



Renee Binns <rbfamilylaw@gmail.com>

Re: Fwd: records request 16-4946

4 messages

John Binns <jjohnbinns@yahoo.com>

Mon, Dec 12, 2016 at 8:51 AM

Reply-To: John Binns <jjohnbinns@yahoo.com>

To: ACMB ENTERprises Binns <acmb1306@gmail.com>, "mwilcox@cityofkeywest-fl.gov" <mwilcox@cityofkeywest-fl.gov>, "accrean@cityofkeywest-fl.gov" <accrean@cityofkeywest-fl.gov>

Cc: "Esq. Renee Binns" <rbfamilylaw@gmail.com>

Good Morning:

I will be going out of town shortly and I just wanted to know if the body-cam of Sgt. Barrios case #01-16-004996 Date 12/05/2016 and the 911 call recording, from same incident approximately 2024 hours, is ready to be picked up. Please advise asap.

John H. Binns

5031 5th Ave Lot 42

Key West, FL 33404

On Friday, December 9, 2016 1:03 PM, ACMB ENTERprises Binns <acmb1306@gmail.com> wrote:

Ms. Wilcox,

It was a pleasure just speaking with you. To reiterate, I am forwarding to your attention the email I sent to Ms. Crean last night.

Also I provided you with my credit card information for processing and delivering the 911 recording from 12/05/2016 8:20 PM along with the body cam recording of Sgt. Barrios, Donald J, #1850 to my attention at.

John Binns 1517 SW 15th St. Cape Coral, FL 33991, please make the delivery by my signature only along with tracking # so I may be there to receive the delivery. If you have any questions or if I have forgot anything, please do not hesitate to contact me.

Thank you,

John Binns

239-910-7845

----- Forwarded message -----

From: **ACMB ENTERprises Binns** <acmb1306@gmail.com>

Date: Thu, Dec 8, 2016 at 6:49 PM

Subject: records request 16-4946

To: accrean@cityofkeywest-fl.gov

Cc: John Binns <jjohnbinns@yahoo.com>

Good Evening Ms. Crean,

I know it is after hours, I am still waiting for Sargent's Barrios body cam record and the 911 request I have asked for 12/5/2016 approximately 8:20PM.
I was there again today and was advised by Ms. Zeman that computers were down so no information was forthcoming
I will be going out of town and was hoping these records I have requested would be available before I leave. . I am willing to provide a pre-paid FedEx to be delivered to myself if this will work for you too. Please let me know at your earliest convenience.

Thank you,
John Binns

239-910-7845

jjohnbinns@yahoo.com <jjohnbinns@yahoo.com>
To: BFLA <rbfamilylaw@gmail.com>

Thu, Feb 2, 2017 at 3:56 PM

Sent from my iPad

Begin forwarded message:

From: John Binns <jjohnbinns@yahoo.com>
Date: December 12, 2016 at 8:51:00 AM EST
To: ACMB ENTERprises Binns <acmb1306@gmail.com>, "mwilcox@cityofkeywest-fl.gov" <mwilcox@cityofkeywest-fl.gov>, "accrean@cityofkeywest-fl.gov" <accrean@cityofkeywest-fl.gov>
Cc: "Esq. Renee Binns" <rbfamilylaw@gmail.com>
Subject: Re: Fwd: records request 16-4946
Reply-To: John Binns <jjohnbinns@yahoo.com>

[Quoted text hidden]

jjohnbinns@yahoo.com <jjohnbinns@yahoo.com>
To: BFLA <rbfamilylaw@gmail.com>

Thu, Feb 2, 2017 at 3:57 PM

Sent from my iPad

Begin forwarded message:

From: ACMB ENTERprises Binns <acmb1306@gmail.com>
Date: December 9, 2016 at 1:03:06 PM EST
To: mwilcox@cityofkeywest-fl.gov
Cc: jjohnbinns@yahoo.com
Subject: Fwd: records request 16-4946

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Date: Thu, Dec 8, 2016 at 6:49 PM

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To: acrean@cityofkeywest-fl.gov

