

**VOLUSIA COUNTY SHERIFF'S OFFICE  
INTERNAL AFFAIRS**

**REPORT OF INVESTIGATION**

**REPORT NUMBER: IA 19-004**

**PERIOD COVERED:** February 2019-March 2019  
**DATE REPORTED:** March 8, 2019  
**SUBJECT(S) NAME:** Deputy Robert Campbell #7103  
**INVESTIGATING OFFICERS:** Detective Tara Burke #1465

**BASIS FOR INVESTIGATION:**

On March 7, 2019, a memorandum was sent to Sheriff Chitwood, authored by Misdemeanor Division Chief/Assistant Public Defender, Shavonne McCants. The memorandum addressed concerns about Deputy Robert Campbell, who was assigned as the bailiff in Judge Feigenbaum's courtroom. On February 27, 2019, Deputy Campbell was allegedly texting and motioning to Assistant State Attorney's Jake Westbrook and Robert Hill during a trial in the courtroom. The texting and motioning occurring during cross-examination of witnesses. Other concerns addressed in the memorandum were that Deputy Campbell made Judge Feigenbaum's courtroom an uncomfortable and hostile work environment for the Assistant Public Defenders, following the alleged texting incident being addressed in court on February 27<sup>th</sup>.

**OFFENSES:**

This investigation is relevant to an alleged violation of Department Standards Directives and Volusia County Merit Rules and Regulations:

**Volusia County Merit System Rules and Regulations 86-453.** *This violation may be sufficient grounds for disciplinary action ranging from oral reprimand to dismissal, depending on the seriousness of the offense and other circumstances related to the situation.*

**RE:**

(1) Willful neglect in the performance of the duties of the position to which the employee is assigned.

(9) Any conduct, on or off duty, that interferes with effective job performance or has an adverse effect on the county.

(12) Incompetent or unsatisfactory performance of duties.

(14) Any conduct, on or off duty, that reflects unfavorably on the county as an employer.

(22) Any other conduct or action of such seriousness that disciplinary action is considered warranted.

**86-43. Conduct of employees.**

(a) Code of conduct. Employees of the county government are employed to provide service to the citizenry of the county and the public in general and are expected to conduct themselves in a manner that will reflect credit on the county government, public officials, fellow employees and themselves. Employees must avoid any action which might result in or create the impression of using public office for private gain, giving preferential treatment to any person, or losing impartiality in conducting public business.

(e) Conflict of interest.

(3) No employee shall corruptly use or attempt to use his official position or any property or resource which may be within his trust, or perform his official duties, to secure a special privilege, benefit or exemption for himself or others. (Violation subject up to dismissal.)

**26.2.118 Code of Ethics for Public Officers and Employees** - Employees shall strictly adhere to the code of ethics for public officers and employees and shall not violate the Code of Ethics for Public Officers and Employees as set forth in Florida law and the County Merit System. *(Violation subject up to dismissal.)*

**26.2.131 Job Knowledge and Performance** - VCSO personnel are required to maintain the job knowledge, skills and abilities required for the performance of the duties and responsibilities attendant to their position as described by the County Merit System Job Classification Plan and

Directives numbered under the 21, 22 and 35 series of this Manual. *(Violation Subject up to a 5-Day Suspension)*

**26.2.33 Inattention to Duties, Loafing, Sleeping** - Employees shall be attentive to job duties and shall not neglect work by inattention, loafing, or sleeping while on duty. *(Violation subject up to a 1 day suspension.)*

**26.2.34 Failure to Follow Directive or Order** - Employees shall adhere to all official Directives and/or orders, and shall faithfully execute all the duties and responsibilities. *(Violation Subject up to a 5-Day Suspension)*

**RE: 81.3.29 Use of Personal Cell Phones at Work-** Excessive use of personal cell phones, BlackBerry and other handheld data devices during working hours for personal communication purposes results in loss of productivity and increases the work burden on coworkers. Therefore, use of personal cell phones during working hours shall be limited to those situations which legitimately necessitate the interruption of work responsibilities for personal use of the cell phone (e.g. family emergency, brief contact/coordination with child (children), notification of late work day, etc.). Abuse of this privilege may result in disciplinary action in accordance with Standards Directive 26.2 Standards of Conduct, under Neglect of Duty Offenses, 26.2.33 and 26.2.34.

**26.2.5 Neglect of Duty-** Neglect of duty offenses include any act, failure to act or instance wherein an employee ignored, paid no attention to, disregarded, failed to care for, give proper attention to or carry out the duties and responsibilities of their position whether through carelessness, oversight or neglect. *(Violation Subject up to a 5-Day Suspension)*

#### **INVESTIGATIVE SUMMARY:**

On March 8, 2019, Chief Deputy John Creamer assigned the above incident to the Internal Affairs Unit. Detective Burke reviewed the memorandum authored by Ms. McCants, sent to Sheriff Chitwood on March 7, 2019, by Assistant Public Defender James Purdy. *(See Tab – D for Memorandum)*

According to Ms. McCants memorandum, on February 27, 2019, Deputy Robert Campbell was texting Assistant State Attorney's Westbrook and Hill while a trial was in progress in Judge Feigenbaum's courtroom. Since the texting was addressed on February 27<sup>th</sup>, Deputy Campbell had made Judge Feigenbaum's courtroom an uncomfortable and hostile work environment for the Assistant Public Defenders. Ms. McCants had several Assistant Public Defenders report to her concerns about Deputy Campbell such as, he's been making comments about cell phone

usage since the trial incident, concerns with inmates not being brought up to the courtroom, and gossiping.

On March 8, 2019, Deputy Campbell was served with a Notification of Internal Investigation along with a copy of his Officer Bill of Rights. This report details the internal investigation conducted by Detective Burke. *(See Tab – C for Official Correspondence)*

On April 1, 2019, Detective Burke and Detective Bennett met with Managing Assistant Attorney/Public Information Officer Spencer Hathaway. Mr. Hathaway provided detectives with a CD containing audio/video of the trial. Mr. Hathaway also provided a copy of the text messages given to him by Mr. Westbrook; the messages were between Deputy Campbell, Mr. Westbrook, and Mr. Hill, from February 27<sup>th</sup>. It is unknown if this was the complete text message conversation that occurred that day, but this is what was provided to Mr. Hathaway. Detectives reviewed the text messages, along with the CD with the audio/video provided by Mr. Hathaway. The text log we received begins on February 27<sup>th</sup> at 9:34 AM, it is unknown if there was any other text messages exchanged among them prior to this time.

**According to the text messages beginning on Wed, Feb 27, 9:34 AM:**

**Dep. Rob Campbell**                    *“Traffic Stops you don’t usually write reports”*

**RC Hill**                                *“Exactly. I will ask that.”*

**(Note)** Review of the audio/video of Judge Feigenbaum’s courtroom from February 27, 2019:

- At 9:34 AM, an officer from Ormond Beach Police Department (OBPD) was a witness on the stand, being questioned by Assistant Public Defender Vivian Williams. In the video, Deputy Campbell is observed picking up and using his cellular phone while Ms. Williams is questioning the officer about writing reports, then moves his head looking up from his phone and over in the direction of the Assistant State Attorneys. It then appears Mr. Hill is using his cell phone located on the table.

