

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT OF
THE STATE FLORIDA, IN AND FOR PASCO COUNTY
CASE NO. CRC14-0216CFAES

STATE OF FLORIDA,

Plaintiff,

vs.

VOLUME VIII

CURTIS J. REEVES,

Defendant.

_____ /

PROCEEDINGS: Stand Your Ground Motion

DATE: February 23, 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
PAGES 920 - 1013

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1 P-R-O-C-E-E-D-I-N-G-S

2 THE COURT: All right. Before we get started
3 with our next witness, who's doing it, Ms. Sumner,
4 or may I proceed?

5 MR. GARCIA: You can proceed without her. She
6 will be in momentarily.

7 THE COURT: Yesterday I indicated that we would
8 be going to the Cobb Theater on Friday morning, and
9 because it's an open forum and all Court
10 proceedings, anyone was entitled to go.

11 It has come to my attention that Cobb has
12 objected, and understandably so. Bottom line, I
13 misspoke. It's not -- that is not an open forum.
14 It's their private property, so the public is not
15 invited to go tomorrow and neither is the media.

16 The media is welcome to stay outside the
17 theater, but I can't -- I don't have any authority
18 over the Cobb Theater. They're a private business.
19 They're entitled to close their doors to whoever
20 they see fit, just as if a private citizen -- you
21 know, you can't just go barging into their residence
22 because the Court decides to go there. That's not
23 how we operate.

24 So if any members of the public wish to go,
25 they'll have to wait outside just like anyone else,

1 just like the media will, so it's not going to be a
2 public viewing.

3 And I believe that Mr. Reeves is okay with
4 that.

5 He's okay with that, Mr. Escobar?

6 MR. ESCOBAR: He is, Your Honor. In fact,
7 Mr. Reeves will not be attending, either.

8 THE COURT: All right. So with that
9 announcement, who's our next witness?

10 MR. ESCOBAR: Your Honor, Defense would call
11 Detective Bossone.

12 THE COURT: All right. Do you know where your
13 witness is?

14 MR. ESCOBAR: He's right outside.

15 THE BAILIFF: Your Honor, he's up at the front
16 office. He's already coming back.

17 THE COURT: Okay.

18 THE BAILIFF: Step this way, stand right here.
19 Face the clerk, raise your right hand to be sworn.
20 (Thereupon, the witness was duly sworn on oath.)

21 THE BAILIFF: Come have a seat up here. Adjust
22 the mic. Speak in a loud and clear voice for the
23 Court.

24 THE COURT: You may proceed, Counselor.

25 DIRECT EXAMINATION

1 BY MR. ESCOBAR:

2 Q. Good afternoon, Detective Bossone.

3 A. Good afternoon.

4 Q. Detective, would you please give the Court a
5 bit of your history concerning your educational
6 background?

7 A. I obtained my bachelor's degree in 2007. I've
8 attended various training classes related to my duties
9 with the Sheriff's Office.

10 Q. Can you give the Court -- do you know that list
11 by memory?

12 A. Some of them.

13 Q. Okay. Why don't you give the Court a little
14 bit of background concerning the courses that you've
15 taken postgraduate.

16 It is my understanding that you graduated from
17 Florida Gulf Coast University; is that correct?

18 A. That's correct.

19 Q. And that was with a bachelor of science in
20 criminal justice?

21 A. That's correct.

22 Q. And I know that you joined law enforcement with
23 the Pasco County Sheriff's Office in the year 2000?

24 A. Correct.

25 Q. And I believe that the courses that you're

1 talking about are the courses that you took once you
2 became a deputy there with the Sheriff's Office; is that
3 correct?

4 A. That's correct.

5 Q. Okay. You were a patrolman for five years; is
6 that correct?

7 A. That's correct.

8 Q. During that time you were working within this
9 particular county enforcing the laws of the State of
10 Florida; is that correct?

11 A. Correct.

12 Q. In 2005 you were promoted to the Detective
13 Division in the property section; is that correct?

14 A. That's correct.

15 Q. And you worked in that property section between
16 2005 and 2009?

17 A. Correct.

18 Q. Now, in 2009, you were transferred into what's
19 called Major Crimes, and that was a homicide and crimes
20 against person type of division; is that correct?

