



Florida Department of
Law Enforcement

Richard L. Swearingen
Commissioner

Criminal Investigations and Forensic Science

Orlando Regional Operations Center
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Ron DeSantis, *Governor*
Ashley Moody, *Attorney General*
Jimmy Patronis, *Chief Financial Officer*
Nikki Fried, *Commissioner of Agriculture*

July 17, 2020

Honorable Wayne Ivey
Sheriff
Brevard County Sheriff's Office
700 S. Park Ave.
Titusville, FL 32780

Sheriff Ivey,

At the direction of Commissioner Swearingen and in response to your request, we have completed the review of the Brevard County SO investigation into the circumstances surrounding the death of Gregory Edwards on December 9, 2018.

As a result of this review the Florida Department of Law Enforcement has concluded that the investigation completed by the Brevard County Sheriff's Office is complete and thorough.

Attached you will find a copy of the completed review with any and all findings contained therein.

Respectfully,

A handwritten signature in blue ink, appearing to read "Lee Massie", is written over a horizontal line.

Lee Massie
Special Agent in Charge
Florida Department of Law Enforcement
Orlando Regional Operations Center

cc: Honorable Phil Archer, State Attorney, 18th Judicial Circuit
Commissioner Rick Swearingen, Florida Department of Law Enforcement



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MEMORANDUM

DATE: July 15, 2020

TO: Lee Massie, Special Agent in Charge
Orlando Regional Operations Center

VIA: Rich Piccininni, Assistant Special Agent in Charge
Orlando Regional Operations Center

FROM: Daniel Warren, Special Agent Supervisor
Orlando Regional Operations Center

SUBJECT: FDLE Review of Brevard SO Investigation into the Death of Gregory Edwards

I have completed the review of the Brevard County Sheriff's Office (BCSO) investigation into the circumstances surrounding death of Gregory Edwards. The following is a synopsis of my review and the subsequent findings.

On June 15, 2020, I was assigned to conduct this review. On June 16, 2020, I met with BCSO Lieutenant Rob Vitaliano who provided me with a copy of their investigation. I reviewed all of the materials provided, which included, but were not limited to:

- BCSO Investigative Summary
- Medical Examiner's report and toxicology results
- BCSO and West Melbourne PD investigative reports
- BCSO Crime Scene photos and property receipts of evidence collected
- Computer aided dispatch reports
- Audio from 51 interviews of 49 different witnesses and/or victims to this incident
- Written statements from witnesses and/or victims to the incident
- Edwards' medical records from the Brevard County Jail
- Edwards' Veterans Administration progress notes
- Bodyworn camera video from West Melbourne PD Officers Krukoski, Mathis and Sgt. Perez
- In-car video from West Melbourne PD while Edwards was inside the vehicle
- Surveillance footage from Walmart
- Cellular phone video from Charlene Raisman and Kathleen Edwards
- Jail phone calls of Kristopher Moffitt
- Training records for Major Kelly Haman, Lt. George Fayson, Sergeant Richard Zimmerman, Corporal Brian Otto, Deputy Robert Wagner, Deputy Allison Blazewicz, Deputy Freddy Cedeno and Deputy DeShawn Edward.
- Results of the internal review by BCSO of the incident.

On June 25, 2020, I traveled to the BCSO Criminal Investigations Division, where I reviewed the video recorded within the Brevard County Jail facility on December 9, 2018, related to Gregory



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Edwards. This video included 19 different camera angles that were positioned within the booking and medical areas of the jail. I reviewed the video recording from 1:09 p.m. to 3:05 p.m., which was the entire time Edwards was inside the jail. Upon completion of this review, the video remained in the custody of the Brevard County Sheriff's Office.

Based upon the review of the information made available, this investigation revolves around the use of force by Lt. George Fayson, Sergeant Richard Zimmerman, Corporal Brian Otto, Deputy Robert Wagner, Deputy Freddy Cedeno, Deputy DeShawn Edward, Deputy Shannon Popielarczyk, Deputy Keith Tiller and Deputy Allison Blazewicz. This use of force took place after Edwards intentionally struck Cpl. Otto in the head with a left elbow and they fell to the ground. While on the ground, Edwards struck Cpl. Otto in the head several times with his left elbow and left fist and put Cpl. Otto in a chokehold/headlock. Edwards resisted throughout the incident and the struggle between Edwards and the Brevard County Jail personnel lasted approximately five minutes with the following use of force events taking place:

- A) Edwards had Cpl. Otto in a chokehold/headlock when Deputy Wagner hit Edwards four times in Edwards' right leg area and four times to Edwards' torso area utilizing "hammer fist" strikes. Later in the struggle, Deputy Wagner used an additional two "hammer fist" strikes to the torso area.
- B) Lt. Fayson conducted five "knee strikes" to the lower extremities of Edwards.
- C) Cpl. Otto eventually broke free from the chokehold/headlock, sprayed Oleoresin Capsicum (OC) on Edwards and then hit Edwards six times in the torso area utilizing a "hammer fist" strike.
- D) Deputy Blazewicz utilized a conducted energy weapon (CEW) on Edwards.
- E) Sgt. Zimmerman, Deputy Cedeno, Deputy Edward, Deputy Popielarczyk, and Deputy Tiller used minimal force to assist with holding Edwards and controlling him during the struggle.

