

In the Matter Of:

STATE OF FL vs MALDONADO

2021-303222 CFDB

HEARING

January 27, 2023

Let's refer to it
as "Hidden" - rather
than Confidential!
Confidential (NOT!)

NOT since the judge released this
transcript to the state attorney's office
(2024)

And NOT since the clerk of the court
made this transcript available to the
public in february 2025.



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IN THE CIRCUIT COURT, SEVENTH
JUDICIAL CIRCUIT, IN AND FOR
VOLUSIA COUNTY, FLORIDA

CASE NO.: 2021-303222 CFDB

STATE OF FLORIDA

vs.

NICOLE JACKSON MALDONADO,

Defendant.

* * * * *

TRANSCRIPT OF PROCEEDINGS
HEARING BEFORE THE HONORABLE ELIZABETH A. BLACKBURN
CIRCUIT COURT JUDGE

(SEALED/CONFIDENTIAL NELSON HEARING)
MOTION FOR RECONSIDERATION TO DISMISS DEFENSE COUNSEL
REQUEST FULL NELSON HEARING
AND

PLEA AND SENTENCING HEARING - (IN OPEN COURT)

* * * * *

DATE TAKEN: JANUARY 27, 2023

TIME: COMMENCED AT 9:05 A.M.
CONCLUDED AT 12:30 P.M.

PLACE: S. JAMES FOXMAN JUSTICE CENTER
251 NORTH RIDGEWOOD AVENUE
DAYTONA BEACH, FLORIDA 32114

STENOGRAPHICALLY
REPORTED BY: SHARON K. DUNLAP
REGISTERED PROFESSIONAL REPORTER
COURT REPORTER AND NOTARY PUBLIC

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	C O N T E N T S	
1		
2	APPEARANCES FOR THE RECORD	5
3	COURT ORDERS CLOSURE OF PROCEEDINGS - CITES	
4	AUTHORITY	13
5	(BEGIN SEALED/CONFIDENTIAL PROCEEDINGS)	
6	PLAINTIFF'S MOTION FOR RECONSIDERATION TO	
7	DISMISS DEFENSE COUNSEL AND REQUEST FULL NELSON	
8	HEARING	13
9	* ISSUE 1 - CONFLICT OF INTEREST WITHIN THE PUBLIC	
10	DEFENDERS OFFICE	17
11	* ISSUE 2 - INEFFECTIVE COUNSEL OF LAWRENCE AVALLONE	
12	AND JESSICA ROBERTS	27
13	* ISSUE 3 - THE PLEA OFFER BY THE STATE IS AN ILLEGAL	
14	SENTENCE UNDER THE GUIDELINES	75
15	PLAINTIFF WITHDRAWS REQUEST TO SELF REPRESENTATION	81
16	PLAINTIFF REQUEST TO ACCEPT STATE'S PLEA OFFER	83
17	COURT DISCUSSES PROCEDURAL ISSUES RE PLEA OFFER	
18	WITH STATE AND DEFENSE COUNSEL	86
19	(END OF SEALED/CONFIDENTIAL PROCEEDINGS)	
20	PLEA AND SENTENCING PROCEEDINGS	93
21	CERTIFICATE OF REPORTER	124
22		
23		
24		
25		

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P R O C E E D I N G S

THE COURT: We're here in Case 2021-303222.
And I think we will need a moment or two to get
Ms. Jackson.

MR. AVALLONE: Yes.

THE COURT: All right. We have Ms. Jackson
present with us. She is before the Court here on
what is commonly referred to as a Nelson motion.
She is here on a motion to disqualify or discharge
her lawyers. That is the only matters set today.

Counsel, if I could have you all state your
name for the record.

MS. HUGHES: Good morning, Your Honor.
Allison Hughes, assistant public defender.

MS. ROBERTS: Jessica Roberts on behalf of
Ms. Jackson.

MR. AVALLONE: Larry Avallone, for
Ms. Jackson.

MS. THOMAS: Good morning, Judge. Sarah
Thomas, on behalf of the State.

THE COURT: All right. So at the beginning of
this proceeding - as I'm sure counsel is already
aware - the Court has entered a Sua Sponte Order
determining part of Ms. Jackson's motion
confidential, and that portion of her motion which

*
↙
↘

The Nelson motion may have been the
only matter set for that DATE, but far
more "MATTERS" would Transpire - Plea deal
Acceptance - And sentencing.

1 references three attachments, that she included in
2 her motion to discharge counsel, was sealed based
3 on the confidential nature of those documents.

4 Following up on that, the Court is going to
5 make some specific findings today, and then I'll
6 ask from counsel for Defense or State your
7 position.

8 * This case, as evident by the multiple media
9 outlets here today - both in person and remotely,
10 and, historically - has garnered what the Court
11 would view as extraordinary media attention.

12 Historically, court proceedings are open and
13 accessible to the public and to the media for a
14 variety of reasons.

15 But it is in the Court's inherent power, and
16 requirement, to ensure, that despite that, the
17 defendant still has a -- her due process rights to
18 a fair trial are protected. So the Court has to
19 engage in a balancing operation to make sure that
20 her rights are protected, while still balancing the
21 public's right to information. *

22 In order for the Court to fully explore the
23 specific nature of the allegations that she raises
24 as grounds to disqualify her, or discharge her,
25 lawyer, the Court is going to have to have some

Judge is setting the stage to have this
"Nelson hearing" outside the public + media view.
Her Alleged (Fair Trial) - BUT WAS IT REALLY DONE TO PROTECT JACKSON'S RIGHT TO FAIR DUE
PROCESS (FAIR TRIAL) - THAT IS ABOUT TO TRANSCEND. ???

1 very specific detailed discussions - both with
2 Ms. Jackson and her lawyers - about what has and
3 has not been talked about, what she has and has not
4 seen in the way of discovery.

5 Some of her allegations raised in her motion
6 also address potential trial strategies and
7 potential defenses, as evidenced both in her motion
8 and in the attachments that she included. She
9 filed this with the assistance of someone, who is
10 not a lawyer, who, apparently, does not understand
11 the ramifications of filing those kinds of
12 documents in a court file. Because communications,
13 clearly, between attorney and client are
14 confidential, and would never otherwise be made
15 known to the State, nor to the public, unless
16 Ms. Jackson chose to make sure everybody knew what
17 her defenses were, and the public knew exactly what
18 she and her lawyers talked about; and that often
19 can be to that person's detriment.

20 In this case, the -- in order for me to
21 properly determine if there is ineffective
22 assistance of counsel to discharge her counsel, I
23 have to have those conversations with you. Do you
24 understand that, Ms. Jackson?

25 MS. JACKSON: Yes, ma'am.

1 THE COURT: And you understand that will
2 entail doing that, perhaps, to your detriment -
3 because we have to discuss any defenses you might
4 have, and all of those confidential communications
5 you have had with any of your lawyers. Do you
6 understand that?

7 MS. JACKSON: Say that again, please?

8 THE COURT: You understand for me to properly
9 discuss with you what you've said in your motion, I
10 would have to talk to you and your lawyers about
11 all the communications you've had that are
12 otherwise protected? Do you understand that?

13 MS. JACKSON: Yes, ma'am.

14 THE COURT: All right. This case, as I
15 indicated at the onset, has garnered extraordinary
16 media attention. It has been reported both
17 locally, nationally and internationally.
18 Virtually, every court proceeding, obviously, has
19 been attended by the media. There was a front-page
20 article in our local newspaper recently about this
21 very motion and the hearing that is here today.

22 And in my inherent authority to control the
23 proceedings, and ensure that Ms. Jackson's due
24 process rights are protected, and, most
25 importantly, to assure that she will receive a fair

Did the judge really desire to ensure Jackson had a "fair trial"? Or was it the judge's obvious design NOT to have a trial by convincing Jackson to take the plea deal?

1 trial, it is, at this point, that the Court feels I
2 have to consider closure of these proceedings.

3 I don't take that decision lightly. That is
4 not something that is done without very careful
5 consideration, and, in accordance with the
6 standards set forth by the Florida Supreme Court,
7 in Miami Herald Publishing Company v. Lewis. That
8 case was decided in 1982. It does not certainly
9 address the social media, virtual 24/7 immediate
10 news situation that we have in today's day and age,
11 however, the Court has to consider those factors,
12 as those factors are what guides me today.

13 Number one, closure is necessary to prevent a
14 serious or imminent threat to the administration of
15 justice.

16 As I've indicated already, this case is
17 scheduled for trial on February 27th, which is
18 30 days from today. Ms. Jackson has indicated she
19 desires to go to trial; and that's where we are
20 headed. Is it Really?

