

# Florida Department of Corrections



## Office of the Inspector General

**CRIMINAL INVESTIGATION**

**Case # 13-3928**

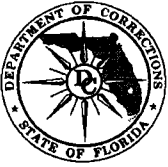


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**Case Number:** 13-3928

**Inspector:** Kelley C. El-Urfai

**Date Assigned or Initiated:** 04-15-2013

**Complaint Against:** Nurse Danielle Lewis  
Nurse Kimberly Wheat

**Location of Incident – Institution/Facility/Office:** Jefferson Correctional Institution

**Complainant:** Dr. Charlie Richardson

**Use of Force Number:** N/A

**PREA Number:** N/A

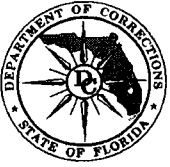
**Classification of Incident:** Manslaughter

**Confidential Medical Information Included:**  Yes  No

**Whistle-Blower Investigation:**  Yes  No

**Equal Employment Opportunity Investigation:**  Yes  No

**Chief Inspector General Case Number:** N/A



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**I. AUTHORITY**

The Florida Department of Corrections, Office of the Inspector General, by designation of the Secretary and § 944.31, Florida Statutes, is authorized to conduct any criminal investigation that occurs on property owned or leased by the department or involves matters over which the department has jurisdiction.

The testimony references included in this report are summations of oral or written statements provided to inspectors. Statements contained herein do not necessarily represent complete or certified transcribed testimony, except as noted. Unless specifically indicated otherwise, all interviews with witnesses, complainants, and subjects were audio or video recorded.

**II. METHODOLOGY**

The investigation reviewed the derivations of the allegation advanced by the complainant. The scope of this investigation does not seek to specifically address tort(s), but violations of criminal statutes. The criterion used to evaluate each contention or allegation was limited to the following standard of analysis:

1. Did the subject's action or behavior violate Florida criminal statutes?

**III. ANALYSIS**

The standard and analysis in this investigation is predicated with the burden of proving any violation of law, established by probable cause. The evidence considered for analysis is confined to the facts and allegations stated or reasonably implied. The actions or behavior of the subject are presumed to be lawful and in compliance with the applicable Florida law, unless probable cause indicates the contrary.



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**IV. DEFINITIONS**

**Unfounded:**

Refers to a disposition of a criminal case for which probable cause does not exist to suggest the suspect's behavior or action occurred nor is an arrest or formal charge being initiated.

**Closed by Arrest:**

Refers to a disposition of a criminal case for which probable cause exists that an identified subject committed the offense and one for which an arrest or formal prosecution has been initiated.

**Exceptionally Cleared:**

Refers to a disposition of a criminal case for which probable cause exists that an identified suspect committed the offense, but one for which an arrest or formal charge is not initiated, or in the case of a death investigation, one for which no evidence exists that the death was the result of a crime or neglect.

**Open-Inactive:**

Refers to a disposition of a criminal case for which a criminal investigation commenced, but where evidence is insufficient to close as unfounded, closed by arrest, or exceptionally cleared.



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**V. PREDICATE**

On April 15, 2013, at approximately 4:10 PM, the Department of Corrections, Office of the Inspector General received information that Inmate Marvin Morris ("Inmate Morris") DC# 132065 had been pronounced dead at 3:58 PM [REDACTED] at Jefferson CI. At 3:40 PM, Inmate Morris had been locked in the front sally port of H-dorm with Inmate John Rose DC# 103289 as they were returning from the chow hall. Sergeant Curtis Mattair was in the control room and witnessed Inmate Morris [REDACTED] by shaking the "grill gate," then crashing his head into the main entrance door, causing Inmate Morris [REDACTED]. Security [REDACTED] were called for assistance. Inmate Morris was taken [REDACTED] where he was pronounced dead. The preliminary findings at the autopsy indicated Inmate Morris [REDACTED]. The Office of the Inspector General initiated a criminal investigation into the incident on April 15, 2013, with the case being assigned to Inspector Kelley C. El-Urfali.

