

IN THE CIRCUIT COURT OF THE
FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY,
FLORIDA

ABIGAIL ORELIEN, as Successor
Personal Representative of the Estate of
FRIDELENE DANIEL, Deceased,

CASE NO.:
Division:
Judge:

Plaintiff,
v.

CITY OF BOYNTON BEACH, a Florida
Municipal corporation, and
JERMAINE JONES, Individually

Defendants,
_____ /

COMPLAINT AND JURY DEMAND

Plaintiff, **ABIGAIL ORELIEN** hereinafter (“**ORELIEN**”), as **Successor Personal Representative of the Estate of FRIDELENE DANIEL, Deceased**, hereinafter (“**DANIEL**”) sues Defendants, the **CITY OF BOYNTON BEACH, a Florida Municipal Corporation** (hereinafter the “**CITY**”) and **JERMAINE JONES, individually** (hereinafter “**JONES**”) and in support states:

PARTIES

1. **ORELIEN** resides in Palm Beach County, Florida, and is the court-appointed Successor Personal Representative for the **ESTATE OF FRIDELENE DANIEL** (hereinafter the “**ESTATE**”). See Letters of Administration attached hereto as Exhibit “A.”
2. The only beneficiary of the **ESTATE** is **ORELIEN**, as she is **DANIEL**’s only daughter and legal heir.
3. At all times material hereto and at the time of her untimely death on November 8, 2023, **DANIEL** was a U.S. citizen and resided in Palm Beach County, Florida.

4. The **CITY** is a Florida municipal corporation formed pursuant to the laws of the State of Florida, located within the confines of Palm Beach County, Florida. As part of its business and to protect the health, welfare, and well-being of its residents and citizens, the **CITY** operates and maintains a police department, the **Boynton Beach Police Department (hereinafter “BBPD”)**, and employs several individuals, including defendant **JONES**, as police officers.

5. At all times material hereto, the **CITY** was and is responsible for the operation, administration, management, and oversight of all activities involving the **BBPD** and its employees.

6. At all times material hereto, **JONES** was a resident of Palm Beach County, was an employee and a police officer of the **BBPD** who was hired, trained, and supervised by the **CITY** and was acting within the course and scope of his employment at the time the events alleged in this Complaint and was acting under color of state law, ordinance, and/or regulations, Florida. He is sued individually.

JURISDICTION

7. This is a civil action arising out of **DANIEL**'s wrongful death and asserting causes of action against all Defendants for wrongful death and violations of Florida Statutes and common law.

8. This action seeks monetary damages against Defendants in excess of Fifty Thousand Dollars (\$50,000.00), exclusive of interest, attorney's fees, and costs.

FACTUAL ALLEGATIONS PERTINENT TO ALL COUNTS

9. At all times relevant, **DANIEL**, was a U.S. citizen residing in Palm Beach County, Florida, was of Haitian descent, and was a single mother of a daughter, **ORELIEN**.

10. **DANIEL** was gunned down and killed by **Robens Cesar (hereinafter “CESAR”)** on November 8, 2023, in the parking lot of her apartment building located at 606 Meadows Circle, Apt. 606, Boynton Beach, FL 33436.

11. **CESAR**, who was an ex-boyfriend of **DANIEL**, had been stalking and harassing **DANIEL** for some time.

12. On the morning of November 8, 2023, **DANIEL** was again being stalked by **CESAR** and she feared for her life, so **DANIEL** drove to and walked into the main station of the **BBPD** seeking their protection from **CESAR**.

13. **CESAR** followed **DANIEL** into the **BBPD**'s main police station on the morning of November 8, 2023.

14. On November 8, 2023, **CESAR** followed **DANIEL** into the lobby of the **BBPD** where he continued to stalk and harass **DANIEL** while she was in the lobby of the **BBPD**.

15. **DANIEL** explained to the **BBPD**'s front desk receptionist that **CESAR** was stalking and threatening her and clearly expressed her fears of being gunned down. **DANIEL** requested police protection from **CESAR**, who she stated was going to kill her.

16. After the **BBPD** front desk receptionist spoke with **DANIEL**, and while **CESAR** was literally standing within a few feet of **DANIEL**, with his arms crossed in a hostile posture, menacingly glaring at **DANIEL**, **BBPD** Officer **JONES** and Officer Mark Rendel (hereinafter “**RENDEL**”) came into the lobby of the **BBPD** main police station.

17. **DANIEL** told both officers **JONES** and **RENDEL** that **CESAR** was her ex-boyfriend, and had been stalking her, following her, harassing her by calling her and making

constant obscene and unwanted phone calls to her, was intimidating her by showing up at her apartment unexpectedly and uninvited, and that she feared for her life.