21 The issue for the Court is to ensure she can
22 have a fair trial. And if I conduct these
23 proceedings in public, with the State present, and
24 the media present, then she will have no ability to
25 have any strategy or protected communication



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AS you continue to read this transcript is it about preparing for trial or more about coercing a 15 year old girl into taking the plea bargain?

Handed in 2024
The Judge released these transcripts to
the State Prosecutor - Now the Judge most decide should the
Prada be thrown out - And Jackson be given a trial

1 decisions remaining with her counsel - whether it's
2 these counsel, should I leave them on, or any
3 future counsel - because all of her private
4 communications and strategic decisions would then
5 be disclosed, which would certainly not be in the
6 administration of justice.

7 The second factor is whether any alternatives
8 are available other than a change of venue, which
9 would protect her rights to a fair trial.

10 That is one of those prongs in the Miami
11 Herald case that, frankly, really doesn't even
12 apply today, because the nature of the media
13 coverage is not just local, it is, literally,
14 worldwide in this case. So a change of venue would
15 not accomplish what we need to make sure that
16 Ms. Nelson -- Ms. Jackson, rather, receives a fair
17 trial.

18 Prong three. Closure would have been
19 effective in protecting the rights of the accused
20 without being broader than necessary to accomplish
21 this purpose.

22 The Court's intent is only to close this
23 hearing. As all parties and media are aware, all
24 of the other proceedings in Ms. Jackson's case have
25 been open. It is not this Court's intent to close

WE shall see

1 any other proceedings. I am only issuing a closure
2 order for today so I can properly address those
3 issues raised in her motion to discharge counsel.

4 It is the Court's opinion and position that
5 anything short of closure would be an inherent
6 threat to Ms. Jackson's due process rights to a
7 fair trial.

8 Counsel for Ms. Jackson want to be heard on
9 that issue?

10 MR. AVALLONE: No, Judge.

11 THE COURT: State?

12 MS. THOMAS: No, Judge.

13 ~~THE COURT: All right. At this time, these~~
14 ~~proceedings are closed to the public and all~~
15 ~~parties except Ms. Jackson's counsel and,~~
16 ~~obviously, Ms. Jackson.~~

17 So we will clear the courtroom. The Zoom feed
18 will be discontinued based on this Court's order.

19 MS. THOMAS: Do you want us to wait outside,
20 Judge?

21 THE COURT: Yes.

22 THE BAILIFF: Everybody leave the courtroom.

23 THE COURT: You-all can wait outside. I will
24 announce my ruling at the end. It may be a lengthy
25 proceeding, just so you know.

"properly address" - In our opinion - the judge will be strongly arguing
And coercing Ms. Jackson to take the plea deal.
The judge read reason to keep this transcript from
seeing the light of day is to
Hide this
Judicial
Misconduct

Important: Security Personnel ARE

Volusia Sheriff deputies - Jackson is charged with the attempted murders of Sheriff deputies

Really how secure are the conversations being discussed in this hearing?

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MS. THOMAS: Okay.

THE COURT: But, yes, we'll do that.

(Whereupon, the courtroom was closed; and the sealed/confidential portion of the proceedings begin.)

MR. AVALLONE: Judge, Mr. Metz is here. Is he welcome to stay?

THE COURT: Yes.

MR. METZ: Thank you, Your Honor.

THE COURT: I was going to indicate that before, you know, anybody in your office, obviously has --

MR. AVALLONE: Thank you, Judge.

THE COURT: All right. The courtroom is now cleared. The Zoom feed is discontinued. The only persons present in the courtroom, other than security personnel, are the three public defenders, who previously announced their names for the record, and Mr. Metz, who is the Public Defender for the Seventh Circuit.

Do you understand who that is, Ms. Jackson?

MS. JACKSON: Yes.

THE COURT: Okay. So he is also part of your -- He, obviously, oversees the Public Defender's office and is privy to the same confidential requirements that your lawyers are who

1 have been working closely on your case. Do you
2 understand that?

3 MS. JACKSON: Yes, ma'am.

4 THE COURT: All right. So we're going to move
5 to the Motion for Reconsideration to Dismiss
6 Defense Counsel and Request Full Nelson Hearing.
7 We're obviously here for that hearing.

8 I want to talk about a couple of things first,
9 and then I'll let you address your concerns. I'm
10 going to have a lot of questions as we go through.
11 If you don't understand my question, you tell me
12 that. I'll do my best to rephrase it for you.
13 Okay?

14 MS. JACKSON: (Nods head.)

15 THE COURT: "Yes"?

16 MS. JACKSON: Yes, ma'am.

17 THE COURT: All right. So ground rules. We
18 have a court reporter who's making a record of this
19 proceeding. The intent is that the Court will seal
20 this record, which is why it is not being digitally
21 recorded and only reported by the court reporter.

22 So we have as much time as we need to make
23 sure we get you through these issues. This is the
24 time to raise those concerns. Hopefully, we can
25 address them properly today. I will have a lot of

1 other questions also based on some of your answers.

2 Okay?

How does the Judge already know this?

3 MS. JACKSON: Yes, ma'am.

4 THE COURT: All right. First of all, did you
5 write this motion, or did someone else write the
6 motion for you?

7 MS. JACKSON: Somebody else.

8 THE COURT: And who was that person?

9 MS. JACKSON: Matt Short.

10 THE COURT: And is this the person who has
11 previously appeared in court and given statements
12 to the press about your case?

13 MS. JACKSON: Wait. Say that again. Sorry.

14 THE COURT: Is this the person who has
15 previously appeared in court?

16 MS. JACKSON: For my case?

17 THE COURT: Yes.

18 MS. JACKSON: No.

19 THE COURT: Okay. Has he been present in
20 court?

21 MS. JACKSON: He's -- probably in the back.

22 THE COURT: That's what I mean. He hasn't
23 been able to talk to the Court because he's not a
24 lawyer; correct?

25 MS. JACKSON: Yes, correct.

1 THE COURT: All right. And this is the person
2 who previously served time in prison and fancies
3 himself to be a legal expert; is that right?

4 MS. JACKSON: He practices the guidelines. He
5 does legal stuff.

6 THE COURT: All right. He's not a licensed
7 lawyer, is he?

8 MS. JACKSON: I'm not -- probably not. I have
9 no clue.

10 THE COURT: Okay. And he did not go to law
11 school; correct?

12 MS. JACKSON: Now, that, I don't know. He
13 probably didn't go to law school. But he did study
14 some type of law, guideline things.

15 THE COURT: All right. This is the individual
16 who was in prison and worked in the law library, or
17 did research on his own case and for other inmates;
18 correct?

19 MS. JACKSON: Yes. Yes, ma'am.

20 THE COURT: Okay. And this is the person you
21 were relying on for legal advice for this motion;
22 is that correct?

23 MS. JACKSON: Yes, ma'am.

24 THE COURT: Okay. So let me talk to you a
25 little bit about the difference between someone who

1 thinks they may have some legal knowledge, and what
2 lawyers actually do to get licensed, so you
3 understand.

4 Do you understand that Mr. Short served time
5 in prison, and he spent some time reading in a law
6 library in a prison? Do you understand that?

7 MS. JACKSON: Yes, ma'am.

8 THE COURT: Do you understand he does not have
9 a law degree?

10 MS. JACKSON: Yes, ma'am.

11 THE COURT: And do you understand that the
12 persons I have appointed to you have all gone
13 through four years of college, three years of law
14 school, and passed a bar exam that the Florida
15 Supreme Court requires for us to be licensed to
16 practice law in the state of Florida?

17 MS. JACKSON: Yes, ma'am.

18 THE COURT: Do you understand Mr. Short does
19 not have those qualifications?

20 MS. JACKSON: Yes, ma'am.

21 THE COURT: Do you understand he does not have
22 the legal authority to ever get up in front of this
23 court and argue on your behalf, nor would he be
24 able to sit at counsel table with you, or confer
25 with you during a trial to give you any legal

→ MAY BE THE JUDGE SHOULD HAVE PROVIDED
MS JACKSON WITH FURTHER CLARITY REGARDING THE
ATTORNEY SHE HAD ASSIGNED - THE JUDGE BECOMING
AN ATTORNEY - HE WAS A DEPUTY WITH THE
VOLUSA COUNTY SHERIFF'S OFFICE
JACKSON IS CHARGED WITH ATTEMPTING TO
MURDER VOLUSA DEPUTIES

Why is MR. Shortt even a topic here
MS JACKSON is ASKING FOR NEW ATTORNEYS (NOT MR. Shortt) OF
TO REPRESENT HER - AND TAKE HER CASE TO TRIAL !!

