

# Florida Department of Corrections



## Office of the Inspector General

**CRIMINAL INVESTIGATION  
INVESTIGATIVE ASSIST  
CASE # 15-24726**



FLORIDA DEPARTMENT OF CORRECTIONS  
OFFICE OF THE INSPECTOR GENERAL  
**INVESTIGATIVE ASSIST SUMMARY REPORT**



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**Case Number:** 15-24726

**OIG Inspector:** Senior Inspector Justin Bates

**Outside Agency:** Florida Department of Law Enforcement

**Outside Agency Investigator:** Special Agent Ryan Bunton

**Date Assigned or Initiated:** October 21, 2015

**Complaint Against:** Inmate Corry Mency, DC# J14123

**Location of Incident – Institution/Facility/Office:** Suwannee Correctional Institution

**Complainant:** Captain Kenneth Butler

**Outside Agency Case #:** TL-37-0020

**Use of Force Number:** N/A

**PREA Number:** N/A

**Classification of Incident:** Homicide

**Confidential Medical Information Included:** \_\_\_ Yes      X  No

**Whistle-Blower Investigation:** \_\_\_ Yes      X  No

**Chief Inspector General Case Number:** N/A



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## **I. AUTHORITY**

The Florida Department of Corrections, Office of the Inspector General, by designation of the Secretary and § 944.31, Florida Statutes, is authorized to conduct any criminal investigation that occurs on property owned or leased by the department or involves matters over which the department has jurisdiction.

The testimony references included in this report are summations of oral or written statements provided to inspectors. Statements contained herein do not necessarily represent complete or certified transcribed testimony, except as noted. Unless specifically indicated otherwise, all interviews with witnesses, complainants, and subjects were audio or video recorded.

## **II. METHODOLOGY**

The investigation reviewed the derivations of the allegation advanced by the complainant. The scope of this investigation does not seek to specifically address tort(s), but violations of criminal statutes. The criterion used to evaluate each contention or allegation was limited to the following standard of analysis:

1. Did the subject's action or behavior violate Florida criminal statutes?

## **III. ANALYSIS**

The standard and analysis in this investigation is predicated with the burden of proving any violation of law, established by probable cause. The evidence considered for analysis is confined to the facts and allegations stated or reasonably implied. The actions or behavior of the subject are presumed to be lawful and in compliance with the applicable Florida law, unless probable cause indicates the contrary.



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#### **IV. DEFINITIONS**

**Unfounded:**

Refers to a disposition of a criminal case for which probable cause does not exist to suggest the suspect's behavior or action occurred nor is an arrest or formal charge being initiated.

**Closed by Arrest:**

Refers to a disposition of a criminal case for which probable cause exists that an identified subject committed the offense and one for which an arrest or formal prosecution has been initiated.

**Exceptionally Cleared:**

Refers to a disposition of a criminal case for which probable cause exists that an identified suspect committed the offense, but one for which an arrest or formal charge is not initiated, or in the case of a death investigation, one for which no evidence exists that the death was the result of a crime or neglect.

**Open-Inactive:**

Refers to a disposition of a criminal case for which a criminal investigation commenced, but where evidence is insufficient to close as unfounded, closed by arrest, or exceptionally cleared.

**Investigative Assist Closed**

Refers to a disposition of an investigative assist, where the conduct being investigated by the outside agency did not concern allegations against a Department employee, contractor, inmate, offender, or other person either employed or under the supervision of the Department.



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**V. PREDICATE**

On October 21, 2015, correctional staff at Suwannee Correctional Institution (SWCI) were alerted to a disturbance in E-dorm, cell 2208. When they arrived at the cell, staff discovered Inmate Gerard Gabriel, DC# B00912 [REDACTED] in his assigned bunk. After [REDACTED] failed, staff notified this Inspector and based on the alleged criminal misconduct outlined in the *MOU* the Florida Department of Law Enforcement (*FDLE*) was notified, initiating a criminal investigation in *FDLE* case # TL-37-0020. On October 21, 2015, Senior Inspector Justin Bates was assigned investigative assist # 15-24726 to assist *FDLE* in their investigation.

**VI. SUMMARY OF INVESTIGATIVE FINDINGS**

Based on the exhibits, witnesses' testimony, subject officer's statements, and the record as a whole, presented or available to the primary inspector, the following findings of facts were determined:

On October 21, 2015, I received a phone call from Captain Kenneth Butler (*Butler*) at *SWCI* about a deceased inmate. Butler advised staff were alerted to an altercation inside cell E2208 by other inmates yelling and kicking the cell doors. Butler furthered saying when staff breached the cell, they found Inmate Gerard Gabriel, DC# B00912 [REDACTED] in his assigned bunk. [REDACTED] arrived and began [REDACTED] until [REDACTED] arrived on scene. After several minutes [REDACTED] declared the inmate deceased. I advised Butler to keep the crime scene secured until I arrived.

Based on this information I notified Inspector Supervisor Darryl Cherry who in turn notified *FDLE* based on the departments *MOU*.

When I arrived at *SWCI* I entered wing 2 of E-dormitory and observed all the inmates assigned were locked inside their cells. There was [REDACTED] in the middle of the dayroom with an obvious covered body upon it. Based on the number of inmates housed in the quad, I determined it would be best to remove [REDACTED] from the quad floor. I contacted *FDLE* Agent Scott Ivey who was responding and advised of this. Ivey agreed and after taking multiple photos of the dayroom and the deceased we moved the body into a secure [REDACTED] so the dorm could resume normal operations except for the cell in question.

A short time later, Ivey arrived on scene and was briefed on the situation thus far. At that point the investigation was turned over to SA Ivey. While on scene, Ivey and I conducted multiple staff and inmate interviews. It was determined that right before staff were alerted, an altercation took place between Gabriel and Inmate Corry Mercy, DC# J14123 inside the cell. Mercy told other inmates that Gabriel was sexually harassing him and no one was helping with the problem.

The following day, Ivey and I attended the autopsy at the Medical Examiner's Office in Tallahassee. After the autopsy, we were informed the cause of death was Homicide and the manner of death was [REDACTED]



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On June 13, 2016, Mercy was indicted by a Grand Jury in the Suwannee County Courthouse, Third Judicial Circuit of Florida. The FDLE case is now awaiting court proceedings. No other OIG action is needed in this assist.

**VII. CHARGES**

**List alleged violations of Florida Law:**

1. 782.04 Murder.—
  - 2) The unlawful killing of a human being, when perpetrated by any act imminently dangerous to another and evincing a depraved mind regardless of human life, although without any premeditated design to affect the death of any individual, is murder in the second degree and constitutes a felony of the first degree, punishable by imprisonment for a term of years not exceeding life
    - (o) Murder of another human being

**VIII. CONCLUSION**

Based on the information gathered during their investigation, it is the recommendation of *FDLE* Special Agent Scott Ivey the allegation against Inmate Corry Mercy, DC# J14123 for **Murder 2<sup>nd</sup> Degree, in violation of 782.04 (2)(o)**, be termed as follows:

1. Closed by Arrest

Inspector Bates reviewed the investigation completed by *FDLE*, and administrative issues were not identified.