



Florida Department Of Corrections  
Office of the Inspector General  
Report of Investigation  
Paul C. Decker, Inspector General



**Inspector General Case #:** 08-54385

**Facility:** Charlotte C. I.

**Classification of Incident:** [REDACTED]

**Field Office/Region:** Tampa/V

**Incident Date:** On or about 12/09/08 and 12/10/08  
**Time:** 10:30 PM- 9:15 AM

**Inspector:** James Mitchell

**Date of Report:** 01/09/09

**Case Type:** A

**Check all that apply:**

- Confidential Medical Information
- Prison Rape Elimination Act (PREA) Number (if applicable)
- Principal(s) Exhibits Attached
- Department of Corrections presented to State Attorney  Declined  Accepted
- Use of Force (UOF) Number (if applicable)
- Complaint of Discrimination
- Addendum
- Wing Video Camera(s) Present in the Area of Incident  YES  NO

**SUMMARY OF ALLEGATIONS:**

On or about 12/09/08 and 12/10/08, between the hours of 10:30 PM and 9:15 AM, Inmate James Robertson killed his roommate, Inmate Frank Hart [REDACTED] while inside their assigned cell of E4101.

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

Inmate James Robertson has violated Florida Statute 782.04 (Homicide), by virtue of killing Inmate Frank Hart. A review of the fixed wing video surveillance camera on or about 12/09/08 and 12/10/08, showed that Robertson and Hart were alone in their assigned cell E4101 between the hours of 10:30 PM and 9:15 AM. At approximately 9:20 AM, Hart was found dead. No one else entered their cell E4101 for the times and dates noted. On 12/10/08, Medical Examiner Daniel Schultz performed an autopsy of Inmate Frank Hart. He concluded that the manner of death is classified as a homicide [REDACTED]



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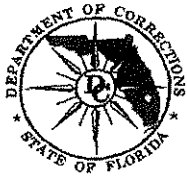
	Name	Title / DC #	D.O.B.	Employee ID #
<b>Complainant:</b>	O'Rourke, John	Correctional Officer	[REDACTED]	
<b>Victim:</b>	Hart, Frank	DC # 601648	[REDACTED]	
<b>Witness(es):</b>	O'Rourke, John	Correctional Officer	[REDACTED]	
	Howard, Brandon	Sergeant	[REDACTED]	
	[REDACTED]	[REDACTED]	[REDACTED]	
	Worst, Michael	Captain	[REDACTED]	
	Morgan, Michael	Colonel	[REDACTED]	
	Johnson, Adro	Warden	[REDACTED]	
	Anthony, Michael	Correctional Officer	[REDACTED]	
	Colon, David	Lieutenant	[REDACTED]	
	[REDACTED]	[REDACTED]	[REDACTED]	
	Anderson, Scott	Captain	[REDACTED]	
	Midea, Domenico	Correctional Officer	[REDACTED]	
	Balunan, Steve	FDLE	[REDACTED]	
	McLaughlin, Janene	Inspector	[REDACTED]	
	McCasland, Daryl	Senior Inspector	[REDACTED]	
	Schultz, Daniel	Medical Examiner	[REDACTED]	
	Arguinzoni, Carlos	Correctional Officer	[REDACTED]	
	[REDACTED]	[REDACTED]	[REDACTED]	
	Holmstrand, Nancy	Correctional Officer	[REDACTED]	
	Thompson, Paul	Correctional Officer	[REDACTED]	
	DeCesare, Scott	Correctional Officer	[REDACTED]	
	Duncan, Roosevelt	Sergeant	[REDACTED]	
	Smith, Walter	Correctional Officer	[REDACTED]	
	McKinnon, James	DC # Y17420	[REDACTED]	
	Taylor, William	Correctional Officer	[REDACTED]	
	Thompson, Paul	Correctional Officer	[REDACTED]	
	Bussell, Jerry	Correctional Officer	[REDACTED]	
	[REDACTED]	[REDACTED]	[REDACTED]	
	[REDACTED]	[REDACTED]	[REDACTED]	
	Kelly, Prince	DC # T35812		
	Dorsey, Alfonso	DC # 765781		
	Young, Walker	DC # W08692		
	Stevenson, Lewis	DC # X56464		
	Jones, Chad	DC # T45063		



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	Bryant, Terrance	DC # W14621		
	Howard, Tyrone	DC # M22594		
	Walker, James	DC # 368561		
	Coxwell, Henry	DC # J26133		
	ST, Blanchard	DC # W19214		
	Williams, Fabian	DC # T40262		
	Butler, Curtis	DC # 586776		
	Hester, Anthony	DC # 323523		
	Thomas, Xavious	DC # 544580		
	Robinson, Terry	DC # P09603		
	Duberry, Eric	DC # T31121		
	Winslett, Antoine	DC # 515611		
	Jenkins, Alfonso	DC # 047210		
	Sirmons, Darrell	DC # G02875		
	McGuire, Raymond	DC # 120645		
	Waits, Kenneth	DC # B04858		
	Pently, Eric	DC # T53187		
	Harris, Newton	DC # H24011		
	Ball, Robert	DC # T26754		
	Chavez, Flavio	DC # S07289		
	Wilson, Richard	DC # M38772		
	Whitaker, Terrance	DC # B03226		
	Byrd, Shamond	DC # M26138		
	Berg, Daniel	DC # J05929		
	Roseme, Gibson	DC # X50735		
	Chandler, Jermaine	DC # L69597		
	Butler, Darryl	DC # 419331		
	Collins, James	DC # T52475		
	Jaramillo, Daniel	DC # M23911		
	Turrill, Johnny	DC # 115261		
	Peoples, Jermalas	DC # T28493		
	Washington, Fred	DC # 197979		
	McBride, Donald	DC # P33050		
	Shephard, Cory	DC # K65739		
	Taylor, Mackilieaha	DC # 225284		
	Andrews, Kenneth	DC # 515577		
	Malone, Willie	DC # 413886		
	Jones, Eric	DC # B04305		
	Hale, William	DC # 097437		
	Gannon, Douglas	DC # 166018		
	Kent, Jeremy	DC # E29018		
	Smith, Delon	DC # M10604		



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	Robinson, Nathaniel	DC # 406250		
	Mobley, Antonio	DC # 375407		
	Their, Kaiuwe	DC L47927		
	Sinilnikov, Dmitri	DC # M34275		
	Richardson, Ricky	DC # 461565		
	Maring, Christopher	DC # L22538		
	Crockett, Jerry	DC # 656510		
<b>Subject(s):</b>	Robertson, James	DC # 322534	05/26/63	

Arrest:  Employee       Inmate       Other       Guilty       Addendum Pending  
Charges:  Not Guilty  
 Felony       Misdemeanor       Nolo Contendere  
Date of Arrest:  P.T.I.  
 Other (explanation):  
Date Reported:

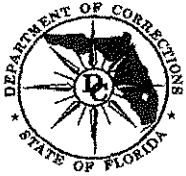
Sentence of Court / Agreement:

Administrative Violation(s):

Evidence:  Weapon       Drugs       Other      Describe:  
Other Agency Case Number:

**FINDINGS:**

In his sworn statement and in his incident report, Officer John O'Rourke indicated the following: On 12/10/08, at approximately 9:15 AM, while assigned as an E Dormitory Housing Officer he was escorting [REDACTED] in E Dormitory, 4 Quad. He opened the food slot to cell E4101, which is occupied by Inmate Frank Hart and Inmate James Robertson. Robertson [REDACTED] then handed him a torn white piece of paper with writing on it. The paper read, "I don't want the lady to see it. Hart died" (Meaning [REDACTED] and Sergeant Brandon Howard arrived. At approximately 9:19 AM, Inmate Robertson was removed from the cell. He (O'Rourke) verbally called to Inmate Hart several times and did not get a response. He then entered the cell and placed his left hand on his right shoulder area, lightly moved him and observed that Hart appeared to be dead. At approximately 9:20 AM, [REDACTED] Sergeant Howard entered the cell. [REDACTED] They exited the cell and notified [REDACTED] telephone.



