged (If Evident or Alleged, describe and indicate areas on charts in Section 35)

32. Photographed: ☒ No ☐ Yes 33. Treated: ☒ No ☐ Yes By: ☐ EMT/Paramedic on scene ☐ Hospital

34. Response option used by this officer: (If TASER®, also reference line number from TASER® section)



35. Anterior View



Posterior View

Response to Resistance Report (continued)

Key West Police Department

Case No: 15-005798

TASER USE ONLY	36. TASER® device serial # X12002KM5		37. TASER® device serial # N/A	
	TASER®Cam serial # V21000VRD		TASER®Cam serial #	
	Cartridge 1 serial # C4105FFEN		Cartridge 1 serial #	
	Cartridge 2 serial # N/A		Cartridge 2 serial #	
	Number of cycles: 1		Number of cycles:	
	Type of contact: <input checked="" type="checkbox"/> Probe <input type="checkbox"/> CODS <input type="checkbox"/> Drive Stun		Type of contact: <input type="checkbox"/> Probe <input type="checkbox"/> CODS <input type="checkbox"/> Drive Stun	
	Did probes penetrate skin: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		Did probes penetrate skin: <input type="checkbox"/> Yes <input type="checkbox"/> No	
	Target distance at probe launch: 6-8 ft		Target distance at probe launch:	
	Distance between probes: N/A		Distance between probes:	
	Probes removed by (name): Ofc. M. Malgrat		Probes removed by (name):	
Device downloaded by: Sgt. Jeff Williamson		Device downloaded by:		
<input type="checkbox"/> 38. Check and list any additional TASER® devices, cartridges or details in the incident description section.				
REPORT	39. Offense/Incident Report and/or Warrant Affidavit must include:			
	<input checked="" type="checkbox"/> All necessary criminal elements.			
	<input checked="" type="checkbox"/> All details of the arrest			
	<input checked="" type="checkbox"/> Details articulating the subject's words, mannerisms and actions that justify the use of force.			
	<input checked="" type="checkbox"/> Details outlining the response to resistance utilized by each officer.			
	<input checked="" type="checkbox"/> Detailed description of injury complaints and/or observed injuries			
<input checked="" type="checkbox"/> Details outlining the decontamination, first aid or medical treatment provided to the officer and/or subject.				
SUPERVISOR'S INQUIRY	40. Notified Date: 12/31/15		41. Time: 09:48	
	42. Did you respond to the scene: <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes (If "No", explain why)			
	43. Did you meet with the Officer: <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes (If "No", explain why)			
	44. Were you able to locate any independent witnesses: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes (If "Yes," list below)			
	Name	Address		Phone Number
	45. Is further review recommended: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes			
	FORWARD COMPLETED ORIGINAL REPORT TO INTERNAL AFFAIRS			
INT. AFF.	48. Did the review of this incident conclude that use of force was in compliance with Departmental policy? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes (If "No", complete section 51)		46. Preparing Supervisor's Signature / ID 1557	
			47. Date 12/31/15	
	49. Signature of Internal Affairs Inspector SGT. R. SMITH / RJ 7985		50. Date 01/14/16	
51. If section 48 is "No" record the Professional Standards Control Number:				52. Date Entered:

Key West Police Department

Report 12/31/2015 10:05

Incident Report

Case # 01-15-005798

I N C I D E N T	Case #	Report	Occurred From	Occurred To	Report Type
	01-15-005798	12/31/2015 10:05	12/31/2015 09:42	12/31/2015 10:00	Original
	Dept. Classification		Case Status	Case Status Date	Cleared
	THEFT/LARCENY OFFENSE		CLEARED BY ARREST	12/31/2015	
	Common Name				
PANINI PANINI - 1075 DUVAL ST Apt. C10 KEYWEST, FL 33040 (MONROE County)					
Day of Week : THURSDAY					
Dispatched : 12/31/2015 09:43			Beat Assignment : 1		
Responded : 12/31/2015 09:43			Alcohol Related : No		
Arrived : 12/31/2015 09:45			Drug Related : No		
Map Reference : 1162XX6XO			Total Damaged Property Value : \$0.00		
Location Type : RESTAURANT			Total Stolen Property Value : \$249.99		
			Total Recovered Property Value : \$0.00		

