

Overview of the Case

Dr. Steven L. Rhodes is a licensed Florida chiropractor who had been practicing in Jacksonville since early 1981. His practice, Ocean View Health (OVH), was opened in 2007, and he typically saw roughly 150-250 new patients per year.

Rhodes was arrested and charged with insurance fraud in April, 2014. The accusations centered on claims of billing for services allegedly not performed for 8 patients, including claims submitted for manual therapy performed by an employee whose massage therapy license had lapsed due to nonpayment of renewal fees. Core to these complaints was the fact that 7 of the 8 patients were car accident victims, and their insurance was provided under Florida’s Personal Injury Protection (PIP) program. Four of the 7 PIP patients had been Rhodes’s patients prior to their car accidents. The one patient who was not a PIP patient was a workers compensation case (for whom manual therapy was not reimbursable, and no claim was made for unperformed manual therapy for this patient). For all of these cases, Rhodes would bill the insurance company and hold the balance of bills for services rendered in arrears, pending settlement of legal claims.

Rhodes resolved the matter through Florida’s pretrial intervention (PTI) program¹ — a diversionary arrangement in which charges were dropped — by paying investigative costs to the State (\$6,765.43) and restitution for the purported claims for two patients (Optum Insurance on behalf of patient DB,² \$102.41; and Nationwide on behalf of patient OV, \$1,755.21). Peripheral claims added to the weight of the case but not its substance.

Critically, those claims were rebutted by overwhelming evidence. In the first case, patient DB, the workers comp case, asserted she had received, and her insurance company had been billed and paid for, among several things, electric muscle stimulation therapy (e-stim) while she was pregnant. She asserted that this treatment was provided when she got pregnant in May, 2013, and continued until later in the year. Rhodes’s records show that she reported being pregnant in August, 2013, at which time the e-stim therapy was stopped. Most damning for the detective’s assertions about fraudulent billing of DB’s insurer is that she gave birth on April 7, 2014, which reflects what could not be earlier than a July conception and August awareness of her pregnancy. Human pregnancy does not last 11 months. To make this even more problematic, DB’s insurance coverage ran out by early May, 2013, after which she paid a fixed co-pay of \$45 in cash for each clinic visit.

In the second case, patient OV claimed she did not receive a large number of treatments for which her insurer was billed from September 2013 through mid-January 2014, when she stopped treatment at OVH. She filed her complaint 9 days after her friend Wilson, whom Rhodes hired in

¹ This was a pragmatic decision by Rhodes, as he was being asked by his attorney for a \$100,000 retainer; even though the lawyer believed he would beat the charges, it was the path of least resistance to accept PTI. Regrettably, Rhodes did not appreciate how his very public arrest, seemingly designed to make a public spectacle of him, would be well documented in the press and on the web, while the pedestrian outcome of his case would get no publicity at all.

² Patient initials are used herein for continuity and clarity with their use in published court opinions.

mid-October 2013, was fired for gross incompetence. OV's claims were specious, contradicted by her own testimony to a third-party Independent Medical Examiner as well as signed treatment slips documenting her receipt of the treatments over the entire period covered by her allegations. As will become clear below, OV appears to have conspired with several other people in an attempt to destroy Rhodes's reputation, practice, and financial well-being.

Following dismissal of the criminal charges, Rhodes filed a civil rights action under 42 U.S.C. § 1983 against the lead detective, Paul Robbins, alleging that his arrest violated the Fourth Amendment. Robbins was one of the two law enforcement detectives, along with Dwight Murphy, with the Florida Department of Financial Services Division of Insurance Fraud (hereinafter DIF). The present analysis focuses on Robbins, but Murphy was heavily involved and his actions are similarly at issue.³ Rhodes claimed that the lead detective, in seeking an arrest warrant, made false statements and omitted key facts, thereby causing his arrest without probable cause, all of which comprised malicious prosecution.

The detective's alleged misrepresentations involved the nature of the treatments patients' received, the provision of manual therapy by Cynthia Perez after her license lapsed, and Rhodes's billing practices. The detective overlooked the outright lies, financial and other perverted motives, social ties, and evidence of coordination and conspiracy amongst the actors, all of which should have led to a more skeptical approach to seeking the truth. At bottom, lack of critical assessment of these complaints suggests bias or potential animus on the part of the detectives, all of which was overlooked by the trial and appellate courts in the subsequent lawsuit, where the judges took the affidavit for arrest as unvarnished and unimpeachable truth. A detailed look at the facts of the case suggest that insurance company executives may have used back-channel communications to heighten attention to this case, which would go a long way to help explain the vigorous pursuit of the investigation and purposefully public display of the arrest of Dr. Rhodes.

Procedural posture of the Rhodes Case

The trial court initially dismissed the §1983 claims related to four of the eight patients named in the arrest affidavit, but allowed the claims for the remaining four patients to proceed. Rhodes was given the opportunity to present evidence that the detective's statements were knowingly false or made with reckless disregard for the truth, and that without them there would have been no probable cause.⁴ After filing a further amended complaint with supporting documentary evidence, the district court held that the detective was entitled to qualified immunity.⁵

Rhodes appealed, arguing that the district court erred in granting summary judgment because disputed facts should have gone to a jury. The Eleventh Circuit affirmed, agreeing that even with the contested statements removed and alleged omissions included, the arrest affidavit still

³ Robbins authored the warrant affidavit and served as the arrest's proximate cause; Murphy's conduct was material but not the but-for cause, hence Robbins alone was named in the §1983 action.

⁴ Rhodes v. Robbins, Case No. 3:18-cv-673-J-34JBT, M.D. Fla. March 13, 2019, Order on Motion to Dismiss, EXHIBIT 1.

⁵ Rhodes v. Robbins, Case No. 3:18-cv-673-J-34JBT, M.D. Fla. March 30, 2021, Order on Summary Judgment, EXHIBIT 2.

established probable cause. Consequently, there was no constitutional violation and qualified immunity applied.⁶

Rhodes also filed a civil lawsuit against Joe Bryant and OV for defamation.⁷ The case was allowed to lapse during the COVID-19 pandemic. In support of these lawsuits, Rhodes also hired a private investigator, David Hodges of Fine Tooth Comb Investigations, Inc., to interview witnesses and help establish the truth. Rhodes was assisted in compiling this document by Lynn Thompson and Jon Merz, and with the aid of ChatGPT.

