

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

CHARLES BRIAN BOSWELL
and MARGARET ANN BOSWELL,

Plaintiffs,

vs.

Case No.: 8:18-cv-1769-T-17AEP

SHERIFF DAVID GEE (Ret.),
in his individual capacity;
SHERIFF CHAD CHRONISTER,
successor Sheriff of Hillsborough County,
individually and in his official capacity;
COL. DONNA LUSCZYNSKI,
individually and in her official capacity;
MAJ. ALAN HILL (Ret.),
in his individual capacity;
MAJ. KRISTINE POORE,
individually and in her official capacity;
MAJ. ROBERT URA,
individually and in his official capacity;
LT. DONALD MORRIS,
individually and in his official capacity;
SGT. PRESTON HOLLIS,
individually and in his official capacity;
SGT. JOSEPH MAURER,
individually and in his official capacity;
CPL. SAMUEL V. PORTALATIN,
individually and in his official capacity;
all with the Sheriff's Office of
Hillsborough County, Florida;
RITA PETERS, former assistant state attorney in
13th Judicial Circuit, Hillsborough County, Florida,
in her individual capacity,

Defendants.

SECOND AMENDED COMPLAINT
(Corrected)

1. Plaintiff, CHARLES BRIAN BOSWELL (BOSWELL), and his wife,
MARGARET ANN BOSWELL (MARGARET BOSWELL), through undersigned

counsel, sue the DEFENDANTS named above, in their official and individual capacities, and allege:

JURISDICTION AND VENUE

2. This court has jurisdiction pursuant to 28 U.S.C. § 1331, federal question jurisdiction. Venue is proper under 28 U.S.C. § 1391(b), because the events giving rise to the claims occurred in Hillsborough County, Florida, during BOSWELL's employment as a civil service law enforcement officer for the Sheriff's Office of Hillsborough County, Florida (HCSO).

PARTIES

3. BOSWELL is a native resident of Hillsborough County, Florida. He was hired by the HCSO on December 6, 1991, as a deputy sheriff, later becoming a master detective, and served in the HCSO until his forced retirement on January 31, 2017.

4. At all times pertinent, MARGARET BOSWELL, a native resident of Hillsborough County, Florida, has been the spouse of BOSWELL, with the parties marrying on September 25, 1993, and remaining married to the present day.

5. The Defendant, DAVID GEE (GEE), sued individually, was first elected to Sheriff in 2004 and served in the HCSO until he abruptly retired in 2017.

6. The Defendant, CHAD CHRONISTER (CHRONISTER), sued individually and in his official capacity, is the successor sheriff to GEE, and he was serving as Sheriff during the latter part of the events described below.

7. The Defendant, DONNA LUSCZYNSKI (LUSCZYNSKI), sued individually and in her official capacity, was at all times material hereto a Colonel in the HCSO.

8. The Defendant, MAJ. ALAN HILL (Ret.), sued individually, was at all times material hereto a Major in the HCSO.

9. The Defendant, KRISTINE POORE (POORE), sued individually and in her official capacity, was at all times material hereto a Lieutenant in the HCSO.

10. The Defendant, ROBERT URA (URA), sued individually and in his official capacity, was at all times material hereto a Major in the HCSO.

11. The Defendant, DONALD MORRIS (MORRIS), sued individually and in his official capacity, was at all times material hereto a Lieutenant in the HCSO.

12. The Defendant, PRESTON HOLLIS (HOLLIS), sued individually and in his official capacity, was at all times material hereto a Sergeant in the HCSO.

13. The Defendant, JOSEPH MAURER (MAURER), sued individually and in his official capacity, was at all times material hereto a Detective in IA in the HCSO, then subsequently promoted to Corporal toward the latter dates of the occurrence of the events set forth below.

14. The Defendant, SAMUEL PORTALATIN (PORTALATIN), sued individually and in his official capacity, was at all times material hereto a Corporal in the HCSO.

15. The Defendant, RITA PETERS (ASA PETERS), sued individually, was at all times material hereto an Assistant State Attorney (ASA) in the State Attorney's Office in the 13th Judicial Circuit (SAO). Since the events described below, she is no longer employed as an ASA in the Hillsborough County SAO because she was forced to resign.

STATEMENT OF THE ULTIMATE FACTS

16. Before the events discussed below transpired, BOSWELL had never had any discipline imposed upon him during his 25-year career with the HCSO.

17. On November 29, 2013, BOSWELL and Det. Charles Keene interviewed a suspect in a felony murder case, and during one of the interviews, Keene told the suspect, who was unquestionably in a custodial hold, that she could go home if she confessed.

18. BOSWELL told Keene that they should not arrest the suspect at that time, as she had been in a custodial hold and her confession would be deemed coerced, thus rendering her arrest legally void, but Keene insisted on arresting the suspect anyway.

19. When LUSCZYNSKI learned that BOSWELL was refusing to support Keene's position that the suspect had been in a non-custodial hold when she confessed, she ordered URA to begin the transfer of BOSWELL from the homicide unit to the juvenile unit, which was considered a demotion.

20. On November 20, 2014, Hillsborough County Circuit Judge Laura Ward presided over the hearing on the now-defendant's motion to suppress her statement, and on December 9, 2014, the judge granted the motion on the grounds that the defendant had been in a custodial hold at the time she confessed, and she had not properly been reread her Miranda rights before the portion of the interview in which she had confessed.

21. In the order, Judge Ward wrote that "Detective Boswell admitted at the hearing that at that time [the defendant] was not free to leave and that she was being detained."

22. After she received Judge Ward's order, on December 22, 2014, LUSCZYNSKI launched a supervisor inquiry into the events underlying the suppression

order. BOSWELL's immediate supervisors, Sgt. J. Schiro and Cpl. S. Napolitano, questioned BOSWELL about what had occurred during the interview deemed flawed by Judge Ward. After listening to the digitally recorded interview, BOSWELL's supervisors concluded that BOSWELL did not do anything wrong. However, they did take issue with Keene's tactics and concluded that Keene was attempting to turn a custodial interview into a non-custodial interview. Despite this, the HCSO did not investigate Keene's actions nor impose any discipline upon him.

23. On February 2, 2015, BOSWELL was assigned his next high-profile case, the "Matthew Samanie case," in which a five-week-old baby had been severely beaten and shaken, suffering numerous broken bones and a swollen brain.

24. While interviewing Samanie during the non-custodial hold, Samanie requested to go off tape, and when off-tape, he advised that he had smoked marijuana prior to the interview; however, he stated he was no longer experiencing the effects.

25. When back on tape, Samanie ultimately admitted that the claim he had smoked marijuana was a diversionary tactic, and he also made self-incriminating statements throughout the course of the interview identifying that he had caused the injuries to the baby. BOSWELL began the process of seeking an arrest warrant.

26. Det. Kari Mathewson, who had been assigned to accompany BOSWELL to this interview because she was having performance problems, complained to Schiro and POORE that she was not allowed by BOSWELL to ask questions during this interview, and she also falsely stated that Samanie did not make incriminating statements.

27. On February 3, 2015, after Schiro advised BOSWELL of Mathewson's comments and false inferences, BOSWELL provided a digital copy of the interview to

Schiro, who subsequently concluded that Samanie had in-fact made inculpatory statements.

28. On February 4, 2015, Mathewson met with ASA PETERS. By her subsequently made own admission, Mathewson stated to ASA PETERS in a suggestive manner that she should “listen to all of the facts for all of the cases,” thus inferring that BOSWELL had *not* obtained sufficient evidence to justify the issuance of a warrant for Samanie’s arrest. LUSCZYNSKI would use this complaint from Mathewson to form the basis of her attack on BOSWELL.

29. ASA PETERS began acting as an agent for the HCSO and specifically, as later identified by ASA PETERS herself, she began taking direction from LUSCZYNSKI regarding undermining BOSWELL’s investigations in order to justify disciplining him and ultimately to have him terminated from the HCSO.¹

30. ASA PETERS began contacting Mathewson to encourage Mathewson to make defamatory statements about BOSWELL in reference to the Samanie interview. Additionally, according to eyewitnesses, ASA PETERS began attempting to solicit complaints about BOSWELL from her subordinates.

^{1 1} Upon information and belief, ASA PETERS’s husband, who was first a deputy within the HCSO, had been transferred by LUSCZYNSKI to a less-desirable position after LUSCZYNSKI learned he had made negative comments about her. Thus, ASA PETERS was operating not only at LUSCZYNSKI’s directive due to her position as a powerful and influential colonel, but also in an effort to better her husband’s employment status by by pleasing LUSCZYNSKI through assisting her with undermining and discrediting BOSWELL. As discussed *infra* in the instant Amended Complaint, ASA PETERS admitted to the former, i.e., acting at LUSCZYNSKI’s direction, during her sworn testimony in the first internal affairs investigation launched by the HCSO against BOSWELL.

31. On February 9, 2015, after delaying the issuance of an arrest warrant for Samanie because she was attempting to undermine BOSWELL's investigation, ASA PETERS finally agreed to the issuance of an arrest warrant for Samanie, and he was arrested.

32. On February 12, 2015, BOSWELL authored his investigative report on the Samanie case at which time the case was considered officially closed.

33. The following day, February 13, 2015, LUSCZYNSKI called for a meeting with URA and BOSWELL's supervisors to address concerns about BOSWELL purportedly voiced by ASA PETERS and Mathewson. The issues pertained to BOSWELL speaking to Samanie off-tape--at Samanie's request to do so--during BOSWELL's interview of Samanie.

34. Subsequent to this meeting, per URA's subsequently obtained sworn testimony, he and POORE held an offsite, clandestine meeting with Mathewson in a parking lot behind a building, to coach her on raising complaints about BOSWELL's handling of the Samanie investigation.

35. Following this meeting, Mathewson began voicing a new, demonstrably false version of what she claimed she had observed during the Samanie interview: Mathewson now began asserting that BOSWELL had been yelling and acting forcefully with Samanie while off tape.

