

Florida Department of Corrections



Office of the Inspector General

CRIMINAL INVESTIGATION

Case # 13-5590



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



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Case Number: 13-5590

Inspector: Inspector J. L. Hale

Date Assigned or Initiated: 06/01/2013

Complaint Against: Inmate Johnson, Johnquan DC# J49414

Complainant: Inmate Motta, Matthew DC# L86557



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Use of Force Number: N/A

Charges: F.S. 782.04(2) Murder

Confidential Medical Information

included: X Yes No

Whistle-Blower Investigation: Yes X No

Chief Inspector General Case Number: N/A

I. AUTHORITY

The Florida Department of Corrections, Office of the Inspector General, by designation of the Secretary and § 944.31, Florida Statutes, is authorized to conduct any criminal investigation that occurs on property owned or leased by the department or involves matters over which the department has jurisdiction.

The testimony references included in this report are summations of oral or written statements provided to inspectors. Statements contained herein do not necessarily represent complete or certified transcribed testimony, except as noted. Unless specifically indicated otherwise, all interviews with witnesses, complainants, and subjects were audio or video recorded.

II. METHODOLOGY



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The investigation reviewed the derivations of the allegation advanced by the complainant. The scope of this investigation does not seek to specifically address tort(s), but violations of criminal statutes. The criterion used to evaluate each contention or allegation was limited to the following standard of analysis:

1. Did the subject's action or behavior violate Florida criminal statutes?

III. ANALYSIS

The standard and analysis in this investigation is predicated with the burden of proving any violation of law, established by probable cause. The evidence considered for analysis is confined to the facts and allegations stated or reasonably implied. The actions or behavior of the subject are presumed to be lawful and in compliance with the applicable Florida law, unless probable cause indicates the contrary.

IV. DEFINITIONS

Unfounded:

Refers to a disposition of a criminal case for which probable cause does not exist to suggest the suspect's behavior or action occurred nor is an arrest or formal charge being initiated.

Closed by Arrest:

Refers to a disposition of a criminal case for which probable cause exists that an identified subject committed the offense and one for which an arrest or formal prosecution has been initiated.

Exceptionally Cleared:

Refers to a disposition of a criminal case for which probable cause exists that an identified suspect committed the offense, but one for which an arrest or formal charge is not initiated, or in the case of a death investigation, one for which no evidence exists that the death was the result of a crime or neglect.



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Open-Inactive:

Refers to a disposition of a criminal case for which a criminal investigation commenced, but where evidence is insufficient to close as unfounded, closed by arrest, or exceptionally cleared.

V. PREDICATE

Officer Jonathon Rodgers reported he observed Inmate Motta, Matthew DC# L86557 [REDACTED] in his cell, who was housed with Inmate Johnson, Johnquan DC# J49414. Inmate Johnson was removed from the cell and placed in the shower. Inmate Motta was pronounced deceased [REDACTED] and the cell was secured. This incident was report on June 1, 2013, and assigned to Inspector J. Hale on June 3, 2013, for investigation.

VI. SUMMARY OF INVESTIGATIVE FINDINGS

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

On June 1, 2013, I received a telephone call from On Call Supervisor J. Hamner, who advised me there had been a suspicious death at [REDACTED] I was advised to call the



