

Incident Report

Incident

Case Number: 00-17-001918	Date Of Report: 01/17/2017 14:41	Occured On From: 01/17/2017 14:41	Occured To:	Report Type: Original
Incident Type: Criminal Offense		Department Case Status: Open/Active	Case Status Date:	Cleared:
Business Name: Sienna Square Apts 1747 NE Capital Cir Apt. 1102 Tallahassee Florida 32308				

Day of Occurrence: Tuesday**Dispatched:** 01/17/2017 14:43**Received:** 01/17/2017 14:41**Arrived:** 01/17/2017 14:46**Reported Via 911 Yes No:** Yes**Was Evidence Collected:** No**Specific Location Type:** Apartment**Hate Crime UCR:** No**Confidentiality Req:** No**Juvenile Involved:** Yes - Witness**District Zone:** Bravo-3B

Offense 1 - Original Offense

Florida Statute: 784.021(1A) Aggravated Assault- W/Deadly Weapon WO Intent To Kill	Local Ordinance:	Lighting Conditions: Daylight	Disposition Date: 01/17/2017
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Offense Information

Attempted/Committed: Committed**Weapon Type One:** Handgun**Weapon Impounded:** No**Motive:** Heat of Passion**Point Of Entry:** Not Applicable**Method of Entry:** Not Applicable**Target:** Person**Premise Type:** Residential**Entry Type:** Not Applicable**Occupancy Code:** Occupied**Offense Status:** Open**Victims Actions Before During Offense:** Routine Activities at
Home/Business

Roles

Person Name: Benjamin Jerome Stephens**Type:** Suspect**Primary Role:** Yes

Reporting Officer: CATHY KENNEDY 507 47466	Department: Tallahassee Police Department	Report Status: Approved
Supervising Officer:		Date/Time:
Verifying Officer: JOE SIMS 226 73530	Department: Tallahassee Police Department	Date/Time: 01/17/2017 20:46

00-17-001918

Incident Report

Person 1 - Benjamin Jerome Stephens III

Person Type: Suspect	Home Phone:	Business Phone: (850) 717 - 6910	Mobile Phone Pager: (850) 284 - 0306
Race: Black	Sex: Male	DL ID Number: S315070780860	DL Exp. Date:
SSN:	Birth Date: 03/06/1978	Birth Place:	
Person Address: Sienna Square Apts 1747 NE Capital Cir Apt. 1102 Tallahassee Florida 32308			
Employer Information:			

Person Information

Age: 38

Minimum Height: 6'01"

Occupation Vocation: Other - See Narrative

Minimum Weight: 200 lbs.

DL ID State: Florida

Person 2 - Claynisha Monette Stephens

Person Type: Victim	Home Phone:	Business Phone: (678) 990 - 3962 Ext. 252	Mobile Phone Pager: (850) 284 - 4238
Race: Black	Sex: Female	DL ID Number: S315113828660	DL Exp. Date:
SSN:	Birth Date: 10/06/1982	Birth Place:	
Person Address: Sienna Square Apts 1747 NE Capital Cir Apt. 1102 Tallahassee Florida 32308			
Employer Information:			

Person Information

Age: 34

Minimum Height: 5'05"

Occupation Vocation: Telemarketer

Minimum Weight: 130 lbs.

DL ID State: Florida

Reporting Officer: CATIY KENNEDY 507 47466	Department: Tallahassee Police Department	Report Status: Approved
Supervising Officer:		Date/Time:
Verifying Officer: JOE SIMS 226 73530	Department: Tallahassee Police Department	Date/Time: 01/17/2017 20:46

00-17-001918

Incident Report

Person 3 - Orinthius J Simmons

Person Type: Victim	Home Phone:	Business Phone:	Mobile Phone Pager: (850) 459 - 5403
Race: Black	Sex: Male	DL ID Number:	DL Exp. Date:
SSN:	Birth Date: 07/27/1979	Birth Place:	
Person Address: 165 Wisteria Ln Havana Florida (Gadsden County)			
Employer Information: Jacob Chapel Church 2333 Lake Bradford Rd Tallahassee Florida 32310 (Leon County)			

