

#14

IN THE CIRCUIT COURT OF THE  
SECOND JUDICIAL CIRCUIT IN AND  
FOR LEON COUNTY, FLORIDA  
GRAND JURY, SPRING TERM, 2002

IN RE: Shooting Death of Genie McMeans, Jr. on May 9, 2002 by  
Florida Highway Patrol Trooper Kreshawn Walker-Vergenz

IN THE NAME OF AND BY THE AUTHORITY OF THE STATE OF FLORIDA

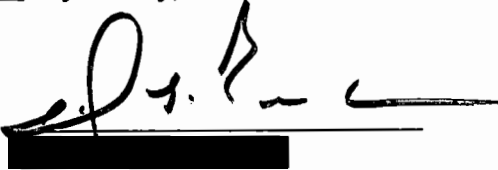
**NO TRUE BILL PRESENTMENT**

THIS MATTER came before the Grand Jury for us to review the facts and circumstances of the shooting death of Genie McMeans, Jr. on May 9, 2002 by Florida Highway Patrol Trooper Kreshawn Walker-Vergenz along Interstate 10 between Miccosukee Road and Centerville Road in Leon County, Florida.

A detailed investigation was conducted by the Florida Department of Law Enforcement and the attached written summary was provided to jurors. Also we have heard the sworn testimony of multiple material witnesses including Florida Department of Law Enforcement Special Agents, a Florida Highway Patrol Lieutenant in use of force training, a responding paramedic, an associate medical examiner, a classmate of Genie McMeans, Jr. who was driving the vehicle in which Mr. McMeans had been riding moments before the incident, and Trooper Walker-Vergenz who appeared voluntarily.

After deliberations evaluating the totality of the facts and circumstances, fewer than 12 jurors find sufficient evidence to support a criminal homicide charge and therefore we file this No True Bill Presentment.

RESPECTFULLY SUBMITTED this 23rd day of July, 2002.



Foreperson

Attest:

  
Grand Jury Clerk

FILED  
FELONY DIV.  
02 JUL 23 PM 1:00  
BOB INZEMAN  
CLERK CIRCUIT COURT  
LEON COUNTY, FLORIDA

## I. INVESTIGATIVE PREDICATE

On May 9, 2002, the Florida Department of Law Enforcement (FDLE) was notified of a subject being shot and killed by a Florida Highway Patrol (FHP) trooper. The Memorandum of Understanding (MOU) between the Florida Department of Highway Safety and Motor Vehicles, Division of the Florida Highway Patrol, and the Florida Department of Law Enforcement was initiated at this time. The incident occurred on the shoulder of westbound Interstate 10, 1.6 miles west of the Highway 90 East exit. Special Agent (SA) Thomas McGraw was assigned as lead agent with Special Agent Michael DeVaney as assisting agent.

## II. INVESTIGATIVE NARRATIVE

Upon arrival to this location, Special Agent (SA) DeVaney observed numerous law enforcement marked and unmarked vehicles at the scene and noted that two (2) perimeters had been previously secured using crime scene tape. SA DeVaney further noted that the inner perimeter consisted of a Toyota Corolla 4-door, black in color, which was parked partially on the emergency lane in the west bound curb lane of I-10, directly in front of a marked FHP Ford Crown Victoria. The FHP unit was headed in the same direction, but parked in the grass. It was later determined that the FHP vehicle was approximately thirty-five (35) feet east (to the rear) of the Toyota Corolla. The outer perimeter of the scene encompassed both of the aforementioned described vehicles in a wide area to the right (north) of these vehicles in the grassy area to the north of the interstate to the tree line, which is adjacent to the interstate right-of-way. These crime scene areas were secured by uniformed FHP troopers.

FDLE agents responding to this scene received briefings from on-scene FHP investigators. SA DeVaney learned that FHP Trooper Kreshawn Walker-Vergenz, had shot and killed an individual identified as a Genie McMeans, Jr.

SA DeVaney learned that Trooper Walker-Vergenz was completing issuing a citation to an unnamed motorist when the above described Toyota Corolla slid to a stop across both west bound lanes of I-10 directly in front of the FHP trooper. Trooper Walker-Vergenz then approached the passenger side of

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the Toyota, at which time the passenger, McMeans, bolted out of the door, charging Trooper Walker-Vergenz.

On May 9, 2002 Special Agent Taroub Gauding advised SA Thomas McGraw that at 1139 hours, Doctor William Miller had pronounced Genie McMeans deceased at Tallahassee Memorial Hospital.

On May 9, 2002, Special Agents Brian Falstrom and Thomas McGraw interviewed Cecil Edward Stephens.

Stephens stated that on May 9, 2002, he and Raymond Kearns were traveling westbound on Interstate 10 from Melbourne to Pensacola for a relative's funeral. They had been traveling since 5:30 a.m. that morning and were driving in Stephens' 1993 GMC 1 ton truck with Stephens doing all the driving.

Stephens stated that upon passing the exit for Highway 90 (east), they were traveling in the right-hand lane when from approximately one-quarter (1/4) of a mile away, he observed a Florida Highway Patrol vehicle with lights activated, parked alongside the roadway of the westbound traffic of I-10.

Stephens further stated that he began to edge towards the left lane due to the patrol vehicle, and tapped his brakes in order to deactivate his cruise control, which had been set at seventy (70) miles per hour. Upon approximately seventy-five (75) to one hundred (100) yards distance, Stephens stated that he observed a female trooper standing by the passenger side of a vehicle, which was parked in front of the patrol vehicle. While approaching the scene, Stephens stated that he had slowed to approximately sixty (60) miles per hour when he observed the trooper with her gun in hand.

During this observation, Kearns had made the statement, "She's got her gun drawn." Stephens then passed the scene traveling at approximately fifty (50) to sixty (60) miles per hour, and observed the female trooper attempting to open the passenger side front door of the vehicle by flipping the door handle two (2) to three (3) times with her gun in what he believed was her right hand.

Stephens stated that he observed the passenger door suddenly being flung open and a subject jump from the vehicle with their hands over their head. The subject took three long steps towards the trooper, causing the trooper to start backing up. Stephens also described the subject as "running" towards

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the trooper. Stephens believes that the trooper backed up "6, 8, 10 feet, maybe even 15 feet" and further described the trooper as backing up to the front of her patrol vehicle. During this point, Stephens went past the scene and began looking in the rear view mirror of his vehicle.

Stephens further stated that he then observed dust "kicking up" from the ground in front of the trooper, which caused him to believe that the trooper had fired her weapon and struck the ground with the round. Due to Stephens' experience with firearms, he is positive that it was dust being thrown up and not gun smoke from the shot. Stephens believed that the distance between the trooper and the subject at this point was six (6) to eight (8) feet, and that the trooper was almost in front of her patrol vehicle. Kerns then stated, "She fired," to which Stephens replied, "I know." Stephens then pulled over to the side of the roadway and was not able to see any further action.

During the entire time that Stephens had observed the trooper, he advised that she was making hand gestures to the subject and was yelling, due to the sight of her mouth moving. Stephens advised that due to his observations, he believed that she was giving commands to the subject.

Stephens stated that the subject was "real aggressive" and had "charged at her." Stephens also stated that if he had been in the position of the trooper, he would have been in fear for his life.

On Thursday, May 9, 2002, Special Agent (SA) Michael DeVaney interviewed Richard E. "Butch" Kerns.

Kerns advised that earlier this same date, he and a friend, who he identified as a Cecil Stephens, had departed Melbourne, Florida, enroute to Pensacola to attend a funeral. Kerns advised he was a passenger in Stephens' "dually" pickup truck. Kerns advised they were traveling westbound on I-10 and were approaching the Tallahassee area when they both observed an incident involving an FHP trooper. Kerns stated he and Stephens observed that an FHP trooper had a vehicle stopped on the side of I-10, along the west bound lanes and slowed as they approached the apparent traffic stop. Kerns further stated they did not witness this trooper stop this vehicle.

When asked the distance from their vehicle to the FHP vehicle when it was initially observed, Kerns estimated the distance to be approximately three hundred (300) to four hundred (400) feet. Kerns

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further stated that the vehicle the trooper had stopped was a small 2-door vehicle, but did not recall the color.

Kerns advised as they got closer to both vehicles, he noticed the FHP trooper had a revolver aimed at the stopped vehicle. Kerns further stated the trooper was moving in and around "one spot to the other." As they became closer, Kerns stated he observed that there were two (2) males in the stopped vehicle. As he and Stephens drove by, Kerns stated he turned his head to continue this observation, and noticed the trooper was backing up and was motioning with her pistol. Kerns observed that the driver was bent down to the right towards the console.

Kerns stated as he kept watching, he observed the passenger door on the right side of the vehicle come open and observed a black male passenger exit, running "maybe ten feet" towards the FHP trooper "real quick." Kerns stated that when the door opened, he observed the black male passenger exit, running towards the trooper with "his hands in the air." Kerns stated the passenger was "running towards her like as hard as he could."

Kerns stated the trooper was still backing up, and then observed as the black male passenger threw his hands up in the air. Kerns stated he and Stephens were now two hundred (200) to three hundred (300) feet past these vehicles and were still observing both the black male passenger and the FHP trooper.

Kerns stated he then noticed "dust fly," and told Stephens that she had "just shot." Kerns stated Stephens then pulled over to the side of I-10, but they did not exit their vehicle. Kerns stated when they finally stopped, Stephens' vehicle had stopped approximately five hundred (500) feet west of the vehicle that had been stopped. Kerns stated that within a few seconds, he witnessed a truck also pull over and noticed it was a Department of Transportation (DOT) vehicle.

