

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION**

LARRY TOWNS, Jr.,  
Plaintiff,

CASE NO.: 3:15-cv-00140-MMH-JBT

v.

RICK BESELER, in his official  
capacity as Sheriff of Clay County, Florida;  
DEPUTY J.A. TOMLINSON;  
DEPUTY M.J. PESEK;  
Defendants.

**AMENDED COMPLAINT**

COMES NOW the Plaintiff Larry Towns by and through his undersigned attorney and files this Amended Complaint against Defendants RICK BESELER, in his official capacity as Sheriff of Clay County, Florida; DEPUTY J.A. TOMLINSON; DEPUTY M.J. PESEK; and sways:

1. This is an action for damages in excess of \$15,000.00, exclusive of attorneys fees and costs.

**PARTIES**

2. Plaintiff Larry J. Towns, Jr., ("Towns") is and was at all times material, a resident of Duval County, Florida.

3. Defendant Rick Beseler ("Beseler") is the elected Sheriff of Clay County, Florida.

4. Defendant, Deputy J.A. Tomlinson ("Tomlinson") was at all times material a deputy Sheriff employed by the Sheriff of Clay County.

5. Defendant Deputy M.J. Pesek ("Pesek") was at all times material a deputy Sheriff

employed by the Sheriff of Clay County.

## FACTS

6. On or about April 16, 2011, Tomlinson arrested an unknown individual mistakenly identified by Tomlinson as the Plaintiff Larry Towns, Jr., at the Sears department store on Wells Road in Orange Park, Florida.

7. The individual arrested by Tomlinson, was in fact not Mr. Towns, but a third party unknown to the Plaintiff.

8. Tomlinson issued a notice to appear to the unknown person, who confessed to the crime of retail theft.

9. Photographs were taken of the merchandise alleged to have been stolen, but no photograph was taken of the unknown individual, nor were other adequate steps taken to confirm the individual's identity.

10. There was a video of the retail theft, that was at all times material in the possession of Beseler or his designee.

11. Tomlinson, did note in his report, the distinguishing marks of the individual arrested, including a lion tattoo on the individual's right forearm. (Exhibit A).

12. The unknown individual failed to appear in court as ordered.

13. Unknown Deputies acting on behalf of Beseler began contacting Towns and informing him that he had failed to appear for court as ordered.

14. Towns informed deputies acting on behalf of Beseler that his identification had been stolen and he was not the proper person law enforcement was seeking.

15. After learning that he was wanted on a shoplifting charge, Towns concluded that

someone was using his identification which had been lost or stolen on or about November 15, 2010.

16. On or about August 15, 2011, Towns filed a report for fraudulent use of personal identification information with the Jacksonville Sheriff's Office. (Exhibit B).

17. Despite repeated communications to Defendant Beseler or his designees that Towns was not the proper person, neither Deputies Tomlinson or Pesek, nor any other person on behalf of Beseler, made any attempt to confirm whether or not Towns was in fact the proper individual.

18. Information in the possession of Beseler that should have allowed Tomlinson, Pesek, and Beseler to know that Towns was not the proper person included:

- a. Towns does not have the tattoos described in the arrest report;
- b. Towns does not fit the description of the individual who appears on the video of the crime.

19. Defendants failed to conduct any investigation of Towns' allegations and instead continued to insist that Towns turn himself in to the Clay County Sheriff's Office.

20. On or about 9 September 2013, Towns appeared at the Clay County Sheriff's Office to turn himself in as ordered.

21. Tomlinson inspected Towns right forearm for the tattoo described in the initial arrest report and warrant.

22. Tomlinson did not locate a tattoo matching the description contained in the warrant.

23. In spite of the fact that Mr. Towns did not fit the image of the person on the video

of the crime, and did not have tattoos consistent with those described by Tomlinson in his initial report, Pesek arrested Towns.

24. Towns was booked and released to his mother.

25. For the next two months Towns was prosecuted for the offense of Petit Theft based on the allegations of Tomlinson and Pesek.

26. On 13 November 2013, the Office of the State Attorney announced a Nolle Prosequi.

27. The conduct of the Defendants, individually and collectively resulted in the deprivation of Towns's liberty interests.

28. Defendants' conduct resulted in a detention of Towns and in Towns having a criminal record.

29. Defendants' conduct further resulted in damage to Town's reputation and emotional distress.

**COUNT I- VIOLATION OF SEC. 42 U.S.C. 1983 BY TOMLINSON**

30. Plaintiff re-alleges the allegations set forth in Paragraphs 1-29 and further alleges:

31. Defendant Tomlinson violated Defendant's civil rights under color of state law.

32. While acting in his capacity as deputy sheriff, Tomlinson charged Towns with a crime.

33. Tomlinson failed to take steps to properly identify the actual suspect.

34. Tomlinson allowed a criminal suspect to use false identification claiming to be Towns.

35. As a result of Tomlinson's failure to properly identify the suspect he had detained,

an arrest warrant was issued for Mr. Towns.

36. Deputy Tomlinson's failure to properly identify and obtain incontrovertible evidence of the third person's identity was a direct cause of the unlawful arrest of Mr. Towns, and the deprivation of Towns's liberty interest and other damages.

37. As a result of Tomlinson's intentional failure to properly investigate Mr. Towns allegations of fraudulent use of his identification, Towns was arrested.

