



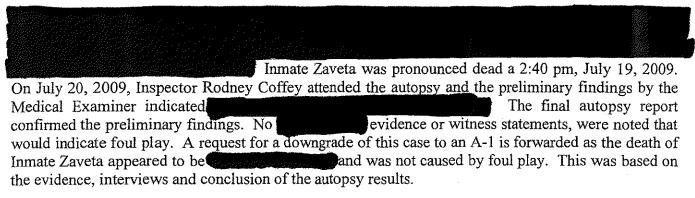
Inspector General Case #: 09-15398	Facility: 107/Holmes C.I.	
Classification of Incident:	Field Office/Region: Tallahassee/1	
Incident Date: 07/13/2009	Inspector: Cecil C. Smith	
Date of Report: 11/10/2009	Case Type: A	
Check all that apply:		
Prison Rape Elimination Act (PREA) Number (in Principal(s) Exhibits Attached Department of Corrections presented to State Attached Use of Force (UOF) Number Complaint of Discrimination Addendum Wing Video Camera(s) Present in the Area of In	ttorney Declined Accepted	
SUMMARY OF ALLEGATIONS:		
In an incident report dated July 13, 2009, Officer Jason M. he was stationed in E-dormitory officer's station (only officer) when Inmate Victor Sanchez notified him Inmate Jeff He looked and observed Inmate Zaveta wall. He called for assistance and Sergeants Trotter, McD by Officer Arrant. Sergeant McDonald stated in his inclinate Howard Cheatham DC# 692658, sitting on Inmate	rey Zaveta DC# 692658, between a bunk and the dayroom onald and Officer Hudson arrived followed cident report when he arrived he observed	
McDonald he (Inmate Zaveta) had came from the bathroom		
Inmate Zaveta by Holmes C.I. in Bonifay, Florida	at 1920 hours and He was noted with Panama City, Florida.	
The case was assigned as a RM as the evidence and witnes no indication on July 19, 2009, discussed with Supervisor Stuart Harrison and up-graded to	s statements indicated con of foul play. Inmate Zaveta died on October 22, 2009, the case was	





Case Number: 09-15398

SUMMARY OF DISPOSITION/JUSTIFICATION FOR DOWNGRADE/EXONERATION:



	Name	Title / DC #	D.O.B.	Employee ID#
Complainant:	Dayan-Varnum, Mary	Warden		5282
Victim:	Zaveta, Jeffrey	DC# 692658	12/02/1966	<u> </u>
Witness(es):	Manuel, Jason	Correctional Officer		58992
	McDonald, Ronald	Sergeant		38888
	Arrant, Daniel	Correctional Officer		41751
	Williams, Johnathan	DC# 518044 -	07/13/1962	
	Glover, Marty	DC# 571208	12/14/1971	
	Lewiston, Floyd	DC# T32432	01/12/1980	
	Gardner, Cecil	DC# 101046	06/11/1968	
	Hawkins, Donald	DC# P27106	01/25/1973	
	Hardisty, William	DC# 071257	02/26/1960	
	Cheatham, Howard	DC# 201969	03/27/1963	
	Sanchez, Victor	DC# 692658	01/10/1979	
	Dickerson, Eugene	DC# 808789	05/09/1951	
	St. John, James	DC# E30191	12/24/1987	
	Harrison, Tony	DC# 630413	10/31/1961	V
	Xavier, Thomas	DC# P23818	06/05/1985	
	Talley, Lucas	DC# 123158 4	02/08/1979	*
	Certain, Calvin	DC# 503302	01/27/1963	•
	Krell, Adam	DC# N15691	07/28/1986	
	Luna-Martinez, Rafael	DC# H21664	12/12/1977	
	Nopal, Marcos	DC# K71851	07/17/1964	
5"	Hunter, Tommy	DC# P32107	03/08/1982	
4	Harris, Travis	DC# N18475	08/29/1977	
	Reese, Derrick	DC# P25132	07/01/1985	
	Sims, David	DC# J28755	08/31/1982	
	Henderson, Donavon	DC# V26721	12/26/1983	
Subject(s):	n/a			





