

Key West Police Department

Report: 12/05/2016 21:01

Case Number: 01-16-004996

Incident Report

Incident

Case Number: 01-16-004996	Report: 12/05/2016 21:01	Occured From: 12/05/2016 20:22	Occured To: 12/05/2016 20:22	Report Type: Original
Department Classification: CAD MISCELLANEOUS INCIDENT		Case Status: OTHER	Case Status Date: 12/05/2016	Cleared: 12/05/2016 21:00
Common Name: 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

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

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

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

01-16-004996

Key West Police Department

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Person 2 - Michael Alan Wirkner

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

Person Information

Age: 47
Driver License State: FLORIDA
Driver License Country: UNITED STATES
Ethnic Origin: NON-HISPANIC

Minimum Height: 6'02"
Minimum Weight: 170 lbs.
Adult/Juvenile: ADULT

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

Reporting Officer: ALEXANDER, JR RODRIGUEZ 3465	Department: KEY WEST POLICE DEPARTMENT	Report Status: Approved
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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.

Reporting Officer: ALEXANDER, JR RODRIGUEZ 3465	Department: KEY WEST POLICE DEPARTMENT	Report Status: Approved
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01-16-004996

Case 16-4996

John Binns

Coban x1 - Rodriguez -1

made i gave to J. Binns

12-06-16 JZ

INCIDENT/INVESTIGATION REPORT

I N C I D E N T D A T A	Agency Name Key West Police Department		INCIDENT/INVESTIGATION REPORT		Case# 16-004996						
	ORI FL0440100				Date / Time Reported 12/05/2016 21:01 Mon						
	Location of Incident 1725 Catherine St, Keywest FL 33040-				Premise Type Highway / Street / Road/		Last Known Secure 12/05/2016 20:22 Mon				
					Zone/Tract		At Found 12/05/2016 20:22 Mon				
V I C T I M	#1	Crime Incident(s) Simple Battery SCA		(Com)	Weapon / Tools HANDS, FIST, FEET		Activity				
					Entry	Exit	Security				
	#2	Crime Incident		()	Weapon / Tools		Activity				
					Entry	Exit	Security				
	#3	Crime Incident		()	Weapon / Tools		Activity				
					Entry	Exit	Security				
MO											
O T H E R I N V O L V E D	# of Victims 1		Type: INDIVIDUAL		Injury: None		Domestic: N				
	V1	Victim/Business Name (Last, First, Middle) WIRKNER, MICHAEL ALAN			Victim of Crime # I,	DOB 08/02/1969 Age 47	Race W Sex M	Relationship To Offender	Resident Status	Military Branch/Status	
	Home Address 1725 CATHERINE ST, Key West, FL 33040-							Home Phone 305-393-0039			
	Employer Name/Address					Business Phone		Mobile Phone			
	VYR	Make	Model	Style	Color	Lic/Lis	VIN				
	CODES: V- Victim (Denote V2, V3) O = Owner (if other than victim) R = Reporting Person (if other than victim) Type: INDIVIDUAL Injury:										
P R O P E R T Y	Code RP	Name (Last, First, Middle) BINNS, JOHN			Victim of Crime #	DOB Age	Race	Sex	Relationship To Offender	Resident Status	Military Branch/Status
	Home Address 5031 5th Ave - 42 Stock Island, FL							Home Phone 239-910-7845			
	Employer Name/Address					Business Phone		Mobile Phone			
	Type: INDIVIDUAL		Injury:								
	Code IO	Name (Last, First, Middle) BINNS, JOHN HAROLD			Victim of Crime #	DOB 12/10/1960 Age 55	Race W Sex M	Relationship To Offender	Resident Status	Military Branch/Status	
	Home Address 5031 5th Av - 42 Key West, FL 33040							Home Phone 239-910-7845			
L = Lost S = Stolen R = Recovered D = Damaged Z = Seized B = Burned C = Counterfeit / Forged F = Found ("OJ" = Recovered for Other Jurisdiction)											
P R O P E R T Y	V1 #	Code	Status Frm/To	Value	OJ	QTY	Property Description		Make/Model		Serial Number
Officer/ID# RODRIGUEZ, ALEXANDER (3465)											
Invest ID# (0)											
Supervisor BARRIOS, DONALD J (1850)											
Status	Complainant Signature				Case Status Inactive		Case Disposition: 12/05/2016		Page 1		

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

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

Assisting Officers

Suspect Hate / Bias Motivated:

NARRATIVE

REPORTING OFFICER NARRATIVE

Key West Police Department

OCA

16-004996

Victim WIRKNER, MICHAEL ALAN	Offense SIMPLE BATTERY	Date / Time Reported Mon 12/05/2016 21:01
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Legacy Incident Status: OTHER

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LEGACY NAMES INFORMATION

DIMNS, JOHN - (REPORTING PARTY)

Name Type # : 1

BINNS, JOHN - (OTHER)

Name Type # : 1

WIRKNER, MICHAEL - (OTHER)

Name Type # : 2

CASE SUPPLEMENTAL REPORT

Printed: 03/13/2017 13:59

NOT SUPERVISOR APPROVED

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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OCA: **16004996**

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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

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Supervisor Signature

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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

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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