

Avoiding Death in Close Quarters

A Florida Fish and Wildlife Officer Shoots It Out on a Sailboat

By Bob Lee

FWC Officer Randy Bowlin looking out over Salt Run. Photo courtesy of Bob Lee.

Forney's blue dingy - the beginning of the encounter. Photo credit: Florida Department of Law Enforcement

Nestled between the sand dunes of Anastasia Island and St. Augustine's Light-house is Salt Run; a tidal lagoon that serves as a dedicated anchorage and free home for sailboaters. Many of the boats lying at anchor are known as "live-a-boards"; their hulls are encrusted by barnacles, and their masts are bare. Some of the owners are merely eccentrics, harmless characters who fancy themselves as living out a bit part in a Hemingway novel. Others, however, have a darker side.

A Routine Day

On the afternoon of Sunday, October 6, 2002, Florida Fish and Wildlife Conservation Commission (FWC) Officer Randy Bowlin's work day started out normally. His patrol area covered the St. Augustine area, which included the Intracoastal Waterway (ICW) and the Atlantic Ocean.

Although he is a full-time water patrol officer, Bowlin's duties are not all law enforcement related. On this day, Bowlin's first priority was to release a batch of baby sea turtles—endangered species—that had been rehabilitated



from earlier injuries. He placed them in his patrol boat, a 25' Mako powered by twin 225 HP Mercury horsepower (HP) outboards, and left from St. Augustine, heading offshore in search of floating Sargasso grass. The grass would provide needed cover so that the young turtles could escape predators and have a better chance of survival. He found a large patch of grass 15 miles out and released the turtles there.

Bowlin then turned his attention to other matters.

He had recently received numerous complaints of commercial shrimp boats trawling less than a mile from the beach. This is an illegal activity normally conducted at night. Because he was already far offshore and sunset was only an hour off, he waited there—drifting in the currents until nightfall.

When it was dark, Bowlin put his boat up on a plane and worked his way back shoreward with his lights out. Once he was just off the beach, he turned south. Scanning ahead with his radar, he

spotted six shrimp boats inside the mile limit about ten miles away. As Bowlin closed with the shrimp boats, they picked him up on their radar and moved back into legal waters just as Bowlin reached them. Bowlin came alongside two of the trawlers and warned their captains not to fish inside the prohibited area.

Bowlin continued south and cut through Mantanzas Inlet. The Inlet would take him to the ICW and back to St. Augustine. As he was passing the dock at Fort Mantanzas Park, he spotted one of the rangers standing under a dock light and stopped to talk with him.

As they chatted, the subject of officer involved shootings came up and the park ranger told Bowlin about two of their guys who had just been shot at by drug smugglers in Arizona. As they parted, the ranger told Bowlin, "You be careful out there."

Initial Contact

Bowlin headed north on the ICW. At about 23:00 hrs, he passed under the Bridge of Lions in St. Augustine and followed the channel as it cut east across Mantanzas Bay.

Salt Run was just ahead on the right. "It was very dark," recalls Bowlin, "and I was looking for an unlit channel marker that's hard to see. My boat was just on a plane, when out of my peripheral vision I saw a small boat go by—whoosh—off the port (left) side of my boat blacked out. I turned around and looked and, for a moment, thought I had run him over."

Bowlin brought his patrol boat around to check on the operator of the vessel to make sure he was all right. As he pulled alongside, he could see it was a 7' blue dingy powered by a 2 HP outboard. A man was sitting in the boat with one hand on the motor's tiller—putting along at a leisurely pace toward the entrance of Salt Run. Bowlin ordered him to "Stop!" several times. The operator stared straight ahead, ignoring Bowlin's instructions. Finally, Bowlin eased his boat in front of the dingy to stop it.

"I could smell the odor of an alcoholic beverage coming from him", said Bowlin. "His voice was slurred and he was talking loudly." He was one of the friendliest drunks I had ever encountered and I thought, "Great, I would have to run into this knucklehead when I'm about to go off shift".

"We did some talking and I detected a German accent in his speech. He gave me this story that he was a cabinet maker from Germany and had recently come over to the States on his sailboat. He told me his name was J. Michael Gairod and that his passport was on his sailboat, anchored just ahead of us in Salt Run. He said he didn't have a driver's license, which was believable. In my experience, a lot of sailboaters don't have a driver's license. The dingy was not registered and he had no other paperwork on him. I had him do the Horizontal Gaze Nystagmus, which he did not perform properly. I asked him to do the finger count next and he just stares at his fingers, finally he says, 'Man I really am drunk'."

Bowlin tied the dingy to his vessel so that it was rafted alongside. He gave Gairod a life vest to wear and put his engine in gear, moving toward the sailboat at two to three knots. Bowlin continued talking with Gairod and ran his name through dispatch, trying to verify his identity. Dispatch kept responding with, "No record found."

When Bowlin reached the sailboat (a powder blue, single mast, 30' Tartan) he ran its registration numbers through dispatch and it came back "No record found."

"I admit", says Bowlin, "that by then I was becoming a little frustrated, because

the sailboat's registration numbers should have come back to someone. My intention was to get his identification, then take him over to the lighthouse boat ramp, which was a quarter mile away and finish giving him the field sobriety tasks."

Inside The Cabin

"Gairod was still joking with me," continues Bowlin, "not showing any signs of nervousness. I consider myself a pretty good reader of people and didn't pick up anything funny coming from him".

"Gairod said, 'If you let me get on my boat, I'll get my paperwork for you.' What really happened was that he was suckering me into that boat."

"I asked him, 'Do you have any firearms on board?' He said, 'No guns, I hate guns, but I do have some knives and a bow and arrow.' I instructed him that we are going to go on board the vessel together. "I will follow just a few feet behind and you will point to where the paperwork is," I told him. My plan was to retrieve the paperwork and then we would go back up on deck."