O F F E N S E 1	State Classification		Attempted/Committed
			COMMITTED
	Statute/Ordinance	Location Type	Disposition Date
		RESTAURANT	
Federal Classification : THEFT PETIT THEFT 2ND DEGREE # of People Arrested : 1			
1ST OFFENSE-812.014(3)(A)			
DAWN VINCENT (VICT,Primary Role,User Defined);			
JOSE HERNANDEZ (VICT,Primary Role,User Defined);			
STEVENS ARTEAGA (WITNESS,Primary Role,User Defined);			
TONY BETHEL (SUSP,Primary Role,User Defined)			
End of Offense: 1			

O F F E N S E 2	State Classification		Attempted/Committed
			COMMITTED
	Statute/Ordinance	Location Type	Disposition Date
		RESTAURANT	
Federal Classification : DAMAGE PROP-CRIM MISCH 200 # of People Arrested : 1			
DOLS AND UNDER-806.13(1)(B)(1)			
DAWN VINCENT (VICT,Primary Role,User Defined);			
JOSE HERNANDEZ (VICT,Primary Role,User Defined);			
STEVENS ARTEAGA (WITNESS,Primary Role,User Defined);			
TONY BETHEL (SUSP,Primary Role,User Defined)			
End of Offense: 2			

O F F E N S E 3	State Classification		Attempted/Committed
			COMMITTED
	Statute/Ordinance	Location Type	Disposition Date
		RESTAURANT	
Federal Classification : TRESPASSING FAIL TO LEAVE # of People Arrested : 1			
PROPERTY UPON ORDER BY OWNER-810.09(2)(B)			
DAWN VINCENT (VICT,Primary Role,User Defined);			
JOSE HERNANDEZ (VICT,Primary Role,User Defined);			
STEVENS ARTEAGA (WITNESS,Primary Role,User Defined);			
TONY BETHEL (SUSP,Primary Role,User Defined)			
End of Offense: 3			

O F F E N S E 4	State Classification		Attempted/Committed
			COMMITTED
	Statute/Ordinance	Location Type	Disposition Date
		RESTAURANT	
Federal Classification : RESIST OFFICER OBSTRUCT WO # of People Arrested : 1			
VIOLENCE-843.02			
DAWN VINCENT (VICT,Primary Role,User Defined);			
JOSE HERNANDEZ (VICT,Primary Role,User Defined);			
STEVENS ARTEAGA (WITNESS,Primary Role,User Defined);			

Reporting Officer	Department	Report Status:
OFC MICHAEL J CHAUSTIT (3141)	KEY WEST POLICE DEPARTMENT	Approved
Supervising Officer		Date/Time
Verifying Officer	Department	Date / Time
SGT JEFFERY SCOTT WILLIAMSON (1557)	KEY WEST POLICE DEPARTMENT	12/31/2015 19:22

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Key West Police Department

Report 12/31/2015 10:05

Incident Report

Case # 01-15-005798

TONY BETHEL (SUSP,Primary Role,User Defined)
End of Offense: 4

PERSON 1	Person Type	Business/Person Name			Business Phone
	SUSPECT/ARRESTEE	TONY AUSTIN BETHEL			
	Home Phone	Person Address			
		19 Puerta DR KEY WEST FL 33040 ,MONROE County			
	Other Phone	Employer Address			
	Race	Sex	SSN	DL Exp. Date	DL Number
	WHITE	Male			B340801922420
	Birth Date	Birth Place			
	07/02/1992	KEY WEST, FL, UNITED STATES			
Age : 23 Occupation : NONE DL State : FL DL Country : UNITED STATES Min. Height : 5'10" Max. Height : 5'11" Adult/Juvenile : ADULT Shirt : White Pants : Black Shoes : Purple Hair Color : BLOND Hair Length : SHORT Hair Style : CREWCUT					
Facial Hair : STUBBLE Eye Color : BLUE Build : SLIM/THIN/SMALL Complexion : TANNED Hand Use : UNKNOWN Status : ARRESTEE Religion : UNKNOWN Marital Status : UNKNOWN Speech : NORMAL Residency Type : COUNTY Residency Status : FULL YEAR Citizenship : UNITED STATES Body Marks :					
End of Person: 1					

