

Florida Department of Corrections



Office of the Inspector General

CRIMINAL INVESTIGATION

Case # 18-05574



FLORIDA DEPARTMENT OF CORRECTIONS
OFFICE OF THE INSPECTOR GENERAL
CASE SUMMARY REPORT



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Case Number: 18-05574

Inspector: Inspector Greg Fulcher

Date Assigned or Initiated: 03-07-2018

Complaint Against: N/A

Location of Incident – Institution/Facility/Office: Desoto Correctional Institution Annex

Complainant: N/A

Use of Force Number: N/A

PREA Number: N/A

Classification of Incident: Inmate Death (Accidental)

Confidential Medical Information Included: Yes No

Whistle-Blower Investigation: Yes No

Equal Employment Opportunity 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 a preponderance of the evidence exists to suggest the suspect's alleged behavior or action did not occur.

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.



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V. PREDICATE

On March 26, 2018, the Office of Inspector General received MINS complaint #844385 that indicated on March 22, 2018, Inmate Brian Hickory DC# K66089 was pronounced deceased [REDACTED]. On March 7, 2018, Hickory was transported to [REDACTED] after Hickory [REDACTED] at Desoto Correctional Institution Annex, he (Hickory) ingested multiple illicit controlled substances (fentanyl and ecstasy “molly”). Hickory was admitted [REDACTED] where he remained until his demise on March 22, 2018. On March 26, 2018, this death investigation was assigned to Inspector Greg Fulcher.

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 7, 2018, at approximately 9:00 a.m., at Desoto Correctional Institution (C.I.) Inmate Brian Hickory DC# K66089 [REDACTED] Hickory departed the dormitory before 9:00 a.m. Hickory made his way from D-Dormitory to the multiservice building. Hickory arrived at the multiservice building [REDACTED] around 9:00 a.m. Correctional Officer Eric Santiago was at the multiservice building and observed Hickory acting in an abnormal manner. Hickory [REDACTED] Officer Santiago, after radioing for assistance and additional staff arriving, escorted Hickory [REDACTED] within the institution.

[REDACTED], Hickory [REDACTED]. [REDACTED]. [REDACTED] Hickory began to become violent. [REDACTED] and Hickory [REDACTED] prior to transport from Desoto C.I. [REDACTED]

[REDACTED] Hickory to [REDACTED] and Hickory’s [REDACTED] [REDACTED] Hickory [REDACTED] at approximately 2:30 p.m., via helicopter.

Inspector Supervisor Yolanda Brown contacted Inspector Greg Fulcher during the course of normal on duty hours, reference Hickory [REDACTED]

Inspector Fulcher arrived at Desoto C.I. and received additional information, documents and information on Hickory. A review of Hickory’s J-Pay account transactions was conducted from November 2017 to March 2018. Hickory received regular deposits from Joyce Hickory which ranged from \$50.00 to \$100.00. Photographs were taken of Hickory’s D-Dormitory housing area.

Inspector Fulcher departed Desoto C.I. [REDACTED] Contact was made with Hickory’s [REDACTED] [REDACTED] advised Hickory [REDACTED] at the current time and he would be moved [REDACTED] Photographs were taken of Hickory.



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Florida Department of Law Enforcement (FDLE) was notified by Supervisor Brown of the life-threatening incident involving Hickory. FDLE Agent Supervisor Patrick Crough contacted Inspector Fulcher. Agent Crough was briefed on the known and current information. Agent Crough requested he be updated with any changes and that no agents would be responding at the current time.

On March 9, 2018, a review of D-Dormitory surveillance video was conducted. The video indicated the night before; and hours before Hickory [REDACTED] Hickory appeared normal and well. No inmates or staff were observed battering, harming [REDACTED] Hickory. Hickory's institution [REDACTED] [REDACTED] autopsy report indicated Hickory [REDACTED].

Hickory [REDACTED] from March 7, 2018, up to his (Hickory) demise on March 22, 2018. During this time, Hickory's family was authorized to visit. During the visit, Hickory's [REDACTED]. On Sunday, March 18, 2018, Hickory's family [REDACTED] Hickory [REDACTED] [REDACTED] Hickory's family. There was not contact or interaction with the Florida Department of Corrections in any manner or fashion by either party). Hickory was subsequently moved [REDACTED].

Hickory was pronounced deceased on March 22, 2018, at 7:18 a.m. [REDACTED] [REDACTED] staff contacted Kirk Hickory, Hickory's father and informed him of Inmate Hickory's demise.