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From: ACMB ENTERprises Binns <acmb1306@gmail.com>

Date: December 8, 2016 at 6:49:01 PM EST

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Cc: John Binns <jjohnbinns@yahoo.com>

Subject: records request 16-4946

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<mwilcox@cityofkeywest-fl.gov>, "accrean@cityofkeywest-fl.gov" <accrean@cityofkeywest-fl.gov>

Cc: "Esq. Renee Binns" <rbfamilylaw@gmail.com>

Good Morning:

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John H. Binns

5031 5th Ave Lot 42

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Subject: Re: Fwd: records request 16-4946
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[Quoted text hidden]

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To: BFLA <rbfamilylaw@gmail.com>

Thu, Feb 2, 2017 at 3:57 PM

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jjohnbinns@yahoo.com <jjohnbinns@yahoo.com>
To: BFLA <rbfamilylaw@gmail.com>

Thu, Feb 2, 2017 at 3:57 PM

Sent from my iPad

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From: ACMB ENTERprises Binns <acmb1306@gmail.com>
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Cc: John Binns <jjohnbinns@yahoo.com>
Subject: records request 16-4946

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Thank you,
John Binns

239-910-7845



Renee Binns <rbfamilylaw@gmail.com>

16-4996

3 messages

John Binns <jjohnbinns@yahoo.com>

Tue, Dec 13, 2016 at 8:46 AM

Reply-To: John Binns <jjohnbinns@yahoo.com>

To: "jdurocher@cityofkeywest-fl.gov" <jdurocher@cityofkeywest-fl.gov>

Cc: ACMB ENTERprises Binns <acmb1306@gmail.com>, "Esq. Renee Binns" <rbfamilylaw@gmail.com>

Good Morning Jesica,

I am following-up on a records request I made on 12/06/2016 for a 911 call made 12/05/2016; the approx. time was 2024 Hours. I know you told me there were 25 requests ahead of my request. Just checking on the progress, please advise.

Thank you,

John H. Binns
5031 5th Ave Lot 42
Key West, FL 33404

Jessica Durocher <jdurocher@cityofkeywest-fl.gov>

Mon, Dec 19, 2016 at 11:23 AM

To: John Binns <jjohnbinns@yahoo.com>

Cc: ACMB ENTERprises Binns <acmb1306@gmail.com>, "Esq. Renee Binns" <rbfamilylaw@gmail.com>

Mr. Binns,

Please see the attached wav file in regard to the requested audio.

Thank you,

Jessica Durocher

Communications Administrator

jdurocher@cityofkeywest-fl.gov

From: John Binns [mailto:jjohnbinns@yahoo.com]

Sent: Tuesday, December 13, 2016 8:47 AM

To: Jessica Durocher <jdurocher@cityofkeywest-fl.gov>

Cc: ACMB ENTERprises Binns <acmb1306@gmail.com>; Esq. Renee Binns <rbfamilylaw@gmail.com>
Subject: 16-4996

[Quoted text hidden]

 **16-4996.wav**
3126K

jjohnbinns@yahoo.com <jjohnbinns@yahoo.com>
To: BFLA <rbfamilylaw@gmail.com>

Thu, Feb 2, 2017 at 3:56 PM

Sent from my iPad

Begin forwarded message:

From: John Binns <jjohnbinns@yahoo.com>
Date: December 13, 2016 at 8:46:42 AM EST
To: "jdurocher@cityofkeywest-fl.gov" <jdurocher@cityofkeywest-fl.gov>
Cc: ACMB ENTERprises Binns <acmb1306@gmail.com>, "Esq. Renee Binns" <rbfamilylaw@gmail.com>
Subject: 16-4996
Reply-To: John Binns <jjohnbinns@yahoo.com>

[Quoted text hidden]



Renee Binns <rbfamilylaw@gmail.com>

Case # 16-4996

2 messages

John Binns <jjohnbinns@yahoo.com>

Tue, Dec 20, 2016 at 6:12 PM

Reply-To: John Binns <jjohnbinns@yahoo.com>

To: "dlee@cityofkeywest.fl.gov" <dlee@cityofkeywest.fl.gov>, "jtripp@cityofkeywest.fl.gov" <jtripp@cityofkeywest.fl.gov>

Cc: "dbarrios@cityofkeywest-fl.gov" <dbarrios@cityofkeywest-fl.gov>, "Esq. Renee Binns" <rbfamilylaw@gmail.com>, ACMB ENTERprises Binns <acmb1306@gmail.com>

Dear Chief Lee:

I am bringing this matter to your attention, because I believe, when the evidence is looked at impartially, charges should be brought against Michael Winkner.

