



Florida Department of Corrections
 Office of the Inspector General
 Report of Investigation
 Jeffery T. Beasley, Inspector General



Inspector General Case #: 12-3-2118

Facility: Zephyrhills Correctional Institution

Classification of Incident: [REDACTED]

Field Office/Region: Region III-West

Incident Date: April 20, 2012 Time: 11:30pm

Inspector: Chris McCaulley

Date of Report: August 14, 2012

Case Type: C

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

SUMMARY OF ALLEGATIONS:

On April 20, 2012, while housed in the [REDACTED] at Zephyrhills Correctional Institution (ZCI), Inmate Joe Hayes was beaten [REDACTED] inside his cell by two of his cellmates, Inmates Eric Davis and Bruce Turnbull. This was witnessed by Inmate Ricky Baldrige.

SUMMARY OF DISPOSITION/JUSTIFICATION FOR DOWNGRADE/EXONERATION:

As a result of this investigation, it is determined that Inmates Eric Davis and Bruce Turnbull have violated Florida Statute 782.04(1)(a) (*Premeditated Murder*) by virtue of witness statements and physical evidence indicating that they intentionally, unlawfully, and in a premeditated design, did physically strike Inmate Joe Hayes repeatedly about the head and torso with their hands and feet, directly resulting in Hayes' death.

Upon approval by the Office of the Inspector General, a copy of this investigative report will be submitted to the Office of the State Attorney for the 6th Judicial Circuit for review and consideration of criminal prosecution.

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 DEPARTMENT OF CORRECTIONS
 SEP 12 2012
 BUREAU OF
 STATE INVESTIGATIONS



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	Name	Title / DC #	D.O.B.	Employee ID # or Non-Employee Contact Information
Complainant:	Ferres, Naniska	Lieutenant	06/11/█	6672
Victim(s):	Hayes, Joe	080208	05/13/57	
Witness(es):	Mathews, Jason	Correctional Officer	10/14/█	64193
	█	█	█	
	Ferres, Naniska	Lieutenant	06/11/█	6672
	Oster, Ray	Sergeant	02/23/█	15929
	Rosser, Raymond	Captain	09/06/█	18454
	Baldrige, Ricky	T51637	07/07/84	
	Jacobs, Clarence	L52375	01/24/85	
	McTeague, Damien	L03729	09/25/79	
	Taylor, Anthony	R01918	01/08/80	
Subject(s):	Davis, Eric	C00775	01/29/79	
	Turnbull, Bruce	B09414	06/23/65	

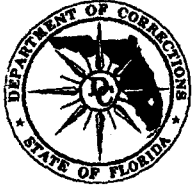
Arrest: Employee Inmate Other Addendum Pending

Charges:

Felony Misdemeanor Date of Arrest: Date Reported:

Final Court Action(s):

Other Agency Case Number:



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FINDINGS:

According to information received from Lieutenant Ferres, the Shift Supervisor [REDACTED] at ZCI, on April 20, 2012, at approximately 11:30pm, while conducting a routine security check in [REDACTED], Officer Jason Matthews noticed Inmate Joe Hayes lying face down and motionless on the floor of his cell. [REDACTED] along with backup Security personnel. The other three inmates assigned to the cell at the time, Eric Davis, Bruce Turnbull and Ricky Baldrige, were removed from the cell and placed in separate holding cells. Hayes was found [REDACTED]

[REDACTED] At 1:10am, Hayes was pronounced dead [REDACTED]

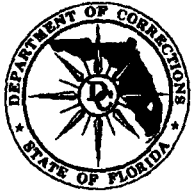
I was notified of the incident at approximately 12:30am by On Call Supervisor Marilyn Henderson and instructed to respond. I responded [REDACTED] and arrived at approximately 1:30am. I conducted [REDACTED]

[REDACTED] which consisted only of one pair of blue pants. (Hayes' pants had been cut off and removed [REDACTED] prior to my arrival). Multiple photographs were taken [REDACTED]. Possession was taken of Hayes' clothing for retention and preservation of possible evidence. (Exhibits B1 & B2)

At approximately 3:00am, I arrived at ZCI and obtained witness statements from staff.

