

Florida Department of Corrections



Office of the Inspector General

**CRIMINAL INVESTIGATION
INVESTIGATIVE ASSIST
CASE # 17-05185**



FLORIDA DEPARTMENT OF CORRECTIONS
OFFICE OF THE INSPECTOR GENERAL
INVESTIGATIVE ASSIST SUMMARY REPORT



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Case Number: 17-05185

OIG Inspector: Inspector Mike Wyatt

Outside Agency: Florida Department of Law Enforcement

Outside Agency Investigator: Special Agent David Snowden

Date Assigned or Initiated: 03-29-2017

Complaint Against: N/A

Location of Incident – Institution/Facility/Office: Lake Correctional Institution

Complainant: N/A

Outside Agency Case #: OR-37-0056

Use of Force Number: 17-05237

PREA Number: N/A

Classification of Incident: In-Custody Death

Confidential Medical Information Included: Yes No

Whistle-Blower Investigation: Yes No

Chief Inspector General Case Number: N/A



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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

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.



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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.

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.

Investigative Assist Closed

Refers to a disposition of an investigative assist, where the conduct being investigated by the outside agency did not concern allegations against a Department employee, contractor, inmate, offender, or other person either employed or under the supervision of the Department.



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V. PREDICATE

On March 28, 2017, at approximately 6:05 pm, I was contacted by Supervisor David Allen and directed to respond to Lake Correctional Institution in reference to an inmate death. At approximately 4:15 pm, it was alleged that Inmate Jose Villegas had smoked K2 and became [REDACTED] in his cell with Inmate John Clay on top of him. Security staff entered the cell and removed Inmate Clay. Inmate Villegas was handcuffed in the front and placed into the [REDACTED].

Inmate Villegas became very agitated and combative with staff. Using their body weight several security staff members held Inmate Villegas in the prone position. Inmate Villegas was then moved from the cell to the dayroom. Staff re-cuffed Inmate Villegas behind his back. Once he was cuffed behind his back, Inmate Villegas ceased his combative behavior. He was taken [REDACTED] to the F-Dorm [REDACTED] room. [REDACTED] realized that Inmate Villegas was [REDACTED] [REDACTED] were initiated. Inmate Villegas was [REDACTED] where he was pronounced deceased.

FDLE was notified and advised they would be responding and initiated an investigation under case #OR-37-0056.

Upon initial review of the information, the Office of the Inspector General assigned an Investigative Assist #17-05185 to Inspector Mike Wyatt on March 29, 2017. Inspector General's Use of Force Case #17-05237 is related to this assist.

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 March 28, 2017, at approximately 6:05 pm, I was contacted by Supervisor David Allen and directed to respond to Lake Correctional Institution in reference to an inmate death. I was informed that FDLE would be responding as well.

Upon arrival, I met with FDLE Special Agents David Snowden and David Hubbard. Together we learned that at approximately 4:15 pm, Inmate Jose Villegas had smoked K-2 and [REDACTED] in his cell in E-Dorm. While [REDACTED] security staff observed Inmate John Clay #079740 on top of Inmate Villegas. Staff breached the cell door, placed Inmate Clay into handcuffs and removed him from the cell. Staff handcuffed Inmate Villegas in the front, and due to him [REDACTED] he was placed into the [REDACTED].

Inmate Villegas began to move and became very agitated and combative with staff. He was kicking and attempting to strike staff with his fist. Security staff then utilized their body weight and forced Inmate Villegas into the prone position by holding him on his upper and lower body. Inmate Villegas continued to be combative and rolled himself to his side. Inmate Villegas then grasped Sergeant Henry Fender's hand and pulled him towards him in an attempt to spit and bite him. He was given verbal orders to let go of Sergeant Fender's hand, but to no avail. Sergeant Anthony Key then struck Inmate Villegas forearm with a hammer strike causing Inmate Villegas to relinquish his hold.



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Staff utilized a five man carry and removed Inmate Villegas from his cell and into the dayroom. Once in the dayroom Inmate Villegas was placed into the [REDACTED] where he again became combative. Inmate Villegas was utilizing his body weight to push staff off of him in an attempt to stand up. More staff was summoned. Staff, utilizing their body weight, was able to get Inmate Villegas into the prone position. Inmate Villegas was then forced into a face up position. Using a tether, staff was able to force Inmate Villegas hands above his head in order to remove the handcuffs and re-cuff him behind his back.

Once he was cuffed behind his back, Inmate Villegas ceased his combative behavior. A spit shield was placed on Inmate Villegas due to him attempting to bite and spit at staff. He was then placed into [REDACTED] and escorted from the dorm to the F-Dorm [REDACTED] room. Once inside the [REDACTED] room Inmate Villegas became [REDACTED] again. [REDACTED], with security staff assisting. [REDACTED] Inmate Villegas to [REDACTED] where he pronounced deceased at 5:48 pm, by [REDACTED].

K-2 was found in the cell and on Inmate Villegas. Inmate Clay was interviewed and admitted that Villegas smoked K-2 regularly. He said then when Inmate Villegas became [REDACTED] he hit his head on either the wall or the footlocker. He said that Inmate Villegas had fallen before when he smoked K-2.

FDLE Special Agents Snowden and Hubbard conducted approximately sixteen interviews thus far for this investigation.

After the interviews were completed, I along with Special Agent Hubbard proceeded to [REDACTED] where we photographed the decedent. He had [REDACTED] that were consistent with him falling. There were no obvious signs of [REDACTED] foul play or neglect.

On March 28, 2017, at approximately 2042 hours, Special Agent (SA) Dave Hubbard conducted a voluntary, sworn, and recorded interview with Corrections Officer (CO) Jerome Williams. The interview was conducted in a staff office in the Security Headquarters building at the Lake Correctional Institution. The following is a synopsis of the interview:

CO Williams stated that approximately 1615 hours, he and CO Jason Washington were walking the wing when CO Williams noticed two inmates in cell 1108 were on the ground. Inmate John Clay was on top of inmate Villegas. CO Williams stated it appeared Inmate Clay was trying to help Inmate Villegas, who was [REDACTED]. CO Williams called for the cell door to be opened and Sergeant Leone responded and placed Inmate Clay in restraints. CO Williams also called for [REDACTED] to respond to Wing One for [REDACTED] inmate. CO Williams then went to his position in the control room. CO Williams never put hands on Inmate Villegas, nor did he see the use of force incident.

