



Sheriff David B. Shoar

St. Johns County Sheriff's Office

**Review of
Michelle
O'Connell's
Death
Investigation**

EXECUTIVE SUMMARY

Important Dates & Times

September 2, 2010 - Death of Michelle O'Connell. 911 call at 11:20 p.m., arrival of law enforcement 11:25 p.m.

January 18, 2011- Requested FDLE to conduct an independent review of this case.

February 2011 (specific date unknown)- FDLE began their review in conjunction with staff from the State Attorney's Office of the 7th Judicial Circuit.

December 6, 2011- Special Prosecutor (Brad King, State Attorney of the 5th Judicial Circuit) was assigned case by the Governor.

March 12, 2012- Special Prosecutor King closed the case.

February 7, 2013- I ordered this comprehensive review to be conducted by the St. Johns County Sheriff's Office.

Members of the St. Johns County Sheriff's Office (SJSO) responded on September 2, 2010 to a scene where it was reported that a woman had shot herself. The victim (Michelle O'Connell) was the girlfriend of Jeremy Banks, a Deputy Sheriff with SJSO. At the time of her death the victim's brother was also a Deputy Sheriff at SJSO and her mother was a file clerk at SJSO. SJSO initially responded to the scene to conduct an investigation. Upon arrival the deputies assessed the victim and because she was still alive began lifesaving efforts until medical personnel arrived. During SJSO's initial response the scene was secured, evidence was collected and fortunately several photographs were taken of the deceased before she was moved by medical personnel. Upon their arrival, medical personnel detected a heart rate of forty-two heart beats per minute so they continued lifesaving measures until declaring the victim deceased at 11:48 pm.

SJSO's investigation revealed that the death was the result of a suicide. Two days after her death, a Medical Examiner ruled her death a suicide. A few months after the death, I contacted the Florida Department of Law Enforcement (FDLE) to ask that they review the case. I contacted FDLE because of the family relationships involved and the family's belief that the victim's death was the result of a homicide. I also asked for the review because even though our findings were the same as the Medical Examiner, it was my belief that we did not do a thorough enough investigation.

On March 12, 2012, the case was closed by a Special Prosecutor (Mr. Brad King) who had been appointed by the Governor of the State of Florida to examine the case. The Special Prosecutors' findings were the same as SJSO's and all the Medical Examiners; the death was the result of a suicide.

The victim's death has always been determined to be a suicide. Ultimately, three separate Medical Examiners reviewed this case and all made the determination that it was the result of suicide.

On February 7, 2013 almost a year after the case was closed by the Special Prosecutor, I learned an investigative reporter from the New York Times had made public records requests concerning this case. I also learned that the reporter had actually been to St. Augustine several times to investigate. During the next few weeks I learned that the reporter had also met with an FDLE agent. In a meeting with the reporter an FDLE agent advised my General Counsel that the reporter, "agreed with FDLE's assessment of the physical injuries to the decedent's face in that they were not self-inflicted." During this same timeframe I discovered information that FDLE was very possibly still talking to the family of the deceased and were very possibly advising them with regards to the family taking civil action against SJSO.

In February 2013, even though the case was closed, I directed SJSO staff to conduct a thorough review of this case for the purposes of:

- Reviewing all the reports and evidence to confirm if any evidence exists that would indicate in any way that the death was the result of a homicide.
- Review and critique all actions and reports (including any statements) by SJSO relating to this case.
- Review and critique all actions and reports (including any statements) by FDLE relating to this case.

This report is divided into five (5) sections:

- **Background** (facts and circumstances that I am aware of involving the evolution of this case.)
- **Summary of Facts and Evidence Supporting the Official Finding of Suicide.**
- **Analysis and Critique of SJSO's Involvement in this Case.**
- **Analysis and Critique of FDLE's Involvement in this Case (including findings by Jerry Findley).**
- **Conclusion.**

After this thorough review and analysis, I believe there is a compelling basis that:

- Nine days after he began his review, FDLE Agent Rusty Rodgers began addressing this case verbally and in documents as a "homicide."
- Agent Rodgers had inappropriate relationships with members of the family and friends of Michelle who believe that she was the victim of homicide. They were on a first name basis and some would not even talk with law enforcement (Investigators from the SAO 7th) until they checked with, "Rusty" first. Rodgers met dozens of times with these

individuals to the point where he became their advocate and enabler, not an investigator conducting an objective review/investigation.

- Because of these relationships and the sharing of information and evidence with the family as he (Rodgers) perceived it, the family was devastated when they learned that the findings by the Special Prosecutor were that Michelle was the victim of suicide. This caused Michelle's brother to have an outburst that along with some other misconduct resulted in his termination from SJSO.
- Agent Rodgers presented and used false and misleading information to the courts to obtain search warrants.
- Agent Rodgers coached witnesses before, during and after their "on the record" interviews sharing his theories and his perception of what he believed the evidence demonstrated.
- Agent Rodgers on several occasions withheld vital information and advanced false information to many people associated with this case.
- Agent Rodgers presented false and misleading information to medical authorities in his quest to have the official findings changed from suicide to homicide.
- Agent Rodgers unlawfully arrested Deputy Banks and unlawfully seized property from him.
- Agent Rodgers minimized or ignored exculpatory evidence (including witnesses).
- Agent Rodgers maximized or manufactured what he thought was inculpatory evidence (including witnesses).
- Agent Rodgers unduly influenced or attempted to influence experts in this case. Because of Agent Rodgers' conduct, the Findley report is meaningless and wrong. It is apparent that Findley did not view all of the evidence. If what Rodgers shared with Findley is similar to what he presented to Dr. Hobin in his PowerPoint presentation, it is understandable how Findley arrived at his findings.
- Because of Agent Rodgers' interviews and "off the record" conversations where in both cases he advanced his theory of "homicide" and his perception of evidence supporting it, he convinced some of Banks' co-workers and others that this case was a "homicide" and Banks was the perpetrator.

It is important to note that the only items utilized for this analysis were reports (including witness interviews) generated by SJSO or FDLE. Only four individuals involved in this case were contacted by SJSO during this review and they were only contacted for clarification (Dr. Bulic, Medical Examiner, Angie Hosford, SJSO Evidence Supervisor, SAO 7th Assistant Chief Investigator Robert Hardwick and Paul Clark, former SJSO Deputy).

Finally, this document is voluminous and the reader should read it very carefully because many important points are found throughout the entire document.

BACKGROUND

*** Photographs have not been included in this public document. All photographs (except autopsy photos) are public records and will be released upon request.**

**** This section is not directly related to the case analysis and review in subsequent sections. This is background information that I became aware of during the evolution of this case and it will provide context for subsequent sections of this report.**

It has always been my practice not to discuss or critique the actions and/or conduct of another law enforcement agency. I am departing from this practice in regards to FDLE's involvement in this case (specifically SAC Dominic Pape and Agent Rusty Rodgers) and my reasons for doing so will become evident throughout this narrative.

It is important to note that despite the involvement of FDLE, the State Attorney's Office of the 5th and 7th Judicial Circuit, the ultimate responsibility for the provision of law enforcement services, including this case, is mine as the elected Sheriff of St. Johns County. In the final analysis, I alone am solely accountable and responsible for the conduct and outcome of this case.

I will attempt to avoid conjecture, speculation and personal opinion throughout this narrative; there will be some occasions where this cannot be avoided.

On September 2, 2010 members of SJSO responded to 4700 Sherlock Place in reference to a 911 call from SJSO Deputy Jeremy Banks who advised that his girlfriend Michelle O'Connell had just shot herself in the mouth with his duty weapon, Deputy Banks was off duty at the time of the incident. Soon after law enforcement/paramedic's initial response it was determined that Ms. O'Connell was deceased and an investigation of the incident began. It is important to note that Ms. O'Connell was still alive when SJSO and paramedics arrived on scene; paramedics detected a pulse of 42 beats per minute causing them to begin lifesaving efforts. Within two days of the incident, Dr. Hobin (Medical Examiner) made the official determination that the death was the result of a self-inflicted gunshot wound and her manner of death was suicide. In the weeks following our initial response members of the victim's family voiced their belief to many people that they believed that the death was the result of a homicide, not the result of a suicide as determined by the initial investigators and Dr. Hobin. Additionally, it should be noted that at the time of the incident, the victim's mother (Patti O'Connell) was employed by

SJSO as a clerk and her brother Scott O'Connell was employed by SJSO as a sworn patrol deputy. Several weeks after our initial response and subsequent investigation I decided to request that FDLE review the case.

Sometime after FDLE began investigating this case, Dr. Hobin changed his initial finding from "suicide" to "homicide-death by another." Dr. Hobin did not change his finding on the official death certificate. I requested FDLE's review for the following reasons:

- Because of the family relationships involved in this case.
- The opinion of some family members that Ms. O'Connell's death was the result of a homicide, not a suicide.
- After reviewing the results of our initial response and subsequent investigation I had some questions concerning the case.

FDLE, under the supervision of Special-Agent-in-Charge (SAC) Dominic Pape began their review of the case. SAC Pape assigned the case to a subordinate, Agent Rusty Rodgers, a retired law enforcement officer who spent his career with the Jacksonville Sheriff's Office (JSO); his specialty during his career at JSO was "vice" investigations. For the next several months FDLE investigated this case in conjunction with staff from the State Attorney's Office of the 7th Judicial Circuit (SAO 7th). The principal staff involved in this case from the SAO 7th was Assistant State Attorney Mark Johnson, Chief of Investigations Noel Griffin, Assistant Chief of Investigations Rob Hardwick and State Attorney Investigator Jim Parker (retired Homicide Sergeant from JSO).

SJSO Undersheriff Joel Bolante had several contacts with Agent Rodgers during the early part of Agent Roger's investigation. Some of these contacts were concerning to Undersheriff Bolante and others in regards to Agent Roger's objectivity and investigative abilities. Very early on in his investigation, Agent Roger's told the Undersheriff that there was no way the event could have occurred as Deputy Banks had stated. Roger's logic for his belief at the time was that if Ms. O'Connell had placed the gun in her mouth using her weak hand, her wrist would have been "limp" and when firing a firearm like the one used, a "limp" wrist would have resulted in the gun "stove piping" or rather getting jammed. Undersheriff Bolante told Agent Rodgers that

the gun jamming would not necessarily occur "every time", maybe two or three times out of a hundred.

In a subsequent meeting with Undersheriff Bolante, Agent Rodgers advised the Undersheriff that it would be a lot "easier" if Deputy Banks was not working while he (Rodgers) conducted his investigation. Agent Rodgers advised Bolante that when he worked at JSO they would often send people home after allegations of serious misconduct or criminal activity had been made against an officer until the investigation had been completed. Bolante advised him that we do so as well on a case-by-case basis, especially if the information or evidence regarding the allegations was compelling.

Not long after this meeting, Agent Rodgers contacted Undersheriff Bolante and advised him that "high velocity blood spatter" had been identified on the inside of the shirt that Deputy Banks was wearing on the night of the incident. Undersheriff Bolante understood the significance of this statement and based on this information he relieved Deputy Banks of duty placing him on "administrative" (leave with pay) until the resolution of the case. Additionally, Undersheriff Bolante ordered Deputy Banks to not take any law enforcement actions while he was on "administrative" leave. Deputy Banks remained on "administrative" leave for 13 months.

The information Rodgers provided to Undersheriff Bolante about the presence of "high velocity blood spatter" on Bank's shirt was false. A couple of weeks after this conversation Undersheriff Bolante participated in a roundtable discussion regarding the case with members of the SAO 7th and Agent Rodgers. When Undersheriff Bolante mentioned the "high velocity blood spatter", Agent Rodgers claimed that Bolante misunderstood him. Interestingly, at one point during the case, Agent Rodgers asked SJSO's evidence supervisor, "what would you say if I told you there was high velocity blood spatter on Banks' shirt"? Rodgers also used the term "high velocity blood spatter" in a PowerPoint presentation to Medical Examiner Hobin. One paid expert characterized this as simply a blood stain on the inside of Banks' shirt and was unable to characterize it in any other way. Medical Examiner Bulic who was consulted in the case stated that because a shirt is "porous" there is no way to determine if the stain was inside or outside the shirt and that it was not "high velocity blood spatter." No "high velocity blood spatter" has ever been identified by medical experts. I decided to keep Banks on administrative

leave because we kept hearing that Rodgers was talking about "high velocity blood spatter" even after he informed Undersheriff Bolante that he (Bolante) was mistaken.

We continued hearing concerns about Agent Rodger's conduct in this case. More specifically we were told by investigators at the SAO 7th that several investigators including Agent Rodgers would sit around a table and discuss the case including conducting upcoming witness interviews. These same individuals conveyed that after discussing upcoming witness interviews, Agent Rodgers would leave the room and contact the witnesses and advise them that they would soon be contacted by investigators from the SAO 7th. We do not know what else he may have told them. More specifically, Assistant Chief of Investigations for the SAO 7th, Rob Hardwick, advised of an incident that clearly indicated problems with this case involving Agent Rodgers. Chief Hardwick called two females who were located by Ms. O'Connell's best friend who now (several months after incident) claimed that they heard a woman scream for help coming from the residence where Ms. O'Connell lived on the night of her death. When Chief Hardwick called these women, they stated that they would not talk to him until they checked with "Rusty" first, it was surmised of course that they were referring to Agent Rodgers. Another example was shortly after Investigator Hardwick conducted an interview of one of the responding deputies, the deputy called Hardwick back soon after the interview and stated that she had some more information. The deputy advised Hardwick that the night of the incident, Banks smelled like, a "fresh shower." When Hardwick asked what was meant by a "fresh shower" the deputy advised that at the scene, Banks smelled like he had just taken a "fresh shower." Shortly after this call, Agent Rodgers called Hardwick and asked if the deputy he (Hardwick) had just interviewed had called him back. Chief Hardwick stated she had called and he (Hardwick) surmised that the deputy he had interviewed had spoken with Agent Rodgers after the interview and that conversation resulted in the deputy calling back to offer new information about a "fresh shower."

On more than one occasion during the time when Agent Rodgers was working the case in conjunction with the SAO 7th, Undersheriff Bolante contacted SAC Pape and voiced his concerns about Agent Rodgers' conduct and what appeared to be his preordained conclusion that Deputy Banks killed Ms. O'Connell. Initially, SAC Pape shared some of Bolante's concerns.

After FDLE received a report from one paid expert that called into question Deputy Bank's version of events, SAC Pape no longer shared Bolante's concerns.

Several months after FDLE and the SAO 7th began an independent investigation of the case, the State Attorney of the 7th Judicial Circuit, Mr. R.J. Larizza asked the Governor of Florida to reassign the case to a "special" prosecutor.

We were told by many members of the SAO 7th staff that a meeting occurred where Mr. Larizza advised SAC Pape that he had requested that the Governor reassign the case. SAC Pape became rude and disrespectful towards Mr. Larizza and his staff.

On December 6, 2011 the Governor of Florida assigned this case to the State Attorney for the 5th Judicial Circuit (SAO 5th), Mr. Brad King. Attorney Bill Gladson and Investigator John Tilley, two of Mr. King's subordinates were tasked with examining this case and to report their findings.

On March 12, 2012 the SAO 5th published their findings in a five page memorandum after reviewing information/evidence that had already been collected and after consulting with medical experts. Their findings were congruent with SJSO's initial finding of suicide and with Dr. Hobin's findings of suicide. In the last part of the SAO 5th's memorandum it makes clear that the points put forth by FDLE that were offered as evidence, were speculation that had very reasonable and prudent explanations that did not show culpability or guilt on the part of Deputy Banks. In truth, one could read between the lines of this memorandum and discern that the SAO 5th staff was critical of the investigation conducted by FDLE.

On March 15, 2012 Mr. King and members of his staff travelled to St. Augustine to meet with the victim's family and share with them their investigative findings. During this meeting the brother of the victim (Deputy Scott O'Connell) had an outburst in which he made threatening comments towards Mr. King and Mr. King's daughter.

Immediately after the meeting with Mr. King and the decedent's family, we repeatedly attempted to contact Deputy O'Connell but he did not answer his phone. However, Undersheriff Bolante did receive a call from Agent Rodgers who stated that Deputy O'Connell had just called him and according to Rodgers, "O'Connell was very visibly and verbally upset and he said they weren't going to do anything and they weren't going to file a case. He seemed to be crying based

on his voice inflection. He said he had all he could take and he was going to blow the Sheriff's Office up and didn't specifically name who he was going to go after." Rodgers further stated, "I cautioned him not to say anything like that especially to me because I had a duty and responsibility to report it. He interrupted me and said, "you know what, I got plenty of extra magazines is all I can tell ya.'" Rodgers stated he terminated the call with Deputy O'Connell and after his initial call to Undersheriff Bolante he tried to contact Bolante again by phone but was unsuccessful, he did make contact with Director Art May (SJSO). Rodgers briefed May on his phone conversation with O'Connell and he advised May that he (Agent Rodgers) was on his way to SJSO. Rodgers arrived at SJSO where he met with Director May and Undersheriff Bolante. Rodgers cautioned Bolante that we might want to be careful because we may have an, "active shooter" on our hands. Interestingly, while Agent Rodgers was in the office with Bolante and May, we continued to try to contact Deputy O'Connell on the telephone but were unsuccessful. Agent Rodgers stated that O'Connell would probably answer his call so Agent Rodgers called O'Connell and O'Connell immediately answered the telephone. Agent Rodgers told O'Connell that we (SJSO) were trying to contact him, and at one point, those in the room heard O'Connell tell Rodgers, "I don't trust the motherfuckers." The phone call was soon terminated and approximately an hour later Director May was able to make contact with O'Connell and take appropriate action. An internal investigation was conducted and Deputy O'Connell was found to have violated multiple SJSO policies. Deputy O'Connell was eventually terminated for this and other misconduct.

On April 4, 2012 I received information that on March 28, 2012, SAC Pape took the unprecedented step of having a letter "hand delivered" to State Attorney King at Mr. King's office. The substance of the letter was that SAC Pape was requesting that Mr. King invoke an esoteric law on the books where he (King) would hold an "inquest" that would examine this case and the proceedings would be presided over by a County Judge and the public would have an opportunity to participate. In a subsequent conversation I asked SAC Pape if he had ever employed this law before or if he was aware of it ever being used, his answer was, "No."

The day that I learned about the "hand delivered" letter I also was advised that two members of Mr. King's executive staff (Gladson and Tilley) were on their way to Jacksonville to meet with SAC Pape and his staff to discuss the letter.

On April 5th 2012 I spoke with members of Mr. King's staff about their meeting the previous day with SAC Pape. They indicated that the meeting did not go well. They advised that during the meeting SAC Pape actually made a "stunning" suggestion to the prosecutor. I spoke with an executive member of Mr. King's staff and he stated it was his office's opinion that the Commissioner of FDLE was going to have to be approached and briefed on this case. I readily concurred in their assessment. State Attorney R.J. Larizza of the SAO 7th was to accompany myself and Mr. King to Tallahassee to meet with the Commissioner of FDLE.

Within days of their conversation with SAC Pape about the "hand delivered" letter, Attorney Gladson and Agent Tilley (SAO 5th) came to SJSO and had an in depth conversation with myself and some of our staff concerning the case and our upcoming meeting with the Commissioner of FDLE. During this meeting they conveyed their concerns that were very similar to ours, that Agent Rodgers conducted an inadequate investigation and acted recklessly under the supervision of SAC Pape. Gladson and Tilley described one meeting at the SAO 5th. Rodgers was asked how many times he was the case agent/detective on a homicide case, his response was "never." They also advised that when they met with Findley (expert witness) they asked him if he had ever considered that Ms. O'Connell had the weapon upside down in her mouth when she fired it (this was the opinion of the medical experts and this clearly explained a wound above the decedent's right eye that corresponded with the tactical light on the weapon). Mr. Findley stated he had not considered it. In fact, just prior to this discussion, Findley was in a courthouse regarding another case and Gladson and Tilley heard him making local hotel arrangements with the court's witness coordinator. Shortly after he made these arrangements, Findley had the discussion with Gladson and Tilley. Immediately after he responded that he had not considered the weapon being upside down, he got very "nervous", and excused himself from the meeting. His reason for ending the meeting abruptly was that he had to "get on the road and head to Atlanta." The fact that Mr. Findley did not consider this was documented in the report published by the SAO 5th on March 12, 2012. Interestingly, in the letter that SAC Pape had "hand delivered" to State Attorney King, he (Pape) stated that Mr. Findley had considered this. Additionally, Attorney Gladson suggested I listen to the interviews conducted by Agent Rodgers. Gladson stated they were atrocious and so lacking that he (Gladson) could not finish listening to them and instead just read the transcripts. He characterized them as Rodgers doing most of the talking (primarily about himself) and then he would ask the witness a few leading questions.

I also learned of an incident that occurred when Agent Rodgers was interviewing Deputy Banks with Banks' attorney (Mr. McLeod) and attorney Mark Johnson (SAO 7th) present. This conversation was videotaped. Toward the end of the interview, Rodgers asks Banks if he recalls the seven (7) pieces of evidence that Rodgers wanted to show him and go over with him (Banks) during their last interview but didn't get a chance to (interview where Banks invoked his right to counsel). Banks acknowledges this and then Rodgers tells him that he would still like to do this but not with his lawyer present and that if Banks wanted to come see him outside the presence of his lawyer he would go over the evidence with him and that they could talk. At this point Banks' attorney McLeod interjects and asks why is it that Rodgers acknowledges that Banks is represented by counsel yet he is inviting Banks to talk to him and show Banks physical evidence but only if it is done without the benefit of having his lawyer present. Rodgers responds by telling McLeod that he [McLeod] will have an opportunity to view the evidence during the discovery process of the case. McLeod then advises attorney Johnson that he has already voiced concerns about this type of behavior from Agent Rodgers. McLeod had previously sent an official letter of complaint to FDLE about Agent Rodgers' conduct. Mr. Johnson then makes it clear to Agent Rodgers that Deputy Banks is represented by counsel and that no communication will occur with Deputy Banks outside of the presence of his attorney. The interview was then terminated.

I also learned that at one point over the course of this case Assistant Chief Investigator Hardwick was contacted on the telephone by a female Agent from the Executive Investigations Division of FDLE and they had a brief conversation about this case. Hardwick was never contacted by her again.

I learned from the SAO 5th that when they attempted to bring the problems associated with Agent Rodgers' investigation to SAC Pape, he replied, "I don't give a shit about Agent Rodgers' investigation and findings. I have to be personally convinced." Again the participants were stunned by this comment. At one point during the case, Agent Rodgers made the statement to a member of the SAO 5th that he had heard that Sheriff Shoar was going to "fire" the decedent's mother, Patti O'Connell and that he thought it would be unwise and would not be smart "politically." The member of the SAO 5th told Rodgers that it was none of his concern. Patti O'Connell was never fired from SJSO.

On April 5, 2012, Director Art May sent a memorandum to Undersheriff Bolante. The purpose of the memorandum was to convey the substance of a meeting that Director May had with Deputy Scott O'Connell on March 27, 2012 after O'Connell was advised that charges against him had been "sustained" in relation to an internal investigation. Director May stated O'Connell initiated the meeting and May characterized the meeting in his memorandum as Deputy O'Connell "venting." During the conversation Deputy O'Connell stated that the reason he became so upset when the findings were read by the State Attorney's Office of the 5th Judicial Circuit was that he felt certain that this case would be found to be a murder. Deputy O'Connell advised that he felt this way because over the course of about a year he had become friends with the lead investigator on the case, Agent Rusty Rodgers and that they were on a "first name basis." O'Connell went on to say that he had numerous conversations with Agent Rodgers where he and Agent Rodgers discussed the investigation in detail leading him to the only conclusion of this being a homicide committed by Deputy Banks.

The substance of the memorandum from Director May confirmed for many what had been suspected for quite some time, that Agent Rodgers had an improper relationship with the O'Connell family. Upon receiving this memorandum, I directed Undersheriff Bolante and General Counsel Matt Cline to interview Deputy O'Connell again to confirm that his outburst with the SAO 5th was caused by Agent Rodgers telling the family that this was indeed a homicide. In the meeting, Deputy O'Connell attempted to minimize what he had reported to Director May. Interestingly, during this interview Deputy O'Connell did state that Rodgers shared lab results with O'Connell by stating that, "the FDLE lab did find blood on the interior of Banks' shirt." He went on to state that he did meet with Agent Rodgers a "couple" of times a month. O'Connell also stated that he believed that Agent Rodgers "may have had some communication with his mother, Patti O'Connell." Finally, O'Connell stated that while Rodgers never advised him that Banks murdered the decedent, he believed that it was implied because of the findings of blood supposedly found inside Banks' shirt and because additional evidence was being sent to the lab and by comments from Agent Rodgers that things were going "well."

On April 5, 2012, I contacted Commissioner Bailey on behalf of myself, State Attorney Brad King and State Attorney R.J. Larizza. A meeting was scheduled with Commissioner Bailey for April 12, 2012.

I felt that before travelling to meet with Commissioner Bailey about the conduct of SAC Pape and Agent Rodgers it was only fair to meet with SAC Pape to advise him about the upcoming meeting with Commissioner Bailey. SAC Pape came to my office and I shared with him some items that I would be referring to in our upcoming meeting with Commissioner Bailey. SAC Pape became emotional and advised that this meeting would have a serious negative impact on his career. When I first spoke about Agent Rodgers' conduct, Pape would reply, "Hey, that's between him (Rodgers) and EI (FDLE's Executive Investigations Unit)." I had to correct him more than once that it was not between Rodgers and FDLE's "executive investigations" section, as Rodgers' supervisor it was between him and his subordinate, Agent Rodgers. As the discussion continued I began to feel that SAC Pape was beginning to understand the problem with his approach to this case and Agent Rodgers' conduct. I suggested he owed Mr. King (SAO 5th) an apology and SAC Pape agreed and assured me he would apologize. I also suggested that he examine the conduct of Agent Rodgers and more specifically to review some of the interviews that I was advised were so lacking; Pape acknowledged he would. During a subsequent phone conversation I had with SAC Pape on March 2, 2013 I advised him that I was told he had never apologized to Mr. King, his response to me was, "I tried." I do not know if SAC Pape ever reviewed the interviews or any other facets of Agent Rodgers' conduct in this case.

After my meeting with SAC Pape, I contacted State Attorney's Larizza and King and advised them that the issues had been addressed and that I had what I felt was a productive conversation with SAC Pape and that we should consider cancelling our visit with Commissioner Bailey. Staff from Mr. King's office were a bit reluctant to cancel this meeting but I assured them that SAC Pape understood the ramifications involving this case and that SAC Pape intended to reach out to both State Attorneys and apologize.

On February 7, 2013 a public records request was filed by an investigative reporter from the New York Times concerning the O'Connell case. Within the next couple of weeks the reporter actually came by SJSO and met with our Public Information Officer, Commander Chuck Mulligan. During this meeting it was learned that the reporter was in fact an investigative reporter from the New York Times and his credentials and background were impeccable. It was also learned that he had extensive knowledge of this case and had been to St. Augustine on more

than one occasion investigating it. Immediately after I learned that an investigative reporter from the New York Times was reviewing this case (around February 7, 2013) I called three individuals to let them know of the reporters interest so they would not be caught off guard when and if they were contacted by him, I called SAC Pape, State Attorney Larizza and State Attorney King.

I soon met with members of my executive staff to begin this review and one of the questions that came up was the status of the evidence that we collected in the case that FDLE had taken possession of. It was learned that FDLE still retained possession of the evidence and our evidence supervisor advised that this was unprecedented because FDLE always returned our evidence once the case in question had been closed. The O'Connell case had been closed by Mr. King's office a year earlier on March 12, 2012. I directed General Counsel Cline (SJSO) to contact FDLE about the status of our evidence. Mr. Cline reported to me that he spoke with Agent Mark Brutnell on the telephone and the agent's reply was that they were still holding the evidence in the event that a civil suit was filed by the O'Connell family. We of course realized that this reason was specious because until recently FDLE had always investigated our officer involved shootings and have always returned our evidence. Civil suits are always anticipated in those types of cases. A couple of days later I saw SAC Pape at a meeting and asked him about the evidence. SAC Pape appeared flustered and finally said that they needed to get official notification from Mr. King's office that the case was closed and the "executive" order was closed out. A couple of days later I had General Counsel Cline again contact Agent Brutnell about the evidence. The reason Brutnell provided in this conversation had changed and was now the same that SAC Pape provided me a couple of days earlier. After ending this conversation we contacted the SAO 5th and they advised that no one from FDLE contacted them and that the case was closed a year ago. Within five (5) minutes they forwarded a copy to us of the letter closing the case back in March 2012. They also advised that they had provided FDLE with a copy of this letter a year ago when the SAO 5th met with the O'Connell family. I immediately called SAC Pape and asked him if he had yet contacted the SAO 5th about the document closing the case and he said he had not done so. I advised him that we called Mr. King's office and within five minutes of our call we had a copy of the letter closing the case. I told Pape that the SAO 5th advised me that they furnished this letter to FDLE a year earlier when they met with the victim's family. I advised SAC Pape that I expected the evidence back immediately.

On February 19, 2013 Agent Brutnell met with our evidence section and returned the evidence. He stopped by General Counsel Matt Cline's office and they had a conversation. During the conversation, Agent Brutnell revealed that he met and spoke with the reporter from the New York Times about two and a half to three weeks earlier and they had a thirty to forty minute conversation about the O'Connell case. Agent Brutnell advised that for the most part he played "defense" with the reporter but interestingly he did state that the reporter "agreed with FDLE's assessment of the physical injuries to the decedent's face in that they were not self-inflicted." Incredibly, two days after Agent Brutnell returned the evidence to SJSO he forwarded two e-mails to Mr. Cline that FDLE had just received from the decedent's sister. The first e-mail stated that the family wanted to put everyone on notice because they intended file a "notice of claim" and the second e-mail demanded that FDLE retain possession of all evidence related to this case. SJSO has never received the e-mails that FDLE received directly from the decedent's sister; we were only forwarded the e-mails that FDLE received.

On March 2, 2013, I learned of the substance of Agent Brutnell's conversation with Mr. Cline. I immediately called SAC Pape and advised him that we had heard that one of his agents spoke at length with the reporter from the New York Times. SAC Pape's response was that what we heard was accurate and that Agent Brutnell had spoken with the reporter a few weeks earlier. I asked SAC Pape why he did not call me to let me know about the meeting and his reply was, "I didn't think it was a big deal." I of course chastised him for thinking it was, "no big deal." I then advised SAC Pape that what made this even more egregious was that a few weeks earlier I called him to let him know as soon as I became aware of the reporter's inquiries and even though his Agent had already spoken to the reporter he never shared this with me. I soon terminated the conversation and I have not spoken with SAC Pape since. Interestingly, approximately four to five years ago our agency conducted an internal investigation regarding an incident that occurred between several deputies and citizens; this case was often referred to by law enforcement officers involved as the "Ford Street" incident. One of the primary deputies involved in the "Ford Street" incident had a role in the O'Connell case. During our internal investigation of the "Ford Street" incident, Agent Rodgers assisted and worked with SJSO personnel in reviewing the case. Interestingly, when the New York Times reporter arrived at SJSO and met with our Public Information Officer, inexplicably, he asked for a copy of the internal affairs document related to the "Ford Street" incident.

In early February 2013 I directed some of SJSO's investigators to review this case and critique the investigation conducted by SJSO and its employees and to critique the investigation conducted by FDLE and its employees. The following pages are the result of their exhaustive review:

SUMMARY OF FACTS AND EVIDENCE SUPPORTING THE OFFICIAL FINDING OF SUICIDE

On **02 September 2010**, at approximately 2320 hours, the St. Johns County Sheriff's Office received a 911 call from a distraught, male subject at 4700 Sherlock Place. The subject identified himself as Deputy Jeremy Banks, and stated his girlfriend; Michelle O'Connell just shot herself with his duty weapon. J. Banks was crying and frantically requested help and remained with M. O'Connell until deputies arrived. Once on scene at approximately 2325 hours, deputies discovered J. Banks and M. O'Connell in the master bedroom of the residence. M. O'Connell was unresponsive and appeared to have sustained an intra-oral gunshot wound as she was bleeding from the mouth and head. J. Banks, who was holding M. O'Connell's hand, was removed from the immediate area (toward the adjoining master bathroom) and deputies began to assess M. O'Connell. Upon the initial assessment, deputies discovered a radial pulse on M. O'Connell's left wrist.

In viewing the area surrounding M. O'Connell, J. Banks' gun belt was on the floor next to her body, and the firearm was resting on the gun belt, pointing upward with the tactical light in the "on" position. It is important to note that M. O'Connell's left arm was resting on the duty belt and her left hand was approximately four inches from the firearm. There was also a cordless phone located in the area where J. Banks was initially observed when deputies arrived. During this time, Sgt. Scott Beaver ordered Deputy Jonathon Hawley to retrieve his camera and photograph the scene. Deputy Hawley retrieved his camera and captured eight digital photographs of the scene in its original condition before the scene was altered by paramedics.

Moments later, paramedics arrived on scene, assessed M. O'Connell and moved her from her initial position in an effort to initiate life saving measures. During this time, the firearm was moved from the area of M. O'Connell's body and J. Banks was removed from the residence. Paramedics continued lifesaving efforts for several minutes until 2348 hours when M. O'Connell was pronounced deceased. The scene was secured and Robbery/Homicide Detectives were summoned to the scene to initiate an investigation.

As part of the initial investigation, Crime Scene Technicians processed the residence and documented the following; they entered the residence and discovered M. O'Connell's purse on the kitchen counter. The open purse contained two empty prescription pill bottles, which were labeled as belonging to J. Banks. As Crime Scene Technicians proceeded through the residence they discovered the master bedroom door standing open. The door had an apparent defect to it consistent with someone forcing it open. They discovered the lock on the door leading to the master bedroom was in the locked position.

As Crime Scene Technicians entered the master bedroom it was apparent the body of M. O'Connell was moved, along with the firearm that was used. It was determined the firearm was moved for safety reasons by Corporal M. Shand to its final location in the master bathroom. In

the immediate area of M. O'Connell, J. Banks' duty gun belt was located on the floor to M. O'Connell's left. It is important to note that the retention hood of the holster was in the secured position. Additionally, a defect was observed in the carpet to the right of M. O'Connell's torso. Upon closer inspection, bullet fragments were located and appeared to be consistent with the firearm discharging into the carpet. Two shell casings were also located to the left of the decedent's body. These shell casings were determined to be .45 caliber Speer Gold Dot (SJSO duty ammunition).

