

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

CHARLES BRIAN BOSWELL
and MARGARET ANN BOSWELL,

Plaintiffs,

vs.

CASE NO.: 8:18cv 1769 T17 AEP

SHERIFF DAVID GEE (Ret.),
in his individual capacity;
SHERIFF CHAD CHRONISTER,
successor Sheriff of Hillsborough County,
individually and in his official capacity;
CHIEF DEPUTY SHERIFF JOSE M. DOCOBO (Ret.),
in his individual capacity;
COL. GREG BROWN (Ret.),
in his individual capacity;
COL. JAMES R. BURTON (Ret.),
in his individual capacity;
COL. DONNA LUSCZYNSKI,
individually and in her official capacity;
COL. KENNETH DAVIS,
individually and in his official capacity;
MAJ. ALAN HILL (Ret.),
in his individual capacity;
MAJ. KRISTINE POORE,
individually and in her official capacity;
MAJ. ROBERT URA,
individually and in his official capacity;
LT. DONALD MORRIS,
individually and in his official capacity;
SGT. PRESTON HOLLIS,
individually and in his official capacity;
SGT. JOSEPH MAURER,
individually and in his official capacity;
SGT. SCOTT SISSON,
individually and in his official capacity;
CPL. CHARLES D. KEENE,

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U.S. DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA, FLORIDA

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individually and in his official capacity;
CPL. SAMUEL V. PORTALATIN,
individually and in his official capacity;
DET. THOMAS DIRKS,
individually and in his official capacity;
DET. KARI MATHEWSON,
individually and in her official capacity;
THEA CLARK, Chief Legal Counsel,
individually and in her official capacity;
CHRISTOPHER BROWN; Legal Counsel;
individually and in his official capacity;
all with the Sheriff's Office of
Hillsborough County, Florida;
ANDREW WARREN, in his official capacity;
RITA PETERS, former assistant state attorney,
In her individual capacity; and
COURTNEY DERRY, assistant state attorney,
individually and in her official capacity; all three
with the Office of the State Attorney,
13th Judicial Circuit, Hillsborough County, Florida.

Defendants.

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COMPLAINT

Plaintiff, CHARLES BRIAN BOSWELL (BOSWELL), and his wife,
MARGARET ANN BOSWELL (MARGARET BOSWELL), through
undersigned counsel, sue DEFENDANTS named above, in their official and
individual capacities, and allege:

INTRODUCTION

1. This proceeding originated when BOSWELL refused to act as a
“team player” by supporting and ratifying a constitutional violation incurred

during a criminal investigation. DEFENDANTS then engaged in conspiratorial, concerted, deliberate, deceitful, fraudulent, fabricated, acts and statements intended to defame BOSWELL and successfully end his 25-year unblemished career as a law enforcement officer. Among other acts, DEFENDANTS conducted simulated due process internal affairs (IA) investigations against BOSWELL, which were based on demonstrably false allegations, and intentionally excluded the exculpatory evidence from their IA investigation reports, which were subsequently deemed substantiated. DEFENDANTS fabricated and tampered with evidence; perjured themselves in official and unofficial proceedings, verbally and in writing; and even fraudulently engaged the U.S. Mail to purportedly provide due process to BOSWELL, along with the commission of other illegal acts and misconduct set forth in detail below.

Due to the DEFENDANTS's actions as well as their threats of further retaliation to be engaged against BOSWELL, DEFENDANTS forced BOSWELL first into Family and Medical Leave Act (FMLA) leave, and then into early retirement. And, DEFENDANTS did not stop there; they then continued to retaliate against BOSWELL by intentionally and viciously acting to deprive him of monies due him related to the forced retirement, which he had rightfully earned.

Even with BOSWELL forced out of the HCSO, DEFENDANTS did not end their retaliation. They continued to engage in false, fabricated, defamatory statements against BOSWELL. Some of these acts caused BOSWELL to either be called as a witness in criminal proceedings instituted against several defendants, and/or for the false accusations to be introduced by defense counsel into the criminal proceedings. These criminal defendants included one charged with beating a five-week-old baby into a coma, and another, a previously convicted sexual batterer, charged with sexually battering his own daughter. Because of defense attorneys' introducing the false accusations against BOSWELL into these criminal proceedings, as to the first defendant, the state, not wanting to expose the perjury of one of their assistant state attorneys, *dropped the charges* against that defendant. Today, the baby remains in a vegetative state, and is in state custody, in acute care. As to the second, the defense's introduction of the false accusations into the trial imparted reasonable doubt, thus resulting in a finding of *not guilty* by the jury.

BOSWELL and his wife, MARGARET, continue to suffer financially, emotionally, and in numerous other ways as set forth in more detail below, from the intentionally destructive and retaliatory acts engaged in by DEFENDANTS.

2. This Complaint seeks redress due to violations of BOSWELL's and MARGARET BOSSWELL's rights, privileges, and immunities granted under the First, Fifth, and Fourteenth Amendments to the Constitution of the United States; 18 U.S.C. sections 1622 and 1962; 42 U.S.C. sections 1983 and 1985; and sections 112.532, 772.103, 837.02, 843.0855, 843.14, and 918.13, Florida Statutes; and common law, which have occurred through the deliberate actions and words of DEFENDANTS while acting under color of state law, statute, ordinance, regulation, policy, and custom.

JURISDICTION AND VENUE

3. This court has jurisdiction pursuant to 28 U.S.C. § 1331, federal question jurisdiction. Venue is proper under 28 U.S.C. § 1391(b), because the events giving rise to the claims occurred in Hillsborough County, Florida, during BOSWELL's employment as a civil servant law enforcement officer for the Sheriff's Office of Hillsborough County, Florida.

PARTIES

A. BOSWELL

4. BOSWELL is a native resident of Hillsborough County, Florida. He was hired by the Hillsborough County Sheriff's Office (HCSO) on December 6, 1991, as a deputy sheriff. He rose in rank and obtained his highest rank as Master Homicide Detective in the Criminal Investigations

Division of the HCSO, where he devoted over a decade of his 25-year career. His assignments within that division included Violent Crimes, Homicide, the FBI Gang Task Force, and Crimes against Children. He holds a B.A. and an M.S. in Criminal Justice, and has received more than 40 commendations for his work. Additionally, throughout his career, he earned stellar evaluations and, until the events described below occurred, had *no history of any* disciplinary actions whatsoever.

A.1. MARGARET BOSWELL

5. MARGARET BOSWELL is a native resident of Hillsborough County, Florida, and the spouse of BOSWELL. The parties were married on September 25, 1993, and remain married. At all times relevant to the actions underlying this Complaint, MARGARET BOSWELL resided in Hillsborough County, Florida.

B. Defendants

6. The Defendant, DAVID GEE (GEE), sued individually, was first elected to Sheriff in 2004 and served in the HCSO for 38 years. He abruptly retired in 2017 before his term expired. He has no protection under the Eleventh Amendment to the U.S. Constitution. BOSWELL never had any adverse relationship with GEE, or any of DEFENDANTS set forth below, until the events described *infra* occurred.

7. The Defendant, CHAD CHRONISTER (CHRONISTER), sued individually and in his official capacity, is the successor sheriff to GEE.

8. The Defendant, JOSE M. DOCOBO (DOCOBO), sued individually, was at all times material hereto the Chief Deputy Sheriff and Head of Internal Affairs (IA) in the HCSO.

9. The Defendant, GREG BROWN (G. BROWN), sued individually, was at all times material hereto a Colonel in the HCSO.

10. The Defendant, JAMES R. BURTON (BURTON), sued individually, was at all times material hereto a Colonel in the HCSO.

11. The Defendant, DONNA LUSCZYNSKI (LUSCZYNSKI), sued individually and in her official capacity, was at all times material hereto a Colonel in the HCSO.

12. The Defendant, KENNETH DAVIS (DAVIS), sued individually and in his official capacity, was at all times material hereto a Colonel in the HCSO.

13. The Defendant, ALAN HILL (HILL), sued individually, was at all times material hereto a Major in the HCSO.

14. The Defendant, KRISTINE POORE (POORE), sued individually and in her official capacity, was at all times material hereto a Lieutenant in the HCSO.

15. The Defendant, ROBERT URA (URA), sued individually and in his official capacity, was at all times material hereto a Major in the HCSO.

16. The Defendant, DONALD MORRIS (MORRIS), sued individually and in his official capacity, was at all times material hereto a Lieutenant in the HCSO.

17. The Defendant, PRESTON HOLLIS (HOLLIS), sued individually and in his official capacity, was at all times material hereto a Sergeant in IA in the HCSO.

18. The Defendant, JOSEPH MAURER (MAURER), sued individually and in his official capacity, was at all times material hereto a Detective in IA in the HCSO, then subsequently promoted to Sergeant toward the latter dates of the occurrence of the events set forth below.

19. The Defendant, SCOTT SISSON (SISSON), sued individually and in his official capacity, was at all times material hereto a Sergeant in the HCSO.

20. The Defendant, CHARLES D. KEENE, sued individually and in his official capacity, was at all times material hereto a Corporal in the HCSO.

21. The Defendant, SAMUEL PORTALATIN (PORTALATIN), sued individually and in his official capacity, was at all times material hereto a Detective in IA in the HCSO.

22. The Defendant, THOMAS DIRKS (DIRKS), sued individually and in his official capacity, was at all times material hereto a Detective in the HCSO.

23. The Defendant, KARI MATHEWSON (MATHEWSON), sued individually and in her official capacity, was at all times material hereto a Detective in the HCSO.

24. The Defendant, THEA CLARK (CLARK), sued individually and in her official capacity, was at all times material hereto Chief Legal Counsel of the HCSO.

25. The Defendant, CHRISTOPHER BROWN (C. BROWN), sued individually and in his official capacity, was at all time material hereto Legal Counsel in the HCSO.

26. The Defendant, RITA PETERS (ASA PETERS), sued individually, was at all times material hereto an Assistant State Attorney (ASA) in the Office of the State Attorney, 13th Judicial Circuit, Hillsborough County (SAO). Since the events described below, she is no

longer employed as an ASA in the Hillsborough County SAO because she was forced to resign.

27. The Defendant, COURTNEY DERRY (ASA DERRY), sued individually and in her official capacity, was at all times material hereto an ASA in the SAO.

FACTS AND CHRONOLOGY OF EVENTS

Charles A. Martinez, Suspected of Murdering Victor Martinez

28. On November 8, 2009, Detective Thomas DIRKS was assigned as the lead investigator in the murder investigation of Victor Martinez, who had been shot to death. Charles A. Martinez became a suspect. At this juncture the case was unsolved, and probable cause did not yet exist to arrest Martinez.

Charles A. Martinez, Suspect in Double Murder and Arson Case

29. On October 10, 2013, BOSWELL was assigned as the lead investigator in the investigation of the double murder of Lindsay Greene and Jennifer Kalb, who had each been stabbed multiple times and the residence in which the bodies were located, set on fire. Charles A. Martinez became a suspect.

30. On October 11, 2013, Martinez turned himself in to his attorney, and attempted to commit suicide. On the same date, Martinez's

attorney provided the written invocation of Martinez's Fifth Amendment right to BOSWELL. As a result of this invocation, Martinez was never interviewed.

Erika Sanez, Suspect in Robbery and Murder Case

31. On November 29, 2013, Erika Sanez and two other suspects brought their alleged robbery accomplice, Marlin "Nuke" Walker, to Town and Country Hospital in Tampa, where he was pronounced dead from gunshot wounds which had been inflicted by his intended robbery victim. BOSWELL responded to the hospital. Due to the fact that there was no probable cause to detain her, BOSWELL conducted a non-custodial, recorded interview of Sanez. During this recorded **first interview**, Sanez lied multiple times; however, probable cause to detain her was not yet established. While BOSWELL conducted this interview, HOLLIS conducted an interview with a separate suspect in a different room. At the conclusion of their interviews, BOSWELL and HOLLIS compared notes, and both agreed that the two suspects had lied, and that reasonable suspicion to detain them existed.

32. BOSWELL then informed Sanez that she was **not** free to leave. He read Sanez her Miranda rights, with HOLLIS present. Sanez signed a waiver of her Miranda rights, which was also witnessed by HOLLIS, who

then signed the waiver as a witness. BOSWELL and HOLLIS then conducted a recorded **second interview** of Sanez. She continued to lie throughout the interview and ultimately invoked her Fifth Amendment privilege against self-incrimination.

33. Immediately after her invocation, Sanez re-initiated the interview and requested to speak with HOLLIS alone. HOLLIS, who did not have his recorder, borrowed BOSWELL's recorder so that this **third interview** could be memorialized. HOLLIS ultimately opted to conduct a non-recorded interview, and Sanez did not provide any further actionable information.

34. BOSWELL was then ordered by URA to remain with Sanez in an office until KEENE, the lead detective, arrived at the hospital so that he could interview Sanez. BOSWELL supervised Sanez in the office for approximately two hours, and it continued to be clear that she was not free to leave.

35. Upon KEENE's arrival, he briefly conversed with Sanez, and she agreed to a **fourth interview**.

36. At the beginning of this interview, BOSWELL reminded Sanez that she had previously been Mirandized, which she acknowledged, and she

stated she understood her right to remain silent. KEENE then took over the recorded interview.

37. Approximately eight minutes into the interview, Sanez stated “I’m not going home,” at which time KEENE made a conditional promise to Sanez that if she confessed she could go home. Sanez confessed, admitting that she had lured the intended robbery victim to an abandoned house under the pretense that she would have sex with him. She explained that her accomplices were lying in wait to rob the intended victim. She stated that upon arrival at the house, the intended victim presented a firearm and shot and killed her accomplice, Walker, when he attempted to rob the intended victim.

Pursuant to the law, KEENE’s promise essentially resulted in a coerced confession. See Johnson v. State, 696 So. 2d 326, 329 (Fla. 1997) (“It is well established that a confession cannot be obtained through direct or implied promises. In order for a confession to be voluntary, the totality of the circumstances must indicate that such confession is the result of a free and rational choice.”)

38. At the conclusion of the interview, due to KEENE’s promise to Sanez, BOSWELL voiced concern to KEENE about the legality of the interview. He recommended to KEENE that Sanez be released and that the

case be reviewed with the SAO prior to arresting Sanez, because the case was still viable, and Sanez could still legally be subsequently arrested even without the confession serving as the basis for the arrest. BOSWELL further advised KEENE to discuss the facts with LUSCZYNSKI and URA, who were on-scene at the hospital.

39. KEENE then left Sanez in BOSWELL's custody while KEENE spoke with LUSCZYNSKI and URA. KEENE also made contact with the ASA on call, Kristen Over.

40. Upon KEENE's return to the office, KEENE advised BOSWELL that LUSCZYNSKI and URA both wanted to call Sheriff GEE to advise him that an arrest had been made. KEENE also advised that he spoke with ASA Over who, *according to KEENE, advised the officers that the interview was non-custodial*. KEENE then arrested Sanez.

TRIGGERING EVENT # 1: Custodial v. Non-Custodial Hold During the Sanez Interview and Confession

41. As a result of ASA Over's legal advice that the interaction with Sanez constituted a non-custodial hold, KEENE falsified the chain of events and facts on his supplemental investigation to portray Sanez's interview as non-custodial, although it undoubtedly was custodial. BOSWELL refused to agree with KEENE that the interaction with Sanez constituted a non-custodial interview.

42. BOSWELL subsequently became aware that, on the first work day after Sanez's interview, as a direct result of his refusal to agree that Sanez had confessed during a non-custodial interview, the HCSO revised the Juvenile Section Squad Phone List to show that the HCSO had begun the process of transferring BOSWELL from the Homicide Unit to the Juvenile Unit. This transfer, which was considered to be a demotion and which officially occurred one month later, resulted in BOSWELL receiving a loss of rank and pay.

Charles A. Martinez Double Murder Case, Resumed

43. On January 2, 2014, nearly three months after Charles Martinez had invoked his Fifth Amendment right, BOSWELL and HOLLIS conducted a digitally recorded interview of Andre Martinez, Charles Martinez's father. Andre Martinez admitted that Charles had provided him with intimate details of the double murder.

Additionally, during this same interview, Andre Martinez told BOSWELL that his son had also admitted to murdering Victor Martinez, the victim in HCSO case number 09-611485. As a result of this interview, the

state had probable cause to charge Charles Martinez with the murder of Victor Martinez.¹

With Andre Martinez's statement that his son Charles had killed victims Greene and Kalb, while present in the office of Jay Pruner, the chief

¹ Despite this information, as set forth in detail below in this Complaint, because DEFENDANTS chose to engage in a collective, conspiratorial effort, to destroy BOSWELL's career, which involved their dissemination of untruthful, at times perjured, statements, that were eventually leaked to defense attorneys, thus requiring DEFENDANTS to backpedal on and deny some of the allegations made against BOSWELL in an effort to not have impacted criminal cases unravel. DEFENDANTS did not follow through on arresting Charles Martinez for murdering Victor Martinez until April of 2018, although they had probable cause to arrest him in January 2014. The April 14, 2014, arrest affidavit, written by lead detective DIRKS, and submitted under oath, completely omitted the January 2, 2014, statement by Andre Martinez which BOSWELL obtained and memorialized in his contemporaneously submitted supplemental report. This was because, against, as explained below, by January 2014 DEFENDANTS had begun to exact retribution against BOSWELL for refusing to sanction the Sanez interview as non-custodial. In fact, no new information had been developed in the Victor Martinez case between January 2014 and April 2018, other than a pretextual call to the medical examiner's office, which only reaffirmed what had already been determined at the time of the murder in 2009: that Victor Martinez was the victim of a homicide. After that April 2018 phone call—which was designed to explain the more-than-four-year gap from the time BOSWELL and DIRKS both learned Andre Martinez had made, and unwaveringly stood by, his statement that his son Charles had killed Victor Martinez—DIRKS finally actually sought and obtained an arrest warrant to arrest Charles Martinez. Thus, although the HCSO could have arrested Charles Martinez in January 2014 for the murder of Victor Martinez, it did not do so, because DEFENDANTS sought to protect URA's perjury from being exposed, as well as DEFENDANTS' conspiratorial efforts to exact revenge against BOSWELL, and to constructively terminate him.

of the SAO's Homicide Division, BOSWELL wrote the Criminal Report Affidavit to justify Martinez's arrest in the Greene and Kalb murders. BOSWELL also made Pruner aware of the fact that Andre Martinez had told BOSWELL that his son had admitted he had killed Victor Martinez.

