



INTEROFFICE MEMORANDUM

TO: File DATE: 4/14/15

DEFT NAME: Christopher Best
CASE NO: F15-5393

FROM: Laura Adams
Assistant State Attorney RE: Case disposition

FACTS OF THE CASE

Defendant Christopher Best worked as a teacher at Palmetto Senior High School and started a sexual relationship with a 17-year old female student, C.P., in the fall of 2014. On March 13, 2015, school officials heard rumors of this relationship, and asked C.P. about it. C.P. denied being sexually involved with the defendant, but said she did occasionally see him outside of school. The principal then asked the defendant about C.P., and he also denied being sexually involved with her.

The principal looked at the victim's cell phone, and noticed C.P. had just texted the defendant, warning him that she was with the principal, and he should deny anything asked of him. The School Board Police Department was contacted, and Officer Brito responded to the call. Officer Brito interviewed the victim about the allegations, and she said that she had sex with the defendant three times: twice in Miami-Dade motels, and once during a school trip to Orlando. Because the sex acts took place off school grounds, the School Board Police Department did not have jurisdiction over the crimes, and the Miami-Dade Police Department was contacted to handle the investigation.

Detective Joseph of the MDPD Special Victims Bureau was assigned to the case. He immediately went to the school to interview the victim and her parents. The victim's parents said that the victim's grades had been slipping lately, and that her father had found a photograph on the victim's cell phone which showed the victim and defendant kissing. However, they said when they asked the victim about her relationship with the defendant, she claimed it was platonic. They said when they told their daughter they might contact the police about the defendant's inappropriate conduct, the victim threatened to run away. Therefore, they never reported their suspicions about the defendant to the authorities.

The victim's father insisted on being present when Detective Joseph interviewed the victim. Thus, in front of her father, the victim provided detailed information about her sexual relationship with the defendant. She said he was her band teacher and she had assisted him with remodeling the band room at the school. She said that they started to communicate via "Snap Chat" and that in September 2014, she and the defendant kissed in the classroom when they were alone. She indicated that in November 2014, she and the defendant had sex in a motel located on 72nd Avenue; she said they also had sex in a separate motel room in January, 2015, and in his car. At one point, she whispered in

French to Detective Joseph (who understands French) a specific detail regarding a sexual encounter she had with the defendant while in the uniform closet of the band room. This was apparently done to keep her father from hearing about that fact. The victim said she and the defendant had engaged in sex acts about ten (10) times, with the last time occurring during a school trip to Orlando. She indicated that the trip had occurred from March 5-March 8, 2015.

The victim advised that the defendant told her he had broken up with his (adult) girlfriend in December 2014, after the victim had told the defendant she did not want to be his "side" girlfriend. She indicated that according to the defendant, his (adult) girlfriend was no longer in the picture, and she (the victim) was his only love interest. The victim described how in January 2015, the defendant came over to her house while her parents were away, and that they watched tv together and she fixed food for him to eat. She said they did not have sex on that day. She also described how another time in January 2015, she and the defendant went out on a date to the movies. The victim claimed that her parents did not know she was sexually involved with the defendant.

Based upon information gathered in this investigation, the police had probable cause to arrest the defendant. He was taken into custody and brought to the police station. Detective Joseph noted that on the day of the disclosure and arrest, the victim and defendant were wearing matching outfits, consisting of red pants and white shirts. During his post-Miranda interview, the defendant told Detective Joseph that he had a "private relationship" with the victim. He indicated that he had met the victim's parents and that he told them he was attracted to their daughter. He stated that the victim's parents told him he had to wait until she was 18 years old to have an intimate relationship with her. He would not admit to being sexually involved with the victim during his police interview. When confronted with the fact that the victim had reported specific details of being sexually involved him, and asked if the victim was a liar, the defendant refused to say the victim had lied. He replied that he did not think that the victim was lying, but he also said he did not think that the victim had provided that information to the police.

