

# Response to Resistance Report

Key West Police Department

Case No: 23-6868

**1. 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"
- When any person sustains an apparent substantial or fatal injury as a result of the application of force
- When any person complains of injury as a result of the application of force
- Discharge of firearm in the line of duty off-duty or on-duty (other than for training, maintenance or ballistics testing)

**2. Date:** 12/20/23      **3. Time:** 1852      **4. Location:** 2001 S. Roosevelt      **5. Incident type:** 13I

INCIDENT	<b>6. Resistance Level</b>	<b>7. Explanation</b>	<b>8. Response Option</b>	<b>9. Explanation</b>
	<input checked="" type="checkbox"/> Passive:	Tensing; Ignoring verbal commands	<input checked="" type="checkbox"/> Physical Control	Takedown
<input checked="" type="checkbox"/> Active:	Pulling away	<input checked="" type="checkbox"/> Non-lethal Weapon	Drive Stun	
<input checked="" type="checkbox"/> Aggressive:	Hit Officers arms	<input type="checkbox"/> Deadly Force		
<input type="checkbox"/> Deadly Force:				

**10. Last Name:** Morales      **11. First:** Nicholas      **12. Race:** W      **13. Sex:** M

**14. DOB:** 11/12/72      **15. Height:** 6'01"      **16. Weight:** 200

**17. Did you observe the subject:**  No  Yes      If NO, explain why in Section 42. If "YES", complete sections 18-22

**18. Appeared to be:**  Intoxicated     Under the influence of controlled substance     Emotionally / mentally disturbed

**19. Injuries:**  No  Evident  Alleged (If Evident or Alleged, describe and indicate areas on charts in Section 22)

**20. Photographed:**  No  Yes    **21. Treated:**  No  Yes    **By:**  EMT/Paramedic on scene  Hospital  Detention

SUBJECT	<b>22. Anterior View</b>	<b>Posterior View</b>

**23. Officer:** Erik Roberts      **24. Race:** W      **25. Sex:** M      **26. Age:** 38      **27. Height:** 6'01"      **28. Weight:** 300

**29. Duty Status:**  On-duty  Off-duty  Extra duty employment     Uniformed  Plain clothes    **30. Yrs Exp:** 2+

**31. Injuries:**  No  Evident  Alleged (If Evident or Alleged, describe and indicate areas on charts in Section 35)

**32. Photographed:**  No  Yes    **33. Treated:**  No  Yes    **By:**  EMT/Paramedic on scene  Hospital

**34. Response option used by this officer:** (If TASER®, also reference line number from TASER® section) Takedown

OFFICER	<b>35. Anterior View</b>	<b>Posterior View</b>
	<p>N/A</p>	<p>N/A</p>

# Response to Resistance Report (continued)

Key West Police Department

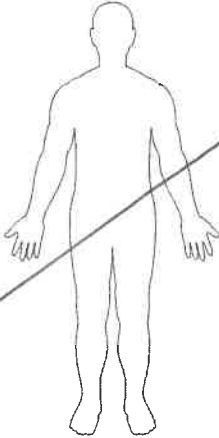
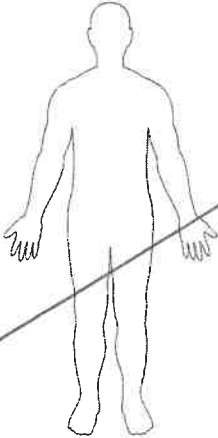
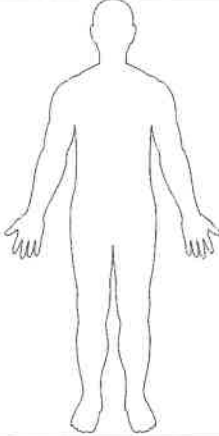
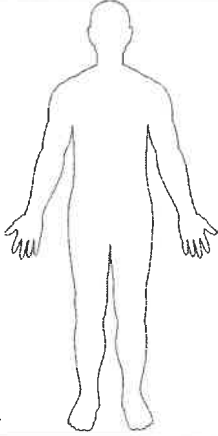
Case No: 23-6868

<b>TASER USE ONLY</b>	<b>36. TASER® device serial # X400180E3</b>	<b>37. TASER® device serial #</b>	
	Battery serial # X44623543	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: 1	Number of cycles:	
	Type of contact: <input type="checkbox"/> Probe <input checked="" type="checkbox"/> CODS <input checked="" 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 checked="" 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: Ofc. Roberts	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> 12/20/23 <b>41. Time:</b> 7:09 PM		
	<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>Tiffini Peters</u>	<u>Tiffini L Peter 3269</u>	<u>12/21/23</u>	
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 type="checkbox"/> Yes		
	51. Signature of Internal Affairs Inspector	52. Date	

# Response to Resistance Report (continued)

Key West Police Department

Case No: 23-6868

OFFICER	23. Officer: Randolph Ham      24. Race: W      25. Sex: M      26. Age: 32      27. Height 6'01"      28. Weight 204	
	29. Duty Status: <input checked="" type="checkbox"/> On-duty <input type="checkbox"/> Off-duty <input type="checkbox"/> Extra duty employment <input checked="" type="checkbox"/> Uniformed <input type="checkbox"/> Plain      30. Yrs Exp: 4+	
	31. Injuries: <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)	
	32. Photographed: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes      33. Treated: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes By: <input type="checkbox"/> EMT/Paramedic on scene <input type="checkbox"/> Hospital	
	34. Response option used by this officer: (If TASER®, also reference line number from TASER® section) Taser #36	
OFFICER	N/A	
		