In his sworn recorded statement, Officer Mathews indicated the following:

He had been assigned [REDACTED] as a housing officer in [REDACTED] Dorm for the 3rd shift (4:00pm to 12:00am). At approximately 11:30pm, he entered Wing 2 to complete a routine security check of all the cells. While walking past Cell [REDACTED] he observed Inmate Hayes lying face down on the floor next to his bunk (Bunk #4). He did not appear to be moving. He immediately notified the [REDACTED] Officer's Station to turn on the lights in the cell. (Mathews indicated that the lights in the inmates' cells are turned off [via a main switch in the Officer's Station] at 11:00pm. Therefore, the interior of the cell was dark at the time). Once the lights in the cell were activated, he noticed that Inmate Davis was awake and was sitting up in his bunk (Bunk #2). Inmate Baldrige was also awake and was sitting in a squatting position against the wall next to the toilet. Inmate Turnbull was lying in a sleeping position on his bunk (Bunk #1). He could not tell if Turnbull was awake or not at the time. He also noticed what appeared to [REDACTED]. He (Mathews) called out to Hayes through the cell door but he did not respond. He then called out to the other inmates, asking what had happened; however, none answered him. At that time, he notified the housing sergeant (Sergeant Piccininni) of the situation and [REDACTED], along with Lieutenant



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Ferres. The cell door was then opened and Inmates Davis, Baldrige and Turnbull were instructed to exit the cell. All three inmates were then escorted out of the cell. None of the three inmates made any statements or comments as they were being escorted out of the cell. After the three inmates had exited, he (*Mathews*) [REDACTED] Inmate Hayes, while Lieutenant Ferres remained at the door. Upon reaching Hayes, he noticed that Hayes [REDACTED]

Mathews stated that during all of his previous rounds in the wing earlier in the evening, (*his last security check had been approximately 30 minutes earlier*), neither Hayes nor any of the other three inmates appeared [REDACTED] and he had not heard or seen anything unusual in the cell. He had never seen or been aware of any problems between Hayes and any of the other inmates who had been assigned to the cell. (Exhibits B3 & B18)

In her sworn recorded statement, Lieutenant Naniska Ferres indicated the following:

She had been assigned as the Officer in Charge (*OIC*) [REDACTED] for the 3rd shift. She was [REDACTED] when she [REDACTED] received a phone call regarding [REDACTED] immediately responded to [REDACTED] and observed Officer Mathews standing in front of Cell [REDACTED]. Upon their arrival to the cell, Mathews opened the cell door and ordered Inmates Baldrige, Turnbull and Davis, who had been standing at the cell door at the time, to exit the cell. All three inmates then exited the cell and were escorted to and secured in three separate shower stalls at the end of the wing by Officer Dyer, who had also responded. After the inmates had exited the cell, Officer Mathews and [REDACTED] entered the cell [REDACTED] Inmate Hayes, who was [REDACTED] told her [REDACTED] due to Hayes [REDACTED]. She immediately went to the officer's station and notified the Main Control Room via phone [REDACTED]. When she returned to the cell, [REDACTED] advised her that it appeared [REDACTED]. She then went to the shower stalls to ask Baldrige, Turnbull and Davis what had happened. She first approached Turnbull and asked him what happened, but he did not answer. She then went to the next stall and asked Baldrige what happened. However, he just shook his head and waved his hands, as if to indicate that he did not want to say anything. She then went to the third stall and asked Davis what had happened. He did not say anything either but just hung his head down. She noticed that both of Davis' hands [REDACTED]. She instructed him to show her his hands, which he did. She then observed that the [REDACTED]. She then left the area to begin making notifications regarding the incident. (Exhibit B3)

In her sworn recorded statement, [REDACTED] indicated the following:

She was assigned as the [REDACTED] during the 3rd shift. At approximately 11:30pm, she responded to [REDACTED] after being notified via phone of [REDACTED] in Cell [REDACTED]. Upon her arrival to the cell, she entered the cell with Officer Mathews and observed Inmate [REDACTED]



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Hayes [REDACTED]

[REDACTED] He was not wearing a shirt and his feet were bare.

The blanket from his bunk was tangled around the lower portion of his legs. [REDACTED]

[REDACTED] She immediately advised Lieutenant Ferrer, who was standing in the doorway [REDACTED]

(Exhibits A19 & B3)

While obtaining witness statements from staff, I was approached by Sergeant Ray Oster, who advised me that Inmate Davis had made a spontaneous admission to him while he was standing in the area outside of the shower stalls. In his subsequent sworn recorded statement, Sergeant Oster indicated the following:

He was assigned as the housing sergeant [REDACTED] for the 1st shift (12:00am- 8:00am) on April 21, 2012. At approximately 12:30am, he was standing outside the shower stalls at the end of Wing 2, monitoring Inmates Baldrige, Turnbull and Davis, who were still secured in three separate shower stalls. At one point, Inmate Davis looked directly at him (*Oster*) and made a spontaneous comment to him, claiming that he (*Davis*) was the one who had beaten Hayes and that he had “tried to kill him” because he (*Hayes*) was a “nasty child molester” and “deserved to die”. Davis further said that he (*Davis*) had killed in prison before and a “CO” (*corrections officer*) “could be next”, adding that he (*Davis*) already had a life sentence. Oster instructed Davis to be quiet and he complied. Davis did not make any further comments. Neither Baldrige nor Turnbull made any statements during this time or otherwise reacted to what Davis had said. No one else was in the area when these comments were made.