Once Edwards was secure, Edwards continued to resist and the Brevard County Jail personnel struggled to get Edwards into the "restraint chair." During their efforts to subdue Edwards, Deputy Wagner hit Edwards in the leg area three times utilizing "hammer fist" strikes.

Once Edwards was secured in the "restraint chair," a "spit mask" was placed on Edwards' head. Edwards did not appear to be injured at this time and he was placed inside holding cell #9. Edwards remained inside of this cell for approximately 15 minutes, and throughout the time he was inside holding cell #9 he was periodically monitored by various jail personnel. At approximately 2:23 p.m., Edwards stopped moving and approximately 17 seconds later, Lt. Fayson and Deputy Wagner entered holding cell #9, removed the "spit mask," and began checking on Edwards. Approximately three minutes later, Nurse Deborah Nadeau started her medical assessment of Edwards, provided him with oxygen, determined that he had a pulse of 64, and his oxygen level was 98. At approximately 2:32 p.m. he was removed from holding cell #9 and moved to the medical area within the jail. At approximately 2:35 p.m. they arrived in the medical area and at 2:38 p.m., CPR was initiated on Edwards. Brevard County Fire Rescue arrived at 2:49 p.m. and Edwards was subsequently transported to the hospital at 3:05 p.m.



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INVESTIGATION

Upon reviewing BCSO's investigation, it appears to be thorough, complete and has provided the relevant information needed by the Office of the State Attorney to render a decision. BCSO investigators conducted interviews of over 50 different witnesses, and obtained numerous written statements from witnesses regarding this incident. BCSO investigators conducted numerous voluntary interviews of the BCSO personnel involved in the criminal investigation, but Lt. Fayson, Deputy Wagner, and Deputy Blazewicz declined to be interviewed. Deputy Wagner proffered a statement for the criminal investigation via his attorney. Lt. Fayson, Deputy Wagner and Deputy Blazewicz later provided interviews for the administrative investigation. After reviewing the recorded interviews and written statements conducted by the BCSO investigators, they show no signs of being biased, are consistent, and gather the relevant information regarding the facts and circumstances surrounding Edwards death. Based upon my review, no additional interviews are necessary.

During the course of this investigation, investigators from the BCSO collected 26 different evidence items. Each of these items were evaluated for forensic testing by FDLE and it was determined that no additional forensic examination of these items is warranted. One significant piece of evidence that was not collected was the "spit mask" put on Edwards' head after he was secured in the "restraint chair." The examination of this "spit mask" would have been helpful to investigators and the medical examiner, but it is unlikely that having this specific piece of evidence would change the outcome of the investigation.

The medical examiner, Dr. Sajid S. Qaiser, was afforded the opportunity to review all of the information available, including an identical "spit mask," and subsequently determined that the cause of death for Edwards was excited delirium, and the manner of death was considered accidental.

The State of Florida Medical Examiners Commission assembled a panel to review this decision, after a complaint was filed against Dr. Sajid Qaiser on November 13, 2019. On July 9, 2020 this panel authored a report. Below are their findings:

On November 13, 2019, Kathleen Edwards initiated a complaint against Dr. Qaiser, questioning his thoroughness and methodology of the autopsy of Gregory Edwards as well as Dr. Qaiser's legal and medical standard of care. A review panel consisting of Barbara C. Wolf, M.D., Districts 5 and 24 Medical Examiner, Charlie Cofer, J.D., 4th Judicial Circuit Public Defender, and Carol Whitmore, Manatee County Commissioner was established by the State of Florida Medical Examiners Commission. The panel ultimately found that there were *"no violations of statute, rule, or the practice guidelines in his death investigation."* However, the panel did unanimously agree *"to recommend that Dr. Qaiser have Mr. Edwards' blood tested for sickle cell trait/disease as the presence of sickle cell trait, if found, could help further explain this death."*

CONCLUSION

On July 1, 2019, State Attorney Phil Archer determined that the use of force by BCSO deputies was considered reasonable and justified under Chapter 776 of the Florida Statutes. Based upon my review, it appears that all of the information gathered during the course of this investigation



