



Case Report Summary

Print Date/Time: 06/29/2023 12:05
 Login ID: sbuttner
 Case Number: 2023-00010895

Flagler Beach Police Department
 ORI Number: FL0180200

Case

Case Number: 2023-00010895 Location: 101 N OCEAN SHORE BLVD Flagler Beach, FL 32136 Reporting Officer ID: 7085 - Coffman	Incident Type: Disturbance Physical Occurred From: 05/26/2023 01:16 Occurred Thru: 05/26/2023 01:30 Disposition: Follow Up Required Disposition Date: 05/26/2023 Reported Date: 05/26/2023 01:16 Friday
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Offenses

No.	Group/ORI	Crime Code	Statute	Description	Counts
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Subjects

Type	No.	Name	Address	Phone	Race	Sex	DOB/Age
Other	1	Breckwoldt (Deputy), Michael F	1001 JUSTICE LN Bunnell, FL 32110	[REDACTED]	WHITE	Male	[REDACTED] 44
Victim	1	[REDACTED]	[REDACTED]	[REDACTED]	BLACK/AFRI CAN AMERICAN	Male	[REDACTED] 41
Witness	1	PERKINS, ASHLEY NICOLE	[REDACTED]	[REDACTED]	BLACK/AFRI CAN AMERICAN	Female	07/14/1989 33
Witness	2	PERKINS, JADA IMANI	14 RED TOP LN Palm Coast, FL 32164	(386)315-3464	BLACK/AFRI CAN AMERICAN	Female	05/14/2000 23
Witness	3	MORROW, DUSTIN GARRETT	101 N OCEAN SHORE BLVD Flagler Beach, FL 32136	(386)437-7508	WHITE	Male	07/16/1977 45
Witness	4	Chewning, Austin M	101 N OCEAN SHORE BLVD Flagler Beach, FL 32136	[REDACTED]	WHITE	Male	[REDACTED] 34
Witness	5	MORALES, ERIKA JILL	101 N OCEAN SHORE BLVD Flagler Beach, FL 32136	(607)425-3633	WHITE	Female	06/09/1997 25

Arrests

Arrest No.	Name	Address	Date/Time	Type	Age
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Property

Date	Code	Type	Make	Model	Description	Tag No.	Item No.
06/20/2023	Evidence	CD/DVD			CD DVD CONTAINING INTERVIEWS WITH A. PERKINS, J. PERKINS, A. CHEWNING, E. MORALES, B. SHOCKLEY., THUMB DRIVE CONTAINING VIDEO FROM FINNS CAMERAS	2798	1
06/20/2023	Evidence	CD/DVD			CD DVD CONTAINING VIDEO FROM FINNS CAMERAS		



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Case Number: 2023-00010895

ORI Number: Flagler Beach Police Department
FL0180200

Chain of Custody

Date	Transaction	From	From Role	To	To Role
06/21/2023 10:09	Type: Intake Code: Initial Tag Number: Remarks:	7056-Rosanna Vinci 2798	Detective	7081-Jaime Ziehl	Property Officer

Chain of Custody

Date	Transaction	From	From Role	To	To Role
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Vehicles

No.	Role	Vehicle Type	Year Make	Model	Color	License Plate	State
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OfficerID: tsylvester, Case SupplementNarrative

On May 26, 2023 at approximately 8:45 p.m. I was contacted by Detective Vinci with the Flagler Beach Police Department to assist her in her investigation in reference to a suspicious person that took place at 101 North Ocean Shore Boulevard (Finns). Detective Vinci advised that there was a bartender named Dustin Garrett Marrow who was on scene at Finns currently and was also on scene during the time of the original incident. Detective Vinci requested that I respond to Finns and obtain a written statement from Marrow in reference to his accounts of the original incident.

Upon my arrival I made contact with Marrow and he willingly filled out a written statement. Prior to signing his written statement, Marrow was sworn to it followed by his signature. While on scene I also made contact with the Finns manager, Blake who was also the manager working the night of the original incident. Blake provided me with a receipt with drink orders on it for a male by the name of Michael Breckwoldt. A name was obtained by the use of a credit/debit card for payment method.

The statement and receipt were turned over to Detective Vinci. All Axon body worn camera footage uploaded. No further information or action from this officer at this time.

OfficerID: rvinci, Case SupplementNarrative

Ashley Perkins

The interview with A. Perkins was conducted on 05/31/23 at approximately 2007 hours. Post swearing in I asked A. Perkins to clarify her relation to L.R.. A. Perkins stated that there was no relation, that she and R. Nelson run a football organization and they know him from that. I asked if she knew M. Breckwoldt. A. Perkins responded that she knew of him but doesn't know him. She further explained that when she saw him at Finn's she thought his face was familiar but he could not place at the time how she knew him and she has no personal relationship to him.

A. Perkins stated that they were at Finn's on 05/25/23, at the upper-level bar, when they saw L.R. come up to the bar to buy a Michelob Ultra. A. Perkins recalled M. Breckwoldt pushing up on L.R. and him to buy him a drink. A. Perkins stated that L.R. was laughing it off and responded as if he was perplexed to M. Breckwoldt's request. A. Perkins stated that she heard M. Breckwoldt say to L.R. "buy me a drink or you will regret it later." L.R. responded back to M. Breckwoldt, "what do you mean I will regret it later?" A. Perkins said that's when M. Breckwoldt whispered something in L.R.'s ear and L.R. bought him a drink of scotch or whiskey. After buying the shot L.R. told M. Breckwoldt that he bought him the drink and to leave him alone. A. Perkins stated that's when L.R. walked away and M. Breckwoldt stepped back and began talking to other people.

According to A. Perkins, L.R. returned to the bar a short time later and M. Breckwoldt came back over to where L.R. was standing. She described seeing M. Breckwoldt "pushing up on" L.R. and L.R. telling M. Breckwoldt "to back up off him" and "leave me alone". That's when L.R. turned to her and asked her if she know who M. Breckwoldt was, to which she responded "No".

A. Perkins could not recall the exact dialogue that was being said but added that M. Breckwoldt was antagonizing L.R. and particularly recalled M. Breckwoldt saying to L.R., "that's why we have an open case on you". A. Perkins said that somewhere things started to escalate and L.R. was telling M. Breckwoldt that he knew who he was and started "talking junk to him". She stated that L.R. told M. Breckwoldt, "If you were anyone else in the street, I would have hit you by now for being all up on me". She said that M. Breckwoldt responded, "If you're going to hit me then hit me already. I'll ruin your life. Do it Do it." She said that L.R. then tells her that M. Breckwoldt is an off-duty police officer.

A. Perkins stated that when she learns of M. Breckwoldt's profession she engages in conversation with him, to ask why he is behaving in this manner. She said that M. Breckwoldt responded in a way as if he were dismissing the severity of his actions, laughing it off, then says to her, "See he hasn't hit me yet." She states that at this time L.R. walks away again and she continues a conversation with M. Breckwoldt.

A. Perkins stated that M. Breckwoldt's demeanor towards her started to become flirtatious. She stated that M. Breckwoldt started rubbing on her, commenting on how beautiful she was, and was trying to get her to give him a hug. She recalled that he was asking her to buy a round of drinks with the promise he would pay for them; however, she refused the offer. A. Perkins said that she snapped and firmly told M. Breckwoldt to stop touching her. She stated that M. Breckwoldt ignored her request and started to put his arm around her again. She said that's when she motioned to security to get him away from her.

I advised A. Perkins that I wanted to revisit the first encounter she witnessed between L.R. and M. Breckwoldt. I asked if the physical contact she described seeing, where she refers to M. Breckwoldt "pushing up on" L.R., if it was an aggressive push to intimidate and if she heard M. Breckwoldt identify himself as an officer when asking for a drink. A. Perkins stated that she did feel that M. Breckwoldt was being aggressive and that she did not hear him identify himself as an officer. She included that she was actually asking him for his name, which he would not divulge to her. A. Perkins explained the "pushing" by physically simulating a tapping motion, with the back of her hand on the wall, as if the wall was L.R., and recited the words, "come on man buy me a drink". Her visual and verbal explanation was consistent with the video footage and can be described as more of a person tapping another to get their attention while begging them for a drink. She later simulated on me the "pushing" interaction, but in this instance, she used her body and arm to push my side in a nudging motion. This was not observed on the video footage from Finn's. Although A. Perkins perceived the physical contact as aggressive, I found her explanation coupled with the actual video surveillance to be aggressive in the way of persistence to get one's attention, but not aggressive in a threatening manner.

I inquired about the time she observed M. Breckwoldt whisper something to L.R. and if she heard what was said. A. Perkins stated that she did not hear what was said but thinks her sister Jada Perkins may have. A. Perkins speculated that she thinks that's when M. Breckwoldt told L.R. that he was an officer, but reiterated that she could not hear what was being said.

I inquired to how many interactions occurred between L.R. and M. Breckwoldt and indicate that there were three interactions I could locate on the video surveillance. A. Perkins agreed that she recalled three interactions between the two of them. A. Perkins continued by saying that it was during the last interaction when M. Breckwoldt was touching her that L.R. started saying to him "I know my rights, you don't think I know the rights! That's sexual harassment!"

