

# Florida Department of Corrections



## Office of the Inspector General

**CRIMINAL INVESTIGATION  
INVESTIGATIVE ASSIST  
CASE # 15-16565**



FLORIDA DEPARTMENT OF CORRECTIONS  
OFFICE OF THE INSPECTOR GENERAL  
**INVESTIGATIVE ASSIST SUMMARY REPORT**



**Table of Contents**

<b><u>I. AUTHORITY</u></b>	<b>4</b>
<b><u>II. METHODOLOGY</u></b>	<b>4</b>
<b><u>III. ANALYSIS</u></b>	<b>4</b>
<b><u>IV. DEFINITIONS</u></b>	<b>5</b>
<b><u>V. PREDICATE</u></b>	<b>6</b>
<b><u>VI. SUMMARY OF INVESTIGATIVE FINDINGS</u></b>	<b>6</b>
<b><u>VII. CHARGES</u></b>	<b>7</b>
<b><u>VIII. CONCLUSION</u></b>	<b>8</b>



FLORIDA DEPARTMENT OF CORRECTIONS  
OFFICE OF THE INSPECTOR GENERAL  
**INVESTIGATIVE ASSIST SUMMARY REPORT**



**Case Number:** 15-16565

**OIG Inspector:** Inspector Randall Merritt

**Outside Agency:** Florida Department of Law Enforcement

**Outside Agency Investigator:** Special Agent David Maurer

**Date Assigned or Initiated:** 07-30-2015

**Complaint Against:** Sergeant Kevin Faltz and Officer William Moody

**Location of Incident – Institution/Facility/Office:** 279 Baker Correctional Institution

**Complainant:** Kaila Conner

**Outside Agency Case #:** JA-27-0058

**Use of Force Number:** N/A

**PREA Number:** N/A

**Classification of Incident:** 15E Accidental Death (Unattended)

**Confidential Medical Information Included:**  Yes  No

**Whistle-Blower Investigation:**  Yes  No

**Chief Inspector General Case Number:** N/A



FLORIDA DEPARTMENT OF CORRECTIONS  
OFFICE OF THE INSPECTOR GENERAL  
**INVESTIGATIVE ASSIST SUMMARY REPORT**



**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.



FLORIDA DEPARTMENT OF CORRECTIONS  
OFFICE OF THE INSPECTOR GENERAL  
**INVESTIGATIVE ASSIST SUMMARY REPORT**



**IV. DEFINITIONS**

**Unfounded:**

Refers to a disposition of a criminal case for which probable cause does not exist to suggest the suspect's behavior or action occurred nor is an arrest or formal charge being initiated.

**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.

**Investigative Assist Closed**

Refers to a disposition of an investigative assist, where the conduct being investigated by the outside agency did not concern allegations against a Department employee, contractor, inmate, offender, or other person either employed or under the supervision of the Department.



FLORIDA DEPARTMENT OF CORRECTIONS  
OFFICE OF THE INSPECTOR GENERAL  
**INVESTIGATIVE ASSIST SUMMARY REPORT**



**V. PREDICATE**

On July 27, 2015, at 11:52 AM, Inspector Supervisor Joey Aretino received a text from the Emergency Action Center advising Baker Correctional Institution had a Use of Force with Inmate Antonio Gallashaw DC# 148981. Inmate Gallashaw [REDACTED]

[REDACTED] On January 28, 2015, at approximately 12:04 pm, Inmate Antonio Gallashaw was pronounced deceased by [REDACTED]. The primary cause of death was [REDACTED]. This information was reported via the Management Information Notes System (MINS) on July 29, 2015. It was assigned as an Investigative Assist to Inspector Randall Merritt on July 30, 2015. Florida Department of Law Enforcement (FDLE) Special Agent (SA) David Maurer is the lead investigator on this case. **FDLE Case # JA-27-0058.**

**VI. SUMMARY OF INVESTIGATIVE FINDINGS**

Based on the exhibits, witnesses' testimony, subject officer's statements, and the record as a whole, presented or available to the primary inspector, the following findings of facts were determined:

On July 27, 2015, Baker Correctional Institution had a Use of Force with [REDACTED] incident with Inmate Antonio Gallashaw DC# 148981. Inmate Gallashaw was transported [REDACTED]

[REDACTED] An Office of the Inspector General (OIG) team consisting of Lead Senior Inspector Stacy Fish, Inspectors Kenneth Smith, Randy Merritt, and Glenn Wyche responded to Baker CI. This OIG team was assembled to provide Investigative Assistance to the Florida Department of Law Enforcement (FDLE) Special Agent Supervisor Matt Walsh and a team of Special Agents. The FDLE assumed the lead role of this investigation pursuant to a Memo of Understanding (MOU).

