

From: Anna Phillips [Anna.Phillips@myfloridalegal.com]

Sent: Wednesday, June 23, 2010 9:35 AM

To: VolusiaExposed

Cc: joslyn_wilson@oag.state.fl.us

Subject: Re: Special Grand Jury - other issues

Per your request, we have contacted the Volusia County attorney to determine if they are interested in participating in the mediation program and will advise you when we have a response. With regard to your question about our office referring your inquiry to the grand jury or the governor's office, please be advised that we have forwarded your request through our Office of Citizen Services to the Office of Statewide Prosecution for review.

If you wish to forward your request to the governor's office, you will need to contact them directly. You may contact the Governor's Office at: Office of Governor Charlie Crist, State of Florida, PL-05 The Capitol, Tallahassee, Florida 32399-0001; Telephone: (850) 488-7146.

"VolusiaExposed"

<Volusiaexposed@cfl.rr.com>

To "'Anna Phillips"' <Anna.Phillips@myfloridalegal.com>

06/22/2010 02:42PM

cc

<joslyn_wilson@oag.state.fl.us>,

<Charlie.Crist@MyFlorida.com>

Subject

Special Grand Jury - other issues

Ms. Wilson / Ms. Phillips:

We do apologize for any miscommunication.

After sending you our initial 6-21-10 email, we were advised that Ms. Refro and Mr. Byron (VOLUSIA COUNTY) were both unavailable, either due to illness or vacation. However, since your office has started the mediation process - lets continue in that direction.

Ms. Wilson, thank you for your detailed clarification of what can be presented to the Special Grand Jury on Public Corruption - it was very helpful. As you are aware, we have concerns of questionable practices within the Volusia County Department of Public Protection. These questionable practices include, but are not limited to possible acts of falsifying records and official misconduct by employees of the Volusia County Department of Public Protection. As detailed in your email, both of these criminal acts are actionable by the Special Grand Jury.

The Volusia County Department of Public Protection includes several county divisions, to include the Medical Examiner's Office. Our concerns include members of the Volusia County Medical Examiner's Office. These concerns revolve around whether official records or investigations were manipulated / falsified by Volusia County employees involving Volusia County jail inmate deaths.

Should our concerns unfortunately prove to be valid, then such would affect the 7th Judicial Circuit prosecution of any criminal cases connected to the Volusia County Medical Examiner's Office (subsection of the Volusia County Department of Public Protection). Further, is your office aware that the Volusia County Medical Examiner's Office has a contract to do the autopsies for Seminole County, Florida? It is our belief that Seminole County is under the jurisdiction of the 18th Judicial Circuit, rather than the 7th Judicial Circuit.

It appears that IF our concerns prove to be valid, that investigative files

within the Volusia County Medical Examiner's office has been manipulated or falsified, then such possible criminal activity would directly affect TWO different Judicial Circuits (7th and 18th). This appears to meet the definition of alleged public corruption that can be presented to the Special Grand Jury on Public Corruption, does it not?

Below are two web links - the first web link outlines some of our concerns involving Volusia County Medical Examiner office employees. The second web link will indicate that the Volusia County Medical Examiner's Office is within the Volusia County Department of Public Protection.

<http://volusiaexposed.com/corrections/veiradeath.html?veiradeath.html=1307>

<http://volusia.org/publicprotection/>

We look forward to hearing from you on both the mediation issue and whether our concerns about the Volusia County Department of Public Protection will be referred by the AGO to the Special Grand Jury or to the Governor's office for consideration of the assignment of a Special Prosecutor.

Thank You

VolusiaExposed.Com

-----Original Message-----

From: Anna Phillips [mailto:Anna.Phillips@myfloridalegal.com]

Sent: Tuesday, June 22, 2010 9:54 AM

To: VolusiaExposed

Subject: RE: Volusia County Government (response)

The Attorney General's Office has received your email asking this office to mediate.

In your first email dated 6/21/10, you stated that you were contacting this office in order to get certain matters investigated and to obtain the

assistance of this office in accessing public records. Subsequently, however, you informed this office that you wished to give the county " more time to fulfill" your public records request. but still asked this office to review and investigate "possible questionable practices within the Volusia County Department of Public Protection."