After A. Perkins mentioned several times that M. Breckwoldt was touching her I immediately began to inquire more about her incident. I asked A. Perkins that if during the time M. Breckwoldt was touching her did she acquire any injuries, to which she responded, "No, he didn't hurt me he was just... [simulates a rubbing motion on her own shoulder]". I asked if she was looking to file a report or charges on her encounter with M. Breckwoldt. A. Perkins paused for a period of time and then stated that they were considering consulting with an attorney first. She further explained that she would press charges because she asked him multiple times to stop touching her, but she would like to talk to an attorney first. I repeated her words back to her to clarify I was understanding her right, that she was wanting to speak with an attorney first before deciding if she wished to pursue charges, A. Perkins responded, "Yes."

We continued the interview at the third interaction between L.R. and M. Breckwoldt. A. Perkins stated that's when L.R. calls M. Breckwoldt out on the sexual harassment, and M. Breckwoldt responds, "oh it's this guy again." A. Perkins stated that she signaled to the bartender and alerted the staff, requesting that they remove M. Breckwoldt from the establishment. A. Perkins said that's when security came over and removed him from the bar.

I asked A. Perkins, about the video recorded from her phone and mentioned that L.R. stated that she had recorded some of the incidents from her cellular phone. A. Perkins explained that she never took a video of the actual incident between L.R. and M. Breckwoldt. She explained that she took a short video of him dancing on the dance floor and two still images, but nothing that captured any of the three interactions between him and L.R.. A. Perkins allowed me to video record the pictures/video from her phone for evidence. These images were placed on a disk with her recorded interview and placed in evidence.

Recapping the entire encounter witnessed by A. Perkins, I asked if she recalled hearing M. Breckwoldt announce that he was the Sergeant of Flagler Beach or make any announcement of being a law enforcement officer. A. Perkins responded, "No, I didn't hear him say that, but maybe my sister Jada did." I asked if during the first interaction between L.R. and M. Breckwoldt, she witnessed M. Breckwoldt injure L.R. in any way, and she responded, "No." I asked if she ever saw M. Breckwoldt flash a badge, display a weapon, or reach to his waist as if he were going to pull a weapon while interacting with L.R., and she responded, "No." I asked if she recalled M. Breckwoldt make any threats to cause physical harm, and she responded by shaking her head no, then said the only mention of physical harm was when M. Breckwoldt was telling L.R. to hit him [simulated a tapping motion with her pointer finger to her face] and he would ruin his life. She mentioned that M. Breckwoldt was obviously very impaired.

A. Perkins included that although they, meaning she and L.R., did not know M. Breckwoldt, she felt like he knew L.R. because he approached him immediately after L.R. arrival, and asked him for a drink. She did not recall M. Breckwoldt approaching any other patron in the bar and asking them for a drink only L.R.

I recapped again on A. Perkins' personal encounter with M. Breckwoldt and reiterated her own words of wanting to consult with an attorney before perusing any charges. I then asked for clarification, if any of the physical contact included touching of her breast or crotch area, and she responded, "No."

Upon completion of this interview, A. Perkins appeared to stay consistent with her timeline of events and consistent with the video footage from Finn's. Discrepancies I noticed were her explanation of how M. Breckwoldt "pushed up on L.R.". I was unable to see any body-to-body contact on the video, only M. Breckwoldt tapping on L.R.'s arm. I was unable to see M. Breckwoldt tapping his face as if he was provoking L.R. to hit him. I was unable to see any body language from M. Breckwoldt that would indicate he was being aggressive or provoking a fight. Prior to completing the interview, I encouraged A. Perkins to contact me after she consults with her attorney and provided her with my Agency card.

On 06/13/2023 at approximately 1011 hours, I attempted to follow up with A. Perkins after I had not heard from her since 05/31/23. A voicemail was left on her phone to call me.

On 06/14/2023 I still had not heard back from A. Perkins and attempted to reach out to her again at 1511 hours and contact was made. A. Perkins requested to call me right back and it appeared she was busy. My voice recorder was put on hold awaiting her call back however no return call was made. At 1630 hours I sent a text message to A. Perkins explaining I just wanted to follow up on whether she consulted with her attorney and if was wanting to file a report. A. Perkins never responded to the text. I attempted to call her a final time at 1719 hours and a voicemail was left asking her to call or text me back, with negative results.

Jada Perkins

The interview conducted with Jada Perkins was conducted on 05/31/23 at approximately 2039 hours. Post swearing in J. Perkins clarified she has no family relation to L.R., she knows him because she went to school with his son's, and she considers him an acquaintance. J. Perkins stated that she did not know M. Breckwoldt. She continued by explaining that they arrived at the upper deck of Finn's around 2300 hours and sat at the bar closest to the bathrooms. J. Perkins recalled that prior to L.R. coming over to the bar she noticed that the officer, meaning M. Breckwoldt, was standing behind her as if he was waiting for L.R. to approach the bar. I asked if at that time she knew M. Breckwoldt was an officer and she responded, "No, I didn't know he was an officer until 20 minutes in. That's when L.R. asked me if I know who he was then told me he was a Sheriff."

I explained to J. Perkins that I am aware that there were three encounters between L.R. and M. Breckwoldt and asked that we talk about the first encounter. J. Perkins stated that she was sitting at the bar looking at her phone when L.R. walked up to the bar to buy a Michelob Ultra and M. Breckwoldt approached him. She recalled M. Breckwoldt repeatedly asking L.R. to buy him a shot and L.R. responded, "No. Why should I buy you a shot?" She stated that M. Breckwoldt responded to L.R., "If you don't buy me one, you'll

regret it." And L.R. asked, "I'll regret it? Tell me why ill regret it and I'll buy you a shot." At that point, M. Breckwoldt whispered something in his ear, that she could not hear. She stated that L.R. agreed to buy the shot and requested that after he buys the shot for him to leave him alone. She said that the bartender poured the shot and left it on the bar. M. Breckwoldt was trying to continue a conversation with L.R.; however, she could not hear what he was saying. J. Perkins said she heard L.R. say I bought you the shot now leave me alone, then L.R. walked away. M. Breckwoldt took the shot and then moved back behind where J. Perkins was sitting. I asked J. Perkins, when M. Breckwoldt was asking for a shot was he threatening in any way? J. Perkins responded, "Not at that point. He only said buy me a shot or you'll regret it, but never explained why he would regret it." J. Perkins stated that she was pretty sure that when M. Breckwoldt whispered something in L.R.'s ear, that's when he told L.R. he was a deputy. Please note that J. Perkins was assuming that's what was being said and stated earlier she could not hear what was being said. She further explained it was during the second or third encounter when L.R. told them M. Breckwoldt was a deputy, so it must have been what he whispered in his ear. Please note per L.R.'s sworn statement, L.R. discovered M. Breckwoldt was a deputy after the first encounter and his friend AJ told him M. Breckwoldt's profession.

I asked J. Perkins to tell me what occurred during the second interaction. J. Perkins said approximately 20 minutes after the first interaction L.R. came back to the bar to order a beer. M. Breckwoldt was standing behind her, then walked around her to L.R.. She recalled L.R. saying, "I bought the shot leave me alone. You're drunk, you're very drunk right now and you're harassing me. You're an off-duty cop and you're harassing me; I'd be wrong if I hit you." J. Perkins stated that she heard Breckwoldt say, "Hit me, hit me, I want you to hit me. Do you not know who I am? I run this city." J. Perkins said M. Breckwoldt was starting to get loud, and that's when her sister, A. Perkins, asked her what was going on. J. Perkins said she explained to her sister what just happened, then her sister started to talk with M. Breckwoldt to figure out what was happening. At this time J. Perkins said L.R. started to also get loud and was yelling, "Leave me alone, you're harassing me. I bought you a shot, leave me alone." L.R. kept asking both J. Perkins and A. Perkins if they knew who M. Breckwoldt was and then advised them he was a "Bunnell Sheriff".

J. Perkins continued by explaining that L.R. was having trouble getting the bartender's attention to order a beer so she assisted him by flagging down the bartender. She noticed that M. Breckwoldt was now talking to her sister, but she could not hear what was being said. She said she noticed that M. Breckwoldt was touching her sister and rubbing on her [simulates rubbing across the chest]. J. Perkins said she could hear her sister telling M. Breckwoldt to stop touching her. When A. Perkins vocalized for M. Breckwoldt to stop touching her, L.R. attention got drawn back to M. Breckwoldt and what was happening. J. Perkins said that's when L.R. confronted M. Breckwoldt and started to get loud saying, "Why are you touching her? That's sexual harassment. You're drunk, an off-duty cop, and this woman is asking you to stop touching her. You must not know who this is." J. Perkins explained that her sister's boyfriend is well-known in the community and is friends with all of the Bunnell officers. She said that L.R. continued to get louder repeating, "Why are you touching her? That's sexual harassment. You're drunk, an off-duty cop, this woman is asking you to stop touching her, and you harassing me." J. Perkins said at this moment L.R. was loud enough that security started to come over. She said at first security did not intervene and was observing or assessing the situation, but as L.R. got louder and louder, security confronted the parties involved. J. Perkins said her sister explained to security that L.R. was not the issue, indicated to security that M. Breckwoldt was the person causing the issue, and requested they remove him from the bar. J. Perkins said that M. Breckwoldt continue to say, "You must not know who I am I run this town." I asked if he was saying this out loud, to just her, or to security, J. Perkins said she thinks M. Breckwoldt was saying it to L.R. but he was saying it out loud. She included that she was under the impression security already knew who he was. She concluded the second interaction with security removed M. Breckwoldt from their immediate area and L.R. walked away.

