

OFFICE OF THE STATE ATTORNEY
TENTH JUDICIAL CIRCUIT
State Attorney Jerry Hill



INVESTIGATIVE REPORT

Case Number: SA13-54

Table of Contents

| | | |
|---------------------------------------|-----|----|
| Investigative Summary | Pg. | 1 |
| Investigative Findings | Pg. | 4 |
| Subjects Interviewed | Pg. | 14 |
| Background Information | Pg. | 17 |
| Investigation | Pg. | 18 |
| Alisha Rupp – First Interview | Pg. | 20 |
| Alvin Rupp Interview | Pg. | 22 |
| James “Bubba” Maxcy Initial Interview | Pg. | 23 |
| Judge Flood Interview | Pg. | 23 |
| Judge Harlan Interview | Pg. | 29 |
| Lt. Petote Interview | Pg. | 31 |
| Susan Blackner Interview | Pg. | 33 |
| Bailiff Ralph Benitez Interview | Pg. | 35 |
| Bailiff Ralph Santiago Interview | Pg. | 36 |
| Bailiff Hiram Brito Interview | Pg. | 37 |
| Nicki Offermann Interview | Pg. | 37 |
| Judge Michael Hunter Interview | Pg. | 39 |
| Judge Dale Durrance Interview | Pg. | 40 |
| Stefanie Hendrick Interview | Pg. | 40 |
| Bridgett Bulman Interview | Pg. | 42 |
| Julie Maxcy Interview | Pg. | 43 |
| Lynn Nolan Interview | Pg. | 48 |

| | | |
|--|-----|---------|
| Deputy “Bubba” Maxcy Second Interview | Pg. | 50 |
| Judge William Bruce Smith | Pg. | 58 |
| Cindy Stevens | Pg. | 59 |
| Alisha Rupp – Second Interview | Pg. | 59 |
| Additional Interviews | Pg. | 61 |
| Summary | Pg. | 62 |
| Exhibit 1 – Public Facebook Photo | Pg. | 63 |
| Exhibit 2 – Judge Flood Interview Photos | Pg. | 63 & 64 |

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INVESTIGATIVE REPORT

Subject of Report: ALISHA RUPP, JUDGE BETH HARLAN, JUDGE SUSAN FLOOD, & JAMES "BUBBA" MAXCY

Case #: 53-2013-SA-000054-01XX-XX

Agency: OFFICE OF THE STATE ATTORNEY - 10TH CIRCUIT

Agency Case #: SA13-54

Date: 9/13/2013

Investigators: BEVERLY CONE and MIKE BROWN

Original

Investigative Summary:

The State Attorney's Office is often charged with the task of investigating alleged criminal misconduct of public and government officials. This process ensures accountability and is crucial in maintaining the public trust in our government systems.

If the allegations against an official are founded, the act will be exposed before the public and appropriate justice will be administered. However, the SAO is equally charged with rooting out false and erroneous allegations to protect the good name of the innocent. With these obligations firmly in place; victims, witnesses, and suspects are often questioned regarding uncomfortable and sometimes private matters to reach the truth. This case is an example of that process. Despite the unsavory and embarrassing nature of the allegations and sworn statements, the SAO will not be deterred from its responsibility to the public.

The Tenth Judicial Circuit of Florida has long held the reputation throughout the state for having first rate judges, who pride themselves in integrity, impartiality and service to the public. Recently, two judges, through their actions, have caused damage to the reputation of our circuit and caused the public to question the integrity of the bench.

Circuit Judge Beth Harlan schemed with her judicial assistant to defraud the taxpayers of the Tenth Judicial Circuit. Judge Harlan was responsible for supervising only one employee. A circuit judge is responsible for making life and death decisions in the courtroom, deciding the fate of children in custody cases, and among other matters, deciding property rights of our citizens. Judge Harlan, who has long had a reputation for being habitually late for court, refused to make the most basic and obvious decision to not allow her secretary to fraudulently be paid for time she did not work. Judge Harlan participated in the scheme by signing off on her secretary's time sheets, knowing that the times reported by her secretary were false and thereby fraudulently cheated the taxpayers of more than one thousand dollars for time she never worked.

For example, on April 22, 2013, Alisha Rupp took the afternoon off to have a "couples massage" with her husband in Lakeland. Judge Harlan was at the courthouse that day. When it came time for Alisha to be paid for that day, she certified that she was at work for 8 hours. Judge Harlan, who knew her assistant hadn't worked at least half of the day, signed off on the 8 hours anyway. The taxpayers were left paying Alisha Rupp to have a massage. The next day, April 23, 2013, Alisha Rupp complained to the massage company for an unsatisfactory massage, complaining that "[she] and [her] husband *took the afternoon off* to enjoy a nice and relaxing massage..." and were disappointed with the service.

Alisha Rupp was terminated from her employment as Judge Harlan's judicial assistant on July 10, 2013, by Chief Judge Wm. Bruce Smith. Rupp's termination by Judge Smith was both appropriate and long overdue.

Following her termination, Alisha Rupp seized upon the longstanding rumor at the Polk County Courthouse that County Court Judge Susan Flood was involved in a long term inappropriate relationship with her bailiff, James "Bubba" Maxcy. On July 24, 2013, Alicia Rupp, through her attorney, David Linesch, sent a letter to State Attorney Jerry Hill, alleging that she was battered and threatened by Maxcy, was subjected to sexual harassment by Judge Flood and her bailiff and was fired as the judicial assistant to Judge Harlan in retaliation for reporting the relationship between Judge Flood and Bailiff Maxcy.

This report details the investigation conducted by the State Attorney's Office, working in conjunction with the Polk County Sheriff's Office. While a chronological and comprehensive summary and report follows below, it is important to note that through this thorough investigation, it has been determined that the allegations of Alisha Rupp have been proven to be either false or unsubstantiated. The allegations alone have caused much angst at the courthouse and a substantial expenditure of law enforcement resources. As such, Alisha Rupp is being charged with False Report of a Crime and Perjury, in addition to felony charges of Scheming to Defraud and Grand Theft.

Alisha Rupp would have never had the ability to make the allegations she did following her termination if Judge Flood had heeded the warning of several well intentioned fellow members

of the bench that the continuation of her relationship with Bailiff Maxcy would be detrimental to the judge, her family and the circuit. While the investigation produced no direct evidence that, as Alisha Rupp alleged, Judge Flood and Bailiff Maxcy were engaged in a sexual relationship, the inappropriate manner in which Judge Flood and Bailiff Maxcy carried on at the courthouse left the judge and the circuit open to the allegations. Judge Flood and Maxcy were seen everywhere together and also spent hours at a time behind closed doors in judicial chambers. In addition to being seen socially together, the two were regularly spotted together inside parked cars in the courthouse public parking lot. During the first seven months of 2013, Judge Flood and Maxcy exchanged over 5,400 text messages. While members of the public are free to be critical of Judge Flood's actions, her involvement with Bailiff Maxcy was not criminal. As a judge, Susan Flood is held to a high standard. While her actions were not criminal, Judge Flood's behavior left her and others, vulnerable to the spurious type of allegation made by disgruntled former employee Alisha Rupp.

On August 6, 2013, Judge Susan Flood was invited to the State Attorney's Office for an interview regarding the allegations of Rupp. The interview was conducted by prosecutors and investigators from the SAO. Judge Flood provided answers that were halting, uncertain, and seemed to develop as the answer was given. The judge made a real effort to be vague and sometimes not answer the questions. Ultimately, in addition to admitting that she loved Maxcy and she engaged in kissing with Maxcy at the courthouse (directly contradicting her statements to the newspaper of record in Polk County that they were simply friends), Judge Flood admitted to:

- Lending \$5,000.00 to Bailiff Maxcy;
- Texting Bailiff Maxcy that she loved him;
- Preparing Bailiff Maxcy's tax estimations in her judicial office
- Preparing (and typing herself) Bailiff Maxcy's Divorce Papers in her judicial office
- Advising Bailiff Maxcy regarding a pending civil lawsuit of which he was a party

Judge Flood denied that any judge had come to her with concerns about the improprieties of her relationship with her bailiff. This testimony directly contradicts the sworn testimony of several circuit judges including Chief Judge Smith, Judge Hunter, Judge Harlan, and reportedly Judge Susan Roberts. Either Judge Flood is being dishonest or four circuit judges conspired to concoct a story that they were each concerned about Flood's behavior – something that is just not believable. Also very disturbing was the evidence that indicated that on the night the scandal broke, Bailiff Maxcy was witnessed speaking with Judge Flood on the phone, during which Bailiff Maxcy appeared to be confirming to Judge Flood that various items had been "deleted." Judge Flood doesn't seem to remember that conversation. She testified under oath that the conversation lasted a few minutes, yet cell phone records prove that the call lasted more than 25 minutes.

Judge Flood encouraged the impropriety with the bailiff. She was seemingly callous toward her fellow judges and support staff who were uncomfortable with Flood's interaction with Maxcy inside and outside of the courthouse. Judge Flood gave no thought or consideration to how her conduct reflected on the judiciary. The attached **Exhibit 1** is a photo from Bailiff Maxcy's public Facebook page of Judge Flood being straddled by Bailiff Maxcy going down a water slide at Maxcy's son's birthday party in June 2013.

It has often been said that character is what we do when we think no one is looking. During a break of her interview, Judge Flood was left alone in the interview room and was unaware that a video camera was recording. While she believed no one was watching, she got up from her place at the table and purposely walked to where the investigator's confidential case files were and inspected them. The attached screen shots from the video show the judge walking about the room during the break. (**Exhibit 2**). The judge's actions speak volumes about her character and it exemplifies how she handled the issues surrounding the investigation. She ignorantly thought that as a judge, she was free to do what she wanted, when she wanted and believed that others should not be concerned with her conduct and actions. She seemed unconcerned and indifferent about the respectability of her behavior.

When questioned by The Ledger reporter Jason Geary, Judge Flood could have declined comment. Instead, she took the affirmative stance that all of the allegations were false. Judge Flood's comments to the reporter were misleading at best. The public's perception of Judge Flood and in turn the judiciary will be further tarnished because of her decision to mislead the public.

All four individuals involved in this matter, Judge Flood, Judge Harlan, Bubba Maxcy and Alisha Rupp have brought shame to the circuit for their conduct. Some of the conduct rises to the levels of criminal behavior and as such criminal charges have been filed today against Alisha Rupp and Judge Harlan. Judge Flood should answer to the public, her fellow judges and the Judicial Qualifications Commission, for her behavior. As the Preamble to the Code of Judicial Conduct states in part "Intrinsic to all sections of this Code are the precepts that judges, individually and collectively, must respect and honor the judicial office as a public trust and strive to enhance and maintain confidence in our legal system." Judge Flood has failed to comply with this principle. Additionally, Judicial Canon 2 requires a judge to avoid impropriety and the appearance of impropriety in all of the judge's activities. Judge Flood has failed to comply with this principle as well.

Investigative Findings:

Alisha Rupp

Alisha Rupp was employed as Circuit Judge Beth Harlan's judicial assistant from 2006 until 7/10/13 when she was terminated through an email by Chief Judge Bruce Smith. In

correspondence during the day on 7/10/13, Alisha Rupp emailed Chief Judge Smith disputing allegations that she falsified work hours. She claimed that these allegations were contrived as a result of complaints she had made regarding a hostile work environment created because of the relationship between Judge Susan Flood and her Bailiff James "Bubba" Maxcy. She also stated that she had been sexually harassed by Bailiff Maxcy.

Initial Allegations

On 07/24/2013, Attorney David Linesch sent a letter to Chief Justice Ricky Polston and State Attorney Jerry Hill on behalf of his client Alisha Rupp. The letter further detailed Alisha Rupp's allegations of Sexual Harassment and a Hostile Work environment which she had previously reported to Judge Smith.

Through the letter, in part, Alisha Rupp alleged the following:

- She and Judge Beth Harlan were approached by Judge Susan Flood and were told that it would look better if it was known around the courthouse that Alisha was having an affair with Bailiff Maxcy instead of her.
- She was aware that Judge Flood purchased an automobile and gave money to Bailiff Maxcy. She said Maxcy threatened to have her fired if she told anyone.
- Relayed that Bailiff Maxcy had made statements to her that he wanted to have sexual intercourse with her.
- In late September 2012, she walked into Judge Susan Flood's office and observed Bailiff Maxcy engaged in sexual intercourse with Judge Flood. She said Judge Flood threatened to have Judge Smith fire her if she told anyone.
- The ongoing affair between Judge Susan Flood and Bailiff Maxcy created a hostile work environment and caused her and Judge Harlan to request that Judge Smith move their office.
- On 05/30/2013, while working late, Bailiff Maxcy sexually attacked her in Judge Harlan's Judicial Suite (8D) in the Courthouse. During the attack, Maxcy threatened that he was going to have her terminated from her job.

The majority of the allegations made by Alisha Rupp were essentially her word against those she accused. The SAO and PCSO Investigators diligently worked to locate any evidence related to the alleged attack by Bailiff Maxcy that would help determine the truth of this alleged criminal act. Some of Alisha's allegations were proven to be false by contrary physical evidence. Those allegations proven false are dealt with herein.

Initial Interview with Alisha Rupp – 08/01/2013

The process had to begin by obtaining an official sworn statement from Alisha Rupp. On 08/01/2013, Investigators Beverly Cone and Mike Brown interviewed Alisha Rupp at her residence in Lakeland. Her attorney, David Linesch, was present for the interview. Alisha was placed under oath and the interview was recorded. A detailed statement was obtained and is

summarized in detail later in this report. Investigators were able to record and document a specific date and timeline in which Alisha alleges that Bailiff Maxcy attacked her at the courthouse, as well as the other incidents of alleged sexual misconduct by Maxcy.

Alisha Rupp's Alleged Attack by Bailiff Bubba Maxcy on May 30, 2013

Alisha Rupp said she attended an awards ceremony for her daughter at her daughter's school on the morning of May 30th. She came to work and stayed after 5:00 p.m. to finish her work. According to Rupp, she used the bathroom in Judge Harlan's office around 5:15 and when she came out, Bailiff Maxcy was standing there. She said the office door was shut and she saw his handcuffs sitting on Harlan's table. Maxcy pushed her up against the wall next to the bathroom and asked her if she "was ready to see what a real man felt like". He was rubbing his hands all over her body and she started to cry. He said he was going to "own her thick ass" and he was tired of waiting. She claimed he was rubbing on her thighs, butt and breasts and kissing her neck. She tried to push him off of her and he unbuttoned his Taser. He was fully dressed. He told her to stop crying and he got angry. He said she could kiss her job goodbye because Judge Flood had already told Judge Smith to get rid of her. He said he was tired of looking at her every day if he couldn't have sex with her. Alisha said at some point Maxcy indicated he was listening to something from his earpiece. He appeared to get nervous and he backed off. He picked up the handcuffs off of the table and left. She said the whole incident lasted eight to ten minutes. Alisha said she was scared and she left crying. She said she exited out of the south door. Alisha said her husband had met her for lunch that day and that may have irritated Maxcy. When Alisha drove off she saw Maxcy in front of the courthouse talking with a Bailiff named Ruthie and Sergeant Dorman. She said she did not report the incident to anybody immediately. She told her husband about it after she was fired. Alisha claimed she did not tell him before because she feared what he would do to Maxcy.

Alisha said she went to lunch with Maxcy on June 6th (she believed it to be June 6th because she checked her bank statement after learning the detectives from the sheriff's office asked her attorney about the lunch. A later contact with Alisha's attorney revealed the lunch may have taken place on June 4th, however the transaction did not post to her account until the 6th.) Alisha said Maxcy approached her in the office and asked if she would go to lunch with him and talk about what happened on the 30th. She agreed to go because she thought he was going to talk about her job. Alisha said she drove them to Curly Tails in Bartow and she paid for his lunch. She said she felt like it would benefit her to pay because he said they were going to talk about her job. Alisha said she felt he had some influence over whether she kept her job. Maxcy referenced Alisha's new vehicle and told her that if her husband had money to buy her a new BMW then she could give him \$4,000 in exchange for telling Flood and Smith not to fire her. Alisha said Maxcy was serious and she believed him. She said if she had \$4,000 she would have probably given it to him to keep her job. Alisha was upset and did not eat her food. Maxcy was relaxed and ate his meal. Alisha said that is the only time she has been out to eat with Maxcy.

Evidence Obtained

After SAO Investigators had completed an extensive sworn interview with Alisha Rupp, search Warrants and Subpoenas were issued and served in an attempt to locate evidence that would either corroborate or disprove the allegations. The following is a list of the evidence which was obtained and reviewed for a date range in May & June of 2013:

1. Polk County Courthouse Computer Log-in/Log-Off Information
2. Records for Alisha Rupp's Landline Phone (ext. 4374) - Incoming and Outgoing Calls
3. Polk County Courthouse Door Card History
4. Various Court Docket Information at the Polk County Courthouse
5. Polk County Sheriff's Office Bailiff's Daily Assignment Sheet
6. Confirmation of Alisha Rupp's Attendance at a School Function
7. Cellular Site Coordinates for Bubba Maxcy's Cell Phone
8. Cellular Site Coordinates for Alisha Rupp's Cell Phone
9. Independent Evidence Provided by Bubba Maxcy's Attorney William Fletcher
10. Facebook Accounts
11. Cellular Phone Logs (Text and Voice Data)

The obtained evidence along with an extensive follow-up investigation had disproved the allegations which Alisha Rupp had made regarding Bailiff Bubba Maxcy attacking her on 05/30/2013.

2nd Interview with Alisha Rupp – 09/06/2013

Alisha Rupp was served with an Investigative Witness Subpoena on 09/04/2013 in order to address evidence which was obtained since SAO Investigator's first interview with her on 08/01/2013, as she was now considered a suspect in numerous criminal law violations. Pursuant to the subpoena, Alisha Rupp appeared at the State Attorney's Office on the morning of 09/06/2013. She was accompanied by her new attorney, Lawrence Chadband.

Alisha Rupp advised that Attorney David Linesch was no longer representing her. This interrogation was conducted by SAO Investigators Beverly Cone and Mike Brown, and Polk County Sheriff's Office members Sgt. Jon Burcham and Det. Consuelo Bias. Also present for portions of the interview was ASA Nicholas Zbrzezny. Alisha was advised that this was an official proceeding and she was placed under oath. She agreed to tell the truth during the proceeding. The interview began with Alisha Rupp being asked if she had anything new to add or change since her first sworn statement was given on 08/01/2013. Alisha Rupp started out by saying that the day in which Bubba Maxcy had attacked her was not Thursday May 30, 2013, but was instead Friday May 31, 2013.

