

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

**INTERIM REPORT OF THE GRAND JURY: JANUARY THROUGH JUNE 2019 TERM**

TO: The Honorable Judges of the Circuit Court of the Seventeenth Judicial Circuit, In  
and for Broward County, Florida

RE: Investigation into the Police Shooting Death of Robert Page

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On May 1<sup>st</sup>, 2019, your Grand Jury received sworn testimony, demonstrative and documentary evidence pertaining to the police shooting death of Robert Page, which occurred on December 6<sup>th</sup>, 2017. The facts established that Coral Springs Police Department Detective Brian Koenig and Officer Frank Martinez fired their firearms during the performance of their legal duty, which resulted in the death of Robert Page. Your Grand Jury specifically sought to determine:

1. Whether Detective Brian Koenig and Officer Frank Martinez were legally justified in using deadly force during the commission of their legal duty, and therefore, committed a lawful homicide; or,
2. If Detective Brian Koenig and Officer Frank Martinez were not legally justified in using deadly force during the commission of their legal duties, what degree of unlawful homicide was committed to wit: first degree murder, second degree murder, or manslaughter.

After receiving all the evidence your Grand Jury found that Detective Brian Koenig and Officer Frank Martinez were legally justified in using deadly force during the commission of their legal duty as a law enforcement officers, as they reasonably believed that such force was necessary to prevent imminent death or great bodily harm to themselves or others. Accordingly, no criminal charges are warranted against Detective Brian Koenig and Officer Frank Martinez.

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In reaching the conclusion that the shooting was justified, your Grand Jury made findings of fact with respect to the circumstances surrounding the incident. Your Grand Jury findings are set forth in the ensuing paragraphs.

Your Grand Jury examined the facts surrounding Robert Page's death, as recounted by ten (10) witnesses. All witnesses testified under oath to events before, during and after the shooting.

Additionally, Detective Brian Koenig and Officer Frank Martinez testified. Detective Brian Koenig and Officer Frank Martinez voluntarily appeared before the Grand Jury after executing a written waiver of any claim to immunity from criminal responsibility.

Your Grand Jury received testimony from civilian witnesses, crime scene detectives, medical examiner and an expert in the area of firearms and ballistics. Also reviewed by your Grand Jury were 911 and recorded phone calls from family members of the decedent, firearms and ballistics evidence, and crime scene photographs depicting the scene.

Your Grand Jury finds the incident occurred on Wednesday December 6<sup>th</sup>, 2017 at approximately 12:51 p.m., when Coral Springs police officers responded to 11293 NW 11<sup>th</sup> Court in Coral Springs to a call of a person who was possibly going to commit suicide via a gunshot. Multiple officers arrived and established phone contact with the 911 caller who was now stating that the decedent had multiple firearms in the residence and would commit "suicide by cop." The incident became a SWAT scene and contact was made via hostage negotiators.

Your Grand Jury finds that the decedent later walked out of the front door towards SWAT officers at the front of the residence and proceeded to point a firearm at SWAT officers. Despite several verbal commands, the decedent did not drop the firearm and that was when Detective Koenig and Officer Martinez subsequently discharged their weapons toward the decedent.

Your Grand Jury finds that a follow-up investigation revealed that the decedent had a history of alcohol abuse, and had hinted of "suicide by cop" to a family member in the

past. A search warrant for the residence revealed that the decedent had dozens of guns and thousands of rounds of ammunition inside of the residence.

Your Grand Jury heard testimony that Coral Springs police officers were first requested to respond to the decedent's residence on December 6<sup>th</sup> pursuant to a 911 call from a family member who stated that his father had a drinking problem and has been acting irrationally. The responding Coral Springs police officer drove by the decedent's residence per request of family members and confirmed that the decedent's truck was in the driveway, but did not make contact with the decedent. Family members reported that the decedent hated the police and felt that it was better if no contact was made, as any contact would set off the decedent to be confrontational with police. The responding Coral Springs police officer was also informed that the decedent had had multiple firearms and made mention of "suicide by cop" in the past. The responding Coral Springs police officer informed family members of numerous options including a possible Marchman Act. The officer then cleared the area and informed family members to call him if any further assistance was needed. Your Grand Jury heard the recorded 911 calls.

Your Grand Jury heard testimony from the first responding Coral Springs officer who testified that he received a follow-up phone call from a family member of the decedent advising him that the decedent was suicidal and had a loaded shotgun in his mouth. In response, members of the Coral Springs police department including the swat team set up a tactical position around the residence. During the tactical SWAT Team response, a SWAT Bearcat vehicle containing multiple SWAT Team members positioned itself at the front of the decedent's residence. During this tactical response, the decedent exited his residence while on the telephone with hostage negotiators, presented himself towards SWAT officers while armed with a shotgun, and despite verbal commands pointed the shotgun at SWAT officers. The shooting of the decedent occurred at approximately 2:26 p.m.

