

MEMORANDUM

Kissimmee Police Department

DATE: September 21, 2020
TO: Chief Jeffrey O'Dell
VIA: Chain of Command
FROM: Captain Brandon Layne, Support Services Division
SUBJECT: Authorization for Administrative Removal

UNTRUAFU

The Forensic Unit has exhausted all available means to locate the 60 items, which were deemed "unable to locate" during a full inventory during 2019.

Authorization forms to destroy "unable to locate" items, which appear to be eligible for destruction (39 items), will be forwarded to the proper authority for review.

It is recommended this memorandum serve as a request for an administrative authorization for the removal of the remaining 21 "unable to locate" items that do not appear to be eligible for destruction. This removal authorization will allow the 21 items to receive a disposition of "destroyed" within the Records Management System per the authority of the Chief of Police. This will ensure the items do not affect further inventories. A complete list of the 21 items is attached to this memorandum, entitled "Unable to Locate Items - Not Eligible for Destruction."

Crystal Allen, of the State Attorney's Office, has been contacted in regards to the 21 items, and has been provided the complete list of cases that do not appear to be eligible for destruction.

Letters of notification have been completed for each of the 21 items and corresponding defendants. These letters have been sent to the Office of the State Attorney.

EXHIBIT

GG-1

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KISSIMMEE POLICE DEPARTMENT
DATE: 10/1/2020 BY: [signature]

UNABLE TO LOCATE ITEM RESEARCH DETAILS

1. 01-009082 / PR 20353 / Swabs from inside Arizona Ice Tea

9 ITEMS

- Total of 9 items collected in case
 - 8 of 9 items disposed per RMS on 7/19/2005 and 9/21/2005
 - Item may have already been physically purged, but undocumented in RMS
 - No Arizona Ice Tea collected in case; item may be logged under wrong case number
 - Item shows released by State Fire Marshall to W. Lunsford on 12/03/2001 at 15:22 hours
- Arson/grand theft – eligible for purge per statute of limitations

2. 02-006011 / PR 21315 / Vial of blood Foster

55 ITEMS
ATTEMPTED
HOMICIDE

- Total of 55 items collected in case
 - 28 of 55 items disposed per RMS on 3/12/2020
 - 25 of 55 items relocated to Purge or Drug Disposal bin locations
 - FDLE documentation shows item at FDLE on 10/09/2002; however, no return documentation
- Robbery/attempted murder – eligible for purge – defendant pled guilty and other charges dismissed by state; sentence served

3. 03-008335 / PR 16691 / Unknown liquid in bottle

- Total of 96 items collected in case
 - 95 of 96 items disposed per RMS on 4/17/2014, 12/15/2017, 1/24/2018, and 3/8/2018
 - Item may have already been physically purged, but undocumented in RMS
 - Item updated to destroyed in RMS on 12/15/2017 by T. Zmorenski
 - Item destroyed disposition removed in RMS on 03/07/2018 by S. Bowman
- Manufacture counterfeit IDs – unable to find any court records

2017 95
2018 ITEMS
LAST
SEEN

4. 05-000723 / PR 19650 / Red, white, black cap

- Total of 81 items collected in case
 - 1 of 81 items disposed per RMS on 8/5/2008
 - Item storage change on 10/03/2017 from L090 to L071 by T. Zmorenski
 - Item storage change on 10/09/2017 from L071 to L070 by T. Zmorenski
- 2nd degree murder – not eligible for purge until 2023; defendant currently serving 18-year sentence

2017 81
2018 ITEMS

5. 06-002491 / PR 24734 / Photo lineup

- Only item collected in case
 - No documentation advising photo lineup was submitted into evidence
- Failure to appear – eligible for purge; defendant arrested per warrant for not surrendering DL and registration at traffic stop

1
ITEM

6. 07-003590 / PR 30460 / Photo disc

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ARIZONA POLICE DEPARTMENT
FILE NO. 111-111111-111111
DATE 11/11/11 BY 111111

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- Only item collected in case
 - No documentation in narrative/Laserfiche advising photo disc was submitted into evidence
- Traffic crash – case inactive – eligible for purge

