Key West Police Department

Incident Report

Incident

Case Number:	Report:	Occured From:	Occured To:	Report Type:
01-16-004996	12/05/2016 21:01	12/05/2016 20:22	12/05/2016 20:22	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:	Home Phone:	Business Phone:	Other Phone:
OTHER PERSON			(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:	Department:	Report Status:
ALEXANDER, JR RODRIGUEZ 3465	KEY WEST POLICE DEPARTMENT	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

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

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.

Case 16-4996

John Binns

Coban x1 - Rodriguez -1

made ; gave to J. Binns

12-06-16 JZ

INCIDENT/INVESTIGATION REPORT

Agency Name	Key West Police Department
ORI	FL0440100
Case#	16-004996
Date / Time Reported	12/05/2016 21:01 Mon
Last Known Secure	12/05/2016 20:22 Mon
At Found	12/05/2016 20:22 Mon

INCIDENT DATA

Location of Incident	1725 Catherine St, Keywest FL 33040-	Premise Type	Highway / Street / Road/	Zone/Tract	

	Crime Incident(s)	(Com)	Weapon / Tools	Activity
#1	Simple Battery SCA		HANDS, FIST, FEET	
			Entry / Exit / Security	
#2	Crime Incident	( )	Weapon / Tools	Activity
			Entry / Exit / Security	
#3	Crime Incident	( )	Weapon / Tools	Activity
			Entry / Exit / Security	

MO

VICTIM

# of Victims 1 | Type: INDIVIDUAL | Injury: None | Domestic: N

	Victim/Business Name (Last, First, Middle)	Victim of Crime #	DOB	Race	Sex	Relationship To Offender	Resident Status	Military Branch/Status
V1	WIRKNER, MICHAEL ALAN	1,	08/02/1969 Age 47	W	M			

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

OTHERS INVOLVED

CODES: V- Victim (Denote V2, V3) O = Owner (if other than victim) R = 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
RP	BINNS, JOHN		Age					

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	Name (Last, First, Middle)	Victim of Crime #	DOB	Race	Sex	Relationship To Offender	Resident Status	Military Branch/Status
IO	BINNS, JOHN HAROLD		12/10/1960 Age 55	W	M			

Home Address	5031 5th Av - 42 Key West, FL 33040
Home Phone	
Employer Name/Address	
Business Phone	
Mobile Phone	239-910-7845

PROPERTY

L = Lost S = Stolen R = Recovered D = Damaged Z = Seized B = Burned C = Counterfeit / Forged F = Found
("OJ" = Recovered for Other Jurisdiction)

VI #	Code	Status 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 12/05/2016 | Case Disposition: | 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

	UCR	Status	Quantity	Type Measure	Suspected Type	Up to 3 types of activity
DRUGS						

Assisting Officers

Suspect Hate / Bias Motivated:

NARRATIVE

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

NOT SUPERVISOR APPROVED

Printed: 03/13/2017 13:59

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

Key West Police Department OCA: ***16004996***

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Offense: *SIMPLE BATTERY*

Investigator: *RODRIGUEZ, ALEXANDER (3465)* **Date / Time:** *12/05/2016 00:00:00, Monday*

Supervisor: *BARRIOS, DONALD J (1850)* **Supervisor Review Date / Time:** *12/06/2016 00:00:00, Tuesday*

Contact: **Reference:** *Orig*

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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