On same date, Supervisor Brown was notified of Hickory's death by EAC. Supervisor Brown notified Inspector Fulcher and the FDLE Watch Desk of the death. Agent Crough was contacted. Agent Crough advised no agents would be responding, however and agent would be assigned.

Inspector Fulcher responded [REDACTED] to identify the body. Hickory's body was identified. Photographs were taken of Hickory. The District 12 Medical Examiner's Office and morgue are located within [REDACTED]. Contact was made with District 12 Medical Examiner Investigator Michael Rogers reference Hickory. Investigator Rogers advised there is an established process and protocol between their office and the hospital. Upon the Florida Department of Corrections-Office of Inspector General releasing the body, staff would transport the body to the morgue for an autopsy. A release of body form was completed and Hickory's body was released to [REDACTED] morgue.

Hickory was subsequently transported to the morgue. Hickory's body was escorted to the morgue. Investigator Rogers advised the autopsy would be performed on the next day in the morning, March 23, 2018.

On March 23, 2018, an autopsy was performed by Doctor Pilou Thirakul on Hickory. Dr. Thirakul conducted an external and internal exam of Hickory and noted there [REDACTED] [REDACTED] to Hickory's body. There were [REDACTED] noted or identified. Dr. Thirakul advised her initial finding pending completing of her report and review of all medical findings; is death due [REDACTED]. FDLE Agent Steve Lieberman attended the autopsy.



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Agent Lieberman completed investigative demand forms for all records and documents associated with this investigation and Hickory.

██████████ of Hickory were part of the official investigation reference Hickory's death. A Medical Examiner Exemption form ██████████ of Hickory were provided to the District 12 Medical Examiner's Office.

The Office of Inspector General will be the lead investigating agency and the Florida Department of Law Enforcement (FDLE) was notified and informed of the incident.

Hickory was a 33 year of age, white male, weighing approximately 180 pounds, and 5'08" tall.

A review of documents associated with Hickory and the incident was conducted. The documents were: D-Dormitory bed assignments, critical incident report, Desoto C.I.'s control room log, D-Dormitory housing log, officer incident reports, Hickory's ██████████. All the records and documents were consistent with the known and discovered information reference Hickory and his (Hickory) demise.

A review of Hickory's criminal history was conducted. Hickory was currently serving a ten-year sentence for sale, distribution, and manufacturing of cocaine, methamphetamine, and heroin.

In her sworn digitally recorded statement on April 6, 2018, at Desoto Correctional Institution, Correctional Lieutenant Joanna Emanuel indicated the following:

She is a sworn correctional lieutenant and was acting shift supervisor on the day Hickory was ██████████.

She was in the confinement unit of Desoto C.I., when she was notified about an inmate in ██████████. She responded to ██████████ at Desoto C.I. She observed Inmate Brian Hickory ██████████. Hickory ██████████ Hickory appeared ██████████, when the door would open Hickory would yell out believing someone was coming through the door to get him. Hickory was able to talk; however, it was rambling. Hickory was screaming and yelling. ██████████ advised Hickory would need to be transported to ██████████.

She saw Hickory and he ██████████ to his (Hickory) person.

██████████ for Hickory ██████████
██████████
Hickory. Hickory ██████████
Hickory ██████████, Hickory was transported ██████████



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In her sworn digitally recorded statement on April 6, 2018, at Desoto Correctional Institution, [REDACTED] indicated the following:

[REDACTED] at Desoto Correctional Institution, responsible [REDACTED] of inmates. She recalled when she was alerted about an inmate, Hickory, [REDACTED] on March 7, 2018.

Hickory was scheduled [REDACTED] on the morning of March 7, 2018. [REDACTED] to Hickory on March 7, 2018. Hickory was [REDACTED] when Correctional Officer Eric Santiago notified her of Hickory [REDACTED] Hickory was in the institution's [REDACTED]. She responded to Hickory's location.

Upon entering [REDACTED] she saw Hickory [REDACTED] She asked Hickory what was wrong. Hickory told her, his (Hickory) [REDACTED] and he (Hickory) had "took some drugs". Hickory told her he (Hickory) "smoked some K2 with Molly in it" and took approximately 15 fentanyl. Hickory was jittery and fidgety. Hickory told her, he (Hickory) took the substances beginning late last night up to the morning hours prior [REDACTED].

With the illicit substances Hickory said he (Hickory) ingested, she called [REDACTED] to respond to the room [REDACTED] As she was attempting [REDACTED] Hickory, Hickory began to become paranoid about the doors and people coming in and out.