I realize that I do not come off as the most pristine victim, however, I do feel that Ofc. Rodriguez (ARod, as he affectionately referred to himself to an unidentified male at the address of the incident), let his bias interfere with the proper outcome of the events.

Unfortunately, Ofc. Rodriguez' body cam did not record the first 4 minutes (approximately) of my interaction with him, but clearly he made some incorrect assumptions, which he then passed on to Sgt. Barrios - which also affected the outcome. AT NO TIME DID I EVER STATE EVER BEING IN A CRASH OR HAVING TO LAY DOWN MY SCOOTER AS WRITTEN IN RODRIGUEZ' NARRATIVE 1.

What is not seen on Ofc. Rodriguez' body cam is my explanation of what took place - so let me reiterate that here:

While driving my scooter, (Road and direction were inaccurately stated) Mr. Winkner was riding in the same lane - he was on my left. When we reached the intersection he executed a right turn, immediately in front of me - he cut me off. This caused me to swerve to avoid contact and an accident. AT NO TIME DID I INDICATE TO OFC. RODRIGUEZ, THAT THERE WAS A CRASH OR WRECK OF ANY SORT. (a better explanation can be seen in Sgt Barrios body cam of the event)

I was able to maintain control of my scooter - and proceeded to follow the direction Mr. Winkner travelled with the intention of recording his plate number to report for reckless driving. I stopped my scooter where Mr. Winkner was stopped at Catherine St., to begin recording his plate number, when Mr. Winkner got off of his scooter, he advanced on me, grabbed my scooter's handbrake and peeled it back (just as Ofc. Rodriguez identified in his report to Sgt. Barrios), he then proceeded to pummel me about my head and face - knocking me off of my scooter. It was not until I was able to regain myself that I defended and struck Mr. Winkner in return.

At no time did Rodriguez inquire as to my injuries even though they were very visible and collaborated what I told Rodriguez.

I was able to essentially convey what happened to Sgt. Barrios, (and that was recorded on his body cam) but he had already been briefed by Ofc. Rodriguez, who called this a road rage incident. I had no road rage, I was taking information to report to the authorities. I think the fact that there was no damage to my scooter indicative of a wreck or crash, led them to believe that this was road rage. Of course there was no wreck damage to my scooter, I maintained control - but nobody asked me that.

Looking objectively at the evidence - that the damage incurred to my scooter and physically to my person is compatible with Mr. Winkner advancing on me, grabbing at my scooter, then battering me - I hope you will agree that charges should be brought against him.

When you review Ofc. Rodriguez' body cam, you will notice a distinct difference in tone used by him, between myself and Winkner. He was clearly biased in favor of the aggressor due to a mutual friend, and as such took what he was saying to be the truth... that I simply got mad because he passed me. (see body cam ARod)

I put this to you for consideration, even after reviewing the videos that DO NOT make look like a completely rational individual, due in a large part to a head trauma that I suffered at the hands of Michael Winkner (I went to the hospital the next day and received concussion treatment) Not once did Ofc. Rodriguez take into consideration all the physical damage that was clearly present, the bending of the brake handle, and a explanation by Winkner that does not support his claims.

Officer Rodriguez either knew or was a friend of a friend by his own admission in his body cam recording.

Officer Rodriguez took different and bias tones between the parties. (see body cam)

Officer Rodriguez took great pleasure in taking my DL, having my scooter towed, seizing my license plate. (see body cam.)