Sergeant Oster stated that neither he nor anyone else had been engaged in any conversation with Davis at the time these comments were made, and that the comments were completely unsolicited and spontaneous.

(Exhibits B3 & B19)

After obtaining all staff witness statements, I proceeded to [REDACTED] to conduct an examination of the crime scene.

Cell [REDACTED] is a four-man housing cell located in Wing 2 of [REDACTED] it is approximately 20 feet in length and 15 feet in width. Inmates Hayes, Davis, Turnbull and Baldrige were the four inmates assigned to the cell at the time. There are four separate bunks in the cell. Turnbull’s assigned bunk (*Bunk #1*) is located to the left of the door against the near wall facing the hallway. Davis’s assigned bunk (*Bunk #2*) and Baldrige’s assigned bunk (*Bunk #3*) are located against the far wall from the door, directly across from Turnbull’s bunk. Hayes’ assigned bunk (*Bunk #4*) is located against the wall to the right of the cell door and adjacent to Baldrige’s bunk. In the near left corner of the cell is a stainless steel commode unit comprised of a sink and toilet combination. There is



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one fixed wing video camera located [REDACTED]. There are no other structures or fixtures located in the cell. There is a large window on the near wall facing the hallway and another window on the cell door. There are no other windows. A diagram of the cell is attached. (Exhibit A1)

The hallway (*wing*) in which [REDACTED] is located consists of four housing cells ([REDACTED]). Cells [REDACTED] are all four-man cells. Cell [REDACTED] is a two-man cell. Upon entering the hallway from the main dorm area, Cell [REDACTED] is the first cell located on the left, towards the front of the hallway. Cell [REDACTED] is at the end of the hallway on the left. Cell [REDACTED] is at the end of the hallway on the right, directly across from Cell [REDACTED]. Cell [REDACTED] is towards the front of the hallway on the right, across from Cell [REDACTED].

The two inmates assigned to Cell [REDACTED], Inmate Willie Curry DC#736892 and Inmate Robert Sills DC#134058, were questioned (*informally-not recorded*) due to their cell being located across from Cell [REDACTED] (Cell [REDACTED] is not directly across from Cell [REDACTED] but portions of its interior can be seen from an angle through the cell door window of [REDACTED]). Both inmates claimed to have been asleep during the time period in question and neither heard or saw anything.

The inmates in Cells [REDACTED] were not questioned due to their distance from Cell [REDACTED] and having no views of the cell's interior.

Cell [REDACTED] was processed for evidence. A small [REDACTED] on the floor in the area where Hayes was found. Possible [REDACTED] were also found on a blanket lying on the floor nearby. An apparent [REDACTED] was found on a corner of the bed sheet at the end of Turnbull's bunk. No weapons were discovered. Multiple photographs were taken. (Exhibits A2, B1, B4 & B5)

Prior to my arrival, Lieutenant Rosser conducted strip searches of Inmates Baldrige, Turnbull and Davis and confiscated their clothing. No weapons or other contraband was discovered during the searches.

(Exhibits A3 & B6-B16)

I conducted separate recorded interviews of Inmates Baldrige, Turnbull and Davis.

After waiving his Miranda warnings, Inmate Baldrige provided the following sworn recorded statement:

He was lying in his bunk asleep when he was awakened by something hitting his bunk. When he sat up, he observed Davis and Hayes "fighting" between his (*Baldrige's*) and Hayes' bunk. When asked to describe the actions of Davis and Hayes during this "fight", Baldrige explained that it was not really a fight, but more like a "one sided fight", with Davis on top of Hayes, punching him repeatedly, while Hayes feebly tried to protect himself. At one point, Hayes fell and hit his head on the floor. Davis then continued to punch and kick Hayes repeatedly while Hayes was lying on the floor (*He did not observe any weapons being used*). He never observed Hayes strike Davis or otherwise attempt to fight back at any time. Davis then went back to his bunk as Hayes remained lying on the floor. Nothing further happened. Officer Mathews came to the cell shortly afterwards.



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When asked if he knew what may have started this “fight”, Baldrige claimed that he did not know and that he had been asleep prior to Davis and Hayes bumping into his bunk, waking him up. However, in addition to hearing the comments Davis had made in the shower stall (*to Sergeant Oster*), he claimed that Davis had been harassing Hayes repeatedly over the past 3 days. (*Baldrige had only been assigned to the cell since April 17th*).

