



HAROLD F. PRYOR
STATE ATTORNEY

Email

SEVENTEENTH JUDICIAL CIRCUIT OF FLORIDA
BROWARD COUNTY COURTHOUSE

201 SE SIXTH STREET, WEST WING SUITE 7130, FORT LAUDERDALE, FL 33301-3360

PUBLIC RECORDS REQUEST

Contact Ms Williams at (954) 831-7228 / PRrequests@sao17.state.fl.us

Requestor : **BILL GELIN**
Company : **JAABLOG - MEDIA**
Address:

Request Reference #: **28785**
Phone:
Fax:
Date: **6/24/2024**

City, State, Zip , -
Email: **GELINDISCOVERY@GMAIL.COM**

Pursuant to Chapter 119, Florida Statutes, request is made for:

Request Type: **COPIES**

Record Type: **Public Records Request**

Defendant:

Description : **Copy of complaints or reports concerning ASA Lefevere made to the Florida Bar**

YOU ARE ADVISED that the State Attorney's Office is not the custodian of the official court records. The records you have requested are only those in the custody of the State Attorney, subject to all legal exceptions and/or redactions. For a copy of the complete and official record and/certified copies, contact the office of Brenda Forman, Clerk of the Court, 17th Judicial Circuit of Florida, at (954) 831-6565

(For SAO use only)

Letter acknowledging request sent by _____	Date _____
Active Discovery provided by _____	Date _____
Reviewed/Redacted by _____	Date _____
Approved/Disapproved by ASA <u>KMA</u>	Date <u>6/24/24</u>
File unable to be located by Unit _____	Date _____

See Notes/Exemptions/Redactions indicated below

Request Withdrawn--Date _____ SAO has no record as requested _____
SAO record was destroyed per § 119.021(2)(d), _____

Notes/Exemptions from Public Record Disclosure (For Reviewing ASA use only)

- Attorney notes are not Public Record and are never subject to disclosure- confidential and exempt, Lopez v. State 696 So. 2d 725 (Fla. 1997); Valle v. State, 705 So.2d 1331(Fla. 1997); Arbelaez v. State, 775 So. 2d 909 (Fla.2000)
- Mental Health records => exempt, §394.4615(1), FS; §456.057, FS
- Personal victim information in cases of sexual offense, child abuse, lewd & lascivious offense=> exempt, §119.071(2)(h), FS; §794.024
- Personal assets of crime victim=> exempt, §119.071(2)(i), FS
- Medical Records=> exempt, §395.3025(4), FS; §395.3025(8), FS; §456.057, FS
- PSI, PTI, pre-plea, post-sentence investigative records=> exempt, §945.10(1)(b), FS
- Reports of abuse of vulnerable adult=> exempt, §415.107, FS
- Department of Children & Families Reports of child abuse=> exempt, §39.0132(4)(a), FS; §39.202, FS
- School records=> exempt, §1002.221, FS
- Photograph of victim of sexual offense=> exempt, §119.071(2)(h)
- Active criminal intelligence and investigative information=> exempt, §119.071(2)(c), FS, §119.071(3)(d)2, FS
- Information which may identify a caller requesting or reporting "911" emergency service confidential and exempt=>exempt, §365.171(12)(a), FS
- Juvenile Records=>exempt, §985.04, FS
- Drivers License digital imaging=> exempt, §322.142(4), FS
- Security video/surveillance exempt and confidential==>F.S. 119.071(3)(a)
- Pharmacy Records=>exempt, §465.017(2)
- Telecommunications records=>exempt, §119.071(5)(d)
- Article I Section 16 of the Florida Constitution
- Other exemptions=> _____
- On active, pending cases, information not disclosed to defense in discovery=> exempt, Satz v. Blankenship, 407 So. 2d 396 (Fla. 4DCA 1981); Tribune Co. v. Public Records, 493 So. 2d 480 (Fla. 2nd DCA 1986)
- Confession by Defendant on active cases=> exempt, §119.071(2)(e), FS
- Bank account numbers, debit, charge and credit account numbers and social security numbers=>exempt, § 119.071(5)(a), FS; § 119.071(5)(b), FS; § 119.074(1)(j), 2(e), and 3 (b), F.S.
- Biometric ID Information=>exempt, §119.071(5)(g), FS
- Information revealing ID of undercover personnel of any criminal justice agency exempt, §119.071(4)(c) F.S.
- Defendant not entitled to free copy of file.=> Roesch v. State, 633 So. 2d 1 (Fla. 1993)
- Criminal History Data=> exempt, §943.0525, FS
- Department of Corrections Records & Investigations=> exempt, §945.10, FS
- Autopsy Photographs=> exempt, §406.135(1), FS
- E.M.S. Reports=> exempt, §395.51, FS
- Home Addresses, etc., of current or former prosecutors, law enforcement personnel, firefighters, judges and code inspectors=> exempt, §119.071(4)(d)2, FS
- Traffic Crash Report exempt for 60 days after report is filed=>exempt, §316.066(5)(a), FS
- Videotaped statement of minor victim of sexual battery=>exempt, §119.071(j)2.a., FS
- DL and DMV records=>exempt, §119.071(2), FS
- Photo/video/audio recording that depicts or records the killing of a human being=>exempt F.S. 406.136
- Federal Tax Information=>exempt- 26 USC 6103
- Witness to a murder- personal information ==>exempt §119.071(2)(m), FS
- B.W.C- exempt and confidential F.S. 119.071(2)(l)2)
- Traffic citations => FL ST § 316.650(11)