36. On February 16, 2015, as a result of Mathewson's new allegations, BOSWELL was called into a meeting with URA and POORE in URA's office. During this meeting, URA implied that an internal investigation was forthcoming. Also on this date, unbeknownst to BOSWELL, at the direction of LUSCZYNSKI, and in an effort to

undermine BOSWELL's work, the Samanie case was re-opened and the mother of the victim was maliciously targeted for inculcation as the one responsible for injuring the baby.

37. Shortly thereafter, HCSO Legal Advisor Karen Stanley and others reviewed the Samanie interview, and concluded that BOSWELL had *not* engaged in any improper behavior. Notably, Stanley raised concerns about the fact that Mathewson had attempted to thwart the issuance of an arrest warrant for Samanie by making misleading statements to ASA PETERS regarding what had actually occurred during the interview. Despite Stanley's opinion, LUSCZYNSKI ordered BOSWELL's supervisors to listen to the interview in its entirety. BOSWELL's supervisors then also concluded that BOSWELL had done nothing wrong during the Samanie interview.

38. The following day, February 17, 2015, POORE and Stanley called Mathewson into POORE's office and questioned her. Stanley subsequently advised LUSCZYNSKI that the interview with Samanie was non-custodial and that there were no legal issues of concern; i.e., Mathewson's new version had been debunked, thereby leaving LUSCZYNSKI with no legitimate basis to continue her retaliation against BOSWELL.

39. However, in front of eyewitnesses, LUSCZYNSKI then openly pondered about other possible scenarios that could be used to launch an IA investigation against BOSWELL.

40. On February 19, 2015, URA called BOSWELL and asked him to meet with him to avoid filing an IA investigation against him. BOSWELL advised URA that

he would attend; however, he would bring his attorney with him. URA responded, “Never mind,” and ended the conversation.

41. On February 27, 2015, despite the fact that the mother in the Samanie case had been exculpated through independent records and witnesses, ASA PETERS still attempted to cast doubt on the veracity of BOSWELL’s investigative conclusion by requesting that the mother undergo a polygraph exam. The polygraph examiner, Det. Jennifer Mitchell, rendered a verbal opinion that the mother’s statements regarding whether she had harmed the baby were untruthful. However, by this date it was indisputable that the mother was at work both times that the victim sustained the injuries.²

42. On March 2, 2015, URA called BOSWELL into his office and advised BOSWELL that URA and LUSCZYNSKI collectively had decided to move forward with an IA investigation against BOSWELL. The new reasons cited for the complaint on this day were BOSWELL’s general proficiency and violations of standard operating procedures.

The First Internal Affairs Investigation

43. The next day, March 3, 2015, URA filed the first IA complaint against BOSWELL. In his complaint, URA alleged that BOSWELL had failed to comply with a verbal order purportedly given by URA that BOSWELL was to not interview any suspects or witnesses without a second detective present, and that he was to entirely

² This polygraph exam, the digitally recorded interview, and the written supplement to this examination were subsequently “corrupted” and “lost.” Additionally, the case file was surreptitiously removed from the polygraph section and a blank CD was replaced for the polygraph. However, the HCSO did *not* conduct an investigation into the missing polygraph results.

record all interviews. URA asserted that he had imposed these directives on BOSWELL because BOSWELL had botched interviews due to a second detective not being present and interviews not being entirely recorded, which sometimes resulted in suspects or witnesses recanting their statements.

44. On the same day that URA filed the complaint based upon false claims against BOSWELL, MAURER interviewed Mathewson. Under oath, Mathewson provided false testimony against BOSWELL by fabricating the events that occurred while Samanie had requested to, and did, speak off-tape. In particular, she alleged that Samanie requested that the recorder be turned back on but BOSWELL refused to do so; and BOSWELL yelled at Samanie while the recorder was off, which caused Samanie to break down and cry.

45. Importantly, Mathewson admitted that she had been influenced by ASA PETERS's comments to her when ASA PETERS had criticized BOSWELL during one of their telephone conversations.

46. On March 4, 2015, MAURER interviewed ASA PETERS. Under oath, ASA PETERS provided false testimony in an attempt to create the impression that there were issues with the Samanie case, and other cases investigated by BOSWELL. Tellingly, PETERS revealed that she had been acting as an agent for LUSCZYNSKI by admitting that her actions in regards to the Samanie case were at the direction of the HCSO, and she specifically named LUSCZYNSKI as the director of the attack against BOSWELL.

47. On March 5, 2015, Schiro was interviewed, and he stated that he was present at the meeting between ASA PETERS and BOSWELL, and he did not witness

BOSWELL treating ASA PETERS disrespectfully. He further provided testimony supporting BOSWELL's belief that BOSWELL was being targeted for harassment by certain members of the HCSO who had fabricated allegations against BOSWELL to justify disciplining him, and impose other retaliatory measures.

48. On March 23, 2015, MAURER interviewed BOSWELL. BOSWELL provided MAURER with a copy of the recorded witness interviews in the felony murder defendant's case, and other exculpatory materials.

49. On March 24, 2015, per MAURER's request, BOSWELL emailed MAURER additional exculpatory evidence in the form of text messages exchanged between ASA PETERS and BOSWELL. The text messages demonstrated that ASA PETERS had provided false sworn testimony about some of her exchanges with BOSWELL.

The Second Internal Affairs Investigation

50. On April 10, 2015, BOSWELL received a voice mail from MAURER advising that the first IA investigation was being finalized. However, a second IA investigation was being initiated. This investigation was based upon the alleged violation of failure to obey a direct order, and it originated out of the year-old interview of Joshua Kling, convicted of capital sexual batteries. According to MAURER this violation had occurred because BOSWELL had interviewed Kling alone. MAURER also advised BOSWELL that LUSCZNYNSKI and Chief Deputy Sheriff Jose Docobo had collectively decided to file the new complaint.

51. On this same date, Sgt. Scott Sisson, MAURER's supervisor, approved MAURER's completed first IA investigation on BOSWELL, which was submitted under an oath attesting to the truth and veracity of the investigation.

52. On June 9, 2015, POORE advised BOSWELL that the first IA investigation had been substantiated. The two specific violations deemed substantiated were the supposed violation of URA's alleged verbal order, and discourtesy to ASA PETERS. BOSWELL was provided with a copy of the IA case file and subsequently discovered that MAURER had excluded all of BOSWELL'S exculpatory evidence from his written investigation.

53. Furthermore, the false statements made by URA, ASA PETERS and Mathewson were made public record, and ultimately these statements filtered into the criminal justice system, which provided fodder for some defense counsel to attempt to undermine BOSWELL's investigations underlying their clients' charges.

54. On June 17, 2015, MAURER interviewed BOSWELL in the second IA investigation. During this interview, once again BOSWELL provided MAURER with exculpatory evidence.

55. And, once again, MAURER failed to include BOSWELL's exculpatory evidence in his investigation and moreover, he failed to do any follow up investigation on his own.

56. On June 18, 2015, BOSWELL attended a pre-disciplinary hearing before POORE to appeal the first IA investigation's finding of substantiation. POORE failed to disclose her involvement in securing the finding of substantiation to BOSWELL, and she failed to recuse herself from the pre-disciplinary process. During the hearing, BOSWELL

again presented exculpatory evidence in the form of URA's recorded IA interview, which consisted of URA stating that he (URA) never told BOSWELL not to turn off the recorder if the suspect requests that this be done.

57. During the hearing POORE intentionally ignored BOSWELL, frequently interrupted him and cut him off while he was speaking, and dismissed facts presented by him. In addition to BOSWELL providing POORE with exculpatory evidence, BOSWELL pointed out the fact that MAURER had excluded exculpatory evidence from his investigation. POORE'S responses included: "You deal with the inaccuracies;" and "I have to believe Major Ura." POORE then recommended a five-day suspension.

58. On July 6, 2015, the second IA investigation launched against BOSWELL was also deemed substantiated, and this finding, as with the first IA investigation, was approved by POORE.

Appeal Before the Colonels

59. BOSWELL appealed the substantiated finding of the first IA investigation and on July 9, 2015, he attended a hearing before the colonels.

60. As did MAURER, these colonels refused to accept or review exculpatory evidence that BOSWELL attempted to provide to them during the hearing.

61. During the course of the hearing these colonels belittled and humiliated BOSWELL, and attempted to intimidate BOSWELL into conceding that URA, ASA PETERS and Mathewson did not provide false sworn testimony, and that MAURER did not ignore and omit exculpatory evidence.

62. Col. Greg Brown even went so far as to infer that BOSWELL was mentally unstable.

63. LUSCZYNSKI attempted to alibi URA's perjurious testimony by falsely claiming that she had intimate knowledge in regards to URA giving the orders. Throughout the hearing, LUSCZYNSKI covered her face with a piece of paper in an attempt to conceal the fact that she was giggling.

64. Legal Counsel Christopher Brown questioned BOSWELL's integrity as a witness, and opined that it could be possible that BOSWELL would never be able to testify as a witness again, thus rendering him unable to continue as a deputy in the HCSO.

65. At the conclusion of the approximately two-and-a-half-hour hearing, Col. Kenneth Davis admitted that the sworn testimony provided by URA was not accurate. However, he (Davis) attempted to mitigate URA's perjurious statements by falsely claiming that he (Davis) had intimate knowledge and details of the facts surrounding URA's alleged order, and therefore, he (Davis) knew that it had been given.

66. After admitting that there were errors in regards to the substantiations, that URA's testimony was not accurate, and that there had been no inculpatory evidence, these colonels found BOSWELL guilty of violating URA's order, notwithstanding the fact that such an order was never given, nor was it customary practice or policy of the HCSO.

67. Additionally, a charge of behavior unbecoming an officer was added to the list of violations. No rationale was provided as to how the colonels arrived at this conclusion.

68. Rather than approve the suggested five-day suspension recommended by POORE, the colonels continued the retaliation against BOSWELL by upping the

suspension to eight days without pay. And, they also recommended that BOSWELL be demoted.

