

him if he wanted water or anything else, Virjilio responded “No.”

During the interview, Virjilio provided me with his full name as “Virjilio Aguilar Mendez” and a DOB “01/05/2005.” I once again explained to Virjilio that I had spoken with the individuals who were staying with him at the hotel and they indicated, he (Virjilio) was from Guatemala and did not speak much Spanish. Virgilio stated he understands Spanish, but there are certain things he doesn’t understand. Virjilio stated he understood what the other individuals were talking about, but just did not want to answer or did not want to talk with the them. Virgilio told me he spoke the “Mam” dialect.

I once gain spoke with Virjilio and explained to him that earlier he told me he spoke and wrote Spanish, and I wanted to make sure he understood me and understood what was going on and the conversation we were going to have. Virjilio stated he did.

Virgilio told me he was from a town called “Colotenango” Guatemala and I asked him how was the journey to get over to the US. Virjilio stated he entered the US as a minor, but he does not have an attorney to deal with his immigration status. Virjilio said it took him about three months to get from Guatemala to the US and once he entered the US, he stayed in immigration custody for 6 months.

I explained to Virjilio I wanted to speak with him about the incident that transpired tonight with the deputy and to give me his version of what occurred. I explained to him that he was in custody and I had to read him his rights. I asked him if he had been read his rights before, and he said he had not. This was the first time he was going to be read his rights and I explained to him these rights were called “Miranda Rights.” These are the rights a person has when they are going to be questioned about a crime they are alleged to have committed.

I read Virjilio his Miranda Rights. I asked Virjilio to relax, to get closer to the table and to read the form with me, which he did. I used a printed St. Johns County Sheriff’s Office form, written in Spanish and asked Virjilio if he understood what I was saying after reading the lines. I also asked Virjilio if he understood what I just read to him. Virjilio stated he understood and I asked him if with those rights in mind, was he going to answer questions to clarify what occurred. Virjilio stated he would and signed the Miranda form.

The following is a synopsis of Virjilio’s statements post Miranda, it should be noted that each time I observed Virjilio to have trouble understanding or when he appeared to be thinking about what I had asked, I verified he understood what I was saying and what I was asking:

- Virjilio stated he moved to Florida approximately 8 months ago.
- Virjilio stated after being released from immigrations custody, he moved to Alabama, then to Immokalee, Florida.
- Virjilio stated he wanted to go to school to study, but he does not have an attorney to help him resolve his immigration status.
- Virjilio stated he has an uncle and cousins here in Florida at Immokalee.
- Virjilio stated he does not have an address for his family in Immokalee and is living with aunt Rosa Aguilar.

During our conversation, Virjilio asked why he was apprehended because he was just eating and did not do anything. I explained to him this was the reason for our conversation and it would be explained to him. Virgilio said “I didn’t do anything, they grabbed me, and hit me.”

- Virjilio did not remember what his cousin’s name is, the one who he had been staying with in Alabama.
- Virjilio said once he arrived in Florida, he began working at the farms.

- Virjilio advised since arriving in Florida, he has spent about two weeks calling different attorneys to help him with his immigration status, but said they only spoke English and sometimes understood a little of what the attorneys were saying.
- Virgilio said he was trying to find an attorney because he has to go to immigration court, but did not find one and/or found one that spoke Spanish.
- Virjilio said he met Eliaquin, Conaidein, and Olidier approximately two weeks ago when he was contacted by another individual to come to work in St Augustine.
- Virjilio stated he arrived in St. Augustine approximately one week ago, on Saturday.
- Virjilio stated he does not know the area and is driven back and forth from the hotel to the farm, with the group.
- Virjilio said he gets paid \$100, \$150, and at time up to \$200 dollars per day picking peppers.
- Virjilio stated he came to St Augustine because of necessity and he is paid more here, otherwise he would have stayed in Immokalee.
- Virjilio said he only gets paid about \$100 per day when working in Immokalee.
- Virjilio said on today's date, they went to work around 0530 hours, left work around 1500 hours, and arrived at the hotel around 1700 hours.
- Virjilio explained he went downstairs to eat, because he does not like to eat upstairs.
- Virjilio said while eating, he saw the deputy drive by and he got up to buy a "soda."
- Virjilio advised another deputy arrived and stopped him, he \_\_\_\_\_, but the deputy grabbed him.
- Virjilio said he has a sixth grade education and learned Spanish at school in Guatemala.
- Virjilio said he quit school to work.
- Virjilio stated they (Virjilio, Olidier, Eliaquin, and Conaidein) went to buy "Chinese" food at a place approximately 5 or 10 minutes away from the hotel.
- Virjilio said everyone was eating, but there was no place for him to eat upstairs, so he left the room to eat downstairs approximately 1900 or 2000 hours.
- Virjilio explained he was eating in the area behind the pool.

