

**KEY WEST POLICE DEPT.**

1604 N. ROOSEVELT BLVD.

Key West, FL, 33040

(305) 809-1000

Draft

Response to Resistance EVT-00000390-1

Response to Resistance EVT-00000390-1

Primary Officer: Del Valle, Marcus (1176)

Overview

Event Information

Reporting

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"
- Discharge of firearm in the line of duty, off-duty or on-duty (other than for training, maintenance or ballistics testing)
- When any person complains of injury as a result of the application of force
- When any person sustains an apparent substantial or fatal injury as a result of the application of force

Event Details

INCIDENT ID 0124004182	DATE 08/11/2024	TIME 04:35
LOCATION Unknown Location (Eaton Street & William Street), Key West FL 33040		
INCIDENT TYPE S22 - Disturbance - Physical/Fight		
OTHER AGENCIES INVOLVED? N - No		

Persons

Day, Steven Garrett

Person Role

ROLE Subject

Person Details

LAST NAME Day	FIRST NAME Steven	MIDDLE NAME Garrett	SUFFIX
DOB 08/13/1993	AGE 31	SEX M	RACE W
ETHNICITY Hispanic or Latino	HEIGHT 5' 10"	WEIGHT 240	CLOTHING TYPE Shirtless

Identifying Documents

Document

ID TYPE Driver's License

Persons (continued)

Day, Steven Garrett (continued)

ISSUING STATE Texas	ID TYPE Social Security Card
ID NUMBER 0027790427	
EXPIRATION DATE	CLASS CLASS E
RESTRICTIONS None	
SOCIAL SECURITY NUMBER 601-33-7630	

Contact

Address

ADDRESS TYPE H - Home
LOCATION 3674 Palm Drive, Fort Worth TX 76244

Phone Number

PHONE NUMBER TYPE Home	PHONE NUMBER (940) 210-3981
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E-Mail

Response to Resistance Circumstances

DID YOU OBSERVE THE SUBJECT? Yes
APPEARED TO BE <input type="checkbox"/> Emotionally/Mentally disturbed <input checked="" type="checkbox"/> Intoxicated <input type="checkbox"/> Not Applicable <input type="checkbox"/> Under the influence of controlled substance
SUBJECT ARRESTED Yes

Officers

Martinez, Josue (4263)

Officer Details

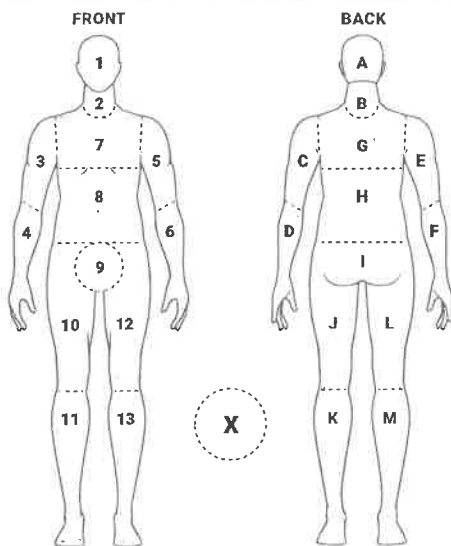
ROLE Involved	OFFICER / EMPLOYEE Martinez, Josue (4263)	POSITION Officer	DIVISION Night Patrol Division
PATROL SHIFT Alpha Night Shift	EMPLOYEE YEARS OF SERVICE 1		
UNIFORMED OR PLAIN CLOTHES Uniformed	EMPLOYEE WAS ON DUTY On Duty		

EMPLOYEE RACE White	EMPLOYEE ETHNICITY Hispanic or Latino	EMPLOYEE SEX Male
EMPLOYEE AGE 33	EMPLOYEE HEIGHT 5' 6"	EMPLOYEE WEIGHT 220

Officers (continued)

Martinez, Josue (4263) (continued)

INJURIES No
BODY WORN CAMERA (BWC) ACTIVATED DURING INCIDENT <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes



Young, James (4219)