Case Number: 09-15398 Inmate Other Guilty Arrest: | Employee Addendum Pending **Not Guilty** Charges: n/a Nolo Contendere P.T.I. Felony Misdemeanor Other (explanation): n/a Date of Arrest: n/a Date Reported: n/a Sentence of Court / Agreement: n/a Administrative Violation(s): n/a Describe: n/a Evidence: Weapon Drugs Other Other Agency Case Number: M.E. #2009-MLA=0312 FINDINGS: On July 13, 2009, at approximately 8:41 pm, Inspector Cecil Smith was notified by On-Call Senior at Holmes Correctional Institution (C.I.) Senior Inspector Kelley Martin of a Inspector Debbie Carter and Institutional Inspector Rodney Coffey were also notified and assisted in the investigation. Inmate Jeffery Zaveta was in Bonifay, Florida. He was then in Panama City, Florida. The incident was treated as a possible crime scene due to the unknown nature of the fall. A search of weapons was conducted. A search for all inmates in the dormitory for missing combination locks or inmates without a lock, were checked and those found without a lock were found to have valid reasons as to why they did not own or have a lock. discovered on any other inmate, clothing or articles. A search of the laundry room, trash and the dormitory was conducted with only one unrelated weapon being discovered under a sink, in the bathroom area. A green, state issued tooth brush, sharpened to a point, was found concealed in a sock under one of the sinks. Inmates identified as being in the dormitory, entering the dormitory or housed close to Inmate Zaveta, at the time of the incident, were questioned. In his incident report dated July 13, 2009, Officer Jason Manuel indicated the following: He was in the officer's station in E-dormitory when Inmate Sanchez approached the passthrough box, indicated an inmate had fallen He look to the area and noticed between bunk #E2-146S (Inmate Zaveta's bunk) and the dayroom wall. He called for assistance. He then noticed Inmate Cheatham Zaveta onto his bunk Sergeants Trotter, McDonald and Officer Hudson arrived. Inmate Zaveta was and exited out of the dormitory. Sergeant Trotter and Officer Elmore began taking photographs of the area where the incident took place. There were no further incidents and at 9:10 pm, Inspector Smith, Colonel Swartz and Major Dyke entered the dormitory. (Exhibit A-1)





Case Number: 09-15398

In his incident report dated July 27, 2009 and his digitally recorded interview dated July 14, 2009, by Senior Inspector Debbie Carter, Sergeant Ronald McDonald indicated the following:

He responded to a call for assistance in E-dormitory, wing #2, due to an inmate Upon arrival he found Inmate Zaveta sitting on his bunk, leaning over with his head in hands. He asked what had happened and Inmate Zaveta responded he was coming back from the shower, and fell. When he (Sergeant McDonald) he responded "no." He and Officer Arrant placed Inmate Zaveta The delay in writing his incident report was due to his being of annual leave the following day and leaving town. (Exhibits A-2 & B-1)	m
In his incident report dated July 13, 2009, Sergeant William Trotter indicated the following:	
He responded to a call for assistance from Officer Manuel surrounding an inmate falling in It dormitory, wing #2. He and Sergeant McDonald responded to the dormitory. Upon arrival It observed Inmate Zaveta sitting on his bunk with Inmate Cheatham He called for Officer Arrant to bring Officer Elmore to retrieve a digital camera. He (Sergeant Trotter) then secured Inmate Zaveta's property in the laundry room and turned it over to Inspector Smith. He then too photographs of the scene. (Exhibit A-3)	te
In his incident report and an affidavit dated July 14, 2009, recovered by Senior Inspector Debbe Carter, Correctional Officer Daniel Stephen Arrant indicated the following:	ie
He was one of the responding officers to a call for assistance in E-dormitory. At approximately 7:15 pm, he and Officer Hudson responded to E-dormitory to wing #2 due to an inmate falling in the dormitory. When he arrived, Inmate Howard Cheatam Sergeant McDonald with Inmate Zaveta, He placed the inmate (Exhibits A-4 & A-5)	le
Photographs of the scene of the incident were taken by Sergeant Trotter. It showed the base of the wall, at the point of the base board. (Note: The baseboard is a two inch, by two incepiece of wood.) There the floor away from the wall or on the wall above the first concrete block. There was no indication on the frame that Inmate Zaveta hit the bulletin board or the metal bed frame of his bed. The property of the bed where Inmate Zaveta was sitting. Additional photographs were taken by this Inspector of the bulletin board, bed and are of the incident. (Exhibits A-6~A-10)	ll n d





