

AFR-DAVIT - COMPLAINT

Warrant/Capias

Agency ORI # **FL037275C**

PAGE 01 of 3

1. Agency Name: Office of the Inspector General		2. Agency Report Number: 15-20347		3. Charge Type: Felony Misdemeanor w/associated felony Municipal County		3a. Ordinance Type: (If applicable)	
4. Date/Time of Offense: 11/07/2016 / 9:13am		5. Date/Time of Arrest: N/A		6. Arresting Officer: N/A		7. Investigating Officer: Inspector Cody McIntyre	

8. Defendant's Name: (Last) Rivera			(First) Lola			(Middle) Ann			ALIAS			9. OBTS:					
10. Race/Sex W/F		11. Date of Birth:		12. Residence Type: Florida City County Out of State				13. Weapon Seized Yes No		14. Controlled Substance Seized: Yes No TYPE & QUANTITY: N/A							
15. Height: 5'09"		16. Weight:		17. Eye Color: HAZ		18. Hair Color: BRN		19. Scars, marks, tattoos, unique physical features: (Location, type & description) N/A									
20. Driver's License Number/State: R160-521-86-881-0				21. Social Security Number:				22. Residential Telephone:				23. Business Telephone:					
24. Address: (Street, Apartment Number)												(City)		(State)		(Zip)	

25. Defendant's Name: (Last)			(First)			(Middle)			ALIAS			26. OBTS:					
27. Race/Sex		28. Date of Birth:		29. Residence Type: Florida City County Out of State				30. Weapon Seized Yes No		31. Controlled Substance Seized: Yes No TYPE & QUANTITY:							
32. Height:		33. Weight:		34. Eye Color:		35. Hair Color:		36. Scars, marks, tattoos, unique physical features: (Location, type & description)									
37. Driver's License Number/State:				38. Social Security Number:				39. Residential Telephone:				40. Business Telephone:					
41. Address: (Street, Apartment Number)												(City)		(State)		(Zip)	

42. Defendant's Name: (Last)			(First)			(Middle)			ALIAS			43. OBTS:					
44. Race/Sex		45. Date of Birth:		46. Residence Type: Florida City County Out of State				47. Weapon Seized Yes No		48. Controlled Substance Seized: Yes No TYPE & QUANTITY:							
49. Height:		50. Weight:		51. Eye Color:		52. Hair Color:		53. Scars, marks, tattoos, unique physical features: (Location, type & description)									
54. Driver's License Number/State:				55. Social Security Number:				56. Residential Telephone:				57. Business Telephone:					
58. Address: (Street, Apartment Number)												(City)		(State)		(Zip)	

59. Charge Description: (# 1) Sexual Misconduct					60. Statute or Ordinance Number: 944.35(3)(b)(2)					F.S. Ord.				
61. Charge Description: (# 1)					62. Statute or Ordinance Number:					F.S. Ord.				
63. Charge Description: (# 1)					64. Statute or Ordinance Number:					F.S. Ord.				

65. Victim's Name: (If business, list legal business name) (Last)			(First)			(Middle)			66. Race/Sex		67. Date of Birth:		68. Telephone Number:							
69. Contact Person if victim is deceased, a minor child, or business: (Last)			(First)			(Middle)			70. Race/Sex		71. Date of Birth:		72. Telephone Number:							
73. Address: (Street, Apartment Number)												(City)		(State)		(Zip)		74. Secondary Phone Number:		
75. Victim Notification of Arrest: NOTIFIED BY: _____ DATE: _____ TIME: _____										76. Information Given: Victim Rights Card App. Info			Arrest Info Domestic Viol. Info							

77. Physical Evidence collected in this case?			78. Witness Statements taken in this case?			79. I certify that all of the above information is true and correct to the best of my knowledge		
---	--	--	--	--	--	---	--	--

Yes No Evidence Custodian's Name:	Yes No Person responsible for statements:	and is page 01 of a 3 page affidavit/compl. Officer/Complainant Signature _____ Type or print Complainant name _____
--------------------------------------	--	--

PAGE 01 MUST HAVE PAGE 02 (MORE IF REQUIRED) TO BE A VALID AFFIDAVIT/COMPLAINT

Adult Def PC Arrest
 Juvenile Def Application for
 Warrant/Capias

AFFIDAVIT – COMPLAINT (PROBABLE CAUSE NARRATIVE)

Clerk's Case No. _____
 SA Case No.(s) _____
 Agency ORI # FL037275C

80. Agency Name: Office of the Inspector General	81. Agency Report Number: 15-20347	82. Date/Time of Arrest: N/A	83. Investigating Officer: Inspector Cody McIntyre
--	--	--	--

84. NARRATIVE OF THE FACTUAL BASIS FOR PROBABLE CAUSE: The undersigned certifies and swears that he/she has just and reasonable grounds to believe that the heretofore named defendant did commit the violations of law as stated above and the factual basis for this belief is as follows:

Your Affiant is Law Enforcement Inspector Cody A. McIntyre of the Office of the Inspector General, Florida Department of Corrections.