38. Tomlinson's conduct directly and proximately resulted in the arrest of Towns for a crime he did not commit

39. Tomlinson's actions resulted in the deprivation of Plaintiff's liberty interest by causing him to be arrested, in violation of his Fourth and Fourteenth Amendment rights.

40. Tomlinson's actions resulted in Plaintiff having a criminal record.

41. As a result of Tomlinson's actions, Towns has been damaged by being deprived of his liberty, loss of reputation in the community, and mental anguish.

42. Tomlinson acted willfully, knowingly and purposefully, or with deliberate indifference to deprive Towns of his constitutional rights.

43. Tomlinson knew or should have known that suspects might give false identification to avoid punishment for violating the law.

44. Despite such knowledge, Tomlinson failed to obtain any objective identifying information such as a thumb print or other fingerprint that would conclusively identify the arrested suspect and exclude Mr. Towns.

45. Tomlinson's failure to take even the most reasonable measures to properly identify his suspect are a direct contributing cause to the violation of Town's liberty interests.

WHEREFORE, Plaintiff requests a judgment against Tomlinson, awarding damages for deprivation of Town's rights, loss of reputation and mental anguish, attorneys fees and costs and all other relief deemed just and equitable by the Court.

**COUNT II- VIOLATION OF SEC. 42 U.S.C. 1983 BY PESEK**

46. Plaintiff re-alleges the allegations set forth in Paragraphs 1-29 and further alleges:
47. Defendant Pesek violated Defendant's civil rights under color of state law.
48. While acting in his capacity as deputy sheriff, Pesek arrested Towns for a crime despite the fact that Towns did not match the description in the initial arrest report or the warrant on which Towns was arrested.
49. The failure of the identifying information was not something as error prone as a check box for gender or race, but a specifically identifying tattoo.
50. Pesek failed to take steps to properly identify Towns as the person sought.
51. While the warrant on which Pesek acted was facially valid, the warrant on its face made clear that Towns was not the person described in the warrant, specifically, Towns did not possess the identifying tattoo contained in the arrest warrant.
52. Despite specifically searching for and not finding a tattoo matching the description of the initial arrest report or the warrant, Pesek, proceeded to arrest Towns.
53. As a result of Pesek's intentional failure to properly identify the information regarding the suspect being sought, Towns was arrested.
54. Pesek's conduct directly and proximately resulted in the arrest of Towns for a crime he did not commit
55. Pesek's actions resulted in the deprivation of Plaintiff's liberty interest by causing

him to be arrested, in violation of his Fourth and Fourteenth Amendment rights.

56. Pesek's actions resulted in Plaintiff having a criminal record.

57. Pesek acted willfully, knowingly and purposefully, or with deliberate indifference to deprive Towns of his constitutional rights.

58. Pesek knew or should have known that a criminal was likely to impersonate a third party to avoid liability for his crimes.

59. Pesek had actual knowledge that Towns did not have a very specific identifying characteristic, a lion tattoo on his right forearm, and claimed to be the wrong individual.

60. Pesek had the ability to confirm Towns's report of a stolen identification.

61. Pesek had other reasonable alternative's including detaining Towns for additional investigation and accessing the video of the initial crime.

62. Pesek failed to take any reasonable steps to verify that Towns was the individual identified in the warrant, despite the statements of Towns, and the objective differences between the warrant and Towns's appearance, and despite Towns's presence at the sheriff's office where the video of the offender was located.

63. Furthermore, the arrest occurred at 9:45 a.m. on a Monday morning so that even if the video of the offense was in the possession of the state attorney's office, it was merely next door, where the state attorney's office was open and available for verification of the warrant and identifying information.

64. As a result of Pesek's actions, Towns has been damaged by being deprived of his liberty, loss of reputation in the community, and mental anguish.

WHEREFORE, Plaintiff requests a judgment against Pesek, awarding damages for

deprivation of Town's rights, loss of reputation and mental anguish, attorneys fees and costs and all other relief deemed just and equitable by the Court.

**COUNT III- VIOLATION OF SEC. 42 U.S.C. 1983 BY BESELER IN HIS OFFICIAL CAPACITY**

65. Plaintiff re-alleges the allegations set forth in Paragraphs 1-29 and further alleges:

66. Beseler allowed a culture of incompetence and disregard of the fundamental rights of citizens to exist within the Clay County Sheriff's Office.

67. Between August 2013 and May 2014 no less than three individuals including Towns, have been wrongfully arrested or detained by Beseler or his designees, based on inadequate or incompetent investigations which failed to properly identify the suspect. One person was even arrested twice.

68. In August 2013, prior to the arrest of Towns, Defendant Beseler's agents wrongfully arrested Cody Lee Williams on charges of having sex with a person under the age of 12, when the person sought was a different individual with a similar name.

69. In May 2014 Defendant Beseler's agents wrongfully arrested Nicole Chiasson when the person sought was a different individual with a similar name, and in fact wrongfully arrested Ms. Chiasson twice.

70. Following these wrongful arrests the Clay County Sheriff's Office released a statement that:

The Clay County Sheriff's Office has discovered that a person was arrested by members of our agency and wrongfully accused on two occasions of crimes she did not commit. Ms. Ashley Nicole Chiasson of Louisiana shares the first and last name and general physical characteristics of another woman. The other woman (not yet arrested) is the actual perpetrator and the investigation into her



involvement into these financial type crimes is ongoing. As the result of the discovery of these errors all charges against Chiasson were dropped on June 6, 2014 by the State Attorney's Office in Clay County and she was released.

