

Florida Department of Law Enforcement

Case Number: OR-27-0164

Fifth Judicial Circuit of Florida



Investigative Summary:

Police Use of Force

Lake County Sheriff's Office

Incident Date: July 15, 2012

Case Agent:

Special Agent Lloyd Randolph

SUBJECT:

**Andrew Lee Scott
33306 Ryan Drive
Apt: 114
Leesburg, Florida 34788
White/Male
DOB: 1/23/1986**

LAW ENFORCEMENT:

**Deputy Richard Sylvester
360 West Ruby Street
Tavares, Florida 32778**

INCIDENT LOCATION:

**33306 Ryan Drive
Apt: 114
Leesburg, Florida 34788**

INVESTIGATIVE SUMMARY

FDLE Response to Scene

(IR-1)

On July 15, 2012, the Lake County Sheriff's Office (LCSO) requested the Florida Department of Law Enforcement (FDLE) conduct an investigation into the use of deadly force by Deputy Richard Sylvester which resulted in the death of Andrew Lee Scott. The incident occurred at 33306 Ryan Drive Apt: 114, Leesburg, Florida. (LCSO Case Number 120101704)

The preliminary investigation revealed that on July 15, 2012 at approximately 0100 hours, Deputy Richard Sylvester observed a sport style motorcycle traveling at approximately 90 mph on (SR) 441 in the area of Tomato Hill Road. When Deputy Sylvester attempted to conduct a traffic stop on the motorcycle, the driver of the motorcycle turned left on to County Road (CR) 44 and Deputy Sylvester lost sight of the motorcycle as he turned on to CR 44.

After losing visual of the motorcycle, Deputy Sylvester was directed, over the radio, by Lieutenant Mark Stauffer to break off the pursuit. Deputy Sylvester deactivated all emergency lights and siren and terminated the pursuit. Deputy Sylvester then advised the Communication Center he was back in service and returned to his assigned detail. During the short pursuit, Deputy Sylvester learned, through the Lake County Sheriff's Communication Center (Comm. Ctr.), that the operator of the motorcycle was possibly involved in a battery incident occurring within the City of Leesburg and that he may be armed with a pistol. The Comm. Ctr. could not provide any additional information at the time regarding the suspect (i.e. driver's license, name or address).

A short time later, while Deputy Sylvester was at the convenience store (Race Trac) speaking to Lieutenant Mark Stauffer and Sergeant Brian Worfel, Corporal David McDaniel radioed Deputy Sylvester and advised he had possibly located the motorcycle at the Blueberry Hill II Apartments. Deputy Sylvester responded to the apartment complex. While in route, Deputy Sylvester ran the motorcycle tag he had received from Corporal McDaniel through the Driver and Vehicle Information Database (DAVID) to obtain a license photo of the owner. Deputy Sylvester met with Corporal McDaniel, Deputy Joseph Brocato, and Deputy Lisa Dorrier. Corporal McDaniel advised Deputy Sylvester that the engine was still hot. Deputy Sylvester then touched the lens on the headlights and realized it was warm to the touch. Corporal McDaniel also directed Deputy Sylvester to where the motorcycle had driven through the dirt. The motorcycle was parked beside a white Chevrolet Trailblazer, which had the same registered owner as the motorcycle. Corporal McDaniel and Deputy Sylvester decided to start knocking on doors in search of the motorcycle's owner. Based on the close proximity of the motorcycle and Trailblazer to apartment 114, along with fresh footprints leading in the direction of apartment 114, Deputy Sylvester started by knocking on the door of apartment 114.

Deputy Sylvester positioned himself to the left side of the door to apartment 114, while Corporal McDaniel between the living room window and bedroom window to the right of apartment 114. Deputy Brocato positioned himself between the windows of apartment 115. Deputy Dorrier positioned himself behind the hedge bushes and privacy fence in front of apartment 115. Deputy Sylvester positioned himself to the left of the door for precautionary measures in case someone shot through the door. Based on information the deputies had obtained regarding the earlier battery, the deputies believed the suspect they were searching for may be armed with a pistol.

Deputy Sylvester drew his service weapon, positioned it down behind his right leg, and then knocked on the door loudly with his left hand. At this point, the resident of apartment 115 opened his door, thinking the knock was at his window. Deputy Dorrier engaged the resident (Miguel Williams) in conversation in an attempt to obtain the apartment location of the owner of the motorcycle and Trailblazer. Miguel Williams made a hand gesture to the right (as he faced out) towards apartment 124. Deputy Sylvester then knocked on the door of 114 again. At this point, Deputy Sylvester had overheard someone tell Deputy Dorrier "he lives over there." However, Deputy Sylvester did not see the direction in which Miguel Williams had gestured. As Deputy Sylvester prepared to knock on the door of 114 again, the door flung open. A male subject (later identified as Andrew Scott) was standing in the doorway with his arm fully extended and a semi-automatic pistol pointed at Deputy Sylvester's face. Deputy Sylvester was in the direct line of fire of the pistol and believed he would have been shot directly in the face. Deputy Sylvester yelled "gun" to warn every one of the threat and then discharged his service weapon, striking Andrew Scott. Deputy Sylvester advised he feared for his life and the lives of the other deputies. Deputy Sylvester then engaged Scott, yelling for him to show him his hands. Scott then began backing up, still with the pistol in his hand in front of him. Scott retreated back into the apartment, the door began to close and Deputy Sylvester sought Scott into the apartment while ordering him to show him his hands. Deputy Sylvester entered the apartment and located Scott lying on the couch with the pistol next to him.

A screaming white female exited the hallway into the living room, and was removed from the apartment. Corporal McDaniel and Deputy Brocato entered the apartment. Corporal McDaniel and Deputy Brocato then placed Scott on the floor and began rendering first aid and CPR until the Fire/Rescue Units arrived.

FDLE Special Agent Supervisor (SAS) Jeff Duncan, Special Agent (SA) Chris Woehr, Lloyd Randolph, and Dale Crosby responded to conduct the investigation into the use of force incident by the Lake County Sheriff's Office.

