

Boca Raton Police Services Department

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January 9, 2012

Certified Mail

Mr. Joe Matthews
Joe Matthews & Associates
2240 SW 70th Avenue
Davie, Florida 33317

Dear Mr. Matthews:

Thank you for your letter regarding Case Number 2008-017682. As you were informed in correspondence dated August 24, 2012, your letter was assigned to Lt. Jane Scott for review.

Lt. Scott thoroughly examined your allegations and her analysis is enclosed. Based on her assessment, it is clear that there are no issues which would require a formal administrative investigation. Lt. Scott's response adequately addresses all concerns raised.

This case has received significant scrutiny over the past four years. The Palm Beach County State Attorney's Office was directly involved in this investigation from the outset and they have analyzed this case on numerous occasions. Our records are available for review by them, or by any other investigating entity.

A copy of this letter (and the enclosures) has been forwarded to the Zweig family. We are open to meeting with them to once again discuss this matter further. We always welcome an opportunity to evaluate how we can improve our police services. In that regard, thank you again for your correspondence.

Sincerely,

A handwritten signature in blue ink that reads "D. C. Alexander".

Daniel C. Alexander
Chief of Police

Enclosures: Lt. Scott Memorandum of January 7, 2013
Matthews Letter of August 15, 2012



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January 7, 2013

To: Daniel C. Alexander
Chief of Police 

From: Lt. Jane Scott
Major Crimes Section 

Subject: Complaint Regarding Case No. 2008-017682

On August 22, 2012, I began a review of a letter from Mr. Joe Matthews regarding Case Number 2008-017682. Mr. Matthews made several allegations about Sgt. Juan Pijuan's investigation of this case.

All of Mr. Matthews' concerns were researched. The following pages contain each specific allegation and the corresponding analysis. Please let me know if you have any questions.

Matthews: Documenting his efforts to gain access to Jacob's cell phone, Det. Pijuan reported,

No one that I spoke to knew the password to Zweig's phone.

This is untruthful. Jacob had just died from his stab wounds when Det. Pijuan, in possession of Jacob's cell phone, called Murray Zweig, Jacob's father, who was in the company of his wife, Harlene, Jacob's mother, specifically requesting Jacob's cell phone password at which time Murray, without hesitation, gave Jacob's cell phone password to Det. Pijuan. Det. Pijuan's deceitful statement conceals the fact that Pijuan called Murray Zweig requesting Jacob's cell phone password and that Murray provided it to Pijuan. Perhaps Det. Pijuan can explain the reason for his deceit that conceals this fact. Moreover, Det. Pijuan's statement infers that he spoke to more than one person. Yet, nowhere in his report does he identify exactly who he spoke to. Nowhere in any of the witnesses' statements is there a question found regarding the password to Jacob's cell phone. Maybe Det. Pijuan can inform us who he asked for Jacob's cell phone password.

Analysis: Based on Det. Pijuan's supplemental report he had three phone conversations and three in person meetings with Murray Zweig. Det. Pijuan does not note in his report that he requested Jacob's cell phone password in any of these contacts with Murray Zweig. Det. Pijuan also does not note in his report any other specific names of persons who he may have asked for the password. Det. Pijuan only makes the statement documented by Mr. Matthews which was "No one that I spoke to knew the password to Zweig's phone." (page 21 Pijuan's report)

Concern over lack of certainty regarding the accuracy of the passwords may have resulted in the conclusion that Zweig's texts were not reviewed. More detailed documentation by Det. Pijuan of the communications regarding the cell phone passwords would have been appropriate.

Matthews: What is confounding is Det. Pijuan's report that on January 9th, 2009, Det. Moran was unable to download the text messages from Jacob's cell phone because Moran needed the password to unlock Jacob's cell phone. And, again, on January 16th, 2009, Det. Pijuan reports he took Jacob's cell phone to Palm Beach County Sheriff's Det. Pete McGovern of that agency's Forensic Computer Unit, who, likewise advised the password was needed to access Jacob's cell phone. This, all after Murray Zweig already provided Det. Pijuan with Jacob's cell phone password. Furthermore, Det. Pijuan failed to place Jacob's cell phone in evidence for over six months after Jacob's death. Where was Jacob's cell phone during that time? We ask for Det. Pijuan to explain.

Analysis: Jacob Zweig's cellular phone was located in his vehicle on November 15, 2008 and was turned over to Det. Moran (page 11 Pijuan's report). Det. Moran returned the cellular phone to Det. Pijuan on January 9, 2009 advising he could not download information from the phone

because it is password protected (page 27 Pijuan's report). On January 14, 2009, Det. Pijuan turned the cellular phone over to Det. McGovern of the Palm Beach Sheriff's Office Computer Forensic Unit to have him attempt to gain access to the phone. On January 16, 2009, Det. McGovern advised Det. Pijuan he could not access the phone, but (page 28 Pijuan's report) Det. Pijuan does not advise in his report when he obtained the cellular phone back from Det. McGovern. The cellular phone was submitted to evidence on May 14, 2009. There is no other property receipt documenting the chain of custody of the cellular phone besides it being submitted into evidence on May 14, 2009. More detailed documentation by Det. Pijuan of the chain of custody for the cell phone would have been appropriate.

Matthews: Through Det. Pijuan's deception, he suppressed, and we may now have lost forever, what we believe, based upon witnesses and Carpenter's own statement, were threats exchanged via text messages between Carpenter and Jacob. Text messages that would demonstrate that Jacob's death came as the result of a long standing feud, a grudge that was brewing over a drug deal gone sour. And, more importantly, as they exchanged threats, Carpenter taunted Jacob to come for him, and that Carpenter was not afraid of Jacob. Moreover, after Carpenter admitted to Det. Pijuan that he and Jacob were text messaging each other and that Carpenter informed Jacob he had the other 1/2 of the cocaine for Jacob and was at Shisha Café, and Carpenter admitted to Det. Pijuan that he'd deleted some of the text messages between himself and Jacob, Det. Pijuan not only simply sends Carpenter home that same night, he allows Carpenter to leave with his cell phone, failing to place Carpenter's cell phone in evidence.

Analysis: Mr. Matthews describes Det. Pijuan's failure to document the text messages from Carpenter's phone that night as deceptive, which is not accurate. Det. Pijuan notes in his report that the texts he reviewed did not appear to be threatening in nature by either party. In one of the texts, Carpenter tells Zweig that he is at the Shisha Café and some indirect references were made about drugs (page 10 Pijuan's report). The investigation revealed from interviews that Zweig had been told by Ben Ray that Carpenter was at the Shisha Café. Also, Carpenter walked away from Zweig two times – not wanting to fight him, but Zweig continued to go after Carpenter. So the text messages are only one part of the totality of the investigation of what occurred that night, but Det. Pijuan was not deceptive in his review and notation of the texts he read.

Matthews: In his report, Det. Pijuan states that he examined Carpenter's cell phone text messages between Carpenter and Jacob and found, what Pijuan characterizes as, some "indirect" reference to drugs. What exactly is an "indirect" reference to drugs? What exactly did the text messages say that Det. Pijuan read? Why was Carpenter's cell phone not placed into evidence and its text messages, including the deleted ones, retrieved? Why didn't Det. Pijuan, at the very least, transcribe verbatim and report on the text messages between Carpenter and Jacob from Carpenter's cell phone while Det. Pijuan had possession of Carpenter's cell phone that night?

Analysis: Again, it would have been beneficial to have all the texts from the phone but Det. Pijuan did review what was available, assessed their importance and considered them in light of all of the information. The text messages were one part of the totality of the investigation of the events that occurred that night.

Matthews: The witnesses and Carpenter himself acknowledged prior drug dealing between Carpenter and Jacob. And that there was bad blood between Carpenter and Jacob over a drug deal in which both felt they'd been "robbed." If the proximate cause of a killing is the result of some criminal activity, like drug dealing and carrying a concealed weapon, is that not felony murder?

Analysis: There were no drugs and/or money found on either Carpenter or Zweig to provide evidence that a drug transaction was occurring on the night of the incident. There was no testimony from anyone that they observed a drug transaction occurring that evening between Carpenter and Zweig. Text messages between the two alluding to drugs without any added evidence would not be enough in and of itself to provide evidence that a drug transaction was occurring on the night of the incident.

According to Weissman, Zweig told him that his intent for going to the café that night was to "punk" Carpenter because Carpenter was talking about him behind his back. Zweig did not mention to Weissman or anyone else that he intended to purchase narcotics from Carpenter the night of the incident. Carpenter never made any mention to anyone prior to the incident about a drug transaction occurring that night between him and Zweig. When Zweig arrived at the café there were several witnesses who overheard the conversation between Zweig and Carpenter and drugs were never mentioned. Carpenter advised that the two of them had a phone conversation prior to Zweig arriving at the scene and during that conversation Zweig made threats toward Carpenter (Carpenter's second interview pg 15). The conversation that Carpenter claimed to have with Zweig prior to the incident was consistent with the actions that Zweig took that night when he arrived at the scene. The actions between Zweig and Carpenter at the scene of the incident were not indicative of a drug transaction.

Based on the investigation, there was no evidence that a drug transaction was occurring on the night of the incident, which would support a possible felony murder. Also, carrying a concealed weapon is a misdemeanor and would not support felony murder charges.

Matthews: More about text messages from Det. Pijuan's report,

It should be noted that Ray had a different cellular phone and he advised that the other cellular phone was broken and he had to have it replaced.

This is a fabrication. Ben Ray never said anything of the sort. Here is Ray's testimony regarding his communication with Jacob that night relative to Carpenter's location at Shisha Café and the new cell phone Ray had gotten:

Q. Text or phone?

A. Text. The whole thing was like a text. I don't think I talked to [Jacob].

Q. Do you still have those texts?

A. No. I bought a new phone.

Nowhere in Ray's testimony does he say anything about a broken phone. Another statement created out of whole cloth and attributed to a witness by Det. Pijuan.

Analysis: Det. Pijuan documents in his report the quote noted by Mr. Matthews when he is listing the times of text messages between Zweig and Ray on the night of the incident, as documented from the phone records (page 2 of Pijuan's 2nd supplemental report dated 2/19/09). Although in Ray's taped statement he does not say that he got a new phone because his phone had been broken, there is no reason to believe Det. Pijuan is fabricating this statement. Det. Pijuan spoke with witnesses prior to or after recorded statements and in phone conversations, so this information would not necessarily be included in that taped statement.

Matthews: Furthermore, Det. Pijuan conducted a second recorded interview of Ben Ray on January 23rd, 2009, and, according to Pijuan's report, he placed this recording into evidence. This is inaccurate. There is no record of Det. Pijuan ever having placed a second recorded interview of Ray in evidence. What did Det. Pijuan do with this evidence?

Analysis: The second Ray statement was dropped into evidence on November 16, 2011 by Det. Pijuan and sent to the Law Offices of Walter Campbell on November 23, 2011. The recorded statement was not dropped at the end of the investigation in 2009, but when the error was discovered it was corrected by Det. Pijuan by submitting the recorded statement to evidence on November 16, 2011. In item #4, Mr. Matthews quotes from Ray's second statement, so Mr. Matthews is aware that it was ultimately submitted into evidence.

Matthews: Carpenter admitted to Det. Pijuan that he told Jacob he had the other ½ of the cocaine for Jacob, and that Carpenter was at Shisha Café. Carpenter's car was searched and, presumably after being taken into custody for stabbing some to death, Carpenter was also searched. According to Det. Pijuan's report, no cocaine was found in Carpenter's possession. Was that not a meaningful clue to Det. Pijuan that Carpenter, armed with a concealed weapon used to kill Jacob, lured Jacob to meet him at Shisha Café under the guise of having the other ½ of the cocaine since no cocaine was found in the possession of either Carpenter or Jacob that night? Perhaps Det. Pijuan can explain why he dismissed this evidence.

Analysis: There was no cocaine found on Carpenter's person or in his vehicle. Zweig had a total of \$112.00 on him and in his vehicle. It doesn't appear, based on this information, that either had an expectation of a drug transaction occurring because Carpenter didn't have cocaine on him and Zweig didn't have enough money to buy "a half" which would cost \$350 to \$400. Also, from the phone records it appears Zweig initiated the communications to Carpenter that night. Additionally based on all the witness statements, Carpenter walked away from Zweig twice. Zweig continued to go after Carpenter even as he went to his vehicle to leave. Carpenter walking away from Zweig is not consistent behavior with someone who was trying to "lure" someone to a location to kill them.

Also, in Ben Ray's second statement, he states that Zweig had asked Ray to tell him if he saw Carpenter (page 1). Ben Ray advised that he texted Zweig telling him that Carpenter was at Shisha Café and Ray stated Zweig told him he would give Ray drugs if Ray kept Carpenter at the Shisha Café (page 2). In Weissman's sworn statement, he advised that Ray was texting Zweig telling him that Carpenter was at the Shisha Café and Carpenter was talking "shit" about Zweig (page 2). This is also consistent with Ben Ray's statement.

Based on the totality of all the evidence and statements, there is nothing that would have led Det. Pijuan to believe that a drug transaction was occurring that evening. Also, based on the evidence it doesn't lead one to believe Carpenter lured Zweig to the Shisha Café, but instead that Zweig was looking for Carpenter.

Matthews: Det. Pijuan omitted significant testimony from witness, and a friend of Carpenter's no less, Corbian Kiby, that dovetails with Carpenter's admissions to Pijuan about drugs and threats made between Carpenter and Jacob. Although Det. Pijuan dismisses Kiby's information stating Kiby was listening to an MP3, Kiby testified that he heard what he heard. And what Kiby heard was a conversation between Carpenter and Carpenter's friends in which according to Kiby, Carpenter says,

"...when somebody is robbed and then he hunts the guy to rob him or something like that."

Det. Pijuan omitted this from his report; and also failed to include Kiby's impression, that it was Carpenter who was going to confront Jacob by text messaging Jacob that Carpenter was at Shisha Café. Carpenter admitted that he intentionally told Jacob he was at Shisha Café in the expectation of a fight would ensue. Kiby's testimony was that Carpenter said, in the presence of Kiby and Carpenter's other friends, that Carpenter was not afraid of Jacob.

Analysis: Det. Pijuan wrote approximately a one page synopsis of Kiby's sworn interview. Mr. Matthews advised in his letter that Det. Pijuan omitted significant testimony about statements

Kiby made about Carpenter talking about someone being robbed. During one paragraph in Det. Pijuan's report, he mentions the information about the robbery or being robbed three times, which is not consistent with Mr. Matthews' allegation that this was omitted in the report. Det. Pijuan documents that Carpenter texted Zweig that he was at the Shisha Café. Mr. Matthews wrote that Det. Pijuan failed to include Kiby's impression that it was Carpenter who wanted to confront Zweig by sending the text he was at the Shisha Cafe. In my review of Kiby's transcribed statement, I am not sure where Mr. Matthews obtained that "impression" by Kiby. Kiby stated that Carpenter said he was not scared of Zweig (pg 5 Kiby's transcribed statement) and Det. Pijuan documented that in his report (pg 13). Kiby went on to say later in his statement, that he felt Carpenter was afraid of Zweig when Carpenter was trying to leave and get away from Zweig (page 17 & 23 of transcribed statement). Contrary to Mr. Matthews' statement in his letter, Carpenter never says in his statement that he intentionally told Jacob he was at the Shisha Café in the expectation that a fight would ensue.

Matthews: Det. Pijuan's report continues,

"...Weissman...was throwing unknown things at Carpenter."

False. Det. Pijuan is disingenuous by changing a witness' statement and disregarding the full context of what was said. Det. Pijuan has falsely reported "throwing unknown things at Carpenter."

The witness, Eric Scovin, actually said, "...he is throwing an insult...throwing in those comments every now and then." No one ever informed Det. Pijuan that either Weissman or Jacob were "throwing unknown things" at Carpenter. Det. Pijuan knew that the only thing thrown the night of Jacob's death was an insult.

Analysis: In Eric Scovin's taped statement with Det. Flynn, he states the following:

Det. Flynn: So you're saying that um...Matt was trying to get away or what...

Scovin: Yeah he was trying to avoid..

Det. Flynn: ..the situation?

Scovin: the situation...yeah. Because what he was doing...he was confronted you know. Cause um...Matt approached...and he was standing right next to him throwing things...and like goes...you're talking shit about my boy and all that. He was there for intimidation factors I suppose.

Det. Flynn: The other kid was?

Scovin: Yes sir. That would be Matt Weissman. (page 7)

A few moments later in the interview –

Det. Flynn: Um...so, Weissman's there for intimidation?

Scovin: Yeah he's throwing ...He's throwing an insult or...like you know...you think you could take Jacob...but you know throwing in those comments every now and again. (inaudible) down on each other. (page 8)

Det. Pijuan writes a synopsis of the taped interview in his report and the synopsis of the interview is approximately one page long in his report. In Det. Pijuan's report he writes:

Scovin advised that Carpenter was trying to avoid the situation. Scovin went on to say that Weissman was there for intimidation. During the confrontation, Weissman was participating in the dialogue and was throwing unknown things at Carpenter. Weissman was saying things like, "Do you think you can take Jacob?"