Crime Scene Technicians also located a cordless telephone to the right of the decedent which was in close proximity to where J. Banks was observed when deputies arrived. J. Banks was observed kneeling next to the decedent holding her right hand as he spoke to 911 call takers. Crime Scene Technicians also located the firearm in the master bathroom counter which was placed there by Corporal Shand as previously mentioned. The firearm was collected and determined to have the hammer in the cocked position and the tactical light in the "on" position. The magazine contained 9 live rounds of ammunition with one live round in the chamber.

A search of M. O'Connell's clothing revealed a T-Mobile cell phone located in her left front jeans pocket and approximately 50 ½ prescription pills in her right front jeans pocket. The medication consisted of 25 ½ white pills with markings of M358 and 25 orange pills with markings of PLIVA 563. This prescription medication was consistent with the pill bottles previously located in the decedent's purse in the kitchen. Furthermore, a gunshot residue kit was conducted on both of M. O'Connell's hands prior to the removal of her body.

Detective Hines met with J. Banks and conducted an interview with him the night of the incident. J. Banks provided the following statement in summary; J. Banks stated on the night in question, he and M. O'Connell attended a concert at the St. Augustine Amphitheater (Paramour Concert). Attending the concert with J. Banks and M. O'Connell were several family members of M. O'Connell; as well as two friends (Andrew Garris and Crystal Cercado). After the concert, M. O'Connell and J. Banks walked to their vehicle located at the Surf Station and from there they drove to J. Banks' residence. According to J. Banks, M. O'Connell and he discussed breaking up and ending their relationship during the ride home from the concert. J. Banks explained a short time later, he and M. O'Connell arrived at his residence, followed shortly thereafter by A. Garris and C. Cercado.

While at the residence, J. Banks stated M. O'Connell began packing her belongings to leave the residence. J. Banks stated he requested A. Garris and C. Cercado wait at the residence while M. O'Connell packed her belongings. A short time later, J. Banks stated M. O'Connell told him to tell A. Garris and C. Cercado to leave the residence. J. Banks stated he went outside and told A. Garris and C. Cercado they could leave. A. Garris and C. Cercado left and returned to their residence. J. Banks stated on several occasions he went into the house and attempted to speak with M. O'Connell while she was packing her belongings. J. Banks stated M. O'Connell indicated she needed her space, so he returned to the garage area and sat on his motorcycle.

J. Banks stated while sitting on his motorcycle in the garage he heard a “pop,” which he immediately recognized as a gunshot. J. Banks stated he then ran into the residence and heard another gunshot. J. Banks stated he grabbed the home telephone and kicked open the bedroom door, which he initially discovered locked. J. Banks stated after forcing the door open, he located M. O’Connell lying on the floor with an apparent gunshot wound to her head. J. Banks advised he immediately called 911, remained on the line and at M. O’Connell’s side until deputies arrived.

On **4 September 2010**, the autopsy of Michelle M. O’Connell was conducted by Doctor Hobin. He concluded that M. O’Connell died of an apparent self-inflicted, intra-oral gunshot wound. Doctor Hobin’s examination revealed “splitting skin” injuries on both corners of the decedent’s mouth. Doctor Hobin determined that the anatomic pathway of the projectile was front to back. The projectile produced an “inshoot” defect to the anterior of the tongue and an “outshoot” defect of the dorsal surface of the posterior tongue. Furthermore, Doctor Hobin noted there were no injuries to M. O’Connell’s hands, nor were there any indications of M. O’Connell being recently battered. Doctor Hobin ruled the death a Suicide. A complete drug screen was also conducted and revealed that M. O’Connell had a blood alcohol content (BAC) of 0.086 and was clear of any other narcotics.

On **18 January 2011**, the investigation of Michelle M. O’Connell’s death was turned over to the Florida Department of Law Enforcement for review. Special Agent Rusty Rodgers was assigned as the case agent. Since this assignment, several items of evidence were submitted to the FDLE laboratory for forensic analysis. Special Agent Rodgers also conducted several interviews related to this case.

Michelle O'Connell's Behavior and State-of-Mind

After a comprehensive review of all the facts, testimony, and evidence as it relates to the death of Michelle M. O'Connell, the following establishes the conclusion of Suicide:

On 2 September 2010 (day of the incident), M. O'Connell sent several text messages from her cell phone to family members that demonstrated her state-of-mind. Below is an excerpt of messages, which seem to be related to the investigation and M. O'Connell's state-of-mind. It should be noted the time and date stamps on the cell phone download were depicted in Greenwich Mean Time (GMT) which is 4 hours ahead of Eastern Standard Time (EST).

Red depicts O'Connell's outgoing texts

Green depicts incoming texts from Chrissy O'Connell

98	+19044173014	* fox Mindy	09/03/10 00:14:39 (GMT)	Sent	Sent
Phone	Outgoing	I'm stressed out			actual time 08:14 pm
99	+19044173014	* fox Mindy	09/03/10 00:17:00 (GMT)	Unread	
Inbox	Phone Incoming	RE: I hav 2 work Friday		I'm going out cam you	
100	+19046690882	* Scott	09/03/10 00:38:08 (GMT)	Sent	
Sent	Phone Outgoing	Have fun and please be there. For the most important thing to be			actual time 08:38 pm
101	+19044449889	* Chrissy	09/03/10 00:46:00 (GMT)	Read	Inbox
Phone	Incoming	No she is fine i didnt get the ast texts u sent the google voice acct sorry shw ois good hpow is the show love u			
102	+19044449889	* Chrissy	09/03/10 00:52:11 (GMT)	Sent	
Sent	Phone Outgoing	Pr			actual time 08:52 pm
103	+19044449889	* Chrissy	09/03/10 00:52:35 (GMT)	Sent	
Sent	Phone Outgoing	Promise me			actual time 08:52 pm
104	+19044449889	* Chrissy	09/03/10 00:52:41 (GMT)	Sent	
Sent	Phone Outgoing	One th			actual time 08:52 pm
105	+19044449889	* Chrissy	09/03/10 00:53:00 (GMT)	Read	
Inbox	Phone Incoming	Huh pr			actual time 08:53 pm
106	+19044449889	* Chrissy	09/03/10 00:52:59 (GMT)	Sent	
Sent	Phone Outgoing	Thing			actual time 08:52 pm

LAW ENFORCEMENT SENSITIVE

107	+19044449889	* Chrissy	09/03/10 00:53:28 (GMT)	Sent	
Sent	Phone Outgoing	██████████ will be happy and always have a tood life			actual time 08:53 pm
108	+19044449889	* Chrissy	09/03/10 00:53:55 (GMT)	Sent	
Sent	Phone Outgoing	G			actual time 08:53 pm
109	+19044449889	* Chrissy	09/03/10 00:54:00 (GMT)	Read	
Inbox	Phone Incoming	Huh			actual time 08:54 pm
110	+19044449889	* Chrissy	09/03/10 00:54:37 (GMT)	Sent	
Sent	Phone Outgoing	Is she ok			actual time 08:54 pm
111	+19044449889	* Chrissy	09/03/10 00:59:00 (GMT)	Read	
Inbox	Phone Incoming	What promise u what			actual time 08:59 pm
112	+19044449889	* Chrissy	09/03/10 00:59:00 (GMT)	Read	
Inbox	Phone Incoming	Huh			actual time 08:59 pm
113	+19044449889	* Chrissy	09/03/10 01:00:00 (GMT)	Read	
Inbox	Phone Incoming	Huh promise0u what			actual time 09:00 pm
114	+19044449889	* Chrissy	09/03/10 01:00:46 (GMT)	Sent	
Sent	Phone Outgoing	That no matter what. ██████████ will always be safe and loved			actual time 09:00 pm
115	+19044173014	* fox Mindy	09/03/10 01:06:00 (GMT)	Unread	Inbox
Phone	Incoming	R u off can i call u			
116	+19044178392	* N/A	09/03/10 01:15:00 (GMT)	Read	Inbox Phone
Incoming		Huh r u ok			actual time 09:15 pm
117	+19046697111	* Banks Jeremy	09/03/10 01:28:47 (GMT)	Sent	
Sent	Phone Outgoing	Love you happy belated b day. Have the time of your life bc it only happens once you deserve it			
118	+19044449889	* Chrissy	09/03/10 01:32:00 (GMT)	Read	
Inbox	Phone Incoming	Mitch what do u mean			actual time 09:32 pm
119	+19044449889	* Chrissy	09/03/10 01:32:00 (GMT)	Read	

Inbox	Phone Incoming	What promise u what		actual time 09:32 pm
120	+19044449889	* Chrissy	09/03/10 01:34:24 (GMT)	Sent
Sent	Phone Outgoing	Make sure [REDACTED] is number one not like us		actual time 09:34 pm
121	+19044449889	* Chrissy	09/03/10 01:36:45 (GMT)	Read
Inbox	Phone Incoming	What do u mean		actual time 09:36 pm
122	+19044178392	* N/A	09/03/10 01:46:00 (GMT)	Read Inbox
Phone	Incoming	Whats going on im scared		actual time 09:46 pm
123	+19044173014	* fox Mindy	09/03/10 01:49:00 (GMT)	Unread
Inbox	Phone Incoming	I learnd how to make martinis		
124	+19044178392	* N/A	09/03/10 01:55:37 (GMT)	Sent Sent
Phone	Outgoing	I'll be there soon		
125	+19044178392	* N/A	09/03/10 01:55:55 (GMT)	Sent Sent
Phone	Outgoing	Thank you		
126	+19044178392	* N/A	09/03/10 01:56:00 (GMT)	Read Inbox
Phone	Incoming	Ok ru ok		actual time 09:56 pm
127	+19046690882	* Scott	09/03/10 02:06:04 (GMT)	Sent
Sent	Phone Outgoing	[REDACTED] never forget		actual time 10:06 pm

These text messages were sent by M. O'Connell the evening leading up to her death. The text messages clearly depict a despondent state-of-mind. So much so, that O'Connell's sister, Chrissy replied "r u ok, What do u mean, and what's going on im scared."

Note: These text messages were negated by FDLE during their investigation. These messages were not accurately presented to FDLE's expert witness (Jerry Findley) and/or the Medical Examiner. In addition, Special Agent Rodgers completed a lengthy PowerPoint Presentation in support of his investigation but failed to accurately detail M. O'Connell's text messages leading up to her death. This PowerPoint was presented to Dr. Hobin on June 2, 2011.

Summary of Interviews

Interview of Andrew Garris (Friend at concert and came to residence afterwards): A. Garris stated that during the concert, M. O’Connell seemed “awkward and distant.” A. Garris stated M. O’Connell was also very quiet and did not want anything to do with anyone. A. Garris also noted that M. O’Connell did not speak to C. Cercado, which was out of the norm for M. O’Connell.

Interview of Crystal Cercado (Friend at concert and came to residence afterwards): C. Cercado stated that M. O’Connell was already mad at J. Banks prior to the concert. C. Cercado stated she thought it was strange that M. O’Connell did not speak to her because even in the past, when M. O’Connell was angry with J. Banks, she and M. O’Connell would always talk (ie: girl talk). C. Cercado stated she observed M. O’Connell texting on her phone most of the night (consistent with the above text message content to family members). During the concert, A. Garris made the comment to C. Cercado saying “Michelle is being a bitch again,” in reference to her behavior. C. Cercado stated M. O’Connell appeared too drunk to drive, so she took the keys from M. O’Connell and gave them to J. Banks.

Interview of Jeremy Banks: He stated one month prior to the incident, M. O’Connell and he became involved into an argument that escalated into a physical altercation. J. Banks stated M. O’Connell struck him, and he had to “place her on the ground,” where he held her until she calmed down. J. Banks stated M. O’Connell advised, “Jeremy you just make me wanna kill myself sometimes.”

As it relates to the night of the incident, J. Banks stated M. O’Connell was on her phone during the concert and she was “really distant and wasn’t there.” During the concert, J. Banks stated M. O’Connell attempted to leave, making the excuse that [REDACTED] had been injured. This could not be verified through investigative reports and/or interviews. J. Banks stated he gave the keys to M. O’Connell; however, C. Cercado took the keys back from M. O’Connell and gave them back to J. Banks. M. O’Connell ultimately remained at the concert with J. Banks and company.

J. Banks stated M. O’Connell and her brother (Sean O’Connell) were taking pictures of each other during the concert. J. Banks stated she did not want to take any pictures of him and the pictures were only of her and Sean. J. Banks stated as they were walking to the car, M. O’Connell kept asking him if he had the camera, to which he replied that he did. J. Banks stated M. O’Connell told him to ‘make sure [REDACTED] gets it,’ referring to the camera. J. Banks stated she asked him three to four times if he had the camera and told him to give it to [REDACTED].

J. Banks stated while traveling to his residence, M. O’Connell told him they were breaking up and she would have her mother and brothers come and get her belongings because, “She would be away.” J. Banks stated when they arrived at the residence; M. O’Connell went inside the residence and began packing her belongings. During this time, A. Garris and C. Cercado arrived

and J. Banks requested they remain at the residence. J. Banks stated he remained outside and at some point M. O'Connell asked him to tell A. Garris and C. Cercado to 'leave so I don't make a scene.' J. Banks stated after a period of time he felt the situation was calmed and he felt comfortable telling A. Garris and C. Cercado they could leave the residence. J Banks stated during the time that M. O'Connell was packing her belongings; he went into the residence and attempted to speak with her. At some point during the conversation, J. Banks told M. O'Connell he was worried that "██████" would hate him. M. O'Connell replied 'She is not gonna hate you, she is gonna hate me.' J. Banks stated he returned outside and sat on his motorcycle and a short time later he heard the first gunshot. J. Banks stated he then ran into the residence and heard another gunshot. J. Banks stated he grabbed the home telephone and kicked open the bedroom door, which he initially discovered locked. J. Banks stated after forcing the door open, he located M. O'Connell lying on the floor with an apparent gunshot wound to her head. J. Banks advised he immediately called 911, remained on the line and at M. O'Connell's side until deputies arrived.

Interview of Jennifer Lindblom (Molly Maid, O'Connell's former employer): J. Lindblom stated when M. O'Connell and J. Banks started dating Michelle was happy, but over time her behavior changed from being a good employee and always on time, to crying at her desk for no apparent reason. J. Lindblom stated M. O'Connell began to leave work early and later started missing work and not reporting in for several days at a time. J. Lindblom described J. Banks and M. O'Connell's relationship as "up and down." J. Lindblom also described M. O'Connell as having mood swings. J. Lindblom said she noticed a change in M. O'Connell's behavior beginning around February or March 2010. J. Lindblom reported M. O'Connell started losing weight and became "very thin." J. Lindblom reported M. O'Connell started acting out of character and became "closed up." J. Lindblom went on to say that M. O'Connell was "stressed out." J. Lindblom also stated she did not think that M. O'Connell could kill herself because she had a young daughter.

Interview of Amanda Kenny, (Molly Maid, O'Connell's former co-worker)

Kenny stated she was Michelle's co-worker for approximately 6 months and said a few months after Michelle started dating Banks, Michelle's behavior changed and she started missing work. Kenny said Michelle would come in late and also cry at work. Kenny stated she did not know why Michelle was upset but felt Michelle's relationship with Banks was the cause of her grief.

Interview of Chrissy O'Connell, (sister of Michelle O'Connell)

Chrissy explains Michelle went to counseling when she was younger for "anger issues" but didn't think Michelle had been to counseling as an adult. Chrissy did say they had talked about it "that day," referring to a conversation she had with her mother, Patty O'Connell about Michelle. Chrissy explained her mother wanted Michelle to go to counseling because of the relationship she had with Banks.

Interview of Deputy Maynard: She stated while delivering the death notification to the O’Connell family, they expressed concerns that they had received text messages from M. O’Connell stating if anything ever happened to her (M. O’Connell) take care of “[REDACTED].”

Interview of Cherrie Kidd (Craig Funeral Home Employee): C. Kidd stated while conducting grief counseling with Patty O’Connell, she recalled a conversation regarding Michelle’s past state-of-mind. C. Kidd stated P. O’Connell told her Michelle previously had suicidal thoughts; however P. O’Connell did not provide any specific means or dates to C. Kidd.

Death Scene and Evidence



This photograph of M. O'Connell depicts her original position prior to being repositioned by Rescue Personnel. M. O'Connell's left arm is resting on the gun belt and her left hand is approximately four inches from the firearm. The retention hood on the holster is still in the secured position, indicative of an unfamiliar user. Also note the absence of blood on the carpet surrounding M. O'Connell, specifically in the area of the gun belt.

Note: A search of M. O'Connell's pants pocket revealed her cellular phone in her left pocket and 50 ½ prescription pills in her right pocket. The pills were processed by FDLE for the presence of DNA, but none was detected. This photograph was captured by Deputy Hawley.

Photograph #2



This photograph depicts a side view of M. O'Connell prior to being moved. The phone Banks used to call 911 is seen in the foreground on top of the black nylon bag.

Note: M. O'Connell's clothing is not stretched, ripped or disheveled and her 'slip on type shoes' are still on her feet prior to being repositioned by Paramedics. This photograph was captured by Deputy Hawley.

Photograph #3



This photograph depicts M. O'Connell's shoes, one of which slipped off her foot after being slightly moved by Paramedics. The original condition of M. O'Connell's clothing and shoes, coupled with the fact that the Medical Examiner noted an absence of injuries on M. O'Connell's body, negates the probability that a struggle occurred during this incident. This photograph was captured by Deputy Hawley.

Photograph #4



This photograph of M. O'Connell's left hand depicts an obvious pattern soot/gun powder residue.

Note: A gunshot residue kit was collected from M. O'Connell's hands. The GSR kit was processed by FDLE and the presence of gunshot residue was detected on M. O'Connell's hands. This photograph was captured by Deputy Hawley.

Photograph #5



This photograph was taken after M. O'Connell was moved by paramedics. Notice the presence of blood on the carpet surrounding M. O'Connell's head and in the area of the gun belt. Copious amounts of blood was disbursed onto M. O'Connell's body/clothing and onto the carpet on both sides of her body as a result of life saving measures taken by Paramedics. This photograph was captured by CST Aimee Tingen.

Photograph #6



This photograph depicts a side view of M. O'Connell after she was moved and treated by Paramedics. Notice the tube originating from M. O'Connell's throat. The tube contains blood and is directed towards M. O'Connell's right side, which would account for the blood patterns/staining located on her clothing and right hand. Also note the presence of blood staining on the carpet in the area of the gun belt. The presence of blood in this area was not considered by Findley when rendering his opinion/reconstruction. Findley states *"Blood is identified on the duty belt located to the left of her body. Note there is no blood between the body and the duty belt"*. This photograph negates Findley's assertion. This photograph was captured by CST Aimee Tingen.

Photograph #7



This photograph depicts a defect in the carpet that was discovered to the right (her right) of M. O'Connell's upper torso. Upon closer inspection, small bullet fragments were located under the carpet and in the padding. The bulk of this projectile was not located at this time.

Note: It is not uncommon in cases of Suicide for unfamiliar firearm users to have accidental discharges or to test fire the weapon prior to usage. We have seen this in past cases, especially with female victims. This photograph was captured by CST Aimee Tingen.

Approximately one month after the incident, J. Banks located a spent, deformed projectile behind a desk within the master bedroom. J. Banks turned this projectile over to Sgt. Faircloth who ultimately provided it to Special Agent Rodgers. Firearms' testing was conducted on the projectile by FDLE but due to the projectile's condition, a definitive match to J. Banks' firearm could not be determined.

Photograph #8



This photograph depicts two .45 caliber shell casings that were located to the left of M. O'Connell's body and were found approximately 18 inches from each other. S/A Rodgers details concerns related to the location of these casings but no factual basis was convincingly demonstrated.

Note: A firearms examination was conducted and the two shell casings were determined to have been fired by Banks' firearm. This photograph was captured by CST Aimee Tingen.

Photograph #9



This photograph depicts Banks' firearm after it was moved to the bathroom counter by Corporal Shand. The gun was swabbed for the presence of DNA and processed by FDLE (Item #7.1 swab of pistol barrel and grip). Lab results indicated M. O'Connell's full DNA profile on the swab.

Note: The firearm is cocked back in a ready position. Law enforcement officers are incessantly trained to "de-cock" after utilizing their firearms. This photograph was captured by CST Aimee Tingen.

Photograph #10



This photograph depicts the outside of the entry door into the master bedroom. There is damage to the door consistent with the door being forced open. The lock on the door was verified to be in the locked position by CST Hosford when the scene was processed.

Note: During the interview with J. Banks, he described kicking the door twice with his right foot. He stated the door only pushed in slightly on the first kick, and a second kick was required to force the door open. J. Banks also verified the door was locked, during interviews. This photograph was captured by CST Aimee Tingen.

Photograph #11



This photograph depicts M. O'Connell's purse, which was located on the kitchen counter. Two empty prescription bottles belonging to J. Banks were located in M. O'Connell's purse. The pills from these bottles were located in M. O'Connell's right front pants pocket when she was searched after death.

Note: Latent print testing was conducted on both of the pill bottles and no prints of value were located. This photograph was captured by CST Aimee Tingen.

Photograph #12 & #13



This photograph depicts the shirt that J. Banks was wearing the night of the incident. More specifically, two small blood stains are marked with blue indicators next to the stains on the bottom, inside of the shirt. DNA results identified M. O'Connell as the originator of the blood. In Finley's conclusions, he states "*Ms. M. O'Connell's blood is located on the inside of the yellow t-shirt, however the photographs are not clear enough to determine pattern type*". Gunshot residue testing was conducted on the inside and outside front of the shirt. According to the results, a total of 6 GSR particles were located on the areas tested.

Note: According to Detective Tolbert, he observed J. Banks utilize the front/bottom section of the shirt to continuously wipe his face while on scene after the incident. Detective Tolbert stated J. Banks would grab the inside portion of the front of his shirt, roll it up and wipe his face. Furthermore, when J. Banks was initially contacted by deputies he was next to M. O'Connell, holding her right hand. It was later determined that M. O'Connell's right hand contained blood and gunshot residue. These photographs were captured by FDLE CST John Holmquist.

Autopsy and Medical Evidence

On the night of the incident, when deputies arrived at approximately 2325 hours, they assessed M. O’Connell and began CPR after detecting a pulse. Paramedics arrived moments later, moved M. O’Connell and continued advanced lifesaving measures. At approximately 2333 hours, Paramedics evaluated M. O’Connell via a heart monitor and she registered 42 beats per minute on the heart monitor. At 2341 hours, M. O’Connell was recorded as having 20 beats per minute. At 2348 hours, M. O’Connell was pronounced deceased.

On 4 September 2010, the autopsy of Michelle O’Connell was conducted. Doctor Hobin concluded that M. O’Connell died of an apparent, self-inflicted, intra-oral gunshot wound. Furthermore, Doctor Hobin noted there were no injuries to M. O’Connell’s hands, nor were there any indications of M. O’Connell being recently battered. Doctor Hobin ruled the death a Suicide. A complete drug screen was also conducted and revealed that M. O’Connell had a blood alcohol content (BAC) of 0.086.

Photograph #14



Doctor Hobin determined that the anatomic pathway of the projectile was front to back. The projectile produced an “inshoot” defect to the anterior of the tongue and an “outshoot” defect of the dorsal surface of the posterior tongue. *Michelle’s X-Ray from autopsy.

Photograph #15



Doctor Hobin's examination revealed 'splitting skin' injuries on both corners of M. O'Connell's mouth. These types of injuries are indicative of the barrel of the weapon being placed into the mouth and fired, causing the corresponding energy and gases to blow back and escape towards the natural opening (mouth). All of M. O'Connell's teeth were intact further indicating the firearm was not placed into her mouth involuntarily. Dr. Hobin indicates "*the teeth are natural*" with no noted defects.

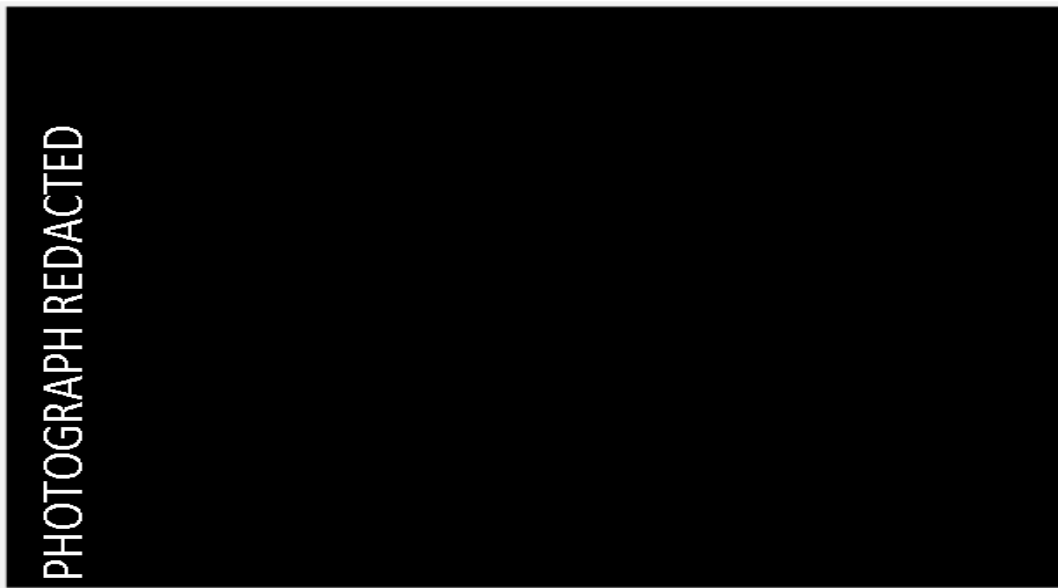
Note: There is an injury above M. O'Connell's right eye. Dr. Hobin initially opined that the injury was caused by the ejected shell casing. Later reviews conducted by Dr. Bulic and Dr. S. Cogswell, determined the firearm was likely inverted when it was fired, causing the tactical light to strike M. O'Connell's right eye. This was determined to be a straight on impact injury.

***AUTOPSY PHOTOGRAPH**

Photograph #16



Photograph #17



During autopsy, Dr. Hobin examined M. O'Connell's hands and documented the following findings: *"On the left dorsal proximal lateral hand is a 1 to 2 cm area of very faint blue discoloration which appears to be probably a mild contusion. Otherwise no injury to the hands are detected."* The lack of defensive injuries further negates the likelihood of a struggle during the incident. These photographs were taken during the autopsy of Michelle O'Connell.

***AUTOPSY PHOTOGRAPHS**

On 9 December 2011, Chief Medical Examiner Dr. Bulic (District 23) was consulted in reference to this investigation. Dr. Bulic was familiar with the case and reviewed the findings of Associate Medical Examiner Dr. F. Hobin. Dr. Bulic was adamant the death of M. O'Connell was a Suicide. Dr. Bulic's explanation is attached in a document generated by the Fifth District Circuit (Asst. State Attorney Bill Gladson – dated 12 March 2012).

As a part of this review, an additional meeting was conducted with Dr. Bulic. He remains steadfast in his determination that M. O'Connell's death is the result of a clear-cut Suicide. Dr. Bulic stated he has reviewed the medical evidence, all of which he states supports the conclusion of Suicide. Dr. Bulic stated he reviewed Special Agents Rodgers' PowerPoint, and he (Dr. Bulic) takes exception to Rodgers' conclusions. Dr. Bulic stated he was able to refute Rodgers' claims point-by-point with compelling medical evidence. Dr. Bulic created an illustration to depict how he believes M. O'Connell utilized the firearm during the incident. Dr. Bulic believes the firearm was inverted when M. O'Connell placed it in her mouth and the tactical light caused the injury to her right eye when the firearm was discharged (Dr. Bulic's illustration can be found on the following page).

Additionally, Dr. Bulic stated he has spoken with Dr. Hobin on several occasions regarding this case. Dr. Bulic stated Dr. Hobin stands by his original finding of Suicide. Dr. Bulic stated Dr. Hobin was unduly influenced by Special Agent Rodgers and his PowerPoint presentation. A review of this PowerPoint presentation has been conducted by Dr. Bulic and this Investigative Team. The PowerPoint is misleading and is fraught with supposition and inaccurate information. The presentation also omitted relevant information related to Michelle O'Connell's state of mind.

According to Dr. Bulic, in the interest of accommodating Rodgers and the investigation, Dr. Hobin amended M. O'Connell's death certificate to reflect, "*Homicide, Shot by another.*" Dr. Bulic stated this amended death certificate was never sent to the State of Florida to be filed and should have never been released outside of his office. Dr. Bulic stated as the Chief Medical Examiner of District 23, Michelle O'Connell died as the result of a self-inflicted, intra-oral gunshot wound and the manner of her death is Suicide.

Illustration created by Dr. Bulic

PHOTOGRAPH REDACTED

The above illustration was created by Dr. Bulic to illustrate the following: Dr. Bulic and Dr. S. Cogswell conferred and both believe the firearm was inverted when it was fired, causing the tactical light to strike M. O'Connell's right eye. This was determined to be a straight on impact injury. Both Bulic and Cogswell conclusively determined M. O'Connell's manner of death to be Suicide.

Dr. Steve Cogswell (former Chief Medical Examiner – Fifth District) was also requested to review the death of M. O'Connell. Dr. Cogswell agreed with Dr. Bulic's findings and determined the death was a Suicide (Asst. State Attorney Bill Gladson – dated 12 March 2012).

***AUTOPSY PHOTOGRAPH**

SUMMARY OF JEREMY BANKS' STATEMENTS AND ACTIONS

Detective Jessica Hines and two interviews with Special Agent Rusty Rodgers, the last of which was attended by Banks' Attorney, Mac McLeod. During these interviews, Banks was asked to recount the events of the night of September 2nd 2010. Through all of these interviews his version of events in reference to Michelle O'Connell's death remained largely consistent.

J. Banks remained respectful and professional during the investigation, even when he was being pressed by Special Agent Rodgers with alleged evidence that suggested he murdered M. O'Connell. More convincing is the fact that each element of Banks' statements are supported by the physical evidence that was documented and collected from the scene.

- **At approximately 2320 hours, J. Banks calls 911 requesting assistance because M. O'Connell shot herself. He is crying hysterically and inconsolable.**
- **At approximately 2325 hours, deputies arrive on scene and discover J. Banks and M. O'Connell in the master bedroom. J. Banks is still on the phone and holding O'Connell's right hand before he is escorted from the area. O'Connell's right hand was later determined to contain both blood and gunshot residue.**
- **Upon initial assessment by paramedics, M. O'Connell had a pulse of 42 beats per minute (at 2333 hours). She was pronounced deceased several minutes later at 2348 hours.**
- **The bedroom entry door contained a defect and was found to be locked, consistent with being forced open (by J. Banks).**
- **The back of O'Connell's left hand had a distinct pattern of gunshot/residue in the webbing between the index finger and thumb.**
- **The firearm that was initially located within inches of O'Connell's left hand contained her full DNA profile on a swab taken from the barrel and grip.**
- **The pills found in M. O'Connell's left pocket were consistent with the pill bottles found in her purse. This is a clear indication of O'Connell's state-of-mind. It is likely she initially planned to utilize the pills to harm herself but instead chose a more readily available option (firearm).**
- **The bottom of J. Banks' shirt contained two small areas of O'Connell's blood and trace amounts of gunshot residue. It is likely these elements were transferred to J. Banks from O'Connell's right hand, and then to J. Banks' shirt while he was utilizing his shirt to wipe his face.**

- **M. O’Connell’s clothing and loose fitting shoes are intact, and there is a documented absence of defensive injuries on M. O’Connell’s hands and body, negating the probability that a struggle took place leading up to or during the incident.**
- **During J. Banks’ interview he provided testimony (as well did others) that M. O’Connell was “really distant and wasn’t there,” during the night of the concert. J. Banks also detailed a conversation regarding M. O’Connell’s camera where she was insistent that J. Bank’s gives the camera to “█.” Banks also stated M. O’Connell would have her family retrieve her belongings because she would be away.**
- **Banks also provided testimony that M. O’Connell previously made comments in reference to suicide. According to J. Banks, M. O’Connell stated “Jeremy you just make me wanna kill myself sometimes.” J. Banks stated these comments were made during a previous domestic altercation. J. Banks stated he initially took her comments seriously, but admitted he failed to act upon it.**
- **After M. O’Connell’s death, J. Banks pleaded with the O’Connell family to attend her funeral, but was denied.**
- **J. Banks gave the O’Connell Family \$600.00 towards Michelle’s funeral.**
- **After being denied access to the funeral, J. Banks requested a meeting with Scott O’Connell. They met and J. Banks provided a photograph of him and Michelle with a written message on the back. J. Banks asked S. O’Connell to place the photograph in Michelle’s casket. S. O’Connell accepted the photograph and honored J. Banks’ request. S. O’Connell did not reveal this meeting and request to the rest of his family members.**
- **Approximately one month after the incident, J. Banks located a spent, deformed projectile behind a desk within the master bedroom. J. Banks turned this projectile over to Sgt. Faircloth who ultimately provided it to Special Agent Rodgers.**

TIMELINE OF EVENTS AS IT RELATES TO 02 SEPTEMBER 2010

St. Augustine Amphitheater (1340 A1A South)



DEPARTURE TIME OF CONCERT ENDING 10:00 PM

This photo depicts the St. Augustine Amphitheater where J. Banks and M. O'Connell attended the Paramour concert on the night in question. J. Banks, A. Garris and C. Cercado who were all in attendance at the concert stated it ended about **10:00pm**. J. Banks stated he was sure of the time due to the noise ordinance stating the concert cannot go on past 10:00pm.

Surf Station (1020 Anastasia Blvd)



APPROXIMATE ARRIVAL TIME 10:15 PM

This photo depicts the location identified as the Surf Station on Anastasia Blvd. J. Banks stated this is where he parked his car prior to the concert. J. Banks stated he and M. O'Connell left the concert and walked back to the parked vehicle arriving approximately **15 minutes later**. C. Cercado stated that she and A. Garris arrived back at J. Banks' vehicle prior to J. Banks and O'Connell. C. Cercado stated once all parties arrived at the Surf Station, they remained for an additional **10 minutes** to talk while M. O'Connell smoked a cigarette before leaving the location en-route to J. Banks' residence. J. Banks estimated the drive home took approximately **15 minutes**.

Banks' Residence (4700 Sherlock Place)



APPROXIMATE ARRIVAL TIME 10:40 PM

Statements from both J. Banks and C. Cercado estimate it took **approximately 15-20 minutes** to drive from the Surf Station location to J. Banks residence. C. Cercado stated when she and A. Garris arrived at the residence; J. Banks asked them to stay “in case something happens.” C. Cercado and A. Garris stated in affidavits on the night of the incident that they remained at J. Banks' residence approximately **30-45 minutes** before leaving the residence. J. Banks stated in his interview that M. O'Connell requested he tell A. Garris and C. Cercado to leave because “She didn't want to make a scene.” J. Banks stated he asked the two to leave per M. O'Connell's request and returned to the garage of the residence where he sat on his motorcycle. J. Banks stated a few minutes later he heard a ‘pop’ and knew immediately it was a gunshot. J. Banks ran into the residence and heard a second gunshot. J. Banks stated he kicked in the door to the master bedroom, which was locked, and found M. O'Connell on the floor. J. Banks was still on the phone with 911 and was holding M. O'Connell's hand when deputies arrived. J. Banks called 911 to report the shooting at **11:20 pm**. The first deputies on scene arrived at the residence at **11:25 pm**. M. O'Connell was pronounced deceased by Paramedics at **11:48 pm**.