Retaliatory Transfer of Boswell to the Juvenile Unit

44. On January 3, 2014, the day after filing the Martinez arrest affidavit in the Greene and Kalb murders, the HCSO transferred BOSWELL from the Homicide Unit to the Juvenile Unit. URA authored a transfer memo addressed to LUSCZYNSKI which cited "operational needs" as the pretextual basis for the transfer. BOSWELL's supervisors, including URA, POORE, and Sergeant Dale Bunten, among others, convened a meeting with him. During the meeting, URA stated to BOSWELL, "You solved a double murder but it takes more than luck to remain in homicide." URA then cited additional reasons for the humiliating transfer, which included that BOSWELL was "old fashioned," and that he was "shooting from the hip."

Subsequent to this meeting, URA confided to BOSWELL that LUSCZYNSKI was responsible for BOSWELL's transfer, and she had cited the reason as a "perceived personality difference" on her part. URA also advised that he had fought to keep BOSWELL in homicide and that BOSWELL was a "victim of circumstance." Additionally, URA confided to

BOSWELL that LUSCZYNSKI personally chose for BOSWELL to be transferred to the juvenile division because LUSCZYNSKI wanted to put BOSWELL on a squad where he felt “uncomfortable.”

45. On January 6, 2014, subsequent to the issuance of URA’s pretextual transfer order, BOSWELL began writing his supplemental report for the Martinez double murder case, and the state opened its case against him.

46. On January 13, 2014, BOSWELL finalized the Martinez case supplement and placed it for the first time into the HCSO’s electronic system.

47. On January 15, 2014, Corporal G. Harris approved BOSWELL’s case supplement in the Martinez double murder case.

Joshua Kling, Defendant in Child Capital Sexual Battery Case

48. On January 23, 2014, now assigned to the Juvenile Unit, BOSWELL interviewed suspect Joshua Kling in reference to capital sexual battery charges. The state would ultimately charge Kling with two counts of capital sexual battery on a child less than 12 years of age, and one count of lewd or lascivious molestation. BOSWELL kept his supervisors, Jeff Schiro and Shawn Napolitano, apprised of the investigation via cell phone conversations and text messages.

Charles A. Martinez, Double Murder Case, Investigation Continues

49. On March 7, 2014, KEENE interviewed Lindsay Greene's mother, Jennifer Greene. During the interview KEENE unsuccessfully attempted to have Mrs. Greene provide defamatory information about BOSWELL's investigative techniques. Instead, Mrs. Greene wrote a letter to BOSWELL, thanking him for his hard work and for solving the case.

Joshua Kling, Child Sexual Battery Case, Convictions Obtained

50. On August 26, 2014, following a jury trial, the court convicted Joshua Kling of the two counts of capital sexual battery and the lewd or lascivious molestation charge, and imposed three life sentences.

51. On August 27, 2014, URA sent an email to BOSWELL commending BOSWELL's investigation of the Kling case, and he forwarded it to LUSCZYNSKI.

Erika Sanes's Motion to Suppress Confession

52. On November 20, 2014, Circuit Judge Ward heard a motion to suppress Erika Sanes's statements she had made during the interviews conducted regarding her robbery and murder case.

53. On November 21, 2014, URA concurred with BOSWELL's annual evaluation which documented that BOSWELL's performance and integrity were above that which was required by the Sheriff's Office.

TRIGGERING EVENT #2: Suppression of Sanez Confession

54. On December 9, 2014, Judge Ward granted the suppression motion regarding the fourth interview³ of Sanez, the one in which she had confessed, after finding the detectives needed to fully re-advise her of her Miranda rights rather than ask if she had recalled previously being advised of her Miranda rights, and also because she had been continuously held in the same room for more than two hours, without food, water, or “visitation with any others.”⁴ Thus, the court ruled that Sanez had been in a custodial hold at the time she made her confession.

55. On December 15, 2014, KEENE sent a text message to BOSWELL and HOLLIS explaining that the court had granted the motion to suppress as to the interview in which Sanez confessed, after finding that she had not yet been fully Mirandized again, prior to the interview in which she confessed.

² In its order, the trial court referred to the fourth interview as the third interview; apparently the court was unaware that an additional, prior interview had taken place. Further, in the order the court wrote that “Detective Boswell admitted at the hearing that at that time [Sanez] was not free to leave and that she was being detained.”

³ The court also noted in its order that BOSWELL had testified to these facts.

56. On December, 18, 2014, at 4:27 p.m., BOSWELL and KEENE both received a copy of Judge Ward's ruling via e-mail sent by Kristina Rosa of the SAO.

Luszczynski Launches Inquiry After Suppression of Sanez Confession

57. On December 22, 2014, LUSCZYNSKI launched a supervisor inquiry into the Sanez suppression order. Schiro and Napolitano questioned BOSWELL about what actually had occurred during the fourth Sanez interview. After review of the digitally recorded interview, BOSWELL's supervisors concluded that BOSWELL did not do anything wrong. However, they did take issue with KEENE's tactics and concluded that KEENE was attempting to turn a custodial interview into a non-custodial interview. At 5:24 p.m. POORE called BOSWELL and apologized for what had occurred. She also stated that KEENE is her "friend[;]" however, she concluded that "he should be in trouble for what he did."

58. On January 7, 2015, as a direct result of the Sanez ruling, URA requested that Pruner give a presentation to the Criminal Investigation Division on Miranda issues. According to URA's subsequently obtained sworn testimony, this presentation was directed at BOSWELL due to false allegations made by URA regarding BOSWELL's handling of the Martinez case. Although BOSWELL had been cleared of any wrongdoing in the

Sanez case via a supervisory inquiry, the presentation was designed to highlight BOSWELL's actions as if he had indeed incompetently handled the Sanez Miranda warning.

59. On March 11, 2015, URA provided testimony in the first IA investigation before MAURER and SISSON in which he stated, in regard to BOSWELL, that (1) while in the homicide unit, BOSWELL had "some issues with interview techniques" that lead to his transfer from homicide to juvenile; (2) one of the reasons the Miranda presentation by Pruner had been conducted was because of BOSWELL's actions in the Martinez case; (3) BOSWELL had conducted interviews in the Martinez case which were not recorded, and he also did not have another detective with him while conducting the interviews, which was against protocol; (4) URA had instructed BOSWELL to not conduct interviews by himself; and (5) URA had approached ASA PETERS to basically discuss the order in the Martinez case, and in particular, BOSWELL's actions, at which time ASA PETERS stated she was fine with BOSWELL's interview style and he was "good to go."

Matthew Samanie, Arrested for Shaking and Beating a Newborn Child

60. On February 2, 2015, BOSWELL was assigned the Matthew Samanie case, in which a five-week-old baby had been severely beaten and

shaken, suffering numerous broken bones and a swollen brain. MATHEWSON was sent as an observer for training purposes due to the fact she was having performance issues. On this same date, during the non-custodial interview with Samanie, he requested that he be allowed to make an unrecorded off-the-record statement. BOSWELL honored Samanie's constitutionally protected request. While off-tape, Samanie advised that he had smoked marijuana prior to the interview; however, he stated he was no longer experiencing the effects.

After qualifying that Samanie was lucid, Samanie admitted that more had happened to the child-victim than he originally admitted. After Samanie made his off-the-record statement, the recorder was turned back on and the interview continued. Samanie ultimately made incriminating statements throughout the course of the interview. At the conclusion of the interview, BOSWELL did not yet arrest Samanie because he had determined that more investigation needed to be conducted.

61. After the Samanie interview, MATHEWSON basically complained to her supervisors that she had not been allowed to ask any questions of Samanie, and this had hurt her feelings. She misrepresented BOSWELL's activity during the interview, falsely claiming that he had "abruptly terminated it." She stated to the supervisors that she did not

believe there was enough evidence at that point to arrest Samanie for aggravated child abuse, and she falsely insinuated that Samanie did not make any inculpatory statements.

62. On February 3, 2015, after Schiro advised BOSWELL of MATHEWSON's comments and false inferences, BOSWELL provided a digital copy of the interview to Schiro, who subsequently *concluded that Samanie had in-fact made inculpatory statements*. Schiro then addressed MATHEWSON's inaccurate assertions with her.

63. On February 4, 2015, just prior to BOSWELL obtaining a warrant for Samanie's arrest, and unbeknownst to BOSWELL or MATHEWSON's supervisors, MATHEWSON met with ASA PETERS. By her subsequently made own admission, MATHEWSON stated to ASA PETERS in a suggestive manner that she should "listen to all of the facts for all of the cases," thus planting a seed in ASA PETERS's mind that BOSWELL had *not* obtained sufficient evidence to justify the issuance of a warrant for Samanie's arrest.

64. In fact, during BOSWELL's interview of Samanie, Samanie *had admitted that he had been alone with the victim at the time the injuries were sustained, and most importantly of all, that he (Samanie) had caused the injuries*. Samanie also admitted that he had convinced the victim's

mother to not take the victim to the hospital by assuring her that the victim's condition was the result of sleep-inducing medication that Samanie had given the victim earlier that day. Samanie further admitted that he was motivated to prevent the victim's mother from seeking medical attention because he knew he would be inculpated as the one who had caused the victim's injuries. It should further be noted that by this time, Pinellas County Child Protection Team Nurse Practitioner Valerie Hill had determined that the victim was suffering from "Black Brain" due to a hypoxic event, along with bilateral subdural hematomas which were conducive to high force shaking; extensive multi-layered retinal hemorrhaging; 26 rib fractures in varying states of healing; and a corner fracture on his distal right tibia, which was consistent with someone jerking him.

65. Despite this evidence, following MATHEWSON's conversation with ASA PETERS, she refused to listen to the recorded Samanie interview. Most significantly of all, despite sufficient evidence justifying the issuance of an arrest warrant for Samanie, *ASA PETERS refused to approve one.*

Furthermore, per her sworn testimony obtained during a subsequently initiated IA investigation, ASA PETERS admitted that, pursuant to the

direction of LUSCYNISKI, she began attempting to compile complaints against BOSWELL.

66. On February 5, 2015, at the request of ASA PETERS, BOSWELL met with Dr. Susan Smith of the Pinellas County Child Protection Team to have her render a second opinion on Nurse Hill's findings. Dr. Smith concurred with Hill's findings, and advised that the victim indeed had broken ribs and hemorrhaging, among other injuries, *all of which were consistent with intentionally inflicted abusive head and body trauma.*

67. On February 6, 2015, ASA PETERS began contacting MATHEWSON to encourage her to make defamatory statements about BOSWELL in reference to the Samanie interview.

68. On February 9, 2015, ASA PETERS finally listened to the recorded Samanie interview with her subordinate, ASA Carole Hooper. After listening to the interview, ASA PETERS and Hooper both agreed that probable cause existed for a warrant, and one was issued, resulting in Samanie's arrest.

69. On February 10, 2015, BOSWELL received a text message from his supervisor, Schiro, thanking him for his work on the Samanie

investigation. In the text, Schiro went on to advise that POORE was very pleased with Samanie's arrest.

Burgeoning Conspiracy to Collect False, Defamatory Accusations Against Boswell

70. Meanwhile, ASA PETERS continued to contact MATHEWSON to obtain from her false, defamatory statements regarding BOSWELL's actions during the Samanie interview.

71. On February 11, 2015, Kling, now imprisoned, mailed a letter to the HCSO IA division, complaining that he had confessed during his recorded interview because BOSWELL had threatened him.

72. On February 13, 2015, LUSCZYNSKI called for a meeting with URA and BOSWELL's supervisors to address asserted concerns about BOSWELL voiced by ASA PETERS and MATHEWSON. The issues pertained to BOSWELL speaking to Samanie off-tape--at Samanie's request to do so--during BOSWELL's interview of Samanie. Subsequent to this meeting, POORE and URA held an undocumented, offsite, clandestine meeting with MATHEWSON, in a parking lot behind a building. Following this meeting, MATHEWSON began voicing a new version of what she claimed she had observed during the Samanie interview, asserting that BOSWELL began yelling and acting forcefully with Samanie.

73. On February 16, 2015, as a result of MATHEWSON's new allegations, BOSWELL met with URA and POORE in URA's office. During this meeting, URA implied that an internal investigation was forthcoming.

74. Shortly thereafter, HCSO Legal Advisor Karen Stanley and others reviewed the Samanie interview, and concluded that BOSWELL had *not* engaged in any improper behavior. Notably, Stanley raised concern about the fact that MATHEWSON had attempted to thwart the issuance of an arrest warrant for Samanie by making misleading statements to ASA PETERS regarding what had actually occurred during the interview. Despite Stanley's opinion, LUSCZYNSKI ordered BOSWELL's supervisors to listen to the interview recording in its entirety. BOSWELL's supervisors then also concluded that BOSWELL had done nothing wrong during the Samanie interview.

75. On February 17, 2015, POORE and Stanley called MATHEWSON into POORE's office and questioned her. Stanley subsequently advised LUSCZYNSKI that the interview with Samanie was non-custodial and that there were no legal issues of concern. LUSCZYNSKI then openly opined about other possible scenarios that could be used to launch an IA investigation against BOSWELL.

76. On February 19, 2015, while BOSWELL was off duty, URA called BOSWELL and requested that he respond to his office so that the two could discuss alternatives to avoid URA filing an IA case against BOSWELL. BOSWELL advised URA that he would attend; however, he would bring his attorney with him. URA responded, "Never mind," and ended the conversation.

77. On February 26, 2015, ASA PETERS filed formal charges of two counts of aggravated child abuse against Samanie.

78. On February 27, 2015, ASA PETERS, in an obvious attempt to cast doubt on the veracity of BOSWELL's investigative conclusion, requested that the mother of the victim in the Samanie case, be subjected to a polygraph exam regarding any potential involvement that she may have had in inflicting the injuries. The polygraph examiner, Detective Jennifer Mitchell, rendered a verbal opinion that the mother's statements regarding harming the victim, were untruthful. However, it was indisputable that the mother was at work both times that the victim sustained the injuries.

The polygraph exam, the digitally recorded interview, and the written supplement to this examination were subsequently "corrupted" and "lost." Additionally, the case file was surreptitiously removed from the polygraph

section and a blank CD was replaced for the polygraph. The HCSO did *not* conduct an investigation in regards to the missing polygraph results.

79. On March 2, 2015, URA called BOSWELL into his office at approximately 1:00 p.m. URA and POORE were present. URA advised BOSWELL that URA and LUSCZYNSKI collectively had decided to move forward with an administrative investigation against BOSWELL. The new reasons cited for the complaint against BOSWELL included his general proficiency and violations of standard operating procedures. BOSWELL advised URA that he now believed he was being harassed by the HCSO's administration, and that he wanted them to stop. BOSWELL also advised URA that the stress had created health issues for both himself and his wife and children.

The First Internal Affairs Investigation

80. On March 3, 2015, URA initiated an IA investigation against BOSWELL which was based upon demonstrably false accusations. URA attempted to conceal his involvement by identifying the complainant as "HCSO." URA alleged that BOSWELL had failed to comply with a direct order given by URA, and that he had been discourteous to ASA PETERS.

Subsequently, during his IA sworn interview, URA asserted that while processing the Martinez case, BOSWELL had engaged in Miranda

violations, and had conducted unrecorded interviews with members of Martinez's family. URA claimed that these actions "ushered" BOSWELL's "exit out of homicide." URA further untruthfully testified that as a direct result of these "issues," he had given BOSWELL a verbal order to record all suspect interviews in their entirety, and to always take a second detective with him during suspect interviews. In truth, URA had done neither.

Also during this IA interview, URA stated that when BOSWELL turned off the recorder at Samanie's request, this violated URA's order to record all interviews. Critically, during this same interview URA testified that he never ordered BOSWELL to not turn off the recorder, if a suspect asked to do so.

81. On the same day that URA filed the false complaint against BOSWELL, MAURER interviewed MATHEWSON. Under oath, MATHEWSON provided false testimony against BOSWELL. However, during this interview, MATHEWSON admitted that BOSWELL did nothing illegal or inappropriate while off-tape during the Samanie interview. Importantly, MATHEWSON admitted that she had been influenced by ASA PETERS's comments to her when ASA PETERS had criticized BOSWELL.

82. On March 4, 2015, MAURER interviewed ASA PETERS. Under oath, ASA PETERS provided false testimony in an attempt to create

the impression that there were issues with the Samanie case, and other cases investigated by BOSWELL. Additionally, ASA PETERS provided a chronology with indisputably false information in an attempt to explain why she had delayed listening to Samanie's recorded interview and approving the arrest warrant for Samanie. Specifically, she stated that MATHEWSON's comment that she should pay attention to the facts when BOSWELL presented them, was her "first alert." ASA PETERS also claimed that she was delayed by her processing of HCSO case number 15-92277, which she labeled the "Teacher Case," and that detectives were waiting for the warrant in that case and were present at the residence where it would be served. However, in truth, this case was not reported until February 9, 2015, three days after ASA PETERS claimed she was busy working on it. Further, ASA PETERS approved these warrants—which were for the collection of electronic information, and not for a search of any suspect's residence—on February 17, 2015, nine days after she claimed she was busy editing the warrant for detectives who were supposedly "waiting by the residence," which actually was not true.

83. On March 5, 2015, the IA Division interviewed Schiro, who stated that he was present at the meeting between ASA PETERS and BOSWELL, and he did *not* observe BOSWELL acting rudely toward ASA

PETERS. Schiro provided further testimony supporting BOSWELL's belief that BOSWELL was being targeted for harassment by certain members of the HCSO, who had fabricated allegations against BOSWELL.

84. On March 23, 2015, MAURER formally interviewed BOSWELL. Prior to the interview, BOSWELL briefed MAURER on the Sanez case and apprised MAURER that his (BOSWELL's) refusal to agree that Sanez had been in a non-custodial hold when she had confessed, had triggered the event. BOSWELL provided MAURER with a copy of Sanez's recorded interview during which KEENE was present, documents in HCSO case number 15-92277 (the Teacher Case), and the location of supporting documents in the Martinez case file.

85. On March 24, 2015, per MAURER's request, BOSWELL emailed MAURER additional exculpatory evidence that was in the form of text messages exchanged between ASA PETERS and BOSWELL. The text messages demonstrated that ASA PETERS had provided false sworn testimony about some of her exchanges with BOSWELL.

86. On March 27, 2015, the SAO requested the results of the polygraph of the victim's mother in the Samanie case for a Brady response.

87. On April 13, 2015, polygraph section supervisor Richard Losado advised that the files could not be produced, and he informed ASA DERRY of this.

The Second Internal Affairs Investigation

88. On April 10, 2015, BOSWELL received a voice mail from MAURER advising that the first IA investigation was being finalized; however, a new IA investigation was being initiated as a result of the complaint against BOSWELL lodged by Joshua Kling. The alleged violation was “Failure to Obey the Direct Order,” which URA had falsely testified to having given to BOSWELL. MAURER advised BOSWELL via telephone that LUSCZNYNSKI and DOCOBO had both decided to file the new complaint against BOSWELL.

