

IN THE CIRCUIT COURT OF THE FIFTEENTH
JUDICIAL CIRCUIT IN AND FOR PALM BEACH
COUNTY, FLORIDA

BRIDGETTE BOTT,)

Plaintiff,)

vs.)

① RIC L. BRADSHAW,)
as Sheriff of Palm Beach)
County)
Defendant.)

CASE NO.:

2013 CA 01 1793 XXXXNE

AN

HARON R. BOCK, CLERK
PALM BEACH COUNTY, FL
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COMPLAINT

1. Plaintiff, BRIDGETTE BOTT, hereby sues Defendant, RIC L. BRADSHAW, as Sheriff of Palm Beach County, for violations of her rights under §92.57, Fla. Stat., which prohibits retaliation for the content of truthful testimony under subpoena, and the Florida Public Sector Whistleblower Act, §112.3187, Fla. Stat., for reporting unlawful activities by other persons employed by the Defendant and by Assistant State Attorney Sherri Collins, whom together engaged in a conspiracy to revoke the bond of criminal Defendant John Goodman, based on false allegations that he attempted to tamper with his ankle monitoring device, presumably for the purpose of escaping from the jurisdiction to avoid serving a prison sentence. Plaintiff, a Deputy Sheriff, employed by the Defendant, was retaliated against and punished by the Defendant, for engaging in activities protected by law, to wit, giving truthful testimony under subpoena that contradicted the false testimony of other deputies that was procured by Assistant State Attorney Sherri Collins for the purpose of revoking his appeal bond, and send him to State prison, while his conviction for felony offenses was appealed.

2. Plaintiff has been issued a 40 hour suspension following the events herein, for the

purported reason that she did not handle a call unrelated to the Goodman case correctly; to wit, that she responded to a call on July 11, 2012 at the home of J.C., because a girlfriend suspected he might have gained access to a weapon and might harm himself. The girlfriend had hidden the weapon. Plaintiff went to the call, spoke to J.C., assessed J.C.'s state of mind. Plaintiff did not have any probable cause to place J.C. in custody for any crime or to initiate an involuntary commitment under the Baker Act, so Plaintiff and another deputy left the scene. J.C.'s girlfriend was present and told Bott and the other deputy that she has the weapon secured and he could not find it. The person in question, 25 minutes after Plaintiff and the other deputy responded to his home, committed suicide with a weapon; the girlfriend had given him back the weapon before leaving for work. Although Plaintiff acted within the procedures and guidelines for deputy sheriff's responding to such a call, she has been issue a 40 hour suspension on November 20, 2012 and was removed from further duty on the Goodman detail, resulting in a loss of income for her. Plaintiff was also informed she was the subject of a criminal investigation as a result of her testimony, which favored Goodman's position. Plaintiff contends that the stated reason for this suspension, is not the true reason, and is a pretext for the real motivation, her truthful testimony that contradicted other deputies who sought to falsely accuse Goodman of breaking his ankle monitor device for the purpose of escaping.

JURISDICTION AND VENUE

3. This is an action for damages in excess of \$15,000, exclusive of attorney's fees and costs.
4. Venue is proper in this Court, because all acts complained of occurred in Palm Beach County, Florida.

PARTIES

5. Plaintiff is a natural person residing in Palm Beach County, Florida. She was, at all times relevant hereto, employed by the Defendant as a Deputy Sheriff assigned to road patrol.

6. Defendant is the elected Sheriff of Palm Beach County, Florida. Defendant was and is Plaintiff's "employer," as that term is defined by the Florida Public Sector Whistleblower Act.

FACTS

7. §112.3187(7), Fla. Stat., prohibits retaliation against "employees and persons" who, *inter alia*, "who are requested to participate in an investigation, hearing, or other inquiry conducted by any agency or federal government entity."

