

PROBABLE CAUSE AFFIDAVIT

OBTS #		1. Arrest Affidavit 2. Notice to Appear 3. Complaint Affidavit 4. Request for Capias 5. Teen Court Referral	1	Juvenile	N					
ORI #	FL0037275C	Florida Department of Corrections – Office of Inspector General		Report #	20-04922					
Location of Offense Hamilton Correctional Institution			Date of Offense 03/03/2020	Date of Arrest						
Name: Ethan Alan Burkett				Alias:						
Race W – White B – Black	I – Indian American O – Oriental Asian	Sex M	DOB or Age [REDACTED]	Height 507	Weight UK	Eye Color GREEN	Hair Color RED	Complexion LIGHT	Build MED	
Address (Street, Apt, Number)			(City)	(State)	Phone					
<input type="checkbox"/> 1. Parent <input type="checkbox"/> 2. Legal Custodian <input 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: N. N/A P. Posses	S. Sell B. Buy T. Traffic	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. Heroine	H. Hallucinogen M. Marijuana O. Opium / Deriv	P. Paraphernalia / Equipment S. Synthetic	U. Unknown Z. Other
Charge Description Malicious Battery (Officer on Inmate)			Counts 1	<input checked="" type="checkbox"/> F.S. <input type="checkbox"/> Ord	State Violation Number: 944.35(3)(a)2		Violation of Section (ORD)			
Activity N		Drug Type N	Amount / Unit		State Attorney Number		Court Number			
<input checked="" 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
Charge Description			Counts	<input checked="" type="checkbox"/> F.S. <input type="checkbox"/> Ord	State Violation Number:		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 3rd day of March 2020 at 8:50 AM PM (Specially include facts constituting cause for arrest)

Your Affiant is Senior Inspector Chip Potter with the Office of Inspector General for the Florida Department of Corrections (FDC), and the defendants are Sergeants Ethan Burkett (*Sergeant Burkett*), Coty Wiltgen (*Sergeant Wiltgen*), and Officer William Shackelford (*Officer Shackelford*) who are currently certified FDC Correctional Employees assigned at Hamilton Correctional Institution (HCI). Your affiant has investigated a Malicious Battery case whereas the three listed officers brutally beat Inmate [REDACTED] (*Inmate [REDACTED]*) while Inmate [REDACTED] was housed at HCI.

On March 03, 2020, staff including Sergeants Wiltgen, Burkett, and Officer Shackelford entered G-dorm to conduct searches of inmate cells. An inmate broke and ran through the dorm and Sergeant Burkett gave chase. Inmate [REDACTED] was in the middle of the common area when the running inmate passed him. As Sergeant Burkett attempted to pass Inmate [REDACTED] Inmate [REDACTED] pushed him off his path resulting in Sergeant Wiltgen utilizing chemical agents on Inmate [REDACTED]. As chemical agents were being administered Inmate [REDACTED] walked calmly away from Sergeant Wiltgen and laid down on the floor showing no signs of resistance. Sergeant Wiltgen applied hand restraints to Inmate [REDACTED] securing his hands behind his back. Sergeant Wiltgen assisted by Officer Shackelford escorted Inmate [REDACTED] out of the dorm. All of the previously described activity was captured on fixed wing video. At no time after being sprayed with chemical agents did Inmate [REDACTED] show any further signs of aggression or resistance. He walked cooperatively with officers out of the dorm and out of camera view.

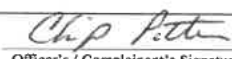
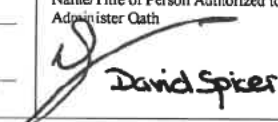
According to Inmate [REDACTED]

Sergeant Burkett wrote an incident report documenting, he was pushed by Inmate [REDACTED] then Sergeant Wiltgen administered one continuous stream of chemical agents to the upper torso region of Inmate [REDACTED]. Once chemical agents had been administered Inmate [REDACTED] ceased his actions and began complying with orders. Sergeant Burkett went on to document he did not use or observe any excessive force, which is contradictory to witness statements and Inmate [REDACTED] statement that he was [REDACTED].

Your affiant has secured inmate and staff testimony supporting the kicking and punching of Inmate [REDACTED] by Sergeants Wiltgen and Burkett, as well as Officer Shackelford. Witnesses testified they were in proximity to observe the actions of Inmate [REDACTED]. Sergeants Wiltgen, Burkett and Officer Shackelford and stated Inmate [REDACTED] offered no resistance while being kicked and punched by Sergeants Wiltgen, Burkett, and Officer Shackelford. Once on hand held camera, it was very evident by this writer Inmate [REDACTED] were not caused by being placed chest first on the ground, subsequently striking his head and face on the corner of the sidewalk, as was documented in Sergeant Wiltgen's UOF report and incident report, as well as Officer Shackelford's incident report. [REDACTED]

Based on victim testimony, as well as witness and video evidence, your Affiant respectfully submits probable cause has been established that Sergeant Ethan Burkett did commit the offenses, one (1) count of Malicious Battery against an Inmate in violation of 944.35(3)(a)2, and one (1) count Official Misconduct in violation of FSS 838.022(1)(a) in Hamilton County, Florida, Hamilton Correctional Institution on March 03, 2020.

All supporting documents referred to in this affidavit will be available for judicial review and will be further explained in your affiant's report of investigation.

PC. Exists for Charge(s)		Judge's Signature	Date			
<input type="checkbox"/> Miranda Warning	Hold for Agency Name:	Verified By:	Date:	Bond Charge #	Bond Charge #	Bond Charge #
<input type="checkbox"/> Adults Only Hold for First Appearance <input checked="" type="checkbox"/> Do not Bond Out Reason:			Bond Type 1. ROR 2. Cash	3. Surety 4. Bail / Bond	5. Cert 6. Other	Type
I swear/Affirm the above and attached statements are true and correct		Sworn to And subscribed before me, the undersigned authority this <u>23</u> day of <u>Mar</u> 20 <u>20</u>	Returnable Court Date	Returnable Court Time <input type="checkbox"/> AM <input type="checkbox"/> PM		
 Officer's / Complainant's Signature Chip Potter #74749/D4		Name/Title of Person Authorized to Administer Oath  David Spicer	Release Date	Release Time <input type="checkbox"/> AM <input type="checkbox"/> PM		
Name (Printed)		ID# / Dist	Releasing Officer			Page 1 of 1