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At the time of this incident, Inmate James Robertson and Inmate Frank Hart were assigned to cell E4101. They were Close Management inmates. They were locked in their assigned cell from 10:30 PM to 9:15 AM.

At approximately 9:25 AM, Captain Scott Anderson, [REDACTED] arrived at E Dormitory, 4 Quad, cell E4101. They entered the cell and observed Inmate Hart laying on the bottom bunk [REDACTED]. They were unable to [REDACTED]. At approximately 9:32 AM, Inspector Janene McLaughlin entered the cell and began taking photographs. [REDACTED]

[REDACTED] pronounced Hart dead at approximately 9:40 AM, [REDACTED]

(Exhibit A-1, A-2 & A-3)

On 12/10/08, at approximately 9:45 AM, the crime scene was secured and Officer Domenico Midea maintained the log.

(Exhibit A-4)

On 12/10/08, I arrived at the facility at approximately 12:55 PM. I met with Inspectors Janene McLaughlin and Daryl McCasland [REDACTED]. Both briefed me regarding the incident and I observed Hart's body. Hart's body [REDACTED]

[REDACTED] The body had been removed from the cell [REDACTED] prior to my arrival. McLaughlin advised me that she had taken photographs of Inmate Hart's body. She also advised that she had taken photographs of Inmate James Robertson's body. The photographs of Robertson's body showed [REDACTED]

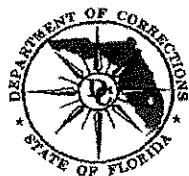
(Exhibits A-5, A-6)

I was advised that the crime scene was secured after the body had been removed from the cell. Inspector McCasland and I went to E Dormitory, Quad 4, and conducted a cell search of Hart's cell E4101. We recovered a white tee shirt that was folded and located on the top bunk (*Robertson's assigned bunk*). We took photos of the shirt and placed it into the evidence bag. I conducted an observation of the crime scene area. I called FDLE and spoke with the Crime Scene Unit and requested for them to come out to process the crime scene. FDLE Crime Scene personnel responded and processed the scene and took photographs. They surveyed the cell and did not remove any items. (*As of this date, FDLE photographs have not been received*)

(Exhibit B-1)

On 12/10/08, at approximately 1:03 PM, Inmate Frank Hart's body was released to the Medical Examiner's Office.

On 12/10/08, at approximately 6:45 PM, I attended the autopsy that was performed by on call District Medical Examiner Daniel Shultz. Shultz noted that, evidence [REDACTED]



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Shultz indicated that the manner of death is classified as a homicide [REDACTED]. He indicated that there was no evidence [REDACTED]. He further indicated that, "there was no other reason for him to be dead". He indicated that the [REDACTED] when received, won't affect or change the cause and manner of death in this case. I showed him the tee shirt that was recovered from Hart's cell. He looked at the shirt and indicated that the shirt could not be used as evidence, because it did not contain any obvious signs of blood on it. He further indicated that the shirt had been contaminated (*Both inmates shared the same cell*) and could not be used as evidence relevant to the homicide. (*The autopsy report will be included in this investigative report and be made part of the file when it is received*)

On 12/11/08, at approximately 4:00 PM, I released the crime scene.

A review of the fixed wing camera surveillance tape located in E Dormitory, Quad 4 was obtained and reviewed by Inspector Janene McLaughlin. Her findings are as follows: On 12/09/08, at approximately (18:33) both inmates are secured in the cell. (18:40) Hart is seen standing at the cell door window. (18:55) Hart is removed from cell. Robertson remains in the cell. (19:53) two officers and Hart are seen standing at the cell front. Hart is secured inside the cell. (21:24) an Officer [REDACTED] are seen at Hart's cell front door. Hart is wearing a tee shirt. Hart [REDACTED] and the Officer [REDACTED] depart from the area. (22:03) Sergeant Roosevelt Duncan and Officer Walter Smith are seen conducting a master count of Hart's cell. (22:04, 22:35, and 22:50) an Officer is seen conducting a cell check. (23:03) cell lights are turned off. (23:20, 23:47) an Officer is seen conducting a cell check.

On 12/10/08, at (00:07) an Officer is seen checking cells. (00:09) an officer is seen conducting a cell check. At approximately (00:37) an officer is seen conducting a cell check. Robertson is seen standing at the cell front window with no shirt on. (00:38) Robertson leaves the cell door window. (00:41:08) Robertson is seen wearing a tee shirt near the cell door window. Then he moves away from the view of the camera. (00:41:43) there is some type of movement in the cell. Can not determine what type of movement is occurring due to the darkness in the cell. (00:42:02) more movement is seen in the cell. Can not determine what type of movement is occurring in the cell due to the darkness in the cell. (01:01:28) Robertson is seen at the cell door then leaves (01:01:34) Robertson is seen at the cell door with no shirt on. At (01:01:41) Robertson leaves the cell door window. At (01:01:12) Robertson is seen at the cell door window with something white in his hands. The object is seen near his lower waist and groin area. At (01:01:31) Robertson is seen leaving the cell door window. (01:03:42 and 01:04:12) an officer is seen conducting a cell check. (01:07:26) movement is seen in the cell. Can not determine who is moving. (01:33, 02:03, 02:33, 03:03, 03:04, 03:33, 03:35, 04:04) officer is seen conducting a cell check. (04:04) Robertson is seen at the cell door window and then he moves away from out of the view of the camera. (04:14) Robertson is seen at the cell door window, he leaves the window and then returns back to the window and then he leaves from the window again. (04:15:38, 04:16:10 and 04:16:34) movement is seen in the cell. Can not determine who is moving in the cell. At (04:18:03) Robertson is seen at the cell door window with a white object in his hand. At (04:18:37) Robertson is seen leaving the cell door window and then he returns back to the cell door window. (04:32:59) an officer is seen conducting a cell check. (05:00) the cell lights are turned on. Robertson is seen moving around in the cell with no pants and shirt on. (05:02:00) officer is seen conducting a cell check. At (05:01:31) Robertson is seen on the top bunk. At (05:02:15) Robertson is seen off the bunk and moving around. He moves out of the view of the camera and then he returns in the view of the camera. (05:03:22) Officer is seen conducting a cell check. At (05:03:37) Robertson is seen in the view of the camera. At (05:04:33) Robertson is seen in the view of the camera and then



