

STATE OF FLORIDA

OFFICE OF THE GOVERNOR EXECUTIVE ORDER NUMBER 13-140 (Executive Order of Suspension)

WHEREAS, Nicholas Finch is currently the Sheriff of Liberty County, Florida; and

WHEREAS, on June 4, 2013, Nicholas Finch was arrested on one count of official misconduct, in violation of section 838.022(1), Florida Statutes; and

WHEREAS, a violation of section 838.022(1), Florida Statutes, constitute a third-degree felony; and

WHEREAS, Article IV, Section 7, Florida Constitution, provides that the Governor may suspend from office any county officer for commission of a felony; and

WHEREAS, it is in the best interests of the residents of Liberty County, and the citizens of the State of Florida, that Nicholas Finch be immediately suspended from the public office he now holds, upon the grounds set forth in this executive order.

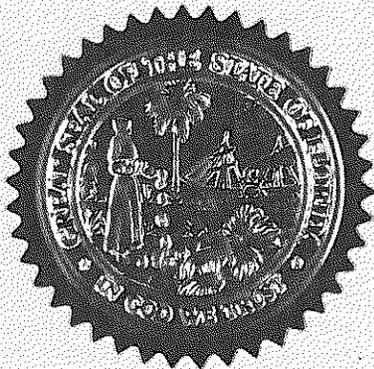
NOW, THEREFORE, I, RICK SCOTT, Governor of Florida, pursuant to Article IV, Section 7, Florida Constitution, Florida Statutes, find as follows:

- A. Nicholas Finch is, and was at all relevant times, currently serving as the Sheriff of Liberty County.
- B. The office of Sheriff of Liberty County within the purview of the suspension power of the Governor, pursuant to Article IV, Section 7, Florida Constitution.
- C. The attached arrest warrant and affidavit alleges that Nicholas Finch committed a felony, in violation of the laws of the State of Florida.

BEING FULLY ADVISED in the premises, and in accordance with the Constitution and the laws of the State of Florida, this Executive Order is issued, effective immediately:

Section 1. Nicholas Finch is suspended from the public office that he now holds, to wit:
Sheriff of Liberty County.

Section 2. Nicholas Finch is prohibited from performing any official act, duty, or function of public office; from receiving any pay or allowance; and from being entitled to any of the emoluments or privileges of public office during the period of this suspension, which period shall be from today, until a further Executive Order is issued, or as otherwise provided by law.



IN TESTIMONY WHEREOF, I have hereunto set my hand and have caused the Great Seal of the State of Florida to be affixed at Tallahassee, this 4th day of June, 2013.



RICK SCOTT, GOVERNOR

ATTEST:



SECRETARY OF STATE

2013 JUN - 4 PM 3:48
DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

FILED

W/m

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT
IN AND FOR LIBERTY COUNTY, FLORIDA

AFFIDAVIT FOR ARREST WARRANT

WARRANT #:
SPN#:
AGENCY CASE NO: EI-14-0129

BEFORE ME, Jonathan Sjöstrom, Circuit Judge of the Circuit Court of the Second Judicial Circuit in and for Liberty County, Florida, personally appeared Inspector Tom McGraw of the Florida Department of Law Enforcement who, being first duly sworn by me, deposes and requests that an arrest warrant be issued for:

NICHOLAS LEE FINCH
WHITE/MALE
DOB: 09/15/1962
P.O. BOX 67
BRISTOL, FLORIDA 32321-0067

1 COUNT OF OFFICIAL MISCONDUCT – F.S.S. §838.022

WHEREFORE, your Affiant prays that a warrant will be issued commanding all and singular, Gerald Bailey, Executive Director, Florida Department of Law Enforcement, or any of his duly authorized Special Agents; all Sheriffs and Police Chiefs of the State of Florida or any of their duly authorized deputies or officers to arrest instanter Nicholas Finch and bring him before the Court so that he may be dealt with according to law.