This was the first time that Investigators had been relayed this change of date, as Rupp had previously been very specific as to the date and timeframe of the attack in her first interview.

Investigators believe this change of the alleged attack date was in an effort to mitigate flaws in her initial accounting of the incident.

When confronted about the date change, Rupp stated that the events of May 30th & 31st had run together in her head and after having time to reflect, she had now pinpointed the attack to have occurred May 31st 2013. Rupp stated that she had told her previous attorney, David Linesch, this information approximately two weeks after her first statement, and couldn't explain why he didn't relay the information to the SAO.

At this point, Investigators began a specific line of questioning in order to lock Alisha Rupp down as to the timeframe of this alleged attack which she was now claiming occurred on May 31, 2013. As the questioning progressed, her statement was not lining up with the evidence which had already been obtained. After numerous inconsistencies and problems in Rupp's statement were identified, Investigator Mike Brown confronted her about providing false testimony and asked if she would like to consult with her attorney in private. At Rupp's request, a break in the questioning was granted for this purpose. After having a private conversation with his client, Attorney Lawrence Chadband advised Investigators that Alisha Rupp wished to recant from her previous testimony and now wanted to set the record straight.

Recantation of the Bubba Maxcy Allegations

After a brief break, Alisha Rupp resumed the interview. After being advised she was still under oath, Rupp proceeded in changing portions of her sworn statement which she had given on 08/01/2013 and this date (09/06/2013). Rupp stated that her former attorney, David Linesch, had prepared a statement for her the first time they met in person which included the false Maxcy allegations. She did not object to how he presented the information. She stated that she became locked into the false allegations and was scared to correct them as time went on.

After Investigators confronted her with evidence which debunked portions of her claims and after having consulted with Attorney Chadband, Alisha Rupp admitted that she had fabricated many aspects of her allegations and made the following corrections:

1. She and Bubba Maxcy had been friends and had mutually engaged in sexual banter between each other since 2012.
2. She said that Maxcy's comments regarding him being sexually attracted and wanting to have sex actually occurred. However, she characterized the comments as part of ongoing flirtation between them and said it was welcomed.
3. She stated that they had engaged in petting and kissing sessions approximately 20 times. She stated that their regular meeting place was a small room outside of courtroom 8E between the secure hallway where the judges travelled. They picked this location because it didn't have any cameras monitoring it.
4. She stated that the incident in which she alleged Maxcy had assaulted her was not accurate. She said that they did have such an encounter, but that it was consensual encounter where they actually kissed and embraced each other. She said it was

somewhat of a sexual roleplaying session where he pulled his handcuffs out, put her on the wall, kissed her, and began rubbing her body. She said it stopped when they were interrupted by radio conversation on his microphone.

5. She said that Maxcy never threatened her and never caused her any type harm. She said all of their interaction was 100% consensual and welcomed.
6. She said that on June 4, 2013 she had lunch at Curly Tails restaurant with Maxcy in Bartow. She stated that she drove and paid for the lunch. She said that Maxcy did ask her to borrow money, but that there was no threat or any attempt to extort it from her.
7. She said after lunch they came back to the courthouse and went back to their suite on the 8th floor.
8. After everyone had left the office that afternoon, she and Maxcy went into Judge Harlan's office and engaged in consensual sexual intercourse on the floor. She said both of them were on duty at the courthouse when this occurred. She said this was the only time they had intercourse.
9. She said that she and Maxcy regularly called, texted, IM, and communicated with each other on Facebook.
10. She confessed to actually sending Maxcy more than one topless pictures of herself via cell phone. She said that the story of him taking her phone and sending her picture to himself without her permission was not true.
11. She said that she and Maxcy were not fighting and she was not mad with him when she made her allegations.

Rupp was confronted as to why she would have made up such harmful allegations about Bubba Maxcy who was a friend and who she had actually engaged in consensual sexual intercourse with. Alisha Rupp stated that she fabricated this about Maxcy for the following reasons:

1. The Maxcy allegations bolstered her claims of sexual harassment and a hostile work environment at the Polk County Courthouse. These were critical aspects of her civil lawsuit which these allegations supported.
2. She wanted to hide from her husband Alvin Rupp the fact that she was engaged in routine communications with Bubba Maxcy outside of work, ongoing sexual banter, sending nude photos, and rendezvous at the courthouse with Maxcy that included: intimate kissing, embraces, and actual sexual intercourse.

Re-Affirmation of Statements Made Regarding Judge Flood and Bubba Maxcy

As Alisha Rupp was in a mindset of correcting false accusations which she had previously made, Investigators began to probe her regarding the allegations which she made about Judge Susan Flood and Bubba Maxcy. Alisha was adamant that she had walked in and witnessed Judge Flood and Bubba Maxcy having sexual intercourse in her chambers. She also maintained that she was with Judge Flood at Coquina Beach when she gave Maxcy \$500 cash. She said there was nothing regarding her statement regarding Judge Flood and Maxcy that was not true.

Polygraph

As a result of Alisha Rupp's new testimony, Investigators offered Alisha Rupp the opportunity to take a Polygraph Examination to help corroborate her story. Alisha Rupp and Attorney Chadband both agreed for her to submit to the examination. Detective Jessica Campbell of the Polk County Sheriff's Office was assigned to perform the polygraph examination. Excerpts from her report below document the process and findings:

On 09/09/13 at 1647 hours Rupp responded to the Sheriff's Operations Center in order to take the polygraph exam. A pre-interview was conducted with Rupp in interview room two and she completed a polygraph waiver indicating that she wished to take the polygraph.

Rupp was administered the first series of questions and it was determined that there was a computer issue with the polygraph examination and the polygraph charts were invalid. Rupp was advised that the issue would need to be resolved prior to the polygraph being continued and she agreed to take the polygraph when the issues were resolved.

On 09/10/13 the polygraph computer issues were resolved and the examination was scheduled for 1000 hours.

On 09/10/13 at 1009 hours Rupp responded to the Sheriff's Operations Center and was issued both polygraph examinations. Rupp signed a polygraph waiver again indicating that she agreed to submit to the examination. Rupp again confirmed that she had taken her prescribed anti-depressant and that she had not consumed any other drugs or alcohol. Rupp also stated that she had enough sleep the previous night.

Test one was given to Rupp three times in order to get an accurate read on the results. The following relevant question was asked two times on the test:

R5- Did you witness Judge Susan Flood and Bailiff James "Bubba" Maxcy having sexual intercourse in Judge Flood's chambers?

R7- Did you witness Judge Susan Flood and Bailiff James "Bubba" Maxcy having sexual intercourse in Judge Flood's chambers?

Rupp answered "yes" on questions R5 and R7 on all three charts. The results of the polygraph exam were reviewed and it was determined that Rupp was deceptive on this question. Chart two was excluded from the scoring due to the fact that Rupp moved several times during the examination causing physiological reactions that extended on relevant and control questions.

Test two was given to Rupp three times in order to get an accurate read on the results. The following two relevant questions were asked on the exam:

R5- Did you wrongfully accuse Bailiff James "Bubba" Maxcy of battering you in Judge Harlin's chambers?

R7- Did you have consensual sex with James "Bubba" Maxcy?

Rupp answered "yes" on the above two questions on all three charts. The results of the polygraph exam was reviewed and it was determined that Rupp was inconclusive on R5. It had been learned prior to the polygraph exam that Rupp had confessed to lying about being battered by Maxcy therefore the issue was resolved in her mind. This is believed to have limited her emotional response to R5 causing no reaction. Rupp showed no signs of deception on R7 indicating that she did in fact have consensual sex with Maxcy.

The findings of this investigation determined that Alisha Rupp Committed the Offenses of:

| | | |
|---------------------------------|--------------|------------------|
| 1. Scheme to Defraud | FSS: 817.034 | Level/Degree: F3 |
| 2. Grand Theft | FSS: 812.014 | Level/Degree: F3 |
| 3. Perjury | FSS: 837.012 | Level/Degree: M1 |
| 4. Filing a False Police Report | FSS: 837.055 | Level/Degree: M1 |

Formal charges will be filed by the State Attorney's Office against her.

Judge Beth Harlan

Judges have minimal responsibilities in supervising others. In fact, a Judge has one Judicial Assistant (secretary) for whom he or she is responsible. In the case of Judge Harlan, she displayed an inability to supervise her one employee, Alisha Rupp. She permitted Alisha Rupp to come and go as she pleased. There was no requirement to keep any semblance of a normal work day. It mattered not that others had to step in and keep Judge Harlan's desk up, nor that lawyers found it impossible at times to reach J.A. Rupp to set hearings. In fact, when Alisha submitted time records indicating "full time" work hours, her time cards were routinely approved by Judge Harlan with no questions asked. Alisha's husband, Alvin Rupp, told investigators that Judge Harlan personally told him that Alisha could work from home and would never have to punch a clock as her J.A. if she accepted the position. Judge Harlan rationalized this in her interview when she said "Alisha can do in 20 hours what it takes other J.A.'s 40 hours to complete."

If Judge Harlan was out of the office for vacation or a conference, she could not tell if Alisha was at work or at home. Others were frequently required to cover her desk. On at least one occasion, Alisha was required to reimburse the State of Florida \$2,211.43 for accepting money for hours not worked. However, Judge Harlan had approved her time records. Judge Harlan

appears to have not only known, but approved of this blatant waste of tax payer dollars through her irresponsible supervision of Alisha Rupp.

An analysis of Judge Harlan's work schedule and computer data shows she was present and working in the courthouse for up to ten of the days Alisha was absent but certifying she had worked a full or half day. This ongoing course of conduct would indicate a level of complicity between Alisha and Judge Harlan to commit a scheme to defraud and grand theft on the taxpayers of the State of Florida.

The findings of this investigation determined that Judge Beth Harlan committed the Offenses of:

- | | | |
|----------------------|--------------|------------------|
| 1. Scheme to Defraud | FSS: 817.034 | Level/Degree: F3 |
| 2. Grand Theft | FSS: 812.014 | Level/Degree: F3 |

Formal charges will be filed against her by the State Attorney's Office.

Bubba Maxcy

The allegations made by Alisha Rupp which accused James "Bubba" Maxcy of attacking her were disproven. However, this investigation revealed that Maxcy did engage in a pattern of conduct that is unbecoming of a Bailiff or Detention Deputy. His actions are of great concern to the State Attorney's Office, and the investigative findings have been turned over to Sheriff Grady Judd in order to conduct an Administrative Investigation into his on and off-duty conduct.

Bailiff Maxcy recently went through a divorce in 2012. This investigation revealed that while Bubba Maxcy was married he did engage in several instances of domestic violence against his former spouse. His victim, Julie Maxcy, was unwilling to cooperate in the prosecution of these incidents.

The information was only revealed by Julie Maxcy when compelled by a court order. Julie Maxcy has long since moved away from Bubba Maxcy, and is now safe and secure in another residence. She told investigators that the relationship between her and her ex-husband, Bubba

Maxcy, is improving and she does not want him charged in this case. There was a significant time delay in conducting the investigation of these incidents as a result of the victim not reporting it to law enforcement. This, in addition to Julie Maxcy signing a waiver of prosecution, has led the State Attorney's Office to decline filing criminal charges against Bubba Maxcy.

When Bubba Maxcy was initially questioned by State Attorney Jerry Hill about a specific violent episode involving his ex-wife, he initially was dishonest in stating that he did not recall touching Julie Maxcy in a violent manner or causing her to be injured. Only after being warned by State Attorney Hill to carefully consider his answers and receiving private counsel from his Attorney William Fletcher outside the room did Maxcy give an accounting of this and other violent acts which he perpetrated. This is most alarming behavior, as the honesty and integrity of law enforcement and correctional officers are paramount.

Additionally, Bubba Maxcy has engaged in a relationship with Judge Susan Flood which has called into question his ethics, professionalism, and personal behavior to include:

- Accepting large financial loans and gifts.
- Spending extensive time with Judge Flood behind closed chambers doors.
- Engaging in hugs and physical kisses with Judge Flood.
- His verbal and physical interaction with Judge Susan Flood which led to widespread rumors of a sexual affair between the two.
- Allowing Judge Flood to prepare legal documents and tax estimates on his behalf.
- Engaging in over 5400 text and phone communications on and off-duty with Judge Flood over a six month period.
- Continuing to see Judge Susan Flood socially at his home, her numerous homes, and other public events.

On 09/06/2013, Alisha Rupp recanted her previous sworn testimony and admitted that the attack which she alleged Bubba Maxcy perpetrated against her did not occur. During her statement she admitted to having an ongoing relationship with Maxcy that that included: routine communications outside of work, ongoing sexual banter, sending nude photos, and rendezvous at the courthouse with Maxcy that included: intimate kissing, embraces, and actual sexual intercourse.

Rupp stated that after everyone had left the office on the afternoon of June 4, 2013, she and Maxcy went into Judge Harlan's office and engaged in consensual sexual intercourse on the floor. She said both of them were on duty at the courthouse when this occurred. She said this was the only time they had intercourse.

On 09/10/2013, Alisha Rupp was administered a polygraph examination from the Polk County Sheriff's Office. The results of the test indicate that she was being truthful regarding having sex with Bubba Maxcy.

Bubba Maxcy was extended an opportunity to take a polygraph examination as well regarding only the issue of whether he had sex with Alisha Rupp on Judge Harlan's floor as confessed by Rupp. Maxcy declined the invitation through his attorney, William Fletcher.

Documented Interviews Summarized in the Report:

ALISHA RUPP – Judicial Assistant for Judge Harlan

[REDACTED]

Lakeland, FL 33810

ALVIN RUPP – Alisha Rupp's Husband

[REDACTED]

Lakeland, FL 33810

JAMES MAXCY – Bailiff for Judge Flood

Polk County Sheriff's Office

1891 Jim Keene Blvd.

Winter Haven, FL 33880

SUSAN BARBER FLOOD – County Court Judge

255 N. Broadway Ave.

Bartow, FL 33830

BETH HARLAN – Circuit Court Judge

255 N. Broadway

Bartow, FL 33830

LT. PHIL PETOTE – Supervisor over Court Security Section

Polk County Sheriff's Office

1891 Jim Keene Blvd.

Winter Haven, FL 33880

SUSAN BLACKNER - Judicial Assistant for Judge Flood

255 N. Broadway Ave.

Bartow, FL 33830

RALPH BENITEZ– Bailiff

Polk County Sheriff's Office

1891 Jim Keene Blvd.

Winter Haven, FL 33880

RALPH SANTIAGO – Bailiff

Polk County Sheriff's Office

1891 Jim Keene Blvd.

Winter Haven, FL 33880

HIRAM BRITO – Bailiff
Polk County Sheriff's Office
1891 Jim Keene Blvd.
Winter Haven, FL 33880

NICKI OFFERMANN – Judicial Assistant
255 N. Broadway
Bartow, FL 33830

MICHAEL HUNTER – Retired Circuit Court Judge
255 N. Broadway
Bartow, FL 33830

DALE DURRANCE – Circuit Court Judge
255 N. Broadway
Bartow, FL 33830

STEFANIE HENDRICK – Associate of Bubba Maxcy
[REDACTED]
Sebring, FL 33870

BRIDGETT BULMAN – Judicial Assistant
255 N. Broadway
Bartow, FL 33830

JULIE MARIE MAXCY – Bubba Maxcy's Ex-Wife
[REDACTED]
Avon Park, FL 33825

LYNN NOLAN – [REDACTED]
[REDACTED]
Avon Park, FL 33825

WILLIAM BRUCE SMITH - Chief Judge
255 N. Broadway
Bartow, FL 33830

CINDY STEVENS – Floater Judicial Assistant
255 N. Broadway
Bartow, FL 33830

Additional Interviews Conducted:

KEVIN ABDONEY – County Court Judge
255 N. Broadway
Bartow, FL 33830

SGT. MIKE WELCH – Bailiff Sergeant
Polk County Sheriff's Office
1891 Jim Keene Blvd.
Winter Haven, FL 33880

SGT. GERALD DORMAN – Bailiff Sergeant
Polk County Sheriff's Office
1891 Jim Keene Blvd.
Winter Haven, FL 33880

BONNIE WINGATE – Bailiff
Polk County Sheriff's Office
1891 Jim Keene Blvd.
Winter Haven, FL 33880

TROY DENBY – Bailiff
Polk County Sheriff's Office
1891 Jim Keene Blvd.
Winter Haven , FL 33880

JUSTIN MOSS – Detention Deputy
Polk County Sheriff's Office
1891 Jim Keene Blvd.
Winter Haven, FL 33880

TERRY JONES – Detention Deputy
Polk County Sheriff's Office
1891 Jim Keene Blvd.
Winter Haven, FL 33880

CARLOS SUAREZ – Bailiff
Polk County Sheriff's Office
1891 Jim Keene Blvd.
Winter Haven, FL 33880

JESSICA PETERSON – Bailiff
Polk County Sheriff's Office
1891 Jim Keene Blvd.
Winter Haven, FL 33880

RUTH SMITH - Bailiff
Polk County Sheriff's Office
1891 Jim Keene Blvd.
Winter Haven, FL 33880

PAMELA REID – Former Co-Worker of Julie Maxcy
[REDACTED]
Kissimmee, FL 34758

JAMIE SPURLOCK – Friend of Stefanie Hendrick
[REDACTED]
Avon Park, FL 33825

MELISSA MAXWELL – Trial Clerk
Clerk of Courts
255 N. Broadway
Bartow, FL 33830

NANCYE CORNELIUS – Judge Flood's Sister / Guardian Ad Litem Attorney
[REDACTED]
Sebring, FL 33870

Background Information:

On 7/24/13 The State Attorney's Office received a complaint involving workplace sexual misconduct including possible criminal activity involving Polk County Court personnel. After reviewing written documents and oral testimony during a press conference, a criminal investigation was opened on 7/25/13. Reportee and alleged victim, Alisha Rupp, made serious claims of sexual harassment to include battery and assault. Rupp was Judge Beth Harlan's Judicial Assistant for approximately five years until she was fired by Chief Judge Bruce Smith on July 10th, 2013. Alisha, through her attorney David Linesch made the following allegations:

- Judge Flood and Judge Harlan shared a suite of offices at the courthouse.
- Judge Flood and her bailiff, Maxcy, were involved in a sexual relationship.
- Rupp walked in on Flood and Maxcy having sexual intercourse in Flood's office in September of 2012.
- Flood apologized to Rupp and asked her not to tell anyone what she witnessed. Flood threatened to have Rupp fired if she told.
- In May of 2013 Maxcy pushed Rupp against a wall and rubbed his body on hers. He made references to using his handcuffs and Taser on Rupp.
- Maxcy told Rupp he was tired of looking at her if he could not have sex with her.