	35. Anterior View	
	N/A	
		
35. Posterior View		
OFFICER	23. Officer:      24. Race:      25. Sex:      26. Age:      27. Height:      28. Weight	
	29. Duty Status: <input type="checkbox"/> On-duty <input type="checkbox"/> Off-duty <input type="checkbox"/> Extra duty employment <input type="checkbox"/> Uniformed <input type="checkbox"/> Plain      30. Yrs Exp: 4m	
	31. Injuries: <input type="checkbox"/> No <input type="checkbox"/> Evident <input type="checkbox"/> Alleged (If Evident or Alleged, describe and indicate areas on charts in Section 35)	
	32. Photographed: <input type="checkbox"/> No <input type="checkbox"/> Yes      33. Treated: <input type="checkbox"/> No <input type="checkbox"/> Yes By: <input type="checkbox"/> EMT/Paramedic on scene <input type="checkbox"/> Hospital	
	34. Response option used by this officer: (If TASER®, also reference line number from TASER® section) Taser #37	
OFFICER		
	35. Anterior View	
		
	35. Posterior View	

INCIDENT/INVESTIGATION REPORT

Agency Name: Key West Police Department
ORI: FL0440100

Case#: 23-006884
Date / Time Reported: 12/20/23 20:08:49 20:08 Wed
Last Known Secure: 12/20/23 20:08:49 20:08 Wed
At Found: 12/20/23 20:08:49 20:08 Wed

Location of Incident: 2001 S ROOSEVELT BLVD, Key West FL 33040
Gang Relat:
Premise Type: Hotel/motel/etc.
Beat/GP: B6, GPB6

Table with 3 rows of incident details. Row 1: #1 Crime Incident(s) Battery SCA, (Com), Weapon/Tools Personal Weapons, Activity N. Row 2: #2 Crime Incident Obstruction Of Justice XOJ, (Com), Weapon/Tools, Activity. Row 3: #3 Crime Incident, ( ), Weapon/Tools, Activity.

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Victim V1 details: # of Victims 2, Type: LAW ENFORCEMENT (LEO), Injury: Apparent Minor Injury, Domestic: N. Victim/Business Name: HAM, RANDOLPH SCOTT J. Home Address: 1604 N ROOSEVELT BLVD, Key West, FL 33040.

OTHERS INVOLVED

Other victims V2 and V3 details. V2: Code V2, Name STATE OF FLORIDA, Victim of Crime # 2, Injury: GOVERNMENT.

Table with columns: VI #, Code, Status Frm/To, Value, OJ, QTY, Property Description, Make/Model, Serial Number. Includes legend: 1 = None, 2 = Burned, 3 = Counterfeit / Forged, etc.

PROPERTY

Officer/ID#: HAM, RANDOLPH (4009)
Invest ID#: (0)
Supervisor: PETERS, TIFFINI (3269)

Status: Complainant Signature, Case Status: Cleared By Arrest 12/21/23, Case Disposition: Page 1

## REPORTING OFFICER NARRATIVE

Key West Police Department

OCA 23-006884
Date / Time Reported Wed 12/20/23 20:08

Victim HAM, RANDOLPH SCOTT J	Offense BATTERY
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On December 20, 2023, at approximately 2008 hours, I, Ofc. S. Ham was dispatched to 2001 S Roosevelt Blvd. (Margaritaville Beach Resort), reference a suspicious incident.

Upon arrival, I was flagged down by hotel staff telling me the male was out by the pool. The staff member stated to me the incident stemmed from the male's daughter not wanting to be around him because he was being abusive. The staff member stated the daughter was safe in another guest's room. The staff member stated the male had also pushed one of the other guests at the hotel but was unsure why. Upon entering the pool area numerous other people were telling me the male was trying to get away and pointing towards the pool. Nobody provided a description of the male, until I got to the pool deck, and he was pointed out directly by a male (Elijah Green). Elijah yelled that the male pushed his mom (Erin Green) and said it was the male holding the young girl in his arms.

I flashed the male with my flashlight and advised him who I was. The male was later identified as Richard Fleener. I called for Richard and told him to come have a seat on the lawn chair. Richard was argumentative from the start and stumbled while carrying his youngest child. I told Richard again to have a seat on the chair, to prevent him from falling over with his daughter. I asked Richard what was going on. Richard stated his other daughter was missing and someone from the hotel had taken her away from him. Richard continued to say, "they took my daughter, they took her." Richard stated it was the hotel that had taken his daughter. Richard told me to speak with the hotel staff to find out where his daughter was. I advised Richard that once my backup arrived, I would speak with them. Meanwhile, Richard was holding his youngest daughter and yelling obscene remarks. The youngest daughter was crying hysterically, and he would not let her down. Richard then asked me what the hotel was going to say about his daughter. Richard stated the hotel was running sex trafficking out of the hotel and he was willing to bury everyone there. I advised Richard to calm down and to stop yelling because he was threatening everyone at the hotel. Richard stood up from the lawn chair and stepped towards me in an aggressive manner. I advised Richard to sit back down and as soon as my backup officer arrived, I would find his daughter. Richard refused to sit and began to step towards me. I grabbed a hold of Richards right hand and assisted him back into a lawn chair. I advised Richard that his daughter was safe, and I will get her once he calmed down.

Ofc. K. Hansell arrived on scene and tried asking Richard what was going on. Richard continued yelling that the hotel staff kidnapped his daughter. Ofc. Hansell attempted to ask Richard what his daughter's name was, and he called us "fucking idiots". Richard did not provide any helpful information. I advised Ofc. Hansell that I was fine standing by with Richard, if she could speak with the witnesses to determine what happened.

Ofc. Hansell came back to try and advise Richard that his daughter was safe, and we knew where she was located. Ofc. Hansell advised Richard that his daughter refused to be around him because he was too drunk. Ofc. Hansell asked Richard how drunk he was, and he stated he wasn't. During our conversation with Richard, I could smell a strong odor of alcoholic beverages emitting from his breath, he had bloodshot glossy eyes, slurred speech and a hard time maintaining balance. It was safe to believe that Richard was under the influence of alcohol where his normal faculties were impaired.