Person Information

Age: 37

Occupation Vocation: Other - See Narrative

Person 4 -

Person Type: Juvenile / Present at Domestic Violence Incident	Home Phone:	Business Phone:	Mobile Phone Pager:
Race:	Sex:	DL ID Number:	DL Exp. Date:
SSN:	Birth Date:	Birth Place:	
Person Address:			
Employer Information:			

Person Information

Age:

Juvenile/School:

School Attending:

Reporting Officer: CATHY KENNEDY 507 47466	Department: Tallahassee Police Department	Report Status: Approved
Supervising Officer:		Date/Time:
Verifying Officer: JOE SIMS 226 73530	Department: Tallahassee Police Department	Date/Time: 01/17/2017 20:46

Incident Report

Vehicle 1 - 1999 Florida Ford

Model Free Form:	Vehicle Status	Vehicle Disposition: No Action Taken By Dept	VIN: 2FAFP74W6XX139869
Tag Number: 5570IZ	Tag Expiration Date: 03/06/2017	Vehicle Type: Auto	Category: Suspect
Business Name:		Recovery Location Buss Name:	

Vehicle Information

Primary Top Color: WHITE
Vehicle Style: Sedan 4 door

Insured: No
Keys In Vehicle: Yes

Narrative 1 - Basic - Original Report

ORIGINAL REPORT

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INITIAL INFORMATION / DISPATCH INFORMATION:
ARRIVAL ON SCENE AND INITIAL OBSERVATIONS:
CONTACT WITH REPORTING PERSON/CALLER:
CONTACT WITH VICTIM(S) (VICTIM'S ACCOUNT):
CONTACT WITH WITNESS(ES):
CONTACT WITH SUSPECT(S):
INVESTIGATIVE SUMMARY AND ACTIONS:
DESCRIPTION OF RELATED REPORTS OR HISTORY:
FOLLOW-UP TO BE COMPLETED:

Ofc. Brannon and I responded to Sienna Square Apts., 1747 Capital Circle NE #1102, reference a female caller stating that her husband had come home and found her in bed with another man.

The husband then got a handgun and threatened both the caller and the other male.

Upon arrival, the suspect husband, Benjamin Jerome Stephens, was gone.

The victim male, Orinthius J. Simmons, who had run out of the apartment naked, was hiding behind a nearby solid privacy fence.

The wife victim, Claynisha Monette Stephens, met me as she came out of the nearby bushes where she was talking with Simmons through the fence.

I escorted Claynisha back to the apartment so she could get some kind of covering for Simmons since Benjamin took all of Simmons clothes with him when he left.

Once we had Simmons clothed and back over the fence, I spoke with Claynisha.

Reporting Officer: CATHY KENNEDY 507 47466	Department: Tallahassee Police Department	Report Status: Approved
Supervising Officer:		Date/Time:
Verifying Officer: JOE SIMS 226 73530	Department: Tallahassee Police Department	Date/Time: 01/17/2017 20:46

00-17-001918

Incident Report

Claynisha stated that Simmons is the pastor of the church she goes to, Jacob Chapel, on Lake Bradford Rd. She stated she has known Simmons since 2014, but as of October 2016, they have been establishing a relationship. Claynisha stated that today, Simmons came over so they could "talk over starting a business, patents and trademarks, and providing less fortunate kids with clothes and shoes".

Ultimately they ended up in bed together in a sexual relationship.

In the mean time, Apalachee Elementary School was trying to get in touch with her to come pick up her son from school.

The school could not reach Claynisha, so they called the father, Benjamin III.

Benjamin, the father, went and picked up his son.

Claynisha stated that Benjamin has been suspicious about her and Simmons, and headed home when he picked up his son.

Claynisha stated that she and Benjamin have been married for 7 years and that when Benjamin got home, he caught she and Simmons in bed together in their oldest daughter's bedroom.

