

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

Case No. 12-016625 CF10A

STATE OF FLORIDA,

Plaintiff,

Vs.

BODY CORBIN,

Defendant.
_____ /

DEPOSITION OF DETECTIVE FRANK PILEWSKI

Taken on behalf of the Defendant

DATE TAKEN: Wednesday, March 26, 2014

TIME: 10:10 a.m. - 10:45 a.m.

PLACE: The Broward County Courthouse
201 Southeast 6th Street
Room 1003A
Fort Lauderdale, Florida 33301

Examination of the witness taken before:

LISA GREENWELL, Court Reporter
Bailey & Associates
500 East Broward Boulevard
Suite 1700
Fort Lauderdale, Florida 33394

1 APPEARANCE ON BEHALF OF THE STATE OF FLORIDA

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10 APPEARANCE ON BEHALF OF THE DEFENDANT

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Deposition of Detective Frank Pilewski

Page No.

Direct Examination by Mr. Clayman

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1 WHEREUPON,

2 DETECTIVE FRANK PILEWSKI

3 having been first duly sworn, testified upon his oath as
4 follows:

5 THE WITNESS: Yes.

6 DIRECT EXAMINATION

7 BY MR. CLAYMAN:

8 Q. How are you doing, sir.

9 A. Very good.

10 Q. Can you state your full name and spell your last
11 for the record.

12 A. Sure. Detective Frank Pilewski, P-I-L-E-W-S-K-I.

13 Q. How long -- For whom are you employed by?

14 A. City of Wilton Manors Police Department.

15 Q. And for how long?

16 A. Approximately ten years.

17 Q. And what's your current rank?

18 A. Detective.

19 Q. How long have you been a detective?

20 A. Approximately four-and-a-half years.

21 Q. Are you attached to any particular divisions?

22 A. Criminal investigation division.

23 Q. Just a general type criminal investigation?

24 A. Correct.

25 Q. Have you had -- do you have a sergeant status or

1 lieutenant, have you gone up the brass at all or just
2 staying with detective?

3 A. Just detective for now.

4 Q. Fair enough. Do you know a Mr. Boyd Corbin?

5 A. Yes, I do.

6 Q. And what date did you happen to come into contact
7 with him?

8 A. I did not come in contact with Boyd Corbin as far
9 as any involvement in this case.

10 Q. Right. Okay.

11 A. So --

12 Q. Did you -- the incidents that are alleged to have
13 occurred, did you have an opportunity to see any of this
14 with your own eyes?

15 A. No.

16 Q. The information about this incident was relayed
17 to you by whom?

18 A. Officer Loughran. And I was assigned the case, I
19 believe it was, Sergeant Blocker at the time which is
20 now Commander Gary Blocker.

21 Q. Blocker. Can you spell the last name.

22 A. Sure, B-L-O-C-K-E-R.

23 Q. And you said now it's Commander Blocker?

24 A. Yes.

25 Q. Did Commander Blocker -- are you -- are you aware

1 of the fact -- did he see anything?

2 Did he actually see the incident occur?

3 A. To my knowledge, no.

4 Q. To your knowledge, did Officer Loughran see
5 anything?

6 A. Not to my knowledge.

7 Q. Do you know who Mr. Corbin was prior to this
8 incident?

9 A. Yes.

10 Q. How did you know who he was?

11 A. He frequents the same bar/restaurant that I go
12 to.

13 Q. What's the name of that bar?

14 A. Tropics.

15 Q. Have you ever had any run-ins or issues with him?

16 A. Recently?

17 Q. Before the incident took place?

18 A. No.

19 Q. Now we'll go to where you're headed.

20 How about after?

21 A. Yes.

22 Q. Tell me about it?

23 A. When I would stand there for a group of friends
24 after this incident occurred, Mr. Corbin would stand
25 right next to me. And I don't know why, but I would

1 move and then Mr. Corbin would move where I was again.

2 So then I would have to go talk to a friend just
3 to avoid confrontation with Mr. Corbin.

4 Q. Has it ever gone so far as to a confrontation
5 actually happening?

6 A. Never, never.

7 Q. Have you guys ever exchanged words outside of an
8 official capacity?

9 A. No. And I've seen Boyd Corbin probably, since I
10 moved down here which is probably 11 years ago, and we
11 have not spoken one word ever.

