

# Response to Resistance Report

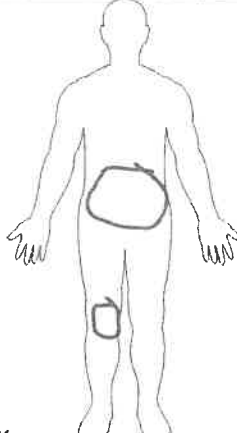
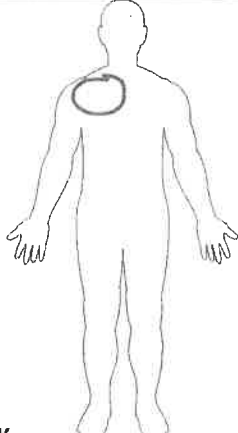
Key West Police Department

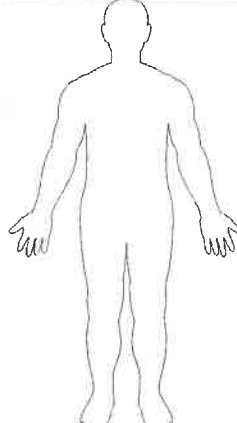
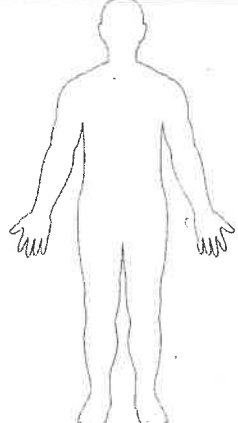
Case No: 21-4092

## 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: 08/01/2021	3. Time: 0232	4. Location: Moe's Way Alley	5. Incident type: Theft & Resist w/o
	6. Resistance Level	7. Explanation	8. Response Option	9. Explanation
	<input type="checkbox"/> Passive:		<input checked="" type="checkbox"/> Physical Control	Fell to the ground while
	<input checked="" type="checkbox"/> Active:	Ran away after ordered to stop	<input type="checkbox"/> Non-lethal Weapon	Being taken into custody
	<input type="checkbox"/> Aggressive:		<input type="checkbox"/> Deadly Force	
	<input type="checkbox"/> Deadly Force:			

SUBJECT	10. Last Name: Fuentes	11. First: Noel	12. Race: W	13. Sex: F
	14. DOB: 07/29/1999	15. Height: 5'09"	16. Weight: 170	
	17. Did you observe the subject: <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes If NO, explain why in Section 42. If "YES", complete sections 18-22			
	18. Appeared to be: <input checked="" type="checkbox"/> Intoxicated <input type="checkbox"/> Under the influence of controlled substance <input type="checkbox"/> Emotionally / mentally disturbed			
	19. Injuries: <input type="checkbox"/> No <input checked="" type="checkbox"/> Evident <input type="checkbox"/> Alleged (If Evident or Alleged, describe and indicate areas on charts in Section 22)			
	20. Photographed: <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes 21. Treated: <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes By: <input checked="" type="checkbox"/> EMT/Paramedic on scene <input type="checkbox"/> Hospital <input checked="" type="checkbox"/> Detention			
				
	22. Anterior View		Posterior View	

OFFICER	23. Officer: Nicholas Dantu	24. Race: W	25. Sex: M	26. Age: 47	27. Height: 5'11"	28. Weight: 200
	29. Duty Status: <input checked="" type="checkbox"/> On-duty <input type="checkbox"/> Off-duty <input type="checkbox"/> Extra duty employment <input checked="" type="checkbox"/> Uniformed <input type="checkbox"/> Plain clothes 30. Yrs Exp: 3					
	31. Injuries: <input checked="" type="checkbox"/> No <input type="checkbox"/> Evident <input type="checkbox"/> Alleged (If Evident or Alleged, describe and indicate areas on charts in Section 35)					
	32. Photographed: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes 33. Treated: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes By: <input type="checkbox"/> EMT/Paramedic on scene <input type="checkbox"/> Hospital					
	34. Response option used by this officer: (If TASER®, also reference line number from TASER® section) TASER					
						
	35. Anterior View		Posterior View			

# Response to Resistance Report (continued)

Key West Police Department

Case No: 21-4092 Error! Reference source not found.