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facility and get more information and report back to Supervisor Hamner. I telephoned [REDACTED] and spoke to Captain Anders who advised me of the death of Inmate Motta, Matthew DC# L86557 in cell [REDACTED]. I reported the information I had received back to Supervisor Hamner and immediately responded to [REDACTED]. While on my way to [REDACTED] I received a telephone call from Supervisor Aretino who stated he was responding along with other inspectors. Upon my arrival at [REDACTED] proceeded to K Dormitory and to cell [REDACTED]. The cell door was secured and at this time I observed Inmate Motta in the top bunk with his head facing the door and his feet toward the window. Inmate Motta had [REDACTED]. [REDACTED] I questioned staff as to what had taken place and they advised Inmate Johnson, Johnquan DC# J49414, had been in the cell with Inmate Motta at the time of his death but they did not know what exactly had happened. I was advised Inmate Johnson had been removed from the cell and placed in a holding cell near the Officer's Station. I retrieved my camera and photographed the area leading up to cell [REDACTED] and photographed Inmate Motta's body through the secured cell door. I then had Inmate Johnson removed from the holding cell and placed in an office where I retrieved his clothing and photographed him for injuries. A clean sheet was placed on the floor and Inmate Johnson was ordered to stand on the sheet. Inmate Johnson's inmate blue pants, white boxer shorts, shoes and the clean sheet were retrieved and placed in Evidence Bags for submission to the Florida Department of Law Enforcement Crime Lab for analysis. Upon the arrival of Supervisor Aretino the Medical Examiner's Office in Gainesville was contacted and Investigator James Breedon stated he was responding. The Florida Department of Law Enforcement was also contacted and Crime Laboratory Analyst John Holmquist responded to the scene.

Security staff identified Inmate Reese, Edward DC# I10267 as the inmate runner who was assigned to K Dormitory. Inmate Reese advised security staff that he was on [REDACTED] getting the meal count when he observed an inmate on the top bunk in who looked dead.

Inmate Reese, Edward DC# I10267 was interviewed and indicated he was making rounds on the wing counting inmates for breakfast trays when he approached cell [REDACTED]. As he was walking past the cell a commotion caught his eye and he looked in the cell and observed a black inmate standing on the bottom bunk slapping the white inmate in the bunk above him to wake him up. He asked the black inmate what was wrong and he stated he did not know. He started to walk away then turned back and told the black inmate he was going to get help. He asked the inmate what he had done to his roommate and the black inmate stated nothing. He went to get assistance and stated he did not witness anything else happen.

Officer Jonathan Rodgers was interviewed and indicated he had been advised at approximately 6:15 am, by Inmate Reese, Edward DC# I10267, that an inmate in [REDACTED]. Officer Rodgers proceeded to [REDACTED] which housed Inmate Motta, Matthew DC# L86557 and Inmate Johnson, Johnquan DC# J49414, and observed Inmate Johnson standing in the middle of the cell and Inmate Motta lying on the top bunk [REDACTED]. Inmate Johnson stated to Officer Rodgers, "I don't know what to do a [REDACTED]" [REDACTED] Officer Rodgers immediately called for assistance via the radio and advised Inmate



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Johnson to place his finger under the nose of Inmate Motta to see if he could feel any air. Officer Rodgers thought Inmate Motta was dead at this time due to his being [REDACTED]. Upon the arrival of other security staff Inmate Johnson was handcuffed and removed from the cell and placed in the shower area. He did not observe [REDACTED] to Inmate Johnson but did observe [REDACTED] on his pants. Inmate Motta's [REDACTED]. He could not see anything else due to Inmate Motta being covered up. He observed a sheet on the locker in the back of the cell that had [REDACTED].

Officer Rodgers along with Sergeant Stokley, Officer Lewis and Captain Anders entered the cell accessed Inmate Motta [REDACTED]. The [REDACTED] was notified and [REDACTED] escorted by Sergeant Mason arrived in the dormitory and proceeded to [REDACTED]. The [REDACTED] were placed on Inmate Motta [REDACTED]. [REDACTED] arrived in the dormitory and after another fifteen minutes [REDACTED] pronounced Inmate Motta deceased at 6:45 am.

