

IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT,
IN AND FOR BROWARD COUNTY, FLORIDA

STATE OF FLORIDA

Plaintiff,

AFFIDAVIT TO ARREST

Vs.

Brian Christopher Dodge
Billy Charles Koepke

Defendants.

BEFORE ME, MARTIN J. BIDWILL
CIRCUIT COURT JUDGE Judge of the Circuit Court in and
for Broward County, personally came Sergeant Randall Pelham, ID #1223, who, after being duly
sworn, deposes and states:

That **Defendants Billy Charles Koepke and Brian Christopher Dodge** committed the crimes of:

- (I) Racketeering, contrary to F.S. 895.02(1)(a),
- (II) Kidnapping, contrary to F.S. 787.01(1)(a), (**Victim: Mark Mayer**)
- (III) Extortion, contrary to F.S. 836.05., (**Victim: Mark Mayer**)
- (IV) False Imprisonment, contrary to F.S. 787.02.(1)(a), (**Victim: Bonita Liston**)
- (V) False Imprisonment, contrary to F.S. 787.02.(1)(a), (**Victim: Dieudson Nore**)
- (VI) Perjury, contrary to F.S. 837.02(1), (**Dodge only**)
- (VII) Official Misconduct, contrary to F.S. 838.022(1)(a), (**Fort Lauderdale Offense Incident Report # 10-91720 involving Junior Jerome**)
- (VIII) Official Misconduct, contrary to F.S. 838.022(1)(a), (**Fort Lauderdale Offense Incident Report # 10-91720 involving Dieudson Nore**)
- (IX) Official Misconduct, contrary to F.S. 838.022(1)(a), (**Fort Lauderdale Offense Incident Report # 10-90305 involving William Durnan and/or Anthony Rodriguez**)
- (X) Official Misconduct, contrary to F.S. 838.022(1)(a), (**Fort Lauderdale Offense Incident Report # 10-42520 involving Patricia Roysden and/or Glen Roysden**)
- (XI) Official Misconduct, contrary to F.S. 838.022(1)(a), (**Fort Lauderdale Offense Incident Report # 10-51764 involving Michelle Southerland and/or Phillip Rhoads**)

State vs. Brian Christopher Dodge
State vs. Billy Charles Koepke

- (XII) Forgery, contrary to F.S. 831.01, **(Dodge only)**
- (XIII) Grand Theft, contrary to F.S. 812.014 (2)(c), **(Victim: Junior Jerome)**
- (XIV) Grand Theft, contrary to F.S. 812.014 (2)(c), **(Victim: William Durnan)**
- (XV) Grand Theft, contrary to F.S. 812.014 (2)(c), **(Victim: Anthony Rodriguez)**
- (XVI) Grand Theft, contrary to F.S. 812.014 (2)(c), **(Victim: Glen Roysden)**
- (XVII) Grand Theft, contrary to F.S. 812.014 (2)(c), **(Victim: Michelle Southerland and/or Phillip Rhoads)**
- (XVIII) Falsifying Records, contrary to F.S. 839.13 (1) and 775.082 and 775.83, **(Fort Lauderdale Offense Incident Report # 10-91720 involving Junior Jerome)**
- (XIX) Falsifying Records, contrary to F.S. 839.13 (1) and 775.082 and 775.83. **(Fort Lauderdale Offense Incident Report # 10-91720 involving Dieudson Nore)**

This affiant is currently a sergeant assigned to a Federal Public Corruption Task Force and has been employed as a police officer with the Ft. Lauderdale Police Department for over 18 years. Your affiant assisted in a joint investigation conducted by the State Attorney's Office of the Seventeenth Judicial Circuit, the Federal Bureau of Investigation and the Fort Lauderdale Police Department. The investigation was initiated as a result of the August 24, 2010 arrest of Jerome Junior and Dieudson Nore, by Fort Lauderdale Police Officers Brian Dodge, Billy Koepke, Matthew Mocerri and Michael Florenco. The arrest was captured by security cameras at the location of arrest.

Carter Hillstrom, the defense attorney for one of the arrestees, Junior and Nore, obtained and reviewed a copy of the surveillance video. After reviewing the video, Hillstrom obtained a sworn deposition from Dodge. Hillstrom noted significant discrepancies between the events which were captured on video, the police report and Dodge's sworn testimony. Hillstrom presented the surveillance video and deposition to the Broward County State Attorney's Office. After reviewing the information provided, the State Attorney's Office nolle prossed the case against Junior and Nore

State vs. Brian Christopher Dodge
State vs. Billy Charles Koepke

and initiated an investigation of the allegations.

