

# Response to Resistance Report

Key West Police Department

Case No: 21-5683

**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:** 10/16/2021      **3. Time:** 0210 hrs      **4. Location:** 276 Margaret Street      **5. Incident type:** Trespass/RWOV

INCIDENT	<b>6. Resistance Level</b>	<b>7. Explanation</b>	<b>8. Response Option</b>	<b>9. Explanation</b>
	<input checked="" type="checkbox"/> Passive:	Refused verbal commands	<input checked="" type="checkbox"/> Physical Control	Take Down
<input checked="" type="checkbox"/> Active:	Braced	<input type="checkbox"/> Non-lethal Weapon		
<input type="checkbox"/> Aggressive:		<input type="checkbox"/> Deadly Force		
<input type="checkbox"/> Deadly Force:				

**10. Last Name:** Schmitz      **11. First:** Story      **12. Race:** W      **13. Sex:** M

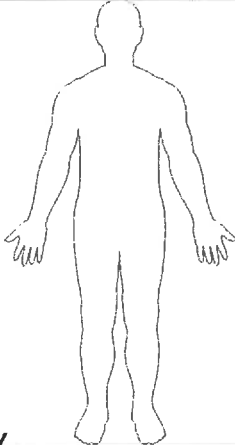
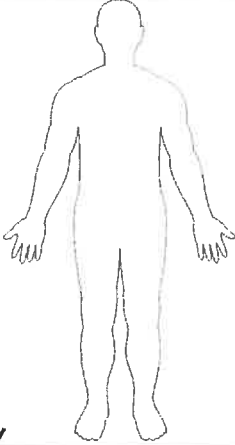
**14. DOB:** 02/07/1997      **15. Height:** 6'03      **16. Weight:** 170

**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>
		

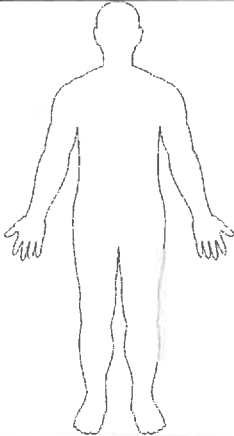
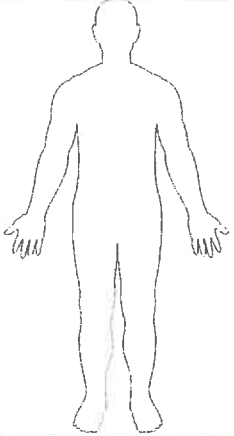
**23. Officer:** Tim Malak      **24. Race:** W      **25. Sex:** M      **26. Age:** 30      **27. Height:** 6'0      **28. Weight:** 240

**29. Duty Status:**  On-duty  Off-duty  Extra duty employment  Uniformed  Plain clothes      **30. Yrs Exp:** 6

**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:** Take Down

OFFICER	<b>35. Anterior View</b>	<b>Posterior View</b>
		

# Response to Resistance Report (continued)

Key West Police Department

Case No: 21-5683

<b>TASER USE ONLY</b>	<b>36. TASER® device serial #</b>		<b>37. TASER® device serial #</b>		
	TASER®Cam serial #		TASER®Cam serial #		
	Cartridge 1 serial #		Cartridge 1 serial #		
	Cartridge 2 serial #		Cartridge 2 serial #		
	Number of cycles: 5		Number of cycles: 1		
	Type of contact: <input type="checkbox"/> Probe <input type="checkbox"/> CODS <input 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 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:		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> 10/16/2021		<b>41. Time:</b> 0210 hrs		
	<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 meet with the Officer:</b> <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes (If "No", explain why)				
	<b>44. Were you able to locate any independent witnesses:</b> <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes (If "Yes," list below)				
	Name		Address		Phone Number
	Carla Bellenger		Fogarty Avenue, KW		305-797-3460
<b>45. Is further review recommended:</b> <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes					
<b>FORWARD COMPLETED ORIGINAL REPORT TO INTERNAL AFFAIRS</b>		 46. Preparing Supervisor's Signature / ID		10/16/2021 47. Date	
<b>INT. AFF.</b>	<b>48. 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 (If "No", complete section 51)				
	49. Signature of Internal Affairs Inspector		50. Date		
<b>51. If section 48 is "No" record the Professional Standards Control Number:</b>				<b>52. Date Entered:</b>	