If you review the several sentences together, I believe the reader can understand that words were being thrown, but it could have been noted more clearly by Det. Pijuan.

Matthews: Det. Pijuan's report goes on to relate Eric Scovin's testimony stating,

Weissman and Zweig started spitting at Carpenter and tried to get him to fight.

This is false. Where Det. Pijuan got his information remains a mystery; perhaps one Det. Pijuan can explain. Nowhere in his testimony does Scovin use the word spit or spitting. What Scovin does say is, "...blowing kisses at (Carpenter), you know, like, come on, trying to antagonize him."

Analysis: In Eric Scovin's sworn statement he advised:

Scovin: And they were walking towards the car...and ah ...he walks up...and he starts kick...gets right in Matt's face...and he started saying...I'm ...I'm...lose your guard...but I didn't know about...like...they had uh fight previously or I didn't know what the argument was about...but Zweig was really up in his face...and he goes...you...he's like ...you know...pulling Eric to the side and he's like spitting on me...like come on...just hit me...do this...if you want to do this now...and he's just really egging him on.

Scovin: ...I think when uh...yeah he was ...he was telling Matt to like...kneel down in the road...and like bow to him...and say he's sorry for whatever he did to him or something like that ...that he just walk away and...Matt refused to do that. And so he started like ...ah...pushing him

like on the sidewalk and just like ...walk...like walking right up next to him...and like blowing kisses at him...be like...come on ...you trying to antagonize him.

Det. Pijuan's report is not false, he obtained the information from Scovin's statement.

Matthews: More fallacies are found when Det. Pijuan reports,

Carpenter was not certain about exactly when he pulled the switch blade knife out of his left front pocket or if Zweig or Weissman even saw that he was holding a knife.

Det. Pijuan's fabrications continue,

Carpenter stated later that he did not believe that Zweig or Weissman even saw the knife.

This is completely untrue. Carpenter told Det. Pijuan exactly when he pulled out his knife from his left front pocket, pushed the button exposing the blade, and clearly told Pijuan that Jacob saw the knife. Despite that, according to Carpenter's own testimony, after having seen the knife, Jacob came ahead with punches. Det. Pijuan asked Carpenter, "How about (Weissman)?" And Carpenter's response, "...as soon as he saw the knife, he like went away."

Analysis: During Carpenter's initial interview at the police department, he makes several statements about when the knife is pulled out and if either Zweig or Weissman saw the knife.

Carpenter: ...he pushed me again so I took out the knife and then...and then I think he saw it and he hit me...he hit me in the head. And he just started hitting me so I think I jabbed at him once and then I don't know the other kid grabbed me. All I felt was the other kid like grabbing me and then I felt like him starting to hit me. (p 11)

Det. Pijuan: Okay so does he hit you yet? I mean when ...when...when you pull the knife out. What is he doing is he just pushing you?

Carpenter: Yeah he's pushing me.

Det. Pijuan: ...okay the other kid grabbed on to your arm.

Carpenter: The other kid grabbed on to me and he just...he started pushing me so I take it out...and I just have it right here.

Det. Pijuan: Did he see it?

Carpenter: I don't know...I don't even re...I don't even remember...all I know is as like...he just then he just starts swinging. He just hit me like right here. (p 15)

Det. Pijuan: Uh-huh.

Carpenter: Right? And then he started pushing me.

Det. Pijuan: Uh-huh.

Carpenter: And then the other kid grabbed on to me.

Det. Pijuan: Uh-huh.

Carpenter: And that's when I pulled out the knife.

Det. Pijuan: Okay.

Carpenter: Because I didn't want to take...I can't take on two kids by myself. (p 17)

Det. Pijuan: How about his buddy?

Carpenter: ...he backed off his buddy. I...I think as soon as he saw the knife he...he like went away. (p 17)

Carpenter's father: So you stabbed the kid?

Carpenter: I stabbed him and he just kept hitting me and hitting me. The other kid I guess he saw the knife so he stopped like holding on to me. Like he was...I guess he was supposed to be like holding on to me as this kid like punched me. But I don't know...like I don't know. (p 33)

Det. Pijuan: Did he say that...did he say anything like hey you gonna pull a knife on me. I'm gonna... I mean did he see it?

Carpenter: No I don't ...no he didn't see it. He wasn't ...he was messed up. He was just starting to hit me. (p 44)

In Det. Pijuan's supplemental report, he writes a synopsis of Carpenter's interview which was approximately 3 pages. In the report, Det. Pijuan documents information about the knife and who may have seen it.

Carpenter was not certain about exactly when he pulled the switch blade knife out of his left front pocket or if Zweig or Weissman even saw that he was holding a knife. Carpenter stated that he remembers pulling the knife out of his pocket because he was afraid of fighting two people and told me that he was "scared to death." (p 8-9)

This is consistent with Carpenter's statement on page 11, 15, and 17 where he goes back and forth between if he pulled the knife out while being pushed by Zweig or after being pushed by Zweig and grabbed by Weissman.

Carpenter stated that Zweig began to push him harder and harder. Zweig began to punch Carpenter, possibly after seeing him holding a knife. Carpenter stated later that he did not believe that Zweig or Weissman saw the knife. (p 9)

Weissman grabbed Carpenter from behind and Zweig began to punch Carpenter between ten to fifteen times on the head (according to Carpenter). Carpenter then pulled out the knife and "just jabbed at him (Zweig) to get him away." (p 9)

Carpenter goes back in forth in his statement that he “believes” and “thinks” that Weissman saw the knife. Carpenter states that Zweig sees the knife then later in his interview states Zweig didn’t see the knife.

Mr. Matthews’ allegation that Det. Pijuan provided fallacies and fabrications in his report is false. Det. Pijuan reported on Carpenter’s complete statement, not just parts of it.

Matthews: From Det. Pijuan’s report,

Weissman stated that [he and Jacob’s] sole purpose of going to the Shisha Café was to “kick Matthew’s (Carpenter) ass.”

This is a half truth, if that. Certainly, Weissman never said this during his recorded statement under oath. When asked what Jacob was going to do to Carpenter when they left the house, Weissman related that it was Jacob’s intention to “punk” Carpenter. “Punk,” as defined by the detective and confirmed by Weissman, meant to make Carpenter “look bad...look stupid.”

Analysis: There were two other Detectives on scene the night of the incident when Det. Pijuan arrived, Det. Pirro and Det. DeMott. Det. Pijuan was briefed by Det. DeMott of the information she had received so far. Part of that information which was quoted by Mr. Matthews in his letter was:

Weissman stated that [he and Jacob’s] sole purpose of going to the Shisha Café was to “kick Matthew’s (Carpenter) ass.”

This information was received by Det. DeMott during her initial contact with Weissman on scene that night and was documented by both Det. Pijuan as part of his brief from Det. DeMott and was documented in Det. DeMott’s supplemental report. (p 1 of both their reports)

In Weissman’s transcribed statement, which was taken by Det. Pirro, he talks about Zweig confronting Carpenter twice at the Shisha Café trying to get Carpenter to hit him. Weissman states, Zweig called Carpenter a “pussy” and taunted Carpenter to fight him, to which Carpenter repeatedly told Zweig he did not want to fight. Weissman specifically said at one point in his statement:

Det. Pirro: He [Zweig] says this to Carpenter?

Weissman: Yes. Cause he [Zweig] wanted to fight him [Carpenter]. (p 7)

The quote referenced by Mr. Matthews is noted in two detectives’ supplements as a statement made by Weissman when he was initially spoken to on scene and is consistent with the content of Weissman’s sworn taped statement taken later by Det. Pirro.

Matthews: Det. Pijuan accuses Weissman of changing his story:

...but then changed his story because he never saw a knife and did not know that Jacob had been stabbed.

This is confounding, to say the least. Weissman told only one story to the first two detectives who interviewed him, Demott and Pirro. Det. Pijuan, who conducted his (unrecorded) interview last, alleges Weissman changed his story. However, no contradictions were found in the statements Weissman had previously given to Dets. Demott and Pirro. But really, what Det. Pijuan does here, by claiming Weissman “changed his story” is infer Weissman was lying. This, to discredit Weissman, thereby negating the real value of his testimony. Of course, Det. Pijuan would also have us believe that 17 year old Matthew Weissman, a kid from Parkland, who had just seen his best friend stabbed to death, shaken to the core, is of a mind to conjure lies. As if, in this state of mind, a 17 year old, who gave sworn testimony the very night of his best friend, Jacob’s killing, would attempt to lie during questioning under the watchful eyes of experienced detectives. More about Weissman’s testimony later; testimony Det. Pijuan did not reveal.

Analysis: In Det. Pijuan’s report (p 3), he writes the following about his initial contact with Weissman on scene:

Weissman told me that everything happened so quickly and he never even saw a knife. Weissman confirmed to me that he put Carpenter into a headlock but could not remember when he did it. At first he stated that it was after the stabbing but then changed his story because he never saw a knife and did not know that Jacob had been stabbed. Weissman told me that he did not know when he put Carpenter into a headlock.

Det. DeMott documents in her report (p 1) about a preliminary interview she had with Weissman on scene:

Matthew [Weissman] stated that Jacob [Zweig] started pushing Carpenter and that is when the fight started. Matthew [Weissman] stated that he then heard Jacob [Zweig] say “you tased me!” and that is when he grabbed Carpenter from behind trying to hold him as Jacob [Zweig] “hit him (Carpenter) in the face like another four times.”

In Weissman’s recorded statement, he makes the following statements:

Weissman: Yeah Jacob [Zweig]...Jacob put his face into his face. And then after that, Carpenter pushed Jacob. Jacob pushed Carpenter back. Matt opened the door, grabbed something out. Jacob thought it was a taser at first. Grabbed the knife out...stabbed Jacob.

Jacob thought he was tased. He didn't know and he got stabbed. Jacob walks and he just hits him in the ...he hits him about three or four times in the face. And then after that... (p 8)

Det. Pirro: Carpenter opens up the...

Weissman: ah...oh door.

Det. Pirro: ...door of the Corvette?

Weissman: Yeah.

Det. Pirro: Cause it's his car.

Weissman: Takes out a knife. (p 9)

Weissman: It's after he got into his face. And Matt [Carpenter]... cause Matt was getting scared. So that's why...that...that's why he reached for the knife. Matt...Jacob [Zweig]...Jacob scared him and obviously while putting his face in his face. Matt opened up the door...reached for the knife.

Det. Pirro: Okay, did you see the knife:

Weissman: No. I didn't even see...I didn't even see.

Det. Pirro: But this whole time you're in stand...still standing...standing out of the Corvette?

Weissman: I was standing...I was standing in front. I saw him open the door and grab something. I didn't see...I didn't see a knife or anything you know. It was too...it was really quick. Everything happened really quick. (p 10)

Det. Pirro: Okay. How many times would you say ah...Carpenter you know stabbed or whatever he did to um....Jacob?

Weissman: Once.

Det. Pirro: Just once?

Weissman: Once.

Det. Pirro: Okay. Did you ever see the device that he used?

Weissman: No. I...I saw him reach for something in his car, but I did not see it physically. Like I did not physically see him do it. (p 13)

Even Weissman's recorded statement is consistent with him changing his statement as Det. Pijuan noted in his conversation with Weissman. In his recorded statement, Weissman initially stated that Carpenter grabbed a knife out of the car (p 8 & 9) then he stated he didn't see a knife

(p 10 & 13). Det. Pijuan also notes in his report, Weissman said everything happened quickly. This is also consistent with Weissman's taped statement (p10).

Matthews: Det. Pijuan's report regarding eye-witness Ben Ray states,

Ray stated that Zweig was not stabbed until after he (Carpenter) was in a head lock and was being punched in the face.

Untrue. Det. Pijuan's question to Ray: "Was [Carpenter] still in a headlock when [Carpenter] did this [stabbed Jacob]?" Ray's answer: "Truthfully, it happened too fast. I didn't see." Nowhere does Ben Ray provide Det. Pijuan with the information attributed to Ray as documented in Pijuan's report.

Analysis: In Det. Pijuan's report, he documents a synopsis of Ben Ray's recorded interview (p 1- 2) and reports the above statement Mr. Matthews referred to, along with others:

The next thing he knew, he saw Weissman holding Carpenter in a headlock and Zweig was striking Carpenter "like hard" on the head. Ray advised that while Carpenter was in a head lock and getting punched, he saw Carpenter make an upward motion toward Zweig. Ray assumed that this must have been when Carpenter stabbed Zweig because he never saw a knife. Ray told me that Carpenter ran away and heard Zweig make a comment about being tased. Ray advised that he was certain that Weissman was holding Carpenter in a headlock, while Zweig threw multiple punches to Carpenter's head. Ray described the punches as being very hard, all of which were to Carpenter's head. Ray stated that Zweig was not stabbed until after he (Carpenter) was in a headlock and was being punched in the face.

In Ben Ray's recorded statement, he refers to Carpenter being in a headlock and the stabbing numerous times:

Ray: Um... after that, all I remember is...like I know... I think maybe someone pushed someone. But then all I know was Weissman has Matt in like a headlock and Jacob is just punching like hard. Like I'm talking like he's just punching him in the head as hard as he can. And I...I like I don't even...like I didn't know what to do. Next thing I know like I just seen Matt go up. Like I didn't see exactly how he stabbed him. Go up like this.

Det. Pijuan: Uh-huh.

Ray: Next thing I know, Matt runs out the back here behind the store. And Jacob is sitting here and he goes yo, did he just...did he just fuckin tase me? Did he tase me? And I see all this... (p 7)

Ray: ...is they ...they're confronting each other and then all of a sudden, Weissman has Matt in a headlock. And Jacob is full out punching him in the head...is like as hard as he can.

Det. Pijuan: So Weissman...

Ray: Is headlocking Matt.

Det. Pijuan: And...and Jacob's punching him in the head?

Ray: Yeah. Like hard like...like really hard hits. (p7)

Det. Pijuan: Was he still in a headlock when he...when he did this?

Ray: It..ah... it truthfully it happened too fast. I didn't see...next thing I know ...just Jacob's like on his car and Matt is just running out. That's the next thing. Like I didn't actually see him stab him. It was like too close you know. It was ah...um...then what happened Matt runs around back. I don't see where he...that's the last time I... (p 8)

Det. Pijuan: ...significant incident I wanna make sure that I have everything clear.

Ray: But, if I can just say one thing. Truthfully what happened, it really was self-defense for Matt (Carpenter).

Det. Pijuan: Uh-huh.

Ray: Because this kid was holding him down and the other kid was punching him in the head. (p 13)

Det. Pijuan: Uh-huh.

Ray: And this kid is just like...like...like he would never just like do this out of nowhere. And it truthfully was self-defense. I mean one kid had him in a headlock. The other kid was punching him in the head. And I...I don't know. I guess he just reached for it and used it. Because...truthfully I don't really know. (p 14)

Det. Pijuan: Uh-huh.

Ray: And from the car, then everything else happens. Where they're sitting at the car. Another argument breaks out. Next thing I know, Weissman had Matt's head in a headlock.

Det. Pijuan: What kind of head...ah kind of headlock does he have him in?

Ray: Like his head's here and he's just holding him like this. And...Jacob's over here punching him in the head like this.

Det. Pijuan: Okay. So basically, he's got him in a...a headlock.

Ray: Yeah.

Det. Pijuan: His head is on...on...

Ray: His head is like this. And Jacob...

Det. Pijuan: So...so basically, ah...Matt's head is on...ah...

Ray: ...Weissman.

Det. Pijuan: Weissman's chest. Okay.

Ray: And Jacob's across from him here, punching him in the head.

Det. Pijuan: Okay.

Ray: Next thing I know I...I didn't see that. But next thing I know...

Det. Pijuan: You didn't see what?

Ray: Like I didn't see him actually pull a knife and stab. I didn't actually see that. (p 15)

Det. Pijuan: But you saw the headlock, and you saw the punching.

Ray: I saw the headlock. I saw the punching. Next thing I know, it happened so fast. Matt's running out, and Jacob has blood all over his shirt. That's like...like it happened so quickly. I didn't actually see him pull a knife out and stab him. I didn't even think was I...I thought it maybe like Matt's head was bleeding, and it was just on his shirt. That's what I truthfully thought. I had no clue that he was stabbed at all. I didn't...ah like that's how fast it happened. (p16)

Det. Pijuan: Do they grab him? Do they talk? Do they argue?

Ray: ...what happens there...ah...Jacob gets in Matt's face again. Jacob gets in Matt's face. Um...they're arguing again. All of a sudden out of nowhere...I think Jacob throws a punch or something. But then he's in a headlock, like instantly. Matt's in the headlock and then he's punching again. (p 18)

Det. Pijuan: ...were they talking shit back and forth as they (inaudible).

