

1 THE COURT: -- or that you think whatever
2 scoresheet received was not legal or not proper.

3 MS. JACKSON: I don't even know the number
4 when -- The last court date, you know how they're
5 supposed to have a scoresheet set up already?

6 THE COURT: Okay.

7 MS. JACKSON: She was calculating, right in
8 front of my eyes, the scoresheet. So...

9 THE COURT: Okay. So -- And your concern is
10 that you haven't been able to see a printed copy of
11 a proposed scoresheet, to see if it's correct, or
12 to look at the numbers?

13 MS. JACKSON: Uh-huh.

14 THE COURT: Is that right?

15 MS. JACKSON: Yes.

16 THE COURT: All right. Mr. Avallone, do you
17 want to address that?

18 MR. AVALLONE: Sure, Judge. So we've gone
19 over in detail the exposures and, you know, the --
20 Well, you've seen the letter.

21 THE COURT: All right. But I want to have a
22 very clear record of what's been discussed; and
23 that's part of why we're doing this in an ex parte
24 manner. So I want you to go through it, even
25 though it was in your letter. And, yes, I have

ex-parte is great - Keep the prosecutor from
knowing - but while this case was still under it's APPEAL that time
the judge provided the prosecutor a copy of this hearing's
transcript - there by nullifying the purpose of A ex-parte hearing!

1 read your letter - in front of the Court with
2 Ms. Jackson here. And we'll make sure that she --
3 if she has questions, we'll answer them here today.

4 So tell me what you advised her, and discuss
5 the scoresheet in that context. Because she -- Up
6 until I -- She heard it from my mouth, she,
7 apparently, was still under the misimpression that
8 she could not receive a life sentence.

9 MR. AVALLONE: All right.

10 THE COURT: So let's make sure there aren't
11 any other misconceptions she has, so she can make
12 good decisions going forward. Okay?

13 MR. AVALLONE: All right. So focusing on the
14 scoresheet, Judge. As we know, the scoresheet is,
15 kind of, not material in this case - at this stage,
16 anyway - because of the way we're positioned if
17 she's convicted as charged. So that's the way I've
18 approached this case.

19 THE COURT: All right. So, for Ms. Jackson's
20 understanding - because I clearly understand - why
21 is the scoresheet not so important, if she were to
22 be convicted as charged?

23 MR. AVALLONE: So, as I've explained - both in
24 the letter and in many meetings - because of the
25 way the statutes read and -- Well, the Judge would

DID THE JUDGE JUST INFER THAT MS. JACKSON WAS STUPID?

1 have two options in her case; either juvenile
2 sanctions, or a life sentence, and nothing in
3 between. So regardless of the scoresheet, and what
4 the scoresheet says, or what the numbers come to,
5 there are no other options if she was convicted as
6 charged.

7 So the complaint about the scoresheet has only
8 arisen -- And we've had -- We sat with actually the
9 scoresheet manual, one time at the jail,
10 Ms. Jackson and I, and we did our best. I did my
11 best to explain to her about -- These are complex
12 issues. We're dealing with, you know, a
13 15 year old. These are complex issues, going
14 through a scoresheet manual, Judge.

15 THE COURT: They're complex issues going --
16 They are complex issues going through it with
17 adults who have years of schooling. I will say
18 that, Ms. Jackson, for your benefit.

19 MR. AVALLONE: Right. So I don't fault her
20 for not understanding. But the point is, we've
21 been through this exercise at length, I can assure
22 you, trying to have her understand how it all
23 works. Which was part of the impetus for the
24 letter, was to put it in writing so that she can
25 spend time with that letter - because she has some

THE 3.850 MOTION APPEARS TO ARGUE THAT DIFFERENT SENTENCING OPTIONS ARE AVAILABLE

1 learning disabilities that she needs to read and
2 re-read things - to understand them.

3 THE COURT: Okay.

4 MR. AVALONE: So that was part of the reason
5 why I wrote everything down. Because the language
6 in that letter is above her understanding, and I
7 knew that. But I know that she - because we've
8 spent so much time together -- if she reads and
9 re-reads things, she will understand it. I've
10 gotten off topic here.

11 Back to the scoresheet. What the numbers are
12 in the scoresheet will only matter if she's
13 convicted or the State agrees to lessen the
14 charges. And that's where the scoresheet really
15 comes in. So the scoresheet has become less of a
16 topic in our conversations because of the way this
17 is charged.

18 And until this person - who's practicing law
19 without a license, in my view - became involved in
20 her case, the scoresheet issue was never an issue
21 with Ms. Jackson. She understood all of this. And
22 now this has just been pushed to the forefront -
23 not by her, but by others. This is my view.

24 So I believe she does understand it, to the
25 extent she can understand what the scoresheet

First it's too complex for her to understand
But now Avallone believes she understands it?

1 means; and she does understand the minimums and her
2 exposure. I do believe that. But I don't know if
3 I've answered your question, Judge. But I can
4 assure you, we've been over the scoresheet to the
5 best she can understand it.

6 THE COURT: All right. So, Ms. Jackson, you
7 wanted to chime in. You had a question, when
8 Mr. Avallone was saying something about that there
9 would be a mandatory. In essence, I would have no
10 discretion. It would be a mandatory life sentence;
11 and there would be a minimum-mandatory if you were
12 found guilty as charged.

13 MS. JACKSON: He said, um, that I could get
14 life or juvenile sanctions.

15 THE COURT: Okay.

16 MS. JACKSON: But I thought you said that you
17 could do less or something. I don't remember.
18 That you could do less than what the State offered.

19 THE COURT: Well, so, here's the difference.
20 And we've talked about this when we've had these
21 plea discussions. The plea offer that is currently
22 on the table, by the State, reduces your charge, it
23 changes it.

24 MS. JACKSON: It's still on the table?

25 MR. AVALLONE: Well, they've revoked it,

Notice: This is supposedly a "Nelson hearing" to determine whether Ms. Jackson can be given New Attorneys WHY ARE they talking about "resurrecting" A PLEA DEAL?

1 Judge. At the last hearing, they revoked that
 2 offer. So it is off the table. But we've been
 3 told -- It's our next topic. So I'm getting ahead
 4 of myself. The offer is part of the complaint. ?P.

5 THE COURT: Yes.

6 MR. AVALLONE: So I'll save it. But we've
 7 been told that it might be still available.

8 THE COURT: My impression was it may be
 9 resurrected. But we'll see.

10 MR. AVALLONE: That's our impression too,
 11 Judge.

12 THE COURT: All right. So let's talk about
 13 it, just from the standpoint of the last time we
 14 were here. There was a plea offer that we were
 15 still talking about. Do you remember that?

16 MS. JACKSON: Yes.

17 THE COURT: So the plea offer was a -- in
 18 essence - I'm not giving you all the details. But,
 19 basically, a 20-year sentence --

20 MS. JACKSON: And 45 years probation.

21 THE COURT: -- with 45 years probation. See,
 22 you got it out before I even finished my sentence.
 23 So you know what it is.

24 MS. JACKSON: I will never forget it. Trust
 25 me.

In truth this is NOT AN ACTUAL Nelson hearing - this is an hearing been held outside the authority of the 6th Amendment (Public Trial) in which the judge & the Defense Attorney ARG COERCING A 15-yr old girl into A PLEA DEAL - OVER HER FIGHT TO A JURY TRIAL !!!



Isn't that nice - the usage of "we'll" - Is the Judge part of changing the charge? - She is part of the sentencing that is for sure.

1 THE COURT: Okay. The way the State got to
2 that plea offer was they changed the charges, or
3 amended the charges. So if they changed it to
4 Attempted First Degree Murder without the "Law
5 Enforcement," that would change the type of charge.
6 Because there's -- Because there's a law
7 enforcement officer involved and a firearm, that
8 makes it one of the most serious offenses that you
9 could be charged with. Okay? That's what kicks
10 you into that life with the minimum-mandatory
11 category.

12 So their plea offer, which is a plea bargain,
13 is if you take that, we'll reduce the charges.

14 We'll give you a sentence that you would otherwise
15 not get - you get less than what you would
16 otherwise get if you were convicted at trial, and
17 we'll change the charge.

18 So if you ever got in trouble in the future,
19 your record is going to be not as bad as it would
20 if you were found guilty at trial. Okay? And
21 you're, kind of, making faces to me about that.
22 But let me tell you why that's important.