8. Plaintiff was asked by ASA Collins to participate in a "hearing" conducted by the Circuit Court of Palm Beach County, an "agency" as defined by §112.3187(3)(a), Fla. Stat., and to provide testimony on October 12, 2012. When Collins discovered that Botts' report did not serve her interests in having Goodman's bond revoked, and that her testimony would undermine her goal of putting Goodman in prison and having his bond revoked, she threatened her to leave the courtroom immediately, before the arrival of Goodman's lawyers, or that she would be escorted under force if she did not leave. Collins apparently presented testimony of other deputies at this hearing who apparently falsely testified that Goodman had attempted to break the ankle monitor device, when Bott was the first deputy on the scene and had reported truthfully that such had not occurred and that it was a later arriving deputy sheriff, Sergeant Lawrence from Alt. Custody, who while inspecting the device, had either accidentally or intentionally pried it open.

9. Deputies Carino, Castillo (case manager) and Sgt. Lawrence had falsely reported that Goodman appeared nervous in an attempt to make him appear "guilty" of tampering with the

device, and claimed to find "evidence" that he had struck the device with a hand held mirror. Goodman actually had alerted Bott to the device making a noise after he had taken a shower; she did not observe him trying to damage or free himself of the device, and did not believe that he would have alerted her to the device making a noise if his intentions were to free himself of the device for the purpose of escape. He was calm and cooperative in his demeanor at all times, but as other deputies arrived, he did become concerned that this event was going to be used to revoke his bond. It appeared to the Plaintiff that the device simply malfunctioned, which does happen from time to time with said devices.

10. On belief and information, Collins did not reveal Bott's report to the Court or defense counsel at the hearing of October 12, 2012. It is believed defense counsel discovered Bott's report as a result of taking the depositions of other deputies whose reports, favorable to the State Attorney's position, mentioned Bott as being present, when she was actually in Goodman's house as part of the Court required home detention detail.

11. As a result of the false testimony presented by ASA Collins at the hearing before the Court on October 12, 2012, the Court remanded Goodman to the Palm Beach County Jail, pending further hearing in the case.

12. On November 7, 2012 and November 8, 2012, Plaintiff appeared for a deposition she was subpoenaed for by Goodman's attorneys. Most of the deposition was spent by ASA Collins attempting to berate and intimidate Plaintiff into disavowing her official reports about this matter, and attacking her factual testimony that contradicted the testimony of other deputies. That testimony constitutes protected activity under §112.3187(7), Fla. Stat. ASA Collins had not provided Plaintiff's offense report to Goodman's counsel and objected to Plaintiff providing it during her deposition and

had apparently withheld from Goodman's counsel.

13. Plaintiff was subpoenaed by for the hearing that would determine whether or not Goodman's bond would be revoked on December 18, 2012, and she testified truthfully that there was no evidence whatsoever that Goodman had attempted to tamper with the monitoring device; that he had approached her in a calm manner to explain that there appeared to be a problem with the device; and that his demeanor did not evince a consciousness of guilt about the device being tampered with. Based on its ruling, the Circuit Court found Botts' testimony credible, and continued Goodman's bond, releasing him from the Palm Beach County Jail.

14. Thereafter, Plaintiff was removed from the Goodman detail, in retaliation for her testimony, and was suspended for 40 hours without pay for wholly pretextual reasons.

15. In addition, her reputation within her place of employment has been harmed, because she declined to perjure herself for the sake of sending a notorious criminal defendant to prison before he exhausted his appellate rights under a bond that was approved by the Court.

16. Plaintiff has suffered economic harm, loss of reputation, mental anguish, loss of the enjoyment of life, and other pecuniary and non pecuniary damages.

17. Prior to filing this action, Plaintiff provided notice to the Defendant of this claim by letter dated May 17, 2013, to provide him with an opportunity to review the conduct of his agents and employees in this case, attached as **Exhibit 1**. Plaintiff was ordered to serve her suspension on July 21, 2013, July 26, 2013-July 29, 2013, after Defendant's receipt of said letter.