The investigation includes a review of the aforementioned surveillance video, the probable cause affidavits, police report(s), and the sworn testimony of persons arrested and/or involved in the incident. Additionally, your undersigned reviewed records provided by the Florida Department of Law Enforcement regarding teletype checks conducted by the defendants on and around the date of the incident and activity reports (history of arrests, calls for service and other police related activity) of the defendants' activity on and around the date of the incident. The preceding is a summation, not an all inclusive itemization of evidence and facts reviewed in this investigation. Based upon this investigation, your affiant has probable cause to believe the following:

In addition to criminal violations of Florida State Statutes committed by the arresting officers (listed defendants) concerning the August 24, 2010 arrest of Jerome and Nore, which was captured on surveillance video, the investigation also revealed a succession of criminal acts by the defendants leading up to, and setting the stage for the Jerome/Nore arrest. The investigation revealed concerns surrounding other arrests made by Dodge and Koepke. These concerns prompted review and investigation of several additional arrests made by Dodge and Koepke, particularly the August 20, 2010 arrest of William Durnan (F.L.P.D. case # 10-90305), the April 22, 2010 arrests of Glen and Patricia Roysden (F.L.P.D. case # 10-42520), and the May 15, 2010 arrests of Michelle Southerland and Phillip Rhoads (F.L.P.D. case # 10-51764).

This investigation revealed that Dodge and Koepke violated Florida State Statutes during the arrest captured on video and exposed an ongoing pattern of criminal conduct by Dodge and Koepke. This investigation discovered that Dodge and Koepke were conducting an ongoing criminal enterprise which targeted patrons of pain clinics in order to steal their money and pills. Dodge and Koepke would target individuals that they believed possessed large amounts of cash, to purchase their

State vs. Brian Christopher Dodge
State vs. Billy Charles Koepke

prescription pills. Dodge and Koepke would conduct traffic stops with or without probable cause and often out of their jurisdiction, in order to search the occupants for money and or pills. If Dodge and Koepke found that the occupants of the vehicle possessed a large amount of cash, they would fabricate criminal charges if necessary in order to steal their money and pills. Once the victim was arrested, whether lawfully or not, Dodge and Koepke would keep a portion of the money and pills. Dodge and Koepke would then put a portion of the money and pills into evidence in order to conceal their unlawful activity.

This investigation uncovered evidence that in two or more incidents Dodge and Koepke violated Florida State Statutes including but not limited to, Chapter 787, relating to Kidnapping, Chapter 812, relating to Grand Theft, section 836.05, relating to Extortion, Chapter 837, relating to Perjury, Chapter 838, relating to Official Misconduct, Chapter 831, relating to Forgery, section 839.13(1) relating to falsifying records, all contrary to the Florida Statute 895.02, relating to Racketeering.

The facts establishing the violations of Florida State Statutes are as follows:

Racketeering
Kidnapping (Victim: Mark Mayer)
Extortion (Victim: Mark Mayer)
False Imprisonment (Victim: Bonita Liston)
False Imprisonment (Victim: Dieudson Nore)
Perjury (Dodge only)
Official Misconduct (Fort Lauderdale Offense Incident Report # 10-91720 involving Junior Jerome)
Official Misconduct (Fort Lauderdale Offense Incident Report # 10-91720 involving Dieudson Nore)
Forgery (Dodge only)
Grand Theft (Victim: Junior Jerome)
Falsifying Records (Fort Lauderdale Offense Incident Report # 10-91720 involving Junior Jerome)
Falsifying Records (Fort Lauderdale Offense Incident Report # 10-91720 involving Dieudson Nore)

State vs. Brian Christopher Dodge
State vs. Billy Charles Koepke

On August 24, 2010, Officers Brian Dodge, Billy Koepke, Matthew Mocerì and Sergeant Michael Florenco of the Fort Lauderdale Police Department were assigned to the "Street Crimes Unit." Dodge and Koepke were "partners," riding together in an unmarked police vehicle, dressed in "plain clothes" and in possession of firearms. Matthew Mocerì, riding alone in a separate vehicle, "backed up" Dodge and Koepke throughout the day. At approximately 2:30 P.M. to 3:00 P.M., on the 24th of August, 2010, Dodge and Koepke, backed up by Mocerì, conducted a traffic stop in front of 4421 N.W. 11th Terrace, Fort Lauderdale, Broward County, Florida, on a vehicle owned by Michael Ducharme. The reason for the traffic stop is unknown. The time of the traffic stop is an approximation derived from statements of witnesses and an activity report from F.D.L.E. indicating that Koepke ran Ducharme and his vehicle through teletype at approximately 2:42 p.m. (14:42 hours).

Mark Mayer was a passenger in Ducharme's vehicle at the time of the stop. According to the sworn statement of Mayer, he had solicited a ride to his doctor's office from his long time friend, Ducharme. At the doctor's office, Mayer received prescriptions from his doctor. He described that he did not fill the prescriptions at that time and left the actual prescription at the doctor's office. Mayer also stated that he did not have any pills or other illegal substances in his possession at the time he was confronted by the officers. It should be noted that a sworn statement obtained by the owner of the pain clinic confirmed that Mayer had not filled the prescription during his visit to the clinic. Additionally, a review of Mayer's medical file, obtained with his permission, confirmed that the original prescriptions were still in the file. After his clinic appointment, Ducharme took Mayer to a friend's house (Chad Palma) located at 4421 N.W. 11th Terrace in Fort Lauderdale, Florida. As soon as they pulled in the driveway, two unmarked police cars pulled up behind them. An Officer identified as Dodge exited his vehicle and approached Mayer demanding to know where his prescriptions and pills were.