(Exhibit B-5)

Case Number: 09-15398

In his sworn, digitally recorded interview dated July 13, 2009, Inmate Howard Cheatham DC# 201969 (a.k.a. Game) indicated the following:

(a.k.a. Game) indicated the following:
He was at his bunk and decided to go to the shower. He was moving towards the dayroom when he saw Inmate Zaveta to his bunk and kept him sitting as he wanted to lie down. and asked Inmate Sanchez to notify the officer in the station about Inmate Zaveta. He then asked Inmate Sanchez to wet some toilet paper with cold water. The officers arrived in the dormitory and he assisted in the was taken out of the dormitory. At that time there were about 25 inmates in the dormitory and inmates were coming back into the dormitory from the recreation field. He knew Inmate Zaveta and knew he did not go to the recreation field. Inmate Zaveta did not a borrower money, or at least that he was aware of. He had last talked to Inmate Zaveta around 2:00 pm. He knew Inmate Zaveta and give them to him. He knew Inmate Zaveta Be did not see Inmate Zaveta fall. (Exhibit B-2)
In his sworn, digitally recorded interview dated July 13, 2009, Inmate Victor Sanchez DC# H18667 indicated the following:
He knew Inmate Zaveta for about 90 days and knew the inmate did not go to the recreation field or to chow very often. He knew of no problems with other inmates or the inmate gambling. He was not aware of any gang involvement. He had come in from the recreation yard and saw Inmate Cheatam helping Inmate Zaveta off the floor. Inmate Cheatam asked him to get an officer and he did. He did not see the inmate fall and did not know what happened to him. (Exhibit B-3)
In a sworn, digitally recorded interview dated July 13, 2009, Inmate Eugene Dickerson, DC# 808789 indicated the following:
He did not see anything and only had been at Holmes C.I. for four days. He did not know the inmate and did not know what happened. He did not see the inmate fall. (Exhibit B-4)
In a sworn, digitally recorded interview dated July 13, 2009, Inmate James St. John, DC# E30191 indicated the following:
He knew Inmate Zaveta and knew he was He did not know of the inmate to gamble, or involved with other inmates (boy friend). He did not see what happened to the inmate and heard nothing from

any other inmate about what happened.





Case Number: 09-15398

In his sworn, digitally recorded interview dated July 13, 2009, Inmate Tony Harrison, DC# 630413 indicated the following:

He was in the day room when the incident occurred. It was around the time the news on the TV was going off. He did not see what happened to the inmate. He knew of no problems with the inmate and others in the dormitory.

(Exhibit B-6)

In his sworn, digitally recorded interview dated July 14, 2009, Inmate Lucas Talley, DC# 123158 indicated the following:

He did not see anything. He was talking a shower during the incident and when he came out he saw Inmate Zaveta on the floor.

(Exhibit B-7)

In his sworn, digitally recorded interview dated July 14, 2009, Inmate Calvin Certain, DC# 503302 indicated the following:

He did not see anything and knew nothing about Inmate Zaveta. (Exhibit B-8)

In his sworn, digitally recorded interview dated July 14, 2009, Inmate Adam Krell, DC# N15691 indicated the following:

He was on the yard, went into the dormitory and washed his hands in the bathroom. When he went back towards his bunk he saw Inmate Zaveta on the floor with his head against the wall.

Inmate Cheatam walked up and was helping the inmate get onto his bunk. He walked away and went on to his bunk. He did not see the incident or what caused the inmate to fall. He knew of no problems with Inmate Zaveta and other inmates in the dormitory.

