

Carmine Marceno
Sheriff



"Proud to Serve"

State of Florida
County of Lee

To: Sheriff Marceno

Thru: Undersheriff Smith, Chief Holloway, Colonel Rankin, Major Snyder, Commander Reeves, Captain More, and Lieutenant Trusal

From: Deputy Brian Hoyt 18-123

Subject: Resignation

Please accept this letter as formal notification that I am resigning from my position as Deputy Sheriff. My last day will be January 6, 2020.

Thank you so much for the opportunity to work in this position for the past year. I appreciate the opportunities and training that helped me grow as a Deputy Sheriff.

Please let me know if there is anything I can do to help during this transition.

I wish the company continued success, and I hope to stay in touch in the future.

Sincerely

Brian Hoyt
01-06-20

A large, handwritten signature in blue ink that appears to read "B. Hoyt".

ACCEPTED 01/06/20
SHERIFF MARCENO
Jan 15
01/06/2020



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Carmine Marceno

Sheriff



State of Florida
County of Lee

"Proud to Serve"

To: Sheriff Carmine Marceno

Thru: Chief John Holloway, Major Traci Estep, Commander Paul Cummins, Captain Felicia Riley, Lieutenant Travis Hicks

From: Sergeant Noralva Galloway #03-222

Date: January 2, 2020

Ref: IA-2019-020

Against: Deputy Sheriff Brian Hoyt #18-123

Charges: **1) Job Knowledge and Performance:** (*General Proficiency 26.1.2.5.1*)
2) Improper Conduct: (*Untruthfulness in Proceedings or Reports 26.1.2.4.61*)
3) Improper Conduct: (*Processing Property and Evidence 26.1.2.4.46*)

Findings: **1) Substantiated**
2) Substantiated
3) Substantiated

Complaint: On June 10, 2019, Deputy Brian Hoyt conducted an arrest involving North Fort Myers resident, Enzo Vincenzi. Concerns were brought forth to the Lee County Sheriff's Office by the State Attorney's Office after conflicting actions were discovered between home surveillance videos of the arrest and the deposition provided by Deputy Hoyt. After further review, Lieutenant Jeffrey Trusal completed a To/From Memorandum requesting further investigation into the arrest.

Allegation 1: Job Knowledge and Performance: (*General Proficiency 26.1.2.5.1*)

Sheriff's Office members are required to maintain required certifications, job knowledge, and skills required for the performance of official duties. Sheriff's Office members shall maintain and demonstrate their knowledge of the law and criminal procedure. Sheriff's Office members shall maintain and demonstrate proficiency in required interpersonal skills. Sheriff's Office members shall maintain proficiency in the care and use of vehicles, equipment, and firearms. Sheriff's Office members shall maintain and demonstrate proficiency in accordance with established standards and firearm qualification requirements. Sheriff's Office members may be re-tested for proficiency as provided in direct procedures, with each subsequent failure to qualify constituting an additional



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offense. Failure to maintain job skills shall result in counseling, instruction or training, and may also result in suspension. Repeated failure to maintain necessary job skills, after counseling and instruction, shall result in increasing the severity of disciplinary actions, up to and including withdrawal of appointment.

Allegation 2: Improper Conduct: (*Untruthfulness in Proceedings or Reports 26.1.2.4.61*)

Sheriff's Office members shall not knowingly make false statements to a supervisor or any official of a government agency during an official proceeding of a government agency even though such statements are not made under oath. No Sheriff's Office members shall make a false official report or knowingly enter or cause to be entered in any books, records or reports, any deceptive, inaccurate, false or improper information, or misrepresentation of facts. A member must speak the truth at all times under all circumstances.

Allegation 3: Improper Conduct: (*Processing Property and Evidence 26.1.2.4.46*)

Property and evidence that has been received in connection with official Sheriff's Office duties will be processed in accordance with established procedures. Sheriff's Office members shall not convert to their own use, manufacture, conceal, falsify, destroy, remove, tamper with, or withhold any property or evidence held in connection with an investigation or other official action, except in accordance with established procedures

Complainant: Chief John Holloway #13-148
Lee County Sheriff's Office
14750 Six Mile Cypress Parkway
Fort Myers, Florida 33912
(239) 477-1000

Witnesses: Lieutenant Jeffrey Trusal #93-057
14750 Six Mile Cypress Parkway
Fort Myers, Florida 33912
(239) 477-1000