State vs. Brian Christopher Dodge
State vs. Billy Charles Koepke

When Mayer explained to the officers that he did not have any prescriptions, they told him, "it doesn't matter, you're done." Dodge and Koepke then told him he was facing life in prison. Mayer and Ducharme were then handcuffed and placed on Palma's porch. It should also be noted that sworn statements obtained from Mayer, Ducharme and Palma confirmed that Mocerri was acting as a back up officer for Dodge and Koepke, and was present and witnessed the incident.

While Mayer was on the porch handcuffed, Mocerri stood guard over him while Dodge and Koepke searched Ducharme's vehicle without his consent. After searching Ducharme's vehicle, Dodge and Koepke placed Mayer, handcuffed, in their unmarked police vehicle, and told Ducharme to "get the fuck out of here." When Dodge and Koepke discovered that Mayer did not have any money or pills on him, they handcuffed him and held him against his will, threatening to imprison him if he did not "set up" someone that did have drugs and money. Dodge and Koepke then drove Mayer, against his will and handcuffed, outside of the City of Fort Lauderdale, to the Red Roof Inn located at 4800 North Powerline Road, in the city of Oakland Park, where Mayer was staying.

Upon arrival at the Red Roof Inn, Dodge and Koepke began to search Mayer's hotel room without his consent. Prior to the search, Mayer asked Mocerri if they were allowed to search his room without permission. Mocerri responded by stating, "I wouldn't even go there with them right now, I'm not even going to tell them you asked me that because number one, we don't need a reason to go through your room; and number two, you're just going to piss them off even worse, so don't go there." As a result of Mocerri's response, Mayer, afraid of further retribution, decided not to protest the issue further. After searching Mayer's room and finding no evidence of criminal activity, Dodge and Koepke put Mayer, still handcuffed, back in their unmarked police vehicle and drove him to the Fort Lauderdale Police Department even though he had not committed or been charged with a crime.

State vs. Brian Christopher Dodge
State vs. Billy Charles Koepke

Dodge and Koepke then held Mayer in the back of their unmarked police vehicle, at The Fort Lauderdale Police Station, for approximately 20 minutes. During this time, according to Mayer, he overheard Koepke have a telephone conversation, with an unknown person, during which he heard Koepke talk about the fact they had to stop using harsh tactics. Mayer advised that Koepke went on to say that "they weren't in trouble yet, but he got the word they have to handle things differently." After the conversation by Koepke, Dodge threatened Mayer and stated that he and Koepke had been looking at him for a long time and he was in serious trouble. Though Dodge and Koepke had no evidence that Mayer committed a crime that day, Dodge threatened Mayer by telling him that he would have a \$500,000 bond and was facing 25 years to life. Dodge told Mayer he could go home today if he wanted to turn in some people. Mayer was reluctant to turn anyone in, but he agreed out of fear that he was going to prison for life if he did not cooperate.

Dodge and Koepke then instructed Mayer to call someone to set up a deal; however, during the initial traffic stop at Palma's house, Mayer had lost his phone. In a sworn statement by Mocerri, he stated Koepke called him and asked him to return to Chad's house and get Mayer's phone. Mocerri stated he was unable to retrieve Mayer's phone and advised Koepke of that. Mayer told Dodge and Koepke that his wife/girlfriend, Bonita Liston, had some numbers he could call. He told them that Liston was at her doctor's office near the Turnpike and Commercial Blvd. Mocerri went to look for Liston according to Mayer. When Mocerri was unable to locate Liston, Dodge and Koepke brought Mayer to Liston's doctor's office (Dr. Petillo) off of Inverrary Boulevard in the City of Lauderhill, outside of the jurisdictional limits of The Fort Lauderdale Police Department. Mayer stated he saw Mocerri at Liston's doctor's office in Inverrary. Mayer stated that after Liston was located, he saw Mocerri follow them back to the Red Roof Inn. Mocerri verified that he met Dodge and Koepke in Lauderhill in an attempt to locate Liston. Mocerri stated after they located Liston, he followed them back to the Red Roof Inn.

State vs. Brian Christopher Dodge
State vs. Billy Charles Koepke

Liston provided a sworn statement indicating that, on the date in question, she had received a call from Ducharme stating that Mayer was taken by Dodge and Koepke. Liston stated that Ducharme told her that Mark had been arrested and it was very bad and that she would not be seeing him for a long time. Upon arrival, Dodge told Liston to get in the car. Upon entering the unmarked police vehicle, Dodge and Koepke told her to give them her phone and prescription papers. Liston, against her will, gave them her property out of fear of retribution against her and Mark. Mayer and Liston both stated that Dodge and Koepke drove them back to the Red Roof Inn, where they again met with Mocerì. Liston advised that Dodge and Koepke were verbally aggressive and intimidating and were putting a lot of pressure on them to make a drug deal. Mayer was still restrained with handcuffs against his will.

Eventually Liston was able to contact Junior Jerome and place an order for crack cocaine and pills. At some point prior to the arrival of Junior Jerome, Florenco arrived at the scene. Mocerì then took custody of Mayer from Koepke and Dodge and placed him, while still handcuffed, in the back of his unmarked police vehicle. Mayer described Mocerì's vehicle as having a baby car seat in the rear. Mocerì stated that he took custody of Mayer from Dodge and Koepke and changed out handcuffs before placing Mayer, handcuffed, in the back of his car.

