

**KEY WEST POLICE DEPT.**

1604 N. ROOSEVELT BLVD.

Key West, FL, 33040

(305) 809-1000

Draft

Response to Resistance EVT-00000057-1

Response to Resistance EVT-00000057-1

Primary Officer: MALSHEIMER, KARL (3388)

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 0124002388	DATE 04/29/2024	TIME 17:28
LOCATION (Ann Street & Caroline Street), Key West FL 33040		
INCIDENT TYPE S31 - Drug Case		
OTHER AGENCIES INVOLVED? N - No		

Persons

Weaver, John Jacob

Person Role

ROLE Subject

Person Details

LAST NAME Weaver	FIRST NAME John	MIDDLE NAME Jacob	SUFFIX
DOB 05/26/1993	AGE 30	SEX M	RACE W
ETHNICITY Not Hispanic or Latino	HEIGHT 6' 1"	WEIGHT 150	CLOTHING TYPE Loose / Hanging

Identifying Documents

Document

ID TYPE Driver's License

Persons (continued)

Weaver, John Jacob (continued)

ISSUING STATE Florida	
ID NUMBER W160470931860	
EXPIRATION DATE 05/26/2029	CLASS CLASS E
RESTRICTIONS	

Contact

Address

ADDRESS TYPE H - Home
LOCATION 223 Ann St, Key West, FL, 33040, USA

Phone Number

PHONE NUMBER TYPE Home	PHONE NUMBER
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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 type="checkbox"/> Intoxicated <input type="checkbox"/> Not Applicable <input checked="" type="checkbox"/> Under the influence of controlled substance
SUBJECT ARRESTED Yes

Officers

CLARK, THOMAS (3484)

Officer Details

ROLE Involved	OFFICER / EMPLOYEE CLARK, THOMAS (3484)	POSITION Officer	DIVISION Day Patrol Division
PATROL SHIFT Alpha Day Shift	EMPLOYEE YEARS OF SERVICE 2.5		
UNIFORMED OR PLAIN CLOTHES Uniformed	EMPLOYEE WAS ON DUTY On Duty		

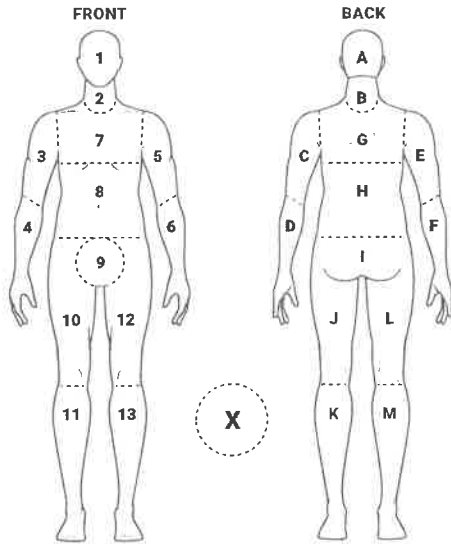
EMPLOYEE RACE White	EMPLOYEE ETHNICITY Not Hispanic or Latino	EMPLOYEE SEX Male
EMPLOYEE AGE 36	EMPLOYEE HEIGHT 5' 11"	EMPLOYEE WEIGHT 215
INJURIES No		

Officers (continued)

CLARK, THOMAS (3484) (continued)

BODY WORN CAMERA (BWC) ACTIVATED DURING INCIDENT

No Yes



Response Action

Response Action

FORCE USED AGAINST P - Person
PERSON FORCE USED AGAINST Weaver, John Jacob
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 Passive - Ignored verbal commands Active - Tensing arms, pulling away

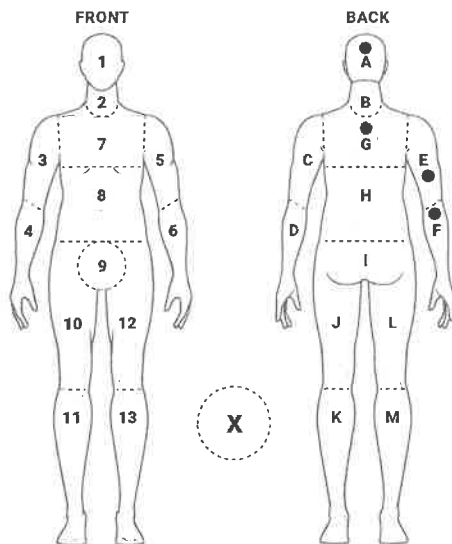
Force

Force

INVOLVED OFFICER CLARK, THOMAS (3484)	FORCE TYPE Hands-On - Joint Locks/Manipulations
NUMBER OF APPLICATIONS 1	

