

Florida Department of Corrections



Office of the Inspector General

**CRIMINAL INVESTIGATION
INVESTIGATIVE ASSIST
CASE # 16-15675**



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



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Case Number: 16-15675

OIG Inspector: Senior Inspector Louis Cordova

Outside Agency: Florida Department of Law Enforcement

Outside Agency Investigator: Special Agent Geoffrey Anderson

Date Assigned or Initiated: August 17, 2016

Complaint Against: Inmate Jesse Rhodes DC#P56651

Location of Incident – Institution/Facility/Office: Northwest Florida Reception Center Annex

Complainant: Warden David Maddox

Outside Agency Case #: PE-01-0076

Use of Force Number: N/A

PREA Number: N/A

Classification of Incident: Inmate Death Investigation

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 16, 2016, the Department of Corrections Office of the Inspector General received notification Inmate Richard Smith DC#E08374 had been [REDACTED] [REDACTED] in an altercation with Inmate Jesse Rhodes DC#P56651. The incident occurred at Northwest Florida Reception Center (NWFRC) Annex on August 16, 2016. Florida Department of Law Enforcement (FDLE) notification was made, and Senior Inspector Louis Cordova responded to NWFRC Annex on August 17, 2016, and provided investigative assistance to FDLE. Inmate Smith was later pronounced deceased [REDACTED] on August 17, 2016, as [REDACTED] in the altercation with Inmate Rhodes.

VI. SUMMARY OF INVESTIGATIVE FINDINGS

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

According to FDLE Special Agent Geoffrey Anderson, on August 17, 2016, the Florida Department of Corrections (FDOC), Office of Inspector General (OIG), requested FDLE conduct an investigation into the death of Inmate Smith. The death of Inmate Smith was the result of an altercation between him and Inmate Rhodes.

The investigation revealed on August 16, 2016, at approximately 8:00 p.m., Inmate Smith was found [REDACTED] in the Laundry Room of M-dormitory. Inmate Smith [REDACTED] [REDACTED] where he died on August 17, 2016, [REDACTED] during the altercation. Security staff conducted a brief investigation after Inmate Smith [REDACTED]. During the investigation, officers determined Inmate Rhodes [REDACTED]. Inmate Rhodes provided a verbal and written statement to FDOC staff regarding the altercation with Inmate Smith. Inmate Rhodes indicated he went to the laundry room to pick up some clothes, and Inmate Smith challenged him to a fight. Inmate Rhodes stated he attempted to avoid the fight with Inmate Smith, but other inmates in the dorm stated things would be worse on him if he did not fight. Inmate Rhodes stated he walked in the laundry room and Inmate Smith charged him. Inmate Rhodes punched Inmate Smith and Inmate Smith fell to the ground, hitting his head on the concrete. Inmate Rhodes then left the laundry room.

FDLE Special Agent Anderson indicated interviews with witness inmates in M-dormitory corroborated the statement provided by Inmate Rhodes. Inmate interviews further revealed after challenging Inmate Rhodes to a fight, Inmate Smith changed his shoes in order to get more traction on the floor. Inmate Smith was observed taking a fighting stance, and Inmate Smith and Inmate Rhodes squared off with each other. Inmate Smith advanced towards Inmate Rhodes, and Inmate Rhodes hit Inmate Smith one (1) time causing Inmate Smith to fall to the floor. The inmates initially thought Inmate Smith had [REDACTED]. Officers were then summoned [REDACTED] for Inmate Smith began.

Video surveillance from [REDACTED] dormitory was obtained and reviewed by FDLE Agents. During the review, none of the altercation or other events which were discussed during the witness interviews was visible. This was due to the laundry room [REDACTED] as was Inmate Smith's and Rhode's bunks.



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On November 17, 2016, FDLE Special Agent Anderson received a copy of the autopsy report from the District 14 Medical Examiner's Office in reference to the autopsy performed on Inmate Smith. The Medical Examiner (Dr. Jay Radtke) listed the cause of death [REDACTED] and the manner of death was ruled a homicide. Along with the Medical Examiner's report was a Toxicology report. The Toxicology report [REDACTED]

At the conclusion of the investigation, FDLE Special Agent Anderson completed his case file and presented it, along with the investigative summary, to the 14th Judicial Circuit Office of the State Attorney. Upon review of the material, Assistant State Attorney (ASA) Bob Sombathy declined to prosecute the case and indicated the evidence provided in the investigation provided a self-defense claim on behalf of the suspect, Inmate Rhodes. The self-defense claim was supported by witness statements, which corroborated Inmate Rhode's version of the events. Based on this evidence, the State could not disprove Inmate Rhode's claim of self-defense beyond a reasonable doubt, and ASA Sombathy recommended no criminal charges be filed in this matter.

Investigator's Note: *Senior Inspector Cordova reviewed the investigation completed by FDLE Special Agent Anderson, and no administrative issues were identified.*

VII. CHARGES

Dr. Radtke ruled Inmate Smith's death was a homicide [REDACTED]. However, there were no criminal charges filed based on the recommendation of the 14th Judicial Circuit Office of the State Attorney.

VIII. CONCLUSION

Based on the information gathered during FDLE Special Agent Geoffrey Anderson's investigation, it is the recommendation of Senior Inspector Louis Cordova that the death of Inmate Smith be termed as follows:

- **Exceptionally Cleared**