J. Perkins said that she and her sister stayed at the bar and were talking about what just happened, trying to comprehend the situation. J. Perkins said it seemed like only five or ten minutes later, both M. Breckwoldt and L.R. were back at the bar. L.R. was now demanding that M. Breckwoldt buy him a shot because he was harassing him. J. Perkins said she noticed M. Breckwoldt had a plastic cup in his hand, and she wasn't sure how he was still being served, because she recalled after the first encounter staff motioning to him that he was cut off, then another time security motioned to the bartender to cut him off. J. Perkins concluded the third encounter by explaining that security removed M. Breckwoldt from the upper deck.

At this point in the interview, I began recapping the entire incident with J. Perkins by going over her statements. I asked J. Perkins to go over again with me each thing she recalled M. Breckwoldt was throughout the night. She stated that she recalled him saying, "I run this town/city. You must not know who I am. I can do whatever I want." J. Perkins went back to what she said was the second encounter and added, at the time she was helping L.R. get his beer and L.R. had told her that M. Breckwoldt was a deputy, she suggested that they call law enforcement on M. Breckwoldt because his behavior was "crazy". L.R. nodded in agreement and she remembers hearing her sister ask M. Breckwoldt over and over what his name was, but he would not tell her. I asked J. Perkins if she saw M. Breckwoldt ask anyone else at the bar for a drink or act this way toward anyone else outside of her group and she responded, "No.". I asked if she heard M. Breckwoldt say to L.R. he had an open case on him. J. Perkins responded she did not hear that, her sister A. Perkins heard that. J. Perkins started talking about the moment she observed M. Breckwoldt touching her sister and added that she recalled he was rubbing on her breasts. Please note that while reviewing the video, it does appear that M. Breckwoldt does touch the upper chest area of A. Perkins; however, A. Perkins denies in her interview that M. Breckwoldt touched any of her privet areas including her breast.

J. Perkins concluded the interview by saying that the whole incident seemed surreal to her and he could not believe what she witnessed, referring to how M. Breckwoldt acted.

Sworn written statement from Dusty Morrow (Finn's Employee/Bar Tender)

Dusty Morrow provided a sworn written statement on 05/26/2023. D. Morrow was identified in the video as the male bartender on the upper deck. D. Morrow's statement explained that he witnessed a male, M. Breckwoldt, making some females uncomfortable. Upon check on the females, they relayed to him that M. Breckwoldt was bothering them, so he motioned to security to assist. He explained that he minutes later he gave a thumb gesture which meant "get going" to M. Breckwoldt and soon after security escorted him out. D. Morrow's statement was found to be consistent with video and validated both A. Perkins and J. Perkins statements regarding their

encounter with M. Breckwoldt

Final Conclusion

Throughout the course of this investigation any available evidence was reviewed, evaluated, and logged into evidence.

In regards to the allegations made by L.R., that M. Breckwoldt battered him. L.R. stated several times that M. Breckwoldt purposely bumped his chest into his back, several times in an aggressive or intimidating manner, with the purpose of bullying him into buying him a Jameson drink. L.R. alleged that M. Breckwoldt used his authority as a law enforcement officer, to intimidate him into purchasing him Jameson drink. L.R. alleged he was threatened by M. Breckwoldt which caused him to have a well-founded fear.

Upon reviewing video from Finn's I found no video evidence showing M. Breckwoldt committing battery as described by L.R. in his interviews. M. Breckwoldt was seen on the video at approximately 2351 hours, labeled in this narrative as the "first interaction", tapping L.R. on the arm in a manner that one would get another's attention. M. Breckwoldt's actions to get L.R.'s attention was nothing out of the social norm. L.R. can be seen on video tapping M. Breckwoldt on his arm while speaking to him in a similar manner. Based on the video surveillance, M. Breckwoldt's actions appeared to display no criminal intent, ill will, or malus. Furthermore upon L.R. indicating to Breckwoldt his actions were unwanted, M. Breckwoldt was not seen touching L.R. for the remainder of the evening. In regards to M. Breckwoldt using his authority to obtain an alcoholic beverage. It was determined by L.R.'s statements and witness statements, that M. Breckwoldt never divulged his profession or position when asking L.R. for a Jameson. Per L.R.'s statements, after he purchased the Jameson for M. Breckwoldt, he discovered his profession, after he asked his friend AJ if he know who M. Breckwoldt was, and AJ informed him he was a high-ranking deputy. In regards to threats, per L.R.'s statements and witness statements, M. Breckwoldt made no threats to commit physical harm towards L.R. L.R. can be seen returning to M. Breckwoldt two additional times after the first interaction and confronting him. L.R.'s actions indicated no fear or concern for his safety as he reengaged with M. Breckwoldt. Furthermore L.R. statements to M. Breckwoldt, which were observed by witnessed, supports the fact that L.R. had no fear of M. Breckwoldt. Based on video evidence coupled with witness statements, I found no probable cause to support criminal charges against M. Breckwoldt.

Please note that A. Perkins has not returned any calls or messages to this date and has had no further corporation with this investigation.

OfficerID: rvinci, Case Supplement Narrative

On 05/26/2023 I was assigned this case by Chief Doughney of the Flagler Beach Police Department. Upon reviewing the responding officer's reports, it was noted that the listed victim in this case, [REDACTED] (L.R.), indicated that he would respond to the Flagler Beach Police Department at 1000 hours on 05/26/23 to provide a sworn statement. I conducted a brief review of the officer's reports and established that the allegations being made by L.R. were that a male, unknown to him at the time, possibly battered him by bumping him with his chest an unknown number of times and demanded that he buy him a drink. It was after L.R. purchased a drink for the male that he found out that the male was a law enforcement officer. The unknown male was identified by FBPD officers as Michael Breckwoldt, a Flagler County Deputy. L.R. expressed that he felt that M. Breckwoldt was misusing his authority and he wished to pursue charges. Due to both parties being under the influence of alcohol, sworn statements could not be provided at the time of the incident.

After L.R. failed to appear for his scheduled appointment I made contact with him, via phone, at 1335 hours. L.R. stated that he was having trouble finding a ride and he wanted to speak first to a family member regarding a video that was taken by a known person to him of the incident and he was thinking of consulting with an attorney. I advised L.R. that if he was having trouble finding a ride, I could arrange a ride for him to come here or I would be willing to come to him and interview him at his home if it made him more comfortable. L.R. explained that he wanted to speak to his family first and would call me back. A few minutes after disconnecting, L.R. called me back and requested that I come to his residence, [REDACTED], to obtain his sworn statement.

Although it is common practice and policy when conducting investigations out of my jurisdiction, to have a sworn officer of that jurisdiction present with me, I requested through my chain of command to have Sgt. Arcieri, of the Flagler Beach Police Department, with me while conducting the interview with L.R. at his residence. Please note that the jurisdiction where L.R. resides is governed by the Flagler County Sheriff's Office. The intent of this request was to ensure the integrity of this investigation and to avoid any perceived feelings of intimidation by L.R. if he were to give a sworn statement in the presence of a Flagler County Deputy.

Interview/sworn statement - L.R.

On 05/26/2023 at approximately 1433 hours Sgt. Arcieri and I responded to L.R.'s address to obtain a sworn statement. Upon our arrival Sgt. Arcieri activated his Axon camera. Contact was made with L.R. at the front door of his residence and we were invited into the residence to conduct the interview/sworn statement. L.R. was identified by his Florida state-issued license. Prior to L.R. providing his audio/video statement, I explained again the separation of agencies and that the law enforcement officer he was referring to was not employed by the City of Flagler Beach, which he acknowledged and understood. This clarification was necessary, as it has been my

past experience that many people confuse both agencies, FCSO and FBPD, as being one and the same. I asked L.R. to raise his right hand and affirmed that the information he was about to provide was true and given without fear or favor, which he affirmed. L.R. stated that he arrived at Finn's on 05/25/2023 at approximately 2245-2300 hours. He went up to the upper level of Finn's bar and purchased a beer. L.R. stated that he went to the stage area, "to give love to the D.J.". To make sure I was fully understanding the locations where L.R. was speaking of, I provided a diagram with the approximate layout of the upper level of Finns. L.R. observed the diagram and advised that he was familiar with the layout and continued to use it as a visual reference throughout the interview, using an (x) symbol to indicate the areas of occurrence. L.R. continued to explain that he stayed on stage and danced for a period of time. Once his beer was low L.R. said he left the stage area and went to the southwest area of the bar to purchase another beer where he saw a relative whom he referred to as "Deeda".

