

**FDLE****PUBLIC CORRUPTION UNIT****OFFICE OF EXECUTIVE INVESTIGATIONS  
INVESTIGATIVE SUMMARY**

<b>CASE NUMBER:</b>	<b>EI-14-0165</b>	<b>DATE:</b> June 22, 2020
<b>CASE AGENT:</b>	<b>Inspector Keith B. Riddick</b>	
<b>SUBJECT(s):</b>	<b>Darryl R. Daniels, Sheriff of Clay County Florida</b>	
<b>INCIDENT DATE(S):</b>	<b>February 3, 2018 February 6, 2018 October 10, 2019</b>	
<b>INCIDENT LOCATION(s):</b>	<b>Clay County, Fourth Judicial Circuit</b>	
<b>ALLEGATION(S) / CHARGE(S):</b>	<b>§815.06 Offenses against users of computers, computer systems, computer networks, and electronic devices, a Third Degree Felony §837.05 False Reports to Law Enforcement Authorities, a First Degree Misdemeanor</b>	

**INVESTIGATIVE PREDICATE:**

The Florida Department of Law Enforcement (FDLE) Office of Executive Investigations (OEI) received information from the Fourth Judicial Circuit Office of the State Attorney pertaining to allegations of official misconduct by Clay County Sheriff, Darryl Daniels. Per the allegations, Sheriff Daniels used his elected position as Sheriff to improperly cause the arrest for stalking of Cierra Smith, with whom he was having an intimate personal relationship / affair.

During the course of the investigation, OEI Inspectors developed information that Sheriff Daniels had utilized the Florida Criminal Information Center (FCIC) and National Crime Information Center (NCIC) databases for personal, non-law enforcement related purposes.

Pursuant to the investigation, OEI Inspectors conducted and reviewed queries of various law enforcement sensitive databases and conducted multiple interviews. As a result of the investigation, the following facts were established:

### Background

OEI Inspectors were involved in an ongoing investigation of events that occurred on May 5, 2019, where it was alleged that Sheriff Daniels committed the crime of official misconduct when he used his elected position as Sheriff to cause the arrest of Cierra Smith for stalking. Through the investigation it was established that Sheriff Daniels and Mrs. Smith were involved in an affair that began while they were both employed at the Jacksonville Sheriff's Office (JSO). Additionally, it was learned that Mrs. Smith's former spouse, [REDACTED] filed an Internal Affairs complaint with JSO (JSO IA case Number 2018-0504) against Mrs. Smith on July 20, 2018, which detailed, in part, the aforementioned affair between Sheriff Daniels and Mrs. Smith. Pursuant to the investigation, OEI Inspectors reviewed the documents pertaining to the IA complaint against Mrs. Smith. The report detailed JSO's investigation into multiple complaints against Mrs. Smith to include alleged "Sex on Duty" between her and Sheriff Daniels. Per Mrs. Smith's sworn statement to OEI Inspectors, when the aforementioned IA investigation was concluded and was to become public record, Sheriff Daniels decided to tell his wife about their affair.

During the investigation, OEI Inspectors received information that Sheriff Daniels had contacted Armeshia Johnson, Mr. [REDACTED] girlfriend. Per Ms. Johnson's sworn statement to OEI Inspectors, she was first contacted by Sheriff Daniels via a text that stated "This is Darryl. Put your big girl panties on. We need to talk." Ms. Johnson advised that Sheriff Daniels then sent her "a bunch of pictures of things that were in regards to Cierra Smith and said, 'This will be used as evidence for [REDACTED]'" Ms. Johnson relayed how she called Sheriff Daniels who told her "a bunch of stuff that I already knew about what was going on. The relationship that he had with Cierra and how [REDACTED] found out. And that, he stated Cierra was crazy, and he was coming forward now because she was threatening to tell his wife. And he didn't want that so he was giving me things to give [REDACTED] to, kind of, cover his butt in the situation." Ms. Johnson explained that initially, she did not believe the caller was Sheriff Daniels. Ms. Johnson stated that Sheriff Daniels told her he would prove it and then contacted her via Facebook. Ms. Johnson advised that Sheriff Daniels then wrote her via Facebook, saying: "'Hey, sexy booty.' And, you know, I asked him what does, you know, what does sexy booty mean? And he said, 'Well, Cierra has a -- a naked picture of you.' And he described in detail the picture that I knew that Cierra had taken. And at that time, I knew it was Darryl Daniels that was -- I was talking to." Ms. Johnson advised that she did not know where Sheriff Daniels obtained her contact information, but stated: "...when Cierra would speak to [REDACTED] she would tell [REDACTED] that Darryl could get her any information that she needed." Ms. Johnson advised Mrs. Smith attacked her on February 2018 and that after that incident, she blocked Sheriff Daniels on Facebook. Per Mrs. Johnson, on February 20, 2018, after Sheriff Daniels found out that she blocked him on Facebook, he sent her a message on her Instagram account advising her that she should not believe Mrs. Smith and to be careful with Mr. [REDACTED]

Additionally, OEI Inspectors conducted a sworn recorded interview of Sheriff Darryl Daniels pursuant to the ongoing investigation into allegations of official misconduct. Sheriff Daniels advised that he obtained Ms. Johnson's telephone number from either Mrs. Smith or via open sources on the internet. Sheriff Daniels advised that he contacted Ms. Johnson "to get information to [REDACTED] to provide him with information about Cierra because, you know, he's, I'm not gonna paint a pincher, paint a picture of [REDACTED] as if he's a bad guy. I mean, he's made some mistakes, but overall I think the guy's a nice guy. And I wanted to let him know, look, you, you're not dealing with the prom queen over here or some angel over here. There's a lot of things going on behind your back that he thought I was the villain. Like, yeah, I'm not really the villain that you paint me out to be. There's a lot, lot more going on that you need to know of."

After the aforementioned Sheriff Daniels' interview, OEI Inspectors obtained Transaction Archive Reports that detailed Mrs. Johnson was queried in law enforcement sensitive databases during the time period in which she was attacked by Mrs. Smith.

### **Transaction Archive Reports (TAR)**

A TAR is a record of all transaction queries (a record that includes the type of query performed, the person making the query and any notes related to the query) made through the Florida Crime Information Center (FCIC) and the National Crime Information System (NCIC) regarding, in this incident, a person. FCIC is a secured system that serves as the State of Florida's primary law enforcement/criminal justice information exchange that provides agencies with access to Federal, State, and local criminal justice information. In order to obtain access to NCIC/FCIC, law enforcement agencies and users (to include CCSO) must sign agreements that confirm they will abide by the rules, policies, and procedures governing the use of the system. The user agreements outline the authorized uses of the system and the data contained within. It should be noted that per the user agreements, authorized personnel may not conduct record inquiries without a specific law enforcement related purpose. Furthermore, it is prohibited to conduct record inquiries on family, friends, or one's self. Such misuse is subject to sanctions against the agency and the state, as well as civil and/or criminal penalties to the person misusing the system.

Based on the information developed during the FDLE investigation, OEI Inspectors requested TARs pertaining to multiple individuals referenced during the investigation. Per the reviewed TAR records, OEI Inspectors ascertained that Ms. Johnson was queried on several instances on February 6, 2018, between 11:38 hours and 11:50 hours, by CCSO member Connie Martin. According to the TAR, "Sgt. Kelley" was named in the "ATN" field of several transactions.

### **Interviews of CCSO Members**

#### **CCSO Crime Intelligence Analyst (CIA) Connie Martin:**

OEI Inspectors conducted a sworn recorded interview of CIA Connie Martin pursuant to this investigation. CIA Martin stated that she had no independent recollection of why she ran Ms. Johnson on NCIC/FCIC, but advised that if Sgt. Kelley's name was detailed in the attention field, she must have queried Ms. Johnson at his request.

After the interview, CIA Martin contacted OEI Inspectors and advised that she spoke with Sgt. Kelley about the query and he had informed her that Sheriff Daniels had asked for a dossier on Ms. Johnson.

CCSO Crime Intelligence Unit Supervisor Sgt. Con Kelley:

OEI Inspectors conducted a sworn recorded interview of Sgt. Con Kelley pursuant to this investigation. Sgt. Kelley advised that after speaking with CIA Martin regarding the Ms. Johnson NCIC/FCIC query, he searched through his records and located an email regarding Ms. Johnson, which he sent to Sheriff Daniels and copied to CCSO Chief Wayne McKinney on February 6, 2018, at 12:12 hours. Sgt. Kelley provided a copy of the aforementioned email and an attached document to OEI Inspectors. The email stated the following message from Sgt. Kelley: "Please advise if you require anything further." The document attached to the email was titled "Armeshia Brenae Johnson.docx." The document provided Sheriff Daniels with Ms. Johnson's Dallas, Texas address, her Texas driver's license number, her date of birth, social security number and biological descriptors for her race, sex, height, weight, and hair and eye color. The document also detailed a vehicle year, make, model, color, tag number and the vehicle's identification number (VIN) to the Sheriff. A line of the documented advised Sheriff Daniels: "Historical data reveals Ms. Johnson associated with a cellular phone number of (334) 549-7776." The email concluded with a paragraph detailing what appeared to be Ms. Johnson's criminal histories in Georgia and Florida, as well as a reference to records pertaining to her behavioral history during her attendance at Florida Agriculture and Mechanical University in Tallahassee, FL.

Pertaining to the reason for Ms. Johnson's background query, Sgt. Kelley responded: "Generally, we would get either -- it would come through the chain of command. Uh, so either Lieutenant Johnson or, in this case, because I -- I CC'd Chief McKinney, uh, it would have come probably directly from the -- from Chief McKinney himself. And they would say something along the lines of, you know, 'The Sheriff would like for you to look into this person, or -- or would, you know, wants to see what you can find out about this particular person.' And so -- and then I would start looking, and in this case I apparently, uh, walked to Connie Martin's office and asked her if -- if she could assist with this request. And that's how she came to be involved." Sgt. Kelley stated he did not recall that Chief McKinney advised him why Sheriff Daniels wanted Ms. Johnson information.

Sgt. Kelley advised that while searching his records, he also located an email pertaining to [REDACTED] (Mrs. Smith's estranged husband and Ms. Johnson's paramour), which he sent to Sheriff Daniels on February 3, 2018, at 21:08 hours. Sgt. Kelley provided a copy of the aforementioned email to OEI Inspectors. Sgt. Kelley advised the email was predicated by a telephone call from Chief McKinney, who told him "The Sheriff wanted everything we could find out about this subject" ([REDACTED]). The body of the email contained what appeared to be [REDACTED] address, his Florida driver's license number and his social security number. The email also reported a vehicle year, make, model, color, tag number and VIN. The last paragraph of the email read: "I did not find anything in RMS for the subject or his vehicle. Other records (sic) searches available to me at this time also did not produce anything other than a few older traffic violations. Please advise if you need any additional information. Thank you." It should be noted that RMS stands for records management system and was in reference to CCSO's internal records of local law enforcement involvements.

Pertaining to the aforementioned backgrounds of Ms. Johnson and [REDACTED] Sgt. Kelley advised that in compiling the information for Sheriff Daniels he, or the analysts under his supervision, would have queried such

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law enforcement databases as (LInX Law Enforcement Information Exchange), Accurint, eAgent (which houses the NCIC/FCIC access portal), DAVID (Driver and Vehicle Information Database), ELVIS (Electronic License and Vehicle Information System), as well as open sources like Facebook, Instagram, Snapchat, or other such social media platforms.

OEI Inspectors subsequently requested that the CCSO Information Technology run a query of Ms. Johnson and [REDACTED] in all CCSO databases to locate records that detailed if either of them was ever contacted by any member of CCSO or if there was a record of any investigative nexus that would necessitate the queries requested by Sheriff Daniels. Per the query results, there was no documentation in CCSO's RMS pertaining to Ms. Johnson. Furthermore, the only reference to [REDACTED] was related to the aforementioned searches made by Sgt. Kelley at Sheriff Daniels' request.

#### CCSO Chief Wayne McKinney:

OEI Inspectors conducted a sworn recorded interview of CCSO Chief Wayne McKinney pursuant to this investigation. Chief McKinney relayed that he remembered calling Sgt. Kelley regarding [REDACTED] Jr. According to the Chief, Sheriff Daniels would call him and ask him to have a "workup" or a "background" done on a person. Chief McKinney advised that "something like this occurred occasionally from time to time".

#### CCSO Sheriff Darryl Daniels:

On June 15, 2020 OEI Inspectors conducted a second sworn recorded statement with Sheriff Daniels pursuant to this investigation. Sheriff Daniels relayed that he had completed the training from the Criminal Justice Information Services (CJIS) and understood that the state and CCSO information systems (NCIC/FCIC, CCSO Records, Management System) were not for personal use. Sheriff Daniels advised that he did not have access the aforementioned systems. OEI Inspectors asked Sheriff Daniels if he had ever for personal reasons used, or requested a CCSO member to use, any state or CCSO system to search for information on any individual to include Armeshia Johnson or [REDACTED] Sheriff Daniels replied that: "We can go, you can throw twenty or thirty names out there, I have not.... The answer to those questions is that no, I have not" ... "I have not personally or ordered or requested or caused anybody else to run names on my behalf or for somebody else."

#### Florida State Statute 815.06

Pursuant to this investigation, OEI Inspectors and FDLE Office of General Counsel (OGC) researched the applicable State of Florida criminal statutes pertaining to the allegations that Sheriff Daniels caused a member of CCSO to misuse the NCIC/FCIC system for his personal purposes. OEI Inspectors and OGC identified Florida State Statute 815.06 - Offenses against users of computers, computer systems, computer networks, and electronic devices. This statute stated in part:

- As used in this section, the term "user" means a person with the authority to operate or maintain a computer, computer system, computer network, or electronic device (i.e. Sheriff Daniels, Sgt. Kelley, and CIA Martin.)

- A person commits an offense against users of computers, computer systems, computer networks, or electronic devices if he or she willfully, knowingly, and without authorization or exceeding authorization accesses or causes to be accessed any computer, computer system, computer network, or electronic device with knowledge that such access is unauthorized or the manner of use exceeds authorization.

It should be noted that the computer system eAgent was accessed in order to obtain the information contained in the emails forwarded to Sheriff Daniels by Sgt. Kelley. Furthermore, per the user agreement signed by members of CCSO in order to have access to eAgent, the use of the system for personal, non – law enforcement related purposes constituted a manner of use which exceeded authorization.

- The violation of the statute in the aforementioned manner constituted a felony of the third degree.

Upon further research, it was ascertained that Florida State Statute 815.06 was amended on October 1, 2019. Prior to this date, the language “...the manner of use exceeds authorization”, did not constitute part of the statute; thus, use of the eAgent computer system in that manner was not a criminal violation under Florida state law. It should be noted that the requests made by Sheriff Daniels for the information of Ms. Johnson and [REDACTED] occurred during February, 2018, before the language of Florida State Statute 815.06 was amended and adopted to its current version.

## SECTION II

## INVESTIGATIVE FINDINGS

The following findings are based on the evidence, documentation, and information obtained during OEI’s investigation:

- Per Mrs. Smith’s and Sheriff Daniels’ previous sworn statements, they were involved in an affair which began while they were both employed by the Jacksonville Sheriff’s Office.
- Per JSO records, on July 20, 2018, Mrs. Smith’s estranged husband, [REDACTED] filed a complaint with JSO Internal Affairs about the affair.
- Per Armeshia Johnson’s and Sheriff Daniels sworn statements, Sheriff Daniels contacted Ms. Johnson, [REDACTED] paramour.
- Per Ms. Johnson’s statement Mrs. Smith attacked her in February 2018.
- Per Ms. Johnson’s statement: “...when Cierra would speak to [REDACTED] she would tell [REDACTED] that Darryl could get her any information that she needed.”

- Per Chief McKinney's and Sgt. Kelley's statements, on February 3, 2018, Sheriff Daniels requested that CCSO law enforcement conduct a background on Ms. Johnson.
- Based on Sheriff Daniels' request, CIA Martin used the NCIC/FCIC system to query information on Ms. Johnson.
- Per Sheriff Daniels' sworn statement, he denied using state or CCSO resources to obtain information on Ms. Johnson.
- Per CCSO IT, no records were recovered from any CCSO system that substantiated the need to query Ms. Johnson using NCIC/FCIC for a legitimate CCSO law enforcement related purpose.
- Per Sgt. Kelley's statements, on February 6, 2018, Sheriff Daniels requested that CCSO law enforcement conduct a background on [REDACTED]
- Based on Sheriff Daniels' request, Sgt. Kelley used the NCIC/FCIC system to query information on [REDACTED]
- Per Sheriff Daniels' sworn statement, he denied using state or CCSO resources to obtain information on [REDACTED]
- Per CCSO IT, no records were recovered from any CCSO system that substantiated the need to query [REDACTED] using NCIC/FCIC for a legitimate CCSO law enforcement related purpose.
- Per OEI Inspector's research, during February 2018, Florida State Statute 815.06 did not contain the language that criminalized the act of causing the use of a computer system (i.e. eAgent) in a manner that exceeded authorization.