23 MS. JACKSON: All right.

24 THE COURT: You're 15. Even if you served

25 20 --

HERE COME SOME MORE JUDICIAL LEGAL ADVICE

Judicial Legal Advice

1 MS. JACKSON: I would be out by 34.
2 THE COURT: Right. Well, give or take. Okay.
3 We can all do the math and anticipate what kind of
4 gain time you might get.
5 But let's assume you got out at 34, 35,
6 36 years of age. That sounds like it's old to you,
7 because you're 15; for the rest of us in the room,
8 that sounds really young; and for some of us, it
9 sounds really young. Which means you have a lot of
10 years ahead of you.
11 And no one is predicting, or telling you,
12 you're going to commit more crimes should you serve
13 that sentence and get out. But it is important,
14 from a legal standpoint, that it's a lesser
15 charge - which allows a less severe sanction, or
16 sentence; and if you had any trouble going forward,
17 it makes a big difference in terms of what you
18 would face on another charge. It has a lot of
19 importance to it going forward. Does that explain
20 it a little better to you?
21 MS. JACKSON: I'm just thinking about the
22 question I was going to ask you.
23 THE COURT: Okay. What's your question?
24 MS. JACKSON: Who will they bring
25 (indiscernible) --

Judge, shouldn't he attorney be explaining this to her - And NOT you?

1 (Reporter clarification)
2 MS. JACKSON: Will they bring the plea deal
3 back up?
4 THE COURT: Well, let's jump ahead to that for
5 a moment. Because the --
6 MS. JACKSON: Because now I think of it,
7 taking advice, going to trial is -- Especially
8 because now this -- Do you know what I mean?
9 THE COURT: All right. So I'm reading between
10 the lines. You're telling me you want to
11 reconsider that plea offer?
12 MS. JACKSON: Yeah. Because now that I know
13 that this is just complete bull crap, and taking --
14 Because they -- My supporters are the reason why I
15 wanted to go to trial. But now that I know -- Now
16 that I see that there's something wrong with this
17 guy, you know, there's something -- You know what I
18 mean? You get what I'm trying to say?
19 THE COURT: I understand what you're saying.
20 MS. JACKSON: I'm probably trying to
21 reconsider trial.
22 THE COURT: Okay. And we're going to give you
23 the opportunity to do that; and we'll talk about
24 that today, and we'll take some time today.
25 MR. ROBERTS: If the Court would like, Your

there is that we'll
again

Success! The real trug reason for this hearing
-- TO COERCES her into TAKING the PLEA deal!!!

1 Honor, I can text Ms. Thomas and see if you can
2 have an answer. I can send Ms. Thomas a message
3 and see if --

4 THE COURT: If you would do that while we
5 continue to go through this, so we can --

6 Ms. Thomas is the prosecutor assigned. Let's
7 see if we can get a response on whether or not they
8 will keep that plea offer open, and then we'll
9 explore that today. I've got the rest of the day,
10 if need be, to do this. I want to make sure you
11 have time.

12 Yes. You have another question?

13 MS. JACKSON: Will I be able to sign today?

14 THE COURT: Well, if that's what you,
15 ultimately, decide to do, you could.

16 MS. JACKSON: Would I be able to get sentenced
17 today instead of...

18 THE COURT: Well, I'm going to let you talk to
19 your lawyers about that. Okay. I think that's
20 something I want you to talk to them about, if that
21 option is on the table.

22 So let's go back to this motion, because I
23 need to make some findings on this first. And then
24 we'll go -- we'll see where we are. Okay?

25 MS. JACKSON: Yes, ma'am.

1 THE COURT: So the next -- So let me go back
2 to Ground 2 of the motion, which is your
3 ineffective assistance regarding discovery and
4 sentencing scoresheet.

5 As I understand what has been discussed here,
6 and based on the documents attached to the motion,
7 some of which have been sealed, I do find that the
8 defendant's concerns about not receiving discovery
9 are not well founded. In fact, she did receive
10 discovery at the jail, as she alleges in her
11 motion, on June 23, 2022, and what sounds to me is,
12 like, a blank scoresheet that was given to her so
13 she could see what the scoresheet looks like, in
14 the context of the discussions that she had between
15 her and her lawyer.

16 Mr. Avallone, let me digress one moment.
17 Because I failed to ask you one very pointed
18 question. Was one of the reasons you did not
19 provide paper copies of these documents -- Let me
20 rephrase.

21 What was the reason you did not previously
22 provide paper copies of all of Ms. Jackson's
23 discovery to her?

24 MR. AVALLONE: You discussed it, Judge. It
25 was what you brought up, about other people getting

1 involved in -- you know, people in the jail; and
2 that issue about discovery finding its way
3 elsewhere. But we did, ultimately, give her all of
4 the paper discovery. The receipt is included in
5 this packet.

6 THE COURT: I saw it.

7 MR. AVALLONE: And it's actually -- It's not
8 the full receipt. But all paper discovery has been
9 given to Ms. Jackson; and, as she mentioned, she
10 has given it away now. She doesn't have custody of
11 it now. But every piece of paper, every bit of
12 discovery in her case, has been given to her.
13 We're unable to give her videos and things of that
14 nature - of course, she doesn't have those.

15 Well, she does have some of it still it looks
16 like. She just pulled some of it out.

17 MS. JACKSON: That's all I have.

18 MR. AVALLONE: But she has been given every
19 bit of it now, Judge.

20 THE COURT: Okay. So, as I understand it, the
21 reason for the initial delay was a strategic
22 decision to protect Ms. Jackson's case and her
23 defense. So, although, the discovery was discussed
24 with her, it was not given to her in paper form -
25 which is consistent with what many counsel do in

1 cases like this - so as to prevent jailhouse
2 snitches from showing up on State witness lists as
3 somebody who has information about the crime, and
4 then who then claims that the defendant has made a
5 statement to them; and they show up as a witness
6 because they've read something in a police report
7 or another witness statement. That is very common
8 practice. It is done strategically to protect the
9 defendant, not to prevent her from having access to
10 her information.

11 In this particular case, Ms. Jackson then saw
12 fit to give all this information to Mr. Short, her
13 jailhouse-former-prison legal counsel, in his
14 eyes - although he has no law license, is not
15 licensed to practice law in Florida - and, by doing
16 so, she basically gave up a lot of information that
17 otherwise would have been protected.

18 As to the issue of why she was given the case
19 law related to some other juvenile sentences --
20 excuse me, other life sentences that were imposed
21 on juvenile defendants who were in adult court, the
22 purpose of those documents were to try to educate
23 Ms. Jackson on the fact that, yes, the Court does
24 have that authority to impose a life sentence under
25 certain circumstances.

1 The Court understands that Ms. Jackson,
 2 unfortunately, received it as a scare tactic.
 3 Although, that's not what it was intended for. And
 4 I think today, she understands that that's not what
 5 her lawyer was trying to do. He was trying to
 6 educate her so she could understand that some of
 7 what these -- the information some of these
 8 "supporters" are giving her are, in fact, bad
 9 information and are really counterproductive to her
 10 defense. Which has caused her, unfortunately, to
 11 make some bad choices through this litigation;
 12 which caused us, in essence, to seal these
 13 proceedings today because so much of this has been
 14 made public.

US ?

15 As it relates to the -- I think that actually
 16 addresses all of the issues raised in the second
 17 count, or second part, of her motion to discharge
 18 counsel.

19 And let me make sure that there was nothing
 20 else on those two issues we did not talk about.

21 As relates to a blank scoresheet, and the fact
 22 that Ms. Jackson was concerned about the fact that
 23 the State was trying to calculate a scoresheet in
 24 open court, the Court finds, as stated by
 25 Mr. Avallone, that is correct; that the sentencing

This truth is finally exposed - this hearing wasn't actually sealed to protect Ms. Jackson's right to a fair trial - it was held to deny MS Jackson her right to a public trial. The judge states that MS Jackson was making "bad choices" - apparently one of those bad choices was wanting to go to trial!

Apparently the 3.850 motion - filed by an attorney - seems to argue that there were other sentencing options.

1 guidelines are not controlling in this case should
2 she be convicted as charged because of the nature
3 of the offenses, and the enhancements and the 10/20
4 life component associated with the charge as
5 charged in the Information.

6 The plea offer that was previously extended to
7 Mr. Jackson included a reduction in the charge, and
8 a discount of some of those enhancement factors -
9 which is what the State was actually doing, was
10 calculating the scoresheet on that basis, which is
11 why it was done in open court; and that was based
12 on the Court's request to see what the bottom of
13 the guidelines was under that scenario. Although,
14 frankly, it would not be controlling because there
15 was a plea offer for a time certain. So, in
16 essence, it became a little irrelevant in these
17 proceedings.

18 As to the third and final issue, which is, The
19 plea offer by the State is an illegal sentence
20 under the guidelines.

21 Ms. Jackson, we've, sort of, addressed that
22 already in our discussions. Do you understand now
23 that that plea offer was because the State amended
24 the charge?

25 MS. JACKSON: And it's a good thing they did,

1 because they have evidence against me. They didn't
2 even have to make a plea offer.

