

IN THE CIRCUIT OR COUNTY COURT
OF THE FIFTH JUDICIAL CIRCUIT OF
FLORIDA IN AND FOR LAKE COUNTY

State of Florida

vs

Milton Paul Gass

Perjury by False Declaration 2CNTS
Florida Statute 92.525
Criminal Solicitation of Perjury
3 CNTS
Florida Statute 777.04(3), 92.525

Office of Inspector General Criminal Investigation 19-11839

AFFIDAVIT OF PROBABLE CAUSE

Comes now, the affiant, Mark A. Garcia, Senior Inspector, Office of Inspector General, Florida Department of Corrections, a sworn law enforcement officer, who personally appeared before a notary public or certified officer, makes this affidavit, which has been electronically submitted to the Court. The affiant swears under oath that he has probable cause to believe that certain laws have been violated in Lake County, Florida and that on or about July 8, 2019, Milton Paul Gass did commit Perjury by False Declaration 2 CNTS, in violation of Florida Statute 92.525 and Solicitation to Commit the Felony Crime of Perjury by False Declaration 3 CNTS, in violation of Florida Statutes 92.525 and 777.04(3).

That the events hereinafter set forth occurred at Lake Correctional Institution 19225 U.S. Highway 27, Clermont, FL 34715 in Lake County.

Your affiant had the occasion, to lead a criminal investigation, into staff abuse committed by members of the Florida Department of Corrections, at Lake Correctional Institution. The staff abuse occurred on July 8, 2019, between the hours of 5:00 PM and 6:00 PM. As a result of Criminal Investigation 19-11839, your affiant has probable cause to believe that:

Correctional Officer Captain, Milton Paul Gass (Captain Gass), committed the crime of Perjury by False Declaration (2CNTS) in violation Florida Statute (FS) 92.525, a 3rd degree felony crime, when he signed and submitted an official Florida Department of Corrections (FDC) Use of Force Incident Report, and an official FDC Report of Force used, both of which he knew contained false information and/or omission of facts, reference a use of force on Inmate [REDACTED]. Inmate [REDACTED] was an inmate in the custody, care and control of the FDC. Captain Gass signed and submitted the reports under penalty of perjury, after a written attestation on the reports indicated, that by signing the reports, he declared

that they were true and accurate as written, the whole truth and nothing but the truth to the best of his knowledge.

Captain Gass also committed three (3) counts of the criminal act, Solicitation to Commit Perjury, in violation of FS 777.04(3), when he commanded, encouraged, or requested, of four correctional officers and a correctional officer sergeant, that they commit the Felony Offense of: Perjury by False Written Declaration in violation of FS 92.525, by having them sign and submit, use of force incident reports, which he wrote for them, and which he knew contained false information and/or omission of facts, reference a use of force on Inmate [REDACTED]

Specifically,

On July 8, 2019, at approximately 5:30 PM, Correctional Officer Joshua Petersilge, Correctional Officer Hunter Lingo, Correctional Officer Joseph James, Correctional Officer Cheyenne Jordan, Correctional Officer Sergeant Scott Wilson, and Captain Gass, where all involved in a use of force incident with Inmate [REDACTED]. After the use of force, Captain Gass met with the officers, collected information about their involvement in the use of force, wrote their use of force reports for them or edited them, gave them the reports, and had the officers sign the reports. Sergeant Wilson and Officer Jordan advised Captain Gass, that the reports contained inaccuracies and misinformation. The inaccuracies included:

1. That the officers saw Inmate [REDACTED] strike Captain Gass in the face with his fist. A claim Captain Gass himself was unsure of, based on his own post-Miranda interview.
2. A statement that Sgt. Wilson delivered "distractionary strikes" to Inmate [REDACTED]. A claim Sgt. Wilson told Captain Gass was not true, according to his sworn recorded interview.
3. A statement that he (Captain Gass) recovered a USB cell phone charger from Inmate [REDACTED] sock. A fact that Officer James acknowledged he did not witness, according to his sworn recorded interview.