- Rupp and Judge Harlan asked the chief judge to move out of the offices shared with Flood in June due to Flood and Maxcy's relationship and the hostile atmosphere. Judge Smith refused the request to move.
- Judge Smith fired Rupp on July 8th for falsifying her timesheet.
- On July 10th Rupp wrote a letter to Judge Smith alleging sexual harassment and retaliation by Maxcy.
- On the evening of July 10th, Judge Smith responded to Rupp via email confirming she was terminated.
- Hardee County Judge Jeff McKibben was assigned by Judge Smith to investigate Rupp's sexual harassment allegations.
- Rupp elected not to participate in Judge McKibben's investigation.
- Judge McKibben sent a letter on July 23rd to Rupp advising her he closed the investigation due to her being uncooperative.
- Lt. Petote called Rupp and questioned her about the allegations of an affair between Flood and Maxcy.

Investigation:

On 7/25/13 after meeting with State Attorney Jerry Hill, and Assistant State Attorneys Brian Haas and Brad Copley, Investigator Beverly Cone prepared a subpoena for documents and served it on Court Administrator Nick Sudzina. The subpoena directed the Court Administrator to provide the State Attorney's Office with the following documents by August 1, 2013:

- 1) Judge Susan Flood's work emails for the last year.
- 2) JA Alisha Rupp's work emails for the last year.
- 3) Judge McKibben's investigation regarding Alisha Rupp.
- 4) All documents generated by Judge Bruce Smith, Nick Sudzina, Judge Susan Floor, Judge Beth Harlan or Bailiff James Maxcy regarding Alisha Rupp's complaints to include emails, notes, memos or any other form of correspondence.
- 5) Alisha Rupp's personnel record including time records.

Investigator Cone executed subpoenas for phone records for Judge Flood, Maxcy, and Rupp from 7/25/12 to 7/25/13.

Polk County Sheriff's Office opened a criminal investigation and Detective Chris Mason was assigned. Mason advised he sent preservation letters for Maxcy and Rupp's text messages and that he would be completing a search warrant for the content of the messages. Det. Mason and Sgt. Shawn Hoobin interviewed Maxcy on 7/24/13. According to Hoobin and Mason, Maxcy denied sexually harassing Rupp. He also denied having a sexual relationship with Flood. The Polk County Sheriff's Office placed Maxcy on administrative leave pending the outcome of the investigation.

Maxcy gave Det. Mason his personal cell phone for analysis. Det. Mason gave Investigator Cone a digital copy of the forensic analysis on 7/26/13.

At approximately 2:00 PM on 7/25/13 a conference call was held with Rupp's attorney David Linesch. Present for the call was ASA Haas, ASA Copley, Sgt. Hoobin, and Det. Mason. Linesch outlined some of Rupp's complaints and provided the investigators with a list of witnesses who could potentially corroborate Rupp's claims. Linesch said Rupp was out of town and unavailable for an interview until Monday 7/29/13.

On 7/29/13 Investigator Cone made telephone contact with the Human Resources Director at the Polk County Sheriff's Office. Donna Parker advised Maxcy had no documentation in his file in reference to Rupp or Flood. She confirmed there has never been any written documentation of misconduct, recommendations or counseling by any of Maxcy's supervisors.

On 8/16/13 the results of the search warrant for Maxcy's phone arrived via email. Among the significant findings are these results:

- On May 30th 2013, the day Alisha claimed to be attacked by Maxcy in the office, Maxcy's cell phone was pinging off of towers in Sebring. His time card shows he went off duty at 3:00 PM, and Alisha said the incident occurred after 5:00 PM. Records verify Maxcy was speaking with Flood on his cell phone at: 4:43 PM for 12 minutes and 4 seconds and then again at 5:04 PM for 10 minutes and 29 seconds. This places Maxcy on his cell phone in Sebring at the time Alisha claimed he pushed her up against a wall and rubbed himself on her.
- On June 4th, the day Alisha claims Maxcy tried to extort \$4,000 from her at lunch, she and Maxcy engaged in texting from 9:27 AM until 9:43 PM. There are sixteen text messages between Maxcy and Alisha on this date. The text pattern clearly demonstrates Alisha initiating contact with Maxcy at 9:27 AM. They exchange six text messages before lunch and then eleven texts after lunch. In Alisha's sworn taped statement to Investigators Cone and Brown she stated that Maxcy approached her in the office that day and asked her to go to lunch to talk about her job. When asked if she had contact with Maxcy after lunch, she stated unequivocally, no.

Judge Flood's cell phone records showing incoming and outgoing calls and texts were obtained. The records were broken down and analyzed. Following is a summary of the amount of calls and texts to and from Flood's phone.

There are a total of 5,486 telephone calls and text messages between Flood and Maxcy for a seven month period in 2013. A large number of the calls and texts were after 5:00 PM and on weekends. There are also 714 total calls and texts between Flood and Alisha, with the majority occurring after 5:00 PM and on weekends.

| Maxcy House Phone | Maxcy Old Cell Phone | Maxcy iPhone | Maxcy New Cell Phone | Alisha Rupp |
|----------------------------------|------------------------------------|------------------------------------|----------------------------------|-----------------------------------|
| 863-██████████ | 863-██████████ | 863-██████████ | 863-██████████ | 863-██████████ |
| 41 Total Calls and Texts in 2013 | 2254 Total Calls and Texts in 2013 | 3161 Total Calls and Texts in 2013 | 30 Total Calls and Texts in 2013 | 714 Total Calls and Texts in 2013 |

FIRST INTERVIEW WITH ALISHA RUPP

Investigators Cone and Brown interviewed Alisha at her residence in Lakeland on 8/1/13. Her attorney, David Linesch, was present for the interview. Alisha was placed under oath and the interview was recorded. Following is a summary of the interview. Please refer to the transcript for complete details.

- Alisha has worked for Judge Harlan for fifteen years. She has been her Judicial Assistant since 2006 when Harlan was appointed to the bench.
- In 2009 Judge Harlan and Judge Flood moved into suite 8D in the courthouse.
- In 2009 Mike DeMarco was the bailiff for Harlan and Ralph Santiago was the bailiff for Flood. It was like a family and everyone got along.
- In 2011 Maxcy replaced Santiago as Flood's bailiff. Alisha got along well at first with Maxcy.
- Alisha said she was terminated from her employment on July 10th by Judge Smith. She said Smith questioned whether she worked two days in May that she got paid for. Judge Smith directed Harlan to fire Alisha. Harlan told Smith she could not fire Alisha. Smith told Harlan "Well I can turn it over to Jerry Hill and she can be arrested for falsifying her time sheet, you let me know how you want to handle it."
- Alisha wrote a letter to Smith explaining that she had in fact worked the two days in question. Smith wrote Alisha back stating she had been terminated and to not return to work.
- Alisha was upset because Harlan felt she did nothing wrong and Alisha felt like she was doing her job the way she was supposed to.
- Judge Harlan let Alisha set her own hours as long as the work was accomplished. This was an agreed upon practice between Alisha and Harlan. Alisha often completed paperwork and returned phone calls from home.
- In 2012, there was issue with the way Alisha documented unpaid days off. She was inadvertently paid for those days and had to repay the money to the State. It was an error and she did not receive any disciplinary action.
- Alisha said her timecard is correct and there are no corrections that need to be made to it. She testified that she worked the hours she got paid for. She said there was never a day she claimed she was working when she was not.
- She said she was in the office on May 8th and 9th, the two days Judge Smith accused her of not working. She was not in the office all day, but she was working. She said she was in the hearing room and was working from her cell phone.

Analysis of Timesheets and Documentation provided by Court Administration

Per our subpoena, we were provided with timesheets and supporting documentation from Nick Sudzina in Court Administration. Going back a year, there were many days Alisha claimed she was working an 8 hour day however there was either a floater JA assigned to her duty station or there were emails or texts showing she was attending to private matters, some out of county. The following is a list of the days in question:

- July 2, 2012 – Alisha paid for 8 hours of work. Floater assigned to answer her phones in the morning.
- November 1, 2012 – Alisha paid for 8 hours of work. Floater assigned to Judge Harlan all day.
- February 27, 2013 – Alisha paid for 8 hours of work. Floater assigned to answer Alisha's phone all day. Email from Floater to Court Administration at 9:16 AM stated "FYI...Alisha Rupp texted me and asked for phone coverage. Email from Floater JA to Alisha details eleven messages the floater took during the day.
- March 28, 2013 – Alisha paid for 8 hours of work. Floater assigned to answer Alisha's phone all day. Email from Floater JA to Alisha details eight messages the floater took during the day.
- April 1, 2013 – Alisha paid for 8 hours of work. Floater assigned to answer Alisha's phone all day. Document provided shows a text message to Floater JA from Alisha at 11:11 AM stating "I just got out of dr in st pete with alle prob not coming in if I do it will be 3"(sic).
- April 17, 2013 – Alisha paid for 8 hours of work. Floater JA answered Alisha's phone and took twelve messages for Alisha during the day.
- April 19, 2013 – Alisha paid for 8 hours of work. Floater assigned to cover Alisha's phone and desk all day as Judge Harlan was duty Judge.
- April 22, 2013 – Alisha paid for 8 hours of work. Document provided shows Alisha sent an email to Massage Envy on April 23rd stating: "My husband and myself were in your Lakeland location yesterday for a couples one hour massage. Jeanette was the therapist my husband had she was not only rude she was very disrespectful and unprofessional in every way". She said "My husband and I took the afternoon off to enjoy a nice relaxing massage and to her credit that did not happen."
- May 6, 2013 – Alisha paid for 8 hours of work. Email provided shows Alisha stating she was in Bankruptcy Court in Tampa.
- May 7, 8, 9, and 10, 2013 – Alisha paid for 8 hours of work each day. Phone and computer was accessed sporadically. Alisha claimed to be working off of her cell phone in a hearing room.
- May 16, 2013 – Alisha paid for 8 hours of work. Email provided shows Alisha did not show up to work until 10:55 AM.
- May 30, 2013 – Alisha paid for 8 hours of work. Records show she attended an awards ceremony at her daughter's school in the morning, had lunch with her husband, and then participated in an injunction hearing in the afternoon.

Additionally, there were many days a floater was assigned to answer Alisha's phone from 1:00 PM to 5:00 PM. On these days, Alisha put in for 3 hours of sick time even though she needed coverage for 4 hours. The hours taken for sick time and the hours the floaters were providing coverage do not match. It is apparent Alisha was skimming hours, claiming she was working more than she was.

Alisha stated during interviews that some days she was at home “working” by having phone calls forwarded to her cell phone. As shown above, many of the days Alisha claimed to be working from home, phone messages were being taken by the covering JA.

According to the Tenth Judicial Circuit Administrative Order No. 1-5.4, all court employees of the Florida State Court Systems will be governed by the regulations and policies contained in *The Personnel Regulations Manual of the Florida State Courts System*. The manual states the workday for each full-time employee shall be 8 hours and the workweek shall be 40 hours. The administrative order specifies that Judicial Assistants will have their monthly time reports certified by their Judge. The manual also states the personal staff of judges is exempt from having an annual performance review completed.

INTERVIEW WITH ALVIN RUPP – ALISHA’S HUSBAND

Alvin Rupp was interviewed immediately after Alisha’s interview. Investigators Cone and Brown walked outside of the Rupp home and conducted a sworn taped interview. Alvin advised the following:

- Alvin spoke with Judge Harlan prior to Alisha taking the position as her JA. Alvin told Harlan that their children come first and Alisha’s hours would have to be flexible. Harlan assured Alvin that Alisha would be able to set her own hours as long as she completed the work.
- Alisha often worked from home at night and on the weekends. She stayed late at work when she was trying to catch up.
- Alvin remembers the day Alisha said she walked in on Flood and Maxcy having sex. Alvin said he called Alisha late in the afternoon and she answered in a whisper. She said it sounded like someone was rummaging through Flood’s office. Alvin told her to leave and she said she was getting her belongings and leaving. Alisha called him after she left and told him she was on the way home. She sounded upset.
- After Alisha arrived home, she told him she walked in on Flood and Maxcy having sex. Alvin said he was stunned but they knew there was something going on between Flood and Maxcy. Alisha, Alvin, and Harlan had discussed the Maxcy and Flood relationship and they did not feel it was right.
- Alvin recognized the photo of Alisha in her pink underwear that was recovered from Maxcy’s phone. He said it was a photo Alisha sent him. He had no knowledge of how the photo got on Maxcy’s phone, but he said he did not share it with anyone else.
- We also showed Alvin the photo recovered from Maxcy’s phone of a woman’s breasts. He said he recognized it as a photo of Alisha. After going off tape, Alvin corrected this statement and said it was not a photo of his wife.
- Alvin continued talking after the taped statement. He stated he spoke with Russ Flood while at the beach. They talked about both of them not liking Maxcy. Russ asked Alvin if he thought Russ had anything to worry about when it came to Flood and Maxcy. Alvin advised Russ not to trust Maxcy. Russ then stated he just hoped Flood got it out of her system soon.

- Alvin corroborated Alisha's story about Flood and Alisha supposedly driving to the store while the Rupps were visiting the Floods at their beach house. Alvin said Flood told them that she and Alisha were going to drive to the store. After it took so long for them to get back, Alisha told Alvin that Flood had driven to Coquina Beach to meet Maxcy. She told Alvin that Flood gave Maxcy \$500. Alvin said he was irritated at this, so they packed up and left Flood's house.
- Alvin said his wife does not make things up and he knows she is not lying.

PCSO'S INITIAL INTERVIEW WITH JAMES MAXCY

On 7/29/13 Detective Chris Mason provided us with a disc containing his interview with Maxcy on 7/24/13. The State Attorney's Office Investigators were not present for this interview. Below is a summary of the interview based on the audio recording provided:

- Maxcy has been Flood's bailiff since 2011.
- Rumors about he and Flood started the first year he was assigned to her. Maxcy went to Flood and Lt. Petote about the rumors.
- Alisha did not walk in on Flood and Maxcy having sex. He did not have sex with Flood.
- Alisha was a close friend and he trusted her. He has no idea why she would be saying these things.
- Flood loaned him \$5,000 for a car. He has been to Flood's beach house.
- Flood did not give him \$500 cash.
- He did not kiss Flood at the beach house.
- Maxcy never threatened Alisha. He denied using his Taser and denied pushing her up against a wall. He denied saying he wanted to have sex with her. He did not tell her he would have her fired.
- Maxcy does not think Alisha was interested in him or pursued him.
- Alisha sent two nude photos of herself to his phone. He deleted one of them.
- Alisha has a reputation for being a bitch. She told him not to hang out with "skanks" after seeing him walk with two other trial clerks at lunch time.
- Alisha does not have any problems with Flood and does not talk mean about her.
- He denied having sexual relations with Flood and Alisha.
- He stated he wanted to speak to a lawyer when asked if the detectives could look through his phone.
- Maxcy answered yes when asked if he swore and affirmed that everything he stated was true and correct to the best of his knowledge.

INTERVIEW WITH JUDGE SUSAN FLOOD

Flood agreed to be interviewed at the State Attorney's Office in reference to the allegations. She was placed under oath and the interview was audio and video recorded. Present for the interview on 8/6/13 were Investigators Brown and Cone, State Attorney Jerry Hill, and ASA Brad Copley. Following is a summary of the interview. Please refer to the transcript for complete details.

- Flood was appointed to the county court bench in 2008. She is currently the Administrative County Court Judge.
- She has shared a space with Judge Harlan on the eighth floor since 2008. Ralph Santiago was her first bailiff. He was assigned to her for three years.
- After he returned from back surgery in 2011, he was assigned by his Lt. to light duty for a few weeks. Flood was concerned about Santiago being on light duty. She assured him the job as her bailiff was still his. Soon after he returned to her courtroom, he asked to be reassigned. According to Flood, Santiago said he was not comfortable handling the inmates and asked to be reassigned to a smaller courtroom. He never worked with her again.
- Maxcy was assigned to Flood after Santiago moved. She said Maxcy has Crohn's Disease and he had shoulder surgery. Neither impacted his ability to do his work and she was not concerned about her safety with Maxcy as her bailiff.
- She received a threat in summer of 2012 via a letter. It ended up being the mother in a custody case that was trying to implicate the father in the threat. She considered the threat to be real. She changed her habits out of fear and she was escorted by Maxcy while in the courthouse. Maxcy followed her home and made sure everything at her home was secure.
- Neither she nor Maxcy reported the extra security detail to the Chief Judge or to the Sheriff. She considered it a favor because it was on his way home and he was off duty.
- She arranged to go to the Polk County Sheriff's Office gun range and qualify so she could carry a gun. Maxcy was at the range too, however she made the arrangements to shoot through Terry Jones. When asked if she shot an AR-15, she said Terry let her shoot a "big gun" because he thought it would be fun for her.
- Flood knew of Maxcy prior to him becoming her bailiff, but they did not know each other.
- After working together for three or four months, they became friends and their relationship turned personal. They got together outside of work with each other and their families. She did not socialize with Santiago outside of work.
- She parks in the secured parking lot. She has taken Maxcy to his vehicle in the public parking lot on many occasions. It is possible they sat in the vehicle together in the parking lot. She said they could have been talking about what they were going to do the next day. She does not recall hugging or embracing him in the vehicle.
- She has hugged Maxcy before during parties in their suite or once or twice when he broke down concerning the separation with his wife. When asked if they kissed, she said she kissed him on the cheek one time when he was crying.
- Flood has given Maxcy birthday and Christmas gifts. One was a radio for his boat that costs approximately \$60. She gave him Guy Harvey T-shirts last Christmas because he likes to fish. The Christmas prior to that, she and her JA gave him a watch. The values were \$40 and \$85 respectively.
- Flood has never given cash to Maxcy. She did loan Maxcy and his then wife, Julie, \$5,000 for a down payment on a vehicle. They paid her back in cash when they got their tax refund.

