



Fundamental Trial Advocacy:  
The Law, the Skill & the Art

# ***Washington v. Hartwell***

## Cases and Materials

Professor Charles H. Rose, III  
Director, Center for Excellence in Advocacy  
Stetson University College of Law

***Notes***



# WASHINGTON V. HARTWELL

CHARLES H. ROSE III  
Associate Professor of Law  
Director, Center for Excellence in Advocacy  
Stetson University College of Law

*“We empower students to find within themselves their unique voices – to become the best possible advocates they can be.”<sup>1</sup>*

The following student at Stetson University College of Law gave of their time, expertise and creativity to assist in producing this case file. Without their help this project would still be an idea that was less than half way to completion. Each embodies the Stetson Spirit and I gratefully acknowledge their contributions. They are:

## **Center for Excellence in Advocacy Fellows-**

Vilma Martinez  
Allana Forté  
Katherine Lambrose

## **Case File Project Volunteers-**

Derrick Connell  
Nadine David  
Brian Dettman  
Natasha Hines  
Lindsay Moczynski

I wish to express my gratitude to the leadership at Stetson - Dean Darby Dickerson, Associate Dean Ellen Podgor, and Associate Dean Jamie Fox. They helped make this text possible through their unfailing support of creative scholarship.

The ideas behind using case files to teach are grounded in concepts of experiential learning. It is in doing that true education occurs.<sup>2</sup> These files are designed to create optimal “learning by doing” opportunities – the foundation upon which advocacy instruction, if not all learning, rests.

## **– Introduction –**

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<sup>1</sup> Professor Charles H. Rose III, Director, Center for Excellence in Advocacy,  
[www.law.stetson.edu/excellence/advocacy](http://www.law.stetson.edu/excellence/advocacy)

<sup>2</sup> Myles Horton, the co-founder of the Highlander Folk School, referred to this with a phrase from a Spanish song that translated reads “We make the road by walking.” One of the best captured thoughts about experiential learning I have ever read.

These case files are scalable, adaptable, and relevant to the issues facing 21<sup>st</sup> century advocates. They are based on the lessons learned by Stetson's faculty, students and alumni, reflecting the same commitment to excellence embodied in our Law School's award winning advocacy teams and national reputation in Advocacy.

A commitment to the law, the skill and the art of advocacy creates persuasive advocacy. The foundation begins with the **process**: it's the way we train, the way we learn, and the way we practice. This is experiential learning. These case files focus the advocates on specific advocacy skills in a simulated real world environment, allowing participants to learn the skill and the law in the context of a moment in the trial. The exercises accompanying the case file develop advocacy **skills** through the rubric of the experiential learning process. This approach allows the advocate to develop **values** that contextually reflect the legal profession. These case files provide a structure for the **process, skills** and **values** involved in becoming a better advocate.

How is this case file different from other experiential learning opportunities? The following organizational structure sets them apart from others that are available:

- **Scalability:** This case file has more witnesses than are normally found in materials from other entities. These additional witnesses allow the instructor to choose which witnesses will be “in play” for a particular exercise. The witnesses chosen by the instructor create different proof issues and different evidentiary problems. By doing this it gives the instructor the freedom to increase or decrease the complexity, as well as the very nature of the case.
- **Media:** This case files is designed to reflect the realities facing attorneys in the 21<sup>st</sup> century. Each file has “media rich” content such as cell phone pictures, texting, video, instant messaging sessions, emails and the like. Video depositions for witnesses have also been created, along with forms and depositions that reflect the types of documents that attorneys actually see in their practice.
- **Instruction:** The instructor manual contains a full blown case analysis addressing the legal issues, factual issues and potential themes for both parties. This manual contains specific instructor notes for each witness – as well as review sheets for the fundamental skills associated with each part of the trial process and a suggested methodology of critiquing, to include suggested forms for giving feedback to the advocates.

The goal of this effort is to design a well-crafted, challenging case file that promotes excellence in all facets of advocacy instruction. The way in which a case file is organized, presented and supported is a balancing act that either increases or decreases its effectiveness. The result of this balancing act is a unique, multi-media product that provides both academics and the practicing bar with modular course content producing varied levels of difficulty (novice, intermediate, and advanced), that is developed for, and measured by, quantifiable outcome assessments.

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# Washington v. Hartwell

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## INTRODUCTION

The children were black. The driver was white. The community was outraged. It was a media circus. Was it one vehicle, two or three? A van? A dark blue Honda? A Toyota? Or was it all three? The witnesses couldn't agree. The car sped away as a horrified crowd of about 200 emptied into the street and began shouting in outrage. Children's shoes and sandals were scattered on the pavement. Next to a puddle of blood was a pillow left behind by paramedics who had treated one of the victims. Were the non-working streetlights also to blame? Did someone hide the car? Was DNA removed from the evidence? What were the unsupervised children doing in a high-traffic area at night? Who would pay? After being sought for days, a high-profile criminal defense attorney, Steve Levine, finally announced that the driver would come forward.

On March 21, 20XX-2 at approximately 7:15 p.m., Ms. Rebecca Hartwell was driving her midnight blue Toyota Echo. She was travelling north on 39<sup>th</sup> Street. It is undisputed that at some point her car hit at least two of the four children crossing the street. She also fled the scene of the accident. The hit-and-run crash killed two brothers, aged 14 and 3, and seriously injured a 2-year-old boy and a 7-year-old girl. The 3 year old boy was caught underneath the grill of Ms. Hartwell's car and dragged approximately 150 feet before his body worked its way loose and came to final rest in the middle of 39<sup>th</sup> Street. The Toyota then fled the scene of the accident.

The criminal case has ended. Judge Jerry Parker oversaw the prosecution for negligent homicide that resulted in a hung jury on July 13, 20XX-1. The prosecution's office has indicated that they have no intention of retrying the case, citing evidentiary concerns and proof difficulties. Steve Levine contends that the nature of this trial caused the hung jury to have the effect of a dismissal with prejudice. The state's office has publically stated that they disagree with that assessment.

A civil case has been filed alleging both wrongful death and defamation. After filing answers and affirmative defenses to the Complaint, civil defense counsel moved for a change of venue. The Motion was denied.

**LOCAL RULES:** Calusa County follows the **Federal Rules of Civil Procedure** and has adopted the **Federal Rules of Evidence**. There are some local evidentiary and statutory distinctions litigants must consider. Those relevant Calusa County-specific rules and law have been provided in the law section of this case file.

## **PRELIMINARY JURY INSTRUCTIONS**

You have now been sworn as the jury to try this case. This is a civil case involving a disputed claim or claims between the parties. Those claims and other matters will be explained to you later. By your verdict, you will decide the disputed issues of fact. I will decide the questions of law that arise during the trial, and before you retire to deliberate at the close of the trial, I will instruct you on the law that you are to follow and apply in reaching your verdict. It is your responsibility to determine the facts and to apply the law to those facts. Thus, the function of the jury and the function of the judge are well defined, and they do not overlap. This is one of the fundamental principles of our system of justice.

Before proceeding further, it will be helpful for you to understand how a trial is conducted. In a few moments, the attorneys for the parties will have an opportunity to make opening statements, in which they may explain to you the issues in the case and summarize the facts that they expect the evidence will show. Following the opening statements, witnesses will be called to testify under oath. They will be examined and cross-examined by the attorneys. Documents and other exhibits also may be received as evidence.

After all the evidence has been received, the attorneys will again have the opportunity to address you and to make their final arguments. The statements that the attorneys now make and the arguments that they later make are not to be considered by you either as evidence in the case or as your instruction on the law. Nevertheless, these statements and arguments are intended to help you properly understand the issues, the evidence, and the applicable law, so you should give them your close attention. Following the final arguments by the attorneys, I will instruct you on the law.

You should give careful attention to the testimony and other evidence as it is received and presented for your consideration, but you should not form or express any opinion about the case until you have received all the evidence, the arguments of the attorneys, and the instructions on the law from me. In other words, you should not form or express any opinion about the case until you retire to the jury room to consider your verdict.

The attorneys are trained in the rules of evidence and trial procedure, and it is their duty to make all objections they feel are proper. When a lawyer makes an objection, I will either overrule or sustain the objection. If I overrule an objection to a question, the witness will answer the question. If I sustain an objection, the witness will not answer, but you must not, speculate on what might have happened or what the witness might have said had I permitted the witness to answer the question. You should not draw any inference from the question itself.

During the trial, it may be necessary for me to confer with the attorneys out of your hearing, talking about matters of law and other matters that require consideration by me alone. It is impossible for me to predict when such a conference may be required or how long it will last. When such conferences occur, they will be conducted so as to consume as little of your time as necessary for a fair and orderly trial of the case.



At this time, the attorneys for the parties will have an opportunity to make their opening statements, in which they may explain to you the issues in this case and give you a summary of the facts they expect the evidence will show.

### **FINAL JURY INSTRUCTIONS**

Members of the jury, I shall now instruct you on the law that you must follow in reaching your verdict. It is your duty as jurors to decide the issues, and only those issues, that I submit for determination by your verdict. In reaching your verdict, you should consider and weigh the evidence, decide the disputed issues of fact and apply the law on which I shall instruct you to the facts as you find them from the evidence.

The evidence in this case consists of the sworn testimony of the witnesses, all exhibits received into evidence, and all facts that may be admitted or agreed to by the parties. In determining the facts, you may draw reasonable inferences from the evidence. You may make deductions and reach conclusions which reason and common sense lead you to draw from the facts shown by the evidence in this case, but you should not speculate on any matters outside the evidence.

In determining the believability of any witness and the weight to be given the testimony of any witness, you may properly consider the demeanor of the witness while testifying; the frankness or lack of frankness of the witness; the intelligence of the witness; any interest the witness may have in the outcome of the case; the means and opportunity the witness had to know the facts about which the witness testified; the ability of the witness to remember the matters about which the witness testified; and the reasonableness of the testimony of the witness, considered in the light of all the evidence in the case and in light of your own experience and common sense.

The issues for your determination on the wrongful death claim of Charissa Washington against Rebecca Hartwell is whether Rebecca Hartwell was negligent when she struck Ronald and Jordan Washington with the vehicle she operated on the evening of March 21, 20XX, and, if so, whether such negligence was a legal cause of the loss, injury, or damage suffered by Charissa Washington and/or the Estates Jordan and Ronald Washington.

“Negligence” is the failure to use reasonable care. Reasonable care is that degree of care which a reasonably careful person would use under like circumstances. Negligence may consist either of doing something that a reasonably careful person would not do under like circumstances or failing to do something that a reasonably careful person would do under like circumstances.

Negligence is a legal cause of loss, injury, or damage if it directly and in natural and continuous sequence produces or contributes substantially to producing such loss, injury, or damages that it can reasonably be said that but for the negligence the loss, injury, or damage would not have occurred.

If the greater weight of the evidence does not support the claim of Charissa Washington and/or the Estate, then your verdict should be for Rebecca Hartwell. “Greater weight of the evidence” means the more persuasive and convincing force and effect of the entire evidence in

this case. However, if the greater weight of the evidence supports either Charissa Washington's individual claims or the Estate's claim, then you should consider the defenses raised by Rebecca Hartwell.

Rebecca Hartwell has raised a defense in this case which permits you, the jury, to determine whether persons who are not parties to this lawsuit may have also contributed to the injuries of the Washington's and/or the Estate. If you find that Rebecca Hartwell was negligent in her operation of her motor vehicle and that her negligence caused or contributed to the Washington's injury and/or the Estate's injury, you should determine what percentage of the total fault is chargeable to Rebecca Hartwell.

If you find that Ronald and Jordan Washington were negligent in their decision to cross the street and that their negligence caused or contributed to the injuries and/or the Estate's injury, you should determine what percentage of the total fault is chargeable to Ronald and Jordan Washington. In determining whether Ronald and Jordan Washington were negligent, you must consider whether they exercised reasonable care for their own safety. Reasonable care on the part of a child is that degree of care which a reasonably careful child of the same age, mental capacity, intelligence, training and experience would use under like circumstances.

At this point in the trial, you, as jurors, are deciding only if Rebecca Hartwell was negligent, and if Ronald and Jordan Washington were negligent. You will first return a verdict on that issue.

Additionally, the plaintiff, Charissa Washington, claims that the defendant, Rebecca Hartwell, defamed her when she made statements about the quality of Ms. Washington's parenting of the children on the day of the accident. These statements were allegedly made by Ms. Hartwell and published in the Pelican Daily Star.

In order to recover under her defamation claim(s), Charissa Washington must prove the following: that Rebecca Hartwell made the alleged statement(s); Rebecca Hartwell made the defamatory statement(s) with malice toward the Charissa Washington or with a reckless disregard for her interests; the defendant published the defamatory statement(s) to a person other than the defendant; the plaintiff was damaged; and the Plaintiff's damages were caused by the Rebecca Hartwell's defamatory statement(s).

A person acts with malice if she makes a false statement with knowledge of its falsity, or if she makes it for the specific purpose of injuring another person. A person acts with reckless disregard if she consciously disregards and is indifferent to the truth or falsity of the statement. It is not necessary for Charissa Washington to prove that Rebecca Hartwell deliberately intended to injure her. It is sufficient if Rebecca Hartwell acted with reckless disregard for the truth or falsity of her statements.

In determining whether Rebecca Hartwell acted with malice or reckless disregard, you may consider the following factors: a) did Rebecca Hartwell reasonably rely on the circumstances known to him when he made the statements; b) did the Rebecca Hartwell make the statement in good faith and believing it to be true; c) did the Defendant act with spite or ill will toward Charissa Washington; did she intend to injure her reputation, good name or feelings;

d) did Rebecca Hartwell attempt to minimize any harm to Charissa Washington by apologizing or retracting a statement within a reasonable time after determining a statement to be false?

Substantial truth is a defense to defamation. Substantially true means that the substance or gist of the statement is true. If the defendant proves that a statement was substantially true, then your verdict must be for the defendant with regard to that statement.

Qualified privilege is also a defense to a defamation claim. This jurisdiction recognizes a qualified privilege for statements made within certain business and social relationships. The privilege is qualified because it is not an absolute defense.

**Burdens of Proof:**

Charissa Washington has the burden of proving her claim of defamation, namely, that Rebecca Hartwell made a statement that defamed her; that it was communicated to another person; that she was injured by the defamatory statement; and that the Rebecca Hartwell made the statement with malice or reckless disregard. If you find that the Charissa Washington has proven each of these elements, then your verdict must be for the Charissa Washington, unless you find that the statement is true.

Rebecca Hartwell has the burden of proving the defense of truth. If you find that a statement was true, then your verdict must be for Rebecca Hartwell with regard to that statement.

**Damages:**

If you find for Charissa Washington on any of her claims for wrongful death/negligence and/or defamation, then you shall determine her damages in an amount that will justly and fairly compensate her for the harm caused by Rebecca Hartwell's defamatory statement or statements. In determining damages you may consider the injury to Charissa Washington's reputation and good name, any physical or mental suffering she may have sustained, and any loss of earnings or harm to business and employment relations. You may also, in your discretion, assess punitive damages against Rebecca Hartwell as punishment and as a deterrent to others. If you find that punitive damages should be assessed against Rebecca Hartwell, you may consider the financial resources of Rebecca Hartwell in fixing the amount. Punitive damages are awarded to punish the Defendant, not to compensate the Plaintiff.

Your verdict must be based on the evidence that has been received and the law on which I have instructed you. In reaching your verdict, you are not to be swayed from the performance of your duty by prejudice, sympathy, or any other sentiment for or against any party.

When you retire to the jury room, you should select one of your members to act as foreperson, to preside over your deliberations, and to sign your verdict. Your verdict must be unanimous; that is, your verdict must be agreed to by each of you. You will be given a verdict form, which I shall now read and, explain to you.

(READ VERDICT FORM)

When you have agreed on your verdict, the foreperson, acting for the jury, should date and sign the verdict form and return it to the courtroom. You may now retire to consider your verdict.



Interrogatory No. 6: Did Defendant make the defamatory statement with malice toward the Plaintiff, or with a reckless disregard for her interests?

YES \_\_\_\_\_

NO \_\_\_\_\_

Interrogatory No. 7: Did Defendant publish the defamatory statement to a person other than the Plaintiff?

YES \_\_\_\_\_

NO \_\_\_\_\_

Interrogatory No. 8: Was the defamatory statement true?

YES \_\_\_\_\_

NO \_\_\_\_\_

Interrogatory No. 9: Was the defamatory statement made on a subject in which the Defendant had an important interest or duty--either legal, moral, business, or social--and made to another person having a like interest or duty?

YES \_\_\_\_\_

NO \_\_\_\_\_

Interrogatory No. 10: If the answer to No. 5 is *YES*, then did the defamatory statement injure the Plaintiff?

YES \_\_\_\_\_

NO \_\_\_\_\_

Interrogatory No. 11: If the answer to Numbers 1 and 7 is *YES*, then you may assess punitive damages against Defendant. Please indicate the amount of punitive damages, if any, you assess against Defendant:

Amount \$ \_\_\_\_\_

The members of the jury have unanimously answered the Interrogatories in the manner I have indicated.

\_\_\_\_\_  
Foreperson

**IN THE FIRST JUDICIAL CIRCUIT  
IN AND FOR CALUSA COUNTY, XXXXX  
CIRCUIT CIVIL DIVISION**

**CHARISSA WASHINGTON, Individually and  
as Personal Representative of the Estate of  
JORDAN AND RONALD WASHINGTON,  
Deceased, f/b/o any Survivors,**

**Plaintiff,**

**v.**

**Case No. 20XX-1439**

**REBECCA HARTWELL,**

**Defendant.**

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**SUMMONS**

THE STATE OF XXXXX:  
TO EACH SHERIFF OF THE STATE:

YOU ARE COMMANDED to serve this summons and a copy of the complaint or petition in this action on defendant:

Rebecca Hartwell  
1929 15<sup>th</sup> Avenue North  
Pelican Bay, XXXXX 33707

Each defendant is required to serve written defenses to the complaint or petition on:

Scott Frost, Esq.  
Frost, Dunkelheit & Associates, P.L.  
412 Central Avenue  
Pelican Bay, XXXXX 33707  
Plaintiff's Attorney

within 20 days after service of this summons on that defendant, exclusive of the day of service, and to file the original of the defenses with the clerk of this court either before service on plaintiff's attorney or immediately thereafter. If Defendant fails to do so, a default will be entered against that Defendant for the relief demanded in the complaint or petition.

DATED on this 14<sup>th</sup> day of August 20XX.

Connie Evans  
As Clerk of the Court  
By Beth Mills  
As Deputy Clerk

## SUMMONS

### IMPORTANT

A lawsuit has been filed against you. You have 20 calendar days after this summons is served on you to file a written response to the attached complaint with the clerk of this court. A phone call will not protect you. Your written response, including the case number given above and the names of the parties, must be filed if you want the court to hear your side of the case. If you do not file your response on time, you may lose the case, and your wages, money, and property may thereafter be taken without further warning from the court. There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may call an attorney referral service or a legal aid office (listed in the phone book).

If you choose to file a written response yourself, at the same time you file your written response to the court you must also mail or take a copy of your written response to the "Plaintiff's Attorney" named below.

### IMPORTANTE

Usted ha sido demandado legalmente. Tiene 20 días, contados a partir del recibo de esta notificación, para contestar la demanda adjunta, por escrito, y presentarla ante este tribunal. Una llamada telefónica no lo protegerá. Si usted desea que el tribunal considere su defensa, debe presentar su respuesta por escrito, incluyendo el número del caso y los nombres de las partes interesadas. Si usted no contesta la demanda a tiempo, puede perder el caso y podría ser despojado de sus ingresos y propiedades, o privado de sus derechos, sin previo aviso del tribunal. Existen otros requisitos legales. Si lo desea, puede usted consultar a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a una de las oficinas de asistencia legal que aparecen en la guía telefónica.

Si desea responder a la demanda por su cuenta, al mismo tiempo en que presenta su respuesta ante el tribunal, deberá usted enviar por correo o entregar una copia de su respuesta a la persona denominada abajo como "Plaintiff's Attorney" (Demandante o Abogado del Demandante).

### IMPORTANTE

De poursuites judiciaires ont été entreprises contre vous. Vous avez 20 jours consécutifs à partir de la date de l'assignation de cette citation pour déposer une réponse écrite à la plainte ci-jointe auprès de ce tribunal. Un simple coup de téléphone est insuffisant pour vous protéger. Vous êtes obligés de déposer votre réponse écrite, avec mention du numéro de dossier ci-dessus et du nom des parties nommées ici, si vous souhaitez que le tribunal entende votre cause. Si vous ne déposez pas votre réponse écrite dans le délai requis, vous risquez de perdre la cause ainsi que votre salaire, votre argent, et vos biens peuvent être saisis par la suite, sans aucun préavis ultérieur du tribunal. Il y a d'autres obligations juridiques et vous pouvez requérir les services immédiats d'un avocat. Si vous ne connaissez pas d'avocat, vous pourriez téléphoner à un service de référence d'avocats ou à un bureau d'assistance juridique (figurant à l'annuaire de téléphones).

Si vous choisissez de déposer vous-même une réponse écrite, il vous faudra également, en même temps que cette formalité, faire parvenir ou expédier une copie de votre réponse écrite au "Plaintiff's Attorney" (Plaignant ou à son avocat) nommé ci-dessous.