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by BCSO, was presented to the Office of the State Attorney, Eighteenth Judicial Circuit to determine if the use of force by the BCSO deputies was justified under the law. The BCSO communicated with the Office of the State Attorney throughout the investigation and there are no outstanding investigative requests of the BCSO. BCSO investigators obtained statements from all of the known or identified witnesses to the use of force, and all of the involved BCSO personnel. The only piece of physical evidence that BCSO failed to collect was the "spit mask," however, an identical "spit mask" was provided to the medical examiner to aid in determining the cause and manner of Edwards' death. This fact does not change my opinion that the investigation was thorough and complete; given that the use of force incident was clearly recorded on video and the identities of those involved are clearly established. As such, additional forensic testing by FDLE of the physical evidence collected by BCSO would not yield any new information. Additionally, Dr. Qaiser's determination that Edwards' death was accidental and caused by excited delirium was validated by the panel assembled by the Medical Examiners Commission.

Based upon the facts outlined above, and the thoroughness of BCSO's investigation into the death of Gregory Edwards, no further criminal investigation is necessary.



State of Florida Medical Examiners Commission

P.O. Box 1489 | Tallahassee, FL 32302-1489 | (850) 410-8600

July 9, 2020

MEMORANDUM

To: Stephen J. Nelson, M.A., M.D., F.C.A.P.
Chairman
Medical Examiners Commission

From: PROBABLE CAUSE PANEL
Barbara C. Wolf, M.D., Districts 5 & 24 Medical Examiner, Chair *Barb Wolf M.D.*
Honorable Charlie Cofer, J.D., 4th Judicial Circuit Public Defender
Honorable Carol Whitmore, Manatee County Commissioner

Subject: Report of the Panel – Complaint against Sajid S. Qaiser, M.D. (District 18)

On November 13, 2019, Mrs. Kathleen Edwards, along with community leaders, friends, and family, filed a formal complaint against District 18 Medical Examiner Sajid S. Qaiser, M.D., regarding the autopsy of her husband, Gregory L. Edwards, in December 2018. The complaint questioned Dr. Qaiser's thoroughness and methodology during the autopsy as well as his legal and medical professional standard of care.

Staff thoroughly reviewed the information in the complaint, as well as all case documents provided by the District 18 Medical Examiner's Office. Lacking in-depth medical knowledge, staff requested that a probable cause panel be convened to review the case and make the final determination of any violations of the Practice Guidelines, Florida Statutes, or Florida Administrative Code.

The Probable Cause Panel convened virtually on June 22, 2020, at 10:00 a.m. via GoToMeeting. The panel members present were Barbara C. Wolf, M.D., Public Defender Charlie Cofer, J.D., and Manatee County Commissioner Carol Whitmore. Also present were Commission staff members Vickie Koenig, Chad Lucas, and Megan Neel. Staff had previously provided the panel members with all documents supplied by the District 18 Medical Examiner's Office including medical records from the Orlando VA Hospital and Rockledge Medical Center. Additional reference materials provided were the *National Association of Medical Examiners (NAME) Position Paper: Recommendations for the Definition, Investigation, Postmortem Examination, and Reporting of Deaths in Custody* and excerpts from Dr. Vincent DiMaio's books Forensic Pathology: Second Edition and Excited Delirium Syndrome: Cause of Death and Prevention, which speak directly to Excited Delirium Syndrome deaths. Additionally, a deputy from the Brevard County Sheriff's Office met with each panel member individually to show body camera, transport, sally port, and jail footage from the incident, an example of the spit hood placed on Mr. Edwards while he was in the custody of the Sheriff's Office, and provide the

Brevard County Sheriff's Office Criminal Investigative Services report. Dr. Wolf was provided with and reviewed additional medical records from Rockledge Regional Medical Center. Dr. Wolf also spoke with Linda Sullivan, the supervisor of toxicology and forensic services at the Steward Reference Laboratory, about the testing they performed for this case and the District 18 Medical Examiner's Office provided her with recuts of all histology slides prepared from autopsy tissues for review.

The Panel elected Dr. Wolf as the chair and reviewed the statutory reference that established the Panel as well as the procedures that the Panel and the Commission use in these proceedings. The authority of the Probable Cause Panel is established in section 406.075(3), F.S., and is limited to a determination of whether the facts establish a violation of Chapter 406, Florida Statutes, Chapter 11G Florida Administrative Code, or the Practice Guidelines for Florida Medical Examiners.

