

AFFIDAVIT OF

Walter Benedict

I hereby swear and affirm the following facts are true and correct:

Friday night, 5/11/01, at about 9:45 PM, I put my belongings and posters behind the Kite Shop building, behind the gate and in the bushes so I could go get something to eat. This was about my 21st day of a protest vigil on St. George Street contesting police and prosecutorial misconduct.

Two hours later, I discovered my signs, materials and personal belongings were gone. I went to my friend's house and went to sleep because there was nothing else to do at the time. The next morning at about 8 AM, I called the police to report my stuff was missing. A half hour later, a gentleman asked me when I had gotten out of jail, that he saw four bike officers loading my signs onto a city truck. I explained I had not been arrested.

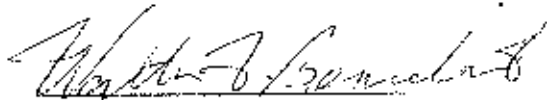
I called Roger Jolley and Warren Celli to apprise them of the situation, that there was a witness, and that the police had not come down to take a report from me.

Two and a half hours later, Officer Barry Fox came down and informed me that I could pick up my stuff Monday, that it was all in the property room, and that he couldn't give it to me.

Several hours later, after Roger Jolley had come down with some replacement signs and copies of the "SAINT AUG DOG" to pass out, Officer Fox and another officer showed up and went up to the Kite Shop. About a half hour later, Fox left without comment. Soon after, Phil Castillo, the proprietor of the Kite shop stopped by and said, "Everything is taken care of."

About 4:30 PM, Officer Mark Bianchi stopped by and said I could pick up my stuff at the station. Warren Celli, who had printed much of the materials I pass out during my protest, drove me to the police station to pick up our stuff.

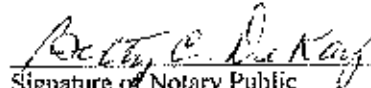
FURTHER AFFIANT SAYETH NOT.


Walter Benedict

**STATE OF FLORIDA
COUNTY OF ST. JOHNS**

The foregoing instrument was acknowledged before me this 12 day of JUNE, 2001 by Walter Benedict who is personally known to me or who produced FLID B532-96652-789 as identification and who (did) or (did not) take an oath.




Signature of Notary Public
Betty C. DeKay
Print name of Notary Public
State of Florida
My Commission Expires:

AFFIDAVIT OF

Walter Benedict

I hereby swear and affirm the following facts are true and correct:

Wednesday, 5/16/01, at about 9 PM, I arrived at 76 Spanish Street, where I had permission to store my stuff, including my personal belongings and protest material including many different copies of Warren Celli's "SAINT AUG DOG" and protest signs. Some of my stuff was already stored there.

When I went into the building, my stuff was gone; everything else remained untouched, including antiques and valuables. My friend who also had permission to store his things there had his possessions left untouched. Only my materials were missing.

I noticed shaving cream on the walls and on the rocking chair loaned to me by Fred Canavari.

My friend, Mark Leach and I went looking through local dumpsters close by, and found my stuff in the dumpster behind the Bank of America located about 400 feet away from the building.

A gentleman came out and asked me what I was doing in the dumpster and told me he had seen two police officers with shorts on throw the stuff into the dumpster.

We went back to return what I could salvage from the dumpster to safe storage and discovered two officers hiding behind the building, apparently waiting for us.

They asked us what we were doing there and I explained we had permission to be there to store and retrieve our belongings. They called over the radio to confirm or deny whether we had permission to be there, using only our first names, "Walter and Mark."

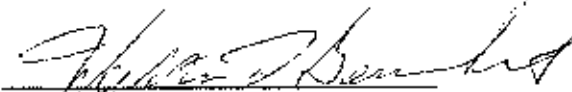
Dispatch came back on the radio confirming we had permission from home owner Barbara Tiesen to store our things there and to come and go as needed to retrieve or place our belongings for safe keeping.

I called Warren Celli and told him what had happened. Warren drove down at about 10:15 PM and retrieved his signs that had been defaced with Mark's shaving crème and with urine. We loaded everything taken from the house into his truck and he dropped me off at my friend's house where I sleep.