Based on the information and records reviewed during this investigation, it was determined that on February 3, 2018, and February 6, 2018, Sheriff Darryl Daniels willfully and knowingly caused members of CCSO to access the eAgent computer system and obtain information through NCIC/FCIC of Ms. Johnson and [REDACTED] for his personal use and in a manner that exceeded authorization. Furthermore, it was determined that Sheriff Daniels' actions did not substantiate a violation of Florida State Statute 815.06 as it was written / defined during the time that his actions occurred.



On October 10, 2019, Sheriff Darryl Daniels, while under oath, knowingly provided false information to FDLE Inspector Keith Riddick and Special Agent Supervisor Luis Negrete, both law enforcement officers; to wit he denied having used CCSO law enforcement resources or official databases to obtain information on Ms. Johnson.

Additionally, on June 15, 2020, Sheriff Darryl Daniels, while under oath, knowingly provided false information to FDLE Inspector Keith Riddick and Special Agent Supervisor Luis Negrete, both law enforcement officers; to wit he denied having caused a CCSO member to use state or CCSO law enforcement resources to obtain information on Ms. Johnson and [REDACTED]

### SECTION III

### STATE ATTORNEY

A copy of this document, all related Investigative Reports and corresponding documents were provided to the State Attorney's Office in and for the Fourth Judicial Circuit for their review and prosecutorial determination.

### SECTION III

### NOTARIZATIONS

I swear the foregoing is true and correct

SWORN to and SUBSCRIBED

This 12 day of August, 2020



Inspector Keith B. Riddick  
Florida Department of Law Enforcement  
Office of Executive Investigations  
2331 Phillips Road  
Tallahassee, FL 32308



(Notary Public or LEO)



**FDLE**

PUBLIC CORRUPTION UNIT

**OFFICE OF EXECUTIVE INVESTIGATIONS  
INVESTIGATIVE SUMMARY**

<b>CASE NUMBER:</b>	<b>EI-14-0165</b>	<b>DATE:</b> June 22, 2020
<b>CASE AGENT:</b>	Inspector Keith B. Riddick	
<b>SUBJECT(s):</b>	Darryl R. Daniels, Sheriff of Clay County Florida	
<b>INCIDENT DATE(S):</b>	June 4, 2019 and June 15, 2020	
<b>INCIDENT LOCATION(s):</b>	Clay County, Fourth Judicial Circuit	
<b>ALLEGATION(S) / CHARGE(S):</b>	§838.022, Official Misconduct, a third degree felony §918.13, Tampering with Physical Evidence, a third degree felony §837.05 False Reports to Law Enforcement Authorities, a First Degree Misdemeanor	

**INVESTIGATIVE PREDICATE:**

The Florida Department of Law Enforcement (FDLE) Office of Executive Investigations (OEI) received information from the 4<sup>th</sup> Judicial Circuit Office of the State Attorney, pertaining to allegations of official misconduct by Clay County Sheriff, Darryl Daniels. Per the allegations, Sheriff Daniels used his elected position as Sheriff to improperly cause the arrest for stalking of Cierra Smith, with whom he was having an intimate personal relationship / affair.

During the course of the investigation, OEI Inspectors received information that Sheriff Daniels had allegedly attempted to have his agency issued cellphone's content erased (wiped), thereby destroying any evidence contained within it relating to FDLE's ongoing investigation.

Pursuant to the investigation, OEI conducted multiple interviews, reviewed phone records, and conducted forensic examinations of Sheriff Daniels' CCSO issued cell phone. As a result of the investigation, the following facts were established:

**Background:**

Per CCSO Incident #2019-011418 records, on May 6, 2019, Clay County Sheriff Darryl Daniels was driving to his home in Orange Park, Florida, when his paramour of approximately six years, Cierra Smith, began following him in her vehicle. Sheriff Daniels, who later stated he feared for his safety, contacted CCSO and requested assistance regarding a "suspicious person". Per CCSO Incident #2019-011418 records, based on Sheriff Daniels' statements during the initial incident investigation and his request to pursue charges against Mrs. Smith for stalking, Mrs. Smith was arrested.

Per CCSO Incident #2019-011418 records, on May 7, 2019, the incident investigation was turned over to a CCSO Detective for further investigation. The following day (May 8, 2019), Sheriff Daniels advised that he no longer wanted to pursue charges against Mrs. Smith, and the CCSO investigation into CCSO Incident #2019-011418 was concluded. On May, 2019, based on concerns held by members of the Fourth Judicial Circuit Office of the State Attorney about the manner in which the incident was handled, FDLE began an inquiry into the allegations that Sheriff Daniels committed the crime of official misconduct by using his elected position as Sheriff to cause the unwarranted arrest of Cierra Smith for stalking.

During FDLE's investigation, OEI Inspectors conducted various interviews pertaining to CCSO Incident #2019-011418, specifically, Mrs. Smith, ██████████ Sheriff Daniels, and CCSO Undersheriff Walden. Based on these interviews the following facts were established:

- Sheriff Daniels divulged his intimate personal relationship / affair with Mrs. Smith to his wife, ██████████. The aforementioned JSO IA was concluded and was subject to public records laws. Per Mrs. Smith's statement, the pending public release of the JSO IA investigation was what prompted Sheriff Daniels to divulge the affair to ██████████.
- Per Sheriff Daniels' statement, just prior to divulging his affair to ██████████ he deleted the information/communication between him and Mrs. Smith from his personal cellphone because "...I think the intent would be if -- if I got a track record of or a trail of information that is not gonna be shining favorable light on me, uh, just delete it."
- OEI Inspectors received a letter from ██████████ advising that Ms. Smith "...has also performed acts of extortion to Darryl Daniels as well as the following individuals." ██████████ mentioned multiple individuals, to include Florida Highway Patrol "officer" Ahkem Jordan, and Terrell Washington, a US Navy Chief, as having been extorted by Mrs. Smith.

- Per phone records, on May 6, 2019, at 20:32 hours, Sheriff Daniels contacted Undersheriff Walden via cellphone (approximately one hour after Mrs. Smith was arrested for stalking.) Per Undersheriff Walden's statement, during the aforementioned phone call, Sheriff Daniels advised him that he was recusing himself from anything to do with the investigation and requested Undersheriff Walden "to have oversight of that and just make sure everything's above board and we're doing what we're supposed to be doing."

As part of the investigation into official misconduct, OEI Inspectors worked to establish and corroborate the extent of the relationship between Sheriff Daniels and Mrs. Smith. This involved looking into financials such as "Cash App", a cash transfer application (which both Sheriff Daniels and Mrs. Smith stated they used for the exchange of funds during the time of their affair), searching and reviewing the communication between them, delving into the allegations that Sheriff Daniels had attempted to sever the relationship with Mrs. Smith by providing her ex-husband with information of other affairs, and information pertaining to the JSO IA investigation into multiple complaints against Mrs. Smith to include alleged "Sex on Duty" between her and Sheriff Daniels. During the course of the investigation, OEI Inspectors were advised that, after the FDLE investigation into Sheriff Daniels' actions commenced, Sheriff Daniels requested a replacement for his CCSO issued cellphone and that he ordered for the data in the old cellphone to be erased. Based on the information, OEI Inspectors interviewed various members of CCSO's information technology (IT) unit.

### **CCSO Personnel Interviews**

OEI Inspectors conducted sworn recorded interviews of the following CCSO personnel identified as being part of the CCSO IT unit:

#### **IT Systems Manager Stacy Wase:**

OEI Inspectors conducted a sworn recorded interview of CCSO IT Systems Manager Stacy Wase pursuant to this investigation. Mrs. Wase advised: "...Sheriff Daniels did come to Dominic and have him swap out his phone and asked him to wipe the other phone." Mrs. Wase stated that at the time the Sheriff brought the phone to Mr. Antonello, he (Mr. Antonello) was the IT Manager; therefore, CCSO's phone program was under his supervision. Mrs. Wase confirmed that the phone in question was issued to Sheriff Daniels by CCSO. Mrs. Wase relayed that it was standard procedure to wipe a cell phone when it is turned back in to the CCSO IT.

Mrs. Wase explained that she found out about the incident with Sheriff Daniels and his agency cell phone during a conversation with Mr. Antonello. Mrs. Wase stated: "Dominic called me in his office. We were talking about other stuff, and he did have the phone sitting on his desk with a pin number on top of it. And he explained to me what happened. And he felt uneasy about the situation, as I would, and he just felt it wasn't right. So he didn't - he kept the phone. The phone has not been wiped to my knowledge. And it is, to my knowledge, unless he gave it somebody else, is in the safe in his office." Mrs. Wase also advised that Mr. Antonello did not tell her anything about why the Sheriff wanted the phone wiped. Mrs. Wase also advised that CCSO personnel do not normally switch their phones out, unless the phone is broken.

CCSO IT Applications/Development Manager Dominic Antonello:

OEI Inspectors conducted a sworn recorded interview of CCSO IT Applications/Development Manager Dominic Antonello pursuant to this investigation. According to Mr. Antonello, CCSO command staff and other members were issued smart phones based on their duties. Mr. Antonello advised that CCSO primarily issued iPhones, but some members, to include Sheriff Daniels, were issued Android devices.

Mr. Antonello advised that on June 4, 2019, at approximately 12:07 hours, he received a phone call from Sheriff Daniels, who “asked if we had any new phones to give or if he could get a new phone, um, and I told him -- 'cause I knew he had an Android at the time. And I told him that, um, if we -- if you wanted an Android, it would take me a little bit 'cause we didn't have any spare ones; but if he had an iPhone, I'd get him one today. Um, and he said to go ahead and get the iPhone ready today.” Mr. Antonello further advised “...And I want to -- I want to say there was some sort of mention about something on the phone that doesn't need to come out kind of deal, but I'm not 100 percent sure on that. Just there's something -- I can't remember the exact words either. I know there was something about -- that -- that gave me that impression that he just wants to get rid of his phone and not have it anymore.” Mr. Antonello stated that he met with Sheriff Daniels later that day and exchanged his Android phone for an iPhone. It should be noted that the phone log from Mr. Antonello's CCSO issued cellphone corroborated his aforementioned statement that he received a call from Sheriff Daniels at 12:07 hours on June 4, 2019.

Mr. Antonello expounded on the comment made by Sheriff Daniels during his phone conversation to request a phone replacement “I'm trying to think of the words he used. It's not that. Like I said, it was something that had to do with ‘there's stuff on this phone that doesn't need to see light’ or something, that -- to that extent. It was something on -- ‘I need a new -- I need a new phone. There's something on here that doesn't need to see light’ kind of thing. I mean, at the time I assumed there were text messages or something or, um, you know, some sort of app or something that was used to communicate with the girlfriend. That's what I assumed.”

Mr. Antonello stated that the only thing backed up from their issued phones to the CCSO servers are contacts, calendars and emails that go through the agency's email server. Mr. Antonello explained that he made a forensic examination of the phone so that he could get Sheriff Daniels' calendar entries in order to fulfill a public records request relative to this investigation. Mr. Antonello further advised that the CCSO members' issued cellphones had the capability to download and delete any application from the phones. Mr. Antonello released the phone (in the same condition as he received it from Sheriff Daniels) and a thumb drive containing the forensic examination results to OEI Inspectors.

CCSO Chief Wayne McKinney:

OEI Inspectors conducted a sworn recorded interview of CCSO Chief Wayne McKinney pursuant to this investigation. Per Chief McKinney, he was Mr. Antonello's supervisor at the time Sheriff Daniels turned his phone in. Chief McKinney advised that Mr. Antonello expressed concern about erasing the phone as indicated by the Sheriff. Per Chief McKinney, he told Mr. Antonello “to lock the phone away, it may be evidence at this point, and I don't want any -- I don't want to give it back to the company, or -- 'cause we do an exchange program with the phones. I said, ‘Just hold onto it, lock it away and keep it secure until such a time when we're sure the

investigation's over and there's no -- it's not considered a piece of evidence anymore". Chief McKinney advised that he did not remember Mr. Antoniello relaying to him Sheriff Daniels' comment about there being something on the phone "that didn't need to see the light of day." Chief McKinney stated: "I just remember there was nothing wrong with that -- specifically with the phone and it was kind of concerning why he would just all of a sudden wanna swap it out because of the investigation and it was a concern all the way around."

#### **Forensic Examination of Sheriff Daniels' CCSO Issued Cell Phone:**

Pursuant to this investigation, OEI Inspectors obtained a search warrant for the content within Sheriff Daniels' CCSO issued phone. A review of the forensic examinations performed on the phone revealed that items, to include call logs, text messages, images, and internet searches, were deleted from the phone prior to Sheriff Daniels exchanging it for a new one; the examination also showed that the phone had, at one time, a "Secure Digital (SD)" card in the phone that was no longer there. The forensic examinations of the phone were able to locate the following items of interest:

#### **System Applications/Communications Material:**

- A "Call Log" detailing that all 112 calls listed were deleted. As part of his position, Sheriff Daniels was issued the phone shortly after he took office in January of 2017. One of the deleted call entries dated March 17, 2017; the remaining 111 calls covered a time span from 4:47 PM on May 13, 2019, through 2:47 PM on June 4, 2019 (after the incident being investigated by FDLE into the allegations that Sheriff Daniels used his position to cause the undo arrest of Mrs. Smith for stalking.) It should be noted that one of the deleted phone call records was determined to be the aforementioned call from Sheriff Daniels to Mr. Antoniello on June 4, 2019, at 12:07 hours.
- There were 78 Short Message Service (SMS) messages were deleted (SMS is the most widely used text messaging format.) It should be noted that one of the deleted messages was determined to be a Multimedia Messaging Service (MMS) message (text) sent from Sheriff Daniels' cellphone on June 4, 2019, at 15:59 hours to [REDACTED]. The text read "IT is in my office switching my phone. I'll be dropping off grid in a few then I'll install the app to the new phone." It should be noted that this MMS corroborated Mr. Antoniello's statements regarding Sheriff Daniels contacting him to replace his CCSO issued cellphone.
- The forensic examinations also determined that additional images and voicemail messages were at one time stored in a secured digital (SD) card within the cellphone. OEI Inspectors were not able to review these images and voicemails due to the SD card being extracted from the phone before Sheriff Daniels provided the phone to Mr. Antoniello to be erased.
- A "Chat Log" listing only two "Kik Messenger" (sic) chats - both had been deleted. Kik Messenger is a widely used encrypted messaging service.
- The application "Snapchat". There were no chats available on the cellphone. It should be noted that per Mrs. Smith and Sheriff Daniels, they used "Snapchat" to communicate during their affair.

- Six deleted phone applications of unknown name or type.

#### Identified Images:

- An image was identified of a news article that detailed a recorded communication between Sheriff Daniels and [REDACTED] regarding his affairs with Mrs. Smith. OEI Inspectors determined that the image was from an article written by First Coast News and published on May 14, 2019. The article detailed that FDLE was reviewing the incident in which “Daniels called his own agency to report Smith was stalking him.” It should be noted that the First Coast News article was an update of a previous article from the same date. The initial article detailed that FDLE was “...reviewing the information involving the Clay County Sheriff to determine whether or not these allegations are criminal in nature.” Furthermore, the article detailed that per FDLE, “...a review can include investigative steps, like preliminary interviews and the gathering of documents.” Both articles indicated that per a CCSO spokesperson “...the sheriff may comment on this ‘personal matter’ on Friday.” Additionally, another news article published on May 16, 2019, by News 4 Jax, indicated that Sheriff Daniels was advised of FDLE reviewing his actions of the May 6, 2019 incident.
- An image was identified which contained the name Ahkem Jordan, one of the individuals identified by [REDACTED] as allegedly having been extorted by Mrs. Smith. The image appeared to be a screenshot of a social media profile photo.
- An image was identified which contained the name Troy Terrell Washington, one of the individuals identified by [REDACTED] as allegedly having been extorted by Mrs. Smith. The image appeared to be a screenshot of a social media profile photo.
- An image was identified which referred to the application “Cash App”. Per Mrs. Smith’s sworn statement, Sheriff Daniels used “Cash App” to transfer \$30,700 from his bank account to Mrs. Smith.
- An image was identified which referenced the Gmail email address [REDACTED]. Per Sheriff Daniels and Mrs. Smith’s texting history, Sheriff Daniels provided Mrs. Smith this email address, so that she could email him documents regarding the aforementioned JSO IA investigation.
- A screen capture of a message posted on the Facebook page “Saving Clay County Sheriff’s Office.” The message contains negative information pertaining to Mrs. Smith and Sheriff Daniels.
- Images of screen captures of texts between Sheriff Daniels and [REDACTED] pertaining to his affair with Mrs. Smith.
- An image from a Twitter post of a message from Sheriff Daniels which stated: “I want to take the time to acknowledge a series of personal incidents. I have, in the past, made decisions in my personal life that I truly regret. I sincerely apologize for the embarrassment my past personal decisions have caused.”