1 guidance? Do you understand that?

2 MS. JACKSON: Yes, ma'am.

3 THE COURT: Do you understand that it may not
4 be wise for you to rely on someone who doesn't have
5 those qualifications, the school, and the
6 licensing, because they don't have the information
7 and qualifications they need to give you good
8 advice? Do you understand that?

9 MS. JACKSON: Yes, ma'am.

10 THE COURT: Do you understand it could be bad
11 for you, or detrimental, if you relied on someone
12 who doesn't know all of the law and have a clear
13 understanding of the law?

14 MS. JACKSON: Yes.

15 THE COURT: Does that make sense?

16 MS. JACKSON: Yes. Thank you.

17 THE COURT: Okay. So let me start going
18 through some of the things you raised in your
19 motion, and we'll go back to that notion of who you
20 may want to represent you and who you should be
21 listening to as we go through these proceedings.

22 So you raised three issues in your motion; a
23 conflict of interest within the Public Defender's
24 office because of your concerns related to what
25 hasn't happened in Flagler, and what hasn't

Finally the judge
start dealing with
the motion requesting
A New Attorney

1 happened -- has or has not happened here in
2 Volusia.

3 MS. JACKSON: Sorry?

4 THE COURT: That's all right.

5 Mr. Avallone, you can, kind of, help her to
6 get to the portion we are looking at. On page 3.

7 MR. AVALLONE: Yes, Judge. She's there.

8 THE COURT: Okay. And then you also said that
9 you have ineffective counsel in Mr. Avallone and
10 Ms. Roberts.

11 And then, three, that the plea offer by the
12 State is an illegal sentence because of the
13 guidelines.

14 So let's talk to -- talk about your concerns
15 about the conflict of interest in the Public
16 Defender's office because of your issues that you
17 have in Flagler that you think should make me
18 remove your lawyers here in Volusia.

19 MS. JACKSON: You don't want to hear anything
20 from Flagler?

21 THE COURT: Well, here's what I need to tell
22 you. I'm not here on your Flagler case. But you
23 have raised, in your motion, some concerns about
24 your representation by the Public Defender's
25 office. Okay. Those lawyers work for the same

1 office that these three folks do.

2 MS. JACKSON: Okay.

3 THE COURT: So I'm going to let you tell me
4 about that, in the context of why those issues make
5 you think I should remove your counsels here in
6 Volusia.

7 MS. JACKSON: Okay.

8 THE COURT: Okay?

9 MS. JACKSON: Yes, ma'am.

10 THE COURT: So, go ahead.

11 MS. JACKSON: Okay. So I had court -- Let me
12 find it. Okay. I had court somewhere last month
13 or the other month. You know what I mean.

14 THE COURT: Okay.

15 MS. JACKSON: And I've never attended any of
16 them. Only -- And I got arrested for failure to
17 appear. Now, you know, unfortunately, that's bad,
18 you know, for future occasions. It just says I've
19 been arrested for failure to appear.

20 Now, Mr. Avallone has said I have nothing to
21 worry about on that. Now, I believed him until I
22 got -- until an officer came to me, at 4:00 o'clock
23 in the morning, and told me that I had been
24 arrested for failure to appear, and I went to first
25 appearance.

1 Mr. Avallone and Mr. O'Neal, from that -- the
2 public defender for that case --

3 THE COURT: He represents you in Flagler.

4 MS. JACKSON: Yes. But he said that he has --
5 He said that, basically, they have to get some type
6 of conferment from Mr. Avallone. So Mr. Avallone
7 is basically in that case too, even though he's not
8 assigned to it. And Mr. O'Neal said he has to get
9 some clarification from Mr. Avallone. That's why I
10 know that they're working together on that. Which
11 Mr. Avallone is not assigned to that case, he's
12 assigned to this one.

13 THE COURT: Okay.

14 MS. JACKSON: And Mr. Avallone said that I
15 could not -- like, that I was not needed to attend
16 the Flagler hearings. Which I feel like is very
17 important because I've been charged with some
18 serious crimes there.

19 THE COURT: Okay.

20 MS. JACKSON: And Mr. Avallone -- I know that
21 they're working together, and I know Ms. Jessica
22 knows some knowledge of Mr. Avallone. So I know
23 that they're all, basically, working together.
24 Ms. Hughes, I'm not sure. I just know she's my
25 juvenile public defender.

1 But that's the -- mainly what I'm concerned
2 about, is that he's not assigned to the Flagler
3 case. So it makes me feel like he wants to be the
4 boss of that Flagler case instead of here. He said
5 I'm not needed to go there. The deputies would not
6 come to Volusia and bring me over there.

7 THE COURT: So if I understand your concern,
8 it's that Mr. Avallone is not counsel -- not your
9 "assigned public defender" in Flagler, but he's
10 involved, to some degree, because of him
11 representing you here in Volusia; right?

12 MS. JACKSON: Yes. Yes, ma'am.

13 THE COURT: Is that what you're saying? And
14 you don't like that he's involved with the Flagler
15 case? I'm not clear.

16 MS. JACKSON: I'm just concerned, basically,
17 that he has a say in Flagler, even though he is
18 assigned to Volusia. Because I am not allowed to
19 go over there. Which makes him -- basically, he
20 knows I'm not allowed to go over there. And he's
21 not -- he doesn't tell me facts about it because
22 there's nothing happening over there.

23 THE COURT: Okay. So let me try to alleviate,
24 or help you get rid of, some of your concern. And
25 then I'll hear from your lawyers on that little

1 issue. Okay?

2 So, as a practical matter, what happens when
3 someone is in custody in one county, and there are
4 charges pending in another county -- So, here,
5 Volusia and Flagler are right next to each other,
6 and we're even in the same judicial circuit - which
7 is why your lawyers in Flagler work for the same
8 Public Defender's office that these folks do.

9 Okay?

10 MS. JACKSON: Yes, ma'am.

11 THE COURT: It's a big office that covers four
12 counties. But because you're here in Volusia on
13 these charges, and these are more serious, Flagler
14 County is not going to transport you. And Volusia,
15 probably, isn't going to let you go, because we
16 want to deal with this case first because it is the
17 most serious case.

18 So those charges in Flagler are serious.
19 There are some charges. Nobody is saying those
20 aren't serious charges. But these charges here are
21 more serious, and these charges are going to take
22 the lead in terms of ultimately what's going to
23 happen overall with your cases. Does that make
24 sense?

25 MS. JACKSON: Yes, it does.

1 THE COURT: Okay. So what happens -- And I'll
2 give you another example. I have a murder
3 defendant on my docket who's charged with First
4 Degree Murder. He is in Orange County, which is
5 Orlando. He's got another case over there, another
6 murder case, and a trafficking in drug case. I
7 don't remember the substance.

8 They won't let me have him. Even though he's
9 got a murder case on my docket, I can't get him
10 here. Even if I entered an order for transporting,
11 they would not release him to me until they're
12 finished in Orange County. So this is very common.

13 I'm not -- I don't want to talk about the fact
14 that there was a failure to appear warrant. I'm
15 not sure what happened there. You can address that
16 in front of Judge Perkins. I know you have a
17 hearing on your motion for a Nelson hearing in
18 front of Judge Perkins. He's your judge in
19 Flagler. So you can address that up there. But
20 it's not uncommon at all for nothing of substance
21 to happen in Flagler, because how those cases
22 resolve, in large part, are going to be determined
23 with what happens here. Okay?

24 MS. JACKSON: Okay.

25 THE COURT: So my advice to you is to not



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Judge providing legal advice
to a defendant

1 worry about Flagler. That's probably what your
2 lawyers have said. I'll let them speak for
3 themselves in a moment. Because that case is going
4 to take a back seat to everything we do here.
5 Judge Perkins and I are in communication in terms
6 of procedure. So he knows trial is in February.
7 We don't talk about the specifics of your case.
8 That's his case.

9 So he knows what's happening with your case,
10 in terms of the calendaring, and progression.
11 Okay. Because that's what we're supposed to do.
12 So he knows, from me, your case here is set
13 February 27th. That's why his hearing is after
14 your trial. Because there's not a whole lot he can
15 accomplish until we get this case done first.