Your Grand Jury heard from a Coral Springs negotiator who was on scene. She testified that she called the decedent numerous times before he finally answered and that when he answered he was extremely hostile while on the phone. She believed that the

decedent sounded intoxicated. The negotiator testified that the decedent did not want police on his property and that he grew increasingly angry, and that the decedent began stating "are you getting ready? Are you gonna get ready?", and that he was going to come out the front door. The negotiator testified that she told him to leave the firearm in his house if he exited and that the decedent responded "it's gonna be you firing and me firing back. You're going to fire one and I'm going to fire the second." She stated that she then heard the decedent open his door, followed by voices telling him to drop the gun. She then heard further commands followed by gunfire.

Your Grand Jury received testimony from a crime scene detective who described the residence as a one story single family style residence with a front door facing south. The glass windows located on the residence facing south and just west of the front door contained three projectile strike marks. A three car garage was situated along the eastern side of the residence, and a semi-circle driveway runs along the east to the west of the property. Outside of the decedents' residence, there was a SWAT Bearcat vehicle. It was parked in the southeastern corner of the driveway. Five spent Speer .223 rem casings were located along the passenger side of the Bearcat vehicle. A white Toyota bearing New York tag HEG5375 was also parked in the driveway along with Gray Chevy pickup truck bearing Florida tag ERSF52 in the driveway belonging to decedent. Inside the Gray Chevy pickup, one fully loaded revolver was recovered.

Your Grand Jury heard testimony that located in the exterior walkup doorway south of the residence front door was the decedent. Situated to his east was a white Google cellular telephone, situated west of his feet was a loaded pump action 12 gauge American Tactical shotgun, safety off, bearing serial number PA-18058 with a laser sight on the barrel and containing blood. Also observed in the area was miscellaneous medical trash first aid items and blood spatter pooling.

Law enforcement, including crime scene detectives, executed a search warrant on the inside of the decedent's residence. Items recovered and observed included: two spent projectiles on the living room floor, a box for the shotgun matching serial number

recovered next to the decedent, numerous alcohol containers, containers of prescription medicines (Sertraline) in the decedent's name. Also observed in the home was a large amount of unrelated firearms and thousands of rounds of mixed ammunition.

Your Grand Jury heard from a forensic pathologist who examined Mr. Page the following day at the medical examiner's office. The pathologist found that Mr. Page was a Seventy-One (71) year old caucasian male who stood Seventy-one (71) inches tall, and weighed two hundred and twenty (222) pounds.

The pathologist determined that the deceased was shot five times. Mr. Page had a penetrating gunshot wound to the anterior left side of his chest, a perforating gunshot wound to the anterior right side of his chest, a perforating gunshot wound to the anterior right side of his chest, a perforating gunshot wound to the abdomen, a penetrating gunshot wound to the epigastric region of the abdomen, and a perforating gunshot wound to the posterior aspect of the left forearm. There was no presence of soot or gunpowder stippling on the surrounding skin of the wounds. Two projectiles were recovered. The wounds were consistent with the trajectory of the bullets traveling from the front left direction. The toxicology report documented Page's blood tested positive for Sertraline and blood alcohol positive for .32 g/dL. The opinion of the pathologist is that Mr. Page died as a result of multiple gunshot wounds and the manner of death was homicide.

Your Grand Jury heard from an expert in the field of firearms and tool mark examinations. She received two (2) guns, along with three (5) fired shell casings and one (1) projectile recovered from the deceased and two (2) projectiles from the living room floor. The rifles fired by Detective Koenig and Officer Marinez were analyzed and compared to the shell casings and projectiles collected, resulting in the following after scientific analysis:

Officer Marinez carried a 5.56 x 45mm caliber Colt, model M4 Rifle #LE366560. Analysis with the shell casings collected and fired projectiles concluded that he fired his weapon four (4) times.

Analysis showed that four (4) of the five (5) shell casings and projectiles recovered a from the crime scene were fired from Officer Marinez's firearm.

The two projectiles recovered from Mr. Page's body were fired by from Officer Marinez's firearm.

Detective Koenig carried a 5.56 x 45mm caliber Colt, model M4 Rifle #LE366560. Analysis with the shell casings collected and fired projectiles concluded that he fired his weapon one (1) time.