Benjamin yelled, "I'm gonna kill him" and went to Benjamin and Claynisha's bedroom and retrieved a small handgun.

Claynisha stated that when Simmons heard Benjamin come in and then yell he was going to kill him, Simmons fled the apartment without any clothes on because he was afraid Benjamin would actually kill him.

Simmons never gave Benjamin a chance to point the gun at him before he fled.

Simmons was out of the apartment before Benjamin got the gun.

Simmons was over the fence and hidden before Benjamin came outside looking for him with the gun in hand.

Claynisha stated she stepped in front of Benjamin and pled with him not to shoot Simmons in front of their son.

Benjamin pushed past Claynisha and went out the door in search of Simmons.

When Benjamin did not find Simmons, he returned to the apartment and was ranting and raving and yelling at Claynisha.

During his rant, Benjamin had the gun in his hand but never pointed it at Claynisha.

According to Claynisha, he told her he thought about shooting her too but did not because of their son.

Claynisha stated she was trying to gather Simmons clothes, but Benjamin took them from her and would not give them back.

Claynisha kept asking for the clothes but Benjamin refused to give them back.

Benjamin told her he would drop them off at the church.

According to Claynisha, Benjamin stated he "should have shot Simmons and expose him".

He also talked about exposing him on Facebook as well as showing up at the church on Sunday to "make a statement".

Claynisha stated when Benjamin started talking about showing up at the church, she commented that would make Simmons look bad too.

Claynisha stated that with the gun still in his hand, never pointing it at her,

Benjamin yelled at her to "shut up"!

Claynisha stated she was afraid Benjamin was still in the frame of mind to shoot her, so she shut up.

Claynisha stated she went back outside to try to find Simmons, but that Benjamin followed her with the gun in hand.

Claynisha stated she did not try to call Simmons, but got into her car and drove to the other side of their building looking for Simmons.

When she went back to the front of the building, she found Benjamin getting into his car with their son.

He told her, "I'm coming back".

Benjamin then left and Claynisha called police.

Simmons called a friend and parishioner, Tony Barker to come pick him up.

According to Simmons, besides all of his clothes, Benjamin also had his car keys, wallet, business keys and other personal affects.

The wallet has his driver's license in it that has his current address in Havana.

Reporting Officer: CATHY KENNEDY 507 47466	Department: Tallahassee Police Department	Report Status: Approved
Supervising Officer:		Date/Time:
Verifying Officer: JOE SIMS 226 73530	Department: Tallahassee Police Department	Date/Time: 01/17/2017 20:46

Incident Report

Officer Brannon was able to establish contact with Benjamin who admitted to him over the phone that he did indeed have the gun, but never pointed the gun at his wife.

See Supplemental report by Officer Brannon.

Because of the heat of the situation, I notified Sgt. Sims that the suspect was still at large.

He in turn notified the Watch Commander and Sgt. Clemons.

Simmons notified the head of his security for the church, Ret. LCSO Dep. Capt. Leroy Johnson who is still on reserves with LCSO.

Dep. Johnson asked to speak to me and I filled him in on the situation and the fact that Benjamin was talking about showing up at the church and "making a statement".

Simmons refused to write a sworn written statement on scene but stated he would do it later.

Simmons stated he did not really want to press charges, he just wanted his clothes and other personal items back.

Claynisha wrote a sworn written statement and checked the box that she will press charges.

I gave both Simmons and Claynisha Victim Rights Pamphlets.

Because of the juvenile witness I called DCF at 6:16pm and spoke with Ty #292 who accepted the report at 6:30pm.

At approximately 8:30pm, I received a call from Dep. Johnson.

He told me that a parishioner had called Benjamin and arranged for Benjamin to give Simmons clothes back.

Claynisha went to an arranged spot on Appalachee Parkway and met with Benjamin.

Benjamin gave her all of Simmons belongings.