3 THE COURT: They're not required to make a
4 plea offer. They certainly have taken positions
5 with this Court that say we're not extending a plea
6 offer; and they can -- the person can plea as
7 charged. And, for some people, that means a life
8 sentence.

9 Ms. Roberts.

10 MR. ROBERTS: Your Honor, I have heard back
11 from Ms. Thomas; and she did indicate that the
12 20-year offer, followed by the probationary terms,
13 is still on the table.

14 For clarification, the 20 years is not a
15 minimum-mandatory. And, also, the intent would be
16 to include the Flagler case, and the offer would be
17 for high credit.

18 THE COURT: All right. So here's what I'm
19 going to do. At this juncture, before I take a
20 break and let you-all talk to Ms. Jackson.

21 Ms. Jackson, as it relates to the grounds
22 you've raised in your motion for reconsideration to
23 dismiss this defense counsel and request a full
24 Nelson hearing, are there any other issues you want
25 to bring to the Court's attention about any things

1 that you think are ineffective in your lawyers?

2 MS. JACKSON: No, ma'am.

3 THE COURT: All right. And you are almost 16.

4 But you're still 15 today; correct?

5 MS. JACKSON: Yes, ma'am.

6 THE COURT: When is your 16th birthday?

7 MS. JACKSON: February 8th.

8 THE COURT: Coming up soon. How far did you
9 go in school?

10 MS. JACKSON: My teacher hasn't come because
11 I'm -- She says I'm in ninth grade, but I don't
12 believe her.

13 THE COURT: You don't believe her?

14 MS. JACKSON: No. She keeps giving me this --
15 Yeah.

16 THE COURT: All right. Is the work she is
17 giving you at the ninth-grade level difficult?

18 MS. JACKSON: No. It's just the point. They
19 took away my laptop because -- Yeah.

20 MR. AVALLONE: What grade level do you think
21 you're at?

22 MS. JACKSON: Well, my teacher thinks third
23 grade. Me, I'm supposed to be in ninth. I missed
24 a grade. So I'm in ninth.

25 THE COURT: Okay. So you've still got a ways

1 to go, before you would either get a high school
2 diploma or a general education diploma, right, a
3 GED?

4 MS. JACKSON: Yes, ma'am.

5 THE COURT: Is that right?

6 Do you have any questions about what we've
7 discussed today?

8 MS. JACKSON: No. Just the plea offer.

9 THE COURT: Okay. Well, I'm going to give you
10 time to talk about that. I want to make sure you
11 understand everything we've discussed today.

12 MS. JACKSON: Yes, ma'am.

13 THE COURT: Did some of these explanations,
14 both by your lawyers and by the Court, help you
15 understand some of these issues better?

16 MS. JACKSON: Yes, ma'am. It gave me full
17 mindset now about trial.

18 THE COURT: All right. Well, that's,
19 ultimately, your decision. That's not my decision.
20 My intent wasn't to make you make any decision.
21 That's something you have to talk to your lawyers
22 about and decide.

23 One of the things you said, in your motion, is
24 that you want to get rid of your lawyers and
25 represent yourself; and then try to hire a private

1 attorney. Is that still something you want to do?

2 MS. JACKSON: I don't know why he put that
3 in - that's stupid - to represent myself. It's
4 real stupid. Huh-uh.

5 THE COURT: All right. Well, I'm, frankly,
6 very confident that you understand how foolish and
7 folly that would be, trying to represent yourself
8 in this type of case. In any kind of case, if
9 you're not a lawyer, is usually not a good thing.

10 MS. JACKSON: Not like the parade guy that
11 represented himself.

12 THE COURT: Right. So I think there are lots
13 of people in the news, that you've probably heard
14 about, who tried to do that, and haven't had really
15 great results; right?

16 MS. JACKSON: No, not good results.

17 THE COURT: And you've heard those commercials
18 about, Well, if you want to perform surgery on
19 yourself, then maybe you want to represent
20 yourself, even though you're not a lawyer. That
21 probably wouldn't be a good idea either, would it?

22 MS. JACKSON: Huh-uh.

23 THE COURT: "No"?

24 MS. JACKSON: Not a good idea.

25 THE COURT: All right. And I say that half

1 jokingly. But I think you understand that that
2 would really not serve you well to do that, would
3 it?

4 MS. JACKSON: Yes. I don't know why he put
5 that on there.

6 THE COURT: Okay. So given that, number one,
7 I do not find that any of the allegations raised in
8 the motion to dismiss defense counsel rise to the
9 level of ineffectiveness of counsel.

10 It appears that your lawyers have, frankly,
11 gone above and beyond what they would normally do
12 in their representation; in large part to
13 counteract some of the misinformation that
14 Ms. Jackson is receiving from these other persons,
15 the outside influences, and some of whom are people
16 who claim to be her supporters.

17 I think it's apparent to the Court, and it is
18 now apparent to Ms. Jackson, that some of that
19 information is bad, is false, and has led her down
20 a path that is not in her best interest.

21 I do find Ms. Jackson is freely and
22 voluntarily withdrawing the written request to
23 represent herself; that that was not her intent,
24 that the person who drafted this - who is someone
25 who is not a lawyer, who served time in prison and

And that was the real purpose of the hearing - not an ineffective counsel determination.

1 spent some time in the law library - decided on his
2 own, apparently, to put that in. Ms. Jackson is
3 not adopting that request. So I will not conduct a
4 full Faretta hearing, in that it does not appear to
5 be necessary under these circumstances.

6 Ms. Jackson, at this point, are you -- given
7 the hearing today, are you satisfied with the
8 services of your counsel?

9 MS. JACKSON: Yes, I am.

10 THE COURT: And do you wish them to proceed in
11 representing you?

12 MS. JACKSON: Representing? Yes.

13 THE COURT: Separate and apart from that
14 request, I do find that the grounds raised in the
15 motion for dismissal of counsel, again, do not rise
16 to the level of ineffectiveness of counsel.

17 They have offered sage advice, provided
18 discovery timely, discussed it with her at length;
19 and based on some bad advice she has been given,
20 she had some misunderstandings about what the
21 sentence could be, what would be her right to have
22 that discovery in jail, and the follies, perhaps,
23 of getting all of the paper documents in jail,
24 where someone else could have access to that
25 information. And that, in effect, is what has

1 happened, because she's voluntarily given it to a
2 third party who now has access to that information.

3 So the motion to dismiss defense counsel is
4 denied on all grounds raised, both in the written
5 motion and discussed today.

6 I also find Ms. Jackson has stated clearly,
7 after a hearing - which has lasted now more than an
8 hour and a half - with full inquiry with the Court,
9 that she wishes her current counsel to continue to
10 represent her in the matter before the Court.

11 At this juncture, because the State has now
12 indicated that the plea offer is still on the
13 table - meaning it's open for discussion - I'm
14 going to take a recess. I'm going to allow you an
15 opportunity to discuss with your counsel where
16 we're headed at this juncture.

17 And if you just let my bailiff know when you
18 want me to come back in, I'll give you the time you
19 need. I have nothing else on my court calender
20 today. So we'll see where we go.

21 MR. AVALLONE: Are we able to stay in the
22 courtroom, Judge?

23 THE COURT: As far as I'm concerned, you can.
24 Nobody else is going to be in here. The courtroom
25 will be locked up.

1 THE BAILIFF: It's locked up. You're good.
2 MR. AVALLONE: Okay. Great. Thank you.
3 (Recess taken at 10:48 a.m., and reconvened at
4 11:33 a.m.)
5 THE COURT: You may be seated.
6 All right. We are back on the record. And,
7 Mr. Avallone.
8 MR. AVALLONE: Well, Judge, our client has
9 executed a plea form.
10 THE COURT: Why don't you come up here.
11 MS. ROBERTS: I think we need the prosecutor.
12 THE COURT: Well, we're not going to go
13 through the plea. At this point, I'm just trying
14 to figure out where we are. And that's all I would
15 need to know.
16 MR. AVALLONE: Yes, Judge. So we have an
17 executed plea form. I think we did tell you that
18 the State put the offer that we previously
19 discussed back on the table. She wishes to accept
20 that.
21 The State has agreed to have sentencing occur
22 today. That is our client's wish, to be sentenced
23 today. We intend to waive a PSI and PDR and
24 proceed to sentencing. So that's our intention, as
25 long as that's okay with the Court. And, so, we



Remember her "EARLIER" ISSUES" - IS SHE STABLE enough
TO MAKE THESE DECISIONS.

the court expressed concerns about
her issues prior

1 would like to proceed if that's okay with you.

2 THE COURT: All right. Ms. Jackson, I'm not
3 going to take the plea at this point because I have
4 to reopen the courtroom. The State has to be here,
5 everyone is entitled to be in an open courtroom for
6 me to do that. Do you understand that?

