

Florida Department of Corrections



Office of the Inspector General

CRIMINAL INVESTIGATION

Case # 16-09615



FLORIDA DEPARTMENT OF CORRECTIONS
OFFICE OF THE INSPECTOR GENERAL
CASE SUMMARY REPORT



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Case Number: 16-09615

Inspector: Senior Inspector E. J. Whatley

Date Assigned or Initiated: 05-15-2016

Complaint Against: N/A

Location of Incident – Institution/Facility/Office: Reception and Medical Center Hospital

Complainant: Sergeant Kevin Harris

Use of Force Number: N/A

PREA Number: N/A

Classification of Incident: Inmate Death (*Undetermined*)

Confidential Medical Information Included: Yes No

Whistle-Blower Investigation: Yes No

Equal Employment Opportunity Investigation: Yes No

Chief Inspector General Case Number: N/A



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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.



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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.



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V. PREDICATE

Sergeant Kevin Harris reported Inmate Marshall Peters #J50347, was pronounced deceased by [REDACTED]. MINS (*Management Information Notes System*) #698490 was entered and assigned to Senior Inspector E. J. Whatley as a criminal investigation on May 15, 2016, under I. G. Case Number 16-09615.

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:

At approximately 1:52 p.m., on May 13, 2016, I (*Senior Inspector E. J. Whatley*) was dispatched to [REDACTED], in reference to the reported death of Inmate Marshall Inmate Peters, DC #J50347. FDLE (*Florida Department of Law Enforcement*) was contacted by Inspector Supervisor Debra Arrant at approximately 2:30 p.m. At approximately 3:00 p.m., FDLE SAS (*Special Agent Supervisor*) Josh Mead contacted Inspector Kevin Lingis and advised they would not be responding to the death. At approximately 3:05 p.m. Inspector Lingis advised me FDLE would not be responding.

Upon arrival, I proceeded to room [REDACTED]. Present in Inmate Peters room was Officer Ricky Lee and Officer Sherry Henry. A Crime Scene Log was not initiated. I observed Inmate Peters body partially covered with a sheet and wearing a [REDACTED]. After uncovering Inmate Peters, I observed he had an [REDACTED]. Upon photographing Inmate Peters body there were no signs of trauma present.

Inmate Peters was pronounced [REDACTED] dead by [REDACTED] at 3:08 p.m. on May 12, 2016, due to [REDACTED]. Inmate Peters was [REDACTED] and remained [REDACTED] until his [REDACTED]. On May 13, 2016, Inmate Peters [REDACTED] and he was pronounced [REDACTED] deceased at 4:46 p.m., on that date by [REDACTED].

On May 7, 2016, Captain John Sandlin submitted an incident report. He reported on that date at approximately 11:50 p.m. he was advised that Inmate Marshall Peters DC #J50347 in cell G2220 in G-Dormitory which is a confinement dormitory at Baker Correctional Institution. Inmate Peters was removed from his cell carried on a blanket by officers until arriving downstairs [REDACTED]. Inmate Peters was escorted to the [REDACTED] where he was [REDACTED]. Due to Inmate Peters being [REDACTED] and [REDACTED] believing he could possibly be under the influenced of K2 aromatic stimulants, Inmate Peters was secured in [REDACTED] under [REDACTED]. Captain Sandlin indicated he advised confinement staff to secure Inmate Peters property and conduct a thorough search of his property and cell which produced negative results.



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A review of the [REDACTED] for Inmate Marshall Peters, from May 8, 2016, revealed he was [REDACTED] noted. Inmate Peters placed on [REDACTED]

On May 08, 2016, Sergeant Kaila Conner submitted an incident report. She reported on that date at approximately 9:45 a.m., Inmate Peters was transported to [REDACTED] in [REDACTED] determining Inmate Peters [REDACTED] [REDACTED]. After arriving at [REDACTED] Inmate Peters was [REDACTED] and transported [REDACTED].

A review of the fixed wing video for the 24 hours prior to Inmate Peters being discovered [REDACTED] was reviewed. There were no unusual occurrences. No one was observed entering or exiting the cell. Due to the angle of the camera it could not be determined if or what was given to Inmate Peters inside the cell.