Note: This timeline is important due to the fact FDLE located two witnesses, Stacy Boswell and Heather Ladley, who claim to have heard a scream for help, a gunshot, another scream of help and a second gunshot all at **11:00 pm**. The above timeline negates the **10:30-11:00 pm timeframe provided by the FDLE witnesses**. These facts negate FDLE's claim that J. Banks murdered M. O'Connell, staged the crime scene, cleaned his hands, and potentially altered evidence prior to deputies arriving on scene.

Timeline for 02 September 2010

- **5:30 pm** – Doors open for Paramour concert at Amphitheatre.
- **8:16 pm to 10:06 pm** – M. O’Connell begins text messaging family/friends from concert.
- **10:00 pm** – Paramour concert ends, J. Banks and M. O’Connell walk to Surf Station.
- **10:15 pm** – J. Banks and M. O’Connell arrive at Surf Station where vehicle is parked.
- **10:15 to 10:25 pm** - J. Banks, M. O’Connell, A. Garris, and C. Cercado talk at vehicle, smoke (per C. Cercado’s statement/interview).
- **10:25 pm** – J. Banks, M. O’Connell, A. Garris, and C. Cercado leave Surf Station in separate vehicles traveling to J. Banks’ residence (4700 Sherlock Place).
- **10:40 pm** – A. Garris, C. Cercado arrive at J. Banks’ residence. J. Banks and M. O’Connell are already at the residence.
- **10:30-11:00 pm** – **FDLE Witnesses Stacey Boswell and Heather Ladley report hearing screams and gunshots (Note the conflict with the following times).**
- **11:10 – 11:25 pm** – A. Garris and C. Cercado leave J. Banks residence. Per A. Garris and C. Cercado’s accounts they stayed at J. Banks’ residence approximately 30-45 minutes, before leaving to return home.
- **11:20 pm** – J. Banks calls 911 reporting M. O’Connell is shot.
- **11:25 pm** – First deputies arrive on scene to find J. Banks next to M. O’Connell holding her hand while still on the phone with 911. Corporal Shand detects a pulse from M. O’Connell.
- **11:30 pm** – Paramedics arrive on scene and begin Advanced Life Support.
- **11:33 pm** – Paramedics evaluate M. O’Connell via heart monitor with a result of 42 beats per minute.
- **11:43 pm** – Heart monitor reveals 20 beats per minute.
- **11:48 pm** – Paramedics pronounce M. O’Connell deceased.

ANALYSIS OF SJSO'S INVESTIGATION

As a part of this investigative review, the following materials were considered:

- SJSO Incident Report/Supplements, to include associated attachments and affidavits
- Scene photos captured by Deputy Hawley
- Scene photographs captured by CST Tingen¹
- Autopsy Photographs
- 911 call placed by J. Banks
- Interviews conducted with Jeremy Banks (night of incident and on 14 Sept 2010)
- Evidence that was collected and preserved in reference to this investigation
- An informal interview with Detective Tolbert (he participated in initial investigation)

As a result, the following conclusions have been made as a result of this investigative review:

In reviewing the initial investigation, it appears that the scene was properly preserved and documented from a forensic perspective. The scene was extensively photographed and relevant evidence was collected for future examination. In addition GSR kits were conducted /submitted on both the decedent and J. Banks, and some of his clothing (outer shirt) was collected.

Beyond the initial scene investigation, the following deficiencies have been identified:

- A canvass should have been conducted. According to Detective Tolbert, a canvass was discussed during the initial investigation, but ultimately not conducted.
- No interviews were conducted with Paramedics; however the “Rescue Run” report was obtained and placed in the file.
- Interviews were not conducted with decedent’s family members. According to Detective Tolbert, Sgt. McCullough and Deputy Maynard met with the family, but failed to document the meeting. Victim family interviews are critical in these type investigations because they provide the victim’s state-of-mind. On the night of the incident, family members expressed concern regarding phone calls and text messages they received from M. O’Connell, but these conversations were never documented.
- Interviews with the recipients of M. O’Connell’s text messages were not conducted. The decedent sent several text messages to friends and family members on the day of the incident that clearly demonstrated a despondent state of mind. An interview with the recipients of these messages/calls may have proven relevant to the investigation.
- J. Banks’ cellphone was never collected and/or forensically downloaded by the SJSO.
- J. Banks should have been initially isolated, photographed, and interviewed in a structured environment and all of his clothing should have been collected in an abundance of caution.
- No formal timeline was established (the timeline established by the 911 call, the “Rescue Run” report, and the decedent’s time of death completely negates FDLE’s version of events).
- No cellphone records (incoming and outgoing logs) were subpoenaed (J. Banks or M. O’Connell).

¹ Aimee Tingen is referred as Aimee Monie (married name) in other documents

- No crime scene log was initiated.
- Key supplements are absent from the report (Deputy Shand, Sergeant Beaver, and Sergeant McCullough).
- None of the evidence collected from the scene was sent by the SJSO to the FDLE Crime Lab for forensic processing.

Other Contributing Factors:

From an investigative perspective, the supervisory decision to assign two relatively inexperienced detectives (Detective Hines and Tolbert) to handle such a sensitive case is questionable. In speaking with Detective Tolbert, this situation was exacerbated by the fact that neither Detective Tolbert, nor Detective Hines knew who the case agent was until the next morning. This demonstrates a less than ideal investigative structure and communication base.

In reviewing the investigative report, the narrative (specifically Detective Tolbert's) seems to conclude abruptly without clarification on several points of interest, to include the issues described above. In speaking with Detective Tolbert, it was clear that external factors influenced this case and it was decided (principally by Sgt McCullough) to conclude the investigation as if the case would be handled like any other "suicide," despite the scrutiny and questions that were being brought from various external sources.

Another issue was the fact that the SJSO failed to properly address the family's concerns regarding the initial investigation. A family meeting was conducted, during which time the family presented concerns regarding the circumstances surrounding Michelle's death and the handling of the investigation. In short, this meeting became contentious and the family's concerns were not adequately addressed. From this point, the lines of communication diminished between the SJSO and the M. O'Connell family. The family ultimately was granted a meeting with the Sheriff, and as a result of that meeting, the Sheriff contacted the FDLE and requested a review of the investigation.

During FDLE's investigation it was learned that J. Banks found a spent projectile within the master bedroom of his residence, after O'Connell's death. J. Banks turned over the projectile to Sgt. Faircloth who in turn took the projectile home and placed it in a dish within his bathroom. These circumstances were uncovered during S/A Rodgers' investigation. When Sgt. Faircloth was interviewed he initially failed to disclose the circumstances surrounding the projectile. Only after several prompts from S/A Rodgers did Sgt. Faircloth admit to accepting the projectile from J. Banks. S/A Rodgers asked Sgt. Faircloth why he did not treat the projectile as evidence and he responded by saying "I don't have an answer for that." This clearly demonstrated poor judgment by Sgt. Faircloth.

Despite the issues identified in this review, it is important to note that the initial classification and outcome of this investigation was correct. The facts and evidence in this case strongly supports that Michelle O'Connell's death was the result of a self-inflicted, intra-oral gunshot wound and her manner of death is suicide.

ANALYSIS OF FDLE'S INVESTIGATION

The following report is a comprehensive review and critique of the investigation and related reports submitted by FDLE concerning the death of Michelle O'Connell. It is important to note that FDLE uses sequenced numbers every time they generate a related report (1,2,3.....10) and the numbers listed below reflect the particular report submitted that is being reviewed. A total of 143 reports were submitted and all were authored by Agent Rusty Rodgers. Each section reflects the date that each report was submitted by Rodgers. Under each report we have included our detailed review, observations, and analysis when necessary. It should also be noted this review contains autopsy photographs which are exempt from public disclosure.

***In reviewing this document, we have duplicated some of our analysis under different reports. We have done so because Rodgers utilized some of the same points in different reports.**

***We have attempted to minimize our opinions in the following narrative; however this could not be completely avoided.**

1. 18 Jan 2011, Sheriff Shoar requested FDLE to conduct an independent review of SJSO's investigation regarding the death of Michelle O'Connell. Copies of the SJSO investigation were provided to FDLE Special Agent Rusty Rodgers (Rodgers).
2. 18 Jan 2011, the report reflects the receipt of SJSO written reports regarding the SJSO investigation.
 - Rodgers begins referring to the scene as "crime scene," in the FDLE reports.
3. 19 Jan 2011, Rodgers' review of 911 call made by Dep. Banks:
 - In the report, Rodgers writes, "the content of the 911 call was suspicious in nature based on Banks' obvious personality and emotional changes during the call." Rodgers continues by writing, "...he (Banks) informed the dispatcher he was no longer going to lie and identifies himself as Deputy Jeremy Banks."
 - The actual 911 call completed by Banks was very emotional. Banks was initially screaming and crying and the dispatcher could not get the information she needed. **The dispatcher was attempting to calm Banks, during which time, she says, "Ma'am, ma'am, I ya need to calm down." Banks replies, "It's mister, it's sir." At this point, Banks was able to gather his composure for a few seconds and told the dispatcher, "...Let me tell you the truth, I am Deputy Banks with the St. Johns County Sheriff's Office, I work with y'all, get someone**

here now!” Banks then becomes very emotional again and is inconsolable. Banks continues repeating please get someone to his house.

- The report written by Rodgers quotes Banks as saying, “he is no longer going to lie and identifies himself as Deputy Jeremy Banks.” **This is not true, Banks never said he was “no longer going to lie” and in fact stated “let me tell you the truth.”**
 - In the context of the 911 call, the change in emotion appeared to be a normal response from someone experiencing a traumatic event. **The fact that Rodgers writes the call is “suspicious” is not accurate and nothing more than an opinion of Rodgers and should not have been included in an investigative report.**
4. 19 Jan 2011, documentation of receipt of the “crime scene” photos taken by Deputy J. Hawley prior to the movement of Michelle O’Connell’s body by EMS.
 5. 19 Jan 2011, documentation of the receipt of the “crime scene” photos taken by SJSO Evidence Technicians.
 - These photos were taken after Michelle O’Connell’s body was moved by EMS.
 6. 19 Jan 2011, documentation of the receipt of autopsy photos of Michelle O’Connell taken by SJSO.
 7. 19 Jan 2011, documentation of the receipt of photos downloaded from Michelle O’Connell’s cell phone located at the scene.
 - Photos were downloaded by SJSO.
 8. 19 Jan 2011, documentation of the receipt of the complete download of Michelle O’Connell’s cell phone content.
 - Content was downloaded by SJSO.
 9. 19 Jan 2011, documentation of the receipt of the audio recorded statement of Banks taken by SJSO Detective Jessica Hines.
 - This statement was taken by Det. Hines while Banks was still at scene.
 10. 19 Jan 2011, documentation of the receipt of the audio recorded statement of Banks by Hines.
 - This interview was conducted by Det. Hines approximately 11 days after the initial interview on 14 Sep 2010.
 11. 21 Jan 2011, documentation of the receipt of evidence from SJSO.
 12. 24 Jan 2011, documentation of photos Rodgers took of 4700 Sherlock Place.

13. 24 Jan 2011, Rodgers completes FDLE report documenting his interview of Brittany Edwards, a previous co-worker of Michelle O'Connell.
 - This interview was not audio or video recorded.
 - Rodgers writes Edwards worked with Michelle O'Connell for approximately one year at Molly Maids. During this time, Michelle dated Jeremy Banks.
 - **Rodgers writes that Edwards reported to him that “Michelle O'Connell experienced mood swings of slight depression and described O'Connell's and Banks' relationship as up and down.”**
14. 24 Jan 2011, details FDLE Crime Scene Technician photographing duty gear belonging to Banks.
15. 27 Jan 2011, details a meeting between Rodgers and Paul Gaumont (ex-boyfriend of Michelle).
 - Rodgers reported taking possession of a computer from Gaumont which had previously belonged to Michelle.
 - Rodgers reported Gaumont stated Banks was 'acting strange' when Gaumont took possession of the computer after Michelle's death.
16. 27 Jan 2011, report written to document the website, “Behind the Blue Wall” utilized by anonymous persons posting information concerning the death of Michelle. (This website, along with another website contains information from unknown people characterizing an ongoing conspiracy/cover-up regarding the investigations(s) of this case).
17. 27 Jan 2011, report details interview of Paul Gaumont.
 - **Rodgers begins referring to the investigation in the reports as a “Homicide Investigation.” (This is 9 days after he received this assignment and from this point forward, Rodgers repeatedly refers to this case as a homicide investigation in his investigative reports and witness interviews.)**
 - Interview consisted of bad character references provided by Gaumont concerning Banks.
 - Gaumont stated prior to this interview he reviewed the police reports and photos related to Michelle's death and found inconsistencies in the clothing Banks was wearing at the concert Banks and Michelle attended immediately preceding her death.
 - This was later explained by Banks and other concert attendees who reported that Banks purchased a shirt at the concert. Banks put on the shirt prior to leaving the concert and this was confirmed in photos taken the night of the concert.

18. 27 Jan 2011, report documenting the interview of Jennifer Lindblom, previous co-worker of Michelle at Molly Maids.

- The report indicates Michelle was initially happy when she began dating Banks.
- After they dated for a period of time, Lindblom reported Michelle began reporting to work crying and sometimes called out sick or failed to show up for work. Additionally, Michelle left her assigned jobsites on a few occasions and left work in the middle of her shift after she became upset and was unable to work.
- Lindblom said she noticed a change in Michelle's behavior beginning around February or March 2010. Lindblom reported Michelle started losing weight and became "very thin."
- Lindblom reported Michelle started not being herself and became "closed up." Lindblom went on to say Michelle was "stressed out."

Description provided by Lindblom is indicative of depression.

19. 27 Jan 2011, report detailing interview of Amanda Kenny (prior co-worker of Michelle at Molly Maids).

- **Kenny stated she was Michelle's co-worker for approximately 6 months and said a few months after Michelle started dating Banks, Michelle's behavior changed and she started missing work.**
- **Kenny said Michelle would come in late and also cry at work.**
- **Kenny stated she did not know why Michelle was upset but felt Michelle's relationship with Banks was the cause of her grief.**
 - In a FDLE case presentation PowerPoint prepared and presented by Rodgers to Medical Examiner, Dr. Hobin (FDLE report #113), **Rodgers writes, "O'Connell would leave work early, and on occasion fail to report due to the ongoing psychological abuse by Banks."**
 - This quote makes reference to Michelle working at Molly Maids and is a misrepresentation of the context of witness statements. **None of the witnesses said Banks was "psychologically abusive" towards Michelle, and the witnesses only said that they believed the relationship between Michelle and Banks was the cause of her grief.**

Description provided by Kenny is indicative of depression.

20. 02 Feb 2011, report documenting the interview with and transcript of Stacey Boswell, which took place on 01 Feb 2011. She alleged to have heard the incident between Banks and Michelle. **It is unknown how Rodgers learned of Boswell and Heather Ladley, as it is not documented in any of the investigative reports.**

- Boswell reported hearing a woman yelling and screaming and could not initially tell if it was male or female voices.
- Boswell stated she and Heather Ladley walked to the end of her driveway where she could hear a woman yell help and then heard a gunshot. Boswell also said she could determine the other voice was deep and that of a male.
- Boswell stated 1-2 minutes elapsed and she again heard a woman yell help and a second gunshot.
- Boswell said she and Ladley remained outside for approximately 10-15 additional minutes and heard no further yelling.
- Boswell said after this 10-15 minutes she heard sirens and she and Ladley went back inside their residences.
- Boswell also reported, “We didn’t think anything about it; we did think something about it, it’s not odd for us to hear gunshots around here, we hear gunshots all the time, what struck us odd was the ‘help’ and it was plain as plain can be that yelled for help and then the sirens came and we just thought maybe it was an accident, we didn’t know what happened.”
 - During the interview, Rodgers initially tells Boswell he is ‘...here today because your name was provided to me that you may have seen or heard something on the night of the second, February 2010, uh can you reflect back and tell me in your own words what you saw or heard on that night.’

***It should be noted that Rodgers initially provides the wrong date (2 Feb 2010), during the interview, but he amends it after Boswell prompts him by saying, “It wasn’t today’s date (2 Feb).”**

- ❖ Boswell never indicates or explains how she knows the date of this incident was September 2.
 - a. **Rodgers provides Boswell the date of the incident during the interview.**
- ❖ Boswell states she hears “gunshots all the time” and Rodgers makes no effort to determine how she can determine this incident from any of the other times.
- ❖ Rodgers does not ask Boswell to recall the exact date of any of the other incidents when she heard gunshots.
- ❖ Rodgers never asks Boswell why she never reported this incident to law enforcement or why she did not come forward earlier.
- ❖ Rodgers never asks Boswell if she ever reported this incident to any other person when it occurred or since.
- ❖ **This statement was taken exactly five months after the incident on September 2, 2010.**

- ❖ **Rodgers never asks Boswell if she knew Banks or Michelle O’Connell or if Boswell spoke with any of the family or friends of either of these two subjects since this incident.**
 - a. **No questions were asked of Boswell indicating if she read any of the internet postings or articles concerning this case.**
 - b. **No questions were asked of Boswell indicating if she had any conversations or contact with anybody regarding this case prior to the interview.**
- ❖ **The interviews with Boswell and Ladley were conducted on the same date, at the same location; one was interviewed at 7:00 p.m., one was interviewed at 7:20 p.m. (It is unknown if these two individuals were interviewed separately or together).**
 - a. **The interview with Boswell was conducted at the residence of Heather Ladley.**

21. 02 Feb 2011, report documenting the interview with and transcript of Heather Ladley, which took place on 01 Feb 2011. She alleged to have heard the incident, at the same time as Boswell because they were together.

- **Ladley stated at approximately 10:30-11:00 p.m., she and a neighbor named Boswell were sitting in Boswell’s garage at 117 Belles Chase Court.**
- Rodgers initially states he is “here today in the matter of Michelle O’Connell” and asks Ladley if she knows Michelle.
 - Ladley responds by saying, “I don’t know of her; I’ve heard of her, but I don’t, I don’t know her.”
- Rodgers then directs Ladley to “...the second of September, uh, 2010”, and explains to Ladley that her name has been provided to Rodgers as someone who may have information regarding what she may have seen or heard on that evening.
 - Ladley never indicates or explains how she knows the date of this incident was September 2.
 - Rodgers never indicates in his report how he learned of Ladley.
- Ladley stated at approximately 10:30-11:00 p.m., she and Boswell were sitting in Boswell’s garage talking and smoking.
- Ladley stated she and Boswell heard a “young lady yell, ‘help’” and then heard a gunshot. “We heard her yell ‘help’ again and there was a second gunshot.”
- Rodgers asks Ladley where it sounded like the gunshot was coming from and Ladley explained it sounded like it came from the “road behind us which would be um, what is the road right there?” (assuming Ladley is pointing in a direction at this time).
 - **Ladley then states, “It’s the road directly behind us. It’s...” and Rodgers asks, “Is it Sherlock Place?” Ladley replies, “Yes.”**

- ❖ **The road directly behind Belles Chase where Ladley was located at the time of the incident is actually Devonshire Drive not Sherlock Place.** This question is leading.
- Rodgers asks, “Okay, how far would you say you’re...um, the area you were standing smoking a cigarette from there...uh, would you say the distance is?”
 - Ladley says, “Not very far, I mean probably the length of two football fields.”
 - ❖ Rodgers never explains what distance he is referencing.
 - ❖ Rodgers never asked Ladley if she was familiar with the residence where this incident took place.
- Ladley says they (Ladley and Boswell) heard sirens about 20 minutes later.
- Rodgers then asks Ladley to confirm what she heard and Ladley describes she “heard arguing and then we heard her yell, ‘Help’ and there was one gunshot and then there was...she yelled, ‘Help’ again and there was a second gunshot and then I didn’t hear any commotion after that.”
- Rodgers then asked how long after Ladley heard the second shot before Ladley heard the sirens and Ladley stated, “At least fifteen to twenty minutes after that before we heard the sirens.”
- Rodgers asks Ladley what she did next and Ladley says, “...um nothing happened next. I went in, went to bed. I didn’t hear anything; I mean you could still hear the brakes and stuff of the ambulance and the stuff pullin away from there or whatever.”
- Rodgers asks Ladley if she ever told anybody this and Ladley replies; “Uh, I didn’t really; I didn’t really know who to tell. We hear gunshots around here a lot but I don’t usually hear people yelling afterwards and then the news crew came around the next day and told Stacy that...uh an officer had killed his wife.”
 - Rodgers does not ask Ladley to recall the exact date of any other incidents when she heard gunshots.
 - The media did not report on this case until much later, and they never referred to it as a law enforcement officer killing his wife.
 - Rodgers never inquired what media outlet made this comment.
- Rodgers asked Ladley if she thought it was important that she tell someone at that point and Ladley replied she didn’t know if she should say anything and that she was “a little scared.”
 - Rodgers goes on to ask why she was scared and Ladley explained she “understood it was a deputy” and that she “didn’t know if she wanted to be involved with giving a statement against a deputy.”
 - Rodgers asks Ladley if she knows the deputy and Ladley says, “No.” Ladley goes on to explain, “The only thing I don’t, I think they said his name was Jeremy but I don’t know what his last name was or what he looks like.”
 - ❖ **Rodgers asks Ladley where she would have learned that information and she says Facebook.**

- ❖ **Rodgers asks Ladley if she had been on Facebook and seen some of the blogs. Ladley then stated, “I had seen... Yea, I’d seen some of the posts and stuff like that.”**
 - a. **Ladley admits to reading blogs and Facebook posts after the incident. Many of these blogs and posts contained information relating to “conspiracy” and “cover up” theories. (We learned during this review that there were many Facebook posts containing this type of information.)**
 - b. **Rodgers never asks Ladley to expand upon what she read on the internet or what the blogs or posts said.**
- **Rodgers then asks, “Did you ever tell anyone else from the Sheriff’s Office?” Ladley replied, “I never told anyone else in the Sheriff’s Office, and I didn’t even know that it was, it was M-Michelle. I don’t really know her.”**
- **Ladley then explains she has seen pictures of Michelle on Facebook.**
 - ❖ **Rodgers asks Ladley if she went to school with Michelle.**
 - a. **Ladley stated she went to school with Michelle during elementary and middle school. Ladley explains Michelle was a couple of grades ahead of her.**
 - ❖ **In trying to determine why this particular question was asked as opposed to many others, we listened to the actual interview. In listening to this interview, it appears Rodgers prompted Ladley, indicating he already knew the answer to the question that he possibly learned from a previous discussion with Ladley prior to the “official” interview.**
- **Ladley goes on to explain that she will be 23 years old in March and Rodgers explains he thinks O’Connell was “24, almost 25.”**
- **At the time of the incident, Ladley lived with her mother, Krista Bennett; father, James Bennett; and husband, Edwin Ladley.**
 - ❖ **Rodgers never asked Heather Ladley if she told any of these family members about the incident.**
 - ❖ **Rodgers never interviewed any of the other household members of Heather Ladley.**
- **This statement was taken exactly five months after the incident on September 2, 2010.**
- **No questions were asked of Ladley indicating if she had any conversations or contact with anybody regarding this case prior to the interview.**
- **The interview was conducted on the same date, at the same location, and the same timeframe of the interview with Stacey Boswell (Boswell and Ladley did not live together at the time of the incident.)**

- Ladley described hearing the yells and gunshots between 10:30 and 11:00, but Rodgers uses 11:00 in his timeline and as his reference point throughout this investigation.

█ [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

- **Despite the fact that Rodgers believes these witnesses heard the incident on the night in question, he failed to conduct a canvass of residences surrounding Ladley and Boswell.**

22. FDLE report dated 02 Feb 2011, detailing an interview with Ciara Morris (friend of Michelle O’Connell)

- During the interview Morris described Banks as controlling of Michelle. Morris also explained that she does not like Banks.
- Morris described an incident in March 2010 where she and Michelle O’Connell went to a local bar and had drinks, allowing a male patron to purchase drinks for them.
 - Morris stated after arriving back at her residence, Michelle became very sick and eventually lost consciousness. Morris described Banks arriving at the location and being very upset with Michelle, calling her profane names.
 - ❖ **Banks called 911 and Michelle was ultimately transported to the emergency room by ambulance.**
 - ❖ Michelle was found to be free of having narcotics in her system but had a blood alcohol level of .208 (over twice the legal limit).
 - Morris described never getting along with Banks after this incident and losing touch with Michelle due to her relationship with Banks.
- **During one portion of the interview Rodgers asks Morris, “Is that the same picture I showed to you earlier?” and Morris agrees.**
 - **This shows an interview was conducted with Morris prior to the recorded interview.**
 - No mention was made in the report regarding the previous interview.
- This interview contained no evidence and was nothing more than bad character references against Banks presented by a person who described herself as, “Michelle’s best friend.”

23. 02 Feb 2011, this report documents information received from Morris where she advised Rodgers that Banks had two different shirts on the night of the Michelle's death (the report does not indicate how Morris received this information).
- The "two shirts" were later explained by Banks and other witnesses. Banks stated he purchased a t-shirt while he was at the concert with Michelle and put it on over the top of the shirt he initially wore to the concert.
 - The newly purchased shirt was collected and taken into evidence at the death scene by SJSO personnel.
24. 07 Feb 2011, this report details GSR (Gunshot Residue) lab results from FDLE.
- The report indicates the following:
 - GSR was identified on the GSR swabs taken from Michelle. The report also states the analysis cannot determine whether or not an individual discharged a firearm, it merely indicates the presence of gunshot residue. 'The presence of GSR on the hands may be the result of activities such as firing a weapon, being in close proximity to a firearm during discharge, or handling an item (such as firearm or spent cartridge) whose surface bears gunshot residue. GSR may also be expected to be found on samples from victims of gunshot wounds.'
 - **Nowhere in Rodgers' reports does he mention the GSR (soot/gunpowder) that is clearly visible in scene photographs of Michelle's left hand.**
 - The report also states, 'A trace amount of GSR was found on the scanning electron microscope (SEM) samples from Jeremy Banks: however, the amount may not be forensically significant. A trace amount can result when:
 - ❖ A portion of the gunshot residue initially deposited was removed from the hands prior to sampling.
 - ❖ The hands were exposed to a source with limited amounts of GSR available for transfer.'
 - a. These two explanations are not the only explanations that can explain the presence of trace amounts of GSR.
 - b. It should also be noted during the investigation, Banks was seen crying and he was continuously using his hands to raise his t-shirt to wipe his face (this was observed by Detective Gene Tolbert).
25. 08 Feb 2011, this report details a corrected copy of the crime scene diagram, which was placed into the evidence file at FDLE.
26. 15 Feb 2011, this report details an additional transfer of evidence from SJSO to FDLE.
27. 15 Feb 2011, this report details a subpoena request for the cellular phone records of Banks.

28. 15 Feb 2011, this report details a subpoena request for the cellular phone records of Michelle O'Connell.
29. 15 Feb 2011, this report reflects a subpoena request for the cellular phone records of Scott O'Connell.
30. 15 Feb 2011, this report reflects a subpoena request for the cellular phone records of Chrissy O'Connell.
31. 16 Feb 2011, this report details an internet search conducted by "Government Crime Analyst Kim Presti." The internet search shows weather conditions on Sept. 2, 2010, as recorded on the "Weather Underground," website.
32. 15 Feb 2011, this report details a neighborhood canvass conducted by Rodgers and Mark Brutnell. The canvass took place between the hours of 5:00 and 7:00 p.m. (Note: Neighborhood canvass was not conducted by Rodgers on the street where Ladley and Boswell were when they allegedly heard gunshots and screams).
 - During the canvass Rodgers and Brutnell contacted residents at:
 - 305 Doyle Lane (no witnesses to incident)
 - 304 Doyle Lane (no witnesses to incident)
 - 308 Doyle Lane (no witnesses to incident)
 - 309 Doyle Lane (no witnesses to incident)
 - 4705 Sherlock Place (no witness to incident)
 - 4701 Sherlock Place (no witness to incident)
 - 4817 Devonshire Court (no witness to incident)
 - 4821 Devonshire Court (no witness to incident)
 - 300 Cambridge Court (no witness to incident)
 - 304 Cambridge Court (no witness to incident)
 - 312 Cambridge Court (no witness to incident)
 - 305 Cambridge Court (no witness to incident)
 - 4708 Sherlock Place (no witness to incident)
 - 4709 Sherlock Place (no one home)
 - 4812 Devonshire Court (no one home)
 - 4813 Devonshire Court (no one home)
 - During this canvass Rodgers writes in his report he noticed Banks' patrol car in the driveway of his residence at 4700 Sherlock Place. Rodgers stated he and Brutnell approached the residence and noticed the garage door and interior garage door leading into the house were open. Rodgers said he, "Yelled out to Banks who

responded in a very loud aggressive voice, ‘Who’s there?’” Rodgers said he identified himself and Brutnell. Rodgers writes, “Banks walked into the garage area and said, ‘I just stopped by to get rid of some of her shit from the house.’” Rodgers continues writing, “Banks immediately corrected himself and apologized then said, ‘I apologize, I mean pack up some of her stuff.’”

➤ Rodgers bolded, ‘I just stopped by to get rid of some of her shit from the house’ and also, ‘I apologize, I mean pack up some of her stuff.’” Apparently, Rodgers believed these quotes were significant. It should be noted, Banks voluntarily showed Rodgers and Brutnell the master bedroom area where Michelle died.

33. 16 Feb 2011, this report provides details of an interview of Melinda Fox (self-reported ‘best friend’ of Michelle).

- **Fox describes speaking with a friend of Banks at the funeral named “Austin.” Fox stated Austin told her at the funeral that he (Austin) was present at the house when Michelle shot herself. Fox stated Austin told her he and Banks were standing in the driveway of Banks’ residence when they heard a gunshot. Austin said he and Banks ran into the residence, heard a second shot, kicked in the bedroom door and found Michelle lying on the floor. Fox said she saw Banks a few days later at Michelle’s gravesite and Banks never mentioned Austin being present at the time of Michelle’s death.**

➤ Rodgers writes on 18 Feb 2011 he again contacted Fox and showed her a photo of Austin Taylor who Fox identified as the person she saw at the funeral.

➤ **Rodgers writes he interviewed Austin Taylor who said he was not present when Michelle died but was at Banks’ residence a day earlier when he (Austin) mowed the yard for Banks. Rodgers writes Austin told him that Fox “got the story wrong.”**

❖ This report details the allegation made by Fox and the explanation given by Taylor.

- a. **During the course of this investigation, two search warrants were written by Rodgers. These two search warrants were both signed by the judge on 12 Apr 2011 (200 W. S.R. 206 and 4700 Sherlock Place).**
- b. **In each of these search warrants, Rodgers refers to the interview of Fox. Rodgers states in each Search Warrant Affidavit that Fox described Taylor was present at the time of Michelle’s death. The affidavits also state Banks has provided two interviews concerning this case and has not disclosed Taylor being present at the time of Michelle’s death.**

- c. **No mention is made in either affidavit of the interview with Taylor and his exculpatory statements detailed in the above report dated 18 Feb 2011. At the time he sought the Search Warrants, Rodgers already knew that Taylor was not present during the night of the incident.**

34. 16 Feb 2011, report details Rodgers' interview of Dorothy Woodward (employer of Michelle at Tech Tots).

- Woodward described Michelle as very happy to have been hired full time by Tech Tots and for the potential of receiving benefits.
- Woodward does not believe Michelle committed suicide.
- Woodward described a tumultuous relationship between Banks and Michelle, but did not have firsthand knowledge.

35. 21 Feb 2011, report details the download of the Taser carried by Banks.

- Download shows no evidence of Taser deployment on day of incident.

36. 22 Feb 2011, report details the request and receipt of autopsy photographs of Michelle.

- Photos were submitted into FDLE evidence.

37. 22 Feb 2011, report details a meeting between SJSO Capt. David Messenger and Sgt. Ron Faircloth. This meeting was to receive a copy of and a detailed explanation of a memo issued to Deputy Scott O'Connell and Dep. Jeremy Banks by the SJSO.

- This memo was issued after threats or allegations of threats were made between Banks and Scott O'Connell.
- Rodgers writes in his report that Faircloth "reported" an incident between Banks and O'Connell where a threat was made. Rodgers also writes Faircloth "informed" Rodgers that Banks told him that Scott O'Connell thought he (Banks) killed his sister.
 - Rodgers then writes, "Sgt. Faircloth 'admitted' that Dep. Banks is a friend and has been to his residence on a number of occasions and he views Banks as a son/father mentor type relationship and cited that when he was young, Banks reminded him of himself. Faircloth 'admitted' that he responded to the death investigation scene on the night of 2 September 2010. Faircloth 'admitted' that he was off duty and was responding to the scene as requested by Banks through the SJCOSD Dispatcher."
 - Rodgers continues by writing, "Faircloth 'admitted' that he was present (inside the car with Detective Jessica Hines) when Detective Hines interviewed Deputy Jeremy Banks at the crime scene on the date of Michelle O'Connell's death."

38. 23 Feb 2011, report details contact between State Attorney Investigator Robert Hardwick and Florida Medical Examiner Michael Bell.

- The report indicates Dr. Bell was provided with a series of photos of the small laceration to Michelle’s “brow area of right eye” and Dr. Bell agreed that the injury could have been caused by the .45 caliber shell casing noted in the picture, based on the size of said casing.
39. 28 Feb 2011, report details the download of the Facebook account of Scott O’Connell as it appeared on 28 Feb 2011.
- The information was placed on a CD and submitted into evidence at FDLE.
 - Rodgers writes no derogatory information was found on the Facebook account.
40. 28 Feb 2011, report details the download of the Facebook account of Ciara Morris as it appeared on 28 Feb 2011.
- The information was placed on a CD and submitted into evidence at FDLE.
 - **Rodgers writes no derogatory information was found on the Facebook account**
 - **After a review of the Facebook screen captures, Ciara Morris posted numerous items related to the death of Michelle and her belief that Banks killed her. Morris also posted several comments concerning Banks and her negative feelings toward him.**
41. 01 Mar 2011, report details a meeting between State Attorney Investigator Rob Hardwick, FDLE Agent Rodgers, and FDLE Agent Mark Brutnell with Medical Examiner Dr. Fredrick Hobin.
- The report indicates Dr. Hobin engaged in a “question and answer” session with investigators concerning the specific details of the autopsy he performed on Michelle.
 - According to the report, Dr. Hobin makes reference to a bruise on the left hand of Michelle and states this bruise was, “probably caused by someone stepping on the hand at the scene.”
 - ❖ **The photos of the left hand taken at the death scene clearly show a presence of gunpowder residue and/ or soot on the webbing of the left hand (between thumb and index finger).**
 - The report also makes reference to Michelle’s right (second from the middle) front tooth appears to be damaged or broken in the autopsy photos. The condition of the tooth could not be determined conclusively by viewing the photos and Dr. Hobin had no recollection of the tooth being damaged.
 - ❖ The autopsy report completed by Dr. Hobin indicates the teeth are “natural” with no defects noted.
 - ❖ Dr. Hobin told investigators he would look closer at the x-ray images to see what he could determine from the photos.
 - a. No indication is made in this report referencing Dr. Hobin actually viewing the photos.

