

Miami Herald, The (FL)

January 10, 2015
Page: miami_dade

Was killing behind bars a set-up?

Julie K. Brown, The Miami Herald

Ricky Martin was found lying in a pool of blood on the floor of cell D1-117. His arms were tied behind him and his feet bound together with white strips of cloth.

A pair of bloody boxer shorts had been slipped over his head, and another piece of linen was wrapped around his neck. The slight, 24-year-old inmate was nearly naked, with his shorts pulled down to his ankles.

Bloody hand prints, smeared on the wall facing the cell door, told the story of his brutal death, and of cries for help - from him and others on his behalf - that went unheeded.

Martin, a convicted burglar from Naples who had less than two years left on his prison term, was bludgeoned savagely. His skull was smashed. His face was swollen, bloody, black and blue, and he was cut all over his body.

There is no question who fatally beat Martin at the Panhandle's Santa Rosa Correctional Institution on March 30, 2012. It was his cellmate of only a few hours: Shawn "Jiggaman" Rogers, a 6-foot-4, 210-pound inmate with gang ties and a long history of attacking and beating other inmates.

The questions that haven't been answered, however, by the Florida Department of Corrections are almost as disturbing as the grisly way in which Martin died. Who decided to put a violent lifer who bragged he had nothing to lose in a cell with a skinny young con serving out his final months? And why didn't corrections officers stop the attack?

McKinley Lewis, spokesman for the department, said the decision to place the inmates together was made by the prison's security and classification officers.

Lewis notes that "neither the [Florida Department of Law Enforcement] nor the DOC inspectors assigned identified any violation of Florida law or department procedures."

But FDLE never investigated Martin's death. Gretl Plessinger, a spokeswoman for FDLE, said that other than technical assistance in the form of lab analysis and evidence collection, the case was handled entirely by the Florida Department of Corrections.

In letters to his mother, to a girlfriend and to the judge, Rogers offered no remorse and said that it was well known by prison officials that he was capable of doing what he did.

"It's no military secret that I have been one of the most vicious and violent prisoners in the entire state of Florida," Rogers, 34, wrote the judge in his case, set to go to trial this week. He asked to be put to death.

A Miami Herald investigation - based on the review of hundreds of pages of court and prison records, including crime scene photographs, the autopsy report, video from the prison's fixed-wing and hand-held cameras and 77 digitally recorded audio interviews - shows that Martin was murdered despite his repeated pleas to the corrections department's inspector general for protection and later, shortly before

he died, to rank-and-file corrections officers.

In sworn statements, 28 inmates, interviewed separately, told DOC investigators they overheard Rogers tell a guard that he needed to get Martin out of his cell because, Rogers claimed, Martin was trying to kill himself. Some of the inmates who had a direct view into the cell said they told officers John Beaudry and Jacob Denmon that Martin was in trouble and they needed to help him.

All 28 inmates said that the officers shrugged off the warnings, saying some version of "let the next shift handle it," and left the dorm.

"Everything could have been avoided if they would have listened to everybody," inmate Kenrontay Bell told senior inspector Edward White, who was the lead investigator for the Department of Corrections' Inspector General's Office.

"Everybody told them to get him out of the room."

White told Bell that the officers' actions "would be addressed," but, in fact, no investigation of the guards' actions ever occurred.

FDOC conducted just one sworn interview with one corrections officer - Beaudry - and his questioning lasted nine minutes. Under oath, Beaudry claimed he looked inside the cell, saw Martin on his bunk and everything was just fine.

Subsequently, an officer, captain and lieutenant on duty that night were promoted, as well as the warden, Randy Tiff.

"What did this guy do to belong in that cell with this animal? He was a nonviolent offender," said **Pat Franklin**, a polygraph examiner, private investigator and retired police detective who specializes in police internal affairs investigations and read the voluminous inspector general documents.

"The big question is: Was Rogers the only one who intended for this to happen?"

Martin was transferred on March 27, 2012, to Santa Rosa, one of the state's toughest maximum-security prisons, housing some of Florida's "worst-of-the-worst."