Sergeant Jason Tarsia #10-018
14750 Six Mile Cypress Parkway
Fort Myers, Florida 33912
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Sergeant Paulette Ehlers #03-113
14750 Six Mile Cypress Parkway
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Detective Mitchell Dougherty #12-070
14750 Six Mile Cypress Parkway
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(239) 477-1000

Deputy First Class Zachary Wilson #08-110
14750 Six Mile Cypress Parkway
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Deputy First Class Vincent Gizzi #15-073
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Deputy First Class Kayla Campisi #03-253
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Deputy Larry Wincelowicz #05-072
14750 Six Mile Cypress Parkway
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(239) 477-1000

Deputy Michael Rojas #17-084
14750 Six Mile Cypress Parkway
Fort Myers, Florida 33912
(239) 477-1000

Enzo Vincenzi
1652 N. Tamiami Trail
North Fort Myers, Florida 33903
(239) 273-2979

Accused Officer: Deputy Sheriff Brian Hoyt #18-123
14750 Six Mile Cypress Parkway
Fort Myers, Florida 33912
(239) 477-1000

Previous IA Cases:

No Substantiated IA case in the preceding five years

No MTF cases in the preceding three years.

Internal Affairs Investigation:

On October 31, 2019, Sergeant Noralva Galloway, with the Lee County Sheriff's Office Internal Affairs Unit was assigned the investigation regarding the aforementioned complaint. Sergeant Galloway reviewed related documents and conducted digitally recorded sworn statements from all identifiable witnesses which revealed the following:

On June 10th, 2019, at approximately 8:20 p.m., a third party caller contacted the Lee County Sheriff's Office in regards to a possible suicidal subject in the area of North Tamiami Trail and Bayshore Road. The caller described the location of the suicidal subject to be across from a barbecue restaurant, possibly at a hotel. Deputies responded to the surrounding areas in an attempt to locate the subject. At approximately 8:30 p.m., Deputy Brian Hoyt arrived at the Sabal Park Inn, 1652 North Tamiami Trail, which is within the vicinity of the area described by the caller. Deputy Hoyt made contact with Enzo Vincenzi, owner of the property. Minutes after his arrival, Deputy Hoyt was notified via radio that the suicidal subject had been located by other deputies. Deputy Hoyt prepared to leave Vincenzi's property to meet with those deputies and assist with the investigation. However, prior to leaving, a struggle ensued where Vincenzi was subsequently arrested by Deputy Hoyt for F.S.S 843.01 Resisting Officer with Violence and F.S.S. 843.0855(4) Hindering a Public Officer Involving the Discharge of His Official Duties. A Response to Resistance report (RTR) was also completed that night by the shift supervisor, Sergeant Jason Tarsia, that detailed the use of force utilized on Vincenzi.

The following was documented in the Booking Affidavit prepared by Deputy Hoyt (*not verbatim*):

While on scene of Vincenzi's property, Deputy Hoyt heard via radio that the suicidal subject was located. Deputy Hoyt got into his patrol vehicle to head over to Deputy Wincelowicz's location. Vincenzi "**began to charge**" the driver side door of Deputy Hoyt's patrol vehicle where Deputy Hoyt "**quickly**" got out and told Vincenzi to back away. Vincenzi told Deputy Hoyt to leave his property to which Deputy Hoyt stated to Vincenzi that if he "**charges**" his patrol vehicle again he was going to arrest him for obstruction. Deputy Hoyt proceeded to enter his patrol vehicle when Vincenzi "**again charged the driver's side door in an aggressive manner.**" Deputy Hoyt gave verbal commands for Vincenzi to head to the front of his patrol vehicle to gather his information to start the arrest report. Vincenzi "**proceeded to run**" away from Deputy Hoyt while "**reaching into his pockets.**" Deputy Hoyt requested for back up via his radio as he grabbed Vincenzi's arm to take him into custody, however, Vincenzi resisted those efforts. Deputy Wincelowicz arrived on scene and Vincenzi continued to resist both deputies. During the struggle, Vincenzi grabbed Deputy Wincelowicz's handgun (while in the holster). Deputy Hoyt pulled out his handgun, pointed it to Vincenzi and ordered him to release Deputy Wincelowicz's gun. Vincenzi complied, however, continued to resist deputies. Vincenzi was tased by both Deputy Hoyt and Deputy Wincelowicz. Vincenzi was able to run away from the deputies, at which time, Vincenzi was OC sprayed and tasered again by Deputy Rojas who was now on scene. Compliance was gained and Vincenzi was taken into custody.