18. **DANIEL** told **JONES** that she knew **CESAR** owned a handgun and she was extremely fearful **CESAR** would use it to kill her.

19. **DANIEL** expressly told **JONES** that **CESAR** owned a handgun and that he would “make me die.”

20. **JONES’** interview with **DANIEL** was done in the police station lobby in the presence of **CESAR** and lasted only a short time, as it was clear that there was a language barrier between **JONES** and **DANIEL**.

21. In his police station lobby interaction with **DANIEL**, and in the presence of **CESAR**, **JONES** was making fun of **DANIEL** and her inability to “clearly” speak English, was mocking **DANIEL’s** pronunciation of the word “gun,” used inappropriate and unprofessional language, and made other inappropriate comments as he openly violated **BBPD** Rule 1.4 “Conduct Unbecoming a Police Officer” in his interaction with **DANIEL**.

22. **JONES** failed to request an interpreter or ask for assistance from a **BBPD** Officer fluent in Creole.

23. **JONES** failed to use an interview room in the **BBPD** lobby where he could have taken **DANIEL** and removed her from **CESAR’s** menacing and close presence.

24. It was clear by **CESAR’s** actions and body language that he was in violation of Fla. Stat. § 784.084, in that he was stalking **DANIEL**, even inside the **BBPD** police station and in **JONES’** presence.

25. **JONES** failed to recognize that the crime of stalking was in progress in his presence and warranted further investigation as required by Fla. Stat. § 784.048(2) and CFA Standards.
26. **JONES** failed to conduct a proper investigation and failed to separate **CESAR** from **DANIEL**'s presence.
27. **JONES** failed to conduct proper and separate interviews with either **DANIEL** or **CESAR**.
28. **JONES** failed to follow **BBPD** procedure as it pertains to Domestic and Dating Violence, as described in Fla. Stat. § 741.28(2), Fla. Stat. § 741.29 Domestic Violence; Investigation of Incidents; Notice to Victims of Legal Rights and Remedies; Reporting, and Index Code 1801 and Index Code 1625 Criminal Investigations of the **BBPD** manual.
29. **JONES** failed to conduct an FCIC/NCIC check to determine if **CESAR** had any warrants or orders of protection against him.
30. **JONES** failed to advise **DANIEL** that she could seek immediate help from the domestic violence center for victims.
31. **JONES** failed to provide **DANIEL** the **BBPD** Legal Rights and Remedies Form that advises victims of their legal rights and remedies to domestic violence and stalking.
32. **JONES** failed to try to deter **CESAR** from stalking, threatening, and/or harassing **DANIEL**.
33. **JONES** failed to make any inquiry as to whether **CESAR** owned a handgun or was a registered handgun owner.
34. **JONES** failed to have **DANIEL** speak with the **BBPD** Victim Advocate while she was in the **BBPD** main police station lobby.

35. **JONES** failed to call for a supervisor or anyone from the **BBPD** Special Victim's Unit to assist him if he was unclear on how he should proceed.
36. **JONES** summarily dismissed **DANIEL**, only advising her to contact the police if **CESAR** again showed up at her apartment unexpectedly and uninvited.
37. **JONES** let **DANIEL** and **CESAR** leave the **BBPD** station at approximately the same time.
38. **JONES** failed to escort **DANIEL** to her car.
39. **JONES** failed to prevent **CESAR** from following **DANIEL** when she left the **BBPD** station.
40. **JONES** allowed **CESAR** to follow **DANIEL** out to the **BBPD** parking lot. **JONES'** actions allowed **CESAR** to follow **DANIEL** home from the **BBPD** parking lot into her own residential complex parking lot, where **CESAR** then confronted **DANIEL** as she got out of her car and then fired off at least 6 gunshots, hitting **DANIEL** numerous times in the head and torso with his handgun, killing her on the spot where she stood.
41. **JONES** failed to properly "serve and protect" **DANIEL** from **CESAR**, who, upon leaving the police station, promptly killed her using his handgun, as **DANIEL** had just foretold **BBPD** police officer **JONES**.
42. **JONES** intentionally and/or negligently impeded the process of documenting crimes and his official reporting obligations, when **JONES** stated that he "coded out" the call as a domestic disturbance, when in fact he coded out as a general disturbance.
43. **JONES** violated the **BBPD's** Law Enforcement Code of Ethics which states:

“As a law enforcement officer, my fundamental duty is to serve mankind, to safeguard lives and property, and to protect the innocent against oppression or intimidation, and the peaceful against violence...”

44. **JONES** failed to adhere to **BBPD** Index Code Rule 4.7 Failure to Perform Required Duties/Unsatisfactory Performance.