69. Meanwhile, the second IA case against BOSWELL remained active.

Appeal Before Sheriff GEE

70. On July 10, 2015, BOSWELL received a telephone call from URA advising him to meet with GEE at 10:30 a.m. and to “come alone.”

71. Prior to the commencement of the meeting with GEE, BOSWELL observed LUSCZYNSKI and Davis leaving GEE’s suite.

72. LUSCZYNSKI then met with BOSWELL in the lobby and led him into a conference room for a meeting with GEE. During this meeting, it became apparent to BOSWELL that GEE had been led to believe by LUSCZYNSKI and Davis that BOSWELL was not credible. Specifically, as a new false basis to justify the on-going retaliation, BOSWELL was told by GEE that the State Attorney’s Office had taken issue with BOSWELL’s credibility. During this meeting, as did legal counsel Brown, GEE cautioned BOSWELL that if his credibility were to be destroyed, i.e., if he were determined to be “Giglio Impaired,” then he could no longer be used as a witness, thereby leaving the HCSO with no use for him.

73. GEE informed BOSWELL that he would not listen to any evidence BOSWELL wanted to present, and that he had “more respect for individuals who simply took their punishment.” GEE also advised that any further appeal needed to be brought before Docobo; however, GEE stated, if he (BOSWELL) continued to appeal any further, then there would be no guarantee that things would not get worse.

74. GEE then advised that he would combine the two IA cases against BOSWELL and have them closed. GEE left the conference room, and DAVIS then ordered BOSWELL to write a memo to GEE to withdraw his appeal.

75. On July 13, 2015, under extreme duress as a direct result of GEE's threat and Davis's direct order to withdraw the appeal, BOSWELL drafted a memo stating he would end the appeal process.

76. The HCSO then immediately demoted BOSWELL to the position of patrol deputy and imposed an eight-day suspension. The demotion encompassed a five percent pay cut, constituting an annual loss of \$3,000. This cut was in addition to an approximate \$11,000 loss of overtime wages that BOSWELL had already lost upon transfer from the Homicide Unit to the Juvenile Division.

77. On July 20, 2015, the demotion went into effect. Despite the fact that BOSWELL was the most senior deputy in his newly assigned division, against his request, he was assigned as a patrol deputy to the midnight shift.

The External Legal Fallout, and HCSO Coverup

78. In January 2016, Maria Pavlidis, the attorney for convicted sex offender Estevan De La Mora, stated in his appeal that she had recently learned, via an unnamed source, that BOSWELL "had been demoted as a result of his investigative techniques, including but not limited to, his interview of a suspect in an aggravated child abuse case."

79. Pavlidis filed a postconviction motion and used this information, which she argued constituted newly discovered evidence, to attempt to obtain a new trial for her client, who had been convicted of committing a lewd or lascivious battery on a victim between the ages of 12 and 15. This filing caused alarm within the HCSO and the SAO,

and both entities then scrambled to hide the information, which they had fabricated against BOSWELL.

80. Besides Pavlidis, other criminal defense attorneys began to “get wind” of BOSWELL’s demotion and suspension, and that he had been accused of being not credible.

81. The HCSO received a public records request from Nicholas Matassinni, the attorney for Wimper Zambrano, a suspect in a capital sexual battery case in which Zambrano, a previously convicted sexual batterer, had been charged with sexually battering his own five-year-old daughter.

82. Circa November 2015, Sgt. Scott Sisson gave BOSWELL’s unredacted IA case file to ASA Derry, despite the fact that he (Sisson) knew that the IA case file contained false, defamatory information against BOSWELL.

83. ASA Derry in-turn provided an unredacted copy of the file to Guillermo E. Gomez Jr., Samanie’s attorney.

84. On March 3, 2016, URA was called as a *defense* witness for Ricoh Johnson, who was being tried on two charges of committing capital sexual batteries. During his sworn testimony URA committed perjury when his testimony contradicted his March 11, 2015, sworn statements he had provided during the first HCSO IA investigation of BOSWELL, which was that he had transferred BOSWELL from the homicide division to the juvenile division because he needed his experience in the juvenile section, rather than truthfully stating that he had transferred BOSWELL pursuant to LUSCZYNSKI’S direction after BOSWELL would not support Keene’s statement that the felony murder suspect had been in a non-custodial hold when she confessed.

85. On August 2, 2016, the trial court held a hearing on De La Mora's motion for a new trial, based on the assertion of newly discovered evidence regarding BOSWELL's credibility. Pavlidis asserted in the motion information which she had gleaned from the report prepared by MAURER in the first IA investigation, that "Detective BOSWELL repeatedly stated, under oath, that his Major was untruthful and that an assistant state attorney was also not truthful in her statements under oath. These statements and allegations are what cause Detective BOSWELL's testimony to not be credible and to cast doubt as to his integrity as a law enforcement officer."

86. URA, ASA PETERS, Mathewson and POORE were all called as *defense* witnesses at the hearing. BOSWELL was called as a prosecution witness. During their sworn testimony URA, ASA PETERS and Mathewson all continued to defame BOSWELL and provided false and/or conflicting testimony. However, POORE initially testified truthfully, and for the first time confirmed that BOSWELL had been transferred from the Homicide Unit to the Juvenile Division as the result of a direct order given by LUSCZYNSKI. However, POORE also falsely testified about BOSWELL's interviewing techniques, and other fabricated issues.

87. While testifying, BOSWELL was forced to concede that URA's sworn testimony was indeed untruthful, after defense counsel specifically asked BOSWELL if URA had lied when he had testified he had given BOSWELL orders which he had violated.

The Third Internal Affairs Investigation

88. On September 27, 2016, the HCSO launched a third IA investigation against BOSWELL, based on a complaint made by someone identified only as "HCSO"

who, upon information and belief, was actually LUSCZYNSKI. This unnamed source alleged that BOSWELL had made disparaging comments about URA while testifying during the De La Mora hearing. HOLLIS (who was with BOSWELL during the interview in question in the first IA investigation) and MAURER (who had omitted exculpatory evidence from BOSWELL's first two IA investigations) were tasked as the supervisors in charge of this third IA investigation.

89. HOLLIS did not recuse himself, nor did he disclose that he was in-fact with BOSWELL during the recorded interview that URA claimed BOSWELL had conducted without a partner present, i.e., that of Andre Martinez, the parent of murder suspect Charles Martinez.

90. Likewise, MAURER failed to recuse himself or disclose that he had omitted evidence from the first two IA investigations to cover up URA's untruthfulness.

BOSWELL Forced to Take Medical Leave

91. On October 5, 2016, BOSWELL was forced to take leave pursuant to the FMLA because both he and his wife, MARGARET BOSWELL, were now suffering from medical issues incurred as a direct result of the actions of the Defendants as set forth in this Amended Complaint.

ASA PETERS Changes Her Previously Sworn Testimony

92. On November 4, 2016, ASA PETERS provided sworn testimony during a deposition as a defense witness in the Samanie case. Critically, ASA Derry (who at that time was ASA PETERS's first-line subordinate) attended the deposition. During this deposition, ASA PETERS switched gears and stated that there had never been any issues with BOSWELL's investigations, and that "case law supported his technique." She also

testified that there never was an issue with BOSWELL shouting at suspects to intimidate them, along with other admissions which were in opposition to her previous, negative statements about BOSWELL.

93. Following this deposition ASA Derry sought advice from colleagues on how to handle the fact that ASA PETERS had committed perjury. ASA Derry never reported ASA PETERS's conflicting, sworn testimony to the state attorney.

URA Testifies in Zambrano Hearing on Motion to Suppress Statement

94. On November 17, 2016, URA testified at the hearing on Zambrano's motion to suppress his incriminating statements. URA contradicted his previous sworn testimony and now provided new false, defamatory testimony in regards to BOSWELL in an attempt to mitigate his (URA's) previous false testimony. URA now claimed that BOSWELL had been transferred from the Homicide Unit due to the fact that he was not a team player and did not grasp the team player concept; BOSWELL went on interviews alone; and BOSWELL had interviewed a murder suspect's family member--Andre Martinez--without another detective present.

95. However, URA then stated he did not have a problem with BOSWELL's interview of Samanie, and that he had never received any complaints concerning BOSWELL's investigations or his interviews.

96. Regarding the interview of Andre Martinez, BOSWELL was accompanied by HOLLIS to Mr. Martinez's residence when the interview--which *was* recorded--was held. Furthermore, Andre Martinez never did recant his statements, as alleged by URA in his March 11, 2015, sworn testimony given during an IA investigation.

97. Quite simply, URA's testimony in regards to BOSWELL's investigative and interview techniques continued to be defamatory and demonstrably false.

The Fourth Internal Affairs Investigation

98. On January 23, 2017, HCSO IA received a letter of complaint from Zambrano's defense attorney, Matassini, who alleged that BOSWELL had violated URA's purported order regarding conducting interviews in pairs and using a recorder at all times.

99. This letter caused a fourth IA investigation to be lodged against BOSWELL.

BOSWELL Forced Into Retirement

100. On January 29, 2017, due to the maliciously inflicted harassment and defaming allegations levied against BOSWELL, which created stress-induced health problems for both him and his wife, under the advice of medical professionals BOSWELL submitted a retirement form to his supervisor, Sgt. Frank Harned, with the retirement to be effective as of January 31, 2017.

Conspiracy to Deprive BOSWELL of Full Retirement Benefits and Ability to Enter DROP Period Due to Forced Retirement

101. On January 30, 2017, instead of allowing BOSWELL to enter into his legally earned retirement the following day, January 31st, Lt. Donald MORRIS, Major Alan HILL, Col. James Burton, and Docobo opted to illegally terminate BOSWELL by documenting such on BOSWELL's retirement form.

102. However, unaware that the HCSO was in the process of terminating him, BOSWELL made contact with Angie Pederro of the HCSO Human Resources Department (HR) to confirm an appointment for out-processing. Pederro advised

BOSWELL to reschedule the retirement date due to the fact that retiring without providing two weeks of notice would result in a loss of paid vacation and accumulated Deferred Retirement Option Program (DROP) monies. Pedero advised BOSWELL to withdraw the retirement form and submit a second one, with the effective date of retirement set for February 17, 2017.