On this same date, SISSON, MAURER’s supervisor, approved MAURER’s completed IA investigation on BOSWELL, and witnessed MAURER sign an oath affidavit attesting to the veracity of the investigation.

89. On June 9, 2015, nearly two months after the investigation had been completed, POORE advised BOSWELL that the first IA investigation had been *substantiated*. BOSWELL was provided with a copy of the IA case file and subsequently discovered that MAURER had *excluded all of his exculpatory evidence from his written investigation*.

90. On June 17, 2015, MAURER interviewed BOSWELL for the second IA investigation. During this interview, once again BOSWELL provided MAURER with exculpatory evidence. The exculpatory evidence consisted of CDs with recorded interviews that disproved URA's assertions. Additionally, BOSWELL provided MAURER with copies of text messages which exculpated BOSWELL. BOSWELL also again directed MAURER to specific exculpatory documents in the Martinez file. Once again, MAURER *failed to include BOSWELL's exculpatory evidence in his investigation.*

91. On June 18, 2015, BOSWELL attended a digitally recorded pre-disciplinary hearing before POORE to **appeal** the first IA investigation's finding of substantiation. During the recorded hearing, BOSWELL again presented exculpatory evidence in the form of URA's digitally-recorded sworn IA interview that consisted of URA stating that he (URA) never told BOSWELL not to turn off the recorder if the suspect requests that this be done. During the hearing POORE intentionally ignored BOSWELL, frequently interrupted him and cut him off while he was speaking, and dismissed facts presented by BOSWELL. In addition to BOSWELL providing POORE with exculpatory evidence, BOSWELL pointed out the fact that MAURER had excluded exculpatory evidence from his investigation. POORE'S responses included: "You deal with the

inaccuracies;” and “I have to believe Major Ura.” POORE then recommended a five-day suspension.

92. On July 6, 2015, the second IA investigation launched against BOSWELL was also deemed *substantiated*. The substantiation was based on URA’s false, sworn testimony in regards to giving BOSWELL an undocumented verbal order. Again, Sisson was the supervisor who approved MAURER’s investigation, and once again he witnessed MAURER sign an oath affidavit attesting to the veracity of the investigation.

Appeal Before the Colonels

93. BOSWELL again appealed the findings and on July 9, 2015, he attended a digitally recorded disciplinary hearing before G. BROWN, K. DAVIS, C. BROWN, POORE, and LUSCZYNSKI, who despite her prior involvement in the investigations, failed to recuse herself. During the proceeding, LUSCZYNSKI conceded that there had been an error in reference to the substantiations against BOSWELL by admitting that URA did not give an order to BOSWELL in regard to Miranda warnings. DAVIS admitted that URA never gave an order not to turn off the recorder during an interview.

However, the colonels refused to question MAURER, who was present, in regards to the omission of exculpatory evidence provided to him

by BOSWELL. Additionally, these colonels refused to accept or review exculpatory evidence that BOSWELL attempted to provide to them during the hearing.

94. Moreover, during the course of the hearing these colonels attempted to intimidate BOSWELL into conceding that URA and ASA PETERS did not provide false sworn testimony, and that MAURER did not ignore exculpatory evidence. G. BROWN inferred that BOSWELL was mentally unstable. LUSCZYNSKI attempted to alibi URA's perjurious testimony by falsely claiming that she had intimate knowledge in regards to URA giving the orders. Throughout the hearing, LUSCZYNSKI covered her face with a piece of paper in an attempt to conceal the fact that she was giggling. C. BROWN questioned BOSWELL's integrity as a witness, and opined that it could be possible that BOSWELL would never be able to testify as a witness again. At the conclusion of the approximately two-and-a-half-hour hearing, DAVIS admitted that the sworn testimony provided by URA was not accurate. However, he (DAVIS) attempted to mitigate URA's perjurious statements by falsely claiming that he (DAVIS) had intimate knowledge and details of the facts surrounding URA's alleged order, and therefore, he (DAVIS) knew that it had been given.

95. After verbally admitting that there were errors in regards to the substantiations, that URA's testimony was not accurate, and that there had been no inculpatory evidence, these colonels found BOSWELL guilty of violating URA's order, notwithstanding the fact that such an order indisputably was never given. Nor was it customary practice or policy of the HCSO. Additionally, a charge of behavior unbecoming an officer was added to the list of violations. No rationale was provided as to how the colonels arrived at this conclusion. Rather than approve the suggested five-day suspension recommended by POORE, the colonels upped the suspension to eight days without pay, and recommended that BOSWELL be demoted.

BOSWELL next appealed the findings to Sheriff GEE.

Appeal Before the Sheriff

96. On July 10, 2015, at 9:38 a.m., BOSWELL received a telephone call from URA advising him to meet with GEE at 10:30 a.m. and to "come alone."

97. Prior to the commencement of the meeting with GEE, BOSWELL observed LUSCZYNSKI and DAVIS leaving GEE's suite.

98. LUSCZYNSKI then met with BOSWELL in the lobby and led him into a conference room for a meeting with GEE. During this meeting, it

became apparent to BOSWELL that GEE had been led to believe by LUSCZYNSKI and DAVIS that BOSWELL was not credible. Specifically, BOSWELL was told that the SAO had taken issue with BOSWELL's credibility. During this meeting, GEE cautioned BOSWELL that if his credibility were to be destroyed, i.e., if he were determined to be "Giglio Impaired," then he could no longer be used as a witness, thereby leaving the Sheriff's Office with no use for him.

99. GEE informed BOSWELL that he would not listen to any evidence BOSWELL wanted to present, and that he had "more respect for individuals who simply took their punishment." GEE also advised that any further appeal needed to be brought before DOCOBO; however, GEE stated, if he (BOSWELL) continued to appeal any further, then there would be no guarantee that things would not get worse. GEE then advised that he would combine the two cases against BOSWELL and have them closed. GEE left the conference room, and DAVIS then ordered BOSWELL to write a memo to GEE, withdrawing his appeal.

100. On July 13, 2015, while under extreme duress as a direct result of GEE's veiled threat and DAVIS's direct order to withdraw the appeal, BOSWELL did as ordered. He drafted a memo stating he would end the

appeal process. DAVIS, on behalf of GEE, ratified the memo, which was never legally executed via the application of the HCSO official seal.

The HCSO then immediately demoted BOSWELL to the position of patrol officer and imposed an eight-day suspension. The demotion encompassed a five percent pay cut, constituting an annual loss of \$3,000. This cut was in addition to an approximate \$11,000 loss of overtime wages that BOSWELL had already lost upon transfer from the Homicide Unit to the Juvenile Division.

101. On July 20, 2015, the demotion went into effect. Despite the fact that BOSWELL was the most senior deputy in his newly assigned division, against his request, he was assigned as a patrol deputy to the midnight shift.

102. On July 30, 2015, BOSWELL began to receive psychological counseling as a direct result of the intentional stress inflicted upon him by DEFENDANTS, due to their actions as set forth in this Complaint.

103. On July 31, 2015, BOSWELL was ordered to respond to IA to sign a revised version of the substantiation against him, at which time he noted that in addition to the removal of his exculpatory evidence, the Activity Report, which documented individuals who had accessed the IA report by evidence of their signatures on the sign out list, had been altered to

contain a forged image of POORE's signature, and the removal of URA's signature. BOSWELL pointed this fact out to SISSON. SISSON responded by advising that the case file had already been digitally scanned into the system and that, if he wanted to do so, he (SISSON) could shred the original file.

104. On August 3, 2015, over a year and a half after BOSWELL's transfer from the Homicide Unit, and three days after the IA investigation against him officially concluded, URA's alleged order was documented for the first time via an email that URA ordered Schiro to write and send. Critically, BOSWELL was not listed as a recipient on this email. The email reads as follows:

There have been changes in the operational protocol for CID personnel which have arisen from significant cases. These procedural modifications are intended to provide oversight for lessons learned in the aftermath of such investigations and to hopefully avoid similar pitfalls for future incidents. One such example is for all capital sexual battery cases to be reviewed by Major Ura prior to review/presentation to the SAO.

Henceforth, another edict which we will abide by specifically addresses the interviewing of suspects as follows:

1. All suspect interviews will have two detectives present throughout the course of the interview.
2. All suspect interviews will be captured via audio/video recording for the entire duration of the interview.

Shortly after these events, SAO Division Chief Mike Sinacore obtained a copy of this email. ASA Sinacore then scheduled a meeting with URA to inquire why such an order would be given. URA denied to ASA Sinacore that he (URA) had ordered Schiro to send the email.

105. As a result of the meeting that ASA Sinacore had with URA, ASA Sinacore held a subsequent meeting with his (ASA Sinacore's) subordinates in regards to the order that URA allegedly gave to BOSWELL. During this meeting, ASA Sinacore advised his subordinates that the only thing BOSWELL did wrong "was to not bow down and kiss their ring the way that they wanted him to."

106. Subsequent to ASA Sinacore's assertions during this meeting, ASA PETERS concurred with ASA Sinacore and began to openly voice her personal concern that "they were just out to get BOSWELL" and that she (ASA PETERS) felt like the situation was all her fault.

The External Legal Fallout, and HCSO Coverup

107. On August 7, 2015, Maria Pavlidis, the attorney for convicted sex offender Estevan De La Mora, filed a Notice of Appearance for purposes of appeal, in case number 14-CF-010905. Pavlidis stated in the appeal, dated January 22, 2016, that she had recently learned, *via an unnamed source*, that BOSWELL "had been demoted as a result of his investigative

techniques, including but not limited to, his interview of a suspect in an aggravated child abuse case.” Critically, on this date BOSWELL’s IA investigations had not yet been released; therefore, the false, defamatory, stigmatizing information contained within the IA reports was not yet known to anyone except those who were involved with the IA investigations.

The information provided to Pavlidis by this unnamed source would later be utilized by Pavlidis in an attempt to obtain a new trial for her client, who had been convicted of committing a lewd or lascivious battery on a victim between the ages of 12 and 15, via a postconviction motion in which she asserted BOSWELL’s demotion and the assertions underlying it, constituted newly discovered evidence. This filing caused alarm within the HCSO and the SAO, and DEFENDANTS then scrambled to hide what they had done.

Wimper Zambrano, Capital Sexual Battery Defendant

108. Besides Pavlidis, other criminal defense attorneys began to “get wind” of BOSWELL’s demotion and suspension, and that he had been accused of being not credible.

The HCSO received a public records request from Nicholas Matassinni, the attorney for Wimper Zambrano, a suspect in a capital sexual

battery case, in which Zambrano, a previously convicted sexual batterer, was now charged with sexually battering his own daughter.

109. Under advisement of CLARK, the HCSO conspired with ASA PETERS in an attempt to prevent the dissemination of the IA investigations of BOSWELL. This strategy consisted of redacting the IA investigations of BOSWELL, and then providing the documents to ASA PETERS to provide to Matassini, rather than providing the documents directly from the HCSO. ASA Sinacore learned about this deviation from long-standing HCSO policy, and notified the HCSO that the State Attorney would not agree to participate in this deviation; therefore, the HCSO would need to directly disseminate the case files themselves, as per their policy.

110. Subsequent to ASA Sinacore thwarting the original plan, HCSO then attempted to prevent dissemination of the records by claiming they contained confidential information involving active cases. This strategy ultimately failed.

More Defense Attorneys Seek Boswell's IA Files

111. Circa November 2015, SISSON gave BOSWELL's unredacted IA case file to ASA DERRY, despite the fact that he (SISSON) knew that the IA case file contained false, defamatory information against BOSWELL. ASA DERRY in-turn provided an unredacted copy of the file to Guillermo

E. Gomez Jr., Samanie's attorney. The HCSO IA section stonewalled Matassinni as well as Public Defender Sean Goforth, who was also attempting to obtain BOSWELL's falsified IA case files. Goforth wanted the files to defend his client Ryan Byrne, who was charged with capital sexual battery on a child less than 12 years of age. Despite the fact that the HCSO was successfully stonewalling Matassinni and Goforth, Pavlidis inexplicably obtained an unredacted copy of the case files in BOSWELL's IA investigations, in November or early December, 2015.

112. On February 15, 2016, the trial court held a suppression hearing in the Byrne case. Prior to the hearing, Goforth had only been able to obtain a completely redacted version of BOSWELL's IA case files; i.e., the entire file had been blacked out. As a result, the court granted a continuance to provide Goforth with adequate time to review the unredacted files at the HCSO.

Ricoh Johnson, Capital Sexual Batteries Defendant

113. On March 3, 2016, URA was called as a defense witness for Ricoh Johnson, who was being tried on two charges of committing capital sexual batteries. During his sworn testimony URA committed perjury when his testimony contradicted previously sworn statements he had provided during the HCSO IA investigation of BOSWELL, on March 11, 2015.

his testimony contradicted previously sworn statements he had provided during the HCSO IA investigation of BOSWELL, on March 11, 2015. During the Johnson trial URA testified that he transferred BOSWELL from homicide to juvenile because he needed his experience in juvenile, rather than truthfully stating that he transferred BOSWELL because he would not support KEENE's report, which had concluded that the Sanes interview had been non-custodial.

John Polson, Lewd or Lascivious Molestations Defendant

114. Charged with two counts of lewd or lascivious molestation on a victim less than 12 years of age, Polson filed a motion to suppress his "illegally obtained confession or admission(s)," which had been made to BOSWELL.

On April 7, 2016, during the suppression hearing, the defense cited BOSWELL's discipline history and sustained violation of URA's alleged order, as bases for the suppression of Polson's confession. As a result, BOSWELL was forced to refute the allegations and testify that URA had lied about giving such an order.⁵ This became a **common tactic** at all trials

⁴The court rendered an order denying the motion on June 1, 2016, after BOSWELL was forced to defend himself and successfully refuted the allegations against him.

and depositions amongst criminal defense attorneys involved in criminal prosecution of cases investigated and processed by BOSWELL.

115. On July 13, 2016, MATHEWSON provided sworn testimony about the first IA investigation while being deposed in reference to the Samanie case. During her testimony, she gave a radically different account of BOSWELL's interview with Samanie than she had previously provided. In her new version, MATHEWSON was unable to recall or articulate why she believed that Samanie's non-custodial interview had turned into a custodial interview, and she directly contradicted prior assertions regarding Samanie's behavior during the interview.

Estevan De La Mora's Motion for a New Trial

116. On August 2, 2016, the trial court held a hearing on De La Mora's motion for a new trial, based on the assertion of newly discovered evidence regarding BOSWELL's credibility. Pavlidis asserted in the motion information which she had gleaned from the report prepared by Maurer in the first IA investigation, that "Detective Boswell repeatedly stated, under oath, that his Major was untruthful and that an assistant state attorney was also not truthful in her statements under oath. These statements and allegations are what cause Detective Boswell's testimony to not be credible and to cast doubt as to his integrity as a law enforcement officer."

117. URA, ASA PETERS, MATHEWSON and POORE were all called as defense witnesses at the hearing, and URA, ASA PETERS and MATHEWSON all provided false and/or conflicting testimony. However, POORE initially testified truthfully, and for the first time confirmed that BOSWELL had been transferred from the Homicide Unit to the Juvenile Division as the result of a direct order given by LUSCZYNSKI. However, POORE also falsely testified about BOSWELL's interviewing techniques, among other fabricated issues.

The Third Internal Affairs Investigation

118. On September 27, 2016, the HCSO launched a third IA investigation against BOSWELL, purportedly based on a complaint made by someone identified only as "HCSO." The source alleged that BOSWELL had made disparaging comments about URA while testifying during the De La Mora hearing. PORTALATIN of the HCSO IA section was assigned as the lead IA investigator, and he notified BOSWELL that he was unaware of the complainant, as well as the basis of the complaint. Critically, the testimony from the De La Mora hearing had not been filed with the Clerk of the Court, nor did the SAO yet have access to it via their system.

Boswell Forced to Take Medical Leave

119. On October 5, 2016, BOSWELL was forced to take leave under the FMLA because both he and his wife, Margaret, were now suffering from medical issues incurred as a direct result of the actions of DEFENDANTS as set forth in this Complaint.

HCSO Engages Further Retaliation

120. On October 7, 2016, in retaliation for taking medical leave, the HCSO blocked BOSWELL from accessing his HCSO email and case records, even though he had many active cases he was processing. The HCSO also sent personnel to confiscate his patrol vehicle and work-issued firearm and computer.

ASA Peters Changes Her Previously Sworn Testimony, Backpedals

121. On November 4, 2016, ASA PETERS provided sworn testimony during a deposition as a defense witness in the Samanie case. Critically, ASA DERRY (who at that time was ASA PETERS's first-line subordinate) attended the deposition. During this deposition, ASA PETERS switched gears and stated that there had never been any issues with BOSWELL's investigations, and that "case law supported his technique." She also testified that there never was an issue with BOSWELL shouting at suspects to intimidate them, along with other admissions which contrasted

her previous, negative statements about BOSWELL. ASA DERRY never reported ASA PETERS' conflicting, sworn testimony to the state attorney.

122. On the same date that ASA PETERS was deposed, polygraph supervisor Losado was also deposed in regards to his knowledge about the missing polygraphs from the Samanie case. Losado confirmed that the polygraphs, the recorded interviews, and the case file had all been surreptitiously removed, and that a blank CD had been placed in the case file. Losado testified that no investigation had been conducted in regards to the missing material. Additionally, Losado testified that a search of the computer used to conduct the victim's mother's polygraph yielded negative results. ASA DERRY was present during Losado's testimony and acknowledged during the deposition that she had long been aware of the fact that the polygraph could not be produced.

123. On November 10, 2016, the transcripts of witness testimony from the De La Mora hearing on the postconviction motion were filed with the Clerk of the Court, thus making them publicly available. Notably, PORTALATIN documented in his IA investigation that he had received them on September 27, 2016.

Ura Testifies in Zambrano Hearing on Motion to Suppress Statement

124. On November 16, 2016, URA prepared for his upcoming testimony to be given on November 17, 2016, as a defense witness in the Zambrano hearing on a motion to suppress Zambrano's statement regarding the sexual battery he was alleged to have committed on his biological daughter. During this conversation, URA advised the assistant state attorneys who were preparing him for the hearing, that "Boswell thinks that he's going to wait until December and then retire but he's going to find out that it is not going to be that easy for him, or he's going to sue all of us."