Your affiant observed the surveillance video from the Red Roof Inn and observed the following events: Jerome and his passenger, Nore, two black males, wearing purple scrubs, arrived at the hotel and parked near the front entrance. They both exited their vehicle and entered the hotel lobby. Nore entered the restroom area, while Jerome spoke with the front desk clerk. After speaking with the front desk clerk, Jerome exited the lobby alone and re-entered his vehicle, leaving Nore inside the hotel. As Jerome attempted to exit the parking lot, he was stopped and blocked in by two unmarked police vehicles, one from the front and one from the rear.

State vs. Brian Christopher Dodge
State vs. Billy Charles Koepke

In a subsequent sworn statement obtained from Jerome, your affiant learned that when he was exiting the hotel lobby, he saw Liston in the lobby with someone who he believed was a police officer. Jerome stated he had brought five pieces of crack cocaine for Liston in an M&M container, however, after seeing Liston in the lobby, he entered his vehicle and swallowed the five pieces of crack cocaine. Jerome stated that he dropped the empty M&M container to the floor after swallowing the crack cocaine. In Liston's statement, she indicates that she observed Jerome putting what she believed to be crack cocaine in his mouth. Mocerri stated that when he approached Jerome in the vehicle, he saw Jerome put what he believed to be crack cocaine in his mouth.

The video also shows Dodge, Koepke, Florenco and Mocerri approach the vehicle and remove Jerome from the vehicle at gun point, placing him on the ground in handcuffs. Mocerri was the first officer seen on video approaching the driver, Jerome. It is also clear from the video that Jerome was the only occupant in the vehicle at the time of the takedown. The officers then huddled around Jerome's head in what appeared to be an effort to extract something from Jerome's mouth. Mocerri stated that despite their efforts, they were unable to retrieve any crack cocaine from Jerome's mouth.

While Nore was seen on video walking through the hotel lobby, Koepke and Florenco entered the lobby and made contact with Nore. They then removed him from the lobby, searched him, placed him on the ground, after which he was eventually handcuffed, even though the video shows no indication that anything illegal was discovered on Nore. It should also be noted that both Jerome and Nore adamantly claim in their statements that Nore did not have any crack in his possession. On video multiple searches of Nore failed to reveal anything recovered. Florenco offered a statement that corroborated Jerome's and Nore's statement that Nore did not have any drugs on him (synopsis of Florenco statement on page 12 of affidavit). After Jerome was placed in custody he was pressured by the officers to "give up" someone bigger or he and Nore would go to jail. When Jerome failed to cooperate, Dodge and Koepke placed Jerome and Nore under arrest for possession and possession

State vs. Brian Christopher Dodge
State vs. Billy Charles Koepke

with intent to deliver crack cocaine.

Mayer stated, while he was handcuffed in the back of Mocerri's vehicle, Mocerri returned to the vehicle and stated, "Jerome didn't have an ounce, because if he swallowed an ounce he'd be in the hospital right now." Mayer was then left handcuffed in the back seat of the vehicle for over an hour, during which time, Mocerri made lunch for himself. Mocerri, in his statement, verified Mayer was handcuffed in the back of his vehicle for the duration of the Jerome / Nore arrest. Mayer stated that he told Mocerri several times that he was experiencing pain because he had been handcuffed so long. Mayer stated Mocerri told him not to worry about it. The video confirms the duration of the arrest was over an hour. The video also depicts Mocerri eating something from a bowl at approximately 18:14 hours.

As a result of the arrest of Jerome and Nore, Koepke and Dodge authored probable cause affidavits and offense reports relating to this incident, under FLPD Case # 10-91720. In those reports the officers alleged that Nore was in the passenger seat of the vehicle, when they observed him drop crack cocaine on the passenger floorboard. This statement is inconsistent with the video evidence, which depicts Nore exiting the vehicle and entering the hotel lobby prior to the takedown. Additionally, the video shows Florenco and Koepke removing Nore from the lobby and detaining him, after the four officers had already removed Jerome from his vehicle. The video also shows that Nore was searched several times by Florenco and other officers with no indication that any contraband was located on him. Both Dodge and Koepke signed the reports even though they knew the same to be false.

The video depicts Mocerri taking Jerome's wallet from the ground and giving it to Koepke. Koepke then goes through the wallet and removes something from the wallet and places it in his right front pocket. Both Jerome and Nore stated that they had \$2000.00 and \$80.00-\$90.00, respectively in

State vs. Brian Christopher Dodge
State vs. Billy Charles Koepke

their possession at the time of their arrest, which was taken by Dodge and Koepke. However, police records indicate that Dodge and Koepke only placed \$291.00 into evidence.

After the arrest of Jerome and Nore, Dodge and Koepke continued to unlawfully hold Mayer and Liston in their hotel room against their will, in an attempt to "set up" another "dealer." They continued to keep Mayer handcuffed. Mayer and Liston were unable to arrange any more deals. Dodge and Koepke eventually released them after several hours without ever documenting their custody in a report or notifying dispatch that they were transporting the individuals.

