

**STATE OF FLORIDA
IN THE COUNTY COURT OF THE FOURTEENTH JUDICIAL CIRCUIT
IN AND FOR CALHOUN COUNTY FLORIDA**

STATE OF FLORIDA,

-vs-

JASON ALEXANDER BARWICK,
Defendant

UCN: 072021MM000204MMAXMX

Case Number: 21000204MMAXMX

JASON ALEXANDER BARWICK
[REDACTED]
[REDACTED]

Charges:

SEQ #	CNT #	CHARGE	LVL DGR
1	0	944 35 3a1 MALICIOUS BATTERY	Misdemeanor First Degree

NOTICE TO APPEAR

TO THE ABOVE NAMED DEFENDANT(S):

You are hereby notified that the above styled case has been scheduled for: ARRAIGNMENT

This is your NOTICE TO APPEAR ON 01/20/2022 at 08:15 AM before the Honorable KEVIN GROVER in COURTOOM of MAIN COURTHOUSE 20859 Central Ave, Blountstown, FL.

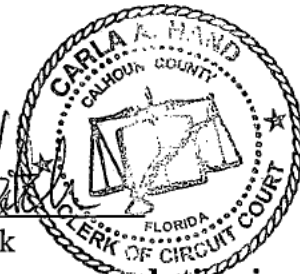
Please advise if this office can be of further assistance.

Notice: Failure of said defendant to appear as above required and requested will cause a capias to be issued for the arrest of said defendant and bail bond to be forfeited as provided by and in compliance with the statutes and laws of Florida.

WITNESS my hand and the seal of said Court on 12/29/2021.

Carla Hand
Clerk of the Court

BY: 
Deputy Clerk



If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the Court Administrator's office

as 300 East 4th Street, Panama City, FL 32401, Telephone (850) 747-5717 at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing impaired, call 711.

Adult Def PC Arrest
 Juvenile Def Application for
Warrant/Capias

AFFIDAVIT - COMPLAINT

Clerk's Case No. _____
SA Case No.(s) _____

PAGE 01 of 3

Agency ORI # **FL037275C**

1. Agency Name: Florida Department of Corrections		2. Agency Report Number: 21-07434		3. Charge Type: <input type="checkbox"/> Felony <input checked="" type="checkbox"/> Misdemeanor <input type="checkbox"/> Misdemeanor w/associated felony		3a. Ordinance Type: (If applicable) <input type="checkbox"/> Municipal <input type="checkbox"/> County	
4. Date/Time of Offense: 5/16/21, 6:00 p.m.		5. Date/Time of Arrest:		8. Arresting Officer:		7. Investigating Officer: Senjior Inspector Ken Futch	

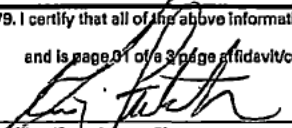
8. Defendant's Name: (Last) Barwick		(First) Jason		(Middle) Alexander		ALIAS		9. OBTS:	
10. Race/Sex: W/M		11. Date of Birth:		12. Residence Type: <input type="checkbox"/> Florida <input type="checkbox"/> City <input checked="" type="checkbox"/> County <input type="checkbox"/> Out of State		13. Weapon Seized: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		14. Controlled Substance Seized: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No TYPE & QUANTITY:	
15. Height: 5'10"		16. Weight: 200		17. Eye Color: Brn		18. Hair Color: Brn		19. Scars, marks, tattoos, unique physical features: (Location, type & description)	
20. Driver's License Number/State:		21. Social Security Number:		22. Residential Telephone:		23. Business Telephone:			
24. Address: (Street, Apartment Number)		(City)		(State)		(Zip)			

25. Defendant's Name: (Last)		(First)		(Middle)		ALIAS		26. OBTS:	
27. Race/Sex:		28. Date of Birth:		29. Residence Type: <input type="checkbox"/> Florida <input type="checkbox"/> City <input type="checkbox"/> County <input type="checkbox"/> Out of State		30. Weapon Seized: <input type="checkbox"/> Yes <input type="checkbox"/> No		31. Controlled Substance Seized: <input type="checkbox"/> Yes <input type="checkbox"/> No TYPE & QUANTITY:	
32. Height:		33. Weight:		34. Eye Color:		35. Hair Color:		36. Scars, marks, tattoos, unique physical features: (Location, type & description)	
37. Driver's License Number/State:		38. Social Security Number:		39. Residential Telephone:		40. Business Telephone:			
41. Address: (Street, Apartment Number)		(City)		(State)		(Zip)			

