

FDLE

Florida Department of
Law Enforcement

Richard L. Swearingen
Commissioner

Criminal Investigations and Forensic Science
Orlando Regional Operations Center
500 W. Robinson Street
Orlando, FL 32801-1771
(800) 226-8521
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Ron DeSantis, Governor
Ashley Moody, Attorney General
Jimmy Patronis, Chief Financial Officer
Nikki Fried, Commissioner of Agriculture

July 17, 2020

Honorable Wayne Ivey
Sheriff
Brevard County Sheriff's Office
700 S. Park Ave.
Titusville, FL 32780

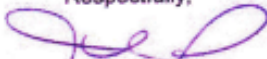
Sheriff Ivey,

At the direction of Commissioner Swearingen and in **response to your request**, we have **completed the review** of the Brevard County SO investigation into the circumstances surrounding the death of Gregory Edwards on December 9, 2018.

As a result of this review the Florida Department of Law Enforcement has concluded that the investigation completed by the **Brevard County Sheriff's Office is complete and thorough**.

Attached you will find a copy of the completed review with any and all findings contained therein.

Respectfully,



Lee Massie
Special Agent in Charge
Florida Department of Law Enforcement
Orlando Regional Operations Center

The "OPINION" of
FDLE SPECIAL AGENT SUPERVISOR
DANIEL WARREN

cc: Honorable Phil Archer, State Attorney, 18th Judicial Circuit
Commissioner Rick Swearingen, Florida Department of Law Enforcement

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MEMORANDUM

DATE: July 15, 2020

TO: Lee Massie, Special Agent in Charge
Orlando Regional Operations Center

VIA: Rich Piccininni, Assistant Special Agent in Charge
Orlando Regional Operations Center

FROM: Daniel Warren, Special Agent Supervisor
Orlando Regional Operations Center

SUBJECT: FDLE Review of Brevard SO Investigation into the Death of Gregory Edwards

I have completed the review of the Brevard County Sheriff's Office (BCSO) investigation into the circumstances surrounding death of Gregory Edwards. The following is a **synopsis** of my review and the **subsequent findings**.

On June 15, 2020, I was assigned to conduct this review. On June 16, 2020, I met with BCSO Lieutenant Rob Vitaliano who provided me with a copy of their investigation. I reviewed all of the materials provided, which included, but were not limited to:

- BCSO Investigative Summary
- Medical Examiner's report and toxicology results
- BCSO and West Melbourne PD investigative reports
- BCSO Crime Scene photos and property receipts of evidence collected
- Computer aided dispatch reports
- Audio from 51 interviews of 49 different witnesses and/or victims to this incident
- Written statements from witnesses and/or victims to the incident
- Edwards' medical records from the Brevard County Jail
- Edwards' Veterans Administration progress notes
- Bodyworn camera video from West Melbourne PD Officers Krukoski, Mathis and Sgt. Perez
- In-car video from West Melbourne PD while Edwards was inside the vehicle
- Surveillance footage from Walmart
- Cellular phone video from Charlene Raisman and Kathleen Edwards
- Jail phone calls of Kristopher Moffitt
- Training records for Major Kelly Haman, Lt. George Fayson, Sergeant Richard Zimmerman, Corporal Brian Otto, Deputy Robert Wagner, Deputy Alison Blazewicz, Deputy Freddy Cedeno and Deputy DeShawn Edward.
- Results of the internal review by BCSO of the incident.

On June 25, 2020, I traveled to the BCSO Criminal Investigations Division, where I reviewed the video recorded within the Brevard County Jail facility on December 9, 2018, related to Gregory

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Single Video Apparently
Compiled From 19 Angles (Cameras)

Evidence suggest / support that Deputies Otto & Blazewicz was in a romantic relationship. It is significant that this social relationship is never mentioned in either the BCSO or FDLE investigations (relativ)

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If Edwards doesn't appear to have any injuries when he is secured into the restraint chair. Then how did he receive the injuries taken at FDLE investigate this!
TO HIS FACE THAT WAS APPARENT IN PICTURES TAKEN AT THE HOSPITAL? MORE IMPORTANTLY WHY DIDN'T FDLE INVESTIGATE THIS!