103. Immediately after speaking with Pedero, BOSWELL made contact with MORRIS to tell him that, pursuant to Pedero's direction, he was rescinding the retirement form and would be submitting a second form with the retirement date set at February 17, 2017.

104. MORRIS replied that he had just signed the retirement form and it was either on his desk, *or* had just left his desk, or that he had already given the form to HILL. BOSWELL requested that MORRIS contact HILL to tell him the retirement form had been rescinded.

105. At 12:10 p.m. BOSWELL sent MORRIS an email officially memorializing his intention to rescind the original retirement memorandum. At 12:14 p.m. MORRIS responded by stating that he had just hung up the phone after speaking with HILL, and that he and HILL had signed off on the original retirement form, and HILL had taken it "downtown" to the colonels.

106. Realizing that he was being stonewalled by MORRIS, BOSWELL called HILL directly and told him that the memo was to be immediately rescinded, per Pedero's instruction and BOSWELL's direction. In addition to telephone calls to MORRIS followed by an email to MORRIS in which BOSWELL rescinded the original retirement

memo, in total BOSWELL made approximately nine telephone calls in an attempt to stop the retirement memo from being processed any further.

107. BOSWELL then decided that he had better handle this matter in person, so he went to the District Office with a revised retirement memo. Upon BOSWELL's arrival, he observed that, contrary to MORRIS's statement otherwise, both MORRIS and HILL were together at the District Office, and HILL was not in any meeting with the colonels, as had been told to BOSWELL by MORRIS.

108. BOSWELL hand-delivered the second rescission memo to HILL, and then sent MORRIS a follow-up email informing him that he had personally provided to HILL, via hand-delivery, the second rescission memo. BOSWELL requested that MORRIS forward to him (BOSWELL) a copy once signed off on.

109. MORRIS ignored this request and did not respond to BOSWELL. Instead, as subsequently discovered paperwork reflected, MORRIS, HILL, Burton, and Docobo all disapproved BOSWELL's second retirement form, and they documented on the paperwork that BOSWELL had been terminated. However, no one told BOSWELL that the HCSO paperwork stated that he had not been set for retirement, but instead had been terminated.

110. On January 31, 2017, the third, still open IA investigation against BOSWELL was closed due to his forced termination.

111. On February 1, 2017, Harned was tasked with completing a Termination Packet on BOSWELL.

112. At approximately 9:30 a.m., BOSWELL received a call from Harned who stated that the second retirement form had been denied "due to a typographical error."

113. BOSWELL immediately made contact with his legal counsel and apprised him of the situation. Counsel then made contact with HILL, who advised that the decision to reject the second retirement form had been made by superiors. HILL directed counsel to HR, at which time Pedero advised counsel that a third retirement form should be submitted.

114. Per Pedero's instructions, BOSWELL completed a third retirement form again attempting to postpone his retirement until February 17, 2017, and he personally delivered it to Harned.

URA Deposed in Samanie Case, Continues to Defame BOSWELL, Commits Perjury

115. Meanwhile, on February 1, 2017, URA testified at the Samanie deposition, and he continued to make additional defamatory and demonstrably false sworn testimony in regards to BOSWELL, such as BOSWELL flubbed interviews, interviewed suspects alone, and failed to record interviews.

More Defamation of BOSWELL

116. On February 1, 2017, HOLLIS wrote a letter in response to Matassinni's written complaint:

As stated during our phone conversation today, Deputy Boswell resigned from the Sheriff's Office on January 30, 2017, during an active Internal Affairs Investigation. Had Deputy Boswell still been employed with the Sheriff's Office, I was prepared to open another Internal Affairs Investigation to address your concerns.

Notably, this letter was subsequently used as a defense exhibit during the Zambrano jury trial on May 17, 2017.

Retirement Approved, but First Erroneously-Submitted Form Also Approved

117. On February 6, 2017, BOSWELL contacted Pedero, at which time she explained the retirement had been approved, but also explained to BOSWELL that while he had been “allowed by the colonels” to retire in good standing, the first retirement form had been approved before the subsequent forms had been submitted. Therefore, the two subsequently submitted forms rescinding the first erroneous form with the retirement date set at January 31, 2017, and extending the commencement of retirement until February 17, 2017, had been *denied* by the colonels.

118. To sum up, despite BOSWELL’s multiple attempts to quickly, clearly, and definitively rescind the original inadvertently submitted retirement memo, the HCSO intentionally rapidly expedited the first memo through the chain of command and had it signed off on, in a blatant and obvious attempt to deprive BOSWELL of monies he was entitled to obtain. In total, BOSWELL made more than a dozen phone calls and released three retirement memos in an attempt to set his retirement date at February 17, 2017, and all three forms were altered by the HCSO in an attempt to hold BOSWELL to the January 31, 2017, retirement date.

119. This failure to extend the retirement date cost BOSWELL approximately \$10,000 in pay and DROP money, and, notably and significantly, \$327,000 in future earnings of DROP money that he otherwise would have made, had he not been forced into retirement.

HOLLIS Re-Opens the Third IA Investigation of BOSWELL

120. Despite the fact that BOSWELL was now retired, on February 14, 2017, HOLLIS falsified the “Notification and Status” form of the third IA investigation against BOSWELL in regards to the complaint lodged by “the HCSO,” which the HCSO had

closed on January 31, 2017, the date BOSWELL had been held to his retirement, to make it appear as if the investigation were still open. HOLLIS did so in order to unlawfully reopen the administrative investigation against BOSWELL, who was not even at that point employed by the HCSO, after having been forced into retirement, and thus now a private U.S. citizen.

121. On February 20, 2017, PORTALATIN authored a false IA investigation substantiating the third complaint against BOSWELL. Once again, exculpatory information was not included within the investigation.

ASA PETERS, Defense Witness in Samanie Case, Abruptly Resigns

122. On February 9, 2017, BOSWELL spoke with ASA Derry and learned that ASA PETERS's supervisors were not aware that ASA PETERS had been listed as a defense witness in the Samanie case. BOSWELL urged ASA Derry to make ASA PETERS's supervisors aware of ASA PETERS's status as a defense witness due to the obvious conflict of interest. ASA Derry attempted to circumvent ASA PETERS's supervisors from becoming aware of ASA PETERS's ongoing illegal and unethical conduct, by trying to have ASA PETERS approve a plea deal for Samanie. ASA PETERS herself, realizing the conflict, directed ASA Derry to speak with Chief ASA Christopher Moody about this situation.

123. On March 2, 2017, after ASA PETERS's supervisors became aware of ASA PETERS's status as a defense witness, along with further misconduct, the state attorney, Andrew Warren, forced ASA PETERS to resign.

More Due Process Violations Engaged Against BOSWELL

124. On March 4, 2017, now retired for over a month, BOSWELL received a certified letter from the HCSO IA Division, advising that the third IA investigation against him for supposedly making disparaging comments against URA, had been substantiated.

125. On March 5, 2017, a Sunday, BOSWELL discovered certified mail from HILL in his home mail box advising him that the HCSO had scheduled a name clearing hearing for BOSWELL, to be held on March 15, 2017. No postal carrier had knocked on his door or otherwise attempted to deliver the mail to him. BOSWELL was given three business days to respond as to whether he would participate in the hearing. The envelope was postmarked on March 1, 2017. The return receipt was still attached to the envelope with no other postmarks, thus making it apparent the document had not been sent via certified mail, although it was physically designed to appear as if it had been sent by certified mail. In addition, the certified tracking number was unrecognizable by the USPS; thus, the form had not actually been mailed through the USPS, although HILL documented that it had been. Additionally, it became apparent that HILL subsequently back-dated the internal memorandum to state that he had mailed the package on February 27, in an obvious attempt to make it impossible for BOSWELL to respond in a timely manner, thereby denying him procedural due process.

126. Upon reviewing the IA investigation authored by PORTALATIN, BOSWELL noted that PORTALATIN claimed to have reviewed the transcripts of the De La Mora hearing on September 27, 2016. However, these transcripts were not made available until November 10, 2016. Additionally, BOSWELL noted that, as others had

done when conducting IA investigations, PORTALATIN elected to exclude pertinent exculpatory facts that disproved the allegations against BOSWELL.

127. On March 9, 2017, BOSWELL presented a written response to the name-clearing hearing and provided verifiable evidence that URA had provided false sworn testimony a minimum of five times.

128. On March 15, 2017, HILL ignored the actionable information that had been provided to him by BOSWELL in regards to URA's multiple versions of conflicting sworn testimony. HILL's response was not to discipline URA, but to recommend dismissing BOSWELL. As had the others, HILL made no attempt to confirm the veracity of the actionable information that had been provided to him by BOSWELL about URA.

129. Thereafter, HILL's recommendation of "dismissal" was ratified by the Disciplinary Review Board, Burton, CHRONISTER, Davis, LUSCZYNSKI, and Clark. Additionally, while acting on behalf of GEE at the appeal level, LUSCZYNSKI failed to recuse herself once again and ratified HILL's substantiation. Further, the statement falsely documented that BOSWELL would not be appealing the hearing recommendation.

130. On March 27, 2017, BOSWELL's PBA attorney Jeffrey Stull sent a certified letter to GEE requesting that he be informed about available appellate rights.

131. On April 5, 2017, Clark responded to Stull's letter, stating "there are no other avenues available to [BOSWELL] for an appeal."

URA and HOLLIS Provide Conflicting Testimony at the Zambrano Trial

132. On May 17, 2017, URA testified as a defense witness at the Zambrano jury trial. Again, URA provided conflicting versions that drastically differed from his previously sworn testimony. During cross-examination, URA admitted that he did not give BOSWELL a direct order to not interview suspects off-tape, and he now classified it as a best practices suggestion notwithstanding the fact this, too, was untruthful. URA admitted that he knew the law required BOSWELL to stop recording if a suspect requested him to do so, and he further admitted that there were exceptions to when a suspect might need to be interviewed by a single detective rather than a pair.

