No. _____

IN THE SUPREME COURT OF THE UNITED STATES

VICTOR T. JONES,

Petitioner,

v.

STATE OF FLORIDA and

SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS,

Respondents.

ON PETITION FOR WRIT OF CERTIORARI
TO THE SUPREME COURT OF FLORIDA

APPENDIX TO PETITION FOR WRIT OF CERTIORARI

VOLUME I

CAPITAL CASE

DEATH WARRANT SIGNED
EXECUTION SET SEPTEMBER 30, 2025, AT 6:00 P.M.

MARIE-LOUISE SAMUELS PARMER
Special Assistant CCRC-South
Fla. Bar No.: 0005584
Marie@samuelsparmerlaw.com

JEANINE L. COHEN
Staff Attorney CCRC-South
Fla. Bar No. 0128309
cohenj@ccsr.state.fl.us

BRITTNEY N. LACY
Assistant CCRC-South
Fla. Bar No. 116001
lacyb@ccsr.state.fl.us
ccrcpleadings@ccsr.state.fl.us

Capital Collateral Regional Counsel – South Office
110 S.E. 6th Street, Suite 701
Fort Lauderdale, FL 33301

COUNSEL FOR MR. JONES

September 26, 2025

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No. _____

IN THE SUPREME COURT OF THE UNITED STATES

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CAPITAL CASE

DEATH WARRANT SIGNED
EXECUTION SET SEPTEMBER 30, 2025, AT 6:00 P.M.

Victor Tony Jones v. State of Florida, *Victor Tony Jones v. Sec'y, Fla. Dep't of Corr.*,No. 2025-1422 and No. 2025-1423 (Fla. September 24, 2025), Florida Supreme Court Opinion Affirming Summary Denial and Denying Petition for Writ of Habeas Corpus

Supreme Court of Florida

No. SC2025-1422

VICTOR TONY JONES,
Appellant,

vs.

STATE OF FLORIDA,
Appellee.

No. SC2025-1423

VICTOR TONY JONES,
Petitioner,

vs.

SECRETARY, DEPARTMENT OF CORRECTIONS,
Respondent.

September 24, 2025

PER CURIAM.

Victor Tony Jones, a prisoner under sentence of death for whom a warrant has been signed and an execution set for September 30, 2025, appeals the circuit court's orders summarily

denying his sixth successive motion for postconviction relief, which was filed under Florida Rule of Criminal Procedure 3.851, and denying several post-warrant demands for public records under rule 3.852. He also petitions this Court for a writ of habeas corpus and moves for a stay of execution. We have jurisdiction. *See* art. V, § 3(b)(1), (9), Fla. Const.

Jones's appeal and habeas petition raise two principal arguments: (1) that he probably could obtain a reduced sentence based on "newly discovered" evidence that the State has acknowledged abuse Jones suffered in the 1970s as a teenager in the Okeechobee School for Boys; and (2) that this Court should reconsider its previous decisions rejecting Jones's claim that he is constitutionally ineligible for the death penalty due to intellectual disability. For the reasons explained below, we affirm the denials of postconviction relief and of Jones's demands for public records, deny the habeas petition, and deny the motion for a stay filed on September 16, 2025, the renewed motion for a stay, filed on September 18, 2025, and the second renewed motion for a stay and to relinquish jurisdiction, filed on September 22, 2025.

I. BACKGROUND

On December 19, 1990, on his second day of work, Jones fatally stabbed his employers, Jacob and Matilda Nestor, inside their business. Mrs. Nestor was stabbed in the back of the neck, severing her aorta. Mr. Nestor was stabbed in the chest, puncturing his heart. Before succumbing to his injury, Mr. Nestor was able to retrieve his pistol and shoot Jones in the forehead. Police found Jones locked inside the building with the Nestors' wallets, keys, and other belongings in his pockets. At the hospital, Jones admitted to a nurse that he killed the couple because they owed him money. *Jones v. State*, 652 So. 2d 346, 348 (Fla. 1995).

A jury convicted Jones of two counts of first-degree murder and two counts of armed robbery. Consistent with the jury's recommendations, the trial court imposed death sentences for both murders, based on three aggravating factors and no mitigation. *Id.* at 348-49. This Court affirmed the convictions and sentences on direct appeal, *id.* at 353, which became final when the United States Supreme Court denied certiorari review in 1995, *Jones v. Florida*, 516 U.S. 875 (1995); *see* Fla. R. Crim. P. 3.851(d)(1)(B) ("For the purposes of this rule, a judgment is final . . . on the

disposition of the petition for writ of certiorari by the United States Supreme Court, if filed.").

In the decades since, Jones has repeatedly and unsuccessfully challenged his convictions and sentences in state and federal courts. *See Jones v. State*, 855 So. 2d 611 (Fla. 2003) (affirming denial of initial motion for postconviction relief and denying his state petition for a writ of habeas corpus); *Jones v. State*, 966 So. 2d 319 (Fla. 2007) (affirming denial of first successive motion for postconviction relief); *Jones v. McNeil*, 776 F. Supp. 2d 1323 (S.D. Fla. 2011) (denying federal petition for a writ of habeas corpus); *Jones v. State*, 93 So. 3d 178 (Fla. 2012) (mem.) (affirming denial of second successive motion for postconviction relief); *Jones v. State*, 135 So. 3d 287 (Fla. 2014) (table) (voluntary dismissal of appeal of denial of third successive motion for postconviction relief); *Jones v. State*, 231 So. 3d 374 (Fla. 2017) (affirming denial of fourth successive motion for postconviction relief); *Jones v. State*, 241 So. 3d 65 (Fla. 2018) (affirming denial of fifth successive motion for postconviction relief).

Governor Ron DeSantis signed Jones's death warrant on August 29, 2025. Jones then filed his sixth successive motion for

postconviction relief under rule 3.851, raising three claims: (1) that newly discovered evidence of his eligibility for compensation under the Dozier School for Boys and Okeechobee School Victim Compensation Program provides significant mitigation; (2) that newly discovered evidence establishes that the prosecution of capital cases in Miami-Dade County results in an unconstitutional application of the death penalty in which the system disproportionately punishes defendants convicted of murdering white victims; and (3) that the unreasonably truncated and surprise nature of the warrant process in Florida has denied Jones due process. The circuit court summarily denied all three claims, as well as Jones's post-warrant public records demands. This appeal followed.

II. ANALYSIS

A. Sixth Successive Motion for Postconviction Relief

1. Claim That Jones's Eligibility for Compensation Under the Okeechobee School Victim Compensation Program Constitutes Newly Discovered Evidence That He Was Abused at the School

In 2024, the Florida Legislature passed, and the Governor signed, Committee Substitute for House Bill 21, establishing the Dozier School for Boys and Okeechobee School Victim

Compensation Program. *See* ch. 24-254, Laws of Fla. (creating § 16.63(1), Fla. Stat. (2024)) (providing for compensation to living persons confined to either school between 1940 and 1975 who were subjected to mental, physical, or sexual abuse by school personnel). Jones, who had four placements at the Okeechobee School between 1975 and 1978, applied for compensation under the program.[1] On January 6, 2025, the Office of the Attorney General mailed Jones a letter recognizing his eligibility for compensation under the program.

Relying on this letter, Jones argued below that "Newly Discovered Evidence That Jones Is A Member Of The Okeechobee Victim Compensation Class Establishes That Jones Experienced Trauma And Abuse At The Hands Of The State Which The State

1. The statute required that an applicant submit with his application "[r]easonable proof submitted as attachments establishing that the applicant was both: 1. Confined to the Dozier School for Boys or the Okeechobee School between 1940 and 1975, which proof may include school records submitted with a notarized certificate of authenticity signed by the records custodian or certified court records[, and] 2. A victim of mental, physical, or sexual abuse perpetrated by school personnel during the applicant's confinement, which proof may include a notarized statement signed by the applicant attesting to the abuse the applicant suffered." § 16.63(3)(c), Fla. Stat. (2024).

Cannot Now In Good Faith Minimize Or Assert As Not Credible And Which Establishes Significant Mitigation In His Case, Which Would Probably Yield A Less Severe Sentence On Retrial."[2] In other words, Jones claimed that recognition of his eligibility for compensation under the program constituted newly discovered evidence establishing that he was abused at the Okeechobee School, which is significantly mitigating such that he would probably receive a life sentence at a retrial. The circuit court summarily denied the claim as untimely, procedurally barred, and meritless. Jones now argues that the denial was erroneous.

We review a decision to summarily deny a successive rule 3.851 motion de novo, and we accept a movant's factual allegations as true to the extent they are not refuted by the record. *Zakrzewski v. State*, 415 So. 3d 203, 208 (Fla.), *cert. denied*, No. 25-5194, 2025

2. Jones has attempted to reframe this claim on appeal. He now states that "Newly Discovered Evidence Of The State Of Florida's Recognition Of Jones's Abuse At The Okeechobee And His Entitlement To Compensation As A Victim Of A Crime Is Material Evidence Which Renders His Death Sentence Unreliable And Would Likely Lead To A Life Sentence On Retrial." Initial Brief of Appellant at 35. This reframing has no bearing on our analysis of the denial of the claim he raised below.

WL 2155601 (U.S. July 30, 2025). "As we have recently reiterated, we will affirm the denial of successive claims that are procedurally barred, untimely, legally insufficient, or refuted by the record." *Bates v. State*, No. SC2025-1127, 2025 WL 2319001, at *3 (Fla. Aug. 12), *cert. denied*, No. 25-5370, 2025 WL 2396797 (U.S. Aug. 19, 2025).

The circuit court correctly determined that Jones's claim is procedurally barred. The alleged abuse occurred nearly fifty years ago—and roughly fifteen years before his trial—yet Jones did not raise it at trial or in any prior postconviction proceeding. Because Jones's claim about any abuse he suffered at the Okeechobee School could have and should have been raised earlier, it is procedurally barred. *See Rogers v. State*, 409 So. 3d 1257, 1263 (Fla.) ("[I]n an active warrant case, a postconviction claim that could have been raised in a prior proceeding is procedurally barred."), *cert. denied*, 145 S. Ct. 2695 (2025).

Attempting to avoid this procedural bar, Jones now claims that his "argument was not that the evidence of abuse was new, but that the State's long-standing cover up of the conditions at . . . Dozier and Okeechobee, and the State's January 6, 2025[,]

admission that Jones suffered severe abuse[3] warranting financial compensation, was new evidence . . . ." Initial Brief of Appellant at 18. But this differs from the argument raised below, which was that "the extent of the abuse Jones suffered at Okeechobee, and the State of Florida's cover up of that abuse and continuing denial or diminution of the abuse through 2020 and beyond, is evidence of such a nature as to probably yield a life sentence on retrial." Regardless, any mitigation that Jones might offer at a retrial regarding the Okeechobee School would derive from the abuse itself—known to him since the 1970s—not from the 2025 eligibility letter. The letter merely recognizes Jones's eligibility under the statutory criteria; it does not admit any specific abuse of Jones.

The circuit court also properly rejected the claim as meritless. Even assuming that Jones's eligibility for compensation under the program constitutes newly discovered evidence, Jones cannot establish that his eligibility for compensation or even a credible claim of abuse at the Okeechobee School is of such a nature that it

3. The record refutes Jones's claim that the State admitted in the January 6, 2025, letter "that Jones suffered severe abuse." The letter does not acknowledge any specific abuse of Jones.

would probably yield a life sentence on retrial. *See Dillbeck v. State*, 357 So. 3d 94, 100 (Fla. 2023) (stating that to obtain relief based on a claim of newly discovered evidence, a defendant must establish "(1) that the newly discovered evidence was unknown by the trial court, by the party, or by counsel at the time of trial and it could not have been discovered through due diligence, and (2) that the evidence is of such a nature that it would probably . . . yield a less severe sentence on retrial." (omission in original) (quoting *Dailey v. State*, 329 So. 3d 1280, 1285 (Fla. 2021))).

Jones brutally murdered two people for pecuniary gain. The trial court found three strong aggravating factors were proven beyond a reasonable doubt: (1) Jones was under a sentence of imprisonment; (2) Jones was convicted of a prior violent felony; and (3) the murders were committed during the course of robbery.[4] *See Cruz v. State*, 320 So. 3d 695, 726 (Fla. 2021) ("The prior violent felony is one of 'the weightiest aggravators in Florida's statutory scheme.' " (quoting *Gonzalez v. State*, 136 So. 3d 1125, 1167 (Fla.

4. The trial court also found that the murder was committed for pecuniary gain, which it merged with the "during the commission of a robbery" aggravating factor.

2014))); *Marshall v. State*, 604 So. 2d 799, 802, 806 (Fla. 1992) (identifying under sentence of imprisonment, prior violent felony, and during the commission of a felony as strong aggravating factors). And Jones failed to establish the existence of any mitigating circumstances to weigh against these strong aggravating factors. Even if Jones presented credible evidence of his abuse at the Okeechobee School, it cannot be said that he would probably receive a life sentence on retrial. The circuit court therefore did not err in summarily denying this claim.

2. Claim That the Nature of the Death Warrant Proceedings Violates Due Process Guarantees

Jones next argues that the circuit court erred in summarily denying his claim that the unreasonably truncated and surprise nature of the death warrant process in Florida violates "the Due Process Clause of the Fifth, Fourteenth, and Eighth Amendments."[5]

5. While the Eighth Amendment's "prohibition on cruel and unusual punishments . . . is a particular aspect of due process," *Yacob v. State*, 136 So. 3d 539, 562 (Fla. 2014) (Canady, J., concurring in part and dissenting in part), because it is "made applicable to the States by the Due Process Clause of the Fourteenth Amendment," *id.* (quoting *Graham v. Florida*, 560 U.S. 48, 53 (2010)), it does not contain its own due process clause, and

This Court has repeatedly rejected similar claims. *E.g.*, *Windom v. State*, No. SC2025-1179, 2025 WL 2414205, at *6 (Fla. Aug. 21), *cert. denied*, No. 25-5440, 2025 WL 2460118 (U.S. Aug. 27, 2025); *Bates*, No. 2025 WL 2319001, at *5; *Zakrzewski*, 415 So. 3d at 211; *Bell v. State*, 415 So. 3d 85, 106-07 (Fla.), *cert. denied*, 145 S. Ct. 2872 (2025); *Hutchinson v. State*, No. SC2025-0517, 2025 WL 1198037, at *4 (Fla. Apr. 25), *cert. denied*, 145 S. Ct. 1980 (2025); *Tanzi v. State*, 407 So. 3d 385, 390-91 (Fla.), *cert. denied*, 145 S. Ct. 1914 (2025); *Barwick v. State*, 361 So. 3d 785, 789 (Fla. 2023). "A thirty-day warrant period does not, in and of itself, deprive a capital defendant of [due process]. In post-warrant litigation, due process requires a defendant be given notice and an opportunity to be heard." *Bates*, 2025 WL 2319001, at *5. Jones has not identified any matter on which he was denied notice and an opportunity to be heard.

The record refutes Jones's claim that the issuance of his warrant was a "surprise." Jones's death sentences were imposed

the thirty-day warrant period does not otherwise violate the Eighth Amendment.

thirty-two years ago and have been final for thirty years. As required by section 922.052(2)(a), Florida Statutes (2013), the Clerk of this Court certified to the Governor on October 4, 2013, that Jones had completed his direct appeal and initial postconviction proceedings in state court and his habeas corpus proceedings and appeal therefrom in federal court. Thus, in addition to the thirty-two years of notice since the imposition of his death sentences, Jones has been on notice for nearly twelve years that he is "warrant-eligible," meaning "the [G]overnor could sign a warrant for his execution," *Silvia v. State*, 228 So. 3d 1144, 1146 (Fla. 2013). This claim lacks merit, and its summary denial was proper.

B. Public Records Claims

Jones also challenges the circuit court's denial of several post-warrant demands for public records, which, he claims, violated his rights to due process and equal protection under the Fifth, Eighth, and Fourteenth Amendments to the United States Constitution and the corresponding provisions of the Florida Constitution. Relevant to this appeal are his demands made under Florida Rule of Criminal

Procedure 3.852(i)[6] for records of reports, memos, notes, or communications relating to the investigation of the Okeechobee School or prosecution of any cases originating from acts that occurred at the Okeechobee School. Jones made the demands to the Okeechobee County Sheriff's Office (OCSO), the Office of the Attorney General (OAG), the Office of the State Attorney for the Nineteenth Judicial Circuit (SAO19), and the Department of Children and Families (DCF).[7] The demands to OCSO were denied

6. Rule 3.852(i)(1) provides that collateral counsel may obtain public records "in addition to those provided under subdivisions (e), (f), (g), and (h) of this rule" if counsel files an affidavit in the trial court which:

> (A) attests that collateral counsel has made a timely and diligent search of the records repository; and
>
> (B) identifies with specificity those public records not at the records repository; and
>
> (C) establishes that the additional public records are either relevant to the subject matter of the postconviction proceeding or are reasonably calculated to lead to the discovery of admissible evidence; and
>
> (D) shall be served in accord with subdivision (c)(1) of this rule.

7. Although Jones mentions other agencies and rule 3.852(h)(3) in his initial brief, he specifically states: "Jones focuses his appeal on the lower court's wrongful denial of his demands pursuant to Rule 3.852(i) concerning records relating to the Okeechobee School for Boys, made to four agencies: [OCSO, OAG,

as improper under rule 3.852(h), untimely, lacking a showing of good cause as to why they were not requested before the warrant was signed, and not related to a colorable claim for postconviction relief under rule 3.852(i). The demands to OAG were denied as untimely, lacking a showing of good cause as to why they were not requested before the warrant was signed, and not related to a colorable claim for postconviction relief; those relating to victims and compensation were determined to be exempt from disclosure. The demands to SAO19 and DCF were denied as moot based on responses from the agencies that they did not possess any of the records demanded. We review the denial of demands for public records for abuse of discretion, *Muhammad v. State*, 132 So. 3d 176, 200 (Fla. 2013), and find none.

Jones's first subargument, titled "The Lower Court Erred In Determining Rule 3.852([i]) Was The Improper Vehicle," appears to relate to his demands for records from OCSO titled "Defendant's Demand for Additional Public Records Pursuant to Florida Rule of

SAO19, and DCF]." Initial Brief of Appellant at 51-52 (footnote omitted). We reject any argument that the denial of access to Florida Department of Law Enforcement (FDLE) records constituted a violation of due process.

Criminal Procedure 3.852(i)" and "Defendant's Renewed Demand for Additional Public Records Pursuant to Florida Rule of Criminal Procedure 3.852(i)."

The circuit court denied the initial demand to OCSO, in part, because while rule "3.852(h)(3)[8] clearly contemplates that requests of this nature are for 'updated' records from a person or agency to which a previous public records request was made," "no such request was ever previously made to [OCSO]. Consequently, this is not an 'update' or 'additional' records request as allowed by the Rule, but a completely new request, not permitted by the Rule." The circuit court also found that Jones's argument that he was entitled to these records under rule 3.852(i) was without merit and untimely, that Jones had failed to show good cause as to why the records request was not made until after the death warrant was

8. Rule 3.852(h)(3) provides that within ten days after the signing of a death warrant, a records request may be made to "a person or agency from which collateral counsel has previously requested public records." The rule provides that upon such request, "[a] person or agency shall copy, index, and deliver to the [records] repository any public record: (A) that was not previously the subject of an objection; (B) that was received or produced since the previous request; or (C) that was, for any reason, not produced previously."

signed, that the request was not related to any colorable postconviction claim, and that the requests were overly broad and unduly burdensome.

The circuit court also denied the renewed demand, finding "[t]he title of the Renewed Demand as well as the initial Demand are confusing in that it leads one to believe that the Defendant has requested documents from this agency in the past," and rule "3.852(h)(3) clearly contemplates that requests of this nature are for 'updated' records from a person or agency to which a previous public records request was made." The court again found that under rule 3.852(i), the demands to OCSO were untimely, that Jones had failed to show good cause as to why the records request was not made until after the death warrant was signed, that the request was not related to any colorable postconviction claim, and that the requests were overly broad and unduly burdensome.

Putting aside the circuit court's possible (and justified) confusion over the rule provisions under which Jones demanded public records, the court ultimately made rulings denying the demands under both subdivisions (h) and (i). We find no abuse of discretion in the circuit court's conclusions that Jones failed to

show why he did not request the records from OCSO until after the death warrant was signed, that the records requests did not relate to a colorable claim for postconviction relief, and that the requests were overly broad and unduly burdensome.[9]

"Rule 3.852 is 'not intended to be a procedure authorizing a fishing expedition for records.' " *Dailey v. State*, 283 So. 3d 782, 792 (Fla. 2019) (quoting *Bowles v. State*, 276 So. 3d 791, 795 (Fla. 2019)). "For this reason . . . records requests under Rule 3.852(i) must 'show how the requested records relate to a colorable claim for postconviction relief and good cause as to why the public records

9. Jones's argument here with respect to OCSO is as confusing as his demands to OCSO below seeking "additional" records under rule 3.852(i). Although the title of this subargument is, "The Lower Court Erred In Determining Rule 3.852([i]) Was The Improper Vehicle," Initial Brief of Appellant at 62, Jones provides no citation to such a determination in the record, and he concludes this subargument by stating that "the lower court's rulings that the requests were improper because they did not meet Rule [3.852](h)(3) are [sic] must be reversed," Initial Brief of Appellant at 64. Based on Jones's assertion that he "focuses his appeal on the lower court's wrongful denial of his demands pursuant to Rule 3.852(i)", Initial Brief of Appellant at 51, we will presume that he is arguing only that his demands to OCSO were improperly denied under rule 3.852(i). If Jones were arguing that the demands to OCSO were improperly denied under rule 3.852(h), we would find no abuse of discretion because no demands were made to OCSO before the warrant was signed.

request was not made until after the death warrant was signed.' " *Id.* (quoting *Bowles*, 276 So. 3d at 795). "[W]here a defendant cannot demonstrate that he or she is entitled to relief on a claim or that records are relevant or may reasonably lead to the discovery of admissible evidence, the trial court may properly deny a records request." *Asay v. State*, 224 So. 3d 695, 700 (Fla. 2017).

Jones asserted that his demand was "filed within a reasonable time after the fund was established and Mr. Jones was recognized as a member of the class of individuals entitled to compensation by the State of Florida for the abuse he suffered by the State of Florida while confined at the Okeechobee School." In finding the demands untimely, the circuit court noted that the bill creating the compensation fund was signed into law in 2024, and Jones was notified that he has been recognized as a member of the class in a letter dated January 6, 2025, yet Jones provided no justification for the delay in seeking the records until September 2025, after the warrant was signed. The circuit court did not abuse its discretion in concluding that Jones failed to establish good cause for failing to request these records prior to the signing of his death warrant.

Nor did the circuit court abuse its discretion in concluding that the records did not relate to a colorable claim for postconviction relief. As we have already explained, any abuse that occurred at the Okeechobee School in the 1970s does not provide Jones with a basis for a colorable claim of relief. We also find no error in the circuit court's determination that Jones's demands were overly broad and unduly burdensome. For the same reasons, we find no abuse of discretion in the denial of the demands made to OAG. And we find no abuse of discretion of the denial of the demands made to SAO19 and DCF based on their assertions that they are not in possession of any of the records demanded.

Jones also argues that the circuit court erred in failing to conduct in camera inspections of records the agencies claimed were irrelevant or statutorily exempt from disclosure and that the circuit court erred in denying demands based on agency objections without conducting an evidentiary hearing. Jones speculates that in camera inspection might have uncovered *Brady*[10] material. But Jones has not identified any reason to believe that *Brady* material

10. *Brady v. Maryland*, 373 U.S. 83 (1963).

has been withheld, nor has he identified any authority requiring an in camera inspection or evidentiary hearing under these circumstances. We cannot find that the circuit court abused its discretion here.

Jones has failed to establish that the circuit court abused its discretion in denying any of his post-warrant public records demands. He has also failed to establish that the denial of records violated his rights to due process and equal protection. He is not entitled to relief on this claim.

C. Habeas Petition

Jones's habeas petition urges this Court to reconsider its 2017 decision affirming the denial of Jones's fourth successive motion for postconviction relief, in which he sought a new determination of his claim that he is ineligible for the death penalty due to intellectual disability in light of the decision of the United States Supreme Court in *Hall v. Florida*, 572 U.S. 701 (2014). *See Jones*, 231 So. 3d 374. But habeas corpus is not a vehicle to relitigate issues already decided. *See Gaskin v. State*, 361 So. 3d 300, 309 (Fla. 2023) ("Habeas corpus is not to be used to litigate or relitigate issues which could have been, should have been, or were previously

raised."); *Knight v. State*, 923 So. 2d 387, 395 (Fla. 2005) ("[C]laims [that] were raised in [a] postconviction motion . . . cannot be relitigated in a habeas petition."). Because Jones's habeas petition seeks only to relitigate an issue that was previously decided, we deny the petition.

III. CONCLUSION

For the reasons stated above, we affirm the circuit court's orders summarily denying Jones's sixth successive motion for postconviction relief and denying his post-warrant demands for public records. We deny Jones's petition for a writ of habeas corpus and deny his motion for a stay of execution, his renewed motion for a stay of execution, and his second renewed motion for a stay and to relinquish jurisdiction.

No motion for rehearing will be entertained by this Court. The mandate shall issue immediately.

It is so ordered.

MUÑIZ, C.J., and COURIEL, GROSSHANS, FRANCIS, and SASSO, JJ., concur.
LABARGA, J., dissents.
CANADY, J., recused.

An Appeal from the Circuit Court in and for Miami-Dade County, Lody Jean, Judge – Case No. 131990CF0501430001XX
And an Original Proceeding – Habeas Corpus

Suzanne Keffer, Capital Collateral Regional Counsel, Marie-Louise Samuels Parmer, Special Assistant Capital Collateral Regional Counsel, Brittney N. Lacy, Assistant Capital Collateral Regional Counsel, and Jeanine L. Cohen, Staff Attorney, Capital Collateral Regional Counsel, Southern Region, Fort Lauderdale, Florida,

for Appellant/Petitioner

James Uthmeier, Attorney General, Tallahassee, Florida, Leslie T. Campbell, Senior Assistant Attorney General, West Palm Beach, Florida, Lisa-Marie Lerner, Senior Assistant Attorney General, West Palm Beach, Florida, and Jennifer A. Davis, Senior Assistant Attorney General, Miami, Florida,

for Appellee/Respondent

Melanie C. Kalmanson of Quarles & Brady LLP, Tampa, Florida,

for Amici Curiae Troy Rafferty of Rafferty Domnick Cunningham & Yaffa, Advancing Real Change, Inc., Conservatives Concerned, Florida Association of Criminal Defense Lawyers, Florida Justice Institute, Florida Public Defenders Association, and Witness to Innocence

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

VICTOR T. JONES,

Petitioner,

v.

SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS,

Respondent.

ON PETITION FOR WRIT OF CERTIORARI
TO THE SUPREME COURT OF FLORIDA

APPENDIX B

CAPITAL CASE

DEATH WARRANT SIGNED
EXECUTION SET SEPTEMBER 30, 2025, AT 6:00 P.M.

Order Denying Defendant's Successive Motion to Vacate Judgment of Conviction and Sentence, Defendant's Corrected Successive Motion to Vacate Judgment of Conviction and Sentence, and Defendant's Motion For Stay of Execution, *State v. Victor T. Jones*, Circuit Court of the Eleventh Judicial Circuit in and for Miami-Dade County, Florida, 90-CF-50143 (Sept.12, 2025)

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT IN AND FOR MIAMI-DADE COUNTY, FLORIDA CRIMINAL DIVISION

STATE OF FLORIDA,

Plaintiff,

vs.

VICTOR TONY JONES,

Defendant.
_____/

CASE NO.: F90-50143
JUDGE LODY JEAN

FSC NO.: SC1960-81482
ACTIVE DEATH WARRANT
Execution Scheduled for
Sept. 30, 2025, at 6:00 p.m.

ORDER DENYING DEFENDANT'S SUCCESSIVE MOTION TO VACATE JUDGMENTS OF CONVICTION AND DEATH SENTENCE, DEFENDANT'S CORRECTED SUCCESSIVE MOTION TO VACATE JUDGMENTS OF CONVICTION AND DEATH SENTENCE, AND DEFENDANT'S MOTION FOR STAY OF EXECUTION

THIS CAUSE is before the Court upon Victor Tony Jones ("Defendant") Defendant's Successive Motion to Vacate Judgments of Conviction and Death Sentence and Defendant's Corrected Successive Motion to Vacate Judgments of Conviction and Death Sentence ("Successive Motion") and Defendant's Motion for Stay of Execution ("Motion for Stay"), filed September 8, 2025. After reviewing the Successive Motion and the Motion for Stay, the State's Statement of Facts and Procedural History, the Response to Defendant's Successive Motion to Vacate Judgment of Conviction

and Sentence of Death and Response in Opposition to Motion for Stay, the relevant case law, and the file, hearing the oral arguments of the parties at the *Huff*[1] hearing on September 10, 2025, and otherwise being advised in the premises, the Court finds as follows:

The facts are set forth in *Jones v. State*, 652 So. 2d 346, 348 (Fla. 1995):

> Jones was convicted of two counts of first-degree murder and two counts of armed robbery. According to the evidence presented at the trial, on December 19, 1990, the bodies of sixty-six-year-old Matilda Nestor and sixty-seven-year-old Jacob Nestor were discovered in their place of business. Mr. Nestor's body was found in the main office. He had been stabbed once in the chest. An empty holster was found on Mr. Nestor's waistband. Mrs. Nestor's body was discovered in the bathroom. She had been stabbed once in the back. The Nestors' new employee, Victor Tony Jones, was found slumped over on the couch in the main office not far from Mr. Nestor's body. The butt of a .22 caliber automatic pistol was protruding from under Jones' arm.
>
> According to the evidence, December 19 was Jones' second day of work for the Nestors. It appears that as Mrs. Nestor was entering the bathroom in the rear of the building Jones came up behind her and stabbed her once in the back. As Mr. Nestor came toward the bathroom from the main office, Jones stabbed him once in the chest. The medical examiner testified that Mrs. Nestor died as result of a stab wound to the base of her neck which severed the aorta that carries blood and oxygen to the brain and Mr.

[1] *Huff v. State*, 622 So. 2d 982 (Fla. 1993).

Nestor died as a result of the stab wound to his chest which entered his heart.

There was evidence that after being stabbed, Mr. Nestor retreated into the office, where he pulled the knife from his chest, attempted to call for help, drew his .22 caliber automatic pistol and shot five times, striking Jones once in the forehead. No money or valuables were found on either victim or in Mrs. Nestor's purse which was found on the couch in the main office next to the defendant. The evidence also was consistent with Mr. Nestor's body having been rolled over after he collapsed so that personal property could be removed from his pockets.

After the couple was murdered, Jones was locked inside the building where he remained until police knocked down the door after being called to the scene by a neighbor. Money, keys, cigarette lighters and a small change purse that was later identified as belonging to Mrs. Nestor were found in Jones' front pocket. The Nestors' wallets were later found in the defendant's pants pockets. It was not immediately apparent to the police that Jones had been shot. However, after Jones was handcuffed and escorted from the building, he complained of a headache. When an officer noticed blood on Jones' forehead, and asked what happened, Jones responded, "The old man shot me." Rescue workers were called and Jones was taken to the hospital. While in the intensive care unit, Jones told a nurse that he had to leave because he had "killed those people." When asked why, Jones told the nurse, "They owed me money and I had to kill them."

PROCEDURAL HISTORY

Defendant was convicted of two counts of first-degree murder and two counts of armed robbery. The jury recommended death for the murder of Mrs. Nestor 10-2 and unanimously recommended

death for Mr. Nestor's murder. The trial court followed the jury's recommendations and finding four factors in aggravation and sentenced Defendant to death for each murder and life imprisonment on each robbery count on March 1, 1993. The Florida Supreme Court affirmed the convictions and sentences of death on direct appeal. *Jones v. State*, 652 So. 2d 346 (Fla. 1995), *cert. denied, Jones v. Florida*, 516 U.S. 875 (1995). Accordingly, the convictions and sentences became final in 1995. Thereafter, Defendant filed numerous, successive postconviction motions, none of which afforded relief.

Defendant's initial Rule 3.850 motion, as amended, raised a total of twenty-two claims. After a *Huff* hearing, the trial court granted an evidentiary hearing on three claims - ineffective assistance of counsel related to a voluntary intoxication defense, mitigation, and pretrial competency. The trial court conducted a competency hearing that concluded on September 3, 1999, and found him competent to proceed. After the evidentiary hearing on the three claims, the trial court denied relief in a written order of March 8, 2001, which order addressed each of the twenty-two claims. The Florida Supreme Court affirmed the trial court's order and denied

Defendant's accompanying petition for a writ of habeas corpus which raised claims regarding the ineffective assistance of appellate counsel on direct appeal. *Jones v. State*, 855 So. 2d 611 (Fla. 2003).

Defendant's first successive motion dated June 17, 2003, alleged he was intellectually disabled and that, as such, a death sentence subjected him to cruel and unusual punishment in violation of the Eighth Amendment to the United States Constitution. The trial court initially denied the motion summarily. On appeal, the Florida Supreme Court relinquished jurisdiction so the trial court could conduct an evidentiary hearing. After an extensive evidentiary hearing, the trial court thereafter determined Jones was not intellectually disabled and denied relief in an order of October 4, 2003. The Florida Supreme Court affirmed. *Jones v. State*, 966 So. 2d 319 (Fla. 2007).

Defendant filed his second successive motion on November 29, 2010, contending that *Porter v. McCollum*, 558 U.S. 30 (2009) was a change in the law requiring retroactive application as to his ineffective assistance at trial claim and that the Florida Supreme Court had incorrectly applied the principles of *Strickland v. Washington*, 466 U.S. 668 (1984). After a *Huff* hearing the trial court

denied relief in a written order dated February 2, 2011. The Florida Supreme Court *per curiam* affirmed. *Jones v. State*, 93 So. 3d 178 (Fla. 2012).

Defendant's third successive motion dated September 30, 2013, sought an order directing the Executive Clemency Board to appoint counsel to represent him and to conduct what he deemed a meaningful clemency evaluation. The trial court held a *Huff* hearing and denied relief in a written order dated October 10, 2013. Defendant appealed to the Florida Supreme Court, but subsequently voluntarily dismissed the notice of appeal. *Jones v. State*, 135 So. 3d 287 (Fla. 2014)(table).

Defendant's fourth successive motion for postconviction relief of May 26, 2015, sought a new determination of his claim that he could not be subject to the death penalty due to intellectual disability based upon the United States Supreme Court decision in *Hall v. Florida*, 572 U.S. 701 (2014). The circuit court conducted a *Huff* hearing on this claim and summarily denied the motion on June 18, 2015, concluding Jones was not entitled to relief under *Hall* because he had a full and complete multi-day evidentiary hearing, during which he presented evidence regarding all three prongs of the intellectual

disability standard, yet failed to establish that he met any of the three prongs. The Florida Supreme Court affirmed the trial court on appeal. *Jones v. State*, 231 So. 3d 374 (Fla. 2017). The Supreme Court of the United States denied his petition for writ of certiorari on October 1, 2018. *Jones v. Florida*, 586 U.S. 845 (2018).

Defendant's fifth successive motion filed October 13, 2017, asserted, *inter alia*, that the United States Supreme Court decision in *Hurst v. Florida*, 577 U.S. 92 (2016) and the Florida Supreme Court's subsequent decision upon remand, *Hurst v. State*, 202 So. 3d (Fla. 2016), *cert. denied* 581 U.S. 1000 (2017), required him to be resentenced as to both of his death sentences, or that life sentences be substituted in their place. The trial court citing *Jones v. State*, 231 So. 3d at 376, held Defendant unsuccessfully previously raised the issue in the Florida Supreme Court and denied relief accordingly in an order of January 9, 2018. On appeal the Florida Supreme Court found Defendant was not entitled to any relief. *Jones v. State*, 241 So. 3d 65 (Fla. 2018). Defendant's petition for writ of certiorari to the Supreme Court of the United States was denied on December 10, 2018. *Jones v. Florida*, 586 U.S. 1052 (2018).

In addition to the above postconviction proceedings, Defendant sought relief in a habeas corpus petition in the United States District Court for the Southern District of Florida, which was denied. *Jones v. McNeil,* 776 F. Supp. 2d 1323 (S.D. Fla. 2011). The Supreme Court of United States denied certiorari on October 1, 2012. *Jones v. Fla. Dept. of Corrections,* 568 U.S. 873 (2012).

Governor Ron Desantis signed a death warrant on August 29, 2025, setting Mr. Jones' execution for September 30, 2025, at 6:00 p.m. The Florida Supreme Court issued a scheduling order requiring this Court complete all proceedings by 11:00 a.m., Friday, September 12, 2025.

ANALYSIS

The instant motion, Defendant's sixth successive motion for postconviction relief, raises three claims: (1) a January 6, 2025 letter that he was a member of the Okeechobee School for Boys compensation class constituted newly discovered evidence; (2) newly discovered evidence that the death penalty selection process in Miami-Dade County includes unconstitutional racial disparities; and (3) Florida's truncated warrant process violates due process rights.

Florida Rule of Criminal Procedure 3.851 "applies to all postconviction motions filed on or after January 1, 2015, by defendants who are under sentence of death." Fla. R. Crim. P. 3.851(a). "Any motion to vacate judgment of conviction and sentence of death must be filed by the defendant within 1 year after the judgment and sentence become final." Fla. R. Crim. P. 3.851(d)(1).

Subsection (d)(2) of the Rule provides that no motion will be considered beyond one year from the date the judgment and sentence become final unless the motion alleges (1) newly discovered evidence that could not have been discovered through the exercise of due diligence, (2) a newly established and retroactive constitutional right or (3) postconviction counsel, through negligence, failed to file the motion. *James v. State*, 404 So. 3d 317, 324 (Fla. 2025) (outlining these exceptions in a post-warrant context).

