

IN RE: CHARLES ROGERS)
APPEAL.)

Charles Rogers appeals the termination of his employment as a City of Mobile Police Department Sergeant. For the reasons set out below, the termination is affirmed.

The employee received a pre-disciplinary hearing notice on June 2, 2025, which states that disciplinary action was contemplated for violation of Personnel Board Rules for violation of Police Department General Orders and Personnel Board Rules 14.2(j) neglect of duty and (l) violation of any lawful or reasonable regulations or orders. (Bd. Ex. 1) A pre-disciplinary hearing was held on June 4, 2025. By letter of that date, served June 6, 2025, the employee was notified of the termination of his employment. (Bd. Ex 2)

On June 6, 2025, Mr. Rogers gave notice of appeal. (Bd. Ex 3)

On August 26, 2025, Mr. Roger's appeal was heard by a panel consisting of Chairman Robert D. Brown and Associates Adam Strange, Willie Gray, and Ann Brown. Gordon Armstrong, Esq., represented Mr. Rogers; James Harred, Esq., represented the Appointing Authority.

SUBSTANCE OF THE TESTIMONY

On November 23, 2024, City of Mobile sergeant Charles Gary Rogers (commonly referred to as “Gary”) was off-duty at home with his wife, Courtney. They live in a subdivision off Lott Road. Shortly after midnight, a neighbor, Robert Baxley, called Rogers and told him a traffic accident had happened nearby. Baxley called again a minute later and told Rogers to come to the accident scene on Lott Road because his son was involved.

Rogers, driving his police vehicle, and his wife immediately went to the scene of a two-car collision near the entrance to Rogers’ neighborhood. When they arrived, Rogers’ son was sitting in a roadside ditch next to his upside-down vehicle. (Rogers Ex. 2A and Rogers Ex. 6) The other car was demolished, and the driver of that other car died. (Rogers Ex. 2)

Emergency personnel were on the scene but had not yet treated Rogers’ son when the Rogers arrived. Courtney Rogers, an emergency room nurse, went to her son, who complained of difficulty breathing. In order to assess her son’s condition, Courtney removed his brown camouflage-patterned fleece pull-over jacket and pulled up the boy’s t-shirt. (Ex.2A depicts Rogers’ son sitting in the ditch wearing the jacket) Gary Rogers stood near as Courtney attended her son. Wesley Russell, a neighbor who lives two doors from the Rogers, then arrived. He tapped Courtney on the shoulder and asked if he could do anything.

Courtney handed him the fleece jacket. Wesley then gave it to Gary Rogers, who walked to his police vehicle, which was parked 20 – 30 yards away, and put the jacket inside. Emergency personnel assumed the care of Rogers' son, who was stabilized and taken to USA hospital.

An investigation by ALEA into the circumstances of the traffic fatality led to the filing of criminal charges against Rogers' son.¹ The Mobile Police Department (MPD) initiated an internal affairs investigation into Rogers' conduct at the accident scene, resulting in his termination, which Rogers now appeals.

MPD internal affairs investigator John Molyneux testified that on December 11, 2025, he was assigned to investigate allegations that Rogers had interfered with the traffic fatality investigation. He and Alabama State Trooper Raymond Williams, who was investigating the traffic fatality, interviewed Wesley Russell on December 11, 2024. Russell told them that he went to the accident scene and saw Courtney Rogers attending her son. Molyneux testified that Russell told him that Courtney handed him her son's fleece jacket and asked him to put it in his vehicle. Russell told Molyneux that when he took the wrapped-up jacket he felt objects that he recognized as bottles from their

¹ The criminal case has not yet been concluded. The District Court granted Rogers' son Youthful Offender Status and his name is not used in this order

clanking and shape. Russell told Molyneux that he had to hold the jacket like a cradle because it was full of bottles. Russell told Molyneux he intended to give the jacket to a state trooper, but Rogers came up to him as he turned to walk away and took the jacket. Rogers then walked to his police car and put it inside the vehicle.

Molyneux interviewed Rogers on December 13, 2024. Rogers said that he did not go anywhere near his son's car. Rogers said he was given his son's jacket and that he put it in his police car. Rogers told Molyneux that he did not know who gave him the jacket – but that it might have been a neighbor. Rogers said he did not inspect the fleece and that there was nothing unusual about the jacket.

Molyneux then re-interviewed Russell, who said he and his nearby neighbor, Gary Rogers, were good friends, and Russell had no doubt that Rogers knew who he was when the jacket was exchanged. Russell repeated that there were bottle shapes in the jacket. Molyneux then re-interviewed Rogers, who reiterated that he did not inspect the jacket, but that there was nothing unusual about it. Rogers said he knew Wesley Russell as his neighbor, but said he could not recall whether it was Russell who gave him the jacket.