Officer Aaron Lewis was interviewed and indicated he was summoned via radio to respond to [REDACTED] to assist Officer Rodgers. Upon his arrival he observed Inmate Johnson standing near the wall in the cell and Inmate Motta on the top bunk [REDACTED]. He asked Inmate Johnson what had happened and he stated he did not know. He observed Inmate Johnson's [REDACTED]. He ordered Inmate Johnson to submit to handcuffing, to which he complied. Inmate Johnson was removed from the cell and placed in the shower. He entered the cell with other staff where Inmate Motta was accessed and [REDACTED]. He didn't observe any [REDACTED] on Inmate Johnson. Once in the cell he observed Inmate Motta with was [REDACTED] and had [REDACTED]. Inmate Motta had [REDACTED] arrived and placed [REDACTED] Motta but they [REDACTED] a short time later and pronounced Inmate Motta deceased.

Sergeant Robert Stokley was interviewed and indicated he was summoned via radio by Officer Rodgers to [REDACTED] which housed Inmate Motta and Inmate Johnson. Upon his arrival Inmate Johnson was standing at the door and stated to him that Inmate Motta went to sleep and he was passed out and he could not wake him up. Once Captain Anders arrived Inmate Johnson was handcuffed and placed in the shower. He did not observe [REDACTED] Inmate Johnson. Inmate Johnson did have [REDACTED] but did not see [REDACTED]. Inmate Motta had [REDACTED]. He also observed [REDACTED]. Once he entered the cell he did observe [REDACTED] on the floor and on the sheets on the upper and lower bunk along with the sheet on the footlocker [REDACTED]. He entered the cell with Officer Rodgers, Officer Lewis and Captain Anders accessed Inmate Motta and He thought the scene looked staged due to Inmate Motta having his arms crossed across his chest. He indicated he had never witnessed anyone passed out in that position and felt there was more to the incident because of the way



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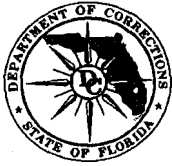
Inmate Motta looked. He observed a sheet on the foot locker that [REDACTED] on it and there was [REDACTED] Inmate Motta's bunk and the bottom bunk.

Captain Glenn Anders was interviewed and indicated he was working overtime on June 1, 2013, when he received a radio transmission from Sergeant Stokley concerning [REDACTED] in K Dormitory. He arrived at [REDACTED] and observed Inmate Johnson in handcuffs waiting to be removed from the cell. He ordered the cell door open and Inmate Johnson moved to the shower where he asked Inmate Johnson what had happened to his roommate. Inmate Johnson stated, "He has been hitting himself, Captain." Staff entered the cell to access Inmate Motta and at that time the [REDACTED]. He did not observe any [REDACTED] or any [REDACTED] on Inmate Johnson. Inmate Motta was on the top bunk and had [REDACTED]. Inmate Motta's [REDACTED] and he did not recall seeing any [REDACTED] on Inmate Motta. He also observed [REDACTED] on the footlocker. The [REDACTED] arrived with the [REDACTED] and the [REDACTED] arrived a short time later and pronounced Inmate Motta deceased. Inmate Motta remained in the cell and the cell door was secured.

Sergeant Samuel Mason was interviewed and indicated he was working overtime on June 1, 2013, in the [REDACTED] and responded with [REDACTED]. Upon their arrival he rotated into the [REDACTED] that had already been initiated by security staff. He had no contact with Inmate Johnson. He did observe some [REDACTED] of Inmate Motta and some [REDACTED]. He was concentrating on the [REDACTED] and did not pay much attention to anything else.

[REDACTED] as interviewed and indicated she responded to an inmate down call but was not sure what that was. She responded to K Dormitory and was directed to [REDACTED] where she observed Inmate Motta on the top bunk with officers [REDACTED] on an inmate. She [REDACTED] on the inmate and the machine indicated [REDACTED] was needed due to [REDACTED] being administered. She accessed the inmate who had [REDACTED]. She wiped some [REDACTED] from around the mouth and nose of the inmate and was checking the [REDACTED]. She also observed the inmate had [REDACTED]. They waited for [REDACTED] pronounced the inmate deceased.

