



State Attorney

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November 28, 2006

The Honorable Jeb Bush
Governor, State of Florida
The Capitol, Room 209
Tallahassee, FL 32301

Re: Death of Martin Anderson
Executive Order Number 06-36 and Amended Executive Order 06-37

Dear Governor Bush:

Pursuant to Executive Order Number 06-36 and Amended Executive Order Number 06-37, I am assigned to serve as the state attorney in the case involving the tragic death of Martin Anderson, who died January 6, 2006, while in the custody of the Department of Juvenile Justice (DJJ). Martin Anderson had been in the Bay County Boot Camp, which was operated by the Bay County Sheriff's Office. In this case I am acting as state attorney in place of Steve Meadows, State Attorney for the 14th Judicial Circuit, who voluntarily disqualified himself and requested the executive assignment of another state attorney to avoid any appearance of a conflict of interest or impropriety in this case.

Martin Anderson was a juvenile who had been court ordered into DJJ custody and placed in the Bay County Boot Camp. He began the boot camp program on January 5, 2006. The first day of the program included a physical assessment, consisting of two minutes of push-ups, two minutes of sit-ups and a run of approximately 1.5 miles.

During the run portion of the physical assessment, Martin Anderson fell to the ground. Drill instructors grabbed Anderson and applied numerous uses of force, including holding Anderson by the arms, take-downs, pressure point applications, and covering his mouth while forcing him to inhale ammonia. Anderson became unresponsive during this episode, which lasted over twenty minutes. Emergency medical services were summoned to the boot camp, and Anderson was transported to Bay Medical Center in Panama City. Later that day Anderson was transported to Sacred Heart Hospital in Pensacola, where Anderson was pronounced dead in the early morning hours of January 6, 2006. An autopsy was performed in Panama City by Dr. Charles Siebert, Medical Examiner for the 14th District, who determined that Martin Anderson died a natural death caused by complications of sickle cell trait.

With the assistance of the Hillsborough County Sheriff's Office, my office has conducted an investigation into the death of Martin Anderson. Our investigation has included an extensive review of the medical component of this case, which has included a second autopsy performed by the Chief Medical Examiner for the 13th District, Dr. Vernard Adams, assisted by other pathologists on his staff. We have taken sworn statements from the medical providers involved in treating Martin Anderson and have consulted with additional medical experts in Florida and across the United States. We have reviewed over 20,000 pages of documents pertaining to various aspects of this case. We have also taken sworn statements and conducted interviews of a multitude of witnesses to gather the information necessary to assess the conduct of the boot camp personnel involved in this incident. In the pursuit of justice, we have conducted a

thorough investigation and have ignored demands from those calling for a rush to judgment.

After carefully reviewing the evidence and the law, I have determined that criminal charges are warranted in this case. On this date I have filed an Information in the 14th Judicial Circuit charging the following individuals in connection with the death of Martin Anderson: Kristin Schmidt, Joseph Walsh, Charles Enfinger, Ray McFadden, Henry Dickens, Patrick Garrett, Raymond Hauck, and Charles Helms. All have been charged with committing the crime of Aggravated Manslaughter of a Child, which is a first degree felony, punishable up to 30 years in Florida State Prison. We currently are in the process of making arrests on all defendants.

COLLATERAL ISSUES ADDRESSED DURING THE INVESTIGATION

During our investigation, I felt compelled to address several collateral issues. Various aspects of the investigation conducted by the Bay County Sheriff's Office (BCSO) and the Florida Department of Law Enforcement (FDLE) were publicly questioned in this case. Therefore, it was necessary to review the investigations conducted by BCSO and FDLE . We have also investigated the circumstances leading to the first autopsy being performed by Dr. Siebert in Panama City, instead of occurring in the jurisdiction where Martin Anderson died. While our investigation was pending, you requested that we also look into the issue of e-mail deletions by State Attorney Steve Meadows of the 14th Judicial Circuit.

To address these collateral matters, we obtained the computers used by Steve Meadows and the assistant state attorneys in his office who had involvement in the case prior to Meadows announcing a conflict and seeking appointment of a special prosecutor. We also obtained the computers and wireless e-mail devices from FDLE used by Commissioner Guy Tunnell and Assistant Commissioner Scott Sanderson and the computers of Bay County Sheriff's Office personnel involved in the investigation. At our request, a forensic examination of these computers was performed by the Federal Bureau of Investigation to recover any information pertinent to this investigation. Numerous sworn statements were taken of officials and investigators for FDLE, BCSO, DJJ, the State Attorney's Office for the 14th Judicial Circuit, the Medical Examiner's Office for the 14th District, the Medical Examiner's Office for the 1st District, and the chairman of the Florida Medical Examiners Commission.

I will now summarize my findings regarding the collateral issues.

**Investigations conducted by the Bay County Sheriff's Office
and the Florida Department of Law Enforcement**

The investigation in this case was started by the Bay County Sheriff's Office. BCSO began an administrative inquiry into the matter on the same day of the incident, and asked the Florida Department of Law Enforcement to assist in the investigation because it was an in-custody incident involving employees of BCSO. In-custody incidents are routinely handled by FDLE. BCSO continued to conduct its own administrative inquiry at the same time as the FDLE investigation. After Martin Anderson died on January 6, 2006, BCSO asked FDLE to take over the investigation.