7. 07-005306 / PR 34095 / Swab from Q1

- Total of 5 items collected in case
 - 3 of 5 items disposed per RMS on 6/25/2007, 7/3/2007, and 6/12/2013
 - Item returned from FDLE on 11/07/2007
- Occupied burglary – eligible for purge

5 ITEMS
2013

8. 08-003903 / PR 38167 / BAC kit from Claudia Rotger

- Total of 6 items collected in case
 - 3 of 6 items disposed per RMS on 5/20/2008
 - Item returned from FDLE to A. Simmons on 06/18/2008
 - Item returned from FDLE to A. Simmons on 10/22/2008
 - Item storage change on 09/26/2017 from DownRF02 to UpRF01 by T. Zmirenski
- DUI manslaughter/Vehicular homicide – sentence served; eligible for purge

2017 6 ITEMS

9. 10-000816 / PR 56629 / Cont 1.1 DNA extracts from Q1

- Only item collected in case
 - Not probable as DNA extracts would have had to come from another collected item of evidence
 - Laserfiche documentation does not show any submitted evidence for case
 - No FDLE documentation in Laserfiche to confirm DNA extracts
- Child abuse – unfounded – possibly wrong case number for extracts as there is no item to retrieve extracts from

1 ITEM
CHILD ABUSE
DNA

10. 10-002898 / PR 55136 / DNA extracts from Q1 made by F...

- Total of 2 items collected in case
 - DNA extracts not probable in this case due to only other item in case is a photo disc and not an item eligible for DNA extracts
 - No FDLE documentation in Laserfiche to confirm DNA extracts
- Child abuse – unfounded – possibly wrong case number for extracts as there is no item to retrieve extracts from

CHILD ABUSE
DNA
2 ITEMS

11. 11-000019 / PR 57782 / Suspended/expired FL DL

- Total of 314 items collected in case (all items are expired/suspended/found DLs/IDs/tags)
 - 313 of 314 items
 - Disposed per RMS on 08/12/2011, 10/18/2011, 12/30/2011; OR
 - Returned to owner; OR
 - Shown as being within DMV bin
 - Item may have been physically purged, but undocumented in RMS
 - Unable to verify via Laserfiche documentation due to lack of information in RMS

314
ITEMS

OFFICIAL COPY
OFFICE OF THE ATTORNEY GENERAL
FLORIDA DEPARTMENT OF
TRANSPORTATION
2017 11 15 10:00 AM

- Found property – eligible for purge

12. 11-002741 / PR 59367 / Swabs with unknown red substance

- Total of 13 items collected in case
 - 2 of 13 items disposed per RMS on 03/21/2011 & 01/17/2012
 - Swabs collected in case include (per Laserfiche property sheets):
 - (2) Swabs from advertising monitor (not in RMS evidence list)
 - (2) Swabs with unknown red substance from floor inside business (listed twice in RMS)
 - (2) Swabs with unknown red substance from floor inside business (listed in RMS)
 - (3) Swabs from inside business with unknown red substance (listed in RMS)
- Burglary/Petit theft/VOP – eligible for purge; sentence served

13
ITEMS

13. 11-003023 / PR 59507 / 2 pictures of items taken by s...

- Only item collected in case
 - Item storage change on 10/18/2017 from G086 to TS06 by T. Zmorenski
- Retail theft – eligible for purge; exceptionally cleared due to completion of teen court program

2 ITEMS
2017

14. 11-004748 / PR 52198 / 2 photo lineups

- Only item collected in case
 - No narrative documentation advising photo lineups submitted as evidence
 - Likely the photo lineups belong under a different case number
- Traffic crash – case inactive – eligible for purge

1

15. 11-005182 / PR 60673 / Receipt

- Only item collected in case
 - Item storage change on 10/17/2017 from G090 to TS06 by T. Zmorenski
- Retail theft – records use only – eligible for purge

1 2017

16. 11-005587 / PR 60948 / Photos of the victim

- Total of 2 items collected in case
 - Item storage change on 10/17/2017 from G091 to TS06 by T. Zmorenski
- Domestic battery/False imprisonment – victim unwilling to prosecute – eligible for purge

2
2017

17. 11-005612 / PR 62402 / CD of victim's phone records

- Only item collected in case
 - Item storage change on 10/17/2017 from G091 to TS06 by T. Zmorenski
- Violation of injunction/Tampering with witness – victim uncooperative, case inactive – eligible for purge