**IN THE FIRST JUDICIAL CIRCUIT  
IN AND FOR CALUSA COUNTY, XXXXX  
CIRCUIT CIVIL DIVISION**

**CHARISSA WASHINGTON, Individually and  
as Personal Representative of the Estate of  
JORDAN AND RONALD WASHINGTON,  
Deceased, f/b/o any Survivors,**

**Plaintiff,**

**v.**

**Case No. 20XX-1439**

**REBECCA HARTWELL,**

**Defendant.**

---

**COMPLAINT AND DEMAND FOR JURY TRIAL**

COMES NOW the Plaintiff, CHARISSA WASHINGTON, Individually, and as Parent and Personal Representative of the Estates of JORDAN WASHINGTON, a minor, and RONALD WASHINGTON, a minor, by and through the undersigned counsel, as and for their Complaint for damages against Defendant, REBECCA HARTWELL, states as follows:

**JURISDICTION, PARTIES, AND VENUE**

1. This is an action for damages in excess of fifteen thousand dollars (\$15,000.00).
2. All conditions precedent to the bringing of this action have occurred or have been performed.
3. At all times material hereto, Plaintiff, CHARISSA WASHINGTON, was and is a resident of Calusa County, XXXXX. Plaintiff, CHARISSA WASHINGTON, was the mother of JORDAN WASHINGTON, deceased and RONALD WASHINGTON, deceased.
4. At all times material hereto, CHARISSA WASHINGTON, was duly appointed as Personal Representative of the Estates of JORDAN WASHINGTON and RONALD WASHINGTON,

5. At all times material hereto, the decedent, JORDAN WASHINGTON, a minor, upon his death left CHARISSA WASHINGTON, his mother, as survivor as defined by XXXXX Stat. § 718.18.

6. At all times material hereto, the decedent, RONALD WASHINGTON, a minor, upon his death left CHARISSA WASHINGTON, his mother, as survivor as defined by XXXXX Stat. § 718.18.

7. At all times material hereto, the Defendant, REBECCA HARTWELL, was and is a resident of Calusa County, XXXXX.

8. On or around March 21, 2008, the Defendant, REBECCA HARTWELL, was operating a Toyota Echo, VIN A610W909O4656B, on 39th Street at or near the University Community Center in Calusa County, XXXXX.

9. At said time, JORDAN WASHINGTON and RONALD WASHINGTON were walking on 39th Street at or near the University Community Center in Pelican Bay, Calusa County, XXXXX.

10. At said time, the Defendant, REBECCA HARTWELL, negligently operated her vehicle, colliding with JORDAN WASHINGTON and RONALD WASHINGTON. JORDAN WASHINGTON and RONALD WASHINGTON were killed as a result of the Defendant's car striking them. Defendant, REBECCA HARTWELL, fled the scene.

11. In no way were JORDAN WASHINGTON and RONALD WASHINGTON responsible for their injuries.

12. Since the death of JORDAN WASHINGTON and RONALD WASHINGTON the Defendant, REBECCA HARTWELL, has continued to make disparaging, public remarks concerning the Plaintiffs.

13. Venue is proper in this action as the subject accident took place in Calusa County, XXXXX.

### **COUNT I**

#### **THE ESTATE'S WRONGFUL DEATH CLAIM OF JORDAN WASHINGTON**

14. Plaintiff realleges and reavers paragraphs #1–13 as fully set forth herein and would further state:

15. At all times material hereto, the Defendant, REBECCA HARTWELL, was the owner of the vehicle that struck victim, JORDAN WASHINGTON. As a driver on public roads the Defendant, REBECCA HARTWELL, had a duty to operate her vehicle as a reasonably prudent driver. Defendant, REBECCA HARTWELL, had a duty to exercise reasonable care and to safeguard the public, and in particular the victim, JORDAN WASHINGTON, and refrain from striking him with her motor vehicle.

16. At all times material hereto, the Defendant, REBECCA HARTWELL, breached the aforesaid duty by failing to drive as a reasonably prudent driver and striking the Plaintiff, JORDAN WASHINGTON.

17. As a direct, proximate, and foreseeable result of the negligence of the Defendant, REBECCA HARTWELL, the Plaintiff, JORDAN WASHINGTON, was fatally injured.

18. As a direct, proximate, and foreseeable result of the negligence of the Defendant, REBECCA HARTWELL, the Plaintiff, CHARISSA WASHINGTON, as Personal Representative of the ESTATE OF JORDAN WASHINGTON, deceased, sustained the following losses as set forth in XXXXX Stat. § 768.21:

A. **AS TO THE ESTATE OF JORDAN WASHINGTON, DECEASED:**

1) Medical and/or funeral expenses due to the decedent's injury/death that would have become a charge against the Estate or that were paid for on behalf of the decedent; and

B. AS TO THE SURVIVING PARENT, CHARISSA WASHINGTON:

1) Value of future lost support and services from the date of the decedent's death with interest;

2) Value of loss of son's companionship;

3) Mental pain and suffering from the date of the injury/death into the future; and

4) Medical and/or funeral expenses due to the decedent's death.

WHEREFORE, Plaintiff, CHARISSA WASHINGTON, as Personal Representative of the ESTATE OF JORDAN WASHINGTON, demands judgment for damages against the Defendant, REBECCA HARTWELL, according to law, together with post-judgment interest and costs, and demands trial by jury of all issues triable as of right by jury.

## **COUNT II**

### **WRONGFUL DEATH CLAIM OF RONALD WASHINGTON**

19. Plaintiff re-alleges and readopts paragraphs #1–13 as fully set forth herein and would further state:

20. At all times material hereto, the Defendant, REBECCA HARTWELL, was the owner of the vehicle that struck Plaintiff, RONALD WASHINGTON. As a driver on public roads the Defendant, REBECCA HARTWELL, had a duty to operate her vehicle as a reasonably prudent driver. Defendant, REBECCA HARTWELL, had a duty to exercise reasonable care and to safeguard the public, and in particular the Plaintiff, RONALD WASHINGTON, and refrain from striking him with her motor vehicle.

21. At all times material hereto, the Defendant, REBECCA HARTWELL, breached the aforesaid duty by failing to drive as a reasonably prudent driver and striking the Plaintiff, RONALD WASHINGTON.

22. As a direct, proximate, and foreseeable result of the negligence of the Defendant, REBECCA HARTWELL, the Plaintiff, RONALD WASHINGTON, was fatally injured.

23. As a direct, proximate, and foreseeable result of the negligence of the Defendant, REBECCA HARTWELL, the Plaintiff, CHARISSA WASHINGTON, as Personal Representative of the ESTATE OF RONALD WASHINGTON, deceased, sustained the following losses as set forth in XXXXX Stat. § 768.21:

A. AS TO THE ESTATE OF RONALD WASHINGTON, DECEASED:

1) Medical and/or funeral expenses due to the decedent's injury/death that would have become a charge against the Estate or that were paid for on behalf of the decedent; and

B. AS TO THE SURVIVING PARENT, CHARISSA WASHINGTON:

1) Value of future lost support and services from the date of the decedent's death with interest;

2) Value of loss of son's companionship;

3) Mental pain and suffering from the date of the injury/death into the future; and

4) Medical and/or funeral expenses due to the decedent's death.

WHEREFORE, Plaintiff, CHARISSA WASHINGTON, as Personal Representative of the ESTATE OF RONALD WASHINGTON, demands judgment for damages against the Defendant, REBECCA HARTWELL, according to law, together with post-judgment interest and costs, and demands trial by jury of all issues triable as of right by jury.

**COUNT III**

**DEFAMATION OF CHARISSA WASHINGTON BY REBECCA HARTWELL**

24. Plaintiff realleges and reavers paragraphs #1–11 as fully set forth herein and would further state:

25. Defendant, REBECCA HARTWELL, knowingly made false and defamatory statements to third parties alleging that the Plaintiff, CHARISSA WASHINGTON, was an inferior mother and could not look over her children.

26. These statements were made without reasonable care as to the truth or falsity of the statements. In failing to verify the accuracy of her statements, the Defendant, REBECCA

HARTWELL, acted negligently and/or intentionally knew her statement was not substantially true.

27. The statement exposed the Plaintiff, CHARISSA WASHINGTON, to hatred, ridicule, contempt, embarrassment, humiliation, disgrace, and/or public ridicule within the greater Calusa County Area and throughout the United States.

28. The Defendant's defamatory statements resulted in actual damages and would cause a reasonable person to believe the Plaintiff, CHARISSA WASHINGTON, was and is an incompetent mother.

29. As a direct and proximate result of the defamatory statements made by the Defendant, REBECCA HARTWELL, the Plaintiff, CHARISSA WASHINGTON, has suffered damages resulting from, but not limited to: being shunned in social circles, being unable to function in the public arena, being laughed at and emotionally destroyed by her peers.

WHEREFORE, the Plaintiff, CHARISSA WASHINGTON, demands judgment for damages against the Defendant, REBECCA HARTWELL, together with costs and demands a trial by jury of all issues triable as of right by jury.

**Scott Frost**

Scott Frost, Esq.  
Frost, Dunkelheit & Associates, P.L.  
412 Central Avenue  
Pelican Bay, XXXXX 33707  
(727) 555-3548  
XXXXXX Bar No. 4521XX  
Counsel for Plaintiff

**IN THE FIRST JUDICIAL CIRCUIT  
IN AND FOR CALUSA COUNTY, XXXXX  
CIRCUIT CIVIL DIVISION**

**CHARISSA WASHINGTON, Individually and  
as Personal Representative of the Estate of  
JORDAN AND RONALD WASHINGTON,  
Deceased, f/b/o any Survivors,**

**Plaintiff,**

**v.**

**Case No. 20XX-1439**

**REBECCA HARTWELL,**

**Defendant.**

---

**ANSWER AND AFFIRMATIVE DEFENSES**

COMES NOW, the Defendant, REBECCA HARTWELL, by and through the undersigned attorney, and files this Answer to the Plaintiff's Complaint, and as grounds therefore and would state:

1. Denied. Defendant finds the current action unfounded.
2. This paragraph stated legal conclusions to which no response is necessary. To the extent a response is necessary, same are denied.
3. Admitted upon information and belief.
4. Admitted upon information and belief
5. Admitted upon information and belief.
6. Admitted upon information and belief.
7. Admitted for jurisdictional purposes only.
8. Admitted that Defendant, Hartwell, has a Toyota Echo and was driving it on the aforesaid street.
9. Admitted upon information and belief.



10. Denied. After reasonable investigation Defendant is without sufficient knowledge or information to form a belief as to the truth or falsity of the averments contained in this paragraph, therefore same are denied and strict proof to the contrary is demanded at time of trial.

11. Denied. Plaintiffs and their mother are wholly responsible for the unfortunate accident.

12. Denied. After reasonable investigation Defendant is without sufficient knowledge or information to form a belief as to the truth or falsity of the averments contained in this paragraph, therefore same are denied and strict proof to the contrary is demanded at time of trial.

13. Admitted.

### **COUNT I**

#### **NEGLIGENCE OF REBECCA HARTWELL TO JORDAN WASHINGTON**

14. Admit in Part. Defendant was the owner and driver of vehicle. Deny in Part. Defendant did not breach said duty.

15. Denied. After reasonable investigation Defendant is without sufficient knowledge or information to form a belief as to the truth or falsity of the averment contained in this paragraph therefore same are denied and strict proof to the contract is demanded at time of trial.

16. Denied. After reasonable investigation Defendant is without sufficient knowledge or information to form a belief as to the truth or falsity of the averments contained in this paragraph, therefore same are denied and strict proof to the contrary is demanded at time of trial.

17. Denied. After reasonable investigation Defendant is without sufficient knowledge or information to form a belief as to the truth or falsity of the averments contained in this paragraph, therefore same are denied and strict proof to the contrary is demanded at time of trial.

## **COUNT II**

### **NEGLIGENCE OF REBECCA HARTWELL TO RONALD WASHINGTON**

18. Denied. After reasonable investigation Defendant is without sufficient knowledge or information to form a belief as to the truth or falsity of the averments contained in this paragraph, therefore same are denied and strict proof to the contrary is demanded at time of trial.

19. Admitted.

20. Denied. After reasonable investigation Defendant is without sufficient knowledge or information to form a belief as to the truth or falsity of the averments contained in this paragraph, therefore same are denied and strict proof to the contrary is demanded at time of trial.

21. Denied. After reasonable investigation Defendant is without sufficient knowledge or information to form a belief as to the truth or falsity of the averments contained in this paragraph, therefore same are denied and strict proof to the contrary is demanded at time of trial.

22. Denied. After reasonable investigation Defendant is without sufficient knowledge or information to form a belief as to the truth or falsity of the averments contained in this paragraph, therefore same are denied and strict proof to the contrary is demanded at time of trial.

23. Defendant is without knowledge and therefore Denied. After reasonable investigation Defendant is without sufficient knowledge or information to form a belief as to the truth or falsity of the averments contained in this paragraph, therefore same are denied and strict proof to the contrary is demanded at time of trial.

24. Defendant is without knowledge and therefore Denied. After reasonable investigation Defendant is without sufficient knowledge or information to form a belief as to the truth or falsity of the averments contained in this paragraph, therefore same are denied and strict proof to the contrary is demanded at time of trial.

## **COUNT III**

**DEFAMATION OF CHARISSA WASHINGTON BY REBECCA HARTWELL**

25. After reasonable investigation Defendant is without sufficient knowledge or information to form a belief as to the truth or falsity of the averments contained in this paragraph, therefore same are denied and strict proof to the contrary is demanded at time of trial.

26. After reasonable investigation Defendant is without sufficient knowledge or information to form a belief as to the truth or falsity of the averments contained in this paragraph, therefore same are denied and strict proof to the contrary is demanded at time of trial.

27. After reasonable investigation Defendant is without sufficient knowledge or information to form a belief as to the truth or falsity of the averments contained in this paragraph, therefore same are denied and strict proof to the contrary is demanded at time of trial.

28. After reasonable investigation Defendant is without sufficient knowledge or information to form a belief as to the truth or falsity of the averments contained in this paragraph, therefore same are denied and strict proof to the contrary is demanded at time of trial.

29. After reasonable investigation Defendant is without sufficient knowledge or information to form a belief as to the truth or falsity of the averments contained in this paragraph, therefore same are denied and strict proof to the contrary is demanded at time of trial.

30. 28. After reasonable investigation Defendant is without sufficient knowledge or information to form a belief as to the truth or falsity of the averments contained in this paragraph, therefore same are denied and strict proof to the contrary is demanded at time of trial.

**FIRST AFFIRMATIVE DEFENSE**

The actions of the two deceased children were superseding, intervening causes in whole or in part, to the accident which occurred and damages sustained that absolve the Defendant of liability. In the alternative, Plaintiff was without time to react to the children playing in the street

with no lights on. Therefore, Defendant did not breach any duty and is not liable for this accident.

### **SECOND AFFIRMATIVE DEFENSE**

Plaintiff Complaint should be dismissed pursuant to Fed. R. Civ. P. 12(b)(6) for failure to state a claim upon which relief can be granted.

### **THIRD AFFIRMATIVE DEFENSE**

This Defendant is entitled to an apportionment of damages in accordance with Section 768.81 of the XXXXX Statutes. Any judgment entered against this Defendant must be based on the fault, if any, of this Defendant, and not on the basis of the doctrine of joint and several liability. Additionally, the Plaintiffs' recovery must be reduced based upon the percentage of fault attributed to any co-Defendant or any non-party who is found to be at fault for the incident alleged by the Plaintiffs, including but not limited to the Calusa County and Progress Energy. Future discovery will determine what additional parties, if any, were at fault and will be named in accordance with the Fabre and Nash decisions.

### **FOURTH AFFIRMATIVE DEFENSE**

The Plaintiffs have failed to join indispensable parties to this litigation.

### **FIFTH AFFIRMATIVE DEFENSE**

The negligence of the Plaintiff, CHARISSA WASHINGTON, proximately contributed to causing the accident complained of and any resultant damages sustained by Plaintiff, CHARISSA WASHINGTON, because she failed to conduct herself in a reasonable manner and ordinary due care as a parent in supervising her . Thus Plaintiff is barred from recovery herein to the extent that such negligence proximately contributed to causing the complained of accident and/ or any resultant damages sustained by the Plaintiff.

Plaintiff's defamation count is barred by the truth defense.

WHEREFORE, REBECCA HARTWELL, having answered the allegations asserted in the Plaintiff's Complaint, Defendants demand strict proof of all allegations not expressly admitted herein. Further Defendant, REBECCA HARTWELL, demands dismissal of the claims against her and judgment in her favor together with all costs of defense, including attorney's fees, as may be recoverable by law.

*Steve Levine, Esquire*

Steve Levine & Associates LLP  
415 Central Avenue  
Pelican Bay, XXXXX 33707  
XXXXX Bar No. 453XX  
(727)555-7317  
Attorney for Defendant

**IN THE FIRST JUDICIAL CIRCUIT  
IN AND FOR CALUSA COUNTY, XXXXX  
CIRCUIT CIVIL DIVISION**

**CHARISSA WASHINGTON, Individually and  
as Personal Representative of the Estate of  
JORDAN AND RONALD WASHINGTON,  
Deceased, f/b/o any Survivors,**

**Plaintiff,**

**v.**

**Case No. 20XX-1439**

**REBECCA HARTWELL,**

**Defendant.**

---

**PLAINTIFF'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS  
TO DEFENDANT, REBECCA HARTWELL**

Pursuant to XXXXX Rule of Civil Procedure 1.350(a), Plaintiff, CHARISSA WASHINGTON., requests that Defendant, REBECCA HARTWELL, respond to the following requests for documents within forty-five (45) days after service of process. Plaintiff further requests that said documents be produced for inspection and photocopying at the office of Frost, Dunkelheit & Associates, P.L., 412 Central Avenue, Pelican Bay, XXXXX 33707 forty-five days from the date of service of this request. If the date and time of inspection are inconvenient, please promptly contact the undersigned attorney to reschedule. Alternatively, photocopies of the requested documents may be mailed by said date to the aforesaid address in lieu of the inspection.

**DEFINITIONS**

1. As used herein, the terms “you” and “your” shall mean Defendant, REBECCA HARTWELL.
2. As used herein, the phrase “accident” shall mean the collision of defendant’s 20XX-5 Toyota Echo and the Five Children of Ms. Charissa Washington that occurred on March 21, 20XX-2, as alleged in the Complaint and Demand for Jury Trial.
3. As used herein, the term “document(s)” is defined as follows. One, the term refers to all writings of any kind, including originals and all non-identical copies, whether different from the original by reason of any notation made on such copies or otherwise. Two, the term “document(s)” includes the following without limitation: correspondence, memoranda, notes, diaries, statistics, letters, materials, invoices, orders, directives, interviews, telegrams, minutes, reports, studies, statements, transcripts, summaries, pamphlets, books, intraoffice and interoffice communications, notations of conversation, telephone call records, bulletins, printed forms,

teletype, telefax, worksheets, electronic mail, e-mail, and regularly-kept records. Three, the term “document(s)” also includes the following without limitation: photographs, digital images, charts, graphs, microfiche, microfilm, videotape, audiotape, motion pictures, computer data, and information contained on a fixed or floppy computer disc.

### **REQUESTS**

Please produce the following:

1. All photographs and/or digital images of decedents taken after the auto accident.
2. All photographs and/or digital images of your vehicle taken after the auto accident.
3. All photographs and/or digital images of the accident scene taken after the auto accident.
4. All repair estimates for damage to your vehicle arising from the auto accident.
5. All documents showing who owned the vehicle which you drove in the auto accident.
6. All documents showing whether you were acting within the course and scope of your employment at the time of the auto accident.
7. All documents which you contend would support your affirmative defenses.
8. All of your insurance coverage documents for all auto policies, umbrella policies, or excess policies which may provide coverage for the auto accident.
9. All recorded statements taken by you related to the auto accident.
10. All witness statements received by you related to the auto accident.
11. Paperwork establishing ownership of defendant’s dance studio.
12. Copies of all newspaper clippings kept by defendant, defendant’s family, or by others at the request of the defendant concerning the accident and death of Jordan and Ronald Washington.

**Scott Frost, Esquire**

Scott Frost, Esq.  
Frost, Dunkelheit & Associates, P.L.  
412 Central Avenue  
Pelican Bay, XXXXX 33707  
(727) 555-3548  
XXXXX Bar No. 4521XX  
Counsel for Plaintiff

**IN IN THE FIRST JUDICIAL CIRCUIT  
IN AND FOR CALUSA COUNTY, XXXXX  
CIRCUIT CIVIL DIVISION**

**CHARISSA WASHINGTON, Individually and  
as Personal Representative of the Estate of  
JORDAN AND RONALD WASHINGTON,  
Deceased, f/b/o any Survivors,**

**Plaintiff,**

**v.**

**Case No. 20XX-1439**

**REBECCA HARTWELL,**

**Defendant.**

\_\_\_\_\_ /

**PLAINTIFF'S FIRST SET OF INTERROGATORIES**

Pursuant to XXXXX Rule of Civil Procedure 1.340(a), Plaintiff, CHARISSA WASHINGTON, hereby requests that Defendant, REBECCA HARTWELL, answer the following Interrogatory Numbers 1-10 under oath within forty-five (45) days after service of process.

**DEFINITIONS**

1. As used herein, the terms “you” and “your” shall mean Defendant, REBECCA HARTWELL.
2. As used herein, the phrase “auto accident” shall mean the striking of children on 39<sup>th</sup> street on March 21, 20XX-2 as alleged in the Complaint and Demand for Jury Trial.

**Scott Frost**

Scott Frost, Esq.  
Frost, Dunkelheit & Associates, P.L.  
412 Central Avenue  
Pelican Bay, XXXXX 33707  
(727) 555-3548  
XXXXX Bar No. 4521XX  
Counsel for Plaintiff



INTERROGATORIES TO DEFENDANT, REBECCA HARTWELL

1. Please state the full legal name(s) and physical address(es) of each and every person who owned the vehicle which you were operating at the time of the auto accident.