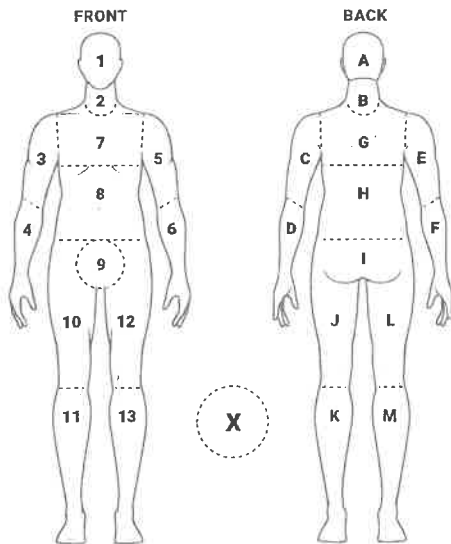
Officer Details

ROLE Witness	OFFICER / EMPLOYEE Young, James (4219)	POSITION Officer	DIVISION Night Patrol Division
PATROL SHIFT Alpha Night Shift	EMPLOYEE YEARS OF SERVICE 1.1		
UNIFORMED OR PLAIN CLOTHES Uniformed	EMPLOYEE WAS ON DUTY On Duty		

EMPLOYEE RACE White	EMPLOYEE ETHNICITY Not Hispanic or Latino	EMPLOYEE SEX Male
EMPLOYEE AGE 38	EMPLOYEE HEIGHT 5' 7"	EMPLOYEE WEIGHT 180
INJURIES No		
BODY WORN CAMERA (BWC) ACTIVATED DURING INCIDENT <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes		

Officers (continued)

Young, James (4219) (continued)



Davis, Sean (4270)

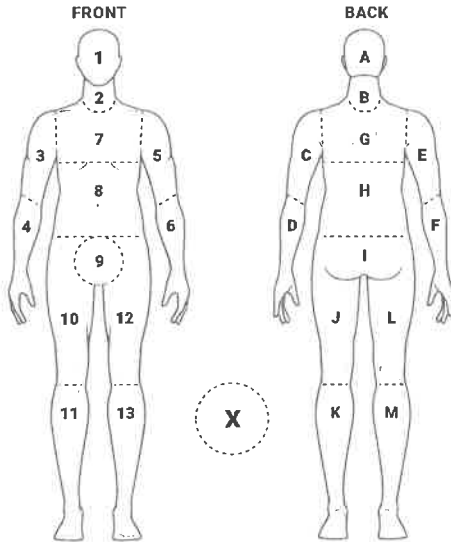
Officer Details

ROLE Witness	OFFICER / EMPLOYEE Davis, Sean (4270)	POSITION Officer	DIVISION Night Patrol Division
PATROL SHIFT Alpha Night Shift		EMPLOYEE YEARS OF SERVICE 1.1	
UNIFORMED OR PLAIN CLOTHES Uniformed		EMPLOYEE WAS ON DUTY On Duty	

EMPLOYEE RACE Black or African American	EMPLOYEE ETHNICITY Not Hispanic or Latino	EMPLOYEE SEX Male
EMPLOYEE AGE 35	EMPLOYEE HEIGHT 6' 1"	EMPLOYEE WEIGHT 270
INJURIES No		
BODY WORN CAMERA (BWC) ACTIVATED DURING INCIDENT <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes		

Officers (continued)

Davis, Sean (4270) (continued)



Response Action

Response Action

FORCE USED AGAINST P - Person		
PERSON FORCE USED AGAINST Day, Steven Garrett		
RESISTANCE LEVEL		
<input checked="" type="checkbox"/> Active	<input type="checkbox"/> Aggressive	<input type="checkbox"/> Deadly Force
<input checked="" type="checkbox"/> Passive		
EXPLANATION OF RESISTANCE LEVEL The handcuffed subject was detained on the sidewalk; he displayed actions as he was going to run from officers. They relocated him to a patrol vehicle as they sat the subject in it. He resisted by tensing up his leg and holding it outside the car, where the Officers could not close the door.		

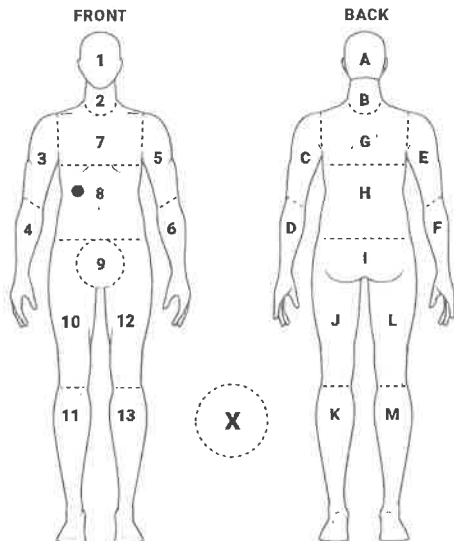
Force

Force

INVOLVED OFFICER Martinez, Josue (4263)	FORCE TYPE TASER CEW
DISTANCE BETWEEN OFFICER AND SUBJECT (FT)	NUMBER OF APPLICATIONS
CEW MODEL TASER 7	CEW ACTION Drive Stun
SERIAL NUMBER X400180D6	

