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July 14, 2012

Via U.S. Mail, Hand Delivery, & Electronic Distribution

John Edward Hale
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Jesse Pannucio,
Acting General Counsel Executive Office of the Governor,
The Capitol
400 S. Monroe St.
Tallahassee, FL 32399-0001
Facsimile (850) 922-9002

Re: *FDLE Agency Case Number: CP-73-0993*
FDLE Agency Case Number: CP-73-098

Gentlemen:

We represent Carletha Cole and request on her behalf, an independent investigation into the suspicious fire set inside the office of the Lieutenant Governor on March 17, 2011. The fire was set inside of Ms. Cole's office garbage can and which was immediately referred to the Florida Department of Law Enforcement for investigation.

This request is not made without substantial indication that there was an apparent interference with this investigation with regards to its thoroughness and duration. The failure of the responding agency to investigate the matter fully mandates that the Fire Marshal conduct an independent investigation and address the following issues of concern that have been left unresolved. Should the Fire Marshal decline to conduct the required investigation, then this letter should also serve as a request that the matter be forwarded to the U.S. Attorneys' Office for the Northern District of Florida for investigation and/or further referral to the Public Integrity Section of the United States Department of Justice.

Please confirm by the close of business on July 17, 2012 that the Criminal Investigation serving the Fire Marshal for the State of Florida will investigate this matter or in the alternative that the matter has been forwarded to the U.S. Attorneys' Office for the Northern District of Florida. The basis for this letter concerning this most serious matter stems from our review of the Investigative Reports prepared by the Florida Department of Law Enforcement during its investigation. These reports were obtained via the Florida public records laws and were readily produced by the Florida Department of Law Enforcement.

The following issues deserve the attention of an independent investigative agency beholden to no public official:

a) On March 16, 2011, Ms. Beatriz Ramos [the Lieutenant Governor's "Travel Aide"] became very angry with Ms. Carletha Cole during a staff meeting for reasons known only to Ms. Ramos and Ms. Cole.

The fire was reported to the Capitol Police at approximately 6:38 pm on March 17, 2011 by the former Chief of Staff for Governor Rick Scott, Mike Prendergrast.

b) Lieutenant Angela Moore was dispatched to the Capitol at 6:42 pm.

c) The fire had been extinguished by the time Lieutenant Moore arrived on scene.

d) The fire was extinguished as a result of the quick thinking of Ms. Carolyn Timmann, the former Director of the Office of Open Government.

e) Lieutenant Moore made contact with Capitol Police Investigator John Hamilton during the evening of March 17, 2012.

f) Obtained from the garbage can were a partially smoked cigar and a burnt match.

g) The initial matter for which an independent investigation is required are the obvious anomalies contained within the *EVIDENCE / PROPERTY CUSTODY DOCUMENT* attached hereto as **Exhibit "A"**.

h) Lieutenant Moore's report indicates that the smoked cigar and the burnt match were placed in a temporary storage locker for the purposes of having these items "evaluate[d] as evidence".

i) Nonetheless, **Exhibit "A"** indicates that these items were released to the custody of "evidence custodian" on March 17, 2011. No Evidence Custodian executed Exhibit "A".

j) Item "1" on **Exhibit "A"** was the partially smoked cigar. Most troubling, this critical chain of custody document—which every rookie police officer is trained to make sure that the chain of custody of evidence is maintained and detailed at all times—indicates that Item "1" was destroyed the evening of March 17, 2011 by Capitol Police Investigator John Hamilton. According to **Exhibit "A"** Investigator Hamilton destroyed the cigar a short time after he accepted the evidence from Lieutenant Moore. Why would Lieutenant Moore impound the evidence for "evaluation" simply to have Investigator Hamilton destroy the cigar before witness interviews had occurred? This suggests that Lieutenant Moore had no intention of destroying the evidence, and that Investigator Hamilton made this decision without the consent or knowledge of Lieutenant Moore. Did Investigator Hamilton inform Lieutenant Moore of his intent to destroy the cigar prior to accepting the item as the "evidence custodian", and if so, why did Lieutenant Moore go through the trouble of impounding the item at all?

k) Even worse on the evening of March 17, 2011, Investigator Hamilton with the Capitol