[REDACTED] was interviewed and indicated she had responded to a [REDACTED] in K Dormitory. Upon her arrival she observed security staff [REDACTED]. She observed Inmate Motta to be [REDACTED]. He had [REDACTED]. There were [REDACTED]. After approximately thirty (30) minutes [REDACTED] pronounced Inmate Motta deceased. [REDACTED] indicated [REDACTED] due to being advised the cell was a crime scene. Once [REDACTED] pronounced Inmate Motta deceased [REDACTED] exited the cell.



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A random canvas of the area surrounding [REDACTED] was conducted with the following inmates identified as having heard noises coming from what they believed to be cell [REDACTED] the late evening of May 31, 2013 and early morning hours of June 1, 2013. The inmates initially interviewed either had a direct line of sight to cell [REDACTED] or where within a distance they could have heard noises.

Inmate Polston, Ernest DC# 241098, indicated he heard beating and framing around 10:30 pm to 11:00 pm on May 31, 2013. He stated the banging lasted approximately thirty (30) minutes. They were kids in the cell and they were always beating like they were playing the drums so he did not know what was going on. He did not hear anyone yelling or any other noises after that.

Inmate Heustis, Frederick DC# 480034, indicated he heard beating and banging around 13:30 to 1:00am that he thought was an inmate drumming on the wall or cell door.

Inmate Henry, John DC# 053727, indicated he heard a loud noise between 2:00 and 2:30 am coming from a cell upstairs near the showers. He then heard an officer state to someone in cell [REDACTED] to go ahead and beat him up. Inmate Henry could not identify the officer and did not know exactly what time the incident had occurred.

Inmate Washington, Vinson DC# C06150, indicated he heard a tussling noise about 12:30 to 1:00 am coming from a cell down near the shower. He heard someone say, "Help, help, help." The lights were out so he could not see anything but did hear that a couple of days prior from other unidentified inmates on the wing, the two inmates in [REDACTED] had fought because of bullying over sex.

Inmate Osmanovic, Amir DC# J48154, was housed in [REDACTED] directly across the wing from Inmates Motta and Johnson. Inmate Osmanovic indicated he did not know the names of the two inmates across the hall and referred to them as the black kid and the white kid because he believed they were both youthful offenders. He indicated that at approximately 5:00 pm, on May 31, 2013, he witnessed the black kid (*Johnson*) slap the white kid (*Motta*). Both inmates were standing in the middle of the cell and Inmate Motta had his back to the cell door. Inmate Osmanovic could only see the back of Inmate Motta's head. Inmate Motta did a side step when Inmate Johnson slapped at him so he was not sure if Inmate Motta was struck or not. The second incident he witnessed was at approximately 5:30 pm, when Inmate Johnson placed Inmate Motta in a headlock/choke hold and he picked him up off his feet. Inmate Motta was standing at the door and Inmate Johnson was behind him with his left arm around Inmate Motta's throat. He then witnessed at approximately 6:00 pm, what looked like Inmate Johnson hitting or punching something. He could not see what it was but saw Inmate Johnson's elbows going up and down in a punching motion. At approximately 9:00 pm to 10:00 pm, he witnessed Inmate Johnson punch Inmate Motta in the facial area and Inmate Motta fell to the floor. He never heard anyone yelling or hollering but he

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heard some booming and banging around 12:00 am. He wasn't sure where the noise was coming from due to all the lights being off at that time. He didn't see or hear anything else after about midnight. He indicated that prior to Inmate Motta being placed in the cell with Inmate Johnson he had talked through sign language to Inmate Johnson across the wing. Inmate Johnson had asked him one day what time it was and then told Inmate Osmanovic that he wanted his watch. Inmate Osmanovic indicated his watch was red in color and Inmate Johnson told him he was a "blood". He told Inmate Johnson he was not going to give him the watch and Inmate Johnson told him he was going to find him. Inmate Osmanovic got scared and sold the watch to another inmate because he didn't want any trouble due to his going home in a couple of months.