Ofc. Hansel had stepped away to deal with an argument that she heard going on between Erin Green and her husband (Nicholas A. Morales). I stayed with Richard until I heard yelling behind me. When I turned around, Ofc. Hansel was grabbing Erin by her arm and telling her to place her hands behind her back. Erin was pulling away. I approached Erin and grabbed her right arm, to place it behind her back. Ofc. Hansell gave Erin numerous commands to go to the ground and to stop pulling away. I also told Erin to stop pulling away and to not resist. Ofc. Hansell and I, in a controlled manner, escorted Erin to the steps and onto her side on the ground. I maintained control of Erin's

## REPORTING OFFICER NARRATIVE

Key West Police Department

OCA 23-006884
Date / Time Reported Wed 12/20/23 20:08

Victim <i>HAM, RANDOLPH SCOTT J</i>	Offense <i>BATTERY</i>	
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right arm and moved it to her back.

See my supplemental report regarding case 23-6869 for further information regarding the rest of my involvement with that case.

While assisting Ofc. Hansell with handcuffing Erin, numerous people approached from behind us. I yelled for them to all step back. One male was Nicholas Morales who was standing right behind us. I told Nicholas to step back, and he wouldn't. I shoved Nicholas back and he raised his right hand. I put my arm out to put Nicholas' hand down. As I grabbed Nicholas' hand, he swatted at my hand with his right arm, striking my left hand. I told Nicholas to not swing at me again. Nicholas continued arguing with me and refusing to back away. I tried maintaining visual with Ofc. Hansell as she was still trying to control Erin on the ground. When I looked back, a female (Erin's mother) was standing over Ofc. Hansell with a cell phone. I grabbed a hold of the mother and escorted her away from Ofc. Hansell. As I was escorting the mother away, both Nicholas and Elijah Green (Erin's son) began yelling more and stepping closer. I told them to stand back again and again. Both refused to back away. I advised them that they were preventing us from doing our job safely by continuing to approach. Nicholas stated that he was doing his job, and we were not. Nicholas stated I was a servant to him and not doing my job. Nicholas stated he had not confronted us yet and I told him he was right behind us as we were attempting to handcuff Erin. Nicholas continued raising his hand, pointing, and stepping closer. I told Nicholas again to step back because every time he pointed; he would take another step. Elijah stepped in between Nicholas and I and told Nicholas to step back.

Richard from the original incident had now walked away. Elijah left with his girlfriend to go follow Richard.

Nicholas and Erin's father both began demanding our names and badge numbers. I provided my name and every time I tried to tell him I had an ID number to provide he spoke over me. Nicholas again stepped towards me, raising his right hand pointing. I told Nicholas not to raise his hand at me and to step back. Nicholas would not step back. I put my hand on Nicholas' chest to create space. Nicholas then swatted at my hand again, striking my left hand. I grabbed Nicholas by his right arm and told him to put his hands behind his back. Ofc. Roberts and Ofc. Davis arrived on scene and assisted with grabbing Nicholas' other arm. Nicholas refused to put his hands behind his back and attempted to pull away from the three of us. Nicholas was escorted to the deck in a controlled manner. Ofc. Roberts told Nicholas to stop resisting and put his hands behind his back or he will be tased. Nicholas continued to try and pull away. Ofc. Roberts' drive stunned Nicholas on his lower back. Nicholas stopped pulling away enough for Ofc. Davis to handcuff him.

I stood by Nicholas until other units arrived on scene to assist Ofc. Hansell. I assisted with escorting Nicholas to the backseat of my patrol vehicle.

Due to the facts that Nicholas intentionally struck my left hand twice by swatting in a downward motion at my hand and striking it. There is probable cause to believe Nicholas was in violation of F.S.S. 784.07-2B Battery on a LEO.

Nicholas refused numerous times to give Ofc. Hansell and I space to safely conduct our duties of arresting Erin. Nicholas was given numerous commands to step back and give us space. Nicholas refused to give space and continuously stepped closer and closer, taking my attention away from Ofc. Hansell as she was dealing with the combative wife (Erin). There is probable cause to believe Nicholas was in violation of F.S.S. 843.02 Resist officer without violence.

**REPORTING OFFICER NARRATIVE**

*Key West Police Department*

OCA <i>23-006884</i>
Date / Time Reported <i>Wed 12/20/23 20:08</i>

Victim <i>HAM, RANDOLPH SCOTT J</i>	Offense <i>BATTERY</i>
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Nicholas refused to comply with a lawful order of placing his hands behind his back as Ofc. Roberts, Ofc. Davis and I were trying to handcuff him. Nicholas was taken to the ground in a controlled manner and continued to pull away and did not comply with our orders to place his hands behind his back. Nicholas was eventually drive stunned in the lower back and complied. Based off the facts and evidence, there is probable cause to believe Nicholas was in violation of F.S.S. 843.02 Resist officer without violence.

I transported Nicholas to Monroe County Detention Center without further incident.

My Axon BWC and In-car camera were activated. For Axon BWC and Axon in-car video please refer to case 23-6868, reference the two events being linked.