*Rebecca Hartwell  
1929 15th Avenue North  
Pelican Bay, N.N.N.N.N 33707*

2. Were you acting within the course and scope of your employment at the time of the auto accident? If and only if your answer is yes, please state the complete legal name of your employer, your employer's physical business address, your job title, and your dates of employment for that employer.

*No*

3. Describe any and all policies of insurance which you contend cover or may cover you for the allegations set forth in Plaintiff's Complaint, detailing as to such policies

the name of the insurer, the policy number, the effective dates of the policy, the available limits of liability, and the name and address of the custodian of the policy.

*GEICO - liability limit is 300,000 dollars.*

*Policy Number - 5673901-12*

*Effective Dates - December 2, 20xx-3 through June 2, 20xx-2*

*GEICO of XXXXXX*

*1820 Bayshore Hills*

*Pelican Bay, XXXXXX 33453*

4. Were you married at the time of the auto accident? If and only if your answer is yes, please state the full legal name of your husband, his last known residential address, the date of your marriage to him, and the state of your marriage.

*No - never married.*

5. State the facts upon which you rely for each affirmative defense in your Answer.

*Upon the advice of counsel I direct you to review their written response as my agent to this interrogatory.*

6. Do you contend any person or entity other than you is, or may be, liable in whole or part for the claims asserted against you in this lawsuit? If so, state the full name and address of each such person or entity, the legal basis for your

contention, the facts or evidence upon which your contention is based, and whether or not you have notified each such person or entity of your contention.

*Upon the advice of counsel I direct you to review their written response as my agent to this interrogatory.*

7. Do you contend that any individual or entity not named as a party to this action was at fault, in whole or in part, in causing or contributing to cause the subject incident or subject injuries? If so, state the full name and address of each such person or entity, the legal basis for your contention, the facts or evidence upon which your contention is based, and whether or not you have notified each such person or entity of your contention.

*Upon the advice of counsel I direct you to review their written response as my agent to this interrogatory.*

8. List the names and addresses of all persons who are believed or known by you, your agents or attorneys to have any knowledge concerning any of the issues in this lawsuit; and specify the subject matter about which the witness has knowledge.

*Upon the advice of counsel I direct you to review their written response as my agent to this interrogatory.*

9. Describe in detail each act or omission on the part of any party to this lawsuit that you contend constituted negligence that was a contributing legal cause of the incident in question.

*Upon the advice of counsel I direct you to review their written response as my agent to this interrogatory.*

10. To the best of your recollection, please set forth the following:

- a. the date of the auto accident. *March 21, 2006-2.*
- b. the time of the auto accident. *7:15p.m.*
- c. the weather conditions at the time of the auto accident. *Sun had just gone down, it was hot, dry.*
- d. what you saw happen to the five children immediately after the collision. *I never saw the children until they struck my windshield and car door.*

OATH OF DEFENDANT, REBECCA HARTWELL

STATE OF *06060606*

COUNTY OF *Calusa*

I, REBECCA HARTWELL, am the Defendant in this lawsuit and hereby swear by my notarized signature below that the Answers to Plaintiff's Interrogatory Numbers 1-10 are both true and correct to the best of my personal knowledge.

DEFENDANT:

*Rebecca Hartwell*

SIGNATURE OF REBECCA HARTWELL

REBECCA HARTWELL, who is either personally known to the undersigned Notary Public or has produced XXXXX Driver's License Number as identification, appeared and signed these Interrogatory Answers under oath on the 5<sup>th</sup> day of May 20XX.

*Vilma Rodriguez*

Vilma Rodriguez

NOTARY PUBLIC

STATE OF XXXXX

My Commission Expires: October XX, 20XX +2





Offense Incident Report # 20XX(-2)10101

**Pelican Bay Police Department**

**Investigator:** James Record

**Subject:** Accident Scene on 39<sup>th</sup> Street Near the University Center, called in by a 9-1-1 call.

**Address:** 39<sup>th</sup> Street – between 15<sup>th</sup> and 15<sup>th</sup> Avenue South, Pelican Bay

**Felony:**  
Vehicular Homicide

**Victim(s):** Ronald Washington, Jordan Washington, Laquinta Washington, August Washington, Charles Washington

**Narrative**

Page 1 of 3.

Responded to a radio dispatch- investigate a hit and run involving three children on 15<sup>th</sup> Avenue South and 39<sup>th</sup> Street. Area is dangerous part of town – drug dealers, bad living areas, homeless folks, very violent area of town. Upon arrival I saw what appeared to be two different large gangs of people milling around, screaming, throwing beer bottles and shouting for revenge. There was one other person already there in uniform but I did not get their badge number or precinct. I arrived within three minutes of the call, but crowds had already gathered. It was an ugly crowd scene. Spent at least 45 minutes getting people out of the accident area. They kept coming back, walking around, moving pieces of the debris. I had to arrest one person for picking up what they described as "evidence" of the crime. There were plastic, glass, and metal car parts scattered in the road. I saw both sneakers and sandals that had been knocked loose from feet. They appeared to be in the southbound lane.

The first victim I approached was an adolescent boy lying on the pavement near the center stripe. He wasn't moving and his head and mouth were bleeding. The second victim, a little girl, was a few feet away from the boy, to the west. She was laying in the southbound lane. She was badly hurt with a broken leg, but was talking. She kept saying "the big white van hit me." I could not be sure how many bodies there were. Farther up the street, people were yelling, "there's two more up here!" The people had moved the third victim; it was little boy no more than 3 years old. He wasn't moving. He was on the center line of 39<sup>th</sup> Street.



PELICAN BAY POLICE DEPARTMENT  
CALUSA COUNTY, FLORIDA

ARREST NUMBER:

n/a

COMPLAINT NUMBER:

20XX(-2)10101

NARRATIVE (cont'd):

Page 2 of 3.

It looked like the boy was dragged about 150 feet by the vehicle going northbound. There was a fourth child but we couldn't tell how badly hurt he was because the street lights were not working. Three ambulances and a rescue chopper rushed the children to a local hospital.

We only secured the scene after the rescue efforts were completed. The crowds were angry and it took a great deal of time to control them. We marked plastic car parts, metal car parts, sneakers, and sandals. We didn't really know what we were looking for or what would be important, there was so much debris. I found Toyota parts and parts from a Honda Accord. Some of them were on the road and some were laying on the side of the road by the Royal Garden Apartments.

There was debris everywhere. I watched as several groups of folks moved pieces of the accident debris around. I stopped them but was not able to get everything back into its original location.

I took witness statements from Johnny Broadviders, Dimitri Merinov and Matt Bader. Another boy whose name I did not get said that he remembered sitting on the bench when he saw a white van speeding, then he heard a loud boom. A 13-year-old remembered the children standing on the grass between the sidewalk and the road. They were holding hands, as if they were about to cross the street.



PELICAN BAY POLICE DEPARTMENT  
CALUSA COUNTY, FLORIDA

ARREST NUMBER:

n/a

COMPLAINT NUMBER:

20XX(-2)10101

NARRATIVE (cont'd):

Page 3 of 3.

A few seconds later the teen saw the children tumbling over a white van like dominoes. He did not see any other vehicle strike the children.

Several witnesses said two vehicles were involved and a few said that three were involved. Stories varied. One said that a Honda dragged a child down the street before flipping off its lights and speeding away. People did not agree on the models or their makes, which direction they were traveling, which ones had actually struck the children. No one got a license plate number. I received different descriptions and it appears at this time that at least two, if not three, vehicles were involved.

One witness saw a dark Toyota strike the youngest child, drag him around 150 feet, stop, turn off their lights, turn on their lights and then leave.

Investigation will continue by accident reconstruction technicians.

Attached files: 1. Sketch of the Accident Scene, Photos, statements of Broadsides and Merinov

REPORTING  
OFFICER

James Record

DATE REPORTED

22 Mar 20XX-2

REPORTING  
OFFICER

James Record

SIGNATURE

BR549

OFFICER BADGE

22 Mar 20XX-2

DATE

REVIEWING  
SUPERVISOR

Robert Burrell

SIGNATURE

BR9240

OFFICER BADGE

22 Mar 20XX-2

DATE





**CALUSA POLICE DEPARTMENT  
CALUSA COUNTY**

**INVESTIGATION REPORT**

PAGE 1 OF 2

<b>Report No</b> 20XX-203230355	<b>Date:</b> 3/23/20XX-02	<b>Complaining Witness:</b> Charissa Washington
<b>Investigating Officer:</b> Detective Edwin Morris		<b>Suspect:</b> Rebecca Hartwell
<b>Division:</b> Homicide		<b>Address:</b> Royal Garden Apartments
<b>Victim(s):</b> Ronald Washington, Jordan Washington	<b>Age(s):</b> 14, 3	<b>General Description:</b> Two African American males, ages 14 and 3

**Investigator's Notes:**

**March 23, 20XX-2:**

Case assigned to Homicide division. Opened case file, began investigation.

On March 21, 20XX:-2 Officer James Record responded to an accident scene. They were called in to deal with a hit and run that resulted in the death of two children. Chief Hightower assigned case to my division on March 23, 20XX-2. No accident scene reconstruction was conducted the day of the accident, and the video of the scene was destroyed by Officer Record when he inadvertently incorrectly attempted to download the materials to his department laptop.

Investigation plan includes developing diagrams, interviewing witnesses and securing evidence if available. Inserted transcript of 911 call (exhibit 1) and photos of oldest child into case file (exhibits 2, 3, and 4).

Investigation continues.

March 28, 20XX-2.

Developed diagrams of the relevant areas (exhibit 5, 6 and 7 of this report)

Secured overhead shots of accident area from Google Maps(exhibits 8 and 9)

Secured street shot of accident area by basketball court from Google Maps (exhibit 10)

Inserted Sun Up and Sun Down Report into the case file (exhibit 11)

Interviewed Bill Hartwell.

Interviewed Marian Hartwell.

Investigation continues.

April 7, 20XX-2.

Received statements from Johnny Broadships (exhibit 12) and Dimitri Merinov (exhibit 13) from Officer Record. Reviewed and inserted into the case file.

May 12, 20XX-2.

Statements given by Mr. Hartwell (exhibit 14) and Mrs. Hartwell (exhibit 15) on 28 March returned by their attorney Steve Levine. Placed in the file once received.



CALUSA POLICE DEPARTMENT  
CALUSA COUNTY

INVESTIGATION REPORT

PAGE 2 OF 2

July 7, 20XX-2.

Located Mr. Bader, brought him in for questioning. He provided a statement (exhibit 16). He also provided two video files from his cell phone that night (exhibits 17 and 18). Procured MP3 of the 911 call (exhibit 19) Requested an additional statement from Officer Record.

July 13, 20XX-2. Officer Record provides affidavit (exhibit 20).

Subsequent investigation revealed that probable cause exists to believe that Rebecca Hartwell drove the vehicle that struck both Ronald and Jordan Washington on the night of 21 March 20XX-2.

Investigation continues.

July 13, 20XX-1. Hung jury in the case of State v. Hartwell. Case file closed.

/-----Nothing Follows-----/

Sworn and subscribed in my presence, July 13, 20XX-1.

Signature: *Edwin Morris*

Supervisor: Robert Burrell

Supervisor's Signature *Robert Burrell*

I swear and affirm that the report above and the attached files are true and correct to the best of my Belief and Knowledge.

Signature: *Edwin Morris*

Case Status: Closed

Date:072320XX-1

**Transcript of 911 Call**  
**21 March 20XX-2**  
**7:17 p.m.**

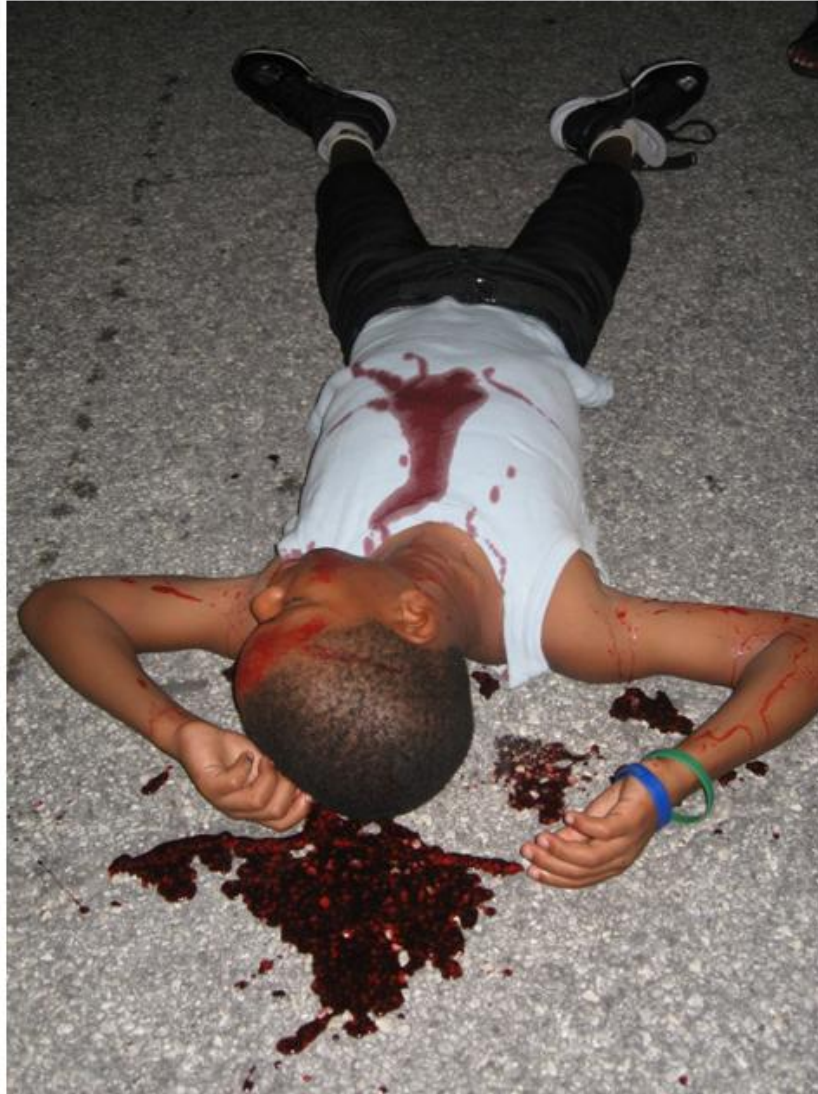
1. **OPERATOR:** This is 911, what is your emergency?
2. **CALLER:** I'm at the University Community Center on 39th Street and I just saw an accident. You guys need to get out here right now, man.
3. **OPERATOR:** Sir, please describe what happened.
4. **CALLER:** I was playing basketball down here and just a second ago I just heard an accident. There's...aww man...there's like three kids just got hit by a car. And, and, I think there might be another that got hit too. Hurry up and get down here! I think these kids are dying!
5. **OPERATOR:** Sir, how many vehicles were involved?
6. **CALLER:** I don't know, there was one stopped here like it was involved in it or something and another stopped further down the road. It started its engine and sped off. I think that one was involved.
7. **OPERATOR:** So, both vehicles have left?
8. **CALLER:** Yeah! They both just took off!
9. **OPERATOR:** Can you please describe those vehicles sir?
10. **CALLER:** I dunno. I'm pretty sure the one stopped here closer to the Center was a Ford Econoline Van, white I think. The other one looked like a small Toyota or Honda, some dark color or something.
11. **OPERATOR:** Sir, the police and paramedics should be arriving very soon, they may need your assistance when they arrive so please remain calm and stay where you are, OK?
12. **CALLER:** OK Just hurry up!

I hereby certify that the above transcript is a true and accurate copy of the tape maintained on file in the office of the emergency response center, Calusa County Sherriff's Department, Pelican Bay, Florida.

