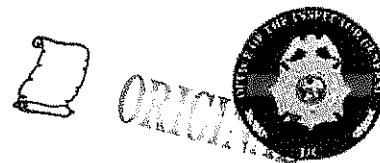




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Report of Investigation  
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**Inspector General Case #:** 11-1-5289

**Facility:** Northwest Florida Reception Center (110)

**Classification of Incident:** [REDACTED]

**Field Office/Region:** Tallahassee-W/Region I

**Incident Date:** 07/18/2011

**Time:** 5:25 p.m.

**Inspector:** Debra Carter Arrant

**Date of Report:** 04/04/2012

**Case Type:** A

- 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 July 18, 2011, while housed at Northwest Florida Reception Center, Inmate Clinton Powers admitted to killing his roommate, Inmate David Hults. At the time of the admission, Inmates Powers and Hults were secured in cell [REDACTED]. Inmate Hults was observed lying face up on the cell floor. This incident was reported via the Management Information Notes System on July 18, 2011, and assigned for investigation on July 19, 2011.

**SUMMARY OF DISPOSITION/JUSTIFICATION FOR DOWNGRADE/EXONERATION:**

This case alleging the commission of a criminal violation of law is **CLOSED BY ARREST**. A Probable Cause Affidavit for a violation of §782.04 (*Homicide*) Florida Statutes, was prepared and a subsequent Warrant was issued on January 17, 2012.

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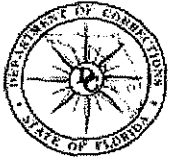


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	Name	Title / DC #	D.O.B.	Employee ID # or Non-Employee Contact Information
<b>Complainant:</b>	Hewett, Gary	Captain	[REDACTED]	9464
<b>Victim:</b>	Hults, David L.	Inmate #130812	06/21/1957	N/A
<b>Witness(es):</b>	Witalec, John	Sergeant	[REDACTED]	24219
	Martin, Andrew	Correctional Officer	[REDACTED]	49519
	Woodham, Michael	Correctional Officer	[REDACTED]	58424
	Edminson, Shaun	Sergeant	[REDACTED]	54062
	Short, John	Correctional Officer	[REDACTED]	55210
	Murphy, James	Correctional Officer	[REDACTED]	51427
	Locklear, Andrew	Correctional Officer	[REDACTED]	64550
	Strausbaugh, Michael	Correctional Officer	[REDACTED]	44431
	Dunn, Chad	Correctional Officer	[REDACTED]	57727
	Smith, Kenneth	Inspector	[REDACTED]	19792
	Coffey, Rodney	Inspector	[REDACTED]	4033
	Ogg, Viven	[REDACTED]	[REDACTED]	[REDACTED]
	Crouse, Karen	[REDACTED]	[REDACTED]	[REDACTED]
	Fromm, Heather	[REDACTED]	[REDACTED]	[REDACTED]
	Scarbrough, Melissa	[REDACTED]	[REDACTED]	[REDACTED]
	Skipper, Jennifer	[REDACTED]	[REDACTED]	[REDACTED]
	Rivera, Hector M.	Inmate # X61816	07/30/1989	N/A
	Fincher, William T.	Inmate # X27807	02/24/1963	N/A
	Stevenson, Billy	Inmate # P35300	06/10/1978	N/A
	Martin, Johnny	Inmate # 113027	09/12/1971	N/A
	Character, James	Inmate # 127024	01/10/1989	N/A
	Forbes, Everitte L.	Inmate # 454724	02/02/1970	N/A
	Richardson, Charles	Inmate # 623860	01/11/1965	N/A
	Robinson, Andrew	Inmate #130653	12/16/1985	N/A
	Lester, Gary	Inmate # 325006	11/25/1960	N/A
	Fields, Clinton	Inmate # 886447	10/13/1969	N/A
	Lopez, Juan R.	Inmate # 894291	11/14/1975	N/A
	Frieson, Frederick	Inmate #717739	05/23/1961	N/A
	Vaughn, Vance	Inmate # 076497	06/14/1957	N/A
	Price, Jonathan	Inmate #448873	05/31/1973	N/A
	Descault, Ronald	Inmate #130635	06/04/1957	N/A
	Files, William	Inmate #038353	03/07/1951	N/A
	Batta, Erick	Inmate #U12102	01/10/1984	N/A