On September 20, 2019, Deputy Hoyt attended the deposition with Defense Attorney Gerasimos Theophilopoulos in regards to the case. During his sworn statement, Deputy Hoyt confirmed he heard over the radio that the suicidal subject was located. However, while Deputy Hoyt got into his patrol car to leave, Vincenzi began “**charging at me with closed fists.**” Deputy Hoyt gave verbal commands for Vincenzi to back away when Vincenzi “**charges again.**” Throughout the deposition, Attorney Theophilopoulos continued to ask Deputy Hoyt about Vincenzi’s actions for clarification. Deputy Hoyt used terminology such as a “**light jog**” “**angry man stance**” “**fast paced jog**” and “**aggressively charging.**” Deputy Hoyt stated Vincenzi’s actions were clear the entire time that Vincenzi was being aggressive toward to Deputy Hoyt.

When questioned by the attorney as to how would Vincenzi be obstructing if Deputy Hoyt knew the suicidal subject was already located, Deputy Hoyt answered “**he is preventing me to leave now because he keeps charging at my vehicle.**” Later in the deposition, Deputy Hoyt stated “**I didn’t want to hit him.**” Deputy Hoyt explained to the attorney, Vincenzi “**fast walked**” away from him as he asked him for his information. Deputy Hoyt stated he grabbed Vincenzi since he observed him “**reach into his pocket, digging in there.**”

The attorney questioned Deputy Hoyt if he recalled Vincenzi using a cell phone to record their interaction. Deputy Hoyt stated he did not, but did notice a camera by the front entrance. The attorney questioned Deputy Hoyt if he reviewed the footage on Vincenzi’s cell phone. Deputy Hoyt stated “**not to my knowledge, no.**”

The attorney questioned Deputy Hoyt in regards to the the verbiage noted in the RTR report referring to “**eventually Vincenzi opened the gate, and aggressively ran towards Deputy Hoyt.**” Deputy Hoyt stated in his deposition Sergeant Tarsia may have “**mixed it up**” and that Vincenzi “**didn’t charge**” at him.

Attorney Theophilopoulos had been in possession of Vincenzi’s home surveillance videos which captured the entire event. After Deputy Hoyt’s sworn testimony, Attorney Theophilopoulos prepared a letter to the State Attorney’s office addressing his concerns related to the major discrepancies regarding Deputy Hoyt’s testimony and the probable cause affidavit. Both charges were subsequently dismissed by the State Attorney’s Office at a later date.

Sergeant Galloway reviewed the RTR report completed by Sergeant Tarsia. In the report, Vincenzi’s actions were described as he “**eventually opened the gate and aggressively ran towards Deputy Hoyt.**” Several commands were given to “**stop approaching**” the vehicle where Vincenzi once again, approached Deputy Hoyt’s vehicle “**in an aggressive manner.**” It is further noted Deputy Hoyt informed Vincenzi he was not free to leave where Vincenzi “**walked**” away while “**reaching into his pockets.**”

During Sergeant Tarsia’s statement to Sergeant Galloway, he advised he responded to the scene after the incident had occurred. Deputy Hoyt informed Sergeant Tarsia of the sequence of events which led to the uses of force and subsequent arrest. Sergeant Tarsia completed the RTR report with the information he gained verbally from Deputy Hoyt.

During Vincenzi's statement to Sergeant Galloway, he stated he was recording the encounter with Deputy Hoyt using his cell phone. Vincenzi stated he was "harassed" in the past by law enforcement and felt it was necessary to record the interaction. Vincenzi stated when Deputy Hoyt arrived on his property, he stated to Vincenzi he was "looking for a lost dog" and recalled "something as to somebody wanting to commit suicide." Vincenzi stated he continued to question Deputy Hoyt as to why he was there and told Deputy Hoyt to get off his property. Vincenzi stated Deputy Hoyt's presence was "upsetting" and felt Deputy Hoyt was "lying" to him when he was provided with the reasons. Vincenzi stated he observed Deputy Hoyt put his vehicle in "reverse" but then stopped, and re-approached Vincenzi. Vincenzi stated he felt Deputy Hoyt was being "confrontational" during their encounter as he "demanded" Vincenzi to write down his name on a notebook. Vincenzi refused to do so since he felt he did "nothing wrong." Vincenzi stated during the confrontation, Deputy Hoyt grabbed Vincenzi's cell phone out of his hand and threw it on the windshield of his patrol car. Deputy Hoyt attempted to place Vincenzi in handcuffs where Vincenzi admits he resisted since he did "nothing wrong" and did not understand why he was under arrest. During the struggle, Vincenzi stated deputies tasered him numerous times and was sprayed with pepper spray while he was trying to flee on foot. Once taken into custody, Vincenzi recalled deputies retrieved his "taser" he had in his pocket, but could not recall if he was in possession of his pepper spray at that time. Once Vincenzi was released from the jail, he retrieved his cell phone from his property and noticed the video on the cell phone no longer existed. Vincenzi believed Deputy Hoyt deleted the video since he observed via his home surveillance video, Deputy Hoyt grab his cell phone from the windshield and enter his patrol car. Vincenzi stated the phone was still recording when Deputy Hoyt grabbed it from his hand and threw it on the windshield.

