

AFFIDAVIT IN SUPPORT OF ARREST WARRANT

Before me, DIANE WARD
CIRCUIT COURT JUDGE, a Judge of the Circuit Court of the Eleventh Judicial Circuit of Florida, now appears Senior Law Enforcement Inspector George Montenegro, of the Florida Department of Corrections ("FDC"), who being by me first duly sworn, deposes and says that he has probable cause to arrest LIZANDRO RODRIGUEZ, ERIC PEAVEY, and ELLEN DAY (hereinafter, DEFENDANT RODRIGUEZ, DEFENDANT PEAVEY and DEFENDANT DAY) for one (1) count of Official Misconduct, in violation of § 838.022, Florida Statutes, and one (1) count of Falsifying an Official Record Relating to a Person in State Care, in violation of § 839.13, Florida Statutes.

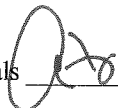
Your AFFIANT, Senior Law Enforcement Inspector Montenegro, has been a law enforcement officer with the State of Florida for ten (10) years. Your AFFIANT is a Senior Law Enforcement Inspector with the FDC, Office of the Inspector General ("OIG"), Special Investigation Unit, in Miami, Florida. Your AFFIANT'S previous law enforcement experience began in 1984, when Your AFFIANT was employed with the New York State ("NYS") Department of Corrections. Your AFFIANT has worked as an inspector/investigator for NYS Corrections and the FDC, and has conducted numerous complex criminal investigations related to narcotics, theft, and public corruption.

DEFENDANT RODRIGUEZ is presently employed as a public servant in the capacity of a Correctional Officer Sergeant with the FDC, assigned to the Dade Correctional Institution ("Dade CI"), located in Miami-Dade County, Florida and responsible for the care and custody of State inmates.

DEFENDANT PEAVEY is presently employed as a public servant in the capacity of a Correctional Officer Captain with the FDC, assigned to Dade CI, and responsible for the care and custody of State inmates.

DEFENDANT DAY is presently employed as a public servant in the capacity of a Correctional Officer with the FDC, assigned to Dade CI, and responsible for the care and custody of State inmates.

Your AFFIANT has investigated the facts and circumstances surrounding OIG Case Number 17-23213 and states the following:

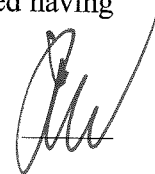
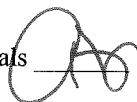


Your AFFIANT received an allegation that, on December 7, 2017, DEFENDANT RODRIGUEZ falsified a disciplinary report worksheet ("DR") issued to Mr. [REDACTED] (hereinafter, VICTIM), an inmate in the care and custody of FDC and then-housed at Dade CI. The DR is a document made in connection with the official business of the FDC, and as such, is a public record. The final version of the DR, bearing log number 463-171744, charged the VICTIM with possession of a weapon, specifically an improvised weapon known as a shank. The statement of facts in the DR alleged that, on December 7, 2017, at approximately 6:30 p.m., Officer Toddra Blake conducted inventory of the VICTIM's property in E Dormitory, whereupon she discovered the shank in his secured locker. A photograph of the shank was attached to the DR. The DR appears to bear the signatures of Officer Blake and DEFENDANT PEAVEY.

A version of the DR in question was first drafted and sent via email by DEFENDANT RODRIGUEZ to DEFENDANT PEAVEY on December 7, 2017, at 3:12 p.m. The DR did not specify the time of recovery of the shank in this draft, nor did it contain Officer Blake's first name. A version of the DR in question was then sent via email by DEFENDANT PEAVEY to DEFENDANT DAY, along with a photograph purporting to show the recovered shank, on December 7, 2017, at 7:53 p.m. DEFENDANT DAY was the DR Coordinator. In this second version of the DR, the approximate time of 6:30 p.m. and Officer Blake's first name had been added. The final version of the DR submitted by DEFENDANT DAY bears signatures that read: "T. Blake" and "Capt. Peavey," and includes added language describing the VICTIM's locker as "secured" and describing the shank's physical appearance. The final version of the DR also has added to it the times when the DR was allegedly written and when it was reviewed by DEFENDANT PEAVEY, along with two "X" marks indicating that the DR was approved by DEFENDANT PEAVEY. Finally, the DR also bears the log number 463-171744. Your AFFIANT notes that, based on his training and experience, as well as his knowledge of the policies and procedures of the FDC, the above-described procedure is unusual. Generally, an officer writes or types a DR, and then the DR is signed and submitted to the captain for his or her review.

Your AFFIANT interviewed DEFENDANT DAY, who stated under oath [REDACTED] [REDACTED] She said that she signs unsigned DRs to ensure that the DR is served. She also stated that she reviewed the video footage from E Dormitory, and it showed the VICTIM pack and carry his property to the officer station.

Your AFFIANT interviewed the VICTIM, who stated under oath that he was in E Dormitory on December 7, 2017, when three corrections officers approached him and directed him to pack his property. The VICTIM then packed his own property and walked to the officer station, where he left his property and was ultimately taken to confinement. The VICTIM denied having

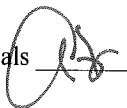


a shank in his property. The VICTIM stated that, before December 7, 2017, DEFENDANT RODRIGUEZ repeatedly approached him to discuss the VICTIM's alleged involvement with the introduction of contraband into Dade CI, involvement which the VICTIM denied.