42. Defendant's Name: (Last)		(First)		(Middle)		ALIAS		43. OBTS:	
44. Race/Sex:		45. Date of Birth:		46. Residence Type: <input type="checkbox"/> Florida <input type="checkbox"/> City <input type="checkbox"/> County <input type="checkbox"/> Out of State		47. Weapon Seized: <input type="checkbox"/> Yes <input type="checkbox"/> No		48. Controlled Substance Seized: <input type="checkbox"/> Yes <input type="checkbox"/> No TYPE & QUANTITY:	
49. Height:		50. Weight:		51. Eye Color:		52. Hair Color:		53. Scars, marks, tattoos, unique physical features: (Location, type & description)	
54. Driver's License Number/State:		55. Social Security Number:		56. Residential Telephone:		57. Business Telephone:			
58. Address: (Street, Apartment Number)		(City)		(State)		(Zip)			

59. Charge Description: (# 1) Malicious Battery		60. Statute or Ordinance Number: 944.35(3)(a)(1)		<input checked="" type="checkbox"/> F.S. <input type="checkbox"/> Ord.	
61. Charge Description: (# 1)		62. Statute or Ordinance Number:		<input type="checkbox"/> F.S. <input type="checkbox"/> Ord.	
63. Charge Description: (# 1)		64. Statute or Ordinance Number:		<input type="checkbox"/> F.S. <input type="checkbox"/> Ord.	

65. Victim's Name: (if business, list legal business name) (Last)		(First)		(Middle)		66. Race/Sex		67. Date of Birth:		68. Telephone Number:	
69. Contact Person if victim is deceased, a minor child, or business: (Last)		(First)		(Middle)		70. Race/Sex		71. Date of Birth:		72. Telephone Number:	
73. Address: (Street, Apartment Number)		(City)		(State)		(Zip)				74. Secondary Phone Number:	
75. Victim Notification of Arrest: NOTIFIED BY: _____ DATE: _____ TIME: _____						76. Information Given: <input type="checkbox"/> Victim <input type="checkbox"/> Rights Card <input type="checkbox"/> App. Info			<input type="checkbox"/> Arrest Info <input type="checkbox"/> Domestic <input type="checkbox"/> Viol. Info		

77. Physical Evidence collected in this case? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		78. Witness Statements taken in this case? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		79. I certify that all of the above information is true and correct to the best of my knowledge and is page 01 of a 3 page affidavit/complaint.			
Evidence Custodian's Name: Paul Hoff		Person responsible for statements: Ken Futch		 Officer/Complainant Signature		Ken Futch Type or print Complainant name	

In a sworn statement, Officer Sherry Lipford was assigned to the recreation yard tower when Inmate [redacted] was observed running and eventually dropped to the ground with hands raised. Officer Lipford witnessed Sergeant Barwick pull Inmate [redacted] to the ground while Sergeant Barwick ordered Inmate [redacted] to stop resisting. Due to the distance from the tower, Officer Lipford did not witness Sergeant Barwick apply chemical agents. Officer Lipford witnessed Sergeant Barwick and Officer Smith kick Inmate [redacted] after Inmate [redacted] was on the ground. Officer Lipford thought Officer Smith kicked Inmate [redacted] in the head as Sergeant Barwick kicked and hit Inmate [redacted] more than once. Officer Lipford did not witness Inmate [redacted] resist and described Inmate [redacted] as trying to cover up. Officer Lipford did not witness Sergeant Lee or Officer Martin hit Inmate [redacted]

In a post Miranda sworn statement, Sergeant Barwick [redacted]

In a post Miranda sworn statement, Officer Smith [redacted]

Your Affiant respectfully submits probable cause established Sergeant Jason Barwick did, on the grounds of Calhoun Correctional Institution, Calhoun County, Blountstown, Florida, commit the criminal offense of Malicious Battery on Inmate [redacted] in violation of s. 944.35(3)(a)(1). Your Affiant respectfully request a Notice to Appear be issued for Sergeant Jason Barwick, W/M, DOB [redacted] for 1 counts of s 944.35(3)(a)(1), the laws relating to Malicious Battery.

