

IN THE CIRCUIT COURT OF  
THE 17<sup>TH</sup> JUDICIAL CIRCUIT,  
IN AND FOR BROWARD COUNTY,  
FLORIDA

CASE NO.: 10-23089

DIVISION: 03

WILLIS MORGAN,

Plaintiff,

vs.

CHADWICK E. WAGNER, Chief of Police of  
the City of Hollywood, Florida; and MICHAEL  
J. SATZ, State Attorney for the Seventeenth  
Judicial Circuit in and for Broward County,  
Florida, and JOSEPH MATTHEWS, custodian  
of the public records at issue,

Defendant.

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Answer and Affirmative Defenses to Complaint to Enforce the Public Records Law  
and Article I, Section 24 of the Florida Constitution

COMES NOW, CHADWICK E. WAGNER, Chief of Police of the City of  
Hollywood, Florida, (hereinafter referred to as "CHIEF OF POLICE"), by and through  
undersigned counsel, files this Answer and Affirmative Defenses to Complaint to  
Enforce the Public Records Law and Article I, Section 24 of the Florida Constitution and  
states the following:

1. Defendant, "CHIEF OF POLICE", admits that the Plaintiff, Willis Morgan, has filed  
a complaint to enforce the provisions of Chapter 119, Florida Statutes, the Public  
Records Law, and is seeking declaratory and/or injunctive relief concerning an  
alleged public record.

2. Defendant, "CHIEF OF POLICE", admits that jurisdiction for this action is appropriate in the Circuit Court of Broward County, Florida.
3. Defendant, "CHIEF OF POLICE", admits that venue for this action is appropriate in Broward County, Florida.
4. Defendant, "CHIEF OF POLICE", is without knowledge as to whether Plaintiff, Willis Morgan, is a citizen and/or resident of Broward County, Florida.
5. Defendant, "CHIEF OF POLICE", denies that he is the custodian of the alleged public record that is the subject of Plaintiff's complaint and he further states that neither he nor his agency was ever in possession of the alleged public record at any time when Plaintiff, Willis Morgan requested said alleged public record.
6. Defendant, "CHIEF OF POLICE", is without knowledge as to whether Plaintiff, Willis Morgan, satisfied all conditions precedent prior to filing this action.
7. In response to Plaintiff's #7, Defendant, "CHIEF OF POLICE", admits.
8. In response to Plaintiff's #8, Defendant, "CHIEF OF POLICE", admits.
9. In response to Plaintiff's #9, Defendant, "CHIEF OF POLICE", admits.
10. In response to Plaintiff's #10, Defendant, "CHIEF OF POLICE", admits.
11. In response to Plaintiff's #11, Defendant, "CHIEF OF POLICE", admits.
12. In response to Plaintiff's #12, Defendant, "CHIEF OF POLICE", admits.
13. In response to Plaintiff's #13, Defendant, "CHIEF OF POLICE", admits.
14. In response to Plaintiff's #14, Defendant, "CHIEF OF POLICE", admits.
15. In response to Plaintiff's #15, Defendant, "CHIEF OF POLICE", admits.
16. In response to Plaintiff's #16, Defendant, "CHIEF OF POLICE", admits.
17. In response to Plaintiff's #17, Defendant, "CHIEF OF POLICE", admits.

18. In response to Plaintiff's #18, Defendant, "CHIEF OF POLICE", admits.
19. In response to Plaintiff's #19, Defendant, "CHIEF OF POLICE", admits.
20. In response to Plaintiff's #20, Defendant, "CHIEF OF POLICE", admits that the Hollywood Police Department and the Broward County State Attorney's Office continued to investigate the Adam Walsh abduction and homicide following the court-ordered release of the investigative files on February 16, 1996 and is without knowledge as to whether Plaintiff, Willis Morgan, ever was involved in privately investigating this matter.
21. In response to Plaintiff's #21, Defendant, "CHIEF OF POLICE", denies, according to further investigation by Hollywood Police Detectives, in conjunction with representatives of the Broward County State Attorney's Office, that Jeffrey Dahmer was ever considered a primary suspect in the abduction and homicide of Adam Walsh.
22. In response to Plaintiff's #22, Defendant, "CHIEF OF POLICE", denies.
23. In response to Plaintiff's #23, Defendant, "CHIEF OF POLICE", denies.
24. In response to Plaintiff's #24, Defendant, "CHIEF OF POLICE", denies.
25. In response to Plaintiff's #25, Defendant, "CHIEF OF POLICE", denies.
26. In response to Plaintiff's #26, Defendant, "CHIEF OF POLICE", is without knowledge as to what Plaintiff, Willis Morgan, believes.
27. In response to Plaintiff's #27, Defendant, "CHIEF OF POLICE", admits.
28. In response to Plaintiff's #28, Defendant, "CHIEF OF POLICE", would refer to the "Matthews report" as Joe Matthews' personal manuscript or "memoirs".