**VI. SUMMARY OF INVESTIGATIVE FINDINGS**

Based on the exhibits, witnesses' testimony, subject officer's statements, and the record as a whole, presented or available to the primary inspector, the following findings of facts were determined:

On April 15, 2013, approximately 4:30 PM, Inspectors El-Urfali and Sally Cole responded to H-dorm after being notified of Inmate Morris's death. Inspectors El-Urfali and Cole conducted an on-scene interview with Sergeant Curtis Mattair ("Sergeant Mattair") who witnessed the incident with Inmate Morris. Sergeant Mattair relayed the following:

Sergeant Mattair was in the officer's station control room in H-dormitory alone, opening the entrance door for general population inmates who were returning from the chow hall. These particular inmates were [REDACTED] and were fed prior to the rest of the general population inmates.

Sergeant Mattair indicated Inmates Morris and John Rose ("Inmate Rose") entered the front door of H-dormitory together and were secured inside the sally port area between two locked doors. Sergeant Mattair observed Inmate Morris rush to the "grill gate" close to the officer's station, grab the gate and forcefully shake the gate. Sergeant Mattair stated he yelled to Inmate Morris to get Inmate Morris's attention and to find out what was wrong. Inmate Morris then released the grill gate and ran back to the entrance door where Inmate Morris "crashed" into the door, banging his head. Sergeant Mattair had no idea what was wrong with Inmate Morris and did not want to release Inmate Morris from the sally port area because of his violent behavior and for the safety of other inmates and staff who were in the dormitory wings.



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Sergeant Mattair stated he called for security assistance [REDACTED] because he could see that Inmate Morris [REDACTED]. After crashing into the door, Inmate Morris continued to [REDACTED]. Inmate Morris fell to the floor; then stood up and tossed a garbage can across the sally port. Inmate Morris dropped to his knees and laid face down on the floor. Sergeant Mattair stated that Inmate Rose remained out of Inmate Morris's way and did not touch Inmate Morris during this incident.

Security assistance arrived and relieved Sergeant Mattair from the control room. Sergeant Jack Pitts entered the sally port area from the entrance door and Sergeant Mattair and Officer Kenneth Jones entered the sally port area from the grill gate. Sergeant Mattair stated he shook Inmate Morris's shoulder, calling to Inmate Morris, but Inmate Morris did not respond. [REDACTED] at this time and Sergeant Mattair opened the entrance door so they could enter. Security staff placed Inmate Morris [REDACTED]. Inmate Morris left the dorm with [REDACTED] other security staff.

*Investigator's note: No oath perjury or witness rights forms were completed for Sergeant Mattair. From April 29, 2013, to the present date (October 7, 2013), Sergeant Mattair has been [REDACTED] and not returned to duty. Sergeant Mattair has not provided a sworn, recorded interview.*

In a sworn, digitally recorded interview on May 1, 2013, Officer Maurice Arnold ("Officer Arnold") indicated the following:

On April 15, 2013, Officer Arnold was working at center gate that afternoon. When Inmate Morris came out of H-dorm, Inmate Morris went to [REDACTED] and cut through the grass. Officer Arnold had to counsel with Inmate Morris about that. When Inmate Morris came out of the chow hall, he had two peanut butter sandwiches. Officer Arnold stopped Inmate Morris and took one of the sandwiches and put it to the side. Officer Arnold knew that Inmate Morris was [REDACTED] and was allowed to have one sandwich to take back to the dorm. Officer Arnold went over to food service to talk to Officer Adam Pierce (about 30 yards away) to find out what the [REDACTED] was and was told [REDACTED]. When Officer Arnold turned around (toward center gate), Inmate Morris was going back to the dorm. Sergeant Jack Pitts ("Sergeant Pitts") was at the center gate. When Officer Arnold got back to the center gate, Sergeant Pitts said he counseled with Inmate Morris and sent Inmate Morris back to the dorm. Officer Arnold was not sure what happened to the confiscated sandwich, but Officer Arnold believed Sergeant Pitts gave the sandwich back to Inmate Morris. Officer Arnold stated during the time Inmate Morris was at the center gate, Inmate Morris was talking fine [REDACTED].

Officer Arnold responded to H-dorm upon hearing the call for assistance. When he arrived, Officer Arnold [REDACTED]. Officer Arnold assisted in placing Inmate Morris [REDACTED].



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Inmate Morris was [REDACTED] at the time and his [REDACTED]. Officer Arnold did not know if Inmate Morris [REDACTED]. Officer Arnold walked to [REDACTED] behind Inmate Morris [REDACTED].