On March 28, 2017, at approximately 2137 hours, SA Hubbard conducted a voluntary, sworn, and recorded interview with CO Jason Washington. The interview was conducted in a staff office in the Security Headquarters building at the Lake Correctional Institution. The following is a synopsis of the interview:



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CO Washington and CO Jerome Williams were conducting an inmate [REDACTED] in "E" Dormitory. Upon arriving at cell 1108, CO Washington observed Inmate Villegas on the floor in the cell, and Inmate John Clay was trying to hold Inmate Villegas up. Sergeant Leone also responded, placed hand restraints on Inmate Clay and took Inmate Clay out of the cell while Inmate Villegas remained [REDACTED] on the floor. CO Washington stated Inmate Clay appeared impaired when Sergeant Leone led Inmate Clay out of the cell. Several other COs arrived to assist, including CO Smith who instructed CO Washington to back away. CO Washington walked out and went to the control room to assist in opening doors. CO Washington described Inmate Villegas as a large man weighing in excess of 280 pounds. CO Washington did not see Inmate Villegas being combative with the other COs. When CO Washington first got to Inmate Villegas' cell, he noticed what appeared to be a plastic bag in the toilet, rolling papers, and a hollow clear tube of a pen that was partially melted as if it was used to smoke something.

On March 28, 2017, at approximately 2104 hours, SA David Snowden conducted a sworn, recorded, and voluntary interview with Sergeant Patrick Leone. The interview was conducted in a staff office in the Security Headquarters Building at the Lake Correctional Institution. The following is a synopsis of the interview with Sergeant Leone:

Sergeant Leone was working in "E" Dormitory on March 28, 2017. Sergeant Leone was familiar with Inmate Villegas due to Inmate Villegas living in "E" Dormitory, although Sergeant Leone only knew him by face, not by name. Sergeant Leone had never had any negative contact with Inmate Villegas.

At approximately 1615 hours, Sergeant Leone ordered his COs to do their official [REDACTED] in "E" Dormitory. The CO in the Officer Station (Sergeant Leone could not remember her name) told Sergeant Leone that COs were running in quad one, where Inmate Villegas was housed. Sergeant Leone was also flagged over to the area by other COs.

Sergeant Leone went into quad one and looked inside of cell 1108. Sergeant Leone observed two inmates on the floor of the cell, with one inmate [John Clay] crouched on top of the other [Inmate Villegas]. Both Inmate Clay and Inmate Villegas were still, it was not as if they were fighting. Sergeant Leone entered the cell and described Inmate Clay to be "a little disoriented and not all there." Sergeant Leone put his hand on Inmate Clay's shoulder and helped lift him up. Sergeant Leone said Inmate Clay was "under the influence of something." Sergeant Leone applied hand restraints to Inmate Clay and removed him from the cell into the day room.

Sergeant Leone then returned to the cell where Inmate Villegas lay face up, [REDACTED]. Sergeant Leone poked Inmate Villegas a few times. Sergeant Leone got [REDACTED] but Inmate Villegas [REDACTED]. It was then that Sergeant Leone called for [REDACTED] to respond and bring [REDACTED]. Sergeant Leone also called for additional COs to help. Sergeant Fender, Sergeant Key, CO Tift, and CO Smith arrived. Leg and hand restraints (in front) were applied to Inmate Villegas by the additional responding COs.

When Inmate Villegas [REDACTED] he became very combative by thrashing, grabbing at the COs, attempting to get up, and trying to bite them. According to Sergeant Leone, Inmate Villegas was "growling, like he was getting madder and madder." Sergeant Leone estimated the combative behavior went on for about twenty minutes. When inmate Villegas was moved out of the cell, the handcuffs were moved to behind his back and a spit shield was applied to his head to prevent him from biting. Once this was accomplished, Inmate Villegas was [REDACTED] and taken to



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"F" Dormitory. Sergeant Leone said it was the point that Inmate Villegas was [REDACTED] that he stopped being combative. Sergeant Leone believed that Inmate Villegas remained conscious when he was [REDACTED].

Sergeant Leone stayed in "E" Dormitory when Inmate Villegas was [REDACTED] "F" Dormitory to be [REDACTED]. Sergeant Leone assisted in checking Inmate Villegas' cell where he advised some synthetic cannabis and miscellaneous paraphernalia was located. Sergeant Leone packaged the contraband. After this was located, the Colonel directed Sergeant Leone to lock the cell and to not let anyone inside.

It was learned after the cell count was completed that Inmate Clay lived in cell 1103, not in 1108 where he was located. Inmate Villegas' cellmate, Kenneth Morley, was locked in cell 1103 with Inmate Clay's cellmate.

On March 28, 2017, at approximately 2054 hours, SA Hubbard conducted a voluntary, sworn, and recorded interview with Sergeant Henry Fender. The interview was conducted in a staff office in the Security Headquarters building at the Lake Correctional Institution. The following is a synopsis of the interview:

Sergeant Fender responded to "E" Dormitory when he heard a call for assistance in Wing One over his radio. Upon arriving at Wing One, Sergeant Fender and several other COs went to cell 1108 where he observed Inmate Villegas face up [REDACTED] on the floor of the cell. Sergeant Fender assisted other COs in placing hand restraints and leg irons on Inmate Villegas. After the restraints were placed on Inmate Villegas, he to [REDACTED] and he was placed in [REDACTED]. Inmate Villegas then [REDACTED] and was aggressive despite the COs' efforts to calm him down. The COs used a "five-man carry" to get Inmate Villegas out of the cell. Outside the cell, Inmate Villegas continued to be combative, tried to grab the COs, and refused to obey any verbal commands. Sergeant Fender called for assistance from the [REDACTED]. Lieutenant Milton Gass and several COs from that unit arrived. The COs repositioned the restraints on Inmate Villegas from his front to his back, utilizing another restraint device called a tether, but Inmate Villegas fought the whole time. After the restraints were moved to Inmate Villegas' back, Inmate Villegas' combativeness diminished enough for the COs to lift Inmate Villegas to a sitting position and then [REDACTED]. Sergeant Henry assisted in moving Inmate Villegas to a [REDACTED] room in "F" Dormitory. In the [REDACTED] room, Inmate Villegas [REDACTED]. Inmate Villegas was placed on the floor where the [REDACTED], Sergeant Fender, and other COs [REDACTED] [REDACTED] to Inmate Villegas. An [REDACTED] was [REDACTED]. [REDACTED] responded and transported Inmate Villegas to [REDACTED]. Inmate Villegas was given numerous commands to stop resisting, but he resisted the entire time. Sergeant Fender described Inmate Villegas as a large man weighing more than 280 pounds.