- At 9:36 AM, Mr. Hill goes back up for re-direct with the officer, during questioning he asks about report writing. Mr. Hill stated, *“Do you generally write a ahh very involved and long report when you ahh issue a traffic citation.”*

**Text messages continued (unknown times):**

<b>Dep. Rob Campbell</b>	<i>“That was his portion of the case”</i>
<b>RC Hill</b>	<i>“Stop.”</i>
<b>Dep. Rob Campbell</b>	<i>“Yes”</i>
<b>No Name Header (Westbrook)</b>	<i>“That re direct was good”</i>
<b>Dep. Rob Campbell</b>	<i>“Excellent!!!!!!”</i>
	<i>“Was there any Booz in the vehicle?”</i>
<b>RC Hill</b>	<i>“No”</i>
<b>Dep. Rob Campbell</b>	<i>“How strong was the odor? Noticeable immediately or shortly after contact”</i>
	<i>“Push the alcohol smell”</i>
<b>No Name Header (Westbrook)</b>	<i>“Well we didn’t get JOA’d”</i>
<b>Dep. Rob Campbell</b>	<i>“You’re doing fantastic”</i>
	<i>“Concussions don’t make you retarded. If it’s such an impairment, he shouldn’t be driving.. for public safety”</i>
	<i>“Cognitive impairment is one of the major reasons an individual may not be allowed to drive after suffering a traumatic brain injury such as a concussion. However, concussions have become a relatively ambiguous term.”</i>

*“In other words...he shouldn't be driving either way”*

**(Note)** Review of the audio/video of Judge Feigenbaum's courtroom from February 27, 2019:

- At 10:53 it appears in the courtroom video, Deputy Campbell looks over in the direction of the Assistant State Attorneys, and makes a motion with his hand over his head while Mr. Dixon is questioning the defendant. It also appears at 10:55, Deputy Campbell makes a motion with his head and looks over in the direction toward the Assistant State Attorneys. It appears Mr. Westbrook then picks up his cell phone, puts it back down, he then continues to speak with Mr. Hill. According to the text log, there are several text messages sent by Deputy Campbell in the group text in reference to concussions, and how the defendant shouldn't be driving.
- At 10:59 according to the courtroom video, Mr. Westbrook during cross examination, asked the defendant about him having brain injuries or head injuries. Mr. Westbrook also ask the defendant if he knew he would be giving up his drivers' license because of his refusal, and questioned if he has a drivers' licenses.

Because of the concerns of impropriety, and the perception of texting between Deputy Campbell and the Assistant State Attorneys during trial, the Public Defender's Office wanted to *“put it on the record”* their concerns about the texting in the courtroom.

**(Note)** Review of the video/audio of Judge Feigenbaum's courtroom on February 27, 2019 at 11:10 AM: (on the record)

**Judge Feigenbaum:** *“State are you texting back and forth with Deputy Campbell during the trial, either of you?”*

**Mr. Hill:** *“I have not looked at my phone, since ah, I don't think opening statements I'm not sure maybe transitory texts perhaps, but I have not been focused on my phone, I have been focused on, ah trial.”*

**Judge Feigenbaum:** *“Alright, Mr. Westbrook”*

**Mr. Westbrook:** *“Your honor, there’s been a group text that’s going on between myself, Deputy Campbell, Mr. Hill, Ms. Gilger, Mr. Dixon I mean, we all text each other throughout court, for the past, since I’ve been here it’s nothing new, nothing that I think of any substance, um so nothing more than an average day. I mean you’re aware of the banter that usually happens with Deputy Campbell or myself or Ms. Gilger or Mr. Dixon or anybody in the courtroom, other than that your honor, nothing of any importance.”*

**Deputy Campbell:** *“Right now Judge, I’m on ah Amazon.com so. Or Facebook.”*

**Judge Feigenbaum:** *“...I hope there is not texting during trial between ahh any of the parties and Deputy Campbell...I know that would not be appropriate...I would not want to think, I would not want advice being given back and forth to either side...so I hope that hasn’t happened ”*

*“During a trial, the moment the trial morning starts, ahh there really shouldn’t really be any, even an impression that any courtroom staff would try to help one side or the other. So, I certainly hope that’s not happening...”*

*“I know that speculation from what the defense is saying, ya know I haven’t heard of a specific, um complaint, ya know like the state sat down and all of a sudden there was a text saying you forgot to establish venue or identity and then the state sitting up and asking more questions. So I ahh I didn’t actually see anything that looked like the State was getting coached...and I, I, ya know that would be, extremely improper...I just don’t want, any, any even impression that any help is being given...”*

**Ms. McCants:** *“Yes Judge, and you know, the impression is that there are text messages sent back and forth and have been throughout this trial that Deputy Campbell is motioning to him to check his phone during the trial. And that was our concern. I don’t know what’s being discussed”*

**Judge Feigenbaum:** *“To check what?” “To check his what?”*

**Ms. McCants:** *“His phone.”*

**Judge Feigenbaum:** *“Oh.”*

**Ms. McCants:** *“I don’t know what’s being discussed. I know that after those, he read some of those messages, he then went back up and asked additional questions. Ms. Gilger, is not to my knowledge, in a group text with any of them, has not received any texts messages this morning, and neither has other, any of the other defense attorney’s. I don’t know what’s being sent, but that’s just what we observed today sitting in court. So I just wanted the court to be aware.”*

**Judge Feigenbaum:** *“...I’ll talk to Deputy Campbell in more detail, this is the first this has been raised. So um I hope I’ve been clear. There shouldn’t be any, any help from, whether it’s a clerk, or a deputy, ya know of course it would be extremely inappropriate if I was doing that.”*

Judge Feigenbaum continued to explain to Deputy Campbell, Mr. Westbrook, and Mr. Hill, how it would be inappropriate to communicate about the trial, and if there were text messages being sent that Mr. Dixon or Ms. Williams should be aware of what was being said. Judge Feigenbaum explained he doesn’t want any impression the court, or court team, is helping one side or the other. Deputy Campbell, Mr. Westbrook, or Mr. Hill, did not disclose completely what the text messages were about to the judge or the court while on the record. Furthermore, after the above information was explained by Judge Feigenbaum in detail, they (Deputy Campbell, Mr. Westbrook, or Mr. Hill) did not inform Judge Feigenbaum or the Assistant Public Defenders of the content of the text messages.

Although Judge Feigenbaum never directly asked Deputy Campbell on the record if he was texting with Mr. Westbrook or Mr. Hill, the complaints from the Assistant Public Defenders were the three of them were texting during the trial, and the concern of Deputy Campbell helping them. After Judge Feigenbaum addressed Mr. Hill and Mr. Westbrook directly on the record about the texting, prior to being asked by the judge, Deputy Campbell claimed to be on the internet. Deputy Campbell never came forth with the entirety of the text messages, omitting the

fact that he was sending text messages pertaining to the case to Mr. Hill and Mr. Westbrook in a group text during trial.

During the trial, while texting on his cell phone in the courtroom, Deputy Campbell was sitting in a chair close to Judge Feigenbaum. In the video it appears the jury would have a clear view of Deputy Campbell, as they are seated across from him in the jury box.

**(Note)** Further review of the video/audio of Judge Feigenbaum's courtroom on February 27, 2019 at 12:43 PM: (additional information put on the record following a break)

Mr. Dixon explained to Judge Feigenbaum, he requested to see the text messages sent between Mr. Westbrook and Deputy Campbell, his request was denied. Mr. Dixon wanted to put on the record his concerns, to ensure nothing improper was said about any questions referring to the case, and to preserve the issue of misconduct on the record. Mr. Dixon wanted to make certain the evidence was preserved, and to be able to use this information on appeal if needed at a later time. The request for an Order to Show Cause for review of text messages was denied by Judge Feigenbaum; however, Judge Feigenbaum allowed the Assistant Public Defenders to put on the record their concerns.

Ms. McCants informed Judge Feigenbaum (under oath) she witnessed Deputy Campbell use his cell phone then motion to the Assistant State Attorneys. She witnessed Mr. Westbrook and Mr. Hill whispering, and then the Assistant State Attorneys asked additional questions of the witness. Ms. McCants stated, *"I think the concern is that Deputy Campbell is an Officer of the Court, and we don't know what was said, we don't know if there were questions regarding the trial, we don't know if it was just banter back and forth. But I don't think it matters. I think if there was any texting with the ASA during trial that that gives the appearance of impropriety and he's an officer of this court."* Ms. McCants continued to explain the concern of the *"appearance of impropriety"* with the jury, which could affect their verdict. Ms. McCants requested an order for the Assistant State Attorneys to show their text messages, to determine if there were questions given to Mr. Westbrook and Mr. Hill to ask during their cross examination. She advised it (the texting about the trial) would be inappropriate even if the jury didn't witness their (Mr. Westbrook and Mr. Hill) interactions with Deputy Campbell.

Judge Feigenbaum denied the order for the Assistant State Attorneys to show the text messages because he wasn't aware of anything inappropriate and the concerns were already addressed on record (prior to the break). Judge Feigenbaum did not want to view the text messages that were sent back and forth, he offered to bring the jury in to determine if they witnessed anything during the trial. The Public Defender did not want to bring the jury in to the courtroom, they just wanted everything documented.

### **Shavonne McCants**

On March 19, 2019, Detective Burke and Detective Glen Bennett conducted a sworn recorded interview with Ms. McCants at the Justice Center, Daytona Beach. The following is a summary of that interview:

Ms. McCants has been employed with the Public Defender's Office since October 2012, she is currently the Misdemeanor Division Chief.