Police, destroyed the partially smoked cigar and noted on the evidence receipt that the fire was “Non-Criminal” in justification for his destruction of this critical evidence which almost certainly contained the DNA signature of the person responsible for igniting the fire. Once again, this evidence was destroyed **the night of the fire** and upon a determination by Investigator Hamilton that this potential first degree felony arson within the Capitol was “Non-Criminal” **prior to a single substantive interview having been conducted.**

l) The only other piece of evidence, the remains of an ignited match, was also destroyed by Investigator Hamilton the night of the potential arson on March 17, 2011, and prior to the interview of a single substantive witness. Clearly, the match may have also contained the DNA signature of the person who obviously lit or relit the cigar inside the Capitol on March 17, 2011. Undersigned counsel has reason to believe that smoking has been prohibited within the new Capitol since its construction. At a minimum, one would expect Investigator Hamilton to have preserved the evidence until a complete investigation had occurred. No arson investigation manual approves destroying the evidence of ignition the night of the fire. Moreover, the diminutive nature of the evidence at issue would not demand a large amount of storage space. This fact also calls into the legitimacy of the immediate destruction of these critical items of evidence.

m) The only real police work performed on the evening of March 17, 2011 was provided by Lieutenant Moore, who at least photographed the items of evidence prior to releasing them to Investigator Hamilton, and identified the photographs as being case related items in addition to **Exhibit “A”** (the Evidence / Property Custody Document). A copy of the Case Related Items Printout prepared by Lieutenant Moore on March 18, 2011 has been attached hereto as **Exhibit “B”**.

n) Investigator Hamilton returned to the scene of the fire on March 18, 2011, where he interviewed the Lieutenant Governor and, contrary to FDLE standard procedure, the interview was not audio recorded. Investigator Hamilton’s report indicates that the Lieutenant Governor claimed to have already spoken with Ms. Ramos [her “Travel Aide”] about the fire prior to Investigator Hamilton arriving at the Capitol on the morning of March 18, 2011. This is puzzling, given that Ms. Ramos did not show up to work on March 18, 2011, which strongly suggests that the Lieutenant Governor instructed Ms. Ramos on the night of March 17, 2011 to remain out of the office until she had personally spoken with the Investigator.¹

o) This begs the question as to how Ms. Ramos learned of the fire. What occasioned her to call the Lieutenant Governor apparently at home or what caused the Lieutenant Governor to suspect that Ms. Ramos might have knowledge as to the origin of the fire and therefore call Ms. Ramos to inquire if she were somehow responsible for the fire? Regardless, why didn’t Investigator Hamilton insist that Ms. Ramos be available for an interview on March 18, 2011, even if it required Investigator Hamilton to travel to Ms. Ramos’ residence²? Lastly, with no evidence in any report that Ms. Ramos had fallen

¹ As provided by Proverbs, “*The wicked flee when no man pursueth: but the righteous are bold as a lion.*”

² Perhaps Investigator Hamilton’s reticence to interview Ms. Ramos at her home, stemmed from the rampant rumors within the Capitol that Ms. Ramos shared a residence with the Lieutenant Governor. Not that there is anything wrong with that. However, Ms. Ramos’ interview under these circumstances would have been seemingly made easier given that FDLE would have direct knowledge of this address.

suddenly ill on the night of March 17, 2011 or the morning of March 18, 2011, why would Ms. Ramos not feel compelled to assist in the investigation by providing an immediate interview?

p) Why did Investigator Hamilton refuse Ms. Cole's direct requests that he examine her computer as it had been tampered with in addition to her garbage can having been lit ablaze, and it was clear to Ms. Cole that someone had attempted to access her work station? Ms. Cole also requested that Investigator Hamilton attempt to obtain latent fingerprints from her computer, her desk, and her trashcan to which he responded "we're [FDLE] not going to expend those kinds of resources on this investigation." The patent ridiculousness of this statement is self-evident.

q) In truth and fact, Ms. Cole was the victim of the fire and tampering activities with her computer. Nonetheless, her concerns were immediately dismissed, whereas the Lieutenant Governor in speaking on behalf of the prime suspect alleviated all questions or concerns that Investigator Hamilton should have maintained.

r) Inexplicably, Investigator Hamilton waited until March 21, 2011 before he received a formal statement from the person responsible for starting the fire. Of course, one might ask why Investigator Hamilton felt compelled to conduct any interviews, given that he had already pronounced the matter non-criminal and destroyed the evidence on the evening of March 17, 2011, allegedly before he had spoken to a single substantive witness.