NARRATIVE ANALYSIS

Executive Summary

The allegations against Dr. Steven L. Rhodes did not arise from independent patient complaints but from a small, interconnected circle of individuals bound by personal, professional, and romantic ties. Nearly every key witness can be traced to Dr. Richard “Ricky” Bloom, a chiropractor only casually known to Rhodes whose practice had recently closed. All but one of the central figures who helped generate the case against Rhodes were directly linked to Bloom.

This network of actors shows signs of malice and coordination, especially in how complaints arose in sequence, how certain employees instigated official action, and how the detectives escalated matters with questionable zeal. Yet investigators treated each accuser as independent and credible, ignoring inconsistencies and the web of relationships that undermined their reliability.

This selective treatment eroded the neutrality expected of law enforcement. Evidence indicates that detectives may have sought to shield Bloom by redirecting scrutiny toward Rhodes—an uninvolved practitioner who’s busy, family-focused clinic had operated without prior issue. The result was an investigation propelled not by evidence but by association, raising serious concerns about investigative integrity and the adequacy of oversight within the DIF.

A decisive clarification came in 2022, when the federal court in *GEICO v. The Right Spinal Clinic, Inc.* granted summary judgment interpreting the 2012 amendment to § 627.736(1)(a)5, Florida Statutes.⁸ The court confirmed that massage therapy and any service performed by a licensed massage therapist were *categorically non-reimbursable* under the PIP statute. This ruling exposed a fundamental misunderstanding that underlay the 2014 prosecution of Dr. Rhodes: the clinicians as well as every official involved – investigators, prosecutors, defense counsel, and insurers alike – had proceeded in ignorance of a plain statutory change.⁹ In light of this judicial clarification, ensuring justice is served in the Rhodes matter warrants renewed

⁶ Rhodes v. Robbins, Case No. 21-11436, App. 11th Cir., May 2, 2022, EXHIBIT 3.

⁷ Case No. 2015-CA-001383, 7th Judicial Cir., Feb. 3, 2016, EXHIBIT 4.

⁸ Case No.: 8:20-cv-802-KKM-AAS (M.D. Fla, July 6, 2022), affirmed, Case No. 23-11778 (11th Cir. Oct. 24, 2024).

⁹ This case turns the legal maxim *ignorantia juris non excusat* on its ear, because Rhodes and Perez were not violating the law, and everyone charged with knowing that missed the boat.

examination to determine how such a clear legal error could have gone undetected and uncorrected for more than a decade.

Taken together, the evidence suggests that the case against Dr. Rhodes did not arise from isolated errors or misunderstandings but from a multi-tiered failure of integrity. At the *individual level*, former employees and associates acted with evident malice. At the *investigative level*, detectives demonstrated bias and disregard for statutory context. And at the *institutional level*, actions by senior executives of Florida Blue may have encouraged state fraud investigators to take action against Rhodes — a connection that would explain the otherwise extraordinary zeal shown by detectives Robbins and Murphy. This convergence of personal, procedural, and institutional forces resulted in a prosecution that appears less a matter of justice than of convenience and control. Requests for review by the Florida Inspector General have been made, as the IG has the unique ability to explore extrajudicial and prejudicial communications between the DIF and these Florida Blue executives.

The following report reconstructs the events leading to Dr. Rhodes's arrest, drawing on contemporaneous documents, witness statements, and court records. It traces how misinformation, personal animus, corporate influence, and investigative misconduct combined to transform lawful conduct into an allegation of fraud. By examining the connections among the key actors and the investigative decisions that followed, the report aims to clarify both the factual record and the systemic failures that allowed this miscarriage of justice to proceed unchecked.

Key Actors

Key actors in the case developed against Rhodes included the following individuals. Employees, patients, and others are identified by name or initials. This presentation is structured around these actors because the story is complex, there are numerous parties who appear to have been in cahoots, and understanding who these people are, how they are interrelated, and how they all contributed to the storyline of Rhodes committing fraud is absolutely necessary to glean the picture of a conspiracy, fostered and augmented by the investigating detectives.

Joe Bryant: Bryant filed the first on-line complaint with the DIF on February 4, 2014, accusing Rhodes of fraud, specifically alleging overbilling of an unidentified female patient for \$56,000. He also alleged Rhodes was defrauding Medicare and Medicaid, neither of which programs pay for chiropractic treatment modalities; none of the alleged acts of fraud in the warrant for arrest of Rhodes involved Medicare or Medicaid claims.¹⁰

Bryant was an ex-boyfriend of Debra Blanton at the time of most events related here; they stayed friends through the time reviewed and began dating again beginning in December 2013 or January 2014. Rhodes and Blanton dated briefly in the late summer and autumn of 2013, and Bryant expressed hostility toward Rhodes. Blanton stated that Bryant was “gunning” for Rhodes.

¹⁰ Bryant's slanderous December 2013 Facebook posts and the ACISS tip reports of Bryant (T14-1406, entered 02/04/2014, 15:56) and OV (T14-1407, entered 02/04/2014 16:04) are included as appendices to the Amended Complaint, EXHIBIT 4. Bryant also alleged in his tip that an employee of Rhodes's, Jessica Moseley, had left because she was “suspect” of his billing practices, when in fact she left for a full-time job with benefits. See note 33, *infra*.

Bryant sent Rhodes a series of highly distasteful texts on February 8 and 10, 2014, and posted defamatory accusations on his Facebook page and Twitter.¹¹ His Facebook page was one of the forms of publication over which Rhodes later sued Bryant.

In his later deposition for the civil defamation case brought against him, Bryant admitted to discussing Rhodes with at least 3 individuals who were senior executives with Blue Cross in the late-2013 or early-2014 period, one of whom supposedly urged him to make the complaint.¹² Bryant admits that one of these individuals kept him apprised of the progress of the investigation of Rhodes, telling him “Joe, we got this son of a bitch, and he’s going to jail.”¹³ This is strong evidence that the insurance executive was in contact with either the detectives or DIF management and was being kept apprised of the progress of the investigation of Rhodes.¹⁴ It strongly suggests that these executives intervened at a high level with the DIF, elevating the attention paid to Rhodes’s investigation.

