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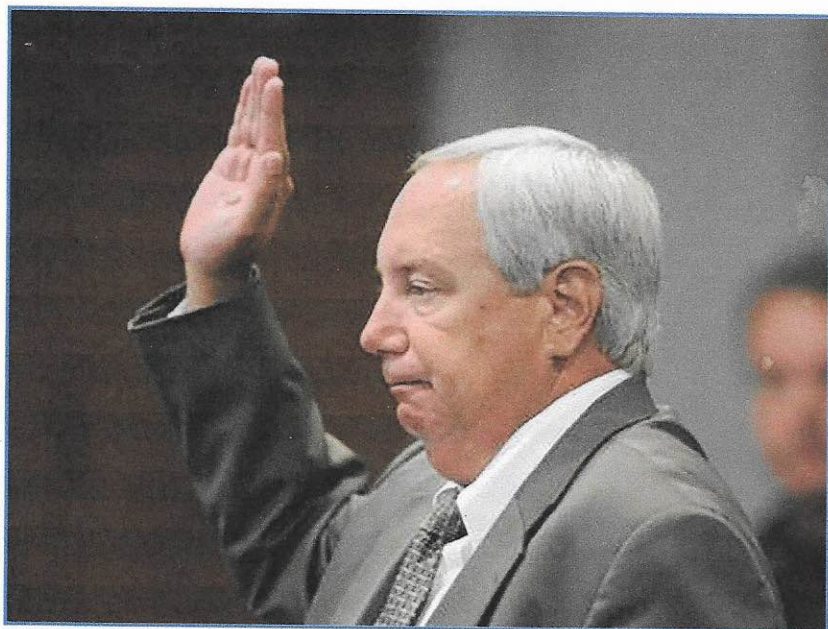
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## Ex-sheriff destroyed evidence, judge says

He says deletion of the files was intentional and "cannot be excused"



Former Sheriff Bill Balkwill is sworn in during a hearing at the Silvertooth Judicial Center in this September 2009 file photo.

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By [Anthony Cormier](#)

Published: Thursday, June 17, 2010 at 1:00 a.m.

Last Modified: Wednesday, June 16, 2010 at 11:11 p.m.

*SARASOTA* - Former Sheriff Bill Balkwill intentionally deleted files from his work computer -- despite a court order not to -- to hide sensitive documents connected to a \$9 million jail contract, a judge ruled this week.

## Facts

### UPDATE

**WHAT'S NEW:** A judge ruled that former Sheriff Bill Balkwill intentionally deleted computer files to hide information about a jail contract.

**THE STORY SO FAR:** Lawyers suing Balkwill say he scrubbed his computer to hide a close relationship to the company that won the \$9 million jail deal.

**WHAT'S NEXT:** Balkwill still faces a theft charge over the disappearance of a computer when he left office; a civil trial over the jail contract is scheduled for October.

The decision by Circuit Judge Bob Bennett is yet another blow against Balkwill as he defends himself in a lawsuit accusing him of showing favoritism when he awarded a contract to provide health care at the Sarasota County jail.

The firm that lost the bid, Prison Health Services, sued Balkwill, Armor Correctional Health Services and the Sheriff's Office and asked to review computers related to the case.

In his ruling, Bennett wrote that both Balkwill and former Armor CEO Doyle Moore were ordered not to tamper with their computers but scrubbed thousands of key files before turning over the evidence.

"The destruction of files subject to production and inspection, both by Balkwill and Moore, cannot be excused," Bennett wrote in a ruling. "The deletions were intentional and must be viewed as attempts to thwart discovery."

Deleting files in a civil matter does not constitute the crime of tampering with evidence, according to people close to the case. The tampering statute pertains to criminal investigations or trials and the lawsuit over the jail contract is a civil matter.

Balkwill does face a criminal inquiry for grand theft and was investigated by the Sheriff's Office for taking the laptop computer home with him after he signed a document saying it would be recycled. The criminal investigation was launched after a forensic analysis conducted in connection with the civil lawsuit revealed that Balkwill deleted 11,000 files.

Before the PHS attorneys received the computers, they sent a notice to those involved with the case ordering them not to tamper with the computers or other evidence.

Balkwill and Moore used the same Internet program to scrub their computers before handing them over. In depositions, both men said they knew that the computers were supposed to be preserved for the lawsuit.

But the judge decided that, because the files were intentionally erased, PHS lawyers can tell jurors that the missing data "contained information detrimental to the defendants" -- a key point that will help PHS' case.

An attorney for the Sheriff's Office, Morgan Bentley, said he plans to ask for clarification of the ruling and how much attorneys can say about the missing data.

"We want to get the exact scope of that sentence," Bentley said Wednesday. "What does it mean? Is it rebuttable? Is it not rebuttable?"

Despite developments in the civil case, there was no movement on two other fronts related to Balkwill, Armor and the jail contract: an FDLE investigation and an inquiry by a special prosecutor.


Neither the FDLE nor the special prosecutor has released findings in the case, which has dragged on for the better part of two years.

Sheriff Tom Knight asked the FDLE to investigate the deleted files and the special prosecutor is considering whether to charge Balkwill and his former information technology director with grand theft.

The two are accused by Sheriff's detectives of signing paperwork that said Balkwill's department laptop was to be recycled before Balkwill took it home and deleted the files.

Balkwill has claimed that he did not purposefully erase documents because of the jail contract, and said in depositions that he wanted to protect "national security" documents he had compiled while sheriff.

Ex-sheriff destroyed evidence, judge says BY ANTHONY CORMIER

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[HeraldTribune.com](http://www.heraldtribune.com) June 16, 2010 11:11 PM

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