

**IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
IN AND FOR DADE COUNTY, FLORIDA**

AFFIDAVIT IN SUPPORT OF ARREST WARRANT

BEFORE ME, _____, Judge of the Circuit Court, in and for Dade County, Florida, personally appeared Investigator PEDRO PIDERMANN of the Florida Attorney General's Medicaid Fraud Control Unit, who being first duly sworn, deposes and says that he has reason to believe that certain laws of the State of Florida have been violated, in particular: Florida Statutes section 825.102(1)(a) Abuse, Aggravated Abuse, and Neglect of an Elderly Person or Disabled Adult; and that the facts tending to establish probable cause for this application are as follows:

Your Affiant is an Investigator with the Florida Attorney General's Medicaid Fraud Control Unit who was previously employed as a police officer with the City of Miami Police Department for twenty-three (23) years, serving as a Patrol Officer, a Detective and Sergeant-at-Arms. Over the years, your Affiant has conducted and participated in all types of criminal investigations addressing crimes against persons and property. Your Affiant has participated in surveillance and undercover operations and has obtained and executed numerous search and arrest warrants.

Pursuant to Florida Statutes section 16.59, the Medicaid Fraud Control Unit (MFCU) is authorized to investigate all violations of Florida Statutes section 409.920 (Medicaid provider fraud) and any criminal violations discovered during the course of those investigations.

The Agency for Health Care Administration (AHCA) is the State agency that oversees the Medicaid Program which provides health care services to the indigent. Affiliated Computer Systems (ACS), formerly Consultec, is the fiscal agent for the State of

Affiant's Signature _____

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Florida that administers Medicaid funds to the providers. The MFCU is also empowered to investigate abuse, neglect, and exploitation of the elderly. The MFCU is under the authority and supervision of the Office of the Attorney General of the State of Florida.

INVESTIGATION:

This Affidavit details an investigation by the MFCU into the abuse of an elderly person residing at Oceanside Extended Care Center, located in the city of Miami Beach, Miami-Dade County, Florida. The abuse was inflicted on the elderly person by one of the staff members, Emily Singleton. She is the subject of this probable cause affidavit. In furtherance of the investigation, your Affiant interviewed an eyewitness to the abuse, and several staff members at the facility. The result of your Affiant’s investigation follows:

1. The victim, D.E., is a 91-year old Medicaid recipient who suffers from mental and physical limitations due to her advanced age, to the extent that her ability to provide adequately for her own care or protection is impaired. D.E. resides at the Oceanside Extended Care Center, a nursing home, located at 550 - 9 Street, in Miami Beach, Miami-Dade County, Florida. She has been a resident of the Oceanside Extended Care Center since December 21, 2004.
2. Emily Singleton is licensed by the Florida Department of Health as a Certified Nursing Assistant, certificate number: 0395 265684093, which expires on December 31, 2005. She was employed in this capacity by Oceanside Extended Care Center during the incident in question.
3. The witness is employed by Oceanside Extended Care Center. Your Affiant received sworn testimony from her that on Monday, November 14, 2005 at approximately 3:30 P.M. she was near the victim’s room (#222-C), and heard the victim yelling out; “don’t do that to me” several times. This caught the attention of the witness, and she pushed open the victim’s room door. The witness then observed Emily Singleton, slap D.E. with an open hand twice. Once on the left shoulder and once on the left side of D.E.’s face. Emily Singleton was then observed by the witness, to grab D.E. by both shoulders, lift her out of bed, and slam her back into the bed. The witness asked Emily

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Singleton what she was doing to D.E. and to leave D.E.'s room. Emily Singleton began to respond aggressively and the witness could smell the scent of alcohol on Emily Singleton's breath. The witness then located the Director of Nursing and advised her of what had occurred. The witness identified Emily Singleton from her drivers license picture as being the individual she observed striking D.E. during this incident.

4. In the course of this investigation your Affiant also interviewed the Director of Nursing at Oceanside Extended Care Center (witness II). Witness II provided a sworn statement indicating that she was notified of the incident and confronted Emily Singleton. Witness II asked Emily Singleton what occurred, Emily Singleton began to respond with slurred speech and witness II could smell the odor of alcohol on Emily Singleton's breath. Witness II asked Emily Singleton if she had been drinking prior to starting her shift at 3:00 P.M. Emily Singleton admitted to witness II that she had been drinking prior to reporting to her 3:00 P.M.-11:00 P.M. shift. Witness II asked her to leave the facility, Emily Singleton attempted to clock out but was unable to due to her condition and then fled the scene.

5. On November 16, 2005, your Affiant attempted to interview D.E., but was unable to due her current mental condition.

Summary

Based upon the totality of the circumstances, your Affiant has probable cause to believe and does believe that on or about November 14, 2005, Emily Singleton did commit the offense of *Abuse of an Elderly Person* by an intentional act that could reasonably be expected to result in physical or psychological injury to an elderly person, to wit: by slapping D.E. twice, once on the left shoulder and once on the left side of her face, and grabbing D.E. by the shoulders and lifting D.E. off of the bed and slamming D.E. back onto the bed, in violation of Florida Statutes 825.102(1)(a).

WHEREFORE, your Affiant prays that an Arrest Warrant be issued commanding the Sheriffs of the State of Florida, all and singular, their Deputies, the Commissioner of the Florida Department of Law Enforcement, any of his duly constituted agents, the Attorney General's Director of Medicaid Fraud and his duly appointed Law Enforcement

Investigators and all Florida police officers with the proper and necessary assistance, to arrest EMILY SINGLETON.

INVESTIGATOR PEDRO PIDERMANN, AFFIANT

Sworn to and subscribed before me this _____ day of _____, 2005.

CIRCUIT JUDGE IN AND FOR DADE COUNTY