12 Q. Are you aware of him -- do you know if he's made
13 any complaints about you regarding this investigation?

14 A. Oh, yes.

15 Q. Okay. Tell me a little bit about that?

16 A. From what I gather, every commission meeting on
17 every Tuesday, every other Tuesday of the month, he'll
18 say that I either wasn't doing my job or, you know, he
19 doesn't like me and stuff like that.

20 Q. And you're hearing that from others, though,
21 that's not Boyd Corbin telling you that personally?

22 A. No.

23 Q. No, you are hearing it from Boyd or you are --

24 A. No, I'm not hearing it from Boyd.

25 Q. Okay. Anyone in particular that you can remember

1 that's been able to relay you this information that he's
2 been doing?

3 A. My chief of police which is Paul O'Connell,
4 Julie Coons which is the administration coordinator,
5 Sergeant Palisteria which is my detective sergeant now.
6 Sergeant Chadwick which is the -- which is now the
7 training sergeant. And Brad Maze which is -- Bob Maze
8 which is the finance director and I also have a CD of
9 the recordings, the transcriptions from that, from all
10 those.

11 Q. You have a recording from him making complaints
12 to those people?

13 A. No, in front of the whole commission meeting.
14 This is in front of the whole commission meeting that
15 they have.

16 So general publics in there, public commissioners
17 are in there, chief of police, staff that's employed by
18 the City of Wilton Manors.

19 Q. Do you harbor any ill will towards Mr. Corbin?

20 A. Not at all. And that's the most amazing thing
21 about this that I don't understand.

22 Q. Yeah, I'm going to ask you about that because
23 you're a better man than I.

24 He's been really gunning for you at this point?

25 A. I know.

1 Q. Do you have any -- is this frustrating you,
2 what's been going on?

3 A. Let's put it this way, I went to the hospital
4 with heart problems with that. They had --

5 Q. I'm sorry. Take your time.

6 A. Sorry.

7 MS. AVARI: Take a minute

8 THE WITNESS: It's been so frustrating. I
9 don't know what I did to the kid, I honestly
10 don't.

11 And my blood pressure was like 199
12 over 100. My two buddies had to take me to the
13 hospital and it's just been frustrating because
14 I'd like to go see people at the commission
15 meeting get awards and everything and I can't
16 because he bashes me all time and I just don't
17 know why. I don't know why.

18 And it's e-mails, I mean, it's everything
19 and I'm sorry I'm like this.

20 BY MR. CLAYMAN:

21 Q. No, no.

22 A. But this has been going on for two years. And
23 he's bringing personal life into what do you called it,
24 the commission meetings, everything else.

25 I'm a gay male and I'm out at work, that's the

1 reason I moved here from New Jersey to be myself. My
2 partner's gotta deal with this, everything else. When
3 I'm at the bar, I have to move and they're asking what's
4 going on. I don't know why this is going on. I really
5 don't.

6 And I'm sorry that I broke down, but this has
7 been going on for year-and-a-half and I'd like to see my
8 buddies get awards, but to avoid confrontation, I don't
9 go to these commission meetings.

10 All did was take two statements from the guy and
11 the guy is bashing me. I didn't even make an arrest on
12 this guy and I don't know why, I don't. And I'm sorry.

13 Q. No, no, take your time.

14 A. No, I apologize.

15 Q. Do you need a break?

16 A. No, I'm good.

17 Q. Are you sure, it's okay?

18 A. No, sir, but I appreciate that. I'm good.

19 Q. Okay.

20 A. I appreciate it.

21 Q. So, obviously, this is affecting you emotionally,
22 it's going outside your job?

23 A. Yes, sir. To be honest with you, it is.

24 Q. With that being said, I'll ask you again, and it
25 will be the last time I ask you. Do you harbor -- do

1 you have any sort of vendetta against Mr. Corbin at this
2 point or harbor really any ill will after this has
3 affected you in such a personal way?

4 A. No. I'm mean, I'm just upset that's bashing me
5 all over the place. I don't want to confront him about
6 it, I don't want any confrontation with it.

7 I just don't understand why. I mean, he had
8 meetings with my chief, he had meetings with my
9 commander, you know, wondering why this is all going on
10 and you can never get an answer.