Bryant had a strong personal motive to hurt Rhodes rooted in romantic rivalry. His lies, threats, and hostile communications suggested he was on a jealous vendetta. Bryant also was a convicted felon.¹⁵ Notably, Rhodes never met Bryant and had absolutely no interpersonal or professional dealings with him; their only connection was Blanton. Despite all this, no one questioned his motives and truthfulness. In a deposition for the civil case later brought against him by Rhodes, Bryant admitted that Blanton was the main source of all of his information.¹⁶

Patient OV: OV was the primary patient complainant. She sent a registered letter dated January 28, 2014, to Rhodes, asserting that she had reviewed her billing statements for the past several months and noticed her insurer was billed for treatments she asserted she did not receive, and asked Rhodes to look into it. In response, Rhodes tried calling and texting, but was unable to reach her. In response to Rhodes’s attempts to contact her, OV sent Rhodes an email on February 3, acknowledging Rhodes’s attempt to contact her, and delimiting the types of services she said she had not received from September 2013 through mid-January 2014. Rhodes replied on February 5, saying he would have his billing service audit the records and resolve the issue. OV did not reply.

Despite these communications, OV filed her online complaint with the DIF on February 4, 2014, 8 minutes after the similar complaint was filed by Bryant. Thus, despite asking him to address

¹¹ See EXHIBIT 5 for a collection of these communications. The text reflected his desire to bring Rhodes to ruin: “I revel in the fact that you’re going down and are going to be destroyed. ... I pray you lose everything. ... Its called KARMA, and its pronounced haha f--- you!”

¹² EXHIBIT 6, at pp. 46-49, 51-57.

¹³ *Id.*, at pg. 57. Bryant stated he would never forget the executive’s exact words. *Id.* The detectives also said arguably inappropriate things to Bryant, including on a phone call during the investigation in which Bryant states that Robbins told him, “we’re going to get this guy.” *Id.*, at pg. 51.

¹⁴ One executive apparently put Bryant in contact with another senior manager, with whom Bryant held at least 1 phone conversation, but the first individual kept Bryant informed of the progress of the investigation during their weekly golf outings. *Id.*, at pp. 55-63.

¹⁵ Bryant was convicted of one count of mail fraud in Tennessee in 1977. EXHIBIT 6, at pp. 31-33.

¹⁶ Blanton was the main source of information that she was fed by Missy Ross and Tammy Wilson; Bryant also admitted to having at least 1 phone conversation and various email exchanges with Wilson. EXHIBIT 6, at pp. 33-42.

the issues raised, she gave Rhodes absolutely no chance to rectify what she asserted to be a problem before escalating the issue to the state agency.

OV had been in a car accident in January 2013, and was originally under the chiropractic care of the aforementioned Bloom. She was a neighbor and friend of Bloom, and when Bloom closed his practice in or around June, 2013, he referred OV to Rhodes, where she continued with her course of therapy starting on July 3, 2013.

OV's online complaint with the DIF alleged fraudulent billing in which she lied about the treatments she had been receiving for months, and about Rhodes's communications with her, suggesting that she felt threatened.¹⁷ Again, this complaint was filed 8 minutes after a similar complaint was filed by Bryant, suggesting coordination if not collusion.¹⁸ She maintained close ties with Missy Ross and Tammy Wilson. Notably, in her subsequent interview by Robbins, she stated that the amount Rhodes billed her insurer was \$56,000.¹⁹ This was an outright lie, as fully documented by billing records of which the detectives were aware, yet they never questioned OV's veracity.

The timing of her fraud complaint suggests punitive intent for Rhodes's firing of Wilson; the timing and content of her on-line complaint suggests coordination with Bryant; and her friendships with other key accusers (Ross and Wilson) raises suspicion of joint action and conspiracy (Wilson had come to Rhodes's office after working for Bloom). Most critically, her allegations of fraud were directly contradicted by the collection of signed treatment slips in Rhodes's records that documented that she had in fact received treatments for nearly the entire period she alleged she had not.²⁰ She also told Theodore Kuchler DC, an Independent Medical Examiner who examined her on November 4, 2013, that she was receiving treatments at OVH on a regular basis.²¹

¹⁷ Email communications between OV and Rhodes are included in EXHIBIT 7. It is unclear what language OV interpreted as a threat. Moreover, in her subsequent interview by Robbins, OV said that Rhodes stated in his communications that he would "make [her] happy," which was an outright lie; as shown in his February 5 email, Rhodes said he "will be happy to resolve" the issue. The summary of this interview is included as EXHIBIT 8; see pg. 3 for the aforementioned quote.

¹⁸ In her later deposition in the civil case brought against her by Rhodes, OV stated she never met Bryant and had not talked to Blanton, and in his deposition, Bryant stated that Blanton was the primary source of all of his information; that both Bryant and OV reported an alleged \$56,000 in fraudulent billing shows either that they were lying or there was a complex information network amongst the actors introduced here.

¹⁹ OV reported that the lawyer handling her car accident claims, Michael Ossi, was the source for the \$56,000 figure, but how this figure was derived is unknown (EXHIBIT 9, pg. 114). An extemporaneous letter from Ossi to Nationwide claimed that medical expenses as of February 3, 2014, totaled \$62,000 (EXHIBIT 10). Rhodes actually billed over \$20,000 from July 2, 2013 through January 15, 2014, of which OVH was paid just over \$8,000 by Nationwide. EXHIBIT 11. Robbins's affidavit of arrest alleged a total of \$2,734.00 in fraudulent billing (EXHIBIT 12, pg. 2). The detectives had issued a subpoena for Rhodes's billing records on February 12, so they were fully apprised of actual billing. EXHIBIT 13.

²⁰ OV asserted that she received no more than "7 – 10 massage" between September 4, 2013 and January 15, 2014, see EXHIBIT 7. A review of OV's records show that she and the therapist signed manual therapy notes on 27 of 39 office visits in that time period, yet this evidence did not lead the detectives to question her veracity.