Response Action (continued)

Response Action



Force Location

BODY REGION Abdomen	DETAILED LOCATION Right Ribs
NUMBER OF IMPACTS 1	INJURY SUSTAINED FROM DIRECT FORCE No injury
PHOTOGRAPHED Yes	

Related Injuries

Investigation

Investigation Details

Report Information

OFFENSE/INCIDENT REPORT AND/OR WARRANT AFFIDAVIT MUST INCLUDE

- All details of the arrest
- All necessary criminal elements
- Detailed description of injury complaints and/or observed injuries
- Details articulating the subject's words, mannerisms and actions that justify the Response to Resistance
- Details outlining the Response to Resistance utilized by each officer
- Details outlining the decontamination, first aid or medical treatment provided to the officer and/or subject

Narrative

NARRATIVE OF INCIDENT

The subject was being detained pending the investigation of an alleged robbery/battery that occurred on the 200 block of Duval Street and that he

Investigation (continued)

Investigation Details

was a suspect. Officers asked the subject multiple times to stay seated. The subject stood up numerous times and was asked to sit down. The subject told the Officers that he would slip out of his cuffs and was again instructed not to do that.

The subject made a quick movement to run from the Officers. Officers again warned him to stop his behavior, or he would be seated in the rear of the patrol vehicle. The subject was ordered to sit. The subject verbalized that he was going to run. The Subject continued to make quick moves as if he was going to run away. He was instructed to stop his actions, or he would be placed in the rear of a marked Key West Police Department patrol vehicle. The subject ignored the Officer's instructions; he stood up and ran a few steps toward Officer Young. Officer Young stopped him.

Officer Davis and Officer Young attempted to place Garrett in the rear of the police vehicle.

The subject started to resist their attempts to place him in the rear of the patrol by tensing his arms and legs. They could sit him in the patrol car, but he locked his right leg outside, preventing the door from closing. Officer Martinez told the subject that he would be tased if he did not comply with his order. The subject did not comply, and Officer Martinez applied two three-second drive stun cycles to the subject's lower right abdomen. The subject immediately complied and put his leg into the vehicle.

I responded to the scene and spoke with the subject. He did not appear to have any visible injuries but did not speak to me. He was transported to MCDC and medically cleared.

Supervisor's Inquiry

NOTIFIED DATE 08/11/2024	NOTIFIED TIME 05:14
DID SUPERVISOR RESPOND TO THE SCENE Yes	DID SUPERVISOR WATCH ALL RELEVANT VIDEOS ASSOCIATED WITH THE RESPONSE TO Yes
DID SUPERVISOR MEET WITH THE OFFICER(S)? Yes	
DURING SUPERVISOR'S REVIEW DID YOU FIND AN POTENTIAL POLICY VIOLATIONS OR TRAINING ISSUES ASSOCIATED WITH THE INCIDENT? No	
WAS SUPERVISOR ABLE TO LOCATE ANY INDEPENDENT WITNESSES? No	

Supervisor Comments

SUPERVISOR Del Valle, Marcus (1176)	RANK Sergeant	REVIEW DATE 08/15/2024
COMMENTS		

Professional Standards Division

Reviewer

REVIEWER Dean, Jeffrey (3386)	RANK Lieutenant	REVIEW DATE 08/17/2024
COMMENTS		
DID THE REVIEW OF THIS INCIDENT CONCLUDE THAT THE RESPONSE TO RESISTANCE WAS IN COMPLIANCE WITH DEPARTMENTAL POLICY? Yes		

INCIDENT/INVESTIGATION REPORT

Agency Name: Key West Police Department
ORI: FL0440100

Case#: 24-004182
Date / Time Reported: 08/11/2024 05:43 Sun
Last Known Secure: 08/11/2024 05:43 Sun
At Found: 08/11/2024 05:43 Sun

Location of Incident: 730 EATON ST/WILLIAM ST, Key West FL 33040
Gang Relat: NO
Premise Type: Highway/road/alley/st
Beat/GP: B3, GPB3

Table with 3 rows for incident details (#1, #2, #3), including Crime Incident(s), Weapon / Tools, Entry, Exit, Security, and Activity.

INCIDENT DATA

MO

Victim Information Form: # of Victims, Type, Injury, Domestic, Victim/Business Name, Home Address, Employer Name, VYR, Make, Model, Style, Color, Lic/Lis, VIN.

