



Brevard County Sheriff's Office
Titusville, Florida

MEMORANDUM

DATE: January 20, 2017
TO: Chief Michael J. Lewis
FROM: Agent Kraig Hupfer, Staff Services Unit
RE: Administrative Investigation 2016-CI-036

I. Summary

On August 29, 2016, Albert McDaniel contacted the Titusville Police Department in reference to a complaint of a battery involving his son, Alique Jefferson, as the victim (Refer to TPD case#2016-00048256). Mr. McDaniel and his son told TPD Officer Sypien that, on August 27, 2016, Joseph Carter, Rakeem Murray and Demario Strozier confronted his son at a residence located at 1026 Palmetto Street in Titusville and a verbal altercation ensued. As the verbal exchange continued, Mr. Jefferson stated Murray made the statement that they had "legal fire" at which time he retrieved a firearm from Carter's backpack and displayed it while they were arguing. Murray then placed the firearm back in Carter's backpack at which time he struck Mr. Jefferson in the face with a closed fist. After striking Mr. Jefferson in the face; Carter, Murray and Strozier all left the area without further incident. Mr. McDaniel advised his son did not immediately contact law enforcement because Joseph Carter works for the Sheriff's Office and Murray works for the Florida Department of Corrections and he believed nothing would be done to them. On November 13, 2016, TPD Officer Sypien completed his investigation and he submitted complaint affidavits to the Brevard/Seminole County State Attorney's Office for consideration of criminal charges against Joseph Carter and Rakeem Murray.

On August 30, 2016, Mr. McDaniel completed a BCSO Complaint Tracking Form and submitted it to the Jail Complex.

As the allegations made against Joseph Carter were criminal in nature, the Administrative Investigation into this incident was "tolled" while TPD completed their investigation and forwarded it to the SAO.

On December 05, 2016, Chief Deputy Michael J. Lewis authorized an Administrative Investigation of this incident.

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On December 05, 2016, the Staff Services Office received this case for further investigation.

On December 06, 2016, Deputy Joseph Carter was served his Notice of Administrative Investigation.

II. Possible Policy Violations:

- 400.00 *General Professional Responsibilities*
- 400.06 *Compliance with Law & Regulation*

III. Witness Interview:

Alique Jefferson
Titusville, Florida

On December 02, 2016, Agent LaRoche and I conducted a sworn, audio-recorded interview with Alique Jefferson at the Staff Services Office in Titusville, Florida. Details of the interview are as follows:

Mr. Jefferson stated that, on August 27, 2016, his younger brother, Aldrick Jefferson, got into a physical altercation with a juvenile known to him as [REDACTED] at the Isaac Campbell Park in Titusville. During the altercation, Mr. Jefferson advised his brother called him so he went to the park to remove him from the situation and he drove him back home. Mr. Jefferson then went to a residence located at 1026 Palmetto Street in Titusville to work on his vehicle. A short time later, Demario Strozier and his step-father, Anthony Rush, arrived at the residence followed by Joseph Carter and Rakeem Murray who were riding their motorcycles. Mr. Jefferson advised that he does not get along with his step-father and he believed that he was the one that told Murray and Strozier where they could find him. Mr. Jefferson stated that Murray and Strozier mistakenly accused him of being in the physical altercation with [REDACTED] that took place at the park. Mr. Jefferson said that Strozier claimed that they had "legal fire" and he attempted to engage in a physical altercation with him. Mr. Jefferson stated that he refused to fight with Strozier telling him that he (Strozier) was older and bigger than him. *According to Mr. Jefferson, [REDACTED] is the younger brother of [REDACTED] and cousin to [REDACTED]*

At that time, Mr. Jefferson advised that Murray retrieved three handguns from a backpack that Joseph Carter was wearing. Mr. Jefferson said that Murray gave one handgun to Strozier, one handgun to Carter and he kept the third handgun to himself as he argued with him. Mr. Jefferson stated that none of the weapons were ever pointed at him and he was never in fear of being shot. Mr. Jefferson did feel that the handguns were definitely

displayed in an attempt to intimidate and/or scare him. Mr. Jefferson stated that Murray eventually placed his handgun back in Carter's backpack and Strozier placed his handgun in his vehicle.

Mr. Jefferson said that during the altercation Carter had never gotten off his motorcycle and he had no interaction with him. He does claim that Carter had placed his handgun on the gas tank area of his motorcycle during the altercation with the other subjects.