On the 22nd day of December, 2010, Brian Dodge testified under oath in a deposition regarding Fort Lauderdale Police Offense Incident Report # 10-91720 pertaining to the arrest of Jerome and Nore. Jerome's defense Attorney Carter Hillstrom, questioned Dodge about the facts surrounding the arrest of Jerome and Nore. During the deposition, Hillstrom provided Dodge with a copy of both probable cause affidavits as well as a copy of the offense report. Hillstrom verified that Dodge had an opportunity to review the documents and asked Dodge if he had a clear recollection of what happened on that day. Dodge went on to attest to the fact that he had a clear recollection of the arrest and that he had a good nights sleep and wasn't under the influence of anything that would cloud his memory. Dodge testified that he and Koepke both signed the oath on page 2 affirming that everything in the report was true and correct.

Dodge testified that it was only he and Koepke that were on the scene, contrary to witness testimony and video evidence which clearly shows all four officers on scene and participating in the incident. Dodge, in his testimony, described, in detail, how he and Koepke did not approach the vehicle with guns drawn, even though witness statements and video evidence clearly shows that their guns were drawn. Dodge also described how he witnessed the passenger, Nore, drop cocaine from his left hand to the floorboard of the car, though the video clearly shows that Nore was not in the vehicle and in

State vs. Brian Christopher Dodge
State vs. Billy Charles Koepke

fact, was still in the lobby of the hotel. The video also clearly shows Dodge approach the passenger side of the vehicle with no one in it.

Dodge testified under oath that at the time they stopped the vehicle, they did not have probable cause to place Jerome or Nore into custody. However, the video shows officers approaching the vehicle with guns drawn and removing Jerome from the vehicle and taking him into custody by force.

Dodge also testified that the informational source, Mayer, had proven reliable to him in the past, though Mayer testified that he had never met Dodge or Koepke before and had never been an informant for anyone. A review of Mayer's and Liston's past history indicates that neither has ever been previously arrested by Dodge or Koepke, and there is no indication that Mayer or Liston had ever been documented as a confidential informant or source by the F.L.P.D.

Sergeant Michael Florenco provided a statement regarding the arrest of Jerome and Nore at The Red Roof Inn. Prior to providing his statement, Florenco was offered the opportunity to review the report authored by Dodge and Koepke, regarding the arrest. After reviewing the report, Florenco stated the report was false. Florenco additionally stated that if he knew how Dodge wrote the report that day he would not have allowed the arrest. Florenco stated that he had not seen the report prior to it being submitted to records. Florenco stated that the signature on the report, as the reviewing supervisor, was not his, and said Brian Dodge told him that he had forged his signature. Florenco stated he never gave Dodge or anyone else permission to sign his name.

Florenco stated he contacted Nore in the lobby of The Red Roof Inn, and stated he searched him without finding any narcotics or other contraband on him. He stated Koepke did not find any contraband on Nore either, or he would have seen it. Florenco stated he never actually saw any narcotics on the scene and only remembered seeing the M&M container. He stated he was told it was recovered from the driver's side of the vehicle. Florenco stated he never heard any conversation that

State vs. Brian Christopher Dodge
State vs. Billy Charles Koepke

any drugs were recovered from the passenger side of the vehicle.

Florenco stated he searched the lobby and surrounding areas of The Red Roof Inn for drugs discarded by Nore but could not locate any. In fact Florenco stated he "tore the bathroom apart," looking for narcotics, but could not locate any. Florenco stated he also reviewed the video of Nore entering the hotel but did not see him hide any dope, and stated he saw "nothing suspicious." Florenco stated that he let the other officers know there were no drugs found in the lobby. Florenco stated he did not know why Nore was arrested.

Florenco stated that he did in fact see Mayer in the hotel room as Mayer described in his statement. Florenco stated he was also aware that Mayer was placed in the back of Mocerì's vehicle, and was still in Mocerì's vehicle at the time of the takedown and arrest of Jerome and Nore. Florenco went on to state that he was told by either Dodge or Koepke that they did not have probable cause to arrest Mayer. Florenco stated that either Dodge or Koepke told him that Mayer was an informational source being used to set up a drug dealer. Since he arrived to assist in a back-up capacity shortly before the takedown, Florenco had no information to indicate otherwise.

Racketeering

**Official Misconduct (Fort Lauderdale Offense Incident Report # 10-90305
involving William Durnan and/or Anthony Rodriguez)**

Grand Theft (Victim: William Durnan)

Grand Theft (Victim: Anthony Rodriguez)

While conducting the aforementioned investigation this affiant met with defense attorney, Arthur Marchetta, regarding concerns he had over the August 20, 2010 arrest of his client, William Durnan. The arrest occurred at 2700 North Andrews Avenue in the City of Wilton Manors, which is outside of the jurisdiction of the Fort Lauderdale Police Department. Durnan and his friend Anthony

State vs. Brian Christopher Dodge
State vs. Billy Charles Koepke

Rodriguez, who was also involved in the incident, both provided sworn statements regarding the incident. Durnan stated that during the arrest, Dodge and Koepke stole approximately \$900.00 from him. Rodriguez, in his sworn statement stated that he was missing \$650.00 from the center console of his vehicle and believes Dodge and Koepke stole it.