1
2017

18. 11-005730 / PR 61038 / Photo of property taken

- Total of 2 items collected in case
 - Item custody change from A. Simmons to J. Canning on 11/14/2011 03:54hrs

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OF A RECORD OR DOCUMENT OF THE
SUSSEX COUNTY POLICE DEPARTMENT
DATE: 11/14/2011 03:54hrs

GC-1

- o Item custody change from J. Canning to A. Simmons on 11/14/2011 15:53hrs
- o Item storage change on 10/17/2017 from G091 to TS06 by T. Zmorenski
- o Copies of photos appear to be in Laserfiche
- Retail theft – eligible for purge, sentence served

2 ITEMS
2017

19. 13-001511 / PR 81991 / Prints belonging to Carlos J Delapaz

- Total of 5 items collected in case
 - o Item custody change on 12/04/2013 from S. Bowman to FDLE
 - o Item custody change on 04/29/2015 from FDLE to S. Bowman
 - o No documentation in Laserfiche coincides with custody transfer
- Burglary/Grand theft/Criminal mischief – eligible for purge, statute of limitations expired

5 ITEMS
2015

20. 13-001780 / PR 75596 / White residue scraped from mirror

- Total of 15 items collected in case
 - o 13 of 15 items disposed per RMS on 12/21/2018, 03/01/2019
 - o 1 of 15 items remains in evidence vault
 - o Item storage change on 07/10/2018 from D076 to D048 by T. Zmorenski
 - o Item storage change on 07/11/2018 from D048 to D049 by T. Zmorenski
 - o Item storage change on 01/14/2019 from D049 to D023 by T. Zmorenski
- Narcotics violation – eligible for purge, statute of limitations expired

15 ITEMS
2019

21. 13-004074 / PR 76922 / Vans hats

- Total of 2 items collected in case
- Retail theft – eligible for purge, sentence served

2 ITEMS

22. 14-007890 / PR 88023 / Heroin in small clear baggie

- Total of 2 items collected in case
- Possession of heroin/Possession of drug paraphernalia/VOP – eligible for purge, sentence served
- Inventory report generated 10/14/2016 shows exception message "Case shows item in bin: FDLEBOX"
- Item storage changes:
 - o From FDLE to D096 on 08/25/2017 09:34 by T. Zmorenski
 - o From D096 to D071 on 07/11/2018 15:38 by T. Zmorenski
 - o From D071 to D034 on 01/14/2019 15:34 by T. Zmorenski
- Per RMS, item went to FDLE on 09/03/2014 and returned on 09/24/2014

2019
2 ITEMS
HEROIN

23. 14-009381 / PR 92897 / DNA extracts

- Total of 41 items collected in case
 - o 29 of 41 items disposed per RMS on 12/09/2019
 - o Possible duplicate item as 2 items in RMS have a "DNA extracts" description, but only one set of DNA extracts was received from FDLE
 - DNA extras received from FDLE – from cigarette butts Q1
 - DNA extras and cuttings received from FDLE – from buccal swabs K1
- Grand theft – inactive case, Eligible for purge – statute of limitations expired

41 ITEMS
2019

24. 15-001632 / PR 94497 / Thumb drive

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CORRECTIONS
AND
PRISON
INVESTIGATION
UNIT
MCS

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- Total of 4 items collected in case
 - Item booked into evidence by Stephen Taylor (booked at the same time as PR 94498- 6 documents)
- Stalking – receipt of exculpatory evidence, dismissed by state; Eligible for purge – statute of limitations expired

4 ITEMS

25. 15-002624 / PR 92780 / Video CD

- Only items collected in case
 - Narrative does not indicate a video CD was booked into evidence nor does narrative mention any video evidence of incident
- Traffic crash – case inactive; No citations issued; Eligible for purge

1.