The next morning, I called Roger Jolley and made a report on what had occurred. He set up a meeting with Asst. Police Chief Loran Leuters, Operations Commander Kevin Stark, and Community Issues Response Team leader Sgt. Mark Bianchi for 10:30 AM the same day. The meeting went on for about two hours.

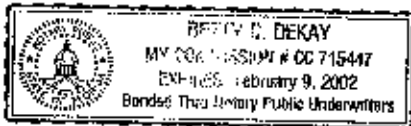
The officers admitted what had occurred, refused to take a report from me, but offered their officers investigative report on these two incidents, dated 5/11/01 and 5/16/01. Officer Bianchi offered to reimburse me for the cost to replace the damaged signs and materials

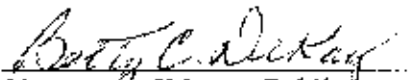
FURTHER AFFIANT SAYETH NOT.


Walter Benedict

**STATE OF FLORIDA
COUNTY OF ST. JOHNS**

The foregoing instrument was acknowledged before me this 12 day of June, 2001 by Walter Benedict, who is personally known to me or who produced FLID B532-96-52-089-0 as identification and who (did) or (did not) take an oath.




Signature of Notary Public

Betty C. Dekay
Print name of Notary Public
State of Florida
My Commission Expires:

AFFIDAVIT OF

Roger Graham Jolley

I hereby swear and affirm the following facts are true and correct:

Monday, June 11, 2001, I received a call from Walter Benedict at approximately 6:15 PM. Walter reported that he had been present early for the scheduled city commission meeting. He was preparing to speak on two incidents of improper search and seizure, and the subsequent destruction of his personal property and protest materials and signs by the SAPD, which had occurred according to SAPD reports 5/11/01 and 5/16/01 (attached).

At about 3:40 PM on June 11th, Walter reported that Officer Renee Morris arrested Ron Dolan, (AKA Sterling, the Silver Man) on a Misdemeanor Warrant for performing in defiance of the Street Performer Ordinance. Officer Morris took Mr. Dolan to jail, preventing him from speaking about his political protests on St. George Street during the public meeting, which begins at 4 PM.

Very soon after this arrest, Walter reported that he was approached by Police Chief David Shoar and was asked by the chief to refrain from speaking to the Commission during the segment titled "Matters not on the agenda" which allows a speaker three minutes. Walter reported that he was instead given an appointment to meet with the chief at 8:30 AM the next day to discuss in private a resolution to his complaint, even though the Police Department had previously refused to take any formal complaint from him.

Walter informed the chief that he was scheduled to leave town by bus the next day at 3 PM and would not return to St. Augustine until October. The early meeting time was set to accommodate Walters busy schedule for preparing to leave town for an extended time.

I encouraged Walter to go back to the meeting which was still going on, and which I had been monitoring on cable channel 3. It was raining and Walter was some distance from the meeting, and we agreed that it was unlikely he would be able to return to the meeting in time to speak.

As a result of the SAPD's actions 6/11/01, no one stood up at this particular city commission meeting, the first in over a month, to address SAPD misconduct or the ongoing custodial arrests for political protests on St. George Street. Several of us had been speaking at each city commission meeting since January 2000 when the street performer ordinance 2000-03 was offered by the Chamber of Commerce as a solution to their problem on St. George Street.

The proposed meeting was set up for a Laundromat or Hardee's, just up the street from the police department. Walter asked me to attend the meeting with him, to assure that there would be a witness and that no more funny business would occur. I agreed to meet him at 8 AM the next morning.

I arrived at the agreed meeting place, the Greyhound station at 7:55 AM and Walter showed up at about 8:35 AM. He called Chief Shoar right away but the secretary could not locate the chief at that moment. Walter left a message that he would be at the Laundromat, saying nothing about my presence. We walked the two blocks to the Laundromat where Walter immediately started putting his laundry into two washers. The chief showed up within 15 minutes of our arrival.

Chief Shoar asked us what would satisfy us as a resolution to the SAPD misconduct. He did not have a problem with his officers invading private property because the property at 76 Spanish Street was "abandoned" according to the police report. No mention was made of the prior incident at 97 St. George Street where SAPD officers went on to private property which is also not "abandoned," behind a gate located on private property, and took Walters stuff without any warrant, or cause. The next day (5/12/01), Officer Barry Fox went directly to the Kite Shop, which leases 97 St. George Street and established that Walter had permission to store his things there.