Response Action (continued)

Response Action



Force Location

BODY REGION Right Back Forearm	DETAILED LOCATION Right Elbow
NUMBER OF IMPACTS 1	INJURY SUSTAINED FROM DIRECT FORCE No injury
PHOTOGRAPHED Yes	

BODY REGION Right Back Upper Arm	DETAILED LOCATION Right Back Upper Arm (Unspecified)
NUMBER OF IMPACTS 1	INJURY SUSTAINED FROM DIRECT FORCE No injury
PHOTOGRAPHED Yes	

BODY REGION Back of Head/Skull	DETAILED LOCATION Back of Head/Skull
NUMBER OF IMPACTS 1	INJURY SUSTAINED FROM DIRECT FORCE No injury
PHOTOGRAPHED Yes	

BODY REGION Upper Back	DETAILED LOCATION Upper Back (Unspecified)
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
<input checked="" type="checkbox"/> All details of the arrest
<input checked="" type="checkbox"/> All necessary criminal elements
<input checked="" type="checkbox"/> Detailed description of injury complaints and/or observed injuries
<input checked="" type="checkbox"/> Details articulating the subject's words, mannerisms and actions that justify the Response to Resistance
<input checked="" type="checkbox"/> Details outlining the Response to Resistance utilized by each officer
<input checked="" type="checkbox"/> Details outlining the decontamination, first aid or medical treatment provided to the officer and/or subject

Narrative

NARRATIVE OF INCIDENT See attached report.

Supervisor's Inquiry

NOTIFIED DATE 04/29/2024	NOTIFIED TIME 17:28
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 MALSHEIMER, KARL (3388)	RANK Sergeant	REVIEW DATE 04/29/2024
COMMENTS		

Professional Standards Division

Reviewer

REVIEWER DEAN, JEFFREY (3386)	RANK Lieutenant	REVIEW DATE 05/07/2024
COMMENTS		
DID THE REVIEW OF THIS INCIDENT CONCLUDE THAT THE RESPONSE TO RESISTANCE WAS IN COMPLIANCE WITH DEPARTMENTAL POLICY?		

INCIDENT/INVESTIGATION REPORT

Agency Name Key West Police Department	Case# 24-002388		
ORI FL0440100	Date / Time Reported 04/29/2024 17:28 Mon		
Location of Incident 512 CAROLINE ST/ANN ST, Key West FL 33040	Gang Relat	Premise Type Highway/road/alley/st	Beat/GP B1, GPB1
	Last Known Secure 04/29/2024 17:28 Mon		At Found 04/29/2024 17:28 Mon
#1 Crime Incident(s) Drug Trafficking Controlled Substance DRE	(Com)	Weapon / Tools	
#2 Crime Incident Drug Possession Of Paraphernalia / Equipment - DRF	(Com)	Weapon / Tools	
#3 Crime Incident Resist Arrest / Escape XOM	(Com)	Weapon / Tools	

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# of Victims 1		Type: SOCIETY/PUBLIC/STATE		Injury: None			Domestic: N			
V1	Victim/Business Name (Last, First, Middle) Society			Victim of Crime # 1,2,3	DOB Age	Race	Sex	Relationship To Offender	Resident Status N/A	Military Branch/Status
Home Address				Email			Home Phone			
Employer Name/Address						Business Phone		Mobile Phone		
VYR	Make	Model	Style	Color	Lic/Lis	VIN				

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

Type:		Injury:								
Code	Name (Last, First, Middle)			Victim of Crime #	DOB Age	Race	Sex	Relationship To Offender	Resident Status	Military Branch/Status
Home Address				Email			Home Phone			
Employer Name/Address						Business Phone		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				Email			Home Phone			
Employer Name/Address						Business Phone		Mobile Phone		

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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
11		6	\$1.00		1	FTP FENTANYL SMOKING DEVICE	PLASTIC/Smoke	
27	EVID		\$0.00		1	FLEET 3484		
27	EVID		\$0.00		1	BWC 3484		