Kerns stated Stephens was traveling approximately seventy-three (73) to seventy-four (74) miles per hour when they first observed the FHP vehicle, at which time Stephens then took his vehicle off cruise control, which slowed his vehicle approximately ten (10) miles per hour.

Regarding the possible shot fired by the trooper, Kerns provided a further descriptive narrative. Kerns stated he observed smoke or dirt "fly up into the air." Kerns stated this was observed as the subject

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was running towards the trooper when his hands were up in front of him. When asked to further explain what he meant by smoke coming out of the ground, Kerns stated it was "like somebody let a firecracker off or like someone fired a rifle or something into the sand."

Regarding the trooper's weapon, Kerns stated she was moving her weapon in an up and down movement. When asked if he was able to observe the trooper's mouth, Kerns indicated he noted her mouth was moving.

Kerns stated that when he last observed the black male passenger and the FHP trooper, they were approximately ten (10) to twelve (12) feet apart, both being somewhere between the back bumper of the stopped vehicle and the front bumper of the FHP vehicle.

On May 11, 2002 Special Agent Thomas McGraw and Florida Highway Patrol Investigator Lieutenant James Sellers interviewed Leon Scott.

Scott stated that he was eastbound in the inside lane of Interstate 10 driving a eighteen wheel tractor trailer rig. It should be noted that Scott's position in the vehicle places him approximately seven (7) feet high over the roadway. Scott had just turned onto Interstate 10 from the Monroe Street exit.

While driving down the interstate, Scott stated he was warned over the CB radio of a trooper stopping vehicles. Scott stated that he was therefore looking for the trooper vehicle, and thus immediately noticed the trooper vehicle stopped alongside the interstate on the westbound side. Parked in front of the trooper vehicle was a black vehicle.

Scott further stated that he observed a female trooper standing by the passenger side of the black vehicle, and that she was saying something or "pleading" with somebody in the black vehicle. Scott saw her mouth moving and observed the trooper shaking her head numerous times. Scott never saw the subject upon whom she was directing her actions. The trooper was then observed backing away and pulling her firearm while in the area of the rear bumper of the black vehicle. Scott believed that the trooper was right-handed and had both hands on the firearm. The trooper was also observed to be backing down into the ditch along side the roadway. Scott then went past the scene.

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Scott stated that he was slowing down in speed and estimated he was traveling thirty (30) to forty (40) miles per hour while passing the area.

On May 9, 2002, Special Agent Thomas McGraw and Florida Highway Patrol Lieutenant James Sellers interviewed Keith Walker.

Walker stated that he was eastbound on Interstate 10 when he observed a Florida Highway Patrol vehicle stopped on the shoulder of the roadway of the westbound lane of I-10.

Walker further stated that while he was approximately one-quarter (1/4) of a mile away, he observed some type of movement between the two vehicles. Walker described the movement as a scuffle between two subjects, but was not able to see any type of contact. Upon closing on the scene, Walker was able to distinguish one of the subjects as a female trooper and the other subject as a male.

Walker stated that he observed the trooper backing away from the Toyota with her firearm in her hand while the male subject was "running " away from her at an angle at what is described as a ninety (90) degree angle. Walker also described the trooper as verbalizing something at the subject due to her mouth movement. Walker estimated that the trooper was approximately ten (10) feet from the trooper vehicle when the subject fell into the ditch. Walker described the subject as "falling hard" onto the ground.

Walker estimated that upon passing the scene, he was traveling at approximately forty-five (45) miles per hour.

On May 9, 2002, Special Agent Thomas McGraw interviewed Sherrie Van Dyke by telephone.

Van Dyke stated that she had been traveling westbound on Interstate 10 just past the Highway 90 East exit when she observed a black vehicle pulling off the roadway in front of her vehicle into the emergency lane. Van Dyke stated that she noticed the vehicle due to its reckless manner that it pulled off the road. The vehicle was then observed backing up and swerving partially into the roadway.

Van Dyke further stated that this entire incident took place in front of a Florida Highway Patrol vehicle, which was conducting a traffic stop on the side of the roadway of westbound Interstate 10. The black vehicle had stopped a short distance past the trooper vehicle on the same side of the road.

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On Friday, May 10, 2002, Special Agent (SA) Michael DeVaney interviewed Eric D. Myers. Myers confirmed that he had witnessed the incident involving the FHP trooper on the previous date, and had been traveling eastbound on I-10 in a company vehicle. Myers stated a few miles east of the Thomasville Road exit, he made the following observations: Myers stated he observed a black FHP trooper in a crouched stance, pointing a handgun at an angle towards the ground. Myers stated he observed this for approximately seven (7) to ten (10) seconds. Myers further advised he believed the trooper was yelling because the trooper's jaw was "going up and down." Myers further stated he observed the trooper's gun "going up and down," and was waving the pistol at a subject who was apparently on the ground. Myers stated he was traveling at approximately sixty-five (65) miles per hour and probably slowed to fifty (50) miles per hour as he approached the location of the trooper's vehicle.

Myers stated he did not recall the color of the vehicle that the trooper had stopped, relating that he is colorblind. However, Myers did describe this vehicle as a small 4-door vehicle.

Myers also recalled the passenger door on the right front was open, further recalling that the trooper was in the aforementioned crouched position approximately six (6) to eight (8) feet in front of the stopped vehicle and approximately three (3) feet to the side of the right front bumper.

Myers stated that it was his interpretation that the trooper was attempting to persuade someone to do something "that the trooper wanted done." Myers then advised he never observed the person the trooper had detained due to the position of the aforementioned stopped vehicle. Myers stated he assumed the person was on the ground, since if they had been standing, the vehicle would not have obstructed his view. Myers further stated he never observed anyone in the stopped vehicle since he was distracted by the actions of the trooper.

On May 9, 2002, Special Agents Thomas McGraw and Brian Falstrom interviewed Saul Martin Ticona-Cordova, the driver of the Toyota Corolla.

Ticona stated that he and McMeans were students together at the University of Southern Alabama (USA) in Mobile, Alabama, and had known McMeans for approximately nine (9) months. McMeans had



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graduated from USA on Saturday, May 4, 2002, and had made arrangements with Ticona to travel together to Miami to spend three (3) weeks with Ticona's sister.

Ticona stated that they had left Mobile on Tuesday at approximately 10:00 a.m., driving McMeans' 2000 black Toyota Corolla. While leaving Mobile, Ticona stated that he began to notice that McMeans was acting strangely.

Ticona stated that McMeans began making statements that he "had a vision" and he "saw the Holy Spirit," and that Jesus was speaking through him. However, Ticona believed at that time that McMeans was just "joking." McMeans was also playing the same song on a CD sung by Lauryn Hill. Ticona advised that the lyrics contained "its going to be all right," which McMeans constantly was repeating. Note: The actual song title is "Tell Him." This song was played for the entire twelve (12) hour trip to Miami.

During the trip from Mobile to Miami, Ticona further stated that McMeans was constantly calling persons on his (McMeans) cellular phone and telling them that "you are saved, you are going to heaven." Upon their arrival in the Fort Lauderdale area, Ticona noticed that McMeans was sweating profusely and appeared to be "getting really nervous."

Ticona also stated that while they were in the dorms back at USA, McMeans had made several statements that led Ticona to believe that McMeans was paranoid, that he was a "racist" and thought that "the white man" was trying to kill him.

Upon arrival in Fort Lauderdale, Ticona had to stop at a local Days Inn hotel and called his sister, Margarita, in order to get directions to her boyfriend's residence. Margarita was staying temporarily at her boyfriend's house while her apartment in Miami was being repaired. Ticona stated that he had exited the Toyota and had walked to a payphone where he contacted his sister and obtained directions.

Upon the conclusion of the phone call, he walked back to the Toyota and observed McMeans still sitting on the driver's side of the vehicle with a cellular phone lying outside the vehicle on the pavement. Ticona had picked up the cellular phone, which was in two pieces, and asked McMeans if this was his

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phone. McMeans then exited the vehicle and obtained the cellular phone from Ticona. McMeans then threw the cellular phone into an area around the Days Inn.

Ticona then began driving with the directions that he had received from his sister with McMeans sitting in the passenger side. While attempting to follow those directions, Ticona stated that they became lost and were sitting at a traffic light attempting to make a left turn when they were stopped by a marked police vehicle.

Ticona stated that during the traffic stop, McMeans became very excited and nervous. McMeans was asked for his driver's license, but had advised the officers that his wallet was somewhere in the backseat of the vehicle. McMeans made several derogatory comments to the officers according to Ticona. The officers asked if McMeans was taking any type of drugs, but apparently did not take any action against McMeans.

Ticona stated that one of the officers had taken the car key of their vehicle and failed to return it. Upon being allowed to leave the area without a traffic citation, Ticona had told McMeans that the key had not been returned. McMeans had instructed Ticona to use the spare key that he had given him earlier and forget about the key that the officer had kept. McMeans had described the key as the one "God had given us."

Ticona further stated that after they had left the police officers, McMeans had made comments that that's "racism" and that "the white man is trying to kill me."

Ticona was then able to find his way to his sisters friends house in Fort Lauderdale. Upon arrival at the residence, Ticona stated that his sister provided them with dinner after giving him and McMeans hugs. However, McMeans was still acting nervous and made the comment that he felt that everybody was "watching me." Ticona further stated that he and McMeans ate a full dinner and then fell asleep later during the evening. They slept till approximately 10:00 a.m. the following morning.

