

Lakewood Police Department

Report 05/11/2008 03:31

Report # 01-08-003843

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I N C I D E N T	Report #	Report	Occurred From	Occurred To	Report Type
	01-08-003843	05/11/2008 03:31	05/11/2008 03:31	05/11/2008 03:57	Original
	Dept. Classification		Case Status	Date Report Completed	Cleared Scene
	FLEEING/ELUDING OFFICER-FELONY 4802			05/12/2008	05/11/2008 04:26
	Common Name MADISON AV GRACE AV LAKEWOOD, OH 44107				
Day of Week : Sunday Dispatched : 05/11/2008 03:31 Responded : 05/11/2008 03:31 Arrived : 05/11/2008 03:31 Map Reference : RD24 Related Cases : CPD #08-158248[OFFN-Offense] Zone : BEAT 300					
Zone : BEAT 300 Shift : Patrol Mids 1900 - 0700 Zone : BEAT 300 Additional Officers : 29,EDG,25,73,5,CPD Total Damaged Property Value : \$0.00 Total Stolen Property Value : \$0.00 Total Recovered Property Value : \$0.00					

O F F E N S E	1	State/ Dept. Classification FLEEING/ELUDING OFFICER-FELONY 4802	Attempted/ Committed COMMITTED
	Statute/Ordinance 2921.331	Location Type STREET	Disposition Date 05/11/2008
	Photos : Yes Latents : Yes Scene Processed By : MLADEK, DONALD W. Evidence Collected : Yes		

O F F E N S E	2	State/ Dept. Classification RECEIVE STOLEN PROPERTY-FELONY 2898	Attempted/ Committed COMMITTED
	Statute/Ordinance 2913.51	Location Type	Disposition Date 05/11/2008
	Photos : Yes Latents : Yes Scene Processed By : MLADEK, DONALD W. Evidence Collected : Yes		

P E R S O N	1	Person Type SUS - Suspect	Business/Person Name			Business Phone
	Home Phone	Person Address			Map Reference	
	Other Phone	Employer Address			Map Reference	
	Race White	Sex Male	SSN	DL Exp. Date	DL Number	
	Birth Date	Birth City				
	Min. Age : 26 Max. Age : 32 Min. Height : 5'06" Max. Height : 5'10" Min. Weight : 160 lbs Max. Weight : 180 lbs			Adult/Juvenile : ADULT Hair Color : Sandy Hair Length : Medium (up to 2") Facial Hair : Mustache and Beard Build : Slim		

Reporting Officer INV DONALD W MLADEK (1075)	Department LAKEWOOD POLICE DEPARTMENT	Report Status: Approved
Supervising Officer		Date/Time
Supervising Officer LT ROGER W WARNER (1047)	Department LAKEWOOD POLICE DEPARTMENT	Date / Time 05/12/2008 11:32

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PERSON 2	Person Type OWN - Owner		Business/Person Name JOSHUA L BROWNING			Business Phone	
	Home Phone		Person Address 3285 W 46TH ST Cleveland, OH 44102			Map Reference	
	Other Phone		Employer Address			Map Reference	
	Race White		Sex Male	SSN ██████████	DL Exp. Date	DL Number	
	Birth Date		Birth City				
	Age : 18 Occupation : NONE			Adult/Juvenile : ADULT Employer : NONE			

PERSON 3	Person Type OIV - Others Involved		Business/Person Name			Business Phone	
	Home Phone		Person Address 9403 CLIFTON BL Apt. DN Cleveland, OH 44102			Map Reference	
	Other Phone		Employer Address			Map Reference	
	Race Hispanic		Sex Female	SSN	DL Exp. Date	DL Number	
	Birth Date		Birth City				
	Age : 16 Occupation : NONE Father/Mother Name : *M-JANINE DIGGINS,F-JULIO			Adult/Juvenile : JUVENILE School / Grade : NONE Employer : NONE			

PERSON 4	Person Type OIV - Others Involved		Business/Person Name JANINE A DIGGINS			Business Phone	
	Home Phone		Person Address 9403 CLIFTON BL Apt. DN Lakewood, OH 44107			Map Reference	
	Other Phone		Employer Address			Map Reference	
	Race White		Sex Female	SSN ██████████	DL Exp. Date	DL Number	
	Birth Date		Birth City				
	Age : 41 Occupation : NONE			Adult/Juvenile : ADULT Employer : NONE			