71. Following these wrongful arrests Defendant Beseler released a statement that:

In these cases it appears that short-cuts were taken by the detectives during the suspect identification process and a thorough investigation into the identity of the suspect was not completed before the warrants were obtained. The result was the wrong person was accused of crimes she didn't commit. I extend to Ashley Nicole Chiasson my sincere apology for this error. We will seek to make things right for her. An internal investigation began immediately and a full review of how proper investigative procedures were not followed is underway. Those responsible will be held accountable. New measures, safeguards and revised policies will be adopted that will prevent this from occurring again in the future.

72. Defendant Beseler has admitted through his own statement that:

- a. "short-cuts were taken by the detectives during the suspect identification process"
- b. "new measures, safeguards and revised policies will be adopted that will prevent this from occurring again in the future."

73. Beseler failed to properly supervise his deputies to insure compliance with basic investigative standards.

74. Beseler failed to train deputies in basic investigative skills necessary to protect the rights of citizens.

75. As a direct and proximate result of Beseler's reckless misconduct and failure, Towns was arrested.

76. Beseler's reckless failure to properly train and supervise deputies, caused deputies to fail to properly identify the suspect at the time of the crime.

77. Beseler recklessly used his deputies to interfere with Plaintiff's liberty interest.

78. Beelser has trained or allowed deputies to implement a policy of arrest now ask questions later, in blatant disregard of constitutional requirements that a person only be arrested on probable cause.

79. After learning of the mis-identification claim by Towns, the most basic investigation would have revealed that Mr. Towns was not the person arrested by Tomlinson.

80. Beseler and his designees failed to do any investigation of Towns' claims but proceeded with Towns' arrest.

81. Beseler acted willfully, knowingly and purposefully, or with deliberate indifference to deprive Towns of his constitutional rights by failing to require and institute adequate safeguards within the Clay County Sheriff's Office.

82. Beelser's actions resulted in a deprivation and violation of Towns' Fourth and Fourteenth Amendment rights.

83. As a result of Beseler's actions, Towns has been damaged by being deprived of his liberty, loss of reputation in the community, and mental anguish.

WHEREFORE, Plaintiff requests a judgment against Beseler, in his official capacity, awarding damages for deprivation of Town's rights, loss of reputation and mental anguish, attorneys fees and costs and all other relief deemed just and equitable by the Court.

DEMAND FOR JURY TRIAL

Plaintiff demands trial by jury.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing was served this 2<sup>nd</sup> day of March 2015 by eService to the following:

Carl R. Peterson, Jr., Esq.  
PO Box 37400  
Tallahassee, FL 32315  
srp@jollylaw.com

**FLETCHER & PHILLIPS**

/s/Eric Friday  
Eric Friday, Esquire  
541 East Monroe St., Suite 1  
Jacksonville, Florida 32202  
(904) 353-7733, Fax 353-8255  
Florida Bar No. 797901  
familylaw@fletcherandphillips.com  
Efriday@fletcherandphillips.com

# **Exhibit A**

SPECIAL INSTRUCTIONS

CC80  PFP  
 OFPD  GFC  
 GCSPD  FMP  
 OTHER

LOCATION OF ARREST:  
 O.P. CITY  UNINCORPORATED AREA  
 GCSPS CITY  AREA  
 K.H. CITY

INCIDENT REPORT WRITTEN  YES  NO

1. CASE NUMBER: 2011-015285

2. ARRESTED BY: TOMLINSON, J. A. 3. I.D. NO.: 06654 4. LOCATION: 1910 WELLS RD 5. DATE OF ARREST (DD/MY): 04/16/2011 6. TIME OF ARREST: 17:00

7. ARREST NUMBER: 8. CONT'S. NUMBER: 9. BOOKING OFFICER: 10. FINGERPRINT OFFICER: 11. SEARCHING OFFICER:

12. COURT DATE (DD/MY/HR/PT/AM):

13. NAME (LAST, FIRST, MIDDLE): TOWNS, LARRY JR 14. ALIAS: TOWNS, BLACK KNIGHT

15. HOME ADDRESS: 3258 POST STREET, JACKSONVILLE, FL 32211 16. PHONE NUMBER:

17. MAILING ADDRESS (IF DIFFERENT FROM PHYSICAL): 18. PHONE NUMBER:

19. EMPLOYER AND ADDRESS: UNEMPLOYED JAX, FL 19. PHONE NUMBER: (904)

20. POB (CITY/STATE): MIAMI, FL, United States 21. CITIZENSHIP: 22. DRIVER'S LICENSE (NUMBER/STATE): T520520812860 / FL 23. NUMBER:

24. RACE: B 25. SEX: M 26. BIRTH DATE (MM/DD/YY): 27. AGE: 29 28. HEIGHT: 5'09 29. WEIGHT: 160 30. HAIR COLOR: BLACK 31. EYE COLOR: BROWN 32. COMPLEX: FAIR 33. BUILD:

34. IDENTIFYING CHARACTERISTICS: TATT RIGH FORE ARM / LION

35. CHARGE #1: Retail Theft #1 36. TYPE: M 37. P.A.R. ORD.: 38. STATUTE OR PENALTY NUMBER: 812-015 39. CASE#: 40. WEAPON SIZED: NONE (NO) 41. ORCA TEST RESULT:

42. DRUG ACT: 43. DRUG TYPE: 44. DRUG UNIT: 45. DRUG AMOUNT: 46. VIOLATION RELAT.: STRANGER 47. BOND: 48. MADE BY:

35. CHARGE #2: 36. TYPE: 37. P.A.R. ORD.: 38. STATUTE OR PENALTY NUMBER: 39. CASE#: 40. WEAPON SIZED: 41. ORCA TEST RESULT:

42. DRUG ACT: 43. DRUG TYPE: 44. DRUG UNIT: 45. DRUG AMOUNT: 46. VIOLATION RELAT.: 47. BOND: 48. MADE BY:

35. CHARGE #3: 36. TYPE: 37. P.A.R. ORD.: 38. STATUTE OR PENALTY NUMBER: 39. CASE#: 40. WEAPON SIZED: 41. ORCA TEST RESULT:

42. DRUG ACT: 43. DRUG TYPE: 44. DRUG UNIT: 45. DRUG AMOUNT: 46. VIOLATION RELAT.: 47. BOND: 48. MADE BY:

ON THE 16th DAY OF April, 2011 AT 4:20 PM THE DEFENDANT,  
 AT 1910 WELLS RD, ORANGE PARK, FL 32073 WITHIN CLAY COUNTY, VIOLATED THE LAW AND DID THEN AND THERE:  
 The defendant (Larry Towns) committed the offense of retail theft by knowingly taking possession of or carried away merchandise. The defendant intended to deprive the merchant of possession, use, benefit or full retail value of the merchandise.  
 On 04/16/11 I responded to 1910 Wells Rd. (Sears) Upon arrival, I made contact with LPO J. Alcantara who advised me of the following; He observed the defendant (L. Towns) select four bottles of cologne from the men's department and conceal the items on his person. The defendant exited the store without paying for the items. J. Alcantara identified himself as a loss prevention officer and confronted the defendant at the exit at which time he asked him to relocate to the loss prevention office. The defendant followed J. Alcantara without incident.  
 I made contact with the defendant and read him Miranda warning from a prepared card. The defendant confessed to this incident.  
 Total value of the recovered property from the defendant is \$212.50. A written

49. CO-DEFENDANT #1	50. DATE OF BIRTH	49. CO-DEFENDANT #2	50. DATE OF BIRTH	49. CO-DEFENDANT #3	50. DATE OF BIRTH
51. VICTIM/COMPLAINANT: SEARS	52. DATE OF BIRTH	51. ADDRESS: 1910 WELLS RD, ORANGE PARK, FL 32073	52. DATE OF BIRTH	51. ADDRESS: 1910 WELLS RD, ORANGE PARK, FL 32073	52. DATE OF BIRTH
53. WITNESS	54. DATE OF BIRTH	53. ADDRESS:	54. DATE OF BIRTH	53. ADDRESS:	54. DATE OF BIRTH
55. WITNESS	56. DATE OF BIRTH	55. ADDRESS:	56. DATE OF BIRTH	55. ADDRESS:	56. DATE OF BIRTH

60. SIGNATURE OF DEFENDANT:  TO BE SET BY CLERK OF COURT

I AGREE TO APPEAR AT THE PLACE DESIGNATED TO ANSWER THE OFFENSE CHARGED OR TO PAY THE FINE SUBSCRIBED. I UNDERSTAND THAT SHOULD I WILLFULLY FAIL TO APPEAR BEFORE THE COURT AS REQUIRED IN THIS NOTICE TO APPEAR OR PAY, THE FINE SET FORTH ON THIS FORM THAT I MAY BE HELD IN CUSTODY OF COURT AND A WARRANT FOR MY ARREST MAY BE ISSUED.  
 \*\*HONESTY CERTIFY BY MY SIGNATURE THAT THE PERMANENT ADDRESS LISTED ABOVE IS MY CORRECT MAILING ADDRESS\*\*

61. SIGNATURE OF DEFENDANT: 61. DATE: 62. I SWEAR THAT THE ABOVE STATEMENTS ARE TRUE AND CORRECT

63. AUTHORITY: 63. SIGNATURE OF NOTARY OR LAW ENFORCEMENT OFFICER: 64. VEHICLE TOWED BY: TOMLINSON, J. A. 64. VEHICLE TOWED BY: 65. TRANSPORTING OFFICER: 65. TRANSPORTING OFFICER: (IF OTHER THAN BLOCK 2)

OFFICER COPY COURT COPY DEFENDANT COPY

ATTORNEY #

11-031025

CLERK'S OFFICE #

11 JUN 01 435

ADMIN

DEFENDANT

CHARGES

PROBABLE CAUSE

NOTICE

ADMIN

CCSSO  
 OPPD  
 GCSPD  
 OTHER

FHP  
 GFC  
 FMP

LOCATION OF ARREST:  
 O.P. CITY  UNINCORPORATED AREA  
 GCSPS CITY  
 K.H. CITY

1. CASE NUMBER  
**2011-015285**

2. ARRESTED BY <b>TOMLINSON, J. A.</b>	3. IDNO. <b>06654</b>	4. LOCATION <b>1910 WELLS RD</b>	5. DATE OF ARREST (MO) <b>04/16/2011</b>	6. TIME OF ARREST <b>17:00</b>
10. DEFENDANT NAME <b>TOWNS, LARRY JR</b>		7. ARREST NUMBER	8. QTA NUMBER	
30. CHARGE #	36. TYPE	37. <input type="checkbox"/> F.S. <input type="checkbox"/> ORC.	38. STATUTE/ORDINANCE NUMBER	39. CASE#
40. DRUG ACT	43. DRUG TYPE	44. DRUG UNIT	45. DRUG AMOUNT	46. VOLUME RELAT.
47. BOND	48. MADE BY			
49. WEAPON SEIZED	41. CHEM. TEST RESULT			

statement was provided by J. Alcantara. Photographs were taken of the recovered merchandise. The photographs will be placed into evidence upon receiving them from J. Alcantara on 04/17/2011 and a supplement will be submitted. The property was returned to the victim.