29. In response to Plaintiff's #29, Defendant, "CHIEF OF POLICE", denies that the Hollywood Police Department ever reviewed Joe Matthews' personal manuscript as part of its official investigation and further denies that the Hollywood Police Department ever provided Joe Matthews' personal manuscript to the Broward County State Attorney's Office.
30. In response to Plaintiff's #30, Defendant, "CHIEF OF POLICE", denies that the findings or content of the Joe Matthews manuscript had anything to do with the decision to exceptionally clear the Adam Walsh investigation.
31. In response to Plaintiff's #31, Defendant, "CHIEF OF POLICE", denies that the findings or content of the Joe Matthews manuscript had anything to do with the decision to exceptionally clear the Adam Walsh investigation.
32. In response to Plaintiff's #32, Defendant, "CHIEF OF POLICE", is without knowledge.
33. In response to Plaintiff's #33, Defendant, "CHIEF OF POLICE", is without knowledge.
34. In response to Plaintiff's #34, Defendant, "CHIEF OF POLICE" admits.
35. In response to Plaintiff's #35, Defendant, "CHIEF OF POLICE", is without knowledge.
36. In response to Plaintiff's #36, Defendant, "CHIEF OF POLICE", is without knowledge.
37. In response to Plaintiff's #37, Defendant, "CHIEF OF POLICE", is without knowledge.
38. In response to Plaintiff's #38, Defendant, "CHIEF OF POLICE", admits.

39. In response to Plaintiff's #39, Defendant, "CHIEF OF POLICE", admits.
40. In response to Plaintiff's #40, Defendant, "CHIEF OF POLICE", admits.
41. In response to Plaintiff's #41, Defendant, "CHIEF OF POLICE", admits.
42. In response to Plaintiff's #42, Defendant, "CHIEF OF POLICE", admits.
43. In response to Plaintiff's #43, Defendant, "CHIEF OF POLICE", admits.
44. In response to Plaintiff's #44, Defendant, "CHIEF OF POLICE", admits.
45. In response to Plaintiff's #45, Defendant, "CHIEF OF POLICE", admits.
46. In response to Plaintiff's #46, Defendant, "CHIEF OF POLICE", is without knowledge.
47. In response to Plaintiff's #47, Defendant, "CHIEF OF POLICE", denies that he has done little or nothing to facilitate the public inspection of the Joe Matthews manuscript. To the contrary, Plaintiff, Willis Morgan, asserts in his pleading that "Chief of Police" has specifically requested the return of the Joe Matthews manuscript on at least two (2) occasions.
48. In response to Plaintiff's #48, Defendant, "CHIEF OF POLICE", denies.
49. In response to Plaintiff's #49, Defendant, "CHIEF OF POLICE", denies.

Answers to Count 1

50. In response to Plaintiff's #50, Defendant, "CHIEF OF POLICE", repeats the answers previously provided in response to Paragraphs 1 through 48 of Plaintiff's complaint.
51. In response to Plaintiff's #51, Defendant, "CHIEF OF POLICE", admits that the definition of a public record is accurately reflected.

52. In response to Plaintiff's #52, Defendant, "CHIEF OF POLICE", admits that the definition of an agency is accurately reflected.
53. In response to Plaintiff's #53, Defendant, "CHIEF OF POLICE", is without knowledge as to Plaintiff's interpretation of the word "received".
54. In response to Plaintiff's #54, Defendant, "CHIEF OF POLICE", is without knowledge.
55. In response to Plaintiff's #55, Defendant, "CHIEF OF POLICE", is without knowledge.
56. In response to Plaintiff's #56, Defendant, "CHIEF OF POLICE", is without knowledge.
57. If, in fact, the Court declares Joe Matthews' manuscript to be a public record, Defendant, "CHIEF OF POLICE", in response to Plaintiff's #57, admits.
58. In response to Plaintiff's #58, Defendant, "CHIEF OF POLICE", is without knowledge.
59. In response to Plaintiff's #59, Defendant, "CHIEF OF POLICE", is without knowledge.
60. In response to Plaintiff's #60, Defendant, "CHIEF OF POLICE", is without knowledge.