On March 28, 2017, at approximately 2207 hours, SA Hubbard conducted a voluntary, sworn, and recorded interview with Sergeant Anthony Key. The interview was conducted in a staff office in the Security Headquarters building at the Lake Correctional Institution. The following is a synopsis of the interview:

Sergeant Key responded to "E" Dormitory when he heard radio traffic indicating an inmate was [REDACTED]. Sergeant Key saw COs at inmate Villegas' cell and



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went to assist. Sergeant Key observed the COs had Inmate Villegas secured in leg irons and restraints on the floor, and Inmate Villegas was [REDACTED]. Sergeant Henry Fender was speaking to Inmate Villegas, trying to get him [REDACTED]. Several moments later Inmate Villegas awoke and was combative. Inmate Villegas was on his back and moved in the direction of his bunk as if attempting to get under it. Inmate Villegas began kicking and "gnashing his teeth," and tried to bite the COs. The COs rolled Inmate Villegas onto his stomach to gain control of him. Inmate Villegas as a large strong man, weighing approximately 300 pounds. Sergeant Key and another CO grabbed Inmate Villegas' legs and crossed his feet to try to take away Inmate Villegas' lower leverage. Sergeant Key said Inmate Villegas "kicked us off like we were a toy." The COs tried to move Inmate Villegas' restraints from his front to his rear. Inmate Villegas grabbed Sergeant Fender's hand. Sergeant Key used "distraction blows" on Inmate Villegas to get him to let go of Sergeant Fender, but Inmate Villegas did not let go. Eventually, Sergeant Fender pulled free of Inmate Villegas and the COs pulled Inmate Villegas out of the cell.

After Inmate Villegas was removed from the cell, additional COs arrived, restrained Inmate Villegas in [REDACTED], and transported him to a [REDACTED] room located in "F" Dormitory. Sergeant Key and the COs involved in the initial attempts to restrain Inmate Villegas did not accompany the transporting officers to the [REDACTED] room. Instead, they went to receive [REDACTED] which is mandatory for correctional officers after a use-of-force incident. Sergeant Key only became aware that Inmate Villegas [REDACTED] when he saw [REDACTED] arrive. Based on his experience, Sergeant Key believed Inmate Villegas was under the influence of drugs, and a quantity of a green leafy substance, suspected to be the drug K2, was recovered from Inmate Villegas' person by Lieutenant Milton Gass. Lieutenant Gass handed the substance to Sergeant Key who sealed it in an evidence bag and secured it in an office.

On March 28, 2017, at approximately 2112 hours, SA Hubbard conducted a voluntary, sworn, and recorded interview with CO William Logan Smith. The interview was conducted in a staff office in the Security Headquarters building at the Lake Correctional Institution. The following is a synopsis of the interview:

CO Smith was assigned to internal security covering all areas of the facility. In that capacity, CO Smith is a member of the Quick Response Team (QRT), available to respond to emergencies. CO Smith was in the food services area when he heard the control room request over the radio for the QRT to respond to "E" Dormitory, calling for CO Smith by name. Upon arriving at "E" Dormitory, CO Smith observed Inmate Villegas [REDACTED], and CO Tift and Sergeant Fender were giving Inmate Villegas the verbal prompts, "Wake up inmate, are you okay inmate?" CO Smith saw Inmate Villegas [REDACTED] in the cell, and the COs placed Inmate Villegas [REDACTED]. CO Smith and the other COs placed hand and leg restraints on Inmate Villegas. Hand restraints were placed on Inmate Villegas in front and later repositioned to his back. Sergeant Fender applied a [REDACTED] to Inmate Villegas causing Inmate Villegas to wake up. Inmate Villegas woke up and became combative. CO Smith and Sergeant Key tried to control Inmate Villegas' legs and feet, with CO Smith stepping on the chain of Inmate Villegas' leg restraints and placing his knees on Inmate Villegas' legs to stop him from kicking. CO Smith weighs 180 pounds, and described Inmate Villegas as very strong and much larger than himself, weighing at least 280 pounds.

The COs continued to give Inmate Villegas verbal commands to stop resisting but Inmate Villegas continued to be combative and attempted to bite Sergeant Key's hand. The COs pulled Inmate Villegas out of the cell to have more room to gain control of him. Once outside the cell, the COs



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called the [REDACTED] for more assistance. When the COs from the [REDACTED] arrived, Inmate Villegas was placed [REDACTED], and CO Smith walked alongside [REDACTED] as Inmate Villegas was taken to a [REDACTED] room in "F" Dormitory. Upon arriving at the [REDACTED] room, CO Smith was relieved of his duties, and he left to go receive a [REDACTED]. Inmate Villegas became [REDACTED] in the [REDACTED] room after CO Smith left; therefore, CO Smith was not present and did not see Inmate Villegas become [REDACTED], or the COs and [REDACTED] attempts [REDACTED] Inmate Villegas. Later, Sergeant Key showed CO Smith suspected drugs found on Inmate Villegas' person, but CO Smith did not see who found the drugs on Inmate Villegas' person.

On March 28, 2017, at approximately 2050 hours, SA Snowden conducted a voluntary, sworn, and recorded interview with CO Dalton Tift. The interview was conducted in a staff office in the Security Headquarters building at the Lake Correctional Institution. The following is a synopsis of the interview:

At approximately 1615 hours, CO Tift heard Sergeant Leone say over the radio he needed assistance with two inmates who were "high" [under the influence of drugs] in one of the cells in E Dormitory. CO Tift responded to assist, and upon arriving he observed Inmate Clay had been taken out of the cell and was handcuffed. CO Tift observed the other inmate, Inmate Villegas, lying on his back, [REDACTED] on the floor of the cell with feet facing toward the door.

CO Tift and Sergeant Fender entered the cell and placed handcuffs and leg restraints on Inmate Villegas, who was still [REDACTED]. Because Inmate Villegas was on his back, he was handcuffed in front. After the restraints were placed on Inmate Villegas, he woke up, became combative, began thrashing around, and appeared to be trying to get under his bunk. Inmate Villegas was kicking, grabbing the COs, and tried to bite Sergeant Fender. Verbal commands were given to Inmate Villegas to calm down and stop resisting, but Inmate Villegas continued being combative. Sergeant Key and CO Smith entered the cell to assist CO Tift and Sergeant Fender in controlling Inmate Villegas. The COs pulled Inmate Villegas out of the cell to have more room to restrain him while Inmate Villegas continued to fight. The COs repositioned the handcuffs from Inmate Villegas' front to behind his back. Inmate Villegas was placed [REDACTED] Inmate Villegas stopped being combative after being placed [REDACTED]. Inmate Villegas was taken to a [REDACTED] room in "F" Dormitory. At the [REDACTED] room, CO Tift was relieved of his duties and left the [REDACTED] room to get his [REDACTED] [REDACTED] while restraining Inmate Villegas. As far as CO Tift knew, Inmate Villegas was still conscious when CO Tift left the [REDACTED] room.

