

**Donald J. Lee, Jr.**

**Chief of Police**



**Key West**

**POLICE DEPARTMENT**

12/22/2016

Mr. John Binns  
5031 5<sup>th</sup> Avenue Lot 42  
Key West, FL 33040

Mr. Binns,

I have reviewed your email to Chief Lee, as well as the reports, 911 call and Body Worn Camera video regarding your case. I am not sure if you are aware, but on December 20, 2016, Ofc. Rodriguez wrote a supplemental report changing the classification of the case to a Battery. I believe this was prompted by your conversation with Lt. Tripp. Ofc. Rodriguez will also be correcting your date of birth in an additional supplemental report on his next duty day. If you feel your side of the incident was not properly documented, I will be happy to meet with you and do a supplemental report documenting what you would like added to the case. I will be out of town until January 2, 2017, for the holidays but will be happy to meet with you upon my return.

At this time, based on the evidence I have heard, the information you provided in your email which was not on camera or in a report; as well as Ofc. Rodriguez's investigation there is not enough probable cause to arrest Mr. Wirkner. There are no independent witnesses to the events which took place and each of your stories vary greatly as to who was the primary aggressor. Due to these facts we are unable to make an arrest.

If I can be of further, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "Sgt. Randy Smith".

Sgt. Randy Smith  
Professional Standards Commander  
305-809-1035



**RESPECT - INTEGRITY - FAIRNESS - SERVICE**

Key West Police Department 1604 N. Roosevelt Blvd. Key West, FL 33040 (305) 809-1111  
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