

IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL
CIRCUIT, IN AND FOR BROWARD COUNTY, FLORIDA.

STATE OF FLORIDA, :
Plaintiff, :
Vs. : AFFIDAVIT TO ARREST
Wilfredo Garcia Jr. :
Defendant, :

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BEFORE ME, Honorable Judge Elizabeth Scherer of the Circuit Court in and for Broward County, Detective Michael McBride and Detective Justin Lang of the Hollywood Police Department, who after being duly sworn, deposes and says that on the 16th day of January, A.D. 2017, in the County and State aforesaid, one Wilfredo Garcia Jr. did then and there unlawfully:

- Personally appeared before this court, and after being first duly sworn, deposes and say:
- Electronically submitted an application for an arrest warrant bearing the affiant's signature supported by oath or affirmation in compliance with F.S.S. 933.07: in which the affiant deposes and says:

On Monday, January 16th, 2017 at approximately 1720 hours, a large group of motorcycle, ATV and dirt bike riders, participating in the "Bikes Up Guns Down" movement was observed travelling into the City of Hollywood from the area of Pembroke Road and South State Road 7. At the location of State Road 7, between Hollywood Boulevard and Pembroke Road, which is located within the jurisdictional limits of the City of Hollywood, Broward County Florida, the above named defendant did commit the violation of reckless driving to wit: operated an off road all- terrain vehicle on State road 7, a paved state roadway, northbound, from the vicinity of Washington St., speeding at approximately 50 mph in a posted 35 mph area. At approximately the 300 block of South state Road 7, The defendant made an unsafe / improper lane change by making a U-turn, through construction barriers, into oncoming southbound traffic, causing southbound motorists to brake to avoid collision. This driving pattern was done with a willful and wanton disregard for the safety of the motoring public, in violation of Florida State statutes. Upon a City of Hollywood fully marked Police car, operated by Sergeant Justin Schweighardt # 3182, attempting to conduct a traffic stop for the aforementioned criminal violation, the defendant committed the violation of fleeing and eluding to wit: accelerated the all- terrain vehicle, failing to stop for the police cars, that were fully marked with agency insignia and had their emergency red/blue lights and siren in continuous operation, and took evasive maneuvers by making a sudden, abrupt, improper, unsafe U-turn, with the intent to avoid being stopped,

detained, and arrested. The defendant continued to flee past the vicinity of 1200 South State Road 7.

Sergeant Schweighardt observed the defendant using a hand held cellular telephone, in a manner conducive with video recording the incident, as it was taking place. Sergeant Schweighardt terminated pursuit of the defendant when a separate motorcyclist, also fleeing the police, was apprehended at the intersection of south State Road 7 and Rodman St.

Due to the defendant apparently video recording the incident and being with a group believed to be part of the "Bikes Up Guns Down" movement, Sergeant Schweighardt began viewing video postings under the hash tag (#bikesupgunsdown). Sergeant Schweighardt located a video on the social media site Instagram, under the username "banshee_will"

(https://www.instagram.com/p/BPV2c8QA0AJ/?taken-by=banshee_will&hl=en) The video depicts the defendant operating an all-terrain vehicle (ATV) on State Road 7. While viewing the aforesaid video Sergeant Schweighardt observed his issued, marked Hollywood Police vehicle (Chevy Tahoe) with its emergency red and blue lights activated and the siren in continuous use, directly behind the defendant attempting to stop the all-terrain vehicle. The defendant continues to flee and elude the marked Police car until Sergeant Schweighardt's police vehicle can be seen turning off the roadway. The defendant continues to flee and elude police while a Broward Sheriff's Office marked police vehicle continues to attempt to stop the defendant. The video then ends.

The above listed video and uniform resource locator (URL) were provided to Detective Justin Lang # 3257, for further investigation. Detective Lang viewed Instagram postings, which are publicly available, under username "banshee_will" and observed several images depicting the same person fleeing from sergeant Schweighardt. One posting depicted a motorcycle with a Pennsylvania license plate of "RUB1A" affixed to it (https://www.instagram.com/p/BLJ_Cazg7Fq/?taken-by=banshee_will&hl=en). Detective Lang conducted an NCIC query via OSSI which listed the registered owner as Wilfredo Garcia Jr. with an address of 418 S. Bradford St. Allentown PA 18109. Detective Lang then inputted the aforementioned information into the CLEAR database which revealed a date of birth of 11/08/1989 and a social security number of [redacted] attached to the name of Wilfredo Garcia Jr. Detective Lang conducted a query through the OSSI database for the name Wilfredo Garcia Jr., dob: 11/08/1989 for the State of Pennsylvania. OSSI records revealed a Pennsylvania driver's license with a photograph of the same person recorded on the aforementioned video, fleeing from the police.

A photograph of Wilfredo Garcia Jr., dob: 11/08/1989 was also obtained through The State of Pennsylvania Justice Network (JNET) which listed a photograph of the defendant from a previous arrest. The photograph is the same person observed in the Instagram video fleeing from Sergeant Schweighardt.

A photo lineup was assembled consisting of six separate photographs, one of which was Wilfredo Garcia Jr. On Wednesday January 18th, 2017, at approximately 6:00 p.m., Detective Jon Cooke # 2642, who had no knowledge of, or involvement in this investigation, administered a photo lineup to Sergeant Schweighardt, outside the presence of Detective Justin Lang and Detective Michael McBride. Sergeant Schweighardt positively identified the photograph of



Wilfredo Garcia Jr. as the same defendant who operated the aforementioned all- terrain vehicle and fled from him on Monday January 16th, 2017.

Based on the positive identification from the photo lineup, coupled with sergeant Soweighardt's sworn police report, and video recorded evidence of the crime in progress obtained through publicly available source of Instagram, probable cause exists for the arrest of Wilfredo Garcia Jr. dob: 11/08/1989, Social Security _____, for the violation of reckless driving and the violation of fleeing and eluding police.

Video of the incident, posted on Instagram, has been preserved. A copy of the video will be recorded onto a CD and will be placed into City of Hollywood Police property for evidentiary purposes.

Sergeant Schweighardt completed Florida uniform traffic citation # A1KN3YP for the violation of reckless driving and uniform traffic citation # A1KN3ZP for the violation of fleeing and eluding police. The Florida uniform traffic citations will be placed into Hollywood records division for prosecution purposes.

The offense(s) set forth in the foregoing Affidavit are contrary to the statutes in such case made and provided, and against the peace and dignity of the State of Florida.

Det. Michael McBride #2120
DETECTIVE MICHAEL MCBRIDE #2120
Hollywood Police Department

Det. Justin Lang #3257
DETECTIVE JUSTIN LANG #3257
Hollywood Police Department

SWORN AND SUBSCRIBED before me by Detective Michael McBride #2120 and Detective Justin Lang #3257, who are personally known to me or produced proper identification, and upon being duly placed under oath by me, a person authorized by law to administer oaths, does declare and attest that the Probable Cause recited herein is true and correct, and has subscribed his or her signature above, this 18th day of January 2017.

Det. Jon Cooke #2642
DETECTIVE JON COOKE #2642
Hollywood Police Department

RECEIVED AND ACKNOWLEDGED this 18 day of January, 20 17.

Elizabeth Scherer
Signed electronically
HONORABLE Judge Elizabeth Scherer
Judge of the 17th Judicial Circuit