The following is the timeline leading up to when Inmate Peters was found [REDACTED] in cell:

- 10:42.36 p.m. Lights out
- 10:44.51 p.m. Banging heard
- 10:45.12 p.m. 3 Officers enter wing
- 10:46.26 p.m. Lights on
- 10:48.44 p.m. Lights out
- 10:48.58 p.m. Officer Exit wing
- 10:49.23 p.m. Banging heard
- 10:55.30 p.m. Officer Exits side room on wing
- 10:55.40 p.m. Officer Exit's wing
- 11:34.45 p.m. Officer enters wing [REDACTED]
- 11:37.24 p.m. Officer Stops in front of Inmate Peters cell attempting to get Peters attention
- 11:41.30 p.m. Second Officer enters wing
- 11:42.46 p.m. Third Officer enters wing
- 11:44.30 p.m. Lights on
- 11:48.01 p.m. Fourth and Fifth Officer enter wing, one carrying shield
- 11:48.32 p.m. Sixth and Seventh Office enters wing
- 11:48.50 p.m. Eighth Officer enters wing
- 11:49.08 p.m. Inmate Jackson, Inmate Peters cell mate removed from cell
- 11:49.57 p.m. Inmate Jackson secured in upstairs shower
- 11:50.03 p.m. Officer Exits wing
- 11:50.42 p.m. Officer enters wing
- 11:50.52 p.m. Ninth Officer enters wing
- 11:51.08 p.m. [REDACTED] enters wing with Tenth Officer and Inmate Orderly with [REDACTED]
- 11:51.37 p.m. [REDACTED] arrives at Inmate Peters Cell
- 11:52.24 p.m. Captain enters wing
- 11:52.38 p.m. Inmate Peters removed from cell by officers toting him downstairs on blanket
- 11:53.19 p.m. Inmate Peters placed [REDACTED]
- 11:54.28 p.m. Inmate Jackson removed from shower
- 11:54.38 p.m. Inmate Jackson placed back into cell



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- 11:54.41 p.m. Officer with cup exit wing, holding door open
- 11:55.14 p.m. Inmate Peters escorted off wing [REDACTED] inmate orderly and Seven Officers.
- 11:55.36 p.m. Officer enters wing
- 11:56.08 p.m. Captain and three officer exits wing
- 11:56.25 p.m. Lights out

On May 13, 2016, Sergeant Kevin Harris submitted an incident report. He reported that on May 12, 2016, he was informed by Officer Sherry Henry, that [REDACTED] pronounced Inmate Marshall Peters DC #J50347 [REDACTED] dead at 3:15 p.m. on May 12, 2016 while in [REDACTED]. On May 13, 2016, Inmate Peters was taken into [REDACTED] Inmate Marshall was pronounced [REDACTED] dead at 4:46 p.m. on May 13, 2016, by [REDACTED] at [REDACTED]. The cause of death was listed as [REDACTED].

On May 17, 2016, during a sworn, recorded interview, Inmate Simon Inmate Jackson indicated the following:

On May 07, 2016, while in cell G2-220 in confinement at Baker Correctional Institution, his cellmate Inmate Marshall Inmate Peters DC #J50347 was observed Inmate Peters [REDACTED] on the floor. An unknown officer told him to wake Inmate Peters up. He tapped Peter's leg, stating "Eastside, Eastside get up". Inmate Peters' leg began to shake and the officer made the comment it looked like Inmate Peters was [REDACTED]. The officer told him to try and wake Inmate Peters again. He tapped Inmate Peters leg again and Inmate Peters' leg kept shaking. After he was removed from the cell, officers entered the cell and carried Inmate Peters out on a blanket.

Inmate Jackson indicated prior to Inmate Peters becoming [REDACTED] the inmate in cell G2-221, who he knew as JT (*John Tagtmeir DC #Y03292*) asked Inmate Peters about a wick. (*A wick is a piece of toilet paper on fire, like a cherry on it smoking.*) Inmate Peters told JT "I'll make a wick for you, but it'll cost you". JT stated "Give me a wick dog, I got you". He took what JT was saying as if he was going to give Inmate Peters something, but he did not know what it was. He observed Inmate Peters lite a piece of toilet paper using a battery. Inmate Peters then tied it on a string and passed it to JT. After JT received the wick, JT passed a piece of notebook paper on a string back to Inmate Peters. After Inmate Peters received the paper from JT, he (Inmate Jackson) laid down and went to sleep. When Inmate Peters gave JT the wick it was after the dinner meal but before shift change, when he (*Inmate Jackson*) laid down to sleep it was after shift change. (*Shift Change was at 7:00 p.m.*) When he woke up he observed Inmate Peters on the floor.