85. The undersigned, being duly sworn, states that the foregoing information contained in an affidavit consisting of 3 pages is true and correct to the best of his/her knowledge

Sworn to and subscribed before me this 21 day of December, 2021

[Signature]
Signature of Person Administering Oath

Personally Known Other Identification

Seal

[Signature]
ID Type

[Signature]
Signature of Officer/Complainant

Ken Futch
Officer/Complainant's Name (Printed)

72337
ID Number

87. Adult's Relation to Juvenile Defendant: <input type="checkbox"/> Parent <input type="checkbox"/> Legal Guardian <input type="checkbox"/> Other		88. Adult's Name: (Last)		(First)	(Middle)
89. Address: (Street, Apartment Number) (City) (State) (Zip)			90. Residential Phone:		91. Business Phone
92. Notified By: (Name)			93. Date/Time:		94. Notification Method: <input type="checkbox"/> Person <input type="checkbox"/> Telephone
95. Law Enforcement Disposition of Juvenile Contact: (Check one and complete release date)		Transferred to <input type="checkbox"/> Secure Detention		Released to <input type="checkbox"/> HRS Intake Officer, not detained	
Release Date: _____ Release Time: _____ Released to (Name): _____		Processed within the agency and released <input type="checkbox"/> to other than HRS			

IN THE COUNTY COURT, FOURTEENTH JUDICIAL CIRCUIT
OF THE STATE OF FLORIDA, IN AND FOR CALHOUN COUNTY

CALHOUN COUNTY CLERK
FILED FOR RECORD

State of Florida,

Case Number:

2021 DEC 28 PM 12:31

vs.

Charges:

1) MALICIOUS BATTERY
CLERK OF COURTS

JASON ALEXANDER BARWICK

W/M DOB: [REDACTED]

INFORMATION

William L. Wright, Assistant State Attorney for the Fourteenth Judicial Circuit of Florida, duly appointed and designated to sign Informations on behalf of Larry Basford, State Attorney, prosecuting for said State of Florida, in the name and by the authority of the State of Florida, in the County of Calhoun, under oath informs the Court that:

COUNT I: Jason Alexander Barwick, in county and state aforesaid, on or about May 16, 2021, while being an employee of the Department of Corrections, with malicious intent, did unlawfully touch or strike [REDACTED] an inmate with the Department of Corrections, by kicking the victim, contrary to Florida Statute 944.35(3)(a)1. (M1 - LM)

William L. Wright, as Assistant State Attorney for the Fourteenth Judicial Circuit of Florida, under oath, states that the allegations set forth in this Information are based on facts that have been sworn to as true, under oath by material witness(es), and which, if true, would constitute the offense therein charged, and this Information is filed in good faith.

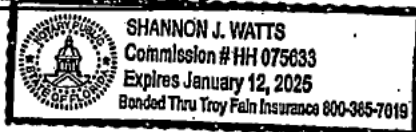
The foregoing instrument was acknowledged before me by means of physical presence this 28th day of December, 2021, by William L. Wright, who is personally known to me and did take an oath.

LARRY BASFORD
STATE ATTORNEY
14TH CIRCUIT

By:



Shannon J. Watts
Notary Public



**STATE OF FLORIDA
IN THE COUNTY COURT OF THE FOURTEENTH JUDICIAL CIRCUIT
IN AND FOR CALHOUN COUNTY FLORIDA**

STATE OF FLORIDA,

-vs-

PAYTON LEIGH SMITH,

Defendant

UCN: 072021MM000205MMAXMX

Case Number: 21000205MMAXMX

PAYTON LEIGH SMITH
[REDACTED]

Charges:

SEQ #	CNT #	CHARGE	LVL DGR
1	0	944 35 3a1 MALICIOUS BATTERY	Misdemeanor First Degree

NOTICE TO APPEAR

TO THE ABOVE NAMED DEFENDANT(S):

You are hereby notified that the above styled case has been scheduled for: ARRAIGNMENT

This is your NOTICE TO APPEAR ON 01/20/2022 at 08:15 AM before the Honorable KEVIN GROVER in COURTOOM of MAIN COURTHOUSE 20859 Central Ave, Blountstown, FL.