The defendant was given a notice to appear.

Case cleared by arrest.

51. VICTIM/COMPLAINANT	52. DATE OF BIRTH	53. ADDRESS	54. PHONE NUMBER
55. I SWEAR/AFFIRM THE ABOVE STATEMENTS ARE TRUE AND CORRECT		56. SWORN TO AND SUBSCRIBED & SORNE	
57. AUTHORITY THIS DAY OF	58. SIGNATURE OF NOTARY OR LAW ENFORCEMENT OFFICER		
PRINTED <b>TOMLINSON, J. A.</b>	ID NUMBER <b>06654</b>		

OFFICER COPY COURT COPY DEFENDANT COPY

ADULT NOTICE TO APPEAR

SPECIAL INSTRUCTIONS

CCSPD  
 OPSPD  
 GCSPD  
 OTHER

FHP  
 GFO  
 FMP

LOCATION OF ARREST:  
 O.P. CITY  
 GCSPD CITY  
 KH. CITY

UNINCORPORATED AREA

WRITTEN STATEMENTS OBTAINED  YES  NO  
INCIDENT REPORT WRITTEN  YES  NO

1. CASE NUMBER: **2011-015295**

2. ARRESTED BY: **TOMLINSON, J. A.**

3. I.D. NO.: **06654**

4. LOCATION: **1910 WELLS RD**

5. DATE OF ARREST (MM/DD): **04/16/2011**

6. TIME OF ARREST: **17:00**

7. ARREST NUMBER: \_\_\_\_\_

8. C.R.T.C. NUMBER: \_\_\_\_\_

9. BOOKING OFFICER: \_\_\_\_\_

10. FINGERPRINT OFFICER: \_\_\_\_\_

11. BOOKING OFFICER: \_\_\_\_\_

13. NAME (LAST, FIRST, MIDDLE): **TOWNS, LARRY JR**

14. ALIAS: **TOWNS, BLACK KNIGHT**

15. HOME ADDRESS: **3258 POST STREET, JACKSONVILLE, FL 32211**

17. MAILING ADDRESS (IF DIFFERENT FROM PHYSICAL): \_\_\_\_\_

18. EMPLOYER AND ADDRESS: **UNEMPLOYED**

19. PHONE NUMBER: \_\_\_\_\_

20. POB (CITY/STATE): **MIAMI, FL, United States**

21. CITIZENSHIP: \_\_\_\_\_

22. DRIVER'S LICENSE NUMBER/STATE: **T520520812860 / FL**

23. RACE: **B**

24. SEX: **M**

25. DATE OF BIRTH (MM/DD): **08/06/1981**

26. AGE: **29**

27. HEIGHT: **5'09**

28. WEIGHT: **160**

29. HAIR COLOR: **BLACK**

30. EYE COLOR: **BROWN**

31. COMPLEXION: **FAIR**

32. BUILT: \_\_\_\_\_

33. IDENTIFYING CHARACTERISTICS (SCAR, TATTOO, OR OTHER): **TATT RIGHT FORE ARM / LION**

35. CHARGE #1: **Retail Theft**

36. TYPE: **M**

37. F.S. OR F.S. ORD.: **812-015**

38. STATUTE OR PENAL CODE NUMBER: \_\_\_\_\_

39. CASE #: \_\_\_\_\_

40. WEAPON SEIZED: **NONE (NO)**

41. CHEM. TEST RESULT: \_\_\_\_\_

42. DRUG ACT: \_\_\_\_\_

43. DRUG TYPE: \_\_\_\_\_

44. DRUG UNIT: \_\_\_\_\_

45. DRUG AMOUNT: \_\_\_\_\_

46. VICAR. RELAT.: **STRANGER**

47. BOND: \_\_\_\_\_

48. MADE BY: \_\_\_\_\_

35. CHARGE #2: \_\_\_\_\_

36. TYPE: \_\_\_\_\_

37. F.S. OR F.S. ORD.: \_\_\_\_\_

38. STATUTE OR PENAL CODE NUMBER: \_\_\_\_\_

39. CASE #: \_\_\_\_\_

40. WEAPON SEIZED: \_\_\_\_\_

41. CHEM. TEST RESULT: \_\_\_\_\_

42. DRUG ACT: \_\_\_\_\_

43. DRUG TYPE: \_\_\_\_\_

44. DRUG UNIT: \_\_\_\_\_

45. DRUG AMOUNT: \_\_\_\_\_

46. VICAR. RELAT.: \_\_\_\_\_

47. BOND: \_\_\_\_\_

48. MADE BY: \_\_\_\_\_

35. CHARGE #3: \_\_\_\_\_

36. TYPE: \_\_\_\_\_

37. F.S. OR F.S. ORD.: \_\_\_\_\_

38. STATUTE OR PENAL CODE NUMBER: \_\_\_\_\_

39. CASE #: \_\_\_\_\_

40. WEAPON SEIZED: \_\_\_\_\_

