

Boyce
HOLLEMAN & ASSOCIATES
A Professional Association Attorneys at Law
Since 1950

August 11, 2010

Herman Cox, Esq.
County Prosecuting Attorney
P. O. Box 1754
Gulfport, MS 39502

Re: Claim of Emile Bertucci and Tidewater Estates, Inc.

Dear Herman:

Enclosed is a letter from Emile Bertucci concerning damage to a private bridge located on property at 1213 Tidewater Road, Pass Christian, owned by Tidewater Estates, Inc., together with photographs of the collapsed bridge and the estimate of damages.

According to Mr. Bertucci, Joseph Allen Clark was chased by Harrison County law enforcement onto property of Tidewater Estates in Hancock County. The Hancock County Fire Department had to be called to remove Mr. Clark, who had been handcuffed, from the roof. After Mr. Clark was extricated, the Hancock County fire truck crushed a private bridge and it collapsed.

Since Mr. Clark fled from the police causing the fire truck to be called to the scene, he should be required to pay for the damage to the bridge, which Mr. Bertucci has estimated at \$4,228.09 as part of his restitution. Can you please determine the status of his misdemeanor charges and advise if you could consider such as part of his restitution.

Sincerely,

BOYCE HOLLEMAN & ASSOCIATES



TIM C. HOLLEMAN

TCH/gj

Enclosure

cc: Board Members (via email)
Pam Ulrich (via email)
John McAdams (via email)

Jesse Boyce Holleman
1924-2003

Tim C. Holleman
tim@boyceholleman.com

L. Dean Holleman
dean@boyceholleman.com

D. Jeffrey White
jeff@boyceholleman.com

1720 23rd Avenue • Boyce Holleman Blvd. • Gulfport, MS 39501 • P.O. Drawer 1030 • Gulfport, MS 39502
Office: 228-863-3142 • Toll Free: 1-888-863-3140 • Fax: 228-863-9829 • www.boyceholleman.com

Tidewater Estates, Inc.

**1213 Tidewater Rd.
Pass Christian, MS 39571**

Phone (228) 255-1648

June 15, 2010

Mr. John McAdams, Chancery Clerk
Harrison County Board of Supervisors
1723 23rd Avenue, Gulfport, MS 39501

Re: Damaged Bridge by Hancock County Fire Department
April 3, 2010 in response to Harrison County Police Department
Vehicle pursuit/K-9 track Case #2010-05086

Dear Ms. Harrison:

At the request of Mr. Tim Holleman, I am putting you on notice of the incident that occurred on April 3, 2010 at 1213 Tidewater Road, Pass Christian, MS 39571. The Case number is listed above and Melvin T. Brisolara, Sheriff of Harrison County felt that he was not the responsible party in response to my letter to him dated April 19, 2010.

Since our conversation, I have had the opportunity to speak to Patti Dedeaux Benefield who is in charge of insurance for Harrison County (2228) 865-4120 or insurance@co.harrison.ms.us and she has worked most diligently with me to attempt to get this claim settled. I was also given the name of Ms. Princy Harrison, the County Administrator for Hancock County since the damage to the property was directly due to the Fire Truck crossing a private driveway bridge that was designed for automobiles not heavy equipment, especially a fire truck.

The event that caused the damage started with a police chase by the Harrison County Sheriff's department and ended on our property in Pass Christian. Our address is above. It is located in Hancock County. The Harrison County Police were chasing a runaway driver by the name of Joseph Allen Clark. The chase involved several police vehicles and K-9 dog pursuit. It started at approximately 12:45 am and ended at about 3:30 am when they had to call the Hancock County Fire Department to get the defendant off of the roof after he had been handcuffed. Following the removal of the defendant from the roof, the fire truck proceeded around the driveway and crushed a private bridge and it collapsed as the truck's weight crossed over it.

Tidewater Estates, Inc.

**1213 Tidewater Rd.
Pass Christian, MS 39571**

Phone (228) 255-1648

The only way that the Fire Department became involved was at the request for assistance by the Harrison County Sheriff's department. There are two entrances to the property and the main driveway has a low covered gate not passable for trucks and heavy equipment. The Fire Department observed the freight gate and had to break the lock, the fence to enter the property to assist the police.

My front gate was locked and was broken by someone to enter the property. My assumption is that it was a fireman, and perhaps someone who was present that night can verify what I am telling you. I have pictures for your review and they have been forwarded by email to Patti Benefield.