The reports written by Captain Gass, also contained missing information, which may have been purposely omitted, to conceal the excessiveness of the force used on Inmate [REDACTED]. Missing from the reports was:

1. The fact that Officer Petersilge stomped and kicked Inmate [REDACTED]
2. The fact that an unidentified officer punched Inmate [REDACTED] at least 12 times on the ribs.
3. The fact that Inmate [REDACTED] was struck in the face, [REDACTED]. A fact he knew as evidenced by a social media chat he had with the officers, where he told them: "FYI inmate [REDACTED]", that Monday at 10:39 PM.
4. An omission that he (Captain Gass), placed Inmate [REDACTED] in a "choke hold" during the use of force, and used the choke hold to strangle Inmate [REDACTED] into

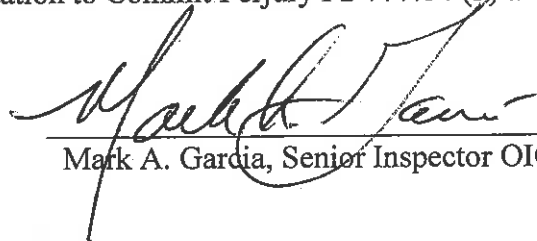
submission. A fact that was later made known via the sworn recorded interview of a witness staff member.

Captain Gass's false declarations on the reports, the omissions on the reports, and the editing of the reports, were all discovered as a result of a video of the incident, which was posted to the social media website YouTube. Furthermore, he was advised by Sgt. Wilson and Officer Jordan, that the reports as written by him, contained inaccuracies or false information. He handed the reports to the officers, and directed the officers to sign them; thereby commanding, requesting or encouraging them to submit false or inaccurate official reports. Sgt. Wilson and Officer Jordan provided sworn digitally recorded testimony, that they felt compelled to sign the reports, under the direction of Captain Gass. Captain Gass did not explicitly order them to sign the reports, however, he told Sgt. Wilson "sign it, we'll be alright" after Sgt. Wilson objected to the contents of the reports.

Captain Gass's actions were in violation of FS 92.525 and FS 774.04(3): Perjury by False Declaration and Solicitation to Commit Perjury.

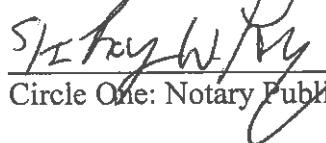
Therefore, Your Affiant respectfully hopes and prays, that an Arrest Warrant be issued, for the arrest instanter, of Milton Paul Gass, Correctional Officer Captain, W/M, DOB: [REDACTED] DL: [REDACTED] of [REDACTED] contact number [REDACTED]

Your Affiant believes that probable cause exists for the arrest of Milton Paul Gass for Perjury by False Declarations FS. 92.525 and Solicitation to Commit Perjury FS 777.04 (3) and 92.525.


Mark A. Gardia, Senior Inspector OIG/FDC

Sworn to and Subscribed before me

this 24 day of July, 2019.


Circle One: Notary Public - Certified Officer

Personally known to me
 Produced identification
Type:

IN THE CIRCUIT OR COUNTY COURT
OF THE FIFTH JUDICIAL CIRCUIT OF
FLORIDA IN AND FOR LAKE COUNTY

State of Florida

vs.

Milton Paul Gass

ARREST WARRANT

IN THE NAME OF THE STATE OF FLORIDA, TO ALL AND SINGULAR THE SHERIFFS OF THE STATE OF FLORIDA, SPECIAL AGENTS OF THE FLORIDA DEPARTMENT OF LAW ENFORCEMENT, INVESTIGATORS OF THE STATE ATTORNEY'S OFFICES AND/OR ALL OTHER AUTHORIZED POLICE OR LAW ENFORCEMENT OFFICERS ACTING WITHIN THEIR JURISDICTION:

Whereas, Mark A. Garcia, Senior Inspector Office of Inspector General, Florida Department of Corrections has this day electronically submitted a sworn affidavit, hereby incorporated herein, which establishes probable cause that in the County aforesaid, Milton Paul Gass did commit Perjury by False Declarations and Solicitation to Commit Perjury, contrary to Florida State Statutes 92.525 and FS. 777.04(3) in such cases made and provided, and against the peace and dignity of the State of Florida.

Therefore you are hereby commanded forthwith to arrest the said **Milton Paul Gass** and bring him before the proper court to be dealt with according to law.

Given under my hand and seal this 24th day of July, 2019.



County/Circuit Judge, Lake County

*In the Circuit or County Court
of
Lake County
State of Florida*

State of Florida

vs.

*Name: Milton Paul Gass
Address: [REDACTED]
Race: White
Sex: Male
DOB: [REDACTED]
FL ID#: [REDACTED]
SS#: [REDACTED]
Hgt: 6'1"
Wgt: 180 LBS*

Warrant

*Appearance Bond fixed at
Count 1: Perjury by False Declaration: BOND: \$2,000
Count 2: Solicitation to commit a felony: BOND: \$2,000
Count 3: Solicitation to Commit Perjury: BOND: \$2,000
Count 4: Solicitation to Commit Perjury: BOND: \$2,000
Count 5: Solicitation to Commit Perjury: BOND: \$2,000
Total Bond: \$10,000*

*Fixed this _____ day of
_____, 2019*

Clerk

*Received the warrant this _____ day of
_____, 2019 and executed the same in Lake
County, Florida on the _____ day of
_____, 2019 by arresting Milton Paul
Gass, the within named defendant, and at the same time
informing him of the cause of the arrest and the issuance of
this warrant.*

Sheriff of County

D.S.