**Charlotte Jones**

Administrative Clerk  
Calusa County Sherriff's Department  
May 6, 20XX-2

<b>Exhibit 1</b>
------------------



**Exhibit 2**

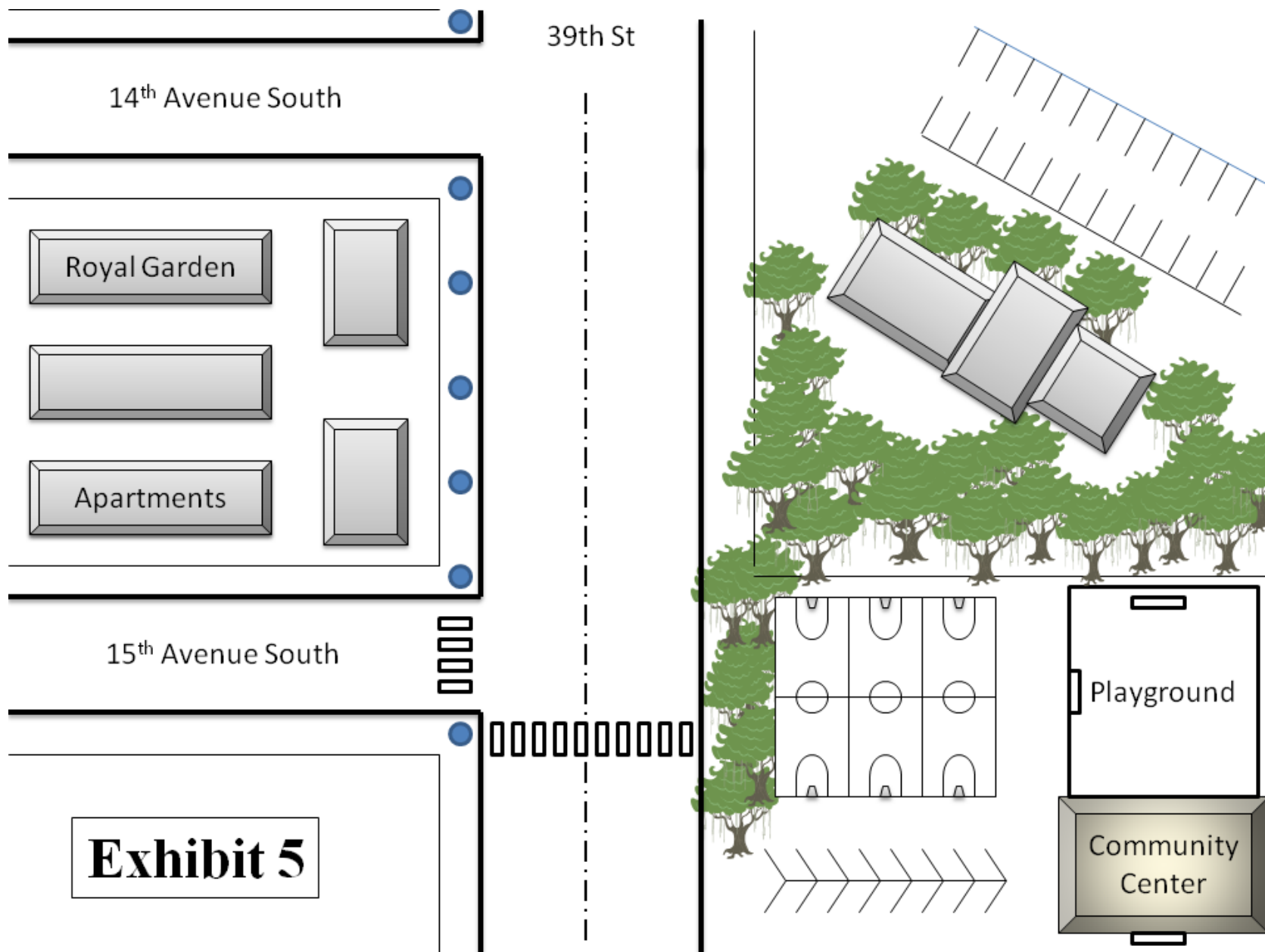


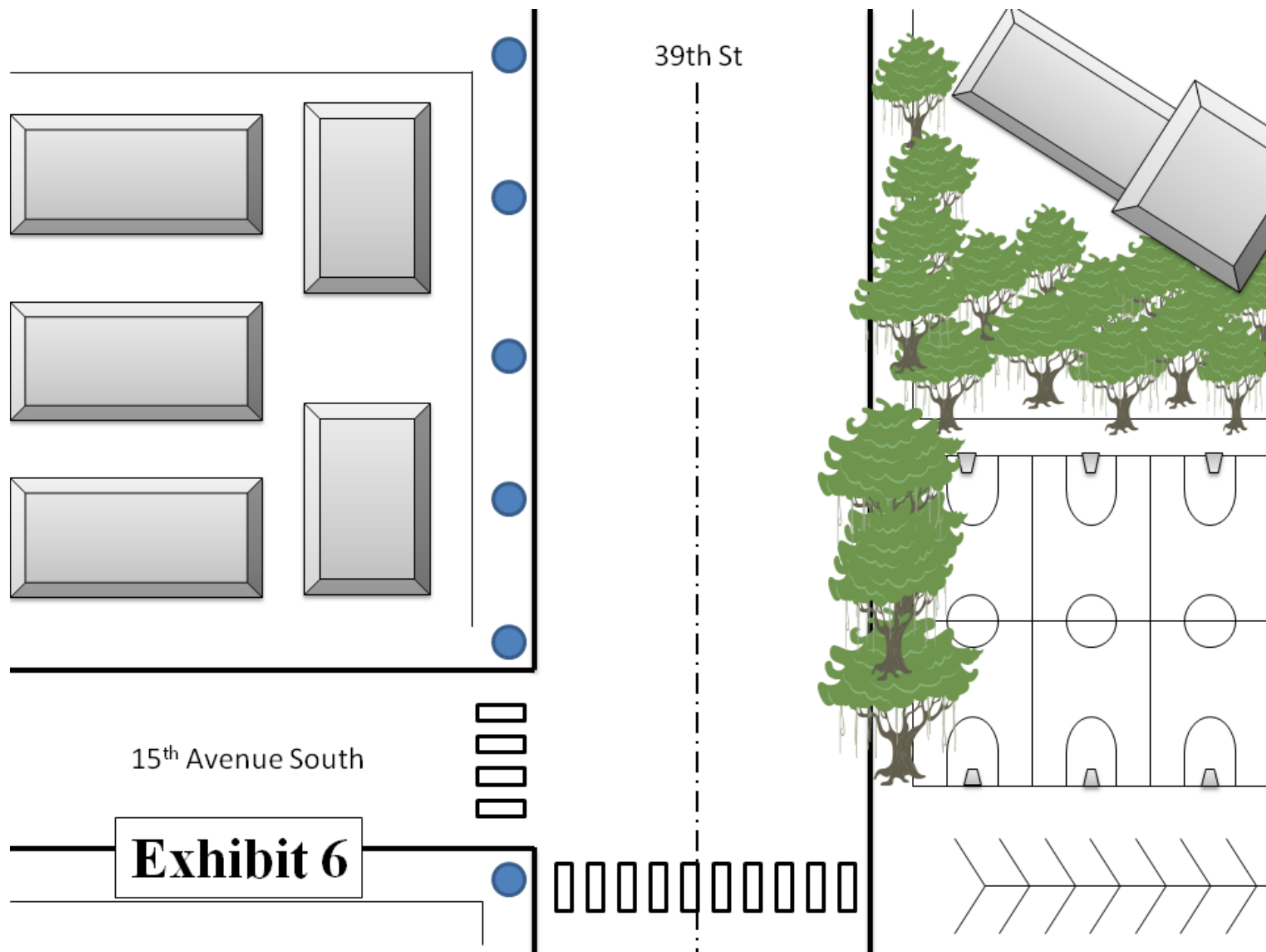
**Exhibit 3**



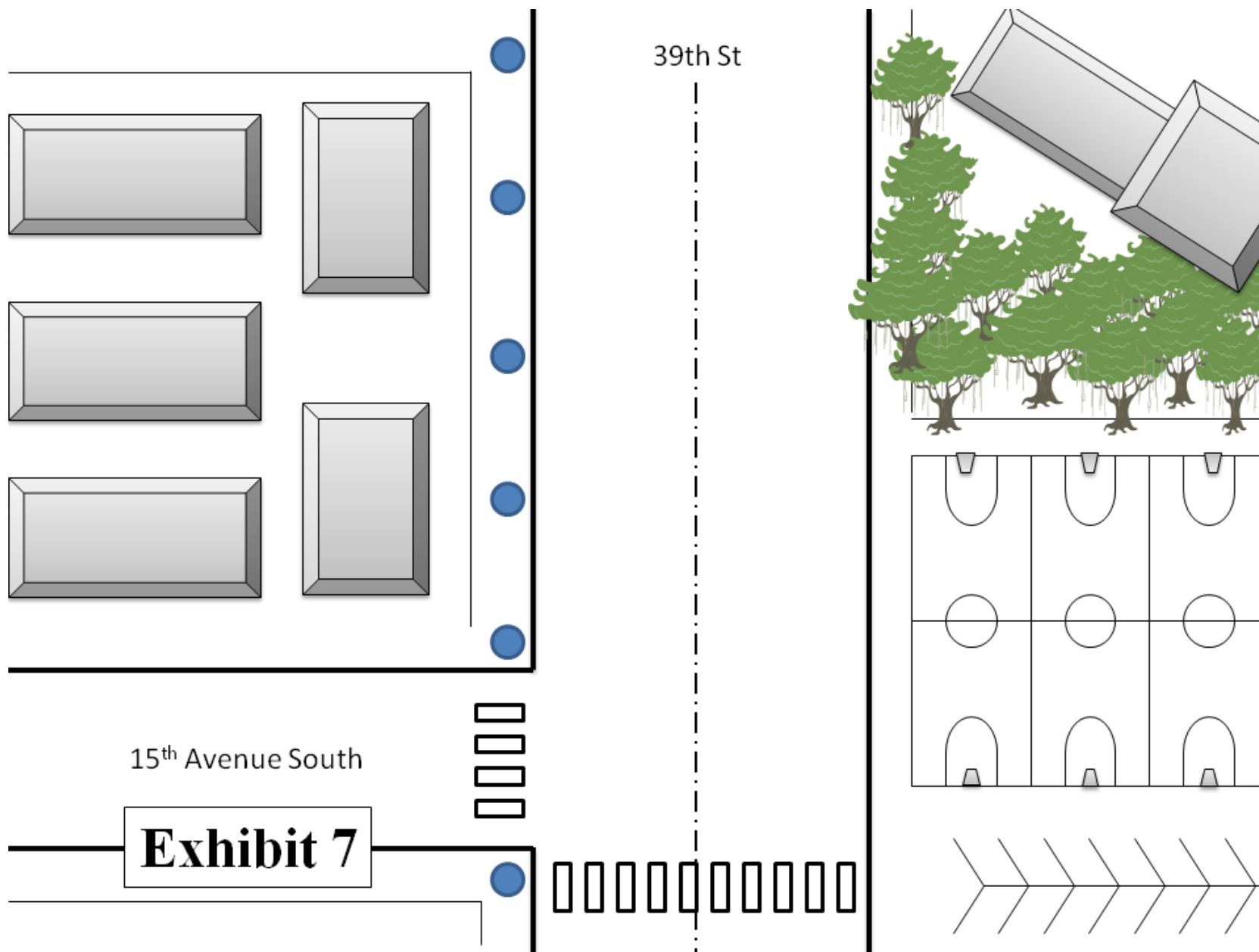


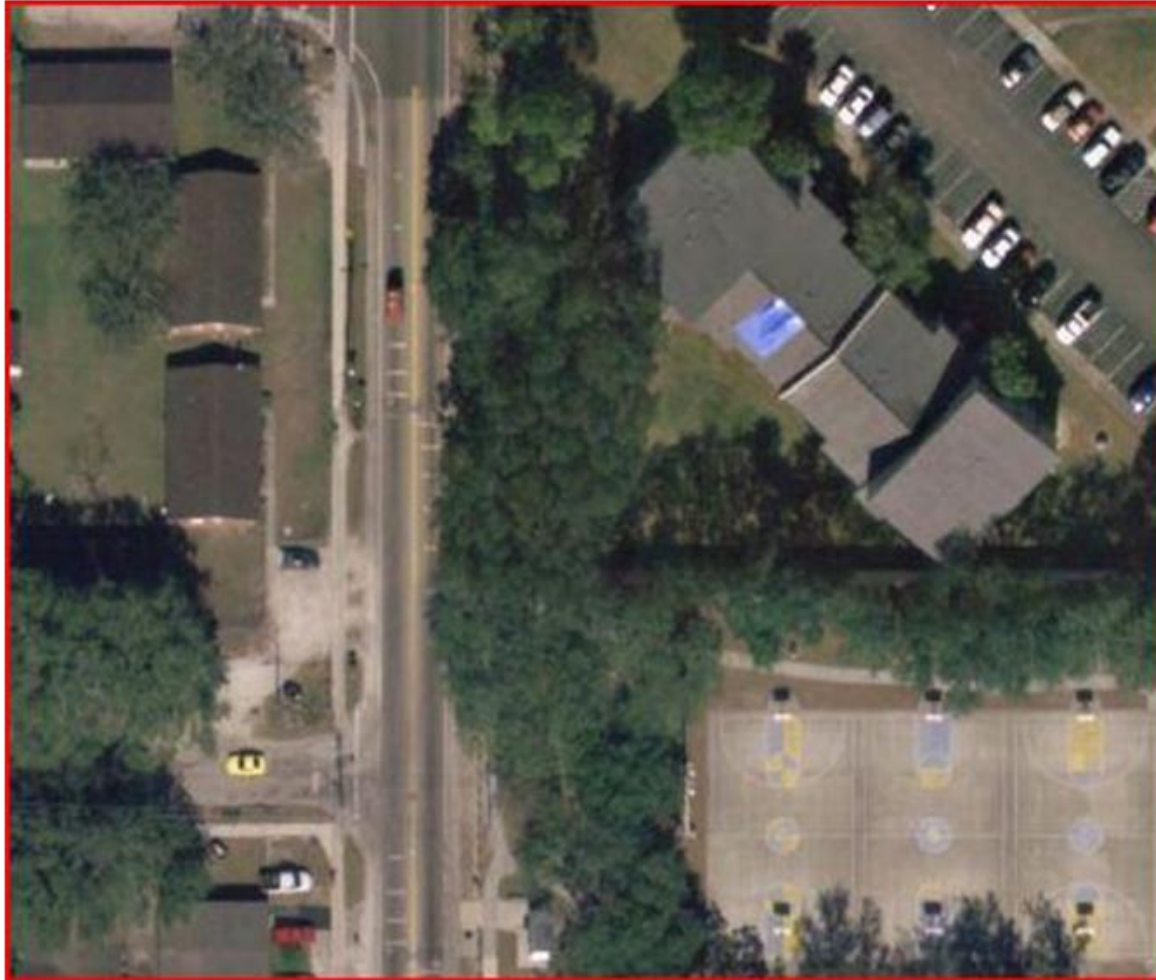
**Exhibit 4**











**Exhibit 8**



## Exhibit9



## Exhibit 10

Search:

Go

**Current location:** [Home page](#) > [Time zone menu](#) > [The World Clock](#) > [Sun Calculator](#) > [Results](#)

**Other locations:** [Date menu](#) | [Calendar](#) | [Countdown](#)

# SUNRISE AND SUNSET FOR U.S.A. –

## PELICAN BAY – MARCH 20XX-2

Time/General  
Weather  
Time zone  
DST

### Sun & Moon

## Pelican Bay, XXXXX, United States

Rising and setting times for the Sun

Date	Sunrise	Sunset	Length of day		Solar noon		
			This day	Difference	Time	Altitude	Distance (10 <sup>6</sup> km)
Mar 1, 20XX-2	6:55 AM	6:31 PM	11h 35m 18s	+ 1m 38s	12:43 PM	54.5°	148.223
Mar 2, 20XX-2	6:54 AM	6:31 PM	11h 36m 56s	+ 1m 38s	12:43 PM	54.9°	148.259
Mar 3, 20XX-2	6:53 AM	6:32 PM	11h 38m 34s	+ 1m 38s	12:42 PM	55.3°	148.296
Mar 4, 20XX-2	6:52 AM	6:33 PM	11h 40m 13s	+ 1m 38s	12:42 PM	55.7°	148.333
Mar 5, 20XX-2	6:51 AM	6:33 PM	11h 41m 52s	+ 1m 38s	12:42 PM	56.0°	148.371
Mar 6, 20XX-2	6:50 AM	6:34 PM	11h 43m 31s	+ 1m 39s	12:42 PM	56.4°	148.410
Mar 7, 20XX-2	6:49 AM	6:34 PM	11h 45m 11s	+ 1m 39s	12:42 PM	56.8°	148.448
Mar 8, 20XX-2	6:48 AM	6:35 PM	11h 46m 50s	+ 1m 39s	12:41 PM	57.2°	148.488
Mar 9, 20XX-2	6:47 AM	6:36 PM	11h 48m 30s	+ 1m 39s	12:41 PM	57.6°	148.528
Mar 10, 20XX-2	6:46 AM	6:36 PM	11h 50m 10s	+ 1m 39s	12:41 PM	58.0°	148.568
Mar 11, 20XX-2	6:45 AM	6:37 PM	11h 51m 50s	+ 1m 40s	1:41 PM	58.4°	148.609
Mar 12, 20XX-2	6:44 AM	6:37 PM	11h 53m 30s	+ 1m 40s	1:40 PM	58.8°	148.649
Mar 13, 20XX-2	6:43 AM	6:38 PM	11h 55m 11s	+ 1m 40s	1:40 PM	59.2°	148.690
Mar 14, 20XX-2	6:42 AM	6:38 PM	11h 56m 51s	+ 1m 40s	1:40 PM	59.6°	148.732
Mar 15, 20XX-2	7:40 AM	7:39 PM	11h 58m 32s	+ 1m 40s	1:39 PM	60.0°	148.773

Mar 16, 20XX-2	6:39 AM	6:40 PM	12h 00m 12s	+ 1m 40s	1:39 PM	60.4°	148.814
Mar 17, 20XX-2	6:38 AM	6:40 PM	12h 01m 53s	+ 1m 40s	1:39 PM	60.7°	148.856
Mar 18, 20XX-2	6:37 AM	6:41 PM	12h 03m 34s	+ 1m 40s	1:39 PM	61.1°	148.897
Mar 19, 20XX-2	6:36 AM	6:41 PM	12h 05m 14s	+ 1m 40s	1:38 PM	61.5°	148.939
Mar 20, 20XX-2	6:35 AM	6:42 PM	12h 06m 55s	+ 1m 40s	1:38 PM	61.9°	148.980
Mar 21, 20XX-2	7:34 AM	6:42 PM	12h 08m 36s	+ 1m 40s	1:38 PM	62.3°	149.021
Mar 22, 20XX-2	7:33 AM	7:43 PM	12h 10m 16s	+ 1m 40s	1:37 PM	62.7°	149.063
Mar 23, 20XX-2	7:31 AM	7:43 PM	12h 11m 57s	+ 1m 40s	1:37 PM	63.1°	149.104
Mar 24, 20XX-2	7:30 AM	7:44 PM	12h 13m 37s	+ 1m 40s	1:37 PM	63.5°	149.146
Mar 25, 20XX-2	7:29 AM	7:44 PM	12h 15m 18s	+ 1m 40s	1:37 PM	63.9°	149.187
Mar 26, 20XX-2	7:28 AM	7:45 PM	12h 16m 58s	+ 1m 40s	1:36 PM	64.3°	149.229
Mar 27, 20XX-2	7:27 AM	7:45 PM	12h 18m 38s	+ 1m 40s	1:36 PM	64.7°	149.270
Mar 28, 20XX-2	7:26 AM	7:46 PM	12h 20m 18s	+ 1m 40s	1:36 PM	65.1°	149.312
Mar 29, 20XX-2	7:25 AM	7:47 PM	12h 21m 58s	+ 1m 39s	1:35 PM	65.5°	149.354
Mar 30, 20XX-2	7:23 AM	7:47 PM	12h 23m 38s	+ 1m 39s	1:35 PM	65.9°	149.396
Mar 31, 20XX-2	7:22 AM	7:48 PM	12h 25m 18s	+ 1m 39s	1:35 PM	66.2°	149.439

All times are in local time for Pelican Bay

Note that Daylight Saving Time started on March 22, 20XX-2 at 2:00 AM and this is accounted for above. March Equinox (Vernal Equinox) is on Tuesday, March 20, 20XX-2 at 7:07 PM in Pelican Bay.

© Timeanddate.com

- Time and Date uses the tables of times for sunrise and sunset provided by the National Weather Service.

**Exhibit 11**

# Exhibit 12

Officer Initials: JR



## PELICAN BAY POLICE DEPARTMENT CALUSA COUNTY, FLORIDA

### VOLUNTARY STATEMENT (NOT UNDER ARREST)

PAGE 18 OF 2

My name is Johnny Broadsides. I am 17 years old.

At the time of this statement, I am not under arrest nor am I being investigated for the commission of any crime or offense. I have given this statement voluntarily and I offer this information for whatever purpose it may serve.

1 On March 21, 20XX-2 I saw and heard some of what happened in the accident outside  
2 the University Community Center. I worked the night before, so I didn't get up on the  
3 21<sup>st</sup> till around 3 in the afternoon. I hung out with my boys on the street corner most  
4 of the afternoon and then we went over to the community center courts to play some  
5 b-ball. We'd been playing for around two hours when we all heard this horrible thud and  
6 kids screaming. We ran up the street looking for what happened. I say a white van  
7 stopped in the road pretty close to the b-ball courts and up the road around 100 feet  
8 or so were two cars, a Toyota and some kind of Honda. Kids were lying in the street,  
9 looking like something you would see on the tv screen from Baghdad. Blood was  
10 everywhere. I'm pretty fast so I ran up to the Honda and began beating on the  
11 window telling them to get out. The person inside, I think it was a woman, freaked out  
12 and took off. She almost ran my foot over! I then ran up about another 10 feet to



1 the Toyota. There was this baby lying in the road and it looked so bad.... I  
2 started screaming and hollering at the Toyota. It peeled out of there before I got  
3 a chance to see who was driving it, but I remember seeing blood and other stuff  
4 smeared all over the left side of that car. It was awful. I have never been in  
5 trouble with the law and I don't know none of them kids. Best that way I suppose  
6 cause it might be too hard to take if I could put a name to the baby's fact. Still  
7 keeps me up at night. Some folks should not be in our neighborhood when they don't  
8 belong. It just ain't right - they better watch out cause sometimes things happen to  
9 folks who don't belong here. You know how things are down here.

I certify that the facts given in this statement consist of 2 pages and are correct to the best of my knowledge. I have reviewed this statement and signed my name below.

***Johnny Broadsides***

Signature of person giving statement

Witness

March 23, 20XX-2  
Date

\_\_\_\_\_  
Witness

**Official Use Only**

**Lt. James Record**

***James Record***

**Officer**  
(Printed Name)

Officer Signature

**Date**





# Exhibit 13



## PELICAN BAY POLICE DEPARTMENT CALUSA COUNTY, FLORIDA

### VOLUNTARY STATEMENT (NOT UNDER ARREST)

PAGE 21 OF 2

Officer Initials: JR

My name is Dimitri Merinov. I am 24 years old.

At the time of this statement, I am not under arrest nor am I being investigated for the commission of any crime or offense. I have given this statement voluntarily and I offer this information for whatever purpose it may serve.

1 On March 21, 20XX-2 I saw and heard some of what happened in the accident outside  
2 the University Community Center. I got off of work at the United Express sorting  
3 facility at about 12:00p that afternoon. I worked an early shift from 4:00a to  
4 12:00p. I was going to play in a 3-on-3 basketball tournament that night at the  
5 Community Center, so when I came home from work I wanted to sleep for a few hours.  
6 I woke up and got ready a little before 5:30. My game started at 6:00 and I got  
7 there about 10 minutes before that. When I was playing I noticed the four kids who  
8 were involved in the accident at the park watching the games. I recognized them  
9 because they live next to me in my building. I played my game and finished at 6:50. A  
10 little after 7:00 I was cooling off and talking with a few people when I heard like a  
11 muffled "boom, boom" come from the street in front of the Community Center. I grabbed

Page 1 of 3

D.M.

1 my camera phone from my bag and ran out there. I could see that two vehicles were  
2 stopped in the road both going the same direction I guess. One was a white panel van  
3 and the other was a dark colored Toyota and they were pretty far apart. The van  
4 was a little closer to me and when I got there it was driving slowly and then sped  
5 off. The Toyota was about 150 feet down the road and it had stopped. I know it was  
6 a manual transmission because it looked like it stalled out because it started again I  
7 heard the gears grinding before it finally lurched and sped off. I got video of it with  
8 my camera phone. I walked into the street and saw the three of the neighbor kids I  
9 recognized hurt badly in the road, but the fourth wasn't with them. It looked like they  
10 got hit. I heard bystanders say that they saw the van and the Toyota hit them.  
11 Someone screamed from where the Toyota was stopped and said that there was  
12 another of the kids down there about 150 feet away. Some other people said that  
13 the Toyota dragged the kid all the way down the street to where it stopped. I'm  
14 really upset because I know these kids and their mother. Monique Washington is my  
15 neighbor and a good friend of mine. I heard her crying and upset all day the next day  
16 when she came home. I stopped by her house to check on her and she told me two of  
17 her kids died. She said she thought it was "all her fault." I guess I should tell you

- 1 that I have a criminal record. About five years ago I was convicted of petit theft  
2 here in Pelican Bay. About four years ago I was convicted of trespassing. I'm working  
3 hard now at my job and trying I'm trying get past all that.

I certify that the facts given in this statement consist of   3   pages and are correct to the best of my knowledge. I have reviewed this statement and signed my name below.

*Dimitri Merinov*

Signature of person giving statement

Witness

March 23, 20XX-2  
Date

\_\_\_\_\_  
Witness

Official Use Only

Lt. James Record

James Record

**Officer**  
(Printed Name)

\_\_\_\_\_  
Officer Signature

**Date**

**BH Page 1 of 3****Exhibit 14**

1 My name is Bill Hartwell. I've worked as a postal worker since 1979. I'm married  
2 to my wonderful wife, Marian, and we live in Pelican Bay in Calusa County, FL. We have  
3 two daughters, Rebecca, 28, and Gina, 23. My wife moved here from Cuba as a little  
4 girl. But both of my daughters grew up here in Calusa County. We are a tight-knit  
5 family, and my girls are wonderful children. And smart, too. As babies they only spoke  
6 Spanish. It wasn't until Rebecca went to pre-school that she learned English. But she  
7 was a great student all the way from her time at St. Mary's Elementary School through  
8 high school. She always made 'A's and 'B's at Incarnation High.