11 Q. Have you seen e-mails -- your chief, is it
12 Costello?

13 A. No, he used to be Commander Costello, he's no
14 longer employed with the City of Wilton Manors.

15 Q. You're aware that Mr. Corbin sent an e-mail to
16 your chief?

17 A. Yes.

18 Q. What chief? What was the chief's name?

19 A. Well, at that -- Chief O'Connell.

20 Q. Chief O'Connell.

21 And he's still currently the chief?

22 A. Yes, he is.

23 Q. Did you get to see that e-mail?

24 A. Which one? Because there's probably numerous
25 e-mails that were sent.

1 Q. Boyd authored an e-mail right after the charges
2 were being filed.

3 A. I don't believe I saw that one.

4 Q. If I had that e-mail I will present you with a
5 copy of it. The State may have a copy of it.

6 MS. AVARI: I have it.

7 MR. CLAYMAN: I'm going to present Mr. -- or
8 Detective Pilewski, I apologize.

9 THE WITNESS: No.

10 MR. CLAYMAN: With the e-mail. Just take a
11 moment to read that if you'd like.

12 THE WITNESS: I don't remember seeing that,
13 no. I haven't seen it.

14 BY MR. CLAYMAN:

15 Q. Did you ever get the opportunity to see
16 Mr. Corbin's costume?

17 A. Just through pictures and what Mr. Walters posted
18 on Facebook, it was on a couple other web sites,
19 Facebook pages, too.

20 Q. Gotcha.

21 A. I never saw it personally.

22 Q. But you seen photographs of it now?

23 A. Yes, sir.

24 Q. What type of costume are you (sic) wearing?

25 A. If you're asking me, in my opinion, it looked

1 like something Klu Klux Klan member would wear.

2 Q. Is it possible that he wasn't going as a Klan
3 member and as something else?

4 A. If you're asking me, no. I don't know. I mean
5 there was a rumor or something that -- I don't know if
6 it was posted on -- where I read it that said he was a
7 Pope or something like that.

8 But to me, it looked like a -- with the cross and
9 the torch, it looked like a Klu Klux Klan member.

10 Q. And he the hat and --

11 A. According to the pictures, yeah.

12 Q. And after reviewing that picture, did you see a
13 picture where there was a placard on the front of it?
14 It was -- placard is best word I'm able to come up with
15 it -- it was like a piece of paper and it had words on
16 it?

17 A. Yes, sir.

18 Q. Did you get to read what was on there?

19 A. Yes, I did.

20 Q. What did that mean to you?

21 A. It sounded very racist. I forgot what the whole
22 detail was, something about Obama and oppression against
23 whites or something to that aspect. It's been a few
24 years since I saw it.

25 Q. Right. It mentioned something about stop the

1 hatred or loosely towards the whites and then underneath
2 it, it made mention to Mitt Romney.

3 So the actual title of his costume that he was
4 trying to enter the contest under was not as a Klansman,
5 it was a Mitt Romney supporter.

6 A. Okay.

7 Q. Okay. Does that make any sense based on what
8 you're seeing?

9 A. No, it doesn't.

10 Q. Have a look at it for me if you don't mind.

11 A. Politically, I don't know what Romney stands for,
12 but I mean --

13 Q. Okay.

14 A. -- it doesn't make sense to me politically.

15 Q. Okay. And that's based on your not being such a
16 political guy in nature, so to speak?

17 A. Exactly.

18 Q. Mr. Corbin, are you aware that he's an openly gay
19 male as well?

20 A. Yes, sir. I don't know if he's openly gay, I
21 just see him at gay functions. Doesn't mean that just
22 because he's at that place it means he's openly gay.

23 Q. You have to forgive my language because I'm not
24 so up to speed.

25 A. That's okay.

1 Q. So you're familiar that -- you know that he's
2 gay?

3 A. Yes.

4 Q. Okay. Do you know if the Klan accepts gay folks
5 into their party?

6 A. Probably not, sir. Again, I don't know exactly,
7 but I would think no.

8 Q. You provided -- you handled this investigation,
9 correct?

10 A. No.

11 Q. Who did? Who handled the investigation?

12 A. Officer Loughran was the one. I just did the
13 statements and I did the photo line-up.

14 Officer Loughran wanted to run with the arrest
15 and the interview process, so -- of course I wouldn't do
16 that because he wanted to learn everything as far as
17 that goes. I was assigned to the case.

18 Q. You were assigned to the case. And for lack of a
19 better term, you ran point as you were the detective and
20 Officer Loughran was working underneath you?

21 A. Yes.

22 Q. Okay. So with that being said, what happens with
23 the investigation you're ultimately responsible for,
24 obviously, Loughran is responsible for his role in it,
25 but at the end of the day you are the detective assigned

1 to the case, you control this investigation?

