

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT OF
THE STATE FLORIDA, IN AND FOR PASCO COUNTY
CASE NO. CRC14-00216CFAES

STATE OF FLORIDA,

Plaintiff,

vs.

CURTIS J. REEVES,

Defendant.

PROCEEDINGS: Excerpt of Testimony of:
 MATTHEW REEVES

DATE: February 20, 2017

BEFORE: The Honorable Susan Barthle
 Circuit Court Judge

PLACE: Robert D. Sumner Judicial Center
 38053 Live Oak Avenue
 Dade City, Florida 33523

REPORTED BY: Charlene M. Eannel, RPR
 Court Reporter

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A-P-P-E-A-R-A-N-C-E-S

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2 (Thereupon, the following excerpt from the Trial
3 Testimony of Matthew Reeves was transcribed per request of
4 Counsel.)

5 DIRECT EXAMINATION

6 BY MR. MICHAELS:

7 Q. Now, did you go with your parents to the Cobb
8 theater?

9 A. No, sir.

10 Q. What happened once you got there?

11 A. I was running late to the theater. I purchased
12 my tickets and responded straight inside. I didn't stop
13 to get anything. I went straight into the theater because
14 I thought the movie might had started. When I walked
15 inside, it was already dark inside and the previews were
16 playing.

17 Q. Let me show you what's been marked as Composite
18 Defense Exhibit 1.

19 MR. MICHAELS: I would move at this time by
20 stipulation, to enter Exhibit 1 into evidence.

21 MR. MARTIN: By stipulation.

22 THE COURT: It will be admitted.

23 MR. MICHAELS: As Exhibit 1.

24 THE COURT: Okay. As Exhibit 1.

25 MR. MARTIN: I assume that's been -- I apologize

1 for sitting down. I assume that's the photograph of
2 --

3 MR. MICHAELS: It is. I gave Mr. Martin a list.
4 It's on there.

5 MR. MARTIN: Okay.

6 THE COURT: Okay. And this is a composite.

7 MR. MICHAELS: It is. What we will do, Judge,
8 we will identify it -- there's a JPEG number, that
9 way we can keep it straight on the record.

10 THE COURT: Okay.

11 BY MR. MICHAELS:

12 Q. All right. Now, you go into the theater,
13 correct?

14 A. Yes, sir.

15 Q. And that's where you buy your ticket?

16 A. At the front opening, yes.

17 Q. Where do you go from there?

18 A. Straight into the theater where the movie was
19 playing.

20 Q. Now, when you get to the theater, do you
21 remember the number of the theater?

22 A. I don't recall.

23 Q. Does Theater 10 sound --

24 A. That sounds familiar, yes.

25 Q. Now, once you get to Theater 10, you walk in.

1 Can you -- and I'm showing you what's been marked as a
2 composite and it is JPEG 2060417, you're looking at it on
3 the screen.

4 Does that look familiar to you?

5 A. Yes, sir.

6 Q. Now, when you say you entered the theater, do
7 you see the area you entered the theater on that picture?

8 A. Yes. It's the open door in the lower-left
9 corner.

10 Q. Okay. And that's with the -- is that with the
11 green exit sign or some sort of sign over the top we're
12 talking about?

13 A. Yes, sir.

14 Q. And when you walk into the theater, what are the
15 conditions of the theater?

16 A. It's already dark.

17 Q. When you say "dark" are we talking about like
18 that, where some of the house lights are on? Are we
19 talking about pitch black or somewhere in-between?

20 A. It's nearly pitch black.

21 MR. MARTIN: Excuse me, Judge. May we approach?

22 THE COURT: Do we need to?

23 MR. MARTIN: I wouldn't ask, if I didn't think
24 it was appropriate.

25 THE COURT: Okay. Could we just swing your

1 chair over, maybe?

2 THE COURT REPORTER: Yes.

3 (Sidebar conference conducted.)

4 MR. MARTIN: The reason that I think there would
5 be a lot of objections now, is because of the
6 lighting. It's been raised, the issue about the
7 lighting. These are not pictures -- they are not
8 appropriate.

9 What we have is Mr. Michaels had said where, you
10 know, it is our -- it is a form of art that we've
11 been battling about whether or not the picture
12 actually represents, you know, represents that.