Please advise if this office can be of further assistance.

Notice: Failure of said defendant to appear as above required and requested will cause a capias to be issued for the arrest of said defendant and bail bond to be forfeited as provided by and in compliance with the statutes and laws of Florida.

WITNESS my hand and the seal of said Court on 12/29/2021.

Carla Hand
Clerk of the Court

BY:  072021MM000205MMAXMX

Deputy Clerk



If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the Court Administrator's office

as 300 East 4th Street, Panama City, FL 32401, Telephone (850) 747-5717 at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing impaired, call 711.

Adult Def PC Arrest
 Juvenile Def Application for
Warrant/Capias

AFFIDAVIT - COMPLAINT

Clerk's Case No. _____

SA Case No.(s) _____

PAGE 01 of 3

Agency ORI # **FL037275C**

1. Agency Name: Florida Department of Corrections		2. Agency Report Number: 21-07434		3. Charge Type: <input type="checkbox"/> Felony <input checked="" type="checkbox"/> Misdemeanor <input type="checkbox"/> Misdemeanor w/associated felony <input type="checkbox"/> Municipal <input type="checkbox"/> County		3a. Ordinance Type: (if applicable)	
4. Date/Time of Offense: 5/16/21, 6:00 p.m.		5. Date/Time of Arrest:		6. Arresting Officer:		7. Investigating Officer: Senior Inspector Ken Futch	

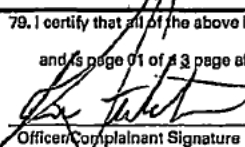

8. Defendant's Name: (Last) Smith			(First) Payton			(Middle) Leigh			ALIAS			26. OBTS:			
10. Race/Sex: W/F		11. Date of Birth:		12. Residence Type: <input type="checkbox"/> City <input checked="" type="checkbox"/> County <input type="checkbox"/> Florida <input type="checkbox"/> Out of State			13. Weapon Seized: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			14. Controlled Substance Seized: TYPE & QUANTITY: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			<div style="writing-mode: vertical-rl; transform: rotate(180deg);"> HARRISON COUNTY CLERK FILED FOR RECORD MAY 28 2021 12:28 PM </div>		
15. Height: 5'4"		16. Weight: 150		17. Eye Color: Brn		18. Hair Color: Brn		19. Scars, marks, tattoos, unique physical features: (Location, type & description):							
20. Driver's License Number/State:			21. Social Security Number:			22. Residential Telephone:			23. Business Telephone: 850-237-6500						
24. Address: (Street, Apartment Number)			(City)			(State)			(Zip)						

25. Defendant's Name: (Last)			(First)			(Middle)			ALIAS			26. OBTS:		
27. Race/Sex:		28. Date of Birth:		29. Residence Type: <input type="checkbox"/> City <input type="checkbox"/> County <input type="checkbox"/> Florida <input type="checkbox"/> Out of State			30. Weapon Seized: <input type="checkbox"/> Yes <input type="checkbox"/> No			31. Controlled Substance Seized: TYPE & QUANTITY: <input type="checkbox"/> Yes <input type="checkbox"/> No				
32. Height:		33. Weight:		34. Eye Color:		35. Hair Color:		36. Scars, marks, tattoos, unique physical features: (Location, type & description):						
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42. Defendant's Name: (Last)			(First)			(Middle)			ALIAS			43. OBTS:		
44. Race/Sex:		45. Date of Birth:		46. Residence Type: <input type="checkbox"/> City <input type="checkbox"/> County <input type="checkbox"/> Florida <input type="checkbox"/> Out of State			47. Weapon Seized: <input type="checkbox"/> Yes <input type="checkbox"/> No			48. Controlled Substance Seized: TYPE & QUANTITY: <input type="checkbox"/> Yes <input type="checkbox"/> No				
49. Height:		50. Weight:		51. Eye Color:		52. Hair Color:		53. Scars, marks, tattoos, unique physical features: (Location, type & description):						
54. Driver's License Number/State:			55. Social Security Number:			56. Residential Telephone:			57. Business Telephone:					
58. Address: (Street, Apartment Number)			(City)			(State)			(Zip)					