s) The account provided by Ms. Ramos raises more questions than does it provide answers. According to Ms. Ramos, she left the office at 5:15 p.m. on March 17, 2011 to visit friends in the 200 block of Adams Street. It was St. Patrick's Day, and according to Ms. Ramos a friend purchased a cigar for her, which she partially smoked. After taking "a couple of puffs" from the cigar, she "then wrapped it [cigar] in a paper towel to dispose of." Investigator Hamilton's report provides that "Ms. Ramos returned to the office from the festivities at about 5:45 p.m., she threw the wrapped cigar in her co-worker's (Carletha Cole) garbage can." Ms. Ramos provided no explanation as to how the burnt match survived the trip back to the Capitol. Moreover, Ms. Ramos did not provide an explanation as to why she failed to discard the cigar in one of the five garbage cans she passed while traveling back to the Capitol or the ashtray which is located immediately outside of the door by which Ms. Ramos accessed the Capitol upon her return. However, Ms. Ramos "broke down in tears" during her interview with Investigator Hamilton.³

t) There is no record as to who Ms. Ramos visited for that brief time on March 17, 2011, and whom purportedly provided Ms. Ramos with the cigar she later used to ignite Ms. Cole's garbage can. Obviously these persons are critical witnesses in this event, and they contain critical information which could eviscerate Ms. Ramos' account if inconsistent with the statement she provided.

u) Like a Plaintiff's lawyer advertising for "bad drug cases," FDLE has recently

³ The lack of any recording of Ms. Ramos' interview prevents an accurate account of her statement from being preserved, but the report and circumstances surrounding her interview lead one to conclude that she did not face a withering cross-examination from Investigator Hamilton.

indicated, through its spokesperson, that if “additional witnesses came forward with information” that the investigation may be reopened. Obviously this statement indicates that FDLE has no intention of interviewing the witnesses already available, and is insisting that phantom witnesses come forward prior to completing the most basic investigation. As a law firm which routinely handles cases investigated by FDLE Executive Investigations, I can assure you that this is not the level of investigation that the department would have considered sufficient.

v) Finally, FDLE purely and simply has a conflict as caused by the letter of recommendation that was apparently penned by Lieutenant Governor Carroll on behalf of Investigator Hamilton on March 22, 2011, one day after he had interviewed Ms. Ramos and despite all evidence to the contrary found her account to be merely negligent. See Letter allegedly containing Lieutenant Governor Carroll’s signature attached hereto as **Exhibit “C”**⁴.

w) The following steps are necessary to ensure that a legitimate investigation has occurred in spite of the premature destruction of critical evidence on the night of fire:

- 1) Request that the Lieutenant Governor voluntarily submit to a polygraph examination by an F.B.I. polygrapher;
- 2) Request that Beatriz Ramos voluntarily submit to a polygraph examination by an F.B.I. polygrapher;
- 3) Request that the Governor instruct that no witness assert any 5th Amendment privileges in connection with the investigation, including a promise that no retaliatory employment action will occur to those employees who do not assert the 5th Amendment privilege;
- 4) That the State voluntarily produce, to the investigating agency, the phone records (including text messages) between the Lieutenant Governor and Beatriz Ramos from March 17, 2011 through March 22, 2011.
- 5) That the State voluntarily produce, to the investigating agency, the phone records (including text messages) for Investigator Hamilton from March 17, 2011 through March 22, 2011.
- 6) That Ms. Ramos be re-interviewed to obtain the names of the “friends” she visited on March 17, 2011, between approximately 5:15 p.m. and 5:45 p.m., and that the testimony of these critical witnesses be taken under oath regarding the events of March 17, 2011.
- 7) That Ms. Ramos’ Sonitrol records for March 17, 2011 be obtained, so as to specifically determine the time at which she left the Capitol building and the time of her return.

⁴ The letter seems authentic, but the Lieutenant Governor has suggested that all of Ms. Cole’s concerns are untruthful; as such undersigned counsel must leave room for doubt as to the veracity of the investigative reports and the letter of recommendation. However, if the letter of recommendation is authentic it kindly notes by the Lieutenant Governor’s estimation, that Investigator Hamilton “can handle any task assigned to him”.

8) That the security video tapes for March 17, 2011 be inspected to determine the timing of Ms. Ramos' leaving and returning to the Capitol, so as to confirm the veracity of her account.

