

**PALM BEACH COUNTY SHERIFF'S OFFICE
FSS EXEMPTIONS/CONFIDENTIAL**

- 119.071(2)(c) active criminal intelligence/active criminal investigative information
- 119.071(2)(d) Comprehensive policies or plans pertaining to the mobilization, deployment or tactical operations involved in responding to emergencies. (Deputies schedules)
- 119.071(2)(e) confessions
- 119.071(2)(f) confidential informants
- 119.071(5)(g)1, Biometric Identification Information (Fingerprints, palm prints, and footprints)
- 365.171(15) identity of 911 caller or person requesting emergency service
- 119.071(4)(d)(1) home address, telephone, soc. security #, photos of active/former LE personnel, spouses and children
- 316.066(5)(a) crash reports are confidential for period of 60 days after the report is filed
- 119.071(2)(h)(1) i.d. of victim of sexual battery, lewd and lascivious offense upon person less than 16 years old, child abuse, sexual offense
- 119.071(2)(i) assets of crime victim
- 985.04(1) juvenile offender records
- 119.071(5)(a)(3) social security numbers held by agency
- 119.0712(2) personal information contained in a motor vehicle record
- 119.071(5)(b) bank account #, debit, charge and credit card #s held by an agency
- 395.3025(7)(a) and/or 456.057(7)(a) medical information
- 394.4615(7) mental health information
- 119.071(2)(b) criminal intelligence/investigative information from a non-florida criminal justice agency
- 943.053/943.0525 NCIC/FCIC/FBI and in-state FDLE/DOC
- 119.071 (1)(a) Examination questions and answer sheets of examinations administered by a governmental agency
- 119.071(4)(c) undercover personnel
- 119.07(4)(d) extra fee if request is voluminous or requires extensive personnel, technology
- OTHER: _____

Case number: IACB-020 Clerk ID: 6908 Date: 12/24/09

PALM BEACH COUNTY SHERIFF'S OFFICE

RIC L. BRADSHAW, SHERIFF



PERSONNEL COMPLAINT REPORT

Case No. # IA 08-020

Date of Complaint: 03/15/2008

How Received: Allegation Form Letter Internal/Memo Email Other _____

Complainant's Name: Captain Robert Van Reeth

Address: Division of Internal Affairs, West Palm Beach, FL

Allegation(s):

ADMINISTRATIVE REVIEW: Deputy Peixoto conducted a traffic stop and was involved in an officer involved shooting which resulted in the death of the vehicle passenger.

Authorizing Investigation: **SHERIFF R. L. BRADSHAW, PALM BEACH COUNTY SHERIFF'S OFFICE**

How Assigned: Incident Review Personal Complaint Internal Affairs Investigation

Date / Time of Incident: 03/15/2008 Location of Incident: Casa Del-Monte Mobile Home Park

Employee(s) Involved:	Assignment at Time of Incident: (District / Bureau / Unit)
D/S Samuel PEIXOTO (I.D. 8212)	District 1 - West Palm Beach (4040)

Investigator Assigned:
Sergeant Jose Garcia

- Palm Beach County Sheriff's Office Rules and Regulations Violation(s):
1. Section IX (51) Unlawful Use of Deadly Force, to wit: GO 500.00 Use of Deadly Force
 2. Section VIII (6) Commission of a Felony, to wit: FSS 782.07 Manslaughter
 3. Section VIII (6) Commission of a Felony, to wit: FSS 918.13 Tampering With or Fabricating Physical Evidence

FINAL DISPOSITION OF INVESTIGATION

<input type="checkbox"/>	Exonerated Regarding
<input type="checkbox"/>	Unsubstantiated Regarding
<input type="checkbox"/>	Unfounded Regarding
<input checked="" type="checkbox"/>	Sustained Regarding

Signature of Approving Authority (Sheriff / Designee) [Signature] Date 5/1/08

FINAL DISCIPLINARY ACTION TAKEN BY AGENCY

Termination	Demotion	Transfer	Verbal Reprimand
Resignation	Suspension / # of Hours:	Written Reprimand	No Action
Other: <u>Discasped</u>			