Ticona stated that they then left his sister's residence and drove down to Miami Beach where they checked into the Clay Hotel.

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While walking back to the hotel after parking the vehicle, Ticona stated that McMeans had approached several women and had been "touching" them on the arms. Ticona stated that the women did not get angry with McMeans, but he had warned him to be careful in case they had boyfriends nearby.

Ticona stated that he then told McMeans that he was going to take him to a Peruvian restaurant to eat. McMeans again became very nervous and made a statement that "they are trying to kill me." Ticona stated that he was able to convince McMeans that it was okay to go to the restaurant to eat, and that nobody was going to harm him. Upon their arrival at the restaurant, Ticona attempted to recommend a plate to McMeans; however, McMeans refused to take his recommendation. McMeans then ordered a steak with no side dishes. Ticona then went ahead and ordered a side dish of rice and salad for McMeans. Upon the arrival of the food, McMeans did not eat the steak, but did eat the salad. McMeans then pointed out to Ticona another male patron of the restaurant who was wearing a bandana that was of the same colors of the Confederate flag. McMeans then approached the patron and his female companion and began a conversation. Ticona stated that he could not understand what was being said, but did not believe that it was an argument. Ticona then approached the two of them and determined that the patron was a Latino. Ticona stated that he told the patron in Spanish that his friend, McMeans, was not trying to start a problem and apologized for his actions. The patron had no problem and the conversation was ended.

Ticona and McMeans then left the restaurant and began walking across the parking lot. During this time, Ticona stated that McMeans began screaming at him and telling Ticona that he was treating him badly because "he's black." McMeans also began "poking" Ticona in the chest with his finger.

Ticona stated that he was able to calm McMeans down and began talking to him about his problem of believing that everybody was against him. Ticona told McMeans that he was going to help him by "treating" him in a way that would allow him to be able to socialize with other persons. The treatment consisted of first going to an outdoor café where they would drink Diet Cokes and smoke cigarettes while watching for the persons who wanted to harm McMeans. The treatment further consisted of forcing McMeans to order the drinks and go to a store where he would have to purchase the cigarettes. McMeans agreed to this course of action.

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While sitting at the café, McMeans was convinced by Ticona to order food since he had not eaten the food at the Peruvian restaurant. McMeans agreed to do so and ordered Tamales. Ticona then made McMeans pay the bill for the food and drinks.

Ticona stated that they then left the café and began taking a walk around the neighborhood. While walking, McMeans gave Ticona his American Express credit card and told him to mail it to his address on his (McMeans) driver's license. Ticona agreed to this request. Ticona further stated that during this same conversation, McMeans began talking about how he had a twin brother who had died at a young age, and how his father had killed him when he was eleven years old, but he had come back alive. McMeans continued to talk about how his father had beaten his mother when he was a child, and how his father was rich, but also poor.

Ticona stated that at this point, he decided to ask McMeans if he wanted to go back to Mobile since he was so uncomfortable in Miami. However, because of the way that McMeans was currently acting, Ticona stated that he decided to wait till later to tell him his decision.

Ticona stated that at McMeans' directions, he withdrew \$140.00 from the ATM machine and kept the money for later expenses. McMeans had given him his secret pin number to use when he needed money. While walking back to the hotel, they stopped and purchased a six pack of beer. Upon returning to the hotel, Ticona stated that they sat outside and drank the beer while talking with several persons who were also staying at the hotel. McMeans was telling the people that "it was going to be all right." Ticona left the group on at least three occasions to walk to the store to purchase Diet Cokes and cigarettes. McMeans later told him that he had been telling the persons how scared he was to be in Miami. Ticona then had apologized to the persons about McMeans' behavior.

Ticona further stated that he then began calling his sister and telling her what was happening with McMeans and how concerned he was with his condition. Ticona also called his mother in Peru and advised her of the same situation. Ticona was given the same advice by both his sister and mother to return McMeans to Mobile and return himself to Miami. His mother even directed him to obtain another

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person for safety reasons to drive back to Mobile with them. Ticona then returned to the hotel where he attempted to get McMeans to lie down in bed and go to sleep.

McMeans was given the top bed of the hostel room and told by Ticona to try and go to sleep. However, when the light switch was turned off, McMeans jumped off the top bunk and began screaming.

Ticona stated he felt at this point that McMeans had gone "crazy" and needed to be immediately taken back to Mobile. Ticona then told McMeans that he was going to take him back to Mobile to be with his fiancée, "T.K."

Ticona stated that they began driving towards Jacksonville where they got lost for several minutes until they found their way to Interstate 10. Ticona stated that he had hoped that McMeans would have gone to sleep during the drive, but he did not. McMeans had begun to drive at one point on I-10, but due to excessive speed, Ticona began driving once more. While traveling down I-10, Ticona stated that McMeans grabbed the steering wheel, which caused Ticona to fear for his safety. McMeans was ordered into the backseat, but after several minutes, he crawled back into the front seat.

Ticona stated that McMeans was constantly buckling and unbuckling his seatbelt and touching Ticona on the arms, which again caused Ticona to be scared for his life. Ticona then made the decision to obtain help in the Tallahassee area.

Ticona stated they were entering the Tallahassee area on I-10 when he observed the patrol vehicle stopped alongside the highway. Ticona then told McMeans that he was going to stop and get assistance from the patrol officer. McMeans then unlocked the car door, which caused Ticona to believe that he was going to jump from the vehicle. McMeans suddenly grabbed the steering wheel as they were passing the patrol vehicle and pulled it. Ticona stated he slammed on the brakes and slid off the roadway onto the grass shoulder. He then put the vehicle into reverse and backed up towards the patrol vehicle, however, while backing up he swerved off the roadway and almost caused a large truck to strike the rear end of the vehicle. Their vehicle finally stopped partially on the right lane of westbound I-10, pointing north approximately two (2) miles from the trooper.

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SA McGraw questioned Ticona in reference to a large bottle of Xenadrine that was found inside their vehicle. Ticona stated that while staying at the Clay Hotel in South Miami Beach, McMeans had purchased the bottle of Xenadrine from a local store. Ticona stated they were going to start bodybuilding when they returned home to Mobile and these pills help bodybuilders. McMeans was taking a shower late Wednesday night at the hotel when he and Ticona each took two pills of Xenadrine. The bottle indicated that it contained 120 pills, and after a count, it was determined that there were a total of 116 pills accounted for, while four (4) were missing.

Ticona also stated that while at the Clay Hotel, McMeans had given his (McMeans) bible to an unidentified Italian subject who was staying at the same motel. McMeans had been using the bible on the trip down from Mobile and had made Ticona say "Amen" several times to statements that he had made.

On Tuesday, May 14, 2002, Special Agents Thomas McGraw and Michael DeVaney interviewed Florida Highway Patrol Trooper Kreshawn Walker-Vergenz in reference to the shooting death of Genie McMeans.

Trooper Walker-Vergenz stated that on May 9, 2002, she had been conducting stationary radar patrol on Interstate 10 at the 212-mile marker westbound. A Cadillac traveling 98 miles and hour was stopped at the 206-mile marker and a citation issued.

While in the process of issuing the citation, Trooper Walker-Vergenz stated that she was standing on the passenger side of the vehicle with the passenger door standing open. The single occupant/driver had been given the citation and was being explained the process of whom to call for questions. While explaining the process, Trooper Walker-Vergenz stated she heard a "loud screech," and upon looking up, she observed a black vehicle that was stopped in the emergency lane pointing northbound. The rear of the vehicle was southbound and partially jutting out on the westbound lane. A black male, identified later as Genie McMeans, was sitting in the passenger side with his arms partially hanging out the window.

Trooper Walker-Vergenz further stated that the driver of the Cadillac had noticed the screech also, due to his sudden stoppage of conversation. However, at the direction of Trooper Walker-Vergenz, the Cadillac then drove from the scene prior to contact with the black vehicle.

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Trooper Walker-Vergenz stated that she then drove her patrol vehicle to within ten (10) to twelve (12) feet of the black vehicle. Trooper Walker-Vergenz did not report to the FHP dispatch that she had concluded the traffic stop, and did not report that she was now involved in another traffic situation.

Trooper Walker-Vergenz then exited her vehicle and approached the passenger side of the black vehicle. During this time, she observed the driver of the vehicle, whom she described as a Hispanic male, later identified as Saul Ticona. Upon her approach to the vehicle, she heard Ticona state, "My friend just pulled the steering wheel from me, just pulled the steering wheel from me," at the same time pointing at the passenger. However, according to Trooper Walker-Vergenz, McMeans then stated, "I'm afraid of him, he's trying to kill me."

The demeanor of McMeans was described by Trooper Walker-Vergenz as having odd behavior, rolling his eyes and slouched in his seat. Ticona stated to Trooper Walker-Vergenz that his "friend was upset," and that "he likes to play like this." McMeans then stated, "I need to talk to you," to which Trooper Walker-Vergenz replied, "In a few minutes."

Trooper Walker-Vergenz stated that she then asked McMeans if he was being held against his will or if he was injured. McMeans responded negatively to these questions, at which time Ticona stated to McMeans, "You can't be pulling the wheel from me."

Trooper Walker-Vergenz further stated that McMeans then attempted to open the vehicle door, which caused Trooper Walker-Vergenz to physically hold the door from opening, and in the process, close the door. Ticona was then instructed to pull the vehicle off the roadway towards the grass area. Ticona complied with the instruction and pulled off the roadway to the point where FDLE crime scene personnel later processed the vehicle.