Sergeant Galloway reviewed all five videos and discovered the following discrepancies as described by Deputy Hoyt in his deposition and booking sheet. (*times are approximate and are PM/no audio available/videos are not labeled in sequential order*)

VIDEO 6

-8:29 p.m. Deputy Hoyt approached the front gate and walks back to patrol vehicle. Deputy Hoyt is observed pulling his patrol vehicle closer to fence.

-8:30:15-Vincenzi approaches gate from the inside of the complex, appears to be holding a device in his hand, recording Deputy Hoyt. Deputy Hoyt appears to be standing at his driver's side door.

-8:30:34- Deputy Hoyt observed getting back into patrol car, and back up as if leaving property. Vincenzi opens gate and **walks** towards Deputy Hoyt, appears to have phone in hand recording Deputy Hoyt.

***Vincenzi is not "charging with closed fists" "charging" "aggressively charging" "lightly jogging," or "running" towards Deputy Hoyt as described in the booking sheet and deposition.**

-8:30:42 Deputy Hoyt stops from backing up his patrol vehicle, exits his vehicle and walks toward Vincenzi, who is also walking towards Deputy Hoyt. Both are engaged in a conversation standing approximately 4-5 feet from Deputy Hoyt's patrol vehicle.

-8:30:51 After what appears to be a very brief conversation, Deputy Hoyt walks back to his patrol vehicle as Vincenzi remains in front of the patrol car near the driver's side headlight.

-8:31:21 Vincenzi takes approximately 4-5 steps towards Deputy Hoyt, still appears standing near front headlight.

-8:31:26 Vincenzi takes two additional steps towards Hoyt who is now sitting in his patrol car. Estimating approximately 5-6 feet from Deputy Hoyt driver's side door. Vincenzi then begins to **walk away** towards the front gate entrance away from Deputy Hoyt.

**Vincenzi is not "running away" or "digging in his pockets" as described by Deputy Hoyt in the booking sheet and deposition.*

-8:31:31 Vincenzi turns back around and **walks** back towards Deputy Hoyt's patrol vehicle. Vincenzi stops approximately 4 feet from front of patrol car. Vincenzi appears to be still recording and exchanging words with Deputy Hoyt. Vincenzi walks approximately 5 feet from Deputy Hoyt's driver's side door, near the front headlight, while Deputy Hoyt is still sitting in his vehicle. Words are exchanged for approximately 17 seconds while Deputy Hoyt sits in his patrol car.

**Vincenzi is not "charging with closed fists" "charging" "aggressively charging" "lightly jogging," or "running" towards Deputy Hoyt as described in the booking sheet and deposition.*

-8:31:54 Deputy Hoyt exits patrol vehicle. Both are still engaged in a conversation.

END OF VIDEO 6

VIDEO 4

-8:32:31 Deputy Hoyt pulls out a notebook and pen from the pocket of his uniform shirt, while still in conversation with Vincenzi. Deputy Hoyt places his pen and notebook on top of the hood of the car as Vincenzi starts to walk away.

-8:32:45 Deputy Hoyt grabs Vincenzi right shoulder and escorts Vincenzi to the front of his patrol vehicle. Vincenzi resists as Deputy Hoyt attempts to gain control of his arms (to be placed into handcuffs.)

**Vincenzi is not "running away" or "digging in his pockets" as described by Deputy Hoyt in the booking sheet and deposition.*

-8:33:10 Deputy Wincelowicz arrives to assist.

From 8:33:10-8:34:18 Deputies attempting to place Vincenzi into custody. This part of the incident is out of view of Video 4.

