



Florida Department Of Corrections
 Office of the Inspector General
 Report of Investigation
 Walton Murphree, Interim Inspector General



Inspector General Case #: 09-32990

Facility: Lake Correctional Institution

Classification of Incident: Homicide/15C

Field Office/Region: Orlando/Region 3

Incident Date: 07/28/2009 Time: 0110 hours

Inspector: Barry E. Glover

Date of Report: 08/25/2009

Case Type: A

Check all that apply:

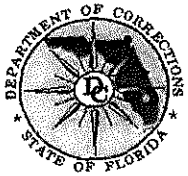
- [REDACTED]
- Prison Rape Elimination Act (PREA) Number (if applicable)
- Principal(s) Exhibits Attached
- Department of Corrections presented to State Attorney Declined Accepted
- Use of Force (UOF) Number (if applicable)
- Complaint of Discrimination
- Addendum
- Supplementary Report Lead Inspector:
- Video Documentation

SUMMARY OF ALLEGATIONS:

Officer Justin Moss reported that on July 28, 2009, at [REDACTED] while assigned as "F" Dormitory Confinement Officer, he was conducting count on Wing 3. During the count, Inmate Adams called him to his cell #F3202 and advised him that his roommate, Inmate Rogers, [REDACTED] Officer Moss immediately notified Sergeant Mitchell, and he responded to the cell. Inmate Adams was restrained and placed into a secured shower cell. Sergeant Mitchell checked Inmate Rogers and he was [REDACTED] The [REDACTED] was notified and [REDACTED] responded. [REDACTED] Inmate Rogers. He was pronounced deceased at 0155 hours.

The cell was secured and a corrections officer was posted outside of the cell.

This inspector was notified and responded to Lake C.I. Upon arrival, I was briefed by Captains Caple and Rhoden. [REDACTED]



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During a search of the cell, I discovered a torn bed sheet, which was located on the bottom bunk assigned to Inmate Adams. I collected the sheet and any other possible evidence from the cell. I took digital photographs of the cell and the body of Inmate Rogers.

Upon arrival of Medical Examiner Investigator Donna Faber, I briefed her as to what had been reported to Officer Moss by Inmate Adams and I advised her as to what I had observed on Inmate Rogers' [REDACTED]. Investigator Faber took digital photographs of Inmate Rogers and subsequently transported Inmate Rogers from Lake C.I. at 0600 hours. I was advised that the autopsy would be at 0930 hours in Leesburg, Florida.

During a sworn, recorded interview with Inmate Adams, he waived his Constitutional Rights and indicated that he had been housed in cell F3202 with Inmate Rogers for 3 to 5 days, and that Inmate Rogers constantly "cried" about having to do 25 years in prison for murder. He had not known Inmate Rogers prior to being housed in F3202. On July 28, 2009, he was sleeping on the bottom bunk, while Inmate Rogers was sleeping on a mattress in front of the cell door, with his feet toward the door. Sometime between 12:00AM and 12:30AM, he tore the hemmed part of his bed sheet from the rest of the sheet and doubled it over several times. He (*Adams*) wrapped his legs around Inmate Rogers and placed the sheet around Inmate Rogers' neck. He strangled Inmate Rogers until he stopped struggling. At approximately 12:45AM, Inmate Adams realized that Inmate Rogers appeared to be dead. He panicked and began to cry, because he didn't know what to do. At approximately [REDACTED] during the dormitory count, he advised Officer Moss that he did not believe Inmate Rogers [REDACTED].

I searched the crime scene in an effort to locate the ligature (*strip of torn sheet*), which Inmate Adams alleged to have used to strangle Inmate Rogers. During a search, the ligature could not be found. A crime scene diagram was completed by Inspector Davidson and digital photographs were taken by Inspector Easterbrook.