Trooper Walker-Vergenz then started towards the passenger side of the vehicle, when suddenly with no warning, Ticona exited the vehicle and loudly yelled, "Boom" and began "jumping up and down." Trooper Walker-Vergenz estimated that she was approximately three (3) feet from the rear of the vehicle bumper and in line with the passenger side when Ticona exited the vehicle.

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Trooper Walker-Vergenz stated that she drew her firearm and instructed McMeans to “stop, don’t move, get down.” McMeans complied with her instruction and went prone on the ground with his hands holding his chin up in a propped up position. McMeans was lying down on the ground with his head facing east and his body parallel to the vehicle. Ticona was observed to be looking through the rear view mirror of the vehicle.

Trooper Walker-Vergenz stated she then called in on her portable radio 10-24 (officer needs help) and the vehicle tag number, along with the location. The radio was used with her right hand due to her being left-handed and holding her firearm on the prone McMeans. After the utilization of the radio, she then instructed Ticona to remain in the vehicle. At the direction of Trooper Walker-Vergenz, McMeans then placed his arms out to the side.

Trooper Walker-Vergenz stated she then made several statements to McMeans, such as, “What’s wrong with you, what’s your problem, do you think this is funny?” McMeans’ only statement in reply was, “Mother fucker, fuck this, fuck this.”

Trooper Walker-Vergenz stated that McMeans then jumped to his feet and began screaming “**aaahhhhhh**” in a loud tone of voice. During this time Trooper Walker-Vergenz had backed away so that McMeans was approximately six (6) to eight (8) feet away. McMeans had his shirt pulled out of his pants and was described by Trooper Walker-Vergenz as looking “crazy” due to his “twisted face and mouth” and he looked “as if he can kill me.” McMeans then took one (1) to two (2) strides forward towards Trooper Walker-Vergenz with his hands raised by his head and his fingers bent slightly forward, pointing towards Trooper Walker-Vergenz and still screaming “**aaahhhhhh.**”

Trooper Walker-Vergenz backed away from McMeans when he came towards her and began commanding him to “don’t move” and to get back onto the ground. McMeans failed to comply and turned away from Trooper Walker-Vergenz and began to walk back towards the passenger side of the vehicle.



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McMeans was described as having his back to the trooper and moving at a "fast walk" with his hands in front of his body. Trooper Walker-Vergenz stated that she kept yelling, "stop, don't move or I'll shoot;" however, McMeans continued to advance to the vehicle.

Trooper Walker-Vergenz stated that as McMeans was almost to the passenger door of the vehicle, she fired once with her firearm, striking McMeans in the back left shoulder as he was leaning into the vehicle.

Trooper Walker-Vergenz stated that prior to firing, she had been "thinking of what was in the car," "thinking of the stuff in the car," and that "he's going to get something." Trooper Walker-Vergenz further stated that she felt that McMeans was going to get "something to hurt me with," and that she was aware that persons often kept firearms inside the glove box. Trooper Walker-Vergenz stated she had made traffic stops previously where persons had advised her they had firearms inside the glove box, but they also had permits for the firearms.

Trooper Walker-Vergenz stated that upon being shot, McMeans turned and again and raised his hands by his head as previously. McMeans began screaming "aaaahhhhh" and walking at a fast pace towards Trooper Walker-Vergenz. McMeans was again advised to "stop, don't move;" however, he continued to advance. Trooper Walker-Vergenz stated she was backing up while continually stating, "Stop or I'll shoot." McMeans continued to advance on Trooper Walker-Vergenz, at which time she shot him a second time, striking him once in the chest.

McMeans kept screaming and advancing on Trooper Walker-Vergenz. Trooper Walker-Vergenz stated she continued to retreat, commanding McMeans to stop or be shot. Trooper Walker-Vergenz then shot McMeans a third time, striking him in the mid section. McMeans was estimated to be six (6) feet in distance from Trooper Walker-Vergenz, screaming the whole time and with his hands reaching out in a grabbing motion.

Trooper Walker-Vergenz stated she still continued to retreat and now stated "don't move," but McMeans continued towards her in the same manner. McMeans was then shot a fourth time by Trooper

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Walker-Vergenz, being struck again in the abdomen. McMeans then began to "buckle" and fell forward onto his hands.

Trooper Walker-Vergenz stated that during the last two shots that she fired, she could see her patrol vehicle to her left side. Upon McMeans falling to the ground, Trooper Walker-Vergenz then moved to the left side of her patrol vehicle where she observed McMeans still screaming, roll over onto his back. Trooper Walker-Vergenz stated she called in on her portable radio to the FHP dispatch, "He's down." Ticona was then commanded to remain in the vehicle with his hands behind his head or "I'll shoot."

Department of Transportation Law Enforcement Officer Bruce Marshall then arrived on scene and assisted Trooper Walker-Vergenz.

Trooper Walker-Vergenz was then questioned about her firearm and the number of rounds that had been loaded and fired. Trooper Walker-Vergenz was issued a Beretta 40 caliber, which holds eleven (11) rounds in the magazine and (1) in the chamber for a total of twelve (12) rounds. Trooper Walker-Vergenz advised that she had loaded the firearm with twelve (12) rounds.

On May 21, 2002, Special Agent Thomas McGraw met with Saul Ticona for a third interview.

Ticona was questioned as to whether or not he heard any loud noises when McMeans exited the vehicle the first time prior to being shot. Ticona stated that he did not recall any loud noises, and when specifically questioned about the word "**Boom**," he still did not recall hearing boom nor any other noises. Trooper Walker-Vergenz stated that when McMeans had exited the vehicle, he had loudly yelled "**BOOM**."

Ticona was questioned about observing McMeans' actions when he first exited the vehicle. Ticona acknowledged that the clothes hanging in the backseat hindered his view through the rear passenger side window of the vehicle, and that he could possibly have not seen McMeans being ordered to the ground in a prone position as Trooper Walker-Vergenz had stated.

SA McGraw questioned Ticona about the actual shooting that he reported to have observed. Ticona originally had stated that he saw McMeans standing in front of the trooper when he was shot. The

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trooper was reported to be standing four (4) to six (6) feet in back of the vehicle. However, Ticona stated that when he saw the trooper shoot her firearm, she was actually 10 meters (approximately 30 feet) to the rear of the vehicle. Ticona also stated that he did see the Trooper shoot her firearm due to the flash from the muzzle and the noise of the discharge, but that now he was not sure if McMeans was actually standing in front of the trooper in his view. Again the position of the hanging clothes in the rear seat hindered his view.

Ticona did state that very "quickly" after the shot, McMeans re-entered the vehicle. Ticona did not recall whether the door was closed by McMeans, but estimates that McMeans exited the vehicle within several seconds.

Special Agent McGraw questioned Ticona about the number of shots heard. He had previously stated that he had heard three (3) to four (4) shots when McMeans exited the vehicle the last time. Ticona added that the shots were "spaced apart," and that he did not hear any other noises.

On June 27, 2002 Special Agent Thomas McGraw was able to make telephonic contact with Cedrick Bellard. Bellard had been the person whom Trooper Walker-Vergenz had been issuing a citation to during the time that Ticona and McMeans had stopped on the side of Interstate 10.

Bellard stated that while being issued the citation by the trooper, he suddenly observed a black vehicle pulling off the highway directly in front of his vehicle. The vehicle had been traveling westbound when it pulled off the roadway. Bellard further stated that the vehicle was approximately 300 to 400 feet ahead of his vehicle, and upon stopping on the grass shoulder, the vehicle suddenly was put in reverse and backed up along the shoulder of the roadway for approximately 100 feet. The vehicle then veered off the shoulder, causing the rear of the vehicle to be partially sitting out in the westbound lane of the traffic way.

Bellard stated that he felt that the occupants of the vehicle were in trouble and had needed assistance from the trooper. Bellard believes that he made some sort of statement to the trooper, who also commented back to Bellard about the actions of the vehicle. The trooper then ended their conversation by advising that she had to go and take care of this situation.

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Bellard stated that the trooper then drove past his vehicle on the grassy part of the shoulder and headed towards the stopped vehicle. Bellard then began leaving the area and last saw the trooper exiting her vehicle after parking in back of the stopped vehicle. Bellard was unable to see the occupants of the vehicle due to tinted windows.

On May 9, 2002, Special Agent Brian Falstrom interviewed Department of Transportation Law Enforcement Officer Bruce Marshall.

Officer Marshall stated that he was monitoring the radio traffic of eighteen wheeled truck drivers and heard mention a trooper had stopped someone in the area. He stated he then heard an unidentified person state "she just shot 'em." Officer Marshall stated that he was travelling west on Interstate 10 near Highway 90 at the time. He responded to the location that he approximated being no more than a half mile away.

Officer Marshall advised Special Agent Brian Falstrom that when he (Marshall) arrived, he saw the Trooper "standing over a subject with her weapon drawn on the right rear corner of her car." Officer Marshall added that he noticed a second person in the black 4-door vehicle about twenty-five to fifty feet ahead of her patrol car. Officer Marshall stated that the Trooper told him that the "guy bailed out of the car and came running back to her." Officer Marshall also stated the Trooper told him that she told the subject to stop, and that he lunged at her and she had to shoot him.

Officer Marshall further stated that he assisted the Trooper in gaining control of the other occupant of the vehicle, and after a few minutes, additional troopers arrived.

On Tuesday, May 14, 2002, Special Agent Tim Robinson interviewed FHP Corporal George "Chip" Bedingfield of Troop H.

