

IN THE CIRCUIT/COUNTY COURT IN THE FIRST JUDICIAL CIRCUIT IN AND FOR SANTA ROSA COUNTY, FLORIDA

WARRANT/OTTIC SERVED

SANTA ROSA COUNTY SHERIFFS OFFICE

REPORT NO: SRSO19ARR002393

Jail Booking No	Offense No	Other No SRSO19CAD055549	OBTS
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[SUSPECT]

Last First Middle Title Race Sex DOB Age Hgt Wgt
 BENCE MICHAEL WAYNE W M [REDACTED] 35 5'11" 0

Eyes Hair MNI Number SSN I.D. No. St Type OCA / Agency ID
 BLK SRSO02MNI017800 [REDACTED] FL E

Birth Location: City: County: State: Nation: Citizenship: Address

Occupations (Current/Last Known is Listed First)

* none found in MNI *

Aliases (Last, First Middle Title DOB)

* none found in MNI *

Street Names

* none found in MNI *

[INCIDENT INFORMATION]

Occurred Date Range: 5/22/2019 to Lat / Long
 No. Di Street Apt/Lot City ST Zip (GEO)

[CHARGES]

92.525.3

PERJURY

WITNESS MAKE FALSE WRITTEN DECLARATION

Counts	Level	Degree	GOC	UCR	NCIC	AON	Bond Amount
1	Felony	Third	Not Applicable	9000		5003	\$5,000.00

944.35.3a1

BATTERY

ON PRISONER MALICIOUS WO GREAT BODILY HARM

Counts	Level	Degree	GOC	UCR	NCIC	AON	Bond Amount
1	Misdemeanor	First	Not Applicable	9000		1319	\$1,000.00

[STATEMENT OF PROBABLE CAUSE / NARRATIVE]

SAO FILED: PURJURY BY FALSE WRITTEN DECLARATION; BATTERY ON AN INMATE BY AN EMPLOYEE OF DEPARTMENT OF CORRECTIONS
 052219-SAO AMBER ROWLAND TO BE NOTIFIED-KPR

William Adams 1227/150 ADAMS, WILLIAM EDWARD 150
 Signature (Arresting Officer) Name ID/SSN

Subscribed and sworn to (or affirmed) before me this 22 day of May A.D., 2019 by W. Adams
 who is personally known to me or has produced [Signature] as identification.

[Signature] Notary Public LEO CO
 Signature

Commission No: FOS 117.10

WARRANT/OTTIC SERVED
REPORT NO: SRSO19ARR002393

SANTA ROSA COUNTY SHERIFFS OFFICE

My Commission Expires

Supervisor Signature _____ Date _____ Supervisor Name (Please Print) _____ Rank _____

[PHYSICAL EVIDENCE] [NO PHYSICAL EVIDENCE LISTED]

[ARREST INFORMATION]

Arrested 5/22/2019	Residency 09:05 Within jurisdiction	Injured None	Extent of Injury N/A	Resist No
No.	Di Street	Arrested Prior Yes	Alcohol Unknown	Drugs Unknown
5850	EAST MILTON RD	A/L	ST Zip FL 32583	Lat / Long 30.643519 / -86.972038
Arresting Officer 150 ADAMS, WILLIAM EDWARD		Arrest Jurisdiction Within jurisdiction	City MILTON	Unit SHF/CHF/MAJ/OPS/PATROL/D4
Reporting Officer			(GEO) 4 - 01 - CNTY -	Officer Type
				Original Offense Jurisdiction SAO

Forward to for approval

Bond Set by LEO at Time of Arrest & Booking: **\$0.00**

- None
- ROR
- Cash
- Pro

Bond Set by Judge	<input type="checkbox"/> None	<input type="checkbox"/> ROR/Sign
\$6,000.00	<input checked="" type="checkbox"/> Cash	<input type="checkbox"/> PTR
	<input type="checkbox"/> Any	<input type="checkbox"/> Property
	<input checked="" type="checkbox"/> Pro	<input type="checkbox"/> Work Release
	<input type="checkbox"/> Drug Patch / Alcohol Monitor	<input type="checkbox"/> House Arrest / GPS
<input type="checkbox"/> Purge	_____	
<input type="checkbox"/> SC	_____	

Return Court: _____ Date: _____ Time: _____
Instructions: _____

[COURT INFORMATION]

Court	Judge	Date
Sent CIRCUIT	DUNCAN	5/22/2019
Rcvd WARRANTS		5/22/2019
Court Case Number 19000972CFMXAX		

Assigned To:

[DISPOSITION]

Disposition Type	Release Type	Other Desc
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SANTA ROSA COUNTY SHERIFFS OFFICE

REPORT NO: SRSO19ARR002393

Release Date Release Time Release Officer

Printed Printed By
No

Released To

Court DispositionType

Court Disposition Description

[ADDITIONAL PERSONS]

COURT DISPOSITION:

(right index)

- No Bill / Petition Issue Warrant Prosecution Approved

Signature of Assistant State Attorney

Date

**STATE OF FLORIDA
IN THE CIRCUIT COURT OF THE 1ST JUDICIAL CIRCUIT
IN AND FOR SANTA ROSA COUNTY FLORIDA**

State of Florida,
-vs-
MICHAEL WAYNE BENCE
Defendant.