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BROWARD COUNTY COURTHOUSE
201 SE SIXTH STREET
FORT LAUDERDALE, FL 33301-3360

(954) 831-6955

TO: The Florida Bar
FROM: Neva Rainford-Smith
RE: ASA Chandler Lefevere, FL Bar #1032534
DATE: June 24, 2024

I am writing you regarding recent conduct by Assistant State Attorney Chandler Lefevere. Ms. Lefevere is an attorney in the Felony Trial Unit at the Broward State Attorney's Office. On June 11, 2024, I met with Assistant State Attorney in Charge Paul Valcore and Senior Supervising Assistant State Attorney Lindsay Carrier. ASA Carrier is ASA Lefevere's direct supervisor. ASA Paul Valcore is the Division Chief of the Felony Trial Unit. At the meeting, I was informed by ASA Carrier that ASA Lefevere created a forged Change of Charge Memorandum by cutting out ASA Lindsay Carrier's signature from a different memorandum and taping said signature to a partially completed Change of Charge Memorandum (see attached exhibit A) which ASA Lefevere authored and signed. That document was then copied to create a completed signed memorandum, (see exhibit B) in an attempt to portray that her Supervisor (ASA Carrier) had signed the Change of Charge Memorandum authored by ASA Lefevere.

During the meeting, ASA Lindsay Carrier stated that she did not authorize the contents of the Change of Charge Memorandum nor did she sign the Change of Charge Memorandum authored by ASA Lefevere. The forged signature was brought to ASA Lindsay Carrier's attention by a Support Staff member (Blossom Rowe) who found the altered signature page in the copy machine in the Felony Trial Unit and returned it to ASA Lindsay Carrier. The completed fabricated memo with ASA Carrier's signature was later found on ASA Lefevere's desk by ASAIC Valcore on June 12th. At the time this was reported to me, ASA Lefevere was sitting second chair in a trial and I decided to wait until the trial was over to address the issue.

It should be noted that an unsigned version of this memorandum was e-mailed to ASAIC Valcore on June 7th when he requested a copy of it. He then edited it and had it placed in the SAO computer system as the official public record closed case memorandum for the Tapanes case. However, ASA Lefevere had not been advised of this action when she chose to create the forged signature document at some time between June 7 and June 11. She was far behind schedule in writing these closed case memorandums and panicked after being confronted and asked for the Tapanes case memo on June 7th.

On the morning of June 18, 2024, I met with ASA Lefevere in the presence of the Division Chief, ASAIC Paul Valcore. ASA Lindsay Carrier was not present at this meeting by request, as she stated she did not want to attend the meeting since it was her signature that was forged. During the meeting, I informed ASA Lefevere that there were concerns regarding the Nicole Tapanes case, I then proceeded to ask her the following questions:

Did you discuss the breakdown of this case with your Supervisor? Answer: Yes

Did you obtain her consent for the breakdown? Answer: Yes

Did she sign the Change of Charge Memorandum indicating that she gave consent for the breakdown?
Answer: Yes

Is this the memo that you both signed? (showing ASA Lefevere, the completed memo with ASA Carrier's forged signature) Answer: Yes