TASER USE ONLY	36. TASER® device serial #		37. TASER® device serial #	
	TASER®Cam serial #		TASER®Cam serial #	
	Cartridge 1 serial #		Cartridge 1 serial #	
	Cartridge 2 serial #		Cartridge 2 serial #	
	Number of cycles:		Number of cycles:	
	Type of contact: <input 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 type="checkbox"/> Yes <input type="checkbox"/> No		Did probes penetrate skin: <input type="checkbox"/> Yes <input type="checkbox"/> No	
	Target distance at probe launch:		Target distance at probe launch:	
	Distance between probes:		Distance between probes:	
	Probes removed by (name):		Probes removed by (name):	
Device downloaded by:		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: 08/01/2021		41. Time: 0400	
	42. Did you respond to the scene: <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes (If "No", explain why)			
	43. Did you watch all relevant videos associated with the use of force? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes (If "No", explain why)			
	44. Did you meet with the Officer(s): <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes (If "No", explain why)			
	45. During your review did you find any potential policy violations or training issues associated with the incident?			
	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes (If "Yes," list below)			
	46. Were you able to locate any independent witnesses: <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes (If "Yes," list below)			
	Name		Address	
	Phone Number			
	47. Is further review recommended: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		48. Preparing Supervisor's Signature / ID	
FORWARD COMPLETED ORIGINAL REPORT TO INTERNAL AFFAIRS		49. Date		
INT. AFF.	50. Did the review of this incident conclude that use of force was in compliance with Departmental policy? <input type="checkbox"/> No <input type="checkbox"/> Yes If "No", complete section 51)			
	51. Signature of Internal Affairs Inspector		52. Date	
53. If section 48 is "No" record the Professional Standards Control Number:				54. Date Entered:

# Response to Resistance Report

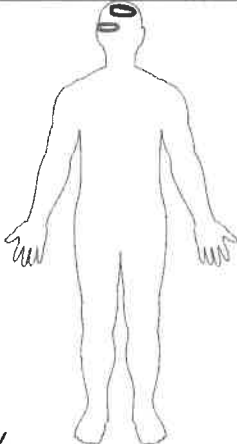
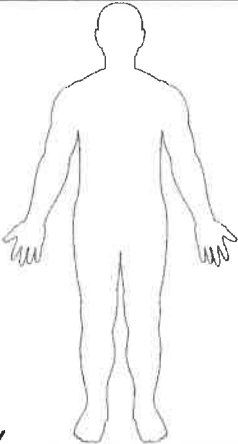
Key West Police Department

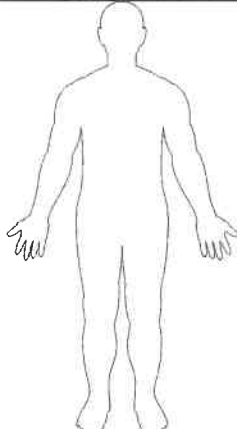
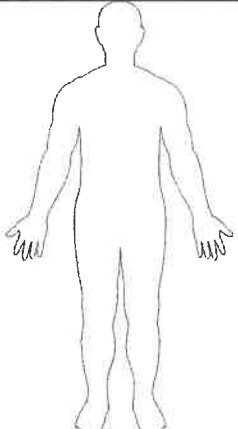
Case No: 21-4092

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

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☐ 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: 02.23.21	3. Time: 0350	4. Location: 201 William St	5. Incident type: S21/S33
	6. Resistance Level	7. Explanation	8. Response Option	9. Explanation
	<input checked="" type="checkbox"/> Passive:	Refused comply to verbal	<input type="checkbox"/> Physical Control	
	<input checked="" type="checkbox"/> Active:	Ran after being ordered to stop	<input checked="" type="checkbox"/> Non-lethal Weapon	Taser deployment
	<input type="checkbox"/> Aggressive:		<input type="checkbox"/> Deadly Force	
	<input type="checkbox"/> Deadly Force:			

SUBJECT	10. Last Name: Valdez	11. First: Franco	12. Race: W	13. Sex: M
	14. DOB: 12/21/1997	15. Height: 5'07"	16. Weight: 180	
	17. Did you observe the subject: <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes If NO, explain why in Section 42. If "YES", complete sections 18-22			
	18. Appeared to be: <input checked="" type="checkbox"/> Intoxicated <input checked="" type="checkbox"/> Under the influence of controlled substance <input type="checkbox"/> Emotionally / mentally disturbed			
	19. Injuries: <input type="checkbox"/> No <input checked="" type="checkbox"/> Evident <input type="checkbox"/> Alleged (If Evident or Alleged, describe and indicate areas on charts in Section 22)			
	20. Photographed: <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes 21. Treated: <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes By: <input checked="" type="checkbox"/> EMT/Paramedic on scene <input type="checkbox"/> Hospital <input checked="" type="checkbox"/> Detention			
				
