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IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT  
FILED IN VIERA IN AND FOR BREVARD COUNTY, FLORIDA  
CLERK OF CIR. CT.  
BREVARD CO. FL

05-2018-CF-012814-A XXX-XX

**AFFIDAVIT FOR ARREST WARRANT**

BEFORE ME, Nancy Maloney, a Judge of the Circuit Court of the Eighteenth Judicial Circuit in and for Brevard County, Florida, personally appeared Special Agent Mark Mynheir of the Florida Department of Law Enforcement who, being first being duly sworn by me, deposes and requests that an arrest warrant be issued for:

Name: **John Michael Toppa III**

Date of Birth: **05/11/1974**

Last Known Address: **7500 W. US Highway 1, Suite 102  
Melbourne, FL 32904**

Social Security Number: **[REDACTED]**

Race: **W** Sex: **M**

Height: **5'11"** Weight: **220**

Hair Color: **Brown**

Eye Color: **Hazel**



D.A.V.I.D. Photo- for Law Enforcement use only

Charging violations of section **838.015 (1)** and **838.016 (1)**, Florida Statutes, to wit: **Bribery and Unlawful Compensation or Reward for Official Behavior**. The offenses occurred on or about on or between February 1, 2016 and May 6, 2016.

The facts establishing probable cause for the issuance of a warrant are as follows:

On March 8, 2017, Brevard County Sheriff's Office (BCSO) Agents conducted an undercover delivery of Roxycodone to John Toppa (hereinafter "Toppa"), who was employed at the time as an Assistant State Attorney with the Brevard County State Attorney's Office (SAO). Toppa was arrested, and in his post-Miranda sworn statement, Toppa indicated he worked to give a favorable plea bargain to an individual who he had purchased narcotics from in the past. A search warrant was executed on Toppa's cell phone, and information was discovered that



indicated he possibly provided other narcotics dealers with case information from the Brevard/Seminole State Attorney's Office.

State Attorney Phil Archer of the Eighteenth Judicial Circuit requested the Florida Department of Law Enforcement (FDLE) conduct an investigation of Toppa, regarding allegations of official misconduct and the possession and distribution of narcotics.

FDLE Special Agent (SA) Mark Mynheir (Your Affiant) met with BCSO Agent Brian Jones and received the arrest packet and cell phone search warrant information from Toppa's cell phone.

On April 7, 2017, Agent Jones wrote a search warrant for Toppa's cell phone, an iPhone IMEI 359205075854374, number (321) 543-1666, which was confiscated at the time of his arrest. BCSO Agent Francis Dufresne conducted an examination of the phone using Cellebrite software.

Text messages were recovered from Toppa's cell phone that indicated Toppa sent pictures of criminal case files from the SAO to a male named Anthony Vargo (hereinafter "Vargo"). Numerous other text messages were discovered with Toppa discussing narcotics and narcotics dealing with other individuals as well.

On October 27, 2017, Your Affiant and SA Ryan Bliss, and Assistant State Attorney Dan Jancha of the Seventh Judicial Circuit conducted a sworn, recorded statement with Vargo, who provided the following information in summary:

Vargo said he first met Toppa through a mutual friend approximately two or three years before, and they became friends. Vargo felt Toppa looked up to him like a big brother. After Vargo was arrested, Toppa provided him with legal advice on his criminal case as well as paperwork from his SAO case file. Toppa texted pictures of paperwork from his case file and provided some copies in person.

Vargo said Toppa provided the items as a friend, not as a representative of the State Attorney's Office. Toppa never received any benefit, money or narcotics, for the advice or copies of the paperwork. Toppa also gave him legal advice on a civil matter, regarding custody issues with his girlfriend's child.

Vargo was shown photographs of the police report from Vargo's arrest taken from Toppa's phone. Vargo confirmed that the photographs were from his case and that Toppa had texted them to him. Vargo said Toppa tried to get the video from the case for him, but he was unable.

Vargo was shown the text message from Toppa about trying to get the video from the SAO Intake Office after hours. Toppa told him he never saw the video, and Toppa never provided him a copy of it. Vargo confirmed several other texts between them regarding his case.

Vargo further related that Toppa once told him that he [Toppa] took money to make a DUI case go away. Toppa and Vargo had the conversation at Vargo's residence, and Toppa told him that a friend of his named Michael Matey (hereinafter "Matey") had arranged the deal to help a friend of Matey's. Vargo did not know the name of Matey's friend who benefited from the deal. Toppa received between \$1,000.00 and \$1,500.00 to dispose of the case.