Corporal Bedingfield indicated that he was just "finishing up" at the Soft Touch North car wash on North Monroe Street when he heard Trooper Kreshawn Walker-Vergenz on the radio indicating "10 - 24" (officer in trouble). At approximately Mile Post 101 (east bound I-10), Corporal Bedingfield indicated he heard that there were "two (2) subjects, shots had been fired and man down."

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Upon arrival, Corporal Bedingfield cut across the media to the west bound land and noted that the Department of Transportation Road Patrol was arriving at the same time. The Department of Transportation officer covered the passenger (McMeans) and Trooper Walker-Vergenz was in the process of cuffing the driver (Saul Ticona).

Corporal Bedingfield did notice that the driver's side rear door on Trooper Walker-Vergenz's patrol car was open.

Corporal Bedingfield lifted up the shot subject's shirt and noted that there were four (4) bullet holes to the chest area of the body.

The shot subject was very combative, and at one time, it took four (4) people to hold him down. McMeans was placed on a backboard and ultimately put in the ambulance. The Emergency Medical Services (EMS) personnel opted to transport McMeans via ambulance rather than "Life Flight" him because of the subject's combativeness and fear for the safety of the personnel on Life Flight.

Corporal Bedingfield indicated that while trying to place McMeans in the ambulance, he (McMeans) grabbed the shirt of one of the EMS technicians and would not let go. Finally, after the EMS technician shouted at McMeans and assured him that they were putting him in the ambulance, McMeans finally let go.

On Monday, May 20, 2002, Special Agent Tim Robinson interviewed Emergency Medical Technician (EMT) Jonathan Reed Gardner who was the driver/attendant who responded to the shooting scene of Genie McMeans on May 9, 2002.

EMT Gardner indicated that he (Gardner) and EMT Terry Evens responded to the shooting scene from the vicinity of Capital Circle near the Outback Steakhouse area.

When they arrived, EMT Gardner noted that there were two (2) to three (3) FHP patrol cars parked on interstate 10 (I-10) west bound. EMT Gardner noted the patient (McMeans) on the ground with a trauma pad on his chest. The officers were attempting to control the bleeding.

Once on the scene, EMT Gardner indicated that he (Gardner) got "tunnel vision" and turned all of his attention to the patient. The patient was unconscious, convulsive and thrashing violently around. The

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paramedics, with the help of the troopers, got the patient on the spine board and lifted to the stretcher. The patient had to be physically restrained because he (McMeans) did not respond to verbal commands. During the attempt to get McMeans in the ambulance, he (McMeans) grabbed Gardner's shirt and would not let go. EMT Gardner indicated that his partner (EMT Terry Evans) yelled something to the effect, "If you're strong enough to hold on to my partner, you can hear me and let go." Eventually McMeans loosened the grip and the four (two EMT's and two troopers) were able to put the stretcher in the ambulance.

Special Agent Robinson asked about the "Life Flight" cancellation. EMT Gardner indicated that initially Life Flight had been requested by the FHP. Upon arrival at the scene, the paramedics confirmed the need for Life Flight. After struggling with the combative patient, reportedly EMT Terry Evans cancelled Life Flight due to McMeans' combative behavior.

EMT Gardner indicated that after McMeans was placed in the ambulance, he continued to flail and thrash.

On Wednesday, May 22, 2002, Special Agent Tim Robinson interviewed Emergency Medical Technician (EMT) John T. "Terry" Evans.

EMT Evans indicated that when they (EMT Jonathan Gardner and Evans) arrived at the scene, Corporal Chip Bedingfield and another FHP Trooper were on the ground struggling with the subject.

Special Agent Robinson asked EMT Evans how many gun shot victims he had responded to over his career. EMT Evans indicated that he (Evans) could not even guess, but numerous. SA Robinson asked if the number was at least in excess of one hundred (100). EMT Evans stated that it was easily in excess of one hundred.

Special Agent Robinson asked EMT Evans how McMeans compared to the other victims in light of their combativeness. EMT Evans indicated that McMeans was by far the most violent he had witnessed in his career. EMT Evans advised that McMeans was so combative that "we could not hardly treat him. He flipped himself off of the backboard once. We attempted to restrain him and it took four (4) people to get him in the ambulance." EMT Evans indicated that they (Evans and Gardner) borrowed a

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paramedic off of the fire truck who came to the scene. This gave him (Evans) some assistance in the back of the ambulance while EMT Gardner drove.

EMT Evans indicated that half the reason for canceling Life Flight was because of McMeans' combativeness, and he (Evans) felt the time it would take to get the helicopter on the ground and transfer McMeans to it (the helicopter) would be counter productive.

EMT Evans described McMeans as "combative / unresponsive." EMT Evans indicated that McMeans had the eyes of a "dead man," but was convulsing, thrashing and fighting. At one point, McMeans grabbed EMT Gardner's shirt with his left hand (injured from gunfire) and would not let go. This prevented them from getting McMeans into the ambulance. EMT Evans indicated that he (Evans) yelled something to the effect, "If you can grab my partner like that, you can hear me. Let go!" It took grabbing McMean's arm and pulling it off of EMT Gardner.

EMT Evans stated McMeans was thrashing and fighting so much in the ambulance that the crew had to restock the ambulance due to McMeans getting blood on all of the supplies.

On May 21, 2002, Special Agent Thomas McGraw interviewed Margarita Ticona, the sister of Saul Ticona. The interview was conducted in Fort Lauderdale and was done in the presence of Saul Ticona who had assisted in interpreting for his sister whose English was limited.

Margarita stated she knew Genie from a previous meeting a month earlier in Mobile and through phone conversations that she had with him. On Tuesday night, her brother and Genie had arrived at her temporary residence in Fort Lauderdale after traveling from Mobile. Three of her friends were also present in the residence upon there arrival. Both her brother and Genie were given hugs and later provided with food. The following day, Saul and Genie had left the residence and driven down to South Miami Beach.

Margarita was questioned about how Genie had been acting during the short time that she had been with him. Margarita stated that while eating dinner, Genie had been acting "nervous and shy" and had made a statement that he was "afraid" and that "all eyes are looking at me." Margarita had tried to calm Genie, but was unsuccessful.

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Margarita also stated that when she had talked to Genie on the phone several weeks ago, he had appeared calm. However, when she had talked to Genie on the phone the Monday prior to their arrival, he was talking "fast" and talking about how he was not alone and with God.

Margarita stated that due to this last phone call with Genie, she became very nervous about her brother driving down to Miami with Genie and tried to talk both of them out of the driving together.

On May 21, 2002, Special Agent Thomas McGraw interviewed Betzabe Ticona Cordova, the mother of Saul Ticona, in reference to the shooting of Genie McMeans. The interview was conducted in the presence of Saul Ticona who had assisted in interpreting for his mother who did not speak English.

Betzabe stated that Saul had called her at least twice during the time he was staying in Miami with Genie and had told her that Genie was having problems with depression. Genie was upset about breaking up with his girlfriend and about leaving school.

Based upon these conversations with her son, Betzabe stated that she became "scared" for Saul and instructed him to drive Genie back to Mobile and return on a bus. Saul was also told to have his sister or somebody else accompany him on the return trip.

On Saturday, May 11, 2002, Special Agent Brian Falstrom and Special Agent Michael DeVaney arrived at the University of South Alabama (USA) Police Department in Mobile, Alabama, to initiate efforts to obtain background information on Genie McMeans, Jr. Previous investigative activity revealed McMeans had been a student at this institution.

In a check of the USA Police Department records, Sergeant Havlu indicated that on May 1, 2001, McMeans had contacted the USA Campus Police Department to report that he was a victim of harassing phone calls, and that his vehicle was allegedly vandalized by unknown individuals.

Also on this same date, SA Falstrom and SA DeVaney requested to check the interior of McMeans' dorm in an effort to obtain any information or substance which would tend to explain McMeans' reported unusual behaviors the week before his death. Upon arrival to this dorm, SA Falstrom and SA DeVaney then conducted a search, noting that no items of investigative value were either observed or seized.



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On Thursday, May 30, 2002, Special Agent Michael DeVaney interviewed Dr. Jeanne Maes, an Assistant Professor of Management at the University of South Alabama (USA) in Mobile, Alabama. During the course of conducting the background check of Genie McMeans during the time he was enrolled as a student at USA, SA DeVaney learned that Dr. Maes taught McMeans during the fall semester of 2001.

At the commencement of this interview, Dr. Maes confirmed that she taught McMeans during the fall semester of 2001 in a class titled "Management Organization and Communications."

Dr. Maes further advised she specifically remembered McMeans because he was habitually late for class "when he came." Dr. Maes explained McMeans did not attend class on a regular basis, but did not recall if she confronted him about this.

Dr. Maes also recalled that during the administration of the mid-term exam, McMeans again came in late for class and wanted her to make him a special appointment to go over every question of this exam. Dr. Maes stated McMeans did not understand when she refused to comply with his wishes, and stated she explained to him that there already had been class time spent for this. Dr. Maes further stated she advised McMeans that if he came to class on a regular basis, she would allow him to take the exam. Dr. Maes advised McMeans finally took the exam.

Dr. Maes advised after this, McMeans started to come to class on a regular basis, but eventually again started to come late.

Dr. Maes further advised that at the start of every semester, she requested students to find a seat so she could complete a seating assignment. Dr. Maes advised she recalled that when she attempted to make seating assignments during the class when she taught McMeans, she recalled that McMeans told her that he did not want to do this, but then later complied.

When asked if she ever noticed any change in behavior or dress from McMeans during the aforementioned semester, she advised she did not recall any changes, advising that she believed his dress and behavior were consistent.