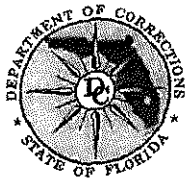
During a subsequent interview with Inmate Adams, by me and Senior Inspector Davidson, Inmate Adams waived his Constitutional Rights and indicated that after he strangled Inmate Rogers with a piece of sheet, and he flushed it down the toilet.

Inspector Supervisor Mankins attended the autopsy of Inmate Rogers. Preliminary findings by the Medical Examiner were that Inmate Rogers died [REDACTED].

During a search of the plumbing drain, which exits from cell F3202, by Inspectors Davidson and Easterbrook, a piece of sheet, as described by Inmate Adams was retrieved.

A.S.A. William Gross, Office of the State Attorney, 5th Judicial Circuit, was notified and briefed concerning this incident.

During a review of the housing logs and fixed-wing video for "F" Confinement Unit, it appeared that Security Department staff conducted counts and security checks as required by Departmental Policy and Procedure.



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The cell was released back to the Security Department and Lake C.I. was advised that Inmate Adams could be transported to Florida State Prison.

All evidence collected during the course of this investigation, will be maintained in this inspector's evidence safe at Tomoka Correctional Institution.

SUMMARY OF DISPOSITION/JUSTIFICATION FOR DOWNGRADE/EXONERATION:

During the course of this investigation and analysis of the evidence, it is determined that Inmate Phillip Adams violated Florida Statute 784.04 (*Murder*), in that Inmate Phillip Adams, from a premeditated design, effected the death of Inmate Mark Rogers by manual strangulation.

	Name	Title / DC #	D.O.B.	Employee ID #
Complainant:	Moss, Justin	C.O.	[REDACTED]	53309
Victim:	Rogers, Mark	DC# 648728	08/16/1963	
Witness(es):	Mitchell, Errick	C.O. Sergeant	[REDACTED]	14630
	[REDACTED]	[REDACTED]	[REDACTED]	57222
	[REDACTED]	[REDACTED]	[REDACTED]	55981
	Chambers, Travis	DC# M27825	08/30/1981	
	Cook, Ryan	DC# C02637	11/12/1987	
	Snead, Philip	DC# D09705	04/15/1981	
Subject(s):	Adams, Phillip	DC# E29556	07/07/1987	

Arrest: Employee Inmate Other Guilty Addendum Pending
Charges: Not Guilty

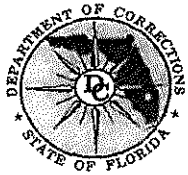
Felony Misdemeanor Nolo Contendere
Date of Arrest: P.T.I. Other (explanation):
Date Reported:

Sentence of Court / Agreement:

Administrative Violation(s):

Evidence: Weapon Drugs Other Describe:

Other Agency Case Number:



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FINDINGS:

On July 28, 2009, at 1:47AM, I was notified of a suspicious inmate death at Lake Correctional Institution. Upon arrival at Lake C.I., I was escorted to "F" Confinement Unit, by Captain Caple. Once inside the unit, I was briefed by Captains Caple and Rhoden. I entered cell F3202, assigned to Inmates Rogers and Adams, which had been secured, with a corrections officer posted outside and fixed-wing, video surveillance. I observed Inmate Rogers lying on his back, on a mattress on the cell floor, with his feet facing the cell door.

I took digital photographs of the cell and the body of Inmate Rogers. The cell appeared to be undisturbed, other than Inmate Rogers' mattress being on the cell floor. I searched the cell and discovered a bed sheet on Inmate Adams' assigned bottom bunk, which appeared to have been torn. I could not locate the other piece of the torn sheet. There were [REDACTED] and no other potential weapons were discovered in the cell. I collected several items, to include inmate clothing, bed linens and documents from the cell.

(Exhibits A-1, A-2, B-1 & B-2)

On July 28, 2009, at 5:30AM, Investigator Donna Faber from the Medical Examiner's Office responded. I briefed her and escorted her to cell F3202. She examined Inmate Rogers and it was her opinion that he had been [REDACTED]. She also agreed that there were [REDACTED] Inmate Rogers.