Lake County Sheriff's Office Crime Scene Investigator Carlton Beck and Theodore Cushing responded to the incident location and processed the scene under the direction of FDLE.

Radio Traffic / CAD

(IR-2)

On July 23, 2012 Special Agent (SA) Lloyd Randolph obtained and reviewed the CAD records, radio traffic of the incident. The following is a summary:

CAD Call info/comments:

Time stamp summary:

POSS OUT WITH 1498 BIKE, 28/5751KD, 54/29 CD REG OWNER JONATHAN BROWN
01:28:56 07/15/2012 - SEMENTO 1490

647 ADVS SHOTS FIRED, GAVE 1033 TRAFFIC
01:29:25 07/15/2012 - SPANN 1353

1039 TO EMS THEY ARE WANTING MORE S14
01:29:25 07/15/2012 SEMENTO 1490

647 REQ EMS EXPEDITE, WILL BE AT APT 114

01:30:51 07/15/2012 - SEME TO 1490

647 ADVS GUNSHOT CENTER TORSE, ALL LEO IS 10-4
01:30:54 07/15/2012 - SEMENTO 1490

1668 97
01:30:57 07/15/2012 - SEMENTO 1490

1824 ADVS THERE ARE THREE GUNSHOT WOUNDS, 40 CALIB GUN
01:33:31 07/15/2012 - SEMENTO 1490

1807 ADVS EMS STRAIGHT, THEN COME AROUND AND WILL SEE THE CARS, ON THE
BACK SIDE,
01:34:14 07/15/2012 - SPANN 1353

1039 TO EMS
01:39:32 07/15/2012 - SEMENTO 1490

1824 ADVS EMS IS COMING IN
01:53:06 07/15/2012 - YABLONSKI 1260

***263 ADVS UNIT'S ARE LOOKING FOR AN ARMED SUSPECT IN THIS AREA, UNIT'S TO
USE CAUTION***ALL UNIT'S RESPONDING NEED TO GO TO COMCAST
02:22:37 07/15/2012 - LORD 2166

600 ADVS UNIT'S WILL BE CHECKING THE NEXT BUILDING OVER
02:23:58 07/15/2012 - SEMENTO 1490

1528 to 1807, CONFIRMED IT IS HIS APT, DOOR IS DEAD BOLTED, HE IS NOT
ANSWERING
02:27:32 07/15/2012 - SEMENTO 1490

1668 PX 407 790 6529, JOHNATHAN BROWN, 1668 TRIED IT, WENT TO VOICEMAIL
02:32:18 07/15/2012 - SEMENTO 1490

1824 CONFIRMED S7, 29P/ANDREW LEE SCOTT WM DOB 01/23/86 DL/S300 012 86 0230,
54/29P VALID...FEMALE 1012 29P/MIRANDA A MAUCK WF DOB 12/28/91 DL/M200 541 91
9680, 54/29P VALID
02:33:28 07/15/2012 - SEMENTO 1490

600 TO EI...WHERE THE UNIT'S ARE, SI4 WM SUBJ UNK IF HE IS IN A 1042, BOTH VEH'S
ARE 1012, MAY BE IN THE AREA, QUICK SEARCH OF THE AREA
03:19:31 07/15/2012 - SEMENTO 1490

1668 ADVS INCIDENT LOCATION IS 33306 RYAN DR, APT 114
03:43:50 07/15/2012 - SEMENTO 1490

1769 ADVS 51 TO APT 114
03:46:35 07/15/2012 - YABLONSKI 1260

PER TPD BILLIE HARPER HAS LEFT HIS APT HEADED SB ON DORA

05:39:20 07/15/2012 - DEXTER 1513 - From: VANCE 1493

ADV THE BROTHER IS 97 GOING TO TRY AND MAKE 1025
05:44:42 07/15/2012 - SPANN 1353 - From: WORFEL 600

ADV SUBJ WE WERE LOOKING FOR IS SECURED
05:47:28 07/15/2012 - SPANN 1353

1098

Sworn Interview of Deputy Richard Sylvester
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(IR-3)

On July 15, 2012, Special Agent (SA) Christopher Woehr conducted a sworn, voluntary, digitally recorded interview with LCSO Deputy Richard Sylvester, also represented by legal counsel during the interview. Deputy Sylvester was previously identified as participating in the shooting incident. The following is a summary of the interview:

On July 15, 2012, Deputy Sylvester was working a DUI detail. Deputy Sylvester was in the area of Tomato Hill Road and SR 441 when he clocked (radar) a motorcycle traveling north on SR 441 at 90 miles per hour. Deputy Sylvester initiated a pursuit, subsequently lost sight of the motorcycle and terminated the pursuit. During the pursuit, Deputy Sylvester was advised by the communications center that it was possibly the same person being sought by the Leesburg Police Department for a battery incident and that he was supposedly armed with a pistol.

A short time later, Deputy Sylvester was notified by Corporal McDaniel that he had possibly located the motorcycle in the Blueberry Hill II Apartment Complex. Upon arriving at the apartment complex, Deputy Sylvester positively identified the motorcycle as being the one that fled from him earlier. Deputy Sylvester and Corporal McDaniel located tire tracks in the dirt where the motorcycle had been driven and observed fresh sand on the tires. Deputy Sylvester decided to knock on apartment 114 in an attempt to locate the driver, because the motorcycle was parked directly in front of apartment 114 and there was a fresh footprint in the sand leading in the direction of apartment 114.

Upon approaching the apartment door, Deputy Sylvester took a position to the left of the door. Corporal McDaniel took a position to the right of the door between two windows. Deputy Sylvester knocked on the door three times but got no answer. Deputy Sylvester did not announce himself as law enforcement. Deputy Sylvester knocked three times but there was no answer. According to Deputy Sylvester, as he prepared to knock again, the door "flings" open and Scott is "standing in the doorway with an arm fully extended and he's got a semi-automatic pistol stuck in my face." Deputy Sylvester was in Scott's direct line of fire. Deputy Sylvester thought he fired approximately five (5) gunshots from his firearm. Deputy Sylvester was in fear for his life and the lives of the other deputies present. All Law Enforcement interviews reflect that the Deputies were dressed in their Department issued uniforms and all driving marked patrol vehicles.