VICTIM

OTHERS INVOLVED

Other Involved Form: CODES, Type, Injury, Code, Name, Victim of Crime #, DOB, Race, Sex, Relationship To Offender, Resident Status, Military Branch/Status, Home Address, Email, 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)

Table with columns: VI #, Code, Status Frm/To, Value, OJ, QTY, Property Description, Make/Model, Serial Number. Contains 4 rows of evidence items.

PROPERTY

Officer/ID#: RAMOS MARTINEZ, JOSUE (4263)
Invest ID#: (0)
Supervisor: DEL VALLE, MARCUS (1176)

Status: Complainant Signature, Case Status Cleared By Arrest 08/11/2024, Case Disposition: Page 1

INCIDENT/INVESTIGATION REPORT

Key West Police Department

Case # 24-004182

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

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

Assisting Officers
YOUNG, J. (4219), COBAIN, E. (3883), DAVIS, S. (4270), ROBERTS, E. (4194), TORRECILLAS, J. (3759)

Suspect Hate / Bias Motivated:

NARRATIVE

REPORTING OFFICER NARRATIVE

Key West Police Department

OCA
24-004182
Date / Time Reported
Sun 08/11/2024 05:43

Victim Society	Offense OBSTRUCTION OF JUSTICE	Date / Time Reported Sun 08/11/2024 05:43
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-- Steven Garrett Arrest Narrative:

On 08/11/2024 at approximately 05:43 hours I (Officer Josue Ramos) was dispatched to the corner of Eaton St and William St to assist Officer Jessie Torrecillas who was investigating a battery incident between two males.

I arrived and met with Officer Sean Davis, Officer Erik Roberts, Officer James Young, Officer Elain Cobain, and Officer J. Torrecillas. Officer J. Torrecillas was speaking to a male, who was detained and in hand restraints because he was the suspect of a battery incident at 201 Duval St (Ricks Bar).

I arrived and assisted with traffic control as they spoke to the male identified as Garrett Steven Day (D.O.B-08/13/1993). While I conducted traffic control, I observed Day standing and then start to walk away from Officer J. Young. Officer J. Young stopped Day and ordered him to sit down and remain in the area because he was not free to go. Day did not stop and had to be forcefully moved back to the location. I approached Officer J. Young and Officer S. Davis who were standing by Day. While I stood in front of Day, he began to squirm in the place he was ordered to sit. Day stood up multiple times and was asked to sit back down. Day became frustrated and asked why it was taking so long. Day stated to me he was going to slip out of his hand restraints. I instructed Day to not get out of his hand restraints and if he did I would Taze him with my Key West Police Department issued Taser 7. Day began to make quick moves as if he was going run away. Day was instructed to stop his actions, or he would be placed in the rear of a marked Key West Police Department patrol vehicle. Day ignored the orders and again began to make movements as if he was going to run away from Officer J. Young, Officer S. Davis and I. Due to his actions Officer S. Davis, and Officer J. attempted to place Garrett in the rear of Officer S. Davis marked Key West Police Department patrol vehicle for Officer Safety. Day began to resist their attempts to place him in the rear of the patrol vehicle by tensing his arms and bracing his legs. When Day was placed in the vehicle, he locked his right leg outside of the car door and braced it, refusing to sit in the vehicle. I ordered Day to place his leg in the vehicle and advised him if he did not, he would receive a taze from my Key West Police Department issued Taser 7. Day refused my orders and I drive stunned Day twice in his lower abdomen on his right side, for a duration of approximately 3 seconds each. After being tazed Day complied and all force ceased.

Since Garrett Steven Day (D.O.B-08/13/1993) opposed the lawful commands given by Officer James Youn, Officer Sean Davis and myself to stay seated multiple times, and since Garrett attempted to walk away from Officer J. Young, and because of the statement Garrett made to me that he was going to slip out of his hand restraints and then while trying to place him in the rear of Officer S. Davis marked patrol vehicle he began to resist our efforts, I find Garrett Steven Day (D.O.B-08/13/1993) in violation of FSS 843.02 Resisting officer without violence to his or her person.

Officer S. Davis transported Garrett Steven Day (D.O.B-08/13/1993) to the Monroe County Detention Center without incident.

My Axon BWC was activated for the incident and later uploaded to Evidence.com.

I had no further involvement with the incident.