59. Charge Description: (# 1) Malicious Battery					60. Statute or Ordinance Number: 944.35(3)(a)(1)			<input checked="" type="checkbox"/> F.S. <input type="checkbox"/> Ord.	
61. Charge Description: (# 1)					62. Statute or Ordinance Number:			<input type="checkbox"/> F.S. <input type="checkbox"/> Ord.	
63. Charge Description: (# 1)					64. Statute or Ordinance Number:			<input type="checkbox"/> F.S. <input type="checkbox"/> Ord.	

65. Victim's Name: (if business, list legal business name) (Last)			(First)			(Middle)			66. Race/Sex:		67. Date of Birth:		68. Telephone Number:	
69. Contact Person if victim is deceased, a minor child, or business: (Last)			(First)			(Middle)			70. Race/Sex:		71. Date of Birth:		72. Telephone Number:	
73. Address: (Street, Apartment Number)			(City)			(State)			(Zip)			74. Secondary Phone Number:		
75. Victim Notification of Arrest: NOTIFIED BY: _____ DATE: _____ TIME: _____								76. Information Given: <input type="checkbox"/> Arrest Info <input type="checkbox"/> Victim <input type="checkbox"/> Rights Card <input type="checkbox"/> App. Info <input type="checkbox"/> Domestic <input type="checkbox"/> Viol. Info						

77. Physical Evidence collected in this case? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		78. Witness Statements taken in this case? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		79. I certify that all of the above information is true and correct to the best of my knowledge and is page 01 of a 3 page affidavit/complaint.	
Evidence Custodian's Name: Paul Hoff		Person responsible for statements: Ken Futch		 Officer/Complainant Signature	
				 Type or print Complainant name	

Adult Def PC Arrest
 Juvenile Def Application for
Warrant/Capias

AFFIDAVIT – COMPLAINT (PROBABLE CAUSE NARRATIVE)

Clerk's Case No. _____

SA Case No.(s) _____

Agency ORI # FL037275C

80. Agency Name: Florida Department of Corrections	81. Agency Report Number: 21-07434	82. Date/Time of Arrest:	83. Investigating Officer: Senior Inspector Ken Futch
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84. NARRATIVE OF THE FACTUAL BASIS FOR PROBABLE CAUSE: The undersigned certifies and swears that he/she has just and reasonable grounds to believe that the heretofore named defendant did commit the violations of law as stated above and the factual basis for this belief is as follows:

Your Affiant is Law Enforcement Senior Inspector Ken Futch with the Office of the Inspector General, Florida Department of Corrections.

Your Affiant has probable cause to believe on May 16, 2021, at approximately 6:00 p.m., Officer Payton Leigh Smith did commit the criminal offense of Malicious Battery on Inmate [REDACTED] DC# [REDACTED] in a State Correctional Facility, in violation of Florida Statutes 944.35(3)(a)(1), while Inmate [REDACTED] was in the custody of the Florida Department of Corrections and while housed at Calhoun Correctional Institution, Calhoun County, Blountstown, Florida. Officer Smith did unlawfully and intentionally strike, or cause bodily harm to Inmate [REDACTED] while Officer Smith performed her official duties.

