

ID#: 14883

Adult Def PC Arrest
 Juvenile Def Application for
Warrant/Capias

AFFIDAVIT - COMPLAINT

Clerk's Case No. 19-504CF
SA Case No.(s) _____

PAGE 01 of 3

Agency ORI # **FL037275C**

1. Agency Name: Florida Department of Corrections		2. Agency Report Number: 18-21591		3. Charge Type: <input checked="" type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor <input type="checkbox"/> Misdemeanor w/associated felony <input type="checkbox"/> Municipal <input type="checkbox"/> County		3a. Ordinance Type: (If applicable) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
4. Date/Time of Offense: December 19, 2018		5. Date/Time of Arrest:		6. Arresting Officer:		7. Investigating Officer: Senior Inspector Jerry Basford	

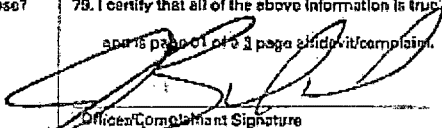
8. Defendant's Name: (Last) Toscano			(First) Linda		(Middle) Gail		ALIAS Gail Toscano		8. OBTS:		
10. Race/Sex: W/F		11. Date of Birth:		12. Residence Type: <input type="checkbox"/> City <input type="checkbox"/> County <input checked="" type="checkbox"/> Florida <input type="checkbox"/> Out of State		13. Weapon Seized: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		14. Controlled Substance Seized: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No TYPE & QUANTITY: n/a			
15. Height:		16. Weight:		17. Eye Color:		18. Hair Color:		19. Scars, marks, tattoos, unique physical features: (Location, type & description)			
20. Driver's License Number/State: / FDC ID				21. Social Security Number:				22. Residential Telephone:		23. Business Telephone:	
24. Address: (Street, Apartment Number)				(City)				(State)		(Zip)	

25. Defendant's Name: (Last)			(First)		(Middle)		ALIAS		26. OBTS:		
27. Race/Sex:		28. Date of Birth:		28. Residence Type: <input type="checkbox"/> City <input type="checkbox"/> County <input type="checkbox"/> Florida <input type="checkbox"/> Out of State		30. Weapon Seized: <input type="checkbox"/> Yes <input type="checkbox"/> No		31. Controlled Substance Seized: <input type="checkbox"/> Yes <input type="checkbox"/> No TYPE & QUANTITY:			
32. Height:		33. Weight:		34. Eye Color:		35. Hair Color:		36. Scars, marks, tattoos, unique physical features: (Location, type & description)			
37. Driver's License Number/State:				38. Social Security Number:				39. Residential Telephone:		40. Business Telephone:	
41. Address: (Street, Apartment Number)				(City)				(State)		(Zip)	

42. Defendant's Name: (Last)			(First)		(Middle)		ALIAS		43. OBTS:		
44. Race/Sex:		45. Date of Birth:		46. Residence Type: <input type="checkbox"/> City <input type="checkbox"/> County <input type="checkbox"/> Florida <input type="checkbox"/> Out of State		47. Weapon Seized: <input type="checkbox"/> Yes <input type="checkbox"/> No		48. Controlled Substance Seized: <input type="checkbox"/> Yes <input type="checkbox"/> No TYPE & QUANTITY:			
49. Height:		50. Weight:		51. Eye Color:		52. Hair Color:		53. Scars, marks, tattoos, unique physical features: (Location, type & description)			
54. Driver's License Number/State:				55. Social Security Number:				56. Residential Telephone:		57. Business Telephone:	
58. Address: (Street, Apartment Number)				(City)				(State)		(Zip)	

59. Charge Description: (# 1) Introduction/Removal of Contraband, Communication (2 counts)		60. Statute or Ordinance Number: 944.47 (1)(a)(1)		<input checked="" type="checkbox"/> F.S. <input type="checkbox"/> Ord.	
61. Charge Description: (# 1)		62. Statute or Ordinance Number:		<input checked="" type="checkbox"/> F.S. <input type="checkbox"/> Ord.	
63. Charge Description: (# 1)		64. Statute or Ordinance Number:		<input checked="" type="checkbox"/> F.S. <input type="checkbox"/> Ord.	