On March 28, 2017, at approximately 2023 hours, SA Hubbard conducted a voluntary, sworn, and recorded interview with Sergeant Scott Ake. The interview was conducted in a staff office in the Security Headquarters building at the Lake Correctional Institution. The following is a synopsis of the interview:

Sergeant Ake responded to "E" Dormitory when he heard a "distress call" over the [REDACTED] channel on his radio, for a problem occurring there. Upon arriving in the wing where Inmate Villegas' cell was located, Sergeant Ake observed several COs already engaged in a use of force with Inmate Villegas, who was combative. Sergeant Ake observed another inmate secured in restraints away from the cell where the COs were attempting to restrain Inmate Villegas. Sergeant Ake observed Inmate Villegas' hands were restrained in the front, and his feet were restrained with leg irons.



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Sergeant Ake assisted the COs in moving the hand restraints to Inmate Villegas' rear. Sergeant Ake did not know the names of the other COs who were assisting him. After Inmate Villegas was in restraints, Sergeant Ake assisted in moving Inmate Villegas [REDACTED] and escorted him to a [REDACTED] room in "F" Dormitory. After arriving at the [REDACTED] room Inmate Villegas became [REDACTED]. Sergeant Ake and other COs placed Inmate Villegas on the floor where the [REDACTED] and the COs [REDACTED] arrived. An [REDACTED] which directed the [REDACTED] Sergeant Ake assisted in lifting Inmate Villegas [REDACTED]

Sergeant Ake heard Lieutenant Milton Gass and other COs giving Inmate Villegas verbal commands to stop resisting during the use of force incident, but Inmate Villegas did not comply and resisted all commands. Sergeant Ake described Inmate Villegas as a large man weighing in excess of 300 pounds. Sergeant Ake began working at LCI approximately one month prior to the incident and was not familiar with Inmate Villegas.

On March 28, 2017, at approximately 2022 hours, SA Snowden obtained a sworn, recorded, and voluntary statement from LCI Sergeant Anildat Amrit. The interview was conducted in a staff office in the Security Headquarters building at the Lake Correctional Institution. The following is a synopsis of the interview with Sergeant Amrit:

March 28, 2017, Sergeant Amrit was assigned to [REDACTED] when he heard a call for assistance in reference to an [REDACTED] inmate in "E" dormitory. Several COs were already on scene upon Sergeant Amrit's arrival. Inmate Villegas had already been removed from his cell. Sergeant Amrit could hear the other COs telling Inmate Villegas to "stop resisting." Sergeant Amrit assisted other COs with securing Inmate Villegas with handcuffs. Sergeant Amrit said the inmate was being combative with the COs and did not want to submit to the handcuffs. Once the handcuffs were on Inmate Villegas, other COs placed Inmate Villegas [REDACTED] that was there and they exited "E" dormitory. Sergeant Amrit did not accompany the inmate to "F" dormitory.

On March 28, 2017, at approximately 2119 hours, SA Snowden conducted a sworn, recorded, and voluntary interview from CO Alan Perrotta. The interview was conducted in a staff office in the Security Headquarters building at the Lake Correctional Institution. The following is a synopsis of the interview with CO Perrotta:

On March 28, 2017, CO Perrotta was working in the [REDACTED] when he heard a disturbance call over the radio resulting in him, CO Donald Foster, and Lieutenant Gass responding to "E" dormitory where the call had originated. Upon CO Perrotta and the others arriving, CO Perrotta observed five other COs (Tift, Smith, McBride, Sergeant Fender, and Sergeant Key) struggling with Inmate Villegas. CO Perrotta advised Inmate Villegas was being "highly combative." Inmate Villegas was pulling away, tucking his arms and then flailing them, and he was trying to bite some of the COs. CO Perrotta advised he placed his knee into the center of Inmate Villegas' back in an effort to stop him from fighting. CO Perrotta could see that Inmate Villegas was handcuffed in front. Inmate Villegas did not say anything during the confrontation.

According to CO Perrotta, the struggling went on for five to ten minutes after his arrival. The COs were then able to place Inmate Villegas [REDACTED] to transport him to "F" dormitory. CO Perrotta did not know if Inmate Villegas was responsive when placed [REDACTED] or not. It was about



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that time that Inmate Villegas stopped struggling with the COs. CO Perrotta said that when Inmate Villegas arrived at "F" dormitory, he was [REDACTED] who discovered Inmate Villegas had [REDACTED]. Inmate Villegas was immediately placed on the ground where [REDACTED] CO Perrotta assisted with [REDACTED] CO Perrotta estimated that they [REDACTED] for 10 to 20 minutes. CO Perrotta said that Inmate Villegas had [REDACTED] in both "E" dormitory, and when he got to "F" dormitory [REDACTED]

When asked if he observed [REDACTED] Inmate Villegas, CO Perrotta advised that there were some [REDACTED] Inmate Villegas' [REDACTED] from when they would roll him to [REDACTED] [REDACTED] Inmate Villegas' [REDACTED] could strike a desk in the room because the room size was so small.

CO Perrotta said he had only seen Inmate Villegas once before, and that was when CO Perrotta was working overtime in confinement.

On March 28, 2017, at approximately 2200 hours, SA Snowden conducted a sworn, recorded, and voluntary interview with CO Brent McBride. The interview was conducted in a staff office in the Security Headquarters Building at the Lake Correctional Institution. The following is a synopsis of the interview with CO McBride:

On March 28, 2017, CO McBride was assigned to the "F" Dormitory. CO McBride heard a call for assistance come out in "E" Dormitory. Sergeant Henry Fender and CO McBride responded to the call. They arrived on scene where CO McBride saw Inmate John Clay handcuffed outside of cell 1108. CO McBride maintained custody of Inmate Clay while Sergeant Fender entered cell 1108 to assist with Inmate Villegas. Other COs entered the cell to assist with Inmate Villegas as well. Initially, Inmate Villegas was [REDACTED] however, upon Inmate Villegas being secured in leg restraints and handcuffs, he became "incoherently combative." Inmate Villegas began to push the COs off the ground, bite at them, and push away from them. Inmate Villegas was ignoring the commands of the COs and trying to "muscle" them off of him. CO McBride asked if the COs in the cell needed help or relief, and was told "no" at that point. CO McBride called for the hand-held video camera to record the incident. CO McBride requested CO Melissa Van Keuren to record the incident, which she did. CO McBride estimated the COs were in the cell struggling with Inmate Villegas for 15-16 minutes.

CO McBride then assisted removing Inmate Villegas from his cell to the common area. CO McBride then assisted CO Smith with holding Inmate Villegas' legs to prevent him from kicking. CO McBride said that even with the entire group of COs on top of Inmate Villegas, he was still able to lift all of them off the ground. More assistance was then requested. CO McBride said the additional COs made it possible to fully restrain Inmate Villegas and get him [REDACTED]. CO McBride stated that the original spit shield that was placed on Inmate Villegas ripped resulting in CO McBride placing a second spit shield on Inmate Villegas on the way out of "E" Dormitory. CO McBride said that Inmate Villegas was still breathing when he was taken out of "E" Dormitory. CO McBride believed Inmate Villegas had [REDACTED]

Upon the arrival at "F" Dormitory, Inmate Villegas was [REDACTED] who determined that he was [REDACTED] CO McBride did not stay there. He advised he went outside to "collect himself." CO McBride never heard Inmate Villegas say anything other than grunting during the struggle. CO McBride did not see [REDACTED] Inmate Villegas.



