Florida Department of Corrections

Office of the Inspector General

CRIMINAL INVESTIGATION
Case # 18-00001
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Case Number: 18-00001

Inspector: Stacy L. Harris/Kate Gustafson/James K. Maloney

Date Assigned or Initiated: 01-01-18

Inmate Dukene Myrtil #M56396
Inmate Andre Williams #L66623
Inmate Johnslow Sauveur #B11923

Complaint Against: Inmate Markus Vincent #B13075

Location of Incident – Institution/Facility/Office: Santa Rosa Correctional Institution

Sergeant

Officer

Complainant: Officer

Use of Force Number: N/A

PREA Number: N/A

Classification of Incident: Aggravated Battery on LEO

Confidential Medical Information Included: X Yes ___ No

Whistle-Blower Investigation: ___ Yes X No

Equal Employment Opportunity Investigation: ___ Yes X No

Chief Inspector General Case Number: N/A
I. AUTHORITY

The Florida Department of Corrections, Office of the Inspector General, by designation of the Secretary and § 944.31, Florida Statutes, is authorized to conduct any criminal investigation that occurs on property owned or leased by the department or involves matters over which the department has jurisdiction.

The testimony references included in this report are summations of oral or written statements provided to inspectors. Statements contained herein do not necessarily represent complete or certified transcribed testimony, except as noted. Unless specifically indicated otherwise, all interviews with witnesses, complainants, and subjects were audio or video recorded.

II. METHODOLOGY

The investigation reviewed the derivations of the allegation advanced by the complainant. The scope of this investigation does not seek to specifically address tort(s), but violations of criminal statutes. The criterion used to evaluate each contention or allegation was limited to the following standard of analysis:

1. Did the subject’s action or behavior violate Florida criminal statutes?

III. ANALYSIS

The standard and analysis in this investigation is predicated with the burden of proving any violation of law, established by probable cause. The evidence considered for analysis is confined to the facts and allegations stated or reasonably implied. The actions or behavior of the subject are presumed to be lawful and in compliance with the applicable Florida law, unless probable cause indicates the contrary.
IV.  DEFINITIONS

Unfounded:  
Refers to a disposition of a criminal case for which a preponderance of the evidence exists to suggest the suspect’s alleged behavior or action did not occur.

Closed by Arrest:  
Refers to a disposition of a criminal case for which probable cause exists that an identified subject committed the offense and one for which an arrest or formal prosecution has been initiated.

Exceptionally Cleared:  
Refers to a disposition of a criminal case for which probable cause exists that an identified suspect committed the offense, but one for which an arrest or formal charge is not initiated, or in the case of a death investigation, one for which no evidence exists that the death was the result of a crime or neglect.

Open-Inactive:  
Refers to a disposition of a criminal case for which a criminal investigation commenced, but where evidence is insufficient to close as unfounded, closed by arrest, or exceptionally cleared.
V. PREDICATE

On January 1, 2018, at approximately 11:40 a.m., Senior Inspector Kate Gustafson notified Lead Senior Inspector Stacy L. Harris of a multiple aggravated battery on staff at Santa Rosa Correctional Institution, which occurred at approximately 9:55 a.m. According to the EAC notification, staff were supervising inmates entering their cells when Inmates Johnslow Sauveur, DC #B11923, Markus Vincent, DC #L66623 and Dukene Myrtil, DC #M56396, attempted to enter the showers. Staff began counseling with the inmates when an inmate took possession of Sergeant radio. Inmates Sauveur, Vincent, Williams and Myrtil began to assault Sergeant and Correctional Officer with the radio and spat on Correctional Officer William Coates. Officer was thrown, and landed on a bench causing injury to his back. The incident was captured on fixed wing video. Inspectors Gustafson, Harris and James K. Maloney responded to the scene, and a criminal case was initiated.

VI. SUMMARY OF INVESTIGATIVE FINDINGS

Based on the exhibits, witnesses’ testimony, victim officers’ statements, and the record as a whole, presented or available to the primary inspector, the following findings of facts were determined:

On January 1, 2018, in her digitally recorded, sworn statement, obtained by Inspector James K. Maloney at Santa Rosa Correctional Institution, Correctional Officer Trainee Christy Wheaton indicated she was assigned to E – Dormitory, at approximately 9:59 a.m., Sergeant and two other officers were putting inmates in the dayroom up. One of the inmates became confrontational with the officers and Sergeant called for Captain Andrew Parrott. Two inmates were trying to hold the one inmate back, but then let go and the inmates circled around Sergeant and the other officers. The first inmate struck the officer in the face and the other inmates also began to strike the officers. The fourth inmate came from the area of the shower, and then there were four inmates against three officers. The inmates were throwing the officers, kicking them in the face and striking the officers with their radios. “It was horrific to sit and watch that!” Officer Wheaton was not sure of the other officers’ names as she is a new employee, and provided descriptions of the officers. The inmates were all black inmates and one had his blue uniform on and just before the fight, took off his blue shirt and only had his white t-shirt on during the attack. Officer Wheaton could not identify the inmates by name. Officer Calvin Edwards was in the Officers’ Station with Officer Wheaton, who was teaching her how to work the panels in the Officers’ Station, as it was her first day assigned to that post. Officer Wheaton had no idea why the inmates attacked the officers, as she could not hear what lead up to the attack. The tall officer was the first one attacked and then the other inmates began to strike the other officers. After the inmates encircled the officers, they began to further attack them.

On January 1, 2018, in his digitally recorded, sworn statement, obtained by Inspector James K. Maloney at Santa Rosa Correctional Institution, Correctional Officer Calvin Edwards indicated he was assigned to E – Dormitory with Officer and Sergeant and Correctional Officer Trainee Christy Wheaton was assigned to the Officers’ Station with him. Officer Edwards was teaching Officer Wheaton how to run the panels. At approximately 9:55 a.m., in Wing 1 of the dormitory, the officers were putting inmates in the day room up and Officer Edwards saw Sergeant counseling two inmates, who then sat down. Sergeant called Lieutenant Marcus Stokes for back up. The two inmates were refusing to go back to their cells. Officer Edwards observed the inmates became more agitated and two other inmates came up and were initially holding back the one
inmate, but in a few seconds broke off and surrounded the officers. Shortly after that, one of the inmates struck one of the officers in the face. The three officers were Officers and Sergeant The first inmate who was held back by other inmates was Inmate Andre Williams, as if to de-escalate the situation, but in a few minutes surrounded the officers. One of the inmates threw a punch at the officer. Officer Edwards called for additional officers. Officer Edwards saw a fourth inmate come out of the shower area and join into the “affray,” attacking the officers. Officer Edwards believed it was possibly Inmate Vincent who came from the shower area and began striking the officers. Officer Edwards was unsure which officer was struck first, but believed it was Officer Officer Edwards was told the officers were putting the inmates back in their cells and the inmates became angry because they were not allowed to get showers at that time.

Officer Edwards further observed the inmates fighting officers and saw three inmates jumping on Sergeant One of the inmates picked up Sergeant and “threw him around.” One of the inmates picked up the radio and struck Officer with it, and another inmate was striking Officer

Officer Edwards was told by another sergeant the radios used in the attack were recovered.

On January 1, 2018, a review of the fixed wing video footage was conducted by Lead Senior Inspector Stacy L. Harris which revealed the following:

From Camera the following was observed:

9:52 a.m. – Inmate Williams and Inmate Sauveur were seated at the dayroom table in Wing of E – Dormitory when Sergeant began to counsel with Inmate Williams.

9:53 a.m. – Inmate Williams jumped up and walked around the second table and aggressively approached Sergeant Officer put his hand up in an attempt to stop Inmate Williams’ approach, while Sergeant utilized his radio to call for additional staff.

9:53:53 a.m. – Sergeant pulls his pepper spray from its holster.

9:53:55 – Inmate Sauveur pushed Inmate Williams away from the officers and then Inmate Walter Suah, DC #M36158, also attempts to hold Inmate Williams back from the officers.

9:54:30 – Inmate Myrtil entered the camera view and immediately joined Inmates Williams and Sauveur.

9:455:14 – Inmate Williams struck Sergeant in the face with a closed fist and simultaneously Inmate Myrtil struck Officer in the face with a closed fist and pushed him backward while Inmate Sauveur struck Sergeant in the face with a closed fist. Inmate Williams continued to strike Officer with closed fists, pushed him between the benches and Inmate Sauveur continued his attack on Sergeant

9:55:39 – Inmate Williams threw Officer into the stair railing which caused Officer head to strike the railing. Inmate Williams then picked Officer up and threw him to the concrete floor.
9:56:06 – Inmate Myrtil, who took Officer’s radio from him preventing him from calling for additional assistance, struck Officer with closed fists and used the radio to repeatedly strike Sergeant in the head and facial area, then stomped on Sergeant. Inmate Myrtil then went to where Officer was already on the ground and struck him with closed fists.

From the camera, the following was observed:

9:54:23 – Inmate Myrtil exited the shower cell.

9:55:18 – Inmate Myrtil threw Officer over the benches and continued to strike Officer in the head and facial area with closed fists.

9:55:21 – Inmate Williams is seen striking Officer with closed fists.

9:55:24 – Inmate Myrtil picked Officer up and slammed him to the ground.