Molyneux identified City Exhibit 1 as an excerpt from the Police Department's General Order #26, which describes in Paragraph 13.5 D. as a

major violation any action “which will interfere with the efficiency or integrity of the administration of criminal justice.” Molyneux testified that it is of utmost importance to maintain the security of a crime scene. In a case involving a potential DUI traffic fatality, all evidence relating to the vehicles and the drivers, including clothing, should have been preserved. Molyneux also testified that General Order #26, Paragraph 13.9 enjoins officers from knowingly making false statements during an inquiry into possible violation of department rules.

Molyneux reviewed a number of items during his investigation, but said he did not review the recording of the scene taken by Trooper Ray Williams’s body-worn camera. A portion of the recording was played for the Board. (Rogers Ex. 1) The recording depicts Wesley Russell and his wife, Kayle, standing among a group of people. Kayle Russell provided AST Williams with Gary Rogers’ name and that of his son. She also showed Williams a cell phone picture of Rogers’ son, which purportedly had been taken earlier that evening at a party on Mason Ferry Road. Wesley Russell is seen on the video informing the trooper that Gary Rogers works for MPD. Neither the Russells nor other

bystanders were asked about, or volunteered information about, the fleece jacket which had been worn by Rogers' son.

Molyneux was asked on cross-examination about Wesley Russell's credibility since he did not tell AST Williams at the scene about the removal of the fleece, particularly in light of Russell's record of arrests for narcotics and other offenses. Molyneux testified that the charges did not result in convictions because Russell successfully completed drug court. Molyneux testified that Russell called Williams the next day about the handling of the fleece jacket because he wanted to "get on the right side of the law."

Molyneux was also asked if he was aware of and followed up on the Facebook post that a person identifying as Christopher Turner wrote claiming that he was the second person on the accident scene and never noticed anything out of the ordinary. (Rogers Ex. 3) Molyneux said he attempted to reach Turner, but never made contact. Turner did not testify at the hearing.

Wesley Russell testified that he has known Rogers for ten years and that their families have lived in the same neighborhood for three years. The families assisted each other with their children's school transportation, attended birthday parties, had weeknight dinners, and watched football games. Russell

acknowledged his checkered past, saying he completed drug court in October 2019 and had been drug-free since then.

Russell testified that on November 23, 2024, he was at home and heard the sound of a collision. His brother-in-law, Robert Baxley, who lives nearby, called Russell and told him an accident had occurred near the entrance to the neighborhood. Russell and his wife Kayle, went to the scene and saw Gary and Courtney Rogers, who were near Rogers' son, about 20 yards from the overturned car. Russell said he approached and touched both Courtney and Gary on the shoulder, and asked if their son was okay. They replied they were not sure. Russell said Courtney was standing near her son, holding his fleece jacket in her arms. Courtney handed him the jacket, which was bundled "almost as if it was a baby like cradled." Russell testified that he "felt like" the shape of at least two "glass bottles" wrapped in the jacket. He could not "see it but I could feel them." Once Russell received the jacket, he "like made a half step to my left. Then Mr. Rogers grabbed it from me and said here I got it and proceeded to walk off and put it in the back driver floorboard of his Tahoe," parked 20 to 30 yards away. Russell testified that Rogers cradled the jacket as

he walked to his vehicle. Rogers' son was transported from the scene 20 to 30 minutes after he had arrived.

Russell testified that at the scene, he gave his name and contact information to a trooper. He said he just answered questions, but said that he did not think he told any law enforcement about the fleece. Russell testified that Trooper Williams called him the next morning and that he subsequently met with the trooper and Molyneux. Russell testified he thought the meeting was a day or two after the accident. On cross-examination, Russell testified that, immediately after the accident, he and his wife Kayle, and his in-laws Robert and Kristie Baxley had a falling out with Gary and Courtney Rogers.

Connie Johnson is a polygraph examiner employed by the Mobile Police Department. She has been an examiner for 18 years and has worked for the MPD for ten years, mostly performing pre-employment screenings. She testified about her training and background, and her CV was introduced as City Exhibit 2. She testified she conducted polygraph examinations of Charles

Rogers and Wesley Russell in April of 2025 and prepared a report of her findings. (City Ex. 3)

Johnson wrote in her report that Wesley Russell provided the following information to her in the “pre-test” for the polygraph examination:

“He arrived at the scene and approached both Sgt. Rogers and his wife, Courtney, who were already present and beside one another.

He approached them from behind and asked if they were ok.

Courtney turned towards Wesley and handed him a camouflage jacket and asked him, “Would you go put this in Gary's truck?”

He turned and walked one or two steps and Sgt. Rogers told Wesley he would take the jacket.