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	Daughtry, Kyle	Inmate #J36311	12/18/1987	N/A
	Langley, Juan	Inmate #982926	11/19/1980	N/A
	Battles, James	Inmate #G08011	08/14/1983	N/A
	Ruiz, Jose	Inmate #H35961	05/11/1982	N/A
	Morales, Bradford	Inmate # T21113	01/25/1984	N/A
	Watts, Freddie	Inmate #977711	11/23/1976	N/A
	James, Thomas	Inmate #114319	10/20/1972	N/A
	Warren, Rodney	Inmate #G10137	08/25/1983	N/A
	Martinez, Joshua	Inmate # X65986	11/06/1989	N/A
	Ray, Alphonso	Inmate #P41085	12/25/1966	N/A
	Young, William	Inmate #Y21742	09/22/1984	N/A
	Williams, Andrew	Inmate #V17291	12/23/1982	N/A
	McCullum, Gregory	Inmate #181782	07/23/1970	N/A
	Irizarry, Dennis	Inmate #M41510	01/03/1969	N/A
	Thomas, Tony	Inmate #143134	06/17/1970	N/A
	Stupar, Mark	Inmate #P39046	05/06/1980	N/A
	Braxton, Matthew	Inmate #C03564	11/13/1988	N/A
	Jones, Timothy	Inmate #129059	12/28/1988	N/A
	Brackins, Kenneth	Inmate #L16840	05/25/1982	N/A
	Alexander, Cachet	Inmate# V26874	10/02/1988	N/A
<b>Subject(s):</b>	Powers, Clinton	Inmate #123014	02/15/1977	N/A

Arrest:  Employee  Inmate  Other  Addendum Pending

Charges:

Felony  Misdemeanor Date of Arrest: Date Reported:

Final Court Action(s):

Other Agency Case Number:

**FINDINGS:**

In an incident report, dated July 18, 2011, and a digitally, sworn recorded statement, dated July 18, 2011, Correctional Officer James Murphy indicated the following:

On July 18, 2011, he was assigned to G-Dormitory (*Confinement*) and was working the evening shift. At approximately [REDACTED] he conducted a security check [REDACTED] As he approached cell [REDACTED] he observed Inmate Clinton Powers standing at the window of the cell door. He asked Inmate Powers what he was doing to which he replied, "I just killed my roommate." He instructed Inmate Powers to move



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from the door at which time he observed Inmate David Hults lying on the floor face up. [REDACTED] his head was toward the window and his feet were toward the cell door. He further noted that Inmate Hults' [REDACTED]. He immediately radioed for Sergeant John Witalec and Officer Chad Dunn. A short time later, Sergeant Witalec, Officer Dunn, Officer John Short, Captain Gary Hewett, Officer Andrew Martin, Officer Michael Strausbaugh, Officer Andrew Locklear and Sergeant Shaun Edminson entered the quad. He observed Officer Dunn restrain Inmate Powers at which time he was removed from the cell and escorted to a holding cell. He and Officer Dunn entered the cell. They observed something around Inmate Hults' neck which appeared to be a piece of a sheet that had been ripped on the corner and was fashioned into a sliding noose. They were able to slide the noose open and remove it. Officer Dunn and he then [REDACTED] Melissa Scarborough first arrived followed by [REDACTED] Heather Fromm and Karen Crouse [REDACTED]. Upon the arrival [REDACTED] staff he exited the cell and continued with his security rounds. Officer Dunn remained with [REDACTED] staff, assisting with [REDACTED] Inmate Hults [REDACTED]. He recalled asking Inmate Powers why he had done this to which he replied that he and Inmate Hults were having a normal conversation and Inmate Hults started talking about how he liked little kids. Inmate Powers indicated he asked Inmate Hults if he thought that was funny. (Exhibits A1 and B1)

In an incident report, dated July 18, 2011 and a digitally, sworn recorded statement, dated July 18, 2011, Officer Chad Dunn indicated the following:

On July 18, 2011, he was assigned as G-Dormitory housing officer. He was in quad 4 when, via radio, he heard Officer James Murphy request for him to respond to [REDACTED] regarding an inmate that was potentially [REDACTED] in cell [REDACTED]. Upon his arrival, he restrained Inmate Powers, who was in cell [REDACTED]. He also gave Inmate Hults several verbal orders to submit to hand restraints which he did not comply. Inmate Powers was escorted to a [REDACTED] holding cell but made no statements to him. He returned to [REDACTED] and [REDACTED]. He noted that Inmate Hults was lying with his head facing the heater vent and his feet toward the door. He noted [REDACTED]. There was a sheet tied around his throat which they removed and [REDACTED]. A short time later, [REDACTED]. He remained with them and assisted as needed to include [REDACTED] as Inmate Hults was taken to [REDACTED]. Captain Hewett and Sergeant Witalec were also present. (Exhibits A2 and B1)

In an incident report, dated July 18, 2011, and a digitally, sworn recorded statement, dated July 18, 2011, Sergeant John Witalec indicated the following:

On July 18, 2011, he was assigned as G-Dormitory housing supervisor. At approximately 5:26 p.m., he was in the officer's station when he was notified by Officer Murphy, via radio, to respond to [REDACTED] in reference to [REDACTED] inmate. When he came into the quad, Officer Murphy was the only staff member he observed. He also observed Inmate Hults lying face up in cell [REDACTED]. [REDACTED] appeared [REDACTED] with his face facing the cell door. [REDACTED] appeared [REDACTED] blood on [REDACTED]. Inmate Hults was wearing state issued blue pants. Inmate Powers