# Incident Report Suspect List

Key West Police Department

OCA: 23-006884

<b>1</b>	Name (Last, First, Middle) <i>MORALES, NICHOLAS ALEXANDER</i>					Also Known As					Home Address <i>6813 CHARLOTTE ST SHAWNEE, KS 66216 816-309-3582</i>				
	Business Address														
	DOB	Age	Race	Sex	Eth	Hgt	Wgt	Hair	Eye	Skin	Driver's License / State				
	<i>11/12/72</i>	<i>51</i>	<i>W</i>	<i>M</i>	<i>H</i>	<i>601</i>	<i>210</i>	<i>BRO</i>	<i>BRO</i>	<i>LBR</i>	<i>K03547506 KS</i>				
Scars, Marks, Tattoos, or other distinguishing features															
<b>Reported Suspect Detail</b>															
Suspect Age		Race	Sex	Eth	Height		Weight		SSN						
Weapon, Type		Feature		Make		Model		Color		Caliber		Dir of Travel			
Veh Yr / Make / Model		Drs	Style		Color		Lic Plate / State		VIN						
Notes								Physical Char							



# INCIDENT/INVESTIGATION REPORT

Agency Name  
**Key West Police Department**

ORI  
**FL0440100**

Case#  
**23-006869**

Date / Time Reported  
**12/20/23 18:51:43 18:51 Wed**

Last Known Secure  
**12/20/23 18:51:42 18:51 Wed**

At Found  
**12/20/23 18:51:43 18:51 Wed**

Location of Incident  
**2001 S ROOSEVELT BLVD, Key West FL 33040**

Gang Relat  
**NO**

Premise Type  
**Hotel/motel/etc.**

Beat/GP  
**B6, GPB6**

INCIDENT DATE

#1	Crime Incident(s) <b>Battery SCA</b>	(Com)	Weapon / Tools <b>Personal Weapons</b>	Activity <b>N</b>
	Entry		Exit	Security
#2	Crime Incident <b>Child Neglect FAC</b>	(Com)	Weapon / Tools	Activity
	Entry		Exit	Security
#3	Crime Incident <b>Resist Arrest / Escape XOM</b>	(Com)	Weapon / Tools	Activity
	Entry		Exit	Security

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VICTIM

# of Victims **4** Type: **INDIVIDUAL** Injury: **None** Domestic: **N**

V1	Victim/Business Name (Last, First, Middle) <b>FLEENER, BRYNLEE MARIE</b>	Victim of Crime # <b>2</b>	DOB <b>09/23/09</b> Age <b>14</b>	Race <b>W</b>	Sex <b>F</b>	Relationship To Offender <b>1CH</b>	Resident Status <b>Non-Resident</b>	Military Branch/Status
Home Address <b>2971 LIMBER PINE DR, Whiteland, IN 46181-</b>			Email			Home Phone <b>463-246-9696</b>		
Employer Name/Address <b>(STUDENT)</b>			Business Phone			Mobile Phone		
VYR	Make	Model	Style	Color	Lic/Lis	VIN		

OTHERS INVOLVED

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

Type: **INDIVIDUAL** Injury: **None**

Code <b>V2</b>	Name (Last, First, Middle) <b>FLEENER, SOPHIA KATHERINE</b>	Victim of Crime # <b>2</b>	DOB <b>03/06/18</b> Age <b>05</b>	Race <b>W</b>	Sex <b>F</b>	Relationship To Offender <b>1CH</b>	Resident Status <b>Non-Resident</b>	Military Branch/Status
Home Address <b>2971 LIMBER PINE DR WHITEHEAD, IN 46181</b>			Email			Home Phone		
Employer Name/Address			Business Phone			Mobile Phone		
Type: <b>SOCIETY/PUBLIC/STATE</b>		Injury: <b>None</b>						
Code <b>V3</b>	Name (Last, First, Middle) <b>SOCIETY</b>	Victim of Crime # <b>3</b>	DOB <b>/ /</b> Age	Race	Sex	Relationship To Offender	Resident Status <b>N/A</b>	Military Branch/Status
Home Address			Email			Home Phone		
Employer Name/Address			Business Phone			Mobile Phone		

PROPERTY

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
	27	EVID	\$0.00		5	AXON BWC S38 4194	AXC	
	27	EVID	\$0.00		1	AXON IN-CAR RECORDING S38 4194	AXC	
	77	EVID	\$0.00		2	AXON CAPTURE PHOTOS S38	AXC	

Officer/ID# **ROBERTS, ERIK (4194)**

Invest ID# **(0)**

Status Complainant Signature Case Status Cleared By Arrest **12/21/23**

Lt. Dean,  
 I am including this report as this was the initial call for service. The rest of the events unfolded due to this 9-1-1 call. Thank you.  
 Sgt. Peters

## Incident Report Additional Name List

Key West Police Department

OCA: 23-006869

### Additional Name List

Name Code/#	Name (Last, First, Middle)	Victim of Crime #	DOB	Age	Race	Sex
1) IO 2	GREEN, ELISSA REBECCA Address 5913 CHARLOTTE ST, SHAWNEE, KS 88216- Empl/Addr Unknown		07/27/07	16	W	F
			H: 913-788-4678			
			B: - -			
			Mobile #: - -			
2) IO 3	GREEN, ELIJAH RYAN Address 8348 ACUFF LN, LENEXA, KS 66215- Empl/Addr Unknown		11/09/03	20	W	M
			H: 916-695-1871			
			B: - -			
			Mobile #: - -			
3) IO 4	MORALES, NICHOLAS ALEXANDER Address 6813 CHARLOTTE ST, SHAWNEE, KS 66216- Empl/Addr Unknown		11/12/72	51	W	M
			H: 816-309-3582			
			B: - -			
			Mobile #: - -			
4) IO 5	GREEN, ERIN REBECCA Address 8348 ACUFF LN, LENEXA, KS 66215- Empl/Addr Unknown		07/28/75	48	W	F
			H: 913-266-4232			
			B: - -			
			Mobile #: - -			
5) VI 4	UNDERWOOD, SOFIA MARIE CONCEPCIN Address 7328 HAUSER DR, SHAWNEE, KS 66216- Empl/Addr Unknown	I	11/11/03	20	W	F
			H: 913-927-1578			
			B: - -			
			Mobile #: - -			

# INCIDENT/INVESTIGATION REPORT

Key West Police Department

Case # 23-006869

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**

*HAM, R. (4009), HANSELL, K.C. (3662), BEERBOWER, M. (2259), DAVIS, S. (4270), RAMOS MARTINEZ, J. (4263), PETERS, T. (3269), TORRECILLAS, J. (3759), DEL VALLE, H. (1152), STOCKTON, J.A. (3317)*