16 Does that help answer some of those questions?

17 MS. JACKSON: Yes, ma'am.

18 I still have other concerns.

19 THE COURT: Okay. We'll get to those as well.

20 All right. So, Mr. Avallone, Ms. Roberts, do
21 you want to be heard on these issues?

22 MR. AVALLONE: Well, as far as Flagler goes,
23 Judge, you've identified it there; that's exactly
24 what's going on in the case. I really am the
25 attorney in that case because of my position at the

To Trial and beat it - we want the Flagler case as a
back up
in short - MS Jackson if you take this case

1 Public Defender's office because this is a more
2 serious case. In Volusia I'm talking about.
3 THE COURT: Tell Ms. Jackson what your
4 position is with the Public Defender's office so
5 she understands why you're involved in that.
6 MR. AVALLONE: She knows. We've been over
7 this. So she knows that I am the Chief Assistant
8 Public Defender. So that means Mr. Metz is the
9 elected Public Defender, and then I'm second in
10 command. She knows that.
11 LOL! THE COURT: We just want to make sure all of
12 that is on the record today. So that's why I'm
13 asking you to talk about some of the things you two
14 have discussed --
15 MR. AVALLONE: Yes, ma'am. record.
16 THE COURT: -- so it's very clear to her, to
17 make sure if she has questions today we're going to
18 answer them.
19 MR. AVALLONE: So what I did was -- What we
20 decided was to have Spencer O'Neal be the local
21 assigned public defender in Flagler, who would
22 handle what, in substance, have been continuances
23 on that case.
24 THE COURT: Okay.
25 MR. AVALLONE: We knew that she wouldn't be

MS Jackson is probably wondering why the
Chief Assistant Public Defender does not get
to see Flagler hearings - or AT the very
least - keep her up to speed on those cases

1 transported from Volusia to Flagler for
2 continuances.

3 What really bubbled this to the service was
4 this capias issue. And I think that's what caused
5 the people - who I don't call supporters, but we'll
6 call supporters for this hearing - really to go
7 into a frenzy about this Flagler issue. That's
8 where this really came to the forefront. That was
9 an unfortunate circumstance. But be that as it
10 may, that's just the way it is.

11 We have a strategy in the Flagler case. It's
12 purposeful. Her complaint is that she hasn't been
13 there. But she -- We knew she couldn't be brought
14 there, and she wouldn't be brought there, by
15 design, by the -- what I understand by transport
16 from Volusia to Flagler. And we intend to -- We're
17 intending to handle that case after the Volusia
18 case. (AS A BACK-UP PROSECUTION?)

19 So I don't know if that answers your question,
20 Judge. But that's essentially -- What you've been
21 talking to her about, we've been in communication
22 about the entire time about this issue.

23 THE COURT: Anything else, Ms. Jackson, that
24 you want to say on that topic? We'll get to your
25 other concerns in a minute.

→ THAT OKAY MR. AVALLOONE - WE SUSPECT JACKSON IS
SUSPECTS DON'T REALLY SEE YOU AS AN HONEST
DEFENSE ATTORNEY.

1 MS. JACKSON: No.

2 THE COURT: Does that answer some of your
3 questions?

4 MS. JACKSON: Um, yeah.

5 THE COURT: Has the -- Although, I'm not the
6 judge in Flagler, I want to flesh this out a little
7 bit. The capias issue, has that now been addressed
8 with Judge Perkins?

9 MR. AVALLONE: So the capias was executed.
10 And, so, that's -- It's closed, as far as I
11 understand. And then it's back on the docket, and
12 it's being -- So we're back to the position where
13 we were, where it shows up on the docket every
14 six weeks or so, and then it's just back to being
15 continued.

16 THE COURT: Okay.

17 MR. AVALLONE: I think -- Well, I should say
18 the next hearing that I know of is the Nelson
19 hearing, which is March 7th.

20 THE COURT: Correct. That's my understanding,
21 having spoken to Judge Perkins, just about asking
22 scheduling, so I understood, for the purposes of
23 today's hearing, what procedurally was happening in
24 Flagler.

25 Okay. Any questions on that topic that have

1 not now been explained to you?

2 MS. JACKSON: No, ma'am.

3 THE COURT: Okay. So you have other concerns.
4 So I think that addressed number one in your
5 Conflict of Interest.

6 And as to that issue, the Court finds that
7 those grounds raised in the motion, and discussed
8 here today, do not rise to the level of a conflict
9 of interest. It really is not a conflict of
10 interest. That is, apparently, a misunderstanding
11 of -- by the person who drafted this motion of what
12 a conflict of interest is.

13 It sounds to me like it has really -- those
14 complaints are really raised in the context of
15 complaints about representation in Flagler that
16 affect your confidence, perhaps, in your ongoing
17 representation here in Volusia County.

18 So based on the nature of your allegations
19 raised in issue one of your motion, the motion to
20 discharge counsel on that ground is denied.

21 The next ground we're going to talk about, it
22 looks like, starts on page 7, Ms. Jackson, where
23 you start talking about Defense Counsels
24 Ineffectiveness Re: Discovery and Sentencing
25 Scoresheet.

1 So I'll let you -- And if it's not obvious
2 already from the record, the Court has reviewed
3 this motion at length. So I'm familiar with what
4 you've raised. You don't need to read it to me.
5 But I'm going to let you talk about anything,
6 explain what your concerns are; and anything else
7 on this topic you want to address, we'll talk about
8 today. So you can go ahead and tell me what you
9 want to on this topic.

10 MS. JACKSON: On the scoresheet?

11 THE COURT: You raise issues about discovery
12 and sentencing scoresheet.

13 MS. JACKSON: Mr. Avallone didn't explain to
14 me that I can have my discovery with me. He just
15 said I can watch it or -- No, that's a lie.

16 THE COURT: Take a minute.

17 MS. JACKSON: Sorry.

18 THE COURT: We're not in a hurry. Don't get
19 flustered. We've got all morning.

20 MS. JACKSON: Okay. Mr. Avallone said that --
21 He didn't actually say that I had legal access to
22 discovery that I can read it in my cell. He said
23 that I can watch it and view it, like, documents,
24 but I can't -- And I didn't know that I had access
25 so I could have it in my cell until Matt Short told

1 me I could have access to my discovery. I didn't
2 even know the even topic of discovery, before he
3 told me that I could have access to discovery, and
4 that I was entitled to that.

5 THE COURT: Do you now have copies of all of
6 the documents?

7 MS. JACKSON: No. No, ma'am. I gave them all
8 to Matt Short because my public defender refused to
9 give it to him. So I had to give him my copy.

10 THE COURT: All right. So let's talk about
11 that, before we go back and talk about why
12 discovery (sometimes) is not provided to people
13 sitting in jail. *sometimes*

14 So do you understand that by giving all of
15 these documents to Mr. Short, you have now given
16 him the ability to share those with the world, if
17 he were to choose to? Do you understand that?

18 MS. JACKSON: He wouldn't do that.

19 THE COURT: I don't know what Mr. Short would
20 do. You don't know what Mr. Short would do.

21 My question to you is, Do you understand, by
22 giving that information to a third party,
23 Mr. Short, or anyone else, that that person can
24 then spread it all over the internet, give it to
25 anyone else? Do you understand that?

And if the Clerk of the Court makes this transcript available to the public can it also be spread All over

1 MS. JACKSON: It's already on the internet,
2 pictures.

3 THE COURT: Do you understand all of those
4 documents, all of those statements, everything you
5 may have given him now can be out in the universe?

6 MS. JACKSON: Yes, ma'am.

7 THE COURT: Do you understand how that is bad
8 for your case?

9 MS. JACKSON: Yes. It can jeopardize it.

10 THE COURT: It can jeopardize it. So here's
11 how it jeopardizes it, and this is why lawyers
12 often do not give their clients hard copies,
13 meaning paper copies, of documents in -- while
14 you're in jail. Because when you do that, then
15 there are certain people who are going to look at
16 all those documents. They are then going to
17 contact the State Attorney's office and say, I have
18 this information that's going to help you. And if
19 I give you that information, will you give me a
20 deal on my own case.

21 MS. JACKSON: I -- There's nobody with me.
22 I'm by myself.

23 THE COURT: People have access to documents in
24 your cell. I understand you're held as a juvenile.
25 You have now given that information to Mr. Short,

That's kind of disturbing

1 who served time in prison. You have no control
2 over where those documents go, how they are used,
3 or who gets ahold of them.

4 You may trust Mr. Short. I don't know the
5 person. I will tell you this. If I were in your
6 shoes, my worry would be he served time in prison.
7 I don't know this person from Adam. But all of a
8 sudden, he wants to be my best friend and help me
9 in this case. Why would he want to do this? What
10 is he looking to get out of it? Who is he in
11 contact with who he might give that information to?