Are you sure? Answer: Yes


After ASA Lefevere gave the above-mentioned answers, I showed her the page with ASA Carrier's signature taped to the partially completed memo and asked her to explain the document. When confronted with the actual page with the fabricated signature that was recovered from the FTU printer, ASA Lefevere admitted to cutting her Supervisor's signature from another memo and affixing it with tape to the Change of Charge Memorandum at issue. She then stated that she misunderstood the questions I asked her regarding speaking to her Supervisor and obtaining her signature on the memorandum for the breakdown. She proceeded to cry, and stated that she had second thoughts, knew she could not go through with it and trashed the forged memorandum. At that point, I reminded her that she did not trash the memo, as the memo was found on her desk by ASAIC Valcore. She then stated that she had not turned in the memo to her Supervisor - which is an accurate statement.

In the afternoon of June 18, 2024, at 3:15 p.m., State Attorney Harold Pryor, Chief Assistant State Attorney Regina Faulk, ASAIC Paul Valcore and I met with ASA Lefevere. ASA Lefevere apologized and expressed remorse. At the meeting, she was informed that as a result of her actions in forging her Supervisor's signature, even though she may have abandoned the attempt by not turning in the forged document, she would be suspended without pay for one week, placed on probation for 6 months and required to take an ethics course.

On June 20, 2024, she was informed that the matter would be reported to the Florida Bar in compliance with the Office's ethical duty to report any such actions to the Florida Bar pursuant to Rule 4-8.3.

It should be noted that prior to June 14th, 2024, ASA Lefevere had a stellar reputation in the office and was well regarded by her peers and Supervisors alike. While the State Attorney's Office has taken steps to discipline ASA Lefevere, we acknowledge that the Bar may impart its own discipline. As such, we ask leniency and, if possible, to have ASA Lefevere enroll in a Diversion Program, (in addition to any other penalties that the Bar sees fit) as this would enable her to salvage her career and re-build her reputation.

Sincerely,



Meva Rainford-Smith
Deputy Chief Assistant State Attorney

When discussing the upcoming motion to suppress, the Undersigned inquired of the officer how far the defendant's vehicle was observed crossing over the line of traffic. The officer indicated to the undersigned that the defendant's vehicle only crossed over the lane by "one tire width". Under *Crooks* line of reasoning, the stopping officer did not observe the defendant's vehicle recklessly driving or endangering other motorists in order to justify a traffic stop. Under *Yates*, the defendant's vehicle did not stray "more than what was practicable" in order to justify a traffic stop.

The undersigned discussed the merits of the Motion to Suppress with SASA Carrier and accordingly made the change of charge offer to a misdemeanor Driving Under the Influence charge as discussed above. The Defense accepted the State's offer on December 12, 2023.



CHANDLER LEEVERE
ASSISTANT STATE ATTORNEY



LINDSAY CARRIER
SUPERVISING ASSISTANT STATE ATTORNEY
FELONY TRIAL UNIT



HAROLD F. PRYOR
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SEVENTEENTH JUDICIAL CIRCUIT OF
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BROWARD COUNTY COURTHOUSE
201 S.E. SIXTH STREET
FORT LAUDERDALE, FL 33301-3360

PHONE (954) 831-7974

CHANGE OF CHARGE MEMORANDUM

TO: FILE

FROM: CHANDLER LEFEVERE
ASSISTANT STATE ATTORNEY
CIRCUIT COURT DIVISION

DATE: January 8, 2024

RE: State of Florida vs. Nicole Tapanes
Case No. 229221CF10A
Division Judge: FRANK LEDEE

The Defendant was charged by Information with Felony Driving Under the Influence, Refusal to Submit the Breath Testing, Reckless Driving, and Driving While License Suspended.