2 A. Correct.

3 Q. Okay. How much time, from the moment that you
4 became aware of the fact that there was an incident to
5 the moment that you submitted whatever package you
6 submit to the State Attorney's Office for formal filing,
7 how much time went by?

8 A. I don't know when Officer Loughran arrested
9 Mr. Corbin. I don't know -- I know the incident
10 occurred on the 31st. I don't know what the time frame
11 was when I did the packet.

12 So it would have had to be 21 says, I would
13 assume, because it had to be before the 21-day filing
14 period, so --

15 Q. But it wasn't immediate?

16 A. No.

17 Q. Okay. When did you supply information to the
18 State Attorney's Office about who the defense has listed
19 as defense witness Paula Tyer?

20 A. That would have had to be on December because her
21 statement was December 21st, I believe. And it was
22 right after that I sent it down via courier which was
23 the statement and my supplement.

24 Q. Okay. She took the statement -- you took her
25 statement?

1 A. Yes, sir.

2 Q. On the 21st?

3 A. Of December.

4 Q. Okay. Do you remember that -- how do you
5 remember that date?

6 A. 'Cause I remember somebody came in and saying
7 that she wanted a statement saying that she was reading
8 an article in the South Florida Gay News. She was in
9 one of the restaurants in Wilton Manors and South
10 Florida Gay News is a gay newspaper.

11 And there was an article, it had to be in,
12 probably, October where it was -- right after --
13 actually had to be November because the incident
14 happened on the 31st, where she was reading the article
15 and she saw the way Mr. Walters was advising of how the
16 incidents went down, so to speak, or how they occurred.
17 And she wanted to come in and state that's not the way
18 the incident happened, it happened another way.

19 Q. Okay. When did you supply that statement to the
20 State Attorney's Office?

21 A. Directly after. I sent a disk in, a copy of the
22 disk and also the -- my supplement which you have there.
23 And there should be a case file receipt. I don't have
24 it because it went right to the courier because the
25 State Attorney should actually know when -- it gets time

1 and bate stamped once it goes there, so there should be
2 an attachment.

3 Q. So you had all the information available to you
4 when the initial package was forwarded to the State
5 Attorney's Office to file charges?

6 A. The first -- the first case filing package was
7 way before that.

8 Q. Okay.

9 A. And then when all of a sudden this was new, so to
10 speak, as far as the statement and everything, shortly
11 after that is when I sent it to the State Attorney's
12 Office once I finished my supplement and it got approved
13 in reference to Paula Tyer.

14 THE COURT REPORTER: How do you spell her.

15 MR. CLAYMAN: T-Y-E-R.

16 THE WITNESS: Correct.

17 BY MR. CLAYMAN:

18 Q. The reason I'm asking that is because we are now
19 well into March. I was made aware of Ms. Tyer from my
20 client, Mr. Corbin, obviously.

21 As of March 18th, before the defense took action
22 on this case, nothing was mentioned regarding
23 Ms. Tyer's statement. I didn't receive anything from
24 the State Attorney's Office, I didn't receive -- there
25 was nothing from Wilton Manors PD.

1 My client informed me of this. I filed a witness
2 list and then our reciprocal discovery letter to the
3 State Attorney now on the 18th that we had this. And
4 then, of course, the State Attorney replied and did a
5 supplemental discovery submission on March 24th listing
6 the same witness.

7 What I want to know is, why did it take until
8 March and around this time period to know that Ms. Tyer
9 even existed?

10 A. That's news to me because as I said, that was all
11 entered into the system in December.

12 And the thing that's confusing about it is, a few
13 days back, my sergeant gets an e-mail from
14 Boyd Corbin stating that he wants an internal affairs
15 investigation because I didn't supply anybody with
16 Paula Tyer's statement, everything, and which I did.

17 And then later that day, I think it was the
18 police desk officer, Ingrid Alawardo (phonetic), said
19 that Boyd Corbin came in, dropped something, a stack of
20 paperwork on the desk, and just walked out from the
21 Wilton Manors Police Department.

22 So I'm going through it and where it says I'm
23 holding witnesses and everything on one of the front
24 pages or whatever, and then he had a copy of the report
25 where it says, I've known Detective Pilewski for

1 15 years, I don't think he likes me. And then in the
2 back is a transcribed of Paula Tyer, the whole
3 transcribed taped statement.