#### Searched Items Located:

- The email address [REDACTED] was identified in the forensic analysis of the cellphone. This email address belonged to Mrs. Cierra Lewis Smith.
- The internet search “how to retrieve deleted messages” was identified in the search history of the cellphone’s internet application. The search was conducted on May 5, 2019, at 23:15 hours. It should be noted that the search occurred after the date that Sheriff Daniels divulged his affair with Mrs. Smith to his wife.
- The internet search “aggravated stalking” was identified in the search history of the cellphone’s internet application. The internet search was conducted on May 6, 2019, at 19:15 hours. It should be noted that per CCSO records, the aforementioned internet search occurred at the same time that Sheriff Daniels left the scene of the incident in which it was alleged that he used his position to cause the unwarranted arrest of Mrs. Smith for stalking.
- The internet search “how to create a new Gmail account” was identified in the search history of the cellphone’s internet application. The internet search was conducted on May 6, 2019, at 20:53 hours. It should be noted that the internet search occurred approximately 21 minutes after Sheriff Daniels contacted Undersheriff Walden and it was established that Undersheriff Walden would oversee the investigation pertaining to CCSO Incident #2019-011418.
- The internet search “deletes gmail account” was identified in the search history of the cellphone’s internet application. The search was conducted on May 6, 2019, at 22:33 hours.
- The name “Cierra Smith” was identified as having been queried in the “MyLife.com” website. The search was conducted on May 20, 2019. Per the “Mylife.com” website, their service is used to search for individuals’ on-line “reputation” profiles which could include: “Criminal and Civil Court Records, lawsuits, liens, judgements, income, property records, social media, work & education history, photos, personal reviews, and complete contact details.” It should be noted that the aforementioned search occurred after FDLE began the investigation into the allegations that Sheriff Daniels used his position to cause the unwarranted arrest of Mrs. Smith for stalking.
- The name “Cierra Smith” was identified as having been queried in the “Truthfinder.com” website. The search was conducted on May 22, 2019. Per the “Truthfinder.com” website, their service is used for public records/people searches which could include: “public records, and discover basic information about a person, like a location, age, and possible associates.” It should be noted that the aforementioned search occurred after FDLE began the investigation into the allegations that Sheriff Daniels used his position to cause the unwarranted arrest of Mrs. Smith for stalking.



#### Additional items:

- The forensic analysis of the cellphone identified multiple images which appeared to be from various Sheriff's Office functions, screen captures of texts relating to CCSO matters, and multiple images/internet searches for "Gentlemen clubs" were also identified from the forensic examinations.
- The forensic analysis of the cellphone identified an image referencing the Gmail email address [REDACTED]
- The forensic analysis of the cellphone identified an image referencing the Gmail email address [REDACTED]

#### Email Accounts:

Pursuant to this investigation OEI Inspectors obtained a search warrant for the Gmail accounts [REDACTED] and [REDACTED]. A review of the records provided by Google detailed the following information:

- [REDACTED]
- The account was created on August 14, 2009, at approximately 15:39 hours.
  - The subscriber name for the account was not listed.
  - The account's status was "deleted".
  - The account's "end of service date" was May 6, 2019, at approximately 10:41 hours. It should be noted that the account was deleted approximately 8 minutes after Sheriff Daniels searched "deletes gmail account" on his CCSO issued cellphone.
  - The records did not contain any information pertaining to any communication or images.

- [REDACTED]
- The account was created on May 6, 2019, at approximately 8:58 hours.
  - The subscriber name for the account was listed as "Danny Parker".
  - The account's status was "Enabled".
  - The recovery email was listed as "Ddaniels@claysheriff.com".

- The Short Message Service (SMS) number attached to the [REDACTED] account was listed as 19047182055, the telephone number previously identified as assigned to Sheriff Daniels' agency issued cellular telephone.
- The records did not contain any information pertaining to any communication or images.
- The account was linked to a Samsung Model SM-GV930V cellphone identified as the same make and model cellphone Sheriff Daniels requested to have replaced.
- The Samsung Model SM-GV930V cellphone's first activity pertaining to the [REDACTED] account occurred on May 6, 2019, at approximately 8:58 hours.
- The Samsung Model SM-GV930V cellphone's last activity pertaining to the [REDACTED] account occurred on June 4, 2019, at approximately 15:58 hours. It should be noted that this was the same date that Sheriff Daniels requested Mr. Antoniello to replace the phone and have it wiped.
- The account was linked to an Apple iPhone Model 9 cellphone identified as the same make and model cellphone Sheriff Daniels received as a replacement for the aforementioned Samsung cellphone.
- The Apple iPhone Model 9 cellphone's first activity pertaining to the [REDACTED] account occurred on June 4, 2019, at approximately 10:14 hours. It should be noted that this was the same date that Sheriff Daniels was issued the phone.

### **Interview of Sheriff Daniels**

OEI Inspectors conducted a sworn recorded statement of Sheriff Daniels pursuant to this investigation. Pertaining to the replacement of his CCSO issued cellphone, Sheriff Daniels advised that he turned in the phone "to be replaced" because "it was running slow I guess, there was nothing to wipe off of it." Sheriff Daniels relayed that in order to have his phone replaced, "... if I'm going to get a new phone, I will give that phone to Denise Flak, my assistant, she then gives it to IT to do with it whatever they're going to do with it. They give her the new phone. She gives me the new phone." When asked if he provided the phone to Mrs. Flak for replacement, Sheriff Daniels relayed that "I would say probably did, but she would know."

Pertaining to Mr. Antoniello's aforementioned statement that Sheriff Daniels relayed to him that something in his cellphone "did not need to see the light of day", Sheriff Daniels replied "They would be untruthful. I'm trying to be nice, they would be lying." Furthermore, pertaining to Sheriff Daniels providing the phone directly to the CCSO IT unit for replacement, he advised that "...I wouldn't have given it directly to IT because I just don't interact with them like that." It should be noted that per Mr. Antoniello's phone logs and statement, Sheriff Daniels contacted him directly via phone on June 10, 2019, at 12:07 hours, in order to have his CCSO issued cellphone replaced. It should also be noted that per the cellphone's forensic examination records, deleted text messages were identified, to include the aforementioned MMS message sent from Sheriff Daniels' cellphone on

June 4, 2019, at 15:59 hours to [REDACTED] which read "IT is in my office switching my phone. I'll be dropping off grid in a few then I'll install the app to the new phone."

Sheriff Daniels advised that he used his CCSO issued cell phone to contact "...some folks around here because I never really migrated to that phone." Sheriff Daniels stated he did not use his CCSO issued cellphone for any personal reason. When asked pertaining to the applications available on his CCSO issued cellphone, particularly "KIK Messenger" and "Snapchat", Sheriff Daniels relayed: "No. It wouldn't, well, it shouldn't have even been downloaded if it were on there. It wouldn't have been me putting it on there." Furthermore, Sheriff Daniels denied having the application "Cash App" installed on his CCSO issued cellphone, adding: "No. My county phone would have had nothing on it. Other than what came on there when I got it." Sheriff Daniels denied deleting information from his CCSO issued cellphone prior to requesting a replacement and added that "I don't even know how to reset a phone, so no."

### **Interview of Denise Flak**

OEI Inspectors conducted a sworn recorded statement of Denise Flak, pursuant to this investigation. Mrs. Flak advised that she held the position of Administrative Assistant to CCSO Sheriff Darryl Daniels. Pertaining to her recollection of Sheriff Daniels replacing his CCSO issued cellphone, Mrs. Flak replied "I don't remember doing anything with a phone, if anybody would have IT may have. But I don't do anything with his phones. We usually send everybody to take care of their own phone because of passwords and all." Furthermore, Mrs. Flak advised that she did not provide Sheriff Daniels' CCSO issued phone to the CCSO IT unit.

## **SECTION II**

### **INVESTIGATIVE FINDINGS**

The following findings are based on the evidence, documentation, and information obtained during OEI's investigation:

- Per CCSO Incident #2019-011418 records, on May 6, 2019, Sheriff Daniels was involved in an incident, which resulted in the arrest of Mrs. Smith.
- On May 20, 2019, FDLE OEI was requested to investigate allegations that Sheriff Daniels committed the crime of official misconduct by using his elected position as Sheriff to cause the unwarranted arrest for stalking of Mrs. Smith.
- Per Sheriff Daniels' and Mrs. Smith's statements, they were involved in an affair that began while they were employed at JSO.
- Per Sheriff Daniels' and Mrs. Smith's statements, their affair involved the exchange of interactions using their phones to include phone calls, texts, and money transfers (using "Cash App").
- Per JSO IA records, there was an ongoing investigation against Mrs. Smith into allegations that alleged "Sex on Duty" between her and Sheriff Daniels.

- Per Sheriff Daniels' and Mrs. Smith's texting history, she and Sheriff Daniels exchanged information pertaining to her JSO IA investigation through the email [REDACTED]
- Per Mrs. Smith's sworn statement, the conclusion of the JSO IA was the catalyst for Sheriff Daniels divulging their affair to [REDACTED]
- Per Sheriff Daniels' sworn statement, before divulging his affair with Mrs. Smith to [REDACTED] he deleted from his personal cellphone the information/communications between him and Mrs. Smith.
- Per [REDACTED] letter, Mrs. Smith "extorted" individuals to include Florida Highway Patrol "officer" Ahkem Jordan and US Navy Chief Terrell Washington.
- Per news reports dated May 14, 2019 and May 16, 2019, Sheriff Daniels was aware that the incident detailed in CCSO Incident #2019-011418 was forwarded to FDLE for an investigation into his actions.
- Part of FDLE's investigation pertained to corroborating the affair between Sheriff Daniels and Mrs. Smith to include financials such as "Cash App", a cash transfer application (which both Sheriff Daniels and Mrs. Smith stated they used for the exchange of funds during the time of their affair), searching and reviewing the communication between them, delving into the allegations that Sheriff Daniels had attempted to sever the relationship with Mrs. Smith by providing her ex-husband with information of other affairs, and information pertaining to the JSO IA investigation into multiple complaints against Mrs. Smith to include alleged "Sex on Duty" between her and Sheriff Daniels.
- Per Mr. Antoniello's sworn statement, CCSO members had the unrestricted ability to download any application to their issued CCSO cellphone.
- Per Mr. Antoniello's sworn statement, on June 4, 2019, Sheriff Daniels requested to exchange his CCSO issued cellphone for a new phone.
- Per Sheriff Daniels' sworn statement, he requested his CCSO issued cellphone to be replaced because "it was running slow."
- Per Mr. Antoniello's and Chief McKinney's sworn statements, the phone being exchanged by Sheriff Daniels was not damaged or in need of replacement.
- Per Mr. Antoniello's sworn statement, Sheriff Daniels requested that the exchanged cellphone's content be erased.
- Per Mrs. Wase's sworn statement, per CCSO standard procedures, cellphones are wiped when they are returned to the CCSO IT unit.

- Per Mr. Antonello's sworn statement, Sheriff Daniels advised him that the reason he was requesting a replacement cellphone was because "there's stuff on this phone that doesn't need to see light' or something, that -- to that extent."
- Per Mr. Antonello's and Chief McKinney's sworn statements, Mr. Antonello was concerned about Sheriff Daniels' request, and they decided to preserve the cellphone in the condition they received it from Sheriff Daniels. The cellphone was later provided in that condition to OEI Inspectors.
- Per Sheriff Daniels' sworn statement, he denied requesting a CCSO IT unit member (as Mr. Antonello) to replace his CCSO issued cellphone and stated that "...I wouldn't have given it directly to IT because I just don't interact with them like that."
- Per the records from Mr. Antonello's and Sheriff Daniels' CCSO issued cellphones, Sheriff Daniels placed a call to Mr. Antonello on June 4, 2019, at 12:07 hours.
- Per the cellphone's forensic examination records, the aforementioned call from Sheriff Daniels to Mr. Antonello on June 4, 2019, at 12:07 hours, was deleted from the cellphone prior to Sheriff Daniels providing it to Mr. Antonello in exchange for a new cellphone.
- Per the cellphone's forensic examination records, deleted text messages were identified, to include the aforementioned MMS message sent from Sheriff Daniels' cellphone on June 4, 2019, at 3:59:29 PM to [REDACTED] which read "IT is in my office switching my phone. I'll be dropping off grid in a few then I'll install the app to the new phone."
- Per the cellphone's forensic examination records, an image from a social media profile for Ahkem Jordan was located on the cellphone. Mr. Jordan was mentioned by [REDACTED] as having been "extorted" by Mrs. Smith.
- Per the cellphone's forensic examination records, an image from a social media profile for Troy Terrell Washington was located on the cellphone. Mr. Washington was mentioned by [REDACTED] as having been "extorted" by Mrs. Smith.
- Per Sheriff Daniels' sworn statement, he denied having the application "Cash App" installed on his CCSO issued cellphone, adding: "No. My county phone would have had nothing on it. Other than what came on there when I got it."
- Per the cellphone's forensic examination records, an image of the cellphone application "Cash App" was located on the cellphone, and the application "CashApp" was installed on the cellphone. The application "Cash App" was used by Sheriff Daniels and Mrs. Smith to exchange monies during their affair.
- Per Sheriff Daniels' sworn statement, he denied having the applications "Kik Messenger" and "Snapchat" on his CCSO issued cellphone.

- Per the cellphone's forensic examination records, the application "Snapchat" was installed on the cellphone. Per Mrs. Smith's and Sheriff Daniels' sworn statements, they used "Snapchat" to communicate during the timeframe of their affair.
- Per the cellphone's forensic examination records a "Chat Log" listing two "Kik Messenger" (sic) chats, that had been deleted, was located on the cellphone.
- Per the cellphone's forensic examination records, an image referencing the Gmail email address [REDACTED] was located on the cellphone. This email account was used by Sheriff Daniels and Mrs. Smith to exchange information pertaining to the JSO IA investigation against Mrs. Smith.
- Per the cellphone's forensic examination records, the internet search for the term "aggravated stalking" occurred on May 6, 2019, at 19:15 hours. It should be noted that per CCSO records, the aforementioned internet search occurred at the same time that Sheriff Daniels that left the scene of the incident in which it was alleged that he used his position to cause the undo arrest of Mrs. Smith for stalking.
- Per the cellphone's forensic examination records, the internet search for the term "deletes gmail account" occurred on May 6, 2019, at 22:33 hours. It should be noted that the aforementioned internet search occurred on the same date as the incident in which it was alleged that Sheriff Daniels used his position to cause the unwarranted arrest of Mrs. Smith for stalking.
- Per Google records, email account [REDACTED] was deleted on May 6, 2019, at 20:41 hours, 8 minutes after Sheriff Daniels' aforementioned internet search for the term "deletes gmail account".
- Per Google records, email account [REDACTED] was replaced in Sheriff Daniels' CCSO issued cellphone with email account [REDACTED] which was created on May 6, 2019, at approximately 8:85 hours.
- Per Sheriff Daniels sworn statement, he did not use his CCSO issued cellphone for personal reasons.
- Per the cellphone's forensic examination, the name "Cierra Smith" was identified as having been queried in the "MyLife.com" website (a public records search website.) The search was conducted on May 20, 2019, after FDLE began the investigation into the allegations that Sheriff Daniels used his position to cause the unwarranted arrest of Mrs. Smith for stalking.
- Per the cellphone's forensic examination, the name "Cierra Smith" was identified as having been queried in the "Truthfinder.com" website (a public records search website.) The search was conducted on May 20, 2019, after FDLE began the investigation into the allegations that Sheriff Daniels used his position to cause the unwarranted arrest of Mrs. Smith for stalking.

Based on the information and records reviewed during this investigation, on June 4, 2019, Clay County Sheriff Darryl Daniels, a public servant, knowingly and intentionally obstructed and delayed the communication of information relating to the FDLE investigation of official misconduct for his actions relating to CCSO Incident#

2019-011418 when he personally deleted information and ordered his subordinate (Mr. Antonello) to wipe the information/data (to include calls, messages, images, web searches, and emails) contained in his CCSO issued cellphone, which related to the aforementioned ongoing FDLE investigation.

Furthermore, it was determined that on June 4, 2019, Clay County Sheriff Darryl Daniels, knowing of the nature of the ongoing FDLE investigation into his actions related to CCSO Incident# 2019-011418, attempted to destroy and conceal relevant information/data contained in his CCSO issued cellphone (to include calls, messages, images, web searches, and installed applications); by personally deleting said information and by ordering his subordinate to wipe all information contained in the phone.

Additionally, on June 15, 2020, Sheriff Darryl Daniels, while under oath, knowingly provided false information to FDLE Inspector Keith Riddick and Special Agent Supervisor Luis Negrete, both law enforcement officers; to wit expressly denying personally requesting a member of his IT Unit to replace and wipe all information from his CCSO issued cellphone and expressly denying having "Snapchat" and "Cash App" installed on his CCSO issued cellphone.

### SECTION III

### STATE ATTORNEY

A copy of this document, all related Investigative Reports and corresponding documents were provided to the State Attorney's Office in and for the Fourth Judicial Circuit for their review and prosecutorial determination.