41. CHEM. TEST RESULT: \_\_\_\_\_

42. DRUG ACT: \_\_\_\_\_

43. DRUG TYPE: \_\_\_\_\_

44. DRUG UNIT: \_\_\_\_\_

45. DRUG AMOUNT: \_\_\_\_\_

46. VICAR. RELAT.: \_\_\_\_\_

47. BOND: \_\_\_\_\_

48. MADE BY: \_\_\_\_\_

ON THE 16th DAY OF April, 2011 AT 4:20 PM THE DEFENDANT,  
AT 1910 WELLS RD, ORANGE PARK, FL 32073 WITHIN CLAY COUNTY, VIOLATED THE LAW AND DID THEN AND THERE:

*Signature Sheet*

CO-DEF #1	58. DATE OF BIRTH	CO-DEFENDANT #2	59. DATE OF BIRTH	CO-DEFENDANT #3	60. DATE OF BIRTH
61. NINTH COMPLAINT #1: <b>SEARS</b>	62. DATE OF BIRTH	63. ADDRESS: <b>1910 WELLS RD, ORANGE PARK, FL 32073</b>	64. PHONE NUMBER: <b>(904) 280-8436</b>	65. PHONE NUMBER	66. PHONE NUMBER
67. WITNESS	68. DATE OF BIRTH	69. ADDRESS	70. PHONE NUMBER	71. PHONE NUMBER	72. PHONE NUMBER

69. TO BE SET BY CLERK OF COURT

I AGREE TO APPEAR AT THE PLACE DESIGNATED TO ANSWER THE CHARGE OR TO PAY THE FINE SUBSCRIBED. I UNDERSTAND THAT SHOULD I UNLAWFULLY FAIL TO APPEAR BEFORE THE COURT AS REQUIRED IN THIS NOTICE TO APPEAR OR PAY THE FINE SET FORTH ON THIS FORM, I MAY BE HELD IN CONTEMPT OF COURT AND A WARRANT FOR MY ARREST MAY BE ISSUED. THEREBY CERTIFY BY MY SIGNATURE THAT THE FURNISHED ADDRESS LISTED ABOVE IS MY CORRECT AND LEGAL ADDRESS.

73. SIGNATURE OF DEFENDANT: *[Signature]*

74. DATE: \_\_\_\_\_

75. SIGNATURE OF ROTARY OR LAW ENFORCEMENT OFFICER: *[Signature]*

76. AUTHORITY: \_\_\_\_\_

77. CITY OF: \_\_\_\_\_

78. SIGNATURE OF ROTARY OR LAW ENFORCEMENT OFFICER: *[Signature]*

79. AUTHORITY: \_\_\_\_\_

80. CITY OF: \_\_\_\_\_

81. SIGNATURE OF ROTARY OR LAW ENFORCEMENT OFFICER: *[Signature]*

82. AUTHORITY: \_\_\_\_\_

83. CITY OF: \_\_\_\_\_

84. SIGNATURE OF ROTARY OR LAW ENFORCEMENT OFFICER: *[Signature]*

85. AUTHORITY: \_\_\_\_\_

86. CITY OF: \_\_\_\_\_

87. SIGNATURE OF ROTARY OR LAW ENFORCEMENT OFFICER: *[Signature]*

88. AUTHORITY: \_\_\_\_\_

89. CITY OF: \_\_\_\_\_

90. SIGNATURE OF ROTARY OR LAW ENFORCEMENT OFFICER: *[Signature]*

91. AUTHORITY: \_\_\_\_\_

92. CITY OF: \_\_\_\_\_

93. SIGNATURE OF ROTARY OR LAW ENFORCEMENT OFFICER: *[Signature]*

94. AUTHORITY: \_\_\_\_\_

95. CITY OF: \_\_\_\_\_

96. SIGNATURE OF ROTARY OR LAW ENFORCEMENT OFFICER: *[Signature]*

97. AUTHORITY: \_\_\_\_\_

98. CITY OF: \_\_\_\_\_

99. SIGNATURE OF ROTARY OR LAW ENFORCEMENT OFFICER: *[Signature]*

100. AUTHORITY: \_\_\_\_\_

101. CITY OF: \_\_\_\_\_

102. SIGNATURE OF ROTARY OR LAW ENFORCEMENT OFFICER: *[Signature]*

103. AUTHORITY: \_\_\_\_\_

104. CITY OF: \_\_\_\_\_

105. SIGNATURE OF ROTARY OR LAW ENFORCEMENT OFFICER: *[Signature]*

106. AUTHORITY: \_\_\_\_\_

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OFFICER COPY      COURT COPY      DEFENDANT COPY      60566008 (REV. 1/02)

# **Exhibit B**



Entered: \_\_\_\_\_  
Checked: \_\_\_\_\_  
File Purged: \_\_\_\_\_  
N/A: \_\_\_\_\_