Ray: ...Jacob was talking shit. Matt was just like, ah...stop this. I want to end it. Jacob was talking shit. Matt wasn't saying anything. Like he was just like ...like he was...in the...he had his door open ready to leave. That's how like...like Matt was ready to get out. He really...and then all of a sudden Jacob...they're confronting each other...confronting each other and then Jacob just throws the first swing. And then he's in the headlock and then...I guess self-defense...he takes the knife out. But I'm...I'm telling you that like it truthfully was self-defense. I'm not on anyone's side here. That Jacob really was pulling the swings here and confronting ...and making threats. I can...I can say that Matt did not say one threat at all. (p 20)

Based on the totality of Det. Pijuan's supplemental report and Ben's recorded statement Mr. Matthews statement of "Nowhere does Ben Ray provide Det. Pijuan with the information attributed to Ray as documented in Pijuan's report." is not accurate.

Matthews: More about Weissman from Det. Pijuan's report:

Weissman confirmed to me that he put Carpenter into a headlock but could not remember when he did it.

Again, not completely true. Weissman testified that after Jacob began punching Carpenter, Weissman grabbed Carpenter in a headlock and threw him out of the way. But, at this juncture the fight has already ended. What Det. Pijuan failed to report is that Weissman's headlock occurred only after the fight was already ended. And, Jacob had already been stabbed. Det. Pijuan would have us believe that Carpenter stabbed Jacob while Carpenter was being punched by Jacob and held in a headlock by Weissman. This description of events is completely false and come to us only through the false reporting of Det. Pijuan.

Det. Pijuan has falsely reported that Weissman held Carpenter in a headlock while Jacob delivered punches to Carpenter's head. And, has falsely described a two-on-one fight; hence, Det. Pijuan's theory of self-defense,. But, it is a self-defense theory built upon a house of cards.

Analysis: In Det. Pijuan's report, he documents the following from Weissman's recorded statement:

Zweig continued to taunt Carpenter and put his chin up against Carpenter's chin and continued to taunt Carpenter. Weissman stated that Carpenter pushed Zweig away from him, at which point Zweig started to push him back. Carpenter then opened his car door and grabbed something from inside and then stabbed Zweig. Zweig said, "he tased me" at which point Zweig hit Carpenter three to four times in the face. This is a contradiction to what he told me about never seeing a knife and not even knowing that his friend had been stabbed until after the fact. Weissman said that he then grabbed Carpenter in a headlock and threw him out of the way, at which point Carpenter ran away. Weissman advised that he was standing in front of Carpenter's car while Zweig confronted Carpenter by his driver's side door. Weissman described seeing a stabbing motion but did not know Zweig had been stabbed until he saw the blood seeping through his shirt.

Det. Pijuan's report represents the testimony he received and documented. There is no reason to believe these statements are incorrect or untrue.

Mr. Matthews continues that Det. Pijuan failed to report that Weissman's headlock occurred only after the fight had ended. During Det. Pijuan's initial contact with Weissman and subsequent interview, Weissman does admit putting Carpenter in a headlock, but he cannot pinpoint when it occurred. How Mr. Matthews is able to definitively say that the headlock occurred after the fight ended is contrary to Weissman's own recollection of the event.

Det. Pijuan does document that Weissman had Carpenter in a headlock while Zweig hit him about the head, but this was described by other witnesses on scene. So Mr. Matthews' statements that Det. Pijuan falsely reported these events, is not accurate based on other witnesses statements of the events as demonstrated below.

Joel Kay advised in his statement on page 5 that the headlock occurred before the punching started. After Carpenter was put into a headlock, Weissman and Zweig both started "beating" on Carpenter. At some point during the "beating" Zweig backs up and says he was tased, which was when he was stabbed.

Ben Ray advised in his statement on page 15 that Weissman had Carpenter in a headlock while Zweig was actively punching Carpenter.

Richard Bagdasarian advised in his statement on page 6 that Weissman immediately put Carpenter into a headlock and then "Jacob just started whaling on him (Carpenter)." He went on to say that there was nothing that Carpenter could do because he was in a headlock.

Corbinian Kiby advised in his statement on page 8 that Zweig's friend (Weissman) was holding Carpenter down while Zweig was punching Carpenter. Kiby describes the holding down as Weissman grabbing Carpenter around the area of the head.

Hussein Daher advised in his statement on Page 7 that "the victim of the stabbing (Zweig)" started to punch "the arrested person (Carpenter)" in the head and face after "the guy with the white long sleeve shirt (Weissman)" grabbed Carpenter from behind.

Alexander Mercer advised in his statement on page 6 that "the long sleeve white kid (Weissman)" grabbed "the guy with the hoodie (Carpenter)" and then the punches started getting thrown.

Arthur Melkonian advised in his statement on page 3 that "the brown haired gentleman (Weissman)" put "the blond kid (Carpenter)" in a headlock and "the other guy (Zweig)" started punching the blond kid in the face "mercilessly."

Diana Rodriguez advised on page 1 of her statement how the "guy that got stabbed" (Zweig) was throwing punches at the "blonde kid" (Carpenter) while the kid in the white shirt (Weissman) was holding the "blonde kid" down.

Based on the testimony of all witnesses, Mr. Matthews' allegation of Det. Pijuan falsely reporting a two-on-one fight is not correct.

Matthews: Let's take a look at Carpenter's own testimony to Det. Pijuan as Carpenter describes what happened:

Q. At what time did you pull the knife out?

A. I don't remember. It's not like I looked at my clock.

Q. Not time. I mean at what point? At what point is this incident?

A. As soon as [Jacob] started pushing me, I pulled out. *I thought he was going to start hitting me.* [Italics added.]

So, Carpenter pull out his knife because he *thought* Jacob was going to hit him. But, more importantly, Carpenter does not testify that he was put in a headlock. Carpenter does not testify that he was being punched by Jacob while being held in a headlock. Despite the scenario Det. Pijuan has falsely created for us all to believe, Carpenter, according to his own testimony, did not use his knife while being held in a headlock and being punched in the head by Jacob.

Carpenter's testimony to Det. Pijuan continues,

Q. So, somebody grabbed you. Where did they grab you?

A. I guess on my shoulders or on my back.

Q. Were you, I mean, was it kind of like a headlock? A full Nelson?

A. No. It was just like, kind of like, keeping me from backing away from Jacob.

And, Carpenter goes on to testify to Det. Pijuan,

Q. Was Weissman holding you at the time?

A. I don't recall. The first time he was. The second time Jacob just came up and started hitting me.

Q. So, the first time he was, but you're not sure about the second time?

A. *I'm not sure. I can't actually say Weissman was holding me.* [Italics added.] I don't have eyes in the back of my head, but I know that somebody grabbed me and kind of pushed me towards [Jacob].

Although Det. Pijuan's report definitively identifies Weissman holding Carpenter in a headlock while Jacob delivered punches to Carpenter's head, thereby, according to Pijuan's way of thinking, justifying Carpenter's need to stab Jacob to death in self-defense, here we have the testimony of Carpenter himself who never described being placed in a headlock or full Nelson or being placed in any such hold of this kind, Carpenter can't positively identify Weissman as ever

grabbing hold of him at all, and, ultimately, Carpenter never describes himself as being placed in a headlock while being punched in the head by Jacob causing him to stab Jacob in self-defense in order to fend off blows as Carpenter is being held defenselessly in a headlock. Truly a fascinating piece of fiction created by Det. Pijuan.

Analysis: In Carpenter's recorded interview he makes several statements about when he pulled the knife out and Weissman grabbed on to him:

Carpenter: ...he pushed me again so I took out the knife and then...and then I think he saw it and he hit me...he hit me in the head. And he just started hitting me so I think I jabbed at him once and then I don't know the other kid grabbed me. All I felt was the other kid like grabbing me and then I felt like him starting to hit me. (p 11)

Det. Pijuan: Okay so does he hit you yet? I mean when ...when...when you pull the knife out. What is he doing is he just pushing you?

Carpenter: Yeah he's pushing me.

Det. Pijuan: ...okay the other kid grabbed on to your arm.

Carpenter: The other kid grabbed on to me and he just...he started pushing me so I take it out...and I just have it right here.

Det. Pijuan: Did he see it?

Carpenter: I don't know...I don't even re...I don't even remember...all I know is as like...he just then he just starts swinging. He just hit me like right here. (p 15)

Det. Pijuan: Uh-huh.

Carpenter: Right? And then he started pushing me.

Det. Pijuan: Uh-huh.

Carpenter: And then the other kid grabbed on to me.

Det. Pijuan: Uh-huh.

Carpenter: And that's when I pulled out the knife.

Det. Pijuan: Okay.

Carpenter: Because I didn't want to take...I can't take on two kids by myself. (p 17)

Det. Pijuan: How about his buddy?

Carpenter: ...he backed off his buddy. I...I think as soon as he saw the knife he...he like went away. (p 17)

Mr. Carpenter (father): So you stabbed the kid?

Carpenter: I stabbed him and he just kept hitting me and hitting me. The other kid I guess he saw the knife so he stopped like holding on to me. Like he was...I guess he was supposed to be like holding on to me as this kid like punched me. But I don't know...like I don't know. (p 33)

Det. Pijuan: Did he say that...did he say anything like hey you gonna pull a knife on me. I'm gonna... I mean did he see it?

Carpenter: No I don't ...no he didn't see it. He wasn't ...he was messed up. He was just starting to hit me. (p 44)

Carpenter's statement is that he pulls out his knife when Zweig is pushing him and Weissman grabs him because Carpenter knows he cannot take on two kids by himself. In addition, Weissman (p 10), and Bagdasarian (p 3 & 11) make statements during their taped interviews of Carpenter being frightened or scared of Zweig.

Mr. Matthews states in his letter "Truly a fascinating piece of fiction created by Det. Pijuan." in referring to Weissman having Carpenter in a headlock. Eight witnesses refer in their recorded statements that Weissman has Carpenter in a headlock, holding him or holding him by the head, while Zweig is punching him. These witnesses were listed previously in item #14A. So Mr. Matthews' statement about this information being "fiction created by Det. Pijuan" would be inaccurate.

Matthews: The testimony of Eric Scovin, a friend of Carpenter's, in describing the fight is also quite telling,

Q. What does Weissman do at that point?

A. I didn't see Weissman during the whole thing.

Q. So, when [Jacob] is punching Carpenter, Weissman isn't ganging up on him?

A. No, no, no.

Q. It was just one on one?

A. It was just between them, yeah, and there were about five of us trying to pull them off.

So, Scovin, a witness friendly to Carpenter, acknowledged the fight between Carpenter and Jacob was one-on-one. Yet, Det. Pijuan saw fit to conceal this vital testimony from his report in an effort to support his own theory of self-defense on behalf of Carpenter is nothing short of fraudulent.

Analysis: Det. Pijuan documents a synopsis of Eric Scovin's recorded statement (p 6-7) which when transcribed was 30 pages. Det. Pijuan documents Scovin's statement in approximately 1 page of his report. Det. Pijuan documents that Scovin states he was unaware of where Weissman was at the time when punches were being thrown (p 7). Mr. Matthews' statement of Det. Pijuan concealing information would be inaccurate because the statements are contained within the reported testimony and Mr. Matthews is only referring to Det. Pijuan's synopsis. Also, Mr. Matthews fails to include the eight other witnesses, four of those "friendly to Carpenter" and four

who were independent, who describe Weissman holding, pushing or having Carpenter in a headlock (Ben Ray, Melkonian, Daher, Kay, Mercer, Rodriguez, Kiby and Bagdasarian).

Matthews: And now let us take a close look at the evidence given by Matthew Weissman, Jacob's friend. Testimony Det. Pijuan determined was best kept hidden from view.

Weissman testified,

After Carpenter pushed Jacob. Jacob pushed Carpenter back...Jacob thought it was a Taser at first. [Carpenter]grabbed the knife out first and stabbed Jacob. Jacob goes, "He tased me, Matt [Weissman]. He just tased me" After [Carpenter] stabbed Jacob, Jacob thought he was tased. [Jacob] didn't know that he got stabbed. Jacob looks and he hits [Carpenter] about three or four times in the face...

And, as to Weissman's proximity to Carpenter, he testified,

Q. This whole time you are still standing in front of the Corvette?

A. I'm standing in front. I saw [Carpenter] open the door and grab something. I didn't see the knife or anything. It was real quick.

Now, Weissman explains under oath the positioning of Carpenter and Jacob just as Carpenter stabs Jacob,

Q. So they are face to face?

A. Yeah. They are like standing face to face pretty much. And [Carpenter] reached for the knife and went like this, I guess, and stabbed [Jacob] right here because they are standing up and what not.

Q. They are face to face?

A. Face to face. Yeah. And then after that Jacob goes, "Ah, he tased me. Ah, he tased me." And Jacob just walks back and hits him about three times in the head.

Q. Did you see a closed fist?

A. Yes...And then after Jacob hit Carpenter, I took [Carpenter] and I grabbed him into a headlock and I threw him out of there. I threw him off.

Q. Slow down. You grabbed Carpenter?

A. Yeah. This is after Jacob hit him three times in the head.

Analysis: In Det. Pijuan's report, he documents a synopsis of Weissman's statement, an excerpt from his report reflects the above quotes from Mr. Matthews' letter.

Weissman stated that Carpenter pushed Zweig away from him, at which point Zweig started to push him back. Carpenter then opened his car door and grabbed something from inside and then stabbed Zweig. Zweig said, "he tased me" at which point Zweig hit Carpenter three to four times in the face. ... Weissman said that he then grabbed Carpenter in a headlock and threw him out of the way, at which point Carpenter ran away. (p 4)

Based on the above information from Det. Pijuan's report, Det. Pijuan did not keep Weissman's testimony hidden from view.

Matthews: There it is. From Carpenter, Scovin and Weissman. The boys themselves. All hands-on participants. It was a one-on-one altercation in which, according to Carpenter, he *thought* Jacob was going to hit him and stabbed Jacob first. Jacob, feeling the sting of the knife's blade, mistook it for the sting of a taser. And, it is clear from Weissman's testimony, Jacob came after Carpenter with punches, only after Jacob thought he's been "tased." Then, Weissman, still standing in front of Carpenter's Corvette, comes over to grab Carpenter in a headlock throwing him out of the way. The fight was over by the time Weissman put Carpenter in a headlock. Jacob had already been stabbed. All testimony concealed by Det. Pijuan.

Analysis: As documented previously, Carpenter states that he was hit by Zweig before and after he stabbed him, which is not what Mr. Matthews documents above. Also, Det. Pijuan documents Weissman's version of events, so he did not conceal that information. Again, Mr. Matthews does not refer to the other eight witnesses who reference in their statements that Weissman was holding and/or pushing Carpenter or had Carpenter in a headlock earlier in the altercation.

Matthews: Although Det. Pijuan concealed the testimony of two independent witnesses, Mitchell Hassman and Anna Downey, we have discovered that their testimony corroborates what Carpenter, Scovin, and Weissman stated.

Reporting on the activities of witness, Mitchell Hassman, Det. Pijuan claims,

Hassman called 911 and requested assistance but did not remain on scene.

This statement is false. Hassman did remain on scene. Hassman testified, "We left after like *three and a half hours.*" [Italics added.] Again, only Det. Pijuan can explain his failure to include Hassman's testimony in his report.

It should be pointed out, since Det. Pijuan failed to, Mitchell Hassman only referred to the "two kids," Carpenter and Jacob, "pushing each other, they wanted to fight." Never did Hassman say that Carpenter was being held in a headlock by a third person (Weissman?). Of course, if Det.

Pijuan's purpose was to promote a self-defense angle for Carpenter, then Pijuan's omissions begin to make sense. Only Det. Pijuan can shed some light on this.

Analysis: A review of Mr. Hassman's transcript shows he observed the initial confrontation between Zweig and Carpenter, but did not observe the fight by the vehicle because he was on the east side of the building and the fight occurred on the north side of the building. Mr. Hassman describes in his statement (page 5) how he walked around the corner of the building, observed a group of kids, Zweig stepping away and collapsing on the ground. Therefore, no testimony relevant to the altercation by the vehicle was omitted by Det. Pijuan.

Matthews: Once again, incredibly, Det. Pijuan suppresses the testimony of eye-witness Anna Downey when Pijuan reported,

Downey advised there was an altercation but did not elaborate on what happened.

This is patently false and, once again, Det. Pijuan's deceptive statement conceals Ms. Downey's testimony, which is significant in determining between murder and self-defense.

Ms. Downey testified, "When I turned, I guess [Carpenter and Jacob] *were pushing each other.*" [Italics added.] Downey's testimony continues, "When I turned around [Carpenter and Jacob] were hitting. The tall kid that got stabbed and [Carpenter] were hitting. Hands were going everywhere." And, again, only Det. Pijuan can explain these material omissions.

Analysis: Det. Pijuan documents a synopsis of Anna Downey's statement taken by Det. Pirro (pg 5) and Det. Pirro also documents a synopsis of his interview with Downey in his report (pg 2). Downey does not provide a great deal of detail in her 10 minute statement.

In her statement she provides the following as noted partially by Mr. Matthews:

Det. Pirro: Okay.

Downey: They started yelling, um...

Det. Pirro: Uh-huh.