Hickory's [REDACTED]
 [REDACTED] Hickory [REDACTED]
 [REDACTED] Hickory's [REDACTED]
 [REDACTED]
 [REDACTED]

[REDACTED] Hickory in order [REDACTED]
 [REDACTED] Hickory. Hickory [REDACTED] Hickory's [REDACTED]
 [REDACTED] She recalled
 Hickory's [REDACTED], Hickory
 was packed with more ice.

[REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]

Hickory [REDACTED] (Hickory) person. In her professional [REDACTED] Hickory [REDACTED]
 [REDACTED] Hickory, [REDACTED]
 Hickory [REDACTED] Hickory's [REDACTED]



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In her sworn digitally recorded statement on April 6, 2018, at Desoto Correctional Institution, [REDACTED] indicated the following:

[REDACTED] at Desoto Correctional Institution. She recalled the day Hickory was in the institution's [REDACTED]. She entered the room and observed Hickory acting in a "bizarre" manner. Hickory was concerned about and concentrated on the door opening and closing. Hickory was awake [REDACTED]. Her supervisor, [REDACTED] in her [REDACTED] presence, asked Hickory what he (Hickory) ingested. Hickory replied synthetic marijuana, molly and another substance Hickory could not recall. [REDACTED]. Hickory [REDACTED] he intentionally took the controlled substances.

In his sworn digitally recorded statement on April 9, 2018, at Desoto Correctional Institution, Correctional Officer Eric Santiago indicated the following:

He is a sworn correctional officer at Desoto C.I. On March 7, 2018, he was assigned as the [REDACTED]/multi-service building officer.

He recalled the incident/event involving Hickory. On March 7, 2018, there were several inmates who had arrived on the previous day, March 6, 2018, to Desoto C.I. They were all in [REDACTED]. The inmates were seated remaining quiet and still. Hickory stood out to him, because Hickory was not able to stay seated or still. He approached Hickory and asked if he (Hickory) was "ok". Hickory responded to him and indicated he (Hickory) was fine. He walked away and looked back, and saw Hickory again acting uneasy and moving around. He described Hickory as "a kid hopped up on sugar".

Hickory was in the correct area. Hickory was [REDACTED]. Hickory's speech was normal and Hickory [REDACTED] to his (Hickory) person. Hickory was not acting normal.

He told Hickory to come and talk to him. Hickory was fidgety and acting in an unusual manner. He requested Sergeant Amber Dillard look at Hickory. He and Sergeant Dillard interacted with Hickory. They placed Hickory into restraints. They notified Correctional Sergeant Carmen Scudera about Hickory not appearing normal.

He moved Hickory to the back of the waiting area [REDACTED]. He stayed with Hickory. Hickory began to seem more unusual. He moved Hickory to the institution's [REDACTED] that an inmate was [REDACTED].

As Hickory [REDACTED] Hickory made a comment to him that monsters were entering the room. [REDACTED] then entered the room [REDACTED] Hickory.

Hickory did not tell him what had occurred or why he (Hickory) was acting in the manner he (Hickory) was.



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In his sworn digitally recorded statement on April 9, 2018, at Desoto Correctional Institution, Correctional Sergeant Carmen Scudera indicated the following:

He is a sworn correctional sergeant at Desoto C.I. On March 7, 2018, he was assigned as the inside grounds security officer. Correctional Sergeant Amber Dillard stopped him and requested he respond [REDACTED] an inmate acting erratic.

He arrived [REDACTED] and the inmate was identified as Hickory. Hickory had two staff members with him (Hickory). He was called away [REDACTED] for an unrelated incident.

A short time later, [REDACTED]. Hickory and staff were in the institution's [REDACTED]. Hickory [REDACTED].

[REDACTED] Hickory was awake. Hickory [REDACTED].

He was present when [REDACTED] was talking with Hickory. She [REDACTED] asked Hickory what he (Hickory) took. Hickory told the staff present, he (Hickory) ingested "Molly, K2 (synthetic marijuana), and fentanyl. Hickory admitted and acknowledge he (Hickory) took multiple illicit controlled substances.