Signature of Approving Authority (Sheriff / Designee) [Signature] Date 5/1/08

**TO: CAPTAIN ROBERT VAN REETH
COMMANDER
DIVISION OF INTERNAL AFFAIRS**

DATE: MAY 1, 2008

FROM: SERGEANT JOSE GARCIA, ID # 4652

RE: INTERNAL AFFAIRS INVESTIGATION# 08-020

EMPLOYEE: DEPUTY SAMUEL PEIXOTO, ID # 8212

ALLEGATION(S):

Deputy Samuel Peixoto, # 8212 conducted a traffic stop on a white Ford Windstar van occupied by two Hispanic males. The traffic stop escalated into the Use of Deadly Force when Deputy Peixoto fired his service weapon into the van striking the vehicle passenger. The passenger was fatally wounded.

PERSONS INTERVIEWED:

1. Asuncion Cabrera DOB 08/15/1978
1239 W. Boca Bend
Boca Raton, FL 33428
(561) 820-8239
2. Wendell Hilderman
1641 62nd Drive S.
West Palm Beach, FI 33415
(561) 207-7052
3. Deputy Samuel Peixoto, ID # 8212
District 1 – Road Patrol

DOCUMENTARY EVIDENCE:

1. Copy of Offense Report and all supplements for PBSO Case # 08-050906
2. Copy of Offense Report for PBSO Case # 08-050914
3. Copy of Offense Report and all supplements for PBSO Case # 08-050969
4. Copies of Photos of Deputy Peixoto's Injuries
5. Copy of Deputy Peixoto's Psychological Post Critical Incident Debriefing Report

6. Copy Blue Team Entry reference PBSO Case # 08-050906
7. Copy of Violent Crimes Division Debriefing Report for PBSO Case # 08-050906
8. Copy of Transcript of Deputy Peixoto's video walk through of PBSO Case # 08-050906
9. Copy of Radio Traffic Timeline for PBSO Case # 08-050906
10. Copy of Dr. Marraccini's Wound Interpretation Analysis Report
11. Copy of PBSO Latent Print Report for PBSO Case # 08-050906
12. Copy of Dr. Crouse DNA Marker Report for PBSO Case # 08-050906
13. Copy of Photo of the "Butterfly" Knife
14. Copies of the Walk Through Video on CD for PBSO Case # 08-050906
15. Copy of the Video on CD from Casa Delmonte
16. Copy PBSO Communication Radio Traffic on CD for PBSO Case # 08-050906
17. Copies of Witness Statement on CDs
 - Wendell Hilderman
 - Asuncion Cabrera
18. Property Receipt for Recorded Statements and Videos
19. Investigator's Affidavit

INVESTIGATION:

On March 15, 2008, I was assigned the task of conducting an Administrative Investigation resulting from Deputy Samuel Peixoto's Use of Deadly Force. The circumstances leading up to the Use of Force were as follows: Deputy Samuel Peixoto was dispatched to a suspicious person / suspicious vehicle at 1641 62ND Drive S., West Palm Beach (Casa Del-Monte Mobile Home Park). Deputy Peixoto arrived on scene at 7:16 A.M. and made contact with a Hispanic male who was operating a 1998 Ford Windstar van, bearing Florida Tag [REDACTED]

After a brief contact, Deputy Peixoto ordered the Hispanic male out of the area. Deputy Peixoto returned to his patrol vehicle and as he was leaving the mobile

home park noted the van beginning to weave. Deputy Peixoto suspected the driver might have been driving under the influence (D.U.I.). The white van exited the mobile home park and turned left onto Forest Hill Blvd heading eastbound. Deputy Peixoto attempted to affect a traffic stop; however, the van continued past Sherwood Forest Blvd. and came to a stop on the roadway in front of 5880 Forest Hill Blvd.

Deputy Peixoto approached the driver side of the van and made contact with the driver, who was later identified as Asuncion Cabrera. It was during this time Deputy Peixoto noted there was a passenger, who was later identified as Marino Sarbelio Ramos. Deputy Peixoto requested Cabrera's driver's license and registration. During the encounter Deputy Peixoto suspected Cabrera of D.U.I. and had Cabrera exit the van for his safety. Deputy Peixoto escorted Cabrera to his patrol vehicle, handcuffed him and placed him in the rear seat.