9 As kids Rebecca and Gina were constantly dancing. Probably since Rebecca was  
10 8, she was doing ballet. The girls absolutely loved it. They took it serious, and I could  
11 tell they were serious about it. I even converted our garage into a dance studio. Wooden  
12 slab floor, a wall of mirrors, it even had the ballet bar. I did it all in a single weekend.  
13 The kids loved it. I used to watch them practice, and I'd give them pointers. I would tell  
14 them if they forgot to point their toes when they jumped. I had a pretty good eye for  
15 those sorts of things.

16 And it must have helped, too. Rebecca is a dance teacher at Northside Elementary  
17 Magnet School. She also has her own studio. She is the owner/director of the Dance,  
18 Dance, Dance Studio. Her studio is located Pelican Bay, about 5 miles from the  
19 University Community Center. Pelican Bay Her students loved her. They really looked  
20 up to her and admired her. She touched the hearts of all of her students through her  
21 dancing.

22 That night of March 21 changed our lives, though. Not only Rebecca's life, but  
23 also our whole family's. I will never forget when I first learned about this. My wife told  
24 me. I was working the night shift at the post office when Marian called me. Rebecca  
25 called her mom first. Then Marian called me and told me what happened. I couldn't  
26 speak. It was tragic. I knew that this would affect my family for the rest of their lives.

27 I immediately went home. Nobody was there. Jamie – that's Gina's boyfriend –  
28 and Marian went down to meet Rebecca and get her car. I was at the house when  
29 Marian and Jamie got back. Rebecca was with them. She looked awful. Tear-streaked  
30 face. I tried to hold her. She was limp. She felt so frail.

31 We were all sitting in the house, and that's when Rebecca and I found out that  
32 two children had died. When Jamie told Rebecca she broke down. She balled up in a  
33 fetal position and cried. She was afraid and said that she should have been the one to  
34 die. She wanted to go back to the scene of the accident. I told her not to go back. She  
35 tried to get up and leave the house but I grabbed her and stopped her. She was crazy out  
36 of her head with grief and I didn't think she could even drive. When I first found out  
37 about the accident, I wanted Rebecca to go back and turn herself in, I really did, but it  
38 was too late now and I didn't know what to do. I just knew I wanted to keep Rebecca  
39 safe and do the right thing for those kids and I couldn't see how I could do both. I

1 wanted to protect my baby and I thought that more than anything else we needed to talk  
2 with a lawyer before we did anything else. We needed to think through this and

**Sworn Statement of Bill Hartwell**

**March 28, 20XX-2**

1 figure out what to do. It was late, I think sometime after midnight. If we could all just  
2 get through the night, then I would figure out who to call to make things better. I  
3 planned to do it in the morning.

4 Rebecca's car was still in the driveway, her 20XX-5 Toyota Echo. I guess my wife  
5 drove it to the house. I went to look at the car.

6 The hood and bumper on the driver's side were damaged—part of the bumper was torn  
7 off The windshield was cracked. The driver's side airbag had deployed. The front end  
8 had blood... and...other stuff...I don't know...blood...lots of it... all over the front end of  
9 the car. Horrible. I almost passed out from seeing it. I decided we needed to move it  
10 into the garage, we just couldn't leave it out in the driveway.

11 The garage hadn't been used as a dance studio for years; it was mainly just  
12 storage. It hdl the the car fine. After Jamie drove the car into the garage, I used the  
13 hose, Lysol and paper towels to clean the blood and other stuff off the car. I also wiped  
14 away blood from the driver-side windshield and door. There was a handprint on the left  
15 rear window, like someone had been beating on it. I threw everything out—even the  
16 Lysol can—in a black garbage bag. I wasn't sure what to do with it so I placed it in the  
17 garbage cans in the garage, then took the cans to the curb. Initially, no one except Steve  
18 really ever asked me about the location of the stuff I used to clean the car. Not even the  
19 police. I actually kind of forgot about it—with all that was going on—I guess the garbage  
20 collectors picked it up. They pick up on Fridays. By the time I was asked about it at  
21 deposition, well, it was gone. I don't know if they ever found it. It never came up at  
22 trial.

23 Man, that was a rough night. Rebecca was suicidal. I was really concerned. But  
24 we made it through the night, and the next morning, I told the family to stick to their  
25 normal schedule until I found a lawyer. I don't know if that was the right thing to do,  
26 but I didn't know what else to do. We needed to talk to a lawyer. We needed to figure  
27 out what we should do.

28 It was hard to know what to do. It was hard to know what happened. I don't  
29 think Rebecca even knew what happened. Rebecca never told me she hit any kids; she  
30 told me a body flew into her windshield. Because this was not her usual route home, I  
31 asked her if she saw anyone in the street, crossing the street. "Suitcase City"—that's the  
32 area she was in—is not a great neighborhood. What I mean to say is-- I mean, well, she  
33 just usually takes the interstate home. I don't feel comfortable with her driving in that  
34 part of town.

35 Rebecca said the first time she saw the body is when it flew into her windshield. The  
36 body could have been thrown into the windshield, I don't really know. It's not like we  
37 were trying to hide the truth. We weren't trying to hide anything from anyone. We just  
38 didn't know exactly what happened. And I don't think Rebecca is responsible for the  
39 death of those two boys. I will go to my grave saying that. I don't want to speak ill of

1 anyone, but those children should not have been out on a street like that by themselves  
2 - it just isn't right.

3 The family did go about their business, though. They stuck to their normal  
4 schedules. I told them we should. Rebecca even taught school that Thursday.  
5 Somehow we all made it through the day after the accident. I think it was that night,  
6 Thursday night, we went to Marian's

**Sworn Statement of Bill Hartwell**

**March 28, 20XX-2**

1 parents' house in Pelican Bay. Everyone went, including the dogs. We moved in  
2 temporarily and tried to figure out what to do next.

3 I called Steve Levine on Friday. I'm so glad that I did. He really seemed to  
4 understand our pain, our fears. He didn't have to help us, you know. He didn't have to  
5 help my daughter. He didn't have to take this case. But he did. He really helped us  
6 figure out what we needed to do to straighten out this mess.

7 Levine knew what to do. Both he and Rebecca knew that she had to tell the police  
8 what happened. Levine knew we needed to try to visit the family. On Saturday Levine  
9 drove us to Mrs. Washington's home so that we could tell her how deeply sorry we were  
10 about this terrible tragedy. It wasn't the right time though. Mrs. Washington still  
11 needed time.

12 We stayed at Marian's parents until the news conference on Monday morning at  
13 10 a.m. in Levine's office. We were finally able to come forward. Finally, Rebecca could  
14 tell Mrs. Washington and everyone how truly sorry she was for Mrs. Washington loss.  
15 Finally, Mrs. Washington could know that her family is in our thoughts and prayers.

**BH Page 3 of 3.**

Signed: **Bill Hartwell**  
**March 28, 20XX-2**

Witnessed by: Detective Edwin Morris

Signed, ***Edwin Morris***  
**March 28, 20XX-2**

MH Page 1 of 3**Exhibit 15**

1 My name is Marian C. Hartwell. I am a teacher's aid at Lake Cypress Elementary  
2 School in Pelican Bay. I'm married to Bill Hartwell, and we live in Pelican Bay, Calusa  
3 County, FL. We have two daughters, Rebecca, 28, and Gina, 23.

4 My family moved to Florida from Cuba when I was just a little girl. I met Bill  
5 here and we have raised both of our daughters here in Calusa County. We are a very  
6 close family. Both of my daughters are wonderful people and very smart. We taught  
7 them to speak Spanish and that was their only language until they began school.  
8 Rebecca learned to speak English very well after she began pre-school. She was an  
9 excellent student. She attended Most Holy Redeemer Elementary School and then  
10 Riverridge High School where she always made 'A's and 'B's.

11 Both of my daughters were constantly dancing as children. They both loved to  
12 dance and took their dance classes very seriously. Rebecca began ballet around age 8.  
13 Bill converted the garage into a dance studio so that the girls could practice at home.  
14 Rebecca received a bachelor's degree in dance education from the University of South  
15 Florida. She is now a dance teacher at Northside Elementary School and she owns her  
16 own dance studio, The Dance, Dance, Dance Studio of Pelican Bay. All of her students  
17 really look up to her and admire her. Rebecca touches people through her love of dance.

18 March 21st was a horrible night that changed the lives of everyone in this family.  
19 Rebecca called me after the accident. She was sobbing and tried to explain to me what  
20 happened. Rebecca told me that a body had hit her windshield and that it was about to  
21 crack open. I told Rebecca to continue on towards the dance studio and to stay there.  
22 The studio was closer to Rebecca than our house and I didn't think that Rebecca should  
23 be driving because she was so upset. Bill was working the night shift at the post office. I  
24 had to call him to break the news. Bill wanted Rebecca to turn around and turn herself  
25 in. But when Rebecca called back she told me that she could not do that. I think she  
26 was just too upset. She was crying so hard, I could barely understand her. She wasn't  
27 making any sense. I think she was just too scared to go back, scared of what she would  
28 see.

29 After I spoke with my husband, I went with Gina's boyfriend Jamie to meet  
30 Rebecca and get her car. We drove by the scene of the accident first. We saw the  
31 ambulances and the sheriff's cruisers. I noticed a man standing in the street and I asked  
32 him what happened. He told me that a man had hit four children and that two of them  
33 were dead. I just started to cry. I couldn't believe that two children were gone. I felt  
34 some relief that this man was telling me a man had hit the children.



1 Rebecca kept calling me. She had arrived at the dance studio and was panicked.  
2 She told me that she was going to go to Publix and take all the pills she could. I told  
3 Jamie to get there as fast he could. We found the car that Rebecca was driving in the  
4 back of the studio. I went inside and found Rebecca alone, trembling. She was in shock.  
5 I put my jacket around her, helped her to the car that Jamie was driving, and I drove her  
6 car home.

7 When we got back to the house, Bill was home. We all sat in the house and just  
8 waited. Jamie broke the news to Rebecca that two of the children that had been hit had  
9 died. Rebecca just fell apart when she heard the news, curling up in a ball and just  
10 sobbing. She was so scared and said that she should have been the one to die. She kept  
11 saying, "I want to die." I want to die."

12 Later, Rebecca said that she wanted to go back to the scene of the accident, but  
13 Bill told her not to. She stopped talking. She wouldn't eat. We were so worried. Bill and  
14 I decided that the only way we could help and protect Rebecca at this point was to hire a  
15 lawyer. It was after midnight, so we decided that we would wait until morning and then  
16 make some calls. It was a long night for the whole family. Rebecca was suicidal and we  
17 needed to stay with her to keep her safe. The next morning, Bill told me and the girls  
18 that we were to follow our normal routine. We all followed Bill' order. I went to work.  
19 Rebecca even taught school that day. She called me once that day and told me that she  
20 couldn't take it and that she wanted to turn herself in.

21 I knew how Bill felt about this, so I told her to finish her day at work. Thursday  
22 night, the whole family stayed with my parents at their home in Tampa. We even took  
23 the dogs with us. We decided to stay there temporarily. It was comforting to be around  
24 family while we decided what to do next. On Friday, Bill called Steve Levine. He is the  
25 best lawyer in town. Steve was able to take the case and assud us that he could help  
26 Rebecca. I knew Steve was going to help us straighten everything out.

27 Steve decided that he and Rebecca would tell the police what happened. He also  
28 thought that Rebecca should visit the family of the children that had been hit. That  
29 Saturday, Steve drove us to the home of Mrs. Washington. The car ride was silent. We  
30 were all so nervous. We were going to explain to her how terribly sorry Rebecca was, we  
31 all were. We were met at the door by a friend of the family who explained that this was  
32 simply not the right time.

33 The whole family stayed with my parents until the news conference was held on  
34 Monday morning. It was at 10am at Steve's office. It was then that Rebecca was able to  
35 come forward and explain how sorry she was to everyone. Steve explained Rebecca's  
36 side of the story and let Rebecca apologize to Mrs. Washington.

1 Rebecca never tried to explain to us what happened. But she never said that she  
2 hit

**Sworn Statement of Marian Hartwell**

**March 28, 20XX-2**

1 anyone, either. She did say that a body flew into her windshield. Bill asked her if she  
2 had seen anyone trying to cross the street and Rebecca said that the first time she saw  
3 anyone was when the body hit her windshield. She kept saying, "No. No. No. I don't  
4 know. No." She was never a perfect driver, but I believe Rebecca. I believe that she did  
5 not hit those children.

6 I don't want to say anything bad about anybody else, but really, how could you let  
7 your babies walk around like that in the dark? It just can't be believed that something  
8 like that could happen this way. It just breaks my heart for those little ones. Nobody  
9 deserves to lose their babies, even folks that don't work to pay for them. I don't want to  
10 lose my baby to jail either. What good would that do for anyone?

*MH Page 3 of 3.*

Signed: *Marian Hartwell*  
*March 28, 20XX-2*

Witnessed by: Detective Edwin Morris

Signed, *Edwin Morris*  
*March 28, 20XX-2*

*MB Page 1 of 2***Exhibit 16**

1 My name is Matt Bader. I am 25 years old. I live at 715 Bower Avenue in Pelican  
2 Bay, Florida. On Wednesday, March 21<sup>st</sup>, 20XX-2 I was at a neighborhood cookout in  
3 the park between 15th Avenue South and 14th Avenue South; off 39th Street. After  
4 dinner and a few beers I played basketball with a bunch of other guys from the  
5 neighborhood. There was a pretty good size crowd watching us with a lot of kids and  
6 adults. When I went to get another drink, I looked at my watch. I noticed that it was  
7 about 10 minutes after 7:00 pm. The sun had set about 15 minutes before that, but it  
8 was still light enough to play basketball. As I was finishing my drink, I saw a few of the  
9 kids leaving the park headed to their home.

10 I recognized the kids as living on the other side of 39th Street. There was an  
11 older kid; I can't remember his name, carrying a younger kid. There were also two other  
12 smaller kids walking next to him. I think that they were his brothers and sisters. I  
13 remember that they were all holding hands as they walked back to their house. When  
14 they began to cross 39th Street, between 15th Avenue South and 14th Avenue South, I  
15 noticed that a few of the streetlights were not working. I believe that about six of them  
16 were out. While I was standing there, I wondered when those lights were ever going to  
17 get fixed.

18 I happened to look south when the kids began to cross the street. As soon as the  
19 kids stepped off the curb into 39th Street, I saw a dark car speeding towards them. It  
20 was painted a dark color and looked like a Honda Civic or a Toyota from the early 1990's  
21 or the late 1980's. I know the speed limit there was 30 miles per hour but that car was  
22 going much faster, like 45 miles per hour or so. I tried to yell but the kids couldn't hear  
23 me. I began to run to where the kids were, but there was nothing I could do; it  
24 happened so fast. I wish I could change what happened.

25 The dark car plowed into the kids. First the car hit the older boy carrying his  
26 younger brother or sister with a loud slapping or smacking sound. The little kid went  
27 flying off into the air. The older boy hit the front of the car's grill and seemed to roll up  
28 onto its hood and then smash into the car's front windshield before ending up in the  
29 intersection. Those kids were all holding hands! After the car hit the older boy carrying  
30 his younger brother or sister, the car also hit the two other kids. It was sick! One of  
31 them was knocked out of the way but the other. It was terrible, the other kid seemed to  
32 get caught under the car and dragged about half a block before tumbling out from under  
33 the car around 14<sup>th</sup> Avenue South. It happened so fast. The slapping or smacking sound  
34 was so loud that everyone in the park heard it and came running.

35 The car's driver must have known what happened because the dark car that hit  
36 the kids stopped for a few seconds. Then the driver turned the cars outside headlights  
37 lights off. There were no lights inside the car. I saw a dark shape but could not make  
38 out any details. The car's window's also looked like they were tinted. The car must have  
39 had a manual transmission because when the car's lights went out, I heard some

1 grinding sounds; like shifting gears. The driver rapidly shifted gears and gunned the  
2 engine. Then the car took off, faster than it had been going

**Sworn Statement of Matt Bader**

**July 7, 20XX-2**

1 before it hit the kids. That driver must have known that something bad happened  
2 because it hit at least three of the kids directly. Afterwards, the car stopped for a few  
3 seconds before I heard the gears grinding as the driver made a quick getaway. I  
4 remember seeing lots of kid's shoes in the street and a puddle of blood. It happened so  
5 fast I didn't even think to look at the license plate.

6 Almost immediately after the car going northbound on 39th Street hit those kids,  
7 a van, coming southbound hit the two kids that were walking together that were  
8 knocked into the van's way by the car. I got a good look at the outside of the van. The  
9 van was white and looked like a Ford Econoline Van. There was a ladder on top. I  
10 noticed that the van did not seem to be going that fast. It appeared to be going the  
11 speed limit and was not going nearly as fast as the car was. I couldn't really see the  
12 driver clearly, but it did not look like the Van's driver could even see the kids. After  
13 hitting one of the kids the van stopped briefly and then left. What the car's driver did  
14 was sick. I don't understand why the car's driver didn't stop. I hope they catch that  
15 driver. I also hope that someone learns something from this tragedy and fixes the  
16 streetlights and puts in some speed bumps! I brought in my cell phone. It has two  
17 videos taken that night. Both were emailed to me by someone else who must have been  
18 there that night. I don't know who took them but they sure look accurate to me.

19 I affirm that the foregoing statement was provided of my free will and that I was  
20 under no duress. This statement reflects my complete and total recollection of the  
21 events that occurred on 21 March 20XX-2.

