

ARREST WARRANT

Martin County, FLORIDA

Clerk Case No: 20-1137MM

STATE OF FLORIDA

Agency: Department of Corrections Office of Inspector General - Lauderdale Lakes

-vs-

Agency#: 2019-02821

Junior Garlobo

Lead Officer: Erika McFarland-Williams

Defendant

ASA: Nirlaine Tallandier Smartt

ASA Approve Initials&Date: ASB 6/1/2020

DOMESTIC VIOLENCE

In the name of the State of Florida -

To all and Singular Sheriffs of the State of Florida and to Any State Attorney Investigator - Greetings:

Whereas upon the sworn affidavit, complaint or other sworn testimony of Erika McFarland-Williams of the Department of Corrections Office of Inspector General - Lauderdale Lakes the undersigned Judge, has found that there exists probable cause to believe that one Junior Garlobo, in Martin County, Florida did commit the below listed offense(s), contrary to the provisions of Florida Statutes.

You are HEREBY COMMANDED to arrest:

Def Name: **JUNIOR GARLOBO**
Address: [REDACTED]
DOB: [REDACTED]
Race/Sex: /M
Ht/Wt: 5'10"/200
Eye/Hair: BRN/BRO
SSN: [REDACTED]
DL#: [REDACTED]
FDLE:
FBI
Alias: Junior Garlobo

These Are Therefore to Command you to forthwith arrest and bring the above named defendant before me to be dealt with according to law.

1 Malicious Battery On An Inmate (M 1) Bond \$ 5,000.

COUNT 1: On or about February 12, 2019 Junior Garlobo did, while an employee of the Department of Corrections, maliciously batter an inmate or an offender supervised by the Department, in violation of Florida Statute 944.35(3)(a)1;

Given under my hand and seal this 1 day of June, 2020, A.D.

Condition of Bond Release/Release on Recognizance: For Count(s): _____

No Contact with Victim: Until further order of the Court or the charge is dismissed by the State, the Defendant shall not directly or indirectly contact the victim _____ in person, by mail, e-

mail, fax, telephone, through another person, or in any other manner. This restriction shall include the following condition(s), if marked:

- Defendant may not knowingly come closer than 50 feet to the victim at any public place, except for court proceedings, or within 500 feet of the victim's residence or place of employment, or 100 feet of any vehicle regularly driven by the victim;
- Defendant may go to victim's residence one time with a law enforcement officer to get Defendant's clothing and personal effects;
- Defendant may speak to victim on the telephone *only* to discuss sharing parental responsibility for their minor child(ren).
- If marked, Defendant shall be held without bond until the First Appearance Hearing.

Kos DV 21

_____(SEAL)
JUDGE



ARREST SWORN COMPLAINT HOLD

JUVENILE NOTICE TO APPEAR

OFFICE OF THE INSPECTOR GENERAL
PROBABLE CAUSE AFFIDAVIT

OBTs NUMBER:
AGENCY ORI NUMBER:
FL037275C

SPN NUMBER:
AGENCY CASE REPORT NUMBER:
19-02821

DEFENDANT

NAME OF SUBJECT (LAST, FIRST, MI): **Garlobo, Junior** ALIAS / MAIDEN:

BUSINESS / SCHOOL ADDRESS (STREET, APARTMENT NUMBER, PO BOX, ETC.): CITY: STATE: ZIP CODE: TELEPHONE NUMBER:

MAILING ADDRESS (PO BOX, ETC. IF DIFFERENT THAN 911 ADDRESS): **SAME** SCARS, MARKS, TATTOOS, FACIAL HAIR, UNIQUE PHYSICAL FEATURES (LOCATION, TYPE, DESCRIPTION): **Tattoos**

RACE: WHITE AMERICAN INDIAN BLACK ASIAN / ORIENTAL SEX: **M** DATE OF BIRTH: HEIGHT: **5'10** WEIGHT: **200** HAIR COLOR: **Brown** EYE COLOR: **Brown** COMPLEXION: **Med** BUILD: **Med**

DRIVERS LICENSE / STATE ID NUMBER: STATE OF DL: **FL** SOCIAL SECURITY NUMBER: PHOTO NUMBER: PLACE OF BIRTH: COUNTRY OF CITIZENSHIP: **US**