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Incident Report Suspect List

Key West Police Department

OCA: 24-004182

1	Name (Last, First, Middle) <i>DAY, GARRETT</i>					Also Known As					Home Address <i>3716 PALM DR FORT WORTH, TX</i>						
	Business Address																
DOB <i>08/13/1993</i>		Age <i>30</i>	Race <i>W</i>	Sex <i>M</i>	Eth	Hgt	Wgt	Hair	Eye	Skin	Driver's License / State						
Scars, Marks, Tattoos, or other distinguishing features																	
Reported Suspect Detail																	
Suspect Age		Race	Sex	Eth	Height			Weight			SSN						
Weapon, Type		Feature		Make		Model			Color		Caliber	Dir of Travel		Mode of Travel			
Veh Yr / Make / Model			Drs	Style		Color		Lic Plate / State			VIN						
Notes										Physical Char							

Incident Report Related Property List

Key West Police Department

OCA: 24-004182

1	Property Description AXON BWC 4270				Make AXON		Model BWC		Caliber	
Color		Serial No.		Value \$0.00		Qty 1.000		Unit EA		Jurisdiction Locally
Status Evidence		Date 08/11/2024		NIC #		State #		Local #		OAN
Name (Last, First, Middle) * No name *						DOB		Age	Race	Sex

Notes

2	Property Description AXON IN CAR				Make AXON		Model IN CAR		Caliber	
Color		Serial No.		Value \$0.00		Qty 1.000		Unit EA		Jurisdiction Locally
Status Evidence		Date 08/11/2024		NIC #		State #		Local #		OAN
Name (Last, First, Middle) * No name *						DOB		Age	Race	Sex

Notes

3	Property Description 4263 AXON BWC				Make		Model		Caliber	
Color		Serial No.		Value \$1.00		Qty 1.000		Unit		Jurisdiction Locally
Status Evidence		Date 08/11/2024		NIC #		State #		Local #		OAN
Name (Last, First, Middle) * No name *						DOB		Age	Race	Sex

Notes

4	Property Description AXON BWC 4219				Make AXON		Model BWC		Caliber	
Color		Serial No.		Value \$0.00		Qty 1.000		Unit		Jurisdiction Locally
Status Evidence		Date 08/11/2024		NIC #		State #		Local #		OAN
Name (Last, First, Middle) * No name *						DOB		Age	Race	Sex

Notes

CASE SUPPLEMENTAL REPORT

Printed: 09/11/2024 17:37

Key West Police Department

OCA: **24004182**

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

Case Status: *CLEARED BY ARREST*

Case Mng Status: *NA*

Occurred: *08/11/2024*

Offense: *OBSTRUCTION OF JUSTICE*

Investigator: *DAVIS, SEAN (4270)*

Date / Time: *08/11/2024 07:00:11, Sunday*

Supervisor: *DEL VALLE, MARCUS (1176)*

Supervisor Review Date / Time: *08/12/2024 05:40:34, Monday*

Contact:

Reference: *General Supplemental Report*

On August 11, 2024, at approximately 0435 hours, I, Officer Davis assisted in responding to a call at 201 Duval St. (Ricks Bar) in reference to a possible robbery.

As I was in transit, the KWPD communications described the individual in question as a shirtless white male. As I approached the intersection of Duval and Caroline St., I visually identified a shirtless white male standing in front of The Bull and Whistle Bar, preparing to enter a taxicab.

I approached the taxi and inquired with the male passenger, who was later identified as Garrett Steven Day, about his possible involvement in an altercation at Rick’s. Garrett, accompanied by his mother Julianne Marie Pearce, explained that he had been engaged in conversation with a group of women and was on his way back to his hotel room. Despite the limited description provided, I decided to allow Garrett to leave.

Shortly after the incident, Rick’s security team provided a photo of the suspect along with the last known location where he was seen, which happened to be the Bull and Whistle.

Upon locating the taxi, I proceeded to conduct a traffic stop at the intersection of Eaton and William St. I then instructed Garrett to exit the vehicle. Following this, I successfully apprehended Garrett without incident, proceeded to handcuff him, and detained him pending the resolution of the investigation.

I informed Julianne that Garrett had been detained and requested she exit the taxi for additional questioning. Julianne, who was extremely intoxicated, stated that she and Garrett were at a karaoke bar when an individual started making fun of her for singing. Garrett upset and trying to defend his mother, got into a verbal altercation, but that’s as far as it got.

After conversing with Garrett and obtaining his identification for entry into NCIC, I informed Garrett that the main officer was currently conducting an investigation at Rick’s and would be arriving at the scene shortly.