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On March 28, 2017, at approximately 2149 hours, SA Snowden conducted a sworn, recorded, and voluntary interview with CO Donald Foster. The interview was conducted in a staff office in the Security Headquarters Building at the Lake Correctional Institution. The following is a synopsis of the interview with CO Foster:

CO Foster has been a CO at LCI for 20 months. On March 28, 2017, CO Foster was assigned to the [REDACTED] at LCI. CO Foster heard a call over his radio for all available officers to respond for assistance to "E" Dormitory. Upon his arrival at "E" Dormitory, CO Foster saw several COs attempting to restrain Inmate Villegas who was outside of his cell on the ground. Inmate Villegas was physically resisting COs by kicking his feet. CO Foster aided the other COs by holding Inmate Villegas' legs. Inmate Villegas was not saying anything.

After Inmate Villegas stopped his "combative nature," CO Foster helped place Inmate Villegas [REDACTED] that had been brought into "E" Dormitory. CO Foster did not know why Inmate Villegas stopped being combative. It appeared to CO Foster that Inmate Villegas was [REDACTED]. Inmate Villegas was then transported to a [REDACTED] room in "F" Dormitory. Upon their arrival at "F" Dormitory, [REDACTED] Inmate Villegas and determined there he [REDACTED]. Inmate Villegas was moved to the floor, [REDACTED].

Several [REDACTED] were conducted on Inmate Villegas with different COs and [REDACTED]. [REDACTED] CO Foster did not see [REDACTED] Inmate Villegas. CO Foster did not see anything that he would deem inappropriate during his interaction with Inmate Villegas.

On March 28, 2017, at approximately 2209 hours, SA Snowden conducted a sworn, recorded, and voluntary interview with CO Melissa Milan. The interview was conducted in a staff office in the Security Headquarters Building at the Lake Correctional Institution. The following is a synopsis of the interview with CO Milan:

On March 28, 2017, CO Milan was assigned to "C" Dormitory. CO Milan had just finished her head count when a call for emergency assistance came over the radio in "E" Dormitory. CO Milan responded to "E" Dormitory and observed several COs attempting to put hand restraints on Inmate Villegas who was on the floor outside of his cell. Inmate Villegas was being combative by thrashing around on the floor and trying to throw the COs off of him. Once the restraints were applied to Inmate Villegas he was [REDACTED] to be taken to confinement for a [REDACTED]. CO Milan estimated that Inmate Villegas was combative for five minutes from the time she arrived until they placed Inmate Villegas [REDACTED]. CO Milan placed her right hand upon Inmate Villegas' right shoulder to prevent him from falling forward. CO Milan advised that Inmate Villegas was still conscious; she just wanted to ensure he would not throw himself forward. Inmate Villegas was [REDACTED] at this point. CO Tift took over from CO Milan which concluded her involvement with Inmate Villegas.

CO Milan said she could not tell if Inmate Villegas had any [REDACTED] because he had [REDACTED]. CO Milan advised that none of the other COs did anything that she would consider an excessive use of force.



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CO Milan advised she then assisted in searching Inmate Villegas' cell. During the search CO Milan helped locate some suspected synthetic cannabis, tobacco products, and related paraphernalia. The cell was then sealed off to be searched further at a later time.

On March 28, 2017, at approximately 2136 hours, SA Snowden conducted a sworn, recorded, and voluntary interview with Correctional Officer (CO) Melissa Van Keuren. The interview was conducted in a staff office in the Security Headquarters Building at the Lake Correctional Institution. The following is a synopsis of the interview with CO Van Keuren:

CO Van Keuren has been a CO at LCI for almost two years. On March 28, 2017, CO Van Keuren was working in "B" Dormitory when she heard a distress call come out over the radio requesting assistance in "E" Dormitory. CO Van Keuren responded and saw several COs inside of cell 1108, struggling with Inmate Villegas. Inmate Villegas was restrained with leg and hand restraints; however, he was being combative by trying to bite, spitting, and not listening to verbal orders. Inmate Villegas was not saying anything. Inmate Villegas was brought out of his cell and continued his combative behaviors.

CO Van Keuren was tasked with video recording the incident, which she did. Additional correctional and [REDACTED] were summonsed and responded. Inmate Villegas remained combative until he was [REDACTED]. CO Van Keuren estimated that Inmate Villegas was combative for at least twenty minutes prior to being [REDACTED]. Inmate Villegas was then transported to "F" Dormitory while CO Van Keuren followed with the video recorder.

CO Van Keuren stayed outside of the [REDACTED] in the hallway while [REDACTED] assessed Inmate Villegas. It was determined that Inmate Villegas was [REDACTED], resulting in him being placed on the floor and [REDACTED]. Multiple COs and [REDACTED] helped [REDACTED] and then transported Inmate Villegas to the [REDACTED]. CO Van Keuren continued to video record until Inmate Villegas was [REDACTED] outside of "F" Dormitory.

On March 28, 2017, at approximately 2217 hours, SA Snowden conducted a sworn, recorded, and voluntary interview with DOC Lieutenant Milton Gass. The interview was conducted in a staff office in the Security Headquarters Building at the Lake Correctional Institution. The following is a synopsis of the interview with Lieutenant Gass:

Lieutenant Gass responded from the [REDACTED] to a call over the radio for assistance in "E" Dormitory. Upon arrival, Lieutenant Gass observed several COs over Inmate Villegas, attempting to gain compliance as Inmate Villegas was being combative and physically resisting. Inmate Villegas was outside of his cell on the ground. Inmate Villegas was spitting and kicking at the COs. According to Lieutenant Gass, Inmate Villegas was physically moving the COs around. COs were instructing Inmate Villegas to cease his "combative and disruptive behavior." Lieutenant Gass instructed the COs to control Inmate Villegas' extremities.

Because Inmate Villegas was handcuffed in front of his body, Lieutenant Gass instructed COs to roll Inmate Villegas over to place the handcuffs behind his back. Lieutenant Gass said a tether was used to accomplish this. Lieutenant Gass advised this was done for the safety of both the inmate, as well as the COs that were attempting to accomplish the task. Inmate Villegas remained combative until the restraints were moved to behind his body.