Once they had the car keys back, Dep. Johnson and another deputy, who are off duty,

Reporting Officer: CATHY KENNEDY 507 47466	Department: Tallahassee Police Department	Report Status: Approved
Supervising Officer:		Date/Time:
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00-17-001918

Incident Report

went and retrieved Simmons vehicle from the apartment complex and got it back to him.
 The deputies did not meet with Benjamin, only Claynisha.

Reporting Officer: CATHY KENNEDY 507 47466	Department: Tallahassee Police Department	Report Status: Approved
Supervising Officer:		Date/Time:
Verifying Officer: JOE SIMS 226 73530	Department: Tallahassee Police Department	Date/Time: 01/17/2017 20:46

00-17-001918

Incident Report

Incident

Case Number: 00-17-001918	Date Of Report: 01/17/2017 16:30	Occured On From:	Occured To:	Report Type: Supplemental - On-Scene
Incident Type: Criminal Offense		Department Case Status: Open/Active	Case Status Date:	Cleared:
Business Name: Sienna Square Apartments 1747 NE Capital Cir Apt. 1102 Tallahassee Florida 32309				

Dispatched: 01/17/2017 14:43

Received: 01/17/2017 14:41

Arrived: 01/17/2017 14:46

Reported Via 911 Yes No: Yes

Was Evidence Collected: No

Photos Videos Taken: No

Photos of Victims Injury: N/A

Photos of Suspects Injury: N/A

Photos of Damage Property: N/A

Specific Location Type: Apartment

Hate Crime UCR: No

Confidentiality Req: Yes - Domestic Violence

Juvenile Involved: Yes - Witness

District Zone: Bravo-3B

Offense 1 - Original Offense

Florida Statute: 784.021(1A) Aggravated Assault- W/Deadly Weapon WO Intent To Kill	Local Ordinance:	Lighting Conditions: Interior Lights	Disposition Date:
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Offense Information

Attempted/Committed: Committed

Weapon Type One: Handgun

Motive: Domestic/Family Feud

Point Of Entry: Not Applicable

Method of Entry: No Force

Target: Person

Premise Type: Residential

Number Of Premises: 01

Entry Type: No Force

Occupancy Code: Occupied

Offense Status: Open

Security Used: None

Victims Actions Before During Offense: Other - Explain in
Narrative

Roles

Person Name: Orinthius J Simmons

Type: Victim

Primary Role: Yes

Reporting Officer: BILL BRANNON 510 10163	Department: Tallahassee Police Department	Report Status: Approved
Supervising Officer:		Date/Time:
Verifying Officer: JOE SIMS 226 73530	Department: Tallahassee Police Department	Date/Time: 01/17/2017 19:52

00-17-001918

Incident Report

Person 1 - Orinthus J Simmons

Person Type: Victim	Home Phone:	Business Phone:	Mobile Phone Pager: (850) 459 - 5403
Race: Black	Sex: Male	DL ID Number: S552650792670	DL Exp. Date:
SSN:	Birth Date: 07/27/1979	Birth Place:	
Person Address: 165 Wisteria Ln Havana Florida 32333 (Gadsden County)			
Employer Information:			

Person Information

Age: 36

Occupation Vocation: Religious Worker

DL ID State: Florida

Minimum Height: 6'00"

Minimum Weight: 170 lbs.

Description

Hair Length: Bald

Facial Hair: Mustache and Beard

Eye Color: Brown

Build: Thin

Complexion: Medium Brown

Glasses: None

Face Shape: Oval

General Appearance: Well-Groomed

Demeanor: Scared/Afraid

Speech: Excited

Victim

Person Type: Adult

Will File Charges: No

Can Identify Offender: Yes

Sobriety of Victim: No Alcohol/Drugs

Injury Type 1 UCR: N/A

Offense

Provided Sworn Statement: No / Refused

Vehicle 1 - 2015 Florida Cadillac

Model Free Form:	Vehicle Status	Vehicle Disposition: No Action Taken By Dept	VIN: 1GYS3NKJXFR681799
Tag Number: M77XP	Tag Expiration Date: 07/27/2017	Vehicle Type: Truck/Van	Category: Victim's Vehicle
Business Name:		Recovery Location Buss Name:	