Answers to Count II

61. In response to Plaintiff's #61, Defendant, "CHIEF OF POLICE", repeats the answers previously provided in response to Paragraphs 1 through 48 of Plaintiff's complaint.

62. If, in fact, the Court declares Joe Matthews' manuscript to be a public record, Defendant, "CHIEF OF POLICE", in response to Plaintiff's #62, admits.
63. In response to Plaintiff's #63, Defendant, "CHIEF OF POLICE", admits that the penalty for a knowing and intentional violation of the public records law is accurately reflected.
64. In response to Plaintiff's #64, Defendant, "CHIEF OF POLICE", admits.
65. In response to Plaintiff's #65, Defendant, "CHIEF OF POLICE", is without knowledge:
  - A. Defendant, "CHIEF OF POLICE", denies.
  - B. Defendant, "CHIEF OF POLICE", denies.
  - C. Defendant, "CHIEF OF POLICE", denies.
  - D. Defendant, "CHIEF OF POLICE", denies.
  - E. Defendant, "CHIEF OF POLICE", denies.
  - F. Defendant, "CHIEF OF POLICE", denies.

Answers to Court III

66. In response to Plaintiff's #66, Defendant, "CHIEF OF POLICE", repeats the answers previously provided in response to Paragraphs 1 through 48 of Plaintiff's complaint.
67. In response to Plaintiff's #67, Defendant, "CHIEF OF POLICE", is without knowledge.
68. In response to Plaintiff's #68, Defendant, "CHIEF OF POLICE", is without knowledge.

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AFFIRMATIVE DEFENSES

STATEMENT OF RELEVANT FACTS

Since July 27, 1981, members of the City of Hollywood, Florida Police Department have actively investigated the abduction and homicide of Adam Walsh. This investigation included the securing of evidence and the interviews of multiple witnesses, some credible, and others, incredible. Although the Adam Walsh investigative files were court-ordered disclosed for inspection to the public in 1996, members of the Hollywood Police Department continued to investigate leads and interview potential witnesses. As part of this investigation, police investigators, in conjunction with representatives of the Broward County State Attorney's Office, discounted and excluded Jeffrey Dahmer as a possible suspect in the abduction and homicide of Adam Walsh. Police investigators, in conjunction with representatives of the Broward County State Attorney's Office, determined that there was little or no credible evidence linking Jeffrey Dahmer to the abduction and homicide of Adam Walsh. Through this lengthy investigative process of approximately twenty-seven (27) years, the direction of the Adam Walsh investigation has always pointed to and focused upon Ottis Toole as the perpetrator of this horrific crime.

In January, 2008, while serving in the capacity as the Interim Chief of Police for the City of Hollywood Police Department, Chief Chadwick Wagner corresponded with John Walsh, the father of Adam Walsh, and advised him of his intention to announce the decision to exceptionally clear the Adam Walsh investigation with the conclusion



that there is adequate probable cause to arrest Ottis Toole for the abduction and homicide of Adam Walsh if Ottis Toole were alive today. Shortly after mailing this correspondence to John Walsh, Joe Matthews, a retired Miami Beach Detective, family friend and confidant of John Walsh, contacted Chief Chadwick Wagner in the effort to facilitate a meeting with John and Reve' Walsh in support of the decision to bring closure to the Adam Walsh investigation. During the next few months, Joe Matthews contacted the Hollywood Police Chief's office on several occasions in the effort to schedule an appointment to meet with Chief Chadwick Wagner and discuss, among other things, Joe Matthews' soon to be published personal manuscript of the Adam Walsh investigation. Chief Chadwick Wagner indicated on at least one occasion to Joe Matthews that he had no genuine interest in reading what was described as "personal memoirs" of Joe Matthews in relation to the Adam Walsh investigation, as the decision had already been made to exceptionally clear the Adam Walsh investigation.

Shortly before a scheduled press conference during the month of December, 2008, announcing that the City of Hollywood Police Department will exceptionally clear the Adam Walsh investigation with the conclusion that there is adequate probable cause to arrest Ottis Toole for the abduction and homicide of Adam Walsh if Ottis Toole were alive today, Chief Chadwick Wagner finally agreed to meet with retired Miami Beach Detective Joe Matthews, who insisted at this meeting to show the Chief a copy of his personal manuscript, inviting the Chief to read this soon to be published personal manuscript at his leisure. Chief Chadwick Wagner advised Joe Matthews that he had little or no interest in reading these "memoirs" regarding the Adam Walsh investigation and subsequently passed on the copy of the manuscript to

Assistant Police Chief Mark Smith to read and indicate if this manuscript had any value or revelations. As anticipated, Assistant Police Chief Mark Smith advised Chief Chadwick Wagner that the manuscript or "memoirs" were really nothing more than a regurgitation of the facts and investigative findings by members of the Hollywood Police Department involved in the Adam Walsh investigation over the previous twenty-seven (27) years.