As indicated in the police report dated 5/16/01, the officers and police dispatch knew exactly who owned the building which is kept locked to prevent theft of the antiques stored within by the owner. Dispatch was able to call the owner without delay and established that the owner, Barbara Tiesen had indeed given permission for Walter and another, Mark Leach to store their belongings in her unoccupied building, and to come and go to store or retrieve their property. The officers had already detained the two for trespassing, and had already taken only Walters belongings and disposed of them in a nearby dumpster. (See two (2) Affidavit's of Walter Benedict, notarized 6/12/01, attached)

The chief was primarily concerned with the destruction of Walter's property, taken from 76 Spanish Street on 5/16/01. The only mention of the 5/11/01 incident during this meeting was the detailed property report, which included personal property and jewelry, and "untrue propaganda." No specific mention was made of the protest signs and material taken, which criticized SAPD for specific acts of misconduct against Walter, and nearly two decades of deliberate discrimination by the SAPD alleged by Warren Celli's material.

No mention was made concerning the recompense of Warren Celli, who owned most of the material passed out and displayed by Walter, nor of Merrill Roland who had provided additional materials for Walter's extended protest presence on St. George Street.

The Chief did not offer to allow Walter to file a formal report with the SAPD detailing his charges, even though we had sought to file such a report on 5/17/01, 5/20/01 and at least two other times when I asked Chief Shoar by cell phone to accept Walters criminal complaint.

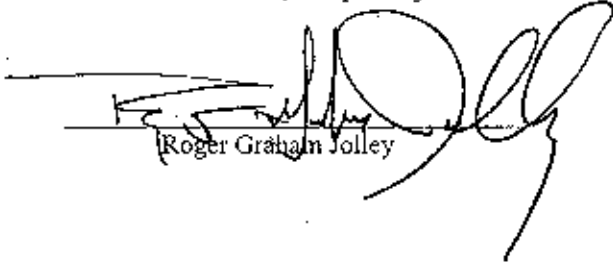
Instead, Chief Shoar offered Walter a three-point plan. He offered his word that such an occurrence would not happen again. He offered to send Walter \$600 at his Mother's address in Vermont, to replace a watch his mother had given him (valued over \$300 according to Walter) and lost in a dumpster with other personal materials placed there by SAPD officers 5/16/01. Chief Shoar insisted he would take Walter at his word and did not need a detailed list of what was lost and the cost to replace those items. Finally, Chief Shoar offered to discipline his officers for their misconduct and criminal acts.

Chief Shoar asked us what discipline would satisfy us and I insisted that that was his call, not ours. I indicated that I thought criminal charges would be appropriate, and Walter mentioned 6 month's suspension. Walter and I finally agreed it was inappropriate for us to name a sanction and left it to the chief to decide what disciplinary action would be an appropriate response. The chief was only willing to act on the destruction of the property 5/16/01, not the taking of it without probable cause or the failure to obtain a proper warrant prior to going onto private property in both cases.

This meeting took about 40 minutes and the chief did not give any notice of surprise to find me there with Walter at the Laundromat.

Since there was no written record anywhere of Walter's complaints against the SAPD for these two incidents, as the SAPD refused to take a complaint, I assisted Walter Benedict in the preparation of two separate affidavits and the subsequent notary public affirmation of his identity and signature on those documents, completed just an hour before his bus left.

FURTHER AFFIANT SAYETH NOT.


Roger Graham Jolley

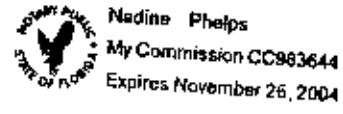
STATE OF FLORIDA
COUNTY OF ST. JOHNS

The foregoing instrument was acknowledged before me this 11th day of June, 2001 by Roger G. Jolley, who is personally known to me ~~or who produced~~ as identification and who (did) or (did not) take an oath.