Reporting Officer: BILL BRANNON 510 10163	Department: Tallahassee Police Department	Report Status: Approved
Supervising Officer:		Date/Time:
Verifying Officer: JOE SIMS 226 73530	Department: Tallahassee Police Department	Date/Time: 01/17/2017 19:52

Incident Report

Vehicle Information

Primary Top Color: SILVER
 Vehicle Style: SUV 4 door
 Insured: Not Applicable
 Keys in Vehicle: No

Vehicle Locked: Yes
 Release Authority: Reporting Officer
 Dispatch Notified to Enter: N/A

Narrative 1 - Basic - Supplemental Report

On the reported date and time I responded to the above location in regards to a domestic disturbance that had just occurred. The female victim, the suspect's wife, informed dispatch that her husband had come home and caught her with another man. She continued that the suspect threatened both of them with a gun.

Upon arrival I made contact with the female victim and Ofc. Kennedy #507 in the parking lot next to Bldg. 11. A moment later I learned that the male victim, listed above, was naked and hiding on the other side of a privacy that was in proximity to our location.

The female victim retrieved some clothes for him and he reluctantly came back over the fence to speak with us. The male victim was extremely frightened and was very worried about the potential of the suspect returning.

The male victim advised that he had come over to speak with the female victim about some church matters.

He said that one thing led to another and their meeting took an inappropriate turn.

A short time later the suspect unexpectedly arrived.

The male victim stated that the suspect caught the victims having sex and that suspect immediately exclaimed, "I'm going to shoot both of you!"

The suspect then headed into another room.

The male victim fled from the apartment as fast as he could at that point.

He did not have any further contact with the suspect beyond that point and he stated that he never actually saw a gun.

The male victim went on to say that the suspect took his property prior to leaving the scene.

The suspect took the male victim's clothing, wallet, and car keys.

He advised that he did not want to pursue criminal charges at this point, but he did want his property back.

It should be noted that during the investigation I heard the female victim telling Ofc. Kennedy that the suspect had told her that he was going to return the male victim's property to the church.

The male victim also declined to provide a written statement at the time of this report.

While on scene I attempted to call the suspect, Mr. Stephens (850-284-0306), on his mobile phone.

The suspect did not answer so I left a voice message.

A short time later the suspect sent a message to the female victim and informed her that I could call him back if I was still there.

I subsequently called him back and spoke with him about the incident over the phone.

I informed the suspect that Ofc. Kennedy was the primary officer investigating the case and that I was assisting her.

I immediately informed him that the situation was not good and that it was more than likely going to be a situation in which we were going to have to arrest him due to the domestic nature of the incident.

I also explained to him that neither of the victims were willing to press charges and that although the situation was not good, it was not the end of the world.

Reporting Officer: BILL BRANNON 510 10163	Department: Tallahassee Police Department	Report Status: Approved
Supervising Officer:		Date/Time:
Verifying Officer: JOE SIMS 226 73530	Department: Tallahassee Police Department	Date/Time: 01/17/2017 19:52

00-17-001918

Incident Report

I then began asking him about the male victim's property and how we could get it returned to him.
 I eventually asked if he wanted to meet me somewhere to turn the property over.
 He then asked if he would be arrested at that point.
 I then asked Ofc. Kennedy if the suspect was definitely going to be arrested at this point.
 She replied that she needed to hear the suspect's account before making that determination.
 I explained that to the suspect and he agreed to speak with me over the phone about the incident.

The suspect advised that he caught the victims having sex and that he did in fact say that he was going to shoot both of them at that point.

He said that the male victim fled from the apartment at that point.

He also indicated that he was hoping the male victim would flee at that point.

He continued that he then began arguing with his wife, the female victim, at that time.