Your affiant has probable cause to believe that in July or August of 2016, Officer Lola Rivera, a certified uniformed Correctional Officer committed the criminal offense of Sexual Misconduct, in violation of s. 944.35(3)(b)(2). Fla. Stat., when she did unlawfully have sexual intercourse with, at the time, Inmate [REDACTED] an inmate in the custody of the Florida Department of Corrections at Bridges of Jacksonville Work Release Center until [REDACTED] release on [REDACTED]

On January 24, 2017, in a sworn recorded interview, Sergeant Delvin Fleming reported to your affiant on November 4, 2016, he received a message via Facebook Messenger, from Ralph Rivera, the ex-husband of Officer Lola Rivera asking Fleming to talk. Ralph Rivera sent Fleming a photograph of Officer Lola Rivera with Inmate [REDACTED] In said photograph, Lola Rivera and [REDACTED] were holding each other. When Fleming returned to work the next day on November 5, 2017, he completed an incident report and notified the Officer in Charge.

On February 18, 2017, in a sworn recorded interview, Ralph Rivera reported to your affiant he received a photograph from Lola Rivera's grandmother, Deloris Nicely and Nicely told him she was concerned because Lola Rivera was having a sexual relationship with a former inmate. Ralph Rivera indicated Nicely knew about Lola Rivera's relationship because, Nicely was present when Lola Rivera was telling her mother about the relationship with the inmate. Ralph Rivera confronted Lola Rivera about the relationship with the inmate and Lola Rivera reluctantly gave Ralph Rivera the Department of Corrections (DC) number [REDACTED] Ralph Rivera researched DC# [REDACTED] via mugshots.com and the Florida Department of Corrections website. Ralph Rivera positively identified the [REDACTED] as former Inmate [REDACTED] Ralph Rivera went to the grandmother's residence and when he arrived, he observed [REDACTED] in the residence. Ralph Rivera indicated the [REDACTED] he saw at the grandmother's residence was the same person identified as [REDACTED] in the photograph.

On February 27, 2017, in a post Miranda interview, Officer Lola Rivera reported to your affiant she had been having a sexual relationship with [REDACTED] and they were currently in a relationship. Rivera indicated the first Facebook message she received from [REDACTED] was in the beginning of February of 2016. She indicated she and [REDACTED] were just getting to know each other. She indicated she could not recall the exact date but their relationship started to get serious around mid-spring. She indicated she and [REDACTED] were having sexual intercourse in the parking lot of [REDACTED] in her vehicle and this occurred routinely while [REDACTED] was under the supervision of the Florida Department of Corrections at Bridges of Jacksonville.

On March 10, 2017, in a sworn recorded interview, [REDACTED] reported to your affiant he met Officer Lola Rivera when he was incarcerated at Baker Correctional Institution Main Unit. [REDACTED] indicated he was an inmate assigned to [REDACTED] and Lola Rivera was the A Dormitory Housing Officer at that time. [REDACTED] indicated he and Lola Rivera never started a relationship of any type until he was transferred to Bridges of Jacksonville Work Release Center on [REDACTED] In February of 2017, he was scrolling through the website Facebook and located Lola Rivera's Facebook account. [REDACTED] contacted Lola Rivera via Facebook Messenger. [REDACTED] and Lola Rivera communicated via Facebook for approximately five months and the relationship turned sexual in nature. [REDACTED] indicated, Lola Rivera would drive to his place of employment [REDACTED] and have sexual intercourse with [REDACTED] in her vehicle in the parking lot. [REDACTED] indicated they have had sexual intercourse in other parking lots in the area also. [REDACTED] described Lola Rivera's vehicle as a 1997 or 1998 Toyota 4-Runner, green in color. This occurred approximately two to three times per week. [REDACTED] indicated Lola Rivera knew [REDACTED] was an active inmate under the supervision of the Florida Department of Corrections at the time of their sexual relationship.

Departmental records were reviewed and confirmed [REDACTED] was incarcerated and / or under the supervision of the FDC from [REDACTED], 2007 through [REDACTED] 2016.

Lola Rivera's employment with the Florida Department of Corrections started on February 27, 2015 and she has been employed uninterrupted to the date of this affidavit.

85. The undersigned, being duly sworn, states that the foregoing information contained in an affidavit consisting of 3 pages is true and correct to the best of his/her knowledge

Sworn to and subscribed before me this 26th day of March, 2017

Cody McIntyre
Signature of Officer/Complainant

[Signature]
Signature of Person Administering
Personally Known Other Identification
Seal ID Type

Cody McIntyre
Officer/Complainant's Name (Printed) ID Number

87. Adult's Relation to Juvenile Defendant: Parent Legal Guardian Other _____		88. Adult's Name: (Last) _____ (First) _____ (Middle) _____	
89. Address: (Street, Apartment Number) _____ (City) _____ (State) _____ (Zip) _____		90. Residential Phone: _____	91. Business Phone _____
92. Notified By: (Name) _____		93. Date/Time: _____	94. Notification Method: Person Telephone
95. Law Enforcement Disposition of Juvenile Contact: (Check one and complete release data) Transferred to Secure Detention Released to HRS Intake Officer, not detained Processed within the agency and released to other than HRS			
Release Date: _____ Release Time: _____ Released to (Name): _____			