On November 1, 2017, Your Affiant and SA Bliss conducted an interview with Matey, who provided the following information in summary:

Matey stated he was an acquaintance of Toppa, and he met him through a mutual friend; both Matey and Toppa struggled with addiction to prescription pills. Matey had told Toppa on numerous occasions that he was risking his career with the drug abuse.

Matey was asked about Toppa helping a friend with a DUI case. Matey couldn't remember any DUI case, but Toppa did help with a case of a friend named Azrael Stivers (hereinafter "Stivers"). Stivers had reached out to Matey because he knew Matey was friends with Toppa. Matey believed the case had something to do with a driving offense.

Matey was asked about any money exchanged between Stivers and Toppa. Matey said there was money exchanged, and he thought it was a \$1,000.00 in cash. Stivers gave him the cash to give to Toppa to help with the case, and Matey, in turn, gave the cash to Toppa. The money exchange occurred at Matey's apartment. Matey thought the payment was made all at one time, but he wasn't sure. Matey did not keep any of the cash.

Toppa told Matey he would see what he could do about the case, but he wasn't sure if he could take care of it. Toppa was going to talk to the prosecutor assigned to Stivers' case, but the prosecutor was tough and "by the book."

Later, after the money had been paid, Stivers texted Matey on multiple occasions, extremely angry with him. Stivers was upset because the situation wasn't taken care of like they had discussed. Stivers called and texted Matey multiple times, asking for his money back. Matey contacted Toppa about Stivers, but Toppa didn't respond to him.

Matey couldn't remember the details of the conversations, but indicated that they were in numerous text messages on his old cell phone, not his current one. Matey told the agents he still had the old phone that contained all of the texts messages between them.

Matey retrieved the cell phone, which was in a zip-lock bag. The phone was in pieces and not functional. Matey gave permission to the agents to take the phone for an examination. Matey was given a property receipt for the phone.

On November 14, 2017, Agent Dufresne conducted an examination of Matey's cell phone, a black Samsung (321) 212-8403, using Cellebrite software. The following is a summary of the report:

The Cellebrite report separated the different functions of the phone into different categories, including, SMS Messages, MMS Messages, Emails, Chats, Call Logs, Contacts, Calendar, Web History, and Notes.

The Emails, Chats, Call Logs, Contacts, Calendar, Web History, and Notes were examined, and no items of evidentiary value were located.

The SMS and MMS Text Messages were examined, and the following is a text message exchange between Matey, Toppa, and Stivers discussing the case on April 22, 2016. The text messages are quoted verbatim, including grammar and spelling errors:

**1) From:** 3212128403 "Matey"  
**To:** 3212437098 "Stivers"  
**Date:** 4/22/2016, 6:23:39 PM (UTC-4)

"Your fucked"

**2) From:** 3212437098 "Stivers"  
**To:** 3212128403 "Matey"  
**Date:** 4/22/2016, 6:24:23 PM (UTC-4)

"How fucked"

**3) From:** 3212128403 "Matey"  
**To:** 3212437098 "Stivers"  
**Date:** 4/22/2016, 6:24:53 PM (UTC-4)

"Fuuuucked"

**4) From:** 3212128403 "Matey"  
**To:** 3212437098 "Stivers"  
**Date:** 4/22/2016, 8:36:34 PM (UTC-4)

"I will be at your house and 40 minutes maybe 30"

**5) From:** 3212128403 "Matey"  
**To:** 3212437098 "Stivers"  
**Date:** 4/22/2016, 8:36:52 PM (UTC-4)

"And you better have his stuff ready because I am tired and I have to work tomorrow and I am not in a good mood"

**6) From:** 3212128403 "Matey"  
**To:** 3212437098 "Stivers"  
**Date:** 4/22/2016, 8:37:49 PM (UTC-4)

"I told you my feelings about this I don't even like doing that stuff that is a friend of mine but so are you but this is serious stuff"

**7) From:** 3212128403 "Matey"  
**To:** 3212437098 "Stivers"  
**Date:** 4/22/2016, 9:12:25 PM (UTC-4)

"Pulling up"