He stated that he had retrieved his handgun by that time and that he was holding it while he was arguing with his wife.

He insisted, however, that he never actually pointed it at her and that he had no intentions of actually hurting anyone.

I then told the suspect that I needed to discuss the incident with Ofc. Kennedy and that I would call him back momentarily.

After speaking with Ofc. Kennedy the final determination was made that an arrest would have to be made in this case.

I then called the suspect back and informed him of this decision.

I told him that he could meet us and go ahead and get it taken care of tonight if he was willing.

I also told him that he could call an attorney first and they could meet us a little later if he preferred.

He indicated that he needed to make some phone calls and that he would call me back later.

During this final conversation I also inquired about the children.

He stated that he had both of the children and that they were all fine.

He asked what would happen to the children if he were arrested.

I told him that they would be turned over to the mother.

It should be pointed out that the suspect seemed relatively calm and did not exhibit any hostility when I was speaking with him.

He also seemed remorseful for what had happened and he insured me that he had no intentions of doing anything else that would make the situation worse.

He specifically stated that he was just upset when it occurred and that he was not interested in any type of retaliation.

Having not heard back from the suspect, I eventually called him back.

I asked if he had made a decision about he was going to proceed with this case.

He advised that he was actually on the other line with an attorney and that he was planning on turning himself in at the police station tonight after he had finished speaking with the attorney and making some other arrangements.

This concluded my involvement in this case.

Reporting Officer: BILL BRANNON 510 10163	Department: Tallahassee Police Department	Report Status: Approved
Supervising Officer:		Date/Time:
Verifying Officer: JOE SIMS 226 73530	Department: Tallahassee Police Department	Date/Time: 01/17/2017 19:52

00-17-001918

National Standard Incident

Date of Report 01/19/2017 09:45

Incident Report

Case # 00-17-001918

I N C I D E N T	Case # 00-17-001918	Date of Report 01/19/2017 09:45	Occurred On/From	Occurred To	Report Type Supplemental - Follow-Up CII
	Incident Type Criminal Offense		Department Case Status CID - Exceptionally Cleared	Case Status Date	Cleared
	Business Name 1747 NE Capital Cir Apt. 1102 Tallahassee, FL 32308				
	Received : 01/17/2017 14:41			Total Stolen Property Value : \$0.00	
	Total Damaged Property Value : \$0.00			Total Recovered Property Value : \$0.00	

N A R R A T I V E	Topic Basic - Supplemental Report
	SUPPLEMENTAL REPORT =====
	1 VICTIM: Stephens, Claynisha M. =====
	This case was assigned for follow up on January 18, 2017.
	On Tuesday January 17, 2017, at 2:41 PM, Claynisha Stephens of 1747 Capital Circle Northeast apartment 1102, contacted the Consolidated Dispatch Agency (CDA) to report that she had been assaulted by her husband, Benjamin Stephens. Mrs. Stephens told call takers that Mr. Stephens had arrived at their residence, found her with another male subject, and then reportedly threatened the two with a handgun. The CDA dispatched officers at 2:43 PM. Officer C. Kennedy (507) arrived on scene at 2:46 PM. Officer F. Brannon (510) arrived five minutes later. Mr. Stephens had departed prior to their arrival.
	The Officers made contact with Mrs. Stephens and the male subject that had been in her company, Orinthius Simmons. Mrs. Stephens was uninjured. Mr. Simmons, also uninjured, was hiding behind a privacy fence in a state of undress.
	Mrs. Stephens and provided a sworn statement and initially indicated that she wished to seek prosecution. Mr. Simmons declined to provide a sworn statement and declined to seek prosecution.
	During the course of the on scene investigation it was learned that Mr. Simmons is the pastor of the church that Mr. and Mrs. Stephens attend. Mrs. Stephens stated that on the date of the incident, Mr. Simmons had come to her residence and they engaged in sexual activity. As they were so engaged, staff at the Apalachee Elementary School attempted to contact Mrs. Stephens via telephone to inform her that her six year old son was ill. After failing to reach her, staff at the school contacted Mr. Stephens. Mr. Stephens retrieved his son from the school and transported him to the residence.
	Mrs. Stephens advised that when Mr. Stephens arrived at the residence with their son, he discovered her and Mr. Simmons lying upon her daughter's bed, engaged in sexual activity. Mrs. Stephens stated that Mr. Stephens loudly exclaimed "I'm going to kill him", at which point Mr. Simmons immediately fled from the apartment in a state undress.
	From that point on, Mr. Simmons was not a witness to any part of this incident.