PERSON 2	Person Type	Business/Person Name			Business Phone
	VICTIM	DAWN VINCENT			
	Home Phone	Person Address			
	(305) 849-1176	1075 DUVAL ST Apt. C10 KEY WEST FL 33040 ,MONROE County			
	Other Phone	Employer Address			
		1075 DUVAL ST Apt. C10 KEY WEST FL 33040 ,MONROE County			
	Race	Sex	SSN	DL Exp. Date	DL Number
	WHITE	Female			
	Birth Date	Birth Place			
	03/27/1968				
Age : 47 Occupation : OWNER Ethnic Origin : NON-HISPANIC Adult/Juvenile : ADULT Employer : PANINI PANINI					
Victim Type : INDIVIDUAL ADULT Will File Charges : Yes Can Identify Offender : Yes Sobriety of Victim : SOBER Body Marks :					
End of Person: 2					

PERSON 3	Person Type	Business/Person Name			Business Phone
	VICTIM	JOSE HERNANDEZ			
	Home Phone	Person Address			
	(786) 357-0613	1019 MARGARET ST KEY WEST FL 33040 ,MONROE County			
	Other Phone	Employer Address			
		1075 DUVAL ST KEY WEST FL 33040 ,MONROE County			
	Race	Sex	SSN	DL Exp. Date	DL Number
	WHITE	Male			
	Birth Date	Birth Place			
	08/07/1955				
Age : 60 Occupation : MAINTENANCE Ethnic Origin : HISPANIC Adult/Juvenile : ADULT					
Victim Type : INDIVIDUAL ADULT Will File Charges : Yes Can Identify Offender : Yes Sobriety of Victim : SOBER					

Reporting Officer	Department	Report Status:
OFC MICHAEL J CHAUSTIT (3141)	KEY WEST POLICE DEPARTMENT	Approved
Supervising Officer		Date/Time
Verifying Officer	Department	Date / Time
SGT JEFFERY SCOTT WILLIAMSON (1557)	KEY WEST POLICE DEPARTMENT	12/31/2015 19:22

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Key West Police Department

Report 12/31/2015 10:05

Incident Report

Case # 01-15-005798

P E R S O N 4	Employer : CONDO ASSOCIATION		Body Marks:	
	End of Person: 3			
	Person Type	Business/Person Name		Business Phone
	WITNESS	STEVENS ARTEAGA		
	Home Phone (305) 753-1701	Person Address 2919 PATTERSON AV KEY WEST FL 33040 ,MONROE County		
	Other Phone	Employer Address		
	Race WHITE	Sex Male	SSN	DL Exp. Date
	DL Number			
Birth Date 11/23/1989	Birth Place			
Age : 26		Max. Height : 6'00"		
Ethnic Origin : HISPANIC		Adult/Juvenile : ADULT		
Min. Height : 5'10"		Body Marks:		
End of Person: 4				

P R O P E R T Y 1	Category	Property Type	Make	Model
	STOLEN AND RECOVERED	MISCELLANEOUS	STIHL	BG86
	Serial #	Color	Description	Condition
		ORANGE	GAS BLOWER	USED
	UCR Type : MISCELLANEOUS		Recovery Location : 1100 SIMONTON ST KEY WEST FL 33040	
Quantity/Weight : 1		Recovered By : JOSE HERNANDEZ		
Value : \$0,000,249.99		Recovery Date and Time : 12/31/2015 10:00		
Stolen Location : Use Address from Incident Location Information		Recovery Value : \$0,000,249.99		
End of Property: 1				

