



STEPHEN B. RUSSELL
Office of the State Attorney
20th Judicial Circuit

Serving Charlotte, Collier, Glades, Hendry and Lee

September 19, 2017

Sergeant Sentenced

Hendry County Sheriff's Office Sergeant Robert Archer was sentenced to 6 months probation after being found guilty of Contempt of Court. He must also pay a \$1,000 fine and serve 10 days in the Hendry County Sheriff's Office Weekend Work Program.

The finding stems from a case that Archer, a 14 year law enforcement veteran, investigated in July of 2016. After reviewing the probable cause affidavit written and sworn to by Archer, Hendry County Judge Scott H. Cupp found it to be confusing and misleading. As a result, he instituted a contempt proceeding against Archer and appointed the State Attorney's Office to prosecute. State Attorney's Office Investigator Steven Scalici then conducted a detailed investigation into the contempt allegation which resulted in the State filing criminal felony charges of Official Misconduct and three counts of Perjury against Archer. After a three day trial in April, Archer was found not guilty.

Judge Cupp then proceeded with his original contempt proceeding and announced his verdict in open court Monday. The Court found the "Defendant lacked candor to the Court when he filed that probable cause affidavit." The Court found the "Defendant's statement that he was going to engage in some 'creative writing' particularly troubling and offensive." The Court also said that the "Defendant's conduct here is dangerous and offensive to the criminal justice system, and must be rooted out when found and called what it is – criminal. The Court finds beyond a reasonable doubt that Defendant made a conscious willful decision to alter the information in the probable cause affidavit of Toby Coppler after the denial of the

search warrant, and this decision interfered with the ability of this Court and the justice system to function properly.”

“There is no room for this type of conduct and behavior by a law enforcement officer in our criminal justice system. It undermines what the system stands for and there should be zero tolerance for it,” said Anthony W. Kunasek, Assistant State Attorney who prosecuted both the jury trial and contempt proceeding.

The State will be forwarding all of this information to the Criminal Justice Standards and Training Commission of the Florida Department of Law Enforcement for their review.

A copy of the verdict is attached.

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