A postconviction motion filed after a death warrant has been signed is an expedited proceeding. Fla. R. Crim P. 3.851(h)(3). Summary denial of purely legal claims is appropriate where such claims are without merit under controlling precedent. *See Mann v. State*, 112 So. 3d 1158,1162-3 (Fla. 2013). A trial court should summarily deny "successive claims where those claims are untimely,

procedurally barred, legally insufficient, or refuted by the record." *Hutchinson v. State*, -- So. 3d --, 2025 WL 1198037 (Fla. April 25, 2025); *see also, Mungin v. State*, 320 So. 3d 624, 626 (Fla. 2020) (affirming order denying postconviction relief where claims were discoverable through due diligence more than a year before the motion and therefore procedurally barred as untimely).

For the reasons stated below, the Court summarily denies Defendant's Successive Motion.

CLAIM I:
THAT JONES IS A MEMBER OF THE OKEECHOBEE VICTIM COMPENSATION CLASS ESTABLISHES THAT JONES EXPERIENCED TRAUMA AND ABUSE AT THE HANDS OF THE STATE WHICH THE STATE CANNOT NOW IN GOOD FAITH MINIMIZE OR ASSERT AS NOT CREDIBLE AND WHICH ESTABLISHES SIGNIFICANT MITIGATION IN HIS CASE, WHICH WOULD PROBABLY YIELD A LESS SEVERE SENTENCE ON RETRIAL

The Defendant first argues Florida's January 6, 2025, letter, recognition of him as a victim of abuse at the Okeechobee School for Boys—based on his four placements there between 1975 and 1978 and his eligibility for compensation from a $20 million fund—constitutes newly discovered evidence. He claims this entitles him to an evidentiary hearing and postconviction relief, especially since the State previously dismissed his abuse and its mental health effects as

not credible, a position the courts accepted. At sentencing, the court found only three aggravators (two were merged) and no mitigation. He contends that, had the jury known about the abuse, the State's cover-up, and his mental health issues—including low IQ—they may have recommended a life sentence. (Successive Motion, pp. 8–14). The State responds that the claim is untimely, procedurally barred, and meritless, as the alleged evidence would not have changed the outcome. (Response, pp. 5–12).

This Court finds as follows:

A. The Claim is Untimely.

Under Florida Rule of Criminal Procedure 3.851(d)(1), a motion to vacate a death sentence must be filed within one year of the judgment becoming final. Defendant's judgment became final on October 2, 1995, when the U.S. Supreme Court denied certiorari. *Jones v. Florida*, 516 U.S. 875; see also Fla. R. Crim. P. 3.851(d)(1)(B). An exception applies only if the facts were previously unknown and could not have been discovered with due diligence. Fla. R. Crim. P. 3.851(d)(2)(A); *Dillbeck v. State*, 357 So. 3d 94, 100 (Fla. 2023). Even then, the motion must be filed within one year of when the claim

became discoverable. *Jimenez v. State*, 997 So. 2d 1056, 1064 (Fla. 2008).

The Defendant argues his claim is newly discovered and therefore timely because the State recognized him as a victim on January 6, 2025, under the 2024 Dozier/Okeechobee Victim Compensation Program.[2] The program was created by the Florida legislature and signed into law by the Governor in House Bill 21 on June 21, 2024. Notices were sent to all who attended the schools and notified them of possible eligibility. To qualify for compensation, an applicant had to have both attended the school and sign under oath they were a victim of mental, physical or sexual abuse. However, this recognition does not make the abuse newly discovered. Defendant was placed at Okeechobee nearly 50 years ago and would have known of any mistreatment at the time of trial and all prior postconviction litigation.[3] The 2025 letter merely acknowledges general institutional abuse, not specific abuse of Defendant. As the Florida Supreme Court held in *Cole v. State*, 392 So. 3d 1054, 1061–62 (Fla. 2024),

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[2] *See* Fla. Stat. § 16.63 *et seq.*

[3] Dr. Ansley's 1999 report indicates that the Defendant mentioned the Okeechobee school; Defendant's post-conviction counsel was present during Dr. Ansley's evaluations. (Successive Motion, Attachment K, p. 177).

and *Barwick v. State*, 361 So. 3d 785, 793 (Fla. 2023), public statements and legislative findings based on existing data do not qualify as newly discovered evidence. *See also Zack v. State*, 371 So. 3d 335, 346 (Fla. 2023). Because the letter and compensation are based on prior reports, they do not meet the standard, and the claim is untimely.

B. The Claim is Procedurally Barred.

The Court finds that the defendant was aware of any specific abuse he may have suffered at Okeechobee at the time of trial and during all his prior postconviction motions, where he raised multiple ineffective assistance of counsel claims, including failure to investigate and present mitigation. Any prior claim that he suffered abuse at Okeechobee should have been raised at any stage of the lengthy proceedings. Even the State's letter of recognition would have only served to corroborate the fact that generalized abuse occurred, and not that abuse occurred to the defendant in particular. The evidence of abuse would still have to meet the burden of proof at a trial and at any other proceeding. Therefore, because the defendant could have raised this issue earlier, the claim is procedurally barred. *Rogers v. State*, 409 So. 3d 1257, 1263 (Fla. 2025); *Barwick*, 361 So.

3d 795; *Hojan v. State*, 212 So. 3d 982, 994 (Fla. 2017); *Tanzi v. State*, 94 So. 3d 482, 494 (Fla. 2012).

C. The Claim Lacks Merit.

This Court finds the claim lacks merit. To succeed on a newly discovered evidence claim, a defendant must show: (1) the evidence was previously unknown and could not have been discovered with due diligence, and (2) it would likely result in an acquittal or different sentence. *Dillbeck*, 357 So. 3d at 100; *Jones*, 709 So. 2d at 521; *Davis v. State*, 26 So. 3d 519, 524 (Fla. 2009).

Defendant fails both prongs. He and his counsel knew about his time at Okeechobee but never raised it. The 2024 legislation and related materials are not newly discovered evidence. *Cole v. State*, 392 So. 3d 1054, 1061–62 (Fla. 2024). Even if considered, the evidence would not change the outcome. The trial court found four aggravators—including prior violent felonies, which are among the most serious—and no mitigation. *Bright v. State*, 299 So. 3d 985, 1011 (Fla. 2020); *Bolin v. State*, 117 So. 3d 728, 742 (Fla. 2013); *Armstrong v. State*, 73 So. 3d 155, 175 (Fla. 2011). The postconviction court also found the family's abuse testimony not credible. A letter

from the State does not show specific abuse of Defendant that would have led to a lesser sentence.

Accordingly, the Court finds that the Defendant is not entitled to relief on Claim I, and that claim is summarily denied.

CLAIM II:
NEWLY DISCOVERED EVIDENCE ESTABLISHES THAT THE PROSECUTION OF CAPITAL CASES IN MIAMI-DADE COUNTY RESULTS IN AN UNCONSTITUTIONAL APPLICATION OF THE DEATH PENALTY IN WHICH THE SYSTEM DISPROPORTIONATELY PUNISHES DEFENDANTS CONVICTED OF MURDERING WHITE VICTIMS IN VIOLATION OF THE EIGHTH AND FOURTEENTH AMENDMENTS

Defendant next argues that his second claim is based on "newly discovered evidence that the Florida Death Penalty scheme is unconstitutional and racially disparate as evidenced by the death sentences imposed in Miami-Dade County." (Successive Motion, p. 7). Defendant further alleges he "could not have raised his claim about the racial disparity within the death penalty scheme until recently when it became clear that Miami-Dade's administration of the death penalty has resulted a disproportionate number of death cases wherein the homicide victim is white." (Successive Motion, p. 7).

Defendant asserts approximately 8% of homicide victims in Miami-Dade are white, while 47% of death penalty cases originating in Miami-Dade involve the homicides of white victims. (Successive Motion, p. 15). Defendant then leaps to the following conclusion: "If there is any conceivable explanation for this disparity, it is discrimination. If it is not discrimination, the process is arbitrary..." (Successive Motion, p. 7). Defendant identifies proposed expert witnesses, Catherine L. Grasso, J.D., and Barbara O'Brien, Ph.D., J.D., and includes as an exhibit a two-page "Preliminary Report" prepared by them and dated September 6, 2025. The Preliminary Report is not itself a study of newly collected data. Rather, it references other previously existing, publicly available data from the Florida Department of Corrections and the Miami-Dade State Attorney's Office to make its conclusions, as well as two earlier publications from 1996 and 2010, respectively. According to Defendant: "Professors O'Brien and Grosso reviewed the race of homicide victims in Miami-Dade county [sic] and compared that data to death sentences originating from the same county." (Successive Motion, p. 19).

Defendant further claims "[t]hese witnesses were not previously available because Jones could not have anticipated that the 2025 warrant selection process would reveal unconstitutional race-based disparity in Miami-Dade as well as the Florida death penalty system as a whole. This motion is timely because it is filed within less than one year from receiving Professor Grasso's and Dr. O'Brien's report created on September 7, 2025." (Successive Motion, p. 8).

For the reasons below, the Court disagrees.

A. The Claim is Untimely.

First, the Preliminary Report, based on data from between 1990 and 2020, is not newly discovered. It is, by Defendant's and the authors' own admission, an analysis of previously existing data. Consequently, it is not newly discovered. *Zack,* 371 So. 3d at 346. (holding that new opinions or research studies based on a compilation or analysis of previously existing data and scientific information are not generally considered newly discovered evidence); *Dilbeck,* 357 So. 3d at 99; *Henry v. State,* 125 So. 3d 745, 750 (Fla.

2013). Because the Preliminary Report is not newly discovered as a matter of law, Defendant's second must claim fail.[4]

B. The Claim is Procedurally Barred.

For similar reasons, Defendant's second claim is also procedurally barred. The most recent data point in the Preliminary Report is from 2020, some five years ago. Much of the data and both of the prior studies cited are far older, with some of the data even predating the date of Defendant's conviction. But, even giving Defendant the benefit of the most-recent data point relied upon in the Preliminary Report plus one year as required by Rule 3.851, Defendant should have raised this issue no later than 2022. Thus, the Court concludes Jones could and should have raised this issue on direct appeal or in one of his many prior postconviction motions. *See Bates v. State*, 2025 WL 2319001, *4 (Fla. Aug. 12, 2025) *citing Atkins v. State*, 663 So. 2d 624, 626 (Fla. 1985) (procedural bar

[4] While the Court's conclusion that the Preliminary Report is not newly discovered evidence that is conclusive on the issue, the Court is concerned that it may not be admissible evidence. *See* Fla. Stat. § 90.702. It does not define what is meant by "white" or "black," it does not indicate whether those definitions were consistently applied across all the data and publications reviewed (some going back decades), it does not disclose its methodology, and it was not peer reviewed. Nevertheless, because the Court concludes that it is not newly discovered, the Court need not decide its ultimate evidentiary value or lack thereof.

applies to issues which should have been raised in prior collateral proceedings); *Doty v. State*, 403 So. 3d 209, 214 (Fla. 2025) (claims that could have been raised on direct appeal are procedurally barred in proceeding on motion for postconviction relief). Because he did not, this claim is procedurally barred.

C. The Claim Lacks Merit.

Even assuming Defendant's second claim is timely and not procedurally barred, it is otherwise deficiently pled and lacks merit. This claim is substantially analogous to that raised and rejected by the United States Supreme Court in *McCleskey v. Kemp*, 481 U.S. 279 (1987). In *McCleskey* a black defendant killed a white police officer. McCleskey sought habeas relief in the Supreme Court, alleging that a statistical study had shown the death penalty in Georgia was being applied in a racially discriminatory manner. While observing that the study in question may have demonstrated a correlation between race and the imposition of capital punishment in Georgia, the Court held that the study itself was insufficient to establish any of the decision makers in that case acted with discriminatory purpose:

> Thus, to prevail under the Equal Protection Clause, McCleskey must prove that the decisionmakers in *his* case acted with discriminatory purpose. He offers no evidence specific to his own case that would support an inference that racial considerations played a part in his sentence.

Id. at 292-293 (emphasis in the original).

Defendant has not offered any evidence specific to his own case that racial considerations played a part in his sentence. *See also United States v. Armstrong*, 517 U.S. 456, 465 (1996) (defendant must show that prosecutorial policy had discriminatory effect and was motivated by a discriminatory purpose). He relies solely on the Preliminary Report to conclude that his sentence must have been the result of impermissible discrimination. Because this is insufficient as a matter of law, Defendant's claim therefore lacks merit and is denied.

Accordingly, the Court finds that the Defendant is not entitled to relief on Claim II, and that claim is summarily denied.

CLAIM III:
THE UNREASONABLY TRUNCATED AND SURPRISE NATURE OF THE WARRANT PROCESS IN FLORIDA HAS DENIED JONES HS RIGHT TO A FULL, FAIR AND MEANINGFUL POSTCONVICTION PROCESS IN VIOLATION OF THE DUE PROCESS CLAUSE OF THE FIFTH, FOURTEENTH, AND EIGHTH AMENDMENTS

Lastly, Defendant claims the surprise signing of the warrant and the truncated schedule deprives him of notice and a meaningful opportunity to be heard in violation of his due process rights. However, Defendant's Successive Motion acknowledges he may not receive relief from any court on these claims. (Successive Motion, p. 25).

This Court finds that this claim is without merit. The Florida Supreme Court previously rejected the argument that a compressed warrant schedule violates a defendant's due process rights. *See Tanzi v. State,* 407 So. 3d at 390 (citing *Barwick,* 361 So. 3d at 789 (Fla. 2023). "Due process requires that a defendant be given notice and an opportunity to be heard on a matter before it is decided." *Id.* (quoting *Asay v. State,* 210 So. 3d 1, 27 (Fla. 2016). The Defendant has not shown how the warrant schedule denied him notice or the opportunity to be heard.

Although the Defendant raises only general claims, he specifically alleges this Court's rulings sustaining objections to Defendants' Demand for Public Records from the Okeechobee Sheriff's Office and the Florida Department of Law Enforcement ("FDLE") has rendered the proceedings meaningless. The Defendant's

demand for records pertaining to the Okeechobee School relates to events that occurred approximately 50 years ago. Florida Rule of Criminal Procedure 3.852 "is not intended to be a procedure authorizing a fishing expedition for records unrelated to a colorable claim for postconviction relief." *Tanzi*, 407 So. 3d at 391 (citing *Cole*, 392 So. 3d at 1066 (quoting *Asay*, 224 So. 3d at 700).. "Thus, such requests must 'show how the records relate to a colorable claim for postconviction relief and good cause as to why the public records request was not made until after the death warrant was signed.'" *Id.* at 391 (citing *Cole*, 392 So. 3d at 1066 (quoting *Dailey v. State*, 283 So. 3d 782, 792 (Fla. 2019). Defendant could not specifically articulate justification for the delay in the failure to seek these records for any period prior to the signing of a death warrant. Therefore, this argument is without merit.

The Defendant has failed to show how the truncated schedule denied him notice or a meaningful opportunity to be heard, and further failed to show good cause as to why the public records requests were not made until after the death warrant was signed.

Accordingly, the Court finds that the defendant is not entitled to relief on Claim III, and that claim is summarily denied.

DEFENDANT'S MOTION FOR STAY OF EXECUTION

Defendant seeks a stay of execution. In his motion and at the *Huff* hearing held on September 10, 2025, Defendant failed to outline specific facts that would necessitate a stay.

"A stay of execution on a successive motion for postconviction relief is warranted only when there are substantial grounds upon which relief might be granted." *Dillbeck,* 357 So. 3d at 103(quoting *Davis v. State,* 142 So. 3d 867, 873-74 (Fla. 2014) (citing *Buenoano v. State,* 708 So. 2d 941, 951 (Fla. 1998). This Court has denied each of Defendant's claims in his Successive Motion. Therefore, there is no basis for a stay of these proceedings, and Defendant's request is **DENIED**.

Based on the foregoing, it is hereby **ORDERED AND ADJUDGED** that:

1. Defendant's Corrected Successive Motion to Vacate Judgment of Conviction and Death Sentence filed on September 8, 2025, is **DENIED**.

2. Defendant's Motion for Stay of Execution filed on September 8, 2025, is **DENIED**.

3. Pursuant to the Order of the Supreme Court of Florida of August 29, 2025, the Defendant will have until **1 p.m., Friday, September 12, 2025,** to file any writ petition or notice of appeal.

DONE AND ORDERED on this 12th day of September in Miami, Dade County, Florida.

LODY JEAN
CIRCUIT JUDGE
ELEVENTH JUDICIAL CIRCUIT

Service List Enclosed:

SERVICE LIST

I HEREBY CERTIFY that the foregoing was filed with the Clerk of the Court by using the Florida Courts E-Filing Portal System. Accordingly, a copy of the foregoing is being served on this day to all attorney(s)/interested parties identified on the ePortal Electronic Service List that will send notice to: Jennifer A. Davis, Senior Assistant Attorney General, **Jennifer.Davis@myfloridalegal.com**, **Capapp@myfloridalegal.com**, Lisa-Marie Lerner, Senior Assistant Attorney General, **Lisamarie.Lerner@myfloridalegal.com**, Leslie Campbell, Senior Assistant Attorney General, **Leslie.Campbell@myfloridalegal.com**, Reid Rubin, Assistant State Attorney, **reidrubin@miamisao.com**, Jose Arrojo, Assistant State Attorney, **josearrojo@miamisao.com**, Christine Zahralban, Assistant State Attorney, **christinezahralban@miamiSAO.com**; Marie-Louise Samuels Parmer, Assistant CCRC-South, **marie@samuelsparmerlaw.com**, **ccrcpleadings@ccsr.state.fl.us**, Brittney N. Lacy, Assistant CCRC-South, **lacyb@ccsr.state.fl.us**, Jeanine L. Cohen, Assistant CCRC-South, **cohenj@ccsr.state.fl.us**, Kristen Lonergan, Assistant General Counsel, Florida Department of Corrections, **kristen.lonergan@fdc.myflorida.com,** William Gwaltney, Assistant General Counsel, Florida Department of Corrections, **william.gwaltney@fdc.myflorida.com, courtfilings@fdc.myflorida.com**; the Florida Supreme Court, **warrant@flcourts.org, canovak@flcourts.org** and the Clerk of Court through Luis G. Montaldo, General Counsel, **Cocgencounsel@miamidade.gov**; Juan C Perez, **jperez@miami-police.org**; Sarahi Pelayo, **spelayo@mdso.com**; Adam Fetterman, **adam@lawteam.com**, **adam@fettermanfirm.com, aeulenfeld@okeesheriff.com, records@okeesheriff.com**; Zachary Loyed, **Zachary.loyed@eog.myflorida.com**; Rana Wallace, **RanaWallace@fcor.state.fl.us**; Leslie Hinds, **leslie.hinds@myflfamilies.com**;

Lindsey N Brigham, **LindseyBrigham@fdle.state.fl.us.**

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

VICTOR T. JONES,

Petitioner,

v.

SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS,

Respondent.

ON PETITION FOR WRIT OF CERTIORARI
TO THE SUPREME COURT OF FLORIDA

APPENDIX C

CAPITAL CASE

DEATH WARRANT SIGNED
EXECUTION SET SEPTEMBER 30, 2025, AT 6:00 P.M.

Defendant's Successive Motion to Vacate Judgments of Conviction and Death Sentence with Request for Leave to Amend, *State v. Victor T. Jones*, Circuit Court of the Eleventh Judicial Circuit in and for Miami-Dade County, Florida, 90-CF-50143 (Sept.8, 2025)

**IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT,
IN AND FOR MIAMI-DADE COUNTY, FLORIDA**

STATE OF FLORIDA,
Plaintiff,

v.

VICTOR TONY JONES,
Defendant.
_____/

CASE NO. 90-50143
EMERGENCY CAPITAL CASE,
DEATH WARRANT SIGNED;
EXECUTION SCHEDULED FOR
SEPTEMBER 30, 2025 AT 6:00 PM

DEFENDANT'S SUCCESSIVE MOTION TO VACATE JUDGMENTS OF CONVICTION AND DEATH SENTENCE WITH REQUEST FOR LEAVE TO AMEND[1]

COMES NOW the Defendant VICTOR TONY JONES, by and through undersigned counsel, and pursuant to Florida Rule of Criminal Procedure 3.851, and respectfully requests that this Court enter an order vacating his death sentences and ordering a new sentencing proceeding, or, in the alternative, an evidentiary hearing on his claims, and states the following:

Victor Jones is an Intellectually Disabled ("ID"), indigent Black defendant, who was brutally abused as a teenager by agents of the State of Florida at the Okeechobee School for Boys and who suffered, through no fault of his own, neglect, abuse, exposure to criminality and drugs, including sexual violence, as a young child continuing through adolescence. Throughout his case, the State of Florida has rejected or minimized his mitigation, and outright found his claims of

[1] This motion is filed in 12-pt font per the Court's Setp. 2, 2025 Order and Fl. R. Gen. Prac. And Jud. Admin. 2.520 (2025). Rule 2.520 does not address font type for circuit court pleadings. Neither the State's Scheduling Order nor the Court addressed font at the status hearing, yet the Court's Order directed the parties to file in 12-pt font and cited appellate rules for font type. The appellate rules are incongruent with the remainder of this Court's order. In 2020, font type required in appellate briefing changed from Times New Roman to Arial or Bookman Old, however, and the court also implemented word count limits. Both fonts are substantially larger than Times New Roman. Had the State raised this issue at the status, Defense counsel could have informed the Court of this issue. Instead, the State included the language in the Court Order and submitted the Order to the Court, without allowing Defense counsel to review the Order, despite the Court directing the State to first submit the Order to Defense counsel. Should the Court require the larger fonts, Jones requests leave to refile the document using a word count limitation of 8,500 words.

abuse not credible. Further, the State of Florida adjudicated his claim of ID in a manner determined to be unconstitutional by the U.S. Supreme Court, by finding that his I.Q. scores, which landed between 67 and 75, placed him outside the range of I.D., the exact exact analysis found unconstitutional in *Hall v. Florida*, 572 U.S. 701, 721 (2014). And when Jones sought to remedy the constitutional error in his case after *Hall* issued, the State continued to improperly diminish his claim by once again urging the courts to assess the adaptive functioning component of his ID claim outside scientific norms in contravention of *Hall*. "It is the Court's duty to interpret the Constitution, but it need not do so in isolation. The legal determination of intellectual disability is distinct from a medical diagnosis, but it is informed by the medical community's diagnostic framework." *Id*.[2]

While it is without dispute that the murder of two people during a botched robbery is tragic and warrants punishment, Jones' crime is unquestionably neither the most aggravated nor the least mitigated of murders, in spite of the courts' constant rejection of his mitigation. Instead, he falls within that category of criminal defendants – Black, poor, abused, ID, represented by counsel who failed to investigate his case – that the State of Florida, through repeated failings in its educational, social and judicial systems, tends to execute.

(A) JUDGMENT AND SENTENCE UNDER ATTACK

Jones was charged with two counts of murder and two counts of armed robbery for the deaths of Matilda and Jacob Nester in 1990. The circuit court seteneced Jones to death on March 1, 1993. The advisory jury, making no factual findings, voted 10 to 2 for the murder of Matilda

[2] In addition *Hall*, theU.S. Supreme Court has found Florida's death penalty scheme unconstitutional numerous times in the modern era including: *Enmund v. Florida*, 485 U.S. 782 (1982); *Hitchcock v. Dugger*, 481 U.S. 393(1987) and *Hurst v. Florida* (577 U.S. 92) 2016.

Nestor and 12 to 0 for Jacob Nestor (R. 353-54).[3] The trial court found only three aggravating circumstances: (1) under sentence of imprisonment; (2) prior violent felony; and (3) felony murder (robbery), which the court merged with the pecuniary gain aggravator, and sentenced Jones to death for both murders (R. 467-77). **The trial court rejected all proposed mitigation.** (R. 475) (Att. A, Judgment and Sentence, Att. B, Sentencing Order)

(B) ISSUES RAISED ON APPEAL AND POSTCONVICTION

> Issues on direct appeal: The trial court erred in (1) denying his motions for judgment of acquittal; (2) failing to instruct the jury that it could only find one of "in the course of a robbery aggravator" and the "pecuniary gain" aggravators; (3) erroneously rejecting the statutory mitigating factor of mental or emotional disturbance at the time of the crime and failed to properly instruct the jury; (4) a new sentencing proceeding is required because the mental health experts who testified failed to bring the possibility that Jones suffered from fetal alcohol effect to the court's attention and because the court refused to consider Jones's abandonment by his mother as a mitigating circumstance; and (5) the court erred by failing to grant Jones's motion for mistrial based upon the prosecutor's improper closing argument.

The Florida Supreme Court denied all claims Jo*nes v. State*, 652 So. 2d 346 (Fla. 1995), *cert. denied, Jones v. Florida*, 116 S. Ct. 202 (1995).

Jones timely filed an initial Rule 3.850 motion, which he amended twice, ultimatlely raising twenty-two issues, including that trial counsel rendered ineffective assistance in failing to adequately investigate and present mitigating circumstances in Jones' childhood and early life.[4]

[3] Record Citations: Trial (R. ___); Postconviction proceedings (PCR___); *Atkins* proceedings (Atkins___); *Hall* proceedings (*Hall*___); *Hurst* proceedings (*Hurst* ___).

[4] Claims in postconviction: (1) postconviction IAC (ineffective assistance of counsel) because of the lack of sufficient funding fully to investigate and prepare the motion; (2) Jones was denied due process and equal protection because state agencies withheld records; (3) no adversarial testing occurred at trial due to the cumulative effects of trial counsel IAC, the withholding of exculpatory or impeachment material, newly discovered evidence, and improper rulings; (4) IAC for failing to (a) adequately investigate and prepare mitigating evidence, (b) provide this mitigation to mental health experts, and (c) adequately to challenge the State's case; (5) trial counsel was burdened by an actual conflict of interest adversely affecting his representation; (6) Jones was denied due process because he was incompetent, and counsel failed to request a competency evaluation; (7) Jones was denied a fair trial because of improper prosecutorial argument, and IAC for failing to

The postconviction court granted a hearing on 3 claims, including penalty phase IAC. Jones presented the testimony of his sister, Pamela Mills, and his cousin, Carl Leon Miller. These witnesses described horrific abouse at the hands of Laura Long, who had testified at trial that, as described by trial counsel, Jones' childhood was "idyllic." Mills and Miller described cruel beatings where they were made to undress before being beaten, that Long called Jones slow and stupid and beat him for making bad grades, and that Long's son, who was approximately ten years older than Jones, Mills and Miller, also beat all three of them, and raped Mills. Mills gave birth at 14 as a result of these rapes, although she testified she thought she was ten years old when she gave birth. That poor memory, of course, is symptomatic of childhood trauma is widely accepted within the scientific community. The postconviction court denied relief on March 8, 2001, finding Miller and Mills "not credible." (PCR. 386). The court also rejected the testimony of all of the defense mental health experts' concerning Jones' mental illness, low IQ, and childhood abuse, finding that "the experts cannot be considered reliable." (PCR 388).

object; (8) Jones's convictions are constitutionally unreliable based on newly discovered evidence; (9) Jones was denied due process because the state withheld exculpatory evidence; (10) Jones's death sentence is unconstitutional because the penalty phase jury instructions shifted the burden to Jones to prove death was inappropriate; (11) the jury instructions on aggravators were inadequate, facially vague, and overbroad, and counsel failed to object; (12) Jones's death sentence is unconstitutional because the State introduced nonstatutory aggravators , and counsel failed to object; (13) jury instructions unconstitutionally diluted the jury's sense of responsibility in sentencing in violation of *Caldwell*, and trial counsel was ineffective for not objecting; (14) Jones was denied his constitutional rights in pursuing postconviction relief because he was prohibited from interviewing jurors; (15) Jones is innocent; (16) execution by electrocution is unconstitutional; (17) Florida's capital sentencing statute is unconstitutional facially and as applied; (18) Jones's conviction and sentence are unconstitutional because the judge and jury relied on misinformation of constitutional magnitude; (19) and because it is predicated on an automatic aggravator, and IAC for failing to object; (20) Jones was incompetent to be executed; (21) because of juror misconduct, Jones's rights were violated; and (22) cumulative errors deprived Jones of a fair trial. *Jones*, 855 So. 2d at 614 n.2.

Jones raised five claims on appeal,[5] and seven claims in his habeas petition.[6] The Florida Supreme Court affirmed, adopting the State's credibility argument as to Jones' sister and cousin, stating: "[T]he court found both her testimony and that of appellant's cousin [ ] not credible and [] contradicted by the evidence appellant's trial counsel was actually able to obtain at the time of trial. Thus, there is no credible evidence that additional investigation by appellant's trial counsel for family mitigation would have been fruitful." *Jones v. State*, 855 So. 2d 611, 618 (Fla. 2003).

While pending appeal, the Supreme Court issued *Atkins v. Virginia*, 536 U.S. 304 (2002) holding that persons with ID are constititutionally exempt from capital punishment. The Florida Supreme Court promulgated Fla. R. Crim. P. 3.203, which delineated the procedures to be used for defendants seeking to raise ID as a bar to execution under *Atkins*. Jones timely argued Rule 3.203 and *Atkins* precluded his execution because he is ID. The Florida Supreme Court relinquished jurisdiction for an evidentiary hearing (PCR-ID. 47). At the hearing in 2006, Jones presented evidence demonstrating he met all three prongs of the intellectual disability requirements, including I.Q. scores all of which were 75 or below, a Jackson Memorial Hospital record from when Jones was 15 years old, identifying Jones as "mentally retarded," and evidence of concurring adaptive deficits. The State inaccurately and improperly argued that because Jones' I.Q. scores were at or above 70 he could not be considered ID. The circuit court agreed, stating: "Jones does not meet the statutory requirements to be defined as mentally retarded. His I.Q. has consistently been tested at above 70. Based on that alone he is not mentally retarded." (PCR-ID.

[5] Issues on appeal:1) IAC guilt phase; 2) summary denial of conflict claim; 3) IAC for failure to adequately investigate and present mitigation; failure to challenge Jones' prior convictions; failure to object to constitutional error; 4) Public Records; 5) Insanity to be executed.

[6] Jones asserted IAC appellate for failing to raise: (1) trial counsel's actual conflict of interest; (2) the denial of motions to suppress; (3) objection to the substitution of the medical examiner; (4) the voluntariness of Jones's pleas in prior cases; (5) denial of Jones's motion to compel psychiatric examination of a witness; (6) denial of motion for mistrial based on the prosecutor's comment on petitioner's right to remain silent; and (7) errror under *Caldwell v. Mississippi,*472 U.S. 320 (1985)

495-506). The Florida Supreme Court affirmed stating "Se*e Zack v. State,* 911 So.2d 1190, 1201 (Fla.2005) ("Under Florida law, one of the criteria to determine if a person is mentally retarded is that he or she has an IQ of 70 or below.")." *Jones v. State*, 966 So. 2d 319, 329 (Fla. 2007). This, of course, is the law that was held unconstitutional in *Hall*.

Following *Porter v. McCollum*, 558 U.S. 30 (2009), Jones timely argued that the courts had "unreasonably discounted his mitigation."[7] The postconviction court summarily denied relief and the Florida Supreme Court affirmed. *Jones v. State*, 93 So. 3d 178 (2012). Jones challenged Florida's secretive and inadequate clemency process. The Court denied the claim, in part because the it had no authority to order the Executive Branch to conduct specific clemency procedures. Jones voluntarily dismissed his appeal. *Jones v. State*, 135 So. 3d 287 (Fla. 2014) (table op.).

Following the U.S. Supreme Court's opinion in *Hall* v. *Florida*, Jones timely argued that *Hall* renders the postconviction's court ruling that Jones is not intellectually disabled unconstitutional. The postconviction court summarily denied this claim, relying on testimony at the prior I.D. hearing finding that Jones' adaptive skilles placed him outside the range of I.D. This determination also ran afoul of *Hall*, as the State and courts' assessment of adaptive functioning was not in keeping with the consensus among the scientific and medical community. James Ellis, et al, Evaluating Intellectual Disability: Clinical Assessment in Atkins Cases, 46 Hofstra Law Review Issue 4, 1374-1399 (2018) On appeal, Jones argued that the Florida Supreme Court should reverse and remand for an evidentiary hearing, because the findings of the postconviction court years ago were not based on the prevailing standards of the medical community in contravention

[7] *Porter* is another Florida case where the U.S. Supreme Court found Florida's application of the death penalty wanting: "The Florida Supreme Court's decision that Porter was not prejudiced by his counsel's failure to conduct a thorough—or even cursory—investigation is unreasonable. The Florida Supreme Court either did not consider or unreasonably discounted the mitigation evidence adduced in the postconviction hearing." *Porter,* 558 U.S. at 42 (2009).

of *Hall*. The court affirmed. *Jones v. State*, 231 So. 3d 374 (2017). After the U.S Supreme Court struck down Florida's death penalty scheme as unconstitutional in *Hurst v. Florida*, 136 S. Ct. 616 (2016). Jones timely argued that *Hurst* renders the trial court's sentencing order unconstitutional. The postconviction court and the Florida Suprme Court denied his claim relying on *Hitchcock v. State*, 226 So. 3d 216 (2017). *Jones v. State* 241 So. 3d 65 (2018)

(C) WHY CLAIMS WERE NOT PREVIOUSLY RAISED

Jones raises three claims;

1) newly discovered evidence that the State of Florida has recognized that he is a part of the class of individuals entitled to compensation as a result of suffering abuse at the Okeechobee School for Boys warrants setting aside his sentences of death; 2) newly discovered evidence that the Florida Death Penalty scheme is unconstitutional and racially disparate as evidenced by the death sentences imposed in Miami-Dade County; and 3) newly discovered evidence that Florida's warrant selection and litigation process violates Due Process due to the expedited nature of the proceedings and the unreasonably truncated time frame. Florida stands as an outlier in its end-stage warrant litigation process.

None of these claims could have been previously raised due to the following:.

1) Jones was not officially recognized by the State of Florida as a member of the Okeechobee compensation class until January 6, 2025. Before then, the State and the courts had rejected all of his evidence and claims of abuse and maltreatment finding both his lay and expert witnesses not credible. The State can no longer rely on such an ill-founded argument.

2) Jones also could not have raised his claim about the racial disparity within the death penalty scheme until recently when it became clear that Miami-Dade's administration of the death penalty has resulted a disproportionate number of death cases wherein the homicide victim is white.

3) Jones, likewise could not have anticipated the current execution pace, the never-before-seen rolling warrants and the unrealistically truncated nature of the warrant process which places unnecessary strain on the stakeholders in the criminal justice system, including trial judgess and their staff, counsel for State agencies, and capital defense attorneys, who have no advance warning if their client will be selected in the arbitrary selection process.

The witnesses listed below are available to tesify under oath to the newly discovered facts alleged in the motion and their reports/affidavits:

Dr. Yenis Castillo, Ph.D. (Att. C, Curriculum Vitae)

i. 649 NW 97 PL, Miami, FL 33172, (786) 234-4579.

ii. Evidentiary support in the form of Dr. Castillo's report is attached as Att. D

iii. This witness and evidence was not previously available because the State of Florida, and the courts had previously rejected Jones' evidence of abuse and maltreatment as not credible and it was not until January 6, 2025 that the State of Florida recognized Jones as a member of the compensation class. This motion is timely because it is filed within less than one year of Dr. Castillo's report which was created on September 7, 2025 and the State of Florida's January 6, 2025 acknowledgment that he was a victim of abuse while sentenced to the Okeechobee School.

iv. James Anderson – affidavit September 7, 2025 is attached as Att. E

Catherine L. Grasso, J.D. (Att. F, Curriculum Vitae)

v. 661 Beech Street, East Lansing, MI 48823, (517) 432-6962

Barbara O'Brien, Ph.D., J.D.(Att. G, Curriculum Vitae)

vi. 684 N. Shaw Lane, Room 420, Michigan State University College of Law, East Lansing, MI 48823, (517) 432-6907

vii. Evidentiary support in the form of Dr. O'Brien and Grosso Report is attached as Att. H

viii. These witnesses were not previously available because Jones could not have anticipated that the 2025 warrant selection process would reveal unconstitutional race-based disparity in Miami-Dade as well as the Florida death penalty system as a whole. This motion is timely because it is filed within less than one year from receiving Professor Grasso's and Dr. O'Brien's report created on September 7, 2025.

CLAIM I

Newly Discovered Evidence That Jones Is A Member Of The Okeechobee Victim Compensation Class Establishes That Jones Experienced Trauma And Abuse At The Hands Of The State Which The State Cannot Now In Good Faith Minimize Or Assert As Not Credible And Which Establishes Significant Mitigation In His Case, Which Would Probably Yield A Less Severe Sentence On Retrial.

On January 6, 2025 the State of Florida officially recognized Jones as victim of abuse at Okeechobee School for Boys and placed him in the compensation class where he was entitled to a portion of the $20 million fund established by the 2024 Dozier School for Boys and Okeechobee

School Victim Compensation Program. This finding is relevant because throughout Jones's proceedings the State has argued that all the evidence of abuse he suffered, and the mental health effects of that abuse, were not credible or believable, an assertion that the courts adopted on multiple occasions throughout these proceedings. The State can no longer, nor should they be permitted, to advance an argument that the abuse Jones suffered as a child is not credible. Because the trial court found only three aggravators (but **not HAC or CCP** which are **considered two of *the weightiest aggravators in the Florida sentencing scheme***[8]) and NO mitigation in its Sentencing Order (R. 467-77), the extent of the abuse Jones suffered at Okeechobee, and the State of Florida's cover up of that abuse and continuing denial or dimunition of the abuse through 2020 and beyond, is evidence of such a nature as to probably yield a life sentence on retrial. Evidence of childhood abuse could "have particular salience for a jury" evaluating whether Jones should live or die. *Porter*, 558 U.S. at 43. This is especially so if the other previously offered testimony of abuse by Laura Long and her son, and the other mental health mitigation, including his low I.Q., is considered, as it must be when analyzing a newly discovered evidence claim. This Court should grant an evidentiary hearing, set aside Jones' sentences of death and order a new capital sentencing proceeding.