PERSON 5	Person Type GOV - Government		Business/Person Name CLEVELAND POLICE DEPT			Business Phone	
	Home Phone		Person Address			Map Reference	
	Other Phone		Employer Address			Map Reference	
	Race		Sex	SSN	DL Exp. Date	DL Number	
	Birth Date		Birth City				

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PERSON 6	Person Type OIV - Others Involved		Business/Person Name THOMAS J SIMMS			Business Phone	
	Home Phone		Person Address 5707 WILBUR AV Parma, OH 44129			Map Reference	
	Other Phone		Employer Address			Map Reference	
	Race White		Sex Male	SSN [REDACTED]	DL Exp. Date	DL Number	
	Birth Date		Birth City				
	Age : 18 Occupation : UNKNOWN				Adult/Juvenile : ADULT Employer : UNKNOWN		

PERSON 7	Person Type VIC - Victim		Business/Person Name STATE OF OHIO			Business Phone	
	Home Phone		Person Address			Map Reference	
	Other Phone		Employer Address			Map Reference	
	Race		Sex	SSN	DL Exp. Date	DL Number	
	Birth Date		Birth City				

VEHICLE 1	Plate # P232492	Plate Expirati 05/20/2008	Year 1997	Make CHEVROLET	Model LUMINA	Vehicle Style 4 Door
	Empty Field		Plate State OH	Vehicle Type Automobiles	VIN 2G1WL52M3V9259084	Category RECOVERED
	Top Color : WHITE Vehicle Disposition : TOWED:KUFNER S TOWING Keys in Vehicle : No Association : Owner is JOSHUA BROWNING Stolen Location : 9403 CLIFOTN BL Cleveland, OH 44102 Recovery Location : 7604 BERRY AV Cleveland, OH 44109				Recovered By : PTL GAMPFER Date/Time Recovered : 05/11/2008 03:57 Owner Notified : Yes Owner Notified By : DIBACCO, CANDICE M. Towed to : : EAST GARAGE	

PROPERTY 1	Category EVIDENCE		Property Type SWABS		Make	Model
	Serial #		Color	Description FROM VARIOUS AREAS OF AUTO		Condition
	Quantity/Weight : 12					

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Topic Original Report

MO:By fleeing from officers after being given a visible and audible signal to stop which posed a risk of serious harm to others on the roadway.

MO:By being in possession of an auto that was reported stolen out of the City of Cleveland.

Lt Warner Sir:

On 5/1/08, at approx. 0331hrs I was on Franklin E/B between Lewis and Grace Aves. I observed the listed auto in front of me. It was weaving within its lane and traveling at less than the 35mph speed limit. Between Waterbury and Clarence Aves. the auto drifted completely into the center turning lane. The auto turned to S/B Grace and I advised dispatch that at Madison Ave I was going to stop the auto. When I activated my overhead lights the auto turned to W/B Madison, making a wide right turn and going left of center, and did not stop. I activated my siren and advised dispatch that the auto was not stopping.

We were W/B on Madison, there was no traffic and the speeds were between 40 and 50 mph. The auto tried turning S/B on Lewis and began losing control and continued on Madison. The auto then went S/B on Ferndale, E/B on Athens, S/B on Brown, E/B on Lakewood Hts Blvd and then left our city S/B on Bunts. During the time in our city the auto drove left of center, did not stop for stop signs, was speeding up to 50mph on side streets, drove left of center and was making wide and improper turns.

At Bunts the auto lost control striking a Cleveland street sign, there was no damage to the sign, and then entered I-90 E/B from Bunts. Dispatch and the OIC were given the road conditions, speeds and traffic conditions as this pursuit continued. GOV/CLEVELAND PD was advised of the pursuit.

On I-90 speeds ranged between 60 and 100 mph. Traffic was very light. The auto was weaving between lanes without signaling and did pass other cars at high rates of speed. The auto then took the I-71 exit from I-90. The auto entered I-71 almost striking an existing accident on the on ramp, behind Metrohealth Hospital. The auto then cut across lanes and got onto 176 S/B. The auto slowed and exited at Harvard/Steelyard commons. The auto lost control, spinning out, on the off ramp. The driver was able to regain control and continue the pursuit.

It was at this point the in car video got a view of the driver, as I was within 10 feet of him when he looked into the camera. The male is a W/M, 26-32 years old, sandy brown hair(shorter), with a mustache. He appeared to be between 5'08" and 5'10" tall and thin, 160-180 lbs.