Durnan stated that on the day in question he was supposed to meet with Rodriguez later in the day and had discussed with Rodriguez his itinerary for the day. Durnan stated he had just received a \$7000.00 commission check from his employer and cashed it on his way to fill his legitimate prescription. Durnan was able to provide investigators with documentary proof of the commission check. In addition to the check, Durnan also had approximately \$900.00 (\$600 of which his wife had given him for their rent). After cashing his check, Durnan went to the Medicine Shoppe in Wilton Manors to fill his prescription. This sequence of events was confirmed by verifying the time and date stamp on the \$7000.00 check he cashed, the date on his prescription and his time of arrest.

As Durnan was leaving the Medicine Shoppe, Rodriguez pulled into the parking lot looking for him in hopes of receiving a few of Durnan's pain pills. Durnan and Rodriguez then drove north on Andrews Avenue, where they met in the parking lot of a business across from a drive-in convenience store, which is located in the 2700 block of Andrews Avenue. Rodriguez then entered Durnan's vehicle and obtained 10 Oxycodone and 10 Xanax pills from Durnan. Durnan stated that at the time of the incident his windows were heavily tinted and rolled up. The window tint was so dark that Durnan had recently received a traffic ticket from FHP for illegal tint. This ticket was confirmed by checking Durnan's record on D.A.V.I.D. Despite the tint, Dodge and Koepke arrested Durnan stating in their police report that they were able to see Durnan count out individual pills from a prescription pill bottle.

According to Durnan's sworn statement, Koepke told him that he could go home if he would set

State vs. Brian Christopher Dodge
State vs. Billy Charles Koepke

somebody up. Durnan explained that he got his prescription from a legitimate doctor for a legitimate injury and could not set anyone up. Koepke then searched Durnan and asked him if he could prove where he got his money. Durnan told Koepke that he could prove the \$7000.00 as he had just cashed a check. When Durnan told Koepke that he could not provide proof of the \$900.00, Koepke told him, "I'm taking that."

According to Rodriguez's sworn statement, officers told him if he signed an affidavit attesting to the fact that Durnan sold him Oxycodone, they would let him go home. A search of Fort Lauderdale Police Department Records, pursuant to a subpoena duces tecum, has failed to locate this form. Out of fear of arrest, Rodriguez signed the form. After Rodriguez signed the form, they told him that he was going to jail anyway unless he agreed to set somebody up for drug sales. Rodriguez agreed, against his will, for fear of going to jail. Once he agreed to set someone up, they allowed him to smoke a cigarette and take a Xanax. Additionally, while they were still on scene, Koepke was going through the pills throwing some in the grass and putting others in his pocket.

Rodriguez stated Dodge entered his truck and began driving him around in it in order to set up a drug deal. Mocerri provided a statement in which he stated he met with Dodge and Koepke on the date in question. Mocerri stated when he met with them, Dodge was in the drivers' seat of a white truck and an individual he later learned was Rodriguez was in the passenger seat.

Ultimately, Rodriguez was able to contact Joseph Lettieri to bring him 60 oxycodone pills. The deal was to take place at a McDonald's Restaurant located in the 900 block of West Commercial Blvd. This fact was confirmed by an evidence form submitted by Koepke on that date, listing Lettieri as an arrestee. However, no other records or documents indicate that Lettieri was ever arrested on that date. Dodge and Koepke authored a police report (F.L.P.D. 10-90394) for that date and location which was notarized by Mocerri. The report failed to list Lettieri and failed to detail any of the events

State vs. Brian Christopher Dodge
State vs. Billy Charles Koepke

surrounding the incident. In fact, the entire narrative section of the report was left blank except for the statement: "Pending Investigation". When Rodriguez was eventually released and allowed to leave, he noticed that his money was missing from his center console. Rodriguez noted that Dodge and Koepke were the only other individuals in his truck that day.

Dodge and Koepke authored Fort Lauderdale Offense Incident Report # 10-90305, dated August 20, 2010, regarding the Durnan arrest. The offense report was sworn to and signed by both Dodge and Koepke and approved by Florenco. The report lists 1800 N. Andrews Ave. as the incident location and states "Det. Dodge and I were in the 1800 block of N. Andrews Ave. for crime suppression." However, during a sworn deposition, conducted on January 20, 2011, Dodge testified that they were parked "very close to a pain clinic we received complaints about in the 1900 block of North Andrews." It should be noted that 1800 N. Andrews Ave. is the boundary dividing Fort Lauderdale from Wilton Manors and is clearly marked with a sign stating: Wilton Manors. The area of 1900 N. Andrews Ave. is clearly outside of the Jurisdiction of The Fort Lauderdale Police Department.

On Page 18 of Dodge's deposition, he stated that they were not in Fort Lauderdale Police jurisdiction and continued on to state, it was a "felony that occurred in our jurisdiction" as justification for their actions. Dodge's earlier statements indicate neither Durnan nor Rodriguez committed a crime in their presence or in the jurisdiction of Fort Lauderdale at that point. Dodge, on page 20 of the deposition admitted he believed the pain clinic is in Wilton Manors, contrary to the statement in the report that stated they were conducting crime suppression in the 1800 block of North Andrews Ave.

