

INCIDENT/INVESTIGATION REPORT

I N C I D E N T D A T A	Agency Name North Miami Beach Police Department				Case# 2004-0225-30						
	ORI FL0131000								Date / Time Reported 02/25/2004 18:58 Wed		
	Location of Incident 331 Ne 176 St, North Miami Beach 33162-				Premise Type Home Of Victim - Single		Zone/Tract Z3, 189		Last Known Secure 02/25/2003 18:00 Tue		
	At Found 02/25/2004 18:58 Wed				Activity						
#1	Crime Incident(s) Battery (simple) BASI				Weapon / Tools HANDS, FEET, TEETH				Activity		
	Entry		Exit		Security						
#2	Crime Incident ()				Weapon / Tools				Activity		
	Entry		Exit		Security						
#3	Crime Incident ()				Weapon / Tools				Activity		
	Entry		Exit		Security						
MO											
V I C T I M	# of Victims 2		Type: INDIVIDUAL (NOT A LE OFFICER)			Injury: None			Domestic: Y		
	Victim/Business Name (Last, First, Middle) CHARLES, RUTH				Victim of Crime # 1,	DOB 01/26/1955 Age 48	Race B	Sex F	Relationship To Offender PA	Resident Status Resident	Military Branch/Status
	Home Address 331 NE 176 STREET, N Miami Beach, FL 33162--							Home Phone 305-652-5796			
	Employer Name/Address						Business Phone		Mobile Phone		
	VYR	Make	Model	Style	Color	Lic/Lis	VIN				
OTHERS INVOLVED											
CODES: V- Victim (Denote V2, V3) O = Owner (if other than victim) R = Reporting Person (if other than victim)											
Type: INDIVIDUAL (NOT A LE OFFICER) Injury: None											
Code	Name (Last, First, Middle) CHARLES, RUTH				Victim of Crime # 1,	DOB 01/26/1955 Age 48	Race B	Sex F	Relationship To Offender PA	Resident Status Resident	Military Branch/Status
Home Address 331 Ne 176 St North Miami Beach, FL 33162							Home Phone 305-652-5796				
Employer Name/Address						Business Phone		Mobile Phone			
Type: INDIVIDUAL (NOT A LE OFFICER) Injury:											
Code	Name (Last, First, Middle) EUGENE, RUDY				Victim of Crime #	DOB 02/04/1981 Age 22	Race B	Sex M	Relationship To Offender	Resident Status	Military Branch/Status
Home Address 331 Ne 176 St North Miami Beach, FL 33162							Home Phone				
Employer Name/Address						Business Phone		Mobile Phone			
L = Lost S = Stolen R = Recovered D = Damaged Z = Seized B = Burned C = Counterfeit / Forged F = Found ("OJ" = Recovered for Other Jurisdiction)											
VI #	Code	Status From/To	Value	OJ	QTY	Property Description		Make/Model		Serial Number	
99	I		50.00		1	AIR-TASER CARTRIDGE-WIRES-PROBES		TASER/M-26		T03066973	
99	I		50.00		8	AIR-TASER MARKING CHADS				T03066973	
PROPERTY											
Officer/ID# RANDAZZO, J. A. (510, 338) (0163)											
Invest ID# (0)					Supervisor PRESCOTT, K. W. (500, 400) (151)						
Complainant Signature			Case Status Closed		Date 02/25/2004		Case Disposition: Cleared By Arrest		Date 02/25/2004	Page 1	

Incident Report Additional Name List

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Additional Name List

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NameCode/#	Name (Last, First, Middle)	Victim of Crime #	DOB	Age	Race	Sex
1) WI 1	CHARLES, MELIMON		05/01/1948	54	B	M
	Address 331 Ne 176 Street , N Miami Beach, FL 33162--		H: 305-305-6940			
	Empl/Addr		B:			
			Mobile #:			
2) WI 2	CHARLES, MELIMON		05/01/1948	54	B	M
	Address 331 Ne 176 St , North Miami Beach, FL 33162-		H: 305-652-5796			
	Empl/Addr		B:			
			Mobile #:			
3) WI 3	EUGENE, ELIHU		01/02/1952	51	B	M
	Address 331 Ne 176 St , North Miami Beach, FL 33162-		H: 305-652-5796			
	Empl/Addr		B:			
			Mobile #:			

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By: WBAUER, BAUERW 05/30/2012 14:48

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Status Codes L = Lost S = Stolen R = Recovered D = Damaged Z = Seized B = Burned C = Counterfeit / Forged F = Found

UCR	Status	Quantity	Type Measure	Suspected Type	Up to 3 types of activity
D R U G S					

Assisting Officers

Suspect Hate / Bias Motivated: *Unknown (Offender's motivation not known)*

NARRATIVE

I responded to 331 NE 176 St in reference to a domestic battery call. Upon my arrival I was met by the witness (Melimon). He told me that he did not want to get between his son and his wife. He told me that his son had broken a table and smashed several items within the home and that he was fearful that his son would hurt his mother.