4 So I don't know where the miscommunication was,
5 but that was sent a long time ago.

6 Q. Had you known him for 15 years?

7 A. I've seen him around probably for -- I've been
8 down here 11 years now. So I probably seen him through
9 11 years.

10 Q. So you do have memory of Mr. Corbin prior to the
11 incident?

12 A. Absolutely, yeah, absolutely.

13 Q. But again, I don't mean to be redundant, you are
14 stating that you never had an issue with him prior to
15 this?

16 A. Never in my life, sir, never.

17 Q. Officer Loughran stated in one of his narratives,
18 and I quote, "I was informed by Detective Pilewski that
19 he had obtained a sworn taped statement from the victim
20 and independent witnesses", plural, "in regards to this
21 incident".

22 What other independent witnesses do we need to
23 know about?

24 A. That had to be a typo because I actually looked
25 at that myself today and there was only one witness,

1 that's the only witness I found as far as -- I think his
2 name is Stunk.

3 Q. Ken Stunk?

4 A. Ken Stunk and that was it. The only other
5 witness was Paula Tyer that came in December.

6 Q. And clearly now, at this point, you've known
7 about Paula Tyer from the beginning?

8 A. No, I knew about Paula Tyer when she came in in
9 December.

10 Q. That's --

11 A. I'm sorry.

12 Q. That's what I'm referring. I don't mean that
13 you're withholding anything. What I'm stating is the
14 beginning before -- strike all that.

15 I wasn't inferring that you were withholding
16 information.

17 You conducted a line-up with the victim, correct?

18 A. Yes, sir.

19 Q. What type of line-up?

20 A. It was a photo-line up six man line-up. We also
21 have two blind photographs in there via policy.

22 Q. So is this considered a double blind array?

23 A. No, it wasn't double blind because I knew -- but
24 that's why we have it video recorded so there's no, what
25 do you call it, there's no tampering or anything as far

1 as that goes.

2 Q. How do you present those photographs to --

3 A. Folder wise, one at a time.

4 Q. Do you know what number photograph was
5 Mr. Corbin?

6 A. Three.

7 Q. He was three.

8 With how much conviction did Mr. Walters identify
9 Mr. Corbin?

10 A. I believe he said, I'm 100 percent positive. I
11 don't know, it's on the DVD, there's a DVD, but he was
12 pretty adamant when I talked to him, I can't give you
13 the exact wordage, but from what I remember he said,
14 that's him.

15 Q. Do you remember his body language or how he
16 responded or anything like that?

17 A. He was -- not body language from what I remember,
18 more assertive, that's him.

19 Q. Got it. What date did you conduct that photo
20 line-up?

21 A. I believe it was November 7th, I think it was.

22 Q. Do you remember the date of the incident?

23 A. Yeah, sure, October 31st.

24 Q. October 31st.

25 It went into the morning of November 1st?

1 A. Correct.

2 Q. On November 1st, Mr. Corbin came into contact
3 with one of your colleagues, Officer Rohr if I'm
4 pronouncing that correctly?

5 A. Correct.

6 THE COURT REPORTER: How do you spell
7 that?

8 MR. CLAYMAN: R-O-H-R.

9 BY MR. CLAYMAN:

10 Q. Are you aware that Mr. Walters told Officer Rohr,
11 and it's reflected in his report, that he was unsure if
12 he could identify the victim?

13 A. Yes, sir.

14 Q. Okay. And then your line-up occurred six days
15 later and we're stating now -- or you are stating now
16 that he selected Mr. Corbin out of the six photograph
17 line-up with some real conviction?

18 A. Correct.

19 Q. Did he discuss any of that with Mr. Walters?

20 A. No.

21 Q. Do you know if Mr. Walters had occasion to speak
22 to anybody else, whether it be law enforcement or not,
23 that gave him an idea that Mr. Corbin was the attacker?

24 A. Well, I believe in one of the reports it listed
25 that -- as I said, certain web sites, either Facebook or

1 whatever, that I believe Mr. Walters may have saw the
2 picture of Boyd on one of those web sites with the white
3 outfit on, so to speak, with the torch and cross.

4 Q. Either way in that six-day period he went from
5 stating that he was unsure if he would be able to ID
6 that particular individual to ultimately IDing him with
7 some conviction as you are stating today?

