



***BROWARD COUNTY PBA
DAILY CLIPS***

August 31, 2017

MEDIA OUTLET: Sun Sentinel

HEADLINE: Deputy wins appeal in 'stand your ground' shooting of Jermaine McBean

BYLINE: Rafael Olmeda

LINK: <http://www.sun-sentinel.com/local/broward/fl-sb-pereza-stand-your-ground-appeal-win-20170830-story.html>

STORY: Broward Sheriff's Deputy Peter Peraza cannot be prosecuted for the July 2013 shooting death of Jermaine McBean in Oakland Park, an appeals court affirmed Wednesday.

The ruling from the Fourth District Court of Appeal determines that police officers are entitled to same immunity under the state's "stand your ground" law as private citizens, despite an earlier ruling from another appeals court that reached the opposite conclusion.

The legal conflict will have to be resolved by the Florida Supreme Court, and Peraza's lawyer said he's anticipating a showdown in Tallahassee.

Broward State Attorney's Office spokesman Ron Ishoy agreed, saying the inconsistency between the current and former appeals court decisions must be settled by the Florida Supreme Court.

Appeals court asked to overturn 'stand your ground' ruling in fatal shooting by Broward deputy Peraza had been charged with manslaughter in the July 31, 2013, shooting of McBean, 33, a computer engineer who was walking home in his Oakland Park neighborhood after having just purchased a realistic looking air rifle at a nearby pawn shop. Peraza was one of several deputies who responded to reports of an armed man walking through the neighborhood, and the only one to open fire when McBean failed to follow orders to put the weapon down.

Peraza testified that he only pulled the trigger when McBean appeared to begin raising the weapon as if to fire it. Family members said McBean likely did not hear the deputies' orders because he was listening to music through a pair of earbuds at the time.

The shooting did not attract the same level of national attention as other incidents that gave rise to the "Black Lives Matter" movement, but it did result in Peraza's indictment on the manslaughter charge. Before that, no on-duty officer had been charged in a homicide case in Broward County in 35 years.

Locally, Black Lives Matter activists rallied around McBean's family, calling the shooting an unjustified use of lethal force.

McBean family lawyer David Schoen called Wednesday's ruling a travesty, adding his belief that Broward Circuit Judge Michael Usan was wrong on the facts and the law when he originally dismissed the case.

"Peraza would be convicted on the evidence," Schoen said. "The McBean family is heartbroken. I can't say this it's unexpected. They saw what happened with the original decision and they lost all faith in the justice system."

Schoen expressed hope that the Supreme Court would let a jury decide whether the shooting of McBean was justified.

“There are strong feelings on both sides of this — members of our community and law enforcement, the men and women who don the uniform,” said defense lawyer Eric Schwartzreich, who represents Peraza on behalf of the Broward County Police Benevolent Association.

“At the end of the day, a law enforcement officer needs to be able to do his job,” he said. “He’s entitled to use the ‘stand your ground’ defense just like anyone else in our criminal justice system. That’s what this case is about.”

Five years ago in Southwest Florida, the Second District Court of Appeal ruled that Haines City Police Officer Juan Caamano was not entitled to the stand your ground law’s protection from prosecution because other laws that deal specifically with the conduct of on-duty law enforcement officers while making arrests should take precedence.

The Broward State Attorney’s Office failed to convince Usan to apply the Caamano ruling to the Peraza case in 2016. Usan decided that stand your ground should apply to law enforcement officers as well as civilians.

Attorneys argued their positions in front of the Fourth District Court of Appeal in June.

Wednesday’s ruling in Peraza’s favor acknowledged the conflict with the Second District’s 2012 decision and asked the Supreme Court to settle the question of whether an on-duty officer making an arrest is entitled to immunity under the stand your ground law.

Peraza has been working for the Broward Sheriff’s Office in an administrative role during the appeals process. Schwartzreich said he will be asking to get back to his previous assignment — on patrol and in uniform — now that the appeals court has ruled.

But, Schwartzreich said, the case has not reached its conclusion.

“We want this nightmare to be over for Deputy Peraza,” he said. “It’s far from over, but I think we’re going to prevail.”