Mr. Jefferson stated that once Murray had secured his handgun, he ran up on him (Jefferson) and punched him in the side of the face with a closed fist. Mr. Jefferson stated a brief physical altercation ensued as he attempted to defend himself from Murray. Mr. Jefferson said he was able to separate himself from Murray and he told him that he did not want to fight him because he (Murray) also was older and bigger than him and the fact there was three other adversarial adults present. Mr. Jefferson stated he then called his father, Albert McDaniel, to come to the residence. When he made the telephone call to his father, Mr. Jefferson said that Carter, Murray, Strozier and Rush all left the area.

Albert McDaniel
Titusville, Florida

On December 02, 2016, Agent LaRoche and I conducted a sworn, audio-recorded interview with Albert McDaniel at the Staff Services Office in Titusville, Florida. Details of the interview are as follows:

Although Mr. McDaniel was not present for any part of this incident, he stated that he overheard a portion of the incident during a phone call with his son. Unless identified differently, all Mr. McDaniel's knowledge and understanding of this incident is based on what other people have told him.

On August 27, 2016, Mr. McDaniel stated he received a telephone call from his son, as he answered the phone he heard him yelling "All of you all gonna jump me?" Mr. McDaniel stated his son sounded "panicked" and he could hear a voice in the background saying "You just as big as us." As his son was continuing to argue with the males in the background, Mr. McDaniel said his son kept telling him that "they" were going to jump him. His son also advised him that "Rakeem" had punched him in the face. Mr. McDaniel stated he could also hear a female in the background yelling, "You guys are dead wrong. I live in the projects." Mr. McDaniel stated that he later confirmed with his son that it was Tara Carter yelling at Carter because she was upset with him due to the fact the incident occurred at her residence which he believed was considered Section 8 Housing. Mr. McDaniel stated his son told him he would have to call him back and he disconnected the telephone call. After a short period of time, Mr. McDaniel said his son called him back and he again told him what had happened stating that they (Carter and Murray) had "legal fire." Mr. McDaniel stated that it was common knowledge that Carter worked as a correctional officer at the Sheriff's Office Jail Complex and Murray worked

as a correctional officer for the Florida Department of Corrections. As he was talking to his son, Mr. McDaniel said that he could hear the sound of the motorcycles driving away.

Mr. McDaniel stated he was at work when the incident occurred but he eventually was able to pick his son up where he spoke with him about the incident. Mr. McDaniel said his son again described the incident to him to include the brandishing of firearms and being punched by Murray. He advised his son was reluctant to report the incident to the Titusville Police Department because he felt that they were not going to do anything about it because they (Carter and Murray) were in law enforcement.

Mr. McDaniel stated that on August 29, 2016, he had also contacted the Florida Department of Corrections to report the incident involving their employee, Rakeem Murray, and he spoke with Captain Larry Flonnery. Mr. McDaniel advised Captain Flonnery is a longtime resident of Titusville and he has personal relationships with Murray's family. Mr. McDaniel stated he did not think Captain Flonnery was going to properly handle his complaint so he attempted to contact another supervisor at the Department of Corrections. Each time he attempted to speak with someone else, Mr. McDaniel stated he had to speak with Captain Flonnery. Mr. McDaniel does not believe that his complaint has made it past Captain Flonnery and that the Department of Corrections is unaware of the incident involving Murray.

IV. Subject Interview:

Corrections Deputy Joseph Carter Jail Complex Subject Interview

On December 14, 2016, Agent Vecchio and I met with Carter at the Brevard County Sheriff's Office Staff Services Office to conduct a sworn audio-recorded interview with him. Once Carter reviewed the case file to his satisfaction, I initiated a sworn interview with him. Prior to asking Carter any questions, he was read the "Administrative Investigation Warnings", which he acknowledged he understood and signed. Carter also acknowledged he understood he could have a representative with him during the interview but he chose not to. I explained to Carter the nature of this investigation and asked him to explain the incident which occurred on August 27, 2016. The following is a summary of the interview:

Carter stated that he and Rakeem Murray were riding their motorcycles in the Titusville area when they drove up to a disturbance in front of his aunt's house (Tara Carter) at 1026 Palmetto Street. Carter said he observed Demario Strozier engaged in a heated verbal argument with Alique Jefferson. Based on the argument, Carter learned of the physical altercation involving [REDACTED] younger brother and Alique Jefferson's younger brother that had occurred earlier in the day at the park. During the argument, Carter recalled Mr. Jefferson kept saying "up the fire" which to him meant escalating the

altercation to involve firearms. He said Strozier responded with some sort of verbiage about firearms also but he could not remember exactly what context Strozier used those words during the argument. When he heard "up the fire", Carter said he immediately retrieved his backpack, which contained his personal firearm, from Murray. He explained that Murray had been carrying his backpack because he was operating a smaller motorcycle and Murray was operating a larger motorcycle which made it easier and more comfortable for Murray to transport the backpack. Carter did not believe that Murray had knowledge that there was a firearm in his backpack at the time of incident.

As the disturbance was occurring, Carter stated that Strozier's vehicle was positioned in a manner that obstructed his view of where the actual argument was taking place. He advised the vehicle door was open and Strozier, Anthony Rush (Jefferson's step-father) and Mr. Jefferson were standing in close proximity of each other towards the rear of the vehicle. Once his backpack was returned, Carter stated he observed Murray walk towards where Strozier, Rush and Mr. Jefferson were located and he also became involved in the verbal altercation. Carter stated that all four parties were engaged in a loud heated verbal altercation and it became difficult to understand who was saying what. He did recall Rush yelling, "Don't fight! Don't fight!" Carter recalled his aunt, Tara Carter, being upset with the incident and yelling "You all need to go somewhere else." At that point, Carter advised that he told Murray he was leaving and he left the area on his motorcycle. Carter stated that Murray followed him a brief moment later back to his residence. A short time later Carter said he spoke with Strozier who advised that "they fought." Carter stated he attempted to ascertain who fought but Strozier kept saying "they fought" and that Mr. Jefferson was threatening to come to his (Strozier's) residence for retaliation.

Corrections Deputy Carter adamantly disputed Mr. Jefferson's statement of firearms being retrieved from his backpack. He stated that at no time were there any weapons displayed during the entire incident and he said that his firearm definitely was never removed from his backpack. He further stated that there was only one firearm in the backpack (his personal weapon) and not multiple firearms as alleged by Mr. Jefferson. Although he did not observe the physical altercation, Carter said it was possible that Murray could have been involved in a fight with Mr. Jefferson when they were all arguing behind Strozier's vehicle which was out of Carter's view.

V. Other Investigative Efforts

I obtained a copy of Titusville Police Department's case report package for this incident, refer to TPD case #2016-00048256. The only statement included in this package is a written statement from Mr. Jefferson, there were no witness statements and no statements from the alleged suspects. The written statement that Mr. Jefferson provided to TPD is consistent with the audio recorded statement that he provided to me. At the conclusion of his investigation on November 13, 2016, TPD Officer Sypien submitted his report to the Brevard/Seminole County State Attorney's Office in the form of a "Complaint Affidavit." In this report the TPD Officer completed a 923.01 with Joseph Carter's name on it and

the charge of "Battery/Simple" in the charging block. The 923.01 was flagged as a "Complaint Affidavit" and the narrative read that "Carter struck Jefferson with his fist in the face." This is not what Mr. Jefferson's written statement to TPD reflects and it is not what he stated to me. After reviewing the complaint affidavit and witness statement, Assistant State Attorney Mike Hill of the Brevard/Seminole State Attorney's Office determined that there was not enough evidence to proceed with a criminal case against Joseph Carter. The TPD case also contained a 923.01 completed for Rakeem Murray with the offense of "Improper Exhibition of a Deadly Weapon" in the charging block.

On December 06, 2016, I contacted Mrs. Tara Carter via her cellular telephone. Mrs. Carter initially stated she was unaware of the incident involving Carter, Murray and Mr. Jefferson. I informed Mrs. Carter that I had conducted interviews for this investigation and I learned that she was a potential witness to the incident. Mrs. Carter would only say that the incident happened in the street in front of her residence and not in her driveway or on her property. She then stated that she was extremely reluctant to speak with me about the incident due to the fact she did not want to get anyone in trouble and the fact she was fearful of possible retaliation from those involved if she spoke with law enforcement. Ultimately, Ms. Carter declined to provide a statement for this investigation.

On December 09, 2016, I contacted the Department of Corrections to notify them of the allegations against Rakeem Murray. I spoke to Douglas Wiener at the Inspector General's Office and notified him of the incident involving Rakeem Murray. I provided Wiener with copies of the Titusville Police Department reports at which time he stated his office would initiate an administrative investigation of the matter.

