

Florida Department of Corrections  
Office of the Inspector General

Case Number: 11-4-5863



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

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

*James Mitchell*

\_\_\_\_\_  
Inspectors Signature

12/21/11  
Date

 COPY



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



Case Number: 11-4-5863

Inspector General Case #: 11-4-5863

Facility: Desoto Correctional Institution

Classification of Incident: [REDACTED]

Field Office/Region: Fort Lauderdale/IV

Incident Date: 10/04/11

Time: 8:35 A. M.

Inspector: James Mitchell

Date of Report: 12/21/11

Case Type: A-1

- Case of Special Interest
- Confidential [REDACTED]
- 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 10/04/11, Inmate Gustavo Valdes was found lying face down and [REDACTED] B1116L in Wing 1 of B Dormitory. This was reported via MINS on 10/05/11 and assigned for investigation on 10/06/11.

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

As a result of this investigation, it is determined that on 10/04/11, Inmate Gustavo Valdes was found lying face down and [REDACTED] pronounced Inmate Valdes dead at 9:22 A. M.

The autopsy report revealed the cause of death to be, [REDACTED] and the manner of death to be natural. There were no administrative issues found. There was no evidence of foul play found concerning this incident.



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	Name	Title / DC #	D.O.B.	Employee ID # or Non-Employee Contact Information
<b>Complainant:</b>	Tate, Jon	Warden	[REDACTED]	20966
<b>Victim:</b>	Valdes, Gustavo	DC # 441700	05/21/57	
<b>Witness(es):</b>	McManus, Richard	Sergeant	[REDACTED]	14062
	Rios, Jose	Correctional Officer	[REDACTED]	17935
	[REDACTED]	[REDACTED]	04/12/81	31260
	[REDACTED]	[REDACTED]	08/22/66	33040
	[REDACTED]	[REDACTED]		
	[REDACTED]	[REDACTED]		
	Teston, Phillip	Correctional Officer	[REDACTED]	51573
	Evon, Glen	Correctional Officer	[REDACTED]	64339
	Ferrentino, Marcello	Sergeant	[REDACTED]	6669
	Pedrini, Mariella	Correctional Officer	[REDACTED]	21075
	Aurelio, Mendieta	DC # Y38088	08/11/85	
	Bryant, Robert	DC # B06033	04/19/87	
	Gabela, Juan	DC # 426631	07/12/67	
	Smith, Michael	DC # Y41155	08/11/61	
	Smith, Tyrone	DC # 192660	02/10/71	
<b>Subject(s):</b>	None			

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:**

In his Incident Report and in his sworn affidavit, Sergeant Richard McManus indicated that 10/04/11, at approximately [REDACTED], he entered Wing 1 of B Dormitory to conduct a security check. As he entered the dorm, Officer Jose Rios asked him to wake up Inmate Gustavo Valdes. He approached Inmate Valdes assigned to bunk B1116L. Inmate Valdes was laying on his bunk face down covered with white sheets. An inmate standing close by told him that, [REDACTED] (*Meaning Inmate Valdes*) Inmate Valdes's foot was exposed from under the sheet [REDACTED]. Sergeant McManus indicated that he gave Inmate Valdes several verbal orders to get out of his bunk and Valdes did not respond. He shook Inmate Valdes's shoulders and he was still [REDACTED]. Sergeant McManus further indicated that he took Inmate Valdes's [REDACTED]. [REDACTED] Sergeant McManus indicated that Inmate Valdes was [REDACTED]. At which time, he instructed Officer Jose Rios to call for [REDACTED]. Sergeant McManus indicated that he secured the area and remained there until [REDACTED] arrived.

(Exhibits B-1 & B-2)

In his Incident Report and in his sworn affidavit, Correctional Officer Jose Rios indicated that on 10/04/11, at approximately 8:35 A. M., he was in the officer's station in Wing 1 of B Dormitory. He observed Inmate Gustavo Valdes assigned to B1116L, lying on his bunk covered with white sheets sleeping. At approximately [REDACTED], Sergeant Richard McManus entered the rear door of B Dormitory and indicated to him that he was going to conduct a security check of Wing 1 of B Dormitory. Officer Rios asked Sergeant McManus to wake Inmate Gustavo Valdes up for work. Officer Rios indicated that he observed Sergeant McManus approach Inmate Valdes's bunk. He heard Sergeant McManus give Inmate Valdes several verbal orders to get up and Valdes did not respond. He observed Sergeant McManus shake Inmate Valdes's shoulders in an attempt to wake him up and Valdes was still [REDACTED]. Sergeant McManus instructed him to call for [REDACTED].

