

Marion County Sheriff Chris Blair indicted for perjury; interim sheriff appointed

By [Austin L. Miller](#)

Staff writer

Published: Friday, May 20, 2016 at 3:21 p.m.

>>> Interim sheriff named. Deputies gather to be sworn in again.

>>> Sheriff Blair booked at jail and released.

>>> Perjury charges relate to case of Dustin Heathman, who has been convicted for attempted murder of deputies.

>>> Interim Sheriff Emery Gainey holds a press conference. "I have asked the men and women to hold their heads up," he says.



Alan Youngblood/Star-Banner

Interim Sheriff Emery Gainey addresses the media Friday evening, hours after Marion County Sheriff Chris Blair was arrested on two counts of perjury and one count of official misconduct.

A grand jury has indicted Sheriff Chris Blair on two counts of perjury in an official proceeding and one count of official misconduct in connection with a broad investigation of his agency and its deputies.

If convicted of the charges, all third-degree felonies, Blair could face up to five years in prison and \$5,000 in fines on each count.

Gov. Rick Scott suspended Blair on Friday and appointed Emery Gainey, an official with the Attorney General's Office who once worked at the Alachua County Sheriff's Office, to serve as interim sheriff. ([See related story.](#))

Blair was booked into the Marion County Jail on Friday and was released about 3:30 p.m. after posting bond. A Star-Banner reporter and photographer were turned away from Blair's home later in the afternoon. A little while after that, all deputies were sworn in again to serve under the interim sheriff.

"The MCSO is going through an immediate transition and will provide further information in a responsible and timely manner," Blair's spokeswoman wrote in a news release issued about 4 p.m.

The grand jury has been investigating the conduct of sheriff's deputies and determining whether wrongdoing, such as using excessive force, was systemic. Blair was subpoenaed to appear before that grand jury and, when he did, he "knowingly testified falsely" concerning the Dustin Heathman case, according to the indictment, which the panel handed up Thursday afternoon.

Deputies arrested Heathman on June 1, 2014, after a tense and sometimes violent standoff with the SWAT team. Heathman shot at deputies; during the arrest, one deputy would later admit, Heathman was struck without cause.

Blair was on the scene and, in particular, was present when Heathman eventually was taken into custody and treated for his wounds.

"So you saw him coming out of the patrol car while he was being treated by the medics?" Blair was asked during the grand jury proceedings.

"I saw the back of him," Blair stated, according to the indictment.

"You saw his back? So you didn't have an opportunity to see his face or any injuries he might have had?"

Blair's answer: "No, absolutely did not."

"He was surrounded by numerous people."

According to the indictment, Blair knew this statement was false. Heathman was handcuffed, dressed in only his underwear, and escorted by two deputies with apparent injuries to his face. He was led so closely in front of Blair that the sheriff had to step back to let Heathman and the deputies pass by, the indictment says.

The second perjury count concerns a sworn affidavit that Blair signed and filed in connection with a federal lawsuit that Heathman has brought concerning the way he was treated on the day of his arrest.

In that affidavit, filed as part of Blair's motion for summary judgment, the sheriff stated: "While in the area of the command center, I observed a patrol car with deputies getting someone out of the back seat of the patrol car, and paramedics were also there. I only caught a glimpse of the back of a person, but I assumed it was Mr. Heathman. I was not in close proximity to him and did not have any physical or verbal contact with him."

The charge of official misconduct is related to that second count of perjury. Under Florida statute, "it is unlawful for a public servant, with corrupt intent to obtain a benefit for any person or to cause harm to another, to falsify, or cause another person to falsify, any official record or official document."

Heathman's civil rights lawsuit is still pending. In criminal court, a jury found him guilty of attempted second-degree murder of a law enforcement officer late last year and a judge sentenced him to life in prison.

Blair's tenure has been dogged by accusations that deputies used excessive force and then lied about it. Four former deputies have been sentenced to federal prison for their roles in the beating (and subsequent coverup) of drug suspect Derrick Price. A fifth man in that case was acquitted in criminal court but released by the Sheriff's Office.

Other deputies have been investigated, disciplined, and sometimes released from the agency for conduct in other cases. Blair has maintained that there is no "culture of violence" within his team, and points out that he always has taken immediate and firm action when made aware of potential wrongdoing.

Blair brought in the Brevard County Sheriff's Office to investigate his agency. A team from Brevard gathered information and returned to quarters, but has yet to issue a report.

Blair is not the first Marion County sheriff to be booked into his own jail. Ken Ergle was arrested in 1998 and later admitted "stealing \$170,000 from a fund for covert investigations," as the Star-Banner put it at the time. One year later he was sentenced to two years of house arrest and 18 years of probation.

Sheriff Ed Dean was appointed to lead the agency after Ergle's ouster and later stood for and won re-election. He decided not to seek another term in 2012, and it appeared that his groomed successor, Dan Kuhn, would be primed to take over.

But Kuhn withdrew from the campaign in the wake of a sex scandal and a new GOP nominee was needed. Blair, who had lost to Kuhn in the Republican primary, was tapped to run and easily won the office.

Blair is up for re-election this year and faces a number of opponents. The last to enter the race was Dean, a Democrat, who said he wants to restore order with the agency that he once led.

As word of the sheriff's indictment spread Friday afternoon, the mood was tense at the Sheriff's Office --- and especially at the jail. The lockup was put on lockdown while Blair, accompanied by a few officials from his agency and some family members, was led into and then out of the booking release area.

During a 6 p.m. press conference at Sheriff's Office headquarters, interim Sheriff Gainey was flanked by agency staff attorney Gregg Jerald; community policing chief David Pistarelli; and his assistant, Louis Pulford. Also toward the front was sheriff's Maj. Terry Bovaird.

Gainey said he wanted to reassure the community that it will get professional law enforcement services. That's what the community expects and that's what he expects.

One of his first priorities, he said, will be to stabilize the agency. Gainey said he has confidence in the deputies, some of whom he worked with during his time in Alachua County.

"I have asked the men and women to hold their heads up," he said of everyone at the Sheriff's Office.

Gainey also called on citizens to support the deputies because they have dedicated their lives to public service.

Gainey said he has not talked to Blair. He said he will be the interim sheriff until the election in November and that when someone is elected, then his job will be finished.

"We've got a long way to go," he said.

Someone from the media asked Gainey about accusations that the agency has a "culture of violence." Gainey said he does not know anything about that, but he is going to spend time with command staff and also work with the State Attorney's Office to make sure he has all the facts. He will not work off rumors.

When asked about any changes with command staff, he replied, "It's too early to answer that."

Gainey said he is asking the community to work with the Sheriff's Office.

"Together," he said, "we can do this."

Contact Austin L. Miller at 867-4118, austin.miller@starbanner.com or @almillerosb.

Copyright © 2016 Ocala.com — All rights reserved. Restricted use only.