Suspect Hate / Bias Motivated:

NARRATIVE

## REPORTING OFFICER NARRATIVE

Key West Police Department

		OCA <i>23-006869</i>
Victim <i>FLEENER, BRYNLEE MARIE</i>	Offense <i>BATTERY</i>	Date / Time Reported <i>Wed 12/20/23 18:51</i>

-- Richard William Fleener Arrest Narrative:

On Wednesday 12/20/2023 at approximately 1716 hrs. I (Ofc. E. Roberts) responded to 2001 S. Roosevelt Blvd (Margaritaville Beach House) as a requested back-up unit to Ofc. K. Hansell and Ofc. R. Ham. Ofc. S. Davis was present with me in a training capacity.

I entered the pool area to the rear of the lobby where I observed Nicholas Morales yelling at Ofc. Ham while standing face to face. Ofc. Ham gave verbal commands for Morales to stop yelling and step back. Morales continued his aggressive behavior towards Ofc. Ham. I approached Morales from behind and grasped his arms in an effort to secure him in handcuff restraints. He became actively resistant to my verbal commands to place his hands behind his back by tensing his arms and pulling them to the front of his body. Ofc. Davis and Ofc. Ham assisted me in attempts to secure Morales. Morales continued his resistance and was redirected to a deck area. I provided two loud and clear verbal warnings to cease his resistant behavior or my taser would be utilized. He continued his active resistance, and I utilized my taser via drive-stun technique to the lower portion of Morales' back. Ofc. Ham and Ofc. Davis secured Morales in handcuff restraints. My Axon Body Worn Camera fell from my person during this incident and was recovered moments later.

I then observed Ofc. Hansell who was physically detaining Erin Green (Morales' spouse) who was laying on the ground and screaming at Ofc. Hansell. I confirmed that Ofc. Hansell did not need assistance.

Lt. J. Stockton and Sgt. T. Peters arrived on scene. I briefed them on the current information I had regarding the call and returned to Morales. He continued his uncooperative behavior and was relocated to the front of the hotel where he was secured in Ofc. Ham's patrol car.

I observed Richard Fleener (Recognized by description provided by other involved parties) walking towards the front door of the hotel. He was carrying his daughter, Sophia. Ofc. Ham stopped Fleener to interview him regarding the prior incident. Sofia Underwood (Involved party) confirmed that Fleener was the subject we were looking for. Ofc. Ham went to speak with Underwood and I spoke with Fleener. He displayed indicators of extreme alcoholic intoxication including slurred speech, glassy blood-shot eyes and a strong odor of alcoholic beverages emanating from his person. I spoke with Fleener who told me the following:

Brynlee Fleener (His older daughter) was taken by a group of people in the pool area. He had been searching the area of the hotel for her. He stated that Brynlee was 14 years old. They were trying to leave the resort and a group of people "took her". They were not guests of the hotel and only came to eat at the restaurant.

When I asked Richard how Brynlee came to be separated from him, he replied "walking in the same direction together". Richard became increasingly agitated as I continued to ask questions. He began to yell, causing Sophia to become visibly upset. He then asked me to hold Sophia so that he could take me to where he believed Brynlee to be. I moved Sophia nearby under the supervision of Ofc. Davis. An unidentified and uninvolved adult female approached Sophia and attempted to pick her up. Richard stated that he did not know the female. I removed the woman from the area and she explained that she was just attempting to help Sophia. She stated that she did not know them, but was acting on her maternal instincts.

Ofc. Ham informed me after speaking to Underwood that Brynlee was present in Underwood's hotel room (320). Underwood stated that Brynlee voluntarily fled from Richard because he was drunk and had a history of becoming abusive while intoxicated.

**REPORTING OFFICER NARRATIVE**

Key West Police Department

OCA 23-006869
Date / Time Reported Wed 12/20/23 18:51

Victim FLEENER, BRYNLEE MARIE	Offense BATTERY
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Ofc. J. Ramos and Det. H. Del Valle stood by with Richard while Ofc. Ham and I went with Underwood and Elijah Green (Underwood's boyfriend) to room 320 to meet with Brynlee. While enroute to the hotel room Underwood stated that Brynlee told her she believed if law enforcement became involved that Richard would "beat" her. She also stated Brynlee made statements that "He will kill her" if he finds out of her involvement.

On arrival at room 320 We were met at the door by Brynlee and Elissa Green. Brynlee identified herself as well as Richard as her father. She stated the following:

Earlier in the day Richard had "really gotten into it, drinking" at the pool at Margaritaville. Later he felt it was time for them to leave and began to yell at Sophia "Get your ass out here". He then turned his yelling towards Brynlee, causing her to cry. She stated that she had been through this behavior from Richard before and that it regularly happens when they go on vacation. Richard continued to yell at Brynlee and was confronted by Erin Green. Erin asked Brynlee if she was okay and Brynlee replied no. She went on to describe as her father being so drunk that "he could barely walk" and his eyes were "lagging". She stated that he initially gave permission for her to go to Underwood's room. Brynlee requested this to distance herself from Richard while he "sobered up". Underwood asked Brynlee if she wanted Sophia to accompany them and Brynlee agreed, believing it to be the safes option for her sister. Richard disagreed and began to argue with Brynlee and Underwood. Erin Green then attempted to take Sophia from Richard, causing the situation to further escalate. Brynlee began to walk away with Underwood. Richard then began to yell at her to stay. Brynlee then walked with Underwood to their room (320). Sophia remained with Richard. Underwood was using the Facetime App with Elijah Green, who was still present in the pool area, and Brynlee observed Richard continuing to yell and "make a scene". Brynlee and Elissa remained in the hotel room until our arrival.