- Flood never spoke to Julie about the loan. She wrote the check to Bartow Ford.
- Flood remembers driving to Coquina Beach to meet Maxcy. He was there with some other courthouse employees. Flood said it was Alisha's idea to drive and meet him. She denied giving him cash at the beach. She may have hugged him before leaving but she denies kissing him.
- She has gotten to know Maxcy's three sons. She buys them gifts for birthdays and Christmas.
- Maxcy has not come around their residence since January of this year.
- When her daughter's vehicle was broken down, she drove Maxcy's diesel truck because it was cool. She drove it for four days. They did not put a new stereo in the vehicle, however her daughter and her boyfriend fixed a broken speaker in the truck before returning it.
- Flood denied buying any parts or equipment for Maxcy's boat. She acknowledged she was at Bridgemasters one time in 2013 with Maxcy. She said they were there picking up items for Maxcy's boat. Flood said the only reason she went there with Maxcy was because he had never been there and she could not explain where it was without him getting confused. She said she would show him where it was. Flood said Maxcy is a novice at boats and fishing despite stating earlier that he liked to fish.
- Flood was asked if she helped Maxcy with his divorce and if she prepared documents for him. She initially said she and her sister gave Maxcy some suggestions and helped with some typing of the documents. Nancye Cornelius is her sister and she is a lawyer with the Guardian Ad Litem's office.
- Flood said the documents were prepared at her home and she was not sure if she typed anything on her work computer at the courthouse. She then said she may have corrected some of the paperwork at work. She later stated she prepared the documents at her house and emailed them to herself at work. She and Maxcy made corrections, printed the documents out and had Alisha notarize them.
- She considered it helping a friend. She said she was not aware if he had any lawyers working on his divorce, however he was handling the divorce pro se. She prepared the documents and witnessed his signature on one of them.
- Flood then amended her earlier statement that she and her sister did some of the typing, to she does not think Maxcy did *any* of the typing. She further amended this to say she prepared the entire divorce packet and worked on it on her State of Florida computer while she and Maxcy were at work.
- She is aware of the civil suit involving Maxcy and his ex-wife Julie. Maxcy told her he did not know what happened to the money the insurance company paid. Flood said she was not aware of the details surrounding the judgment. She then stated she actually had a conversation with Julie Maxcy about what happened to the money. She said she talked with Julie about the issue to help them figure out what to do and because she was being a friend. She denied she was "assisting" them with the issue.

- Flood was asked if she ever prepared Maxcy's taxes. She denied this however she stated she utilized her work computer to inquire on a tax estimator as to what his refund might be. She denied advising Maxcy or Julie on how to file their taxes. She denied suggesting to Maxcy that he tell his ex-wife to file jointly and give him the refund in exchange for not filing criminal charges against her.
- The only conversation Flood had with Maxcy about the civil situation was regarding the estimated amount of his tax refund if they filed jointly versus filing separately.
- Flood did not relate this conversation to Maxcy's civil judgment. She said she does not recall having a conversation with him about filing one way or the other to obtain a specific amount of money to help rectify the civil debt. She then said it was possible it came up in conversation that he could use the refund to rectify the debt.
- Flood said she and Maxcy communicate via text and phone to their personal cell phones and home phones.
- She said she does not recall sending anything inappropriate to Maxcy's phone. She then said she does not know what we mean by inappropriate.
- Flood said she did not understand the question when asked if there has ever been any sexually explicit text messages sent back and forth between the two of them, either of her or another party. She replied "no" when the question was re-stated.
- When asked if there was verbiage and messages sent back and forth between her and Maxcy of a sexual nature, Flood took a long pause and replied she did not think so.
- She said they text "love you" and "see you tomorrow" to each other but not anything sexually inappropriate.
- When asked if there was any sexual banter or reference to any kind of sexual activity between the two of them, Flood responded "I don't, I don't, I don't, I can't recall anything like that."
- When asked if she is having an emotional affair with her bailiff, she responded that she is very attached to him and he is her dear friend.
- When asked if they talk about having sex, Flood replied she does not recall any conversations about sex.
- When asked what they are talking about every night on the phone, sometimes late night calls, she said they talk for a variety of reasons and that he calls to check on her.
- Flood said she talked with Maxcy on the telephone after he was placed on Administrative Leave on the 24th. She said Julie Maxcy called her looking for him and then Julie later called to say Maxcy was with her. Flood spoke with him on the phone and he said he was OK. That's all they talked about. She denied talking to him about his Sheriff's Office interview or about deleting anything.

Interview Break – Video showed during the break, while the Investigators were out of the interview room, Flood got up from her seat and looked at some of Investigator Cone's paperwork on the table. Among several papers, she saw an Investigative Witness Subpoena with her name on it.

- After the break, Flood asked if we had an Investigative Subpoena for her and we replied we have one prepared. Flood indicated she wanted to proceed.
- Flood was shown several photographs retrieved from Maxcy's phone, some of which she was able to identify. She recognized the photos she was in, such as the photo of her at Maxcy's child's birthday party where she was sliding down the water slide with Maxcy and one of his children. She did not recognize any of the photos of naked women.
- Flood was again asked about the content of messages between her and Maxcy. Flood said she has texted Love you and Miss you, but everything else was work related.
- Investigator Brown asked Flood if she has ever intimately kissed Maxcy. Flood replied she has kissed him on the lips, but it was not passionately or intimately. Earlier in the interview she said she only kissed him on the cheek.
- Flood said she has embraced Maxcy on one occasion. That was when he broke down and cried in her chambers. All of the other hugs were quick.
- She denied disrobing in front of Maxcy and denied having any sexual contact. She said Alisha lied when she said she walked in on Flood and Maxcy having sex on her table.
- Flood thinks Alisha lied because she blames Flood for reporting her absences to the Chief Judge.
- She said she did relay information to Judge Smith when he asked. She said she is friends with Smith and they talked frequently about business.
- Flood initially denied any of the other Judges told her there were rumors about her and Maxcy and that it looked inappropriate.
- She then said she spoke with Judge Hunter. Flood said she called Hunter because she believed his bailiff was spreading the rumors about her and Maxcy. According to Flood, Hunter asked her what is going with her and why she is so skinny. She told Hunter that she had been sick and needed some assistance getting to and from the courtroom. Apparently she did not mention the "threat" she told us about. She told Hunter that Maxcy was a good friend for doing that and never telling anyone what was going on and that he was very loyal. She also said she went to Lt. Petote about the gossip. Flood failed to relay the information that Judge Hunter told her that everyone in the building thought she was having an affair with her bailiff and she needed to distance herself. When asked to clarify if Judge Hunter called her and came to see her about Maxcy, she replied "I don't. I called him. I don't know".
- Flood denied she asked Lt. Petote to make Maxcy her bailiff. She denied requesting Maxcy after Santiago moved and she said she did not have anything to do with Maxcy being assigned to her. She said Santiago left her hanging so she asked Sgt. Dorman if Maxcy was her new bailiff, and he said "if that's what you want". She said "that's fine". Flood's position was Santiago left her and did not have the courtesy to tell her, so she got Maxcy by default.
- Flood denied Judge Smith ever talked to her about the appearance of impropriety with Maxcy. She said he told her there was a rumor that she was close with her bailiff.
- Flood was asked whether retired Judge Susan Roberts talked to her about Maxcy. Flood said Roberts recently whispered in her ear at a Judge's meeting about hearing something was going on with her bailiff. Flood told her that was not true.

- Flood was asked whether Judge Harlan ever spoke with her about her relationship with Maxcy. Flood said Harlan told her she heard a rumor about them.
- Flood said she was aware there was a “buzz” about her and Maxcy. She said she was concerned and tried to limit the contact they had outside of court.
- Flood denied often being behind closed doors in her chambers with Maxcy. She said it has occurred maybe more than five times, but it was not common.
- Flood said she did not recall sitting on Maxcy’s lap.
- She said she has ridden a jet ski with Maxcy at a party at her home in 2012.
- Flood said it is true Maxcy came to her children’s Agriculture Youth Fair to see the animals her children were showing in January 2013. She denied this upset her husband.
- Flood said she was the victim of domestic violence earlier in 2013 by her husband. They argued about money and he pushed her on her arm in their residence. She did not report the incident to law enforcement. She said she told Maxcy about the incident but she did not know when. She denied he came to check on her and she denied calling him and asking him to.
- Flood thinks Harlan wanted to move suites because Flood was reporting on Alisha’s absences. Flood told Harlan she was not doing it, but Harlan did not believe her.
- Flood said Maxcy and Alisha had a close relationship. She believes Alisha had a romantic interest in Maxcy. She referred to one time when Alisha seemed possessive over Maxcy. She was upset because she saw him in the parking lot and thought he had been to lunch with some other clerks. Alisha said Maxcy was supposed to go to lunch with her.
- Flood said Alisha and Maxcy had lunch together on June 4th at Curly Tails. They were joking about it the next day. They said they rode in Alisha’s new BMW and saw Jerry Hill there.
- Flood was asked again about the contact she had with Maxcy after he was placed on administrative leave. She said she could not remember what day he was placed on leave. She said she did not know what it meant to be placed on administrative leave and she could not recall when she found out he was placed on leave. She said she was the one that was sick and in bed all week.
- Flood then recalled speaking with Maxcy on July 24th, the day of the press conference. She spoke with him on Julie’s phone. She had a thirty second conversation with him. She said they talked about if they were ok and if there were any reporters. She said that conversation was the only conversation she had with him that night.
- She denied again suggesting or telling Maxcy to delete anything or to get rid of any incriminating evidence. She said it would surprise her if we knew different.
- She said her friendship with Maxcy fueled the rumors and that were it public knowledge that she and her husband were separated it might not have been such a big deal. She said they were trying to do the best thing for their children and maintain all of the households with two kids and separate residences and college, a beach house, and their house. There just wasn’t room to set up another residence without sacrificing something.

After the interview ended, Flood asked for the Investigative Witness Subpoena she saw. Investigator Cone told her it was not served on her, however State Attorney Hill said there was no harm in giving her a copy of the unserved subpoena.

INTERVIEW WITH JUDGE BETH HARLAN:

Judge Harlan was interviewed at the State Attorney's Office on 7/30/13. She was placed under oath and the interview was recorded. Present for the interview was SA Jerry Hill, Investigators Brown and Cone, ASA Brad Copley, Sgt. Jon Burcham and Detective Chris Mason. The interview is summarized below:

- She recently moved suites on July 5, 2013. Prior to that she shared a suite with Flood on the 8th floor.
- Alisha Rupp was her judicial assistant until July 8th. She worked for Harlan for fourteen years starting when Harlan was in private practice. Alisha started with Harlan when she was 18 years old. Harlan said she was a good JA.
- Last year in 2012 Alisha had a sick child and Harlan approved unpaid time off because Alisha did not have enough time saved up. Harlan and Alisha thought they filled out the time card correctly indicating Alisha was off certain days and she was not to be paid for those days. An error occurred in the way the unpaid time was documented on Alisha's timesheet and she was directed to pay back money to the State of Florida for pay she received and was not entitled to. Harlan did not believe this was a disciplinary issue for Alisha.
- Alisha gets paid an hourly rate.
- On Monday July 1, 2013 Judge Smith came to Harlan and ordered her to fire Alisha. Harlan tried to convince Smith Alisha did not deserve to be fired. Smith told Harlan there was an issue with Alisha not being at work the whole first week of May. Harlan was at a judicial conference that week, starting on Tuesday. Harlan saw Alisha at work on Monday and had talked to her during the week. Harlan asked Alisha about it and she assured Harlan she did in fact work that week. Harlan did not do her own investigation into the issue. Smith then told Harlan the days in question were May 8th and 9th. Smith indicated to Harlan the reason Alisha was being fired was because of the two days in May and the previous issue where Alisha had to pay back the money to the State. There was also a complaint from an attorney about Alisha's scheduling. Additionally there was an issue with Alisha's neighbor involving Alisha's dogs and animal control.
- There were times Alisha worked from home with Harlan's approval. Harlan said a lot of the work does not have to be done from the office. Alisha had the phone calls forwarded to her cell phone. She keeps a hard copy calendar with her. The entries are later entered into the computer calendar. Harlan had no issues with Alisha's time and felt she fulfilled her duties. Alisha can do the same amount of work in twenty hours that it took most people to do in forty.

- The JA's fill out their timesheets and the Judges approve it. The Judges are constitutional officers and can hire and fire their JA's. Every month Harlan would ask Alisha if her time matched her timesheet and Alisha indicated it did. Alisha worked from home at nights during times she was out sick.
- Nobody ever complained about Alisha to Harlan.
- Harlan said firing Alisha has been a very painful experience. There is a rule that allows the Chief Judge to fire a JA. Harlan feels Flood had a continuing effort to sabotage Harlan and her JA. She said Flood stabbed her in the back and would report on her to Judge Smith. Smith and Flood were close and she often went up to see him in his chambers. According to Alisha, Smith called Flood at home often. This event led to a domestic violence situation at the Flood home. Harlan said sometime this year, Flood told her her husband had laid his hands on her. Harlan said Alisha later told her the reason for the domestic violence was Smith calling Flood at home and Flood's husband became upset.
- Alisha became hostile toward Flood and Maxcy because she disapproved of their relationship.
- Harlan said Flood became very upset when Ralph Benitez became Harlan's bailiff because Flood believed Benitez was responsible for spreading rumors about her and Maxcy. When Flood found out Benitez was going to be Harlan's bailiff, Flood called Alisha very upset and was crying.
- The gossip about Flood and Maxcy has been rampant. Their relationship was inappropriate, but she did not realize it was at the level that has been alleged.
- Harlan went to Flood in 2011 soon after Maxcy came to work as Flood's bailiff. Harlan told Flood their relationship was inappropriate and to cut it out. Harlan did not approve of Flood and Maxcy's relationship. Flood denied the relationship.
- Flood and Maxcy were behind closed doors a lot, sometimes hours at a time. She has observed Flood giving Maxcy gifts. Flood often made lunch for Maxcy. She has never seen any public displays of affection between the two.
- By December of 2011, Harlan and Alisha knew Flood and Maxcy were involved.
- Harlan knew Flood and Maxcy did things together on the weekends.
- Harlan did not like the way Flood treated Santiago.
- Alisha first told Harlan about Maxcy's harassment very recently. She did not disclose the details to Harlan. She told Harlan that Maxcy made a comment that her black dress would look better on the ground. Alisha said the other incidents were much worse but she would not give details.
- Harlan asked to move suites in mid-May 2013 while on vacation. The atmosphere had gotten so bad, Harlan told Smith she wanted to move. She was unhappy that Flood had gotten involved on one occasion in Harlan's docket. Flood physically retyped an order and Harlan did not like it and did not think it was appropriate. Smith responded to the request saying he did not want to get involved in a cat fight. Harlan asked again in July to move and he agreed.

- Alisha told Harlan that Flood called her and told her she was getting fired. Alisha told Harlan Flood called her hysterical because she thought she was going to have to move suites.
- The first time Alisha confided to Harlan she walked in on Flood and Maxcy having sex was after Alisha had been terminated. She did not tell Harlan when it was and Alisha did not want to talk about it.
- Harlan said Alisha never told her about the alleged incident where Maxcy pushed her up against the wall and threatened her on May 30th. Harlan's last day of vacation was May 30th and when she returned to work, Alisha was very hostile toward Maxcy. When Harlan found out about the allegations after Alisha was fired, Alisha said she did not tell because she did not want to put her family through it. Harlan believes Alisha is very private and had a victim's mentality.
- Harlan said it surprised her to learn Alisha and Maxcy would have gone to lunch together on June 4th. Harlan said she was at work that day, but she does not have any knowledge of them going to lunch together.
- Harlan did not consider going to Judge Smith about the affair between Maxcy and Flood because she does not think Smith would have done anything about it. Harlan said she probably should have gone to Lt. Petote with her suspicions.
- Harlan said there is not a "chance in hell" Alisha had a romantic interest in Maxcy. She spoke often about not liking him.
- She is not sure if Maxcy had an interest in Alisha.
- Harlan said Alisha may have taken advantage of their friendship. Harlan said she also may have taken advantage of Alisha by asking her to do things for her above and beyond her scope as a JA.
- Alisha told Harlan that Flood prepared Maxcy's divorce paperwork and paid the filing fee.
- Alisha told Harlan about the incident at the beach where Flood gave Maxcy \$500 and kissed him.

INTERVIEW WITH LT. PHIL PETOTE

Lt. Petote was placed under oath and interviewed by Investigator Cone, Sgt. Hoobin, Det. Mason, and ASA Copley on 7/25/13 at approximately 4:15 PM. The interview was recorded. Following is a summary of the interview. For complete details, please refer to the transcript.

- Petote was not aware of any rumors or speculation about a personal relationship between Maxcy and Flood prior to two days ago.
- There was a switch in Flood's bailiffs in September 2011. Maxcy replaced Ralph Santiago as Flood's bailiff.
- About a year ago, Judge Hunter made a remark to the judiciary that "something didn't look right" between Flood and Maxcy and he was uncomfortable with it. Someone (unidentified) had seen Flood and Maxcy together on the catwalk at the courthouse.

- Petote and Sgt. Mike Welch spoke with Maxcy about the rumors. They spoke with Maxcy about remaining professional and not giving the appearance of anything inappropriate. Petote did not find anything specific or inappropriate when he looked into it.
- Maxcy was emotional during the conversation with Petote and Welch.
- Petote did not specifically ask Maxcy about his relationship with Flood.
- Petote did not specifically ask Judge Hunter about his observations with Flood and Maxcy.
- Petote did not talk with anybody else about the allegations and observations.
- In 2011, Flood told Petote she did not feel comfortable or safe with prior bailiff Santiago because he had a back injury.
- Petote moved Maxcy into Santiago's spot as bailiff for Flood after Flood chose Maxcy as Santiago's replacement.
- Petote has never heard any other rumors about Flood and Maxcy.
- He has never seen Flood and Maxcy together outside of the courthouse and has never seen them go to lunch together.
- Petote can not recall having a conversation with Rupp about Flood and Maxcy.
- Petote first became aware of Rupp's allegations of sexual harassment "a couple of days ago".
- Petote spoke with Maxcy "a couple of days ago" about Rupp.
- Maxcy denied having a relationship with Rupp. Maxcy said he has a photo on his phone of Rupp partially naked. Maxcy said Rupp had texted him the photo.
- Petote did not ask Maxcy any questions about his relationship with Flood.
- Petote tried to get a copy of the sexual harassment claim made by Rupp, but could not get a copy of it from the judiciary. Petote advised his supervisors of the complaint.
- Petote went with Maxcy to his interview with Judge McKibben. McKibben asked Maxcy about his relationship with Rupp. The interview was not recorded.
- McKibben asked Maxcy approximately six questions. Maxcy was upset Rupp would make the allegations against him.
- Petote said no one asked Maxcy if he was involved in a sexual relationship with Flood.
- Flood called Petote a couple of days ago. She asked him to come to her office. They spoke in the hallway on the 9th floor. It made Petote feel uncomfortable because that is not his role.
- Flood told Petote she was concerned about rumors and the sexual harassment claims. She was concerned about Maxcy's career and did not want to see him get in trouble.
- Flood did not make any statements about Rupp.