9:55:29 – Inmate Vincent exits the shower cell and went up behind Officer and struck him with closed fists in the facial area. Inmate Vincent then approached Sergeant who was on the ground under attack of Inmates Myrtil and Sauveur, and struck him with closed fists, then stomped Sergeant on the back.

9:55:33 – Inmate Myrtil and Inmate Williams have Sergeant on the ground and have pulled Sergeant jacket over his head to prevent him from defending himself, while they continue to attack him.

NOTE: A copy of the DVD containing the fixed wing camera footage was placed in the Temporary Storage Locker in the Main Unit Control Room by Inspector Harris. The file was too large to be uploaded into IGIIS and will be included in the case file.

On January 1, 2018, in his digitally recorded, sworn statement, obtained by Inspector James K. Maloney at Sacred Heart Hospital, Emergency Room #3, Correctional Sergeant advised
During the interview, Sergeant __ advised the following inmates were involved: Inmate Andre Williams, Inmate Brown, and Inmate Myrtil, and the Inmate Barber was out as well, but was unable to provide the inmate's name.

Inspector Kate Gustafson collected Sergeant __ blood soaked uniform shirt from him, while he was at the hospital. This shirt was hung overnight to dry, then secured in the Temporary Storage Locker by Inspector Harris.

On January 1, 2018, in his digitally recorded, sworn statement, obtained by Inspector James K. Maloney at Sacred Heart Hospital, outside cafeteria area, Correctional Officer __ advised
During the interview, Inspector James K. Maloney observed several scratches about Officer’s face, the area under his left eye began to bruise and swell, and he was walking slowly due to his back being injured.

On January 1, 2018, in his digitally recorded, sworn statement, obtained by Inspector Kate Gustafson at Sacred Heart Hospital, in Emergency Room 27, Correctional Officer indicated he was assigned as an Internal Security Officer and was not assigned to a specific dormitory. Officer Coates responded to E-dormitory following the initial request for further assistance in the dormitory.

Officer Coates indicated when he arrived into wing one (1) of E-dormitory, he observed Officer with a bloody face stumbling out the wing. Officer Coates also observed two other unidentified officers with an unidentified inmate in a prone position on the ground attempting to apply wrist restraints.

Officer Coates stated as he was walking around the wing attempting to establish where assistance was needed, he observed four (4) inmates in a shower cell. Inmate Coates advised he could see the faces of two of the inmates. However, he could not provide their names. Officer Coates explained as he approached the shower cell, one of the inmates, later identified as Inmate Andrew Williams, DC# L66623, spat through the shower door, striking Officer Coates in the face and getting on his lips and mouth.
Inspector Maloney attempted an interview of Inmate Walter Suah, DC #M36158, who refused to provide a statement.

Inspector Gustafson attempted an interview of Inmate Kurtis Richard, DC #I46743, who refused to provide a statement and signed an interview refusal.

Inspector James K. Maloney attempted to conduct an interview of Inmate Andre Williams, at approximately 5:30 p.m. inside the classroom of G-Dormitory, who refused to provide a statement. Inspector James K. Maloney advised Inmate Williams why he was there, in which Inmate Williams spontaneously uttered, “I was provoked by [redacted] and [redacted] and that is why I did what I did, you all don’t care how they treat us.”

Inspector James K. Maloney attempted to conduct an interview of Inmate Markus Vincent, DC #B13075, at approximately 5:48 p.m. inside the classroom of D-Dormitory, who refused to provide a statement.

Inspector Kate Gustafson attempted to conduct an interview of Inmate Johnslow Sauveur, DC# B11923, at approximately 5:45 p.m. inside D-dormitory. Inmate Sauveur refused to be removed from the cell and declined to provide a statement.

Inmate Kate Gustafson attempted to conduct an interview of Inmate Dukene Myrtil, DC# M56396, at approximately 5:55 p.m., inside a classroom in C-Dormitory. Inmate Myrtil was advised of his Miranda Rights, which he waived and advised he was not involved in the incident. Inmate Myrtil alleged he was inside a locked shower cell during the entire incident.

Based on the evidence, witnesses’ statements and victims’ statements, Senior Inspector Stacy L. Harris and Inspectors James K. Maloney and Kate Gustafson then effected the following arrests:

At approximately 7:53 p.m., Inmate Andrew Williams was arrested and charged with two counts of Aggravated Battery on a Law Enforcement Officer and Battery on a Law Enforcement Officer and transported to the Santa Rosa County Jail.

At approximately 7:59 p.m., Inmate Johnslow Sauveur was arrested and charged with Aggravated Battery on a Law Enforcement Officer and transported to the Santa Rosa County Jail.

At approximately 7:59 p.m., Inmate Markus Vincent was arrested and charged with Battery on a Law Enforcement Officer and transported to the Santa Rosa County Jail.