12 And Mr. Short is not shy of putting things
13 online and talking to news media. When he shows up
14 here, he holds a press conference out there.
15 Anything that could be used to protect your case,
16 every time you talk to him, give him information,
17 jeopardizes your right to a fair trial. Do you
18 understand that?

19 MS. JACKSON: Yes, ma'am.

20 THE COURT: That's your choice, if you want to
21 go down that road. I will tell you, if I were in
22 your shoes, I would stay as far away from him as I
23 could. He's not going to be the one who ends up
24 serving a sentence if he's convicted. He's not the
25 one before the Court facing these charges. This is

→ And the judge gave access to this transcript
→ To the Prosecutor in the Summer of 2021
Does that jeopardize Jackson's rights to due
process + a fair trial??

Be a Trial in this case - the judge will never seriously consider Jackson's 3,850 motion Requesting a trial !!!

→ That answer to that - is there will never

Judicial Legal Advice?

1 your life, not his.

2 Do you appreciate the significance of what has
3 happened by you giving him all those papers?

4 MS. JACKSON: He said he could help me.

5 THE COURT: All right. Well, that's what he's
6 saying. But he's not a lawyer; right? So he can
7 never appear in front of me, as your lawyers are
8 here today. He can never sit at counsel table with
9 you and help you in a trial. He certainly won't be
10 serving a prison sentence with you, if you were to
11 be convicted by a jury. And he's not licensed to
12 practice. So if he's giving you legal advice and
13 practicing law, he is also, potentially, committing
14 a crime. Do you understand that?

15 MS. JACKSON: Yes, ma'am.

16 THE COURT: That's not for me to determine
17 today. But it's something you need to really
18 understand. Okay?

19 We've kind of talked -- We've danced around
20 this topic a little bit in the past because we've
21 always been in open court; and that's one of the
22 reasons I wanted to really do this so you have a
23 clear understanding. I can't give you legal advice
24 because I'm a judge - I'm not allowed to. But I
25 can give you some guidance and information so you

Can judges provide criminal defendants
with legal advice?

1 can make better decisions.

2 I want to make sure -- You've told me you want
3 a trial. It's my job to make sure you get a fair
4 trial. Okay? That's very important.

5 And some of these people, who say they are
6 your supporters, are acting in ways that are not
7 going to let you have a fair trial. Every time
8 they open their mouth to the media, or they post
9 things online, it's on every kind of social media.

10 I put in your name yesterday, and everything
11 from the Daily Mail in the U.K., Twitter -- I can't
12 remember what else popped up -- Yahoo, it is all
13 over the universe. And every time you give them
14 documents that your lawyers give you, that just
15 gets worse. And that's not going to help you at
16 the end of the day. Does that make sense to you?

17 MS. JACKSON: Yes, ma'am.

18 THE COURT: Okay. So let's talk about your --
19 the discovery. One of the things I need to
20 address, Have you seen -- You say, in your motion,
21 you have not seen the actual footage of the
22 shooting, the body cams. Have you now seen those?

23 MS. JACKSON: Well, I've been trying to get my
24 attorneys to show me that. But they don't answer
25 any of my text messages. So, like, a date. I

In truth - Ms Jackson's supporters did not cause this matter
to become a "media circus" Volusia County Sheriff Mike Chitwood
made it a media circus - when he falsely accused the two children of firing
military rounds (AK-47) at his deputies. The children were branded with

the media
Title of being
the New
"Bonnie,
Clyde"

How would Media Attention
Deny Ms. Jackson A Fair Trial?
By the Judge Advising Ms. Jackson
that her supporters have placed her
Ability to receive a fair trial in jeopardy
it coerces her into accepting the plea deal

1 haven't got a response.

2 Mr. Avallone's computer keeps stopping. So --

3 THE COURT: All right. Well, here's what
4 we're going to do today. And I'll sit here with
5 you. It doesn't matter if I see it because I'm not
6 the tryer of fact. I am going to ask one of the
7 other folks here. If you two don't have it on your
8 computers, we're going to watch it in open court.
9 We're going to make sure -- By "open court,"
10 meaning with those of us here, to make sure you see
11 it; and then there will be no issue that you
12 haven't seen it. We'll make sure that gets
13 accomplished today.

14 MR. AVALLONE: The one issue on that, Judge,
15 just for clarification, so what you have in this
16 case is, like, eight different angles. So just to
17 clarify this point, if I may --

18 THE COURT: Okay.

19 MR. AVALLONE: -- you have, like, eight
20 different angles. So what she has seen is -- what
21 we're talking about is body-cam footage.

22 THE COURT: Right.

23 MR. AVALLONE: So you have, maybe, eight
24 different angles. And we've watched them. And
25 what she's talking about is what -- What she's been

1 led to ask us for is, she wants, essentially,
2 footage of herself being shot by the police.

3 That's what she's asking to find I think. I think
4 that's what she's asking for.

5 THE COURT: Is that what you're looking for?

6 MR. AVALLONE: That doesn't exist - is the
7 answer, Judge, if I may finish - because of the way
8 the angles and the way the officers are standing.
9 And I'm happy to show you what we have from eight
10 different angles. But you're talking ten hours
11 worth of footage. So we've done our best, but --
12 And we've got time stamps, and we can narrow it
13 down so we don't have to spend ten hours, of
14 course.

15 But I can just share with the Court that what
16 you're going to find is a lot of shooting and a lot
17 of movement. But she's not going to find herself
18 standing in a frame being shot by the police, if
19 that's what she's looking for.

20 MS. JACKSON: Not --

21 THE COURT: Okay. Ms. Jackson, you want to --

22 MS. JACKSON: Because people think that I got
23 shot while laying down, by one of the cops, because
24 one of the bullet holes is similar to what you're
25 talking about. Because an AK is full force, and it

Why not?

1 doesn't bounce off. So that's what I wanted to
2 see.

3 THE COURT: You wanted to see yourself being
4 shot?

5 MS. JACKSON: Not really, no. But just -- How
6 do I explain it. Me on the floor -- you know, on
7 the floor after being shot.

8 THE COURT: Okay.

9 MS. JACKSON: Many say that I've been shot
10 while I was laying on the floor. Because where my
11 thigh - or whatever that part is - there is, like,
12 some type of -- It can't be glazed because it's a
13 full-force AK, or whatever they used.

14 THE COURT: Okay. So is this the person that
15 Mr. Short knows, who fires weapons, and is giving
16 you legal advice - claiming that he's some kind of
17 expert in firearms; and this is what you should see
18 if somebody is shot? Is that what you're
19 referencing in your motion?

20 MS. JACKSON: No. He is -- He talks to people
21 that knows stuff, like, about bullet holes, and
22 examiners, and, you know, like, stuff like that.
23 And everybody is saying the same thing. Somebody
24 is saying that I'd been stabbed in the back. But a
25 lot of people have been saying mostly in the thigh,

1 that I have been shot downward.

2 THE COURT: So why is that important to you,
3 in terms of your defense of these charges where
4 you're charged with Attempted Murder of Law
5 Enforcement and Armed Burglary?

6 MS. JACKSON: Because if they shot me and I
7 was already down on the ground, that means I didn't
8 have a shotgun. You know, it was by me but, um,
9 then they -- they -- there's no reason to shoot me,
10 basically. So they shot me for no reason. I --

11 THE COURT: So how is that, in your mind --
12 Let's assume that's true, so I can ask this
13 question. If you had already been shooting at the
14 police --

15 MS. JACKSON: Allegedly. !!!

16 THE COURT: "If," that was my question. If
17 you had been shooting at the police, and they shot
18 you as, or after, you had been shooting at them,
19 how is where you got shot important to your defense
20 of having shot at police first? **Did she fire**

21 MS. JACKSON: Um... **first?**

22 THE COURT: That's all I'm trying to
23 understand. I'm not saying you did it. I'm just
24 saying, If that's what they say, how would that be
25 important to your defense of this case, in your

1 mind?

2 MS. JACKSON: Well, I was already down. That
3 means I didn't have a shotgun in my hand.

4 THE COURT: Okay.

5 MS. JACKSON: So why did they shoot me, while
6 I was down, in the thigh? You know, the arm I
7 would understand, because that means I was reaching
8 out. That...