Deputy Peixoto then approached the passenger side of the van and made contact with Mr. Ramos and requested identification. During this encounter, Mr. Ramos allegedly assaulted Deputy Peixoto by stabbing him five times in his left forearm. Deputy Peixoto deployed his duty firearm and fired into the van striking Ramos seven times and causing his death.

Deputy Peixoto was later taken to [REDACTED] for treatment of his injuries and afterwards returned to the scene.

On this same date, I responded to the 5800 block of Forest Hill Blvd and met with Detective (Det.) Amber Bates, ID # 5136, who was assigned as the lead criminal investigator. Also present was Det. Michael Bianchi, ID # 6789, who was assigned to assist Det. Bates with this investigation.

I accompanied Detectives Bates and Bianchi and Deputy John Brady, ID # 6004, who is assigned to the PBSO Armory, into the PBSO Mobile Command Unit which was parked on scene. We met with Deputy Peixoto and his legal counsel Mr. Larry Fagan, Esq, of the Police Benevolence Association (PBA). I witnessed Deputy Peixoto exchange his firearm which was a 9mm caliber Glock Model 17, Serial # BBD302US. This firearm was on loan to Deputy Peixoto from the armory due to a previous officer involved shooting (PBSO Case # 07-140596).

Deputy Brady removed from Deputy Peixoto's firearm a magazine containing nine live rounds, and one round was removed from the chamber for a total of ten rounds in the weapon. Deputy Brady inspected two additional magazines, each with a seventeen round capacity; however, one of the magazines contained eighteen rounds and the other seventeen rounds. This brought the total of live rounds collected to forty five. Deputy Peixoto was loaned another 9mm Glock Model 17, Serial # AEP451US, and was issued new ammunition for the weapon.

Deputy Brady exited the PBSO Mobile Command Unit and I witnessed Deputy Peixoto give permission to the criminal investigators to inspect his injury. Deputy Peixoto sustained what appeared to be five small puncture wounds on his left forearm. Four of the wounds were somewhat smaller than the fifth and were in a circular pattern, with the fifth wound adjacent to the others.

An inspection of the interior of the van revealed a black handled "Butterfly" knife located in the console between the front driver and passenger seats. This knife fit the description given as the weapon allegedly used to injure Deputy Peixoto and was taken as evidence for DNA testing and fingerprint analysis.

Crime Scene Investigators recovered seven shell casings from the scene, two inside the van and five on the ground outside the van. An eighth casing was later recovered from inside the van during a follow-up search conducted on March 18, 2008. All the casings were placed into evidence.

A review of the PBSO Communications radio traffic for the incident revealed Deputy Peixoto conducted the traffic stop at 7:21:42 hours, advising Communications the white van was related to his previous suspicious incident call. At 7:28:59 hours Deputy Peixoto requested "routine" back-up and advised he did not need emergency radio traffic. At 7:35:19 hours Deputy Peixoto announced 10-24 (Emergency - Officer Needs Assistance) and "Man with a knife." Emergency radio traffic was given and shortly afterwards Deputy Peixoto requested 10-71 (Send Rescue). At no time did Deputy Peixoto advise shots had been fired or that a suspect was down.

On March 19, 2008, [REDACTED] was retained, as a wound interpretation expert witness, to conduct an interpretation of the wounds Deputy Peixoto sustained during this incident. According to his report, the four superficial wounds on Deputy Peixoto's left forearm appeared to be "four hesitation marks adjacent to a single, deeper self inflicted stab wound."

[REDACTED] stated in his report that "These could still all be caused by a very intoxicated Marino Ramos poking at the officer in somewhat hesitant fashion when Deputy Peixoto extended arm out into the vehicle. The location and clustering of the wounds is more typical of a self inflicted manner of injury. They are all consistent with having been inflicted by the "Butterfly" knife."

On March 19, 2008, a single fingerprint was discovered on the right side of the "Butterfly" knife blade. After analysis by the PBSO Technical Services Lab it was revealed that the fingerprint was of Deputy Peixoto's right index finger.

