

CLEARWATER POLICE DEPT - HEADQUARTERS

ACISS CW - INCIDENT Report CW10-145187

Report Date: 12/14/2010

Subject #2 - SUBJECT #2 - MARTINEZ, ROBERT MITCHELL - Continued				
Employment Information - Continued				
Occupation: INDEPENDENT PHOTOGRAPHER				
Scars, Marks, and Tattoos				
<u>Description</u>	<u>Type</u>	<u>Body Part</u>	<u>Side</u>	<u>Location</u>
SC ON R CHEEK OF FACE	---	---	---	---
Related Addresses				
<u>Address</u>				<u>Relationship</u>
[REDACTED]				HOME ADDRESS
Related Telephones				
<u>Telephone Number</u>				<u>Relationship</u>
[REDACTED]				HOME CELLULAR PHONE

Analysis Information	
Sick Or Injured:	NO
Suspicious P/V:	NO
Marchman Act:	NO
Disturbance:	YES
Disturbance Type:	OTHER
Disturbance Action:	SETTLED ON SCENE
Alarm:	NO
Baker Act:	NO

Related Officers
<u>LEO</u> ROZZI, D OFCR-CWPD (CW7612A / CW - TEAM C / CLEARWATER POLICE DEPARTMENT)

Narrative
CLEARWATER POLICE DEPARTMENT
SAO INFORMATION: No SAO information, N/A.
SYNOPSIS OF EVENT: On 12/14/2010 around 1738 hours Ron Howard and Robert Martinez got into a physical confrontation over a video camera and what Martinez was filming near [REDACTED] Ofc Williams arrived on scene and stopped the confrontation and quelled the situation. Both subjects agreed to leave the area without incident.
SOURCE OF ACTIVITY: On View

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Narrative - Continued

INVESTIGATIVE ACTION TAKEN:

While on patrol I received an anonymous tip that there was two subjects arguing on the beach just west of the [REDACTED].

I accessed the beach via the public beach access just south of [REDACTED]. As I reached the sand I could see two subjects physically pushing each other and arguing off in the distance.

I advised dispatch what I had and began to run to the subjects. I yelled, "Stop, Stop it, Break it Up." As I got closer to the subjects, they were stilling pushing each other and arguing over a video camera. I again yelled, "Break it up now!"

I then got between the two them put one hand on each of the subjects' chest and pushed them apart while saying, "That's enough, break it up." The subjects continued to argue with each other.

I asked what was going on and the first subject, Ron Howard, stated that the other subject, Robert Martinez, was videotaping a wedding ceremony and was asked to leave. I asked Howard where did he come from and he stated [REDACTED]. I did notice we were very close to the median high tide mark, which indicates where the private property ends and the public beach begins. It appeared to me by looking in the area that this incident started on private property.

I then asked Martinez where he was from and he said the main land. Howard then stated Martinez choked him and it was on the video tape, so I took custody of the camera to look over the video later.

I told both subjects to start walking towards the public beach access where I was parked so that we were out of the public eye. At this point both subjects were walking of their own free will and were not handcuffed. As we walked both subjects began to argue again, over the questions I was asking and the answers Martinez was giving. It appeared Martinez was avoiding giving certain information. At one point Martinez became loud and lunged toward Howard.

I grabbed Martinez and explained to him that if he continued to argue and escalate the issue more, I would have no choice but to get physical with him and take him into custody. Martinez agreed to calm down and all three of us walked to the beach access.

When we arrived Ofc Rozzi and Ofc Cappa were waiting and I had Martinez go with them. I kept the camera and spoke with Howard.

Howard told me that Martinez had been videotaping the home and all the people coming and going for a while now. At one point he was asked to stop and not to be near the property. When the wedding ceremony started, Martinez was scene on property. Howard went to ask Martinez to leave and a argument ensued and they became physical. Howard stated at one point Martinez had his hand around his throat and also stated, "I have a gun."

I looked over the video in the camera. I could see that Martinez filmed several people coming and going from [REDACTED] at some points it looked like he was hiding behind bushes and on other private property. Then I found the video of the confrontation. I did see a quick glimpse of Martinez's hand on Howard's throat. But I cannot say if he put it there on purpose of by accident during the physical confrontation. I did hear Martinez state, "I have a gun."

I then asked Howard if he wanted to press charges and he stated he just wanted Martinez to leave the area and leave the wedding party alone.

I then spoke with Martinez. I explained to him that I looked over the video and it appeared to me that he violated private property to get some of the video. I also stated I heard him say he had a gun, which he replied "No I said what if I had a gun." I told him that was not what I heard; Ofc Rozzi and Cappa stated no gun was found on Martinez's person. I gathered his information for my report. When I looked at his FL ID I asked if the address was correct and Martinez told me he had just moved and gave me the correct address.

I asked who he worked for and he replied, "The media." I asked him several times who and he kept saying the media. I then told him I wanted the specific company and he explained that he worked for SPLASH and they sell his videos/photos to TMZ. I said, "So you don't work for like Bay News 9 or Fox News Media." And he told me that he did not. He had no media credentials with him. I then explained to him that for all the homes on the beach their property line extends to the median high tide mark. If he was past that mark he was on private property. He stated he believed the property lined ended at the dunes, which I explained to him that was wrong and next time he should do more research before videotaping or photographing in the City of Clearwater.

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Narrative - Continued

I explained that Howard did not want to press charges and that the video on his camcorder is considered evidence. I told him since Howard did not want to press charges that I would not seize the video, but it would be in his best interest not to air that video. He then voluntarily stated he would erase the video, I had no idea if he did or did not erase the video, but told him that was not necessary.

Martinez then agreed to leave the area without any further incident.

MISCELLANEOUS INFORMATION:

I completed the following forms/documents in reference to this case:

* ACISS report CW10-145187

NO FURTHER INFORMATION

Record Status Information

Record Origination Operator: WILLIAMS, MICHAEL C. OFCR-CWPD (CW5461 / CW - CP-ACTB / CLEARWATER POLICE DEPARTMENT)
Record Origination Date: 12/14/2010 20:16
Last Update Operator: FISHERKELLER, T. J. SGT-CWPD (CW2426 / CW - TEAM C / CLEARWATER POLICE DEPARTMENT)
Last Update Date: 12/15/2010 15:42

Reporting LEO	Date	Supervisor	Date
WILLIAMS, MICHAEL C. OFCR-CWPD (CW5461 / CW - CP-ACTB / CLEARWATER POLICE DEPARTMENT)		FISHERKELLER, T. J. SGT-CWPD (CW2426 / CW - TEAM C / CLEARWATER POLICE DEPARTMENT)	12/16/2010

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