P R O P E R T Y 2	Category	Property Type	Make	Model
		MISCELLANEOUS		
	Serial #	Color	Description	Condition
	NONE		FRONT DOOR TO BUSINESS	USED
UCR Type : MISCELLANEOUS		Value : \$100.00		
Quantity/Weight : 1		Damage Code : CRIMINAL MISCHIEF		
End of Property: 2				

P R O P E R T Y 3	Category	Property Type	Make	Model
	EVIDENCE/SEIZED	MISCELLANEOUS	TASER	
	Serial #	Color	Description	Condition
	C4104FFEN		TASER CARTRIDGE	USED
UCR Type : MISCELLANEOUS		Value : \$1.00		
Quantity/Weight : 1				
End of Property: 3				

Reporting Officer OFC MICHAEL J CHAUSTIT (3141)	Department KEY WEST POLICE DEPARTMENT	Report Status: Approved
Supervising Officer		Date/Time
Verifying Officer SGT JEFFERY SCOTT WILLIAMSON (1557)	Department KEY WEST POLICE DEPARTMENT	Date / Time 12/31/2015 19:22

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Key West Police Department

Report 12/31/2015 10:05

Incident Report

Case # 01-15-005798

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Topic ORIGINAL

On December 31, 2015, I responded to Panini Panini located at 1075 Duval Street C10, in reference to a white male wearing a white shirt and black pants who had thrown plates at the door.

Ofc. Malgrat and Ofc. T. Mitchell arrived on the Duval Street side and I went to the Simonton Street side of Duval Square. I made contact with the caller Mr. Stevens Arteaga. Mr. Arteaga stated that the suspect, later identified as Tony Bethel had thrown all the chairs out side of the business all over the place and he had kicked the door. Additionally Mr. Arteaga stated the Bethel had stolen a leaf blower from the maintenance workers.

As I was speaking with Mr. Arteaga Bethel returned to the property from the area of the Gato Building located at 1100 Simonton Street. Mr. Arteaga pointed at Bethel and said, "That's him"! I got out of My marked patrol car and ordered Bethel to Stop. Bethel looked at me and took off running between the stores located in Duval Square. I chased Bethel into the center of Duval Square. The maintenance workers were pressure washing the ground and there was standing water on the ground. I removed my Taser from its holster as I was chasing Bethel. I turned My Taser on and pulled the trigger just as Bethel slipped on the wet floor. Only one probe from my Taser struck Bethel on his right side and the Taser was not effective. I continued to chase Bethel to the Duval Street entrance of Duval Square. Ofc. Malgrat was standing on the Duval Street side of Duval Square. I yelled to Ofc. Malgrat, "That's him Tase him Tase him." Ofc. Malgrat displayed his Taser and ordered Bethel to the ground. Bethel complied and I handcuffed him. Ofc. Malgrat removed the Taser probe that struck Bethel on his right hip area. Bethel did not have any apparent injuries or complain of injuries from this incident. The only visible injury Bethel had was from the Taser probe. Ofc. Malgrat secured Bethel in the rear of his marked patrol car. Ofc. Malgrat stated that he had removed Bethel from the property prior to this incident and warned him he would be arrested for trespassing if he returned.

Next I met with Mr. Jose Hernandez from the maintenance crew. Mr. Hernandez stated that Bethel did steal his blower from their work area. Mr. Hernandez had since recovered his blower from parking lot area behind the Gato building. I asked Mr. Hernandez how much his blower cost? Mr. Hernandez said it cost somewhere around \$200.00. I called Strunk Hardware the only Authorized dealer for Stihl equipment in Key West and asked for a replacement cost of the Stihl model BG86 blower. I was given a replacement cost of \$249.99.