Since the personal manuscript of Joe Matthews served no genuine purpose and had no value to the Hollywood Police Department in relation to the Adam Walsh investigation, the manuscript or "memoirs" authored by Joe Matthews were not retained by the City of Hollywood Police Department. Several weeks later, during a meeting with representatives of the Broward County State Attorney's Office, Chief Chadwick Wagner observed Joe Matthews in possession of his personal manuscript during discussions of the decision to exceptionally clear the Adam Walsh investigation.

Upon receiving the public records demands of Willis Morgan for the Joe Matthews personal manuscript during the month of April, 2010, Chief Chadwick Wagner consulted with the Police Department's legal counsel, Joel Cantor, who advised that the personal manuscript of Joe Matthews could conceivably be argued as a public record. As a result of this discussion and in the abundance of caution, Chief Chadwick Wagner advised the Police Department's legal counsel, Joel Cantor, to officially request the return of Joe Matthews' manuscript for eventual inspection by Willis Morgan and two (2) such letters, attached as composite Exhibit "B" and incorporated herein, requesting the return of Joe Matthews' manuscript were issued and delivered by certified mail. During a May 13, 2010 telephone conference call to Joe Matthews, a third request was made

to Joe Matthews to provide a reasonable place and time for Plaintiff, Willis Morgan, to inspect the subject manuscript.

**CHIEF CHADWICK WAGNER HAS NEVER "UNLAWFULLY" REFUSED OR WITHHELD THE MANUSCRIPT SOUGHT BY PLAINTIFF**

Contrary to the allegations contained in Plaintiff, Willis Morgan's complaint (Paragraph 31), the soon to be published manuscript authored by Joe Matthews was never relied on by the City of Hollywood Police Department in the decision to exceptionally clear the Adam Walsh investigation with the conclusion that there is adequate probable cause to arrest Ottis Toole for the abduction and homicide of Adam Walsh if Ottis Toole were alive today. In fact, this decision by the Chief of Police was made months before the meeting with Joe Matthews when Joe Matthews displayed his manuscript for the first time to Chief Chadwick Wagner. As indicated in the attached Affidavit marked as Exhibit "A" and incorporated herein, Chief Chadwick Wagner stated in Paragraph 8, "..... this manuscript served no genuine purpose and had no supplemental value to the Adam Walsh investigation and was never relied on in reaching the conclusion to exceptionally clear the Adam Walsh investigation." This manuscript, apparently in draft form, was in the process of being formatted into a final publication for eventual sale. This manuscript was nothing more than a regurgitation of the facts and investigative findings by members of the Hollywood Police Department involved in the Adam Walsh investigation with some personal thoughts dedicated to the memory of Adam Walsh.

During the incredibly brief period that Joe Matthews' manuscript was in the possession of the Hollywood Police Department, Chief Chadwick Wagner never envisioned this manuscript to be a public record as defined by the State of Florida

Public Records Act and did not believe in good faith that he had the authority to forcibly compel Joe Matthews to surrender the manuscript. The conclusion to these "memoirs" authored by Joe Matthews is the common denominator between this manuscript and the investigative findings conducted over twenty-seven (27) years by members of the Hollywood Police Department. In reaching this conclusion, Joe Matthews relies on many of the investigative findings of the Hollywood Police Department rather than the Hollywood Police Department relying on any of the information contained in the manuscript to exceptionally clear the Adam Walsh investigation. There was simply no reliance on the contents of Joe Matthews' manuscript for anything related to the Police Department's investigation of the abduction and homicide of Adam Walsh, and therefore, this manuscript served no purpose to Chief Chadwick Wagner or to the members of his agency.