Next myself, officer Pons, and officer Perez stood outside of the residence. We could hear the arrested (Eugene) as he yelled at his mother. I over heard him say "You see what I can do!" and "How do you feel now!" At this point Melimon used a key to open the door of the residence so that we (the officers on scene) could enter.

As the door opened Eugene looked at me and stated "What- you- gone-a-do". I asked him to lower his voice, and clam down. Then I told him to step outside to talk to me. He refused. He was very angry, and was threatening the officers on scene by balling his hands into a fist. Officer Pons showed Eugene his taser and again asked him to calm down and step out side of the home. Once again Eugene refused this time he looked at Officer Pons and stated "What! You gone-a shock me!"

Eugene than took a fighting stand, balled his hands in to a fist and turned to meet officer Pons face to face. Eugene stated "I'll kick your ass" Officer Pons warned Eugene several times not to resist however Eugene refused each request.

Eugene was then taken into custody with the use of a taser [REDACTED]

I spoke with the victim Ruth. She told me that her son had broken sever several items within the home and pushed her out of the kitchen area. Ruth stated "Thank God your here, he would have killed me". She went on to say that prior to my arrival Eugene told her "I'll put a gun to your head and kill you".

I was in fear for the safety of the victim and witness within the residence and arrested Eugene. The victim / witness were each given a domestic violence information booklet to help them with this matter.

NMB crime scene investigator Feldstein responded to the scene in reference to photos of the victim, scene, and arrested.

Metro Miami Dade Fire rescue #32 (Capt Jacobs) responded to the scene under alarm # 4031086.

Eugene was then transported to DCJ via NMBPD and ward D.

Incident Report Related Property List

North Miami Beach Police Department

OCA: 2004-0225-30

1	Property Description AIR-TASER CARTRIDGE-WIRES-PROBES			Make TASER		Model M-26		Caliber	
	Color Black	Serial No. T03066973		Value \$0.00		Qty 1,000	Unit	Jurisdiction Locally	
	Status Impounded	Date 02/25/2004	NIC #	State #		Local #		OAN	
	Name (Last, First, Middle)			DOB		Age 0	Race	Sex	

Notes

2	Property Description AIR-TASER MARKING CHADS			Make		Model		Caliber	
	Color Pink/Yellow	Serial No. T03066973		Value \$0.00		Qty 8,000	Unit	Jurisdiction Locally	
	Status Impounded	Date 02/25/2004	NIC #	State #		Local #		OAN	
	Name (Last, First, Middle)			DOB		Age 0	Race	Sex	

Notes

COMPLAINT/ARREST AFFIDAVIT

Felony Misdemeanor Traffic Juvenile Warrant
 Police Case No. **2004-0225-30**

I.D. No. **07** Municipal P.D. Dist. ID No. **07** MDPD Records and ID No. **07** Court Case No.

DEFENDANT'S NAME: **EUGENE, Rudy** DOB: **07-04-1981** m **B** Race: **B** Ethnic: **B** Height: **5'8"** Weight: **200lb** Hair: **Blk** Eyes: **Blu**

LOCAL ADDRESS: **331 NE 176 ST NMI B FL 33162** Phone: **UNK**

PERMANENT ADDRESS: **Same as Above** Address Source: Verbal Voter's ID Driver's License Other

BUSINESS ADDRESS: **Same as Above** Occupation: **MIAMI**

DRIVER'S LICENSE NO. **E 250-720-81-044-D F** Social Security No. **[REDACTED]** Scars, Tattoos, Unique Physical Features: **Upper Forearm**

Weapon Seized? Type: **NA** Arrest Date: **02-25-2004** Arrest Time: **7:09 AM** Arrest Location: **331 NE 176 ST** GRID: **293**