During one point of this interview, while Baldrige was explaining the prior harassment of Hayes, he stated “I don’t give a fuck about snitching, what they did to that man was wrong. They shouldn’t of beat him up like that”. When asked who he meant by “they”, Baldrige hesitated and began to stutter, stating “Well...it doesn’t matter...I don’t know... I don’t mean they... but...whatever”. He was then asked if Inmate Turnbull had any involvement in the assault and he stated that Turnbull may have been an “instigator” but that he never saw him “put his hands on” Hayes. When asked to clarify what he meant, Baldrige explained that both Davis and Turnbull had “tormented” and harassed Hayes continuously over the past three days; however, Davis was the only one who was involved in the actual assault, stating that Turnbull had been lying in his bunk at the time and appeared to be asleep.

Later during the interview, Baldrige again made a comment implying that more than one person had assaulted Hayes, stating “That’s just bad what they did...I mean what he did”. After making this comment, Baldrige was again asked if Turnbull had taken any part in the assault. Baldrige stated that he had been referring to the constant harassment of Hayes by both Davis and Turnbull and maintained that Davis had been the only participant during the assault.

It should be noted that prior to Baldrige waiving his rights and agreeing to answer questions, he asked if he would be returned to same cell after providing the interview, and stating, “You can’t put me back in there with them people” (indicating Davis and Turnbull). Baldrige then agreed to provide the interview after being reassured that he would not be housed again with Davis or Turnbull.

(Exhibit B3)

After waiving his Miranda warnings, Inmate Turnbull provided the following sworn recorded statement:

He denied being involved with, witnessing or having any direct knowledge of what happened to Hayes, claiming that he had been asleep in his bunk and only saw Hayes lying on the floor when the officers entered the cell and woke him up. The only knowledge he had of what had occurred was by hearing what Davis had said to the officer (*Sergeant Oster*) from the shower stall about assaulting Hayes by himself and that no one else had been involved. When he went to sleep earlier that evening, there had been no problems or anything else out of the ordinary between Hayes and Davis, adding that all four of them had gotten along together with no problems. When asked if he could provide any information that may explain what had occurred in the cell, Turnbull again denied seeing or hearing anything and again pointed out what Davis had told Sergeant Oster, taking full responsibility for the assault and telling Oster that no one else had been involved.

(Exhibit B3)



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An attempt was made to interview Inmate Davis. However, he invoked his Miranda rights and refused to answer any questions. (Exhibit B3)

Immediately following each of the three inmates' separate interviews, I conducted a visual inspection of their [REDACTED] (All three inmates were barefoot and handcuffed behind their back). [REDACTED] of Inmates Baldrige or Turnbull. However, Davis had a [REDACTED]

It should also be noted that due to the inmates being handcuffed behind their backs, I had to turn their hands slightly in order [REDACTED]

Following their interviews, Baldrige, Turnbull and Davis were each [REDACTED]

Photographs were taken. (In addition to these photographs, pictures of Davis [REDACTED] Sergeant Oster prior to my arrival). (Exhibits A4, A5 & B1)

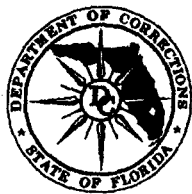
[REDACTED] (Exhibit A6)

[REDACTED] (Exhibit A7)

Davis was transferred to Union Correctional Institution (UCI) via an emergency transfer later the same day (April 21, 2012). Similar [REDACTED] at UCI upon his arrival. On April 23, 2012, [REDACTED] (Exhibit A8)

According to Department records, at the time of his death, Inmate Hayes had been serving a life sentence (101 years, 6 months) for burglary and aggravated assault. He had been in prison since 1981. He was transferred to the [REDACTED] on March 26, 2010 and had been assigned to [REDACTED] (Bunk #4) since July 22, 2010. (Exhibit A9)

According to Department records, Inmate Turnbull is currently serving a 30 year sentence for 2nd degree murder. He has been in prison since March 14, 2011 and has a tentative release date of December 13, 2039. He was transferred to [REDACTED] on January 27, 2012 and had been assigned to [REDACTED] (Bunk #1) since February 8, 2012. (Exhibit A10)



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According to Department records, Inmate Davis is currently serving a life sentence for 2nd degree murder. He has been in prison since April 26, 2007. He was transferred to [REDACTED] on March 19, 2012 and had been assigned to Cell [REDACTED] (Bunk #2) since the same date. (Exhibit A11)

According to Department records, Inmate Baldrige is currently serving a five year sentence for burglary and grand theft. He has been in prison since March 19, 2009 and has a tentative release date of May 7, 2013. He was transferred to [REDACTED] on April 17, 2012 and had been assigned to Cell [REDACTED] (Bunk #3) since the same date. (Exhibit A12)

There are [REDACTED] fixed-wing video cameras located in [REDACTED]. According to Lieutenant Ferres, and confirmed by a review of the video system, the video camera located [REDACTED] ([REDACTED] does not work and has been out of operation for several months. (Although the [REDACTED] does have video cameras affixed inside some of the cells, this is not a Department requirement).