Inmate Burns, Roger DC# V10208, witnessed Inmate Johnson hit Inmate Motta in the head and push him into the door during the late evening of May 31, 2013. At approximately 1:30 am, on June 1, 2013, he heard someone scream during the night and he believed it to be Inmate Motta.

A canvas was conducted of [REDACTED] on June 1, 2013, with all inmates interviewed. All the remaining inmates on the wing indicated they did not hear or see anything the night of May 31, 2013 or the early morning hours of June 1, 2013.

Inmate Johnson, Johnquan DC# J49414, was identified by security staff as being the inmate housed in [REDACTED] with Inmate Motta at the time of his death.

Inmate Johnson, Johnquan DC# J49414, was interviewed and in his post Miranda sworn statement indicated that he had been placed in confinement due to a weapon being found in his mattress while housed in I Block [REDACTED], toothbrush with razor blade melted into it. Inmate Motta had been placed in cell [REDACTED] with him on May 29, 2013, and that Inmate Motta wanted to be friendly but he did not. Inmate Motta was a pretty cool guy that made him laugh and they played cards together. He knew him as "Matt" but did not know his full name and knew he was back in prison on an escape charge. Inmate Motta had told him that he didn't want to be there and that he had "screwed up." Inmate Motta had told him about a kicking game he had played when he was at Lancaster and they began to play the kicking game (*kicking each other in the calf of the legs*). They played the game until their legs hurt. He indicated that Inmate Motta would punch himself in the jaw with his fist when he first got into the cell and that when Inmate Motta got frustrated he would bite himself on the arm. He indicated Inmate Motta had [REDACTED] and when he would punch himself he would show Inmate Johnson the [REDACTED] and that is what caused the [REDACTED].

Inmate Johnson originally denied he had ever punched Inmate Motta but indicated while they were housed together they played a slapping game which they started on May 31, 2013. The game consisted of each one of them putting their identification card in their mouth and the other one got ten (10) slaps to try and



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knock it out of the other ones mouth while they were dodging around in the cell. Inmate Johnson indicated that at some point during the game Inmate Motta hit him under the chin a little too hard and he punched Inmate Motta. The incident escalated and he kned Inmate Motta in the stomach causing [REDACTED]. After Inmate Motta [REDACTED] he told Inmate Motta to stand up and Inmate Motta told him, "No man you got me fucked up." Inmate Motta did get up and got into a fighting stance. He estimated he hit Inmate Motta four (4) or five (5) times in the head and upper chest and kned him in the right side of his chest once. Inmate Motta apologized for hitting him and Inmate Johnson told him he had hurt him. He indicated he had also kicked Inmate Motta in the calf of his leg.

Inmate Johnson indicated that sometime after the evening meal was served on May 31, 2013, he told Inmate Motta that if he wanted to eat he would have to fight for it. Inmate Johnson indicated that they fought three times the evening of May 31, 2013 and in the early morning hours of June 1, 2013. After the first fight following the serving of the evening meal Inmate Johnson indicated they worked out together doing pushups, squats and what he called "Mike Tyson's" described as pushups against the wall while standing facing the wall. Inmate Johnson indicated that during one of the fights he had slammed Inmate Motta to the wall then slammed him to the floor as he kicked, kned and punched Inmate Motta several times in the head, stomach and rib area as he knelt over him. Inmate Motta was fighting back but he wasn't hitting very hard. Inmate Motta had a [REDACTED] but it wasn't very much. Inmate Johnson indicated they fought for the last time at 2 am and went to bed. He stated he could hear Inmate Motta lying in the bed crying.