Your AFFIANT interviewed Officer Blake, who stated under oath that she did not author or sign the DR, and that the content of the DR was false. Officer Blake stated that, on December 7, 2017, she was assigned to E Dormitory. She stated that she was re-entering the institution at approximately 3:00 p.m. when she encountered DEFENDANT RODRIGUEZ. He informed her that she had found a shank, and she responded that she did not find a shank, after which they parted ways. At the end of her shift, Officer Blake then encountered DEFENDANT PEAVEY in his office. Corrections Officer Sasha Johnson was also present. When Officer Blake entered the office, DEFENDANT PEAVEY informed her that she found a shank, and she said that she did not. When Officer Blake inquired as to why she had to be the one to find a shank, DEFENDANT PEAVEY stated that it was because she was the supervisor assigned to E Dormitory on that date.

Officer Blake further stated that, on December 15, 2017, she was summoned to the Disciplinary Office to meet with DEFENDANT DAY. On her way to the office, Officer Blake encountered DEFENDANT RODRIGUEZ, who told her to say "yes" to whatever DEFENDANT DAY asked her. DEFENDANT RODRIGUEZ then accompanied Officer Blake into DEFENDANT DAY's office, where he stood over her. In the office, DEFENDANT DAY told her to complete a handwritten Witness Statement, and both DEFENDANT RODRIGUEZ and DEFENDANT DAY dictated to Officer Blake what to write in the Witness Statement. The content of the Witness Statement alleged that Officer Blake found a shank while packing the VICTIM's property on December 7, 2017, at approximately 6:30 p.m. Officer Blake stated that she wrote the false statements in the Witness Statement form because she felt pressured to do so by DEFENDANT RODRIGUEZ and DEFENDANT DAY, who were senior to her. Officer Blake stated that the false statements "played on her conscience," and she eventually told Classification Officer Latosha Howard, as well as more senior officials, what had happened.

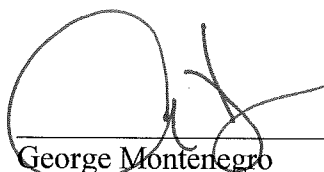
Your AFFIANT interviewed Officer Johnson, who stated under oath that she was present when the VICTIM was told he would be taken to confinement, and the VICTIM packed his own property. Officer Johnson further stated that Officer Blake did not find a shank in the VICTIM's property. Officers Johnson and Blake then went to DEFENDANT PEAVEY's office. DEFENDANT PEAVEY asked Officer Blake if she found a shank, to which Officer Blake stated that she had not. DEFENDANT PEAVEY then looked at Officer Blake and, while nodding his head in the affirmative, said "you found a shank in his property." Officer Johnson also stated that, on a later date, she observed Officer Blake come to DEFENDANT RODRIGUEZ's office, where



Officer Johnson was present, and DEFENDANT RODRIGUEZ told Officer Blake "whatever they say to you, that's what it is;" he then accompanied Officer Blake into DEFENDANT DAY's office.

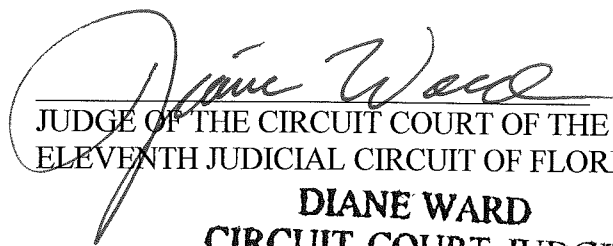
Your AFFIANT interviewed Classification Officer Howard, who reviewed and investigated the DR bearing Log Number 463-171744, and ultimately dismissed it. Subsequently, DEFENDANT RODRIGUEZ came to Officer Howard's office and aggressively questioned her regarding the dismissal of the DR. That same day, DEFENDANT RODRIGUEZ provided Officer Howard with an incident report that alleged the VICTIM was involved in introducing contraband into Dade CI, and asked Officer Howard, "can you transfer him with this?"

In sum, the DR falsely charged the VICTIM with possession of a weapon. DEFENDANT RODRIGUEZ, DEFENDANT PEAVEY, and DEFENDANT DAY knew, or had reason to know, that the DR was false. As a result of the false DR, the VICTIM was subjected to segregation from the general population of Dade CI, loss of visitation, and loss of privileges afforded other inmates. The VICTIM was in the care and custody of the FDC at the time all of this occurred. Accordingly, based upon Your AFFIANT's investigation, Your AFFIANT believes that there is probable cause for the issuance of arrest warrants for DEFENDANT RODRIGUEZ, DEFENDANT PEAVEY, and DEFENDANT DAY for one (1) count of Official Misconduct, in violation of § 838.022, Florida Statutes, and for one (1) count of Falsifying an Official Record Relating to a Person in State Care, in violation of § 839.13.

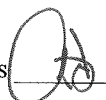



George Montenegro
Senior Law Enforcement Inspector
Florida Department of Corrections, Office of
the Inspector General
AFFIANT

SWORN TO AND SUBSCRIBED before me this the 27 day of February, 2019.



JUDGE OF THE CIRCUIT COURT OF THE
ELEVENTH JUDICIAL CIRCUIT OF FLORIDA
DIANE WARD
CIRCUIT COURT JUDGE

AFFIANT's Initials 

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ASA's Initials 

Judge's Initials 