It should be noted that Brynlee expressed both verbal and non-verbal indications that she was in fear of Richard's actions and the possible repercussions she would face from him for law enforcement involvement.

While present at room 320 Richard was detained by other officers on scene and secured in Ofc. J. Torrecillas' patrol car.

I then spoke further with Underwood who stated the following:  
 She and her party were waiting for their dinner reservation in the bar area of the hotel next to the pool when Elijah Green called her over to a little girl (Sophia Fleener). He introduced them and then leaned in to quietly tell Underwood Do "to not leave them (Sophia and Brynlee) alone with this man (Richard). She then spoke to Brynlee who asked her to not leave her alone with Richard. Brynlee went on to explain to Underwood that Richard was drunk and that he became angry and abusive when he was drunk. Underwood, Brynlee and Elissa then walked to the hotel room. During the walk, Brynlee told Underwood that Richard could not know if they called the cops because if he found out she would be "Beat until I'm dead". Underwood left Elissa and Brynlee secured in the hotel room and returned to the bar area. When she returned, she observed Ofc. Ham and Ofc. Hansell speaking with Erin Green and Morales. Richard had not been addressed by the officers and fled from the bar area holding Sophia. Underwood and Elijah followed him, fearing for Sophia's safety. Richard fled into a laundry room and attempted to hide from them. She attempted to speak with him and he yelled at them to get away from him. While fleeing the area, Richard pushed Underwood, causing her to fall to the ground. Underwood sustained minor abrasions to her left knee and left hand. The two continued to follow Richard until he returned to the front of the hotel where he was identified and detained.

Underwood refused to pursue charges against Richard Fleener for battery at this time. Photographs of her injuries were taken and uploaded to Evidence.com via the Axon Capture App.

REPORTING OFFICER NARRATIVE

Key West Police Department

OCA 23-006869
Date / Time Reported Wed 12/20/23 18:51

Victim FLEENER, BRYNLEE MARIE	Offense BATTERY	Date / Time Reported Wed 12/20/23 18:51
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Ofc. M. Beerbower moved Ofc. Torrecillas` patrol car next to mine and Richard was removed and secured into my patrol car. During the vehicle transfer Richard continued his disruptive behavior, refusing verbal orders to enter the vehicle. After multiple orders Richard was physically placed into the patrol car.

Ofc. Davis and I transported Richard to the Monroe County Detention Center.

Brynlee and Sofia Fleener were transported from the scene to KWPD Headquarters by Lt. Stockton. The two were supervised there until they could be collected by a representative of the Florida Department of Children and Families. DCF was notified of the incident by Ofc. J. Ramos at approximately 2038 hrs. (Operator: Shelby 004).

Due to the above stated facts and evidence, I find probable cause that Richard Fleener did willingly and knowingly neglect a child without causing great bodily harm, permanent disability, or permanent disfigurement to the child by actively fighting with others and running from others while in a state of significant alcoholic intoxication, therein exhibiting total disregard for the physical safety and emotional wellbeing of his daughter, Sophia Fleener, while in direct physical custody of her contrary to FS 827.03 (2)(d) - Neglect of a child,

And

Did willingly and knowingly neglect a child without causing great bodily harm, permanent disability, or permanent disfigurement to the child by repeated aggressive verbal interactions with his daughter, Brynlee Fleener, causing her great emotional distress to the extent that she requested aid from people who were strangers to her and actively fighting with others and running from others while in a state of significant alcoholic intoxication, in the immediate presence of Brynlee as well as allowing Brynlee to flee from his supervision for an amount of time great enough that he was completely unaware of her location or wellbeing contrary to FS 827.03 (2)(d) - Neglect of a child,

And

Did willingly and knowingly resist, obstruct, or oppose an officer legally authorized to execute process in the execution of legal process or in the lawful execution of any legal duty, without offering or doing violence to the person of the officer by repeatedly refusing lawful commands to enter a police vehicle after being placed into police custody contrary to FS 843.02 - Resisting without violence.

My Axon BWC was activated during this incident and uploaded to Evidence.com.

My Axon In-Car Recording System was activated during transport and uploaded to Evidence.com.

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## Incident Report Related Property List

Key West Police Department

OCA: 23-006869

<b>1</b> Property Description <i>AXON BWC S38 4194</i>		Make <i>AXON</i>		Model <i>BWC</i>		Caliber	
Color	Serial No.	Value <i>\$0.00</i>	Qty <i>5.000</i>	Unit <i>EA</i>	Jurisdiction <i>Locally</i>		
Status <i>Evidence</i>	Date <i>12/20/23 0</i>	NIC #	State #	Local #	OAN		
Name (Last, First, Middle) <i>* No name *</i>			DOB	Age	Race	Sex	

Notes

<b>2</b> Property Description <i>AXON IN-CAR RECORDING S38 4194</i>		Make <i>AXON</i>		Model <i>IN-CAR</i>		Caliber	
Color	Serial No.	Value <i>\$0.00</i>	Qty <i>1.000</i>	Unit <i>EA</i>	Jurisdiction <i>Locally</i>		
Status <i>Evidence</i>	Date <i>12/20/23 0</i>	NIC #	State #	Local #	OAN		
Name (Last, First, Middle) <i>* No name *</i>			DOB	Age	Race	Sex	

Notes

<b>3</b> Property Description <i>AXON CAPTURE PHOTOS S38</i>		Make <i>AXON</i>		Model <i>CAPTURE</i>		Caliber	
Color	Serial No.	Value <i>\$0.00</i>	Qty <i>2.000</i>	Unit <i>EA</i>	Jurisdiction <i>Locally</i>		
Status <i>Evidence</i>	Date <i>12/20/23 0</i>	NIC #	State #	Local #	OAN		
Name (Last, First, Middle) <i>* No name *</i>			DOB	Age	Race	Sex	

Notes

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

Printed: 12/22/23 01:52

OCA: **23006869**

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Investigator: *HAM, R.*

Date / Time: *12/22/23 01:48:19, Friday*

Supervisor:

Supervisor Review Date / Time: *NOT REVIEWED*

Contact:

Reference: *General Supplemental Report*

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On December 20, 2023, at approximately 2008 hours, I, Ofc. S. Ham was dispatched to 2001 S Roosevelt Blvd. (Margaritaville Beach Resort), reference to a suspicious incident.