7 MS. JACKSON: Yes, ma'am.

8 THE COURT: Okay. Given everything that
9 occurred this morning, as we've had this break,
10 have you had any other concerns about your
11 representation that we have not addressed that you
12 need to address?

13 MS. JACKSON: No, ma'am.

14 THE COURT: Are you requesting to review the
15 video again, that Mr. Avallone has already shown
16 you, before we proceed any further?

17 MS. JACKSON: Will everybody else be in the
18 courtroom when I see it, or no?

19 THE COURT: No. But if you want to see
20 anything, then we would see it -- make sure you
21 review anything prior to that.

22 MS. JACKSON: No. I'm fine.

23 THE COURT: Okay. Is there anything else you
24 need to discuss with your lawyers before I reopen
25 the courtroom and we get the State in here?

1 MS. JACKSON: No, ma'am.

2 THE COURT: Are you certain?

3 MS. JACKSON: On my honor, yes.

4 THE COURT: Okay. All right. So what I will
5 do, at this point, based on where we are headed,
6 what I would like to do is just get Ms. Thomas in
7 here just so I understand timing-wise. Obviously,
8 because of the nature of the offense, there are
9 some victims who have a right to be present. I
10 want to make sure -- I don't have a problem
11 proceeding. But I want to make sure we give
12 sufficient time for those who want to be present to
13 be present.

14 So if we could get Ms. Thomas in, just so we
15 can discuss procedurally the timing of this, and
16 then we'll reopen the courtroom at that point.

17 MR. ROBERTS: And, Your Honor, just one other
18 matter, if we could just place on the record, just
19 for clarification purposes. When we were talking
20 about and advising Ms. Jackson regarding life, it
21 would be life with a review after 25 years.

22 THE COURT: Yes.

23 MS. ROBERTS: And there would be an
24 individualized sentencing hearing where we would be
25 making arguments.

1 THE COURT: Correct.

2 MS. ROBERTS: So I just wanted to make that
3 clear.

4 THE COURT: That is correct. Do you
5 understand that, Ms. Jackson?

6 MS. JACKSON: Yes, ma'am.

7 THE COURT: Okay. It is a little different
8 because you are a juvenile. There is a review
9 process for that sentence. Had you decided to go
10 to trial and be convicted, there would be a review
11 process in place. There would be a full
12 sentencing. Do you understand that?

13 MS. JACKSON: Yes, ma'am.

14 (Ms. Thomas enters courtroom)

15 THE COURT: All right. So, Ms. Thomas, all I
16 need to know from the State at this point - because
17 this has been a fluid situation, and we're -- I
18 want to make sure that the State has had an
19 opportunity to notify any victims so those who want
20 to be present can be present.

21 MS. THOMAS: Yes, Judge. At this time, we are
22 in compliance with Marsy's Law. We've spoken to
23 all the parties involved that are listed as
24 victims, including the homeowner. We're prepared
25 to go forward with the plea. Most of the listed

1 law enforcement are present in the hallway. And we
2 did confirm with the homeowner, who won't be here,
3 that he is prepared for the plea to go forward
4 today without him.

5 THE COURT: All right. So, at this point,
6 then, as I understand it, everyone who wishes to be
7 present for this proceeding is already physically
8 here?

9 MS. THOMAS: And prepared to move forward,
10 Judge.

11 And I do have an amended scoresheet, just for
12 record purposes. I did receive correspondence from
13 Ms. Roberts that we are going to wrap up the
14 Flagler County cases. So I've added them on the
15 scoresheet. I would like defense counsel to review
16 the changes that I've made with Ms. Jackson so that
17 there's no issues as to knowledge of the plea.

18 THE COURT: All right. So we'll do -- I want
19 you-all to do that.

20 Also, because there is a pending motion for a
21 Nelson hearing in Flagler, Ms. Jackson, I'm going
22 to go through all of that with you. I don't need
23 to -- So I'm going to need to know, I guess, at
24 that juncture -- And we'll do this once we reopen
25 the court. But I want to make sure you understand

1 I need to address that first before I were to
2 accept any pleas in the Flagler case.
3 MS. JACKSON: Will I be able to cancel that?
4 THE COURT: Yes, you can, if that's your
5 desire.
6 MS. JACKSON: Yeah. Because...
7 THE COURT: Is that your desire to do so?
8 MS. JACKSON: Yes, ma'am. Yes.
9 THE COURT: Okay.
10 MS. THOMAS: Sorry. I misunderstood. So she
11 doesn't want to have the Flagler cases on?
12 THE COURT: No, she does.
13 MS. THOMAS: She does. Okay.
14 THE COURT: I have to -- She wants to cancel
15 the Nelson hearing that is currently scheduled in
16 front of Judge Perkins in that matter. So I will
17 need to address that on the record.
18 So, Counsel -- Hold on just a minute.
19 Ms. Jackson, listen to me. Listen to me for a
20 minute.
21 MS. JACKSON: Sorry.
22 THE COURT: That's all right. There's a lot
23 going on.
24 I'm going to give you a few moments before we
25 open the courtroom. It's going to take everyone a

Shouldn't Jackson's Attorney be Addressing this instead of the Judge?

1 few moments to get set up, which they need to have
2 time to do so. But I want you to talk to your
3 attorneys, to make sure you understand that in
4 order for me to accept your pleas on the Flagler
5 County cases, you will have to withdraw your motion
6 to discharge your lawyers in that Flagler case as
7 well.

8 MS. JACKSON: Okay.

9 THE COURT: Do you understand that?

10 MS. JACKSON: No. Can repeat that, please?

11 THE COURT: Yes. All right. You ask me any
12 questions, to make sure you do.

13 So you have filed a motion to discharge your
14 lawyers in the Flagler case.

15 MS. JACKSON: Yes. And I want that canceled.

16 THE COURT: Okay. So you do not want to
17 discharge your lawyers in the Flagler case; is that
18 correct? **LEADING?**

19 MS. JACKSON: Yes, ma'am.

20 THE COURT: All right. You understand, for
21 today's purposes, assuming the plea goes through,
22 then Ms. Roberts and Mr. Avallone will be
23 representing you on those charges for the purposes
24 of the plea; is that correct?

25 MS. JACKSON: Yes, ma'am.

1 THE COURT: So you would be, in essence,
2 requesting the Court to withdraw that motion to
3 discharge, or fire, your lawyers there.

4 MS. JACKSON: Yes, ma'am.

5 THE COURT: And that's what you want to do?

6 MS. JACKSON: Yes, ma'am.

7 THE COURT: Okay. So I'm going to repeat this
8 dialogue once we go through court as part of that
9 plea. Okay?

10 MS. JACKSON: Yes, ma'am.

11 THE COURT: All right. So do you have any
12 questions of the Court about that?

13 MS. JACKSON: No, ma'am. No.

14 THE COURT: Okay. Are we ready to --

15 MS. THOMAS: Just for the Court, I do have the
16 plea form - I'll look over it - that Mr. Avallone
17 has handed me. I do have an Amended Information.
18 Once she's confirmed with her attorneys the
19 scoresheet's correct, and she does want to enter
20 the plea, at that time, we'll move the Amended
21 Information to the "first degree" away from the
22 "life" charge.

23 THE COURT: All right.

24 THE CLERK: What Flagler County cases? We
25 don't have access to Flagler County cases.

1 MS. THOMAS: I put the numbers on the
2 scoresheet. I thought that might be an issue.
3 THE COURT: So here's what we'll need to do --
4 MS. KANE: Do you need a 707?
5 THE COURT: Yes.
6 THE CLERK: Yeah. And an Information.
7 MS. THOMAS: Okay.
8 THE COURT: So we'll need the Information and
9 the 707 on the Flagler cases, and then we can get
10 the paperwork from Flagler squared away. I'm not
11 so concerned about that.
12 MS. THOMAS: Okay.
13 (Court in recess at 11:40 a.m., and reconvened
14 at 11:45 a.m.)
15 THE COURT: We're back on the record.
16 Ms. Jackson, do you need any more time with
17 your lawyers before I open the court?
18 MS. JACKSON: No, ma'am.
19 THE COURT: All right.
20 Yes, Mr. Avallone?
21 MR. AVALLONE: Time served, I just wanted to
22 check and see what the clerk had.
23 THE CLERK: Okay. So we have access to
24 Volusia only. And she has on our cases 590 days.
25 MR. AVALLONE: Okay.

Court in Recess for
5 Mins - NO Recess was
declared!!