Controlling Law

A court shall provide relief to a person under sentence of death if there is newly discovered evidence that would probably yield a less severe sentence on retrial. *Jones v. State*, 709 So. 2d 512, 521 (Fla. 1998) (*Jones II*); *Jones v. State*, 591 So. 2d 911, 915 (Fla. 1991) (*Jones I*). To obtain a new trial based on newly discovered evidence, a defendant must meet two requirements. *Jones II*, 709 So. 2d 512. First, the evidence must not have been known by the trial court, the party, or

[8] *Buzia v. State,* 926 So.2d 1203, 1216 (Fla.2006) (quoting *Larkins v. State,* 739 So.2d 90, 95 (Fla.1999)).

counsel at the time of trial, and it must also appear that neither the defendant nor defense counsel could have known of such evidence by the use of diligence. *Id*.; *State v. Spaziano*, 692 So. 2d 174 (Fla. 1997). Second, the newly discovered evidence must be of a nature that it would probably produce an acquittal on retrial or yield a less severe sentence. *Jones II*, 709 So. 2d 512. This court must consider the newly discovered evidence, and evaluate the weight of the newly discovered evidence and the evidence that was introduced at trial. *Taylor v. State*, 260 So. 3d 151, 158 (Fla. 2018) (citing *Jones*, 709 So. 2d 512 (Fla. 1998)). Because this claim involves a successive motion and evidentiary hearing, a court must evaluate all the admissible newly discovered evidence at this hearing in conjunction with newly discovered evidence at the prior evidentiary hearing and then compare it with the evidence that was introduced at trial. *Jones*, 709 So. 2d at 522. A court must grant an evidentiary hearing unless the motion, files, and records in the case do not conclusively show the movant is not entitled to relief. *Thompkins v. State*, 994 So. 2d 1072, 1081 (Fla. 2008). On review, the Florida Supreme Court will "accept the defendant's allegations as true to the extent that they are not conclusively refuted by the record." *Id*.

The mitigation evidence offered here is substantial and of the type the U.S. Supreme Court has repeatedly recognized as relevant, mitigating, and warranting a new penalty phase proceeding.

> Under Florida law, mental health evidence that does not rise to the level of establishing a statutory mitigating circumstance may nonetheless be considered by the sentencing judge and jury as mitigating. See, *e.g., Hoskins v. State,* 965 So.2d 1, 17–18 (Fla.2007) *(per curiam)*. Indeed, the Constitution requires that "the sentencer in capital cases must be permitted to **consider any relevant mitigating factor**." *Eddings v. Oklahoma,* 455 U.S. 104, 112 (1982).

Porter, 558 U.S. at 42 (2009) (emphasis added). "It is unreasonable to discount to irrelevance the evidence of [Jones'] abusive childhood, especially when that kind of history may have particular salience for a jury evaluating [Jones'] behavior in his relationship with the [Nestors]." *Id*. at 43.

The Court's opinion in *Sears v. Upton*, 561 U.S. 945, 947 (2010) is also instructive: "During the penalty phase of Sears' capital trial, his counsel presented evidence describing his childhood as stable, loving, and essentially without incident. Seven witnesses offered testimony along the following lines: Sears came from a middle-class background [and] his actions shocked and dismayed his relatives[.]". The Court criticized the state courts' prejudice analysis which is strikingly similar to the errors in Jones' case:

The mitigation evidence that emerged in postconviction, however, demonstrates that Sears was far from "privileged in every way." Sears' home life, while filled with material comfort, was anything but tranquil: His parents had a physically abusive relationship, and divorced when Sears was young; he suffered sexual abuse at the hands of an adolescent male cousin; his mother's "favorite word for referring to her sons was 'little mother fuckers,' "; and his father was "verbally abusive," and disciplined Sears with age-inappropriate military-style drills, Sears struggled in school, demonstrating substantial behavior problems from a very young age. For example, Sears repeated the second grade, and was referred to a local health center for evaluation at age nine. By the time Sears reached high school, he was "described as severely learning disabled and as severely behaviorally handicapped."*Id*. at 948 (internal citatiosn and references omitted). *See also Williams v. Taylor*, 529 U.S. 362, 398 (2000) ("'the graphic description of Williams' childhood, filled with abuse and privation, or the reality that he was 'borderline mentally retarded,' might well have influenced the jury's appraisal of his moral culpability.")

Jones' Confinment at Okeechobee, History of Cover Up by the State of Florida and the State of Florida's 2025 Apology and Recognition of Jones' Entitlement to Compensation

Jones was sentenced by the State of Florida to be confined at the Okeechobee School for

Boys (Colored) [9] on four occasions: in 1975, 1976, 1977 and 1978. (Att. I, Eckerd Youth Development Records). While not as well-documented or infamous as the Dozier School, the Okeechobee School was equally horrific. Survivors have described beatings with a substantially the same or similar 3" inch wide leather belt with a piece of sheet metal inside as described by the Dozier survivors, rampant sexual abuse and frequent placement in solitary confinement. While confined at Okeechobee, Jones was beaten multiple times with the thick leather strap, witnessed frequent gang-rapes of other vulnerable children in so-called "blanket parties," and to avoid being gang-raped himself had to fight off other boys, which resulted in his placement in solitary confinement. (Att. J, School Ledger). The effect of this treatment on Jones' emotional and psychological development was pronounced, causing him to suffer from Post Traumatic Stress Disorder, suicidal ideation and likely contributed to his drug addiction, increased his risk for criminal violence, and caused other mental deficits, all of which would have been in existence prior to the crime and during the crime. Additoinally, although Jones told others, including authority figures about the conditions at Okeechobee, no one believed him. (Att. K, Ansley Evaluation) Jones hereby adopts and incorporates Dr. Castillo's Report into this motion. (Att. D)

During the pendency of Jones' case, including through 2010, 2011 and longer, the State of Florida minimized or discounted the rampant cruelty at both Dozier and Okeechobee. Okeechobee didn't close until 2020. The Florda Department of Law Enforcement ("FDLE") issued a report in 2010 on the Dozier School as a result of a request made to then-Governor Charlie Crist by the "The White House Boys Survivor's Organization." (Att. L, FDLE Report) FDLE was tasked with determining if their were unmarked graves on the site, "if any crimes were committed, and if so, the perpetrators of those crimes." (Att. L, 1) Despite taking statements from multiple survivors

[9] The school was segregated and ledgers of the children held there were divided by White and "Colored".

who described vicious beatings, rampant sexual abuse, and walking into the laundry and seeing "the face of a black male tumbling in the dryer," and being afraid to do anything for fear "he would also be placed into the dryer," (Att. L, 9), FDLE did not make a finding that abuse existed. By way of example, another survivor corroborated the laundry incident, describing seeing staff "carrying what he believed to be a male juvenile covered with a white sheet or blanket" from the laundry. (Att. L, 9) When he asked his supervisor what happened, the supervisor said, "Another one of you little bastards just bit the dust." (Att. L, 9) But that witness, who saw the boys arm under the sheet, said he thought the boy was white. (Att. L, 9) Because there were "inconsistencies" in the witnesses' accounts of the laundry room death, and a lack of presence of blood in the White House Building when examined in 2009, many years after the abuse, FDLE ultimately determined that "no tangible physical evidence was found to to either support or refute the allegatiosn of physical or sexual abuse." (Att. L, 13) FDLE also discounted reports of beatings because there "was little to no evidence of visible residual scarring." (Att. L) FDLE delivered their findings to the Office of the State Attorney, 14th Judicial Circuit, for review. There is no evidence that the State Attorney ever filed any charges or conducted any investigation.[10]

In 2012, the Department of Justice ("DOJ") issued a report (Att. M,- DOJ Report) based on its investigation into Dozier. As in the FDLE report, there is no mention of the Okeechobee School. The DOJ report, however, found "credible reports of misconduct by staff," which "revealed systemic, egregious, and dangerous practices" that threatened the safety of the children confined there" and violated the "Fourteenth Amendment's mandate that youth in custody be adequately protected from harm, undermining public safety by returning youth to the community

[10] The Dozier School was also part of a class -action lawsuit filed in 1983 alleging "unconstitutional" and "vicious punitive practices." *Bobby M. v. Chiles,* 907 F. Supp. 368 (Fla. N. D. 1995). The Okeechobee School was not a part of this lawsuit.

unprepared to succeed and eroding public confidence." (Att. M, 3) Between 2012 and 2016 forensic anthropologists from the University of South Florida led an excavation at the Dozier School and discovered human remains in 55 unmarked graves. (Att. N, CS/HB 21) "A similar excavation has not been possible at the Okeechobee School, as the land sits on what is now private property." (Att. N) The Okeechobee School was investigated in 2015 but the Okeechobee County Sheriff found no physical evidence of abuse there and as noted in these 2025 news reports, the Okeechobee School was never investigated like the Dozier School. Ostroff, Jamie, From Darkness to Data: New Plans For the Florida School for Boys at Okeechobee Campus, WPTV, (2025), https://www.wptv.com/wptv-investigates/from-darkness-to-data-new-plans-for-the-florida-school-for-boys-at-okeechobee-campus.

In June 2024, the State of Florida passed the Dozier School for Boys and Okeechobee School Victim Compensation Program ("Program"). (Att. N) The program provided a $20 million fund to compensate "living persons who were confined to the Dozier School or the Okeechobee School at any time between 1940 and 1975 and who were subjected to mental, physical, or sexual abuse perpetrated by school personnel while they were so confined." (Att. N). The law took effect on July 1, 2024. On December 13, 2024, Jones received a declaration from the Florida Department of State, Records Custodian, affirming he was confined at the Okeechobee School and the dates of his confinement, which fell within the compensation time frame.. (Att. O)[11] After receipt of the document from the Records Custodian, Jones submitted his application to be included in the compensation class. On January 6, 2025, Jones received a Notice of Determination of Eligibility from the Office of the Attorney General, Division of Victim Services, Bureau of Victim Compensation. (Att. O) In its letter to Jones, the Bureau of Victim Compensation wrote, "*Please*

[11] In 1997, pursuant to a records request, Jones' postconviction counsel had been told his records were destroyed. (Att. P, Eckerd Letter)

know that we are sorry to hear about the circumstances that prompted you to apply for compensation." (emphasis added) Jones was finally recognized after all these years as a true victim of abuse.

Because of the limited aggravation in this case, with no finding of HAC or CCP, and the compelling nature of the abuse Jones suffered, and the State's coverup of that abuse, there exists a reasonable probability that, in conjunction with all the other testimony previously presented, including his low I.Q. and mental health deficits, that a jury would sentence him to life in prison. This Court should grant an evidentiary hearing.

CLAIM II

Newly Discovered Evidence Establishes That The Prosecution Of Capital Cases In Miami-Dade County Results In An Unconstitutional Application Of The Death Penalty In Which The System Disproportionately Punishes Defendants Convicted Of Murdering White Victims In Violation Of The Eighth And Fourteenth Amendments.

Miami-Dade County's administration of the death penalty demonstrates a deep racial disparity. According to the Office of the State Attorney, 11th Judicial Circuit, less than 15% of all homicide victims in Miami-Dade county are white.[12] This percentage has varied little during the last 40 years. From 1990-1994, during the time of Jones's case, approximately 8% of cases involved a white victim. (Att. H). The percentage of white homicide victims in Miami-Dade increased to 11% in the early 2000's. *Id*. It again increased to 15% in 2018, but then steadily declined to 8% in 2019 and 6% in 2020. *Id*. Yet, 47% of death cases originating in Miami-Dade involve homicides of white victims.[13] If there is any conceivable explanation for this disparity, it is discrimination. If it is not discrimination, the process is arbitrary, and therefore, violates the

[12] Miamisao.com, Miami-Style Smart Justice by the Numbers, Victim Statistics, Homicide Victim Statistics.

[13] Of the 239 death cases in Florida, fifteen originate from Miami-Dade. Of those, 7 have white victims. https://pubapps.fdc.myflorida.com/OffenderSearch/deathrowroster.aspx.

Eighth and Fourteenth Amendments. *Furman v. Georgia*, 408 U.S. 238, 249 (1972).

In 1972, the U.S. Supreme Court struck down Georgia's death penalty system, finding that its arbitrary and inconsistent application constituted cruel and unusual punishment in violation of the Eighth Amendment. *Id*. at 253. Each of the nine justices wrote separate opinions, and each noted that the most severe penalty must not be arbitrarily imposed. Concurring in judgment, Justice Douglas determined that the statutes at issue were "pregnant with discrimination and discrimination is an ingredient not compatible with the idea of equal protection of the laws that is implicit in the ban on 'cruel and unusual' punishments." *Id*. at 257.

Justice Douglas further remarked, "[t]hose who wrote the Eighth Amendment knew what price their forebears had paid for a system based, not on equal justice, but on discrimination." *Id*. at 255. In explaining how the words of the Eighth Amendment prohibits more than just barbaric penalties, he noted that the text "suggest[s] that it is 'cruel and unusual' to apply the death penalty—or any other penalty-selectively to minorities whose numbers are few, who are outcasts of society, and who are unpopular, but whom society is willing to see suffer though it would not countenance general application of the same penalty across the board." *Id*. at 245.

Echoing these principles, Justice Stewart agreed that "if any basis can be discerned for the selection of [the] few to be sentenced to die, it is the constitutionally impermissible basis of race." *Id*. at 310 (Stewart, J., concurring). Concerned about the implications, Justice Brennan, instructed that a State, "even as it punishes, must treat its members with respect for their intrinsic worth as human beings." *Furman*, 408 U.S. at 268, 270 (Brennan, J., concurring).

Four years after *Furman*, the Supreme Court issued *Gregg v. Georgia*, 428 U.S. 153 (1976), in which the Court reaffirmed *Furman*'s mandate that "where discretion is afforded a sentencing body on a matter so grave as the determination of whether a human life should be taken or spared, that discretion must be suitably directed and limited so as to minimize the risk of wholly

arbitrary and capricious action." *Id*. at 188.

However, when tasked with directly addressing the known and documented impact of race on the administration of the death penalty, the Supreme Court declined to do so. In 1987, the Court issued *McCleskey v. Kemp*, in which the Court determined that a comprehensive study (the Baldus Study) that indicated racial discrimination had entered capital sentencing proceedings in Georgia did not present evidence of actual conscious, deliberate sufficient to establish deliberate discrimination in an individual case. 481 U.S. 279 (1987). McCleskey argued that Georgia's capital punishment statute violated the Equal Protection Clause and the 8th Amendment because the Baldus study indicated that "persons who murder whites are more likely to be sentenced to death as persons who murder blacks, and black murderers are more likely to be sentenced to death than white murderers." *Id*. at 291. Rejecting McClesky's claim, and the data that showed a racially disparate application of the death penalty, the Court, in a 5-4 decision, determined that "statistical evidence of racism did not offend the constitution." Liptak, Adam, A Vast Racial Gap in Death Penalty Cases, New Study Finds, N.Y. TIMES (Aug. 3, 2020), https://www.nytimes.com/2020/08/03/us/racial-gap-death-penalty.html.

Notwithstanding clear data that race did play a role at sentencing, the Court reasoned that there exists "safeguards designed to minimize racial bias in the process," citing its own decision in *Batson v. Kentucky*, 476 U.S. 79, 85 (1986). The Court eluded to the notion that it had already eradicated any significant racial disparity in the system with its own "engage[ment] in 'unceasing efforts' to eradicate racial prejudice from our criminal justice system." *Id*. at 309. It further downplayed the significance of McCleskey's claim, noting the importance of juror discretion in protecting those efforts, and dismissing the data as showing "only a likelihood that a particular factor entered into some decisions." *Id*. at 310-12; 308.

Notwithstanding, the Court admitted that its decision was informed by the very risk that

McClesky's claim, "throws into serious question the principles that underlie our entire criminal justice system." *Id*. at 314. The Court feared that acknowledging "racial bias has impermissibly tainted the capital sentencing decision," *id*. at 315, "would open the door to widespread challenges to all aspects of criminal sentencing. *id*. at 339 (Brennan, J., joined by Marshall, J., Blackmun, J., and Stevens, J., dissenting). The Court chose to uphold a constitutionally infirm system to protect death sentences, regardless of its reliability and constitutionality.

In dissent, Justice Brennan commented on the majority's "fear of too much justice," noting that it "does not justify complete abdication of our judicial role" in "preventing the arbitrary administration of punishment." *Id*. at 339 (Brennan, J., joined by Marshall, J., Blackmun, J., and Stevens, J., dissenting).

McClesky was met with strong opposition and regret, even from the Court itself.[14] Four years after authoring the majority opinion, Justice Powell stated that his vote in *McCleskey* was the one he would like to change. Legal scholar and law professor Anthony G. Amsterdam called the opinion the "*Dred Scott* decision of our time." Liptak, Adam, New Look at Death Sentences and Race, N.Y. TIMES, (April 29, 2008), https://www.nytimes.com/2008/04/29/us/29bar.html. Joseph Anthony Lewis, Pulitzer prize winner and creator of the field of legal journalism, commented that the Supreme Court had "effectively condoned the expression of racism in a profound aspect of our law." Lewis, Anthony, Bowing to Racism, N.Y. TIMES, (Apr. 28, 1987), https://www.nytimes.com/1987/04/28/opinion/abroad-at-home-bowing-to-racism.html.

The Baldus study indicated that capital defendants in Georgia charged with killing white victims were four times more likely to be sentenced to death than those convicted of murder Black

[14] A Los Angeles poll named the opinion one of the "worst Supreme Court decisions since World War II." Savage, George, L.A. TIMES, (Oct. 22, 2008), https://archive.ph/20081023193212/http://www.latimes.com/news/nationworld/nation/la-na-scotus23-2008oct23,0,1693757.story.

victims. *McClesky*, 481 U.S. 279. Ten years later, a Florida study indicated a defendant is 4.8 times more likely to receive a death sentence if the victim was white than if the victim is Black, in similarly aggravated cases. The Death Penalty in Black and White: Who Lives, Who Dies, Who Decides, DEATH PENALTY INFO. CTR., (June 4, 1998), https://deathpenaltyinfo.org/research/analysis/reports/in-depth/the-death-penalty-in-black-and-white-who-lives-who-dies-who-decides. Studies conducted across the country and over multiple decades continue to affirm that race does "influence 'the likelihood of being charged with capital murder or receiving a death sentence.'" Liptak, Adam, A Vast Racial Gap in Death Penalty Cases, New Study Finds.

Professors O'Brien and Grosso reviewed the race of homicide victims in Miami-Dade county and compared that data to death sentences originating from the same county. (Att. H) Cases in which the homicide victim is white comprises 47% of the death cases, yet white victims make up only 6-15% of the homicide victims in the entire county. *Id*. This report serves as newly discovered evidence establishing that white homicide victims are overrepresented in cases originating in Miami-Dade county, Jones county of origin, so significantly that the presumption of neutrality is overcome. *Id*. at 2. It is likely the disparate treatment of homicide victims concerning race went undetected for years, because the percentage of death sentences for homicides in Miami-Dade including white victims, 44%, mirrors the percentage of white victims in homicide cases nationwide. *Id*. Recent data from the United States Department of Justice shows that approximately 40% of homicide victims across the United States are white. Bureau of Justice Statistics, Homicide Victimization in the United States, 2023, https://bjs.ojp.gov/document/hvus23.pdf (last visited September 7, 2025). However, when the data is compared to the data from Miami-Dade county, the data clearly establishes a prima facie claim that the treatment of cases originating in Miami-Dade county is disparate concerning the race of homicide victims and defendants. Had the fact finder learned that the death penalty was being administered in an unconstitutional manner, he

would have probably received a life sentence. *Swafford v. State*, 125 So. 3d 760, 767 (Fla. 2013) (citing *Jones v. State*, 591 So. 2d 911, 915 (Fla. 1991) (*Jones I*)); *see also Damren v. State*, 397 So. 3d 607 (Fla 2023) (establishing language required for facially sufficient claim).

CLAIM III

The Unreasonably Truncated And Surprise Nature Of The Warrant Process In Florida Has Denied Jones His Right To A Full, Fairand Meaningful Postconviction Process In Violation Of The Due Process Clause Of The Fifth, Fourteenth, and Eighth Amendments.

The Supreme Court has repeatedly held "that the Eighth Amendment requires increased reliability of the process by which capital punishment may be imposed." *Herrera v. Collins*, 506 U.S. 390 (1993); *McKoy v. North Carolina*, 494 U.S. 433 (1990); *Eddings v. Oklahoma*, 455 U.S. 104 (1982); *Lockett v. Ohio*, 438 U.S. 586, 604 (1978) (plurality). "If the Constitution renders the fact *or timing* of his execution contingent upon establishment of a further fact . . . then that fact must be determined with the high regard for truth that befits a decision affecting the life or death of a human being." *Herrera*, 506 U.S. at 405-406 (quoting *Ford v. Wainwright*, 477 U.S. 399, 411 (1986)). Factual determinations related to the constitutionality of a person's execution are "properly considered in proximity to the execution." *Herrera*, 506 U.S. at 406 (noting competency to be executed determination is more reliable near time of execution whereas guilt or innocence determination becomes less reliable). Whether the imposition of a death sentence violates the Eighth Amendment depends on the facts existing after a death warrant is signed and the determination of these facts requires *increased reliability*.

Unlike other death penalty States, provides no structure to ensure that capital defendants receive due process and a meaningful opportunity to be heard in the final stage of litigation. The reality is that this structure has resulted in a process that fails to conform with the requirements of the Fifth, Sixth, Eighth and Fourteenth Amendements facially and as applied to Jones.

"No State shall . . . deprive any person of life, liberty, or property without due process of

law." Amend. XIV, U.S. Const. "A fundamental requirement of due process is 'the opportunity to be heard' . . . which must be granted at a *meaningful time* and in a *meaningful manner*." *Armstrong v. Manzo*, 380 U.S. 545, 552 (1965) (quoting *Grannis v. Ordean*, 234 U.S. 385, 394 (1914)); *see Ford v. Wainwright*, 477 U.S. 399 (1986). "It is axiomatic that due process 'is flexible and calls for such procedural protections as the particular situation demands.'" *Greenholtz v. Inmates of Nebraska Penal and Correctional Complex*, 442 U.S. 1, 13 (1979) (*Morrissey v. Brewer*, 408 U.S. 471, 481 (1972)). "[T]he process due in any given instance is determined by weighing the private interest that will be affected by the official action against the Government's asserted interest, including the function involved and the burdens the Government would face in providing greater process." *Hamdi v. Rumsfeld*, 542 U.S. 507, 529 (2004) (quoting *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976) (internal quotations omitted). The State seeks to kill Victor Tony Jones, who is "a living person and consequently has an interest in his life." *Ohio Adult Parole Authority v. Woodard*, 523 U.S. 272, 288 (1998) (O'Connor, J. concurring). Neither Jones's death sentence nor the impossibility of freedom extinguish this interest. *Id.* at 291 (Stevens, J. concurring) ("There is no room for legitimate debate about whether a living person has a constitutionally protected interest in life. He obviously does."). Thus, the State must afford Jones meaningful process. "The basic cornerstones of procedural due process are notice of the case and an opportunity to be heard." *A&S Entm't, LLC v. Fla. Dep't of Revenue*, 282 So. 3d 905, 908 (Fla. 3rd DCA 2019). Under the Fourteenth Amendment, this Court owes Jones a full and fair hearing "to *substantiate a claim before it is rejected*." *Ford v. Wainwright*, 477 U.S. 399, 411 (1986) (quoting *Solesbee v. Balkcom*, 339 U.S. 9, 23 (1950) (Frankfurter, J. dissenting)).

Counsel for Jones received notice at 12:07 p.m. on Friday, August 29, 2025, that the Governor had signed a warrant for Jones' execution on September 30, 2025. Within the hour, the Florida Supreme Court issued a scheduling Order directing "that all further proceedings in this

case be expedited." Scheduling Order, *Jones v. State*, SC1960-81482 (Fla. Aug. 29, 2025). The court ordered that this Court's court proceedings "shall be completed and orders entered . . . by no later than 11:00 a.m. Friday, September 12, 2025." *Id*. Due to the holiday, this Court was unable to hold a case management conference and address scheduling of the circuit court proceedings until Tuesday, September 2, 2025 at 11 a.m.

The truncated schedule serve to deprive Jones of the right to a meaningful hearing. [T]his Court's order required Jones's records demands be filed three business days after the signing of the warrant and his claims within 5 business days. Notably, two holidays fall within Jones' warrant period - Labor Day and the Jewish New Year of Rosh Hashanah. Notably, even though this court held a hearing on records, just yesterday, Sunday, September 7, 2025, the Office of the Attorney General had to file an amended response because they had erroneously denied the existence of any records in their possession that were asked for in Jones' records demand. While this system disrupts counsel's life, the world does not operate on the same schedule. Counsel's constitutional and statutory duties to capital clients is extensive, including in late-stage proceedings. The surprise nature of the warrant and limited length of the proceedings impacts counsel's ability to investigate the case, contact witnesses, and schedule meaningful visits with the client.

DOC limits access to clients on death row. Counsel is not permitted to speak with him on weekends, holidays, or after hours, and only for 30 minutes. Nor are experts permitted to conduct evaluations during these times. Calls, visits, and expert evaluations are approved subject to availability due to the overlapping warrants, which means at least two capital defendants are on death watch at a time. On two occasions recently, the prison had to accommodate calls and visits for three defendants at once. The process frustrates counsel's ability to meet ethical duties. Jones suffers from intellectual disability, brain damage, and post traumatic stress disorder, and limited phone calls impacts counsel's ability to communicate effectively with Jones about the proceedings.

Jones is housed more than five hours from the CCRC-South office, making it impossible to meet with Jones as often as is necessary while *also investigating and presenting his claims*. Counsel cannot effectively represent Jones under these circumstances.

Jones is unaware of any other state which sets such a short warrant period. Several states provide by statute or rule a minimum of 90 days in which to raise challenges under warrant. In Missouri, Texas, and California, when an execution warrant is signed, the execution must be set for no earlier than 90 days. Tex. Code Crim. Proc. Ann. art. 43.141(c) (2015); Mo. Sup. Ct. R. 29.08 (2014); Cal. Penal Code § 1193 (2024). The Missouri Supreme Court Rules provide a window of between 90-120 days for the warrant period. Mo. Sup. Ct. R. 29.08. Oklahoma requires that an execution be set not be less than 60 days from the issuance of a warrant. Okla. Stat. Ann. tit. 22, §1001 (2025). Louisiana also requires a minimum warrant period of 60 days and provides up to 90 days from the warrant being issued. La.Stat. 15:567(B) (2024). In Ohio, the Supreme Court sets the execution date between 2-3 years in advance, and there is no surprise and adequate time for stakeholders to conduct meaningful review.

The signing of a warrant is a surprise to the Defendant, Defense counsel, and the courts.[15] The process is needlessly disruptive and unduly burdensome on all parties and the judicial system's limited resources. Trial level courts must quickly clear schedules and move other cases to accommodate the emergency hearings. While thisCourt may be able to set the hearings and clear the calendar. This Court has never heard proceedings in this case and is faced with an impossible task – becoming familiar in a matter of days with a case that spans decades, includes thousands of pages of records throughout which Jones has presented detailed and compelling evidence

[15] It appears the Attorney General's Office has some notice as indicated by the fact that the warrant is accompanied by a letter from the Attorney General's Office, dated the same day as the warrant, laying out the facts and procedural history of the case.

undermining the reliability of his sentence.

The burden on the Court also impacts court staff. The court reporter is tasked with turning around transcripts from each hearing in a matter of hours. The Clerk's office is given just 6 hours to compile the record on appeal to submit to the Florida Supreme Court. Outside agencies are required to respond to records demands in 24 hours or less and appear at emergency court hearings regardless of their availability. Moreover, the agencies are given less than 24 hours to conduct record searches. While most of the agencies made some effort to locate records, the Okeechobee County Sheriff's Office refused to conduct any search and this Court sustained their argument that the request was unduly burdensome – even though it is clear that the Sheriff must have records pertaining to the Okeechobee School. Despite Jones's right to access records, the truncated process and the Court's allowing of agency's to refuse to search for records has rendered the proceedings meaningless. As noted above, agencies do not have sufficient time to even confirm whether they have records and the Court does not have sufficient time to review any claimed exemptions in camera and determine whether the records should be disclosed.

Because Jones's counsel had no notice that the warrant would be signed or when, counsel could not know to schedule other cases, work, travel, or medical appointments, around the current warrant period. The unnecessarily truncated process coupled with the surprise nature creates an untenable and impossible situation. Again, this does not account for the expectation that witnesses and experts can and will clear their own schedules to accommodate the truncated process. While Judges and counsel for all parties must cancel necessary medical appointments, scheduled travel, or attend hearings notwithstanding any illness, regardless of severity, it is unreasonable to assume that experts, witnesses, and family of both the client and counsel are even able to do the same.

Moreover, the process impacts counsel's ability to effectively represent other clients. While Rule 3.851(h)(2) provides that warrant proceedings take precedence over all other cases and courts

may be willing to move previously scheduled hearings, counsel is not absolved from her ethical and constitutional obligations to other clients. The very nature of warrant proceedings under this truncated time frame requires around the clock representation of just a single client.

Jones faces imminent execution. Fundamental notions of dignity and fairness demand that he be able to challenge his death sentence through meaningful collateral proceedings, and the current warrant selection process precludes Jones from doing so in a manner that meets constitutional scrutiny. While Jones may not receive relief from any court, the historical record will show that Florida extinguished any meaningful way to challenge imminent executions. History will view this time in Florida's Justice System with ignominy. *See* Austin Sarat, In the World of capital Punishment, Florida is Becoming the New Texas, The Hill (Aug. 26, 2025), https://thehill.com/opinion/criminal-justice/5469150-desantis-death-penalty-spike-executions/.

CONCLUSION AND RELIEF SOUGHT

Jones requests an evidentiary hearing on all claims needing factual development and a stay of his pending execution.

Respectfully submitted,
/s/ Marie-Louise Samuels Parmer
MARIE-LOUISE SAMUELS PARMER
Special Assistant CCRC-South
Fla. Bar No.: 0005584
Marie@samuelsparmerlaw.com

BRITTNEY N. LACY
Assistant CCRC-South
Fla. Bar No. 116001
lacyb@ccsr.state.fl.us

JEANINE L. COHEN
Staff Attorney
Fla. Bar No. 128309
CohenJ@ccsr.state.fl.us

Capital Collateral Regional Counsel South

110 SE 6th Street, Suite 701
Fort Lauderdale, Florida 33301

Respectfully submitted,

/s/ Marie-Louise Samuels Parmer
MARIE-LOUISE SAMUELS PARMER
Special Assistant CCRC-South
Fla. Bar No.: 0005584
Marie@samuelsparmerlaw.com

BRITTNEY N. LACY
Assistant CCRC-South
Fla. Bar No. 116001
lacyb@ccsr.state.fl.us

JEANINE L. COHEN
Staff Attorney
Fla. Bar No. 128309
CohenJ@ccsr.state.fl.us

Capital Collateral Regional Counsel-South
110 SE 6th Street, Suite 701
Fort Lauderdale, Florida 33301
(954) 713-1284 (Tel.)
(954) 713-1299 (Fax)
COUNSEL FOR MR. JONES

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing pleading has been electronically filed through the Florida State Courts e-filing portal and served to the parties listed below on September 8, 2025.

/s/ Brittney N. Lacy
BRITTNEY N. LACY
Fla. Bar No.: 116001
Assistant CCRC-South

Copies furnished to:

Hon. Lody Jean, Circuit Judge
Eleventh Judicial Circuit
F015@jud11.flcourts.org
JA: Lizette Rusconi:
lrusconi@jud11.flcourts.org

Patricia Gladson, General Counsel
Office of the General Counsel, 11th Jud. Cir. Ct.
pgladson@jud11.flcourts.org

Luis G. Montaldo, General Counsel
Miami-Dade Clerk of Court
cocgencounsel@miamidade.gov

Jennifer A. Davis, Senior Counsel
Office of the Attorney General
Jennifer.Davis@myfloridalegal.com
capapp@myfloridalegal.com
Lourdes.Parodi@myfloridalegal.com
Paula.Montlary@myfloridalegal.com

Leslie Campbell, Special Counsel
Office of the Attorney General
Leslie.Campbell@myfloridalegal.com
Julie.Meyer@myfloridalegal.com

Lisa-Marie Lerner, Special Counsel
Office of the Attorney General
LisaMarie.Lerner@myfloridalegal.com

Scott A. Browne, Chief Assistant
Office of the Attorney General
scott.browne@myfloridalegal.com

Stephen Ake, Assistant Attorney General
Office of the Attorney General
Stephen.Ake@myfloridalegal.com

Abbe Rifkin, Assistant State Attorney
Miami-Dade County State Attorney's Office
AbbeRifkin@MiamiSAO.com
FelonyService@MiamiSAO.com

Reid Rubin, Assistant State Attorney
Miami-Dade County State Attorney's Office
ReidRubin@MiamiSAO.com

Florida Supreme Court Clerk
warrant@flcourts.org

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

VICTOR T. JONES,

Petitioner,

v.

SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS,

Respondent.

ON PETITION FOR WRIT OF CERTIORARI
TO THE SUPREME COURT OF FLORIDA

APPENDIX C1

CAPITAL CASE

DEATH WARRANT SIGNED
EXECUTION SET SEPTEMBER 30, 2025, AT 6:00 P.M.

Dr. Castillo Psychological Evaluation of Victor Jones, September 7, 2025

YENYS CASTILLO, PH.D.

Clinical and Forensic Psychologist
649 NW 97 Place | Miami, FL 33172
Tel. 786-234-4579 | Fax. 786-524-5966 | dryenyscastillo@yahoo.com

PSYCHOLOGICAL EVALUATION (CONFIDENTIAL)

Defendant: Victor Tony Jones
Date of Birth: 5/1/1961
Case: State v. Victor Tony Jones
90-50143
Location: Florida State Prison

Attorney: Capital Collateral Regional Counsel (CCRC-South)
110 SE 6th Street, Suite 701
Fort Lauderdale, FL 33301-5001

Examiner: Yenys Castillo, Ph.D.
Evaluation Date: 9/4/2025, 9/5/2025
Report Date: 9/7/2025

REFERRAL SUMMARY

At the request of Capital Collateral Regional Counsel (CCRC-South), I conducted a psychological evaluation of Victor Tony Jones to assess his psychological functioning and offer diagnostic impressions. Mr. Jones is currently under a death warrant.

NOTIFICATION

At the outset of the evaluation, I informed Mr. Jones of the nature and purpose of the assessment, as well as the limits of confidentiality. I specified that my role was evaluative. I also informed him that my findings and opinions would remain within the attorney-client privilege until his attorney's release. At that point, all my findings would be discoverable. Mr. Jones demonstrated an understanding of these parameters and consented to the evaluation.

EVALUATION METHOD AND SOURCES OF INFORMATION

My findings, inferences, and opinions of this case are based on the following sources:

- Clinical Interviews with Mr. Victor Tony Jones at Florida State Prison (9/4/2025, 2 Hours; 9/5/2025, 2 Hours)
- Victor Tony Jones, Florida School Records
- Victor Tony Jones Social Worker Notes with School Records
- Florida School of Boys at Okeechobee Register of Inmates, Eckerd Youth Development Center (1975-1978)
- Jackson Memorial Hospital Discharge Summary (6/15/1975)
- Florida Department of Corrections Admission Summary (1/4/1988)
- Jackson Memorial Hospital Records (12/19/1990)

- Dr. Jethro Toomer Pretrial Workup Profiles (1992)
- Sentencing Order (3/1/1993)
- Jones v. State Direct Appeal Opinion (1/12/1995)
- Florida State Prison Mental Health File Excerpts (1993-1997)
- Pamela Mills Affidavit (7/24/1998)
- Dr. Ruth Latterner Competency Evaluation (1999)
- Dr. Jane Ansley Neuropsychological Evaluation (1999)
- Dr. Hyman Eisenstein Testimony (July 2000)
- Dr. Glenn Caddy Assessment (2003)
- Dr. Hyman Einstein Affidavit
- Dr. Enrique Suarez Evaluation (9/30/2005)
- Postconviction IAC Hearing
- Dr. Hyman Eisestein Atkins Hearing Testimony (January 2006)
- Order Denying Initial Postconviction Motion
- Opinion Affirming Denial of Postconviction Relief
- Eckerd Youth Development Records
- Letter from Superintendent
- Videorecording of Florida Senate Committee on Government Oversight and Accountability (2/6/2024)
- Videorecording of Florida Senate Appropriations Committee on Criminal and Civil Justice (02/20/2024)
- Videorecording of Florida Senate Fiscal Policy Committee (2/27/2024)
- Videorecording of Florida House Judiciary Committee (2/7/2024)
- Videorecording of Florida House Appropriations Committee (2/20/2024)
- Marshall Projects Article: "Dozens of Teens who Spent Time at Abusive Florida Reform School Ended up on Death Row" (7/14/2025)
- House of Representatives Staff Final Bill: "Dozier School for Boys and Okeechobee School Victim Compensation Program."
- CCRC-South Synopsis of Testimony Presented at Trial and Postconviction (9/3/2025)

BIOPSYCHOSOCIAL INFORMATION

I obtained the following information through interviews with Mr. Victor Jones and a review of available records. Across sources, the details were largely consistent. Mr. Jones noted that he does not remember some ages and timeframes, which is not unusual. Given that many of the events in question occurred more than five decades ago, some normal memory decay is expected. Moreover, the combined effects of stress, trauma, and disrupted life narratives may impact memory in survivors of trauma. In addition, Mr. Jones has a history of head injuries and sustained a gunshot to the head in 1990 which required removal of part of his frontal lobe. Despite these neurological challenges, the core experiences Mr. Jones reports, particularly those concerning the abuse he endured, remain highly consistent with collateral accounts and records. Any inconsistencies in his memory pertain not to whether these events occurred, but to their sequencing and duration.

FINDINGS REGARDING ADVERSE DEVELOPMENTAL FACTORS

Developmental experience plays an important role in a person's likelihood of engaging in juvenile delinquency and violent offending. Studies sponsored by the U.S. Department of Justice and the National Academy of Sciences, among other institutions, consistently reveal that the interplay between risk and protective factors largely explain people's path toward delinquency, criminality, and violence (Hawkins et al., 2000; Wasserman et al., 2003). An analysis of Victor Tony Jones' background revealed the presence of multiple toxic formative influences or adverse developmental factors, which can be grouped into five categories: transgenerational, neurodevelopmental, family or parenting, community, and disturbed trajectory.