*MH Page 2 of 2.*

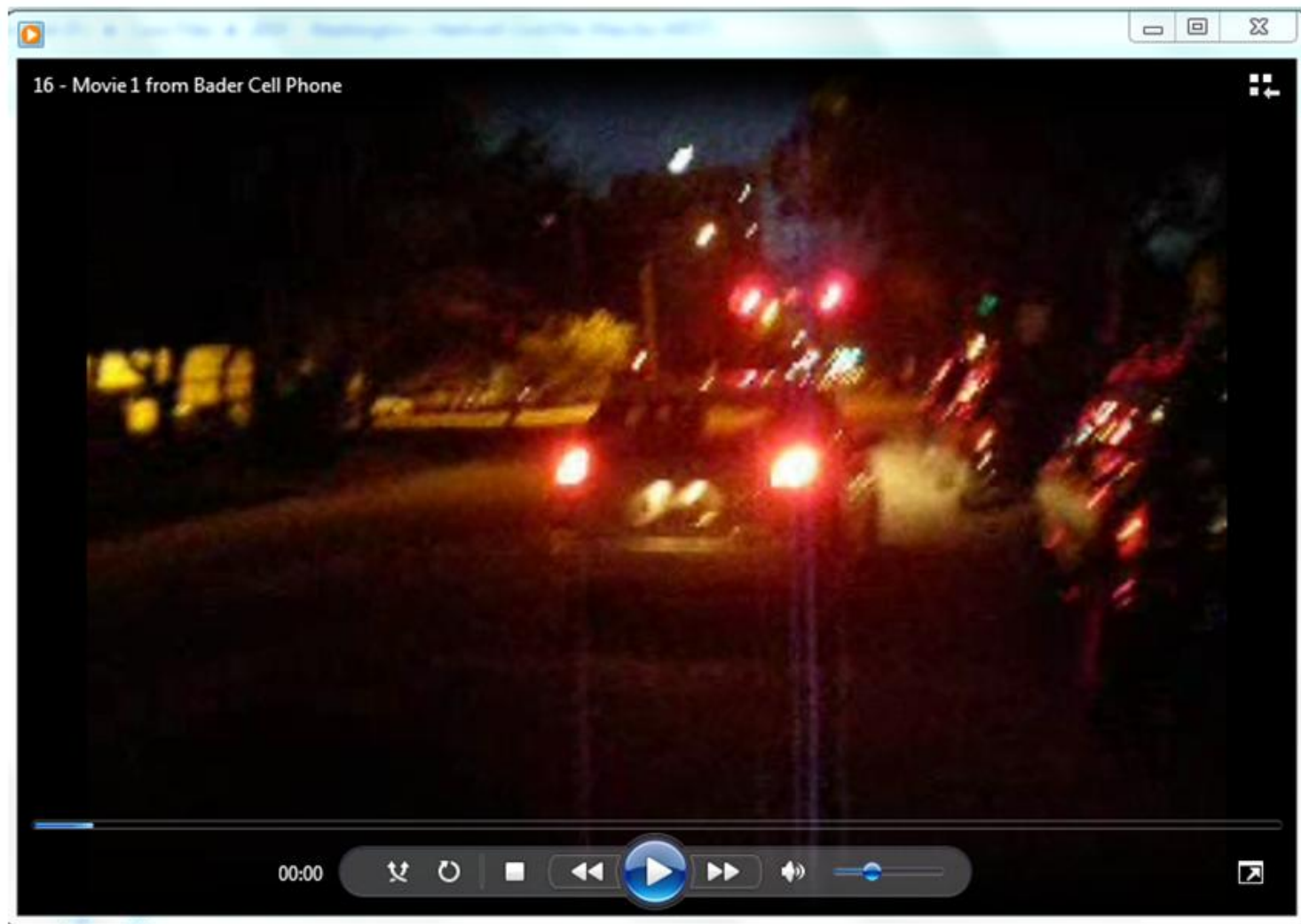
Signed: *Matthew Bader*

*July 7, 20XX-2*

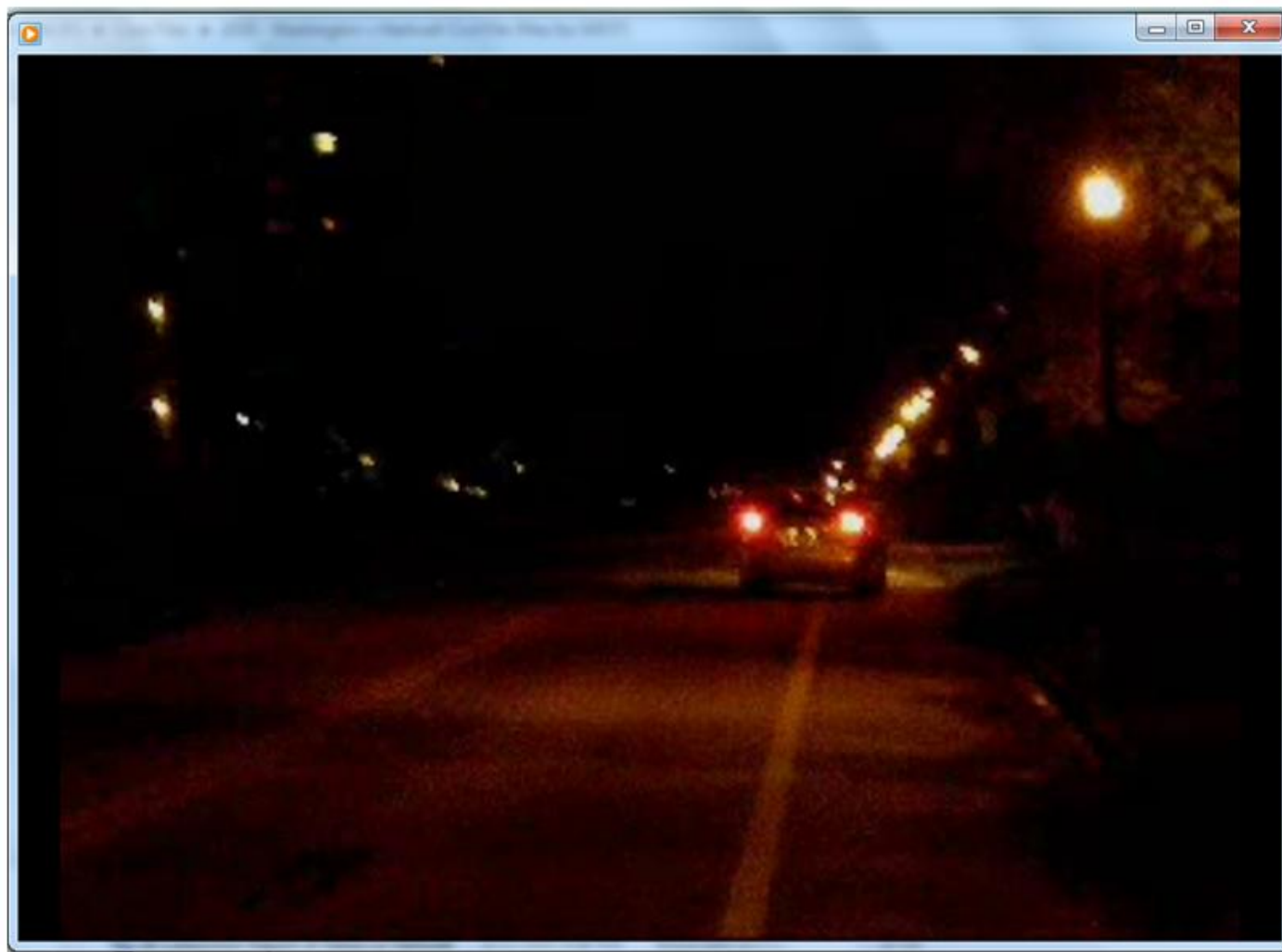
Witnessed by: Detective Edwin Morris

Signed, *Edwin Morris*

July 7, 20XX-2



## Exhibit 17



**Exhibit 18**

# MP3 File of 911 Call

- Please download and listen to the MP3 file for the 911 call.
- Compare this file to the official transcript provided previously

**Exhibit 19**

JAR - Page 1 of 2.

**Exhibit 16**

1 My name is James Allen Record. I hereby swear under penalty of perjury that the  
2 following is a true and accurate recounting of all relevant events related to my  
3 involvement in this case. I have prepared this affidavit at the request of the prosecuting  
4 attorney in the case of *State v. Hartwell*. I am a Lieutenant at the Pelican Bay Police  
5 Department, where I have worked for 12 years. I am 34 years of age.

6 I am currently assigned to the patrol division. On March 21, 20XX-2, probably  
7 around 7:15 p.m., I received a radio dispatch to investigate a hit and run involving three  
8 children on 15<sup>th</sup> Avenue South and 39<sup>th</sup> Street. That area is a stretch of Pelican Bay that  
9 is notorious for its drug dealers, cramped living spaces, and abandoned buildings. It is  
10 not a good place and our department has a lot of trouble down there, particularly with  
11 gangs and drugs. I was the first responding officer to the scene. It took me less than  
12 three minutes to get there, but there were already crowds of people swarming 39<sup>th</sup>  
13 street. It was an ugly crowd scene and I spent at least 15 minutes getting people out of  
14 the accident area. They kept coming back.

15 When I got there I immediately saw plastic and metal car parts scattered in the  
16 road, and sneakers and sandals that had been knocked loose from feet. The first victim I  
17 found was an adolescent boy who was lying on the pavement near the center stripe. He  
18 wasn't moving and his head and mouth were bleeding. The second victim, a little girl,  
19 was a few feet way from the boy. She was badly hurt with a broken leg, but she was  
20 talking.

21 Nobody could be sure how many bodies there were. Farther up the street, people  
22 were yelling, "there's another one up here!" I made my way through the crowd to the  
23 third victim; it was little boy, he couldn't have been more than 3 years old, and he wasn't  
24 moving. It appeared as though the boy was dragged about 150 feet by the vehicle that  
25 had hit him.

26 A tall man in the crowd found the fourth and smallest child. He was conscious, but it  
27 was impossible to tell how badly he was hurt because some of the streetlights were not  
28 working along that section of the road.

29 Three ambulances and a rescue chopper rushed the children to a local hospital and after  
30 they cleared the scene, a few other deputies and I started taping off the scene. We had to  
31 push back the crowd several times in an effort to preserve and mark the scattered  
32 evidence. We marked plastic car parts, metal car parts, sneakers, and sandals. We didn't  
33 really know what we were looking for or what would be important, there was so much  
34 debris. The most promising piece of evidence was a piece of black fender molding. On  
35 the inside, it said: T O Y O T A. I also found what appeared to be a hubcap from a  
36 Honda Accord. I could not tell how long the hubcap had been there but it was laying by  
37 the side of the road across the street from where the children were hit, near the Royal  
38 Garden Apartments.



1 As the crime scene technicians collected the marked evidence, I took several witnesses  
2 aside to give statements. A boy, about 16 years old, said that he remembered sitting on  
3 the bench when he saw a white van speeding, then he heard a loud boom. A 13-year-old  
4 remembered the children

**Affidavit - Lieutenant James Record**

**July 13, 20XX-2**

1 standing on the grass between the sidewalk and the road. They were holding hands, as if  
2 they were about to cross the street. Then a few seconds later, the teen saw the children  
3 tumbling over a white van like dominoes.

4 Unfortunately, most of the statements were full of inconsistencies. Several witnesses  
5 said two vehicles were involved and a few said that three were involved. According to  
6 one person, a Honda had dragged a child down the street before flipping off its lights  
7 and speeding away. We had a difficult time getting a solid description of the vehicles.  
8 People did not agree on the models or their makes, which direction they were traveling,  
9 which ones had actually struck the children. No one got a license plate number.

10 As best I could tell, a car driving north on 39<sup>th</sup> Street - described as a late 1980s or early  
11 1990s Honda Civic or a Toyota with tinted windows - was the first to strike the children.  
12 Then a second vehicle, traveling south - described as a white Ford Econoline van with a  
13 work ladder on top - hit them. JAR - Page 2 OF 2.

*James Allen Record*

James Allen Record  
July 13, 20XX-2

# Calusa County Courier

Calusa County, Florida

Tuesday, March 27, 20XX-2

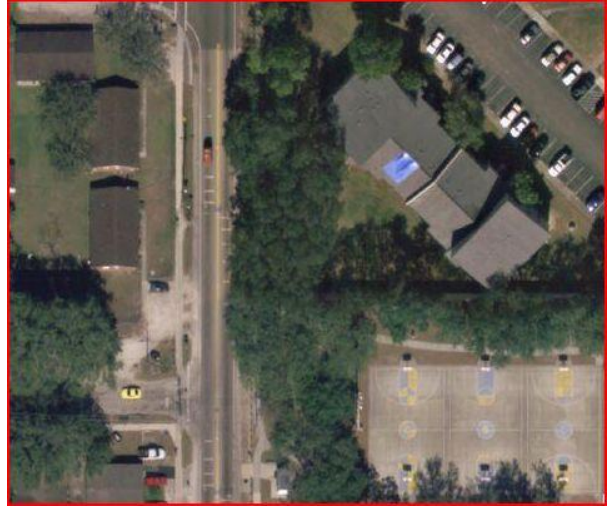
## Children Killed, School Teacher Comes Forward

*Teacher casts blame on mother*

By Suzie Slander

Yesterday a driver finally came forward in the tragic fatal accident that killed two children, ages 14 and 3, last Wednesday night at the intersection of 15<sup>th</sup> Avenue and 39<sup>th</sup> Street. The driver, Rebecca Hartwell, is a 28 year-old school teacher at Northside Elementary. She is also the owner-operator of the Dance, Dance, Dance Studio of Pelican Bay. Hartwell admitted that she was one of the drivers at the scene, but denied fault. Hartwell, surrounded by family and her lawyer, read a prepared statement yesterday at a press conference. Afterwards, in response to questions, Hartwell claimed that the children were "thrown into [her] car after being hit by another vehicle." Some witnesses claim Hartwell hit the children and then, with the 3 year old wedged under her car, drove another 150 feet, turned off her lights, and then sped away. Hartwell attempted to explain why she left the scene with the following: "It was dark; I was scared; I knew I had not caused the accident." Hartwell also appeared to blame the mother of the children for the accident, alluding that the mother was unfit, either an alcoholic or drug abuser, and placed the children in danger by allowing them to cross such a busy street at night. Speculation continues to swirl surrounding the case. Some witnesses state that a van hit the children and others claim there was a third car involved. Police continue to investigate the tragic accident.

After her prepared statement and unexpected remarks, Rebecca Hartwell and her family left the press conference together, hand-in-hand. Further attempts to ask the Hartwell's questions were met by their attorney stating that they did not have any further comment at this time.



The accident scene where the Washington children died looks much different in the light of day.

Jimmy Jones, CCC Photographer



Have you seen this van, or a van like it on 39<sup>th</sup> street the evening of March 21, 200XX-2? If so please call Crime Stoppers at 1-866-555-1234.



# Pelican Bay Star Editorials

## “Where People Talk”

Dear Ms. Washington and Citizens of Calusa County,

It is with my deepest sympathy that I come to you today. My heart goes out to Ms. Washington. My heart goes out to her children. And my heart goes out to our community.

To Ms. Washington, I can only say this--I cannot even begin to imagine the pain of losing a child, let alone two children. No one should have to go through that level of sorrow. I pray to God that you find peace during this difficult time.

To her surviving children, I pray that you are able to find comfort, as well as a safe environment to grow and live. To Jordan and Ronald, I pray your souls rest in peace.

To the community of Pelican Bay and Calusa County: I grieve with you. It was horrific, tragic, and senseless. I too cannot understand, for the life of me, why those four young children were left alone in such a neighborhood, at night, to cross a busy poorly lit street. The children were left to fend for themselves, and no children deserve that type of treatment; no children should be forced into that type of danger. I do not know if drugs or alcohol were involved, but those children should not have been left alone. That type of irresponsible conduct saddens and infuriates me. If an adult had been with those children, this would not have happened.

I did not hit those children. They were thrown into my car after being hit by another vehicle. It was dark; I was scared; I knew I had not caused the accident. I left because I did not know what to do. I regret not reacting with more calm and clarity after the accident. But my concern for Ms. Washington, her children, and the community is what has brought me before you today. I plead to the driver of the vehicle that hit these children—please come forward. Please. Thank you.

Sincerely,

*Rebecca Hartwell*  
Rebecca Hartwell

*Note: The opinions and statements expressed by Ms. Hartwell in the above letter to the editor, which we have printed in its entirety, in no way reflects the positions or opinions of the Pelican Bay Star\* – the editors.*

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CW page 1 of 3.

1 My name is Charissa Washington and I am 29 years old. I go by the name Rissa. I  
2 was born in Georgia, but I moved to Florida when I was a baby. I have never been  
3 married but I am a good woman and great mother. I had my first child, Jordan, when I  
4 was 15. I always wanted to be a teacher, but when Jordan was born I was unable to stay  
5 in school. My father helped me raise Jordan, and I took odd jobs to make a living. After  
6 Jordan, I had another son, who is now 10 and is living with his father. Then, I had four  
7 more children, August, Ronald, Charles, and my baby Laquinta.

8 I was pregnant with my seventh child that horrible spring. I love my children very  
9 much, and I try to give them the best life I can. I always worried about them because we  
10 did not live in a good neighborhood. We didn't have much – we are always moving from  
11 place to place, but we always had each other and were a good family. I did have trouble  
12 with the Department of Children and Family Services, DCF, but that was all a  
13 misunderstanding about a bad boyfriend. As God is my witness I did not know that he  
14 beat his own children. The minute I found out he was gone. He never hurt my babies  
15 though, the only person that did that was Ms. Hartwell. I don't know what rumors you  
16 may have heard about me and drug use, but I am here to tell you right now that I have  
17 never, ever taken any kind of illegal drug – I don't even drink.

18 Wednesday, March 21<sup>st</sup> was the worst day of my life. The kids had just gotten home  
19 from school, and they wanted to go play at the park. I told them that it was getting cold  
20 and that I didn't want them to go, but Jordan really wanted to go. He told me to stop  
21 treating him like a baby. He is very good with the babies, and I knew that he would  
22 watch them, so I told said they could go because I thought it would be safe. I walked the  
23 kids to the park because I am always nervous about the traffic and cars on the street by  
24 my apartment. The park is over there by the basketball courts and the community  
25 center. I told them to stay there until I would be back to pick them up before dark. I  
26 went back home, never knowing that was the last time I would see two of my boys alive.  
27 I saw that it was getting dark, so I went get the kids from the park. That was when a  
28 neighbor ran up yelling, so I started to run towards my babies.

29 I ran, even though I was pregnant, up to where my children were lying on the  
30 ground. People around told me to step back, and that I should not look. I saw Jordan  
31 lying there on the ground, bleeding from his head and mouth. Then I heard August  
32 scream. It was the worst feeling that a mother could have. I felt helpless, watching my  
33 babies there on the street, but there was nothing to do until help arrived. I knelt on the  
34 roadside until the ambulance came.

1 When I got to the hospital, there was nothing to do but wait. When I saw the  
2 chaplain come up to me, I knew that it was bad. He told me that Ronald was dead. I do  
3 not remember what

**Sworn Statement of Charissa Washington**

**May 3, 20XX-1**

1 happened after that, I felt like I was sleep walking in a dream. I remember falling down  
2 onto the floor screaming for my babies and they were nowhere for me to find them.  
3 Somebody picked me up off the floor and gave me a pill to calm me down. I remember  
4 that my family got to the hospital a bit later. I didn't know how I would make it without  
5 my kids, and when my family came to the hospital I started crying, "What am I going to  
6 do without my babies?" They had not caught the person who hit my children, so I went  
7 on the news and pled for whoever did this to turn themselves in. I said that I had no hate  
8 in my heart, but that I had a hole that needed to be filled. I needed to know who did  
9 this.

10 Luckily, a man named Mitchell Ritchie heard about what happened and wanted to  
11 help, so he called me up and told me that he would bury my babies in caskets. I picked  
12 one out for Jordan, and Mr. Ritchie ordered one specially made for Ronald. I was so  
13 grateful for Mr. Ritchie's kindness. At the funeral, when I saw my babies lying in their  
14 caskets, I screamed. It did not look like Ronald's face lying there, and I will always be  
15 haunted by that image. I fell before the caskets and I cried, and then I kissed each of my  
16 babies on the cheek to say goodbye. I said, "Mama be home to see you after awhile."

17 That weekend after the accident, a lawyer drove Mr. and Mrs. Hartwell over to my  
18 house. They were the parents of the girl who hit my children. I couldn't believe that  
19 they would come over so soon, I was such a mess, I told them that I was in no condition  
20 to see them that night.

21 Later, on the news, Jennifer Hartwell, the girl who hit my babies, expressed her  
22 apology to me by reading it off a piece of paper. It did not seem sincere or heartfelt. She  
23 did not explain what happened, and she came off looking like a victim when I was the  
24 one who lost my babies. I didn't know what to do, and when I talked to my friends about  
25 it, they told me that Jennifer Hartwell's lawyer was some important powerful lawyer  
26 who knew judges, and that Jennifer would probably not have to go to jail. It just made  
27 me so angry that someone could do something like this and not have to go to jail. I  
28 figured since she had a lawyer I better get me one too, just in case justice wasn't done  
29 you know, no other reason.

30 Everyone was talking about how she would not have to go to jail because she was  
31 white. Some people just see me as just a black girl who lived in the 'hood with a whole  
32 bunch of kids and no daddy. That important lawyer vowed to protect Jennifer Hartwell,  
33 but who was there to protect my kids? My lawyer told me that she would not be charged  
34 with murder, and I didn't understand how this was possible – she killed my babies. I

1   vowed to Jesus that if she didn't go to jail I was still going to make her pay, under the  
2   law if nothing else.

3   Later that summer, I had my baby, Heaven. I had been so upset and unable to eat that  
4   my baby only weighed 5 pounds when she was born. My lawyer tried to get me to get a  
5   tubal ligation, but I had a dream where Jordan told me not to do it, so I knew it wasn't  
6   the right time. My lawyer was

1 not happy about that.  
2 They told me that I was not guilty of child neglect, but I knew that already, I would never  
3 neglect my babies. But, I still felt guilty for that day. I was even losing my hair and I was  
4 so upset about it. I still wish every day that I had not let them go to the park that day.  
5 In the spring of 20XX-1, I was able to move my family to a new house with money from  
6 a settlement with Pelican Bay Electric Co. A Jacksonville law firm helped me with that  
7 case. They are different lawyers from the one I have now for this suit. We are very  
8 happy in our new house, and we feel safe here. It has helped me move on, although I  
9 still hear my dead babies whispering to me, asking me to forgive. I just hope they can  
10 forgive me.

CW Page 3 of 3.

Signed: Charissa Washington  
April 29, 200XX-2

Witnessed by: Private Investigator Dana Stubbs

Signed, Dana Stubbs  
May 3, 20XX-1



*RH page 3 of 3.*

1 My name is Rebecca Hartwell and I am 28 years old. I live with my parents,  
2 Marian and Bill, and my sister Gina, 23, in Pelican Bay, Florida. I would say that I grew  
3 up in a close-knit, Catholic, family. My mother is a Cuban immigrant and both my sister  
4 and I grew up speaking Spanish until we started pre- school. I went to St. Mary's  
5 Elementary School and then Incarnation High School. I always loved school and  
6 generally did pretty well, usually getting A's and B's. I went on to get my bachelor's in  
7 dance education from the University of South Florida.

8 Even though I loved school, my true love was dancing, and this has been my  
9 passion since childhood. My father was even kind enough to convert our old garage into  
10 a mini dance studio for me. I was constantly dancing, and I think at times I took  
11 dancing even more seriously than anything else in my life.

12 Even though I do not have children of my own, I am around them and work with them  
13 every day. I work at Northside Elementary school, teaching dance to children in the  
14 community. And I love them. My kids make me want to get up early and go to work  
15 every day. I love to bring the joy of dance into the lives of children.

16 In addition to teaching dance at Muller Elementary, I also own and operate my own  
17 dance studio, The Dance, Dance, Dance Studio of Pelican Bay. My parents helped me  
18 get started and provided financial backing. Dancing has been such a positive outlet for  
19 me that I want to give all the children I teach the opportunity to discover dance and  
20 allow it to affect their lives. My dance studio is only about 5 miles from the University  
21 Community Center, if only I hadn't take that road that night.

22 The night of March 21<sup>st</sup> was a nightmare come to life. I left Northside late that  
23 night, around 7pm, because I was helping the art teacher with a project for the school  
24 dedication ceremony coming up later that week. It was already dark when I drove out of  
25 the school parking lot in my Toyota Echo and headed for home.

26 I didn't take my usual route home. I turned right down north onto 39<sup>th</sup> street  
27 near the University. Usually the traffic lights are in my favor at that time of night—I can  
28 get home a little faster that way. All of the lights ahead looked good. I remember that I  
29 could see the traffic lights really well because several of the street lights were out. It was  
30 that time of day when the sun finally goes down completely and it really gets dark.

31 Not long after making the turn onto 39th, I was startled by something crashing hard into  
32 my windshield. It was so loud. I hadn't seen anything. My first thought was what was  
33 that? Followed pretty quickly by a Hail Mary.

34 It seemed like a body, but I couldn't be sure. There was no chance for me to even  
35 slam on my brakes because the object crashed into my car and then flew off my  
36 windshield so quickly. it seemed that something had dropped from the sky onto my  
37 windshield. I can't remember much

1 else immediately after that, except for someone screaming! I guess my adrenaline  
2 kicked in to “fight or flight”—the only thing my body would let me do was to keep  
3 driving down the road.

4       Something jarred me—I heard what sounded like cracking ice. This sent me back  
5 into reality. I couldn’t stop shaking and I couldn’t catch my breath. I stopped the car.