45. **JONES**' conduct was improper in that violated departmental policies of the **BBPD**, and his actions were contrary to the **BBPD**'s core values and the values he swore to uphold.

46. At the time of her untimely death, **DANIEL** had a minor daughter, **ORELIEN**, who was then 16 years old. **ORELIEN** will now grow up without her mother. With a life expectancy of over 66 years, **ORELIEN** will awake every morning knowing that she must endure that day without the love, support, and guidance of her mother and knowing that her mother was killed in a gruesome manner that could have been prevented had **JONES** and the **BBPD** acted properly.

47. The actions of the **BBPD** and Officer **JONES** caused the survivor, **ORELIEN**, to suffer the loss of her beloved mother. **ORELIEN** has the right to a remedy against the **CITY**, the **BBPD**, and its officers. This is a claim for active negligence in failing to properly handle the police station lobby confrontation between **DANIEL** and **CESAR**, and prevent her murder.

48. **ORELIEN** makes negligence claims against the **CITY** and **JONES** under Fla. Stat. § 768.28 and makes reckless negligence claims against the individual **BBPD** officer **JONES** who is not subject to § 768.28.

CONDITIONS PRECEDENT

49. All conditions precedent in bringing this action have occurred or have been performed. The Section 768 Notice of Claim has been forwarded and served on the Mayor of the CITY and related entities. See Notice of Claim letters attached hereto as Exhibit "B." The six (6) month pre-suit investigation period has expired, and this action is now ripe for filing with the court.

**COUNT I – WRONGFUL DEATH ACTION PURSUANT TO
SEC 768.16-768.26, FLORIDA STATUTES AGAINST THE CITY
(Negligent Supervision/Training Retention)**

Plaintiff realleges and reavers Paragraphs 1 through 49 of this Complaint as if fully set forth herein.

50. This is an action against the CITY for the death of DANIEL.

51. The CITY, through its employees, officers, and/or agents, had a legal duty to protect and prevent harm to DANIEL, an innocent individual who was being stalked by CESAR.

52. Prior to November 8, 2023, JONES had been reprimanded during his employment with the CITY, as follows:

01.11.08	Index Code 1650, Section V, Subsection D, to wit: Failure to use Emergency Equipment	Verbal
02.16.08	Index Code 303, Section IV, Subsection A (1), to wit: 1 ST Chargeable Vehicle Crash in 6 mo.	Written
03.19.09	Index Code 1201, Section V(A), to wit: Submission of Property	Written
11.17.09	Index Code 403, VII D, to wit: Violation of Agency Grooming Standards	Verbal
11.05.13	IC 1103 Criminal Justice Information Systems (I2013-26)	Written
02.11.15	IC302 Rule 4.7 Unsatisfactory Performance and Rule 2.4 Integrity of Reporting System (14-013)	Suspension

02.22.15	IC 302 Rule 2.5 Insubordination/Intentional Undermining	Written
07.17.16	IC 303 Subsection IV (C) Chargeable crash	Written
11.29.17	IC 302 Rule 4.1(c) Abuse of Process and Rule 4.7 (c) Unsatisfactory Performance	Suspension (2days = 16hrs)
4.27.2023	For the period of 2022/2023. Determined to have been found to be performing below standards or otherwise in an unsatisfactory manner	Written

53. The CITY breached its duty and was negligent acting through its officers, employees and/or agents in the training, supervision, and/or retention of its officers, employees and/or agents, including but not limited to JONES, by failing to properly supervise or train its officers, employees and/or agents, and/or by failing to properly test and evaluate its officers, employees and/or agents psychologically, and/or by failing to properly investigate concerns about its officers, employees and/or agents conduct and behavior and/or by failing to properly instruct, or discipline its officers, employees and/or agents.

54. The CITY was further negligent in its operational duties in the following manners:

- a) By failing to properly train and/or supervise and/or retain JONES;
- b) By failing to properly train JONES on proper police policies;
- c) By failing to properly train JONES on his duties to protect victims of domestic threats, stalking, and violence; and
- d) By retaining JONES as a police officer, based on his work history and conduct.

55. As a result of his gross misconduct on November 8, 2023, JONES was disciplined by the BBPD only with 100 hours of unpaid suspension, 120 hours of training, 40

hours Interviews and Interrogation, 40 hours of Report Writing and Review, 32 hours of In-House Domestic Violence Training with the Special Victims Unit, and 8 hours of In-House Criminal Law and Liability Training.

