

Matthew Metz  
Public Defender  
[Metz.Matthew@pd7.org](mailto:Metz.Matthew@pd7.org)

Larry Avallone  
Assistant Public Defender  
[Avallone.Larry@pd7.org](mailto:Avallone.Larry@pd7.org)

Laura Roth  
Volusia County Clerk of the Court  
[lroth@clerk.org](mailto:lroth@clerk.org)

Mark Weinberg  
Volusia County Court Administrator  
[mweinberg@circuit7.org](mailto:mweinberg@circuit7.org)

R.J Larizza  
State Attorney - 7th Judicial Circuit, Fl.  
[larizzar@sao7.org](mailto:larizzar@sao7.org)

Michelle Pastor  
Judicial Assistant  
[mpastor@circuit7.org](mailto:mpastor@circuit7.org)

Tom Turcotte  
Guardian ad Litem  
[thomas.turcotte@gal.fl.us](mailto:thomas.turcotte@gal.fl.us)

Ref: Juvenile Prosecution  
State v. Nicole Jackson  
2021-303222-CFDB

May 4, 2025

To All - including those cc-ed and bcc-ed :

Our publication - VolusiaExposed.Com is developing an article regarding the described case & issues. For the principles, we invite your feedback - AND for those with the power of the pen or air waves (media) we invite your review - and your assistance in exposing this travesty of justice. If you can not directly assist - please consider passing it on to someone that can.

Last February, a 3.850 post conviction motion was filed in regards to the above listed case. The motion was filed by the Ripley Whisenhunt law firm out of Pinellas Park, Florida.

While we have a copy of this 3.850 motion - we are not posting it within this narrative (explanation of why follows).

WHAT IS A FLORIDA 3.850 MOTION? (see below web link)  
<https://www.robertmalovelaw.com/faqs/how-a-florida-3-850-motion-works.cfm>

This motion addresses several issues – including, but not limited to - ineffective counsel (public defender's office), the judicial sealing of an ex parte Nelson hearing transcript (January 27, 2023), and whether the defendant (15 year old Nicole Jackson) was even mentally competent to participate in this hearing, as well as, the immediate thereafter plea acceptance and sentencing hearings.

Circuit Court Judge Elizabeth Blackburn immediately after these hearings - via a Court order - sealed both the electronic & hard transcript records of this "Nelson hearing" (see below linked court order).

<https://volusiaexposed.com/stateattorney/2025/nicolejackson3850/ordertoseal.pdf>

We have legally obtained a copy of the Nelson hearing transcript - however, we are not posting the transcript within this particular narrative (again explanation of why follows).

WHAT IS A NELSON HEARING? (see below web link)

<https://www.floridabar.org/the-florida-bar-journal/self-representation-and-ineffective-assistance-of-counsel-how-trial-judges-can-find-their-way-thro/>

Judge Blackburn's documented rationale for sealing the record was that Ms. Jackson's prosecution had attracted worldwide media attention (see below linked international media article) –

**AND** should the information from the "Nelson Hearing" become public - that Ms. Jackson's ability to receive a fair trial would be hampered.

<https://www.independent.co.uk/news/world/americas/florida-boy-girl-ak47-police-shootout-b2043254.html>

We OPINE that the Nelson hearing was held ex parte, and the transcript was sealed - in order to hide the coercion of this child (Ms. Jackson).

We believe that the Nelson transcript holds evidence of misconduct / malfeasance by the public defender's office, as well as by the trial judge.

The Florida Bar and the Florida Judicial Qualifications Commission both allow for the submission of misconduct complaints via published media articles.

Thus - our rationale for not including these documents within this particular narrative. Their release would appear to be more appropriate, within a format acceptable to these regulatory authorities.

Upon the filing of the 3.850 motion – the Ripley Whisenhunt law firm did their due diligence by advising the Clerk of the Court, that their entire 3.850 motion was mandated to be sealed from public viewing (see below linked advisement to Clerk).

<https://volusiaexposed.com/stateattorney/2025/nicolejackson3850/ripley.pdf>

While the law firm argued that the sealing was due to "HIPAA" (medical information) related issues - in actuality, the medial information could have been easily redacted.