"We entered the cabin through a companionway (entrance) in the stern, which led down four steps into a galley. There were only about two inches on either side of my shoulders and I had to duck my head as I stepped into the galley. We continued forward toward the berthing area, which is at the bow of the boat. I asked Gairod, 'Where is the paperwork?' He said, 'Underneath my mattress.' And now he was at the mattress, which came out flush to a narrow doorway with bulkheads made of cheap wood paneling on each side. He turned and sat down on the mattress facing me and lit a cigarette with his left hand."

"Suddenly, his demeanor does a 180, and now I'm picking up cues that indicate something was very, very wrong. He was looking at his feet and would not make eye contact with me...and he would not answer any of my questions. He was also leaning back on his right hand, which was now just behind the bulkhead out of my sight."

"I kept the best reactionary gap that I could, which was eight to nine feet, about the best you can do in a sail boat.



This would have been Bowlin's view when he fired his initial three round burst at Forney, while Forney was seated on the blue blanket facing him. Photo credit: Florida Department of Law Enforcement

I unsnapped my gun and rocked it out of the retention—keeping it level with the holster along my side. My first thought was, "He's going to charge me with a knife."

I said, "What's in your right hand?" No response.

I said again, "What's in your right hand?" No response.

I then said, "Let me see your right hand real slow."

"He quickly leaned to his left, pulled his right hand in tight to his chest to get around the bulkhead and punched

his arm straight out holding a pistol. So now I was looking right down the muzzle of his gun. I pulled my gun up from the hip and punched out three—bang, bang, bang. One from the hip, one at mid stroke and one pointed. Simultaneously, Gairod shot at me one time, but I didn't realize it."

"I knew I'd hit him," continues Bowlin, "because he had fallen back on the mattress with his upper torso lying behind the bulkhead. All I could see was from his legs down. And I could see blood. I continued putting rounds down range as I backed up, until I bumped into the stairs. On my last shot, I remember seeing the slide come back and the shell casing eject. He was screaming, 'You've killed me you mother fucker! You've killed me!' I turned and ran up the stairs, feeling certain he was going to shoot me through the thin paneling of the bulkhead."

"I was prepared to take a shot. I told myself, unless he shoots you in the head or neck, you are getting up these stairs. I was mentally prepared to take one in the ass or legs. Fortunately, I was wearing my ballistic vest."

Bowlin safely retreated to his patrol boat and drove over to the Lighthouse Boat Ramp, where he waited for backup to arrive. St. Augustine P.D. Officers and St. Johns County Sheriff's Deputies along with Bowlin's supervisor, Lt. Bill Head, arrived in a few minutes.

Mopping Up

Head met with all of the officers there to discuss the situation. There was a concern that Gairod was in the sailboat bleeding to death and, of course, he needed to be apprehended.

Head drove Bowlin's boat. Two St. Johns County Sheriff's Deputies and two St. Augustine P.D. officers were also on board. Everyone stayed low as they

approached the sailboat at an idle speed – lights out. As they neared the sailboat's stern, the officers could see Giairod lying on his back in the lower cabin, holding a pistol in his left hand across his chest. They shouted orders for him to, "Drop the gun! Drop the gun! Drop the gun!" Giairod dropped the pistol on the cabin floor. Officers scrambled across the stern and into the cabin, securing Giairod with handcuffs in less than a minute.

The registration numbers were run again on the sailboat. This time it came back to James M. Forney, 43 years old, wanted for questioning in a homicide by Miami Police Department. The name Giairod was one of several aliases that Forney was known to use. Forney was lifelighted to Shands Hospital in Jacksonville with gunshot wounds to his left knee and right hand and metal fragments imbedded in his right eye. He would later lose his right eye.

Florida Department of Law Enforcement Agents arrived in the early morning hours to work the crime scene. They retrieved Forney's pistol, which turned out to be a 9mm FIE - TZ75. Bowlin turned over his 9mm Glock 17. An examination of his firearm and magazines revealed that he fired seven rounds.



Forney's pistol lying on bloody floorboards inside his sailboat. Photo credit: Florida Department of Law Enforcement

Upon Forney's release from the hospital he was charged with: Attempted Murder of a Law Enforcement Officer; Giving a False Name; Boating Under the Influence; and Operating a Vessel without Navigation Lights.

Final Analysis

"There are about a dozen different ways of skinning this cat," said Bowlin, "and as you can imagine, I received plenty of unsolicited advice on how I could have avoided this situation. Of course, those that offer that commentary know what the outcome was. In the final analysis, Monday morning quarterbacking is always flawless. But I did the best I could under the circumstances, and I am happy to relay my experiences. Hopefully, it will help other officers avoid similar situations."

Post Script

In early January, 2001, fishermen found the remains of prostitute Gina Marie Roberto, 35, in a south Miami-Dade canal. She had been beaten, stabbed and mutilated with slice marks on her neck, wrists and genitals.

During the third week of June, 2008, James Michael Forney was tried for her murder in a Broward County Courthouse. He represented himself, while wearing a black patch over the eye lost during his shoot out with Bowlin. Apparently his arguments to the jury were less than compelling. According to an article in the South Florida Sun-Sentinel, "...Forney told Broward County jurors he stabbed the prostitute eight times because she gurgled and it sounded like demons. He had to kill the demons, Forney said, explaining the multiple stabbings."

The jury deliberated for 90 minutes before convicting him of Roberto's murder. He was sentenced to life in prison. ☛

Bob Lee recently retired last year as a Lieutenant with FWC after 30 years. He has previously written articles for law enforcement and outdoor magazines. Contact him at bl_gamewarden@hotmail.com.



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