

20-157-CF

# ARREST WARRANT

IN THE NAME OF STATE OF FLORIDA.  
TO ALL SINGULAR, THE SHERIFFS OR DEPUTY  
SHERIFFS OF THE STATE OF FLORIDA

Agency 19-11436

WHEREAS, upon the sworn affidavit, complaint or other sworn testimony of Law Enforcement Inspector Maria Fender, the undersigned Judge of the Second Judicial Circuit of Florida, in and for Wakulla County has found there exists probable cause to believe that one Mr. Zachary T. Swain did on July 6, 2019, in Wakulla County, Crawfordville, Florida, while employed at Wakulla Correctional Institution, commit the offense(s) of: Official Misconduct, contrary to the provision(s) of Section(s), 838.022 Florida Statutes.

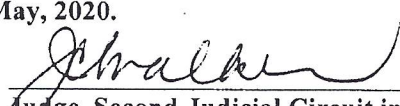
YOU ARE HEREBY COMMANDED to arrest Mr. Zachary T. Swain whose last known address is: [REDACTED]

Race: White Sex: Male Date of Birth: [REDACTED] Height: 5'9" Eye color:      Hair: Black

If he be found in your County and keep him safely so that you may have his body before a Judge of the Wakulla County Court or Circuit Court of the Second Judicial Circuit, at the Courthouse in Crawfordville, Florida, INSTANTER, to be dealt with according to the law.

Appearance Bond is fixed at: \$ per schedule

GIVEN MY HAND AND SEAL this 26 day of May, 2020.

  
\_\_\_\_\_  
Judge, Second Judicial Circuit in and  
for Wakulla County, Florida

RECEIVED this Arrest Warrant the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, and executed it on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, by arresting the within named \_\_\_\_\_ and having him/her now before the Court this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

DEPUTY SHERIFF

FILED  
AT WAKULLA COUNTY FLORIDA  
2020 MAY 26 AM 11:12

20-157-CF

**PROBABLE CAUSE AFFIDAVIT**

OBTS #			1. Arrest Affidavit		3. Complaint Affidavit		4	Juvenile	N	
ORI #	FL037035C	Office of Inspector General - FDC			Report #	19-11436				
Location of Offense					Date of Offense		Date of Arrest			
Wakulla Correctional Institution, 110 Melaleuca Drive, Crawfordville FL 32327					07/06/2019					
Name: Zachary Tyler Swain (FL DL [REDACTED])					Alias: N/A					
Race	Sex	DOB or Age	Height	Weight	Eye Color	Hair Color	Complexion	Build		
W - White B - Black	W M	[REDACTED]	5'9"			Black	Fair	Slender		
Address (Street, Apt. Number)					(City)	(State)	Phone			
[REDACTED]					[REDACTED]	[REDACTED]	[REDACTED]			
Name of Parent or Custodian (Last, First, Middle)					Residence Phone					
[REDACTED]					( ) -					
Address (Street, Apt. Number)					(City)	(State)	Business Phone			
[REDACTED]					[REDACTED]	[REDACTED]	( ) -			
Notified By: (Name)			Date	Time	Juvenile Disposition		2. Turned over to DOH/C&F			
[REDACTED]			[REDACTED]	[REDACTED]	1. Handled / Processed within Dept. and Released		3. Incarcerated (County Jail)			
Released to: (Name)				Relationship		Date	Time			
[REDACTED]				[REDACTED]		[REDACTED]	[REDACTED]			
Activity:	S. Sell	R. Smuggle	K. Dispense / Distribute	M. Manufacture / Produce / Cultivate	Z. Other	Type:	B. Barbiturate	H. Hallucinogen	P. Paraphernalia	U. Unlawful Weapon
N. N/A	B. Buy	D. Deliver				N. N/A	C. Cocaine	M. Marijuana	Equipment	Z. Other
P. Posses	T. Traffic	E. Use				A. Amphetamine	E. Heroin	O. Opium / Deriv	S. Synthetic	
Charge Description:			Counts	F.S. / Ord		State Violation Number:		Violation of Section (ORD)		
Official Misconduct			1	<input checked="" type="checkbox"/> F.S. <input type="checkbox"/> Ord		838.022				
Activity	Drug Type	Amount / Unit		State Attorney Number		Court Number				
N	N			850-926-0914						
<input type="checkbox"/> PC	<input checked="" type="checkbox"/> Capias	<input type="checkbox"/> AC	<input type="checkbox"/> BW	<input type="checkbox"/> PW	<input type="checkbox"/> Juv. PU	<input type="checkbox"/> Citation	Date Issued	Writt. Att. #	<input type="checkbox"/> Domestic Viol	<input type="checkbox"/> Order of Arrest
#										
The Undersigned Certifies and swears that she has just and reasonable grounds to believe, and does believe that the above-named Defendant committed the following Violation of the law: on 07/06/2019 at approximately 3:20 <input type="checkbox"/> AM <input checked="" type="checkbox"/> PM (Specially include facts constituting cause for arrest)										

JUL 26 AM 11:12  
 WAKULLA COUNTY SHERIFF'S OFFICE  
 20-157-CF

Your Affiant is Law Enforcement Inspector Maria Fender with the Office of Inspector General - FDC.