The camera located [REDACTED] is situated [REDACTED] of the wing towards the officer's station. The [REDACTED] cannot be seen from the camera view. From this angle, Cell [REDACTED] is located [REDACTED] side of the hall. [REDACTED], where Inmates Baldrige, Davis and Turnbull were taken and secured, are [REDACTED].

The following is a timeline based on the video footage from the camera system:

- At 10:58pm, Officer Mathews is observed entering the wing and conducting what appears to be a routine security check. He walks past and looks inside each of the four cells. He does not show any indication of noticing anything unusual as he passes by Cell [REDACTED] (Mathews made a similar security check at 10:30pm).
- At 11:06pm, the lights inside the cells go out. The lights in the hallway remain on.
- At 11:25pm, Mathews enters the wing and conducts a security check. He begins with Cell [REDACTED] and walks past each cell, approaching Cell [REDACTED] last. As he approaches Cell [REDACTED] he stops at the cell door. He then steps away from the door and appears to motion towards the Officer's Station. The lights to the cells are then turned on. Mathews remains at the cell door for several seconds and then steps away and walks towards the Officer's Station briefly and then returns to the cell door. Assistance then begins to arrive and the cell door is opened at 11:28pm. Inmates Baldrige, Davis and Turnbull are then escorted out of the cell and towards the area [REDACTED]. Mathews and [REDACTED] then enter the cell.
- This activity and all subsequent activity in and out of the cell is consistent with the testimonies previously given by staff.



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- At no time did anyone enter or exit Cell [REDACTED] prior to the door being opened at 11:28pm. (*Video footage was reviewed from 10:00pm to 12:00am*).
- The video footage from the cameras located in [REDACTED] and [REDACTED] was reviewed but did not show any activity of significance.
- The video feed from the camera located in [REDACTED] shows only a black screen. **(Exhibit B17)**

On April 24, 2012, Dr. Stephen Nelson of the District 10 Medical Examiner's Office conducted an autopsy on Inmate Hayes. In addition to [REDACTED] already noted, the autopsy revealed [REDACTED], a [REDACTED]. He ruled the death a homicide with the cause of death [REDACTED]. **(Exhibit A13)**

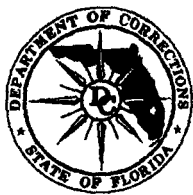
On May 14, 2012, Inspector Kathleen Cady at Charlotte C.I. received an Inmate Request from Inmate Clarence Jacobs claiming that he had information about the murder of Hayes. Inspector Cady conducted a sworn recorded interview with Jacobs, in which he indicated the following:

He had been housed in [REDACTED] during the time the murder of Inmate Hayes took place, and had "hung out" frequently with Inmates Davis and Turnbull during that time period. On the morning of April 20th, while in the Recreation area, he, Davis and Turnbull were all talking together. During this conversation, Davis and Turnbull had been complaining about their roommate, Inmate Hayes, "getting on their nerves" because of his [REDACTED]. Davis then said that when he (*Davis*) went back to the dorm after "rec" (*recreation time*), he was going to kill Hayes. Turnbull then replied to Davis, "I'm with you". No one else was in the area when this conversation took place.

Later that same evening, he saw [REDACTED] to the dorm (*He had been assigned to wing 6 at the time and could see the entrance area of the dorm from his cell*). A short while later, he observed an inmate [REDACTED]. The next morning, he learned that the inmate had been Hayes and that he had died. He also heard rumors from other inmates around the compound that Davis had killed Hayes and that he (*Davis*) had admitted to it because he had a life sentence and had "nothing to lose" and wanted to go to Death Row.

A day or two later, (*he did not recall the exact day*), while he was sitting in the TV room, Turnbull approached him and asked him for a razor blade. When he asked Turnbull why he wanted a razor blade, Turnbull told him that he was [REDACTED] when "they" came for him. Turnbull then told him that both he and Davis had beaten Hayes in the cell. He said that Davis had hit Hayes and knocked him down, at which time both he and Davis began "stomping" him. He then helped Davis drag Hayes over to Hayes' bunk, at which time Davis began banging Hayes' head against the side of the bunk repeatedly. Jacobs said that no one else was present in the area when Turnbull made these comments to him.