125. On November 17, 2016, URA testified at the hearing on Zambrano's motion to suppress his incriminating statements that BOSWELL had been transferred from the Homicide Unit due to the fact that he was not a team player and did not grasp the team player concept; he went on interviews alone; and he had interviewed a murder suspect's family member without another detective present. All of these statements are demonstrably false. URA further stated he did not have a problem with BOSWELL's interview of Samanie, and that he had never received any complaints concerning BOSWELL's investigations or his interviews.

126. Additionally, during his sworn testimony, URA was intentionally vague as to the identity of any suspect's family member with whom BOSWELL had allegedly conducted a non-recorded interview,

without another investigator present. URA did however, provide enough quantifiable information as to identify the individual as Andre Martinez, the father of murder suspect Charles Martinez. Critically, BOSWELL interviewed Andre Martinez *with the assistance of HOLLIS and the interview was recorded*. Furthermore, Andre Martinez did *not* recant his statements, as alleged by URA in his March 11, 2015, sworn testimony given during an IA investigation. BOSWELL had documented these facts in his January 13, 2014, supplement investigation report in the Martinez case.

127. On January 23, 2017, IA received a letter of complaint from Zambrano's defense attorney, Matassini, who alleged that BOSWELL had violated URA's alleged orders regarding conducting interviews in pairs and using a recorder at all times. IA did not notify BOSWELL that a new complaint had been launched against him.

Boswell Forced Into Retirement, Incurs More Retaliation

128. On January 29, 2017, due to the maliciously inflicted, prolonged, untruthful, and defaming allegations levied against BOSWELL, resulting in stress-induced health problems to him and his wife, he reluctantly submitted a retirement form to his supervisor, Sergeant Harned, at approximately 6:00 p.m., who in-turn placed it on MORRIS's desk. The retirement was to be effective as of January 31, 2017.

129. On January 30, 2017, BOSWELL made contact with Angie Pedero of the HCSO Human Resource Department (HR) at 10:10 a.m. to confirm an appointment for out-processing. Pedero advised to reschedule due to the fact that retiring without providing a proper two weeks of notice would result in a loss of paid vacation and accumulated Deferred Retirement Option Program (DROP) monies. Pedero advised BOSWELL to withdraw the retirement form and submit a second one, to be effective on February 17, 2017.

Conspiracy to Deprive Boswell of Full Retirement Benefits and Ability to Enter DROP Period Due to Forced Retirement

130. On January 30, 2017, at 10:12 a.m., BOSWELL made contact with MORRIS, who stated that he had just signed the retirement form and it was either on his desk *or* had just left his desk. BOSWELL told MORRIS that, at Pedero's direction, he was rescinding the retirement form, and he would submit a second form with the later effective date of February 17, 2017. MORRIS then advised that he had already given the form to HILL. BOSWELL advised MORRIS to contact HILL and rescind the memorandum. MORRIS then told BOSWELL that HILL had personally transported the memorandum to the colonels and that he (MORRIS) could not contact HILL because he was in a meeting with the colonels.

131. At 12:10 p.m. BOSWELL sent MORRIS an email officially memorializing his intention to rescind the original retirement memorandum. At 12:14 p.m. MORRIS responded by stating that he just hung up the phone after speaking with HILL. MORRIS stated that he and HILL had signed off on the original retirement form, and MORRIS stated HILL had taken it “downtown” to the colonels. MORRIS wrote that BOSWELL could call him if he wanted to do so.

132. Realizing that he was being stonewalled by MORRIS, BOSWELL called HILL directly and told him that the memo was to be immediately rescinded, per Pederro’s instruction and BOSWELL’s direction. In addition to telephone calls to MORRIS followed by an acknowledged email to MORRIS in which BOSWELL rescinded the original retirement memo, in total BOSWELL made approximately nine telephone calls in an attempt to stop the retirement memo from being processed any further.

BOSWELL decided that he had better handle this matter in person, so he then went to the District Office with a revised retirement memo. Upon BOSWELL’s arrival, he observed that, contrary to MORRIS’s statement otherwise, both MORRIS and HILL were together at the District Office, and HILL was not in any meeting the colonels.

133. Thus, seeing HILL present, at 1:30 p.m. BOSWELL hand-delivered the second rescission memo to HILL. At 6:06 p.m. BOSWELL sent MORRIS a follow-up email informing MORRIS that he had personally provided to HILL, via hand-delivery, the second rescission memo. BOSWELL requested that MORRIS forward to him (BOSWELL) a copy once signed off on. MORRIS ignored this request and did not respond to BOSWELL.

134. Additionally, BOSWELL subsequently became aware, via an accidental provision of the relevant paperwork which had inadvertently been paper-clipped to other documents that were handed to him during the processing of retirement paperwork, that the chain of command, i.e., HILL, BURTON, and DOCOBO (who ratified it while acting in the capacity for GEE) had opted to illegally terminate BOSWELL from his 25-year employment at the HCSO via a “Red Separation” (i.e., termination), during this same time period. Specifically, BOSWELL had submitted a retirement memo on January 29, 2017, stating that “[u]pon [his] doctor’s orders and with great regret, [he was] submit[ting his] notice of retirement due to [his] on-going medical condition.” Pursuant to HCSO Standard Operating Procedure Number GEN 215.00, Termination of Employment, dated April 1, 1990, and revised and reviewed on March 31, 2017, separations were to be

handled either via a Red Category Separation, or a Green Category Separation. Medical separation was listed under the Green Category. Upon review of the inadvertently attached document, BOSWELL realized that someone had whited out his entire statement that he was submitting his notice of retirement due to his on-going medical condition. Further, it was apparent that the Red Separation box had been whited out, and the Green Separation box had been checked in its place. It thus appeared obvious that the Red Separation box had been checked initially, and that, after whiting out his statement that his forced retirement was due to medical reasons, the chain of command had signed off on his termination.

135. BOSWELL also saw that his January 30, 2017, retirement memo, which he had submitted in an effort to rescind his inadvertently submitted January 29, 2017, memo, had been signed off on as an outright Red Separation, although he had noted his retirement was due to on-going medical conditions. BURTON had written a notation on the bottom stating that the resignation dated January 30, 2017, had been accepted. Due to the stress of this situation, on this memo BOSWELL had inadvertently written that his last day on the HCSO's books would be January 17, 2017, when he had intended to write February 17, 2017. This error could have easily been corrected by someone in the chain of command, because BOSWELL had

made it abundantly clear by this point that he had intended to make February 17, 2017, his effective date of retirement. However, no one did so. Both BURTON and DOCOBO signed the form on January 31, 2017. Yet, BURTON had written that the resignation submitted on January 30, 2017, had been accepted.

136. As to the third retirement memo, submitted by BOSWELL on February 1, 2017, BOSWELL witnessed that that form had been disapproved because the January 30, 2017, resignation had been accepted. This form, two, appeared to have the Red Separation box initially checked but whited out.

137. On January 31, 2017, the third, still open IA investigation against BOSWELL was closed due to his forced retirement.

HCSO Harassment of Boswell's Family

138. On January 31, 2017, at 7:15 a.m., moments after pulling out of the driveway, BOSWELL's 18-year-old son, Brett, who was driving BOSWELL's truck to school, was pulled over by Deputy Scott P. Skolnick, who was parked a few hundred yards away from BOSWELL's home. Skolnick issued Brett a written warning for allegedly traveling 56 miles per hour in a 45 mile per hour zone, which is a speed nearly impossible to obtain, given the distance between BOSWELL's house and the location in

which Skolnick had stopped Brett. Inexplicably, for the next few weeks traffic enforcement units heavily patrolled the vicinity of BOSWELL's residence, notwithstanding the fact he resides in a rural area.

More Conspiratorial Efforts to Thwart Boswell's Full Retirement Benefits

139. On February 1, 2017, at approximately 9:30 a.m., BOSWELL received a call from Harned at which time he advised that he had been ordered to retrieve BOSWELL's equipment. Harned stated that the second retirement form had been denied "due to a typographical error."

BOSWELL immediately made contact with his legal counsel and apprised him of the situation. Counsel then made contact with HILL, who advised BOSWELL's counsel that the decision had been made by superiors. HILL directed counsel to HR, at which time Pedero advised counsel that a third retirement form should be submitted.

140. On the same day, February 1, BOSWELL provided the third retirement form, noted above, and personally delivered it to Harned.

Ura Deposed in Samanie Case, Continues to Defame Boswell, Commit Perjury

141. Meanwhile, on February 1, 2017, URA testified at the Samanie deposition. He went on to provide additional defamatory and false sworn testimony in regards to BOSWELL. During this version, URA untruthfully

testified that BOSWELL interviewed the mother of murder suspect Martinez while alone, and that the interview was unrecorded. URA also falsely testified that the mother later recanted her statements. URA further falsely testified that, as a result of BOSWELL conducting a non-recorded interview which had supposedly occurred while he was unaccompanied by another investigator and alone with Martinez's mother, it was therefore difficult to disprove the mother's subsequent assertions. Additionally, URA testified that he discovered these issues when he had read the supplemental investigation.

142. Critically, Martinez's mother had been interviewed on October 21, 2013, while under investigative subpoena and *while she was present at the SAO*. Present during her interview were BOSWELL, ASA Pruner, Detective V. Lugo, and a court reporter. In fact, the interview was *transcribed in its entirety*.

Furthermore, the supplemental investigation that URA falsely testified to have read, had not yet been completed by the date that he asserted he had read it. Nor does it contain the information that URA falsely claims to have read. Also, during this deposition, ASA DERRY was present, and she subsequently failed to report that URA had provided conflicting sworn

testimony which drastically differed from his other multiple versions of previous sworn testimony.

More Threats Against, and Defamation of, Boswell

143. Additionally, on February 1, 2017, HOLLIS wrote and sent a letter in response to Matassinni's written complaint:

As stated during our phone conversation today, Deputy Boswell resigned from the Sheriff's Office on January 30, 2017, during an active Internal Affairs Investigation. Had Deputy Boswell still been employed with the Sheriff's Office, I was prepared to open another Internal Affairs Investigation to address your concerns.

Notably, this letter was subsequently used as a defense exhibit during the Zambrano jury trial on May 17, 2017.

Boswell's Return of HCSO Equipment

144. On February 2, 2017, HILL made contact with BOSWELL via telephone and advised that he needed BOSWELL's HCSO-issued equipment, because he (BOSWELL) was no longer a deputy sheriff. BOSWELL advised that arrangements were previously made with Harned for the equipment to be returned on a later date.

145. BOSWELL also inquired about the status of the retirement forms and reminded HILL that he (BOSWELL) had withdrawn his first retirement and his retirement would not take effect until February 17, 2017. HILL accused BOSWELL of holding the equipment "hostage" until the

retirement forms were approved. HILL then stated that “I’m done with you” and it’s now “our attorneys versus your attorneys.”

146. To avoid being accused of holding the equipment “hostage,” BOSWELL returned it on February 2, 2017, as requested by HILL.

147. On February 3, 2017, BOSWELL sent an email to MORRIS inquiring about the status of the third retirement form, and requested copies of the memoranda. MORRIS did not respond to BOSWELL’s request. BOSWELL then attempted to contact HILL via telephone to inquire about the status of the retirement forms. HILL did not respond, either.

Boswell Officially Forced into Retirement, Retaliated Against by Denying Retirement Monies

148. On February 6, 2017, BOSWELL made contact with Pedero, at which time she confirmed the retirement had been approved. Pedero explained to BOSWELL that he had been “allowed by the colonels” to retire in good standing; however, the first retirement form had been approved before the subsequent forms had been submitted. Therefore, the two subsequently submitted forms rescinding the first erroneous form, and extending the commencement of retirement until February 17, 2017, had been *denied* by the colonels.

149. To sum up, despite BOSWELL’s multiple attempts to quickly, clearly, and definitively rescind the original retirement memo, the HCSO

intentionally rapidly expedited the first memo through the chain of command and had it signed off on, in a blatant and obvious attempt to deprive BOSWELL of monies he was entitled to obtain. In total, BOSWELL released three retirement memos in an attempt to extend his retirement, and all three were altered by the HCSO in an attempt to conceal what was being done. Thus, the retirement date of February 17, 2017, had been rejected by the HCSO.

This failure to extend the retirement date cost BOSWELL approximately \$10,000 in pay and DROP money, and, notably and significantly, \$327,000 in future earnings of DROP money that he otherwise would have made, had he not been forced into retirement.

Moreover, *no one* advised BOSWELL that he had actually initially been terminated, via the Red Separation form which had mistakenly been handed to him during the processing of the retirement paperwork, after the retirement had subsequently been approved, but without the extension of the date to February 17, 2017.

150. BOSWELL responded to HR and met with Pedero and Harned, at which time BOSWELL was processed into retirement. Harned provided BOSWELL with a completed “Green Separation” packet (i.e., good

standing). There was no mention that a Red Separation packet had previously been prepared.

Hollis Launches Yet Another IA Investigation of Boswell

151. On February 14, 2017, HOLLIS falsified the “Notification and Status” form of the third IA investigation against BOSWELL in regard to the complaint lodged by “the HCSO,” which the HCSO had closed on January 31, 2017, the date BOSWELL officially retired, to make it appear as if the investigation were still open. HOLLIS did so in order to unlawfully reopen the administrative investigation against BOSWELL, who was not even at that point employed by the HCSO, after having been forced into retirement, and thus was now a private U.S. citizen.

152. On February 20, 2017, PORTALATIN authored a false IA investigation *substantiating* the final complaint against BOSWELL. He signed a sworn affidavit attesting to the veracity of his investigation. HOLLIS, who was PORTALATIN’s supervisor, approved the investigation. HOLLIS also witnessed PORTALATIN sign a sworn affidavit. *Once again, exculpatory information was not included within the investigation.*

ASA Peters, Defense Witness in Samanie Case, Abruptly Resigns

153. On February 9, 2017, BOSWELL spoke with ASA DERRY and learned that ASA PETERS’s supervisors were not aware that ASA

PETERS had been listed as a defense witness in the Samanie case. BOSWELL urged ASA DERRY to make ASA PETERS's supervisors aware of ASA PETERS's status as a defense witness due to the obvious conflict of interest. ASA DERRY attempted to circumvent ASA PETERS's supervisors from becoming aware of ASA PETERS's ongoing illegal and unethical conduct, by trying to have ASA PETERS approve a plea deal for Samanie. ASA PETERS herself, realizing the conflict, directed ASA DERRY to speak with Chief ASA Christopher Moody about this situation.

154. On March 2, 2017, after ASA PETERS's supervisors became aware of ASA PETERS's status as a defense witness, along with further misconduct, ASA PETERS was forced to resign.

More Due Process Violations Engaged Against Boswell

155. On March 4, 2017, now retired for over a month, BOSWELL received a certified letter from the HCSO IA Division, advising that the third IA investigation against him for supposedly making disparaging comments against URA, had been *substantiated*.

156. On March 5, 2017, a Sunday, BOSWELL discovered certified mail from HILL in his home mail box advising him that the HCSO had scheduled a name clearing hearing for BOSWELL, to be held on March 15, 2017. No postal carrier had knocked on his door or otherwise attempted to

deliver the mail to him. BOSWELL was given three business days to respond as to whether he would participate in the hearing. The envelope was postmarked on March 1, 2017. The return receipt was still attached to the envelope with no other postmarks, thus making it apparent the document had not been sent via certified mail, although it was physically designed to appear as if it had been sent by certified mail. In addition, the certified tracking number “7013 3020 0001 9923 0606” was unrecognizable by the USPS; thus, the form had not actually been mailed through the USPS, although HILL documented that it had been. Additionally, it became apparent that HILL subsequently back-dated the internal memorandum to state that he had mailed the package on February 27, in an obvious attempt to make it impossible for BOSWELL to respond in a timely manner, thereby denying him procedural due process.

157. Upon reviewing the IA investigation authored by PORTALATIN, BOSWELL noted that PORTALATIN claimed to have reviewed the transcripts of the De La Mora hearing on September 27, 2016. Again, these transcripts were not made available until November 10, 2016. Additionally, BOSWELL noted that, as others had done when conducting IA investigations, PORTALATIN elected to exclude pertinent exculpatory facts that disproved the allegations against BOSWELL.

158. On March 6, 2017, BOSWELL responded to the name-clearing hearing request in writing, via certified mail. He advised that he would be submitting a written statement appealing the substantiations.

159. On March 9, 2017, BOSWELL presented a written response to the name-clearing hearing, and provided verifiable evidence that URA had provided false sworn testimony a minimum of five times. This response was sent the following day, March 10, 2017 via certified mail sent by BOSWELL's counsel.

160. On March 15, 2017, HILL authored a false memorandum stating that "On February 27, 2017, a notice for a Name Clearing Hearing reference IA Case #I12016-034 was sent via Certified Mail to Deputy Brian Boswell. The notice indicated that the hearing was scheduled at District II on March 15, 2017 at 1030 hrs. A return receipt revealed the package was delivered to Deputy Boswell." Again, the return receipt was still attached to the package, and further, no one had attempted to knock on BOSWELL's door or otherwise contact anyone in the home, or even a neighbor, to deliver the package. It had simply been stuffed into BOSWELL's mailbox sometime after the mail delivery on Saturday.

161. On March 15, 2017, HILL ignored the actionable information that had been provided to him by BOSWELL in regards to URA's multiple

versions of conflicting sworn testimony. HILL'S response was to recommend dismissing BOSWELL. As had others, HILL made no attempt to confirm the veracity of the actionable information that had been provided to him by BOSWELL about URA.

162. Thereafter, HILL's recommendation of "dismissal" was ratified by the Disciplinary Review Board (e.g. the colonels and CLARK). Additionally, while acting on behalf of GEE, LUSCZYNSKI ratified HILL's substantiation. Further, the statement falsely documented that BOSWELL would not be appealing the hearing recommendation.

163. On March 21, 2017, MAURER sent a certified letter to BOSWELL advising him that the complaint had been sustained and that the information was now public record.

164. On March 27, 2017, BOSWELL's PBA attorney Jeffrey Stull sent a certified letter to GEE requesting that he be informed about available appellate rights.

165. On April 5, 2017, CLARK responded to Stull's letter, stating "there are no other avenues available to [BOSWELL] for an appeal."

ASA Derry Drops Charges Against Samanie, Asserts Pretextual Reasons

166. On April 24, 2017, ASA DERRY contacted BOSWELL and advised that she had dropped the charge against Samanie. She cited as

reasons the victim's mother's failure of the polygraph, and MATHEWSON's testimony that the Samanie interview had been custodial.

At the time ASA DERRY opted to drop charges, Samanie's defense attorney had not yet filed a motion to suppress Samanie's statement. Further, ASA DERRY had not even completed a preliminary investigation of the case, including ordering the transcription of deposition testimony. This particular act was a deliberate attempt to hide the perjured testimony of ASA PETERS, URA, and MATHEWSON.