13 So that's the reason I wanted to come to the
14 Court now because we know this is regarding -- now
15 we're going to take those pictures and we're going to
16 say that is what the lighting is. Is that dark?
17 That is what it is, and then we're going to have some
18 problems.

19 Now he's indicated -- and in his deposition --
20 this was pitch black. Now they are going to get to
21 those (inaudible). See, where my concern is, is with
22 Mr. Michaels' characterizing the photographs and
23 referring to them as being this dark because we know
24 it was mid level one. We know that is.

25 So that's -- I wanted to come here and I think

1 this is going to go on for the next few minutes how
2 dark it was. How he could not see it was so dark.
3 It was not until -- because I can see my dad, he
4 could testify to all of that, but not with the
5 photographs saying that is how dark it was because I
6 will have an objection to that.

7 I realize that we have a stipulation about the
8 chain of authenticity, all right, and I signed it,
9 but there is no way the photographs can be used to
10 represent exactly what the conditions are like, as
11 far as darkness.

12 MR. MICHAELS: Judge, he has testified it was
13 darker than in those photos. So he is not saying
14 that the photos look like the lighting that was
15 present.

16 THE COURT: All right.

17 MR. MICHAELS: He is saying it was pitch black.
18 He will probably --

19 MR. ESCOBAR: He didn't say it was pitch black.
20 He said near pitch black.

21 THE COURT: Uh-huh. All right.

22 MR. MARTIN: He can testify all he wants --

23 THE COURT: Right.

24 MR. MARTIN: -- but not Mr. Michaels describing
25 those pictures as being dark. And it barely was what

1 it was.

2 THE COURT: Well, I am looking at them, so I
3 know, you know, I can be a judge of what I am looking
4 at. And I want to make sure the record is straight
5 as to what we are looking at and you can do that with
6 contemporaneous objections, I suppose.

7 If there was some mention by Counsel that that's
8 pitch black, you know, something along those lines --

9 MR. MARTIN: Whatever it represents because we
10 haven't resolved my objections and that's why I
11 didn't want to air this in front of the witness.

12 THE COURT: Okay. Obviously, I think those
13 objections would come more into play when that
14 witness is on or not or however we resolve that.

15 MR. MARTIN: Like I said, I don't have a problem
16 saying, I was there, and it was pitch black or dark,
17 but in that -- but not Mr. Michaels, that's not what
18 I --

19 MR. ESCOBAR: Judge, I don't understand why we
20 are here for this objection because that was not even
21 asked in that fashion --

22 MR. MARTIN: (Inaudible.)

23 MR. ESCOBAR: This is nothing more than his
24 prompting to tell the Court that he is objecting to
25 Mr. Michaels' photos. There's going to be a proper

1 predicate. I'm doing Mr. Knox (phonetic), there will
2 be a proper predicate for those photos. That's the
3 only reason we are here because it was not even an
4 objectionable issue here. Nobody asked this guy the
5 way it looked on that particular day.

6 THE COURT: Yes.

7 MR. MARTIN: My objection was to the form of the
8 question by Mr. Michaels' characterizing the
9 photographs to the extent that he wants to
10 characterize. That was a proper objection.

11 THE COURT: Okay. We will deal with it
12 accordingly.

13 (Sidebar conference concluded.)

14 BY MR. MICHAELS:

15 Q. Now, when you walked in the theater, what do you
16 remember the lighting conditions to be?

17 A. It was extremely dark. There was already a
18 movie trailer playing.

19 Q. Okay. So it was extremely dark; is that what
20 your description is?

21 A. Yes.

22 Q. Okay.

23 MR. MICHAELS: Judge, may I have the witness
24 step down?

25 THE COURT: You may.

1 BY MR. MICHAELS:

2 Q. If you would step down, please, Mr. Reeves.
3 Stand in front of that screen.

4 Now, point to where it is that you came in
5 through.

6 A. I entered here.

7 Q. And that's that opening with a little green
8 light on top that we were talking about; is that where you
9 are pointing to?

10 A. Yes.

11 Q. Okay. Now, describe to me which direction you
12 walked once you came in that door?

13 A. I would be coming straight down this aisle where
14 this partition wall is and I came up around the end of --
15 this, right around the end of this partition wall right
16 here.