Next I spoke with Mr. Arteaga and Ms. Dawn Vincent, the owner of Panini Panini. Mr. Arteaga stated that Bethel had first thrown all of their outdoor chairs all over the place then he kicked the door. Mr. Arteaga stated that Bethel had caused about \$100.00 worth of damage to the door and he had told him to leave their property multiple times and Bethel refused to leave. Next I spoke with Ms. Vincent. Ms. Vincent stated that this incident was not the first incident her business has had with Bethel and she wanted him trespass warned from the property in addition to the criminal charges for damaging the property.

Next I returned to my marked patrol car and drove to the Duval Street side of Duval Square. Ofc. Malgrat removed Bethel from his marked patrol car and placed him into the rear of my marked patrol car. I transported him to MCDC for processing. While en route to MCDC Bethel asked what his charges were and I told him he was being charged with theft, criminal mischief, trespassing, and

Reporting Officer OFC MICHAEL J CHAUSTIT (3141)	Department KEY WEST POLICE DEPARTMENT	Report Status: Approved
Supervising Officer		Date/Time
Verifying Officer SGT JEFFERY SCOTT WILLIAMSON (1557)	Department KEY WEST POLICE DEPARTMENT	Date / Time 12/31/2015 19:22

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Key West Police Department

Report 12/31/2015 10:05

Incident Report

Case # 01-15-005798

resisting. Bethel stated several times that his family would take care of it and he would be out tomorrow. We arrived at MCDC without incident. While in the elevator Bethel asked if I knew who his family was? Then he said "the police are not shit, the courts and Judges are not shit my family will take care of this." The Judge will let me out tomorrow because they know who my family is.

I photographed Bethel's right hip area to document the his injury from the Taser probe.

Bethel did knowingly and intentionally steal a Sthil model BG86 blower from Mr. Hernandez, depriving him of the use of his property which is in violation of F.S. 812.014(1)

Bethel did knowingly and intentionally kick the door to Panini Panini causing about \$100.00. in damage to the business which is in violation of F.S. 806.13(1)(B)(1).

Bethel did knowingly and intentionally enter and remain on a property after he was given notice that he was not allowed on the property which is in violation of F.S. 810.09(2)(B).

Bethel did knowingly and intentionally resist my lawful commands while I was executing my lawful duties which is in violation of F.S. 843.02.

End of Narrative: 1

Reporting Officer OFC MICHAEL J CHAUSTIT (3141)	Department KEY WEST POLICE DEPARTMENT	Report Status: Approved
Supervising Officer		Date/Time
Verifying Officer SGT JEFFERY SCOTT WILLIAMSON (1557)	Department KEY WEST POLICE DEPARTMENT	Date / Time 12/31/2015 19:22

KWPD

Monroe County Adult Arrest Form

☐ ARREST
☐ WARRANT
☐ COMPLAINT AFFIDAVIT

ARREST #

OBTS #

Filing Agency KWPD		Case # 0115005798		Doc. Control #		State ID #		FBI #	
Defendant's Last Name BETHEL		First TONY		Middle AUSTIN		Suf		Alias	
Citizenship UNITED STATES									
Race W	Eth M	Hgt 5'10"	Eyes BLUE	Hair BLOND	Wgt	Comp TANNED	Age 23	DOB 07/02/1992	Birthplace KEY WEST, FL
Scars, Marks, TT									
Facial Hair STUB	Build SLM	Marital St	Hand Use UNKW	Glasses	Speech NORMAL	Parole/Probation	Language Spoken		
Permanent Address 19 Puerta DR KEY WEST, FL 33040-					Home Phone:		Local Address:		
Email Address					Cell Phone:		Place of Employment		Occupation NONE
Arrest Location 1075 DUVAL ST KEY WEST, FL 33040-					Area/ Zone 1		Work Phone:		Arresting Officer MICHAEL J CHAUSTIT 3141
Violation Location 1075 DUVAL ST KEY WEST, FL 33040-					Area/ Zone 1		Date/Time of Violation 12/31/2015 09:50		Date/Time Arrested 12/31/2015 10:00
DL # B340-801-92-242-0	State FL	Breathalyser By		Reading	Miranda Advisement	By Whom		Indication Of: Y N UK	
Domestic Violence	Weapon Seized		Officer Injured	Caution				Alcohol Influence: <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
								Drug Influence: <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
Drug Type:	Type:	B-Barbiturate	H-Hallucinogen	P-Paraphernalia/	U-Unknown	Activity:		Activity:	B-Buy
	N-N/A	C-Cocaine	M-Marijuana	Equipment	Z-Other				E-Use
	A-Amphetamine	E-Heroin	O-Opium	S-Synthetic					K-Dispense/
									Distribute
									Z-Other
									Cultivate