### SECTION III

### NOTARIZATIONS

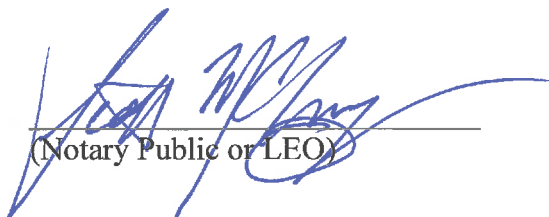
I swear the foregoing is true and correct

SWORN to and SUBSCRIBED

This 12 day of August, 2020



Inspector Keith B. Riddick  
Florida Department of Law Enforcement  
Office of Executive Investigations  
2331 Phillips Road  
Tallahassee, FL 32308



(Notary Public or LEO)



**FDLE****PUBLIC CORRUPTION UNIT****OFFICE OF EXECUTIVE INVESTIGATIONS  
INVESTIGATIVE SUMMARY**

<b>CASE NUMBER:</b>	<b>EI-14-0165</b>	<b>DATE:</b> June 22, 2020
<b>CASE AGENT:</b>	<b>Inspector Keith B. Riddick</b>	
<b>SUBJECT(s):</b>	<b>Darryl R. Daniels, Sheriff of Clay County Florida</b>	
<b>INCIDENT DATE(S):</b>	<b>May 6, 2019</b>	
<b>INCIDENT LOCATION(s):</b>	<b>Clay County, Fourth Judicial Circuit Duval County, Fourth Judicial Circuit</b>	
<b>ALLEGATION(S) / CHARGE(S):</b>	<b>§838.022 Official Misconduct, a Third Degree Felony §837.05 False Reports to Law Enforcement Authorities, a First Degree Misdemeanor §837.055 False Information to Law Enforcement During Investigation, a First Degree Misdemeanor</b>	

**INVESTIGATIVE PREDICATE:**

The Florida Department of Law Enforcement (FDLE) Office of Executive Investigations (OEI) received information from the 4<sup>th</sup> Judicial Circuit Office of the State Attorney, pertaining to allegations of official misconduct by Clay County Sheriff, Darryl Daniels. Per the allegations, Sheriff Daniels used his elected position as Sheriff to improperly cause the arrest for stalking of Cierra Smith, with whom he was having an intimate personal relationship / affair.

Pursuant to the investigation, OEI reviewed all statements and evidence related to CCSO Incident #2019-011418 (to include the incident report, Radio Transmissions and other related documents). Furthermore, OEI conducted multiple interviews, obtained bank and phone records, and conducted forensic examinations of Mrs. Smith's personal cell phone and Sheriff Daniels' CCSO issued cell phone. As a result of the investigation, the following facts were established:

**Clay County Sheriff Office Incident #2019-011418 (the incident):**

OEI Inspectors obtained and reviewed all documents related to CCSO Incident# 2019-011418. Per a review of the documents, OEI Inspectors established the following timeline of events pertaining to the incident that occurred on May 6, 2019:

- At 18:22 hours, CCSO Sheriff Daniels contacted the CCSO's Communications Division (Dispatch) via radio and requested a unit respond "reference to a 13 (suspicious vehicle) at the park, um, right there at the, uh, amenities center on Oakleaf, across from the elementary school." Subsequently, CCSO Deputy Glenn and CCSO Sgt. Ruby responded that they were en route to Sheriff Daniels' location.
- At 18:27 hours, Sheriff Daniels advised over the CCSO Radio "S77" (situation under control) and advised that he was at a new location: Oakleaf Elementary.
- At 18:31 hours, Sgt. Ruby arrived at the scene and was subsequently instructed by Sheriff Daniels over the radio "to that unit. Stop the -- the Jeep Wrangler."
- At 18:32 hours, Deputy Glenn arrived on scene. Deputy Glenn detailed in his report that as he arrived on the scene, he was advised by dispatch that Sheriff Daniels was at the Oakleaf Village Elementary School, located at 410 Oakleaf Village Parkway, in the parking area. Deputy Glenn observed Sgt. Ruby stop a black Jeep Wrangler bearing Florida tag [REDACTED] Deputy Glenn made contact with the driver of the jeep, who was identified as Cierra Smith. Deputy Glenn reported that he read Mrs. Smith her rights to which Mrs. Smith replied that she would speak with him about the matter.
- Mrs. Smith advised Deputy Glenn that she was in the area due to a prearranged meeting with Sheriff Daniels, reportedly regarding the return of some compact discs (CDs). Mrs. Smith did not have anything (i.e. an email or a text) to prove her reason for being there. Mrs. Smith further advised that she spoke with Sheriff Daniels during the prior week about returning the CDs, but they had not agreed to a certain meeting place. Mrs. Smith explained to Deputy Glenn that she had seen Sheriff Daniels driving on the road and decided that she would follow him so that they could talk. Mrs. Smith said that she followed the Sheriff into the parking lot of the Oakleaf Amenities Center and continued following him until she was stopped by Sgt. Ruby.

- Sgt. Ruby made contact with Sheriff Daniels and afterward relayed the information to Deputy Glenn. Deputy Glenn's report related that Sheriff Daniels stated he was driving home from a board meeting and as he turned left onto Oakleaf Village Parkway from Merchants Way, he noticed a black in color Jeep Wrangler pull out and enter into traffic. Sheriff Daniels said that it appeared the vehicle was following him. Sheriff Daniels advised that he then pulled into the parking lot located at 370 Oakleaf Plantation Parkway (The Oakleaf Amenities Center) at which time he recognized the driver of the Jeep as Mrs. Smith. According to Sheriff Daniels, he then contacted dispatch via his agency radio and requested assistance from CCSO patrol units "for his safety." Sheriff Daniels reportedly told Sgt. Ruby that he continued driving to the elementary school parking lot while Mrs. Smith followed him until Sgt. Ruby arrived on scene and stopped her. The report indicated that Sheriff Daniels explained that "he had taken every measure available to prevent any verbal or physical contact from occurring with Cierra". The report further indicated that Mrs. Smith's actions were witnessed by the Sheriff's wife ( [REDACTED] ) and recorded on [REDACTED] cell phone. Sheriff Daniels reportedly told Sgt. Ruby that he did not make contact with Mrs. Smith, but did see her mouth "We can do this all day." Deputy Glenn's report stated that Sheriff Daniels told Sgt. Ruby that he, Sheriff Daniels, had attempted to get an injunction against Mrs. Smith because she had followed him before, but that he was unable to obtain the injunction due to insufficient evidence.
- At 18:42 hours, Sheriff Daniels advised over the radio "he's 77. I think he's going to be 10-15."
- At 18:44 hours, Sgt. Ruby advised over the radio "we have a black female 10-15." Mrs. Smith was arrested based on the information provided by Sheriff Daniels and Mrs. Smith.
- At 18:55 hours, Sheriff Daniels provided Sgt. Ruby with a written sworn statement of the incident. In his written statement, Sheriff Daniels reiterated the manner in which he became aware that he was being followed by Mrs. Smith and that he "notified HQ to send an on-duty Deputy for my safety." Sheriff Daniels also corroborated the events detailed in Deputy Glenn's report pertaining to how Mrs. Smith was stopped and that he "informed Sgt. Ruby about what was occurring." Sheriff Daniels also wrote in his statement that he "took every measure available to prevent any verbal or physical contact from occurring" and that he could "draw no other conclusion other than Smith both willfully and intentionally followed me in a manner that caused me great concern that if I stopped to engage Smith that I would be exposed to imminent danger."
- At approximately 19:15 hours, Sgt. Ruby contacted CCSO Lt. Alexander via telephone and advised him of the circumstances involving the incident. Lt. Alexander relayed the information to CCSO Director Morgan, who instructed him to contact the State Attorney and have them review the case.
- At approximately 19:48 hours, Lt. Alexander contacted SAO Director Hazel via telephone. Per Lt. Alexander's report, Director Hazel advised that "due to the unknown facts and circumstances and the information provided at this time the State Attorney's Office would not be able to file the case without additional information."

- At 20:14 hours, Deputy Glenn advised over the radio that he was en route to the Clay County Jail with a Black female (Mrs. Smith) reference to the arrest for Stalking.
- At 20:47 hours, Deputy advised over the radio that he arrived at the Clay County Jail.
- Deputy Glenn interviewed Mrs. Smith again when he arrived at the Jail. Between that interview, and a written statement given by Mrs. Smith, Deputy Glenn learned that Mrs. Smith was hired in 2013 by the Jacksonville Sheriff's Office (JSO) as a corrections officer. It was there, at JSO, that Mrs. Smith met Sheriff Daniels, who was at that time also employed by JSO. Mrs. Smith and Sheriff Daniels began their affair sometime in 2013. Mrs. Smith got married in [REDACTED] and moved to [REDACTED] with her husband, [REDACTED]. She and Sheriff Daniels remained friends, culminating in her moving back to [REDACTED] in [REDACTED] at which time their affair rekindled. After their affair began anew, Mrs. Smith stated she was living with her mother and Sheriff Daniels would visit her there and "around town" on a weekly basis. Mrs. Smith's [REDACTED] knew Sheriff Daniels as "Uncle D".

Mrs. Smith advised the deputies that her estranged husband [REDACTED] subsequently filed a complaint with JSO alleging that Mrs. Smith and Sheriff Daniels had been having an affair while they both worked there and had sex on duty, among other misdeeds by Mrs. Smith. Sheriff Daniels and Mrs. Smith had been in constant communication since the allegations by [REDACTED] were brought to his attention. Sheriff Daniels learned that the local news media had become aware of the details of the complaint.

Mrs. Smith told the Deputies that Sheriff Daniels had gone to Mrs. Smith's home the prior Sunday and told her that "he would not abandon her and would be by her side every step of the way". Mrs. Smith stated that the next day Sheriff Daniels called and told her that he was going to tell his wife about the affair. Per Mrs. Smith, Sheriff Daniels later called her again and asked her to meet him at their "normal spot" on Monday (May 6th, 2019) at 6:00 PM. Sheriff Daniels also told her that he would call her on Wednesday May the 1st. Mrs. Smith stated that she was subsequently admitted into the hospital (on April 30th) [REDACTED] staying there until Thursday (May 2nd). When she got out of the hospital she was able to check her phone and found that she had missed a call from Sheriff Daniels. She attempted to call him back that day and the next, but never made contact with him.

Mrs. Smith advised the deputies that she was en route to meet Sheriff Daniels at their "designated spot" when she observed what she believed to be his vehicle traveling in the opposite direction. She made a U-turn, pulled up behind who she thought was the Sheriff, and honked her horn to get his attention. Mrs. Smith stated that the Sheriff motioned for her to follow him into a subdivision. They were unable to find a place to park so the Sheriff continued to drive toward their normal meeting spot at "370 Oakleaf Village Parkway". Once there, they again could not find a place to park. They then drove across the road to the elementary school parking lot during which time Mrs. Smith noticed that [REDACTED] was following them. Mrs. Smith stated that she attempted to leave the parking lot, but she could not because [REDACTED] was blocking her vehicle. Mrs. Smith was then stopped by Sgt. Ruby.

- Per Deputy Glenn's report "After completing the statement, the decision was made not to arrest Cierra." Mrs. Smith was then released from custody and taken to her [REDACTED] home by Sgt. Ruby, as per the direction of Lt. Alexander. It should be noted that Mrs. Smith was never booked into the CCSO Jail.
- On May 7, 2019, Director Hazel produced a memorandum regarding her aforementioned May 6, 2019, conversation with Lt. Alexander. Director Hazel's memorandum stated that Lt. Alexander related the following information to her: Sheriff Daniels had been having a long term affair with a member (whose name was not known by Director Hazel) of the Jacksonville Sheriff's Office (JSO) since 2012. On May 6th, 2019, the woman started following Sheriff Daniels after he left a community event. Sheriff Daniels contacted his wife who also began following the woman. All three were driving through the Oakleaf subdivision when Sheriff Daniels called into CCSO a suspicious call following him, which led to the woman being stopped at Oakleaf Junior High School (the location was actually the Oakleaf Village Elementary School). "The Sheriff then directed the sergeant on scene to arrest the woman for stalking. The Sheriff was standing beside his wife and would provide no further details. The sergeant then did as instructed and arrested the woman."
- Lt. Alexander informed Director Hazel that he did not feel comfortable putting the woman in jail and "did not believe there was probable cause for the arrest at this point." He also told Director Hazel "that the Undersheriff and the chief were in agreement with him and that all believed they should let her go and drive her home at this point." Director Hazel asked Lt. Alexander if the woman had been arrested or if she was detained for further investigation? Lt. Alexander answered that she had been arrested but had not been booked into the jail. At the jail, the woman was further questioned, during which time she advised of the affair and that evening's events. Director Hazel noted that she "gave no advice as to whether there was probable cause for the arrest" but did inform the lieutenant that stalking required a course of conduct. "The lieutenant stated that, at this point, they did not have that." On May 7th, 2019, Director Hazel contacted Lt. Alexander via telephone and advised him that CCSO "would need to refer the matter to FDLE" as her office would not be taking part of the investigation. Lt. Alexander advised Director Hazel that "since the Sheriff was the victim, the Sheriff could just tell them that he did not want to proceed and that would be the end of it."
- On May 7, 2019, Sheriff Daniels completed and signed a CCSO "Victims Right to Confidentiality Form", identifying himself as the victim pertaining to CCSO incident# 2019011418.
- On May 7, 2019, at 17:30 hours, CCSO Detective J.P. Clark was contacted by Director Morgan. Detective Clark was tasked with conducting the investigation pertaining to CCSO incident# 2019011418 and was provided the aforementioned CCSO documents related to this incident. Detective Clark was also advised "that the victim's wife, [REDACTED] was in possession of cell phone video/images of the incident detailed by Deputy Glenn in his report."
- On May, 8, 2019, at 11:30 hours, Detective Clark "received notification that the victim (Sheriff Daniels) no longer wanted to pursue this case and would not be seeking to file charges."

- On May 9, 2019, at 15:00 hours, Detective Clark received a forensic copy of the video/images obtained by [REDACTED] of CCSO incident# 2019011418. OEI Inspectors obtained and reviewed the aforementioned videos. The videos depicted [REDACTED] face as [REDACTED] made comments about Mrs. Smith and spoke with the deputies on the scene.

### **Injunction Against Cierra Smith**

Pursuant to this investigation, OEI Inspectors attempted to locate the injunction referenced in CCSO incident# 2019011418 (from Sheriff Daniels against Cierra Smith.) OEI Inspectors requested any documentation pertaining to an injunction order filed by Sheriff Daniels against Mrs. Smith from the Clay and Duval Counties Clerk of Courts. Neither Clerk of Courts office was able to locate any petition or order for injunction filed by Sheriff Daniels against Mrs. Smith, indicating that no such order was ever petitioned to the respective courts. It should be noted that OEI Inspectors located a petition for an injunction order filed by [REDACTED] on July 26, 2019, after the May 6, 2019, incident (the petition for injunction was denied on July 30, 2019.)

### **Relationship Between Sheriff Darryl Daniels and Cierra Smith**

In order to substantiate the relationship between Mrs. Smith and Sheriff Daniels, OEI Inspectors conducted interviews of Mrs. Smith and [REDACTED]. Additionally, OEI Inspectors obtained and reviewed Mrs. Smith's internal affairs (IA) investigation documents and her and Sheriff Daniel's cellphone and bank accounts records.

OEI Inspectors reviewed the records pertaining to Mrs. Smith's JSO IA investigation case# 2018-0504. The IA complaint was filed against Mrs. Smith by Larry Smith on July 20, 2018. The report detailed multiple complaints against Mrs. Smith to include alleged "Sex on Duty" between her and Sheriff Daniels. It should be noted that this internal affairs investigation was the investigation Mrs. Smith referred to as being the reason Sheriff Daniels decided to tell his wife ([REDACTED]) about their affair.

OEI Inspectors conducted a sworn recorded interview of Cierra Smith pursuant to this investigation. Mrs. Smith verified the information she provided to CCSO Deputies on the day of her arrest, pertaining to how her relationship began and progressed with Sheriff Daniels. Mrs. Smith advised that she and Sheriff Daniels would communicate using her phone, [REDACTED] and his personal cell phone, [REDACTED]. It should be noted that Sheriff Daniels only had the aforementioned number since February 4, 2019. Prior to that date his personal cell phone number was [REDACTED] which he and Mrs. Smith also used for their communications.

Pertaining to the money that Sheriff Daniels provided her, Mrs. Smith explained that Sheriff Daniels began sending her money via an on-line application named "Cash App" in September of 2016. Mrs. Smith advised he would send her money "It was more, you know if I was going out of town, if I needed something paid. It was just sometimes it would just be money in there. It was just easy." Mrs. Smith stated that the "Cash App" showed that she had received \$30,700 from Sheriff Daniels since they started using it in September of 2016. Mrs. Smith advised that, prior to the "Cash App" transactions, Sheriff Daniels gave her money on occasion. Mrs. Smith stated that Sheriff Daniels also allowed her to use his debit card for purchases and that he bought her items that someone would normally buy a girlfriend, to include her breast augmentation surgery.

Mrs. Smith stated that on Tuesday, April 30, 2019, she and Sheriff Daniels made arrangements to meet at their “normal location” on May 6, 2019 (the day of the incident.) Mrs. Smith advised that she did not talk to the Sheriff during the following two days because she was admitted into the hospital on Wednesday, May 1, 2019, and was not discharged until Thursday, May 2, 2019. Mrs. Smith denied that Sheriff Daniels had ever discussed “breaking up with her” and added that he expressed his intentions to stand by her and help her in various text messages.