8 A. Yes, sir.

9 Q. Again, there are no other witnesses that you know
10 about this outside Paula Tyer and Ken Stunk?

11 A. That's correct, sir.

12 Q. Are you aware of anybody from law enforcement saw
13 this incident take place?

14 A. No, none.

15 Q. Are you aware of any of the security personnel,
16 any of the bar personnel that worked at George's Alibi
17 that may have seen this?

18 A. No.

19 Q. You took Paula Tyer's statement, right?

20 A. Correct.

21 Q. What did you make of her statement?

22 A. From what it appears, is that Mr. Walters was the
23 instigator in this incident according to Paula Tyer.

24 Q. According to Paula Tyer.

25 And according to Mr. Walters, and you took his

1 statement, he was -- he fell off the stage due to the
2 aggression from Mr. Corbin, correct?

3 A. Well, what Mr. Walters said?

4 Q. Yeah.

5 A. Apparently from what it sounded like is, when he
6 was grabbing the wig and coming off the stage, that's --
7 it was the motion from that that caused him to fall.

8 Q. But without equivocation, that's what caused him
9 to fall. He was on the stage and came to the ground
10 below the stage due to Mr. Corbin's actions?

11 A. Correct.

12 Q. Which was completely contradicted by Ms. Tyer's
13 statement?

14 A. That's correct.

15 Q. How did Ms. Tyer present, I don't mean to sound
16 like a physician, but how did she present when you were
17 talking to her in taking her testimony?

18 A. Okay.

19 Q. What did she appear? What were her physical --
20 how did she move around physically? Did she -- I know
21 you are not a mind reader. Did she appear to be telling
22 the truth, was she motivated in any way, shape or form
23 to give a statement favoring Corbin as opposed to
24 Walters?

25 A. She appeared to -- she was certain. She

1 wasn't -- you know, when you are reading somebody,
2 didn't sound like she was, you know -- you know, coerced
3 into giving a statement or anything.

4 And she's -- she stated she was retired law
5 enforcement, so I don't know if it was a sheriff or a
6 police officer.

7 Q. Gotcha. Did you ask any questions and did you
8 determine whether or not she knew Boyd Corbin prior to
9 this incident?

10 A. I didn't, but my chief, I believe my chief
11 and -- which at that time was O'Connell and
12 Commander Costello at the time, I think they had a
13 meeting with her because what I gathered is, it was a
14 two-month delay in her coming into the police department
15 and to give a statement.

16 And then she says she was with her -- I believe
17 it was her partner or some somebody else in a restaurant
18 and this magazine comes out weekly, this newspaper, and
19 all of a sudden just happens to be laying there two
20 months after this whole incident occurred.

21 And so I think they had little suspicion in
22 there, but there was never any connection made between
23 Boyd Corbin or Paula Tyer ever.

24 Q. So if you're saying there was a suspicion,
25 nothing -- it wasn't founded?

1 A. Correct.

2 Q. You said something very interesting. You have a
3 witness that comes in on a case, it's not a high profile
4 case in terms of an injury or some egregious thing
5 happening, but it did happen in Wilton Manors.

6 Why would your chief of police and commander
7 normally sit in on a random witness coming forward on
8 aggravated assault case?

9 A. I think it was the fact that -- now, you would
10 have to talk to them about that. But in my opinion, I
11 think it was the e-mails, the -- we had the commission
12 meetings and everything else, that they wanted to cross
13 their T's and dot their I's because of everything that's
14 going on and the two month delay and Boyd Corbin
15 constantly notifying the police and everything, they
16 just wanted to cross their T's and dot their I's and
17 find out if this is legit or if this is something that,
18 you know, Mr. Corbin is up to and as far that.

19 Q. Now, wouldn't the PD normally want to cross their
20 T's and dot their I's regardless?

21 A. Oh, yes, absolutely.

22 Q. But in this particular case because Boyd has
23 shown that he's persistent and that he's not going to go
24 away, now perhaps, the PD is giving him some special
25 attention?

1 A. Like I said, that's my opinion. That's not what
2 I'm saying Chief O'Connell or Commander Costello --

3 Q. Gotcha. Your job security is safe. This is your
4 opinion, not the chief --

5 A. No.

6 Q. -- and Commander Costello at the time?

7 A. Right.

8 Q. Okay. So just to be clear for the record here,
9 the statements given by Paula Tyer versus the statement
10 given by Michael Walters, they're total opposites?