In his sworn digitally recorded statement on April 9, 2018, at Desoto Correctional Institution, Correctional Officer Maxwell Chase indicated the following:

He is a sworn correctional officer at Desoto C.I. He is familiar with Hickory. He and Correctional Officer Kevin Barnum were assigned to provide security [REDACTED] while Hickory [REDACTED] for. On March 16 or 17, 2018, [REDACTED] Hickory's [REDACTED] for a brief period. Hickory asked him for a soda. Hickory and he would engage in short brief conversations. During one conversation, Hickory told him about taking Fentanyl and another substance he could not identify. Hickory would often ask for liquids [REDACTED].

In his sworn digitally recorded statement on April 9, 2018, at Desoto Correctional Institution, Correctional Officer Kevin Barnum indicated the following:

He is a sworn correctional officer at Desoto C.I. He and Officer Chase were assigned to provide security [REDACTED] while Hickory [REDACTED]. On March 16 or 17, 2018, [REDACTED] Hickory's [REDACTED]. He recalled Hickory asking for food and soda. Hickory was agitated towards [REDACTED] at times. They (Officers Barnum and Chase) would talk with Hickory to keep Hickory's focus away from [REDACTED]. Hickory was wanting food and soda. He recalled Officer Chase asking Hickory what he (Hickory) ingested. Hickory told them fentanyl and something else. Hickory [REDACTED].

At the time of the incident, March 7, 2018, and Hickory [REDACTED], Correctional Sergeant Sandra Hannan secured Hickory's property.



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On April 9, 2018, Hickory's secured property was photographed and searched. There were no illicit items located or discovered in Hickory's property. The property was subsequently released to the family.

In her sworn digitally recorded statement on April 11, 2018, at Desoto Correctional Institution, Correctional Officer Larnice Mapp indicated the following:

She is a sworn uniformed correctional officer. She was stationed/assigned [REDACTED] [REDACTED] as security over Hickory. She was assigned [REDACTED] for one day. On the day she was [REDACTED], Hickory had his (Hickory) [REDACTED]. She observed Hickory wake up one time and uttered the words "I'm sorry". Hickory was able to respond [REDACTED]. Hickory was not able to interact or fully speak [REDACTED] (*Officer Mapp was assigned [REDACTED] on March 19, 2018*)

In his sworn digitally recorded statement on April 17, 2018, at Desoto Correctional Institution, Inmate Bryan Curry DC# 583176 indicated the following:

He arrived at Desoto C.I., on March 6, 2018, and was assigned to D-Dormitory. He was housed with Hickory for less than 24 hours. He recalled Hickory was in bed most of the time as their beds were near each other. He did not interact or talk to Hickory. He did not know Hickory prior to being housed together in D-Dormitory.

On the morning of March 7, 2018, he left the dormitory early [REDACTED]. As he was waiting outside [REDACTED], he saw Hickory walking through the gate separating the housing units from the operations facility of the compound. Hickory did not appear to be normal. Hickory was rocking his head back and forth. As Hickory got closer, Hickory's eyes were wide open. Hickory [REDACTED], as if he (Hickory) was exercising. Hickory did not [REDACTED], however Hickory did not look like a normal individual.

At the door to enter [REDACTED] Hickory was pacing back and forth. Hickory's [REDACTED]. Hickory entered [REDACTED]. A short time later, Hickory and an officer exited the building. It appeared as if the officer was letting Hickory get fresh air because [REDACTED]. He did not hear any conversation between Hickory and the officer. Officers then took Hickory [REDACTED] Hickory [REDACTED]. He believed Hickory [REDACTED].

In his sworn digitally recorded statement on April 17, 2018, at Desoto Correctional Institution, Inmate Eddie Robinson DC# 555292 indicated the following:

He was housed in D-Dormitory at Desoto C.I., in March of 2018. He did not know Hickory. He recalled Hickory was housed in the dormitory and did not return after leaving the dormitory one day.

He recalled Hickory's demeanor at times. When he would return from work or from recreation, Hickory appeared to be "high" at times, as if Hickory was under the influence. He did not see or observe Hickory ingest illicit substances or drugs into his (Hickory) body.



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He did not associate with Hickory and did not know who Hickory socialized with. He does not know where Hickory would have obtained any drugs.

In his sworn digitally recorded statement on April 17, 2018, at Desoto Correctional Institution, Inmate Felix Hills DC# S37128 indicated the following:

He was housed in D-Dormitory at Desoto C.I., in March of 2018. He is familiar with and knew Hickory.

He described Hickory as a good kid who had some issues. Hickory was a calm and passive individual.