I have had one of my workers secure estimates of the treated timber necessary to rebuild the bridge. Assuming that all of his estimates are correct the timber will cost approximately \$2,239.20 including nails, the equipment will be \$488.89 for two days and the cost for the labor including securing all of the materials and rebuilding the bridge will be \$1,500.00. The total to get the bridge rebuilt will be \$4,228.09 (Four thousand two hundred twenty eight dollars and nine cents).

My first concern was a finger pointing match and all I want is the property to be repaired. I am not going to assert liability however the Harrison County Sheriff's Department did summon the Fire Department for assistance since the runaway fled just over the County line while the officers were in pursuit.

According to Miss Code 11-46-11 the facts have been presented, the amount of the damages is estimated herein, the time 12:45 am to 3:30 am and it occurred at 1213 Tidewater Rd. Pass Christian, MS 39571. The people involved were Deputy Ryan Brashear #96, Harrison County Sheriff's Department, defendants Mr. Joseph Allen Clark (DOB 3/26/1984 and SS#428698779 of 402 Felicity Street Bay St. Louis, MS 39520, and defendant Staci Lisa Riley DOB 5/13/1984 with SS#086706695 of 6492 Dummy Line Road, Picayune, MS 39466 (228) 224-6938. Sgt Ray Miller #62 of the K-9 Patrol with his dog D'ablo, Deputy Dulong climbed up onto the roof of the house and handcuffed the defendant and transported Clark to the Harrison County Jail. At approximately 4:25 am Deputy T Askey H-84 of Hancock County Sheriff's Department was dispatched

My prayer is that you will be able to work with Harrison County in subrogating this claim and getting the damages paid for. Patti Benefield will be of assistance if

Tidewater Estates, Inc.

1213 Tidewater Rd.
Pass Christian, MS 39571

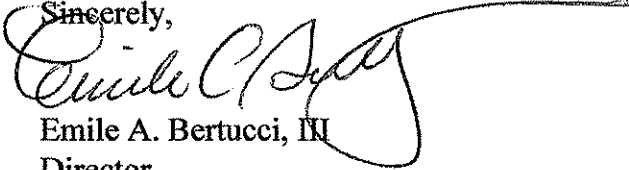
Phone (228) 255-1648

you need her for anything. She does have all the pictures and some of the past communications.

She mentioned that she needed a written estimate of the damages and they are included in this letter for your file and review.

If you have any questions please call. I would appreciate a written verification that you are going to pay for the repairs or give me instructions on what to do to get our property repaired.

Sincerely,



Emile A. Bertucci, III
Director

Please forward correspondences to: Emile A. Bertucci, III 452 Linda Dr., Biloxi, MS 39531 My contact information is Off (228) 385-2020, Cell (228) 697-8774, email: emile@tcecms.com or at my home at emile3@bellsouth.net

CC: Patti Benefield
1801 23rd Avenue
Gulfport, MS 39502

Tidewater Estates, Inc.
1213 Tidewater Rd.
Pass Christian, MS39571

Phone (228) 255-1648

July 29, 2010

Ms. Patricia Benefield
1801 23rd Ave.
Gulfport, MS 39502

Attn: Insurance Administrator's Office

Dear Ms. Benefield:

At your request, I am by this letter providing a Statement in writing for the damages caused to our property on April 3, 2010 almost (4) four months ago. The bridge is still impassable and we need the funds to repair the damages caused by the Hancock County Fire Truck.

REPAIR QUOTES:

1.) Treated Poles, lumber, and nails (treated roughcut pine)	\$2,239.20
2.) Equipment rental back hoe two days	488.89
3.) Labor and supervision two men 1 supervisor two days	<u>1,500.00</u>
TOTAL	\$4,228.09

This is the closest I can come to actually determining the cost to repair the damages. If you want to provide the services and repair the bridge yourselves, please also provide me with an estimate, and time frame for getting the job done.

Please forward payment for the damages so that we can get the job completed. We have been unable to use our driveway for over three months and my family members are wondering what is taking so long. Please forward the payment made payable to Tidewater Estates, Inc. the corporation who owns the property. I certify that I am the Secretary/Treasurer of the Corporation and serve currently on the Board of Directors.

I am requesting immediate attention to this request and would appreciate a confirmation from your County Agency or the officer in charge to assure the members of the corporation that you will honor your debt and get the payment forwarded in the next few days.