On March 24, 2008, DNA testing on the "Butterfly" knife was conducted by DNA Supervisor Dr. Cecilia Crouse of the PBSO Crime Lab. Dr. Crouse told Det. Bates the knife had Deputy Peixoto's and Mr. Ramos' DNA on the outside portion of the knife handle, the inside portion of the knife handle, the tip of the blade and

the remainder of the blade. As of the writing of this report, Dr. Crouse's formal report was not completed; however, once submitted it will be included with this investigation.

Due to the fact that evidence recovered from the scene differed from the account given by Deputy Peixoto during his walk through interview, combined with his inability to recall many of the details of the incident, it was determined that the Palm Beach County State Attorney's Office would present this case to the Grand Jury. The presentation was to occur in late May of 2008. The State Attorney's Office indicated it would seek two charges against Deputy Peixoto one count of FSS 782.07 Manslaughter and one count of FSS 918.13 Tampering with or Fabricating Physical Evidence.

A review of Deputy Peixoto's training records and Internal Affairs file revealed no discrepancies. It should be noted that Deputy Peixoto is currently a focus employee of an open Internal Affairs Investigation regarding an Officer Involved Shooting without Injury, reference Internal Affairs Case # IA 07-062, PBSO Case # 07-140596.

On April 23, 2008, Deputy Peixoto committed suicide. This fact prohibited his administrative Garrity interview. The suicide was documented by West Palm Beach Police Department Case # 08-8607.

SWORN RECORDED STATEMENT OF WENDELL HILDERMAN

On March 15, 2008 at 9:57 hours, I was present when Detectives Bates and Bianchi interviewed Wendell Hilderman in the PBSO Mobile Command Unit where he provided a sworn recorded statement. The following is a synopsis of Mr. Hilderman's statement:

Mr. Hilderman, who residences at 1641 62nd Drive South in the Casa Del-Monte Mobile Home Park, called PBSO to report a white van occupied by several Hispanic males which had driven onto his driveway.

Mr. Hilderman stated he monitors his property with video cameras positioned outside of his residence. While monitoring the cameras, he saw a Hispanic male exit a van from the driver's side. The male urinated on the front lawn. Another Hispanic male exited the passenger side with what appeared to be some type of liquor bottle in his hand. Mr. Hilderman also saw a third Hispanic male come from around the van with a bicycle and began to speak with the other two.

Mr. Hilderman stated he has "No Trespassing" signs posted on his property and opened his home's rear door at which time he told the individuals to leave. He could not understand what the males were saying; however, two of the males re-entered the van and backed out of the driveway but parked in front of Mr. Hilderman's home. The third male with the bicycle stood by the van and

continued to talk with the others. Mr. Hilderman stated he did not "feel comfortable" with their actions and called PBSO.

When Deputy Peixoto arrived, the male on the bicycle rode off. Mr. Hilderman stated Deputy Peixoto spoke with the males in the van in Spanish, as such, Mr. Hilderman did not understand what was said. After what appeared to be a brief conversation the van drove off at which time Deputy Peixoto hurried to his patrol car and followed the van.

Mr. Hilderman stated the deputy who arrived at his home never spoke with him and described the deputy as approximately 5'10", average weight and had black hair. Deputy Peixoto fits this description. Mr. Hilderman also stated the van on scene appeared to be the same van which was at his residence. Mr. Hilderman provided a copy of the video from his home.

SWORN RECORDED STATEMENT OF ASUNCION CABRERA

On March 19, 2008, Det. Bates, Det. Ada Tyz, ID # 3461, and Sergeant David Conklin, ID # 3680, from the Violent Crimes Division, and Investigator Tony Ross, from the Palm Beach County State Attorney's Office, met with Asuncion Cabrera and his legal representative, Mrs. Joanna Rivera, Esq. at the Palm Beach County State Attorney's Office where he provided a sworn recorded statement in Spanish. Det. Tyz and Mrs. Rivera translated the interview in English. The following is a synopsis of Mr. Cabrera's statement:

Mr. Cabrera stated on March 15, 2008, he had been drinking and had gone to the trailer park to visit a friend. Earlier he met a young male (Mr. Marino Ramos) at a gas station on Military Trail and Forest Hill Blvd. Mr. Cabrera said Mr. Ramos was drunk. Mr. Cabrera did not know his name, but agreed to give Mr. Ramos a ride. While at the store Mr. Cabrera met up with another acquaintance who he knew only as "Javier", who had a bicycle in his possession. Mr. Cabrera gave Javier a ride to the trailer park. Javier took his bicycle with him. Mr. Ramos also had a twelve pack of beer in his possession; Mr. Cabrera drank one of the beers.