	22. Anterior View		Posterior View	

OFFICER	23. Officer: Randy Perez	24. Race: W	25. Sex: M	26. Age: 31	27. Height: 5.08	28. Weight: 200
	29. Duty Status: <input checked="" type="checkbox"/> On-duty <input type="checkbox"/> Off-duty <input type="checkbox"/> Extra duty employment <input checked="" type="checkbox"/> Uniformed <input type="checkbox"/> Plain clothes 30. Yrs Exp: 1.5					
	31. Injuries: <input checked="" type="checkbox"/> No <input type="checkbox"/> Evident <input type="checkbox"/> Alleged (If Evident or Alleged, describe and indicate areas on charts in Section 35)					
	32. Photographed: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes 33. Treated: <input type="checkbox"/> No <input type="checkbox"/> Yes By: <input type="checkbox"/> EMT/Paramedic on scene <input type="checkbox"/> Hospital					
	34. Response option used by this officer: TASER					
						
	35. Anterior View		Posterior View			

# Response to Resistance Report (continued)

Key West Police Department

Case No: 21-4092

TASER USE ONLY	36. TASER® device serial # X120056TY		37. TASER® device serial #		
	TASER®Cam serial # V21002AVA		TASER®Cam serial #		
	Cartridge 1 serial # C4109VWKP		Cartridge 1 serial #		
	Cartridge 2 serial #		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: 7 feet		Target distance at probe launch:		
	Distance between probes: 1 foot		Distance between probes:		
	Probes removed by (name): Brablc		Probes removed by (name):		
Device downloaded by: Stockton		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: 08/01/2021		41. Time: 0400		
	42. Did you respond to the scene: <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes (If "No", explain why)				
	43. Did you watch all relevant videos associated with the use of force? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes (If "No", explain why)				
	Unable to download TASER to watch video.				
	44. Did you meet with the Officer(s): <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes (If "No", explain why)				
	45. During your review did you find any potential policy violations or training issues associated with the incident?				
	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes (If "Yes," list below)				
	46. 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
INT. AFF.	47. Is further review recommended: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		3622		
	FORWARD COMPLETED ORIGINAL REPORT TO INTERNAL AFFAIRS		08/01/2021		
	48. Preparing Supervisor's Signature / ID		49. Date		
	50. Did the review of this incident conclude that use of force was in compliance with Departmental policy? <input type="checkbox"/> No <input type="checkbox"/> Yes If "No", complete section 51)		51. Signature of Internal Affairs Inspector		
53. If section 48 is "No" record the Professional Standards Control Number:		54. Date Entered:		52. Date	

