

Sheriff

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ST JOHNS COUNTY SHERIFF'S OFFICE

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10 April 2013

Mr. Gerald Bailey, Commissioner
2331 Phillips Road
Florida Department of Law Enforcement
Tallahassee, Florida 32308

Dear Commissioner Bailey,

Below are two items that have surfaced since the original publication two weeks ago of the "St. Johns County Sheriff's Office - Review of Michelle O'Connell's Death Investigation." I believe both items are vitally important.

1. A woman identifying herself as Bethany Eaton sent an e-mail to one of my executive staff members (Commander Chuck Mulligan) on Friday, March 29, 2013, asking if the Sheriff regularly met with citizens. In a subsequent e-mail she identified herself as the fiancé of former SJSO Deputy Scott O'Connell (*brother of Michelle O'Connell who I terminated primarily for his outburst and threat to Mr. King after being told his sister was the victim of suicide*) and she requested a meeting with me. I agreed to meet her with one stipulation; I would not discuss whether or not Michelle O'Connell was the victim of suicide or homicide because that determination had already been made by the proper authorities. Ms. Eaton agreed to this stipulation (see item #1 attached, Commander Mulligan's contemporaneous memorandum to me capturing the substance of his communications with Ms. Eaton including e-mails).

On April 2, 2013, Ms. Eaton arrived at my office and met with myself and Sergeant Skip Cole, Scott O'Connell did not accompany her. Ms. Eaton presented herself as a mature and articulate young woman who stated that her longtime fiancé, Scott O'Connell, was aware that she was meeting with me.

Ms. Eaton stated that both she and Scott were not part of any activities being conducted by his extended family (mother and sisters) in regards to this case. She stated she attempted to contact me three times over a year ago to discuss what she thought was severe manipulation perpetrated against Scott O'Connell by Special Agent Rodgers but I did not respond to her attempts. Ms. Eaton did not go into specifics and the conversation was cordial. I advised her that if she and Scott wanted to come in and meet with me I would be more than willing to do so. The meeting was concluded after approximately thirty minutes. (see item 2 attached, Sergeant Cole's contemporaneous memorandum to me capturing the substance of this meeting). The next day Ms. Eaton contacted me and a meeting was arranged for April 8, 2013.



On the morning of April 8, 2013 a meeting was held that included Sergeant Skip Cole, myself, Ms. Beth Eaton and Scott O'Connell. During the meeting Scott O'Connell provided details of his relationship and contacts with Rodgers from the time Rodgers began investigating the case, a transcript of the conversation is attached for your review. The substance of what O'Connell shared was **shocking** and watching him convey this information revealed the depth of the pain and suffering he has had to endure due to the actions of Rodgers. I believe O'Connell's account of his relationship and communications with Rodgers unequivocally. It was not lost on me that he was sharing this information with the same individual who terminated his employment. His fiancé was present during many of these numerous phone calls from Rodgers and the fact is that O'Connell tried to communicate some of these issues during the time of his internal investigation over a year ago (see Tab 1, page 9 of case review). One of my regrets in this case is that I did not reach out to O'Connell's fiancé when she attempted to contact me on three different occasions over a year ago. Though I suspected misconduct on the part of Rodgers regarding his relationship with Scott O'Connell, I had no idea of the depth and extent of his manipulation and exploitation. Quite frankly, based on this full disclosure by Scott O'Connell regarding his contacts with Rodgers, it is a miracle that he (O'Connell) did not try to do harm to Deputy Jeremy Banks. Former Deputy Scott O'Connell in many ways is as much of a victim of Rodgers and Pape as Deputy Jeremy Banks. I terminated Deputy O'Connell's employment primarily due to his outburst and threats directed against State Attorney King. Had I known then what I know now concerning Rodgers' conduct, I doubt very seriously I would have terminated O'Connell's employment. Now I am left to determine how to correct this injustice suffered by Scott O'Connell because of Rodgers' conduct.

2. While Rodgers was investigating this case we heard a couple of distant rumors that Rodgers was voicing his belief that there may somehow be a "cover-up" or "conspiracy" involving the St. Johns County Sheriff's Office in regards to the O'Connell death investigation. During our recent case review we discerned some nuances and subtleties in Rodgers' reports that caused us to believe that he (Rodgers) was trying to establish some type of misconduct on the part of the St. Johns County Sheriff's Office, specifically Sergeant Faircloth's involvement in the case. We did not address this during our case review because it was mere speculation on our part and investigating possible misconduct on the part of an agency could certainly be a legitimate avenue of inquiry. However, certain points have come to light since the recent release of our case review that compels me to bring this issue forward now. First, when I gave a copy of the case review to the local Judge who signed the search warrants obtained by Rodgers he indicated that he vividly remembered this case because Rodgers was so "animated" and "forceful" when he was petitioning for the search warrants. Additionally, the Judge indicated that Rodgers advised him that "high velocity blood spatter" was present on Banks' shirt and that he (Rodgers) suspected there may be some kind of "cover-up" or "conspiracy" regarding this case on the part of the St. Johns County Sheriff's Office. Second, in our meeting with Scott O'Connell he indicated that Rodgers told him that I was involved in some kind of "cover-up" or "conspiracy" with Dr. Bulic, our Medical Examiner, to somehow hide the truth. Rodgers indicated that I and State Attorney

Larizza were somehow suspect because we were on the panel that hired Dr. Bulic. Finally, I recently learned that SAC Pape approached the FBI office in Jacksonville for their assistance with this investigation but the FBI declined to participate. I do not know what Pape's reasons were for approaching the FBI because he never told me that he contacted them.

In closing, Scott O'Connell and his fiancé expressed concern for potential retaliation against them by Agent Rodgers. I am requesting that at a minimum you issue a "no contact" order to SAC Pape And Agent Rodgers with regards to contacting Scott O'Connell or his fiancé Beth Eaton. Scott O'Connell last spoke with Rodgers a few weeks ago when Rodgers advised O'Connell that, "Shoar was out for his job and his boss's job." Scott O'Connell did indicate a willingness to meet with any FDLE investigators in the event that you decide to conduct an internal affairs investigation regarding the conduct of Pape and Rodgers.

Sincerely,



David B. Shoar
Sheriff

cc: Honorable State Attorney Larizza
Honorable State Attorney King
Mr. William Gladson, P.A.
Mr. Robert McLeod, P.A.
Predrag Bulic, M.D.
ASAC Toni Chrabot
Mr. Ed Birk, P.A.
Honorable Charles J. Tinlin