In a sworn, digitally recorded interview on May 1, 2013, Sergeant Jack Pitts ("Sergeant Pitts") indicated the following:

While Sergeant Pitts was at center gate the afternoon of April 15, 2013, Inmate Morris approached him and said he (Morris) [REDACTED] and the peanut butter sandwich on the table was the only one he (Morris) had. Inmate Morris told Sergeant Pitts he did not know why he (Morris) was in trouble, he just wanted his sandwich. Inmate Morris said he needed the sandwich [REDACTED] and Sergeant Pitts told Inmate Morris to take his sandwich, go back to the dorm, and not to cause anymore problems. At that time, Inmate Morris was happy and told Sergeant Pitts he appreciated it. Sergeant Pitts was not aware of Inmate Morris having a second sandwich. Officer Arnold was not at center gate at the time and Sergeant Pitts believed Officer Arnold had gone to unlock the food service gate. Sergeant Pitts did not know what occurred prior to him (Pitts) arriving at center gate.

When Sergeant Pitts heard the call for assistance in H-dorm, he responded. When Sergeant Pitts arrived at the front door of the dormitory, he saw Inmate Morris fall to the floor (in the sally port). The front door was then unlocked and Sergeant Pitts opened the door, but Sergeant Mattair told Sergeant Pitts to shut the door because Inmate Morris was [REDACTED] and Sergeant Mattair wanted to assess the situation before they went in. Sergeant Pitts shut the door and noticed Sergeant Graham and [REDACTED] behind him "coming down the compound." Sergeant Pitts told Sergeant Mattair they [REDACTED] to open the front door so Sergeant Pitts could come in and help Sergeant Mattair get Inmate Morris [REDACTED]. Sergeant Mattair was standing outside the grill gate door (at the other end of the sally port), outside the sally port area also.

Both the sally port doors were unlocked and Sergeants Pitts and Mattair entered and approached Inmate Morris. Sergeant Pitts grabbed a part of Inmate Morris's clothing [REDACTED] in an attempt to get Inmate Morris to respond. At that time, Sergeant Graham and [REDACTED] came in the sally port and Sergeant Pitts told [REDACTED] that Inmate Morris was not responding; Sergeant Pitts tried to pull on Inmate Morris's clothing and call his name.

[REDACTED] stated Inmate Morris [REDACTED]  
 [REDACTED]  
 [REDACTED] Sergeant Barry Graham ("Sergeant Graham") assisted Sergeant Pitts [REDACTED]  
 [REDACTED] Sergeant Pitts did not know if Inmate Morris [REDACTED]  
 [REDACTED]





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While they were in the sally port with Inmate Morris, [REDACTED] was standing outside the dorm, by the front door and the door was partially opened. Sergeant Pitts escorted the [REDACTED] with Inmate Morris [REDACTED] where they placed Inmate Morris on the [REDACTED]. Sergeant Pitts then departed [REDACTED]. After [REDACTED] and Sergeant Pitts asked [REDACTED] Inmate Morris. [REDACTED] said, "I did not think of it at the time."

On May 9, 2013, Officer Kenneth Jones ("Officer Jones") provided a sworn, digitally recorded interview and indicated the following:

Officer Jones stated he was assigned in H-dorm as an officer on April 15, 2013. It was count time and Officer Jones was in quad four. Sergeant Mattair motioned for Officer Jones to come out of the quad. Officer Jones came out of the quad and saw Inmate Morris laying face down in the sally port. Officer Jones was standing outside the grill gate and Sergeant Pitts came to the front door of the dorm. [REDACTED]. Officer Jones, Sergeant Pitts, and Sergeant Graham then entered the sally port area. It appeared to Officer Jones that Inmate Morris [REDACTED] but he could not say for sure. It did not take long [REDACTED]. Sergeants Graham and Pitts picked up Inmate Morris [REDACTED]. Once Inmate Morris left the area, the sally port was closed and there was no movement allowed through that area. Officer Jones had no further involvement in this incident.