While at the trailer park Mr. Ramos was in the front passenger seat of the van. A police officer arrived and Mr. Cabrera stepped out of the van and spoke with the officer. The officer told him to leave the area, which he did. Javier left while Mr. Ramos remained asleep in the van. At times he would open his eyes and say something, then close his eyes and fall back asleep.

Mr. Cabrera headed out of the trailer park and turned onto Forest Hill Blvd headed eastbound toward Military Trail. He saw the police officer following him and noticed he had his emergency lights activated. Mr. Cabrera continued east on Forest Hill Blvd and stopped where it was safe.

The police officer approached the van and asked for his license. He told the officer he did not have one and that he was on probation. The officer told him to exit the van. Before exiting, Mr. Cabrera attempted to wake Mr. Ramos, but he remained asleep.

The police officer took Mr. Cabrera to his patrol car, handcuffed him and placed him in the rear passenger seat. The police officer then approached the passenger side of the van to speak with Mr. Ramos. Mr. Cabrera stated he has a shoulder injury and the handcuffs made his arm hurt. He saw the officer was trying to awaken Mr. Ramos. Mr. Cabrera stated the police officer did not touch or shout at Mr. Ramos, he appeared to speak normally to him. Mr. Cabrera did not understand what the officer was saying because he was speaking in English.

Mr. Cabrera states his shoulder was hurting badly and when he turned sideways to make himself more comfortable he heard two gun shots. He saw the police officer run towards the patrol car and then another officer arrived on scene. They both approached the van and he could not see if Mr. Ramos was still in the van or on the ground. When they moved away he saw Mr. Ramos lying on the ground.

When asked about the knife, Mr. Cabrera stated he did not have a knife in the van and did not see Mr. Ramos with one. Mr. Cabrera states after the other officers arrived on scene he saw that the first officer had a bloody towel on his arm.

SWORN RECORDED STATEMENT OF DEPUTY SAMUEL PEIXOTO

On March 15, 2008 at 12:04 hours, I was present during Deputy Peixoto's video walk through account of the incident, conducted by Det. Bates. Also present was Det. Bianchi, and Sergeant David Conklin, from the Violent Crimes Division, Mr. Fagan, Investigator Richard Lyles and Investigator Tony Ross of the Palm Beach County State Attorney's Office, and Sergeant Christopher Soares, ID # 4620, of the Division of Internal Affairs. The video recording of the walk through was conducted by Crime Scene Investigator Wendy Lambert, ID # 7043. The following is a synopsis of Deputy Peixoto's statement:

Deputy Peixoto stated he was dispatched to a "drunken person" occupying a suspicious vehicle at the trailer park on Forest Hill Blvd and Jog Road, he could not remember the name of the park. Deputy Peixoto was the primary deputy, a back up deputy had also been dispatched; however, the back up deputy never arrived at the call, instead he was redirected to another call.

Deputy Peixoto stated when he arrived he observed the subject of the call, (which was a man on a bicycle) and instructed him to leave the area. Also at this location was a van with two people which also left the area. When asked to

describe the van Deputy Peixoto stated it was the same van as the one on scene.

When asked if he made contact with the van occupants, Deputy Peixoto was unsure and "thinks" he may have made contact with the driver. However, Deputy Peixoto stated he "told them all to leave the area" so as he could respond as back up to a domestic call.

Deputy Peixoto was asked if he spoke Spanish and he stated he does, but could not recall if the driver spoke English or Spanish. Deputy Peixoto was asked if he saw anyone else in the van and he replied "No." Deputy Peixoto could only recall seeing the van driver and the man on the bicycle.

As the van drove away Deputy Peixoto noticed the van was "swerving" as it was exiting the park. He then activated his emergency lights and attempted to conduct a traffic stop west of Sherwood Forest Blvd. Deputy Peixoto stated he had to activate his siren manually several times before the van stopped.