**8) From:** 3212128403 "Matey"  
**To:** 3215431666 "Toppa"  
**Date:** 4/22/2016, 9:26:37 PM (UTC-4)

"I will be there in about 30 minutes"

**9) From:** 3215431666 "Toppa"  
**To:** 3212128403 "Matey"  
**Date:** 4/22/2016, 9:26:55 PM (UTC-4)

"Ok cool"

**10) From:** 3212128403 "Matey"  
**To:** 3212437098 "Stivers"  
**Date:** 4/22/2016, 9:33:43 PM (UTC-4)

"I am with him right now before anything gets done you need to come up with 300 cash tomorrow morning ASAP or else I will give you your check back"

**11) From** 3212437098 "Stivers"  
**To:** 3212128403 "Matey"  
**Date:** 4/22/2016, 9:34:36 PM (UTC-4)

"Ok"

**12) From** 3212437098 "Stivers"  
**To:** 3212128403 "Matey"  
**Date:** 4/22/2016, 9:35:38 PM (UTC-4)

"I can really on afford the 750 we talked about"

**13) From:** 3212128403 "Matey"  
**To:** 3212437098 "Stivers"  
**Date:** 4/22/2016, 9:37:02 PM (UTC-4)

"Have 200 cash tomorrow or else he said there will be repercussions like I told you I am doing this for you I don't even want to get involved"

**14) From:** 3212437098 "Stivers"  
**To:** 3212128403 "Matey"  
**Date:** 4/22/2016, 9:37:50 PM (UTC-4)

"Thank you very much bro"

**15) From:** 3212128403 "Matey"  
**To:** 3212437098 "Stivers"  
**Date:** Outgoing 4/22/2016, 9:44:27 PM (UTC-4)

"The reason why he couldn't completely get you off it's because that cop that pulled you over is the young guy with the bald head and what happens when that cop pull somebody over and he doesn't win his case completely he questions him on what he needs to do to win the case but in your case you're getting away with a murder son"

**16) From** 3212437098 "Stivers"  
**To:** 3212128403 "Matey"  
**Date:** 4/22/2016, 9:46:06 PM (UTC-4)

"Thanks"

The following is a text message from Toppa to Matey, who then forwarded it to Stivers on April 24, 2016:

**17) From:** 3215431666 "Toppa"  
**To:** 3212128403 "Matey"  
**Date:** 4/24/2016, 1:36:59 PM (UTC-4)

"Since your buddy's girl is my dad's nurse I talked to her and how much stress this is putting on them so I'll run it by my friend to drop the two traffic tickets to save on those fines and drop count one which makes sure there are no driver's license repercussions and recommend a withhold instead of a conviction on the paraphernalia count with only mandatory costs no probation or anything punitive even though his priors don't warrant it"

The following is a text message exchange between Toppa, Matey, and Stivers on May 2, 2016, when Stivers appeared in court:

**19) From:** 3212128403 "Matey"  
**To:** 3215431666 "Toppa"  
**Date:** 5/2/2016, 10:56:21 AM (UTC-4)

"Hey John is real [Azrael] just called me he is in court they just tried to give him probation a year???"

**20) From:** 3212128403 "Matey"  
**To:** 3215431666 "Toppa"  
**Date:** 5/2/2016, 11:05:40 AM (UTC-4)

"???????? He is in court right now"

**21) From:** 3215431666 "Toppa"  
**To:** 3212128403 "Matey"  
**Date:** 5/2/2016, 11:08:35 AM (UTC-4)

"Tell him to ask for a continuance I'm in court right now don't take it"

**22) From:** 3215431666 "Toppa"

**To:** 3212128403 "Matey"  
**Date:** 5/2/2016, 11:09:19 AM (UTC-4)

"The prosecutor knows idk wtf we wrote it down and talked about it"

**23) From:** 3215431666 "Toppa"  
**To:** 3212128403 "Matey"  
**Date:** 5/2/2016, 11:09:57 AM (UTC-4)

"Tell him to say he wants to talk to a private attorney"

**24) From:** 3215431666 "Toppa"  
**To:** 3212128403 "Matey"  
**Date:** 5/2/2016, 11:10:12 AM (UTC-4)

"An needs a continuance"

**25) To:** 3212437098 "Stivers"  
**From:** 3212128403 "Matey"  
**Date:** 5/2/2016, 11:10:18 AM (UTC-4)

"Fwd:The prosecutor knows idk wtf we wrote it down and talked about it"