# INCIDENT/INVESTIGATION REPORT

I N C I D E N T D A T A	Agency Name <b>Key West Police Department</b>		Case# <b>21-005683</b>					
	ORI <b>FL0440100</b>		Date / Time Reported <b>10/16/2021 02:04 Sat</b>					
	Location of Incident <b>231 MARGARET ST, Key West FL 33040</b>		Gang Relat <b>NO</b>	Premise Type <b>Parking Lot / Area</b>	Beat/GP <b>B3, GPB3</b>			
			Last Known Secure <b>10/16/2021 02:04 Sat</b>		At Found <b>10/16/2021 02:04 Sat</b>			
M O	#1	Crime Incident(s) <b>Resist Arrest / Escape XOM</b>	(Com)	Weapon / Tools <b>NOT APPLICABLE/NONE</b>	Activity			
				Entry	Exit			
				Security				
V I C T I M	#2	Crime Incident <b>Trespassing XOT</b>	(Com)	Weapon / Tools	Activity			
				Entry	Exit			
				Security				
O T H E R S	#3	Crime Incident	( )	Weapon / Tools	Activity			
				Entry	Exit			
				Security				
I N V O L V E D	# of Victims <b>2</b>		Type: <b>INDIVIDUAL</b>	Injury: <b>None</b>	Domestic: <b>N</b>			
	V1	Victim/Business Name (Last, First, Middle) <b>BELLENGER, CARLA SARIEGO</b>	Victim of Crime # <b>1</b>	DOB <b>01/09/1970</b> Age <b>51</b>	Race <b>W</b> Sex <b>F</b> Relationship To Offender <b>ST</b> Resident Status <b>Resident</b> Military Branch/Status			
	Home Address <b>2017 FOGARTY AVE, Key West, FL 33040-</b>				Home Phone <b>305-797-3460</b>			
	Employer Name/Address <b>UNKNOWN (UNKNOWN)</b>			Business Phone	Mobile Phone			
P R O P E R T Y	VYR <b>2015</b>	Make <b>NISS</b>	Model	Style <b>PK</b>	Color <b>SIL</b>	Lic/Lis <b>09FDD, FL</b>	VIN <b>1N6AD0ER3FN740411</b>	
	CODES: V- Victim (Denote V2, V3) O = Owner (if other than victim) R = Reporting Person (if other than victim)							
	Type: <b>SOCIETY/PUBLIC/STATE</b>		Injury:					
	V2	Name (Last, First, Middle) <b>SOCIETY</b>	Victim of Crime # <b>2</b>	DOB <b>/ /</b> Age	Race	Sex	Relationship To Offender	Resident Status <b>N/A</b> Military Branch/Status
Home Address						Home Phone		
Employer Name/Address				Business Phone	Mobile Phone			
Type:		Injury:						
	Name (Last, First, Middle)	Victim of Crime #	DOB Age	Race	Sex	Relationship To Offender	Resident Status Military Branch/Status	
Home Address						Home Phone		
Employer Name/Address				Business Phone	Mobile Phone			
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 Fm/Tc	Value	OJ	QTY	Property Description	Make/Model	Serial Number
	35	EVID	\$0.00		1	BWC 4045	AXON	
	35	EVID	\$0.00		1	FLEET 4050	AXON	
	1	02	N		1	2015 SIL, 09FDD FL	NISS	1N6AD0ER3FN740411
Officer/ID# <b>MALAK, TIMOTHY J (4045)</b>								
Invest ID# <b>(0)</b>				Supervisor <b>(0)</b>				
Status	Complainant Signature		Case Status <b>Cleared By Arrest</b>		Case Disposition: <b>Cleared By Arrest</b>		Page 1	

# INCIDENT/INVESTIGATION REPORT

Key West Police Department

Case # 21-005683

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  
*KOURI, D.G. (3022), AGLEEV, D. (4007)*

Suspect Hate / Bias Motivated:

## INCIDENT/INVESTIGATION REPORT

Narr. (cont.) OCA: 21-005683

*Key West Police Department*

NARRATIVE

REPORTING OFFICER NARRATIVE

OCA
21-005683
Date / Time Reported
Sat 10/16/2021 02:04

Key West Police Department

Victim  
BELLENGER, CARLA SARIEGO

Offense  
RESIST ARREST / ESCAPE

On 10/16/2021, at approximately 0204hrs, I, Officer Malak, responded to 231 Margaret St in reference to a male trespassing inside a truck.