17 Q. Okay. Let me show you what has been marked as
18 Composite Exhibit 1, 2081418 is the JPEG number. All
19 right. Is that the same theater we're looking at?

20 A. Yes, sir.

21 Q. All right. And could you indicate where you're
22 talking about, now that we're looking at the overall view?

23 A. I entered from this side. And you can't see
24 where I would have been standing at the base of this wall.
25 Where you see the rail coming down, I was at the base of

1 that wall.

2 Q. Okay. So as we look towards the back of the
3 theater, you are coming from what would be the left side;
4 is that what you're describing?

5 A. If I'm facing the screen, it was on the right
6 side.

7 Q. As you're facing the screen on the right side,
8 yes?

9 A. Yes.

10 Q. Now we're looking at the back, so it is on the
11 left.

12 A. Yes, sir.

13 Q. Let's go back to this first one, which is
14 2060417. All right. So now you come into the theater;
15 where do you go?

16 A. I stepped up approximately the first step that
17 would be just off of the frame here and was standing right
18 there.

19 Q. And at that point, what do you do?

20 A. Initially, I looked through the crowd trying to
21 find my parents.

22 Q. Were you able to see them or recognize them in
23 any way?

24 A. It was too dark to recognize them at that point.

25 Q. Okay. So now what is going on on this screen

1 behind you; if you recall?

2 A. I specifically recall the trailer for the new
3 Robocop remake movie playing. Everybody appeared to be
4 watching it, so I turned and watched the screen.

5 Q. And could you indicate for us where you were
6 standing when you turned around to watch it on the screen?

7 A. I was still standing right up at the base of
8 this wall approximately one step up.

9 Q. And were you towards the wall itself? Were you
10 more towards the seats? Where were you standing?

11 A. I would have been right against the wall.

12 Q. And why did you stand against the wall?

13 A. Everybody appeared to be watching what was going
14 on and I didn't want to interrupt.

15 Q. So now you're watching the previews. Tell me
16 what happens next?

17 A. When the preview came -- ended, the screen
18 essentially went black for a short time. Right when that
19 occurred, I heard my father's voice say something to the
20 effect of, get off of me, or, get out of my face, or
21 something to that effect.

22 Q. Can -- do you agree or disagree, then, in terms
23 of what the exact words were or you don't remember?

24 A. I do not remember.

25 Q. Now, can you point to the area that you heard

1 that voice coming from?

2 A. Up towards the top area.

3 Q. And --

4 A. Up in the top somewhere.

5 Q. Okay. So you're indicating towards the back row
6 at the top?

7 A. Yes.

8 Q. Now, once you hear that, can you describe the
9 tone of voice?

10 A. It sounded alarming.

11 Q. Had you ever heard your father use that tone of
12 voice before?

13 A. No, I had not.

14 Q. What did you do once you heard that?

15 A. It drew my attention up. I took, like, two
16 steps up and was trying to see if I could see where he was
17 at, which I couldn't due to the -- it was so dark you
18 couldn't recognize people more than a few feet away from
19 me.

20 Q. And did you see any activity going on where you
21 heard your father's voice?

22 A. Not initially, no.

23 Q. Now, you said you took a couple of steps up?

24 A. Approximately, two, maybe three.

25 Q. So show me approximately where you were at?

1 A. I would have been basically right at the base --
2 the edge of the steps go down further. I would have been
3 at the base of the screen, approximately on the steps.

4 Q. So the very bottom of the photographs around
5 those steps; is that fair to say?

6 A. Yes, sir.

7 Q. So now, which direction are you looking?

8 A. I'm just looking up in this general area along
9 the back wall.

10 Q. Now, are you standing there or are you moving
11 towards the back wall? What are you doing?

12 A. At that point, I'm standing, because I can't see
13 enough to know where I need to go.

14 Q. How did that voice that you heard, how did that
15 make you feel?

16 A. It was alarmed enough to draw my attention that
17 something was wrong.

18 Q. Did you feel fear?

19 A. Not at that point, no.

20 Q. Did you feel concerned for your father?

21 A. Yes, sir.

22 Q. So what did you do?

23 A. Initially, I stopped after taking a couple of
24 steps up because I was trying to find out where he was at.
25 It was hard to, because of how dark it was inside, you

1 couldn't see faces, really, at a distance from you. You
2 could only see people up close.