At approximately 8:22 p.m., Inmate Dukene Myrtil was arrested and charged with three counts of Aggravated Battery on a Law Enforcement Officer and Depriving Officer of Means of Communication and transported to the Santa Rosa County Jail.

All evidence was entered into IGIIS and copies of the DC1-801 forms, Chain of Custody, were uploaded into the case file.

On January 4, 2018, Inspectors Harris and Maloney met with Assistant State Attorney James Parker and Special Prosecutor Matt Gordon and presented the case for review. Video from the incident was reviewed and all related documents, to date, as well as a dormitory floor plan was presented. Mr.

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Gordon and Mr. Parker set up a meeting for Monday January 8, 2018, at 2:00 p.m., to tour E–Dormitory, the scene of the crime. Mr. Gordon requested an additional two hours of video for review in order to determine if there was any evidence of the subjects meeting prior to the incident for determination of a possible conspiracy charge. Mr. Parker advised the case file would be reviewed for the possibility of enhancing the charge to attempted murder, if warranted.

On January 8, 2018, Inspectors Maloney and Harris met with Mr. Parker and Mr. Gordon, at Santa Rosa Correctional Institution, and escorted them to E-Dormitory where a review of the area the crime occurred was conducted. Mr. Gordon was provided a copy of the hand-held videos from the post-use of force of Inmates Sauveur, Vincent and Myrtil for his case file, as well as a copy of the additional two hours of requested video footage.

On January 19, 2018, the Office of the State Attorney direct filed charges of the subjects involved as indicated below.

This investigation did not reveal any violations of Florida Administrative Code or FDC procedures.

VII. CHARGES

Inmate Dukene Myrtil:

- Violation of 784.045 (1)(a), Florida Statute, A person commits aggravated battery who, in committing battery: 1. Intentionally or knowingly causes great bodily harm, permanent disability, or permanent disfigurement; or 2. Uses a deadly weapon. (Aggravated Battery – 3 Counts)

- Violation of 843.025, Florida Statute, A person commits a person did unlawfully deprive a correctional officer of the means to defend himself or summon assistance. (Depriving an Officer of Means of Communication)

Inmate Andrew Williams:

- Violation of 784.045 (1)(a), Florida Statute, A person commits aggravated battery who, in committing battery: 1. Intentionally or knowingly causes great bodily harm, permanent disability, or permanent disfigurement; or 2. Uses a deadly weapon. (Aggravated Battery – 3 Counts)

- Violation of § 784.07 (2)(b) Florida Statute, any person who commits an assault or battery on a law enforcement officer by unlawfully and intentionally touch, strike, or cause bodily harm against the officer while in the performance of his/her lawful duty. (Battery on a Law Enforcement Officer)

Inmate Johnslow Sauveur:

- Violation of 784.045 (1)(a), Florida Statute, A person commits aggravated battery who, in committing battery: 1. Intentionally or knowingly causes great bodily harm, permanent disability, or permanent disfigurement; or 2. Uses a deadly weapon. (Aggravated Battery – 3 Counts)

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Inmate Markus Vincent:

- Violation of 784.045 (1)(a), Florida Statute, A person commits aggravated battery who, in committing battery: 1. Intentionally or knowingly causes great bodily harm, permanent disability, or permanent disfigurement; or 2. Uses a deadly weapon. *(Aggravated Battery – 3 Counts)*

VIII. CONCLUSION

Based on the information gathered during this investigation, it is the recommendation of Lead Senior Inspector Stacy L. Harris the allegation against Inmate Dukene Myrtil, DC #M56396, for Aggravated Battery on LEO, in violation of 784.045(1)(a) – 3 Counts; Depriving an Officer of Means of Communication, in violation of 843.025, be termed as follows:

- Closed by Arrest

Based on the information gathered during this investigation, it is the recommendation of Lead Senior Inspector Stacy L. Harris the allegation against Andre Williams, DC #L66623, for Aggravated Battery on LEO, in violation of 784.045(1)(a) – 3 Counts; and for Battery on a Law Enforcement Officer in violation of 784.07(2)(b), be termed as follows:

- Closed by Arrest

Based on the information gathered during this investigation, it is the recommendation of Lead Senior Inspector Stacy L. Harris the allegation against Johnslow Sauveur, DC #B11923, for Aggravated Battery on LEO, in violation of 784.045(1)(a) – 3 Counts, be termed as follows:

- Closed by Arrest

Based on the information gathered during this investigation, it is the recommendation of Lead Senior Inspector Stacy L. Harris the allegation against Markus Vincent, DC #B13075 for Aggravated Battery on LEO, in violation of 784.045(1)(a) – 3 Counts, be termed as follows:

- Closed by Arrest