In a sworn statement, Inmate [REDACTED]

A review of fixed wing video confirmed Inmate [REDACTED] ran from officers while on the recreation yard. Inmate [REDACTED] reached the back of the recreation yard and was observed kneeling to the ground with arms/hands lifted and no signs of combative behavior. Inmate [REDACTED] laid to the ground as Sergeant Barwick approached first. Officer Smith, Sergeant Joshua Lee, and Officer Anthony Martin followed, Sergeant Barwick kicked Inmate [REDACTED] once as Inmate [REDACTED] laid on the ground. Officer Smith followed by kicking Inmate [REDACTED] once from the opposite side of Sergeant Barwick. Sergeant Barwick and Officer Martin physically engaged Inmate [REDACTED] on the ground while Officer Smith and Sergeant Lee stood in close proximity. Captain Carter is observed approaching from a distance. Due to the distance from the fixed camera, Inmate [REDACTED] resistance, if any, is undetermined. Sergeant Barwick is observed kicking Inmate [REDACTED] a second time and Inmate [REDACTED] briefly stood to his feet but was taken back to the ground by Sergeant Barwick and Officer Martin. Officer Smith and Sergeant Lee assisted with placing Inmate [REDACTED] in hand restraints as Captain Carter was now in close proximity.

In a sworn statement, Captain Carter confirmed he responded to the recreation yard after Sergeant Lee requested assistance with an unruly inmate. Captain Carter indicated from a distance, Sergeant Barwick was witnessed administering chemical agents to Inmate [REDACTED] and then kick Inmate [REDACTED] in the torso. Captain Carter then witnessed Officer Smith kick Inmate [REDACTED] in the torso about the same time. Captain Carter was unsure but indicated being 50-80 feet away when Inmate [REDACTED] was kicked. Captain Carter did not witness Inmate [REDACTED] being physically resistant and offered no justification for Inmate [REDACTED] being kicked by Sergeant Barwick and Officer Smith.

In a sworn statement, Sergeant Lee witnessed Inmate [REDACTED] stop running and go down to his (Inmate [REDACTED] knees with hands raised. Sergeant Lee witnessed Sergeant Barwick apply chemical agents to Inmate [REDACTED] face and torso after Inmate [REDACTED] was not following orders to lay down on the ground. According to Sergeant Lee, Inmate [REDACTED] went down to knees and elbows (balled up) when Sergeant Lee witnessed Sergeant Barwick kick Inmate [REDACTED]. Sergeant Lee indicated Inmate [REDACTED] was passive resistant but not combative. Sergeant Lee indicated he did not witness Officer Smith kick Inmate [REDACTED] due to his (Sergeant Lee's) focus on Inmate [REDACTED]. Sergeant Lee only witnessed Officer Martin attempt to restrain Inmate [REDACTED].

In a sworn statement, Officer Martin witnessed Inmate [REDACTED] refuse to submit to hand restraints and take off running from the recreation yard pavilion. Officer Martin and Officer Smith pursued Inmate [REDACTED] as Sergeant Lee and Sergeant Barwick came from the opposite side of the yard to assist. Officer Martin indicated Inmate [REDACTED] was cornered after being ordered several times to get down on the ground. Officer Martin witnessed Inmate [REDACTED] go down to his knees with his (Inmate [REDACTED] hands up. According to Officer Martin, Sergeant Barwick gave Inmate [REDACTED] multiple orders to lay down before Sergeant Barwick applied chemical agents. Officer Martin witnessed Inmate [REDACTED] ball up on the ground and refuse to follow Sergeant Barwick's orders to show his (Inmate [REDACTED] hands. Officer Martin witnessed Sergeant Barwick kick Inmate [REDACTED] to gain compliance and thought Inmate [REDACTED] was kicked in the upper half of his (Inmate [REDACTED] body. Officer Martin indicated Inmate [REDACTED] made verbal threats to kill all of them as Officer Martin attempted to place restraints on Inmate [REDACTED]. Officer Martin did not witness Officer Smith kick Inmate [REDACTED] and only witnessed Sergeant Barwick kick Inmate [REDACTED] once.