²¹ Kuchler's report clearly stated that OV was being treated 3 times per week *at Rhodes's clinic* and spelled out the same treatments for which her insurance company was being billed: "She left Dr. Bloom when he closed his office and Started (sic) treating with Dr. Steven Rhodes on 7/3/2013. She is currently treating three times a week with

Debra Blanton: Blanton was a disabled surgeon with a weight management practice that she ran out of Bloom's office. She was introduced to Rhodes by Bloom when Bloom's practice closed in June, 2013. She moved her practice into Rhodes's office suite and later became romantically involved with him for several months. Rhodes did not charge her rent in an effort to help her get established, though she agreed to pay rent once she got going. She initially supported Rhodes, but then turned against him. In November or early December 2013, she broke up with Rhodes. Rhodes asked her to pay rent thereafter so he could hire staff to help cover the office resources her practice was utilizing, but she refused. He then asked a lawyer friend, Dave Willis, to talk to Blanton about paying rent, as her practice was using resources. She again refused, and made vague threats and passed on threats from Bryant. Notably, Blanton was one source of information sharing between the social group of friends who targeted Rhodes, and, as noted previously, was the primary source of information for Bryant.

Blanton had motive to hurt Rhodes based on her personal entanglements (romantic, professional), and she communicated overt hostility through the lawyer Willis. She had also developed friendships with Ross and Wilson; nonetheless, she was portrayed as a straightforward corroborating witness, and the detectives simply ignored her relationships, threats, and ill motives.

Staci Reshen: Reshen began working for Ricky Bloom in 2009 and lived with him as his girlfriend. While at Bloom's clinic, she observed billing practices she believed to be fraudulent, including treatments allegedly performed at Bloom's home but billed as in-office, and "extra units" added by staff at Bloom's direction. Reshen identified Wilson as having knowledge of these practices, and told Murphy that Wilson wouldn't do anything to hurt Bloom.²² In the summer of 2013, after a domestic violence incident that led to Bloom's arrest (on May 27, 2013), she left both his household and his practice. Around the same time, she reported Bloom for overbilling and other fraud-related issues, as well as providing IM drugs to patients, to state investigators and the Jacksonville Sheriff's Office. She later stated that an interview she held with a Detective Jason Clark (with Dwight Murphy present but not leading the interview) on January 2, 2014 about these allegations ran nearly three hours and included references to OV and Wilson.²³

treatment consisting of adjustments, ultrasound, traction, and electrical stimulation." EXHIBIT 14, at pg. 1. This IME report was in Robbins's hands, but also was not used to cast doubt on OV's allegations. The district court dismissed the relevance of this admission by OV because the amended complaint did not specifically state that the treatments were *by Rhodes*. See *Rhodes v. Robbins*, 1st Amended Complaint, filed June 19, 2018, EXHIBIT 15, pp. 3-4, and the trial judge conveniently surmised she could have been receiving the treatments somewhere else (EXHIBIT 1, at pg. 28). Notably, a physician performing an IME is obligated to record *where* a patient is being treated, so no inferences may reasonably be drawn about a patient possibly being treated by an unnamed doctor.

²² See EXHIBIT 16. The unidentified male in the transcribed interview is Murphy. Reshen later stated that she had gone to the office of Murphy in July 2013 and presented him with evidence of Bloom's nefarious practices, and warned him that Wilson and OV would protect Bloom. For some reason, the July 2013 interview was not recorded and there is no ACISS report on it, and the DIF investigation of Bloom — Case 14-162 — appears to have been opened in 2014. The EXHIBIT 16 interview was on January 2, 2014, so the investigation of Bloom was under way more than a month before the investigation of Rhodes began, though when Reshen first lodged her complaint that led to this investigation is unknown.

²³ See EXHIBIT 17.

After Bloom's practice collapsed, Reshen eventually came to work for Rhodes. Reshen bridges Bloom's circle to Rhodes's office, showing again how many of the actors in Rhodes's orbit in the latter half of 2013 had prior ties to Bloom. Her firsthand allegations about Bloom implicated both OV, Wilson, and Blanton (as well as Ross), but those connections were downplayed or omitted in later proceedings.

Cynthia Perez: Perez, who was a Licensed Massage Therapist (LMT), was a part-time office staffer who filled in to perform manual therapy and other office activities as needed. She had a 5-year uninterrupted working history with Rhodes up to about mid-2012, when she moved out of state. Ross was hired to replace her. When Perez returned to Florida, she again worked part time for Rhodes in the summer 2013 until August 9, after which she was hospitalized. She returned to work on December 9, and worked part-time until February 4, 2014. When Perez was hospitalized in August, she let her long-standing massage therapy license lapse on August 31, 2013, for nonpayment of license fees. When she returned in December, she continued providing manual therapy and Rhodes's office continued billing for her services. When Rhodes first learned her license had lapsed in late September and again upon her return to the office in early December, he offered to pay her license fee, and he asked Perez and his office staff to get that done.²⁴

On February 4, a state licensing agent came to OVH at the behest of Ross, who determined that Perez's license fee had not been paid. Ross called Rhodes and put the agent on the phone; Rhodes contacted Perez and she admitted that she had not in fact paid the fee. Rhodes terminated her on the phone, then asked his billing service to audit the bills that had been submitted and repay the fees for the period her license had lapsed. Rhodes acted out of an abundance of caution to reimburse the insurance companies for services performed while her license had lapsed, but during the detectives' investigation it became clear that she did not need a valid massage license to perform manual therapy "incident to" Rhodes's chiropractic practice.²⁵ He did not bill her services as massage (Billing Code 97124), but as manual therapy (Code 97140), the latter of which is a covered medical benefit under Florida's PIP law. Most importantly, Rhodes acted expeditiously to reimburse insurers for any claims paid while her license was not in effect. Thus there was absolutely no evidence that he had knowingly allowed this employee to perform manual therapy after her license lapsed. Tellingly, the prosecutor did not require restitution for claims paid to Rhodes for Perez's services.²⁶

The strangest twist in this tale turns on Florida's PIP statute. Amended in pertinent part in 2012 and effective January 1, 2013, *it excludes from reimbursed medical services any massage or acupuncture, as well as any procedure performed by a licensed massage therapist or*

²⁴ Rhodes first knew of Perez's license lapse in September 2013, probably because her license was posted in the office and Ross brought it to his attention. Rhodes exchanged texts with Perez at that time, and she assured him she would have the license fee paid. She did not in fact do it. Copies of these texts are available on request.

²⁵ A 2006 Center for Medicare and Medicaid Services policy on "incident to physician practice" allowed physical therapy, including massage therapy, to be performed and billed as long as physicians' employees "meet the standards and conditions that would apply to such therapy services if they were furnished by a therapist, with the exception of the licensing requirement." Department of Health and Human Services, Office of Inspector General. Letter from Stuart Wright to Leslie V. Norwalk. May 1, 2006, at pg. 4.