TRANSGENERATIONAL FACTORS

Transgenerational factors act across multiple generations through genetic predispositions, sequential damage, and faulty modeling. According to my findings, Mr. Jones' transgenerational risk factors are:

1. Family dysfunction and distress
2. Predisposition to substance abuse

Human development is influenced by biological, social, and environmental forces across generations, with genetic vulnerabilities, family dysfunction, and maladaptive modeling all contributing to risk (Bronfenbrenner & Morris, 2006; National Academies of Sciences, Engineering, and Medicine, 2019). Victor Jones reported that he abused multiple substances and Quaaludes were his drug of choice. The DSM-5-TR explains that Sedative-Hypnotic Use Disorder, like other substance use disorders, develops through a combination of individual, family, peer, and environmental influences, noting: "Within these domains, genetic factors play a particularly important role both directly and indirectly. Overall, across development, genetic factors seem to play a larger role in the onset of sedative, hypnotic, or anxiolytic use disorder as individuals age through puberty into adult life" (APA, 2022).

Victor Jones described a family history fraught with substance use and dysfunction. He was primarily raised by Laura Long, whom he believes may have been his mother's aunt, and also spent time with her sisters, Beatrice and Mary. Victor recalled, "We got passed around from sister to sister. Nobody told us why." Laura Long frequently used severe physical discipline, a behavior Victor noted was likely learned from her own mother, who was "real mean" and physically abusive. He also remembered his maternal grandmother hitting him and his siblings with belts, shoes, or anything at hand, though he barely remembers her and does not know her name. She lived near Beatrice after Victor's father passed and reportedly drank heavily. His mother, Constance Laverne Jones, was a chronic alcoholic whose life was dominated by drinking and ultimately died from cirrhosis. Beatrice, another maternal figure, also drank heavily, though Victor is unsure whether she had an addiction, and his maternal grandfather was unknown to him.

Mr. Jones reported that Laura Long instructed her son, Lawrence, to use the same severe and capricious discipline she employed and that she exhibited mood swings and hoarding

behaviors. Mr. Jones noted that his family was not open about mental health issues. Hence, much remains unknown. Regarding his paternal family, Mr. Jones said he did not meet his grandparents and has very limited knowledge of his father, John Henry Jones, who died when he was an infant; he was told his father fell from a seven-story building, but the circumstances remain unknown.

Mr. Jones identified five older siblings: Lionel, Michael, Pam, Valerie, and John, and two younger siblings, Frank and Ellis. He emphasized that, regarding his siblings, "We would not be told necessarily who the dads were." Lionel, the oldest sibling, grew up with Beatrice in Brownsville and developed a heroin addiction after being drafted to Vietnam and being exposed to combat trauma. Later in life, he was involved in a high-speed chase where police shot him through the back, killing him. Mr. Jones was about 18 years old when Lionel died. Michael, another older sibling, struggled with substance abuse, including heroin, and contracted AIDS. He was found dead in a burned apartment under circumstances unknown to Mr. Jones.

Pamela Mills "struggled mentally" after enduring physical and sexual abuse during childhood at the hands of Laura Long and her son, Lawrence. She also abused drugs for years and contracted AIDS, though Mr. Jones is unsure of her current whereabouts. In her affidavit, Pamela Mills stated: "Even as an adult, I'm still suffering the consequences of the abuse I received as a child. I've used my share of drugs over the years, had sex with lots of different men; I'm now diagnosed with AIDS. I've tried to kill myself several times and am now in therapy. I don't know how Victor has survived because he received more abuse than I did."

Valerie Mills experienced severe psychological distress after being raped by a neighbor in Brownsville. She later contracted HIV and died from AIDS sometime after 2003. John, another sibling with a different father from Victor, died while living with his father on a farm in North Carolina when he was accidentally run over by a tractor while working. Mr. Jones believes he was an adult when he learned of John Henry's death, though he does not recall his exact age.

Mr. Jones also has two younger siblings. Frank was raised by a woman named Claudia, whom he believes was one of the sisters of Laura, Mary, and Beatrice, and he thinks Frank graduated from college. Ellis, the youngest, was last seen when he was still an infant; he and Mr. Jones' mother were living in Miami when she fought with her boyfriend and abandoned the child. Mr. Jones indicated that his maternal cousin Carl Leon Mills abused crack cocaine.

FAMILY AND PARENTING FACTORS

Family and parenting factors are problems originating within the family context. According to my findings, Mr. Jones' family and parenting risk factors are:

1. Maternal Abandonment
2. Housing Instability and Inconsistent Caregiving

3. Physical Abuse and Exposure of Physical Abuse of Sister Pamela and Cousin Carl
4. Exposure to Sexual Abuse of Sister Pamela Mills and Further Physical Abuse
5. Physical Abuse
6. Psychological Abuse
7. Psychological Neglect
8. Medical Neglect
9. Educational Neglect
10. Supervisory Neglect: Poor Guidance and Supervision
11. Family Exposure and Participation in Drug Use

Maternal Abandonment

Early maternal neglect can profoundly disrupt a child's sense of security and self-identity, undermining the foundation for healthy emotional and social development. Mr. Jones indicated that his mother, Constance Laverne Jones, gave her children up when they were young and moved to New York. Eventually, Victor and some siblings later traveled to New York to find her, only to encounter neglect and a lack of emotional warmth. Pamela Mills noted in her affidavit, "We got passed from relative to relative. It really bothered Victor that our mother was never around. He'd cry and cry for her." During his penalty phase, Dr. Toomer testified that Victor's sense of abandonment was intensified when he attempted to reconnect with his mother but was again met with rejection.

Housing Instability and Inconsistent Caregiving

Inconsistent caregiving and housing instability can disrupt a child's ability to form secure attachments and increase their risk for psychological difficulties and healthy development. Mr. Jones recalled that he and his siblings were frequently passed among various relatives without explanation, contributing to confusion about family relationships: "We got passed around from sister to sister. Nobody told us why."

Mr. Jones stated that he lived primarily with Laura Long, along with his sister, Pamela, and his cousin, Carl Leon. At one point, they temporarily lived with Carl's parents, whom Victor described as "sweet," but Laura eventually returned to take them back, after which he said, "After that, we were stuck with Laura Long." Occasionally, they stayed with Beatrice, another aunt, while most of the time they remained with Laura. In Laura's household, Victor lived with Carl, Pamela, himself, and two female cousins temporarily, attending school in Perrine. When staying with Beatrice in Brownsville, he and his siblings—Valerie, Lionel, Michael, and himself—lived there while Michael spent considerable time on the streets. His younger brother, Frank, lived with Claudia, another aunt, whom Victor believed was one of the sisters. Victor explained, "We were all passed around," noting that Beatrice and Mary were kind caregivers. He also recalled believing that Laura had retained custody because she was receiving welfare benefits for the children.

Physical Abuse and Exposure of Physical Abuse of Sister Pamela Mills and Cousin Carl Leon Mills

Physical abuse, as defined by the Centers for Disease Control and Prevention (CDC), is the deliberate use of physical force that causes or has the potential to cause injury (Leeb et al., 2008). Victor Jones reported that he went to live with Laura Long at approximately two. He described severe physical abuse in the household at the hands of Laura Long, her son Lawrence, and her mother. On some occasions, Laura required Victor, his sister, and his cousin to select the switch with which they would be beaten, forcing them to participate in their own punishment. Mr. Jones recalled, "I was slow. So, Laura would beat the hell out of me sometimes." He recounted that Laura Long once struck him with the heel of a shoe, splitting his head open. Beatrice intervened and told Laura to take Victor to the hospital and he received sutures. However, Laura controlled communication with the medical staff. Victor also remembered waking up to beatings for no apparent reason, being punished while wet in the shower, and retreating to the back of a closet to cry and pray. Laura's boyfriend, Sergeant Hunt, would also beat Victor and the other children in the home.

In her affidavit, Pamela Mills corroborated Victor's account, stating that she, Victor, and their cousin Carl Leon Miller were subjected to frequent and severe physical punishment by Laura and Lawrence. Aunt Laura required them to remove all their clothes during beatings to increase pain and used belts, belt buckles, or any available implements. She would hit the children while they were in the bathtub, and the abuse would leave welts, nosebleeds, and facial injuries that lasted for days. Pamela Mills stated that Lawrence would also beat them or enforce Laura's punishments. Victor, she noted, "got it worse."

Carl Leon Mills, Victor's cousin, confirmed the abuse of Dr. Fisher and Dr. Eisenstein. He described living in Laura Long's household with Victor, Pam, Valerie, and Lawrence. He corroborated that Lawrence acted as the household "enforcer," delivering forceful beatings with belts both under Laura's instruction and on his own. Carl stated, "Sometimes we get it one day. Sometimes you get it two times a day, according to what you did or the way they felt," and noted that he "couldn't put a number" on the total beatings, explaining there were "too many times." He also reported that other men living in the household, including Sergeant Hunt, participated in abuse, though Reverend Long did not physically discipline them due to his lack of strength. Carl described his and Victor's close relationship during that time, stating they were "like brothers, very close." Dr. Eisenstein noted that family members, including Valerie corroborated the abuse. Laura herself admitted to disciplining the children with switches and belts, often waking them early in the morning specifically to administer beatings.

Victor's trial attorney, Koch, acknowledged that Victor had informed him about the abuse he, Pamela, and Carl endured at the hands of Laura Long and Lawrence. Victor emphasized to Koch that "this was a beating, not a spanking." Dr. Fisher confirmed that Carl Leon Miller's account supported Pamela's disclosure, noting the information was "consistent both with the written statement he had given" and with the statements from others. Dr. Eisenstein similarly confirmed through Carl that Lawrence was the enforcer, who would whip them with belts according to Laura's instructions or his own impulses.

Exposure to Sexual Abuse of Sister Pamela Mills and Further Physical Abuse
Victor Jones reported that Lawrence, Laura Long's son, sexually abused his sister Pamela for years beginning in childhood. He recalled one instance when he and his cousin Carl walked in on Lawrence assaulting Pamela. They told their aunt, who momentarily removed Lawrence from the house but did not prevent the abuse from continuing. Victor stated, "There were times I would try to help Pam, and they would beat me for it. Lawrence would whoop my ass when I tried to stop the abuse."

Dr. Eisenstein reported that Valerie also confirmed Lawrence sexually abused Pamela, which eventually resulted in Pamela becoming pregnant. The family kept the abuse hidden for years. Pamela noted in her affidavit that Lawrence began sexually abusing her when she was six or seven years old and impregnated her when she was still a child. She mentioned that Victor would try to stop Lawrence from molesting her, which caused Lawrence to hate Victor. She described Lawrence's assaults on Victor in graphic detail, noting that he "would punch Victor in the face and grab him by the shoulders and slam him against the wall, and he slid down the wall onto the floor." Pamela explained that Victor would stay still and play dead to try to stop the attacks, but Lawrence would "just throw water at Victor and keep beating him up" and "threw Victor around the room like he was a piece of paper." She emphasized that Lawrence beat Victor daily using "belts, sticks, boards, and chairs," and that his face would "get very scary" when angry. Pamela characterized Lawrence as "very big and muscular…an animal," noting that he even tied Victor to a chair to keep him away so Lawrence could continue forcing her to have sex.

Psychological Abuse
According to the Centers for Disease Control and Prevention (CDC), psychological abuse involves caregiver behaviors that make a child feel worthless, unloved, or valued only for meeting another's needs (Leeb et al., 2008), a pattern consistent with Mr. Jones' experiences. He recounted, "Back then, Laura and the family kept things quiet. We were not supposed to talk." Victor also stated that Laura Long would target him for his intellectual difficulties, often punishing him severely.

Pamela Mills corroborated these accounts in her affidavit, describing the psychological abuse she, Victor, and their cousin Carl endured. Aunt Laura treated her own son, Lawrence, as if he could do no wrong while constantly berating Victor and Pamela, calling them "devilish" and enforcing hundreds of rules, many of which Victor could not remember due to learning difficulties. Pamela stated that Laura would treat them like step kids.

When caregivers compel children to keep abuse a secret, it constitutes psychological abuse, as it manipulates the child's emotions and distorts their sense of reality. Victor Jones reported that being forced into silence about the abuse he and other children endured in Laura Long's household intensified his feelings of shame, guilt, and self-blame. He noted that the inaction of some family members in the face of this abuse, combined with the coercion to remain silent, was one of the most traumatic experiences of his life.

Psychological Neglect

Psychological neglect involves a caregiver's failure to provide emotional support, love, and protection from emotional harm (Leeb et al., 2008). Mr. Jones reported receiving little affection during his childhood, with only Beatrice and Mary showing some warmth. Victor described moving between caregivers, including Beatrice, Laura, and Mary and not even knowing how they were related to him. He recalled, "It was really dysfunctional in my family, and we were not told who family was. She (Laura) did not treat us like family." Mr. Jones said he had limited contact with a paternal uncle called "Rainy" and his wife. He noted that Rainy "would not say 'I love you' or act like an uncle," and would not hug or smile at him. His wife then told Victor that his uncle struggled seeing him because he resembled his deceased brother. Mr. Jones noted that his mother was also unaffectionate.

Medical Neglect

Medical neglect occurs when a caregiver fails to provide necessary medical or mental health care, including withholding or delaying treatment (Leeb et al., 2008). Victor Jones reported that during his childhood, he did not attend regular medical appointments. When he was severely beaten, Laura Long often avoided seeking medical attention to prevent detection. He recalled an incident when she struck him with the heel of a shoe, splitting his head open. Beatrice, who witnessed the event, insisted that he be taken to the hospital, where he required sutures. Even then, Laura controlled communication with the medical staff and misrepresented the cause of his injury. Later, while living with his mother in New York, she was frequently intoxicated and similarly failed to provide necessary medical care for him and his siblings.

Educational Neglect

Educational neglect, as defined by the CDC, occurs when caregivers fail to provide appropriate education, including excessive absences, failure to enroll a child, or encouragement of school dropout (Leeb et al., 2008). Victor Jones' caregivers were disengaged from his academic and social development, contributing to persistent educational struggles. He did not receive much academic support . Later, when he lived in New York with his mother, he observed that Beatrice, whom he believed was his mother's aunt, became upset because his mother failed to ensure he attended school or received any academic encouragement or assistance.

Supervisory Neglect: Poor Guidance and Supervision

Supervisory neglect occurs when caregivers fail to ensure a child's safety and provide the necessary structure for emotional and developmental growth (Leeb et al., 2008). Victor Jones reported being left unsupervised throughout his childhood. While living with Laura Long's mother, he recalled climbing mango trees and falling multiple times, hitting his head, and becoming unconscious. Later, when he went to live with his mother in New York, she was frequently intoxicated and unable to supervise him. This lack of structure, combined with living in a marginal neighborhood, exposed him to crime, drugs, violence, and negative peer influences. Pamela Mills corroborated that she managed to leave the household after being sexually abused by Lawrence, and Victor ran away at age 11 to stay with her in New York. Even in that environment, Victor remained unsupervised, as

his mother continued to struggle with alcoholism and substance use, leaving him vulnerable to further harm.

Family Exposure and Forced Participation in Drug Use
Victor Jones indicated that when he was a child, Lawrence, forced him to take drugs to "to toughen (him) up." Lawrence introduced him to marijuana and pills, including Quaaludes, which Victor described as providing temporary relief for the beatings. Victor quickly became dependent on these drugs.

After moving to New York with his mother, Victor continued to witness substance abuse at home. His mother "drank all the time" and frequently passed out, sometimes in public, leaving him and his sister Valerie to observe humiliating behavior, including urinating on the streets in Brooklyn. In addition, Victor used drugs with older siblings like Valerie and Michael, which further normalized substance use during his formative years.

COMMUNITY FACTORS
Community factors are problems stemming from individuals' neighborhoods and other social contexts. According to my findings, Mr. Jones' adverse community factors were:

3. Growing Up in Communities Fraught with Drugs, Criminality, Racism, and Violence
4. Association with Negative Peers and Involvement in the Juvenile System
5. Confinement to the Okeechobee School for Boys
6. Exposure to Institutional Violence at Other Juvenile and Correctional Facilities
7. Deficient Community Support and Intervention

Growing Up in Communities Fraught with Drugs, Criminality, Racism, and Violence
Neighborhood conditions are important determinants of children's experiences as they shape their safety, development, and access to opportunities (Shonkoff & Phillips, 2000). Victor Jones grew up in Miami and New York neighborhoods where drugs, crime, and violence were widespread. In Miami, he lived in Brownsville near Liberty City and Overtown with Beatrice, areas plagued by violent crime and pervasive drug activity. He recalled that his sister Valerie was raped by a man in the neighborhood whom he described as "a violent man, a killer type." During this time, he also intervened when his brother's girlfriend, Elena Ramirez, was being trafficked, convincing Beatrice to let her stay with them. Ramirez later died from cancer in the 2000s.

In Perrine and Cutler Ridge, where Victor lived at times with Laura Long, he was exposed to drug culture especially LSD. Mr. Jones also recalled the racism of the 1960s, including seeing news reports of Black men who had been lynched and living with the daily reality of segregation. Mr. Jones stated that when he moved to Harlem, New York, he did not experience overt racism, but he was exposed to high levels of community violence and drug abuse.

Association with Negative Peers and Involvement in the Juvenile System
During adolescence, peers become important in shaping behavior. For socially vulnerable youth with limited supervision and low self-esteem, the pressure to conform to negative

peer groups can be particularly harmful. Victor Jones, whose cognitive limitations and lack of consistent guidance made him especially susceptible, reported that in the neighborhoods where he lived, he began associating with peers who used drugs and engaged in criminal activity. Following the patterns of older peers, he started using substances and committing offenses, which led to repeated arrests and involvement with the juvenile justice system. Mr. Jones remembered being sent to different group homes and juvenile institutions as a child. He said, "Any group home was better than home. It was a living hell with Laura Long." Although these placements gave him some relief from the abuse, he was repeatedly returned to Laura's care, which he described as devastating.

He admitted that at times he would intentionally commit burglaries or skip probation requirements to be removed from her home. However, by this stage, his growing drug dependence made it nearly impossible for him to comply with probation, creating a cycle of reoffending, placement, and return. The combination of peer influence, substance dependence, and a desperate need to escape abuse set the foundation for ongoing struggles with the juvenile system and later adult incarceration.

Confinement to the Okeechobee School for Boys

Victor Jones, born 5/1/1961, was confined to the Okeechobee School for Boys on four occasions during his adolescence, according to official inmate records. At the age of 14, he was first placed there from August 21, 1975, to September 2, 1975, a period of about two weeks, before being transferred to Pinellas House. At age 15, he returned from 6/18/1976 to 9/2/1976, spending roughly two and a half months in custody. At age 16, he endured his longest stay, from 5/10/1977 to 3/15/1978, lasting just over 10 months. Finally, at age 17, he was sent back from August 15, 1978, to August 31, 1978, a little over two weeks, after which he was transferred to the Here's Help Program. These confinements disrupted Victor's education and exposed him to further abuse.

Victor Jones reported that during his time at the Okeechobee School for Boys, he struggled academically and received no support for his learning difficulties. The ongoing physical and psychological abuse he experienced there made it increasingly difficult for him to concentrate. Furthermore, the credits earned at Okeechobee could not be transferred to a regular school upon returning home, which made it harder for him to catch up academically and limited his eligibility for high school graduation.

Victor Jones described Pinellas as a halfway house where he and the other boys were required to perform chores and clean the facility, essentially working without pay. They were subject to a strict curfew and occasional group sessions. Still, these were largely ineffective, as most of the counselors did not foster a safe or supportive environment, and the boys were unwilling to share information. On one occasion, Victor returned on time after being out with girls, but another boy stayed out longer. Despite Victor following the rules, he was placed in lockdown along with the other boys and was forced to work in the yard under the sun for hours.

Victor Jones reported that while at Okeechobee, guards routinely subjected him and other children to harsh, indiscriminate physical abuse. He recalled that the guards were often drunk on duty and used thick belts and paddles to administer random beatings without cause. "I was beaten by the guards many times. Too many to count… We were getting whopped constantly for no reason," he said. Reflecting on the violence, he suggested, "I think they were beating us because they maybe were fed up with something going on at home that had nothing to do with us." He described the assaults as leaving bruises, welts, and bleeding, with no protection or intervention. "You couldn't cry," he explained. "If you did, they'd make you pay," noting that any show of distress only invited more abuse.

Victor also recalled that the guards frequently used derogatory or racist names. In addition, crying or visible distress led to further beatings. Nevertheless, the abuse seemed driven more by the guards' own personal frustrations rather than the children's behavior. Some children who had family visitors in the prerelease program were treated slightly better, as the guards were careful about whom they disciplined in their presence; Victor explained, "Some kids had visitors… So, the guards were careful who they marked with the beatings because they knew the family was coming. But nobody would visit me. They beat those who did not have a family like mine." He described the pervasive fear and helplessness that defined daily life at Okeechobee, noting that he has blocked many of the details from memory, referring to them as a period in his life that he has "tried to forget."

Victor Jones also observed that some boys would go to rooms with the guards and emerge hours later, leading him and others to suspect sexual activity. These boys sometimes received special privileges or became informants and were referred to as "yes boys." Victor noted that some of the older boys would then victimize younger or more vulnerable boys. He described "blanket parties" where multiple boys would gang-rape another boy while covering him with a blanket. Victor Jones witnessed countless rapes as they were typically carried out in full view of other youths, in open dormitory pods. Victor Jones reported that the guards routinely left the children unsupervised at night. He observed that they would drive around the cottages named after dead presidents in a van while drinking and made no effort to intervene or stop the assaults, despite being fully aware of what was happening.

Mr. Jones indicated that to protect himself from sexual and physical assault, he had to fight repeatedly. He mentioned that the guards would allow other boys to be beaten and would even laugh. He emphasized that he never initiated fights but defended himself to survive. He noted that children like him who were not part of a "click" could be targeted. Victor Jones reported that sometimes, when he defended himself, he was placed in solitary confinement for thirty and even sixty days. During this time, he would be in a room with no roommate or any mental stimulation. He was also not allowed to shower for days. He noted, "I would be really messed up and mentally in there ", depressed, suicidal. I thought I was hearing things and losing my mind."

Consistent with Mr. Jones' experience, research suggests that solitary confinement can induce anxiety, depression, psychosis, and suicidality, while physically, it is associated

with heart disease and other stress-related illnesses. For young people, the effects are particularly severe and can be irreversible. The United Nations recognizes prolonged solitary confinement as a form of torture and calls for its abolition, particularly for children and other vulnerable populations (Grassian, 2006; Juvenile Law Center, n.d.; Unlock the Box Campaign, n.d.).

Victor Jones reported that he mentally blocked much of the abuse he endured, retreating to what he described as a "twilight zone" to cope with the trauma. He specifically tried to "leave mentally" during beatings, a form of dissociation recognized as a peritraumatic risk factor for developing posttraumatic stress disorder (PTSD). To manage the constant fear and emotional pain, some of the boys—including Victor—turned to substance use, finding and smoking wild plants known as "rabid weed" or consuming alcohol to numb the physical and psychological abuse. He recalled, "We were really depressed."

Victor Jones reported that some children at Okeechobee School for Boys attempted to escape. However, he did not because he feared snakes, alligators, and quicksand. Those who were caught faced severe beatings and, in some cases, were sent to work for local landowners without pay. He likened these experiences to being enslaved by the farmers. He remembers that guards would use dogs to capture escapees. Mr. Jones recounted that some children went missing under mysterious circumstances, raising suspicions that harm may have come from either the guards or the farmers.

Collateral Information Regarding the Okeechobee School for Boys
Article "*They were abused at Florida's Dozier School. Now they're on death row*" (2025). Anton (2025) documented the lasting consequences of abuse at Florida's Arthur G. Dozier School for Boys and Florida's School for Boys. At least 34 boys from Dozier and 16 from Okeechobee later received death sentences. The article detailed the extreme physical abuse, sexual assault, forced fights, and a pervasive culture of fear that characterized the institutions.

Accounts from former students revealed systemic neglect and abuse. Jesse Guardado recalled being beaten while handcuffed and witnessing repeated sexual assaults. At the same time, nearly all boys on a single-day roster in 1988 were later rearrested. One of the students described his experience as "torture," including being forced into fights for staff, enduring severe beating, shackling, and witnessing sexual assaults, while few staff intervened. In 2024, Florida established the Dozier School for Boys and Okeechobee School Victim Compensation Program, awarding $20 million to survivors of abuse between 1940 and 1975, formally acknowledging the schools' enduring harm (House of Representatives' 2024). The article indicates that psychologists and neuroscientists have noted that such abuse could heighten threat perception, increase impulsivity, and reduce the ability to manage anger, raising the risk of violent behavior.

Final Bill Analysis of CS/HB 21: Dozier School for Boys and Okeechobee School Victim Compensation Program. CS/HB 21 passed the House on February 29, 2024, and the Senate on March 4, 2024. The bill created the Dozier School for Boys and Okeechobee School Victim Compensation Program within the Department of Legal

Affairs to compensate living individuals confined to the schools between 1940 and 1975 who suffered mental, physical, or sexual abuse by school personnel. The legislation appropriated $20 million for the program and allowed recipients who had not completed high school to receive a standard diploma. The Governor approved the bill on June 21, 2024, and it took effect on July 1, 2024.

The text shows that although these schools were originally meant to be reformed institutions, they quickly became places of systemic abuse. Children were subjected to beatings with leather straps, forced labor, sexual assault, and confinement in isolation cells. Reports of torture, unexplained deaths, and neglect continued for decades. Investigations into the Dozier School by the Florida Department of Children and Families (2004–2009), the U.S. Department of Justice (2011), and forensic anthropologists from the University of South Florida (2012–2016) documented extensive evidence of abuse and deaths, including 55 unmarked graves. The bill established Florida's compensation for children who endured abuse at these institutions.

Video recordings of Florida Senate and House Committee Hearings: Government Oversight and Accountability (2/6/2024), Judiciary (2/7/2024), Appropriations on Criminal and Civil Justice (2/20/2024), Appropriations (2/20/2024), and Fiscal Policy (2/27/2024). During these hearings, there was extensive testimony regarding abuses at the Dozier School for Boys. On 02/07/2024, in the House Judiciary Committee, Representative Salzman noted that the boys at Dozier and Okeechobee endured physical assault, torture, and sexual abuse.

During the Senate Government Oversight and Accountability Committee, Senator Rouson introduced SB 24 to establish the Dozier School for Boys and Okeechobee School Victim Compensation Program. The program directs the Department of Legal Affairs to offer financial compensation and high school diplomas to the former children who were confided in these institutions between 1940 and 1975 and suffered mental, physical, or sexual abuse. In the hearings, survivors described the extreme abuses they endured including beatings with mallets, exposure to boiling water, rapes, and forced labor. The bill passed unanimously. During the House Appropriations Committee hearing on 2/20/2024, Representative Fine highlighted the government's responsibility by commenting, "This was done by the government. This is not the government failing to step in when other people were hurting these children. This was the government."

Exposure to Institutional Violence at Juvenile and Correctional Facilities
Mr. Victor Jones recounted repeated experiences of abuse and trauma across multiple juvenile and correctional settings. In juvenile facilities, he observed a range of violence, including physical assaults by staff, peer-on-peer fights, sexual coercion, punitive confinement, riots, intimidation, and harm resulting from neglect or unsafe conditions. Early attempts to escape an abusive home environment included stealing a probation officer's wallet, skipping school, and committing offenses in Cutler Ridge to be placed in state custody rather than return home. Despite pleading with juvenile judges, he was repeatedly sent back to the abusive environment, which made him feel disbelieved. At

Miami Youth Hall, an older boy who knew his brother made sexual advances and promised protection in exchange for compliance, leaving Mr. Jones feeling hypervigilant.

Mr. Jones recounted that during his time at Hendry Correctional Institution, he witnessed extreme violence, including fatal stabbings, assaults on guards, and inmate riots. He observed routine beatings of prisoners and recalled a specific incident in the chow line where an inmate was fatally stabbed in the chest with a large blade. Later, during a transfer to a work camp, he witnessed a riot at Hendry, where many inmates were rounded up, transported by bus, and subjected to further beatings. At Dade County Jail, Mr. Jones said that violence was a daily part of life. He saw inmates being attacked with brooms, sometimes causing serious injuries that needed burn treatment from scalding coffee water. Weapons and drugs were common, and he remembered one man's head being split open with a broom.

Deficient Community Support and Intervention

Repeated abuse combined with inadequate community intervention can have long-lasting effects on a child. Beyond the immediate trauma, children may experience betrayal trauma, as described by Jennifer Freyd (1996), which occurs when trusted caregivers or institutions fail to protect them or cause harm. This betrayal can create deep mistrust, confusion, and fear, forcing the child to navigate a world where those responsible for their safety are indifferent or complicit. Being repeatedly returned to dangerous environments can lead to chronic fear, hypervigilance, learned helplessness, shame, and low self-worth, while also disrupting social, emotional, and cognitive development.

Mr. Victor Jones recalled repeatedly pleading with juvenile judges not to be sent back to Okeechobee or returned to Laura Long, but his requests were consistently ignored. He ran away from Laura twice to escape her abuse and seek his mother in New York. During one attempt, he was stopped in Richmond, Virginia, where a police officer listened to his account of abuse, hugged him, and helped him continue his journey—a rare act of kindness in an otherwise harsh childhood. Despite early disclosures to judges, doctors, and other authorities, he was repeatedly returned to Laura's care. After placements with a psych guard and in a group home, he was sent back to Okeechobee, where conditions worsened. Between ages 14 and 16, feeling trapped, he attempted suicide, explaining, "I had told everybody—the judges, the police, the people in the hospital, and nobody was listening. Everybody knew what was going on, and I could not take it." Mr. Jones also recalled that during his trial, he was deeply hurt and confused by testimony portraying his childhood as "idyllic." He noted that Laura Long had connected the lawyers to a third-grade teacher who was her friend, and who misrepresented his home life as ideal.

NEURODEVELOPMENTAL FACTORS

Neurodevelopmental factors are problems associated with damage to an individual's nervous system. For instance, chronic stress and drug use can derail brain development and functioning in children and bring about social, educational, emotional, and legal problems. According to my findings, Victor Jones' neurodevelopmental factors were:

12. Traumatic Exposures and Chronic Stress

13. Head Injuries
14. Cognitive and Academic Deficits
15. Drug Use during Developmental Years

Traumatic Exposures and Chronic Stress

The *Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, Text Revision* (DSM-5-TR) defines traumatic events as exposures to actual or threatened death, serious injury, or sexual violence. Trauma can occur through direct experience, witnessing an event, or learning that a traumatic incident has affected a close family member or friend. Mr. Jones experienced multiple events that meet the DSM-5-TR criteria for trauma, including:

1. Physical abuse perpetrated by Laura Long, her son Lawrence, two of her paramours, Laura Long's mother, and Mr. Jones' maternal grandmother.
2. Physical abuse by government employees at the Okeechobee School for Boys.
3. Witnessing Laura Long physically abuse his sister, Pamela Mills, and his cousin, Carl Leon Mills.
4. Learning about and witnessing Lawrence sexually abuse his sister, Pamela Mills.
5. Exposure to physical and sexual abuse in juvenile and correctional institutions, including the Okeechobee School for Boys.
6. Learning about the police shooting death of his brother, Lionel Jones.
7. Losing his brother Michael, who was found deceased in a burned building.
8. The accidental death of his brother John, who was killed when a tractor ran over him.
9. Exposure to community violence in the neighborhoods where he lived, particularly Brownsville in Miami and Harlem in New York.
10. Learning that his sister, Valerie, was raped by a neighbor.
11. Learning about the accidental death of his father, who reportedly fell from a building.

The first five of these traumatic events fall under the category of complex trauma, which arises from exposure to stressors that are repetitive or prolonged, involve harm or neglect by caregivers, and occur during developmentally sensitive periods, particularly early childhood and adolescence (Courtois & Ford, 2009). These experiences also represent betrayal trauma, which occurs when individuals or institutions on which a person depends for survival violate that person's trust or well-being (Freyd, 1996). Additionally, these events can be characterized as toxic stress, reflecting prolonged activation of stress response systems in the absence of supportive or protective relationships (National Scientific Council on the Developing Child, 2020).

Research has linked childhood trauma to functional and structural brain abnormalities (Cassiers et al., 2018; Ousdal et al., 2019). The concepts of complex trauma, betrayal trauma, and toxic stress highlight the fact that childhood trauma can have a lasting impact (Child Welfare Information Gateway, 2019), and children are particularly susceptible to trauma and adversity because their brains are undergoing development (National Scientific Council on the Developing Child, 2020). Complex trauma brings about skill deficits and symptoms that extend beyond those found in posttraumatic stress disorder.

These deficits include alterations in regulating affective arousal, sustaining attention and consciousness, perceiving the self, perceiving the perpetrator, perceiving others, and developing systems of meaning (Courtois & Ford, 2009; Gold, 2017; Herman, 1992). As a result, children who experience maltreatment often show delays in development. They may struggle to manage their emotions, build a healthy sense of self, form trusting relationships, and cope with challenges in a healthy way.

Consistent with this research, Mr. Jones reported enduring difficulties in modulating distress and navigating life. He also experienced depression, posttraumatic anxiety, substance use, poor emotional regulation, and deficient coping skills, which interfered with his ability to function across multiple domains, including school, work, and interpersonal relationships.

Head Injuries

Head injuries in childhood and adolescence can have immediate and lasting effects, including problems with thinking, behavior, and emotional control. Over time, these injuries can disrupt brain development, leading to ongoing cognitive difficulties, emotional instability, and increased risk of psychiatric problems. Mr. Jones reported repeated head injuries during his childhood. He described being struck on the head by Lawrence and physically abused by Laura Long's mother. He also reported sustaining head injuries at the various institutions where he was housed. He also recounted frequent falls from mango trees in Laura Long's mother's home after being startled by spiders, resulting in head trauma and temporary unconsciousness. He reported these incidents to Dr. Suarez during a prior evaluation. During the present review, he also reported having experienced multiple car accidents and sustaining a head injury in at least one of them at around age 16.

Cognitive and Academic Deficits

Mr. Jones reported knowing from a young age that he "wasn't right" because he could not learn and focus like others, and he struggled academically. Consistent with his account, Carl Leon Miller described Victor as "very slow in school." Pamela Mills added that the beatings worsened once Victor began attending school. Teachers repeatedly contacted the household to report his academic struggles and recommended a psychiatric evaluation, which enraged Aunt Laura and resulted in further punishment. Pamela recalled that when Victor struggled to write letters in first grade, he was forced to stay up all night practicing, while she secretly assisted him to prevent additional abuse.

Dr. Hyman Eisenstein reported that Mr. Jones underwent multiple administrations of the WAIS IQ test between 1991 and 2005, with scores ranging from 67 to 75. The highest score of 75, obtained on the third administration of the WAIS, may have been influenced by a practice effect. Dr. Eisenstein concluded that Mr. Jones demonstrated neuropsychological impairments. Similarly, Dr. Brad Fisher noted that these cognitive deficits had a significant impact on Mr. Jones' ability to learn, function, and adapt.

Drug Use during Developmental Years

Substance use during childhood and adolescence can have lasting effects on brain development, which is rapidly maturing during this period and especially vulnerable to harm. Early exposure to drugs or alcohol can impair memory, attention, decision-making, and emotional regulation. Because the emotional limbic system develops faster than the prefrontal cortex, adolescents are more prone to risk-taking, including substance use. Using substances such as marijuana, alcohol, sedatives, or stimulants at a young age can disrupt cognitive and emotional growth, increase the risk of mental health problems, and raise the likelihood of addiction. For example, early marijuana or sedative use is linked to later substance use disorders, reduced goal-directed behavior, and ongoing mental health challenges (APA, 2022).

Mr. Jones reported beginning drug use in his early teens, initially forced by Lawrence to try quaaludes and marijuana. From that point, he used a range of substances, including LSD, cocaine, and crack, stating that he was "always seeking heavier drugs to deal with all the pain" and at times using drugs in a self-destructive way: "I think drugs were also a way to try to kill myself." Family members confirmed his early and pervasive exposure. Carl Leon Mills recalled using drugs together in adolescence. Valerie reported that while living with their mother Constance in New York, her boyfriend provided them with alcohol and drugs. A 1975 admission at Jackson Memorial Hospital documented that Victor had been using street drugs since the age of eleven, describing his main problems as "disobedience and running away from home…not interested in his school, has been on street drugs for three years." It also added that he did not remember any happy moment in his life.

DISTURBED TRAJECTORY

Disturbed trajectory factors are conditions or events that derail individuals from healthy developmental pathways. According to my findings, Mr. Victor Jones' disturbed trajectory factors are.

1. Social and Emotional Disturbances Beginning in Childhood
2. Functioning and Coping Deficits
3. Moving to Florida, Mental Decline, and Escalating Drug Abuse

Social and Emotional Disturbances Beginning in Childhood

Mr. Jones indicated that for as long as he can remember, he has experienced depressive episodes characterized by enduring sadness, social withdrawal, diminished motivation, low energy, indecisiveness, poor self-esteem, frequent crying spells, impaired concentration, feelings of hopelessness, and recurrent thoughts of suicide. In my professional opinion, Mr. Jones meets DSM-5-TR criteria for Major Depressive Disorder, Severe, with Recurrent Episodes. Mr. Jones indicated that he has heard voices in the past but he cannot be sure whether this happened only when he was depressed. He did not endorse other symptoms of psychosis.

Mr. Jones reports a longstanding history of symptoms consistent with posttraumatic stress disorder (PTSD) with Dissociation, beginning in his mid-teen years. He

experiences re-experiencing, including intense fear triggered by loud noises, nightmares involving being chased or abused. He described engaging in avoidance and dissociation, often blocking or escaping memories of traumatic events, entering a "twilight zone," and using drugs to self-medicate and cope with emotional pain. His hyperarousal is reflected in persistent vigilance, sleep disturbances, exaggerated startle responses, and difficulty regulating emotions. He also experiences cognitive and emotional changes, including chronic mistrust of others, extreme paranoia, and a persistent sense that something is "wrong" with him.

