

Witness Statement

JB - Capt. John Bonnevier EE - Lt. Erik Eagan
MN - Capt. Michelle Newman

EE The recorder is on.

JB Alright thank you. Good morning Capt. Newman. My name is Capt. John Bonnevier I'm the Volusia County Sheriff's Office, I'm assigned as the special investigator to Internal Affairs case 12-017 by the Office of the Chief Deputy Mike Coffin. Today's date is November the 2nd and currently the time is 10:30am. The location of the interview is the Deland administrative building Sheriff's conference room and present in addition to yourself and myself are Lt. Erik Eagan Volusia County Sheriff's Office Internal Affairs. Are you aware this interview is being recorded?

MN Yes sir.

JB And I am conducting this investigation concerning certain violations and allegations of wrong doing pursuant to Volusia County Sheriff's Directives and Volusia County Merit System Rules and Regulations. Specifically you've been provided a notification of internal as amended citing allegations of wrong doing pursuant to Volusia County Merit System Rules and Regulations 86-453 sub 13 and 86-453 sub 21. As a Florida law enforcement officer and a Notary Public of the state of Florida I am empowered to take sworn statements. At this time I would ask that you raise your right hand to be sworn. Do you Michelle Newman solemnly swear or affirm that the statement you're about to give is the truth, the whole truth, and nothing but the truth so help you God?

MN I do

JB And you need to be aware that any false statements about material matters given by a witness under oath will constitute perjury which is a third degree felony according to section of 837.02 of the Florida statutes. Do you understand that if you knowingly make a material misstatement of fact to me during this investigation you will have committed the crime of perjury?

MN Yes sir.

JB Alright thank you. At this time we will fill in some of these blanks. Ok, Capt. Newman were you served with a notification of internal investigation?

MN Yes sir.

JB And did you receive a copy of your law enforcement officer's rights?

47
48 MN Yes sir.
49
50 JB And you've been provided a copy of those rights and those have been executed
51 and sworn to prior to the start of this interview?
52
53 MN Yes sir.
54
55 JB Thank you. Have you had a chance to read the documents pertaining to the
56 allegations of wrong doing for this investigation?
57
58 MN Yes sir.
59
60 JB Alright. Do you need any additional time?
61
62 MN No sir.
63
64 JB Alright. I am conducting this investigation, it's an administrative investigation
65 and it pertains to your participation in the Federal Bureau of Investigations
66 National Academy. Specifically you attended the 250th session and did not
67 formally graduate the program.
68
69 MN Yes sir.
70
71 JB And having reviewed the memorandum authored by the Unit Chief Greg Cappetta
72 how do you respond?
73
74 MN I, I would respond by saying that there were some factual statements in there and
75 then there's some other ones that are not factually accurate and, do you want me
76 to address...
77
78 JB Please, yes this is your opportunity to make a statement for the record thank you.
79
80 MN Sure. Starting on the back page of Mr. Cappetta's letter first paragraph I would
81 like to note that the person who was witnessed as I think he said dirty dancing or
82 the dirty dancing routine that was not me. I was at the New York trip but that, I
83 was nowhere involved in that don't know who that was but I was not the dirty
84 dancer. It mentions that myself and Rob Turner were a couple. I would not agree
85 with that statement. I did hang out with Mr. Turner, went and visited him hung
86 out with him watching movies probably less than a handful of times in his room.
87 In the third paragraph it mentions that there was a complaint that I was sleeping in
88 Mr. Turner's room in his bed I never slept in anybody's bed but my own in my
89 room with my roommate. I wasn't aware in paragraph four on the second or the
90 back page it says that Mr. Turner's roommate was texting Rob Turner to let him
91 know when he was coming and going from the room I wasn't aware of any
92 texting that was going on. I was also not aware of any room reconfiguration.