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Officer/ID# CLARK, THOMAS E (3484)	Supervisor WILLIAMS, CYNTHIA VANESSA
Invest ID# (0)	Case Disposition:
Complainant Signature	Case Status Cleared By Arrest 04/29/2024
Status	Page 1

INCIDENT/INVESTIGATION REPORT

Key West Police Department

Case # 24-002388

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	<i>L</i>	<i>6</i>	<i>4.200</i>	<i>GM</i>	<i>FTP FENTANYL</i>	<i>Poss</i>

Assisting Officers
MALSHEIMER, K.E. (3388), BETZ, F. (3020), JOHNSON, M.C. (3273), ROBERTS, E. (4194), RAMOS MARTINEZ, J. (4263), DAVIS, S. (4270)

Suspect Hate / Bias Motivated:

NARRATIVE

REPORTING OFFICER NARRATIVE

Key West Police Department

OCA
24-002388
Date / Time Reported
Mon 04/29/2024 17:28

Victim	Offense
Society	DRUG TRAFFICKING CONTROLLED

On Monday, 04/29/24, at approximately 1728hrs, I (Ofc. Clark), while on routine patrol of the intersection of Ann St and Caroline St, observed a wanted subject (probable cause for arrest for an earlier theft case KWPD 24-2375, Ofc. F. Betz). This would become a Fentanyl arrest.

BWC activated

The subject, was known to me from previous narcotics investigations as, John Jacob Weaver 05/26/93. John was riding a red bike on the sidewalk. I exited my marked patrol vehicle, in full uniform with badge displayed. I issued verbal commands for Weaver to take a seat. I ordered him several times to take a seat and he seemed hesitant to comply. I noticed in Weavers right hand he was concealing a plastic baggie with a clenched fist. A tactic known to me for quick release of narcotics, upon law enforcement contact to hide its presence.

Weaver then sat on a wall and began to move the fist behind him with the concealed baggie. I told him to keep his hand where I can see it as he began reaching behind himself again. I went to grab the hand, and saw him toss a plastic baggie behind the wall, in efforts to conceal, or destroy it.

I kept control of Weavers right wrist as he actively, and physically pulled away from my grasp. I ordered Weaver to the ground as he pulled away from me. I attempted a straight arm take down, escorting Weaver to his knees as he pulled away and ignored lawful verbal commands. I ordered Weaver to place his hands behind his back so I may place him under arrest several times. He refused my commands, still actively pulling from my grasp. I controlled Weavers head with my left hand, as he attempted to stand and pushed him forward so he would not regain his balance. Weaver then complied and I placed him under arrest.

Ofc. F. Betz arrived on scene. I told Ofc. Betz where Weaver attempted to conceal the suspected contraband behind the wall. Ofc. Betz located it. It was a clear plastic baggie containing a white powdery substance (later FTP Fentanyl 4.2grams, submitted to FDLE).

Weaver had involuntary spasms and due to my knowledge of his narcotics history and my suspicions of Fentanyl use, I requested EMS respond. Weaver suffered no visible injuries during this incident.

Search incident to arrest, Ofc. Betz located a blue plastic (straw, made from a pen case), with a burned residue FTP Fentanyl, in Weavers jeans pocket (later submitted to evidence).

EMS transported Weaver to LKMC for treatment (Ofc. J. Ramos-Martinez rode with them).

Once Weaver was cleared from the hospital, I read him his Miranda Warnings. Weaver did not wish to speak to me, but offered to buy narcotics for the Police Department.

I transported Weaver to jail with my in-car camera activated.

Due to the totality of the circumstances, I found probable cause to charge Weaver with the following:

One count, Trafficking Fentanyl, 4 grams or more, FSS 893.135(1)(c)(4)(a)- for the FTP 4.2 grams FTP Fentanyl, he had in his possession during lawful arrest in his right hand.

REPORTING OFFICER NARRATIVE

Key West Police Department

OCA 24-002388
Date / Time Reported Mon 04/29/2024 17:28

Victim <i>Society</i>	Offense <i>DRUG TRAFFICKING CONTROLLED</i>
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One count, Possession of Drug Paraphernalia, FSS 893.147 (1), for the FTP Fentanyl smoking pipe, located in Weavers pocket, search incident to arrest.