MEDIA OUTLET: Sun Sentinel

HEADLINE: Another Florida Highway Patrol official disciplined as ticket quota probe ends

BYLINE: Associated Press

LINK: <http://www.sun-sentinel.com/news/florida/fl-reg-third-fhp-suspension-20170830-story.html>

STORY: The Florida Highway Patrol is suspending a top official for three days as part of its review into whether troopers were ordered to meet traffic ticket quotas.

Department of Highway Safety and Motor Vehicles spokeswoman Beth Frady said Wednesday that the department has now completed its investigation and that no more moves are expected.

Chief Mark Brown will be suspended for three days from his job. Two other high-ranking officials this month resigned in the wake of the probe that was sparked by a newspaper reporting on an internal email that said troopers weren't writing enough tickets.

Frady says that the department has reviewed correspondence from command staff as part of its review. The department is going to do annual training to remind troopers that quotas aren't allowed.

MEDIA OUTLET: Sun Sentinel

HEADLINE: Congresswoman: Airport employees had little training what to do in shooting incident

BYLINE: Larry Barszewski

LINK: <http://www.sun-sentinel.com/news/fort-lauderdale-hollywood-airport-shooting/fl-reg-airport-security-wasserman-meeting-20170829-story.html>

STORY: If another active shooter launches an attack at the Fort Lauderdale airport, U.S. Rep. Debbie Wasserman Schultz wants TSA officers and other airport workers ready to do more to protect themselves and others than just run and hide.

They're going to need better training, she said following a meeting she held Wednesday with airport and law enforcement officials at her Sunrise office. The group reviewed a report that evaluated how agencies, workers and officials responded to the Jan. 6 shootings at Fort Lauderdale-Hollywood International Airport.

After that review, Wasserman Schultz said it seemed clear the unarmed Transportation Security Administration officers need training other than the recommended "run-fight -hide." That policy teaches the TSA officers to run first, hide second and fight the attacker as a last alternative.

"The traveling public has a different expectation of what airport employees, whether they're airline employees or security employees, are going to be doing and what's expected of them," Wasserman Schultz said. "Frankly, run-hide-fight is, in my mind, not the best way to ensure that we keep people the most safe and that we're able to protect and get to safety the most individuals in a well-coordinated and organized way."

The review reaffirmed a Sun Sentinel investigation published in April. The Sheriff's Office in June released a draft evaluation of its own response, also echoing the Sun Sentinel's findings.

Participants in the roundtable discussion on the airport shootings — the third held locally by Wasserman Schultz — included Broward Vice Mayor Beam Furr, Airport Director Mark Gale, Broward Sheriff's Major Angelo Ceden, Broward Emergency Management Director Miguel Ascarrunz, FBI assistant special agent in charge Xanthie Mangum and Helene O'Brien of the SEIU labor union that represents about 2,000 airport workers.

The participants agreed more training is needed. O'Brien, who represents the airport's passenger service workers, said those mostly low-wage employees need paid training that is consistent and done on a regular basis.

"The biggest concern our workers had on that day, they're say wheelchair pushers, and they see the shooter and they have people in their wheelchair. What do they do?" O'Brien said.

Some workers were hiding those wheelchair passengers "in a closet and running," she said. "Other folks were out on the tarmac on that day with passengers. And everyone was coming to them asking what to do. They had badges, they had uniforms and they had no idea what to tell people."

Wasserman Schultz said she also is working with a House colleague reviewing transportation of firearms in checked baggage policies to see if procedures need to be modified. She also said another thing to look at is the possibility of creating a grant program to generate more security resources for airports.

The suspected lone gunman, Esteban Santiago, was taken into custody within minutes of opening fire. He had flown to the airport with a gun he checked in a hard-sided case. He's accused of retrieving the weapon after landing and taking it into a bathroom where investigators say he loaded it. Santiago, accused of killing five people and wounding six, was taken into custody almost immediately. Unsubstantiated reports of gunfire in other terminals followed the shootings, which led to a complete airport shutdown.

The 82-page county report said airport officials weren't prepared to handle a mass crisis and clashed with law enforcement, while many workers didn't know what to do. It said the Broward Sheriff's Office overstepped its authority by taking control of duties that should have been left to airport officials. Also faulted: the airport's "inadequate" plans to care for and efficiently evacuate passengers in an emergency.