We believe the law firm's request actually had its foundation in the judge's strict confidentiality standards within her order releasing the transcripts to the law firm (see below linked copy).

<https://volusiaexposed.com/stateattorney/2025/nicolejackson3850/orderrelease.pdf>

From mid-day February 27, 2025 to mid-day March 3, 2025 - not only was the 3.850 motion available for public viewing and downloading from the Clerk of the Court's website – so was the inclusive Nelson Hearing transcript.

Recently obtained Clerk of the Court records clearly memorializes that these court records - during the above described time frame - were viewed and downloaded by several members of the public, including members of the media (click the below web link to download spreadsheet).

<https://volusiaexposed.com/stateattorney/2025/nicolejackson3850/webaccess1.xlsx>

As we stated earlier - our publication - obtained copies of these court records (3.850 motion / hearing transcripts) directly from the Clerk of Court – and we anticipate publishing an article that will discuss these records – in further support of our past editorials (see below linked **examples**) – opining that Ms. Jackson - a child - was “railroaded” through the Volusia County justice system.

**December 22, 2023**

**IN THE DEFENSE OF A CHILD**

<http://volusiaexposed.com/stateattorney/2023/disparatesentences122023.html>

**February 22, 2023**

**DARK JUSTICE WITHIN THE SEVENTH JUDICIAL CIRCUIT.**

<http://volusiaexposed.com/corrections/2023/jacksonnelsonhearing1272023a.html>

Given Judge Blackburn’s own judicial declaration (see above linked - judge's order to seal) – we intend to explore how Ms. Jackson can ever receive a fair trial, now that the “Nelson transcripts” have been released to the public domain – and whether this fact attaches a perceived bias to Judge Blackburn’s deliberations regarding the 3.850 motion?

**FIRST ARGUMENT:** If Judge Blackburn still has the honest belief that Ms. Jackson can NOT receive a fair trial, especially, now that the Nelson Hearing transcript have been released – this belief could bias her judgment in providing Ms. Jackson with any type of post conviction relief.

**SECOND ARGUMENT:** Judge Blackburn's documented rationale for excluding the State Attorney Office (SAO) from the January 27, 2023 ex parte Nelson hearing was to restrict the SAO from learning the defense's trial strategy. **HOWEVER**, in mid-2024 Judge Blackburn provided access to the Nelson hearing transcript to both the Ripley Whisenhunt law firm **AND** the **SAO** (*see page 4 paragraph B of the below linked court order*). Should Judge Blackburn now wish to grant Jackson 3.850 relief - in the form of a trial - the SAO is now knowledgeable of the defense's trial strategy.

In truth, by Judge Blackburn allowing the SAO access to the ex parte hearing transcript - this publication opines that Judge Blackburn has telegraphed - prior to even the filing of the 3.850 motion - her **unwillingness** to consider granting Jackson a trial - regardless of any viable legal arguments made within the 3.850 motion.

**THIRD ARGUMENT:** Since the sealed Nelson hearing transcript have been made available to the SAO (per Court Order - see below web link) - there are no rational reasons why the general public and the media should not also now enjoy unfettered access to the January 27, 2023 Nelson hearing transcript (albeit legal redactions).

<https://volusiaexposed.com/stateattorney/2025/nicolejackson3850/orderrelease.pdf>

The public and the media are important checks and balances of judicial power - this is why the sixth amendment to the U.S. Constitution provides a defendant with the right to a **PUBLIC** trial - and not "Star Chamber" like hearings and trials (see below web links)

<https://constitution.congress.gov/constitution/amendment-6/>

[https://en.wikipedia.org/wiki/The\\_Star\\_Chamber](https://en.wikipedia.org/wiki/The_Star_Chamber)

Mr. Avallone (Jackson's original attorney) - within our pending article - we anticipate addressing - why **you** failed to file a motion with the Court - attempting to cease Volusia Sheriff Mike Chitwood's false and prejudicial public statements alleging that the children (Jackson and her co-defendant) had fired a military weapon (AK-47 rifle) at his deputies – in similar fashion as you did in a motion in the following case – State v. Charles Ivy 2023-305335-CFDB? (see below linked copy of motion)