Corporal David McDaniel

On July 15, 2012, Special Agent Lloyd Randolph along with Special Agent Dale Crosby conducted a sworn, digitally recorded interview with Corporal David McDaniel. The following is a summary of the interview:

David McDaniel is currently a Corporal with the Lake County Sheriff's Office. Corporal McDaniel advised that he received a "be on the lookout" (BOLO) for a motorcycle that had recently eluded Deputy Richard Sylvester. Corporal McDaniel decided to check the area of Professional Drive, the Blueberry Hill and The Arbours. Corporal McDaniel found a motorcycle which fit the description of the BOLO in the Blueberry Hill II Apartment complex, and the engine still hot. Corporal McDaniel noticed that the motorcycle appeared to have been driven through the dirt, because the tires were covered in sand. Corporal McDaniel then radioed Deputy Sylvester to meet him at the complex to determine if he could identify the motorcycle.

Corporal McDaniel conducted a registration check of the motorcycle and determined it was registered to Jonathan Brown. Corporal McDaniel additionally discovered that a white Trailblazer parked next to the motorcycle was also registered to Jonathan Brown. The addresses on the registrations reflected an address in Mount Dora, Florida.

Deputy Joseph Brocato arrived on scene shortly after Deputy Sylvester and Deputy Lisa Dorrier. Corporal McDaniel advised that they decided to make contact with residents in the apartment complex to try and locate the motorcycle owner since it was not registered to an address in the complex. According to Corporal McDaniel, they started with apartment 114 because he could see a light on in the living room area and the motorcycle was parked directly in front of that apartment. Corporal McDaniel advised he took up a position between the living room window and bedroom window on apartment 114 (to the right of the door to Apt. 114). Deputy Sylvester took a position to the left of the front door of apartment 114. Corporal McDaniel advised that Deputy Brocato and Deputy Dorrier had taken positions on the left side of apartment 114 by a privacy fence in front of apartment 115 (approximately 4 feet high). Corporal McDaniel advised that after Deputy Sylvester knocked on the door of apartment 114, the resident of apartment 115, a black male, opened his door. Corporal McDaniel advised that before they could get any information from the resident (Miguel Williams) of apartment 115, the door of apartment 114 opened. At this point Corporal McDaniel heard Deputy Sylvester yell something about a gun and then a rapid succession of gunshots were fired.

Corporal McDaniel advised he heard a female screaming inside apartment 114, at which point he entered the apartment and the female was removed from the residence. Corporal McDaniel then advised the Lake County Sheriff's Office Communication Center that shots were fired and he requested emergency medical services. Corporal McDaniel advised he began to perform first aid procedures and CPR on the subject. Corporal McDaniel observed approximately three to four gunshot wounds on the subject. Corporal McDaniel and other deputies then discovered that the subject associated with the motorcycle was in apartment 124.

Deputy Lisa Dorrier:

On July 15, 2012, Special Agent Lloyd Randolph along with Special Dale Crosby conducted a sworn, digitally recorded interview with Deputy Lisa Dorrier. The following is a summary of the interview:

Lisa Dorrier is currently a Deputy Sheriff with the Lake County Sheriff's Office. Deputy Dorrier was assigned road patrol in zone seven (7) on July 15, 2012. Deputy Dorrier advised she was aware of a "be on the lookout" (BOLO) for a motorcycle that had recently eluded Deputy Sylvester. Deputy Dorrier responded to the Blueberry Hill II Apartment Complex to assist Corporal McDaniel with the motorcycle. Deputy Dorrier advised that the Leesburg Police Department had attempted to stop the motorcycle regarding a possible aggravated assault or battery that occurred earlier that day in Leesburg.

Deputy Dorrier advised that they decided to make contact with apartment 114 because it was directly in front of where the motorcycle was parked and they could see that the lights were still on in the apartment. Deputy Dorrier advised she was positioned near 33306 Ryan Drive in front of apartment 115. Deputy Dorrier also had a visual of the front door of apartment 114. Deputy Sylvester loudly knocked on the door of apartment 114. Shortly after knocking, the resident in apartment 115 (Miguel Williams) opened his door. Deputy Dorrier advised that she focused her attention on the man at apartment 115, asking Williams where the owner of the Trailblazer and motorcycle lived. Deputy Dorrier advised that as Williams pointed toward an apartment located to the right (building 33316 Apt. 124), she believed she heard Deputy Sylvester yell "show me your hands, gun" and then heard gunshots fired.

Deputy Dorrier advised that she did not witness the shooting because her attention was directed at the resident of apartment 115. After the shooting, Deputy Dorrier removed a female (Miranda Mauck) from apartment 114 and briefly asked her if her boyfriend (Andrew Scott) was with her the entire night. Mauck stated that Andrew Scott was with her the entire night. Deputy Dorrier also obtained personal information on Andrew Scott (i.e. date of birth etc.) from Miranda Mauck, as well as her information. Additionally, Deputy Dorrier advised that the girlfriend (Miranda Mauck) smelled like marijuana.

Deputy Joseph Brocato:

On July 15, 2012, Special Agent Lloyd Randolph, along with Special Agent Dale Crosby, conducted a sworn, digitally recorded interview with Deputy Joseph Brocato. Also present was Attorney Stewart Cohen of the Police Benevolent Association. The following is a summary of the interview:

Joseph Brocato is currently a Deputy Sheriff with the Lake County Sheriff's Office assigned to road patrol. Deputy Brocato advised he was aware of a "be on the lookout" (BOLO) for a motorcycle that had earlier eluded Deputy Sylvester. The Leesburg Police Department had attempted to stop the motorcycle from an incident occurring in their jurisdiction. Deputy Brocato responded to the Blueberry Hill II Apartment Complex to assist Corporal McDaniel in locating the motorcycle. Deputy Brocato advised that Corporal McDaniel located the motorcycle in The Blueberry Hill II Apartment Complex parked in front of building 33306 Ryan Drive and next to the sidewalk leading to apartment 114. Deputy Brocato advised the motorcycle and Trailblazer (parked next to each other) were registered to the same owner with a Mount Dora address. Deputies did not have an address in Blueberry Hill II Apartment Complex.