Ms. McCants advised on February 27, 2019, it was brought to her attention by Assistant Public Defender Ashley Gilger, concerns of Deputy Campbell texting Mr. Westbrook during trial. When Ms. McCants observed the court proceedings, she witnessed Deputy Campbell appeared to be texting on his phone, then motioned to get the prosecutor's attention to check his phone. Mr. Westbrook then asked the officer (who was a witness on the stand during cross examination) additional questions, and Deputy Campbell nodded his head in confirmation of the question and answer. Ms. McCants described the motion of Deputy Campbell as, *"Kind of like a lean over and a head nod, like kind of a head nod it was, and then you could see that Mr. Westbrook saw that head nod, and then he would pick up his phone and check his phone."* Ms. McCants advised Mr. Dixon and Ms. Williams also observed this behavior, and it was placed on the record once it was addressed with the court.

Ms. McCants addressed the concerns with Mr. Westbrook initially, who denied texting with Deputy Campbell during trial. She informed him she saw him texting and he told her he didn't know why it matters. Ms. McCants then told Assistant Public Defender's, David Dixon, and Vivian Williams, they needed to address the concerns on the record with Judge Feigenbaum. In the courtroom, Ms. Williams also made Deputy Campbell aware she saw them texting, he told her *"well what does it matter I'm not an attorney."* Ms. McCants explained, when Judge Feigenbaum took the bench, Deputy Campbell ran up to the bench in an attempt to, *"try and get*

*ahead of it,*” and talk to Judge Feigenbaum off record. At that time, Mr. Dixon went up to address the concerns as well, and the judge advised it needed to be addressed on record. The concerns were addressed on the record, Mr. Westbrook and Mr. Hill denied their involvement, and Deputy Campbell said he was on the internet.

Ms. McCants was still concerned following this being addressed on the record; she informed her supervisor, Assistant Public Defender Mathew Metz. Mr. Metz told her to request to see the text messages with Mr. Westbrook, who denied her request. Ms. McCants addressed the issue again with Judge Feigenbaum on record, and requested he order them to show their phones to the court; the request was denied.

On February 28, 2019, Deputy Campbell continued to make comments in regards to the cell phone issue from the previous day. Ms. McCants was informed by Assistant Public Defender Angela Lowery, of Deputy Campbell continuing to make comments throughout the trial, specifically to Mr. Westbrook. This behavior made Ms. Lowery uncomfortable.

Another concern was on March 5, 2019, with Assistant Public Defender Ashley Gilger. Ms. Gilger felt Deputy Campbell ignored her in reference to inmates being brought up to the courtroom. Ms. McCants advised the inmates are usually brought up automatically because Deputy Campbell has the list of inmates.

Ms. Gilger also confronted Deputy Campbell on March 6<sup>th</sup> when Deputy Campbell continued to make comments to Mr. Westbrook. Ms. Gilger asked Deputy Campbell if he would stop making the comments, he told her he wasn’t going to stop and continued.

On March 7, 2019, Ms. Gilger asked about inmates being brought up to the courtroom, Deputy Campbell told her he didn’t know and she needed to, *“figure it out.”* Ms. Gilger was upset about the inmates not being brought up, because it was effecting her ability to do her job. Ms. McCants walked over to the courtroom, but by the time she arrived the inmates had been brought up.

Ms. McCants was asked about the memorandum to Mr. Purdy, she described the behavior by Deputy Campbell as creating a, *“hostile and uncomfortable work environment.”* Ms. McCants believes Deputy Campbell’s behavior caused this type of environment for Ms. Gilger because of

his frustration and agitation in reference to the incident during the trial, and Ms. Gilger being a witness that day in the courtroom.

Ms. McCants advised Deputy Campbell made comments about other Public Defenders, specifically to Ms. Sara Altes. These comments were made to Ms. Altes about Ms. Gilger. Ms. McCants advised other comments were also made to Ms. Williams, about other Public Defenders as well. Ms. McCants was concerned with Deputy Campbell talking about the different Public Defenders, because this could have created problems between them, and them working together.

Prior to conclusion of the interview Ms. McCants stated, *“And like I said in my memorandum it started creating a hostile and uncomfortable work environment, and that’s when you know, I had to readdress the issue with my supervisor, and the reason why we’re here today. So you know I don’t want you guys to think that it was simply the texting. It was everything that came after it.”*

Ms. McCants spoke with Sergeant Jeffrey McDonnell on February 27<sup>th</sup>, who apologized about the texting concerns involving Deputy Campbell, and advised he would address the concerns with the rest of his bailiff’s. *(See Tab-E for Official Transcript)*

### **Angela Lowrey**

On April 1, 2019, Detective Burke and Detective Glen Bennett conducted a sworn recorded interview with Ms. Lowrey at the Justice Center, Daytona Beach. The following is a summary of that interview:

Ms. Lowrey has been employed with the Public Defender’s Office approximately three months as an Assistant Public Defender.

Ms. Lowrey recalled the trial on February 27<sup>th</sup>, she wasn’t involved in the trial, but did observe some of it. Ms. Lowrey denied witnessing any interaction between Deputy Campbell and the Assistant State Attorneys. She advised it was discussed later amongst the Assistant Public Defenders, on how it should be handled. Ms. Lowrey was not present when the concerns were addressed on the record.

Ms. Lowrey explained on February 28<sup>th</sup>, while in the courtroom with Mr. Dixon, Deputy Campbell would make comments whenever he was passing the Assistant State Attorneys such

as; *“put away your phone I don’t want it to look like something’s going on,”* and repeat the word *“appearances.”* Ms. Lowrey felt he was making a joke out of the situation. Ms. Lowrey at one point said to Deputy Campbell, *“really?”* Deputy Campbell just made a face at her. The only other thing Ms. Lowrey witnessed was when Deputy Campbell slammed the swinging door in the courtroom, and seemed to be *“making a lot of looks,”* and was annoyed with Ms. McCants.

Prior to conclusion of the interview, Ms. Lowrey explained, Deputy Campbell sometimes has a hard time hiding his facial expressions, he may roll his eyes, or make comments. She hasn’t worked with Deputy Campbell much, and felt maybe she was looking at it with a biased lens. Ms. Lowrey stated, *“But you know definitely his reputation proceeded him”* (See Tab-F for Official Transcript)

### **Sara Altes**

On April 1, 2019, Detective Burke and Detective Glen Bennett conducted a sworn recorded interview with Ms. Altes at the Justice Center, Daytona Beach. The following is a summary of that interview:

Ms. Altes has been employed with the Public Defender’s Office approximately one year as an Assistant Public Defender.

Ms. Altes recalled the trial on February 27<sup>th</sup>, she wasn’t involved in the trial, but she did observe some of it. She was in the courtroom during the subsequent arguments, not when the initial objection was made.

Ms. Altes had a lunch briefing with several other attorney’s, Mr. Dixon and Ms. Williams were distressed about what occurred, and they were brainstorming over the events. Ms. Altes explained from her understanding, text messages were sent during trial. Ms. Altes advised Deputy Campbell is constantly on his phone, she has been present when he’s texting the State Attorneys, and tells them to look at their phones. Ms. Altes didn’t personally witness the texting on February 27<sup>th</sup> during trial.

Ms. Altes advised she was aware of the behavior (that occurred in the courtroom on February 27<sup>th</sup>), and this happened during cross examination, so the defense was cross examining a state witness, specifically a law enforcement officer, in a DUI case. The Public Defender’s never

learned the content of the text messages, but this happened while the jury was present. She advised it gave the appearance of *“impropriety.”* Ms. Altes explained, after speaking with other attorneys, they took it to the appellate office because other attorneys have had similar situations occur.

Ms. Altes explained, it’s important to communicate with the courthouse bailiff’s about inmates and transporting inmates, and she herself has texted the bailiff for professional purposes. Ms. Altes has witnessed Deputy Campbell motioning to his phone, and looking at the state in the past during court. In her opinion, it makes it look like something important needs to be said, and they (Deputy Campbell and the Assistant State Attorney’s) are on the same team.

Ms. Altes was in the courtroom a few days following the February 27<sup>th</sup> trial. She witnessed Deputy Campbell approach Ms. McCants and tell her she needed to stop typing so loud. Ms. Altes also witnessed Deputy Campbell make comments about phones, and he was being *“catty”* toward the Assistant Public Defenders.