(Exhibits B-3 & B-4)

In her Incident Report and in her sworn affidavit, [REDACTED] indicated that on 10/04/11, at approximately 8:45 A. M., she and [REDACTED] received notification of a suspected inmate death in Wing 1 of B Dormitory. They immediately went to the dormitory. When they arrived at the dormitory, they approached bunk B1116L [REDACTED]

(Exhibits B-5 & B-6)



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In her Incident Report and in her sworn affidavit, [REDACTED] indicated the same information that [REDACTED] provided in her Incident Report and sworn affidavit.

**(Exhibits B-7 & B-8)**

In his sworn statement, Inmate Aurelio Mendieta indicated that he was assigned to bunk B1116U and Inmate Gustavo Valdes was to assigned bunk B1116L. He knew Inmate Valdes very well, because they talked with one another on a daily basis. Inmate Mendieta indicated that Inmate Valdes rarely complained about anything. He knew that Inmate Valdes [REDACTED] because Inmate Valdes told him. Inmate Mendieta indicated that on 10/03/11, between [REDACTED] and [REDACTED], after master roster count, he said, "Good night to Inmate Valdes". Inmate Mendieta indicated that was the last time he saw Inmate Valdes alive. Inmate Mendieta indicated that he did not observe anything suspicious about Inmate Valdes before or after master roster count. He further indicated that no suspicious activity occurred at or near their living area on 10/03/11 or 10/04/11.

**(Exhibit B-9)**

During the course of this investigation several inmate witnesses were interviewed. Their statements supported the evidence that Inmate Gustavo Valdes was last seen alive at approximately [REDACTED] during master count. The witnesses indicated that they did not observe anything suspicious about Inmate Valdes prior to his death and they did not observe any suspicious activity occur at or near his living area on 10/03/11 or 10/04/11.

**(Exhibit B-9)**

A review of the housing logs for B Dormitory indicates that on 10/03/11, at approximately [REDACTED] officers conducted a master roster count. During that count, all of the inmates were alive and accounted for. There were no discrepancies indicated. Subsequent counts and security checks were conducted with no discrepancies noted.

**(Exhibit B-10)**

[REDACTED]

[REDACTED]

**(Exhibit B-11)**

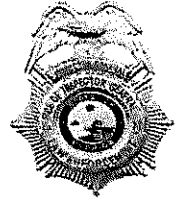
Photographs were taken of Inmate Gustavo Valdes's body and of his living area and are contained on a disc and will be made part of this investigative file.

**(Exhibit B-12)**

The Incident Reports and affidavits obtained are consistent with the sequence of events that occurred concerning this incident.



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*James Mitchell*

Inspector

12/21/11

Date

*Jeff Johnson*

Regional Supervisor

Lead Inspector

12/21/2011

Date

Lead Supervisor

Date

Deputy Inspector General /  
 Chief of Investigations

Deputy Inspector General /  
 Chief of Special Operations

Date

Inspector General

Date



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**EXHIBIT/ATTACHMENTS SECTION**

**A. EXHIBIT(s) - attached:**

1. None

**B. EXHIBIT(s) - not attached:**

1. Incident Report by Sergeant Richard McManus
2. Sworn affidavit of Sergeant Richard McManus
3. Incident Report by Correctional Officer Jose Rios
4. Sworn affidavit of Correctional Officer Jose Rios
5. Incident Report by [REDACTED]
6. Sworn affidavit of [REDACTED]
7. Incident Report by [REDACTED]
8. Sworn affidavit of [REDACTED]
9. CD containing digitally recorded sworn statements of:  
Inmate Aurelio Mendieta  
Inmate Robert Bryant  
Inmate Juan Gabela  
Inmate Michael Smith  
Inmate Tyrone Smith
10. B Dormitory housing logs, dated 10/03/11, 10/04/11
11. [REDACTED]
12. CD containing photographs of Inmate Gustavo Valdes's body and living area, 10/04/11
13. Autopsy report of Inmate Gustavo Valdes, dated 10/05/11