

THE CIRCUIT/COUNTY COURT IN THE TENTH JUDICIAL CIRCUIT
IN AND FOR HIGHLANDS COUNTY, FLORIDA

CONFIDENTIAL
Juvenile Information

| | | | |
|--|--------------------------|---|---|
| ARRESTING AGENCY FDLE | REPORT NO. [REDACTED] | ARRESTING / SUBMITTING OFFICER Special Agent Vaden S. Pollard | I.D. # 1024 |
| DAY / DATE / TIME OF ARREST | | PLACE OF ARREST | |
| AGENCY ORI FLO280500 | | OBTS | <input checked="" type="checkbox"/> ADULT <input type="checkbox"/> JUVENILE |
| <input type="checkbox"/> COMPLAINT <input type="checkbox"/> ARREST WARRANT: <input checked="" type="checkbox"/> IN COUNTY <input type="checkbox"/> OUT OF COUNTY <input type="checkbox"/> MARCHMAN ACT | | | |
| City of Avon Park County of Highlands, State of Florida: | | | |
| The undersigned Affiant swears that he/she has just and reasonable grounds to believe that on/between April 19, 2008 at approx. 8:43 pm | | | |
| In the vicinity of U.S. Highway 27 and Pleasant Avenue, Avon Park Highlands County, Florida | | | |

| OFFENSE INFORMATION | | | |
|---|-----------------------------|--------------------------------------|----------------------------------|
| Name (Last First Middle) Perez, Alberto | D.O.B. 04/18/1975 | Race / Sex White / Male | Alias Al Perez |
| Address | | | Phone |
| JUV - Parents Address | | | Phone |
| Height 506 | Weight 190 | Eyes Brown | Hair Black |
| Build Medium | | Complexion Medium | |
| Speech | | Place of Birth New York | |
| Driver License (State and Number) | | Social Security Number | |
| Occupation Police Officer | | Employer City of Avon Park | |
| Scars / Marks / Tattoos | | | Marital Status Married |

| OFFENSE INFORMATION | | FSS/MO/CO | Level / Degree |
|--|--|---------------|-------------------|
| Committed the offense(s) of | | | |
| 1. Threats; Extortion - 2 Counts - 1 ct | | 836.05 | Felony/2nd |
| 2. | | FSS/MO/CO | Level / Degree |
| 3. | | FSS/MO/CO | Level / Degree |
| 4. | | FSS/MO/CO | Level / Degree |

***** SEE PROBABLE CAUSE ATTACHMENT

Sworn to and subscribed before me, the undersigned authority, this 2 day of December, 2008.

Vaden S. Pollard
Affiant

Personally Know
 Produced I.D.:

SA Mark Willes
LEO/DEPUTY CLERK/NOTARY PUBLIC

| CO-DEFENDANT / WITNESS / VICTIM | | |
|---------------------------------|------------------------------------|------------------------|
| Co-Defendant N/A | Date of Birth | Race/Sex |
| Victim [REDACTED] | Date of Birth 3/01/1981 | Race/Sex W/M |
| Victim / Witness [REDACTED] | Date of Birth 4/13/1985 | Race/Sex W/M |
| Victim / Witness [REDACTED] | Date of Birth 10/10/1981 | Race/Sex W/M |

NOTICE TO APPEAR

I agree to appear in Court located at Sebring, Florida on _____ at _____ am / pm to answer the charges in this complaint. I understand that a willful failure to appear will result in a WARRANT for my arrest and may be a new offense.

Delendant _____ Date _____

Reviewing Officer: _____ Signature of Assistant State Attorney: *[Signature]* Date: *12/2/08*

- No Bill / Petition Issue Warrant Prosecution Approved

CP08-01431A-AX

**IN THE CIRCUIT / COUNTY COURT IN THE TENTH JUDICIAL CIRCUIT IN
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SE-14-0034 Probable Cause

In June 2008, the Florida Department of Law Enforcement (FDLE) Sebring Field Office began to receive complaints from Hispanic residents in Avon Park, Highlands County, Florida, concerning allegations of Avon Park Police Department (APPD) officers taking money from illegal aliens during law enforcement stops and officer / citizen encounters. FDLE agents began investigating the allegations, and identified illegal activity associated with two APPD officers. One of officer was identified as being the defendant, Alberto Perez.

