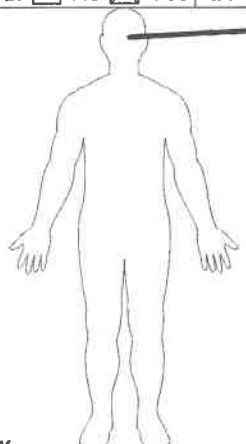
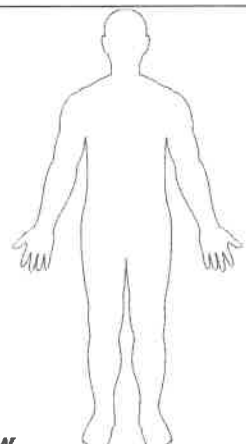
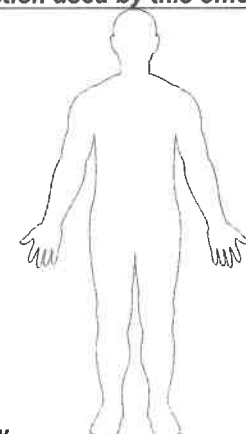
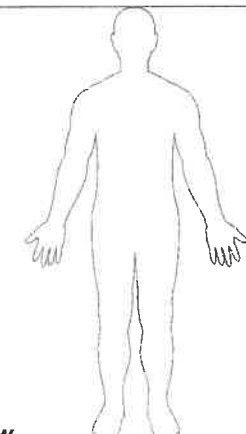