- Rodgers provided Dr. Hobin an exact type of weapon used in the death of Michelle, complete with an attached tactical light.
 - ❖ The report states “Dr. Hobin clarified his position by stating the pistol would have entered Michelle’s mouth sideways (horizontal) and could not have entered the mouth in the up-right (vertical) position.”
 - ❖ The report also makes mention that “Dr. Hobin confirmed traditional studies and several documented cases have indicated that, ‘If the gunshot wound is on top of the tongue it is most likely a Homicide, “And if the gunshot wound is beneath the tongue it is most likely a suicide, A-Typically.” **An attorney from the SAO 5th Judicial Circuit related a conversation he had with Dr. Hobin concerning this issue. Hobin advised him that this subject did come up, however he [Hobin] stated that this is dated information and is no longer relied upon by medical experts. Rodgers used this “tongue” information to support probable cause in court documents.**
 - a. The report then makes mention that the wound to Michelle was to “...the top of her tongue severing her spinal cord at the #3 vertebra causing instantaneous death.”
- The report also states that, “Dr. Hobin ‘admitted’ that he had never been shown or informed about the Hawley crime scene photographs until this meeting.”
- According to the report, at the conclusion of this meeting Dr. Hobin did not change his ruling from suicide but agreed that additional investigation was necessary.

42. 03 Mar 2011, report details the request and receipt of the EMS report related to the on scene medical treatment of Michelle by St. Johns County EMS and transportation of the body by the Medical Examiner’s Office.

- **The EMS report completed by rescue personnel indicates Michelle had a pulse of 42 BPM and respirations were absent at 23:33 hours.**
- **At 23:41 hours, while receiving Advanced Life Support, Michelle’s pulse fell to 22 BPM and respirations were assisted at 12 per minute**
- **At 23:49 hours, Michelle’s pulse was noted at 0 and respirations were noted as assisted at 12 per minute.**

43. 07 Mar 2011, report by Rodgers details picking up medical records of Michelle. These records detail the incident reported by Ciara Morris (Paragraph #22 above) in March 2010 when Michelle passed out from drinking.

- The medical report indicates Michelle had a BAC of .208 and was negative for all other tested drugs.

44. 04 Mar 2011, report details information regarding a meeting between Rodgers, State Attorney Investigator Hardwick, and Jerry Findley. The report indicates Findley is a recognized expert in “crime scene, blood splatter (proper term should be spatter), and blood stain analysis.”
- The report indicates Hardwick and Rodgers met with Findley at the UNF campus and presented him with information concerning Michelle’s death. The report goes on to say the investigators provided a “comprehensive overview” of the circumstances surrounding the death of Michelle.
 - There are no details in the report to indicate exactly what was told to Findley.
45. 07 Mar 2011, this report (written on 08 Mar 2011) details the request of a standard of Michelle’s DNA collected during her autopsy.
- The DNA standard was placed into FDLE evidence under item #44.
46. 02 Mar 2011, report details a FDLE lab report related to the test firing of the H&K handgun collected from the death scene.
- The report indicates the bullet fragments analyzed were of no value for identification.
 - The report also indicates the two collected bullet casings were fired from the collected handgun. “These cartridge cases were compared microscopically with tests. They were fired in the pistol Exhibit 8.”
47. 24 Feb 2011, report details information regarding a latent fingerprint examination of the two pill bottles collected from Michelle’s purse.
- The report indicates no latent prints of value were noted or developed on the pill bottles.
48. 14 Feb 2011, FDLE Lab report regarding biological evidence taken from items gathered at the death scene.
- Item #8.1 (Gun Belt) gave chemical indications for the presence of blood.
 - Samples were also taken from item # 7 (gun, magazine, and unfired rounds) and item #8.1 (gun belt) were collected in an attempt to determine the possible handler of this exhibit.
 - Death scene photos taken at the conclusion of the treatment provided by Rescue personnel show a large amount of blood on the carpet leading to the gun belt and located around the body of Michelle. The photos also show the gun belt was moved at some point during the treatment of Michelle by EMS. The blood seen on the carpet after the care was given by EMS indicates this blood was a result of the treatment provided by EMS and not a result of the initial scene (**the blood on the carpet was not in the initial photographs taken prior to EMS arrival**).

49. 18 Feb 2011, this report details FDLE lab results and latent fingerprint analysis of the handgun, magazine and unfired rounds located at the death scene.
- The analysis indicated no latent prints of value were noted or developed during the examination.
50. 07 Mar 2011, report indicates the issuance of a subpoena for the Facebook account of Chrissy O’Connell.
- No results listed in this report.
51. 07 Mar 2011, report indicates the issuance of a subpoena for the Facebook account of Jeremy Banks.
- No results listed in this report.
52. 07 Mar 2011, report indicates the issuance of a subpoena for the Facebook account of Austin Taylor.
- No results listed in this report.
53. 07 Mar 2011, report indicates the issuance of a subpoena for the Facebook account of Mindy Fox.
- No results listed in this report.
54. 07 Mar 2011, report indicates the issuance of a subpoena for the Facebook account of Scott O’Connell.
- No results listed in this report.
55. 07 Mar 2011, report indicates the issuance of a subpoena for the Facebook account of Ciara Morris.
- No results listed in this report.
56. 11 Mar 2011, report details an interview of SJC Rescue Lt. Mike Meachem with Rodgers.
- Stated three rescue crew members were treating Michelle.
 - Stated he did not notice bullet in the carpet to the right side of Michelle’s body.
 - Meachem recalled hearing deputies on scene mention the gun belt located to the left side of Michelle’s body but Meachem does not recall seeing it.
57. 10 Mar 2011, report details an interview of SJC Rescue Paramedic Crystal Cuzzort with Rodgers.
- Cuzzort said she was met at the rescue vehicle by a female Deputy (Maynard) and was directed to the patient.

- Cuzzort described Maynard as excited and stressed.
- **Cuzzort stated upon her arrival, Michelle had a pulse and she began treating Michelle “aggressively.”**
- It should be noted an opinion provided by Cuzzort during the interview with Rodgers is bolded in Rodgers’ report and it states; “Cuzzort observed that Michelle O’Connell was very healthy, attractive, and ‘just didn’t fit the picture of a typical suicide.’ **Rodgers fails to mention the significance of the fact that Michelle was still alive at the time of law enforcement and EMS arrival.**

58. 10 Mar 2011, report details an interview of SJC Firefighter/ EMT Jason Houpe with Rodgers.

- Arrived on scene and did not see Banks but heard him yelling, “No, No!”
- Houpe stated Deputies told him to watch out for the weapon but he doesn’t remember seeing it and stated he, “Wasn’t really looking for it.”

59. 14 Mar 2011, report details an interview of SJC Firefighter/ EMT Rebecca Drainer with Rodgers.

- **Drainer indicated Michelle had a pulse upon arrival of EMS.**
- During the interview, Drainer mentions she contacted Banks after the incident because the same thing happened to her.
- **Rodgers does not ask Drainer what she was referring to but put into his report that Drainer previously lost a boyfriend to suicide. Our review indicated that this information was disclosed by Cuzzort, not by Drainer and the incident Cuzzort was referring to was actually ruled as an accidental shooting that occurred years earlier, not a suicide.**
 - ❖ **It appears that Rodgers attributed a comment made by Cuzzort to Drainer and it is not accurate.**

60. 22 March 2011, report detailing an interview of Scott O’Connell with Rodgers.

- Scott O’Connell stated he attended the concert with Michelle and Jeremy on the night of her death. Scott said it was obvious Michelle and Banks were arguing.
- Scott stated he and a female named “Beth” parked at the Surf Station during the concert on the night of Michelle’s death.
- Scott stated Banks and Michelle also parked at the Surf Station but he never saw them there.
- Scott indicated he met with Banks in the days following the death of Michelle and felt that Banks was not forthcoming about the details leading up to her death.
- Rodgers also detailed the submission of Scott O’Connell’s cellphone to FDLE for download.

61. 11 Apr 2011, report details the request for a polygraph examination of Stacey Boswell and also, the completion of the polygraph examination.

- A review of the report completed by the United States Secret Service Polygraph Examiner SA Jeff Rohrer details the polygraph of Boswell occurring on 25 Mar 2011. The report makes reference to another polygraph examination conducted on Heather Ladley which occurred on 29 Mar 2011.
 - The examination was conducted after a “Series I pre-test” in which Boswell was interviewed concerning the events surrounding the death of Michelle O’Connell.
 - During the examination of Boswell on the polygraph machine Boswell was Asked two questions:
 - ❖ “Did you hear any of those noises on that night?”
 - ❖ “Did you hear any of those noises that night from that direction?”
 - a. The examiner indicated in his report that “No deception indicated to all relevant questions.”
 - b. Although no deception was noted by Boswell there was no determination made by Rodgers concerning the incident heard by Boswell being related to the death of Michelle (See paragraph 20 above).

It is inexplicable why these were the only two questions asked and why they were so vague.

62. 23 Mar 2011, report details the scheduling of a polygraph examination for Heather Ladley. The report also includes an e-mail string between Rodgers and Secret Service polygraph examiner Jeffrey Rohrer.

63. 04 Apr 2011, report details the polygraph examination of Heather Ladley.

- A review of the report completed by the United States Secret Service polygraph examiner Jeff Rohrer details the polygraph of Ladley occurring on March 29, 2011. The report makes reference to another polygraph examination conducted on Stacey Boswell which occurred on 25 Mar 2011.
 - The examination was conducted after a “Series I pre-test” in which Ladley was interviewed concerning the events surrounding the death of Michelle.
 - During the examination of Ladley on the polygraph machine she was asked two questions:
 - ❖ “Did you hear any of those noises on that night?”
 - ❖ “Did you hear any of those noises that night from that direction?”
 - a. The examiner indicated in his report that “No deception indicated to all relevant questions.”

- b. Although no deception was noted by Ladley there was no determination made by Rodgers concerning the incident heard by Ladley being related to the death of Michelle. (See paragraph 21 above).

64. 29 Apr 2011, report details the return of an H&K USP .45 handgun to the SJSO.

- This handgun was identical to the one collected from the crime scene and was provided to FDLE by Rodgers for examination.

65. 09 Mar 2011, this report details the DNA examination of the pills located in the front pocket of Michelle.

- The lab results indicate “No DNA evidence was found during the examination of the pills found in the right front pocket of Michelle O’Connell.”

(#66. THIS IS AN EXTENSIVE REVIEW OF JERRY FINDLEY’S CRIME SCENE RECONSTRUCTION REPORT. IT IS LOCATED AT THE END OF THIS CURRENT REPORT).

67. 11 Apr 2011, report documents the results of the polygraph examination of Stacey Boswell (this is the second report related to the single polygraph examination of Boswell).

- The results from the polygraph are not in the file under this tab (see #60 above.) Two forms used by the polygraph examiner are in the file along with a handwritten diagram signed by Boswell indicating the direction she heard the shots and yelling. The two forms consist of a Constitutional Rights form signed by Boswell and a consent form to take the polygraph.

68. 06 April 2011, report details the return of Scott O’Connell’s laptop computer which had been voluntarily provided to Rodgers in order to conduct a search.

69. 06 April 2011, report details Rodgers submission of Michelle’s laptop to the Tallahassee FDLE office for forensic examination of the hard drive.

- Along with the hard drive, Rodgers provided the technician with a list of e-mail addresses of family and acquaintances of Michelle to be used during the search.
- Rodgers also writes on the form, “Computer key words and phrase e-mails submitted.”
- Rodgers asks the analyst to conduct searches related to the following topics: Daughter █████ O’Connell, Diary entries, domestic violence between Banks and O’Connell, rental properties, suicide/ homicide, pharmaceutical products and their effects on the human body, firearms, and their use and operation relating to suicide/ homicide.

70. 06 April 2011, report details Rodgers meeting with Scott O’Connell at the request of Scott O’Connell.

- Scott O’Connell discussed his concerns about the FDLE investigation and wanted to be updated on the progress of the investigation.
- Rodgers writes, “SA Rodgers requested Scott and the O’Connell family be patient and assured him that as information became available and the information did not compromise the integrity of the investigation, he and his family would be informed.”

71. 14 April 2011 (**search warrant**), this report details the execution of a search warrant for Banks’ iPhone and the residence located at 200 SR 206, St. Augustine, Florida. **It is important to note that no search warrant existed to give Rodgers the authority to seize and search Banks’ iPhone.**

- The report indicates a search warrant was issued by the courts on 12 April 2011.
- The search warrant and affidavit state the basis for the search warrant is for an investigation into the crime of “murder;” in violation of Florida Statute 782.04.
 - The Medical Examiner ruled on this death prior to this search warrant being issued and ruled the death was a “suicide.” It is inexplicable why Rodgers would have submitted this as “murder” instead of suicide or death investigation.
- The report states Rodgers was interviewing Banks and while conducting this interview he [Rodgers] seized Banks’ cellphone for forensic download. The report details the download of the cellphone and the results.
- The report indicates the cellphone was seized pursuant to a search warrant. **This is not true. This phone was taken from Banks by Rodgers during Rodgers first interview of Banks. Rodgers took the phone after Banks asserted his constitutional right to an attorney. Rodgers became visibly upset and took the phone telling Banks he (Rodgers) had a search warrant for the phone. Rodgers then advised Banks the phone was going to be downloaded and that a search warrant was going to be conducted at Banks current residence located at 200 W. SR 206.** (The report detailing the interview of Banks is located in #74 below).
 - **Although a search warrant existed for the residence at 200 W. SR 206, and that warrant allowed Rodgers to seize computers, files and other digital media, Rodgers seizure of Banks cellphone occurred while Banks was being interviewed at the FDLE office in Jacksonville (Duval County). This seizure was unlawful and not within the scope of the warrant.**
- Rodgers’ report indicates 209 contacts, 26 incoming call records, 42 outgoing call records, 32 missed call records, 1,011 images, and 1 video file were located on the phone. The report states the SMS text messages were unable to be downloaded and a second complete download of Banks’ phone was conducted and documented in this

case file.” There is no indication where or when this second download took place or what report this statement is referencing.

- The report states photos of the search warrant site (200 W. SR 206, St. Johns County), receipts for property seized, copy of the search warrant, and a CD-Disk of the download of Banks I-Phone were placed in the investigative file (two disks are attached to this report and listed as item #69).
- This report makes no mention of the evidentiary value of any of the items seized during the search warrant.
- It should be noted: The affidavit for this search warrant (200 W. SR 206) and an additional affidavit for a search warrant (4700 Sherlock Pl.) (listed in #72 below) contain the same probable cause. **Both affidavits have been reviewed and some of the “facts” listed in the affidavits are not true.** A detailed review of these affidavits is listed below in (#72).

72. 12 Apr 2011 (**search warrant**), report details Rodgers application for a search warrant of the residence where Michelle died (4700 Sherlock Place) and the execution of the warrant on 14 Apr 2011.

- The search warrant and S/W affidavit state the basis for the search warrant is for an investigation into the crime of “Murder;” in violation of Florida Statute 782.04.
 - The Medical Examiner had ruled on this death prior to this search warrant being issued and ruled the death was a “suicide.”
- The report states during a search of the residence, a “rubber glove consistent with gloves issued to patrol deputies at SJCSO was found ‘concealed’ beneath a small cloth draped table where Michelle O’Connell was found dead on the night of 2 September 2010.”
 - This glove was not collected by Rodgers and no indication has been made that the glove had any evidentiary value. If the glove had any evidentiary value, the search warrant should have been amended and the glove collected. No significance has ever been established regarding this glove.
 - The use of the word “concealed” is speculation. Also, no mention is made of what evidentiary value this glove has. (It has none and was located in the residence and bedroom of a Deputy and it should not be considered unusual to find tools related to a deputies profession within their residence). **It should also be noted this search warrant occurred over 7 months after the death of Michelle.**
 - The search warrant also makes reference to a video tape of “Dexter” being located inside the residence. “Dexter” was mentioned previously in Rodgers’ investigation and “in several Facebook postings between Banks and others shortly after the death of Michelle O’Connell.” The report states, “Dexter is a serial killer portrayed in a television series.” **The report does not state how this is considered evidence** and relies on speculation in order to draw a conclusion to its relevance.

- Photographs of the items related to the search warrant were submitted into FDLE evidence.
 - A review of the affidavits for the search warrants listed in #71 and #72 above revealed the following details:
 - ❖NOTE: Both affidavits contain the exact same probable cause. This summary is written referring to both Affidavits simultaneously unless otherwise stated.
 - ❖Both affidavits are written to collect computers and digital media belonging to Banks. No direct information is in either affidavit to detail how Rodgers knows the devices he is seeking are located in either residence. It is only documented that Banks was living at the addresses or believed to be living at the addresses listed in the affidavit.
 - ❖The only statements related to the use of computers in either affidavit details Banks and Scott O’Connell making threats toward each other after the death of Michelle. There is no nexus between the death of Michelle and the use of a computer by Banks related to her death. Both Search Warrants state, “Whereas said facts made known to me and considered by me have caused me to find that there is probable cause to believe that the felony crime of Murder in violation of Florida Statute 782.04 has been committed in or about a certain premises or curtilage thereof, and that certain evidence relevant to proving said felony is now being kept on or in certain premises or curtilage thereof, in St. Johns County, Florida, being known and described as follows:”
 - a. **Probable cause does not exist for Murder.**
 - b. **No crime or alleged crime related to this case occurred at 200 W. SR 206.**
 - c. **No correlation between the death of Michelle and the use of the computer has been made.**
 - d. **The only relevant information in the affidavit related to a computer being used by Banks relates to Banks and Scott O’Connell making threats towards each other after the death of Michelle. These threats were alleged in the affidavit to have been made by text message, postings on Facebook, postings on the website, “Behind the Blue Shield,” and face to face threats. If this is the basis for searching the computer, why is “Murder” listed on the search warrant as probable cause?**
 - In the affidavits, Rodgers makes reference to the 911 call by Banks. The affidavit documents, “Deputy Banks initially appeared to be upset when he began the 911 call and explained to the St. Johns County Sheriff’s dispatcher that his girlfriend had shot herself. During the call, Banks stated to the dispatcher that he was ‘going

to tell the truth now,' and then identified himself as a deputy with the St. Johns County Sheriff's Office."

- ❖ **The statement by Rodgers that Banks said he was "going to tell the truth now" is not accurate.** The actual 911 call was very emotional. Banks was initially screaming and crying and the dispatcher could not get the information she needed. The dispatcher was attempting to calm Banks and Banks was able to gather his composure for a few seconds and told the dispatcher, "...Let me tell you the truth, I am Deputy Banks with the St. Johns County Sheriff's Office, I work with y'all, get someone here now!" Banks becomes very emotional again and is inconsolable. Banks continues repeating please get someone to his house.
- ❖ The statement made by Rodgers that says he was going to tell the truth "now" is **misleading and deceptive**. The use of the word "now" in this context implies Banks was previously lying or not telling the truth.
- In the affidavits, Rodgers also writes, "Deputy Jeremy Banks then informed the dispatcher that he wanted Sgt. Faircloth to respond to the scene and instructed the dispatcher to inform the responding deputies that he was 'unarmed.'"
 - ❖ **Rodgers documenting that Banks informed the dispatcher he wanted Sgt. Faircloth to respond is not true. The fact is Banks was very distraught and the dispatcher began naming deputies that were responding to the scene. The dispatcher then informed Banks that Faircloth was on the way. Banks never asked for Faircloth to respond and this statement was made by the dispatcher unsolicited. Later in the call, the dispatcher is trying to calm Banks and continues by explaining Sheriff's Office personnel responding. Banks questions, "You got my Sergeant coming, you got Faircloth coming?"**
 - ❖ Rodgers also quoted Banks in the affidavits saying Banks advised the dispatcher to inform the responding deputies that he was "unarmed." This statement made by Banks was in response to the dispatcher asking Banks to leave the room and go outside.
- In each affidavit, Rodgers writes "When deputies arrived on scene, they found Michelle O'Connell dead inside the residence."
 - ❖ **This statement is not true. In fact when deputies arrived, they discovered her with a traumatic injury, which caused them to assess her condition. Deputies immediately discovered a pulse in Michelle's left wrist upon their arrival (11:25 p.m.), and when paramedics placed Michelle on a heart monitor, she registered 42 beats per minute (11:33 p.m.).**
 - ❖ **Rodgers never acknowledged this critical detail. The fact that Michelle is still alive when deputies arrived is directly contrary to**

Rodgers’ theory that Michelle was shot at approximately 11:00 p.m. This is supported because had she been shot at the time Boswell and Ladley reported, Michelle would not have been likely to sustain life for that extended length of time (11:00-11:33 p.m.) after suffering an intraoral gunshot wound that severed her spinal cord.

- ❖ **Evidence supports that Banks immediately called 911 after Michelle sustained the injury. It is important to note that throughout Rodgers’ investigation, he implies that after Michelle sustained her injury and prior to Banks summoning law enforcement, he [Banks] engaged in manipulating the crime scene.**
- The affidavits refer to an interview with Banks conducted on the night of the incident by Detective Jessica Hines. The affidavit states, “As indicated, Banks was briefly interviewed by Det. Jessica Hines of the St. Johns County Sheriff’s Office. During that interview, Banks stated that the event leading up to the O’Connell’s untimely death on the date in question involved a domestic dispute between him and O’Connell.”
 - ❖ This statement in the affidavit is misleading. Banks did state he discussed with Michelle that they were breaking up on the night of her death. Banks did not characterize this as an “event” and the use of this term implies this single “event” was a cause of Michelle’s death and this cannot be determined.
- **Rodgers also writes in the affidavits that, “Banks further advised Det. Hines that at the time of the shooting he was alone with O’Connell inside the residence.” While this is technically accurate, the fact is Banks stated he was in the garage sitting on his motorcycle and O’Connell was in the master bedroom with the door closed when he heard the first of two shots. By writing Banks was “alone with O’Connell inside the residence” one might deduce Banks stated he was in the immediate vicinity of Michelle O’Connell when she was shot.**
- Later in the affidavits, Rodgers talks about Stacey Boswell and Heather Ladley as hearing cries for help and gunshots on the night in question. Rodgers goes on to write, “Both witnesses pointed to the residence of Jeremy Banks as the source of the gunshots and cries of distress.” **This is not true. At no point during any documented interviews with Boswell and Ladley did they ever point or give specific direction that they heard the gunshots or cries for help coming from Banks’ residence. In fact, the distance between 110 Belles Chase Court and 4700 Sherlock Place is (in excess of 500 feet), where Boswell and Ladley stated they were when they heard the alleged sounds; there is no direct line of sight to Banks’ residence.**

- Rodgers also writes in the affidavit that the injury to Michelle’s tongue was indicative of suicide. This statement was made by Rodgers after a conversation he had with Dr. Hobin. The report states, “Investigators questioned the gunshot entrance wound into the top of the tongue in the case of Michelle O’Connell’s tongue. Dr. Hobin confirmed that traditional studies and several documented cases have indicated that gunshot wounds beneath the tongue are most likely indicative if suicide. Thus, a finding that a person committed suicide and shot themselves through the top of the tongue would be atypical.”
 - ❖ **An attorney from the SAO 5th Judicial Circuit related a conversation he had with Dr. Hobin concerning this issue. Hobin advised him that this subject did come up, however he [Hobin] stated that this is dated information and is no longer relied upon by medical experts. Rodgers used this “tongue” information to support probable cause in court documents.**
- Also included in the affidavits are statements by Rodgers concerning an interview he conducted with Mindy Fox. The affidavit states Fox was contacted by Austin Taylor while they both attended Michelle’s funeral. Fox advised that Taylor told her that he was present at Banks residence when Michelle died. Fox stated Taylor said he and Banks were in Banks’ front yard smoking a cigarette when they heard a shot from inside the house. Fox said that Taylor stated he and Banks ran into the house when they heard a second shot. Taylor said he and Banks kicked open the door and found Michelle lying on the floor. In the paragraph following these statements, Rodgers writes that Banks has been interviewed twice by the St. Johns County Sheriff’s Office and has never mentioned the presence of Austin Taylor at the scene, at the time of Michelle’s death.
 - ❖ **In a report authored by Rodgers dated 17 Feb 2011 (report #33) he writes, on 18 Feb 2011 he conducted a second interview with Fox and showed her a picture of Austin Taylor, who Fox agreed was the person she was referring to at the funeral. Rodgers continues to write in the same paragraph that he interviewed Taylor and Taylor stated he was not at the residence on the night of Michelle’s death but was there the day prior when Taylor mowed the lawn. Taylor advised Rodgers he was not at the residence when Michelle died and that Fox had “got the story wrong.”**
 - ❖ **The S/W affidavits and search warrants referenced were signed by the judge on 12 Apr 2011.**
 - ❖ **The report stating Rodgers interviewed Taylor is dated 18 Feb 2011.**

- ❖ No mention is made in the S/W affidavit of Rodgers' interview of Taylor or his denial that he was present at the time of Michelle's death.
 - ❖ Rodgers' writing in his S/W affidavits that, "Banks has never mentioned the presence of Austin Lee Taylor at the scene at the time."
 - ❖ This is a deliberate misrepresentation of the truth. When Rodgers submitted his S/W affidavit to the court he knew the story relayed to him by Fox was refuted by Taylor as indicated by Rodgers' own report dated 18 Feb 2011. It appears he failed to mention this in an attempt to portray his perception of Banks' guilt and to mislead the court.
- Rodgers includes information in these S/W affidavits concerning an interview he conducted with Paul Gaumont on 27 January 2011, (report #17). In the S/W affidavits, Rodgers writes, "Your affiant also interviewed Paul Gaumont who advised that Dep. Scott O'Connell (the brother of Michelle O'Connell) and Deputy Banks discussed the death of Michelle O'Connell the day after her death. At the conclusion of the meeting between Scott O'Connell and Jeremy Banks, Scott O'Connell was convinced that Jeremy Banks was responsible for her death."
- ❖ The S/W affidavits referenced above were completed and signed by the judge on 12 April 2011.
 - ❖ On 22 March 2011, Rodgers interviewed Scott O'Connell (report #60). Rodgers does not include direct statements Scott O'Connell made during his interview in the S/W affidavits but instead uses Paul Gaumont's statements to document what Scott O'Connell allegedly said to Paul.
 - ❖ Rodgers should have confirmed with Scott O'Connell the information by Paul Gaumont, but he did not do so according to his reports.
 - ❖ Furthermore, what makes this so inexplicable is that even if Rodgers confirmed with Scott O'Connell about the alleged conversation with Banks, there is no evidentiary value in the alleged statement and should not have been used as probable cause to support a search warrant.
- Rodgers writes in the S/W affidavits that he interviewed Ciara Morris (report #22) and was given a printout of Facebook messages posted by Banks. Rodgers quotes one of the messages posted on September 30, 2010 writing, "When did I become the things that I used to hate? I'm stranded to this ship, left to fall with the crash of the waves." It should be noted that the lyric referenced was explained by Banks

during a later interview with Rodgers. Banks explained this was a song lyric from a band that he and Michelle both liked.

➤ **Rodgers writes, “The aforementioned statement causes your Affiant to believe Banks was expressing his inner thoughts concerning the untimely death of Michelle O’Connell and the circumstances surrounding her death and his possible involvement.”**

❖ **Rodgers apparently deduces from these song lyrics that:**

- a. **Banks is associating these lyrics with the circumstances surrounding Michelle’s death.**
- b. **Banks is expressing his inner thoughts concerning the “untimely” death of Michelle.**
- c. **Banks is associating these lyrics with “his possible involvement” in Michelle’s death.**
- d. **It is unknown why Rodgers would include this arbitrary assumption in an affidavit seeking a search warrant.**
- e. **Nowhere in the affidavit does Rodgers detail his qualifications or expertise to be qualified to make such a deduction in an affidavit.**

➤ **In the S/W affidavit for the residence of 200 W. SR 206, Rodgers writes, “On April 8, 2011, Your Affiant received information that Jeremy Banks was temporarily living at a residence at 200 West S.R. 206 in St. Augustine with a friend by the name of Andrew Stephen Garris. Utility records confirm that Andrew Garris is the primary occupant of the residence. Several times since that date, Your affiant has personally observed Jeremy Banks’ gold Chrysler 300 vehicle at various times on the property at 200 West S.R. 206.”**

➤ **Below are substantive issues regarding how Rodgers established Banks’ residency at 200 W. SR 206:**

- ❖ **Nowhere in the S/W affidavit does it state how he learned that Banks lived at this residence.**
- ❖ **The utility records only confirm that Garris was the account holder at that property and Banks’ name is not mentioned.**
- ❖ **Nowhere does the S/W affidavit establish the times, dates, and frequency when Rodgers observed Banks’ vehicle at the residence.**
- ❖ **Only four days elapsed between the time Rodgers received this information and the time the judge signed the search warrant.**
- ❖ **Rodgers does not explain in his affidavit how he established it was actually Banks’ vehicle that he observed at the residence.**

- ❖ **Assuming the vehicle belonged to Banks it is unclear how Rodgers determined Banks was living at the residence rather than merely visiting.**

73. 11 April 2011, documents the court order request for a “trap and trace” order for Banks’ cellphone.

- The trap and trace order allows an investigator to use a device called a pen register to gather live call data (numbers only, not a wire intercept) and “Cell Site Information” to determine the approximate location of the cell phone at the time the calls were made.
- The order was granted by the court beginning 11 April 2011 and was valid through 31 April 2011.
- The order makes reference to the investigation being conducted “into the Florida State Statutes; 782, Homicide.”
 - At the time of application, 11 April 2011, the medical examiner did not rule this matter a homicide, but ruled it a “suicide.”
 - A review of the application completed by Rodgers shows numerous discrepancies and mistakes. The following contains a review of the application:
- **The S/W application states Banks called 911 and “initially” appeared upset. The S/W application goes on to state the dispatcher initially referred to Banks as “Ma’am” and Banks corrected her by telling her he is a “Sir” and not a “Ma’am.” Rodgers then writes “Banks voice inflection changed from what would be described as out of control and barely understandable to stern and unemotional while he corrected the dispatcher. Moments later Banks tells the dispatcher he is going to tell her the truth now and begins by identifying himself as a Deputy with the St. Johns County Sheriff’s Office.”**
- **The statement by Rodgers that Banks said he was “going to tell the truth now” is not accurate and misleading.** The actual 911 call was very emotional. Banks was initially screaming and crying and the dispatcher could not get the information she needed. The dispatcher was attempting to calm Banks and Banks was able to gather his composure for a few seconds and told the dispatcher, “...Let me tell you the truth, I am Deputy Banks with the St. Johns County Sheriff’s Office, I work with y’all, get someone here now!” Banks becomes very emotional again and is inconsolable. Banks continues repeating please get someone to his house.
- The statement made by Rodgers that says he was going to tell the truth “**now**” is **misleading and deceptive**. The use of the word “now” in this context implies Banks was previously lying or not telling the truth.
- In the application, Rodgers writes, “When deputies arrived on scene, they found Michelle O’Connell dead inside the residence.”

- ❖ This statement is not true. In fact when deputies arrived, they discovered her with a traumatic injury, which caused them to assess her condition. Deputies immediately discovered a pulse in Michelle’s left wrist upon their arrival (11:25 p.m.), and when paramedics placed Michelle on a heart monitor, she registered 42 beats per minute (11:33 p.m.).
- ❖ Rodgers never acknowledged this critical detail. The fact that Michelle is still alive when deputies arrived is directly contrary to Rodgers’ theory that Michelle was shot at approximately 11:00 p.m. This is supported because had she been shot at the time Boswell and Ladley reported, Michelle would not have been likely to sustain life for that extended length of time (11:00-11:33 p.m.) after suffering an intraoral gunshot wound that severed her spinal cord.
- ❖ Evidence supports that Banks immediately called 911 after Michelle sustained the injury. It is important to note that throughout Rodgers’ investigation, he implies that after Michelle sustained her injury and prior to Banks summoning law enforcement, he [Banks] engaged in manipulating the crime scene.
- ❖ Later in the S/W application Rodgers refers to a “brief” interview with Banks. The application states, “The event leading up to the untimely death of Michelle O’Connell on the date in question involved a domestic dispute between himself and Michelle O’Connell.”
 - ❖ This statement in the affidavit is misleading. Banks did state he discussed with Michelle that they were breaking up on the night of her death. Banks did not characterize this as an “event” and the use of this term implies this single “event” was a cause of Michelle’s death and this cannot be determined.
- The S/W application says, “Banks further advised Investigators that at the time Michelle O’Connell she was alone inside the residence with Jeremy Banks.”
 - ❖ **Rodgers also writes in the affidavits that, “Banks further advised Det. Hines that at the time of the shooting he was alone with O’Connell inside the residence.” While this is technically accurate, the fact is Banks stated he was in the garage sitting on his motorcycle and O’Connell was in the master bedroom with the door closed when he heard the first of two shots. By writing Banks was “alone with O’Connell inside the residence” one might deduce Banks stated he was in the immediate vicinity of Michelle O’Connell when she was shot.**
- The application also contains several paragraphs unrelated to the Trap and Trace being requested and these paragraphs are not relevant to the application.

