

Florida Department of Corrections



Office of the Inspector General

CRIMINAL INVESTIGATION

Case # 14-1146



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



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Case Number: 14-1146

Inspector: Senior Inspector Dorothy Minta

Date Assigned or Initiated: January 28, 2014

Complaint Against: Anthony Carter, DC# C01627

Location of Incident – Institution/Facility/Office: Columbia Correctional Institution

Complainant: Captain Christopher Kinem

Use of Force Number: N/A

PREA Number: N/A

Classification of Incident: Homicide

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.

V.



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PREDICATE

On January 28, 2014 at approximately 5:25AM, Inmate Joseph Hughes, DC# 251223 was observed in the top bunk of cell (H1-206) at Columbia Correctional Institution (CCI) to be [REDACTED]. Inmate Hughes was subsequently [REDACTED]. Inmate Hughes' cellmate, inmate Anthony Carter, DC# C01627, told security staff he had [REDACTED] inmate Hughes.

The incident was reported to the Office of Inspector General and assigned as a criminal investigation to Senior Inspector Dorothy Minta on January 28, 2014.

VI. SUMMARY OF INVESTIGATIVE FINDINGS

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

At approximately 5:25AM on January 28, 2014, Officer Dustin Phillips was feeding the morning meal in H-Dormitory and put two food trays into cell H1-206. Officer Phillips noticed the inmate (*later identified as Inmate Hughes*) on the top bunk was covered up. Officer Phillips asked the other inmate (*later identified as Inmate Carter*) if Inmate Hughes was going to get up and eat. Inmate Carter replied, yes and that Inmate Hughes was just slow to get up. This was not unusual so he went to the next cell.

When Officer Phillips picked the food trays up, Inmate Carter handed him both trays through the food tray slot. Inmate Carter told Officer Phillips, Inmate Hughes had slept through breakfast. Officer Phillips proceeded to cell H1-207. Inmate James King DC# W11879, who was housed in cell H1-207, told Officer Phillips he thought the inmate in cell H1-206 was [REDACTED].

Officer Phillips stepped back to cell H1-206 and asked Inmate Carter if the inmate in the top bunk was [REDACTED]. Inmate Carter replied, "No he's [REDACTED]. Inmate Carter also stated a couple of times he had wanted to eat both food trays.

Inmate Johnnie Edge, DC# W29290 was the orderly passing out food trays in H-Dormitory on January 28, 2014. Inmate Edge noticed the inmate in the top bunk (*later identified as Inmate Hughes*) [REDACTED]. Inmate Edge asked the other inmate (*later identified as Inmate Carter*) if Inmate Hughes was [REDACTED]. Inmate Carter did not respond and took both food trays. When Inmate Edge picked the food trays up, he noticed Inmate Hughes still had not moved. Officer Phillips asked Inmate Carter if Inmate Hughes was [REDACTED] and he responded no.

Sergeant Robert Pinkerton responded to cell H1-206 after Officer Phillips came to the office and told him there was an [REDACTED] inmate in cell H1-206. Sergeant Pinkerton noted the inmate in the top bunk (*identified as Inmate Hughes*) [REDACTED] to him calling him. Sergeant Pinkerton noticed the



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inmate's foot was out from under the cover and it appeared [REDACTED] Sergeant Pinkerton stepped away from the cell and radioed for Captain Kinem to report to the dormitory.

After handcuffing and removing Inmate Carter from the cell, Sergeant Pinkerton entered the cell and accessed Inmate Hughes. Sergeant Pinkerton found Inmate Hughes [REDACTED] and notified [REDACTED] who responded and [REDACTED] Inmate Hughes [REDACTED]

[REDACTED] Common Williams and [REDACTED] Ashley Hinds responded to H-Dormitory and found Inmate Hughes [REDACTED]

Based on this, [REDACTED] Inmate Hughes' [REDACTED] They did not observe any [REDACTED]

Inmate James King, DC# W11879, who was housed in cell H1-207, gave a sworn statement indicating; around 1:30 - 2:00AM, he heard a commotion in cell H1-206 which sounded like someone hitting the wall. Inmate King got out of his bunk and listened at a crack in the wall and heard what sounded like wrestling for approximately 30 seconds, and then what sounded like someone farting. Over the weekend Inmate King heard Inmate Hughes say he thought he had some [REDACTED] from falling, but told security staff he wanted a cell change. Inmate Carter told Inmate King he thought he had [REDACTED] Inmate Hughes [REDACTED] by [REDACTED] him because he did not like Inmate Hughes.