# INCIDENT/INVESTIGATION REPORT

I N C I D E N T  D A T A	Agency Name <i>Key West Police Department</i>		INCIDENT/INVESTIGATION REPORT										Case# <i>21-004092</i>					
	ORI <i>FL0440100</i>												Date / Time Reported <i>08/01/2021 02:28 Sun</i>					
	Location of Incident <i>420 APPELROUTH LN, Key West FL 33040</i>				Gang Relat NO		Premise Type <i>Highway / Street /</i>		Beat/GP B1, GPB1		Last Known Secure <i>08/01/2021 02:28 Sun</i>		At Found <i>08/01/2021 02:28 Sun</i>					
	#1 Crime Incident(s) (Com) <i>Resist Arrest / Escape XOM</i>				Weapon / Tools <i>NOT APPLICABLE/NONE</i>								Activity					
Entry					Exit		Security											
#2	Crime Incident ( )				Weapon / Tools								Activity					
					Entry				Exit		Security							
#3	Crime Incident ( )				Weapon / Tools								Activity					
					Entry				Exit		Security							
MO																		
V I C T I M	# of Victims <i>1</i>		Type: SOCIETY/PUBLIC/STATE				Injury:				Domestic: N							
	V1		Victim/Business Name (Last, First, Middle) <i>Society</i>				Victim of Crime # <i>1,</i>		DOB Age		Race Sex		Relationship To Offender Resident Status <i>N/A</i>		Military Branch/Status			
	Home Address										Home Phone							
	Employer Name/Address								Business Phone		Mobile Phone							
	VYR		Make		Model		Style		Color		Lic/Lis		VIN					
O T H E R S  I N V O L V E D	CODES: V- Victim (Denote V2, V3) O = Owner (if other than victim) R = Reporting Person (if other than victim)																	
	Type: INDIVIDUAL Injury:																	
	Code <i>RP</i>		Name (Last, First, Middle) <i>SMAGULOV, NURLAN</i>				Victim of Crime #		DOB Age <i>04/23/1976 45</i>		Race Sex <i>W M</i>		Relationship To Offender Resident Status <i>Resident</i>		Military Branch/Status			
	Home Address <i>127 PEARY COURT RD - A KEY WEST, FL 33040</i>										Home Phone <i>929-233-3790</i>							
	Employer Name/Address <i>Mary Ellens, 420 APPELROUTH (COOK)</i>								Business Phone <i>305-294-7750</i>		Mobile Phone							
	Type: Injury:																	
	Code		Name (Last, First, Middle)				Victim of Crime #		DOB Age		Race Sex		Relationship To Offender Resident Status		Military Branch/Status			
Home Address										Home Phone								
Employer Name/Address								Business Phone		Mobile Phone								
P R O P E R T Y	L = Lost S = Stolen R = Recovered D = Damaged Z = Seized B = Burned C = Counterfeit / Forged F = Found ("OJ" = Recovered for Other Jurisdiction)																	
	VI #		Code		Status Fnn/Tc		Value		OJ		QTY		Property Description		Make/Model		Serial Number	
	35		EVID				\$0.00				1		BWC / 3835					
	99		EVID				\$0.00				4		PHOTOGRAPHS FROM 4010					
	35		EVID				\$0.00				3		AXON BWC 4010					
	35		EVID				\$0.00				20		AXON CAPTURE 4010					
	99		EVID				\$0.00				1		TASER CARTRIDGE, AFIDS AND PRONGS					
	99		EVID				\$0.00				1		FLASH DRIVE					
Officer/ID# <i>DANTU, NICHOLAS (3835)</i>																		
Invest ID# <i>(0)</i>																		
Supervisor <i>RODRIGUEZ, ALEXANDER (3465)</i>																		
Status Complainant Signature Case Status <i>Cleared By Arrest 08/01/2021</i> Case Disposition: <i>Cleared By Arrest 08/01/2021</i> Page 1																		

## INCIDENT/INVESTIGATION REPORT

Key West Police Department

Case # 21-004092

Status Codes   L = Lost   S = Stolen   R = Recovered   D = Damaged   Z = Seized   B = Burned   C = Counterfeit / Forged   F = Found						
D R U G S	UCR	Status	Quantity	Type Measure	Suspected Type	Up to 3 types of activity

Assisting Officers  
*BRABLC, M. (3925), PEREZ, R. (4010)*

Suspect Hate / Bias Motivated:

## INCIDENT/INVESTIGATION REPORT

Narr. (cont.) OCA: 21-004092

Key West Police Department

NARRATIVE

## REPORTING OFFICER NARRATIVE

Key West Police Department

OCA
21-004092
Date / Time Reported
Sun 08/01/2021 02:28

Victim

Offense

RESIST ARREST / ESCAPE

On 8/1/2021, at about 0228 hours, I (Ofc. Nick Dantu) and Ofc. Randy Perez were dispatched to 420 Appelrouth Lane. This was about a theft.

Ofc. Randy Perez was in my vehicle. When we arrived at the 600 block of Duval Street a male person, (Nurlan Smogulov) flagged me down. Nurlon said he was the person who called the Police because a white male and his two friends had stolen a tip jar, (steel bucket) from the takeout window at Mary Ellens's bar, (420 Applerouth Lane). Nurlan said two suspects ran through an alley, (Moe's Way) near Cuban Coffee Queen. I asked Ofc. Randy Perez to follow Nurlan on foot down Moe's Way and I drove my patrol vehicle to the back of the building along Josephine Park Way.