Ms. Altes could not provide any information of the concerns being illegal or a policy violation. If there was texting among Deputy Campbell and the Assistant State Attorneys; she stated, *“...the appearance of impropriety too of course, like if the jury sees that it does create you know perhaps some bias towards the state.”* She explained, the bailiff is the one the jury interacts with most, he gives them instructions, takes them in and out of court, because the attorneys are not allowed to speak to them. Ms. Altes also stated; *“And so I think our concern was twofold. First are you getting information that you wouldn’t otherwise have that’s unfair to our client, and second you create the appearance of impropriety in front of the jury that you know the deputy bailiff is, he’s supposed to be neutral.”* Ms. Altes did not have access to the text messages that were exchanged between Deputy Campbell and the Assistant State Attorneys.

Ms. Altes recalled hearing about a photograph, when Deputy Campbell was a bailiff in her courtroom. Ms. Altes explained, there was a female attorney, and comments were made about her appearance. She advised there was, *“constructive surgery,”* and Deputy Campbell made comments in reference to a, *“blow up doll.”* Ms. Altes could not recall actually seeing the photograph, because she was shown a photo of another offensive video clip by deputies, but she could not recall who.

Ms. Altes recalled on December 26, 2018, it was Mr. Dixon's first day of work. Deputy Campbell spoke to him for five to ten minutes about how awful Ms. Gilger is, and how she shouldn't be a Public Defender. Ms. Altes asked Mr. Dixon not to repeat what Deputy Campbell said to Ms. Gilger. Ms. Altes explained, it was hard to trust Deputy Campbell, because he would talk about someone and then he would act differently when he spoke to them. Ms. Altes described Deputy Campbell's behavior as, "*unprofessional.*" Ms. Altes continued to explain how Deputy Campbell would talk negatively about the Public Defenders, and he would make comments about the judge saying he didn't want certain Public Defenders in his courtroom.

Ms. Altes has also heard Deputy Campbell make derogatory comments toward the State Attorney's Office, she stated, "*equally unprofessional I would say.*" Ms. Altes advised Deputy Campbell was very hard on Mr. Hill, and made fun of him for not being hard enough in court. She doesn't feel Deputy Campbell was just picking on the Public Defenders, she felt it was a mutual thing, stating, "*...it was more just like I'm the boss here, like I'm gonna tell you what's up you know.*"

Prior to conclusion of the interview with Ms. Altes, she stated, "*I haven't been witness to any additional inappropriate behavior. I think he probably just has like crossed the line a little bit as far as you know. For me the biggest thing is putting Judge Feigenbaum's name on something that really appears to be a criticism of his own. I think that made for a pretty toxic, and honestly it was really uncomfortable. I would come in and fill in a couple of times and he would constantly be like, Ashley you need to be more like Sara dah dah dah, and it would make me horribly uncomfortable, and saying you know he would say I want you to come to my courtroom, you know we need you over there I can't deal with these people that I have right now, and he would say that in front of my colleagues and I did not like that at all.*" (See Tab-G for Official Transcript)

### **Vivian Williams**

On April 2, 2019, Detective Burke and Detective Glen Bennett conducted a sworn recorded interview with Ms. Williams at the Justice Center, Daytona Beach. The following is a summary of that interview:

Ms. Williams has been employed with the Public Defender's Office approximately two and a half years as an Assistant Public Defender.

Ms. Williams recalled the trial on February 27<sup>th</sup>, she was second chair in the trial with Mr. Dixon. Ms. Williams was told by Ms. McCants, and Ms. Gilger, that they noticed Deputy Campbell texting, and one of the State Attorneys texting. After it was brought to Ms. Williams attention she noticed Deputy Campbell motion with his body, as if to indicate to pay attention to the phone towards Mr. Westbrook. She advised the State Attorney (Westbrook) looked at his phone, and subsequently turned it over. Ms. Williams was not certain what transpired but she did witness this action. Ms. Williams later addressed the concerns on record.

Ms. Williams was not in the courtroom on February 28<sup>th</sup>, and denied having any other concerns or issues with Deputy Campbell, stating, "*No, he's a little OCD, but no.*" Ms. Williams contact was limited with Deputy Campbell because he wasn't her everyday bailiff in the courtroom. (*See Tab-H for Official Transcript*)

### **David Dixon**

On April 2, 2019, Detective Burke and Detective Glen Bennett conducted a sworn recorded interview with Mr. Dixon at the Justice Center, Daytona Beach. The following is a summary of that interview:

Mr. Dixon has been employed with the Public Defender's Office since June of 2016, as an Assistant Public Defender.

Mr. Dixon recalled the trial on February 27<sup>th</sup>. He advised he didn't see Deputy Campbell texting, but once it was brought to his attention he did witness the prosecutor look at his phone, and then hint to the other prosecutor, who was questioning a witness on the witness stand. He later confirmed it was prosecutors, Mr. Westbrook and Mr. Hill. Mr. Dixon has been doing trial work at the Public Defender's Office for approximately four months. He is not certain what is standard concerning cell phones, but from his experience he has seen people have their phones out during trial. He confirmed there is nothing saying that two Assistant State Attorney's aren't allowed to text each other in court. Mr. Dixon didn't witness anything further on February 27<sup>th</sup>. Mr. Dixon

was asked if he witnessed anything in the past concerning Deputy Campbell, he stated, *“I mean he’s on his cell phone all the time when in court, I mean so.”*

Mr. Dixon was informed of the texting concerns by Ms. McCants and Ms. Williams, it was addressed on the record. Mr. Dixon advised the judge basically said it was inappropriate, and should not be going on. Mr. Dixon confirmed it’s not unusual to text another coworker for advice; however, there is a difference between the deputy providing information to either the State Attorney or the Public Defender. Mr. Dixon stated, *“...a court deputy or bailiff and the judge are supposed to have the appearance of neutrality.”* Mr. Dixon was not aware of any law or policy against them texting in the courtroom, but there have been appellate court rulings on issues that have affected cases. Mr. Dixon explained, if the defense had lost the trial, they would have appealed the case, and an argument could have been made for prosecutorial misconduct. Mr. Dixon explained the concerns about the prosecutors, he stated, *“Yeah if he’s coaching the prosecutor to say, hey this is what you need to ask him as a trained, that is highly unethical that that prosecutor, and if that prosecutor misrepresented that to the judge, that could be a license complaint.”*

Mr. Dixon advised on February 27<sup>th</sup>, it was a perception that he was coaching the prosecutors. Mr. Dixon explained, if Deputy Campbell was telling them what to say, it’s basically, *“interfering with a judicial process.”* Mr. Dixon also stated, *“You know. One people can say, well you know it’s the same just between colleague’s texting, and I can see that. I can see that point if you’re both for the prosecutors that might be a different story. You know, like some of my bosses, you know, have texted me sometimes while I’m in court but that’s different. You’re not, we work together, we are on the same side the same agency, you know. He wasn’t arresting officer, he wasn’t, he basically his job is to control the courtroom and protect the judge. They are neutral parties. They should not be involved at all giving legal advice, hey say this do this. You know I mean you know if I’m the defendant I’m gonna go what the?”*

Mr. Dixon and Ms. McCants met with Mr. Westbrook in private, they asked for him to show them his cell phone; Mr. Westbrook refused. Mr. Dixon does not believe Deputy Campbell or Mr. Westbrook ever showed their cell phones to Judge Feigenbaum. Mr. Dixon was unaware of the content within the text messages at the time of his interview.

Mr. Dixon recalled Deputy Campbell making comments about the cell phone on February 28<sup>th</sup>, he felt he was being sarcastic about it and unprofessional. He wasn't certain if anyone told Deputy Campbell to stop making the comments.

Mr. Dixon recalled shortly after the incident on February 27<sup>th</sup>, the procedures for inmates coming into the courtroom changed, he was wondering why it changed. He explained it holds up the normal process, because now with the new procedure they had to request the inmates for the courtroom. Mr. Dixon wasn't certain if the new procedure was related to the courtroom incident on February 27<sup>th</sup>.