Signature of Notary Public

Nadine J. Phelps
Print name of Notary Public
State of Florida

My Commission Expires:



AFFIDAVIT OF

Merrill Roland

I hereby swear and affirm the following facts are true and correct:

I, Merrill Roland provided Walter Benedict with printed political materials which was critical of the City of St. Augustine, FL. To wit; 2000 green "St. Augustine Souvenir" Dollars. [ref: SAPD property receipt CCR# 01-11684, dated 5/11/01, item #.8; SAPD Description "Large stack of green dollar bills approx. 100"]

Walter had notified me in two instances (5/11/01 and 5/16/01) that my property had been taken by SAPD officers, thereby interfering with my free speech, employing illegal search and seizure and never referencing any legal warrant.

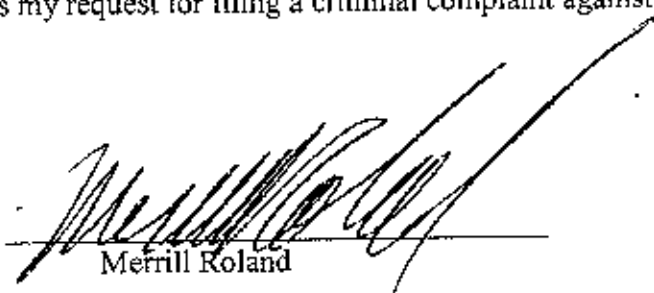
Walter and I met with property owner Barbara Tiesen on May 17th at 76 Spanish Street. Code enforcement had just left after posting the building. She said that a SAPD officer called her the night before, pressuring her to prefer charges against Walter Benedict and Mark Leach, which she declined to do. Ms. Tiesen said to me that she had given the two gentleman permission to store my political materials with their own in her building, and did not give the officers permission to enter her building or remove property.

Ms. Teisen told me 'I'm afraid that the City of St. Augustine will cause me more problems because I'm helping you (Walter, Mark and Merrill) with your political cause.'

On June 8th, I called police Chief David Shoar with a request to file criminal charges against the officers responsible. He offered at that time to repay the cost of replacing the political materials out of his own pocket. However, he did not address my request for filing a criminal complaint against those officers responsible, Warner and Lervik.

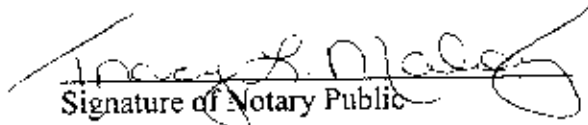
To this date I have not received a response.

FURTHER AFFIANT SAYETH NOT.

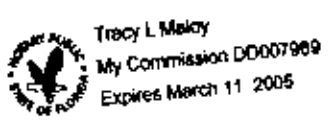

Merrill Roland

STATE OF FLORIDA
COUNTY OF ST. JOHNS

The foregoing instrument was acknowledged before me this 14th day of JUNE, 2001 by MERRILL ROLAND, who is personally known to me or who produced FLORIDA DRIVER LICENSE as identification and who (did) or (did not) take an oath.


Signature of Notary Public

TRACY L. MELOY
Print name of Notary Public
State of Florida
My Commission Expires:



SELECT ONE

ADULT
JUVENILE

SEXUAL ASSAULT
DOMESTIC VIOLENCE

SELECT ONE

SUPPLEMENT
ORIGINAL

INVESTIGATIVE REPORT

Report # 01-12104

Reported Day Wed	Time 2:25	Date 5/16/01	Incident Date	Time	TO	Date	Time			
Type 9	Description SUSPICIOUS INCIDENT	A-Attempted B-Coordinated	Statute Number	Class Code S P C I	Zone 4					
Incident Location 76 SPANISH	Premises Entered 1						Weapon Type 00	Location Type 01	Fixed Entry 0-N/A 2-NO	1-YES

VICTIM/INJURED											
Person # 1	V/W Code W	Type 2	Name (Last, First, Middle or Business Name) LUTHEVIK OTILE								
Address			City () St. Augustine		State	Zip	Residence Phone				
Business or Other Address 151 WINDY ST			City () St. Augustine		State	Zip	Business Phone 325-1070				
Race W	Sex M	DOB	Relationship	Victims Rights Form Issued Spouse Abuse Form Issued							
Person # 2	V/W Code Z	Type 3	Name (Last, First, Middle or Business Name) TETSARD BARBARA								
Address 47 GROVE			City () St. Augustine		State	Zip	Residence Phone 324-1617				
Business or Other Address			City () St. Augustine		State	Zip	Business Phone				
Race W	Sex F	DOB	Relationship	Victims Rights Form Issued Spouse Abuse Form Issued							
Person #	V/W Code	Type	Name (Last, First, Middle or Business Name)								
Address			City () St. Augustine		State	Zip	Residence Phone				
Business or Other Address			City () St. Augustine		State	Zip	Business Phone				
Race	Sex	DOB	Relationship	Victims Rights Form Issued Spouse Abuse Form Issued							

