



*Office of the State Attorney*  
*Twentieth Judicial Circuit, State of Florida*  
*Proudly Serving*  
*Charlotte - Collier - Glades - Hendry - Lee*

**Stephen B. Russell, State Attorney**

**The Russell Report**



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September 2013

Volume 13, Issue 9

**Police Officer Shooting Case**

Yousel Rivera was found guilty of Attempted First Degree Murder of a Law Enforcement Officer for the shooting of Cape Coral Police Officer David Wagoner. The jury took just over an hour to deliberate following the 10 day trial. State Attorney Steve Russell and Assistant State Attorney Marie Scalise handled the case.

Officer Wagoner was shot three times during a traffic stop in Cape Coral in April of 2011. One bullet hit him just below his bullet proof vest, tearing through his abdomen and coming out his lower back.

Rivera then sped off with his then girlfriend struggling for the wheel of her car, until they lost control and crashed into a home. Rivera then took off on foot and was captured after being found hiding in a trash can, naked.

The entire shooting was caught on the dash cam video of Officer Wagoner's police cruiser. The video was used during the trial. Officer David Wagoner, who luckily survived the shooting, testified at trial.

22-year-old Rivera faces a mandatory sentence of life in prison. Sentencing is scheduled for September 16<sup>th</sup>.



Yousel Rivera

**Cape Salesman Murder**

Kenneth Roop was found guilty of Second Degree Murder with a Firearm for the murder of 30-year-old Nicholas Rainey. Rainey was shot twice by Roop as he stood in his Cape Coral driveway. Rainey was a door to door salesman selling meat and seafood.

52-year-old Roop claimed he was in fear when he drove into his driveway and saw Rainey. Roop shot him twice without exiting his truck. The first shot hit him in the chest and then he fired a second shot to the back of Rainey's head.

The entire shooting was captured on two surveillance cameras Roop had outside of his house. There were also several witnesses. During Roop's confession to police he said multiple times he fired the second shot, "for effect."

He is scheduled to be sentenced in October and faces a mandatory life sentence.

Assistant State Attorneys Amira Fox and Andreas Gardiner handled the case.



Kenneth Roop



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### Holiday Closings

The State Attorney's Office will be closed Monday, September 2<sup>nd</sup> for Labor Day. We will also be closed Thursday, September 5<sup>th</sup> for Rosh Hashanah.



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### Learning About the State Attorney's Office

Staff members of the State Attorney's Office are available to speak to local students. Throughout the year we visit local classrooms and teach kids about what our office does and how the law works in Florida. We also invite local college students to volunteer at one of our offices throughout Southwest Florida. We have many volunteers who get to work closely with our prosecutors and get a real life education about the criminal justice system. If you would like to learn more about our programs, contact our Volunteer Coordinator, Nancy Cruz at [ncruz@sao.cjis20.org](mailto:ncruz@sao.cjis20.org) or call her at 533-1000.



**Stephen B. Russell, State Attorney**

## THE RUSSELL REPORT



### Prison Murder

Assistant State Attorneys Scott Patterson and Tracy Detzel ended a 4 day trial in Charlotte County with a guilty verdict of Third Degree Felony Murder.

The defendant, 26-year-old Leo Boatman, was an inmate at the Charlotte Correctional Institution as was the victim. Both were doing life sentences for murder. The victim, 28-year-old Rick Morris was placed into a cell with Boatman after being moved from another cell because he did not get along with his cell mate.

A few hours after the move, Boatman attacked the victim. He was killed by blunt force trauma. A prison guard saw Boatman smashing Morris's head into the cement floor numerous times.

Boatman will continue serving a life sentence.



Leo Boatman

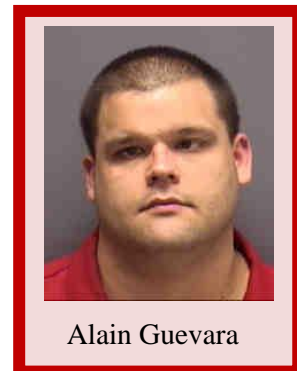
### Operation Spiderweb

Alain Guevara was found guilty of Solicitation of a Child – Using a Computer or Device and Traveling to Meet a Minor following a 2 day trial in Fort Myers.

His is one of 40 arrests made during Operation Spiderweb in October of 2012 which was an initiative by the Lee County Sheriff's Office, the Florida Department of Law Enforcement and the Department of Homeland Security to stop people from soliciting children online

In this case, 28-year-old Guevara solicited on Craigs List for sex with a 15-year-old girl. A sentencing date has not yet been set.