Lt. Petote stated several times he only heard about the sexual harassment allegations and the rumors of an affair between Flood and Maxcy "a couple of days ago". Petote initially stated he was not aware of any rumors about an affair Maxcy was having with Flood prior to two days ago. He then stated he spoke with Maxcy last year about a concern Judge Hunter voiced about Flood and Maxcy on the Judge's catwalk together.

Petote denied calling Rupp and asking her about the allegations of an affair between Flood and Maxcy.

INTERVIEW WITH SUSAN BLACKNER – FLOOD’S JUDICIAL ASSISTANT

Judge Flood’s judicial assistant, Susan Blackner, was interviewed by Investigator Cone, ASA Copley, Sgt. Hoobin and Det. Mason on 7/26/13 at the State Attorney’s Office. Blackner was placed under oath and the interview was recorded. Blackner advised the following:

- Blackner has been Flood’s JA for five years. Prior to that she worked at the Polk County Clerk’s Office and Court Administration.
- Flood and Harlan had a working relationship as attorneys prior to becoming Judges. They have shared offices on the eighth floor of the courthouse since being appointed as Judges five years ago.
- Ralph Santiago was Flood’s first assigned bailiff. He was with Flood for approximately three years. They all had a good working relationship.
- Santiago chose reassignment two years ago after his back surgery. While Santiago was out for the surgery, Maxcy filled in as Flood’s bailiff. Maxcy and Flood clicked and had a friendly relationship. Upon Santiago’s return from medical leave, Flood was concerned about Santiago’s back and his ability to fulfill his duties. Flood wanted Maxcy to be lead bailiff and for Santiago to be back up. Santiago had his feelings hurt that Flood chose Maxcy over him.
- Flood and Blackner are friendly and occasionally go to lunch together. They do not see each other outside of work, however they sometimes call and text about work issues.
- Flood has a beach house and has mentioned them getting together at the beach house, but they never have.
- Blackner and Maxcy have a friendly professional relationship. She has been to lunch a few times with Maxcy and Flood. Blackner and Maxcy do not communicate or see each other outside of work. Maxcy has texted her a few times outside of work. She has never seen him socially.
- Blackner has never witnessed anything inappropriate between Flood and Maxcy. They have a very friendly relationship. There have been a lot of rumors about Flood and Maxcy because they are together a lot, but he is her bailiff and supposed to be with her.
- Flood’s relationship with Santiago was different. Santiago did not hang around after court and have lunch. Maxcy and Flood often have lunch together in chambers, or they go out.
- Blackner has never seen Flood and Maxcy touch nor do anything inappropriate. She thinks they are just very good friends. Blackner thought at one time there was more to their relationship, but now she does not think so.
- Rupp often made comments about her suspicions Flood and Maxcy were sexually involved. Blackner sometimes got caught up in that, but other times she would defend Flood.
- Maxcy was going through a divorce and Flood was helping him. Flood was just being a friend to Maxcy.

- Flood has offered to take Blackner and Maxcy to their vehicles if it is raining. Flood has taken Maxcy to his vehicle after work.
- Flood and Maxcy text each other at work about work issues. She is not aware if they text for any other reason.
- Sometimes on the weekends, Flood and Maxcy do things together. Maxcy has taken his kids to Flood's residence with Flood's family.
- Rupp told Blackner she saw Maxcy at Flood's beach house with their families. Rupp thought it was awkward that Maxcy was there.
- Blackner and Rupp were very good friends. Blackner is upset now with Rupp about what she has done. Blackner believes Rupp is trying to divert attention from herself and the investigation into Rupp falsifying her time.
- They all got together in chambers on June 21st for Rupp's birthday. They had cake and exchanged gifts. They all had a good and friendly relationship as far as Blackner knew. Rupp did not appear to be mad at or in fear of Maxcy.
- Rupp and Maxcy had lunch on June 4th together. Blackner said she knew about this because Judge Flood told her recently (last week) about it. Flood said she did not know why Rupp would go to lunch with Maxcy if she felt threatened or intimidated by him.
- The only ripple in the culture was Rupp's irritation at what she perceived as a relationship between Flood and Maxcy.
- Last year Rupp sent a text to Blackner stating Flood and Maxcy were in the office with the door shut and Rupp believed they were having sex. Blackner no longer has the text.
- Rupp was out of work a lot and Blackner had to cover Rupp's duties. It was common knowledge that Rupp took an extraordinary amount of time off.
- Blackner does not know if Rupp put in for compensation for working at home.
- The first Blackner heard of Rupp and Harlan wanting to move out of their shared office space was in May or June of 2013.
- In May Rupp had taken a couple of days off and the day she was due back she did not come in until after 10:00 AM. Judge Harlan was off and Flood asked Blackner if someone was supposed to be covering Rupp's phone calls. Rupp had her phone routed to a floater JA. Flood called Stacy Hoskins in Court Administration and checked to see if Rupp was supposed to be at work that day.
- Hoskins called Rupp at home and asked if she was coming in. Rupp responded she was just running late. When Rupp got to work she was irritated and mad. Rupp went to see chief judge Smith. Rupp was upset when she returned. Blackner thinks Rupp believes she and Flood told on her for being out and late a lot.
- Rupp said she was sick of this place (the shared office space) and she wanted to move.
- Blackner knew Judge Smith was looking at Rupp because of her time.
- Rupp was investigated last year for time card discrepancies.
- Rupp was moody and some days she said she did not like Maxcy. Other days Rupp seemed to like Maxcy and be ok with him. Rupp could also be rude or short with others.
- One day last year Rupp complained to Blackner that Maxcy was staring at her. That only occurred on one occasion. Rupp at times talked about what a good father Maxcy was.

- Blackner never saw anything flirtatious between Rupp and Maxcy. She also has never heard Maxcy reference using his handcuffs or Taser.
- Once Judge Smith told Harlan he was firing Rupp, Harlan told Smith she wanted to move and not be near Flood and Blackner. Blackner thinks Harlan holds them responsible for Smith firing Rupp.
- Blackner has never worked from home. A couple of times Blackner took her child to an appointment and did not put in for the time because she was checking messages and returning work calls while at the appointment.
- Rupp and Harlan actually moved out of their offices on July 8th.
- Flood told Blackner that Rupp's allegations of walking in on them having sex was not true. Flood said she doesn't know why Rupp is making these allegations. She also said it is not true that Rupp saw them kissing at the beach house.
- Blackner said Judge Smith came to their offices around the time Harlan and Rupp were moving and told Flood about Rupp's allegations.
- Smith said he was going to have another Judge in the circuit investigate the claims.
- Blackner was interviewed by McKibben. McKibben did not place her under oath and he did not record the interview.
- The only contact Blackner has had with Rupp since the allegations was a few text messages saying they loved each other.
- Judge Flood and Maxcy were aware of the rumors about them. They said they did not know why a man and a woman could not be friends without people thinking they were involved.

INTERVIEW WITH BAILIFF RALPH BENITEZ

Benitez was placed under oath and interviewed on 7/26/13 at approximately 1:05 PM. The interview was recorded. Benitez advised the following:

- Benitez is Judge Harlan's bailiff. Prior to that he was Judge Hunter's bailiff.
- Benitez was asked by Judge Hunter about the rumors going around about Flood and Maxcy. Hunter went to Flood and talked to her about it. After Hunter retired, Benitez was reassigned to Harlan in October of 2012. Benitez said he thinks Flood blames him for Hunter hearing the rumors. Flood complained to Lt. Petote about Benitez. Benitez said he did not spread rumors but he did answer Judge Hunter when asked about it.
- Benitez did not like the atmosphere in Flood and Harlan's chambers and tried to stay away from there when court was not in session. Benitez did not feel comfortable or welcomed by Judge Flood and Maxcy.
- Rumors have been floating around about Flood and Maxcy for awhile. Benitez did not want to be around it or associated with it.
- Benitez said he was present when Maxcy brought Flood to the Sheriff's Office range for practice during a workday in 2011 or 2012. Maxcy was assisting Flood while she was shooting. Benitez said it did not seem proper.

- Benitez did not see any inappropriate touching between the two.
- On many occasions, approximately six, over the last year Benitez saw Maxcy and Flood together in a vehicle after work. They sat either in his vehicle or her vehicle in the parking lot north of the courthouse. The vehicles have tinted windows. He could see them through the front windshield. They would be facing each other talking. Sometimes they would be close together. It did not appear they were trying to hide.
- The last two times Benitez has seen them together in a vehicle was in July after Rupp was terminated.
- Benitez has never witnessed Flood and Maxcy outside of work together, other than the courthouse parking lot. Benitez has never had a conversation with Maxcy about Flood.
- Benitez tried to distance himself from Maxcy because he did not want to be around it.
- Benitez said you could feel the tension in chambers. He said he was friendly with Rupp and Benitez knew Rupp did not care for Flood and Maxcy. Benitez could tell Rupp was upset and she told him she could not take it anymore. She was never specific about why she was upset.
- Benitez attended two birthday parties in chambers, however it was very awkward and he did not like being there.
- Benitez said Harlan wanted to move offices so they are now located in 6A.

INTERVIEW WITH BAILIFF RALPH SANTIAGO

Investigator Cone, ASA Copley, Sgt. Hoobin and Det. Mason interviewed Ralph Santiago on 7/27/13 at 1:35 PM. Santiago was placed under oath and his interview was recorded. Following is a summary of the interview.

- Santiago has worked at the Polk County Sheriff's Office for twenty-five years. He became a bailiff in 2007 and was assigned to Judge Flood for four years. Santiago now works in the Juvenile Division.
- Santiago said it was his decision to not be Flood's bailiff anymore. When he returned after his back surgery things were different. They no longer saw eye to eye. Flood seemed to favor her new bailiff, Maxcy.
- Santiago told Flood he felt like he needed to move. He felt like he was the second bailiff and Maxcy had taken his place. Although he was cleared for duty, Santiago felt Flood was worried about his back. He told Flood he didn't want her to feel unsafe with him because of his back.
- Santiago has never seen anything inappropriate between Flood and Maxcy. He tried to just do his job and stay away from the rumors.
- He said things were fine when he went out for his surgery. When he returned, things were different and there seemed to be conflict. Before that it felt like a big family.
- Santiago and Blackner were good friends. He never had a conversation with her about the move.
- Santiago had a conversation with Maxcy when he returned from medical leave. Maxcy tried to assure him that Santiago was still the lead bailiff.

INTERVIEW WITH BAILIFF HIRAM BRITO

Hiram Brito was placed under oath and interviewed on 7/27/13 at 2:25 PM. Investigator Cone, ASA Copley, Sgt. Hoobin and Det. Mason were present for the interview. The interview was recorded and below is a summary of Brito's statement.

- Brito has worked for the Polk County Sheriff's Office for eleven years and he has been assigned as Judge Abdoney's bailiff for five years.
- Brito and Maxcy know each other as coworkers and they have a friendly work relationship.
- Brito was asked if he ever observed anything inappropriate or unprofessional involving Maxcy.
- Brito said he has seen Flood drive Maxcy to his vehicle in the parking lot after work. He could not see in the vehicle because of the tint on the windows. Brito would see Maxcy sometimes because his leg would be sticking out of the vehicle door or he would be exiting out of her vehicle. Brito said it was not unusual to see them together. It almost seemed normal. They went everywhere together.
- In Brito's opinion Flood and Maxcy pushed the boundaries especially because Flood is a female. He doesn't think it is proper procedure especially because Flood has her own secure private parking space and does not need to be in the public parking.
- Brito does not have any personal knowledge of anything involving Rupp. He heard Rupp had time card issues and that is why she was let go.
- Brito and Flood's previous bailiff, Santiago, are friends. Brito stayed away from everyone in Flood or Harlan's chambers.
- Brito heard there was some issue in the past involving Maxcy, Flood, and Rupp that was aired out on Facebook. He does not have any personal knowledge of what was on Facebook.

INTERVIEW WITH NICKI OFFERMANN – JUDICIAL ASSISTANT

Nicki Offermann, Judicial Assistant to Judge Grode, was interviewed on 7/30/13 at 10:25 AM. She was placed under oath and the interview was recorded. ASA Copley, Investigator Brown, Investigator Cone, Detective Mason and Sgt. Burcham were present. Following is a summary of the interview:

- Offermann has been Judge Grode's JA since January, 2013. Prior to that she was Judge Hunter's JA until he retired.
- Offermann is the circuit representative for the JA's.
- She has known Alisha since she became Judge Harlan's JA. They are acquaintances however they do not know each other well.

- Sometime in the last month (June or July), Offermann and Alisha were leaving the courthouse. Alisha was visibly frustrated and said she wanted to move from the suite. She asked Offermann if she knew of any vacant suites. Alisha said it was very tense in the suite. Offermann assumed Alisha was talking about the situation between Flood and her bailiff. It started when Judge Harlan asking Ralph Benitez to be her bailiff. Flood believes Benitez is one of the bailiffs who started the rumors about her and Maxcy.
- Offermann has heard the rumors about Flood and Maxcy for the last couple of years. She heard Alisha and Judge Harlan wanted to move to another suite.
- Alisha sent Offermann a text around the July 4th holiday asking if Judge Smith had the ability to fire her. Alisha was on vacation and not in the building. She was not sure she had a job to come back to.
- Offermann told Alisha she had never heard of a Chief Judge being able to fire another Judge's JA. They are at will employees and can only be fired by their own Judges. Their judges set their schedules and they are paid hourly. They have forty hour work weeks. They sign and submit their timesheets electronically and their Judge's sign off on it.
- Offermann contacted Judge Curry and inquired whether the Chief Judge could fire a JA. Judge Curry said he was not going to get involved in the conversation.
- Offermann was asked about the protocol for JA's working from home. She said it does happen on occasion and she has done it in the past. The work phones can be forwarded and work emails can be accessed from phones or computers. The JA's can return calls and complete paperwork at home. Their Judge's can approve working from home without the Chief Judge's approval. They have floating JA's that can cover mail runs and errands.
- Alisha has the worst reputation for not being at work. It is the topic of conversation among the other JA's. Most JA's work 8:00 or 8:30 to 5:00. Offermann received many phone calls complaining about Alisha not being at work. The other JA's had to help field Alisha's calls. Offermann went to the court administrator's office and expressed her concern.
- Offermann feels like Alisha abused the relationship that she and Judge Harlan had. She came and went as she pleased and it affected not only their office but all of the JA's. She did not like the way Alisha represented all of the judicial assistants.
- Offermann said Alisha did not have problems interacting with people and that she is very personable.
- Offermann said there were many rumors about Flood and Maxcy having an affair. Offermann said she has not witnessed anything inappropriate between Judge Flood and Maxcy. She has never seen them together after hours.
- About two years ago, she had a conversation with Judge Hunter about the Flood and Maxcy rumors. Hunter went to Flood and spoke with her about the affair. He said she denied the affair. Hunter said he told Flood that perception is reality and advised her to back off. Judge Flood did not heed his warning.

- Offermann said she does not think Alisha is truthful in a lot of the things she says. Offermann cited different times Alisha claimed she was out sick at the same time posting on Facebook about being at the beach or kickboxing class. She does not know how Alisha could miss so much work and still collect a paycheck.
- She does not believe Alisha was sexually harassed by Maxcy. She believes Alisha would have told Judge Harlan about the harassment, prior to her being terminated, and Judge Harlan would have protected her.

INTERVIEW WITH MICHAEL HUNTER – RETIRED CIRCUIT COURT JUDGE

Retired Judge Michael Hunter was interviewed on 7/30/13 at the State Attorney's Office. Investigators Cone and Brown, SA Jerry Hill, ASA Brad Copley, Sgt. Burcham and Detective Mason were present for the interview. Hunter was placed under oath and interviewed. Below is a summary of the recorded interview.

- Hunter heard in 2012 from multiple sources that Flood was having a sexual relationship with her bailiff.
- He approached Judge Harlan about the rumors. He suggested Harlan talk to Flood about it. He was concerned about the ramifications if the rumors got outside of the building.
- Hunter went to see Flood in January or February of 2012 and said everyone in the building thinks you are having a relationship with your bailiff. Flood denied it.
- Hunter said perception is reality and if it got out it could be damaging. He told her she needed to distance herself from Maxcy and it didn't look good.
- Flood blamed the rumors on the Spanish bailiff's including Benitez and Santiago. Flood said she didn't want Santiago back after his back surgery and all of the Spanish bailiffs were mad at her.
- Flood made reference to a threat she received and took serious. Her bailiff was being protective over her and she wanted him to be. Hunter told her he thought the building was secure and for appearances sake she needed to distance herself from him.
- Hunter did not personally see any inappropriate conduct between Flood and Maxcy, but every time he saw her she was with him. He wishes she would have taken his advice.
- Hunter did not talk to Chief Judge Smith or Lt. Petote about his suspicions.
- Benitez and Maxcy did not get along and Benitez stated once he became Harlan's bailiff, it was like a freezer in the office.
- Hunter did not know Alisha well and only heard of her reputation as not being credible.
- Hiring and firing of the JA's is left to the individual judge and the JA's are expected to work eight hours a day.

INTERVIEW WITH JUDGE DALE DURRANCE

Judge Dale Durrance was interviewed on 7/30/13 at the State Attorney's Office. Present for the interview was SA Jerry Hill, ASA Brad Copley, Investigators Cone and Brown, Sgt. Burcham and Det. Mason. Durrance advised the following:

- Durrance met Maxcy through another bailiff. They had a friend in common from Sebring, Stefanie Hendrick and her family. Whenever Durrance and Maxcy crossed paths, Durrance would ask Maxcy if he had seen Stefanie.
- On one occasion on July 17th or 18th, Durrance was leaving his office after 5:00 due to a late jury trial. Flood and Maxcy approached and they all got on the secure elevator together.
- Flood seemed uneasy and immediately stated she was going to the ATM on the ground floor and needed an armed guard with her. Durrance thought it odd that Flood needed a guard in the secure building. He then asked Maxcy if he had seen Stefanie. Maxcy quickly said no and offered no other conversation.
- After the press conference on July 24th, Stefanie's father contacted Durrance and asked him what was going on. Stefanie's father said Maxcy is "crazy" and Stefanie did not want to be around him.