²⁶ Perez provided one therapy session to patient OV after September 1, who maintained she only received 7 to 10 "massages" for the entire fall season, and restitution to her insurer of \$1,755.21 was clearly not based on that one fee.

acupuncturist.²⁷ Thus, the core predication for Rhodes’s arrest — services provided by Perez — was contrary to law. The chiropractor, clinic staff (including the LMTs), detectives, prosecutor, defense lawyers, civil rights lawyer, and insurance company attorneys (not to mention judges and their clerks) alike were all ignorant of the 2012 change in the law: billing for manual therapy performed by Perez after her license lapsed was *expressly lawful* under the 2012 statute.²⁸

Missy Ross: Ross was a licensed massage therapist who worked for Rhodes for more than a year. She was friends with Bloom, Wilson, Blanton, and patients DB, BL, and OV.²⁹ In addition to performing manual therapy, she also worked on billing, scheduling, and applied other therapies for patients.

At some point in late January or early February, 2014, Rhodes believes that Ross contacted the Florida State licensing board and reported Perez’s license lapse. Ross opened Rhodes’s clinic early on Tuesday, February 4 (notably, the same day of the complaints filed online by Bryant and OV), when the clinic was otherwise closed to allow a state inspector in. She then called Rhodes on his cell phone and put the inspector on the phone. This may have initiated official scrutiny, as there was an additional complaint filed on February 18, 2014, by David Kunz of Kemper Direct Insurance Co. with the DIF about this allegedly fraudulent billing.³⁰ Ross was also the source of names and records of patients who later became the focus of the investigation.

Ross confabulated a long string of lies, speculation, and finger-pointing that should have raised numerous red flags for the detectives.³¹ Ross also appears to have been a central connector in the conspirator group. In the months before his arrest, she badmouthed Rhodes to patients and foretold of his pending “retirement,” and that the clinic would be closed, essentially giving away the game. Like the other key witnesses, Ross was motivated by revenge, not only for the firing of Wilson, but also the messy personal and professional breakup between Rhodes and Blanton. She blew up in front of patients when she heard Rhodes offer to pay Perez’s license fee. This likely fed her expressed concern that Perez, who was more experienced, would replace her. Ironically, she also was motivated to push Perez out by her interest in having Rhodes hire a friend, a

²⁷ Florida Stat. § 627.736(1)(a)(5) reads: “Medical benefits do not include massage therapy as defined in § 480.033 or acupuncture as defined in § 457.102, regardless of the person, entity, or licensee providing massage therapy or acupuncture, and a *licensed massage therapist* or licensed acupuncturist *may not be reimbursed for medical benefits under this section.*” (italics added); this section was added by Ch. 2012-197, § 10, Laws of Fla. (effective Jan. 1, 2013). See *GEICO v. The Right Spinal Clinic, Inc.*, 8:20-cv-00802-KKM-AAS, Mem. Op. (M.D. Fla., July 6, 2022), affirmed, Case No. 23-11778 (11th Cir. Oct. 24, 2024) (granting summary judgment holding the defendant liable for reimbursement of plaintiff insurance company for fees paid over a 6-year period for services performed by LMTs). Notably, it appears that no criminal fraud indictments were sought, despite the overbilling of nearly \$700,000.00.

²⁸ Adding insult to injury, Perez was arrested for working after her license lapsed, served 4 days in jail, and paid \$3,923.00 in investigation costs. EXHIBIT 18. Rhodes reports that she was also used by the detectives to try and get Rhodes to make some sort of admission, calling him from the officer’s car and trying to eke out some sort of statement. One wonders what enticements were offered for her “cooperation.” Perez passed away in 2021.

²⁹ Facebook posts of pictures and other communications amongst these individuals are copied in EXHIBIT 19.

³⁰ The ACISS report of Kunz’s complaint is presented in EXHIBIT 20; the patient involved was AN, discussed below. It turns out that the detectives themselves may have initiated contact with Kunz — an ACISS update on the investigation from February 6 states that “626s” were filed with Kemper and Nationwide, then notes, “Further contact with [Special Investigation Unit] Kunz with Kemper.” This was 1 day after meeting with the primary complainant and her accomplices. See the bottom line of EXHIBIT 21.

³¹ Ross was interviewed 4 times by the detectives, yielding a veritable firehose of speculations and allegations. See EXHIBIT 22.

licensed massage therapist,³² even though her subsequent acts risked the closing of OVH. Nonetheless, her motives and biases were left unexplored by the investigating detectives.

Tammy Wilson: Wilson was a former employee of Bloom who was introduced to Rhodes by Bloom and Blanton, and she was hired by Rhodes on October 26, 2013.³³ She was friends with Bloom, Blanton, Ross, and OV. She was also a friend of patients DB and BL.

Between October 30, 2013, and January 8, 2014, starting a week after starting work at OVH, Wilson submitted 3 claims for DB's treatment to Optum Insurance, despite the fact that DB's insurance had run out in May, 2013, and DB had paid the copay for her treatments thereafter in cash.³⁴ The fee slips she submitted were incomplete, signed by neither DB nor Rhodes; they were never submitted for payment and were not part of the restitution paid to Optum Insurance.³⁵

In addition, various patients complained to Rhodes over the 2 months of her employment that she made mistakes in applying therapies.³⁶ She was fired by Rhodes on January 26, 2014, for gross incompetence. Two days later, OV penned her complaint letter to Rhodes, and just over a week later, Bryant and OV lodged their on-line insurance complaints.

Wilson had a motive of revenge for being fired; nonetheless, her close relationships with other key witnesses, her documented incompetence, her involvement with allegedly fraudulent billing by Bloom, and her animosity toward Rhodes did not raise suspicions by the detective.³⁷

Detective Paul Robbins: As noted above, Robbins was the lead law enforcement detective, working along with Dwight Murphy, with the DIF. The present analysis focuses on Robbins, but Murphy's actions are impugned as well.