Deputy Brocato advised that based on the information they had received from Leesburg Police channels, the subject was involved in some type of assault and battery with a firearm. Deputy Brocato reiterated they knew they were possibly going to make contact with an armed subject who had already eluded law enforcement.

Deputy Brocato positioned himself between the windows in front of apartment 115 (to the left of Apt. 114) with his back against the wall. Deputy Brocato stated that after Deputy Sylvester

knocked on the door at apartment 114, the resident of apartment 115 opened his door. Deputy Dorrier engaged the resident of 115 (Miguel Williams) in conversation at the front door. Deputy Brocato advised that because they were uncertain of the apartment the suspect was in, he focused his attention on Deputy Dorrier and Miguel Williams. Deputy Brocato advised that Deputy Dorrier asked Miguel Williams who owned the white truck (the Trailblazer) and the motorcycle. Deputy Brocato said that the door to apartment 114 swung open, and he heard Deputy Sylvester yelling "gun!" As he started turning his attention toward Deputy Sylvester, Deputy Brocato heard the gunshots. Deputy Brocato stated that Deputy Sylvester fired approximately five gunshots. Deputy Brocato, Deputy Sylvester and Corporal McDaniel subsequently made entry into the apartment and the subject (Andrew Scott) fell back onto the couch. Corporal McDaniel and Deputy Brocato began first aid on the subject upon entry into the apartment.

After the shooting, Deputy Brocato spoke with the apartment manager (Debra Buras), who informed him the subject driving the motorcycle lived in the corner apartment by the satellite dishes. The information obtained from Buras was consistent with the information previously obtained by Deputy Brocato

Sworn Interview of Miranda Mauck

(IR-7)

On July 15, 2012, at approximately 0426 hours, Special Agent (SA) Lloyd Randolph, along with Special Agent Dale Crosby, conducted a sworn, digitally recorded interview with Miranda Mauck. Also present was Lake County Sheriff's Office Detective Karl Johnson. The following is a summary of the interview:

Mauck advised that on the night of the incident, she and her boyfriend (Andrew Scott, hereafter referred to as Scott) were sitting on the couch in the living room of their apartment (114) watching television. Mauck advised they heard a loud knock at the door and she went to the bedroom to get dressed, because they were not decent. While Mauck was getting dressed, she heard another loud knock at the door. Mauck advised that at this point, Scott retrieved his handgun from the bedroom and went to answer the door. Mauck stated "I walked into the living room to gunshots and Drew (Andrew Scott) lying on the couch bleeding." Mauck advised that when she heard the knock on the door, she did not hear anyone say anything. Mauck stated "they never identified themselves, he wouldn't have answered the door with the gun if they did." Mauck explained that she "didn't hear anything" because her ears were ringing badly and she was disoriented from the gun shots in the apartment. Mauck advised that Deputy Sylvester asked her if anyone else was in the apartment. Mauck advised she was escorted out of the apartment by a female deputy. Mauck advised that the manager of the complex (Debra Buras) later told her that the deputies were looking for another man by the name of Jonathan.

A second sworn digitally recorded interview with Miranda Mauck was conducted at approximately 0447 hours. During the second interview, several additional questions were asked for clarification. The following is a summary of the second interview:

Mauck advised that Scott would answer the door with the handgun only if they were not expecting guests. Mauck advised there was marijuana in the apartment, but she did not smoke drugs and that only her boyfriend (Scott) smoked drugs. Mauck advised that Scott kept the gun in a safe in the bedroom closet. Mauck advised that she and Scott went to the bedroom to get dressed. Scott grabbed his gun and she continued to get dressed in the bedroom. Mauck advised that Scott walked out of the bedroom to answer the door. Mauck stated "that was like that's part where I don't know exactly everything that happen."

On August 1, 2012, at approximately 1021 hours, Special Agent Lloyd Randolph conducted an additional sworn, digitally recorded interview with Miranda Mauck for the purpose of ascertaining whether Scott was left or right handed. Also present for the interview was attorney Jason Recksiedler. The following is a summary of the interview:

Mauck was reminded of her response to several questions on the night of the incident. Mauck stated Scott would answer the door late at night with his weapon if the knock sounded threatening. Mauck stated that Scott was right handed. Mauck indicated that similar situations previously occurred two times when Scott answered the door with his firearm. Mauck stated that Scott had been smoking marijuana but was not under the influence of alcohol on the night in question.

During the third statement, Mauck advised she witnessed Scott opening the door with his right hand while holding the firearm in his left hand. Mauck stated Scott opened the door at a regular speed.

Sworn Interview of Civilian Witnesses
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(IR8-10)

David Kavetsky:

On July 16, 2012, Special Agent Dale Crosby conducted a follow up neighborhood canvass at Blueberry Hill II Apartment. Special Agent Crosby made contact with property manager Debra Buras (Buras) in an attempt to locate a potential witness to a deputy involved shooting incident in the apartment complex. After speaking with Buras, Special Agent Crosby identified the witness as David Kavetsky of 33335 Shawn Drive, apartment 96. Special Agent Crosby obtained a sworn audio recorded statement of Kavetsky.

The following is a summary of the Kavetsky interview:

Kavetsky stated he was outside his apartment smoking a cigarette when he saw a Lake County Sheriff's deputy drive into the apartment complex. Kavetsky watched as the deputy drove up to the area of apartment 33306 Ryan Drive. Kavetsky advised that a second deputy drove into the complex and to the same location as the first car. Kavetsky said he walked from his apartment toward the area where the deputies had parked, at which time he saw another deputy driving a large SUV park in the same area, near apartment 114. Kavetsky said he watched as the deputies checked the cars in the parking lot and the apartment building. Kavetsky said the deputies moved to the area of apartment 114. One deputy was at the door; a female deputy was off to the left, and a third deputy was next to the window of apartment 114. Kavetsky said the deputy at the door knocked on the door very loudly. Kavetsky said he did not hear the deputy announce they were with the sheriff's office or police. Kavetsky said he saw the door to apartment 114 open, heard the deputy at the door yell something he didn't understand, and he then heard the deputy shout "gun" followed by six (6) gunshots. The deputies went into the house and Kavetsky saw a female being escorted from the house by a female deputy. Kavetsky said that after the shots were fired, he (Kavetsky) returned to his apartment. Kavetsky said he told his girlfriend what happened, and the two of them walked back to the area where several other apartment residents had gathered.