Notably, the victim of this case today remains in medical foster care, in a vegetative state, and is blind and requires a feeding tube.

Ura and Hollis Provide Conflicting Testimony at the Zambrano Trial

167. On May 17, 2017, URA testified as a defense witness at the Zambrano jury trial. Again, URA provided conflicting versions that drastically differed from previously sworn testimony. During cross-examination, URA admitted that he did not give BOSWELL a direct order to not interview any suspects off-tape, and he admitted that the law required BOSWELL to stop recording if a suspect requested him to do so. URA further admitted that there were exceptions to when a suspect might need to be interviewed by a single detective rather than a pair.

168. On May 17, 2017, HOLLIS also testified as a defense witness at the Zambrano jury trial. Unaware of URA's newest version of sworn testimony, HOLLIS testified that had BOSWELL still been employed with the HCSO, then a new investigation based on a violation of URA's alleged order, would have been launched against BOSWELL in regards to the Zambrano case.

Critically, by utilizing the testimony of URA and HOLLIS, the defense was able to successfully introduce reasonable doubt. Consequently, the jurors found Zambrano, who was accused of sexually molesting his own daughter, and who had previously been found guilty of committing a sexual battery while in U.S. military service, *not guilty*.

Victor Martinez Murder Case Re-Opened

169. On April 13, 2018, by utilizing the information that BOSWELL and HOLLIS had obtained during the January 2, 2014, interview of Andre Martinez, DIRKS charged Charles Martinez with the first-degree murder of Victor Martinez. In the Criminal Report Affidavit which DIRKS wrote, he failed to include the fact that he (DIRKS) had acquired the information that Andre Martinez had told BOSWELL more than four years earlier (on January 2, 2014), that his son, Charles, had told him that he had killed Victor Martinez. DIRKS further excluded the fact that BOSWELL had provided

this information to DIRKS, as set forth in BOSWELL's January 13, 2014 supplemental report. DIRKS's failure to include this information was a deliberate attempt to hide the numerous instances in which URA engaged in perjured and conflicting testimony about BOSWELL's interview of Andre Martinez. Now, DIRKS was relying in part upon the very interview BOSWELL had conducted with Andre Martinez, to help solve the 2009 murder of Victor Martinez, which, by this point, had not resulted in Charles Martinez's arrest for more than nine years, when he could have been arrested in January 2014.

170. KEENE, as a homicide supervisor, ratified the probable cause affidavit. He did so with the full knowledge that DIRKS had failed to include the statement made by Andre Martinez which BOSWELL had set forth in his January 13, 2014, supplemental report about the January 2, 2014, interview, in this April 2018 probable cause affidavit.

171. Both DIRKS and KEENE intentionally omitted this information in a blatant effort to cover up URA's false and perjured statements that BOSWELL had not interviewed Martinez with a second investigator, when HOLLIS had indeed been present, and furthermore, the interview had indeed been recorded. Further, despite URA's assertions otherwise, Andre Martinez had never recanted his testimony.

172. To sum up, the HCSO's ongoing and continuing effort to cover up evidence that URA had made numerous false and perjured statements regarding BOSWELL's actions when handling the Andre Martinez interview, because the HCSO was engaged in a collective, conspiratorial effort to discredit BOSWELL and destroy his career as a law enforcement officer, resulted in Charles Martinez not being arrested for the murder of Victor Martinez in January 2014, when he could and should have been arrested at that time, especially so that some solace could have been provided to his loved ones at that earlier time, rather than more than four years later, in April 2018.

COUNTS

173. Unless otherwise specified, each count is against ALL DEFENDANTS.

COUNT I

FEDERAL RICO, 18. U.S.C. § 1962(b)

174. All of the paragraphs of this Complaint are incorporated as if restated fully herein.

175. The HCSO is an enterprise engaged in and whose activities affect interstate commerce; that is, its law enforcement activities impact public safety, and tourism involving out-of-state visitors to the area. It also receives and utilizes supplies, and U.S. Mail shipped from out-of-state.

176. DEFENDANTS have **acquired and maintained interests in, and control of**, the enterprise through a pattern of racketeering activity. Specifically, DEFENDANTS have acquired and maintained control of the HCSO by engaging in the unlawful acts set forth above in this Complaint, particularly mail fraud (18 U.S.C. § 1341); obstruction of justice (id. § 1503); obstruction of criminal investigations (id. § 1510); and tampering with a witness or informant (id. §1512(3)(b)(1)-(2), (c)(1)-(2), (d)(1)-(3)).

177. The racketeering activities listed above constitute a pattern of racketeering activity pursuant to 18 U.S.C. § 1961(5), in that DEFENDANTS engaged in more than two acts constituting racketeering, DEFENDANTS committed the acts after the date of enactment of Title 18, and DEFENDANTS committed the acts within 10 years of each other.

178. DEFENDANTS have directly and indirectly acquired and maintained interests in and control of the enterprise through the pattern of racketeering activity described above, in violation of 18 U.S.C. § 1962(b).

179. As a direct and proximate result of DEFENDANTS' racketeering activities which violate 18 U.S.C. § 1962(b), BOSWELL has been injured in his business and property in that he has been forced 1) out of the law enforcement work force 10 years prior to when he had planned to stop working; 2) into early retirement due to his constructive termination,

thus denying him the opportunity to fully participate in the state DROP and earn approximately \$327,000 in DROP monies; 3) to use up \$30,000 in sick time by being forced to take medical leave pursuant to the FMLA due to health problems he has incurred as a direct result of DEFENDANTS' fabricated, false, ongoing, defamatory acts against him; and has suffered 4) pay cuts as a result of demotions; 5) decreased opportunities to accrue overtime as a result of demotions. Further, in retirement, 6) BOSWELL is receiving \$30,000.00 a year less than what he would have been making, had he not been forced into early retirement. Additionally, had BOSWELL not been forced into retirement, 7) his retirement percentage would have increased by 3% each year. Therefore, had he remained employed an additional five years, he would have retired at 90% of his five highest earning years, as opposed to the 75% into which he was forced. BOSWELL incurred all of these losses as a direct result of DEFENDANTS' acquisition of control over the HCSO enterprise.

180. WHEREFORE, BOSWELL requests that this Court enter judgment against DEFENDANTS for actual damages, treble damages, costs and attorney's fees, and further relief as set forth below.

COUNT II
FEDERAL RICO, 18 U.S.C § 1962(c)

181. All of the paragraphs of this Complaint are incorporated as if restated fully herein.

182. The HCSO is an enterprise engaged in and whose activities affect interstate commerce, as set forth above in Count I. DEFENDANTS are employed by or associated with the enterprise, the HCSO.

183. DEFENDANTS **agreed to and did conduct and participate in the conduct of** the enterprise's affairs through a pattern of racketeering activity and for the unlawful purpose of intentionally causing harm to BOSWELL, financially, emotionally, and in reputation, by deliberately engaging in the acts set forth above in this Complaint.

184. Pursuant to and in furtherance of their fraudulent scheme, DEFENDANTS committed multiple related acts of retaliation, obstruction, and fraud, as set forth in this Complaint, and specifically delineated in Count I.

185. These acts constitute a pattern of racketeering activity pursuant to 18 U.S.C. § 1961(5), as explained in Count I.

186. DEFENDANTS have directly and indirectly conducted and participated in the conduct of the enterprise's affairs through the pattern of racketeering and activity described above, in violation of 18 U.S.C. § 1962(c).

187. As a direct and proximate result of the Count I DEFENDANTS' racketeering activities and violations of 18 U.S.C. § 1962(c), BOSWELL has been injured in his business and property in that he has suffered injuries as delineated in Count I.

188. WHEREFORE, BOSWELL requests that this Court enter judgment against DEFENDANTS for actual damages, treble damages, costs and attorney's fees, and further relief as set forth below.

COUNT III
FEDERAL RICO, 18 U.S.C. § 1962(d) (CONSPIRACY)

189. All of the paragraphs of this Complaint are incorporated as if restated fully herein.

190. As set forth above, DEFENDANTS agreed and conspired to violate 18 U.S.C. section 1962 (b) and (c), by both acquiring and maintaining interests in the HCSO enterprise through a pattern of racketeering activities, which allowed them to continue to control the HCSO enterprise by demoting and eventually constructively terminating BOSWELL after he refused to participate in constitutional violations and kowtow to false, fabricated charges against him, which were deliberately designed to discredit his professionalism and reputation, and deprive him of his employment in the enterprise, with such acts notably engaged via corrupt internal affairs investigations; and by conducting and participating in the

conduct of the affairs of the HCSO enterprise through a pattern of racketeering activity, likewise designed to enable DEFENDANTS to run the enterprise in any manner they saw fit, including corruptly, by removing BOSWELL, who dared stand up to their corruption.

191. DEFENDANTS have intentionally conspired and agreed to acquire or maintain interests in the enterprise through a pattern of racketeering activity, and to conduct and participate in the conduction of the affairs of the enterprise through a pattern of racketeering activity. DEFENDANTS' predicate acts were part of a pattern of racketeering activity and they agreed to the commission of those acts to further the schemes described above. That conduct constitutes a conspiracy to violate 18 U.S.C.A. § 1962(b) and (c), in violation of 18 U.S.C. § 1962(d).

192. As a direct and proximate result of DEFENDANTS' conspiracy, the overt acts taken in furtherance of that conspiracy, and violations of 18 U.S.C. § 1962(d), BOSWELL has been injured in his business and property, as set forth in this Complaint, and specifically in Counts I and II.

193. WHEREFORE, BOSWELL requests that this Court enter judgment against DEFENDANTS for actual damages, treble damages, costs and attorney's fees, and further relief as set forth below.

COUNT IV
FLORIDA CIVIL REMEDIES FOR CRIMINAL PRACTICES,
§ 772.103(2), FLA. STAT. (FLA. CIVIL RICO)

194. All of the paragraphs of this Complaint are incorporated as if restated fully herein.

195. DEFENDANTS constitute an “Enterprise” within the meaning of Section 772.102(3), Florida Statutes, in that DEFENDANTS are the Sheriff of the HCSO or are or were employed by the HCSO during the acts which occurred as set forth in this Complaint, with a continuing existence, affiliation, and identification.

196. DEFENDANTS have carried on a “pattern of criminal activity” consisting of no less than two criminal acts within the requisite period of five years between any two such acts, linked together by common goals, means and methods, and acting for the benefit of the ongoing enterprise.

197. DEFENDANTS have **acquired and maintained interests in, and control of**, the enterprise through a pattern of racketeering activity. Specifically, DEFENDANTS have acquired and maintained control of the HCSO by engaging in criminal activities, enumerated in section 775.102, Florida Statutes, of false entry in business books (§ 817.15, Fla. Stat); perjury (§§ 837.012, 837.02, 837.021(1)-(2), 837.05, 837.06, Fla. Stat.); obstructing justice (compounding felony, § 843.14, Fla. Stat.; criminal

actions under color of law or through use of simulated legal process (§§ 843.0855(3)-(4), Fla. Stat.); tampering with or harassing a witness or informant (§§ 914.22(1)(a)-(b), (e)-(f), (3)(a)-(b), (d), Fla. Stat.); tampering with or fabricating physical evidence (§§ 918.13(1)(a)-(b), Fla. Stat.); and pursuant to section 775.102(b), mail fraud (18 U.S.C. § 1341).

198. WHEREFORE, BOSWELL requests that this Court enter judgment against DEFENDANTS for actual damages, treble damages, costs and attorney's fees, and further relief as set forth below.

COUNT V
FLORIDA CIVIL REMEDIES FOR CRIMINAL PRACTICES,
§ 772.103(3), FLA. STAT. (FLA. CIVIL RICO)

199. All of the paragraphs of this Complaint are incorporated as if restated fully herein.

200. DEFENDANTS constitute an "Enterprise" within the meaning of Section 772.102(3), Florida Statutes, in that Defendants are the Sheriff of the HCSO or are or were employed by the HCSO during the acts which occurred as set forth in this Complaint, with a continuing existence, affiliation, and identification.

201. DEFENDANTS have carried on a "pattern of criminal activity" consisting of no less than two criminal acts within the requisite period of

five years between any two such acts, linked together by common goals, means and methods, and acting for the benefit of the ongoing enterprise.

202. DEFENDANTS have conducted or participated, directly or indirectly, in the enterprise through a pattern of criminal racketeering activity. Specifically, DEFENDANTS **have conducted or participated, directly or indirectly**, in the enterprise through the pattern of criminal racketeering acts set forth above in this Complaint, and specifically in Count IV.

203. WHEREFORE, BOSWELL requests that this Court enter judgment against DEFENDANTS for actual damages, treble damages, costs and attorney's fees, and further relief as set forth below.

COUNT VI

FLORIDA CIVIL REMEDIES FOR CRIMINAL PRACTICES,
§ 772.103(4), FLA. STAT. (FLA. CIVIL RICO CONSPIRACY)

204. All of the paragraphs of this Complaint are incorporated as if restated fully herein.

205. As described more fully in this Complaint and specifically in Counts IV and V, DEFENDANTS, acting in concert with each other, conspired by concerted action to accomplish criminal and unlawful purposes by criminal and unlawful means.

206. In furtherance of the conspiracy, DEFENDANTS committed overt acts, explained above, and were otherwise willful participants in joint activity.

207. The misconduct described in this Count was undertaken with malice, willfulness, and reckless indifference to BOSWELL's rights.

208. As a proximate result of DEFENDANTS' conspiracy, BOSWELL suffered financial and other damages, including severe emotional distress and anguish, as is more fully explained above.

209. WHEREFORE, BOSWELL requests that this Court enter judgment against DEFENDANTS as set forth below.

COUNT VII
CONSPIRACY TO OBSTRUCT JUSTICE, §843.0855(3), FLA. STAT.
SIMULATED LEGAL PROCESS
FIRST IA INVESTIGATION

210. All of the paragraphs of this Complaint are incorporated as if restated fully herein.

211. As described more fully in the preceding paragraphs, DEFENDANTS, acting in concert with other known and unknown co-conspirators, conspired by concerted action to accomplish a criminal and unlawful purpose by criminal and unlawful means. Specifically, the DEFENDANTS, knowing or having reason to know that URA had filed an

IA investigation against BOSWELL which was entirely fabricated and therefore that the contents of the accusations and documents on which the IA investigation was based were fraudulent, DEFENDANTS nonetheless then engaged in fraudulent simulated legal process against BOSWELL. Ultimately, the IA investigation was deemed substantiated, despite its false and fraudulent basis.

212. In furtherance of the conspiracy, DEFENDANTS committed overt acts and were otherwise willful participants in joint activity.

213. DEFENDANTS committed criminal and unlawful misconduct described in this Count with malice, willfulness, and reckless indifference to BOSWELL's rights.

214. As a proximate result of DEFENDANTS' conspiracy, BOSWELL suffered economic and other damages, including severe emotional distress and anguish, as is more fully alleged above.

215. WHEREFORE, BOSWELL requests that this Court enter judgment against DEFENDANTS as set forth below.

COUNT VIII

CONSPIRACY TO OBSTRUCT JUSTICE, §843.0855(3), FLA. STAT.
SIMULATED LEGAL PROCESS
SECOND IA INVESTIGATION

216. All of the paragraphs of this Complaint are incorporated as if restated fully herein.

217. As described more fully in the preceding paragraphs, DEFENDANTS, acting in concert with other known and unknown co-conspirators, conspired by concerted action to accomplish a criminal and unlawful purpose by criminal and unlawful means. Specifically, DEFENDANTS, knowing or having reason to know that the second IA investigation was based on URA's false claim that BOSWELL had disobeyed URA's orders. Knowing that the basis for the second IA investigation against BOSWELL was entirely fabricated, and therefore that the contents of the accusations and documents on which the second IA investigation was based were fraudulent, DEFENDANTS nonetheless then engaged in a second fraudulent simulated legal process against BOSWELL. Ultimately, the second IA investigation was likewise deemed substantiated, despite its false and fraudulent basis.

218. In furtherance of the conspiracy, DEFENDANTS committed overt acts and were otherwise willful participants in joint activity.

219. DEFENDANTS committed criminal and unlawful misconduct described in this Count with malice, willfulness, and reckless indifference to BOSWELL's rights.

220. As a proximate result of DEFENDANTS' conspiracy, BOSWELL suffered economic and other damages, including severe emotional distress and anguish, as is more fully alleged above.

221. WHEREFORE, BOSWELL requests that this Court enter judgment against DEFENDANTS as set forth below.

COUNT IX
CONSPIRACY TO OBSTRUCT JUSTICE, §843.0855(3), FLA. STAT.
SIMULATED LEGAL PROCESS
THIRD IA INVESTIGATION

222. All of the paragraphs of this Complaint are incorporated as if restated fully herein.

223. As described more fully in the preceding paragraphs, DEFENDANTS, acting in concert with other known and unknown co-conspirators, conspired by concerted action to accomplish a criminal and unlawful purpose by criminal and unlawful means. Specifically, DEFENDANTS, knowing or having reason to know that the third IA investigation, filed under the pseudonym "HCSO" and alleging that BOSWELL had made disparaging comments about URA during the De La Mora hearing, was once again based on URA's false claim that BOSWELL had disobeyed URA's order. Knowing that the basis for the third IA investigation against BOSWELL was once again entirely fabricated, DEFENDANTS nonetheless then engaged in a third fraudulent simulated

legal process against BOSWELL. Ultimately, the third IA investigation was determined to be, as were the first two IA investigations, substantiated.

224. In furtherance of the conspiracy, DEFENDANTS committed overt acts and were otherwise willful participants in joint activity.

225. DEFENDANTS committed criminal and unlawful misconduct described in this Count with malice, willfulness, and reckless indifference to BOSWELL's rights.

226. As a proximate result of DEFENDANTS' conspiracy, BOSWELL suffered economic and other damages, including severe emotional distress and anguish, as is more fully alleged above.

227. WHEREFORE, BOSWELL requests that this Court enter judgment against DEFENDANTS as set forth below.

COUNT X

**CONSPIRACY TO OBSTRUCT JUSTICE, §843.0855(4), FLA. STAT.
HARASSMENT AND INTIMIDATION THROUGH
SIMULATED LEGAL PROCESS**

228. All of the paragraphs of this Complaint are incorporated as if restated fully herein.

229. As described more fully in the preceding paragraphs, DEFENDANTS, acting in concert with other known and unknown co-conspirators, conspired by concerted action to accomplish an unlawful purpose by unlawful means. Specifically, DEFENDANTS, while acting

falsely under color of state law, attempted to influence, intimidate, and harass BOSWELL from discharging his official duties. When BOSWELL would not act in concert with DEFENDANTS to engage in a constitutionally violative act, and to kowtow to their false and fabricated allegations regarding his interviewing procedures, DEFENDANTS retaliated against him by defaming him, fabricating false allegations against him, demoting him, and ultimately constructively terminating him, and more, thus hindering him from his ability to discharge his official duties, through harassment and also the use of simulated legal process.