11 A. Correct.

12 Q. In your opinion, Paula seemed to be coming
13 forward and telling the truth and just saying what they
14 saw?

15 A. Correct.

16 Q. I don't have that many more questions for you.

17 A. Not a problem.

18 Q. Do you remember Mr. Walters talking to you about
19 why he was in fear?

20 A. Yes.

21 That night?

22 Q. Yes.

23 A. Yes, because he had a lot hair spray in his wig.
24 He had flammable -- I believe, it was a flammable outfit
25 on with makeup and he was afraid that tiki torch was

1 going to ignite him. I believe he used the exact
2 comment like Michael Jackson in the commercial.

3 Q. In the Pepsi commercial?

4 A. Pepsi commercial, right.

5 Q. Do you remember Mr. Walters telling you that he
6 wasn't in fear for his safety, insofar, as an attack, he
7 was simply afraid of potential for fire?

8 A. Yes.

9 Q. Okay. Did he get lit on fire?

10 A. No.

11 Q. Was he injured in this incident?

12 A. Yes. He suffered a knee either sprain or
13 contusion or something to that matter.

14 Q. And that was from him allegedly falling off the
15 stage?

16 A. That's correct.

17 Q. Was EMS called?

18 A. I don't believe so. I wasn't on scene.

19 Q. Do you know if he ever sought medical treatment?

20 A. I don't know because I know he was -- there was a
21 problem, he said, with health insurance, that he didn't
22 have any and it was going to be costly.

23 Q. Do you keep up on -- because we've been talking
24 about it with these newspaper articles that come out --
25 it comes out of the Wilton Manors, what's the

1 publication?

2 A. South Florida Gay News.

3 Q. The south Florida Gay News.

4 A. SFGN for short they usually call it.

5 Q. It was reported in one of the articles, and I'll
6 show you a copy of the article, the day after the
7 October 31st incident, Walters went to the emergency
8 room just as a precaution and it was determined there
9 was nothing wrong and he was released.

10 Do you know anything about this?

11 A. No.

12 Q. Were there any other "Klansman" at this contest?

13 A. I wasn't there, but there was no reports as far
14 as anything else goes.

15 Q. It doesn't mean there wouldn't have been, but
16 it's probably unlikely?

17 A. Yes. But we did have an incident that occurred
18 right across the street at a bar called Bill's Filling
19 Station and there's a report about that, that a guy
20 dressed as a KKK, guy walked into the bar, and excuse my
21 words, are there any niggers in here, and then proceeds
22 to walk back out.

23 Q. Was there any reason to think that was
24 Boyd Corbin?

25 A. It was the same night and it matched the similar

1 description of Boyd Corbin that night because that was
2 the only Klansman that was seen.

3 Q. So the description of Boyd Corbin at that night
4 had nothing to do with Boyd Corbin himself, it was
5 simply a Klan costume?

6 A. Yes. I don't know if the incident actually
7 mentioned his name, but it said a guy, a white male in a
8 Klansman's outfit went in there.

9 Q. Did anyone come forward to say who this guy was
10 or identify this?

11 A. No, I don't have the report handy so I don't
12 know. I know there was a complaint, though, that it was
13 listed as a disturbance.

14 Q. Okay. Where's the tiki torch now, do you know?

15 A. Don't know. It was never recovered.

16 Q. Was there any designs or patterns on that torch?

17 A. I don't know. I don't know.

18 Q. I think there was an American flag on it or
19 something to that affect.

20 MS. AVARI: I'm going to object to counsel's
21 testimony.

22 MR. CLAYMAN: Have a look at the photograph
23 if you don't mind, you can tell me what's on it.

24 BY MR. CLAYMAN:

25 Q. Is there any design on that?

1 A. Red white blue in color with four white stars on
2 it.

3 Q. Does it appear to be an American flagesk (sic)?

4 A. To me it looked patriotic, yes, American flagish.

5 Q. What did Walters tell you about his role in these
6 events and what he did?

7 A. As far as the incident itself?

8 Q. Right.

9 A. Pretty much as what his statement states, that he
10 was on stage performing as a female impersonator. The
11 tiki torch was -- Mr. Corbin was standing at the stage
12 with the tiki torch, kept poking it at
13 Mr. Walters. Mr. Walters stated that he told him to
14 blow it out. He didn't.

15 And then at one time, Mr. Walters grabbed the
16 tiki torch in attempt to blow it out and that is when
17 Mr. Corbin allegedly grabbed him by the wig and pulled
18 him in a motion where he fell.

19 And at that time when he fell, he saw Mr. Corbin
20 over him. He attempted to kick him, but he couldn't
21 because he was in pain with his knee which caused more
22 pain and that was it.

