

IN THE CIRCUIT COURT OF THE EIGHTH  
JUDICIAL CIRCUIT, IN AND FOR UNION  
COUNTY, FLORIDA.

STATE OF FLORIDA

-vs-

Brandon J. McCarthy

Defendant,

CASE NO:  
CLERK NO:

AGENCY CASE NO: 19-16232

RACE: W/M

DOB: [REDACTED]

SSN: [REDACTED]

DL#: [REDACTED]

**AFFIDAVIT FOR ARREST**

BEFORE ME, \_\_\_\_\_, a Judge of the above captioned court, personally appeared before me Senior Inspector Justin Bates, who being first duly sworn, deposes and says:

Beginning August 31, 2019, the above-named individual, a Correctional Officer Sergeant with the Florida Department of Corrections (FDC) became the subject of an investigation concerning Malicious Battery Upon an Inmate and Falsifying an Official Public Record. Such information was derived from fixed camera video footage, witness testimony and official reporting documents.

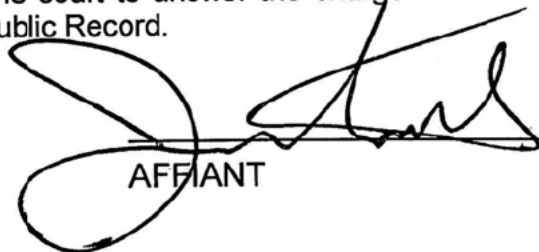
The defendant is a Correctional Officer holding the rank of Sergeant and assigned to the Reception and Medical Center (RMC) as housing unit supervisor. On August 31, 2019. The defendant along with several other security staff members were supervising the feeding of a meal in the dining hall at RMC. During this time, the victim, Inmate [REDACTED] ( [REDACTED] ), DC# [REDACTED] became upset and began talking loudly in the dining hall. The defendant quickly walked up to [REDACTED] with another Sergeant and immediately sprayed [REDACTED] with chemical agents. It is reported in the original Use of Force (UOF) documents the defendant ordered [REDACTED] to submit to hand restraints but in the video footage, no confrontation was observed. [REDACTED] is seen saying something to the two officers who were walking up quickly but he was not advancing or taking any aggressive steps towards them, simply standing in one spot. These two officers were later identified as Sergeant Scott Poorman and the defendant. As they get closer and fully into camera view, the defendant is seen removing a chemical agent cannister from his belt and pointing it at [REDACTED]. [REDACTED] quickly turned his back to the officers, but the defendant expelled the chemical agents onto the side of [REDACTED] head. As this occurred, [REDACTED] quickly turned his face away from the defendant and slowly began walking towards the wall of the dining hall. The defendant quickly walks up behind [REDACTED] and grabs him around the upper torso with his left arm and has his right arm under [REDACTED] right armpit then around the torso. Almost in what one would call a "bear hug". [REDACTED] tries to go to the floor it appears but the defendant picks [REDACTED] up and pins him against the wall. With [REDACTED] against the wall, [REDACTED] is turned with his back partially against the wall and it appears he is trying to go the floor, but the defendant is holding [REDACTED] up with his left arm. The defendant then releases his grip with his right arm and begins punching [REDACTED] in what appears to be the back of the head several times. Poorman is standing behind McCarthy during this time but once the striking began, Poorman runs around to the front of [REDACTED] to assist.

At this point another officer runs into the camera view later identified as Sergeant Michael Cairel. As Cairel approaches, he comes in behind the defendant and delivers several knee strikes to [REDACTED] right leg/thigh area. Poorman then appears to grab [REDACTED] legs and pull them out from under them. [REDACTED] then falls to the floor and force ceases as [REDACTED] is placed into hand restraints. Officer Garret Nucklos then appears in the camera from the back door but the UOF was over for the most part by this point. [REDACTED] is then lifted to his feet and taken out of the dining hall.


In the original reporting, prepared by the defendant, it was documented [REDACTED] elbowed the defendant in the abdomen, but [REDACTED] still refused to submit to hand restraints. Your affiant reviewed the video multiple times and never observed [REDACTED] elbow the defendant. Also, the defendant documented after punching [REDACTED] several times, [REDACTED] refused to submit to hand restraints. However, after several reviews of the video, in the manner the defendant was forcibly holding [REDACTED] it would have been nearly impossible for [REDACTED] to submit to hand restraints. Additionally, another Sergeant, Adjovi Grant was present in the dining hall and witnessed the entire incident. Grant testified to your affiant that [REDACTED] never tried to strike the defendant. However, the defendant prepared official documentation, with perjury warning affixed at the signature that the events detailed by the defendant were true and correct.