Officer Rodriguez took these pleasures in the presence of the house hold inside their courtyard. (see body cam)

Officer Rodriguez reported either inaccurate or falsely. Missing the first 3/4 minutes of initial contact from body cam.

Officer Rodriguez report and narrative seems to bank on No Damage to my scooter, which was his perspective of the events and not what I reported. There is no place in any of the body cams or 911 call that I ever states I was involved in an accident where I crashed. I think this officers objectivity was skewed by his personal feelings and also knowing one or more of the residents at this location.

Officer Rodriguez refused to press any charges on my behalf against Winkner , but offered and encouraged Winkner to press charges against me...in my opinion, only because he had a bigger cut. (see body cam)

At the very least officer Rodriguez should be directed to correct the inaccuracy in his report, (clearly my DOB and age) along with what I reported appears nowhere in his narrative. Sgt. Barrios asserts that the DOB error is a typo, which I would agree with but Rodriguez had my DL witch with-in the number shows my birth year "60" he then enters the DOB as 12/10/1969 and my age as 46. At the time of the incident I was 55.

Last night, at approximately 9:00pm, I spoke with Lt. Tripp, after a short conversation, it was determined that it was not going anywhere. Instead of arguing with him, I ended the call by saying that I was going to sue the City of Key West. Before that takes place, I hope you look at all of the evidence and a different conclusion is made and charges are brought against Winkner. It is not my wish to file a civil suit against KWPD.

It seems that the higher I go the more resistance I get in an effort that appears to protect your officers. The more someone tries to quiet me, the louder I become. I am hoping for a full explanation, after a review of all of the evidence as to the decision that has been made thus far and why no charges will be made against Winkner.

Lt. Tripp told me to go to the State Attorneys office if I wish to file charges, because KWPD was not going to.

The State Attorneys office says that charges must be brought by the responding entity.

I do not wish to be put into a revolving door I am only looking for a quick conclusion so I can make informed decisions on how I should proceed.

Thank you for your consideration.

John H. Binns
5031 5th Ave Lot 42
Key West, FL 33404

jjohnbinns@yahoo.com <jjohnbinns@yahoo.com>
To: BFLA <rbfamilylaw@gmail.com>

Thu, Feb 2, 2017 at 3:55 PM

Sent from my iPad

Begin forwarded message:

From: John Binns <jjohnbinns@yahoo.com>
Date: December 20, 2016 at 6:12:04 PM EST
To: "dlee@cityofkeywest.fl.gov" <dlee@cityofkeywest.fl.gov>, "jtripp@cityofkeywest.fl.gov" <jtripp@cityofkeywest.fl.gov>
Cc: "dbarrios@cityofkeywest-fl.gov" <dbarrios@cityofkeywest-fl.gov>, "Esq. Renee Binns" <rbfamilylaw@gmail.com>, ACMB ENTERprises Binns <acmb1306@gmail.com>
Subject: Case # 16-4996
Reply-To: John Binns <jjohnbinns@yahoo.com>

[Quoted text hidden]



Renee Binns <rbfamilylaw@gmail.com>

Re: Case# 16-4996

4 messages

jjohnbinns@yahoo.com <jjohnbinns@yahoo.com>

Wed, Feb 1, 2017 at 12:23 PM

To: Donald Lee <dlee@cityofkeywest-fl.gov>, Randall Smith <rsmith@cityofkeywest-fl.gov>

Cc: Randall Smith <rsmith@cityofkeywest-fl.gov>, jjohnbinns@yahoo.com, BFLA <rbfamilylaw@gmail.com>

Sgt. Smith:

Yesterday I went to the KWPD for a copy of the supplemental report, the young lady that assisted me was unable to find any updated report and indicated that there was none. Would you look into to this and get back with me at your earliest convenience.

Thank you,
John Binns

Sent from my iPad

On Jan 6, 2017, at 11:28 AM, Donald Lee <dlee@cityofkeywest-fl.gov> wrote:

Please find below the email Sgt. Smith sent to you on 12-22-16.

Donald J. Lee, Jr.

Chief of Police

Key West Police Dept.