21 A. Correct.

22 Q. Tell the Court, please, what type of crimes you
23 investigated when you were in Major Crimes.

24 A. Child abuse, rape, robbery, homicide.

25 Q. Okay. And how long were you in Major Crimes?

1 A. Until 2013.

2 Q. So between 2009 and 2013, about four years?

3 A. Correct.

4 Q. Now, even though you were in Major Crimes and
5 you were responsible for handling homicides, homicides
6 were not necessarily regularly given to members of that
7 unit. In other words, it was the luck of the draw?

8 A. Correct.

9 Q. And during that four-year period you only
10 became the lead homicide detective in only one major
11 homicide, correct?

12 A. Correct.

13 Q. Actually, one homicide, period, not even major,
14 correct?

15 A. Correct.

16 Q. Now you're in Major Crimes to 2013, and during
17 that period of time you were taking some courses; is that
18 correct?

19 A. Correct.

20 Q. And I believe the courses that you took dealt
21 with the investigation of homicides themselves; is that
22 correct?

23 A. Yes.

24 Q. And I believe you took a crime scene course?

25 A. Crime scene reconstructing.

1 Q. That was a course that was geared pretty much
2 for homicide detectives?

3 A. Major Crimes -- sure. Anyone that investigates
4 personal crime scenes.

5 Q. That course was geared towards giving you the
6 skills to properly preserve evidence in its most virgin
7 state, correct?

8 A. Correct.

9 Q. That course also taught you how to identify
10 evidence that was going to be relevant and useful in the
11 investigation of cases like a homicide?

12 A. Yes.

13 Q. And so you would gather facts, you would see
14 evidence there at the scene and you would try to
15 correlate that evidence there at the scene, what was
16 important, what you needed to do right away with that
17 piece of evidence, what you could weigh, all those
18 factors?

19 A. Sure.

20 Q. Now, you did assist homicide between the 2009
21 and 2013 period. Even though you were the lead homicide
22 detective in just one, you assisted in homicides doing
23 interviews, for example, right?

24 A. Yes.

25 Q. And actually being the crime scene detective --

1 A. Yes.

2 Q. -- is that correct?

3 A. That's correct.

4 Q. So you used those skills that you had learned
5 in those particular courses. There was a variety of
6 courses that you took; is that correct?

7 A. Correct.

8 Q. And one was -- let's see -- an unresolved death
9 investigation course?

10 A. Correct.

11 Q. And you took another general homicide
12 investigation course; is that correct?

13 A. Yes.

14 Q. Now, you mentioned that crime scene
15 reconstruction course as well. Is that another one you
16 took?

17 A. Yes.

18 Q. In that crime scene reconstruction course, one
19 of the things that was very important for you as a crime
20 scene detective is that you wanted to certainly do
21 everything that you could to prevent contamination of the
22 scene; is that correct?

23 A. Yes.

24 Q. And that means prevent physical contamination,
25 meaning contamination of the items there at the scene as

1 well as witness contamination?

2 A. I don't recall them specifically talking about
3 witness contamination. It was more focused on
4 evidentiary contamination.

5 Q. Are you familiar with witness contamination?

6 A. I am.

7 Q. That's something that has been taught to you as
8 early as your early days of the police academy?

9 A. Yes.

10 Q. And that's a process that you learned very
11 early on and have used throughout your career?

12 A. Correct.

13 Q. That whenever you're investigating a case, one
14 of the most important things that you can do is to
15 prevent witness contamination?

16 A. Yes.

17 Q. Now, at some point in time, you became very
18 interested in possibly working within the Pasco County
19 Sheriff's Office cyber crime unit; is that correct?

20 A. I was assigned there when the unit started in
21 2013.

22 Q. But you knew there were rumblings about talking
23 about developing this particular unit?

24 A. They started training some of us in digital
25 forensics, getting us started with it.

1 Q. So you started taking some training courses in
2 that particular field because that was a field of
3 interest to you?