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he leaves out of the view of the camera. At (05:45:15) Robertson is seen moving around in the cell. Can not determine what he is doing. At (05:46:11) Robertson is seen at the cell door window with his tee shirt in his hand. He puts his tee shirt on out of the view of the camera. At (05:47:37) Robertson is seen in the cell. At (05:48:08) Robertson is seen at the cell door window. At (05:50:14) an officer is seen at the cell. He opens the food slot. An inmate orderly sends two food trays through the food slot. Robertson is seen taking both food trays. He places the first tray on the table and he places the second tray near the sink area. Two oranges are given to Robertson and milk. Cups are given to Robertson. At (05:51:01) an officer is seen closing the food slot. Robertson is seen eating from the food tray at the table. At (05:51:29) Robertson is out of the view of the camera near the sink area. At (05:51:54) Robertson is seen at the table eating from the food tray. At (05:54:06) Robertson is seen standing and then shoves one of the food trays from under the door to the outside of the cell. At (05:54:39) Robertson is seen at the cell door window shoving the second tray from under the cell door to the outside of the cell. At (05:55:02 and 05:55:46) Robertson is seen at the cell door window. At (05:56:56) Robertson walks away from the cell door window. At (05:57:16) Robertson is seen at the cell door window. At (05:58:14) Robertson is seen leaving from the cell door window. At (05:59:30) Robertson is seen sliding a piece of paper from underneath his cell door and down towards the left side of the wall. At (05:59:37) the paper is returned to his cell and then sent out again. Can not determine what the object was and where it went. At (06:00:12) Robertson is seen moving around in the cell. At (06:01:03) Robertson is seen at the cell door window. (06:02:46) the paper is returned back to Robertson's cell door. The Paper can not be seen. At (06:04:17) Robertson is seen sitting at the table. At (06:04:55) Robertson stands up from the table and then moves out of view of the camera. (06:09) something is slid from beneath the cell door. At (06:10:33) Robertson is seen sitting at the table. (06:11:07) Robertson stands and then walks towards the cell door. At (06:11:27) Robertson is seen sitting at the table. (06:11:36) officers are seen approaching the cell. (06:12:41) Officers are seen leaving the cell front area. At (06:16:58) Robertson is seen standing at the cell door window. At (06:24:24) Robertson is seen leaving from the cell door window area. At (06:26:26) Robertson is seen moving around in the cell. At (06:27:03) Robertson moves away from out of the view of the camera. At (06:27:46) Robertson is in the view of the camera near the bottom bunk area. At (06:28:19) Robertson is moving around in the cell. Can not determine what he is doing. At (06:28:53) Robertson is seen moving in the cell. Can not determine what he is doing. At (06:29:48) Robertson is seen in the view of the camera. At (06:30:09) Robertson is seen with something in his hand. Can not determine what the object is. At (06:47, 07:14, 07:15, 07:48 and 08:11) an officer is seen conducting cell checks. (08:20 and 08:22) Robertson is seen at the cell door window and then he backs away from the door. He moves out of the view of the camera. He puts his blue shirt on out of the view of the camera. (08:46) Robertson is seen moving in the cell. (08:48) Robertson moves away from the cell door window. (08:49) Robertson is seen moving in the cell. Can not determine what he is doing. At (08:49:37) Robertson is seen sitting at the table. At (08:51:38) Robertson is seen standing up from the table. At (08:52:20) Robertson is seen sitting at the table with paper. Can not determine what the paper is. At (08:53:49) Robertson has a small white object in his hands. Can not determine what the object is. At (08:54:13) Robertson is seen standing and walking around the cell. At (08:54:36) Robertson is seen at the cell door window. At (08:55:04) Robertson is seen moving around in the cell. At (08:55:14) an Officer is seen checking the cell. At (09:12:20) Robertson is seen moving in the cell. He is seen at the cell door window and then he leaves the area and returns again. He has a white object on his head. Can not determine what the white object is. He walks away from the cell door window and then returns again with nothing on his head. (09:15:36) Robertson walks away from the cell door window and then returns back to the window. (09:16:17) Officer O'Rourke and [REDACTED] are seen at the cell front. The food slot is open. [REDACTED] Robertson gives O'Rourke a note. O'Rourke opens the note and reads it. O'Rourke approaches



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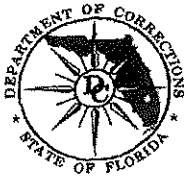
the cell front window. [REDACTED] is seen walking away. (09:17:29) Sergeant Howard arrives at the cell front door. (09:17:40) Howard walks away and O'Rourke is seen standing at the door. (09:49) O'Rourke closes the food slot and Howard returns to the cell front area. (09:18:03) the cell door is opened. Robertson exits the cell. O'Rourke enters the cell. Howard is standing at the cell front door. At (09:18:28) O'Rourke exits the cell. At (09:18:40) Robertson is placed in the shower cell and O'Rourke remains at the door. (09:20:57) Howard and [REDACTED] are at the cell front door. At (09:21:07) O'Rourke and [REDACTED] enter the cell. [REDACTED] [REDACTED] [REDACTED] k. (09:21:50) O'Rourke [REDACTED] exit the cell. At (09:22:00) [REDACTED] Howard enter the cell. (09:22:25) [REDACTED] Howard exit the cell. (09:22:54) Howard [REDACTED] walk away and O'Rourke remains at the cell. (09:26:27) Howard returns to the cell front door and then departs. (09:27:29) [REDACTED] enter the cell. Howard is also at the cell. Captain Anderson and [REDACTED] enter the cell. (09:28:32) Captain Worst arrives at the cell. At (09:28:45) [REDACTED] exits the cell. At (09:29:23) Officer Midea is at the cell front and Anderson exits cell. (09:30:04) Warden Johnson and Captain Anderson are at the cell front. Johnson enters the cell. Colonel Morgan and Anthony are at the cell front. At (09:30:52) Johnson exits the cell. (09:31:57) [REDACTED] at the cell and Officer Anthony departs. At (09:33:25) O'Rourke [REDACTED] depart from the cell area. At (09:33:53) Inspector McLaughlin is seen at the cell front. (09:34:43 and 0934:43) [REDACTED] exit the cell. McLaughlin takes photos of the cell and of Hart's body. At (09:36:47) McLaughlin exits the cell. (09:37:16) [REDACTED] [REDACTED] enter the cell. At (0937:46) McLaughlin enters the cell. At (0938:07) McLaughlin exits the cell. At (09:38:30) McLaughlin enters the cell. At (09:38:36) Warden Johnson is at the cell front door. (09:42 and 09:43) [REDACTED] and McLaughlin exit cell. (09:50) Lieutenant Colon enters the cell. (09:56:22) two inmates [REDACTED] enter the cell. (09:57:22, 09:58:18, 09:59:59 and 10:00:24) [REDACTED] Colon and the two inmates exit the cell [REDACTED] The cell is closed and secured. (Exhibit B-2)

The fixed wing video surveillance camera located in the area where the incident occurred [REDACTED]

A review of the fixed wing video recording located in E Dormitory was compared to the documentation contained in the housing log regarding security checks conducted by officers. The security checks that were noted in the log were consistent with what was seen in the video. (Exhibit B-2 & A-7)

In her sworn statement [REDACTED]





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[REDACTED]

(Exhibit B-3)

In his sworn statement, Sergeant Brandon Howard indicated that on 12/10/08, he was assigned to E Dormitory. He was updating the inmate diet list when Officer John O'Rourke called for him to come to Quad 4, cell E4101. O'Rourke told him that he needed to check on an inmate. He arrived at the cell at approximately 9:15 AM. [REDACTED] was present with O'Rourke at the cell and Inmate James Robertson was also present. He assisted in removing Robertson from the cell. O'Rourke whispered to him that Hart was dead. He asked Robertson was Hart dead and he stated to him, "Yes he is dead". Robertson [REDACTED] nothing out of the ordinary. He asked Robertson did Hart eat his morning breakfast and Robertson told him no. He did not see a problem with that, because there were mornings when Hart did not eat his breakfast. Robertson did not volunteer any information to him. The only time that Roberson talked is when he was asked a question. He entered the cell did not observe the cell to be out of place, everything looked normal. [REDACTED] who was present in the cell, [REDACTED]

(Exhibit B-4)

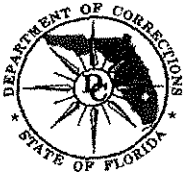
In her sworn statement, [REDACTED]

(Exhibit B-5)

In her sworn statement, [REDACTED]

(Exhibit B-6)

In his sworn statement, [REDACTED]



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(Exhibit B-7 & A-8)

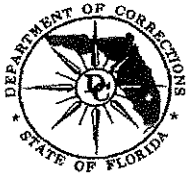
I reviewed the staff rosters for the staff that worked on the third shift (4 PM -12 midnight) on 12/09/08 and the first shift (12:00 AM-8 AM) on 12/10/08. I also reviewed the roster for staff that worked the administrative shift (8:00 AM to 4 PM) Staff that worked those shifts were interviewed.