56. As a direct and proximate result of the negligent conduct of the **CITY**, including failing to properly supervise or train its officers, employees and/or agents, and/or by failing to properly test and evaluate its officers, employees and/or agents psychologically, and/or by failing to properly investigate concerns about its officers, employees and/or agents conduct and behavior and/or by failing properly instruct, or discipline it officers, employees and/or agents and/or by negligently retaining **JONES** after it was on notice as to **JONES'** propensities for unsatisfactory performance, the **CITY** is liable to Plaintiff.

57. **ORELIEN**, as the only surviving heir of **DANIEL**, has suffered and will continue to suffer the loss of her mother's support, services, and companionship, and has experienced mental pain and suffering in the past and will continue to suffer such pain in the future.

58. The **ESTATE** of **DANIEL** has lost prospective net accumulations and has incurred medical and funeral expenses due to **DANIEL's** death.

WHEREFORE, Plaintiff **ORELIEN** as Successor Personal Representative of **DANIEL's** **ESTATE**, for the benefit of her **ESTATE** and her statutory survivors, demands judgment for damages against the **CITY** for all damages allowed by law, including compensatory damages and costs, and further demands trial by jury on all issues so triable.

**COUNT II – WRONGFUL DEATH ACTION PURSUANT TO
SEC 768.16-768.26, FLORIDA STATUTES AGAINST THE CITY**
(Vicarious Liability)

Plaintiff realleges and reavers Paragraphs 1 through 49 of this Complaint as if fully set forth herein.

59. **JONES** committed the negligent acts as specified in paragraphs #16 through #45.

60. **JONES** was authorized by the **CITY** to patrol the City of Boynton Beach as a **CITY** employee.

61. The negligent acts described above occurred during **JONES**' working hours.

62. **JONES**' acts were in furtherance of the policing duties and obligations of the **CITY**.

63. The acts engaged by **JONES** were in the actual course and scope of his employment with the **CITY**.

64. Under the doctrine of respondeat superior, the **CITY** is responsible and liable for the negligent acts of **JONES**, who was an employee, which acts were committed in the apparent course and scope of his employment duties.

65. Plaintiff has given the requisite notice to the **CITY** of this claim pursuant to § 768.28 Florida Statutes.

66. As a direct and proximate result of the negligent conduct of **JONES** as described above, the **CITY** is responsible for the death of **DANIEL** and ensuing damages as set forth below.

67. **ORELIEN**, as the surviving daughter of **DANIEL**, has suffered and will continue to suffer the loss of her mother's support, services, love, and companionship, and has experienced mental pain and suffering in the past and will continue to suffer such pain in the future for the rest of her life.

68. The **ESTATE** of **DANIEL** has lost prospective net accumulations and has incurred medical and funeral expenses due to **DANIEL**'s death.

WHEREFORE, Plaintiff, **ORELIEN**, as the Successor Personal Representative of the Estate of **DANIEL** deceased, for the benefit of her Estate and her statutory survivors, demands judgment against the **CITY** for all damages allowed by law, including compensatory damages and costs, and further demands a jury trial on all issues so triable.

**COUNT III – WRONGFUL DEATH ACTION PURSUANT TO
§§ 768.16-768.26, FLORIDA STATUTES AGAINST DEFENDANT JONES**

Plaintiff realleges and reavers Paragraphs 1 through 49 of this Complaint as if fully set forth herein.

69. This is an action for damages against **JONES** for the wrongful death of **DANIEL**.

70. At all times material, **JONES** was acting under color of state law and under color of his authority as a **BBPD** law enforcement officer.

71. **JONES** owed a duty to **DANIEL** to exercise reasonable care in carrying out his duties as a **BBPD** police officer, to abide by the **BBPD** department's policies and procedures, and to protect and serve the residents of the **CITY**.

72. **JONES** recklessly breached his duty to **DANIEL** and failed to exercise reasonable care and acted with reckless, willful, and wanton disregard for **DANIEL**'s rights and safety.

73. **JONES** should have known that his reckless conduct could result in foreseeable bodily harm and death to **DANIEL**, especially as he intentionally mocked **DANIEL** and her fears of being gunned down/killed while they were both in **CESAR**'s presence.

74. **JONES**' reckless conduct was committed in bad faith or with a malicious purpose in that he exhibited wanton and willful disregard of **DANIEL**'s rights and safety, to the point of purposely mocking her to her face.

75. As a direct and proximate cause of **JONES**' reckless conduct, **DANIEL** was shot and killed by **CESAR** literally within minutes after her leaving **JONES** and the **BBPD** main

station.