4 A. Yes.

5 Q. And so initially, prior to even being selected
6 for that unit, you took a course that was called Basic
7 Data Recovery with the National White Collar Crime
8 center --

9 A. Yes.

10 Q. -- is that correct?

11 A. Basic Data Recovery and Acquisition.

12 Q. When we are talking about data recovery, we
13 live in a digital world now, don't we?

14 A. We do.

15 Q. And that's what you're talking about, correct?

16 A. Yes.

17 Q. Okay. Now, after going to that basic data
18 recovery, you also went into another course called
19 intermediate data recovery and acquisition course, and
20 that was with the same program that you had done your
21 basics with, correct?

22 A. Correct.

23 Q. That was a more advanced course to learn as
24 much as you could about digital preservation --

25 A. Yes.

1 Q. -- is that correct?

2 A. That's correct.

3 Q. Was that course also before you were selected
4 for the cyber crime unit?

5 A. Yes.

6 Q. You then took a course called Encountering
7 Digital Evidence at the Scene?

8 A. Yes.

9 Q. And that was a course that was heavily focused
10 on preserving -- locating, preserving that digital
11 evidence there at the scene of your investigation?

12 A. Yes.

13 Q. And what processes to use in order to preserve
14 that particular data, correct?

15 A. Correct.

16 Q. Certainly not allowing other people other than
17 law enforcement to control that data?

18 A. Correct.

19 Q. When do you actually start your career in the
20 cyber crime unit?

21 A. 2013.

22 Q. Okay. So this was now a fairly new unit,
23 correct?

24 A. Yes.

25 Q. And how many individuals started that unit for

1 the Pasco County Sheriff's Office?

2 A. Three.

3 Q. Three. And what month of 2013 would you say
4 that that started?

5 A. April.

6 Q. April. Okay.

7 So in April of 2013 you had three individuals.
8 All these three individuals were also going to the same
9 courses that you were attending?

10 A. That was the goal, not necessarily in that
11 order or -- but, yes, to get them trained in that same
12 capacity.

13 Q. Before you all would start this new division --

14 A. Yes.

15 Q. -- is that correct?

16 A. Yes.

17 Q. And who were those other officers that started
18 in cyber crimes?

19 A. Detective Lindsay -- excuse me -- and Detective
20 Peppanella (phonetic.)

21 Q. Do you want bottled water?

22 A. I'm okay.

23 Q. So in April of 2013 you get started, and the
24 major focus of your division was going to be the
25 investigation of the exploitation of children via the

1 Internet, but a secondary and very important part of your
2 position there with cyber crime was going to be to lend
3 support to the other detective divisions of your
4 department?

5 A. True.

6 Q. So if a homicide unit needed you in order to go
7 and do some data recovery, data imaging, digital data
8 imaging, you would be available in order to assist,
9 yourself or one of your other detectives that were within
10 your unit, correct?

11 A. Correct.

12 Q. In addition to those three you had some outside
13 support, because you had available to you the Florida
14 Department of Law Enforcement which had a pretty
15 sophisticated forensic digital department, correct?

16 A. They do.

17 Q. You also had access to the FBI, if need be, in
18 order to seek out their help and their expertise?

19 A. Yes.

20 Q. Okay. Now, so this unit is in operation, and
21 you took another course in 2013 which was called Seized
22 Computer Evidence Recovery; is that correct?

23 A. That's correct.

24 Q. I believe this was even -- at the end of that
25 title it was Seized Computer Evidence Recovery

1 Specialist.

2 A. That's correct.

3 Q. Okay. And so that was a course that dealt with
4 what? Please tell the Court what that dealt with.

5 A. It dealt with performing digital forensics,
6 primarily on Windows-based computers using FTK and
7 Encase, which are software programs.

8 Q. Okay. And when you took that course and you
9 finished that course, did you believe at that point in
10 time that you -- that that gave you the expertise to do
11 the job the cyber crime unit requested of you?

12 A. Yes.

13 Q. You were pretty well trained?

14 A. On my way. I mean, you're always learning,
15 but, yes.

16 Q. Because times are changing?

17 A. Right.

18 Q. But you always have all these other sources to
19 reach out to, if need be, correct?

20 A. Correct.

21 Q. Okay. And so between 2013 and 2014 various
22 departments that wanted to preserve evidence, for
23 example, on a computer or a DVR or on a mobile phone
24 would reach out to your department in order to seek that
25 service?