Garrett started asking Officer Young and me about our tasers and joked that he wanted us to tase him. Suddenly, he made a quick movement as if he was trying to run away. We asked Garrett to sit down on the ledge of a building, and he complied. While we continued to speak with Garrett, he kept standing up again and hinted at running off. When Garrett tried to run off for the third time, he was escorted to my patrol car. We instructed Garrett to get inside and remain there until the investigation was completed. However, Garrett began to resist by stiffening his leg to prevent being placed into the patrol car. As a result, Officer Ramos drive stunned him, and Garrett complied by sitting down in the patrol car.

Investigator Signature

Supervisor Signature

CASE SUPPLEMENTAL REPORT

Printed: 09/11/2024 17:37

Key West Police Department

OCA: **24004182**

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

Case Status: *CLEARED BY ARREST*

Case Mng Status: *NA*

Occurred: *08/11/2024*

Offense: *OBSTRUCTION OF JUSTICE*

Investigator: *DAVIS, SEAN (4270)*

Date / Time: *08/11/2024 07:00:11, Sunday*

Supervisor: *DEL VALLE, MARCUS (1176)*

Supervisor Review Date / Time: *08/12/2024 05:40:34, Monday*

Contact:

Reference: *General Supplemental Report*

Garrett did not sustain any injuries, and I transported him to the Monroe County Detention Center without further incident.

My Axon body-worn camera was activated as well as my in-car fleet camera during transport.

End of report.

Investigator Signature

Supervisor Signature

CASE SUPPLEMENTAL REPORT

Printed: 09/11/2024 17:37

Key West Police Department

OCA: 24004182

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

Case Status: CLEARED BY ARREST

Case Mng Status: NA

Occurred: 08/11/2024

Offense: OBSTRUCTION OF JUSTICE

Investigator: YOUNG, JAMES (4219)

Date / Time: 08/11/2024 17:21:20, Sunday

Supervisor: DEL VALLE, MARCUS (1176)

Supervisor Review Date / Time: 08/12/2024 05:42:51, Monday

Contact:

Reference: General Supplemental Report

On Sunday, August 11, 2024, at approximately 0500 hours, I (Officer James Young) responded to a suspicious incident at Eaton and William Street.

I arrived on scene, an male suspect, who was identified as Garrett Steven Day was already in handcuffs. Garrett was a suspect in a possible battery. Officer Torrecillas was the primary officer for Case number 24-4182, refence report for additional information.

I was standing by with Garrett while Officer Torrecillas conducts his investigation. Garrett turned to me and said, "Do you think you can catch me if I ran?" I looked at Garrett and replied, "I wouldn't run away because you can outrun a taser." Garrett laughed and said, "well I can." Garrett made a motion to fake he was going to run away. I told him to stop playing games. I made Garrett sit on the corner curb. Garrett wouldn't listen to verbal commands to stay sitting. Garrett stood up and looked at Officer Davis and started to run away from him. I caught Garrett by his arms and redirected him around and placed him on the corner again. Garrett laughed again.

Garrett was looking at Officer Ramos and told him "He going to get out of the cuffs." Officer Ramos told him if he continues to try to leave the scene of the investigation and try to get out of the handcuff, he will be tased. Garrett began the motion of stretching his legs like a runner would do before a race. Garrett then stood up and fetched his body to run away. I grabbed Garrett by his right arm and walked him towards Officer Davis patrol vehicle. Officer Davis opened the back door. Garrett was tensing up and trying to redirect his body away from the patrol vehicle. Officer Ramos and I were able to get Garrett into the vehicle. Garrett then placed his legs out the door so we couldn't close the door. Garrett was warned to place his foot inside the vehicle. Garrett was then was dry stun by Officer Ramos for resisting and not listening to verbal commands. Garrett then placed his legs inside the vehicle, and we were able to close the door.

My BWC was activated and uploaded.

Investigator Signature

Supervisor Signature

INCIDENT/INVESTIGATION REPORT

Agency Name <i>Key West Police Department</i>		Case# <i>24-004181</i>	
ORI <i>FL0440100</i>		Date / Time Reported <i>08/11/2024 04:35 Sun</i>	
Location of Incident <i>319 DUVAL ST, Key West FL 33040</i>	Gang Relat <i>NO</i>	Premise Type <i>Highway/road/alley/st</i>	Beat/GP <i>B1, GPB1</i>
#1 Crime Incident(s) <i>Battery SCA</i>	(Com)	Weapon / Tools <i>Personal Weapons</i>	
#2 Crime Incident	()	Weapon / Tools	
#3 Crime Incident	()	Weapon / Tools	