A draft version of the Sheriff's Office's own review of the airport shootings, obtained by the Sun Sentinel in June, said the agency had failed to set up an effective command system, leading to a cascade of mistakes after the mass shooting.

MEDIA OUTLET: Broward Beat

HEADLINE: Broward Politics: Campaign Operative Allowed To Determine Dates of City Election

BYLINE: Buddy Nevins

LINK: <https://www.browardbeat.com/broward-politics-campaign-operative-allowed-to-determine-dates-of-city-election/>

STORY: Anyone who still doesn't believe that Fort Lauderdale City Hall is a shill for insiders should consider this: A campaign strategist for one of the candidates on the ballot will have a key role in determining the dates of the next city election.

Judy Stern, a well-known lobbyist and campaign advisor for Commissioner Bruce Robert's campaign for mayor, has been appointed to recommend what dates in February and March to hold the elections.

Roberts is running in those elections.

Mayor Jack Seiler said it would create an appearance of a conflict if commissioners set the dates themselves. So he suggested that Stern should help set the dates and the commission could approve her recommendation.

The mayor said Stern wouldn't do the work alone. She would be acting as chair of the city's Charter Revision Board.

But Stern is the only member of the board that frequents City Hall regularly. Stern is the one with the ear of commissioners and city staff. Stern de facto is the board, the only one making this decision.

Hmmmm.

Seiler wants to avoid a conflict. So he appoints a campaign operative for Roberts – Stern...and her board.

Stern understands elections. She surely knows if the election is held on certain dates it could benefit Roberts.

For instance, setting an election too close to the winter holidays could hamper any of Roberts's opponent by shortening the time for fund raising and campaigning. Virtually no fund raising takes place between Thanksgiving and New Years.

An incumbent commissioner with access to political insider money, Roberts has been running and collecting donations for months. The date of the elections won't matter as much to him as a challenger.

Seiler is not stupid. He has to know Stern's conflicts.

Or has he been stricken deaf, dumb and blind by his years cloistered in City Hall conference rooms with a small cluster of insiders.

Here is a revolutionary concept:

Instead of appointing a lobbyist who doubles as a campaign operative, city staff should have handled recommending a date for the next election. That's what they get paid to do.

Stern should not be contacting private attorneys on the behalf of the city on this issue, something she has already done. Isn't there a City Attorney?

The appointment of Stern and her charter board to recommend scheduling an election is bad optics. It looks wrong.

Stern's appointment surely is not against the law. But like so much in Fort Lauderdale city Hall, it doesn't pass the smell test.

MEDIA OUTLET: Miami Herald

HEADLINE: Need a bulletproof T-shirt with style? This Colombian company has you covered in Miami

BYLINE: Jim Wyss

LINK: <http://www.miamiherald.com/news/nation-world/world/americas/colombia/article170345577.html>

STORY: BOGOTA, COLOMBIA - Miguel Caballero aimed his .38 caliber pistol, took a deep breath, and shot his wife — as gently as possible.

He wasn't happy about shooting the mother of his children for second time in nine years. But when you're a purveyor of high-fashion bulletproof clothing trying to break into the biggest market in the hemisphere — the United States — you have to take a few risks.

Caballero's clothing line is based in Colombia, marketed under the name MC Armor in the U.S. and newly available in Miami. It's both stylish and effective enough to stop a bullet. But it's Caballero's showmanship — the 49-year-old has shot more than 230 volunteers to prove how effective his clothing is — that has made him something of a CEO celebrity in Latin America.

Three months ago, the 25-year-old company set up a distribution center in Miami to provide its bulletproof sports coats, safari jackets and t-shirts to the United States. And heading that project is Carolina Ballesteros, Caballero's wife — and target.

"I swore to myself I would never do that again," Caballero said, after he had pumped a shot at her stomach to make a promotional video for social media. "But she's trying to open up the American market and I'm helping her in every way I can."

After the smoke had cleared, Caballero dug the bullet out from vest's multiple layers. As always, it had mushroomed into a harmless lead curio.

Caballero's clothing line is being sold in gun shops — 10 in Florida and others in Texas and California.