# Response to Resistance Report

Key West Police Department

Case No: 24-96

<b>1. A Response to Resistance Report will be completed by the supervisor for: (Check all that apply)</b> <input checked="" type="checkbox"/> A response through the use of non-lethal weapons, <input type="checkbox"/> Applies weaponless physical force of strikes, kicks, or "take-downs" <input type="checkbox"/> When any person sustains an apparent substantial or fatal injury as a result of the application of force <input type="checkbox"/> When any person complains of injury as a result of the application of force <input type="checkbox"/> Discharge of firearm in the line of duty off-duty or on-duty (other than for training, maintenance or ballistics testing)																					
INCIDENT	<b>2. Date:</b> 1.7.24 <b>3. Time:</b> 0930 <b>4. Location:</b> 3700 N. Roosevelt <b>5. Incident type:</b> Theft/Battery LEO																				
	<table style="width:100%; border: none;"> <tr> <td style="width: 33%; border: none;"><b>6. Resistance Level</b></td> <td style="width: 33%; border: none;"><b>7. Explanation</b></td> <td style="width: 33%; border: none;"><b>8. Response Option</b></td> <td style="width: 33%; border: none;"><b>9. Explanation</b></td> </tr> <tr> <td style="border: none;"><input type="checkbox"/> Passive:</td> <td style="border: none;"></td> <td style="border: none;"><input checked="" type="checkbox"/> Physical Control</td> <td style="border: none;">Wrist Lock, Transport</td> </tr> <tr> <td style="border: none;"><input checked="" type="checkbox"/> Active:</td> <td style="border: none;">Pulling, twisting away</td> <td style="border: none;"><input checked="" type="checkbox"/> Non-lethal Weapon</td> <td style="border: none;">O.C. Spray</td> </tr> <tr> <td style="border: none;"><input checked="" type="checkbox"/> Aggressive:</td> <td style="border: none;">Spit on officers</td> <td style="border: none;"><input type="checkbox"/> Deadly Force</td> <td style="border: none;"></td> </tr> <tr> <td style="border: none;"><input type="checkbox"/> Deadly Force:</td> <td style="border: none;"></td> <td style="border: none;"></td> <td style="border: none;"></td> </tr> </table>	<b>6. Resistance Level</b>	<b>7. Explanation</b>	<b>8. Response Option</b>	<b>9. Explanation</b>	<input type="checkbox"/> Passive:		<input checked="" type="checkbox"/> Physical Control	Wrist Lock, Transport	<input checked="" type="checkbox"/> Active:	Pulling, twisting away	<input checked="" type="checkbox"/> Non-lethal Weapon	O.C. Spray	<input checked="" type="checkbox"/> Aggressive:	Spit on officers	<input type="checkbox"/> Deadly Force		<input type="checkbox"/> Deadly Force:			
	<b>6. Resistance Level</b>	<b>7. Explanation</b>	<b>8. Response Option</b>	<b>9. Explanation</b>																	
	<input type="checkbox"/> Passive:		<input checked="" type="checkbox"/> Physical Control	Wrist Lock, Transport																	
<input checked="" type="checkbox"/> Active:	Pulling, twisting away	<input checked="" type="checkbox"/> Non-lethal Weapon	O.C. Spray																		
<input checked="" type="checkbox"/> Aggressive:	Spit on officers	<input type="checkbox"/> Deadly Force																			
<input type="checkbox"/> Deadly Force:																					
<b>10. Last Name:</b> Durham <b>11. First:</b> James <b>12. Race:</b> White <b>13. Sex:</b> M <b>14. DOB:</b> 10.16.74 <b>15. Height:</b> 6.0 <b>16. Weight:</b> 170																					
<b>17. Did you observe the subject:</b> <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes      If NO, explain why in Section 42. If "YES", complete sections 18-22 <b>18. Appeared to be:</b> <input checked="" type="checkbox"/> Intoxicated <input type="checkbox"/> Under the influence of controlled substance <input checked="" type="checkbox"/> Emotionally / mentally disturbed <b>19. Injuries:</b> <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 22 ) <b>20. Photographed:</b> <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes <b>21. Treated:</b> <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes <b>By:</b> <input type="checkbox"/> EMT/Paramedic on scene <input checked="" type="checkbox"/> Hospital <input checked="" type="checkbox"/> Detention																					
SUBJECT	<div style="display: flex; justify-content: space-around;"> <div style="text-align: center;">  <p>22. Anterior View</p> </div> <div style="text-align: center;">  <p>Posterior View</p> </div> </div>																				
	<b>23. Officer:</b> Brian Leahy <b>24. Race:</b> W <b>25. Sex:</b> M <b>26. Age:</b> 55 <b>27. Height:</b> 5'10 <b>28. Weight:</b> 208 <b>29. Duty Status:</b> <input checked="" type="checkbox"/> On-duty <input type="checkbox"/> Off-duty <input type="checkbox"/> Extra duty employment <input type="checkbox"/> Uniformed <input type="checkbox"/> Plain clothes <b>30. Yrs Exp:</b> 16 <b>31. Injuries:</b> <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) <b>32. Photographed:</b> <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <b>33. Treated:</b> <input type="checkbox"/> No <input type="checkbox"/> Yes <b>By:</b> <input type="checkbox"/> EMT/Paramedic on scene <input type="checkbox"/> Hospital <b>34. Response option used by this officer:</b> O.C. SPRAY																				
OFFICER	<div style="display: flex; justify-content: space-around;"> <div style="text-align: center;">  <p>35. Anterior View</p> </div> <div style="text-align: center;">  <p>Posterior View</p> </div> </div>																				

# Response to Resistance Report (continued)

Key West Police Department

Case No: 24-96 ~~Error! Reference source not found.~~

<b>TASER USE ONLY</b>	<b>36. TASER® device serial #</b>		<b>37. TASER® device serial #</b>		
	Battery serial #		Battery serial #		
	Cartridge 1 serial #1	serial #2	Cartridge 1 serial #1	serial #2	
	Cartridge 2 serial #3	serial # 4	Cartridge 2 serial # 3	serial #4	
	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"/> <b>38. Check and list any additional TASER® devices, cartridges or details in the incident description section.</b>					
<b>REPORT</b>	<b>39. Offense/Incident Report and/or Warrant Affidavit must include:</b>				
	<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.					
<b>SUPERVISOR'S INQUIRY</b>	<b>40. Notified Date:</b> 1/7/24		<b>41. Time:</b> 0930		
	<b>42. Did you respond to the scene:</b> <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes (If "No", explain why)				
	<b>43. Did you watch all relevant videos associated with the use of force?</b> <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes (If "No", explain why)				
	<b>44. Did you meet with the Officer(s):</b> <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes (If "No", explain why)				
	<b>45. During your review did you find any potential policy violations or training issues associated with the incident?</b> <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes (If "Yes," list below)				
	<b>46. Were you able to locate any independent witnesses:</b> <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes (If "Yes," list below)				
	Name		Address		Phone Number
<u>SGT. MARK STRAUSE</u>		<u>[Signature] 3386</u>		1/7/24	
47. Preparing Supervisor / Printed Name		48. Preparing Supervisor / Signature / ID		49. Date	
<b>INT. AFF.</b>	<b>50. Did the review of this incident conclude that use of force was in compliance with Departmental policy?</b> <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes		<u>[Signature] 3386</u>		<u>1/16/24</u>
			51. Signature of Internal Affairs Inspector		52. Date