Mr. Dixon noticed things became *“somewhat hostile,”* explaining, *“But you know then after that, then it just started getting petty. And it just started getting, you know it was unneeded especially in a courtroom you know. If you don't like someone I get it and he was very, Officer Campbell is very, I believe him to be a nice man. He's also, but he's just also very emotional. Very, he shows and there's nothing wrong with that, but I just think that he let that personal, or he let that incident carry on over you know. It's kind of like it happened let it go, and I just thought that he wouldn't let it go.”*

Mr. Dixon attempted to *“smooth things over”* with Deputy Campbell the day after the trial; he pulled him aside and spoke to him about his concerns. Deputy Campbell began telling Mr. Dixon his partner (Ms. Gilger) talks behind his back, and talks about other people. Although this didn't cause issues for Mr. Dixon and Ms. Gilger, Mr. Dixon understands these type of comments could cause unnecessary issues with people who work together. Mr. Dixon stated, *“...You know I didn't believe him and I don't believe him on that because I know my coworker very well and I trust her, so that's why I'm just kind of like alright whatever. But I do see the implications of people spreading gossip, and you know, making discord amongst, you know, a courtroom moving so.”*

Mr. Dixon felt the biggest concern with Deputy Campbell was *“gossip.”* Mr. Dixon noticed Deputy Campbell had a reputation for gossip, and starting problems amongst people. Mr. Dixon felt a lot of the stuff manifested itself, but he felt his biggest change in Deputy Campbell was after that trial on February 27<sup>th</sup>.

Mr. Dixon has not had any further issues with Deputy Campbell since he left the courtroom. Mr. Dixon denies knowing the content of the text messages during the trial on February 27<sup>th</sup>. Prior to ending this interview Mr. Dixon stated, *“I guess my whole big thing is, I hope personally, I hope he’s not terminated over this stuff, but I do hope that the behavior is corrected. I would hate to see him lose his employment over this, but I do think, hey the severity of you cannot interfere with the judicial process that that is just hammered home.”* (See Tab-I for Official Transcript)

### **Ashley Gilger**

On April 2, 2019, Detective Burke and Detective Glen Bennett conducted a sworn recorded interview with Ms. Gilger at the Justice Center, Daytona Beach. The following is a summary of that interview:

Ms. Gilger has been employed with the Public Defender’s Office for approximately nine months as an Assistant Public Defender.

Ms. Gilger recalled the trial on February 27<sup>th</sup>. She was sitting in the courtroom observing, she wasn’t part of the trial. Ms. Gilger witnessed Deputy Campbell giving a head nod to Mr. Westbrook and Mr. Hill. She then saw Mr. Westbrook check his phone, but wasn’t certain if Mr. Hill did. Ms. Gilger advised, Mr. Westbrook would pick up his phone, and then he and Mr. Hill would talk to each other. Ms. Gilger explained this interaction was going on during direct examination of the officers. Ms. Gilger advised, Mr. Westbrook and Mr. Hill would talk, then they would have follow up questions. Ms. Gilger witnessed this several times along with other Public Defenders who witnessed this.

Ms. Gilger did not know the content of the text messages between Deputy Campbell, Mr. Westbrook, and Mr. Hill. Since the messages were being sent during the time the officers were being questioned, and then the prosecutors were getting back up to ask questions, it appeared he was giving them information to use, or ideas of what to question the officer about. Ms. Gilger advised the concerns were later addressed on record by the Public Defenders.

On March 5<sup>th</sup>, Ms. Gilger asked Deputy Campbell in the courtroom if any inmates were coming up, she advised Deputy Campbell wouldn’t look at her. The inmates were brought up a minute

or two before the judge took the bench; she was not ready because she did not know she had to request the inmates to be brought up.

On March 6<sup>th</sup>, Deputy Campbell kept making comments to Mr. Westbrook about the cell phone usage, she advised he kept going on about it. Ms. Gilger asked Deputy Campbell when this was going to stop (the comments), he told her it's not going to stop. Ms. Gilger told Deputy Campbell, "*that's real mature,*" she said it wasn't the most mature comment to make, but she was frustrated with him.

On March 7<sup>th</sup>, the inmates were not brought up to the courtroom again, so she asked Deputy Campbell if the inmates were coming up. Deputy Campbell told Ms. Gilger he didn't know, and to get on her system and "*figure it out.*" Ms. Gilger denies having a system to look up inmates for the day. Mr. Dixon told her, Deputy Campbell said, from now on he wanted a formal request of inmates to let him know who she wanted to come up. Ms. Gilger was confused as to why the inmates were not coming up, because she didn't initially get the message about the procedure changing. Ms. Gilger asked other attorney's if the procedure changed in their courtroom, it had not. Ms. Gilger felt it was a delay in the process, and it was becoming awkward, because the judge wants the attorney's ready when he takes the bench. Ms. Gilger felt she was put in a position where the judge thought she wasn't prepared, and she didn't believe the judge was aware of the fifteen minute delay. Ms. Gilger explained, since Deputy Campbell left, the other bailiffs have been bringing up the inmates.

Ms. Gilger has witnessed Deputy Campbell gossip about other coworkers, she stated, "*Yes that is an ongoing issue, and I guess I mean I wasn't gonna bring anything up about it to be honest, because I feel like he was always telling us that in our courtroom, and I thought maybe he just felt like we were the attorney's in his courtroom and everybody there was more of like a trust circle going on there. But then when people kind of round tabled and talked about these issues, a lot of the things I had heard before I was hearing, like being brought up by these other people. I didn't realize how far he had thrown that net I thought it was just kind of us.*" Ms. Gilger felt Deputy Campbell tried to put a rift in between her and her docket partner (Mr. Dixon), they later discussed it and were irritated with Deputy Campbell. Ms. Gilger also heard Deputy Campbell make comments about Ms. Williams being slow, or that she "*sucked.*" There was also a picture of a blow up doll, Deputy Campbell was saying it was another Public Defender (Kelly Trinor).

Ms. Gilger explained it was a google picture of a blow up doll, Deputy Campbell showed her and other attorney's the image on his phone, she believes this happened sometime in August of 2018. Ms. Gilger kept quiet about the things being said by Deputy Campbell, because she didn't know how many people had heard what he was saying about them. Ms. Gilger then heard from co-workers what Deputy Campbell was saying about her; she realized he wasn't just saying bad things about her, but about everyone else as well.

Prior to conclusion of the interview Ms. Gilger stated, "... *I mean he's a really nice guy other than that, I feel like it's kind of a bummer it came down to this but. Yeah it just got really yucky toward the end so.*" (See Tab-J for Official Transcript)

### **Sergeant Jeffrey McDonnell**

On April 12, 2019, Detective Tara Burke, and Detective Glen Bennett, conducted a sworn recorded interview with Sergeant McDonnell at the Courthouse Annex, Daytona Beach. The following is a summary of that interview:

Sergeant McDonnell has been working for the Sheriff's Office for approximately twenty-four and a half years. Sergeant McDonnell is currently assigned as a Sergeant at the Courthouse Annex, he's been in this position for approximately one year.

Sergeant McDonnell recalled the trial on February 27<sup>th</sup>; he was in the courtroom during some of the trial. Sergeant McDonnell didn't witness any texting or motioning from Deputy Campbell. The texting was brought to Sergeant McDonnell's attention by Deputy Campbell, he told him on the day of trial (February 27<sup>th</sup>), there might be an issue or a complaint coming in regards to him texting. Sergeant McDonnell met up with Deputy Campbell by his courtroom and briefly saw his phone. Deputy Campbell showed him several text messages from what he (Deputy Campbell) described being from the Public Defender, and the State Attorney as well. Deputy Campbell did admit to texting during the trial. Sergeant McDonnell wasn't aware of any texts that led him to believe there was any coaching between them, he stated, "*I had asked him if at any point in time he ever gave legal advice or was coaching anyone either the public defender or the state attorney and he said no.*" Sergeant McDonnell stated, "*He denied that.*" Sergeant McDonnell could not specifically recall who the text messages were between. According to Sergeant McDonnell, Deputy Campbell denied texting any legal advice or coaching the Assistant State

Attorneys during the trial; however, the text messages and video footage indicate Deputy Campbell was assisting the attorney's by providing them information for them to use during the trial.

Sergeant McDonnell spoke with Ms. McCants on February 27<sup>th</sup>, once the trial was complete. Ms. McCants didn't inform Sergeant McDonnell of any issue or complaint in regards to Deputy Campbell. Sergeant McDonnell informed her he was aware of the texting, and the perception it could have in the courtroom. Sergeant McDonnell informed Ms. McCants he would speak with all of the bailiff's about the texting in the courtroom concerns. Sergeant McDonnell asked Ms. McCants once again if she was certain there was no complaint to file against Deputy Campbell, she told him that she had no issue with Deputy Campbell.