IN THE CIRCUIT OR COUNTY COURT
OF THE FIFTH JUDICIAL CIRCUIT OF
FLORIDA IN AND FOR LAKE COUNTY

State of Florida

vs

Principal to Malicious Battery 1CNT
Florida Statutes 944.35(3)(a)(2); 777.011

Hunter Lingo

Office of Inspector General Criminal Investigation 19-11839

AFFIDAVIT OF PROBABLE CAUSE

Comes now, the affiant, Mark A. Garcia, a sworn law enforcement officer, who personally appeared before a notary public or certified officer, makes this affidavit, which has been electronically submitted to the Court. The affiant swears under oath that he has probable cause to believe that certain laws have been violated in Lake County, Florida and that on or about July 8th, 2019, Correctional Officer Hunter Lingo did commit Principal to Malicious Battery, Florida Statutes 944.35 (3)(a)(2); 777.011.

That the events hereinafter set forth occurred at Lake Correctional Institution 19225 U.S. Highway 27 Clermont, FL 34715 in Lake County.

Your affiant had the occasion, to lead Criminal Investigation 19-11839, into physical abuse committed by members of the Florida Department of Corrections. The physical abuse occurred on July, 8, 2019, between the hours of 5:00 PM and 6:00 PM. As a result of the criminal investigation, your affiant has probable cause to believe that:

Correctional Officer Hunter Lingo committed the felony crime, Principal to Malicious Battery, in violation of Florida Statutes (FS) 944.35 (3)(a)(2), 777.011 by viciously punching Inmate [REDACTED] in the face and or upper torso area, and in doing so, subjected Inmate [REDACTED] to cruel and inhumane treatment, which caused or contributed to his great bodily harm, permanent disability, or permanent disfigurement.

Specifically,

On July 8th, 2019 at approximately 5:30 PM, Correctional Officer Hunter Lingo, was involved in a use of force incident on Inmate [REDACTED] who was in the custody, care, and control of the Florida Department of Corrections (FDC). Correctional Officer Captain Milton P. Gass, Officer Joshua Petersilge, Officer Cheyenne Jordan, Officer Joseph James, and Sergeant Scott Wilson were also involved in the use of force. The use of force incident was recorded on video, by an unknown

person, presumably an inmate with a contraband cell phone, and posted on the social media website YouTube.

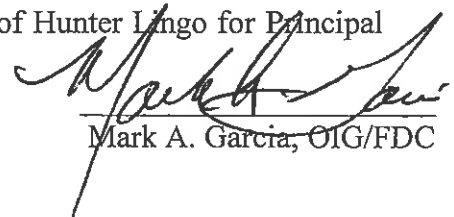
On the video, Officer Lingo was recorded punching Inmate [REDACTED] while Inmate [REDACTED] was on the ground, being subdued by other officers. During sworn digitally recorded interviews, Officer Jordan, Officer James, Sgt. Wilson, and Officer William Nieves, all identified Officer Lingo as the officer recorded on video, punching Inmate [REDACTED] five (5) times about the head and upper torso area. Officer Lingo provided a sworn digitally recorded post-Miranda interview, during which he admitted he was the officer recorded on video punching Inmate [REDACTED]. Officer Lingo claimed the punches were "distractionary strikes", delivered to Inmate [REDACTED] upper extremities and torso area, in an effort to secure his hands, and hand cuff him. Officer Lingo denied striking Inmate [REDACTED] in the face and head.

The maliciousness of Officer Lingo's battery on Inmate [REDACTED] was further documented, via a sworn digitally recorded statement, provided by Licensed Practical Nurse Nancy DeStefano, who witnessed Officer Lingo celebrating and mimicking how he punched and battered Inmate [REDACTED]. Officer Lingo also demonstrated deprived indifference towards Inmate [REDACTED] wellbeing, when he said of Inmate [REDACTED] "Fuck him", during a social media chat he had with other officers about the incident and Inmate [REDACTED].