Nevertheless, upon receiving the public records request for the Joe Matthews personal manuscript from Plaintiff, Willis Morgan, through retained counsel on or about April 14, 2010, Chief Chadwick Wagner, in the abundance of caution and after consulting with the Police Department's legal counsel, Joel Cantor, officially requested the return of Joe Matthews' manuscript for eventual inspection by Willis Morgan. Contrary to the allegations contained in Paragraphs 48 and 49 of Plaintiff, Willis Morgan's, complaint, there is no conspiracy between parties to conceal an alleged public record to avoid public criticism of the thoroughly investigated exclusion of Jeffrey Dahmer as a realistic suspect in the abduction and homicide of Adam Walsh. This conspiracy, as alleged by Plaintiff, Willis Morgan, is entirely refuted when Chief Chadwick Wagner, through his department's legal counsel, issues multiple demands for

the return of Joe Matthews' personal manuscript by certified mail and further confirms this demand during the May 13, 2010 telephone conference call to Joe Matthews as referenced in Plaintiff, Willis Morgan's complaint.

CHIEF CHADWICK WAGNER'S INTENTION, TO ABIDE BY THE PUBLIC RECORDS LAW AND ACT REASONABLY AND IN GOOD FAITH IS DEFINED BY ACTIONS TO RECOVER THE MANUSCRIPT

If indeed, Joe Matthews' manuscript is a public record, Section 119.07(1)(a), Florida Statutes, requires that "every person who has custody of a public record shall permit the record to be inspected and examined by any person desiring to do so.....". If indeed, Joe Matthews' manuscript is a public record, the Hollywood Police Department became a de facto custodian with respect to the manuscript with some obligation to ensure that the manuscript is accessible to the public. Upon receiving the public records demand of Plaintiff, Willis Morgan, Chief Chadwick Wagner repeatedly issued documented requests to Joe Matthews to disclose his manuscript and has consistently maintained this position. Chief Chadwick Wagner's conduct is proper and reasonable under the circumstances and he has never "unlawfully" refused access to this manuscript. There is absolutely no evidence that Chief Chadwick Wagner has ever unlawfully refused or withheld permission to inspect the Joe Matthews manuscript. To the contrary, he has made all reasonable efforts to arrange for the return of the manuscript or in the alternative, arrange for a reasonable time and place inspection of this manuscript for the Plaintiff, Willis Morgan. Upon receiving the public records request from Plaintiff, Willis Morgan, Chief Chadwick Wagner, in the abundance of caution, conducted himself in a manner consistent with the public records law. Nothing Chief Chadwick Wagner did was ever remotely intended to circumvent or in any way evade

the broad interpretation of the public records law and the facts contained herein support this conclusion.

When Plaintiff, Willis Morgan, requested the Joe Matthews manuscript, the manuscript had not been seen by Chief Chadwick Wagner nor by members of his agency for many months, yet Chief Chadwick Wagner insisted on reasonable attempts to have this manuscript returned, or in the alternative, available for inspection to comply with the Plaintiff, Willis Morgan's request. In these particular circumstances, Chief Chadwick Wagner's conduct was entirely reasonable. He clearly did not "unlawfully" refuse access to an alleged public record and is therefore, not liable for fees.

Section 119.12, Florida Statutes, permits an award of attorney's fees if the agency "unlawfully refused" to permit access to public records. Chief Chadwick Wagner never "unlawfully refused" permission for access to a public record and to the contrary, Chief Chadwick Wagner specifically requested Joe Matthews provide his manuscript for inspection at a time and place convenient for Plaintiff, Willis Morgan. Section 119.12, Florida Statutes, does not impose a strict liability standard, but rather, precedent makes clear that this Honorable Court must evaluate the circumstances and determine whether the denial of access was "improper", Office of State Attorney for Thirteenth Judicial Circuit of Florida v. Gonzalez, 953 So.2d 759, 764 (Fla. 2<sup>nd</sup> DCA 2007), and "unreasonable", Woodfaulk v. State, 935 So.2d 1225, 1227 (Fla. 5<sup>th</sup> DCA 2006), or, whether the agency acted in "good faith", Alston v. City of Riviera Beach, 882 So.2d 436, 436 (Fla. 4<sup>th</sup> DCA 2004).

This application of Section 119.112, Florida Statutes, is dictated by the precedent referenced above. It is consistent with the well-established principle that,

“because statutes providing for attorney’s fees are in abrogation of the common law, such statutes are to be strictly construed.” Daniels v. Fla. Department of Health, 898 So.2d 61, 65 (Fla. 2005). “Florida courts strictly construe statutes allowing attorney’s fees because, under Florida law, statutes awarding fees continue to be viewed as in derogation of the common law”. See Daniels, 67.