NON-COOPERATION BY VICTIM AND HER PARENTS

When I was assigned this case, I called the victim's mother to arrange a pre-file conference, during which time I would take sworn testimony of the victim in this case. Such testimony would be needed in order for formal charges to be filed. The victim's mother asked to meet with me on a Saturday, so I agreed to meet with her and the victim on Saturday, March 28 at 11:00 a.m. at the Kristi House building. I sent an email to the victim's mother to confirm this meeting.

On the night of Friday, March 27, the victim's mother sent me an email indicating that she wanted to change the appointment to the following Saturday, because she could not go on the 28th. I advised her via email that we could reschedule her appointment, but it would have to be for a different day. She did not contact me again to reschedule the meeting. Consequently, my trial coordinator and I called the victim's mother's cell phone several times to reschedule. She did not answer the phone, nor reply to messages left for her.

I asked my trial coordinator to send personal service subpoenas to the victim's family, to ensure that they would attend the pre-file conference with me. However, I was not able to get service on them because the address which had been given to the detective (and thus to me), was an false address that the victim had provided to the police.

I did finally make telephone contact with the victim's mother one evening, and she and the father said they did not want to go forward with this case, and they did not want charges to be filed. I told them that the State, not victims or their parents, determines if charges are to be filed. Nevertheless, they were insistent that they did not want the case to proceed. On April 7, 2015, I received an email from attorney Ana Davide indicating that she represented the victim and her family. I explained to the attorney that I needed to meet with the victim and take sworn testimony, but that the process would not take long. We scheduled a meeting for Monday, April 13. The attorney told me that she would bring the victim and her parents for the meeting. On April 9, 2015, I received another email from attorney Davide indicating that the victim and her parents would not voluntarily meet with me on Monday April 13, and that they would only come to the meeting if subpoenaed. The attorney stated she would accept service for them, so I had subpoenas for the victim and her mother emailed to the attorney per our agreement.

On April 13, 2015, the victim and her parents came to my office with their attorney. During that meeting, I explained the pre-file process and sought to answer any questions they may have about the case. The victim emphatically stated that she would not answer any questions about this case. I told her that she would not have to discuss all the details of her sexual encounters with the defendant, and that if charges were filed, she probably would not have to be deposed or testify in court. I offered to speak with her without her parents in the room, just her lawyer. However, the victim remained resolute that she would not answer any questions about the case.

I advised the victim and her parents that she could be held in contempt of court for failing to answer my questions. I hoped her parents would encourage her to provide at least some information about this case, as normal parents would seemingly be outraged that a teacher had sex with their child. Nevertheless, the victim's parents fully endorsed their daughter's refusal to answer any questions about this case. After the meeting ended, I sent an email to the victim's attorney advising that this case would be dismissed due to the victim's noncompliance. I asked her to notify me immediately if the victim or her parents had a change of heart. The attorney replied back that the position of the victim and her parents had not changed.

I advised Captain Garcia and Detective Joseph of the MDPD Special Victims Bureau that without the victim's cooperation, the case cannot be prosecuted. They agreed that while the State could seek a contempt citation for the victim for her failure to provide truthful testimony about this matter, it would not be appropriate to do so. It is bad enough that her teacher sexually abused her, and that her parents wanted no justice for the crimes he committed against her: subjecting this 17 year old to further difficulties, because of the conduct of the adults in her life, would be unfair to her.

It is with great reluctance that I must announce a no-action in this matter. The only reason for this announcement is due to the complete lack of cooperation by the victim and her parents, who inexplicably, have enabled their daughter's behavior. Given that the victim will turn 18 very soon, there really isn't anything that the police or the Department of Children and Families can do against the parents. Even though the defendant's guilt seems apparent, the only evidence I have against him are the hearsay statements of the victim to the police. Without a good faith belief that the charges can be proven with admissible, non-hearsay evidence, I have no choice but to dismiss this case. Hopefully, the defendant will never be allowed to work in the teaching profession again, nor will he be given another opportunity to take advantage of such a position of trust and authority.