During a review of the location of the crime scene, it was noted that "F" Dormitory is a confinement unit, which houses inmates sentenced to confinement for disciplinary infractions, are pending disciplinary actions or are pending protection from possible threats in open population. All cells in "F" Confinement Unit are two-man confinement cells, and the inmates assigned to these cells are secured twenty four hours a day. Departmental Rules require that anytime an inmate is [REDACTED]

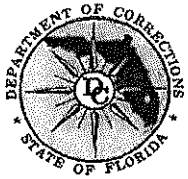
As I entered the cell F3202, I noted that, because of the exhaust fan noise, the thickness of the cell walls and the steel cell door, it would have been improbable that, if Inmate Rogers had screamed or yelled during this incident, he would have been heard. The food tray entrance door on the cell door was closed and the small window on the cell door is approximately 36 inches from floor level, which would make it improbable that any other inmates in the unit would have observed the incident.

During a survey of the crime scene and a review of the confinement cell lay-out, I interviewed inmates assigned to the cell next to the crime scene cell and the inmates in the cell directly across from the crime scene.

(Exhibit A-3)

In their sworn affidavits, Inmates Travis Chambers [REDACTED] Inmate Philip Snead [REDACTED] and Ryan Cook [REDACTED] indicated that they were sleeping during the time of this incident. They denied that they heard or observed anything from cell F3202.

(Exhibits A-4, A-5 & A-6)



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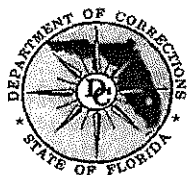
In his Incident Report and sworn, recorded statement, Officer Justin Moss indicated that he is currently assigned to the First Shift at Lake C.I. and has been employed with the Department for 18 months. On July 28, 2009, he was assigned as "F" Confinement Unit Housing Officer. Officer Moss began his shift at 12:00AM and once he started the dormitory log, he and Sergeant Mitchell conducted a count. During the [REDACTED] count, he did not notice anything unusual. At approximately [REDACTED] while he and Sergeant Mitchell conducted the [REDACTED] count, Inmate Phillip Adams, housed in cell F3202, called him (*Moss*) to his cell. He approached cell F3202 and noticed Inmate Adams standing at the cell door. He asked Inmate Adams what he needed. Inmate Adams indicated that he did not think his roommate, Inmate Mark Rogers, was breathing. Officer Moss called for Sergeant Mitchell to respond to the cell. Officer Moss relayed to Sergeant Mitchell what Inmate Adams had stated to him. Sergeant Mitchell had the cell lights turned on and they (*Moss and Mitchell*) placed handcuffs on Inmate Adams. Sergeant Mitchell and Officer Moss escorted Inmate Adams to a secure shower cell. Officer Moss remained with Inmate Adams and Sergeant Mitchell responded to cell F3202. Sergeant Mitchell attempted to get a verbal response from Inmate Rogers, but [REDACTED]. During the escort of Inmate Adams, from cell F3202 to a secure shower cell, according to Officer Moss, Inmate Adams made no spontaneous statements and showed no emotion.

(Exhibits A-7, A-8 & B-3)