Mrs. Smith advised that on May 6, 2019, she picked her [REDACTED] up from school and drove to the Oakleaf area. While driving, Mrs. Smith passed Sheriff Daniels, who was driving the opposite direction. Mrs. Smith stated that she then made a U-turn, pulled up next to Sheriff Daniels and blew her vehicle’s horn to get his attention. Mrs. Smith stated that Sheriff Daniels looked at her and signaled her to follow him. Mrs. Smith advised that she and Sheriff Daniels had met at the park, their “normal meeting spot”, “numerous times” over the years, saying: “Like I mean, like when he would come from the gym or something that would be the spot that we would meet at. Like I say it, it was, it’s a great bit of distance from his house. But, that’s what kinda alarmed me 'cause I’m like, okay, we normally meet here, this is our normal meeting spot and out of nowhere your wife just shows up in two point five seconds.”

Per Mrs. Smith, they drove into a subdivision, but it was a cul-de-sac and they couldn’t find anywhere to park. Mrs. Smith described how they continued circling the Amenities Center parking lot until they drove across to the school parking lot, which is when she noticed that [REDACTED] was following her. Mrs. Smith stated that they continued to go in circles in the school parking lot until she decided to leave. According to Mrs. Smith, as she started to leave [REDACTED] raced ahead of her, pulled in front of her and blocked the only ingress/egress to the parking lot. Shortly thereafter Mrs. Smith was stopped by Sgt. Ruby. Mrs. Smith stated the deputy asked for her identification and had her exit the car: “Um, at that time the officer, one of the officers stayed with me (Deputy Glenn) and the, I believe he was a sergeant (Sgt. Ruby) went to Darryl and at that time, um, I could overhear them saying, You know do you want me just tell her to leave or do you know, do you want me go ahead and book it? And, at that time, Darryl said, You know, go ahead and make the arrest.” Mrs. Smith advised that after that interaction, Sgt. Ruby advised her that she was under arrest.

OEI Inspectors obtained and reviewed the report of the forensic examination conducted by FDLE of Mrs. Smith’s personal cellphone. A review of the forensic examination report revealed that the applications known as "Cash App" and "Snapchat" were located on Mrs. Smith's telephone. Additionally, it was determined that Mrs. Smith’s phone had interacted with both of Sheriff Daniels telephone numbers, [REDACTED] and [REDACTED]. Pertaining to the recovered data, OEI Inspectors identified 27,371 "interactions" on Mrs. Smith's telephone with the aforementioned two numbers, beginning from December 19, 2017. These interactions pertained to monetary transactions between Sheriff Daniels and Mrs. Smith for bill payments and various purchases; numerous messages regarding incidents of mutually consensual exchange of sexually explicit messages, videos, and images; and texts and images indicative of Mrs. Smith having accompanied Sheriff Daniels while he was on Sheriff's Office business outside of Clay County, Florida.



OEI Inspectors identified a text conversation dated April 28, 2019, between Sheriff Daniels and Mrs. Smith:

Time	From	To	Message
8:28 hours	Mrs. Smith	Sheriff Daniels	"Good morning moch I really need to talk to you today about something before you leave if possible" (it should be noted that Moch is a nickname used by both Mrs. Smith and Sheriff Daniels for each other.)
11:08 hours	Mrs. Smith	Sheriff Daniels	"I'm home moch."
11:27 hours	Sheriff Daniels	Mrs. Smith	"I can visit for a little bit if that's an invite. What you up to? I want to hug you and kiss your bottom lip."
11:27 hours	Mrs. Smith	Sheriff Daniels	"Laying in bed"
11:28 hours	Sheriff Daniels	Mrs. Smith	"Omw" (On my way)
11:28 hours	Sheriff Daniels	Mrs. Smith	"5min".

Sheriff Daniels and Mrs. Smith continued the conversation throughout the afternoon, discussing, in part, Mrs. Smith's internal affairs investigation. OEI inspectors identified two more texts during that evening sent from Sheriff Daniels to Mrs. Smith, which stated: "I'm about to tell [REDACTED] Walking in", followed eleven minutes later by the second text: [REDACTED] stormed out....I'll have to talk to you tomorrow". OEI Inspectors identified ten (10) additional texts between Mrs. Smith and Sheriff Daniels on April 29 and 30, 2019. It should be noted that none of the texts alluded to them terminating their relationship.

On May 3, 2019, a text was sent from Sheriff Daniels' phone to Mrs. Smith's phone that read: "Northside cunt of the day don't call this number again. This is my phone now. He don't want your crazy ass. BYE Boo. Find someone at the Baptist psych unit. You low budget hoe. Be seeing you soon.....real soon." It should be noted that [REDACTED] later admitted to sending the text. Mrs. Smith replied to the text with a picture of her with Sheriff Daniels stating: "You just worry about standing by your husbands (sic) side when news4jax airs this story. Goodnight grandma".

OEI Inspectors obtained and reviewed telephone records from the accounts of Mrs. Smith, Sheriff Daniels (personal and CCSO), and [REDACTED]. Per the reviewed records, from January 1, 2019, through May 3, 2019, there were 2,312 interactions (text, voice mails, and calls) between Sheriff Daniels' and Mrs. Smith's phones. Additionally, the reviewed records detailed that on May 6, 2019, Sheriff Daniels called [REDACTED] at 17:47 hours and 18:16 hours (around the time of the incident). It should be noted that six (6) minutes elapsed between Sheriff Daniels' 18:16 hours call to [REDACTED] and the time when he contact the CCSO dispatch to request the assistance of a unit (18:22 hours).

OEI Inspectors obtained and reviewed Sheriff Daniels' bank records in order to corroborate Mrs. Smith's allegations that Sheriff Daniels provided her with money as part of their relationship. A review of the bank records detailed 72 transfers of money from Sheriff Daniels to Mrs. Smith via "Cash App" totaling \$25,452, a payment of \$4,300.00 to First Coast Plastic Surgery in June of 2018 (believed to be for Mrs. Smith's breast augmentation surgery) and purchases from Sheriff Daniels account while he and Mrs. Smith were traveling together.

OEI Inspectors conducted a sworn recorded interview of [REDACTED] pursuant to this investigation. [REDACTED] advised that on the evening of April 28, 2019, Sheriff Daniels told [REDACTED] of his affair with Mrs. Smith. [REDACTED] stated that Sheriff Daniels further explained that his affair with Mrs. Smith began after they met while working at JSO, that it was an “on and off” relationship “of convenience”, and he described Mrs. Smith as having mental issues. Per [REDACTED] Sheriff Daniels also told her that he had walked out of Mrs. Smith’s residence on April 28, 2019, with their affair being terminated.

Pertaining to the incident of May 6, 2019, [REDACTED] described how [REDACTED] was at home that evening, when [REDACTED] received a phone call from Sheriff Daniels who told [REDACTED] that Mrs. Smith was following him. [REDACTED] stated that [REDACTED] told Sheriff Daniels to meet [REDACTED] at the “field house” (the Oakleaf Plantation Amenities Center). [REDACTED] relayed that when [REDACTED] arrived, [REDACTED] saw Mrs. Smith following Sheriff Daniels (both in their respective vehicles). [REDACTED] said that [REDACTED] told Sheriff Daniels to go to the school and then followed them there. [REDACTED] advised that [REDACTED] recorded on [REDACTED] cellphone as all three vehicles continued to circle the parking lot, until the CCSO deputies arrived. [REDACTED] advised how, at one point after the CCSO deputies arrived, [REDACTED] was sitting in [REDACTED]’s truck, when a CCSO Deputy came over to talk to Sheriff Daniels. According to [REDACTED] the deputy (Sgt. Ruby) told Sheriff Daniels “that, um, he had, uh, some reason to, you know, arrest her. And, um, in my mind, I’m, like, you really should. I mean, she’s stalking, but I didn’t say that to him.” According to [REDACTED] Sheriff Daniels told the deputy “Well, do what you think you gotta do.” [REDACTED] advised that Sheriff Daniels did not tell the deputy that “I want her arrested”. It should be noted that per Sgt. Ruby’s statement, he had a previous conversation with Sheriff Daniels during which [REDACTED] was not present.

Regarding her knowledge of Sheriff Daniels’ attempt to obtain an injunction against Mrs. Smith on May 6, 2019, [REDACTED] stated: “Not that I recall. He may have. I just don’t recall that part.” [REDACTED] recalled that between April 28 and May 6, 2019, Sheriff Daniels possibly mentioned that he attempted to get an injunction against Mrs. Smith because “she was crazy” and he was “trying to break it off with her”. [REDACTED] advised that Sheriff Daniels had never mentioned anything to [REDACTED] about Mrs. Smith supposedly stalking him or following him other than on May 6, 2019.

OEI Inspectors obtained and reviewed the videos that [REDACTED] recorded. The videos were different from the ones obtained from CCSO pertaining to CCSO incident #2019-011418. The videos depicted [REDACTED] following a black Jeep (identified as Mrs. Smith’s), which was in turn following the vehicle occupied by Sheriff Daniels. The video corroborated the information provided in the CCSO incident report that the pursuit occurred through the parking lots of the Oakleaf Amenities Center and Oakleaf Elementary School.

### **CCSO Personnel Interviews**

OEI Inspectors conducted sworn recorded interviews of the following CCSO personnel identified as being involved in CCSO incident #2019-011418 or having knowledge pertaining to the incident:

#### **Interview of CCSO Sgt. Christopher Ruby:**

OEI Inspectors conducted a sworn recorded interview of CCSO Sgt. Christopher Ruby pursuant to this investigation. Sgt. Ruby stated that on May 6, 2019, he heard Sheriff Daniels on the CCSO radio asking for a

“beat deputy” to respond to his location regarding a suspicious person call. Sgt. Ruby advised that he was the supervisor for the area, and since they were short on personnel that day, he responded that he would be en route. Sgt. Ruby further advised that he also assigned CCSO Deputy Sheriff Joseph Glenn to assist with the call.

Sgt. Ruby stated that when he arrived at the location of the incident, he observed three vehicles driving in circles around the Oakleaf Elementary School parking lot. Sgt. Ruby advised that he then heard Sheriff Daniels instructing him over the radio to stop “the black Jeep”. Sgt. Ruby described that after he stopped the black Jeep, he requested the driver’s license and registration (identified the driver as Mrs. Smith) and inquired as to what was occurring. Per Sgt. Ruby, Mrs. Smith advised him that she was there to meet Sheriff Daniels.

Sgt. Ruby advised that after speaking to Mrs. Smith, he went to Sheriff Daniels, who was by himself at that time. Sgt. Ruby relayed that Sheriff Daniels told him: "You remember when we had a briefing and I said that we all make mistakes, and, uh, we all gotta learn from our mistakes?" ... "This is one of my mistakes" ... "I've been having an affair with this lady and now she won't leave me alone and she's been following me. She's been, uh, harassing me. Um, she's been hanging out by my house" ... "Look, I've been having a problem. I ended this relationship with, um, Miss Cierra Smith and, uh, she's lost her mind, she's crazy. [REDACTED] not too long ago." ... "I've tried to go get an injunction." Per Sgt. Ruby, Sheriff Daniels also told him that he attempted to get an injunction against Mrs. Smith with the State Attorney earlier that day, but it was denied. Sgt. Ruby advised that while listening to the statement provided by Sheriff Daniels, "...I'm starting to get in the mind of, okay. I got a suspicious person into a domestic situation so I'm trying to flip my mind and now I'm trying to picture the Sheriff as a victim." Sgt. Ruby added that he then told Sheriff Daniels: "Sheriff, you're, you're not the Sheriff right now. You're, you're a victim." ... "I just wanna make it clear. I'm gonna ask you questions and I don't want it to seem weird, 'cause it's weird for me."

Pertaining to the events of May 6, 2019, Sgt. Ruby advised that Sheriff Daniels relayed the following information: "... he was coming home from, uh, another function. He's going down, uh, Oakleaf, uh, Plantation and, uh, he sees the vehicle and knows it's her. So, uh, he saw -- he sees the vehicle get behind him and, uh, she starts following him. So he's like, Damn. This shit's about to go bad. So he calls his wife, which I thought was a little weird, but it is what it is. People do stupid things and, um -- so he calls his wife and he's driving around the parking lot, um, and neighborhoods and she's continuing to follow him. And then, uh, he pulls into the school. He drives over some medians or whatever and she's driving over medians with him."

After Sheriff Daniels relayed the aforementioned information, Sgt. Ruby advised he told Sheriff Daniels the following: "Well, Sheriff, um, you know, um, you got options here." ... "I really don't know what you want me to do with this but, uh, we got options." ... "I can have a talk with her and, um, ask her to stay away from you, um, or we can write this up and we, from what you're explaining to me, this sounds like stalking and, um, with your relationship with her, um, it sounds like domestic stalking. So, um, we, we definitely can do something about this. I mean, if, uh, if, um, you know, if you would like to pursue charges against her." Per Sgt. Ruby, Sheriff Daniels advised him: "Yes, I would like her arrested."

Sgt. Ruby advised that he then went back to Mrs. Smith, who was standing outside of her vehicle, advised her of her rights and began questioning her about the incident. Sgt. Ruby advised that Mrs. Smith relayed that she saw Sheriff Daniels driving down Oakleaf Plantation, got behind him, and began following him. Per Sgt. Ruby, Mrs.

Smith believed that they were going to their “meeting spot” which she claimed to be the ball park, but that Sheriff Daniels continued to drive. Sgt. Ruby advised that he then placed Mrs. Smith under arrest for stalking.

Pertaining to Sgt. Ruby’s reasoning for placing Mrs. Smith under arrest for stalking, he advised that he viewed the facts presented to him (from Mrs. Smith and Sheriff Daniels) as if they involved a civilian female victim and not Sheriff Daniels, “Um, so she, the female victim tells me, okay, she’s in a long relationship with a man, 6 years, and she’s terminated the relationship and at that point in time, this guy starts following her, harassing her, calling her and wouldn’t leave her alone and, uh, and she’s going to the State Attorney’s Office and she’s been denied a, uh, injunction or whatever and now he’s following her the day of. She calls the Sheriff’s Office and then we do absolutely nothing about it so she goes home and then later on that night, he goes in and kills her. So I’m like, Jesus Christ. This could turn into a shit-storm. So, excuse my French, but, uh, I’m like, I don’t really have, I don’t really have a choice. It’s domestic stalking and it, it is what it is so I gotta take action.”

Sgt. Ruby was asked if the Sheriff told him to arrest Mrs. Smith, to which he replied “No” and stated that the arrest was based on his belief of the probable cause. Sgt. Ruby stated: “It was, and, and, you know what? I treated the Sheriff like a victim. Okay? Uh, I said, Sheriff, we have options. I said, I can make this go away, we can write this up, we have stalking here. Uh, she can be arrested for this. And that’s when he said, I would like her arrested. Just like any victim, um, I treated him no different.” Sgt. Ruby stated that after Sheriff Daniels advised him that he wanted Mrs. Smith arrested, he (Sheriff Daniels) did not say anything, or do anything, to try and stop the arrest from occurring.

Sgt. Ruby was asked about Sheriff Daniels’ demeanor, since he had said that he was in fear. Sgt. Ruby described it as follows; “so when I, um, first made contact with the Sheriff, you know, the Sheriff is a proud man and, uh, if you ever met him, you’d, you’d say, Yeah. He’s a good dude. Um, so when I walked up to the Sheriff and he goes, he puts his head down and he says, uh, So you know what I said in briefing about making mistakes and this and that? He’s like, he’s like, he seemed embarrassed. Okay? To answer your question, he seemed embarrassed. Um, whether or not he was in fear at that point, I didn’t collect that from him. He seemed embarrassed.”

Sgt. Ruby stated that he next told Sheriff Daniels to go home, write a statement about the incident and he would be by to pick it up. After Sheriff Daniels and his wife left, Sgt. Ruby and Deputy Glenn began making arrangements for someone from Mrs. Smith’s family to come pick up her [REDACTED] and her vehicle. While making these arrangements, Sgt. Ruby received a call from Sheriff Daniels who advised that he was on the other side of the school. Sgt. Ruby went to Sheriff Daniels describing that encounter as follows: “So, uh, I roll around near the school to, um, have him write the statement. As I pull up, his wife is in the truck now. So I’m like, Okay. So this isn’t gonna be the talk that I wanted to have with the Sheriff. Like, what are you doing, but whatever. Is this gonna be one of those, Okay. Let me cover my butt. ‘Cause I wanted to ask him a bunch of questions and I just couldn’t because, uh, uh, I don’t think it would have been right for me to ask him questions with his wife there. Uh, but either way. So, uh, Sheriff, um, uh, I gave him a written statement. Uh, he wrote the statement and, uh, um, he had his wife read over it a couple of times. Sgt. Ruby commented on the way the Sheriff wrote his statement by saying; “Now, uh, when he wrote his statement, he kept having his wife review it which I thought was also kind of odd ‘cause to me, he’s the Sheriff, he’s the man. You know? So when you’re having your wife read your statement, um, I don’t know, I just had a little bit of an issue with that, too. But either way, um, I swore

to it. He, I swore him to it. He was good. He signed the bottom of it and, um, I mean, that was it. So, uh, whether or not she gave him any, um, words to put in there.”