Downey: ...again in his face. Ah...the kid that owns the Corvette, the one that's arrested (Carpenter) Um...opened the door...when I turned...I guess they were pushing each other. The kid that got stabbed (Zweig), he goes, you tased me, you tased me. (pg 3)

Det. Pirro: Okay.

Downey: I saw him walk over to the middle of the street. (pg 4)

Det. Pirro: Because of the cut.

Downey: Cause I was still sitting there. When I turned around, they were heading...the tall kid that got stabbed (Zweig).

Det. Pirro: Uh-huh.

Downey: And um the kid that got arrested were hitting...hands were going everywhere. And the kid that had gotten stabbed, goes you tased me, you tased me. And I'm like wow! But then when he fell, I didn't know if...you know. And then when I saw the blood, cause blood was on his tee shirt and everything. When I really got close, and that's when ah...and also when I did um mouth compressions, his teeth all right here were half gone. (pg 6)

Det. Pirro: Oh, okay, okay I understand what you're saying. Okay. All right. Um...is there anything else you could think of ...that we need to know? Did you hear them any threats being thrown or given?

Downey: Um ...no, when they were standing um over here. I don't know what they yelling about. The kid was getting in his vehicle to go home. The kid...

Det. Pirro: The kid would be which kid?

Downey: ...the kid that got arrested. (Carpenter)

Det. Pirro: Okay.

Downey: He was you know going home...I guess going home. (pg 6)

Det. Pirro: Uh-huh.

Downey: Um...the kid that got stabbed (Zweig), and I guess his friend (Weissman) in the white tee shirt walked over to him and ...I didn't really...I didn't hear what they were saying or anything. But um...when I turned everybody was hitting. He said, I got tased, I got tased when he around the front of the Corvette. (pg 7)

These sections of Downey's eight page statement are the only areas where she talks about the altercation at the vehicle. Each time she describes it she initially talks about when she turns around she sees: pushing each other, hands going everywhere and everybody is hitting. Downey never becomes more descriptive or detailed than that in her statement possibly because she doesn't see the beginning of the confrontation at the car. As shown by inclusion of Downey's statement and Det. Pijuan's synopsis of her statement, he did not suppress Downey's testimony.

Matthews: What is truly remarkable is Det. Pijuan's failure to note that, although Hassman and Downey are not only independent eye-witnesses who never before knew each other, the testimony of both Hassman and Downey is consistent that Carpenter and Jacob *were pushing each other*. Moreover, here too, Ms. Downey, like Hassman, never testified that Carpenter was

being held in a headlock by a third person (Weissman?) as Downey and Hassman both described a one-on-one altercation. How is it possible that Det. Pijuan arbitrarily dismissed out of hand the testimony of Hassman and Downey, the most credible eye-witnesses present that night?

Analysis: Downey does not provide a very detailed statement and her testimony indicates she may not have seen the beginning of the altercation, as noted above. In Mr. Hassman's transcribed statement he talks about the initial confrontation between Zweig and Carpenter:

Hassman: They just started pushing and fighting. And didn't no one actually threw a punch at that point. They were just kind of pushing back and forth. And people were trying to break it up.

Det. Pijuan: Do you remember what any of these people look like?

Hassman: Um...that I rec..you know. Like white skin, dark hair. (page 5)

Carpenter wasn't described by anyone else as having dark hair, he is blonde. A second time in Mr. Hassman's statement on page 10, he talks about two kids pushing each other and again describes them as having dark hair. It should be noted that Zweig had dark hair.

Mr. Hassman advises in his statement he never observed the fight by the vehicle because he was on the east side of the building, so the building was blocking his view of the fight on the north side of the building.

Hassman: We couldn't see technically like what they were doing there. But as soon as walked around that corner which was two or three feet away, then we saw.

Det. Pijuan: What did you see?

Hassman: Um there's like a circle of kids...um the kid that fell he took a couple of steps from where he was...

Det. Pijuan: Uh-huh.

Hassman: and then he just fell.

Det. Pijuan: Where did he fall?

Hassman: Um...this is the street. I'd say right about here. (page 5)

Mr. Hassman would not have been able to provide testimony to whether Weissman or a third person was holding Carpenter because he did not witness the fight at the vehicle.

Det. Pijuan did not dismiss Hassman and Downey's testimony as Mr. Matthews alleged. Det. Pijuan documented the statements they provided in his supplemental report.

Matthews: Additionally, Ms. Downey testified that Jacob's teeth were "half-gone" and "cracked," she supposed when Jacob hit the ground. Something omitted from Det. Pijuan's report as he disregarded the rest of Ms. Downey's testimony. There was no report of any teeth found where Jacob collapsed by any first responders or crime scene personnel. So, if Jacob's teeth were not broken during the fall where he collapsed, perhaps Jacob's teeth were broken at the location where the fight was. Something we may never know.

Analysis: On page 2 of the Medical Examiner's report under the heading "External Examination" the following is documented:

The teeth appear natural and are in good condition.

There is no documentation in the Medical Examiner's report to show that there was any damage to Zweig's teeth that required further investigation.

Matthews: In his failure to report the compelling testimony of Hassman and Downey, the only independent eye-witnesses to the altercation between Carpenter and Jacob (the rest being mostly school friends of Carpenter), Det. Pijuan suppresses convincing evidence that Carpenter and Jacob were more likely mutual combatants. Moreover, Det. Pijuan conceals from his report the testimony of Carpenter's friend, Eric Scovin, whose testimony acknowledges that the fight between Carpenter and Jacob was one-on-one. He likewise conceals the testimony of Matthew Weissman, Jacob's friend, who also describes a one-on-one confrontation. This is really where the seed of miscarried justice begins to grow and take hold, spread throughout this entire case. That seed was planted by Det. Pijuan.

Analysis: As described previously regarding Hassman's testimony, he did not see the fight, and Downey, each time she describes what she observed, she talks about when she turned around. But in addition to these two witnesses, there are four other eye-witnesses who did not know any of the subjects involved in the fight. These four independent eyewitnesses are Hussein Daher, Diana Rodriguez, Alexander Mercer and Arthur Melkonian. In Daher's statement, he describes how Zweig takes hold of Carpenter's face, Weissman comes up behind Carpenter and holds him, and then Zweig begins to punch Carpenter in the head (page 7). Rodriguez describes in her statement that Zweig was throwing punches at Carpenter while Weissman was "holding him down" and Zweig was throwing punches like "crazy" (page 1). Mercer describes Weissman as grabbing Carpenter and both Weissman and Zweig throwing punches (page 4 & 7). Mercer describes the fight as Zweig "whaling" on Carpenter and beating him up (page 6). Melkonian describes Weissman putting Carpenter in a headlock and Zweig punching him in the face (page 3).

Mr. Matthews stated Det. Pijuan conceals the fact the fight was one-on-one, but in Det. Pijuan's report (page 6-7) he describes Scovin's testimony in detail. Det. Pijuan advised in his report "Scovin was unaware of where Weissman was at that time." (during the fight). Det. Pijuan does not document any statement by Scovin that Weissman was involved in the fight.

Mr. Matthews wrote that Det. Pijuan concealed Weissman's testimony who described a one-on-one confrontation. In Det. Pijuan's report (page 3-4), he describes Weissman's testimony of the fight between Zweig and Carpenter and only documented Weissman grabbing Carpenter at the end of the fight as Weissman described in his statement.

So Mr. Matthews' statement of the "seeds of miscarried justice begins to grow" is based on suppression of testimony, but each witnesses' statements are documented accurately in Det. Pijuan's report and quoted by Mr. Matthews, so obviously they are not suppressed.

Matthews: Furthermore, in light of the testimony of Hassman and Downey, Det. Pijuan lied to Jacob's father, Murray, and Murray's lifelong friend, Mitchell Lucas, when Pijuan met with them November 20th, 2008, and said to both of them, "...taking into accounts from all witnesses at the scene it was a clear case of self-defense." This would not be the only time Det. Pijuan lied to Jacob's father.

In view of the evidence given by Hassman and Downey, against a backdrop of evidence demonstrating a long standing feud over "robbed" drugs, Jacob's tires slashed twice (with a knife?) within weeks of his stabbing death, text messaged threats between Carpenter and Jacob, Carpenter's text messages luring Jacob to meet Carpenter with the promise of more cocaine that did not exist, and Carpenter waiting for Jacob armed with a concealed "switchblade knife," point to a case that is anything but "a clear case of self-defense." Except perhaps in the mind of a wishful thinking Det. Pijuan. What remains inconceivable is that a homicide investigator with Det. Pijuan's training refused to connect the dots in this case.

One of a detective's primary responsibilities in his search for the truth is to test the credibility of witnesses and identify conflicts in their testimony where they may exist. This is especially true of witnesses who offer testimony that is almost too good to be true.

Analysis: On November 20, 2008 when Det. Pijuan met with Mr. Zweig and Mr. Lucas, he was five days into the investigation. At that point in the investigation, of the thirteen witnesses who were at the Shisha Café on November 15, twelve had been interviewed. Of the twelve statements taken, six witnesses were not friends or acquaintances of Carpenter or Zweig. One of the six witnesses, Fernandez, didn't see the fight by the vehicle; he only saw the initial confrontation. In Downey's statement, she talks about both Carpenter and Zweig pushing each other (page 3) and later in her statement she says everybody was hitting (page 7). Downey is not

more descriptive than that, and each time before making these statements she advises “when I turn”, so it appears she did not see the entire confrontation. The remaining four of the six who were not friends or acquaintances of Carpenter or Zweig were Mercer, Melkonian, Daher and Rodriguez. Mercer states that Weissman grabs Carpenter (page 4), Zweig is “whaling” on Carpenter (page 6) and Carpenter probably saved his own life (page 7). Melkonian states Weissman had Carpenter in a headlock (page 3), Zweig starts punching him (page 3) and Carpenter would have been in the hospital if he didn’t have the knife (page 4). Daher states that Weissman came up behind Carpenter and held him (page 7) and Zweig was punching Carpenter in the head “like crazy” (page 7 & 8). The last of the four, Rodriguez, stated that Weissman was “holding down” Carpenter and Zweig was throwing punches “like crazy” (page 1), it seemed as if Carpenter was trying not to get involved, but they were just trying to pick a fight with Carpenter (page 2). Four of the other five witnesses who are Carpenter’s friends or acquaintances, Kay, Ray, Kiby and Bagdasarian, all gave similar statements as those witnesses who were not acquaintances, that Weissman grabbed or put Carpenter in a headlock and Zweig punched Carpenter in the head. Zweig’s friend, Weissman, stated that he and Zweig went to the Shisha Café because Ben Ray texted Zweig that Carpenter was “talking shit” about Zweig (page 2). Weissman said Zweig wanted to “punk” Carpenter, to confront him (page 3). In his statement, Weissman describes how Zweig confronted Carpenter twice outside the Shisha Café and the last confrontation by the vehicle Zweig wanted Carpenter to go around back. Zweig wanted to fight Carpenter (page 7), but according to Weissman, Carpenter said he didn’t want to fight. Weissman states that Carpenter then pushed Zweig, opened his car door then stabbed Zweig (page 8). Weissman advised Zweig then hit Carpenter three or four times and Weissman grabbed Carpenter in a headlock and threw him out of there (page 11). Based on all the statements and information gathered by November 20th, it would have been disingenuous of Det. Pijuan not to tell Mr. Zweig what direction the investigation was heading at that time. Det. Pijuan was providing the family with his professional assessment of the case at that point in the investigation therefore it was not a lie as stated by Mr. Matthews in his letter.

However, Det. Pijuan continued with his investigation from November 20th, and continued with interviews. Mr. Matthews writes of Hassman’s testimony and from Hassman’s statement taken on December 5th. It is apparent that Hassman never saw the fight at the vehicle. He observed the initial confrontation and later heard the commotion, walked around the corner of the building to see Zweig stepping away from the crowd and falling to the ground. Det. Pijuan continued his investigation by interviewing Zweig’s girlfriend, Masi, and two friends Zweig had been with earlier in the night, Jack Florens and Farin Katz, to find out information about a previous “feud” over drugs and if any threats had occurred that night. Det. Pijuan followed up on information about Zweig’s tires being slashed in Broward County. Det. Pijuan continued his investigation until he presented the case to the State Attorney on January 28, 2009. The State Attorney made the determination that there was insufficient probable cause to send the case to the grand jury.

Matthews: This brings us to the testimony of Arthur Melkonian, café manager, whose family owned Shisha Café where Carpenter was known as a regular customer.

According to Melkonian, Det. Pijuan writes,

Zweig then “started punching [Carpenter] in the face mercilessly.”

How Det. Pijuan could have possibly reported this in good faith is beyond comprehension. Det. Pijuan’s crime scene photos of Matthew Carpenter taken that night show irrefutable evidence of Carpenter’s without so much as a scratch on it. Hardly a depiction of someone who’d been punched in the face “mercilessly.” To have omitted this inconsistency between Melkonian’s testimony and the physical evidence show a lack of honesty in Det. Pijuan’s work. Moreover, as evidenced below, Det. Pijuan also omits the fact that Melkonian did not even see the fight.

Analysis: As documented below (item #25), Melkonian does observe the fight, Joel Kay describes in his statement that Melkonian observed the fight and Kay followed Melkonian into the Café where he makes the 911 call. Det. Pijuan documents the following in his report in reference to the description of Carpenter’s injuries:

I observed several small red marks on the top of his head, but they were difficult to see due to Carpenter’s hair. I could also see some minor swelling to both sides of Carpenter’s temples. These marks were photographed by CST McDonald. (page 7-8)

Two of the crime scene photos of Carpenter at the scene show red marks in his scalp area. In addition, eight other witnesses on scene describe Zweig hitting Carpenter in the head using the following verbiage: Kay (pg 13), “hitting really hard,” Mercer (pg 6), “whaling on [the] kid,” Daher (pg 7 & 8), “punching in head like crazy,” Rodriguez (pg 1), “throwing punches like crazy,” Kiby (pg 20), “aggressive, full power punches,” Bagdasarian (pg 6 & 7), “whaling on him,” Scovin (pg 15), “hitting real hard” and Ben Ray (pg 7), “full out hard hits to the head.” These statements are consistent with Melkonian’s statement.

Matthews: Det. Pijuan’s report of Melkonian’s testimony continues,

Melkonian went on to say that he is “not justifying him (Carpenter) having a knife but if he didn’t have a knife he would be the one in the hospital right now.

While Melkonian’s opinion may have fitted nicely with Det. Pijuan’s self-defense theory, Pijuan omitted from his report a more factual statement made by Melkonian when Melkonian revealed,

No one really saw what happened because it was just a crowd.

Analysis: In Melkonian's transcribed statement, the following is documented:

Melkonian: And ...the other guy started punching the blonde kid in the face, mercilessly.

Det. DeMott: Okay. Okay. Um...what happened that you saw after that?

Melkonian: Um...aft...once the fight started, I mean it wasn't really a fight. It was a beat down.

Det. DeMott: Uh-huh.

Melkonian: It was two guys. One guy holding him and the other one just going to town on him. And...he ah...ah...the ...a crowd just went ...kind of came around the ...the fight.

Det. DeMott: Uh-huh.

Melkonian: And that's when automatically it just stopped. No one really saw what happened, cause it was just a crowd.

Det DeMott: Uh-huh.

Melkonian: And...apparently, everyone started seeing blood and...he ah...I saw a knife in the blonde gentleman's hand...

Det. DeMott: Okay.

Melkonian: ...as he was walking away. And apparently, he walked away from the store and...

When the entire excerpt from the statement is read, which includes the one statement Mr. Matthews documented, the entire meaning is clear. Melkonian observed the fight begin people then crowded around the subjects who were fighting and he did not see when the stabbing occurred. The one statement Mr. Matthews documents is not a full representation of what was said by Mr. Melkonian.

In addition to Mr. Melkonian's statement, three other witnesses made similar statements about the seriousness of the attack on Carpenter,.

Joel Kay advised:

They could have hospitalized Carpenter. They were hitting him really hard. (page 13)

Alexander Mercer stated:

...I think that if you know, not saying whatever he did was right or wrong but I... his life [Carpenter] might have been saved from what he did ... (page 7)

Ben Ray stated:

It truthfully was self-defense for Matt [Carpenter]. He was defending himself. (page 22)

Therefore, Det. Pijuan's report was accurate in the description of Melkonian's statement.

Matthews: Det. Pijuan also withheld from his report that Melkonian, himself a 911 caller who reported the fight between Carpenter and Jacob as it was happening, admitted that he could not see the fight, nor identify the weapon.

911: How many people?

Caller (Melkonian): I'm not sure. There's a whole crowd.

911: Do you know what kind of weapon?

Caller (Melkonian): I'm not sure.

911: Okay. Are they still fighting right now? Can you take a look out for me?

Caller (Melkonian): Yeah. There is still a commotion out front.

911: Are they actually hitting each other?

Caller (Melkonian): Yeah.

911: Right now are they hitting each other?