Sergeant McDonnell wasn't aware of any comments being made by Deputy Campbell in the courtroom. Sergeant McDonnell explained the procedure for bringing up inmates to the courtroom. When the attorneys are ready the inmates are brought up, they are held down in the holding cell prior to this. Sergeant McDonnell recalled speaking with Deputy Campbell about the procedure of moving the inmates, and Sergeant McDonnell told him it was ultimately going to be up to the judge. Sergeant McDonnell didn't have a problem holding the inmates in the holding cell for safety concerns if needed, and then bringing them up when the court is ready for them. Sergeant McDonnell told Deputy Campbell to ask the judge what he wants in his courtroom, and either way was not an issue. Sergeant McDonnell could not recall when this discussion about moving inmates took place.

Sergeant McDonnell hasn't had any other issues or concerns regarding Deputy Campbell, he stated, *"No Rob appeared to be well liked and he did a good job. He took his job very seriously."* Prior to conclusion of the interview, Sergeant McDonnell stated, *"I will say that Rob does, again Rob does a great job for me, and I hope to get him back as one of my bailiffs."* (See Tab-K for Official Transcript)

### **Judge Bryan Feigenbaum**

On April 19, 2019, Detective Tara Burke, and Detective Glen Bennett, conducted a sworn recorded interview with Judge Bryan Feigenbaum at the Courthouse Annex, Daytona Beach. The following is a summary of that interview:

Judge Feigenbaum has been a judge in Volusia County since 2010. Deputy Campbell has been a bailiff in his courtroom for approximately two years.

Judge Feigenbaum recalled the incident that occurred in the courtroom on February 27<sup>th</sup>. The concerns were brought to his attention by the Public Defender's Office. The concerns were addressed on a sidebar, and they were also addressed on the record.

Judge Feigenbaum was asked if Mr. Hill admitted on the record to texting Deputy Campbell during trial, he stated, *"He did not really answer it clearly. He said that he hadn't looked at his phone since trial began. He said something about transitory texts, which I didn't understand, but he didn't, I got the impression from his answer that he had not read anything from Dep. Campbell that, during the trial that affected any questioning or anything like that."*

Judge Feigenbaum was asked if Mr. Westbrook admitted on the record to texting Deputy Campbell during trial, he stated, *"Yes and no. He said, and my impression was that, there was, ever since he's been in this courtroom there's been a thread between Dep. Campbell and that both he, all the prosecutors, and defense, the public defenders on my docket. And it's just sort of innocuous nothing, you know, nothing major but he certainly didn't, as well didn't tell me that it was anything that was being coached or that was helping the state."*

Judge Feigenbaum was asked if Deputy Campbell admitted on the record to texting the attorney's during trial, he stated, *"Well I didn't ask him directly but he did volunteer at some point that he was looking at his, he was doing something with Amazon or Facebook."* Judge Feigenbaum was asked if he ever spoke with Deputy Campbell about the text message concerns after it was addressed on record. Judge Feigenbaum never directly asked Deputy Campbell about the text messages, and never saw the text message conversation. Deputy Campbell did tell Judge Feigenbaum it was *"BS,"* and that it was a conversation of how Mr. Hill was doing in the courtroom.

During the court proceedings, Judge Feigenbaum explained he hoped there wasn't any advice going back and forth among the parties, because it would be, *"extremely improper."* He stated if the State (State Attorney) was being coached, Mr. Dixon and Ms. Williams should be aware of what is being said. Judge Feigenbaum confirmed neither, Mr. Hill, Mr. Westbrook, or Deputy

Campbell, came forth to inform him or the Public Defenders of the entirety of the content of the text messages even after he made those statements to them on record.

Judge Feigenbaum wasn't aware of the changes in the courtroom with the procedures for bringing up inmates. Judge Feigenbaum is brought into the courtroom when everyone is ready. He's not aware of what goes on in the courtroom prior to his arrival, so he wasn't aware of any comments being made either. Judge Feigenbaum did recall Deputy Campbell telling him he wasn't going to bring up the inmates until the Public Defenders asked for them. Judge Feigenbaum didn't want Deputy Campbell to delay bringing up the inmates, he stated, "*...I don't know if I said the exact words, you need to let it go, but I wanted him to bring inmates up as soon as they could, because that makes my courtroom go smoother. As soon as the inmates are up the attorneys can talk and we can make things go. So I think I did say something to him along the lines of as soon as they're ready just bring them up, but he made it sound like he wasn't gonna be doing the extra help that he thought he had been doing beforehand.*"

Judge Feigenbaum found out after the fact, from Mr. Matthew Metz (Assistant Public Defender Supervisor), about some of the concerns in the courtroom involving Deputy Campbell. He was informed it was brought to the attention of Mr. Purdy and the Sheriff. Judge Feigenbaum advised he wished it had been handled differently.

Prior to conclusion of the interview, Judge Feigenbaum stated, "*... I mean in my dealings with Dep. Campbell, my dealings in the court, I thought he was professional and was very concerned about the safety of everyone and actually more than any other deputy I've worked with. He was extremely proactive about making sure doors were locked and everyone's safety. I thought he was professional in front of the public. When I was out there, I had the impression from the clerks and from the regular court personnel that there was some banter comradery. I never saw anything that crossed the line or something inappropriate so the incident at the trial was new to me. I've never had this, an allegation like this, come up beforehand so you know I'm disappointed with how it all played out, but I have nothing but nice things to say about the way Dep. Campbell treated people in my presence.*" (See Tab-L for Official Transcript)

Prior to this interview, Judge Feigenbaum was not aware of the entire content of the text messages that were exchanged during trial between Deputy Campbell, Mr. Westbrook, and Mr.

Hill. The Assistant State Attorneys or Deputy Campbell never gave Judge Feigenbaum the content of the text messages exchanged. Deputy Campbell omitted telling Judge Feigenbaum the entire content of the text messages on the record and off the record. Deputy Campbell told Judge Feigenbaum on the record he was on the internet (Amazon or Facebook). Deputy Campbell told Judge Feigenbaum this information on the record prior to being directly asked about his involvement in the three way text conversation with Mr. Westbrook and Mr. Hill. Deputy Campbell told Judge Feigenbaum off the record the text messages were “BS” basically, and he was texting with Mr. Hill about how he was doing during the trial. Part of the text messages did indicate Deputy Campbell was commenting on the how well they were doing during the trial; however, Deputy Campbell omitted telling Judge Feigenbaum or the Public Defenders the complete content of the text messages. Even after Judge Feigenbaum told the Assistant State Attorneys and Deputy Campbell on the record that it would be extremely improper and inappropriate to help or coach the Assistant State Attorney’s during the trial, Deputy Campbell still did not admit to assisting or sending information to Mr. Westbrook and Mr. Hill during the trial.

### **Deputy Robert Campbell**

On April 24, 2019, Detective Burke and Detective Bennett conducted a sworn recorded interview with Deputy Campbell. The following is a summary of that interview:

Deputy Campbell has been employed with the Volusia County Sheriff’s Office, this October 2019 will be fifteen years. Deputy Campbell is currently assigned to the Courthouse Annex, and has worked as Judge Feigenbaum’s bailiff for approximately two years.

Deputy Campbell explained his primary duty of being a bailiff is protection of the judge, and overseeing the courtroom. Deputy Campbell was informed of the memorandum by Mr. Purdy, that was sent to the Sheriff, authored by Ms. McCants. Deputy Campbell knows Ms. McCants from coming in and out of the courtroom; he is aware she is the supervisor for the Misdemeanor Public Defenders.

Deputy Campbell was asked about the texting during trial in the courtroom on February 27<sup>th</sup>. Deputy Campbell advised he was texting Mr. Westbrook; he could not recall if he was motioning towards them (Assistant State Attorneys) to get their attention, but he did text. Deputy Campbell

was asked if it was a group text between himself, Mr. Westbrook, and Mr. Hill; he confirmed that it was a group text.

Deputy Campbell recalled Ms. Williams made a comment in the courtroom (about texting), but he did not understand the comment, because it wasn't a direct comment. He advised the main focus (concerning the texting) was the State Attorneys, but his name was brought up as well. Deputy Campbell could not recall making any statements to Ms. Williams about the concern not mattering because he isn't an attorney when she addressed him in the courtroom.