Dr. Wolf discussed the allegations submitted by the complainant and potential violations of Chapter 406, Florida Statutes, Rule 11G, Florida Administrative Code, and the Practice Guidelines for Florida Medical Examiners. She also pointed out that the purpose of the Panel was to review, discuss, and act on only the actions of the medical examiner, and not any actions of the officers and/or deputies associated with the incident. The Panel agreed that Dr. Kaiser was extremely thorough in his investigation by performing secondary subcutaneous dissections of the wrists, hands and ankles, histology and toxicology examinations, reviewing records from the hospital where the death occurred as well as previous medical history records from Veterans Affairs, examining the spit hood and restraints used during the incident, and reviewing recorded video footage of the incident from the Brevard County Sheriff's Office and the West Melbourne Police Department. Dr. Kaiser was also provided with verbal updates about the internal investigation of the death by the Brevard County Sheriff's Office, although he never received a copy of the final written report. All of above information was considered in Dr. Kaiser's final determination as to the cause and manner of death of Mr. Edwards.

Dr. Wolf summarized the findings of the autopsy report as well as the decedent's medical history. She reported that the autopsy findings as well as the decedent's medical history of mental illness and a recent combative and violent behavioral state combined with use of physical restraint mostly supported the opinion of a death caused by Excited Delirium Syndrome. However, she went on to describe how in most Excited Delirium Syndrome deaths, the decedents do not respond to cardiopulmonary resuscitation (CPR) measures, which is contrary to what happened in Mr. Edward's case where circulation and heart rhythm were restored, but consciousness was not. These statements are supported by Dr. DiMaio in his book Forensic Pathology: Second Edition. She stated that while Mr. Edwards was in the hospital, following his episode at the jail, he developed complications including bleeding from disseminated intravascular coagulation as well as clotting issues, both of which are consistent with complications of a hypoxic brain injury. Additionally, there is literature documenting cases of Excited Delirium Syndrome, where the individual experienced a psychotic episode and the toxicology was negative for drugs of abuse, as in the case of Mr. Edwards.

Dr. Wolf felt that, while the Medical Examiners Commission typically does not address complaints relating to cause and manner of death, the Panel needed to address these issues as this is the basis of the complaint. In the forensic pathology field, the determinations that a death was caused by Excited Delirium Syndrome is somewhat controversial, as is the classification of the manner of death. This is addressed in Dr. DiMaio's book Excited Delirium Syndrome: Cause of Death and Prevention. In the book he states:

"Designation of manner of death is more difficult. Because of the effects of a struggle, one cannot classify a case of excited delirium syndrome as a natural death. One is left with homicide or accident. Since a violent struggle has occurred with interaction between two or more individuals, the best classification of the manner of death is probably homicide. A good argument for an accident can be made, however. It is at this point that local custom may determine how the manner of death is designated. If the case is called a homicide, one must explain to the public and press that the designation of the case as a homicide does not indicate that there was necessarily any criminal activity involved, that there is a difference between homicide and murder."

Dr. Qaiser certified the manner of death as an accident. The Panel agreed that there is no right or wrong determination in this case, and even if the manner of death were to be changed to homicide, this is pathological terminology and not a legal terminology.

The Panel also noted a discrepancy between the autopsy report's external examination, therapeutic interventions, and photographs, specifically relating to the circular pattern on the decedent's torso and abdomen. These markings are indicative of a cooling blanket being placed on the decedent during the course of his hospitalization.

Finally, the Panel noted that any organs retained by the District 18 Medical Examiner's Office would have been to preserve sections for the histology slides. This is the standard of practice for forensic pathologists, and does not violate statute, rule, or the practice guidelines.

Conclusions

After extensive discussion of the case, the Panel found that there was no probable cause for disciplinary action regarding the complaint lodged against Sajid S. Qaiser, M.D., in that there were no violations of statute, rule, or the practice guidelines in his death investigation of this case.

The Panel noted that Excited Delirium Syndrome is a cause of death that is recognized by the National Association of Medical Examiners, and while there were other alternatives that could have been used for the cause of death, Dr. Qaiser's determination based upon his professional opinion was supported by his investigation. The Panel did unanimously agree to recommend that Dr. Qaiser have Mr. Edwards' blood tested for sickle cell trait/disease as the presence of sickle cell trait, if found, could help further explain this death.

The Panel also felt that Dr. Qaiser could have included a description of patterned marks on Mr. Edwards's torso from medical intervention at the hospital by way of a cooling blanket. Although these marks are artifacts of therapeutic intervention and not contributory to Mr. Edwards' death, they may raise questions from those who are not medically trained professionals. However, a lack of description of the marks in the autopsy report does not rise to the level of a violation of Florida Statutes, Administrative Code, or the Practice Guidelines for Florida Medical Examiners.

The Panel is prepared to discuss this matter and the reasoning behind their conclusions. In the meantime, please contact staff if you have any questions or if the panel can be of further assistance.