(Exhibit A-9)

In his sworn statement, Officer Walter Smith indicated that on 12/09/08, he worked the third shift (4PM to 12PM). Inmate James Robertson and Frank Hart were housed in E Dormitory, Quad 4, cell E4101, on the night that he worked. He supervised the inmates in the dayroom and conducted cell checks. Hart and Robertson were in the dayroom watching television for a period of time along with the other inmates in Quad 4. Hart asked to speak with him, so he talked with Hart. Hart told him that he wanted to be moved from his cell, because he felt threatened by his roommate (Robertson). He told him that he was having problems with Robertson and that he was acting like a "bully". He told Hart that he could not move him, because they did not have any other cells available at the time. He indicated that he shared this information with Sergeant Roosevelt Duncan and continued working. At approximately 6:30 PM, they had an emergency involving another dormitory and had to use one of their cell showers to decontaminate an inmate. They shut down the dayroom and put the inmates back in their cells. At approximately, 6:45 PM, they allowed the inmates back into the dayroom. Hart came back out of his cell, but Robertson remained in his cell. Hart came out with a different attitude. He did not make any more complaints to him about Robertson. At approximately 8:45 PM, they shut the dayroom down and put the inmates back into their cells. He conducted his cell checks throughout his shift without incident. When he made his rounds, he did not see or hear anything unusual coming from any of the cells. He checked their cell at approximately 11:45 PM. Both inmates were in their bunks and underneath their blankets. Hart was located on the bottom bunk and Robertson was on the top bunk. Their cell was in perfect order and he observed Hart move one of his feet underneath his blanket. When he returned back to work on the following day, two inmates approached him and told him that they heard noises coming from Hart's cell on 12/10/08, between 12:00 AM and 12:45 AM. Inmate Young and Wilson provided him with the information.

(Exhibit B-8 & A-10)

In his sworn statement, Sergeant Roosevelt Duncan indicated that on 12/09/08, he worked the third shift (4 PM-12 PM). He was the supervisor of E Dormitory, Quad 4, where Inmate James Robertson and Inmate Frank Hart were housed. At approximately 7:30 PM, he saw Hart in the dayroom, sitting on one of the benches around other inmates. Hart told him that he wanted to speak with him after count. He appeared to be [REDACTED]. Some time passed by and he motioned from across the dayroom with his hand for Hart to come and talk with him. Hart shook his head and told him that everything was fine. On 12/09/08, at approximately 10:00 PM, he conducted the Master Roster Count of inmates who were housed in Quad 4. He went to the cell front of E4101,



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where Robertson and Hart were housed. He announced that he was conducting Master Roster Count. Robertson was on the top bunk and Hart was on the bottom bunk. Both were underneath their blankets. Robertson was laying on his right side and he spoke first. He stated his name and Department of Corrections number (*DC #*). Then Hart pulled the blanket from off of his head and stated his name and Department of Correction's number (*DC #*). He checked his roster to ensure that their names and numbers matched the rosters that he had in his hand. Hart did not appear to be distressed when he made contact with him during the Master Roster Count. He did not notice anything unusual and neither inmate made a complaint. He did not hear any noises nor did any of the other inmates complain to him about anything during the entire shift.

**(Exhibit B-9 & A-11)**

In her sworn statement, Officer Kama Beasley indicated that on 12/09/08, she worked the third shift. (*4 PM-12 PM*) She has worked in E Dormitory for approximately two years. She is familiar with Inmate James Robertson and Inmate Frank Hart. She did not observe anything out of the ordinary that evening. No one approached her with any concerns or issues. Robertson is always quiet and stays out of trouble and always says, "Yes ma'am" to her.

**(Exhibit B-10)**

In his sworn statement, Officer Kenneth Smith indicated that on 12/09/08, he worked the third shift. (*4 PM-12 PM*). He conducted security checks, counts, feeding and dayroom. Dayroom was interrupted due to a "gassing" in G Dormitory, so all of the inmates in E Dormitory were put in their cells. They used E Dormitory's cell shower to decontaminate the inmate from G Dormitory. No one in Quad 4 approached him with any issues. During Master Roster Count, he was upstairs and did not go to cell E4101. There were no issues between Inmate James Robertson and Inmate Frank Hart to the best of his knowledge.

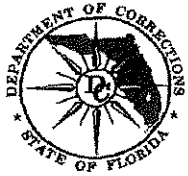
**(Exhibit B-11)**

In her sworn statement, Officer Rosemary Harrington indicated that on 12/09/08, she worked the third shift. (*4 PM-12 PM*) She worked the general population side of E Dormitory, Quad 4 and did not go into the Close Management side of the quads. She did not hear anyone talking about any irregularities.

**(Exhibit B-12)**

In his sworn statement, Officer Paul Thompson indicated that on 12/10/08, he worked the first shift (*12 Midnight-8:00 AM*). He conducted counts and security checks in E Dormitory, Quad 4. During some of his initial counts and security checks, Inmate James Robertson was observed on the top of his bunk awake and laying in bed. Robertson would look at him when he was at the cell door. Robertson was awake reading his book during the early part of his shift, his behavior was [REDACTED]. During his rounds, he observed Inmate Frank Hart sleeping on his bottom bunk. He was sleeping underneath his blanket. He can not remember if Hart ever changed sleeping positions. Everything appeared to be quiet and normal during the shift. It was no different than the previous night. Giving two trays to one inmate while the other is sleeping is normal. No one has ever advised him that Robertson and Hart had any issues with one another.

**(Exhibit B-13)**



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In her sworn statement, Officer Nancy Holmstrand indicated that on 12/10/08, she worked the first shift (*12 Midnight-8:00 AM*). She was assigned to E Dormitory between 12:00 AM and 3:45 AM. She assisted with conducting security checks and counts in Quad 4. She recalled that when she conducted her check of cell E4101, which was occupied by Inmate James Robertson and Inmate Frank Hart, Robertson was on the top bunk reading a book. Hart was on the bottom bunk sleeping. She does not recall if Hart ever changed positions. He had his feet to the door and was underneath his blanket the whole time. No one made any complaints to her during the shift. No one expressed any concerns to her about anything. Everything appeared to be normal.

**(Exhibit B- 14)**

In his sworn statement, Officer Scott DeCesare indicated that on 12/10/08, he worked the first *shift (12 Midnight-8:00 AM)*. He worked in E Dormitory from approximately 4:10 AM to 8:00 AM. He assisted in conducting security checks, counts and feeding. He did not observe anything out of the ordinary on that night. When he conducted his checks, Robertson was laying on the top bunk in his cell E4101. Inmate Hart was on the bottom bunk underneath his blanket and appeared to be sleeping. He is not sure if the blanket was still on top of him, when he left that morning. He did not hear anything unusual during the shift. It is not uncommon to give two trays to one inmate when the other one is sleeping.

**(Exhibit B-15)**

In his sworn statement, Officer Stephen Coniglio indicated that on 12/10/08, he worked the administrative shift (*8:00 Am-4:00 PM*). He was assigned to E Dormitory recreation and was not in Quad 4 prior to staff finding Inmate Frank Hart dead.

**(Exhibit B-16)**

In his sworn statement, Officer Carlos Arguinzoni indicated that on 12/10/08, he worked the second *shift (8 AM-4 PM)*. He was assigned to E Dormitory and conducted security checks on the morning in question. He remembers that while making his rounds, he observed Inmate Frank Hart sleeping on his bottom bunk and Inmate James Robertson was awake laying on the top of his top bunk. He can not remember if Hart was laying underneath his blanket. He did not observe anything out of the ordinary. Robertson said good morning to him and he responded. Robertson was [REDACTED] that morning.

**(Exhibit B-17)**

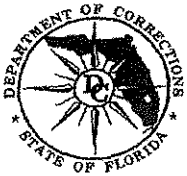
In his sworn statement, Officer Jerry Bussell indicated that he worked the administrative shift (*8 AM-12 PM*) on 12/10/08. He did not enter E Dormitory, Quad 4, during his shift.

**(Exhibit B-18)**

In his sworn statement, Officer William Taylor indicated that he worked the administrative shift (*8 AM-12 PM*) on 12/10/08. He did not enter E Dormitory, Quad 4, during his shift.