Mr. Rogers watched Sgt. Rogers walk approximately thirty yards to his police issued vehicle and place the jacket inside.”

(City Ex.4)

Johnson’s report stated that Rogers “was asked about his actions, and he described his wife handing his son's jacket to someone and he, in turn, took the

jacket and placed it in his vehicle.” Rogers denied that he had “lied during Internal Affairs inquiries.” (*Id.*)

Johnson testified that in her opinion² Rogers was deceptive in his answers to the following questions:

Q: During your first meeting with IA, did you lie about not knowing the person you got that jacket from?

Q: Did you purposefully conceal any relevant information from IA Investigators?

Q: Did you lie to investigators about anything during the IA interviews? (City Ex. 3)

Johnson concluded that Wesley Russell displayed no deception in his answers to these questions:

Q: Did you lie when you said that Courtney gave you that camo jacket?

Q: Did you lie when you said that Gary took that camo jacket from you?

Q: Did you lie when you said that you witnessed Sgt. Rogers put that jacket in his police vehicle? (*Id.*)

MPD Captain Bille L. Rowland is the precinct 4 commander. He sat on the Rogers pre-disciplinary hearing panel. He testified that courts and the public rely on the truthfulness of police officers and consequently credibility is a job requirement for policing. Rowland agreed on cross examination that Rogers

² The Board does not attach any weight to the polygraph results. Rogers did not contest the matters about which Russell was questioned. Board listened carefully to the testimony and has made its own assessment of the facts and witness’ credibility.

has previously testified under oath and the judges and juries have accepted his testimony.

Rowland testified that Rogers admitted taking the jacket from a potential DUI traffic fatality crime scene. Rowland was of the opinion that Rogers was not being truthful when he testified at the pre-disciplinary hearing that while he used two hands to carry a very light jacket from the scene, he did not inspect it. Rowland testified that it was not up to Rogers to determine the jacket's evidentiary value and that Rogers violated MPD orders requiring crime scene security.

MPD Captain Charles Bagsby supervises the criminal investigations division and has long experience in the investigation of major crimes. He was not involved in the investigation of the accident or of Rogers' conduct, but testified that a driver's jacket worn in a DUI murder case should be examined for evidence. He said that it would not be "appropriate for someone other than law enforcement or a crime scene technician to remove something from the crime scene." He also testified that under the Supreme Court cases of *Giglio* and *Brady* evidence of an officer's past untruthfulness must be disclosed to the defendant in a criminal case, potentially tainting the officer's testimony.

MPD Captain Lee Laffitte is a 24-year veteran, often involved in narcotics and other criminal investigations. He said crime scene preservation is

important in any investigation because the evidentiary value of a particular item is not always immediately apparent. He also stressed the importance of an officer's truthfulness.

MPD Major Philip McCrary, a 30-year police veteran, served on Rogers' pre-disciplinary panel. He testified that a police officer cannot remain with the department if he is not truthful.

Rogers' attorney and counsel for the City agreed that Captain Matthew James, Captain Jonathan Lee, Captain Kevin Rodgers, Carla Shumock, Inspector Butler, and Sergeant Chris Moyer would each testify that they have known Rogers for many years, both personally and in a professional capacity, and that Rogers is a good police officer with an outstanding reputation, and they would believe him under oath.

Gulfport Police Department Commander Clayton Fulks testified that he was formerly with the Mobile Police Department, but has been in Gulfport for 14 years. Fulks testified that Rogers was his first, and best, training officer when he entered law enforcement, and that he would believe him under oath. Fulks agreed that a police officer must possess the paramount quality of truthfulness.

Charles Rogers' wife, Courtney Rogers, testified that she is a nurse at Mobile Infirmary and previously worked in the USA hospital emergency

department. She and her husband were called from their home on November 23, 2024, to the scene of an accident involving their son. She heard her son screaming as they pulled up. She rushed to where he was sitting in a ditch beside his overturned car, screaming that he could not breathe. Courtney's training kicked in. She lifted the fleece off over her son's head and pulled his t-shirt up in order to see if there were any visible injuries that would interfere with his breathing. She did not see any external injury. She testified that about a minute after her arrival, the EMTs arrived, put a C collar on her son, and then put him on a gurney and took him to the ambulance.

She testified she did not pay attention to the fleece and did not note anything about it. "I really could not tell you an honest answer whether or not what happened to it from the time I took it off of him from the time it got in somebody else's hands." She testified that, at the time, she did not remember who tapped her on the shoulder and asked if he could do anything. She testified that she told a male to give the fleece to Gary and went immediately to the ambulance where her son was. She testified she didn't recall that the male was Wesley Russell, "but apparently it was." She and her husband went to USA hospital, where Gary spoke with troopers who were there.