Functioning and Coping Deficits

Mr. Jones reported difficulties coping and functioning throughout his life. In school, he struggled to retain information and maintain focus. Hence, dropped out in either the ninth or tenth grade and never obtained a high school diploma.

Between the ages of 14 and 16, Mr. Jones attempted suicide, overwhelmed by ongoing abuse and repeated placements that left him feeling trapped between remaining in Laura Long's care or being sent back to Okeechobee—a situation he described as "a rock and a hard place." Despite repeatedly disclosing the abuse to judges, police, and hospital staff, he felt ignored and dismissed, stating, "I thought nobody cared. I was on probation and pissed off about going to Okeechobee, so I decided to get it over with," and later adding, "I had told everybody—the judges, the police, the people in the hospital—and nobody was listening. Everybody knew what was going on, and I could not take it." One evening, he ingested a combination of Quaaludes, Valium, seizure medications, and diabetic pills. After returning to the living room, he spoke incoherently and cursed, behavior so uncharacteristic that Laura recognized something was seriously wrong. He subsequently lost consciousness and was transported by ambulance to the hospital, where he remained in the pediatric unit for approximately three months.

Mr. Jones indicated that amid his hardships, he had found some relief and enjoyment in football, which he described as the only positive aspect of his time with Laura Long. He played for approximately two years, beginning around age 12, until a drug overdose ended his participation. Mr. Jones stated, "I wanted to make my grandmother (Beatrice) proud, but once I overdosed, they sent me away from Laura Long to the homes, and I could not play football." Mr. Jones described his time away from Miami as more positive and stable. However, even during these periods, he continued to struggle with substance use and faced legal difficulties, including probation and institutional stays, often connected to relapses.

Jackson Memorial Hospital Discharge Summary (6/15/1975). At age 14, Victor Jones attempted suicide by ingesting a large amount of pills. At admission, Victor was described as having borderline intellectual functioning, significant depression, anger, and looseness of thought, hallucinations, and paranoid thinking. He reported having few positive childhood experiences and a limited sense of safety or stability at home.

Psychological testing indicated adequate contact with reality but revealed impulsivity, low frustration tolerance, strong acting-out behaviors, and difficulty with authority. However,

this was based on projective testing, which to this day lacks empirical support. During hospitalization, his mood was sad but appropriate, and his memory and judgment were intact. He denied suicidal or homicidal thoughts and did not report hallucinations at that time, despite prior reports at Youth Hall.

The discharge summary characterized his presentation as an "unsocialized aggressive reaction of adolescence," a term historically used for youths displaying impulsive behavior but not recognized as a formal DSM diagnosis. At the time, PTSD was not yet recognized as a formal diagnosis in the DSM at the time; it was included later in the DSM-III in 1980. At the time of discharge, evaluators emphasized the need for careful placement and ongoing evaluation to address his trauma history, behavioral challenges, and unstable home environment.

Florida State Prison Mental Health File Excerpts (1993–1997)
On 6/14/1993, Mr. Jones reported insomnia, paranoia, and hallucinations after being shot in the head. At the time, he was diagnosed with Depressive Disorder NOS. A 2/3/1994 treatment plan noted insomnia, poor coping skills, and headaches, with goals to reduce anxiety, improve sleep, and strengthen coping. On 9/7/1994, Dr. A. Arora noted Depressive Disorder NOS and possible antisocial personality disorder, but by 9/28/1994, only Depressive Disorder NOS was recorded. Between 1995 and 1996, records continued to show depressive symptoms along with paranoia and hallucinations. A 7/8/1996 biopsychosocial assessment documented paranoia, auditory hallucinations, schizophrenia, and antisocial personality traits, and on 7/18/1996, Dr. L. Wiley diagnosed schizoaffective disorder. The records do not explain why antisocial traits were noted only at certain times.

Moving to Florida, Mental Decline, and Escalating Drug Abuse
In his early twenties, while living in Atlanta, Mr. Jones learned of his mother's sudden death. She had been caring for two of his nieces at the time; after asking them to stay inside, she lay down in her bedroom and passed away. Mr. Jones recalled being in his early twenties when this occurred, around 1983–1986. He returned to Miami for the funeral, where he reunited with his grandmother, met his niece Natasha for the first time, and spent time with Valerie and other family members. He later returned to Atlanta, but his relationship there ended painfully when his partner told him she was pregnant and then admitted at a clinic visit that it was not true. He noted that this betrayal left him heartbroken because he was looking forward to being a parent.

Feeling lost and seeking the comfort of family, Mr. Jones returned to Miami in 1986 at their request. He soon became involved with peers who were using crack cocaine. He recalled this as his first direct exposure to crack, describing the period as one of heightened vulnerability that drew him deeper into substance use and a prison term. Mr. Jones reported to Dr. Harber that after his release from prison in November 1990, he had begun injecting cocaine intravenously and still bore visible track marks.

CURRENT CLINICAL PRESENTATION

I met with Mr. Victor Tony Jones at Florida State Prison on 9/4/2025 and 9/5/2025. Across sessions, he presented as pleasant, approachable, and cooperative, with appropriate grooming and hygiene. He was alert and oriented to person, place, time, and purpose. His thought processes were logical, linear, and coherent, with no evidence of delusions. However, his thinking was somewhat concrete and simplistic, consistent with borderline intellectual functioning. Mr. Jones did not report current disturbances in sleep or appetite, nor did he endorse suicidal or homicidal ideation, plan, or intent.

During the first session, he presented with a slouched posture, slowed movements, soft and monotonous speech, and tearfulness. He expressed sadness and anxiety regarding his family's well-being and appeared nervous about his current situation. His affect was congruent with his emotional content. He became tearful when discussing the abuse, he and his sister Pamela endured at the hands of Laura Long and Lawrence, as well as the disbelief he experienced from juvenile judges who repeatedly returned him to unsafe placements. He also expressed distress about the hardships endured by other family members, particularly Valerie and Pamela.

The initial session was scheduled for four hours with a break; however, after two hours, Mr. Jones requested to continue the following day, explaining that discussing traumatic experiences was exhausting and gave him headaches. This response is consistent with avoidance and distress commonly observed in survivors of complex trauma. He acknowledged on the second day that recounting past traumas remained emotionally taxing, often provoking headaches and an overwhelming sense of distress.
During the second session, Mr. Jones continued to engage cooperatively. While he appeared sad, tense, and had difficulty discussing certain traumatic events, this response is consistent with the expected emotional impact of complex trauma.

CONCLUSIONS

In my professional opinion, Mr. Victor Tony Jones' clinical presentation is consistent with Major Depressive Disorder, Severe, Recurrent, and Posttraumatic Stress Disorder with dissociation, as defined by the DSM-5-TR. H Mr. Jones also has an extensive history of adverse developmental factors including (1) Transgenerational family dysfunction and distress, (2) predisposition to substance abuse, (3) maternal abandonment, (4) housing instability and inconsistent caregiving, (5) physical abuse and exposure to physical abuse of sister Pamela and cousin Carl, (6) exposure to sexual abuse of sister Pamela and further physical abuse, (7) physical abuse, (8) psychological abuse, (9) psychological neglect, (10) medical neglect, (11) educational neglect, (12) supervisory neglect: poor guidance and supervision, (13) family exposure and forced participation in drug use, (14) traumatic exposures and chronic stress, (15) head injuries, (16) cognitive and academic deficits, (17) drug use during developmental years, (18) social and emotional disturbances beginning in childhood, (19) functioning and coping deficits, and (20) moving to Florida, mental decline, and escalating drug abuse.

Protective factors such as intelligence, positive social orientation, resilient temperament, attachment to supportive role models, development of healthy beliefs and standards, and

access to early interventions can reduce the risk of criminal or violent behavior. However, these were minimal in Mr. Jones' case. In my opinion, at the time of the offense, the cumulative impact of his risk factors exceeded and outweighed any protective influences, significantly impairing his ability to think critically, manage daily challenges, regulate his emotions, and utilize effective coping skills.

The multifaceted and context-dependent nature of violent behavior highlights that no single factor can fully explain Mr. Jones' actions. In my opinion, the convergence of trauma, chronic stress, lack of reliable support, mental health challenges, and escalating adversity created multiple vulnerabilities that compromised his functioning throughout life and contributed to the behaviors underlying the capital offense. Risk science underscores that violence arises not solely from individual choice but from the interplay of adverse developmental experiences, limited protective factors, and environmental pressures. While adversity does not eradicate choice, accumulated trauma and deprivation substantially increase the likelihood of negative outcomes, including violent conduct, as reflected in Mr. Jones' life trajectory.

Yenys Castillo, Ph.D.
Licensed Psychologist

9/7/2025
Date

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No. _____

IN THE SUPREME COURT OF THE UNITED STATES

VICTOR T. JONES,

Petitioner,

v.

SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS,

Respondent.

ON PETITION FOR WRIT OF CERTIORARI
TO THE SUPREME COURT OF FLORIDA

APPENDIX C2

CAPITAL CASE

DEATH WARRANT SIGNED
EXECUTION SET SEPTEMBER 30, 2025, AT 6:00 P.M.

Affidavit of James Anderson, September 7, 2025

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT,
IN AND FOR MIAMI-DADE COUNTY, FLORIDA

STATE OF FLORIDA,
Plaintiff,

v.

VICTOR TONY JONES,
Defendant.
_____/

CASE NO. 90-50143
EMERGENCY CAPITAL CASE,
DEATH WARRANT SIGNED;
EXECUTION SCHEDULED FOR
SEPTEMBER 30, 2025 AT 6:00 PM

State of Florida)
County of Citrus)

AFFIDAVIT OF JAMES ANDERSON

1. I am a survivor of the Okeechobee School for Boys. I was sent to the Okeechobee School in 1965, at 14 years old. I was at the school for over a year.

2. When I first arrived at Okeechobee School, I was beaten by three other students at the school. One bit my shoulder, leaving teeth marks. Another hit me so hard I dropped to my knees and lost consciousness. Because I was afraid I would be punished by the staff, I reported that I had been attacked. The staff did not protect me and instead labeled me as a snitch.

3. I suffered abuse from the staff. I recall the sound and feeling of the staff beating me with leather straps. On one occasion, I stopped counting at hit 26 or 27. My entire behind was black.

4. I witnessed other children being beaten, bullied, and sexually assaulted. On one occasion, I witnessed a child being abused with an industrial broom. As the child laid on the ground naked, they poured soap and water on him and scraped his skin with the harsh bristles of the broom. There are other instances of abuse I saw that are difficult to talk about.

5. When I was at Okeechobee, the school was split into two campuses: North and South. The white and Black children were kept separate. We were severely beaten, but I heard that the Black children were beaten even worse.

6. When I left, I tried to tell people what happened. No one believed my story, not even my own family. Over time, I stopped telling my story because no one believed me. It's been 59 years since I left the Okeechobee School, and I think my family finally believes me now, but only because I was recognized by the State of Florida as eligible for the Compensation Fund. If I hadn't been included, I don't think they would have ever believed me.

FURTHER AFFIANT SAITH NAUGHT

James Anderson

The foregoing affidavit was sworn to and subscribed before me by means of ✓ physical presence, ____ online notarization on this 7 Day of September, 2025, by James Anderson, who is personally known to me ____ or produced identification ✓ (type of ID) FL. DRIVER.

Notary Public: Donna L. Fruzia Date: 9-7-2025

Seal:

DONNA L. FRUZIA
Notary Public - State of Florida
Commission # HH 435193
My Comm. Expires Sep 23, 2027
Bonded through National Notary Assn.

RECEIPT FOR NOTARY SERVICES. Dat 206 zn 7Raote Kst h Corcinw /apil 2 001/

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Notary Name DONNA L. FRUZIA
Notary Public - State of Florida
Commission # HH 435193
My Comm. Expires Sep 23, 2027
Bonded through National Notary Assn.

Address

City / State / Zip

Phone

352-446-9277

FROM

Name

Company / Organization

NOTARIZED

Name(s) of Signer(s)

Document Description AFFIDAVIT OF JAMES ANDERSON

Notary Journal Entry Page Number(s)

Date 9-7-2025

Fee(s) For Notary Services

No. Of Signatures 10 00

Travel Fee(s) 40 00

Miles Rate

Other PRINT/SCAN & 10 00

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Total Received 60 | 00

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No. _____

IN THE SUPREME COURT OF THE UNITED STATES

VICTOR T. JONES,

Petitioner,

v.

SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS,

Respondent.

ON PETITION FOR WRIT OF CERTIORARI
TO THE SUPREME COURT OF FLORIDA

APPENDIX C3

CAPITAL CASE

DEATH WARRANT SIGNED
EXECUTION SET SEPTEMBER 30, 2025, AT 6:00 P.M.

Letter from Sue Yeneel, Client Records Coordinator, Eckerd Youth Development Center, April 2, 1992

Eckerd Youth Development Center
7200 Highway 441 North-Okeechobee, Florida 34972
813-763-2174

April 2,1992

Public Defender Investigations
Attn: Mr. Juan Sastre
1390 NW 14th Avenue-Suite 300
Miami, Florida 33125

RE: Victor Tony Jones
Date of Birth: 5/01/61

Dear Mr. Sastre:

Enclosed is a copy of the Register of Inmates for the Florida School of Boys at Okeechobee. On the enclosed copy the name of Victor Tony Jones appears and shows that he was here on four different occasions.

The Register shows that he was here on the following dates:

Admit	Released	Transferred to
8/21/75	9/02/75	Pinellas House
6/18/76	9/02/76	
5/10/77	3/15/78	
8/15/78	8/31/78	Here's Help Program

If you need any further assistance, I can be contacted at the telephone number listed above.

Sincerely,

Sue Vensel

Sue Vensel
Client Records Coordinator

RECORD OF INMATES

	DESCRIPTION OF INMATE						RECORD OF COMMITMENT			
	NUMBER	NAME	RACE	AGE	BIRTHPLACE: LOCALITY	BIRTHPLACE: STATE	PARENT OR GUARDIAN	COUNTY	JUDGE AND PROBATION OFFICER	OFFENSE
2.	[illegible]	Lopez, Victor Jose	M	13	3-1-41		Mrs Laura Lopez (aunt)	Wade	Balsbaugh Pascual	aggravated assault

FLORIDA SCHOOL FOR BOYS AT OKEECHOBEE

SCHOOL RECORD

DATE OF COMMITMENT	DATE RECEIVED	DATE PAROLED	DATE RETURNED	ESCAPED	RECAPTURED		DATE RELEASED	HOW RELEASED	REMARKS	
8 31 75	8 21 75	7 2 75 9 2 76 3 25 78 5 24 78	6 18 76 5 14 77 9 15 78						7-2-75 [illegible] Pinellas [illegible] 8-31-78 [illegible] [illegible] Help Program	3

ECKERD YOUTH DEVELOPMENT CENTER
7200 Hwy. 441 North
Okeechobee, Florida 34972-9534

Public Defender Investigations
Mr. Juan Sastre
1390 NW 14th Avenue-Suite 300
Miami, Florida 33125

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

VICTOR T. JONES,

Petitioner,

v.

SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS,

Respondent.

ON PETITION FOR WRIT OF CERTIORARI
TO THE SUPREME COURT OF FLORIDA

APPENDIX C4

CAPITAL CASE

DEATH WARRANT SIGNED
EXECUTION SET SEPTEMBER 30, 2025, AT 6:00 P.M.

Florida School for Boys at Okeechobee Student Ledger with Declaration of Records Custodian, December 13, 2024

FLORIDA DEPARTMENT of STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

DECLARATION OF RECORDS CUSTODIAN

I, Marina Ortiz , hereby certify that I am a custodian of records for the Florida Department of State. I hereby certify that the enclosed document totaling 2 pages is an official public record of the State Archives of Florida and is a true and correct copy, the original of which may be found in Series S 2323 Volume 4.

Signature: _____ Date: 12/13/24

Typed name: Marina Ortiz

Job title: Archivist Supervisor II

STATE OF FLORIDA COUNTY OF LEON

Sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ online notarization, this 13th day of December, 2024, by Marina Ortiz.

LAURA KATHLEEN DAAS
Commission # HH 367975
Expires March 1, 2027

_____
Signature of Notary Public
Print, Type or Stamp Commissioned Name of Notary Public
My Commission Expires: March 1, 2027

Personally Known X OR Produced Identification _____

Type of Identification Produced _____

86

FLORIDA SCHOOL FOR BOYS AT OKEECHOBEE

COLORED

DATE	NAME OF BOY	D. P. R. DVSH	SENTENCE	COUNTY	No. Boys Present
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8 21 25	Jones, Victoria Tony		13042781	Adm	Grade 306
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88

FLORIDA SCHOOL FOR BOYS AT OKEECHOBEE

COLORED

DATE	NAME OF BOY	DATE OF BIRTH	SENTENCE	EXPIRATION	No. Boys Present
					331
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					331
					330
					331
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No. _____

IN THE SUPREME COURT OF THE UNITED STATES

VICTOR T. JONES,

Petitioner,

v.

SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS,

Respondent.

ON PETITION FOR WRIT OF CERTIORARI
TO THE SUPREME COURT OF FLORIDA

APPENDIX C5

CAPITAL CASE

DEATH WARRANT SIGNED
EXECUTION SET SEPTEMBER 30, 2025, AT 6:00 P.M.

FDLE Arthur G. Dozier School for Boys Abuse Investigation, January 29, 2010

Florida Department of Law Enforcement

OFFICE OF EXECUTIVE INVESTIGATIONS

Arthur G. Dozier School for Boys Abuse Investigation

INVESTIGATIVE SUMMARY

INVESTIGATIVE PREDICATE

On December 9, 2008, Governor Charlie Crist directed the Florida Department of Law Enforcement (FDLE) to investigate 32 unmarked graves located on property surrounding the Arthur G. Dozier School for Boys in Marianna, Florida. The request was made due to abuse allegations brought forth by individuals known as "The White House Boys Survivors Organization." The individuals are former students who attended the reformatory school during the late 1950's through 1960's and who allege that during their tenure they were subjected to repeated physical abuse by staff members as a form of discipline. The individuals believe there may be fellow students who died from the abuse and therefore may be buried at the school cemetery.

Governor Crist requested that FDLE determine: 1) The entity that owned or operated the property at the time the graves were placed, 2) Identification, where possible, of the remains of those individuals buried on the site and 3) Determine if any crimes were committed, and if so, the perpetrators of those crimes.

On May 14, 2009, FDLE concluded parts 1 and 2 of Governor Crist's directive regarding 1) The identification/ownership of the property known as the Boot Hill Cemetery and 2) The identification of those students who died and were buried at the cemetery (FDLE Case Summary EI-73-8455).

The purpose of this report is to address allegations of physical abuse that occurred from 1940 through 1969, and determine 1) The person or persons responsible and 2) If said abuse rises to a level that would warrant criminal prosecution.

HISTORY OF THE SCHOOL

Mandated by the Florida Legislature in 1897, the Florida State Reform School (School) opened its doors January 1, 1900, to provide a place "where young offenders against the laws of our state might be separated from older more vicious associates" {Florida Children's Commission 1953}.

The management and affairs of the School have been housed under a multitude of entities during the last 109 years. In 1897, the Governor appointed five commissioners whose duty it was to superintend, manage the School, and report to the Legislature biennially. Shortly thereafter, the responsibility of the School was managed by The Board of Commissioners of State Institutions which consisted of the Governor, Secretary of State, Attorney General, Comptroller, Treasurer, Superintendent of Public Instruction, and the Commissioner of Agriculture. In 1969, the Legislature enacted the "Government Reorganization Act" that resulted in the Division of Youth Services, which became part of the Florida Department of Health and Rehabilitative Services (HRS). In 1990, HRS transferred the School's management to their Children and Family Services Program Office. In 1994, the responsibilities of the School fell under a new state agency, the Florida Department of Juvenile Justice, which is still managing the school today.

The School has remained open throughout the years having been known as the Florida State Reform School (1900-1913), the Florida Industrial School for Boys (1914-1957), the Florida School for Boys (1957-1967), and currently operates as the Arthur G. Dozier School for Boys. Today, the School is considered a high-risk residential commitment facility for boys 13-21 years of age.

In the early years, the facility was situated on almost 1,400 acres and periodically housed both male and female students, some as young as six years old. Many of these students were committed to the facility for minor offenses, such as incorrigibility or truancy. "White" and "colored" students were segregated from one another until 1968. The School had two campuses, the South Side or "Number 1" side for the "white" students and the North Side or "Number 2" side for "colored" students. The School's North Side campus, where the cemetery was located, was permanently closed between 1990 and 1991. (The terms "white" and "colored" are used throughout this report as a means of identification based on the terms of reference utilized during the first sixty plus years of the School's existence. "Whites" and "colored" were separated not only physically but also administratively in School ledgers.)

Individual Rating System

For over 80 years, the School was an open campus facility with no perimeter fencing or structure to discourage students from escaping. While the majority of students abided by School rules, there were those who ran away on a regular basis even after having been previously caught. One incentive to dissuade escapees and unruly behavior was the Individual Rating System. Beginning in 1931, students were rated and awarded points based on attitude, responsibility, achievements, etc. Upon entering the school, a student started as a Rookie and had the potential to advance through the ranks of Explorer (also referred to as Polywog), Pioneer, Pilot, and finally Ace. As a student advanced in rank he received additional privileges, to include going off campus unattended by an adult staff member. Conversely, if demoted, he lost those privileges. A student found guilty of lying, stealing, cursing, cheating, abusing property, or running away was immediately demoted to the special rank of Grub (also referred to as Punk) regardless of any rank he had attained before.

"THE WHITE HOUSE BOYS"

The original founding members of the White House Boys consisted of Roger Kiser (formerly known as Kaiser), Michael O'McCarthy (formerly known as Babarsky), Richard "Dick" Colon, and Robert Straley. In the past year, the group's relationship with one another has become strained and they have since divided into separate organizations now known as: "The White House Boys," "The White House Boys Survivor Organization Corporation," and "The Official White House Boys." Both O'McCarthy and Kiser are authors and have published books and autobiographies about their experiences while at the Florida School for Boys. While students at the School, whenever they were disciplined, they and others were sent to a small white building located on the South Side campus. The building became known as the "White House" and the former students who were punished there refer to themselves as the "White House Boys."

Roger Kiser (Student from June 1959-March 1960) stated that he was sent to the White House on five separate occasions, but was only spanked on two. Kiser believed the other three occasions were an attempt by Mr. Robert Currie (Staff Social Worker) to "terrorize" him.

Kiser stated that the first time he was spanked "40 to 50" times by Mr. Hatton (Staff Member). Kiser stated that he was spanked with such force that his buttocks were "black and blue and bloody" and that his underwear was imbedded into his skin. Kiser stated that on the second occasion, he received "25 to 30" spankings from Mr. Tidwell (Staff Member).

Kiser stated that he has no residual scars as a result of his spankings.

Robert Straley (Student from March 1963-January 1964) stated that when he was sent to the White House, he received 40 "lashes" by Mr. Tidwell which resulted in blood blisters or "deep black and purple" pinholes all over his buttocks. Straley worked as a "hospital boy" and recalled boys being treated for wounds they received as a result of their spankings. Straley helped soak their wounds in Epsom salts and hydrogen peroxide. Straley advised that some boys had scabs on their buttocks from the spankings.

Straley stated that he was also spanked at the White House on one other occasion by Mr. Tidwell and believed Mr. Hatton was also present. Straley stated that he received 25 to 30 strikes that were not as severe as the first time he was spanked.

Straley stated that he has no residual scars as a result of his spankings.

Richard "Dick" Colon (Student from May 1957-September 1959) estimated that he was sent to the White House on 11 different occasions with the most lashes received at any one time being approximately 30. Colon stated that the reason he went so often was because some of the bigger boys would provide protection for him (from other boys/bullies) if he would take the blame for violations they committed. Colon stated that the majority of times he was spanked by Mr. Hatton, however, he also recalled being spanked by Mr. Tidwell.

Colon advised that he has a "mark" on his buttock but does not know if it was the result of the spankings or if it was from any one of several motorcycle accidents.

Michael O'McCarthy (Student from May 1958-February 1959) stated that he was sent to the White House on one occasion and was spanked by Mr. Hatton to the point that his buttocks bled profusely and he defecated on himself. O'McCarthy stated that he "lost count" after receiving 40 lashes with the strap.

O'McCarthy stated that he has no residual scars as a result of his spanking.

ALLEGATIONS BY FORMER STUDENTS

Prior to the launch of FDLE's investigation, a ceremony sponsored by the Florida Department of Juvenile Justice was held on October 21, 2008, at the Arthur G. Dozier School for Boys in front of the building known as the White House. The purpose of the ceremony was to officially "seal" the building and recognize those boys who passed through the White House doors. The "White House Boys" listed above were present for this ceremony and alleged that they, as well as others, were the victims of physical abuse by School staff members.

Media coverage of the ceremony, as well as Governor Crist's subsequent directive to FDLE, resulted in nationwide attention surrounding the investigation. Former students were encouraged through several newspapers, websites (Justice4Kids, Whitehouseboys.com), and by word of mouth (of those already interviewed) to contact FDLE with their accounts. As a result, approximately 100* former students or family members either contacted FDLE by their own accord or FDLE located them during the course of the investigation. Some of the former students were interviewed over the telephone while others were interviewed in person. Several former students who initially expressed a willingness to be interviewed later declined on advice of their attorneys.

The individuals interviewed during this investigation can be categorized as follows:

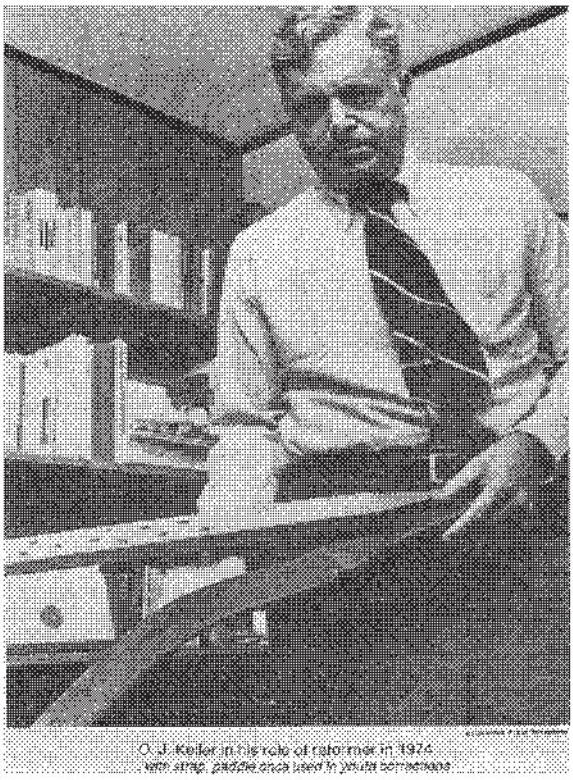
- Individuals whose deceased relatives attended the School
- Individuals who attended the School but were never spanked
- Individuals who were spanked and had positive views of the School and its discipline
- Individuals who allege their spankings resulted in bruising, bleeding, and/or other physical injury which required them to seek medical assistance
- Individuals who received spankings and suffered no physical scarring or marks
- Individuals who observed bruising/bleeding on other students
- Individuals who allege they were sexually abused by unknown staff member or those who allege that they were sexually harassed by a staff member

* See Appendix 1.1 for names of all persons contacted by FDLE.

A common theme amongst the former students was that they received spankings which many referred to as "beatings" at the School's White House building. The former students were consistent in describing that once taken into the White House, they were told to lie face down on a cot and grasp the head rail with their hands. They were told that if they released their grip, the spankings would start over from the beginning. Some students stated that if they squirmed or fought back, boys from the neighboring kitchen would be called in to assist in holding them down by their legs and/or arms. Some students also claimed that during their spankings the strap would sometimes miss their buttocks and the strike would land on their lower back and/or upper thighs.

The former students stated that the person/s most often responsible for administering their punishment was Robert Hatton, Maurice Crockett, Arthur Dozier, and Troy Tidwell. Mr. Hatton, Mr. Crockett, and Mr. Dozier are deceased. Mr. Tidwell has retained an attorney due to a class action civil lawsuit filed against him, as well as the State of Florida Departments of Agriculture, Children and Family Services, Juvenile Justice, and Corrections by some former students of the School. Representing the State of Florida agencies and Mr. Tidwell is the law firm of Dunlap, Toole, Shipman, and Whitney, P.A. Specifically representing Mr. Tidwell is the law firm of Bondurant & Fuqua, P.A. The plaintiffs allege in the lawsuit that while attending the School, they were subjected to repeated physical and psychological abuse under the guise of discipline. The plaintiffs also list former School Social Worker Robert Currie as a defendant, however, he is deceased.

Figure 1: Photo depicting the strap & paddle



Source: FDLE File Folder, 02/20/2009

Several allegations were made that the leather strap used for spankings contained a thin strip of metal or a coin at its tip to add to its weight. None of the former students interviewed, including "White House Boys" Kiser, Straley, and O'McCarthy could positively state this as fact, but rather stated that they heard "rumor" or "felt" that the strap was somehow weighted. Mr. Colon was one former student who stated that he thought he saw metal in the strap.

Former staff members Lenox Williams and William Mitchell (who used the strap for discipline) stated that it consisted of pieces of leather sewn together. The strap was described as being approximately 18 inches long and 4 inches wide. The actual strap has never been located and it is unknown if it is still in existence. A wooden paddle believed to have been used prior to the leather strap was located and retrieved by FDLE from the widow of Oliver J. Keller, former State Director of the Florida Division of Youth Services. A 1974 newspaper photograph was found at the School which depicted Mr. Keller holding a leather strap and wooden paddle. The caption beneath the photo read, "O.J. Keller in his role of reformer in 1974…with strap, paddle once used in youth corrections." *(See Figure 1)*

FDLE was unable to independently determine if the items shown in the photograph were the actual instruments used at the School. Additionally, it should be noted that the usage of the wooden paddle as a disciplinary tool by staff members was rarely mentioned by former students of the School.

According to the former students, the amount of times spanked during a disciplinary session ranged from a few to over 100.

There were numerous allegations by former students who stated that their spankings were so severe that:

"Some boys could not walk under their own power after having been spanked"

"Had to drag my leg for two or three days because of the swelling"

"pieces of their underwear were embedded into their buttocks and had to be surgically removed"

"buttocks blistered to the point that it caused skin blisters, ruptures, and bleeding-were given state grease (Vaseline) by staff members to put on their wounds."

Some former students alleged boys from the kitchen crew were called in to hold them down so that they would not squirm while they were being spanked and that they were "beaten" until they passed out or defecated on themselves. Of the nearly 100 former students interviewed, eight stated that they had physical scars, suffered head, back, or leg injuries as a result of their spankings.

In addition to those former students who alleged physical abuse, there were several who stated that the discipline they received was necessary. Several students made the following statements regarding the discipline:

"(They) got what they deserved"

"In no way did it traumatize my life"

"Actually enjoyed my stay-I certainly needed the discipline"

"It was common sense to behave"

"Mr. Tidwell did for me what my parents never did"

"No student was sent to the White House without specific cause."

One former student who was sent to the White House on two occasions stated that his attendance at the School was a "very positive experience" and that he later returned to work there as an adult staff member.

INTERVIEWS OF FORMER SCHOOL STAFF:

Although several former School staff members were located, the majority of those members who could have provided FDLE with direct knowledge of policies and procedures have passed away. These staff members included former superintendents, directors, home life supervisors, etc. In addition, the majority of school records pertaining to the target years have been lawfully destroyed as they have met their minimum statutory retention requirements. The staff members that were located and their statements were as follows:

Former Superintendent Lenox Williams (Staff from 1960-1983) stated that spankings were primarily meted out as a last resort if a student was demoted to the rank of "Grub," escaped, or had the planning/knowledge of an escape. Williams also advised that if a student committed a serious offense such as being extremely physically aggressive toward another, he would potentially receive a spanking. According to Williams, there were occasions when a student would receive a spanking if he was caught smoking. Williams stated that smoking was considered a dangerous behavior because in order to light the cigarette a student would have to "pop" an electrical socket in order to create the spark that would in turn ignite the cigarette.

Williams stated that the only persons who were permitted to spank a student were Home Life Counselors or Directors and that all spankings were administered by designated Staff in the presence of an adult witness.

Williams advised that he was present during several spankings and recalled that the students received "10 to 12 licks at the most."

During his sworn statement with FDLE, Mr. Williams recalled one incident whereby he was advised by the School Physician, Dr. Wexler (deceased), that he felt that a student had received "too many licks across his buttocks with that paddle." Williams stated that Dr. Wexler told him that the student had lacerations on his buttocks. Williams stated that he did not recall the name of the student to which Dr. Wexler was referring.

Former Home Life Supervisor William Mitchell (Staff from 1953-1958 and 1959-1996) stated that he was present during many spankings as a witness and at times was the staff member who spanked students. Mitchell stated that he used a leather strap made of two to three pieces of leather sewn together. Mitchell stated that the strap did not contain metal or anything that would have given it weight. Mitchell advised that the students received 5 to 10 spankings at the most. Mitchell stated that allegations that students received one hundred lashes or more were completely untrue. Mitchell stated that he never witnessed any student with injuries (bruises, welts, or blood) as a result of their spankings. Mitchell, who is black, stated that it was his opinion that black students were treated no differently nor more harshly than white students.

Former Cottage Father Thomas Broome (Staff from 1955-1957) stated that he observed one spanking conducted by Mr. Hatton and Mr. Davis. Broome stated that he also observed students whose bruised buttocks lasted for four to five days.

Former Cottage Father Malcolm Hill (Staff from 1956-1957) stated that he witnessed spankings that in his opinion were "extreme." Hill stated that although some spankings were extreme (twenty to forty lashes), there were no other alternatives to discipline at that time. Hill advised

that he never witnessed any students who suffered bleeding as a result of their spankings. Hill was never aware of any student who sought medical treatment as a result of their spanking. Hill stated that he never witnessed Troy Tidwell spank a student. Hill also stated that the spanking strap that was used did not contain any metal that would have given it weight.

Former Cottage Father Marvin Floyd (Staff from 1961-1963) stated that there was no question in his opinion that there was physical abuse of students at times. Floyd stated that although he never witnessed students being spanked, he saw its residual effects. Floyd witnessed one student who had blood on his pajamas as a result of having been spanked.

Former Cottage Father Billy Dickson (Staff from 1962-1963) stated that he completed disciplinary reports on students who then received spankings. Dickson never witnessed any spankings, but did see welts on some students' buttocks. Dickson stated that the welts did not appear significant enough to have caused bleeding.

Former Cottage Father Grover McKee (Staff from 1963-1964 and 1965-1966) stated that he never witnessed any spankings but did observe redness and bruising on some students' buttocks. McKee stated that the redness and bruising did not appear significant enough to have caused bleeding.

ALLEGATIONS OF SEXUAL ABUSE

It was reported in the media and on former students' websites that a student was sodomized by staff members in the basement of the School's Administration building, which they referred to as the "Rape Room." When interviewed by FDLE, the former student, Robert Straley (in his sworn statement), stated that he was taken into the Administration building one night by Mr. Tidwell and another unknown staff member. Straley stated that his only recollection of the event was that he was lying face down on the floor and that Tidwell had him pinned down with his knees on his back. Straley could not state whether he was or was not sexually abused during the incident and added that he had no signs or symptoms of sexual assault. Straley said that his only physical complaint was that his chest was sore the next day. Straley stated, "I'm sure they did something, but I really don't know what." (Note: Straley attended the School from March 1963 through January 1964 and would have been approximately 17 years old at the time however he believes that he was actually 13 years old due to a discrepancy over his birth certificate.)

Some former students who were interviewed stated that they were sexually abused by fellow students and staff members who were unknown to them and could not identify. Other than Straley, only one former student, J. Patterson, stated that he was sexually abused by Mr. Tidwell. Mr. Patterson was interviewed several times by FDLE and each time changed his account of his time at the School and his accounts of sexual abuse. The veracity of Mr. Patterson's statement is subject to speculation due to inconsistencies of his accounts.

Social Worker-Robert L. Currie

Several former students complained of inappropriate physical contact/behavior by staff social worker Robert L. Currie. The majority of those students complained that Currie made sexual advances toward them or touched them inappropriately; however, a few stated that they were sexually battered by Currie. Lenox Williams stated that he was only aware of reports of

inappropriate conduct, rather than sexual battery, against Currie and that Currie was fired as a result. Currie passed away in August 2000.

LAUNDRY ROOM DEATH

It was also reported in the media and on former students' websites that a student was killed after having been placed in an industrial-sized dryer. There were two former students interviewed who claimed to have direct knowledge of a death in the laundry and are as follows:

Dick Colon

During his sworn statement, Dick Colon stated that while working at the School laundry, he went into the restroom and after several minutes exited only to find that there was no one in the room. Colon stated that he heard a noise coming from one of the industrial dryers. Colon stated that he walked over to the dryer and saw what he believed to be the face of a black male tumbling in the dryer. Colon advised that he made no attempt to open the dryer because he felt that if he did anything he would also be placed into the dryer. After Colon saw the individual, he walked back to his cottage and told no one of the incident. Colon did not know who the subject was nor how he got into or out of the dryer, or if he died. Colon attended the School between May 1957 through September 1959 and would have been approximately 16 years old at the time.

Roger Kiser

Roger Kiser reported that one day while working in the dry cleaning portion of the laundry building; he heard a "big commotion" coming from the laundry area (the laundry and dry cleaning area were in separate rooms). Kiser stated that when his supervisor went outside to check, Kiser opened the door to look outside. Kiser saw the boys from the laundry side being led outside. Kiser stated that his supervisor then came back inside and Kiser asked him what had happened. According to Kiser, the supervisor stated, "Another one of you little bastards just bit the dust." Kiser advised the supervisor walked back outside and again Kiser followed to look out the door. Kiser stated that he saw a vehicle drive up to the building with several staff members. Kiser stated that he saw the men carrying out what he believed to be a male juvenile covered with a white sheet or blanket. Kiser believed the juvenile was white because he saw a white arm hanging from under the sheet. Kiser advised that the men threw the boy into the back seat of the vehicle and drove away. Kiser stated that there were no attempts to conceal the event from the other boys. Kiser could not recall the names of any of the individuals who were present nor did he know the identity of the subject being carried out. Kiser attended the School between June 1959 through March 1960 and would have been approximately 14 years old at the time.