- ❖ The first paragraph states, “Your affiant has cause to believe Michelle O’Connell’s laptop computer would provide investigative information concerning her state of mind leading up to her untimely death on 2 September 2010. Your affiant has cause to believe Michelle O’Connell’s lap top computer would contain investigative insight and information into the reported tumultuous relationship between Jeremy Banks and Michelle O’Connell.”
 - a. **This entire paragraph is not relevant to the application for trap and trace. The placement of this information is an error.**
- ❖ The next paragraph contains information not relevant to the trap and trace application and has information relating to Michelle’s cellphone and pictures found on her phone when it was downloaded after her death. The same paragraph in Rodgers’ document makes reference to two photos on Michelle’s phone that show Banks at the concert they attended together on the night of her death. The application states, “Your Affiant feels has cause to seize the shirt (Black and White plaid) Deputy Jeremy Banks was wearing on the night of 2 September 2010 for possible evidence as this shirt was not taken by St. Johns County Sheriff’s Office when the death scene was processed for evidence.”
 - a. **This entire paragraph is not relevant to the application for trap and trace. The placement of this information is in error.**
- ❖ Another paragraph states, “Through FDLE Lab submissions by your Affiant a confirmed DNA profile belonging to Michelle O’Connell and the unknown DNA Male profile was found on Deputy Jeremy Banks duty gun belt holster. Your Affiant requests a DNA sample from Deputy Jeremy Banks for comparison to DNA found on the gun belt holster and additional evidence found at the scene.”
 - a. **This entire paragraph is not relevant to the application for trap and trace. The placement of this information is in error.**
- In another paragraph in the application, Rodgers talks about the witness statements made by Heather Ladley and Stacey Boswell. Rodgers writes, “Both witnesses pointed to the residence of Jeremy Banks as the source of the aforementioned voices. Jeremy Banks and Michelle O’Connell are not known to the witnesses.”
- ❖ **The statement concerning the identification of the noise coming from Banks’ residence is not true.**
 - a. **At no point during any documented interviews with Boswell and Ladley did they ever point or give specific direction that they heard the gunshots or cries for help coming from Banks’ residence. In fact, the distance between 110 Belles Chase Court**

and 4700 Sherlock Place is (in excess of 500 feet), where Boswell and Ladley stated they were when they heard the alleged sounds; there is no direct line of sight to Banks' residence.

b. Also, the statement made by Rodgers that Jeremy Banks or Michelle O'Connell are not known to these witnesses is not true.

- **Heather Ladley stated during an interview with Rodgers she attended elementary and middle school with Michelle (see #21).**

- **Ladley also stated she has seen pictures of Michelle on Facebook.**

❖ Also included in the application for the trap and trace order are statements by Rodgers concerning an interview he conducted with Mindy Fox. The affidavit states Fox was contacted by Austin Taylor while they both attended Michelle's funeral. Fox advised Taylor told her (Fox) that he was present at Banks' residence when Michelle died. Fox stated Taylor said he and Banks were in Banks' front yard smoking a cigarette when they heard a shot from inside the house. Fox said that Taylor stated he and Banks ran into the house where they heard a second shot. Taylor said he and Banks kicked open the door and found Michelle lying on the floor. In the paragraph following these statements, Rodgers writes that Banks has been interviewed twice by the St. Johns County Sheriff's Office and has never mentioned the presence of Austin Taylor at the scene, at the time of Michelle's death.

❖ In a report authored by Rodgers dated 17 Feb 2011 (report #33) Rodgers writes, on 18 Feb, 2011 he conducted a second interview with Fox and showed her a picture of Austin Taylor who Fox agreed was the person she was referring to at the funeral. Rodgers continues to write; in the same paragraph that he interviewed Taylor and Taylor stated he was not at the residence on the night of Michelle's death but was there the day prior and mowed the lawn. Taylor advised Rodgers he was not at the residence when O'Connell died and that Fox had "got the story wrong."

- ❖ The application and order referenced were signed by the judge on 11 Apr 2011.

- ❖ The report stating Rodgers interviewed Taylor is dated 18 Feb 2011.

- ❖ No mention is made in the trap and trace application of Rodgers' interview of Taylor or his denial that he was present at the time of Michelle's death.

- ❖ Rodgers' states in his trap and trace application that, "Banks has never mentioned the presence of Austin Lee Taylor at the scene at the time."
- ❖ **This is a deliberate misrepresentation of the truth, when Rodgers submitted his trap and trace application to the court he knew the story relayed to him by Fox was refuted by Taylor as indicated by Rodgers' own report dated 18 Feb 2011. It appears he failed to mention this in an attempt to portray his perception of Banks' guilt and to mislead the court.**
- ❖ In another paragraph on the application for the trap and trace order, Rodgers talks about an interview he conducted with Sgt. Faircloth. As a result of the interview Rodgers writes, "Faircloth 'admitted' that he was off duty and responded to the scene as requested by Banks through the SJSO Dispatcher."
- ❖ **This is not true, Banks did not request Faircloth.**
- In another paragraph Rodgers writes, "The bantering between Scott O'Connell, Jeremy Banks, and Austin Taylor cause your affiant to believe investigative information may be found on their computers. Computers also belonging to Michelle O'Connell, Scott O'Connell, Jeremy Banks, and Austin Taylor are the principal parties involved in the circumstances surrounding communications concerning the death of Michelle O'Connell."
 - ❖ This application for the trap and trace order has nothing to do with computers and the inclusion of this paragraph in the application is not relevant. This placement appears to be an error.
 - ❖ It is also unclear what "bantering" Rodgers is referring to between the listed parties.
 - a. The only information that shows any contact between Scott O'Connell and Jeremy Banks occurred in the days and weeks following Michelle's death approximately seven months prior to this application.
 - b. It is unclear how or why Austin Taylor was listed in this paragraph and how he is considered one of the "principal parties involved in the circumstances surrounding communications concerning the death of Michelle O'Connell."
- Rodgers writes in the application that Jeremy Banks posted the following message on his Facebook account. "When did I become those things that I used to hate? I'm stranded to this ship, left to fall with the crash of the waves".
 - ❖ Your affiant then writes "The aforementioned statement causes your Affiant to believe Jeremy Banks was expressing his inner thoughts

concerning the untimely death of Michelle O'Connell and the circumstances surrounding her death and his possible involvement.”

- ❖ **Rodgers apparently deduces from these song lyrics that:**
 - a. **Banks is associating these lyrics with the circumstances surrounding Michelle's death.**
 - b. **Banks is expressing his inner thoughts concerning the “untimely” death of Michelle.**
 - c. **Banks is associating these lyrics with “his possible involvement” in Michelle's death.**
 - d. **It is unknown why Rodgers would include this arbitrary assumption in an affidavit seeking a search warrant.**
 - e. **Nowhere in the affidavit does Rodgers detail his qualifications or expertise to be qualified to make such a deduction in an affidavit.**

- ❖ The reference to these song lyrics is not relevant to the application for trap and trace. The placement of this information appears to be an error.

- Rodgers also writes in the application that the injury to Michelle's tongue was indicative of suicide. This statement was made by Rodgers after a conversation he had with Dr. Hobin. The report states, “Investigators questioned the gunshot entrance wound into the top of the tongue in the case of Michelle O'Connell's tongue. Dr. Hobin confirmed that traditional studies and several documented cases have indicated that gunshot wounds beneath the tongue are most likely indicative if suicide. Thus, a finding that a person committed suicide and shot themselves through the top of the tongue would be atypical.”

- ❖ **An attorney from the SAO 5th Judicial Circuit related a conversation he had with Dr. Hobin concerning this issue. Hobin advised him that this subject did come up, however he [Hobin] stated that this is dated information and is no longer relied upon by medical experts. Rodgers used this “tongue” information to support probable cause in court documents.**

74. 14 April 2011, Rodgers conducted an interview of Banks at the FDLE office in Jacksonville. Banks agreed to be interviewed by Rodgers and drove from St. Augustine to Jacksonville to be interviewed before he retained an attorney. Banks met with Rodgers in an interview room and the interview was audio and video recorded. (The interview was also transcribed by FDLE. For a full understanding of the interview, authorized individuals should review the video recording and transcript.)

- At the beginning of the interview, Rodgers tells Banks the interview is being tape recorded and thanks Banks for coming in voluntarily for the interview.
- Rodgers then tells Banks he is conducting a criminal interview and not an

administrative interview. Rodgers goes on to say, “But most important you need to know this. At any time if you’re uncomfortable, first of all let me know you’re uncomfortable and I’ll try to bring you back to some point where you’re comfortable okay? Last thing I wanna do is get you upset, pissed off, or give you a bad feelin about what’s going on here today okay? And um most important is you have come in here voluntarily is that correct?” (Banks answers, “Yes.”) Rodgers then says, “And you’re willing to leave any time you want. Nobody’s gonna keep you here, nobody’s gonna make you stay here. Uh.... this is completely... uh a voluntary statement that you’re givin to us and we appreciate you comin in and cooperating okay?”

Miranda Warnings were never read or provided to Banks.

- Early in the interview Banks explained to Rodgers the details of 02 September 2010. Banks explained he and Michelle were not getting along but they had already purchased concert tickets to attend a concert at the amphitheater. Banks explained they went to the concert and met two of Michelle’s brothers at the concert and also met another couple that Banks and Michelle were both friends with (Crystal Cercado and Andrew Garris). Banks explained after the concert he and Michelle walked back to their car parked at the Surf Station.
 - ❖ Banks said Michelle drove them back to their house where they again met with Crystal and Andrew. Banks said he and Michelle had agreed they were going to break up and Michelle was in the house packing while Banks stayed out front with the couple. At one point Michelle asked Banks to tell Crystal and Andrew to leave and they did. Banks said he continued waiting in the garage while Michelle was in the bedroom. Banks said he heard a gunshot, ran in the house, grabbed the phone and heard a second gunshot coming from the bedroom. Banks stated the door was closed and locked and he kicked it open. Banks found Michelle lying on her back bleeding from her mouth. Banks called 911 while holding Michelle’s right hand. (This is only a very brief description of his statement. The entire interview should be observed to have a full understanding.)
 - a. Banks explains several things during the interview:
 - b. Banks stated when he entered the room, he had the phone and was holding Michelle’s right hand.
 - ❖ This was confirmed by Deputy John Hawley when he arrived and observed Banks to Michelle’s right side. Dep. Hawley can be heard on the 911 call when he enters the room where Michelle is located. The phone could also be seen in the scene photographs to Michelle’s right side.

- ❖ Banks stated he found the door locked and kicked the door open. The door was confirmed to be locked and had damage to the outside consistent with Banks' claim of kicking it.
- ❖ Banks explained after the concert Michelle kept asking about a digital camera they had with them at the concert and she told him to make sure her daughter █████ got it.
- ❖ On the ride home from the concert, Michelle told Banks she would have her mother or brothers come get her stuff from the house because she would be away.
- ❖ Banks is asked and explains about two incidents when he stated Michelle hit him in his arm(s).
 - a. One time was in the Florida Keys when Banks and Michelle began arguing and she left the house and started walking. Banks said he drove up beside her and tried to get her in the car and she punched his arm. She eventually calmed down and Banks and Michelle apologized to each other and made up.
 - b. The second incident was at their house and Michelle was angry at her brother Scott and his girlfriend Beth. Banks said he and Michelle began to argue and Michelle threw a chair and charged at him. Banks said he grabbed her by the wrists and put her on the ground and held her there until she calmed down. Banks said this was the only time he ever put his hands on Michelle. Banks said after he let Michelle up, he walked into the kitchen. Banks said Michelle walked in and hit him in the arm. Michelle then made a statement to Banks that 'Jeremy you just make me wanna kill myself sometimes.'
- ❖ Banks explained he purchased the yellow T-shirt that was collected at the scene at the concert and put the shirt on over the shirt he wore to the concert.
- ❖ Banks explained he carried a duty weapon with a tactical light attached. Banks explained the light required two switches to activate. Banks said he left the toggle switch in the on position and all that was required was the movement of the single on/off switch to activate the light.
- ❖ Banks explained at some point after Michelle's death he found one spent bullet in the room where she died.
- ❖ Banks said at one point while at the concert, Michelle asked for the keys from Banks so she could leave. Michelle told Banks that █████ bumped her head. Banks said he told Michelle he would leave with her and she was adamant that he stay. Banks said at some point Crystal took the keys from Michelle.

- ❖ At one point during the interview, Rodgers begins to tell Banks about telling the truth and explains how lies are like “monsters.” Rodgers alludes to a senior officer maybe giving him advice on what to do or say after the incident occurred and that is not always the best advice (FDLE report #74, page 39 of transcript).
- ❖ Rodgers explains to Banks, “I’m willing to sit down and have you say nothing, say nothing, just sit there and listen to me and I’ll do a case presentation to you of the things I’ve learned in my investigation so that at the end of that, if you’ll sit and listen, just keep your mouth shut and listen, at the end of it you can turn to me and say, ‘Rusty, I’ve got all the information now, I need to make the best decision for me’ because that’s important and every decision that you make in life, especially the one that’s as serious as the death of somebody in a house, you’re there and you’re alone. I wasn’t there, I don’t claim to know what happened but investigatively I can tell you the direction things are going and if you look at that, and you listen to that, you make an assessment and you evaluate it properly. What you can do is minimize the damage that it can do to your life.” (FDLE report #74; pages 39,40).
- ❖ Rodgers continues explaining to Banks that “we believe we can prove what happened that night to a certain degree.” Rodgers explains he wants Banks to have the best information because “at some point in time if things go really, really, really bad for you, and you’re looking at a really, really, really serious offense I don’t want you to look back at me and say you son of a bitch, you didn’t tell me. I’m telling ya, I’m telling ya now up front, face to face, brother to brother that if there is something else that happened other than what you’re telling me today, today is the only chance you’re gonna have to get that out.”
- ❖ Rodgers tells Banks he wants to spend some time and tell Banks what the investigative findings are. Rodgers asks Banks:
 - a. “Are you willing to do that?”
 - b. “Are you willing not to interrupt me?”
 - c. “Are you willing to keep your mouth shut?”
- ❖ Banks tells Rodgers he is a little concerned and Rodgers says he wants Banks to be concerned because that is when he is at his sharpest. Rodgers continues by saying, “When you’re when you’re on the edge, when you’re nervous. Are you not? I want you...
 - a. Banks replies, “Yea, I’m nervous as shit because...”
 - b. Rodgers continues to explain he wants Banks to be nervous.
 - c. Banks replies he is “freakin out on the inside” and Rodgers says he doesn’t want Banks to freak out.

- d. Banks then says, "...because I didn't do anything. I didn't..."
- ❖ Rodgers then begins showing Banks his version of evidence and attempts to prove to Banks he has a strong criminal case against him. Rodgers even shows Banks crime scene photos of Michelle that Banks stated he did not want to see and Banks can be seen in the video as taken back by them.
 - ❖ **As Rodgers continues showing Banks his version of evidence, Banks stops Rodgers and requests an attorney.** Banks remains very polite and says he doesn't want to challenge Rodgers and says, "I don't mean to be rude."
 - ❖ Rodgers seems to be very upset by this request. Even though he tells Banks the interview is done, Rodgers moves around the room and seems to be unsure of whether to sit or stand, gather his belongings or not.
 - ❖ Rodgers tells Banks, "Okay, Okay, let me do a couple other things and put you on notice." Banks replies and Rodgers says, "Cause you need to know" and "We're done. I can't show you this stuff anymore...uh... it's a shame because it would've helped you make some decisions and you're not gonna get another chance to see this stuff unless we end up in court." **Rodgers then seizes Banks cellphone from the table and says, "I have a court order for your phone. I have a search warrant for your phone so I'm taking your phone. I'm asking for the password to your phone so that we can..."** and Banks replies he does not have a password. Rodgers goes on to tell Banks, "Okay, let me give it to our tech guys and then...um....the next thing **I need to tell you is you are not free to leave** because we need to maintain the integrity of uh West 200 South err West 200 West State Road 206. I have a search warrant, I'll be going to that residence; I'll be searching that residence. **You'll be going with us or you'll follow us or whatever, whatever we decide...**" Rodgers goes on to say, "**I cannot let you make phone calls** or anything else because we need to maintain the integrity over that over that scene and when we get there we'll secure the scene..." Approximately 20 minutes after Banks requested a lawyer, Rodgers asks Banks if he needs access to a phone to call a lawyer. Banks said he didn't have a lawyer but would probably call his dad. **Rodgers explained he could not let Banks call his dad,** but would be interviewing Banks dad though. **Banks also asked Rodgers if his chain of command would be notified and Rodgers explained he only reported to the Sheriff or Chief of Staff.**
- a. **During the interview, it is clear Banks believed he had been arrested. He was told he was not free to leave and his phone was taken away from him. Banks was also not allowed to use**

another phone to call his dad and was told to wait in the room while Rodgers monitored Banks from a video monitor. Banks was also told by Rodgers that FDLE intended to search his residences and Banks was told he would have to accompany FDLE to the locations in the manner they (FDLE) decided.

- **This was an unlawful arrest and detainment.**
- Banks was told at the beginning of the interview at any time if he did not like the way the questioning was going he would be free to leave.
- In the days leading up to this interview, Rodgers obtained search warrants for 4700 Sherlock place and 200 West SR 206. These warrants allowed Rodgers to enter these properties and search for computers and digital media. Rodgers also obtained a trap and trace order for Banks cellphone authorizing the use of a pen register.
- Based on the fact that the two search warrants and trap and trace order (St. Johns County) were issued in the days leading up to this interview, it appears Rodgers had predetermined he would detain Banks at the FDLE office at the conclusion of the interview. This custodial circumstance could constitute an in custody interview and Banks was never given Miranda warnings.
- **No search warrant existed that allowed Rodgers to seize Banks' cellphone while Banks was in Jacksonville. Rodgers acted outside the scope of his authority. The search warrants issued for the two properties listed above are clear and do not give Rodgers authority to seize Banks' property from his person in Duval County. This was an illegal seizure and search, which is a violation of Banks' Constitutional Rights.**
- The property receipts completed by FDLE regarding the service of the search warrants do not contain the cellphone as an item collected. The fact is the phone was seized by Rodgers, from Banks, and was downloaded while Banks was at the FDLE office in Jacksonville (Duval County).

75. 15 April 2011, report detailing an interview of Austin Taylor with Rodgers. Taylor is a friend of Banks and it was reported by Melinda Fox that Taylor alleged he was present at Banks' residence when Michelle shot herself.

- It should be noted in report #33 dated 18 Feb 2011, Rodgers details interviewing Taylor.
- This interview was conducted by Agent Mark Brutnell and Rodgers.

- During the interview Taylor was asked about the conversation he had with Mindy Fox at Michelle’s funeral. Taylor explained he spoke to Fox but denied he told her he was present at Banks’ residence at the time of Michelle’s death. Taylor explained he was at the residence the day prior to the incident when he mowed the lawn for Banks.
- Rodgers then asked Taylor about details of conversations Taylor had with Banks concerning the night Michelle died.
 - Taylor provided details that were consistent with Banks’ statements. The only difference is Taylor stated when Banks heard the first shot he ran into the house from the garage and called out for Michelle. Taylor said Banks stated when he heard the second shot he (Banks) ducked behind some kitchen counters because he thought Michelle might be shooting at him. Taylor explained Banks said he then went to the room and kicked the door open finding Michelle.
 - The detail concerning Banks hiding behind kitchen counters is the only statement provided by Taylor that is not consistent with Banks’ statements. Banks stated in his interview with Rodgers he never considered his own safety and was only thinking he needed to get into the room where Michelle was located.
 - a. Rodgers continues questioning Taylor about Banks and his relationship with Michelle and the majority of the interview is not considered evidence, but is opinions provided by Taylor concerning Banks and Michelle’s relationship.
 - b. Taylor did explain Banks told him about an incident where Michelle became physical towards him. Taylor stated Banks explained he used a police tactic to place Michelle on the floor.
 - ❖ This is consistent with the interview given by Banks when he explained Michelle hitting him (Banks) in the kitchen.
 - ❖ **Nothing in this interview is evidence of murder or suicide.**

76. 19 April 2011, report detailing an interview of Christine (Chrissy) O’Connell (sister of Michelle O’Connell) with Rodgers and Brutnell.

- During the interview, Chrissy O’Connell tells investigators that she was watching Michelle’s daughter ██████ on the day and evening of Michelle’s death.
- Chrissy described a conversation earlier in the day with Michelle and stated Michelle was talking about breaking up with Banks.
 - **Rodgers writes in his report that Chrissy said Michelle told her, ‘she wanted to terminate the relationship with Banks but was scared and wanted to make it look like it was his idea.’**
 - **The actual context of the conversation (which was not included in Rodgers’ report) was described by Chrissy as Michelle being fearful that if she broke up with Banks it would have some type of negative backlash on her brother**

Scott O'Connell. (Scott introduced Banks to Michelle and Scott worked with Banks as a Deputy at the St. Johns County Sheriff's Office.)

- ❖ During the interview Chrissy talks about texting Michelle while Michelle attended the concert prior to her death. Chrissy described at first she got a text telling her thank you for watching [REDACTED]. Then around "8:00" Chrissy said she received a text from Michelle asking Chrissy if she needed to come home. Rodgers then asks if these texts made Chrissy feel that Michelle was in danger. Chrissy went on to explain she received a strange text and it made her feel uncomfortable.
 - ❖ During the recording (12:30 on the timer), Chrissy said the text was "promise me" and Chrissy said she texted back "?." Chrissy said she then received another text stating, "Make sure [REDACTED] is number 1." Chrissy said she didn't understand this and thought Michelle had had a drink and was feeling sentimental...
 - ❖ Rodgers then interrupts Chrissy while she was speaking and he and Brutnell asked Chrissy if she ever thought Michelle would harm herself and Chrissy said, "No."
 - ❖ **Rodgers never inquired about the totality of the text messages with Chrissy. The messages listed below were all recovered from Michelle's phone after her death. These texts include several messages sent between Scott, Chrissy, and Michelle. These messages viewed in their totality portray a person in crisis.**
- **Chrissy was never asked about ALL of these messages. In an attempt by Rodgers to minimize their importance to the investigation, the exclusion of these questions must have been intentional as they are directly related to Michelle's state of mind leading up to her death which far more supports the conclusion of suicide and not murder.** The texts included:
- ❖ **8:38 p.m. Michelle to Scott O'Connell: "Have fun and please be there. For the most important thing to be".**
 - ❖ **8:46 p.m. Chrissy to Michelle: No she is fine i didnt get the ast texts u sent the google voice acct sorry show ois good hpow is the show love u".**
 - ❖ **8:52 p.m. Michelle to Chrissy: "Pr"**
 - ❖ **8:52 p.m. Michelle to Chrissy: "Promise me"**
 - ❖ **8:52 p.m. Michelle to Chrissy: "One th"**
 - ❖ **8:52 p.m Michelle to Chrissy: "Thing"**
 - ❖ **8:53 p.m Chrissy to Michelle: "Huh pr"**
 - ❖ **8:53 p.m. Michelle to Chrissy: [REDACTED] will be happy and always have atood life".**
 - ❖ **8:53 p.m. Michelle to Chrissy: "G"**

- ❖ 8:54 p.m. Chrissy to Michelle: “Huh”
 - ❖ 8:54 p.m. Michelle to Chrissy: “Is she ok”
 - ❖ 8:59 p.m. Chrissy to Michelle: “What promise u what”
 - ❖ 8:59 p.m. Chrissy to Michelle: “Huh”
 - ❖ 9:00 p.m. Michelle to Chrissy: “That no matter what. [REDACTED] will always be safe and loved”
 - ❖ 9:15 p.m. Chrissy to Michelle: “Huh r u ok”
 - ❖ 9:32 p.m. Chrissy to Michelle: “Mitch what do u mean”
 - ❖ 9:32 p.m. Chrissy to Michelle: “What promise u what”
 - ❖ 9:34 p.m. Michelle to Chrissy: “Make sure [REDACTED] is number one not like us”
 - ❖ 9:36 p.m. Chrissy to Michelle: “What do u mean”
 - ❖ 9:46 p.m. Chrissy to Michelle: “Whats going on im scared”
 - ❖ 9:55 p.m. Michelle to Chrissy: “I’ll be there soon”
 - ❖ 9:55 p.m Michelle to Chrissy: “Thank you”
 - ❖ 9:56 p.m. Chrissy to Michelle: “Ok ru ok”
 - ❖ 10:06 p.m Michelle to Scott O’Connell: “[REDACTED] never forget”
- Chrissy goes on to tell Rodgers she received the last text from Michelle at 10:00 or 10:15 and that she had all of the texts from Michelle saved on her phone.
 - This is critically important because Rodgers later claims in interviews of Deputy Maynard and in a PowerPoint presentation made to Dr. Hobin that Michelle texted Chrissy at 10:58 p.m. and tells Chrissy “that she is on her way to pick up [REDACTED].”
 - No forensic record of this text exists and Chrissy states the last text she received from Michelle was 10:00 or 10:15 saying she would be there soon (consistent with the text listed above at 9:55 p.m.) Rodgers ignores this detail.
 - Rodgers writes in his report that Banks and Michelle would wrestle and Banks would take the situation too far and on one occasion Banks slammed Michelle on the floor causing her to bleed from her vagina.
 - **This is not an accurate depiction of the statements made by Chrissy O’Connell.**
 - Chrissy described how Banks and Michelle would “play wrestle.” Chrissy said on one occasion, Michelle called her and told her she was bleeding from her vagina. Michelle told Chrissy she and Banks had been wrestling the day before and she got slammed to the ground.
 - **Rodgers writes in his report that the bleeding was caused by Michelle being slammed to the ground. No evidence exists to support this claim and this is speculation.**

- Rodgers then asked Chrissy if she remembered Michelle telling her what started that “argument.”
 - ❖ **Chrissy again explained to Rodgers that it was not an argument and was play.**
 - ❖ Rodgers asks Chrissy if Michelle ever sought mental health counseling and Chrissy explains Michelle went to counseling when she was younger for “anger issues” but didn’t think Michelle had been to counseling as an adult.
 - ❖ **Chrissy did say they had talked about it “that day,” referring to a conversation she, Michelle and their mother Patty O’Connell had. Chrissy explained her mother wanted Michelle to go to counseling because of the relationship she had with Banks.**
 - ❖ Chrissy also described Michelle as a “firecracker” and said she could fight and could get out of almost anything that he (Banks) could do (referring to when they wrestled). Chrissy said Michelle would fight back if her life was in jeopardy.
 - a. **Michelle had no injuries to her body that are consistent with a struggle and her clothes were not disheveled as if she was involved in any type of struggle or fight for her life.**

77. 21 April 2011, report documenting an interview with SJSO Evidence Manager Angela Hosford with Rodgers and Brutnell.

- Rodgers asks about gloves worn by crime scene technicians and patrol deputies.
- Rodgers asks about the loose bullet and fingernail clippers that were located on a table within the master bedroom the night of the incident (In the original photographs that were taken by SJSO personnel on the night of the incident, an unspent bullet and a pair of fingernail clippers were depicted in the photograph on a dresser in the master bedroom.)
 - Rodgers tells Hosford, “would it surprise you” to know that during that same search warrant the fingernail clippers were still on the table, but the loose bullet was now gone. **Although Rodgers continuously references the missing loose bullet, he has failed to demonstrate its significance or evidentiary relevance.**
- **Rodgers asks Hosford if she received any specialized instructions from anybody in Command or otherwise at the scene that night that seemed unusual or out of protocol for what you would normally do. Hosford replies, “no, not that I recall,” and both Rodgers and Brutnell, reply “good.” This is a consistent theme in Rodgers’ questioning of certain law enforcement personnel.**
- **In speaking with Hosford, it was learned that she participated in numerous off the record conversations with Rodgers in reference to this investigation. She estimates these off the record conversations lasted about six hours in total.**

- **Hosford also confirmed in her audio recorded statement that the master bedroom door was in the locked position; however this information was omitted from Rodgers' report and was misrepresented in a search warrant affidavit four days later.**

78. 21 April 2011, report documenting an interview with Crime Scene Technician Aimee Monie² with Rodgers and Brutnell.

- Rodgers emphasizes “criminal investigation” while prefacing the interview/recording.
- Rodgers asked Monie if she recalled if Banks said anything unusual that night. Monie noted a “strong odor of alcohol,” emanating from Banks. Rodgers asked if Banks was “combative” and Monie replied “No, he was visibly upset, shaken.”
- Rodgers asked Monie questions regarding the loose bullet and blue glove. Rodgers asked Monie if the discovery of the blue glove is unusual. Rodgers also discussed serving a recent search warrant and the fact that the fingernail clippers were still on the table and the loose bullet was missing.
- **Rodgers asked Monie if she received any special instructions on scene regarding what she would or would not process, and Monie replied “No, sir.”**
- Rodgers asked Monie if the general consensus of the people on scene was that O’Connell’s death was the result of a “suicide”. Monie replied by saying individuals sometimes have tunnel vision, but she works everything as a homicide until proven otherwise.

79. 02 April 2011, report documenting an interview with Madeline McLeod. Rodgers and S.A. Jolicier are present during the interview.

- Banks told McLeod about incident and Banks story was largely consistent.
- Nothing of evidentiary value was learned during the interview.

80. 26 April 2011, report documenting an interview with Deputy Sheriff Wesley Grizzard with Rodgers and Brutnell.

- Nothing of evidentiary value was learned during the interview.

81. 26 April 2011, report documenting an interview with Deputy Sheriff Mark Shand with Rodgers and Brutnell.

- Rodgers referenced the blue rubber glove found under the table during Rodger’s subsequent search warrant.
- Nothing of evidentiary value was learned during the interview.

82. 26 April 2011, report documenting an interview with Deputy Sheriff Debra Maynard

² Aimee Monie is referred to Aimee Tingen (Maiden Name) in other reports

with Rodgers and Brutnell.

- Maynard stated she searched Michelle’s purse and rearranged items while she was “rifling” through it. Rodgers then showed Maynard a photograph of the purse containing one of the prescription bottles with the label visible. Maynard immediately replied “I don’t remember seeing that,” referring to the prescription bottle, and stated she never moved the bottle.
- Rodgers stated, “Let me bring you back to the crime scene for just a minute, if you don’t mind, or death investigation scene, actually I feel pretty certain we can call it a crime scene at this point.”
- Rodgers speaks about his search warrant at 4700 Sherlock Place and showed Maynard photographs. Rodgers states, once again in reference to the blue glove, “Would it surprise you to learn that we went back there 8 months later and we pull this thing up, there was a couple more boxes back there, and we found this glove (shows photo) tacked in behind these boxes.” Rodgers then asks Maynard if the glove is consistent with the glove issued to patrol at the SJSO. Rodgers then states “Odd place for a glove!”
- Rodgers questions Maynard regarding protocol in reference to deputies completing affidavits and reports.
- **At the end of the interview Maynard says, “I think it might be important to state that everyone in her family had received either a phone call or text message that day, ‘If anything ever happened to her to take care of [REDACTED].”**
- **Rodgers stated “Would it surprise you if I told you that I was in possession of a text from Michelle O’Connell at 10:58 PM saying to her sister I will be there in a few minutes to pick up my daughter.” Maynard replied “Yes” This text is unaccounted for in all of the investigative reports, interviews, and subpoenaed information. The only reference to this alleged text message appears in a hand written note by Rodgers. His motivation for sharing this information with a witness is unclear and suspect.**

83. 26 April 2011, report documenting an interview with Lieutenant Tom Quintieri with Rodgers and Brutnell.

- Lt. Quintieri states that Sgt. Faircloth arrived at the scene at the same time, or just prior to him. **Rodgers advised Quintieri that Faircloth was requested to come to the scene by Banks on the 911 call. This is not true.**
- **During this interview, Quintieri describes Banks as being “upset.” During Maynard’s interview, she describes Banks as being “angry.” It is important to note, Rodgers documents in Maynard’s report her observations (angry), but he fails to document Quintieri’s observations (upset).**
- Nothing of evidentiary value was learned during the interview.

84. 26 April 2011, report documenting an interview conducted with Deputy Sheriff Mike Plott with Rodgers and Brutnell.
- Nothing of evidentiary value was learned during the interview.
85. 26 April 2011, report documents an interview conducted with Deputy Sheriff Jonathan Hawley with Rodgers and Brutnell.
- Deputy Hawley recounted responding to the scene that night and authenticated the initial scene photographs he captured at the direction of Sgt. Beaver.
 - Deputy Hawley is childhood friends with Banks and was acquaintances with Michelle and as a result, he had difficulty reviewing and authenticating the photographs.
86. 26 April 2011, report documents an interview conducted with Sergeant Scott Beaver with Rodgers and Brutnell.
- Sgt. Beaver recounted responding to the scene the night of the incident, specifically ordering Banks out of the room, and directing Deputy Hawley to get his camera and photograph the scene prior to the manipulation of evidence and/or O’Connell’s body.
 - **Sgt. Beaver recalled speaking with Deputy Maynard who told him that Patty O’Connell stated that Michelle made phone calls to all of her siblings and said “goodbye” to them in “one way or another.” As Sgt. Beaver was elaborating, Rodgers interrupted him and Beaver never completed his thoughts in reference to this information. This part of the interview is omitted from Rodgers report.**
87. 25 April 2011, Rodgers secured a Search Warrant to obtain Banks’ DNA.
- The Search Warrant and Affidavit state the basis for the search warrant is for an investigation into the crime of “Murder” in violation of Florida Statute 782.04. The Search Warrant states: “Whereas said facts made known to me and considered by me have caused me to find that there is probable cause to believe that the felony crime of Murder in violation of Florida Statute 782.04 has been committed, and that certain evidence relevant to proving said felony and identifying the perpetrator(s) thereof is now being kept on or in the body of a certain person who resides in St. Johns County, Florida, said evidence being known and described as follows;”
 - It is important to note, the Medical Examiner had ruled on this death prior to this search warrant being issued and ruled the death was a “Suicide.”
 - **Probable cause does not exist for Murder.**
 - In the affidavit for search warrant (paragraph #3), Rodgers makes reference to the 911 call completed by Banks. The affidavit states, “Deputy Banks initially appeared to be upset when he began the 911 call and explained to the St. Johns County Sheriff’s dispatcher that his girlfriend had shot herself. During the call, Banks stated to the dispatcher that he was ‘going to tell [her] the truth now’ and then identified himself as a deputy with the St. Johns County Sheriff’s Office.”