Prison records show that Martin, who was serving a six-year sentence for grand theft and armed burglary, had been at Santa Rosa for about 36 hours before he was found brain dead.

Martin, a high school dropout whose parents were murdered when he was 2 years old, was transferred from the Northwest Florida Reception Center, another maximum-security facility in Washington County.

Four months before his transfer, in November 2011, Martin had filed a grievance asking the department's inspector general to place him under protection because his life was being threatened. He claimed that he was labeled a "snitch" because he had reported to prison officials that guards at the reception center had been running a "fight club" in chow hall.

The corrections officers, whose names are in the complaint, "told me that I was a snitch and told inmates about the incident; now I have inmates and officers after me," Martin wrote.

He also claimed that one of the officers had set him up by planting a knife in his cell.

The inspector general denied his petition - his second - for protection.

Department of Corrections officials say Martin was sent to Santa Rosa because he had a long history of disciplinary problems. They say he was a violent offender, having been charged as an adult with armed burglary.

Martin's armed burglary arrest, however, involved breaking into a house while the occupant was away, stealing guns and later selling them for \$600, according to police reports. Stealing a weapon during a burglary is considered armed burglary.

As a juvenile offender he was arrested nine times, Florida Department of Law Enforcement records indicate. Most of those arrests involved burglary, grand theft and larceny. He was charged three times with assaulting a juvenile probation officer.

While in prison, he received 32 disciplinary reports, mostly for cutting himself, tattooing and disorderly conduct. Other than the knife incident that he claimed was a set-up, his only other serious offenses were for a fight and for making spoken threats.

As Martin lay in a coma at Sacred Heart Hospital in Pensacola after his beating, his uncle, Eugene Martin, wrote a letter to Gov. Rick Scott, claiming that Santa Rosa officials were pressuring Martin's wife, Nikita, to remove him from life support.

"The family has been told conflicting storys [sic] about what happened to Ricky and of his condition. I feel as though there is more than meets to eye ... and it seems as though Santa Rosa officials do not want Ricky to wake up for whatever reason I do not know."

Scott's office forwarded his email to a citizens liaison with the Department of Corrections, who told the family that their concerns were being forwarded to the DOC's inspector general.

They never heard back from the inspector general or the governor's office. Martin was removed from life support and died on April 8.

"They pulled the plug on him. I didn't give them permission. I think the department must have told them to send him back to the prison and he died on the way back," his widow, Nikita Martin, said in an interview.

Since medical records are private under federal law, the Miami Herald was unable to confirm who authorized the removal from life support.

His father-in-law, however, said he believes Ricky's fate was sealed by either corrections officers or someone else who had a vendetta against him.

"My suspicion is they put him in there to teach him a lesson, but I can't prove it," said Martin's father-in-law, Russ Sharbaugh.

His family acknowledges that Martin was not a model inmate.

But the switch of cellmates to Rogers, who towered over the 5-foot-10, 140-pound Martin, set off alarm bells with Martin and several other inmates that day.

Despite fears the guards would retaliate against them, four inmates - Anthony Bell, Destyn Alexander, Mack Johnson and Maklavious Hill - separately gave sworn statements that they pleaded with the officers - either Denmon or Beaudry - to rescue Martin because he was being raped and beaten by Rogers. Two other inmates, in sworn statements, said they overheard Bell and Hill tell Denmon to get Martin out of his

cell.

Inmate Weldon Holmes, who was housed in D1-116 next to Rogers and Martin, said in his sworn interview he heard Martin ask Officer Beaudry hours earlier to move him away from Rogers.

Holmes said Beaudry told Martin: "Fight or f--k" - a prison vulgarism that means defend yourself or submit. Holmes - one of at least four inmates who reported hearing those same words - claimed the expression was so common among Santa Rosa officers that inmates believed it was policy.

Holmes, whose interview was omitted from the final inspector general report posted on the department's website, told investigators he had more information about what happened but was too afraid to reveal everything he knew.

"I can't go into that because I'm not going to put myself in danger," he told White, explaining that he was afraid of Rogers.