The company's flagship product is a patented lightweight and flexible bulletproof tank top that can be worn discreetly under regular clothes. The shirt comes with different levels of protection, but the most basic model weighs about 2.4 pounds and is rated to stop .38-caliber, .22-caliber and 9-millimeter bullets. It has a starting price of \$495.

Like all ballistic vests, the item loses its warranty once it has been put to the test, but anybody unlucky enough to have that problem gets a free replacement and inclusion in Miguel Caballero's "survivors club."

Ballesteros, who's splitting her time between Colombia and the United States, said she's been impressed at how receptive U.S. buyers have been.

"We've been selling at gun stores, to Uber drivers, to doctors, lawyers, professors," she said. "People have been very interested in the product."

Josh Anderson is the manager of Miami's Johnson Firearms, which carries MC Armor. The tank-tops, in particular, have been popular.

"The beautiful thing is that it's appealing to higher-end clientele. It's something that will give them protection but not look like they're wearing a vest," he said. "You can walk around Wynwood at night and not worry about somebody popping you."

When Caballero started the enterprise in the 1990s, Colombia was one of the most murderous countries in the hemisphere, and almost everyone seemed to be a potential target. It forced him to make some grim innovations: he produced bulletproof Bible covers for threatened priests, armored backpacks for school children, and once, as a special order, he made a bulletproof kimono.

But as Colombia has grown safer, Caballero has been forced to look abroad. With sales of \$25 million last year, about 76 percent of his merchandise is exported.

"If we had to depend on Colombia for business, we would have gone broke a while ago," Caballero said.

Now, violence-plagued Mexico and Central America are his top markets, but he also has distributors throughout Africa and the Middle East. The company recently opened two stores in Iraq.

Caballero's 4,500-square-foot factory on the outskirts of Bogotá employs 470 people who churn out the reinforced fashion wear, along with more standard flak jackets and protective gear for the armed forces, including visors, riot gear and heavily armored mine-clearing outfits.

The U.S. market could be a game changer for the company. Home to anywhere from 270 million to 310 million guns and more than 6,100 gun stores, the United States is a mecca for anyone selling weapon accessories or ballistic products.

Coming from Latin America, where weapon sales tend to be tightly restricted, Ballesteros said she's been impressed that gun shopping is a family affair in the United States.

"There are more than 5,000 gun shows every year — they're like flea markets — and you see young kids carrying rifles and people pushing shopping carts full of guns," she said.

Caballero said he expects the United States eventually will be the company's largest market. And he plans to keep innovating to keep up with changing tastes. On a recent weekday, he and some of his designers were toying with the idea of making a bullet-proof strap, much like a weight belt, that can be worn with standard vests to provide more protection around the waist and sides.

As part of his marketing strategy, Caballero has shot hundreds of people — journalists, his lawyer, most of his employees, potential clients — to prove how effective his vests are. He recently shot street magician David Blaine during one of his live stage shows. He's hoping his harmless execution routine (it's performed with a slightly thicker vest so there's no bruising or welts) will eventually get him into Guinness Book of World Records.

What he won't do again is shoot his wife. Visibly rattled after unloading his .38 into her stomach, he walked off his nerves.

“Now I know why doctors should never operate on their own family members,” he said.

MEDIA OUTLET: Miami Herald

HEADLINE: Ticket quota controversy costs FHP's second in command his job

BYLINE: Steve Bousquet

LINK: <http://www.miamiherald.com/news/local/community/miami-dade/article170020787.html>

STORY: TALLAHASSEE - A growing controversy over illegal ticket quotas at the Florida Highway Patrol has cost a second high-ranking trooper his job — this time the agency's No. 2 official.

Lt. Col. Mike Thomas, the FHP's deputy director, took early retirement as of Friday (Sept. 1) and accepted responsibility for an internal email that encouraged troopers to write at least two tickets an hour, even though quotas are forbidden by law.

"This was a grave error on my behalf," Thomas said in a letter of retirement dated Monday and released Tuesday. "I made this mistake and take responsibility for my actions. This error has negatively impacted the patrol's image, which was never the intent, but I feel it is in the best interest of the patrol that I retire."

Thomas added that he felt it was detrimental to describe "goal setting, or the setting of expectations, as a quota."