**26) From:** 3215431666 "Toppa"  
**To:** 3212128403 "Matey"  
**Date:** 5/2/2016, 11:11:13 AM (UTC-4)

"Tell him not to say anything just say he needs to talk to a private attorney and to set it for another date"

**27) From:** 3212437098 "Stivers"  
**To:** 3212128403 "Matey"  
**Date:** 5/2/2016, 11:12:00 AM (UTC-4)

"Yeah the prosecutor asked the judge for a 10 minute recess and then came back fucking spouting about how my car smelled of marijuana and all kinds of other shit to the judge had offered a year probation"

**28) From:** 3212128403 "Matey"





**To:** 3212437098 "Stivers"

**Date:** 5/2/2016, 11:13:29 AM (UTC-4)

"Fwd: Tell him not to say anything just say he needs to talk to a private attorney and to set it for another date"

**29) From:** 3212128403 "Matey"

**To:** 3215431666 "Toppa"

**Date:** 5/2/2016, 11:14:32 AM (UTC-4)

"Fwd: Yeah the prosecutor asked the judge for a 10 minute recess and then came back fucking spouting about how my car smelled of marijuana and all kinds of other shit to the judge had offered a year probation"

**30) From:** 3215431666 "Toppa"

**To:** 3212128403 "Matey"

**Date:** 5/2/2016, 11:20:01 AM (UTC-4)

"Wait I don't understand what he is saying? The judge said probation?"

**31) From:** 3215431666 "Toppa"

**To:** 3212128403 "Matey"

**Date:** 5/2/2016, 11:28:38 AM (UTC-4)

"He has a nut job judge if Atkin is not going to accept the plea as is we will be screwed this is touchy I will look at it this afternoon... Did he request a continuance?"

**32) From:** 3212128403 "Matey"

**To:** 3215431666 "Toppa"

**Date:** 5/2/2016, 11:29:57 AM (UTC-4)

"No the prosecutor did"

**33) From:** 3212128403 "Matey"

**To:** 3215431666 "Toppa"

**Date:** 5/2/2016, 11:30:12 AM (UTC-4)

"And yes he did get a continuance"

**34) From:** 3215431666 "Toppa"

**To:** 3212128403 "Matey"  
**Date:** 5/2/2016, 11:31:12 AM (UTC-4)

"Ok I will follow up what is the next court date?"

**35) From:** 3212128403 "Matey"  
**To:** 3215431666 "Toppa"  
**Date:** 5/2/2016, 11:32:10 AM (UTC-4)

"I don't know look it up he is very pissed"

**36) From:** 3212128403 "Matey"  
**To:** 3215431666 "Toppa"  
**Date:** 5/2/2016, 11:32:34 AM (UTC-4)

"She doesn't have much money as it is now he just came off at 7:50 went to court and almost got a year probation"

**37) From:** 3215431666 "Toppa"  
**To:** 3212128403 "Matey"  
**Date:** 5/2/2016, 11:44:51 AM (UTC-4)

"I'll look into it I can only go off what he told me it may just have been him mixing it up or decided not to do it and if that's the case then I will make it right but I can only push so hard"

**38) From:** 3212437098 "Stivers"  
**To:** 3212128403 "Matey"  
**Date:** 5/2/2016, 11:50:49 AM (UTC-4)

"In case u can't imagine I am extremely fucking pissed off right now"

**39) From:** 3212128403 "Matey"  
**To:** 3212437098 "Stivers"  
**Date:** 5/2/2016, 12:00:55 PM (UTC-4)

"No s\*\*\* is real I just told him that"

**40) From:** 3212128403 "Matey"  
**To:** 3212437098 "Stivers"  
**Date:** 5/2/2016, 12:01:15 PM (UTC-4)

"Fwd:She doesn't have much money as it is now he just came off at 7:50 went to court and almost got a year probation"

**41) From:** 3215431666 "Toppa"  
**To:** 3212128403 "Matey"  
**Date:** 5/2/2016, 12:19:55 PM (UTC-4)

"Mike ask him if he got a public defender because that is what the attorney wrote on the file"

Toppa sent the long text message below to Matey, and he in turn forwarded it in segments to Stivers.

