



Sheriff's Response To NDN Articles On Vehicular Homicide Case

Recently, there have been several articles published in the Naples Daily News in reference to the Collier County Sheriff's Office investigation of Kevin Shinsky and his alleged involvement in the death of Michelle Sommers.

An article published July 26, 2010, titled "Collier man freed after 4 years in jail when evidence shows he didn't commit vehicular homicide" included information about the case that, in my view, is simply inaccurate.

My concerns compounded as additional stories on this topic appeared over the past few months. I feel I must set the record straight. I would like to note that my response took some time to formulate because I had to ensure that the window for the prosecution to re-file the charges had closed. To weigh in too soon could have jeopardized a successful prosecution had the charges been re-filed.

The Sheriff's Office makes arrests based on probable cause, whereas the State Attorney's Office must establish proof beyond a reasonable doubt for a conviction. This difference in levels of proof often leads to the failure to prosecute cases if the State Attorney's Office feels there is insufficient evidence to get a conviction. That, however, does not change the fact that probable cause existed for the arrest.

A number of inaccurate and incomplete statements were published. None more so than the statement by attorney David Agoston that much of the case hinged on information provided by a deputy and his testimony concerning comments made by Mr. Shinsky. Although there is no reason to think that the deputy's testimony is inaccurate, that testimony was such a small part of the evidence collected as to be an afterthought.

To date, I have not seen any evidence that demonstrates that Mr. Shinsky was not driving the vehicle in question. I would encourage all readers to visit the CCSO website, www.colliersheriff.org, for a full explanation of the evidence presented to the State Attorney's Office.

Sincerely,

Collier County Sheriff Kevin J. Rambosk