(Exhibits A14 & B3)



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Department records confirmed that Inmate Jacobs had been housed in [REDACTED] at ZCI from March 16, 2012 through May 1, 2012. He was assigned to [REDACTED] during the time when Hayes' death occurred. (Exhibit A15)

Based on this information, I responded to ZCI on May 15, 2012 and spoke with Inmate Baldrige. I asked Baldrige if he had been completely truthful in his original interview with me regarding what had occurred in his cell on the evening of April 20th. (*Baldrige was not advised of the information that had been provided by Inmate Jacobs*) He insinuated that he may not have been completely truthful but that he was reluctant to say what really occurred due to his fear of Turnbull, as well as his fear of being labeled a "snitch" (*prison term for an informant*). He advised that he would only be willing to provide the full and true account of what occurred if Turnbull were to be transferred from ZCI so that he (*Turnbull*) could not spread amongst other inmates that he (*Baldrige*) was a snitch. (*During this time, Turnbull and Baldrige were both still assigned to [REDACTED] in the [REDACTED] but were housed in different wings*).

An emergency transfer was initiated for Inmate Turnbull and he was transferred to Lake CI on the same date.

As soon as Turnbull had departed ZCI, Baldrige provided the following sworn recorded statement:

Shortly after being placed in Cell [REDACTED] with Hayes, Davis and Turnbull, (*Baldrige arrived at ZCI and was assigned to Cell [REDACTED] on April 17, 2012*), he became aware that Davis and Turnbull had been getting annoyed with Hayes because Hayes had been "keeping them up at night" by constantly making loud noises, pacing around the cell, flushing the toilet, and other similar annoying habits due to his [REDACTED]. On the afternoon of April 20th, Davis and Turnbull decided to try to get Hayes to [REDACTED] so that he would be moved out of the cell. (*[REDACTED] is a prison term for an inmate [REDACTED], which typically results in the inmate being reassigned [REDACTED]*). Davis and Turnbull then began verbally harassing, taunting and threatening Hayes throughout the afternoon and early evening in an attempt to provoke Hayes; however, Hayes would [REDACTED]. Baldrige described this activity by Turnbull and Davis as "two bullies picking on a helpless kid".

Around 9:00pm, Davis began lightly pushing and slapping Hayes while Hayes was lying in his bed. Turnbull then joined Davis and both of them "took turns" slapping and pushing Hayes over the next couple hours. When Hayes continued to ignore their taunts and slaps and not respond to them, Davis and Turnbull became angry and Davis then pulled Hayes off of his bunk and onto the floor. Davis and Turnbull then began kicking Hayes and stomping on him while he was on the floor. During this time, Davis and Turnbull were both kicking and stomping Hayes; however, Turnbull was mainly kicking Hayes in the stomach and rib area while Davis was "more malicious" and was kicking Hayes in the head and face. After awhile, Turnbull "gave up" and went back to his bunk, but Davis continued to kick Hayes repeatedly in the head and face area. Davis then knelt down next to Hayes and started punching him in the head and face repeatedly for several minutes until Officer Mathews approached the area. Davis then stopped hitting Hayes and quickly ran back to his bunk.



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After Security responded to the cell, he, Davis and Turnbull were escorted out of the cell and secured in separate shower stalls at the end of the wing. Although they could not see each other, the three stalls were all close to each other and they could talk back and forth. After they had been placed in the stalls, Davis told them, "Don't worry, I'll take care of this" and said that he would say that he (*Davis*) was the only one who beat Hayes and that no one else had been involved. Turnbull then replied to Davis, "Ok". They then told him (*Baldrige*) to "just keep your mouth shut and everything will be ok".

Baldrige stated that the description he gave in his first interview regarding Davis' actions was accurate but that he had omitted Turnbull's involvement in order to "go along" with the "agreement" between Davis and Turnbull that Davis would take sole blame for the assault. He did not originally disclose Turnbull's involvement out of fear of his safety from Davis and Turnbull, as well as his fear that Davis and/or Turnbull would label him as a "snitch" to other inmates. **(Exhibit B3)**

On June 13, 2012, a follow up interview was conducted of Inmate Turnbull at Lake CI. In this interview, Turnbull provided the following sworn recorded statement:

He continued to maintain his account that he had not been involved in the assault of Hayes and that he had been asleep during the entire incident and that Davis had told Sergeant Oster that he (*Davis*) had assaulted Hayes and no one else had been involved. When advised that information had been obtained indicating that he (*Turnbull*) had, in fact, been directly involved in the assault of Hayes, along with Davis, Turnbull repeatedly denied such allegations and continued to reference Davis' admission to Sergeant Oster, where he took sole blame for the assault.