One count, Tampering with evidence, FSS 918.13, for attempting to conceal the 4.2grams FTP Fentanyl, and remove the contraband, with the purpose to impair its verity or availability during lawful arrest.

One count, Resisting without violence, FSS 843.02, for willfully and intentionally, disobeying my lawful commands, and physically resisting my efforts to lawfully place him under arrest. I was in full KWPD uniform with badge displayed and am known to Weaver.

=====

Incident Report Suspect List

Key West Police Department

OCA: 24-002388

1	Name (Last, First, Middle) <i>WEAVER, JOHN JACOB</i>					Also Known As					Home Address <i>651 WILLIAM ST - 4 KEY WEST, FL 33040 617-429-1169</i>				
	Business Address <i>FRITAS, UNKNOWN</i>														
DOB	Age	Race	Sex	Eth	Hgt	Wgt	Hair	Eye	Skin	Driver's License / State					
<i>05/26/1993</i>	<i>30</i>	<i>W</i>	<i>M</i>	<i>N</i>	<i>601</i>	<i>150</i>	<i>BLK</i>	<i>BRO</i>	<i>LGT</i>	<i>W160470931860 FL</i>					
Scars, Marks, Tattoos, or other distinguishing features															
<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			
Veh Yr / Make / Model			Drs	Style		Color		Lic Plate / State		VIN					

Notes

Physical Char

*BUILD, MEDIUM/AVERAGE
 FACIAL HAIR, NO FACIAL HAIR
 HAIR TYPE, LONG
 HAIR TYPE, MEDIUM
 HAND USE, UNKNOWN
 TEETH, OTHER*

Incident Report Related Property List

Key West Police Department

OCA: 24-002388

1	Property Description FTP FENTANYL	Make FENTANYL	Model	Caliber
	Color White	Serial No.	Value \$100.00	Qty 4.200
		Unit GM	Jurisdiction Locally	
	Status Seized	Date 04/29/2024	NIC #	State #
			Local #	OAN
	Name (Last, First, Middle) Weaver, John Jacob		DOB 05/26/1993	Age 30
			Race W	Sex M

Notes

2	Property Description FTP FENTANYL SMOKING DEVICE	Make PLASTIC	Model SMOKE	Caliber
	Color Blue	Serial No.	Value \$1.00	Qty 1.000
		Unit	Jurisdiction Locally	
	Status Seized	Date 04/29/2024	NIC #	State #
			Local #	OAN
	Name (Last, First, Middle) Weaver, John Jacob		DOB 05/26/1993	Age 30
			Race W	Sex M

Notes

3	Property Description FLEET 3484	Make	Model	Caliber
	Color	Serial No.	Value \$0.00	Qty 1.000
		Unit	Jurisdiction Locally	
	Status Evidence	Date 04/29/2024	NIC #	State #
			Local #	OAN
	Name (Last, First, Middle) * No name *		DOB	Age
			Race	Sex

Notes

4	Property Description BWC 3484	Make	Model	Caliber
	Color	Serial No.	Value \$0.00	Qty 1.000
		Unit	Jurisdiction Locally	
	Status Evidence	Date 04/29/2024	NIC #	State #
			Local #	OAN
	Name (Last, First, Middle) * No name *		DOB	Age
			Race	Sex

Notes

CASE SUPPLEMENTAL REPORT

Printed: 05/07/2024 13:43

Key West Police Department

OCA: 24002388

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

Case Status: CLEARED BY ARREST

Case Mng Status: NA

Occurred: 04/29/2024

Offense: DRUG TRAFFICKING CONTROLLED SUBSTANCE

Investigator: RAMOS MARTINEZ, JOSUE (4263)

Date / Time: 04/29/2024 20:31:24, Monday

Supervisor: WILLIAMS, CYNTHIA VANESSA

Supervisor Review Date / Time: 04/30/2024 03:50:14, Tuesday

Contact:

Reference: General Supplemental Report

On 04/29/2024 at approximately 17:28 hours, I (Officer Josue Ramos) was dispatched to the corner of Caroline St and Ann St to assist Officer Thomas Clark who was dealing with a Felony Warrant suspect.

