



Florida Department Of Corrections
Office of the Inspector General
Report of Investigation
Gene Hatcher, Inspector General



Inspector General Case #: 10-41015

Facility: South Florida Reception Center- So. Unit

Classification of Incident: [REDACTED]

Field Office/Region: Fort Lauderdale/IV

Incident Date: 2/10/2010 **Time:** 02:30

Inspector: McGrath

Date of Report: 4/23/10

Case Type: A1

Check all that apply:

- Confidential Medical Information**
- Prison Rape Elimination Act (PREA) Number (if applicable):**
- Principal(s) Exhibits Attached**
- Department of Corrections presented to State Attorney** **Declined** **Accepted**
- Use of Force (UOF) Number:**
- Equal Employment Opportunity Commission (EEOC)**
- Addendum**
- Wing Video Camera(s) Present in the Area of Incident**

SUMMARY OF ALLEGATIONS:

Inmate Carl Eierly caused the death of Inmate Joseph Tooma at the outside pavilion of the South Unit.

SUMMARY OF DISPOSITION/JUSTIFICATION FOR DOWNGRADE/EXONERATION:

This report is for administrative purposes as the Miami-Dade Police Department has primary jurisdiction. The Miami-Dade Police Department has charged Inmate Eierly with Second Degree murder.



Florida Department Of Corrections
Office of the Inspector General
Report of Investigation
Gene Hatcher, Inspector General



Case Number: 10-41015

| | Name | Title / DC # | D.O.B. | Employee ID # |
|---------------------|-------------------|--------------|------------|---------------|
| Complainant: | Johnson, Lasean | Lieutenant | [REDACTED] | 10787 |
| Victim: | Tooma, Joseph | DC# 062354 | 1/10/30 | N/A |
| Witness(es): | Williams, Charles | DC# L15671 | 7/13/39 | N/A |
| | Alyn, Barry | DC# L67308 | 9/29/42 | N/A |
| | Thompson, Marvin | DC# T23673 | 10/17/47 | N/A |
| Subject(s): | Eierly, Carl | DC# 038075 | 2/22/36 | N/A |

Arrest: Employee Inmate Other

Charges: 2nd Degree Homicide F.S.S. 782. 04(2)

Felony Misdemeanor

Date of Arrest: 2/16/10

Date Reported: 2/11/10

Guilty Not Guilty Nolo Contendere P.T.I. Other (explanation):

Addendum Pending

Sentence of Court / Agreement:

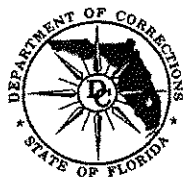
Administrative Violation(s):

Evidence: Weapon Drugs Other Describe:

Other Agency Case Number: Miami-Dade Police Department, case # PD100211062565. Please note that the above charges were placed by Miami-Dade Police, not the Inspector General's Office.

FINDINGS:

Inmate Tooma and Inmate Eierly were involved in what was described as possible horseplay by inmate witnesses. The inmate witnesses said that Inmate Eierly had his hands around Inmate Tooma's throat. He lifted him up off the ground and then dropped him. Inmate Tooma fell to the concrete floor of the pavilion and hit his head. This occurred at approximately 2:30 p.m. There were no staff witnesses to this event.



Florida Department Of Corrections
Office of the Inspector General
Report of Investigation
Gene Hatcher, Inspector General



Case Number: 10-41015

Staff witnesses arrived later and observed Inmate Tooma on the ground, face up, [REDACTED]. Inmate Tooma was taken to [REDACTED]. He died later. Miami-Dade homicide responded and conducted the primary investigation. Detective Richard Raphael was the lead investigator. I arrived at the same time, and provided assistance to the homicide detectives.

In his Witness Statement Form of February 10, 2010, Inmate Charles Williams indicated the following:

Inmate Eierly was choking Inmate Tooma in a playful manner and lifted him up by his neck and then let go. Inmate Tooma fell backwards hitting his head on the concrete. (Exhibit B1)

In his Witness Statement Form of February 10, 2010, Inmate Barry Alyn indicated the following:

He and Inmates Marvin Thompson, and Charlie Williams were sitting in the pavilion. Inmate Tooma came over. They were having a conversation. Inmate Eierly came over and for no apparent reason, Inmate Eierly lifted Inmate Tooma up off the concrete in what appeared to be a choke-hold.

Inmate Alyn could not be sure if this was horseplay or not, but Inmate Tooma's [REDACTED]. At that point, Inmate Eierly released Inmate Tooma, and Inmate Tooma fell backwards and hit his head very hard. Inmate Alyn believes that Inmate Tooma may [REDACTED] but he is not sure, because it happened so fast. (Exhibit B2)

In his Witness Statement Form of February 10, 2010, Inmate Marvin Thompson indicated the following:

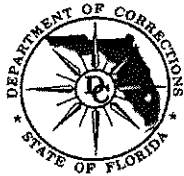
He saw Inmate Eierly choke Inmate Tooma. He believed it was in jest. Inmate Eierly [REDACTED] Inmate Tooma's [REDACTED]. Inmate Eierly lifted Inmate Tooma off the ground. Inmate Tooma [REDACTED] hit his head on the concrete. (Exhibit B3)

As mentioned above, there were no staff witnesses to his event. However staff became involve afterwards.