Defendant Vehicle Make:	Type:	Year:	Color:	Vehicle Registration State:
VIN#:	Tag #:		Vehicle Tag Expiration:	
Vehicle Status:	Other Identifiers or Remarks:			

CODEFENDANT

ADDRESS

PHONE #

RACE

SEX

DOB

Count	Offenses Charged	Statute	Warrant #	Court Date and Time	Citation #
1/M	THEFT PETIT THEFT 2ND DEGREE 1ST OFFENSE-812.014(3)(A)	EFT PETIT THEFT 2I			
1/M	DAMAGE PROP-CRIM MISCH 200 DOLS AND UNDER-806.13(1)(B)(1)	MAGE PROP-CRIM I			
1/M	TRESPASSING FAIL TO LEAVE PROPERTY UPON ORDER BY OWNER-810.09(2)	TRESPASSING FAIL TC			
1/M	RESIST OFFICER OBSTRUCT WO VIOLENCE-843.02	SIST OFFICER OBS			

Before me this date personally appeared **MICHAEL J CHAUSTIT 3141** who being first duly sworn deposes and says that on the **31st** day of **December, 2015** at **1075 DUVAL ST KEY WEST, FL 33040-** the above named defendant committed the above offenses charged and the facts showing probable cause to believe the same are as follows

[NARR]: On December 31, 2015, I responded to Panini Panini located at 1075 Duval Street C10, in reference to a white male wearing a white shirt and black pants who had throw plates at the door.

Ofc. Malgrat and Ofc. T. Mitchell arrived on the Duval Street side and I went to the Simonton Street side of Duval Square. I made contact with the caller Mr. Stevens Arteaga. Mr. Arteaga stated that the suspect, later identified as Tony Bethel had thrown all the chairs out side of the business

I swear the above statement is correct and true to the best of my knowledge and belief.

MICHAEL J CHAUSTIT 3141

KEY WEST POLICE DEPARTMENT

OFFICER/ELECTRONIC SIGNATURE

APPROVING SUPERVISOR

DIVISION / UNIT

STATE OF FLORIDACOUNTY OF MONROE

The foregoing instrument was acknowledged before me this _____ day of _____, (year) _____, who is personally

known to me or who has produced (ID Type) Police as identification and who DID take an oath.

LAW ENFORCEMENT OFFICER / CORRECTIONS OFFICER PER STATE STATUTE #

SIXTEENTH JUDICIAL COURT

MONROE County

State of FLORIDA

Page 1 of 2

Form NS ARREST 3.0, REV: 04/18/2014

Monroe County Adult Arrest Form Continuation

KWPD

OBTs # _____

ARREST

LAST NAME	FIRSTNAME	MIDDLE NAME	SUF.	HGT	WGT	RC	SEX	DOB	Case #	Arresting Officer
BETHEL	TONY	AUSTIN		5'10"		W	M	07/02/1992	0115005798	MICHAEL J CHAUSTIT 3141

all over the place and he had kicked the door. Additionally Mr. Arteaga stated the Bethel had stolen a leaf blower from the maintenance workers.