Based on the information from Durrance, Investigator Brown made contact with Stefanie Hendrick and interviewed her.

INTERVIEW WITH STEFANIE HENDRICK

On July 31, 2013 Investigator Mike Brown met with Stefanie Hendrick to obtain a statement from her regarding her relationship and knowledge of James "Bubba" Maxcy. This is a result of information obtained during the formal interview with Judge Dale Durrance, in which Stefanie Hendrick was named as a potential witness in this case. This voluntary interview was conducted in an informal manner and was not recorded at Hendrick's request. The following is a synopsis of the interview:

Stefanie Hendrick's Relationship with James "Bubba" Maxcy

- She knew him from when they each attended Sebring High School.
- Became reacquainted in Dec of 2012 when they socialized at The Watering Hole.
- They became engaged in a sexual relationship.
- They went on dates, socialized with friends & family together, and went out of town on occasions.
- She liked him and hoped that it would evolve into something more serious, as he seemed to be a good guy.
- He played up the victim role to her because his wife left him [REDACTED]

- He referred to their situation as an “arrangement”. She would not consider it a relationship. Looking back she feels that he used her as an emotional crutch and for his physical needs because she always made herself available.
- She stated that he became verbally abusive toward her over time.
- She saw him act out violent tendencies especially when drinking.
- He bragged about being physical with inmates. She considered him to be a “bully”.
- She was very suspicious of his relationship with Judge Susan Flood.
- She believed that he was involved sexually with other married/single women even though he told her that she was the only one.

Stefanie Hendrick’s Observations Regarding Bubba Maxcy & Judge Flood

- She regularly observed him texting back and forth with Susan Flood late at night and on weekends.
- He told her of the regular contact that he had with Susan Flood outside of work. She considered their interaction to be very unusual. Examples include:
 - Going to her beach house on Anna Maria Island even when her husband was not there.
 - She was at his house without her husband for the Maxcy children’s B-Day parties and other private social get-togethers.
 - He attended her daughters High School Graduation and party.
 - He lent his truck to Flood when her daughters’ vehicle broke down even though her husband had other vehicles. When she returned it she had a custom stereo system installed. Flood drove his vehicle to Sebring and went to his house.
- He said that Flood’s husband had accused them of having an affair and that he did not like him.
- He stated that Flood’s son didn’t like him either because of the amount of time Maxcy spent with her outside of work.
- On one weekend in April 2013 she went away for the weekend to Orlando with Maxcy. She said Flood called him playing the “Damsel in Distress” role telling Maxcy that her husband had gotten physical with her and she needed him to come over. She said Maxcy took her home and went to be with Flood.
- Maxcy told her that Flood had prepared all of his divorce paperwork. She believed that Flood’s sister possibly had assisted as well.
- Maxcy was sued by an Insurance Company because his wife spent a check that was supposed to pay medical providers for kids treatment. Flood and her sister “took care of the issue for him”.
- She couldn’t prove it, but her intuition told her that Flood and Maxcy are having a lover’s affair.

Stefanie Hendrick's Accounting of Aggressive Behavior from Bubba Maxcy

- She said Maxcy puts on a good front, but he has a very aggressive nature about him.
- She said that he is volatile and becomes agitated when he is drinking alcohol.
- She said that he constantly bragged about being physical with the inmates and intimidating them.
- She said that he has never physically harmed her but was verbally abusive. She described him as a "bully".
- On one occasion she and her friend Jamie Spurlock went to Maxcy's house and went swimming in a neighbor's pool. She and Maxcy were drinking and got into an argument.
- Maxcy went back to his house and heard her and Jamie talking about him outside. He stormed outside and began cussing and yelling at Jamie. Maxcy told Jamie to leave.
- She and Jamie got into her car and left. Before they got to the end of the road, Maxcy had chased them down in his truck (driving up on her bumper and swerving lane to lane forcing them to pull over).
- He got out and was raging mad and was spitting as he talked. Maxcy told Jamie that "he was the law" and "would have her thrown in jail". He told her to never come back and continued cussing at her. They were both terrified.
- She stated that Maxcy was utilizing his position as a LEO to intimidate Jamie.
- She said that I could reach Jamie Spurlock at to hear the story from her.

INTERVIEW WITH BRIDGETT BULMAN – JUDICIAL ASSISTANT

Bridgett Bulman was interviewed on 7/31/13 at the State Attorney's Office. Present was Investigators Brown and Cone and ASA Copley. Bulman was placed under oath and the interview was recorded.

- Bulman is a judicial assistant with court administration at the Bartow Courthouse. Prior to that she worked at the Clerk's Office.
- She currently is Judge Durrances's JA. Prior to that she was a "floater" and moved around to provide coverage for whoever was out.
- Bulman covered for Alisha in Judge Harlan's office often. Alisha's spot was vacant a lot and she estimates 20% of her time as a floater was spent covering for Judge Harlan.
- There was another floater, Cindy Stevens, that mainly covered for Alisha when she was out.
- Court Administration was notified either by the floater when they were covering or by the JA needing coverage and there is an electronic calendar kept by Stacy Hoskins.

INTERVIEW WITH JULIE MAXCY – BUBBA MAXCY’S EX-WIFE

On 08/03/2013, Investigator Mike Brown responded to [REDACTED] Avon Park, FL 33825 and met with Julie Maxcy and Lynn Nolan to inquire if they had any pertinent information related to this investigation. Upon speaking with both parties informally, it was determined that a sworn taped statement needed to be obtained from both parties. Julie Maxcy was served with a witness subpoena on 08/05/2013. On 08/06/2013, Maxcy reported to the SAO pursuant to her subpoena. Julie Maxcy was placed under oath and a formal interview was conducted by members of the SAO and the PCSO. The following is a synopsis of the interview:

Domestic Violence Occurrences Committed by James “Bubba” Maxcy

- There were several times in which James Maxcy physically battered her, touched her against her will, with this occurring probably three to four times.
- She described one incident in their home in which James Maxcy put his hands around her neck and pressed her against the wall.
- She does not recall struggling to breathe, does not recall what the dispute may have been about, or other details.
- Another incident occurred when Julie Maxcy was sitting on a sofa in the living room. She was looking at photographs on Facebook page and observed James Maxcy in the background of some of the photos. On the night that the photographs were taken Maxcy told his wife that he was at a different location, discovering the photographs and that her husband had lied to her upset Julie Maxcy.
- Julie Maxcy went into the bedroom where her husband was sleeping, woke him, and confronted him about the photographs and lying to her regarding his whereabouts. After confronting him, Julie Maxcy returned to the living room and sat back down on the sofa.
- Maxcy came out of the bedroom and flipped the sofa over while his wife sat on it. Julie Maxcy describes the sofa as “really big” and stated that she was not injured as a result of this.
- Regarding the incident in which she was struck in the mouth, she cannot recall the exact date that the incident occurred. She is certain that the incident occurred between February 14th, 2012 and her birthday (May 3rd) in 2012. She believes that it would have possibly been in April of 2012.
- On the night of the incident she had been visiting her best friend’s house. It was very late, approximately 0300-0500 hours, when James Maxcy called her to ask if she was coming home. She stated that she was on her way home, but had to go and get her car which was parked near her office in the downtown area of Sebring. She got to her car and began driving home, taking Lakeview Drive toward U.S. Highway 27.
- As she was driving, approximately in the area of the Kenilworth Lodge on Lakeview Drive, James Maxcy passed her vehicle. He turned his vehicle around and sped up, passing Julie Maxcy’s vehicle.

- James Maxcy pulled in front of Julie Maxcy's vehicle and stopped in her traffic lane, forcing her to stop behind him.
- James Maxcy got out of the car and approached Julie Maxcy's car. As he approached her car she put the window down.
- James Maxcy reached in through the window and put his hands around her neck.
- She leaned back away from the window, trying to lean back away from her husband.
- She stated that "he drew back and punched me in the mouth" with a closed fist.
- She doesn't recall many other details except that James Maxcy told her to go straight home; he then got back into his car and followed her to their house.
- While en route to their home, Julie Maxcy called her aunt, Kathleen Brooks.
- She informed Ms. Brooks that her husband had just struck her, and asked Ms. Brooks to shield the children from anything else that might happen after she and her husband got home.
- Upon arriving at their home, they parked in the driveway and James Maxcy approached her car again.
- He pulled her out of her vehicle by her arm and pulled her into the house.
- After the couple entered the home he guided her through the house to their bedroom. He did not strike her further that night.
- Later that morning both James and Julie Maxcy each went to work.
- Julie Maxcy stated that she did discuss the incident with, and did show her injuries to both Pam Reid and Lynn Nolan after she arrived at work.
- She was encouraged to report the incident to law enforcement but she did not.

While at our office in Bartow, Julie Maxcy did provide her old cellular telephone to Brian Moore who is a media specialist with our office. Ms. Maxcy allowed Mr. Moore to photograph the telephone displaying two photographs and their associated file information. The photographs are of a hole in a wall at their residence which was, according to the file information, taken on 03/06/2012 at 0721 hours. The second photograph is a photograph of a bruise on a subject's arm which Ms. Maxcy states is the bruise on her arm which occurred when James Maxcy pulled her from her vehicle to their house.

This photograph, according to the file information, was taken on 03/06/2012 at 0717 hours. Assuming that the date and time was set correctly on the telephone which took these photographs the file information would indicate that the incident took place prior to March 6th of 2012.

Information Related to Judge Susan Flood

- First met Judge Susan Flood a few months after Bubba was assigned to her.
- She interacted with her and she became uncomfortable about their relationship. They texted a lot off duty. Flood also took Bubba for a ride on her Sea Doo in the lake. This interaction was peculiar. Judge Flood sent him pictures of her daughter's prom dress and while she was cheerleading.

- Bubba took Susan Flood's advice over hers, even pertaining to medical issues despite her being a nurse.
- He began following her home to "protect her". She thought this and his other off duty interaction was abnormal.
- Judge Flood gave him \$5000 to purchase a car. Bubba and Judge Flood picked it out and never asked her permission or input. Bubba later took \$5000 of their tax return money and said he gave it to Susan Flood to pay her back. She is not certain if the money actually went to her or not. She didn't like the entire car purchase issue and confronted Bubba about the situation. He told her it was not her concern.
- Susan Flood never gave her any gifts, but did buy her children gifts to include: clothes, shoes, & passes to Lego Land.
- Her kids have told her that Susan Flood gave them Puma outfits, Anna Maia & Columbia shirts.
- The kids relayed that they have been to Susan Flood's beach house at Anna Maria with Bubba and also have ridden her Sea Doos at her Frostproof Lake House.
- She and Bubba have 50% shared visitation with kids. Initially after the divorce they did not speak and the relationship was tense. Bubba wouldn't even park in her driveway.
- Their relationship has gotten better over time.

Bubba Maxcy's First Visit Inside Julie Maxcy's Home - July 24, 2013

- The first time he has ever come inside Julie's house was July 24, 2013.
- She knows this specifically because it was the day that the allegations made by Alisha Rupp were publicized in the media.
- She saw it on television during the 5:00 p.m. news
- Julie was concerned for his safety because of prior threats of suicide and the fact that he cares so much about his name and public perception. She called and texted Bubba, but he didn't respond.
- She then called the wife of one of Bubba's friends to help reach him. When that didn't work she called Susan Flood. She had her number because Flood had contacted her during their divorce to see if she needed help, and then a few months later regarding a helicopter bill (resulting from their child's medical care). She stored her number which she believes was her cell phone.
- Julie called Flood between 7-8:30 p.m. She got Flood's voice mail and left her a message regarding Bubba and asked for a return call.
- She estimates that in about 30 minutes Susan Flood returned her call. She put her on speaker phone so Lynn Nolan could hear and they stepped out onto the porch to talk to her away from the kids.
- She said Flood started telling her that it was not true and it was a baseless allegation. She told Flood that she didn't care about that and was just concerned for his safety. Flood told her she did not know where he was and had not talked to him since earlier in the day. Flood told Julie that the Sheriff's Office probably told him not to talk to anyone. The conversation lasted less than 10 min.

- Approximately at 10-10:30 p.m. Bubba showed up at their house and knocked on the door. He was not supposed to be coming by. He told her that he had gotten her text, but was in an interrogation by PCSO Detectives.
- He was in tears and came inside to sit down. The kids were in bed at this point. He told Julie that none of the allegations were true.
- He told her that the Detectives played good cop bad cop with him and it was hard to sit through. He told her about one of the Detectives making a Bill Clinton reference and they took his phones, badge, and weapons.
- Julie told him that she had called his friend and Susan Flood. He said he hadn't talked to Susan because they took his phones. She offered Bubba her cell phone to call Susan Flood which he utilized to call her.
- She was present in the room for part of the conversation. She was trying to give him privacy, but he said it was ok. Lynn Nolan stayed in the room with Bubba throughout the majority of conversation and Julie was in and out.
- Julie heard Bubba telling Flood about the interrogation. She believed a portion of the conversation was related to their text messages.
- He was making reference to having deleted something, but she didn't know what he was talking about because she could only hear his side of the conversation. The portions of the conversation that she heard was only Bubba telling her about the questions he was asked by the Detectives and text messages.
- She said they talked for 25 minutes. She knows this because she later had checked her call log history. The bulk of the conversation was relaying information to Flood about his interrogation and text messages.
- She checked the call log history because she was irritated to hear that Susan Flood was telling the media that she had not talked to Maxcy and categorically denied the allegations. This made her "sick" because she knew that Susan Flood was lying because they spoke in her house using her phone on the night of July 24, 2013.

Areas Where Susan Flood Assisted James "Bubba" Maxcy

Divorce Paperwork

- She made an assumption that Susan Flood was assisting him with the divorce. Bubba did not tell her that he had an Attorney helping him. Julie said the papers were written in a legal manner that he wouldn't have knowledge to write.
- The terms of the divorce were shared custody 50/50. The residence for school was to be his home, which was Bubba's wish. There was no child support or alimony. She "quit claimed" the house over to him. She consulted Allison Copley, but chose not to fight him because she just wanted out of the marriage.
- Julie knows that people he worked with were names or signatures on the divorce paperwork, but couldn't recall details.
- Julie was not aware of Susan Flood's sister, Nancye, assisting with the divorce paperwork.

Tax Paperwork

- She was not aware of Susan Flood helping or advising Bubba about their taxes, either before or after they were divorced.
- Julie also was not aware of Susan Flood's sister, Nancye, assisting with the taxes.

Medical Transport Helicopter Debt and Subsequent Law Suit

- The medical transport bill resulted when their son Jonathan was flown from Sebring to St. Joseph's Hospital in St. Petersburg for emergency respiratory treatment.
- The children were on Bubba's PCSO medical insurance which she believes was United Healthcare at the time.
- As a result of the treatment there was family debt that was incurred as a result of the transport and treatment of their son.
- She did not open and deal with a lot of the medical bills.
- They were getting bills from the helicopter company for the transport.
- The insurance company sent them a check for approximately. \$10-11,000.00 for the transport.
- The check was deposited, presumably by her, into their joint account. She doesn't recall who endorsed it. She estimates that this occurred between 2005 and 2006.
- She transferred the bulk of the money into an account that was just hers (utilized like a savings account), but all of their accounts were linked. As she took care of most of the finances in the household, this was not uncommon. She would move money back and forth as it was needed.
- She moved the bulk of this large check to save it for when they needed it. She said Bubba loved to spend money. She in part moved the money to prevent him from spending it. She said large purchases were generally discussed between them, but she maintained the accounts.
- She stated that they eventually spent the money on joint marital debt. She did not acquire it and utilize it for herself.
- In 2007 she was being contacted by a collections agency. She made a payment which they did cash. They were not given credit for the payment and they would not accept her payment arrangement offer of \$50/month. They could not pay the bill because of her pregnancy and her being out of work.
- Sometime between 2008 and 2010, she said that as a result of the unpaid medical debt a lien was placed on their house for the amount owed to the helicopter company. Bubba was aware of all of these issues.
- After leaving their house during the process, Bubba contacted her and said that he was trying to get the lien settled so he could refinance the house under a hardship mortgage.
- Bubba told her that the lawyers for the helicopter company were now involved and were going to charge her with grand theft unless the money was repaid. This seemed peculiar to her, but he was very convincing and made her believe she would go to jail.
- He told her they would agree to take their tax return money and settle the debt if they would file jointly. She said she was planning on filing separately that year.

- Bubba told her he was getting legal assistance, but didn't say who.
- As a result of the threat of being charged criminally, she agreed to file her taxes jointly.
- She said they got back approximately \$9,400 from the IRS as a result of the joint filing. She said the money was direct deposited into his account, and Bubba took it all.
- He told her he used it to settle the debt, but has refused to provide her with any receipts or documentation. She has no proof of where the money went.

Alisha Rupp

- She has met her once, but has heard Bubba talk about her. She got the impression that Bubba, Alisha, Judge Harlan, and Susan Flood were all very friendly and had a good working relationship.
- She knew that Alisha and Bubba were texting outside of work, but she was not suspicious of her.
- She did not know them to have any problems with one another.

INTERVIEW WITH LYNN NOLAN [REDACTED]

On 08/03/2013, Investigator Mike Brown responded to [REDACTED] Avon Park, FL 33825 and met with Julie Maxcy and Lynn Nolan to inquire if they had any pertinent information related to this investigation. Upon speaking with both parties informally, it was determined that a sworn taped statement needed to be obtained from both parties. Lynn Nolan was served with a witness subpoena on 08/05/2013. On 08/06/2013, Nolan reported to the SAO pursuant to her subpoena. Lynn Nolan was placed under oath and a formal interview was conducted by members of the SAO and the PCSO. The following is a synopsis of the interview:

- Lynn Nolan was able to provide limited details regarding domestic violence within James and Julie Maxcy's marriage, with the majority of the information having been relayed to her by Julie Maxcy.
- Ms. Nolan did observe the injury to Julie Maxcy's mouth following the incident in which she was struck.
- Ms. Nolan relayed that on the night prior to observing the injury to Julie Maxcy's mouth she and Ms. Maxcy were at the home of one of Maxcy's friends, Stacy. She is not certain, but believes that the group watched a movie and must have fallen asleep, because it became very late and James Maxcy was calling his wife wanting her to come home.
- Julie Maxcy's vehicle was parked at her place of employment; she rode to the friend's house with Lynn Nolan.
- After James Maxcy's call, Ms. Nolan drove Julie Maxcy back to her vehicle. Julie Maxcy got into her vehicle and drove home.
- Julie Maxcy called Lynn Nolan after Maxcy arrived home.