Neither Colon nor Kiser could provide the names of any witnesses or victims to these alleged events. No other former students interviewed by FDLE had direct knowledge of these incidents.

Laundry Room Death Inconsistencies

According to the *Gather* blog site which Kiser frequently writes, Kiser posted a story on July 24, 2008, entitled "*I Ain't like Him, Am I*?" In the story, Kiser wrote in the first person and gave an account of being present when a young boy was allegedly put into a dryer at the School's

laundry. As in the account given during his sworn statement with FDLE, Kiser wrote about working in the dry-cleaning section. Unlike his sworn statement, Kiser wrote that while working at his post, a boy returned from using the bathroom in the laundry room and entered the dry-cleaning room stating, "I think he's dead…Somebody put one of the boys in a big dryer over at the laundry and then turned it on. I think he got killed." Kiser stated that he walked over to the window and witnessed vehicles driving up to the laundry area. Kiser stated that his instructor came into the room and said, "Another one of you little brats bites the dust today." Contrary to his sworn statement, Kiser wrote in this account, "I never did see them bring the boy's body out of the laundry. I never was really sure if the boy actually died or not."

Additionally, Kiser wrote in this same account that he was informed about the laundry incident by a boy who returned to the dry-cleaning area after having used the bathroom in the laundry area. Kiser stated in his sworn statement with FDLE that he was alone in the dry cleaning area (with the exception of his supervisor). The account of the boy returning from the bathroom and witnessing a boy in a dryer is similar to Dick Colon's sworn statement.

On Kiser's website, "The WhiteHouseBoys.com," Kiser provided a third version of the laundry story entitled, *"Death in the Laundry,"* in which he again wrote in the first person. In this version, Kiser wrote that while working in the dry-cleaning section, he heard a commotion outside. Kiser looked outside and saw boys running in every direction. Kiser wrote that he asked one of the boys what happened to which the boy replied, "He's dead and he's in the tumble dryer." Again, Kiser asked his supervisor what happened and the man replied, "Another one of you little fuckers just bit the dust." Kiser wrote that he looked out the window and saw several cars drive up to the building and boys lined up two abreast marching down the roadway. Kiser saw several men carrying what appeared to be a body covered in a white sheet or blanket. Kiser wrote that the men tossed the "bundle" into the back seat of the vehicle and drove away. Kiser wrote that on his way back to his cottage he heard some boys say that the boy killed was black and other boys said that the boy was white. Kiser wrote, "I was rather confused as the white and black boys were always kept separate. I have always wondered if a black boy was there to deliver dirty laundry to the laundry, as there was a tug sitting outside the building and was not removed until three days later (The tug is an assist device used to transport large heavy loads of laundry). I heard that he (the boy) had got right up into the face of the laundry instructor and began cursing him. The man instructed several of the boys to take the boy and place him in the tumble dryer, which they did." Kiser then added that there was rumor that cottage fathers were overheard talking about a boy's body being dumped in a shallow grave in the woods.

This account provided by Kiser is inconsistent with his sworn statement in that he advised FDLE that the body he witnessed being carried out had a "white arm." Kiser also never advised FDLE that he was told by another boy that there was a student in the dryer. There was also no mention in Kiser's sworn statement that it was rumored that staff members disposed of the body in the woods.

It should also be noted that at the conclusion of Kiser's interview with FDLE, Kiser stated that he had received a letter from a woman in California who asked him to read her letter to FDLE Investigators upon completion of his interview. Kiser stated that he did not know the identity of the woman. Kiser read aloud the letter which essentially stated that she had in her possession notarized statements from former Dozier School employees who claimed:

- Employee/s who witnessed the beatings and abuses of students and described students with torn skin on their buttocks and legs as a result of spankings they endured at the White House. The employees also described blood covered walls and floors of the White House. The woman also reportedly claimed that a former School employee had knowledge of a "Beating Club" whereby members held meetings at a local coffee shop in Marianna.

- Employee/s who witnessed trucks driven by merchants from Marianna who came to the School farm on an almost daily basis in order to pick up items grown on the farm.

- Employee/s who had knowledge that School Social Worker, Robert Currie (deceased) molested students and that after reporting this to the Director and Superintendant were told to drop the matter and that they would handle it in due course.

- The woman has in her possession eight statements from girls who were sexually abused while students at the reform school in Ocala, Florida.

- The woman has in her possession a written letter given to the "Florida Governor" detailing "unbelievable abuses happening to Harold Tanner's stepson when both the governor and Tanner were attending a KKK meeting on Tanner's property located behind the greyhound racetrack in Whitehouse, Jacksonville, Florida."

The woman concluded her letter by stating, "If the final report states that no former employees could be contacted these statements will be released to the *Florida Times Union*, *St. Petersburg Times*, Rich Phillips at *CNN*, and the *New Yorker Magazine*."

Kiser stated that the woman sent him copies of the statements to which he destroyed at her request upon viewing them. Kiser stated that he destroyed the letters while burning a tree stump in his backyard three weeks prior to his interview with FDLE.

THE WHITE HOUSE BUILDING FORENSIC ANALYSIS

The eleven room White House building was originally built in 1929 as a secure detention area to house the School's most violent/uncontrollable juveniles. The building was necessary because the campus itself did not have a security or perimeter fence until the 1980's. In 1967, corporal punishment was abolished and the building was used for the storage of maintenance items such as air-conditioners and paint. The concrete cinder block building is no longer supplied with electricity or water and has been subjected to the elements of time. Paint chips litter the floors which are often flooded by rain. The walls and ceiling are cracked and stained with mold and mildew. The building has been sealed since October 21, 2008, and remains empty.

It has been alleged by several former students that the walls and floors of the White House building were stained in blood and flesh as a result of brutal spankings they received. Several stains on these walls have the outward appearance of a bloody handprint and/or bloody smears.

In response to these allegations, on February 10, 2009, an FDLE Crime Laboratory Analyst responded to the School to provide a forensic examination of the White House building. The

analyst was instructed to photograph the building's interior and exterior, obtain sketches and measurements of all interior rooms, and examine suspected interior areas for biological evidence.

Of specific interest to FDLE investigators were the two cells within the White House building that were used for the purpose of discipline (One cell for white students and one cell for colored students). Both cells were 6'X 9' in dimension. In addition, the southeast entryway and hallway waiting area were also processed.

Upon conclusion of the forensic examination, the analyst reported the following: "Phenolphthalein, a chemical presumptive test for detecting the presence of blood, was applied to the questioned stained areas on the west, south, and north walls of cell six (entry way), the north and east walls of cell seven (white cell), the south side of the half wall (waiting area), and the north and east walls of cell eight (colored cell). All areas tested had negative results." The analyst's completed report was submitted on February 17, 2009.

TROY TIDWELL

Requests by FDLE to interview Mr. Tidwell have been declined by his attorneys. Due to the possibility that FDLE's investigation might result in criminal prosecution, Mr. Tidwell could not be directed to forfeit his constitutional right to remain silent. However, on May 21, 2009, Mr. Tidwell, in the presence of his attorneys, provided a sworn video recorded statement at the behest of the attorneys for the plaintiffs involved in the civil suit. FDLE was not permitted to be present during the interview but obtained a copy of his deposition. The following is a synopsis of Mr. Tidwell's statement.

Mr. Tidwell worked at the School from 1943 through 1982 and retired as a Home Life Supervisor. As a Supervisor, Mr. Tidwell could not direct the spanking of a student. The decision to spank a student was determined by the School Superintendant or Director. Students who were demoted to the rank of Grub and those who escaped were most likely to receive spankings in the School's White House building. Mr. Tidwell stated that written disciplinary reports were maintained in student records (Note: These records have never been found and are presumed destroyed as per statutory guidelines).

A Director or Superintendent was always present to witness spankings and directed the number of spankings a student received. Mr. Tidwell stated that he both witnessed and gave spankings. According to Mr. Tidwell, in the early years of the School a wooden board/paddle was used for spankings, however, the board was discontinued and a leather strap composed of three strips of glued leather was used in its place. Mr. Tidwell denied that the strap contained any type of metal reinforcement.

Mr. Tidwell further explained that in the early years, students were told to bend over a chair in order to receive their spankings. This practice was discontinued and students were told to lie face down on a cot and grasp the head rails with their hands. Mr. Tidwell stated that if a student resisted or refused to remain still during their spanking, boys from the nearby kitchen (cafeteria) would be called to assist in holding the student still. Mr. Tidwell stated that students generally received six to eight spankings for minor infractions and no more than 10 for a major offense.

Mr. Tidwell advised that after spankings, some student's buttocks had blue or pink marks, however, none were injured to the point that their buttocks bled. Mr. Tidwell denied any knowledge that some students received medical treatment due to the severity of their spankings. Mr. Tidwell stated that the spankings he gave students from the School were no different than the spankings he gave his own children.

Mr. Tidwell denied ever physically or sexually abusing any students of the School.

INVESTIGATIVE FINDINGS

This investigation included over one hundred interviews of former students, family of former students, and former staff members of the School. The interviews confirmed that in addition to the implementation of the Individual Rating System, school administrators used corporal punishment as a tool to encourage obedience. The interviews revealed little disagreement about the way in which corporal punishment was administered. The former students were consistent in that punishment was administered by school administrators and adult staff witnesses in the building referred to as the White House. The former students were consistent in stating that a wooden paddle or leather strap was the implement used for administering punishment. The area of disagreement amongst former students was the number of spankings administered and their severity. Although some former students stated that they were "beaten" to the point that the skin of their buttocks blistered and bled profusely, there was little to no evidence of visible residual scarring. A secondary disagreement was the former students' perceptions of the punishment process. Some former students stated that their spankings caused them no psychological harm and that they learned from their mistakes; while others stated that, mentally, they suffered greatly as a result and still do so to this day.

Some reports by former students stated that in addition to corporal punishment, they were also subjected to sexual abuse at the hands of former staff members or other students. With the passage of over fifty years, no tangible physical evidence was found to either support or refute the allegations of physical or sexual abuse.

On January 29, 2010, a copy of the Investigative Summary was delivered to the Office of the State Attorney, 14th Judicial Circuit, for review.

Name of Contact	White House (approx.)	Memo	Investigative Report
Alexander, Herbert	1	Former student. No knowledge of any sexual abuse of a student by any staff or of any student deaths. Final outcome positive.	EI-73-8455/29
Allen, Charles	15	Former student. Currently incarcerated at the Walton Correctional Institute.	EI-04-0005/4
Allen, Gary M.	5	Former student. No knowledge of any sexual abuse of a student by any staff or of any student deaths.	EI-04-0005/2
Bailey, Delbert W.	14	Former student. No knowledge of any sexual abuse of a student by any staff or of any student deaths.	EI-73-8455/58
Bartell, Hines	Unknown	Family member, Father, was a student. No knowledge of any sexual abuse of a student by any staff or of any student deaths.	EI-73-8455/19
Benefiel, Teresa	Unknown	Family member, Uncle Owen Smith, was a student in the 1940's; killed and buried before family was notified. Spoke with Owen's sister Ovell Krell on 05/06/09 & niece Teresa Benefiel on 05/18/09.	EI-73-8455/90
Bilbrey, Martin	2	Former student. Never witnessed any sexual abuse of a student by any staff/heard rumors. No knowledge of any student deaths.	EI-73-8455/42
Blanchard, Roy	0	Former Student. Physically disciplined but never in the White House. No knowledge of any student deaths.	EI-73-8455/10
Boggess, William	Unknown	Former student. No knowledge of any sexual abuse of a student by any staff or of any student deaths. See Karen GIBSON	EI-73-8455/8
Bonner, John	2	Former student.	EI-73-8455/35
Brackin, James Mason	1	Former student. Beaten w/ board that left him hospitalized; recalled rumor of another student dead under a building's floor.	EI-73-8455/103
Brooks, Isaac	1	Former student. No knowledge of any sexual abuse of a student by any staff or of any student deaths.	EI-73-8455/81
Broome, Thomas H. Jr.	N/A	Former Employee. "Cottage Father" at Dozier. Observed numerous boys from his cottage who had received spankings. No knowledge of any sexual abuse of a student by any staff or of any student deaths.	EI-73-8455/64
Brown, Izell	6	Former student. No knowledge of any student deaths.	EI-73-8455/32
Bryant, Donald W	5	Former student. Stated he witnessed sexual abuse and was sexually abused by a staff member known as "Smith." No knowledge of any student deaths.	EI-73-8455/21
Carter, Jimmy	8 to 9 times	Former Resident x2 - Sent to White House often - "I had a problem with fighting all the time." 1st entered in 1955, back again a few years later.	EI-73-8455/54
Castello, Frank	1	Former student. No knowledge of any sexual abuse of a student by any staff or of any student deaths.	EI-73-8455/56
Catledge, Scott	Unknown	Former student. No knowledge of any sexual abuse of a student by any staff or of any student deaths. Final outcome positive.	EI-04-0005/7
Conner, Willie, Jr.	3	Interviewed by phone- lives in Syracuse, NY.	EI-73-8455/79
Cooper, Jerry	1	Former student. Knowledge of a student dying during a sports activity in the gym.	EI-73-8455/77, 83, & 97
Cureton, James	17	Former student. Was sexually abused by other students and by a staff member known as "Watkins." No knowledge of any student deaths. Final outcome positive.	EI-73-8455/34
Darnell, William "Dix"	N/A	Former Aide to Mr. Keller, Florida Division of Youth Services.	EI-73-8455/70
Davis, Don	N/A	Former Judge who did some juvenile sentencing to the facility. No first hand knowledge but offered his assistance.	EI-04-0005/14

DeCastro, Bernard F.	1	Former student. No knowledge of any sexual abuse of a student by any staff member or of any student deaths.	EI-73-8455/44
Dickson, Billy	N/A	Former Employee. "Cottage Father" at Dozier. Observed boys from his cottage that had received spankings.	EI-73-8455/73
Dobbs, Sherry	Unknown	Family member, brother John E. Pettway, was a student.	EI-04-0005/8
Doucette, Ray	2	Former student. Final outcome positive.	EI-37-8455/28
Dube, Clifford	5	Former student. No knowledge of any sexual abuse of a student by any staff member or of any student deaths.	EI-73-8455/27
Floyd, Marvin L.	N/A	Former Employee. "Cottage Father" at Dozier. Observed boys from his cottage who had received spankings. No knowledge of any student deaths. Referenced "The Johns Committee."	EI-73-8455/71
Folsom, Sara	N/A	Family member, dad Rob Hobbs, was an employee. Now deceased. Said dad left his job because of the abuse.	EI-73-8455/18
Foote, Billy	Unknown	Former student. There between 1962-1963. Said beatings were written in a report called "Final Disciplinary Action." Has Not Returned Phone Call.	N/A
Frick, Stanley W.	1	Former student. No knowledge of any sexual abuse of a student by any staff member or of any student deaths. Final outcome positive.	EI-73-8455/46
Fudge, Charles	1	Former student. No knowledge of any sexual abuse of a student by any staff member or of any student deaths.	EI-73-8455/63
Gaddy, Johnny L.	1	Former student. No knowledge of any student deaths.	EI-73-8455/89
Gay, George	1	Former student. No knowledge of any sexual abuse of a student by any staff member or of any student deaths.	EI-73-8455/59
Gibson, Karen	N/A	Family member, William Boggess, Jr., was a student.	EI-73-8455/9
Hall, Phil	1	Former student. Final outcome positive.	EI-04-0005/15
Hall, Diane	N/A	Family members, brothers James Finest Sizemore and Harold K. Sizemore, were students. Hall advised that both her brothers have obtained legal counsel.	EI-04-0005/9
Halstead, Thomas	1	Former student. No knowledge of any sexual abuse of a student by any staff member or of any student deaths. Final outcome positive.	EI-73-8455/36
Hanna, John M.	12	Former student. Inappropriately touched once. No knowledge of any student deaths.	EI-73-8455/68
Hanna, Thomas E	1	Former student. No knowledge of any sexual abuse of a student by any staff member or of any student deaths.	EI-73-8455/69
Harrell, Glenn	0	Former student. No knowledge of any student deaths. Final outcome positive.	EI-73-8455/60
Hill, Malcolm	N/A	Former Employee. "Relief Cottage Father." No knowledge of any student deaths.	EI-73-8455/48
Hilliard, Edward	2	Former student. No knowledge of any student deaths.	EI-73-8455/20
Hodge, Acie	4	Former student. No knowledge of any sexual abuse of a student by any staff member or of any student deaths.	EI-73-8455/53
Holloway, Daniel	0	Former student. Stated he witnessed sexual abuse of a student by a staff member. No knowledge of any student deaths.	EI-73-8455/62
Holroyd, Kenneth	2	Former student. No knowledge of any student deaths.	EI-73-8455/49
Horne, Harvey	Unknown	Former student. Was advised by his lawyer not to provide any information at this time.	EI-04-0005/12
Houston, Larry	Unknown	Former student. Has Not Returned Phone Call.	N/A
Howell, Alice	N/A	Family members, two brothers, believes were sent to Dozier. Attempted to locate.	N/A
Johnson, Ernest J.	Unknown	Former student.	N/A
Kent, Glenda	N/A	Family member, brother Charles Wayne Stephens, was a student.	N/A
MacKendrick, Keith	2	Former student. No knowledge of any sexual abuse of a student by any staff member or of any student deaths.	EI-73-8455/61

Marchesana, Philip	Unknown	Former student. Was advised by his lawyer not to provide any information at this time.	EI-04-0005/10
Marx, Frank L.	3	Former student.	EI-73-8455/87
Maynor, Glen	2	Former student. Stated he witnessed sexual abuse of a student by a staff member. No knowledge of any student deaths.	EI-73-8455/17
McAllister, Jimmy Lee	2	Former student. No knowledge of any sexual abuse of a student by any staff member or of any student deaths.	EI-73-8455/45
McClellan, Wayne	N/A	Information regarding some things that took place at the school. McLellan had no first hand knowledge of any occurrences at Dozier. Former Employee of Apalachee Correctional Institute.	EI-04-0005/11
McKee, Grover H.	N/A	Former Employee. "Cottage Father." No knowledge of any sexual abuse of a student by any staff member or of any student deaths. Final outcome positive.	EI-73-8455/74
McMillian, Joyce	1	Family member, husband Marvin McMillian, was a student.	EI-73-8455/30
Middleton, Bryant E.	Recorded	Former student. Recorded sworn interview.	EI-73-8455/96
Miller, John E.	3	Former student. No knowledge of any sexual abuse of a student by any staff member or of any student deaths.	EI-73-8455/55
Moenter, Sue	N/A	Family members, brothers John & Thomas Hanna, were students. Provided us with contact information for John & Thomas Hanna.	
Moore, Michael	0	No knowledge of any sexual abuse of a student by any staff member or of any student deaths.	EI-73-8455/31
Morris, Peter	Unknown	Email provided no contact information.	EI-04-0005/6
Nelson, Rick	N/A	Family member, son, was a student. No information related to the Dozier School that falls within the time frame of this investigation.	EI-04-0005/18
Nebrechek, Ed	N/A	No first hand information.	EI-04-0005/13
Pappas, Jeannie	N/A	Family member, dad "Chaplain" Archie McDaniel Jr, was an employee. Pappas indicated that her father (Chaplain) had conducted some research on the graveyard but does not have any of his notes related to the cemetery.	EI-04-0005/17
Patterson, John	10	Former student. Stated he was sexually abused by students and staff members. The number of incidents vary with each telephone conversation. Called on 4 separate occasions.	EI-73-8455/33
Pitts, Donald	0	Former student. Knowledge of a student dying during a sports activity in the gym. No knowledge of any sexual abuse of a student by any staff member.	EI-73-8455/95
Powell, Henry Isaac	1	Former student. No knowledge of any sexual abuse of a student by any staff member or of any student deaths.	EI-73-8455/80
Privett, R.B.	Unknown	Former student. No knowledge of any sexual abuse of a student by any staff member or of any student deaths. Final outcome positive.	EI-73-8455/38
Proctor, Shirley McAllister	2	Family member, brother Jimmy Lee McAllister, was a student. No knowledge of any sexual abuse of a student by any staff member or of any student deaths.	EI-73-8455/45
Puel, Andrew	0	Former student. Heard of a student being sexually molested by the guidance counselor however no first hand knowledge of any sexual abuse of a student by any staff member. No knowledge of any student deaths or sexual abuse of students by staff.	EI-73-8455/41
Ratledge, Jerry	8	Former student. No knowledge of any sexual abuse of a student by any staff member or of any student deaths.	EI-73-8455/43
Reed, Pam	N/A	Family members, Thomas & Richard Vamadoe, were students. Thomas Varnadoe died at school on 10/27/34. Richard Vamadoe is still alive.	N/A
Richardson, Joe	Unknown	Needs attorney's names for Class Action suit for a relative. Richardson has not returned any calls after messages were left.	N/A
Ritter, Jack	25	Former student. No knowledge of any sexual abuse of a student by any staff member or of any student deaths. Incarcerated, Mayo Correctional Institution.	EI-73-8455/66

Rumph, Trevula	N/A	Family member, father Freddie Williams, was a student. SEE WILLIAMS, FREDDIE	EI-73-8455/67 & EI-04-0005/20
Savill, Philip A.	6	Former student. No knowledge of any sexual abuse of a student by any staff member or of any student deaths.	EI-73-8455/50
Shaw, John	Unknown	Emailed information on his stay at Dozier.	EI-73-8455/88
Smith, Donald	Unknown	Former student. No knowledge of any student deaths.	EI-73-8455/86
Smith, William	1	Former student. No knowledge of any sexual abuse of a student by any staff member or of any student deaths.	EI-73-8455/22
St. Clair, Robert L.	2	Former student. Stated that the counselor made verbal sexual advances on him, which he rebuffed and then was left alone thereafter. No knowledge of any student deaths.	EI-73-8455/51
Strickland, Peggy	N/A	Genealogist-Awaiting response to email.	N/A
Striker, Hugh	Unknown	Former student. Has Not Returned Phone Call.	N/A
Swiston, John Edward	2	Former student. No knowledge of any sexual abuse of a student by any staff member or of any student deaths.	EI-04-0005/3
Tharpe, Jimmy	0	Former student. No knowledge of any sexual abuse of a student by any staff member or of any student deaths.	EI-73-8455/57
Thomas, James M.	3	Former student. No knowledge of any student deaths. Final outcome positive.	EI-73-8455/75
Thompson, Curtis	7	Former student. No knowledge of any sexual abuse of a student by any staff member or of any student deaths.	EI-73-8455/52
Tillis, Jesse	3	Former student. No knowledge of any sexual abuse of a student by any staff member or of any student deaths.	EI-73-8455/23
Tucker, John W.	N/A	Family members, brothers, were students.	EI-04-0005/5
Vamadoe, Richard	N/A	See Pam REED	EI-73-8455/9
Vaughn, Clinton	3	Former student. No knowledge of any sexual abuse of a student by any staff member or of any student deaths.	EI-73-8455/72 & 98
Wagner, Charles "Ronnie"	1	Former student. No knowledge of any sexual abuse of a student by any staff member or of any student deaths.	EI-73-8455/16
Walker, Wayne	0	Former student. No knowledge of any sexual abuse of a student by any staff member. Final outcome positive.	Ei-73-8455/24
Weese, William K.	Unknown	Family member, Uncle Godfrey William Weese, was a student. Stated that Uncle had no knowledge of any sexual abuse of a student by any staff member or of any student deaths.	EI-73-8455/11
Wenzel, Dave	N/A	Early 1960s was a juvenile probation officer in Dade Co. Offered his assistance.	N/A
West, Billy	18	Former student. No knowledge of any sexual abuse of a student by any staff member or of any student deaths.	EI-04-0005/16
Williams, Freddie	3	Former student. Stated he was a victim of sexual abuse while at the school from a staff member. No knowledge of any student deaths. Incarcerated in NWFRC.	EI-04/005/20 & EI-73-8455/67
Williams, Lorenzo	1	Former student. No knowledge of any sexual abuse of a student by any staff member or of any student deaths.	EI-73-8455/78
Willow/Chase, Dawn	N/A	Family member, son Chris, was a student.	N/A

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

VICTOR T. JONES,

Petitioner,

v.

SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS,

Respondent.

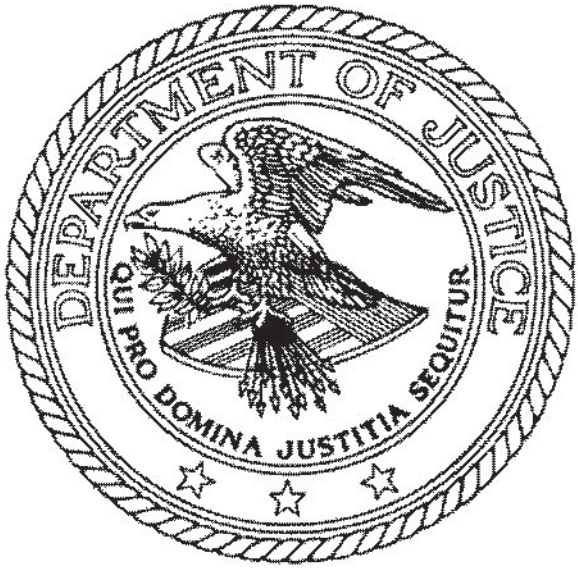
ON PETITION FOR WRIT OF CERTIORARI
TO THE SUPREME COURT OF FLORIDA

APPENDIX C6

CAPITAL CASE

DEATH WARRANT SIGNED
EXECUTION SET SEPTEMBER 30, 2025, AT 6:00 P.M.

Investigation of the Arthur G. Dozier School for Boys and the Jackson Juvenile Offender Center, Marianna, FL, US. Dept. of Justice, December 1, 2011



Investigation of the Arthur G. Dozier School for Boys and the Jackson Juvenile Offender Center, Marianna, Florida

United States Department of Justice
Civil Rights Division

December 1, 2011

Summary of Findings

Despite Florida's statewide system of oversight of its juvenile justice facilities, we found harmful practices at both the Arthur G. Dozier School for Boys ("Dozier") and the Jackson Juvenile Offender Center ("JJOC")[1] that threatened the safety and wellbeing of youth. Florida's oversight system failed to detect and sufficiently address the problems we found at Dozier and JJOC. We find that many of the problems we identified at Dozier and JJOC are the result of a systemic lack of training, supervision, and oversight. These problems may well persist without detection or correction in other juvenile facilities operating under the same policies and procedures and subject to the same oversight process that allowed the failures at Dozier and JJOC to persist until a budgetary crisis forced their closure. As such, to inform Florida's Department of Juvenile Justice's ("DJJ") continued care of the juveniles within its youth facilities, we discuss our findings at Dozier and JJOC in this Report. Our findings remain relevant to the conditions of confinement for the youth confined in Florida's remaining juvenile justice facilities.

The youth confined at Dozier and JJOC were subjected to conditions that placed them at serious risk of avoidable harm in violation of their rights protected by the Constitution of the United States. During our investigation, we received credible reports of misconduct by staff members to youth within their custody. The allegations revealed systemic, egregious, and dangerous practices exacerbated by a lack of accountability and controls. We found the following threats to the safety of the youth:

- Staff used excessive force on youth (including prone restraints) sometimes in off-camera areas not subject to administrative review;
- Youth were often disciplined for minor infractions through inappropriate uses of isolation and extensions of confinement for punishment and control;
- Staff were not appropriately trained to address the safety of suicidal youth and were often dismissive of suicidal behaviors; and
- The safety of Dozier youth was compromised as a result of their relocation to JJOC, a more restrictive and punitive environment.
- The State failed to provide necessary and appropriate rehabilitative services to address addiction, mental health or behavioral needs, which serve as a barrier to the youths' ability to return to the community and not reoffend.

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[1] Both facilities constituted the North Florida Youth Development Center ("NYFDC"). When discussing both facilities, we will use the term NYFDC.

These systemic deficiencies exist because State policies and generally accepted juvenile justice standards were not being followed. We found that NYFDC staff did not receive minimally adequate training. We also found that proper supervision and accountability measures were limited and did not suffice to prevent undue restraints and punishments. Staff members failed to report allegations of abuse to the State, supervisors, and administrators. Staff members often failed to accurately describe use of force incidents and properly record use of mechanical restraints.

These failures violate the Fourteenth Amendment's mandate that youth in custody be adequately protected from harm, undermining public safety by returning youth to the community unprepared to succeed and eroding public confidence. We appreciate the efforts of NYFDC's leadership to correct longstanding deficiencies and its responses to recommendations we made throughout the investigation. In order to avoid another failed facility such as Dozier and to ensure that confined youth are being treated in a manner consistent with the Constitution, the State must conduct an accountability review of its remaining facilities with the assistance of consultants in the field of juvenile protection from harm and implement effective oversight measures.

I. Investigation

On April 7, 2010, we notified then-Governor Charlie Crist and DJJ officials of our commencement of this investigation pursuant to Section 14141. On July 6-9, 2010 and May 17-19, 2011, we conducted on-site inspection tours with consultants in the fields of juvenile protection from harm and adolescent medical care. We interviewed staff members, youth, medical and mental care providers, teachers, and administrators. Before, during, and after our visit, we reviewed documents, including policies and procedures, incident reports, youth records, medical reports, unit logs, orientation material, staff training material, and use of force videos and accompanying reports. Consistent with our commitment to conduct our investigations in a transparent manner and to provide technical assistance where appropriate, we conducted exit conferences with NYFDC and DJJ officials, during which our consultants conveyed their preliminary observations and concerns.

We would like to note that the staff and administrators of NYFDC, including Superintendent Michael Cantrell, were helpful, courteous, and professional throughout our investigation. We would also like to express our appreciation to the DJJ for its cooperation throughout our investigation. We are hopeful that State and DJJ officials are committed to remedying the deficiencies identified in this Report on a system-wide basis as the problems identified at NYFDC continued due to the failure of the oversight system.

We find that several conditions and practices at NYFDC violated the constitutional rights of the youth confined to its care. Specifically, we find that

juveniles were subjected to excessive use of force by staff; that youth were subjected to lengthy and unnecessary isolation; that youth were deprived of necessary medical and mental health care, including adequate suicide prevention measures; that youth were subjected to punitive measures in violation of their due process rights, such as extensions of their confinement at the facility and, when both facilities were in use, punitive transfers to the more restrictive facility; that youth were denied rehabilitative services; and that youth were subjected to unsafe and unsanitary facility conditions. We also found problems particular to each of the facilities, including, at Dozier, staff subjecting youth to unwarranted, intrusive, and excessive frisk searches. As detailed below, the conditions we found resulted in youth suffering grievous harm. Although Dozier and JJOC are now shuttered, these problems persist due to the weaknesses in the State's oversight system and from a correspondent lack of training and supervision.

II. Background

Our investigation initially focused on Dozier and subsequently expanded to JJOC. During our July 2010 tour, the State revealed its plan to merge administration of Dozier with JJOC while maintaining separate facilities for the youth.[2] As explained further below, Dozier and JJOC were very different facilities in terms of restrictiveness level, the length of the youths' commitment to each facility, and the level of confinement appropriate for the category of youth in each facility. According to the State's merger plan, the facilities would be consolidated and renamed the North Florida Youth Development Center, with staff referring to Dozier as the "open campus" and JJOC as the "closed campus." The facilities shared staff, forms, processes, and procedures.[3] In Fall 2010, the Dozier campus began to accept a new population of juveniles, including 15 children classified as "developmentally delayed."

By March 2011, however, Dozier started to transition all youths from its campus to other facilities. The majority of the youth were sent to JJOC and the youth in the developmental program were transferred to the Ockaloosa

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[2] A similar merger had occurred for approximately two years ending in early 2009, when Dozier and JJOC operated a joint admission and orientation program. Bureau of Quality Assurance Program Review for Dozier Training School at 3 (December 2009) available at http://www.djj.state.fl.us/QA/programreports/residential/dozier.pdf. Under this program, both facilities had independent superintendents who reported to a "complex facility director." Id. Dozier youth attended admission and orientation programs at JJOC, stayed there for the period it required to "internalize the rules and exhibit appropriate behaviors," and then transferred to the Dozier campus. Id.

[3] While our review was focused on Dozier, we received some documents and videos regarding JJOC youth. We also reviewed material involving Dozier youth who were transferred to JJOC.

Youth Development Center. On May 26, 2011, the DJJ announced the pending closure of both Dozier and JJOC citing budgetary limitations. The facilities were officially closed on June 30, 2011. The remaining residents were transferred to DJJ facilities throughout the system.

Prior to the eventual closure of Dozier, Dozier was a state operated "high risk" residential commitment facility.[4] It housed juvenile males between the ages of 13 and 21 who were committed by the court. Dozier had space for 104 juveniles. Dozier was surrounded by a perimeter fence and had locking doors for each individual living unit, called "cottages." Youth resided in several cottages within unlocked, single rooms. The facility, which opened 110 years ago, was located in rural Florida on 159 acres of property. The average length of stay for youth committed to Dozier was 9-12 months.

Dozier was located on the same grounds as JJOC, a maximum risk state operated facility for boys who were sentenced to serve a maximum of 18 months. JJOC was structured like a prison, with locked single-cells for the boys. JJOC was more secure and harsher than Dozier and was for "chronic offenders" who committed "offenses consisting of violent and other serious felony offenses."[5] The boys were confined to single living areas, referred to as "pods," which were similar to a prison hall with individual cells with heavy metal doors along the corridor. The beds were made of concrete with a thin pad serving as a mattress. The building was surrounded by razor wire. The outside areas branching off of the main building were also surrounded by razor wire, including the areas designated for outdoor activities.

The relocation of Dozier youth to JJOC before the closure announcement led to immediate threats to the safety of the Dozier youth. In particular, there was an increase in uses of force by staff during the month of the transition. Compared to Dozier, youth at JJOC received less counseling and were

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[4] The DJJ has five restriction levels for placement of juveniles: (1) minimum-risk nonresidential, (2) low-risk residential, (3) moderate-risk residential, (4) high-risk residential, and (5) maximum-risk residential. Dozier is a high-risk residential facility, which includes facilities where juveniles are closely supervised in a "structured residential setting that provides 24-hour secure custody and care." Florida Department of Juvenile Justice website, at http://www.djj.state.fl.us/Residential/restrictiveness.html. Juveniles in high-risk facilities have restricted community access, limited to "necessary off-site activities such as court appearances and health-related events." Florida Department of Juvenile Justice website, at http://www.djj.state.fl.us/Residential/restrictiveness.html. In limited circumstances, with court approval, the resident may be allowed unsupervised home visits as part of the transition before being released from the facility. Id.

[5] See Department of Juvenile Justice website at http://www.djj.state.fl.us/Residential/restrictiveness.html.

subjected to more restrictiveness, given the limited access to vocational education and recreational activities and less freedom of movement overall. One youth aptly observed that he felt his punishment was increased as a result of his transfer to JJOC.

Dozier's Superintendent, Michael Cantrell, who started on January 4, 2010, was the facility's seventh superintendent in nine years. Cantrell's predecessor resigned on December 17, 2009, after less than two years in the position. During his tenure, Cantrell made some positive changes at Dozier, such as terminating some staff who were engaged in abusive behavior and increasing the positive incentive system for youth. These positive steps were compromised when Dozier youth were transferred to JJOC.

Years ago, Dozier was the subject of a class action litigation regarding the conditions of confinement.[6] The case was filed in 1983 against several State officials and agencies concerning conditions at some of the State's training schools and juvenile justice programs. With respect to Dozier, the plaintiffs alleged that youth were hogtied, shackled, and often held in solitary confinement. The case settled in 1987 with the parties entering into a consent decree. In 1995, the judge dismissed the consent decree against Dozier with prejudice -- over the plaintiffs' objections.[7] Dozier has since been the subject of media reports suggesting that juveniles at the facility were subjected to significant abuse at the hands of staff.[8] On February 25, 2011, the facility became the subject of another class action lawsuit alleging constitutional violations, including abusive and unsafe conditions of confinement.[9]

In part, as a result of the prior lawsuit and resulting legislative reforms, the DJJ has a very well-developed statewide system of written procedural protections in the form of written policies and procedures. While these policies and procedures are available to State juvenile facilities, including Dozier and JJOC, our findings show that the ethos behind these policies and procedures has not adequately translated into action. Indeed, at Dozier and JJOC, many of the policies were disregarded and many of the procedures were inadequately implemented. Harmful practices threatened the physical and mental well-

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6 See Bobby M. v. Chiles, 907 F.Supp. 368, 369 (N.D. Fl. 1995). At the time, the facility was called the Arthur G. Dozier Training School.

7 See Bobby M., 907 F.Supp. at 369.

8 See Ben Montgomery & Waveney Ann Moore, 100 Years Later and Its Still Hell, St. Petersburg Times, Oct. 11, 2009 at 1A. See Ben Montgomery, Files Verify Boys' Abuse, St. Petersburg Times, Sept. 24, 2009 at 1A; see also Jim Schoettler, Summaries Unveil Recent Abuse Cases at Dozier, The Florida Times-Union, Sept. 25, 2009 at B-3. Allegations of past abuses have also been discussed in non-fiction books such as The White House Boys: An American Tragedy by Roger Dean Kiser (2008).

9 See J.B. v. Walters, et al., 4:11-cv-00083-RH (N.D. Fl. 2011).

being of the youth committed to these facilities. These harms were clearly evident in a number of areas at NYFDC and yet the DJJ's oversight system failed to adequately address the safety of the youth. Despite its policies and procedures, the State hired abusive staff at NYFDC, failed to provide the requisite training to staff to ensure that they protected the youth in their care, failed to ensure that the requisite supervision was in place to prevent and detect abuses, and failed to have an effective accountability process. We therefore believe that the harm suffered by juveniles confined at Dozier and JJOC is not limited to those facilities. Accordingly, we are sharing these findings with the State despite the closure of these facilities.