9 THE COURT: And is that what you remember, or
10 is that what somebody is telling you?

11 MS. JACKSON: I don't remember anything,
12 honestly.

13 THE COURT: Okay. So somebody's telling you
14 that that's what happened, because Mr. Short talked
15 with somebody else, who talked with somebody else,
16 who said, Well, this is how it must have happened?
17 Is that what I understand?

18 MS. JACKSON: He's making accusations.

19 THE COURT: Okay.

20 MS. JACKSON: I mean, I've talked to other
21 people who say the same thing. So it's not only
22 him.

23 THE COURT: All right. And are these
24 people --

25 MS. JACKSON: No.

*Why
Is there no video
of her being shot
may be the better
question.*

1 THE COURT: -- expert witnesses, who could
2 come into court and testify?

3 MS. JACKSON: No.

4 THE COURT: All right. And where do you find
5 these people that are giving you these -- this
6 information?

7 MS. JACKSON: They just add me on
8 SmartJailMail.

9 THE COURT: They what?

10 MS. JACKSON: They just add me on
11 SmartJailMail.

12 THE COURT: Okay. And these are people you
13 have no idea who they are?

14 MS. JACKSON: No, unfortunately.

15 THE COURT: All right. So why -- This is, in
16 essence, related to this hearing. You're free to
17 have communication with anybody you want to. But
18 you know every time you talk to somebody - whether
19 it's somebody you know or somebody you don't know -
20 if you talk to them about what your lawyers have
21 been telling you, you're waiving, your giving up,
22 that confidentiality that you otherwise have. Do
23 you understand that?

24 MS. JACKSON: Yes, ma'am.

25 THE COURT: The more people you keep talking

Legal Advice from the judge?

Is this legal Advice?

1 to -- You've got all these "followers" or
2 "supporters." I would suggest to you, if you take
3 a step back, and really think about it logically,
4 those people have nothing to -- They don't know
5 you. They don't have the legal authority to help
6 you in this case. And the more you talk to people
7 about your case - Especially people you have no
8 idea who they are, you have no idea what their
9 motive is. Their motive may be simply this young
10 girl's gotten worldwide attention. And I want my
11 fifteen minutes of fame, and I'm going to get it by
12 being on her jail mail, by talking to her every
13 day, and then I can go out and talk to the universe
14 and say, Well, I talked to her, and this is what
15 she told me.

What was your Motive Judge?
To get her to accept plea?

Legal Advice?

16 And that is not going to help you at the end
17 of the day, and it's not going to help when I'm
18 trying to pick a jury, and have jurors sitting in
19 those juror seats, to make sure you can get a fair
20 trial. Which is what my job is. Do you understand
21 that?

Ahh - there it is - the judge wants to make her job easier

22 MS. JACKSON: Yes, ma'am.
23 THE COURT: So you need to really give some
24 thought to maybe not talking to all these people at
25 least about your case, because that's not going to



maybe having a trial is now far too difficult for the judge - which explains the judicial coercion to get JACKSON TO TAKE the PLEA DEAL?

1 help you at the end of the day.

2 All right. So we've talked about this footage
3 that you want - that Mr. Avallone is saying does
4 not exist. And we'll circle back to that in a few
5 moments. **Why doesn't it exist?**

6 Then you've also raised your concerns about a
7 scoresheet, and not having a scoresheet, and your
8 understanding of what type of sanction you could or
9 could not receive if you were found guilty. So
10 let's talk about those things.

11 MS. JACKSON: Um, okay. So my attorneys gave
12 me documents of the 17 year old that was sentenced
13 to life.

14 THE COURT: This is the first case?

15 MR. AVALLONE: She's talking about case law.

16 THE COURT: Oh, okay.

17 MR. AVALLONE: So if I may, we found out that
18 some of the legal advice that she's been given was
19 that a juvenile can't be given a life sentence.
20 And this is that -- that she's been given this
21 misinformation.

22 THE COURT: Okay.

23 MR. AVALLONE: So we gave her - just totally
24 unrelated to her case, Judge - just some case law
25 of an example of somebody who is 17 years old,

→ Has anyone asked the Sheriff for it?

1 totally unrelated to her charges, who did get a
2 life sentence for the exact same charges - not the
3 exact same, it doesn't have the law enforcement
4 component, but the same as far as attempted
5 murder --

6 THE COURT: Okay.

7 MR. AVALLONE: -- just as an example.

8 THE COURT: Okay.

9 MR. AVALLONE: That's what she's talking about
10 now.

11 THE COURT: All right.

12 MS. JACKSON: Well, the thing is that he
13 actually hurt somebody. I didn't hurt anybody.
14 And he was sentenced to life. So that doesn't make
15 any sense.

16 THE COURT: Okay. So, as I understand it,
17 your --

18 What is your complaint on that topic? Let me
19 ask that question.

20 MS. JACKSON: Basically, that they're trying
21 to -- They're trying to pressure me not to go to
22 trial. Because the thing is, they're not saying
23 that I -- They're not -- How do I say this.

24 THE COURT: Take a minute.

25 MS. JACKSON: Sorry.

*The judge is ALSO
in our opinion PRESSURING
JACKSON NOT TO
GO TO
TRIAL*

1 THE COURT: You don't have to apologize. Take
2 a minute and gather your thoughts.

3 MS. JACKSON: He's serving a life sentence.

4 THE COURT: Okay. The person in the case that
5 they gave you?

6 MS. JACKSON: He's serving a life sentence.

7 But he hurt somebody, but the guy lived. He
8 actually raped somebody too. I didn't hurt
9 anybody. So for them to give me this case is -- I
10 feel like it's, kind of, threatening, just because
11 he got a life sentence. The juries know that he
12 hurt somebody. And I didn't hurt anybody.

13 THE COURT: All right. Well, before I hear
14 from your lawyers, let me tell you this. The jury
15 doesn't sentence. I sentence. The jury we pick -
16 And I'm pointing over there because that's where
17 they're going to sit - is not going to impose a
18 sentence. That is my job in this case. They will
19 determine guilt or innocence.

20 MS. JACKSON: They can lessen the charges.

21 THE COURT: They can. They can find you
22 guilty of lesser included offenses, which might be
23 less serious, if they believe the facts and the law
24 support that. They are the finders of facts. They
25 do not have anything to do with sentencing.

NOT A BAD
LEGAL POINT FROM A LSYR DID
SHE GET THAT FROM?
WORDS - WHERE SHE
GET THAT FROM?

Judge Define "we" - And how are you apart of
"we" - the jury is picked by the prosecutor?
the Defense Attorney

1 So, as I understand it, the purpose of the
2 case law to you was to give you examples of cases
3 where a juvenile in an adult court received a life
4 sentence, so you would understand that that is a
5 possible sentence.

6 Every case is different. Every fact situation
7 is different. If you are convicted of anything, we
8 will have a sentencing hearing. At a sentencing
9 hearing, your lawyers are going to present all
10 sorts of information to me, what we loosely refer
11 to as "mitigation," meaning reasons I should take
12 into account why I should impose a lesser sentence
13 than the State is asking for.

14 The State's going to give me all the reasons
15 that they think you should -- I should impose a
16 maximum sentence, or a harsh sentence, because A,
17 B, and C. Okay.

18 Your lawyers' job is to come in and say, We
19 understand the jury has found her guilty of
20 whatever the charges are, but these are additional
21 circumstances you should consider in your
22 sentencing. You will have an opportunity to make a
23 statement, if you wish, to the Court at a
24 sentencing hearing.

25 At that point, after I listen to everything,

Who is assisting the Defense in obtaining these phone conversations - the state attorney? ~~TRAG~~ Feared by the Prosecutor & Defense Teams?

and make sure I've read any law that either side gives me, I will impose a sentence. The jury will never be involved.

So, Mr. Avallone, on that topic, do you want to expand in any more depth to answer her concerns as to why you gave her that case law? It sounds like she perceives you gave it to her to scare her or threaten her. It sounds to me like that wasn't the intended purpose.

MR. AVALLONE: Of course, it wasn't, Judge. So we're on -- Because of the circumstances, we are also monitoring jail calls. So we are aware of conversations that are happening where our legal advice is being undermined actively. So when someone is telling her, That lawyer told you you can get a life sentence; that's a lie. Oh, right. Yeah, that's a lie. And 10/20 life doesn't exist. Oh, right. Okay. So we feel it is our duty to really impress upon her that no, we've got to show you, we've got to prove to you. We know you don't believe us, because this guy said not to believe us. But let me show you in black and white. So that was the purpose of that exercise, Judge.

THE COURT: Okay. So, Ms. Jackson, you need to hear loud and clear from me, who would be the

LOL! Her own legal team is actively spying on their client!!