On June 28, 2013, Sergeant Barry Graham ("Sergeant Graham") provided a sworn, digitally recorded interview and indicated the following:

Sergeant Graham stated that on April 15, 2013, an alarm was activated and staff was told to respond to H-dorm in reference to an incident. Sergeant Graham recalled coming out of Tower 2 when he responded to H-dorm. When Sergeant Graham arrived at H-dorm's front door, Sergeant Graham observed Inmate Morris lying on the floor [REDACTED]. Sergeant Graham believed that Sergeants Pitts and Mattair had just arrived at the sally port area as well. Sergeant Graham did not believe another inmate was in the sally port area at the time. Shortly afterward, maybe one to two minutes later, [REDACTED]. Sergeant Graham stated [REDACTED] and Sergeant Graham remembered [REDACTED]. Sergeant Graham assisted Sergeant Pitts in placing Inmate Morris [REDACTED].

The H-dorm front sally port area was assessed and photographed. The photographs will be placed on a DVD and attached to the final report for filing. A partial amount of a peanut butter sandwich was found in a baggie on the floor. It was photographed and recovered. A piece of bread with peanut butter on it was



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found by the front entrance door, which was photographed. There was [REDACTED] the sally port area, on the floor and walls, as well as pieces of peanut butter. Inmate Morris's [REDACTED] and scattered on the floor, as well as [REDACTED]. The entire area was photographed and [REDACTED] were recovered as evidence.

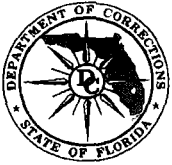
In an on-scene interview on April 15, 2013, and sworn, digitally recorded interview on April 25, 2013, Inmate John Rose ("Inmate Rose") indicated the following:

On the afternoon of April 15, 2013, Inmate Rose was coming back from the chow hall [REDACTED]. Inmate Rose entered the dorm and turned around to look behind him before closing the door. Inmate Morris was coming up behind Inmate Rose and dropped something, but Inmate Rose did not know what it was. Inmate Rose waited for Inmate Morris. Inmate Morris picked up the item and ran to the door like he was in a real big hurry. When they got inside the door, Inmate Morris started [REDACTED] and started running back and forth in the sally port area. Inmate Morris had shut the door behind him and the door was locked. They were trapped in the area between two locked doors.

Inmate Rose stated he looked up to Sergeant Mattair (in the officer's station) to open the door because it was evident [REDACTED] Inmate Morris. Sergeant Mattair kept "ducking behind" like he did not see Inmate Rose. Sergeant Mattair kept ducking in the officer area out of Inmate Rose's sight. Inmate Rose thought "they" wanted Inmate Morris to attack him (Rose). Inmate Rose backed up to try to stay away from Inmate Morris. Inmate Morris fell to the floor, got up, and ran his head into the wall. Inmate Morris fell to the floor again, got back up, and ran toward the barred door. A few officers came out of quad three and looked over, but Inmate Rose thought they were told to go back in quad three. Sergeant Mattair was still looking down at them in the sally port. Inmate Morris was lying on the floor by the front dormitory door and there [REDACTED]. Inmate Rose stated after 10 minutes, Sergeant Mattair came down and opened the door and Inmate Rose asked Sergeant Mattair why he did not open the door. Sergeant Mattair said he could not open the door. Inmate Rose said that Inmate Morris never said a word during this incident. Inmate Rose said a couple of inmates were looking at this incident from outside the front dormitory door and looking at Inmate Rose like he was supposed to do something. Inmate Rose said he could not do anything for Inmate Morris and was scared to go near Inmate Morris anyway. Inmate Rose denied that Inmate Morris ever touched him.

In a sworn, digitally recorded interview on April 15, 2013, Inmate John Long ("Inmate Long") indicated the following:

Inmate Long was housed in H-dormitory at Jefferson CI and went [REDACTED] this afternoon (April 15) and saw Inmate Morris in the chow hall. Inmate Morris was ahead of Inmate Long when they got



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their food trays. Inmate Morris tried to let food service staff (Mr. James Williams) know that he was [REDACTED] Mr. Williams "waved him off" and told Inmate Morris to go sit down and eat his tray. Inmate Long knew that Inmate Morris [REDACTED] and Inmate Long believed Inmate Morris [REDACTED] a peanut butter sandwich. Inmate Long did not know exactly what kind of food Inmate Morris got on his tray. Inmate Morris sat down and started eating. After about two minutes of eating, Inmate Morris threw his tray away and was [REDACTED] "Inmate Morris proceeded back to the dorm and Inmate Long left shortly after that. Inmate Morris seemed to be in a rush to get to the dorm. Inmate Morris entered into H-dorm and the next thing Inmate Long knew was that Sergeant Mattair came out of the dorm saying [REDACTED] and escorted the (waiting) inmates into the dorm through the back door.