Year: 2011 Incident No.: 647406

1

## Jacksonville Sheriff's Office

### General Offense / Incident Report

**Incident Information**

Day/Date/Time of Incident-From: **Monday 11/15/2010 02:00** Day/Date/Time of Incident-To: **Monday 11/15/2010 03:00**  
 Location of Incident: **1531 IONIA ST Apt./Lot #:** Sub-Sector: **B1**  
 City: **JACKSONVILLE State: FLORIDA Zip: 32206**  
 Tax: **115 Crossstreet:** Day/Date/Time Incident Reported: **Monday 8/16/2011 12:59**  
 Drug Activity: **NOT APPLICABLE** Drug Type: **NOT APPLICABLE** # Of Offenses: **1**  
 Alcohol Related: **UNKNOWN (OR N/A)** Drug Related: **UNKNOWN (OR N/A)** # Of Victims: **1**  
 M.C.I. Case: **NO** Follow-up by: **Was Hate Crime Involved: No** Dating Violence Involved: **No** # Of Suspects: **1**

**Offense or Incident:**

#1 Statute No: **817.568(2)** Degree: **F3** UCR Code: **260A** Attempt Code: **Commit**  
**FRAUDULENT USE OF PERSONAL IDENTIFICATION INFORMATION**

**Victim Information #1**

**VICTIM TYPE: ADULT**

Name: **TOWNS, LARRY NMIN JR** Sub-Sector: **B1**  
 Address: **1531 IONIA ST Apt./Lot #:**  
 City: **JACKSONVILLE State: FLORIDA Zip: 32206**  
 Tax: **115 Crossstreet:**  
 Home Phone # Bus. Phone # Ext.  
 Cell Phone # Cell Phone Provider E-mail  
 Is Vagrant? **NO** Alt Sub-Sector:  
 Alternate Address: Alt Apt./Lot #:  
 Alt City: Alt State: Alt Zip:  
 Alt Tax: Alt Crossstreet:  
 Alt Home Phone # Alt Bus. Phone # Alt Ext.  
 Alt Cell Phone # Alt Cell Phone Provider Alt E-mail  
 Hospital Where Victim taken: **NOT APPLICABLE**  
 Place of Employ /School: **NONE**  
 Race: **BLACK** Ethnicity: **NOT OF HISPANIC ORIGIN** Sex: **Male** DOB:

Age: 29

Height: **5' 6"** Weight (lbs): **148**  
 Eye Color: **BROWN** Hair Color: **BLACK**  
 Injury Extent: **NONE** Injury Type: **NOT APPLICABLE**

Residence Type: **CITY**  
Residence Status: **RESIDENT**

**Offenses Victim of:**

#1 **FRAUDULENT USE OF PERSONAL IDENTIFICATION INFORMATION**

**Victim Relationship To Offender:**

**RELATIONSHIP UNKNOWN #1 UK,**

Victim Disabilities: **NONE / (NOT APPLICABLE)**

Weapons Involved: **NOT APPLICABLE**

**Suspect Location: At Large**

**Suspect Information #1**

Name: **UK** Sub-Sector:  
 Address: Apt./Lot #:  
 City: State: Zip:  
 Tax: Crossstreet:  
 Home Phone # Bus. Phone # Ext.  
 Cell Phone # Cell Phone Provider E-mail

Is Vagrant? **NO**  
Place of Employ /School:  
Race: Ethnicity: Sex: DOB:

Age range is from to

Height range is from to Weight (lbs) range is from to

Eye Color: Hair Color: Hair length:  
Hair Style: Complexion: Voice: Facial Hair:  
Distinguishing Marks:  
Clothing/Description:  
Nickname(s):  
Aliases:

**Charges:**

#1 FRAUDULENT USE OF PERSONAL IDENTIFICATION INFORMATION  
Jail Booking # N/A OBTS No. Juvenile: **Unk** Miranda Warnings Given: **No** Suspect Confessed?  
Cell Usage: **NOT APPLICABLE**  
RTR written related to this incident? **NO** RTR Incident Yr: RTR Incident #:

**ADDITIONAL INFORMATION**

**TELE SERVE**

THE VICTIM STATED THAT IN NOVEMBER, 2010, HE LOST HIS FLORIDA ID CARD AT BURBON STREET STATION. FROM THERE, THE VICTIM STATED THAT AN UNKNOWN SUSPECT(S) STOLE HIS IDENTITY.

THE VICTIM STATED THAT THE SUSPECT(S) COMMITTED THE CRIME OF THEFT AT SEARS (CLAY COUNTY) AND THE SUSPECT(S) WAS LET GO.

FINALLY, THE VICTIM STATED THAT THE SUSPECT(S) ARE USING HIS IDENTITY AT LOCAL JACKSONVILLE INTERNET CAFES.

THE VICTIM WAS GIVEN A VICTIM SERVICES PAMPHLET.