INCIDENT DATA

MO										
	# of Victims	Type: INDIVIDUAL	Injury: None	Domestic: N						
	V1	Victim/Business Name (Last, First, Middle) <i>ZAHNER, JOHN MAXIMILIAN</i>	Victim of Crime #	DOB	Race	Sex	Relationship To Offender	Resident Status	Military Branch/Status	
			<i>1,</i>	<i>09/16/1984</i>	<i>W</i>	<i>M</i>	<i>1ST</i>	<i>Resident</i>		
	Home Address			Email			Home Phone			
	<i>1514 5TH ST, Key West FL 33040-</i>						<i>816-786-3928</i>			
	Employer Name/Address			Business Phone			Mobile Phone			
	<i>UNKNOWN</i>						<i>- -</i>			
	VYR	Make	Model	Style	Color	Lic/Lis	VIN			

VICTIM

CODES: V- Victim (Denote V2, V3) WI = Witness IO = Involved Other RP = Reporting Person (if other than victim)

	Type: INDIVIDUAL	Injury:							
	Code	Name (Last, First, Middle)	Victim of Crime #	DOB	Race	Sex	Relationship To Offender	Resident Status	Military Branch/Status
	<i>IO</i>	<i>PEARCE, JULIANNE MARIE</i>		<i>04/03/1966</i>	<i>W</i>	<i>F</i>		<i>Non-Resident</i>	
	Home Address			Email			Home Phone		
	<i>1209 COUNTY RD 1111, DECATUR TX 76234-</i>						<i>940-577-1312</i>		
	Employer Name/Address			Business Phone			Mobile Phone		
	<i>(UNKNOWN)</i>								
	Type: INDIVIDUAL	Injury:							
	Code	Name (Last, First, Middle)	Victim of Crime #	DOB	Race	Sex	Relationship To Offender	Resident Status	Military Branch/Status
	<i>IO</i>	<i>BUSHEY, FREDERICK F</i>		<i>03/18/1972</i>	<i>W</i>	<i>M</i>		<i>Resident</i>	
	Home Address			Email			Home Phone		
	<i>202 DUVAL ST, KEY WEST FL 33040-</i>						<i>305-942-1924</i>		
	Employer Name/Address			Business Phone			Mobile Phone		
	<i>RICKS BAR 202 DUVAL ST (RICKS BAR)</i>								

OTHERS INVOLVED

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 Fm/To	Value	OJ	QTY	Property Description	Make/Model	Serial Number	
	<i>27</i>	<i>EVID</i>	<i>\$0.00</i>		<i>3</i>	<i>AXON BWC S36B 3759</i>	<i>AXON/Bwc</i>		

PROPERTY

Officer/ID#	<i>TORRECILLAS, JESSIE (3759)</i>	Supervisor	<i>DEL VALLE, MARCUS (1176)</i>
Invest ID#	<i>(0)</i>	Case Status	<i>Inactive 08/16/2024</i>
Status	Complainant Signature	Case Disposition:	<i>Page 1</i>

Incident Report Additional Name List

Key West Police Department

OCA: 24-004181

Additional Name List

Name Code/#	Name (Last, First, Middle)	Victim of Crime #	DOB	Age	Race	Sex
1) IO 3	WALCK, JASON DAVID		06/16/1980	44	W	M
	Address 130 PEARY CT, KEY WEST, FL 33040-		H: 305-896-8122			
	Empl/Addr Rick's Bar		B: 305-440-2605			
			Mobile #: - -			

INCIDENT/INVESTIGATION REPORT

Key West Police Department

Case # 24-004181

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

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

Assisting Officers
*DEL VALLE, M. (1176), ROBERTS, E. (4194), GRUBA, J.Z. (4156), RAMOS MARTINEZ, J. (4263), YOUNG, J. (4219),
 DAVIS, S. (4270), COBAIN, E. (3883)*

Suspect Hate / Bias Motivated: *NONE (NO BIAS)*

NARRATIVE

REPORTING OFFICER NARRATIVE

Key West Police Department

OCA 24-004181
Date / Time Reported Sun 08/11/2024 04:35

Victim ZAHNER, JOHN MAXIMILLIAN	Offense BATTERY	Date / Time Reported Sun 08/11/2024 04:35
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On August 11, 2024, at approximately 0440 hours, I, Officer J. Torrecillas was dispatched to Rick's Bar (202 Duval St) reference a report of a possible robbery.

Upon arrival, there was a male sitting on the ground crying hysterically. I spoke to Fred Bushey (General Manager) and Jason Walck (Manager). They stated the male that was crying had run into the bar and there was another male chasing him. They both stated they did not know what happened or why the other male was chasing him.