1 THE COURT: So if she has any more somewhere
2 else, we're not aware of it.

3 MR. AVALONE: Right. She doesn't have
4 anywhere else in other counties. But she was in
5 the hospital. So I'm hoping the State will
6 stipulate to this. She was taken into custody on
7 June 1st in this case, and then she was turned over
8 to the Department of Juvenile Justice; and that's
9 where the time began, I believe, the 590?

10 THE CLERK: It began June 17, 2021.

11 MR. AVALONE: So what I'm asking for is the
12 17 days to be added.

13 MS. THOMAS: Yes. We stipulate to giving her
14 credit for the 17 days from the hospital.

15 MR. AVALONE: So 590 plus 17 is what I'm
16 asking for.

17 THE CLERK: 607.

18 MR. AVALONE: Thank you.

19 THE COURT: All right. With that being
20 settled, are we ready to proceed?

21 MR. AVALONE: We are.

22 THE COURT: All right. The Court finding that
23 the need for closure of the courtroom has now
24 dissipated, all confidential matters that would
25 have otherwise been to the detriment of Ms. Jackson

* NAME ONE MATTER DISCUSSED IN THIS HEARING THAT
WOULD HAVE BEEN DETRIMENTAL TO JACKSON RECEIVING A
FAIR TRIAL?

~~*~~

1 to discuss in open court have been handled now. We
2 are ready to proceed in open court. The courtroom
3 has been opened.

4 THE BAILIFF: Would you like me to turn the
5 Zoom back on, Judge?

6 THE COURT: Yes. Thank you.

7 (END OF SEALED/CONFIDENTIAL PROCEEDINGS)

8 THE BAILIFF: Folks, if you have a cell phone,
9 can you just make sure it's turned off or turned on
10 silent.

11 THE COURT: All right. Ready to proceed?

12 MR. AVALLONE: Yes, Judge.

13 THE COURT: All right. Ms. Jackson, if you
14 will you come back to the podium.

15 All right. We have been in closed court
16 session for most of the morning since the Court
17 closed the courtroom this morning. That closure
18 was done to ensure Ms. Jackson's right to a fair
19 trial, given some of the nature of the allegations
20 that were raised in her previously-filed Motion for
21 Reconsideration to Dismiss Defense Counsel and
22 Request Full Nelson Hearing.

23 That hearing has now been conducted by the
24 Court. The Court denied the Motion to Dismiss
25 Defense Counsel; and, in fact, Ms. Jackson also

This Account is not consistent with the Judge's Statements made on pages 33-74 of this Transcripts

B.S. - See page 74 of this transcript Lines 10-14 & page 33 Lines 6-13. The judge has coerced Jackson to believe that she can't get a fair trial because her supporters have disavowed her case

The judge will shortly seal this transcript record

1 withdrew any objection she had to her current
2 counsel continuing to represent her, and, herself,
3 reinitiated plea discussions which has resulted,
4 potentially, in this plea we're going to discuss
5 this morning. Is that correct, Ms. Jackson?
6 MS. JACKSON: Yes. Yes, ma'am.
7 THE COURT: We have a court reporter. That's
8 why digital was not on.
9 Ms. Jackson, part of the process this morning,
10 as you recall, is that we also discussed some of
11 the concerns you had related to the Flagler County
12 case, which is also going to be disposed of as part
13 of this plea; is that correct?
14 MS. JACKSON: Yes, ma'am.
15 THE COURT: And you have filed a similar
16 motion to discharge your lawyers in the Flagler
17 County cases, that is currently set for hearing
18 before Judge Perkins in the first part of March; is
19 that correct?
20 MS. JACKSON: Yes, ma'am.
21 THE COURT: All right. Whoever is on Zoom,
22 who has not muted themselves, I'm going to mute
23 you. You must remain muted, as you are interfering
24 with our proceedings.
25 All right. Ms. Jackson, what do you want to

Digital wasn't on to hide what was transpiring during this hearing - this was no "mishearing" - it was a coercion hearing to make her believe that because of her supporters' actions she would NOT get a fair trial - the plea deal was her only way out

1 do with your pending motion to dismiss your lawyers
2 in the Flagler case?

3 And just for purposes of the record, the
4 Public Defender's office represents you in those
5 cases as well.

6 MS. JACKSON: I want to cancel that.

7 THE COURT: And you understand by canceling
8 that, that prevents you from raising those grounds
9 later on saying you did not have effective
10 lawyering in the Flagler case?

11 MS. JACKSON: Yes, ma'am.

12 THE COURT: Do you understand that?

13 MS. JACKSON: Yes, ma'am.

14 THE COURT: Any questions you have for me
15 about that?

16 MS. JACKSON: No.

17 THE COURT: All right. In essence, many of
18 the grounds that you've raised in that motion we
19 discussed when the courtroom was closed today,
20 because a lot of those issues were part of the
21 motion that was before me as well; is that correct?

22 MS. JACKSON: Yes, ma'am.

23 THE COURT: And do you feel like you have
24 sufficient information now, about what occurred in
25 the Nelson hearing that we conducted this morning,

It was hearing where the defense & Judge tagged team Jackson (coerced her) into taking the plea deal. Really wasn't a Nelson hearing.

1 that solves any concerns you had about your
2 representation in the Flagler case?

3 MS. JACKSON: Yes, ma'am.

4 THE COURT: Have you had enough time to talk
5 about this plea offer with your lawyers?

6 MS. JACKSON: Yes, ma'am.

7 THE COURT: This is not a new plea offer.

8 This is something that has been, in essence, on the
9 table for months at this point; is that right?

10 MS. JACKSON: Yes, ma'am.

11 THE COURT: And you and I have discussed this
12 on many occasions when you've been before me.

13 MS. JACKSON: Yes, ma'am.

14 THE COURT: Any questions that you have for
15 your lawyers, or for the Court, before we start
16 going through the plea dialogue?

17 MS. JACKSON: No. No, ma'am.

18 THE COURT: Okay. State, before I begin,
19 since this has been done a bit on short notice --
20 We did address this before I opened the courtroom
21 up, but I want to make sure we state this in open
22 court. Has the State complied with Marsy's Law?

23 MS. THOMAS: Yes, Judge. We've contacted
24 every listed victim. We've also spoke with the
25 homeowner, who has an attorney present on Zoom

But today you (Judge) discussed it in a closed hearing
Pretty much Adversely Jackson that because of her supporters actions
She would not get a fair trial (page 33 of transcript)

1 representing his interest, Attorney Ingrid Garcia.
2 And in the courtroom we have Sheriff Chitwood,
3 from the Sheriff's Office; Chief Deputy Brian
4 Henderson; Sergeant Donnie Maxwell, who is a listed
5 victim; as well as Detective Michael Sawicki.
6 Every party and all involved are in agreement with
7 moving forward.

8 THE COURT: All right. So Mr. Avallone.

9 MR. AVALLONE: So, Judge, Ms. Jackson intends
10 to withdraw her previously-entered pleas of not
11 guilty, tender pleas of no contest to the amended
12 charge in the Volusia case, of Attempted First
13 Degree Murder. I understand there's been an
14 Amended Information prepared in that case.

15 I'm also withdrawing her previously-entered
16 pleas of not guilty, tender no contest pleas in the
17 Flagler County case - which we've given that number
18 to the clerk - that will be as charged.

19 In exchange for that, we will agree to a
20 sentence of 20 years in the Florida Department of
21 Corrections on Count I. Now I'm focusing on the
22 Volusia case. Twenty years Florida Department of
23 Corrections, followed by 10 years of probation.

24 Count II, that's Burglary of a Dwelling While
25 Armed With a Firearm. Adjudication of Guilt on all

1 these counts. Count II, 30 years probation to run
2 consecutive to Count I; restitution ordered and
3 reserved.

4 Count III, Adjudication of Guilt; five years
5 of probation to run consecutive to Count I.

6 Special Conditions of Probation:

7 No drugs or alcohol.

8 Random urinalysis at the discretion of the
9 Department of Corrections.

10 Do not possess firearms or weapons.

11 Do not reside in any home or location where
12 firearms or weapons are present.

13 Undergo a Mental Health Evaluation within
14 60 days upon release of the Department of
15 Corrections - must follow any recommended treatment
16 and/or take any medication as prescribed.

17 Subject to warrantless searches of her person
18 or property.

19 Upon release from the Department of
20 Corrections, must show probation that she's seeking
21 gainful employment or enrolled in an academic or
22 trade program.

23 Pay cost of prosecution, cost of
24 investigation, which we stipulate to, in the amount
25 of \$100 each.

1 I believe that's all the conditions for the
2 Volusia County case.

3 Switching now over to the Flagler County case.
4 It's an adjudication of guilt on all those counts,
5 six counts - five counts of Arson, all third degree
6 felonies, one count of Felony Criminal Mischief.

