

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

**GENERAL JURISDICTION
DIVISION**

CASE NO.

MARIA VIDAL,)
as the Personal Representative)
of the ESTATE OF ANTHONY VIDAL,)
on behalf of the Estate, and his Survivors,)
)
Plaintiff,)
)
v.)
)
FLORIDA DEPARTMENT OF CORRECTIONS,)
an Agency of the State of Florida,)
)
Defendants.)
_____)

COMPLAINT AND JURY DEMAND

Plaintiff, Maria Vidal, as Personal Representative of the Estate of Anthony Vidal and on behalf his Estate and his survivors, sues Defendant, Florida Department of Corrections (FDC), an Agency of the State of Florida, and alleges:

Preliminary Statement

1. This is an action for wrongful death. On March 11, 2016, Anthony Vidal was brutally killed by Tarrin Blue, a prisoner at Dade Correctional Institution (Dade CI).
2. Defendant's employees and agents negligently failed to properly classify, house, and supervise Anthony and come to his aid, and failed to protect Anthony from harm. The audio

monitors in his unit had been turned off, so guards couldn't hear his screams for help and other prisoners yelling for them to intervene.

3. In fact, Defendant's employees and agents negligently placed Blue in the same cell as Anthony despite knowing that Blue was mentally ill, had a propensity for violence, was a dangerous and violent prisoner, and had beaten other prisoners without provocation.

4. This was not the first instance of a prisoner death at Dade CI. Including Anthony, thirteen (13) prisoners died at Dade CI in 2016.

5. The Defendant has kept Dade CI dangerously understaffed leading to preventable deaths. At the time Anthony was murdered, Dade CI was operating under a federal court settlement agreement based on its failure to properly house and treat mentally ill inmates such as Tarin Blue. *See Disability Rights of Florida, Inc. v. Julie Jones, Secretary of the Florida Department of Corrections, et al.*, 14-cv-23323 (S.D. Fla. 2018).

6. Plaintiff Maria Vidal, Anthony's mother and the Personal Representative of his Estate, seeks damages arising from Defendant's negligence and failure to protect Anthony from harm in total disregard for his life.

Jurisdiction and Venue

7. This is an action for damages in excess of fifteen thousand dollars (\$15,000.00), exclusive of interest, costs, attorneys' fees, and declaratory relief.

8. This Court has jurisdiction over the state law claims raised, pursuant to Article V, section 5(b) of the Florida Constitution.

9. Plaintiff has complied with all applicable pre-suit notice provisions of Section 768.28, Florida Statutes.

10. Venue is proper in Miami-Dade County pursuant to Section 47.011, Florida Statutes. At all times material to this action, Anthony Vidal was a prisoner confined in Dade Correctional Institution, Homestead, Florida, a correctional facility owned and operated by Defendant FDC, and was a resident of Miami-Dade County, Florida. Plaintiff is also a resident of Miami-Dade County.

Parties

11. Plaintiff, Maria Vidal, is the duly appointed Personal Representative of the Estate of Anthony Vidal, having been appointed Personal Representative by the Probate Division of the Circuit Court in and for Miami-Dade County, Florida, File No. 64819123. This action is brought by Maria Vidal, the mother of Anthony Vidal, in her capacity as Personal Representative of the Estate of Anthony Vidal and on behalf of his survivors.

12. Defendant FDC is an Agency of the State of Florida, subject to a suit for wrongful death pursuant to the Wrongful Death Act, Fla. Stat., §§ 768.16–786.27. The FDC has a responsibility to ensure that all inmates are properly and safely classified and housed. The FDC is charged by law with the responsibility to maintain all its facilities, including Dade CI, in a safe and secure manner which complies with the applicable rules and regulations of the FDC and proper correctional practices.

13. At all times material to this action, Anthony Vidal was a prisoner subject to the custody and control of Defendant FDC.

14. At all times material to this action, the guards and medical staff charged with Anthony's care were duly appointed, qualified, and acting officers, employees, and/or agents of the FDC or its contractors, employed by the FDC or its contractors, and acting within the course or scope of their employment and/or agency.

Factual Allegations

15. On the morning of March 11, 2016, Anthony was brutally attacked and murdered by Tarrin Blue, a prisoner at Dade CI.

16. Blue struck Anthony on his head, neck and chest, fractured his rib, lacerated his spleen, and choked him.

17. During this brutal assault, which lasted for several minutes, Anthony repeatedly cried out for help to no avail.

18. Other prisoners who heard the attack and Anthony's cries for assistance also screamed for guards to intervene.

19. But for nearly ten minutes, no guards came.

20. This was because, inexplicably, the audio monitors in Anthony's unit were turned off so that the guards could not hear Anthony's cries for help.

21. Eventually, a guard came to Anthony's cell front during a routine security check and finally noticed something was wrong.

22. However, by the time Dade CI guards and medical staff entered Anthony's cell, a full twenty (20) minutes after the attack had begun, he was unresponsive and not breathing.