SUBJECT'S OCCUPATION: **Correctional Officer Sergeant** SPN NUMBER: AGENCY ORI NUMBER: **FL037275C** SO ID / AGENCY ID / NUMBER: **71216** BOOKING NUMBER:

LOCATION OF ARREST: **Martin Correctional Institution** DATE OF ARREST: **06/01/2020** TIME OF ARREST (MILITARY): DATE OF BOOKING: **06/01/2020** TIME OF BOOKING (MILITARY):

SUBJECT IDENTIFIED BY WHOM (VICTIM, WITNESS, LEO, ETC.): SUBJECT'S NAME VERIFIED BY (PHOTO ID, FAMILY MEMBER, KNOWN TO OFFICER, ETC.):

CO-DEF.

(NAME):	DATE BIRTH:	RACE	SEX:	COURT NUMBER:	<input type="checkbox"/> ARRESTED <input type="checkbox"/> SWORN COMPLAINT	<input type="checkbox"/> FELONY <input checked="" type="checkbox"/> MISDEMEANOR	JUVENILE: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
(NAME):	DATE OF BIRTH:	RACE	SEX:	COURT NUMBER:	<input type="checkbox"/> ARRESTED <input type="checkbox"/> SWORN COMPLAINT	<input type="checkbox"/> FELONY <input checked="" type="checkbox"/> MISDEMEANOR	JUVENILE: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
(NAME):	DATE OF BIRTH:	RACE:	SEX:	COURT NUMBER:	<input type="checkbox"/> ARRESTED <input type="checkbox"/> SWORN COMPLAINT	<input type="checkbox"/> FELONY <input type="checkbox"/> MISDEMEANOR	JUVENILE: <input type="checkbox"/> YES <input type="checkbox"/> NO
(NAME):	DATE OF BIRTH:	RACE:	SEX:	COURT NUMBER:	<input type="checkbox"/> ARRESTED <input type="checkbox"/> SWORN COMPLAINT	<input type="checkbox"/> FELONY <input type="checkbox"/> MISDEMEANOR	JUVENILE: <input type="checkbox"/> YES <input type="checkbox"/> NO

JUVENILE

JUVENILE DISPOSITION:
 RELEASED TO JAC
 ISSUED NTA AND RELEASED

NAME OF PARENT / GUARDIAN (NOTIFIED YES NO): WORK TELEPHONE NUMBER:

PARENT / GUARDIAN HOME ADDRESS (STREET, APARTMENT #, PO BOX, ETC.): CITY: STATE: ZIP CODE: HOME TELEPHONE NUMBER:

WITNESS

(NAME) Pablo Castillo	ADDRESS:	TELEPHONE NUMBER
(NAME) Patricia McGee- Aviano	ADDRESS:	TELEPHONE NUMBER
(NAME) Nathan Pollock	ADDRESS:	TELEPHONE NUMBER:
(NAME):	ADDRESS:	TELEPHONE NUMBER:

CHARGE 1

OFFENSE DESCRIPTION: **Malicious Battery on an Inmate** FELONY MISDEMEANOR TRAFFIC NTA COMPLETE STATUTE / ORDINANCE NUMBER: **944.35(3)(a)(1)** VICTIM NOTIFICATION: ARREST: YES NO RELEASE: YES NO

WARRANT JUVENILE PU ORDER CIVIL ORDER CITATION DATE OF OFFENSE: **02/12/2019** TIME OF OFFENSE: **1440** BAIL AMOUNT: VICTIM'S TELEPHONE NUMBER: **unknown**

VICTIM (NAME): ADDRESS (STREET, APARTMENT NUMBER, PO BOX, ETC.): CITY: STATE: ZIP CODE:

CHARGE 2

OFFENSE DESCRIPTION: FELONY MISDEMEANOR TRAFFIC NTA COMPLETE STATUTE / ORDINANCE NUMBER: VICTIM NOTIFICATION: ARREST: YES NO RELEASE: YES NO

WARRANT JUVENILE PU ORDER CIVIL ORDER CITATION DATE OF OFFENSE: TIME OF OFFENSE: BAIL AMOUNT: VICTIM'S TELEPHONE NUMBER:

VICTIM (NAME): ADDRESS (STREET, APARTMENT NUMBER, PO BOX, ETC.): CITY: STATE: **Florida** ZIP CODE:

CHARGE 3

OFFENSE DESCRIPTION: FELONY MISDEMEANOR TRAFFIC NTA COMPLETE STATUTE / ORDINANCE NUMBER: VICTIM NOTIFICATION: ARREST: YES NO

WARRANT JUVENILE PU ORDER CIVIL ORDER CITATION DATE OF OFFENSE: TIME OF OFFENSE: BAIL AMOUNT: VICTIM'S TELEPHONE NUMBER:

VICTIM (NAME): ADDRESS (STREET, APARTMENT NUMBER, PO BOX, ETC.): CITY: STATE: ZIP CODE:

THE FOLLOWING INCIDENT OCCURRED AT (ADDRESS / LOCATION):
Martin Correctional Institution, 1150 S.W. Allapattah
Road

CITY OF:
Indiantown

COUNTY OF:
Martin

STATE OF:
FLORIDA

Your affiant, Erika McFarland- Williams, has been a Law Enforcement Officer in the State of Florida for eighteen (18) years. She is currently employed as a Law Enforcement Senior Inspector with the Florida Department of Corrections (the Department), Officer of the Inspector General (OIG), Special Investigations Unit, in Fort Lauderdale, Florida. Your Affiant began in law enforcement in 2002, with Lauderhill Police Department. There she conducted numerous complex criminal investigations related to sexual battery, robbery, aggravated battery/assaults, and homicide. In 2012, your affiant resigned from Lauderhill Police Department and was hired as a Senior Law Enforcement Inspector with the Florida OIG.

In this capacity, your affiant has investigated the facts and circumstances of the Florida Department of Corrections Office of the Inspector General Case Number 19-02821.

On or about February 15, 2019 the Department of Corrections, Office of the Inspector General received a call at the Fort Lauderdale Field Office from [REDACTED] [REDACTED] alleged that on February 12, 2019 he witnessed multiple incidents of excessive force in or around C dormitory at Martin Correctional Institution. Upon initial review of the information, the Office of the Inspector General initiated a Complaint Review Report #19-02821, assigned to Senior Inspectors Erika McFarland-Williams and Rodney Vega on February 15, 2019.

After initial review by the Office of Inspector General, the disclosure by the complainant did include an alleged act or suspected act of gross mismanagement, malfeasance, misfeasance, gross waste of public funds, suspected or actual Medicaid fraud or abuse, or gross neglect of duty committed by an employee or agent of an agency or independent contractor and was determined to fall under the purview of Whistle-Blower designation.

February 19, 2019

Senior Inspectors McFarland-Williams and Vega conducted a recorded sworn interview of [REDACTED] [REDACTED]. In his sworn recorded testimony [REDACTED] reported three unnecessary uses of force he had personally observed at Martin Correctional Institution by Correctional Officers at the institution. All three incidents were observed on February 12, 2019.

On February 12, 2019, [REDACTED] witnessed an unnecessary use of force against I/M [REDACTED]. [REDACTED] stated he saw the incident take place in the grassy area between dormitories C and D. I/M [REDACTED] was being belligerent and cursing at Corrections Personnel. [REDACTED] then stated he saw Sgt. Junior Garlobo (ID #71216) tell I/M [REDACTED] that, if [REDACTED] keeps talking, he was going to spray him. I/M [REDACTED] refused to stop talking, and Sgt. Garlobo proceeded to spray I/M [REDACTED] in the face with OC spray. I/M [REDACTED] was then taken to the ground, cuffed and handled roughly by several Correctional Officers after being sprayed and subdued by Sgt. Garlobo. I/M [REDACTED] was then removed to solitary confinement.

On the day [REDACTED] had his telephone recording in real time when he went in [REDACTED] to Majors Kimberly Foster (ID #31822) and Nathan Pollock (ID #25907), both assigned to Martin Correctional Institution. During the recording, which [REDACTED] played for SI's McFarland-Williams and Vega, [REDACTED] is heard explaining to Majors Foster and Pollock his reasons for [REDACTED] including the fact that he felt afraid for his safety after witnessing multiple instances of unnecessary use of force. [REDACTED] is heard on the recording talking specifically about the Incident involving Inmate [REDACTED] three days earlier. [REDACTED] stated he made the recording because he wanted to make sure he protected himself from Majors Pollock and Foster making up a story [REDACTED] [REDACTED] informed SI's McFarland-Williams and Vega that he would cooperate in any investigations conducted by the FDC Office of Inspector General.