3 Q. Now, you take a couple of steps up and which
4 direction are you facing?

5 A. I'm facing upwards.

6 Q. Towards the back of the theater?

7 A. Towards the back of the theater, yes.

8 Q. What's the next thing that happens?

9 A. The gunshot.

10 Q. And where are you faced when you hear the
11 gunshot?

12 A. Towards the back of the theater.

13 Q. And could you approximate or point out what
14 your -- kind of, point of view was, your vantage point?

15 A. My vantage point would have been essentially
16 everything towards the back, because I had turned to face
17 up because I was scanning back there trying to find -- so
18 I was essentially looking up into the whole back area.

19 Q. At the time of the gunshot?

20 A. Yes, sir.

21 Q. And what, if anything, did you observe at that
22 point.

23 A. I did not see the muzzle flash directly. I saw
24 the flash and the silhouette -- it silhouetted who I
25 believe -- who I now know is Mr. Oulson.

1 Q. And when you said it "silhouetted," at that
2 point what is it that you saw back there?

3 A. I could see someone standing.

4 Q. And could you tell which way they were facing?

5 A. Yes. They were facing to the back of the
6 theater.

7 Q. And if it was dark in the theater, how could you
8 tell which way they were facing?

9 A. When that flash occurred, the ambient light
10 started to come back up into the theater at that time.

11 Q. Now, do you remember or not remember what was
12 going on, in terms of the screen, at that point?

13 A. I don't have any idea what was going on.

14 Q. So how far up are you now? Have you moved up
15 any?

16 A. At the time of the shot, I was two to three
17 steps up. As soon as it occurred, as I'm watching what is
18 occurring, I started moving up.

19 Q. Now, you said you were watching what's
20 occurring. What did you see?

21 A. I saw Mr. Oulson turn around and take a large
22 exaggerated step down from where -- from where he was
23 standing.

24 Q. All right. And so he is facing what turns out
25 to be your father, right?

1 A. Yes, sir.

2 Q. And when you say "exaggerated step down,"
3 describe that?

4 A. I initially described it as possibly stepping
5 down a row. It seemed that exaggerated to me. I didn't
6 know whether he had stepped down a row or not, but it was
7 an exaggerated step in the manner that led me to believe
8 he possibly could have stepped down a row.

9 Q. Did you see any change in his height at all?

10 A. No, because of my vantage point being lower, it
11 was hard -- I don't recall seeing any changes.

12 Q. Could you tell if he was standing straight up or
13 bent over?

14 A. He was standing straight up at the time.

15 Q. At that time?

16 A. Yes, sir.

17 Q. And what's the next thing that you observed?

18 A. When he steps down, then he started walking out
19 towards the aisle.

20 Q. And what did you do?

21 A. As I came up, I was watching him. And when I
22 observed that he started to slump over, I went up the
23 aisle and met him partially at the aisle. I grabbed ahold
24 of him. I actually ordered somebody else in the row to
25 assist me with laying him down, which somebody did get

1 behind him and helped him and we lowered him onto the
2 ground on his back.

3 Q. At that point when you saw Mr. Oulson coming
4 down the row, had you put two and two together?

5 A. Yes, sir.

6 Q. Okay. And what was your belief at that time?

7 A. I knew at that point -- because once he stepped
8 back I was able to see that my father was, in fact, behind
9 him. Once I heard my father's voice and then I heard
10 that, I was able to put two and two together in that
11 aspect. When he was coming out, I figured he was shot.
12 He started to slump over, at which time I assisted him to
13 the ground and I immediately started to check his body. I
14 lifted his shirt up to see where the gunshot wound was.

15 Q. Now, when -- where were you when you came into
16 contact with Mr. Oulson?

17 A. I would have been essentially right up in this
18 area here. Somewhere in -- in this area.

19 Q. So you're indicating the second row down from
20 the top; is that right?

21 A. I can't recall if I was in the second or the
22 third row initially. Because like I had said, I didn't
23 recall if he had taken a step down a row or not, but I was
24 in either the second row down or the third.

