

Florida Department of Corrections



Office of the Inspector General

**CRIMINAL INVESTIGATION
INVESTIGATIVE ASSIST
CASE # 15-3096**



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



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Case Number: 15-3096

OIG Inspector: Inspector Carla Chukes

Outside Agency: Florida Department of Law Enforcement

Outside Agency Investigator: Special Agent Ronnie Austin

Date Assigned or Initiated: February 26, 2015

Complaint Against: Inmate Thomas Sensalle DC #806781

Location of Incident – Institution/Facility/Office: Apalachee Correctional Institution – East Unit

Complainant: Inmate Jeremy Smith DC #R53065

Outside Agency Case #: PE-37-0018

Use of Force Number: N/A

PREA Number: N/A

Classification of Incident: Murder

Confidential Medical Information Included: Yes No

Whistle-Blower Investigation: Yes 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 February 26, 2015, the Department of Corrections, Office of the Inspector General received information Inmate Jeremy Smith, DC #R53065 had been [REDACTED] on the West Side of the Gate House at Apalachee C.I. East Unit on February 26, 2015, at approximately 8:53 A.M., EST. Inmate Smith's [REDACTED] and the Florida Department of Law Enforcement (FDLE) was notified. The Criminal Investigation for Homicide was turned over to the FDLE on February 26, 2015. The primary FDLE Case Agent is Ronnie Austin and the FDLE Case number is PE-37-0018. An Investigative Assist was assigned to Inspector Carla Chukes on February 26, 2015.

VI. SUMMARY OF INVESTIGATIVE FINDINGS

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

On February 26, 2015, Senior Inspector Michael McCord turned over the following evidence to FDLE Special Agent Ronnie Austin:

- (1) DVD – fixed wing video recording [REDACTED]
- (1) envelope with miscellaneous items found outside of holding cell [REDACTED]

On February 26, 2015, Senior Inspector Michael McCord turned over the following evidence to FDLE Crime Scene Analyst Jennifer Kay:

- (2) Cotton tipped applicators said to be from Inmate Thomas Sensalle's right hand
- Swab collected said to be from Inmate Sensalle's left hand
- Black boot (*left*) said to be from Inmate Sensalle
- Black boot (*right*) said to be from Inmate Sensalle
- (1) White t-shirt said to be from Inmate Sensalle
- White thermal pants said to be from Inmate Sensalle
- Blue uniform pants said to be from Inmate Sensalle
- Blue uniform shirt said to be from Inmate Sensalle

A copy of the chain of custody for the items is attached along with an Investigative Demand for Records Pursuant to Criminal Investigation dated March 3, 2015.

On May 13, 2015, Special Agent (SA) Ronnie Austin received the following reports –

The Case Summary as prepared by Forensic Investigator Whit Majors
The Autopsy Report as prepared by Dr. Michael Hunter
The Toxicology Report as prepared by Bruce Goldberger, PhD

Dr. Michael Hunter determined the cause of death to be [REDACTED] and the manner of death as homicide.



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The toxicology report [REDACTED]

The reports received from the Medical Examiner's Office will be maintained in the related items section of this case file as related item #31.

On December 15, 2015, Inmate Sensalle pled no contest to one count of Second Degree Murder. Inmate Sensalle was adjudicated guilty and sentenced to 20 years (concurrent) in the Florida Department of Corrections.

VII. CHARGES

- Violation of 784.02, Florida Statutes, "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 effect the death of any particular 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 or as provided in s. 775.082, s. 775.083, or s. 775.084." (**Second Degree Murder**)

VIII. CONCLUSION

Based on the information gathered during their investigation, it is the recommendation of Inspector Carla Chukes the allegation against Inmate Thomas Sensalle DC #806781 **in violation of 782.04(2) Second Degree Murder**, be termed as follows:

- **Closed by Arrest**

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