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was facing the wall, in handcuffs and was calm. He opened the cell door of the shower and placed Inmate Powers inside. Inmate Powers made no statements while in his presence. He kept other people out of the area during this incident. Sergeant Edminson [REDACTED]. A short time later [REDACTED] arrived and Inmate Hults was taken to [REDACTED]. Sergeant Witalec concluded by stating he had not observed anything out of the ordinary that evening and knew of no problems with the two inmates involved. (Exhibits A3 and B1)

In an incident report, dated July 18, 2011, and a digitally, sworn recorded statement, dated July 19, 2011, Captain Gary Hewett indicated the following:

On July 18, 2011, at approximately 5:30 p.m., he responded to G-Dormitory after receiving notification of [REDACTED] inmate. Upon entering the dormitory, he went to cell [REDACTED] which had housed Inmates Hults and Powers. He observed Inmate Hults lying on the ground and noted that he was [REDACTED] Inmate Hults' [REDACTED] and there was a piece of sheet or t-shirt tied around his neck which appeared to [REDACTED]. Officers Dunn and Murphy were inside of the cell and were attempting to remove the sheet or string from around Inmate Hults' neck. The two officers [REDACTED] and he (Captain Hewett) instructed the control room to [REDACTED]. He remained inside of the cell with the officers. Approximately 3 to 4 minutes later, [REDACTED] Scarbrough, [REDACTED] Fromm and [REDACTED] Crouse responded to the cell and began assisting security staff [REDACTED] Inmate Hults. Inmate Hults was [REDACTED] taken to [REDACTED]. Staff continued to [REDACTED] awaiting response from Washington County [REDACTED] (Washington County [REDACTED]). At approximately 6 p.m., Washington County [REDACTED] arrived on scene. At approximately 6:07 p.m., Inmate Hults was pronounced deceased by [REDACTED] personnel. Captain Hewett concluded by stating that he had no contact with Inmate Powers but had insured that an officer maintained direct observation of him.

(Exhibits A4 and B1)

In an incident report dated July 18, 2011, and a digitally, sworn recorded statement, dated July 19, 2011, Officer Michael Woodham indicated the following:

On July 18, 2011, he was assigned to C-Dormitory. He was monitoring his radio when he heard a call for Captain Hewett to respond to G-Dormitory. He then heard a call [REDACTED] to also respond to G-Dormitory. He also heard a request for an officer to run to [REDACTED]. He had already left C-Dormitory when he heard the request so he ran to [REDACTED] at which time he observed [REDACTED] Fromm getting [REDACTED]. He assisted her [REDACTED] to G-Dormitory where another officer [REDACTED] inside the dormitory. He remained outside until staff exited G-Dormitory with an inmate [REDACTED]. They indicated they needed additional help [REDACTED] and he assisted. Once the inmate was inside [REDACTED] he began a crime scene log regarding the area. He maintained the log until Inmate Hults' body was removed from the facility by the Brown's Funeral Home. He did not touch the inmate. However, he observed that Inmate Hults [REDACTED].



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[REDACTED] He was wearing blue state issued pants. He concluded by stating he had no contact with Inmate Powers. **(Exhibits A5 and B1)**

In an incident report, dated July 18, 2011 and a digitally, sworn recorded statement, dated July 19, 2011, Officer Andrew Martin indicated the following:

On July 18, 2011, he was assigned to internal security on the 3-11 p.m. shift. At approximately 5:26 p.m., he responded to G-Dormitory, when notified via radio, of [REDACTED] inmate. Upon entering [REDACTED] he observed Inmate Hults lying face up [REDACTED] inside his cell [REDACTED] there was a white sheet around his neck [REDACTED] Sergeant Witalec and Officer Dunn were inside of the cell. Captain Hewett instructed him to go to [REDACTED] He waited in [REDACTED] until Inmate Hults was brought in by security [REDACTED] He assisted [REDACTED] until Washington County [REDACTED] arrived and pronounced Inmate Hults deceased. He concluded by stating he had no contact with Inmate Powers. **(Exhibits A6 and B1)**

In an incident report, dated July 18, 2011 and a digitally, sworn recorded statement, dated July 19, 2011, Officer Andrew Locklear indicated the following:

On July 18, 2011, he was assigned as internal security officer. At approximately 5:25 p.m., he was in front of the captain's office, when he heard a call from Captain Hewett for them (*he and Officer Martin*) to report to G-Dormitory. Upon entering G-Dormitory, [REDACTED] he observed Inmate Hults lying on the floor of cell [REDACTED]. The cell door was open and Officer Murphy, Officer Dunn and Sergeant Edminson were inside of the cell [REDACTED] Inmate Hults. He noticed that Inmate Hults' [REDACTED] [REDACTED] and [REDACTED] and his eyes were partially open [REDACTED] [REDACTED] He was wearing only his state issued blue pants. He entered the cell to assist Sergeant Edminson [REDACTED] Upon the arrival of [REDACTED] He exited the dormitory to assist with [REDACTED] however, another officer had gone [REDACTED] Upon returning to [REDACTED] he assisted [REDACTED] Other staff members [REDACTED] Inmate Hults to the [REDACTED] emergency room [REDACTED] Once in the [REDACTED] he continued to assist [REDACTED] until Washington County [REDACTED] arrived and pronounced Inmate Hults deceased. He concluded by stating he had no contact with Inmate Powers regarding this incident. **(Exhibits A7 and B1)**

In an incident report dated July 18, 2011, and a digitally, sworn recorded statement dated July 18, 2011, Sergeant Shaun Edminson indicated the following:

On July 18, 2011 he was assigned as F-Dormitory Housing Sergeant. At approximately 5:26 p.m., he entered [REDACTED] of G-Dormitory Confinement Unit due to Inmate David Hults lying on the floor face up [REDACTED] At approximately 5:33 p.m., Captain Hewett, Officers Dunn and Locklear and he [REDACTED] Inmate Hults was taken to [REDACTED]



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[REDACTED] where he assisted [REDACTED] until approximately 6:07 p.m., where Inmate Hults was deemed deceased by [REDACTED] staff. (Exhibits A8 and B1)

In an incident report dated July 18, 2011, and a digitally, sworn recorded statement, dated July 18, 2011, Officer Michael Strausbaugh indicated the following:

On July 18, 2011, he was assigned as internal security officer. At approximately 5:26 p.m., he entered [REDACTED] of G-Dormitory unit due to Inmate David Hults [REDACTED]. At approximately 5:27 p.m., he was ordered by Captain Hewett to ready the transport vehicles for Inmate Hults if needed. He made no observations and had no interactions with inmates involved in this incident.

(Exhibits A9 and B1)

In an incident report dated July 18, 2011, and a digitally, sworn recorded statement, dated July 18, 2011, Officer John Short indicated the following:

On July 18, 2011, at approximately 5:26 p.m., he was assigned as G-Dormitory Housing Officer. At that time, he was radioed to come to [REDACTED] by Officer James Murphy. He entered [REDACTED] of G Dormitory and proceeded to cell [REDACTED]. At approximately 5:29 p.m., Inmate Powers was restrained and the cell door was opened. Inmate Powers was secured in a holding cell. He observed an inmate lying on the floor with other officers [REDACTED] (identified as Inmate Hults). Inmate Hults was taken from the wing [REDACTED]. He maintained visible contact with Inmate Powers. He denied that Inmate Powers made any statements in his presence.

(Exhibits A10 and B1)

Northwest Florida Reception Center Main Unit Housing Unit Log (DC6-209), dated July 18, 2011, indicated that Sergeant Witalec, Officers Short, Dunn, Murphy and Welch were assigned to G Dormitory. (Exhibit A11)

A review of the [REDACTED] video recording, dated July 18, 2011, from 16:30 to 19:30 hours was made. Staff was observed making the prescribed security checks in the wing that cell [REDACTED] was located. [REDACTED] (Exhibit B2)

In an incident report dated July 18, 2011, and a digitally, sworn recorded statement, dated July 18, 2011, [REDACTED] Karen Crouse indicated the following:

Approximately 5:35 p.m., she received a telephone call from G-Dormitory (confinement) stating they needed [REDACTED] assistance because they had an inmate who [REDACTED] Scarbrough proceeded to G-Dormitory and she followed [REDACTED]. Upon her arrival, she was directed to [REDACTED] where she found Inmate Hults on the floor [REDACTED] two security staff members. [REDACTED] She instructed security to go to [REDACTED] and get the stretcher and the A.P.D. She advised Captain Hewett to [REDACTED]. She observed [REDACTED] Inmate Hults' [REDACTED] was a black, purple color [REDACTED]. After removing [REDACTED] the blood from Inmate Hults' [REDACTED] and [REDACTED] nurse Scarbrough [REDACTED] [REDACTED] and [REDACTED] Fromm arrived [REDACTED] and [REDACTED]



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Several correctional officers assisted [redacted] Inmate Hults [redacted]  
 [redacted] Sergeant Edminson continued [redacted] as Inmate  
 Hults was transported [redacted]  
 [redacted] arrived and pronounced Inmate Hults deceased at approximately 6:07 p.m.  
 [redacted]  
 [redacted] She had no contact with Inmate Powers. (Exhibits A12 and B1)

In an incident report, dated July 18, 2011, and a digitally, sworn recorded statement, dated July 18, 2011, [redacted] Vivian Ogg indicated the following:

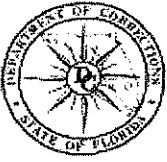
At approximately 5:35 p.m., [redacted] Scarbrough and Crouse responded to G-Dormitory in response to a request for assistance in regards to [redacted] inmate. A second call was received at 5:40 p.m., indicating that [redacted] Fromm responded [redacted] while she went to [redacted] When staff arrived with Inmate Hults, they were [redacted] Washington County [redacted] arrived [redacted] Inmate Hults. They pronounced him deceased at 6:07 p.m. Upon Inmate Hults' arrival, [redacted] (Exhibits A13 and B1)

In an incident report, dated July 18, 2011, and a digitally, sworn recorded statement, dated July 18, 2011, [redacted] Heather Fromm indicated the following:

At approximately 5:41 p.m., she received a telephone call from G-Dormitory requesting [redacted] She, with the assistance of Officer Woodham, responded [redacted] Upon her arrival, [redacted] Scarbrough and Crouse were [redacted] The officers immediately [redacted] Inmate Hults [redacted] Inmate Hults and he was moved to [redacted] Sergeant Edminson continued [redacted] arrived and Inmate Hults was pronounced deceased at 6:07 p.m. While in [redacted] Inmate Hults [redacted] There was also [redacted] He was wearing state issued pants and boxers. She had no contact with Inmate Powers. (Exhibits A14 and B1)

In an incident report, dated July 18, 2011, and a digitally, sworn recorded statement, dated July 18, 2011, [redacted] Melissa Scarbrough indicated the following:





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At approximately 5:35 p.m., [REDACTED] received a telephone call from Officer Waylon Welch in G-Dormitory indicating they had an inmate "down." She informed [REDACTED] Crouse and Ogg that she was [REDACTED] and requested that [REDACTED] Crouse [REDACTED] follow her. While going to G-Dormitory, she learned that the inmate [REDACTED]. At that time, she indicated she needed someone to [REDACTED]. Upon entering [REDACTED] Dormitory, [REDACTED] she observed Sergeant Edminson and Officer Dunn [REDACTED]. Inmate Hults was laying on the ground [REDACTED]. She later observed [REDACTED]. He was wearing state issued blue pants and boxers. [REDACTED] on the lower bunk in [REDACTED]. They continued [REDACTED]. Crouse arrived and [REDACTED] Sergeant Edminson. Captain Hewett was told they needed [REDACTED]. Inmate Hults was [REDACTED]. Edminson as they transferred the inmate to [REDACTED]. They continued [REDACTED]. Inmate Hults [REDACTED] when [REDACTED] arrived. At 6:07 p.m., Inmate Hults was pronounced deceased by [REDACTED]. She had no contact with Inmate Powers. (Exhibits A15, A16 and B1)

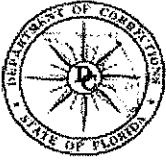
In a sworn affidavit, dated July 18, 2011, Inspector Rodney Coffey indicated the following:

On July 18, 2011, he was contacted by Senior Inspector Debra Carter (*Arrant*) and was instructed to respond to Northwest Florida Reception Center regarding an inmate death. Upon arrival, he was advised that there was an inmate [REDACTED] that was deceased. He then went to the confinement unit and observed Inmate Powers in a shower cell. He collected Inmate Powers' state issued clothing and bagged each piece of clothing separately. He asked Inmate Powers for his shower slides and as the inmate handed them to him, Inmate Powers identified what he (*Inmate Powers*) described as [REDACTED] on them. Later, he asked Inmate Powers if he wanted water and the inmate told him that he did. As Inmate Powers was taking the drinking cup from him, Inmate Powers asked him if he was going to get his DNA from the cup. He told him, "No." He asked Inmate Powers if he would provide DNA samples. Inmate Powers asked if it would be mouth swabs and he told him that it would along with collections from his fingers. Inmate Powers indicated he was willing to provide these samples. Upon the arrival of Florida Department of Law Enforcement (*F.D.L.E.*) Crime Laboratory Staff they asked Inmate Powers if he was willing to provide samples and again the inmate stated that he would. The Crime Laboratory Staff collected mouth and finger swabs from Inmate Powers.

(Exhibits A17 ~ A19)

In a sworn affidavit, dated July 18, 2011, Inspector Jennifer Skipper indicated the following:

On July 18, 2011, at approximately 6 p.m., she was notified [REDACTED] which had occurred at Northwest Florida Reception Center, G-Dormitory. After making notification to Inspector Carter Arrant she responded to the institution. While en route, she made contact with Michael Bates with the 14<sup>th</sup>