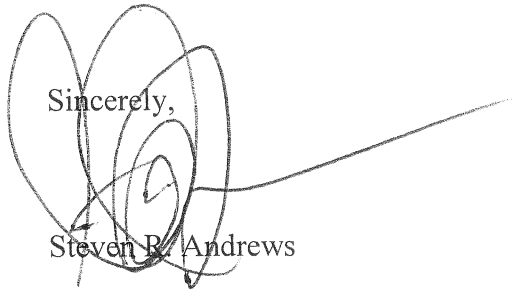
9) That Ms. Ramos provide credit card statements for March 17, 2011, so as to verify that Ms. Ramos did not purchase the cigar from the stores on Adams street or, in the event that Ms. Ramos is a member of the Governor's Club, her account detail for March 17, 2011 be provided to verify that she did not purchase a cigar from that establishment.

10) That any witnesses who has ever had an occasion to see Ms. Ramos purchase or smoke a cigar before March 17, 2011 or after be interviewed.

11) That a determination be made regarding Ms. Ramos' place of residence on March 17, 2011.

12) Lastly, whether Investigator Hamilton advised his Supervisor that the day after he closed the investigation and five days after Investigator Hamilton had destroyed the evidence and determined that the fire was non-criminal, that the Lieutenant Governor provided him with an open ended letter of recommendation.

In closing, we do not request that any of these documents be produced to this office as Ms. Cole's counsel at this time. Further, if we do not have written confirmation by 5:00 p.m. on Tuesday, July 17, 2012, we will assume that no further action is forthcoming and we will proceed from there.

Sincerely,

Steven R. Andrews

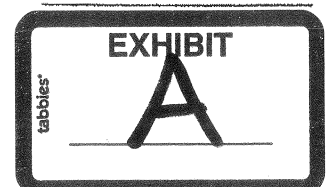
EVIDENCE / PROPERTY CUSTODY DOCUMENT		CASE NUMBER LP-73-093 944	CAD NUMBER FCP111OFFA00868
RECEIVING ACTIVITY FDLE CAPITOL POLICE		LOCATION TALLAHASSEE, FLORIDA	
NAME OF PERSON FROM WHOM RECEIVED N/A		Address (include Zip Code) Florida Capitol Room PLOS 400 South Monroe Street Tallahassee, FL 32399	
☐ OWNER ☐ OTHER		PHONE NUMBER# _____	
LOCATION FROM WHERE OBTAINED Women's Restroom near Lieutenant Governor's office		REASON OBTAINED Evaluate as evidence	TIME/DATE OBTAINED 6:45 pm 03/17/2011

ITEM NO.	QUANTITY	DESCRIPTION OF ARTICLES (include model, serial number, condition and unusual or scratches)
1	1	small, partially smoked cigar
2	1	burned match

CHAIN OF CUSTODY				
ITEM NO.	DATE	RELEASED BY	RECEIVED BY	PURPOSE OF CHANGE OF CUSTODY
1	3/17/11	SIGNATURE	SIGNATURE	released to evidence custodian
		NAME	NAME	
1	3/17/11	SIGNATURE	SIGNATURE	Destroyed/ Non-Criminal
		NAME	NAME	
2	3/17/11	SIGNATURE	SIGNATURE	released to evidence custodian
		NAME	NAME	
2	3/17/11	SIGNATURE	SIGNATURE	Destroyed/ Non-Criminal
		NAME	NAME	
		SIGNATURE	SIGNATURE	
		NAME	NAME	
		SIGNATURE	SIGNATURE	
		NAME	NAME	
		SIGNATURE	SIGNATURE	
		NAME	NAME	
		SIGNATURE	SIGNATURE	
		NAME	NAME	