I pulled up a google maps overhead of the area on my phone and Virjilio indicated the area where he was sitting eating. Virjilio acknowledge he was very familiar with the area of the hotel.

It should be noted the area Virjilio indicated where he was eating, is the area where a Styrofoam plate was located at the scene. This is the same area Sergeant Kunovich would have observed Virjilio near the closed, partially boarded up building in question.

- Virjilio indicated the deputy thought he was probably smoking, but he was just eating.
- Virjilio said he was walking to buy a soda at the convenient store when the deputy pulled up telling him "wait, wait."
- The store Virjilio alleged to be walking to is east of where he was detained on the north side of SR 16, same side of the road where the hotel is located.
- Virjilio explained one deputy arrived first, that deputy (Sergeant Kunovich) slipped and fell, then more deputies arrived, and grabbed him, kicked him with force, and he cried, but didn't know what happened.

I asked Virjilio to explain what occurred and to tell me what happened with the first deputy who stopped him. Virjilio commented, the one who "passed out," I don't know what happened, I didn't do anything to him. Virjilio said he understood what the first deputy was telling him. Virjilio kept saying he did not know what happened, "I didn't do anything to him, I was not using all my force, I was slowly."

- Virjilio explained he was afraid, he almost got up and ran, but the deputy told him no.

I asked Virjilio, if he was eating, how come he tried to run, if he was not doing anything wrong.

- Virjilio was not able to explain a reason at this point.
- Virjilio said the first deputy stopped closed to him and asked him, where are you going, and he replied, I want to buy a soda.
- Virjilio once again said he understood what the deputy was telling him by saying stop.
- Virjilio said he was afraid of the deputy, and it hurts when the hands are placed behind the back.
- Virjilio said he did not give permission to the deputy to grab his hands and place them behind him.
- Virjilio said the deputy did not speak Spanish.

I explained to Virjilio there was no reason to be afraid of the deputy, if he was not doing anything illegal, he was not doing drugs, and asked him, did you have any drugs on you?

- Virjilio said he did not have drugs on him, but has used drugs in the past with acquaintances.
- Virjilio stated he has used the drugs before when his acquaintances gave it to him, but he did not know what marijuana was, implied this what was given to him and he smoked it.
- Virjilio said he has not used drugs since arriving in St Augustine.

I asked Virjilio what exactly occurred when the deputy grabbed him?

- Virjilio said when the deputy grabbed him, he was afraid, he was afraid to go to jail,  
and his family was worried about him.
- Virjilio denied attempting to take off running.

Virjilio kept mentioning the deputy passing out and pointing to the fact he did not do anything to him.

- Virjilio said he was tased twice and he almost cried.
- Virjilio said he of being tased to get away.
- Virjilio said he from the first deputy (Sgt. Kunovich)
- Virjilio said from the first deputy (Sgt. Kunovich)

I confronted Virjilio once again with the fact that if he did not have anything illegal on him, there would not be a reason to be afraid of the deputy and specifically asked; did you have a weapon? Did you have drugs? Did you have a firearm? Did you have a knife? Virjilio answered "no" to all these questions by shaking his head. I then asked what did he have on him? Virjilio answered he had money, his hotel room key card, quarters, and nothing else.