23. Anthony was pronounced dead at 7:55 a.m.

24. His cause of death was later determined to be due to asphyxiation.

25. Just days before the attack, one or more Dade CI guards negligently placed Blue in Anthony's cell despite there being other single cells available for Blue and full well knowing that Blue was violent and mentally ill.

26. In fact, on information and belief, Tarrin Blue was mentally ill, and had negligently been housed in Administrative Confinement at Dade CI when he should have instead been single celled and housed in an appropriate setting for the confinement of mentally ill inmates.

27. This negligent failure to properly house Blue is evidenced by the fact that immediately after killing Anthony, Defendant FDC housed him in a single cell in the Mental Health Unit at Dade CI. Had Defendant FDC properly housed Blue, Anthony Vidal would be alive today.

28. Moreover, these guards and the FDC knew that Blue had a propensity for violence and was a dangerous and violent prisoner.

29. Just one month prior, Blue had viciously assaulted another prisoner after being placed in a cell with the victim and the attack occurred in the presence of a guard. Nonetheless, FDC guards negligently placed Blue in a locked cell with Anthony for hours and then negligently failed to come to Anthony's aid or otherwise intervene during Blue's attack.

30. But for the negligent actions of the employees and officers at Dade CI, Anthony would be alive today.

31. And Anthony's death was not an isolated incident at Dade CI.

32. Dade CI is one of the most violent prisons in the State of Florida.

33. Defendant FDC's inability to properly house and treat mentally ill inmates at Dade CI was the subject of a settlement agreement in a federal lawsuit. *See Disability Rights of Florida, Inc. v. Julie Jones, Secretary of the Florida Department of Corrections, et al.*, 14-cv-23323 (S.D. Fla. 2018).

34. Thirteen (13) prisoners died at Dade CI in 2016, which was nearly twice as many deaths as any other Florida prison, except for prison hospitals that serve the sick and elderly.

35. Then in 2017, twelve (12) prisoners died at Dade CI.

36. And now in 2018, at least three (3) prisoners have already died at Dade.

37. Defendant FDC has admitted to Florida's legislature in budget requests that understaffing and hiring inexperienced guards has contributed to an increase of violence in Florida's prisons.

38. The Secretary of the Department of Corrections said, "we are working [corrections officers] to death because of the vacancy rate. I don't have time to train them."

39. But FDC salaries are too low to retain experienced guards, particularly in the expensive South Florida region, where Dade CI is located.

40. Compounding this problem, Dade CI is also dangerously understaffed.

41. Defendant FDC's facilities are so chronically understaffed that one independent audit found that an emergency should be declared to keep guards and prisoners safe.

42. Another study ordered by the State legislature found that Florida's prisons are so understaffed that the FDC can only, at best, maintain minimal coverage of critical security and operational functions.

43. This study also ordered by the State found that there was a "a significant lack of experienced staff in the facilities and supervisory staff who . . . were spread too thin."

44. Yet, FDC's prisons, including Dade CI, are still understaffed, no state of emergency has been declared, and deaths in prison have continued to rise for several years.

45. Defendant FDC's negligent understaffing and hiring of inexperienced guards has led to preventable deaths like Anthony's.

Claim for Negligence and Wrongful Death

46. This wrongful death lawsuit is against Defendant FDC for the negligent classification, housing and treatment of Anthony Vidal, and failing to protect Anthony from harm, while incarcerated at Dade CI resulting in his death in violation of Florida's Wrongful Death Act, Fla. Stat. §§ 768.16-768.27.

47. The negligent acts of Defendant FDC's agents and employees were done while acting within the course and scope of their employ and/or agency with Defendant FDC. Thus, Defendant FDC is vicariously liable for the actions of its agents and employees when they committed the negligent acts alleged herein.

48. Defendant FDC owed Anthony a non-delegable duty to use reasonable care to ensure that Anthony was properly classified and housed for his safety and well-being.

49. Defendant FDC failed to perform its duty to use reasonable care to ensure that Anthony was properly classified and housed for his safety and well-being, thereby abandoning Anthony.

50. The carelessness and negligence of the FDC and its employees and agents, as set forth above, were the direct and proximate cause of the serious personal injuries sustained by Anthony and directly and proximately resulted in his death.

WHEREFORE, as a result of the tragic and untimely death of Anthony Vidal in violation of Florida's Wrongful Death Act, the Survivors of and the Estate of Anthony Vidal seek all possible damages under state law, including the following:

- A. Maria Vidal, as the mother of Anthony Vidal, has sustained the following damages:
 - 1. Loss of support and services of her son;

2. Mental pain and suffering from date of injury; and
- B. The Estate of Anthony Vidal has sustained the following damages:
1. Loss of earnings of Anthony Vidal from the date of his death, less loss support of her survivors excluding contributions in kind with interest.
 2. Loss of perspective net estate accumulations;
 3. Funeral and burial expenses incurred as a result of the death of Anthony Vidal that have become a charge against her estate or that were paid on her behalf; and
- C. Each and every other Survivor has sustained the following damages:
1. Loss of support and services of their family member; and
 2. Mental pain and suffering from the date of injury and continuing for the remainder of their life.

Jury Trial Demand

Plaintiff demands trial by jury.

Respectfully submitted,

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