Notably, Robbins and Murphy were investigating Bloom for alleged insurance fraud in a period overlapping that of their investigation of Rhodes. In about June 2014, Robbins, along with Detective Clark, interviewed Bloom in his home, focused on the investigation of Rhodes. OV, Ross, and Bloom's then-girlfriend Tessa Bassler were present for at least parts of that interview.³⁸ Allegations and evidence of fraud by Bloom were lodged by Reshen and

³² Ross texted Rhodes about interviewing and hiring her friend, a licensed massage therapist. See EXHIBIT 23.

³³ See Robbins's summary of the February 5, 2014 interview of Wilson, EXHIBIT 24. OV was present. Wilson replaced Jessica Moseley in the office, who had left for a full time job with benefits. See EXHIBIT 22, at pg. 4. Moseley came back to work for Rhodes in the aftermath of the events described here.

³⁴ DB suffered an employment injury, and she was charged a copay of \$45 per appointment beginning in May 2013 through January 8, 2014; her full bill would have been paid when her workers compensation claim was resolved. She thus profited directly from her complaint against Rhodes, and Optum Insurance Company got a tiny windfall as a result of the unjustified restitution payment.

³⁵ Rhodes recalls an incident from this time period when Wilson asked him to sign a blank fee slip for DB; he declined, noting DB was a cash patient. This suggests that Wilson was either grossly incompetent or was attempting in a very transparent way to set Rhodes up.

³⁶ Patients' complaints about Wilson's professionalism and skills are presented in EXHIBIT 25.

³⁷ Wilson sent a nasty text to Rhodes on February 8, 2014, asking if he felt the noose tightening, and saying "Your pathetic life is over and it couldn't happen to a more deserving person." EXHIBIT 26. This text was sent about ½ hour before the similar text from Bryant. See note 11, *supra*.

³⁸ A transcription of a tape recording of the interview, dated June 19, 2014, has one of the detectives asking if one person by the name of Missy was "leaving already" (EXHIBIT 27, pg. 80) and OV discussed the presence of Ross

investigated by Murphy. Reshen had worked for, dated, and lived with Bloom and, following a violent episode between them, had secured a restraining order against him. Bloom subsequently sought a restraining order against Reshen. The detectives did not pursue charges against Bloom at the time, finding that Reshen was biased and unreliable. Bloom blamed Reshen for the billing discrepancies, but he also dodged questions in his interview about whether he was illegally providing various injectable and compounded drugs to a range of patients, securing access to and ordering drugs using Blanton's medical license.³⁹

Following the on-line complaints filed by Bryant and OV, Robbins met with several of the key actors. On February 5, 2014, he interviewed Wilson and OV in part together in a Dunkin' Donuts. The following day, a mere two days after the first complaints were filed by Bryant and OV, Murphy documented the intent of the detectives to arrest Rhodes.⁴⁰ Numerous patients Robbins and Murphy interviewed later alleged the detectives lied about and misrepresented what these patients said when interviewed, and they disregarded favorable or contradictory testimony.⁴¹

Robbins also relied on what he represented to be the recall and memories of patients suggesting that manual therapy sessions did not last 30 minutes, for cases in which two 15-minute sessions were billed. Federal rules include an "8-minute rule" which permits billing for a 15-minute session as long as the session lasts at least 8 minutes, including time for disrobing and preparation; thus, patients for whom their manual therapy session lasted 23 minutes (including preparation time) could legitimately be billed for 30 minutes. This ambiguity (and the lack of measurement precision) in patients' recall of how long their therapy sessions lasted was not addressed, and most certainly is a thin reed on which to hang charges of fraud.⁴² As discussed

and herself at Bloom's house while the interview was taking place. EXHIBIT 9, pg. 124. Strangely, at one point during the interview, while discussing Reshen, Detective Clark stated to Bloom, "I'm trying to clear your name is what I'm trying to do right now." *Id.*, at pg. 32. This hardly sounds like a legitimate purpose for the detectives. The detectives and Bloom also appear to exchange knowing laughs when discussing Reshen. EXHIBIT 27, at pp. 44-45 (this is clear on the tape, which is available on request), further undermining any claims of objectivity or fairness, much less that their primary motive was to discover the truth. It appears that the detectives did not separately interview Bloom about the allegations Reshen lodged against him. The rapidity and zeal with which they pursued Rhodes stands in stark contrast to the lackadaisical, kid-gloves treatment of Bloom. Indeed, in the Bloom interview, Clark says his memory may be a bit hazy because it had been 6 months since the Reshen interview (pg. 55).

³⁹ See EXHIBIT 27, pp. 41-43 (Bloom avoids answering questions about providing injectable drugs to a Jacksonville Sheriff's Office officer Kevin Smith, who had told the detectives he had received injections in Bloom's office, and saying he didn't think he had injected testosterone in a different patient, pp. 41-42). Blanton admitted this to Rhodes in texts on July 9, 2013 (EXHIBIT 28). One compounding pharmacy that Reshen told the detectives had been used by Bloom was North Beaches Pharmacy, which was one of six pharmacies found guilty of fraud in 2015. See <https://www.actionnewsjax.com/news/local/jacksonville-based-pharmacies-accused-ripping-acti/26797776/>

⁴⁰ EXHIBIT 21.

⁴¹ The District Court and 11th Circuit Court of Appeals treated statements by the Detective to be truthful, completely discounting patients' affidavits filed in support of Rhodes asserting that statements attributed to them were lies.

⁴² Cognitive psychology literature suggests that patient recall of therapy duration is extremely unreliable; time perception is context-dependent and malleable, especially in low-arousal, low-stimulus settings like massage/manual therapy (Kondo HM, Gheorghiu E, Pinheiro AP. Malleability and fluidity of time perception. *Sci Rep* 2024; 14(1):12244); attentional gate models emphasize that unless attention is focused on time, recall is distorted (Block RA, Zakay D. Prospective and retrospective duration judgments: a metaanalytic review. *Psychonomic Bull & Rev* 1997; 4:184-197); and retrospective timing studies show systematic overestimation of short intervals and underestimation of longer ones, with wide individual variability (Balci F, Unubol H, Grondin S, et al. Dynamics of retrospective timing: a big data approach. *Psychon Bull Rev* 2023; 30:1840-1847). Even when people are cued to

below, several patients later executed statements indicating that they had been misled or misquoted by the detectives, or that they did not understand what the rules were about time units and preparation time.