Although it is unrelated to this investigation, it is noteworthy that on December 21, 2016, Murray was arrested by the Titusville Police Department for possession of a controlled substance (Refer to TPD case#2016-069876). A search of the vehicle pursuant to Murray's arrest revealed a stolen firearm in his vehicle. In his post Miranda interview, Murray admitted the firearm was his but he stated he was unaware that it was stolen claiming it had been given to him by a family member approximately one year ago. I contacted Douglas Wiener to apprise him of the recent arrest of Murray and I provided him with a copy of the Titusville Police Department arrest affidavit.

On January 09, 2016, I attempted to contact Anthony Rush to offer him the opportunity to provide a witness statement in reference to this administrative investigation. Rush did not answer his telephone so I left him a message to contact me. On January 11, 2017, I made contact with Rush in reference to this investigation. I offered him the opportunity to provide a witness statement at which time he declined to do so stating that he did not observe anything and he did not want to get involved in this matter. I then asked if he could provide me with Demario Strozier's contact number. Rush declined to provide me with his number but he stated he would speak with Strozier and have him call me in reference to this investigation. On January 12, 2017, I again spoke with Rush to attempt to contact Strozier. Rush indicated that Strozier did not want to speak with me but he

stated he would have Strozier call me. On January 17, 2017, I attempted to contact Rush but he did not answer his telephone. As of this date, Strozier has not contacted the Staff Services Unit.

VI. Recommendation

This investigation revealed that, on August 27, 2016, an altercation did occur at 1026 Palmetto Street in Titusville. The altercation was between Rakeem Murray, Demario Strozier, Anthony Rush and the complainant, Alique Jefferson. Although he was not actively involved in the altercation, Corrections Deputy Joseph Carter was present during the altercation. Strozier and Rush had arrived in one car and Murray and Carter had arrived on their individual motorcycles. According to Jefferson, the altercation became physical when Murray punched him in the face.

Mr. Jefferson stated that Carter never got off of his motorcycle and that he never even interacted with him during this incident. The only part of Mr. Jefferson's allegations that involve Joseph Carter is his allegation that Murray had removed several firearms from a backpack that Carter was wearing. The firearms were then allegedly displayed by Strozier, Murray and Rush in a manner which Mr. Jefferson felt was designed to intimidate him. Joseph Carter stated that he was carrying his personal firearm that day but he was not carrying any extra firearms as alleged by Mr. Jefferson. Carter stated that he was not involved in the altercation and he denied that anyone had removed any firearms from his bag.

I attempted to interview the other participants in this incident (Rush and Strozier) and they declined to provide an interview for this investigation. I also attempted to get a statement from the only independent witness to this incident, Mrs. Tara Carter, but she also declined to provide a statement for this investigation.

During the course of my investigation I was unable to find any evidence to support the allegations made by Mr. Jefferson against Corrections Deputy Joseph Carter. Based on this determination, I recommend the following:

That the allegation against Deputy Carter that he violated **400.00 General Professional Responsibilities** be closed as "**Not Sustained.**"

That the allegation against Deputy Carter that he violated **400.06 Compliance with Law & Regulation** be closed as "**Not Sustained.**"

On January 06, 2017, prior to the investigation being completed, Deputy Carter tendered his resignation from the Brevard County Sheriff's Office.

VII. Enclosures

- Copy of Titusville P.D. case report (C/R#2016-00048256)
- BCSO Complaint Form from Mr. Albert McDaniel
- Memorandum from Chief Lewis to Commander Donn titled "Authorization for Administrative Investigation"
- Notice of Administrative Investigation
- Administrative Investigation Warning

VIII. Oath

I, Agent Kraig Hupfer, do hereby swear, under penalty of perjury, that to the best of my personal knowledge, information, and belief, I have not knowingly or willfully deprived, or allowed another to deprive, the subject of the investigation of any of the rights contained in ss. 112.532 and 112.533, Florida Statutes.

Signed *Kraig Hupfer* 210
Agent Kraig Hupfer, ID 210

Sworn to and subscribed before me, the undersigned authority, this 19th day of January, 2017.

Signature *Marla Grabbil*
NOTARY PUBLIC/LAW ENFORCEMENT OFFICER
IN PERFORMANCE OF OFFICIAL DUTIES