**42) From:** 3215431666 "Toppa"  
**To:** 3212128403 "Matey"  
**Date:** 5/2/2016, 1:53:52 PM (UTC-4)

"Just so you have it in writing the file had an initial plea offer: count I poss of cannabis- adjudicate guilty, court costs, one year DL suspension (due to prior record) count along with 12 months probation no consumption of illegal drug random testing no early termination, count II poss of paraphernalia- adjudicate guilty, concurrent probation... Speeding ticket-guilty with 4 points on driver's license, drop the red light ticket Today the offer changed count I- Nolle Prose (means DROPPED) which means NO DL suspension, Count II- adjudication withheld (not formally convicted of the crime) 12 months p robation w/ EARLY TERMINATION after half (6 months) random testing for the time he's on probation then it's done... Both tickets dropped now meaning no points against his driver's license and no fines"

"So you can see the differences already that he changed he is now dropping the cannabis like I said and not adjudicating him guilty which his record doesn't deserve it's usually for first time offenders. And saves him \$\$ on the ticket and no points on his D L.... I can't force the prosecutor to do anything but I talked to him and asked him to save you money and a record and he did and he changes the probation from 12 months total to allowing him to early terminate after 6 months... I understand he is frustrated but I told you from the beginning the ultimate choice is not up to me and I risked my ass to do this much I will try one more time to get the probation off but if he doesn't go for it we are even and he doesn't have to throw me anything else"

**43) From:** 3212437098 "Stivers"  
**To:** 3212128403 "Matey"  
**Date:** 5/2/2016, 2:11:52 PM (UTC-4)

"It already had early termination and pretty much everything else so I don't understand why I paid all that money I guess I need it back, but I much rather have some help here

**44) From:** 3215431666 "Toppa"  
**To:** 3212128403 "Matey"  
**Date:** 5/2/2016, 2:19:40 PM (UTC-4)

"Yea that was the initial offer that he didn't accept at arraignment The prosecutor hadn't pulled his record yet"

The following two text messages from Toppa to Matey were forwarded to Stivers shortly after they were received:

**45) From:** 3215431666 "Toppa"  
**To:** 3212128403 "Matey"  
**Date:** 5/2/2016, 2:37:49 PM (UTC-4)

"Mike those are pages from his actual file including the plea sheet that was filled out after his first court date but before I spoke with him... That's how it works plea offers at first court date are low to get rid of it then when we have the time to do a closer look at record and how strong the case is it gets altered see the plea offer was filled out on 4/22 when the prosecutor worked it up"

**46) From:** 3215431666 "Toppa"  
**To:** 3212128403 "Matey"  
**Date:** 5/2/2016, 2:49:30 PM (UTC-4)

"The prosecutor just told me he can't come off of the probation because he was driving the car and it was burnt cannabis meaning he was smoking while operating the vehicle... He happens to have gotten the worst judge and a tough prosecutor he said he took a recess to review it again and almost didn't stick with what we talked about but decided to allow him to have the withhold if he does the probation (this is what the judge wants if it's a WH) obviously he didn't get everything but I risked my butt twice now to make sure he kept that break"

**47) From:** 3212128403 "Matey"  
**To:** 3212437098 "Stivers"  
**Date:** 5/2/2016, 2:59:18 PM (UTC-4)



"So it sounds like meat to me that you screwed up in the beginning by not taking the plea now that you didn't they went through your file and found all the other stuff that's where you screwed yourself"

**48) From:** 3212437098 "Stivers"  
**To:** 3212128403 "Matey"  
**Date:** 5/2/2016, 3:02:44 PM (UTC-4)

"I wouldn't of gave you all that money and instead of paying all my bills that I now can't pay except for the fact that you told me a certain thing was going to happen and it didn't"

**49) From:** 3212128403 "Matey"  
**To:** 3212437098 "Stivers"  
**Date:** 5/2/2016, 3:03:34 PM (UTC-4)

"Are you joking me with your records I would have paid five grand easy to get with you got and that's no b\*\*\*\*\*"

**50) From:** 3212437098 "Stivers"  
**To:** 3212128403 "Matey"  
**Date:** 5/2/2016, 3:04:28 PM (UTC-4)

"I could've got a lawyer to do way better than anything I was offered today, it's fucked up. You need to take care of me and make this right"

**51) From:** 3212128403 "Matey"  
**To:** 3212437098 "Stivers"  
**Date:** 5/2/2016, 3:06:47 PM (UTC-4)

"Are you serious call a lawyer tell him exactly what happened your first plea deal that they offered you you didn't accept it then they pulled your record found out what you got and what you ended up with today"