COUNT I: §112.3187, Fla. Stat.

18. Plaintiff realleges ¶¶1-17 herein.

19. Defendant, or his agents and employees with authority to act, retaliated against the

Plaintiff for her participation in a hearing, as set forth above.

20. An "agency" is defined as "any...local or municipal government entity."

§112.3187(3)(a), Fla. Stat. The Defendant is an agency within the meaning and intent of the statute.

21. §112.3187(4)(a), Fla. Stat., provides that "[a]n agency...shall not dismiss, discipline, or take any other adverse personnel action against an employee for disclosing information pursuant to the provisions of this section."

22. §112.3187(5)(a), Fla. Stat., provides for protections of employees who disclose "[a]ny violation or suspected violation of any federal, state, or local law, rule or regulation by an employee...of an agency ...which creates and presents a substantial and specific danger to the public's health, safety or welfare."

23. Plaintiff, through her compelled participation in a judicial process, disclosed a conspiracy to obstruct justice in the case of Goodman, by perjured testimony that was designed to send Goodman to prison prior to his appeal being adjudicated as set forth in the bond approved by the Court.


WHEREFORE, Plaintiff respectfully requests:

- a) An award of damages, including lost wages and benefits;
- b) Compensatory damages for mental anguish, loss of reputation; loss of the enjoyment of life;
- c) Attorney's fees and costs;
- e) Any other relief deemed just and proper.

JURY DEMAND

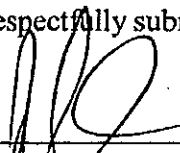
PLAINTIFF DEMANDS A JURY TRIAL ON ALL ISSUES SO TRIABLE.

I DECLARE UNDER PENALTY OF PERJURY that the foregoing factual allegations are true and correct to the best of my knowledge and belief.



BRIDGETTE BOTT

Respectfully submitted,



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COUNSEL FOR PLAINTIFF

Dated: July 18, 2012

GARCIA LAW FIRM, P.A.
Isidro M. Garcia

VIA TELECOPIER 561/688-3033

May 17, 2013

Sheriff Ric L. Bradshaw
Sheriff of Palm Beach County
3288 Gun Club Road
West Palm Beach, Florida 33406

Re: Deputy Bridgette Bott

Dear Sheriff Bradshaw:

I represent Ms. Bott in the matter related to her recent suspension from the PBSO. Ms. Bott was disciplined for 40 hours without pay after she gave testimony in the case of State of Florida v. Goodman, Case No.: 50-2010 CF005829AXXXMB. Her testimony contradicted the testimony of other deputies who had, in conjunction with the Office of the State Attorney, given testimony claiming that Mr. Goodman, on house arrest under the supervision of the PBSO, had attempted to break out of his ankle monitor. The testimony of other deputies was used by the State Attorney's Office to seek to remand Goodman to State prison and revoke his bond pending the appeal of his criminal conviction to the Fourth District Court of Appeal.

The background of the events leading up to Bott's suspension without pay began when Goodman told her there was a problem with the ankle monitor. Bott was joined by the other deputy outside the home, who also examined the monitor. Bott asked Goodman to stomp his feet to see if the device was still working; he complied and the device did send a signal to the monitoring company, which promptly called Bott to confirm that Goodman was still there and then asked to speak to Goodman, which was done. Subsequently, after a massive response of deputies and supervisors to the Goodman home, Bott observed Sgt. Lawrence examining the device and removing the black box so that it was completely open. When Goodman showed her the device, she had only observed a small crack but that the black box was still intact and in the device.