8:34:18-Vincenzi tasered by Deputies Hoyt and Wincelowicz. Vincenzi pulls the taser wires out and runs away from deputies.

-8:36:48 Deputy Hoyt observed returning to patrol car and grabs item from windshield before entering his patrol vehicle.

8:37:22 Wincelowicz and Rojas observed walking back through gate with Vincenzi in custody.

Sergeant Galloway conducted sworn statements with Deputy Larry Wincelowicz and Deputy Rojas who also provided statements during depositions on September 20, 2019. Deputy Wincelowicz stated to Sergeant Galloway he was out with the suicidal subject when he heard over the radio Deputy Hoyt request additional units to his location. When Deputy Wincelowicz arrived, he immediately observed an obvious struggle between Vincenzi and Deputy Hoyt. Deputy Wincelowicz attempted to place Vincenzi into custody, however, Vincenzi continued resistance. Deputy Wincelowicz stated during the struggle, Vincenzi placed his hand on his holstered firearm. Deputy Hoyt drew his firearm, pointed it at Vincenzi, and instructed him to release Deputy Wincelowicz's weapon. Vincenzi complied, however, he continued to resist by pulling his hands away and trying to get away from deputies. *These actions were supported by the video surveillance reviewed by Sergeant Galloway.*

Deputy Wincelowicz stated due to Vincenzi's continued resistance, Vincenzi was tasered multiple times. Vincenzi continued to "rip" the taser wires each time and still refused their orders to stop resisting.

Deputy Wincelowicz stated he sprayed Vincenzi with OC two times when Vincenzi ran away from the deputies. Deputy Hoyt was contaminated during the process. After being sprayed, Vincenzi continued to run and attempted to enter one of the rooms on the property. Deputy Wincelowicz stated Deputy Rojas arrived and tasered Vincenzi who was then taken into custody. During a search of Vincenzi's clothing, a "stun gun" and "mace" were located in Vincenzi's pockets. Deputy Wincelowicz stated he retrieved those items and placed them on the hood of Deputy Hoyt's patrol vehicle.

Deputy Wincelowicz stated he did not know the circumstances as to why the struggle began between Deputy Hoyt and Vincenzi. Deputy Wincelowicz observed the physical struggle and his primary concern was to assist Deputy Hoyt in placing Vincenzi into custody.

During Deputy Michael Rojas statement with Sergeant Galloway, he stated he did not know the details prior to the arrest. Deputy Rojas responded to the scene where he observed Deputies Hoyt and Wincelowicz attempting to take Vincenzi into custody as Vincenzi was fleeing from the deputies. Deputy Rojas deployed his taser, striking Vincenzi. Deputy Rojas recalled a "stun gun" located on Vincenzi's person and stated he provided it to Deputy Hoyt.

Both Deputies Wincelowicz and Rojas were questioned by Sergeant Galloway if either had deleted any video footage on Vincenzi's cell phone. Both stated they did not nor witness anyone do so.

Vincenzi's home surveillance videos revealed he was tasered approximately four times through probe launches and one drive stun. Sergeant Galloway obtained Taser X2 data information logs, which indicated numerous warning electrical "ARC" functions were performed by both Deputy Hoyt and Deputy Wincelowicz during the struggle. Sergeant Galloway was unable to confirm if actual contact was made on Vincenzi during each "ARC" use due to Vincenzi pulling out taser wires which possibly could have prevented successful connections.

During the review of documents pertaining to the case report, Sergeant Galloway confirmed neither the “stun gun” nor the “mace” spray were turned into the evidence facility.

During Deputy Hoyt’s Internal Affairs interview with Sergeant Galloway, he stated during the first initial contact with Vincenzi at the front gate, he explained to Vincenzi that he was there looking for a suicidal subject. Vincenzi became loud and belligerent asking Deputy Hoyt why he was on his private property and yelling for him to leave. While trying to explain, Deputy Hoyt was notified via radio the suicidal subject was found. Vincenzi continued being belligerent towards Deputy Hoyt by making comments in regards to deputies continually harassing him. Deputy Hoyt and Sergeant Galloway reviewed the videos as Deputy Hoyt provided details to the best of his recollection.