(Exhibit B-9)

In his sworn, digitally recorded interview dated July 14, 2009, by Senior Inspector Kelley Martin, Inmate Johnathan Williams, DC# 518044 indicated the following:

He slept behind Inmate Zaveta. Inmate Zaveta was a good guy, no enemies and tried to help a lot of inmates. He (Inmate Zaveta) told him he had been He (Inmate Williams) was in the dayroom and heard inmates coming into the dormitory from recreation. He heard some "unknown" inmate yell he (Inmate Zaveta) He went to the bedding area and saw Inmate Zaveta lying on the floor, right side of the face to the wall and legs pointing towards the bunk. There was only one officer in the dormitory and he was in the officer's station. He did not see what caused Inmate Zaveta to fall. (Exhibit B-10)





Case Number: 09-15398

In his sworn, digitally recorded interview dated July 14, 2009, by Senior Inspector Kelley Martin, Inmate Floyd Lewiston, DC# T32432 indicated the following:

He returned to the dormitory from the recreation yard and as he entered the bedding area he saw Inmate Zaveta lying on the floor with his head against the wall. He did not see what happened. He was not aware of Inmate Zaveta having problems with other inmates and knew Inmate Zaveta helped other inmates out. (Exhibit B-11)

In his sworn, digitally recorded interview dated July 14, 2009, by Senior Inspector Kelley Martin, Inmate Marty Glover, DC# 571208 indicated the following:

He moved into the dormitory "yesterday" but knew Inmate Zaveta "slipped and fell." He didn't talk to him much but it appeared he got along with everyone. He (Inmate Glover) took a shower and when he exited he saw an officer standing over Inmate Zaveta, who was lying on the floor. An inmate was helping him and he heard someone state (Exhibit B-12)

In his sworn, digitally recorded interview dated July 14, 2009, by Senior Inspector Kelley Martin, Inmate Cecil Gardner, DC# 101046 indicated the following:

He took a shower around 5:40 pm and had just talked to Inmate Zaveta, who offered him to see his (Inmate Zavala's) magazine. He (Inmate Gardner) went to the dayroom and twenty to thirty minutes later an inmate (can't remember) told him Inmate Zaveta hit his head on the wall. He went to see what happened and the control of the officers already had taken Inmate Zaveta out. He did not see Inmate Zaveta having problems with other inmates. He knew Inmate Zaveta did not like going to the recreation field (Exhibit B-13)

In his sworn, digitally recorded interview dated July 14, 2009, by Senior Inspector Kelley Martin, Inmate Donald Hawkins, DC# P27106 indicated the following:

As he entered the dormitory and came around the c	corner of the hallway, into the	bedding area,
and saw Inmate Zaveta on the floor	9	
Inmate Zaveta He	lid not see what happened but	t saw inmates
helping him up and onto the bed, as an inmate got	the officer's attention. He was	not aware of
problems with Inmate Zaveta and other inmates.	(F	Exhibit B-14)

In his sworn, digitally recorded interview dated July 14, 2009, by Senior Inspector Kelley Martin, Inmate William Hardisty, DC# 071257 indicated the following:

He went to the bathroom (toilet) and did a crossword puzzle Inmate Zaveta had give	n him. He
exited the bathroom he saw Inmate Zaveta on the floor	
An officer was there and	
Inmate Zaveta was a "nice guy" with no pro	blems with
anyone. He heard from other inmates (unknown) that the inmate (Ex	hibit B-15)





Case Number: 09-15398

In his sworn, digitally recorded interview dated July 14, 2009, Inmate Luna-Martinez Rafael, DC# H21664 indicated the following:

He was not in the dormitory when the incident occurred and did not know anything about Inmate Zaveta. (Exhibit B-16)

In his sworn, digitally recorded interview dated July 14, 2009, by Inspector Rodney Coffey, Inmate David Sims, DC# J28132 indicated the following:

He was returning from recreation when he entered the dormitory and sa	aw Inmate Zaveta on the
floor. He did not see the fall. Inmate Zaveta	got up off the floor, on
his own and sat on the bed. Inmate Cheatham did nothing as he did not know what to do. He later heard from an	He
Inmate Zaveta He knew of no problems with Inmate Z He always got along well in the dormitory. He was a "straight-up dude.	aveta and other inmates.
He always got along well in the dormitory. He was a "straight-up dude.	" (Exhibit B-17)

In his sworn, digitally recorded interview dated July 14, 2009, by Inspector Rodney Coffey, Inmate Donavon Henderson, DC# V26721 indicated the following:

He had been in the dormitory for about three and a half weeks. He knew of no problems Inmate Zaveta had with any inmate but he did have a lot of people coming to his bunk. He (Inmate Henderson) was returning from recreation when he saw "Jeff" (Inmate Zaveta) on the floor,

A couple of inmates helped "Jeff" onto his bunk. He heard from other inmates (unknown) "Jeff" had fallen but he did not see him fall.