7 The agreed-upon sentence in all of those - to
8 run concurrent to the Volusia County case - is
9 five years to Florida Department of Corrections
10 concurrent time. No other conditions in that case.

11 Cost -- I guess, cost are required. So we did
12 not anticipate cost.

13 THE COURT: The public defender fee and costs
14 would be required, typically. And I would reduce
15 that to civil judgment.

16 Ms. Jackson, which means that there would be
17 an order that if you were to come into any property
18 or monetary funds at some point, they could seek to
19 collect it against you.

20 And, Mr. Avallone, if you want to discuss with
21 her any other incidental issues that arise from
22 that. But that's typically what I would do.

23 MR. AVALLONE: Since she is going on
24 probation, we'd ask that those costs go over to
25 probation then, Judge, if that's a possibility.

1 THE COURT: Certainly.
2 MR. AVALLONE: And that would give her an
3 opportunity then to pay those costs.
4 THE COURT: To avoid the judgment?
5 MR. AVALLONE: Yes, ma'am.
6 THE COURT: Okay.
7 MR. AVALLONE: We do have an executed plea
8 form.
9 MS. THOMAS: And, in preparation for the plea,
10 we did prepare an Amended Information, Judge. We
11 just wish to be heard briefly on the record.
12 THE COURT: Yes.
13 MS. THOMAS: We've amended Count I from the
14 Attempted First Degree Murder of a Law Enforcement
15 Officer With a Firearm. It's, in a way, a
16 stipulated legal fiction. We'll be amending it
17 down to Attempted First Degree Murder With a
18 Firearm, removing just, essentially, the language
19 "law enforcement." The victims are still listed.
20 They are law enforcement from the Volusia County
21 Sheriff's Office.
22 So the only thing that changed on the
23 scoresheet would be the enhancement portion. It
24 would change it from a mandatory life to a first
25 degree felony with 10/20 life, which we are also

"LEGAL Fiction" interesting term!

*

* →

1 agreeing to waive the 20-year minimum mandatory on
2 Count I, as well as the 10-year minimum mandatory
3 accompanying Count II.

4 So I have that Information notarized and
5 prepared to give to the clerk for the plea, Judge.

6 THE COURT: Yes.

7 And, Mr. Avallone, if I can ask you - so it's
8 very clear, as I discuss this with Ms. Jackson, and
9 it's clear in the record - if you will include
10 Attempted First Degree Murder with Firearm, and
11 just have you initial and she initial as well.

12 MR. AVALLONE: Okay.

13 THE CLERK: And on the Flagler County case,
14 you said Arson. But on the Information the
15 language is a little different. Is it as charged
16 in the Information?

17 MR. AVALLONE: It is "as charged."

18 THE CLERK: Okay. Thank you.

19 THE COURT: Chris, if I can have a copy of
20 that Information as well.

21 MR. AVALLONE: I have done that, Judge.

22 THE COURT: The person who just joined us on
23 Zoom, make sure you are muted so you do not disturb
24 our proceedings.

25 All right. Ms. Jackson, raise your right hand

1 to be sworn.

2 THE CLERK: Do you solemnly swear or affirm to
3 tell the truth, the whole truth, and nothing but
4 the truth, so help you God?

5 MS. JACKSON: I do.

6 THE COURT: State your full name.

7 MS. JACKSON: Nicole Jackson-Maldonado --
8 Nicole Marie Jackson-Maldonado.

9 THE COURT: All right. And how old are you?

10 MS. JACKSON: I'm 15.

11 THE COURT: And how far have you gone in
12 school?

13 MS. JACKSON: I went -- From being
14 incarcerated until now? I've almost completed
15 two years.

16 THE COURT: Okay. And what was the last
17 regular grade you completed before you were in
18 jail?

19 MS. JACKSON: Sixth grade.

20 THE COURT: Okay. And we have spent the
21 better part of the morning together dealing with
22 some of the other issues that I referenced earlier;
23 is that right?

24 MS. JACKSON: Yes, ma'am.

25 THE COURT: Do you understand what you are

1 doing here this morning?

2 MS. JACKSON: Yes, ma'am. I'm well aware.

3 THE COURT: Are you under the influence of
4 alcohol or any kind of substances of any kind?

5 MS. JACKSON: No, ma'am.

6 THE COURT: Now, you talked this morning
7 about -- and I have entered an order that allows
8 you to see a mental health counselor; is that
9 right?

10 MS. JACKSON: Yes, ma'am.

11 THE COURT: Do you have any kind of mental
12 health issues, right today, as you are before me,
13 that is causing you to have confusion or interfere
14 with your understanding of what you're doing here
15 this morning?

16 MS. JACKSON: Um, my mind is clear right now.
17 But I do have some mental problems with anger,
18 anxiety, and just more like that.

19 THE COURT: Okay. That's fair enough.

20 Do those issues cause you any confusion about
21 what you're doing here today?

22 MS. JACKSON: No, ma'am.

23 THE COURT: Have you had enough time to
24 discuss this plea agreement with your lawyers --

25 MS. JACKSON: Yes, ma'am.

Maybe the judge should have ASK if she
was under Any mental health watches or precaution AT
the JAIL?

1 THE COURT: -- including Ms. Hughes, who is
2 the juvenile attorney --
3 MS. JACKSON: Yes.
4 THE COURT: -- before you made this decision
5 and signed this plea form today?
6 MS. JACKSON: Yes, ma'am.
7 THE COURT: Do you have any questions
8 remaining at all?
9 MS. JACKSON: Will I be sentenced today?
10 THE COURT: Yes, ma'am.
11 MS. JACKSON: Yes.
12 THE COURT: That was your only question?
13 MS. JACKSON: That's my only question.
14 THE COURT: All right. You understand that if
15 you are not a U.S. citizen, you will be deported?
16 MS. JACKSON: Do what?
17 THE COURT: Do you understand that if you are
18 not a U. S. citizen, you will be deported?
19 MS. JACKSON: Am I a U.S. citizen?
20 MR. AVALLONE: You are.
21 MS. JACKSON: Okay.
22 THE COURT: So, for example, if you were born
23 in another country and never became a U.S. citizen,
24 another agency of a government, because of this
25 plea, would eventually take you back to that

Does even know whether she is A US Citizen
BUT APPARENTLY competent enough TO enter into AN
Adult Sentencing Plea Deal

1 country.

2 MS. JACKSON: Oh.

3 THE COURT: It sounds like that does not apply
4 to this case.

5 Were you born in the United States?

6 MS. JACKSON: I was born in Puerto Rico.

7 That's all I know.

8 THE COURT: All right. I think that solves
9 the issue.

10 MS. JACKSON: I have another question.

11 THE COURT: Yes, ma'am.

12 MS. JACKSON: Will I be -- Will I be thrown in
13 prison with everybody else, or will I be going to,
14 like, some juvenile place until I'm 18?

15 THE COURT: The Department of Corrections will
16 place you. You will be in a state prison facility.
17 They will place you in a facility based on your
18 age, but you will be in an adult facility because
19 I'm imposing an adult sanction.

20 MS. JACKSON: But I won't be with adults until
21 I'm 18?

22 THE COURT: It is my understanding that the
23 Department of Corrections is still bound by the
24 laws that require juveniles to be kept separately.
25 You will be in an adult facility. It is my

1 understanding that you would be kept separate until
2 you reach the age of majority.

3 Counsel, is that your understanding as well?

4 MR. AVALLONE: Not exactly, Judge. So my

5 understanding is that she could be housed in a

6 juvenile facility until she's 18. But that

7 decision will be made by the department at some
8 later date after today. And so that's what I've
9 told her already; and that, either way, that
10 decision won't be made by the Court or by any of
11 the authorities in Volusia County.

12 THE COURT: I don't have the authority to do
13 that. That's a Department of Correction function.

14 MS. JACKSON: They decide where I go?

15 THE COURT: Yes. Even if I told them where I
16 would like you to go, they would disregard what
17 order I entered. I don't have that authority.

18 MS. JACKSON: I won't be assaulted; right?

19 THE COURT: I don't know the answer to that
20 question.

21 MR. AVALLONE: She doesn't know.

22 MS. JACKSON: Okay.

23 THE COURT: Okay?

24 MS. JACKSON: Yes, ma'am.

25 THE COURT: All right. Did you go through,

Over 18 years of age
Still being held in juvenile facility
So much for those law degrees!!!

1 with your lawyers, this written plea form that I've
2 been handed?

3 MS. JACKSON: Yes, ma'am.

4 THE COURT: Did you read it, or did they read
5 it to you?

6 MS. JACKSON: They read it to me.

7 THE COURT: Do you understand the plea
8 agreement?

9 MS. JACKSON: They gave me short, um -- you
10 know, like, I lost my right to trial. You know,
11 but the words, no. They just said in my
12 vocabulary, basically. (so they didn't
13 READ it to her)

14 THE COURT: All right. So did they explain
15 the important rights that you would be giving up by
16 changing to a plea instead of going to trial?