Courtney Rogers testified that the next morning there was a falling out between the Rogers and the Baxley/Russells. She and Kristie Baxley, a

neighbor and close friend, exchanged text messages. In one of the texts Kristie told Courtney that it should have been Courtney's son who died. This prompted Courtney to refuse to give the Baxleys free Disney tickets as had been previously planned.

Charles Gary Rogers joined the Mobile police force in 2004, received high-quality service ratings, and rose to the rank of sergeant, receiving a number of citations and commendations. (Rogers Ex. 5) He testified about his personal involvement in two traumatic DUI traffic accidents. In early 2000, his fiancée (and their unborn child) were killed in a DUI wreck. In 2017, he was seriously injured when his patrol car was hit from behind by a drunk driver. (Rogers Ex. 8)

Rogers testified that on November 23, 2024, he was sleeping when his neighbor, Robert Baxley, called to report an accident at the entrance to the neighborhood. A minute later, Baxley called again and said Rogers' son was in the accident. Rogers and Courtney drove to the scene of the crash. Emergency vehicles were there and his son's vehicle was overturned in the ditch, as it appeared in Rogers' Exhibit 2A. Rogers testified that his son was wearing a fleece, but that there was nothing special about it.

Rogers testified that he was in shock, particularly in light of his prior traumatic experiences. Rogers said he walked over and wandered aimlessly,

but never entered his son's vehicle or removed anything from the ground. He testified that he stood nearby as his wife evaluated his son. He said he did not see Courtney remove the fleece jacket, but she later told him that she did. "When I took notice of it [the fleece] she was handing it to our neighbor Wesley Russell and I mentioned is that [my son's?]. He indicated that it was. I told him I'll take it. I walked it to my vehicle and put it in the front passenger seat."

Rogers testified that he did not realize that the person who gave him the jacket was his neighbor, Wesley Russell. "Still being in shock the-- I could not tell the internal affairs investigators who that person was. I did not remember facial features. I know now through their investigation that it was [Wesley]. I accept that." Rogers testified that when he received the fleece it was "balled or folded and bundled." He testified he noticed nothing about the fleece that gave any indication that something was amiss. Rogers said he put the fleece in the Tahoe, went back to the scene, and then went to USA hospital. There, he met Trooper Williams and another trooper and gave them his son's cell phone.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Board has carefully reviewed all the exhibits and has considered all of the testimony. The Board concludes that the Appointing Authority has met its burden of proving that Rogers violated General Order #26, Paragraph 13.5 D, and Personnel Board Rules 14.2(j) and (l), by removing from the

accident scene the fleece jacket that his son wore at the time of the traffic fatality.

The Board credits the testimony of Wesley Russell that he felt bottle-like objects in the jacket he gave to Rogers. Russell's impression that bottles were in jacket may be relevant to a criminal prosecution, but it is not germane to the Board's inquiry. What is important in the instant appeal is that Rogers is a police officer and is held to the standards of General Order #26, Paragraph 13.5 D., even when off-duty and even in the face of the fatal accident involving his son.

Police officers, especially veterans like Rogers, know the importance of preserving a crime scene. As a result of Rogers' action, law enforcement lost the opportunity to objectively examine the jacket and determine which of the two competing narratives was correct: that the jacket held no evidentiary value; or that the jacket concealed incriminating objects of evidentiary value.

The Board does not conclude that Rogers denied to investigators about knowing Wesley Russell. The question is whether Rogers appreciated that it was Wesley Russell, other than some other male, who gave him the son's jacket. However, that question does not need to be answered. Regardless of who gave Rogers the fleece, Rogers knew it belonged to his son, the driver of

a vehicle involved in a fatal accident. Rogers knew or should have known that it could be of evidentiary value and removed it anyway.

Personnel Board Rule 14.7 provides that “the hearing on appeal shall be *de novo*, and the Board may rescind, modify, alter or affirm the penalty or action of the Appointing Authority, or may impose such additional or different penalty as may be warranted by the evidence adduced at the hearing.” *Mobile County Personnel Bd. v. City of Mobile*, 833 So.2d 641, 643 (Ala. Civ. App. 2002). Rogers has an impressive record of service to the police department, as borne out by the commendations, awards and service ratings he has received over the years, and testimony of his character witness. Nonetheless, dismissal is the appropriate sanction, because he committed a major violation of police procedure by removing the fleece from the accident scene, thereby impeding the investigation of a DUI fatality.

THEREFORE, after careful and deliberate consideration of all of the material evidence adduced at the hearing, it is the DECISION, FINDING AND ORDER of the Board that Mr. Roger’s termination is upheld. DONE this the 9 day of September, 2025.

A handwritten signature in blue ink, appearing to read "C. L. Ben", is written over a horizontal line.

DIRECTOR OF PERSONNEL, FOR THE BOARD