As I was speaking with Mr. Arteaga Bethel returned to the property from the area of the Gato Building located at 1100 Simonton Street. Mr. Arteaga pointed at Bethel and said, "That's him"! I got out of My marked patrol car and ordered Bethel to Stop. Bethel looked at me and took off running between the stores located in Duval Square. I chased Bethel into the center of Duval Square. The maintenance workers were pressure washing the ground and there was standing water on the ground. I removed my Taser from its holster as I was chasing Bethel. I turned My Taser on and pulled the trigger just as Bethel slipped on the wet floor. Only one probe from my Taser struck Bethel on his right side and the Taser was not effective. I continued to chase Bethel to the Duval Street entrance of Duval Square. Ofc. Malgrat was standing on the Duval Street side of Duval Square. I yelled to Ofc. Malgrat, "That's him Tase him Tase him." Ofc. Malgrat displayed his Taser and ordered Bethel to the ground. Bethel complied and I handcuffed him. Ofc. Malgrat secured Bethel in the rear of his marked patrol car. Ofc. Malgrat stated that he had removed Bethel from the property prior to this incident and warned him he would be arrested for trespassing if he returned.

Next I met with Mr. Jose Hernandez from the maintenance crew. Mr. Hernandez stated that Bethel did steal his blower from their work area. Mr. Hernandez had since recovered his blower from parking lot area behind the Gato building. I asked Mr. Hernandez how much his blower cost? Mr. Hernandez said it cost somewhere around \$200.00. I called Strunk Hardware the only Authorized dealer for Stihl equipment in Key West and asked for a replacement cost of the Stihl model BG86 blower. I was given a replacement cost of \$249.99.

Next I spoke with Mr. Arteaga and Ms. Dawn Vincent, the owner of Panini Panini. Mr. Arteaga stated that Bethel had first thrown all of their outdoor chairs all over the place then he kicked the door. Mr. Arteaga stated that Bethel had caused about \$100.00 worth of damage to the door and he had told him to leave their property multiple times and Bethel refused to leave. Next I spoke with Ms. Vincent. Ms. Vincent stated that this incident was not the first incident her business has had with Bethel and she wanted him trespass warned from the property in addition to the criminal charges for damaging the property.

Next I returned to my marked patrol car and drove to the Duval Street side of Duval Square. Ofc. Malgrat removed Bethel from his marked patrol car and placed him into the rear of my marked patrol car. I transported him to MDCD for processing. While en route to MDCD Bethel asked what his charges were and I told him he was being charged with theft, criminal mischief, trespassing, and resisting. Bethel stated several times that his family would take care of it and he would be out tomorrow. We arrived at MDCD without incident. While in the elevator Bethel asked if I knew who his family was? Then he said "the police are not shit, the courts and Judges are not shit my family will take care of this." The Judge will let me out tomorrow because they know who my family is.

Bethel did knowingly and intentionally steal a Stihl model BG86 blower from Mr. Hernandez, depriving him of the use of his property which is in violation of F.S. 812.014(1)

Bethel did knowingly and intentionally kick the door to Panini Panini causing about \$100.00. in damage to the business which is in violation of F.S. 806.13(1)(B)(1).

Bethel did knowingly and intentionally enter and remain on a property after he was given notice that he was not allowed on the property which is in violation of F.S. 810.09(2)(B).

Bethel did knowingly and intentionally resist my lawful commands while I was executing my lawful duties which is in violation of F.S. 843.02.

I swear the above statement is correct and true to the best of my knowledge and belief.

MICHAEL J CHAUSTIT 3141

KEY WEST POLICE DEPARTMENT

OFFICER/ELECTRONIC SIGNATURE

APPROVING SUPERVISOR

DIVISION / UNIT

STATE OF FLORIDA

COUNTY OF MONROE

The foregoing instrument was acknowledged before me this _____ day of _____, (year)_____, who is personally known to me or who has produced (ID Type) Police as identification and who DID take an oath.

LAW ENFORCEMENT OFFICER / CORRECTIONS OFFICER PER STATE STATUTE # _____

SIXTEENTH JUDICIAL COURT

MONROE County

State of FLORIDA

Page 2 of 2

Form NS ARREST 3.0, REV: 04/18/2014