Assistant State Attorneys J.D. Miller and Stephanie Russell handled this case.



Alain Guevara



## **THE RUSSELL REPORT**

### **GUILTY VERDICTS**

State Attorney Steve Russell and ASA Marie Scalise: Attempted First Degree Murder of a Law Enforcement Officer— with a Firearm

ASAs Amira Fox and Andreas Gardiner: Second Degree Murder – with a Firearm

ASAs Scott Patterson and Tracy Detzel: Third Degree Felony Murder

ASAs Stephanie Russell and J.D. Miller: Soliciting a Child for Unlawful Sexual Conduct Using Computer Services, Traveling to Meet a Minor

ASAs Andreas Gardiner and John Dommerich Jr.: Second Degree Murder

ASAs Will Grauel and Jennifer Toussaint: DUI

ASAs Sabsina Karimi and Sara Miller: DUI

ASA John Dommerich Jr.: First Degree Burglary of a Dwelling while Masked, Hooding or Wearing Device to Conceal Identity, Second Degree Grand theft while Masked, Hooded or Wearing a Device to Conceal Identity

ASAs Stephanie Russell and Alyssa Wolf: Driving While License Suspended (2<sup>nd</sup> or more), Fleeing and Eluding a Law Enforcement Office with Lights and Sirens, Burglary, Grand Theft, Grand Theft of a Firearm- 2 counts

ASA Caitlin Sorenson: Battery

ASAs Christina Berkowicz: DUI – 2<sup>nd</sup> Offense

ASAs Robert Siddall and Maria Berrette: DUI

ASAs Justin Chapman and Amanda Brown: No Valid Driver's License

ASA Chris Cummins: Trafficking in Ampethamines (200 grams or more), Possession of Paraphernalia

ASA Robert Siddall: Confinement/Abandonment of Animals

ASA Christina Berkowicz: Carrying a Concealed Weapon

ASA Robert Siddall: Battery

ASAs Stephanie Russell and Jennifer Royal: Computer Pornography – Solicitation of a Child, Traveling to Meet a Minor

ASA Jody White: Resisting without Violence

ASA R. Harlem-Wood: Failure to Appear

ASA R. Ian MacLaren III: Simple Battery



**Stephen B. Russell, State Attorney**

**Serving Charlotte, Collier, Glades, Hendry and Lee Counties**

**THE RUSSELL REPORT**



**SEPTEMBER ANNIVERSARIES:**

In recognition of service to the people of Southwest Florida, and dedication to their jobs with the State Attorney’s Office, a heartfelt thank you goes to the following people on their September employment anniversary dates:

- |                       |                         |                      |
|-----------------------|-------------------------|----------------------|
| Barbara Hardgrove '85 | Meghan Greene '09       | Leena Marcos '11     |
| Robert Lee '88        | Renee Lynch '09         | Leanna Seidlich '11  |
| Debbie Stanbro '91    | John Dommerich, Jr. '10 | Andrew Woodliff '11  |
| Dana Schwarz '94      | Theresa Draffone '10    | Heather Boltz '12    |
| Paul Poland '96       | Kathryn Horst '10       | Elizabeth Loftus '12 |
| Sally Murphy '97      | Stephanie Powers '10    | Johnnie Reid '12     |
| Julia Howard '98      | Bianca Bentley '11      | William Scully '12   |
| Heather Pate '04      | Christina Berkowicz '11 |                      |
| Mary Horvath '05      | Amy D'Alessandro '11    |                      |
| Nicole Mirra '06      | Sara Hall '11           |                      |

**SOMETIMES THEY MAKE IT EASY**

An Ohio man had a strange reason for calling 911 and an even stranger conversation with the female emergency operator. The 46-year-old was mad that his ex-wife was hiding his cans of beer from him so he called 911. While speaking with the operator, he told her she sounded “kinda pretty” and he asked for her personal phone number. The operator sent an officer to the house where the man was arrested for misuse of the 911 system. So he ended his night with no beer and no woman but he did gain a criminal record.

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An Oregon man made two very unwise decisions. First, he decided to commit a robbery. Second, he decided to rob a gun store with a baseball bat. The 22-year-old went into the store while it was open and started busting glass cabinets with his baseball bat. He didn’t get very far because the store manager working there merely pulled out a loaded gun and pointed it in the suspect’s face. He ordered him to drop his bat, get down on the ground, and kept him there until police arrived. The would-be robber is facing numerous charges but has yet to explain how he thought a baseball bat was any match for several hundred guns.