93 When I went to his room for the first time it was always set up the same way so it
94 wasn't later reconfigured for any type of privacy or what the roommate or Mr.
95 Cappetta were eluding to. Mr. Turner and I never had sex, yes we did kiss. I
96 admitted to Mr. Cappetta in a phone interview after I had heard through my
97 roommate that there was an ongoing investigation regarding couples at the
98 National Academy and Mr. Cappetta had called in probably 10-12 people to
99 interview them regarding their actions. Nobody had contacted me at the hospital
100 but my roommate said that you know she had heard the counselors thought it was
101 a good idea if I did call Mr. Cappetta. It should be noted that nobody visited me
102 while at the hospital my counselor, Mr. Cappetta, and the reason I mention that he
103 says that they were unaware of why I was in the hospital. I couldn't really call
104 many people because I had a tube down my nose and my throat so the information
105 that was being passed along was being passed along through my roommate and
106 another friend at the NA Justine. They passed the information on to my counselor
107 as far as why I was in the emergency room, later why I was hospitalized and also
108 regarding the surgery. So as far as my roommate and Justine told me they were
109 made aware although nobody contacted to, or visited to verify. Again when I
110 contacted Mr. Cappetta I told him I had heard the rumors that there was an
111 investigation going on and that he had wanted to talk to me. He asked me basic
112 questions which I answered and again I did admit to kissing Rob because that's
113 what happened. I did, I was on his bed I wasn't in his bed as they put which
114 indicates that I was sleeping in there. We were sitting even, resting with our
115 backs laid back against the wall the way the bed was situated. But other than
116 kissing and sitting on his bed there was no sex there was no fondling there was
117 nothing else that occurred in that bed or in the bedroom.
118

119 JB In response to Mr. Cappetta sighting the violation of the conduct of standards
120 which states in part and I quote FBI "NA students will be held accountable for
121 their conduct while at and away from the academy and any misconduct especially
122 alcohol related misconduct wherever it may occur will be critically assessed in
123 order to determine the suitability of a person to remain a participant in the NA
124 program" based on your acknowledging the standard of conduct for the National
125 Academy and the acknowledgement of certain behaviors by you while at the
126 National Academy can you see where that would meet the threshold of any
127 conduct that would deny you successful completion of the National Academy
128 program?
129

130 MN I agree that my conduct was inappropriate. I readily admitted to what I did to Mr.
131 Cappetta. And I guess I'm basing this on the other more egregious actions based
132 on people who were literally walking around as couples who were caught having
133 sex by the counselors and were not dismissed from the program. Although my
134 conduct was inappropriate I completed the course work, I completed the academic
135 portion of the academy as well as the physical portions of the academy. So I
136 again was it inappropriate? Yes. Do I feel I should have received my certificate?
137 Yes I do.
138

139 JB With regards to completing course work, did you receive a grading report from
140 the University of Virginia Charlottesville?
141

142 MN No sir.
143

144 JB Have you made an inquiry with them for a grading report?
145

146 MN I sent in information to try to get I guess what it was was the transcripts and it's
147 not transcripts that I want. I want the actual grades. But in one of my
148 conversations with Mr. Cappetta he made it sound that I possibly wouldn't get
149 credit from the University because I didn't get my certificate.
150

151 JB The cost incurred, the cost incurred by the county are approximately \$13,600.
152 The cost incurred by the federal government are estimated at \$20,000. There is a
153 presumptive act of nonfeasance on your part. You did not complete. Can you
154 respond, can you respond to that in the context of there was money vested and an
155 expected outcome. Can you somehow quantify or at least explain how we
156 benefited by making that expense, that investment in you when you don't hold the
157 certificate?
158

159 MN Again the things that happened the inappropriate actions that I made were at the
160 end of the National Academy session. I benefited from being in the class and
161 from completing the course work both academic and physical. I can't make any
162 great explanation as to whether the total of \$30,000 worth of my salary and the
163 training I don't really know how to respond other than that I did get the training I
164 did make the contacts I did complete my assignments. I didn't get the certificate
165 so I believe the money was well spent. I was honored to be selected to attend the
166 academy. I learned a lot while I was at the academy. I made a mistake but I still
167 feel like my job as a law enforcement officer and a leader in the department that I
168 benefited from attending the academy.
169

170 JB Do you have a recollection, do you have a recollection when you went to your
171 initial briefing at the FBI office in Jacksonville and talking with the agent in
172 charge of training about your continued commitment to law enforcement upon
173 successful completion of the National Academy?
174

175 MN Yes sir.
176

177 JB What do you recall the tenants of that conversation being?
178

179 MN I believe it was two years after your completion that you basically commit to two
180 more years at least of being a law enforcement officer.
181

182 JB And was there specific discussion during that briefing addressing certain pit falls
183 that one might experience while at the National Academy such as violation of