L.R. stated that he was standing at the bar when the male [M. Breckwoldt] "put his back" up to L.R.'s back and said, "Buy me a drink." L.R. stated that he chuckled at the request and brushed it off, then told the male [M. Breckwoldt], "Man, buy your own dam drink." L.R. said that the male [M. Breckwoldt] requested again for him to buy him a drink, to which L.R. responded, "I'm not buying you shit. Buy your own dam drink". L.R. stated that he has bumped again, at which time, the male [M. Breckwoldt] told him, "If you know who I am and know like I know, you would buy me a drink." L.R. stated that at this point he had "the fences" assuming he meant defensive, and was considering getting him [M. Breckwoldt] away from him. L.R. said at this moment Deeda called his name and said "Something ain't right by him [M. Breckwoldt]". L.R. said that the male [M. Breckwoldt] said, "buy me a Jameson drink" so L.R. said he purchased a Jameson(whiskey). L.R. said the male [M. Breckwoldt] had no comment after the purchase so he left the drink at the bar and walked back to the stage area, located on the northwest area of the deck.

Upon reaching this area, L.R. stated that saw a friend standing in the area on the north side of the bar. L.R. approached his friend and informed him of the incident then inquired whether he knew who the male [M. Breckwoldt] was. L.R. said that his friend looked at the male [M. Breckwoldt] he pointed out then informed him that he was a high-up palm coast police officer and to leave him alone.

L.R. stated that after the male [M. Breckwoldt] was a law enforcement officer he finished his beer and then returned back over the southwest area of the bar where the male [M. Breckwoldt] was still standing. L.R. said that at this time the security guards were noticing the incident. L.R. stated that he confronted the male [M. Breckwoldt] and said to him, "So you're a police officer that likes to sit here and pry and put down on people like that" then pointed out that he was abusing his authority and stereotyping. L.R. explained to me that he felt M. Breckwoldt targeted him because of his physical appearance and named his clothing style and hairstyle (dreads) as the reason for stereotyping. L.R. said that the male [M. Breckwoldt] chuckled and responded, "So you found out who I am, so now you know." L.R. said that's when all the security started coming around and circling them. L.R. said, he [M. Breckwoldt] started to reach as if he was going to get something (L.R. simulated [M. Breckwoldt's] movement as a movement with both hands to his right hip). L.R. explained that started to feel threatened, and asked the male [M. Breckwoldt] what he was reaching for. He said the male [M. Breckwoldt] said, "You need to understand who I am.", at which time L.R. responded, "I don't need to know nothing!" he described the encounter as "loud," and explained that's when the security guards had now circled them but were only observing the situation. L.R. said that he walked away to calm his nerves because his anxiety was starting to kick in, and a security guard approached him and asked him if he was ok. Soon after several security guards removed the male [M. Breckwoldt] from the establishment.

L.R. concluded his recollection of events by stating that as he was walking to his vehicle when he saw the male [M. Breckwoldt] sitting in a chair, at that exact moment a Flagler Beach Officer pulled up.

Upon going over L.R. statements with him I asked him when the male [M. Breckwoldt] was reaching to his waist what did he think he was reaching for? L.R. responded that when that happened was at the time M. Breckwoldt said to him, "If you know like I know you would buy me this drink". L.R. responded that it wasn't registering with him and that he was reading body language. He explained that he is a convicted felon and owns no weapons so he's defenseless, so he backed up to try and figure out the situation, and that's when Deeda said that something was not right with the male. It was noted that L.R. first described the reaching motion in the second contact with [M. Breckwoldt], but now if stating that it occurred during the first encounter. He did not clarify what he thought M. Breckwoldt was reaching for but expressed he felt threatened.

I asked if M. Breckwoldt responded to him after he purchased the Jameson and he stated, "He said nothing." I asked if he observed M. Breckwoldt with anyone else and he responded, "No, he didn't see him with anyone and he was sitting alone."

I advised that I understood that M. Breckwoldt bumped him and asked for more details on the physical contact. L.R. reiterated that he was standing at the bar, facing the bar, when [M. Breckwoldt] walked up behind him and did a "body-to-body bump" with his chest to L.R.'s back. L.R. explained that if he walked up and did the same bump it would be considered battering a LEO. He further explained that he caused no harm to the guy [M. Breckwoldt] and that he didn't even know who he was until he was notified by his friend that he was a "high-up palm coast officer". Please note that the City of Palm Coast has no law enforcement agency and the city is governed by the Flagler County Sheriff's Office.

I asked L.R. again if he bought the drink when he found L.M. Breckwoldt was an officer or did he find out after he bought the drink. L.R. confirmed that he bought the drink first and then found out after he was an officer.

I inquired as to why L.R. felt he needed to buy the drink, and he expressed he bought the drink out of fear. L.R. explained that he is not a person who wants trouble or drama. He returned back to the moment M. Breckwoldt said to him "If you know who I am you would buy me this drink" and explained that his thought process at the time was, trying to figure out who he was, but it was not registering, and he could not recall if he knew him. He explained again that Deeda said that something wasn't right with M. Breckwoldt and then security arrived.

I asked L.R. to clarify that when he mentioned that the security came because it was getting loud, was M. Breckwoldt yelling at him? L.R. stated that "No" he explained that he himself was loud which caused M. Breckwoldt to also get loud. He added that a security guard wearing a ball cap was standing in the vicinity and called other security over who intervened, that's when he walked away, then shortly after they escorted M. Breckwoldt out.

I asked L.R. if he could retrieve what he was wearing for me to view, as it would help me locate him better when reviewing Finn's

video surveillance. L.R. retrieved a black t-shirt with the wording "home grown" in purple letters and below an image of a potted marijuana plant. The pants were faded jeans and he included that his hair was pulled back as it was now with a cloth material covering his head.

I asked L.R. about the video recording captured by Deeda. L.R. explained that he thought that she may have recorded something because she was holding her phone up as if she was, but he was unsure at this time if she did record anything. I asked L.R. if he could contact Deeda to verify. He explained that he does not have her number and he was reaching out to other people to try and contact her. He explained that she lives in Bunnell. I offered to drive him to Deeda's home so he could ask her, but he declined the offer explained that if I drove him to Bunnell and other people saw him with law enforcement it would cause the belief that he was working with law enforcement and indicated that it would cause issues. I stressed that if she had a video of the incident, it would be helpful to his case. I explained to him that Finn's cameras have no audio and that if her video captured the conversation, it would bring undisputed validity to his statements. L.R. assured me that he would make contact with her to obtain the video.

I asked L.R. if he obtained any injuries from M. Breckwoldt during the physical contact. L.R. responded, "Besides my feelings, no." I asked if the physical contact of "bumping", as he described, was consensual or unwanted. L.R. responded that "it was very unwanted". I advised L.R. that I was just assigned this investigation and I'm in the process of validating the circumstance of events reported to our agency. I asked L.R., if I establish probable cause that a crime has been committed is he wanting to pursue charges? L.R. explained that his first reaction was to sweep it under the rug, but his wife urged him that if he does that then M. Breckwoldt will do it again to another person. His wife who was present for the interview, but not for the actual incident included that they plan to contact Morgan and Morgan. L.R. expressed that he is fearful that if he pursues charges, he would be targeted by FCSO. I responded to both by explaining I cannot direct him one way or another to file charges or not and the decision is solely his. I again explained that the agencies are separate; however, if he finds himself in a situation where he feels he's being targeted he could contact me and it would also be investigated. I assured him that although I have not been in direct contact with the Sheriff's Office regarding this case, I was made aware by my chief that the FCSO was aware of the incident and is taking it seriously. I assured L.R. that I would be conducting a full investigation regardless; however, I did need to know if he was wanting to pursue charges if probable cause existed. L.R. responded that if the tables were turned the charges would be filed against him, and he indicated verbally and in writing that he wished to pursue charges.

L.R. continued to explain that he felt bullied by M. Breckwoldt to buy him drink and defenseless. He stated that he believes M. Breckwoldt profiled him because of his looks and maybe assumed he was a drug dealer, he and his wife indicated that he felt his race (African American) was another reason he was targeted.

Upon the completion of this interview, L.R. was provided a victim/witness rights pamphlet, issued by our agency. L.R. indicated verbally and in writing that he wished to invoke his rights to confidentiality under Marcy's Law. L.R. was asked to raise his right hand again and was sworn to his statements. He affirmed that his statement was given without fear or favor. L.R. was provided a case card with my contact information.

Interview/Statement - M. Breckwoldt

On 05/26/2023 at approximately 1914 hours, I made contact with M. Breckwoldt, via phone. Sgt. Yelvington, of the Flagler Beach Police Department, was present during this phone conversation and his Axon camera was activated. I advised M. Breckwoldt that I was currently conducting an investigation regarding the incident he was involved in at Finn's on 05/25/2023. I asked if he would be willing to meet with me for an interview so I could obtain his version of events. M. Breckwoldt was apologetic and explained that he does not want to appear uncooperative and intended to cooperate during this investigation; however, he wished to speak with an attorney first before meeting with me. M. Breckwoldt stated that he was currently waiting for a call back from his attorney; however, he was not sure when he would receive the call. I acknowledged M. Breckwoldt's right to an attorney and asked that one of them call me if they either wished or wished to decline the opportunity to provide a sworn statement. On Sunday 05/28/2023 I received a call from Flagler Beach Officer Cozzone. Officer Cozzone advised that M. Breckwoldt had contacted him and asked for my phone number. I advised Officer Cozzone to relay to him that I was currently out grocery shopping and that when I returned home, I would call him. Please note that I was off duty on this date. Upon my return home, I made contact with M. Breckwoldt from my department-issued phone at approximately 1651 hours. M. Breckwoldt again was apologetic and assured me that he wanted to cooperate, but his attorney wanted to speak with me first before providing a sworn statement. M. Breckwoldt asked if he could provide my phone number to his attorney, Hank Coxe, to which I agreed. M. Breckwoldt asked if I could tell him what exactly I was investigating. I informed him that I was still currently investigating; however, the allegations being made were battery. M. Breckwoldt advised that he would provide his attorney with my number.