On Page 23 of the deposition, Dodge stated he was unable to see what was going on in the car, when referring to the events which prompted Durnan's arrest. That statement is contrary to the sworn police report which stated: "as we watch (sic) we observed Mr. Durnan open a pill bottle and count out small items believed to be prescription pills."

State vs. Brian Christopher Dodge
State vs. Billy Charles Koepke

Koepke also submitted to a deposition on April 21, 2011. Koepke, after being suspended for this investigation, stated that he did not remember who was looking through binoculars or who witnessed the events they documented in their sworn police report.

Your Affiant located Durnan's vehicle in the confiscation lot of the Fort Lauderdale Police Department. An examination of the vehicle confirmed that the side tint was quite dark; however the tint on the rear window had been removed. In Sworn testimony, William and Jennifer Durnan stated, at the time of the arrest, the same dark tint was present on the sides and rear windows.

**Racketeering
Official Misconduct (Fort Lauderdale Offense Incident Report
10-42520 involving Patricia Roysden and/or Glen Roysden)
Grand Theft (Victim: Glen Roysden)**

On April 22, 2010, Dodge and Koepke effected the arrests of Patricia Gail Roysden and Glen Edward Roysden, in the 900 block of Northwest 51 Place in the City of Fort Lauderdale. According to the official police report # 10-42520, authored by Dodge and Koepke, they stopped a vehicle occupied by the Roysdens and Glen Roysden's brother, John Paul Roysden. Dodge and Koepke reported they made contact with the occupants of the vehicle and they were able to smell cannabis.

The report stated that Dodge asked the driver, Glen Roysden, if he had any narcotics, and Glen stated, "Just some weed" and motioned to a cigarette pack between his legs. The report stated Dodge recovered the cigarette pack and found two cannabis cigarettes and 1 oxycodone pill. The report stated Koepke then asked Patricia Roysden for permission to search her purse. Koepke searched her purse and found two oxycodone pills and 1 alprazolam pill. Koepke documented that Patricia had

State vs. Brian Christopher Dodge
State vs. Billy Charles Koepke

\$3017.00 in her purse and an additional \$200.00 in her pant pocket. The report did not identify the passenger of the vehicle or disclose whether any other money was located on any of the other occupants of the vehicle. As a result, Patricia Roysden was charged with Possession of Oxycodone and Possession of Alprazolom without a Prescription.

Glen Roysden was charged with Possession of Oxycodone without a Prescription and Possession of Cannabis. Evidence forms submitted by Dodge and Koepke indicate that they submitted into evidence \$3017.00 in currency, 2 oxycodone pills and 1 xanax pill, which was recovered from Patricia Roysden and 1 oxycodone and 2 cannabis cigarettes which were recovered from Glen Roysden.

Your Affiant made contact with the Roysdens to discuss the circumstances surrounding their arrests. The Roysdens were not made aware of the ongoing investigation, allegations, officers involved, or any indication of any potential theft concerns. The Roysdens were only asked by your Affiant to describe their arrests. Without prompting, they immediately stated they had been wrongfully arrested and that money, prescription pills and paper prescriptions were taken from them and not documented in the police report authored by Dodge and Koepke. The Roysdens stated that Dodge and Koepke stole approximately \$5400.00 in cash as well as their prescription medication.

The Roysdens were asked why they did not bring forth their concerns prior to our contact. Glen Roysden stated that he did bring forth his complaint very soon after the arrest. He stated he contacted the F.B.I. in Knoxville, who directed him to the Miami F.B.I. office. The Miami F.B.I. office then directed him to Ft. Lauderdale Police Internal Affairs. He then made a complaint to internal affairs by phone. Glen Roysden told his attorney, Samuel Halpern, about the arrest and missing money. This was confirmed by a letter from Sam Halpern dated April 27, 2010, which was sent to the then Fort Lauderdale Police Legal Advisor Jeffrey Hochman. The letter outlines

State vs. Brian Christopher Dodge
State vs. Billy Charles Koepke

Halpern's belief that his clients' prescriptions had been taken. Halpern also outlined his clients' allegation that they had approximately \$8,700.00 in cash contrary to the \$3,017 that Dodge and Koepke turned into evidence.

A statement was taken from Patricia Roysden regarding the April 22, 2010 incident. Patricia stated that she was in the front passenger seat of the vehicle when they were stopped by Dodge and Koepke. Upon stopping their vehicle, they were immediately ordered out of the vehicle by Dodge and Koepke. Patricia stated there were approximately one and a half marijuana cigarettes in the back of the vehicle; however, they were not in the cigarette pack on Glen's seat as stated in the report. Patricia stated that she had a labeled prescription bottle in her name in her purse, which contained approximately 7-8 roxycodone pills and a prescription bottle labeled and prescribed to Glen Roysden containing approximately 17 roxycodone. Patricia also stated that she had valid paper prescriptions for the roxycodone and alprazolam, which had been issued that morning.

