

Florida Department of Corrections



Office of the Inspector General

**CRIMINAL INVESTIGATION
INVESTIGATIVE ASSIST
CASE # 17-15542**



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



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Case Number: 17-15542

OIG Inspector: Senior Inspector Erika McFarland Williams

Outside Agency: Florida Department of Law Enforcement

Outside Agency Investigator: Special Agent James Coppola

Date Assigned or Initiated: August 29, 2017

Complaint Against: Inmate Christopher Garamy DC#B12217

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

Complainant: Officer Donald Staires

Outside Agency Case #: OR-37-0065

Use of Force Number: N/A

PREA Number: N/A

Classification of Incident: Homicide

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 August 29, 2017, the Department of Corrections Office of the Inspector General received notification Inmate Angel Cruz-Berrios (DC#B15525) had been found [REDACTED] in his confinement cell (C2-104) at Martin Correctional Institution. Inmate Christopher Garamy (DC#B12217), the cellmate of Inmate Cruz-Berrios, indicated Inmate Cruz-Berrios attacked him and he had to defend himself. [REDACTED] and Inmate Cruz-Berrios [REDACTED] where he was later pronounced deceased on August 29, 2017, at approximately 2:17 p.m. Florida Department of Law Enforcement (FDLE) notification was made, and Senior Inspector Carrie Ryan responded to Martin Correctional Institution on August 29, 2017, to provide investigative assistance to FDLE. On July 10, 2018, the case was re-assigned to Senior Inspector Erika McFarland-Williams.

VI. SUMMARY OF INVESTIGATIVE FINDINGS

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

Investigator's Note: *The summary findings listed below were obtained from the FDLE investigative reports associated with FDLE Case# OR-37-0065.*

On August 29, 2017, Special Agent Kevin Kulp of the Fort Pierce Officer of the Florida Department of Law Enforcement (FDLE) was notified of an in-custody death that occurred at Martin Correctional Institution (MCI). Inmate Angel Berrios Cruz DC# B15525, [REDACTED] inside his cell. Inmate Berrios Cruz [REDACTED] This death investigation was opened to determine and investigate the circumstances surrounding the death of Inmate Berrios Cruz. Inspector Carrie Ryan was notified and responded [REDACTED]

Inmate Cruz was housed in Dorm Charlie, which is a confinement dorm and the incident occurred in Wing 2, cell 2104. The confinement wing where Inmate Cruz was housed was identified as "DC" wing or "disciplinary confinement" wing, which is for housing inmates after a disciplinary hearing and for inappropriate behavior. Inmates housed in the DC wing are confined to 2-person cells with no unsupervised movement or interaction with other inmates outside of the cell. Inmate Berrios Cruz was assigned to cell 2104 along with Inmate Christopher Garamy DC# B12217.

On February 15, 2018, FDLE SA James Coppola received a copy of the Nineteenth District Medical Examiner's Report for Inmate Berrios Cruz. According to Doctor Roger Mittleman, the cause of death [REDACTED]. The manner of death was homicide. ***(For complete details please see attached medical examiner's report)***

FDLE has completed a comprehensive investigation into the death investigation of MCI Inmate Angel Berrios Cruz that occurred on 08-29-2017. This presentation of facts is based on law enforcement witnesses, civilian witnesses, and physical evidence. FDLE submits this investigative summary to the Office of the State Attorney for their review and disposition. ***(For complete details please see attached FDLE report)***



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On May 21, 2018, ASA David A. Lustgarten memo in reference to the arrest warrant for Christopher George Garamy Agency Case # 2017-OR-37-0065, was denied for the following reasons:

FDLE submitted the results of their investigation in this matter. Upon review of the report, ASA Lustgarten agree there is no probable cause to support an arrest for anything. Victim was placed in a cell with suspect. He was placed there following an incident earlier in the day when the victim struck another inmate without cause [REDACTED] for that inmate. The victim was known to strike other inmates for no reason. Appears this was a known problem within MCI and DOC. Multiple documented incidents in the weeks prior to this event wherein the victim struck other inmates for no reason. Clearly a violent individual with what appears [REDACTED]. In this matter the evidence clearly points to self-defense, two-man cell. The suspect was attacked while asleep and defended himself. According to his statement (and there is nothing to contradict this) he gave the victim multiple opportunities to back down but the victim continued to attack. Finally [REDACTED] as he had no other choice. The physical evidence appears to corroborate this suspect's story. **(For complete details please see attached ASA memo)**

Investigator's Note: *There were no administrative issues noted during this investigation.*

VII. CHARGES

- Violation of § 782.02, Florida Statutes, "The use of deadly force is justifiable when a person is resisting any attempt to murder such person or to commit any felony upon him or her or upon or in any dwelling house in which such person shall be." **(Justifiable use of deadly force)**

VIII. CONCLUSION

Based on the information gathered during FDLE Special Agent James Coppola's investigation, it is the recommendation of Senior Inspector Erika McFarland Williams that the death of Inmate Cruz-Berrios be termed as follows:

- **Exceptionally Cleared**