76. As a direct and proximate cause of **JONES'** reckless conduct, **DANIEL** was shot and killed, and **JONES** is responsible for her untimely and gruesome death and damages as set forth below:

- a. **ORELIEN**, as the surviving daughter of **DANIEL**, has suffered and will continue to suffer the loss of her mother's support, services, love, and companionship, and has experienced mental pain and suffering in the past and will continue to suffer such pain in the future for the rest of her life.
- b. The **ESTATE** has lost prospective net accumulations and has incurred medical and funeral expenses due to **DANIEL's** death.

WHEREFORE, Plaintiff **ORELIEN**, as the Successor Personal Representative of the Estate of **DANIEL**, deceased, for the benefit of her **ESTATE** and her statutory survivors, demands judgment against **JONES** for all damages allowed by law, including compensatory damages and costs, and further demands a jury trial on all issues so triable.

LAW OFFICE OF GARY E. SUSSER, P.A.

Attorney for Plaintiff

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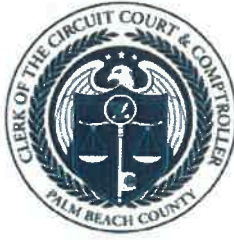
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By: */s/ Gary E. Susser, Esq.*

GARY E. SUSSER, ESQ.

FBN: 622710



Electronically Certified Court Record

This is to certify that this is a true and correct copy of the original document, which may have redactions as required by law.

DOCUMENT INFORMATION

Agency Name:	Clerk of the Circuit Court & Comptroller, Palm Beach County
Clerk of the Circuit Court:	The Honorable Joseph Abruzzo
Date Issued:	8/14/2025 10:12:53 AM
Unique Reference Number:	CAA-FBH-BCAJJ-CCCFEHDF-BCFGHFG-G
Case Number:	502023CP006396XXXASB
Case Docket:	LETTERS OF ADMINISTRATION BOOK 35799 PAGE 880-880
Requesting Party Code:	517

CERTIFICATION

Pursuant to Sections 90.955(1) and 90.902(1), Florida Statutes, and Federal Rules of Evidence 901(a), 901(b)(7), and 902(1), the attached document is electronically certified by The Honorable Joseph Abruzzo, Clerk of the Circuit Court & Comptroller, Palm Beach County, to be a true and correct copy of an official record or document authorized by law to be recorded or filed and actually recorded or filed in the office of the Clerk of the Circuit Court & Comptroller, Palm Beach County. The document may have redactions as required by law.

HOW TO VERIFY THIS DOCUMENT

This electronically certified document contains a unique electronic reference number for identification printed on each page. This document is delivered in PDF format and contains a digital signature identifying the certifier and tamper-evident seal validating this document as a true and accurate copy of the original recorded. To view the tamper-evident seal and verify the certifier's digital signature, open this document with Adobe Reader software. Instructions for verifying this instrument are available [for customers in the USA and Canada](#) and [for customers in other countries](#).

**The web address shown above contains an embedded link to the verification page for this particular document.



IN THE CIRCUIT COURT OF THE 15TH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

IN RE: ESTATE OF
FRIDELENE DANIEL

PROBATE DIVISION

Case No.: 50-2023-CP-006396-XXXXA-SB

Deceased.

Division: IZ

Judge: Charles E. Burton

LETTERS OF ADMINISTRATION
SUCCESSOR PERSONAL REPRESENTATIVE


TO ALL WHOM IT MAY CONCERN

WHEREAS, **FRIDELENE DANIEL**, a resident of Palm Beach County, Florida, died on November 8, 2023, owning assets in the State of Florida, and

WHEREAS, **ABIGAIL ORELIEN** has been appointed successor personal representative of the estate of the decedent and has performed all acts prerequisite to issuance of Letters of Administration in the estate.

NOW, THEREFORE, I, the undersigned Circuit Judge, declare **ABIGAIL ORELIEN**, duly qualified under the laws of the State of Florida to act as successor personal representative of the estate of **FRIDELENE DANIEL**, deceased, with full power to administer the estate according to law; to ask, demand, sue for, recover and receive the property of the decedent; to pay the debts of the decedent as far as the assets of the estate will permit and the law directs; and to make distribution of the estate according to law.

DONE and ORDERED in Palm Beach County, Florida.