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Lieutenant Gass advised that an inmate cannot be carried when they are combative and need to be transported from one location to another; therefore, [REDACTED] was provided for Inmate Villegas to be moved to "F" Dormitory for [REDACTED]. Inmate Villegas was [REDACTED] resulting in the COs [REDACTED] for transport. Lieutenant Gass stated that Inmate Villegas was looking down and breathing when he was [REDACTED].

Lieutenant Gass accompanied the COs transporting Inmate Villegas from "E" Dormitory to "F" Dormitory; however, upon exiting "E" Dormitory, Lieutenant Gass was relieved by Major Shawn Lee. This occurred at the front sally port door of "E" Dormitory. Major Lee ordered Lieutenant Gass to report for his [REDACTED]. After doing this, Lieutenant Gass obtained a copy of the videos that were taken of the incident. One video was the hand-held recording made by CO Melissa Van Keuren, the other was the fixed security video from inside of "E" Dormitory. Lieutenant Gass reviewed both videos.

On March 29, 2017, at approximately 1056 hours, SA Snowden conducted a voluntary, sworn, and recorded interview with [REDACTED]. [REDACTED] has been [REDACTED] for ten years and has worked at LCI for a total of four years. The interview took place in the [REDACTED] Unit at LCI, in a staff office. The following is a synopsis of the interview:

[REDACTED] was preparing to leave for the day when she received a call at 1620 hours from Sergeant Amrit requesting to talk to the Director [REDACTED], in reference to an [REDACTED] inmate. [REDACTED] was directed by the [REDACTED] to respond to "E" dormitory, which she did with [REDACTED].

Upon arriving at "E" dormitory, [REDACTED] observed several COs in the cell with Inmate Villegas. [REDACTED] said she was confused because she thought the inmate needed [REDACTED], but heard the COs telling Inmate Villegas to "stop resisting." [REDACTED] described Inmate Villegas by stating, "He was wild; it was like a demon. I've never seen anything like it. He was crazed." [REDACTED] estimated she watched for ten minutes while COs tried to get Inmate Villegas to calm down. [REDACTED] said Inmate Villegas was "violent and out of control."

Eventually, the COs were able to get Inmate Villegas out of the cell. [REDACTED] said that Inmate Villegas continued to be "all over the place and wild and crazy." Inmate Villegas was grunting but did not say anything. According to [REDACTED] the COs were trying to get Inmate Villegas to calm down but "he wouldn't or couldn't."

By this time, [REDACTED] had arrived to assist [REDACTED]. [REDACTED] were told to leave the building by the COs. [REDACTED] estimated she was outside of the dormitory for about ten more minutes while additional COs responded before Inmate Villegas was brought outside the dormitory [REDACTED]. Inmate Villegas was [REDACTED] and had a spit shield covering his head. Inmate Villegas was not moving at this point. COs would not permit [REDACTED] to get near Inmate Villegas until they got to the [REDACTED] in "F" dormitory. The Lieutenant [Gass] told [REDACTED] that Inmate Villegas was breathing when he was brought out of "E" dormitory. [REDACTED] said that Inmate Villegas had gone from "this wild whatever, to... no movement." [REDACTED] concluded that [REDACTED] should have been able to [REDACTED] then instead of waiting until Inmate Villegas was taken to "F" dormitory. [REDACTED] stated, "I understand it's prison and there are things we have to do, but when someone is [REDACTED] that's consent to do something."



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Upon arrival at "F" dormitory, Inmate Villegas was taken to a small [REDACTED] room. [REDACTED] discovered Inmate Villegas had [REDACTED]. They put Inmate Villegas on the floor and [REDACTED] at which point Inmate Villegas had [REDACTED]. [REDACTED] said that Inmate Villegas was not [REDACTED] as they were [REDACTED] [REDACTED] to Inmate Villegas. When [REDACTED] got too tired to continue, another person took her place [REDACTED]. [REDACTED] called for [REDACTED] from another location since there was none at their location. [REDACTED] was brought almost immediately. [REDACTED] for an estimated 30 minutes before [REDACTED]. [REDACTED] advised that Inmate Villegas' [REDACTED] from struggling. [REDACTED] to Inmate Villegas other than a [REDACTED].

[REDACTED] advised she was covered [REDACTED] and went out to clean up after the arrival [REDACTED].

[REDACTED] said she did not observe the COs take any inappropriate actions while trying to control Inmate Villegas.

[REDACTED] did not see anything that she believed could be narcotics while in "E" dormitory or on Inmate Villegas' person.

[REDACTED] said she did not see or smell anything that would be indicative of a chemical agent that could have been used on Inmate Villegas.

On March 30, 2017, at approximately 1036 hours, SA Hubbard conducted a recorded, voluntary, and sworn interview with [REDACTED] at LCI, 19225 U.S. Highway 27, Clermont, Florida. The following is a synopsis:

[REDACTED] was assigned as a [REDACTED] building at LCI when she was informed of an [REDACTED] [Inmate Villegas] located in another building. When [REDACTED] arrived at "E" building she entered the building, but was told by [REDACTED] that they could not enter the wing where Inmate Villegas was located. [REDACTED] said she heard yelling and "banging" inside the cell and indicated Inmate Villegas was unwilling to be handcuffed and exit. [REDACTED] heard the COs shout multiple times, "Inmate, stop resisting!" As the COs exited the cell with Inmate Villegas, they directed [REDACTED] to leave the [REDACTED] and exit the building. Once the COs exited the cell with Inmate Villegas, [REDACTED] did not see him resisting the COs. [REDACTED] exited the building and waited for approximately ten minutes until she saw the COs exit the building with Inmate Villegas, handcuffed, [REDACTED]. Lieutenant [Milton] Gass instructed the COs to take Inmate Villegas to the [REDACTED] in the F building. As Inmate Villegas was being escorted to the [REDACTED], the COs placed a spit shield on his face. [REDACTED] indicated that Inmate Villegas was sitting upright [REDACTED] with his head up. According to [REDACTED] Inmate Villegas' head dropped by the time he reached "F" building. [REDACTED] could not recall if Inmate Villegas' eyes were open while being escorted. [REDACTED] observed [REDACTED] on Inmate Villegas' [REDACTED] which appeared to have occurred recently.

Once Inmate Villegas was inside "F" building, [REDACTED] was requested to conduct [REDACTED] on Inmate Villegas. [REDACTED] attempted to determine if Inmate Villegas was conscious and when he did [REDACTED], she checked, but could not locate [REDACTED]. [REDACTED] asked [REDACTED].



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██████████ to check for Inmate Villegas' ██████████ and she could not locate it either. Inmate Villegas was placed on the floor and ██████████ immediately told the COs to call ██████████. Inmate Villegas began to ██████████ and he was turned on his side to ensure he did not choke. ██████████ also used a ██████████ on Inmate Villegas during her ██████████. ██████████ arrived and ██████████ for Inmate Villegas.