# INCIDENT/INVESTIGATION REPORT

Agency Name <i>Key West Police Department</i>		Case# <i>24-000096</i>
ORI <i>FL0440100</i>		
Location of Incident <i>3700 N ROOSEVELT BLVD, Key West FL 33040</i>	Gang Relat <i>NO</i>	Premise Type <i>Parking/drop</i>
	Beat/GP <i>B5, GPB5</i>	At Found <i>01/07/2024 09:13 Sun</i>
#1 Crime Incident(s) <i>Battery Felony BFE</i>	(Com ) Weapon / Tools <i>Personal Weapons</i>	Activity <i>N</i>
#2 Crime Incident <i>Theft By Shoplifting THJ</i>	(Com ) Weapon / Tools	Activity
#3 Crime Incident <i>Resist Arrest / Escape XOM</i>	(Com ) Weapon / Tools	Activity

# of Victims	<i>4</i>	Type: <i>LAW ENFORCEMENT (LEO)</i>	Injury: <i>Possible Internal Injury</i>	Domestic: <i>N</i>
V1	Victim/Business Name (Last, First, Middle) <i>AGLEEV, DENIS</i>	Victim of Crime # <i>1</i>	DOB <i>11/21/1983</i> Age <i>40</i>	Race <i>W</i> Sex <i>M</i> Relationship To Offender <i>1ST</i> Resident Status <i>Resident</i> Military Branch/Status
Home Address <i>1604 N ROOSEVELT BLVD, Key West, FL 33040-</i>		Email		Home Phone <i>305-809-1111</i>
Employer Name/Address <i>KWPD 1604 N ROOSEVELT BLVD (OFFICER)</i>		Business Phone		Mobile Phone
VYR	Make	Model	Style	Color
			Lic/Lis	VIN

CODES: V- Victim (Denote V2, V3) WI = Witness IO = Involved Other RP = Reporting Person (if other than victim)									
Type: <i>LAW ENFORCEMENT (LEO)</i>			Injury: <i>Possible Internal Injury</i>						
Code <i>V2</i>	Name (Last, First, Middle) <i>MEDINA, GUSTAVO</i>	Victim of Crime # <i>1</i>	DOB <i>10/03/1977</i> Age <i>46</i>	Race <i>W</i> Sex <i>M</i> Relationship To Offender <i>1ST</i> Resident Status <i>Non-Resident</i> Military Branch/Status					
Home Address <i>1604 N ROOSEVELT BLVD KEY WEST, FL 33043</i>			Email		Business Phone		Home Phone <i>305-809-1000</i>		
Employer Name/Address <i>Key West Police Department, 1604 N ROOSEVELT BV (TFO IRS)</i>			Business Phone <i>305-809-1000</i>		Mobile Phone				
Type: <i>SOCIETY/PUBLIC/STATE</i>			Injury: <i>Possible Internal Injury</i>						
Code <i>V3</i>	Name (Last, First, Middle) <i>SOCIETY</i>	Victim of Crime # <i>3</i>	DOB <i>/ /</i> Age	Race	Sex	Relationship To Offender	Resident Status <i>N/A</i>	Military Branch/Status	
Home Address			Email		Business Phone			Home Phone	
Employer Name/Address			Business Phone		Mobile Phone				