What led to the abrupt end of a three-decade career was Thomas' one-paragraph email on May 31 in which he told six high-ranking colleagues "to encourage our members to maintain our 2.0 citations per hour ratio as we attempt to provide a safer driving environment for Floridians."

One recipient of that email was Thomas' boss, Col. Gene Spaulding, director of the patrol.

A spokeswoman for Spaulding, Beth Frady, said she could not comment on why Spaulding didn't act on the email when he received it and was not sure that Spaulding had seen it.

In a statement Tuesday, Spaulding said of Thomas: "It was inappropriate to request a specific number of citations from our members."

The patrol is still reviewing to see whether other administrators gave a similar two-tickets-an-hour edict, raising the possibility that more premature retirements may be on the way.

Thomas grew up in working-class Homestead where he said a state trooper was a personal role model who joked about a "curfew" so that teenagers wouldn't be roaming the streets late at night.

After serving in the Navy, Thomas joined FHP and patrolled the busy highways of Miami-Dade and Broward counties for many years, recalling one very difficult July when he had to notify relatives of seven people who died in car crashes.

Thomas becomes the second high-ranking FHP official to lose his job and his six-figure salary in two weeks. Thomas was making \$131,000 a year.

FHP Trooper Carlos Rosario speaks with the media after being discharged from the hospital on May 19, 2017. Rosario was struck on the Dolphin Expressway by a distracted driver while on duty.

A veteran FHP major under Thomas' command, Mark Welch, saw his 35-year career abruptly end two weeks ago after the Herald/Times reported that he sent a July 28 email to dozens of troopers in an eight-county region that officers said was a mandate for quotas, which are illegal under state law.

"The patrol wants to see two citations each hour," Welch wrote to troopers who work on an overtime detail known as SOAR, or Statewide Overtime Action Response, a taxpayer-funded initiative to improve highway safety. "This is not a quota; it is what we are asking you to do to support this important initiative."

In a recent Herald/Times interview, Thomas downplayed the significance of Welch's email and called it "more of a want" than a quota.

The goal, Thomas explained, is for troopers to spend less time in their black and tan cruisers and more time talking to drivers. "Stop some people. Talk to them. Educate them," Thomas said.

The Herald/Times obtained two more internal FHP emails in which FHP supervisors in Miami-Dade congratulated troopers for meeting or exceeding goals for traffic stops and as a result were allowed to switch their days off from weekdays to more favorable weekends.

Spaulding said that was not a reward, and that troopers have never been given incentives to write tickets.

Spaulding's boss, Terry Rhodes, executive director of the Department of Highway Safety and Motor Vehicles, reiterated Tuesday: "Quotas are not legal and are not tolerated within the Florida Highway Patrol."

The idea of ticket quotas in Florida has caused an uproar with the motoring public and prompted criticism from key legislators. It also could be detrimental to Florida's image as a haven for tourists. Gov. Rick Scott has said the state is on pace to set an all-time record for out-of-state visitors in 2017.

Asked Tuesday for a response, Scott's office provided a two-sentence statement: "FHP personnel decisions are made by FHP. Gov. Scott know that Director Rhodes and Col. Spaulding are 100 percent dedicated to the safety of Floridians and visitors."

Florida had more than 3,000 traffic fatalities in 2016, the highest number for any year. Yet for the past three years, the number of traffic citations written by state troopers has steadily declined, in large part because of rampant turnover in the ranks that is attributed to a low starting salary.

Scott will ask the Legislature next session to boost the starting salary of a trooper from \$38,000 to \$42,000 a year.

MEDIA OUTLET: CBS Miami (Channel 6)

HEADLINE: 'Suspect Apprehended,' Police Nab Python Near Lincoln Road Mall

BYLINE: CBS Miami

LINK: <http://miami.cbslocal.com/2017/08/31/suspect-apprehended-police-nab-python-near-lincoln-road-mall/>

STORY: MIAMI BEACH (CBSMiami/AP) — It was Miami Beach police to the rescue after a large snake was spotted near the popular Lincoln Road pedestrian mall.

When customers leaving Exprezo noticed what turned out to be a six-foot Burmese python beneath a palm tree, they called for help.