502023CP006396XXXXASB 06/09/2025
Charles E. Burton, Circuit Judge

502023CP006396XXXXASB 06/09/2025
Charles E. Burton
Circuit Judge

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Unique Code : CAA-FBH-BCAJJ-CCCFEHDf-BCFGHFG-G Page 1 of 1

FILED: PALM BEACH COUNTY, FL, JOSEPH ABRUZZO, CLERK, 06/09/2025 02:17:41 PM



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FL. BAR # [REDACTED]

January 22, 2025

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Via U.S. Regular Mail & Certified Mail RRR #: 9589 0710 5270 2243 6314 13
& Via Email: duggerd@bbfl.us

City Manager – Dan Dugger
City of Boynton Beach
100 E. Ocean Ave.
Boynton Beach, FL 33435

U.S. Regular Mail & Certified Mail RRR #: 9589 0710 5270 2243 6314 20
& Via Email: penserrat@bbfl.us

Mayor Ty Penserga
City of Boynton Beach
100 E. Ocean Ave.
Boynton Beach, FL 33435

U.S. Regular Mail & Certified Mail RRR #: 9589 0710 5270 2243 6314 37
& Via Email: degiulioj@bbfl.us

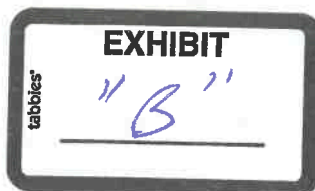
Chief Joseph DeGiulio
Boynton Beach Police Dept.
209 N. Seacrest Blvd.
Boynton Beach, FL 33435

U.S. Regular Mail & Certified Mail RRR #: 9589 0710 5270 2243 6314 44
& Via Email: lambs@bbfl.us

Shawna Lamb, Esq.
Boynton Beach City Attorney
City Attorney's Office
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Boynton Beach, FL 33435

U.S. Regular Mail & Certified Mail RRR #: 9589 0710 5270 2243 6314 69
& Via Email: CFO.Patronis@mvfloridacfo.com

Chief Financial Officer Jimmy Patronis
Florida Department of Financial Services
200 E. Gaines Street
Tallahassee, FL 32399



RE: Notice of Tort Claims against the City of Boynton Beach, Boynton Beach Police Department, and its Officers

Our client: Arlene Orelie, as Personal Representative for the Estate of Fridelene Daniel

Date of Homicide: 11/8/2023

Boynton Beach Police Dept. Case #: 23-056305

FLA. STAT. § 768.28 NOTICE OF CLAIM FOR PERSONAL INJURIES & WRONGFUL DEATH

Dear Recipients:

This office represents **ARLENE ORELIEN, as Personal Representative for the Estate of Fridelene Daniel** as well as Fridelene Daniel's minor daughter **ABIGAIL ORELIEN**, in the claims against the City of Boynton Beach, its Police Department, and its officers. This information is being provided to you pursuant to Florida Statute §768.28.

Adjudicated Claims: Based upon the best knowledge of the claimant, Arlene Orelie, as the Personal Representative for the Estate of Fridelene Daniel, neither he nor Fridelene Daniel has any prior unpaid adjudicated claims in excess of \$200.00, imposed by any civil, criminal, or administrative tribunal of the state or any of its agencies, officers, or subdivisions.

Description of Claim being presented: **Fridelene Daniel (hereinafter "DANIEL")**, was a single mother of a daughter, **ABIGAIL ORELIEN**, and a resident of Palm Beach County, FL. **DANIEL** was brutally gunned down and murdered by **Robens Cesar (hereinafter "CESAR")** on November 8, 2023 in the parking lot of her apartment building located at 606 Meadows Circle, Apt. 606, Boynton Beach, FL 33436. **CESAR** was an ex-boyfriend of **DANIEL** and had been stalking and harassing her for some time.

In the morning of November 8, 2023, **DANIEL** was again being stalked by **CESAR** and feared for her life. **DANIEL** sought protection from the City of Boynton Beach Police Department and walked into the main station of the **Boynton Beach Police Department (hereinafter "BBPD")** and explained to the front desk receptionist her fears and that she was seeking police protection from **CESAR**, who she thought was going to kill her.

On November 8, 2023, **DANIEL** walked into the **BBPD** to file a complaint against **CESAR**, who had been stalking her, harassing her, following her, making obscene, harassing phone calls to **DANIEL**, calling her and intimidating her, showing up at her apartment unexpectedly and uninvited. **CESAR** stalked **DANIEL** and followed **DANIEL** into the lobby of the **BBPD** and while there continued to stalk and harass **DANIEL**.



The receptionist at the front desk of the lobby of the BBPD spoke with DANIEL who then called BBPD Officer Jermaine Jones (hereinafter "JONES") and BBPD Officer Mark Rendel to the lobby of the police station where CESAR was literally standing within a few feet of DANIEL, with arms crossed in a hostile posture.



JONES spoke with DANIEL who informed him that CESAR was her ex-boyfriend, that he had been stalking her and showing up at her unannounced. DANIEL expressed to JONES that she was concerned that CESAR owned a firearm and she was fearful CESAR would use it

to kill her. **DANIEL** expressly told **JONES** that **CESAR** would “make me die.”