Deputy Peixoto stated he approached the driver and requested his driver's license, the driver did not understand. He then asked the driver in Spanish. The driver told Deputy Peixoto he did not have one. Deputy Peixoto instructed the driver to exit the van at which time he escorted him to his patrol vehicle where he conducted a pat down search for officer safety. During the search Deputy Peixoto removed the driver's belongings and placed them on the trunk of the vehicle. He then secured the driver in handcuffs and radioed for back up. Deputy Peixoto placed the driver in the passenger side rear seat of his patrol vehicle.

When asked if he suspected the driver may have been driving under the influence Deputy Peixoto stated "Yes" and explained he was going to conduct road side tests when back up arrived. Deputy Peixoto also stated the driver refused to give him his name and "struggled a bit" when he placed him in handcuffs.

Deputy Peixoto stated he was aware there was a passenger in the van and approached the passenger and asked for identification. Deputy Peixoto stated the passenger said something in Spanish but he could not remember what was said or whether it was belligerent. Deputy Peixoto stated he felt a "stick" and noticed a blade. Deputy Peixoto believed the passenger door was closed and when questioned about what transpired, whether it hurt, Deputy Peixoto stated "I felt like a couple, uh stick, uh -- stabbings and I -- I drew my weapon and fired at the suspect."

Deputy Peixoto was asked to place himself in approximately the same position he was in when he encountered the passenger. Deputy Peixoto placed himself slightly in front of the passenger side window with his left arm extended towards a seated occupant. When asked again to describe what occurred Deputy

Peixoto stated he felt himself get stabbed and saw a knife or something sharp. He then drew his weapon and fired at the suspect. After firing his weapon Deputy Peixoto stated he stepped back away from the van and called for an ambulance and help. He then waited for back up to arrive, and when back up arrived he bandaged his arm.

Deputy Peixoto was uncertain of how many shots he fired; he believes it was eight or nine. (Deputy Peixoto made this assumption as a result of the counting of his ammunition when his firearm was exchanged). Deputy Peixoto could not recall if he shot one handed or two handed, or where the rounds impacted.

Deputy Peixoto stated when he fired his weapon; the passenger was seated in the front seat and believes the door was closed. When asked who opened the door and removed the passenger from the vehicle onto the ground Deputy Peixoto stated he may have "opened the door and ripped him out", but could not recall for certain if he had.

Deputy Peixoto explained what occurred when back up arrived, stating he only requested an ambulance and did not notify communications that there was a shooting. When asked to explain again what occurred Deputy Peixoto stated "Um, I felt, like, four stick hits here and then he stabbed me here and then, like, brought it back and forth a little bit and then I fired with my right hand into him. And that's all I remember."

Deputy Peixoto was asked if there was a struggle for the knife and he stated "Yeah, I was trying to, like, get the knife or – he stabbed me here, I think, and it was like this and..." When asked if there was any conversation, Deputy Peixoto does not think the suspect said anything, and he does not remember yelling at the suspect. Deputy Peixoto stated he created distance and fired his weapon.

Deputy Peixoto stated he believed the suspect was on the ground and "covered" the suspect because he was unsure whether the suspect was "gonna come back up or not." Deputy Peixoto stated "I was in fear of my life so I just stood here and maintained distance from the suspect."

Deputy Peixoto described the weapon as a dark colored blade and could not recall which hand the suspect had the weapon. Deputy Peixoto was asked why he did not just back away from the vehicle if the suspect was seated in the vehicle with the door closed. Deputy Peixoto replied "Um, I just instinctively reacted. I felt the stab and then drew my weapon and I fired."

During his interview, Deputy Peixoto continued to say he felt the "sticks" and fired his weapon. He then described a possible struggle for the knife. Many of the questions asked of Deputy Peixoto resulted with his responding, I don't know, I can't recall or I can't remember."

As previously noted, Deputy Peixoto was assigned a Glock Model 17 firearm by the PBSO Armory following his previous Officer Involved Shooting (IA 07-062). As such, Deputy Peixoto had not qualified with the firearm used in this incident. As part of his normal duty assignment Deputy Peixoto does own and is qualified to carry a Glock Model 17, having last qualified with this firearm on May 28, 2007. Deputy Peixoto's qualification with this model firearm confirms he has the skill level required to properly operate this model firearm under PBSO policy.