1604 N. Roosevelt Blvd.

Key West, FL 33040

305.809.1042 (office)

305.809.1043 (fax)

From: Randall Smith

Sent: Thursday, December 22, 2016 5:40 PM

To: jjohnbinns@yahoo.com

Cc: Donald Lee <dlee@cityofkeywest-fl.gov>; JR Torres <jtorres@cityofkeywest-fl.gov>; Joseph Tripp <jtripp@cityofkeywest-fl.gov>

Subject: Case# 16-4996

Mr. Binns,

Please see the attached letter in regards to your email to Chief Lee. If I can be of any further assistance please do not hesitate to contact me.

Please note, I will be out of town until January 2, 2017.

Sgt. Randy Smith

Professional Standards Commander

Key West Police Department

305-809-1035

<Mr. Binns Letter.pdf>

jjohnbinns@yahoo.com <jjohnbinns@yahoo.com>
To: BFLA <rbbfamilylaw@gmail.com>

Wed, Feb 1, 2017 at 8:49 PM

A strong response must be made, DOB updated in their system, but not on the original report, supplement also won't show up if request by the report number this appears to be placating at best...

Sent from my iPad

Begin forwarded message:

From: Randall Smith <rsmith@cityofkeywest-fl.gov>
Date: February 1, 2017 at 1:55:09 PM EST
To: "jjohnbinns@yahoo.com" <jjohnbinns@yahoo.com>
Cc: Donald Lee <dlee@cityofkeywest-fl.gov>
Subject: RE: Case# 16-4996

Mr. Binns,

I apologize for the confusion with the supplemental report. The records clerk you met with emailed me yesterday and I was able to locate the report. I have advised records where to find it, they will be able to provide you with a copy at your convenience. Again, if you would like additional information added please meet with an Officer or arrange an appointment with me to have a supplemental report added. I have confirmed your date of birth has been corrected in our system as you requested.

Please don't hesitate to contact me with an additional questions.

Sgt. Randy Smith

Professional Standards Commander

Key West Police Department

305-809-1035

From: jjohnbinns@yahoo.com [mailto:jjohnbinns@yahoo.com]
Sent: Wednesday, February 01, 2017 12:23 PM
To: Donald Lee <dlee@cityofkeywest-fl.gov>; Randall Smith <rsmith@cityofkeywest-fl.gov>
Cc: Randall Smith <rsmith@cityofkeywest-fl.gov>; jjohnbinns@yahoo.com; BFLA <rbbfamilylaw@gmail.com>
Subject: Re: Case# 16-4996

[Quoted text hidden]

Renee B. <rbbfamilylaw@gmail.com>
To: "jjohnbinns@yahoo.com" <jjohnbinns@yahoo.com>

Thu, Feb 2, 2017 at 2:07 PM

I don't understand what you want....

you want the supplemental report to be attached to the original report and the correct DOB to be reflected, no only in their system but in the supplemental report?

Is that right?

[Quoted text hidden]

—
Renee Binns, Esq.

Binns Family Law Assoc., P.A.
www.binnsfamilylaw.com

jjohnbinns@yahoo.com <jjohnbinns@yahoo.com>
To: BFLA <rbbfamilylaw@gmail.com>

Thu, Feb 2, 2017 at 3:48 PM

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From: Donald Lee <dlee@cityofkeywest-fl.gov>
Date: January 6, 2017 at 11:28:28 AM EST
To: John Binns <jjohnbinns@yahoo.com>
Cc: Randall Smith <rsmith@cityofkeywest-fl.gov>
Subject: FW: Case# 16-4996

Please find below the email Sgt. Smith sent to you on 12-22-16.

Donald J. Lee, Jr.

Chief of Police

Key West Police Dept.

1604 N. Roosevelt Blvd.

Key West, FL 33040

305.809.1042 (office)

305.809.1043 (fax)

From: Randall Smith

Sent: Thursday, December 22, 2016 5:40 PM

To: jjohnbinns@yahoo.com

Cc: Donald Lee <dlee@cityofkeywest-fl.gov>; JR Torres <jtorres@cityofkeywest-fl.gov>; Joseph Tripp <jtripp@cityofkeywest-fl.gov>

Subject: Case# 16-4996

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Please note, I will be out of town until January 2, 2017.