Multiple inmates also told investigators that Rogers liked to sexually assault white inmates, and that Rogers and other black inmates were particularly agitated that day because news of the Trayvon Martin case had filtered into the prison. Trayvon, the black teenager fatally shot by a white, self-appointed neighborhood watchman in Sanford, had died Feb. 26, 2012, although it took a while longer before it became a national flashpoint.

One inmate, Edwin Andino, said there had been a racially charged disturbance in the prison over Trayvon two days before Martin's beating.

On the day of the beating, Rogers had loudly boasted on the cell block that he wanted to kill a white inmate to avenge racial injustices, inmates told investigators.

Once in the cell with Martin, he hollered: "Who wants to see me kill this cracker?" according to several inmates, both black and white.

There were some who began chanting, "Yes, kill him, kill him!"

Rogers placed a blue shirt over the window to his cell and the slaughter began.

Several inmates reported hearing high-pitched screams and thuds coming from the cell. Several said they heard resounding smacks, and that Rogers was slapping the stricken cellmate hard on his bare buttocks.

Upon realizing what was happening, some inmates shouted for Rogers to stop and "put him on the door" - prison lingo for having him removed from the cell. Rogers apparently did pull back, as Beaudry re-entered the wing at 7 p.m. for a security check.

The fixed-wing video, which has no audio, shows that at 7:01 p.m., Beaudry paused outside D1-117 and glanced inside.

"This dude is f---- up, bleeding," Rogers told Beaudry, according to Holmes.

Beaudry, a six-year veteran, shrugged it off, according to more than two dozen inmates in their sworn, taped interviews reviewed by the Herald.

A second officer, Denmon, making rounds directly above, on the second floor, is shown in silhouette on the surveillance video. Denmon also responded similarly by saying he would let the next shift handle it,

inmates told investigators.

At that point, witnesses said, Rogers climbed onto his top bunk and, 10 or 11 times, jumped on Martin's head. Finally, the inmates began banging on their cell doors, causing enough commotion to command the attention of corrections officers.

At 7:09 p.m. - eight minutes after inmates said they warned guards - a third corrections officer, Dean Givens, appeared and walked swiftly to Rogers' cell.

Givens spotted Martin on the floor of his cell covered in his Muslim prayer blanket. Bloody hand prints were visible on the wall and blood was spattered throughout the cell.

Rogers told Givens that Martin was cutting himself, Givens said in a written statement.

Still outside the cell, Givens grabbed a canister of pepper spray, opened the flap and, upon receiving no response from Martin, sprayed the stricken inmate with chemicals.

When the noxious cloud cleared and Martin still didn't get up or say anything, officers breached the cell, lifted the blanket and discovered the inmate bound and battered, according to the DOC's inspector general's report.

Batteries were found strewn across the cell, along with bloody garments and puddles of blood. The murder indictment says Rogers had put the batteries in a sock and used it as a slapjack to bludgeon Martin until the sock split.

The officers removed Rogers and escorted him to a shower. They removed Martin's binds and, despite his condition, placed him in handcuffs and leg restraints before putting him on a stretcher and carrying him to the prison infirmary.

The ambulance arrived at 7:30 p.m. and Martin, who was still alive, was transported at 7:45, according to the unredacted inspector general report obtained by the newspaper.

"He was so disfigured it looked like something out of a horror movie," said Martin's father-in-law. Hospital photos confirm that Martin was unrecognizable.

A paramedic said in a sworn statement that Martin never regained consciousness. He was in a coma for five days before he was removed from life support.

Trouble at an early age

Martin, who had two small daughters, was born in Ohio. Family members said that when he was 2 years old, his parents were murdered in the town of Brownsville. He and his sisters were sent to live with their grandparents in Naples.

Martin loved his grandmother but had a difficult time getting along with his grandfather. He was on the small side and kept getting into scrapes with bigger bullies who picked on him, his family and friends said.

"He turned to the streets as a cry for help," said his childhood friend, Quintin Mathis, explaining that Martin joined street gangs for protection.

"He felt like he was alone and they gave him hope."

Despite his gang involvement, Martin never did anything violent, Mathis said. Most of his crimes were petty, such as stealing his uncle's car and taking it for a joyride, Mathis said.