UCN: 572019CF000972CFAXMX
Case Number: 19000972CFMXAX

CAPIAS

RACE: White **SEX:** Male **DOB:** [REDACTED]
HT: 5' 11" **EYES:** UNKNOWN **HAIR:** BLACK **D/L:** FL
[REDACTED] **SCARS/MARKS:** VALID DL

To Each Sheriff of the State:

This is to command you to take MICHAEL WAYNE BENCE if he be found in your County and him safely keep, so that you have his body before one of the Judges of our Circuit Court, at Santa Rosa, Florida, Milton, INSTANTER to answer the charges found and now pending in said Circuit Court for STATE FILED INFO to the charge(s) of:

Chapter Section	Level	Degree	Statute	Release	Release Amount
92 525 3	Felony	Third Degree	PURJURY BY FALSE WRITTEN DECLARATION	BOND AMT/CSH OR PRO	\$ 5,000.00
944 35 3a1	Misdemeanor	First Degree	BATTERY ON AN INMATE BY AN EMPLOYEE OF DEPARTMENT OF CORRECTIONS	BOND AMT/CSH OR PRO	\$ 1,000.00

on 05/22/2019 and have then and there this writ with due return of your action endorsed thereon.


CONDITION OF RELEASE:

Ordered by J SCOTT DUNCAN .

BY: _____
Judge

WITNESS my hand and the seal of said Court on 22nd of May, 2019.

Donald C Spencer
Santa Rosa County Clerk of Courts and Comptroller

BY:  *Wayne R. [Signature]*
Deputy Clerk

RETURN OF SERVICE

Received this Warrant on the ____ day of _____, ____ and executed the SAME BY arresting one MICHAEL WAYNE BENCE the within named Defendant, in the Circuit, Court of Santa Rosa, Florida on the ____ day of _____.

Sheriff, Santa Rosa, Florida

By: _____
Deputy Sheriff

RECEIVED

By kporter at 8:17 am, May 22, 2019

ISSUE CAPIAS
\$6000.00 BOND
CASH OR PROFESSIONAL
(\$5,000.00 CT 1; \$1000.00 CT 2)

Clerk Number: -
Arrest Date:
Agency Number: 19-02519

RACE: SEX: M DOB:

- 1) PERJURY BY FALSE WRITTEN DECLARATION (5000)
- 2) BATTERY ON AN INMATE BY AN EMPLOYEE OF THE DEPARTMENT OF CORRECTIONS

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF FLORIDA
IN THE COURT OF SANTA ROSA COUNTY, FLORIDA

STATE OF FLORIDA,
Plaintiff,

v.

MICHAEL BENICE,
Defendant.

WILLIAM EDDINS, STATE ATTORNEY FOR THE FIRST JUDICIAL CIRCUIT OF FLORIDA, PROSECUTING FOR THE FIRST CIRCUIT OF FLORIDA, CHARGES THAT MICHAEL BENICE, on or about February 1, 2019, at and in Santa Rosa County, Florida, did unlawfully and knowingly make a false declaration of a document, **Use of Force Report**, by signing his signature to the following statement to said document "under penalties of perjury, I declare that I have read the foregoing document and that the facts stated in it are true," the written declaration being printed or typed at the end of or immediately below the document being verified and above the signature of MICHAEL BENICE, the document stating the inmate [REDACTED] initiated the physical confrontation when, in fact, MICHAEL BENICE knew that the statement he made under oath was a false declaration and that, in truth, MICHAEL BENICE knew the true facts were that he threatened the inmate [REDACTED] and then opened the cell door before the physical altercation began, in violation of Section 92.525(3), Florida Statutes. (F3-L1)

COUNT 2: AND YOUR INFORMANT AFORESAID, PROSECUTING AS AFORESAID, ON HIS OATH AFORESAID, FURTHER INFORMATION MAKES THAT MICHAEL BENICE, on or about February 1, 2019, at and in Santa Rosa County, Florida, being an employee of the Department of Corrections, did unlawfully and with malicious intent, commit a battery upon [REDACTED] an inmate or offender under the supervision of the Department of Corrections in the community, by intentionally touching or striking, [REDACTED] against his will, in violation of Section 944.35(c)(1)(a), Florida Statutes. (M1)