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Judicial Circuit Medical Examiner's Office and advised him of the preliminary facts. She also contacted Assistant State Attorney Brandon Young, 14<sup>th</sup> Judicial Circuit State Attorney's Office, and advised him of the incident. She later learned that Maria Afoote, from the Medical Examiner's Office would respond. She spoke with Dave Edmonson, Investigator from the State Attorney's Office, and he advised he too would be en route. Upon her arrival, she made contact with Colonel Scott Duvall who provided a brief synopsis of the information they had gathered. She then responded to the [REDACTED] building and did a cursory review of Inmate Hults' body. She noted [REDACTED]. She then responded to [REDACTED] Dormitory where she observed Officer John Short who was maintaining a crime scene log. She was further advised that the door to room [REDACTED] had been locked and no one had entered it once Inmate Hults' had been moved. She observed Inmate Powers who was in [REDACTED] shower cell. He was restrained with handcuffs behind his back. She made contact with him and asked if he was injured. At that time, he complained about the handcuffs being too tight. She inspected them and noted they were tight and then requested that they be loosened. She monitored Inmate Powers periodically throughout the evening. At 8:20 p.m., she noted he appeared agitated and asked if he was okay. He said he was getting agitated and that he had been in the cell for three hours. She explained things take time and he would be out as soon as possible. He then stated, "The last motherfucker I killed, it didn't take them this long." At approximately 8:27 p.m., he stated, "If he's dead, he's dead-Good-let's get on with it-I know my rights....let's go to court." He did not make any further statements of admission to her. At approximately 11:32 p.m., she conducted a digitally recorded interview of Inmate Powers in the security building with Inspector Carter Arrant. Inmate Powers was provided his Constitutional Rights and invoked them, indicating he would wait for an attorney.

(Exhibits A20 and B4)

According to the Daily Record of Special Housing -Supplement (DC6-229B) of Inmate Clinton Powers, DC# 123014, he was placed in cell [REDACTED] on July 6, 2011, pending a disciplinary report. (Exhibit A21)

Thirty-three (33) of the thirty-eight (38) inmates housed in G-Dormitory at the time of the alleged incident were interviewed. Thirty-three (33) inmates provided sworn affidavits indicating either they did not see or hear anything or they were sleeping. (Exhibit A22)

In a digitally, sworn recorded statement, dated July 19, 2011, Inmate Kenneth Brackins indicated the following:

He was housed in G [REDACTED] since yesterday (July 18) at lunchtime. Yesterday evening, he heard an inmate housed in cell [REDACTED] at approximately 4:30 or 5:00 p.m., and the officers never [REDACTED]. He heard officers say behave yourself. When the officers came around later, he heard the officer say he was already dead. Two officers went to the cell door when he heard the call [REDACTED] and remained approximately 5 to 10 minutes. Staff came back again approximately 30 minutes later to the cell and that was when they recognized he was serious. The inmate who had [REDACTED] was "hanging." The cellmate in his room was screaming he was dead. Security then rushed in and called [REDACTED]. He did not know the victim or cellmate. He denied having any knowledge of any incidents between the cellmates of [REDACTED].



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previous to that. Staff did not take [REDACTED] "serious" in the dormitory.

**(Exhibit B3)**

In a digitally, sworn recorded statement, dated July 19, 2011, Inmate Cachet Alexander indicated the following:

He was placed in cell [REDACTED] the day before (*July 17*). His cell was directly above cell [REDACTED] and earlier in the day (*July 18*) around the noon meal, he overheard an argument between two officers and an inmate. He believed it was an inmate in the cell below him, but he did not know the inmate's name. The inmate was kicking on the door at the time. The officers were "messaging round with him." Inmate Alexander believed that the inmate was trying to [REDACTED]. An officer, known to him only as only "Officer B," made a statement to the inmate's roommate that he would give him a pack of "rips" (*tobacco*) if he would "jump" on him. A statement was also made about being a child molester. Inmate Alexander did not know which of the inmates in the cell "Officer B" made the statement to. Inmate Alexander described "Officer B" to be a white male, tall with a thin build. The other officer was a heavy set male.

**(Exhibit B3)**

In an affidavit of July 19, 2011, Inmate Hector Rivera indicated the following:

He was housed in [REDACTED] and observed the inmate, (*Inmate Powers based on his physical description*) coming to the window of his cell and then turning around and talking to his roommate. At that time, the inmate did not appear upset. Approximately 45 minutes later, he observed Inmate Powers standing at the cell window for approximately 30 minutes. He appeared calm, as if nothing had happened.

**(Exhibit A23)**

In an affidavit of July 19, 2011, Inmate Juan Langley indicated the following:

He was housed in [REDACTED] and observed the inmates in [REDACTED] moving back and forth from the door. He noted that neither had on shirts but later observed that the inmate (*Inmate Powers based on his physical description*) had put on a shirt. He also observed him signing to someone on the wing. The officers then came in and pulled him from the room.