On the same date at approximately 2114 hours, I received a text message from Hank Coxe, he requested that I call him at 1000 hours on 05/29/23 to discuss M. Breckwoldt providing a sworn statement. On 05/29/2023 I made contact with Mr. Coxe as requested. Mr. Coxe advised that he has not been able to fully speak with his client and inquired to the nature of the incident. I advised that I was still investigating the incident; however, a synopsis was that his client was at a local bar/restaurant called Finn's on 05/25/23. The victim alleges that M. Breckwoldt committed battery on him and mentioned misuse of his public position. I informed Mr. Coxe that I do not feel that I would be conducting a proper investigation if I did not afford his client the opportunity to provide his version of events, and solely based this investigation on one version of events. Mr. Coxe agreed and requested that he get back to me at noon, as he wanted to further discuss things with his client.

On 05/30/2023 at approximately 1649 hours, I received a call from Mr. Coxe, who was apologetic for not getting back to me the previous day. He asked if I was aware of FCSO, ordering his client to speak with me. I advised that I have had little to no communication with FCSO, outside of them requesting a copy of the police report, and I have not heard of anyone ordering his client to speak with me. Mr. Coxe mentioned Garrity Rule and asked me again if I knew or if I could tell him if I had knowledge of his client being ordered to speak with me. I advised again that I have not been in contact with FCSO regarding the details of this investigation and that this investigation is being conducted by Flagler Beach Police Department.

Please note that the Garrity rights can be located under FL Statute 112.532. Garrity v. New Jersey. Garrity rights are defined as the rights afforded to law enforcement officers and correction officers, to not to answer questions during a workplace investigation or be compelled to answer questions with the threat of retaliation or disciplinary action. Due to M. Breckwoldt not being employed with the City of Flagler Beach, nor am I conducting an administrative investigation on behalf of the FCSO, Garrity rights would not apply to this investigation.

Mr. Coxe advised that he planned to speak with a colleague who was more versed in Union law, regarding law enforcement. Mr. Coxe asked if I could tell him more about the case. I advised of the allegations made by the listed victim, that I was still investigating, and that I had planned to interview other people who may have been present during the incident. I again expressed that I was only trying to afford his client the opportunity to provide his version of events. Mr. Coxe stated that he understood and that he would get back to me.

Shortly after speaking with Mr. Coxe, Chief Doughney advised that he received an email from Mark Strobridge, FCSO Chief of Staff. The email contained a message sent to Sheriff Staly from M. Breckwoldt. The message from M. Breckwoldt stated the following; "I apologize for my actions. I went out to dinner with my family visiting from South Carolina straight from work. I honestly do not remember anything from after dinner. I am not making excuses but definitely not my character. I did want to reach out to you directly." A copy of this email was placed in records and attached to this case file for review.

Finn's Video

On 05/26/2023 I began conducting the review and documentation, of the incident in question, from the Finn's surveillance system. It was noted that the incident occurred on the evening of 05/25/23 and continued into the morning of 05/26/2023. A check of the system's data showed the correct date from the live view; however, the system's time stamp appeared to be approximately two (2) minutes fast when compared to the actual time. For the purpose of consistency, I will refer to the date and time listed on the video surveillance. Two minutes will need to be added for the approximate actual time. The camera views are labeled 1-32; however, only 1-16 are working cameras. A check of the system's audio feature resulted in no sound.

Please note that this detective had remote access to the system, which was authorized by the owner of the establishment. It should be noted that I was unable to use the system's "video clip" feature which would allow me to record the specific times needed without interruption. In order to obtain the video evidence, I utilized the free version of Numbis Capture, which only allowed recordings in 5-minute increments, as I viewed the video from my desktop. Once I was able to identify and locate L.R. and M. Breckwoldt on the surveillance system, I documented and recorded from the time each party arrived until the removal of M. Breckwoldt from the upper deck. Various camera angles were utilized and the recordings were labeled by their camera number, date, and time. It should be noted that Cameras had little to no visibility such as cameras 1,7,8. Cameras 9,14,15,16 were angles that were primarily utilized, capturing L.R. and M. Breckwoldt throughout the evening. Cameras that cover the upper deck are numbered in the system and cover the following angles;

Camera 1: Mounted at the north end of the bar facing south. [Captures Inside bar area].

Camera 2: Mounted at the northwest corner of the upper deck, by the stage, faces south. [Captures west stairs, west parking, partial Moody Blvd.]

Camera 3: Mounted in the mid-section of the bar, facing east.

Camera 4: Mounted on the northeast side of the stage, faces east. [Captures north stairs, has low visibility]

Camera 5: Mounted on the southwest corner of the upper deck, faces north. [Captures west stairs, west parking lot, partial upper stage, and dance floor.

Camera 6: Mounted on the north stairs, faces east, and pointed down. [Captures the north corner of the lower deck area]

Camera 7: Mounted on the southeast corner of the bar, faces north. [Captures the east side of the bar, which has low visibility]

Camera 8: Mounted on the northeast corner of the bar, faces south. [Captures the east side of the bar, low visibility]

Camera 9: Mounted on the southwest side of the bar, faces north. [Captures the west side of the bar, and stage area.]

Camera 10: Mounted on the northeast side of the building, faces north. [Captures lower portion of the north stairs, north parking lot, A1A north.]

Camera 11: Mounted on the northeast side of the building, faces north. [Captures the same view as camera 10]

Camera 12: Mounted on the west stairs, points down. [Captures kitchen door, lower deck]

Camera 13: Mounted on the north stairs, faces northwest. [Captures northwest corner of the parking lot]

Camera 14: Mounted on the south end of the bar, faces north. [Captures inside of bar area, partial west seating area of bar]

Camera 15: Mounted on the northwest corner of the bar, faces northwest. [Captures stage and dance floor.]

Camera 16: Mounted on the northeast side of the stage. [Captures top of the north stairs, west side of the bar.]

Cameras 17-32: Are non-functional

M. Breckwoldt can be identified in the video as a white male, 44 yoa, approximately 5'09 to 5'10, with close-cropped hair [brown in color], and facial hair. He can be seen wearing a white polo shirt with an Under Armor logo on the left chest, jeans, and white tennis shoes with black accents.

L.R. can be identified in the video as an African American male, 41 yoa, approximately 5'09 ft., with long dreads [black in color], a black head bandana, and facial hair. He can be seen wearing a black t-shirt with the words "home grown" in purple writing and an image of a marijuana plant in a purple planter's pot across the chest. He was seen wearing dark jeans, and dark shoes with reflective wear on the sides.

Below is the approximate timeline of events;

May 25, 2023

? 2131 hours- M. Breckwoldt arrives at Finn's upper deck, from the north stairs. He walks to the southwest corner of the bar, by the bathrooms, and purchases a drink. M. Breckwoldt stays primarily in this area and is seen talking with a group of people for a period of time.

? 2302 hours- M. Breckwoldt walks down the north stairs.

? 2307 hours- M. Breckwoldt returns to the upper deck from the north stairs. He can be seen talking with Finn's employee, Austin Chewning, at the top of the north stairway.

? 2333 hours- M. Breckwoldt walks from the north bar area around the east side of the bar. Cameras 7,8 which covers the east side of the bar, had very low visibility [blurry].

? 2334 hours- L.R. arrives at Finn's upper deck, from the north stairs. He can be seen walking from the north stairs along the west side of the bar, directly to the southwest corner of the bar, and can be seen ordering a drink [beer]. At this time M. Breckwoldt can be seen at the south end of the bar walking north, along the west side of the bar, and back over to the north side of the bar. No contact is made between the two parties at this time.

? 2337 hours- L.R. walks over to the stage area and is seen up on the stage. M. Breckwoldt can be seen at the north end of the bar speaking with Austin Chewning.

? 2341 hours- M. Breckwoldt walks from the north bar around to the east side of the bar to the mid-section of the bar. Cameras 7 and 8 capture the east side of the bar and have low visibility. L.R. is still on the stage at this time.

? 2344 hours- M. Breckwoldt walks back to the north side of the bar, from the east side, then to the bathrooms which are located on the southwest area of the deck. L.R. exits the stage to the north stairs and then immediately returns to the stage.

? 2346 hours- M. Breckwoldt exits the bathroom and remains in the southwest area of the bar.