When questioned about an alleged motive to try to provoke Hayes [REDACTED] due to his annoying behavior and habits, Turnbull stated that he was not bothered by Hayes' noises or other behavior, but that Davis was, and he (*Davis*) had been verbally harassing and taunting Hayes over the previous few days, including the day of the incident. He also indicated that Davis believed Hayes was a child molester, although he (*Turnbull*) had no knowledge of such. On the day of the incident, he (*Turnbull*) had tried to inform Lieutenant Ferris of the ongoing problems between Davis and Hayes, but she ignored him. (*Turnbull never mentioned this harassment by Davis during the first interview and had said that he was unaware of any previous problems between Davis and Hayes, claiming that they had all gotten along fine*). Turnbull denied ever harassing, threatening, taunting or physically assaulting Hayes at any time. **(Exhibit B3)**

A follow up inquiry (*informal-not recorded*) was conducted with Lieutenant Ferris regarding Turnbull's claims that earlier in the shift on the day of the murder, he had notified her of ongoing problems between Davis and Hayes. Ferris advised that Turnbull had routinely complained about various issues while he was housed [REDACTED]; however, he never made any complaint to her regarding Davis and/or Hayes on the day of the murder, or any other time previously that she could recall.

On June 15, 2012, I conducted an interview with Inmate Damien McTeague at ZCI due to McTeague reporting on the same date that he had information regarding the case. In his sworn recorded interview, McTeague indicated the following:



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He had been housed at Union CI in [REDACTED] when Inmate Davis arrived via an emergency transfer on April 21, 2012. Over the next several days, he and Davis engaged in several conversations, during which Davis confided to him that he and another inmate named "Turnbull" had beaten to death their roommate, (whom he later learned to be Inmate Hayes), at ZCI because he (Hayes) was a child molester. Davis told him that they decided to kill Hayes after Hayes had bragged to him (Davis) about raping a three year old and that he planned to kill Hayes on April 20th, because that was (Adolf) Hitler's birthday and he (Davis) was a neo-nazi. Davis further claimed that he and Turnbull had beaten and kicked Hayes to death with their hands and feet and that he (Davis) had also used a bar of soap wrapped in a sock to hit Hayes. Davis told him that he took the blame for killing Hayes because he wanted to get the death penalty.

McTeague stated that he did not believe Davis at the time and did not take his story seriously. However, on June 8, 2012, he was transferred to [REDACTED] and assigned to the same cell as Inmate Baldrige. Shortly after this time, he learned from Baldrige that what Davis had told him at UCI was, in fact, accurate, which was when he decided to report the information. (Exhibit B3)

Department records confirm that Inmate McTeague was housed in [REDACTED] at UCI and was assigned to Cell [REDACTED] when Inmate Davis was transferred to UCI on April 21, 2012. Inmate Davis was assigned to Cell [REDACTED] in [REDACTED] from April 21st to May 7th, when he was reassigned to Cell [REDACTED]. On June 8th, McTeague was transferred to the [REDACTED] and assigned to Cell [REDACTED]. Inmate Baldrige had also been assigned to Cell [REDACTED] during that time. (Exhibits A16 & A17)

On July 6, 2012, Inspector Robert Weeks conducted an interview with Inmate Anthony Taylor at ZCI due to Taylor calling the prison "Tips Line" (phone number available to inmates to report crimes or complaints) advising that he had information regarding the case. In his sworn recorded interview, Taylor indicated the following:

On April 18, 2012, while in the TV Room in [REDACTED], Inmate Davis approached him and asked him if he could buy a razor blade from him. He told Davis that he could not sell him a razor blade because he only had two and he needed them both. Davis then left the area. Later the same day, Davis again approached him and told him he would give him (Taylor) a book of stamps for one of his razor blades. He asked Davis what he needed a razor blade for. Davis then told him that he wanted to kill one of his roommates. When he asked Davis which one, Davis told him "Joe Hayes" and that he wanted to kill Hayes because Hayes was a pedophile. He then told Davis that he would not sell him a razor blade and Davis left. A short while later, Davis approached him again and asked him if a bar of soap wrapped in a sock would be as efficient (as a weapon) as a "lock in a sock" (common prison weapon comprised of a padlock placed inside the toe of a sock). He told Davis that he would not know because he had never hit anyone with that kind of weapon before. Davis then left the area.

At approximately 1:00am on April 21st, Davis was placed in one of the shower stalls while awaiting an emergency transfer. He (Taylor) had been housed in Cell [REDACTED] at the time and had a clear view of Davis' stall from his cell window. While using sign language to communicate with Davis (Taylor claimed that both he and Davis are "fluent" in sign language), he got Davis' attention and "asked" him what had happened. Davis replied to him, "I handled that". Taylor interpreted that to mean that Davis



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had killed Hayes. He asked Davis how and Davis replied that he and his "partner" had beaten Hayes and that he (*Davis*) had also hit Hayes with a soap in a sock. (*Taylor could not recall the name of Davis' "partner" that he was referring to but that he was Davis' roommate and his name started with a 'T'*)

Taylor claimed that he and Davis continued to communicate with each other through sign language for approximately 30 minutes. During this communication, Davis also indicated to him that he had killed Hayes on April 20th because that was Hitler's birthday (*Taylor explained that Davis was affiliated with the neo-nazi group, Aryan Nation*) and that he (*Davis*) felt he had "nothing to lose" and wanted to get transferred out of ZCI and go to Death Row. Davis also indicated that he and his "partner" beat Hayes with their hands and feet for several hours.