1 judge who would sentence you. If you are convicted
2 as charged, if you were sentenced as an adult as
3 opposed to imposing juvenile sanctions, then I can
4 impose a life sentence. I have the legal authority
5 to do so.

6 If the jury finds you guilty as charged of
7 Attempted First Degree Murder of a Law Enforcement
8 Officer With a Firearm, and I impose adult
9 sanctions, you are subject to 10/20 life. Which,
10 in this case, means it is a 20-year minimum
11 mandatory. Do you understand that?

12 MS. JACKSON: Yes, ma'am.

13 THE COURT: That is not somebody on a phone,
14 from who knows where, saying, No, they can't do
15 that. This is the judge who would sentence you.
16 That doesn't mean that's what I would do. I
17 haven't heard -- Other than generally knowing what
18 is alleged, I haven't heard any facts, and we don't
19 know what the jury would do. But you need to
20 understand that that is a legal sentence under the
21 circumstances as alleged in this case, if the jury
22 convicted you of that charge, and if I impose adult
23 sanctions. Do you understand that?

24 MS. JACKSON: Yes, ma'am.

25 THE COURT: So the -- Hopefully, that

1 addresses that question.

2 Do you have any questions about that?

3 MS. JACKSON: That topic, no.

4 THE COURT: So do you understand that,
5 although maybe you didn't receive it that way, the
6 reason your lawyers gave you that information is to
7 try to educate you on the fact that what these
8 people - who say they're going to be your
9 supporters - are telling you, they're giving you
10 bad information and false information? Do you
11 understand that?

12 MS. JACKSON: Now I do, yes.

13 THE COURT: Yeah. And that's an -- I mean,
14 this is a huge issue. You're the one who's facing
15 that sentence, if the jury finds you guilty -
16 nobody else. These people - who are claiming to be
17 your supporters and helpers - that you're talking
18 to, or whatever, you know, they are not the ones
19 who are going to come in front of the Court at the
20 end of the day.

21 And by -- And that's a great example of how
22 reckless those people can be; and what a horrible
23 result it would be for you if you really believed
24 those people as opposed to listening to the advice
25 of these attorneys, who are some of the best

Howed or Jackson current 3.850 Attorney
Appears To Argue differently over possible
sentencing options that were not provided to Jackson
use 3.850 motion

Judicial Coercion to Take the Plea Deal

1 attorneys in the circuit, who do this kind of work
2 on these serious cases all the time and have years
3 of litigation experience on these very issues.

4 So will you agree to listen to what they say
5 and start tuning out some of this other information
6 you're getting?

7 MS. JACKSON: I have another thing that I've
8 been wanting to say.

9 THE COURT: Okay. Answer my question first.
10 Will you agree to stop relying on what these other
11 people are telling you and really listen to your
12 lawyers, who know what they're talking about?

13 MS. JACKSON: Yes, ma'am.

14 THE COURT: Okay.

15 All right. What else would you like to tell
16 me?

17 MS. JACKSON: So there's slander going on
18 about me from Sheriff or Deputy Chitwood, and
19 saying that I burned down a halfway house, and
20 there was puppies, and, you know, just stuff like
21 that. My lawyers are holding back. They're not --
22 They're supposed to be defending me. They haven't
23 said anything about, you know, that -- what he is
24 saying. It is wrong, the puppy parts and burned
25 down a halfway house. My lawyer has not said

While Mr. Avallone does not think it is his job to attempt to silence Sheriff Chitwood's false word against Ms. Jackson. Avallone had little d.f. colty attempting to silence a police chief speaking

of his client is charged with the murders of a mother + her 10 month old son (STATE V. CHARLES IVY 2023-305335-CFDB) January 27, 2023 49

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anything about that, and they refuse to talk to the media.

THE COURT: Okay. So what are you, specifically, wanting your lawyers to do in response to statements that Sheriff Chitwood, who is the elected Sheriff in Volusia, has made?

MS. JACKSON: I want them to say what -- He's wrong, basically.

THE COURT: So you want them to try your case in the media instead of in a courtroom?

MS. JACKSON: No. No, Judge. I just don't want people out there to look at me as a serial killer or like a cold-blooded killer.

THE COURT: Okay. Mr. Avallone, do you want to talk to me about conversations you've had with her on that topic, and what you've advised her in what you think is in her best interest and why?

MR. AVALLONE: Sure, Judge. So there's been a lot of talk with Ms. Jackson from her fans about what we should do in that regard, as far as advocating for her in the media. Obviously, that's not what we do. They are -- And so she's very vocal with us about what we should be doing in that regard. So we've told her what our role is and what our intentions are in her case; and that's not

Harshly

*

How does Sheriff know Avallone knows of this topic?

Mr. Avallone - did you attempt to have a judge to silence his statements to the media about your client Charles Ivy - a man charged with the murder of a

mother
+ son
10 months
01/19/23
son

(STATIS V. CHARLES IVY
2023-305335-CFDB)

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what we intend to do.
So, you know, she does take it personally that there is this upswell, the swirl of information about her in the media. And a lot of it is wrong, frankly. But she sees it that it's my role to correct it. And I've tried to tell her that that's not my role. But she doesn't see it that way.

THE COURT: So do you think it would be in her best interest to contact the media and respond every time somebody says something negative about her - either in the press, or online, or on the news?

MR. AVALLONE: As it says in my letter - which was released for everyone to read - you should only talk to me about your case; that that's been my advice since the day I met her that she does not follow on a regular basis. So, no, of course, not, Judge. I've told her every time we speak that she should speak to only her lawyers about her case.

THE COURT: So, Ms. Jackson, if - let's take an example - your lawyer were to hold a press conference, and talk to the media about what you believe is being misstated about you, if he were to do that; for him to counter some of those things, it would really require him to talk about some of

If it was your job to silence the police comments in the Ivy case - Surely it was also your job in the Jackson case

Police chief

1 the defenses he might use to help you in your arson
2 cases and to help you in this case.

3 So what he would be doing is telling the State
4 and everyone else, Hey, this is how we are going to
5 counter these charges. This is what we're going to
6 show. This is the evidence that we have to tell
7 you that the State is wrong; that the Sheriff
8 doesn't know what he's talking about. So do you
9 think if he did that, or Ms. Roberts did that, do
10 you think that would be helpful for you at the end
11 of the day?

12 MS. JACKSON: No, honestly.

13 THE COURT: All right. I mean, it might make
14 you feel better the day he does it, because you
15 feel like, Okay. Somebody is standing up for me
16 finally. And that's human nature, I get that.
17 Okay. But at the end of the day, that's not
18 helpful. **Is that A legal opinion?**

19 And I'll tell you - I'll throw myself on the
20 sword, and every other judge who sits on the bench,
21 part of my job every day, as you can see, every
22 time you come to court, there's a courtroom full of
23 people, media all the time, all sorts of things get
24 reported. Things I say get taken out of context,
25 things are said by the Sheriff, a witness, a

**Esp. About AK-47 Gunfire
Never happened!!**

1 victim, a defendant, all sorts of things. I am
2 prohibited from saying anything.

3 So you have the ability to do so. I can't
4 respond. So all the time, every sitting judge, we
5 make decisions all day long. That's really what we
6 do. We can never respond to those. **You just Dip.**

7 It is absolutely against human nature not to
8 want to respond when somebody says something bad
9 about you, or something you don't like. Right?
10 One of your friends at school says something you
11 don't like, you want to respond; don't you?

12 MS. JACKSON: Yes.

13 THE COURT: I mean, that's just human nature.
14 But sometimes you can't in my case. Sometimes you
15 shouldn't in your case, because it just makes the
16 situation worse. Okay?

17 And that's an example of where you really need
18 to listen to your lawyers. Because they understand
19 all they would be doing is making your case that
20 much worse; and they wouldn't be doing their job
21 properly, if they did that for you.

22 You had something else you wanted to address?

23 MS. JACKSON: Yes. The solitary.

24 THE COURT: Yes, ma'am.

25 MS. JACKSON: So I've been in solitary

**Unless you are Charles Ivy
A man charged with the murders of
A mother & her child - then they will gladly do it for him!**

1 confinement. They said that I'm in there for the
2 better -- to protect me or something, something. I
3 don't see that happening. I feel like it's wrong,
4 and they're not letting the jail know that me being
5 in solitary is not good. I go less outside. I
6 take my showers -- I still -- I'm in the cell 24/7,
7 basically, seven days a week. I only get to go
8 outside three hours a week.