? 2348 hours- M. Breckwoldt approaches an unknown white or Hispanic female who is seated at the bar (southwest area) and speaks with her briefly. He then turns to an unknown white male, with a ponytail, who is standing at the bar and appears to be speaking with him. The male hand him a beer.

? 2350 hours -L.R. exits the stage and walks to the southwest area of the bar.

First Interaction (Cameras 9 &14)

? 2351 hours- L.R. can be seen on cameras 9 and 14 arriving at the southwest area of the bar. M. Breckwoldt is out of Camera 9's view but can be seen on camera 14 standing in the vicinity of L.R., who are both standing a couple of feet away from the bar. M. Breckwoldt appears to be saying something to L.R. at this time. L.R. leans forward toward M. Breckwoldt as if he is trying to hear what he's saying, then L.R. turns back to the bar. It should be noted that the noise level, on nights when the upper deck premieres a DJ, is loud, and difficult to hear a conversation without talking directly into another's ear. L.R. holds his beer bottle out, toward the bartender, as if requesting another beer. L.R. steps up to the bar as soon as he finds an open space then places his beer bottle on the bar. M. Breckwoldt, who is standing a few feet behind L.R., can be seen tapping L.R. on the right arm with his left hand. L.R. turns to M. Breckwoldt and leans towards him briefly as if to hear him then turns back to the bar, with no visual reaction, and moves his beer bottle closer to the bartender. Both L.R. and M. Breckwoldt appear calm and no body language consistent with aggression, hostility, or discord can be observed during this time.

L.R. can be seen retrieving his wallet from his pants pocket and appears to be removing a source of payment, in preparation for his order. L.R. returns his wallet to his pocket, then leans up on the bar, resting both arms on the bar, facing the area of the bartender. Seconds later M. Breckwoldt's left hand, which is holding a beer bottle, can be seen tapping L.R. on the right arm. L.R. turns and leans forward toward M. Breckwoldt for several seconds as if to hear him. L.R. can be seen shaking his head no, then turning back to the bar when the bartender places his new beer on top of the bar. M. Breckwoldt's left hand, with beer, can be seen again poking L.R.'s right arm; however, L.R. is now engaged in conversation with the bartender and ignores M. Breckwoldt's advances. Please note that at this time an African American female, later identified as Ashley Perkins, can be seen standing in close vicinity to both L.R. and M. Breckwoldt, and is observing this interaction. A. Perkins can be identified in the video as a heavyset African American female, with braided hair, wearing eyeglasses, and a black blouse with a floral pattern. An interview was later conducted with A. Perkins, and has been included later in the narrative of this report.

After L.R. ignores M. Breckwoldt, M. Breckwoldt's left hand, now free from holding a beer, taps L.R.'s right arm twice, using the back of his hand. L.R. leans back towards M. Breckwoldt, as if to hear him, then turns his entire body towards M. Breckwoldt. L.R.'s body posture appears tense and his movements are consistent with agitation, as he can be seen tapping his own hand on his chest while talking. L.R. spoke without leaning forward, indicating that his voice most likely was raised. M. Breckwoldt can be seen raising his left hand, in a stopping motion, then he leans into the view of camera 9, and appears to be saying something to L.R. L.R. stops talking, his body movements return to a more relaxed posture, he tilts his head as if he were engaged by what is being said by M. Breckwoldt. M. Breckwoldt, can be seen pointing to the bar while talking. L.R. laughs then turns to the bartender, and says something while gesturing to M. Breckwoldt. At the same time, M. Breckwoldt taps L.R. on the right arm again, which is ignored by L.R. while he is in communication with the bartender. L.R. turns back to M. Breckwoldt and while speaking to him, his body posture and movements, resumed to movements consistent with agitation or discord. L.R. can be seen speaking without leaning forward can be seen shaking his hands while speaking to M. Breckwoldt. M. Breckwoldt appears to be saying something as well.

L.R. turns back to the bartender and appears to be ordering a Jameson, because the bartender immediately grabs a plastic cup,

retrieves a bottle clearly labeled Jameson from the liquor well, and begins to pour it into the cup. At this time M. Breckwoldt taps L.R. on the right arm with the backside of his left hand. L.R. pulls his arm back, in a manner that indicates he does not want to be touched, he turns to M. Breckwoldt, and can be seen shaking his right pointer finger at M. Breckwoldt as if he were scolding him. Please note that after this M. Breckwoldt cannot be seen touching L.R. again for the remainder of the evening. M. Breckwoldt's body language does not appear excited or aggressive but rather relaxed as he rests his arms on the back of a barstool located slightly to the right of L.R.. L.R. turns back to the bartender, who has placed the Jameson in front of them, and hands her cash then turns back to M. Breckwoldt. Both appear to be continuing conversing. While speaking to M. Breckwoldt, L.R. can be seen laughing, and while speaking he is tapping his right hand off M. Breckwoldt's left arm.

L.R. turns back to the bar and picks up the Jameson and attempts to hand it to M. Breckwoldt, who can be seen holding up both of his hands in front of him as if he is refusing the drink. L.R. is seen holding the drink toward M. Breckwoldt. M. Breckwoldt slightly pushes L.R. on his right shoulder with his left wrist, this time indicating he is refusing the drink. L.R. places the drink back on the bar and then shakes his pointer finger again as if he were scolding. L.R. picks up the drink again and holds it up to M. Breckwoldt's chest. At this time the bartender returns with change, and L.R. places the drink back on the bar to retrieve his change.

L.R. steps away from the bar, and both parties are out of view from camera 9. Switching to Camera 14, both parties are seen continuing a brief exchange of conversation then L.R. walks away, returning to the stage area. M. Breckwoldt is seen walking back over to the bar, picking up the drink, and consuming it in one shot.

This entire interaction lasts approximately four (4) minutes.

M. Breckwoldt stays in this immediate area. A. Perkins can also be seen remaining in the same area. M. Breckwoldt is alone however he appears to be trying to engage people who are walking by him, and they appear to acknowledge him and then continue to walk away from him.

? 2354 hours- L.R. walks away from M. Breckwoldt and back to the stage, where he can be seen dancing.

? 2356 hours- L.R. exits the stage to the left towards the north stairs where he makes contact with his friend only known as AJ. L.R. can be seen pointing toward M. Breckwoldt, who is still at the southwest area of the bar. The video surveillance footage supports L.R.'s statements regarding his attempt to determine the identity of M. Breckwoldt.

? 2358 hours - L.R. is observed on camera 15 walking toward the southwest corner of the bar, toward M. Breckwoldt's location. He then changes direction toward the west side of the deck and ultimately returned to the area of the dance floor where he proceeds to dance on the stage.

? 0000 hours 05/26/2023 - L.R. exits the stage area and walks in the direction of the southwest corner of the bar. While approaching that area, he stops to speak with an unknown group of people.

Into the morning of May 26, 2023

Second Interaction (Cameras 9 & 14)

? 0003 hours - L.R. approaches A. Perkins, who is sitting on a bar stool in the vicinity of the first interaction between L.R. and M. Breckwoldt. M. Breckwoldt can be seen further down talking with various people, then walks over to L.R. and A. Perkins once he notices L.R.

? 0005 hours - As M. Breckwoldt converses with A. Perkins his right hand comes up and he appears to touch A. Perkins on the upper right chest area with an open hand. A. Perkins did not visibly react to the touching.

? 0006 hours - L.R. shifts position and disengages from the conversation. L.R. moves toward the right of M. Breckwoldt and begins standing at the bar.

? 0007 hours - While in conversation with A. Perkins, M. Breckwoldt places his right hand on her left shoulder. A. Perkins pushes M. Breckwoldt's hand off of her. M. Breckwoldt does not remove his hand but rather lets it hover as he then reaches around A. Perkins takes hold of the back of her head in an attempt to pull her closer to him. A. Perkins again pushes M. Breckwoldt's hand off of and away from her. She is visibly not comfortable with the contact.

? 0008 hours - L.R. reengage's with A. Perkins and M. Breckwoldt. While in communication with A. Perkins and M. Breckwoldt, L.R.'s hand movements appear exaggerated as if he were upset or excited.

? 0009 hours - Finn's security staff members, A. Chewning and B. Shockley, can be observed intervening between L.R. and M. Breckwoldt. The bartender also can be observed giving a gesture consistent with ceasing service of alcoholic beverages in the direction of M. Breckwoldt. There was no physical contact observed on camera between L.R. and M. Breckwoldt during this interaction. A. Chewning engages M. Breckwoldt in conversation.

? 0013 hours - L.R. returns to the stage area of the deck and M. Breckwoldt remains in the area for a brief time prior to moving on to a group of unknown patrons sitting at a table in the area used for dancing at the time. M. Breckwoldt appeared unsteady on his feet. M. Breckwoldt begins to engage with an unknown female in a manner similar to his encounter with A. Perkins. M. Breckwoldt touches the female on the left shoulder area but she did not engage with him. A male sitting at the table says something to M. Breckwoldt, who responds by holding up both his hands, palms out, in a manner consistent with body language indicating he meant no harm or was doing nothing wrong. M. Breckwoldt gives the male a fist bump, which is commonly used to indicate praise, greetings, or respect. M. Breckwoldt turns from the group towards the dance floor.