(Exhibit B-18)

In his sworn, digitally recorded interview dated July 14, 2009, by Inspector Rodney Coffey, Inmate Derrick Reese, DC# P25132 indicated the following:

He came in from recreation and saw Inmate Zaveta on the floor. Nobody was helping him. He did not help him and was not getting involved. He knew the inmate but did not know much about him. A couple of inmates did finally help him. When he saw Inmate Zaveta again he was sitting on his bed. That is all he knows.

(Exhibit B-19)

In his sworn, digitally recorded interview dated July 14, 2009, by Inspector Rodney Coffey, Inmate Travis Harris, DC# N18475 indicated the following:

He knew Inmate Zaveta and talked to him on occasion. He was not aware o	f problems with
other inmates. He (Inmate Harris) was returning from recreation when he	entered into the
dormitory and saw Inmate Zaveta lying on the floor,	Inmates
helped him off the floor, onto the bed.	: (20%)
The inmate would not let him lay down	He did not see
what happened but other inmates said he (Inmate Zaveta)	(Exhibit B-20)





Case Number: 09-15398

In his sworn, digitally recorded interview dated July 14, 2009, by Inspector Rodney Coffey, Inmate Tommy Hunter, DC# P32107 indicated the following:

He had been in E-dormitory for about two months. He knew Inmate Zaveta and talked to him on occasion. He did not see anything surrounding the inmate's fall. At the time of the incident he was on his bunk, lying on his stomach, looking out the window towards H-dormitory. Everything happened behind him.

(Exhibit B-21)

In his sworn, digitally recorded interview dated July 14, 2009, by Inspector Rodney Coffey, Inmate Marcos Nopal, DC# K71851 indicated the following:

He had been in E-dormitory about two months. He knew Inmate Zaveta for a	bout a year from
another dormitory. He knew of no problems Inmate Zaveta had with other inn	nates. He did not
see what happened as he was in the shower. When he came out of the shower	
He heard from another inmate (unknown) he fell down.	(Exhibit B-22)

On July 14, 2009, an attempt was made to interview Inmate Xavier Thomas, DC# P23818. The inmate was placed into confinement as he was uncooperative (kept falling asleep when being questioned) and refused to participate in the interview. He was upset in being awoke in order to be interviewed about something he had no knowledge about. Note: Inmate Thomas was not re-interviewed as he had no knowledge of the incident. (Case notes)

In his written statement dated October 29, 2009, Institutional Inspector Rodney Coffey indicated the following:

On July 20, 2009, he attended the autopsy of Inmate Zaveta. The Medical I	
Inmate Zaveta's injuries were consistent with a fall. There were no signs Inn	nate Zaveta had
been struck with an object or by a person. He had an	
consistent with a fall.	
one to believe foul play was involved. Additional	l tests would be
conducted to determine if there were any underlying causes for his fall.	(Exhibit A-11)
	•
On July 24, 2009, SHSA Beverly Bottoms forwarded a completed	
completed by	, surrounding
the death of Inmate Jeffery Zaveta. The history indicated	On July 13,
2009. Inmate Zaveta , fell down, hit his head on the floor	
He was	and then
	**
at 1920 hours on July 13, 2009.	
The inmate	





Case Number: 09-15398

The conclusion was the inmate was pronounced dead a 2:40 pm, on July 19, 2009, on July 13, 2009, when he fell in E-dormitory. (Exhibit A-12)

In a District Fourteen Medical Examiner's Report #2009-MLA-0312, dated October 31, 2009, the summary indicated the following:

I. I. II. III. III. IV. V.

The Medical Examiner noted the (Exhibit A-13)

On November 9, 2009 a

Surrounding the death of Inmate Jeffery Zaveta, DC# 692658. (Exhibit A-14)

A request for a downgrade of this case to an A-1 is forwarded due to the death of Inmate Zaveta appeared to be a second was not caused by foul play. This was based on the evidence, interviews and conclusion of the Autopsy results.