Miguel Williams:

On July 27, 2012, Special Agent Dale Crosby conducted a sworn interview with Miguel Williams at 33306 Ryan Drive apartment 115 Leesburg, Florida.

The following is a summary of that interview:

Williams stated he was sleeping when he heard a loud knocking on the window. Williams stated he opened the front door to his apartment and saw a female deputy standing on the walk way. Williams stated that when he first observed the female deputy, she was standing near the end of the walkway (approximately five (5) feet from the front door) next to the hedges. Williams advised he stepped out of the apartment onto the walkway, turned to his left and saw another deputy standing next to the window. Williams stated that the female deputy asked him if he knew who owned the white Trailblazer parked out front. Williams advised he pointed to his right (in the direction of apartment 124) and said, "the guy lives over there." Williams stated that just as he said that, he (Williams) heard someone say something he could not understand. Williams then turned to his left and saw the deputy at the front door of apartment 114 raise his gun and fire several gun shots. Williams advised that the deputy at the door was standing 2-3 feet from the door with his back to the privacy fence. Williams advised he was close enough to the incident that he saw the flash and smoke from the deputy's gun. Williams advised he then got back into his apartment and onto the floor. Williams stated that after the shots were fired, Williams remembered a deputy walking back and forth in front of his apartment saying, "I told him to show me your hands, I told him to put up his hands, I told him, I told him, I told him." Williams advised that in all the confusion, he could not identify the deputy.

Zachary Thurman:

On August 06, 2012, Special Agent Dale Crosby conducted a sworn interview with Zackary Thurman at 33335 Shawn Drive apartment 95 Leesburg, Florida.

The following is a summary of that interview:

Thurman said that he was on his way to the gym when he observed several deputies parked in the apartment complex. Thurman said he noticed three deputies lined up in front of apartment 114. Thurman returned to his apartment to tell his roommate (Dylan Haun) there was a police raid about to happen. Thurman said he walked from his apartment and stood in the front yard next to an oak tree to view the incident. Thurman stated that from where he was standing, he had a clear view of the apartment building where the incident took place. Thurman advised that he was approximately twenty-five (25) feet away from the apartment when he observed everything that occurred. Thurman said he heard "drop the gun" followed by six (6) gun shots. Thurman said that from where he was standing, he could see the flash from the gun light up the apartment. When asked if the light in the apartment was on, Thurman said he remembered the light inside the apartment was on, and the light outside by the door was off. Thurman said he did not see Scott in the doorway; he (Thurman) could only see the deputies outside. Thurman observed a female being escorted from the apartment and placed in a deputy's car.

Neighborhood Canvass

(IR-11)

On July 15, 2012, Special Agent Dale Crosby conducted a neighborhood canvass of the area surrounding 33306 Ryan Drive, Leesburg, Florida. The following information reflects the results of that canvass.

33305 Ryan Drive

Apartment 100 Lemac Blount was sitting outside his apartment which faces the shooting location. Blount observed Jonathan drive across the grass between Building 33316 and 33306,

park the motorcycle in front of building 33306, jump off the bike and run to apartment 124 at 33316 Ryan Dr. Blount said he was in his apartment when he heard 4 gunshots.

Apartment 101,102,103 Unoccupied at the time of the incident.

33306 Ryan Drive

Apartment 111 - Mark Traves - Did not hear or see anything.

Apartment 112 - No response.

Apartment 113 - Regina Kelly - Heard 5 shots but did not see anything.

Apartment 115 - Miguel Williams - Provided a written statement to Lake County Sheriff's Office and a sworn statement to FDLE. See IR #9.

33316 Ryan Drive

Apartment 121 - Josh Bailey - Did not hear or see anything.

Apartment 123 - Ken Muvey - Was in his apartment when he heard what sounded like 3-4 shots.

Apartment 125 - Jim Bianchr - Was in his apartment when he heard 4-5 shots. Bianchr said he looked out the door and saw deputies standing in the parking lot and heard a girl crying.

Apartment 126 - Constance Linzy - Did not hear or see anything.

Apartment 122, 127, 128 - No response

33326 Shawn Drive

Apartment 130, 131, 132, 135,136,137 - No response

Apartment 133 - Jessie Grady and Sharon Whitehead:

Jessie Grady said he heard a loud banging noise outside the apartment. He said he looked out the window and saw the deputies standing in the parking lot. Grady opened the door and was standing in the doorway when he saw 3-4 deputies standing around apartment 114. Grady advised he turned to go back into his apartment when he heard 5-6 gunshots. Grady did not observe who fired the gunshots.

Sharon Whitehead advised she was sitting on the couch watching television when she heard a loud banging noise outside and thought someone was knocking on the neighbor's door. Whitehead advised she heard 5-6 shots from outside. Whitehead called to inform the park manager of the incident. Whitehead went outside and spoke with Mauck, the subject's girlfriend, in the parking lot. Whitehead advised Mauck told her that she and her boyfriend were sitting on the couch when there was a loud knocking at the door. Whitehead advised Mauck told her she and the boyfriend went into the bedroom together. Mauck went to put some clothes on and saw her boyfriend get a gun out of the closet and go to the front door with the gun.

Apartment 134 - Tenzania Austin - Did not see or hear anything.

On July 16, 2012, Special Agent Crosby conducted a canvass of the following apartments:

33306 Ryan Drive.

Apartment 116 - Paul Dill - Was in Ocala on the night of the shooting.

Apartment 117 - Brenda Mills - Did not hear or see anything.

Apartment 120 - Althenia Owens - Did not hear or see anything.

Apartment 118, 119 - No response.

On July 23, 2012, Special Agent Randolph obtained and reviewed the Lake County Sheriff's Office Crime Scene Investigative Report authored by Crime Scene Investigator (CSI) Theodore Cushing.