65. Victim's Name: (If business, list legal business name) (Last) State of Florida			(First)		(Middle)		66. Race/Sex		67. Date of Birth:		69. Telephone Number:	
69. Contact Person if victim is deceased, a minor child, or business: (Last) Senior Inspector Jerry Basford			(First)		(Middle)		70. Race/Sex		71. Date of Birth:		72. Telephone Number:	
73. Address: (Street, Apartment Number) 501 S. Calhoun Street			(City) Tallahassee		(State) Florida		(Zip) 32399		74. Secondary Phone Number:			
75. Victim Notification of Arrest: NOTIFIED BY: _____ DATE: _____ TIME: _____								76. Information Given: Victim <input type="checkbox"/> Rights Card <input type="checkbox"/> App. Info <input type="checkbox"/> Arrest Info Domestic <input type="checkbox"/> Viol. Info <input type="checkbox"/>				

77. Physical Evidence collected in this case? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		78. Witness Statements taken in this case? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		79. I certify that all of the above information is true and correct to the best of my knowledge <i>aprs page 01 of 3 page affidavit/complaint.</i>	
Evidence Custodian's Name: Darla Henderson		Person responsible for statements: Jerry Basford		 Senior Inspector Jerry Basford Type or print Complainant name	

PAGE 01 MUST HAVE PAGE 02 (MORE IF REQUIRED) TO BE A VALID AFFIDAVIT/COMPLAINT

ID#: 14883

Adult Det PC Arrest
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Clerk's Case No.

SA Case No.(s)

AFFIDAVIT – COMPLAINT (PROBABLE CAUSE NARRATIVE)

Agency ORI # **FL037275C**

80. Agency Name: Florida Department of Corrections	81. Agency Report Number: 18-21591	82. Date/Time of Arrest:	83. Investigating Officer: Senior Inspector Jerry Basford
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84. NARRATIVE OF THE FACTUAL BASIS FOR PROBABLE CAUSE: The undersigned certifies and swears that he/she has just and reasonable grounds to believe that the heretofore named defendant did commit the violations of laws stated above and the factual basis for this belief is as follows:

Your Affiant is Senior Inspector Jerry Basford of the Office of the Inspector General, Florida Department of Corrections.

Your Affiant has probable cause to believe on or about December 19, 2018 and an undetermined date prior to December 19, 2018, Correctional Officer Trainee Linda Gail Toscano ("COT Toscano") committed two counts of a violation of Florida Statute 944.47 (1)(a)(1), the law related to the removal/introduction of contraband communication, when COT Toscano did actually and intentionally removed from and return to Jackson Work Camp written communication with an inmate housed within the secure perimeter of Jackson Work Camp.

On December 19, 2018, Florida Department of Corrections Captain James Mann ("Captain Mann") was at Jackson Work Camp with his certified narcotics detection canine. Captain Mann was screening staff as part of the entrance procedure at Jackson Work Camp. According to a report by Captain Mann, at approximately 7:00 a.m., his certified narcotic detection canine alerted to the odor of narcotics on COT Toscano's person as she entered Jackson Work Camp for her scheduled shift. COT Toscano denied to Captain Mann she was in possession of any contraband. Due to the canine alert, your Affiant was notified and responded to investigate.

COT Toscano consented to a search of her person, personal bag and vehicle. Inspector Basford searched COT Toscano's personal bag and car with no contraband items located. In accordance with Department policy, Correctional Officer Lieutenant Crystal Winget ("Lieutenant Winget") and Correctional Officer Sergeant Shelina Peterson ("Sergeant Peterson") were requested to assist in the search of COT Toscano's person. As COT Toscano was entering the restroom for search, Sergeant Peterson observed COT Toscano appearing to conceal something in her pants pocket. Sergeant Peterson asked COT Toscano for the item(s). COT Toscano provided Sergeant Peterson with notebook paper containing handwritten notes. The notes were provided to Inspector Basford for inspection. No other contraband items were located during the search of COT Toscano's person.

COT Toscano provided a post-Miranda interview during which she admitted [REDACTED]

When placed in sequence, the paper recovered from COT Toscano contain a series of four notes beginning with a note from COT Toscano. In the first note, COT Toscano tells Inmate Hall he is handsome and sweet. COT Toscano says maybe when Inmate Hall gets home, or she changes employment, they can be free to talk on a personal level. The note indicates COT Toscano previously received a letter from Inmate Hall and had to have her child read it to her. In the note, COT Toscano tells Inmate Hall she took a shower and went to bed. It seems COT Toscano is apologizing for not doing something for Inmate Hall.