February 19, 2019

SI's McFarland-Williams and Vega interviewed Inmate [REDACTED] at Dade Correctional Institution. I/M [REDACTED] provided a sworn recorded statement indicated the following:

When asked if he remembered the events that took place on 02/12/2019 at Martin CI, I/M [REDACTED] stated [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

In closing, I/M [REDACTED] stated [REDACTED]

May 21, 2019

Senior Inspector Rodney Vega interviewed [REDACTED] at Martin Correctional Institution at approximately 1417 hours. [REDACTED] provided a sworn recorded statement which indicated the following:

When asked if she remembered [REDACTED] to I/M [REDACTED] on February 12, 2019 [REDACTED] stated she did remember [REDACTED] I/M [REDACTED] that day. [REDACTED] stated she remembered I/M [REDACTED] and that he was being defiant with the officers in the office with him. When asked who the officers were present that day, [REDACTED] could not recall specifically who the officers were. When asked if one of the officers wore a white shirt, [REDACTED] said most likely, because it is standard procedure to have a supervisor present. [REDACTED] stated it was most likely Captain Binsse that was present, because she is usually the supervisor present during most Use of Force [REDACTED] But [REDACTED] stated she could not say for sure. To the best of her recollection, [REDACTED] stated the [REDACTED] came directly from I/M [REDACTED]

Senior Inspectors Erika McFarland-Williams and Rodney Vega interviewed I/M Phillip Harper, DC #453374 at Martin Correctional Institution. I/M Harper provided a sworn recorded statement which indicated the following:

I/M Harper stated he walked with I/M [REDACTED] [REDACTED] to get his ID card activated. While walking

back to "C" Dorm, I/M's Harper and ██████ noticed that their fellow cell mates from "C" Dorm were lining up at the cafeteria to eat lunch. I/M's Harper and ██████ joined the lunch line, when they were confronted by Sgt. Garlobo. Sgt. Garlobo asked I/M's Harper and ██████ where they just returned from, and I/M's Harper and ██████ stated they were getting their ID cards activated. Sgt. Garlobo stated to them that he did not give them permission to do that and asked the inmates where they got their permission from. I/M Harper stated he told Sgt. Garlobo they got permission from another sergeant, and Sgt. Garlobo told the inmates to get off the line, because they didn't get permission to activate their ID cards from him. At this time, I/M Harper describes a Correctional Officer, black female with dreads (believed to be CO Tandi Hanford, ID #97381) as joining Sgt. Garlobo and telling him, "don't let them eat". CO Hanford also ordered I/M's Harper and ██████ off the line. After walking off the line and starting to walk towards "C" dorm, I/M Harper stated that he observed I/M ██████ state he was going to "write Sgt. Garlobo up" for denying them an opportunity to eat. The two inmates walked without incident to the front of "C" dorm, with Sgt. Garlobo following them the entire way. While in front of "C" dorm Sgt. Garlobo stated to I/M ██████ "yeah, what's that you were talking about, that you're going to write

me up?" I/M ██████ then stated to Sgt. Garlobo, "yeah I'm gonna write you up for not letting us eat." Sgt. Garlobo then removed his mace and started spraying I/M ██████ in the face. I/M Harper stated he moved out of the way, so he wouldn't get sprayed also. Sgt. Garlobo then ordered I/M ██████ to the ground and I/M ██████ started complaining that he could not see, nor could not breathe. According to I/M Harper, Sgt. Garlobo then slapped I/M ██████ and pushed him to the floor. Sgt. Garlobo then got on his radio and requested backup. A short time later Captain Binsse, CO Hanford and two other Correctional Officers responded. I/M ██████ while lying on the floor, kept screaming, "he sprayed me for no reason!".

I/M Harper stated he saw I/M ██████ being escorted to confinement by Captain Binsse and another Correctional Officer he described as a hispanic male, approximately 5'10", wearing sunglasses. I/M ██████ was shown a picture of CO Ray Rivera (ID #85637) and asked if this was the Correctional Officer present that day. I/M Harper positively identified CO Rivera as the officer that escorted I/M ██████ to confinement along with Captain Binsse. As I/M ██████ was being escorted to confinement, I/M Harper witnessed him continue to complain about not being able to see and breathe. I/M Harper then observed CO Rivera slam I/M ██████ to the ground in the grassy area. I/M ██████ was then lifted back up and escorted to confinement.