In his Incident Report and sworn, recorded statement, Sergeant Errick Mitchell indicated that he is assigned to the First Shift at Lake C.I. and has been employed at Lake C.I. since 1996. He has been assigned as "F" Confinement Unit Supervisor since January 2009. On July 28, 2009, he was assisting Officer Moss with the [REDACTED] count. Officer Moss was counting the second floor, while he was counting the first floor. During the count Officer Moss called for him to report to cell F3202. He responded and was advised by Officer Moss that Inmate Adams had told him that he did not believe his roommate, Inmate Mark Rogers, was breathing. Sergeant Mitchell had the cell lights turned on. They handcuffed Inmate Adams and escorted him to a secure shower cell. Sergeant Mitchell returned to cell F3202 and observed Inmate Rogers lying on the cell floor, on his mattress, with his feet facing the cell door. Inmate Rogers was lying on his back and [REDACTED]. Sergeant Mitchell indicated that he observed, what appeared to be, [REDACTED]. Sergeant Mitchell attempted to get a response from Inmate Rogers, by tapping him on the foot and through verbal commands, but Inmate Rogers [REDACTED]. He contacted the shift supervisor and [REDACTED]. It was Sergeant Mitchell's opinion that, Inmate Rogers was deceased when he first made contact. During the escort of Inmate Adams to a secure shower cell, Inmate Adams [REDACTED] and made no verbal statements during the escort.

(Exhibits A-9, A-10 & B-3)

In her Incident Report and sworn, recorded statement, [REDACTED] indicated that she was working in the [REDACTED] at Lake C.I. and was assigned to work the 11:00PM to 7:00AM shift on July 28, 2008. At approximately 1:10AM, she received a call to respond to an emergency in "F" Confinement Unit. She attempted to call "F" Confinement Unit to find out what the emergency was, but got no answer. She responded to "F" Confinement Unit and entered cell F3202. She observed Inmate Rogers lying on a mattress on the cell floor, with his feet facing the door. Inmate Rogers was lying on his back, his head was tilted to the left [REDACTED].



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[REDACTED]
Inmate Rogers was declared deceased at 1:55AM. She noted that Inmate Rogers appeared [REDACTED]

(Exhibits A-11, A-12 & B-3)

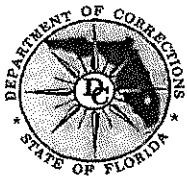
In her Incident Report and sworn, recorded statement, [REDACTED] indicated that on July 28, 2009, she was assigned to the 11:00PM to 7:00AM shift in the [REDACTED] at Lake C.I. She was advised that assistance was needed in "F" Confinement Unit. [REDACTED] Upon arrival to cell F3202, she observed [REDACTED] Inmate Rogers was lying on the cell floor on a mattress. Inmate Rogers was laying on his back and his feet were facing the cell door. [REDACTED]

(Exhibits A-13, A-14 & B-3)

In her Incident Report and sworn, recorded statement, [REDACTED] indicated that she is a contracted agency [REDACTED] She had worked at Lake C.I. for approximately three years. On July 28, 2009, she was assigned to work the 11:00Pm to 7:00AM shift. She was advised that assistance was needed in "F" Confinement Unit. [REDACTED] When she arrived at cell F3202, she observed Inmate Rogers lying on a mattress on the cell floor and [REDACTED]

(Exhibits A-15, A-16 & B-3)

In his sworn, recorded statement, made on July 28, 2009, at 6:30AM, Inmate Adams waived his Constitutional Rights and indicated that he had been housed in cell F3202 with Inmate Rogers, from three to five days. He had not known Inmate Rogers prior to being housed with him in "F" Confinement Unit. Every night, Inmate Rogers would cry about missing his family and the fact that he had to do twenty-five years in prison for murder. Sometimes Inmate Rogers would take it out on him (*Adams*) by screaming at him. Inmate Adams indicated that Inmate Rogers would put his (*Rogers*) hands in his (*Adams*) face. He told Inmate Rogers that he did not like anyone putting their hands in his face. The last time Inmate Rogers put his hands in his face, he just "snapped". On July 28, 2009, between the hours of 12:00 and 12:30AM, Inmate Adams was lying on the bottom bunk, while Inmate Rogers was lying on a mattress on the cell floor. Inmate Rogers' feet were at the door to the cell and he was lying on his back. Inmate Adams indicated that he had never hurt Inmate Rogers before, this was the first time. Inmate Adams indicated that Inmate Rogers struck him in the mouth and he (*Adams*) was defending himself. He indicated that he "snapped and took it the wrong way". He tore off a piece of bed sheet, looped it up and tied it around Inmate Roger's throat, and strangled him. While strangling Inmate Rogers, he took his thigh and "stuck" it around Inmate Rogers' mouth so he wouldn't be able to scream. Inmate Adams wrapped his other leg around Inmate Rogers' arm so he wouldn't be able to try and pull the sheet from around his neck. He strangled Inmate Rogers until he stopped struggling, which Inmate Adams indicated was a couple of minutes.