The facts establishing probable cause for the issuance of a warrant are as follows:

On May 24, 2013, Inspector Tom McGraw, sworn law enforcement officer with the Florida Department of Law Enforcement, obtained a sworn statement from Liberty County Sheriff's Office (LCSO) Sgt. James Joseph Hoagland in reference to a complaint that Liberty County Sheriff Finch destroyed or removed an official arrest document from the LCSO jail.

Sgt. Hoagland stated that, while on patrol in Liberty County, Florida on March 8, 2013, he arrested Floyd Eugene Parrish for Carrying a Concealed Weapon, a third degree felony, after

conducting a traffic stop. Parrish was found to be in possession of a loaded .25 caliber semi-automatic pistol which was concealed in his right front pocket. A revolver in a holster was also observed to be lying in plain view on the front seat of Parrish's vehicle.

Sgt. Hoagland transported Parrish to the LCSO Jail where, according to the computer log, he was placed into a holding cell at 5:30 PM. Sgt. Hoagland then documented the felony arrest on an affidavit which was notarized by Sgt. Bobby Revell as a sworn law enforcement officer. The original sworn affidavit was provided to Sgt. Lisa Smith, LCSO jailer, who works in the control room of the LCSO jail.

Sgt. Lisa Smith provided a sworn statement pursuant to an investigative subpoena issued by the Second Judicial Circuit State Attorney's Office. Sgt. Smith stated that, per LCSO protocol, she began to document the arrest of Parrish and process him into the jail system. This process consisted of creating a file on Parrish and placing all pertinent jail documentation, to include the original sworn arrest affidavit, into his file. This file would then be retained in the LCSO jail control room in a filing cabinet. The sworn arrest affidavit would later be removed from the file and taken to the Liberty County Clerk's Office during normal business hours, while the remainder of the file would remain in the control room file cabinet. Sgt. Smith further stated that, in addition to creating the file on Parrish, she entered him into the LCSO computerized log sheet system and logged his name on the handwritten LCSO jail log sheet and the LCSO jail report.

Sgt. Smith stated that, after Sgt. Hoagland left the jail, Sheriff Finch entered the jail with Bob Parrish, the brother of Eugene Parrish. According to Sgt. Smith, Sheriff Finch and Bob Parrish conferred with Floyd Eugene Parrish at his holding cell, after which time Sheriff Finch entered the control room where Sgt. Smith was located. Sgt. Smith stated that Sheriff Finch took possession of the Parrish arrest file and instructed her that Parrish was to be released and no charges were to be filed. No further explanation was provided to Sgt. Smith. Sgt. Smith stated that, according to the computer log, Sheriff Finch left the jail with Bob and Floyd Eugene Parrish at 8:00 PM with the Parrish arrest file in his possession. Sgt. Smith has not seen the Parrish arrest file since that time.

Inspector McGraw showed Smith a copy of the LCSO jail report and a copy of the LCSO booking log sheet from March 8, 2013 that was seized from the LCSO pursuant to the execution of a search warrant on May 24, 2013. It appears that two lines of the jail report have been covered with "white out" and that a name has been written on top of each of the lines that were "whited out." Both of these names are dated March 10, 2013. The previous line is dated March 6, 2013. On the LCSO booking log sheet, two lines are also apparently covered with "white out," with names written over the lines that were "whited out." Both of these names are also dated March 10, 2013. The previous line is dated March 8, 2013. The name of Floyd Eugene Parrish cannot be seen on either form.

Sgt. Smith again stated that she had entered Parrish's name on both log sheets; however, she was unable to recall if she had "whited out" the lines. Sgt. Smith stated that she does not know if Sheriff Finch "whited out" Parrish's name while the Sheriff was in the control room or if she "whited out" Parrish's name. Sgt. Smith stated that, if she was responsible for "whiting out" Parrish's name, she would only have done so at the direction of Sheriff Finch. Smith stated that,

after Sheriff Finch left the jail, she entered in the computerized jail log, "Floyd Parrish released per L-1 No charges." L-1 was identified as Sheriff Finch.