I arrived and met with Officer T. Clark who had one white male in hand restraints. The man was identified as John Weaver (D.O.B-05/26/1993).

While I escorted Weaver to the rear of my Patrol Vehicle, he stated he wanted to be evaluated by EMS.

I placed Weaver in the rear of my patrol vehicle. As I placed Weaver in my Patrol Vehicle, I observed him to be very fidgety and appeared to be under the influence of some type of narcotic. While in the rear of my Patrol Vehicle Weaver stated he did not feel well, complained he was hot and having a medical emergency.

Officer T. Clark called for Key West Fire Rescue to respond.

KWFR responded and paramedics placed Weaver in the rear of the ambulance. I advised dispatch I would be riding with KWFR to Lower Keys Medical.

Weaver was placed under arrest by Officer T. Clark for having an outstanding Felony Warrant. Weaver received additional chargers because prior to my arrival Weaver had attempted to discard a white powdery substance into a nearby yard. Weaver was additionally charged for trafficking FTP Cocaine laced with Fentanyl, resisting arrest without violence, and Narcotic possession.

I waited for Weaver to get medically cleared at Lower Keys Medical Center.

Weaver was medically discharged from Lower Keys Medical Center, Officer T. Clark arrived, and we escorted Weaver to the Monro County Detention Center without incident.

Since I left my Patrol Vehicle on-scene at the corner of Caroline St and Ann St, Officer Eric Roberts arrived at the MCSO detention center to assist with my transport back to my patrol vehicle.

When I arrived back at my Patrol Vehicle, I observed that I had Weavers iPhone which was taken and secured in my vehicle when he was taken under arrest by Officer T. Clark.

I observed the phone ringing and noticed it had multiple missed calls and unanswered text messages. I observed missed

Investigator Signature

Supervisor Signature

CASE SUPPLEMENTAL REPORT

Printed: 05/07/2024 13:43

Key West Police Department

OCA: **24002388**

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Case Status: *CLEARED BY ARREST*

Case Mng Status: *NA*

Occurred: *04/29/2024*

Offense: *DRUG TRAFFICKING CONTROLLED SUBSTANCE*

Investigator: *RAMOS MARTINEZ, JOSUE (4263)*

Date / Time: *04/29/2024 20:31:24, Monday*

Supervisor: *WILLIAMS, CYNTHIA VANESSA*

Supervisor Review Date / Time: *04/30/2024 03:50:14, Tuesday*

Contact:

Reference: *General Supplemental Report*

calls from "Marcia". Without tampering with the device or manipulating it, I observed unanswered text messages from "Nando", "Jess2", and "MichaelN". I did not initially observe anything until I read a text message from the lock screen, that came from "Jess2". The text message stated, "Hey love I got some "white" the same as the other day".

Weaver has a lengthy history of Narcotic use, Narcotic sales, and frequents know drug areas/houses. On approximately 04/26/2024 Weaver was found overdosing at 508 Simonton St and transported to Lower Key Medical Center by KWFR for treatment.

Since I observed unanswered text messages relating to the possible purchase/sale of Narcotics without tampering with Weaver`s device while I had it in my possession, I seized Weaver`s iPhone. I later entered it as Evidence to the Key West Police Department property division, where Detective Jorge Lopez will possibly be seeking a search warrant for the phones content.

My Axon BWC and Axon Fleet In-Car were activated for the incident and later uploaded it to Evidence.com.

I had no further involvement with the incident.

Investigator Signature

Supervisor Signature

CASE SUPPLEMENTAL REPORT

Printed: 05/07/2024 13:43

Key West Police Department

OCA: **24002388**

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

Case Status: *CLEARED BY ARREST*

Case Mng Status: *NA*

Occurred: *04/29/2024*

Offense: *DRUG TRAFFICKING CONTROLLED SUBSTANCE*

Investigator: *MAYORGA LOPEZ, JORGE (3722)*

Date / Time: *05/02/2024 12:34:55, Thursday*

Supervisor: *CONATY, JAY THOMAS (3755)*

Supervisor Review Date / Time: *05/02/2024 13:01:22, Thursday*

Contact:

Reference: *General Supplemental Report*

On April 29, 2024, I, Det. J. Lopez, was assigned to investigate this case.

On going investigation.

Investigator Signature

Supervisor Signature