Officer Traci Sierra, whom police Chief Daniel Oates described as an animal advocate, captured the snake. Chief Oates posted a picture of it on Twitter.

Store owner Indika Wanigarathne said she was thinking, "How big can it be?" when customers told her about a snake out front. Then she saw the python and "freaked out."

Wanigarathne called Sierra a hero adding, "Trust me," she said, "I wouldn't grab that thing."

Police spokesman Ernesto Rodriguez says the snake will be turned over to a wildlife refuge.

MEDIA OUTLET: FOX Miami (Channel 7)

HEADLINE: Court: no charge for deputy who shot man carrying air rifle

BYLINE: Associated Press

LINK: <http://wsvn.com/news/local/court-no-charge-for-deputy-who-shot-man-carrying-air-rifle/>

STORY: FORT LAUDERDALE, Fla. (AP) — A judge was correct to dismiss a manslaughter charge against a deputy based on Florida’s “Stand Your Ground” self-defense law after he fatally shot a black man carrying a realistic-looking air rifle, an appeals court ruled Wednesday in a case headed for state Supreme Court review.

The 4th District Court of Appeal agreed that the self-defense law granting immunity from prosecution can apply not only to private citizens, but also to law enforcement officers.

Broward Sheriff’s Deputy Peter Peraza, 39, was the first Florida law enforcement officer charged for an on-duty shooting in 30 years. He had faced 30 years in prison if convicted.

State prosecutors sought to put Peraza on trial before a jury, contending that “Stand Your Ground” should not apply to police. They argued that officers are covered by other forms of immunity regarding use of force. The “Stand Your Ground” law permits a person to respond with deadly force to threats of bodily harm or imminent death and removes a duty to retreat in the face of danger.

“There is nothing in the term ‘a person’ that is unclear or ambiguous. A law enforcement officer under any reasonable understanding of our language qualifies as ‘a person,’” the appeals judges wrote in a 15-page decision that also asked the state Supreme Court to issue a final ruling on the matter.

Peraza has been on paid leave since he was charged in December 2015. He fatally shot 33-year-old Jermaine McBean in 2013 after 911 callers reported a man carrying a rifle down a busy street. Peraza is a white Hispanic.

The rifle turned out to be an air gun and family members said McBean, who suffered from mental illness, probably did not hear commands from deputies to drop the gun because he was listening to music through earbuds. Peraza testified that he fired after McBean turned with the weapon toward deputies outside his apartment complex pool, which was crowded with children.

“We agree with the circuit court that the officer reasonably believed using deadly force was necessary to prevent imminent death or great bodily harm to himself, his sergeant, and the nearby citizens,” the appeals judges wrote.

Peraza attorney Eric Schwartzreich praised the ruling, and said its conclusions about “Stand Your Ground” could have broad impact for law enforcement across the U.S.

“This is an important case for all communities throughout this country and the men and women that choose to put on their uniforms and keep us safe,” he said.

McBean family attorney David Schoen, however, said the decision is “a travesty, a complete injustice, and puts the public at great risk.”

“All the victim’s family and the public wanted was for Peraza to stand before a jury and have a fair trial based on the evidence,” Schoen added. “That justice has been stolen from them and we all lose from this kind of injustice.”

The court noted that its decision conflicts with another Florida appellate decision about what kind of justifiable force immunity laws should apply to law enforcement officers who injure or kill suspects while on duty.

The 4th District judges asked the Florida Supreme Court to make clear whether law enforcement officers are covered by “Stand Your Ground” or another form of immunity involving use of force when making an arrest. That means the high court will likely be the final word.

“The district court has made its ruling. This is now in the hands of the Florida Supreme Court,” said Ron Ishoy, spokesman for Broward State Attorney Mike Satz.

MEDIA OUTLET: FOX Miami (Channel 7)

HEADLINE: Wasserman-Schultz holds airport security roundtable

BYLINE: FOX Miami

LINK: <http://wsvn.com/news/local/wasserman-schultz-holds-airport-security-roundtable/>

STORY: SUNRISE, FLA. (WSVN) - Officials met at a roundtable in South Florida to discuss security at U.S. airports.

Representative Debbie Wasserman-Schultz met with local, state and federal officials, Wednesday.