In his Incident Report of February 10, 2010, Sergeant John McKenna indicated the following:

At 2:30 p.m., he was assisting with C and D dorms receiving flu shots at the dining hall. He responded to yard two to assist [REDACTED]. He observed Inmate Tooma [REDACTED]. He [REDACTED] and tried to secure the area. Sergeant Tellis-Anderson told him that she heard from other inmates that Inmate Eierly had attacked Inmate Tooma. He placed hand restraints on Inmate Eierly and took him to the holding cell.

He advised Lieutenant Johnson. She told Sergeant McKenna to question Inmate Tooma. He responded [REDACTED] and asked Inmate Tooma if he had been assaulted by anyone. Inmate Tooma said he was not assaulted by anyone else and that he fell on his own. (Exhibit B4)



Florida Department Of Corrections
Office of the Inspector General
Report of Investigation
Gene Hatcher, Inspector General



Case Number: 10-41015

In his Incident Report of February 10, 2010, Sergeant Abel Garcia indicated the following:

He and Sergeant McKenna responded [REDACTED]. When he approached the pavilion, he observed Inmate Tooma on his back, [REDACTED]. Sergeant Tellis-Anderson said that other inmates said that Inmate Eierly had assaulted Inmate Tooma. He and Sergeant McKenna placed restraints on Inmate Eierly. **(Exhibit B5)**

In her Incident Report of February 10, 2010, Sergeant Earnestine Tellis-Anderson indicated the following:

At approximately 1:55 p.m., she heard a loud noise coming from Pavilion one. She observed Inmate Tooma laying face up on the concrete. His head [REDACTED]. She secured the area. She then asked Inmate Tooma what happened. He told her, [REDACTED]. She asked him what day it was, what his name was, and his Department of Corrections I.D #. He answered those questions correctly. Two other inmates yelled out to him that the big German guy had punched Inmate Tooma. **(Exhibit B6)**

Inmate Tooma was subsequently [REDACTED]

In his Incident Report of February 10, 2010, Captain Raul Villamia indicated the following:

He was the first shift supervisor on February 10, 2010. At 12:35 a.m., he received a telephone call from Officer Cory Edmond. Officer Edmond was assigned to supervise Inmate Tooma [REDACTED]. Officer Edmond told the Captain that Inmate Tooma was pronounced dead at 12:25 p.m. **(Exhibit B7)**

I received a phone call on the early morning of February 11, 2010, from Inspector Ryder. He asked me to respond to the prison to assist Miami-Dade Homicide with their investigation. I arrived at the same time as Detective Richard Raphael. Detective Raphael interviewed the three inmate witnesses, and later, interviewed Inmate Eierly.

Later that morning about 10:00 a.m., I escorted a security transport team to the Miami-Dade Headquarters. Detective Raphael had scheduled a video confession for Inmate Eierly.

Detective Raphael secured an arrest warrant for Inmate Eierly on February 16, 2010. **(Exhibit B8)**

On March 19, 2010, I sent a facsimile request for a copy of the autopsy Report of Inmate Tooma. Upon receipt, I will place a copy in the investigative file and send a copy to the Fort Lauderdale Field Office. **(Exhibit B9)**



Florida Department Of Corrections
Office of the Inspector General
Report of Investigation
Gene Hatcher, Inspector General



Case Number: 10-41015

Florida Department of Corrections
Office of the Inspector General



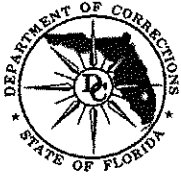
"I, the undersigned, do hereby swear, under penalty of perjury, that, to the best of my personal knowledge, information, and belief, I have not knowingly or willfully deprived, or allowed another to deprive, the subject of the investigation of any of the rights contained in ss. 112.532 and 112.533, Florida Statutes."

"Furthermore, under penalties of perjury, I declare I have read the foregoing report and the contents of the report are true and accurate based upon my personal knowledge, information, and belief."

Investigator's Signature

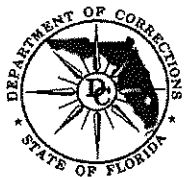
01/26/10
Date

Florida Department Of Corrections
Office of the Inspector General
Report of Investigation
Gene Hatcher, Inspector General



Case Number: 10-41015

| | | | |
|-------|------------------------------------|-------|-------------|
| _____ | Institutional Inspector | _____ | Date |
| _____ | Prison Inspector Supervisor | _____ | Date |
| _____ | Chief Prison Inspector | _____ | Date |
| _____ | Deputy/Inspector General | _____ | Date |



Florida Department Of Corrections
Office of the Inspector General
Report of Investigation
Gene Hatcher, Inspector General



Case Number: 10-41015

EXHIBIT/ATTACHMENTS SECTION

A. EXHIBIT(s) - attached:

None

B. EXHIBIT(s) – not attached:

1. Witness Statement of Inmate Charles Williams.
2. Witness Statement of Inmate Barry Alyn.
3. Witness Statement of Inmate Marvin Thompson.
4. Incident Report of Sergeant John McKenna.
5. Incident Report of Sergeant Abel Garcia.
6. Incident Report of Sergeant Earnestine Tellis-Anderson.
7. Incident Report of Captain Raul Villamia.
8. Copy of Arrest Warrant-Inmate Eierly.
9. Request for autopsy report.