Sgt. Randy Smith

Professional Standards Commander

Key West Police Department

305-809-1035



Mr. Binns Letter.pdf
325K

Donald J. Lee, Jr.

Chief of Police



Key West

POLICE DEPARTMENT

12/22/2016

Mr. John Binns
5031 5th 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 black 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
www.keywestcity.com





Renee Binns <rbfamilylaw@gmail.com>

Fwd: case#01-16-004996

1 message

jjohnbinns@yahoo.com <jjohnbinns@yahoo.com>
To: BFLA <rbfamilylaw@gmail.com>

Thu, Feb 2, 2017 at 3:51 PM

Sent from my iPad

Begin forwarded message:

From: Donald Lee <dlee@cityofkeywest-fl.gov>
Date: January 6, 2017 at 10:37:31 AM EST
To: John Binns <jjohnbinns@yahoo.com>
Subject: RE: case#01-16-004996

Sgt. Randy Smith the Commander of Professional Standards. Did you receive his email with the result of his review?

Donald J. Lee, Jr.

Chief of Police

Key West Police Dept.

1604 N. Roosevelt Blvd.

Key West, FL 33040

305.809.1042 (office)

305.809.1043 (fax)

From: John Binns [mailto:jjohnbinns@yahoo.com]
Sent: Friday, January 06, 2017 10:21 AM
To: Donald Lee <dlee@cityofkeywest-fl.gov>
Subject: Re: case#01-16-004996

Chief Lee,

Following up on above issue, is there a contact for me to communicate with?

John H. Binns

5031 5th Ave Lot 42

Key West, FL 33404

On Wednesday, December 21, 2016 9:49 AM, Donald Lee <dlee@cityofkeywest-fl.gov> wrote:

Mr. Binns,

I will have our Professional Standards Division review this incident.

Sincerely,

Donald J. Lee, Jr.

Chief of Police

Key West Police Dept.

1604 N. Roosevelt Blvd.

Key West, FL 33040

305.809.1042 (office)

305.809.1043 (fax)

From: John Binns [mailto:jjohnbinns@yahoo.com]

Sent: Wednesday, December 21, 2016 8:28 AM

To: Donald Lee <dlee@cityofkeywest-fl.gov>; Joseph Tripp <jtripp@cityofkeywest-fl.gov>

Cc: ACMB ENTerprises Binns <acmb1306@gmail.com>; Donny Barrios <dbarrios@cityofkeywest-fl.gov>; Esq. Renee Binns <rbfamilylaw@gmail.com>

Subject: case#01-16-004996

Dear Chief Lee:

I am bringing this matter to your attention, because I believe, when the evidence is looked at impartially, charges should be brought against Michael Winkner.

I realize that I do not come off as the most pristine victim, however, I do feel that Ofc. Rodriguez (ARod, as he affectionately referred to himself to an unidentified male at the address of the incident), let his bias interfere with the proper outcome of the events.

Unfortunately, Ofc. Rodriguez' body cam did not record the first 4 minutes (approximately) of my interaction with him, but clearly he made some incorrect assumptions, which he then passed on to Sgt. Barrios - which also affected the outcome. AT NO TIME DID I EVER STATE EVER BEING IN A CRASH OR HAVING TO LAY DOWN MY SCOOTER AS WRITTEN IN RODRIGUEZ' NARRATIVE 1.

What is not seen on Ofc. Rodriguez' body cam is my explanation of what took place - so let me reiterate that here:

While driving my scooter, (Road and direction were inaccurately stated) Mr. Winkner was riding in the same lane - he was on my left. When we reached the intersection he executed a right turn, immediately in front of me - he cut me off. This caused me to swerve to avoid contact and an accident. (this was done from his anger because in his own words I was driving to "SLOW") AT NO TIME DID I INDICATE TO OFC. RODRIGUEZ, THAT THERE WAS A CRASH OR WRECK OF ANY SORT. (a better explanation can be seen in Sgt Barrios body cam of the event)

I was able to maintain control of my scooter - and proceeded to follow the direction Mr. Winkner travelled with the intention of recording his plate number to report for reckless driving. I stopped my scooter where Mr. Winkner was stopped at Catherine St., to begin recording his plate number, when Mr. Winkner got off of his scooter, he advanced on me, grabbed my scooter's handbrake and peeled it back (just as Ofc. Rodriguez identified in his report to Sgt. Barrios), he then proceeded to pummel me about my head and face - knocking me off of my scooter. It was not until I was able to regain myself that I defended and struck Mr. Winkner in return.

