

# Volusia County Department of Corrections



Incident Report # 230007461

On 9/19/23 at approximately 0900 I was contacted by State Attorney Investigator Gina Baker in reference to Inmate Jackson, Shane 1124583. She had concerns about privileged contact between Inmate Jackson and Attorney Michelle Bevilacqua. She stated that Bevilacqua was not the inmates' listed attorney but they were sending messages between one another under Private/Privileged communication through Smart Jail Mail, the communication service that Volusia County Corrections uses. I informed Investigator Baker that I would look into the matter.

I reviewed Inmate Jackson's Smart Communication account and viewed his messages where a majority of the inmate's communication come from Michelle Bevilacqua and are labeled Private/ Privileged Communication which is not viewable due to attorney client privilege. I then looked at their connection created on 6/16/23 with the inmate as a Professional relationship as a private attorney but not approved until 6/21/23. I contacted booking who sent me Inmate Jackson's attorney on file with the courts which is Michael Panella with the Panella law Firm. I reviewed the inmate's photo's section in Smart Jail Mail and on 6/19/23 and 6/20/23 photos were sent to Inmate Jackson account from Attorney Michelle Bevilacqua containing herself and the Inmate which appeared to look like more than an attorney client relationship. There are also near a hundred photos sent from Attorney Michelle Bevilacqua to Inmate Jackson that are privileged and cannot be seen.

I then reviewed ICSolutions which Volusia County Corrections of Inmate Jackson's phone calls. As I am reviewing his calls I observe a number that's called more than usual over 500 times since his incarceration on 6/19/23. When I clicked on the number to verify the account I observed the number is associated with an account set up by Attorney Michelle Bevilacqua. After listening to some of the recording you here conversations that start with "Hey Babe" from the attorney and Inmate Jackson as well as at the end of the phone calls "I love you" from both parties. I notified Captain Kisner of the information. I then went to Unit 10 to Lt. D'Esposito's office. I had Inmate Jackson escorted to the office where I interviewed the inmate regarding the concerns on video with Lt. D'Esposito present.

I told him I was there to ask a few questions and asked the inmate who his attorney for his case was? He stated "Michael Pannella."

I then asked the inmate if that is the only attorney on his case?

The inmate stated "Yes."

I asked the inmate if that's the only attorney on his case what is his connection to Michelle Bevilacqua?

He stated "Oh she helps him from time to time with my case because hes out of Orlando."

I asked if their relationship was strictly professional?

He stated "Yes."

I stated "well we have access to phone calls that are made as all jail calls are recorded" and I questioned him about the pictures sent to him from Michelle Bevilacqua that painted a different picture of their relationship?

He stated "Yes our relationship is more than professional, and we have been seeing each other since before I came back to jail."

I asked if their communication was in fact privileged when they communicate through her attorney privileges like the photos sent and the messages?

He stated "I can sign into my tablet and show you, there's nothing inappropriate."

I said if you want to sign into the tablet then he could it was up to him.

He signed in and stated "You can look at them."

After looking at the photos that were sent to Inmate Jackson from Attorney Michelle Bevilacqua that were marked "Private/Privilege" is was 13 pages of pictures of herself posing in many different positions but never explicit photos. Most of the photos were not in any way case related nor did they meet the attorney client privilege standard and appeared to more a misuse of the Michelle Bevilacqua practice as an Attorney to circumvent the system so her information sent could not be viewed by any one.

I then looked at Attorney Michelle Bevilacqua's visit history in the Beacon Data Base that the Division uses. The attorney has had 8 contact visits with Inmate Jackson while he has been incarcerated. These visits ranged from 3-5 hours at length at the control room. The visit from 8/25/23 and 9/10/23 are still in the Ocularis system and can be viewed.

Victims/Subjects

Officers



# Volusia County Department of Corrections

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Inmates								
Inmate ID No	Booking No	Last Name	First Name	Middle Name	Sex	Race	Classification	Location
935641	1124583	JACKSON	SHANE	P	M	W	MED	10A01L

## Comments

## Supplement Reports

Officer ID	Officer Name	Supplement Type	Supplement Date
21333	KISNER, K	CS	09/20/2023 07:10

### Narrative

GOOD JOB TO SGT. BUCKLEY FOR INVESTIGATING THE INFORMATION RECEIVED BY STATES ATTORNEY GINA BAKER AND GENERATING THIS REPORT. DETAILS INTO THIS INCIDENT HAS IDENTIFIED SOME ISSUES THAT MUST BE ADDRESSED. ACCESS TO PRIVILEGED ATTORNEY CLIENT ACCOUNT (SMART JAIL) HAS BEEN REVOKED FOR ATTORNEY MICHELLE BEVILACQUA IN REGARDS TO INMATE SHANE JACKSON ONLY.

