

**From:** AG (Agency Net Incoming) [.@myfloridalegal.com]  
**Sent:** Monday, April 12, 2010 9:36 AM  
**To:** webmaster@volusiaexposed.com  
**Subject:** From Attorney General Bill McCollum

The Office of Attorney General Bill McCollum has received your email expressing your concerns regarding the possible falsification of public records by public officials in Volusia County.

Section 838.022, Florida Statutes, makes it a third degree felony for a "public servant, with corrupt intent to obtain a benefit for any person or to cause harm to another, to:

- (a) Falsify, or cause another person to falsify, any official record or official document;
- (b) Conceal, cover up, destroy, mutilate, or alter any official record or official document or cause another person to perform such an act; or
- (c) Obstruct, delay, or prevent the communication of information relating to the commission of a felony that directly involves or affects the public agency or public entity served by the public servant.

It is the state attorney in the judicial circuit that would be responsible for prosecuting such violations. The Honorable R.J. Larizza is the State Attorney for the Seventh Judicial Circuit (which includes Volusia County) and may be contacted at: 251 North Ridgewood Avenue, Daytona Beach, Florida 32114-3276; telephone: 386-239-7710; fax: 386-239-7716. I would note that the Nineteenth Statewide Grand Jury has been convened for the purpose of investigating public corruption. While the statewide grand jury's investigation is not limited to any particular region of the State, any criminal offenses investigated must be multi-circuit in nature. The Office of Statewide Prosecution has established a public corruption hotline for anyone who believes they have information concerning a criminal offense involving public corruption or wishes to suggest issues the Statewide Grand Jury should investigate regarding public corruption. You may contact the Statewide Prosecution Office at: The Capitol, PL-01, Tallahassee, FL 32399; telephone: 1-800-646-0444.

Thank you for contacting the Attorney General's Office.

Joslyn Wilson  
Assistant Attorney General

The Honorable R.J. Larizza  
State Attorney For the  
Seventh Judicial Circuit  
251 North Ridgewood Avenue  
Daytona Beach, Florida 32114-3276

Delivered via fax – 386-239-7716

April 12, 2010

Ref: Possible Public Corruption within the Volusia County Department of Public Protection:

Dear Mr. Larizza:

Attached to this letter you will find an email from Assistant Attorney General Joslyn Wilson in response to our concerns of possible public corruption within the Volusia County Department of Public Protection (VCDPP).

In her email, Ms. Wilson recommended that we contact your office in regards to our concerns.

We request that you investigate our concerns that public documents were falsified and law enforcement investigations were manipulated in the 2006 and 2009 in custody jail deaths of inmates Jack Nelson and Tracy Veira.

Attached to this fax is the webpage in regards to the Tracy Veira death. All supportive documents for these deaths as well as other incidents (which also deserves your investigative attention) of suspected public corruption can be reviewed at our website of [volusiaexposed.com](http://volusiaexposed.com).

Sir, frankly we have concerns that you might have a conflict of interest in the investigation of these matters. Obviously if this corruption does exist, it would pale in comparison to the Flagler County Jail scandal that was so polarized during your election bid. Also, it would appear that at least one of the ex-senior staff of the VCDPP (K. Modzelewski) is or was on your special homicide task force. We would ask your office to act accordingly should you believe that such a conflict actually or in perception exist.

Thank You

[webmaster@volusiaexposed.com](mailto:webmaster@volusiaexposed.com)

Attachments: web pages and Ms. Wilson's email

cc. Ms. Wilson

# VOLUSIA EXPOSED.COM

Questions surrounding Inmate Tracy Veira's death

Updated  
April 2, 2010

*"Facts do not cease to exist because they are ignored"*- Aldous Huxley



Tracey Lee Veira died in the custody of the Volusia County Division of Corrections on September 16, 2009. She was declared dead by responding EMS staff at 10:12 hrs. Those two facts remain undisputed.

However, there are many unanswered questions surrounding the events of Ms. Veira's death. Just a quick review of just some of the documents filed in response to her death appear to raise more questions than they bring closure to. Here are just a few examples.

Ms. Veira had been placed in isolation under a fifteen minute watch, meaning that every fifteen minutes a correctional officer has to observe her and document her activity. Such observations are documented on a VCDC 52 form. Below is a link to Ms. Veira's September 16, 2009 VCDC 52 from midnight to her being discovered dead in her cell at 0954 hrs.

