

JAN -4 2007



# **Volusia County Sheriff's Office**

## **Investigations Supplement Report**

**Case Number:** 06-42443

**Incident Type:** Death/ Undetermined

**Incident Location:** Volusia County Branch Jail  
1300 Red John Road  
Daytona Beach, FL

**Supplement Number:** 1

**Case Agent:** Inv. John T. Johnson

**Victim(s):** (V1) Nelson, Jack Vincent W/M 01/07/1943  
General Delivery. Daytona Beach, FL 32120

**Witness(es):** (W1) Officer Wininger, Todd W/M 10/10/1968  
1300 Red John Road. Daytona Beach, FL 32120  
(386) 254-1555

(W2) Captain Prince, Rodney B/M  
1300 Red John Road. Daytona Beach, FL 32120  
(386) 254-1555

(W3) Captain Modzelewski, Kenneth W/M  
1300 Red John Road. Daytona Beach, FL 32120  
(386) 258-4045

**Next Of Kin:** (N1) Nelson, John Vincent III W/M 02/18/1968  
4209 Hideout Place. Pueblo, CO 81008  
(719) 252-9920

**Defendant(s):**

**Evidence:** See property report

**Recovered Property:** None

06-42443

**Narrative:**

On 12/19/2006 at approximately 0935 Hrs, Inv. Johnson was requested and responded to 1300 Red John Road (Volusia County Branch Jail) reference to an in custody death. Inv. Johnson was informed that the deceased, positively identified as Nelson, John (V1), was arrested on 12/18/2006 by the Daytona Beach Police Department for Panhandling (See Daytona Beach Police Department case number 061201384). Nelson was booked into the Volusia County Branch Jail on 12/18/2006 and was being housed in cell 01C01.

Upon arrival at the Branch Jail, Inv. Johnson was met by Captain Prince and briefed by Deputy McGuire. Captain Prince was the supervisor for cell block "C" at the time Nelson was discovered deceased. Prince escorted Inv. Johnson to cell number 01C01. Inv. Johnson Observed Nelson laying on a cot like bed within the cell. Nelson was lying on his back with his head facing the rear of the cell. Nelson's arms were lying across his chest with the right arm crossing over the left arm. There was a small blood stain on the sheet near the right side of Nelson's head. Inv. Johnson observed no signs of trauma or foul play on or about Nelson's body. Inv. Johnson took several digital photographs of the scene. The digital photographs were placed onto a compact disc and the compact disc was placed into Evidence at VCSO Operations.

Inv. Johnson then spoke with Captain Prince. Prince explained cell number 01C01 is housed in cell block "C". Cell block "C" is a common area and consists of 32 cells. Each cell within the common area has a locking door. The cells are not assessable by other inmates when the doors are locked. Prince advised cell number 01C01 only houses one inmate. Cell block "C" was housing 32 inmates on the evening of 12/18/2006. Prince explained head counts are held at 2300 hrs and 0800 hrs. The head counts consist of the inmates standing at the cell doors for the guards to inspect them. The cell doors are closed and locked after the 2300 hrs head count. They are opened at 0500 hrs for the inmates to eat breakfast. There is no record kept on what inmates leave the section to eat breakfast. The guards make rounds every hour between 2300 hrs and 0500 hrs. The rounds are conducted at the top of the hour and consist of the guards looking into the cell for signs of life. The guards are to physically enter the cell and check the inmates if they do not see signs of life. The hourly checks are documented on a ledger kept at the guard's stations within cell block "C". The ledger also documents everyone who enters cell block "C" and the reason they entered. Inv. Johnson obtained a copy of the ledger for the night of 12/18/2006 and the Morning of 12/19/06. An inspection of the ledger showed that rounds were made every hour between 2300 hrs and 0400 hrs. The cell doors were opened at 0500 hrs. The ledger indicated no problems. The copies of the ledgers were placed into Evidence at VCSO Operations. Captain Prince advised Nelson was discovered by Officer Wininger during the 0800 hrs head count.

Captain Price provide Inv. Johnson with copies of the original charging affidavit for Nelson, Nelson's health screening form, and written statements obtained from all the inmates who shared block "C" with Nelson. A review of the health screening form revealed Nelson suffered from hypertension and had joint problems in his knees. The above listed copies are attached to this report.

Inv. Johnson made contact with Officer Wininger and an interview was conducted. Officer Wininger is employed by Volusia County Branch Jail as a correction officers. On 12/19/06 at 0800 hrs, Officer Wininger was conducting a head count in "C" block. During the count, several inmates informed him that the person in cell number 1 was dead. Officer Wininger went into cell

06-42443

1 for the purpose of checking on Nelson. Officer Winger observed Nelson lying face down on the bed. Officer Wilson yelled into the cell thinking Nelson was asleep. Nelson did not respond and Officer Winger started shaken Nelson in an attempt to wake him. Officer Winger got no response and checked for a pulse on Nelson's neck. Officer Winger could not find a pulse and immediately called a code white over the radio and ordered all the other inmates into their cells. Code white is the code for an inmate attempting suicide. Officer Winger then rolled Nelson onto his back in an effort to perform CPR. Officer Winger explained Nelson felt stiff and cold when he rolled him over. Officer Winger stopped what he was doing and exited the cell. Officer Winger waited at the cell entrance for Branch Jail medical staff to respond. Dr. Rozenblum responded and pronounced Nelson deceased 0835 hrs. Inv. Johnson was provided with a copy of Officer Winger's report.

Inv. Johnson contacted the Volusia County Medical Examiners Office via telephone and Investigator St. Clergy responded. Investigator St. Clergy took custody of Nelson.

At the time, Nelson was living in a transient state and next of kin was unknown. Inv. Johnson looked through Nelson's personal belongings at the Jail in an attempt to locate a next of kin. This was met with negative results. It is noted that Nelson's personal belongings remain in the Jails custody until turned over to next of kin.

Inv. Johnson returned To VCSO Operations and ran Nelson's name through the Auto Track online records system in an attempt to locate a Next Of Kin. The Auto Track system showed Nelson residing at 4209 Hideout Place in 2005. Inv. Johnson contacted 4209 Hideout Place. Pueblo, CO via phone in an attempt to locate next of kin information. Nelson, John (N1) answered the phone and informed Inv. Johnson that he was the son of Nelson (V1). Nelson (N1) was informed of Nelson's (V1) death. Nelson (N1) was aware that Nelson (V1) had been living in a vagrant state in the City of Daytona Beach.

On 12/20/06 at 0900 hrs, Inv. Johnson responded to the Volusia County Medical Examiners Office and attended Nelson's autopsy. Dr. Domingues performed the autopsy and advised Inv. Johnson that Nelson's death was probably the result of natural causes. Dr. Domingues also advised the cause of death would be pending further analysis and toxicology. Dr. Domingues's determination at the time supports Inv. Johnson's investigation of Nelson's death not being suspicious or criminal in nature.

On 12/21/06, Inv. Johnson made the determination that the investigation into Nelson's death would be inactive pending the results of the toxicology.

**Case Status:** Inactive

<b>Investigator:</b>	Inv. John T. Johnson	<b>DID:</b>	2519	<b>Date:</b>	12/21/2006
<b>Supervisor:</b>	Sgt. R. Kelley	<b>DID:</b>	2092	<b>Date:</b>	12/27/06