#### INDEMNITY

Chief Chadwick Wagner has responded reasonably and in good faith to the public records demands of Plaintiff, Willis Morgan. The manuscript, which is the subject of this litigation, has been and remains in the exclusive possession of Joe Matthews during the entire period that Plaintiff asserts he has been prevented from inspecting the alleged public record. If indeed, the manuscript which is the subject of this litigation, is declared a public record, it is Joe Matthews, not Chief Chadwick Wagner, who is solely responsible from preventing the Plaintiff, Willis Morgan, from inspecting the manuscript. Further, if this Honorable Court also determines that attorney’s fees or other costs should be imposed against a party defendant as a result of this litigation for unlawfully and knowingly preventing the Plaintiff, Willis Morgan, from inspecting a public record, Chief Chadwick Wagner should be entitled to indemnity from Joe Matthews for any and all fees and costs awarded as a consequence of this litigation.

WHEREFORE, Defendant, Chief Chadwick Wagner respectfully requests this Honorable Court to:

- A. Enter an Order dismissing Chief Chadwick Wagner from this complaint.

- B. Deny Plaintiff's request for attorney's fees and costs for the reasons stated above.
- C. Award Chief Chadwick Wagner indemnity against Joe Matthews for any and all liability to Plaintiff, Willis Morgan, which could result from this litigation.
- D. Grant Chief Chadwick Wagner any other relief as this Court may deem appropriate.

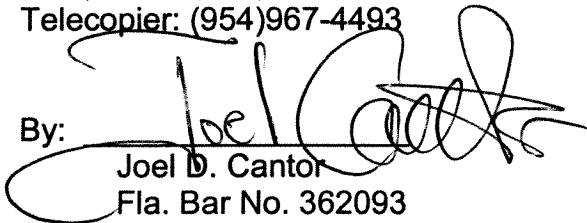
**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing has been sent by U.S. Mail to Thomas R. Julin, Esq., 1111 Brickell Avenue, Suite 2500, Miami, Florida 33131, Michael J. Satz, State Attorney, 201 S.E. 6<sup>th</sup> Street, Fort Lauderdale, Florida 33301, Greg McDermott, Esq., 3600 North Federal Highway, Bank of America Building, Fort Lauderdale, Florida 33308 on this 24<sup>th</sup> day of June, 2010.

Respectfully submitted,

JOEL D. CANTOR, ESQ.  
Attorney for Chadwick E. Wagner,  
Chief of Police of the City of Hollywood  
3250 Hollywood Boulevard  
Hollywood, Florida 33021  
Telephone: (954)967-4490  
Telecopier: (954)967-4493

By:

  
Joel D. Cantor  
Fla. Bar No. 362093



# EXHIBIT "A"

## AFFIDAVIT

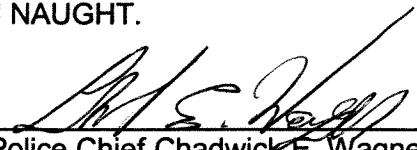
STATE OF FLORIDA            )  
  )SS:  
COUNTY OF BROWARD        )

BEFORE ME, the undersigned authority, personally appeared Chadwick E. Wagner, Chief of Police for the City of Hollywood Police Department, and deposes and states:

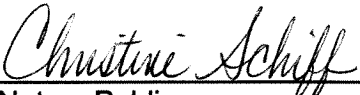
1. My name is Chadwick Wagner. I am currently the Chief of Police for the City of Hollywood Police Department and have served in the capacity of Chief of Police since March, 2008.
2. In January of 2008, while serving in the capacity as the Interim Chief of Police for the City of Hollywood Police Department, I communicated with John Walsh, the father of Adam Walsh, and advised him of my intention to exceptionally clear the Adam Walsh investigation with the conclusion that there is adequate probable cause to arrest Ottis Toole for the abduction and homicide of Adam Walsh if he were alive today.
3. As a result of this communication with John Walsh, Joe Matthews, a retired Miami Beach Detective, family friend and confidant of John Walsh, contacted me in the effort to facilitate a meeting with John Walsh in support of the decision to exceptionally clear the Adam Walsh investigation.
4. During ensuing months, Joe Matthews contacted my office on several occasions in the effort to schedule an appointment to meet with me to show me what he described as his soon to be published personal manuscript of the Adam Walsh investigation.
5. I indicated on at least one occasion to Joe Matthews that I had no genuine interest in reading his personal manuscript as the decision had already been made to exceptionally clear the Adam Walsh investigation.
6. Shortly before the advertised press conference during the month of December 2008 announcing that the City of Hollywood Police Department will exceptionally clear the Adam Walsh investigation with the conclusion that there is adequate probable cause to arrest Ottis Toole for the abduction and homicide of Adam Walsh if he were alive today, I finally agreed to meet with retired Miami Beach Detective, Joe Matthews, who insisted on showing me a copy of his personal manuscript of the Adam Walsh investigation, inviting us to read his soon to be published personal manuscript.
7. Although I advised Joe Matthews that my agency had little or no interest in reading his "memoirs" regarding the Adam Walsh investigation, I passed on the copy of the Joe Matthews manuscript to Assistant Police Chief Mark Smith to read and indicate if this manuscript had any value or revelations.