## Veira VCDC 52

The VCDC 52 appears to document that at 0158 hrs, Ms. Veira was out of her cell for a shower. Notice the - 1(attitude good),1(appearance good),9 (out for shower)- entry at 0158 hrs. Further notice the following other entries made by correctional staff to Ms. Veira's record of segregation (VCDC 52).

At 0833 hrs, Ms. Veira appears to have spoken to the housing unit supervisor (HUS) -- (1,1,28 code entered by employee #494, apparently Sgt. Pendegrass)

At 0845 hrs, Ms. Veira was apparently observed by Officer Gardner # 732 -- "on bunk breathing" -- (3,1,19 code entry).

At 0900 hrs, Ms. Veira was again apparently observed by Officer Gardner -- "on bunk breathing".

Further it appears that Officer Bryant # 939 also observed Ms. Veira on her bunk breathing at 0915 and 0930 hrs. This observation was also confirmed in Officer Bryant's VCDC 401 Incident Report.

## Officer Bryant VCDC 401 Report

Special note should be given that Ms. Veira was observed resting on her bunk and NOT on the floor.

The VCDC 52 documents that at 0954 hrs, Ms. Veira was found unresponsive on the cell floor.

Why is it that after Ms. Veira is found dead, both Sgt. Pendegrass and Officer Gardner filed separate VCDC 401 - Incident Reports which appear to contradict their VCDC 52 entries?

In Officer Gardner's VCDC 401 she appears to state that at 0845 hrs Ms. Veira was on the toilet and at 0900 hrs Ms. Veira was standing at her cell door, rather than being on her bunk breathing as Officer Gardner appears to have documented earlier on the VCDC 52. Was it a simple mistake in documenting?

In Sgt. Pendegrass' VCDC 401 she appears to be denying that she spoke with Ms. Veira in apparent contradiction to her (Pendegrass) 0833 entry on the VCDC 52. Was this just another honest mistake? If so, what a coincidence that they both (Pendegrass and Gardner) made mistakes on the same inmate's VCDC 52.

Officer Gardner's VCDC 401

Sgt. Pendegrass's VCDC 401

Apparently, per Volusia County Sheriff Major Case Investigator Mike Campanella's October 20, 2009 report, Ms. Veira was officially declared dead at 1012 hrs. Investigator Campanella appears to note an inconsistency in this report, reference his observations of Ms. Veira's body (ie. displays signs of rigor mortis and lividity not consistent....) and the last reported observations of the jail staff seeing Ms. Veira alive (on the toilet -- 0845 hrs, standing at cell door -- 0900 and on bunk breathing -- 0930 hrs, etc.). Apparently per Mr. Campanella's report, these observations were also observed by Medical Examiner Investigator Lunt and Forensic Technician Clint Clark. Even VCSO Investigator Graves appears to note signs of lividity in his September 16, 2009 report. Also, it is noted that Internal Affairs Captain Dofflemyer appears to have a "good" working relationship with at least VCSO Investigator Graves. In the below emails, Graves appears to be requesting Dofflemyer's assistance in some criminal cases that are unrelated to the Veira death investigation. Does anyone else see the possiblty that Graves (VCSO) and Dofflemyer (Public Protection Internal Affairs) have a Quid Pro Quo relationship? If so, did this possible relationship improperly influence the Veira death investigation?

Campanella's 10-20-09 Report

Investigator Graves' Report

Investigator Graves & Captain Dofflemyer's emails

Although Investigator Campanella appears to document in his 10-20-2009 report that the inconsistencies in the body condition and the officer's observations would be addressed, his final report of 01-06-2010 does not appear to address these issues. Campanella does document in his final report the importance of the VCDC 52 and VCDC 401 reports, but strangely he appears to overlook the apparent glaring inconsistencies in both Officer Gardner's and Sgt. Pendegrass' VCDC 52 and VCDC 401 reports. How strange is it, that a major case investigator would not address such blatant inconsistencies? Probably not half as strange as Officer Gardner allegedly observing Ms. Veira standing in front of her cell door at 0900 hrs and then shortly later being found dead with rigor mortis

and lividity already in place. This alleged observation appears to give new meaning to the term - DEAD MAN WALKING.