Additionally, Patricia indicated that she had approximately \$3000.00 on her and that as soon as they (officers) located the money in her husband's pocket (approximately \$5400), they stated; "the money's gone." Patricia also stated that at some point she saw Dodge hand Glen's money to Koepke and watched Koepke put the money in his pocket. While they were being transported to jail, Dodge told them their money and car was gone, and they needed to post bond and get the hell out of Florida and never come back. Dodge then told them they would not come looking for them and neither would the bondsman.

Glen Roysden also provided a sworn statement with respect to the circumstances of his arrest. Glen stated that their vehicle was searched without permission and claims they were in possession of prescriptions for their medication. He also saw the "little officer hand his money to the big guy" and saw him put the money in his pocket. Glen never received that money back and stated it was never

State vs. Brian Christopher Dodge
State vs. Billy Charles Koepke

declared on any of the evidence forms. A review of the evidence forms confirms that neither the prescription pill bottles, prescription notes or \$5400.00 in cash were turned into evidence.

John Paul Roysden, a passenger in the vehicle at the time of arrest, also provided a sworn statement to this affiant. John Paul stated that Dodge and Koepke appeared to be concentrated on the cash and the officers told him several times they would never see the cash again. John Paul also stated he saw the "big guy" put the money in his pocket. It should be noted there is a distinct physical difference between Dodge, who is of smaller stature, and Koepke, who is considerably more muscular.

Racketeering

Official Misconduct (Fort Lauderdale Offense Incident Report # 10-51764 involving Michelle Southerland and/or Phillip Rhoads)

Grand Theft (Victim: Michelle Southerland and/or Phillip Rhoads)

On May 15, 2010, Dodge and Koepke effected an arrest of Michelle Southerland and Phillip Rhoads and authored official police report # 10-51764. In the report, Koepke stated that he and Dodge conducted a traffic stop on the vehicle driven by Rhoads, for failing to stop at a red light while making a right turn on red. The report stated Dodge then asked Rhoads for his identification and questioned him about possession of weapons or narcotics. According to the report, Dodge then recovered 3 oxycodone pills from Rhoads' pocket, at which time he placed under him arrest. The report indicated Koepke then asked Southerland to step out of the vehicle and asked her if he could search her. The report stated Koepke recovered a pill bottle in Southerland's name that, in addition to her regular prescription, contained two 15mg oxycodone. Southerland was also placed under arrest.

Contact was made with Southerland regarding the incident. Southerland stated that she had approximately \$4000.00 on her, though only \$2171.00 was turned into evidence and the remaining \$1800.00 was missing and never returned. Southerland described that when they were stopped by

State vs. Brian Christopher Dodge
State vs. Billy Charles Koepke

Dodge and Koepke, their vehicle was searched without their permission. As soon as the officers located the money they pulled their handcuffs out and arrested her. Southerland also stated that Phillip Rhoads did not have any pills in his possession.

During the interview Southerland was asked if she ever notified anyone of the discrepancy in the money prior to our contact. Southerland stated that she sent a letter to the Fort Lauderdale Legal Department advising them of the discrepancy. This was confirmed by a letter date stamped December 09, 2010 sent to the Fort Lauderdale Legal Department which stated, "More money was taken from me and not listed."

Phillip Rhoads, the driver of the vehicle was interviewed. Rhoads stated that he did not run a red light, and in fact Dodge and Koepke, arrived in separate vehicles and did not activate their emergency lights until Rhoads pulled into a parking lot. Rhoads also indicated that he did not have pills in his pocket and that within three minutes of Koepke retrieving the money, he was arrested.

Statements were also obtained from the other passengers of the vehicle; Joey Styles and Chyanni Faulkner. It should be noted Faulkner advised your affiant that she no longer communicates with any of the other occupants of the vehicle, and has not communicated with them for some time. Chyanni Faulkner stated that Rhoads did not run a red light, and when they were stopped by the officers, she was also searched without her permission.

Additionally, Faulkner stated that she had a clear view of what was removed from Rhoad's pocket and saw the officers place the items on the hood of the car. Faulkner stated that she did not see anyone take pills out of Rhoads' pocket, but she did see the officers retrieve a bunch of money from Rhoads' pocket. Faulkner also overheard Dodge and Koepke tell Rhoads that the State was going to take his money and he would never get it back. At one point during the incident, Faulkner recalls

AFFIDAVIT TO ARREST

Docket No. _____ Page 22

State vs. Brian Christopher Dodge
State vs. Billy Charles Koepke

hearing one of the officers tell Rhoads that they would "knock his fucking teeth down his throat." She also heard them tell Styles that they would "beat his ass." Faulkner stated these threats were unprovoked as neither Rhoads nor Phillips offered any resistance to Dodge and Koepke's actions. Lastly, Faulkner stated that she recalled Rhoads had between \$3000 and \$4000 on him when Dodge and Koepke took his money.

The offense(s) set forth in the foregoing Affidavit is / are contrary to the statute(s) in such case made and provided, and against the peace and dignity of the State of Florida.
Sworn to and subscribed before me)

This 3rd day of November,
A.D. 2011

(Seal) Martin J. Bidwill
JUDGE, CIRCUIT COURT)

MARTIN J. BIDWILL
CIRCUIT COURT JUDGE

[Signature]
Affiant