When I arrived at the end of Josephine Park Way, I saw a male person, (Noel Fuentes) standing at the end of Moe's Way. I exited my Patrol Vehicle and told Noel to stay put. Noel began to walk back toward Duval street as I approached him. Noel was out of breath, sweating profusely and said, "I have nothing to do with this". I tried to detain Noel, but Noel took off running toward Duval Street along Moe's Way. I chased after Noel. Noel jumped over a white picket fence to the left of Moe's Way. I gave chase after Noel and jumped over the white picket fence which was about waist high. There was a hedge on the other side of the white picket fence and Noel fell into the hedge. I tried to grab a hold of Noel as I jumped over the fence, but Noel slipped from my grip and ran toward Josephine Park Way. Noel tried to jump over the picket fence between him and Josephine Park Way, but managed to get his shorts stuck on the fence. I ran toward Noel and prevented him from escaping by pulling him down from the fence. Noel tensed up and tried to pull away from me as I pulled him down from the fence and detained him. Noels shorts ripped as he fell to the ground. Noels arms became stiff, and he tried to pull away from me multiple times. Eventually Noel stopped tensing up his body and arms. I handcuffed Noel.

Ofc. Tom Clark arrived on scene and assisted me in detaining Noel. Ofc. Tom Clark placed Noel in the back of his patrol vehicle.

Ofc. Hudson and Ofc. Brable arrived on scene.

Ofc. Randy Perez tased male person, (Franco Valdez) who was involved in the incident. See Ofc. Randy Perez's affidavit and supplemental.

I spoke with the reporting party, Nurlan. Nurlan said he was working at Mary Ellen's bar when he saw Noel, Fanco and one other male person in a white t-shirt at the takeout window. Nurlan said he saw the suspect in the white t-shirt reach into the takeout window and take the steel bucket tip jar. According to Nurlan there was about \$60.00 in the tip jar. All three suspects ran toward Duval Street and began to walk toward the 600 block, (of Duval Street). Nurlan followed the three suspects. The person in the white t-shirt who stole the tip jar turned and walked down Angela Street toward Whitehead Street. Noel and Franco continued to walk South on Duval Street. Nurlan followed Noel and Franco and asked them to stay with him while he called the Police. Noel and Franco ran down Moe's Way. Nurlan flagged me down in my patrol vehicle.

Ofc. Brable tried to find out where Noel and Franco were staying or any information about the friend in the white t-shirt. Noel and Franco said they did not know where they were staying claimed they did not know anyone in a white t-shirt.

Sgt. Jessie Hammers arrived on scene and spoke with Noel and Franco.

KWFR #2 arrived on scene and attended to Franco.

## REPORTING OFFICER NARRATIVE

Key West Police Department

OCA
21-004092
Date / Time Reported
Sun 08/01/2021 02:28

Victim

Offense

RESIST ARREST / ESCAPE

I decided to arrest Noel under section 843.02, Florida Statutes: Resisting an Officer without Violence. Based on the facts and evidence in this case there is probable cause to believe that Noel, on 8/1/2021, at about 0228 hours: resisted, obstructed, or opposed a law enforcement officer; at the time the officer was engaged in the execution of legal process or the lawful execution of a legal duty; the officer was a person legally authorized to execute process; and at the time, Noel knew that the person resisted, obstructed, or opposed was in fact an officer or other person legally authorized to execute process.

I transported Noel and Franco to Monroe County Detention Center. (Ofc. Randy Perez arrested Franco. See Ofc. Randy Perez's affidavit and supplemental report.)

Ofc. Randy Perez managed to obtain photographs of the suspect in the white t-shirt from the surveillance footage at Mary Ellen's bar. Ofc. Randy Perez uploaded the photographs to evidence.com

Ofc. Randy Perez photographed minor injuries to Noel and uploaded the photographs to evidence.com

I uploaded my BWC footage to evidence.com

I emailed a BOLO to all KWPD Officers with a picture of the suspect who stole the tip jar.