On July 15, 2012, at approximately 0200 hours, the Lake County Sheriff's Office Crime Scene Unit responded to the scene at 33306 Ryan Drive. CSI Theodore Cushing and CSI Carlton Beck responded to the incident location and processed the scene at the direction of the Florida Department of Law Enforcement.

The crime scene section report reflects that on July 15, 2012, CSI Cushing and CSI Beck responded to 33306 Ryan Drive Apt. 114 Leesburg, Florida, to process the scene of a shooting incident. The following information is a summary of the report.

REFERENCE:

This report is in reference to crime scene examination that was conducted on Sunday, July 15, 2012, at the request of Special Agent Lloyd Randolph of the Florida Department of Law Enforcement Orlando Regional Operation Center. This report may contain conclusions, opinions, and/or interpretations made by the author.

SCENES:

Submission 1: The scene consisted of the sidewalk leading up to apartment 114, mulch area in front of apartment 114 and the interior of the apartment, which is located at 33306 Ryan Drive Leesburg, Florida in Lake County.

ASSISTANCE RENDERED:

Submission 1:

The scene was photographed, sketched with measurements, searched for items of physical evidence. Firearms and other types of physical evidence were collected. The items of evidence were photographed and submitted to the Evidence Intake Section.

EVIDENCE COLLECTED:

FDLE Item #	Agency Exhibit #	Description
N/A	1	CD Crime Scene Photos
N/A	2	CD Radio Transmissions
N/A	3	Blood
1	4	Projectile recovered from right arm of Andrew Scott
2	5	Projectile recovered from right lung of Andrew Scott
N/A	6	Finger and palm prints of Andrew Scott
3	7	Glock 35 40 caliber (Serial #: LLS714)
4	8	40 caliber round recovered from chamber of DEPUTY Sylvester's service weapon
5	9	Empty magazine from DEPUTY Sylvester's service weapon
6	10	5 rounds of 40 caliber ammunition

7	11	Empty magazine from Deputy Sylvester's duty belt
8	12	15 rounds of 40 caliber ammunition
9	13	Empty magazine from Deputy Sylvester's duty belt
10	14	14 rounds of 40 caliber ammunition
11	15	Hi-Point 9mm semiautomatic handgun (Serial #: 804884)
12	16	Empty magazine from Hi-Point handgun
13	17	8 rounds of 9mm ammunition
N/A	18	Nylon holster
N/A	19	Fragment
14	20	Projectile
15	21	Projectile
N/A	22	Fragment
N/A	23	Door knob set and Dead Bolt set
N/A	24	Section of Door Stile
16	25	Projectile
N/A	26	Aerial video of day time and night time
N/A	27	Medical Examiner Photos
N/A	28	Digital Versatile Disc (DVD) of Crime Scene
17	29	One (1) spent casing Speer 40 caliber S&W
18	30	One (1) spent casing Speer 40 caliber S&W
19	31	One (1) spent casing Speer 40 caliber S&W
20	32	One (1) spent casing Speer 40 caliber S&W
21	33	One (1) spent casing Speer 40 caliber S&W
22	34	One (1) spent casing Speer 40 caliber S&W
N/A	35	One (1) pair of gray underwear w/blood stains
N/A	36	One (1) tank top w/blood stains
23	37	Gunshot residue kit from Andrew Scott
N/A	38	Right hand clippings from Andrew Scott
N/A	39	Left hand clippings from Andrew Scott
N/A	40	Drug scale, suspected cannabis stems, cannabis rolling papers, & pipes
N/A	41	Front door from Apt: 114 at 33306 Ryan Drive
24	42	Jacket fragment
N/A	43	Metal shard
25	44	Projectile fragment
26	45	Projectile fragment
N/A	46	Metal shard
N/A	47	Metal shard from dead bolt cover
27	48	One (1) projectile fragment
28	49	One (1) projectile fragment
N/A	50	One (1) section of drywall containing hole
N/A	51	One (1) section of drywall containing hole
N/A	52	CD of Radio transmissions
N/A	53	Q-See Digital Video Recorder DVR (Serial #:2010006012218)
N/A	54	CD of Radio Transmissions from Lake County Sheriff's Office
N/A	55	Screen Shots of video cameras from DVR
N/A	56	Six (6) spent casing and Six (6) projectiles (tested fired by lab)

DISPOSITION OF EVIDENCE:

Agency Item Numbers 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 20, 21, 25, 29, 30, 31, 32, 33,34, 42, 44, 45, 48 and 49 were transferred to the firearms Section via the Evidence Intake Section for further examination.

Agency Item Number 37 was transferred to the Gunshot Residue Section via Evidence Intake Section for further examination.

Agency Item Number 53 was transferred to the Electronic Surveillance Support Team via Evidence Intake Section for further examination.

No forensic examinations were requested on Agency Item Numbers 3, 6, 19, 22, 23, 24, 35, 36, 38, 39, 40, 41, 43, 46, 47, 50 and 51 at this time and they were turned over to the Evidence Intake Section.

Agency Item Numbers 1, 2, 18, 26, 27, 28, 52, 54 and 55 were turned over to the Evidence Intake Section and retained as evidence.

Criminal History Review of Andrew Lee Scott	(IR-14)
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On July 17, 2012, Special Agent Lloyd Randolph obtained and conducted a review of the arrest history of Andrew Lee Scott. The arrest history reflects the following information:

Andrew Lee Scott:

Felony Charges - 1 Possession of controlled substance without prescription (dropped to misdemeanor)

Felony Convictions - 0

Misdemeanor Charges - 3 Criminal Mischief, Battery (Domestic Violence), and Possession of Cannabis and Drug Paraphernalia.

Misdemeanor Convictions - 3 adjudication withheld

Surveillance Video	(IR-15)
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On July 15, 2012, Special Agent Chris Woehr and Special Agent Dale Crosby spoke with the Leasing Agent of the Blueberry Hill II Apartment Complex, Janice McGrath, to ascertain if their surveillance video system captured any of the incidents that occurred at apartment 114. Ms. McGrath advised Special Agent Woehr and Special Agent Crosby that there was no video of the incident on their digital video recorder.