**(Exhibit B-19)**

In his sworn statement, Inmate James McKinnon indicated that he was housed in E Dormitory, Quad 4, cell E4102. On 12/10/08, he was asleep and was awakened by some noises that were coming from the area. The



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noises may have come from upstairs or from the cell next door (*Cell 101, Hart's cell*). The noises occurred between 2:00 AM and 3:30 AM. The noises sounded like someone was, "tussling". The noises lasted approximately 7 to 10 seconds. After he heard the noises, he got up and stood at the cell door. As he stood at the door, he heard Hart yell, "Help, oh God", and then his voice faded out. He knows that he heard the noises around that time, because [REDACTED]

[REDACTED] He recognized Inmate Frank Hart's voice, because he has known him for a while and he knows his voice. He (*McKinnon*) has been an orderly in that dorm and has had occasion to speak with Hart and feed him breakfast in the mornings during certain times. Hart had told him that he was having problems with Inmate James Robertson, but he does not know whether Hart reported to staff that he had issues with Robertson. Hart told him that he and Robertson just did not get along and that he wanted to be moved away from him. (*Robertson*)

(Exhibit B-20 & A-12)

In her sworn statement, [REDACTED]

(Exhibit B-21)

Incident reports were submitted by staff. The reports are consistent to the sworn statement that they gave in previous exhibits.

(Exhibit A-13)

In his sworn statement, Inmate Prince Kelley indicated that he is Inmate James McKinnon's roommate. They are housed in cell E4101. Their cell is next door to Inmate James Robertson and Inmate Frank Hart's cell. On or about 12/09/08 and 12/10/08, he was asleep and never heard any noises coming from Hart's cell. He did not have any knowledge as to what happened between Inmate James Robertson and Frank Hart.

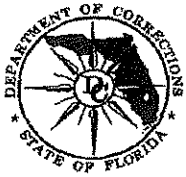
(Exhibit B-22)

In his sworn statement, Inmate Richard Wilson indicated that he was housed in cell E4201. His cell is directly above Inmate James Robertson and Inmate Frank Hart. On or about 12/09/08 and 12/10/08, he did not hear any unusual sounds coming from Hart's cell. He did not hear anything. He has no knowledge regarding the incident. He never knew that they even had any problems with one another.

(Exhibit B-23)

In his sworn statement, Inmate Terrance Whitaker indicated that he was housed in cell E4201. His cell is directly above Inmate James Robertson and Inmate Frank Hart. On or about 12/09/08 and 12/10/08, he did not hear any unusual sounds coming from Hart's cell. He did not hear anything. He has no knowledge regarding the incident. He never knew that they even had any problems with one another.

(Exhibit B-24)



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During this investigation, Inspector McLaughlin received information from [REDACTED] that Inmate Frank Hart [REDACTED]

In her sworn statement, [REDACTED]

(Exhibit B-25)

Inspector Janene McLaughlin conducted a review of Hart's file in an effort to locate the request that he allegedly submitted to be moved. The request could not be found in his file. She also reviewed the movement log with negative results.

I surveyed E Dormitory, Quad 4 and obtained a copy of the floor plan. There were no cells located in an area that [REDACTED]

(Exhibit A-14)

A review of the E Dormitory Housing Roster showed that the inmates listed below were housed in E Dormitory, 4 Quad, on or about 12/09/08 and 12/10/08. Those inmates were interviewed. When interviewed, they indicated that they did not hear any noises coming from cell E4101, on or about 12/09/08 and 12/10/08, between the hours of 10:30 PM and 9:15 AM. They further indicated that they did not have any knowledge regarding the incident that occurred on the dates and times noted.

(Exhibit A-15)

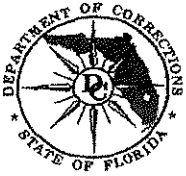
In his sworn statement, Inmate Alfonso Dorsey indicated that he was housed in E Dormitory, Quad 4. On or about 12/09/08 and 12/10/08, he did not hear any noises that came from cell E4101. He did not have any knowledge regarding the incident that occurred in that cell between the hours of 10:30 PM and 9:15 AM on the dates noted.

(Exhibit B-26)

In his sworn statement, Inmate Walker Young indicated that he was housed in E Dormitory, Quad 4. On or about 12/09/08 and 12/10/08, he did not hear any noises that came from cell E4101. He did not have any knowledge regarding the incident that occurred in that cell between the hours of 10:30 PM and 9:15 AM on the dates noted.

(Exhibit B-27)

In his sworn statement, Inmate Lewis Stevenson indicated that he was housed in E Dormitory, Quad 4. On or about 12/09/08 and 12/10/08, he did not hear any noises that came from cell E4101. He did not have any



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knowledge regarding the incident that occurred in that cell between the hours of 10:30 PM and 9:15 AM on the dates noted. **(Exhibit B-28)**

In his sworn statement, Inmate Chad Jones indicated that he was housed in E Dormitory, Quad 4. On or about 12/09/08 and 12/10/08, he did not hear any noises that came from cell E4101. He did not have any knowledge regarding the incident that occurred in that cell between the hours of 10:30 PM and 9:15 AM on the dates noted. **(Exhibit B-29)**

In his sworn statement, Inmate Terrance Bryant indicated that he was housed in E Dormitory, Quad 4. On or about 12/09/08 and 12/10/08, he did not hear any noises that came from cell E4101. He did not have any knowledge regarding the incident that occurred in that cell between the hours of 10:30 PM and 9:15 AM on the dates noted. **(Exhibit B-30)**

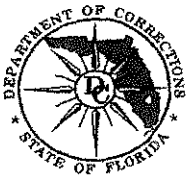
In his sworn statement, Inmate Tyrone Howard indicated that he was housed in E Dormitory, Quad 4. On or about 12/09/08 and 12/10/08, he did not hear any noises that came from cell E4101. He did not have any knowledge regarding the incident that occurred in that cell between the hours of 10:30 PM and 9:15 AM on the dates noted. **(Exhibit B-31)**

In his sworn statement, Inmate James Walker indicated that he was housed in E Dormitory, Quad 4. On or about 12/09/08 and 12/10/08, he did not hear any noises that came from cell E4101. He did not have any knowledge regarding the incident that occurred in that cell between the hours of 10:30 PM and 9:15 AM on the dates noted. **(Exhibit B-32)**

In his sworn statement, Inmate Henry Coxwell indicated that he was housed in E Dormitory, Quad 4. On or about 12/09/08 and 12/10/08, he did not hear any noises that came from cell E4101. He did not have any knowledge regarding the incident that occurred in that cell between the hours of 10:30 PM and 9:15 AM on the dates noted. **(Exhibit B-33)**

In his sworn statement, Inmate Blanchard Stval indicated that he was housed in E Dormitory, Quad 4. On or about 12/09/08 and 12/10/08, he did not hear any noises that came from cell E4101. He did not have any knowledge regarding the incident that occurred in that cell between the hours of 10:30 PM and 9:15 AM on the dates noted. **(Exhibit B-34)**

In his sworn statement, Inmate Fabian Williams indicated that he was housed in E Dormitory, Quad 4. On or about 12/09/08 and 12/10/08, he did not hear any noises that came from cell E4101. He did not have any knowledge regarding the incident that occurred in that cell between the hours of 10:30 PM and 9:15 AM on the dates noted. **(Exhibit B-35)**



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In his sworn statement, Inmate Curtis Butler indicated that he was housed in E Dormitory, Quad 4. On or about 12/09/08 and 12/10/08, he did not hear any noises that came from cell E4101. He did not have any knowledge regarding the incident that occurred in that cell between the hours of 10:30 PM and 9:15 AM on the dates noted.  
**(Exhibit B-36)**

In his sworn statement, Inmate Anthony Hester indicated that he was housed in E Dormitory, Quad 4. On or about 12/09/08 and 12/10/08, he did not hear any noises that came from cell E4101. He did not have any knowledge regarding the incident that occurred in that cell between the hours of 10:30 PM and 9:15 AM on the dates noted.  
**(Exhibit B-37)**