- **The statement by Rodgers that Banks said he was “going to tell the truth now” is not accurate.** The actual 911 call was very emotional. Banks was initially screaming and crying and the dispatcher could not get the information she needed. The dispatcher was attempting to calm Banks and Banks was able to gather his composure for a few seconds and told the dispatcher, “...Let me tell you the truth, I am Deputy Banks with the St. Johns County Sheriff’s Office, I work with y’all, get someone here now!” Banks becomes very emotional again and is inconsolable. Banks continues repeating to please get someone to his house.
 - ❖ The statement made by Rodgers that says he was going to tell the truth “now” is **misleading and deceptive**. The use of the word “now” in this context implies Banks was previously lying or not telling the truth.
- Also in paragraph #3, Rodgers also writes, “Deputy Jeremy Banks then informed the dispatcher that he wanted Sgt. R. Faircloth to respond to the scene and instructed the dispatcher to inform the responding deputies that he was ‘unarmed.’”
 - ❖ **Rodgers documenting that Banks informed the dispatcher he wanted Sgt. Faircloth to respond is not true. The fact is Banks was very distraught and the dispatcher began naming deputies that were responding to the scene. The dispatcher then informed Banks that Faircloth was on the way. Banks never asked for Faircloth to respond and this statement was made by the dispatcher unsolicited. Later in the call, the dispatcher is trying to calm Banks and continues by explaining Sheriff’s Office personnel responding. Banks questions, ‘You got my Sergeant coming, you got Faircloth coming?’**
 - ❖ Rodgers also quoted Banks in the affidavits saying Banks advised the dispatcher to inform the responding deputies that he was “unarmed.” This statement made by Banks was in response to the dispatcher asking Banks to leave the room and go outside.
 - ❖ In paragraph #4, Rodgers writes “When deputies arrived on scene, they found Michelle O’Connell dead inside the residence.”
 - a. **This statement is not true. In fact when deputies arrived, they discovered her with a traumatic injury, which caused them to assess her condition. Deputies immediately discovered a pulse in Michelle’s left wrist upon their arrival (11:25 p.m.), and when paramedics placed Michelle on a heart monitor, she registered 42 beats per minute (11:33 p.m.).**
 - b. **Rodgers never acknowledged this critical detail. The fact that Michelle is still alive when deputies arrived is directly contrary to Rodgers’ theory that Michelle was shot at approximately**

11:00 p.m. This is supported because had she been shot at the time Boswell and Ladley reported, Michelle would not have been likely to sustain life for that extended length of time (11:00-11:33 p.m.) after suffering an intraoral gunshot wound that severed her spinal cord.

- c. Evidence supports that Banks immediately called 911 after Michelle sustained the injury. It is important to note that throughout Rodgers' investigation, he implies that after Michelle sustained her injury and prior to Banks summoning law enforcement, he [Banks] engaged in manipulating the crime scene.
- ❖ In paragraph six of the S/W affidavit, Rodgers states “The door leading into the master bedroom appeared to be slightly damaged as if it had been forced open. The death scene photographs taken by St. Johns County Sheriff’s Office did not clearly distinguish if the door was locked or unlocked at the time it was forced open.”
- a. This statement is true. However, four days prior to the issuance of this search warrant, Rodgers interviewed Evidence Manager Angela Hosford who advised him that although the photographs do not depict the lock, she verified the lock was in the “locked” position. This information was omitted from Rodgers’ report. Rodgers had also interviewed Banks who advised the doors was locked.
 - b. At the time that Rodgers submitted his S/W affidavit, he knew the door was in the locked position and failed to include this in his S/W affidavit. He did however state that it was unclear if was the door was in the locked or unlocked position. Rodgers authored this misleading and inaccurate information in a search warrant affidavit.
- ❖ The affidavit (paragraph #6) also refer to an interview conducted on the night of the incident, of Banks by Detective Jessica Hines. The affidavit states, “As indicated, Banks was briefly interviewed by Det. Jessica Hines of the St. Johns County Sheriff’s Office. During that interview, Banks stated that the event leading up to the Michelle’s untimely death on the date in question involved a “domestic dispute” between him and O’Connell.”

This statement in the affidavit is misleading. Banks did state he discussed with Michelle that they were breaking up on the night of her death. Banks did not characterize this as an

“event” and the use of this term implies his single “event” was a cause of Michelle’s death and this cannot be determined.

- ❖ **Rodgers also writes in the affidavits that, “Banks further advised Det. Hines that at the time of the shooting he was alone with O’Connell inside the residence.” While this is technically accurate, the fact is Banks stated he was in the garage sitting on his motorcycle and O’Connell was in the master bedroom with the door closed when he heard the first of two shots. By writing Banks was “alone with O’Connell inside the residence” one might deduce Banks stated he was in the immediate vicinity of Michelle O’Connell when she was shot.**
- **Later in the S/W affidavit, Rodgers talks about Stacey Boswell and Heather Ladley as hearing cries for help and gunshots on the night in question. Rodgers goes on to write, “Both witnesses pointed to the residence of Jeremy Banks as the source of the gunshots and cries of distress.” This is not true. At no point during any documented interviews with Boswell and Ladley did they ever point or give specific direction that they heard the gunshots or cries for help coming from Banks’ residence. In fact, the distance between 110 Belles Chase Court and 4700 Sherlock Place is over 500 feet, where Boswell and Ladley stated they were when they heard the alleged sounds; there is no direct line of sight to Banks’ residence.**
 - **Rodgers includes information in the S/W affidavit concerning an interview he conducted with Paul Gaumont on 27 January 2011, (report #17). In the affidavit, Rodgers writes, “Your affiant also interviewed Paul Gaumont who advised that Dep. Scott O’Connell (the brother of Michelle) and Deputy Banks discussed the death of Michelle O’Connell the day after her death. At the conclusion of the meeting between Scott O’Connell and Jeremy Banks, Scott O’Connell was convinced that Jeremy Banks was responsible for her death.”**
 - ❖ **The S/W affidavit referenced above was completed and signed by the judge on 25 April 2011.**
 - ❖ **On 22 March 2011, Rodgers interviewed Scott O’Connell (report #60). Rodgers does not include direct statements Scott O’Connell made during his interview in the S/W affidavits but instead uses Paul Gaumont’s statements to document what Scott O’Connell allegedly said to Paul.**
 - ❖ **Rodgers should have confirmed with Scott O’Connell the information by Paul Gaumont, but he did not do so according to his reports.**
 - ❖ **Furthermore, what makes this so inexplicable is that even if Rodgers confirmed with Scott O’Connell about the alleged conversation with Banks, there is no evidentiary value in the alleged statement and should not have been used as probable cause to support a search warrant.**

- Rodgers writes in the S/W affidavit that he interviewed Ciara Morris (report #22) and was given a printout of Facebook messages posted by Banks. Rodgers quotes one of the messages posted on September 30, 2010 writing, “When did I become the things that I used to hate? I’m stranded to this ship, left to fall with the crash of the waves.” It should also be noted that the lyric referenced above was explained by Banks during a later interview with Rodgers. Banks explained this was a song lyric from a band that he and Michelle both liked.
- **Rodgers writes, “The aforementioned statement causes your Affiant to believe Banks was expressing his inner thoughts concerning the untimely death of Michelle O’Connell and the circumstances surrounding her death and his possible involvement.”**
 - ❖ **Rodgers apparently deduces from these song lyrics that:**
 - a. **Banks is associating these lyrics with the circumstances surrounding Michelle’s death.**
 - b. **Banks is expressing his inner thoughts concerning the “untimely” death of Michelle.**
 - c. **Banks is associating these lyrics with “his possible involvement” in Michelle’s death.**
 - d. **It is unknown why Rodgers would include this arbitrary assumption in an affidavit seeking a search warrant.**
 - e. **Nowhere in the affidavit does Rodgers detail his qualifications or expertise to be qualified to make such a deduction in an affidavit.**
- Rodgers also writes in the affidavit that the injury to Michelle’s tongue was indicative of suicide. This statement was made by Rodgers after a conversation he had with Dr. Hobin. The report states, “Investigators questioned the gunshot entrance wound into the top of the tongue in the case of Michelle O’Connell’s tongue. Dr. Hobin confirmed that traditional studies and several documented cases have indicated that gunshot wounds beneath the tongue are most likely indicative if suicide. Thus, a finding that a person committed suicide and shot themselves through the top of the tongue would be atypical.”
 - ❖ **An attorney from the SAO 5th Judicial Circuit related a conversation he had with Dr. Hobin concerning this issue. Hobin advised him that this subject did come up, however he [Hobin] stated that this is dated information and is no longer relied upon by medical experts. Rodgers used this “tongue” information to support probable cause in court documents.**

88. 27 April 2011, this report details the collection and download of Chrissy O’Connell’s telephone approximately eight months after the incident.
- **With the report, are Rodgers’ handwritten notes regarding the text messages received by Chrissy O’Connell from Michelle O’Connell on the night of the incident. In the hand written notes there is a notation regarding a text message from Michelle at “10:58 ‘I’m on my way’ Note: Deleted! (Recalled by Chrissy).” This is the text message that Rodgers uses in his interviews with witnesses and says, “Would it surprise you to know” that Michelle O’Connell sent a text message to her sister at 10:58 PM and stated “I’m on my way,” to pick up her daughter. There is no forensic evidence or reports that produced this text message, nor did Rodgers ever discuss this alleged text message with Chrissy O’Connell in her recorded interview and in fact, Chrissy stated on the record the last text messages she received from Michelle were between 10:00-10:15 p.m.**
 - **It is important to note that the times of the text messages on Chrissy O’Connell’s download (eight months later) differ significantly from the times recovered from Michelle O’Connell’s download (within days of the incident).**
89. 27 April 2011, this report reflects the download of Michelle’s telephone approximately eight months after the incident.
- Nothing of evidentiary value is noted in the report, nor is there a corresponding CD in the file containing the download.
90. 27 April 2011, details an interview of Detective Gene Tolbert with Rodgers and Brutnell.
- Tolbert recounts his involvement the night of the incident. Rodgers asks Tolbert about the found blue glove and loose bullet, to which Tolbert provides reasonable explanations for the presence of both items. He used his own experiences to shed a common sense explanation how a loose bullet and/or issued rubber glove could innocently end up in a deputy sheriff’s living space. **Although Rodgers continuously references the found rubber glove and the loose bullet he has failed to demonstrate the significance or evidentiary relevance.**
91. 27 April 2011, report details an interview of Detective Jessica Hines with Rodgers and Brutnell.
- Hines recounts her involvement the night of the incident. Nothing new of evidentiary value is discovered.
92. 27 April 2011, report details an interview of Sergeant Randy McCullough with Rodgers and Brutnell present.
- McCullough recounts his involvement the night of the incident. Nothing new of evidentiary value is discovered.

93. 02 May 2011, report details an interview of Sergeant Ron Faircloth. The interview with Sgt. Faircloth is videotaped.
- Rodgers advises Faircloth he is conducting a “homicide investigation.”
 - **In the interview, Faircloth stated he thought Michelle’s death was a suicide until he and Rodgers spoke before the recorded interview. This is a clear indication that Rodgers is influencing witnesses “off the record,” prior to the “official” and recorded interview.**
 - Faircloth tells Rodgers that Banks found a bullet fragment at 4700 Sherlock Place and provided it to him [Faircloth]. Faircloth stated the bullet was pretty much intact and he still had it in his bathroom.
 - Towards the end of the interview, Rodgers shows Faircloth the same items that he [Rodgers] perceives as evidence that he previously showed Banks. In addition, he showed Faircloth photographs of the blue rubber glove, the loose bullet, and he described the 10:58 text (I’m on my way) to Chrissy O’Connell from Michelle that does not exist.
 - At the conclusion of the interview, Rodgers asks Sgt. Faircloth what he thinks happened and Faircloth responds, “I believe he executed her.”
 - During the interview, Rodgers told Faircloth that eight out of the ten people he interviewed from the Sheriff’s Office do not believe that Michelle killed herself. **This is not a true statement. This is not part of any official record, but it certainly could be the result of “off the record” communications, similar to the one he had with Faircloth.**
94. 27 April, 2011, this report details a meeting between Rodgers and Chrissy O’Connell in which a consent to search (from Chrissy O’Connell) was obtained to download and search her phone.
95. 27 April 2011, this report details a meeting between Rodgers and Scott O’Connell in which a consent to search (from Scott O’Connell) was obtained to download Michelle O’Connell’s phone.
96. 03 May 2011, this report details a meeting between Rodgers, Brutnell, and Faircloth at Faircloth’s residence. During this meeting Faircloth turns over the previously mentioned spent projectile he received from Banks.
97. 27 Apr 2011, this report was written to document the single .45 caliber bullet observed at the crime scene from photographs provided to FDLE by the SJSO during the initial briefing.

- In the third paragraph of the report, Rodgers writes, “During the interview process of Deputy Jeremy Banks was questioned concerning the number of bullets he loaded his duty weapon with on the night of the ‘Homicide’ of Michelle O’Connell.” Banks was not certain if his duty gun was loaded with 12 or 13 bullets.
 - Rodgers continuously references the missing loose bullet found in Banks’ residence, but has failed to demonstrate the significance or evidentiary relevance.

98. 04 May 2011, this report details the interview of Kerron Battell with Rodgers and Brutnell.

- K. Battell is a former employee (dispatcher) of the SJSO and was previously involved in a romantic relationship with Banks
- Rodgers states he is there in reference to the death investigation which has “evolved” into the “Homicide” investigation of Michelle O’Connell.
- Rodgers states he identified Battell through phone records and frequency of calls between her and Banks.
- Battell stated she believes Banks’ account of what occurred the night of the incident, even though Banks did not remember every detail of what occurred.
- Rodgers states, “Would it surprise you if he could remember minute details or very specific details about very fine things but then he couldn’t remember big things like whether he closed the door or opened the door.” Battell explains as a Psychology Major it is not uncommon to remember certain things and forget others in these types of situations. Rodgers interrupts and states in psychology don’t they also say it may be a point of deception.
- Rodgers asks Battell, “With your background and knowledge in psychology is it normal for a woman to shoot herself in the face or the mouth?” Battell replies, “No.” Rodgers continued. “Is it more normal for them to take overdose and kill themselves by pills on a nationwide statistical basis?” Battell agreed, but stated, “That doesn’t mean it doesn’t happen depending on what is available to you at the time, and depending on how desperate you are feeling.” Brutnell interjects, “She had 51 pills in her right pocket.” Battell responds, “She had a backup plan” and Rodgers replies, “Or someone else put the pills in her pocket.” Rodgers and Brutnell went on to explain that this was right after she sent a text to her sister two minutes before she died that said, “I’m on my way to pick up [REDACTED], I’ll be right there.” **This is not true.**

Rodgers and Brutnell continued to offer facts and alleged evidence in an effort to influence Battell towards their way of thinking that Banks murdered Michelle. Battell is identified as a witness by Rodgers and Brutnell and it is clear that they are forcing their theory upon Battell in order to turn her against Banks. As Battell offers legitimate responses to their assertions, Rodgers and Brutnell continue recounting their theory and evidence to her, to the point the Brutnell

interjects and states, “I think we are dancing around the inaudible.” Brutnell goes on to explain, “There is forensic evidence that cannot be explained,” and when asked, “Banks hauled butt and ran for an attorney.” Brutnell states, “There is a lot of forensic evidence that he needs to explain which he won’t explain, like how does her blood and DNA get on the inside of your t-shirt.” It is clear that Battell supports Banks. Rodgers and Brutnell share alleged “forensic evidence” with Battell for no other legitimate reason than to influence her testimony and turn her against Banks. This seems to be a consistent theme where Rodgers shares their theory/evidence with witnesses whom seem supportive of Banks.

Battell tells Rodgers and Brutnell that Scott O’Connell told her that his sister, Michelle was “mentally unstable.”

- Battell discusses Paul Gaumont and information gathered from the website, Behind the Blue Wall. Brutnell explains that the information on the blog is opinion, but they have (FDLE) “forensic/physic fact” of what occurred in that room that night and everyone else can have their opinion, and it will all come out in the end.
- Battell spent the last minute of the interview advocating for Banks. She stated as his ex-girlfriend and someone who lived with him, she truly doesn’t believe he is someone who would be capable of this. Battell stated Banks loved “██████” and Michelle. Battell stated she never once felt afraid of Banks and never demonstrated any sort of violence during their relationship, “not once.”

99. 04 May 2011, the report details an interview of Deputy Sheriff Paul Clark with Rodgers and Brutnell.
- Rodgers starts off the interview stating, “We are here today in reference to what started off as a death investigation is now a ‘homicide’ investigation in the death of Michelle O’Connell.”
 - Rodgers asks Clark if he understands Banks is a person of interest in this ‘Homicide’ investigation.
 - Clark tells Rodgers and Brutnell that Banks has never told him anything that was incriminating and Banks has maintained his innocence.
 - Clark stated Banks thinks he is being “railroaded” and he thinks “this a big conspiracy that FDLE is gonna to come up with a big investigation based off of him and he [Banks] is gonna go to jail and you all are gonna look like stars, when he didn’t do it.”

- It was learned while conducting this review that Clark abruptly terminated his friendship with Banks after his [Clark's] interview with Rodgers and Brutnell. Nothing in the "official" and recorded interview offered any reason why Clark would terminate this friendship so abruptly. Based on other parts of this review where it became evident that Rodgers was discussing the case with witnesses prior to the "official" and recorded interview, Clark was contacted for clarification.

➤ The following information was learned after a brief conversation with Clark, seeking clarification:

❖ Clark stated Rodgers spent an hour with him, "off the record" showing him the alleged facts and evidence against Banks. Clark stated Rodgers was compelling and convinced him that Banks would be arrested within the week and it would be in Banks' best interest to come into FDLE and fully provide his side of the story. Rodgers solicited Clark to make contact with Banks and convince him [Banks] to meet with Rodgers. Clark advised later that day, he met with Banks at Starbucks and relayed the message from Rodgers. Clark stated during the meeting, Banks observed a Chevy Impala in the parking lot and immediately believed that Clark was setting him up. The meeting was then abruptly terminated as was their relationship. Nowhere in the official record is this "off the record" conversation recorded. Additionally, nowhere is it documented on the record that agent Rodgers engaged this witness to act as an agent on his behalf.

❖ As a result of his "off the record" and "official" interview with Rodgers, Clark stated he is conflicted to this day because he felt like he supported a murderer and even allowed Banks to stay in his home with his kids after the incident occurred. Clark stated Rodgers effectively convinced him of Banks' guilt based on the nature of the facts and evidence he was presented.

100. 29 Mar 2011, this report was written to document the forensic download of Scott O'Connell's cellular telephone.
- Nothing of evidentiary value is noted in the report.
101. 4 Apr 2011, this report details evidence submission for laptops belonging to Michelle and Scott O'Connell.
- Rodgers writes a report documenting a request to have these computers mirrored by SA Michael Antal.

102. 22 May 2011, report by Rodgers documenting two allegations of physical and mental abuse by Banks towards Michelle and her daughter. These allegations were made by Chrissy O'Connell (sister to decedent) via email to Rodgers. Rodgers had C. O'Connell complete a sworn written statement regarding her allegations. It should be noted these allegations were only brought forward after Michelle's death. This is not completely consistent with C. O'Connell's audio recorded interview.
103. 04 May 2011, report by Rodgers documenting the initial review of Michelle's laptop by FDLE. The analyst spoke with Rodgers to ascertain the words needed for a key word search of Michelle's laptop. The keyword search was completed and a CD was placed into the file of said search.
104. 07 May 2011, report by Rodgers documents that he took several photographs to establish a timeline of events from 02 September 2010, the night Michelle died. Rodgers photographed the St. Augustine Amphitheater, Surf Station, and 4700 Sherlock Place. These photographs were submitted into the case file.
- 105. 13 May 2011, report by Rodgers documenting an interview with Cherrie Kidd, an employee at Craig's Funeral Home. Kidd is a grief counselor at the funeral home and has been employed there for 31 years at the time of this report. Kidd stated to Rodgers she had been told by Patti O'Connell (decedent's mother) during their counseling session that Michelle had suicidal thoughts in the past. Kidd stated she received this information during the counseling session which was for Families dealing with grief from Suicide. Kidd stated P. O'Connell did not give any specific dates, times, or incidents. Rodgers writes in his report that Kidd did not have any recollection of P. O'Connell ever telling her Michelle attempted any act of suicide.**
- Rodgers goes into great detail regarding Kidd and her relationship with Marsha Dixon (Banks' mother). Rodgers makes a connection of Kidd working for Craig's Funeral Home and the insurance provider for the funeral home being the Bailey Insurance Group. Rodgers states Dixon is an employee of the Bailey Group and is also a neighbor of Kidd. Rodgers states that Kidd also went to high school with Dixon and has known her for many years. **It appears that Rodgers is attempting to discredit Kidd because she offered information supporting a conclusion of suicide.**
106. 24 May 2011, report documenting interview of Sean O'Connell (decedent's brother). Sean O'Connell stated Michelle had asked him to 'hang out; after the concert, however, he told her he could not due to having to be at work early the next day. Sean O'Connell stated he now regrets not doing that. Sean also made a statement of not seeing Banks and Michelle with Garris and Cercado the night of the concert.

- During interviews of Cercado and Garris, they stated they did not sit with Banks and Michelle during the concert. Cercado stated they met up with Banks and Michelle during beer runs and intermission.
107. 24 May 2011, report documenting interview of Patty O’Connell (mother of Michelle) with Rodgers. The report only contains bad character references related to Banks.
108. 25 May 2011, report documenting a compact disk that was relinquished to Patty O’Connell by Detective Steve Gazdick (SJSO). The compact disk contained an extracted voicemail to P. O’Connell from the decedent. The voicemail was downloaded from Patty’s cellphone by Gazdick. P. O’Connell wanted the voicemail for sentimental reasons. A copy of the compact disk containing the voicemail was included in this case file.
109. 04 May 2011, report documenting Rodgers receipt of correspondence from Attorney Mac McLeod. The letter was in reference to M. McLeod representing Marsha and Larry Dixon as well as Banks.
- **This letter was in reference to placing Rodgers on notice of him violating Banks’ rights by approaching him on duty and attempting to question him. Banks was being represented by counsel and Rodgers continued to question Banks after knowing he had an attorney. A copy of this letter was placed in the investigative file.**
 - The letter also made reference to Rodgers indicating the FDLE would “not hesitate to prosecute” Larry and Marsha Dixon should they deem it appropriate after questioning.
 - While documenting this report, Rodgers stated he served a subpoena on Marsha and Larry Dixon for the purpose of obtaining a statement in the criminal matter concerning the “homicide” of Michelle.
110. 07 May 2011, report documenting an interview of Andrew Garris with Rodgers. Garris and Crystal Cercado were with Banks and Michelle, at different times throughout the night at the concert, after the concert, and at Banks’ residence prior to Michelle death.
- Rodgers writes in his report that Garris told him the concert ended about 10:00 pm. Rodgers writes that Garris told him that Banks and Michelle walked back to their vehicle parked at the Surf Station. Rodgers writes that Garris said he and Cercado did not park at the Surf Station and met Banks later at Banks’ residence. **This is not true,** according to Garris and Cercado’s statements. Garris and Cercado both provided statements that they did return to the Surf Station to meet Banks and Michelle prior to going to Banks’ residence. Garris stated they arrived probably around 10:30 pm to Banks’ residence.

- Rodgers writes in his report that Garris said his residence is 5-10 minutes away from Banks' residence. Rodgers suggests to Garris, "So you left around 10:55 p.m. and got home around 11 p.m.?" Garris states, "that seems about right, I could be wrong it has been over a year." Rodgers then states, "But, you're sure it was 11 p.m.?" Garris replies, "Right." Rodgers then says, "That's matches what Jeremy (Banks) told me." Garris stated during this interview that he stayed at Banks' residence talking for approximately 15- 20 minutes. On the night of the incident Garris provided an affidavit, stating he and Cercado remained at Banks' residence for 30 minutes before returning to his residence.
111. 27 May 2011, report documenting an interview of Marsha Dixon (Banks' mother) with Rodgers. M. Dixon stated J. Banks (after being interviewed by Rodgers) looked her in the eyes and told her he did not do this (in reference to Rodgers claims he murdered Michelle).
 112. 27 May 2011, report documenting an interview of Larry Dixon (Banks' father) with Rodgers. L. Dixon responded to the residence the night of the shooting. L. Dixon stated Banks told him he was in the garage, heard a shot, ran inside, heard another shot, kicked the door open and found Michelle deceased on the bedroom floor.
 113. 2 June 2011, report documenting the second meeting with Dr. Hobin, concerning the investigative progress made by Rodgers in the case. **Rodgers presented the following PowerPoint to Dr. Hobin that contained numerous false statements and inaccurate information.** According to Dr. Bulic, Dr. Hobin was unduly influenced to change the death certificate of Michelle from his original finding of suicide to homicide "shot by another," as a result of this meeting/presentation by Rodgers. **It should be noted this death certificate was never filed with the state and Dr. Bulic (District 23 Medical Examiner) stated the manner of death in this case has always had the official designation of "suicide."** Dr. Bulic stated the secondary death certificate should not have been released outside of his office and said this amounted to a clerical error.

Victimology



Michelle O'Connell

- No indicators, verbal or non-verbal by O'Connell would indicate any intention to commit suicide.
- O'Connell was always upbeat, worked two jobs, and loved her 4-year old daughter. [REDACTED]
- O'Connell indicated every intention to terminate her relationship with Banks and establish her own residence.
- O'Connell obtained a new job which provided job security, health insurance for herself and her daughter, and retirement benefits.
- Family and friends observed that O'Connell displayed brief episodes of high stress caused by the tumultuous relationship with Banks.
- O'Connell would leave work early, and on occasion fail to report to work due to the ongoing psychological abuse by Banks.
- Family, friends, and co-workers have no knowledge of O'Connell ever attempting suicide.
- Family, friends, and co-workers reported O'Connell referred to [REDACTED] as her main focus and the reason for her hard work and dedication.
- O'Connell told co-workers and friends that she loved Banks very much, but he was mean to her and [REDACTED]
- O'Connell reported to family members that Banks was domestically violent toward her and [REDACTED]

“No indicators, verbal or non-verbal by O'Connell would indicate any intention to commit suicide.”

This is not true. Text messages were sent to family members the night of the concert from Michelle indicating she wanted her daughter taken care of and to never forget her daughter. These texts are indicative of someone in crisis. Co-workers and friends stated Michelle began showing behavioral changes associated with depression to include leaving work early, not showing up to work for several days, crying without any given reason and losing weight. In fact, Michelle's mother told grief counselor, Kidd that her daughter had suicidal thoughts in the past. These behavioral changes were described as occurring up to several months before Michelle's death.

“O'Connell would leave work early, and on occasion fail to report to work due to the ongoing psychological abuse by Banks.”

This is Rodgers' opinion. None of the interviews indicated Michelle would leave work early or fail to report to work due to “psychological abuse” by Banks. Although it appears that the relationship between Banks and Michelle was a source of Michelle's grief, Rodgers describing this as “psychological abuse” is not accurate.

“O’Connell reported to family members that Banks was domestically violent toward her and [REDACTED].”

This information is not true. After reviewing interviews, the information received was only speculation by family members that domestic violence was occurring and it was only brought forward after Michelle’s death. No documented reports of physical or mental abuse could be located related to Michelle and/or Banks.

Evidence
2 September 2010
(Deputy J. Hawley Photos)

Note: Due to the position and angle of the victims' hips and legs, the gun should be located on the right side of the victim.



Gun / Tactical
light on

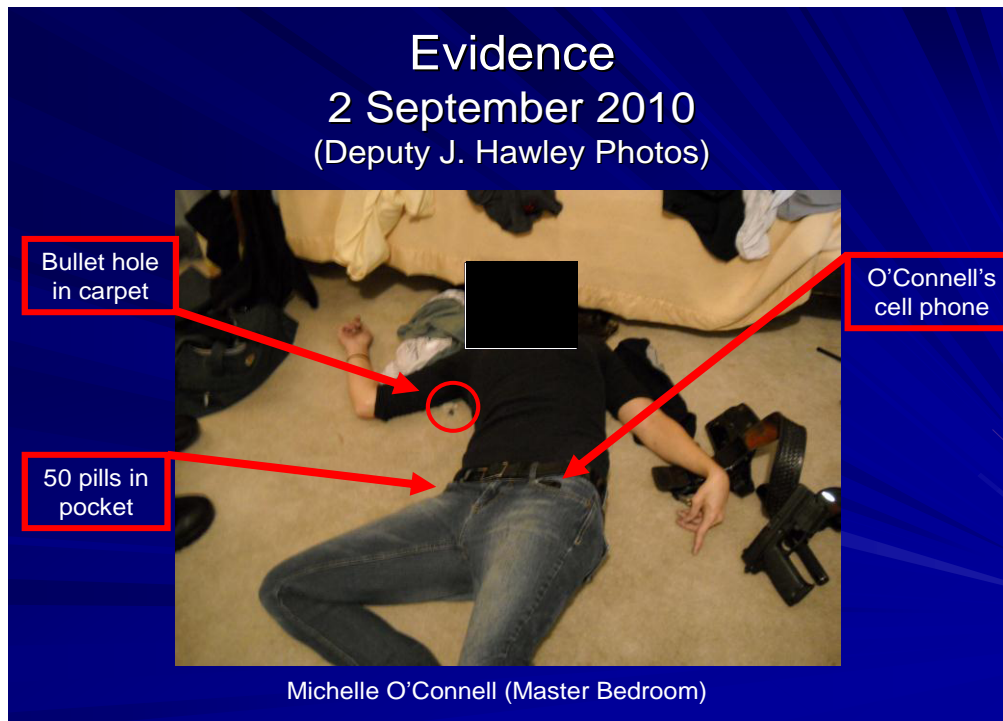
Michelle O'Connell (Master Bedroom)

“Note: Due to the position and angle of the victims’ hips and legs, the gun should be located on the right side of the victim.”

This statement is speculation by Rodgers. An infinite number of variables exist to explain the location of the gun and the angle of Michelle’s body.

“Gun / Tactical light on”

The relevance of the tactical light being on is not explained by Rodgers. Rodgers states throughout his report the operation of the light required two motions to activate. The light was explained by Banks in his interview as being carried with the light toggled into the “on” position allowing him one motion to activate the light via the on/off switch.



“Bullet hole in carpet”

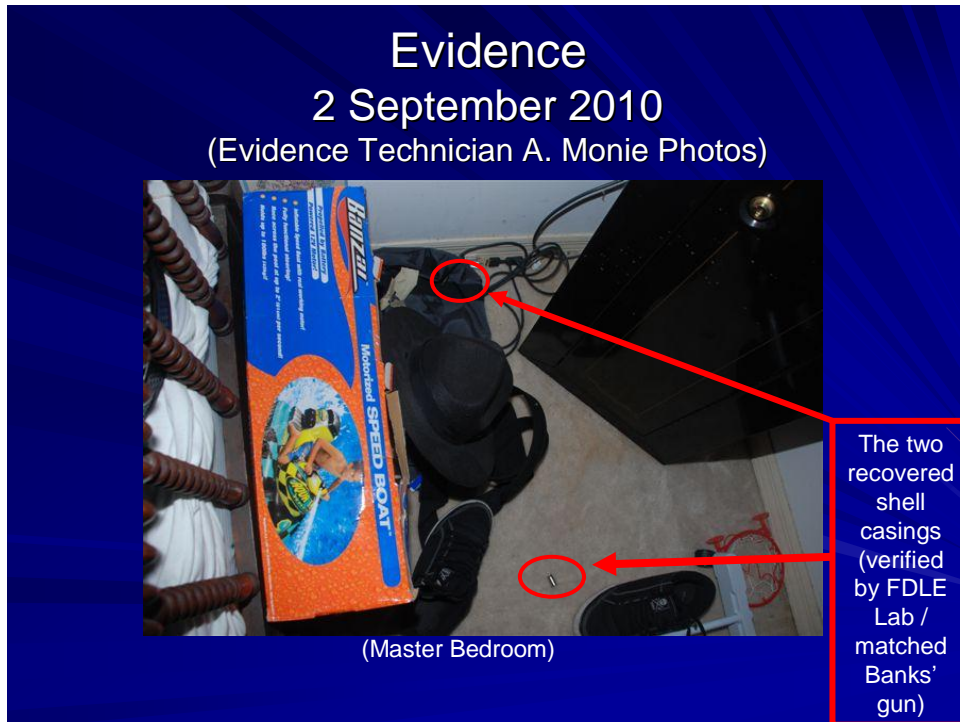
Rodgers attempts to use this bullet hole as evidence of Banks possibly being involved in Michelle’s death. Rodgers’ explanation for the cause of the hole is pure speculation and numerous possibilities exist to explain it (test fire, accidental discharge, attempting to get the attention of Banks...).

“50 pills in pocket”

Rodgers attempts to interpret these pills as planted by Banks. This is complete speculation. Could be indicative of a person intending to use pills to commit suicide by overdose until deciding a gun would be a quicker and more definitive means. Furthermore, the pills were located in the tight fitting pants of Michelle. Placing these pills into her tight fitting pants, would be difficult without changing the position of Michelle’s body. In fact, in one Rodgers’ interviews of a young woman with a Psychology Degree (Battell), she even indicated to Rodgers that the pills could have been a “back up plan” for suicide.

“O’Connell’s cell phone”

Michelle’s cellphone was located on her person in her left front pants pocket. We do not understand the relevance of this statement. In fact, the record reflects that Michelle was using her phone to send text messages throughout the night.



“The two recovered shell casings (verified by FDLE Lab / matched Banks’ gun).”

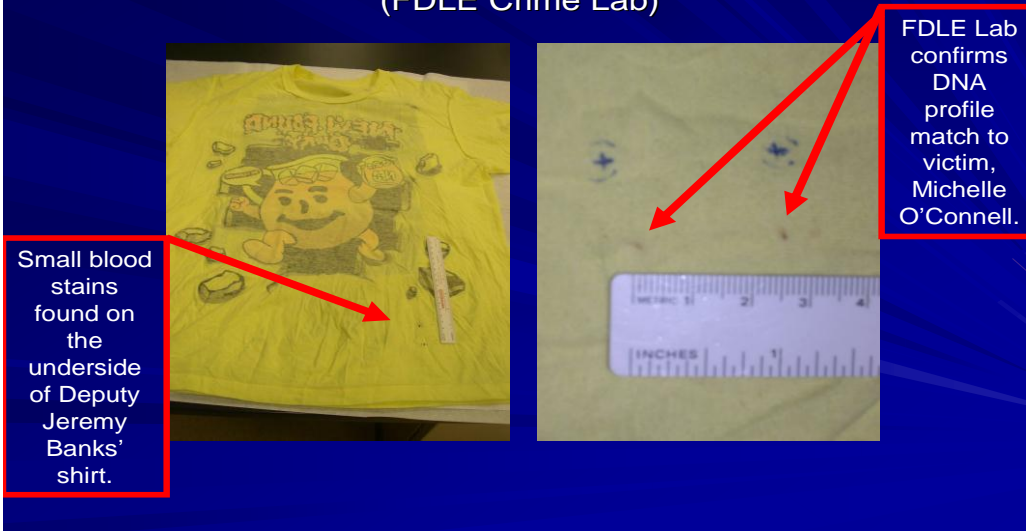
Rodgers attempts to claim the location of the casings proves Michelle did not fire the weapon. This assumption is complete speculation and cannot be made definitively without considering an infinite number of variables. Furthermore, the testing done by Findley was conducted in an open field completely negating the variables present at the actual scene (ie. walls, ceilings, extremities, furniture...). The claim also does not take into consideration that prior to these photos being taken; nine first responders were inside the scene. Based on the personnel present it is likely the casings could have been inadvertently moved.

