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April 19, 2013

NOTICE OF INTENT TO FILE AN ACTION PROVIDED
PURSUANT TO FLORIDA STATUTE 768.28(6)(a)

Florida Department of Financial Services
Jeff Attwater, CFO
200 E. Gaines Street
Tallahassee, FL 32399

VIA CERTIFIED MAIL -
RETURN RECEIPT REQUESTED

Florida Department of Law Enforcement
ATTN: Commissioner Gerald M. Bailey
P.O. Box 1489
Tallahassee, FL 32302-1489

RE: Claimant : Jeremy Banks
Date and Place of Birth: [REDACTED]
SSN: [REDACTED]

vs.

Rusty Rogers, as agent of the Florida Department of Law Enforcement;
Dominic Pape, as supervising agent of the Florida Department of Law Enforcement;
and Florida Department of Law Enforcement, through its Commissioner, Gerald
M. Bailey.

Dear Sirs:

Pursuant to §768.28(6)(a), Florida Statutes, notice is hereby given of a claim and intent to file a civil action on behalf of Claimant, Jeremy Banks, against Agent Rusty Rogers of the Florida Department of Law Enforcement (the "FDLE"), Special Agent in Charge ("SAC") Dominic Pape of the FDLE, and the FDLE, through its Commissioner, Gerald M. Bailey.

Jeremy Banks has been injured and damaged as a direct consequence of intentional and grossly negligent and reckless actions, behavior and the conducting of an investigation by Agent Rogers and SAC Pape on behalf of the FDLE, which consisted of overt acts and failure to act, reckless, grossly negligent and grossly unprofessional conduct. This conduct included but was not limited to lying under oath to public and judicial officials in the course of the investigation, fabricating and misrepresenting evidence to and about the alleged facts, circumstances, events and witnesses, and knowingly or with gross negligence, concealing material, exculpatory evidence, and other duplicitous conduct.

FDLE 0716
FL Dept Fin Services 0723

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Additionally, the negligent supervision and retention of Agent Rogers (as lead investigator into the death of Michelle O'Conner) by SAC Pape were a direct cause of Bank's injuries. The improper actions and behavior of Agent Rogers were known and should have been known by SAC Pape, and any failure of the FDLE (through Pape) to discern, intervene in and prevent such conduct was reckless and grossly negligent in the circumstances.

Moreover, Agent Rogers and SAC Pape engaged in the malicious prosecution of Jeremy Banks by initiating a criminal prosecution against Banks under color of law or official capacity and without probable cause. Furthermore, the FDLE is responsible for Agent Roger's actions in falsely imprisoning Banks at FDLE offices in Jacksonville, Florida, against his will and without legal authority, and other egregious conduct intended to cause severe emotional harm and distress to Banks. These state tort claims against FDLE and its authorized agents will be brought in addition to federal and state civil rights claims against Rogers and Pape in their individual capacities.

The Claimant is aware of no adjudicated penalties, fines, fees, victim restitution, or other judgments in excess of \$200 imposed upon him by any civil, criminal, or administrative tribunal. Moreover, the Claimant does not owe the State of Florida or any of its agencies, officers, or subdivisions, any prior adjudicated unpaid claims in excess of \$200.

One hundred eighty (180) days from the date of this notice, should this claim be unresolved, the Claimant will bring an action against the FDLE and the agents responsible for the liability creating conduct and the damages due therefore. Nothing in this notice should be interpreted or is intended as a waiver by the Claimant to at any time bring another claim or action to which the facts entitle him, against the State of Florida or any individual, as to any claim for which notice is unnecessary.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert L. McLeod II". The signature is fluid and cursive, with a prominent loop at the beginning and a long, sweeping tail.

Robert L. McLeod II

RLM/kba