25 Q. And as Mr. Oulson comes down the row, you

1 described you catch him?

2 A. He was slumping over and I didn't want him to
3 collapse onto the floor, into the seat, so I was -- kind
4 of caught him and then lowered him backwards onto his
5 back.

6 Q. Okay. You could have a seat, please.

7 A. (Witness complies.)

8 Q. Now, tell me what you did? Did you grab Mr.
9 Oulson by his arms or what did you do?

10 A. I believe I grabbed him by his wrist,
11 essentially, and I -- when I ordered the other gentleman
12 to grab ahold him, he assisted with his back so that he
13 didn't just fall backwards, and we laid him on his back.

14 Q. Where was Mr. Oulson when he was laying on his
15 back?

16 A. In the aisle.

17 Q. When you say "aisle" are you talking about the
18 row or is he actually over where the stairs are?

19 A. He is where the seats are where it is very
20 narrow. Where the seats fold up. A row, essentially.

21 Q. So he's in-between the seats?

22 A. Yes.

23 Q. And do you know how far down he is into that
24 row?

25 A. I don't recall.

1 Q. So now you have some aid in laying Mr. Oulson
2 down. What's the next thing that you do?

3 A. I initially lifted his shirt up to check his
4 body. So I slid his shirt -- I don't recall what he had
5 on exactly, but I slid his shirt up so I can see his body
6 to see where he was shot.

7 Q. Were you able to see what appeared to be a
8 bullet wound?

9 A. Yes, sir.

10 Q. What did you do?

11 A. I used the same clothing that I pushed upwards
12 that I had kind of bunched up in my hand to place over the
13 wound to put direct pressure on the wound.

14 Q. Now, aside from hearing your father's excited
15 fearful voice, do you hear your father say anything at all
16 after the shot?

17 A. No, sir.

18 Q. And certainly by then you're in pretty close
19 proximity; is that fair to say?

20 A. I don't remember how close, but I can see him,
21 yes.

22 Q. Okay. You could see your father?

23 A. Yes.

24 Q. And do you see your father making any motions or
25 doing anything?

1 A. No, sir, just holding his face.

2 Q. I'm sorry?

3 A. Just holding his face.

4 Q. Describe what you saw.

5 A. His glasses were sitting out of line with his
6 eyes and he was holding one side of his face.

7 Q. So now you're with Mr. Oulson. You're applying
8 pressure. Did you see your mother?

9 A. Not at that point, no, sir.

10 Q. What happens next?

11 A. I was talking with -- I was basically talking to
12 Mr. Oulson at the time telling him he was going to be
13 okay, telling him to just keep looking at me, keep
14 breathing. Talking to him there. Somebody, at some
15 point, handed me either a shirt or something from behind
16 me at which time I placed that over the wound and
17 continued to put direct pressure on it.

18 At some point, I don't know what the time frame
19 was, somebody stated there was a nurse there at which time
20 as the person replaced me, I explained to them where the
21 wound was and to keep pressure on the wound.

22 Q. And once the nurse took over, where did you go?

23 A. I initially backed out of the row. I had moved
24 up to the top row and walked down that row and was
25 essentially -- I was asking my dad where the firearm was

1 so I could secure.

2 Q. Okay. And what, if anything, happened next?

3 A. My father stated to me that a deputy -- that he
4 said -- I believe he said he's a deputy, he had it, and
5 pointed to the off-duty deputy that was standing next to
6 my father.

7 Q. So when you got there, somebody else already had
8 the gun?

9 A. Yes.

10 Q. And did you see your mother at that point?

11 A. Yes.

12 Q. Where was she seated?

13 A. I believe she was a few seats away from my
14 father.

15 Q. So she wasn't right next to your father, is what
16 you're describing?

17 A. I don't recall. I don't think she was.

18 Q. And what was your mother's emotional state at
19 this time?

20 A. She appeared to be in shock.

21 Q. And why do you say that? Describe for us what
22 you mean by that?

23 A. My mother is not good with confrontation --

24 MR. MARTIN: Judge, I'm going to object. The
25 feelings of his mom after the fact is not relevant to

1 any determination at this immunity hearing regarding
2 Mr. Reeves and his thought process prior to the
3 shooting.

