

## PROBABLE CAUSE AFFIDAVIT

|   |   |  |   |   |  |  |
|---|---|--|---|---|--|--|
| OBTS #  |   | 1. Arrest Affidavit<br>2. Notice to Appear                         | 3. Complaint Affidavit<br>4. Request for Capias<br>5. Teen Court Referral | 1   | Juvenile                                 | N  |
| ORI #   | FL0037275C                                | Florida Department of Corrections –<br>Office of Inspector General |   | Report #  | 20-04922                                 |  |
| Location of Offense<br>Hamilton Correctional Institution  |   |  | Date of Offense<br>03/03/2020   |   | Date of Arrest                           |  |
| Name: <b>Coty Michael Wiltgen</b>   |   |  |   | Alias:  |  |  |
| Race<br>W – White<br>B – Black  | I – Indian American<br>O – Oriental Asian | Sex<br>W<br>M  | DOB or Age<br>[REDACTED]  | Height<br>505   | Weight<br>UK                             | Eye Color<br>GREEN   |
|   |   |  |   | Hair Color<br>RED   | Complexion<br>LIGHT                      | Build<br>MED   |
| Address (Street, Apt, Number)   |   |  | (City)  | (State)   | Phone                                    |  |
| <input type="checkbox"/> 1. Parent<br><input type="checkbox"/> 2. Legal Custodian<br><input type="checkbox"/> 3. Other  |   |  | Name of Parent or Custodian (Last, First, Middle)                         |   |  | Residence Phone<br>( ) -   |
| Address (Street, Apt, Number)   |   |  | (City)  | (State)   | Business Phone<br>( ) -                  |  |
| Notified By: (Name)   |   | Date   | Time  | Juvenile Disposition<br>1. Handled / Processed within Dept and Released<br>2. Turned over to DOH/C&F<br>3. Incarcerated (County Jail) |  |  |
| Released to: (Name)   |   | Relationship   | Date  | Time  |  |  |
| Activity:<br>N. N/A<br>P. Posses  | S. Sell<br>B. Buy<br>T. Traffic           | R. Smuggle<br>D. Deliver<br>E. Use                                 | K. Dispense /<br>Distribute   | M. Manufacture /<br>Produce /<br>Cultivate  | Z. Other                                 | Type:<br>N. N/A<br>A. Amphetamine  |
|   |   |  |   |   |  | B. Barbiturate<br>C. Cocaine<br>E. Heroine   |
|   |   |  |   |   |  | H. Hallucinogen<br>M. Marijuana<br>O. Opium / Deriv                                  |
|   |   |  |   |   |  | P. Paraphernalia /<br>Equipment<br>S. Synthetic                                      |
|   |   |  |   |   |  | U. Unknown<br>Z. Other   |
| Charge Description<br><b>Malicious Battery (Officer on Inmate)</b>  |   |  | Counts<br>1   | <input checked="" type="checkbox"/> F.S.<br><input type="checkbox"/> Ord  | State Violation Number:<br>944.35(3)(a)2 |  |
| Activity<br>N   |   |  | Drug Type<br>N  | Amount / Unit   | State Attorney Number                    |  |
| <input checked="" type="checkbox"/> PC<br><input type="checkbox"/> Capias<br><input type="checkbox"/> AC<br><input type="checkbox"/> BW<br><input type="checkbox"/> PW<br><input type="checkbox"/> Juv. PU<br><input type="checkbox"/> Citation |   |  | Date Issued   |   | Writt. Att. #                            | <input type="checkbox"/> Domestic Viol Inj. <input type="checkbox"/> Order of Arrest |
| Charge Description<br><b>Official Misconduct</b>  |   |  | Counts<br>1   | <input checked="" type="checkbox"/> F.S.<br><input type="checkbox"/> Ord  | State Violation Number:<br>838.022(1)(a) |  |
| Activity  |   |  | Drug Type   | Amount / Unit   | State Attorney Number                    |  |
| <input type="checkbox"/> PC<br><input type="checkbox"/> Capias<br><input type="checkbox"/> AC<br><input type="checkbox"/> BW<br><input type="checkbox"/> PW<br><input type="checkbox"/> Juv. PU<br><input type="checkbox"/> Citation            |   |  | Date Issued   |   | Writt. Att. #                            | <input type="checkbox"/> Domestic Viol Inj. <input type="checkbox"/> Order of Arrest |
| Charge Description  |   |  | Counts  | <input checked="" type="checkbox"/> F.S.<br><input type="checkbox"/> Ord  | State Violation Number:                  |  |
| Activity  |   |  | Drug Type   | Amount / Unit   | State Attorney Number                    |  |
| <input type="checkbox"/> PC<br><input type="checkbox"/> Capias<br><input type="checkbox"/> AC<br><input type="checkbox"/> BW<br><input type="checkbox"/> PW<br><input type="checkbox"/> Juv. PU<br><input type="checkbox"/> Citation            |   |  | Date Issued   |   | Writt. Att. #                            | <input type="checkbox"/> Domestic Viol Inj. <input type="checkbox"/> Order of Arrest |

The Undersigned Certifies and swears that he/she has just and reasonable grounds to believe, and does believe that the above named Defendant committed the following Violation of the law:  
 On the 3rd day of March 2020 at 8:50  AM  PM (Specially include facts constituting cause for arrest)

Your Affiant is Senior Inspector Chip Potter with the Office of Inspector General for the Florida Department of Corrections, and the defendants are Sergeants Ethan Burkett (*Sergeant Burkett*), Coty Wiltgen (*Sergeant Wiltgen*), and Officer William Shackelford (*Officer Shackelford*) who are currently certified FDC Correctional Employees assigned at Hamilton Correctional Institution (*HCI*). Your affiant has investigated a Malicious Battery case whereas the three listed officers brutally beat Inmate [REDACTED] (*Inmate [REDACTED]*) DC# [REDACTED] while Inmate [REDACTED] was housed at HCI.