FACTS DRAWN FROM THIS INVESTIGATION:

1. Deputy Peixoto responds to the Casa Del-Monte Mobile Home Park in the unincorporated West Palm Beach to a suspicious vehicle / person call.
2. Deputy Peixoto contacts a white van with Hispanic males.
3. Deputy Peixoto instructs the males to leave the area.
4. Deputy Peixoto saw the van swerving as it was leaving the park and conducted a traffic stop in the 5800 block of Forest Hill Blvd. in the unincorporated West Palm Beach.
5. Deputy Peixoto takes the van driver, Mr. Asuncion Cabrera, into custody and places him in his marked patrol car.
6. Deputy Peixoto contacts the van passenger, Mr. Marino Sarbelio Ramos.
7. During this encounter with Mr. Ramos Deputy Peixoto receives five stab wounds to his left forearm with a black "Butterfly" knife.
8. Deputy Peixoto draws his service weapon and fires at Mr. Ramos, striking him several times in the face and upper body.
9. Deputy Peixoto contacts PBSO Communications, announcing 10-24 (Emergency – Officer Need's assistance) Man with a knife and requesting medical help;
10. Deputy Peixoto did not notify Communications of shots fired or suspect down.
11. Deputy Peixoto's service weapon is a 9mm Glock model 17, Serial # BBD302US. One magazine is retrieved from the weapon and contained nine rounds, and one round is retrieved from the chamber. Two seventeen round capacity magazines are also inspected; one with eighteen rounds the other with seventeen rounds.

12. Crime Scene Investigators determined Deputy Peixoto fired eight rounds.
13. During his video walk through of the incident, Deputy Peixoto is vague and numerous times during the interview cannot recall or remember specific details of the incident.
14. Crime Scene Investigators recover a black handled "Butterfly" knife at the scene, located in the cup holder between the front driver and passenger seats.
15. The knife is sent to the PBSO Crime Lab for DNA and fingerprint processing.
16. DNA testing of the knife revealed Deputy Peixoto and Mr. Ramos' DNA on the inside and outside of the knife handle, the tip of the knife and the remainder of the blade.
17. A single fingerprint is discovered on the right side of the knife blade by the PBSO Crime Lab.
18. The fingerprint is of Deputy Peixoto's right index finger.
19. [REDACTED] a wound interpretation expert, conducts a wound interpretation analysis of Deputy Peixoto's injury.
20. [REDACTED] report states, the location and clustering of the wounds are "more typical of a self-inflicted manner of injury."
21. Due to the facts and circumstances the Office of the State Attorney intends to present the case to the Grand Jury.
22. On April 23, 2008, Deputy Peixoto committed suicide at his residence precluding an administrative interview.

RECOMMENDED FINDINGS:

A preponderance of evidence **does exist** to support Deputy Samuel Peixoto violated *PBSO Rule & Regulation IX (51) Unlawful Use of Deadly Force*, to wit: G.O. 500.00 Use of Deadly Force.


A preponderance of evidence **does exist** to support Deputy Samuel Peixoto violated *PBSO Rule & Regulation VIII (6) Commission of a Felony*, to wit: FSS 782.07 Manslaughter.

A preponderance of evidence **does exist** to support Deputy Samuel Peixoto violated *PBSO Rule & Regulation VIII (6) Commission of a Felony*, to wit: FSS 918.13 Tampering with or Fabricating Physical Evidence.

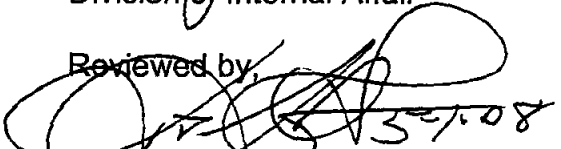
Respectfully Submitted,


Sergeant Jose Garcia, ID# 4652
Division of Internal Affairs

Reviewed by,


Lieutenant Mark Murray
Division of Internal Affairs

Reviewed by,


Lieutenant Larry Easton
Executive Officer of Internal Affairs

Approved by,


Captain Robert Van Reeth
Commander of Internal Affairs