17 MS. JACKSON: Yes, they did.

18 THE COURT: So do you understand that by
19 entering this plea today, you are giving up the
20 right to have a jury determine whether or not
21 you're guilty?

22 MS. JACKSON: Yes, ma'am.

23 THE COURT: You understand that by entering a
24 plea, you give up the right to see and hear any
25 witnesses testify and have your lawyers question
those witnesses?

Should she be required to READ
What she is signing?

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MS. JACKSON: Yes.

THE COURT: Do you understand that you give up the right to present any witnesses or evidence on your behalf, because we're doing a plea and not a trial?

MS. JACKSON: Yes, ma'am.

THE COURT: Do you understand that you are giving up the right to testify or remain silent in a trial?

MS. JACKSON: Yes, ma'am.

THE COURT: Do you understand that you are giving up the right to require the State, the prosecutor, to prove the charges, beyond a reasonable doubt, because you are entering pleas to some reduced charges?

MS. JACKSON: Yes, ma'am.

THE COURT: Has anyone forced you to do that?

MS. JACKSON: No, ma'am.

THE COURT: And you understand that the Court would be imposing the sentence that has been placed on the record, which has also been explained to you a number of times, and written down on this written plea form?

MS. JACKSON: Yes, ma'am.

THE COURT: Other than that plea offer, or

Because
tell you
you would not get a fair trial
Did anyone coerce you -
What you supporters did - you would not get a fair trial
(see page 33 + 74 of transcript)

1 negotiated sentence, has anyone offered you
2 anything to get you to enter a plea today?

3 MS. JACKSON: No, ma'am.

4 THE COURT: Are you doing so freely and
5 voluntarily?

6 MS. JACKSON: Yes, ma'am.

7 THE COURT: Has anyone forced you in any way
8 to do this?

9 MS. JACKSON: No, ma'am.

10 THE COURT: Is this your signature, or at
11 least initials, on this written plea form?

12 MS. JACKSON: Yes, ma'am.

13 THE COURT: Okay. And, Ms. Jackson, you have
14 the right typically to have a predisposition
15 report - which is, like, sort of, an investigative
16 report about your history - that's usually done in
17 juvenile court. You have the right to have that
18 done because of your age; and you --

19 MS. JACKSON: A what?

20 THE COURT: It's called a predisposition
21 report, or it's referred to as a PDR.

22 MS. JACKSON: Oh, that goes in sentencing.

23 THE COURT: Yes.

24 MS. JACKSON: No, I didn't want it.

25 THE COURT: Okay. You have the right to have

1 that.

2 You also have the right to have what's called
3 a presentence investigation, which is what we do in
4 adult court, or a PSI. Your attorneys have
5 indicated you are waiving that, or saying to me I
6 know I'm entitled to it, but I don't want that; is
7 that correct?

8 MS. JACKSON: Yes, ma'am.

9 THE COURT: So you understand we will proceed
10 right to sentencing?

11 MS. JACKSON: Yes, ma'am.

12 THE COURT: Is that what you wish to do?

13 MS. JACKSON: Yes, ma'am.

14 THE COURT: Have you had enough time to
15 discuss that issue with your lawyers?

16 MS. JACKSON: Yes, ma'am.

17 THE COURT: All right. I'm going to start
18 with the charges here in Volusia County.

19 In Volusia County, you -- the State has filed
20 an Amended Information which charges you with --

21 I need to actually see the Information.

22 THE CLERK: Yes.

23 THE COURT: All right. It charges you, in
24 Count I, with Attempted First Degree Murder With a
25 Firearm, which is a first degree felony - which

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would subject you to 30 years in prison. As to
that charge, how do you plea?
MS. JACKSON: No contest.
THE COURT: And do you understand what a
no-contest plea means?
MS. JACKSON: Huh-uh.
THE COURT: All right.
MS. JACKSON: I have no clue.
THE COURT: So let's talk about that. You
understand that -- listen to me, and then I'll give
you a chance to talk to Mr. Avallone if you need
to.
You can enter -- Right now, you have a
not-guilty plea entered to all charges. Do you
understand that?
MS. JACKSON: Now I do. Yes, ma'am.
THE COURT: Okay. And a no-contest plea means
I'm not contesting the fact that the State can
prove the charges against me. And it's also
referred to as a "best interest plea" - you're not
admitting you committed the offenses, but you're
not contesting the fact that the State could be
able to prove those charges against you. A
no-contest plea allows the Court to sentence you as
if you had been found guilty of those charges or

JACKSON IS IN NO WAY
PREPARED TO TAKE THIS
PLEA
her ATTORNEY
Who is
Providing
Her
Legal
Advice
the ATTORNEY
OR
THE
Judge?

1 entered a guilty plea. Do you understand that now?

2 MS. JACKSON: Yes, ma'am.

3 THE COURT: Do you need to talk to
4 Mr. Avallone to answer any questions, or
5 Ms. Roberts, about that?

6 MS. JACKSON: No, ma'am.

7 THE COURT: Do you wish to proceed with a
8 no-contest plea to Attempted First Degree Murder
9 With a Firearm?

10 MS. JACKSON: Yes, ma'am.

11 THE COURT: You are also charged with Burglary
12 of a Dwelling While Armed With a Firearm, which is
13 also a first degree felony, also punishable by
14 life. As to that charge, how do you plea?

15 MS. JACKSON: No contest.

16 THE COURT: Are you entering that plea of
17 no contest because you believe it is in your best
18 interest to do so?

19 He can't answer that. You're the only one who
20 can answer that.

21 MS. JACKSON: Wait. Repeat that, please?

22 THE COURT: Yes. Are you entering the plea of
23 no contest to Burglary of a Dwelling While Armed
24 With a Firearm, a first degree felony punishable by
25 life, because you believe it is in your best

ONCE AGAIN JACKSON IN NO WAY IS
PREPARED OR READY TO TAKE THIS PLEA!!!

1 interest to do so?

2 MS. JACKSON: Yes, ma'am.

3 THE COURT: Finally, in this case, you are
4 charged with Criminal Mischief of \$1,000 or more,
5 which is a third degree felony punishable by up to
6 five years in prison. How do you plea to that
7 charge?

8 MS. JACKSON: No contest.

9 THE COURT: Are you entering that plea of
10 no contest because you believe it's in your best
11 interest to do so?

12 MS. JACKSON: Yes, ma'am.

13 MS. THOMAS: And, just for the purpose of the
14 record, before we move forward, there's a waiver of
15 the arraignment on the new Information that she's
16 about to enter a plea to.

17 THE COURT: Is that correct?

18 MR. AVALLONE: Yes, Judge.

19 THE COURT: Yes. Thank you.

20 All right. As to those three charges, I do
21 find Ms. Jackson is entering these pleas freely and
22 voluntarily. She understands the consequences of
23 entering these pleas. We have had lengthy
24 discussions. **COERCIVE discussions**

25 In the context of her Nelson hearing,

1 regarding any discovery issues, or concerns about
2 her representation, this Court has previously found
3 that the grounds raised in her motion, all of those
4 grounds were denied.

5 She then, independently, indicated she wanted
6 to retain her counsel and proceed with this plea
7 with her current counsel.

8 I find, based on the hearing we just concluded
9 outside the presence of the State, that Ms. Jackson
10 has had ample time to confer with her lawyers. She
11 has had the advice of counsel throughout this
12 process. She has a full understanding of the
13 charges against her as amended, and as originally
14 charged; has had an adequate opportunity to review
15 all of her discovery, and understand the nature of
16 the State's case, and explore any potential legal
17 defenses that she would have otherwise had
18 available to her.

19 Factual basis, Counsel?

20 MR. AVALLONE: We would stipulate, Judge.

21 THE COURT: All right. The Court has reviewed
22 this court file at length; and based on discussions
23 with the defendant, and the stipulation, the Court
24 finds there is a factual basis for the Court to
25 accept the negotiated pleas and will accept the

NOT

When Did that Transpire in
this "Hearing"?

1 negotiated sentence.

2 As to the Flagler County case, which is
3 [REDACTED] CFFA, you are charged as follows:

4 Five counts of Willful, Malicious or
5 Intentional Burning of Lands, each of which is a
6 third degree felony, punishable by five years in
7 prison; and one count of Criminal Mischief of
8 \$1,000 or more, also a third degree felony
9 punishable by five years in prison.

10 As to that -- And we've referred throughout
11 these proceedings in the first five counts as
12 Arson. It's a specific type of Arson that you're
13 charged with. But that's what we have referenced.