He had been Inmate Peters cellmate for approximately 2 weeks. During that time, he observed Inmate Peters smoking a cigarette one time. Someone passed it to him under their cell door, he did not know who passed him the cigarette. He indicated Inmate Peters was healthy and worked out by doing push-up and exercising his back and arms on shower nights. Inmate Peters did tell him he had smoked K2 while on the compound, but stopped.



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On September 30, 2016, during a sworn, recorded interview, Inmate Ryan Crews indicated the following:

On May 7, 2016, he was in confinement in cell G2219, which was next to the cell Inmate Peters was in at Baker Correctional Institution, when he heard an officer banging on Inmate Peters cell door. The officer was trying to wake Inmate Peters up and get his attention. The officer called for back-up to remove Inmate Peters from his cell. As the officers entered Inmate Peters cell, no force was used because Inmate Peters was [REDACTED] on the floor. The officers removed Inmate Peters roommate prior to removing Inmate Peters from the cell.

Inmate Crews indicated while in confinement he and Inmate Peters had conversations, mostly about trading books to read. Inmate Peters never asked him for anything. He denied asking Inmate Peters for a wick and did not hear anyone else ask him for one. He could smell the odor of tobacco and synthetic cannabinoids while in confinement, but did not know if Inmate Peters was smoking it. He did not know how the inmates were getting the tobacco and synthetic cannabinoids in confinement.

Prior to Inmate Peters being removed from the cell he did not hear any noise coming from his cell. It was quiet other than other inmates in confinement screaming at each other talking about football.

On September 30, 2016, during a sworn, recorded interview, Inmate Karl Shafer indicated the following:

On May 7, 2016, he was in cell G2221 while in confinement at Baker Correctional Institution. His roommate was Inmate John Tagtmeir DC #Y03292. He did not know Inmate Peters, who was in the cell next to him. While in the cell with Inmate Tagtmeir, he did not hear him ask anyone for a wick. He did not see Inmate Tagtmeir smoking or in possession of any tobacco or synthetic cannabinoids. He did not hear any disagreements with the roommates in the cell next to his in which Inmate Peters was located. He did not know what happened to Inmate Peters other than they carried him away with a [REDACTED]. He indicated inmates would trade stamps for coffee while in confinement and he could smell smoke in confinement all the time.

On September 16, 2016, an attempt was made to obtain a Post Miranda statement from Inmate John Tagtmeir. Inmate Tagtmeir invoked his rights and refused to give a statement.

On November 1, 2017, during a sworn, recorded interview, Inmate Jose DeJesus indicated the following:

On May 7, 2016, he was in confinement at Baker Correctional Institution. While in confinement he remembered an inmate in the cell next to him being Inmate Marshall Peters. On that date there was a banging from Inmate Peters cell and someone saying "man down, man down". When an officer arrived at Inmate Peters cell, the officer called for help. Four or five other officers responded and called for [REDACTED]. Inmate Peters was then removed from his cell. Inmate DeJesus stated when the officers took Inmate Peters downstairs, Inmate Peters head hit the stairs a couple of times. Inmate DeJesus stated he heard Inmate Peters roommate (*Inmate Simon Jackson*) tell an officer Inmate Peters had



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“Gooked” out. When he says he gooked out, he meant he was smoking “Toochie”, which is K-2, which is a synthetic cannabinoid. He further explained when they gook out from smoking the K-2 it means they are [REDACTED]. Inmate DeJesus indicated approximately 20 minutes prior to someone saying man down, he smelled the odor of K-2. He further indicated because of its strong odor, it smelled like the black K-2, known as black cat.

The fixed wing video from G-Dormitory at Baker Correctional Institution was re-reviewed. As the officers were carrying Inmate Peters down the stairs on the blanket, the officers were not seen letting the blanket drop down on the stairs as Inmate DeJesus indicated.

A review of Inmate Marshall Inmate Peters’ postmortem examination report submitted by Doctor Peter Gillespie, Associate Medical Examiner of the Inmate Jacksonville Medical Examiner’s Office, revealed the diagnoses of Inmate Peters had [REDACTED]. The cause of death could not be determined. The manner of death could not be determined. The examination revealed no signs of foul play.

VII. CHARGES

N/A

VIII. CONCLUSION

Based on the information gathered during this investigation, it is the recommendation of Senior Inspector E. J. Whatley the investigation is termed as follows:

Exceptionally Cleared

No evidence exists to indicate the death was the result of a crime or neglect.