Subsequent to this date, on October 11, 2012, ASA Collins told Bott she had read her report and requested that Bott attend the hearing of October 12, 2012 because she (Bott) "was the lucky one." Collins then asked Bott what happened; after hearing her story, Collins asked

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Bott if anyone else had spoken to her, to which she said no. Upon arriving in the Courtroom as requested on October 12, 2012, Collins confronted Bott and told her to leave immediately or she would be removed. Collins apparently did not wish for Goodman's lawyers to see her and they did not have her report at this time. She left as Collins demanded. In Supplement Number 3, Detective Carino misrepresents the conversation of Collins directed to Bott. Two other attorneys, not affiliated with Goodman or his defense team, witnessed this conversation, and support Bott's version of the conversation. Carino's report then goes on to claim that Bott was "emotional" in an apparent attempt to dilute her credibility; Bott was surprised and shaken that she had been threatened with removal from the courtroom by an ASA, who just the night before requested her to appear at the hearing. But she had just testified in another case for the State Attorney's Office and helped secure a conviction for an aggravated stalking case where she also testified truthfully, without the embellishment apparently expected of her in the Goodman case. It is clear that sending her home under threat of bodily removal was an attempt to obstruct justice by keeping her from testifying before the Court.

In any event, playing fast and loose with facts and failing to disclose Bott, ASA Collins was able to have the Court remand Goodman to the PBC Jail, pending a full evidentiary hearing. In the meantime, Bott's report was eventually obtained, presumably by Collins, to Goodman's attorneys and they took her deposition, where Collins grilled her about her alleged mental state, suggesting she had sympathy for Goodman. She was subsequently brought to testify at the hearing of December 22, 2012 by subpoena issued by Goodman's lawyers. Her testimony was credited by the Court, and Goodman's bond was maintained.

In retribution for her truthful testimony, my client was removed from further work on the Goodman detail and has been informed, although not officially, that she is under investigation for the statements she made in the Goodman case. In addition, she was given a 40 hour suspension, on or about January 17, 2013, for an unrelated case where she had exercised her best judgment regarding a man who committed suicide subsequent to her responding to his home and interviewing him. Bott had decided there was no probable cause to Baker Act him because he was not, in her judgment, suicidal or someone who she believed would hurt others. Because of the timing of the discipline, the second guessing of her own independent judgment (and that of another deputy who was on scene), this appears to be retaliation for her truthful testimony in the Goodman case. Deputies who are involved in fatal shootings are given more of a benefit of the doubt than Bott was regarding this individual. Despite law enforcement officer's best efforts, people determined to end their life will find a way to do it.

Under §92.57, Fla. Stat., an employee may not be punished for testifying in a court proceeding in a manner that her employer does not approve of. Under §112.3187, Fla. Stat., a public sector employee may not be punished for disclosing facts which demonstrate a crime has been committed, in this case, obstruction of justice, by the joint participation of members of your staff and a member of the Office of the State Attorney. Even if what

Goodman did is a reprehensible crime, the conspiracy to terminate his bond, prior to the exhaustion of his appeals, is contrary to the laws your officers are sworn to uphold.

Since these facts were obviously not known to you, the purpose of this letter is to make you aware of the facts so that you can reverse the 40 hour suspension; terminate whatever secret retaliatory investigation the Internal Affairs Department is being prodded by persons unknown into conducting; and reinstate my client to the overtime detail she had performed ably since on or about May, 2012, or a comparable assignment. This information is being provided also to Dave Aronberg, State Attorney, since these events preceded his tenure at that office, the Florida Attorney General and the Department of Justice, since the actions against my client, and the initial actions relating to the presentation of this case, may implicate federal laws.

It is my client's sincere hope that this can be resolved quickly and informally without the need for litigation and to that end, she and I can be available anytime on Monday, or at other times of your choosing next week, to discuss with you and your representatives a prompt resolution.

Very truly yours,



ISIDRO M. GARCIA

Copy via e-mail transmission: Dave Aronberg (dave@sa15.org); Pam Bondi, Attorney General of Florida(pam.bondi@myfloridalegal.com); Eric Holder, Attorney General of the United States of America (via telecopier)