SUSPECT MISSING											
S - Suspect A - Arrested	E - Escaped M - Missing	R - Recovered Missing	Z - Other	Code 2	Pers. # 3	Name, Last, First, Middle BANDIET WALTER					
Address HOMELESS			City () St. Augustine		State	Zip	Residence Phone				
Business or Other Address			City () St. Augustine		State	Zip	Business Phone				
Occupation	Employer	DL # & State			Social Security #						
DOB 3/1/52	Race W	Sex M	Height 602	Weight 250	Hair Color BLK	Eye Color BRN	Facial Hair	Complexion			
Other Identifiers			Associates								

S - Suspect A - Arrested	E - Escaped M - Missing	R - Recovered Missing	Z - Other	Code 2	Pers. # 4	Name, Last, First, Middle LORDON MARIE					
Address HOMELESS			City () St. Augustine		State	Zip	Residence Phone				
Business or Other Address			City () St. Augustine		State	Zip	Business Phone				
Occupation	Employer	DL # & State			Social Security #						
DOB 2/2/70	Race W	Sex M	Height 511	Weight 155	Hair Color BRN	Eye Color BRN	Facial Hair	Complexion			
Other Identifiers			Associates								

S - Suspect A - Arrested	E - Escaped M - Missing	R - Recovered Missing	Z - Other	Code	Pers. #	Name, Last, First, Middle					
Address			City () St. Augustine		State	Zip	Residence Phone				
Business or Other Address			City () St. Augustine		State	Zip	Business Phone				
Occupation	Employer	DL # & State			Social Security #						
DOB	Race	Sex	Height	Weight	Hair Color	Eye Color	Facial Hair	Complexion			
Other Identifiers			Associates								

INVESTIGATIVE REPORT - Page 2

OFFICER		Type Codes				Recovery Codes		
Status Code 1 - Stolen 2 - Recovered 3 - Stolen & Recovered 4 - Suspicious 5 - Impounded 6 - Abandoned 7 - Fail To Return 8 - Seized 9 - Other		1 - Auto 2 - Truck/Van 3 - Motorcycle 4 - Camper/RV 5 - Bus 6 - Trailer 7 - Boat 8 - Aircraft 9 - Other		Stolen/Recovered 1 - Local/Local 2 - Local/Other 3 - Other Local				
Year	Make	Model	Style	Tag	State	Serial #	Vin #	
Drove		Insurance Co.	Serial/Make/Damage				Ordered By	PC/IN/CIC
Towed By		Storage Location						

PROPERTY		Property Type Codes				Type of Weapon	
Property Status 1 - Stolen 2 - Recovered 3 - Stolen & Recovered 4 - Recovered O.S. 5 - Lost 6 - Found 7 - Fail To Return 8 - Seized 9 - Other		A - Auto Accessory/Part B - Bicycle C - Camera/Photo Equipment D - Drugs E - Equipment/Tools F - Food/Liquor/Consumable G - Gun H - Household App./Goods I - Plant/Crop J - Jewelry/Precious Metals K - Clothing/Fur L - Livestock M - Musical Instrument N - Construction Equipment O - Office Equipment P - Art/Collection Q - Computer Equipment R - Radio/ Stereo S - Sports Equipment T - Video/VCR U - Currency/Negotiable V - Credit Cards/Mon. Negotiable W - Boat Motor X - Structure Y - Farm Equipment Z - Miscellaneous		00 - N/A 01 - Handgun 02 - Rifle 03 - Shotgun 04 - Pistol 05 - Knife/Cutting Inst. 06 - Stun Object 07 - Hand/Fist/Feet 08 - Poison 09 - Explosives 10 - Fire/Accendary 11 - Thresh/Inimikation 12 - Simulated Weapons 13 - Drugs 14 - Unknown 15 - Other			

Item #	Status	Property Type	Weapon Type	Quantity	Name	Brand	Model
Serial #			Other Applied #		Value	Value Recovered	Drug Amount
Description (size, color, caliber, etc.)							
Item #	Status	Property Type	Weapon Type	Quantity	Name	Brand	Model
Serial #			Other Applied #		Value	Value Recovered	Drug Amount
Description (size, color, caliber, etc.)							
Item #	Status	Property Type	Weapon Type	Quantity	Name	Brand	Model
Serial #			Other Applied #		Value	Value Recovered	Drug Amount
Description (size, color, caliber, etc.)							