? 0016 hours- M. Breckwoldt engages with another group of people who are on the dance floor. He can be seen dancing with a white female in the group until 0024 hours. During this time L.R. can be seen on the stage staring in the direction of M. Breckwoldt.

? 0019 hours- L.R. exits the stage and walks to the southwest area of the bar.

? 0024 hours- M. Breckwoldt and the unknown female leave the dance floor area and walk to the southwest corner of the bar.

Third Interaction (Camera's 14 & 15)

? 0024 hours- L.R. can be seen walking up behind M. Breckwoldt, then stands to the left of him at the bar. L.R. appears to be speaking with the male bartender. L.R.'s hand movements while speaking suggest that he is excited.

The bartender appears to be signaling to another person, and another African American male with a hat, who is believed to be security staff. He can be seen engaging with L.R., stepping in between L.R. and Breckwoldt. The security staff and L.R. step away from M. Breckwoldt, who is still at the bar, and seems to have no visible reaction to the encounter. He appears calm and non-reactive. Austin Chewing can be seen standing in the area and A. Perkins appears to be speaking with him.

M. Breckwoldt says something to the bartender who make a cut off signal creating an "x" with the blade of his hands and then another hand gesture pointing this thumb over his shoulder as to say "out". M. Breckwoldt walks over to A. Chewing then walks past him towards the west side of the upper deck.

? 0027 hours- M. Breckwoldt can be seen walking along the west side of the upper deck to the west stairs. B. Shockley can be seen following him as M. Breckwoldt leave the upper deck using the west stairs. L.R. can be seen speaking with the African American male near the southwest side of the upper deck. Once M. Breckwoldt descends from the stairs L.R. and other security can be seen standing by the west staircase. L.R.'s walks over to the west staircase and starts to descend the staircase then stops and comes back up to the upper deck. L.R.'s body movements and hand gestures suggest that he is in an excited state. Security staff appear to be attempting to calm L.R. at this moment.

? No further interactions between L.R. and M. Breckwoldt can be seen the remainder of the event.

Interview/sworn statement - Austin Chewing (Finn's Employee/witness)

On 05/29/2023 I made contact with Austin Chewing, an employee/security at Finn's, via phone. I requested an interview with him regarding the events involving M. Breckwoldt and L.R. on 05/25/2023 and would like to know if he could provide further information on the identities of other possible witnesses seen in the security videos. I sent a still image to Chewing, of a heavyset black male, wearing a white hat, who was seen talking to L.R.. I asked Chewing if he knew the male. Please note the male I was inquiring about is considered a possible witness, as he was the male friend mentioned by L.R. in his interview, and the one who told L.R. that M. Breckwoldt was a "high up" law enforcement officer. After reviewing the image, Chewing advised that he only knows the male as "AJ".

Please note that Chewing was previously employed as a deputy at the Flagler County Sheriff's Office. Chewing no longer holds any law enforcement authority to my knowledge. It was noted that he was present at Finn's, on the night of 05/25/2023, in a civilian working capacity.

Chewing responded to the FBPD for a formal interview on 05/29/23 at approximately, 1532 hours. The interview was audio and video recorded. Chewing was sworn to his statement before and after, affirming that his statement was given without fear or favors. Chewing stated that he knows M. Breckwoldt as a previous co-worker when he was employed with the FCSO. He also mentioned that he knew L.R. and had arrested him approximately (7) seven years ago for DWLS. He stated that on the night in question, he did see both males at Finn's. He was advised by his manager, who was notified by one of the bar staff that a possible verbal altercation was occurring on the southwest side of the bar, near the restrooms. Chewing stated that he responded to the area with other staff and identified L.R. and M. Breckwoldt as the two individuals.

Chewing described L.R. demeanor as very excited, agitated, and was yelling and screaming. He recalled L.R. yelling, "I'm going to fuck this nigger up" referring to M. Breckwoldt, amongst other derogatory verbiage. Chewing stated that in an attempt to de-escalate the situation between the two parties, he redirected M. Breckwoldt away from L.R. while his manager, Blake Shockley, talked with L.R.. Chewing stated that M. Breckwoldt was clearly impaired; however, his demeanor was more calm or "lackadaisical" and he did not see him acting in an aggressive manner. Chewing stated that he asked M. Breckwoldt what was going on, but M. Breckwoldt did not appear to know what the issue was. Chewing stated that he attempted to escort M. Breckwoldt off the property, then his manager, Blake, came over and was able to walk M. Breckwoldt to the west exit, at which time M. Breckwoldt left the upper deck without further incident.

I advised Chewing that I was in the process of reviewing the video from Finn's cameras and so far, I found 3 separate interactions between L.R. and M. Breckwoldt. The interaction he just described seemed to be the last interaction before M. Breckwoldt was escorted off the upper deck. I asked Chewing if he was aware of or intervened in the two previous interactions. Chewing advised that he was unaware of any other interactions between the two parties aside from the one he just described, and he was only informed of one incident.

I asked Chewing if he talked with AJ that night, and he responded that he did very briefly after the incident. Chewing explained that after the incident and the upper deck was closed down, he moved to the lower northeast corner (outside) of the property where he was posted for security. He said that AJ and L.R. were also in that area and L.R. was still very excited about the incident. L.R. then confronted Chewing and accused him of being the reason for his homelessness seven years prior, as a result of his arrest. Chewing stated that he did inquire with AJ about the issue between L.R. and M. Breckwoldt; however, AJ didn't really say much except that he and L.R. were very close. He recalled that AJ did make a comment that he felt L.R. was being "out-of-pocket" scheme" to try and go after M. Breckwoldt. Chewing continued by saying that while they were downstairs, he heard L.R. mention several times that "he

was going to get paid”, “that he was going to have M. Breckwoldt’s job, and how he was calling Morgan and Morgan. Shortly after L.R. said, “Watch this”, then Chewning observed him make a phone call. Shortly after Chewning observed Officer Cozzone arrive on scene.

I asked Chewning if he heard himself M. Breckwoldt making any comments about running Flagler Beach, Being the Sgt. Of Flagler Beach, or any open remarks about being a law enforcement officer? Chewning responded, “No.”; however, Blake had mentioned to him that M. Breckwoldt had said “he ran something”. Chewning included that he was not sure of the exact verbiage or even if Blake heard it firsthand or third party, and he suggested that I ask Blake directly for better details. Chewning added that he did recall L.R. mentioning that he had purchased M. Breckwoldt a drink, but he didn’t hear much about why he bought the drink for M. Breckwoldt. Chewning stated that his perception of the whole incident was that L.R. was not filing charges because he was battered or injured, as he read in the Flagler Live article, but rather that L.R. was looking for a way to get paid. Meaning L.R. was making embellished or false allegations with the hopes of being compensated through a lawsuit. He concluded that L.R. has openly expressed his dislike toward law enforcement, and described his feelings toward the profession as “cantankerous”.

After the interview was completed, I asked Chewning if he hears any other employees mention witnessing the incident to please contact me. I mentioned that I was trying to identify two African American females who were speaking with M. Breckwoldt and were sitting in the immediate area the entire time. Chewning advised that he knew the female I was speaking of and that although he did not know her name her husband was a security guard at the courthouse, and his name was Ricshay Nelson.

Sworn Interview with Erika Morales (Bartender/witness)

On 05/30/2023 at approximately 1206 hours I conducted an interview with Erika Morales, Finn’s Bartender. The interview was audio and video recorded. Morales was sworn to his statement before and after, affirming that her statement was given without fear or favors. Morales appeared confused as to why I was requesting an interview. I explained it was in reference to an incident that occurred on 05/25/23 between two customers at the bar. She still appeared unsure of what I was talking about. I showed her the video of the first interaction between L.R. and M. Breckwoldt. The video clip shows Morales servicing L.R. at the bar during that interaction. Morales identified herself in the video as the bartender. Once seeing L.R. and M. Breckwoldt she was able to recall the two males. Morales stated that she could recall that the two males were “shit talking to each other”, meaning that the two parties were taunting or making disparaging comments towards each other. She explained that she could not hear what was being said, because the music was very loud making it difficult for her to hear the entirety of their conversation, but remember the back male saying to the white guy, “Ok, you want a drink, I’ll buy you a drink”. Morales recalled that for some reason the black male bought a shot of Jameson for the white male. She included that she was not sure if the purchase was a genuine gesture or if the black male bought the drink out of pity for the white male, because they did not appear to be friends or close. She did not have any other customer’s complain about either male but mentioned that the white male, M. Breckwoldt, was very drunk. She stated that near the end of the evening, she remembered that Finn’s Security escorted M. Breckwoldt off the upper deck. Morales concluded that she is a new employee at Finn’s and really doesn’t know any of the customers well enough to know if they are regulars or what their normal behaviors are.

Phone Interview/sworn statement with Blake Shockley

I conducted a follow-up phone interview with B. Shockley on 05/30/2023 at approximately 1900 hours. This was conducted due to a discrepancy in responding officers’ report compared to B. Shockley’s written statement. In Officer Coffman’s report he mentions that after interviewing B. Shockley he told him that M. Breckwoldt was saying “I can do what ever I want. I am the Sergeant of Flagler Beach.”, as if B. Shockley heard M. Breckwoldt’s statements first hand. However, B. Shockley’s written statement says “We were told the white male patron made statements about his job and how he could do whatever he wants.” Upon interviewing B. Shockley, a second time, it was determined that he did not directly hear M. Breckwoldt make any statement regarding his profession or that he was the Sergeant of Flagler Beach. He explained that he was told that by the other party who M. Breckwoldt was in conflict with.