The pursuit continued through the steel yard area and exited via Valley Rd onto Broadview Rd. The auto almost struck a car at this intersection as it turned right on red without stopping and at a high rate of speed. Broadview led us back to Pearl Rd/W25th St. We continued W25 N/B through light traffic at speeds ranging from 40 to 60 mph. At I-90 the auto got back on the highway only to exit at W41st. The auto then re entered I-90 and exited W98th St.

The pursuit led us through several back streets via Baltic, Lorain, Clinton, Denison, Lorain and Clark. The auto was traveling on Clark and had gained a significant lead on pursuing officers due its lack of stopping or even braking for red lights in these areas. The auto had begun to brake near W84th street

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and then turned right. There is also a entrance to I-90 E/B there. I turned onto W84th but did not see the car and told other officers to enter I-90 E/B.

I began to turn around to get on I-90 as well but was flagged down by bystanders who said that the suspect auto did turn to W84th and then immediately turned down an alley, Emily Ave, and was last seen S/B on W82nd St. I responded to W82nd and did not see the auto. The pursuit was terminated at this point. I spoke to a pedestrian on W82 near Denison who said that no auto's had been on W82nd but mine. The area side streets were checked.

Ptl Gampfer located the auto parked in front of 7604 Berry Ave. It was parked legally. The temp tag was removed from the window. The steering column was intact and no visible signs that the ignition had been tampered with. It was towed to the East city garage for processing by Kufner Motors.

Dispatch spoke to the owner of the auto, OWN/JOSHUA BROWNING. BROWNING said that he was at his girlfriends, OIV/ , house where the car was stolen. BROWNING advised that the car had been running and was stolen with the keys inside.

Sgt Gannon and I met CPD at 9403 Clifton Blvd. There we spoke to both , BROWNING and OIV/JANINE DIGGINS, 's mother. I spoke to BROWNING who said that he had parked his auto behind 's house in an alley that runs behind her house. BROWNING said that he arrived at 's at approx 10:00PM on 5/10/08. He initially said that he went out and started his car to leave at 2330hrs on 5/10. BROWNING said that he forgot his cell phone so he went back into 's house and talked for awhile before returning to find his car gone. He said that he was only in the house for 6-7 minutes. He said that after he realized the car was gone he began driving around in DIGGINS' car looking for his auto while calling CPD to report the theft. In checking BROWNING's cell phone it shows he did not call CPD until 0401hrs on 5/11/08. I asked why, according to his times, he waited over 4 hours to report the theft. He replied that he must have been confused about the times.

We told BROWNING that this theft appeared suspicious and he was advised about making a false police report. BROWNING said that he was not lying and completed a stolen auto report through CPD. Ptl Kazimer #2229 took the report, #08-158248. While speaking to BROWNING his phone rang. The number was 216- . I answered it and the unidentified person on the other end yelled "I got your car nigga, what do think about that, bitch". I asked who it was and the call disconnected. BROWNING said that if no name came up on the caller ID he did not know who was calling.

The same number called again. I told BROWNING to answer the phone and find out who was calling. He put the call on speaker phone and answered it. There was a pause and BROWNING finally said "its the police say something", and the line went dead. BROWNING then began receiving calls anonymously, presumably from the number. In checking the history on BROWNING'S phone there were several calls from several different numbers between 0300 and 0320. The only other calls that began to come were from CPD and LPD. The only exception was the which called at 0350hrs, which would have been right at the end of the pursuit.

was spoken to with DIGGINS present. said that BROWNING had been at the house most of the night. She said that he left and one point and took his friend, OIV/THOMAS SIMMS, home and then returned. said that they argued on and off for some time. said that she believes BROWNING went out to start his car at approx 0230hrs and came back in for his phone.

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said that BROWING was inside for approx 30 minutes before going back outside and finding his car gone. said that they then drove back to his house to get his title so that he could file the theft report. said that she does not think any of BROWING's friends took the auto. advised that the upstairs neighbor lets drug addicts in the house so that he can try and rehabilitate them. She believes that someone from his house may have stolen the car. She cannot explain the calls he has been receiving from the party claiming to have taken BROWING's car.

Both said that they were not lying even though the circumstances seemed suspicious. Both said that they would cooperate with the investigations, CPD and LPD, and submit to polygraphs if asked.

I processed the auto in the East garage. It was photographed. Latents were obtained from the L/F door, L/R door and R/R door. 12 swabs were collected from door handles, steering wheel, gear shifter and the exterior of the doors for submission to BCI. the swabs were confiscated, tagged and secured in evidence locker #12. After processing, the car was taken to Kufner's impound yard to be held for the owner.

Video requests were submitted for both cars involved directly in the pursuit, #202 and #220.

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