Captain Christopher Kinem responded to H-dormitory after receiving a radio call from Sergeant Pinkerton. When he arrived at cell H1-206, Sergeant Pinkerton advised him there was an inmate (*identified as Inmate Hughes*) [REDACTED] Captain Kinem looked into the cell and observed Inmate Hughes on the top bunk in a position that appeared as if Inmate Hughes was sleeping. Captain Kinem went into the cell and stood on the locker to see if he could observe any [REDACTED] on Inmate Hughes. He did not observe any [REDACTED]

Captain Kinem went downstairs to identify Inmate Hughes cellmate, who he had observed being escorted to the shower when he entered the wing. Captain Kinem asked the inmate his name and DC number. The inmate produced his identification card which verified he was Inmate Anthony Carter. As Inmate Carter gave Captain Kinem his identification card he stated, "Here's my ID sir and I just want to tell you I [REDACTED] Captain Kinem did not question Inmate Carter any further and Inmate Carter did not say anything else to him. Captain Kinem departed the area to begin making the required notifications.

Officer Michael Matthews was on Wing 3 of H-Dormitory and observed Sergeant Pinkerton going quickly to Wing 1 and he responded also. Sergeant Pinkerton told him to move the orderlies off of the wing and escort Inmate Carter from cell H1-206 and secure him in the shower. Officer Matthews did as instructed. Inmate Carter made no statements to him while being secured in the shower.



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Sergeant Pinkerton called him on the radio and instructed him to strip search Inmate Carter and escort him to and secure him in the holding cell. As Officer Matthews escorted Inmate Carter to the holding cell, Inmate Carter told Officer Matthews he told the Captain he had [REDACTED] his cellmate. Officer Matthews did not ask Inmate Carter any questions.

Florida Department of Law Enforcement (FDLE) Crime Scene Unit responded to CCI and processed cell H1-206, Inmate Hughes' [REDACTED] and Inmate Carter, and photographed cell H1-206. Inmate Hughes' [REDACTED] was photographed and [REDACTED]. Inmate Carter was photographed and [REDACTED]. The laboratory reported the [REDACTED] found on both Inmate Hughes and Inmate Carter was not interpretable.

In his Post Miranda, recorded statement, Inmate Carter admitted he had [REDACTED] Inmate Hughes by [REDACTED]

Inmate Carter was talking to Inmate Hughes when Inmate Hughes said some things to him he didn't like. Inmate Hughes said no one loved him anymore and Inmate Carter was going to end up the same way. Inmate Hughes stated everyone Inmate Carter loved was going to pass on and Inmate Carter would still be in prison. These statements made Inmate Carter angry and he decided he could not live that way. Inmate Carter could picture himself turning into Inmate Hughes and he had to get that image out of his head, so he decided to [REDACTED] Inmate Hughes. Inmate Carter grabbed Inmate Hughes, [REDACTED] Inmate Hughes' [REDACTED] Inmate Hughes [REDACTED]

On the floor, Inmate Carter [REDACTED] Inmate Hughes [REDACTED] Inmate Carter [REDACTED] and allowed Inmate Hughes [REDACTED] Inmate Carter [REDACTED] Inmate Hughes [REDACTED] Inmate Carter [REDACTED] Inmate Hughes [REDACTED] Inmate Carter said he did this because he was enjoying himself and wanted it to last longer.