**(Exhibit A24)**

In a District Fourteen Medical Examiner Case Summary No.: 2011-MLA-0246, dated August 15, 2011, and Autopsy Report, dated July 18, 2011, Medical Examiner Michael D. Hunter, M.D. indicated the manner of death of Inmate David Hults was [REDACTED] and his death to be a homicide. **(Exhibits A25 and A26)**

In a Florida Department of Law Enforcement Laboratory Report, dated September 27, 2011, authored by Crime Laboratory Analyst Kelley Dowd indicated a mixed DNA profile from Exhibit A12A (*ligature*). The DNA demonstrated the presence of at least two individuals. A partial minor DNA profile matched Inmate Clinton Powers. The major DNA profile matched the DNA profile of Inmate David Hults. **(Exhibit A27)**

In a letter, dated July 25, 2011, sent to the Fourteenth Judicial Circuit State Attorney's Office which was signed "Clinton L. Powers" indicated he (*the writer*) was the cellmate of an inmate that was killed while at Northwest



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Florida Reception Center on July 18, 2011. He further alleged that he was treated as a suspect; however, he was not given the opportunity to provide a statement as to what had happened. He stated he would like to speak with someone from their office and would be willing to provide a taped statement concerning the elements of the case as to who "really" did it." Additionally received was a second letter, dated August 1, 2011, bearing the signature of "Clinton Powers." The writer indicated a desire to talk to somebody about the murder case that took place at "Washington Correctional Institution" on Monday, July 18, 2011. (Exhibits A28 and A29)

In an affidavit of August 11, 2011, Inspector Kenneth Smith indicated the following:

He received an inmate request from Inmate Clinton Powers alleging that on July 18, 2011, at 4:45 p.m., at the Northwest Florida Reception Center, his cellmate was killed. He would like to give a recorded testimony of what happened and why. He would like to openly confess to the murder of David Hults.

(Exhibits A30 and A31)

As a result of the above information, on August 8, 2011, Inspector Kenneth Smith interviewed Inmate Clinton Powers. In a digitally, sworn recorded statement, post-Miranda, Inmate Powers indicated the following:

He affirmed that he did waive his Miranda rights and was willing to speak with Inspector Smith. On Friday, July 15<sup>th</sup>, he and his cellmate, David Hults were in administrative confinement lying around the cell. They began talking about the bible and things and Inmate Hults said he wanted him to read a couple of scriptures out of the bible about suicide and murder. He could not find any about suicide but did find some scriptures about murder, which he read to him. Inmate Hults told him he was tired of all the "drama" he had been going through [REDACTED]. He also said people were picking on him because he was a "child molester" and stealing from him. He had received a life sentence and did not want to do his time that way. Inmate Hults told him he wanted to [REDACTED]. When he asked him how he was going to do it, Inmate Hults stated that he wanted somebody to do it who knew how to do it [REDACTED]. He waited until Sunday and asked Inmate Hults if he was still interested in somebody helping him out. Inmate Hults appeared to have forgotten, so he had to remind him that he wanted to [REDACTED] (Inmate Hults). Inmate Powers asked him if he was still deciding if he wanted to [REDACTED] and Inmate Hults indicated that he did. He expressed concern about it [REDACTED]. On Sunday night, he gave Inmate Hults a suggestion. He tore up a sheet, ripped it in half and showed Inmate Hults how to make a noose out of a sheet and how to strangle himself without him feeling anything. On Monday night, about 4:45 p.m., he "jumped out" of his bed and Inmate Hults sat up. He asked him if he was ready and Inmate Hults said, "yes." He gave Inmate Hults the sheet and he put it around his neck and asked him if he was doing it right. He adjusted it so when Inmate Hults tied it on the edge of the bunk, [REDACTED]

[REDACTED] Inmate Hults did that and when [REDACTED] He took the sheet down off the bunk and pulled Inmate Hults onto the floor where he tried to take the sheet off his neck but could not. He waited until security came around for their [REDACTED] inspection and told the officer that "the man's dead in the cell" at which time security came and removed him from the cell. Inmate Powers acknowledged that he tied the sheet



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to the top bunk but indicated he was only assisting Inmate Hults in [REDACTED].

(Exhibit A32 and B4)

As a result of the letters sent to the State Attorney's Office, a second interview was conducted with Inmate Clinton Powers. In a digitally, sworn recorded statement, dated August 19, 2011, post-Miranda, Inmate Clinton Powers indicated the following:

He affirmed that he had initiated the contact even though he had previously invoked his Constitutional Rights. He stated he did wish to speak regarding the incident which occurred on July 18, 2011. During that interview he signed a Miranda Rights Waiver, confirmed his signature was that on the inmate request written to Inspector Smith and acknowledged writing a letter to the Fourteenth Judicial Circuit State Attorney's Office. He continued by indicating that he was in administrative confinement and Inmate David Hults became his cellmate. Inmate Hults expressed some [REDACTED] so he accommodated him with his efforts. He provided the same information which he had given to Inspector Smith on August 8, 2011; however, stated that Inmate Hults was going to do "it" sitting up so he told him to lay down. Inmate Hults laid down and he told him alright, "go ahead there ain't no police coming and he did it." He stood at the door but did not see anyone come around [REDACTED]. When Inmate Hults [REDACTED], he put him on the floor. When the officer made his rounds, he told the officer, to get Inmate Hults out of his room because he was dead. He denied telling the officer who was making his rounds that he had killed his roommate. He stated that due to a prior homicide he had committed, while incarcerated, with similar circumstances, he was automatically looked at as killing Inmate Hults. He also stated Inmate Hults told him he had left a note; however, he never saw the note. He affirmed that he and Inmate Hults conspired to end his life. He said Inmate Hults had second thoughts but that he encouraged him to carry out the plan, which he had explained to him. He watched as Inmate Hults ended his life and in no way, did he attempt to grab the sheet from around his neck.

(Exhibits A33, A34 and B4)

In a handwritten letter, dated August 29, 2011, and "A General Affidavit of Murder One" signed Clinton Powers, The writer, Clinton Powers admitted to [REDACTED] his roommate, Inmate David Hults to death on July 18, 2011. In a digitally, sworn recorded statement, dated September 29, 2011, post-Miranda, Inmate Clinton Powers indicated the following:

He admitted to writing the letter, dated August 29, 2011, and affidavit. He additionally admitted to signing his name to the letter and affidavit. During this interview, Inmate Powers affixed his initial of "CLP" and date of September 29, 2011, to each page totaling 10 pages. Inmate Powers was asked "in your own words what happened between you and Inmate Hults on July 18, 2011," which he answered that Inmate Hults was placed in the cell with him on July 15, 2011. He "just" got tired of Inmate Hults being in his room so he devised a plan. He admitted to telling Inmate Hults the plan of tying his hands behind his back and "play like" he was trying to kill him so the "police" would come and remove him from the cell. As a result, they both would be transferred from the facility. Inmate Hults thought about it first, but later agreed to it. On July 18, 2011, sometime around 4:30 p.m., he indicated to Inmate Hults to "go ahead and do this." It was approximately 4:45 p.m., when he tied Inmate Hults's hands up.



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Inmate Hults hesitated initially, but complied. He had a "stripped sheet" and tied Inmate Hults's hands together tightly. He proceeded to tie his arms straight down to his side, so he could not move his arms. He instructed Inmate Hults to lay down on his bottom bunk, on his left side facing the wall. He "reached up on the bed and grabbed a sheet, a stripped sheet that was still around his neck when they came and got him and I choked him." Inmate Hults stated, "you're choking me." Inmate Powers stated "I know, you're supposed to be dead and that's when I went to pulling it real tight. And then after I was pulling it for a few minutes, he [REDACTED]. And the more he [REDACTED] the more I went to pulling the sheet. I was literally trying to chop his head off with the sheet, is what I was literally trying to do. That's how much hatred I had for this individual. Did he provoke me to do this? No. He did not provoke me to do this, this is something that I chose to do. It's something I, I don't know, I guess you could say I wanted to do."

The officer came around between [REDACTED] and he told the officer he needed to get his roommate out of his room. He told the officer he had killed his roommate. The officer looked into the room and replied, "are you serious, are you for real."

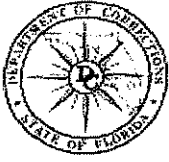
Inmate Powers admitted to moving Inmate Hults from his bed and placing him on the floor of the cell, where he was discovered by the security officers.

Inmate Powers admitted to intentionally killing his roommate while housed at Apalachee Correctional Institution in calendar year 1996 (*Refer to Inspector General Investigative Case No.: 96-1-0925.*) He admitted to placing a sheet around the inmate's neck. Tying his hands behind his back "basically the same way" he did "this individual here" and he choked him out with the sheet and killed him.

Inmate Powers admitted that his earlier statements regarding assisting Inmate Hults with suicide was "a lie." He fabricated those statements for the sole purpose of prolonging the investigation in order for him to get what he needed as legal research. He lastly admitted that his statement today was the "truth and correct statement of what happened."  
**(Exhibits A35, A36 and B4)**

A Probable Cause Affidavit for a violation of §782.04 (*Homicide*) Florida Statutes, was prepared and submitted to the State Attorney's Office of Fourteenth Judicial Circuit. On January 17, 2012, a Warrant was signed by Honorable Judge Name Name and filed with the Washington County's Clerk of Court for the arrest of Inmate Clinton Powers.  
**(Exhibits A37 and A38)**

This case is closed by arrest.



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*Debbie Carter Arrant*

Debbie Carter Arrant

Inspector

04/04/2012

Date

*[Signature]*

Regional Supervisor / Lead Inspector

4/10/12

Date

N/A

Lead Supervisor

Date

*Ken Sumpter*

Deputy Inspector General  
 Chief of Investigations

Deputy Inspector General  
 Chief of Special Operations

4/30/12

Date

Inspector General

Date