On July 26, 2012, Special Agent Lloyd Randolph made further efforts to obtain surveillance video and conducted a sworn, digitally recorded interview with Janice McGrath. The following is a summary of the interview:

McGrath indicated that the Blueberry Hill II Apartment Complex is equipped with a video surveillance system. McGrath advised she was contacted by Florida Department of Law Enforcement Special Agents (Special Agent Chris Woehr and Special Agent Dale Crosby) about video surveillance on the day in question.

McGrath showed Special Agent Randolph the computer monitor of the surveillance system with the various camera angles and the field of view for each. McGrath advised the current camera

angles would not have captured any of the activities that occurred in apartment 114 related to the night in question.

McGrath advised the apartment complex utilizes a Q-See digital video four (4) camera system installed two (2) years ago. Ruben Gonzalez (Owner of Property) had a business associate install the cameras. McGrath stated that the system records 24/7 and loops after seven days, deleting all previous recordings.

On July 26, 2012, Special Agent Lloyd Randolph conducted a sworn, digitally recorded interview with Debra Buras. The following is a summary of the interview:

Buras is currently the manager at the Blueberry Hill II Apartment Complex. Buras advised she was contacted by Janice McGrath around 0130 hours on July 15, 2012. McGrath informed Buras that there were shots fired at the complex and the police were on scene. McGrath informed Buras, at approximately 1:38 a.m. that Scott had been shot. Buras advised she arrived at Blueberry Hill II Apartment Complex and approached the scene. Upon arrival, Buras made contact with McGrath, and other residents.

Buras advised the apartment complex is equipped with four video cameras. Buras advised the current camera angles would not have captured any of the activities at apartment 114 related to the night in question. Buras advised she had not previously spoken with law enforcement officials, but McGrath had on July 15, 2012.

Buras advised the complex operates on a Q-See digital video recorder four (4) camera systems. Buras advised the system records for a seven day period and deletes prior recordings. Buras advised there is no other recording system at Blueberry Hill II Apartment Complex. On August 7, 2012, Special Agent Randolph retrieved the Q-See digital video recorder (DVR) system from the Blueberry Hill II apartment complex. The DVR recorder was analyzed by FDLE Task Force Agent Ron Weyland. The examination revealed no video recording or other signs of tampering from July 15, 2012. Task Force Agent Weyland retrieved video camera screen shots of the camera's fields of view. An examination and further analysis of the screen shots revealed that the four (4) video cameras at the complex would not have captured any of the incidents at apartment 114 on July 15, 2012. Additionally, Buras assured Special Agent Randolph that the camera angles had not been changed since that date and time of the incident.

On August 14, 2012, SA Randolph returned the Q-See DVR to Debra Buras at the Blue Berryhill II Apartment Complex. A Property Evidence Disposal Authorization Form (PED) was obtained.

Lake County Sheriff's Office Documents

(IR-13)

On July 24, 2012, Special Agent Lloyd Randolph obtained and reviewed the following documents from the Lake County Sheriff's Office, in furtherance of the investigation.

1. Lake Emergency Medical Services Run Sheet
2. Radio Transmissions
3. 911 recording.
4. Leesburg Police Department Incident Report (Case #: 12-07-0214)
5. Arrest Affidavits for Jonathan Brown and Anthony Rodriguez
6. Leesburg Police Department MDT Report
7. Lake County Sheriff's Office Incident Report (Case #: 120101704)
8. Lake County Sheriff's Office Witness Statements
9. Lake County Sheriff's Office Consent to Search form (Signed by Miranda Mauck)
10. Lake County Sheriff's Office Contamination Sheet

11. Teletype BOLO Messages
12. Proof sheet of door from Apartment 114
13. Background information on Andrew Scott, Miranda Mauck and Jonathan Brown
14. Discipline History

A review of Deputy Richard Sylvester's discipline history reflected no sustained discipline for excessive uses of force. Deputy Sylvester was a witness to a previous Lake County Sheriff's Office Deputy involved shooting incident that occurred on July 11, 2012. (FDLE Case OR-27-0163)

Deputy Richard Sylvester's Gunshots fired	(IR-21)
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Based on the crime scene analysis, physical evidence, and testimony from witnesses it was determined that Deputy Sylvester fired six (6) gunshots. The six (6) casings from Deputy Sylvester's service weapon were recovered by Crime Scene Investigators. This was confirmed with the recovery of four (4) projectiles and two (2) fragments from projectiles recovered at the scene.

Firearms Laboratory Report, GSR Report and ATF Trace Report	(IR-17-19)
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On Thursday, August 30th, 2012, Special Agent Lloyd Randolph obtained and reviewed the FDLE Laboratory Report authored by Crime Laboratory Analyst Elissa McKaughlin, Firearms Section.

REFERENCE:

This report references evidence submitted to the Florida Department of Law Enforcement on July 20, 2012 by Ricardo Rodriguez. This report may contain conclusions, opinions, and/or interpretations made by the author.

EVIDENCE:

FDLE Item #:	Agency Exhibit #:	Description
1	4	One fired bullet
2	5	One fired bullet
3	7	One 40 Smith & Wesson caliber Glock model 35 semiautomatic pistol Serial Number: LLS714
4	8	One 40 Smith & Wesson caliber cartridge
5	9	One Magazine
6	10	Five 40 Smith & Wesson caliber cartridges
7	11	One Magazine
8	12	Fifteen 40 Smith & Wesson caliber cartridges
9	13	One Magazine
10	14	Fourteen 40 Smith & Wesson caliber cartridges
11	15	One 9mm Luger caliber Hi-Point Firearms model C semiautomatic pistol, serial number 804884.
12	16	One Magazine
13	17	Eight 9mm Luger caliber cartridges
14	20	One fired bullet and one fired bullet fragment
15	21	One fired bullet
16	25	One fired bullet portion
17 thru 22	29 thru 34	Six fired 40 Smith & Wesson caliber cartridge cases