On October 28, 2008, your affiant Special Agent (SA) Vaden S. Pollard and Resident Agent in Charge (RAC) Yolanda Maria Carbia met with victim, [REDACTED], who was stopped by an Avon Park Police Department (APPD) patrolman, and was told to pay \$200 or receive a ticket. The law enforcement encounter was a traffic stop that occurred on April 19, 2008, at or near the intersection of US 27 and Pleasant Avenue in Avon Park, Highlands County, Florida.

[REDACTED] did not speak English, so RAC Carbia translated as SA Pollard conducted an interview with Eric and learned the following:

- Near the end of the valencia orange picking season (March - June), he, his brother [REDACTED] and cousin, [REDACTED], were driving to a friend's house when they were pulled over by a white male, uniformed APPD officer near the intersection of US 27 and Pleasant Avenue in Avon Park.
- He could not remember the date, but said the time was around 7:00 p.m.
- He could not communicate with the white officer due to a language barrier.
- Shortly after being pulled over by the white officer, a second uniformed APPD officer arrived who was a "Puerto Rican," male. The Puerto Rican officer spoke Spanish; he remembered that the officer had a tattoo on one of his forearms.
- He was the driver of the vehicle and the Puerto Rican officer told him the reason for the traffic stop was because he did not completely stop at a stop sign.
- At this time the white officer had walked back to his car.
- The Puerto Rican officer told him that the white officer was "a cabron (bad ass; mother fucker) and he's gonna chingar (screw; fuck) you, just give \$200 and no ticket."
- He told the officer he did not have \$200. The officer told him that he better ask his friends for it.
- He told the officer "that doesn't happen here (America)." The officer replied "yea, here and Mexico."
- His brother and cousin were told to exit the vehicle, then he was told exit. The police officers began to search them and the vehicle. At this point he asked his brother, [REDACTED] for \$200.
- They all were allowed to get back into the vehicle, and then his brother gave \$200 to the Puerto Rican officer. The Puerto Rican officer said "you owe him (brother) \$200."
- The traffic stop ended and they were allowed to leave.
- Neither he, his brother, nor cousin had been drinking.
- He's willing to prosecute and testify in court.

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SA Pollard and RAC Carbia then spoke with [REDACTED], who stated the following:

- He was riding in the front passenger's seat when he, [REDACTED], and [REDACTED] were pulled over by a white male, uniformed APPD Officer.
- Shortly after being pulled over, a Puerto Rican male officer arrived.
- They were asked to give their identification. He then heard the Puerto Rican officer tell [REDACTED], "the white cop is gonna chingar you, just give \$200." [REDACTED] told the officer he did not have any money; the officer then said "check with your friends, you're gonna need money."
- The Puerto Rican officer then talked to the white officer and came back to the vehicle and told them to get out.
- The white officer searched him and took his identification card and wallet. He was later given his wallet back, but not his identification card.
- Because [REDACTED] did not have \$200, he tried to give the Puerto Rican officer \$200 while outside of the vehicle, but the Puerto Rican officer told him "give me the money when I give you your identification." The officer then instructed him to get back into the vehicle.
- They all were allowed to get back into the vehicle. The Puerto Rican officer approached him at the front passenger door. The officer returned his identification card at his ([REDACTED]) window, and he gave the officer \$200.
- The Puerto Rican officer then told [REDACTED] "you owe him \$200."
- The traffic stop ended and they were allowed to leave.