230. In furtherance of the conspiracy, DEFENDANTS committed overt acts and were otherwise willful participants in joint activity.

231. The misconduct described in this Count was undertaken with malice, willfulness, and reckless indifference to BOSWELL's rights, proximately causing damages to BOSWELL.

232. WHEREFORE, BOSWELL requests that this Court enter judgment against DEFENDANTS as set forth below.

COUNT XI

CONSPIRACY TO OBSTRUCT JUSTICE, §843.14, FLA STAT. COMPOUNDING A FELONY

233. All of the paragraphs of this Complaint are incorporated as if restated fully herein.

As described more fully in the preceding paragraphs, DEFENDANTS, acting in concert with other known and unknown co-conspirators, conspired by concerted action to accomplish an unlawful purpose by unlawful means. Specifically, on March 2, 2015, in the capital sexual battery case for Ricoh Johnson, URA provided false sworn testimony--i.e., committed perjury during an official proceeding, which was the trial for Ricoh Johnson's capital felonies, thus constituting a **second-degree felony** pursuant to section 837.02(2), Florida Statutes--regarding false orders he claimed he had given to BOSWELL, while URA was in an official proceeding. DEFENDANTS had knowledge of URA's perjury, punishable by imprisonment, and took money, reward, or an engagement therefor, upon an agreement or understanding, express or implied, to compound or conceal URA's perjury offense, and/or not to prosecute URA, and/or not to give evidence thereof against URA.

234. In furtherance of the conspiracy, DEFENDANTS committed overt acts and were otherwise willful participants in joint activity.

235. DEFENDANTS' criminal acts and misconduct described in this Count were undertaken with malice, willfulness, and reckless indifference to BOSWELL's rights.

236. As a proximate result of DEFENDANTS' conspiracy, BOSWELL suffered damages, including severe emotional distress and anguish, as is more fully alleged above.

237. WHEREFORE, BOSWELL requests that this Court enter judgment against DEFENDANTS as set forth below.

COUNT XII
CONSPIRACY TO OBSTRUCT JUSTICE, §843.14, FLA STAT.
COMPOUNDING A FELONY

238. All of the paragraphs of this Complaint are incorporated as if restated fully herein.

239. As described more fully in the preceding paragraphs, DEFENDANTS, acting in concert with other known and unknown co-conspirators, conspired by concerted action to accomplish an unlawful purpose by unlawful means. Specifically, on March 11, 2015, in the first IA investigation, URA provided false sworn testimony--i.e., committed perjury during an official proceeding, constituting a **third-degree felony** pursuant to section 837.02(1), Florida Statutes--regarding false orders he claimed he had given to BOSWELL, while URA was in an official proceeding. DEFENDANTS had knowledge of URA's perjury, punishable by imprisonment, and took money, reward, or an engagement therefor, upon an

agreement or understanding, express or implied, to compound or conceal the offense, and/or not to prosecute, and/or not to give evidence thereof.

240. In furtherance of the conspiracy, DEFENDANTS committed overt acts and were otherwise willful participants in joint activity.

241. DEFENDANTS' criminal acts and misconduct described in this Count were undertaken with malice, willfulness, and reckless indifference to BOSWELL's rights.

242. As a proximate result of DEFENDANTS' conspiracy, BOSWELL suffered damages, including severe emotional distress and anguish, as is more fully alleged above.

243. WHEREFORE, BOSWELL requests that this Court enter judgment against DEFENDANTS as set forth below.

COUNT XIII
CONSPIRACY TO OBSTRUCT JUSTICE, §843.14, FLA STAT.
COMPOUNDING A FELONY

244. All of the paragraphs of this Complaint are incorporated as if restated fully herein.

245. As described more fully in the preceding paragraphs, DEFENDANTS, acting in concert with other known and unknown co-conspirators, conspired by concerted action to accomplish an unlawful purpose by unlawful means. Specifically, on August 2, 2015, during the

hearing on De La Mora's motion for a new trial, URA provided false sworn testimony--i.e., committed perjury during an official proceeding, constituting a **third-degree felony** pursuant to section 837.02(1), Florida Statutes--regarding false orders he claimed he had given to BOSWELL, while URA was in an official proceeding. DEFENDANTS had knowledge of URA's perjury, punishable by imprisonment, and took money, reward, or an engagement therefor, upon an agreement or understanding, express or implied, to compound or conceal the offense, and/or not to prosecute, and/or not to give evidence thereof.

246. In furtherance of the conspiracy, DEFENDANTS committed overt acts and were otherwise willful participants in joint activity.

247. DEFENDANTS' criminal acts and misconduct described in this Count were undertaken with malice, willfulness, and reckless indifference to BOSWELL's rights.

248. As a proximate result of DEFENDANTS' conspiracy, BOSWELL suffered damages, including severe emotional distress and anguish, as is more fully alleged above.

249. WHEREFORE, BOSWELL requests that this Court enter judgment against DEFENDANTS as set forth below.

COUNT XIV
CONSPIRACY TO OBSTRUCT JUSTICE, §843.14, FLA STAT.

COMPOUNDING A FELONY

250. All of the paragraphs of this Complaint are incorporated as if restated fully herein.

251. As described more fully in the preceding paragraphs, DEFENDANTS, acting in concert with other known and unknown co-conspirators, conspired by concerted action to accomplish an unlawful purpose by unlawful means. Specifically, on November 17, 2016, during a hearing on Zambrano's motion in limine, URA provided false sworn testimony--i.e., committed perjury during an official proceeding, which involved a capital offense, thus constituting a **second-degree felony** pursuant to section 837.02(2), Florida Statutes--regarding false orders he claimed he had given to BOSWELL, while URA was in an official proceeding. DEFENDANTS had knowledge of URA's perjury, punishable by imprisonment, and took money, reward, or an engagement therefor, upon an agreement or understanding, express or implied, to compound or conceal the offense, and/or not to prosecute, and/or not to give evidence thereof.

252. In furtherance of the conspiracy, DEFENDANTS committed overt acts and were otherwise willful participants in joint activity.

253. DEFENDANTS' criminal acts and misconduct described in this Count were undertaken with malice, willfulness, and reckless indifference to BOSWELL's rights.

254. As a proximate result of DEFENDANTS' conspiracy, BOSWELL suffered damages, including severe emotional distress and anguish, as is more fully alleged above.

255. WHEREFORE, BOSWELL requests that this Court enter judgment against DEFENDANTS as set forth below.

COUNT XV
CONSPIRACY TO OBSTRUCT JUSTICE, §843.14, FLA STAT.

256. All of the paragraphs of this Complaint are incorporated as if restated fully herein.

257. As described more fully in the preceding paragraphs, DEFENDANTS, acting in concert with other known and unknown co-conspirators, conspired by concerted action to accomplish an unlawful purpose by unlawful means. Specifically, on February 1, 2017, during his deposition taken in the Samanie aggravated child abuse case, URA provided false sworn testimony--i.e., committed perjury during an official proceeding, constituting a **third-degree felony** pursuant to section 837.02(1), Florida Statutes--regarding false orders he claimed he had given to BOSWELL, while URA was in an official proceeding. DEFENDANTS had knowledge

of URA's perjury, punishable by imprisonment, and took money, reward, or an engagement therefor, upon an agreement or understanding, express or implied, to compound or conceal the offense, and/or not to prosecute, and/or not to give evidence thereof.

258. In furtherance of the conspiracy, DEFENDANTS committed overt acts and were otherwise willful participants in joint activity.

259. DEFENDANTS' criminal acts and misconduct described in this Count were undertaken with malice, willfulness, and reckless indifference to BOSWELL's rights.

260. As a proximate result of DEFENDANTS' conspiracy, BOSWELL suffered damages, including severe emotional distress and anguish, as is more fully alleged above.

261. WHEREFORE, BOSWELL requests that this Court enter judgment against DEFENDANTS as set forth below.

COUNT XVI
CONSPIRACY TO OBSTRUCT JUSTICE, §843.14, FLA STAT.
COMPOUNDING A FELONY

262. All of the paragraphs of this Complaint are incorporated as if restated fully herein.

263. As described more fully in the preceding paragraphs, DEFENDANTS, acting in concert with other known and unknown co-

conspirators, conspired by concerted action to accomplish an unlawful purpose by unlawful means. Specifically, on May 17, 2017, during ~~Zambrano's capital sexual battery jury trial~~, URA ~~provided false sworn~~

a **second-degree felony** pursuant to section 837.02(2), Florida Statutes-- regarding false orders he claimed he had given to BOSWELL, while URA was in an official proceeding. DEFENDANTS had knowledge of URA's perjury, punishable by imprisonment, and took money, reward, or an engagement therefor, upon an agreement or understanding, express or implied, to compound or conceal the offense, and/or not to prosecute, and/or not to give evidence thereof.

264. In furtherance of the conspiracy, DEFENDANTS committed overt acts and were otherwise willful participants in joint activity.

265. DEFENDANTS' criminal acts and misconduct described in this Count were undertaken with malice, willfulness, and reckless indifference to BOSWELL's rights.

266. As a proximate result of DEFENDANTS' conspiracy, BOSWELL suffered damages, including severe emotional distress and anguish, as is more fully alleged above.

267. WHEREFORE, BOSWELL requests that this Court enter judgment against DEFENDANTS as set forth below.

COUNT XVII
CONSPIRACY TO OBSTRUCT JUSTICE, §843.14, FLA STAT.
COMPOUNDING A FELONY

268. All of the paragraphs of this Complaint are incorporated as if restated fully herein.

269. As described more fully in the preceding paragraphs, DEFENDANTS, acting in concert with other known and unknown co-conspirators, conspired by concerted action to accomplish an unlawful purpose by unlawful means. Specifically, on March 4, 2015, during the first IA investigation against BOSWELL, ASA PETERS provided false sworn testimony--i.e., committed perjury during an official proceeding, constituting a **third-degree felony** pursuant to section 837.02(1), Florida Statutes—regarding numerous false and fabricated accusations about BOSWELL, ranging from what had transpired during his interview of Samanie, to his demeanor in general, while ASA PETERS was in an official proceeding. DEFENDANTS had knowledge of ASA PETERS' perjury, punishable by imprisonment, and took money, reward, or an engagement therefor, upon an agreement or understanding, express or implied, to compound or conceal the offense, and/or not to prosecute, and/or not to give evidence thereof.

270. In furtherance of the conspiracy, DEFENDANTS committed overt acts and were otherwise willful participants in joint activity.

271. DEFENDANTS' criminal acts and misconduct described in this Count were undertaken with malice, willfulness, and reckless indifference to BOSWELL's rights.

272. As a proximate result of DEFENDANTS' conspiracy, BOSWELL suffered damages, including severe emotional distress and anguish, as is more fully alleged above.

273. WHEREFORE, BOSWELL requests that this Court enter judgment against DEFENDANTS as set forth below.

COUNT XVIII
CONSPIRACY TO OBSTRUCT JUSTICE, §843.14, FLA STAT.
COMPOUNDING A FELONY

274. All of the paragraphs of this Complaint are incorporated as if restated fully herein.

275. As described more fully in the preceding paragraphs, DEFENDANTS, acting in concert with other known and unknown co-conspirators, conspired by concerted action to accomplish an unlawful purpose by unlawful means. Specifically, on August 2, 2016, during the hearing on De La Mora's motion for a new trial, ASA PETERS provided false sworn testimony--i.e., committed perjury during an official proceeding,

constituting a **third-degree felony** pursuant to section 837.02(1), Florida Statutes--regarding numerous false accusations ranging from BOSWELL's behavior while interviewing Samanie, to his general demeanor, but also backpedaling on prior statements, stating she had never complained about BOSWELL's interviewing techniques, in direct contradiction to her prior sworn statements, while ASA PETERS was in an official proceeding. DEFENDANTS had knowledge of ASA PETERS' perjury, punishable by imprisonment, and took money, reward, or an engagement therefor, upon an agreement or understanding, express or implied, to compound or conceal the offense, and/or not to prosecute, and/or not to give evidence thereof.

276. In furtherance of the conspiracy, DEFENDANTS committed overt acts and were otherwise willful participants in joint activity.

277. DEFENDANTS' criminal acts and misconduct described in this Count were undertaken with malice, willfulness, and reckless indifference to BOSWELL's rights.

278. As a proximate result of DEFENDANTS' conspiracy, BOSWELL suffered damages, including severe emotional distress and anguish, as is more fully alleged above.

279. WHEREFORE, BOSWELL requests that this Court enter judgment against DEFENDANTS as set forth below.

COUNT XIX
CONSPIRACY TO OBSTRUCT JUSTICE, §843.14, FLA STAT.
COMPOUNDING A FELONY

280. All of the paragraphs of this Complaint are incorporated as if restated fully herein.

281. As described more fully in the preceding paragraphs, DEFENDANTS, acting in concert with other known and unknown co-conspirators, conspired by concerted action to accomplish an unlawful purpose by unlawful means. Specifically, on November 4, 2016, during her deposition in the Samanie case, ASA PETERS provided false sworn testimony--i.e., committed perjury during an official proceeding, constituting a **third-degree felony** pursuant to section 837.02(1), Florida Statutes--regarding BOSWELL's alleged acts while interviewing Samanie and his general demeanor, but also she denied ever hearing BOSWELL yelling nor did he act in a violent manner when she initially refused to issue a warrant for Samanie, thus rendering conflicting statements, while ASA PETERS was in an official proceeding. DEFENDANTS had knowledge of ASA PETERS' perjury, punishable by imprisonment, and took money, reward, or an engagement therefor, upon an agreement or understanding, express or implied, to compound or conceal the offense, and/or not to prosecute, and/or not to give evidence thereof.

282. In furtherance of the conspiracy, DEFENDANTS committed overt acts and were otherwise willful participants in joint activity.

283. DEFENDANTS' criminal acts and misconduct described in this Count were undertaken with malice, willfulness, and reckless indifference to BOSWELL's rights.

284. As a proximate result of DEFENDANTS' conspiracy, BOSWELL suffered damages, including severe emotional distress and anguish, as is more fully alleged above.

285. WHEREFORE, BOSWELL requests that this Court enter judgment against DEFENDANTS as set forth below.

COUNT XX
CONSPIRACY TO OBSTRUCT JUSTICE, §843.14, FLA STAT.
COMPOUNDING A FELONY

286. All of the paragraphs of this Complaint are incorporated as if restated fully herein.

287. As described more fully in the preceding paragraphs, DEFENDANTS, acting in concert with other known and unknown co-conspirators, conspired by concerted action to accomplish an unlawful purpose by unlawful means. Specifically, on March 3, 2015, during the first IA investigation against BOSWELL, MATHEWSON provided false sworn testimony--i.e., committed perjury during an official proceeding, constituting

a **third-degree felony** pursuant to section 837.02(1), Florida Statutes— regarding BOSWELL’s demeanor and actions during the Samanie interview, while MATHEWSON was in an official proceeding. DEFENDANTS had knowledge of MATHEWSON’s perjury, punishable by imprisonment, and took money, reward, or an engagement therefor, upon an agreement or understanding, express or implied, to compound or conceal the offense, and/or not to prosecute, and/or not to give evidence thereof.

288. In furtherance of the conspiracy, DEFENDANTS committed overt acts and were otherwise willful participants in joint activity.

289. DEFENDANTS’ criminal acts and misconduct described in this Count were undertaken with malice, willfulness, and reckless indifference to BOSWELL’s rights.

290. As a proximate result of DEFENDANTS’ conspiracy, BOSWELL suffered damages, including severe emotional distress and anguish, as is more fully alleged above.

291. WHEREFORE, BOSWELL requests that this Court enter judgment against DEFENDANTS as set forth below.

COUNT XXI
CONSPIRACY TO OBSTRUCT JUSTICE, §843.14, FLA STAT.
COMPOUNDING A FELONY

292. All of the paragraphs of this Complaint are incorporated as if restated fully herein.

293. As described more fully in the preceding paragraphs, DEFENDANTS, acting in concert with other known and unknown co-conspirators, conspired by concerted action to accomplish an unlawful purpose by unlawful means. Specifically, on August 2, 2016, during De La Mora's motion for a new trial, MATHEWSON provided false sworn testimony--i.e., committed perjury during an official proceeding, constituting **a third-degree felony** pursuant to section 837.02(1), Florida Statutes--regarding BOSWELL's demeanor and actions while interviewing Samanie, while MATHEWSON was in an official proceeding. DEFENDANTS had knowledge of MATHEWSON's perjury, punishable by imprisonment, and took money, reward, or an engagement therefor, upon an agreement or understanding, express or implied, to compound or conceal the offense, and/or not to prosecute, and/or not to give evidence thereof.

294. In furtherance of the conspiracy, DEFENDANTS committed overt acts and were otherwise willful participants in joint activity.

295. DEFENDANTS' criminal acts and misconduct described in this Count were undertaken with malice, willfulness, and reckless indifference to BOSWELL's rights.

296. As a proximate result of DEFENDANTS' conspiracy, BOSWELL suffered damages, including severe emotional distress and anguish, as is more fully alleged above.

297. WHEREFORE, BOSWELL requests that this Court enter judgment against DEFENDANTS as set forth below.

COUNT XXII
CONSPIRACY TO OBSTRUCT JUSTICE, §843.14, FLA STAT.
COMPOUNDING A FELONY

298. All of the paragraphs of this Complaint are incorporated as if restated fully herein.

299. As described more fully in the preceding paragraphs, DEFENDANTS, acting in concert with other known and unknown co-conspirators, conspired by concerted action to accomplish an unlawful purpose by unlawful means. Specifically, on July 13, 2016, during her deposition taken in the Samanie case, MATHEWSON provided false sworn testimony--i.e., committed perjury during an official proceeding, constituting a **third-degree** felony pursuant to section 837.02(1), Florida Statutes--regarding BOSWELL's demeanor and actions while interviewing Samanie, while MATHEWSON was in an official proceeding. DEFENDANTS had knowledge of MATHEWSON's perjury, punishable by imprisonment, and took money, reward, or an engagement therefor, upon an agreement or

understanding, express or implied, to compound or conceal the offense, and/or not to prosecute, and/or not to give evidence thereof.

