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Balkwill charges weighed

By ANTHONY CORMIER

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Prosecutors review findings that call for a grand theft arrest

The Sheriff's Office is recommending that former Sheriff Bill Balkwill and a top civilian employee be charged with felony theft for their handling of a laptop computer.

The agency concluded a two-week investigation when it forwarded paperwork to the State Attorney's Office on Friday saying that Balkwill and Information Technology Director Jeff Feathers should be arrested for grand theft.

The State Attorney's Office began reviewing the findings on Friday and will decide whether to file charges. Prosecutors are not expected to make a ruling until next week at the earliest.

"I don't believe that there is any evidence to indicate any charges against Bill Balkwill," said Dan Dannheisser, Balkwill's attorney.

The theft charge is based on documents signed by Balkwill and Feathers in
department laptop --
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least five years old, or the cost of repairs has to exceed the item's value.

Balkwill approached Feathers several times about getting rid of the computer, then ordered him to sign the paperwork declaring it a junker, Van Ness said.

"He was following his boss's orders after repeated requests," she said. "We're disappointed with the Sheriff's Office decision because there is no evidence of any criminal intent on behalf of Mr. Feathers.

"There was no gain, no motive, no benefit."

This week, the Sheriff's Office also repossessed a leather chair -- embroidered with an eagle and valued at more than \$1,000 -- that Balkwill used in his office when he was sheriff.

Balkwill took the chair home with him when he left in January. Sheriff's officials say the chair was bought with taxpayer money.

Also this week, the agency moved to fire Feathers, who worked at the agency for more than 20 years. He can appeal that decision.

Knight says that he did not know Balkwill had the laptop until late January. That is when a Sheriff's official, Maj. Kurt Hoffman, went to Balkwill's home with a court order for Balkwill's personal computer.

The personal computer is evidence in a lawsuit over a \$9 million jail contract.

At that time, Balkwill told Hoffman that he also had the laptop and would give it back after he saved photographs from his time at the FBI Academy, Knight says.

On Feb. 4, the same day the laptop was returned to the Sheriff's Office, someone deleted 11,000 files from it using a common Internet program called "C Cleaner."

Knight has asked the Florida Department of Law Enforcement to take over the investigation of the deleted computer files. Knight and other top officials will meet Monday with FDLE agents to discuss the case.

Knight, who initially said the Sheriff's Office would handle the entire investigation, changed his mind and says he brought in an outside agency because the computer is considered key evidence in a lawsuit against the Sheriff's

Office.

"I just feel like the right thing to do is bring in FDLE to get to the bottom of this," Knight said.

After investigators felt they had enough evidence for a criminal charge, the Sheriff's Office had two options.

The agency could have arrested Balkwill and Feathers and filed a "probable cause affidavit," a document that explains the reason for the arrests. Prosecutors would later decide whether the charges were warranted, and whether to proceed with the case.

Instead, the Sheriff's Office chose to file a "non-arrest" affidavit with prosecutors, which pushes the case immediately to the State Attorney's Office.

Knight said he felt it was important to have the backing of prosecutors because this was a sensitive and high profile case.

The criminal investigation into the laptop started with a civil suit filed by Prison Health Services, a company that lost out on the jail contract and sued the Sheriff's Office to find out if a rival firm had an inside track with Balkwill.

PHS says Balkwill ignored other bids and lawyers want to know if Armor offered him a job or other perks to land the deal.

The lawsuit has revealed that Armor treated Balkwill to \$1,500 in meals and perks between 2006 and 2007, including a fishing expedition to Lake Okeechobee with former Armor chief executive Doyle Moore.

Balkwill has denied that the meals and fishing trip influenced his decision. He has not returned repeated phone calls for comment.

PHS sued in September 2007, and attorneys asked those involved not to tamper with relevant information -- such as e-mails, memos or other documents.