Overall, Robbins made a very fast decision to arrest, he engaged in selective evidence-gathering, he lied about what interviewees told him, and in the end, he arranged a public arrest with himself, Murphy, and *seven* uniformed Jacksonville Sheriff's officers, which appeared specially calculated to damage Rhodes's reputation.

The Investigation

As stated above, the investigation of Rhodes began with the filing of two on-line complaints with the DIF, 8 minutes apart, by two people. The first was filed by Joe Bryant, who is a convicted felon and malingerer who's only knowledge of or about Rhodes was hearsay, provided by his former girlfriend Blanton and former employee Wilson. The second was by patient OV, who was close friends with Wilson, Ross, and Blanton. Rhodes fired Wilson for gross incompetence 9 days before these complaints were filed. OV (as well as other patients DB and BL) stood to profit directly from the cancellation of thousands of dollars of medical bills, which would be paid out of her car accident settlement. Incredulously, Bryant and OV averred they had never talked or communicated directly.⁴³

Both complainants were interviewed in short order by the detectives, and both averred that they had knowledge that Rhodes's clinic had fraudulently billed OV's insurance company, Nationwide, \$56,000. This was an outright, demonstrable lie. Nonetheless, the detectives promptly interviewed Wilson, and then interviewed Ross. Ross, over the course of at least 4 interviews, became a prime source of 'leads' to patients who she led the investigators to believe had, in one way or another, likewise been fraudulently billed for services they had not, or might not have, received.⁴⁴ On the morning after first interviewing Bryant, OV, and Wilson, the detectives documented their intent to arrest Rhodes. The rest of their "investigation" was tainted by confirmation bias, where the detectives were looking for and sensitive to confirmatory information and discounted any evidence that did not fit their preconceived notions of guilt.⁴⁵

monitor time (which is not done in therapy sessions) only modest improvements can be expected (Morin A, Grondin S. Mindfulness and time perception: a systematic integrative review. *Neurosci Biobehav Rev* 2024; 162:105657).

⁴³ The Investigation Summary Report filed by Robbins (undated), EXHIBIT 29, states that the investigation commenced with the filing of a complaint by OV, and *makes no mention of the complaint filed by Bryant*. Perhaps the detective was trying to avoid unnecessary attention being brought to the obvious implication of conspiracy. This summary also references the February 18, 2014 filing of an online complaint by Kunz, but makes no mention of the prior contacts of Kunz by the detectives, which might appear to be a solicitation to have Kunz file the complaint. *Supra* note 30.

⁴⁴ Ross was interviewed by the detectives at least 4 times between February 7 and 28, 2014; ACISS reports on those interviews are gathered in EXHIBIT 22.

⁴⁵ Confirmation bias, outcome bias, and hindsight bias yield what has been called tunnel vision in investigative and forensic sciences, and are well documented tendencies whereby investigators prematurely commit to a hypothesis, then selectively interpret or disregard inconsistent evidence, undermining objectivity. Kassin SM, Dror IE, Kukucka J. The forensic confirmation bias: problems, perspectives, and proposed solutions. *J Appl Res Mem & Cogn* 2013; 2:42-52. *See also* Cooper GS, Meterka V. Cognitive bias research in forensic science: a systematic review. *Forensic Sci Int* 2019; 297:35-46 (reviewing extensive literature on bias entry points in forensic decision-making). In the law

In addition to claims based on patients OV and DB, Rhodes was charged with fraudulent billing for 6 additional patients. One patient, BL, was a friend of OV, Ross, Wilson, and perhaps other actors introduced here, and stood to financially benefit like OV and DB from the discharge of medical expenses she incurred.⁴⁶

Every other patient signed affidavits indicating that the detectives misled them and misreported what they said when interviewed. The claims filed on behalf of 3 patients, MS, HS, and AN were based solely on manual therapy performed by Perez.⁴⁷ Patient HC filed a statement that the detectives were dishonest, misled him about massage duration, and attested that he received treatments as billed.⁴⁸ Patient RG, whose native language is Tagalog, filed an affidavit saying she in fact received the disputed treatments and disagreed with the report filed by the detectives.⁴⁹ Critically, the detectives admit that their knowledge of what was legal and what was being done in the office was “obtained through interviews with current and former employees.”⁵⁰

Closing Analysis

Viewed in context, the case against Dr. Rhodes reflects not an isolated act of overreach but a structural pattern spanning three layers: individual animus, investigative bias, and institutional interference. Each layer reinforced the others, converting rumors and speculation into prosecution. The timeline and relationships suggest that Rhodes was the victim of the confluence of two small, tightly linked groups of people who coordinated their complaints and testimonies to damage him.

The first group was Joe Bryant and his insurance industry pals, who likely had direct links to the DIF based on their industry roles. According to Bryant, an executive of Florida Blue kept him apprised of progress of the investigation and pending arrest.

The second group emerged from the collapse of Bloom’s practice, consisting of employees and patients who migrated into Rhodes’s orbit and later became the very witnesses to accuse him of fraud. Each had professional, and in several cases, personal relationships with Ricky Bloom.

review context, Findley & Scott describe “multiple dimensions” of tunnel vision in criminal cases, including early hypothesis fixation and suppression of alternative theories. Findley KA, Scott MS. The multiple dimensions of tunnel vision in criminal cases. *Wisc L Rev* 2006; 2006:291-397.

⁴⁶ BL was a dancer, and Rhodes believes he may have given offense by refusing to join the others named here in going to see BL perform, which he felt might cross an ethical line.

⁴⁷ See the details in the Investigative Summary Report, EXHIBIT 29. AN later attested that the detectives were accusatory and aggressive with him, to the point of even subpoenaing his work timesheets and phone records, the latter to affirm his statement that Rhodes had not called him before the detectives interviewed him. EXHIBIT 30. See also the affidavit and letter of patient MS, EXHIBIT 31 (complaining about the way her daughter, HS, was treated by the detectives, and, among other things, that Ross was angry that Rhodes did not hire her friend).

⁴⁸ See EXHIBIT 32. HC is a large man for whom longer manual therapy sessions are typical.

⁴⁹ EXHIBIT 33 includes RG’s affidavit, as well as a report filed by David Hodges about the interview, held with Tagalog translators to ensure RG understood what was being said.

⁵⁰ Summary of the investigation, EXHIBIT 29, at pg. 9. The detectives also sought charges against Lisa Jackmore, who they alleged could not perform any office services without being a Registered Chiropractic Assistant. This was not legally required in 2014, and on information and belief, Jackmore was not prosecuted.