Your Grand Jury received testimony from Detective Koenig and Officer Marinez who voluntarily appeared before the Grand Jury after being duly advised of their constitutional rights and executing a written waiver of any claim of immunity from criminal responsibility. Officer Marinez stated that he responded to the scene pursuant to a SWAT team callout regarding the aforementioned incident involving the decedent Mr. Page. Officer Marinez testified that he received all of the aforementioned information regarding the circumstances surrounding the decedent's actions and threats. Officer Marinez stated that he was positioned inside of the turret of the SWAT Bearcat vehicle when he heard from hostage negotiators that the decedent was coming outside with a shotgun. Officer Marinez then observed the decedent exit through the front door of the residence with a black shotgun in his hand. Officer Marinez then observed the decedent walking towards the SWAT Bearcat vehicle while pointing the muzzle of the firearm towards the SWAT Bearcat vehicle, eventually lowering it. Officer Marinez stated that he gave the decedent multiple commands to drop the gun, along with numerous other SWAT Team members. Officer Marinez described the decedent as being "irate," and that the decedent aggressively yelled "shoot me" several times. Officer Marinez then observed the decedent ignore all commands, raise the shotgun, seat the buttstock of the shotgun in his right shoulder and point it "directly" at both himself and Detective Koenig. Officer Marinez stated that this action caused him to fear for both his safety and the safety of other law enforcement officers

in the area. He then proceeded to discharge his rifle. Officer Marinez then observed Coral Springs Police Department SWAT Medics attend to the decedent.

Detective Koenig testified that he responded to the scene pursuant to a SWAT Team callout regarding the aforementioned incident involving the decedent. Detective Koenig confirmed that he received all of the aforementioned information regarding the circumstances surrounding the decedent's actions and threats. Detective Koenig explained that hostage negotiator efforts began at 2:00 p.m. and that repeated calls between 2:00 p.m. and 2:15 p.m. all went unanswered. Detective Koenig testified that he then began attempting to communicate with the decedent via the loudspeaker, identifying himself as the Coral Springs Police Department and that they were on scene to "help him." Detective Koenig stated that several minutes passed until he was informed that telephone contact was made with the decedent by negotiators.

Detective Koenig testified that a short time later he heard a negotiator advise over the radio that the decedent was "coming outside with a shotgun." Detective Koenig then testified that he observed the decedent exit the residence with a black shotgun in his hand. The decedent was pointing the shotgun at the SWAT officers in the area, but eventually lowered it. Detective Koenig and other law enforcement began giving loud, verbal commands for the decedent to drop the shotgun. Detective Koenig testified that the decedent responded by screaming "shoot me" multiple times. Detective Koenig then instructed a fellow SWAT operator to utilize his "less than lethal" weapon, but that before he could, the decedent raised the shotgun and pointed it in the direction of both himself and Officer Marinez. Fearing for his safety and the safety of other law enforcement on scene, Detective Koenig discharged his rifle. Detective Koenig then approached the decedent along with Coral Springs Police Department SWAT Medics and other Coral Springs Police Department SWAT personnel while first aid was attempted.

Your Grand Jury finds that when Detective Koenig and Officer Marinez discharged their firearms at Mr. Page, they reasonably believed that deadly force was necessary to defend themselves from imminent death or great bodily harm.

Your Grand Jury finds that at the time Detective Koenig and Officer Marinez discharged their firearms, They were engaged in the lawful performance of their legal duty, and had the legal right to be where they were and to stand their ground and meet force with force, including deadly force, as Detective Koenig and Officer Marinez reasonably believed that it was necessary to do so to prevent imminent death or great bodily harm to themselves or another, or to prevent the commission of a forcible felony.

In conclusion, and based upon careful analysis of all the testimonial and physical evidence, your Grand Jury has made the following findings:

- (1) Detective Koenig and Officer Marinez were both duly authorized law enforcement officers with the Coral Springs Police Department, who were engaged in the lawful performance of their legal police duties.
- (2) Detective Koenig and Officer Marinez used deadly force against Robert Page, causing his death, by firing their rifles as Robert Page was placing Detective Koenig and Officer Marinez and their fellow officers in danger of death or great bodily harm by ignoring verbal commands to drop the shotgun he was holding.
- (3) Detective Koenig and Officer Marinez were justified in using deadly force against Robert Page as they reasonably believed that such force was necessary to prevent imminent death or great bodily harm to themselves or to other persons.

Accordingly, you Grand Jury finds that the police shooting death of Robert Page was the result of justifiable use of deadly force under Florida law, and No True Bill against any involved police officer should issue.

Respectfully submitted this 26 day of June, 2019.

  
WHITNEY RAYMOND, FOREPERSON  
GRAND JURY, JANUARY TO JUNE TERM 2019