III. **Findings**

We find that the State failed to adequately protect youth confined to Dozier and JJOC from harm and threat of harm by staff, other youth, and self-harm. The State's failure to ensure the adequate implementation of its policies caused unconstitutional conditions of confinement. It is imperative that the State ensure implementation of its policies and reform of its practices to bring its juvenile detention facilities into compliance with constitutional standards.

Detained youth are protected by the Fourteenth Amendment and have a substantive due process right to reasonably safe conditions of confinement and freedom from unreasonable bodily restraints. See Youngberg v. Romeo, 457 U.S. 307, 315-16 (1982) (recognizing that a person with developmental disabilities in state custody has substantive due process rights under the Fourteenth Amendment); Bell v. Wolfish, 441 U.S. 520 (1979) (applying the Fourteenth Amendment standard to facility for adult pre-trial detainees); H.C. v. Jarrard, 786 F.2d 1080, 1085 (11th Cir. 1986)(holding that conditions of pretrial juvenile detainees "affect liberty interests protected by the Fourteenth Amendment."). The Fourteenth Amendment, rather than the Eighth Amendment, applies to youth confined to juvenile facilities because adjudicated youth are held for rehabilitation, not punishment.[10] Conditions of confinement claims may be based not only upon existing physical harm to youth, but also on conditions that threaten to cause future harm to confined youth. Helling v. McKinney, 509 U.S. 25, 33 (1993) (stating "[i]t would be odd to deny [relief to

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[10] In Ingraham v. Wright, the Supreme Court refused to apply the Eighth Amendment deliberative indifference standard in a non-criminal context. 430 U.S. 651, 669 n.37 (1977) ("Eighth Amendment scrutiny is appropriate only after the State has complied with the constitutional guarantees traditionally associated with criminal prosecutions."). Moreover, in Bell, 441 U.S. 520, the Court held that the Due Process Clause of the Fourteenth Amendment was the appropriate basis to determine the rights of adults detained by a state, but not yet convicted of any crime. See also H.C. v. Jarrard, 786 F.2d at 1085. At minimum, youth should be accorded the same protections.

detainees] who plainly proved an unsafe, life-threatening condition in their [facility] on the ground that nothing yet had happened to them.").

To determine whether the Fourteenth Amendment was violated, a balancing test must be applied: "[I]t is necessary to balance 'the liberty of the individual' and 'the demands of an organized society.'" Youngberg, 457 U.S. at 320 (citing Poe v. Ullman, 367 U.S. 497, 542 (1961) (Harlan, J., dissenting)). The Youngberg Court went on to hold that "[i]f there is to be any uniformity in protecting these interests, this balancing cannot be left to the unguided discretion of a judge or jury." Id. at 321. Instead, the Court held that there was a constitutional violation if the detaining official substantially departed from generally accepted professional standards, and that departure endangers youth in their care. See id. at 321.

1. Excessive Uses of Force

Juveniles have a constitutional right to be free from physical abuse by staff and from assaults inflicted by other juveniles. Youngberg, 457 U.S. at 315-16 ("the right to personal security constitutes a 'historic liberty interest' protected substantively by the Due Process Clause"); Jarrard, 786 F.2d at 1085 (juvenile's due process rights violated when detention officer slammed him against a wall and a metal bunk in an isolation cell); Bozeman v. Orum, 422 F.3d 1265 (11th Cir. 2005)(force used against 17-year-old pre-trial detainee was excessive where the detention officers continued to use force, shackling him and sitting on him, after he was subdued). Generally accepted juvenile justice standards require that juveniles be provided with a safe environment and that force be used only as a last resort. Absent exigent circumstances, lesser forms of intervention, including verbal de-escalation methods, should be used or considered prior to more serious and forceful interventions.

We learned that despite policies requiring that force be a last resort, staff subjected youth to force as a first resort. This violation occurred even though DJJ provides training that emphasizes a preference for verbal intervention and de-escalation of conflict. The DJJ authorizes facilities to train staff on use of the "Protective Action Response" ("PAR") measures – which include both verbal and physical intervention – to address youth behavior. PAR includes three different response levels: level 1 consists of verbal intervention; level 2 includes touch and countermove techniques as well as takedown methods;[11] and level 3 involves the use of mechanical restraints. The DJJ only authorizes

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[11] According to the training director, the primary PAR technique is a "straight-arm" take down to the ground technique. If a child is already on the ground, a PAR technique would only be required if the youth's arms are blocked (underneath) by his body; this technique involves pulling the child's arms from under his body. Staff are prohibited from implementing force involving punches, strikes, kicks, or pressure points.

physical intervention where "a clear and identifiable risk to safety and security" is present.[12] Further, DJJ rules require that "counseling, verbal intervention, and de-escalation techniques are used prior to physical intervention."[13]

Despite these rules and the attempts of facility leadership to implement even stricter rules, such as a zero tolerance rule implemented by Cantrell at Dozier, the use of excessive force against youth was a persistent problem. For example, at Dozier, we learned that staff used force as a first resort against youth engaged in non-violent and non-threatening behavior. Staff took youth to the ground using the dangerous face down prone restraint technique. Staff engaged in impermissible uses of force such as choking. And, finally, staff used force when a youth was already subdued, including use of mechanical restraints. These practices occurred even more frequently at JJOC. In fact, the 2011 JJOC rate of physical restraint events was nearly seven times larger and more than five times greater than the Performance-based Standards for Youth Correction and Detention Facilities' Field Average ("PbS Field Average").[14] Even more troubling, the JJOC rate of takedowns alone was over 2.5 times greater than the rate of *all* physical restraint events in the PbS Field Average.

We also found that many uses of force were not appropriately documented and were often conducted outside the view of facility cameras. Inadequate documentation and recording of use of force incidents leads us to question whether uses of force at Dozier and JJOC were even *higher* than the data suggests.

a. Unnecessary Uses of Force

The needless imposition of force on a juvenile is a violation of his constitutional rights. Jarrard, 786 F.2d at 1085. Moreover, continued use of force is excessive where the juvenile is already subdued. Bozeman, 422 F.3d at 1265. Youth confined at NYFDC were subjected to excessive force. While a number of staff were terminated or placed on "no contact" status as a result of excessive uses of force, oftentimes improper uses of force were deemed

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12 DJJ Administrative Rules, Protective Action Response Policy, 63H-1.003. This rule is copied on the facility level as well. For example, Dozier was supposed to follow a similar rule. See Facility Operating Procedures ("FOP"), FOP 208 (March 4, 2010).

13 Id.

14 The Performance-based Standards for Youth Correction and Detention Facilities was developed in 1995 by DOJ, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention ("OJJDP") to assess conditions of juvenile confinement. PbS establishes goals and standards for facilities. Participating facilities collect information in an effort to identify problems and improve conditions. See Council of Juvenile Correctional Administrators, available at http://cjca.net/initiatives/performance-based-standards-pbs.

appropriate by reviewers, who generally were Juvenile Justice Residential Officer ("RO") supervisor or training coordinators. The following incidents, which occurred at NYFDC, are illustrative of the pattern or practice of excessive force staff routinely used against youth.

- AA[15] complained that he was choked during an altercation with a RO on June 28, 2010. A video of the encounter shows that after a brief verbal exchange with the RO, the RO violently pushed AA onto his back on what appears to be a mattress. AA was pushed mostly out of the view of the camera, but his feet were still within view. The video shows that the RO remained on top of AA for about 10 seconds before both were out of view of the camera. AA reportedly had scratches on his neck following the incident and is seen on the video touching his neck once he was within view of the camera again. The facility found the use of force to be appropriate even though the youth presented no apparent danger before the RO used force against him.

- On August 20, 2010, BB asserted that a RO injured him during an unnecessary takedown. A video of the incident shows the RO pushing BB to the ground without any apparent provocation. The youth had been seated on a table and was fiddling with what appeared to be a hand towel. According to the RO's incident report, the youth had tried to harm himself with the towel and refused to release the item. Although this rationale is difficult to discern from the video, the facility found that force was appropriately used. While use of force may be appropriate to prevent imminent bodily harm, that does not appear to be the basis for use of force in this instance.

- On September 10, 2010, a RO provoked CC into an argument and then slammed CC into furniture and onto the ground. Before the assault, the RO approached CC as he leaned against a desk in the common room as other youth milled about the room. CC appeared to be somewhat withdrawn, but was not engaged in violent or disruptive behavior. The RO continued to address CC and, after about a minute, shook CC's arm. CC did not react to the RO, keeping his head down. The RO held on to CC's arm and then attempted to force the youth's left arm behind his back. At this point, CC moved to escape the arm lock. The RO followed CC and argued with him, moving his chest against the youth's chest and shadowing him. Even though CC moved slowly away and seemed

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[15] We will use pseudonyms throughout this Report to protect the identities of the youth involved in various incidents.

to be trying to avoid further confrontation, the RO continued to shadow CC. CC was clearly being taunted and aggravated. CC responded by arguing with the RO and they ended up bumping chests. The RO then pushed CC onto an armchair, sliding both the youth and the armchair across the room and into a wall, causing CC to fall to the ground. While CC was still on the ground, with his back on the floor, the RO hovered over him and appeared to strike and choke the youth. The incident was reviewed and found to be an improper use of force.[16]

- In another incident involving CC, the use of force was found to be appropriate after the RO took the youth down to the ground. According to the incident report, the RO verbally directed CC to remain in bounds but the youth kept walking out of bounds. In the video, CC made no aggressive motions and simply appeared to be disobedient. The RO then physically forced CC to the ground in order to get him to comply with the directions. Once he was forced to the ground, CC started resisting. The RO reacted by forcefully grabbing the youth's arm and dangerously placing his body weight on the youth to keep him still. Eventually, other ROs approached to assist the initial RO. This incident developed when the RO unlawfully used force as a response to a youth who was not violent, did not appear to be hurting himself, and did not appear to be threatening towards other staff or youth.

- At Dozier, several boys reported witnessing a RO choke another youth, DD, until foam came out of his mouth. Choking is an unlawful use of force.

These examples demonstrate that despite DJJ's appropriate directives to only use force when there is "a clear and identifiable risk to safety and security," force was often used a first resort and in circumstances where no risk to safety and security was present.

b. Dangerous Use of Restraints

The excessive and unnecessary use of prone restraints places youth at great risk for harm. The practice of face down prone restraint is highly problematic and even more dangerous when force is applied to the prone youth. Evidence at NYFDC suggests that staff at Florida's juvenile facilities are not properly trained on the use of this technique. First, incident reports, complaints of youth, and videos indicate that not all ROs are implementing this procedure in a manner that ensures youth safety. Indeed, we reviewed

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[16] There is a reference in the review to the RO being recommended for discipline, but the final outcome is unclear.

incidents where staff put their body weight on a child in prone restraint for several minutes – which can cause suffocation.[17] Next, we found that many ROs had not completed the required training – including refresher training – compromising the safety of youth upon whom this restraint method is performed. For example, over 75% of staff placed on no-contact-with-youth status during our first on-site tour, due to improper use of force allegations, had not completed or updated their basic training requirements at the time of their placement on no-contact status. Finally, in many cases we reviewed, the use of prone restraints was excessive in light of the non-dangerous conduct that led to use of prone restraints by staff. For example:

- GG was tackled to the ground shortly after the incident escalated to use of force. Two ROs kept him prone on the ground for more than five minutes. For most of that time, at least one of the ROs appeared to be pressing his body weight onto the youth.

- The second incident with CC (described above) also demonstrates improper use of prone restraints. In that incident, CC was placed in prone restraints for the non-dangerous conduct of disobeying an order. Once on the ground, the staff also dangerously put their body weight onto CC to keep him still.

Staff also unlawfully used mechanical restraints as a first response to youth who did not respond to verbal commands. While DJJ rules allow for the use of mechanical restraints in limited situations – such as where youth are engaged in "aggravated resistance" – the ROs at NYFDC routinely placed metal handcuffs and leg-cuffs on youth who are merely verbally resistant and did not pose a risk to themselves or others in the facility. This is unconstitutional. Jarrard, 786 F.2d at 1086 (needless application of force, including mechanical restraints, where juvenile detainee was "merely giggling" and protesting the treatment of another detainee unconstitutional). For example:

- JJ was placed in mechanical restraints for failing to obey verbal orders. While a video recording shows that he was in fact placed in restraints for failing to obey a RO's command, the incident report omits any reference to mechanical restraints. In another incident involving the same youth, JJ was placed in metal handcuffs and leg cuffs because he spat on a RO. In another episode, ROs placed JJ in mechanical restraints after he refused to return to the

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[17] In a 50-State survey of mental health facilities conducted by the Hartford Courant, 142 deaths occurred between 1988 and 1999 during or shortly after the application of restraints or seclusion. Of the 142 deaths, "[t]wenty-three people died after being restrained in face-down floor holds." Eric M. Weiss, Hundreds of the Nation's Most Vulnerable Have Been Killed by the System Intended to Care for Them, Hartford Courant, October 11, 1998, A1.

common room. None of these instances rise to the level of "aggravated resistance," and thus the use of mechanical restraints in these circumstances constitute excessive force.

- Staff placed another youth, RR, in mechanical restraints for tying a sweater around his neck in a gesture of suicidal ideation. Three staff members used a PAR technique to take the youth to the floor. After the youth was held in a PAR restraint, facedown on the floor for 48 minutes, he was placed in mechanical restraints for an additional three hours and seventeen minutes, totaling four hours and five minutes of restricted movement.

Despite the presence of good written policies, the youth were subjected to a pattern or practice of unconstitutional uses of force as is evidenced in the above accounts. In many instances, youth were subjected to uses of force in circumstances that required only verbal intervention, and, in other instances, subjected to altogether inappropriate force, including prone restraints and unlawful use of mechanical restraints. Such conduct violates the youths' constitutional right to adequate protection from harm, reasonable safety, and freedom from undue restraint. Youngberg, 457 U.S. at 315-16.

c. Dangerous Off-Camera Assaults

Youth at Dozier were often subjected to staff violence in facility regions outside of the viewing range of surveillance cameras. While the administrative staff made efforts to address force incidents captured on video, they were not as vigilant when there was no on-camera episode to corroborate a youth's abuse complaint. The facility was replete with off-camera areas, including the laundry room in each cottage, the area of the hallways leading to the showers, the immediate area outside of the cottages, and numerous outdoor areas. Many of the youth complained that ROs often directed them to off-camera areas. Youth reported that their safety was in the greatest jeopardy – primarily from staff and occasionally other youth – in these off-camera areas. These areas were not only dangerous to the youth; they also made adequate internal and external reviews of abuse complaints next to impossible. In a complaint to the Department of Child and Family Services, for example, HH reported that staff allowed other youth to engage in fights off-camera in the laundry room (referred to by staff and youth as the "sheet locker"). The report could not be verified because there was no video of the incident and no documentation of an assault. Other examples include the following:

- Several youth reported that ROs often used force against them "off-camera." One youth, FF, referred to the ROs as being "dirty" for taking kids out of the view of the cameras and hurting them. According to FF, "You'll learn fast. Just don't go off camera and get PAR'd." FF was assaulted off-camera, but refused to identify the responsible RO.

- A complaint to DJJ's Central Communications Center by II, that he was slammed against a bathroom wall by staff – could not be substantiated because the alleged assault took place off-camera and no other youth witnessed the incident.

- Youth also reported being assaulted on their way to the isolation unit. There was a camera attached to the building housing the isolation unit, covering several feet immediately in front of the building. Most of the distance between the cottages and this building, however, was beyond the camera's range and hidden by a thicket of trees. Many youth noted that this area was a major source of danger to their safety.

Dozier youth were also at risk from youth-on-youth assaults due to the design of some of the cottage rooms. Each cottage had two rooms with a shared wall that stopped short between two to three feet from the ceiling, leaving enough space for youth in these rooms to move between the two rooms and the hallway. During our tour, we observed that youth had stacked chairs on the desks in these rooms in order to climb over the short walls. This created a risk of harm in several respects. Youth could climb over these short walls in order to engage in a fight, engage in sexual relations, or confront a RO in the hallway.

2. Poor Documentation and Data Collection Efforts

The pattern or practice of excessive force being used on youth at NYFDC was obfuscated by its poor documentation and data collection efforts, even though the facilities had the capacity to conduct sophisticated data analysis. Many incident reports did not provide a complete account of the incidents and were therefore not useful for determining specifically what happened, in preventing future misconduct, and protecting youth from harm. For example, our review of 138 Dozier use of force reports from April 2010 identified problems such as (1) reports that were so poorly written that it was difficult to determine what behaviors were being reported, (2) reports lacking in details to establish the appropriateness of the use of force, and (3) underreporting of problematic responses to youth behavior. As a result of these reporting deficiencies, Dozier's rates for physical restraints, youth-on-youth fights, confinements, and grievances all appeared to be lower than the national averages captured in the PbS Field Average. We do not have confidence in these rates, however, due to the apparent inadequacy of the documentation process. We also found similar documentation problems at JJOC and are concerned that staff may have underreported incident there too.

As noted above, the documentation problems were manifested in various ways, including cursory explanations of the force episodes that omitted key information that could assist a reviewer in determining whether force was appropriately used. The reports also failed to describe the injuries sustained

by youth as a result of physical interventions. The following examples provide a sampling of the problems.

- One youth, KK, reported to the DJJ's complaint line that a RO pushed him, called him a derogatory name, and threatened him. Neither the accused RO nor the other RO on duty completed a report about the incident. The incident was substantiated by the DJJ investigator only because it had been captured on video and other youth verified the account.

- In another episode involving DD, the incident report noted that he was subjected to a takedown maneuver because he was disruptive and failed to obey a RO's directives. However, the accompanying video recording only shows the youth on the ground. Nothing is shown of the events preceding the takedown, making it difficult to discern whether the use of force was appropriate.

- In one incident, ROs placed a youth in mechanical restraints for failing to obey verbal orders, but the incident report excluded any mention of the mechanical restraints. A video recording showed that the youth was in fact placed in restraints for failing to obey a RO's command. In two other incidents where ROs placed the same youth in mechanical restraints, the reports failed to note the length of time he remained in the restraints.

The grievance system also suffered from poor documentation of incidents. Youth at Dozier were able to submit grievances; however, contrary to the facility's procedures, they were not informed of the outcomes.[18] While the grievances included reports of staff misbehaviors requiring further investigation, investigative findings were generally non-existent. This lack of formal written findings also extended to outside reviews of youth complaints. Because of the limited investigation and insufficient documentation, youth complaints of abuse were often not substantiated. This problem existed to an even greater degree at JJOC, where the rate of grievances was 98% less than the 2010 Dozier rate and one tenth of the PbS Field Average. The infrequent use of the grievance system at JJOC is troubling and indicates that youth were either unaware of the grievance system, unable to access the grievance system, or as several youths attested, had no confidence in the grievance system.

The documentation problem also extended to the medical care NYFDC youth received. Oftentimes, the ROs did not call medical or mental health staff to treat youth who may have been injured as a result of uses of force. For

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[18] FOP 206 (January 19, 2010). Under FOP 206, youth grievances are to be investigated and decided within 48 hours. The youth is supposedly provided with an opportunity to appeal the decision.

example, a review of the incident reports indicated that 90% of the reports did not include medical or mental health findings. When the medical staff actually did treat youth who had been subjected to force, they failed to record the physical condition of the child. For example, medical staff did not photograph youth following a takedown or other physical intervention. They also did not diagram the youth's injuries nor did medical staff follow-up with youth who had been physically restrained.

Improved record keeping would enable the State's juvenile facilities to be more aware of persistent issues, which in turn would assist the facilities' efforts at improving the conditions of confinement.

3. Unlawful Uses Of Isolation

The State may not subject confined juveniles to undue restraint. See Youngberg, 457 U.S. at 315-16. When the State subjects a juvenile to certain disciplinary procedures, such as extended isolation, the State must provide the juvenile with an opportunity to present evidence in his or her defense. Jarrard, 786 F.2d at 1086 (affirming award of compensatory damages for juvenile pre-trial detainee placed in isolation for seven days after laughing and protesting when another juvenile was placed in isolation); Gary H. v. Hegstrom, 831 F.2d 1430, 1433 (9th Cir. 1987)(upholding district court's requirement that a juvenile facility hold "due process hearings prior to confinement in excess of 24 hours"); Milonas v. Williams, 691 F.2d 931 (10th Cir. 1982)(affirming a permanent injunction on the use of isolation rooms by private school to which adjudicated juveniles were confined). The practice of isolation is disfavored for juveniles as it generally serves a punitive purpose. See e.g. Santana v. Collazo, 714 F.2d 1172, 1181 (1st Cir. 1983) (recognizing expert testimony that "isolation for longer than a few hours serves no legitimate therapeutic or disciplinary purpose and is unnecessary to prevent harm unless a juvenile is severely emotionally disturbed."). Moreover, the use of isolation is highly disfavored by experts in juvenile protection from harm. For example, the Performance-based Standards issued by the Council on Juvenile Correctional Administrators indicate that isolation should be avoided and only used for a brief period where it is required. PbS Standards (April 2010). Isolation should not be used as a matter of course and should be used only as a last resort, should be carefully reviewed, and used only for a limited duration. See American Bar Association, Juvenile Corrections Standards, §7.11 (1980). The State's use of isolation in non-emergency circumstances and for long periods of time – i.e. as punishment – is a violation of due process. R.G. v. Koller, 415 F.Supp.2d 1129, 1155 (D. HI. 2006) (finding that juvenile conditions expert testimony "uniformly indicates that long-term segregation or isolation of youth is inherently punitive" and that the "use of isolation for juveniles, except in extreme circumstances, is a violation of Due Process.").

The State subjected youth to unconstitutional disciplinary confinement by (1) failing to provide youth placed in confinement with adequate due process, (2) confining youth for undue and excessively long periods of time, (3) confining youth as a form of punishment for minor infractions, and (4) depriving confined youth of necessary rehabilitative services.

Youth at Dozier were subjected to two forms of confinement. First, a youth could be placed on "controlled observation" ("CO") for a two hour "cool down" period. According to FOP 210, the CO is "intended to help staff quickly regain control and order in the program to divert serious injuries, security breaches, or major property destruction." Second, youth could be taken to the Behavioral Management Unit ("BMU") for 72 hours to 21 days, depending on the recommendation of two members of his "treatment team."[19] According to FOP 211, the BMU should be used "only when a youth's behavior significantly disrupts the program's residential community, endangers the safety of staff and other youth, or threatens major destruction of property, and when used, youth are protected from self-harm." The actual practice at Dozier, however, was to send youth to the BMU or CO for minor infractions. Use of the BMU was discontinued during the transition period before the official closure of Dozier. At JJOC, youth were placed on confinement in the Intensive Supervision Unit (ISU), which was designed as a secure unit with four rooms that were used for a short-term time-out or longer-term isolation. Despite the change in name and location, youth continued to be placed in isolation for minor infractions, and this undue restraint was unconstitutional.

The isolation units on both the Dozier side and the JJOC side of NYFDC were particularly harsh environments. At Dozier, while using different names to describe the units (CO and BMU), the only real difference in the environment was the amount of time a youth was required to stay in confinement. The CO/BMU consisted of six single cells measuring approximately 9.8 feet by 5.5 feet, with locking doors, a concrete slab serving as a bed, bars on the windows, and a clear hard plastic window over the bars. At bedtime, the youths received a thin mattress to cover the cement slab. The bathroom was in an area separate from the cells. The CO/BMU was located in a building that was a distance from the residential cottages, over 200 yards through a wooded area.

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19 A note on nomenclature: Dozier uses some terms in ways that do not actually reflect what the terms more commonly denote. For example, the term "treatment team" is used by staff to describe any staff person who interacts with the child, including direct care staff such as ROs and administrative, medical, education, or recreation staff. "Treatment teams" may or may not include mental health staff. In the context of making a disciplinary confinement decision, two members of a youth's "treatment team" may include any two ROs, or a combination of a RO and another staff member (administrative, case worker, teaching, medical, or mental health). In other words, there is no required mental health component to the disciplinary confinement decision.

Youth were walked to the CO/BMU from the cottages or they were transported there in a van. The ISU in JJOC was located in the same building as the regular residences, but in a separate pod. There were four rooms on the pod similarly furnished with a concrete slab serving as a bed. The rooms in ISU did not have windows.

Our review of incident reports indicates that isolation was oftentimes used as a punitive measure for minor rule violations. For example, Dozier youth were sent to the CO and BMU for "excessive horseplay," name calling, "talking to other youth," "causing a disruption," and "being uncooperative." JJOC youth were sent to the ISU for similarly minor infractions, including refusing verbal commands, being argumentative, running "off-bounds" around a fenced-in basketball court, and horseplay. While DJJ's rules appropriately refer to disciplinary confinement as "the most restrictive method of behavioral management," youth were routinely confined in the CO/BMU/ISU for what can only be described as nuisance behavior. Additionally, in committing youth to the disciplinary confinement, staff did not provide youth with an opportunity to challenge the commitment decision -- in violation of their rights. Gary H., 831 F.2d at 1433. Instead, youth were only advised of the "maladaptive" behavior leading to their commitment and the goals that they must reach in order to be released. The length of a youth's confinement to the isolation units was also difficult to discern – the rules only provide for a review every 72 hours after 14 days of continuous confinement and approval by the Superintendent (or a designee), but do not prohibit unlimited extensions of confinement. In one particularly stark example, SS was repeatedly placed in the ISU for approximately two weeks. He would be released for several hours after a few days and then returned to the ISU.

The isolation units did not serve any rehabilitative purpose. This is most apparent in the limited to non-existent role of the mental health staff in the determinations to send youth to disciplinary confinement. Specifically, the mental health staff did not have veto power to prevent a child from being sent to the CO or to request that a child be released from disciplinary confinement. As such, suicidal youth were sent to isolation, although the facility rules prohibit confinement of such youth. This practice is very dangerous as "[i]solation increases the sense of alienation and further removes the individual from proper staff supervision." Lindsay M. Hayes, Suicide Prevention in Juvenile Facilities, 7(1) J. Office of Juvenile Justice and Delinquency Prevention, 29 (2000). Additionally, youth confined in the isolation units did not consistently receive required services, such as education materials, regular mental health evaluations, or daily large muscle exercise. In sum, the confinement units only served as punishment to uncooperative youth and a warning to others. Thus, this practice violated the youths' constitutional rights.

4. Deliberate Indifference To Youth At Risk Of Self-Injurious And Suicidal Behaviors

The State must provide juveniles held in its facilities with adequate medical treatment. Youngberg, 457 U.S. at 323-24 & n.30; Jarrard, 786 F.2d at 1086 (denial of medical care to juvenile for three days after injury caused by the guard found unconstitutional); Bozeman, 422 F.3d 1265 (recognizing deliberate indifference where prison officials ignore inmate's known serious medical condition). This requirement to provide adequate medical care includes a requirement to provide adequate mental health care. Cook v. Sheriff of Monroe Cty., Florida, 402 F.3d 1092, 1115 (11th Cir. 2005). The due process right to receive medical treatment "encompasses a right to psychiatric and mental health care, and a right to be protected from self-inflicted injuries, including suicide." Cook, 402 F.3d at 1115 (quoting Belcher v. City of Foley, 30 F.3d 1390 (11th Cir. 1994)); see also Snow v. City of Citronelle, 420 F.3d 1262 (11th Cir. 2005)(same). As the Eleventh Circuit has recognized, actions that violate a prisoner's Eighth Amendment rights, such as those actions that would be considered deliberately indifferent to a prisoner's mental health needs, also violate the greater due process Fourteenth Amendment rights of those subjected to the state's custody through a non-criminal process. Dolhite v. Maughon, 74 F.3d 1027, 1041 (11th Cir. 1996). An official may be found deliberately indifferent where that official deliberately disregards a "strong likelihood" that a detainee will engage in self-injurious behavior. Cook, 402 F.3d at 1115; Snow, 420 F.3d at 1268.

The State subjected detained youth at NYFDC who suffered from serious mental health problems to deliberately indifferent treatment, heightening the risks of harm for suicidal youth. While no juveniles at NYFDC completed a suicide to our knowledge, the lack of a death does not minimize the serious risk for youth or the unlawful state of mental health care at the facilities. Helling, 509 U.S. at 33. The rate[20] of suicidal behaviors by Dozier youth was disproportionately high when compared with the PbS field average. The Dozier rate of 0.262 behaviors per 100 bed days was almost five times higher than the PbS field average of 0.057 behaviors per 100 bed days. These suicidal behaviors included suicidal ideation, suicidal gestures, and self-injurious behaviors. NYFDC youth were at risk in several respects: (1) the facility did not provide adequate mental health screening; (2) staff did not treat suicidal youth with the appropriate level of seriousness; (3) staff placed suicidal youth at further risk by putting them in isolation, transferring them to JJOC, or

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20 As with the incident reports and data on violent incidents discussed above, we do not have confidence in the accuracy of Dozier's reported accounts of youth suicidal behaviors. Dozier staff do not adequately document incidents that may include youth's self-injurious behaviors or threats. As such, the numbers of such incidents may be higher than we were able to discern.

placing them in physical restraints without consideration for their mental state; and (4) the facility had numerous structural elements that presented a danger to suicidal youth.

The initial screening of Dozier youth for mental health issues did not adequately identify the youth's psychological condition or potential susceptibility to suicidal behaviors. This deficiency was illustrated by the large number of youth diagnosed with the same, unspecified, disorder. Ninety youth were "diagnosed" on the facility's April 2010 Treatment Services Report. Eighty-nine of those youth were diagnosed as having "conduct disorder" without any modifiers as to their particular diagnoses.[21] The extraordinarily high rate of this diagnosis, particularly in a facility addressing delinquent behaviors, makes the accuracy of the diagnosis and the methodologies of diagnoses highly questionable. And because the treatment programs established for Dozier youth are based on these unspecified diagnoses, youth were not receiving appropriate mental health care.

Direct care staff's laissez faire attitude toward suicidal youth also jeopardized their safety. A number of ROs and supervisors were dismissive of suicidal threats by youth as "attention seeking" and manipulative attempts to frustrate staff. Although one youth admitted that he claimed to be suicidal so that he could get more staff attention, such isolated conduct should not generate a sense of complacency among staff when a potentially serious situation could exist. Complacency is particularly troubling because direct care staff intervention, knowledge of suicidal risk factors, and attention to suicidal youth are critical components to suicide prevention. Hayes, Suicide Prevention in Juvenile Facilities, 7(1) J. Office of Juvenile Justice and Delinquency Prevention, 27-29 (2000). According to another study of youth suicide in juvenile facilities, approximately half of the suicides occurred during the evening hours when direct care staff are likely the only staff onsite.[22] Lindsey Hayes, Juvenile Suicide in Confinement: A National Survey, National Center on Institutions and Alternatives, 25-26 (February 2004). Direct care staff investment in suicide prevention is therefore imperative.

This staff complacency further heightened the dangers to suicidal youth as evidenced by the staff's willingness to confine suicidal youth to isolation and

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[21] The American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders, (DSM IV 2000), defines conduct disorder as a "repetitive and persistent pattern of behavior in which the basic rights of others or major age-appropriate societal norms or rules are violated, as manifested by the presence of three (or more)" criteria including aggression to people and animals, destruction of property, deceitfulness or theft, and violations of rules (including truancy and violations of parental curfews).

[22] The study of 110 suicides between 1995 and 1999 found that 50.6% of suicides occurred during the period from 6:01 p.m. to midnight.

more restrictive environments without regard to their mental well-being. In a number of instances, we learned that youth who had made suicidal gestures or threats were placed in the BMU. As described above, the BMU was an oppressive environment that could aggravate the risk of suicide. Additionally, each of the cells had anchor points by the doors that could be used by a youth to attempt hanging.

Finally, many of the rooms and facilities at Dozier were not suicide resistant. The danger was heightened by the fact that the staff-to-youth ratio of 1:8 was often compromised, leaving the youth alone for long periods without supervision. Youth intent on hurting themselves at Dozier had access to anchoring points on bed frames, air vent grates in their rooms, handrails in the bathrooms, sprinkler heads in the shower stalls, and even some of the doors in the housing areas. These protruding points present serious risks to youth. Notably, many of the doors had small windows, allowing only a partial view of the rooms; this increased the risk that a staff person would not know when a child was attempting suicide behind the closed door. At JJOC, the rooms were less dangerous, but we found chairs in the bathroom areas that could be easily used to reach anchoring points. In the above mentioned national survey of youth suicide in detention, 98.7 percent of suicides were by hanging. The suicide victims used several types of anchoring devices, including door hinges or knobs (20.5%), air vents (19.2%), bed frames (19.2%), window frames (14.1%), and shower sprinkler heads (7.6%). Hayes, Juvenile Suicide in Confinement: A National Survey, National Center on Institutions and Alternatives, 27. The living quarters in NYFDC, which included most of these anchoring devices, posed a serious risk of harm to youth.

5. Disciplinary And Punitive Measures In Violation Of Youth's Due Process Rights

Confined youth have a due process right against restrictions that constitute punishment. Bell, 441 U.S. at 535 (recognizing that conditions and restrictions imposed upon pre-trial detainees that amount to punishment violate the Due Process clause); Youngberg, 457 U.S. at 315-16 (right to freedom from undue bodily restraint is a core interest protected by the Due Process Clause); Jarrard, 786 F.2d at 1085 ("[T]he due process clause forbids punishment of pretrial detainees."). Juveniles are entitled to due process when their liberty interests are at stake. Jarrard, 786 F.2d at 1085; Gary H., 831 F.2d at 1433; Milonas, 691 F.2d at 942; Mary and Crystal v. Ramsden, 635 F.2d 590 (7th Cir. 1980) (juveniles have a right to present evidence on their own behalf for hearings resulting in disciplinary isolation). Dozier officials subjected the youth in their care to two practices that served no rehabilitative purpose and were punitive: first, officials increased the youths' time in confinement for a period up to 120 days, and, second, officials transferred youth to JJOC, a facility designed for "maximum-risk" youth. These practices functioned as punishment and violated the youths' constitutional right to

freedom from undue restraints. Both measures were levied against so-called problematic youth as a deterrent against acting out. Neither measure had a rehabilitative function or required the provision of necessary treatment. In addition, transfers were made recklessly where, for example, a youth who had been propositioned for oral sex by another youth was transferred to JJOC within two months of his tormentor's transfer to JJOC. Both practices were in contravention of the youths' due process rights, posing an undue restriction on their liberty without due process and without regard for their safety. Bell, 441 U.S. at 535; Youngberg, 457 U.S. at 315-16. Moreover, the measures were contrary to the requisite rehabilitative purpose of the juvenile system.

First, the measures posed an undue restriction on the liberty of Dozier youth.[23] The youth who received extensions were subjected to prolonged confinement beyond their release dates. During a sample one month period, for example, 15 youth received extended confinement. Most of the youth received four months of additional time to their detention at Dozier. Additionally, during our July 2010 tour, we learned that approximately 20 youth were subjected to JJOC transfers. Four additional youth were transferred in the month following the tour.

The measures were in contravention of youths' right to due process and access to the juvenile court. First, Dozier's administrators did not institute sufficient safeguards to ensure the fairness of these measures. The extension policy was ostensibly applied only to youth deemed aggressors in fights. A review of the incident reports, however, indicated that non-aggressors received additional time. One report, involving MM, showed him to be defending himself; he still received 60 days of additional confinement. On other occasions, the facility did not determine which youth was the aggressor and just extended both detentions. For example, a report of an incident between LL and NN noted that both were fighting, but does not identify which youth started the fight. Both LL and NN received additional confinement time. A similarly vague report of an incident between PP and QQ resulted in both boys

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[23] For youth with disabilities, both practices – prolonged detention and transfers to a more secure facility – may have run afoul of Title II of the Americans with Disabilities Act, 42 U.S.C. § 12132, and its governing regulations which prohibit "unjustified institutional isolation of persons with disabilities." Olmstead v. L.C., 527 U.S. 581, 600 (1999). Under Title II, "no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity." Dozier youth with disabilities – such as youth with mental health challenges – face unjustified prolonged and extended detention due to their failure to progress through the program, in part, because they have not received the appropriate treatment. Transfer to a more secure facility may also be unlawful where the youth's behavior is connected to a disability for which treatment is required.

receiving four months of additional time. Regarding the JJOC transfers, it was absolutely unclear what behaviors would lead to a transfer or how a youth could avoid being transferred. Our review of the incident reports for some of the transferred youth suggests that many were being transferred for minor repeated nuisance issues or because they required more attention for reasons ranging from being disruptive to suicidal threats.

The arbitrary application of these punitive measures was compounded by the fact that the youth were not afforded due process protections. They were instead required to attend a meeting with the team of staff members who imposed the added time or transfer. A number of the youth reported that they had no access to attorneys for the meetings, their parents were not notified before the meetings, and they could not challenge the decision. These measures are especially problematic because the State's juvenile court retains jurisdiction over juvenile delinquency cases post-adjudication and after determining the appropriate placement facility for a child. FLA. STAT. § § 985.0301, 985.441, 985.455. The juvenile code prohibits a child's extended confinement to a program for punitive reasons. FLA. STAT. § 985.455 (3) ("The child's length of stay in the program shall not be extended for purposes of sanction or punishment."). Additionally, DJJ must seek court approval and notify the child's attorney of its intent to transfer the child between facilities of higher or lower restrictiveness levels. FLA. STAT. § 985.441. The transfer may proceed without court authorization only if the court fails to respond after 10 days within the receipt of notice. FLA. STAT. § 985.441. Moreover, because the disposition and transfer decisions are within the traditional purview of the court, the youth have a constitutional right of access to the juvenile court and access to counsel. John L. v. Adams, 969 F.2d 228, 233 (6th Cir. 1992). The administrators at NYFDC circumvented this process by referring to the planned administrative merging of the facilities and calling the process a "reassignment" as opposed to a transfer. Regardless of how it was labeled, youth at Dozier – a high risk facility – were being moved to a maximum-risk facility without court notice or approval. The later wholesale removal of Dozier youth to JJOC before the closure announcement was similarly punitive and improper.