**52) From:** 3212437098 "Stivers"  
**To:** 3212128403 "Matey"  
**Date:** 5/2/2016, 3:08:17 PM (UTC-4)

"They pulled my record before The first time, that is why I didn't get a better offer the first time and why what you told me sounded good. That's why I gave you the money"

**53) From:** 3212128403 "Matey"  
**To:** 3212437098 "Stivers"  
**Date:** 5/2/2016, 3:11:43 PM (UTC-4)

"Do you understand what you were facing probation revocation of driver's license all your signs he just showed me the files I sent them to you you the first time you went to court you should have accepted that plea that's why u got fucked"

**54) From:** 3212128403 "Matey"  
**To:** 3212437098 "Stivers"  
**Date:** 5/2/2016, 3:12:19 PM (UTC-4)

"And second of all you told me one week before your court date"

**55) From:** 3212437098 "Stivers"  
**To:** 3212128403 "Matey"  
**Date:** 5/2/2016, 5:12:47 PM (UTC-4)

"You need to try to make this right, I'm so broke I can barely eat"

**56) From:** 3212437098 "Stivers"  
**To:** 3212128403 "Matey"  
**Date:** 5/2/2016, 5:13:54 PM (UTC-4)

"You never told me about there being a chance that what he said was going to happen wasn't going to. Or else I would've just got a lawyer"

**57) From:** 3212128403 "Matey"  
**To:** 3212437098 "Stivers"  
**Date:** 5/2/2016, 5:14:45 PM (UTC-4)

"It is costing me more stress than both of you guys I don't need the stress I shouldn't even tried to do anything I don't want to get involved there was nothing in it for me and here I am stressing about the whole thing that's b\*\*\*\*\*"

**58) From:** 3212128403 "Matey"  
**To:** 3212437098 "Stivers"  
**Date:** 5/2/2016, 7:13:11 PM (UTC-4)



"Are you retarded the first time you went to court they gave you a deal to get rid of the case you denied it then they looked up your record and found all that stuff that's why you're screwed dumbass"

"He will put everything back to normal you can go pay a lawyer \$5,000 and you're going to end up with the same offer"

The following is a text message exchange between Stivers and Matey that occurred on May 3, 2016.

**59) From:** 3212128403 "Matey"  
**To:** 3212437098 "Stivers"  
**Date:** 5/3/2016 2:11:24 PM (UTC-4)

"He will give you your money back go spend 5 grand on a lawyer and you're going to get the same thing"

**60) From:** 3212128403 "Matey"  
**To:** 3212437098 "Stivers"  
**Date:** 5/3/2016, 2:11:45 PM (UTC-4)

"He is a prosecutor he looked at your file you cannot get a better deal even with a lawyer"

**61) From:** 3212437098 "Stivers"  
**To:** 3212128403 "Matey"  
**Date:** 5/3/2016 2:12:18 PM (UTC-4)

"So why did he tell me that I could get a better deal"

**62) From:** 3212128403 "Matey"  
**To:** 3212437098 "Stivers"  
**Date:** 5/3/2016, 2:12:43 PM (UTC-4)

"Not even with Johnnie Cochran"

"Because you did what don't you understand he looked at your original plea agreement I sent it to you you f\*\*\*\*\* up and did not take the original plea what you should have done"

**63) From:** 3212437098 "Stivers"  
**To:** 3212128403 "Matey"

**Date:** 5/3/2016, 2:15:29 PM (UTC-4)

"Once again why did he tell me he could make it happen with no probation"

**64) From:** 3212128403 "Matey"

**To:** 3212437098 "Stivers"

**Date:** 5/3/2016, 2:17:05 PM (UTC-4)

"He tried he got it down to 6 Mont probation I am stressed out enough I don't need this b\*\*\*\*\*  
I'm over it done"

Text messages from Stivers, Toppa, and Matey on May 4, 2016:

**65) From:** 3212437098 "Stivers"

**To:** 3212128403 "Matey"

**Date:** 05/04/2016, 5:21:15 PM (UTC-4)

"I can really use that money sometime soon"

**66) From:** 3212128403 "Matey"

**To:** 3215431666 "Toppa"

**Date:** 05/04/2016, 5:22:26 PM (UTC-4)

"That idiot wants his money back"