The decision to have the autopsy done as soon as possible in Panama City by Dr. Charles Siebert was made by BCSO, but the FDLE supervisory agent in charge agreed with that decision. The reason for conducting the autopsy in Panama City was because the incident occurred in Panama City and it would be more convenient for the investigators and more efficient for the investigation to have the autopsy performed by the local medical examiner rather than the medical examiner in Pensacola. An investigator from the Bay County Sheriff's Office who was familiar with Dr. Siebert's office was asked to assist in arranging for the autopsy, and contacted Dr. Siebert to notify him of the death of Martin Anderson and to determine when he could perform the autopsy. Dr. Siebert agreed to perform the autopsy as soon as possible, contacted the 1st District Medical Examiner's Office in Pensacola, and requested jurisdiction to perform the autopsy. The 1st District Medical Examiner's Office agreed to turn over jurisdiction to Dr. Siebert, and arrangements were made for the body of Martin Anderson to be transported to Panama City on January 6, 2006. The autopsy was conducted that afternoon by Dr. Siebert, and was attended by FDLE agents and BCSO investigators.

The FDLE investigation was handled by a case agent and a special agent supervisor. FDLE Commissioner Guy Tunnell, who was the Sheriff of Bay County when the Bay County Boot Camp was opened in 1994 and a friend of Bay County Sheriff Frank McKeithen, was not directly involved in the investigation and did not improperly influence or attempt to influence the investigators on the case. FDLE conducted this investigation in the same manner that it would conduct any other investigation, and Tunnell's personal relationship with BCSO and the Bay County Boot Camp did not affect the work of the FDLE investigators.

Also, there is no evidence that Sheriff McKeithen improperly influenced or attempted to influence the investigation. The evidence indicates that McKeithen acted promptly in starting an administrative investigation into the incident, requested that FDLE assist at the earliest opportunity, and turned the investigation over to FDLE when it became apparent that the investigation would encompass possible criminal charges against employees of the Bay County Sheriff's Office.

Deletion of E-Mail by Steve Meadows, State Attorney for the 14th Judicial Circuit

The State Attorney's Office for the 14th Judicial Circuit was consulted by law enforcement early in the investigation. Such consultation is routine in possible homicide cases. The state attorney's office was not involved in any critical decision regarding the investigation. E-mails were sent to the state attorney's office by individuals involved in the investigation. These e-mails were few in number and provided little information about the case. All of the e-mails were appropriate to the investigation.

State Attorney Steve Meadows acknowledged that he deleted e-mail from his work computer, including e-mail unrelated to this investigation. Meadows routinely deleted all e-mail from his computer under the mistaken belief that the e-mail could be retrieved from a backup server if needed. Meadows did not attempt to hide information pertinent to the investigation.

The evidence does not indicate any impropriety in the interaction between BCSO, FDLE and the State Attorney's Office for the 14th Judicial Circuit during the investigation.

Autopsy Performed in Panama City by Dr. Charles Siebert

Through our investigation we have determined that performing an autopsy in the jurisdiction where the incident occurred rather than the location of death is considered by law enforcement and medical examiners to be a routine procedure, and is not unique to this case. While inferences can be made from portions of Florida Statutes that this procedure is appropriate, Chapter 406 does not specifically authorize the autopsy to be conducted in any Florida district other than the one where the death occurred or the body was found. It is clear from the evidence, however, that Dr. Siebert acted in the good-faith belief that he had the authority to conduct the autopsy in this case as the medical examiner for the 14th District. The incident under investigation occurred in his district, law enforcement requested that he perform the autopsy, and the 1st District Medical Examiner's Office agreed to allow him to take jurisdiction for the autopsy.

Although the decision to perform the autopsy in Panama City in this case was made for legitimate and practical reasons, and similar situations previously have been handled in the same manner across the state, it is my recommendation that this scenario be considered by the legislature. If it is the intent of the legislature that autopsies be allowed to take place in the jurisdiction where a possible crime occurred rather than the district where the death occurred or the body was found, I suggest that the Florida Legislature consider revisions to Chapter 406 to specifically convey such authority. Determining the proper jurisdiction for an autopsy and whether jurisdiction can be transferred are fundamental issues which should be addressed explicitly in Florida

Statutes and not merely implied. My office is sending a letter to Dr. Stephen Nelson, chairman of the Florida Medical Examiners Commission, discussing this issue. I will provide you with a copy of our letter to Dr. Nelson. Please refer to that letter for a more detailed discussion of this issue.

CONCLUSION

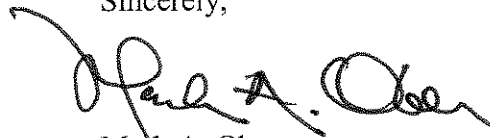
In summary, in reviewing the work done by BCSO, FDLE, the State Attorney's Office of the 14th Judicial Circuit, the 14th District Medical Examiner's Office and the 1st District Medical Examiner's Office, there is no evidence of any attempt by any public official or agency to undermine or improperly influence this investigation. It should also be noted that my office received full cooperation during our investigation from all agencies involved.

This case has been and remains very complicated, both legally and factually. Shortly after being appointed to this investigation, I inherited a myriad of conflicting information and unusual circumstances, including, but not limited to, conflicting autopsy opinions, the replacement of the original investigating agency and additional collateral issues. These events, coupled with the complex science of the case, the multitude of witnesses and even the logistics of my office conducting an investigation that took us across Florida and to other states, caused this to be a lengthy process. As you were advised frequently, the investigation progressed as quickly as possible under the circumstances. Despite its complexity and magnitude, we have conducted a timely, thorough and ethical investigation. In so doing, we have rightfully ignored repeated

demands calling for a rush to judgment. To have done otherwise would have politicized my investigation, and denied Martin Anderson the justice he deserves.

I hope that this letter gives you some understanding of the scope and complicated nature of this investigation. The judicial process has now commenced, and I will continue to execute my duties as state attorney in this case in the pursuit of justice.

Sincerely,

A handwritten signature in black ink that reads "Mark A. Ober". The signature is written in a cursive style with a large initial "M" and a long horizontal stroke extending to the right.

Mark A. Ober
State Attorney