ACCESS INTO BUILDINGS NOTIFIED VCBJ & VCCF OF THE FOLLOWING SENT FROM LT. PETERKIN ( Please see attached photo of Michelle Bevilacqua from the florida bar website. Her barcode is 1018855. The control room operator is to verify with booking that she is legally representing the inmate that she is attempting to visit. If she is not the attorney on file, then she will be denied entry into the building) SHE IS NOT AUTHORIZED TO VISIT INMATE SHANE JACKSON ONLY. VERIFICATION OF HIS ATTORNEY ON FILE IS MICHAEL PANELLA.

INCIDENT NOTED FROM SGT. BUCKLEY'S REPORT ON OCULARIS DATED: 8/25/23 START TIME: 1021 HRS TO 1452 HRS. SHOWS ATTORNEY BEVILACQUA IN CONTROL ROOM A WITH INMATE JACKSON. RECORDING IS PRESERVED PENDING REQUEST FROM STATES ATTORNEYS OFFICE PENDING FURTHER INVESTIGATION.

DURING THE INVESTIGATION OF THIS INCIDENT IT WAS NOTED THAT 2 INMATES HOUSED IN 10 A WHO CURRENTLY HAVE A COURT ORDER FOR NO CONTACT VIA PHONE, TABLET, ETC. WAS IDENTIFIED TO BE VIOLATING THE COURT ORDERS. SUPERVISOR LT. D'ESPOSITO HAS PROPOSED A PLAN FOR MOVING THESE INMATES TO A LOCATION THAT WOULD PROVIDE ACCOUNTABILITY TO PREVENT FROM FUTURE VIOLATIONS. BOTH OF THOSE INMATES HAVE BEEN MOVED PENDING OUTCOME OF RECOMMENDATION. FWD TO WARDEN FAIRCLOTH FOR REVIEW.

Officer ID	Officer Name	Supplement Type	Supplement Date
14238	FAIRCLOTH, J	WARDEN	10/03/2023 09:36

### Narrative

THIS INCIDENT WAS LOOKED INTO BY INVESTIGATOR SGT. BUCKLEY. IN HIS REVIEW HE FOUND THAT ATTORNEY MICHELLE BEVILACQUA WAS ABUSING HER PRIVILEGED ACCOUNT ACCESS BY SENDING PERSONAL COMMUNICATIONS TO INMATE JACKSON. IN HIS INVESTIGATION ATTORNEY BEVILACQUA STATED THAT SHE HAD TO USE HER PRIVILEGED ACCOUNT DUE TO NOT HAVING THE ABILITY TO CREATE A PERSONAL ACCOUNT. THE VENDOR WHO OVERSEES THESE ACCOUNTS WAS CONTACTED AND ATTORNEY BEVILACQUA'S ABILITY TO CREATE A PUBLIC ACCOUNT FOR HER PERSONAL COMMUNICATIONS. AT THIS TIME NO ACTION CAN BE TAKEN INTERNALLY FOR THE ABUSE OF THE PRIVILEGED ACCOUNT. THE FLORIDA BARR WAS NOTIFIED TO REVIEW AT THEIR DISCRETION.

Officer ID	Officer Name	Supplement Type	Supplement Date
28817	DEMORE, J		10/25/2023 13:09

### Narrative

I TALKED WITH ATTORNEY OF RECORD MICHAEL PANELLA. Michelle Bevilacqua CAN HAVE NON CONTACT VISITS WHENEVER SHE WANTS. ATTORNEY PANELLA WAS INSTRUCTED HE NEEDS TO BE PRESENT ANYTIME SHE HAS A CONTACT ATTORNEY VISIT WITH MR. JACKSON. ATTORNEY PANELLA WAS INSTRUCTED TO GIVE ME AT LEAST 24 HOUR NOTICE OF THEM NEEDING TO COME IN.

## Disciplinary Reports

# Volusia County Department of Corrections

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<b>Incident Type</b> 76A	<b>Location</b> VCBJ-10	<b>Incident Date</b> 09/19/2023 09:00	<b>Officer ID</b> 19751	<b>Officer Name</b> BUCKLEY, N	<b>Entry Date</b> 09/19/2023 15:44
<b>Supervisor ID / Name</b> 19751 BUCKLEY, N	<b>Supervisor Date</b> 09/19/2023 15:44	<b>Watch ID / Name</b> 21333 KISNER, K	<b>Watch Date</b> 09/20/2023 06:46	<b>Assigned To</b> DIRECTOR	<b>Assigned Date</b> 10/03/2023 09:36
<b>Narrative</b>					

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