JONES’ interview with **DANIEL** and **CESAR** lasted only a short time. It was clear that there was a language barrier between **JONES** and **CESAR**. **JONES** failed to request an interpreter or ask the assistance of Officer Rendel who is fluent in Creole. **JONES** failed to use an interview room in the **BBPD** lobby where he could have taken **DANIEL** and removed her from **CESAR**’s presence.

It was clear by **CESAR**’s actions and body language that he was stalking **DANIEL** even inside the **BBPD** police station and in **JONES**’ presence.



JONES failed to conduct a proper investigation and failed to separate **CESAR** from **DANIEL**’s presence. **JONES** failed to conduct proper interviews of either **DANIEL** or **CESAR**. **JONES** failed to follow **BBPD** procedure as it pertains to domestic violence. See Index Code 1801 of the **BBPD** manual.

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2023-Nov-08 08:32:14.362 AM (EST)



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DESCRIPTION OF DAMAGES BEING CLAIMED: The negligent actions of the BBPD and its officers caused the survivor, ABIGAIL to suffer the loss of her beloved mother. ABIGAIL has the right to a remedy against the City of Boynton Beach, the BBPD and its officers. There is a claim for active negligence in failing to properly handle the police station lobby confrontation between DANIEL and CESAR, and prevent her murder. There is a claim against the City of Boynton Beach and the BBPD for possible Wrongful Death damages due to its vicarious liability for the negligence of its BBPD's officers involved in their failure to properly serve and protect DANIEL from CESAR who upon leaving the police station, followed her and as DANIEL foretold the BBPD police officers, promptly, murdered her.

Our clients could make negligence claims against the City of Boynton Beach and the BBPD under section 768.28 cap and make reckless negligence claims against the individual officers that are not subject to Section 768.28. The minor child's loss of support and services of her murdered mother.

NON-MEDICAL ECONOMIC DAMAGES: DANIEL's funeral bill.

MEDICAL/PHYSICAL/EMOTIONAL DAMAGES: ABIGAIL's severe emotional distress damages.

Please preserve all evidence related to the encounter at the BBPD station and any and all evidence of DANIEL's murder. Please send us copies of all policies of insurance that may cover the claims described herein, including any excess policy of insurance. If the City of Boynton Beach and the BBPD and/or its officers are interested in resolving the claims described herein, then our clients are ready to entertain any such offer.

This communication is confidential and privileged. It is intended only for settlement purposes as an expression of a willingness to consider a compromise and shall not be used for any other purposes. This letter is privileged under Federal Rule of Evidence 408 and section 90.408 of the Florida Statutes. It shall not be used as an admission against interest under Federal

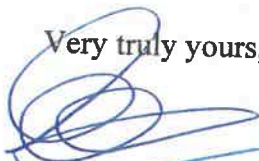
Notice of Tort Claims Against the City of Boynton Beach, BBPD and its Officers
January 22, 2025
Page 7 of 7...

Re: E/O Fridelene Daniel
D/I: 11/8/2023

Rule of Evidence 801, section 90.408 of the Florida Statutes, Federal Rule of Bankruptcy Procedure 9017, or as a waiver of any other rights or privileges.

Please contact this office if you need any additional information and we will fully cooperate with your reasonable requests. Please advise whether you deny this claim.

Very truly yours,



GARY E. SUSSER, ESQ.

GES/rsd
cc: Arlene Orelie

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Gary E. Susser, P.A.
Attorney At Law

1200 NW 17 Avenue, Suite #8
Delray Beach, FL 33445

FL BAR # 622719
January 22, 2025

Telephone: 561.735.4636
Fax: 561.735.3964
E: gary@susserlaw.com

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& Via Email: duggerd@bbfl.us

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City of Boynton Beach
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Boynton Beach, FL 33435

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& Via Email: pensergat@bbfl.us

Mayor Ty Penserga
City of Boynton Beach
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Boynton Beach, FL 33435

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Chief Joseph DeGiulio
Boynton Beach Police Dept.
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Boynton Beach, FL 33435

U.S. Regular Mail & Certified Mail RRR #: 9589 0710 5270 2243 6314 44
& Via Email: lamb@bbfl.us

Shawna Lamb, Esq.
Boynton Beach City Attorney
City Attorney's Office
P.O. Box 310
Boynton Beach, FL 33435

U.S. Regular Mail & Certified Mail RRR #: 9589 0710 5270 2243 6314 69
& Via Email: CFO.Patronis@myfloridacfo.com

Chief Financial Officer Jimmy Patronis
Florida Department of Financial Services
200 E. Gaines Street
Tallahassee, FL 32399