The goal of the roundtable is to avoid future tragedies in airports.

This is the third meeting since Esteban Santiago opened fire near the terminal 2 baggage claim at Fort Lauderdale-Hollywood International Airport, killing five people, back in January.

“We can learn from what we lived through with this incident,” said Wasserman-Schultz, “and also make sure that we can extrapolate what we learned and make sure that the policy changes that we make going forward have portability.”

The group will reconvene to review its recommendations and ensure the safety of all travelers.

MEDIA OUTLET: ABC Miami (Channel 10)

HEADLINE: Dismissal of Deputy Peter Peraza's manslaughter charge upheld by appellate court

BYLINE: Peter Burke

LINK: <https://www.local10.com/news/crime/dismissal-of-deputy-peter-perazas-manslaughter-charge-upheld-by-appellate-court>

STORY: FORT LAUDERDALE, Fla. - An appellate court has upheld the dismissal of a manslaughter charge against a suspended Broward Sheriff's Office deputy who fatally shot a black man who he said pointed an air rifle at him.

The Fourth District Court of Appeal agreed Wednesday with a circuit judge who dismissed a manslaughter charge last year against Deputy Peter Peraza under Florida's "stand your ground" self-defense law.

"This case is a victory for Deputy Peraza, law enforcement and the stand your ground law," Peraza's attorney, Eric Schwartzreich, said. "There was another case from another jurisdiction that said during the course of an arrest, an officer should not have been able to use stand your ground, they should've used the law enforcement officers statute, which is a separate statute."

Peraza was the first Florida law enforcement officer charged for an on-duty shooting in 30 years.

State prosecutors wanted to try the 39-year-old deputy before a jury, but the appellate court disagreed.

"We conclude the circuit court's findings of fact are supported by competent substantial evidence," the order said.

Peraza shot Jermaine McBean, 33, in 2013 after 911 callers reported seeing the man carrying a rifle down a busy street. Peraza is a white Hispanic.

The deputy testified last year in a "stand your ground" hearing, saying that he feared for his life when he fatally shot McBean.

"He's going to kill me," Peraza said he was thinking when he was confronted by McBean. "He's going to kill somebody."

Peraza described the events that prompted him to shoot and kill McBean in an Oakland Park apartment complex. Peraza testified that McBean turned and pointed the gun at him and his fellow deputies.

"My focus is now solely on the rifle and his hands," Peraza said. "His hands are kind of draped over the rifle."

The McBean family insists that McBean never pointed the rifle at the deputy and likely couldn't hear deputies' commands to drop the gun because he was wearing earbuds.

A witness at the scene told Local 10 News that he never saw McBean point the rifle at anyone.

Peraza would have faced up to 30 years in prison if he had been convicted of manslaughter.

Prosecutors would not comment on the ruling, but the Broward State Attorney's Office said in a statement, in part: "The Fourth District Court of Appeals ruling is inconsistent with the Second District Court of Appeals that ruled that a police officer is not entitled to claim Stand your Ground. The Fourth District Court of Appeals has referred the conflict to the Florida Supreme Court."

BSO spokeswoman Keyla Concepcion said as of Wednesday, Peraza has been placed on restricted duty pending the conclusion of internal reviews.

Prior to the ruling, Peraza was suspended with pay since July 2016.

MEDIA OUTLET: ABC Miami (Channel 10)

HEADLINE: Miami Beach police capture 6-7 foot python on Lincoln Road

BYLINE: Amanda Batchelor

LINK: <https://www.local10.com/news/miami-beach-police-capture-6-7-foot-python-on-lincoln-road>

STORY: MIAMI BEACH, Fla. - Miami Beach police officers captured a large python Wednesday afternoon on Lincoln Road.

Miami Beach police spokesman Ernesto Rodriguez said officers were called about 3 p.m. to 1300 Lincoln Road after a snake was spotted in the bushes.

Rodriguez said the snake was captured, and appears to be 6 to 7 feet long.

The python will be turned over to the AA Nature Wildlife refuge group.

Rodriguez said it's unclear from where the snake originated.

The incident comes months after the South Florida Water Management District launched its Python Elimination Program to rid the Florida Everglades of the invasive species.