In his sworn statement, Inmate Xavious Thomas indicated that he was housed in E Dormitory, Quad 4. On or about 12/09/08 and 12/10/08, he did not hear any noises that came from cell E4101. He did not have any knowledge regarding the incident that occurred in that cell between the hours of 10:30 PM and 9:15 AM on the dates noted.  
**(Exhibit B-38)**

In his sworn statement, Inmate Terry Robinson indicated that he was housed in E Dormitory, Quad 4. On or about 12/09/08 and 12/10/08, he did not hear any noises that came from cell E4101. He did not have any knowledge regarding the incident that occurred in that cell between the hours of 10:30 PM and 9:15 AM on the dates noted.  
**(Exhibit B-39)**

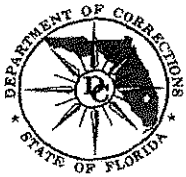
In his sworn statement, Inmate Eric Duberry indicated that he was housed in E Dormitory, Quad 4. On or about 12/09/08 and 12/10/08, he did not hear any noises that came from cell E4101. He did not have any knowledge regarding the incident that occurred in that cell between the hours of 10:30 PM and 9:15 AM on the dates noted.  
**(Exhibit B-40)**

In his sworn statement, Inmate Antoine Winslett indicated that he was housed in E Dormitory, Quad 4. On or about 12/09/08 and 12/10/08, he did not hear any noises that came from cell E4101. He did not have any knowledge regarding the incident that occurred in that cell between the hours of 10:30 PM and 9:15 AM on the dates noted.  
**(Exhibit B-41)**

In his sworn statement, Inmate Alfonso Jenkins indicated that he was housed in E Dormitory, Quad 4. On or about 12/09/08 and 12/10/08, he did not hear any noises that came from cell E4101. He did not have any knowledge regarding the incident that occurred in that cell between the hours of 10:30 PM and 9:15 AM on the dates noted.  
**(Exhibit B-42)**

In his sworn statement, Inmate Darrell Sirmans indicated that he was housed in E Dormitory, Quad 4. On or about 12/09/08 and 12/10/08, he did not hear any noises that came from cell E4101. He did not have any





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knowledge regarding the incident that occurred in that cell between the hours of 10:30 PM and 9:15 AM on the dates noted.

**(Exhibit B-43)**

In his sworn statement, Inmate Raymond McGuire indicated that he was housed in E Dormitory, Quad 4. On or about 12/09/08 and 12/10/08, he did not hear any noises that came from cell E4101. He did not have any knowledge regarding the incident that occurred in that cell between the hours of 10:30 PM and 9:15 AM on the dates noted.

**(Exhibit B-44)**

In his sworn statement, Inmate Kenneth Waits indicated that he was housed in E Dormitory, Quad 4. On or about 12/09/08 and 12/10/08, he did not hear any noises that came from cell E4101. He did not have any knowledge regarding the incident that occurred in that cell between the hours of 10:30 PM and 9:15 AM on the dates noted.

**(Exhibit B-45)**

In his sworn statement, Inmate Eric Bentley indicated that he was housed in E Dormitory, Quad 4. On or about 12/09/08 and 12/10/08, he did not hear any noises that came from cell E4101. He did not have any knowledge regarding the incident that occurred in that cell between the hours of 10:30 PM and 9:15 AM on the dates noted.

**(Exhibit B-46)**

In his sworn statement, Inmate Daniel Berg indicated that he was housed in E Dormitory, Quad 4. On or about 12/09/08 and 12/10/08, he did not hear any noises that came from cell E4101. He did not have any knowledge regarding the incident that occurred in that cell between the hours of 10:30 PM and 9:15 AM on the dates noted.

**(Exhibit B-47)**

In his sworn statement, Inmate Gibson Roseme indicated that he was housed in E Dormitory, Quad 4. On or about 12/09/08 and 12/10/08, he did not hear any noises that came from cell E4101. He did not have any knowledge regarding the incident that occurred in that cell between the hours of 10:30 PM and 9:15 AM on the dates noted.

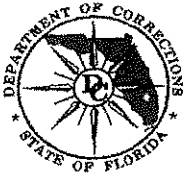
**(Exhibit B-48)**

In his sworn statement, Inmate Jermaine Chandler indicated that he was housed in E Dormitory, Quad 4. On or about 12/09/08 and 12/10/08, he did not hear any noises that came from cell E4101. He did not have any knowledge regarding the incident that occurred in that cell between the hours of 10:30 PM and 9:15 AM on the dates noted.

**(Exhibit B-49)**

In his sworn statement, Inmate Darryl Butler indicated that he was housed in E Dormitory, Quad 4. On or about 12/09/08 and 12/10/08, he did not hear any noises that came from cell E4101. He did not have any knowledge regarding the incident that occurred in that cell between the hours of 10:30 PM and 9:15 AM on the dates noted.

**(Exhibit B-50)**



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In his sworn statement, Inmate Newton Harris indicated that he was housed in E Dormitory, Quad 4. On or about 12/09/08 and 12/10/08, he did not hear any noises that came from cell E4101. He did not have any knowledge regarding the incident that occurred in that cell between the hours of 10:30 PM and 9:15 AM on the dates noted.

**(Exhibit B-51)**

In his sworn statement, Inmate Robert Ball indicated that he was housed in E Dormitory, Quad 4. On or about 12/09/08 and 12/10/08, he did not hear any noises that came from cell E4101. He did not have any knowledge regarding the incident that occurred in that cell between the hours of 10:30 PM and 9:15 AM on the dates noted.

**(Exhibit B-52)**

In his sworn statement, Inmate Flavio Chavez indicated that he was housed in E Dormitory, Quad 4. On or about 12/09/08 and 12/10/08, he did not hear any noises that came from cell E4101. He did not have any knowledge regarding the incident that occurred in that cell between the hours of 10:30 PM and 9:15 AM on the dates noted.

**(Exhibit B-53)**

In his sworn statement, Inmate Shammond Byrd indicated that he was housed in E Dormitory, Quad 4. On or about 12/09/08 and 12/10/08, he did not hear any noises that came from cell E4101. He did not have any knowledge regarding the incident that occurred in that cell between the hours of 10:30 PM and 9:15 AM on the dates noted.

**(Exhibit B-54)**

In his sworn statement, Inmate Daniel Jaramillio indicated that he was housed in E Dormitory, Quad 4. On or about 12/09/08 and 12/10/08, he did not hear any noises that came from cell E4101. He did not have any knowledge regarding the incident that occurred in that cell between the hours of 10:30 PM and 9:15 AM on the dates noted.

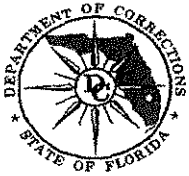
**(Exhibit B-55)**

In his sworn statement, Inmate Johnny Turrill indicated that he was housed in E Dormitory, Quad 4. On or about 12/09/08 and 12/10/08, he did not hear any noises that came from cell E4101. He did not have any knowledge regarding the incident that occurred in that cell between the hours of 10:30 PM and 9:15 AM on the dates noted.

**(Exhibit B-56)**

In his sworn statement, Inmate Jermalas Peoples indicated that he was housed in E Dormitory, Quad 4. On or about 12/09/08 and 12/10/08, he did not hear any noises that came from cell E4101. He did not have any knowledge regarding the incident that occurred in that cell between the hours of 10:30 PM and 9:15 AM on the dates noted.

**(Exhibit B-57)**



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In his sworn statement, Inmate Fred Washington indicated that he was housed in E Dormitory, Quad 4. On or about 12/09/08 and 12/10/08, he did not hear any noises that came from cell E4101. He did not have any knowledge regarding the incident that occurred in that cell between the hours of 10:30 PM and 9:15 AM on the dates noted.