Inspector McGraw obtained a sworn statement from David Jacobs, former jailer at the LCSO jail who worked the midnight shift following the arrest of Parrish. Jacobs stated that he began his shift at 12:00 AM on March 9, 2013 and relieved Sgt. Lisa Smith. Jacobs stated that there were no arrestees brought in to the jail on March 9, 2013; however, when he worked on March 10, 2013, there were two arrestees brought into the jail. Jacobs recalled that, when he entered their names onto the LCSO jail report and the LCSO booking log sheet, the spaces where he entered their names were covered in "white out."

Inspector McGraw also obtained a sworn statement from Sgt. Hoagland, who stated that, after he left the jail on March 8, 2013 and returned to his patrol duties, he was contacted by Sheriff Finch. Sgt. Hoagland related that he provided Sheriff Finch with the details of the arrest of Parrish and explained to Sheriff Finch that the arrest of Parrish had been based on the firearm concealed in his pocket and not on the holstered pistol on the seat of the Parrish vehicle. Sgt. Hoagland stated that Sheriff Finch never commented that Parrish was to be released and praised Sgt. Hoagland for doing a "good job." Sgt. Hoagland further stated that, several days later, he had an opportunity to speak with Sheriff Finch concerning the release of Parrish. Sheriff Finch, according to Sgt. Hoagland, stated that he believes in Second Amendment rights.

LCSO Captain Tim Partridge also provided a sworn statement pursuant to an investigative subpoena issued by the Second Judicial Circuit State Attorney's Office. Partridge stated that he was contacted by Sheriff Finch on the evening of March 8, 2013 and was asked about the arrest of Parrish. The conversation revolved around the issue of the traffic stop and arrest. According to Partridge, Sheriff Finch agreed that the traffic stop was valid, and there was no discussion concerning the release of Parrish. Sometime during the next several days, Partridge stated that Sheriff Finch advised him the charges against Parrish were not going to go through and that he (Sheriff Finch) supports "Second Amendment rights."

LCSO Captain Wes Harcey provided a sworn statement through an investigative subpoena issued by the Second Judicial Circuit State Attorney's Office. Captain Harcey stated that he had been contacted on the evening of March 8, 2013 by Bob Parrish, brother of Floyd Eugene Parrish, and had been requested to provide an ROR bond (release on own recognizance) on Floyd. Captain Harcey advised that Sheriff Finch had to be called for the issue of an ROR type bond. Sheriff Finch then contacted Captain Harcey and advised him that Parrish was to be released and that he (Sheriff Finch) believed in the "Second Amendment Rights." Captain Harcey did not participate in the release of Parrish.

LCSO Lt. Mark Mallory also provided a sworn statement pursuant to an investigative subpoena issued by the Second Judicial Circuit State Attorney's Office. Lt. Mallory stated that, several days after the arrest of Parrish, Bob Parrish called and requested the return of the two pistols seized by Sgt. Hoagland from Floyd Eugene Parrish. Lt. Mallory advised him the guns were evidence and a court order was required to release the firearms. Lt. Mallory was later questioned by LCSO evidence custodian, Buddy Money, about the release of the firearms. Lt. Mallory advised Money that a court order was required. Lt. Mallory later learned that Sheriff Finch had ordered the release of the firearms.

LCSO Evidence Custodian Walter "Buddy" Money provided a sworn statement pursuant to an investigative subpoena issued by the Second Judicial Circuit State Attorney's Office. Money stated that, on March 11, 2013, he removed both of the Parrish firearms from the temporary evidence vault and, per Sheriff Finch, documented that they were to be released to Lloyd Parrish. Money stated, however, that he did not physically provide the firearms to Parrish, but rather received the original property receipt completed by Sgt. Hoagland from Sheriff Finch, indicating that the firearms had been returned to Lloyd Parrish. Inspector McGraw took possession of this form and noted that the release authority section had the name "N. Finch" handwritten in the space provided. Money further stated that only he and Sheriff Finch have keys to the LCSO evidence room.