During his explanation of the arrest, Deputy Hoyt stated to Sergeant Galloway that he made the decision to arrest Vincenzi for obstruction since he felt Vincenzi prevented him from leaving to assist the other deputies with the suicidal subject. Sergeant Galloway asked Deputy Hoyt how Vincenzi was preventing him from leaving. Deputy Hoyt stated because he did not want to “hit him” with his patrol car. Deputy Hoyt also stated that by Vincenzi speaking aggressively, it caused a distraction as he tried to back up his patrol car not allowing Deputy Hoyt to focus on traffic. After reviewing the video with Deputy Hoyt, Sergeant Galloway asked him, if he still believed Vincenzi was blocking his path of travel. Deputy Hoyt agreed Vincenzi was not in “his way” nor blocking him and preventing him from leaving. Deputy Hoyt agreed he had the opportunity to leave after he was told the suicidal subject was found. Deputy Hoyt stated he should have left and “ignored” Vincenzi. Deputy Hoyt also stated he chose not to leave because he did not know what Vincenzi had in his pockets and did not want to get “shot from behind” as he pulled out of the driveway. Deputy Hoyt also stated that at no time did Vincenzi make any verbal or physical threats towards him. Sergeant Galloway attempted to clarify Deputy Hoyt’s response and asked him to explain the justification to remain on the premise after the suicidal subject was located. Deputy Hoyt stated because Vincenzi “was yelling, screaming,” and that Vincenzi “flat out told me he hates law enforcement.”

When questioned as to why he would use the verbiage of **“aggressively charging,” “clenched fists” “jogging” or “digging in his pockets”** in his booking report, Deputy Hoyt stated it was a mistake on his part and wished he would have “explained the actions better” and should have used “angry walk” instead. Deputy Hoyt stated the affects from the OC spray, coupled with the need to get back on duty to answer calls, caused him to complete the booking sheet rather rapidly. Sergeant Galloway questioned if it was a mistake, why not use the opportunity during his deposition to clarify the verbiage. Deputy Hoyt explained that while on his way to the deposition on September 20, 2019, he was involved in a minor traffic accident. Deputy Hoyt stated during the deposition, he was not “one hundred percent clear minded” and was “dazed” from the accident. Deputy Hoyt understood he had the option to reschedule the deposition but made the decision to continue. Sergeant Galloway questioned Deputy Hoyt again if Vincenzi ever made direct verbal or physical threats towards him. Deputy Hoyt stated he recalled Vincenzi mention “something about a hitman” which at the time, he took as a verbal threat. Deputy Hoyt could not independently recall what exactly was said by Vincenzi. Sergeant Galloway asked Deputy Hoyt as to why he would attempt to provide Vincenzi with a pen and a notepad since he felt he was verbally threatened. Deputy Hoyt stated it is something he normally does when asking subjects

that he encounters for their information. Deputy Hoyt stated he understands it is not the best practice, but does this so he does not misspell names.

Deputy Hoyt stated he should have prepared for the deposition and fully understood the importance of being truthful and accurate on official reports. Deputy Hoyt agreed that the actions depicted in the videos in comparison to the actions described in his Booking Affidavit, his Deposition, and the RTR Report, are completely different.

Sergeant Galloway asked Deputy Hoyt as to why Vincenzi's "stun gun" or "mace" spray were not turned over to the evidence facility. Deputy Hoyt could not account for the whereabouts of the items but recalled "picking something up that was black" from the ground and placed it into a property bag. Deputy Hoyt stated he was unsure of what he had picked up since he was still feeling the affects from the OC spray. Deputy Hoyt stated he believed the "black" item may have been the stun gun and recalled placing it on the hood of "someone's patrol vehicle." Deputy Hoyt did not recall the "mace" given to him. However, Deputy Hoyt agreed the items were his responsibility and should have been accounted for.

Sergeant Galloway asked Deputy Hoyt if he deleted any footage from Vincenzi's cell phone. Deputy Hoyt stated "no." Deputy Hoyt stated he grabbed the Vincenzi's cell phone from his patrol car windshield, entered his patrol vehicle, and placed it in a property bag. Deputy Hoyt stated at no time did he look through the contents of the phone.

Sergeant Galloway asked Deputy Hoyt if he was aware the attorney had copies of the videos from Vincenzi's home surveillance during the time of his deposition. Deputy Hoyt stated he did not.

When asked if Deputy Hoyt felt he violated policy of Job Knowledge. Deputy Hoyt stated "yes" as he "made a mistake" when writing his report.

When asked if Deputy Hoyt felt he violated policy of Untruthfulness. Deputy Hoyt stated "it looked like that, yes, to my knowledge of what happened at the time and how I perceived those events that occurred, to me, that's just what I saw at the time, now looking back at it I guess not all of that stuff was a hundred percent accurate."