Sgt. Ruby added that after Sheriff Daniels provided him with the written statement, Sheriff Daniels said: “...he didn't want her (Mrs. Smith) in his jail and that, uh, he wanted her, um, possibly in Jacksonville's jail.” Per Sgt. Ruby, he advised Sheriff Daniels that he could not transport Mrs. Smith to the Jacksonville Jail and that he (Sheriff Daniels) would need to “...work something out with Sheriff Williams (JSO Sheriff Mike Williams), or whatever, that's -- that's on you. It's not on me. Uh, I can't transport her to another, another place. So, um, I don't know if he even tried...”

Sgt. Ruby was asked if he believed Sheriff Daniels statement to him was truthful, to which he replied: “Um, the, his statement was truthful and accurate, it just had a lot of holes in it. It was incomplete and there was a lot of questions I had for the Sheriff that I wasn't allowed to ask.” Sgt. Ruby reiterated that part of his basis for probable cause was that the Sheriff told him that he, the Sheriff, had tried to get an injunction against Mrs. Smith. Sgt. Ruby explained that “from what the Sheriff had told me and from what she's telling me, I decided, okay. Well, um, obviously there's a history. They broke up. She's following him. He's all over the, all over the world and so I believe at that in point, there's probable cause for domestic stalking.” Sgt. Ruby advised that he was never told, nor did he ask Sheriff Daniels how many times he had told Mrs. Smith “to leave him alone” or when she was at his house? Sgt. Ruby also advised that he never corroborated if Sheriff Daniels attempted to obtain an injunction and relayed that “Um, but any, any police officer or anybody was to tell me that they went to the State Attorney's Office, uh, to, to, to seek an injunction, at first, I'm like, Well, why wouldn't the, uh, State Attorney give you an injunction for protection? But either way, in questioning, I just, I just didn't ask. Okay? He told me he went and got an injunction or tried to get an injunction and, um, that it was denied for whatever reason and here she is doing it again.”

Sgt. Ruby stated that he then spoke with Lt. Alexander via telephone and advised him of the details of the incident and Mrs. Smith's arrest. Sgt. Ruby advised that Lt. Alexander did not believe there was enough probable cause (PC) to conduct the arrest. Sgt. Ruby advised that he told Lt. Alexander that he disagreed and believed that there was enough PC to effect Mrs. Smith's arrest, “Um, being that, you know, she was following him and, uh, all the other events that occurred and that he had tried to get an injunction.” Sgt. Ruby advised that Lt. Alexander ordered him to conduct another interview of Mrs. Smith, who was en route to the Clay County Jail.

Sgt. Ruby traveled to the Clay County Jail, arriving at approximately the same time as Deputy Glenn and Mrs. Smith. Sgt. Ruby stated that he learned from Mrs. Smith that she and Sheriff Daniels had a 6-year relationship that started when she worked at JSO while he was her boss. Sgt. Ruby added: “... what started really getting to me was she told me that the Sheriff was just over at her house at her [REDACTED] birthday, [REDACTED] And I'm like, what the fuck? You know? 'Cause the Sheriff didn't tell me that. He, he was like, he told me he had, he terminated the relationship and that he was done and he's in fear of his life and this and that and now she's telling me that he was just over at her house at her [REDACTED] birthday and, uh, he [REDACTED] calls her [sic], uh, Daddy D or some crap like that” ... “So anyways, after a good two hour interview with her, I have her write a statement and it ends up, ends up being a five-page statement and I'm reading it line for line and I'm like, Oh, my God. This is some bullshit.” Sgt. Ruby stated he spoke with Lt. Alexander again after he finished the interview with Mrs.

Smith and advised him of the details of Mrs. Smith's interview. It was ultimately determined that Mrs. Smith would be released and taken home by Sgt. Ruby.

#### Interview of CCSO Deputy Sheriff Joseph Glenn:

OEI Inspectors conducted a sworn recorded interview of CCSO Deputy Sheriff Joseph Glenn pursuant to this investigation. Deputy Glenn advised that as he arrived to the scene of the incident, he heard Sheriff Daniels instruct Sgt. Ruby over the radio to stop a black Jeep in the parking lot. He then saw Sgt. Ruby stop the vehicle. Deputy Glenn stated that he then made contact with Mrs. Smith, who was driving the black Jeep. Deputy Glenn stated that Sgt. Ruby had already spoken to Mrs. Smith by that time, but he did not know the particulars of their conversation.

Deputy Glenn advised that he instructed Mrs. Smith to get out of the vehicle and had a casual conversation with her, not regarding the incident, "to pass the time." According to Deputy Glenn, Sgt. Ruby came to him and "so basically at that point in time I was told that she was going to be arrested for simple stalking and criminal trespass." Deputy Glenn stated that once it was determined that Mrs. Smith would be taken into custody, she was advised of her rights, and was interviewed. Per Deputy Glenn, Mrs. Smith advised that she was there to meet Sheriff Daniels due to a prearranged meeting.

Deputy Glenn advised that the decision to arrest Mrs. Smith occurred within five to ten minutes of his arrival on the scene. Deputy Glenn stated he did not recall Sgt. Ruby telling him that Sheriff Daniels ordered Mrs. Smith's arrest and stated: ... "I was never necessarily directed from the Sheriff to arrest anybody. Um, it had just come from my sergeant that said, Hey, this is what we're gonna do. And I think he made that determination based on the circumstances that he had at that time and what was given to him by the Sheriff." Pertaining to his knowledge of the probable cause for Mrs. Smith's arrest, Deputy Glenn advised that he was told by Sgt. Ruby that Sheriff Daniels relayed "he had attempted to get a restraining order previously because there had been some kind of prior incident, um, in Jacksonville and that, um, I guess she was following him in the vehicle. And, of course, me talking to her, that's kind of around about what she said, is that she was following behind him to try to attempt to get him to stop, you know, and then coupled with what he had said with prior incidents and trying to get an injunction against her and everything else." Deputy Glenn explained that "I was told, um, about the Sheriff and the prior injunction that he had tried to get, problems with her previously before and then her following him around in his vehicle." Deputy Glenn advised that he never spoke directly to Sheriff Daniels during the incident. Deputy Glenn stated that after Mrs. Smith was taken to jail and was interviewed again, "that's when it started to get into where the romantic relationships, um, prior years of knowing each other and everything else; and then that's when it was determined that there was a conflict of interest there and that we shouldn't arrest based on the Sheriff being the alleged victim and her being the alleged suspect to some stalking."

When asked if he would have arrested Mrs. Smith if Sheriff Daniels had not been involved, Deputy Glenn stated: "If it was not the Sheriff, I think if it wasn't the Sheriff, it probably wouldn't have been looked into as much as it was." Deputy Glenn advised that if he had a similar situation with two civilians, he would have referred them to the State Attorney's office, being that "...simple stalking is, you know, is one of those things where you'd have to almost go to the State Attorney's Office and get something there, unless it occurs within your presence." Deputy Glenn added: "And I think being that Sheriff Daniels was a law enforcement officer and it occurred technically to him in his presence, that's what led us...(to do what they did)". Deputy Glenn explained that as far as he was

aware neither he nor Sgt. Ruby investigated further Sheriff Daniels' account of the incident; adding that he (Deputy Glenn) was relying on the Fellow Officer Rule which caused him to believe Sheriff Daniels without further investigation.

Interview of CCSO Lt. Baylor Alexander:

OEI Inspectors conducted a sworn recorded interview of CCSO Administrative Lt. Baylor Alexander pursuant to this investigation. Lt. Alexander advised that on May 6, 2019, at approximately 07:30 hours, he received a call from Sgt. Ruby who advised him of the incident involving Sheriff Daniels and Mrs. Smith. Per Lt. Alexander, at the time of the initial phone call, Sgt. Ruby was still managing the incident. Lt. Alexander relayed that per Sgt. Ruby, Sheriff Daniels made the statement that Mrs. Smith was following him, that he had attempted to get an injunction against her, but was denied, and that Sheriff Daniels felt he was in danger. Lt. Alexander advised that he could not recall whether or not Sgt. Ruby told him that Sheriff Daniels ordered Mrs. Smith's arrest. In assessing the facts of the incident, Lt. Alexander advised: "Um, yet, it, it, it, it appeared that she was following him, but we didn't have the repeated, the repeated instances of stopping (sic) and, and such of that nature." Lt. Alexander stated that during the course of the initial conversations, he had very limited information and believed they did not have enough probable cause to arrest Mrs. Smith.

Lt. Alexander advised that he called CCSO Director James Morgan and advised him of the incident. Per Lt. Alexander, Director Morgan instructed him to contact the Fourth Judicial Circuit (4<sup>th</sup> JC) State Attorney's Office (SAO) to discuss the events. Lt. Alexander advised that he then contacted 4<sup>th</sup> JC SAO Director Pam Hazel and briefed her on the incident. Per Lt. Alexander, he told Director Hazel the information relayed by Sgt. Ruby. Lt. Alexander stated that Director Hazel told him that the SAO would not file the case with the information that CCSO had as of that time.

Lt. Alexander advised that he instructed Sgt. Ruby to conduct an interview of Mrs. Smith, which was conducted after she was transported from the location of the incident to the jail parking lot. Lt. Alexander advised that after hearing about the statement from Mrs. Smith, it was ultimately decided that CCSO would take Mrs. Smith home and they would "regroup and continue this investigation" ... "Yeah. Uh, it was still several discussions. I mean, huh, uh, during the process of this, I talked to the director several times, um, and also talked to the State Attorney's Office. "Um, and, uh, at that point, I, uh, there needed to be further investigation before we made an arrest, obviously."

Pertaining to his knowledge of Sheriff Daniels previously attempting to get an injunction against Mrs. Smith, Lt. Alexander advised: "we never could determine on how that attempt took place on where he, whether he actually went to the courthouse or who he had spoken to. But he had told the, the sergeant originally that the injunction was denied. And, and that kind of threw me some flags up there, too. If the injunction's denied, then, okay, we need a lot more before we can, we can bring up the stalking case forward at that point." Lt. Alexander advised that no one from his agency, as far as he knew, ever confirmed whether or not Sheriff Daniels had attempted to obtain an injunction for protection against Mrs. Smith. Lt. Alexander also advised that after the date of the incident, during a meeting with CCSO General Counsel Jeffrey Davenport, he was advised that Sheriff Daniels did not want to pursue case as the victim, so the CCSO investigation was concluded.



### Interview of CCSO Director James Morgan:

OEI Inspectors conducted a sworn recorded interview of CCSO Director of Operations James R. Morgan III pursuant to this investigation. Director Morgan advised that he first heard of the incident from Lt. Alexander, who called him “somewhere around 7:00 pm” on the evening of May 6th, 2019. Director Morgan stated that Lt. Alexander informed him that there was an incident “involving the Sheriff, a woman that was associated with the Sheriff (later identified as Cierra N. Smith), and his wife.” Per Director Morgan, Lt. Alexander advised him that Sgt. Ruby “...was told by the sheriff that she (Mrs. Smith) was stalking him” ... “That he had attempted to get a, um, injunction against her that day, but he was denied, and I remember that specifically because I had told Lieutenant Alexander to get me some clarification on what he meant by that and where because I wanted to understand what that was about to help determine the stalking -- the P.C. for the stalking. Director Morgan was also advised that Sgt. Ruby “had made an arrest of, of this woman, at the Sheriff’s request.”

Director Morgan advised that Lt. Alexander told him that “he had had some concerns about the validity of the arrest involved, the probable cause of the arrest. Um, that he was uncomfortable with it. He didn’t, uh, feel that we had any probable cause to make the arrest at that particular time for the, for the, um, excuse me, for the charge of stalking.” Lt. Alexander also told Director Morgan that there was a second charge of Trespassing on School Property that he was similarly uncomfortable with. Per Director Morgan, he believed that the incident “...needed to be investigated further so, um, told him to, to get some additional information. Call me back when you’ve got it.”

Director Morgan advised that when Lt. Alexander called him back “he got some additional details from the, the folks at the scene, um, and told me that the, um, that there was, um, the relationship with the sheriff and this young lady was much more than just a passing acquaintance.” Director Morgan advised that he was informed that Mrs. Smith was transported to the Clay County Jail, at which time he instructed that Mrs. Smith should not be taken into jail “and to do nothing with her at that point and time until we made a decision ...” Director Morgan stated he contacted CCSO Undersheriff Raymond L. Walden II, who was in agreeance that they did not have probable cause to make the arrest and that they would not be placing Mrs. Smith in jail.

Director Morgan advised that on May 7th, he and Undersheriff Walden met to discuss the incident. Per Director Morgan, it was subsequently decided that the case would be assigned to Detective LT Jeremy Clark for follow up investigation. Director Morgan further advised that at approximately 8:00 PM on May 7th, he received a telephone call from Undersheriff Walden who told him that Sheriff Daniels had decided not to pursue the matter any further.

### Interview of CCSO General Counsel Jeffrey Davenport:

OEI Inspectors conducted a sworn recorded interview of CCSO General Counsel Jeffrey Davenport pursuant to this investigation. Mr. Davenport advised that on May 1, 2019, Sheriff Daniels told him of the affair with Mrs. Smith. Mr. Davenport added that the information about the affair between Sheriff Daniels and Mrs. Smith was possibly already public due to Mrs. Smith’s internal affairs investigation from JSO. Per Mr. Davenport, Sheriff Daniels came to him seeking his advice on whether he should “to quote him; get out in front of it.”

Mr. Davenport indicated that on the evening of May 6, 2019, he received two calls from Sheriff Daniels (at approximately 19:53 hours and about 15 minutes later). Per Mr. Davenport, during those calls, Sheriff Daniels advised him of the incident involving him, Mrs. Smith and [REDACTED]. Mr. Davenport advised that Sheriff Daniels "essentially, uh, that the sheriff, well, what he relayed to me was he was concerned that, that she had committed stalking by following him around and she was, he gave me a sort of a very brief rundown that he was driving and following him around and was asking, you know, uh, I don't know if he brought it up or if I did, but talk, talking basically about, uh, stalking and whether or not there was an injunction or anything." Per Mr. Davenport, it was his impression that Sheriff Daniels had not attempted to get an injunction against Mrs. Smith prior to the incident, but noted that at a later date he did later speak with Sheriff Daniels about the process for getting an injunction. Per Mr. Davenport, he did not discuss the incident in detail with Sheriff Daniels at that time because he believed that [REDACTED] was listening to the conversation. Mr. Davenport advised that he relayed to Sheriff Daniels that for the purposes of the incident, he (Sheriff Daniels) was to recuse himself from any law enforcement action and that Undersheriff Walden would assume the responsibilities. It was Mr. Davenport's understanding that Sheriff Daniels had already spoken to Undersheriff Walden pertaining to him recusing himself.

Mr. Davenport denied being informed that Sheriff Daniels ordered Mrs. Smith's arrest, but added: "...a hypothetical call, deputies out and says she needs to be 10-15 (arrested) for stalking, right? It's one thing if it's another patrol deputy telling you that. It's another thing entirely if the sheriff does. For example, if the sheriff says to his assistant, Hmm, boy, I would like some coffee this morning. The assistant takes it differently than the undersheriff would." Mr. Davenport advised that he spoke with Director Jim Morgan about the incident and was told that "based on the information he had, there was insufficient, uh, probable cause for arrest."

#### Interview of CCSO Undersheriff Raymond L. Walden II:

OEI Inspectors conducted a sworn recorded interview of CCSO Undersheriff Raymond L. Walden II pursuant to this investigation. Undersheriff Walden advised that Sheriff Daniels told him of his affair with Mrs. Smith, and that he had ended the affair, "the day before the police memorial ceremony in Tallahassee" (Sunday, April 28, 2019). Undersheriff Walden advised that on May 6<sup>th</sup>, he received a call from Director Morgan, who advised him of the incident involving Sheriff Daniels and Mrs. Smith. Per Undersheriff Walden, after approximately 30 minutes, he received a call from Sheriff Daniels, who advised him that he had just spoken with Mr. Davenport about the incident and that he (Sheriff Daniels) was recusing himself from anything to do with the investigation and requested Undersheriff Walden "to have oversight of that and just make sure everything's above board and we're doing what we're supposed to be doing."

Undersheriff Walden advised that Sheriff Daniels relayed to him that he had driven through "some parking lots and the stuff about going across the median and all that and just trying to do some evasive maneuvers and they kept following and kept following." Sheriff Daniels reportedly told Undersheriff Walden that he called for a patrol unit and that he knew the person who was following him, but he was not going to make contact with them. Undersheriff Walden explained that both he, and Sheriff Daniels, knew that Mrs. Smith had been placed under [REDACTED] the prior week. Undersheriff Walden stated that he remembered Sheriff Daniels saying that he had attempted to get an injunction against Mrs. Smith "at some point", but was denied. Undersheriff Walden added

that he did not remember when Sheriff Daniels made that comment and he did not know where he had gone to seek the injunction.