**(Exhibit B-58)**

In his sworn statement, Inmate Donald McBride indicated that he was housed in E Dormitory, Quad 4. On or about 12/09/08 and 12/10/08, he did not hear any noises that came from cell E4101. He did not have any knowledge regarding the incident that occurred in that cell between the hours of 10:30 PM and 9:15 AM on the dates noted.

**(Exhibit B-59)**

In his sworn statement, Inmate Corey Sheppard indicated that he was housed in E Dormitory, Quad 4. On or about 12/09/08 and 12/10/08, he did not hear any noises that came from cell E4101. He did not have any knowledge regarding the incident that occurred in that cell between the hours of 10:30 PM and 9:15 AM on the dates noted.

**(Exhibit B-60)**

In his sworn statement, Inmate Mackilieaha Taylor indicated that he was housed in E Dormitory, Quad 4. On or about 12/09/08 and 12/10/08, he did not hear any noises that came from cell E4101. He did not have any knowledge regarding the incident that occurred in that cell between the hours of 10:30 PM and 9:15 AM on the dates noted.

**(Exhibit B-61)**

In his sworn statement, Inmate Kenneth Andrews indicated that he was housed in E Dormitory, Quad 4. On or about 12/09/08 and 12/10/08, he did not hear any noises that came from cell E4101. He did not have any knowledge regarding the incident that occurred in that cell between the hours of 10:30 PM and 9:15 AM on the dates noted.

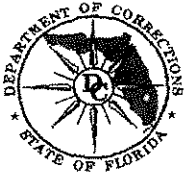
**(Exhibit B-62)**

In his sworn statement, Inmate Willie Malone indicated that he was housed in E Dormitory, Quad 4. On or about 12/09/08 and 12/10/08, he did not hear any noises that came from cell E4101. He did not have any knowledge regarding the incident that occurred in that cell between the hours of 10:30 PM and 9:15 AM on the dates noted.

**(Exhibit B-63)**

In his sworn statement, Inmate Alfonso Dorsey indicated that he was housed in E Dormitory, Quad 4. On or about 12/09/08 and 12/10/08, he did not hear any noises that came from cell E4101. He did not have any knowledge regarding the incident that occurred in that cell between the hours of 10:30 PM and 9:15 AM on the dates noted.

**(Exhibit B-64)**



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In his sworn statement, Inmate Jerry Crockett indicated that he was housed in E Dormitory, Quad 4. On or about 12/09/08 and 12/10/08, he did not hear any noises that came from cell E4101. He did not have any knowledge regarding the incident that occurred in that cell between the hours of 10:30 PM and 9:15 AM on the dates noted.

**(Exhibit B-65)**

In his sworn statement, Inmate William Hale indicated that he was housed in E Dormitory, Quad 4. On or about 12/09/08 and 12/10/08, he did not hear any noises that came from cell E4101. He did not have any knowledge regarding the incident that occurred in that cell between the hours of 10:30 PM and 9:15 AM on the dates noted.

**(Exhibit B-66)**

In his sworn statement, Inmate Douglas Gannon indicated that he was housed in E Dormitory, Quad 4. On or about 12/09/08 and 12/10/08, he did not hear any noises that came from cell E4101. He did not have any knowledge regarding the incident that occurred in that cell between the hours of 10:30 PM and 9:15 AM on the dates noted.

**(Exhibit B-67)**

In his sworn statement, Inmate Jerney Kent indicated that he was housed in E Dormitory, Quad 4. On or about 12/09/08 and 12/10/08, he did not hear any noises that came from cell E4101. He did not have any knowledge regarding the incident that occurred in that cell between the hours of 10:30 PM and 9:15 AM on the dates noted.

**(Exhibit B-68)**

In his sworn statement, Inmate Delon Smith indicated that he was housed in E Dormitory, Quad 4. On or about 12/09/08 and 12/10/08, he did not hear any noises that came from cell E4101. He did not have any knowledge regarding the incident that occurred in that cell between the hours of 10:30 PM and 9:15 AM on the dates noted.

**(Exhibit B-69)**

In his sworn statement, Inmate Nathaniel Robinson indicated that he was housed in E Dormitory, Quad 4. On or about 12/09/08 and 12/10/08, he did not hear any noises that came from cell E4101. He did not have any knowledge regarding the incident that occurred in that cell between the hours of 10:30 PM and 9:15 AM on the dates noted.

**(Exhibit B-70)**

In his sworn statement, Inmate Antonio Mobley indicated that he was housed in E Dormitory, Quad 4. On or about 12/09/08 and 12/10/08, he did not hear any noises that came from cell E4101. He did not have any knowledge regarding the incident that occurred in that cell between the hours of 10:30 PM and 9:15 AM on the dates noted.

**(Exhibit B-71)**

In his sworn statement, Inmate Kaiuwe Their indicated that he was housed in E Dormitory, Quad 4. On or about 12/09/08 and 12/10/08, he did not hear any noises that came from cell E4101. He did not have any knowledge regarding the incident that occurred in that cell between the hours of 10:30 PM and 9:15 AM on the dates noted.



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(Exhibit B-72)

In his sworn statement, Inmate Dmitri Sinilnikov indicated that he was housed in E Dormitory, Quad 4. On or about 12/09/08 and 12/10/08, he did not hear any noises that came from cell E4101. He did not have any knowledge regarding the incident that occurred in that cell between the hours of 10:30 PM and 9:15 AM on the dates noted.

(Exhibit B-73)

In his sworn statement, Inmate Ricky Richardson indicated that he was housed in E Dormitory, Quad 4. On or about 12/09/08 and 12/10/08, he did not hear any noises that came from cell E4101. He did not have any knowledge regarding the incident that occurred in that cell between the hours of 10:30 PM and 9:15 AM on the dates noted.

(Exhibit B-74)

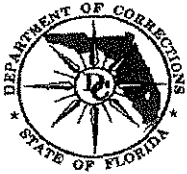
In his sworn statement, Inmate Christopher Maring indicated that he was housed in E Dormitory, Quad 4. On or about 12/09/08 and 12/10/08, he did not hear any noises that came from cell E4101. He did not have any knowledge regarding the incident that occurred in that cell between the hours of 10:30 PM and 9:15 AM on the dates noted.

(Exhibit B-75)

Inmate James Robertson was interviewed by Inspector Janene McLaughlin on two separate occasions, 12/10/08 and 12/15/08. During each of the interviews she advised him of Miranda via an Inspector General issued card. He waived Miranda and voluntarily provided statements.

Inmate James Robertson was advised of Miranda via an Inspector General issued card. He waived Miranda and voluntarily gave the following statements:

In his sworn statement of 12/10/08, Inmate James Robertson denied that he killed Inmate Frank Hart. He had issues with Hart regarding his [REDACTED]. He has never engaged in a verbal nor physical altercation with Hart. He does not believe that people should scream at one another. Hart had [REDACTED]. When you have roommates who have problems, they become your problems. Hart liked to have the cell window closed and he liked to have the window open. He made a verbal request for a cell change, but it was never honored. He told an Officer Norris and Norris never moved him. Norris advised him that Hart was a child molester and he did not know what that was about. Norris never told him to do anything to Hart. He thinks that Norris may have wanted him to do something bad to Hart, but he did not do anything to Hart. He knew Hart was dead around 6:30 AM. *(Breakfast was served at 05:50:14)* because he *(Hart)* [REDACTED]. On the morning that Hart died, he ate his breakfast. It was not unusual for him to eat Hart's breakfast, because sometimes Hart would sleep in and not get up for breakfast. Hart use to do things that annoyed him, like pace around the cell. Hart did not show him respect, especially when he would pace back in forth in the cell. The pacing disturbed him while he was trying to read. Hart use to consume large amounts of toothpaste, ketchup, sugars and mustard and then he would drink a lot of water. Every time that he drank a lot of water, he would [REDACTED]. Every time that he would attempt to speak to Hart about his issues, Hart would get belligerent with him. *(When asked about [REDACTED])* Robertson indicated that he thinks



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that he [REDACTED]. He could not explain [REDACTED]

(Exhibit B-76 & A-16)

On 12/10/08, Inspector McLaughlin interviewed Robertson, she advised him of Miranda via an Inspector General issued card. He waived Miranda and voluntarily provided a statement. He continued to deny that he did anything. He denied that he killed Inmate Frank Hart.

