

IN THE CIRCUIT/COUNTY COURT IN THE SIXTEENTH JUDICIAL CIRCUIT IN AND FOR
 MONROE COUNTY, FLORIDA

COPY

WARRANT/OTTIC ACTIVE

MONROE COUNTY SHERIFFS OFFICE

REPORT NO: **MCSO09ARR001451**

Jail Booking No	Offense No MCSO09OFF001364	Other No MCSO09CAD015377	OBTS
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[SUSPECT]

<u>Last</u>	<u>First</u>	<u>Middle</u>	<u>Title</u>	<u>Race</u>	<u>Sex</u>	<u>DOB</u>	<u>Age</u>	<u>Hgt</u>	<u>Wgt</u>
LEBARON	JONATHAN	LEO		W	M	9/15/1976	32	5'08"	170
<u>Eyes</u>	<u>Hair</u>	<u>MNI Number</u>	<u>SSN</u>	<u>I.D. No.</u>	<u>St</u>	<u>Type</u>	<u>OCA/Agency ID</u>		
BRO		MCSO09MNI002609	- -						

Birth Location: City: County: State: Nation: Citizenship:
 Address

SALT LAKE CITY UT

Occupations (Current/Last Known is Listed First)

* none found in MNI *

Aliases (Last, First Middle Title DOB)

* none found in MNI *

Street Names

* none found in MNI *

[INCIDENT INFORMATION]

Occurred Date Range:	2/13/2009	10:28	to	2/13/2009	10:28	Lat / Long	24.564316 / -81.728635
No.	Di	Street	Apt/Lot	City	ST	Zip	(GEO)
5950		MALONEY AVE	626A	STOCK ISLAND	FL	33040	1 - 1 - 0200 -

[CHARGES]

782.04.1a1

HOMICIDE-WILFUL KILL

MURDER PREMEDITATED

<u>Counts</u>	<u>Level</u>	<u>Degree</u>	<u>GOC</u>	<u>UCR</u>	<u>NCIC</u>	<u>AON</u>	<u>Bond Amount</u>
1	Felony	Capital	Principal	090A		0912	

[STATEMENT OF PROBABLE CAUSE / NARRATIVE]

WILL EXTRADITE

REF PRINCIPAL HOMICIDE - WILFUL KILL - MURDER PREMEDITATED

On February 10th 2009, the defendant, Jonathan Leo Lebaron, did commit the offense of Murder, in violation of Florida State Statute 782.04 (1)(a)1, as he unlawfully killed another human being. This act was perpetrated from a premeditated design to affect the death of the person killed.

On February 13, 2009, the Monroe County Sheriff's Office responded to a suspicious death aboard a vessel, named "Flo to Me" at Kings Point Marina, formerly known as Oceanside Marina, on Stock Island. The investigation established that the victim, identified as Richard Gardner, was murdered. An autopsy, conducted by Monroe County Medical Examiner Dr. Hunt Scheurman confirmed that the victim's manner of death is homicide.

Evidence collected from the scene consists of latent fingerprint lift cards of fingerprints collected from various locations throughout the vessel, a table top and cushions with blood and blood fingerprints from the area of the vessel where the victim was located, drinking cups, clothing and other articles consistent with the collection of DNA evidence.

On February 12, 2009 at approximately 5:49 pm, the victim's vehicle, a 1999 Mercury Marquis, with Florida tag J94 KXC, was stopped near Memphis, Tennessee on Interstate 40 MM 20 in Shelby County by Officer Jason Moore. The traffic stop and images of the driver and passenger of the car were captured on Officer Moore's in car video. Officer Moore recovered an identification card for a Richard Jean Gardner, who is the victim of the homicide, from the car. Also located in the vehicle was a BB&T bank deposit receipt for over \$7,000, made on February 9, 2009 into the account of Mr. Richard Jean Gardner.

The registered owner, Estelle Gardner, (later determined to be the mother of the homicide victim), was

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contacted by the officers at the vehicle stop, and she stated that her son was on a boat in Stock Island and not in Tennessee. A well being check was conducted at the vessel on Stock Island and at that time the boat was locked from the outside and no evidence of a crime or odors of decomposition were discovered by Sgt. Charlene Sprinkle Huff of the Monroe County Sheriff's Office. All the windows were covered therefore no signs of foul play could be observed. The male driver (defendant) and female passenger (later identified as Kirsten Whitmore) of the victim's vehicle provided fictitious names to the officer. The defendant told the officer that his name was James Gardner, date of birth 06/28/72. The defendant also stated that his uncle, a Richard Gardner, allowed him to use the car, and that Richard Gardner was on his boat in Key West, Florida. The defendant then told the officer that the car belonged to his Grandmother. Both the defendant and his female passenger claimed that they had been robbed of their personal belongings, including their identification, while in Ocala, Florida. Both subjects had facial injuries. The defendant's eye was swollen and bruised. The female passenger had an injury to her lip. They told the officer that they were going to Utah. They also stated that they lived on South Roosevelt in Key West.