Taylor explained that he did not immediately report this information because he was scared and did not want to be labeled a "snitch", but that he decided to come forward because he felt guilty that he had known about Davis' intentions previously but had not told anyone. **(Exhibit B3)**

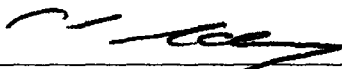
During the course of this investigation, all mail and phone call activity of Inmates Davis, Turnbull and Baldrige was reviewed and monitored. On May 4, 2012, Inmate Baldrige made two phone calls to his mother and brother in which he briefly discussed his having witnessed his roommate being "stomped to death". No other details were provided in the phone conversations. Nothing else of evidentiary value was obtained from the phone system or mail. **(Exhibit B3)**



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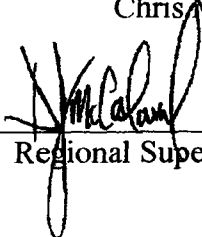
Case Number: 12-3-2118



 Chris McCaulley, Senior Inspector

08/14/12

 Date



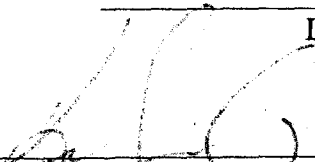
 Regional Supervisor / Lead Inspector

9/10/12

 Date

 Lead Supervisor

 Date



 Deputy Inspector General
 Chief of Investigations

 Deputy Inspector General
 Chief of Special Operations

9/14/12

 Date

 Inspector General

 Date



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EXHIBIT/ATTACHMENTS SECTION

A. EXHIBIT(s) - attached:

1. Diagram of Cell L2104
2. Crime Scene Photo Log
3. Affidavit of Lieutenant Rosser
4. [REDACTED]
5. Affidavit of Sergeant Oster
6. [REDACTED]
7. [REDACTED]
8. [REDACTED]
9. Department records of Inmate Hayes
10. Department records of Inmate Turnbull
11. Department records of Inmate Davis
12. Department records of Inmate Baldrige
13. Autopsy report
14. Inmate Request of Inmate Jacobs
15. Housing records of Inmate Jacobs
16. Housing records of Inmate McTeague
17. Housing record of Inmate Davis at UCI
18. Housing records of Inmate Taylor
19. [REDACTED]

B. EXHIBIT(s) - not attached:

1. CD containing the following:
 - Digital photographs of Hayes [REDACTED]
 - Digital photographs of crime scene
 - Digital photographs of Davis
 - Digital photographs of Davis' hands taken by Sgt. Oster
2. One pair of blue pants worn by Hayes
3. CD containing the following:
 - Digitally recorded statement of Officer Mathews
 - Digitally recorded statement of Lieutenant Ferres
 - Digitally recorded statement of [REDACTED]
 - Digitally recorded statement of Sergeant Oster



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- Digitally recorded statement of Inmate Baldrige (4/21/12)
 - Digitally recorded statement of Inmate Turnbull (4/21/12)
 - Digitally recorded statement of Inmate Davis (4/21/12)
 - Digitally recorded statement of Inmate Jacobs
 - Digitally recorded statement of Inmate Baldrige (5/15/12)
 - Digitally recorded statement of Inmate Turnbull (6/13/12)
 - Digitally recorded statement of Inmate McTeague
 - Digitally recorded statement of Inmate Taylor
 - Recording of phone call made by Baldrige on 5/4/12
 - Recording of second phone call made by Baldrige on 5/4/12
4. One white sheet recovered from Turnbull's bunk
 5. One white blanket recovered from floor next to Hayes' bunk
 6. One black and white pair of sandals recovered from Davis
 7. One blue shirt recovered from Davis
 8. One pair of blue pants recovered from Davis
 9. One pair black sandals recovered from Turnbull
 10. One pair blue pants recovered from Turnbull
 11. One white t-shirt recovered from Turnbull
 12. One pair white boxers recovered from Turnbull
 13. One pair black sandals recovered from Baldrige
 14. One white t-shirt recovered from Baldrige
 15. One pair blue pants recovered from Baldrige
 16. One pair white boxers recovered from Baldrige
 17. Video from fixed wing camera system
 18. Incident Report of Officer Mathews
 19. Incident Report of Sergeant Oster
 20. Daily Security Roster (██████)-4/20/12 (3rd shift)
 21. Daily Security Roster (██████)- 4/21/12 (1st shift)
 22. (██████)Dorm Housing Log-4/20/12 (3rd shift)