Evidence
2 September 2010
(FDLE Crime Lab)



- Deputy Jeremy Banks purchased this shirt at the concert on the date in question.
- Deputy Jeremy Banks admitted wearing this shirt at the time of Michelle O'Connell's death.
- Deputy Jeremy Banks admitted he had no blood or debris on his hands at the time of Michelle O'Connell's death and subsequent gunshot residue test kit.

Evidence
2 September 2010
(FDLE Crime Lab)



“Deputy Jeremy Banks admitted he had no blood or debris on his hands at the time of Michelle O'Connell's death and subsequent gunshot residue test kit.”

Banks did not know he had blood or GSR on his hands at the time he was asked on the “GSR questionnaire.” Banks was observed by deputies to be holding Michelle's right hand upon their arrival. It was later determined Michelle had blood on her right hand. Banks was observed at the scene using his hands to lift his shirt and wipe his face. This could be an explanation for GSR or blood transfer.

PHOTOGRAPH
REDACTED


PHOTOGRAPH
REDACTED

- “Front sight on Banks’ duty gun”
- “Injury to right eye caused by gun sight”
- “Gunshot impact injury” (mouth)
- “Approximately 3 inches including front sight and tactical light”
- “Scratches”
 - The front site causing this injury is complete speculation and not consistent with several medical examiner’s findings. Four medical examiners were consulted and determined the following scenarios: The injury to Michelle’s eye area was caused by the ejected shell casing (Hobin and Bell). **The injury to Michelle’s eye was caused by the gun being inverted and the tactical light causing the impact injury (Bulic**

and Cogswell). Dr. Bulic documented with an overlay photograph that perfectly matched the tactical light as causing the eye injury.

- Rodgers described in his slide the “splitting skin” injuries as noted by Dr. Hobin as being “impact injuries.” These injuries are in fact, “splitting skin” attributed to the expanding gases filling the mouth of Michelle after the firearm was fired. The gas expands in the mouth and “splits” the corners of the mouth expelling the gases. This is very indicative of an intra-oral gunshot wound, not an impact.
- Rodgers makes reference to “scratches” on Michelle’s neck. Dr. Bulic stated these marks are a result of life saving measures by Rescue personnel (tracheotomy) and not the result of a struggle.

Evidence
2 September 2010
(Evidence Technician A. Monie Photos)



Master bathroom counter

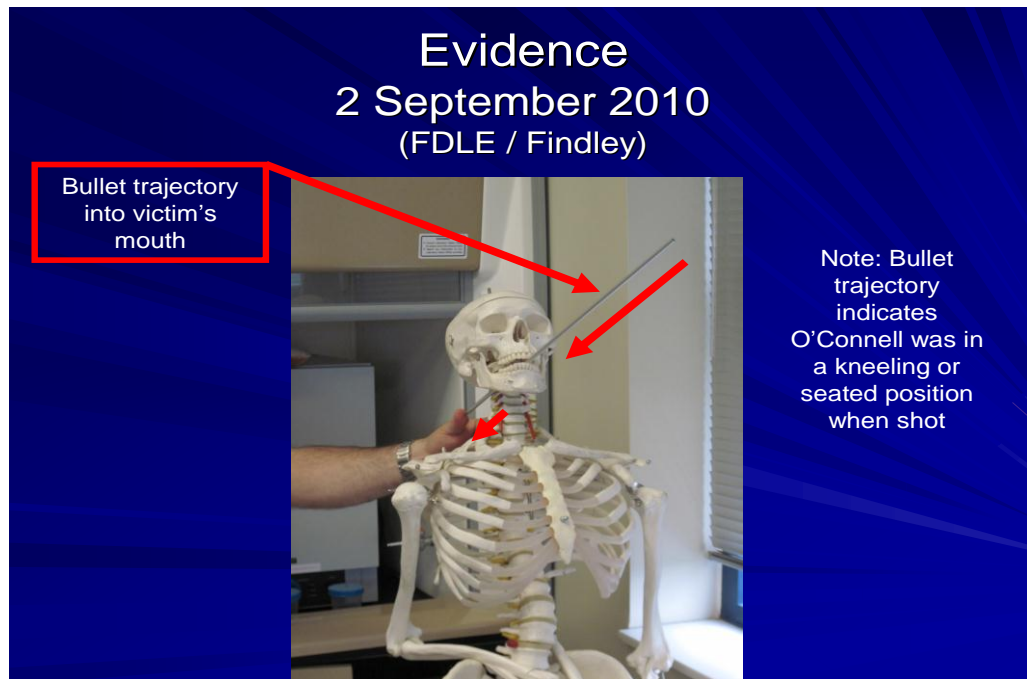
FDLE Lab Report **No presence of blood on the gun**

FDLE Lab Report **The presence of DNA was recovered from the gun grip and barrel.**

“No presence of blood on the gun.”

“The presence of DNA was recovered from the gun grip and barrel.”

Rodgers does not state in his presentation that the DNA on the recovered weapon belonged to Michelle.

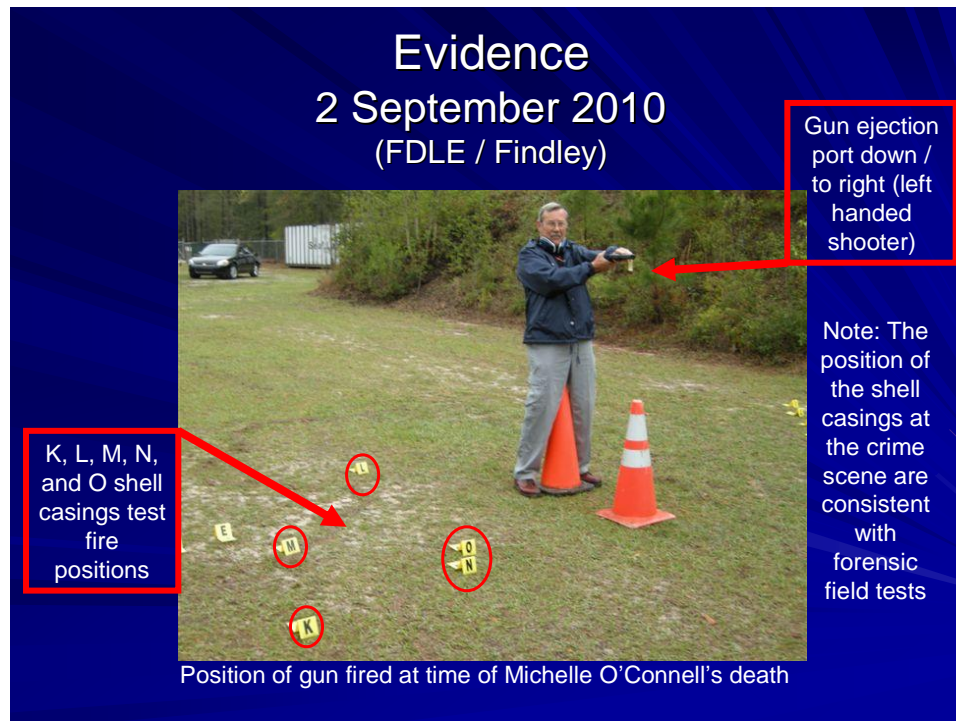


“Note: Bullet trajectory indicates O’Connell was in a kneeling or seated position when shot.”

This is speculation by Rodgers and Findley. It is just as likely that Michelle could have been standing, kneeling, or sitting with her head angled backwards in a suicide scenario. Findley uses blood located on the front of Michelle’s pants to indicate she was kneeling when the shot was fired. This theory is flawed and will be explained in subsequent slides detailing the blood evidence on Michelle’s pants.

“Bullet trajectory into victim’s mouth.”

Bullet trajectory only shows the path the bullet took after being discharged. The autopsy photographs indicate the firearm was in Michelle’s mouth when it was discharged (tears to corners of mouth).



“Gun ejection port down / to right (left handed shooter).”

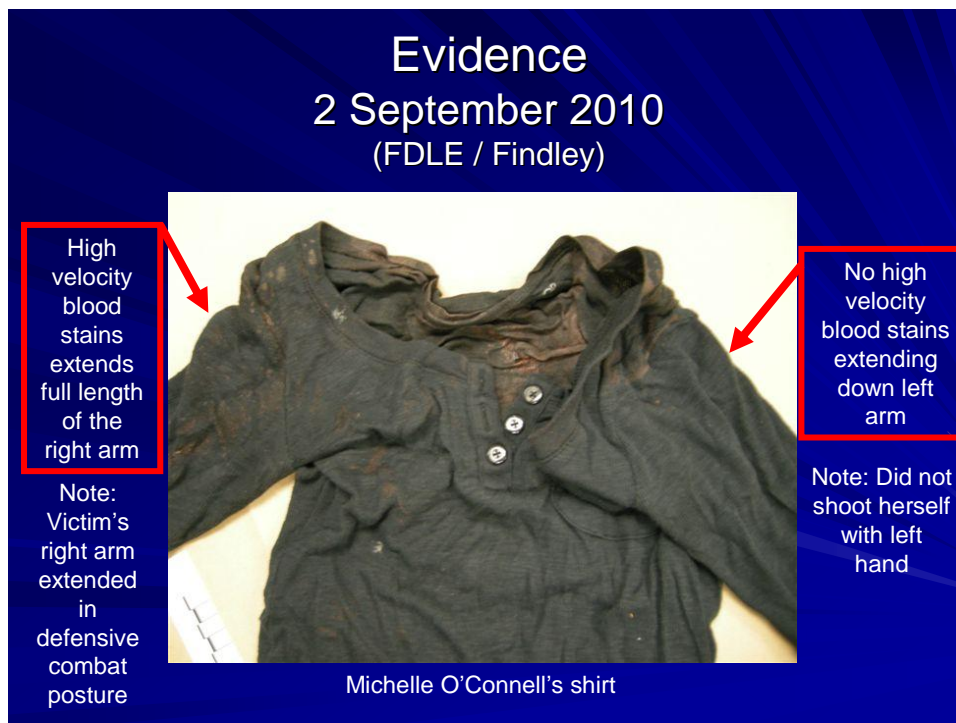
There is no way to definitively show that that the left or right hand was used to fire the weapon. The possibility of the gun being in an inverted position was not considered during these test fires.

“Note: The position of the shell casings at the crime scene are consistent with forensic field tests.”

This is completely speculative and the location of the casings cannot be relied upon due to an infinite number of possibilities. This assumption considers only one possibility to explain the casings final location. This is not scientific and cannot be relied upon as proof of anything. Angle of the weapon, direction of the weapon, direction of the body, how the firearm was held, what outside forces or body parts may have impacted the casings... The claim also does not take into consideration that prior to these photos being taken; nine first responders were inside the scene. Based on the personnel present it is likely the casings could have been inadvertently moved.

“Position of gun fired at time of Michelle O’Connell’s death.”

Again, there is no way to show definitely this was the position of the firearm.



“No high velocity blood stains extending down left arm.”

The blood stains are never characterized to as high velocity except by Rodgers. Findley referred to the blood as “impact stains” not high velocity. The stains referred to as impact stains can easily be explained by viewing the scene photos taken after EMS treated Michelle. Blood is present all over the scene and on Michelle’s body. This blood transfer occurred as a result of the treatment given to Michelle. The scene photos show Michelle received a tube into her trachea to assist her breathing. This tube is filled with blood and is pointed toward the right shoulder of Michelle.

“High velocity blood stains extends full length of the right arm.”

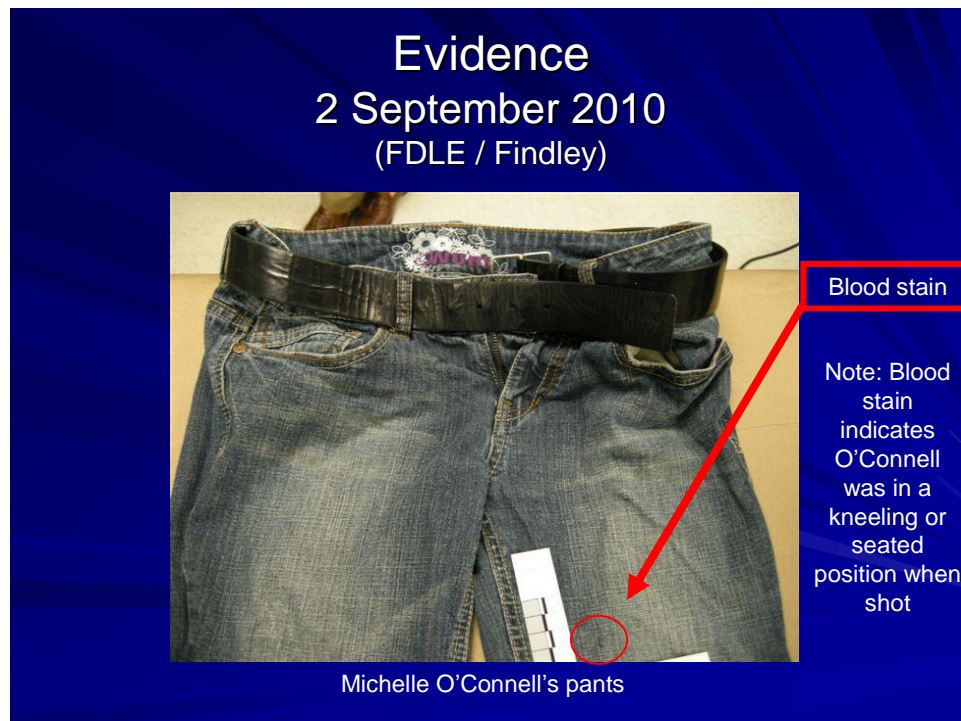
This is not true. Again, the blood stains were never characterized as high velocity except by Rodgers. Findley referred to the blood as “impact stains” not high velocity. The stains referred to as impact stains can easily be explained by viewing the scene photos taken after EMS treated Michelle. Blood is present all over the scene and on Michelle’s body. This blood transfer occurred as a result of the treatment given to Michelle. The scene photos show Michelle received a tube into her trachea to assist her breathing. This tube is filled with blood and is pointed toward the right shoulder of Michelle.

“Note: Victim’s right arm extended in defensive combat posture.”

This is speculation. There is no forensic evidence to determine Michelle was in a “defensive combat posture.” Also, Michelle had no injuries or disheveled clothing consistent with a struggle. Furthermore, Dr. Hobin documented an absence of injuries to O’Connell’s body stating, “Specifically, there is no indication that the subject might have been recently battered.”

“Note: Did not shoot herself with left hand.”

Again, it is speculation to definitively say which hand was used. It should be noted a large amount of gunpowder or soot can be clearly observed in the scene photos of Michelle’s left hand indicative of being in close proximity if not in contact with a discharged firearm.



“Blood stain indicates O’Connell was in a kneeling or seated position when shot.”

The stains referred to as impact stains can easily be explained by viewing the scene photos taken after EMS treated Michelle. Blood is present all over the scene and on Michelle’s body. This blood transfer occurred as a result of the treatment given to Michelle, photographs taken prior to medical intervention do not show the blood Rodgers references. The scene photos show Michelle received a tracheotomy to assist her breathing as part of Fire-Rescue’s lifesaving measures. This tube is filled with blood and is pointed toward the right shoulder of Michelle.



“The left hand does not have high velocity blood stains.”



“These photographs are from the autopsy of O’Connell.”

The blood stains are again referred to as high velocity blood stains by Rodgers. The medical experts have opined that there were no “high velocity” blood stains present.

Evidence 2 September 2010 (FDLE Lab)



Deputy Jeremy Banks

Note: FDLE Lab results indicate Banks' hands had approximately one micron / particle of GSR.

Note: The absence of GSR on Banks' hands indicate his hands were cleaned prior to testing.

Gunshot residue kits collected by St. Johns County Sheriff's Office

Banks' duty gun was used in the homicide of O'Connell.

Banks admitted to holding O'Connell's hands after she was shot.



Michelle O'Connell

Note: FDLE Lab results indicates O'Connell had significant amounts of GSR on her hands.

“Banks’ duty gun was used in the homicide of O’Connell.”

This is not a homicide.

“Banks admitted to holding O’Connell’s hands after she was shot.”

“FDLE Lab results indicate Banks’ hands had approximately one micron / particle of GSR.”

“The absence of GSR on Banks’ hands indicates his hands were cleaned prior to testing.”

Banks was observed at the scene by Detective Tolbert using his shirt to wipe his face of tears during the incident. This could easily be an explanation for the lack of GSR on Banks hands and could account for the blood stain on the interior of Banks’ shirt. Rodgers’ leap to “hands were cleaned,” is not supported by any evidence.

“FDLE Lab results indicates O’Connell had significant amounts of GSR on her hands.”

Agreed.



Michelle O'Connell

Evidence (Circumstantial) 2 September 2010 (FDLE)



Chrissy O'Connell

Michelle O'Connell met Chrissy O'Connell for lunch at approximately 12 pm until 2 pm, at 4 Moultrie Creek Circle (Chrissy O'Connell's house).

- Michelle tells Chrissy that she is tired of being physically and psychologically abused by Banks.
- Chrissy tells Michelle that she should not attend the concert with Banks.
- Michelle tells Chrissy that she's scared of Banks and has to make the break-up look like it was his idea.
- Michelle tells Chrissy that she intends to leave Banks that night (2 September 2010) and end the relationship after the concert.
- Michelle tells Chrissy that she plans for her and [REDACTED] to move in with her Mother until she can find a place.
- Michelle tells Chrissy that she is excited about her new job which will allow her to leave Banks and get a place for her and [REDACTED]


“Michelle tells Chrissy that she is tired of being physically and psychologically abused by Banks.”

This is not true. Nowhere in the record does it show that Michelle told Chrissy that she was the victim of “physical or psychological abuse.”


“Michelle tells Chrissy that she's scared of Banks and has to make the break-up look like it was his idea.”

The record reflects Chrissy said the following; Michelle describes breaking up with Banks and making it look like Banks idea because of the working relationship between Banks and Michelle's brother, Scott O'Connell. Michelle was concerned that breaking up with Banks would place Scott in an adverse situation with Banks. The statement Rodgers' uses regarding Michelle being “scared” is a misrepresentation of the statements made by Chrissy during her interview.


Evidence (Circumstantial) 2 September 2010 (FDLE)



Michelle O'Connell



Chrissy O'Connell



7:15 pm	Michelle tells Chrissy that she will pick up [REDACTED] after the show.
8:43 pm	Michelle asks Chrissy if [REDACTED] is okay.
8:43 pm	Michelle tells Chrissy that she will be there soon.
8:43 pm	Michelle asks Chrissy if she wants her to come pick [REDACTED] up now.
8:43 pm	Michelle tells Chrissy the concert is almost over and she will be there ASAP.
9:34 pm	Michelle tells Chrissy to "make sure [REDACTED]'s number one not like us."
9:55 pm	Michelle tells Chrissy that she will be there soon to pick up [REDACTED]
10:56 pm	Michelle tells Chrissy [REDACTED] will be happy and always have atood life."
10:57 pm	Michelle asks Chrissy if [REDACTED] is okay.
10:58 pm	Michelle tells Chrissy that she is on her way to pick up [REDACTED]

The above text messages are sent from Michelle’s cellphone to her sister, Chrissy O’Connell. The phone records indicate the times of these texts are not correct and possibly out of order as they appear on the slide. Furthermore, the text message listed at 10:58 does not exist on any of the records reviewed. These text messages are also incomplete and the deletion of relevant messages changes the context and meaning of the entire conversation.

Not included in the above messages are responses from Chrissy to Michelle asking if “she was ok,” and telling Michelle she was, “scared” as a result of receiving messages from Michelle.

Evidence
(Circumstantial)
2 September 2010
(FDLE)



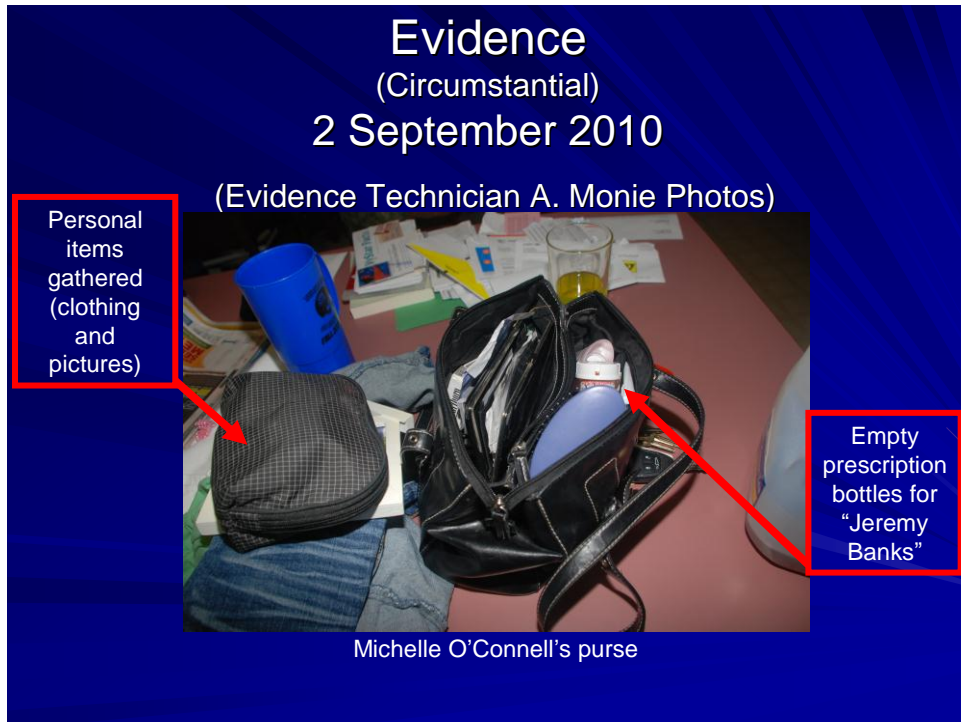
Deputy Jeremy Banks



Michelle O'Connell

- | | |
|----------|---------------------------------------------|
| 06/09/10 | Murder, The unlawful |
| 06/07/10 | Made to look like a suicide |
| 05/28/10 | Making murder look suicide – accident |
| 11/25/09 | Cops killing their wives / girlfriends |
| 08/08/09 | Police and domestic violence |
| | Cops who kill and make it look like suicide |

There is no evidence on the record on where or how Rodgers obtained the dates listed in the above slide. In fact, the record reflects Rodgers did not get any final forensic results regarding this computer until well after the day he presented this slide to Dr. Hobin and the findings do not support the above. Additionally, Rodgers interviewed Patty O'Connell who confirmed she made similar title searches utilizing Michelle's laptop computer after Michelle's death.



Rodgers speculates Banks staged the pill bottles in O'Connell's purse. There is no evidence to prove this theory.

Investigative Timeline (2 September 2010)

10:00 pm →	10:20 pm →	10:40 pm → 11:25 pm
1340C A1A South, St. Augustine, FL	1020 Anastasia Boulevard, St. Augustine, FL	4700 Sherlock Place, St. Augustine, FL
Concert Location	Surf Station (parking location)	Crime Scene

4700 Sherlock Place, St. Augustine, FL (Crime Scene)

2 September 2010
approximately 11:00 pm

(Witness) Stacey Boswell		(Witness) Heather Ladley
Note: Passed polygraph test		Note: Passed polygraph test
110 Belle Chase Court	Approximately 150 yards between houses	4700 Sherlock Place

The timeline above was compiled by Rodgers. Rodgers fails to utilize interviews with Banks, Garris, and Cercado, which show the above timeline is invalid. Banks, Garris and Cercado stated the concert ended at approximately 10:00 pm and it took them approximately 15-20 minutes to walk to their vehicles (Banks and Michelle). C. Cercado

stated she and Garris arrived at Banks' vehicle and had to wait for Banks and Michelle to arrive.

C. Cercado stated all parties stayed at the vehicle and talked while Michelle smoked a cigarette. C. Cercado stated it was about 10 minutes before they all left the Surf Station en-route to Banks' residence. This would have been approximately 10:25 pm.

C. Cercado and A. Garris stated they arrived at Banks' residence approximately 15-20 minutes later. This time is determined from interviews with Banks, Cercado, and Garris. The time would have placed them at the residence at approximately 10:40 pm.

The FDLE timeline relies upon the witnesses Heather Ladley and Stacey Boswell who state they heard screams for help and gunshots between 10:30 and 11:00 pm.

C. Cercado and A. Garris stated they remained at the residence between 30 and 45 minutes (according to statements taken the night of the incident). This would have made the time they left Banks' residence between 11:10 and 11:15 pm (this is a conservative estimate).

Banks calls 9-1-1 at 11:20 pm to report Michelle shot herself and to send help.

114. 06 June 2011, report documenting an interview of Crystal Cercado with Rodgers. C. Cercado stated she and her boyfriend (Andrew Garris) had been with Banks and Michelle the night of her death. Cercado and Garris attended the Paramour concert and returned back to Banks' residence after it was over. During the interview, Cercado provided a rough timeline of events to Rodgers. Rodgers at times attempted to suggest to Cercado false information and lead her away from facts and times that she believed were appropriate and correct. Below is an excerpt of some of these issues:

- The first issue with Rodgers' report is he documents the date of the report as being conducted on 06 June 2011, the recorded version states the date is June 8th.
- Cercado stated she and Garris stayed at Banks' residence anywhere from 30 to 45 minutes.
- Cercado states she and Garris arrive at Banks' residence "a little before 11 p.m." Comparing times and statements given by Garris and Cercado it would appear they arrived to Banks' residence around 10:40 pm. If they stayed the conservative timeframe of 30 minutes this would put them leaving Banks' residence at 11:10 pm. This would negate Rodgers timeline and witnesses statements of hearing gunshots between 10:30 p.m. and 11:00 p.m.
- During the interview, Rodgers states to Cercado, "Andrew told me you two left (Banks' residence) at 10:50 p.m. and arrived home about 5 minutes later and that he remembered

looking at the clock and it was 11:00 p.m.” Cercado adamantly denied this and stated, “Really? No.”

- Cercado states to Rodgers, “I’m sure it was a long period of time” (as it relates to how long they were at Banks’ residence). Rodgers again attempts to influence Cercado to change the time by saying, “Well, if you say 30 minutes that would put you there at 11:30 pm and Banks called 911 at 11:20 p.m.” Cercado replies, “I know we were there a long time.”
- **Cercado continues by stating, “I know it wasn’t five minutes, I was getting antsy because it was a long time.” Rodgers replies, “I’m only telling you what Andy said and he said 5 minutes.” Cercado replied, “Andy is crazy; I know it wasn’t five minutes.” The interview of Andrew Garris shows he never stated he and Cercado were only at Banks residence 5 minutes and went home. Garris’ interview also does not show or state that he looked at the clock when he got home and it was 11:00 p.m. This statement made by Rodgers to Cercado about Garris’ testimony, appears to be a fabrication by Rodgers to sway Cercado’s testimony. It would appear that Rodgers is trying to make Cercado and Garris’ timeline fit his timeline. The timeline provided by Garris and Cercado, who were at the residence prior to and after the incident, clearly negates both Rodgers’ theory, Rodgers’ timeline, and the creditability of Boswell and Ladley.**

115.04 June 2011, report documenting emails sent to Rodgers by Patty O’Connell (Michelle’s mother). These emails contain only bad character references and alleged domestic mental/physical abuse as it pertains to Banks and Michelle.

116.16 June 2011, report documenting an interview of SJSO Deputy Herbert Green with Rodgers. The interview is in reference to H. Green responding to an incident on March 20, 2010. The incident involved Michelle, Ciara Morris and J. Banks. Michelle went drinking with C. Morris and had to be transported to Flagler Hospital due to her intoxicated condition.

- This has no evidentiary value as it relates to the case of Michelle’s death. It is unclear why Rodgers documents this incident other than Rodgers attempts to depict bad character as it relates to Banks.

117.17 June 2011, report documenting the fourth and final interview of J. Banks with Rodgers (in the three previous interviews, Banks was unrepresented by counsel). Banks went to the interview voluntarily with Attorney Mac McLeod. The interview was conducted at the Homicide Investigation Unit, St. Augustine, Florida.

- Rodgers asks Banks of an incident involving Michelle and her drinking to the point of rescue being called and subsequently being transported to Flagler hospital in March 2010. Rodgers told Banks that he interviewed Green (responded to the scene) the day

before this interview was conducted. Rodgers tells Banks, “he [Green] remembers the incident, he remembers you were out of control, and he remembers having to order you to go to your car, because he was fearful you and Cierra were going to get into a fist fight, he did say what exactly what you said that Sierra had attacked you a couple of times, once in the house and once at the car.”

➤ **The above use of words by Rodgers is inaccurate. H. Green never stated Banks was out of control.**

- **During the interview, Rodgers asks Banks if he recalled the seven pieces of evidence that he did not show him on April 14th. Banks acknowledged Rodgers and Rodgers replied, “They are still looming out there would you like to see them?” Banks’ attorney intervenes and states, “Sure.” Rodgers addresses Banks and his counsel and states, “We’re not gonna show ‘em to you in front of counsel. If you want to come in voluntarily and talk to me without counsel then I’d be more than happy to show you.”**
- **Rodgers states to Banks’ attorney, “I’m saying if he (Banks) wants to come in and see the information, I’d give it to him, but you need to seek the advice of counsel. In other words, there is a process now in place where you can see the evidence and that’ll be done.” Banks’ attorney interrupts Rodgers and states, “Well, why couldn’t, why couldn’t I see it?” Rodgers replies, “You can through discovery.”**
- **Banks’ attorney reminds Rodgers how badly he wanted to show Banks what he had, however, he doesn’t understand why Rodgers would want to show Banks the evidence and not his counsel.**

Note: it is very clear that Banks is represented by counsel; however Rodgers attempts to circumvent Banks’ right to counsel by attempting to use evidence not seen to Banks as a ruse to meet with Banks without counsel.

118. 09 June 2011, report documenting FDLE lab results as it pertains to a spent projectile recovered by Banks and turned over to Faircloth of the SJSO. This bullet fragment was found by Banks well after Michelle’s death and was given to Faircloth, who kept it at his residence. After an interview with Rodgers, Faircloth gave it to Rodgers.
 - This report by the FDLE states the .45 caliber class metal jacket bullet fragment was of no value for identification.
119. 17 June 2011, report documenting the placing a 2nd copy of the interview of Banks and his attorney in the investigative file.
120. 28 June 2011, report documenting a 2nd interview with Patty O’Connell with Rodgers. This was in reference to P. O’Connell using M. O’Connell’s computer

after her death and searching certain topics to include but not limited to, murder, murder made to look like suicide, as well as other topics she could not remember. P. O'Connell stated she conducted these searches sometime around the beginning of September. Note: these titles were searched and discovered during a forensic download of said computer.

- Rodgers refers in his report the specific Google searches, dates, and times could not conclusively be attributed to Banks or Patty O'Connell.

121. 28 June 2011, report documenting a 2nd interview of Paul Gaumont with Rodgers. Gaumont stated he had care, custody and control of Michelle's laptop computer from November 2010 to January 2011. P. Gaumont stated he did not make any searches of the titles related to report #120.
122. 28 June 2011, report documenting an interview with Scott O'Connell in reference to M. O'Connell's laptop computer. Scott O'Connell told Rodgers he and Paul Gaumont received said computer from Banks on September 4, 2010 (two days after Michelle's death). S. O'Connell stated the computer was in his possession long enough to transport it to his mothers' house. S. O'Connell stated he did help his mother operate the computer between October and November 2010 to view family pictures. S. O'Connell denied making any searches on the computer as it related to Homicide or Suicide topics.
123. 28 June 2011, report documenting the receipt of dental records of Michelle by subpoena. It does not appear these records hold any evidentiary value, however, were placed into the investigative file.
124. 30 June 2011, documentation of FDLE Crime Scene Analyst photographing blood stains on a yellow t-shirt worn by Banks on the night of Michelle's death. These photographs were included in the investigative file.
125. 30 June 2011, documents the chain of custody as it relates to Michelle's laptop computer from 4 Sept 2010- until it was turned over to Rodgers for forensic download by family members. **In his report it states Patty O'Connell, Scott O'Connell, Chrissy O'Connell, and Paul Gaumont all had access to this computer after 04 Sept 2010. The searches on the computer as it relates to murder, murder made to look like suicide and suicide related searches were self-admitted by P. O'Connell. The dates, times and user could not be conclusively established other than what P. O'Connell self-admitted to searching.**

126. 01 July 2011, details the return of evidence to Andrew Garris that was previously seized during a search warrant served at Garris' residence. The items returned included a Digital Camera, Sony PS3 and an X-Box 360.
127. 05 July 2011, report documenting an interview of Deputy Sheriff Jeremy Bouchard with Rodgers.
- Bouchard said on the night of Michelle's death, he received a call from Deputy Samantha English informing him about Michelle's death. Bouchard stated he went to Banks' residence and observed Banks in the front yard along with his parents.
 - Bouchard did not remember what time he went to Banks' house.
 - Bouchard said while at the scene, he hugged Banks and shook Banks' hand.
 - Rodgers asked Bouchard if he saw Banks act in any way that was not appropriate on the night of the incident. Bouchard said Banks acted appropriately for what he had just been through.

[REDACTED]

129. 08 July 2011, report details the return of forensic evidence recovered from Michelle's laptop computer from the FDLE Crime Lab in Tallahassee.
- No details are included in this report concerning any findings or items recovered from the laptop.
130. 18 July 2011, report details an interview conducted by Rodgers of SJSO Deputy David Rosado with Rodgers.
- Rosado provided no relevant information concerning this case.
131. 08 August 2011, report details the submission of Michelle's I-phone to FDLE for an additional download.

132. 02 August 2011, report details the return of Michelle's I-Phone from the FDLE lab. At the conclusion of the download, two disks were submitted into evidence at FDLE.
- No details are included in this report concerning any findings or items recovered from the cell phone.
133. 02 August 2011, documents the FDLE report showing DNA items of evidence submitted to the FDLE lab.
- The items submitted consists of swabs taken from the handgun, duty belt, gun magazine, ammunition, and pills taken from the scene of Michelle's death.
 - No details in this report concerning DNA results.
134. 31 May 2011, report details a voicemail message from Michelle to her mother Patty O'Connell on September 2, 2010 (see report # 107).
- The report states Rodgers subpoenaed phone records of Michelle and Patty and was able to verify Michelle called her mother on 02 Sept 2010 at 12:31 p.m. The report states the call made on 02 Sept 2010 was not retrieved from the voicemail until 03 Sept 2010 so the billing shows the date as 03 Sept 2010.
 - Rodgers details in this report that the call was a voicemail message left by Michelle where she told her mother she loved her and requested to have breakfast with her in the coming week.
135. 10 August 2011, requests for "Victim Assistance" for ██████ O'Connell from the Florida State Office of Attorney General. The assistance was requested under Florida State Law for financial assistance for counseling and the needs of crime victims and their families.
136. 09 August 2011, report documenting the return of evidence to Crystal Cercado that was seized during a search warrant at her residence on 14 Apr 2011.
- The report documents the return of a memory thumb drive and an Apple Laptop computer.
 - Also included in this section of the FDLE report is a Pen Link report referred to as a "Hot List with Subscribers" from what appears to be Banks' phone records. (This report appears to have been mistakenly placed in this file and should likely be in report # 137.)
 - Additionally, a request made to the Agency for Workforce Innovation was made requesting employment files for Jeffrey Wayne Borino. (It is unknown what relevance this request has to this case and it appears to have been placed in this file in error.)