6 My windshield was literally shattering in front of my eyes. I called my mother. I tried to  
7 tell her that something had stuck my windshield and that it was badly cracked. I’m not  
8 sure if she really understood what I was saying because I was crying so hard. She told  
9 me that I should drive over to the dance studio because it was closer to where I was than  
10 our house.

11 When I got to the dance studio, my mother was there and so was my sister’s boyfriend  
12 Jamie. I had parked my car behind the studio in its usual spot. I was still crying and  
13 shaking. My mom told me that I insisted that I wanted to immediately go back to the  
14 area where the accident happened. I know I couldn’t have driven my car back to the  
15 site—it was too unsafe to drive again with the windshield in that condition. Mom says I  
16 told them that I couldn’t believe this was happening and that I wanted them to take me  
17 to Publix so I could buy sleeping pills. All I wanted to do was to take all the sleeping  
18 pills I could. put me into Jamie’s car and drove me to our house.

19       When we got back home my father was there waiting for us. He hugged me. I  
20 was numb. I wanted to die.

21 At some point, my parents and Jamie sat me down and told me that on their way to the  
22 studio they had driven past the scene of the accident on 39<sup>th</sup> St. My mother told me she  
23 spoke with a bystander who told her that a car had stuck several children in the street  
24 and that two of them had died. I completely fell apart. All I could think about was  
25 whether these were my kids from Northside. I rolled onto the floor into the fetal  
26 position and just cried uncontrollably. If I could have traded my life to have one of  
27 those children back, I would have.

28       I kept asking my parents to take me to the scene of the accident in their car. I  
29 needed to go back there and explain what happened. They were only looking out for my  
30 safety. They kept telling me that it wasn’t a good idea in the state I was in to go back  
31 there. That it was dangerous. That I needed to rest.

32       I couldn’t eat, sleep or even talk. My parents told me they were going to get a  
33 lawyer first thing in the morning. My mother sat up with me the entire night. The next  
34 morning, my father insisted that we continue our normal routine to get our minds off  
35 things. I went to work the next day. The whole day I could barely speak. I didn’t tell  
36 anyone what had happened. All I kept thinking about was how much I wanted to go  
37 back to the scene. I even called my mother and told her how much I wanted to go back  
38 there and tell the police what had happened. Because my parents were going to hire an  
39 attorney, they told me I should wait until I got professional advice before doing  
40 anything.

1 That night, my entire family went to stay with my grandparents in Pelican Bay. I  
2 wasn't sleeping and frankly, I think I may have taken those sleeping pills if it wasn't for  
3 my entire family

**Sworn Statement of Rebecca Hartwell**

**May 4, 20XX-1**

1 keeping watch over me. My parents even refused to answer investigators' questions and  
2 risked being held in contempt and sent to jail for me.

3 On Friday, my dad got in contact with Steve Levine, a criminal defense attorney.  
4 He told my family that he would be able to help me to get everything straightened out.  
5 Just as I hoped, as soon as I got in touch with Steve, I was able to go to the police and  
6 tell them everything that had happened. I also told Steve that I wanted to visit Ms.  
7 Washington, the mother of the children who had been hit. I wanted to tell her how very  
8 truly sorry I was for her loss and that her children were in my prayers.

9 Unfortunately, when we arrived at the door we were met by a friend of the family who  
10 told us that Ms. Washington wasn't ready to speak with me at that time.

11 I went to confession on Sunday. I felt so horrible. I told Father Michaels  
12 everything. He was kind. Understanding. He did not judge me and did not give me  
13 extraordinary penance. He told me to be gentle with myself—that I needed to be still in  
14 order to hear God's counsel. That God would guide me and Mr. Levine. That He would  
15 forgive me.

16 That Monday, Mr. Steve Levine and I held a press conference. I had written a  
17 letter explaining how and why I was coming forward and how very sorry I was for Ms.  
18 Washington's loss. I was able to read this letter with the hope that Ms. Washington  
19 would hear it and understand what had happened. I wanted her to know that I wasn't a  
20 heartless, thoughtless person. I love children. I work with them every day and I love  
21 inspiring and teaching them. I got scared and let her fear get the best of me. I wish I  
22 could have been more level-headed and calm when the accident happened. The night of  
23 March 21<sup>st</sup> was a nightmare, one I've been reliving every day since then.

*RH page 3 of 3.*

Signed: *Rebecca Hartwell*

April 29, 20XX-2

Witnessed by: Private Investigator

Signed, *Dana Stubbs*

May 4, 20XX-1

**State of XXXXX**  
UNIFORM COMMITMENT TO CUSTODY  
OF DEPARTMENT OF CORRECTIONS

THE CIRCUIT COURT OF CALUSA COUNTY, IN THE SPRING TERM of 20XX-4  
IN THE CASE OF:

STATE OF XXXXX  
VS

CASE ID : 00XX(-4)1308    DIVISION: D

DEFENDANT    :     Merinov                     Dimitri  
AKA(S)        :     Ivan

IN THE NAME AND BY AUTHORITY OF THE STATE OF XXXXX, TO THE SHERRIFF OF SAID COUNTY AND THE  
DEPARTMENT OF CORRECTIONS OF SAID STATE, GREETING:

THE ABOVE NAMED DEFENDANT HAVING BEEN DULY CHARGED WITH THE OFFENSE SPECIFIED  
HEREIN IN THE ABOVE STYLED COURT, AND HAVING BEEN DULY CONVICTED AND ADJUDICATED GUILTY  
OF AND SENTENCE FOR SAID OFFENSE BY SAID COURT, AS APPEARS FROM THE ATTACHED CERTIFIED  
COPIES OF INFORMATION FILED JUDGMENT AND SENTENCE, AND FELONY DISPOSITION AND SENTENCE  
DATA FROM WHICH ARE HEREBY MADE PARTS HEROF;

NOW THEREFORE, THIS TO COMMAND YOU, THE SAID SHERIFF, TO TAKE AND KEEP, AND, WITHIN A  
REASONABLE TIME AFTER RECEIVING THIS COMMITMENT, SAFELY DELIVER THE SAID DEFENDANT,  
TOGETHER WITH ANY PERTINENT INVESTIGATION REPORT PREPARED IN THIS CASE, INTO THE CUSTODY  
OF THE DEPARTMENT OF CORRECTIONS OF THE STATE OF XXXXX: AND THIS IS TO COMMAND YOU, THE  
SAID DEPARTMENT OF CORRECTIONS, BY AND THROUGH YOUR SECRETARY, REGIONAL DIRECTORS,  
SUPERINTENDANTS, AND OTHER OFFICIALS, TO KEEP AND SAFELY IMPRISON THE SAID DEFENDANT FRO  
THE TERM OF SAID SENTENCE IN THE INSTITUTION IN THE STATE CORRECTIONAL SYSTEM TO WHICH  
YOU, THE SAID DEPARTMENT OF CORRECTIONS, MAY CAUSE THE SAID DEFENDANT TO BE CONVEYED  
OR THEREAFTER TRANSFERRED. AND THESE PRESENTS SHALL BE YOUR AUTHORITY FOR THE SAME.  
HEREIN NOT FAIL.

WITNESS THE HONORABLE JEREMY PARKER  
JUDGE OF THE SAID COURT, AS ALSO CONNIE EVANS  
CLERK, AND THE SEAL THEREOF, THIS  
14th DAY OF February 20XX-4

BY: Margaret Mills  
DEPUTY CLERK

IN THE FIRST JUDICIAL CIRCUIT IN AND FOR  
CALUSA COUNTY, STATE OF XXXXX

CIRCUIT CRIMINAL DIVISION

STATE OF XXXXX  
v.  
DIMITRI MERINOV  
DEFENDANT

DIVISION: D

CASE NUMBER: 00XX(-4)1308

CERTIFICATE OF SERVICE

I, Connie Evans, Clerk of the Circuit Court of the County of Calusa, State of XXXXX, having by law the custody of the seal and all records, books, documents and papers of or appertaining to the Circuit Court, do hereby certify that a true and correct copy of the Judgment and Sentence has been hand delivered to the State Attorney and mailed to the Defense Attorney.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Circuit Court, this 14<sup>th</sup> day of February A.D. 20XX-4.

CONNIE EVANS  
As Clerk of Circuit Court

Margaret Mills

As Deputy Clerk  
Circuit Criminal Division

IN THE CIRCUIT COURT, 1<sup>ST</sup> JUDICIAL CIRCUIT  
IN AND FOR CALUSA COUNTY, XXXXX  
DIVISION : D  
CASE NUMBER : 00XX(-4)1308

STATE OF XXXXX  
VS  
Dimitri Merinov  
DEFENDANT

-----JUDGMENT-----

THE DEFENDANT, Dimitri Merinov, BEING PERSONALLY BEFORE  
THIS COURT REPRESENTED WITH  
PRIVATE ATTORNEY  
John Saunders, Esquire  
THE ATTORNEY OF RECORD AND THE STATE REPRESENTED BY ASSISTANT STATE ATTORNEY  
NICHOLAS COX, AND HAVING

Been tried and found guilty by a jury of the following crime(s): 3

COUNT	CRIME	STATUTE	COURT ACTION	DATE
1	LEWD OR LASCIVIOUS MOLESTATION	80004	NOT GUILTY	6 January 20XX-4
2	SEXUAL BATTERY	794011	NOT GUILTY	6 January 20XX-4
3	LEWD OR LASCIVIOUS EXHIBITION	800047	ADJG GUILTY	6 January 20XX-4

And no cause being shown why the defendant should not be adjudicated guilty, it is ordered that the defendant is hereby adjudicated guilty of the above crime(s).

AND PURSUANT TO SECTION 943.325, XXXXX STATUTES, HAVING BEEN CONFLICTED OF ATTEMPTS OR OFFENSES RELATING TO SEXUAL BATTERY (CH. 794) OR LEWD AND LASCIVIOUS CONDUCT (CH. 800) THE DEFENDANT SHALL BE REQUIRED TO SUBMIT BLOOD SPECIMENS

-----  
DEFENDANT Dimitri Merinov

Division : D  
Case Number : 00XX(-4)1308  
OBTS Number : 12394872

-----SENTENCE-----

THE DEFENDANT, BEING PERSONALLY BEFORE THIS COURT, ACCOMPANIED BY THE DEFENDANT'S ATTORNEY OF RECORD, PRIVATE ATTORNEY John Saunders, Esquire AND HAVING BEEN ADJUDGED GUILTY HEREIN, AND THE COURT HAVING BEEN GIVEN THE DEFENDANT AN OPPORTUNITY TO BE HEARD AND TO OFFER MATTERS IN MITIGATION OF SENTENCE, AND TO SHOW CAUSE WHY THE DEFENDANT SHOULD NOT BE SENTENCED AS PROVIDED BY LAW AND NO CAUSE BEING SHOWN

-----  
IT IS THE SENTENCE OF THIS COURT THAT THE DEFENDANT:

Pay a fine of \$3000.00, pursuant to appropriate XXXXX Statutes.  
Is hereby committed to the custody of the Department of Corrections for a term of: 3 Years

-----OTHER PROVISIONS-----

AS TO COUNT(S) : 3

THE FOLLOWING MANDATORY/MINIMUM PROVISIONS APPLY TO THE SENTENCE IMPOSED :

JAIL CREDIT: It is further ordered that the defendant shall be allowed a total of 223 DAYS as credit for time incarcerated before imposition of this sentence.

DEFENDANT Dimitri Merinov

Division : D  
Case Number : 00XX(-4)1308  
OBTS Number : 12394872

-----OTHER PROVISIONS-----

Sentencing guidelines filed.

-----  
IN THE EVEN THE ABOVE SENTENCE IS TO THE DEPARTMENT OF CORRECTIONS, THE SHERIFF OF CALUSA COUNTY, XXXXX, IS HEREBY ORDERED AND DIRECTED TO DELIVER THE DEFENDANT TO THE DEPARTMENT OF CORRECTIONS AT THE FACILITY DESIGNATED BY THE DEPARTMENT TOGETHER WITH A COPY OF THIS JUDGMENT AND SENTENCE AND ANY OTHER DOCUMENTS SPECIFIED BY XXXXX STATUTE THE DEFENDANT IN OPEN COURT WAS ADVISED OF THE RIGHT TO APPEAL FROM THIS SENTENCE BY FILING NOTICE OF APPEAL WITHIN 30 DAYS FROM THIS DATE WITH THE CLERK OF THIS COURT AND THE DEFENDANT'S RIGHT TO THE ASSISTANCE OF COUNSEL IN TAKING THE APPEAL AT THE EXPENSE OF THE STATE SHOWIN OF INDIGENCY.

DONE AND ORDERED IN CALUSA COUNTY, XXXXX, THIS 14<sup>TH</sup> DAY OF February 20XX-4  
-----



**State of XXXXX**  
UNIFORM COMMITMENT TO CUSTODY  
OF DEPARTMENT OF CORRECTIONS

THE CIRCUIT COURT OF CALUSA COUNTY, IN THE SPRING TERM of 20XX-4  
IN THE CASE OF:

STATE OF XXXXX  
VS

CASE ID : 20XX(-3)1978    DIVISION: D

DEFENDANT    :        Bader                    Matthew  
AKA(S)        :        Nick

IN THE NAME AND BY AUTHORITY OF THE STATE OF XXXXX, TO THE SHERRIFF OF SAID COUNTY AND THE  
DEPARTMENT OF CORRECTIONS OF SAID STATE, GREETING:

THE ABOVE NAMED DEFENDANT HAVING BEEN DULY CHARGED WITH THE OFFENSE SPECIFIED  
HEREIN IN THE ABOVE STYLED COURT, AND HAVING BEEN DULY CONVICTED AND ADJUDICATED GUILTY  
OF AND SENTENCE FOR SAID OFFENSE BY SAID COURT, AS APPEARS FROM THE ATTACHED CERTIFIED  
COPIES OF INFORMATION FILED JUDGMENT AND SENTENCE, AND FELONY DISPOSITION AND SENTENCE  
DATA FROM WHICH ARE HEREBY MADE PARTS HEROF;

NOW THEREFORE, THIS TO COMMAND YOU, THE SAID SHERIFF, TO TAKE AND KEEP, AND, WITHIN A  
REASONABLE TIME AFTER RECEIVING THIS COMMITMENT, SAFELY DELIVER THE SAID DEFENDANT,  
TOGETHER WITH ANY PERTINENT INVESTIGATION REPORT PREPARED IN THIS CASE, INTO THE CUSTODY  
OF THE DEPARTMENT OF CORRECTIONS OF THE STATE OF XXXXX: AND THIS IS TO COMMAND YOU, THE  
SAID DEPARTMENT OF CORRECTIONS, BY AND THROUGH YOUR SECRETARY, REGIONAL DIRECTORS,  
SUPERINTENDANTS, AND OTHER OFFICIALS, TO KEEP AND SAFELY IMPRISON THE SAID DEFENDANT FRO  
THE TERM OF SAID SENTENCE IN THE INSTITUTION IN THE STATE CORRECTIONAL SYSTEM TO WHICH  
YOU, THE SAID DEPARTMENT OF CORRECTIONS, MAY CAUSE THE SAID DEFENDANT TO BE CONVEYED  
OR THEREAFTER TRANSFERRED. AND THESE PRESENTS SHALL BE YOUR AUTHORITY FOR THE SAME.  
HEREIN NOT FAIL.

WITNESS THE HONORABLE JEREMY PARKER  
JUDGE OF THE SAID COURT, AS ALSO CONNIE EVANS  
CLERK, AND THE SEAL THEREOF, THIS  
24<sup>th</sup> DAY OF JUNE 20XX-3

BY: Margaret Mills  
DEPUTY CLERK

IN THE FIRST JUDICIAL CIRCUIT IN AND FOR  
CALUSA COUNTY, STATE OF XXXXX

CIRCUIT CRIMINAL DIVISION

STATE OF XXXXX  
v.  
MATTHEW BADER  
DEFENDANT

DIVISION: D

CASE NUMBER: 20XX(-3)1978

CERTIFICATE OF SERVICE

I, Connie Evans, Clerk of the Circuit Court of the County of Calusa, State of XXXXX, having by law the custody of the seal and all records, books, documents and papers of or appertaining to the Circuit Court, do hereby certify that a true and correct copy of the Judgment and Sentence has been hand delivered to the State Attorney and mailed to the Defense Attorney.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Circuit Court, this 24<sup>th</sup> day of June A.D. 20XX-3.

CONNIE EVANS  
As Clerk of Circuit Court

Margaret Mills

As Deputy Clerk  
Circuit Criminal Division

IN THE CIRCUIT COURT, 1<sup>ST</sup> JUDICIAL CIRCUIT  
IN AND FOR CALUSA COUNTY, XXXXX  
DIVISION : D  
CASE NUMBER : 20XX(-3)1978

STATE OF XXXXX  
VS  
Matthew Bader  
DEFENDANT

-----JUDGMENT-----

THE DEFENDANT, Matthew Bader,  
THIS COURT REPRESENTED WITH  
PRIVATE ATTORNEY  
Raymond Tillery, Esquire  
THE ATTORNEY OF RECORD AND THE STATE REPRESENTED BY ASSISTANT STATE ATTORNEY  
Lee Heller-Pearlman, AND HAVING

BEING PERSONALLY BEFORE

Been tried and found guilty by a jury of the following crime(s): 1

COUNT	CRIME	STATUTE	COURT ACTION	DATE
1	Possession of a Controlled Substance, to wit, COCAINE	80112	GUILTY	16 May 20XX-3

And no cause being shown why the defendant should not be adjudicated guilty, it is ordered that the defendant is hereby adjudicated guilty of the above crime(s).

-----  
DEFENDANT Matthew Bader

Division : D  
Case Number : 20XX(-3)1978  
OBTS Number : 23488721

-----SENTENCE-----

THE DEFENDANT, BEING PERSONALLY BEFORE THIS COURT, ACCOMPANIED BY THE DEFENDANT'S ATTORNEY OF RECORD, PRIVATE ATTORNEY Raymond Tillery, Esquire AND HAVING BEEN ADJUDGED GUILTY HEREIN, AND THE COURT HAVING BEEN GIVEN THE DEFENDANT AN OPPORTUNITY TO BE HEARD AND TO OFFER MATTERS IN MITIGATION OF SENTENCE, AND TO SHOW CAUSE WHY THE DEFENDANT SHOULD NOT BE SENTENCED AS PROVIDED BY LAW AND NO CAUSE BEING SHOWN

-----  
IT IS THE SENTENCE OF THIS COURT THAT THE DEFENDANT:

Pay a fine of \$500.00, pursuant to appropriate XXXXX Statutes.  
Is hereby committed to the custody of the Department of Corrections for a term of: 1Year, 6 Months

-----OTHER PROVISIONS-----

AS TO COUNT(S) : 1

THE FOLLOWING MANDATORY/MINIMUM PROVISIONS APPLY TO THE SENTENCE IMPOSED :

-----  
JAIL CREDIT: It is further ordered that the defendant shall be allowed a total of 275 DAYS as credit for time incarcerated before imposition of this sentence.

-----  
DEFENDANT Matthew Bader

Division : D  
Case Number : 20XX(-3)1978  
OBTS Number : 23488721

-----OTHER PROVISIONS-----

Sentencing guidelines filed.

-----  
IN THE EVENT THE ABOVE SENTENCE IS TO THE DEPARTMENT OF CORRECTIONS, THE SHERIFF OF CALUSA COUNTY, XXXXX, IS HEREBY ORDERED AND DIRECTED TO DELIVER THE DEFENDANT TO THE DEPARTMENT OF CORRECTIONS AT THE FACILITY DESIGNATED BY THE DEPARTMENT TOGETHER WITH A COPY OF THIS JUDGMENT AND SENTENCE AND ANY OTHER DOCUMENTS SPECIFIED BY XXXXX STATUTE THE DEFENDANT IN OPEN COURT WAS ADVISED OF THE RIGHT TO APPEAL FROM THIS SENTENCE BY FILING NOTICE OF APPEAL WITHIN 30 DAYS FROM THIS DATE WITH THE CLERK OF THIS COURT AND THE DEFENDANT'S RIGHT TO THE ASSISTANCE OF COUNSEL IN TAKING THE APPEAL AT THE EXPENSE OF THE STATE SHOWING OF INDIGENCY.