Your Affiant can attest based upon my training and experience, "distractionary strikes", punches, are a use of force technique, taught to, and approved for use by correctional officers. However, the viciousness of the punches; the amount of punches; Officer Lingo's celebration of his actions; and Officer Lingo's deprived indifference towards Inmate [REDACTED] well being; showed that the force used by Officer Lingo contained malicious intent, cruelty, and inhumane treatment towards Inmate [REDACTED]. Inmate [REDACTED] was subjected to great bodily harm as a result of the use of force, [REDACTED].

Therefore, Your Affiant respectfully requests, that an Arrest Warrant, be issued for the arrest instanter, of Hunter Lingo, W/M, DOB: [REDACTED] DL: [REDACTED] of: [REDACTED] contact number: [REDACTED] for the felony crime of Principal to Malicious Battery FS 944.35 (3)(a)(2); 777.011.

Your Affiant believes that probable cause exists for the arrest of Hunter Lingo for Principal to Malicious Battery, FS. 944.35 (1)(a)(2); 777.011.


Mark A. Garcia, OIG/FDC

Sworn to and Subscribed before me

this 24 day of July, 2019.

S/I Roy W. [REDACTED]
Circle One. Notary Public - Certified Officer

Personally known to me
 Produced identification

Type:

IN THE CIRCUIT OR COUNTY COURT
OF THE FIFTH JUDICIAL CIRCUIT OF
FLORIDA IN AND FOR LAKE COUNTY

State of Florida

Vs.

Hunter Lingo

ARREST WARRANT

IN THE NAME OF THE STATE OF FLORIDA, TO ALL AND SINGULAR THE SHERIFFS OF THE STATE OF FLORIDA, SPECIAL AGENTS OF THE FLORIDA DEPARTMENT OF LAW ENFORCEMENT, INVESTIGATORS OF THE STATE ATTORNEY'S OFFICES AND/OR ALL OTHER AUTHORIZED POLICE OR LAW ENFORCEMENT OFFICERS ACTING WITHIN THEIR JURISDICTION:

Whereas, Mark A. Garcia, Senior Inspector, Office of Inspector General, Florida Department of Corrections, has this day electronically submitted a sworn affidavit, hereby incorporated herein, which establishes probable cause that in the County aforesaid, Hunter Lingo did commit Principal to Malicious Battery, contrary to Florida State Statutes 944.35 (3)(a)(2); 777.011 in such cases made and provided, and against the peace and dignity of the State of Florida.

Therefore you are hereby commanded forthwith to arrest the said **Hunter Lingo** and bring him before the proper court to be dealt with according to law.

Given under my hand and seal this 24th day of July, 2019.



County/Circuit Judge, Lake County

*In the Circuit or County Court
of
Lake County
State of Florida*

State of Florida

vs.

Name: Hunter Lingo

Address: [REDACTED]

Race: White

Sex: Male

DOB: [REDACTED]

FL ID# [REDACTED]

SS#: [REDACTED]

Hgt: 6'1"

Wgt: 290 Lbs

Warrant

Appearance Bond fixed at

Count 1: Principal to Malicious Battery

BOND: \$2,000

*Fixed this _____ day of
_____, 2019*

Clerk

*Received the warrant this _____ day of
_____, 2019 and executed the same in Lake
County, Florida on the _____ day of
_____, 2019 by arresting
the within named defendant, and at the same time
informing him/her of the cause of the arrest and the
issuance of this warrant.*

Sheriff of County

D.S.

IN THE CIRCUIT OR COUNTY COURT
OF THE FIFTH JUDICIAL CIRCUIT OF
FLORIDA IN AND FOR LAKE COUNTY

State of Florida

vs

Principal to Malicious Battery – 1CNT
Florida Statutes: 944.35 (3)(a)(2); 777.011

Joshua Petersilge

Office of Inspector General Criminal Investigation 19-11839

AFFIDAVIT OF PROBABLE CAUSE

Comes now, the affiant, Mark A. Garcia, Senior Inspector, Office of Inspector General, Florida Department of Corrections, a sworn law enforcement officer, who personally appeared before a notary public or certified officer, makes this affidavit, which has been electronically submitted to the Court. The affiant swears under oath that he has probable cause to believe that certain laws have been violated in Lake County, Florida and that on or about July 8th, 2019, Correctional Officer Joshua Petersilge, did commit Principal to Malicious Battery on Inmate [REDACTED], in violation of FS 944.35 (3)(a)(2); 777.011

That the events hereinafter set forth occurred at Lake Correctional Institution, 19225 U.S. Highway 27 Clermont, FL 34715 in Lake County.

