

Adult Def  PC Arrest  
 Juvenile Def  Application for  
Warrant/Capias

# AFFIDAVIT – COMPLAINT

Clerk's Case No. \_\_\_\_\_

SA Case No.(s) \_\_\_\_\_

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Agency ORI # **FL037275C**

1. Agency Name: <b>Inspector General's Office - FDC</b>		2. Agency Report Number: <b>20-18699</b>		3. Charge Type: <input checked="" type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor <input type="checkbox"/> Misdemeanor w/associated felony <input type="checkbox"/> Municipal <input type="checkbox"/> County		3a. Ordinance Type: (If applicable)	
4. Date/Time of Offense: <b>10/28/2020</b>		5. Date/Time of Arrest: <b>10/28/2019 6:00pm</b>		6. Arresting Officer: <b>Erika Ridley</b>		7. Investigating Officer: <b>Erika Ridley, Inspector</b>	

8. Defendant's Name: (Last) <b>Livingston</b>			(First) <b>John</b>			(Middle) <b>Cody</b>			ALIAS			9. OBTS:			
10. Race/Sex: <b>W/M</b>		11. Date of Birth:		12. Residence Type: <input type="checkbox"/> Florida <input checked="" type="checkbox"/> Out of State <input type="checkbox"/> City <input type="checkbox"/> County			13. Weapon Seized <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			14. Controlled Substance Seized: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No TYPE & QUANTITY: 3.5 Buprenorphine Hydrochloride pills					
15. Height: 69 Inches		16. Weight: 0 lbs		17. Eye Color:		18. Hair Color:		19. Scars, marks, tattoos, unique physical features: (Location, type & description)							
20. Driver's License Number/State:				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: <input type="checkbox"/> Florida <input type="checkbox"/> Out of State <input type="checkbox"/> City <input type="checkbox"/> County			30. Weapon Seized <input type="checkbox"/> Yes <input type="checkbox"/> No			31. Controlled Substance Seized: <input type="checkbox"/> Yes <input type="checkbox"/> 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: <input type="checkbox"/> Florida <input type="checkbox"/> Out of State <input type="checkbox"/> City <input type="checkbox"/> County			47. Weapon Seized <input type="checkbox"/> Yes <input type="checkbox"/> No			48. Controlled Substance Seized: <input type="checkbox"/> Yes <input type="checkbox"/> 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) <b>Introduction Contraband state institution towit controlled substance</b>					60. Statute or Ordinance Number: <b>944.47 (1) (a) (4)</b>					<input checked="" type="checkbox"/> F.S. <input type="checkbox"/> Ord.				
61. Charge Description: (# 1) <b>Possession of a Controlled Substance</b>					62. Statute or Ordinance Number: <b>893.13 (2)</b>					<input checked="" type="checkbox"/> F.S. <input type="checkbox"/> Ord.				
63. Charge Description: (# 1) <b>Possession of Drug Paraphernalia</b>					64. Statute or Ordinance Number: <b>893.147 (1) (b)</b>					<input checked="" type="checkbox"/> F.S. <input type="checkbox"/> Ord.				

65. Victim's Name: (If business, list legal business name) (Last) <b>State of Florida</b>			(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 <input type="checkbox"/> Rights Card <input type="checkbox"/> App. Info <input type="checkbox"/> Arrest Info <input type="checkbox"/> Domestic <input type="checkbox"/> Viol. Info								

77. Physical Evidence collected in this case? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		78. Witness Statements taken in this case? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		79. I certify that all of the above information is true and correct to the best of my knowledge and is page 01 of a 2 page affidavit/complaint.					
Evidence Custodian's		Person responsible		<b>Erika Ridley</b>					

Adult Def  PC Arrest  
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Warrant/Capias

# AFFIDAVIT – COMPLAINT (PROBABLE CAUSE NARRATIVE)

Clerk's Case No. \_\_\_\_\_

SA Case No.(s) \_\_\_\_\_

Agency ORI # FL037275C

80. Agency Name: <b>Office of Inspector General - FDC</b>	81. Agency Report Number: <b>19-11324</b>	82. Date/Time of Arrest: <b>10/13/2019 4:40pm</b>	83. Investigating Officer: <b>Erika Ridley</b>
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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 Inspector Erika Ridley of the Office of the Inspector General, Florida Department of Corrections.