One night he discovered that Hickory was ingesting "Molly". He noticed Hickory was awake. He then realized and paid closer attention and noticed Hickory was awake mostly every night and during the day. He asked Hickory what was going on. Hickory told him, he (Hickory) was having issues with his (Hickory) family. Hickory did not go into detail about the issues. Hickory told him, he (Hickory) was taking Molly.

Before Hickory had [REDACTED] and left the dormitory and did not return, he saw Hickory ingest a half of a gram of Molly. Hickory told him, he (Hickory) [REDACTED] and did not want to leave the drug or have the drug on his (Hickory) person, Hickory "just took it all", ingested it. He does not know of any other drugs Hickory may have taken.

He was [REDACTED] as well that morning along with Hickory. He could see Hickory in [REDACTED] Hickory was not able to sit still. Hickory was getting jittery. The drugs were kicking in "bad".

He had asked Hickory, why do you (Hickory) do that. Hickory told him, he (Hickory) likes the "high".

In his sworn digitally recorded statement on April 17, 2018, at Desoto Correctional Institution, Inmate Phillip Peoples DC# 111075 indicated the following:

He does not know Hickory. He is familiar with Hickory because they were housed in D-Dormitory at Desoto C.I., together. Hickory slept in the bunk across from his. He keeps to himself.

He did not interact or socialize with Hickory. He did not see or observe Hickory ingest any illicit substances or drugs.

In his sworn digitally recorded statement on April 17, 2018, at Desoto Correctional Institution, Inmate Ricarlo Betty DC# K75037 indicated the following:

He was housed in D-Dormitory at Desoto C.I., in March of 2018. He was a new arrival to the dormitory. He was only in the dormitory for a day or two.



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Hickory was housed in the bunk next to his. He did not know Hickory. He did not interact or socialize with Hickory. He does not know who Hickory socialized with. Hickory appeared normal and was a quiet person.

In his sworn digitally recorded statement on April 17, 2018, at Desoto Correctional Institution, Inmate Scott Elliot DC# 966457 indicated the following:

He was housed in D-Dormitory at Desoto Correctional Institution in March of 2018. He did not interact with Hickory. When he was moved into the dormitory, he asked Hickory a question about how the dormitory was. Hickory appeared as any other normal inmate. He did not see or observed Hickory ingest illicit substances or under the influence of illicit substances.

He does not know who Hickory regularly talk with or associated with.

In her sworn digitally recorded statement on May 7, 2018, at Desoto Correctional Institution, Correctional Sergeant Amber Dillard indicated the following:

She was assigned to Desoto C.I., as a correctional sergeant. She went [REDACTED] (multi-service) on March 7, 2018. She saw Hickory [REDACTED]. Hickory was seated on a bench and was continually moving and fidgeting around. No other inmate was acting in the same manner as Hickory. She spoke with the officer assigne [REDACTED] about Hickory, Officer Santiago. She and Officer Santiago secured Hickory into restraints. She contacted an additional sergeant, Sergeant Scudera, to respond [REDACTED]. They contacted [REDACTED] [REDACTED] about Hickory. [REDACTED] advised to take Hickory directly to the institution's [REDACTED].

During her initial interaction with Hickory, Hickory did not make any comments or statement to her about why he (Hickory) was in an active state. In the [REDACTED] in her presence, Hickory uttered he (Hickory) had been up since midnight at approximately 12:30 am., because he (Hickory) "smoked K2, Molly, and fentanyl".

[REDACTED] Hickory. Hickory appeared to be under the influence of the substances he (Hickory) said he ingested.

On April 20, 2018, the District 12 Medical Examiner's Office provided a copy of Hickory's completed autopsy report. Doctor Pilou Thirakul's completed autopsy report, #18-00549, listed the summary of autopsy finding and opinions on Hickory as: [REDACTED]

[REDACTED] The manner of death was listed as Accident (Substance abuse).

FDLE did not assign a case number or report on this incident. Agent Lieberman noted, FDLE was advised of the incident and was provided copies of Hickory's information associated documents. FDLE did not respond to this incident and took no action.

During the course of this investigation, no criminal or administrative violations by staff were observed or discovered.



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VII. CHARGES

List alleged violations of Florida Law:

No criminal or administrative violations were observed or discovered during this investigation.

VIII. CONCLUSION

Based on the information gathered during this investigation, it is the recommendation of Inspector Greg Fulcher that due to no administrative or criminal violations discovered during the investigation this case be termed as follows:

1. Closed - Exceptionally Cleared

In summary, an autopsy performed on Hickory's body noted; Hickory's body succumbed to intoxication of illicit controlled substances ingested to the body.