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On Friday, May 31, 2002, Special Agent Michael DeVaney interviewed Kelly C. Woodford, who is an Assistant Professor of Management at the University of South Alabama (USA) in Mobile, Alabama.

At the commencement of this interview, Woodford confirmed that she taught McMeans during the fall semester of year 2000 for "Legal Environment of Business," also known as Business Law.

Woodford stated she specifically remembered McMeans, noting that "he stands out clearly" because of the number of problems she had with him. Woodford explained McMeans was a "problem student" for a number of reasons. She further explained McMeans rarely attended her class, and when he did, would be twenty (20) to thirty (30) minutes late. Woodford also advised McMeans was very disrespectful to her, and that he seemed to believe that rules never applied to him.

Woodford advised that after an exam, she recalled McMeans wanted his grade to be raised, telling her that "you can do it for me, I won't tell anyone." She further advised McMeans would become angry if she did not give him special treatment. However, Woodford advised that she did not give McMeans special treatment, nor did she comply with his demands or wishes. Woodford advised that after McMeans would make his demands, he would give an unusual expression and would stomp out of her office. She further advised that he frequently would invade her "personal space." She further advised that, however, she was not scared of him, nor was she physically threatened by anytime by him.

Woodford stated that at the conclusion of the semester, she advised McMeans should have received a "D," but stated she gave him a "C" so that she would not have to have him in her class again. Woodford stated, however, McMeans did well on his final exam, which is the reason he was able to pass her class.

Woodford further explained when McMeans attended, he was an "obnoxious" factor in his class, and would frequently want her to repeat things to him after he entered late.

On Friday, May 31, 2002, Special Agent Michael DeVaney interviewed Dr. Carol M. Megehee, an Assistant Professor of Marketing at the University of South Alabama (USA) in Mobile, Alabama.

At the commencement of this interview, Dr. Megehee confirmed that McMeans was enrolled in a course titled "Marketing Policy," and that she had taught him during the spring semester of 2002.

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However, Dr. Megehee advised she was familiar with McMeans as early as the fall semester of 2001 since fellow professors/instructors had earlier instructed him, and that he was a topic of conversation frequently in faculty offices.

Dr. Megehee advised McMeans frequently showed up for her class ten (10) minutes before classes ended, and wished her to go over everything she had just taught that day after his entry.

Dr. Megehee further advised that rules seemed not to apply to McMeans, and he would frequently come to her office for special considerations.

Regarding another example of McMeans' strange behaviors, Dr. Megehee advised that on one occasion during the middle of a lecture, McMeans walked to the front of the class and asked her something that had nothing to do with the topic on that date. She advised his conversation was totally unrelated to her instruction on that date and noted that other students in her class expressed surprise at McMeans' behavior.

Dr. Megehee further advised McMeans had trouble with regular problems pertaining to her instruction, but noted that when her assignment was vague, McMeans seemed to excel at this. She further advised McMeans seemed not to have the same rules as other students.

Regarding her long term observations of his behaviors, Dr. Megehee described McMeans' personality as someone who seemed to have a "sense of entitlement."

Dr. Megehee advised McMeans was strange from "day one," recalling that he only had a thirty (30) to thirty-five (35) percent attendance rate.

Regarding the grade in her class, Dr. Megehee stated she recalled he received a low "C."

Dr. Megehee advised that she never expected anything normal to come out of McMeans' mouth. She further advised she recalled that other students would talk about his unusual behaviors.

On Thursday, May 30, 2002, Special Agent Michael DeVaney interviewed Sergeant Cathy L. McDonald, University of South Alabama Police Department, Mobile, Alabama.

Sergeant McDonald advised that following the graduation ceremony at the Mitchell Center on Saturday, May 4, 2002, the USA Police Department received a call from an employee from the Mitchell

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Center indicating there was a confused black female with two (2) small children in the area of the Mitchell Center. Sergeant McDonald advised she responded to this area, along with Corporal Garrett.

Sergeant McDonald advised upon her arrival to the Mitchell Center area, she was unable to locate anyone, but advised that Corporal Garrett eventually located the individual, who later was determined to be the mother of Genie McMeans. (Special Agent DeVaney states McMeans' mother was later identified as a Carolyn McMeans.) Sergeant McDonald advised McMeans was then brought back to the USA Campus Police Department with the two (2) small children, who she advised were in the six (6) to eight (8) years of age range. Sergeant McDonald advised McMeans stated she was on campus for her son's graduation, but was unable to locate him following the ceremony. Sergeant McDonald further advised McMeans seemed to be confused and preoccupied, and also did not know the name of the hotel where she had previously checked into. McMeans was able to locate a friend of Genie who was able to locate Genie at his dorm room.

On Wednesday, May 29, 2002, Special Agent Michael DeVaney interviewed Jarvis L. Updite. Previous investigative activity has revealed Updite was reportedly the best friend of the deceased, Genie McMeans, Jr.

Updite stated he first became acquainted with McMeans when they were both in the sixth grade together in Alpine, Alabama, and eventually became best friends while growing up together. Updite advised their friendship remained strong even after they traveled to different locations within the State of Alabama to attend different colleges.

Updite advised "you have to look back at his life to fully understand him," and stated that an early negative impact on McMeans' life occurred when he (McMeans) was in the third grade. Updite advised at that time, McMeans was severely injured in an automobile accident, which resulted in a temporary handicap to one of his legs. Updite advised other children constantly picked on McMeans for a length of time after the accident. Updite further advised McMeans disclosed to him that an early traumatic experience during this time occurred when he was extremely ashamed after being "beaten up by

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a girl.” Updite advised that McMeans apparently never fully mentally healed from these early experiences and had an “internal fear” that another traumatic event would occur in his life.

Special Agent DeVaney then asked Updite about his statement made the previous day regarding McMeans being on a “path of destruction.” Updite responded by indicating that upon learning of the death of McMeans, he was not surprised due to McMeans’ statements and bizarre behavior that was observed during his visit to the campus of the University of South Alabama (USA) during McMeans’ graduation on May 4, 2002.

Updite advised he traveled to Mobile, Alabama, to the campus of USA to attend his friend’s graduation and to also visit with him on that weekend. Updite advised that the bizarre statements and behaviors were apparently caused by events in McMeans’ life during the Christmas holidays of 2001. Updite then provided SA DeVaney with a chronology of events pertaining to his visit to the campus of USA, which commenced on Saturday, May 4, 2002.

Updite advised that he arrived on campus on May 4, 2002, and that upon his arrival, was introduced initially to McMeans’ girlfriend, “T.K.,” and then to McMeans’ roommate, who was identified as Saul. Updite advised that Saul, T.K., and he attended the graduation and planned to meet McMeans outside of the Mitchell Center immediately following the ceremonies. Updite advised that after not being able to locate McMeans outside of the Mitchell Center, he then was able to contact him and learned that he had decided to go out with friends. Updite advised he was informed of this approximately thirty minutes after graduation, noting this was a strange decision by McMeans since friends and family were waiting for him. Updite advised that this made him mad, at which time he then decided to wait with T.K. at McMeans’ dorm. Updite advised that upon their arrival, they found McMeans at the dorm, at which time he could tell something was wrong. Updite stated he sensed “he was putting on a show to cover his feelings.”

Updite advised that during the graduation, McMeans initially was upset since he believed his parents had not arrived for his graduation. Updite advised that he and T.K. then went inside McMeans’ dorm and discussed plans to travel to an area restaurant. Updite advised McMeans stated he had learned

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that his relatives had arrived to Mobile for the graduation, but they were going on their own to a restaurant. Updite advised they finally decided to have dinner at Copelands, at which time he and T.K. requested McMeans to change clothes. Updite advised McMeans was wearing only a tank top, shorts and a pair of sandals. Updite advised that upon making this request, McMeans became angry with them since he believed he was dressed appropriately for this restaurant. However, Updite advised McMeans finally agreed to dress appropriately, at which time they then departed for Copelands. Updite advised that upon their arrival, McMeans apologized for his previous behavior and told them that he was "sorry."

Updite stated McMeans then announced that he "loved him," which was immediately followed by him telling him that he "loved him so much." Updite advised McMeans had never expressed their friendship in this manner, and realized that his friend's behavior was very strange. Updite advised that during their meal, McMeans requested everyone to stop eating, indicating that he had something he wanted to tell them. Updite advised McMeans then announced that he wanted everyone to know that he loves everyone at the table, and that everyone has been there for him.

Updite advised he then asked McMeans if his dad had come down for his graduation, which prompted McMeans to answer that he did not want to get into it, and that he would talk to him later. Updite further advised that during the meal, McMeans was listening to a Lauryn Hill song, which prompted him to ask the reason why McMeans was listening to this particular song. Updite stated McMeans told him that this compact disc (CD) was purchased for him by his girlfriend, T.K., and added that this particular song was "their song." Updite advised that after departing the restaurant, McMeans made the decision to visit his mother and an uncle, fearing that they may be angry since he had spent no time with them since their arrival to Mobile. Updite advised they then traveled to the local motel where McMeans' mother was staying and visited with her for a short time. Updite advised that at this time, McMeans then introduced his mother to T.K.

Updite advised that after leaving McMeans' mother's motel, they then traveled to the motel where McMeans' aunt and uncle were staying. After another short visit, Updite advised they then traveled to "The Club." Updite advised that while in McMeans' dorm, McMeans was constantly singing.