8. As I had anticipated, former Assistant Police Chief, Mark Smith, advised that the manuscript or memoirs were really nothing more than a regurgitation of the facts and investigative findings by members of the Hollywood Police Department involved in the Adam Walsh investigation. Since this manuscript served no genuine purpose and had no supplemental value to the Adam Walsh investigation and was never relied on in reaching the conclusion to exceptionally clear the Adam Walsh investigation, the manuscript was not retained by my agency.
9. Since the Joe Matthews manuscript had absolutely no intrinsic value to the Hollywood Police Department in relation to the Adam Walsh investigation and served absolutely no purpose, the manuscript or memoirs authored by Joe Matthews was not retained by my agency.
10. At no time during the brief and limited review of Joe Matthews' manuscript or memoirs did I consider the manuscript to be a public record as defined by the State of Florida Public Records Act and did not believe that I had the authority to retain this personal manuscript.
11. Upon receiving the public record demands of Willis Morgan for the Joe Matthews personal manuscript during the month of April, 2010, in the abundance of caution, I encouraged the Police Department's attorney, Joel Cantor, to officially request the return of the manuscript to our possession for the eventual inspection by the requesting party. As of the date of this Affidavit, I believe the Police Department's attorney, Joel Cantor, issued at least two (2) request letters to Joe Matthews for the return and/or to make available his personal manuscript for inspection.

FURTHER AFFIANT SAYETH NAUGHT.

  
\_\_\_\_\_  
Police Chief Chadwick E. Wagner  
Hollywood Police Department

SWORN TO AND SUBSCRIBED before me this 8<sup>th</sup> day of June, 2010, by Police Chief Chadwick E. Wagner, who is personally known to me.

  
\_\_\_\_\_  
Notary Public  
State of Florida at Large

CHRISTINE SCHIFF  
\_\_\_\_\_  
Print name of Notary Public  
Commission No.  
DD 744230

My commission expires:

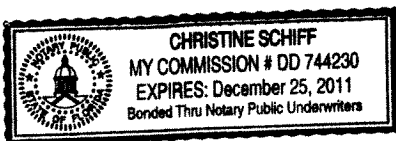


EXHIBIT "B"



CITY of HOLLYWOOD, FLORIDA



POLICE DEPARTMENT • 3250 HOLLYWOOD BLVD. • HOLLYWOOD, FLORIDA 33021-6967

OFFICE OF GENERAL COUNSEL

TELEPHONE: (954) 967-4490- FAX (954) 967-4493

"A Leading Force In Professional Law Enforcement"

Accredited by the Commission for Florida Law Enforcement Accreditation

Chadwick E. Wagner  
Chief of Police

April 19, 2010

Kelly Hancock, Esq.  
Krupnick Campbell et al  
12 S.E. 7<sup>th</sup> Street, Suite 801  
Fort Lauderdale, Florida 33301

Re: Public Records Request for Joe Matthews' Adam Walsh Report

Dear Mr. Hancock:

I am in receipt of a public records request addressed to City of Hollywood Police Chief Chadwick Wagner demanding Joe Matthews' Adam Walsh report that was provided for former Assistant Police Chief Mark Smith's review. Although this report was returned to Mr. Matthews shortly after it was submitted for our review, our public records law indicates that the report is a public document subject to inspection. As much as the members of this police agency respect the personal interests related to Mr. Matthews' report, it is my opinion that this document is subject to disclosure under our public records law. As such, please advise your client to arrange for an inspection of the Adam Walsh report previously submitted to the Broward County State Attorney's Office and to our agency for review. Since you appear to have been copied on this public records request submitted by Thomas Julin, Esq. on behalf of Willis Morgan, I hope you can arrange to schedule this disclosure directly with Mr. Julin's client. If this cannot be accomplished, please have Mr. Matthews provide a copy of this report to our agency in order to schedule an inspection for Mr. Julin's client.