Caller (Melkonian): I believe so. Yeah. I'm just looking out the window. I can't see, but—

Det. Pijuan withheld from his report that, although Melkonian called 911 to report the fight in progress, Melkonian admitted that he could not see the fight and was unable to determine what type of weapon was involved. This is a significant omission considering Det. Pijuan saw fit to report on Melkonian's opinion that if Carpenter didn't have a knife, Carpenter would be the one in the hospital. Det. Pijuan conceals the inconsistency between Melkonian's 911 call wherein Melkonian originally says he can't see the fight, and Melkonian's opinion given during his testimony three hours later claiming that if Carpenter didn't have a knife, Carpenter would be the one in the hospital.

Did it not occur to Det. Pijuan to find out how Melkonian originally said did not see the fight or any weapon? Once again, what Det. Pijuan chose to report concerning Melkonian's testimony, and by omitting all the facts and the glaring inconsistencies in Melkonian's testimony, only

further demonstrates Det. Pijuan's interest in concealing the truth as he capriciously determined Jacob's killing to be a case of self-defense. Since we know Melkonian's opinion was not based upon any firsthand knowledge, we would also like Det. Pijuan to explain why he reported Melkonian's opinion based upon secondhand information, instead of facts, in the first place.

Analysis: Melkonian's 911 call lasted approximately 1 minute and 20 seconds:

Dispatcher: 911 what is the address and the emergency?

Melkonian 201 South East Second Street, Shisha Café. Uh.

Dispatcher: Did you say Second Street or First Avenue?

Melkonian I'm sorry First Avenue. I'm the owner of the Café. I just saw a fight in front of my store.

Dispatcher: Okay, are they still fighting?

Melkonian Uh I believe it stopped. But there's still commotion in the front on the street.

Dispatcher: Okay, what's the phone number you are calling me from?

Melkonian Uh I'll give you my cell phone it's 561-...

Dispatcher: Uh-huh.

Melkonian ...602-...

Dispatcher: Uh-huh.

Melkonian ...0832.

Dispatcher: Okay, how many people?

Melkonian I think there was...I think there was a weapon involved.

Dispatcher: How many people?

Melkonian I'm not sure there's a whole crowd.

Dispatcher: Do you know what kind of a weapon?

Melkonian I'm not sure.

Dispatcher: Okay, are they still fighting right now? Can you take a look out for me?

Melkonian Yeah, there's still commotion out front.

Dispatcher: Okay, are they actually hitting each other?

Melkonian Uh... yeah.

Dispatcher: Right now they are hitting each other?

Melkonian I believe so, yeah.

Dispatcher: Okay.

Melkonian I'm just looking out the window. I can't leave the register.

Dispatcher: Okay. All right and this is in the front now?

Melkonian Yeah.

Dispatcher: Okay, I need you to tell me if you do see a weapon and what kind, okay? Take a look for me, say please if you are able to do so?

Melkonian Uh... I mean there's no gun or anything. But uh there's someone bleeding out there. So I'm...I'm not exactly sure.

Dispatcher: Uh-huh, okay, what is your name?

Melkonian My name is Arthur.

Dispatcher: Arthur?

Melkonian Yeah.

Dispatcher: Ar.

Melkonian Last name Melkonian. M-e-l-k-o-...

Dispatcher: Uh-huh.

Melkonian ...n-i-a-n.

Dispatcher: Okay, you're the manager, Arthur?

Melkonian I'm the owner.

Dispatcher: You're the owner, okay. Well listen I've got Police on the way, okay?

Melkonian All right, thank you.

Dispatcher: Bye-bye.

Melkonian Bye-bye.

Based on Melkonian's recorded statement with Det. DeMott and others statements on scene, Melkonian was outside his café and had asked Carpenter to leave because he had observed the initial verbal confrontation between Zweig and Carpenter. The fight by the vehicle started right

after Carpenter had been asked to leave. If the entire 911 call is read, Melkonian is describing what had already occurred.

Specifically in Joel Kay's transcribed statement (pg 6) Kay states the following after describing that Zweig had just collapsed in the road:

Kay: That is when um his friend Matt Weissman yelling someone call 911. And um the owner goes back in the place to call the cops. I follow him, wondering like what's going on? So he calls the cops. He ask them to send an ambulance and cops to be sent here. I walked back outside and um...uh this girl, at that the scene giving Jacob CPR. Like ones, like hovering over him. Like what's going on?

This statement clarifies that Melkonian saw the fight then went into his business to call 911.

Matthews: In comparing the physical sizes between Jacob and Carpenter, Det. Pijuan reports,

It should be noted that Zweig is six foot [sic] two inches and weights [sic] two hundred and eighteen pounds, while Carpenter is about six foot [sic] tall and weighs about one hundred and sixty to one hundred seventy pounds.

In truth, Jacob weighed between 165 and 175 lbs. Det. Pijuan could have only gotten Jacob's weight as being 218 lbs. from the medical examiner's report. And, had Det. Pijuan attended the autopsy, a routine practice (if not requirement) among homicide investigators, he would have known that Jacob's increased weight at the time of his death was due to the amount of blood transfusions and other I.V. fluids administered to Jacob as he lay dying in the hospital. And, again, if Det. Pijuan was attempting to provide Carpenter with a self-defense theory, then Pijuan's falsely reporting Jacob's size as being disproportionately larger than Carpenter's begins to make sense.

Had Det. Pijuan taken the time to learn a little about Jacob before erroneously arriving at the conclusion Jacob's death was a case of self-defense, Det. Pijuan would have learned that Jacob was slender, and in life never weighed anywhere near 218 lbs. Had Det. Pijuan bothered to learn something about Jacob perhaps it would have caused him to revisit the medical examiner's notation of Jacob's weight being 218 lbs. and learn the real reason why Jacob's weight was inflated. Incredibly, while Det. Pijuan found the weight disparity between Jacob and Carpenter important enough to include in his report, never did he bother to ask Jacob's parents how much Jacob weighed. Instead, Det. Pijuan settled for falsely reporting Jacob as weighing over 40 lbs. more than he really did. As one would now come to expect, this inaccuracy, of course, only furthered Det. Pijuan's promoting a self-defense theory on behalf of Jacob's killer.

Analysis: The Medical Examiner's report does document Zweig's weight as (page 2) follows:

...approximately 6 foot 2 inch and 218 pound, white male...

The statement is an accurate notation in Det. Pijuan's report based on the Medical Examiner's report.

In addition, three witnesses described Zweig as bigger than Carpenter. Bagdasarian advised in his sworn statement:

And Jacob, if you ever seen him, he's huge. Just whaling on him [Carpenter]. He couldn't do anything. (page 6)

They said, you know come with us. I mean he's probably scared. And they're [Zweig and Weissman] a lot bigger than him [Carpenter]. (page 11)

Joel Kay advised in his sworn statement:

Yeah, he's...he's [Zweig] really tall and pretty big. (page 18)

Scovin advised in his sworn statement:

...cause he's [Zweig] the much bigger kid then Matt is...

Um...fairly big. He's [Zweig] very well built. Not like overly muscular. But you can tell that...you know.

He's...he's [Carpenter] very skinny. (page 6)

Mr. Matthews documents in his letter that Det. Pijuan was "falsely reporting" Zweig's weight, but Det. Pijuan documented the information as provided by the Medical Examiner's report. As noted in statements of witnesses at the scene, Zweig is described as a bigger person than Carpenter, by weight and by stature.

Matthews: Det. Pijuan also omitted significant physical evidence determined by the medical examiner during Jacob's autopsy. According to the medical examiner, the wound path from the stabbing Jacob suffered, indicated a downward motion. This is contrary to Carpenter's testimony to Det. Pijuan that he was striking in an upward motion as if striking out with the knife. And, it supports the testimony of Weissman and Scovin that Jacob and Carpenter were standing face to face. Jacob's torso bore direct stab wounds from a downward motion. No

slashes or oblique slicing was found on his torso. By imputing Jacob's weight as being 218 lbs., something that could have only been obtained from the medical examiner's report, yet conveniently omitting the physical evidence concerning the wound path that refutes Carpenter's testimony, Det. Pijuan clearly demonstrates that, instead of reporting all the facts, he is picking and choosing the facts to be included in his report. Again, this is most troubling if Det. Pijuan's intention was to provide Carpenter with a self-defense angle. But why would Det. Pijuan, as a police officer, feel compelled to provide a self-defense angle on behalf of Carpenter, arguably a murderer, instead of reporting all the facts? We certainly need Det. Pijuan's explanation.

Analysis: The Medical Examiner's report documents the following:

The direction of the wound path, with the body in anatomical position, is right to left, downward, and front to back. (page 3)

In Weissman's sworn statement he says:

Yeah..yeah reaches for something. I'm not for sure. Just reaches for something. Takes that, pokes it into Jacob. Cause I can't say stabbed, you know. I don't know...and then he pokes it into Jacob.

Ye...yeah ah...like into...like into the stomach sort of. I'm not trying to grab or something. (page 10)

There are eight other witnesses who describe Weissman holding, pushing or having Carpenter in a headlock (Ben Ray, Melkonian, Daher, Kay, Mercer, Rodriguez, Kiby and Bagdasarian). Carpenter being in a headlock would cause him to be bent at the waist. Seven witnesses stated in their sworn statements that Zweig was hitting Carpenter in the head/face (Ben Ray, Scovin, Kay, Daher, Melkonian, Bagdasarian and Kiby). Ben Ray sees Carpenter's hand go up as he is in a headlock and being struck in the head by Zweig, but doesn't see the knife. (page 7).

None of the witnesses describe the incident as Zweig and Carpenter calmly standing face to face and Carpenter stabbing Zweig in this position. Everyone describes struggling, pushing, shoving and holding, so both Carpenter and Zweig were moving around which could account for the downward direction of the wound to the stomach. Det. Pijuan's report documents the testimony that was available regarding the stabbing and the relative positions/movements of the parties as well as the supplemental information available from the Medical Examiner's report.

Matthews: Medical Examiner Investigator Sue Steel's report contains information provided to her by Det. Pijuan. The information provided to Steel by Det. Pijuan is not truthful. According to Steel's report, Pijuan informed her that Carpenter was removed from his vehicle by two other

boys. Pijuan goes on to inform Steel that, "Several objective witnesses stated that [Carpenter] was struck by [Jacob] 10-15 times on the back of his head as he was face down on the ground." Not a single witness stated that Carpenter was removed from his vehicle. Not a single witness reported seeing Carpenter face down on the ground as he was struck on the back of the head. Det. Pijuan must be called upon to explain the purpose of providing this false information to Investigator Steel.

Analysis: In Medical Examiners report, Sue Steel, Forensic Investigator writes:

On November 15, 2008, at approximately 0100 hours, the decedent and his friend confronted the other teen near a restaurant in Boca Raton, and repeatedly requested the other teen fight the decedent. The other teen refused to fight. The decedent and his friend grabbed the other teen as he was attempting to get into his vehicle, removed him from the vehicle, and began physically assaulting him in the 200 block of SE 2nd Street. Several objective witnesses stated the other teen was struck by the decedent approximately 10-15 times on the back of his head as he was on the ground, face down. Det. Pijuan stated the other teen had apparent injuries consistent with being struck on the back of the head. The other teen apparently pulled a knife from his person, opened the blade, and stabbed – apparently at random – in the direction of the decedent. The other teen was able to leave the scene, ran to a store, and requested the clerk contact 911, telling the clerk he had been in a fight and may have stabbed someone. When law enforcement arrived, the other teen was apparently cooperative, and provided the weapon, a spring-loaded switchblade knife, with handle approximately 3-4 inches, and double sided non-serrated blade approximately 3-4 inches in length and approximately ½ inch in width. (page 1)

Sue Steel notes in her report she spoke with Det. Pijuan on the morning of November 15, 2008. At that point Det. Pijuan had already interviewed Ben Ray and Carpenter. Det. Pirro had interviewed Weissman, Mercer, Downey, Daher and Sloate. Det. DeMott interviewed Rodriguez and Melkonian. Det. Flynn interviewed Scovin. Det. Pijuan would have been briefed by these detectives of the outcome of these interviews. What is consistent in these interviews is that Zweig and Weissman would not let Carpenter leave in his vehicle. Carpenter had his vehicle door open to leave, but could not leave. Mercer advised in his statement that it looked like someone pulled Carpenter out of his vehicle, but then said Carpenter was walking to his car to leave before he was stopped by Zweig and Weissman (page 3-4). In Downey's statement, although she is not looking at the confrontation at the car the whole time, she does say that Carpenter was trying to leave, to go home, and his car door was open (page 3 & 6). Daher stated that Carpenter's car door was open to leave when the last confrontation occurred at the car and Daher said to Zweig and Weissman to let Carpenter go home when the fight started (page 7 & 8). Melkonian advised Carpenter was trying to get to his car to leave and Zweig and Weissman wouldn't let him (page 2 & 3). Scovin states that Carpenter opens the door of the car to leave, but Zweig won't let him leave until Carpenter says he is sorry and then the fight started (page

14). Carpenter said in his statement that he was trying to get in his car when Zweig pulled him out of the car door and pushed him from the car door (page 11 & 13). And as noted earlier (item #14C) eight witnesses testified that Carpenter was being held, pushed or being restrained in a headlock by Weissman as Zweig struck him about the head and face (Kay, Mercer, Melkonian, Daher, Rodriguez, Scovin, Kiby and Bagdasarian).

The information in Sue Steel's report that Carpenter was face down on the ground may have been a miscommunication during the initial phone call with Det. Pijuan when describing how witnesses had verbalized Carpenter being held down in a headlock. And as noted above, the witnesses describe Zweig and Weissman as not allowing Carpenter to get in his vehicle. The information in Sue Steel's report did not change the outcome of the Medical Examiner's results as Zweig's death was ruled a homicide.

Matthews: Det. Pijuan persists in this falsehood regarding Carpenter having been removed from his vehicle. Det. Pijuan met with Jacob's father, Murray, and Murray's friend, Mitchell Lucas, at the police station where Murray was present to take receipt of Jacob's personal belongings. According to Mitchell, during their conversation with Det. Pijuan, Pijuan stated to both Murray and Mitchell that Carpenter was "pulled out of his car."

Analysis: Det. Pijuan documents in his report that Carpenter was pulled out of his car when documenting Mercer's statement:

Carpenter was getting into his car to leave when he was pulled out of his Corvette by Zweig and was not allowed to leave. Mercer explained that he was not sure if Zweig physically pulled Carpenter out but stated that Carpenter was in fact trying to leave. (page 4)

This synopsis is consistent with Mercer's sworn statement. In addition, as noted above (item #28), many of the witnesses describe Carpenter as trying to leave and Zweig and Weissman not letting him get in the car. Although, if the verbiage was used in the meeting with Mr. Zweig and Mr. Lucas of "pulling out of his car", it describes the statement of Mercer. In addition, the statements of other witnesses on scene clearly show that Zweig and Weissman were not allowing Carpenter to get into his car to leave. Whether pulled out of the car or not allowed into the car after opening the door to leave are consistent with the fact that Carpenter was not afforded the opportunity to leave the area. Thus Det. Pijuan's report does not create a falsehood as described by Mr. Matthews.

Matthews: In his report, Det. Pijuan relates the testimony of Farrin Katz:

Katz advised that Zweig had two alcoholic drinks while at the game, and did smoke marijuana that evening.

This is untrue. At no time did Katz advise Det. Pijuan that Jacob smoked marijuana that evening. It was Det. Pijuan who said that during this questioning of Katz. Katz' only response to Det. Pijuan's comment was to answer his question with a question: "Was smoking?," as if, after being informed Jacob smoked marijuana that night by Pijuan, it was surprising news to her.

What is most troubling is that not only did Katz not say what Det. Pijuan reported, but that Det. Pijuan omitted from his report the toxicology results from the medical examiner's office showing that Jacob had no evidence of marijuana, nor any other drugs in his body. Det. Pijuan knew from the medical examiner's report that Jacob was free of marijuana the night he was killed, yet failed to include it in his report. Det. Pijuan was obligated to report this in view of that fact that Det. Pijuan's report is peppered with inferences that Jacob was under the influence of marijuana on the night he was killed.

Analysis: Farin Katz statement was:

Det. Pijuan: Now I know that ah...that Jacob was smoking out that night.

Katz: Was smoking?

Det. Pijuan: Yeah. Ah and I already know. You...Jack was forth coming with what was going on. I guess Jacob smoked pretty frequently?

Katz: Yeah. (page 1)

Jack Florens went to the Heat game with Zweig before the incident at Shisha. During Jack Florens' interview on December 24, 2008 he stated the following:

Det. Pijuan: It's gonna take a little bit to come back. What's gonna be in his system?

Florens: Um...pot and uh alcohol.

Det. Pijuan: Uh-huh how much did he smoke that night?

Florens: Uh...I don't know.

Det. Pijuan: Would you say...I mean what's what kind of reaction does he have when he gets high?

Florens: Well Jacob was not at all in anyway like very affected by pot.

Det. Pijuan: Uh-huh.

Florens: It's not like he rarely smoked pot. He commonly smoked pot he was.

Det. Pijuan: How...how many ...how much did he smo...how...what time did he smoke with you?