26. 15-005448 / PR 103712 / DNA extracts

- Total of 3 items collected in case
 - Purge authorization form received, items marked as disposed per RMS on 01/16/2020
- Found property – unable to be linked to other case (15005420); Possible duplicate item; Eligible for purge

3 ITEMS

27. 15-005520 / PR 96214 / JYP/Town Center video

- Total of 67 items collected in case
 - 4 of 67 items returned to owner on 06/30/2015, 09/06/2016
 - 3 of 67 items marked with current out location of "005" per RMS on 06/23/2015
 - Item storage change on 11/17/2017 14:03 from L165 to L184 by T. Zimorenski
- Murder – insufficient evidence, no information – decline to file; Not eligible for purge, no statute of limitations
- Entered into evidence by A. Holmberg
 - Red light camera video from Orange County Sheriff's Office
 - Collected at same time as PR 96213

67 ITEMS
HOMICIDE
2017

28. 15-005520 / PR 95605 / (1) gray HD laptop found on desk in southeast bedroom

- Total of 67 items collected in case
 - 4 of 67 items returned to owner on 06/30/2015, 09/06/2016
 - 3 of 67 items marked with current out location of "005" per RMS on 06/23/2015
 - Item storage change on 11/22/2017 09:09 from L225 to L182 by T. Zimorenski
 - Item storage change on 11/22/2017 09:15 from L182 to L184 by T. Zimorenski
- Murder – insufficient evidence, no information; Not eligible for purge; no statute of limitations

67 ITEMS
MURDER
2017

29. 15-005870 / PR 95104 / Photo disc and 911 tape

- Only item collected in case
- Narrative does not describe photos being taken nor any items being submitted into evidence
- Information only – eligible for purge

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30. 16-000471 / PR 99670 / Copy of interview

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KSPD 2017

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- Defendant #2 – Declined to prosecute (case cannot be proved beyond reasonable doubt)
- Defendant #3 – Pled no contest; Sentenced to 18mo. probation on 10/19/2018

37. 17-008297 / PR 113753 / Cannabis 85.4g

- Total of 4 items collected in case
 - 1 of 4 items disposed per RMS on 03/08/2018
 - Item's "destroyed" disposition removed on 08/07/2018 by T. Zmorski
- Possession of cannabis/Possession of paraphernalia – Not eligible for purge – Capias
- IA already conducted

4 ITEMS
2018
CANNABIS

38. 17-008297 / PR 113752 / Pringles can, scale, plastic tub

- Total of 4 items collected in case
 - 1 of 4 items disposed per RMS on 03/08/2018
 - Item booked into evidence on 10/16/2017 and placed into CTB1 by T. Zmorski
- Possession of cannabis/Possession of paraphernalia – Not eligible for purge – Capias

4 ITEMS
2018

39. 17-009795 / PR 114955 / Fanny pack

- Total of 9 items collected in case
 - PR 114955 designated to 3 different items (fanny pack, 911 tape, and photos)
 - Item #s 117652 were moved from 114955 to 114957 – Tracking note entered on 12/05/2017 by T. Zmorski
 - Item #s 117655 were moved from 114955 to 114958 – Tracking note entered on 12/05/2017 by T. Zmorski
 - Item #s 117656 were moved from 114955 to 114959 – Tracking note entered on 12/05/2017 by T. Zmorski
 - Reports mention the fanny pack; however, no report details the fanny pack was submitted into evidence. Only items found within the fanny pack are designated in reports as being submitted into evidence.
- Aggravated assault with deadly weapon; Not eligible for purge until 2021 – defendant on probation (sentence ongoing)

9 ITEMS
2017

40. 17-010102 / PR 115343 / 911 call

- Total of 3 items collected in case
 - PR 115343 designated to 2 different items (911 call, photo CD of victim injuries)
 - Item submitted by R. Morris; however, R. Morris did not appear to have any involvement in case 17-010102
- Burglary/Grand theft/Criminal mischief; Not eligible for purge until 2022

2 ITEMS

41. 17-010102 / PR 115343 / Photo CD of victim injuries

- Total of 3 items collected in case
 - PR 115343 designated to 2 different items (911 call, photo CD of victim injuries)
 - Item submitted by R. Morris; however, R. Morris did not appear to have any involvement in case 17-010102

3 ITEMS

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48. 18-002443 / PR 117435 / American Express card

- Total of 9 items collected in case
 - 7 of 9 items disposed per RMS on 06/20/2018 by P. Koski to owner
 - Item may have been physically purged, but undocumented in RMS
 - Item booked into evidence on 03/30/2018 and placed in FD04 by T. Zmorenski
- Found property; Eligible for purge