The FDLE review should have included reviewing all 19 angles/cameras from 1:09 pm to 3:05 pm.
The FDLE report seems to suggest that the video

Five minute fight with several deputies, and no apparent injuries to Edwards.

Reviewed was a montage of the 19 angles.

Edwards. This video included 19 different camera angles that were positioned within the booking and medical areas of the jail. I reviewed the video recording from 1:09 p.m. to 3:05 p.m., which was the entire time Edwards was inside the jail. Upon completion of this review, the video remained in the custody of the Brevard County Sheriff's Office.

Singular video - from 19 angles???

Based upon the review of the information made available, this investigation revolves around the use of force by Lt. George Fayson, Sergeant Richard Zimmerman, Corporal Brian Otto, Deputy Robert Wagner, Deputy Freddy Cedeno, Deputy DeShawn Edward, Deputy Shannon Popielarczyk, Deputy Keith Tiller and Deputy Allison Blazewicz. This use of force took place after Edwards intentionally struck Cpl. Otto in the head with a left elbow and they fell to the ground. While on the ground, Edwards struck Cpl. Otto in the head several times with his left elbow and left fist and put Cpl. Otto in a chokehold/headlock. Edwards resisted throughout the incident and the struggle between Edwards and the Brevard County Jail personnel lasted approximately five minutes with the following use of force events taking place:

- A) Edwards had Cpl. Otto in a chokehold/headlock when Deputy Wagner hit Edwards four times in Edwards' right leg area and four times to Edwards' torso area utilizing "hammer fist" strikes. Later in the struggle, Deputy Wagner used an additional two "hammer fist" strikes to the torso area.
- B) Lt. Fayson conducted five "knee strikes" to the lower extremities of Edwards.
- C) Cpl. Otto eventually broke free from the chokehold/headlock, sprayed Oleoresin Capsicum (OC) on Edwards and then hit Edwards six times in the torso area utilizing a "hammer fist" strike.
- D) Deputy Blazewicz utilized a conducted energy weapon (CEW) on Edwards.
- E) Sgt. Zimmerman, Deputy Cedeno, Deputy Edward, Deputy Popielarczyk, and Deputy Tiller used minimal force to assist with holding Edwards and controlling him during the struggle.

After being secured, Deputies are still hitting him with "hammer fist" strikes

Once Edwards was secured, Edwards continued to resist and the Brevard County Jail personnel struggled to get Edwards into the "restraint chair." During their efforts to subdue Edwards, Deputy Wagner hit Edwards in the leg area three times utilizing "hammer fist" strikes.

How many times?

Once Edwards was secured in the "restraint chair," a "spit mask" was placed on Edwards' head. Edwards did not appear to be injured at this time and he was placed inside holding cell #9. Edwards remained inside of this cell for approximately 15 minutes, and throughout the time he was inside holding cell #9 he was periodically monitored by various jail personnel. At approximately 2:23 p.m., Edwards stopped moving and approximately 17 seconds later, Lt. Fayson and Deputy Wagner entered holding cell #9, removed the "spit mask," and began checking on Edwards. Approximately three minutes later, Nurse Deborah Nadeau started her medical assessment of Edwards, provided him with oxygen, determined that he had a pulse of 64 and his oxygen level was 98. At approximately 2:32 p.m. he was removed from holding cell #9 and moved to the medical area within the jail. At approximately 2:35 p.m. they arrived in the medical area and at 2:38 p.m., CPR was initiated on Edwards. Brevard County Fire Rescue arrived at 2:49 p.m. and Edwards was subsequently transported to the hospital at 3:05 p.m.

64 pulse rate

98 oxygen

Why would a nurse provide a patient with a 98% oxygen level - with oxygen?

64 seems to be a resting normal pulse rate.