On the morning of June 1, 2013, Inmate Johnson indicated he woke up and told Inmate Motta it was time for breakfast but Inmate Motta did not respond. He got out of bed and Inmate Motta was facing the wall lying on his left side. Inmate Motta's head was at the door end of the bed but when they went to bed his head was near the window in the cell. Inmate Johnson indicated he shook Inmate Motta's arm three (3) or four (4) times in an attempt to wake him up but he couldn't get him to wake up. He rolled Inmate Motta over on his back and saw Inmate Motta was [REDACTED]. When he saw Inmate Motta [REDACTED] he got scared because he didn't want to "catch another charge". He slapped Inmate Motta in the face a couple of times and noticed Inmate Motta had some [REDACTED]. He tried to "help him come back alive" by doing [REDACTED]. Inmate Johnson indicated he again slapped him on both sides of his face and put his hands on his stomach to start doing [REDACTED]. The runner came by the cell and Inmate Johnson told the runner he was [REDACTED] and to get the officer. When the officer arrived the officer asked him if Inmate Motta [REDACTED]. When other officers arrived they handcuffed him and took him out of the cell.

Inmate Johnson denied any kind of problems with Inmate Motta in the beginning and denied they were involved in any type of sexual encounter. Inmate Johnson indicated the [REDACTED] came from



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him [REDACTED] from [REDACTED] and Inmate Motta having a [REDACTED]
[REDACTED] Inmate Johnson indicated he had some affiliation with the Cutthroats while housed in the Duval
County Jail but has no gang affiliations now. Inmate Johnson stated he did not kill anybody and he
understood his Miranda Warning stating, "I do not have to talk if I don't want too."

According to the testimony of Inmate Johnson, Inmate Motta was alive at approximately 2:30 am. The last
time Inmate Motta was observed alive by anyone other than Inmate Johnson was between the hours of
9:00 pm and 10:00 pm on May 31, 2013. It should be noted that Inmate Motta had eaten on the night of
May 31, 2013, [REDACTED] the Medical Examiner.

Inmate Johnson consented to [REDACTED] and a [REDACTED]
[REDACTED] Inmate Johnson also consented to a [REDACTED] which was
submitted to FDLE for comparison with the sexual assault kit taken at the time of Inmate Motta's autopsy.

FDLE Crime Scene Technician John Holmquist responded to the facility and collected evidence for
submission to the crime laboratory. Mr. Holmquist submitted clothing confiscated from Inmate Johnson
and Inmate Motta along with a sexual assault kit taken at the time of autopsy from Inmate Motta.
Photographs of the crime scene were taken with [REDACTED]
the cell. The [REDACTED] from both inmate beds were also submitted for analysis.

Medical Examiner Investigator James Breedon responded to the facility and photographed the scene and
body prior to removing the body from the scene.

The preliminary autopsy results per Dr. William Hamilton of the Gainesville Medical Examiner's Office
indicated the cause of death was [REDACTED]. Inmate Motta had
[REDACTED]
[REDACTED]

A review was conducted of the wing video for the evening of May 30, 2013. The video reveals security
staff placing two trays in the tray flap for cell [REDACTED]. The [REDACTED]
[REDACTED] time of
his death. A review of the menu for May 30, 2013, reveals carrots, green leafy vegetables and meat
served for the dinner meal.

Any administrative violations discovered during this investigation will be addressed in a separate
administrative investigation.



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VII. CHARGES

List alleged violations of Florida Law:

Violation of § 782.04 (2) Florida Statutes, The unlawful killing of a human being, when perpetrated by any act imminently dangerous to another and evincing a depraved mind regardless of human life, although without any premeditated design to effect the death of any particular individual, is murder in the second degree and constitutes a felony of the first degree, punishable by imprisonment for a term of years not exceeding life or as provided in s. 775.082, s. 775.083, or s. 775.084.

VIII. CONCLUSION

Based on the information gathered during this investigation, it is the recommendation of Inspector J. L. Hale the allegation against Inmate Johnson, Johnquan DC# J49414 for Homicide, **in violation of Florida Statute 782.04(2)**, be termed as follows:

Closed by Arrest

State Attorney Bill Cervone was contacted and stated a Grand Jury would be convened at the conclusion of this investigation.