Sincerely,  
  
Joel D. Cantor  
Office of General Counsel

JDC:lw

c: Chadwick E. Wagner, Chief of Police  
Charles Morton, Chief Assistant State Attorney  
Broward County State Attorney's Office



2007

Our Mission: We are dedicated to providing municipal services for our diverse community in an atmosphere of cooperation, courtesy and respect.

We do this by ensuring all who live, work and play in the City of Hollywood enjoy a high quality of life.

"An Equal Opportunity and Service Provider Agency"



# EXHIBIT "B"



## CITY of HOLLYWOOD, FLORIDA



**Chadwick E. Wagner**  
Chief of Police

POLICE DEPARTMENT • 3250 HOLLYWOOD BLVD. • HOLLYWOOD, FLORIDA 33021-6967  
OFFICE OF GENERAL COUNSEL

TELEPHONE: (954) 967-4490- FAX (954) 967-4493

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May 5, 2010

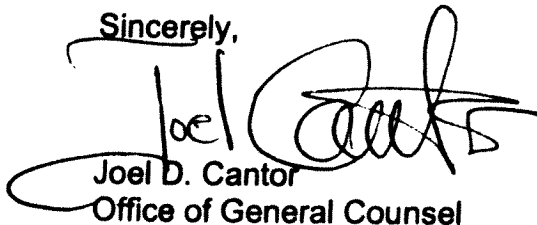
Mr. Joseph Matthews  
2240 S.W. 70<sup>th</sup> Avenue  
Suite H-1  
Davie, Florida 33317

Re: Public Records Demand for Joe Matthews' Adam Walsh Report

Dear Mr. Matthews:

As you know, Mr. Thomas Julin, Esq., on behalf of Mr. Willis Morgan, has submitted a public records request demanding your Adam Walsh report that was reviewed by the Broward County State Attorney's Office and the City of Hollywood Police Department. Although your report was returned to you shortly after being submitted for our review, it is my opinion that this document is subject to disclosure under our public records law. Since Kelly Hancock, Esq. has advised that he no longer represents you in this matter, I am compelled to contact you directly through this correspondence. If you have retained different counsel, please immediately advise him/her of the demands contained in this letter. In the meantime, please arrange to immediately make your report available for inspection by Mr. Julin and his client or in the alternative, provide a copy of this report to our agency in order to schedule the inspection.

Sincerely,

  
Joel D. Cantor  
Office of General Counsel

JDC:lw

c: Chadwick E. Wagner, Chief of Police  
Charles Morton, Chief Assistant State Attorney  
Carolyn McCann, Assistant State Attorney



**Our Mission:** We are dedicated to providing municipal services for our diverse community in an atmosphere of cooperation, courtesy and respect.  
We do this by ensuring all who live, work and play in the City of Hollywood enjoy a high quality of life.  
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# EXHIBIT "B"



## CITY of HOLLYWOOD, FLORIDA



POLICE DEPARTMENT • 3250 HOLLYWOOD BLVD. • HOLLYWOOD, FLORIDA 33021-6967

OFFICE OF GENERAL COUNSEL

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**Chadwick E. Wagner**  
Chief of Police

May 5, 2010

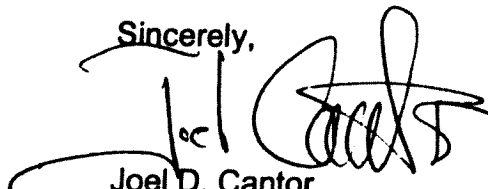
Mr. Joseph Matthews  
5821 S.W. 163<sup>rd</sup> Avenue  
Southwest Ranches, Florida 33331

Re: Public Records Demand for Joe Matthews' Adam Walsh Report

Dear Mr. Matthews:

As you know, Mr. Thomas Julin, Esq., on behalf of Mr. Willis Morgan, has submitted a public records request demanding your Adam Walsh report that was reviewed by the Broward County State Attorney's Office and the City of Hollywood Police Department. Although your report was returned to you shortly after being submitted for our review, it is my opinion that this document is subject to disclosure under our public records law. Since Kelly Hancock, Esq. has advised that he no longer represents you in this matter, I am compelled to contact you directly through this correspondence. If you have retained different counsel, please immediately advise him/her of the demands contained in this letter. In the meantime, please arrange to immediately make your report available for inspection by Mr. Julin and his client or in the alternative, provide a copy of this report to our agency in order to schedule the inspection.

Sincerely,



Joel D. Cantor  
Officer of General Counsel

JDC:lw

c: Chadwick E. Wagner, Chief of Police  
Charles Morton, Chief Assistant State Attorney  
Carolyn McCann, Assistant State Attorney



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