STATE OF FLORIDA
COUNTY OF SANTA ROSA

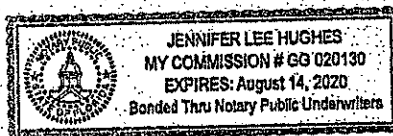
SANTA ROSA COUNTY FL
FELONY FILED

2019 MAY 22 AM 7:41

DONALD C. SPENCER
CLERK OF COURT &
COMPTROLLER

Before me personally appeared the undersigned designated Assistant State Attorney for the First Judicial Circuit of Florida, being personally known to me, and who first being duly sworn, says that the allegations set forth in the foregoing information are based on facts that have been sworn as true, and which if true, would constitute the offense there charged, that said Assistant State Attorney has received testimony under oath from a material witness or witnesses for the offense and that this prosecution is instituted in good faith.


MARK ALDERMAN (malderman@osa1.org)
FLORIDA BAR NO: 0059661
ASSISTANT STATE ATTORNEY
6495 CAROLINE STREET, 2ND FL
MILTON, FL 32570
PHONE:
ALT EMAIL:



Sworn to and subscribed before me this 21st day of May, 2019.


Notary Public

PROBABLE CAUSE AFFIDAVIT

OBTS #			1. Arrest Affidavit 2. Notice to Appear	3. Complaint Affidavit 4. Request for Capias 5. Teen Court Referral	3	Juvenile	NO		
ORI #	FL037275C	Florida Department of Corrections Office of Inspector General	Report #	19-02519					
Location of Offense Santa Rosa Correctional Institution; 5850 East Milton Road, Milton, FL 32583				Date of Offense February 1, 2019	Date of Arrest				
Name: Michael W. Bence				Alias:					
Race W - White B - Black	I - Indian American O - Oriental Asian	Sex M	DOB or Age [REDACTED]	Height	Weight	Eye Color	Hair Color BLACK	Complexion Fair	Build MEDIUM
Address (Street, Apt. Number)				(City)	(State)	Phone			
<input type="checkbox"/> 1. Parent <input type="checkbox"/> 2. Legal Custodian <input checked="" type="checkbox"/> 3. Other				Name of Parent or Custodian (Last, First, Middle)				Residence Phone	
Address (Street, Apt. Number)				(City)	(State)	Business Phone			
Notified By: (Name)			Date	Time	Juvenile Disposition 1. Handled / Processed within Dept and Released		2. Turned over to DOH/C&F 3. Incarcerated (County Jail)		
Released to: (Name)				Relationship		Date	Time		
Activity: S. Sell N. N/A P. Posses	R. Smuggle D. Deliver E. Use	K. Dispense / Distribute	M. Manufacture / Produce / Cultivate	Z. Other	Type: N. N/A A. Amphetamine	B. Barbiturate C. Cocaine E. Heroin	H. Hallucinogen M. Marijuana O. Opium / Deriv	P. Paraphernalia / Equipment S. Synthetic	U. Unknown Z. Other
Charge Description Battery of an Inmate			Counts 1	<input checked="" type="checkbox"/> F.S. <input type="checkbox"/> Ord	State Violation Number: 944.35(3)(a)1			Violation of Section (ORD)	
Activity	Drug Type	Amount / Unit		State Attorney Number		Court Number			
<input type="checkbox"/> PC #	<input type="checkbox"/> Capias	<input type="checkbox"/> AC	<input type="checkbox"/> BW	<input type="checkbox"/> PW	<input type="checkbox"/> Juv. PU	<input type="checkbox"/> Citation	Date Issued	Writt. Att. #	<input type="checkbox"/> Domestic Viol. Inj. <input type="checkbox"/> Order of Arrest
Charge Description Official Misconduct			Counts 1	<input checked="" type="checkbox"/> F.S. <input type="checkbox"/> Ord	State Violation Number: 838.022(1)(a)			Violation of Section (ORD)	
Activity	Drug Type	Amount / Unit		State Attorney Number		Court Number			
<input type="checkbox"/> PC #	<input type="checkbox"/> Capias	<input type="checkbox"/> AC	<input type="checkbox"/> BW	<input type="checkbox"/> PW	<input type="checkbox"/> Juv. PU	<input type="checkbox"/> Citation	Date Issued	Writt. Att. #	<input type="checkbox"/> Domestic Viol. Inj. <input type="checkbox"/> Order of Arrest

The Undersigned Certifies and swears that he/she has just and reasonable grounds to believe, and does believe that the above named Defendant committed the following Violation of the law: On the 1st day of February 2019 at 3:11 AM (Specially include facts constituting cause for arrest)

Your Affiant is Inspector Jason Vann with the Office of Inspector General, Florida Department of Corrections.