I can be reached at (228) 385-2020, or on my cell at (228) 697-8774. My home for after hours is (228) 388-9782. Please forward all correspondences to my residence at 452 Linda Dr., Biloxi, MS 39531 to expedite the handling of this matter.

Sincerely,

Emile A. Bertucci, III
Director/ Secretary Treasurer
Tidewater Estates, Inc.



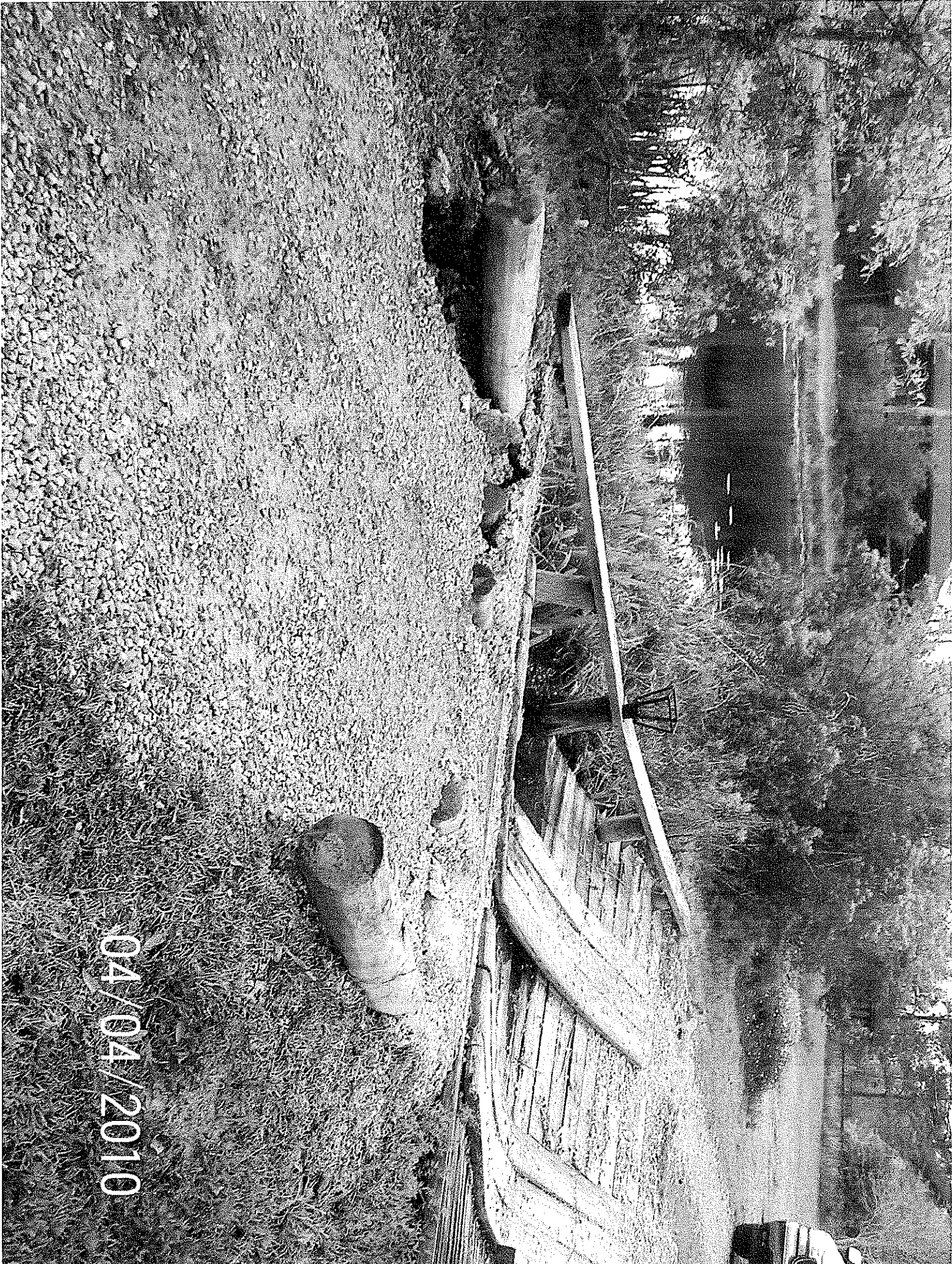
04/04/2010



04/04/2010



04/04/2010



04/04/2010