If Def. has Concealed Weapons Permit: **NA** For Robbery, Burglary, FIA Viol. Suspected History of drug involvement? **No** No. Cases Cleared: **0/1** Influence of Drugs: **No** Influence of Alcohol: **No** Citizenship: **USA**

CO-DEFENDANTS: **None**

CODE: **100** **150** **200** **250** **300** **400**

CHARGES	Activity	Type	Counts	STATUTE	D.V.	DAC	CAPIAS	OBW	DRW	DPW	DCR	VIOLATION OF SECT
Battery (Domestic)	N	N	1	784.03	X							13-19
Resisting officer without violence	N	N	1	843.02								750
Assault	N	N	1	784.011								OF THE CODE OF NMI

The undersigned certifies and swears that he has just and reasonable grounds to believe and does believe that the above named Defendant on the **25** day of **Feb** **2004** at **7:50 AM** (Time) **331 NE 176 ST** (Location, include name of business)

committed the following violation of law. Narrative: (Be specific) **I responded to a domestic call between a mother/victim and son/def. Upon my arrival I could hear the def as he yelled at his mother. He was smashing doors and had broken a table. He told his mother "See what I can do". At this point the witness opened the door for myself and other officers to enter upon seeing me the def stated "what do you gonna do".**

I understand that should I fail to appear before the court as required by this notice to appear that I may be held in contempt of court and a warrant for my arrest shall be issued. Furthermore, I agree that notice concerning the time, date, and place of all court hearings should be sent to the above address. I agree that it is my responsibility to notify Clerk of the Court (Juvettes notify Family Division Juvenile Section) anytime that my address changes.

Sworn to and subscribed before me, the undersigned authority, this **25** day of **Feb** **2004**.

Officer's Name (Print): **[Signature]** Department Name: **102 (67)**

Department Name: **102 (67)** Court ID Number/Loc. Code: **[Blank]** Signature of Defendant, Juvenile and Parent or Guardian: **[Signature]**

COMPLAINT/ARREST AFFIDAVIT
CONTINUATION

OBTS Number: [] Felony [] Misdemeanor [] Traffic [] Juvenile [] Warrant
Jail No. [] Police Case No. **2004-0225-30**

IDS No. [] Agency Code **07** Municipal P.D. Def. ID No. [] MDPD Records and ID No. [] Court Case No. []

DEFENDANT'S NAME Last First Middle **EUGENE Rudy** DOB mo/day/yr **02/04/1981**

ADDITIONAL CHARGES	Activity	Type	Counts	STATUTE	AC	CAPIAS	BW	FWO	PW	OT #	VIOLATION OF SECT.
											13-19
											780
											OF THE CODE OF
											NMB

I Asked him to Lower his voice and step out side. He Refused each request to calm down and step out side. The home Officer Pons showed him his taser. At this point the Def stated "What you gonna shock me?" And "I'll kick your ass". Officer Pons warned the Def Not to Resist however he Refused. He turned his body to face officer Pons, balled his hands, and took a fighting stand. The Def was then taken into custody with the use of a taser.

I then spoke with the victim who told me that her son broke several items with in the home and then pushed her out of the kitchen area. The Def victim told me "Thank God you here he would have killed me!"

I was in front for the safety of the victim and witness and arrested the Def

for Other Agency: [] Verified by: []
 I swear that the above Statement is correct and true to the best of my knowledge and belief.
 Officer's Name (Print): **D. Sanchez**
 Officer's Signature: **[Signature]**
 Department Name: **NMB 153 (07)**
 Court ID Number/Ag Code: **153 (07)**
 HOLD FOR BOND HEARING, DO NOT BOND OUT: (Officer Must Appear at Bond Hearing) []
 I understand that should I voluntarily fail to appear before the court as required by this notice to appear that I may be held in contempt of court and a warrant for my arrest shall be issued. Furthermore, I agree that I am responsible for the time, date, and place of all court hearings and I agree that I am responsible for the address of the court. I agree that I am responsible for the court address of any District Attorney, Superior Court, and any other court changes.
 I understand that should I voluntarily fail to appear before the court as required by this notice to appear that I may be held in contempt of court and a warrant for my arrest shall be issued. Furthermore, I agree that I am responsible for the time, date, and place of all court hearings and I agree that I am responsible for the address of the court. I agree that I am responsible for the court address of any District Attorney, Superior Court, and any other court changes.
 Signature of Defendant / Juvenile and Parent or Guardian: []
 OFFICER'S COPY