These actors appear motivated by Rhodes's broken relationship with Deb Blanton and by the late January 2014 firing of Tammy Wilson.

The two groups were joined in their pursuit of Rhodes by the romantic interests and jealousies of Bryant and Blanton. In short: two independent conspiracies — one social, one institutional — converged by design and timing, producing an outcome neither might have engineered alone. In both groups the record reflects agreement on an objective, overt acts in furtherance thereof (coordinated complaints, aligned statements, inspector walkthrough on the same day as the complaints), and resulting harm to their intended target (arrest, PTI, reputational injury).

Even the detectives knew Bloom from their investigation of him for insurance fraud, which investigation began before and was on-going at the time the investigation of Rhodes was initiated. Thus, the detectives had to be aware of the close ties between all of these actors (indeed, Ross and OV were present for the interview of Bloom), but nonetheless failed to question their relationships, communications, biases, and motives. Their failure to do so impugns their motives, truthfulness, and fairness in pursuing Rhodes.

The detective's failure to consider and explore more deeply these interconnections contributed to building a case against Rhodes that was unsupported by facts and law, all of which significantly narrowed Rhodes's opportunity to demonstrate an underlying conspiracy, bias, malice, and lack of probable cause. In subsequent litigation, the detective's records were treated as true, despite the fact that many of their allegations of facts and law were simply false.

From the outset, the investigation into Rhodes was tainted by bias and favoritism. Detectives openly sympathized with Bloom—joking with him and even stating, *"I'm trying to clear your name."* Within a day of meeting with Bloom's close allies OV and Wilson, Robbins announced his intent to arrest Rhodes, signaling a rush to judgment based on the word of insiders with clear loyalties, motives, and axes to grind. Later affidavits confirmed investigators ignored exculpatory testimony, showing no interest in evidence that conflicted with their theory of the case and their motivated conclusion. Coupled with the orchestrated, public nature of Rhodes's arrest, these actions reflect not neutral law enforcement but confirmation bias and a determination to secure a "win" at Rhodes's expense.

What's missing is a firm sense of why the detectives did this. One highly distinct possibility emerging from this detailed analysis is that the Florida Blue executive, Bryant's golf buddy, appears to have weighed in directly or through one of his underlings with the state DIF. This certainly could have lit a fire under the investigators, and could well explain the vigor with which they pursued Rhodes, as well as the very public and purposefully humiliating arrest of Rhodes that the detectives orchestrated. This stands in stark contrast to the kid-gloves, back-burner investigation of Bloom.

Why did they go out of their way to clear Bloom's name, and why did they blindly follow the story the Bloom-affiliated actors confabulated? Was it to protect Kevin Smith, the JSO officer who was receiving injections from Bloom? Clearly, any prosecution of Bloom would have involved Smith and made his behaviors public. It appears that the detectives were purposefully

diverting attention from Bloom onto Rhodes, despite what may be surmised to be their belief that billing irregularities – and perhaps fraud – had been committed in Bloom’s clinic.⁵¹

The Rhodes case is not merely a story of personal and professional betrayal; it is a study in how institutional complacency can convert rumor into “probable cause.” At every level – investigative, prosecutorial, and judicial – officials accepted unsupported, corrupt narratives because they were convenient, not because they were true. When detectives shade facts, fail to question biased, ill-intended witnesses, and courts defer, injustice hides in plain sight. The tragedy here is not just that Rhodes was wronged, but that the system designed to correct such wrongs instead ratified them. Unless courts and agencies demand accountability for investigative bias, cases like this will recur, cloaked in the same presumption of integrity that failed here.

⁵¹ See EXHIBIT 34. Case 14-162 (Bloom) was closed in October 2014 with no charges being filed. The detectives decided they couldn’t judge who was responsible between Reshen and Bloom, each of whom blamed the other. Interestingly, the detectives talked to Kevin Smith at least once (see EXHIBIT 27, pp. 39-41; and EXHIBIT 34), presumably regarding the complaint filed by Reshen against Bloom, yet the state records department told David Hodges that no ACISS record of such an interview was filed by the detectives.

EXHIBITS

1. Rhodes v. Robbins, Case No. 3:18-cv-673-J-34JBT, M.D. Fla. March 13, 2019, Order on Motion to Dismiss
2. Rhodes v. Robbins, Case No. 3:18-cv-673-J-34JBT, M.D. Fla. March 30, 2021, Order on Summary Judgment
3. Rhodes v. Robbins, Case No. 21-11436, App. 11th Cir., May 2, 2022
4. Rhodes v. Bryant and Varamogiannis, Amended Complaint, Case No. 2015-CA-001383, 7th Judicial Cir., filed Feb. 3, 2016
5. Bryant Twitter and text to Rhodes
6. Joe Bryant deposition
7. OV-Rhodes letter and emails
8. Robbins ACISS summary of interview of OV
9. OV deposition
10. Ossi letter to Nationwide Insurance
11. Joyce Tucker email to Rhodes about OV billing
12. Rhodes affidavit of arrest, April 2014
13. ACISS Investigative Supplement 14-216/7, February 12, 2014
14. Dr. Kutchler IME report
15. Rhodes v. Robbins, Amended Complaint, Case No. 3:18-cv-673-J-34JBT, Filed June 19, 2018.
16. Staci Reshen interview by Detective Clark, Jan. 2, 2014
17. Reshen affidavits and related statements
18. Cynthia Perez arrest and resolution
19. 2013 Facebook posts and pictures showing friendships amongst Ross, OV, Bloom
20. ACISS, David Kunz's DIF complaint

21. ACISS, February 6, 2014
22. Missy Ross interview summaries
23. Ross's communications asking Rhodes to interview/consider hiring her friend
24. Tammy Wilson interview summary
25. Patient complaints about Wilson
26. Wilson text to Rhodes, February 8, 2014
27. Robbins and Clark interview of Bloom
28. Blanton texts about drug prescribing by Bloom
29. Rhodes Investigative Summary Report (undated)
30. Patient AN's affidavit and letters
31. Patient MS's affidavit
32. Patient HC's affidavit
33. Patient RG's affidavit and report
34. ACISS Report on Closing of Case 14-162, Investigation of Bloom