I spoke to the male, who was identified as John Zahner. Zahner stated the following:
He was walking on the sidewalk and the male that was following him stopped him and shoved him onto the ground several times, preventing him from passing. He got up and ran past the male and into Rick's. The male stole his phone and all his belongings which were in the phone case.

Bushey showed me the security video. The video showed Zahner running South on Duval St. and into the Tree Bar area of Risk's. Zahner went passed they yellow chain and stood behind Walck. The male ran up to the yellow chain but did not cross it. Walck shined his flashlight in the face of the male, and he walked away without incident.

Bushey sent me a screenshot of the suspect from the video. I sent the screenshot of the suspect to all the working and shortly after Officer S. Davis advised he was conducting a traffic stop on a taxi which the suspect was riding.

I asked Walck if the male said anything when he approached. Walck stated the male pulled his pockets inside out and said I don't have your phone. The male insulted Zahner and walked away.

I asked Zahner to walk me to where the incident occurred. Zahner walked to the front of 319 Duval St. and stated with access to Find my Phone he would be able to locate the phone. Officer J. Gruba assisted Zahner and located the phone where the incident occurred.

Zahner remained with Ofc. Gruba as I went to interview the suspect.

I drove to Eaton St. and William St., where the suspect, identified as Garrett Day, was handcuffed with Officers J. Ramos-Martinez, Young, Davis, and Roberts.

I spoke to Day. Day stated the following:
He was walking on the sidewalk with his mother (Julianne Pearce). Zahner was walking by and they "Shoulder checked" each other. He and Zahner exchanged words but walked in opposite directions. Zahner then turned around and ran towards them. He shoved Zahner to get him away from Pearce, which caused Zahner to fall on the ground. He told Zahner to go away and walked away with Pearce. Zahner then began yelling and ran at them again. He shoved Zahner away again and Zahner fell. Zahner got up and ran past him to Rick's.

I spoke to Pearce. Pearce stated she and Day were at a bar and several males began cat calling her. Day took offense and told her they should leave to avoid a fight. They left, but Pearce stated she could not remember anything else.

Day stated he did not know where or what bar it was.

Zahner, Day, and Pearce were all extremely intoxicated from alcohol consumption.

REPORTING OFFICER NARRATIVE

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Based on my investigation, which included the security video from Rick's, I do not believe there was probable cause a robbery occurred. I believe when Zahner got pushed away the first time his phone slipped out of his pocket, and due to his level of impairment believed Day had taken his phone.

Additionally, I do not believe there was probable cause a battery occurred. I believe Day shoved Zahner away due to Zahner running at him and his mother. I do not believe Day intended harm to Zahner, but only to get him away from them.

Officer E. Roberts advised me Bushey had told him Zahner had been kicked out of the Red Garter Saloon approximately four hours prior for being to intoxicated and disorderly.

As I was concluding my investigation and verifying Day's identity in my patrol car, Day was taken into custody by Ofc. Ramos-Martinez for resisting (See case number 24-004182). I did not witness that incident.

My BWC was activated and uploaded to evidence.com.

Incident Report Suspect List

Key West Police Department

OCA: 24-004181

1	Name (Last, First, Middle) <i>DAY, GARRETT STEVEN</i>					Also Known As					Home Address <i>3716 PALM DR FORT WORTH, TX 76244 940-210-3981</i>				
	Business Address														
DOB	Age	Race	Sex	Eth	Hgt	Wgt	Hair	Eye	Skin	Driver's License / State					
<i>08/13/1993</i>	<i>30</i>	<i>W</i>	<i>M</i>	<i>N</i>	<i>511</i>	<i>190</i>	<i>BRO</i>	<i>BRO</i>	<i>FAR</i>	<i>27790427 TX</i>					
Scars, Marks, Tattoos, or other distinguishing features															
Reported Suspect Detail															
Suspect Age			Race	Sex	Eth	Height			Weight			SSN			
Weapon, Type		Feature		Make		Model			Color		Caliber		Dir of Travel Mode of Travel		
Veh Yr / Make / Model			Drs	Style		Color		Lic Plate / State			VIN				
Notes										Physical Char					

Incident Report Related Property List

Key West Police Department

OCA: 24-004181

1	Property Description AXON BWC S36B 3759	Make AXON	Model BWC	Caliber			
	Color	Serial No.	Value \$0.00	Qty 3.000	Unit	Jurisdiction Locally	
	Status Evidence	Date 08/11/2024	NIC #	State #	Local #	OAN	
	Name (Last, First, Middle) * No name *			DOB	Age	Race	Sex

Notes