24	42	One metal fragment
25	44	One possible bullet fragment and one metal fragment
26	45	One fired bullet fragment
27	48	One fired bullet fragment
28	49	One possible lead fragment

RESULTS:

FDLE Item #:	Agency Exhibit #:	
1,14,15, and 16	4, 29, 21, and 25	<p>The Exhibit 4, 20 and 21 fired bullets and Exhibit 25 fired bullet portion display class characteristics similar to each other to the Exhibit 7 Glock pistol, however; they could be neither identified nor eliminated as having been fired from the same unknown firearm or from the Exhibit 7 pistol due to the lack of corresponding individual characteristics and damage.</p> <p>The Exhibit 20 fragment does not display any class or characteristics suitable for microscope comparison purposes and was not further examined.</p>
2	5	The bullet was identified as having been fired from the Exhibit 7 Glock pistol.
3, 5, 7, 9	7, 9, 11, 13	<p>The Exhibit 7 pistol was test fired using the Exhibit 9 magazine and was found to be functional. The trigger pull was measured to be between 5 and 5 ¼ pounds.</p> <p>The remaining magazines were not further examined.</p>
4, 6, 8, 10	8, 10, 12, 14	Four of the Exhibit 10 cartridges were used to test fire the Exhibit 7 pistol. The remaining cartridges were not further examined.
11, 12	15, 16	The Exhibit 15 pistol was tested fired using the Exhibit 16 magazine and was found to be functional. The trigger pull was measured to be between 5 1/4 and 5 3/4 pounds. Images of the cartridge case fired in the pistol were entered into the NIBIN database and compared against images of evidence recovered on other incidents. No associations were made at this time.
13	17	The cartridges were not further examined.
24 thru 28	42, 44, 45, 48, & 49	The fragments do not display any class or

17 thru 22

29 thru 34

Individual characteristics for microscope comparison purposes and were not further examined.

The cartridge cases were identified as having been fired from the Exhibit 7 Glock pistol.

REMARKS:

Tests generated during examination of the Exhibits 7 Glock pistol and Exhibit 10 ammunition are being returned as FDLE item # 3.1.

Tests generated during examination of the Exhibit 15 Hi-Point Firearms pistol are being returned in the same container as the firearm.

Gun Shot Residue Report:

On July 20, 2012, One (1) gunshot residue (GSR) kit was submitted to the Florida Department of Law Enforcement evidence section. At this point the residue kit will not be analyzed, because GSR found in samples collected from victims of gunshot wounds provide no further information of value. In addition, there is no evidence in this case that the victim discharged a firearm.

ATF Firearms Trace Report:

On July 17, 2012, The Department of Justice's, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) conducted a firearms trace report on the Hi-Point 9mm Luger semiautomatic pistol recovered at the scene. The report revealed no suspicious activity or alerts.

Medical Examiner's Report

(IR-20)

On July 15, 2012, the Lake County Sheriff's Office (LCSO) requested the Florida Department of Law Enforcement (FDLE) conduct an investigation into the use of deadly force by Deputy Richard Sylvester which resulted in the death of Andrew Lee Scott.

The following is a summary of the Medical Examiner District 5 Autopsy Report on Andrew Lee Scott:

Name: Scott, Andrew

Race: White

Sex: Male

Age: 26

Date of Death: July 15, 2012

County: Lake

Case Number: 2012-0731

Date of Time of Autopsy: July 15, 2012 at 10:15 am.

Present: FDLE Special Agent Lloyd Randolph, Lake County Sheriff Office Detective Clay Watkins, Lake County Sheriff Office Detective Karl Johnson, and Lake County Sheriff Office Crime Scene Investigator Jessica Szladovics.

Cause of Death: Multiple gunshot wounds.

Manner of Death: Homicide.

AUTOPSY FINDINGS:

1. Penetrating gunshot wound of the left chest, involving heart, right lung, right diaphragm and liver.
 - a. Right hemothorax (950cc)
 - b. Left hemothorax (650 cc)
 - c. Hemopericardium (250 cc)
 - d. Scant hemoperitoneum
2. Perforating gunshot wound of left abdomen, involving soft tissue.
3. Penetrating gunshot wound of right arm, involving soft tissue.
4. Perforating gunshot wound of left arm, involving soft tissue.
5. Cerebral edema
6. Moderate pulmonary anthracosis
7. Cardiomegaly (530 grams), with left ventricular hypertrophy (2.0 cm).
8. Fatty liver.
9. Cholelithiasis
10. Obesity (BMI 41.1)

Toxicology:

July 15, 2012, a blood specimen was collected for the purpose of testing for the presence of controlled substances. The results revealed a positive finding of cannabinoids.

The following are the results of the of the toxicology test:

The concentrations in blood are usually about one-half of serum/plasma concentrations. Usual peak levels is serum for 1.75% or 3.55% THC marijuana cigarettes: 50 – 270 ng/mL at 6 to 9 minutes after beginning smoking, decreasing to less than 5 ng/mL by 2 hours. Passive inhalation: Up to 2 ng/mL.

Test name	Results	Units	Cutoff/Reporting Limits
Delta-9 THC	14.9	ng/mL	1.0
Hydroxy Delta-9 THC	4.4	ng/mL	1.0
Delta-9 Carboxy THC	39.1	ng/mL	5.0

Usual peak levels is serum for 1.75% or 3.55% THC marijuana cigarettes: 10 – 101 ng/mL about 32 to 240 minutes after beginning smoking, with a slow decline. Usually not detectable after passive inhalation.

Summary Analysis

After a comprehensive investigation into the use of force incident and careful review of the testimony of Deputy Richard Sylvester, other Lake County Deputies, civilian witnesses, sheriff and police radio traffic and physical evidence, the actions taken by Deputy Richard Sylvester were consistent with the physical evidence and overall testimony. However Miranda Mauck's statements are inconsistent with respect to exactly what she witnessed.

Notarizations

I swear the foregoing is true and correct

SWORN to and SUBSCRIBED
This ____ day of September, 2012

Special Agent Lloyd Randolph
Florida Department of Law Enforcement
500 West Robinson Street
Orlando, FL 32801

(Notary Public or LEO)