Undersheriff Walden advised that 30 to 60 minutes later, he received another call from Director Morgan, who advised him that "they were talking about charging, charging her with armed trespassing on school property and simple stalking." Undersheriff Walden explained: "Well, I remember them talking about, he, he explained that, um, the, the driving pattern. The, the sheriff had driven, driven through a school parking lot and out; and, apparently, crossed a median or something; did a U turn trying to, you know, but this person kept tailing him and kept tailing him."

Undersheriff Walden advised that Sheriff Daniels had never told him about any other issue of stalking or harassment from Mrs. Smith saying: "And that's why when we first started talking about it that night when they called me and we talked about the stalking charge, and, and that was a discussion that, actually, Jim Morgan and I had; was that, you know, where's that pattern? And, I mean, if this is the first incident of this, then I'm not sure if that's gonna be a good case or not." Per Undersheriff Walden, after learning of the available facts he decided that they would not charge Mrs. Smith at that time and instructed that the SAO be called. Undersheriff Walden advised that he did remember when he received a call from Director Morgan advising him that the SAO had declined to proceed with the case and that they had released Mrs. Smith.

Undersheriff Walden relayed that on May 7, 2019, he reviewed the incident report. Undersheriff Walden was later advised by Sheriff Daniels that he did not want to pursue charges against Mrs. Smith.

#### Interview of CCSO Sheriff Darryl Daniels:

OEI Inspectors conducted a sworn recorded interview of Sheriff Darryl Daniels pursuant to this investigation. Pertaining to his relationship with Mrs. Smith, Sheriff Daniels acknowledged giving her tens of thousands of dollars via "CashApp" over the last year and a half. Sheriff Daniels also admitted to sending, and receiving, sexually explicit photographs to and from Mrs. Smith. Sheriff Daniels denied ever having sex with Mrs. Smith at the Sheriff's Office or in a Sheriff's Office issued motor vehicle.

Sheriff Daniels advised that Mrs. Smith contacted him on April 28, 2019, and asked him over to her house. Sheriff Daniels stated that he went to Mrs. Smith's home and "there was a bunch of really small talk." Sheriff Daniels denied that he and Mrs. Smith made any arrangement to meet at the Oakleaf Village Amenity Center on May 6 or that the Oakleaf Village Amenity Center was their normal "meeting spot". Sheriff Daniels stated that he met Mrs. Smith at the amenity center once before and that they had previously met at other places like the movie theater or the gym, but added that they usually met at her home.

Sheriff Daniels advised that after he left Mrs. Smith's home, he returned to his house with the intention of disclosing his affair to [REDACTED]. Sheriff Daniels relayed that prior to informing [REDACTED] of the affair, he deleted all of his interactions (to include text and messages) with Mrs. Smith from his personal cell phone. Sheriff Daniels added that when he told his wife about his affair with Mrs. Smith, he described her (Mrs. Smith) as being "crazy" with "a temper". Sheriff Daniels explained that when he said Mrs. Smith was crazy he meant "Not as in some loon that is unhinged, but crazy in the, in the term that, because of these years of engagement and this break-off that she is hostile. Not hostile towards my wife; just hostile, period." Sheriff Daniels further

stated that he did not tell his wife that Mrs. Smith was stalking him, nor did he tell [REDACTED] that Mrs. Smith was dangerous, or that he was in fear of her.

Sheriff Daniels stated that on May 6, 2019, he attended a board of trustees meeting at a local charter school in Clay County, which started at either 4:00 pm or 4:30 pm. Sheriff Daniels stated that after the meeting, he began driving home and as he turned on to Oakleaf Village Parkway, he noticed a black in color Jeep Wrangler (which he recognized as the make, model, and color of the vehicle driven by Mrs. Smith) sitting at a stop sign on what he believed was Oak Worth Court. Sheriff Daniels advised that as he started driving on Oakleaf Village Parkway he saw that the black Jeep pulled into traffic behind him and that he suspected it was Mrs. Smith. Sheriff Daniels stated that he then turned down a side road and made his way to the Oakleaf Village Amenities Center parking lot, still being followed by the vehicle, who he confirmed was Mrs. Smith.

Sheriff Daniels described his thoughts at the time, stating: "So this evolution of me going around and around the parking lot that lasted for seemed like five, 10 minutes. And a million things are going through my head and I'm like, how does this end? I started thinking Clay County Sheriff has to kill a female, young female in her vehicle. I said, eh, that's not a good look for myself or the county. Clay County is killed by a young, eh, that's not a good look either. I guess I'm gonna have to open up Pandora's Box here. Get on the radio. I called for, I got on the police radio, called for units to come to where I was. And prior to them getting there, there was two, two people assigned, a sergeant and a deputy. Prior to them getting there, my wife arrived while we were doing the, the circle around the park parking lot. And she and I are on the phone, my wife and I, and she suggested that, you know, hey, kind of too many people over here; just go, let's go across the street. I said, you know what? Smart idea. Just get away from everybody." Sheriff Daniels relayed that he thought the aforementioned scenarios were possible because: "I just thought it strange, and, and, and I've known her now, I had known her at that point since 2014 and, you know, have seen her, I'm not trying to paint a picture of her being some ugly person, but I've seen her showing out when she doesn't have her way. And, um, she's just one of those type of people has a, has a hard temper. Well, I remember her sending me, she had sent me a text a few days prior and that text said, I got, I'm [REDACTED] I'm sorry. And I'm thinking, okay, she's hot off [REDACTED] her, her words. Uh, she and I have had zero communication. I did tell her that I would be telling my wife, um, about what's been going on and, you know, either she didn't believe me, I don't know if she believed me or not, but I think she believed me after, after that day." It should be noted that per CCSO radio communications records, at 18:27 hours, before CCSO deputies arrived on scene, Sheriff Daniels advised "S77" (situation under control.)

Sheriff Daniels relayed that after he realized Mrs. Smith was following him, he contacted his wife [REDACTED] and advised [REDACTED] of the situation. Per Sheriff Daniels, [REDACTED] responded "I'll be right there. Hold on." Sheriff Daniels described how they continued going around the parking lot, even to the point of going over "the median" .... "And, you know, I wasn't aware of how long it was taking, but it seemed like it took close to 15, 20 minutes at this point. And, you know, I made contact with HQ. Hey, who's assigned to this? You would think, in my mind I'm saying you would think that if the Sheriff gets on the radio and is calling for whatever, kind of, that kind of is a big deal. Not that I'm anybody special, but kind of make that a priority." It should be noted that per CCSO radio communications records, a total of nine (9) minutes transpired from the initial radio call from Sheriff Daniels requesting assistance at 18:22 hours and Sgt. Ruby's arrival at the scene at 18:31 hours.

Sheriff Daniels then relayed: "And ultimately, um, the guys got there, um, a deputy and sergeant. And I think my wife had stopped. [REDACTED] like, 'I'm not gonna continue to ride around.' Um, they, I think the way it played out, they either pulled behind her (Mrs. Smith) or something like that. Um, I'm trying to visualize how it, they pull in front, I think they pulled behind her and stopped her, and I kind of pulled off and out of the way. And immediately they made contact with her" ... "You could tell there was some conversation. I'm not real sure yet whether or not they put her in handcuffs or not, but they were, she was certainly in custody, in their custody." It should be noted that per CCSO radio communications and the statements from Sgt. Ruby and Deputy Glenn, the black Jeep was stopped at the request of Sheriff Daniels at 18:31 hours. It should also be noted that per Sgt. Ruby's and Deputy Glenn's statement, Mrs. Smith was not placed in custody (arrested) until after Sheriff Daniels provided his verbal statement to Sgt. Ruby.

Per Sheriff Daniels neither he nor [REDACTED] exited their respective vehicles, "And at some point Sergeant Ruby came over and, um, he said, he saw what was happening. And he didn't really solicit my input on what to do. He said, I think I got enough for, um, trespassing on school property and stalking. And, you know, like I'm gonna have to back myself out of this whole situation. I can't take any kind of action in this because I'm involved in a personal matter here. And that's not what I communicated to him, but that's what I was thinking. So I said, You do what you think you need to do." Sheriff Daniels relayed that he did not believe that Sgt. Ruby "got his side of the story" saying: "No. He, he just, other than the fact that he did see us doing the little circle jerk there. Um, best to my recollection, you know, I told, I kind of gave him the skinny that, how I picked her up in traffic and how we had been doing this little circle." Sheriff Daniels also stated that he did not remember telling Sgt. Ruby much about his history with Mrs. Smith. Sheriff Daniels stated: "I don't think I did. I think, uh, if I did, I, if I did, and I, then it would have been very brief. It wouldn't have been in any kind of detail."

OEI Inspectors advised Sheriff Daniels of Sgt. Ruby sworn statement where he advised the he (Sheriff Daniels) provided a verbal statement indicating that he had attempted to get an injunction against Mrs. Smith which was denied. Sheriff Daniels denied that on May 6, 2019, he provided a statement to Sgt. Ruby that he had previously attempted to obtain an injunction against Mrs. Smith. Sheriff Daniels stated: The only -- the only person -- the only person that I had a conversation with about, um, an injunction was Davenport." Sheriff Daniels clarified that the conversation with Mr. Davenport about the injunction occurred after May 6, 2019, and that he discussed it with Mr. Davenport, he decided not to obtain one. It should be noted that additional to Sgt. Ruby's statement, Undersheriff Walden also provided a sworn statement that Sheriff Daniels advised him that he (Sheriff Daniels) attempted to get an injunction against Mrs. Smith "at some point", but was denied.

Sheriff Daniels also denied having a conversation with Sgt. Ruby, in which Sgt. Ruby informed him that he had probable cause to arrest Mrs. Smith, but sought Sheriff Daniels' opinion and guidance as to whether she should be arrested. Sheriff Daniels stated, "Not to my recollection. And I'm not, and I'm certainly not gonna hide behind that phrase. Um, I didn't give him any guidance. My only guidance to him was, 'Do what you think you need to do,' because I knew that, I didn't want to put myself in a position where I'm making calls at the scene as the Sheriff. And those guys will do whatever I tell them to do. They would be operating under my authority at that point and I didn't want to do that because it's, it's inappropriate to do that and a violation of policy."

Sheriff Daniels advised that while he was still at the scene, "I get on the, I called, uh, general counsel I believe it was. It was either general counsel or, or the undersheriff and I told him kind of what was going on, as much detail as I could. I'm like, Hey, I'm, I'm not, I'm, I'm excluding myself from this whole thing. You're gonna have to

take the lead. Um, somebody's gonna have to be the order in all this, because I can't involve myself" ... "And, uh, I even told, and I remember telling Jeff Davenport, General Counsel, I remember telling him the sergeant said, you know, that he's got enough for, um, stalking and trespassing on school property" ... "I just basically need to be excluded from this. It's like, all right. You know, I don't know if I called him, first called the undersheriff, but he, I think I called general counsel first and he said you should call the undersheriff so he can take the lead on all of it. Okay, fine. So kind of give him an up-to-speed to the best of my recollection." Sheriff Daniels stated that after he ended the phone conversations with Mrs. Davenport and Undersheriff Walden, "...up walks Ruby, and now it's me and my wife in the truck. And, uh, and he gives me the paperwork for, for my statement." It should be noted that per the reviewed phone records, contrary to Sheriff Daniel's statement, he did not communicate with Mr. Davenport until 19:53 hours and Undersheriff Walden until 20:32 hours; both calls occurred after he had left the scene of the incident.

Pertaining to the allegations that he instructed Sgt. Ruby to arrest Mrs. Smith for stalking, Sheriff Daniels stated that it was Sgt. Ruby who believed he had enough probable cause and added: "I'm like, "Do what you think you need to do. Because, you know, here, I'm not gonna make a call on it one way and I'm not gonna give him any information, no ammunition to say, Well, the Sheriff said proceed. Like, look, I know that there are, there's another layer of supervision up here that's gonna have to lay eyes on a docket; and if, and if PC does not exist, they're not gonna make an arrest."

Pertaining to his thoughts about the validity of Sgt. Ruby's probable cause to arrest Mrs. Smith for stalking, Sheriff Daniels stated: "Um, for stalking? No, I don't think so. Um, I mean, I think he based his decision on what he observed, all this following going on. And I guess, I guess he's saying a, you know, a prudent person wouldn't be doing that. That's, that's following. Right?" Sheriff Daniels acknowledged that he did not believe probable cause existed to arrest Mrs. Smith for stalking: "he felt like he had the elements met. Um, there was no pattern that he knew of. You know, we have to go to that day. Did he know of any other pattern? No, there was nothing communicated to him. And this thing about an injunction, me and him never had a conversation about an injunction. I don't know where that part came from." It should be noted that per Sgt. Ruby's interview, Sheriff Daniels provided a verbal statement advising Mrs. Smith had followed him in the past, that he was in fear of Mrs. Smith, and that he had attempted to obtain an injunction against Mrs. Smith which was denied on the day of the incident, May 6, 2019.

OEI Inspectors asked Sheriff Daniels why he allowed the arrest to be conducted by a subordinate of his agency when he was present during the arrest and did not believe there was enough probable cause for said arrest, Sheriff Daniels explained that he: "didn't weigh in one way or the other. I provided my statement. I even told the undersheriff and general counsel everything that I had at the scene that was going on, even what Ruby said, so they were equipped with the information." ... "I also know that that I'm making contact with general counsel and an undersheriff and placing them in charge of the entire evolution to be the authority to deal with that matter. So as not to be included in it at all, other than my role. Not a good role, but." It should be noted that per CCSO radio transmissions, Mrs. Smith was placed under arrest at 18:44 hours. However, as previously stated, Sheriff Daniels did not communicate with Mr. Davenport until 19:53 hours and Undersheriff Walden until 20:32 hours; both calls occurring over one hour after Mrs. Smith's arrest.

## **Sheriff Daniels CCSO Issued Cellphone Records**

Based on the information obtained during this investigation, OEI Inspectors reviewed the telephone records for Sheriff Daniels' CCSO issued cellphone. The records detailed that while at the scene of the incident, Sheriff Daniels attempted to contact JSO Sheriff Mike Williams. Per the phone records, Sheriff Daniels first attempted to contact Sheriff Williams at 18:59 hours, but was unsuccessful. Per the phone records, Sheriff Williams later contacted Sheriff Daniels' at 19:54 hours and at 20:06 hours. It should be noted that per CCSO Incident# 2019-011418 records, Sheriff Daniels signed and provided his written sworn statement to Sgt. Ruby pertaining to the incident at 18:55 hours (four minutes prior to his first attempt to contact Sheriff Williams via his cellphone.) Additionally, per Sgt. Ruby's sworn statement to OEI Inspectors, after Sheriff Daniels provided him with the written sworn statement, he (Sheriff Daniels) advised Sgt. Ruby that he did not want Mrs. Smith in the Clay County Jail and intimated at her being transported to the Jacksonville Jail instead; to which Sgt. Ruby responded that he (Sheriff Daniels) would need to contact JSO Sheriff Williams in order to make those arrangements.

Pursuant to the information obtained from Sheriff Daniels CCSO issued cellphone records, OEI Inspectors contacted Sheriff Williams regarding the aforementioned telephone conversation with Sheriff Daniels on the evening of May 6, 2019. Sheriff Williams advised that it was a very short conversation during which their phone connection was intermittent. Sheriff Williams stated that Sheriff Daniels commented about "a girl stalking him" and Sheriff Williams understood it to be Mrs. Smith, who had worked for him in the jail in Jacksonville. Sheriff Williams advised that Sheriff Daniels intimated that he wanted to house Mrs. Smith in the Duval (Jacksonville) County Jail, to which Sheriff Williams told him "if she committed a crime in Clay County, she needs to go to jail in Clay County". Sheriff Williams stated that Sheriff Daniels did not discuss any details of the incident with him. It should be noted that the aforementioned conversations occurred after Mrs. Smith's arrest; to which Sheriff Daniels advised OEI Inspectors he did not believe there was enough probable cause for the charge of stalking.

## **SECTION II**

## **INVESTIGATIVE FINDINGS**

The following findings are based on the evidence, documentation, and information obtained during OEI's investigation:

- Per Mrs. Smith's and Sheriff Daniels' sworn statements, they were involved in an intimate personal relationship / affair which began while they were both employed by the Jacksonville Sheriff's Office.
- Per phone analysis and records, Mrs. Smith and Sheriff Daniels interacted on 27,371 instances. These interactions pertained to monetary transactions, messages which contained mutually consensual exchange of sexually explicit messages, videos, and images; and images indicative of Mrs. Smith having accompanied Sheriff Daniels while he was on Sheriff's Office business outside of Clay County, Florida.
- Per JSO IA investigation case# 2018-0504 records, the report detailed multiple complaints against Mrs. Smith to include alleged "Sex on Duty" between her and Sheriff Daniels.