RE: Notice of Tort Claims against the City of Boynton Beach, Boynton Beach Police Department, and its Officers

Our client: Arlene Orelie, as Personal Representative for the Estate of Fridelene Daniel

Date of Homicide: 11/8/2023

Boynton Beach Police Dept. Case #: 23-056305

FLA. STAT. § 768.28 NOTICE OF CLAIM FOR PERSONAL INJURIES & WRONGFUL DEATH

Dear Recipients:

This office represents **ARLENE ORELIEN, as Personal Representative for the Estate of Fridelene Daniel** as well as Fridelene Daniel's minor daughter **ABIGAIL ORELIEN**, in the claims against the City of Boynton Beach, its Police Department, and its officers. This information is being provided to you pursuant to Florida Statute §768.28.

Adjudicated Claims: Based upon the best knowledge of the claimant, Arlene Orelie, as the Personal Representative for the Estate of Fridelene Daniel, neither he nor Fridelene Daniel has any prior unpaid adjudicated claims in excess of \$200.00, imposed by any civil, criminal, or administrative tribunal of the state or any of its agencies, officers, or subdivisions.

Description of Claim being presented: **Fridelene Daniel (hereinafter "DANIEL")**, was a single mother of a daughter, **ABIGAIL ORELIEN**, and a resident of Palm Beach County, FL. **DANIEL** was brutally gunned down and murdered by **Robens Cesar (hereinafter "CESAR")** on November 8, 2023 in the parking lot of her apartment building located at 606 Meadows Circle, Apt. 606, Boynton Beach, FL 33436. **CESAR** was an ex-boyfriend of **DANIEL** and had been stalking and harassing her for some time.

In the morning of November 8, 2023, **DANIEL** was again being stalked by **CESAR** and feared for her life. **DANIEL** sought protection from the City of Boynton Beach Police Department and walked into the main station of the **Boynton Beach Police Department (hereinafter "BBPD")** and explained to the front desk receptionist her fears and that she was seeking police protection from **CESAR**, who she thought was going to kill her.

On November 8, 2023, **DANIEL** walked into the **BBPD** to file a complaint against **CESAR**, who had been stalking her, harassing her, following her, making obscene, harassing phone calls to **DANIEL**, calling her and intimidating her, showing up at her apartment unexpectedly and uninvited. **CESAR** stalked **DANIEL** and followed **DANIEL** into the lobby of the **BBPD** and while there continued to stalk and harass **DANIEL**.



The receptionist at the front desk of the lobby of the BBPD spoke with DANIEL who then called BBPD Officer Jermaine Jones (hereinafter "JONES") and BBPD Officer Mark Rendel to the lobby of the police station where CESAR was literally standing within a few feet of DANIEL, with arms crossed in a hostile posture.



JONES spoke with DANIEL who informed him that CESAR was her ex-boyfriend, that he had been stalking her and showing up at her unannounced. DANIEL expressed to JONES that she was concerned that CESAR owned a firearm and she was fearful CESAR would use it

to kill her. **DANIEL** expressly told **JONES** that **CESAR** would “make me die.”

JONES' interview with **DANIEL** and **CESAR** lasted only a short time. It was clear that there was a language barrier between **JONES** and **CESAR**. **JONES** failed to request an interpreter or ask the assistance of Officer Rendel who is fluent in Creole. **JONES** failed to use an interview room in the **BBPD** lobby where he could have taken **DANIEL** and removed her from **CESAR**'s presence.

It was clear by **CESAR**'s actions and body language that he was stalking **DANIEL** even inside the **BBPD** police station and in **JONES**' presence.



JONES failed to conduct a proper investigation and failed to separate **CESAR** from **DANIEL**'s presence. **JONES** failed to conduct proper interviews of either **DANIEL** or **CESAR**. **JONES** failed to follow **BBPD** procedure as it pertains to domestic violence. See Index Code 1801 of the **BBPD** manual.

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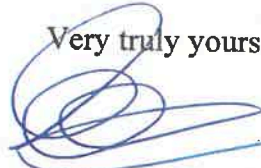
Notice of Tort Claims against the City of Boynton Beach, BBPL and its Officers
January 22, 2025
Page 7 of 7....

Re: E/O Fridelene Daniel
D/I: 11/8/2023

Rule of Evidence 801, section 90.408 of the Florida Statutes, Federal Rule of Bankruptcy Procedure 9017, or as a waiver of any other rights or privileges.

Please contact this office if you need any additional information and we will fully cooperate with your reasonable requests. Please advise whether you deny this claim.

Very truly yours,



GARY E. SUSSER, ESQ.

GES/rsd
cc: Arlene Orelie

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