In a sworn, digitally recorded interview on April 15, 2013, Inmate Zachary Green ("Inmate Green") indicated the following:

Inmate Green was housed in H-dormitory at Jefferson CI and went [REDACTED] today (April 15). Inmate Green saw Inmate Morris at the center gate after being at the chow hall, talking to Officer Maurice Arnold ("Officer Arnold") about a chicken sandwich. Officer Arnold asked Inmate Morris why he had the sandwich and Inmate Morris said he was taking it to the dorm to eat because he was hungry. Inmate Morris also had a peanut butter sandwich. Officer Arnold took the chicken sandwich from Inmate Morris. Inmate Morris was "pretty upset" at the time. Inmate Green stopped at the mailbox and Inmate Morris passed Inmate Green on the way to the dorm. Inmate Morris was running toward the dorm and dropped his peanut butter sandwich. Inmate Morris picked up the sandwich and went into the sally port of the dorm and the door shut.

Inmate Green said he stood at the door (of the H-dorm entrance) and was looking through the sally port door. Inmate Morris was lying on the ground, banging his head up and down on the ground [REDACTED] Inmate Morris then jumped up and [REDACTED]. Inmate Morris jumped back on the ground and "went to bouncing around." The last thing Inmate Green saw was Inmate Morris hitting his chest and falling forward. Inmate Green said that is when Sergeant Jack Pitts came. Inmate Green said there was an older, white inmate (John Rose) in the sally port with Inmate Morris, who was standing by the grill gate, holding onto the gate and shaking it. The white inmate never went close to Inmate Morris.

In a sworn, digitally recorded interview on April 15, 2013, Inmate Charles Messer ("Inmate Messer") indicated the following:





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In a telephonic interview on May 9, 2013, Ms. Debra Hicks ("Ms. Hicks") indicated the following:

[REDACTED]  
 [REDACTED]. Ms. Hicks did not recall Inmate Morris having any issues or comments when he received his meal.

**Investigator's Note:** Ms. Johnnie Mae Morris ("Ms. Morris"), the mother of Inmate Morris, was contacted on April 16, 2013, by Inspector El-Urfali, at the request of [REDACTED]. Ms. Morris was questioned with Inmate Morris's sister Abigail present, about Inmate Morris's [REDACTED]. Ms. Morris stated Inmate Morris [REDACTED] nor did Inmate Morris have any [REDACTED]. Ms. Morris stated Inmate Morris had [REDACTED].

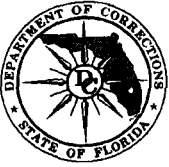
Inmate Morris's medical file was reviewed and there was nothing documented [REDACTED]

On May 9, 2013, [REDACTED] provided a sworn, digitally recorded interview and indicated the following:

[REDACTED] stated that on April 15, 2013, [REDACTED] and because of the tone and amount of traffic; [REDACTED]. When [REDACTED] entered, he observed Inmate Morris [REDACTED]. Someone asked if they needed [REDACTED] because Inmate Morris was dead. [REDACTED] Inmate Morris and found Inmate Morris's [REDACTED]. Inmate Morris was [REDACTED] to pronounce Inmate Morris dead. When asked [REDACTED] said, prior to pronouncing Inmate Morris dead, he did not [REDACTED] regarding Inmate Morris's condition.

On May 9, 2013, Licensed Practical Nurse [REDACTED] provided a sworn, digitally recorded interview and indicated the following:

[REDACTED] stated on April 15, 2013, she and [REDACTED]. When they entered the sally port area, Inmate Morris was laying face down on the floor. Security staff told her Inmate Morris had hit his head on the wall and fallen to the floor. An Officer and an "orderly," she believed, turned Inmate



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Morris over to his back. [REDACTED] Inmate Morris had [REDACTED] and what looked like peanut butter on his hands and in his mouth. When asked if they did any assessment on Inmate Morris at that time, [REDACTED] did [REDACTED]. Inmate Morris was picked up, [REDACTED]. When asked if [REDACTED] discussed Inmate Morris's condition, [REDACTED] said not at that time. [REDACTED] said when they got to [REDACTED] made the statement [REDACTED] had told a Sergeant that Inmate Morris [REDACTED] stated that [REDACTED]. When asked if she checked Inmate Morris's [REDACTED].