At no time did Rodriguez inquire as to my injuries even though they were very visible and collaborated what I told Rodriguez.

I was able to essentially convey what happened to Sgt. Barrios, (and that was recorded on his body cam) but he had already been briefed by Ofc. Rodriguez, who called this a road rage incident. I had no road rage, I was taking information to report to the authorities. I think the fact that there was no damage to my scooter indicative of a wreck or crash, led them to believe that this was road rage. Of course there was no wreck damage to my scooter, I maintained control - but nobody asked me that.

Looking objectively at the evidence - that the damage incurred to my scooter and physically to my person is compatible with Mr. Winkner advancing on me, grabbing at my scooter, then battering me - I hope you will agree that charges should be brought against him.

When you review Ofc. Rodriguez' body cam, you will notice a distinct difference in tone used by him, between myself and Winkner. He was clearly biased in favor of the aggressor due to a mutual friend, and as such took what he was saying to be the truth... that I simply got mad because he passed me. (see body cam ARod)

I put this to you for consideration, even after reviewing the videos that DO NOT make look like a completely rational individual, due in a large part to a head trauma that I suffered at the hands of Michael Winkner (I went to the hospital the next day and received concussion treatment) Not once did Ofc. Rodriguez take into consideration all the physical damage that was clearly present, the bending of the brake handle, and a explanation by Winkner that does not support his claims.

Officer Rodriguez either knew or was a friend of a friend by his own admission in his body cam recording.

Officer Rodriguez took different and bias tones between the parties. (see body cam)

Officer Rodriguez took great pleasure in taking my DL, having my scooter towed, seizing my license plate. (see body cam.)

Officer Rodriguez took these pleasures in the presence of the house hold inside their courtyard. (see body cam)

Officer Rodriguez reported either inaccurate or falsely. Missing the first 3/4 minutes of initial contact from body cam.

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Officer Rodriguez refused to press any charges on my behalf against Winkner , but offered and encouraged Winkner to press charges against me...in my opinion, only because he had a bigger cut. (see body cam)

At the very least officer Rodriguez should be directed to correct the inaccuracy in his report, (clearly my DOB and age) along with what I reported appears nowhere in his narrative. Sgt. Barrios asserts that the DOB error is a typo, which I would agree with but Rodriguez had my DL witch with-in the number shows my birth year "60" he then enters the DOB as 12/10/1969 and my age as 46. At the time of the incident I was 55.

Monday night, at approximately 9:00pm, I spoke with Lt. Tripp, after a short conversation, it was determined that it was not going anywhere. Instead of arguing with him, I ended the call by saying that I was going to sue the City of Key West. Before that takes place, I hope you

look at all of the evidence and a different conclusion is made and charges are brought against Winkner. It is not my wish to file a civil suit against KWPD.

It seems that the higher I go the more resistance I get in an effort that appears to protect your officers. The more someone tries to quiet me, the louder I become. I am hoping for a full explanation, after a review of all of the evidence as to the decision that has been made thus far and why no charges will be made against Winkner.

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The State Attorneys office says that charges must be brought by the responding entity.

I do not wish to be put into a revolving door I am only looking for a quick conclusion so I can make informed decisions on how I should proceed.

Thank you for your consideration.

John H. Binns

5031 5th Ave Lot 42

Key West, FL 33404

Downloaded from https://www.industrydocuments.ucsf.edu/docs/...