Florens: Uh...before the basketball game. (page 7)

Det.Pijuan: All right uh when is the weed come into play?

Florens: Um...before the game and then he probably smoked after the game when he was out. I don't know. (page 18)

Mr. Matthews states that Det. Pijuan's report is peppered with inferences that Jacob was under the influence of marijuana the night of the incident. The only references to Zweig and marijuana were on page 22 noting Katz' interview, page 27 where Jack Florens states Zweig smoked marijuana that night and page 8 when Carpenter claims Zweig's breath smelled like marijuana. Although Mr. Matthews reaches incorrect conclusions regarding Katz' testimony, Det. Pijuan accurately documents the testimony regarding Zweig's marijuana use.

In addition, Det. Pijuan notes in his report (dated 2/17/09, pg 1) when documenting information from the autopsy report:

It should be noted that the toxicology report showed an ethanol level of 0.077 G/dL in Zweig's ante mortem blood.

So Det. Pijuan did not omit from his report the toxicology results, he clearly noted above what the results were which were received from the Medical Examiner.

Matthews: Continuing with his report of Katz information, Det. Pijuan writes,

Zweig was going to buy cocaine from Carpenter and then sell it to his friend.

Det. Pijuan produces another falsehood attributed to Katz when he wrote the above sentence. Katz never said that Jacob was going to buy cocaine and sell it to a friend. When Det. Pijuan asked Katz, "Do you have any idea how much cocaine it was?" Katz responded, "I have no idea." Then Det. Pijuan asked Katz, "How much Jacob was going to make?" Again, Katz answered, "I have no idea." Nowhere does Katz say what Det. Pijuan reports Katz as saying.

Analysis: In Katz' sworn statement with Det. Pijuan she stated:

Katz: And...I think like I heard that before, like a week before this happened or something. Jacob, I guess like was buying coke for his friend or something and... (page 1)

Katz: Um...that...I guess Jacob was saying that he was gonna meet Matt Carpenter to buy coke for like this kid that goes to Douglas. Because it's Douglas homecoming. (page 2)

In Det. Pijuan's report he notes that Katz advised Zweig was going to buy cocaine from Carpenter and sell it to a friend, which is consistent with Katz' sworn statement, thus not a falsehood as described by Mr. Matthews.

Matthews: Det. Pijuan falsely reports the contact he made with David Tarras when Pijuan wrote,

...Tarras advising that he did not have any pertinent information and did not want to meet with me.

At no time did Tarras advised Det. Pijuan that he "did not have any pertinent information," nor did Tarras say he "did not want to meet" with Pijuan. According to Tarras who was 17 years old, he agreed to meet with Pijuan and, after checking with his parents, informed Pijuan that if Pijuan wanted to meet with Tarras his parents would have to accompany him. Tarras went on to explain that Pijuan did not want to meet with him if his parents came with him. It was Det. Pijuan who declined to meet with Tarras, not the other way around as reported by Pijuan.

Analysis: Det. Pijuan's conversation with Tarras took place over the phone and was documented in his report as follows:

On 12/11/08 at 1102 hrs I spoke to Dave Tarras over the phone and requested that he meet with me. A meeting was scheduled for 12/14/08 at 1000 hrs. On 12/14/08 I received a call from Tarras advising that he did not have any pertinent information and did not want to meet with me. Tarras stated that the only information he had was what he had read in the newspapers and rumors. Tarras stated that he did not know why Zweig and Carpenter did not get along. Tarras could not provide me with any additional information or any other investigative leads. (page 23)

Also during Jack Florens interview on January 24, 2009, he states the following in reference to information Tarras may be able to provide:

*Det. Pijuan: Do you have anyone else that I should be talking to? Anyone that has information.
Florens: See like the thing is nobody really has any other information like that I know...know.*

Det. Pijuan: You probably you and...and a couple of other people are probably the ones that know most about Jacob obviously.

Florens: Yeah I mean like David Tarras was like ju...friendly with uh...like...maybe he was friends with Jacob and um he's good friends with Matt Weissman so I mean he's got information from like that point of view but I mean he...he won't really have much to offer you either way. Michael Silverstein doesn't have really anything to say to you, beside what he heard from Matt

that one night. Actually, he's just like...these are kids that just have like..little segments of information.

Det. Pijuan: Uh-huh and things that they have heard as far as rumors.

Florens: Uh-huh. Yeah.

As noted in Det. Pijuan's report and not refuted by Mr. Matthews is that the only information Tarras had was what he had read in the newspaper and rumors about what had occurred on November 15, 2008 outside the Shisha Café. Tarras had no firsthand knowledge of the events of that night, which was confirmed by Jack Florens in his interview. Therefore, Det. Pijuan did not need to meet with Tarras. So whether Tarras did not want to meet with Det. Pijuan as Det. Pijuan noted in his report or Det. Pijuan did not want to meet with Tarras as Mr. Matthews describes, had no bearing on the outcome of the investigation.

Matthews: Another mystery that can only be resolved by Det. Pijuan is found when Pijuan writes,

There were no cameras in the area that had anything of any evidentiary value.

A fairly blanket statement. How was Det. Pijuan able to arrive at this conclusion? There is no indication he had ever viewed any video recordings from the camera in the area. Moreover, the location where cameras do exist and may have captured the area where the incident took place was never asked for a review of their video recordings.

Analysis: Det. Pijuan writes in his report:

I then drove through the area of the stabbing to see if there were any video cameras in the area that might have captured the incident. There were no cameras in the area that had anything of evidentiary value. There were cameras on the apartment buildings in the area, but none of them are pointed in the direction of the incident. (page 12)

Mr. Matthews questions how Det. Pijuan was able to arrive at the conclusion that there were no cameras in the area that had any evidentiary value. It appears from Det. Pijuan's report that he checked the area for cameras and the direction the existing cameras were facing would not have shown a view of the area where the fight occurred.

Matthews: Another curious omission comes by way of Det. Pijuan's questioning of Sam Florens. Det. Pijuan asks Florens,

...There may be another Sam that, I guess, had a problem with Carpenter and that Carpenter was at Shisha that night to stab or kill someone else...

Really. Here, again, only Det. Pijuan could possibly explain omitting this information and where he obtained it from his report. Not to mention his failure to follow-up with an investigation in order to identify who else, according to Pijuan, Carpenter intended to kill that night.

Analysis: In Sam Florens statement, the following is Det. Pijuan's question:

Det. Pijuan: Cause I guess there's a Sam or I don't even know if there's another Sam. There may be another Sam that I guess...that had a problem with Carpenter and that ...that Carpenter was at Shisha that night to stab or kill someone else. You heard anything about that?

Florens: No. (page 9)

During this part of the interview, Det. Pijuan was asking Sam Florens about threats made by Carpenter against Zweig or if Carpenter had ever threatened Sam to which Sam advised he had not been threatened. The questioning by Det. Pijuan appears to be intended to find out if Florens had any other information about anyone being threatened by Carpenter. Since no other information was revealed, it is clear the information was not omitted, there was no additional information to report by Det. Pijuan nor additional follow up that was necessary. There are also no facts or evidence that Carpenter "intended" to kill anyone that night at the Shisha Café.

Matthews: What is disconcerting is that while Det. Pijuan lets Carpenter go that night, presumably under the theory that Jacob's killing was done in self-defense, Pijuan's own question to Florens acknowledges Pijuan's awareness of the existence of some premeditation on the part of Carpenter as Carpenter sat with his concealed "switchblade knife" at Shisha Café. Is it self-defense because Carpenter, as he lay in wait, may have killed the wrong person? Or, only killed one of the two people he intended to kill that night? We call for Det. Pijuan to explain much here.

Analysis: Based on over 400 pages of transcribed statements there is no evidence or facts that Carpenter was "laying in wait" to kill anyone on November 15, 2008. Mr. Matthews seems to base this assertion on one question in over 400 pages of questioning. When all the information is taken into account of what occurred that evening, it clearly shows Carpenter was not "laying in wait", but a more accurate depiction would be of Carpenter trying to get away from Zweig who continued to go after Carpenter even though Carpenter had told Zweig he did not want to fight him.

Matthews: Remarkably, Det. Pijuan omitted from his report that Matthew Carpenter was unlawfully in possession of the "switchblade knife" used to kill Jacob Zweig. A significant

omission considering, but for the knife illegally possessed by Carpenter, Jacob would be alive today.

Det. Pijuan did not accurately report on the description of the knife. It is a quick deployment, out-the-front (stiletto) double-edged knife. It is designed for close-combat. Its only purpose is to kill.

Analysis: Det. Pijuan documents in his report when he writes the synopsis of Carpenter's interview:

...he pulled the switch blade knife out of his left front pocket... (page 8)

The crime scene photographs taken of the knife clearly show the size of the handle and blade, which is double edged. Det. Pijuan does not report the knife any different than as a switchblade and the only description is taken from Carpenter's statement.

Mr. Matthews writes that: Matthew Carpenter was unlawfully in possession of the "switchblade knife". Based on the Florida State Statute listed below, Carpenter can possess the knife he was carrying, so it was not unlawfully possessed as described by Mr. Matthews.

790.225 Ballistic self-propelled knives; unlawful to manufacture, sell, or possess; forfeiture; penalty.--

(1) It is unlawful for any person to manufacture, display, sell, own, possess, or use a ballistic self-propelled knife which is a device that propels a knifelike blade as a projectile and which physically separates the blade from the device by means of a coil spring, elastic material, or compressed gas. A ballistic self-propelled knife is declared to be a dangerous or deadly weapon and a contraband item. It shall be subject to seizure and shall be disposed of as provided in s. 790.08(1) and (6).

(2) This section shall not apply to:

(a) Any device from which a knifelike blade opens, where such blade remains physically integrated with the device when open.

(b) Any device which propels an arrow, a bolt, or a dart by means of any common bow, compound bow, crossbow, or underwater spear gun.

(3) Any person violating the provisions of subsection (1) is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Matthews: Det. Pijuan was deceitful when he met with Jacob's father, Murray, and Murray's friend, Mitchell Lucas, as Det. Pijuan discussed the knife used to kill Jacob after Murray asked Pijuan if they had the knife. Det. Pijuan acknowledged they had the knife and that the knife was on Carpenter's belt with a clip and that it was a 3.5 inch switchblade. Det. Pijuan already knew from eye-witnesses and Carpenter himself that the knife in Carpenter's possession was concealed, that Carpenter produced it from his left front pocket, and that it was never fastened to Carpenter's belt with a clip. Det. Pijuan must explain why he would feel it necessary to hide

from Murray the real truth that his son, Jacob, was killed with a concealed weapon; a weapon whose mere possession is unlawful. And, that Carpenter, Murray's son's killer, was allowed to go home that night, let off scot-free by Det. Pijuan.

Analysis: Det. Pijuan met with Murray Zweig on November 20, 2008 along with Mitchell Lucas (page 18 Det. Pijuan's report) and there is no tape recording of this meeting. The knife in evidence does have a 3.5 inch blade. Det. Pijuan never documents in his report that the knife was clipped onto Carpenter's belt with a clip. Det. Pijuan documents in his report of the synopsis of Carpenter's interview that Carpenter stated:

...he pulled the switch blade knife out of his left front pocket... (page 8)

In Bagdasarian's interview he states:

Det. Pijuan: Did you...prior to this, did you see the knife that uh...that was used?

Bagdasarian: I saw a clip on his pocket.

Det. Pijuan: Okay. So..

Bagdasarian: And then ...not certain I know if was like a knife or something.

Det. Pijuan: Did you know which pocket it was in? Do you remember?

Bagdasarian: I believe his right pocket.

There are no other statements from anyone on scene that the knife was seen prior to the end of the fight.

Again, based on FSS 790.225 Carpenter could legally possess the knife. Based on Carpenter's statement and Bagdasarian's statement, the knife Carpenter carried may have been inside of his pocket with the clip showing on the outside or, consistent with the testimony of Weissman, was taken by Carpenter out of his vehicle and held.

Carpenter was not charged with the misdemeanor offense of carrying a concealed weapon.

Matthews: Although Det. Pijuan's report cites several claims that Jacob had a gun – claims made by only one person, Jacob's killer – Det. Pijuan omits from his report the telling testimony of Matthew Weissman:

Q. Did Jacob ever make a comment or anything to the effect of "I have a gun or a knife" or?

A. No.

Q. He pretty much wanted to do a fist-a-cuff?

A. Pretty much he was taunting [Carpenter]. [Jacob] wanted to do a fistfight. No weapon. No nothing. Nothing like that.

Perhaps Det. Pijuan can explain this material omission from his report. Jacob was unarmed when he was killed. No one, with the exception of his killer, Carpenter, has ever alluded to Jacob having a gun. The detective's own question to Weissman infers that Pijuan, too, already knew that Jacob was there "pretty much to do a fist-a-cuff."

Analysis: In Det. Pijuan's 30 page report, the only reference to a gun is when Det. Pijuan documents his synopsis of Carpenter's statement. Det. Pijuan documents that Carpenter never saw a gun that night. However, Carpenter was afraid Zweig had a gun because Zweig told him earlier in the night that he had one in his vehicle (page 9-10 Pijuan's report). Det. Pijuan also documents in his report that no firearms were located in Zweig's vehicle when it was searched on November 15, 2008 (page 11 Pijuan's report). There is no other mention by Det. Pijuan of anyone else making any statements about Zweig having a gun.

Mr. Matthews advises that Det. Pijuan "cites several claims" and omits information from his report about a gun, but Det. Pijuan documents clearly that no guns were found that night and none were seen by Carpenter. Det. Pijuan did not make several claims of a gun, rather he only noted Carpenter's testimony, and did not omit information; he summarized the evidence of no gun, consistent with Weissman's testimony.



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August 15, 2012

Chief Daniel Alexander
Boca Raton Police Department
100 N W Boca Raton Blvd.
Boca Raton, FL 33432

**Re: Internal Affairs Complaint Against Det. Juan Carlos Pijuan
Boca Raton Police (Homicide) Case No. 2008017682**

Dear Chief Alexander:

This is a formal complaint against Det. Juan Carlos Pijuan and request for an Internal Affairs investigation regarding Det. Pijuan's report of the homicide investigation of Jacob Zweig's death.

On behalf of Murray and Harlene Zweig whose 17 year old son, Jacob, was killed during a fistfight, my services have been retained to conduct a review of the investigation of Jacob's death. On November 15th, 2008, Jacob Zweig, unarmed, was stabbed to death by Matthew Carpenter, also 17 years of age and in possession of an unlawful, concealed weapon (stiletto).

I have conducted an independent review and comparative analysis of the evidence, crime scene photos, autopsy findings, witness and suspect statements, and the reports of all detectives and police personnel involved in the investigation, including Det. Pijuan's own reports. I have discovered Det. Pijuan's investigative report contains more than just a few

2240 SW 70th Avenue, Davie, FL 33317

Chief Daniel Alexander

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falsehoods and omissions, among its other flaws. As a career police officer and veteran homicide detective, I am compelled to make this formal complaint against Det. Pijuan.

Det. Pijuan's report contains falsehoods, inaccuracies, half-truths, and omissions. Det. Pijuan's deceit has resulted in thwarting the ends of justice. Based upon Det. Pijuan's deceit and other failures, the State Attorney's Office has declined to file charges against Matthew Carpenter or present the case to a grand jury. The State Attorney's Office had no choice based upon the "facts" as presented by Det. Pijuan.

Enumerated below are some of the more blatant falsehoods, inaccuracies, and omissions I would like to bring to your attention. It is expected that these examples will provide you with ample evidence in support of my allegations and buttress my request that you move forward immediately with your own Internal Affairs investigation.

Documenting his efforts to gain access to Jacob's cell phone, Det. Pijuan reported,

No one that I spoke to knew the password to Zweig's phone.

This is untruthful. Jacob had just died from his stab wounds when Det. Pijuan, in possession of Jacob's cell phone, called Murray Zweig, Jacob's father, who was in the company of his wife, Harlene, Jacob's mother, specifically requesting Jacob's cell phone password at which time Murray, without hesitation, gave Jacob's cell phone password to Det. Pijuan. Det. Pijuan's deceitful statement conceals the fact that Pijuan called Murray Zweig requesting Jacob's cell phone password and that Murray provided it to Pijuan. Perhaps Det. Pijuan can explain the reason for his deceit that conceals this fact. Moreover, Det. Pijuan's statement infers that he spoke to more than one person. Yet, nowhere in his report does he identify exactly who he spoke to. Nowhere in any of the witnesses' statements is there a question found regarding the password to Jacob's cell phone. Maybe Det. Pijuan can inform us who he asked for Jacob's cell phone password.

What is confounding is Det. Pijuan's report that on January 9th, 2009, Det. Moran was unable to download the text messages from Jacob's cell phone because Moran needed the password to unlock Jacob's cell phone. And, again, on January 16th, 2009, Det. Pijuan reports he took Jacob's cell phone to Palm Beach County Sheriff's Det. Pete McGovern of that agency's Forensic Computer Unit, who, likewise advised the password was needed to access Jacob's cell phone. This, all after Murray Zweig already provided Det. Pijuan with Jacob's cell phone password. Furthermore, Det. Pijuan failed to place Jacob's cell phone in evidence for over six months after Jacob's death. Where was Jacob's cell phone during that time? We ask for Det. Pijuan to explain.