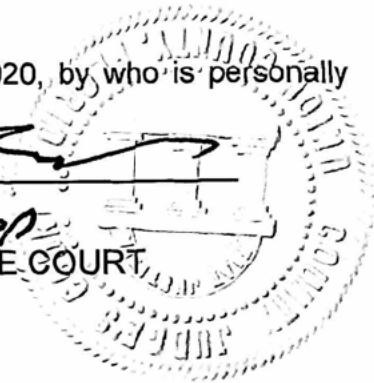
Subsequently, [REDACTED] was removed from the dining hall and escorted outside. Once outside force was used on [REDACTED] again for allegedly trying to pull away from staff. When [REDACTED] was [REDACTED] it was determined [REDACTED] [REDACTED] [REDACTED] [REDACTED] It is unknown exactly when this occurred in either Use of Force. However, if not for the illegal actions of the defendant, [REDACTED] would not have occurred.

WHEREFORE, your affiant prays that an arrest warrant be issued according to law commanding all and singular the Sheriffs of the State of Florida to forthwith arrest the said Brandon James McCarthy, and bring him before the court to answer the charge of Malicious Battery Upon an Inmate and Falsifying an Official Public Record.

  
AFFIANT

SWORN AND SUBSCRIBED before me this 11th day of August, 2020, by who is personally known to me/produced proper identification.

  
Michael D. Bishop  
JUDGE OF THE ABOVE COURT



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**ARREST WARRANT**

IN THE NAME OF THE STATE OF FLORIDA, TO ALL AND SINGULAR SHERIFFS OF  
THE STATE OF FLORIDA:

Having received and considered the sworn affidavit of Senior Inspector Justin Bates of the Florida  
Department of Corrections Office of Inspector General dated <sup>August</sup> ~~11th~~ 2020, said affidavit alleging:

Count 1: Sergeant Brandon McCarthy did in fact on August 31, 2019 commit the act of malicious  
battery upon Inmate [REDACTED] for no justified reason or more so for action  
caused by the defendant in the dining hall of Reception and Medical Center (RMC) located in  
Lake Butler Florida; Contrary to Florida State Statute 944.35 (3)(a)1 or Malicious Battery Upon an  
Inmate.

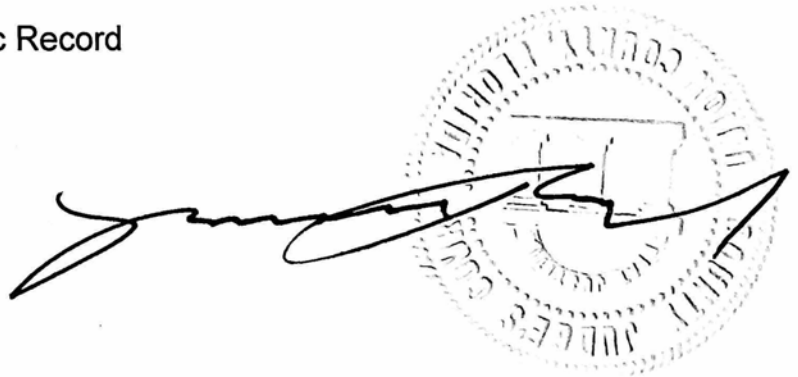
Count 2: Sergeant Brandon McCarthy did in fact on August 31, 2019 commit the act of falsifying  
an official public record when the defendant prepared and affixed his signature upon official  
Florida Department of Corrections incident reports and Use of Force Reports which reported  
Inmate [REDACTED] first refused to submit to hand restraints, struck the  
defendant and further refused to submit to hand restraints. These official documents require  
truthful information inputted, backed up by facts and have an Oath and Perjury warning when  
affixing the signature. This done; Contrary to Florida State Statute 839.13 (2)(a) or Falsifying an  
Official Public Record

AND HAVING DETERMINED PROBABLE CAUSE TO EXIST FOR SAID CHARGES,  
THESE ARE THEREFORE TO COMMAND YOU TO FORTHWITH ARREST AND  
BRING THE ABOVE NAMED DEFENDANT BEFORE ME TO BE DEALT WITH  
ACCORDING TO LAW.

GIVEN UNDER MY HAND AND SEAL this 11th day of August, 2020, at Union  
County, Florida.

BAIL BOND IS FIXED AT:

\$ 500 Malicious Battery  
\$ 2,500 Falsifying an Official Public Record  
\$ 3,000 Bond Total

A handwritten signature in black ink is written over a circular official seal. The seal contains the text "CLERK OF THE COUNTY COURT" around the perimeter and "UNION COUNTY, FLORIDA" in the center. The signature is a cursive-style name that is partially obscured by the seal.