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Inmate Adams indicated that after Inmate Rogers stopped struggling, he (*Rogers*) [REDACTED]. At approximately 12:45AM, Inmate Adams went to use the bathroom and realized that Inmate Rogers may have been dead. He freaked out and began crying, because he didn't know what to do. As Officer Moss conducted the [REDACTED] count, he advised him that Inmate Rogers [REDACTED]. Inmate Adams indicated that at no time, while housed in the cell together, did Inmate Rogers attempt to sexually assault him or verbally threaten him with bodily harm. (Exhibits A-17 & B-4)

According to departmental records, Inmate Adams and Inmate Rogers had been housed together in cell F3202 since July 22, 2009. There are no indications that they had any previous physical or verbal altercations. Both Inmates Adams and Rogers were classified [REDACTED]. (Exhibits A-18 & A-19)

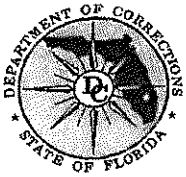
A review of the DC6-207 (Control Room Log) and DC6-209 (Housing Unit Log) for "F" Confinement Unit, dated July 27, 2009, revealed that Master Count was announced [REDACTED] and the count cleared [REDACTED]. During Master Count, all inmates are required to verbally provide the officer with their name and DC number. (Exhibits A-20 & A-21)

[REDACTED] During my initial interview with Inmate Adams, he showed me [REDACTED]. Inmate Adams alleged that Inmate Rogers had struck him in the mouth, prior to him (*Adams*) strangling him. (Exhibit A-22)

Based on Inmate Adams' confession, I reviewed the evidence I had collected from the crime scene. I reviewed the bed sheet that I had recovered from the bunk assigned to Inmate Adams, and it appeared to have a piece torn from it. I conducted a secondary search of the crime scene and the ligature, as alleged to have been used by Inmate Adams to kill Inmate Rogers, could not be found.

On July 28, 2009, at 9:30AM, an autopsy was performed on Inmate Rogers. Preliminary findings by the Medical Examiner were that the cause of death for Inmate Rogers [REDACTED]. (Exhibit A-23)

In a subsequent sworn, recorded statement made on July 28, 2009, at 10:26AM, Inmate Adams waived his Constitutional Rights and indicated that he tore the hemmed part of his bed sheet, which Inmate Adams described as being approximately 32 to 34 inches in length. Inmate Adams indicated that he folded the piece of sheet approximately three times. He wrapped it around Inmate Rogers' neck and did it like "a scissors action". After strangling Inmate Rogers, he flushed the piece of sheet down the toilet. [REDACTED] but it didn't work. Inmate Adams indicated that he did not intentionally kill Inmate Rogers, he just wanted to "shut him up". He realized that he "snapped" and held the sheet around Inmate Rogers' neck too long. When Inmate Rogers [REDACTED] he freaked out. [REDACTED]



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[REDACTED] He indicated that he was not under the influence of any type of medication during the murder of Inmate Rogers, or during this interview. **(Exhibits A-24 & B-5)**

Digital photographs were taken of Inmate Adams following this interview. **(Exhibits A-25 & B-6)**

Based on Inmate Adams' secondary statement, the plumbing drain leading from cell F3202 was dismantled and searched. During the search of this drain, a piece of torn sheet as described by Inmate Adams was discovered. Also discovered in the drain was a pair of state issued socks, which had been tied together. Digital photographs were taken of this recovered evidence. **(Exhibit A-26 & B-7)**