It was later learned that the defendant, Jonathan Leo Lebaron, is of no relation to the registered owner (Estelle Gardner) of the vehicle he was driving, or to the victim of the homicide, Richard Gardner.

A latent print recovered from the scene was identified as belonging to Kristen Whitmore and in conducting a background check on her the defendant's name showed as a person she had been arrested with last year in Florida. When his booking photograph was obtained it resembled a photographic still print made from the video of the Memphis TN traffic stop. The video from Officer Moore's in car video system was downloaded to DVD and the DVD placed into evidence.

On February 22, 2009, the Monroe County Sheriff's Office learned that both the defendant and Whitmore were under arrest in Salt Lake City, Utah.

On February 23, 2009, Sgt. Dally and I traveled to Salt Lake City, UT to conduct follow up investigations regarding the defendant and Whitmore. Upon arrival we met with officers of the Midvale Police Department and reviewed the evidence they had collected during their investigation. Their investigation revealed that the defendant and Whitmore had been staying in their area for several days. Midvale PD had been called to the hotel they had been staying at because of an active warrant for the defendant (probation and parole warrant from Oskaloosa County, FL). During their investigation of that case Whitmore admitted to pawning a lap top computer and using a false ID. Both the defendant and Whitmore were arrested. Check out time at the hotel was noon and after the defendants had abandoned their property in the room the Midvale PD responded back (approximately 5:30PM) to the hotel and retrieved all of the property in the room and placed it in their evidence. We reviewed the property and found several items of property (fishing license, check book, credit cards, photographs of his grand children, voter ID card) belonging to the victim. The victim's son (Norman Gardner) was contacted to obtain the serial number from his father's laptop. Norman Gardner provided us with the serial number to the lap top as obtained from paperwork located at his father's residence in Cape Coral Florida and it matched the serial number of the lap top Whitmore had pawned in Midvale Utah.

Lt. Alvarez and Det. Coleman prepared photo line-ups for each of the occupants of the victim's vehicle (Lebaron and Whitmore) during the traffic stop in Tennessee and sent them via email to Officer Jason Moore of Memphis PD Interdiction Unit with instructions to read the photo admonition prior to viewing. Officer Moore identified the subjects as follows: He dated and initialed #3 on the male lineup, which in fact was Jonathan Lebaron, and #5 on the female lineup, which was identified as Kristen Whitmore. Officer Moore placed the original line-ups into evidence and faxed copies of the line-ups to The Monroe County Sheriff's Office for our case file.

On February 26, 2009, Ms. Whitmore was interviewed with legal council present and she provided the following statement: She and the defendant have a relationship as boyfriend/girlfriend and they traveled to the Florida Keys in October or November of 2008. While in The Key West area of Monroe County Florida she posted an ad on Craig's list and was contacted by the victim. Whitmore advised that she had performed oral sex on the victim for monetary gain on numerous occasions. Whitmore contacted the victim and advised him that she no longer had a place to stay and he offered to let her stay on his boat. Whitmore was to meet with Richard Gardner on February 10, 2009 at the marina to gain access to the boat. Whitmore stated that she and the defendant went to the marina on February 9, 2009 and entered the boat staying there overnight. Mr. Gardner did not have any knowledge that she was being accompanied by the defendant.

During the early evening of February 10, 2009 Mr. Gardner arrived at the marina and was met on the outside deck of the boat by Whitmore. Mr. Gardner was carrying a flashlight and entered the cabin through the hatch closely followed by Whitmore who closed the hatch behind her. The defendant was waiting inside the cabin of the vessel. She then stated that when she got to the bottom of the stairs the flashlight suddenly went out and she felt a weight on her as Mr. Gardner fell back against her. She then heard sounds of a struggle and noise she described as bones crunching. The autopsy confirmed that Mr. Gardner suffered a broken upper and lower jaw as well as having numerous teeth knocked out. Whitmore stated

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