Inmate Hughes [REDACTED] Inmate Carter told him "shut the fuck up." Inmate Hughes [REDACTED] and Inmate Carter [REDACTED] When his arms got tired [REDACTED] Inmate Hughes, Inmate Carter leaned over Inmate Hughes and used his [REDACTED] Inmate Hughes.

Inmate Carter heard the wing door open. He put Inmate Hughes' [REDACTED] onto the top bunk. Inmate Carter covered Inmate Hughes' body up so it would see him in bed, covered up and think he was sleeping. Inmate Carter cleaned up the mess Inmate Hughes made on the floor, washed himself up and went to sleep, waiting on breakfast.



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It does not bother Inmate Carter that he [REDACTED] Inmate Hughes' [REDACTED] because Inmate Carter believed Inmate Hughes was a scum bag. Inmate Carter stated he hoped Inmate Hughes suffered. Inmate Carter is not proud he [REDACTED] Inmate Hughes, but he is not remorseful about it. Inmate Carter felt Inmate Hughes deserved to die.

Inmate Carter admitted he [REDACTED] Inmate Hughes in the [REDACTED] a few times over the weekend. Inmate Carter did this because Inmate Hughes had requested protection in the past and owed him canteen items when he requested protection and Inmate Hughes did not pay Inmate Carter.

Inmate Carter was asked why he did not report Inmate Hughes' [REDACTED] when the breakfast trays were served and he replied he wanted to wait for and eat both his and Inmate Hughes' breakfast because he knew it was going to be a long day.

Inmate Carter believes someone who did what he did to Inmate Hughes, should be charged and get the death penalty; however, he doesn't want to go to death row as long as his grandmother is alive.

On January 29, 2014, an [REDACTED] was performed by the [REDACTED] in Jacksonville, Florida on Inmate Hughes. [REDACTED] Wendy Stroh concluded; Inmate Hughes' [REDACTED] [REDACTED] his manner of death as homicide. [REDACTED] Stroh also noted Inmate Hughes had [REDACTED].

On March 11, 2014, Inmate Carter was indicted by the Grand Jury for [REDACTED] in the death of Inmate Hughes.

VII. CHARGES

List alleged violations of Florida Law:

Violation of § 782.04 Florida Statutes, Murder-

(1)(a) The unlawful killing of a human being:

1. When perpetrated from a premeditated design to effect the death of the person killed or any human being;
2. When committed by a person engaged in the perpetration of, or in the attempt to perpetrate, any:
 - a. Trafficking offense prohibited by s. 893.135(1),
 - b. Arson,
 - c. Sexual battery,
 - d. Robbery,
 - e. Burglary,



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- f. Kidnapping,
- g. Escape,
- h. Aggravated child abuse,
- i. Aggravated abuse of an elderly person or disabled adult,
- j. Aircraft piracy,
- k. Unlawful throwing, placing, or discharging of a destructive device or bomb,
- l. Carjacking,
- m. Home-invasion robbery,
- n. Aggravated stalking,
- o. Murder of another human being,
- p. Resisting an officer with violence to his or her person,
- q. Aggravated fleeing or eluding with serious bodily injury or death,
- r. Felony that is an act of terrorism or is in furtherance of an act of terrorism; or

3. Which resulted from the unlawful distribution of any substance controlled under s. 893.03(1), cocaine as described in s. 893.03(2)(a)4., opium or any synthetic or natural salt, compound, derivative, or preparation of opium, or methadone by a person 18 years of age or older, when such drug is proven to be the proximate cause of the death of the user, is murder in the first degree and constitutes a capital felony, punishable as provided in s. 775.082.

(b) In all cases under this section, the procedure set forth in s. 921.141 shall be followed in order to determine sentence of death or life imprisonment.

VIII. CONCLUSION

Based on the information gathered during this investigation, it is the recommendation of Senior Inspector Dorothy Mintz, the allegation against Inmate Anthony Carter for [REDACTED], in violation of § 782.04 Florida Statutes, be termed as follows:

- 1. Closed by Arrest