Case#	09-15398
Case#	U9-13390

Florida Department of Corrections Office of the Inspector General



"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."

Senior Inspector C	Cecil Smith
Investigators	Signature

11/09/09





Case Number: 09-15398

Cecil C. Smith Jr.	Senior Prison Inspector	<u> 11/09/09</u>	_ Date
Start Han-	Prison Inspector Supervisor	11/10/69	_ Date
	Chief Prison Inspector		_ Date
	Deputy/Inspector General		_ Date





Case Number: 09-15398

EXHIBIT/ATTACHMENTS SECTION

A. EXHIBIT(s) - attached:

- 1. An incident report completed Officer Manuel dated 07/13/09
- 2. An incident report completed by Sergeant McDonald dated 7/27/09
- 3. An incident report completed by Sergeant Trotter dated 07/13/09
- 4. An incident report completed by Officer Arrant dated 07/13/09
- 5. An affidavit completed by Officer Arrant dated 07/13/09
- 6. A photograph of the site of the incident in E-dormitory, wing #2 dated 07/13/09
- 7. A photograph of the incident area near bed #E2146S, dated 07/13/09
- 8. A close-up photograph of incident area, side view dated 07/13/09
- 9. A photograph of dated 07/13/09
- 10. A photograph of the bulletin board E-dormitory, wing #2 dated 07/13/09
- 11. An e-mail from Inspector Coffey surrounding the autopsy dated 07/20/09
- 12. An ated 07/24/09
- 13. An Autopsy Report for Inmate Zaveta dated 10/31/09
- 14. for Inmate Zaveta dated 11/09/09

B. EXHIBIT(s) – not attached:

- 1. A digital recorded interview by Inspector Carter of Sergeant McDonald dated 07/14/09
- 2. A digital recorded interview by Inspector Smith of Inmate Cheatham dated 07/13/09
- 3. A digital recorded interview by Inspector Smith of Inmate Sanchez dated 07/13/09
- 4. A digital recorded interview by Inspector Smith of Inmate Dickerson dated 07/13/09
- 5. A digital recorded interview by Inspector Smith of Inmate St. John dated 07/13/09
- 6. A digital recorded interview by Inspector Smith of Inmate Harrison dated 07/13/09
- 7. A digital recorded interview by Inspector Smith of Inmate Talley dated 07/14/09
- 8. A digital recorded interview by Inspector Smith of Inmate Certain dated 07/14/09
- 9. A digital recorded interview by Inspector Smith of Inmate Krell dated 07/14/09
- 10. A digital recorded interview by Inspector Martin of Inmate Williams dated 07/14/09
- 11. A digital recorded interview by Inspector Martin of Inmate Lewiston dated 07/14/09
- 12. A digital recorded interview by Inspector Martin of Inmate Glover dated 07/14/09
- 13. A digital recorded interview by Inspector Martin of Inmate Gardner dated 07/14/09
- 14. A digital recorded interview by Inspector Martin of Inmate Hawkins dated 07/14/09
- 15. A digital recorded interview by Inspector Martin of Inmate Hardisty dated 07/14/09
- 16. A digital recorded interview by Inspector Smith of Inmate Rafael dated 07/14/09
- 17. A digital recorded interview by Inspector Coffey of Inmate Sims dated 07/14/09
- 18. A digital recorded interview by Inspector Coffey of Inmate Henderson dated 07/14/09
- 19. A digital recorded interview by Inspector Coffey of Inmate Reese dated 07/14/09
- 20. A digital recorded interview by Inspector Coffey of Inmate Harris dated 07/14/09
- 21. A digital recorded interview by Inspector Coffey of Inmate Hunter dated 07/14/09
- 22. A digital recorded interview by Inspector Coffey of Inmate Nopal dated 07/14/09