133. On May 17, 2017, HOLLIS also testified as a defense witness at the Zambrano jury trial. Unaware of URA's newest version of sworn testimony, HOLLIS testified that had BOSWELL still been employed with the HCSO, then a new investigation based on a violation of URA's alleged order would have been launched against BOSWELL in regards to the Zambrano case.

134. Critically, by utilizing the testimony of URA and HOLLIS to undermine BOSWELL's investigation of the case, the defense was able to successfully introduce reasonable doubt. Consequently, the jurors found Zambrano, who was accused of sexually molesting his own daughter, and who had previously been found guilty of committing a sexual battery while in U.S. military service, not guilty.

135. As an additional consequence of the actions of these named Defendants as set forth in this Amended Complaint, MARGARET BOSWELL has suffered the care, companionship, society, consortium, and services of her husband, BOSWELL.

136. PLAINTIFFS have retained the undersigned to represent their interests in this cause and are obligated to pay a fee for these services. These Defendants should be made to pay said fee under the laws referenced in this Amended Complaint.

COUNT I

CIVIL CONSPIRACY TO OBSTRUCT JUSTICE, §843.0855(3), FLA. STAT.
SIMULATED LEGAL PROCESS
FIRST IA INVESTIGATION
LUSCZYNSKI, ASA PETERS, URA, MAURER, POORE

137. Paragraphs 1 through 136, constituting the facts of the instant case, are re-alleged and incorporated herein.

138. As described more fully in this Amended Complaint, LUSCZYNSKI, ASA PETERS, URA, MAURER, and POORE, acting in concert with other known and unknown co-conspirators, conspired by concerted action to accomplish a criminal and unlawful purpose by criminal and unlawful means. Specifically, these Defendants, knowing or having reason to know that URA had filed a false IA investigation against BOSWELL which was entirely fabricated, and therefore that the contents of the accusations and documents upon which the IA investigation were based were fraudulent, nonetheless then engaged in fraudulent simulated legal process against BOSWELL. Ultimately, the IA investigation, which was knowingly not based upon truth nor fair and just in scope because MAURER and POORE ignored and refused to recognize and include exculpatory evidence in the investigation, was deemed substantiated, despite its false and fraudulent basis.

139. In furtherance of the conspiracy, these Defendants committed overt acts and were otherwise willful participants in joint activity and worked together, in concert, through the commission of the acts set forth in this Amended Complaint, including but

not limited to: soliciting false complaints, targeting BOSWELL for harassment and discipline, and launching and encouraging the launching of an investigation against BOSWELL (LUSCZYNSKI, ASA PETERS, URA, POORE); fabricating, while under oath, that: BOSWELL had violated orders to not interview suspects or witnesses without a second detective present, when no such order had been given, and in fact BOSWELL actually did have a second detective present during the interview in the case in which it was claimed he did not have a second detective present, i.e., that of Andrew Martinez, when HOLLIS was present (URA); BOSWELL had violated an order to record all interviews, and in particular that he failed to record an interview in its entirety with Andre Martinez, when in fact this person was interviewed at his residence, with HOLLIS present and the interview was recorded, and further, URA had never ordered BOSWELL to record the entirety of all interviews in the first place (URA); BOSWELL was known for going off tape and yelling at suspects to intimidate them, when this was factually inaccurate (ASA PETERS); BOSWELL had been discourteous to ASA PETERS while he sought an arrest warrant for Samanie, which witnesses verified did not occur (ASA PETERS). MAURER then excluded all of BOSWELL's exculpatory information and evidence from his IA report, which was submitted under oath as true and accurate, and which was subsequently deemed substantiated. Then, during the pre-disciplinary hearing, POORE failed to provide a fair hearing and intentionally ignored BOSWELL's exculpatory evidence, rejected BOSWELL's proof that MAURER had also rejected BOSWELL's exculpatory evidence, and approved the substantiation of the IA investigation.

140. These Defendants committed criminal and unlawful misconduct described in this Count with malice, willfulness, and reckless indifference to BOSWELL's rights.

141. As a proximate result of these Defendants' conspiracy, BOSWELL suffered economic and other damages, including severe emotional distress and anguish, as is more fully alleged above.

142. WHEREFORE, BOSWELL requests that this Court enter judgment against these Defendants as set forth below.

COUNT II

CIVIL CONSPIRACY TO OBSTRUCT JUSTICE, §843.0855(3), FLA. STAT.
SIMULATED LEGAL PROCESS
SECOND IA INVESTIGATION
LUSCZYNSKI, ASA PETERS, URA, MAURER

143. Paragraphs 1 through 136, constituting the facts of the instant case, are re-alleged and incorporated herein.

144. As described more fully in this Amended Complaint, LUSCZYNSKI, ASA PETERS, URA, MAURER, and POORE, acting in concert with other known and unknown co-conspirators, conspired by concerted action to accomplish a criminal and unlawful purpose by criminal and unlawful means. Specifically, these Defendants, knowing or having reason to know that the second IA investigation was based upon URA's false claim that BOSWELL had disobeyed URA's orders to not interview suspects alone, i.e. here, Joshua Kling, when in fact no such order was ever given; and BOSWELL failed to record the interview in its entirety, when the recording of the interview itself, which BOSWELL provided to MAURER, disproved this allegation, nonetheless allowed the second IA investigation to proceed; and/or made false statements while under oath; and/or ignored exculpatory evidence; and/or failed to conduct an actual

investigation to determine if the accusation was true.. The actions of these Defendants reflect their engagement in a second fraudulent simulated legal process against BOSWELL. Ultimately, the second IA investigation was likewise deemed substantiated, despite its false and fraudulent basis.

145. In furtherance of the conspiracy, these Defendants committed overt acts and were otherwise willful participants in joint activity and worked together, in concert, through the commission of the acts set forth in this Amended Complaint, including but not limited to: soliciting false complaints against BOSWELL (LUSCZYNSKI and ASA PETERS), targeting BOSWELL for harassment and discipline, and launching and encouraging the launching of investigations against BOSWELL (LUSCZYNSKI, ASA PETERS, URA); fabricating, while under oath, that BOSWELL had violated orders to not interview suspects or witnesses without a second detective present, when no such order had been given (URA); BOSWELL had violated an order to record all interviews, and in particular that he failed to record the interview with Joshua Kling in its entirety, when in fact the interview with this person was fully recorded and further, URA had never ordered BOSWELL to record the entirety of all interviews in the first place (URA). MAURER then once again excluded all of BOSWELL's exculpatory information and evidence from this second IA report, which was submitted under oath as true and accurate, and which was subsequently deemed substantiated.

146. These Defendants committed criminal and unlawful misconduct described in this Count with malice, willfulness, and reckless indifference to BOSWELL's rights.

147. As a proximate result of these Defendants' conspiracy, BOSWELL suffered economic and other damages, including severe emotional distress and anguish, as is more fully alleged in this Amended Complaint.

148. WHEREFORE, BOSWELL requests that this Court enter judgment against these Defendants as set forth below.

COUNT III

CIVIL CONSPIRACY TO OBSTRUCT JUSTICE, §843.0855(3), FLA. STAT.
SIMULATED LEGAL PROCESS
THIRD IA INVESTIGATION
LUSCZYNSKI, ASA PETERS, URA, HOLLIS, PORTALATIN, HILL

149. Paragraphs 1 through 136, constituting the facts of the instant case, are re-alleged and incorporated herein.

150. As described more fully in this Amended Complaint, these Defendants, acting in concert with other known and unknown co-conspirators, conspired by concerted action to accomplish a criminal and unlawful purpose by criminal and unlawful means. Specifically, these Defendants, knew or had reason to know that the third IA investigation was based upon the false allegation that BOSWELL made disparaging comments about URA while BOSWELL was under subpoena and testifying under oath during the De La Mora trial. The actions of these Defendants reflect their engagement in a third fraudulent simulated legal process against BOSWELL. Ultimately, the third IA investigation was likewise deemed substantiated, despite its false and fraudulent basis.

151. In furtherance of the conspiracy, these Defendants committed overt acts and were otherwise willful participants in joint activity and worked together, in concert, through the commission of the acts set forth in this Amended Complaint, including but not limited to: soliciting false complaints against BOSWELL (LUSCZYNSKI and ASA

PETERS); targeting BOSWELL for harassment and discipline, and launching and encouraging the launching of investigations against BOSWELL (LUSCZYNSKI, ASA PETERS, URA); fabricating, while under oath, that BOSWELL had violated orders to not interview suspects or witnesses without a second detective present, when no such order had been given (URA); and claiming BOSWELL had violated an order to record all interviews, when in fact no such order had ever been given (URA). Following BOSWELL's forced retirement, HOLLIS falsified the "Notification and Status" form to make it appear as if the investigation were still open when in fact it had been closed, and on the date it was reopened, BOSWELL was no longer employed at the HCSO. Then PORTALATIN lied about reviewing the De La Mora trial transcripts, and both he and HILL excluded all of BOSWELL's previously submitted exculpatory information and evidence, from this third IA report, which was submitted under oath as true and accurate, and which was subsequently deemed substantiated. Thereafter, HILL's recommendation of dismissal was approved the colonels.

152 These Defendants committed criminal and unlawful misconduct described in this Count with malice, willfulness, and reckless indifference to BOSWELL's rights.

153. As a proximate result of these Defendants' conspiracy, BOSWELL suffered economic and other damages, including severe emotional distress and anguish, as is more fully alleged in this Amended Complaint.

154. WHEREFORE, BOSWELL requests that this Court enter judgment against these Defendants as set forth below.

COUNT IV

CIVIL CONSPIRACY TO OBSTRUCT JUSTICE, §843.0855(4), FLA. STAT.
HARASSMENT AND INTIMIDATION THROUGH SIMULATED LEGAL PROCESS
LUSCZYNSKI, ASA PETERS, URA

155. Paragraphs 1 through 136, constituting the facts of the instant case, are re-alleged and incorporated herein.

156. As described more fully in the preceding paragraphs, these Defendants, acting in concert with other known and unknown co-conspirators, conspired by concerted action to accomplish an unlawful purpose by unlawful means. Specifically, these Defendants, while acting falsely under color of state law, attempted to influence, intimidate, and harass BOSWELL from discharging his official duties as a state law enforcement officer because BOSWELL would not agree to lie and state that the felony murder suspect had been in a non-custodial hold when she confessed.