Text messages from Stivers to Matey on May 6, 2016:

**67) From:** 3212437098 "Stivers"

**To:** 3212128403 "Matey"

**Date:** 5/6/2016, 9:50:04 AM (UTC-4)

"Can you please call me and let me know what's going on"

**68) From:** 3212437098 "Stivers"

**To:** 3212128403 "Matey"

**Date:** 5/6/2016, 12:38:51 PM (UTC-4)

"Mike, what would you do someone took \$1000 from you and you didn't get anything back from it, think about that. That was my child support money that my ex-wife is about to turn me in on and I'm going to be even more screwed than the shit that I thought you were trying to help me





out with. I thought we were pretty good friends I really need you to help me out and get me that money back as soon as possible please. Wendy is freaking out because I don't have the money to give her now."

A comparison was conducted between the examination results from Toppa's phone and the results from Matey's cell phone. The SMS Text Messages were analyzed, and the text messages from Matey to Toppa on Toppa's phone started on May 4, 2016, with the message "That idiot wants his money back." The other messages were either deleted or missing prior to that conversation. Matey's cell phone had text messages between him and Toppa dating back to May 5, 2014. The text messages from Matey's phone and Toppa's phone were identical from May 4, 2016, until May 12, 2016, when Matey purchased a new phone.

A review of the Multimedia Messaging Service (MMS) messages was conducted; MMS messages contain photographs or other media within the text messages. Six photographs of paperwork from Stivers' court file were sent to Matey from Toppa on May 2, 2016; those six photos were in turn forwarded to Stivers. A photograph of a handwritten note that appeared to be from Stivers' file had been sent by Stivers to Matey on May 2, 2016.

On November 15, 2017, Your Affiant and SA Ryan Bliss conducted an interview with Stivers, who provided the following information in summary:

Stivers was asked about the allegation of bribery in his criminal case from February of 2016 for Possession of Cannabis and traffic offenses. Stivers recalled the case and the incident, and he said he was a third party in the matter. The other people involved Matey and an unknown friend of Matey's. Stivers and Matey were friends, and they had previously worked together at Stivers' father's business. Stivers told Matey about his arrest, and Matey said he knew someone who could help him who was an attorney. Matey promised Stivers that the attorney would make sure he wouldn't get probation. Stivers didn't know who the attorney was, and he never met him. Stivers paid Matey a \$1,000.00 or \$1,500.00, and he gave him the money at his apartment; that money was supposed to go to Matey's friend to help with the charges.

After the deal was made, Stivers was told he would still be getting probation, so he had to hire a private attorney to settle the matter. Stivers contacted Matey multiple times but never received his money back. He wasn't even sure if Matey was really talking to anyone or had just ripped him off of the money.

Stivers was asked again about the friend of Matey's, and he admitted that he knew that payment wasn't for an "attorney," but was to use back door channels to get out of probation.

Stivers was shown several text messages between him and Matey from a Cellebrite Extraction Report of Matey's old cell phone. (The text messages are quoted verbatim, including grammar and spelling errors.)

Stivers was shown a text message from April 22, 2016, at 9:33:43 UTC-4, from Matey to him: "I am with him right now before anything gets done you need to come up with 300 cash tomorrow morning ASAP or else I will give you your check back."

Stivers confirmed the text, and he remembered paying Matey with a check from his Wells Fargo account. He made the check out to "cash," and Matey cashed the check. He didn't think he had a copy of the check.

He was shown another text from April 22, 2016, at 9:37:02 UTC-4, from Matey to him: "Have 200 cash tomorrow or else he said there will be repercussions like I told you I am doing this for you I don't even want to get involved."

Stivers didn't remember what was meant by "repercussions." Stivers believed he dropped off the money to Matey on or around the date of that text.

Stivers was shown a text from Stivers to Matey on May 6, 2016, at 12:38:44: "Mike, what would you do someone took \$1000 from you and you didn't get anything back from it, think about that. That was my child support money that my ex-wife is about to turn me in on and I'm going to be even more screwed than the shit that I thought you were trying to help me out with."

Stivers said he was upset with Matey because he had paid the money and had an expectation of assistance, which he didn't get. Stivers reiterated Matey and his friend were supposed to help him to not get probation for his criminal case.

Stivers was shown a text from May 2, 2016, at 5:13:49, from Stivers to Matey: "You never told me about there being a chance that what he said was going to happen wasn't going to. Or else I would've just got a lawyer."