Deputy Campbell recalled the incident being addressed on the record; he advised there was a perception he was texting the State Attorneys during court. Deputy Campbell did not know why it was a concern, he denied ever working a DUI case, he advised the case was over his head. Deputy Campbell advised he never denied texting, he stated, *"Yeah. They were all innocuous. Like I think one of the text messages was, I didn't get dq'd or jq'd and I was like good. The other one was I think I did good on cross, yeah. Something like that."* Deputy Campbell denied the judge ever asked him directly on the record about the texting, he stated, *"not on the record."* He did speak with Judge Feigenbaum off the record; Deputy Campbell told him what was in the text messages, and Judge Feigenbaum told him there was no rule broken here, the jury wasn't effected, and told him not to worry about it. However, during the interview with Judge Feigenbaum, he was not aware of the entire content of the text messages that were exchanged during trial between Deputy Campbell, Mr. Westbrook, and Mr. Hill. Judge Feigenbaum did not view the text messages with Deputy Campbell, and did not ask him additional questions concerning the text messages. Judge Feigenbaum was not aware Deputy Campbell was texting the Assistant State Attorneys information pertaining to the case.

Deputy Campbell was not certain if he showed Judge Feigenbaum the text messages, but he did remember showing Sergeant McDonnell. Deputy Campbell viewed a print out of the text messages. He confirmed they were text messages between himself, Mr. Westbrook, and Mr. Hill. Deputy Campbell said they (Mr. Westbrook and Mr. Hill) did respond to him during trial, he could not recall if he initiated the text message conversation with them. Deputy Campbell denied Mr. Westbrook or Mr. Hill asked for his assistance during this trial. Deputy Campbell stated, *"It was such a normal thing to do in court."* He said he's been asked questions in the past during

trial from the State Attorney and Public Defender, but he could not recall any specific incidences.

Deputy Campbell notified Sergeant McDonnell about the trial incident on that same day (February 27<sup>th</sup>); he showed Sergeant McDonnell the text messages. Deputy Campbell could not recall if Sergeant McDonnell ever asked him if there was any coaching or legal advice given to the State Attorneys or Public Defenders. Deputy Campbell was informed he indicated to Sergeant McDonnell he did not coach them. Deputy Campbell stated, *“The only advice I gave was somebody made a comment, did you write a report after you wrote the citation. And my thing was the citation is the report when you write a citation.”* It was also brought to Deputy Campbell’s attention, in the text message conversation, where he gave the State Attorneys information about concussions. Deputy Campbell recalled the concussion conversation, but could not recall if the State Attorney re-approached and asked further questions on that topic. Deputy Campbell said the State Attorney may have re-approached on the traffic stop question. Deputy Campbell advised he got the information about concussions off the internet and cut and pasted it in the text message. Deputy Campbell was asked if he texted the Assistant State Attorney while he was in direct examination of a witness on the stand, the officer and the defendant. Deputy Campbell advised he was texting during trial, but he didn’t believe it was Mr. Westbrooks trial, he thought it was Mr. Hill’s. Deputy Campbell denied knowing if the attorney’s went back up with any redirect of the witnesses with the information he provided to them during questioning.

Deputy Campbell was informed about the issues being addressed on the record by Judge Feigenbaum. The accusation was from the Public Defender, the concerns of texting being engaged between the three of them (Deputy Campbell, Mr. Westbrook and Mr. Hill). Deputy Campbell was informed when the Assistant State Attorneys were questioned by the judge, they both denied it, and Deputy Campbell indicated he was on Amazon at the time. Deputy Campbell stated, *“Yeah but I was never asked directly on the record if I was using it because remember he, the focus of when McCants gets up and testifies is state, state, state, state, state. His phone, his phone, his phone. Had they asked me I would have said yes absolutely.”* Deputy Campbell said if the judge had asked him if he were texting the Assistant State Attorney during trial his answer would have been “yes.”

Deputy Campbell recalled on February 28<sup>th</sup>, he was making comments to the Assistant State Attorneys about cell phones in front of the Public Defenders. Deputy Campbell stated, *“I did in a joking manner like hey, I can’t tell the state attorney what to do, but because I didn’t want to go through that again. That was so stressful and you know unbeknownst to me so these, they’re all good people, so I was like hey put your phone away lets you know, let’s start this fresh, like the judge wanted, but I did it in a ribbing way because I can’t go hey put your phone away. Doesn’t make sense.”* Deputy Campbell denied any of the Public Defenders asked him to stop making comments.

Deputy Campbell was asked about an incident on March 7<sup>th</sup>, with Ms. Gilger, and the movement of inmates. Deputy Campbell explained, he informed the Public Defenders three weeks prior, they needed to check on how many clients they had coming up the day before, so they could have them ready for them. Deputy Campbell advised it was an officer safety concern with the Public Defender taking care of clients in the audience, and deputies being short-handed in the courtroom. Deputy Campbell said managing their (Public Defenders) clients is not his responsibility, and stated, *“...This particular day it’s normal for me to make the announcement for the state. If you have a charge of driving while license suspended, lack of registration or proof of insurance give me those documents so I can give them to the state. But I also take roll call where people sign in and I answer questions because everybody has questions am I supposed to be here. She walks up behind me she says, “Do I have any inmates today?” I said, “Well I don’t know honestly I didn’t grab a schedule to me today. If you ask the clerks, let me know when you’re ready and I’ll bring them up.” I don’t even know where she went, if she stormed off or she sat down but I didn’t want to turn my back to the people that are talking to me, plus my gun if I’m turning this way.”* Deputy Campbell denied ever telling Ms. Gilger to *“figure it out on her own.”* Deputy Campbell denied every intentionally changing or delaying movement of inmates up to the courtroom after the February 27<sup>th</sup> trial incident.

Deputy Campbell advised there was issues with Ms. Gilger prior to the February 27<sup>th</sup> trial, he said it was just *“an efficiency thing.”* He explained, she would not talk to the inmates, and would slow things down in the court; he addressed this with her about speeding things up. Deputy Campbell denied ever telling Mr. Dixon to *“watch your back,”* but Mr. Dixon pulled him aside and told him Ms. McCants was driving this train, and it wasn’t anything personal, but he had to

do what his boss tell him (in reference to the putting it on the record during the February 27<sup>th</sup> trial).

Deputy Campbell also advised Ms. McCants would solicit him when she became a supervisor. She would ask him how her attorneys were doing in the courtroom because she couldn't always be present to observe. Deputy Campbell would be honest with Ms. McCants, and inform her of any concerns with the attorneys. Deputy Campbell denied any gossip, but advised they (Public Defenders) would ask him questions or make statements about other attorney's.

Deputy Campbell was asked about the blow up doll photograph; he denied showing a photograph. He heard comments that she (the assistant public defender) looked like a blow up doll, but denied seeing or having a photograph of it.

Deputy Campbell denied the text messages interfered with the trial. Deputy Campbell is not aware of any rules, written or non-written, about a bailiff not showing emotion or interaction with either the defense or prosecutors during a trial or any other court proceedings because it could show impropriety. Deputy Campbell was asked if that was ever mentioned to him before, he stated, *"Not that I recall, no."*

Deputy Campbell said it became common practice to text each other in the courtroom after working with a prior Assistant Public Defender Lou Rossi. Deputy Campbell recalled he (Deputy Campbell) and Judge Feigenbaum told his sergeant (Sergeant McDonnell), he didn't have a problem with texting because it's easier and doesn't interrupt court. Deputy Campbell did not feel texting in the courtroom is a safety concern or distraction from his primary duties, he stated, *"I mean if you're buried in this phone yes, but if it's a quick text you know responding to your boss or something no. It's your boss."*

Deputy Campbell was asked if there were any issues or concerns, or if they normally all got along in the courtroom. Deputy Campbell explained he ran a tough courtroom, he was strict, but they all got along in the courtroom, he said they would joke and laugh a lot.

Deputy Campbell was asked if he violated the following Sheriff's Office directives and Volusia County Merit System Rules and Regulations.