157. In furtherance of the conspiracy, these Defendants committed overt acts and were otherwise willful participants in joint activity, and by working together, in concert proceeded to launch, and encouraged the launching of, false complaints against BOSWELL (LUSCZYNSKI, ASA PETER); lied under oath and gave false testimony regarding BOSWELL's conduct and actions when interviewing suspects and witnesses (URA, ASA PETERS); harassed and belittled BOSWELL during the appeal before the colonels (LUSCZYNSKI); and, while acting on behalf of GEE, approved the substantiation of the third IA investigation, and failed to recuse herself when she should have done so (LUSCZYNSKI).

158. The misconduct described in this Count was undertaken with malice, willfulness, and reckless indifference to BOSWELL's rights, proximately causing damages to BOSWELL.

159. WHEREFORE, BOSWELL requests that this Court enter judgment against these Defendants as set forth below.

COUNT V
DEPRIVATION OF CIVIL RIGHTS, 42 U.S.C. § 1983
DUE PROCESS
LUSCZYNSKI, ASA PETERS, URA, MAURER, POORE, HOLLIS, PORTALATIN,
HILL

160. Paragraphs 1 through 136, constituting the facts of the instant case, are re-alleged and incorporated herein.

161. As described more fully in this Amended Complaint, these Defendants, while acting individually, jointly, and in conspiracy, as well as under color of law and within the scope of their employment, deprived BOSWELL of his constitutional right to fair internal investigations.

162. These Defendants worked together to collectively deprive BOSWELL of due process, by engaging in specific acts, i.e., deliberately ignoring and rejecting exculpatory evidence during IA investigations which were launched on false, fabricated grounds (LUSCZYNSKI, MAURER, POORE, PORTALATIN, HILL, HOLLIS); fabricating false reports and other evidence (URA); tampering with evidence and documents (HILL, HOLLIS); falsifying mail alleged to have been sent through the United States Postal Service but which was not so sent (HILL); committing perjury in official and unofficial proceedings (ASA PETERS, URA); and personally attacking BOSWELL with hurled insults and false accusations, thereby misleading and misdirecting the administrative prosecution of BOSWELL (LUSCZYNSKI, ASA PETERS, URA). Absent this illegal behavior and misconduct, the prosecution of BOSWELL could not and would not have been pursued.

163. These Defendants' illegal acts and misconduct directly resulted in three unjust substantiations of IA investigation against BOSWELL, thereby denying him his

constitutional right to a fair investigation, and a fair appeal thereof, in violation of the Due Process Clause of the Fourteenth Amendment to the United States Constitution.

164. As a result of these violations of his constitutional right to fair investigations, BOSWELL suffered injuries, including, but not limited to, emotional distress, loss of pay, loss of DROP monies, and loss of fair retirement funds, as is more fully alleged in this Amended Complaint.

165. The misconduct described in this Count was objectively unreasonable and was undertaken intentionally with willful indifference to BOSWELL's constitutional rights.

166. WHEREFORE, BOSWELL requests that this Court enter judgment against these Defendants as set forth below.

COUNT VI
DEPRIVATION OF CIVIL RIGHTS, 42 U.S.C. § 1983
FAILURE TO INTERVENE
LUSCZYNSKI, ASA PETERS, URA, POORE, MAURER, PORTALATIN, HILL,
MORRIS, HOLLIS

167. Paragraphs 1 through 136, constituting the facts of the instant case, are re-alleged and incorporated herein.

168. As described more fully above, during the conduction of the corruption, illegal acts and words, and misconduct described in this Complaint, these Defendants, each one a sworn law enforcement officer charged with enforcing the laws of the State of Florida, stood by without intervening to prevent the misconduct and illegal acts engaged against BOSWELL, when they had the power to intervene; as did ASA PETERS, who was sworn to enforce, defend, and prosecute all laws. Yet, not one of these Defendants acted to stop the illegal and, in some cases, criminal acts, committed by the other

Defendants. Nor did a single one report the felonious acts engaged in by ASA PETERS or URA when they testified under oath in official legal proceedings. Furthermore, by failing to intervene in the targeting and harassment of BOSWELL and the undermining of investigations after he refused to lie in the felony murder case, these law enforcement and prosecution officers caused significant harm to others, such as in the Zambrano case, where the defendant, who had previously been convicted of sexual battery, was found not guilty of sexually molesting his daughter; and when Samanie walked away from all charges after he beat and smothered a five-week-old child to near death, and false accusations were leveled against the child's mother, causing a legal proceeding based up false and untrue grounds to be initiated against her, which concluded with the termination of her parental rights. These Defendants thus deprived BOSWELL of his rights pursuant to 42 U.S.C. section 1983 when they stood by and failed to intervene.

169. The specific acts which any of the Defendants could have acted to stop, are, as set forth in detail in this Amended Complaint, causing false, slanderous allegations to be charged against BOSWELL, resulting in four IA investigations against BOSWELL (LUSCZYNSKI, ASA PETERS, URA); incomplete IA reports authored with findings of substantiated, although exculpatory evidence proved the allegations false, but this evidence was ignored and uninvestigated (MAURER, PORTALATIN, HILL, POORE, HOLLIS); and the deprivation of BOSWELL's retirement, DROP, and leave accrued monies (HILL, MORRIS).

170. As a result of these Defendants' failure to intervene to prevent the violation of BOSWELL's constitutional rights, BOSWELL suffered pain and injury, as

well as emotional distress. These Defendants had a reasonable opportunity to prevent this harm, but failed to do so.

171. The misconduct described in this Count was undertaken pursuant to these Defendants acting under color of state law, ordinance, regulation, custom, usage, and HCSO policy and practice, in the manner described in this Complaint and as controlled by these Defendants. These Defendants subjected, and caused to be subjected, BOSWELL to be deprived of his rights, privileges, and immunities secured by the Constitution and laws.

172. The misconduct and illegal behavior described in this Count was objectively unreasonable and was undertaken intentionally with willful indifference to BOSWELL's constitutional rights.

173. WHEREFORE, BOSWELL requests that this Court enter judgment against these Defendants as set forth below.

COUNT VII
CONSPIRACY TO INTERFERE WITH CIVIL RIGHTS,
42 U.S.C. §1985(1)
LUSCZYNSKI, ASA PETERS, URA, MAURER, POORE, PORTALATIN, HILL,
HOLLIS

174. Paragraphs 1 through 136, constituting the facts of the instant case, are re-alleged and incorporated herein.

175. As described more fully in this Amended Complaint, these Defendants, while acting individually, jointly, and under color of law and within the scope of their employment, conspired to prevent, by force, intimidation, and/or threat, BOSWELL from serving as a law enforcement officer, and discharging his lawful duties; and forced him to leave his position where his duties as an officer were required to be performed, thus

injuring him in his person and property on account of his lawful discharge of the duties of his office; and while BOSWELL was engaged in the lawful discharge thereof, injured his property so as to molest, interrupt, hinder, or impede him in the discharge of his official duties.

176. The specific acts committed by these Defendants are, causing false, slanderous allegations to be charged against BOSWELL, resulting in four IA investigations against BOSWELL (LUSCZYNSKI, ASA PETERS, URA); incomplete IA reports authored with findings of substantiated, although exculpatory evidence proved the allegations false, but this evidence was ignored and uninvestigated (MAURER, PORTALATIN, HILL, POORE, HOLLIS), resulting in BOSWELL being forced to abandon his law enforcement duties and enter into retirement.

177. The illegal actions and misconduct described in this Count were objectively unreasonable and undertaken intentionally with willful indifference to BOSWELL's constitutional rights.

178. WHEREFORE, BOSWELL requests that this Court enter judgment against these Defendants as set forth below.

COUNT VIII
CONSPIRACY TO VIOLATE SECTION 112.532, FLA. STAT.
DEPRIVATION OF DUE PROCESS
LUSCZYNSKI, ASA PETERS, URA, MAURER, POORE, PORTALATIN, HILL,
MORRIS

179. Paragraphs 1 through 136, constituting the facts of the instant case, are re-alleged and incorporated herein.

180. As described more fully in this Amended Complaint, these Defendants, acting in concert with other known and unknown co-conspirators, conspired by concerted

action to accomplish an unlawful purpose by unlawful means; i.e., these Defendants engaged formal investigations against BOSWELL which were based upon false accusations, submitted under oath as required by section 112.533(1)(a)1.-2., Florida Statutes, thus constituting perjury, which BOSWELL refuted by providing the IA investigators, subsequent appeal boards, and GEE, with exculpatory written and verbal information which was completely ignored by all of these parties.

181. These Defendants intentionally and willfully abridged BOSWELL's civil rights which arose out of the performance of his duties.

182. These Defendants further knew that the complaints filed against BOSWELL were demonstrably false, yet rather than dismiss the false allegations, these Defendants engaged in a conspiracy to process and ultimately substantiate three IA investigations.

183. Thereafter, despite the knowledge that the three prior IA investigations had been based upon demonstrably false allegations, HOLLIS published a document stating that he would have conducted a fourth IA investigation, again based on false allegations, but for the fact that BOSWELL was by that point "retired." This document was subsequently introduced in a public courtroom.

184. In furtherance of the conspiracy, these Defendants committed overt acts and were otherwise willful participants in joint activity, with each of these acts set forth in this instant Amended Complaint, by working together, in concert, through the commission of acts causing false, slanderous allegations to be charged against BOSWELL, resulting in four IA investigations against BOSWELL (LUSCZYNSKI, ASA PETERS, URA); incomplete IA reports authored with findings of substantiated,

although exculpatory evidence proved the allegations false, but this evidence was ignored and uninvestigated (MAURER, PORTALATIN, HILL, POORE, HOLLIS); and the deprivation of BOSWELL's retirement, DROP, and leave accrued monies (HILL, MORRIS).