1 = None 2 = Burned 3 = Counterfeit / Forged 4 = Damaged / Vandalized 5 = Recovered 6 = Seized 7 = Stolen 8 = Unknown ("OJ" = Recovered for Other Jurisdiction)									
VI #	Code	Status Frm/To	Value	OJ	QTY	Property Description	Make/Model	Serial Number	
<i>4</i>	<i>02</i>	<i>7</i>	<i>\$7.73</i>		<i>2</i>	<i>TWISTED TEA</i>			
	<i>27</i>	<i>EVID</i>	<i>\$0.00</i>		<i>2</i>	<i>FLEET AXON 5232</i>			
	<i>48</i>	<i>EVID</i>	<i>\$0.00</i>		<i>1</i>	<i>RECEIPT FOR STOLEN ITEMS</i>			
	<i>27</i>	<i>EVID</i>	<i>\$0.00</i>		<i>1</i>	<i>AXON BWC 2865</i>			

Officer/ID# <i>ANGLIN, ANNA J (2865)</i>	Outstanding Stolen Val [Total Stolen]: <i>\$7.73 [\$7.73]</i>
Invest ID# <i>(0)</i>	Supervisor <i>(0)</i>
Complainant Signature	Case Status <i>Cleared By Arrest</i> <i>01/07/2024</i>
	Case Disposition:

# Incident Report Additional Name List

Key West Police Department

OCA: 24-000096

## Additional Name List

Name Code/#	Name (Last, First, Middle)	Victim of Crime #	DOB	Age	Race	Sex
1) RP 1	SCOTT, TERRY JASON		09/26/1977	46	W	M
	Address 5537 COLLEGE RD, KEY WEST, FL 33040-		H: 205-234-6944			
	Empl/Addr Unemployed		B: - -			
			Mobile #: - -			
2) VI 4	CIRCLE K	2				
	Address 3700 N ROOSEVELT BLVD, KEY WEST, FL 33040-		H: 305-395-6804			
	Empl/Addr		B: - -			
			Mobile #: - -			

# INCIDENT/INVESTIGATION REPORT

Key West Police Department

Case # 24-000096

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  
*LEAHY, B.P. (2965), MEDINA, G.A. (3437), AGLEEV, D. (4007)*

Suspect Hate / Bias Motivated:

NARRATIVE

REPORTING OFFICER NARRATIVE

Key West Police Department

OCA
24-000096
Date / Time Reported
Sun 01/07/2024 09:13

Victim	Offense
AGLEEV, DENIS	BATTERY FELONY

-- James Allen Durham Arrest Narrative:

On Sunday, January 7, 2024, at 0915 hours, I heard KWPD Com 1 dispatch Ofc. B. Leahy and another unit to the Circle K (formerly Uppy's) at 3700 N. Roosevelt Blvd. regarding a shoplifter. I also responded and arrived at 0922.

On my arrival, Officers G. Medina, B. Leahy, and D. Agleev were already on scene. They had a white male suspect (later identified as James Durham DOB 10/16/1974 per a FL ID) detained in handcuffs right outside the main entrance to the convenient store, near one of their patrol vehicles. As I approached, I heard Durham telling the officers that he was "willing to pay for it," which I understood to mean the item that had been reported as stolen by the store. Durham continued to make an offer to pay for the items.

Ofc. Leahy stated he had already met with the reporting party, Circle K employee Terry Scott. Scott had told Ofc. Leahy that he had seen Durham inside his store multiple times that morning prior to our arrival. Scott had finally called KWPD because he witnessed Durham take two Twisted Teas (24 oz alcoholic beverages) from the store, and then leave the store without paying. Scott also told Ofc. Leahy that Durham consumed both beverages on the Circle K property, behind the store. Scott provided a receipt for the two stolen items, which showed the value at \$7.73. Scott stated he was going to check with a manager later today to attempt to get video footage of the shoplifting.