14 So as to six counts of third felonies, each of
15 which is punishable by five years in prison, how do
16 you plea?

17 MS. JACKSON: No contest.

18 THE COURT: All right. And you understand,
19 much like the case in Volusia, by entering pleas of
20 no contest, you are not contesting the evidence the
21 State would have against you, and it allows me to
22 sentence you as if you had been found guilty or
23 entered guilty pleas?

24 MS. JACKSON: Yes, ma'am.

25 THE COURT: Are you entering those pleas of

1 no contest because you believe it is in your best
2 interest to do so?

3 MS. JACKSON: Yes, ma'am.

4 THE COURT: Earlier in the hearings today, as
5 I previously indicated, you indicated to me you are
6 seeking -- you withdrew your request to discharge
7 your lawyers in the Flagler case. Is that still
8 the case?

9 MS. JACKSON: Yes, ma'am.

10 THE COURT: Have you had enough time to
11 discuss with your lawyers here today the charges
12 pending in Flagler, understanding that the
13 recommended sentence is a concurrent sentence -
14 meaning you don't get additional time - it's going
15 to run the same time as the sentence I am imposing
16 on the more serious charges here in Volusia?

17 MS. JACKSON: Yes, ma'am.

18 THE COURT: Factual basis to those counts?

19 MR. AVALLONE: We would stipulate, Judge.

20 THE COURT: And do I have a 707 in that case,
21 please?

22 THE CLERK: I have it, Judge. (Tenders)

23 THE COURT: I do find there's a factual basis
24 for the Court to accept those pleas, based on the
25 stipulation and the charging affidavit in that

1 case. I do find that the pleas entered in both
2 Volusia and Flagler are being entered freely and
3 voluntarily by Ms. Jackson, with full opportunity
4 to discuss all of her cases with her counsel. She
5 understands the consequences of entering these
6 pleas; and is doing so with any -- without any
7 force, threat or coercion from anyone else.

8 Before I impose sentence, I understand there
9 are a number of persons who are here who do have
10 the right to be heard by the Court. Are any of the
11 persons, State, who are present, wish to be heard
12 before I proceed to sentencing?

13 MS. THOMAS: Just one moment, Judge, and I'll
14 inquire with them.

15 I will say, as to the Flagler County case,
16 ending in 722, I have reviewed the file. It was
17 not my case. However, I can see documentation that
18 Marsy's Law was complied with by the prosecutor,
19 and there is no damages or restitution being sought
20 on that case.

21 Okay. And if I could just have one moment to
22 ensure that no one wants to be heard on the Volusia
23 County case.

24 THE COURT: Yes, ma'am.

25 MS. THOMAS: Okay, Judge. We don't have any

1 witnesses.

2 THE COURT: All right. And I do have a
3 scoresheet before me as modified. Is the
4 scoresheet agreed upon?

5 MR. AVALLONE: It is, Judge.

6 THE COURT: All right. So I'm going to go
7 backwards. In Case 2021-CF-000722, which is the
8 Flagler County case, as to each of the first four
9 counts - Willful, Malicious or Intentional Burning
10 of Lands - you are adjudicated guilty; sentenced to
11 five years Department of Corrections; credit for a
12 stipulated amount of 607 days.

13 As to Count VI, Criminal Mischief, you are
14 adjudicated guilty, sentenced to five years
15 Department of Corrections; credit for 607 days.
16 Those are all concurrent sentences with one
17 another. Ms. Jackson, that means they all run at
18 the same time.

19 I am imposing a public defender fee and court
20 costs. Those will be a condition of probation that
21 will be added to the sentence in the Volusia County
22 case. No restitution is requested, as none is
23 necessary.

24 In Case 2021-303222, as to the amended charge
25 of Attempted First Degree Murder With a Firearm,

1 state, as I understand it, you are waiving the
2 minimum-mandatory sentence pursuant to 10/20 life;
3 is that correct?

4 MS. THOMAS: Yes, Judge. We're stipulating to
5 the first degree felony without the min-man
6 attached.

7 THE COURT: All right. You are adjudicated
8 guilty of that offense; sentenced to 20 years
9 Department of Corrections; credit for 607 days you
10 have already served; that will be followed by
11 ten years of probation.

12 Special conditions of probation are:

13 No drugs, no alcohol.

14 Ms. Jackson, you need to listen. Make sure --
15 If you have any questions, I'll ask when I'm done.

16 Random urinalysis as a condition of probation.

17 No firearms, no ammunition, no weapons.

18 You may not reside at any home or any location
19 where firearms, weapons or ammunition are present.

20 You must undergo a Mental Health Evaluation
21 within 60 days release of Department of

22 Corrections; and you must follow any recommended
23 treatment, which would include taking any

24 medication that you're prescribed for treatment,
25 taking it as prescribed.

1 You are subject to warrantless searches of
2 your person or property during that term of
3 probation.

4 Upon release from the Department, you must
5 show proof to probation that you are either seeking
6 gainful employment or enrolled in some kind of
7 educational or training or trade program.

8 Court costs --

9 MS. JACKSON: Is that school?

10 THE COURT: That would be school.

11 MS. JACKSON: Okay.

12 THE COURT: You can either get a job or go to
13 school. Those are your options.

14 MS. JACKSON: Can I do both?

15 THE COURT: You can do both. That would even
16 be preferable.

17 You are required to pay court costs; \$100 cost
18 of prosecution to the State Attorney's office
19 through probation; \$100 cost of investigation to
20 Volusia County Sheriff's Office; and Public
21 Defender fees as a condition of probation.

22 As to Count II, you are adjudicated guilty,
23 sentenced to 30 years probation which will run
24 consecutive to Count I.

25 Restitution will be -- issue of restitution

1 will be reserved for a period of 60 days. If
2 necessary, a further hearing will be held to
3 determine what, if any, restitution is ordered.

4 All other special conditions, as previously
5 indicated, are conditions of probation on that
6 count.

7 As to Count III, you are adjudicated guilty of
8 Criminal Mischief, sentenced to five years
9 probation to run consecutive to Count I.

10 Is that -- Clarification. We're running the
11 30 years consecutive to Count I. Is Count III
12 concurrent?

13 MS. THOMAS: It can be concurrent, Judge.

14 THE COURT: All right. Five years probation
15 on Count III, which will be concurrent with the
16 probation I imposed in Count II and Count I. So
17 total period of probation is 40 years, which
18 follows the 20-year sentence.

19 Special conditions on Count III. Restitution
20 will -- the jurisdiction will be reserved for a
21 period of 60 days to determine what, if any, any
22 restitution is ordered. No additional costs
23 imposed.

24 All right. All sentences imposed in the
25 Volusia County case are concurrent with those

1 sentences imposed in Flagler County.

2 Ms. Jackson, do you have any questions?

3 MS. JACKSON: Yes. Will I be released on
4 June 1st, or will I be, like -- Will I be released
5 on the 27th of January?

6 MR. AVALLONE: She doesn't do those things.

7 THE COURT: I can't tell you a release date
8 today. I know you were talking about that earlier.
9 We don't know exactly what kind of gain time you
10 will get. You don't have a minimum-mandatory
11 sentence. But the Department of Corrections will
12 advise you. Once you process in, they will give
13 you an estimated release date. And that may or may
14 not change as you go through the process. Okay?

15 MS. JACKSON: Yes, ma'am.

16 THE COURT: Any other questions, Ms. Jackson?

17 MS. JACKSON: Um, no, that's it.

18 THE COURT: All right. State, anything else
19 that needs to be addressed in sentencing?

20 MS. THOMAS: Nothing from the State, Judge.

21 THE COURT: Mr. Avallone?

22 MR. AVALLONE: No, ma'am.

23 THE COURT: All right. Ms. Jackson, you do
24 have 30 days right to appeal. If you cannot afford
25 a lawyer, we will appoint a lawyer for you.

LOL - JACKSON HAS NO
UNDERSTANDING OF THIS PICA DEAL!

Probably yet another attorney that was
A deputy for the sheriff - like Mr Avallone !!

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Good luck to you.

(Proceedings concluded at 12:30 p.m.)

WHAT A
SCAM!!

RAIL ROAD JOB
ON A 15 yr old
GIRL.

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CERTIFICATE OF REPORTER

STATE OF FLORIDA)
COUNTY OF VOLUSIA)

I, Sharon K. Dunlap, RPR, do hereby certify that I was authorized to and did stenographically report the foregoing proceedings; and that the foregoing transcript is a true and complete record of my stenographic notes.

I FURTHER CERTIFY that I am not a relative, employee, attorney, or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorney or counsel connected with the action, nor am I financially interested in the action.

DATED this 11th day of September, 2024.



Sharon K. Dunlap, Registered Professional Reporter
Court Reporter and Notary Public