- She told Nolan that James Maxcy had stopped her on the way home, and had struck her in the mouth. Ms. Maxcy also shared that upon arriving home James Maxcy pulled her by the arm into the home, but that no further violence occurred after that, only arguing.
- Ms. Nolan saw Julie Maxcy the following day at work. At this time Julie Maxcy showed her the bruise on her arm caused by her being pulled into the house.
- She also showed Nolan an injury to her lip (lower displayed). Lynn Nolan described it as bruising, visible on the outside, but mainly visible on the inside of her lip.
- Lynn Nolan advised Julie Maxcy to call law enforcement and file a report. Ms. Maxcy refused, stating that she did not want her husband to lose his job.
- Ms. Nolan then encouraged Ms. Maxcy to at least have another witness to the injury.
- They approached Pamela Reid. They went into the office manager's office and Julie Maxcy showed her injury to Ms. Reid.
- Ms. Reid also encouraged Julie Maxcy to notify law enforcement but Ms. Maxcy refused, again stating that she did not want her husband to lose his job as a result of the incident.
- Ms. Maxcy asked Ms. Nolan and Ms. Reid to promise not to disclose the information.
- Lynn Nolan believed Julie Maxcy's version of events regarding how she received the injury. She described Julie Maxcy's demeanor that morning as being very upset and that she was crying.
- Ms. Nolan had no further direct knowledge of the battery incident.

Lynn Nolan's Statement Regarding Bubba Maxcy's to Her Home - July 24, 2013

- She and Julie Maxcy heard about the allegations made by Alisha Rupp on the 5:00 p.m. news on July 24, 2013.
- Julie was concerned for his safety because Bubba has suffered from depression.
- They attempted to call his phone, and tried to reach him through his friends, his sister, and Susan Flood.
- Julie previously had Susan Flood's number saved.
- She stated that Julie always felt that Bubba and Susan Flood had an inappropriate relationship when they were married.
- Because of these previous issues, it was not a surprise as to the allegations about him and Susan Flood being in a sexual relationship.
- Susan Flood called Julie back later that night at approx. 7-9 p.m. on Julie's cell phone. Julie put it on speaker phone and she was able to hear the conversation.
- Susan Flood denied the relationship and said that she had not heard from him that evening.
- Susan Flood told Julie that she knew Bubba was being interviewed by the Sheriff's Office.
- Julie asked her to let Bubba know.
- Bubba showed up at their house later that night. It was unexpected. He was crying and very upset. They invited him into their house.

- Bubba told them that he had been in questioning for several hours. He said they were mean and that the Detectives played “good cop / bad cop”. They took his badge and weapon.
- He told them he was questioned about the affair and that it was absurd. He said a Detective making a Bill Clinton reference and that it made him mad.
- He said he then got defensive and loud at that point.
- While Maxcy was at their house Julie offered to let him use her cell phone to call Susan Flood. He took her up on the offer and carried on about a 20 minute conversation. The phone was not on speaker.
- She said she could only hear Bubba’s side of the conversation. However, based on his dialogue she was able to understand what they were talking about.
- She could tell from his answers at first that Flood was asking him how the interview had gone. He told her the same thing about the good cop / bad cop technique they used on him, that his equipment had been taken away, and about the Bill Clinton comment.
- Bubba then told her that they had confiscated his cell phones. She said Bubba got quiet and she could tell flood was talking. She believed that Susan Flood was asking him specific questions about his cell phones and text messages. This is because Bubba was answering “deleted, no deleted, no deleted, nope, no.” Then he said “only the message from 5:00 when I told you it was on the news”. This is how she knew the conversation was about the text messages in his phone.
- It was obvious from the conversation that he was being specifically questioned by Susan Flood.
- She said that the phone was discussed for more than half of the phone conversation.
- She considered the conversation to be very strange. It was very suspicious to her that Susan Flood’s questioning during that conversation was specifically related to his cell phones and the messages.
- She later read that Susan Flood had told the media (she thinks The Ledger) that she had not spoken to Bubba. This upset her because she witnessed Bubba talking to her inside her house on Julie’s phone.
- She said “if she (Susan Flood) lied about that, how am I supposed to read the rest of the story and believe that anything she is saying is true”.

INTERVIEW WITH JAMES “BUBBA” MAXCY

After many interviews, subpoenas for records, search warrants, and investigative efforts, Bubba Maxcy was asked to appear at the State Attorney’s Office on 8/23/13 for an interview. Maxcy left a message on 8/22/13 at 4:21 PM on Det. Bias’ phone stating “after speaking with all of my lawyers yesterday, they wanted me to let you know that they are highly pissed off that the Sheriff’s Office is trying to contact me when I’m being represented. If anybody needs to talk to me or get in contact with me you can please contact William Fletcher at the Sebring Office”. After receiving this message we were unsure if Maxcy was planning to appear for his interview. As a result, Investigator Lorena Diaz served Maxcy with an Investigative Witness Subpoena on 8/23/13 at approximately 8:15 AM at the South County Jail.

On 8/23/13 at approximately 1:00 PM Maxcy was interviewed pursuant to a State Attorney's Office subpoena. He was accompanied by his attorney Bill Fletcher. Present during the interview was State Attorney Jerry Hill, ASA Brad Copley, Investigator Cone, Sgt. Burcham and Det. Bias. Maxcy was placed under oath and the interview was audio and video recorded. Following is a summary of the interview. Please refer to the transcript for complete details:

- Maxcy has been employed for approximately twelve years at PCSO. He was a bailiff for the last two years and is now currently assigned as a detention deputy at the South County Jail.

Domestic Violence Allegations

- He was married to Julie Maxcy until around May 2012 (the date is actually March of 2013). They have three boys together. Since their divorce they share custody. Julie is an LPN.
- Kathleen Brooks, Julie's Aunt, lived in the home and helped look after the children. [REDACTED]
- In March of 2012 around 3 AM on Lakeview in Highlands County. Maxcy said he suspected something was going on with Julie and someone else. She did not come home, so Maxcy went looking for her. He passed Julie and turned around. She pulled over and Maxcy asked where she had been. Julie said she had been with a friend. Maxcy said he was emotional and angry. He said he does not remember punching Julie in the mouth or touching her violently at all. He was not aware of photos taken of Julie's injuries.

Note - Maxcy left the room and consulted with his attorney. After coming back in, he apparently was able to refresh his memory and stated the following:

- After Julie stopped her vehicle, Maxcy went up to the door and reached in to grab the keys. While pulling his arm out, he hit her on her upper lip with his elbow. He does not remember doing so. She tried to get out and he grabbed her upper arm and told her they needed to talk. He did not actually get Julie's keys and he does not remember hitting her. He saw the injuries to her arm and her mouth the next day.
- The incident was not reported to law enforcement.
- He said this incident happened about a month before she left him. [REDACTED]
- Maxcy denied ever putting his hands on Julie's neck in anger.
- He said he remembered the time he flipped the sofa over with Julie on it. He said they had been arguing about the break up but he does not remember why he flipped it over.
- When presented with Julie's account of the incident, he said it could have been because Julie found out things on Facebook about him and was mad.

- With Julie sitting on the couch, he picked the front of the couch up and tipped it backwards. He said she did not get hurt. He said he did it out of anger.
- He said he probably has had her up against a wall with his finger in her face.

Stefanie Hendrick and Jamie Spurlock

- He has known Stefanie Hendrick since high school. They recently reconnected and have been involved in a sexual relationship. Jamie is Stefanie's friend.
- On one occasion in April of 2012 there was a pool party at Maxcy's neighbor's house.
- Maxcy had been drinking alcohol.
- He got upset and left the party later in the night. Maxcy went home to his house and left the party goes at the neighbor's house.
- Jamie and Stefanie were in Maxcy's driveway getting ready to leave and Jamie stated to Stefanie "█████ him, he's acting like a █████".
- Jamie and Stefanie left in their vehicle. Maxcy got in his truck and followed them. He caught up to them at Lafayette and Dozier. It was about a half a mile from his house. He stated they stopped their vehicle and backed up. Jamie got out and approached his truck.
- Maxcy said he was angry and the reason he followed them was to make sure they were leaving the area. He denies pulling in front of them in an effort to stop them. He denied getting out of his truck. Maxcy told Jamie he didn't like the drama and to stay away. He said he probably called her a whore, but he did not threaten to have her arrested. Maxcy said he has thrown Stefanie off of his property before this event.
- This incident was not reported to law enforcement. He does not remember having any contact with Jamie Spurlock after that incident.
- He is surprised to hear Stefanie and Jamie were fearful of him. He denied the intent was to scare them.
- Maxcy said he takes Wellbutrin (an antidepressant), Prozac (an antidepressant), medicine for Crohn's disease(Cimzia), and Trazodone (an antidepressant) at night to sleep. He has been told not to take alcohol with the medicine. He has been on Prednisone as well.
- Maxcy said he does not think he has an anger problem, but he admits he gets loud. When asked if he thinks he has it under control, he said "no".

Maxcy and Judge Flood

- Santiago approached Maxcy and asked him to fill in for him while Santiago was out on medical leave. Maxcy did not know Flood before this and only met her after he became a bailiff. He got along well with Flood. She is very personable and friendly.
- When Santiago came back, Maxcy went back to being a floater. He still stored his items in Flood's suite. One day he went there to get his bag, and he heard yelling in Flood's chambers.
- Flood told Maxcy she wanted him to be her bailiff if Santiago ever left.

- Maxcy heard Santiago ask Sgt. Rios to be moved because he could not handle that many inmates after coming back so soon.
- Flood asked Santiago about it. Flood told Santiago he should take two more weeks to get well before coming back. Flood came to him two or three days later and asked him to become her bailiff.
- Maxcy felt like Santiago was not talking to him and was treating him badly.
- Maxcy soon heard the rumors about him and Flood. Maxcy went to Lt. Petote and told him about the rumors. He overheard Santiago talking to bailiff Brito in briefing saying it was obvious why he was moved and it was obvious what was going on between Flood and Maxcy.
- Maxcy denied knowing why the rumors started. He doesn't know why he can't be friends with females without people thinking he is involved in a sexual relationship.
- When told people saw them as flirtatious, always together, texting a lot, sitting in the parking lot together, following her home, getting together outside of work, going to her beach house, going to her kid's functions, texting all times of the night, and spending a lot of time together behind closed doors, and twenty minute midnight talks with Flood, Maxcy said he didn't see anything wrong with it.
- When asked why he and Flood spent so much time behind closed doors, Maxcy said it was because Flood did not want anyone to hear what they were talking about, specifically the Judicial Assistants. He said he was usually upset and crying about his divorce. When asked if his divorce wasn't over in March, he said they weren't talking about his divorce the whole time he worked for her.
- Maxcy said they were behind closed doors talking about what people were saying about them.
- Maxcy stated he still could not figure out why people talked about them. He said they are rumors and have no basis in fact. He did not acknowledge the behavior would lead someone to believe they were involved. He has no idea why he did not cut off the appearance of an affair by moving to a different courtroom. He chose to stay rather than let people's accusations run him off. He said Lt. Petote told him he couldn't control what other people say.
- When asked if Flood told him she loved him, Maxcy said there are a lot of people that tell him they love him. Maxcy said he has never kissed Flood on the lips. He said she kissed him one time on the forehead when he was upset.
- Maxcy denied Flood gave him \$500 at the beach. He said they met near Anna Maria. Maxcy was there with several people from the Sheriff's Office. Alisha texted him and said he should come to Flood's beach house. Maxcy said he was not going to bring all of the people over there. Flood and Alisha showed up in Flood's vehicle. They talked for awhile. Maxcy denied any money exchanged hands and denied he and Flood kissed. Maxcy said it was Alisha's idea to come out and see him at the beach. Maxcy did not think this was strange or curious.

Maxcy and Alisha Rupp

- Maxcy met Alisha when he became Flood's bailiff. They were friends and confided in each other.
- Alisha told him she was hearing rumors about Flood and Maxcy. Alisha told him not to worry about it and he couldn't control what other people said.
- Soon after he started in 2011, Alisha and Maxcy exchanged phone numbers. They talked a few times late at night when Alisha called him. They did not socialize outside of work and she has never been to his house. They have been to lunch, just the two of them, on two occasions. The first time was at Ruby Tuesdays and the second time was at Curly Tails. Both times was Alisha's idea. Maxcy paid for the lunch at Ruby Tuesdays.
- The second time they went to lunch around the first of June (June 4th) they went to lunch at Curly Tails. The Judges were at a conference. Alisha told him her Dad bought her a new BMW. She picked him up in back of the Courthouse and they drove to Curly Tails. Alisha paid for his lunch and they ate. They talked about Maxcy's ex-wife.
- They never talked about money and he did not threaten her with her job. He did not tell her to pay him \$4,000. After lunch, she dropped him off on the south side of the courthouse before driving off.
- Alisha has confided in Maxcy that she and her husband, Alvin, were having marital issues. There was a time she had a gun and was going to kill herself. Alvin took the gun from her. Maxcy did not report it because he thought it happened a long time ago.
- Alisha sent two nude photos of herself to Maxcy. He does not know why she sent them. He deleted the first one but kept the second one. He told Alisha she was a freak for sending them to him. He denied taking Alisha's phone and sending the photo of Alisha to himself.
- Maxcy has no memory of what he was doing on May 30th, 2013, the day Alisha claimed Maxcy battered her. After Alisha's allegations and Judge McKibben's investigation, Maxcy never went back and tried to piece together what he was doing on that particular day. He did not check bank records, phone records, or his work schedule. He has no memory of that day or if he left the courthouse early.
- Maxcy has no idea why Alisha would make up the allegations.
- He said Alisha got angry with him one day when she thought he went to lunch with Melissa Maxwell and another trial clerk. Alisha yelled at him and asked why he would do that to her. Alisha called the clerks "skanks". Alisha made a big deal out of the possibility he went to lunch with them. [REDACTED]
- Maxcy in hindsight thinks Alisha may have been interested in him.

Nancye Cornelius and Maxcy's Divorce Paperwork

- Maxcy said Nancye provided him with the divorce packet.
- Nancye typed the divorce documents, but he received the documents from Flood.
- He gave Nancye the terms of the divorce and Nancye typed it up.

- Nancye gave the papers to Flood and Flood brought them to him at work.
- He conferred with Flood about some details when he had questions.
- He denied working on the divorce papers in Flood's chambers.
- Alisha notarized the paperwork.
- When pressed for clarification, Maxcy said his understanding is that Nancye prepared the documents. He said Flood told him that.
- Maxcy did not do any work on the divorce papers.
- Maxcy paid to have it filed and Nancye filed the papers for him in Highlands County.

Maxcy and Flood Tax Preparation

- Flood prepared Maxcy's tax return for 2012.
- She did the work on her work computer in her chambers.
- Maxcy said his family advised him to file jointly with Julie even though they were getting divorced.
- He did not remember speaking with Flood about the advantages of filing jointly.
- He believes Flood used a tax program to complete the tax return.
- Maxcy had a conversation with Julie about filing jointly. He told her they could use the tax refund to pay a debt they incurred while married. He found out earlier that Julie used an insurance check for personal reasons instead of paying for the medical debt.
- Maxcy said he told Julie he would work out a settlement with the creditors and he would use the refund to pay the debt.
- Maxcy said he told Flood what he was going to do, and it was not Flood's idea.
- He told Julie it was a serious situation and he did not know what the statute of limitations is on grand theft. He was crying on the phone when he told her that.
- Maxcy said he took the tax refund and did not pay the debt. He said it was his intention to pay the debt and that was his agreement with Julie.

Maxcy/Flood Conversation - After Being Placed on Administrative Leave

- After he was placed on leave, he drove to Julie's house. He had never been inside of her house before. Lynn was present. Maxcy was crying and upset.
- Julie told him Flood was worried about him and was looking for him.
- Julie called Flood and Maxcy spoke with her on Julie's phone. Maxcy told Flood he was fine and that he was placed on Administrative Leave.
- Maxcy was the only one who spoke to Flood during that phone call.
- They talked about the press conference and that he could not believe Alisha said those things about him.
- Maxcy denied Flood told him to get rid of any texts, photos, or messages.
- He does not recall the word delete coming up in the conversation.
- He does not know why Julie and Lynn heard him repeatedly talking about deleting things while speaking with Flood.
- He admitted he deleted things from his phone, including naked photos of other women.

At this point in the interview, Maxcy's attorney asked to take a break. After approximately five minutes, the interview resumed and was again recorded.

- He denied deleting anything off of his phone that was about Flood.
- He never had any inappropriate texts or photos with Flood.
- He never had sex with Flood and Alisha is lying about walking in on Flood and Maxcy having sex. Maxcy started crying and said Alisha has turned his world upside down.
- He said he texted I love you and I miss you to Flood, and she texted him the same.
- He could not explain the late night texts and conversations. He could not come up with the content of their late night phone calls. He kept saying he does not know what they were talking about it.
- He denied Flood ever sent him nude photos of herself.
- When confronted with the amount of communication between them at night and on weekends, Maxcy kept saying he "had no idea" what they were talking about.
- He denied he was covering for Flood. Flood is like his mother and she is always checking on him.
- He said he does not see anything wrong with all of the late night communications.
- Maxcy denied Flood ever told him she was having marital problems.
- He claims the conversations were mostly about him and his problems.
- He said he went to Flood's house after he was placed on Administrative Leave. He went with Denby to check on Flood because he was worried about her. He took Denby so he would have a witness in case anyone made any accusations.
- When pressed, Maxcy could not give one example of what he and Flood talked about at night after spending the day together. He stated it could have been she was asking about his health. She made sure he took his medicine and ate the right diet.
- He denied knowing what was in it for Flood. He said he never gave her any attention that made her feel special. He denied knowing why Flood would spend time away from her family talking to Maxcy at all times of the night.

Judge Flood Giving Maxcy Money for Vehicle

- In 2012 he was having vehicle trouble and did not have money to buy a car.
- Flood and Maxcy went to Bartow Ford. Flood offered to pay the \$5,000 down payment. The agreement was for Maxcy to pay her back with their tax refund.
- Maxcy said Julie knew about it.
- Maxcy paid the money back with cash when he received his tax refund because he did not have any checks.

Judge Flood's Sickness Claims

- Maxcy denied Flood's claims that she was sick. He said he never had to help her to and from the courtroom. He is not aware of any medical problems she has had.
- He denied Flood felt indebted to him for helping her.
- Maxcy did not know of any emotional problems Flood was having.