Renee Binns <rbfamilylaw@gmail.com>

Fwd: case#01-16-004996

2 messages

jjohnbinns@yahoo.com <jjohnbinns@yahoo.com>
To: BFLA <rbfamilylaw@gmail.com>

Thu, Feb 2, 2017 at 3:51 PM

Sent from my iPad

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Key West Police Dept.

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Thank you for your consideration.

John H. Binns

5031 5th Ave Lot 42

Key West, FL 33404

jjohnbinns@yahoo.com <jjohnbinns@yahoo.com>
To: BFLA <rbbfamilylaw@gmail.com>

Thu, Feb 2, 2017 at 3:53 PM

Sent from my iPad

Begin forwarded message:

From: Donald Lee <dlee@cityofkeywest-fl.gov>
Date: December 21, 2016 at 9:49:12 AM EST
To: John Binns <jjohnbinns@yahoo.com>
Subject: RE: case#01-16-004996

[Quoted text hidden]



Renee Binns <rbfamilylaw@gmail.com>

Fwd: records request 16-4946

1 message

jjohnbinns@yahoo.com <jjohnbinns@yahoo.com>
To: BFLA <rbfamilylaw@gmail.com>

Thu, Feb 2, 2017 at 3:56 PM

Sent from my iPad

Begin forwarded message:

From: Megan Wilcox <mwilcox@cityofkeywest-fl.gov>
Date: December 12, 2016 at 8:58:40 AM EST
To: John Binns <jjohnbinns@yahoo.com>
Subject: RE: Fwd: records request 16-4946

Hi,

I am making a copy of Sgt. Barrios Coban right now. Should be ready shortly.

Megan Wilcox, P&E Supervisor
Key West Police Department
Property/Evidence Section
1604 N. Roosevelt Blvd.
Key West, FL 33040
305-809-1061

From: John Binns [mailto:jjohnbinns@yahoo.com]
Sent: Monday, December 12, 2016 8:51 AM
To: ACMB ENTERprises Binns <acmb1306@gmail.com>; Megan Wilcox <mwilcox@cityofkeywest-fl.gov>; Alyson Crean <accrean@cityofkeywest-fl.gov>
Cc: Esq. Renee Binns <rbfamilylaw@gmail.com>
Subject: Re: Fwd: records request 16-4946

Good Morning:

I will be going out of town shortly and I just wanted to know if the body-cam of Sgt. Barrios case #01-16-004996 Date 12/05/2016 and the 911 call recording, from same incident approximately 2024 hours, is ready to be picked up. Please advise asap.

John H. Binns

5031 5th Ave Lot 42

Key West, FL 33404

On Friday, December 9, 2016 1:03 PM, ACMB ENTERprises Binns <acmb1306@gmail.com> wrote:

Ms. Wilcox,

It was a pleasure just speaking with you. To reiterate, I am forwarding to your attention the email I sent to Ms. Crean last night.

Also I provided you with my credit card information for processing and delivering the 911 recording from 12/05/2016 8:20 PM along with the body cam recording of Sgt. Barrios, Donald J.#1850 to my attention at.

John Binns 1517 SW 15th St. Cape Coral, FL 33991, please make the delivery by my signature only along with tracking # so I may be there to receive the delivery. If you have any questions or if I have forgot anything, please do not hesitate to contact me.

Thank you,

John Binns

239-910-7845

----- Forwarded message -----

From: **ACMB ENTERprises Binns** <acmb1306@gmail.com>

Date: Thu, Dec 8, 2016 at 6:49 PM

Subject: records request 16-4946

To: acrean@cityofkeywest-fl.gov

Cc: John Binns <jjohnbinns@yahoo.com>

Good Evening Ms. Crean,

I know it is after hours, I am still waiting for Sargent's Barrios body cam record and the 911 request I have asked for 12/5/2016 approximately 8:20PM.

I was there again today and was advised by Ms. Zeman that computers were down so no information was forthcoming

I will be going out of town and was hoping these records I have requested would be available before I leave. . I am willing to provide a pre-paid FedEx to be delivered to my-self if this will work for you too. Please let me know at your earliest convenience.

Thank you,

John Binns

239-910-7845