On 12/15/08, Inspector McLaughlin interviewed Robertson, she advised him of Miranda via an Inspector General issued card. He continued to deny that he killed Inmate Frank Hart.

(Exhibit B-77 & A-17)

FDLE did not recover any items at the crime scene.

FDLE Crime Scene Investigator Steve Balunan took photographs of the crime scene, cell E4101. Those photographs will be included in the investigative file when received.

I secured (1) white tee shirt that was recovered from the top bunk of Robertson's bed. The Medical Examiner's office did not use the evidence. It is secured in my evidence locker. (Exhibit B-78)

Inmate Frank Hart's clothing that was taken by Inspector McLaughlin:

1 pair of boxer shorts (*underwear*) (Exhibit B-79)

1 blue pair of pants (Exhibit B-80)

1 blue jacket (Exhibit B-81)

1 white tee shirt (Exhibit B-82)

Inmate James Robertson clothing that was taken by Inspector McLaughlin:

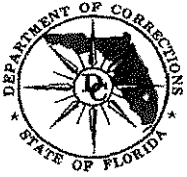
1 blue shirt (Exhibit B-83)

1 blue pair of pants (Exhibit B-84)

1 pair of boxer shorts (*underwear*) (Exhibit B-85)

1 white sheet (*stood on while undressing*) (Exhibit B-86)

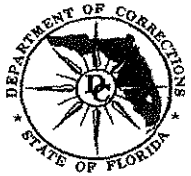
1 white tee shirt (Exhibit B-87)



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Upon approval by the Office of the Inspector General, a copy of this investigative report will be submitted to the State's Attorneys Office in Charlotte County for review and consideration of criminal prosecution.



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James Mitchell  
James Mitchell

Inspector

1-9-09  
01/09/09

Date

Antony

Prison Inspector Supervisor

1-15-09

Date

[Signature]

Chief Prison Inspector

1-22-09

Date

\_\_\_\_\_

Deputy/Inspector General

\_\_\_\_\_

Date





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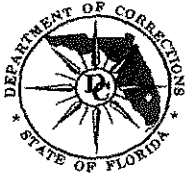
**EXHIBIT/ATTACHMENTS SECTION**

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

1. Incident report/Sworn statement by Officer John O'Rourke
2. Note written by Inmate James Robertson (Death note)
3. Photographs of the crime scene
4. Crime scene log by Officer Domenico Midea
5. Photographs of Hart's body
6. Photographs of Robertson's body
7. E Dorm Housing log
8. [REDACTED]
9. Staff rosters
10. Officer Walter Smith's transcriptions
11. Sergeant Roosevelt Duncan's transcription
12. Inmate James McKinnon's transcriptions
13. Staff incident reports
14. E Dorm floor plan
15. E Dorm Inmate Housing Roster
16. Inmate James Robertson's transcription, 12/10/08
17. Inmate James Robertson's transcription, 12/15/08

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

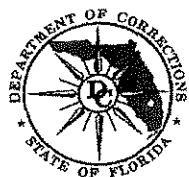
1. Tee shirt (White)
2. Fixed wing video of E Dorm
3. Sworn statement of [REDACTED]
4. Sworn statement of Sergeant Brandon Howard
5. Sworn statement of [REDACTED]
6. Sworn statement of [REDACTED]
7. Sworn statement of [REDACTED]
8. Sworn statement of Officer Walter Smith
9. Sworn statement of Sergeant Roosevelt Duncan
10. Sworn statement of Officer Kama Beasley
11. Sworn statement of Officer Kenneth Smith
12. Sworn statement of Rosemary Harrington



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13. Sworn statement of Officer Paul Thompson
14. Sworn statement of Officer Nancy Holmstrand
15. Sworn statement of Officer Scott DeCesare
16. Sworn statement of Officer Stephen Coniglio
17. Sworn statement of Officer Carlos Arguinzoni
18. Sworn statement of Officer Jerry Bussell
19. Sworn statement of Officer William Taylor
20. Sworn statement of I/M McKinnon
21. Sworn statement of I/M Kelley
22. Sworn statement of I/M Wilson
23. Sworn statement of I/M Whitaker
24. Sworn statement of [REDACTED]
25. Sworn statement of I/M Dorsey
26. Sworn statement of I/M Young
27. Sworn statement of I/M Stevenson
28. Sworn statement of I/M Jones
29. Sworn statement of I/M Bryant
30. Sworn statement of I/M Howard
31. Sworn statement of I/M Walker
32. Sworn statement of I/M Coxwell
33. Sworn statement of I/M Stval
34. Sworn statement of I/M Williams
35. Sworn statement of I/M Butler
36. Sworn statement of I/M Hester
37. Sworn statement of I/M Thomas
38. Sworn statement of I/M Robinson
39. Sworn statement of I/M Duberry
40. Sworn statement of I/M Winslett
41. Sworn statement of I/M Jenkins
42. Sworn statement of I/M Sirmans
43. Sworn statement of I/M McGuire
44. Sworn statement of I/M Waits
45. Sworn statement of I/M Bentley
46. Sworn statement of I/M Berg
47. Sworn statement of I/M Roseme
48. Sworn statement of I/M Chandler
49. Sworn statement of I/M Butler
50. Sworn statement of I/M Harris
51. Sworn statement of I/M Ball
52. Sworn statement of I/M Chavez
53. Sworn statement of I/M Byrd
54. Sworn statement of I/M Jaramillio
55. Sworn statement of I/M Turill
56. Sworn statement of I/M Peoples



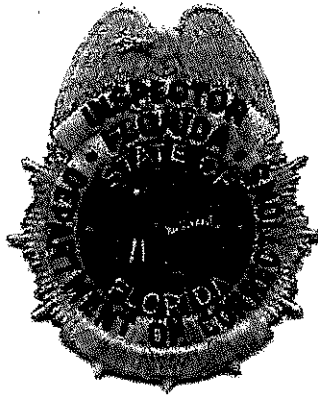
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57. Sworn statement of I/M Washington
58. Sworn statement of I/M McBride
59. Sworn statement of I/M Sheppard
60. Sworn statement of I/M Taylor
61. Sworn statement of I/M Andrews
62. Sworn statement of I/M Malone
63. Sworn statement of I/M Dorsey
64. Sworn statement of I/M Crockett
65. Sworn statement of I/M Hale
66. Sworn statement of I/M Gannon
67. Sworn statement of I/M Kent
68. Sworn statement of I/M Smith
69. Sworn statement of I/M Robinson
70. Sworn statement of I/M Mobley
71. Sworn statement of I/M Their
72. Sworn statement of I/M Sinilnikov
73. Sworn statement of I/M Richardson
74. Sworn statement of I/M Maring
75. Sworn statement of I/M James Robertson #1
76. Sworn statement of I/M James Robertson #2
77. Digital Photos of Hart's body and Robertson's body
78. I/M Hart's clothing 1 white tee shirt
79. I/M Hart -1 white boxer shorts (underwear)
80. I/M Hart- 1 blue pants
81. I/M Hart- 1 blue jacket
82. I/m Hart- 1 white tee shirt
83. I/M Robertson-1 blue shirt
84. I/M Robertson-1 pants
85. I/M Robertson boxer shorts (underwear)
86. White sheet (Robertson stood on during photos)
87. I/M Robertson White tee shirt

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“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 foregoing report and the contents of the report are true and accurate based upon my personal knowledge, information, and belief.”

James Mitchell  
Investigator's Signature

01/09/09  
Date