4 MR. MICHAELS: Well, Judge, it is relevant in
5 terms of her emotional state. She made a statement.
6 Certainly she's -- she's an excited utterance. She's
7 under the affect of the shooting that she witnessed.
8 Certainly, if she's in shock and she says, I don't
9 remember anything, I didn't see it, certainly it is
10 relevant for those purposes. So I -- it is relevant.

11 MR. MARTIN: Mrs. Reeves could take the stand.
12 Whether or not this is, in fact, an excited
13 utterance, I'll take an exception with, but right now
14 the way the question is, is how does your mother
15 feel? That's not even close to laying a predicate
16 for an excited utterance.

17 MR. MICHAELS: I asked him what her emotional
18 state was, Judge. I didn't ask how she felt.

19 THE COURT: You can -- I'm going to overrule it
20 as to the extent to what he observed.

21 BY MR. MICHAELS:

22 Q. Your mother was sitting there?

23 A. Yes.

24 Q. And did she say anything?

25 A. No, sir.

1 Q. Was she crying?

2 A. She was extremely upset at that point. I can't
3 recall if she was crying at that point or not.

4 Q. Were her hands shaking?

5 A. She was shaking, yes.

6 Q. Did she say anything to you?

7 A. No, sir.

8 Q. Now, you made sure that, number one, you've
9 already helped Mr. Oulson the best that you can. Now
10 you've gone down the row and you made sure the firearm was
11 secure. Now you're with your mother. What's the very
12 next thing that you do?

13 A. I essentially -- I had a lot of blood on myself
14 and on my hands. At that point, I did the check for the
15 firearm. I explained to them I would be right back. I
16 was going outside to the kitchen to wash that off and to
17 let them know to contact 911 and to give them a little bit
18 of information to management.

19 Q. Now, when you came back after washing yourself
20 off, did you have contact again with your mother?

21 A. Yes.

22 Q. When you came back, where was your father?

23 A. He was still seated in the same position.

24 Q. What did you do when you came back?

25 A. I immediately wanted to remove my mother from

1 the scene.

2 Q. What do you mean by that? Where did you take
3 her?

4 A. We went out to the lobby area.

5 Q. Now, when you went out to the lobby, were there
6 other people in the lobby area?

7 A. People were coming out of the theater into the
8 lobby, yes.

9 Q. Now, the lobby area, does it have tables or how
10 is that -- what area did you go to?

11 A. There are tables.

12 Q. So did you see individuals congregating at those
13 tables?

14 A. Initially, no.

15 Q. Okay. And at some point, do they come out of
16 the theater and congregate?

17 A. Yes. Me and my mother had sat at one of the
18 tables and nobody else was sitting there at the time.
19 After the officers all started arriving, it concerned me
20 that they were handing out what I know to be --

21 MR. MARTIN: Excuse me, Judge. I object, as far
22 as what concerned him about what was occurring at
23 that time. Mr. Reeves, at that point, is an off-duty
24 police officer. He's not conducting an
25 investigation.

1 MR. MICHAELS: Judge, I haven't heard a legal
2 objection yet.

3 MR. MARTIN: So it is not relevant as to what he
4 thought was going on at the time.

5 THE COURT: Response.

6 MR. MICHAELS: Judge, I can change the question
7 and get the same answer. So, I mean, we can do it
8 that way, that's fine. I will just change the
9 question.

10 THE COURT: Okay.

11 BY MR. MICHAELS:

12 Q. So once you went to the lobby area, did you
13 observe any patrons that were within the theater that had
14 come out?

15 A. Yes.

16 Q. And did you see any sort of witness forms being
17 handed out to those individuals?

18 A. Yes.

19 Q. Did you hear any of the police officers instruct
20 any of those individuals not to talk to each other when
21 they filled out those forms?

22 A. No, sir.

23 Q. In fact, did you hear individuals talking about
24 what they thought had happened in the theater?

25 A. Yes, sir.

1 Q. Did you hear any specific comments?

2 A. They kept making the statement of he was shot
3 in --

4 MR. MARTIN: Your Honor, again, I'm going to
5 object on the grounds of hearsay.

6 MR. MICHAELS: Judge, it's not offered for the
7 truth of the matter.

8 MR. MARTIN: Well, if it's not offered for the
9 truth of the matter, it has to be for some relevant
10 purpose, and right now there is no relevant purpose.