PLEA OFFER

Offer Approved by SASA Lindsay Carrier:

- I. COC to MM DUI: adj / 12 months probation / 12 month DL suspension / \$1000 fine / 50 CSH / 10 day vehicle immobilization / \$50 COP / MADD VIP / level 2 DUI school / no alcohol no intoxicants / TAD monitor / BARC eval and follow up as recommended
- II. Refusal: adj / 12 months to run consecutive to count I
- III. Reckless Driving adj / cc
- IV. DWLS: adj / cc

FACTUAL BACKGROUND

On September 17, 2022, officers were dispatched to the area of Red Road and Flamingo Road in reference to a reckless driver. The dispatcher advised that an anonymous caller stated that a white Nissan bearing FL tag JABR23, was driving recklessly almost hitting other cars. The caller did not identify themselves, they did not leave a callback number, and no information regarding the caller's identity was provided in the CAD report associated with the incident. When the stopping officer reached the area of Pembroke Road and Flamingo Road, I observed a white Nissan traveling westbound on Pembroke Road. The officer described the vehicle as

“swaying withing the lane” and indicated to the undersigned over the phone that the vehicle’s tire crossed the lane of travel by approximately one tire width. Due to officer concern for the safety of the driver and other motorist, he conducted a traffic stop. During the initial contact with the defendant, the officer smelled a strong odor of alcohol emanating from the defendant’s breath and noted her speech was slurred. The defendant admitted to drinking a few hours prior to being pulled over.

A DUI officer was dispatched to the scene and the defendant completed field sobriety exercises. Based on the defendant’s performance on those exercises, officers developed probable cause that the defendant was driving under the influence of alcohol. The defendant was asked to provide a breath sample and the defendant refused. The defendant was then read implied consent, acknowledged that she understood the consequences of refusing to provide a breath sample, and refused officers’ second request for a breath sample. The defendant was arrested and charged accordingly.

BASIS FOR CHANGE OF CHARGE

On December 4th, 2023, Defense filed a motion to suppress the traffic stop on the basis that the stopping officer lacked reasonable suspicion to stop the defendant. Upon analysis of the facts and applicable law, the traffic stop in the instant case did not comport with the requirements of the Fourth Amendment.

In the instant case, the anonymous caller reporting that the defendant was driving recklessly and nearly hitting other vehicles is considered an “anonymous tipster.” State and federal case law establishes that the reliability of a tip which alleges illegal activity varies based upon whether the tip is truly anonymous, such as an anonymous telephone call as in this case, or whether it is offered by a “citizen informant” who approaches the police in person to report criminal activity. A tip from a citizen informant falls at a higher end of the reliability scale. *See State v. Maynard*, 783 So.2d 226, 228 (Fla.2001). A truly anonymous tip has been consistently held to fall on the low end of the reliability scale, primarily because the veracity and reliability of the tipster is unknown. Thus, the United States Supreme Court has held that for an anonymous tip to provide a reasonable basis for a *Terry* stop, the tip must contain specific details which are then corroborated by independent police investigation. *See Baptiste v. State*, 995 So. 2d 285, 292 (Fla. 2008).

In the present case, the details of the anonymous tip were not corroborated by independent police investigation to justify a traffic stop. When the stopping officer approached the defendant’s vehicle, he did not observe reckless driving, simply that the defendant was “swaying” within her lane. Therefore, the anonymous tip and officer investigation did not provide sufficient reasonable suspicion to justify a *Terry* stop.

Secondly, in order for an officer to conduct a traffic stop, they must have probable cause to believe a traffic infraction was committed. In *Crooks v. State*, 710 So. 2d 1041 (Fla. 2d DCA 1998), the Second DCA held that in order to cite a person for Failure to Maintain, the person must endanger another motorist or pedestrian. Additionally, under *Yanes v. State*, 877 So. 2d 25 (Fla. 5th DCA 2004), an officer may conduct a traffic stop for failure to maintain a lane when a vehicle deviates from its lane more than what is practicable.

Under both cases, the defendant’s actions did not create probable cause that a violation of failure to maintain a single lane was committed. When the stopping officer observed the defendant’s vehicle, she was “swaying a little bit” (See deposition of Officer St. Fort) in her lane.

When discussing the upcoming motion to suppress, the Undersigned inquired of the officer how far the defendant's vehicle was observed crossing over the line of traffic. The officer indicated to the undersigned that the defendant's vehicle only crossed over the lane by "one tire width". Under *Crooks* line of reasoning, the stopping officer did not observe the defendant's vehicle recklessly driving or endangering other motorists in order to justify a traffic stop. Under *Yates*, the defendant's vehicle did not stray "more than what was practicable" in order to justify a traffic stop.

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CHANDLER LEEVERE
ASSISTANT STATE ATTORNEY



LINDSAY CARRIER
SUPERVISING ASSISTANT STATE ATTORNEY
FELONY TRIAL UNIT

WITNESS LIST

RE: Chandler A. Lefevere
FL Bar #1032534

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