I told Virjilio the deputies told me he had a knife on him, he asked which? And responded he did not have knife. I asked Virjilio why he was using force, not complying, and if he said anything to the deputy? Virjilio said he was afraid, never said anything to the deputy, and now said he did not understand what they were saying.

- Virjilio said he was talking to his mother, Magdalena Mendez Sanchez, in Guatemala when Sergeant Kunovich contacted him.
- Virjilio said he told his mother he did not know why the deputy was coming towards him, because he was just eating.
- Virjilio said he also told his , but the deputy told him to stop.

- Virjilio explained when the second deputy arrived, he was
- Virjilio reported after the taser was used, it made him weaker, and lost some of his strength.
- Virjilio said he
- Virjilio stated all he did and he did not hit anyone.
- Virjilio said he just wanted to have his hands freed and the deputies continued to hold them.
- Virjilio said he was not going to fight with his hands,
- Virjilio said he had never done this before.

I told Virjilio that here we have to respect the police and Virjilio said that it is the same in Guatemala. I asked him again, why struggle? Virjilio said he did not want to go to jail here and be taken back to Guatemala. Virjilio said he wants to stay in the US to continue to progress. I explained to him that if he is trying to progress in the US, why struggle. I told him that I have stopped with thousands of individuals on the streets, just as Sergeant Kunovich stopped with him, I had conversations with them, and if you don't have anything illegal on your person, then, there is nothing to be afraid of. Virjilio agreed, and I followed up by asking why he put up a struggle? Virjilio said

Virjilio did not want to go to jail because he wants to stay in the US and not go back to Guatemala.

- Virjilio stated he has heard of immigration enforcement arresting people in Immokalee.
- Virjilio acknowledge Sergeant Kunovich was in uniform, the fact this uniform was not of an immigration enforcement officer.

I asked Virjilio why did he struggle so much to get freed. He replied that he did not struggle a lot with Sergeant Kunovich, but

- Virjilio explained he
- Virjilio said he wanted to leave, he did not want to be here, referencing being in custody, wanted be freed, not making reference to the interview.

It should be noted, Virjilio was not forthcoming about having the knife on his person when encountered by Sergeant Kunovich, as well as the fact he removed the knife from his pockets after being placed in handcuffs. It was apparent Virjilio was minimizing his role in the encounter. After a short break in the interview, I returned to confront Virjilio with the facts of the knife.

- Virjilio
- Virjilio stated the
- Virjilio said he had and hotel key in his left pocket, and a cell phone and money in his right pocket.
- Virjilio stated he from his pocket after being handcuffed because he wanted to and not show it to the deputies.
- Virjilio said he was not going to harm deputies, he uses the at work.
- Virjilio said he did not tell me about because he was afraid.
- Virjilio thinks it was
- Virjilio said the was taken away from him by deputies.
- Virjilio said he was not going to any of the deputies, they were not close to him, he just wanted to get rid of, but does not know what the deputies think.
- Virjilio said he forgot to leave in the room.

I asked Virjilio if the knife was the reason he resisted Sergeant Kunovich? He replied no.

- Virjilio stated his right arm was out of its socket a couple of week ago

I asked Virjilio if I could answer any questions for him, he replied by saying he just wanted to leave here and go back to the hotel to meet with the other guys. This is a similar statement to the one previously outline in this report. At no point was the statement in reference to the interview or the questions being asked of him.

I explained to Virjilio he was under arrest once again. Virjilio commented about the fact the deputies believe he was trying to hurt them, but he wasn't. I told Virjilio that if he had just cooperated with the deputies, he would probably be sleeping in his bedroom at this time. Virjilio replied he doesn't know what occurred and only god is watching. Virjilio continued to ask to let him leave because he wanted to go to work tomorrow.

The interview concluded at 0238 hours. For specific details or specific statements, please refer to the recording, which was submitted into evidence.

It should be noted after the completion of the interview. A search warrant was executed on Virjilio's person to collect evidence, such as photos of his person, collection of his clothing, finger nail scrapings, and major case prints. These items were collected and submitted by Forensics Supervisor Stefanie Whittington.