11 MR. MICHAELS: Judge, the relevant purpose is
12 that it has to do with witness contamination. We're
13 going to have witnesses from within the theater come.
14 And I think it certainly goes towards coloring their
15 testimony as being truthful, untruthful, or to
16 impeach them because it's an indication that that
17 might not be their thought. That they were
18 influenced by other statements.

19 MR. MARTIN: The problem, Judge, is the lack of
20 specificity with the witnesses. There's numerous,
21 numerous, numerous pages of -- it could have only
22 been two and five or six other patrons come in. We
23 can't carte blanche cover the entire patrons with Mr.
24 Reeves' statement about, Yes, I heard statements. We
25 don't know who it was. Without specificity, it is

1 not relevant.

2 MR. MICHAELS: Judge, that may be the old, one
3 bad apple doesn't spoil the whole barrel. The
4 problem we're dealing with is witness contamination
5 and one bad apple does spoil the whole barrel.

6 THE COURT: I'll overrule that.

7 BY MR. MICHAELS:

8 Q. So you heard somebody say what?

9 A. Two people sat at our table with forms and
10 started filling them out and were discussing it. I
11 removed my mom from that situation.

12 Q. Okay. Where did you go?

13 A. When we initially got up, we moved to the front
14 of the -- the front center of the -- what you would call
15 the food court area to the front counter area just because
16 I wanted to move her away from everybody that was
17 discussing what was going on.

18 Q. Was your mother still in the same emotional
19 state that you observed when she was in the theater still
20 shaking?

21 A. She was shaking and crying.

22 Q. At some point, did you have contact with
23 officers?

24 A. Yes.

25 Q. In the theater?

1 A. Not inside.

2 Q. Not in the theater itself. Not in Theater 10,
3 but in the theater; in other words?

4 A. Yes, sir.

5 Q. Still within the building?

6 A. Yes, sir.

7 Q. Tell me about that.

8 A. Initially, at one point, I identified myself as
9 off-duty law enforcement and I stated that the subject
10 involved was disarmed and that there was an off-duty
11 officer in there that had the firearm in his possession.

12 Q. Okay. And were you still with your mom at that
13 point?

14 A. Yes. That was when I was walking out with her
15 out of the theater.

16 Q. And was she still shaken at that point?

17 A. Absolutely.

18 Q. Now, at some point, do police ask to interview
19 your mother?

20 A. Yes.

21 Q. And is she still shaken when they go with her?

22 A. We were all very shaken, yes, sir.

23 Q. Did she go with the police?

24 A. Yes.

25 Q. Did you go with her?

1 A. Not during her interview, no, sir.

2 Q. And did you give an interview?

3 A. Yes, sir.

4 Q. Now, to the best of your knowledge, was that
5 interview recorded?

6 A. I did not know.

7 Q. Okay. Tell me about any diagram or anything
8 else that you might have done for the police at that
9 point?

10 A. I did draw a diagram when I was explaining that
11 I thought he had taken an exaggerated step down.

12 Q. And you did that for the individual who
13 interviewed you?

14 A. Yes, sir.

15 Q. Do you know who that was?

16 A. I believe a Detective Aaron Smith. The first
17 name was Aaron.

18 MR. MARTIN: Could I have a moment, Judge?

19 THE COURT: You may.

20 MR. MICHAELS: I don't have anything else.

21 Thank you.

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CERTIFICATE OF REPORTER

STATE OF FLORIDA)
COUNTY OF PINELLAS)

I, CHARLENE M. EANNEL, RPR, certify that I was authorized to and did stenographically report the foregoing proceedings; and that the transcript is a true record of the proceedings.

I FURTHER CERTIFY that I am not a relative, employee, attorney or counsel of any of the parties hereto, nor am I a relative or employee of such attorney or counsel, nor do I have any interest in the outcome or events of this action.

DATED this 20TH day of February, 2017.

/S Charlene M. Eannel
CHARLENE M. EANNEL, RPR