On July 6, 2019, at Wakulla Correctional Institution (WCI) in Crawfordville, Florida, the above-named defendant; Officer Zachary T. Swain, knowingly and with intent, committed the criminal offense of: Official Misconduct (one count), contrary to Florida Statute §838.022. Officer Swain (a public servant), conspired to conceal a Report of Force Used on an inmate and knowingly gave false information to Inspector Maria Fender during his sworn interview (see below). Cause exists to believe Officer Swain's actions were carried out to: deceive, omit, obstruct and delay, minimize, or deny him detailing his direct involvement in a Use of Force (UOF) applied by him on Inmate Otis Brown, DC# 166013.

On July 6, 2019, Officer Swain was escorting Inmate Brown through the L-Dorm side one sally port when a reactionary UOF ensued. Inmate Brown's hands were restrained behind his back during the entirety of the event. Officer Reneccia Brown was assigned in the Officer Station and having observed a UOF taking place, notified Captain Travis Asbell that Officer Swain needed assistance. As Captain Asbell arrived in the L-Dorm sally port, he testified he observed Officer Swain holding Inmate Brown in a guillotine choke hold. Captain Asbell grabbed Inmate Brown's shoulder and directed him to the ground. Sergeant Samantha O'Neal and Officer Christopher Elias responded to the sally port to assist Captain Asbell and Officer Swain in securing Inmate Brown.

Following the UOF, Captain Asbell and Officer Swain spoke of not reporting the incident due to it not being on camera and agreed the UOF would go unreported.

In his sworn, digitally recorded post Miranda interview conducted at WCI by Inspector Maria Fender, Officer Swain testified to the following which was found to be false:

Officer Swain stated he made numerous attempts to advise Captain Asbell he did not agree with the decision to "sweep this under the rug." This testimony is in direct conflict with the sworn statement of Captain Asbell who stated Officer Swain never advised him at any time following the incident, he was not in support of the decision to not report the UOF. Captain Asbell's testimony is supported by later testimony from Officer Swain, who he himself stated, Captain Asbell never said anything else to him about this incident.

Officer Swain testified he spoke with Lieutenant Natavia Gallagher on July 6, 2019 following Captain Asbell's refusal to report the UOF, in hopes she would speak to Captain Asbell and convince him to report the incident. In Lieutenant Gallagher's sworn statement, she testified, Officer Swain never approached her or contacted her about an unreported UOF.

Officer Swain testified he was unaware of there being two separate incident reports detailing different versions of the UOF incident despite his testimony he had asked Officer Janece Parker to write one for him and later had to go back and write his own. Officer Swain stated he told Officer Parker what to write and he was "trying to cover his butt".

Officer Swain's testimony is further discredited by the incident reports of Sergeant Samantha O'Neal and Officer Janece Parker's sworn testimony in which both state, Officer Swain advised Inmate Brown became disorderly and attempted to lay down, which is an incorrect account of the events.

Your affiant respectfully submits, probable cause has been established in that, Officer Swain committed the criminal violation(s) of; Official Misconduct, in violation of §838.022 Florida State Statute, in Wakulla County, Crawfordville, Florida.

PC. Exists for Charge(s)		Judge's Signature		Date	
<input type="checkbox"/> Miranda Warning	Hold for Agency Name :	Verified By:		Date:	Bond Charge #
<input type="checkbox"/> Adults Only Hold for First Appearance <input type="checkbox"/> Do not Bond Out Reason:		Bond Type 1. ROR 2. Cash	3. Surety 4. Bail / Bond	5. Cert 6. Other	Bond Charge # Type
I swear/Affirm the above and attached statements are true and correct. <i>Maria Fender</i>		Sworn to And subscribed before me, the undersigned authority this <u>26</u> day of <u>May</u> 20 <u>20</u>		Returnable Court Date	Returnable Court Time <input type="checkbox"/> AM <input type="checkbox"/> PM
Officer's / Complainant's Signature <b>Maria L. Fender</b> 104349 / 3 Name (Printed) ID# / Dist.		Name/Title of Person Authorized to Administer Oath <i>Rebecca J Daugherty</i>		Release Date	Release Time <input type="checkbox"/> AM <input type="checkbox"/> PM
Releasing Officer				Page 1 of 1	