- Per Mrs. Smith's sworn statement, the findings pertaining to the JSO internal affairs investigation was the reason Sheriff Daniels decided to tell his wife [REDACTED] about their affair.
- Per phone analysis and records, on April 28, 2019, Sheriff Daniels and Mrs. Smith exchanged multiple texts, alluding to intimacy between them, the JSO Internal Affairs investigation, and meeting during the evening of that date.
- Per Sheriff Daniels' sworn statement, on the evening of April 28, 2019, he visited Mrs. Smith, at her request, during which time there was only "small talk".
- Per Mrs. Smith's sworn statement, when Sheriff Daniels visited her home on the evening of April 28, 2019, they discussed the upcoming release of the JSO Internal Affairs investigation, and it was decided that Sheriff Daniels would divulge to [REDACTED] their affair.
- Per Sheriff Daniels' sworn statement, before divulging his affair with Mrs. Smith to [REDACTED] he deleted from his personal cell phone all interactions with Mrs. Smith.
- Per phone analysis and records, on the evening of April 28, 2019, Sheriff Daniels sent a text to Mrs. Smith which stated: "I'm about to tell [REDACTED] Walking in", followed, eleven minutes later by the second text: "[REDACTED] stormed out....I'll have to talk to you tomorrow".
- Per [REDACTED] and Sheriff Daniels' sworn statements, when Sheriff Daniels advised [REDACTED] of his affair with Mrs. Smith, he advised [REDACTED] that he had terminated the relationship with Mrs. Smith.
- Per [REDACTED] sworn statement, Sheriff Daniels described Mrs. Smith as having mental issues.
- Per Mrs. Smith's sworn statement, Sheriff Daniels never terminated their relationship.
- Per phone analysis and records, 10 additional texts were sent between Mrs. Smith and Sheriff Daniels on April 29 and 30, 2019. It should be noted that none of the texts alluded to them terminating their relationship.
- Per Mrs. Smith's sworn statement, on April 30, 2019, she and Sheriff Daniels agreed to meet on May 6, 2019, at their "normal location".
- Per Sheriff Daniels' sworn statement, he never agreed to meet with Mrs. Smith.
- Per phone analysis and records, no communication exchange was identified to corroborate that a meeting was prearranged between Mrs. Smith and Sheriff Daniels on May 6, 2019.
- Per Mrs. Smith's sworn statement, on May 1, 2019, [REDACTED]



- Per phone analysis and records, on May 3, 2019, a text exchange between the cell phones of Sheriff Daniels and Mrs. Smith was identified, which detailed: "Northside cunt of the day don't call this number again. This is my phone now. He don't want your crazy ass. BYE Boo. Find someone at the Baptist psych unit. You low budget hoe. Be seeing you soon.....real soon." It should be noted that [REDACTED] later admitted to having sent this text. Mrs. Smith replied to the text with a picture of her with Sheriff Daniels stating: "You just worry about standing by your husbands (sic) side when news4jax airs this story. Goodnight grandma".
- Per Mrs. Smith's sworn statement, on May 6, 2019, she was near their prearranged meeting location when she saw Sheriff Daniels in his vehicle.
- Per Sheriff Daniels sworn statement, on May 6, 2019, he was headed home from a meeting when he noticed he was being followed by Mrs. Smith in her vehicle.
- Per Mrs. Smith's and Sheriff Daniels' sworn statements, Mrs. Smith continued to follow Sheriff Daniels through the area, ultimately arriving at the parking lot of the Oakleaf Elementary School.
- Per Sheriff Daniels' sworn statement, while being followed by Mrs. Smith, he called [REDACTED] and advised her of the situation. Per phone records, the call occurred at 18:16 hours.
- Per CCSO Communications records, at 18:22 hours, Sheriff Daniels requested the assistance of deputies. It should be noted that this communication occurred six minutes after Sheriff Daniels' initial call to [REDACTED] [REDACTED]
- Per Sheriff Daniels sworn statement, while being followed by Mrs. Smith he called for deputies to assist because: "I started thinking Clay County Sheriff has to kill a female, young female in her vehicle. I said, eh, that's not a good look for myself or the county. Clay County is killed by a young, eh, that's not a good look either. I guess I'm gonna have to open up Pandora's Box here".
- Per CCSO Communications records, at 18:27 hours (before CCSO deputies arrived on scene) Sheriff Daniels advised "S77" (situation under control).
- Per [REDACTED] sworn statement, [REDACTED] observed and recorded Mrs. Smith following Sheriff Daniels. Some of the videos recorded by [REDACTED] depict [REDACTED] aforementioned observation.
- Per CCSO Communications records, at 18:31 hours, Sgt. Ruby arrived at the incident location and was subsequently instructed by Sheriff Daniels to stop the vehicle occupied by Mrs. Smith.
- Per CCSO Communications records, at 18:32 hours, Deputy Glenn arrived at the incident location and observed Sgt. Ruby stop Mrs. Smith's vehicle.

- Per CCSO Incident# 2019-011418 records and Sgt. Ruby's sworn statement, he spoke to Mrs. Smith who advised him she was following Sheriff Daniels pursuant to a prearranged meeting.
- Per CCSO Incident# 2019-011418 records and Sgt. Ruby's sworn statement, he was advised by Sheriff Daniels that he was returning home from a meeting when he noticed Mrs. Smith following him.
- Per CCSO Incident# 2019-011418 records and Sgt. Ruby's sworn statement, Sheriff Daniels advised Sgt. Ruby that he had an affair with Mrs. Smith which he had terminated prior to that date.
- Per CCSO Incident# 2019-011418 records and Sgt. Ruby's sworn statement, Sheriff Daniels advised Sgt. Ruby that he felt "in fear", 'Cause she (Mrs. Smith) was crazy.'" According to Sgt. Ruby, Sheriff Daniels based that belief on Mrs. Smith having been held [REDACTED]
- Per CCSO Incident# 2019-011418 records and Sgt. Ruby's sworn statement, Sheriff Daniels advised Sgt. Ruby that Mrs. Smith had attempted to follow him in the past.
- Per CCSO Incident# 2019-011418 records and Sgt. Ruby's sworn statement, Sheriff Daniels advised Sgt. Ruby that he had attempted on that same date (May 6, 2019) to obtain an injunction against Mrs. Smith, which was denied.
- Per Sheriff Daniels' sworn statement, he did not advise Sgt. Ruby that he had attempted on that same date (May 6, 2019) to obtain an injunction against Mrs. Smith, which was denied.
- Per [REDACTED] sworn statement, [REDACTED] believed that between April 28, 2019, and May 6, 2019, Sheriff Daniels advised [REDACTED] that he attempted to obtain an injunction against Mrs. Smith.
- Per Undersheriff Walden's sworn statement, Sheriff Daniels advised him at some point that he had attempted to obtain an injunction against Mrs. Smith.
- Per Clay County Clerk of the Court records, Sheriff Daniels never attempted to obtain an injunction against Mrs. Smith in their circuit.
- Per Duval County Clerk of Courts records, Sheriff Daniels never attempted to obtain an injunction against Mrs. Smith in their circuit.
- Per Sgt. Ruby's sworn statement, he advised Sheriff Daniels that: "Well, Sheriff, um, you know, um, you got options here." ... "I really don't know what you want me to do with this but, uh, we got options." ... "I can have a talk with her and, um, ask her to stay away from you, um, or we can write this up and we, from what you're explaining to me, this sounds like stalking and, um, with your relationship with her, um, it sounds like domestic stalking. So, um, we, we definitely can do something about this. I mean, if, uh, if, um, you know, if you would like to pursue charges against her." Per Sgt. Ruby, Sheriff Daniels advised him: "Yes, I would like her arrested."

- Per Mrs. Smith's sworn statement, she overheard Sgt. Ruby telling Sheriff Daniels "You know do you want me just tell her to leave or do you know, do you want me go ahead and book it?" And, at that time, Sheriff Daniels said, "You know, go ahead and make the arrest."
- Per Sheriff Daniels' sworn statement, he did not advise Sgt. Ruby that he wanted Mrs. Smith arrested and only told him to "Do what you think you need to do..."
- Per Deputy Glenn's sworn statement, at the time of the incident, Sgt. Ruby advised him that Sheriff Daniels had stated that Mrs. Smith had patterns of following him, that he was in fear of Mrs. Smith and that he had attempted to obtain an injunction against Mrs. Smith. Based on the aforementioned information, Deputy Glenn wrote Mrs. Smith's arrest report documented in CCSO Incident# 2019-011418.
- Per CCSO Communications records, at 18:42 hours, Sheriff Daniels advised that "I think he's going to be 10-15 (arrest)." Per the identified timeline of events, this occurred after Sgt. Ruby spoke to Sheriff Daniels and while Sgt. Ruby was speaking to Mrs. Smith.
- Per CCSO Communications records, at 18:44 hours, Sgt. Ruby advised that "we have a black female 10-15."
- Per CCSO Incident# 2019-011418 records and Sgt. Ruby's sworn statement, Mrs. Smith was placed under arrest based on her statement and the aforementioned information provided by Sheriff Daniels (pattern of Mrs. Smith following him, attempting to obtain an injunction, and being in fear of Mrs. Smith).
- Per Sheriff Daniels' sworn statement, he did not believe that Sgt. Ruby had enough probable cause to arrest Mrs. Smith.
- Per Sheriff Daniels' sworn statement, he did not communicate the aforementioned belief to Sgt. Ruby because he had contacted Mr. Davenport and Undersheriff Walden while he was at the scene of the incident to communicate the facts of the situation.
- Per phone records and Mr. Davenport's / Under Sheriff Walden's sworn statements, Sheriff Daniels informed them of the incident at 19:53 hours and 20:32 hours respectively; both calls occurred over one hour after Mrs. Smith's arrest.
- Per CCSO Incident# 2019-011418 records and Sheriff Daniels' sworn statement, he also provided a written statement to Sgt. Ruby while at the scene of the incident.
- Per Sheriff Daniels' written statement, he could "draw no other conclusion other than Smith both willfully and intentionally followed me in a manner that caused me great concern that if I stopped to engage Smith that I would be exposed to imminent danger."

- Per Sgt. Ruby's sworn statement, Sheriff Daniels gave his written statement to [REDACTED] to revise before he swore the information was true and accurate.
- Per the identified timeline of events, Sheriff Daniels provided his written statement to Sgt. Ruby after he observed Mrs. Smith being arrested (by Sgt. Ruby) and while he believed that there was not enough probable cause for her arrest.
- Per Sgt. Ruby's sworn statement, after Sheriff Daniels provided him with the written sworn statement, he (Sheriff Daniels) advised Sgt. Ruby that he did not want Mrs. Smith in the Clay County Jail and intimated at her being transported to the Jacksonville Jail instead; to which Sgt. Ruby responded that he (Sheriff Daniels) would need to contact JSO Sheriff Williams in order to make those arrangements.
- Per Sheriff Daniels CCSO issued cellphone records and CCSO Incident# 2019-011418 records, Sheriff Daniels attempted to contact JSO Sheriff Mike Williams, shortly after he had the aforementioned conversation with Sgt. Ruby regarding housing Mrs. Smith at the Jacksonville Jail.
- Per Sheriff Daniels CCSO issued cellphone records, Sheriff Williams and Sheriff Daniels spoke on two occasions during the evening of May 6, 2019; respectively at 19:54 hours and 20:06 hours.
- Per Sheriff Williams' statement, during the phone conversation, Sheriff Daniels commented about "a girl stalking him." Furthermore, Sheriff Williams declined to house Mrs. Smith at the Jacksonville Jail.
- Per the identified timeline of events, the aforementioned conversation between Sheriff Daniels and Sheriff Williams occurred after Sheriff Daniels observed Mrs. Smith being arrested by Sgt. Ruby for stalking while he (Sheriff Daniels) believed that there was not enough probable cause for her arrest.
- Per CCSO Incident# 2019-011418 records and Lt. Alexander's sworn statement, during the incident, Sgt. Ruby contacted him and advised him of the aforementioned information he used for the probable cause of the arrest of Mrs. Smith (pattern of Mrs. Smith following him, attempting to obtain an injunction, and being in fear of Mrs. Smith).
- Per Lt. Alexander's sworn statement and SAO Director Hazel's memorandum, during the evening of the incident, Sgt. Ruby contacted him and advised him of the aforementioned information he used for the probable cause of the arrest of Mrs. Smith (pattern of Mrs. Smith following him, attempting to obtain an injunction, and being in fear of Mrs. Smith). SAO Director Hazel advised that they would not file the case based on the available information.
- Per CCSO Incident# 2019-011418 records and Director Morgan's sworn statement, during the evening of the incident, Lt. Alexander called him during the incident and advised him of the aforementioned information used for the probable cause of the arrest of Mrs. Smith (pattern of Mrs. Smith following him, attempting to obtain an injunction, and being in fear of Mrs. Smith).
- Per CCSO Incident# 2019-011418 records and Undersheriff Walden's sworn statement, during the evening of the incident, Director Morgan called him during the incident and advised him of the

aforementioned information used for the probable cause of the arrest of Mrs. Smith (pattern of Mrs. Smith following him, attempting to obtain an injunction, and being in fear of Mrs. Smith).

- Per Mr. Davenport's sworn statement, he advised that Sheriff Daniels "... relayed to me was he was concerned that, that she had committed stalking by following him around". It should be noted that this conversation occurred over an hour after Sheriff Daniels witnessed Mrs. Smith being arrested by Sgt. Ruby and while he (Sheriff Daniels) believed there was not enough probable cause for her arrest.
- Per Undersheriff Walden's sworn statement, although Sheriff Daniels had previously divulged the affair with Mrs. Smith to him, he (Sheriff Daniels) never advised of any issues with Mrs. Smith pertaining to stalking or harassment.
- Per CCSO Incident# 2019-011418 records and Sgt. Ruby's / Deputy Glenn's sworn statements, before taking Mrs. Smith to the Clay County Jail, they obtained an additional statement from her in which she described her and Sheriff Daniels' intimate personal relationship / affair. Based on Mrs. Smith's statement at that time, they concluded more investigative efforts were needed.
- Per CCSO Incident# 2019-011418 records, after Mrs. Smith provided her statement, a decision was made to release her.
- Per CCSO Incident# 2019-011418 records, on May 7, 2019, Sheriff Daniels completed and signed CCSO "Victims Right to Confidentiality Form", identifying himself as the victim pertaining to CCSO Incident# 2019-011418. It should be noted that this occurred one day after Sheriff Daniels witnessed Mrs. Smith being arrested by Sgt. Ruby, while he (Sheriff Daniels) believed there was not enough probable cause for her arrest.
- Per CCSO Incident# 2019-011418 records, on May 7, 2019, the investigation of the incident was assigned to CCSO Detective Clark for further investigation.
- Per CCSO Incident# 2019-011418 records, on May 8, 2019, Detective Clark "received notification that the victim (Sheriff Daniels) no longer wanted to pursue this case and would not be seeking to file charges." It should be noted that this occurred two days after Sheriff Daniels witnessed Mrs. Smith being arrested by Sgt. Ruby, while he (Sheriff Daniels) believed there was not enough probable cause for her arrest.

Based on the information and records reviewed during this investigation, on May 6, 2019, Clay County Sheriff Darryl Daniels knowingly provided false information to CCSO Sgt. Ruby, a law enforcement officer, to wit that Mrs. Cierra Smith had previously engaged in pattern of following him and that he had attempted to obtain an injunction against Mrs. Smith. Said false information caused Sgt. Ruby to believe he had probable cause to arrest Mrs. Smith for the crime of stalking.

Furthermore, it was determined that, on May 6, 2019, Clay County Sheriff Darryl Daniels, a public servant, knowingly and intentionally provided false information that caused Deputy Glenn to detail said false information

in CCSO Incident# 2019-011418, an official record, to wit that Mrs. Smith had previously engaged in pattern of following him, that he had attempted to obtain an injunction against Mrs. Smith and that he wanted Mrs. Smith to be arrested. By providing the false information described, Sheriff Daniels caused the unwarranted arrest of Mrs. Smith, thereby causing harm to Mrs. Smith.

Additionally, on October 10, 2019, Clay County Sheriff Darryl Daniels, while under oath, knowingly and willfully provided FDLE Inspector Keith Riddick and Special Agent Supervisor Luis Negrete, both law enforcement officers, false information during his sworn statement, to wit that he never falsely advised Sgt. Ruby that Mrs. Cierra Smith had previously engaged in pattern of following him, that he had attempted to obtain an injunction against Mrs. Smith, and that he never told Sgt. Ruby that he wanted Mrs. Smith arrested. Sheriff Daniels provided this false information with the intent to mislead the law enforcement officers of the facts pertaining to their investigation into the crime of official misconduct, a felony under Florida Statute.

## SECTION III

### STATE ATTORNEY

A copy of this document, all related Investigative Reports and corresponding documents were provided to the State Attorney's Office in and for the Fourth Judicial Circuit for their review and prosecutorial determination.

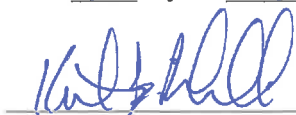
## SECTION III

### NOTARIZATIONS


I swear the foregoing is true and correct

SWORN to and SUBSCRIBED

This 12 day of August, 2020



Inspector Keith B. Riddick  
Florida Department of Law Enforcement  
Office of Executive Investigations  
2331 Phillips Road  
Tallahassee, FL 32308

  
(Notary Public or LEO)