And from May 2, 2016, at 3:02:44, from Stivers to Matey: "I wouldn't of gave you all that money and instead of paying all my bills that I now can't pay except for the fact that you told me a certain thing was go."

Stivers confirmed the text messages and was shown several others, which he also confirmed.

On November 27, 2017, Your Affiant conducted a telephone interview with Ray Shackelford (hereinafter "Shackelford"). Shackelford had been employed with the Brevard County State

Attorney's Office as an Assistant State Attorney from September of 2013 through May of 2017, and he was the prosecuting attorney on Stivers' case.

Shackelford said that at some point while he was prosecuting the Stivers' case, he was informed by his secretary that Toppa had asked for Stivers' case file and wanted to speak with him about the case. Shackelford thought it was odd because he didn't know Toppa that well and they didn't discuss cases. Shackelford met with Toppa, who said that Stivers' mother was a nurse and was taking care of his (Toppa's) father who was terminally ill. Toppa asked if Shackelford could get rid of the probation or some of the sanctions in the case. Shackelford felt that probation was appropriate because Stivers was driving and there was an odor of cannabis in the vehicle when he was stopped. In essence, Stivers was driving under the influence.

Toppa then told Shackelford that he would typically offer something without probation on similar cases. Shackelford said he would look into it. Shackelford then talked with his supervisor Michael Bowen (hereinafter "Bowen"). Shackelford asked Bowen if his offer of probation was appropriate. Bowen felt that it was, given the facts of the case. Shackelford told Bowen that it was odd that Toppa would approach him to reduce the charges. Bowen thought it was odd as well and said he would get in contact with Toppa about it.

A few days later, Shackelford met with Toppa and told him that he couldn't do anything about the case and the offer was going to stay as it was. Toppa seemed a little uneasy and just brushed past him. Shackelford thought his reaction was strange, and he was anticipating a little more discussion. Toppa just walked away with his head down.

Shackelford only had the two conversations with Toppa about the case, and he didn't recall any e-mails or text messages between them. Shackelford also didn't recall if Toppa was in the courtroom or not when he was prosecuting the case.

Shackelford reiterated that he thought it was very unusual that Toppa approached him about reducing the probation of the case.

On January 11, 2018, Matey, acting as a FDLE Cooperating Witness, met with Toppa, and the meeting was video and audio recorded. The following is a summary of the conversation:

At approximately 1654 hours, Matey met with Toppa at the Holiday Inn located at 8298 Sheriff Drive, Viera, Florida. Matey got into Toppa's vehicle and advised Toppa that Your Affiant had come to his residence and showed him the text between them regarding the bribe with Stivers. Toppa said, "Nothing ever happened." Matey said that the agents had text messages of the conversations. Toppa said he never got any money and that there was no money ever exchanged, and he never had a case with him (Stivers).

Matey reiterated that the whole conversation was on text. Toppa said, "I didn't send the text." Toppa further related, "It's a text. Do they have any cash, pictures, do they have video of this happening? No, they have a text that said it happened. So, what can they prove? They can prove a text conversation happened. They can't prove anything happened."

Matey said, "They want to charge me with a felony."

Toppa responded, "What kind of felony are they going to charge you with?"

Matey said, "Because I gave you the money, and I exchanged the money."

Toppa said, "What money? All they have is a text. There's no money . . . Am I wrong?"

Toppa said he didn't know what Matey was talking about with this guy (Stivers). Toppa added that they (the police) had no way knowing who sent those text messages, and the texts were hearsay, and they needed substantive evidence.

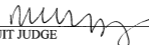
Toppa apologized to Matey for the scenario and said he was trying to get his life back together. He had been in rehab, and he wished he could make it up to everyone he had hurt.

Matey concluded the meeting with Toppa.

WHEREFORE, your Affiant prays that a warrant be issued commanding the Executive Director of the Florida Department of Law Enforcement or any of his duly authorized Special Agents and all Sheriffs or any of their duly authorized deputies to arrest JOHN MICHAEL TOPPA and bring him (her) before the Court so that he may be dealt with according to law.

  
Special Agent Mark Mynheir  
Florida Department of Law Enforcement

SWORN TO AND SUBSCRIBED before me this 24 day of January 2018.

  
CIRCUIT JUDGE

**Nancy Maloney**  
Circuit Judge