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Udite advised McMeans then voluntarily decided to sleep in another nearby dorm so he (Udite) could sleep. Udite stated that the following morning, McMeans advised him that he did not sleep at all after his (Udite's) departure. Udite advised that when he asked McMeans the reason why he did not sleep, McMeans told him that he did not want to sleep and dream because he was "hurt too bad." Udite advised that approximately 1000 hours that same morning, McMeans brought him numerous items for his trip back to Alpine, which consisted of different types of food items.

Udite advised McMeans then told him that "he loved him," and that he was glad that he was able to come to graduation. Udite advised that prior to his departure, McMeans then disclosed what had occurred during the previous Christmas visit with his parents in Alpine, which apparently resulted in McMeans' current emotional state. Udite advised McMeans then provided the following information pertaining to the chain of events which commenced on or about December 26, 2001, at the McMeans' residence in Alpine.

Udite advised McMeans related to him that he had traveled home for the Christmas holidays to visit his mother (Carol McMeans), his father (Genie McMeans, Sr.) and his sister (Sharon McMeans). Udite advised that McMeans stated that on the evening of December 26, 2001, he noticed that his mother kept looking out the window expecting his father to come home. Udite stated McMeans advised that his father eventually arrived home intoxicated with his clothes in disarray. Udite stated McMeans further related that his mother approached his father, accusing him of "fucking around on him." Udite further stated McMeans went on to add that his mother stated, "I'm going to tell you something that you both will hate me for!" Udite further stated McMeans related that his mother then announced that she "had fucked another Nigger," and that Genie Jr. was not his son.

Udite stated McMeans advised this shocked both him and his father. Udite stated McMeans advised his mother indicated she was tired of Genie Sr. cheating on her, but apparently did not realize that the aforementioned announcement would also hurt him (Genie Jr.). Udite advised that sometime during the early part of January before both he and McMeans returned to their respective colleges, he accompanied McMeans to the Platinum Club in Birmingham. Udite advised he recalled that McMeans

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was extremely upset about something during that time, but was unaware of the nature of McMeans' behavior until May of this year.

Udite further advised that McMeans reportedly wrecked his vehicle during this same time frame because of him being so upset regarding his mother's announcement. Udite further advised McMeans related that he and his father had blood tests taken in an effort to validate his mother's claims. Udite further advised McMeans later allowed him to examine the results of these tests, noting that the results of these tests corroborated his mother's claims, noting that these tests indicated McMeans and his father were not related.

Udite further advised McMeans stated that prior to traveling back to the USA campus in January of 2002, he took the opportunity to discuss the situation with his father. Udite further advised McMeans stated that he reportedly told his father that even though he was possibly not his biological father, that he still loved him, and has loved him for the past twenty-three years. Udite stated McMeans advised that Genie Sr. reportedly then told his son that he hated him, and that he never wanted to see him again. Udite further advised McMeans stated that Genie Sr. then (according to Genie Jr.) told him he was a "bastard child," and that is what is wrong with the world today. Udite further stated McMeans advised his father then told him to get out of the house. Udite further advised that the aforementioned chain of events resulted in McMeans' parents separating, but believed Genie McMeans Sr. is still residing somewhere in the Alpine, Alabama, vicinity.

Udite advised that after McMeans related these events, McMeans stated that he has been drinking a lot and smoking "weed," and that he now has nothing to live for. Udite further advised McMeans stated he came from two illiterate parents who could not read or write, and that he got picked on all of his life. Udite further advised McMeans stated that he has graduated from a prestigious college and now has nothing to live for. Udite stated he then told McMeans that he needed to live for his niece and nephew, noting that now McMeans was crying real hard while attempting to discuss his problems. Udite further advised McMeans also admitted that he had not been caring about his personal grooming, and only cleaned up since he knew he (Udite) would be coming to his graduation.



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Udite stated he then took the opportunity to question McMeans about the aforementioned song he had been listening to as sung by Lauryn Hill, at which time McMeans responded by indicating that there are words in this song that are meaningful to him. Udite advised McMeans explained there is a line in the song, "everything is going to be all right," and stated that this song made him feel better.

Udite further advised McMeans also admitted that he became more upset during this weekend of graduation since his father did not attend. Udite further advised that during the same conversation, McMeans stated "he just wanted to die," and made him swear not to tell anyone regarding his feelings. Udite stated McMeans advised that he is hurting so bad that it hurts for him to live "day by day." Udite further advised McMeans stated that he hates to plan anything, and that he wants to be doing something on a constant basis.

Udite further advised McMeans stated he was not going to be able to kill himself, but would "self-destruct himself" by drinking and smoking weed. Udite stated that even though McMeans indicated that he had nothing to live for, he also stated that he wished to travel to California to obtain his Masters Degree. Udite further advised McMeans stated that he did not want Saul to die if he was involved in an automobile accident.

Udite stated that after having this discussion with McMeans, he believed this would be the last time he would see him alive. Udite further advised McMeans was also upset because he now realized his cousins were actually not his cousins and was worried that they would not accept him. Udite further advised McMeans stated that he had "talked to God," and knew that he did not have much time left on this earth.

Udite advised that on Tuesday, May 7, 2002, he was telephonically contacted by McMeans on his cellular telephone, at which time McMeans repeatedly asked him if "he loved him." Udite further advised McMeans stated he had also spoken to his (Udite's) girlfriend (name not provided), and believed that she sounded upset. Udite further advised McMeans also repeatedly asked if he had been praying for him, and also told him that he would later call him back. Udite further advised McMeans then called his cellular telephone later that same date, at which time a voice message was then left. Udite further

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advised this was the last time he talked with McMeans and was expecting something to happen due to the nature of the aforementioned telephone calls and from his conversations with McMeans the previous weekend.

On May 12, 2002, Special Agent (SA) Michael DeVaney and SA Brian Falstrom interviewed Rufaro Nyatanga at the University of South Alabama Police station in Mobile, Alabama. Rufaro is the cousin and roommate of McMeans' girlfriend Tafadzwa Katiyo (T.K.).

Rufaro stated that McMeans was never very friendly to her when he would visit T.K. Rufaro characterized him as being somewhat arrogant. Rufaro stated that on the Sunday before McMeans left, she found a note he left for T.K. The note stated that he must break off the relationship because he was a bad person. Rufaro could not recall the exact contents of the note, but she felt it had tones of a suicide note. She confirmed that the note was thrown away. Rufaro stated later that day, McMeans came over to see T.K., and that he was apologetic for his behavior to her (Rufaro) in the past. She added that McMeans was very emotional that day, and that he never showed emotion in the past.

Rufaro concluded the interview with recalling that McMeans was very hyper and acted strange the day before he left for Miami. She also recalled talking to T.K. about McMeans needing mental health treatment.

On May 12, 2002, Special Agent Michael DeVaney and Special Agent Brian Falstrom interviewed McMeans' alleged girlfriend Tafadzwa Katiyo (T.K.), at the University of South Alabama Police station in Mobile, Alabama.

T.K. stated that she began dating McMeans in October of 2001. She added that his behavior the last few days before he left concerned her. T.K. recalled that McMeans told her that he could not sleep lately because God was talking to him. She stated that McMeans seemed preoccupied with converting everyone to Christianity lately. In addition, she stated that McMeans had been distressed over his strained relationship with his father. McMeans was very emotional because his father was not coming to his graduation commencement. T.K. stated that McMeans disappeared for a period of time the day of the graduation ceremony. He could not be found, which upset his mother who was visiting for the weekend.

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According to T.K., she later found McMeans in his room. She noted that he appeared to be very happy, which was in contrast to his recent demeanor.

T.K. stated that on the Sunday evening prior to McMeans departing for Miami, McMeans told her that "God is calling me," and that he thought that something was going to happen to him. According to T.K., McMeans told her that he had been praying for peace and the only way to get peace is for someone to die. She stated that he was playing a Lauryn Hill song over and over. T.K. stated that a lyric repeated in the song was "everything's going to be alright" and McMeans thought it was a message from God.

T.K. told Special Agent DeVaney and Special Agent Falstrom that McMeans left a note at her house earlier on Sunday. The note stated that he must break off their relationship because he was a bad person. Additionally, the note referred to his relationship with his father. T.K. added that her cousin and roommate, Rufaro Nyatanga, found the note. According to T.K., the note was subsequently thrown away and could not be located.

In closing, T.K. recalled that she had a conversation with Rufaro in which they discussed McMeans needing psychological help based on his recent behavior. She added that she last spoke with McMeans via his cell phone while he was enroute to Miami.

On May 11, 2002, Special Agent Michael DeVaney and Special Agent Brian Falstrom interviewed Kyle Clinton Brown, who was a resident advisor at the dorm where McMeans lived.

Brown stated that he knew McMeans for approximately two years, and that he would categorize his relationship with McMeans as an acquaintance. Brown recalled seeing McMeans the night before he was to leave for Miami, Florida. Brown stated that he had a conversation with McMeans for about an hour in which he (McMeans) appeared to be very emotional and introspective. Brown stated that McMeans admitted to "backsliding in life lately," and that he need to turn his life around again.

Brown recalled McMeans telling him that although he (McMeans) did not sleep in a few days, he was not tired. Brown also stated that McMeans kept playing the same Lauryn Hill song (title unknown) repeatedly. Brown added that he felt something was wrong with McMeans.

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Brown also stated that he felt McMeans had a problem with authority as evidenced by McMeans' attitude toward other resident advisors. He recalled McMeans having an incident in which he refused to let another resident advisor, Chekaya Glaspie, inspect his dorm room. The incident escalated into McMeans "pushing Chekaya back" from entering his room.