Reporting Officer Investigator NICK ROBERTS 791 (93980)	Department Tallahassee Police Department	Report Status: Approved
Secondary Officer Name		Date/Time
Verifying Officer Sergeant Jeff Mahoney 235 (53524)	Department Tallahassee Police Department	Date / Time 01/20/2017 11:45

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Mrs. Stephens stated that Mr. Stephens went into the master bedroom and then returned with a small framed handgun. When speaking to CDA call takers, Mrs. Stephens had described that handgun as being of a small caliber, and silver in color.

Mrs. Stephens advised that Mr. Stephens then made threatening comments indicating that he wanted to kill Mr. Simmons. She said that Mr. Stephens also stated that if it had not been for their son being present, he would have shot her. Mr. Stephens exited the apartment in an effort to locate Mr. Simmons, but returned a short time later.

Mrs. Stephens also advised that Mr. Stephens told her that he planned to inform everyone he could about the incident via social media. He also indicated that he intended to inform the entire congregation about the incident during the next Sunday service.

In her report, Officer Kennedy documented that Mrs. Stephens stated that Mr. Stephens did not point the firearm in her direction at any time during the incident. The report indicated that at one point Mrs. Stephens told Mr. Stephens that bringing the matter to the congregation's attention would only ruin his reputation. In response Mr. Stephens told her to "shut up". Officer Kennedy wrote that "[Mrs. Stephens] stated she was afraid that [Mr. Stephens] was still in the frame of mind to shoot her, so she shut up".

Officer Brannon spoke with Mr. Simmons. His supplemental report indicated that Mr. Simmons confirmed that he and Mrs. Stephens had been engaged in sexual activity when interrupted by Mr. Stephens. Mr. Simmons stated that he heard Mr. Stephens exclaim "I'm going to shoot both of you". Mr. Simmons immediately fled from the residence. It is noted that the statement attributed to Mr. Stephens by Mr. Simmons differs from the recollection of Mrs. Stephens.

Officer Brannon would also make telephone contact with Mr. Stephens. Mr. Stephens stated that upon finding Mrs. Stephens and Mr. Simmons engaged in a sex act, he did in fact state that he was going to shoot them both. He indicated that Mr. Simmons immediately fled the residence. Mr. Stephens told Officer Brannon that it was intent to cause Mr. Simmons to flee by making such a statement.

Mr. Stephens admitted that he retrieved and handgun and held it in his hands as he argued with Mrs. Stephens. Officer Brannon wrote that Mr. Stephens told him that he did not point the handgun at Mrs. Stephens, and that he had no intention to actually use it to harm anyone.

Officer Brannon's report indicated that even after being told that he would likely be arrested, Mr. Stephens remained calm and did not exhibit any hostility. His only concern seemed to be consulting with an attorney and making arrangements for his children prior to making contact with law enforcement.