I instructed the officers that I would handle the arrest as the location was inside the zone to which I was assigned. At that time, we began walking Durham to my patrol car. Ofc. Agleev placed Durham in the backseat of my patrol car; however, at that time I observed Durham refuse to fully get inside the car. Durham resisted and struggled to the extent that Ofc. Agleev's BWC was knocked off its mount while he attempted to get Durham into the vehicle. Durham's back was leaned against the partition that separates the two backseats, and his legs were extended outside the car. I begin attempting to pull Durham by the shirt to get his back properly against the back of the seat while Ofc. Agleev attempted to get Durham's legs inside the vehicle. Ofc. Medina then stepped in to assist Ofc. Agleev get him sitting properly in the back seat. Durham continued to brace and oppose our efforts to get him properly seated in the car, so that we could put on the seatbelt. While we were struggling with him, he was told by two different officers that if he didn't stop bracing, then he would either be "drive-stunned," or pepper-sprayed. At that time, I heard Durham yell, "Fuck you," then I both heard and saw him spit at the officers, and I saw that Ofc. Agleev and Ofc. Medina were both struck in the face with Durham's saliva. Immediately after that, Ofc. Leahy pepper-sprayed Durham in the face.

I immediately notified sergeants via Com1 that we needed a supervisor due to a response to resistance incident, and Sgt. Siracuse responded to the scene. While there, Sgt. Siracuse placed a "spit-hood" on Durham for the duration of the transport.

I then transported Durham to the ER at Lower Keys Medical Center for medical clearance, and Ofc. Agleev followed to assist. Durham received medical clearance by the ER staff and was cleared for transport to the Monroe County Detention Center (MCDC).

Based on Scott's statement that he witnessed Durham steal the two alcoholic beverages, and Durham's spontaneous statements that he was "willing to pay" for the items, I have reason to believe Durham permanently deprived the business of the full retail value of the merchandise, in violation of F.S.S. 812.014(3A), petit theft less than \$100.

Based on my personally observing Durham bracing and struggling to be placed into my patrol car to complete the shoplifting arrest, I have reason to believe Durham resisted and opposed the officers who were engaged in the lawful

# Incident Report Suspect List

Key West Police Department

OCA: 24-000096

<b>1</b>	Name (Last, First, Middle) <i>DURHAM, JAMES ALLEN</i>					Also Known As					Home Address <i>5537 COLLEGE RD KEY WEST, FL 33040</i>				
	Business Address														
	DOB	Age	Race	Sex	Eth	Hgt	Wgt	Hair	Eye	Skin	Driver's License / State				
	<i>10/16/1974</i>	<i>49</i>	<i>W</i>	<i>M</i>	<i>N</i>	<i>601</i>	<i>150</i>	<i>BRO</i>	<i>BRO</i>	<i>LGT</i>	<i>073710049 TN</i>				
Scars, Marks, Tattoos, or other distinguishing features															
<b>Reported Suspect Detail</b>															
Weapon, Type		Feature		Make		Model		Color		Caliber		Dir of Travel		SSN	
Veh Yr / Make / Model		Drs		Style		Color		Lic Plate / State		VIN		Mode of Travel			
Notes								Physical Char							

# Incident Report Related Property List

Key West Police Department

OCA: 24-000096

<b>1</b>	Property Description <b>AXON BWC 2865</b>				Make		Model		Caliber	
	Color		Serial No.		Value <b>\$0.00</b>		Qty <b>1.000</b>		Unit	
	Status <b>Evidence</b>		Date <b>01/07/2024</b>		NIC #		State #		Local #	
	Jurisdiction <b>Locally</b>		OAN		Name (Last, First, Middle) <b>* No name *</b>		DOB		Age	
								Race		Sex

Notes

<b>2</b>	Property Description <b>FLEET AXON 5232</b>				Make		Model		Caliber	
	Color		Serial No.		Value <b>\$0.00</b>		Qty <b>2.000</b>		Unit	
	Status <b>Evidence</b>		Date <b>01/07/2024</b>		NIC #		State #		Local #	
	Jurisdiction <b>Locally</b>		OAN		Name (Last, First, Middle) <b>* No name *</b>		DOB		Age	
								Race		Sex

