
City of Daytona Beach PD Trespass Appeal

City Commission Chambers, 301 S Ridgewood Ave, Daytona Beach, FL 32114

Robert J. Riggio, Special Magistrate

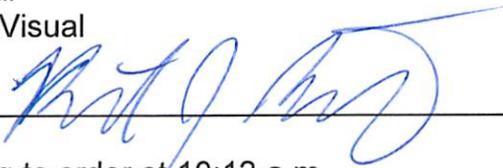
July 22, 2025 Minutes

Attendees:

Robert J Riggio, Special Magistrate

Staff present:

Ms. Melissa Diaz, Assistant City Attorney
Sgt. Shawna Conley Daytona Beach Police
Officer Fertz Gaspard Daytona Beach Police
Ms. Lena Rankin, Board Secretary
Ms. June Barnes, Rental Program Coordinator
Mr. Joe Graves, Audio/Visual
Mr. Xavier Campbell, Audio/Visual

Approval of Minutes by:  Special Magistrate

Mr. Riggio called the meeting to order at 10:12 a.m.

Mr. Riggio asked for announcements and there were none.

The Board Secretary swore in members of staff who will be testifying.

Mr. Riggio announced the procedure for the meeting.

Mr. Riggio called Case #1.

CASE # 1 - TA 08-25-01 – Virgil Hamm is appealing the trespass warning issued for **1000 Orange Ave Tuscawilla Park**, a City-owned property, pursuant to City Ordinance 86-43.
ACTION TO BE TAKEN: Consideration of Petitioner's Request for Appeal of the Trespass Warning.

Mr. Riggio stated he has read Mr. Hamm's appeal and would like to hear the basis of his appeal.

Mr. Hamm came forward and was sworn in.

Mr. Hamm stated his side of the occurrence. He stated he was approached by an officer and was told he was trespassed before. He does not recall being trespassed the first time. He also

expressed his concern for not seeing any signs posted when you enter the park from Orange Ave.

Ms. Diaz stated we are here to talk about the June 1, 2025 matter not the June 5, 2025 arrest. But will also be discussing the first occurrence back in February of 2025. June 5, 2025 is not relevant to this hearing.

There was discussion on if Mr. Hamm recalled being notified verbally or by written notice for either occurrence.

Mr. Riggio clarified Mr. Hamm's basis for his appeal, that there was no sign at the entrance of the park and that he never received anything in writing stating he was trespassed.

Ms. Diaz read Mr. Hamm's appeal and presented the City's argument. Ms. Diaz presented the Axon video clips from February 9, 2025 and June 1, 2025.

Mr. Riggio asked is it the City's position that the verbal warning on February 9, 2025 constituted as the first trespass warning?

Ms. Diaz responded the verbal warning was just showing that the officer made Mr. Hamm aware of the park's rules.

Mr. Riggio read, for the record, City Ordinance 86-34.

Ms. Diaz continued presenting her argument.

Mr. Hamm stated the gates are always open and there is no sign at the front entrance.

Officer Gaspard stated that there is only one way in and one way out of the park. Mr. Hamm was located in the southeast corner of the park. To get there Mr. Hamm would have had to pass multiple signs stating the park rules to get to where he was.

Discussion continued about the location of the signs along with how Mr. Hamm was previously notified.

Mr. Riggio asked Officer Gaspard why the City restricts hours for the park.

Officer Gaspard stated off his experience, the police department gets a lot of complaints about narcotic use and transients camping in the park. We treat everyone the same and enforce the rules for everyone.

DISPOSITION: By order on petitioner's appeal of trespass warning, pursuant to Chapter 86-43, this matter came before the Special Magistrate for the City of Daytona Beach at public hearing on July 22, 2025, regarding the Petitioner's request for appeal and having heard testimony of the parties and being otherwise fully advised in the premises, it is hereby ordered and adjudged the Petitioner's appeal of trespass issued to him on June 1, 2025 pursuant to Ordinance 86-43 is denied. The trespass warning issued June 1, 2025 shall remain in full force and effect and done and ordered on this 22nd day of July 2025.

Mr. Riggio called for a 5-minute break at 11:14 am and will reconvene at 11:19 am

Mr. Riggio called meeting to order at 11:19 am

CASE # 2 - TA 08-25-02 – Ronald Lewis is appealing the trespass warning issued for **115 E Orange Ave (City Island Park)**, a City-owned property, pursuant to City Ordinance 86-43. ACTION TO BE TAKEN: Consideration of Petitioner's Request for Appeal of the Trespass Warning.

Mr. Ronald Lewis came forward and was sworn in.

Mr. Riggio stated he would like to do things a little different. He would like to be shown a map of exactly where Mr. Lewis has been trespassed. He is familiar with the area and is asking what Mr. Lewis is trespassed from and if there is a route to the Library that Mr. Lewis can enjoy.

Ms. Diaz passed out the Exhibits she would like to place on record for the City's argument. While Sargent Shawna Conley pulled up a map of the park.

City Exhibit #1: Park Sign
City Exhibit #2: Trespass Warning
City Exhibit #3: Arrest Affidavit from April 29, 2025
City Exhibit #4: First Appearance Action Form

Sargent Conley presented a map showing the break-up of where Mr. Lewis was trespassed and where he is allowed to commute to the library.

Ms. Diaz asked Officer Gaspard to point out on the map where Mr. Lewis was arrested.

Sargent Conley showed Mr. Lewis on the map and asked if he confirms that is where he was arrested. He confirms.

Mr. Riggio confirms with Mr. Lewis that the paper he received is Mr. Lewis' whole appeal. Mr. Lewis confirms.

Mr. Lewis stated what he recalled from the incidents and explained he only wants to be able to go to the library.

Ms. Diaz explains that Mr. Lewis did not appeal his first Trespass, therefore it still stands for one year regardless of this appeal.

Officer Gaspard presents his recollection of both incidents with Mr. Lewis.

Ms. Diaz makes the correction for the record that April 29, 2025 was Mr. Lewis' first Trespass Arrest from City Island Park.

Ms. Diaz asked for a recess while Mr. Riggio looked over the documents.

Mr. Riggio called the meeting to recess for 5 minutes.

Mr. Riggio calls the meeting to order at 11:58 am.

Mr. Riggio explains to Mr. Lewis that his trespass warning is not preventing him from getting to the Library and is questioning what Mr. Lewis is appealing.

There was discussion of the prior incidents.

Mr. Riggio asked Mr. Lewis what he is appealing.

Mr. Lewis explains he just wants to be able to use the Library.

Ms. Diaz suggested for the City draw up a map for Mr. Lewis, to show him where he is allowed to travel to the Library without violating his Trespass.

Mr. Lewis asked for something in writing stating he can use the Library.

DISPOSITION: By order on petitioner's appeal of trespass warning, pursuant to Chapter 86-43, this matter came before the Special Magistrate for the City of Daytona Beach at public hearing on July 22, 2025, regarding the Petitioner's request for appeal and having heard testimony of the parties and being otherwise fully advised in the premises, it is hereby ordered and adjudged the Petitioner's appeal of trespass issued to him on June 24, 2025 pursuant to Ordinance 86-43 is denied. As to the merits of the Trespass Warning issued June 24, 2025, but its scope is clarified as follows: The Trespass Warning does allow for access to the Volusia County Library via Jackie Robinson Parkway and its adjoining sidewalks and the sidewalk to the West of the Library as shown on the attached map. The Trespass Warning issued on June 24, 2025, shall remain in full force and effect. Done and Ordered this 22nd day of July 2025.

The meeting was adjourned at 12:35 pm.