Upon arrival, I was flagged down by hotel staff telling me the male was out by the pool. The staff member stated to me the incident stemmed from the male's daughter not wanting to be around him because he was being abusive. The staff member stated the daughter was safe in another guest's room. The staff member stated the male had also pushed one of the other guests at the hotel but was unsure why. Upon entering the pool area numerous other people were telling me the male was trying to get away and pointing towards the pool. Nobody provided a description of the male, until I got to the pool deck, and he was pointed out directly by a male (Elijah Green). Elijah yelled that the male pushed his mom (Erin Green) and said it was the male holding the young girl in his arms.

I flashed the male with my flashlight and advised him who I was. The male was later identified as Richard Fleener. I called for Richard and told him to come have a seat on the lawn chair. Richard was argumentative from the start and stumbled while carrying his youngest child (Sophie Fleener). I told Richard again to have a seat on the chair, to prevent him from falling over with Sophie. I asked Richard what was going on. Richard stated his other daughter (Brynlee Fleener) was missing and someone from the hotel had taken her away from him. Richard continued to say, "they took my daughter, they took her." Richard stated it was the hotel that had taken Brynlee. Richard told me to speak with the hotel staff to find out where Brynlee was. I advised Richard that once my backup arrived, I would speak with them. Meanwhile, Richard was holding Sophie and yelling obscene remarks. Sophie was crying hysterically, and he would not let her down. Richard then asked me what the hotel was going to say about Brynlee. Richard stated the hotel was running sex trafficking out of the hotel and he was willing to bury everyone there. I advised Richard to calm down and to stop yelling because he was threatening everyone at the hotel. Richard stood up from the lawn chair and stepped towards me in an aggressive manner. I advised Richard to sit back down and as soon as my backup officer arrived, I would find Brynlee. Richard refused to sit and began to step towards me. I grabbed a hold of Richards right hand and assisted him back into a lawn chair. I advised Richard that Brynlee was safe, and I will get her once he calmed down.

Ofc. K. Hansell arrived on scene and tried asking Richard what was going on. Richard continued yelling that the hotel staff kidnapped his daughter. Ofc. Hansell attempted to ask Richard what his daughter's name was, and he called us "fucking idiots". Richard did not provide any helpful information. I advised Ofc. Hansell that I was fine standing by with Richard, if she could speak with the witnesses to determine what happened.

Ofc. Hansell came back to try and advise Richard that Brynlee was safe, and we knew where she was located. Ofc. Hansell advised Richard that Brynlee refused to be around him because he was too drunk. Ofc. Hansell asked Richard how drunk he was, and he stated he wasn't. During our conversation with Richard, I could smell a strong odor of alcoholic beverages emitting from his breath, he had bloodshot glossy eyes, slurred speech and a hard time maintaining balance. It was safe to believe that Richard was under the influence of alcohol where his normal faculties were impaired.



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Ofc. Hansel had stepped away to deal with an argument that she heard going on between Erin Green and her husband (Nicholas A. Morales). I stayed with Richard until I heard yelling behind me. When I turned around, Ofc. Hansel was grabbing Erin by her arm and telling her to place her hands behind her back.

See arrest report for further information regarding case 23-6868 reference battery and resisting.

Ofc. Roberts, Ofc. Davis and I were at the front parking lot after escorting the arrestee from 23-6868 to my patrol vehicle, when we were advised by KWPD dispatch that Richard had left the laundry room. Richard walked towards Ofc. Roberts and me. Ofc. Roberts and Ofc. Davis stayed with Richard while I stepped away to speak with Elijah Green's girlfriend (Sofia Underwood). Sofia advised me the following. Sofia stated she saw Brynlee out by the pool and Brynlee stated she was scared. Sofia stated Brynlee told her that when Richard is drunk, he becomes abusive. Sofia stated she offered to take Brynlee back to their room to stay away from Richard. She escorted Brynlee back to her room. Ofc. Roberts and I went to room 320 where Ofc. Roberts spoke with Brynlee.

I spoke with Elijah afterwards. Elijah stated his mom (Erin Green) was big into if you see something, say something. Elijah stated that Erin recognized that Brynlee was scared. Elijah stated Erin asked Brynlee if she was okay and Brynlee shook her head no. Elijah stated Erin called for Brynlee to go to her and leave with Sofia. Elijah stated that Richard still had Sophie in his arms and Erin was trying to get her to safety. Elijah stated that Richard was wandering aimlessly around the pool area as if he was trying to hide. Elijah stated that Richard tried walking past Erin at one point and Erin stood in front of him. Elijah stated that Richard walked through Erin by using his left arm (the arm he was carrying Sophie with) to push past Erin. Elijah stated that Erin tried reaching for Sophie and Richard pushed her away with his free arm. Elijah stated that he jumped in between Richard and Erin to prevent any further altercation.

I escorted Brynlee back downstairs into the main lobby. I turned Brynlee over to Ofc. J. Torrecillas and I retrieved her bag from the front desk.

I was approached by one of the night managers from the hotel (Claudia Gutierrez). Claudia asked who she could send the video to that she took of the altercation. Claudia sent the video evidence to me to be uploaded to evidence.com.

I transported my arrestee from case 23-6868.