<b>26.2.118 Code of Ethics for Public Officers and Employees</b>	<b>No</b>
<b>26.2.131 Job Knowledge and Performance</b>	<b>No</b>
<b>26.2.33 Inattention to Duties, Loafing, Sleeping</b>	<b>No</b>
<b>26.2.34 Failure to Follow Directive or Order</b>	
<b>RE: 81.3.29 Use of Personal Cell Phones at Work</b>	<b>No</b>
<b>26.2.5 Neglect of Duty</b>	<b>No</b>
<b>86-453 Volusia County Merit System Rules and Regulations (1)</b>	<b>No</b>
<b>86-453 Volusia County Merit System Rules and Regulations (9)</b>	<b>No</b>
<b>86-453 Volusia County Merit System Rules and Regulations (12)</b>	<b>No</b>
<b>86-453 Volusia County Merit System Rules and Regulations (14)</b>	<b>No</b>
<b>86-453 Volusia County Merit System Rules and Regulations (22)</b>	<b>No</b>

Prior to concluding the interview, Deputy Campbell stated, *“This is going to be very difficult for me, but late last year I was in the courtroom with Ms. Gilger and just happened to be the state’s victim’s advocate that just happened to be there. And somehow Gilger starts talking about white male privilege and how I benefit from that. So we had a short discussion about how she feels that I benefit from that, when I went down and told her that I begged for food throughout my adolescence. I don’t have a rank. My pay is good but it’s not as good as my brother that’s up north and he’s got less time on the job. I failed to see where I, and so I ended it there, when I said I failed to see where I’m benefiting from white male privilege. And I said then “I’m not a white male my mom’s from Spain and I identify as a Spaniard. “And she goes well that’s too bad because you look white.” I wasn’t gonna take that anywhere because I don’t wanna be that guy. So I let it go.”*

Deputy Campbell also stated, *“ Then roughly, this is the tough one, I don’t know maybe three or four months ago, McCants was in the courtroom and it was busy and we had like a short conversation and it was she, I gave her some like what her attorneys were doing. And I said “look they’re slow.” I didn’t know if it was about my immediate PD or somebody else. While*

*she was turning away what I perceived and I'll say it's not 100% but a three letter word is pretty distinctive. I perceived her saying the word fag under her breath. Again, you've known me a long time I'm not the guy that waves that flag. I wanna do my job. I think I do it very well. I've been here almost 15 years without a disciplinary record. So I don't, I didn't wanna be that guy so I let it go. Well then this comes about and it just, I'm like wow. Did they not realize the trouble they could have gotten in with all this other stuff? So that's the only thing I wanna add. I think this is politically motivated coupled with that three-letter word that I don't like to use and I'm really hurt by this." (See Tab-L for Official Transcript)*

Detective Burke attempted to interview Mr. Westbrook and Mr. Hill; however, on April 9, 2019, a message was left by the Misdemeanor/Juvenile & DV Lead Secretary, Tabitha LeJune. Ms. LeJune advised Mr. Westbrook and Mr. Hill no longer wish to meet with detectives for an interview scheduled for April 12, 2019, and they did not want to schedule a meeting at a later date regarding this investigation.

**CONCLUSION:**

On May 22, 2019, this investigation was presented to the Sheriff and his staff. After review, the Sheriff determined the violation of the below listed department and county policies to be:

<b>26.2.106 Untruthfulness</b>	<b>Sustained</b>
<b>26.2.107 Untruthfulness in an Official Proceeding (not under oath)</b>	<b>Sustained</b>
<b>26.2.118 Code of Ethics for Public Officers and Employees</b>	<b>Sustained</b>
<b>26.2.131 Job Knowledge and Performance</b>	<b>Sustained</b>
<b>26.2.33 Inattention to Duties, Loafing, Sleeping</b>	<b>Sustained</b>
<b>26.2.34 Failure to Follow Directive or Order</b>	
<b>RE: 81.3.29 Use of Personal Cell Phones at Work</b>	<b>Sustained</b>
<b>26.2.5 Neglect of Duty</b>	<b>Sustained</b>
<b>86-43 Conduct of employees</b>	<b>Sustained</b>
<b>Volusia County Merit System Rules and Regulations 86-453 (1)</b>	<b>Sustained</b>
<b>Volusia County Merit System Rules and Regulations 86-453 (9)</b>	<b>Sustained</b>
<b>Volusia County Merit System Rules and Regulations 86-453 (10)</b>	<b>Sustained</b>
<b>Volusia County Merit System Rules and Regulations 86-453 (12)</b>	<b>Sustained</b>
<b>Volusia County Merit System Rules and Regulations 86-453 (14)</b>	<b>Sustained</b>
<b>Volusia County Merit System Rules and Regulations 86-453 (22)</b>	<b>Sustained</b>

On May 28, 2019, Deputy Campbell was served with intent to terminate paperwork placing him on Administrative Leave with Pay immediately. *(See tab- C for Official Correspondence)*

On June 3, 2019, Deputy Campbell met with Sheriff Chitwood. The Sheriff rendered his final decision; in lieu of termination, Deputy Campbell is to receive a two hundred and forty hour (240) suspension.

Along with his final decision the Sheriff determined the violations of the below listed department and county policies for Deputy Campbell to be:

<b>26.2.106 Untruthfulness</b>	<b>Not Sustained</b>
<b>26.2.107 Untruthfulness in an Official Proceeding (not under oath)</b>	<b>Not Sustained</b>
<b>26.2.118 Code of Ethics for Public Officers and Employees</b>	<b>Sustained</b>
<b>26.2.131 Job Knowledge and Performance</b>	<b>Sustained</b>
<b>26.2.33 Inattention to Duties, Loafing, Sleeping</b>	<b>Sustained</b>
<b>26.2.34 Failure to Follow Directive or Order</b>	
<b>RE: 81.3.29 Use of Personal Cell Phones at Work</b>	<b>Sustained</b>
<b>26.2.5 Neglect of Duty</b>	<b>Sustained</b>
<b>86-43 Conduct of employees</b>	<b>Sustained</b>
<b>Volusia County Merit System Rules and Regulations 86-453 (1)</b>	<b>Sustained</b>
<b>Volusia County Merit System Rules and Regulations 86-453 (9)</b>	<b>Sustained</b>
<b>Volusia County Merit System Rules and Regulations 86-453 (10)</b>	<b>Not Sustained</b>
<b>Volusia County Merit System Rules and Regulations 86-453 (12)</b>	<b>Sustained</b>
<b>Volusia County Merit System Rules and Regulations 86-453 (14)</b>	<b>Sustained</b>
<b>Volusia County Merit System Rules and Regulations 86-453 (22)</b>	<b>Sustained</b>

Deputy Campbell will serve his suspension hours between June 10<sup>th</sup> - July 19<sup>th</sup>, 2019. *(See Tab-C for Official Correspondence)*

**EXHIBITS:**

- A. Report of Investigation
- B. Administration of Oath/Perjury Warning/Garrity Warning
- C. Official Correspondence/Supervisors Inquiry

- D. Memorandum from the Public Defender's Office
- E. Official Transcript of Shavonne McCants
- F. Official Transcript of Angela Lowrey
- G. Official Transcript of Sara Altes
- H. Official Transcript of Vivian Williams
- I. Official Transcript of David Dixon
- J. Official Transcript of Ashley Gilger
- K. Official Transcript of Sergeant Jeffrey McDonnell
- L. Official Transcript of Judge Bryan Feigenbaum
- M. Official Transcript of Deputy Robert Campbell
- N. Miscellaneous Documents
- O. Digital Media

**WITNESSES:**

Shavonne McCants  
Public Defender's Office  
Volusia County Justice Center  
386-239-7750

Angela Lowrey  
Public Defender's Office  
Volusia County Justice Center  
386-239-7750

Sara Altes  
Public Defender's Office  
Volusia County Justice Center  
386-239-7750

Vivian Williams

Public Defender's Office  
Volusia County Justice Center  
386-239-7750

David Dixon  
Public Defender's Office  
Volusia County Justice Center  
386-239-7750

Ashley Gilger  
Public Defender's Office  
Volusia County Justice Center  
386-239-7750

Sergeant Jeffrey McDonnell  
Volusia County Sheriff's Office  
386-736-5961

Judge Bryan Feigenbaum  
Seventh Judicial Circuit Court of Florida  
Volusia County Courthouse Annex  
386-257-6084

I, the undersigned, do hereby swear, under the penalty of perjury, that, to the best of my personal knowledge, information, and belief, I have not knowingly or willfully deprived, or allowed another to deprive, the suspect of the investigation of any rights contained in ss. 112.532 and 112.533, Florida Statutes.

DETECTIVE: \_\_\_\_\_ DATE: \_\_\_\_\_

**Detective Tara Burke**  
**Internal Affairs Detective**

APPROVED BY: \_\_\_\_\_ DATE: \_\_\_\_\_

**Chief Deputy John Creamer**  
**SHERIFF MICHAEL J. CHITWOOD**  
**VOLUSIA COUNTY FLORIDA**