On January 18, 2017, at 2:00 PM, Investigator B. Able (717) made telephone contact with Mr. Simmons. He advised that he did not wish to seek prosecution and that he did not wish to be involved in the matter any further. As noted, Mr. Simmons had exited the residence and did not witness Mr. Stephens with a handgun. As such, he could only be a victim of simple assault based upon the reported threats of Mr. Stephens. Furthermore, Mr. Simmons would need to articulate that Mr. Stephens' threat placed him in fear of being harmed or killed. Officer Brannon's supplemental report

Reporting Officer Investigator NICK ROBERTS 791 (93980)	Department Tallahassee Police Department	Report Status: Approved
Secondary Officer Name		Date/Time
Verifying Officer Sergeant Jeff Mahoney 235 (53524)	Department Tallahassee Police Department	Date / Time 01/20/2017 11:45

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Incident Report

Case # 00-17-001918

indicated that Mr. Simmons did not state that he was in fear of being harmed or killed during the incident. As noted, Mr. Simmons declined to provide a sworn statement and did not wish to participate in this follow up investigation.

Based upon the above facts, there is no probable cause to support the arrest of Mr. Stephens for assaulting Mr. Simmons.

On January 18, 2017, at 2:12 PM, Investigator Able spoke with Mrs. Stephens via telephone. Mrs. Stephens stated that she had no fear of her husband harming her or their children. She declined to seek prosecution and is unlikely to cooperate with any future court proceedings regarding this matter.

Mrs. Stephens stated that her only concerns were that Mr. Stephens would not speak to her about the incident, and that he was still likely in possession of a handgun.

On January 18, 2017, at 2:25 PM, I made telephone contact with Mr. Stephens in an effort to arrange an interview and to determine the whereabouts of the handgun. Mr. Stephens advised that he would be very willing to meet with me regarding the incident; he only wished to have his attorney present when he did so. In regards to the handgun, Mr. Stephens told me that it had been unloaded during the incident. He had already made arrangements to turn the handgun over to Mr. Dale Landry for safe keeping.

Later that same afternoon, I was contacted by Attorney Cydnee Brown (2910 Kerry Forrest Parkway, Tallahassee, 850-216-1010). She advised that she was representing Mr. Stephens and had advised him to make no statements regarding the incident at this time. The full nature of the incident was explained, and Ms. Brown advised that she would again consult with Mr. Stephens and contact me if it was decided that it was in his interests to provide a statement.

On January 18, 2017, at 3:53 PM, I made contact with Investigator F. Morgan of the Florida Department of Children and Family Services. She stated that she had interviewed Mr. and Mrs. Stephens, as well as their son. There was no indication of prior domestic violence in the home, and Investigator Morgan advised that she was recommending counseling for the family.

On January 18, 2017, at 5:25 PM, Mr. Dale Landry came to the Tallahassee Police Department and turned over Mr. Stephens handgun (a small framed silver revolver, caliber .22 short, unknown make/model, serial number 706990, unloaded). The status of the handgun was queried via NCIC, and it was then impounded with the Property and Evidence Section. See PD 139.

At this time neither Mrs. Stephens, nor Mr. Simmons wish to seek or cooperate with any potential prosecution of Mr. Stephens.

Mr. Stephens is employed and has no criminal history. Prior to this incident, he has had no documented contact with this agency (with the exception of non-criminal traffic violations). Leon County Clerk of Court records indicates that he initiated proceedings to seek a dissolution of his marriage to Mrs. Stephens in November of 2015. That case is still open; however no action has been taken by the Court since June of 2016. See 2015DR03601.

On January 19, 2017, the facts of this incident were presented to State Attorney Jack Campbell. Mr.

Reporting Officer Investigator NICK ROBERTS 791 (93980)	Department Tallahassee Police Department	Report Status: Approved
Secondary Officer Name		Date/Time
Verifying Officer Sergeant Jeff Mahoney 235 (53524)	Department Tallahassee Police Department	Date / Time 01/20/2017 11:45

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National Standard Incident

Date of Report 01/19/2017 09:45

Incident Report

Case # 00-17-001918

	<p>Campbell concurred that the totality of the facts would not support an arrest and prosecution for assault, and citing the interests of all involved, he determined that the State would not seek prosecution.</p> <p>This investigation is re-classified as exceptionally cleared.</p>
End of Narrative: 1	

Reporting Officer Investigator NICK ROBERTS 791 (93980)	Department Tallahassee Police Department	Report Status: Approved
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