On March 28, 2017, at approximately 2109 hours, SA Snowden and SA Hubbard obtained a voluntary, sworn, and recorded statement from Inmate Kenneth Morey. The statement was obtained in a staff office in the Security Headquarters Building at the Lake Correctional Institution. Inspector Mike Wyatt was also present for the interview. The following is a synopsis of the statement from Morey:

Morey was the cellmate of Inmate Villegas but was in another cell (1103) in the same dormitory when the incident occurred. Morey said that Inmate Villegas was a good cellmate and that he was sorry that he had died. Morey said he had seen Inmate Villegas smoke cigarettes, but he never saw him smoke anything else, although Inmate Villegas had told Morey that he had smoked K2 previously. Morey said that he had seen K2 in the past, but never saw Inmate Villegas possess it or have it in the cell. Morey had seen Inmate Villegas "buzzed" before but thought that was from marijuana. When asked what, he meant by buzzed, Morey said, "Talkative, happy-going." Morey had previously smelled K2 burning in his dormitory. Morey had never smoked K2.

Inmate Villegas had never complained of any ██████████ to Morey. Morey was not aware of whether Inmate Villegas took any ██████████.

On March 28, 2017, at approximately 2234 hours, SA Snowden and SA Hubbard conducted a voluntary, sworn, and recorded interview with Inmate John Clay. The interview was conducted in a staff office in the Security Headquarters Building at the Lake Correctional Institution. DOC Inspector Wyatt was also present for the interview. The following is a synopsis of the interview with Inmate Clay:

On March 28, 2017, Inmate Clay was in cell 1108 with Inmate Villegas during head count. Inmate Clay knew Inmate Villegas from Tomoka Correctional Institution (TCI) and that he referred to Inmate Villegas as "Tyson" because he looked like Mike Tyson. Inmate Villegas' normal cellmate, Kenneth Morey, was in Inmate Clay's cell (1103).

Inmate Clay advised he was sitting on the bed when Inmate Villegas lit what Inmate Clay thought was a cigarette; however, Inmate Clay said he realized it was "Tooncy or mojo, whatever you call it." Inmate Clay said he stood up and looked out the door and he heard Inmate Villegas fall, causing his head to hit the wall. Inmate Clay turned and saw Inmate Villegas laying on his footlocker, with his legs under the bed. Inmate Clay went to Inmate Villegas and put his hand under his head and began rubbing his chest. Inmate Clay began to talk to Inmate Villegas to "calm him down" because Inmate Villegas was "kind of fighting" and that is when the CO came to the door. The CO asked if there was a problem and Inmate Clay replied that Inmate Villegas had ██████████ or smoked some K2. Inmate Clay told the CO that he had everything under control in reference to Inmate Villegas. Inmate Clay said he was "bringing him [Inmate Villegas] back, telling him to calm down, "cause he was going through his motions." Inmate Clay said that "even though he [Inmate Villegas] had freaked out, I had him under control." The CO entered the cell and said he was going to summon more officers.



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Inmate Clay told the responding sergeant, "If you let me talk to him then y'all can put handcuffs on him, there ain't gonna be no problem 'cause I got him under control right now." Inmate Clay was ordered out of the cell and secured in handcuffs in the common area.

Inmate Clay said Inmate Villegas was then handcuffed in the cell and he could hear the COs saying, "Inmate, stop resisting!" Inmate Clay could not see what was going on, but he could hear what was being said. After "three to five" minutes, Inmate Villegas was dragged out of the cell into the common area. COs continued to tell Inmate Villegas to stop resisting. Inmate Clay said that COs "always say stop resisting... even when you ain't resisting." Inmate Clay said that Inmate Villegas "wasn't screaming; he wasn't doing nothing." The COs turned Inmate Villegas over in order to move the handcuffs from his front to his back. Inmate Clay said he never saw any of the COs kick or strike Inmate Villegas.

Inmate Clay advised that additional COs kept arriving at the incident. Inmate Clay said that even the Warden showed up on the scene. Inmate Clay said he told the Warden that Inmate Villegas "really ain't resisting. If you just let me talk to him, you can put handcuffs yourself on him." Inmate Clay said nobody would listen to what he was saying.

Inmate Clay was then put into shackles and taken to the shower. That was the last time that Inmate Clay saw Inmate Villegas.

Inmate Clay had been at LCI for about one week. He said that during that time he had seen "about four people" go into Inmate Villegas' cell and "smoke and boom! They turn into demons, they just gook out." Inmate Clay said he would go in there and "bring them back to life." When asked what he meant by saying bring them back to life, Inmate Clay replied, "It's like they be off in the twilight zone, but if you talk to them, you know, give them water, and like, get a cold rag and put it over their face, you bring them back down." Inmate Clay said that can take up to thirty minutes to get someone back to reality. He would put water on them and try to keep the police (COs) from getting involved because he "knows what that K2 do to them." Today was the third time that Inmate Clay had to "save" Inmate Villegas as a result of smoking K2. He had to save him earlier on the recreation yard from smoking K2. Inmate Clay said that Inmate Villegas' nose was [REDACTED] from smoking K2 and [REDACTED]. He advised the inmates get on K2 and "freak out." Inmate Clay did not know that Inmate Villegas was going to smoke K2 in his cell that day.

Inmate Clay said he had been smoking K2 since 2000, but it doesn't do anything to him. He has even smoked since he has been at LCI, but he said he did not smoke any today. Inmate Clay said he can walk around and talk to you when he smokes K2, but if he smoked real marijuana, then he would "gook out." Inmate Clay has seen the negative effects of K2 on several different inmates at a minimum of at least three different correctional institutions. These effects were the same as what he saw Inmate Villegas undergo when smoking K2. Inmate Clay said he has seen inmates do strange things when on K2; it affects each person differently. Inmate Clay also advised that K2 comes in a wide variety of different names and appearances. He said the K2 that Inmate Villegas had was green with little brown specs. Several inmates sell K2 within the dormitories and grounds of LCI.

Inmate Clay was worried that he was being looked at for the death of Inmate Villegas. Inmate Clay said that there was no struggle or fight between him and Inmate Villegas. Inmate Clay said the sergeant on scene asked him if he and Inmate Villegas were fighting and Inmate Clay said that they



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were not. However, after Inmate Clay had showered, a sergeant with a beard told him to write in his written statement that Inmate Villegas had attacked him. Inmate Clay did as he was told and wrote in his statement that Inmate Villegas attacked him. SA Snowden inquired with Inspector Wyatt in reference to the written statement by Inmate Clay. Inspector Wyatt provided SA Snowden with a statement written on March 29, 2017, by Inmate Clay. The statement did not indicate that Inmate Villegas attacked Inmate Clay. The statement reflected the same information that Inmate Clay provided to SA Snowden and SA Hubbard on March 28, 2017. No written statement from Inmate Clay dated the day of the incident was located.