Narrative
 ON 5/16/01 AT APPROX 2000 MYSELF AND (22) OFC B. COLVIER RECEIVED INFORMATION THAT THREE LOCAL INDIVIDUALS SETTING UP THE BUST OUT APPOINTMENT BUILDING AT THE CORNER OF TOWNSHIRE & SPANISH. MYSELF AND OFC COLVIER ENTERED THE BUILDING AT 7:30 SPANISH THROUGH AN UNSECURED FRONT DOOR. INSIDE WE FOUND SIGNS OF PEOPLE LIVING IN THE HOUSE TO INCLUDE WHAT APPEARED TO BE A BUCKET CONTAINING SEALED CLOTHING AND A WOODEN REFRIGERATOR. WE BELIEVED TO BELONG TO (23) INDIVIDUAL. THE INTERIOR OF THE HOUSE IS SEVERELY DAMAGED FROM THE RECENT FIRE AND APPEARS TO HAVE NO RENTING VALUE OR FURNITURE. DUE TO THE CONDITION OF THE HOUSE AND REGARD FOR THE SAFETY OF MYSELF AND OFC COLVIER WE MAY BE STAYING IN THE HOUSE. WE REMOVED THE ITEMS AND RESTRICATED THE HOUSE. THE BUCKET OF SEALED CLOTHING WAS PLACED IN A NEARBY DUMPSTER AND THE REFRIGERATOR WAS PLACED AT THE REAR OF THE HOUSE.

Case Status	Clearance Type	Exception Type	3 - Death Of Citizen	5 - Prosecution Declined	A - Adult Juvenile	Date Cleared
A		1 - Extradition Declined 2 - Arrested On Priority	4 - Not Reused To Cooperate	6 - Jurisdiction/Custody		
Reporting Officer	9757	Date	5/16/01	Route To:		
Reviewing Officer		Date		Reported Report #		

NARRATIVE REPORT

ST. AUGUSTINE POLICE
ST. AUGUSTINE, FLORIDA

Page <u>3</u> of <u>3</u>	Offense/Incident <u>3901</u>	OCR Number <u>01-12101</u>
Victim's Name and Address		

AT THE REAR OF THE HOUSE, UPON MAKING CONTACT WE OBSERVED THE BACK DOOR HAD BEEN RE-OPENED BY APPARENTLY ONE OF THE TWO MEN CRAWLING THROUGH A BACK EXIT WINDOW SEEN AT THE BOTTOM OF THE DOOR AND UNLOCKING THE DOOR FROM THE INSIDE. UPON SURVEILLING THE TWO INDIVIDUALS, LONCH ADVISED HE HAD PERMISSION FROM THE OWNER TO BE IN THE HOUSE. I MADE CONTACT WITH (22) ALABAZA TELIA THE OWNER OF THE BUILDING WHO CONFIRMS SHE HAD GIVEN LONCH AND BENEDICT PERMISSION TO STAY IN THE HOUSE.

BECAUSE THE OWNER ADVISED THE TWO MEN HAD PERMISSION TO BE IN THE HOUSE WE ADVISED THEM TO STAY UNTIL OPG LOYALTY HAS A CHANGE IN CONTACT AND ENFORCEMENT IMMEDIATELY ON THE ISSUE.

BENEDICT WAS UPSET THAT WE PLACED SOME OF HIS BELONGINGS IN THE HOME AND ADVISED HE WAS GOING TO SUE US.

Reporting Officer <u>[Signature]</u>	I.D. Number <u>9707</u>	Date/Time <u>5/16/01 2125</u>	Reporting Officer	I.D. Number	Date/Time
Supervisor	I.D. Number	Date/Time	Date/Time Reproduced	Reviewer	I.D. Number