DONE AND ORDERED IN CALUSA COUNTY, XXXXX, THIS 24<sup>TH</sup> DAY OF June 20XX-3

**State of XXXXX**  
UNIFORM COMMITMENT TO CUSTODY  
OF DEPARTMENT OF CORRECTIONS

THE CIRCUIT COURT OF CALUSA COUNTY, IN THE SPRING TERM of 20XX-10  
IN THE CASE OF:

STATE OF XXXXX  
VS

CASE ID : 20XX(-11)1898    DIVISION: D

DEFENDANT    :        Rebecca                    Hartwell  
AKA(S)        :

IN THE NAME AND BY AUTHORITY OF THE STATE OF XXXXX, TO THE SHERRIFF OF SAID COUNTY AND THE  
DEPARTMENT OF CORRECTIONS OF SAID STATE, GREETING:

THE ABOVE NAMED DEFENDANT HAVING BEEN DULY CHARGED WITH THE OFFENSE SPECIFIED  
HEREIN IN THE ABOVE STYLED COURT, AND HAVING BEEN DULY CONVICTED AND ADJUDICATED GUILTY  
OF AND SENTENCE FOR SAID OFFENSE BY SAID COURT, AS APPEARS FROM THE ATTACHED CERTIFIED  
COPIES OF INFORMATION FILED JUDGMENT AND SENTENCE, AND FELONY DISPOSITION AND SENTENCE  
DATA FROM WHICH ARE HEREBY MADE PARTS HEROF;

NOW THEREFORE, THIS TO COMMAND YOU, THE SAID SHERIFF, TO TAKE AND KEEP, AND, WITHIN A  
REASONABLE TIME AFTER RECEIVING THIS COMMITMENT, SAFELY DELIVER THE SAID DEFENDANT,  
TOGETHER WITH ANY PERTINENT INVESTIGATION REPORT PREPARED IN THIS CASE, INTO THE CUSTODY  
OF THE DEPARTMENT OF CORRECTIONS OF THE STATE OF XXXXX: AND THIS IS TO COMMAND YOU, THE  
SAID DEPARTMENT OF CORRECTIONS, BY AND THROUGH YOUR SECRETARY, REGIONAL DIRECTORS,  
SUPERINTENDANTS, AND OTHER OFFICIALS, TO KEEP AND SAFELY IMPRISON THE SAID DEFENDANT FRO  
THE TERM OF SAID SENTENCE IN THE INSTITUTION IN THE STATE CORRECTIONAL SYSTEM TO WHICH  
YOU, THE SAID DEPARTMENT OF CORRECTIONS, MAY CAUSE THE SAID DEFENDANT TO BE CONVEYED  
OR THEREAFTER TRANSFERRED. AND THESE PRESENTS SHALL BE YOUR AUTHORITY FOR THE SAME.  
HEREIN NOT FAIL.

WITNESS THE HONORABLE JEREMY PARKER  
JUDGE OF THE SAID COURT, AS ALSO CONNIE EVANS  
CLERK, AND THE SEAL THEREOF, THIS  
21<sup>st</sup> DAY OF January 20XX-10

BY: Margaret Mills  
DEPUTY CLERK

IN THE FIRST JUDICIAL CIRCUIT IN AND FOR  
CALUSA COUNTY, STATE OF XXXXX

CIRCUIT CRIMINAL DIVISION

STATE OF XXXXX

DIVISION: D

v.

Rebecca Hartwell  
DEFENDANT

CASE NUMBER: 20XX(-11)1898

CERTIFICATE OF SERVICE

I, Connie Evans, Clerk of the Circuit Court of the County of Calusa, State of XXXXX, having by law the custody of the seal and all records, books, documents and papers of or appertaining to the Circuit Court, do hereby certify that a true and correct copy of the Judgment and Sentence has been hand delivered to the State Attorney and mailed to the Defense Attorney.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Circuit Court, this 21<sup>st</sup> day of January A.D. 20XX-10.

CONNIE EVANS  
As Clerk of Circuit Court

Margaret Mills

As Deputy Clerk  
Circuit Criminal Division

IN THE CIRCUIT COURT, 1<sup>ST</sup> JUDICIAL CIRCUIT  
IN AND FOR CALUSA COUNTY, XXXXX  
DIVISION : D  
CASE NUMBER : 20XX(-11)1898

STATE OF XXXXX  
VS  
Rebecca Hartwell  
DEFENDANT

-----JUDGMENT-----

THE DEFENDANT, Rebecca Hartwell, BEING PERSONALLY BEFORE  
THIS COURT REPRESENTED WITH  
PRIVATE ATTORNEY  
John Head, Esquire  
THE ATTORNEY OF RECORD AND THE STATE REPRESENTED BY ASSISTANT STATE ATTORNEY  
George Peabody Smalley, AND HAVING

Been tried and found guilty by a jury of the following crime(s): 1

COUNT	CRIME	STATUTE	COURT ACTION	DATE
1	Reckless Driving	80120	GUILTY	13 Dec 20XX-11

And no cause being shown why the defendant should not be adjudicated guilty, it is ordered that the defendant is hereby adjudicated guilty of the above crime(s).

-----  
DEFENDANT Rebecca Hartwell

Division : D  
Case Number : 20XX(-11)1898  
OBTS Number : 32323496

-----SENTENCE-----

THE DEFENDANT, BEING PERSONALLY BEFORE THIS COURT, ACCOMPANIED BY THE DEFENDANT'S ATTORNEY OF RECORD, PRIVATE ATTORNEY John Head, Esquire  
AND HAVING BEEN ADJUDGED GUILTY HEREIN, AND THE COURT HAVING BEEN GIVEN THE DEFENDANT AN OPPORTUNITY TO BE HEARD AND TO OFFER MATTERS IN MITIGATION OF SENTENCE, AND TO SHOW CAUSE WHY THE DEFENDANT SHOULD NOT BE SENTENCED AS PROVIDED BY LAW AND NO CAUSE BEING SHOWN

-----  
IT IS THE SENTENCE OF THIS COURT THAT THE DEFENDANT:

Pay a fine of \$1500.00, pursuant to appropriate XXXXX Statutes.  
Is hereby committed to the custody of the Department of Corrections for a term of: 24 Months, 18 months of said sentence to be suspended pending successful completion of 4 years probation.

-----OTHER PROVISIONS-----

AS TO COUNT(S) : 1

THE FOLLOWING MANDATORY/MINIMUM PROVISIONS APPLY TO THE SENTENCE IMPOSED :

-----  
None

-----  
DEFENDANT Rebecca Hartwell

Division : D  
Case Number : 20XX(-11)1898  
OBTS Number : 32323497

-----OTHER PROVISIONS-----

Sentencing guidelines filed.

-----  
IN THE EVENT THE ABOVE SENTENCE IS TO THE DEPARTMENT OF CORRECTIONS, THE SHERIFF OF CALUSA COUNTY, XXXXX, IS HEREBY ORDERED AND DIRECTED TO DELIVER THE DEFENDANT TO THE DEPARTMENT OF CORRECTIONS AT THE FACILITY DESIGNATED BY THE DEPARTMENT TOGETHER WITH A COPY OF THIS JUDGMENT AND SENTENCE AND ANY OTHER DOCUMENTS SPECIFIED BY XXXXX STATUTE  
THE DEFENDANT IN OPEN COURT WAS ADVISED OF THE RIGHT TO APPEAL FROM THIS SENTENCE BY FILING NOTICE OF APPEAL WITHIN 30 DAYS FROM THIS DATE WITH THE CLERK OF THIS COURT AND THE DEFENDANT'S RIGHT TO THE ASSISTANCE OF COUNSEL IN TAKING THE APPEAL AT THE EXPENSE OF THE STATE SHOWIN OF INDIGENCY.

DONE AND ORDERED IN CALUSA COUNTY, XXXXX, THIS 21<sup>st</sup> DAY OF January 20XX-10  
-----



**State of XXXXX**  
UNIFORM COMMITMENT TO CUSTODY  
OF DEPARTMENT OF CORRECTIONS

THE CIRCUIT COURT OF CALUSA COUNTY, IN THE SPRING TERM of 20XX-4  
IN THE CASE OF:

STATE OF XXXXX

CASE ID : 20XX(-5)1918 DIVISION: D

v.

DEFENDANT : Charissa Washington  
AKA(S) : Rissa

IN THE NAME AND BY AUTHORITY OF THE STATE OF XXXXX, TO THE SHERIFF OF SAID COUNTY AND THE  
DEPARTMENT OF CORRECTIONS OF SAID STATE, GREETING:

THE ABOVE NAMED DEFENDANT HAVING BEEN DULY CHARGED WITH THE OFFENSE SPECIFIED  
HEREIN IN THE ABOVE STYLED COURT, AND HAVING BEEN DULY CONVICTED AND ADJUDICATED GUILTY  
OF AND SENTENCE FOR SAID OFFENSE BY SAID COURT, AS APPEARS FROM THE ATTACHED CERTIFIED  
COPIES OF INFORMATION FILED JUDGMENT AND SENTENCE, AND FELONY DISPOSITION AND SENTENCE  
DATA FROM WHICH ARE HEREBY MADE PARTS HEROF;

NOW THEREFORE, THIS TO COMMAND YOU, THE SAID SHERIFF, TO TAKE AND KEEP, AND, WITHIN A  
REASONABLE TIME AFTER RECEIVING THIS COMMITMENT, SAFELY DELIVER THE SAID DEFENDANT,  
TOGETHER WITH ANY PERTINENT INVESTIGATION REPORT PREPARED IN THIS CASE, INTO THE CUSTODY  
OF THE DEPARTMENT OF CORRECTIONS OF THE STATE OF XXXXX: AND THIS IS TO COMMAND YOU, THE  
SAID DEPARTMENT OF CORRECTIONS, BY AND THROUGH YOUR SECRETARY, REGIONAL DIRECTORS,  
SUPERINTENDANTS, AND OTHER OFFICIALS, TO KEEP AND SAFELY IMPRISON THE SAID DEFENDANT FRO  
THE TERM OF SAID SENTENCE IN THE INSTITUTION IN THE STATE CORRECTIONAL SYSTEM TO WHICH  
YOU, THE SAID DEPARTMENT OF CORRECTIONS, MAY CAUSE THE SAID DEFENDANT TO BE CONVEYED  
OR THEREAFTER TRANSFERRED. AND THESE PRESENTS SHALL BE YOUR AUTHORITY FOR THE SAME.  
HEREIN NOT FAIL.

WITNESS THE HONORABLE JEREMY PARKER  
JUDGE OF THE SAID COURT, AS ALSO CONNIE EVANS  
CLERK, AND THE SEAL THEREOF, THIS  
21<sup>st</sup> DAY OF April 20XX-4

BY: Margaret Mills  
DEPUTY CLERK

IN THE FIRST JUDICIAL CIRCUIT IN AND FOR  
CALUSA COUNTY, STATE OF XXXXX

CIRCUIT CRIMINAL DIVISION

STATE OF XXXXX  
v.  
Charissa Washington  
DEFENDANT

DIVISION: D

CASE NUMBER: 20XX(-5)1918

CERTIFICATE OF SERVICE

I, Connie Evans, Clerk of the Circuit Court of the County of Calusa, State of XXXXX, having by law the custody of the seal and all records, books, documents and papers of or appertaining to the Circuit Court, do hereby certify that a true and correct copy of the Judgment and Sentence has been hand delivered to the State Attorney and mailed to the Defense Attorney.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Circuit Court, this 21<sup>st</sup> day of April A.D. 20XX-4.

CONNIE EVANS  
As Clerk of Circuit Court

Margaret Mills

As Deputy Clerk  
Circuit Criminal Division

IN THE CIRCUIT COURT, 1<sup>ST</sup> JUDICIAL CIRCUIT  
IN AND FOR CALUSA COUNTY, XXXXX  
DIVISION : D  
CASE NUMBER : 20XX(-5)1918

STATE OF XXXXX  
v.  
Charissa Washington  
DEFENDANT

-----JUDGMENT-----

THE DEFENDANT, Charissa Washington                      BEING PERSONALLY BEFORE  
THIS COURT REPRESENTED WITH  
PRIVATE ATTORNEY  
Norm Pearson, Esquire  
THE ATTORNEY OF RECORD AND THE STATE REPRESENTED BY ASSISTANT STATE ATTORNEY  
George Peabody Smalley, AND HAVING

Been tried and found guilty by a jury of the following crime(s): 1

COUNT	CRIME	STATUTE	COURT ACTION	DATE
1	Filing a false police report	80107	GUILTY	21 April 20XX-4

And no cause being shown why the defendant should not be adjudicated guilty, it is ordered that the defendant is hereby adjudicated guilty of the above crime(s).

-----  
DEFENDANT Charissa Washington

Division : D  
Case Number : 20XX(-5)1918  
OBTS Number : 37624344

-----SENTENCE-----

THE DEFENDANT, BEING PERSONALLY BEFORE THIS COURT, ACCOMPANIED BY THE DEFENDANT'S ATTORNEY OF RECORD, PRIVATE ATTORNEY Norm Pearson, Esquire AND HAVING BEEN ADJUDGED GUILTY HEREIN, AND THE COURT HAVING BEEN GIVEN THE DEFENDANT AN OPPORTUNITY TO BE HEARD AND TO OFFER MATTERS IN MITIGATION OF SENTENCE, AND TO SHOW CAUSE WHY THE DEFENDANT SHOULD NOT BE SENTENCED AS PROVIDED BY LAW AND NO CAUSE BEING SHOWN

-----  
IT IS THE SENTENCE OF THIS COURT THAT THE DEFENDANT:

Pay a fine of \$1500.00, pursuant to appropriate XXXXX Statutes.  
Is hereby committed to the custody of the Department of Corrections for a term of: 12 Months,  
sentence to be suspended pending successful completion of 4 years probation.

-----OTHER PROVISIONS-----

AS TO COUNT(S) : 1

THE FOLLOWING MANDATORY/MINIMUM PROVISIONS APPLY TO THE SENTENCE IMPOSED :

-----  
None

-----  
DEFENDANT Charissa Washington

Division : D  
Case Number : 20XX(-5)1918  
OBTS Number : 37624344

-----OTHER PROVISIONS-----

Sentencing guidelines filed.

-----  
IN THE EVENT THE ABOVE SENTENCE IS TO THE DEPARTMENT OF CORRECTIONS, THE SHERIFF OF CALUSA COUNTY, XXXXX, IS HEREBY ORDERED AND DIRECTED TO DELIVER THE DEFENDANT TO THE DEPARTMENT OF CORRECTIONS AT THE FACILITY DESIGNATED BY THE DEPARTMENT TOGETHER WITH A COPY OF THIS JUDGMENT AND SENTENCE AND ANY OTHER DOCUMENTS SPECIFIED BY XXXXX STATUTE THE DEFENDANT IN OPEN COURT WAS ADVISED OF THE RIGHT TO APPEAL FROM THIS SENTENCE BY FILING NOTICE OF APPEAL WITHIN 30 DAYS FROM THIS DATE WITH THE CLERK OF THIS COURT AND THE DEFENDANT'S RIGHT TO THE ASSISTANCE OF COUNSEL IN TAKING THE APPEAL AT THE EXPENSE OF THE STATE SHOWIN OF INDIGENCY.

DONE AND ORDERED IN CALUSA COUNTY, XXXXX, THIS 21<sup>st</sup> DAY OF April 20XX-4

**State of XXXXX**  
UNIFORM COMMITMENT TO CUSTODY  
OF DEPARTMENT OF CORRECTIONS

THE CIRCUIT COURT OF CALUSA COUNTY, IN THE SPRING TERM of 20XX-8  
IN THE CASE OF:

STATE OF XXXXX  
VS

CASE ID : 20XX(-6)2132    DIVISION: D

DEFENDANT    :    Charissa                    Washington  
AKA(S)        :    Rissa

IN THE NAME AND BY AUTHORITY OF THE STATE OF XXXXX, TO THE SHERRIFF OF SAID COUNTY AND THE  
DEPARTMENT OF CORRECTIONS OF SAID STATE, GREETING:

THE ABOVE NAMED DEFENDANT HAVING BEEN DULY CHARGED WITH THE OFFENSE SPECIFIED  
HEREIN IN THE ABOVE STYLED COURT, AND HAVING BEEN DULY CONVICTED AND ADJUDICATED GUILTY  
OF AND SENTENCE FOR SAID OFFENSE BY SAID COURT, AS APPEARS FROM THE ATTACHED CERTIFIED  
COPIES OF INFORMATION FILED JUDGMENT AND SENTENCE, AND FELONY DISPOSITION AND SENTENCE  
DATA FROM WHICH ARE HEREBY MADE PARTS HEROF;

NOW THEREFORE, THIS TO COMMAND YOU, THE SAID SHERIFF, TO TAKE AND KEEP, AND, WITHIN A  
REASONABLE TIME AFTER RECEIVING THIS COMMITMENT, SAFELY DELIVER THE SAID DEFENDANT,  
TOGETHER WITH ANY PERTINENT INVESTIGATION REPORT PREPARED IN THIS CASE, INTO THE CUSTODY  
OF THE DEPARTMENT OF CORRECTIONS OF THE STATE OF XXXXX: AND THIS IS TO COMMAND YOU, THE  
SAID DEPARTMENT OF CORRECTIONS, BY AND THROUGH YOUR SECRETARY, REGIONAL DIRECTORS,  
SUPERINTENDANTS, AND OTHER OFFICIALS, TO KEEP AND SAFELY IMPRISON THE SAID DEFENDANT FRO  
THE TERM OF SAID SENTENCE IN THE INSTITUTION IN THE STATE CORRECTIONAL SYSTEM TO WHICH  
YOU, THE SAID DEPARTMENT OF CORRECTIONS, MAY CAUSE THE SAID DEFENDANT TO BE CONVEYED  
OR THEREAFTER TRANSFERRED. AND THESE PRESENTS SHALL BE YOUR AUTHORITY FOR THE SAME.  
HEREIN NOT FAIL.

WITNESS THE HONORABLE JEREMY PARKER  
JUDGE OF THE SAID COURT, AS ALSO CONNIE EVANS  
CLERK, AND THE SEAL THEREOF, THIS  
24<sup>th</sup> DAY OF June 20XX-5

BY: Margaret Mills  
DEPUTY CLERK

IN THE FIRST JUDICIAL CIRCUIT IN AND FOR  
CALUSA COUNTY, STATE OF XXXXX

CIRCUIT CRIMINAL DIVISION

STATE OF XXXXX

DIVISION: D

v.

CHARISSA WASHINGTON  
DEFENDANT

CASE NUMBER: 20XX(-6)2132

CERTIFICATE OF SERVICE

I, Connie Evans, Clerk of the Circuit Court of the County of Calusa, State of XXXXX, having by law the custody of the seal and all records, books, documents and papers of or appertaining to the Circuit Court, do hereby certify that a true and correct copy of the Judgment and Sentence has been hand delivered to the State Attorney and mailed to the Defense Attorney.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Circuit Court, this 24<sup>th</sup> day of June A.D. 20XX-5.

CONNIE EVANS  
As Clerk of Circuit Court

Margaret Mills

As Deputy Clerk  
Circuit Criminal Division

IN THE CIRCUIT COURT, 1<sup>ST</sup> JUDICIAL CIRCUIT  
IN AND FOR CALUSA COUNTY, XXXXX  
DIVISION : D  
CASE NUMBER : 20XX(-6)2132

STATE OF XXXXX  
VS  
Charissa Washington  
DEFENDANT

-----JUDGMENT-----

THE DEFENDANT, Charissa Washington, BEING PERSONALLY BEFORE  
THIS COURT REPRESENTED WITH  
PRIVATE ATTORNEY  
Angelia Solomon, Esquire  
THE ATTORNEY OF RECORD AND THE STATE REPRESENTED BY ASSISTANT STATE ATTORNEY  
George Peabody Smalley, AND HAVING

Been tried and found guilty by a jury of the following crime(s): 1

COUNT	CRIME	STATUTE	COURT ACTION	DATE
1	Possession of a Controlled Substance, to wit, MARIJUANA	80112	GUILTY	16 April 20XX-6

And no cause being shown why the defendant should not be adjudicated guilty, it is ordered that the defendant is hereby adjudicated guilty of the above crime(s).

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DEFENDANT Charissa Washington

Division : D  
Case Number : 20XX(-6)2132  
OBTS Number : 97421119

-----SENTENCE-----

THE DEFENDANT, BEING PERSONALLY BEFORE THIS COURT, ACCOMPANIED BY THE DEFENDANT'S ATTORNEY OF RECORD, PRIVATE ATTORNEY Angelia Solomon, Esquire AND HAVING BEEN ADJUDGED GUILTY HEREIN, AND THE COURT HAVING BEEN GIVEN THE DEFENDANT AN OPPORTUNITY TO BE HEARD AND TO OFFER MATTERS IN MITIGATION OF SENTENCE, AND TO SHOW CAUSE WHY THE DEFENDANT SHOULD NOT BE SENTENCED AS PROVIDED BY LAW AND NO CAUSE BEING SHOWN

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IT IS THE SENTENCE OF THIS COURT THAT THE DEFENDANT:

Pay a fine of \$2000.00, pursuant to appropriate XXXXX Statutes.  
Is hereby committed to the custody of the Department of Corrections for a term of: 3 Years, sentence to be suspended pending successful completion of 6 years probation.

-----OTHER PROVISIONS-----

AS TO COUNT(S) : 1

THE FOLLOWING MANDATORY/MINIMUM PROVISIONS APPLY TO THE SENTENCE IMPOSED :  
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DEFENDANT Charissa Washington

Division : D  
Case Number : 20XX(-6)2132  
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-----OTHER PROVISIONS-----

Sentencing guidelines filed.

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IN THE EVENT THE ABOVE SENTENCE IS TO THE DEPARTMENT OF CORRECTIONS, THE SHERIFF OF CALUSA COUNTY, XXXXX, IS HEREBY ORDERED AND DIRECTED TO DELIVER THE DEFENDANT TO THE DEPARTMENT OF CORRECTIONS AT THE FACILITY DESIGNATED BY THE DEPARTMENT TOGETHER WITH A COPY OF THIS JUDGMENT AND SENTENCE AND ANY OTHER DOCUMENTS SPECIFIED BY XXXXX STATUTE THE DEFENDANT IN OPEN COURT WAS ADVISED OF THE RIGHT TO APPEAL FROM THIS SENTENCE BY FILING NOTICE OF APPEAL WITHIN 30 DAYS FROM THIS DATE WITH THE CLERK OF THIS COURT AND THE DEFENDANT'S RIGHT TO THE ASSISTANCE OF COUNSEL IN TAKING THE APPEAL AT THE EXPENSE OF THE STATE SHOWIN OF INDIGENCY.

DONE AND ORDERED IN CALUSA COUNTY, XXXXX, THIS 24<sup>TH</sup> DAY OF June 20XX-5  
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