Clearance Status: **CASE SUSPENDED** Clearance Code: **NOT APPLICABLE** Date case was cleared: Number of Cases Cleared:  
Suspended Type: **SUSPENDED (UNABLE TO IDENTIFY SUSPECT)**

**CRIME ANALYSIS**

Aggravated Assault/Murder: **NOT APPLICABLE**  
Type of Weapon: **NOT APPLICABLE**  
Forced Entry: **NOT APPLICABLE** Structure Occupancy Code: **NOT APPLICABLE**  
Number of Premises Entered:  
Location Type: **Other / Unknown**  
Incident Occurred Outside this Location Incident Occurred in the Parking Lot at this Location: **No**  
Number of Vehicles Recovered: Number of Arrested:  
School Name: School Number

**MISCELLANEOUS:**

Is Offense Related to Domestic Violence: **No** If yes, were Children under 18 Present: **No** If No is it Domestic Related: **NO**  
Is there additional information included on a continuation report: **No** Are there other Pertinent Reports: **No**  
In your opinion is there significant reason to believe that the crime can be solved by a patrol follow-up investigation? **No**  
Neighborhood Canvass Conducted: **No** Case Information Card Left With: **N.A.**  
If Other (Name Address): Sub-Sector:  
Address: Apt./Lot #:

City: State: Zip:  
Tax: Crossstreet:  
Home Phone # Bus. Phone # Ext.  
Cell Phone # Cell Phone Provider E-mail

Is Vagrant? **NO**

**Investigative Time:**

#1 Hours: **0** Minutes: **49** Cost Amount: **\$11.80**

Detective Called To the Scene: **#0**  
Evidence Technician Called to the Scene: **#0**  
Reporting Officers: **R.J.CARTER**

NA:  Notified:   
NA:  Assigned By HQ:   
ID #7434  
ID #0 8/15/2011 13:08

Approving Supervisor **E.L. VALENTI**  
Division: **SERVICES** Unit: **TELESERVE**

ID #6792

# **Exhibit C**

ADULT ARREST REPORT  
 ADULT NOTICE TO APPEAR

**OFFICE OF THE SHERIFF  
CLAY COUNTY, FLORIDA**

WRITTEN STATEMENTS OBTAINED  YES  NO  
INCIDENT REPORT WRITTEN  YES  NO

172227  
SPECIAL INSTRUCTIONS  
170530

CCSI  
 OPPD  
 GCSFD  
 OTHER

FHP  
 GFC  
 FMP

LOCATION OF ARREST:  
 O.P. CITY  UNINCORPORATED AREA  
 GOSP CITY  
 KM. CITY

3013-024943

1. NAME OF ARRESTEE <b>PESEK, M.J.</b>		2. I.D. NO. <b>05073</b>		3. LOCATION <b>901 N ORANGE AV GREEN COVE</b>		4. DATE OF ARREST ONLY <b>09/09/2013</b>		5. TIME OF ARREST <b>09145</b>	
6. ARREST NUMBER <b>123403</b>		7. I.D. NO. <b>1037104/55</b>		8. I.D. NO. <b>10899</b>		9. I.D. NO. <b>1039</b>		10. I.D. NO. <b>1089</b>	
11. NAME OF ARRESTEE <b>TOWNS, LARRY JR</b>					12. NAME OF ARRESTEE <b>TOWNS, BLACK KNIGHT</b>				
13. HOME ADDRESS <b>1531 IONIA ST. JACKSONVILLE, FL 32205</b>					14. HOME ADDRESS				
15. EMPLOYMENT <b>UNEMPLOYED JAX, FL</b>					16. PHONE NUMBER <b>(904)</b>				
17. CITY OF BIRTH <b>MIAMI, FL, United States</b>		18. COUNTRY OF BIRTH <b>UNITED STATES</b>		19. DRIVER LICENSE NUMBER STATE <b>TS20520812860 / FL</b>		20. LICENSE NUMBER		21. SEX	
22. RACE <b>B</b>		23. HAIR <b>M</b>		24. EYES <b>32</b>		25. COMPLEXION <b>507</b>		26. BUILD <b>342</b>	
27. TATTOO <b>TATT LEFT HAND / JMW STEM</b>		28. TATTOO <b>TATT LEFT NECK / MONEY SIGNS</b>		29. TATTOO <b>TATT LEFT HAND / ADAM SKULL</b>		30. TATTOO		31. TATTOO	
32. CHARGE #1 <b>Shoplifting</b>		33. FINE <b>943-15/15</b>		34. CASE # <b>2013024943</b>		35. MARRIAGE STATUS <b>NONE (NO)</b>		36. OTHER TEST RESULT	
37. CHARGE #2		38. FINE		39. CASE #		40. MARRIAGE STATUS		41. OTHER TEST RESULT	
37. CHARGE #3		38. FINE		39. CASE #		40. MARRIAGE STATUS		41. OTHER TEST RESULT	
ON THE <u>9th</u> DAY OF <u>September</u> , 2013 AT <u>9:45 AM</u> THE DEFENDANT, AT <u>901 N ORANGE AV. GREEN COVE SPRINGS, FL 32043</u> WITHIN CLAY COUNTY, VIOLATED THE LAW AND DID THEN AND THERE have a Clay County Warrant for Shoplifting.									
I made contact with the defendant at 901 N Orange Av after he turned himself in reference to this warrant. The defendant was then placed under arrest pursuant to a warrant for ...									
Charge: Shoplifting Issued by Judge Townsend on May 13, 2011 Warrant #20110000935 Bond:   Confirmed by: wana #5007									
TO BE SET BY CLERK OF COURT									
I HEREBY CERTIFY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.									
9/9/13		2013024943-8							
9		SEP 2013							
PESEK, M.J.		05073							
OFFICER COPY		COURT COPY				DEFENDANT COPY			

ARREST NUMBER  
CHARGE NUMBER  
PROBATION NUMBER  
OFFENSE NUMBER

STATE ATTORNEY #  
CLERK'S OFFICE #

703 SEP 10 PM 4:10