184 oath and cannon of ethics or violation of morality clauses? Was there any you
185 know fair warning given by the training agent when you were in Jacksonville?
186
187 MN He did talk to us. The main thing that he covered was alcohol. He said that
188 alcohol was a big factor in the National Academy as far as students drinking and
189 he did talk about and warned against NA couples.
190
191 JB And was that topic again those tenants addressed by Unit Chief Cappetta and
192 other be they section counselors or unit agents as you went through the weeks up
193 there?
194
195 MN Yes sir.
196
197 JB Alright. By default you're aware that we have an oath and cannon of ethics
198 directive.
199
200 MN Yes sir.
201
202 JB And you're aware that not withstanding your physical location as long as you're
203 under the employ of the Volusia County Sheriff's Office and the direct
204 supervision of the Sheriff that you're bound by that?
205
206 MN Yes sir.
207
208 JB Given the allegations of wrongdoing and knowing your oath and cannon of ethics
209 do you feel that you were compliant with this directive?
210
211 MN No sir.
212
213 JB Again by default we have a directive that regards training programs. Again
214 specifically while in the employ there are certain obligations attending and
215 successfully completing and not to belabor the point but physically being in the
216 seat is not successfully completing would you agree in principal to that?
217
218 MN Um...
219
220 JB Being in the seat is not the same as receiving the passing grade. That's, I just
221 need...
222
223 MN Say that one more time just...
224
225 JB Ok.
226
227 MN ...so I can make sure that I'm understanding what you're saying.
228

229 JB I want to make sure that you understand that when I'm saying participation in a
230 class isn't physically sitting in the seat.
231
232 MN Uh huh.
233
234 JB Participation in the class pursuant to the directive is participating, completing the
235 course work, getting the grade, getting the certificate.
236
237 MN Yes sir.
238
239 JB And again in the spirit of the directive you understand that?
240
241 MN Yes sir.
242
243 JB In the spirit of the directive were you in compliance with this?
244
245 MN No sir.
246
247 JB Alright, Volusia County Merit System Rules specifically set forth certain
248 expectations of both public officials, public officers and employees. Volusia
249 County Merit System specifically has a article regarding disciplinary action for
250 failing to follow. Those are enumerated in your notice. They specifically set
251 forth that violations of moral conduct are both an illustration and a grounds for
252 disciplinary action. Based on the information that you've had to review today in
253 the spirit of the Volusia County Merit System Rules do you feel that there was a
254 violation?
255
256 MN Yes sir. I acted inappropriately.
257
258 JB In addition Volusia County Merit System Rules set out under the disciplinary
259 article that any conduct or action of such seriousness that disciplinary action is
260 considered warranted in the totality of everything that we've talked about here the
261 implications of not successfully completing the program, the implications of
262 incurring expenses in excess of \$33,000 do you feel that that would be reason
263 enough of a serious nature that a discipline is considered warranted?
264
265 MN Yes sir.
266
267 JB At this time if you have any comments questions or concerns or closing remarks
268 please feel free to express them for the record.
269
270 MN Ok I have a statement that I want to make if that's ok?
271
272 JB Yes ma'am.
273

274 MN I take ownership and responsibility for my poor judgment and inappropriate
275 behavior at the National Academy and am very sorry for embarrassing my family,
276 the Sheriff and the agency. Additionally I would like to address my medical
277 situation as I believe it's a possible factor but not an excuse for what happened.
278 During the last few weeks of the academy I had been experiencing mood swings,
279 body aches and being in what I described to my doctor as being in a fog and an
280 emotional wreck. I visited my doctor while at home and he believed the
281 symptoms could be [REDACTED]
282 [REDACTED]. The goal at that time was to make it through the last
283 few weeks of the academy so that my issues could be addressed when I got home.
284 I didn't make it home before the [REDACTED]
285 required hospitalization and surgery. [REDACTED]
286 [REDACTED]. Again any medical issues are not an excuse for what I did but I
287 have to believe it was a factor as I wasn't acting like myself based on past
288 experiences. In all my years of working in law enforcement I have not made a
289 worse judgment call. I previously have demonstrated good judgment and work
290 ethics and have proven myself to be personally and professionally responsible
291 prior to this. I'd like to add that although I didn't receive my certificate I did
292 attend my classes and pass the academic and physical portions or requirements
293 placed upon me. My inappropriate behavior didn't occur during classes but
294 during what would be considered off duty hours. I take responsibility for my
295 actions and again I'm very sorry for embarrassing my family and the Sheriff and
296 the agency.
297
298 JB Thank you. Anything further?
299
300 MN No sir.
301
302 JB With nothing further this interview will conclude at 10:44am
303

I, Capt. John Bonnevier, swear that the forgoing is an accurate transcription of the sworn recorded statement of Capt. Michelle Newman taken by me on November 2, 2012.

(Signed)

John Bonnevier

Sworn to and subscribed before me this 13th

Day of November, 2012.

Cathy Clay

Signature of Notary Public State of Florida



(Print, type or Stamp Commissioned Name of Notary Public)

My Commission Expires:

My Commission Number is:

Personally Known

Produced identification

Type of Identification Produced