Inspector McGraw has verified through the Second Judicial Circuit State Attorney's Office, the Liberty County Clerk's Office, and the Florida Crime Information Center that there is no record of the arrest of Floyd Eugene Parrish on March 8, 2013, for the felony act of Carrying a Concealed Weapon. Inspector McGraw executed a search warrant at the LCSO jail on May 24, 2013 and found no file containing the arrest documents relating to the arrest of Floyd Eugene Parrish. LCSO Computer logs indicate that Parrish was arrested by Sgt. Hoagland and released per Sheriff Finch with "no charges." The LCSO computer system does contain computer records entered by Sgt. Hoagland regarding the arrest of Parrish; however, these records are not utilized for court purposes as they are not originals and are not submitted to the State Attorney's Office. Inspector McGraw also verified that there is no file regarding the arrest of Parrish in the LCSO records section. Sgt. Hoagland did provide Inspector McGraw with a copy of his arrest affidavit of Floyd Parrish, but the original arrest record has not been located.

Both the original LCSO jail report and the LCSO booking log sheet from March 8, 2013 were submitted to the FDLE crime laboratory for forensic document examination on May 31, 2013. On June 3, 2013, Inspector McGraw received the results of the analyses of both documents. Contained under the "whited out" section of the LCSO booking log is the following information, "Parrish, Floyd, Carrying Concealed Weapon/Firearm, Hoagland." Contained under the "whited out" section of the LCSO jail report is the following information, "Parrish, Floyd Eugene, W/M, 12/22/54, 591-86-4186, 3-8-13." The notation "3-8-13" is contained under the section "Date Out."

Based upon the afore mentioned information, your affiant has probable cause to believe that Sheriff Finch did violate Florida Statute 838.022, Official Misconduct, by concealing, covering up, destroying, mutilating, or altering the official arrest record or official document of Floyd Parrish or causing another person to perform such an act, with the corrupt intent to obtain a benefit for another person.

This act occurred in Liberty County, Florida and is in violation of Florida State Statute 838.022, Official Misconduct.

I.N.S. Tom McGraw
Inspector Tom McGraw, Florida Department of Law Enforcement

Release of
Recognition

SWORN TO AND SUBSCRIBED before me this 4th day of June, 2013.

[Signature]
Jonathan Bjostrom, Circuit Judge

See above.

CIRCUIT JUDGE
Jonathan S. Spontrom, Circuit Judge

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT
IN AND FOR LIBERTY COUNTY, FLORIDA

WARRANT FOR ARREST

WARRANT #:
SPN#:
AGENCY CASE NO: EI-14-0129

IN THE NAME OF THE STATE OF FLORIDA TO ALL AND SINGULAR the Executive Director of the Florida Department of Law Enforcement or his duly authorized Special Agents and all the Sheriffs and Police Chiefs of the state of Florida or any of their duly authorized deputies or officers.

You are commanded to arrest:

**NICK FINCH
WHITE/MALE
DOB: 09/15/1962
P.O. BOX 67
BRISTOL, FLORIDA 32321-0067**

There is probable cause that Nick Finch has committed in Liberty County, Florida, the offenses of:

1 COUNT OF OFFICIAL MISCONDUCT - F.S.S. §838.022

and you are to bring him before me to answer a complaint charging him with the above enumerated offenses against the peace and dignity of the State of Florida.

Given under my hand and seal on the 4th day of June, 2013, in Leon County, Florida.



CIRCUIT JUDGE

BAIL ENDORSEMENT

The defendant herein described and named shall have bail set in the amount of \$ _____.

Release on Recognizance
No contact with Sgt. Hogland
No contact with Sgt. Smith.

No contact with witnesses.