CP 10140-R

LOCATION _____

DOCUMENT
NUMBER _____

FLORIDA DEPARTMENT OF LAW ENFORCEMENT
Case Related Items Print

Case #
CP-73-0993

<u>Module</u>	<u>RI Seq. #</u>	<u>Key 1 (Case #)</u>	<u>Key 2</u>	<u>Key 3</u>	<u>File Name</u>	<u>Description</u>	<u>Last Update Date</u>	<u>Last Update By</u>
Investigative Report	INV-1	CP-73-0993	1		DSC00310.JPG	Cigar and match #1	03/18/2011 15:02:03	Moore, Angela N.
Investigative Report	INV-2	CP-73-0993	1		DSC00311.JPG	Cigar and match #2	03/18/2011 15:02:53	Moore, Angela N.
Investigative Report	INV-3	CP-73-0993	1		DSC00312.JPG	Cigar and match #3	03/18/2011 15:03:25	Moore, Angela N.
Investigative Report	INV-4	CP-73-0993	1		DSC00313.JPG	Burned trash can contents	03/18/2011 15:04:00	Moore, Angela N.
Investigative Report	INV-5	CP-73-0993	1		DSC00314.JPG	Trash can	03/18/2011 15:04:29	Moore, Angela N.
Investigative Report	INV-6	CP-73-0993	1		DSC00315.JPG	Cigar and match #4	03/18/2011 15:04:56	Moore, Angela N.
Investigative Report	INV-7	CP-73-0993	1		DSC00316.JPG	Trash can in original location #1	03/18/2011 15:05:36	Moore, Angela N.
Investigative Report	INV-8	CP-73-0993	1		DSC00317.JPG	Trash can in original location #2	03/18/2011 15:06:03	Moore, Angela N.
Investigative Report	INV-9	CP-73-0993	1			Evidence Receipt	03/18/2011 15:06:26	Moore, Angela N.

3:02 PM



↑ Metadata -
Destroyed b/f
mtg. Ramm

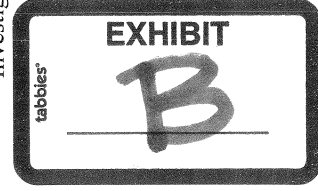
11/8/2011 11:40:07 AM

FLORIDA DEPARTMENT OF LAW ENFORCEMENT

Case Related Items Print

Case #
CP-73-0993

<u>Module</u>	<u>RI Seq #</u>	<u>Key 1 (Case #)</u>	<u>Key 2</u>	<u>Key 3</u>	<u>File Name</u>	<u>Description</u>	<u>Last Update Date</u>	<u>Last Update By</u>
Investigative Report	INV-1	CP-73-0993	1		DSC00310.JPG	Cigar and match #1	03/18/2011 15:02:03	Moore, Angela N.
Investigative Report	INV-2	CP-73-0993	1		DSC00311.JPG	Cigar and match #2	03/18/2011 15:02:53	Moore, Angela N.
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Investigative Report	INV-9	CP-73-0993	1			Evidence Receipt	03/18/2011 15:06:26	Moore, Angela N.





JENNIFER CARROLL
LIEUTENANT GOVERNOR

March 22, 2011

To whom it may concern:

It is my pleasure to offer this letter of recommendation on behalf of John Hamilton. Approximately four years ago while serving as a Representative in the Florida House, I had the privilege of meeting Investigator John Hamilton.

John was assigned to protective operations for the House of Representatives, ensuring safety for members and staff during Legislative Sessions. John was always friendly, courteous, diligent and respectful to myself and the other House of Representative members. He is dedicated, capable and exemplifies true professionalism.

I am confident that John could handle any task assigned to him and that it would be done with the same disposition mentioned herein. With that said, it is without reservation that I strongly recommend Investigator John Hamilton for employment with the Division of Alcoholic Beverages and Tobacco.

Sincerely,

A handwritten signature in cursive script that reads "Jennifer Carroll".

Jennifer Carroll
Lieutenant Governor

EXHIBIT

tabbies

C

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TRANSMITTAL SHEET

DATE: July 14, 2012

TO: John Edward Hale
General Counsel
Fire Marshal for the State of Florida
850-488-6129

Jesse Pannucio
Acting General Counsel
Executive Office of the Governor
850-922-9002

FROM: Steven R. Andrews, Esq.

RE: FDLE Agency Case Number: CP-73-0993
FDLE Agency Case Number: CP-73-098

NUMBER OF PAGES (including cover sheet): 10

Original by U.S. Mail X (will) _____ (will not) follow.

MESSAGE:

Please see attached letter.

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MB480

07/14/2012 18:57
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Broadcast Confirmation Report

MB480

07/14/2012 18:57

ID = Steven Andrews PA

Mode	Distant Station	Pin-ID	Pages	Result	Date	Time	S,R-Time
B.C.			010	COMP	07/14	18:50	

07/14/2012 18:50 Steven Andrews PA

NO. 784 01

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