In light of that second email, this office did not consider you to be requesting mediation and Ms. Phillips in her response did not offer mediation since you wished to give the county more time to respond. It appears now, however, that you are asking for mediation. We will therefore contact the county attorney to determine whether the county wishes to participate in mediation. From your earlier emails, it appears that you are requesting the internal affairs file on ex- Volusia County Beach Patrol Officer Daryl Shone. If this is not the case, please advise Ms. Phillips, the mediation coordinator.

As to your request for an investigation, you had previously advised this office about the possible falsification of public records and this office advised you of the provisions of section 838.022, Florida Statutes, and that it was the state attorney, not the Attorney General, who was responsible for prosecuting such violations. The state attorneys are independent constitutional officers; they are not a part of the Attorney General's Office and this office has no authority over the prosecutorial decisions made by such officers. If, however, you believe that the state attorney has a conflict or is guilty of malfeasance or misfeasance, you should, as Ms. Phillips suggested, contact the Governor's Office as it is the Governor who has the authority to appoint a special prosecutor when a state attorney has a conflict (see section 27.14, Florida Statutes), or to suspend such officers for malfeasance or misfeasance (Article IV, section 7 [a], Florida Constitution).

In your emails of 6/21/10, you indicated that you were interested in

providing your information to the grand jury. Therefore, we provided you with the link to that entity. You may wish to review the order of the Florida Supreme Court (available on the link we provided) which empanelled the grand jury to investigate crime, return indictments, make presentments, and otherwise perform all functions of a grand jury with regard to the offenses of:

"(1) bribery, burglary, car jacking, home-invasion robbery, criminal usury, extortion, gambling, kidnaping, larceny (now theft), murder, prostitution, perjury, and robbery;

(2) crimes involving narcotic or other dangerous drugs;

(3) any violations of the provisions of the Florida Racketeer Influenced and Corrupt Organization Act (RICO); including any offense listed in the definition of racketeering activity in section 895.02(1)(a), Fla. Stat., providing such listed offense is investigated in connection with a violation of section 895.03, Fla. Stat., and is charged in a separate count of an information or indictment containing a count charging a violation of section 895.03, Fla. Stat., the prosecution of which listed offense may continue independently if the prosecution of the violation of section 895.03, Fla. Stat., is terminated for any reason, including but not limited to the following offenses: Unlawful Compensation for Official Behavior, Corruption by Threat against a Public Servant, Official Misconduct, Bid Tampering, Falsifying Records, Misuse of Confidential Information, and Money Laundering;

(4) any violations of the provisions of the Florida Anti-Fencing Act (sections 812.02-812.037, Fla. Stat.);

(5) any violations of the provisions of the Florida Antitrust Act of 1980, as amended; (6) any violations of the provisions of chapter 815, Fla. Stat., Computer-Related Crimes; (7) any crime involving, or resulting in, fraud or deceit upon any person; (8) any violations of sections 847.0135,

847.0137, or 847.0138, Fla. Stat., relating to computer pornography and child exploitation prevention, or any offense related to violations of sections 847.0135, 847.0137, or 847.0138, Fla. Stat., or any violation of chapter 827 where the crime is facilitated by or connected to the use of the Internet or any device capable of electronic data storage or transmission; (9) any criminal violations of Part I of chapter 499, Fla. Stat.; (10) any criminal violations of sections 409.920 or 409.9201, Fla. Stat.; or, (11) any attempt, solicitation, or conspiracy to commit any violations of the crimes specifically enumerated above."

The matters to be inquired into, however, "are offenses occurring, or having occurred, in two or more judicial circuits as part of a related transaction or when any such offenses are connected with an organized criminal activity throughout the State affecting two or more judicial circuits." (e.s.)

When we receive a response from the county regarding mediation, we will let you know.

Joslyn Wilson

Assistant Attorney General

Please note that Florida has a broad public records law, and that all correspondence to me via email may be subject to disclosure.