9 ITEMS

49. 18-002443 / PR 117440 / Utah driver license

- Total of 9 items collected in case
 - 7 of 9 items disposed per RMS on 06/20/2018 by P. Koski to owner
 - Item may have been physically purged, but undocumented in RMS
 - Item booked into evidence on 03/30/2018 and placed in FD04 by T. Zmorenski
- Found property; Eligible for purge

9 ITEMS
2019

50. 18-002755 / PR 117785 / Interview with victim

- Total of 11 items collected in case
 - Item booked into evidence on 04/10/2018 and placed in G201 by T. Zmorenski
- Sexual battery victim>18 by suspect>18; Not eligible for purge – no statute of limitations

11 ITEMS
SEX BATT
& INTERVIEW
2018

51. 18-005753 / PR 120746 / 1 pair men's camouflage pants

- Total of 33 items collected in case
 - 4 of 33 items disposed per RMS on 08/02/2018
 - Item storage change on 07/25/2018 from B220 to TS04 by S. Bowman
- Accidental death; Eligible for purge

52. 18-005753 / PR 120747 / Green long sleeve shirt

- Total of 33 items collected in case
 - 4 of 33 items disposed per RMS on 08/02/2018
 - Item storage change on 07/25/2018 from B220 to TS04 by S. Bowman
- Accidental death; Eligible for purge

53. 18-005753 / PR 120748 / 1 pair tan work boots

- Total of 33 items collected in case
 - 4 of 33 items disposed per RMS on 08/02/2018
 - Item storage change on 07/25/2018 from B220 to TS04 by S. Bowman
- Accidental death; Eligible for purge

54. 18-005753 / PR 120790 / 1-copper cartridge

- Total of 33 items collected in case
 - 4 of 33 items disposed per RMS on 08/02/2018
 - Item storage change on 07/25/2018 from B220 to TS04 by S. Bowman
- Accidental death; Eligible for purge

55. 18-008627 / PR 123509 / FL driver license – Yolvin Hernandez

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KSPD 001 101010 101010

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- Total of 34 items collected in case
 - 1 of 34 items disposed per RMS on 12/21/2018
- Robbery; Not eligible for purge until 2023
- Per collecting CST, M. Monroe – item possibly released; No documentation to verify release
 - Item originally removed from cell phone case (PR 123834), which still remains within evidence vault

56. 18-009010 / PR 123615 / Latent print card

- Total of 2 items collected in case
- Burglary/Petit theft; Not eligible for purge until 2023 (statute of limitations)
- Latent card returned from OCSO by V. Rivera on 11/30/2018 at 11:11 hours. Storage change completed by T. Zmorski on 11/30/2018 at 11:46 hours from LP01 to G209

57. 18-009049 / PR 124771 / \$2.00 cash

- Total of 10 items collected in case
 - 8 of 10 items disposed per RMS on 11/15/2018
 - \$2.00 cash was removed from the wallet and packaged separately
 - Possible that item was returned to the owner on 11/15/2018 as "wallet" was the only item signed for
 - Other cash (\$1.28)(PR 124772) also removed from wallet and packaged separately
 - This item remains inside the evidence vault
- Found property; Eligible for destruction

58. 18-009262 / PR 124383 / CPT interview with Jazmin

- Total of 10 items collected in case
- Child abuse; Cannot be proven beyond reasonable doubt – Authorization needed from SAO for purge
- Storage location changed from D227 to D105 on 01/15/2019 by T. Zmorsnidi
 - Location not accurate for type of evidence

59. 18-009424 / PR 124443 / Disc scene photos

- Total of 9 items collected in case
- Traffic crash – no citations issued; Eligible for purge
- Copy of photos created on 12/03/2018 per work order request
- Copy of scene photos within Laserfiche
- Original photos stored in Evidence 2 drive; disc of scene photos able to be recreated

60. 99-010424 / PR 18395 / Photocopy of victim's inked prints

- Total of 115 items collected in case
- Murder; Not eligible for purge until 2027 – 25-year sentence ongoing
- Original victim's inked prints within evidence
- Item (Q85) went to FDLE on 11/10/1999 and returned from FDLE on 07/26/2000

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FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE

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- Total of 5 items collected in case
 - 3 of 5 items disposed per RMS on 12/11/2018, 05/30/2019
- Item storage change on 05/09/2018 from B213 to B135 by T. Zmorenski
- Copy of interview listed in evidence list twice; possible duplicate
- Sexual battery on child <12 by person <18 – dismissed by court – authorization needed from SAO for purge

31. 16-005577 / PR 102424 / CD of photos

- Total of 3 items collected in case
- Aggravated assault/Battery – Eligible for purge, statute of limitations expired

32. 16-006039 / PR 102753 / One Samsung galaxy note edge cell phone

- Total of 13 items collected in case
 - 2 of 13 items disposed per RMS on 07/26/2016, 08/16/2016
- Reckless driving causing death/Leaving scene of crash involving death; Not eligible for purge, no statute of limitations

33. 16-006039 / PR 102754 / One light cover auto part

- Total of 13 items collected in case
 - 2 of 13 items disposed per RMS on 07/26/2016, 08/16/2016
- Reckless driving causing death/Leaving scene of crash involving death; Not eligible for purge, no statute of limitations

34. 17-000469 / PR 107633 / One 10 gallon fish tank damaged

- Total of 42 items collected in case
 - 23 of 42 items disposed per RMS on 01/25/2017, 03/20/2017
- Grand theft auto; Eligible for purge – sentence served

35. 17-000818 / PR 114938 / Photo lineups

- Total of 250 items collected in case
 - 7 of 250 items disposed per RMS on 02/23/2017, 02/27/2017, 01/18/2018, 04/17/2018
 - 43 of 250 items marked with out-location of "002, 005, 019, or FDLE"
 - Photo lineups presented to Israel Ronnie-Castro to assist in identifying Jesus, Dennis, and Jacob
 - Placed into evidence by A. Holmberg on 05/10/2017
 - Copy of photo lineups within Laserfiche (refer to pages 620-632)
- Murder; Not eligible for purge until 2042; Sentence ongoing – 15 years minimum mandatory

36. 17-001908 / PR 108632 / video CD

- Total of 2 items collected in case
 - Item storage change from G185 to G193 on 04/13/2018 by T. Zmorenski
- Petit theft/Battery – Authorization needed from SAO to purge
 - Defendant #1 – Dismissed by court

2018
5 ITEMS
INCLUDING
COPY OF
INTERVIEW
OF CHILD

3 ITEMS
13 ITEMS
2016

13
2016
HIT & RUN
DEATH
42 ITEMS

250 ITEMS
HOMICIDE
2018

2 ITEMS
2018

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SPD 004 2018 01/18/2018

G.G.-1

LOST - MISSING EVIDENCE

ITEM

21	99-010424	18395	Photocopy of victim's inked prints	MURDER - 25-YEAR SENTENCE - NOT ELIGIBLE FOR PURGE UNTIL 2027; ORIGINAL INKED PRINTS OF VICTIM ARE WITHIN EVIDENCE	49-1999-CR-00339 / 49-1999-CR-003361 / 49-1999-CR-002524 / 49-1999-KF-00090 / 49-1999-KF-000903 / 49-1999-KF-000907	339 Cchoa, Ricardo Anibal / Ruiz, Santos Tomas / Victorino, Jose / Torres, Ken / Rodriguez, Ana / Mejia, Fredys Antonio
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MURDER

CG-1

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HONOLULU POLICE DEPARTMENT
JUL 16 2016 11:15 AM



CITY OF KISSIMMEE POLICE DEPARTMENT

Chief Jeffrey M. O'Dell

8 N. Stewart Avenue • Kissimmee, Florida 34741-5499 • Phone 407-847-0176 • FAX 407-847-0460

September 21, 2020

Aramis D. Ayala
State Attorney
Ninth Judicial Circuit
2 Courthouse Square
Suite 3500
Kissimmee, Florida 34741

Re: 49-1999-KF-000905 State v. Torres

Dear State Attorney Ayala:

The Kissimmee Police Department Forensic Department recently completed an audit of the evidence vault. After a thorough search, the Forensic Department could not locate the following evidence from this case:

1. Photocopy of victim's inked prints

Please consider this the official notice from the Kissimmee Police Department that this evidence is no longer available.

Sincerely,

Jeffrey O'Dell
Chief of Police
Kissimmee Police Department