On July 28, 2015, Inmate Antonio Gallashaw was pronounced deceased by [REDACTED] due to [REDACTED] while housed at the [REDACTED]. Senior Inspector Kevin Ortiz responded and documented his findings in Investigative Report 15-16565/1.

On July 29, 2015, Inspector Randall Merritt along with FDLE Special Agent David Maurer attended Examiner's Office in Jacksonville, Florida. The autopsy was conducted by Medical Examiner, Doctor Peter Gillespie. Doctor Gillespie found [REDACTED] that contributed to the death. He advised that [REDACTED]. He concluded the probable cause of death was [REDACTED]. Official autopsy findings are pending the toxicology report.

On August 19, 2015, Inspector Merritt met with FDLE Special Agents David Maurer and George Dandelake at Baker Correctional Institution. Inspector Merritt provided Investigative assistance by coordinating the interviews of multiple Department of Corrections (DOC) staff involved in FDLE Case # JA-27-0058. On the same date, Inspector Merritt travelled with the same Special Agents to the DOC Region Two Personnel Office in Raiford, Florida. The agents needed access to review specific personnel files of DOC staff involved in FDLE Case # JA-27-0058.



FLORIDA DEPARTMENT OF CORRECTIONS  
OFFICE OF THE INSPECTOR GENERAL  
**INVESTIGATIVE ASSIST SUMMARY REPORT**



On January 28, 2016, Inspector Randall Merritt received the Autopsy Report, Medical Examiner Report, and the Toxicology Report from the Medical Examiner's Office in Jacksonville, on deceased Inmate Antonio Gallashaw DC# 148981. Associate Medical Examiner Peter Gillespie listed the manner of death for Robinson as Accidental. The cause of death was listed as [REDACTED] following probable [REDACTED]. No evidence of foul play was noted.

On February 8, 2016, District 5 OIG Supervisor Joe Aretino received the Investigative Summary for FDLE case JA-27-0058 from SA Davis Maurer. The summary outlined the investigation and found no improper conduct by staff during the Use of Force. The findings based upon the Medical Examiner concluded the cause of death was "[REDACTED] following probable [REDACTED]. The manner of death was an "Accident."

On April 5, 2016, Inspector Merritt requested a case status update from SA Maurer on FDLE Case JA-27-0058. As of the last report, the case closure was pending case review by the State Attorney's Office. SA Maurer indicated he was still waiting on the final review by the State Attorney's Office.

On June 21, 2016, Health Services Administrator (HAS) Diane Parrish at Baker CI requested a copy of the Autopsy for Inmate Antonio Gallashaw. Inspector Merritt forwarded that request to FDLE SA David Maurer. He is the lead case agent on this investigation. SA Maurer approved the request by email. The requested information was forwarded by email to HSA Parrish on June 22, 2016.

On November 1, 2016, Inspector Merritt received the evidence from the Investigative Assist case from FDLE SA Maurer. The evidence will be relinquished to the District 5 Evidence Custodian for storage until any/all Civil Litigation is completed.

- (1) Paper bag containing two pair of boxer shorts, one pair of blue pants, and one white shirt.
- (2) Plastic bag containing hand written letter.
- (3) Plastic bag containing bag with residue.

The above items were turned in to the Evidence Custodian on November 2, 2016.

In September of 2015, SA Maurer forwarded his case findings to Assistant State Attorney (ASA) Ralph Yazdiya of the 8th Judicial Circuit for review. Upon its reception an independent investigation was initiated by ASA Yazdiya. On November 21, 2016, SA Maurer was notified that the State Attorney had completed their investigation and determined no criminal charges would be pursued against the officers involved. Based on the findings, SA Maurer is closing the case.

## **VII. CHARGES**

### **List alleged violations of Florida Law:**

None



FLORIDA DEPARTMENT OF CORRECTIONS  
OFFICE OF THE INSPECTOR GENERAL  
**INVESTIGATIVE ASSIST SUMMARY REPORT**



**VIII. CONCLUSION**

Based on the Medical Examiner's Report, and the investigative findings, and the State Attorney's Office declination, Special Agent David Maurer closed the Florida Department of Law Enforcement death case # JA-27-0058.

Based on the review of the Medical Examiner's findings and the closure of the FDLE investigation, Inspector Randall Merritt recommends this Investigative Assist be closed as:

"Exceptionally Cleared"

*During the course of this investigation there were no administrative issues identified.*