Maxcy's Truck

- Maxcy loaned his truck to Flood's daughter. When the truck was returned, the blown speaker was replaced. He denied Flood bought him a new stereo for his truck.

Flood and the Gun Range

- Flood wanted to go to the gun range because she wanted to shoot.
- They went out with firearms instructor, Terry Jones.
- Flood did receive a threat, but that is not why she wanted to qualify with a weapon.
- After the threat, he followed her home on one occasion. He denied ever doing it more than once.
- He does not remember checking her residence more than once or when it was unsecured.

Maxcy Denied:

- Ever speaking with Flood about her interview at the State Attorney's Office.
- Telling Flood he was coming in to the State Attorney's Office for his interview.
- Telling Flood about his interview with PCSO detectives.
- Talking with Flood about deleting things on his phone.
- Trying to protect Flood.
- Flood ever had a romantic interest in him. He denied it was anything more than a friendship.
- Alisha ever came on to him in a sexual or flirtatious way. Ever having any sexual contact with Alisha.
- Maxcy denied at first that Flood ever gave him gifts outside of Christmas or birthday. He then stated she brought gifts for his children. He remembered later about the shoes given to him and his kids. He denied Flood bought any Christmas gifts for his kids.
- There was anything inappropriate about the photo showing him and Flood sliding down a water slide together.
- There was *anything* inappropriate about his relationship with Flood.
- Ever looking through Alisha's phone.
- Denied engaging in sexual banter with Alisha, he then stated it is possible because they joked all of the time.

- He denied sitting in a parked car with Flood after work. If he did, he said she was giving him a pep talk about his problems or talking about what he was going to do with his kids.

A few days after the interview, Maxcy's attorney provided us with documentation showing Bubba and Julie Maxcy's 2012 tax return was prepared by a tax professional in Sebring. He also provided us with a receipt from Papa Johns Pizza for May 30th that shows Maxcy placed a pizza order at 5:30 in Sebring.

INTERVIEW WITH CHIEF JUDGE BRUCE SMITH

Chief Judge Bruce Smith was interviewed by State Attorney Jerry Hill, ASA Brad Copley, and Investigators Brown and Cone on 8/29/13 at the State Attorney's Office. Judge Smith was given the opportunity to address allegations made by Alisha. Following is a summary of that interview.

- The first Smith heard of Harlan and Alisha's desire to move suites was either June 28th or July 1st. He denied ever discussing it with Harlan or Alisha prior to this.
- Smith said he talked with Flood at the end of 2011 or at the beginning of 2012 about the rumors surrounding Flood and her bailiff. Smith asked Flood to come to his office and he thought it was his duty to tell her what the rumors were. The perception was there was something going on between Flood and her bailiff. Smith told Flood to stop going to lunch with him and stop having Maxcy walk her to her vehicle. Perception is important and she needed to stop.
- Judge Curry approached Smith about the rumors. Smith knew Judge Hunter and Judge Roberts spoke with Flood about the rumors too.
- Smith denied telling Harlan he would turn Alisha's timesheets over to the State Attorney's Office for prosecution unless Alisha was fired. He said he became suspicious of Alisha's time and spoke with General Counsel in the Court Administrator's Office. They advised Smith to direct Harlan to let Alisha go. If Harlan refused Smith was directed to report it to the JQC. Smith told Harlan to discuss it with Alisha and take care of it. On July 8th, Harlan told Smith she could not do it. Smith advised Harlan that if Alisha was at work on July 9th, he was making a phone call to Chief Justice Polston in Tallahassee. Alisha did not report to work on the 9th or 10th.
- Smith got an email from Alisha late on July 10th advising him of the sexual harassment. Alisha advised Smith she was coming in to work the next day. Smith replied and told Alisha she no longer had a job.
- The following Tuesday Alisha sent an email to Smith advising him Harlan terminated her.
- Smith denied Flood ever suggested or asked him to fire Alisha. Smith said he was getting complaints on Alisha from attorneys.
- In August or September 2012 Alisha reported she broke her ankle and wanted to work from home. Smith authorized her to work from home for two weeks. Alisha then requested to gather sick time contributions from fellow employees. Shortly after that Alisha was seen in town walking around without assistance. Smith felt he was duped by Alisha. That was the only time Smith approved Alisha to work from home.

- The Florida Employees Manual mandates JA's work forty hours a week at their work station.
- In 2012 Alisha incorrectly filled out her timesheet giving her credit for working when she was not. Court Administration caught the error and told her she owed close to \$2,200 dollars back to the State of Florida. Smith thought Alisha was manipulating the system since she never pointed out the discrepancy until it was caught. The forms submitted by Alisha were approved by Judge Harlan.
- Smith said he has been friends with Flood for years.
- Smith was not aware Flood ever received a threatening letter from a defendant. He was not aware Maxcy was providing extra security for Flood due to this.
- Flood was not intentionally trying to feed Smith information about Harlan and Alisha's time issues. Flood did answer Smith's questions about Harlan and Alisha when asked.
- Smith said Flood and Flood's JA, Susan Blackner, were exasperated with always having to cover for Harlan and Alisha because they were chronically late or absent.

INTERVIEW WITH CINDY STEVENS – FLOATER JUDICIAL ASSISTANT

Cindy Stevens was interviewed on 9/9/13 at the State Attorney's Office by Investigator Cone and Investigator Brown. She was placed under oath and the interview was recorded. Below is a summary of Stevens' statement.

- Stevens has worked as a judicial assistant floater for eleven years at the Polk County Courthouse. She covers Judge's phones and desks when JA's are out.
- Stevens forwards the Judge's phones to hers when she is covering. She also handles mail runs for the JA's when they are out.
- Stacey Hoskins in Court Administration organizes the coverage for JA's who are out.
- Sometimes Alisha would contact her direct for coverage instead of going through Stacey Hoskins.
- Alisha sometimes took the calendar with her when she was off and other times she would leave it for Stevens or the other floater JA to work off of.
- Stevens covered regularly for Alisha when she was out. She estimates she covered more than twenty times for Alisha in 2013.
- Stevens verified emails in my possession as being authored and sent from her. The emails were in reference to phone coverage provided for Alisha on specific dates.

Stevens provided us with text messages between her and Alisha discussing coverage for Alisha on specific dates.

SECOND INTERVIEW WITH ALISHA RUPP

After completing more than thirty interviews and collecting and analyzing forensic data, it was evident there were problems and inconsistencies with Alisha's allegations and previous sworn statement. An investigative witness subpoena was served on Alisha on 9/4/13 at her residence. Alisha was commanded to appear at the State Attorney's Office on 9/6/13 at 9:00 AM.

On 9/6/13 Alisha appeared at the State Attorney's Office with her attorney Lawrence Chadband. Present during the interview was Investigators Cone and Brown, Sgt. Burcham, Consuelo Bias, and ASA Nick Zbrzezny. It should be noted ASA Zbrzezny was not present for the initial part of the interview.

Alisha was placed under oath and the interview was recorded. She was asked if there was anything she wanted to clarify or amend about her previous statement. Alisha stated the following:

- The May 30th incident with Maxcy actually occurred on May 31st, a Friday. She was confused because there was a lot going on and the two days ran together.
- She did come in to work on the 30th after the awards ceremony. She got to work around 11:00 and participated in an injunction hearing at 11:00 or 11:30. After the hearing, she stayed a short while at work and left for the afternoon.
- On Friday May 31st, she is unsure what time she got to work. At lunch time, she got food in the cafeteria and ate at her desk. The incident involving Maxcy attacking her occurred earlier than she originally thought because it was Friday and most people leave early on Friday. The Judges and Susan Blackner were gone for the day. Alisha was wearing the Jean jacket and a dress. She went into the bathroom. When she came out Maxcy pushed her against the wall and battered her. She said the rest of the story is the same as she originally recounted.

Alisha was interrogated about changing her story and after making many inconsistent and obvious misstatements, she was encouraged to confer with her attorney before making further obvious false statements. After a short recess with her attorney, Alisha stated she wished to amend her previous statements. Following is a summary of the final amended statement:

- She relayed information to her previous attorney, David Linesch, about the date change and was under the impression he relayed that information to us.
- Her previous statements about Maxcy were inaccurate and false. He never tried to harm her.
- The incident on the 31st was consensual and was not against her will. They embraced and kissed and he felt on her body. He did not threaten her with his Taser.
- She admitted to willingly sending the nude photos of herself to Maxcy.
- They engaged in sexual intercourse on June 4th after their lunch at Curly Tails. They had sex on the floor in Judge Harlan's office. They both were on the clock when this occurred.
- During the lunch at Curly Tails, Maxcy asked her for \$4,000 but he did not threaten her if she did not pay him the money. She lied about him trying to extort the money from her.
- Alisha and Maxcy used to meet in a small office in the secure hallway outside of courtroom 8E. They met there more than twenty times in 2013. They kissed and embraced in the office, where there were no video cameras. They knew they would have some privacy because Maxcy would hear on the radio when court was over and the hallway was clear.

- The statements she made about Flood and Maxcy are true.
- She saw Flood and Maxcy embrace and kiss at the beach after Flood gave him \$500.
- She said it is true that she walked in on Maxcy and Flood having sex on Flood's table in her chambers.
- Alisha tried to protect her husband from finding out about her and Maxcy.
- She made the false allegations about Maxcy to help bolster her claims, through her attorney Linesch, about being fired. She has dropped her EEOC complaint and does not care about it.
- The sexual comments Maxcy made to her were part of their flirtatious relationship and were not unwanted.

Alisha was asked about the times she was out of the building and certified she was working an eight hour day. She stated that her time was accurate because she always took her calendar with her when she left the building. Alisha believed because she had her phone and a calendar with her when she was not at work in the courthouse, she deserved to be paid for "working".

After the interview, Alisha agreed, through her attorney, to take a polygraph in reference to her amended statements. The polygraph was set for Monday, September 9th, at 4:30 at the Sheriff's Office Operations Center.

During our interview with Alisha, Investigator Cone exited the room and made telephone contact with Stacey Hoskins in court administration. Hoskins was asked to check computer activity for Harlan and Flood's suite for May 31st due to Alisha's new incident date. Hoskins texted Investigator Cone the pertinent information during the interview that was relevant to the 31st.

After our interview with Alisha, Lt. Petote contacted Investigator Cone via telephone. He stated he received a phone call from Judge Flood informing him Alisha was at the State Attorney's Office being interviewed. Flood asked Lt. Petote if Maxcy was working on the 31st and if he left early that day. Lt. Petote was disturbed by Flood's questions and felt it was inappropriate that she was asking him to divulge information pertinent to an ongoing criminal investigation. Apparently the information we were seeking from Stacey Hoskins in the Court Administrator's Office was being channeled directly to Judge Flood, one of the subjects of our investigation. Further, it was apparent Judge Flood was overstepping her authority by using her position to, with no legitimate purpose, gather potentially vital information pertinent to a criminal investigation.

Additional Interviews:

Members of the State Attorney's Office and Polk County Sheriff's Office also interviewed the following individuals as part of this investigation: Judge Kevin Abdoney, Sgt. Mike Welch, Sgt. Gerald Dorman, Bailiff Bonnie Wingate, Bailiff Troy Denby, D/D Justin Moss, D/D Terry Jones, Bailiff Carlos Suarez, Bailiff Jessica Peterson, Bailiff Ruth Smith, and Pamela Reid, Jamie Spurlock, Melissa Maxwell, and Nancye Cornelius. Transcripts of these interviews were produced if possible, and were made part of the supplemental documents.

Summary:

The facts and details, as gleaned from the sworn interviews, reveal inexcusable to poor decision making on the parts of Alisha Rupp, Judge Beth Harlan, Judge Susan Flood, and James "Bubba" Maxcy.

Criminal charges have been filed against Alicia Rupp and Judge Beth Harlan.

I swear or affirm this report is correct and true to the best of my knowledge and belief

Inv. *Beverly B. Cone*

INVESTIGATOR BEVERLY CONE Badge NO: 3

September 13, 2013

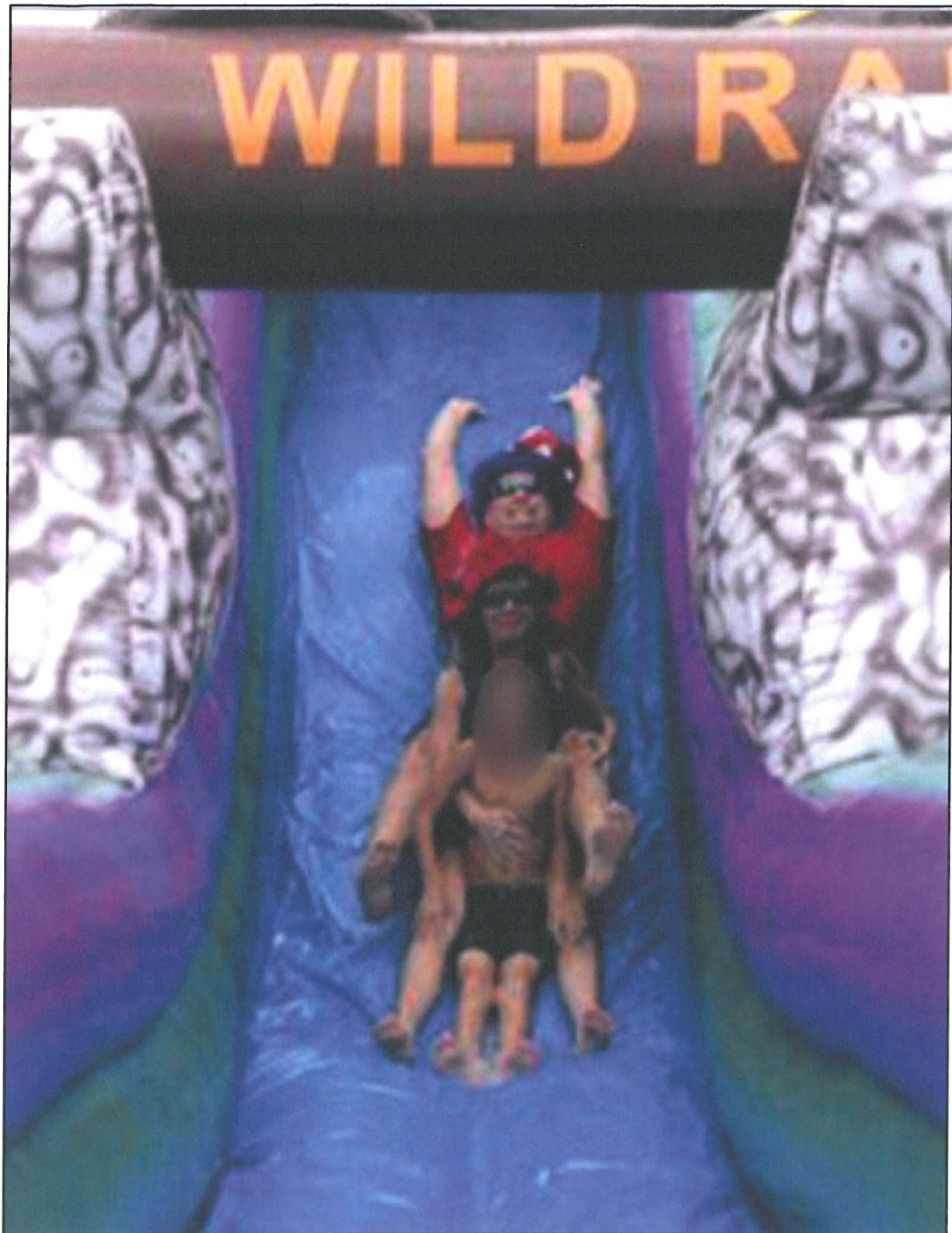
Date

Inv. *Mike Brown*

INVESTIGATOR MIKE BROWN Badge NO: 12

September 13, 2013

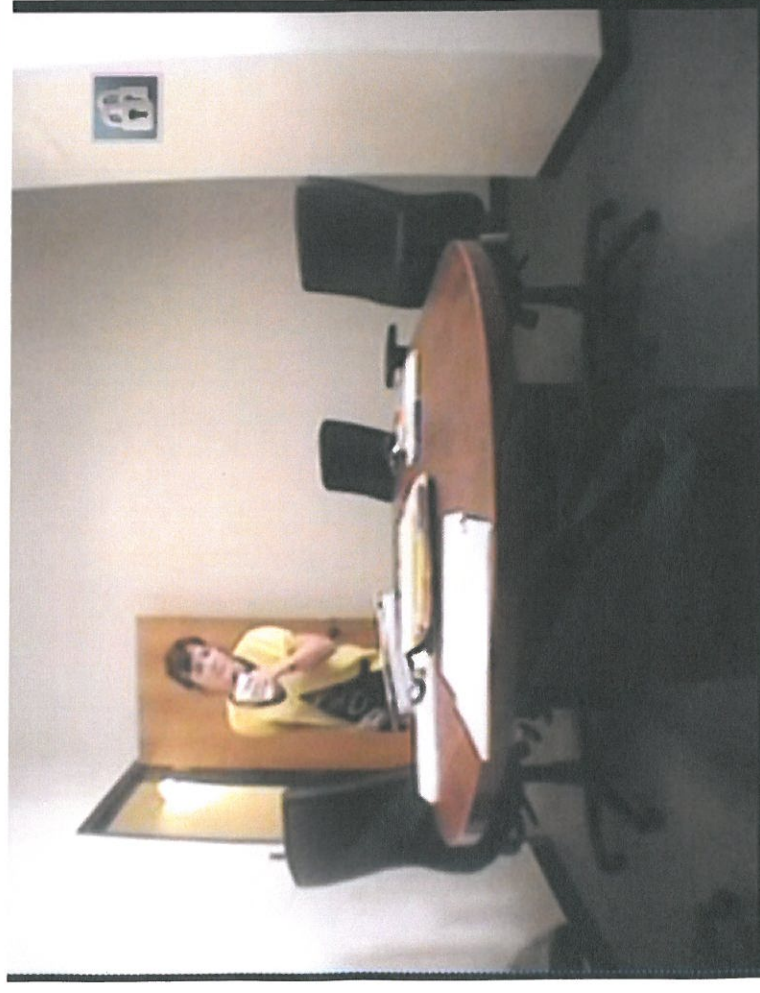
Date



Judge Flood and Bubba Maxcy and one of his children going down a water slide on June 29 2013. Obtained from Maxcy's public Facebook page.



SAO interviewers exiting room prior to break



Judge Flood alone in interview room during break