Upon arrival, I met with the caller, Carla Bellenger. I asked Bellenger to explain the incident, with her explaining the following in summary;

Bellenger received a phone call from her friend to come pick her up from 231 Margaret, due to an argument with her boyfriend. Bellenger arrived on location and her friend jumped in the truck, but her boyfriend, later identified as Story Schmitz, jumped in the truck bed. Bellenger told Schmitz to get out of the truck, but Schmitz refused. Bellenger called KWPd to remove Schmitz from her vehicle.

I relocated to Schmitz and asked him to remove himself from the truck bed. I advised Schmitz of the potential charges he may face if he refused to exit, with Schmitz telling me to "Go Fuck Myself" and I'd have to forcefully remove him from the truck. I explained to Schmitz that wouldn't be in his best interest and for him to please just get out of the truck, again Schmitz shouted profanities at me. I approached Schmitz and grabbed him from under his arms. I lifted Schmitz out of the truck and placed him on the ground, where he began to tense up. Officer Agleev and I were able to get both of Schmitz hands and place him into handcuffs (checking for proper fit and double locking). I advised Schmitz he was being arrested for trespassing to a conveyance and assisted him to a standing position. Schmitz attempted to pull away and run but was placed in a wrist lock on assisted into my patrol vehicle.

Sgt. Kouri was called to the scene to document the takedown used to remove Schmitz from the truck bed. Schmitz denied any injuries and did not want rescue to be called (see completed RRI report for further details).

During the course of this incident, I attempted to identify Schmitz multiple times. Schmitz refused to identify himself, but with the help of outside sources, I was able to get him identified through F/NCIC.

Schmitz was transported to Monroe County Jail with no further incident.

Story Schmitz knowingly and willingly would not leave the motor vehicle (conveyance) of Carla Bellenger after being told by the owner and law enforcement. Therefore, Schmitz is being charged with FSS 810.08, Trespass in a structure or conveyance.

Story Schmitz knowingly and intentionally did not provide law enforcement with his proper identification during an active investigation. Therefore, Schmitz is being charged with FSS 843.02, Resisting/Obstructing a law enforcement officer W/O violence.

My BWC and Fleet in car system were active for this incident.

I cleared with an arrest and nothing further.

# Incident Report Suspect List

Key West Police Department

OCA: 21-005683

<b>1</b>	Name (Last, First, Middle) <i>SCHMITZ, STORY ELIEZER</i>					Also Known As					Home Address <i>1 GENERAL DELIVERY KEY WEST, FL 33040</i>				
	Business Address <i>NONE, NONE</i>														
	DOB <i>02/07/1997</i>	Age <i>24</i>	Race <i>W</i>	Sex <i>M</i>	Eth <i>N</i>	Hgt <i>603</i>	Wgt <i>160</i>	Hair <i>BLN</i>	Eye <i>BLU</i>	Skin <i>FAR</i>	Driver's License / State. <i>D08108616 AZ</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			
												Mode of Travel			
VehYr/Make/Model			Drs	Style		Color		Lic/St			VIN				
Notes							Physical Char								

## Incident Report Related Vehicle List

Key West Police Department

OCA: 21-005683

<b>1</b>	VehYr/Make/Model <i>2015 NISS</i>		Style <i>PK</i>		Color <i>SIL</i>		Lic/Lis /Decal <i>09FDD FL 2023, 0073180</i>			VIN <i>1N6AD0ER3FN740411</i>		
	IBR Status <i>N</i>		Date <i>10/16/2021</i>		Location							
	Condition		Value <i>\$0.00</i>		Offense Code <i>2650</i>		Jurisdiction <i>Locally</i>		State #		NIC #	
	Name (Last, First, Middle) <i>Bellenger, Carla Sariego</i>					Also Known As			Home Address <i>2017 FOGARTY AVE KEY WEST, FL 33040 305-797-3460</i>			
	Business Address <i>UNKNOWN, UNKNOWN</i>											
	DOB <i>01/09/1970</i>	Age <i>51</i>	Race <i>W</i>	Sex <i>F</i>	Hgt <i>502</i>	Wgt <i>123</i>	Scars, Marks, Tattoos, or other distinguishing features					

Notes