Through Det. Pijuan's deception, he suppressed, and we may now have lost forever, what

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we believe, based upon witnesses and Carpenter's own statement, were threats exchanged via text messages between Carpenter and Jacob. Text messages that would demonstrate that Jacob's death came as the result of a long standing feud, a grudge that was brewing over a drug deal gone sour. And, more importantly, as they exchanged threats, Carpenter taunted Jacob to come for him, and that Carpenter was not afraid of Jacob. Moreover, after Carpenter admitted to Det. Pijuan that he and Jacob were text messaging each other, and that Carpenter informed Jacob he had the other ½ of the cocaine for Jacob and was at Shisha Café, and Carpenter admitted to Det. Pijuan that he'd deleted some of the text messages between himself and Jacob, Det. Pijuan not only simply sends Carpenter home that same night, he allows Carpenter to leave with his cell phone, failing to place Carpenter's cell phone in evidence.

In his report, Det. Pijuan states that he examined Carpenter's cell phone text messages between Carpenter and Jacob and found, what Pijuan characterizes as, some "indirect" references to drugs. What exactly is an "indirect" reference to drugs? What exactly did the text messages say that Det. Pijuan read? Why was Carpenter's cell phone not placed into evidence and its text messages, including the deleted ones, retrieved? Why didn't Det. Pijuan, at the very least, transcribe verbatim and report on the text messages between Carpenter and Jacob from Carpenter's cell phone while Det. Pijuan had possession of Carpenter's cell phone that night?

The witnesses and Carpenter himself acknowledged prior drug dealing between Carpenter and Jacob. And that there was bad blood between Carpenter and Jacob over a drug deal in which both felt they'd been "robbed." If the proximate cause of a killing is the result of some criminal activity, like drug dealing and carrying a concealed weapon, is that not felony murder?

More about text messages from Det. Pijuan's report,

It should be noted that Ray had a different cellular phone and he advised that the other cellular phone was broken and he had to have it replaced.

This is a fabrication. Ben Ray never said anything of the sort. Here is Ray's testimony regarding his communication with Jacob that night relative to Carpenter's location at Shisha Café and the new cell phone Ray had gotten:

Q. Text or phone?

A. Text. The whole thing was like a text. I don't think I talked to [Jacob].

Q. Do you still have those texts?

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A. No. I bought a new phone.

Nowhere in Ray's testimony does he say anything about a broken phone. Another statement created out of whole cloth and attributed to a witness by Det. Pijuan.

Furthermore, Det. Pijuan conducted a second recorded interview of Ben Ray on January 23rd, 2009, and, according to Pijuan's report, he placed this recording into evidence. This is inaccurate. There is no record of Det. Pijuan ever having placed a second recorded interview of Ray in evidence. What did Det. Pijuan do with this evidence?

Carpenter admitted to Det. Pijuan that he told Jacob he had the other ½ of the cocaine for Jacob, and that Carpenter was at Shisha Café. Carpenter's car was searched and, presumably after being taken into custody for stabbing someone to death, Carpenter was also searched. According to Det. Pijuan's report, no cocaine was found in Carpenter's possession. Was that not a meaningful clue to Det. Pijuan that Carpenter, armed with a concealed weapon used to kill Jacob, lured Jacob to meet him at Shisha Café under the guise of having the other ½ of the cocaine since no cocaine was found in the possession of either Carpenter or Jacob that night? Perhaps Det. Pijuan can explain why he dismissed this evidence.

Det. Pijuan omitted significant testimony from witness, and a friend of Carpenter's no less, Corbian Kiby, that dovetails with Carpenter's admissions to Pijuan about drugs and threats made between Carpenter and Jacob. Although Det. Pijuan dismisses Kiby's information stating Kiby was listening to an MP3, Kiby testified that he heard what he heard. And what Kiby heard was a conversation between Carpenter and Carpenter's friends in which, according to Kiby, Carpenter says,

...when somebody is robbed and then he hunts the guy to rob him or something like that.

Det. Pijuan omitted this from his report; and also failed to include Kiby's impression, that it was Carpenter who was going to confront Jacob by text messaging Jacob that Carpenter was at Shisha Café. Carpenter admitted that he intentionally told Jacob he was at Shisha Café in the expectation a fight would ensue. Kiby's testimony was that Carpenter said, in the presence of Kiby and Carpenter's other friends, that Carpenter was not afraid of Jacob.

Det. Pijuan's report continues,

...Weissman...was throwing unknown things at Carpenter.

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False. Det. Pijuan is disingenuous by changing a witness' statement and disregarding the full context of what was said. Det. Pijuan has falsely reported "throwing unknown things at Carpenter."

The witness, Eric Scovin, actually said, "...he is throwing an insult...throwing in those comments every now and then." No one ever informed Det. Pijuan that either Weissman or Jacob were "throwing unknown things" at Carpenter. Det. Pijuan knew that the only thing thrown the night of Jacob's death was an insult.

Det. Pijuan's report goes on to relate Eric Scovin's testimony stating,

Weissman and Zweig started spitting at Carpenter and tried to get him to fight.

This is false. Where Det. Pijuan got his information remains a mystery; perhaps one Det. Pijuan can explain. Nowhere in his testimony does Scovin use the word spit or spitting. What Scovin does say is, "...blowing kisses at [Carpenter], you know, like, come on, trying to antagonize him."

More fallacies are found when Det. Pijuan reports,

Carpenter was not certain about exactly when he *pulled the switch blade knife out of his left front pocket* or if Zweig or Weissman even saw that he was holding a knife. [Italics added.]

Det. Pijuan's fabrications continue,

Carpenter stated later that he did not believe that Zweig or Weissman saw the knife.

This is completely untrue. Carpenter told Det. Pijuan exactly when he pulled out his knife from his left front pocket, pushed the button exposing the blade, and clearly told Pijuan that Jacob saw the knife. Despite that, according to Carpenter's own testimony, after having seen the knife, Jacob came ahead with punches. Det. Pijuan asked Carpenter, "How about [Weissman]?" And Carpenter's response, "...*as soon as he saw the knife*, he like went away." [Italics added.]

From Det. Pijuan's report,

Weissman stated that [he and Jacob's] sole purpose of going to the Shisha Café was to "kick Matthew's (Carpenter) ass."

This is a half truth, if that. Certainly, Weissman never said this during his recorded

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statement under oath. When asked what Jacob was going to do to Carpenter when they left the house, Weissman related that it was Jacob's intention to "punk" Carpenter. "Punk," as defined by the detective and confirmed by Weissman, meant to make Carpenter "look bad...look stupid."

Det. Pijuan accuses Weissman of changing his story:

...but then changed his story because he never saw a knife and did not know that Jacob had been stabbed.

This is confounding, to say the least. Weissman told only one story to the first two detectives who interviewed him, Demott and Pirro. Det. Pijuan, who conducted his (unrecorded) interview last, alleges Weissman changed his story. However, no contradictions were found in the statements Weissman had previously given to Dets. Demott and Pirro. But really, what Det. Pijuan does here, by claiming Weissman "changed his story" is infer Weissman was lying. This, to discredit Weissman, thereby negating the real value of his testimony. Of course, Det. Pijuan would also have us believe that 17 year old Matthew Weissman, a kid from Parkland, who had just seen his best friend stabbed to death, shaken to the core, is of a mind to conjure lies. As if, in this state of mind, a 17 year old, who gave sworn testimony the very night of his best friend, Jacob's killing, would attempt to lie during questioning under the watchful eyes of experienced detectives. More about Weissman's testimony later; testimony Det. Pijuan did not reveal.

Det. Pijuan's report regarding eye-witness Ben Ray states,

Ray stated that Zweig was not stabbed until after he (Carpenter) was in a head lock and was being punched in the face.

Untrue. Det. Pijuan's question to Ray: "Was [Carpenter] still in a headlock when [Carpenter] did this [stabbed Jacob]?" Ray's answer: "Truthfully, it happened too fast. *I didn't see.*" [Italics added.] Nowhere does Ben Ray provide Det. Pijuan with the information attributed to Ray as documented in Pijuan's report.

More about Weissman from Det. Pijuan's report:

Weissman confirmed to me that he put Carpenter into a headlock but could not remember when he did it.

Again, not completely true. Weissman testified that after Jacob began punching Carpenter, Weissman grabbed Carpenter in a headlock and threw him out of the way.

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But, at this juncture the fight has already ended. What Det. Pijuan failed to report is that Weissman's headlock occurred only *after* the fight was already ended. And, Jacob had already been stabbed. Det. Pijuan would have us believe that Carpenter stabbed Jacob while Carpenter was being punched by Jacob and held in a headlock by Weissman. This description of events is completely false and comes to us only through the false reporting of Det. Pijuan.

Det. Pijuan has falsely reported that Weissman held Carpenter in a headlock while Jacob delivered punches to Carpenter's head. And, has falsely described a two-on-one fight; hence, Det. Pijuan's theory of self-defense. But, it is a self-defense theory built upon a house of cards.

Let's take a look at Carpenter's own testimony to Det. Pijuan as Carpenter describes what happened:

Q. At what time did you pull the knife out?

A. I don't even remember. It's not like I looked at my clock.

Q. Not time. I mean at what point? At what point is this incident?

A. As soon as [Jacob] started pushing me, I pulled it out. *I thought he was going to start hitting me.* [Italics added.]

So, Carpenter pulls out his knife because he *thought* Jacob was going to hit him. But, more importantly, Carpenter does not testify that he was put in a headlock. Carpenter does not testify that he was being punched by Jacob while being held in a headlock. Despite the scenario Det. Pijuan has falsely created for us all to believe, Carpenter, according to his own testimony, did not use his knife while being held in a headlock and being punched in the head by Jacob.

Carpenter's testimony to Det. Pijuan continues,

Q. So, somebody grabbed you. Where did they grab you?

A. I guess on my shoulders or on my back.

Q. Were you, I mean, was it kind of like a headlock? A full Nelson?

A. No. It was just like, kind of like, keeping me from backing away from Jacob.

And, Carpenter goes on to testify to Det. Pijuan,

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Q. Was Weissman holding you at that time?

A. I don't recall. The first time he was. The second time Jacob just came up and started hitting me.

Q. So, the first time he was, but you're not sure about the second time?

A. *I'm not sure. I can't actually say Weissman was holding me.* [Italics added.] I don't have eyes in the back of my head, but I know that somebody grabbed me and kind of pushed me towards [Jacob].

Although Det. Pijuan's report definitively identifies Weissman holding Carpenter in a headlock while Jacob delivered punches to Carpenter's head, thereby, according to Pijuan's way of thinking, justifying Carpenter's need to stab Jacob to death in self-defense, here we have the testimony of Carpenter himself who never described being placed in a headlock or full Nelson or being placed in any such hold of this kind, Carpenter can't positively identify Weissman as ever grabbing hold of him at all, and, ultimately, Carpenter never describes himself as being placed in a headlock while being punched in the head by Jacob causing him to stab Jacob in self-defense in order to fend off blows as Carpenter is being held defenselessly in a headlock. Truly a fascinating piece of fiction created by Det. Pijuan.

The testimony of Eric Scovin, a friend of Carpenter's, in describing the fight is also quite telling,

Q. What does Weissman do at that point?

A. *I didn't see Weissman during the whole thing.* [Italics added.]

Q. *So, when [Jacob] is punching Carpenter, Weissman isn't ganging up on him?* [Italics added.]

A. No, no, no.

Q. *It was just one on one?* [Italics added.]

A. *It was just between them, yeah,* and there were about five of us trying to pull them off. [Italics added.]

So, Scovin, a witness friendly to Carpenter, acknowledged the fight between Carpenter and Jacob was one-on-one. Yet, Det. Pijuan saw fit to conceal this vital testimony from his report. The evidence as presented by Det. Pijuan in his report in an effort to support

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Boca Raton Police (Homicide) Case No. 2008017682

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his own theory of self-defense on behalf of Carpenter is nothing short of fraudulent.

And now let us take a close look at the evidence given by Matthew Weissman, Jacob's friend. Testimony Det. Pijuan determined was best kept hidden from view.

Weissman testified,

...After Carpenter pushed Jacob. Jacob pushed Carpenter back...Jacob thought it was a taser at first. [Carpenter] grabbed the knife out first and stabbed Jacob. Jacob goes, "He just tased me, Matt [Weissman]. He just tased me." After [Carpenter] stabbed Jacob, Jacob thought he was tased. [Jacob] didn't know that he got stabbed. Jacob looks and he hits [Carpenter] about three or four times in the face...

And, as to Weissman's proximity to Carpenter, he testified,

Q. This whole time you are still standing in front of the Corvette?

A. I'm standing in front. I saw [Carpenter] open the door and grab something. I didn't see the knife or anything. It was really quick.

Now, Weissman explains under oath the positioning of Carpenter and Jacob just as Carpenter stabs Jacob,

Q. So they are face to face?

A. Yeah. They are like standing face to face pretty much. And [Carpenter] reached for the knife and went like this, I guess, and stabbed [Jacob] right here because they are standing up and whatnot.

Q. They are face to face?

A. Face to face. Yeah. And then after that Jacob goes, "Ah, he tased me. Ah, he tased me." And Jacob just walks back and hits him about three times in the head.

Q. Did you see a closed fist?

A. Yes...And then after Jacob hit Carpenter, I took [Carpenter] and I grabbed him into a headlock and I threw him out of there. I threw him off.

Q. Slow down. You grabbed Carpenter?

A. Yeah. This is after Jacob hit him three times in the head.

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There it is. From Carpenter, Scovin, and Weissman. The boys themselves. All hands-on participants. It was a one-on-one altercation in which, according to Carpenter, he *thought* Jacob was going to hit him and stabbed Jacob first. Jacob, feeling the sting of the knife's blade, mistook it for the sting of a taser. And, it is clear from Weissman's testimony, Jacob came after Carpenter with punches, only after Jacob thought he'd been "tased." Then, Weissman, still standing in front of Carpenter's Corvette, comes over to grab Carpenter in a headlock throwing him out of the way. The fight was over by the time Weissman put Carpenter in a headlock. Jacob had already been stabbed. All testimony concealed by Det. Pijuan.

Although Det. Pijuan concealed the testimony of two independent witnesses, Mitchell Hassman and Anna Downey, we have discovered that their testimony corroborates what Carpenter, Scovin, and Weissman stated.

Reporting on the activities of witness, Mitchell Hassman, Det. Pijuan claims,

Hassman called 911 and requested assistance but did not remain on scene.

This statement is false. Hassman did remain on scene. Hassman testified, "We left after like *three and a half hours.*" [Italics added.] Hassman further comments, "I told you everything, I mean we told the officers that night *and they kept us.*" [Italics added.] Clearly, Hassman is not a man who did not remain on scene as reported by Det. Pijuan.

By writing Hassman off as a potential witness through falsely reporting Hassman did not remain on scene, Det. Pijuan conceals Hassman's testimony concerning what he saw that night. In Det. Pijuan's failure to report Hassman's testimony significant evidence was suppressed.

Hassman stated, "Well, the two kids [Carpenter and Jacob] that were *pushing each other, they wanted to fight.*" [Italics added.] Again, only Det. Pijuan can explain his failure to include Hassman's testimony in his report.

It should be pointed out, since Det. Pijuan failed to, Mitchell Hassman only referred to the "two kids," Carpenter and Jacob, "pushing each other, they wanted to fight." Never did Hassman say that Carpenter was being held in a headlock by a third person (Weissman?). Of course, if Det. Pijuan's purpose was to promote a self-defense angle for Carpenter, then Pijuan's omissions begin to make sense. Only Det. Pijuan can shed some light on this.

Once again, incredibly, Det. Pijuan suppresses the testimony of eye-witness Anna Downey when Pijuan reported,

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Downey advised there was an altercation but did not elaborate on what happened.

This is patently false and, once again, Det. Pijuan's deceptive statement conceals Ms. Downey's testimony, which is significant in determining between murder and self-defense.

Ms. Downey testified, "When I turned, I guess [Carpenter and Jacob] *were pushing each other.*" [Italics added.] Downey's testimony continues, "When I turned around [Carpenter and Jacob] were hitting. The tall kid that got stabbed and [Carpenter] were hitting. Hands were going everywhere." And, again, only Det. Pijuan can explain these material omissions.

What is truly remarkable is Det. Pijuan's failure to note that, although Hassman and Downey are not only independent eye-witnesses who never before knew each other, the testimony of both Hassman and Downey is consistent that Carpenter and Jacob *were pushing each other.* Moreover, here too, Ms. Downey, like Hassman, never testified that Carpenter was being held in a headlock by a third person (Weissman?) as Downey and Hassman both described a one-on-one altercation. How is it possible that Det. Pijuan arbitrarily dismissed out of hand the testimony of Hassman and Downey, the most credible eye-witnesses present that night?