185. The illegal acts and misconduct described in this Count were undertaken with malice, willfulness, and reckless indifference to BOSWELL's rights.

186. As a proximate result of these Defendants' conspiracy, BOSWELL suffered damages, including severe emotional distress and anguish, as is more fully alleged in this Amended Complaint.

187. WHEREFORE, BOSWELL requests that this Court enter judgment against these Defendants as set forth below.

COUNT IX

FIRST AMENDMENT FREE SPEECH RETALIATION LUSCZYNSKI, ASA PETERS, URA, MAURER, POORE, PORTALATIN, HILL, MORRIS

188. Paragraphs 1 through 136, constituting the facts of the instant case, are re-alleged and incorporated herein.

189. United States Code 42 section 1983 provides that:

Every person, who under color of any statute, ordinance, regulation, custom or usage of any state or territory or the District of Columbia subjects or causes to be subjected any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges or immunities secured by the constitution and law shall be liable to the party injured in an action at law, suit in equity, or other appropriate proceeding for redress . . .

190. BOSWELL in this action is a citizen of the United States and all of the individual Defendants to this claim are persons for purposes of 42 U.S.C. § 1983.

191. The Defendants named in this claim, at all times relevant hereto, were acting under the color of state law in their capacity as HCSO officers and their acts or omissions were conducted within the scope of their official duties or employment.

192. At the time of the complained of events, BOSWELL possessed the clearly established constitutional right to be free from retaliation for the exercise of protected speech.

193. Any reasonable officer within the HCSO knew or should have known of this right at the time of the complained-of conduct, as it was clearly established that a government official, here, law enforcement officers, cannot retaliate against a person because he exercised his constitutional right to speak freely.

194. BOSWELL had a right to exercise his constitutionally protected right to speak the truth regarding the fact that the felony murder suspect had been in a custodial hold when Keene solicited her confession by making her a promise. Unquestionably, to state otherwise would have constituted the commission of the criminal offense of perjury.

195. Furthermore, BOSWELL had the right to exercise his constitutionally protected right to speak the truth that URA never gave him any order to not interview suspects without a partner and without recording the interview, at the time he had interviewed Andre Martinez. Again, to state that URA did give such an order, would have resulted in BOSWELL committing perjury, because URA never gave him such an order.

196. Likewise, BOSWELL had the right to exercise his constitutionally protected right to speak the truth that he recorded his interviews with the suspects and witnesses with whom he had been accused of not recording such interviews; and to assert

that he had indeed interviewed all such witnesses while accompanied by a partner investigator.

197. BOSWELL further had the right to state the true fact that family members of Charles Martinez had not waived regarding their statements that Martinez had confessed to them.

198. BOSWELL also had the right to state during the hearings sought by criminal defense attorneys who had learned of the IA investigations conducted by MAURER and PORTALATIN, as well as at the trials into which the IA investigations had been interjected, that URA had lied about BOSWELL's interviewing techniques and related matters.

199. These Defendants committed retaliatory actions against BOSWELL due to his lawful exercise of his constitutionally protected right to speak the truth, with the retaliatory actions and speech against BOSWELL including but not limited to: slander, libel, and defamation, resulting in humiliation and embarrassment; intentional infliction of emotional distress; demotion and transfer to lesser positions which resulted in loss of pay and opportunity for overtime; forced FMLA leave, resulting in the cashing in of \$30,000 in earned sick leave; forced early retirement, which also destroyed BOSWELL's plan to enter the DROP period, resulting in a loss of approximately \$327,000 of earned monies; and ramrodding his original retirement memo through the chain of command in order to deprive him of more than \$10,000 in earned retirement.

200. The acts engaged in by these Defendants to retaliate against BOSWELL for exercising his First Amendment rights, are set forth in this Amended Complaint, which include targeting BOSWELL after he refused to lie and instead told the truth while

under oath and in court on a motion to suppress the felony murder suspect's statement, resulting in the suppression of the statement; and the belief that BOSWELL would not be a team player in the HCSO and lie when the HCSO wanted him to do so (LUSCZYNSKI); causing false, slanderous allegations to be charged against BOSWELL, resulting in four IA investigations against BOSWELL (LUSCZYNSKI, ASA PETERS, URA); incomplete IA reports authored with findings of substantiated, although exculpatory evidence proved the allegations false, but this evidence was ignored and uninvestigated (MAURER, PORTALATIN, HILL, POORE); and the deprivation of BOSWELL's retirement, DROP, and leave accrued monies (HILL, MORRIS).

201. These Defendants engaged in the conduct described in this Amended Complaint willfully, maliciously, in bad faith, and in reckless disregard of BOSWELL's federally protected constitutional rights.

202. The acts or omissions of these Defendants were moving forces behind BOSWELL's injuries.

203. These individual Defendants acted in concert and in joint action with each other.

204. The acts or omissions of these Defendants as described herein intentionally deprived BOSWELL of his constitutional and statutory rights and caused him other damages.

205. These Defendants are not entitled to qualified immunity for the complained of conduct, as the laws on such illegal behaviors and misconduct is clearly established.

206. These Defendants to this claim at all times relevant hereto were acting pursuant to municipal/county custom, policy, decision, ordinance, regulation, widespread habit, usage, or practice in their actions pertaining to BOSWELL.

207. As a proximate result of these Defendants' unlawful conduct, BOSWELL has suffered actual physical and emotional injuries, and other damages and losses as described herein entitling him to compensatory and special damages, in amounts to be determined at trial. As a further result of these Defendants' unlawful conduct, BOSWELL has incurred special damages, including medically-related expenses, and may continue to incur further medically-related and other special damages and expenses, in amounts to be established at trial.

208. In addition to compensatory, economic, consequential and special damages, BOSWELL is entitled to punitive damages against each of the individually named Defendants under 42 U.S.C. § 1983, in that the actions of each of these individual Defendants have been taken maliciously, willfully, or with a reckless or wanton disregard of the constitutional rights of BOSWELL.

209. WHEREFORE, BOSWELL requests that this Court enter judgment against these Defendants as set forth below.

COUNT X
NEGLIGENT SUPERVISION
GEE, CHRONISTER

210. Paragraphs 1 through 136, constituting the facts of the instant case, are re-alleged and incorporated herein.

211. At all times material, all of the HCSO Defendants were under the direction, supervision, and control of either GEE and CHRONISTER, either directly or through their agents.

212. At all times material, GEE and CHRONISTER either directly or through their agents, negligently supervised the Defendants employed by the HCSO: LUSCZYNSKI, HILL, POORE, URA, MORRIS, HOLLIS, MAURER, PORTALATIN, and Mathewson.

213. GEE and CHRONISTER knew or should have known that a failure to appropriately evaluate, assess, and intervene in the illegal and improper actions and misconduct that these Defendants engaged against BOSWELL, would result in extensive damages to both of the BOSWELLS.

214. Despite this knowledge, GEE and CHRONISTER failed to exercise reasonable care in supervising these Employees.

215. As a direct and proximate cause of the acts described above in this Complaint, the BOSWELLS have incurred pain and suffering, physical inconvenience and discomfort, loss of time, mental anguish and resultant physical symptoms and injuries, expenses incurred due to the medical treatment necessary because of these injuries, loss of enjoyment of life, reputational and professional discrediting, embarrassment, humiliation, and extensive financial decreases and deprivation.

216. WHEREFORE, the BOSWELLS requests that this Court enter judgment against GEE and CHRONISTER as set forth below.

COUNT XI

CIVIL CONSPIRACY TO COMMIT FRAUD TO DEPRIVE BOSWELL
OF HIS DULY EARNED RETIREMENT FUNDS AND DROP MONIES
MORRIS, HILL

217. Paragraphs 1 through 136, constituting the facts of the instant case, are re-alleged and incorporated herein.

218. As described more fully in this Amended Complaint, these Defendants, acting in concert with other known and unknown co-conspirators, conspired by concerted action to accomplish an unlawful purpose by unlawful means; that is, these Defendants conspired to deny BOSWELL the right to rescind, after direction from Pederio that he submit a rescission memo so that he would provide two weeks' notice, the first inadvertently issued retirement memorandum. These Defendants lied to BOSWELL about the status of the first memorandum, which was still in the pipeline and not yet signed off on by all of those who needed to do so, then rushed it through to obtain all necessary signatures to make it appear as if the retirement had been approved before BOSWELL had attempted to rescind it.

219. These Defendants intentionally and willfully abridged BOSWELL's right to rescind the memorandum to provide the proper two weeks of notice, and therefore to obtain monies which he had rightfully earned.

220. In furtherance of the conspiracy, these Defendants committed overt acts and were otherwise willful participants in joint activity, with each of these acts set forth in this Amended Complaint, i.e., by lying about the status of the first retirement memo, lying about being unable to rescind it, fabricating related papers, refusing to acknowledge and accept the timely rescission, and working together, in concert, through the commission of these acts, to deny BOSWELL his duly earned monies:

221. The misconduct described in this Count was undertaken with malice, willfulness, and reckless indifference to BOSWELL's right to acquire his properly earned monies.

222. As a proximate result of these Defendants' conspiracy, BOSWELL suffered damages, including the loss of \$10,000, and emotional distress and anguish, as is more fully alleged in this Amended Complaint.

223. WHEREFORE, BOSWELL requests that this Court enter judgment against these Defendants as set forth below.

COUNT XII
CONSTRUCTIVE DISCHARGE
GEE, CHRONISTER

224. Paragraphs 1 through 136, constituting the facts of the instant case, are re-alleged and incorporated herein.

225. As described more fully in the preceding paragraphs, beginning when BOSWELL refused to sanction the felony murder suspect's confession as having been obtained when she was in a non-custodial hold, Defendants began mistreating BOSWELL, making numerous false and fabricated assertions against him; demoting him; placing him into positions intentionally designed to be humiliating and "uncomfortable;" taking away his honestly earned pay; initiating IA investigations on false, fabricated grounds; placing him on the midnight shift although the most senior division member; scoffing and laughing at him during hearings which resulted from the false allegations; engaging in false due process; senior officers conspiring and refusing to recuse themselves from proceedings when they had earlier been involved in the fabricated acts and/or were witnesses; belittling him; tampering with and fabricating evidence; causing

him to be drug into criminal proceedings to defend himself, while also having to listen to members of the HCSO and the SAO berate and lie about him. The Sheriff is responsible for these activities.