Your Affiant has probable cause to believe Correctional Officer Cody Livingston, did commit the criminal offenses of Introduction of Contraband into a state institution, to wit controlled substance in violation of FS 944.47(1)(a)(4), Possession of a controlled substance, to wit buprenorphine hydrochloride in violation of FS 893.13 (2), and possession of drug paraphernalia, to wit syringes in violation of FS 893.147 (1) (b) by concealing four syringes inside the waist band of his pants and 3 and a half buprenorphine hydrochloride pills inside the pocket of his pants and attempting to introduce it into the secure portion of Holmes Correctional Institution.

In a digitally recorded sworn statement, Lieutenant (Lt.) Trevor Sapp indicated Officer Livingston had been at work when Officer Livingston asked Lt. Sapp if he could run to his camper [redacted] to shut off the water. Lt. Sapp gave permission for Officer Livingston to run home and upon re-entering Holmes Correctional Institution, Officer Livingston went through the standard search procedure and was pat searched by Lt. Sapp. During the pat search, Lt. Sapp found four syringes and a green plastic spoon concealed in the waistband of Officer Livingston's pants. Officer Livingston was then escorted to the warden's office. Lt. Sapp then pat searched Officer Livingston again and found 3 and a half white, circular, pills with the markings "RP" on one site and "b8" on the other, concealed in a clear glove in Officer Livingston's front pocket. Officer Livingston indicated it was buprenorphine and he [redacted] but did not have [redacted] on him.

On October 28, 2020, in a post Miranda interview, Officer Cody Livingston indicated he took testosterone and "HGC". Officer Livingston indicated he used syringes [redacted] and had bought a new pack of syringes earlier in the day. Officer Livingston indicated he had forgotten that he had the syringes on his person and took them out of his pocket and placed them in the waistband of his pants. Officer Livingston also indicated he was taking buprenorphine hydrochloride due to [redacted] Officer Livingston indicated he never told his officer in charge or any administrative personnel that he was [redacted] and the reason he had concealed these in his pockets were due to him not wanting people he worked with to know his personal business. Officer Livingston indicated he did conceal both the syringes and the [redacted] and did not disclose these items during the standard search procedure.


In a digitally recorded statement, Officer Evangalie Bone indicated she was conducting standard entry/exit search procedures when Officer Livingston entered the secure portion of Holmes Correctional Facility. Officer Bone indicated she asked the standard questions in reference to contraband to which Officer Livingston responded he did not have any contraband. Officer Bone indicated she then called Lt. Sapp to conduct a pat search of Officer Livingston.


The contraband in Officer Livingston's possession was four empty syringes, a green spoon, and 3 and a half buprenorphine hydrochloride pills. Officer Livingston had all of these items concealed on his person and intentionally did not disclose this information during the entry search procedures.

Your Affiant respectfully submits that probable cause has been established that Officer John Livingston did commit the criminal offenses of Introduction of Contraband into a state institution, to wit controlled substance and drug paraphernalia in violation of FS 944.47(1)(a)(4), Possession of a controlled substance, to wit buprenorphine hydrochloride in violation of FS 893.13 (2), and possession of drug paraphernalia, to wit syringes in violation of FS 893.147 (1) (b), by concealing four syringes inside the waist band of his pants and 3 and a half buprenorphine hydrochloride pills inside the pocket of his pants and attempting to introduce it into the secure portion of Holmes Correctional Institution.

85. The undersigned, being duly sworn, states that the foregoing information contained in an affidavit consisting of 2 pages is true and correct to the best of his/her knowledge

Sworn to and subscribed before me this 28 day of oct, 2020

  
Signature of Officer/Complainant

  
Signature of Person Administering Oath  
 Personally Known  Other Identification LEO #6 BPD  
ID Type

Erika Ridley, Inspector 104224  
Officer/Complainant's Name (Printed) ID Number

87. Adult's Relation to Juvenile Defendant: <input type="checkbox"/> Parent <input type="checkbox"/> Legal Guardian <input type="checkbox"/> 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: <input type="checkbox"/> Person <input type="checkbox"/> 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): \_\_\_\_\_