He had a learning disorder and had difficulty in school. His prison record shows that he had been a special education student who was about three years below grade level.

It was hard for him to keep a job since he had the mental capacity of someone a lot younger than his age, his family said.

"Basically, he couldn't pay his rent and the bottom line is he went out and did stupid things," his father-in-law, Sharbaugh, said.

He became a Muslim while in prison and, initially, turned to gang members to help protect him in prison.

With the birth of his second daughter early in his term, he came to realize that he had more to hope for, and began to distance himself from gangs, his family and best friend said.

"They wanted me to stab a Blood in the chow hall, but I told them, no, I wanted out. I got two kids and a wife and that gang stuff is not worth losing my life over," Martin wrote in a 2009 grievance asking DOC's inspector general to place him in protective management because he feared the gang would kill him.

Martin's wife said her husband was looking forward to his release and to being a father to his daughters, whom he had seen only a few times. But he suspected that corrections officers had it in for him because they kept moving him farther and farther away from his family.

In one grievance Martin wrote to the inspector general, he said he was purposefully trying to get in trouble so that he would remain in disciplinary confinement, which he believed was safer than in the general population. He would cut himself several times in an effort to stay segregated from broader prison population.

"He was just trying to get by until he got out," his wife said. "He wanted to come home, get a job and live his life."

Rogers' history of violence

It was close to midnight when corrections officers found inmate Noah Stancil beaten unconscious in a blood-spattered confinement cell at Santa Rosa Correctional on Feb. 11, 2005.

Stancil was hog-tied, his arms and legs behind him. His cellmate, Shawn Rogers, was covered in blood.

"I done what I done," Rogers told the officers, admitting that he jumped Stancil from behind, tied him up, beat him with a food tray, and got "a few kicks in" before the officers came.

Rogers, who was serving a life sentence for armed robbery and aggravated battery, was returned to disciplinary confinement on charges of assault and battery, failure to comply and inciting a riot.

He was then transferred to Florida State Prison, which houses the state's Death Row inmates.

Over the next several years, he racked up dozens of violations, including repeated assaults on inmates. He became adept at tampering with prison sprinkler devices, breaking them on a regular basis. When he threatened staff, which he did often, he said on more than one occasion: "I have two life sentences. You

can't do [bleep] to me!"

He was disciplined for exposing himself to inmates and staff, threatening staff and inmates and for fighting.

In 2009, while at Florida State Prison, in a mental-health waiting area, Rogers brandished an ice-pick-type tool and stabbed inmate Ronald Wickcliff repeatedly in the head. Wickcliff was hospitalized, and Rogers was later transferred to Union Correctional.

One month later, Rogers - returned to disciplinary confinement again - assaulted another inmate, this time by kneeling him in the head.

Upon his return to Florida State Prison in 2011, Rogers' assault spree continued, records show. He was written up three more times for assault and battery for attacking fellow inmates.

By the time he was transferred to Santa Rosa on March 14, 2012, Rogers had at least 12 inmate assaults on his record during his 10 years in state prison.

At that time, Department of Corrections spokesman Lewis said, there was no system in place to identify inmates as predator or nonpredator.

Lewis said the agency subsequently developed new classification policies making it "a national leader in implementing a sophisticated, data-driven system to make the best determination possible of which inmates can and cannot be housed together."

In a memo from Timothy Cannon, a top departmental official, that outlined the new policy, these words were underscored: "As always, database reports do not replace the sound correctional judgment of staff. There should be some additional consideration before placing a 6'04" 260 lb inmate with a life sentence in a cell with a 5'4" 140 lb inmate with a release date 12 months away."

Under the new policy, inmates classified as predators and who have a pattern of harming others, are supposed to be housed in confinement, either alone or with another person similarly classified.

While corrections officials say the system has been reformed since Martin's murder, just last July an inmate at Dade Correctional Institution who pleaded to be transferred because he feared he would be killed by his cellmate was found strangled, allegedly by that inmate.

The inmate who died, Lavar Valentin, was described as timid and nonthreatening, 5-foot-8 and weighing 116 pounds. His cellmate Eduardo Carmenates-Zayas, who landed in prison after he shot and stabbed an ice cream truck driver during a road rage incident, was 5-foot-4 and 163 pounds.