137. 29 July 2011, this report documents the results of the DNR trap and trace order granted by the court. The report states as a result of the DNR, investigators issued subpoenas for the frequently called numbers in an effort to identify persons who were communicating with Banks. Rodgers writes he used these names to help identify potential people to be interviewed.
- The report does not indicate which people Rodgers interviewed as a result of records received from the DNR.
 - Attached to this file is a CD containing reports detailing calls made by Banks during the period of April 11 – April 31, 2011.
 - Nothing of evidentiary value could be determined from viewing the DNR results.
138. 24 August 2011, report detailing an interview with Deputy Allen Lapkovitch and Rodgers.
- No CD recording of the interview is present in the file.
 - According to the report, Lapkovitch stated he does not remember speaking with Banks on the night of Michelle O’Connell’s death.
 - According to the report, Lapkovitch heard rumors related to the FDLE investigation of the death of Michelle and provided these rumors to Rodgers.
 - Rodgers also included a D.A.V.I.D. printout of Lapkovitch, a data call log of phone calls detailing Lapkovitch call records on September. 2, 2011 and a printout of a “Criminal Justice Professional Program” profile sheet detailing criminal justice training and background information for Lapkovitch.
 - Nothing of evidentiary value determined from this report.
139. 29 August 2011, report documenting a telephone, voicemail complaint, Rodgers received from Patty O’Connell. Patty O’Connell stated she received information from her brother; Thomas Wallace and Thomas’ wife; Rose Wallace. The Wallace’s informed Patty that Marsha Dixon (Banks’ mother) told them about phone calls made by Banks on the night of Michelle’s death. Patty reported that Wallace advised her that Banks had called his father, Larry Dixon and Andrew Garris before he called 911 on the night of Michelle’s death.
- As a result of this complaint, Rodgers issued subpoenas for numerous phone records related to the night of 02 Sep 2010:
 - 904-794-7534 (home phone of Banks and Michelle O’Connell)
 - 904-814-2603 and 904-814-2601 (cellular phones belonging to Marsha and Larry Dixon)
 - 904-824-2619 (home phone of Larry and Marsha Dixon)
 - 904-377-6116 and 904-806-6433 (cell phones of Andrew Garris and Crystal Cercado).

- 904-669-5430 (cell phone of SJSO Sgt. Ron. Faircloth)
 - Rodgers states in his report he contacted Faircloth and asked how Banks contacted his parents (on the night of 02 Sept 10). Faircloth advised Rodgers he thought Banks used his (Faircloth's) phone to call his parents.
 - The voicemail message left by Patty O'Connell was submitted into the file.
 - During the call Patty O'Connell was very upset and was crying throughout the call.
 - During the call Patty O'Connell explains she just received the above information from her brother.
 - At one point in the call Patty O'Connell says, "Rusty, you've gotta help us, if he doesn't get arrested, you've got to help us Rusty." Patty O'Connell asks Rodgers to call her back.
140. 16 September 2011, report detailing Rodgers' meeting with Ciara Morris and collecting personal property belonging to Michelle.
- The report indicates Rodgers met with Morris and took possession of Michelle's driver's license, debit card, and a pair of shoes. These items were allegedly left at Morris' residence by Michelle following an incident when Michelle was intoxicated and was transported to the hospital. (See report # 22)
141. 14 October 2011, FDLE report detailing subpoena results related to report #139 detailed above.
- **Rodgers writes in his report that the subpoenas showed Banks did not call any other number prior to calling 911 on the night of Michelle's death.**
 - The subpoena results attached to this file are incomplete and do not contain the records of all numbers subpoenaed (see report #139).
 - No call records are present in the file for Andrew Morris, Crystal Cercado, or Ron Faircloth.
142. 12 October 2011, report documenting the formal request and the transfer of the case from the 7th Judicial Circuit to the 5th Judicial Circuit.
- A letter from State Attorney R.J. Larizza to Governor Rick Scott requesting the case be re-assigned to another state attorney is attached.
 - The letter from R.J. Larizza indicates the request was made in an abundance of caution to avoid the perception of a conflict of interest.
 - No documentation is in the file regarding the 5th Judicial Circuit being assigned or accepting this case for review.

143. 13 Dec 2011, document requesting the transfer of this case within FDLE from “FDLE Case# JA-73-1483 (Assist Case, St. Johns County S.O.) to JA-01-0040 (Death Investigation).”

- The report states all future investigative reports related to this case will be documented under the new investigation and new case number.

In reviewing the FDLE Investigative File, the final DNA results could not be located. As a result, Mark Brutnell was contacted and the reports were requested and received. Upon reviewing the reports, discrepancies and incomplete information were identified.

FDLE Biology Supervisor Marcie Scott was contacted and made aware of the issues. As a result, an amended report was created on March 08, 2013 and sent to the SJSO for inclusion.

It should be noted that the DNA profile developed from Exhibit 15 (Banks’ buccal swabs/DNA) has been entered into CODIS.

NO ADDITIONAL FILES EXIST

ANALYSIS OF FINDLEY'S FINDINGS

28 Apr 2011, this report details the results of the report received from Crime Scene Reconstructionist, Jerry Findley.

- Findley was contracted by FDLE to review the evidence provided by FDLE.
 - Findley conducted an examination and rendered an opinion on the following items:
 - ❖ Banks' duty issued handgun
 - ❖ "Crime Scene" photographs and evidence collected from the scene
 - ❖ The shirt and pants worn by Michelle O'Connell at the time of her death.

The following italicized information is a verbatim transcript of Jerry Findley's report, dated 28 Apr 2011:

*Reference: Michelle O'Connell Case
SJSO Case Number: 10OFF009447
FDLE Case Number: JA 73-1483*

On March 11, 2011, I met with Rusty Rodgers, FDLE, and Rob Hardwick, State Attorney's Office, in reference to the above captioned case.

The purpose of this meeting was for Bloodstain Pattern Analysis and Crime Scene Reconstruction. At that time I received the following items:

- A. *A CD containing eight (8) photographs as taken by Deputy Hawley.*
- B. *A CD containing ninety-eight (98) photographs identified as Crime Scene photographs taken by SJSO.*
- C. *A CD containing eighteen (18) photographs identified as being taken by the Medical Examiner's Office.*
- D. *A CD containing eight-eight (88) photographs identified as Autopsy photographs taken by SJSO.*
- E. *A CD containing the 911 call.*
- F. *A CD containing an interview with J. Banks dated 09/03/10.*
- G. *A CD containing an interview with J. Banks dated 09/14/10.*
- H. *Autopsy Report dated 09/21/10.*
- I. *SJSO Call History Report*
- J. *SJSO Offense Reports.*
- K. *Written statement of Crystal Cercado.*
- L. *Written statement of Andrew Garris.*
- M. *SJSO Evidence Detail and Submittance Reports.*
- N. *On March 11, 2011, I received six (6) photographs via e-mail. The photographs were close-ups of the weapon and the face of Ms. O'Connell.*

On March 16, 2011, I received the following items via e-mail:

- O. *Four (4) Crime Scene lab Reports dated 2/7/11, 2/14/11, 2/18/11, and 2/24/11.*

On March 29, 2011, I received four (4) Crime Scene Diagrams via e-mail.

On March 30, 2011, I met with Agent Rusty Rodgers, FDLE, at the laboratory of the Statesboro Police Department for the purpose of evidence examination. I examined the following items:

- P. Black shirt identified as being recovered from Michelle O'Connell.*
- Q. Blue jeans identified as being recovered from Michelle O'Connell.*
- R. Duty Belt identified as belonging to Deputy Banks.*
- S. H&K .45 caliber semi-automatic handgun serial number 25-108431 and SJSO number 420.*

Note: The above items were examined in the presence of Agent Rusty Rodgers, FDLE, who retained control and resealed the items.

On March 31, 2011, I test fired the above referenced H&K .45 caliber semi-automatic handgun at the Statesboro Police Department/Bulloch County Sheriff's Firing Range. This was done in the presence of Agent Rusty Rodgers, FDLE.

We then retired to the Ogeechee Technical College Biology Laboratory to visualize the wound track as described in the Autopsy Report. At that time I received taped statements of Boswell and Ladley.

On April 22, 2011, I received a DVD containing Interviews of J. Banks.

Examination

Note: The body and gun were moved between Deputy Hawley's photographs and the photographs taken by St. Johns County Sheriff's Office. The movement was explained in the written reports as being for the safety and attempted life saving measures.

Blood

- A. Blood is flowing from the nose, mouth and the cut above the right eye of Ms. O'Connell. The flow is consistent with her position in Deputy Hawley's photographs.*
- B. Blood is identified on the Duty Belt located to the left of her body.
Note: There is no blood between the body and the duty belt.*
- C. There are numerous impact stains on the right sleeve of the black shirt identified as being recovered from Ms. O'Connell.*
- D. Impact stains are located on the left shoulder of the black shirt, but not on the sleeve or arm.*

- E. *Two impact stains are located on the left front of the blue jeans identified as being recovered from Ms. O'Connell. This is consistent with her being in a sitting or kneeling position at the time of impact.*
- F. *Impact stains are present on the back of her right hand.*
- G. *Two impact stains are located on the outside of her left hand.*
- H. *Impact stains are located on the inside of her right arm travelling toward her hand.*
- I. *A transfer stain is located on her upper left chest area just below her neck.*
- J. *There are two small stains on the inside of a yellow t-shirt identified as being recovered from J. Banks.*

Weapon- H&K .45 Caliber Serial Number 25-108431

- A. *The weapon is lying on her left side on the gun belt. Even though it is J. Bank's duty weapon, the only DNA found on the weapon belonged to Ms. O'Connell.*
- B. *The combat light was turned on. This light required two actions to be turned on.*
- C. *No blood was found on the weapon.*
- D. *The injury above her right eye is consistent in size and shape with the front sight of the weapon.*
- E. *In order for the shell casings to eject to the location where they were recovered, the ejection port would have to be in a downward position and pointed to her left. This is consistent with the shots being fired with a left hand not a right hand.*
- F. *There was an additional shot fired into the floor to the right of Ms. O'Connell.*

Documented Personal Actions and Plans of Ms. O'Connell

- A. *She was packing to leave.*
- B. *She called and texted her sister (Chrissy O'Connell) that she was leaving Jeremy and would pick up her daughter in about an hour. The text was sent at approximately 10:57 p.m. Based on the witnesses, the shots were fired around 11:00 p.m.*
- C. *Asked her mother if she could stay with her until she could find a new residence.*
- D. *Informed family and friends she was leaving J. Banks.*
- E. *She was working a new job.*
- F. *Made notations for a work schedule change for the week following her death.*
- G. *Scheduled a CPR class for two days after her death.*
- H. *Did not exhibit depression and was always upbeat according to friends, family and co-workers.*
- I. *Did not have a history of mental illness.*
- J. *No prior suicide attempts. Note: These are not the actions of a person in the acute stage of suicide, as outlined by the American Association of Suicidology.*
- K. *In her right front pocket were 25.5 Hydrocodone tablets (7.5-500 Tab) and 25 Cyclobenaprone (10 mg). It is unknown who placed them in her pocket. According to the Center for Disease Control, poison, to include drug overdose, is the preferred method of choice for adult female suicides.*
- L. *It is also suspicious that the empty pill bottles were displayed in the top of her purse.*

Conclusion

- A. *Ms. O'Connell was in a sitting or kneeling position when the shot was fired.*
- B. *The weapon would not have fallen in that location. The spinal cord was severed precluding any movement of her hands after the injury.*
- C. *She fell back and did not change position. This is based on the blood flow on her face.*
- D. *She was struck above her right eye by the front sight of the weapon.*
- E. *The blood on the duty belt is inconsistent with the lack of blood between her body and the duty belt.*
- F. *The lack of J. Banks' DNA on the weapon is suspicious because it is his duty weapon.*
- G. *If Ms. O'Connell fired the weapon, it would have to be with her left hand for the shell casing to land where it was recovered. Her left hand would be the weaker as she was right handed.*
- H. *The combat light was turned on, this required two actions.*
- I. *The absence of blood on her left arm and sleeve is not consistent with her using her left hand to fire the weapon. This is based on the injury to the left corner of her mouth which would have left impact stains on her left arm had she used her left hand to fire the weapon.*
- J. *The presence of impact stains on her right arm and sleeve is consistent with a defensive posture.*
- K. *One shot was fired into the floor to the right and close to her body.*
- L. *The wound track is front to rear and slightly downward.*
- M. *There are two eyewitnesses who stated they heard a woman cry for help, then a shot, another cry for help, and another shot.*
- N. *Ms. O'Connell's blood is located on the inside of the yellow t-shirt, however, the photographs are not clear enough to determine the pattern type.*

Closing Statement

The above information and the totality of the circumstances are not consistent with suicide. However, they are consistent with homicide.

Note: This report is based on the evidence/information available to me as of the date of this report. Should any additional evidence/information become available, I will revisit this case.

Respectfully Submitted,

Jerry F. Findley

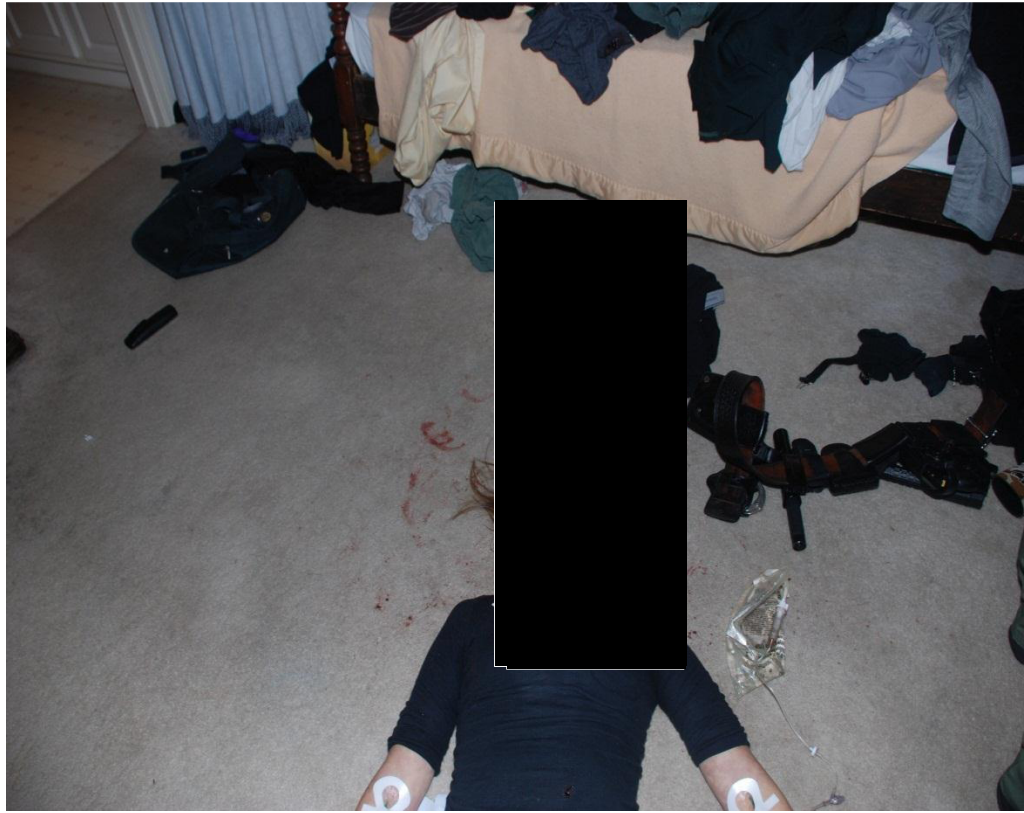
A review of the report submitted by Jerry Findley finds the following:

The Blood Evidence presented by Findley

A. “Blood is flowing from the nose, mouth, and the cut above the right eye of Ms. O’Connell. The flow is consistent with her position in Deputy Hawley’s photographs.” **Agreed**

B. “Blood is identified on the Duty Belt located to the left of her body.”

Note: There is no blood between the body and the duty belt. **This is not true.** The scene photos after EMS left the scene shows blood SURROUNDING Michelle O’Connell and leading up to and in contact with the duty belt which was now photographed in a position different from the photographs prior to the arrival of EMS. (See photo below)



C. “There are numerous impact stains on the right sleeve of the black shirt identified as being recovered from Ms. O’Connell.” **The stains referred to as impact stains can easily be explained by viewing the scene photos taken after EMS treated O’Connell. Blood is present all over the scene and on O’Connell’s body. This blood transfer occurred as a result of the EMS treatment given to Michelle O’Connell. The scene photos show Michelle O’Connell received a tube into her trachea to assist her breathing. This tube is filled with blood and is pointed toward the right shoulder of Michelle O’Connell.**

- D. "Impact stains are located on the left shoulder of the black shirt, but not on the sleeve or arm." **The scene photos taken after EMS treatment show Michelle O'Connell received a tube into her trachea to assist her breathing. This tube is filled with blood and is pointed toward the right shoulder of Michelle O'Connell.**
- E. "Two impact stains are located on the left front of the blue jeans identified as being recovered from Ms. O'Connell. This is consistent with her being in a sitting or kneeling position at the time of impact." **It is speculation by Rodgers and Findley that Michelle being in a sitting or kneeling position is indicative of a homicide rather than suicide. The stains referred to as impact stains are likely the result of life saving measures provided by Fire-Rescue personnel. Blood is present all over the scene and on O'Connell's body. This blood transfer likely occurred as a result of the treatment given to Michelle.**
- F. "Impact stains are present on the back of her right hand." **It is far more likely, the stains referred to as impact stains are the result of life saving measures provided by Fire-Rescue personnel. Blood is present all over the scene and on O'Connell's body. The original photographs taken prior to the arrival of Fire-Rescue personnel did not show these blood stains. This blood transfer occurred as a result of the treatment given to Michelle.**
- G. "Two impact stains are located on the outside of her left hand." **It is far more likely, the stains referred to as impact stains are the result of life saving measures provided by Fire-Rescue personnel. Blood is present all over the scene and on O'Connell's body. The original photographs taken prior to the arrival of Fire-Rescue personnel did not show these blood stains. This blood transfer occurred as a result of the treatment given to Michelle.**
- H. "Impact stains are located on the inside of her right arm travelling toward her hand." **It is far more likely, the stains referred to as impact stains are the result of life saving measures provided by Fire-Rescue personnel. Blood is present all over the scene and on O'Connell's body. The original photographs taken prior to the arrival of Fire-Rescue personnel did not show these blood stains. This blood transfer occurred as a result of the treatment given to Michelle. The scene photos show Michelle O'Connell received a tube into her trachea to assist her breathing. This tube is filled with blood and is pointed toward the right shoulder of Michelle O'Connell.**
- I. "A transfer stain is located on her upper left chest area just below her neck." **It is far more likely, the stains referred to as impact stains are the result of life saving measures provided by Fire-Rescue personnel. Blood is present all over the scene and on O'Connell's body. The original photographs taken prior to the arrival of Fire-Rescue personnel did not show these blood stains. This blood transfer occurred as a result of the treatment given to Michelle.**
- J. "There are two small stains on the inside of a yellow t-shirt identified as being recovered from J. Banks." **This can be explained by the witness accounts of Detective Tolbert who witnessed Banks continuously lifting his shirt to wipe his face. Det. Tolbert stated Banks would lift the shirt from the inside and use it to wipe his face. It is a fact that Banks was seen holding the right hand of O'Connell when law enforcement personnel arrived on scene and blood was located on O'Connell's right hand.**

The Weapon Evidence Presented by Findley

- A. “The weapon is lying on her left side on the gun belt. Even though it is J. Bank’s duty weapon, the only DNA found on the weapon belonged to Ms. O’Connell.” **The fact that O’Connell’s DNA is on the weapon is consistent with her holding the gun to commit suicide anything else is speculation.**
- B. “The combat light was turned on. This light required two actions to be turned on.” **This was explained by Banks during his interviews. Banks explained he kept the forward switch on so it was only required to use a single switch to operate the tactical light. The light could easily be accidentally manipulated while handling the weapon. In either case, the fact suggesting the light was on to support either homicide or suicide is speculative.**
- C. “No blood was found on the weapon.” **The lack of blood on the firearm is not evidence of suicide or homicide. No medical evidence exists to indicate the type of injury suffered by O’Connell would have caused any blood to have been transferred to the gun.**
- D. “The injury above her right eye is consistent in size and shape with the front sight of the weapon.” **According to Medical Examiners, Dr. Bulic and Dr. Cogswell, the injury to O’Connell’s eye was likely caused by an impact from the tactical light. Dr. Bulic provided a scale measurement that shows the distance from the mouth to the injury on the eye is exactly 3,” and the shape of the injury is consistent with the curvature of the light (this is congruent with the medical expert’s finding that the weapon was inverted when it was fired).**
- E. “In order for the shell casings to eject to the location where they were recovered, the ejection port would have to be in a downward position and pointed to her left. This is consistent with the shots being fired with a left hand not a right hand.” **This is completely speculative and the location of the casings cannot be relied upon due to an infinite number of possibilities. This assumption considers only one possibility to explain the casings final location. Angle of the weapon, direction of the weapon, direction of the body, how the firearm was held, what outside forces or body parts may have impacted the casings... all must be considered to determine a valid result. For this reason, a valid finding cannot be obtained. Also, not considered by Findley is the fact that nine first responders were present in the scene prior to the photos being taken of the casings. It is likely one of these persons inadvertently disturbed one of these casings. It should also be noted a large amount of gunpowder or soot can be clearly seen in the scene photos of O’Connell’s left hand. (see photo below)**



- F. “There was an additional shot fired into the floor to the right of Ms. O’Connell.”
This is not evidence of suicide or homicide and numerous possibilities exist to explain this shot.

The “Documented Personal Actions” of O’Connell as presented by Findley

- A. “She was packing to leave.”
- B. “She called and texted her sister (Chrissy O’Connell) that she was leaving Jeremy and would pick up her daughter in about an hour. The text was sent at approximately 10:57 p.m. Based on the witnesses, the shots were fired around 11:00 p.m.” **This text could not be located after a forensic download was conducted of Chrissy O’Connell’s cellphone as well as Michelle O’Connell’s cell phone. This statement was written in Rodgers’ report but not documented where the information came from. According to the phone downloads, this text does not exist.**
- C. “Asked her mother if she could stay with her until she could find a new residence.”
Not evidence and speculative.

- D. “Informed family and friends she was leaving J. Banks.” **Not evidence and speculative.**
- E. “She was working a new job.” **Not evidence and speculative.**
- F. “Made notations for a work schedule change for the week following her death.” **Not evidence and speculative.**
- G. “Scheduled a CPR class for two days after her death.” **Not evidence and speculative.**
- H. “Did not exhibit depression and was always upbeat according to friends, family and co-workers.” **This is not true. Whether or not she exhibited “depression” requires speculation. Evidence exists that has been addressed in this report that clearly demonstrates a woman in crisis, who is contemplating suicide.**
- I. “Did not have a history of mental illness.” **Not evidence.**
- J. “No prior suicide attempts. Note: These are not the actions of a person in the acute stage of suicide, as outlined by the American Association of Suicidology.” **Not evidence. It appears that Findley is suggesting that all people who commit suicide have attempted suicide in the past.**
- K. “In her right front pocket were 25.5 Hydrocodone tablets (7.5-500 Tab) and 25 Cyclobenaprone (10 mg). It is unknown who placed them in her pocket. According to the Center for Disease Control, poison, to include drug overdose, is the preferred method of choice for adult female suicides.” **This is completely speculative and requires the reader to assume because Michelle had the pills in her pocket and didn’t ingest them, that they must have been planted. Another more reasonable speculation is that Michelle intended to use the pills to commit suicide but found a faster and more definitive means.**
- L. “It is also suspicious that the empty pill bottles were displayed in the top of her purse.” **This is speculation. The record reflects that Deputy Maynard “rifled” through the purse looking for an I.D. and could have moved the bottles at that time. Additional speculation could include that Michelle placed them herself in the hope someone would see them and would question her, preventing her from committing suicide or the bottles were not placed at all and this is how they ended up after Michelle emptied the pills into her hand and pocket.**

Throughout this section, Findley speculates and assumes what the above listed items mean in this case and how they fit Rodgers’ theory of Michelle being killed by Banks. No mention is made in this section of the very telling text messages that were sent from Michelle to several family members on the evening of her death. These text messages clearly show the mindset of a person who was contemplating suicide. The text messages were clear that Michelle was asking family members to take care of her daughter.

The “Conclusion” of Findley’s report

- A. “Ms. O’Connell was in a sitting or kneeling position when the shot was fired.” **This assumption is based on the pathway of the bullet as well as the blood evidence located on the pant leg of Michelle. The pathway of the bullet determining Michelle was sitting or on her knees is speculation. It is equally plausible to believe Michelle canted her head up as she fired the shot. The blood located on Michelle’s pants in the photograph was likely transferred during her treatment by Fire-Rescue personnel. The photos of the scene after treatment clearly show a significant amount of blood throughout the scene.**
- B. “The weapon would not have fallen in that location. The spinal cord was severed precluding any movement of her hands after the injury.” **This statement cannot be made definitively and assumes Findley knows exactly how the gun was held and what position the body was in when the shot was fired. As these positions are infinite, this statement cannot be made accurately.**
- C. “She fell back and did not change position. This is based on the blood flow on her face.” **Agreed.**
- D. “She was struck above her right eye by the front sight of the weapon.” **This statement is inconsistent with the opinions of the Medical Examiners, Dr. Bulic and Dr. Cogswell. According to both Dr. Bulic and Dr. Cogswell the injury to the eye was likely caused by the light attached to the weapon. Note: According to staff of the 5th Judicial Circuit, Findley was asked if he considered the possibility of the firearm being inverted when it was fired and Findley conceded he had not.**
- E. “The blood on the duty belt is inconsistent with the lack of blood between her body and the duty belt.” **This is not true. The scene photos taken after O’Connell was treated by Fire-Rescue personnel show a significant amount of blood surrounding O’Connell’s body. Additionally, blood can be seen on the carpet leading up to and contacting the duty belt.**
- F. “The lack of J. Banks’ DNA on the weapon is suspicious because it is his duty weapon.” **The fact that O’Connell’s DNA is on the weapon is consistent with her holding the gun to commit suicide. Anything else is speculation.**
- G. “If Ms. O’Connell fired the weapon, it would have to be with her left hand for the shell casing to land where it was recovered. Her left hand would be the weaker as she was right handed.” **This is completely speculative and the location of the casings cannot be relied upon due to an infinite number of possibilities. This assumption considers only one possibility to explain the casings final location. This is not scientific and cannot be relied upon as proof of anything. Angle of the weapon, direction of the weapon, direction of the body, how the firearm was held, what outside forces or body parts may have impacted the casings...**
- H. “The combat light was turned on, this required two actions.” **This was explained by Banks during his interviews. Banks explained he kept the forward switch on so it was only required to use a single switch to operate the tactical light. The light could easily be accidentally manipulated while handling the weapon. In either case, the fact that the light was on is speculative and not evidence of homicide or suicide.**

- I. “The absence of blood on her left arm and sleeve is not consistent with her using her left hand to fire the weapon. This is based on the injury to the left corner of her mouth which would have left impact stains on her left arm had she used her left hand to fire the weapon.” **This theory cannot be true based on the photos of Michelle’s left hand that were taken at the scene. These photos clearly show a large amount of gunpowder or soot in the webbing of the left hand between the thumb and index finger. This amount of GSR proves the left hand was in very close proximity to the weapon when it was fired if not directly in contact with the weapon. Blood is present all over the scene and on Michelle’s body. This blood transfer occurred as a result of the treatment given to Michelle. The scene photos show Michelle received a tube into her trachea to assist her breathing. This tube is filled with blood and is pointed toward the right shoulder of Michelle (consistent with the large amount of blood on the right and not left shoulder).**
- J. “The presence of impact stains on her right arm and sleeve is consistent with a defensive posture.” **The stains referred to as impact stains can easily be explained by viewing the scene photos taken after EMS treated O’Connell. Blood is present all over the scene and on O’Connell’s body. This blood transfer occurred as a result of the EMS treatment given to Michelle O’Connell. The scene photos show Michelle O’Connell received a tube into her trachea to assist her breathing. This tube is filled with blood and is pointed toward the right shoulder of Michelle O’Connell.**
- K. “One shot was fired into the floor to the right and close to her body.” **This is not evidence of suicide or homicide and numerous possibilities exist to explain this shot.**
- L. “The wound track is front to rear and slightly downward.” **Agreed. However, the angle of the wound is not evidence of suicide or homicide.**
- M. “There are two eyewitnesses who stated they heard a woman cry for help, then a shot, another cry for help, and another shot.” **These witnesses are not “eyewitnesses” and the FDLE report does not indicate how these witnesses came forward. The report also fails to disclose how the witnesses definitively remember the incident and date. The fact the witnesses were provided with the date of the incident by SA Rodgers (on tape) prior to taking the witnesses’ statements are suspect. Several additional facts concerning these two individuals raise serious questions about the credibility of their statements, including the following; they were interviewed at the same date, location, and timeframe, the statements made by at least one of these witnesses that she knew Michelle O’Connell and read about her death on Facebook prior to this interview, the fact that both witnesses were not interviewed until five months after the death of Michelle, and the fact that both witnesses reported having heard gunshots numerous times in the same neighborhood in the past and that neither witness came forward until being contacted by Rodgers. In addition, these witnesses are definitive they hear the gunshots between 10:30 and 11:00 p.m. It is a fact that when EMS arrived at the scene, Michelle had a documented pulse at 42 BPM at 11:33 p.m., after suffering a gunshot wound that severed her spinal cord at the C-3 vertebra.**

■ [REDACTED]
[REDACTED]

[REDACTED]

- N. “Ms. O’Connell’s blood is located on the inside of the yellow t-shirt, however, the photographs are not clear enough to determine the pattern type.” **This can be explained by the witness accounts of Detective Tolbert who witnessed Banks continuously lifting his shirt to wipe his face. Det. Tolbert stated Banks would lift the shirt from the inside and use it to wipe his face. It is a fact that Banks was seen holding the right hand of Michelle when law enforcement personnel arrived on scene and blood was located on Michelle’s right hand.**

It appears that Jerry Findley, either was not provided all of the evidence, or if he was he did not review it thoroughly. When viewed in its totality, this report cannot support a finding of homicide.

CONCLUSION

The death of Michelle O'Connell was a tragic event where a young woman died leaving behind a small child. SJSO's initial investigation should have been more thorough and comprehensive. It is my belief that the initial team from SJSO led by a Sergeant prematurely embraced the mindset that the decedent died from a self-inflicted gunshot wound. Because of their early belief in suicide, blind spots occurred in their investigation. Fortunately, the responding deputies and investigators secured the scene, collected evidence and probably most important, they were able to take photographs of the scene including the decedent before she was moved (this seldom occurs in these types of cases, usually the decedent has been moved by medical personnel prior to photographs). Some of the initial responding personnel, though fine young detectives had limited experience in complex death investigations. Though some minor negative discipline was dispensed regarding this case, I am convinced that members of SJSO did not act maliciously. It is my belief that fortunately, the shortcomings in our investigation were not fatal to ultimately finding the truth.

FDLE, specifically, Agent Rodgers and SAC Pape also followed a preordained path and their very early conclusion was homicide committed by Deputy Banks. The difference is, and this review supports, that unlike all the other participants in this case (SAO 5th, SAO 7th, SJSO and various Medical Personnel) they both acted recklessly and maliciously.

Though I and many others suspected that Agent Rodgers and SAC Pape were careless and reckless during their review/investigation of this case, it was not until we conducted this exhaustive review did we come to understand the gravity of their misconduct.

What makes this case even more egregious is that in the past year to year and a half, SAC Pape was made aware of many of the problems associated with Agent Rodgers and his handling of this case that resulted in three elected officials making an appointment to meet with Commissioner Bailey. Because of Pape's "understanding" at the time and his willingness to review Agent Rodgers' conduct in the case, the meeting with Commissioner Bailey was cancelled. SAC Pape had an opportunity to address these issues yet he failed to do so. FDLE received an official written complaint about Agent Rodger's conduct from Banks' attorney and I

am not certain what action if any was taken. At one point, FDLE began an "executive investigation" in regards to this case and I do not know what the outcome was.

Because of the unethical conduct of these two individuals, a young deputy has been stigmatized for life. In addition, their conduct has cost the taxpayers tens of thousands of dollars because we placed Deputy Banks on paid leave for over a year based on false information provided by Agent Rodgers and other concerns we had regarding his investigation. Furthermore, we spent hundreds of hours having to review his case.

I believe and the evidence supports that SAC Pape acted out of a combination of hubris, anger and malice especially after Agent Rodgers' investigation was criticized by the SAO 5th and after he (Pape) was told by me a year ago of the many problems associated with Agent Rodgers case and conduct.

I am eternally grateful that because of the hard work and commitment to the truth demonstrated by the staff of the SAO 7th, the SAO 5th, SJSO and various medical experts, a horrific miscarriage of justice was averted.

A copy of this report will be provided to Deputy Banks and his attorney Mr. McLeod. A copy will also be provided to the judge that issued the search warrants (including trap and trace order). A copy will be forwarded to State Attorneys Larizza and King. A copy will be forwarded to the medical experts involved in this case. A copy will be forwarded to the Civil Rights Division of the Department of Justice for their review. I have not forwarded a copy to Mr. Findley but did call him and made him aware of it and the substance of its contents. A copy will be provided to the same reporter from the New York Times that FDLE staff has already spoken with.

Despite the egregious conduct of SAC Pape and Agent Rodgers, I believe as do the SAO 7th, the SAO 5th and various medical experts that the truth has been found in this case and it is that a troubled young woman who had a difficult life, including a problematic romantic

relationship took her own life in an act of desperation. If I believed otherwise, SJSO would be still investigating this case.

Towards the end of this comprehensive review one item among many that struck me was that if SAC Pape and Agent Rodgers would conduct themselves in this fashion where a law enforcement officer was involved, what has happened in their past cases where they caused the prosecutions of our citizens, many of whom lacked the resources Deputy Banks enjoyed.

Finally, I could not agree more with an observation voiced by many; this case is a shining example of why we need an "Innocence" Commission in the State of Florida.