226. No sane, self-respecting person would have remained in this intolerable situation.

227. BOSWELL was therefore constructively discharged, as no reasonable person would have remained in this work environment due to all of the horrific abuses and retaliation being levied at this totally innocent person.

228. BOSWELL sustained emotional and physical damages which resulted in his inability to continue to work for the HCSO.

229. WHEREFORE, BOSWELL requests that this Court enter judgment against these Defendants as set forth below.

COUNT XIII
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS
LUSCZYNSKI, ASA PETERS, URA

230. Paragraphs 1 through 136, constituting the facts of the instant case, are re-alleged and incorporated herein.

231. The acts and conduct of these Defendants as set forth in this Amended Complaint were extreme and outrageous. These Defendants intended to cause, or were in reckless disregard of the probability that their conduct would cause, severe emotional distress to both BOSWELLS, as is more fully alleged in this Amended Complaint.

232. The specific acts engaged in by these three Defendants are targeting and retaliating against BOSWELL after he refused to lie and state that the felony murder suspect had confessed while in a non-custodial hold; demoting him; humiliating him by

causing him to be placed on the midnight shift in a patrol unit; launching an IA investigation against him based upon demonstrably false grounds; soliciting complaints from subordinates to undermine his credibility and his case work; causing him to be under four IA investigations; causing his salary to be decreased; creating a hostile workplace for him; forcing him to be under medical care and out of work on FMLA leave, forcing him into retirement; contaminating his relationships with other HCSO members which resulted in them participating in running him out of the HCSO and depriving him of funds he had rightfully earned, and destroying his 25-year unblemished career.

233. Said actions and conduct did directly and proximately cause severe emotional distress to both BOSWELLS, and thereby constituted intentional infliction of emotional distress.

234. The misconduct described in this Count was undertaken with malice, willfulness, and reckless indifference to both BOSWELLS's rights.

235. As a proximate result of these Defendants' wrongful acts, both BOSWELLS suffered damages, including severe emotional distress and anguish, as is more fully alleged above.

236. WHEREFORE, both BOSWELLS demand judgment for damages, costs and interest against these Defendants, in their official and individual capacities, and a trial by jury on all issues triable as of right by a jury.

COUNT XIV
REPUTATION-PLUS
LUSCZYNSKI, ASA PETERS, URA, POORE, HOLLIS, MAURER,
PORTALATIN

237. Paragraphs 1 through 136, constituting the facts of the instant case, are re-alleged and incorporated herein.

238. By terminating BOSWELL and accompanying the termination with false and defamatory statements about BOSWELL's reputation and conduct, these Defendants violated BOSWELL's due process rights under the Fifth Amendment of the Constitution, based on a "reputation-plus" theory.

239. As described above, these Defendants effectively terminated BOSWELL's employment with the HCSO on January 31, 2017, and prior to and after the constructive termination, made numerous false and defamatory statements about BOSWELL and his reputation, especially that he was incompetent, would not follow orders, and even that he was mentally ill.

240. Before terminating BOSWELL and making these false and defamatory statements about him, these Defendants did not provide BOSWELL with any fair, honest, meritorious and true process to demonstrate that BOSWELL did not engage in the misconduct alleged by URA and ASA PETERS, and Mathewson, including the allegations that BOSWELL mishandled suspect interviews, failed to follow orders, and conducted flawed investigations.

241. The false and defamatory statements made by these Defendants significantly harmed BOSWELL's reputation and his ability to obtain employment in his business, trade, and profession, in which he must properly conduct criminal investigations and act honorably and truthfully, on a regular basis. These false and defamatory statements have made it impossible for BOSWELL to obtain future

employment working in any law enforcement agency, or similar work for a private employer.

242. Properly handling suspect interviews, reporting truthfully, following orders, and being in good mental health, would be an integral part of BOSWELL's future work in law enforcement. These Defendants have published these false and defaming statements to numerous persons, including criminal defense attorneys and members of the public. Such statements place a black mark on BOSWELL's employment record that goes well beyond the fact of his termination, and will make it impossible for BOSWELL to secure employment in this field.

243. These Defendants' false and defamatory statements have caused serious and irreparable damage to BOSWELL's standing in the community and field in which he works as a professional in law enforcement for 25 years, with an unblemished career until he was targeted and attacked by LUSCZYNSKI after he would not lie in a court proceeding.

234. WHEREFORE, BOSWELL requests that this Court enter judgment against these Defendants as set forth below.

COUNT XV
CONSPIRACY TO COMMIT DEFAMATION
LUSCZYNSKI, ASA PETERS, URA

235. Paragraphs 1 through 136, constituting the facts of the instant case, are re-alleged and incorporated herein.

236. As described more fully in the preceding paragraphs, these Defendants, acting in concert with other known and unknown co-conspirators, conspired by concerted action to accomplish an unlawful purpose by unlawful means, which was to act in concert

to publish and publicize false statements, without any reasonable care, discrediting BOSWELL in his professional capabilities including that he was incompetent when handling suspect questioning, refused to follow orders, and was incompetent in his work, thus undermining several of his investigations, which caused him to be hauled into a public court to be questioned about the false and defamatory allegations, putting him in a defensive position in order to attempt to protect his credibility and professional reputation, resulting in embarrassment, humiliation, emotional distress, and ultimately the utter destruction of his professional career.

237. In furtherance of the conspiracy, these Defendants committed overt acts and were otherwise willful participants in joint activity, with each of these acts set forth in this Amended Complaint, by working together, in concert, to publish these false and defamatory statements against BOSWELL.

238. The misconduct described in this Count was undertaken with malice, willfulness, and reckless indifference BOSWELL's rights to be free of defamation.

239. As a proximate result of these Defendants' conspiracy, BOSWELL has suffered damages, including severe emotional distress and anguish.

240. WHEREFORE, BOSWELL requests that this Court enter judgment against these Defendants as set forth below.

COUNT XVI
LOSS OF CONSORTIUM
GEE, CHRONISTER, LUSCZYNSKI, HILL, POORE, URA, MORRIS, HOLLIS,
MAURER, PORTALATIN, ASA PETERS

241. Paragraphs 1 through 136, constituting the facts of the instant case, are re-alleged and incorporated herein.

242. At all times material hereto, MARGARET BOSWELL was the wife/spouse of BOSWELL.

243. As a sole, direct, and proximate result of the illegal and improper actions and misconduct these Defendants directed at BOSWELL, MARGARET BOSWELL lost the care, comfort, society, consortium, companionship, and services of her husband, BOSWELL.

244. MARGARET BOSWELL has therefore been injured and is entitled under the law to recover against these Defendants for these losses.

245. WHEREFORE, MARGARET BOSWELL demands judgment against these Defendants in an amount which exceeds the jurisdictional requirements of this Court, plus interest and costs, and further demands such other and further relief as this Court may deem just, proper, and equitable, and demands a trial by jury of all issues triable as a right by jury.

PRAYER FOR RELIEF

WHEREFORE, PLAINTIFFS, CHARLES BRIAN BOSWELL and MARGARET ANN BOSWELL, pray that this Court enter judgment against these Defendants as follows:

- (a) that process issue and this Court take jurisdiction over this cause;
- (b) that this Court grant equitable relief against DEFENDANTS under the applicable counts set forth above, mandating DEFENDANTS' obedience to the laws enumerated herein and providing other equitable relief to PLAINTIFFS, including reinstatement of BOSWELL;
- (c) that this Court enter judgment against DEFENDANTS and for PLAINTIFFS;

- (d) that this Court award damages to PLAINTIFFS from DEFENDANTS for DEFENDANTS' violations of the laws enumerated herein;
- (e) that this Court enter judgment against DEFENDANTS and for PLAINTIFFS, permanently enjoining DEFENDANTS from future violations of the laws enumerated herein, in particular, from Stigma-Plus, Reputation-Plus, and defamation;
- (f) that this Court enter judgment against DEFENDANTS and for PLAINTIFFS awarding costs and attorneys' fees as allowed by law;
- (g) that this Court enter judgment against DEFENDANTS and for PLAINTIFFS for actual damages, special damages, and for treble damages where allowed by law;
- (h) that this Court award PLAINTIFFS interest and punitive damages as allowed by law;
- and
- (i) that this Court grant such other and further relief as is just and proper under the circumstances.

DEMAND FOR JURY TRIAL

PLAINTIFFS demand a jury trial for all counts alleged above.

Respectfully,

s/ <u>James R. Tanner</u> , Esq. James Roscoe Tanner FBN 637246 Tanner Law Group, LLC Post Office Box 260156 Tampa, Florida 33685 Telephone: (813) 322-3565 Email: jrt@jimtannerlaw.com Co-counsel for Plaintiff	s/ <u>Marie A. Mattox</u> , Esq. Marie A. Mattox, Esq. Florida Bar # 0739685 Cynthia A. Myers, Esq. Florida Bar # 147397 Marie A. Mattox, P.A. 203 N. Gadsden St. Tallahassee, Florida 32301 Telephone: (850) 383-4800 Email: marie@mattoxlaw.com cindy@mattoxlaw.com Co-Counsel for Plaintiff	s/ <u>Kennan George Dandar</u> , Esq. Kennan George Dandar Florida Bar No. 0642363 Dandar & Dandar, P.A. 1211 N. Westshore Blvd Tampa, Florida 33607-4600 Telephone: 813-289-3858 Email: kgd@dandarlaw.net Co-Counsel for Plaintiff
---	---	---

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served upon all counsel of record by CM/ECF this 5th day of September, 2019.

/s/ Marie A. Mattox

Marie A. Mattox