Notes

<b>3</b>	Property Description <b>RECEIPT FOR STOLEN ITEMS</b>				Make		Model		Caliber	
	Color		Serial No.		Value <b>\$0.00</b>		Qty <b>1.000</b>		Unit	
	Status <b>Evidence</b>		Date <b>01/07/2024</b>		NIC #		State #		Local #	
	Jurisdiction <b>Locally</b>		OAN		Name (Last, First, Middle) <b>* No name *</b>		DOB		Age	
								Race		Sex

Notes

<b>4</b>	Property Description <b>TWISTED TEA</b>				Make		Model		Caliber	
	Color		Serial No.		Value <b>\$7.73</b>		Qty <b>2.000</b>		Unit	
	Status <b>Stolen</b>		Date <b>01/07/2024</b>		NIC #		State #		Local #	
	Jurisdiction <b>Locally</b>		OAN		Name (Last, First, Middle) <b>Circle K,</b>		DOB <b>//</b>		Age	
								Race		Sex

Notes

**2 x 24 oz Twisted Tea alcoholic beverages**



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

Printed: 01/07/2024 11:45

OCA: **24000096**

---

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

---

Investigator: *MEDINA, GUSTAVO A (3437)*

Date / Time: *01/07/2024 09:51:38, Sunday*

Supervisor: *(0)*

Supervisor Review Date / Time: *NOT REVIEWED*

Contact:

Reference: *General Supplemental Report*

---

On Sunday, January 7th, 2024, Officer Dennis Agleev, Officer Brian Leahy, Officer Anna Anglin and I Officer Gustavo Medina responded to 3700 N Roosevelt Blvd (Circle K Uppys) in reference to a theft. Dispatch stated that the Reporting Person (Store Clerk Terry Scott) informed dispatch that a white male "scruffy, wearing blue shirt and blue shorts" go into the store and stole a twisted tea. Scott advised dispatch that the suspect was drinking it out back of the store. The description of the individual described by Scott provided me with the possible identity of an individual I had several encounters with on Friday, January 5th, so i responded to this incident.

Upon arrival, Officer B. Leahy and Officer D. Agleev were already on scene and with the suspect inside the store. The identity of the suspect was indeed the same individual I had encounters with previously on Friday as James Durham (DOB 10/16/1974). Those encounters involved me trespassing Durham from three separate locations on the outside of town (CAD#240050142).

While inside the store I observed Officer Leahy speaking with the Reporting Person Terry Scott, while Officer Agleev was informing Durham that the store wished to press charges for shoplifting and that he was being arrested. Durham began resisting Officer Agleev's attempt to place him in handcuffs and that was when I assisted in the detainment. I grabbed Durham's left arm; which he attempted to pull away and brace from my grasp. I was then able to pull his left arm back till Officer Agleev was able to place it inside the handcuffs. Officer Agleev and I then escorted Durham outside the store to Officer Agleev's patrol vehicle. Durham continued to spontaneously utter that he would be willing to pay for the merchandise. Durham was informed that he committed theft by still temporarily or permanently depriving the store of their merchandise and they wished to press charges.

Durham's belongings and person was then searched incident to arrest. officer Anna Anglin arrived on scene and became the primary officer of the case. Officer Anglin was informed of our findings and investigation of the theft committed by Durham. Durham was then being escorted to Officer Anglin's patrol vehicle for transport to Monroe County Jail. Durham continued to brace, pull his legs and use them as leverage to not go inside the patrol vehicle. Durham failed to comply and defy lawful commands to enter the back seat of the patrol car. Officer B. Leahy also issued lawful commands for Durham to comply or that he would be drive stunned or pepper sprayed using our nonlethal devices. Officer Agleev and I were finally able to place Durham in the backseat and place the safety belt over his shoulders. Immediately after placing the seatbelt on Durham, he aggressively faced towards Officer Agleev and I and replied, "Fuck you" and spit. Durham's saliva landed on both Officer Agleev and I's person. Most of the violent spit landed on Officer Agleev; however, I felt immediate wetness around the top portion of my forehead; which promptly had me wipe my forehead in response.

At the point I pulled away and Officer Leahy used his pepper spray in response to Durham's resistance.