Shortly after, Virjilio was returned to the jail.

Approximately 1100 hours

I met with Homeland Security Investigations (HIS) Special Agent (SA) Scott Kraich at the Jail and assisted SA Kraich with an immigration administrative interview of Virjilio. During the interview Virjilio provided similar information to what he had provided me earlier regarding his immigration status; however, clarified he had crossed into the US from Mexico and later taken into custody by ICE. It should be noted, a different date of birth was also provided to immigration when he was taken into custody, this DOB was 01/23/2005.

Tuesday, May 23, 2023 at approximately 1420 hours


SA Scott Kraich and I traveled to Parker Farms and met with Marcelino De Leon (DOB 1/31/1956). Marcelino was identified as the individual who keep track of the truck loads (number of boxes) picked by the group of individuals working a specific area. Marcelino indicated he remembers Olidier, Virjilio, Eliaquin, and Conaidein. Marcelino also indicated Olidier told him about Virjilio being involved in an incident with law enforcement; however, was not provided any details about the incident.

It should be noted, SA Kraich conducted an interview with Marcelino.

This concludes my investigative assistance in this case.

**Narrative: SUPPLEMENT**

Narrative Date/Time	Narrative Synopsis
7/24/2023 10:57:57 AM	

Reporting Officer <b>JACKSON, JAMES P</b>	Officer Rank <b>LE SGT</b>	Officer ID No 2895	Officer Org/Unit <b>SJSO\INVEST\M AJOR CRIMES UNIT</b>
Officer Signature 	Officer Agency <b>ST JOHNS COUNTY SHERIFFS OFFICE</b>		

Friday, May 19, 2023 at approximately 2210 hours

I was notified by Lieutenant Jose Jimenez of an incident involving Sergeant Michael Kunovich and was directed to respond to the Super 8 Motel located at 2550 SR 16. I notified Detective John Newman and Detective Sean Adams, directing them to respond to the scene. I notified Detective Mark Kapelka and directed him to respond to Flagler Hospital where Sergeant Kunovich had been transported.

I was later advised Sergeant Kunovich had been pronounced dead at the hospital and relayed this information to the responding detectives.

I contacted Forensic Manager Angela Hosford and briefed her on the incident. I requested a Crime Scene Technician (CST) respond to Flagler Hospital, as well as to the Super 8 Motel.

At approximately 2250 hours

I arrived on scene and met with Captain Ryan Smith, Lieutenant Jimenez, Sergeant Michael Pate, and Detective Newman where we were briefed on the incident. I was advised Sergeant Kunovich checked out on the radio at the Super 8 Motel with a suspicious person who was later identified as Virjilio Aguilar Mendez. I was told shortly after checking out with Virjilio, Sergeant Kunovich requested a backup deputy respond to his location. I was advised Deputy Gavin Higgins was the first deputy to arrive, and upon his arrival he witnessed Sergeant Kunovich struggling with Virjilio. I learned additional deputies responded to the scene and were eventually able to secure Virjilio. I was advised Fire Rescue responded to the scene to evaluate Sergeant Kunovich and shortly after Fire Rescue arrived, Sergeant Kunovich became unresponsive and stopped breathing. I was told Fire Rescue conducted life saving measures at the scene and transported Sergeant Kunovich to Flagler Hospital where he was subsequently pronounced dead.

Sergeant Pate advised Sergeant Kunovich's outer vest carrier and duty belt had been removed prior to him being transported to the hospital.

It should be noted, attached to Sergeant Kunovich's outer vest carrier was his body worn camera (BWC) and Taser.

I was informed Virjilio had been transported to the county jail by Deputy Brian Armenta. I was also advised Virjilio had been staying with others at the motel inside room 232.

I assigned Detective Newman as the lead investigator.

At approximately 2310 hours

I directed Detective Adams to take Sergeant Kunovich's BWC to the field office located on Agricultural Center Drive and download the BWC video footage onto evidence.com.

Lieutenant Jimenez and Detective Newman met with individuals inside room 232. For further details, refer to Lieutenant