23 Q. So he admitted to grabbing the torch?

24 A. Yes.

25 Q. He also stated in his statement that he knocked

1 his hat off?

2 A. No. Mr. Corbin knocked Mr. Walters wig off when
3 he was -- after he grabbed the torch, he supposedly, in
4 a pulling motion, pulled him all at once down the stage.

5 Q. Do you have any memory whatsoever -- I'm not
6 disputing the fact that it's alleged that he pulled the
7 wig off, do you have any memory of Walters knocking or
8 pulling off Mr. Corbin's hat, the pointed hat?

9 A. No.

10 Q. You stated a moment ago that after he fell off
11 the stage and he was on the ground, he attempted to kick
12 him but he couldn't because he was in too much pain?

13 A. Correct.

14 Q. The statement actually says that he kicked him
15 and Corbin allegedly caught the kick and he was doing so
16 because he felt at that point he needed to be in a
17 defensible position, do you remember any of this?

18 A. No, because I thought that was in Paula Tyer's
19 statement saying that he was kicking. I don't remember
20 that part.

21 Q. That's okay. There's a lot here and I will be
22 more than happy to show it to you if you'd like.

23 A. Okay.

24 Q. So do you have any independent memory of Walters
25 telling you that he actually kicked Corbin?

1 A. No, I don't remember.

2 Q. Did Walters, again, did he ever tell you that he
3 was scared of Boyd?

4 A. No, never said that.

5 Q. That he was in fear of him?

6 A. No.

7 Q. You took a statement from Ken Stunk?

8 A. Correct.

9 Q. What happened with that?

10 A. Basically, went to his flower shop over in Fort
11 Lauderdale and -- where he works. Took a statement from
12 him over there. And he, basically, had a similar story
13 as to what Mr. Walters advised.

14 Q. Did they know each other?

15 A. No. And I specifically asked that in the
16 statement and for independent wise. And he goes, did I
17 see him perform? On occasion, yes. Am I a friend of
18 his? No.

19 Q. Did he know Corbin?

20 A. No. To my knowledge, no, he didn't.

21 Q. Now, you're saying to your knowledge, did you
22 actually ask him if he knew Boyd Corbin?

23 A. No.

24 Q. So your entire investigation on this case is
25 comprised of a statement from Stunk?

1 A. Correct.

2 Q. Statement from the alleged victim?

3 A. Correct. A photo line-up that I conducted with
4 Mr. Walters and a statement with Paula Tyer.

5 Q. And a statement of Paul Tyer.

6 Again, you never had a statement from Mr. Corbin?

7 A. No.

8 Q. And you never had a chance to witness any of the
9 events?

10 A. No.

11 Q. It's all based on secondhand information.

12 I hate asking you guys this and you don't have to
13 tell me, have you ever been -- Well, you have to tell me
14 if there's been a sustained finding. Have you ever had
15 an ID investigation that's sustained?

16 A. No, sir.

17 Q. Good for you. Long career.

18 MR. CLAYMAN: Most important question, you
19 want to read or waive?

20 THE WITNESS: Read, please.

21 MR. CLAYMAN: Probably a good idea.

22 THE WITNESS: Yes, sir.

23 THE COURT REPORTER: I need an e-mail
24 address, please.

25 THE WITNESS: Sure. Fpilewski@wmpd.org.

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THE COURT REPORTER: Thank you.
(Thereupon, the deposition was concluded.)

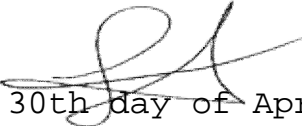
CERTIFICATE OF REPORTER

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STATE OF FLORIDA)
) SS:
COUNTY OF BROWARD)

I, LISA GREENWELL, Court Reporter, do hereby certify that I was authorized to and did stenographically report the deposition of DETECTIVE FRANK PILEWSKI, that a review of the transcript WAS requested; and that the foregoing transcript Pages 1 through 39 is a true record of my stenographic notes.

I FURTHER CERTIFY that I am not a relative, employee, or attorney, or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorney or counsel connected with the action, nor am I financially interested in the action.


Dated this 30th day of April, 2014.

LISA GREENWELL, Court Reporter
BAILEY & ASSOCIATES
500 East Broward Boulevard
Suite 1700
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ERRATA SHEET

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Witness

Sworn to and subscribed to before me this
_____ day of _____, 2014.