300. In furtherance of the conspiracy, DEFENDANTS committed overt acts and were otherwise willful participants in joint activity.

301. DEFENDANTS' criminal acts and misconduct described in this Count were undertaken with malice, willfulness, and reckless indifference to BOSWELL's rights.

302. As a proximate result of DEFENDANTS' conspiracy, BOSWELL suffered damages, including severe emotional distress and anguish, as is more fully alleged above.

303. WHEREFORE, BOSWELL requests that this Court enter judgment against DEFENDANTS as set forth below.

COUNT XXIII
CONSPIRACY TO OBSTRUCT JUSTICE, §843.14, FLA STAT.
COMPOUNDING A FELONY

304. All of the paragraphs of this Complaint are incorporated as if restated fully herein.

305. As described more fully in the preceding paragraphs, DEFENDANTS, acting in concert with other known and unknown co-conspirators, conspired by concerted action to accomplish an unlawful purpose by unlawful means. Specifically, when MAURER signed the first

IA investigation under oath and verifying its verity, thus providing false sworn testimony, he committed perjury during an official proceeding, constituting a **third-degree** felony pursuant to section 837.02(1), Florida Statutes. DEFENDANTS had knowledge of MAURER's perjury, punishable by imprisonment, and took money, reward, or an engagement therefor, upon an agreement or understanding, express or implied, to compound or conceal the offense, and/or not to prosecute, and/or not to give evidence thereof.

306. In furtherance of the conspiracy, DEFENDANTS committed overt acts and were otherwise willful participants in joint activity.

307. DEFENDANTS' criminal acts and misconduct described in this Count were undertaken with malice, willfulness, and reckless indifference to BOSWELL's rights.

308. As a proximate result of DEFENDANTS' conspiracy, BOSWELL suffered damages, including severe emotional distress and anguish, as is more fully alleged above.

309. WHEREFORE, BOSWELL requests that this Court enter judgment against DEFENDANTS as set forth below.

COUNT XXIV
CONSPIRACY TO OBSTRUCT JUSTICE, §843.14, FLA STAT.
COMPOUNDING A FELONY

310. All of the paragraphs of this Complaint are incorporated as if restated fully herein.

311. As described more fully in the preceding paragraphs, DEFENDANTS, acting in concert with other known and unknown co-conspirators, conspired by concerted action to accomplish an unlawful purpose by unlawful means. Specifically, when MAURER signed the second IA investigation under oath and verifying its verity, thus providing false sworn testimony, he committed perjury during an official proceeding, constituting a **third-degree** felony pursuant to section 837.02(1), Florida Statutes. DEFENDANTS had knowledge of MAURER's perjury, punishable by imprisonment, and took money, reward, or an engagement therefor, upon an agreement or understanding, express or implied, to compound or conceal the offense, and/or not to prosecute, and/or not to give evidence thereof.

312. In furtherance of the conspiracy, DEFENDANTS committed overt acts and were otherwise willful participants in joint activity.

313. DEFENDANTS' criminal acts and misconduct described in this Count were undertaken with malice, willfulness, and reckless indifference to BOSWELL's rights.

314. As a proximate result of DEFENDANTS' conspiracy, BOSWELL suffered damages, including severe emotional distress and anguish, as is more fully alleged above.

315. WHEREFORE, BOSWELL requests that this Court enter judgment against DEFENDANTS as set forth below.

COUNT XXV
CONSPIRACY TO OBSTRUCT JUSTICE, §843.14, FLA STAT.
COMPOUNDING A FELONY

316. All of the paragraphs of this Complaint are incorporated as if restated fully herein.

317. As described more fully in the preceding paragraphs, DEFENDANTS, acting in concert with other known and unknown co-conspirators, conspired by concerted action to accomplish an unlawful purpose by unlawful means. Specifically, when PORTALATIN signed the third IA investigation under oath and verifying its verity, thus providing false sworn testimony, he committed perjury during an official proceeding, constituting a **third-degree** felony pursuant to section 837.02(1), Florida Statutes. DEFENDANTS had knowledge of PORTALATIN's perjury, punishable by imprisonment, and took money, reward, or an engagement therefor, upon an agreement or understanding, express or implied, to

compound or conceal the offense, and/or not to prosecute, and/or not to give evidence thereof.

318. In furtherance of the conspiracy, DEFENDANTS committed overt acts and were otherwise willful participants in joint activity.

319. DEFENDANTS' criminal acts and misconduct described in this Count were undertaken with malice, willfulness, and reckless indifference to BOSWELL's rights.

320. As a proximate result of DEFENDANTS' conspiracy, BOSWELL suffered damages, including severe emotional distress and anguish, as is more fully alleged above.

321. WHEREFORE, BOSWELL requests that this Court enter judgment against DEFENDANTS as set forth below.

COUNT XXVI

CONSPIRACY TO SUBORN PERJURY, 18 U.S.C. § 1622

322. All of the paragraphs of this Complaint are incorporated as if restated fully herein.

323. As described more fully in the preceding paragraphs, DEFENDANTS, acting in concert with other known and unknown co-conspirators, conspired by concerted action to accomplish an unlawful purpose by unlawful means, that is, to procure perjury, in official and unofficial proceedings.

324. In furtherance of the conspiracy, DEFENDANTS committed overt acts and were otherwise willful participants in joint activity.

325. The misconduct described in this Count was undertaken with malice, willfulness, and reckless indifference to BOSWELL's rights.

326. As a proximate result of DEFENDANTS' conspiracy, BOSWELL suffered damages, including severe emotional distress and anguish, as is more fully alleged above.

327. WHEREFORE, BOSWELL requests that this Court enter judgment against DEFENDANTS as set forth below.

COUNT XXVII
CONSPIRACY TO COMMIT PERJURY IN OFFICIAL PROCEEDINGS,
§837.02. FLA. STAT.

328. All of the paragraphs of this Complaint are incorporated as if restated fully herein.

329. As described more fully in the preceding paragraphs, DEFENDANTS, acting in concert with other known and unknown co-conspirators, conspired by concerted action to accomplish an unlawful purpose by unlawful means, i.e., to lie about BOSWELL's actions while they were in official proceedings or conducting official proceedings.

330. In furtherance of the conspiracy, DEFENDANTS committed overt acts and were otherwise willful participants in joint activity.

331. The misconduct described in this Count was undertaken with malice, willfulness, and reckless indifference to the rights of others.

332. As a proximate result of DEFENDANTS' conspiracy, BOSWELL suffered damages, including severe emotional distress and anguish, as is more fully alleged above.

333. WHEREFORE, BOSWELL requests that this Court enter judgment against DEFENDANTS as set forth below.

COUNT XXVIII
CONSPIRACY TO TAMPER WITH OR FABRICATE EVIDENCE,
§918.13, FLA. STAT.

334. All of the paragraphs of this Complaint are incorporated as if restated fully herein.

335. As described more fully in the preceding paragraphs, DEFENDANTS, acting in concert with other known and unknown co-conspirators, conspired by concerted action to accomplish an illegal and/or unlawful purpose by illegal and/or unlawful means; i.e., DEFENDANTS, with knowledge that a criminal trial(s) and/or other proceeding(s) and/or an investigation(s) by a duly constituted prosecuting authority, law enforcement agency, and/or grand jury was pending or about to be instituted, altered, destroyed, concealed, and/or removed records, documents, and/or things with the purpose to impair their verity and/or availability in proceedings

and/or investigations; and/or made, presented, and/or used records, documents, and/or things, knowing them to be false.

336. In furtherance of the conspiracy, DEFENDANTS committed overt acts and were otherwise willful participants in joint activity.

337. The misconduct and illegal actions described in this Count were undertaken with malice, willfulness, and reckless indifference to BOWELL's rights.

338. As a proximate result of DEFENDANTS' conspiracy, BOSWELL suffered damages, including severe emotional distress and anguish, as is more fully alleged above.

339. WHEREFORE, BOSWELL requests that this Court enter judgment against DEFENDANTS as set forth below.

COUNT XXIX
DEPRIVATION OF CIVIL RIGHTS, 42 U.S.C. § 1983
DUE PROCESS

340. All of the paragraphs of this Complaint are incorporated as if restated fully herein.

341. As described more fully above, all of DEFENDANTS, while acting individually, jointly, and in conspiracy, as well as under color of law and within the scope of their employment, deprived BOSWELL of his constitutional right to fair internal investigations. DEFENDANTS

deliberately withheld exculpatory evidence during IA investigations launched on false, fabricated grounds; fabricated false reports and other evidence; tampered with evidence; falsified mail alleged to have been sent through the United States Postal Service but which was not so sent, and then asserted they had received a return receipt for the mail when such receipt was still attached to the envelope alleged to have been mailed; committed perjury in official and unofficial proceedings; and personally attacked BOSWELL with hurled insults and false accusations, thereby misleading and misdirecting the administrative prosecution of BOSWELL. Absent this illegal behavior and misconduct, the prosecution of BOSWELL could not and would not have been pursued.

342. DEFENDANTS' illegal acts and misconduct also directly resulted in three unjust substantiations of BOSWELL's alleged improper acts, thereby denying him his constitutional right to a fair investigation, and a fair appeal thereof, in violation of the Due Process Clause of the Fourteenth Amendment to the United States Constitution.

343. As a result of these violations of his constitutional right to fair investigations, BOSWELL suffered injuries, including, but not limited to, emotional distress, loss of pay, loss of DROP monies, and loss of fair retirement funds, as is more fully alleged above.

344. The misconduct described in this Count was objectively unreasonable and was undertaken intentionally with willful indifference to BOSWELL's constitutional rights.

345. WHEREFORE, BOSWELL requests that this Court enter judgment against DEFENDANTS as set forth below.

COUNT XXX
DEPRIVATION OF CIVIL RIGHTS, 42 U.S.C. § 1983
FAILURE TO INTERVENE

346. All of the paragraphs of this Complaint are incorporated as if restated fully herein.

347. As described more fully above, during the conduction of the corruption, illegal acts and words, and misconduct described in this Complaint, one or more of DEFENDANTS stood by without intervening to prevent the misconduct, thus depriving BOSWELL of his rights pursuant to 42 U.S.C. section 1983.

348. As a result of DEFENDANTS' failure to intervene to prevent the violation of BOSWELL's constitutional rights, BOSWELL suffered pain and injury, as well as emotional distress. DEFENDANTS had a reasonable opportunity to prevent this harm, but failed to do so.

349. The misconduct described in this Count was undertaken pursuant to DEFENDANTS acting under color of state law, ordinance,

regulation, custom, usage, and HCSO policy and practice, in the manner described in this Complaint and as controlled by DEFENDANTS. DEFENDANTS subjected, and caused to be subjected, BOSWELL to be deprived of his rights, privileges, and immunities secured by the Constitution and laws.

350. The misconduct and illegal behavior described in this Count was objectively unreasonable and was undertaken intentionally with willful indifference to BOSWELL's constitutional rights.

351. WHEREFORE, BOSWELL requests that this Court enter judgment against DEFENDANTS as set forth below.

COUNT XXXI
CONSPIRACY TO INTERFERE WITH CIVIL RIGHTS,
42 U.S.C. §1985(1)

352. All of the paragraphs of this Complaint are incorporated as if restated fully herein.

353. As described more fully in this Complaint, DEFENDANTS, while acting individually, jointly, and under color of law and within the scope of their employment, conspired to prevent, by force, intimidation, and/or threat, BOSWELL from serving as a law enforcement officer, and discharging his lawful duties; and forced him to leave his position where his duties as an officer were required to be performed, thus injuring him in his

person and property on account of his lawful discharge of the duties of his office; and while BOSWELL was engaged in the lawful discharge thereof, injured his property so as to molest, interrupt, hinder, or impede him in the discharge of his official duties.

354. The illegal actions and misconduct described in this Count were objectively unreasonable and undertaken intentionally with willful indifference to BOSWELL's constitutional rights.

355. WHEREFORE, BOSWELL requests that this Court enter judgment against DEFENDANTS as set forth below.

COUNT XXXII
CONSPIRACY TO VIOLATE SECTION 112.532, FLA. STAT.
DEPRIVATION OF DUE PROCESS

356. All of the paragraphs of this Complaint are incorporated as if restated fully herein.

357. As described more fully in the preceding paragraphs, DEFENDANTS, acting in concert with other known and unknown co-conspirators, conspired by concerted action to accomplish an unlawful purpose by unlawful means; that is, DEFENDANTS engaged formal investigations against BOSWELL which were based upon false accusations, submitted under oath as required by section 112.533(1)(a)1.-2., Florida Statutes, thus constituting perjury, which BOSWELL refuted by providing

the IA investigators, subsequent appeal boards, and GEE, with exculpatory written and verbal information which was completely ignored by all of these parties.

358. DEFENDANTS intentionally and willfully abridged BOSWELL's civil rights which arose out of the performance of his duties.

359. DEFENDANTS further knew that the complaints filed against BOSWELL were demonstrably false, yet rather than dismiss the false allegations, DEFENDANTS engaged in a conspiracy to process and ultimately substantiate three IA investigations.

360. Thereafter, despite the knowledge that the three prior IA investigations had been based upon demonstrably false allegations, DEFENDANTS published that they would have conducted a fourth IA investigation, again based on false allegations, but for the fact that BOSWELL was by that point "retired."

361. In furtherance of the conspiracy, Defendants committed overt acts and were otherwise willful participants in joint activity.

362. The illegal acts and misconduct described in this Count were undertaken with malice, willfulness, and reckless indifference to BOSWELL's rights.

363. As a proximate result of DEFENDANTS' conspiracy, BOSWELL suffered damages, including severe emotional distress and anguish, as is more fully alleged above.

364. WHEREFORE, BOSWELL requests that this Court enter judgment against DEFENDANTS as set forth below.

COUNT XXXIII
FIRST AMENDMENT FREE SPEECH RETALIATION

365. All of the paragraphs of this Complaint are incorporated as if restated fully herein.

366. United States Code 42 section 1983 provides that:

Every person, who under color of any statute, ordinance, regulation, custom or usage of any state or territory or the District of Columbia subjects or causes to be subjected any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges or immunities secured by the constitution and law shall be liable to the party injured in an action at law, suit in equity, or other appropriate proceeding for redress . . .

367. BOSWELL in this action is a citizen of the United States and all of the individual DEFENDANTS to this claim are persons for purposes of 42 U.S.C. § 1983.

368. DEFENDANTS to this claim, at all times relevant hereto, were acting under the color of state law in their capacity as HCSO officers and

their acts or omissions were conducted within the scope of their official duties or employment.

369. At the time of the complained of events, BOSWELL possessed the clearly established constitutional right to be free from retaliation for the exercise of protected speech.

370. Any reasonable officer within the HCSO knew or should have known of this right at the time of the complained of conduct as it was clearly established at that time.

371. BOSWELL had a right to exercise his constitutionally protected right to speak the truth regarding the fact that Sanes had been in a custodial hold when KEENE solicited her confession by making her a promise. Unquestionably, to state otherwise would have constituted the commission of the criminal offense of perjury.

372. Furthermore, BOSWELL had the right to exercise his constitutionally protected right to speak the truth that URA never gave him any order to not interview suspects without a partner and without recording the interview, at the time he had interviewed Andre Martinez. Again, to state that URA did give such an order, would have resulted in BOSWELL committing perjury, because URA never gave him such an order.

373. Likewise, BOSWELL had the right to exercise his constitutionally protected right to speak the truth that he recorded his interviews with the suspects and witnesses with whom he had been accused of not recording such interviews; and to assert that he had indeed interviewed all such witnesses while accompanied by a partner investigator.

374. BOSWELL further had the right to state the true fact that family members of Charles Martinez had not waived regarding their statements that Martinez had confessed to them.

375. BOSWELL also had the right to state during the hearings sought by criminal defense attorneys who had learned of the IA investigations conducted by DEFENDANTS, as well as at the trials into which the IA investigations had been interjected, that URA had lied about BOSWELL's interviewing techniques and related matters.

376. DEFENDANTS committed retaliatory actions against BOSWELL due to his lawful exercise of his constitutionally protected right to speak the truth, with the retaliatory actions and speech against BOSWELL including but not limited to: slander, libel, and defamation, resulting in humiliation and embarrassment; intentional infliction of emotional distress; demotion and transfer to lesser positions which resulted in loss of pay and opportunity for overtime; forced FMLA leave, resulting in the cashing in of

\$30,000 in earned sick leave; forced early retirement, which also destroyed BOSWELL's plan to enter the DROP period, resulting in a loss of approximately \$327,000 of earned monies; and ramrodding his original retirement memo through the chain of command in order to deprive him of more than \$10,000 in earned retirement.

377. DEFENDANTS engaged in the conduct described by this Complaint willfully, maliciously, in bad faith, and in reckless disregard of BOSWELL's federally protected constitutional rights.

378. The acts or omissions of DEFENDANTS were moving forces behind BOSWELL's injuries.

379. These individual DEFENDANTS acted in concert and in joint action with each other.

380. The acts or omissions of DEFENDANTS as described herein intentionally deprived BOSWELL of his constitutional and statutory rights and caused him other damages.

381. DEFENDANTS are not entitled to qualified immunity for the complained of conduct, as the law on such illegal behavior and misconduct is clearly established.

382. DEFENDANTS to this claim at all times relevant hereto were acting pursuant to municipal/county custom, policy, decision, ordinance,

regulation, widespread habit, usage, or practice in their actions pertaining to BOSWELL.

383. As a proximate result of DEFENDANTS' unlawful conduct, BOSWELL has suffered actual physical and emotional injuries, and other damages and losses as described herein entitling him to compensatory and special damages, in amounts to be determined at trial. As a further result of DEFENDANTS' unlawful conduct, BOSWELL has incurred special damages, including medically-related expenses, and may continue to incur further medically-related and other special damages and expenses, in amounts to be established at trial.

384. In addition to compensatory, economic, consequential and special damages, BOSWELL is entitled to punitive damages against each of the individually named DEFENDANTS under 42 U.S.C. § 1983, in that the actions of each of these individual DEFENDANTS have been taken maliciously, willfully or with a reckless or wanton disregard of the constitutional rights of BOSWELL.

385. WHEREFORE, BOSWELL requests that this Court enter judgment against DEFENDANTS as set forth below.

COUNT XXXIV
NEGLIGENT HIRING, RETENTION, AND SUPERVISION

386. All of the paragraphs of this Complaint are incorporated as if restated fully herein.

387. At all times material, all of the defendants named above, except for those employed in the SAO, were under the direction, supervision, and control of GEE and CHRONISTER, either directly or through their agents.