In a sworn statement, Officer Sherry Lipford was assigned to the recreation yard tower when Inmate [redacted] was observed running and eventually dropped to the ground with hands raised. Officer Lipford witnessed Sergeant Barwick pull Inmate [redacted] to the ground while Sergeant Barwick ordered Inmate [redacted] to stop resisting. Due to the distance from the tower, Officer Lipford did not witness Sergeant Barwick apply chemical agents. Officer Lipford witnessed Sergeant Barwick and Officer Smith kick Inmate [redacted] after Inmate [redacted] was on the ground. Officer Lipford thought Officer Smith kicked Inmate [redacted] in the head as Sergeant Barwick kicked and hit Inmate [redacted] more than once. Officer Lipford did not witness Inmate [redacted] resist and described Inmate [redacted] as trying to cover up. Officer Lipford did not witness Sergeant Lee or Officer Martin hit Inmate [redacted]

In a post Miranda sworn statement, Sergeant Barwick [redacted]

In a post Miranda sworn statement, Officer Smith [redacted]

Your Affiant respectfully submits probable cause established Officer Payton Smith did, on the grounds of Calhoun Correctional Institution, Calhoun County, Blountstown, Florida, commit the criminal offense of Malicious Battery on Inmate [redacted] in violation of s. 944.35(3)(a)(1). Your Affiant respectfully request a Notice to Appear be issued for Officer Payton Smith, W/F, DOB [redacted] for 1 counts of s 944.35(3)(a)(1), the laws relating to Malicious Battery.

85. The undersigned, being duly sworn, states that the foregoing information contained in an affidavit consisting of 3 pages is true and correct to the best of his/her knowledge

Sworn to and subscribed before me this 27 day of December, 2021

Leo Inspector Tracy Burg
 Signature of Person Administering Oath
 Personally Known Other Identification ID Type #21439

Ken Fitch
 Signature of Officer/Complainant
 Officer/Complainant's Name (Printed) 72337
 ID Number

87. Adult's Relation to Juvenile Defendant: <input type="checkbox"/> Parent <input type="checkbox"/> Legal Guardian <input type="checkbox"/> Other		88. Adult's Name: (Last)		(First)	(Middle)
89. Address: (Street, Apartment Number)		(City)	(State)	(Zip)	90. Residential Phone:
92. Notified By: (Name)		93. Date/Time:		94. Notification Method: <input type="checkbox"/> Person <input type="checkbox"/> Telephone	
95. Law Enforcement Disposition of Juvenile Contact: (Check one and complete release data)		Transferred to <input type="checkbox"/> Secure Detention		Released to <input type="checkbox"/> HRS Intake Officer, not detained	
Release Date: _____ Release Time: _____ Released to (Name): _____		Processed within the agency and released <input type="checkbox"/> to other than HRS			

IN THE COUNTY COURT, FOURTEENTH JUDICIAL CIRCUIT
OF THE STATE OF FLORIDA, IN AND FOR CALHOUN COUNTY

2021 DEC 28 PM 12:31

State of Florida,

Case Number:

vs.

Charges:

1) MALICIOUS BATTERY

CARLA HAYD
CLERK OF COURTS

PAYTON LEIGH SMITH

W/F DOB: [REDACTED]

INFORMATION

William L. Wright, Assistant State Attorney for the Fourteenth Judicial Circuit of Florida, duly appointed and designated to sign Informations on behalf of Larry Basford, State Attorney, prosecuting for said State of Florida, in the name and by the authority of the State of Florida, in the County of Calhoun, under oath informs the Court that:

COUNT I: Payton Leigh Smith, in county and state aforesaid, on or about May 16, 2021, while being an employee of the Department of Corrections, with malicious intent, did unlawfully touch or strike [REDACTED] an inmate with the Department of Corrections, by kicking the victim, contrary to Florida Statute 944.35(3)(a)1. (M1 -LM)

William L. Wright, as Assistant State Attorney for the Fourteenth Judicial Circuit of Florida, under oath, states that the allegations set forth in this Information are based on facts that have been sworn to as true, under oath by material witness(es), and which, if true, would constitute the offense therein charged, and this Information is filed in good faith.

LARRY BASFORD
STATE ATTORNEY
14TH CIRCUIT

By:



The foregoing instrument was acknowledged before me by means of physical presence this 28th day of December, 2021, by William L. Wright, who is personally known to me and did take an oath.

Shannon J. Watts
Notary Public