Additionally, Ms. Downey testified that Jacob's teeth were "half-gone" and "cracked," she supposed when Jacob hit the ground. Something omitted from Det. Pijuan's report as he disregarded the rest of Ms. Downey's testimony. There was no report of any teeth found where Jacob collapsed by any first responders or crime scene personnel. So, if Jacob's teeth were not broken during the fall where he collapsed, perhaps Jacob's teeth were broken at the location where the fight was. Something we may never know.

In his failure to report the compelling testimony of Hassman and Downey, the only independent eye-witnesses to the altercation between Carpenter and Jacob (the rest being mostly school friends of Carpenter), Det. Pijuan suppresses convincing evidence that Carpenter and Jacob were more likely mutual combatants. Moreover, Det. Pijuan conceals from his report the testimony of Carpenter's friend, Eric Scovin, whose testimony acknowledges that the fight between Carpenter and Jacob was one-on-one. He likewise conceals the testimony of Matthew Weissman, Jacob's friend, who also describes a one-on-one confrontation. This is really where the seed of miscarried justice begins to grow and take hold, spread throughout this entire case. That seed was planted by Det. Pijuan.

Furthermore, in light of the testimony of Hassman and Downey, Det. Pijuan lied to

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Jacob's father, Murray, and Murray's lifelong friend, Mitchell Lucas, when Pijuan met with them November 20th, 2008, and said to both of them, "...taking into accounts from all witnesses at the scene it was a clear case of self-defense." This would not be the only time Det. Pijuan lied to Jacob's father.

In view of the evidence given by Hassman and Downey, against a backdrop of evidence demonstrating a long standing feud over "robbed" drugs, Jacob's tires slashed twice (with a knife?) within weeks of his stabbing death, text messaged threats between Carpenter and Jacob, Carpenter's text messages luring Jacob to meet Carpenter with the promise of more cocaine that did not exist, and Carpenter waiting for Jacob armed with a concealed "switchblade knife," point to a case that is anything but "a clear case of self-defense." Except perhaps in the mind of a wishful thinking Det. Pijuan. What remains inconceivable is that a homicide investigator with Det. Pijuan's training refused to connect the dots in this case.

One of a detective's primary responsibilities in his search for the truth is to test the credibility of witnesses and identify conflicts in their testimony where they may exist. This is especially true of witnesses who offer testimony that is almost too good to be true.

This brings us to the testimony of Arthur Melkonian, café manager, whose family owned Shisha Café where Carpenter was known as a regular customer.

According to Melkonian, Det. Pijuan writes,

Zweig then "started punching [Carpenter] in the face *mercilessly*." [Italics added.]

How Det. Pijuan could have possibly reported this in good faith is beyond comprehension. Det. Pijuan's crime scene photos of Matthew Carpenter taken that night show irrefutable evidence of Carpenter's face without so much as a scratch on it. Hardly a depiction of someone who'd been punched in the face "mercilessly." To have omitted this inconsistency between Melkonian's testimony and the physical evidence shows a lack of honesty in Det. Pijuan's work. Moreover, as evidenced below, Det. Pijuan also omits the fact that Melkonian did not even see the fight.

Det. Pijuan's report of Melkonian's testimony continues,

Melkonian went on to say that he is "not justifying him (Carpenter) having a knife but if he didn't have a knife he would be the one in the hospital right now.

While Melkonian's opinion may have fitted nicely with Det. Pijuan's self-defense theory, Pijuan omitted from his report a more factual statement made by Melkonian when

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Melkonian revealed,

No one really saw what happened because it was just a crowd.

Det. Pijuan also withheld from his report that Melkonian, himself a 911 caller who reported the fight between Carpenter and Jacob as it was happening, admitted that he could not see the fight, nor identify the weapon.

911: How many people?

Caller (Melkonian): I'm not sure. There's a whole crowd.

911: Do you know what kind of weapon?

Caller (Melkonian): I'm not sure.

911: Okay. Are they still fighting right now? Can you take a look out for me?

Caller (Melkonian): Yeah. There is still a commotion out front.

911: Are they actually hitting each other?

Caller (Melkonian): Yeah.

911: Right now are they hitting each other?

Caller (Melkonian): I believe so. Yeah. I'm just looking out the window. *I can't see,* but -- [Italics added.]

Det. Pijuan withheld from his report that, although Melkonian called 911 to report the fight in-progress, Melkonian admitted that he could not see the fight and was unable to determine what type of weapon was involved. This is a significant omission considering Det. Pijuan saw fit to report on Melkonian's opinion that if Carpenter didn't have a knife, Carpenter would be the one in the hospital. Det. Pijuan conceals the inconsistency between Melkonian's 911 call wherein Melkonian originally says he can't see the fight, and Melkonian's opinion given during his testimony three hours later claiming that if Carpenter didn't have a knife, Carpenter would be the one in the hospital.

Did it not occur to Det. Pijuan to find out how Melkonian was able to arrive at this conclusion three hours after Melkonian's 911 call wherein Melkonian originally said he did not see the fight or any weapon? Once again, what Det. Pijuan chose to report concerning Melkonian's testimony, and by omitting all the facts and the glaring

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inconsistencies in Melkonian's testimony, only further demonstrates Det. Pijuan's interest in concealing the truth as he capriciously determined Jacob's killing to be a case of self-defense. Since we know Melkonian's opinion was not based upon any firsthand knowledge, we would also like Det. Pijuan to explain why he reported Melkonian's opinion based upon secondhand information, instead of facts, in the first place.

In comparing the physical sizes between Jacob and Carpenter, Det. Pijuan reports,

It should be noted that Zweig is six foot [sic] two inches and weights [sic] two hundred and eighteen pounds, while Carpenter is about six foot [sic] tall and weighs about one hundred and sixty to one hundred seventy pounds.

In truth, Jacob weighed between 165 and 175 lbs. Det. Pijuan could have only gotten Jacob's weight as being 218 lbs. from the medical examiner's report. And, had Det. Pijuan attended the autopsy, a routine practice (if not requirement) among homicide investigators, he would have known that Jacob's increased weight at the time of his death was due to the amount of blood transfusions and other I. V. fluids administered to Jacob as he lay dying in the hospital. And, again, if Det. Pijuan was attempting to provide Carpenter with a self-defense theory, then Pijuan's falsely reporting Jacob's size as being disproportionately larger than Carpenter's begins to make sense.

Had Det. Pijuan taken the time to learn a little about Jacob before erroneously arriving at the conclusion Jacob's death was a case of self-defense, Det. Pijuan would have learned that Jacob was slender, and in life never weighed anywhere near 218 lbs. Had Det. Pijuan bothered to learn something about Jacob perhaps it would have caused him to revisit the medical examiner's notation of Jacob's weight being 218 lbs. and learn the real reason why Jacob's weight was inflated. Incredibly, while Det. Pijuan found the weight disparity between Jacob and Carpenter important enough to include in his report, never did he bother to ask Jacob's parents how much Jacob weighed. Instead, Det. Pijuan settled for falsely reporting Jacob as weighing over 40 lbs. more than he really did. As one would now come to expect, this inaccuracy, of course, only furthered Det. Pijuan's promoting a self-defense theory on behalf of Jacob's killer.

Det. Pijuan also omitted significant physical evidence determined by the medical examiner during Jacob's autopsy. According to the medical examiner, the wound path from the stabbing Jacob suffered, indicated a downward motion. This is contrary to Carpenter's testimony to Det. Pijuan that he was striking in an upward motion as if striking out with the knife. And, it supports the testimony of Weissman and Scovin that Jacob and Carpenter were standing face to face. Jacob's torso bore direct stab wounds from a downward motion. No slashes or oblique slicing was found on his torso. By imputing Jacob's weight as being 218 lbs., something that could have only been obtained

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from the medical examiner's report, yet conveniently omitting the physical evidence concerning the wound path that refutes Carpenter's testimony, Det. Pijuan clearly demonstrates that, instead of reporting all the facts, he is picking and choosing the facts to be included in his report. Again, this is most troubling if Det. Pijuan's intention was to provide Carpenter with a self-defense angle. But why would Det. Pijuan, as a police officer, feel compelled to provide a self-defense angle on behalf of Carpenter, arguably a murderer, instead of reporting all the facts? We certainly need Det. Pijuan's explanation.

Medical Examiner Investigator Sue Steel's report contains information provided to her by Det. Pijuan. The information provided to Steel by Det. Pijuan is not truthful. According to Steel's report, Pijuan informed her that Carpenter was removed from his vehicle by two other boys. Pijuan goes on to inform Steel that, "Several objective witnesses stated that [Carpenter] was struck by [Jacob] 10-15 times on the back of his head as he was face down on the ground." Not a single witness stated that Carpenter was removed from his vehicle. Not a single witness reported seeing Carpenter face down on the ground as he was struck on the back of the head. Det. Pijuan must be called upon to explain the purpose of providing this false information to Investigator Steel.

Det. Pijuan persists in this falsehood regarding Carpenter having been removed from his vehicle. Det. Pijuan met with Jacob's father, Murray, and Murray's friend, Mitchell Lucas, at the police station where Murray was present to take receipt of Jacob's personal belongings. According to Mitchell, during their conversation with Det. Pijuan, Pijuan stated to both Murray and Mitchell that Carpenter was "pulled out of his car."

In his report, Det. Pijuan relates the testimony of Farrin Katz:

Katz advised that Zweig had two alcoholic drinks while at the game, and did smoke marijuana that evening.

This is untrue. At no time did Katz advise Det. Pijuan that Jacob smoked marijuana that evening. It was Det. Pijuan who said that during his questioning of Katz. Katz' only response to Det. Pijuan's comment was to answer his question with a question: "Was smoking?," as if, after being informed Jacob smoked marijuana that night by Pijuan, it was surprising news to her.

What is most troubling is that not only did Katz not say what Det. Pijuan reported, but that Det. Pijuan omitted from his report the toxicology results from the medical examiner's office showing that Jacob had no evidence of marijuana, nor any other drugs in his body. Det. Pijuan knew from the medical examiner's report that Jacob was free of marijuana the night he was killed, yet failed to include it in his report. Det. Pijuan was obligated to report this in view of that fact that Det. Pijuan's report is peppered with

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inferences that Jacob was under the influence of marijuana on the night he was killed.

Continuing with his report of Katz' information, Det. Pijuan writes,

Zweig was going to buy cocaine from Carpenter and then sell it to his friend.

Det. Pijuan produces another falsehood attributed to Katz when he wrote the above sentence. Katz never said that Jacob was going to buy cocaine and sell it to a friend. When Det. Pijuan asked Katz, "Do you have any idea how much cocaine it was?" Katz responded, "I have no idea." Then Det. Pijuan asked Katz, "How much Jacob was going to make?" Again, Katz answered, "I have no idea." Nowhere does Katz say what Det. Pijuan reports Katz as saying.

Det. Pijuan falsely reports the contact he made with David Tarras when Pijuan wrote,

...Tarras advising that he did not have any pertinent information and did not want to meet with me.

At no time did Tarras advise Det. Pijuan that he "did not have any pertinent information," nor did Tarras say he "did not want to meet" with Pijuan. According to Tarras who was 17 years old, he agreed to meet with Pijuan and, after checking with his parents, informed Pijuan that if Pijuan wanted to meet with Tarras his parents would have to accompany him. Tarras went on to explain that Pijuan did not want to meet with him if his parents came with him. It was Det. Pijuan who declined to meet with Tarras, not the other way around as reported by Pijuan.

Another mystery that can only be resolved by Det. Pijuan is found when Pijuan writes,

There were no cameras in the area that had anything of any evidentiary value.

A fairly blanket statement. How was Det. Pijuan able to arrive at this conclusion? There is no indication he had ever viewed any video recordings from the cameras in the area. Moreover, the location where cameras do exist and may have captured the area where the incident took place was never asked for a review of their video recordings.

Another curious omission comes by way of Det. Pijuan's questioning of Sam Florens. Det. Pijuan asks Florens,

...There may be another Sam that, I guess, had a problem with Carpenter and that Carpenter was at Shisha that night to stab or kill someone else...

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Really. Here, again, only Det. Pijuan could possibly explain omitting this information and where he obtained it from his report. Not to mention his failure to follow-up with an investigation in order to identify who else, according to Pijuan, Carpenter intended to kill that night.

What is disconcerting is that while Det. Pijuan lets Carpenter go that night, presumably under the theory that Jacob's killing was done in self-defense, Pijuan's own question to Florens acknowledges Pijuan's awareness of the existence of some premeditation on the part of Carpenter as Carpenter sat with his concealed "switchblade knife" at Shisha Café. Is it self-defense because Carpenter, as he lay in wait, may have killed the wrong person? Or, only killed one of the two people he intended to kill that night? We call for Det. Pijuan to explain much here.

Remarkably, Det. Pijuan omitted from his report that Matthew Carpenter was unlawfully in possession of the "switchblade knife" used to kill Jacob Zweig. A significant omission considering, but for the knife illegally possessed by Carpenter, Jacob would be alive today.

Det. Pijuan did not accurately report on the description of the knife. It is a quick deployment, out-the-front (stiletto) double-edged knife. It is designed for close-combat. Its only purpose is to kill.

Det. Pijuan was deceitful when he met with Jacob's father, Murray, and Murray's friend, Mitchell Lucas, as Det. Pijuan discussed the knife used to kill Jacob after Murray asked Pijuan if they had the knife. Det. Pijuan acknowledged they had the knife and that the knife was on Carpenter's belt with a clip and that it was a 3.5 inch switchblade. Det. Pijuan already knew from eye-witnesses and Carpenter himself that the knife in Carpenter's possession was concealed, that Carpenter produced it from his left front pocket, and that it was never fastened to Carpenter's belt with a clip. Det. Pijuan must explain why he would feel it necessary to hide from Murray the real truth that his son, Jacob, was killed with a concealed weapon; a weapon whose mere possession is unlawful. And, that Carpenter, Murray's son's killer, was allowed to go home that night, let off scot-free by Det. Pijuan.

Although Det. Pijuan's report cites several claims that Jacob had a gun - claims made by only one person, Jacob's killer - Det. Pijuan omits from his report the telling testimony of Matthew Weissman:

Q. Did Jacob ever make a comment or anything to the effect of "I have a gun or a knife" or?

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A. No.

Q. He pretty much wanted to do a fist-a-cuff?

A. Pretty much he was taunting [Carpenter]. [Jacob] wanted to do a fistfight. No weapon. No nothing. Nothing like that.

Perhaps Det. Pijuan can explain this material omission from his report. Jacob was unarmed when he was killed. No one, with the exception of his killer, Carpenter, has ever alluded to Jacob having a gun. The detective's own question to Weissman infers that Pijuan, too, already knew that Jacob was there "pretty much to do a fist-a-cuff."

Hiding behind the authority of his badge, and the credibility it symbolizes, armed with falsehoods and omissions as his literary device, Det. Pijuan has taken a murder and turned it into a case of self-defense. He has been able to turn a killer into a hapless victim who, having no choice but to use any means to defend him against an onslaught of punches while being held defenselessly in a headlock, was left no other option than to use his knife. Truly a remarkable piece of work.

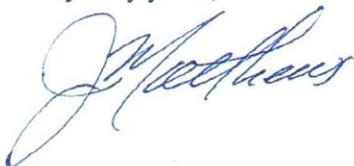
Det. Pijuan's deceit is clear. His motive is not. We rely upon the honesty and integrity of our police. Our system of justice demands it. Especially families who have suffered the loss of a child who has been violently killed. They depend upon the police department to investigate that death properly and honestly in order to learn the unbiased truth of what caused the death of their loved one. The Zweig family has been denied this. They have been delivered a corrupt investigation.

Now the Zweig family comes to you, Chief Alexander, asking that you help provide them with answers to their many questions regarding Det. Pijuan's conduct and pattern of deception throughout his investigation of their son, Jacob's, homicide.

Therefore, recognizing the unforgiving statutory requirements mandating, with limited exceptions, that an Internal Affairs investigation be completed within 180 days, we call upon you to conduct a thorough and timely investigation into Det. Pijuan's misconduct and deceitful manner in which he conducted his business relative to Jacob Zweig's death.

If you have any questions or need any additional information, please do not hesitate to call on me at your earliest convenience.

Very truly yours,



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cc: Mayor Susan Welchel
Deputy Mayor Susan Hanie
Councilwoman Constance Scott
Councilman Anthony Majhess
Councilman Michael Mullaugh
City Manager Leif Ahnell
Hon. Theodore Deutch, U. S. House of Representatives
Hon. Jeremy Ring, Florida Senate
Hon. Martin Kiar, Florida House of Representatives
Hon. Irving Slosberg, Florida House of Representatives
Hon. Ellyn Bogdanoff, Florida Senate
Hon. Bill Hager, Florida House of Representatives
Hon. Steven Perman, Florida House of Representatives
Hon. Maria Sachs, Florida Senate
Palm Beach County Inspector General Sheryl Steckler
Palm Beach County Sheriff Rick Bradshaw