9 But I was in solitary confinement without
10 going outside for eight months. My attorney has
11 not said a word about it. He said he didn't --
12 there's nothing he could do.

13 THE COURT: All right. Counsel, you-all want
14 to address that concern?

15 MR. AVALLONE: Well, yeah, Judge. So the
16 first issue is we don't control the way the jail
17 handles inmates.

18 But the overall issue on the solitary -
19 because we've considered it - is, first, she's not
20 being held in solitary, you know, just based on how
21 much access she has with people. She's being held,
22 though, alone.

23 She did have a cellmate, another juvenile, for
24 a period of time. But it's the handling that the
25 jail has, which is -- you know, it's an adult jail.

*Solitary - so you can NOT communicate with your supporters
Nicole may be your Attorney wants you in*

1 They have, right now, no other juveniles. They did
2 for a period of months have another juvenile.

3 In any event, the other option that we
4 considered was to raise this issue. And the
5 nearest facility that might have housing for her
6 would be, in our judgment, in Orlando. And, so, we
7 weighed out the options, and thought, Well, what
8 would be a better option? To move her further away
9 from us and the Court, if it was granted, or there
10 was some movement in housing where we would have
11 less access.

12 We see her weekly now - in person, weekly.
13 Which has been since the entirety of her case. And
14 we thought it would be better to have her nearby
15 where we could continue that visit schedule, rather
16 than move her further away.

17 Also, she sees her ~~therapist~~ - at least since
18 that order has been in place - and her guardian
19 ad litem, and others who are all Volusia based.

20 So I kind of ran through that quickly. But
21 we've considered this solitary issue. First, it's
22 not solitary confinement. She has been outside.
23 She does have access to phones, tablets, and other
24 ways to contact people. But those are the reasons
25 why we took no action.

1 MS. JACKSON: They deny a lot of that for me.
2 That's why I've been -- I'm on ~~suicide~~ --

3 THE COURT: Who is "they"?

4 MS. JACKSON: The officers. I've been on
5 ~~suicide watch~~ for a very long time because they
6 hate me. They put me --

7 THE COURT: Are you on ~~suicide watch~~ now?

8 MS. JACKSON: Yes. They put me in there, and
9 they want to torture me, basically. They said that
10 I threatened to kill them. Like, I -- Why would I
11 threaten to kill somebody? It just doesn't make
12 any sense.

13 So they have to -- They put me in the chair,
14 and they said they were going to beat my ass.
15 The -- one of the officers said that. She grabbed
16 my hair, while they were putting handcuffs on me,
17 and threatened they were going to tase me. So
18 I'm --

19 THE COURT: When did that occur?

20 MS. JACKSON: -- in an 8 x 5 cell, and they
21 always --

22 THE COURT: Okay. Hold on. Take a breath.
23 When did that occur?

24 MS. JACKSON: This whole -- these two weeks
25 has been hell for me.

Softening her up TO GET HER
TO TAKE THE PLEA DEAL?

1 THE COURT: The last two weeks?

2 MS. JACKSON: This whole two weeks. I'm
3 freezing in that cell.

4 THE COURT: Two weeks before today?

5 MS. JACKSON: Yeah.

6 MR. AVALLONE: Yes.

7 THE COURT: So you are currently on ~~suicide~~
8 ~~watch~~?

9 MS. JACKSON: Yes. Because of me banging on
10 the door. Because they always deny my phone time
11 and my tablet. So, no, I don't have access to the
12 phone 24/7. There's other people in the rotundas,
13 what they call it, in the segs. And I can't sleep
14 in there. I get three hours of sleep because
15 there's always movement. So, no, Mr. Avallone, I
16 do not have 24 hours for the phones, and they shut
17 off periods of times.

18 MR. AVALLONE: Her handling has been changed
19 in the last two weeks, Judge.

20 THE COURT: Okay. Well, all right. Let me
21 talk about -- a little bit about that issue, and
22 then I'll --

23 MS. JACKSON: And I haven't been outside.

24 THE COURT: And you haven't what?

25 MS. JACKSON: I haven't been outside.

1 THE COURT: Okay. In the last two weeks?

2 MS. JACKSON: Last two weeks, yes.

3 THE COURT: Okay. So are you still able to
4 see your ~~therapist~~?

5 MS. JACKSON: Yes. But now, for some reason,
6 she has to do -- has to go home with a badge. She
7 comes to the jail, and they have to clarify
8 something. She has to go home, and then she has to
9 wait 45 minutes, and they call for me. So it's
10 just -- I feel like Orlando, where they have
11 housing at, would be way better for me. And I will
12 do the videoconference.

13 THE COURT: Okay. Well --

14 MS. JACKSON: I will videoconference.

15 THE COURT: You don't get to choose where you
16 stay --

17 MS. JACKSON: Of course --

18 THE COURT: -- number one. Ultimately, that
19 would be the Court's determination, subject to
20 department of the jail, or whatever the department
21 is who is in charge of the housing.

22 I'm not inclined to move you at this juncture,
23 because we're literally 30 days out from your trial
24 date. So I'm not going to move you to Orlando,
25 where your lawyers, and all the people who are,

1 actually, legally supportive, and appointed to
2 represent you, are. Because we have proceedings
3 coming up, as you know, in a couple weeks related
4 in anticipation of trial. So I'm not going to move
5 you far away where we can't get to you.

6 Today is an example. We had to set this
7 hearing on short notice. If I had to get you here
8 from Orlando, it may take a week for me to get you
9 back. And that is not in your best interest, and
10 that's not going to help your case. It's not going
11 to help us address issues that come up quickly on
12 short notice. And now that we're closing in on
13 that trial date, that may happen; and I've got to
14 be able to get you. If I call over in the morning,
15 I can get you here this afternoon if I need to. I
16 would never be able to do that in Orlando. So that
17 just really isn't realistic. Maybe a year and a
18 half ago, it might have. But it's not now.

19 How long have you -- Are you seeing your
20 ~~therapist~~ on a weekly basis?

21 MS. JACKSON: No. She's always on vacation.

22 THE COURT: Okay. How often do you typically
23 see her?

24 MS. JACKSON: Every other week. It really
25 depends.

1 THE COURT: And do you have a good -- I don't
2 need to hear what you-all talk about. Do you have
3 a good relationship with this ~~therapist~~?

4 MS. JACKSON: Um, well, she mostly talks about
5 herself. But, yeah, I just sit there and listen,
6 kind of.

7 THE COURT: Okay. So is there someone --
8 Counsel, this is getting a little far out of
9 your bailiwick. Although, we wanted to try to
10 get -- I did enter an order to allow her to see a
11 ~~therapist~~. Is there -- Can we, perhaps, address to
12 see if we can get someone out there more regularly?
13 That might help, kind of, put a damper on this high
14 anxiety that's causing issues out at the jail.

15 MR. AVALLONE: I'm in communication with her,
16 Judge. Her perspective -- I don't get involved in
17 what they talk about, of course. But her
18 perspective is that things are going well. And
19 they meet regularly. But I will address that with
20 her and see if she can go more often.

21 THE COURT: If you can do that. Especially,
22 in light of Ms. Jackson being on ~~suicide~~ watch.
23 That's concerning, obviously, to the Court.

24 MR. AVALLONE: Yes.

25 THE COURT: I don't run the jail. I don't

ApparentlY NOT "concerning" enough
To question moving forward with this hearing, plea
Acceptance of sentencing.

1 have the authority to address some of those issues.
2 But it's concerning to me that you're not -- If
3 you're not seeing your ~~therapist~~ every week, and
4 you're on ~~suicide watch~~, and you've got some of
5 these other things going on, that's something that
6 I want to make sure we can get in place, to try to
7 give you the proper professional to talk to, so
8 some of those situations at the jail will calm
9 down.

10 Counsel, I'm going to ask that you just look
11 into what's going on. If there are issues that
12 need to be brought to the Court's attention,
13 obviously, I'll consider them on short notice if
14 need be. There's -- you know what I have
15 jurisdiction over and what I don't. Obviously, if
16 it becomes an issue. But I'm going to ask you to
17 look into that. If what's happening, as she's
18 indicating has occurred, that is, obviously,
19 concerning to the Court.

20 Ms. Jackson, I want to go back and talk to you
21 about some other things that you raise in your
22 motion, which is the scoresheet issue. So tell me
23 about your concerns about not having a
24 scoresheet --

25 MS. JACKSON: Um, well --

Question: With these on-going issues - WAS
MS Jackson in the right frame of mind to be accepting A plea deal?