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INVESTIGATION

Upon reviewing BCSO's investigation, it appears to be thorough, complete and has provided the relevant information needed by the Office of the State Attorney to render a decision. BCSO investigators conducted interviews of over 50 different witnesses, and obtained numerous written statements from witnesses regarding this incident. BCSO investigators conducted numerous voluntary interviews of the BCSO personnel involved in the criminal investigation, but Lt. Fayson, Deputy Wagner, and Deputy Blazewicz declined to be interviewed. Deputy Wagner proffered a statement for the criminal investigation via his attorney. Lt. Fayson, Deputy Wagner and Deputy Blazewicz later provided interviews for the administrative investigation. After reviewing the recorded interviews and written statements conducted by the BCSO investigators, they show no signs of being biased, are consistent, and gather the relevant information regarding the facts and circumstances surrounding Edwards death. Based upon my review, no additional interviews are necessary.

During the course of this investigation, investigators from the BCSO collected 26 different evidence items. Each of these items were evaluated for forensic testing by FDLE and it was determined that no additional forensic examination of these items is warranted. One significant piece of evidence that was not collected was the "spit mask" put on Edwards' head after he was secured in the "restraint chair." The examination of this "spit mask" would have been helpful to investigators and the medical examiner, but it is unlikely that having this specific piece of evidence would change the outcome of the investigation.

The medical examiner, Dr. Sajid S. Qaiser, was afforded the opportunity to review all of the information available, including an identical "spit mask," and subsequently determined that the cause of death for Edwards was excited delirium, and the manner of death was considered accidental. **NO MENTION OF DR NELSON'S OPINION, WHY?**

The State of Florida Medical Examiners Commission assembled a panel to review this decision, after a complaint was filed against Dr. Sajid Qaiser on November 13, 2019. On July 9, 2020 this panel authored a report. Below are their findings:

On November 13, 2019, Kathleen Edwards initiated a complaint against Dr. Qaiser, questioning his thoroughness and methodology of the autopsy of Gregory Edwards as well as Dr. Qaiser's legal and medical standard of care. A review panel consisting of Barbara C. Wolf, M.D., Districts 5 and 24 Medical Examiner, Charlie Cofer, J.D., 4th Judicial Circuit Public Defender, and Carol Whitmore, Manatee County Commissioner was established by the State of Florida Medical Examiners Commission. The panel ultimately found that there were "no violations of statute, rule, or the practice guidelines in his death investigation." However, the panel did unanimously agree "to recommend that Dr. Qaiser have Mr. Edwards' blood tested for sickle cell trait/disease as the presence of sickle cell trait, if found, could help further explain this death."

CONCLUSION

On July 1, 2019, State Attorney Phil Archer determined that the use of force by BCSO deputies was considered reasonable and justified under Chapter 776 of the Florida Statutes. Based upon my review, it appears that all of the information gathered during the course of this investigation

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But Dies of excited Delirium?
Oxygen = 98%
pulse rate = 64

Evidence suggest the Blazewicz + OTTO were "communically involved" - isn't that a bias? His social relationship was not mentioned by either BCSO or FDLE.

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by BCSO, was presented to the Office of the State Attorney, Eighteenth Judicial Circuit to determine if the use of force by the BCSO deputies was justified under the law. The BCSO communicated with the Office of the State Attorney throughout the investigation and there are no outstanding investigative requests of the BCSO. BCSO investigators obtained statements from all of the known or identified witnesses to the use of force, and all of the involved BCSO personnel. The only piece of physical evidence that BCSO failed to collect was the "spit mask," however, an identical "spit mask" was provided to the medical examiner to aid in determining the cause and manner of Edwards' death. **This fact does not change my opinion** that the investigation was thorough and complete; given that the use of force incident was clearly recorded on video and the identities of those involved are clearly established. As such, additional forensic testing by FDLE of the physical evidence collected by BCSO would not yield any new information. Additionally, Dr. Qaiser's determination that Edwards' death was accidental and caused by **excited delirium** was validated by the panel assembled by the Medical Examiners Commission.

Based upon the facts outlined above, and the thoroughness of BCSO's investigation into the death of Gregory Edwards, no further criminal investigation is necessary.

In the END - this "review" is nothing more than the "opinion" of one investigator, that doesn't seem to wonder when, where & how did Edwards receive his facial injuries, if he didn't appear to have them when secured into the restraint chair.

How Does A man (Edwards) with an Oxygen level of 98%, and a pulse rate of 64 shortly later Die of Excited delirium? (SEE PAGE 3)