Third, the measures did not take into account the safety of the youth when they are subjected to either lengthened time in confinement or time in the more restrictive confinement. While the measures were supposedly implemented to address fighting and improve safety, such considerations were absent in the actual implementation of the measures. Confined youth retain their right to personal security and safety. Youngberg, 457 U.S. at 315; Jarrard, 786 F.2d at 1085; Taylor, 818 F.2d at 795. At Dozier, youth automatically received extended confinements if they were deemed to have started a fight. There was no consideration of the harm that can be caused to a youth forced to remain in custody beyond his release date. There was also no consideration of the safety risks to youth transferred from Dozier to JJOC. The most basic concern, classification separation, was overlooked. For example,

the primary separation appeared to be that youth in different categorization levels were identified by different colored jumpers. This form of separation apparently was not enforced, as we observed youth of different category levels intermingling at JJOC. In one particularly egregious instance, a youth who had been propositioned for oral sex by another youth was transferred to JJOC along with his tormentor. According to the incident report, the youth, JJ, told staff that the other youth made sexual advances toward him. Staff initially moved the other youth to a different cottage. The other youth was subsequently transferred to JJOC following several infractions unrelated to his advances toward JJ. Next, JJ was transferred to JJOC after several rule violations. We saw no evidence that the youths' prior history was factored into the decision to move JJ to the same facility as his tormentor or to ensure that they were appropriately separated.

Finally, these punitive measures were counterproductive to the rehabilitation of Dozier youth. The extensions and transfers, while ostensibly serving as a deterrent to fighting, were so unfair that a number of the youth resorted to self-destructive behavior. The penalties were an excessive response to youth who acted out and, instead, contributed to the youths' aggressive behaviors. In this respect, the extensions and transfers contributed to feelings of hopelessness, anger, and aggression. In the incident report involving GG, for example, GG reported that he was upset and ready for prison after he had received a 120-day extension. Staff restrained another transferred youth, JJ, in approximately seven incidents over the course of a few weeks while the youth was confined at JJOC; some of those incidents involved self-injurious behavior. The extensions and transfers did not address the rehabilitative needs of the youth and violated their constitutional rights.

6. Unconstitutional Frisk Searches

Juveniles do not give up their Fourth Amendment right to bodily integrity when they are confined to a juvenile facility. See Bell, 441 U.S. at 558 (applying Fourth Amendment reasonableness standard to searches of pre-trial detainees); Justice v. City of Peachtree, 961 F.2d 188 (11th Cir. 1992)(noting that the Fourth Amendment prohibits unreasonable searches even in custodial searches). In evaluating the reasonableness of institutional searches, courts balance the scope of the intrusiveness, the manner of the search, the location of the search, and the justification for the search. Bell, 441 U.S. at 559. Even a pat down search is "a serious intrusion upon the sanctity of the person, which may inflict great indignity and arouse strong resentment, and it is not to be undertaken lightly." Terry v. Ohio, 392 U.S. 1, 17 (1968). Facility searches must be reasonably based on safety and security concerns and limited in scope to address those concerns. Bell, 441 U.S. at 559. Moreover, the manner of the search must not be overly intrusive in relation to the justification for the search. Id.

Dozier youth were subjected to frisk searches more than 10 times per day, purportedly for recovery of contraband. During the six month period we reviewed, the most dangerous contraband recovered were pencils, which constituted 52 percent of the recovered contraband. Occasionally, staff uncovered drawings, writing paper, and food during frisk searches. The searches occurred as a matter of course -- even when the children were under constant staff supervision. For example, in a typical day, youth were frisked (i) before breakfast, (ii) after breakfast, (iii) after medication rounds, (iv) during a school break, (v) before lunch, (vi) after lunch, (vii) during a second school break, (viii) during sick call, (ix) before dinner, (x) after dinner, and (xi) whenever they left the cottage for recreational activities. Many of the youths informed us that some ROs were especially intrusive in conducting the searches. We heard a number of reports of youth being groped by ROs during the searches. One youth noted, "Some staff rub on your privates." Another stated, staff "touch too much."

These repeated searches were unduly intrusive and not supported by the stated justification. The repetitive searches were unwarranted, especially when the youth had not left the grounds, had not been visiting outsiders, and were under constant observation by the staff. Moreover, there were simple alternatives to uncovering contraband without resort to frequent and intrusive searches. For example, as the court noted in N.G., 382 F.3d at 234 n.13, where pencils and other writing material can be numbered and the recipient's name recorded so that missing items can be traced to a particular youth, a more targeted pat-down search of that youth would be reasonable. Similarly, the staff could count the silverware before and after meals to make sure that none was improperly taken.

7. Inadequate Medical And Mental Health Services

The State must provide juveniles held in its facilities with adequate medical and mental health treatment. Youngberg, 457 U.S. at 323-24; Jarrard, 786 F.2d at 1086; Bozeman, 422 F.3d at 1265; Cook, 402 F.3d at 1115. Before closing the facilities, the State had made significant improvements to the medical care of Dozier and JJOC youth by hiring a fulltime doctor and additional nurses. However, additional improvements were required in several areas, specifically (1) access to sick call (Dozier); (2) delivery of medical care to youth in the BMU; (3) adequate mental health care (Dozier and JJOC); and (4) adequate CPR training (Dozier).

At Dozier, youth had to request sick call forms from the direct care staff. This presented a problem when youths sought to complain about inappropriate physical treatment by a RO. Confined youth should have the ability to complete a sick call request without the interference of staff. Second, youth in the BMU did not receive adequate medical care, assessment of their mental health after their arrival in the BMU, or assistance in determining whether they should be discharged from the BMU. Youth confined to the BMU were severely

isolated and required regular medical and mental health care. Third, the youths' mental health diagnoses and care were very suspect given the predominant "conduct disorder" diagnoses. The mental health care staff were not adequately consulted on decisions that were necessary to the mental health of the youth. As discussed above with respect to isolation issues, extensions of confinement, and transfers to JJOC, the insufficient input of the mental health staff in these decisions was harmful to the mental well-being of Dozier youth. At JJOC, youth who had been transferred from Dozier were unable to see their counselors. Indeed, many of the boys had not received their individual counseling or even their group counseling. Finally, CPR training was not available for Dozier's medical staff. This created an easily avoidable and unnecessary danger to the youth.

8. Failure To Provide Necessary Rehabilitative Services

The State is required to provide youth with necessary rehabilitative treatment. Youngberg, 457 U.S. at 322 (confined person with intellectual disabilities is "entitled to minimally adequate training" as may be reasonable to protect his safety and freedom from unreasonable restraints); Nelson v. Heyne, 491 F.2d 352 (7th Cir. 1974) (holding that detained juveniles have a right to rehabilitative treatment). The DJJ failed to do so in several respects. First, Dozier and JJOC's direct care staff were not appropriately trained in adolescent development and de-escalation measures. We found that much of the staff had not been trained in communication skills, de-escalation techniques, mental health issues, adolescent development, or behavior management. As the Supreme Court has recognized, adolescents have unique psychological needs and should not be treated in the same manner as adults. See Graham v. Florida, 130 S. Ct. 2011, 2026 (2010)(noting neurological studies showing that "parts of the brain continue to mature through late adolescence" and that "juveniles are more capable of change than are adults."). In order to provide appropriate rehabilitative care, direct care staff working with juveniles and their supervisors should understand adolescent development processes and learn how to interact with youth in a manner that reinforces positive behavior.[24]

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[24] Staff pay may have been a contributing factor to the direct care staff's poor attitude toward their training and developing a better understanding of the youth within their care. We learned that the average pay of direct care staff fell below $12 per hour and that some supplemented their salary with a second job. This is below the industry average. According to the Bureau of Labor Statistics of the U.S. Department of Labor, the median hourly wage for correctional and detention officers is $18.78, an annual salary of $39,050. See http://www.bls.gov/oes/current/oes333012.htm. The site does not list juvenile facility salaries. Other reporters indicate that the minimum hourly rate for juvenile facility staff is more than $12 per hour. See e.g. http://www.payscale.com/research/US/Job=Juvenile_Detention_Officer/Hourly_Rate

Next, the basic therapeutic needs of the youth were not being met. As noted in the above discussion on suicidal youth, many of the youth were not being properly diagnosed for potential behavioral disorders. At Dozier, for example, more than 98% were generically diagnosed as having a "conduct disorder." The youth need to be properly diagnosed and to receive the proper corresponding treatment. In addition, many of the youth who qualified for substance abuse treatment were not receiving such treatment. In April 2010, only 10.7% of Dozier youth were provided with substance abuse treatment although 93% of them qualified for treatment.

Finally, the NYFDC youth had insufficient exercise and structured activities to contribute to their positive behaviors and medical and mental wellbeing. Exercise and recreational activities are vital components of a youth's rehabilitation. See e.g. Mary Ellen O'Connell et al., Preventing Mental, Emotional, and Behavioral Disorders Among Young People: Progress and Possibilities, National Research Council and Institute of Medicine of the National Academies, 17 (2009) ("The prevention of [mental, emotional, and behavioral] disorders and physical disorders and the promotion of mental health and physical health are inseparable."); National Commission on Correctional Health Care Services in Juvenile Facilities, Standard YF 3, (2004)(requires that juveniles receive at least one hour of large muscle exercise per day, including walking, jogging, basketball, and other aerobic activities). At NYFDC, youth spent a significant amount of time being idle. Oftentimes, ROs canceled outdoor exercise opportunities, claiming that the heat index was too high, without replacing such activities by allowing the youth access to the Dozier gymnasium. Facilities for adequate exercise programs were available on the Dozier campus. The problem was that the facilities were not consistently offered to the youth. On the JJOC side, the boys were confined to their pods and did not receive consistent opportunities for large muscle exercise. On both campuses, many of the youth were unable to engage in constructive recreational activities because basic supplies, such as board games and sporting equipment, were often unavailable.

The failure to address these concerns not only harms the youth, but has a negative impact on public confidence and public safety. The critical role of the juvenile justice system to correct and rehabilitate is being abdicated, and youth may well be leaving the system with additional physical and psychological barriers to success. FLA. STAT. § 985.01(b)(Stating that the purpose of the juvenile code is to "provide for the care, safety, and protection of children in an environment that fosters healthy social, emotional, intellectual, and physical development; to ensure secure and safe custody; and to promote the health and well-being of all children under the state's care").

(showing an hourly rate between $12.19 to $17.69) and http://www.simplyhired.com/a/salary/search/q-juvenile+guard (showing an average annual salary of $45,000).

9. Unlawfully Unsanitary And Unsafe Conditions At Dozier

Confined youth are entitled to safe and sanitary living conditions. Youngberg, 457 U.S. at 316; Gary H., 831 F.2d at 1433 (approving consent decree requirement of minimum sanitary conditions in a facility for juvenile detainees). We observed sanitation deficiencies in the living areas, dining area, and educational areas of the Dozier campus. First, there was no program in place to address the cleanliness of the cottages. As such, youth complained of insects and rodents as an ongoing problem. Our review also revealed dirty living quarters, including evidence of insects and dirty toilets. An inspection of the kitchen revealed rodent droppings on the canned food. Many of the youth complained that they (and others) found insects and other foreign objects in their food, a clearly problematic condition. See e.g. Alexander S., 876 F.Supp. at 787 (finding that "food containing cockroaches and other foreign matter falls below what may be deemed minimally adequate."). Finally, the educational areas were not cleaned regularly, sharp objects such as staples were not securely stored in the classrooms, and basic provisions for cleanliness, such as soap and spill kits were not readily available. A number of the first aid kits had broken seals and were not adequately stocked with supplies. A simple system could have been implemented to restock the supplies and avoid unnecessary delays in emergency care.

IV. CONCLUSION

The constitutional violations outlined above are the result of the State's failed system of oversight and accountability. To protect the youth in its remaining facilities, the State must take immediate measures to assess the full extent of its failed oversight with the assistance of consultants in juvenile protection from harm issues. The State must also strengthen its oversight processes by implementing a more rigorous system of hiring, training, and accountability.

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

VICTOR T. JONES,

Petitioner,

v.

SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS,

Respondent.

ON PETITION FOR WRIT OF CERTIORARI
TO THE SUPREME COURT OF FLORIDA

APPENDIX C7

CAPITAL CASE

DEATH WARRANT SIGNED
EXECUTION SET SEPTEMBER 30, 2025, AT 6:00 P.M.

Dozier School for Boys and Okeechobee School Victim Compensation Program, House of Representatives Staff Final Bill Analysis, June 24, 2024

HOUSE OF REPRESENTATIVES STAFF FINAL BILL ANALYSIS

BILL #: CS/HB 21 Dozier School for Boys and Okeechobee School Victim Compensation Program
SPONSOR(S): Judiciary Committee, Salzman, and others
TIED BILLS: CS/CS/HB 23 **IDEN./SIM. BILLS:** CS/CS/SB 24

FINAL HOUSE FLOOR ACTION: 116 **Y's** 0 **N's** **GOVERNOR'S ACTION:** Approved

SUMMARY ANALYSIS

CS/HB 21 passed the House on February 29, 2024, as amended, and subsequently passed the Senate on March 4, 2024.

The Arthur G. Dozier School for Boys ("Dozier School") opened in Marianna, Florida on January 1, 1900, as the Florida State Reform School. The Dozier School housed children as young as five committed for criminal and other offenses ranging from theft and murder to "incorrigibility" and truancy; the school also housed orphaned and abandoned children when other placements were unavailable. In 1955, the Florida School for Boys at Okeechobee ("Okeechobee School") opened to address overcrowding at the Dozier School, and some of the Dozier School's staff transferred to the Okeechobee School.

Allegations of abuse at the Dozier School began as early as 1903, with reports of children being chained to walls in irons, whippings, and peonage; allegations of abuse at the Okeechobee School began shortly after it opened, with reports of children receiving severe beatings and being forced to fight one another for the staff's entertainment. Reports of sexual abuse, beatings, torture, and mysterious deaths at both reform schools continued in the subsequent decades, and a succession of reports and commissions called for reforms at the schools with little success. A 2010 state investigation found no tangible physical evidence to support or refute the abuse allegations; however, the U.S. Department of Justice reported in 2011 that it had found "harmful practices" that put the reform school's residents at "serious risk of avoidable harm." The state closed the Dozier School in 2011, citing budget constraints, and the Okeechobee School in 2020.

In recent years, more than 400 men sent to the Dozier School or the Okeechobee School in the 1950s and 1960s have come forward to recount their experiences. Calling themselves the "White House Boys" after a white structure on Dozier School property where many beatings reportedly occurred, these men recount brutal whippings, sexual abuse, disappearances, deaths, and other tortures they either witnessed or suffered personally. Additionally, between 2012 and 2016, forensic anthropologists from the University of South Florida leading an excavation of Dozier School property uncovered human remains in 55 unmarked graves, some with gunshot wounds or signs of blunt force trauma. At least one set of remains belonged to a child listed as missing in school records. A similar excavation has not been possible at the Okeechobee School, as the land sits on what is now private property.

The bill creates the Dozier School for Boys and Okeechobee School Victim Compensation Program ("Program") within the Department of Legal Affairs ("DLA") to compensate living persons who were confined to the Dozier School or the Okeechobee School at any time between 1940 and 1975 and who were subjected to mental, physical, or sexual abuse perpetrated by school personnel while they were so confined. The bill also:

- Appropriates $20 million in nonrecurring funds from the General Revenue Fund to the DLA for the Program.
- Allows the Commissioner of Education to award a standard high school diploma to a person so compensated who has not completed high school graduation requirements.

The Governor approved the bill on June 21, 2024, ch. 2024-254, L.O.F., and it takes effect on July 1, 2024.

I. SUBSTANTIVE INFORMATION

A. EFFECT OF CHANGES:

Background

Florida Reform School History

Dozier School and Okeechobee School History

The Arthur G. Dozier School for Boys ("Dozier School") opened in Marianna, Florida on January 1, 1900, as the Florida State Reform School, and in 1959, an overflow campus opened in Okeechobee, Florida, as the Florida School for Boys at Okeechobee ("Okeechobee School"); for the purposes of this analysis, both campuses are referred to collectively as the "Dozier School."[1] The Dozier School housed children as young as five committed for criminal and other offenses ranging from theft and murder to "incorrigibility" and truancy; the school also housed orphaned and abandoned children when other placements were unavailable.[2]

By design, the Dozier School was meant to be a refuge for the children housed there, a place where they would receive education and training intended to mold them into productive citizens.[3] However, archival records and documented narratives indicate that the State's reform goal was quickly abandoned, replaced by a system of child labor and corporal punishment; even the name of the Dozier School changed, with the reference to "reform" discarded.[4]

Allegations of abuse at the Dozier School began as early as 1903, with reports of children being chained to walls in irons, whippings, and peonage.[5] Reports of inadequate medical care, sexual abuse, beatings, torture, and mysterious deaths at the Dozier School continued in the subsequent decades.[6] Indeed, in March of 1958, Miami Psychologist and former Dozier School staff member Dr. Eugene Byrd testified before the United States Senate Judiciary Committee that "[blows with a heavy, three-and-a-half-inch-wide leather strap approximately a half-inch thick and ten inches long on a wooden formed handle] are dealt with a great deal of force with a full arm swing over [the perpetrator's] head and down."[7] "The blows are severe," said Dr. Byrd, and "it is brutality."[8]

The call for reform was eventually answered when, in 1968, Florida officially banned corporal punishment in its reform schools.[9] However, that same year, Florida Governor Claude Kirk visited the Dozier School and found holes in leaking ceilings, broken walls, bucket toilets, bunk beds crammed together, overcrowding, and a lack of heat in the winter.[10] Gov. Kirk said of the school that it was "a

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[1] The Dozier School originally housed both boys and girls but became The Florida School for Boys (FSB) in 1913 with the opening of a separate school for girls.
[2] Until 1968, the Dozier School was segregated into two campuses, one for white students and one for African-American and other "non-white" students. University of South Florida, *Florida's Industrial Reform School System: Arthur G. Dozier School for Boys 1900-Present*, https://guides.lib.usf.edu/dozier (last visited June 24, 2024).
[3] *Id.*
[4] Arthur G. Dozier was a long-time Dozier School Superintendent. *Id.*
[5] The earliest report, from 1903, described the Dozier School not as a reform school but as a "prison for children," with some children chained to the wall in irons, and others beaten, like "common criminals." Ben Montgomery and Waveny Ann Moore, *They Went to Dozier School for Boys Damaged. They Came Out Destroyed*, Tampa Bay Times, Aug. 18, 2019, https://www.tampabay.com/investigations/2019/08/18/they-went-to-the-dozier-school-for-boys-damaged-they-came-out-destroyed/#:~:text=In%20March%201958%2C%20a%20Miami,Eugene%20Byrd%20testified. (last visited June 24, 2024).
[6] In its first two decades, investigators discovered that Dozier School administrators hired out the children to work with state convicts and brutally beat children with a leather strap attached to a wooden handle. In 1914, at least six children, and possibly as many as ten, died in a fire at the Dozier School while trapped on the top floor of their locked and burning dormitory; investigators learned that the superintendent and most staff were in town for a "pleasure bent" when the fire began, and differing reports meant that the actual number of children lost could not be determined. *Id.*
[7] *Id.*
[8] *Id.*
[9] *Id.*
[10] *Id.*

training ground for a life of crime," and that "[i]f one of your kids were kept in such circumstances, you'd be up there with rifles."[11]

In 1969, a reporter visited the school and found a 16-year old boy in solitary confinement; the boy had eaten a light bulb and used a glass diffuser from a lighting fixture to slash his arm a dozen times from wrist to elbow.[12] Around that time, a U.S. Department of Health official called the Dozier School a "monstrosity," and a juvenile court judge noted, after touring the school, that it was so understaffed that children were left alone at night and "sexual perversion" was common; another juvenile court judge who toured the school around this time vowed to never again send any juvenile offenders there.[13]

Calls for additional reforms were again answered when Dozier School administrators were replaced, with new administrators adopting a reform-based program.[14] However, change was short-lived. In 1979, Jack Levine, a teacher at a Tallahassee short-term residential center for delinquent youths, was speaking to residents of the center when they mentioned the Dozier School to him, saying it was "a bad place." That November, Mr. Levine, who held Florida Health and Rehabilitative Services ("HRS") credentials, went to the Dozier School unannounced; there he found a lockup facility at the back of the campus, consisting of a long hallway with metal doors enclosing cells reeking of body odor and urine.[15] A guard informed him that there were children in the cells and, upon asking to meet one, Mr. Levine discovered that the cells had bottom slip locks and bolts; one bolt on the cell door the guard intended to open stuck, so the guard had to whack it with a Bible until it loosened and the door could be opened.[16] Inside, Mr. Levine found a very thin, small boy with a shaved head and pajama bottoms but no shirt lying on a concrete slab with no mattress; the guard informed Mr. Levine that the boy had been in the cell for some time for his own protection, as the other boys were sodomizing him with a broom handle.[17] According to the guard, the boy's head was shaved because he had been pulling out his own hair.[18]

Mr. Levine informed his supervisors in Tallahassee of the conditions at Dozier School but nothing was done until he brought his concerns to the attention of an Americans for Civil Liberties Union attorney, who, in 1983, filed a class-action lawsuit on behalf of students at the Dozier School and two other State-run reform schools.[19] The lawsuit raised numerous allegations, including that some students were held in isolation cells for weeks at a time, sometimes "hogtied" – in other words, forced to lie on their stomachs with their wrists and ankles shackled together behind their backs.[20] However, the allegations were never brought before a jury as the State settled the lawsuit in 1987, on the eve of trial; in the settlement, the State agreed to sharply reduce the population at Dozier and another reform school.[21] Again, however, these reforms did not last, as by the early 1990s, attitudes towards juvenile offenders were hardening.[22] By 1994, the State had asked a federal court to throw out the population caps at the reform schools after teenagers attacked and killed two British tourists at a rest stop near Monticello, Florida; the court granted the State's request.[23]

From July 2004 to March 2009, the Florida Department of Children and Families investigated 316 allegations of abuse at the Dozier School, 17 of which were verified and 33 of which had "some indicator of legitimacy."[24] After a 2007 abuse incident was caught on a security camera and uploaded to

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[11] *Id.*
[12] *Id.*
[13] *Id.*
[14] *Id.*
[15] *Id.*
[16] *Id.*
[17] *Id.*
[18] *Id.*
[19] *Id.*; *Bobby M. v. Chiles*, 907 F. Supp. 368, 369 (N.D. Fla. 1995).
[20] *Id.*
[21] *Id.*
[22] Montgomery and Moore, *supra* note 5.
[23] *Id.*
[24] *Id.*

YouTube, state officials criticized the Dozier School for operational problems spanning "the chain of command from top to bottom" and fired the superintendent.[25]

The U.S. Department of Justice ("DOJ") reported in 2011 that its own investigation had found "harmful practices" that put the children confined to the Dozier School at "serious risk of avoidable harm in violation of their rights protected by the Constitution of the United States."[26] Many of the problems, found the DOJ, were the result of "systematic, egregious, and dangerous practices exacerbated by a lack of accountability and controls."[27] Specific findings included:

- Use of excessive force on youth (including prone restraints), sometimes in off-camera areas not subject to administrative review;
- Discipline for minor infractions through inappropriate use of isolation and extended confinement for punishment and control;
- Staff inappropriately trained to address the safety of suicidal youth and dismissive of suicidal behavior; and
- A failure to provide necessary and appropriate rehabilitative services to address addiction, mental health, or behavioral needs, which failure served as a barrier to the youths' ability to return to the community without reoffending.[28]

The State ultimately closed the Dozier School in 2011, citing budget constraints.[29]

Recent Investigations

In recent years, more than 400 men confined to the Dozier School in the 1950s and 1960s have come forward to recount their experiences. Calling themselves the White House Boys Survivors Organization ("White House Boys") after a white structure on Dozier School property where many abuses reportedly occurred, these men recount brutal whippings, sexual batteries, disappearances, deaths, and other tortures they either witnessed or suffered personally while confined to the Dozier School.

In 2008, the State directed the Florida Department of Law Enforcement ("FDLE") to determine, in pertinent part, whether any crimes warranting criminal prosecution were committed at the Dozier School from 1940 through 1969 and, if so, the identity of the perpetrators of such crimes.[30] In its Investigative Summary issued on January 9, 2010, FDLE concluded that "school administrators used corporal punishment as a tool to encourage obedience," noting that former students and staff generally agreed about how the punishment was administered but disagreed as to the number of "spankings" administered and their severity.[31] The report ends with FDLE's ultimate conclusion that, "with the passage of over fifty years, no tangible physical evidence was found to either support or refute the allegations of physical or sexual abuse [such that would warrant criminal prosecution]."[32]

However, between 2012 and 2016, forensic anthropologists and archaeologists from the University of South Florida ("USF") leading an excavation of the former Dozier School's campus uncovered human remains in 55 unmarked graves, some with signs of blunt force trauma and others belonging to children listed as "missing" in school records.[33] The USF team's investigation focused on deaths occurring

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[25] *Id.*
[26] U.S. Dept. of Justice, *Investigation of the Arthur G. Dozier School for Boys and the Jackson Juvenile Offender Center, Marianna, Florida*, Dec. 1, 2011, https://www.justice.gov/sites/default/files/crt/legacy/2011/12/02/dozier_findlr_12-1-11.pdf (last visited June 24, 2024).
[27] *Id.*
[28] *Id.*
[29] The Okeechobee School was privatized in 1982 amid allegations of abuse and deplorable living conditions and finally closed in December of 2020 when the State declined to renew its service contract. *Id.*
[30] Florida Department of Law Enforcement, Office of Executive Investigations, *Arthur G. Dozier School for Boys Abuse Investigation*, Jan. 9, 2010, https://i.cdn.turner.com/cnn/2010/images/03/11/dozier.pdf (last visited June 24, 2024).
[31] According to FDLE's report, this disagreement cannot be neatly divided amongst students and staff. *Id.*
[32] *Id.*
[33] Though there were 55 graves uncovered, the graves only yielded 51 sets of human remains; this is because the remains of the 1914 fire victims were comingled and scattered in several graves. Erin H. Kimmerle, Ph.D., *et al.*, Univ. of S. Fla., FL Inst. of Forensic

between 1900 and 1960; school records from this time period were, according to the report ultimately issued by the team, "incomplete and often provide conflicting information."[34] "The cause and manner of death for the majority of cases is unknown," noted the report, and "infectious disease, fires, physical trauma, and drowning are the most common recorded causes of death when [such a cause was] listed."[35]

The USF report also noted:

- A correlation between deaths following escape attempts;
- A high number of deaths occurring within the deceased child's first three months of confinement;
- An inconsistency in the issuance of death certificates;
- An absence of a listed burial location (whether on the property or at another location) for many recorded deaths;
- A complete lack of contemporary grave markers on the property; and
- A consistent underreporting of deaths by school administrators to the State.[36]

Taken together, this information suggested to the USF team an intent on the part of former Dozier School administrators to obfuscate the true number of burials on school property and to "hinder later potential investigations into the true causes of specific individuals' deaths."[37]

Legislative History

In recent years, the Legislature has passed several bills to address Florida reform school abuse, including:

- 2013 SB 7040, which appropriated $200,000 to aid in USF's documentation and analysis of burials on the former Dozier School's property.
- 2016 CS/CS/SB 708, which appropriated $500,000 to the Department of State (DOS) to reimburse the next of kin or pay directly to service providers up to $7,500 for funeral, reinternment, and grave marker expenses for each child whose remains were found on the former Dozier School's property by the USF team.
- 2017 CS/SR 1440, in which the Legislature acknowledged the abuses at the Dozier School and apologized to the victims.
- 2017 HB 7115, which established the Arthur G. Dozier School for Boys Memorial,[38] provided for the reinternment of unclaimed remains exhumed from the former Dozier School's property, directed DOS to conduct a feasibility study on locating other grave sites on such property, and appropriated $1.2 million for these purposes.

With the exception of the funeral and related expenses authorized in 2016 CS/CS/SB 708, the State has not paid any form of financial compensation directly to the victims of Dozier School abuse.

<u>High School Diplomas</u>

Anthropology and Applied Sciences, *Report on the Investigation into the Deaths and Burials at the Former Arthur G. Dozier School for Boys in Marianna, Florida*, (Jan. 2016) https://mediad.publicbroadcasting.net/p/wusf/files/201601/usf-final-dozier-summary-2016.pdf (last visited June 24, 2024).

[34] *Id.*

[35] The report noted that even where a cause of death is listed, such as "gunshot wounds in chest," the manner (such as homicide or suicide) may be listed as "unknown." This information should have been determinable at the time of death. *Id.*

[36] Grave markers were first added to an area known as the Boot Hill Cemetery, where the USF excavation occurred, in the 1960s; such markers did not correlate to the location of actual graves but were meant instead to commemorate the general area of rumored burials. Replacements were erected in the 1990s. *Id.*

[37] *Id.*

[38] The Memorial includes the establishment of two monuments, one in Marianna, Florida and the other at the State Capitol in Tallahassee, Florida. The Marianna memorial's dedication occurred on January 13, 2023; the Tallahassee memorial is pending. James Call, *White House Boys Thankful for Dozier Memorial But Continue to Search For Justice*, Tallahassee Democrat, Jan. 14, 2023, https://www.tallahassee.com/story/news/politics/2023/01/14/memorial-unveiled-on-former-grounds-of-dozier-school-for-boys/69801977007/ (last visited June 24, 2024).

Generally speaking, for the Commissioner of Education to award a high school diploma to a Florida student, such student must earn a cumulative grade point average of 2.0 on a 4.0 scale and complete at least 24 credits in a standard curriculum, an International Baccalaureate curriculum, or an Advanced International Certificate of Education curriculum.[39] For a standard high school diploma, such credits must include:

- Four credits in English language arts;
- Four credits in mathematics;
- Three credits in science;
- Three credits in social studies;
- One credit in fine or performing arts, speech and debate, or career and technical education;
- One credit in physical education;
- Eight credits in electives; and
- One-half credit in personal financial literacy.[40]

Students must also pass specified statewide assessments.[41] In certain instances, however, the Legislature authorizes the Commissioner of Education to award a standard high school diploma to persons who have not completed the high school graduation requirements.[42]

Effect of the Bill

The bill creates the Dozier School for Boys and Okeechobee School Victim Compensation Program ("Program") within the Department of Legal Affairs ("DLA") to compensate living persons who were confined to the Dozier School or the Okeechobee School at any time between 1940 and 1975 and who were subjected to mental, physical, or sexual abuse perpetrated by school personnel while they were so confined. The bill appropriates $20 million in nonrecurring funds from the General Revenue Fund for the 2024-2025 fiscal year to the DLA for the Program and requires DLA to:

- Approve or deny compensation applications;
- Give notice of the availability of such compensation and make available for download any relevant forms on a page of DLA's official website accessible through a direct link on the website's homepage, which link and page must be titled "The Dozier School for Boys and Okeechobee School Victim Compensation Program."
- Adopt by rule procedures and forms necessary to administer the Program.

[39] A student may also complete 18 credit hours in an Academically Challenging Curriculum to Enhance Learning program. Ss. 1002.3105 and 1003.4282, F.S.
[40] These are the credit requirements for students entering 9th grade in the 2023-2024 school year. Different credit requirements previously applied. Further, the required credits may be earned through equivalent, applied, or integrated courses or career education, including State Board of Education-approved work-related internships. S. 1003.4282, F.S.
[41] Fla. Department of Education, Standard Diploma Requirements, https://www.fldoe.org/core/fileparse.php/7764/urlt/standarddiplomarequirements.pdf (last visited June 24, 2024).
[42] *See, e.g.*, s. 1003.4286, F.S. (authorizing the Commissioner of Education to award a standard high school diploma to an honorably discharged veteran who has not completed the high school graduation requirements).

Applications

Under the bill, a compensation application must be made by a living person who was confined to the Dozier School for Boys or the Okeechobee School between 1940 and 1975; thus, the personal representative or estate of a decedent may not file an application for or receive compensation through the Program. Further, the bill requires that such application be made on a form approved by DLA and include:

- The applicant's name, date of birth, mailing address, phone number, and, if available, electronic mail address.
- The name of the school in which the applicant was confined and the approximate dates of the applicant's confinement.
- Reasonable proof submitted as attachments establishing that the applicant was both:
  - Confined to the Dozier School for Boys or the Okeechobee School between 1940 and 1975, which proof may include school records submitted with a notarized certificate of authenticity signed by the records custodian or certified court records; and
  - A victim of mental, physical, or sexual abuse perpetrated by school personnel during the applicant's confinement, which proof may include a notarized statement signed by the applicant attesting to the abuse the applicant suffered.
- A signed statement from the applicant acknowledging that, by accepting compensation through the Program, the applicant waives any right to further compensation related to the applicant's confinement at the Dozier School for Boys or the Okeechobee School or any abuse suffered during such confinement.

The bill also requires that the compensation application must be submitted no later than December 31, 2024, and signed by the applicant under oath. Under the bill, a person who makes a false statement in such an application, including in any attachment or exhibit submitted therewith, is subject to the penalty of perjury under s. 837.012, F.S.[43]

Application Review

The bill requires DLA, upon completed review of a compensation application, to either:

- Subject to an appropriation, approve a one-time payment to an applicant whose application meets the criteria specified in the bill.
- Deny compensation payment to an applicant whose application does not meet the criteria specified in the bill.

Under the bill, each approved applicant must receive an equal share of the appropriated funds, and a person compensated under the Program is ineligible for any further compensation related to his confinement at the Dozier School or any abuse suffered during such confinement. Written notice of approval or denial must be sent by certified mail, return receipt requested, to the mailing address provided by the applicant on the application form, and an applicant whose application is rejected for providing insufficient information may submit a new application.

High School Diplomas

The bill allows the Commissioner of Education to award a standard high school diploma to a person compensated through the Program who has not completed high school graduation requirements.

[43] S. 837.012, F.S., provides that perjury is a first-degree misdemeanor, punishable by imprisonment for up to one year and a $1,000 fine.

Effective Date

The Governor approved the bill on June 21, 2024, ch. 2024-254, L.O.F., and it takes effect on July 1, 2024.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

   None.

2. Expenditures:

   The bill appropriates $20 million in nonrecurring funds from the General Revenue Fund to the DLA for the Program.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

   None.

2. Expenditures:

   None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill may have a positive economic impact on the private sector to the extent that a living person who was confined to the Dozier School for Boys or the Okeechobee School during the relevant time period is awarded:

- Financial compensation for the abuses such person suffered while so confined; or
- A standard high school diploma, where the award enables the person to obtain employment or enroll in a college or university and thereby improve his financial prospects.

D. FISCAL COMMENTS:

None.

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

VICTOR T. JONES,

Petitioner,

v.

SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS,

Respondent.

ON PETITION FOR WRIT OF CERTIORARI
TO THE SUPREME COURT OF FLORIDA

APPENDIX C8

CAPITAL CASE

DEATH WARRANT SIGNED
EXECUTION SET SEPTEMBER 30, 2025, AT 6:00 P.M.

Attorney General's Notice of Determination - Eligible, January 6, 2025

ASHLEY MOODY
ATTORNEY GENERAL
STATE OF FLORIDA

OFFICE OF THE ATTORNEY GENERAL
Division of Victim Services and Criminal Justice Programs
Bureau of Victim Compensation

The Capitol, PL-01 • Tallahassee, FL 32399-1050
Office: (800) 226-6667 • TDD Florida Relay: (800) 955-8771
Email: DozierClaims@MyFloridaLegal.com • Fax: (850) 488-2014
Web: MyFloridaLegal.com/DozierSchool

January 6, 2025

Victor T. Jones, DC # 420481
Union Correctional Institution
PO Box 1000
Raiford, FL 32083

NOTICE OF DETERMINATION - ELIGIBLE

Dear Victor Jones:

You are receiving this letter because you filed an application for compensation benefits through the Dozier School for Boys and Florida Okeechobee School Victim Compensation Program, known also as the Dozier and Okeechobee School Victim Compensation Program. Please know that we are sorry to hear about the circumstances that prompted you to apply for compensation. We encourage you to read this letter carefully and thoroughly as it contains important information regarding your claim.

The application was assigned APP ID 825, which you should reference when communicating with or sending additional correspondence to this office. Your claim for compensation was determined eligible on January 6, 2025.

By signing the Dozier and Okeechobee School Victim Compensation Claim Form, you acknowledged understanding that payment authorization is suspended until the time within which filing applications has expired, and final agency action is exhausted. Funds appropriated by Florida's Legislature will be equitably distributed between all qualified victims when all determinations and appeals are complete. It is important that you notify this office whenever your address or telephone number changes. If you are or were in State custody at the time your claim was filed and are transferred to a different facility or are released, please be sure we are notified of your current address.

By accepting compensation, you waive any further right related to your experience at the Dozier School for Boys and Florida Okeechobee School. Each person compensated is thereby ineligible for any further compensation. If you no longer agree to the terms and conditions as outlined by Florida's Legislature, you may submit a notarized affidavit withdrawing your claim which must be received on or before December 31st, 2024.

If you wish to discuss this letter, please contact the Bureau of Victim Compensation's Information and Referral Service at (800) 226-6667. Persons with limited hearing may call through the Florida Relay Service at (800) 955-8771.

Sincerely,

Katlyn Smith, Program Specialist

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

VICTOR T. JONES,

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v.

SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS,

Respondent.

ON PETITION FOR WRIT OF CERTIORARI
TO THE SUPREME COURT OF FLORIDA

APPENDIX C9

CAPITAL CASE

DEATH WARRANT SIGNED
EXECUTION SET SEPTEMBER 30, 2025, AT 6:00 P.M.

Letter from John C. Wilson, Superintendent, Eckerd Youth Development Center, March 11, 1997

ECKERD
FAMILY
YOUTH
ALTERNATIVES
INC.

Eckerd Youth
Development Center
7200 Hwy 441-North
Okeechobee, FL 34972
Phone (941) 763-2174

March 11, 1997

Ms. Maisha A. Custard, Document Specialist/Investigator
Law Office of the Capital Collateral Representative
1444 Biscayne Blvd, Suite 202
Miami, Florida 33132-1422

Re: VICTOR JONES
DOB: 05/01/61

Dear Ms. Custard:

This will acknowledge your written request to release the records for Mr. Jones.

Once a client reaches the age of 19 and released from this facility, his records are destroyed as authorized and approved by the State of Florida.

Sincerely,

John C. Wilson
Superintendent

JCW/va