388. At all times material, GEE and CHRONISTER, either directly or through their agents, negligently hired, retained and/or supervised the defendants employed by the HCSO: DOCOBO, BROWN, BURTON, LUSCZYNSKI, DAVIS, HILL, POORE, URA, MORRIS, HOLLIS, MAURER, SISSON, KEENE, PORTALATIN, DIRKS, MATHEWSON, CLARK, and BROWN, referenced herein as the “THE HCSO EMPLOYEES.”

389. GEE and CHRONISTER knew or should have known that a failure to appropriately evaluate, assess, and intervene in the illegal and improper actions and misconduct that THE HSCO EMPLOYEES engaged against BOSWELL, would result in extensive damages to both of the BOSWELLS.

390. Despite this knowledge, GEE and CHRONISTER failed to exercise reasonable care in hiring, retaining, and/or supervising THE HCSO EMPLOYEES.

391. As a direct and proximate cause of the acts described above in this Complaint, the BOSWELLS have incurred pain and suffering, physical inconvenience and discomfort, loss of time, mental anguish and resultant physical symptoms and injuries, expenses incurred due to the medical treatment because of these injuries, loss of enjoyment of life, reputational and professional discrediting, embarrassment, humiliation, and extensive financial decreases and deprivation.

392. WHEREFORE, BOSWELL requests that this Court enter judgment against DEFENDANTS as set forth below.

COUNT XXXV
CONSPIRACY TO DEFRAUD BOSWELL
OUT OF HIS DULY EARNED RETIREMENT FUNDS

393. All of the paragraphs of this Complaint are incorporated as if restated fully herein.

394. As described more fully in the preceding paragraphs, DEFENDANTS, acting in concert with other known and unknown co-conspirators, conspired by concerted action to accomplish an unlawful purpose by unlawful means; that is, DEFENDANTS conspired to deny BOSWELL the right to rescind, after direction from Angie Pederro that he submit a rescission memo so that he would provide two weeks' notice, the first inadvertently issued retirement memorandum. DEFENDANTS lied to

BOSWELL about the status of the first memorandum, which was still in the pipeline and not yet signed off on by all of those who needed to do so, then rushed it through to obtain all necessary signatures to make it appear as if the retirement had been approved before BOSWELL had attempted to rescind it.

395. DEFENDANTS intentionally and willfully abridged BOSWELL's right to rescind the memorandum to provide the proper two weeks of notice, and therefore to obtain monies which he had rightfully earned.

396. In furtherance of the conspiracy, Defendants committed overt acts and were otherwise willful participants in joint activity.

397. The misconduct described in this Count was undertaken with malice, willfulness, and reckless indifference to BOSWELL's right to acquire his properly earned retirement monies.

398. As a proximate result of DEFENDANTS' conspiracy, BOSWELL suffered damages, including the loss of \$10,000, and emotional distress and anguish, as is more fully alleged above.

399. WHEREFORE, BOSWELL requests that this Court enter judgment against DEFENDANTS as set forth below.

THUS DEPRIVING BOSWELL OF DROP MONIES

400. All of the paragraphs of this Complaint are incorporated as if restated fully herein.

401. As described more fully in the preceding paragraphs, DEFENDANTS, acting in concert with other known and unknown co-conspirators, conspired by concerted action to accomplish an unlawful purpose by unlawful means; that is, DEFENDANTS engaged in actions designed to force BOSWELL into early retirement, when he had intended to work for 10 years longer, and to enter into the DROP, which would have allowed him to accrue approximately \$365,000 in earned DROP funds.

402. In furtherance of the conspiracy, Defendants committed overt acts and were otherwise willful participants in joint activity.

403. The improper actions described in this Count were undertaken with malice, willfulness, and reckless indifference to BOSWELL's rights as a state employee to enter into DROP.

404. As a proximate result of DEFENDANTS' conspiracy, BOSWELL suffered extensive financial damages of approximately \$327,000.

405. WHEREFORE, BOSWELL requests that this Court enter judgment against DEFENDANTS as set forth below.

COUNT XXXVII
CONSTRUCTIVE DISCHARGE

406. All of the paragraphs of this Complaint are incorporated as if restated fully herein.

407. As described more fully in the preceding paragraphs, beginning when BOSWELL refused to sanction Sanez's confession as having been obtained when she was in a non-custodial hold, DEFENDANTS began mistreating BOSWELL, making numerous false and fabricated assertions against him; demoting him; placing him into positions intentionally designed to be humiliating and "uncomfortable;" taking away his honestly earned pay; initiating IA investigations on false, fabricated grounds; placing him on the midnight shift although the most senior division member; scoffing and laughing at him during hearings which resulted from the false allegations; engaging in false due process; senior officers conspiring and refusing to recuse themselves from proceedings when they had earlier been involved in the fabricated acts and/or were witnesses; belittling him; tampering with and fabricating evidence; causing him to be drug into criminal proceedings to defend himself, while also having to listen to members of the HCSO and the SAO berate and lie about him. No sane, self-respecting person would have remained in this intolerable situation.

408. BOSWELL was therefore constructively discharged, as no reasonable person would have remained in DEFENDANTS' work environment due to all of the horrific abuses and retaliation being levied at this totally innocent person.

409. BOSWELL sustained emotional and physical damages which resulted in his inability to continue to work for DEFENDANTS.

410. WHEREFORE, BOSWELL requests that this Court enter judgment against DEFENDANTS as set forth below.

COUNT XXXVIII
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

411. All of the paragraphs of this Complaint are incorporated as if restated fully herein.

412. The acts and conduct of DEFENDANTS as set forth above were extreme and outrageous. DEFENDANTS intended to cause, or were in reckless disregard of the probability that their conduct would cause, severe emotional distress to both BOSWELLS, as is more fully alleged above.

413. Said actions and conduct did directly and proximately cause severe emotional distress to both BOSWELLS, and thereby constituted intentional infliction of emotional distress.

414. The misconduct described in this Count was undertaken with malice, willfulness, and reckless indifference to both BOSWELLS's rights.

415. As a proximate result of DEFENDANTS' wrongful acts, both BOSWELLS suffered damages, including severe emotional distress and anguish, as is more fully alleged above.

416. WHEREFORE, both BOSWELLS demand judgment for damages, costs and interest against DEFENDANTS, in their official and individual capacities, and a trial by jury on all issues triable as of right by a jury.

COUNT XXXIX
STIGMA-PLUS

417. All of the paragraphs of this Complaint are incorporated as if restated fully herein.

418. Based on the allegations described more fully above, DEFENDANTS violated BOSWELL's due process rights under the Fifth Amendment of the Constitution, based on a "stigma-plus" theory. Under this theory, BOSWELL's liberty interests were harmed by DEFENDANTS because their false and defamatory statements have imposed upon BOSWELL a stigma that will foreclose BOSWELL's freedom to take advantage of other employment opportunities.

419. Although publication is not necessary for a liberty interest claim based on the "stigma-plus" theory, DEFENDANTS widely published and publicized their false and defamatory statements about BOSWELL,

including that he engaged in improper interviewing techniques, lied under oath, refused to follow orders, and was mentally ill, because he would not support DEFENDANTS' untruthful versions of facts, with the purpose and knowledge that making such false statements would cause future employers in government and the private sector to ascribe to BOSWELL a stigma or disability that he was incompetent, would not follow orders, and was "mentally ill," which has made it exceedingly difficult for BOSWELL to obtain future employment in the fields in which he has considerable education and experience. DEFENDANTS intentionally published and publicized this information about BOSWELL with the goal of impugning him personally and damaging his professional reputation. Such publications have imposed a major impediment to BOSWELL's obtaining full-time employment.

420. WHEREFORE, BOSWELL requests that this Court enter judgment against DEFENDANTS as set forth below.

COUNT XL
CONSPIRACY TO COMMIT STIGMA PLUS

421. All of the paragraphs of this Complaint are incorporated as if restated fully herein.

422. As described more fully in the preceding paragraphs, Defendants, acting in concert with other known and unknown co-

conspirators, conspired by concerted action to accomplish an unlawful purpose by unlawful means, which was to publish and publicize false and defamatory statements about BOSWELL's professional capabilities, professionalism, and even his mental health.

423. In furtherance of the conspiracy, Defendants committed overt acts and were otherwise willful participants in joint activity.

424. The misconduct described in this Count was undertaken with malice, willfulness, and reckless indifference to BOSWELL's rights.

425. As a proximate result of DEFENDANT's conspiracy, BOSWELL has suffered damages, including severe emotional distress and anguish, as is more fully alleged above.

426. WHEREFORE, BOSWELL requests that this Court enter judgment against DEFENDANTS as set forth below.

COUNT XLI
REPUTATION-PLUS

427. All of the paragraphs of this Complaint are incorporated as if restated fully herein.

428. By terminating BOSWELL and accompanying the termination with false and defamatory statements about BOSWELL's reputation and conduct, DEFENDANTS violated BOSWELL's due process rights under the Fifth Amendment of the Constitution, based on a "reputation-plus" theory.

429. As described above, DEFENDANTS effectively terminated BOSWELL's employment with the HCSO on January 29, 2017, and prior to and after the constructive termination, made numerous false and defamatory statements about BOSWELL and his reputation, especially that he was incompetent, would not follow orders, and was mentally ill.

430. Before terminating BOSWELL and making these false and defamatory statements about him, DEFENDANTS did not provide BOSWELL with any fair, honest, meritorious and true process to demonstrate that BOSWELL did not engage in the misconduct alleged by URA, ASA PETERS, MATHEWSON, and others, including the allegations that BOSWELL mishandled suspect interviews, failed to follow orders, and was mentally ill.

431. The false and defamatory statements made by DEFENDANTS significantly harmed BOSWELL's reputation and his ability to obtain employment in his business, trade, and profession, in which he must properly conduct criminal investigations and act honorably and truthfully, on a regular basis. These false and defamatory statements have made it significantly harder for BOSWELL to obtain future employment working in any law enforcement agency, or similar work for a private employer.

432. Properly handling suspect interviews, reporting truthfully, following orders, and being in good mental health, would be an integral part of BOSWELL's future work in law enforcement. DEFENDANTS have published these false and defaming statements to numerous persons, including criminal defense attorneys and members of the public. Such statements place a black mark on BOSWELL's employment record that goes well beyond the fact of his termination, and will make it far more difficult for BOSWELL to secure employment in this field.

433. DEFENDANTS' false and defamatory statements have caused serious and potentially irreparable damage to BOSWELL's standing in the community and field in which he works as a professional in law enforcement.

434. WHEREFORE, BOSWELL requests that this Court enter judgment against DEFENDANTS as set forth below.

COUNT XLII
CONSPIRACY TO COMMIT REPUTATION PLUS

435. All of the paragraphs of this Complaint are incorporated as if restated fully herein.

436. As described more fully in the preceding paragraphs, DEFENDANTS, acting in concert with other known and unknown co-conspirators, conspired by concerted action to accomplish an unlawful

purpose by unlawful means, which was to publish and publicize false and defamatory statements about BOSWELL's professional capabilities, professionalism, and even his mental health, thereby damaging his reputation in the law enforcement industry, as well as in private industries which operate in similar law enforcement procedures.

437. In furtherance of the conspiracy, DEFENDANTS committed overt acts and were otherwise willful participants in joint activity.

438. The misconduct described in this Count was undertaken with malice, willfulness, and reckless indifference to BOSWELL's rights.

439. As a proximate result of DEFENDANT's conspiracy, BOSWELL suffered damages, including severe emotional distress and anguish, as is more fully alleged above.

440. WHEREFORE, BOSWELL requests that this Court enter judgment against DEFENDANTS as set forth below.

COUNT XLIII
DEFAMATION

441. All of the paragraphs of this Complaint are incorporated as if restated fully herein.

442. DEFENDANTS made false and defamatory statements about BOSWELL, including repeated statements that BOSWELL mishandled suspect interviews, would not follow orders, and was mentally ill. *Not a*

single one of the allegations made by DEFENDANTS are true. Such false statements injured BOSWELL's standing in his profession, in which he has worked for more than 25 years and, until the actions taken by DEFENDANTS, had been unblemished.

443. DEFENDANTS made the false and defamatory statements about BOSWELL to numerous third parties without any privilege, including in hearings before the court, as well as in jury trials, and to members of the bar and the public.

444. Upon information and belief, DEFENDANTS made these false and defamatory statements with knowledge of the falsity of the statements, with reckless disregard for the truth or falsity of the statements, and/or with negligence for the truth or falsity of the statements.

445. The false and defamatory statements are actionable as a matter of law or are defamation per se. DEFENDANTS' statements that BOSWELL mishandled suspect investigations, would not follow orders, and was mentally ill, suggested, imputed, indicated, or presented as true fact that BOSWELL was unfit to serve as a law enforcement officer. Further, the accusations suggested that BOSWELL had engaged in perjury when he submitted sworn statements and participated as a witness in court proceedings, both situations while under oath, which is a criminal offense

and depending upon the proceeding, ranges from a first-degree misdemeanor to a second-degree felony. DEFENDANTS' statements that BOSWELL mishandled suspect investigations, would not follow orders, and was mentally ill, are also incompatible with BOSWELL's business, trade, and profession, which require BOSWELL to properly handle suspect interviews, follow orders, respond and report honestly, and to be mentally fit on a regular basis. These statements significantly impair and adversely affect BOSWELL's apparent fitness for the proper conduct in the same business, trade, and profession.

446. WHEREFORE, BOSWELL seeks damages arising as a result of the defamatory statements published by DEFENDANTS, costs, and any other relief the Court deems just and proper. BOSWELL reserve the right to seek leave to amend to assert a claim for punitive damages, pursuant to section 768.72, Florida Statutes.

COUNT XLIV
CONSPIRACY TO COMMIT DEFAMATION

447. All of the paragraphs of this Complaint are incorporated as if restated fully herein.

448. As described more fully in the preceding paragraphs, Defendants, acting in concert with other known and unknown co-conspirators, conspired by concerted action to accomplish an unlawful

purpose by unlawful means, which was to act in concert to publish and publicize false statements discrediting BOSWELL in his professional capabilities including that he was incompetent when handling suspect questioning, refused to follow orders, and was mentally ill.

449. In furtherance of the conspiracy, Defendants committed overt acts and were otherwise willful participants in joint activity.

450. The misconduct described in this Count was undertaken with malice, willfulness, and reckless indifference to the rights of others.

451. As a proximate result of Defendants' conspiracy, BOSWELL suffered damages, including severe emotional distress and anguish, as is more fully alleged above.

452. WHEREFORE, BOSWELL requests that this Court enter judgment against DEFENDANTS as set forth below.

COUNT XLV
LOSS OF CONSORTIUM

453. All of the paragraphs of this Complaint are incorporated as if restated fully herein.

454. At all times material hereto, MARGARET BOSWELL was the wife/spouse of BOSWELL.

455. As a sole, direct, and proximate result of the illegal and improper actions and misconduct DEFENDANTS directed at BOSWELL,

MARGARET BOSWELL lost the care, comfort, society, consortium, companionship, and services of her husband, BOSWELL.

456. MARGARET BOSWELL has therefore been injured, and is entitled under the law to recover against DEFENDANTS for these losses.

457. WHEREFORE, MARGARET BOSWELL demands judgment against DEFENDANTS in an amount which exceeds the jurisdictional requirements of this Court, plus interest and costs, and further demands such other and further relief as this Court may deem just, proper, and equitable, and demands a trial by jury of all issues triable as a right by jury.

PRAYER FOR RELIEF

WHEREFORE, PLAINTIFFS, CHARLES BRIAN BOSWELL and MARGARET ANN BOSWELL, pray that this Court enter judgment against DEFENDANTS as follows:

- (a) that process issue and this Court take jurisdiction over this cause;
- (b) that this Court grant equitable relief against DEFENDANTS under the applicable counts set forth above, mandating DEFENDANTS' obedience to the laws enumerated herein and providing other equitable relief to PLAINTIFFS, including reinstatement of BOSWELL;
- (c) that this Court enter judgment against DEFENDANTS and for PLAINTIFFS;

(d) that this Court award damages to PLAINTIFFS from DEFENDANTS for DEFENDANTS' violations of the laws enumerated herein;

(e) that this Court enter judgment against DEFENDANTS and for PLAINTIFFS, permanently enjoining DEFENDANTS from future violations of the laws enumerated herein, in particular, from Stigma-Plus, Reputation-Plus, and defamation;

(f) that this Court enter judgment against DEFENDANTS and for PLAINTIFFS awarding costs and attorneys' fees as allowed by law;

(g) that this Court enter judgment against DEFENDANTS and for PLAINTIFFS for actual damages, and for treble damages where allowed by law;

(h) that this Court award PLAINTIFFS interest and punitive damages as allowed by law; and

(i) that this Court grant such other and further relief as is just and proper under the circumstances.

CONDITIONS PRECEDENT

Plaintiffs have complied with all conditions precedent to filing this action, if any.

DEMAND FOR JURY TRIAL

Plaintiffs demand a jury trial for all counts alleged above.

CONDITIONS PRECEDENT

Plaintiffs have complied with all conditions precedent to filing this action, if any.

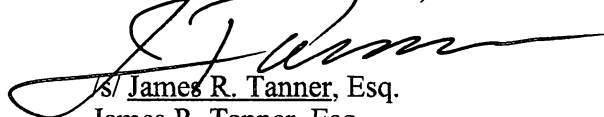
DEMAND FOR JURY TRIAL

PLAINTIFFS demand a jury trial for all counts alleged above.

Dated this 19th day of July 2018.

Respectfully,

TANNER LAW GROUP, LLC


s/ James R. Tanner, Esq.
James R. Tanner, Esq.

PLAINTIFF CHARLES BRIAN BOSWELL LISTED COUNSEL

s/ <u>James R. Tanner</u> , Esq. James Roscoe Tanner FBN 637246 Tanner Law Group, LLC Post Office Box 260156 Tampa, Florida 33685 Telephone: (813) 322-3565 Email: jrt@jimtannerlaw.com Co-counsel for Plaintiff	s/ <u>Marie A. Mattox</u> , Esq. Marie A. Mattox, Esq. Florida Bar # 0739685 Cynthia A. Myers, Esq. Florida Bar # 147397 Marie A. Mattox, P.A. 310 East Bradford Road Tallahassee, Florida 32303 Telephone:(850) 383-4800 Email: marie@mattoxlaw.com Co-Counsel for Plaintiff	s/ <u>Kennan George Dandar</u> , Esq. Kennan George Dandar Florida Bar No. 0642363 Dandar & Dandar, P.A. 1211 N. Westshore Blvd Tampa, Florida 33607-4600 Telephone: 813-289-3858 Email: kgd@dandarlaw.net Co-Counsel for Plaintiff
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