



Bruce H. Colton
State Attorney

OFFICE OF THE
State Attorney
NINETEENTH JUDICIAL CIRCUIT OF FLORIDA
SERVING
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July 14, 2016

Nicholas C. Mimms
City Manager
100 N. US Highway 1
Ft. Pierce, Fl. 34950

Dear Mr. Mimms:

At our meeting on July 6, you provided me with a packet containing documents which alleged wrongdoing and mismanagement by Police Chief Diane Hobley-Burney, and requested that the State Attorney's Office review the information to determine what if any criminal laws have been violated. My office has completed its review, and based upon the materials provided, we find no criminal violations by Chief Hobley-Burney.

The bulk of the materials provided are statements regarding an alleged threat made by the Chief to Rick Reed. The only crime which would possibly apply is Assault. Florida Statute 784.011 defines Assault as follows:

"An assault is an intentional, unlawful threat by word or act to do violence to the person of another, coupled with an apparent ability to do so, and doing some act which creates a well-founded fear in such other person that such violence is imminent."

The incident in question took place in a courtyard outside the City Commission chambers as people were leaving a meeting on April 18, 2016. The allegation is that the Chief directed a threat at Mr. Reed. However, there are conflicts between the witnesses as to what was said by the Chief, there was not an apparent ability to carry out the threat at that time, and Mr. Reed stated that he was not placed in fear that violence was imminent. Therefore an assault did not take place.

The remaining allegations are contained in a letter to the City Commission and you from Borthland Murray, dated July 1, 2016. One of those is that a police officer had filed a false Worker's Compensation claim. This is a matter that could and should be investigated by the Police Department and/or the City's Human Resources Department. If it is determined that a false claim was knowingly filed, appropriate action can be taken, including a request for prosecution.

Mr. Murray alleges that a police officer violated a citizen's civil rights. This allegation should be investigated by the police department, and if sustained, appropriate action can be taken including referral to the US Department of Justice.

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Allegations by Mr. Murray that the Chief ordered criminal investigations of a City Councilman and Mr. Reed, and that she knew of a corruption charge against the City Manager are internal issues which, based upon the information provided, do not rise to the level of criminal wrongdoing.

If you have any questions or wish to discuss this matter further, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Bruce H. Colton", with a long horizontal flourish extending to the right.

BRUCE H. COLTON
State Attorney

BHC/cp