Prison critics, and even some former wardens, have long expressed concerns about Florida's inmate classification system, one that somehow allows convicts prone to violence to be mixed with inmates whose histories are nonviolent.

"Mistakes are made sometimes in classification of inmates," said Ron McAndrew, former warden at Florida State Prison who now works as a prison consultant.

"Even so, I would have been hard-pressed to put an inmate with that reputation and that history of assaults with anyone."

The guard's story

Officer John Beaudry told investigators he conducted a 7 p.m. security check on March 30, 2012, but didn't hear or notice anything amiss in the dorm at that time.

In a sworn, digitally recorded interview on July 23, Beaudry told DOC inspector Robert J. Calamari that Rogers stopped him about 7:01 p.m. to ask him the time.

Calamari asked Beaudry whether he thought it was odd that Rogers would ask him for the time, when the inmate likely knew that the count is conducted at about 7 p.m.

Beaudry agreed that it was odd.

"In hindsight, I guess he was trying to see how much time he had [to beat and kill Martin]," Beaudry said.

Beaudry said he had a good look inside the cell and saw Martin lying on his bunk and that "he was fine."

He said he was called back about 10 minutes later. The surveillance video shows that Officer Dean Givens came to the cell about 7:09 p.m. and that Beaudry and other officers followed shortly thereafter.

"And you seen inside the cell?" Calamari asked Beaudry.

Beaudry: "Correct."

Calamari: "You seen all the blood? All of the damage done to the inmate? Do you think all that could have been done in 10 minutes?"

Beaudry: "I think it could have been done within just a couple of minutes. I've seen inmates do a lot of damage in just a short amount of time."

Calamari mentioned that several inmates gave statements claiming that Beaudry ignored them when they pleaded with him to get Martin away from Rogers.

Calamari: "Did any inmate come call you saying 'hey, officer Beaudry, you need to get that inmate out of that cell?'"

Beaudry: "No, sir."

Beaudry was the only corrections officer to give a recorded statement. Ten other officers on duty that night provided written affidavits, but there's no indication they were formally questioned.

"The less sworn statements they get, the less questions they have to answer," McAndrew said. "Look where the inspectors come from. They work for the Department of Corrections."

Franklin said neither Martin's family nor the public is likely to ever know what happened because the investigation was so inept.

"Was this a conspiracy? Was it a hit? Was it gang-related?" he said. "You can't question written affidavits."

Franklin noted that there were so many inmates who told the same story - despite the possibility of retribution from guards who control every aspect of their lives - that the inspector general's office should

have launched a second probe into the actions of the officers and a possible cover-up.

"It was pretty obvious that every inmate on the tier heard him. How could the guards not know? Somebody made the conscious decision to put him in there."

Since Rogers' indictment for Martin's murder, Rogers has remained at Santa Rosa. He has collected 16 more disciplinary reports.

On Aug. 19, he was disciplined for assaulting another inmate.

A previous version of this article incorrectly stated the number of months left on Ricky Martin's prison term and wrongly stated that the department had not responded to a request for information about Shawn Rogers' August 19 assault.

How we got this story
The Miami Herald obtained copies and reviewed hundreds of pages of unredacted prison and court records. Among them:â Ricky Martin and Shawn Rogers' full inmate records, including their disciplinary files, grievances and complaints.â Ricky Martin and Shawn Rogers' criminal histories.â FDLE evidence list, lab reports and crime scene photographs.â The fixed-wing video recorded at Santa Rosa Correctional Institution during the minutes before and after Martin was found.â The 37-page unredacted investigation by Department of Corrections' inspector general.â Photographs of exhibits and witnessesâ Recordings of 77 witness interviews. Of those interviews, 24 inmates provided sworn statements and affidavits indicating they either did not see the incident or hear anything. The other 53 inmates provided sworn statements that were relevant to the investigation. Many of them said they were doing so in spite of fearing that they could face retaliation. With some exceptions, most of the statements provided similar details about how Martin was killed and the events that led up to his death.