Review of the Scene Summary:

On March 28, 2017, at 2003 hours, SA Snowden and SA Hubbard visually examined the areas where the struggle between Inmate Villegas and the COs occurred. DOC Inspector Mike Wyatt accompanied SA Snowden and SA Hubbard to "E" Dormitory, Wing One. SA Snowden photographed the common area and exterior of cell 1108. [REDACTED] were observed on the floor to the right of Inmate Villegas' cell.

A partial search of cell 1108 had previously been conducted by COs prior to SA Snowden and SA Hubbard's arrival. SA Snowden and SA Hubbard instructed Inspector Wyatt to seal the cell to allow further inspection after interviews were conducted with the individuals involved.

On March 29, 2017, at 1135 hours, SA Snowden and SA Hubbard returned to cell 1108. The cell was left a skew from the initial struggle and search. SA Snowden photographed the tape sealing the cell prior to entry. SA Snowden also photographed the interior of the cell prior to conducting the search. The search of the cell provided no additional items of evidentiary value.

Evidence Summary:

On March 28, 2017, SA Hubbard took custody of the evidence items that were discovered by the COs during the initial search of Inmate Villegas' cell on March 28, 2017.

Lieutenant Milton Gass recovered a green leafy substance at 1640 hours. Sergeant Patrick Leone recovered items of suspected drug paraphernalia at 1645 hours. These items were delivered to SA Hubbard at 2327 and 2347 hours respectively by Sergeant Anthony Key, with an LCI chain of custody receipt.

The evidence items were secured in the locked box inside of SA Hubbard's department issued vehicle. On March 29, 2017, SA Hubbard placed the evidence items into the temporary evidence locker at the FDLE, Orlando Regional Operations Center.

On April 7, 2017, at 1037 hours, SA Hubbard transferred the evidence items to FDLE Evidence Technician Michael Vargas who accepted them into evidence.

Evidence Analysis Summary:

On May 4, 2017, SA Snowden received the test results from the FLDE Laboratory, Chemistry Section, Crime Laboratory Analyst, Janet Brown, on the testing of the evidentiary item (DS1) submitted on



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April 7, 2017. The plant material submitted was identified as containing Fluoro ADB (N-(1-Methoxy-3,3-dimethyl-1-oxobutan-2-yl)-1-(fluoropentyl)indazole-3-carboxamide), UR-144 (1-Pentyl-3-(2,2,3,3-tetramethylcyclopropanoyl)indole), and XLR11 (1-(5-Fluoropentyl)-3-(2,2,3,3-tetramethylcyclopropanoyl)indole).

Fluoro-ADB (N-(1-Methoxy-3,3-dimethyl-1-oxobutan-2-yl)-1-(fluoropentyl) indazole-3- carboxamide) is in the Synthetic Cannabinoids Class M, a schedule one drug listed in Florida State Statute 893.03.

Incident Video:

On March 28, 2017, DOC Inspector Mike Wyatt provided three compact discs containing video recording of the incident to SA Hubbard. Two of the discs contained the hand-held recording of the incident that was captured by CO Van Keuren using an LCI video camera. The third disc was a recording of the fixed security camera from "E" Dormitory, which covered Inmate Villegas' cell. The discs were turned over to SA Snowden at approximately 2400 hours that night. A synopsis of the video recordings are included in the FDLE report attached to this assist.

Medical Examiner's Summary:

On July 19, 2017, Special Agent (SA) David Snowden obtained a copy of the Fifth Judicial District Medical Examiner's autopsy report. District Medical Examiner Dr. Wendy Lavezzi reported that the cause of death for Jose Inmate Villegas was [REDACTED] and a contributing cause of death to be [REDACTED]. The manner of death was homicide.

[REDACTED]

FDLE Summary:

FDLE's investigation into the in-custody death of Inmate Jose Inmate Villegas included a thorough and comprehensive review of administrative and [REDACTED] documents, obtaining sworn statements from DOC staff and inmates, a review of the videos, and the post-mortem examination of Inmate Villegas' body.

Evidence supports the claim the Inmate Villegas ingested synthetic cannabinoid just prior to his death. Video verifies that the COs used force to keep Inmate Villegas in a subdued position during the incident. Several COs indicated that Inmate Villegas [REDACTED] during the struggle and statements were made that the COs attempted to place Inmate Villegas into a [REDACTED] during this time. There is no definitive time determined when Inmate Villegas [REDACTED], although it is clear he was [REDACTED] from the time the CO's placed him into a sitting position after he was removed from the cell. The FDLE Summary was submitted to the State Attorney's Office for their review and disposition.

The fixed wing video and handheld video are too large to be uploaded into IGIIS, therefore it will be submitted with FDLE's Investigative package along with the flash drive containing the photos, videos and interviews completed by FDLE.



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VII. CHARGES

List alleged violations of Florida Law:

1. None

VIII. CONCLUSION

Based on the FDLE investigative findings this case has been submitted to the State Attorney's Office for review and disposition. This investigative assist will remain open-inactive until final disposition from the State Attorney's Office.

There were no criminal violations contained in FDLE's investigation.

On September 26, 2017, the Florida Department of Corrections received an email notification from Brad King, State Attorney for the Fifth Judicial Circuit of Florida. The email contained a memo from Jimmie Sparrow, Assistant State Attorney with his conclusion regarding the In-Custody death of Inmate Jose Villegas.

A synopsis of the memo is as follows:

According to Mr. King, after consideration, he agreed with the conclusion and recommendation contained in the memorandum. Accordingly, his office will take no further action in the matter.

Mr. Sparrow notated that FDLE's investigation was thorough and the report was complete. There were no inconsistencies between the testimony of the witness statements and the physical evidence and video records.

The video shows multiple officers holding down Inmate Villegas, while knowing that he was having an adverse reaction to a synthetic drug, and the struggle between the officers and Inmate Villegas was lengthy. However, after reviewing the officer's statements, the video, and the evidence it became apparent the officers had not violated Florida Law.

The use of force by corrections officers that led to the death of Inmate Villegas was justified under Florida law. Mr. Sparrow recommends that their office take no further action in this matter. Additionally, after conferring with Dr. Wendy Lavezzi of the Medical Examiner's Office, some medical research suggests alternative approaches to dealing with people who have ingested synthetic cannabinoids.

Based on the findings of the Fifth Judicial Circuit State Attorney's Office that the death of Inmate Jose Villegas was justified under Florida law, this investigative assist will now be considered:

1. Unfounded

Inspector General's Administrative Investigation #17-17431 has been opened to address the alternative approaches to dealing with people who have ingested synthetic cannabinoids that were recommended by Dr. Wendy Lavezzi.