I/M further stated that he was then confronted by Sgt. Garlobo, and Sgt. Garlobo stated to him, "The only reason why I didn't spray you is because you wasn't running your mouth about writing me up." I/M Harper then claims he responded, "yeah, but you didn't have to spray him." According to I/M Harper, I/M ██████ did not make any threats to Sgt. Garlobo, nor did he take any type of fighting stance nor make any physical threats to Sgt. Garlobo. According to I/M Harper, I/M ██████ had his back to Sgt. Garlobo the entire time while walking from the cafeteria area to "C" dorm, and he didn't turn around and face Sgt. Garlobo until Sgt. Garlobo confronted him in front of "C" dorm. I/M Harper stated Sgt. Garlobo spraying I/M ██████ in the face with his OC spray was an unprovoked attack. I/M Harper stated there were other witnesses to the incident, including another inmate he described as a black male, skinny, approximately 5'10", bald, who sleeps in dorm C-1. According to I/M Harper, that inmate told him, "that's like the fifth inmate Garlobo did this too." I/M Harper stated that, after this incident, he again saw Sgt. Garlobo spray somebody else, with Captain Binsse present, in front of "C" dorm. This additional incident took place approximately two hours later.

September 30, 2019

██████████ voluntarily signed a Waiver to Release Whistle-Blower Identity.

Based upon this investigation, your Affiant has probable cause to believe that on February 12, 2019, at Martin Correctional Institution 1150 SW Allapattah Rd, Indiantown, Martin County, Florida, Correctional Officer Sergeant Junior Garlobo (DOB, ██████████, herein referred to as the "defendant", did knowingly and unlawfully commit the crime of Malicious Battery, in violation of 944.35 (3)(a)(1) Fla. Stat., Any employee of the department who, with malicious intent, commits a battery upon an inmate or an offender supervised by the department in the community, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. to wit: victim, eye witness testimony, and medical records established probable cause to believe the defendant was not in danger, did not react to a threat, but did in fact strike I/M ██████████ with Oleoresin Capsicum (OC) spray in the facial area. I/M ██████████ was taken to the ground, cuffed and handled roughly by several Correctional Officers after being sprayed and subdued by the defendant. I/M ██████████ was then escorted to solitary confinement without further incident.

Your Affiant respectfully submits that probable cause has been established that Junior Garlobo, on the grounds of Martin Correctional Institution in Indiantown, Martin County, Florida did knowingly and unlawfully commit the crime of Malicious Battery on an inmate, in violation of 944.35 (3)(a)(1) Fla. Stat., Your Affiant respectfully request that an arrest warrant be issued for Junior Garlobo, H/M, DOB: [REDACTED] for one count of 944.35 (3)(a)(1) Fla Stat., the laws relating to Malicious Battery on an inmate.

NTA

<input type="checkbox"/> MANDATORY APPEARANCE IN COURT AT:	DATE OF APPEARANCE:	TIME OF APPEARANCE: <input type="checkbox"/> AM <input type="checkbox"/> PM
I AGREE AND PROMISE TO COMPLY AND ANSWER TO THE CHARGES AND INSTRUCTIONS SPECIFIED IN THIS NOTICE TO APPEAR. WILLFUL REFUSAL TO ACCEPT AND SIGN THIS NOTICE TO APPEAR MAY RESULT IN PHYSICAL ARREST. I UNDERSTAND MY SIGNATURE IS NOT AN ADMISSION OF GUILT OR WAIVER OF MY RIGHTS.		DEFENDANT (SIGNATURE):
		DATE:

JURAT

SWORN TO AND SUBSCRIBED BEFORE ME THIS: 18 DAY OF <u>June</u> , 2020 SIGNATURE: <u>Ileana Masters</u> TITLE: _____	I SWEAR THE ABOVE, AND REVERSE AND ATTACHED PAGES AND STATEMENTS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. NAME (PRINT): <u>Senior Law Enforcement Inspector Erika McFarland-Williams</u> SIGNATURE: <u>[Signature]</u> AGENCY: <u>DC - OIG</u> LEO ID NUMBER: <u>187</u>
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