At approximately 0247 hours, on December 21, 2023, I responded back to 2001 S Roosevelt to speak with another manager (Milica Milic), regarding their security cameras. Milica stated they only had one camera angle from the bar and played it for me. Richard was seen at the bar at approximately 1804 hours when he ordered a drink. Both Sophie and Brynlee were inside the pool at the time. Richard is seen at the bar speaking with another male at the bar. Richard does not appear to watch his daughter in the pool. At approximately 1841 hours, Richard looks towards the pool, realizing Sophie and Brynlee were not there anymore. Richard then goes inside the lobby to find Brynlee speaking with Erin and Sophie near the gift shop. Based off the angles of the cameras, I was unable to see what happened in front of the gift shop or the other side of the lobby. At 1904 hours, Richard has Sophie in his arms and carries her across the lobby with Erin following him. Erin is seen trying to take Sophie away from Richard. Richard then walks back outside to the bar where he sets Sophie on the bar top to look at his phone. Richard picks Sophie back up and sees Brynlee at

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*NOT SUPERVISOR APPROVED*

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OCA: **23006869**

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the other end of the bar just walking out from the lobby. Richard approaches Brynlee and appears to try and grab her by her arm and Brynlee pulls away. Richard is then stopped by Erin and Brynlee and Sofia leave the bar, to go to their room. Richard walks away with Sophie and is followed by Erin, Elijah and eventually another male (unknown). Richard comes back up the stairs and walks around the bar again when he is confronted again by Erin. Richard appears to walk through Erin and possibly shoving her away to go by. At this time the camera doesn't capture what happens at the lobby door but is captured by Claudia's recording. Erin appears to try and reach for Sophie's arm and is shoved away by Richard. Richard then walks away and is followed again by Elijah and Erin. All parties walk downstairs towards the pool, where the surveillance cameras no longer record.

Milica assisted with copying a few of the surveillance clips onto a flash drive for me. I have uploaded copies of the video to evidence.com and submitted the flash drive to KYPD property and evidence division.

My Axon BWC was activated and uploaded. One video was uploaded under case 23-6868, due to the other incident that occurred while investigating this one.

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

Printed: 12/22/2023 05:35

OCA: **23006869**

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Investigator: *HAM, RANDOLPH (4009)*

Date / Time: *12/22/2023 01:48:19, Friday*

Supervisor: *(0)*

Supervisor Review Date / Time: *NOT REVIEWED*

Contact:

Reference: *General Supplemental Report*

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Investigator: *HAM, RANDOLPH (4009)*

Date / Time: *12/22/2023 01:48:19, Friday*

Supervisor: *(0)*

Supervisor Review Date / Time: *NOT REVIEWED*

Contact:

Reference: *General Supplemental Report*

manager (Milica Milic), regarding their security cameras. Milica stated they only had one camera angle from the bar and played it for me. Richard was seen at the bar at approximately 1804 hours when he ordered a drink. Both Sophie and Brynlee were inside the pool at the time. Richard is seen at the bar speaking with another male at the bar. Richard does not appear to watch his daughter in the pool. At approximately 1841 hours, Richard looks towards the pool, realizing Sophie and Brynlee were not there anymore. Richard then goes inside the lobby to find Brynlee speaking with Erin and Sophie near the gift shop. Based off the angles of the cameras, I was unable to see what happened in front of the gift shop or the other side of the lobby. At 1904 hours, Richard has Sophie in his arms and carries her across the lobby with Erin following him. Erin is seen trying to take Sophie away from Richard. Richard then walks back outside to the bar where he sets Sophie on the bar top to look at his phone. Richard picks Sophie back up and sees Brynlee at the other end of the bar just walking out from the lobby. Richard approaches Brynlee and appears to try and grab her by her arm and Brynlee pulls away. Richard is then stopped by Erin and Brynlee and Sofia leave the bar, to go to their room. Richard walks away with Sophie and is followed by Erin, Elijah and eventually another male (unknown). Richard comes back up the stairs and walks around the bar again when he is confronted again by Erin. Richard appears to walk through Erin and possibly shoving her away to go by. At this time the camera doesn't capture what happens at the lobby door but is captured by Claudia's recording. Erin appears to try and reach for Sophie's arm and is shoved away by Richard. Richard then walks away and is followed again by Elijah and Erin. All parties walk downstairs towards the pool, where the surveillance cameras no longer record.

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

# Incident Report Related Property List

Key West Police Department

OCA: 23-006869

<b>1</b>	Property Description <b>VIDEO RECORDING</b>				Make <b>AXON</b>		Model <b>CAPTURE</b>		Caliber	
Color		Serial No.		Value <b>\$0.00</b>		Qty <b>1.000</b>		Unit		Jurisdiction <b>Locally</b>
Status <b>Evidence</b>		Date <b>12/21/2023</b>	NIC #		State #		Local #		OAN	
Name (Last, First, Middle) <b>* No name *</b>						DOB		Age	Race	Sex

Notes

<b>2</b>	Property Description <b>FLASHDRIVE</b>				Make <b>VERBATIM</b>		Model		Caliber	
Color <b>Blue</b>		Serial No.		Value <b>\$0.00</b>		Qty <b>1.000</b>		Unit		Jurisdiction <b>Locally</b>
Status <b>Evidence</b>		Date <b>12/21/2023</b>	NIC #		State #		Local #		OAN	
Name (Last, First, Middle) <b>* No name *</b>						DOB		Age	Race	Sex

Notes

<b>3</b>	Property Description <b>AXON BWC 4009</b>				Make <b>AXON</b>		Model <b>BWC</b>		Caliber	
Color		Serial No.		Value <b>\$0.00</b>		Qty <b>1.000</b>		Unit		Jurisdiction <b>Locally</b>
Status <b>Evidence</b>		Date <b>12/21/2023</b>	NIC #		State #		Local #		OAN	
Name (Last, First, Middle) <b>* No name *</b>						DOB		Age	Race	Sex

Notes

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