



## **Evidence presented to the State Attorney concerning the arrest of Mr. Kevin Shinsky**

1. Three (3) separate witnesses present at the time and location of the accident provided relevant testimony. One witness observed a white male with black hair, 20-35 years old, driving the vehicle involved in the collision (hereafter: "vehicle") seconds before it struck another car. Another witness stated that he observed a white male crawl out of the driver's side of the vehicle in question immediately after the collision. A third witness saw the male described as white or Latino, 5'11" to 6'1" tall exit the car and state "She's in the bushes....". The latter two witnesses stated that the male then left the scene and none of the witnesses were able to get a good look at his face. Mr. Shinsky is a white male with black hair and is approximately 6'1" tall.
2. The owner of the vehicle was contacted and deputies recognized her as being in a relationship with Mr. Kevin Shinsky. The owner of the vehicle stated that Mr. Shinsky had lived with her on occasion and she had lost a pair of her car keys recently. Several minutes later, the vehicle owner contacted a Collier County deputy known to her and informed him that Mr. Kevin Shinsky had been calling her from a nearby pay phone and had stated that he was injured. Deputies responded to the pay phone and located Mr. Shinsky nearby. This was approximately 1.5 hours after the accident that occurred a short distance from Mr. Shinsky's residence.
3. While EMS treated Mr. Shinsky and prepared him for transport to the ER, several deputies observed that Mr. Shinsky appeared to have just taken a shower and noted that he lives within a short walking distance of the accident scene. One deputy overheard Mr. Shinsky state, "What happened to the girl in the vehicle? ... When I climbed out, she wasn't there." Another deputy stated that he heard Mr. Shinsky inform EMS personnel that he was involved in a vehicle accident.
4. Mr. Shinsky was admitted to NCH hospital for treatment. A nationally recognized expert traffic collision and traffic homicide investigator from another agency reviewed the evidence and was prepared to testify that Mr. Shinsky's injuries (private investigator John Hisler's characterization of the injuries as minor scrapes and abrasions is simply inaccurate) were consistent with not only someone who was involved in a violent vehicle accident, but who was driving. The latter statement was based on the type and location of Mr. Shinsky's various injuries. The expert stated that Mr. Shinsky had injuries that were consistent with wearing a driver's-side seat belt during a collision. (The Collier County Sheriff's Office is prohibited from releasing Mr. Shinsky's medical records or details of the injuries without the permission of Mr. Shinsky).
5. Cpl Karen Hebebrand, a Collier County Sheriff's Office traffic homicide investigator, reviewed the computer information pulled from the vehicle. The computer revealed that the passenger had not been wearing a seat belt but that the driver had. It also appeared that the driver's seat belt had been cut with a knife. The driver's seat was not "moved up close" to the dashboard as reported by Mr. Hisler (who had never examined the vehicle) but had merely moved closer due to the "crumpling" of the vehicle frame.
6. The medical examiner who examined the deceased female testified that her injuries were inconsistent with a person who was wearing a seat belt and inconsistent with someone driving. Her injuries WERE consistent with ejection from a vehicle. Based on this information, it was determined that the deceased female was the passenger.
7. Based on this information, Mr. Shinsky was placed under arrest. Sometime later, Mr. Shinsky claimed that he had been driving the vehicle immediately before the accident. He stated that he went to Publix with the female (later deceased) and left her in the vehicle as he went inside to cash a check. When he exited, he observed a male in the passenger seat and THE FEMALE WAS DRIVING. Shinsky stated that he jumped into the driver's side and struggled with the female for the keys. Several seconds later, Shinsky let go and the vehicle left the area and was involved in the accident several minutes later. Shinsky could not identify the unknown male who had appeared in the passenger seat.
8. Approximately four years later, Mr. Shinsky's defense team provided a new witness to verify this story. The witness has an extensive criminal history with arrests for various forcible felonies and misdemeanors. This witness was identified after he shared a jail cell (dorm) with Mr. Shinsky for approximately five days. During the deposition of this witness, however, the witness provided testimony contrary to Mr. Shinsky. The witness stated that he was behind Publix and heard a commotion. The witness stated that he observed Shinsky hanging from the driver's side window of the vehicle. The witness stated however, that he was positive that a male was driving and the female was in the passenger seat (Shinsky stated that the female was driving). He stated that the car drove

around and sped off as Mr. Shinsky let go and fell onto the pavement. There are no recorded 911 phone calls concerning this incident occurring in a public parking lot and no other witnesses that observed it other than Mr. Shinsky's jail dorm-mate (although it took him four years to come forward.)

The above information was the evidence upon which Mr. Shinsky was charged with leaving the scene of the accident involving death or serious injury.

Mr. Hisler's report presented to the Sheriff's Office and the State Attorney has numerous deficiencies. His statement of Mr. Shinsky's injuries is simply incorrect. He based his evidence concerning airbag deployment on a report from "Wikipedia" and formulated a hypothesis about seat placement without ever having properly examined the vehicle (it was secured in the evidence garage). Mr. Hisler's and Mr. Shinsky's defense team presented evidence that Mr. Shinsky cashed a check several minutes prior to the vehicle accident as evidence that Mr. Shinsky could not have been at the location of the collision. The evidence, however, does not allow for this exclusion as the accident occurred less than a mile from the Publix and is less than 1 minute away by car. The time stamp showed the check was cashed approximately 4 minutes before the crash.