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

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

Printed: 01/07/2024 11:46

OCA: **24000096**

---

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

---

Investigator: *LEAHY, BRIAN P (2965)*

Date / Time: *01/07/2024 09:54:30, Sunday*

Supervisor: *(0)*

Supervisor Review Date / Time: *NOT REVIEWED*

Contact:

Reference: *General Supplemental Report*

---

On 01/07/2024, at approximately 0913 hours, Officers Medina, Agleev, A. Anglin and I, Officer Leahy responded to 3700 North Roosevelt Blvd. (Circle K) in reference to a theft.

Upon arrival, Officer Agleev contacted a white male inside the store's bathroom, who Officer Medina and I knew as James Durham. Officer Medina and I have had multiple encounters with Durham throughout the weekend in reference to Durham trespassing on multiple properties. Officer Agleev escorted Durham out of the bathroom. The store clerk, identified by his Florida driver's license as Terry Scott, stated Durham had been inside the store at least 12 times during the morning of the above date. Scott said, before our arrival to the store, Durham had stolen 2 cans of Twisted Tea alcoholic beverages from the store and proceeded outside past all points of sales to consume the beverages behind the store. Scott said he talked to his manager who told Scott Circle K wanted to press charges against Durham.

Officer Agleev attempted to handcuff Durham who made a several spontaneous utterances that he would pay for the merchandise. Durham kept trying to pull away from Officer Agleev and Medina as they were trying to handcuff him. Durham was finally placed in handcuffs and escorted outside by Officer Agleev and Medina and subsequently escorted to Officer A. Anglin's patrol vehicle. Officer Agleev attempted to place Durham in the back of the patrol vehicle, but Durham used his legs and feet to grasp the bottom of the patrol vehicle door thwarting Officer Agleev's attempts to place Durham in the patrol vehicle. Durham kept stating he would pay for the merchandise. I told Durham if he did get in the back of the patrol vehicle I was going to "Drive Stun" him with my TASER. Officer Agleev kept trying to force Durham's legs into the patrol vehicle, I told Durham I was going to use pepper spray if he continued to resist us. Officer Agleev forced Durham's legs into the vehicle then seat belted Durham. Durham turned towards Officer Agleev and said "Fuck You" then spit in Officer Agleev's face. The spit also struck Officer Medina. I pointed my pepper spray at Durham's head area and deployed two bursts of pepper spray. Durham immediately became compliant. I placed a spit mask onto Durham's head which Sgt. Siracuse provided to me.

Durham was transported to Lower Keys Medical Center for medical clearance by Officer A. Anglin then subsequently transported to the Monroe County Detention Center.

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

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

Printed: 01/07/2024 11:46

OCA: **24000096**

---

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

---

Investigator: *AGLEEV, DENIS (4007)*

Date / Time: *01/07/2024 11:15:27, Sunday*

Supervisor: *(0)*

Supervisor Review Date / Time: *NOT REVIEWED*

Contact:

Reference: *General Supplemental Report*

---

On January 7, 2024, at approximately 0900 hours I, Officer Agleev, responded to 3700 North Roosevelt Boulevard (Circle K), reference a theft.

Upon arrival I observed a white male matching the description of the suspect walking inside the store. The suspect was later identified by his Florida ID as James Durham (DOB 10/16/1974, Arrestee in case 24-0096). I followed Durham inside.

The employee of the store pointed at Durham and advised, they were pressing theft charges against him.

Officer Medina arrived on scene and assisted me in handcuffing Durham. Durham was pulling away his arms trying to break our efforts to cuff him. He kept tensing his body while I walked him to Officer A. Anglin's patrol car and refused to get inside the vehicle. I had to lift his legs and push Durham inside the vehicle. After I buckled Durham's seatbelt, he started throwing profanities and spit at me and Officer Medina, who was standing next to me. Officer Leahy had to use pepper spray on Durham to stop him from spitting.

Officer Anglin transported Durham to the Lower Keys Medical Center for medical clearance and later to the Monroe County Detention Center. I assisted Officer Anglin with Durham's escort at both locations.

My BWC was activated and uploaded to Axon Evidence.

---

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