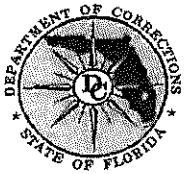
During a review of the housing logs and the fixed-wing video for "F" Confinement Unit, it was determined that Security Department Staff conducted counts and security checks as required by Departmental Policy and Procedure. **(Exhibit B-8)**

All evidence collected during the course of this investigation, will be maintained in this inspector's evidence safe in the inspector's office at Tomoka Correctional Institution. **(Exhibit B-9)**

I contacted Assistant State Attorney William Gross, Office of the State Attorney, 5th Judicial Circuit and briefed him concerning this incident and subsequent investigation. This Investigative Report and all exhibits will be forwarded to A.S.A. Gross for consideration of prosecution.

Upon approval of this report, a copy will be submitted to the State Attorney for consideration of criminal charges. Upon receipt of their decision, or the conclusion of any criminal case, an addendum will be submitted to report the outcome.

<u><i>Larry E. Alloway</i></u>	Inspector	<u>08/25/2009</u>	Date
<u><i>M. Murphree</i></u>	Prison Inspector Supervisor	<u>8-25-09</u>	Date
_____	Chief Prison Inspector	_____	Date
_____	Deputy/Inspector General	_____	Date



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EXHIBIT/ATTACHMENTS SECTION

A. EXHIBIT(s) - attached:

1. Digital photographs of crime scene and body of Inmate Rogers.
2. Digital photographs of torn sheet recovered from the crime scene.
3. Diagram of floor plan for "F" Confinement Unit.
4. Affidavit of Inmate Travis Chambers.
5. Affidavit of Inmate Philip Snead.
6. Affidavit of Inmate Ryan Cook.
7. Incident Report of Officer Justin Moss.
8. Transcript of interview of Officer Justin Moss.
9. Incident Report of Sergeant Errick Mitchell.
10. Transcript of interview of Sergeant Errick Mitchell.
11. Incident Report of [REDACTED]
12. Transcript of interview of [REDACTED]
13. Incident Report of [REDACTED]
14. Transcript of interview of [REDACTED]
15. Incident Report of [REDACTED]
16. Transcript of interview of [REDACTED]
17. Transcript of interview of Inmate Phillip Adams (July 28, 2009 at 6:30AM).
18. Dormitory assignment [REDACTED] for Inmate Phillip Adams.
19. Dormitory assignment [REDACTED] for Inmate Mark Rogers.
20. Control Room Log for July 27, 2009.
21. "F" Dormitory Housing Log for July 27, 2009.
22. [REDACTED] for Inmate Phillip Adams.
23. Preliminary Autopsy Report for Inmate Mark Rogers.
24. Transcript of interview of Inmate Phillip Adams (July 28, 2009 at 10:26AM).
25. Digital photographs of Inmate Phillip Adams.
26. Digital photographs of evidence recovered from the drain trap for cell F3202.



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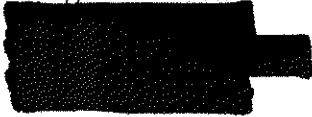
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B. EXHIBIT(s): not attached;

(CD) Compact Disc containing;

1. Photographs of crime scene and body of Inmate Mark Rogers.
2. Photographs of recovered bed sheet from crime scene.
3. (CD) Compact Disc containing interviews of;

Officer Justin Moss.
Sergeant Errick Mitchell.



(CD) Compact Disc containing;

4. Interview of Inmate Phillip Adams (7/28/2009 at 6:30AM).
5. Interview of Inmate Phillip Adams (7/28/2009 at 10:26AM).
6. Photographs of Inmate Phillip Adams.
7. Photographs of evidence recovered from the drain (F3202).
8. Fixed-wing video for "F" Confinement Unit (July 27, 2009 and July 28, 2009).
9. Torn sheets recovered from cell F3202 and the drain trap exiting F3202.