In closing, Brown recalled that McMeans had always been problematic as he was confrontational and defensive at times. Brown further stated McMeans may have had an anger control problem, and that his behavior swung from one extreme to another recently. He recalled McMeans' temperament going from sullen to extremely happy the last few days before he left. At the end of the interview, Brown recalled McMeans telling him that he (McMeans) had been shot and stabbed in the past. Brown added that he did not know if that was true.

FDLE crime scene personnel had processed the crime scene area where numerous items of evidence had been recovered. Included in the evidence recovered were five shell casings that had been located in the grass shoulder area between the Toyota Corolla and the FHP vehicle. A bullet was recovered from the front seat of the Corolla. The firearm, a 40-caliber Beretta semi-automatic pistol, of Trooper Walker-Vergenz was recovered and taken into evidence along with all magazines.

The Florida Department of Law Enforcement Tallahassee Regional Crime Laboratory analyzed numerous pieces of evidence obtained throughout the investigation. The analysis has revealed the bullet that was located in the front seat of the Toyota Corolla was found to contain a small amount of human tissue that was later through DNA analysis determined to belong to Genie McMeans. The tissue that was removed from the small indentation on the right doorframe was also determined through DNA analysis to belong to Genie McMeans. The bloodstain from the passenger seat of Corolla was determined through DNA analysis to be from Genie McMeans.

The clothes worn by Genie McMeans were examined. A hole, characteristic of a bullet entry hole, was located in the back of the shirt while the corresponding bullet exit hole was located in the front of the shirt. Three (3) holes, characteristic of entry holes, were also found in the front of the shirt. The

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holes were examined and analyzed. The results were that a determination was made that the shots were fired from three feet or greater.

The Beretta 40 caliber semi-automatic pistol recovered from the trooper was examined and found to be in working order. The five (5) cartridge cases found at the scene were compared and determined to have come from said pistol. The three (3) bullets removed from the body of McMeans and the bullet located in the front seat of the Corolla were examined and determined to have been fired from said pistol.

During an examination of the Toyota Corolla by FDLE Senior Crime Lab Analyst Ward Schwoob, a blood stain (smear) was discovered on the vehicle molding adjacent to the right side of the right front passenger seat, along with another blood stain near the bottom of the right passenger interior door panel. Also discovered was a small tear in the rubber molding at the "A" pillar of the right side of the vehicle, later determined to be caused by a projectile.

FDLE Crime Laboratory Analyst Mark Bennett, Firearms Section, examined the area on the passenger side doorframe and the door of the Corolla that were slightly damaged. According to CLA Bennett, the degree of bending of the doorframe is much less than would have been expected from a direct hit by a 40 caliber bullet. This indicates that much of the bullet energy was lost during passage through an intermediate object before impact with the door frame. Both the damaged areas tested positive for the presence of lead. The damaged area on the doorframe had tissue that was later tested positive to have come from McMeans.

On May 10, 2002, Special Agent Thomas McGraw and Senior Crime Lab Analyst Ward Schwoob searched the 2000 Toyota Corolla belonging to Genie McMeans.

The only drugs that were found was a prescription pill that had belonged to Ticona. The pill was examined by the Chemical Section of the FDLE Tallahassee Regional Crime Laboratory and determined to be Clomipramine. This pill was later found to belong to Ticona who had a prescription for this medication. No other drugs or any weapons were discovered.

On May 10, 2002, Special Agent McGraw met with Physician Assistant James Lamb in the morgue of the Tallahassee Memorial Hospital. The body of McMeans had already been x-rayed by

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hospital personnel and Lamb was in the process of viewing the x-rays. Doctor Scott then arrived and viewed the x-rays of McMeans. Doctor Scott indicated that the x-rays revealed that there appeared to be three bullets lodged inside the torso area of McMeans. Doctor Stewart also was present intermittently during the autopsy.

Doctor's Stewart and Scott identified two gunshot wounds to the left hand of McMeans. One of the shots struck the ring finger and exited through the little finger. The path of this bullet caused it to strike bones in the fingers prior to exiting. The second shot struck between the left index finger and the thumb, exiting through the palm. The path of this bullet did not strike bone but only tissue of the hand.

Doctor's Stewart and Scott identified four more gunshot wounds to the torso of McMeans. The first wound is described as being on the lower right side of the abdomen. The second wound was slightly above the first wound. The third wound is slightly higher and towards the center of the torso. The fourth wound is higher than the others and back towards the right side of the torso.

Base upon an examination of the shirt that McMeans was wearing during the shooting and the wounds themselves, it was determined by Doctor Stewart that McMeans had three entrance wounds and one exit wound to the front of the torso. The fourth entrance wound was located on the right back of McMeans.

Doctors' Scott and Stewart hypothesized that the wounds on the left hand of McMeans were incurred when Trooper Walker-Vergenz shot McMeans in the torso area. This is based upon a visual observation of the hand and the known facts that the trooper fired five (5) rounds with one of those rounds being fired into the ground. Three (3) bullets were recovered from the body and one bullet was recovered from the front seat of the vehicle. There were six (6) bullet wounds to the body of McMeans.

The hypothesis is that McMeans clutched his torso with his left hand and was shot twice through the hand and into the body. The lowest wound on the torso of McMeans is consistent with a bullet first striking an intermediate object such as the left little finger and ring finger and then entering the body. The second wound to the left hand struck only tissue and would be consistent with one of the middle wounds on the torso.

The left hand of McMeans was later placed upon the right torso area of the four (4) wounds. The wounds in the hand are consistent with the wounds in the torso.

On June 27, 2002, Special Agent Thomas McGraw received the autopsy report from Doctor Gregory Scott of the Office of the Medical Examiner.

The final findings of the report indicate that McMeans had one (1) gunshot wound to the right back, three (3) gunshot wounds to the front chest area and two (2) gunshot wounds to the left hand. Extensive internal injuries from the gunshot wounds were to the right lung, liver, right kidney, diaphragm and right colon.

The comprehensive drug screen on the blood and urine was negative.

### **III. FINDINGS:**

The following is based upon the statements from witnesses and the trooper, along with the analysis of the evidence examined.

Trooper Walker-Vergenz was acting in her official capacity while stopped on Interstate 10 conducting the original traffic stop of Cedric Bellard.

Saul Ticono and Genie McMeans were returning from Miami to Mobile, traveling west bound on Interstate 10 just east of Tallahassee, Florida. Ticono had been driving McMeans' 2000 Toyota Corolla when he stopped the vehicle in a reckless manner after sighting Trooper Walker-Vergenz. Ticono stopped in order to gain assistance with McMeans from the trooper.

Due to the erratic stop by Ticono, Trooper Walker-Vergenz concluded her traffic stop and proceeded forward to investigate the actions of Ticono and McMeans.

Upon attempting to ascertain what the situation was with Ticono and McMeans, Trooper Walker-Vergenz was accosted by the passenger McMeans. McMeans exited the passenger side of the vehicle shouting "BOOM," and came at the trooper with his hands fully visible and empty handed. Trooper Walker-Vergenz was able to gain command of McMeans at gunpoint by ordering him to the ground beside the vehicle.

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After several seconds of lying on the ground, McMeans returned to the standing position and again came at Trooper Walker-Vergenz with his hands fully visible and empty handed, but reaching out towards the trooper and screaming "aaahhhhh." Trooper Walker-Vergenz began retreating while pointing her firearm at McMeans and commanding him to stop. McMeans then turned and began walking back to the open doorway of the vehicle with Trooper Walker-Vergenz still commanding him to stop. However, upon his failure to stop, Trooper Walker-Vergenz then fired once with her FHP issued 40-caliber Beretta pistol and struck McMeans once in the right back while he was walking away.

Upon being shot the first time, McMeans re-entered the vehicle, sat for several seconds and then again exited. McMeans again came at Trooper Walker-Vergenz in the same manner as previous. Trooper Walker-Vergenz again commanded McMeans to stop, and upon his failure to do so, she fired and struck McMeans in the chest area. McMeans continued to advance in the same manner and was again shot. Trooper Walker-Vergenz continued to command McMeans to stop, and upon his failure to stop, she shot him once more in the chest area. McMeans then collapsed onto the grassy shoulder of the roadway. Two (2) of the four (4) shots that struck McMeans also struck his left hand traveling through and into the torso.

Trooper Walker-Vergenz fired a total of five (5) rounds with four (4) rounds striking McMeans. One of the rounds was probably fired into the ground when McMeans was advancing on Trooper Walker-Vergenz. Trooper Walker-Vergenz did not recall firing a shot that missed McMeans.

The first round fired by Trooper Walker-Vergenz struck McMeans in the back, penetrated through his body, exiting in the front and thus striking the door frame and door trim on the passenger side of the Toyota Corolla. The bullet then ricochet onto the front seat on the passenger side of the vehicle where it was later recovered. No weapons were found inside the Toyota Corolla, in the area surrounding the vehicle or on the person of Genie McMeans.

The recent past behavior of Genie McMeans was researched and it was discovered that there were numerous issues that had arisen in the past six months that had caused McMeans' friends to have grave concern about his well being. These concerns were his erratic actions, his emotional mood swings and his



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fatalistic behavior. The three-week vacation that he and Ticona were to have in Miami was ended after only one day due to his behavior.

When McMeans was shot the first time, Trooper Walker-Vergenz did not see any weapons of any kind, did not have concern for Ticona the driver, and was not at that time being physically confronted by McMeans. Trooper Walker-Vergenz stated she "thought" that McMeans was going for a weapon in the vehicle, and due to the actions of McMeans, was in fear for her life.