On March 03, 2020, staff including Sergeants Wiltgen, Burkett, and Officer Shackelford entered G-dorm to conduct searches of inmate cells. An inmate broke and ran through the dorm and Sergeant Burkett gave chase. Inmate [REDACTED] was in the middle of the common area when the running inmate passed him. As Sergeant Burkett attempted to pass Inmate [REDACTED] Inmate [REDACTED] pushed him off his path resulting in Sergeant Wiltgen utilizing chemical agents on Inmate [REDACTED]. As chemical agents were being administered Inmate [REDACTED] walked calmly away from Sergeant Wiltgen and laid down on the floor showing no signs of resistance. Sergeant Wiltgen applied hand restraints to Inmate [REDACTED], securing his hands behind his back. Sergeant Wiltgen assisted by Officer Shackelford escorted Inmate [REDACTED] out of the dorm. All of the previously described activity was captured on fixed wing video. At no time after being sprayed with chemical agents did Inmate [REDACTED] show any further signs of aggression or resistance. He walked cooperatively with officers out of the dorm and out of camera view.

According to Inmate [REDACTED]  
 [REDACTED]


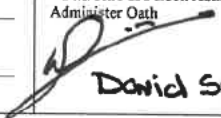
Sergeant Wiltgen documented in his Use of Force report and Incident Report, once outside Inmate [REDACTED] attempted to head butt him so he (*Sergeant Wiltgen*) used force to put Inmate [REDACTED] 'chest first' to the ground, inadvertently striking his (*Inmate [REDACTED]*) head and facial area on the corner of the pavement. Once on the ground Inmate [REDACTED] ceased his resistance.

Sergeant Wiltgen's documentation is contradictory to witness testimony that Inmate [REDACTED] was completely compliant, and [REDACTED] Inmate [REDACTED] striking his head on the corner of a pavement.

Your affiant has secured inmate and staff testimony supporting the kicking and punching of Inmate [REDACTED] by Sergeants Wiltgen and Burkett, as well as Officer Shackelford. Witnesses testified they were in proximity to observe the actions of Inmate [REDACTED] Sergeants Wiltgen, Burkett and Officer Shackelford and stated Inmate [REDACTED] offered no resistance while being kicked and punched by Sergeants Wiltgen, Burkett and Officer Shackelford. Once on hand held camera, it was very evident by this writer Inmate [REDACTED] were not caused by being placed chest first on the ground, subsequently striking his head and face on the corner of the sidewalk, as was documented in Sergeant Wiltgen's UOF report and incident report, as well as Officer Shackelford's incident report. [REDACTED]

Based on victim testimony, as well as witness and video evidence, your Affiant respectfully submits probable cause has been established Sergeant Coty Wiltgen did commit the offenses, one (1) count of Malicious Battery against an Inmate in violation of 944.35(3)(a)2, and one (1) count Official Misconduct in violation of FSS 838.022(1)(a) in Hamilton County, Florida, Hamilton Correctional Institution on March 03, 2020.

All supporting documents referred to in this affidavit will be available for judicial review and will be further explained in your affiant's report of investigation.

| PC. Exists for Charge(s)  |                       | Judge's Signature  |  |  | Date                  |                       |               |  |
|---|-----------------------|--|--|--|-----------------------|-----------------------|---------------|--|
| <input type="checkbox"/> Miranda Warning  | Hold for Agency Name: | Verified By:   |  |  | Date:                 | Bond Charge #         | Bond Charge # | Bond Charge #  |
| <input type="checkbox"/> Adults Only Hold for First Appearance  |                       |  |  |  | Bond Type             | 3. Surety             | 5. Cert       |  |
| <input type="checkbox"/> Do not Bond Out Reason:  |                       |  |  |  | 1. ROR                | 4. Bail / Bond        | 6. Other      | Type   |
| I swear/Affirm the above and attached statements are true and correct   |                       | Sworn to And subscribed before me, the undersigned authority this <u>23</u> day of <u>Mar</u> 20 <u>20</u>   |  |  | Returnable Court Date | Returnable Court Time |               | <input type="checkbox"/> AM<br><input type="checkbox"/> PM |
| <br>Officer / Complainant's Signature<br>Chip Potter #74749/ID4 |                       | Name/Title of Person Authorized to Administer Oath<br><br>David Spier |  |  | Release Date          | Release Time          |               | <input type="checkbox"/> AM<br><input type="checkbox"/> PM |
| Name (Printed) ID# / Dist   |                       |  |  |  | Releasing Officer     |                       |               | Page<br>1 of 1   |