Your affiant had the occasion, to lead Criminal Investigation 19-11839, into physical abuse committed by members of the Florida Department of Corrections, at Lake Correctional Institution. The staff abuse occurred on July 8th, 2019, between the hours of 5:00 PM and 6:00 PM. As a result the criminal investigation, your affiant has probable cause to believe that:

Correctional Officer Joshua Petersilge committed the felony crime, Principal to Malicious Battery, in violation of Florida Statutes (FS) 944.35 (3)(a)(2), 777.011 by stomping and kicking Inmate [REDACTED], and in doing so, subjected Inmate [REDACTED] to cruel and inhumane treatment, which caused or contributed to his great bodily harm, permanent disability, or permanent disfigurement.

Specifically,

On July 8th, 2019 at approximately 5:30 PM, Correctional Officer Joshua Petersilge, was involved in a use of force incident with Inmate [REDACTED] who was in the custody, care, and control of the Florida Department of Corrections (FDC). Correctional Officer Captain Milton P. Gass, Officer Hunter Lingo, Officer Cheyenne Jordan, Officer Joseph James, and Sergeant Scott Wilson were also involved in the use of force. The use of force incident was recorded on video,

by an unknown person, presumably an inmate with a contraband cell phone, and posted on the social media website YouTube.

On the video, Officer Petersilge was recorded as he stomped and kicked Inmate [REDACTED], while Inmate [REDACTED] was on the ground, being subdued by other officers. During sworn digitally recorded interviews, Officer William Nieves, Sergeant Wilson, and Officer Jordan, identified Officer Petersilge as the officer recorded on video, who stomped and kicked Inmate [REDACTED] about the head and upper torso area.

Your Affiant can attest by my training and experience that stomping and kicking a subject, while he or she is on the ground, being subdued by other officers, is not an authorized defensive tactics technique, based on the type of resistance. Inmate [REDACTED] was subjected to great bodily harm as a result of the use of force, [REDACTED]

Your Affiant believes that probable cause exists for the arrest of Officer Petersilge, and respectfully requests, that an Arrest Warrant, be issued for the arrest instanter, of Joshua Petersilge, W/M, DOB: [REDACTED], DL: [REDACTED] SS: [REDACTED] of: [REDACTED], contact number: [REDACTED], for the felony crime of Principal to Malicious Battery FS 944.35 (3)(a)(2); 777.011.


Mark A. Garcia, Senior Inspector OIG/FDC,

Sworn to and Subscribed before me

this 24 day of July, 2019.


Circle One: Notary Public - Certified Officer

Personally known to me
 Produced identification
Type:

IN THE CIRCUIT OR COUNTY COURT
OF THE FIFTH JUDICIAL CIRCUIT OF
FLORIDA IN AND FOR LAKE COUNTY

State of Florida

Vs.

Joshua Petersilge

ARREST WARRANT

IN THE NAME OF THE STATE OF FLORIDA, TO ALL AND SINGULAR THE SHERIFFS OF THE STATE OF FLORIDA, SPECIAL AGENTS OF THE FLORIDA DEPARTMENT OF LAW ENFORCEMENT, INVESTIGATORS OF THE STATE ATTORNEY'S OFFICES AND/OR ALL OTHER AUTHORIZED POLICE OR LAW ENFORCEMENT OFFICERS ACTING WITHIN THEIR JURISDICTION:

Whereas, Mark A. Garcia, Senior Inspector office of Inspector General, Florida department of Corrections, has this day electronically submitted a sworn affidavit, hereby incorporated herein, which establishes probable cause that in the County aforesaid, Joshua Petersilge, did commit Principal to Malicious Battery on Inmate [REDACTED] contrary to Florida State Statutes in violation of FS 944.35 (3)(a)(2); 777.011 in such cases made and provided, and against the peace and dignity of the State of Florida.

Therefore you are hereby commanded forthwith to arrest the said **Joshua Petersilge** and bring him before the proper court to be dealt with according to law.

Given under my hand and seal this 24th day of July, 2019.



County/Circuit Judge, Lake County

*In the Circuit or County Court
of
Lake County
State of Florida*

State of Florida

vs.

Name: Joshua Petersilge

Address: [REDACTED]

Race: White

Sex: Male

DOB: [REDACTED]

FL ID# [REDACTED]

SS#: [REDACTED]

Hgt: 5'6"

Wgt: 160

Warrant

Appearance Bond fixed at

Count 1: Malicious Batter BOND: \$2,000.00

*Fixed this _____ day of
_____, 2019*

Clerk

*Received the warrant this _____ day of
_____, 2019 and executed the same in Lake
County, Florida on the _____ day of
_____, 2019 by arresting
the within named defendant, and at the same time
informing him/her of the cause of the arrest and the
issuance of this warrant.*

Sheriff of County

D.S.