On May 31, 2013, [REDACTED] provided a sworn, digitally recorded interview and indicated the following:

[REDACTED] stated that on April 15, 2013, as [REDACTED] entered the H-dorm sally port, [REDACTED] found Inmate Morris laying on his stomach, with his head turned to the left. [REDACTED] said both [REDACTED] entered the sally port area when they responded to the dorm. [REDACTED] got into the sally port first. [REDACTED] said the officers picked up Inmate Morris [REDACTED]. [REDACTED] said they were in the sally port for no more than two or three minutes before taking Inmate Morris [REDACTED]. [REDACTED] pronounced Inmate Morris dead. They noticed when they got [REDACTED] the inmate had peanut butter coming out of his mouth. When asked at what point [REDACTED] said when Inmate Morris [REDACTED]. Once Inmate Morris [REDACTED] did not see any " [REDACTED] knowledge, no one, including security staff, [REDACTED] was not sure if anyone [REDACTED] on Inmate Morris [REDACTED]. When asked if there was any [REDACTED] on Inmate Morris, [REDACTED] said when they got [REDACTED].

On June 4, 2013, the autopsy report from Pathologist Dr. Anthony J. Clark ("Dr. Clark") was received, indicating the following regarding Inmate Marvin Morris's autopsy on April 16, 2013:

The cause of death was [REDACTED]



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[REDACTED]

Dr. Clark noted in a subsequent email message that Inmate Morris's death was an accident.

A review of [REDACTED] actions when they responded to the call for assistance for Inmate Morris was conducted by [REDACTED]. On August 5, 2013, the findings were received and indicated the following:

[REDACTED] was found to have failed to follow DOC rules and regulations; failed to ensure the welfare of inmates by not [REDACTED]; exhibited a substandard quality of work and negligence in [REDACTED] job performance; failed to [REDACTED] as soon as possible of Inmate Morris's [REDACTED] and failed to document [REDACTED] communication with [REDACTED]

[REDACTED] was found to have failed to follow DOC rules and regulations; failed to ensure the welfare of inmates by not providing Inmate Morris with [REDACTED]; exhibited a substandard quality of work and negligence in [REDACTED] job performance; failed [REDACTED] as soon as possible of Inmate Morris's [REDACTED] and failed to document [REDACTED]

Additionally noted was that [REDACTED] Emergency Procedures Skills Checklist, was dated the previous year on 04-23-12. This checklist is to be reviewed and completed every quarter [REDACTED] it. It is noted that [REDACTED] to ensure that [REDACTED] had completed the quarterly checklist.

On August 5, 2013, a summary of the findings in this investigation was forwarded to Assistant State Attorney John Wilson ("ASA Wilson") in Jefferson County for his review and determination whether criminal charges would be filed regarding [REDACTED]

On October 1, 2013, ASA Wilson responded indicating criminal charges would not be pursued in this matter and the case could be handled by the Department of Corrections internally.

**Investigator's Note:** An administrative case will be initiated upon the closing of this criminal case.



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**VII. CHARGES**

**List alleged violations of Florida Law:**

1. Violation of § 782.07 (1) Florida Statute: Manslaughter

§ 782.07 (1) Florida Statute, The killing of a human being by the act, procurement, or culpable negligence of another, without lawful justification according to the provisions of chapter 776 and in cases in which such killing shall not be excusable homicide or murder, according to the provisions of this chapter, is manslaughter, a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

**VIII. CONCLUSION**

Based on the information gathered during this investigation, it is the recommendation of Inspector Kelley EI-Urfali the allegation against [REDACTED] for Manslaughter, in violation of Florida State Statute 782.07 (1), be termed as follows:

1. Exceptionally Cleared

Based on the information gathered during this investigation, it is the recommendation of Inspector Kelley EI-Urfali the allegation against [REDACTED] for Manslaughter, in violation of Florida State Statute 782.07 (1), be termed as follows:

1. Exceptionally Cleared