<https://volusiaexposed.com/stateattorney/2025/nicolejackson3850/ivyavallonemotion.pdf>

Mr. Avallone – you provide the appearance of having no misgivings in silencing a police chief's opinion of a man charged with the murders of a mother and her 10 month old son (Ivy case - see below linked media articles) – while refusing to silence an outright falsehood being forwarded by Sheriff Chitwood (AK-47 gunfire) regarding the over-zealous criminal prosecution of a middle school girl.

<https://www.wesh.com/article/daytona-beach-arson-murder-charge/46043589>

<https://www.wesh.com/article/daytona-beach-stabbing-fire-update/45918174>

Ms. Jackson's arrest report (see page 3 of the below linked report) clearly affirms that the AK-47 was never fired by the children.

(In full disclosure - it would appear that the children did fire six gun shots - four from .25 handgun - and two from a shotgun.)

<http://volusiaexposed.com/vcso/2022/nicolejackson92022/chargingreport.pdf>

Regardless, Sheriff Chitwood's falsehood to the media (see below video) that the children fired the AK-47 military rifle - remains uncorrected.

[https://youtu.be/1VMwsKcRRJI?si=TGIsqw68rL\\_-Pfd](https://youtu.be/1VMwsKcRRJI?si=TGIsqw68rL_-Pfd)

We question whether your (Avallone) past employment as a Volusia sheriff deputy - attaches at the very least – as a perceived bias regarding your legal representation of Ms. Jackson.

Finally, our article will review whether the local office of the Guardian ad Litem insured the best interest of the children.

Again - all recipients – including those cc-ed or bcc-ed - please feel free to provide any commentary, comments, corrections, or criticisms as you deem to be appropriate. Please do so prior to June 1, 2025.

While some may find comfort that a "back door deal" may eventually bring a better sense of justice to this case, this publication follows the legal axiom that *"Justice delayed is justice denied"* (William Ewart Gladstone 1868).

We are also kinda fond of "Captain Fletcher's" statement to a U.S. Senator regarding "justice" for his Civil War rebel troops - *"There's another old saying, Senator: Don't piss down my back and tell me it's raining"*. (The Outlaw Josie Wales ~ 1976)  
<https://clip.cafe/the-outlaw-josey-wales-1976/theres-old-saying/>

Regards,

VolusiaExposed.Com  
[editor@volusiaexposed.com](mailto:editor@volusiaexposed.com)

"The mark of a civilized society is how it treats its children" ~ Dietrich Bonhoeffer (executed by the Nazis)  
"Regarding exposing corruption within Florida's 7th Judicial Circuit - maybe handing out raincoats is our best approach"? ~ VolusiaExposed.Com

cc - as indicated  
bcc - several - both internal and external to VolusiaExposed.Com

PS - FOR THOSE THAT HAVE AN INTEREST - THE RAILROADING OF A 14 YEAR OLD SCHOOL GIRL IS JUST ONE OF SEVERAL TRAVESTIES OF JUSTICE THAT HAVE TRANSPIRED WITHIN THE EAST CENTRAL FLORIDA JUSTICE SYSTEM - WE INVITED YOU TO REVIEW OUR WEB PAGE OF VOLUSIAEXPOSED.COM.

WE PROVIDE THESE FOLLOWING EXAMPLES FROM OUR WEB PAGE.

**Did the Daytona Beach PD Cover-up a murder?**  
**The Tragic Death Of College Student Alexander Bello-Ortiz**  
<https://volusiaexposed.com/dbpd/2024/alexbelloortiz122024.html>

**The Killing Of Eileen Flaherty.**  
**Did The Volusia Sheriff Cover-up The Traffic Homicide Of A Retired School Teacher?**  
<https://volusiaexposed.com/vcso/2024/flaherty82024.html>

**Volusia County Has A Long History Of Corruption.**  
<https://barkersview.org/2018/07/02/volusia-politics-the-curse-of-chief-tomokie/>