SA Pollard and RAC Carbia then spoke with [REDACTED], who stated the following:

- He was the back passenger in [REDACTED]'s vehicle, when they were pulled over by a white male uniformed APPD officer.
- [REDACTED] was riding in the front passenger's seat.
- Shortly after being pulled over, a Puerto Rican officer arrived. They were asked to provide identification. He did not have an identification card and was told to exit the vehicle while [REDACTED] and [REDACTED] remained inside.
- He was patted down and told to take his belongings out of his pockets.
- [REDACTED], then [REDACTED] were told to exit.
- He did not hear either officer ask [REDACTED] for \$200, but did hear the Puerto Rican officer say "happens here and Mexico," just before he exited the vehicle.
- When [REDACTED] got out of the vehicle, [REDACTED] asked him for \$200.
- They all eventually were allowed to get back into the vehicle. Just before being allowed to leave he saw [REDACTED] give the Puerto Rican officer \$200, and heard the officer say to [REDACTED], "you owe him [REDACTED] \$200."

SA Pollard presented photographic line-ups of APPD Officers Alberto Perez and Adam Wayne Willis to [REDACTED], [REDACTED], and [REDACTED]. Each person viewed the line-ups separately. All of them were able to identify the defendant, Alberto Perez, as the Puerto Rican officer. Each of them said their contact with the white officer was brief; however, they remembered Perez, because he did all the talking. On October 29, 2008, [REDACTED], [REDACTED], and [REDACTED] gave sworn, recorded statements to RAC Carbia.

On November 3, 2008, SA Pollard obtained a copy of APPD computer aided dispatch (CAD) event number 080000019850, which documented an April 19, 2008, traffic stop on a vehicle bearing Georgia license plate [REDACTED]; [REDACTED] vehicle. The stop

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occurred at approximately 8:41 p.m. and was initiated by APPD Officer Willis. The CAD report showed that the defendant arrived at the stop approximately two minutes after it was initiated. The stop location was at, or near, the intersection of US 27 and Pleasant Avenue, Avon Park, Florida.

The following lists the details of the radio transmissions received and transmitted by the dispatcher:

- Officer #1434 (Willis) – 2041 (time) - arrived
- Officer #1438 (Perez) – 2043 (time) - arrived
- [REDACTED] – 2043 (time) – name given to dispatch
- [REDACTED], W/M (D.O.B. and race/sex) – 2043 (time) – provided to dispatch
- No record found, negative warrants – 2044 (time) – dispatch to officers
- [REDACTED] – 2045 (time) – name given to dispatch
- [REDACTED], W/M (D.O.B. and race/sex) – 2054 (time) – provided to dispatch
- Verb for no tag – 2052 (time) – officer indicating verbal warning for no tag light
- 2052 (time) – both officers clear traffic stop

On November 4, 2008, SA Pollard obtained an audio recording of the April 19, 2008 traffic stop from APPD. The recording contained Willis' and Perez' radio transmissions. The radio transmissions were as follows: Willis radioed his dispatch and provided the tag number, [REDACTED], and stop location. Perez radioed dispatch and advised he was checking out with Willis on the traffic stop. Willis transmitted [REDACTED] name and date of birth to dispatch. Willis then transmitted [REDACTED] name and date of birth to dispatch. Dispatch responded to Willis that no record was found for [REDACTED] or [REDACTED]. Willis then advised dispatch he cleared the traffic stop and gave the driver a verbal warning for no tag light.

The CAD event record and radio transmissions confirmed that [REDACTED] and [REDACTED] were detained during a traffic stop at US 27 and Pleasant Avenue. During the stop, the defendant arrived and made contact with the victims.

Based on the aforementioned information, it is your affiant's belief that the defendant, Alberto Perez committed the following criminal act as set forth by Florida State Statute:

- 836.05 Threats; extortion, a second degree felony, to wit, the defendant verbally communicated a malicious threat [*the white officer is "a cabron (bad ass; mother fucker) and he's gonna chingar (screw; fuck) you]* with intent to extort money [*"just give \$200 and no ticket"*]. As a result of the threat, the defendant did obtain \$200 in US currency.

Affiant

Sworn to and subscribed before me, the undersigned authority,
this 2 day of December, 2008

SA Mark Willis LEO