Interview/sworn statements with Ashley and Jada Perkins (Witnesses)

On 05/30/2023 at approximately 1100 hours, I located a contact number for Ricshay Nelson through CAD, and was able to make contact with him via phone. R. Nelson stated that he was aware of the incident, after his girlfriend Ashley Perkins, told him about it, and they were considering calling law enforcement about it. R. Nelson advised that he would call A. Perkins and provide her with my contact phone number. After not receiving a call from A. Perkins, I reached out to R. Nelson on 05/31/23 at approximately 1147 hours and left a voicemail. I called again at 1716 hours and was able to make contact with R. Nelson. I asked R. Nelson for A. Perkins’ number so I could directly attempt contact with her. R. Nelson stated that he didn’t feel comfortable providing me her number; however, he would reach out to her again and urge her to call me. Immediately after disconnecting I received a call from A. Perkins. A. Perkins verified that she was at Finn’s on the night of 05/24/2023 with her sister, Jada Perkins, and her cousin when they witnessed the incident that occurred between L.R. and M. Breckwoldt. Both A. Perkins and J. Perkins agreed to come to the Flagler Beach Police Department for an interview.

Both A. Perkins and J. Perkins arrived separately and were interviewed separately. The interviews were conducted in a video/audio recorded room and both parties were sworn to the statements before and after their interview, affirming that their statement was given without fear or favors.

Please see continuation supplement report.

OfficerID: dcoffman, Case Narrative

On 05/26/2023, I Officer Coffman, with the Flagler Beach Police Department while on patrol in the 100 block of South 2nd street observed a white male later identified as Michael Breckwoldt, who appeared to be sleeping in a chair next to a restaurant (105 North Ocean Shore). I notified dispatch of the type of incident and proceeded to get out of my patrol vehicle. I was then approached by a black male later identified as [REDACTED] advised me that the male sleeping in the chair and him ([REDACTED]) had a disturbance while at a local bar (Finns) 101 North Ocean Shore Blvd. [REDACTED] stated Michael was claiming to be law enforcement.

I then went to check on Michael who was still sleeping in the chair. I asked Michael if he was ok, at which time he raised his head. Michael appeared to be under the influence of alcohol due to my training and experience due to his eyes and his slow reaction and his slurred speech. During this time Officer Cozzone with my agency arrived on the scene and placed Michael in the back of his patrol vehicle, to further conduct the investigation.

I then went back to speak with [REDACTED] who was visibly upset. I attempted to have [REDACTED] explain the whole incident. [REDACTED] stated while he was at the bar on the upper deck of Finns, Michael bumped into him ([REDACTED]) with his chest (an unknown number of times). [REDACTED] stated words were exchanged between the both of them. [REDACTED] stated Michael asked [REDACTED] if he knew who he (Michael) was. [REDACTED] stated Michael advised if you knew who I was you would buy me a drink. [REDACTED] stated he did not know who Michael was at this point. [REDACTED] stated due to Michael's statement he bought Michael a shot of Jameson. [REDACTED] stated he asked some friends he was with who Michael was and that's when [REDACTED] was informed Michael worked for the Flagler County Sheriff's Department. [REDACTED] felt Michael was using his status as a law enforcement officer to his advantage. [REDACTED] stated his brother's girlfriend took a video of the incident on her cell phone. It should be noted I attempted to have [REDACTED] get the video while on the scene but was unsuccessful due to [REDACTED] jumping from one part of the interaction to another. I believe this to be due to [REDACTED] being under the influence. [REDACTED] had the odor of alcohol coming off of his body and [REDACTED] verbally stated he was also under the influence. It was apparent [REDACTED] was emotionally upset over the incident and other officers and I attempted to calm [REDACTED] down. [REDACTED] made contact with his wife who was at work at this time to come give him a ride back home.

Officer Cozzone confirmed Michael was a law enforcement officer with the Flagler County Sheriff's Office. Due to Michael being a law enforcement officer within Flagler County Sergeant (SGT) Blank with my agency was contacted to respond to the scene along with Commander Finn with the Flagler County Sheriff's Office due to Michael working for his agency. Both supervisors were briefed on the incident and the information gathered to this point.

Officer Cozzone went back to Finns to make contact with potential witnesses of the incident. A single written statement was obtained from an employee (Blake Shockley) who was working. Blake stated two Patrons ([REDACTED], and Michael) were in an argument when security and management asked [REDACTED] if everything was ok. Blake was told Michael was talking about his job and how he (Michael) could do whatever he wanted. Blake stated Michael was intoxicated and bumping into customers saying I am the sergeant of Flagler Beach and he can do whatever he wanted. Blake stated Michael was cut off by bartenders and offered water and a ride home which he denied.

Due to both [REDACTED] and Michael being under the influence of alcohol, no sworn statements were taken from any parties involved. It was explained to [REDACTED] since he is under the influence we would like to wait to take a written statement of the incident until the morning. A time of 1000 hours was set to meet with [REDACTED] at the Flagler Beach Police Department to obtain a written statement. It was also explained to [REDACTED] that we do not have access to Finns video surveillance until the morning, due to no one on shift having access to their system. It was also explained to [REDACTED] to bring the video from his family member so it could be entered as evidence. [REDACTED] was made aware if the evidence show probable cause charges would be sent to the State Attorney's Officer.

Once [REDACTED] wife arrived on the scene everything explained to her due to being sober. [REDACTED] was provided with a case number and key information regarding the follow-up was written down.

Information will be passed on to the day shift officers to collect the necessary video evidence needed to further investigate this incident.

I have nothing further to add at this time, any other information will be added as a supplemental report. Axon was used and will be added to evidence.com

End of Report.

OfficerID: gcozzone, Case Supplement Narrative

On 5/26/23 at approximately 1:16 a.m. I responded as a back-up Officer to the 100 block of North 2nd Street. Officer Coffman advised dispatch he was out with a suspicious person in that area, and I was a few blocks away. Upon arrival, I observed a black male,

later identified as [REDACTED] (V1), and a white male identified as Michael Breckwoldt (O1). V1 appeared to be very upset and O1 appeared intoxicated and was sitting on a chair. To avoid future conflict, I escorted O1 to my patrol car to separate both the males. I called for Sergeant Blank to respond, as the incident involved a Flagler County Deputy. I then returned requested his ID which was ran without incident. Upon Sergeant Blank's arrival, I explained the information that I had so far. I returned to V1 and ask him to explain what happen, he stated the following:

He was at the stage area of Finn's (101 North Oceanshore Boulevard) when O1 approached him. O1 "bumped" V1's chest and ask if he knew who he was. V1 told him to back up at which time O1 chest bumped him again and told V1 to buy him a shot of Jameson whiskey. O1 became upset and started yelling, at which time V1 asked a friend if he knew who O1 was, and the friend advised that O1 was a cop. V1 advised that he had witnesses of the encounter along with video.

I asked V1 what were his intentions, which V1 advised he wished to prosecute. I then asked V1 if he had access to the aforementioned video. V1 stated he would need to speak with his lawyer prior to showing law enforcement the video. V1 then stated he needed to use the restroom, but wanted a police escort as he was scared of O1. I escorted V1 to Finn's and while V1 was using the restroom, I spoke with the bar's security who advised he only believed the incident was verbal in nature; however, did not observe the interaction the entire time. I asked if he had access to the security cameras, which he did not. I asked the security who the manager on-duty was and he advised Blake was. I located Blake inside the bar and asked if he had access to the cameras, which he did not either. I asked if he observed any of the incident, he stated he did not but did advise that O1 was intoxicated and was "cut-off" by a bar tender. Blake stated that he observed O1 saying "I'm the Sergeant of Flagler Beach and I fucking run this town," to V1. Blake advised V1 that O1 did not run Finn's and was confused on why O1 was saying this.

I returned back to location of incident once V1 was done. I explained to V1 that a Commander from the Flagler County Sheriff's Office was enroute and would need to speak with him. I was advised to get a sworn written statement from Blake the bar manager of the incident and went back to Finn's to have Blake complete it. Once completed I returned back Officer Coffman and gave him the completed statement.

Commander Finn had since arrived and was speaking with V1. It was decided due to V1 being intoxicated to wait till the morning to have V1 complete a sworn written statement of the incident. V1 understood and advised that he was not drunk but had been drinking. I issued V1 a case card and wrote that V1 intended to come to the Flagler Beach Police Department at 10:00 a.m. as V1 wanted proof to give to his employer to be excused from work. V1 was taken home by his wife, who was also explained the information.

I was then instructed to give O1 a courtesy ride home to a local Palm Coast address. The ride was given to O1, without incident. I advised O1 that acting Chief Goncalves and Commander Finn, would be making contact at his home, per Commander Finn

Axon of the incident was uploaded to evidence.com.

No other information or action.