Your Affiant has probable cause to believe, on February 1, 2019, Michael W. Bence, a certified Correctional Officer Sergeant (*Sergeant*) employed by the Florida Department of Corrections (*FDC*), and working at Santa Rosa Correctional Institution (*SRCI*) in Milton, Florida, did commit the criminal offense of Battery of an Inmate, in violation of §944.35(3)(a)1, Fla. Stat., when he battered Inmate [REDACTED] (Inmate [REDACTED]); an inmate housed within the secure perimeter of the SRCI facility.

On February 1, 2019, Sergeant Bence was posted as a *Housing Supervisor* in a dormitory housing multiple inmates, including Inmate [REDACTED]. This particular dormitory is listed as a *Secure Housing Unit*, containing individual cells to house inmates. These inmates are to remain secured within these cells unless they are restrained, and two staff members must be present at the cell door prior to it being opened. At approximately 3:11 AM, Sergeant Bence was walking through the area of the dormitory in which Inmate [REDACTED] was housed, when he approached the cell housing Inmate [REDACTED] and began banging on it. Sergeant Bence then asked Inmate [REDACTED] who was the sole occupant, "Do you want me to come in there and slap the shit out of you?" Sergeant Bence then radioed for Inmate [REDACTED] cell door to be remotely opened, even though there was no other staff member present. The cell door was then opened and Inmate [REDACTED] attempted to vacate the cell when he was struck twice in the facial/head area by Sergeant Bence. Sergeant Bence's use of force on Inmate [REDACTED] was not authorized according to parameters set forth in §944.35(1)(a)1-6(a & b), Fla. Stat., thus constituting a *Battery on an Inmate*.

This incident was captured by the facility's fixed-wing surveillance capabilities. The recording contains the aforementioned details as well as Sergeant Bence wrestling Inmate [REDACTED] into an adjacent, vacant cell. This recording also captures Officer Jack Lane responding to the area and aiding in restraining Inmate [REDACTED].


Narrative Continuation:

Officer Lane did not witness the battery upon Inmate [REDACTED] but did testify that Sergeant Bence's opening of the cell door, without Inmate [REDACTED] restrained and with no other staff member present, violated departmental policy.

An attempt was made to interview Inmate [REDACTED] however, he could not provide a lucid statement regarding the incident.

Sergeant Bence narrated his version of the event in an *Incident Report* attached to the *Report of Force Used*. Sergeant Bence fabricated elements of this report in an apparent effort to produce justification for his use of force, as well as minimize and/or conceal violations of departmental procedure. Sergeant Bence knowingly and willingly submitted this untruthful report.

Your Affiant respectfully submits, probable cause has been established in that Michael W. Bence did commit the offense of Battery of an Inmate, in violation of §944.35(3)(a)1, Fla. Stat. Your Affiant also respectfully submits, probable cause has been established in that Michael W. Bence did commit the offense of Official Misconduct, in violation of §838.022(1)(a), Fla. Stat. Your Affiant further respectfully requests, an arrest warrant be issued for Michael W. Bence, DOB: [REDACTED] for one count of a violation of §944.35(3)(a)1, the laws relating to Battery of an Inmate and one count of a violation of §838.022(1)(a), the laws relating to Official Misconduct.

PC. Exists for Charge(s)		Judge's Signature	Date					
<input type="checkbox"/> Miranda	Hold for Agency Name :	Verified By:	Date:	Bond Charge #	Bond Charge #	Bond Charge #		
<input type="checkbox"/> Warnings <input type="checkbox"/> Adults Only <input type="checkbox"/> Hold for First Appearance <input type="checkbox"/> Do not Bond Out Reason:			Bond Type 1. ROR 2. Cash	3. Surety 4. Bail / Bond	5. Cert 6. Other	Type 	Type 	Type
I swear/Affirm the above and attached statements are true and correct		Sworn to And subscribed before me, the undersigned authority this <u>16</u> day of <u>MAY</u> 20 <u>19</u>	Returnable Court Date		Returnable Court Time		<input type="checkbox"/> AM <input type="checkbox"/> PM	
 Officer's / Complainant's Signature		Name/Title of Person Authorized to Administer Oath	Release Date		Release Time		<input type="checkbox"/> AM <input type="checkbox"/> PM	
Inspector Jason Vann Name (Printed)		26784 / 4 ID# / Dist	Releasing Officer				Page 2 of 2	
		SR INS JALEN DEWEY						