#### Campanella's Final Report 1-6-2010

Apparently by 9-18-2009 Volusia County Jail Director Ford had authorized an internal affairs investigation into the events surrounding Ms. Veira's death. This can be seen by the below linked document, Director Ford was apparently forwarding documents to Internal Affairs Captain Dofflemyer.

#### Document sent to Internal Affairs

However, in a 9-21-2009 email exchange with the Volusia County Risk Management Director, Jail Director Ford appears to indicate that the jail would not even start their investigation into Veira's death until after the Volusia County Sheriff Office investigation was complete. Director Ford documents - *"The VCSO has this investigation, and our Internal Affairs will not officially start until they conclude theirs."* (Ford) However, apparently Sheriff Investigator Campanella did not complete his investigation until 1-6-2010, therefore it is strange that Captain Dofflemyer from VCDC Internal Affairs submitted the following 11-2-2009 one page report, that has been reported to be the final internal affairs report on Ms. Veira's death. Notice, Director Ford appears to close the investigation with this report. Isn't it strange that VCDC Internal Affairs completed their investigation two months prior to the sheriff's investigation, especially given the fact that the jail director assured the county risk manager that this investigation would not even start until the completion of the VCSO investigation?

#### Director Ford's Email

#### Reported Final Internal Affairs Report -- Tracy Veira

Doesn't it seem that Captain Dofflemyer's Final report is just a little short and vague? Apparently after conducting a month and a half investigation, this report is all she came up with. Here is the press release written by Assistant Corrections Director Neel the day after Ms. Veira's death. You decide which report is more informative, Neel's or Dofflemyer's. Why is that?

#### Assistant Director Neel's Memo

After comparing the press release with the apparent final internal report by Dofflemyer on Ms. Veira death, let's compare another final IA report against the Veira report. In September 2009, the exact same month that Ms. Veira died, a correctional officer was accused of unprofessional conduct, which included filing a false report / false statement. It is noted that filing false reports / statements appear to be an ongoing theme within Volusia County. Captain Dofflemyer was assigned to conduct an internal affairs investigation into the allegations. Here is her final 9 page IA report on her findings on that matter. Note how much more in detail this report is as compared to the Veira report.

#### North IA Report

In the end, apparently according to the county, Officer Gardner did just make an error in her observations and documentation the fateful day Ms. Veira died choking on her own vomit approximately 15 feet from the officer's station of north wing. Here is her official "Oral Reprimand". It is unknown, what, if any action was taken against any other officers for their apparent "mistake" in documenting. The whole incident appears to be as dead as Ms. Veira with the jail administration.

#### Officer Gardner's Reprimand

What is disturbing about the Veira death is that it was probably preventable. The jail apparently failed to take appropriate corrective action in response to several earlier deaths.

In December 2006, an Inmate Jack Nelson died at the Volusia County Branch Jail. Although initially the three officers in charged of making the cell block security / safety rounds indicated that these rounds were done. They later (approximately 30 days later) recanted that position after the death became the topic of a human interest media story. However, it would appear that this crucial information (recanted account) was never transferred to the sheriff office investigator assigned to review Mr. Nelson's death.

In March 2010, a contractual employee ( Damion Hall ) of the Florida Department of Children and Family was arrested by the Volusia County Sheriff's Office with investigative assistance of FDLE for falsifying his safety / wellbeing rounds on children assigned to his case load. Why is it apparently illegal for a DCF worker to falsify his rounds, but correctional staff can apparently falsify their safety rounds records with no criminal liability attached? Doesn't the records appear to support that such falsification exists in both the Veira and Nelson deaths. Shouldn't law enforcement and correctional officers be held to at least the same standards as Mr. Hall? Please see the attached record of Mr. Hall's arrest -- due to the ongoing criminal case against Mr. Hall, the investigative records surrounding his arrest are not yet open to public records release.

#### Damion Hall Record of Arrest

Finally, it is worth noting that prior to October 1996 all jail deaths were also investigated by the Florida State Prison Inspector. Since October 1996, jails now only self investigate these death through their sheriff and medical examiner departments. Many believe that without a formal State review of these deaths that some jails no longer seriously investigate the events surrounding these deaths. Please review some of the below links on this matter.

#### Florida Administrative Code (F.A.C. 33-8) vs. Florida Model Jail Standards (FMJS)

Please review the additional documents associated with other in custody deaths at VCDC.

Jack Nelson's Death

Ronald Wadsworth Death