In the second note, Inmate Hall tells COT Toscano he understands and not to be sorry, he does not want COT Toscano to get into any trouble. Inmate Hall wishes he could be in the shower with COT Toscano and go to bed with her. Inmate Hall thanks COT Toscano for her compliments and extends complements to COT Toscano in her appearance and the sound of her voice.

In the third note, COT Toscano talks about being in a stressful situation. COT does not know if she is coming back. COT Toscano tells Inmate Hall if he receives anything from someone with the last name "Mills" it is from her. The note concludes with COT Toscano instructing Inmate Hall to bring the note back to her, so she can take it home and burn it.

In the fourth note, Inmate Hall tries to comfort COT Toscano and asks her to write to him and he will write back. Inmate Hall tells COT Toscano if she does not have his information to get it and send her information when she is able.

Based on the context of the conversation exchanged in the notes, Inmate Hall provided COT Toscano at least one letter prior to the notes recovered from COT Toscano's person on December 19, 2018. Though the exact date of this offense is undetermined, Inmate Hall arrived at Jackson Correctional Institution on August 20, 2018 and was transferred to Jackson Work Camp on November 21, 2018. COT Toscano was assigned to posts at Jackson Correctional Institution and Jackson Work Camp during this time. The letter exchange would have had to occurred during this time period.

During a search of Inmate Hall's property, he had COT Toscano's name and [REDACTED] written in his address book and Bible. COT Toscano's residential address is on [REDACTED] near [REDACTED]. Inmate Hall is incarcerated on charges from Broward County, Florida and has no identified connection to [REDACTED].

Posted at the entrance to Jackson Work Camp is signage including Florida Statute 944.47 informing everyone, including staff, who enter the facility the introduction or removal or written or recorded communication is illegal. The signage also provides the

Def: 14883 consequences of violating this statute. Multiple times during interaction with COT Toscano she informed your Affiant she is a sworn law enforcement officer in Florida. The posting of the signage, COT Toscano's past law enforcement training, the comments made by COT Toscano in the notes about burning the notes, and COT Toscano's post-Miranda confession provide sufficient probable cause COT Toscano knew her exchange of communication with Inmate Hall was prohibited and the removal and introduction of those notes are illegal.

Your Affiant submits probable cause exists in this instance that COT Toscano committed two counts of the criminal offense of Introduction/Removal of Contraband, Written/Recorded Communication in violation of Florida Statute 944.47(1)(a)(1) with COT Toscano did knowingly and intentionally remove from and return into the secure perimeter of Jackson Work Camp written communication with Inmate Hall.

Your Affiant requests an arrest warrant be issued for LINDA GAIL TOSCANO, DOB [REDACTED] LKA [REDACTED] [REDACTED] for two counts of a violation of s. 944.47 (1)(a)(1), the laws related introducing/removing contraband communication.

85. The undersigned, being duly sworn, states that the foregoing information contained in an affidavit consisting of 3 pages is true and correct to the best of his/her knowledge

Sworn to and subscribed before me this 6th day of Sept. 2019

[Signature]
Signature of Officer/Complainant

[Signature]
Signature of Person Administering Oath

Personally Known Other Identification

Seal

Jalton G. Bastford
Officer/Complainant's Name (Printed)

89004
ID Number

ROSEL KIEL
Commission # GG 259768
Expires October 2, 2022
Banded thru Troy Felt Insurance 800-345-7019

87. Adult's Relation to Juvenile Defendant: <input type="checkbox"/> Parent <input type="checkbox"/> Legal Guardian <input type="checkbox"/> Other		88. Adult's Name: (Last)		(First)	(Middle)
89. Address: (Street, Apartment Number)		(City)	(State)	(Zip)	90. Residential Phone:
92. Notified By: (Name)		93. Date/Time:		94. Notification Method: <input type="checkbox"/> Person <input type="checkbox"/> Telephone	
95. Law Enforcement Disposition of Juvenile Contact: (Check one and complete release data)		Transferred to <input type="checkbox"/> Secure Detention		Released to <input type="checkbox"/> HRS Intake Officer, not detained	
Release Date: _____ Release Time: _____ Released to (Name): _____		Processed within the agency and released <input type="checkbox"/> to other than HRS			