Official Record:

1. Preliminary IA report IA2019-020
2. Employee Database Printout of Deputy Brian Hoyt #18-123
3. Notification of Admin Leave with Pay signed by Deputy Hoyt #18-123
4. Notification of Investigation signed by Deputy Hoyt #18-123
5. Florida's Officer Bill of Rights signed by Deputy Hoyt #18-123
6. Right to Representation signed by Deputy Hoyt #18-123
7. Administrative Proceeding Rights-signed by Deputy Hoyt #18-123
8. Evidence Review Form-signed by Deputy Hoyt #18-123
9. 45-Day letter Notice to Chief Executive John Holloway
10. LCSO Chapter 52 signed by Deputy Hoyt #18-123
11. Admin Leave Property Checklist for Deputy Hoyt #18-123

12. TO/FROM completed by Lieutenant Trusal #93-057
13. LCSO Policy Chapter 26 Job Knowledge and Performance *General Proficiency 26.1.2.5 (26.3.2)*
14. LCSO Policy Chapter 26 Improper Conduct *Untruthfulness in Proceedings or Reports 26.1.2.4.61*
15. LCSO Policy Chapter 26 Improper Conduct (*Processing Property and Evidence 26.1.2.4.46*)
16. FSS 843.01 Resisting with Violence/FSS 843.0855(4) Hindering a public officer of official duties
17. Spillman Case Report for 19-275353
18. 20th Judicial Circuit disposition of Nolle Prosequi for both charges
19. 19-275353 Booking Report completed by Deputy Hoyt #18-123
20. Transcribed statement for Deposition taken on 09/20/19-Deputy Hoyt #18-123
21. Transcribed statement for Deposition taken on 09/20/19-Deputy Larry Wincelowicz
22. Transcribed statement for Deposition taken on 09/20/19-Deputy Michael Rojas
23. 19-275329 Disturbance Radio Log
24. 19-275353 Suspicious (Deputy Hoyt) Radio Log
25. Response to Resistance Report LE RTR2019-098
26. Email from Special Prosecutions Chief Anthony Kunasek
27. Correspondence from Theophilopoulos Law Firm
28. Deputy Hoyt Taser Data Download X2 X290087A0
29. Deputy Wincelowicz Taser Data Download X2 X29006AYM
30. Deputy Rojas Taser Data Download X2 X29006C5F
31. Enzo Vincenzi LCSO Local Intranet information
32. LCSO Jail booking-questionnaire
33. Sworn written statement completed by Deputy Wincelowicz
34. Sworn written statement completed by Deputy Rojas
35. Audio-19-275329 Admin Call
36. Audio-19-275329 Radio Traffic
37. Audio recording of Deputy Hoyt Internal Affairs Notification
38. Transcribed statement of Deputy Brian Hoyt #18-123
39. Transcribed statement of Lieutenant Jeffrey Trusal
40. Transcribed statement of Sergeant Tarsia
41. Transcribed statement of Sergeant Paulette Ehlers
42. Transcribed statement of Lieutenant Jeffrey Trusal
43. Transcribed statement of Deputy Larry Wincelowicz
44. Transcribed statement of Deputy Michael Rojas
45. Transcribed statement of Detective Mitchell Dougherty
46. Transcribed statement of Deputy Vincent Gizzi
47. Transcribed statement of Deputy Zachary Wilson
48. Transcribed statement of Deputy Kayla Campisi
49. Transcribed statement of Enzo Vincenzi
50. Digital sworn statement of Lieutenant Jeffrey Trusal
51. Digital sworn statement of Sergeant Jason Tarsia
52. Digital sworn statement of Sergeant Paulette Ehlers

53. Digital sworn statement of Deputy Larry Wincelowicz
54. Digital sworn statement of Deputy Michael Rojas
55. Digital sworn statement of Detective Mitchell Dougherty
56. Digital sworn statement of Deputy Vincent Gizzi
57. Digital sworn statement of Deputy Zachary Wilson
58. Digital sworn statement of Deputy Kayla Campisi
59. Digital sworn statement of Enzo Vincenzi
60. Digital sworn Internal Affairs statement of Deputy Brian Hoyt #18-123

Conclusion:

Once Deputy Hoyt was notified the suicidal subject was located by other deputies, he was no longer justified to remain on Vincenzi's property. Although Vincenzi was belligerent and verbally abusive, Vincenzi did not request for Deputy Hoyt to remain on scene for further discussion nor make any threats of violence. As observed in the video, Deputy Hoyt had the opportunity to leave since Vincenzi was not blocking Deputy Hoyt's path of travel. At one point, Deputy Hoyt is observed backing out of Vincenzi's property as if he was leaving. Deputy Hoyt made the decision to stay as he continued the encounter with Vincenzi that led to the arrest for Obstruction with Violence and Hindering an Official during their Official Duties. Deputy Hoyt completed his Official Duties once he became aware the suicidal subject was located. During Deputy Hoyt's interview, the answers he provided indicated his lack of understanding of the basic elements of a common investigative procedure. Sheriff's Office members are required to maintain job knowledge, and skills required for the performance of official duties. Sheriff's Office members shall maintain and demonstrate their knowledge of the law and criminal procedure. Therefore, the allegation of **Job Knowledge and Performance:** (*General Proficiency 26.1.2.5.1*) is **Substantiated.**

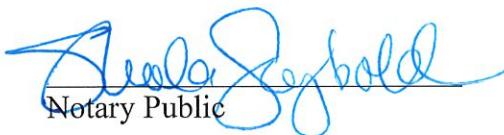
Deputy Hoyt described Vincenzi's actions as he approached him as "*aggressively charging*" "*aggressively running*" "*charging at me with closed fists*" and "*reaching/digging into his pockets.*" After a review of the video, Vincenzi did not carry out any of those actions. In fact, Deputy Hoyt remained inside his patrol car and had a conversation for approximately seventeen seconds with Vincenzi who was standing near the driver's side headlight. As Deputy Hoyt exited his patrol vehicle, he did not display a sense of urgency or defensive posturing dispelling any imminent fear. Deputy Hoyt attempted to provide Vincenzi a notebook and a pen which would not be a typical gesture to someone who is being actively aggressive. During Deputy Hoyt's interview with Sergeant Galloway, Deputy Hoyt stated Vincenzi did not verbally or physically threaten him.

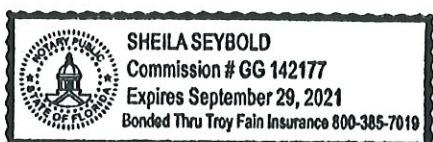
Due to the inaccurate information provided by Deputy Hoyt, the Booking Affidavit, the Response to Resistance Report, as well the Deposition, there is a clear misrepresentation of the facts that actually occurred. During his statement, Deputy Hoyt agreed Vincenzi did not display those actions as he described. No Sheriff's Office members shall make a false official report or any deceptive, inaccurate, false or improper information, or misrepresentation of facts. Therefore, the allegation of **Improper Conduct:** (*Untruthfulness in Proceedings or Reports 26.1.2.4.61*) is **Substantiated.**

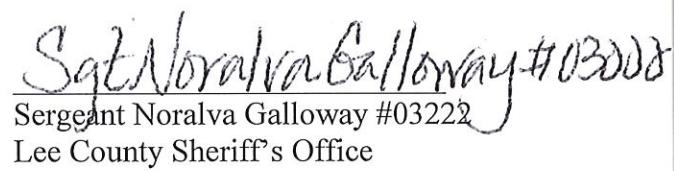
In Deputy Wincelowicz's statement, he stated he provided a "stun gun" and "mace" located on Vincenzi to Deputy Hoyt. Deputy Rojas also stated the "stun gun" was provided to Deputy Hoyt. Although Deputy Hoyt only recalled the "stun gun" from the items found on Vincenzi's person, Deputy Hoyt failed to submit the "stun gun" into the evidence facility. Deputy Hoyt could not account for the items and acknowledged it was his responsibility since it was his investigation. No member shall withhold any property or evidence held in connection with an investigation or other official action. Therefore, the allegation of **Improper Conduct: (Processing Property and Evidence 26.1.2.4.46)** is **Substantiated**.

I, Sergeant Noralva Galloway do hereby swear, under penalty of perjury, that to the best of my personal knowledge, information, and belief, I have not knowingly or willfully deprived, or allowed another to deprive, the subject of the investigation of any of the rights contained in ss.112.532 and 112.533, Florida Statues.

Sworn to and subscribed before me
this 2nd day of January, 2020


Notary Public




Sgt Noralva Galloway #03222
Sergeant Noralva Galloway #03222
Lee County Sheriff's Office