# Incident Report Suspect List

Key West Police Department

OCA: 21-004092

1	Name (Last, First, Middle) <i>FUENTES, NOEL ALBERTO</i>						Also Known As				Home Address <i>5830 SW 94TH CT MIAMI, FL 33173 786-398-3559</i>																																									
	Business Address <i>UNK, UNK, UNK</i>																																																			
	DOB <i>07/29/1999</i>	Age <i>22</i>	Race <i>W</i>	Sex <i>M</i>	Eth <i>H</i>	Hgt <i>509</i>	Wgt <i>165</i>	Hair <i>BRO</i>	Eye <i>BRO</i>	Skin <i>LGT</i>	Driver's License / State. <i>F532621992690 FL</i>																																									
	Scars, Marks, Tattoos, or other distinguishing features																																																			
<table border="1"> <tr> <td colspan="2"><i>Reported Suspect Detail</i></td> <td colspan="2">Suspect Age</td> <td>Race</td> <td>Sex</td> <td>Eth</td> <td colspan="2">Height</td> <td colspan="2">Weight</td> <td colspan="2">SSN</td> </tr> <tr> <td>Weapon, Type</td> <td colspan="2">Feature</td> <td colspan="2">Make</td> <td colspan="2">Model</td> <td colspan="2">Color</td> <td>Caliber</td> <td colspan="3">Dir of Travel Mode of Travel</td> </tr> <tr> <td colspan="3">VehYr/Make/Model</td> <td>Drs</td> <td colspan="2">Style</td> <td colspan="2">Color</td> <td colspan="2">Lic/St</td> <td colspan="3">VIN</td> </tr> </table>														<i>Reported Suspect Detail</i>		Suspect Age		Race	Sex	Eth	Height		Weight		SSN		Weapon, Type	Feature		Make		Model		Color		Caliber	Dir of Travel Mode of Travel			VehYr/Make/Model			Drs	Style		Color		Lic/St		VIN		
<i>Reported Suspect Detail</i>		Suspect Age		Race	Sex	Eth	Height		Weight		SSN																																									
Weapon, Type	Feature		Make		Model		Color		Caliber	Dir of Travel Mode of Travel																																										
VehYr/Make/Model			Drs	Style		Color		Lic/St		VIN																																										
Notes							Physical Char																																													

**CASE SUPPLEMENTAL REPORT**  
*NOT SUPERVISOR APPROVED*

Printed: 08/02/2021 22:55

OCA: **21004092**

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

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Investigator: *PEREZ, RANDY (4010)*

Date / Time: *08/02/2021 17:56:31, Monday*

Supervisor: *(0)*

Supervisor Review Date / Time: *NOT REVIEWED*

Contact:

Reference: *General Supplemental Report*

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On 08/01/2021, at 0228 hours, Ofc. Dantu and I (Ofc. R. Perez) were dispatched to Southard and Duval St. in reference to a theft that occurred at Mary Ellen's bar (420 Appelrouth Lane).

While in route we were told they were near Angela St. We were flagged down by a male later identified as Nurlan Smogilov, an employee of Mary Ellen's, in front of 613 Duval St. Smogilov pointed down an alley that led to KWFD station two. I got out of the vehicle and Ofc. Dantu drove around to the other side of the alley. As I walked down the alley Smogilov pointed at two white males. I approached the males and told them to hold on. The males were clearly able to determine that I was a Police Officer due to lighting and my department issued uniform with my Police badge on my chest. The males turned away from me and ran. I began to run after the males and gave them a loud verbal command to sit down. I drew my department issued TASER. I deployed my Taser and made contact with one of the males in the back causing him to experience NMI. The male then fell on the ground causing him to get a laceration on his arm and an abrasion on his face. Upon inspection of the male's back one prong entered his right shoulder and the other prong entered the right ribcage. The other male ran away from me was identified as Noel Fuentes and was later detained by Ofc. Dantu. The male that was tazed was later identified by his Tennessee DL as Franco Valdes. I took pictures of the injuries sustained by Fuentes and Valdes.

Rescue two arrived on scene and medically cleared Valdes. Ofc. Dantu Transported Valdes and Fuentes to the Monroe County Detention Center.

I then drove over to Mary Ellen's Bar to retrieve camera footage of the theft. When I arrived at Mary Ellen's Bar the manager showed me a video where Valdes, Fuentes and a male named Jesse approach the takeout window and start to talk to the cooks. Jesse can be seen reaching in the window and pulling a handful of money and walking away from the takeout window. I recorded the video with my AXON BWC and will have a digital copy retrieved on my next duty day.

Based on the facts and evidence, I believe there is probable cause, that on 08/01/2021, Franco Valdes did knowingly and intentionally hinder my ability to lawfully execute my legal duty by running away from me during my attempt to conduct a theft investigation, violating F.S.S. 843.02 resist arrest without violence.

My AXON BWC was activated during this incident and the pictures were uploaded to Evidence.com. I will also be submitting the used TASER cartridge, AFIDS and prongs to the KWPD Property and Evidence Division.

Investigator Signature: \_\_\_\_\_