1 A. We would help other departments, primarily our
2 own, but we would help others.

3 Q. And that would include homicide if they called?

4 A. Yes.

5 Q. Now, that was made clear -- in the inception of
6 your program that was made clear to all departments that
7 you were there to help, correct?

8 A. I don't know what notifications we would have
9 given to other departments, but certainly within our own,
10 within our own agency.

11 Q. Yeah, that's what I'm saying. I'm not saying
12 Tampa Police Department or Hillsborough County Sheriff's
13 Office. I'm saying the other departments within the
14 Pasco County Sheriff's Office knew that you were there,
15 available for that service?

16 A. That's correct.

17 Q. Now, the date of this incident, I'm going to
18 direct your attention to January 13, 2014, and you were
19 asked to respond to the Cobb Theater that day; is that
20 correct?

21 A. That's correct.

22 Q. And at the time that you were asked to respond
23 to the Cobb Theater you were a member of the Cyber Crimes
24 Unit?

25 A. That's correct.

1 Q. No previous instructions were given to you
2 prior to you reporting to that theater; is that correct?

3 A. That's correct.

4 Q. And when you got there, you met with, I
5 believe, a guy by the name of Sergeant Sessa?

6 A. Sergeant Sessa, yes.

7 Q. Who is Sergeant Sessa?

8 A. He was a Major Crimes sergeant for the
9 District 3 squad.

10 Q. And Sergeant Sessa met with you and actually
11 took you into the crime scene itself for a walk-through?

12 A. Yes.

13 Q. And as an experienced detective yourself, you
14 realized that was an important function, an important
15 investigative tool for you if you were going to be
16 interviewing people there at that scene?

17 A. Correct.

18 Q. Because you get an eyeball's view of what was
19 there at the scene, you would get a layout at the
20 theater, it would allow you possibly to ask better
21 follow-up questions or basically to ask questions,
22 period, right?

23 A. That's correct.

24 Q. So you walk through that scene with Sergeant
25 Sessa, and then Sergeant Sessa said, "I want you to go

1 check and see about this. See if there's any video
2 surveillance equipment there at the Cobb Theater"; is
3 that correct?

4 A. Yeah. I believe it was Sergeant Sessa, but,
5 yes, I was asked to check for video surveillance.

6 Q. And so you do that. He is your sergeant,
7 right, or the sergeant there in charge?

8 A. Right. He's one of supervisors so, yeah, I do
9 that.

10 Q. So you go outside to someone that you can make
11 that request to?

12 A. That's correct.

13 Q. And you find someone -- you don't know what his
14 actual title is, but you believe that he was in some sort
15 of managerial capacity?

16 A. That's correct.

17 Q. Okay. And you make that request to that
18 individual, correct?

19 A. Yes, I inquire about video surveillance.

20 Q. And that individual goes away to try to call
21 somebody concerning your request?

22 A. He doesn't go away --

23 MR. MARTIN: Your Honor, I'm going to object to
24 that. That calls for speculation, what the person
25 was going to go to.

1 THE COURT: Rephrase.

2 BY MR. ESCOBAR:

3 Q. What did this individual do?

4 A. He was making phone calls.

5 Q. After you made that request?

6 A. Yes.

7 Q. Okay. And at that point in time Detective
8 Aaron Smith comes up and says, "Detective Bossone, you
9 don't have to worry about that. I'm going to take care
10 of it"?

11 A. Yes. I mean, essentially he conveyed that was
12 going to be his responsibility. He was going to take
13 over gathering any video. He was going to take over.

14 Q. Okay. And so at that point in time there
15 wasn't much for you to do there?

16 A. No, there wasn't.

17 Q. So you decided, "Okay, I'm out of here"?

18 A. More or less. I mean, in case -- I was still
19 there if I was needed for something.

20 Q. They could call you?

21 A. Right.

22 Q. Now, of interest was that Detective Lindsay was
23 also there, correct?

24 A. I don't know what he was doing but, yes, he was
25 there at one point.

1 Q. Would you remind the Court who Detective
2 Lindsay is?

3 A. He was a detective with the Cyber Crimes Unit.

4 Q. He would have had the same expertise as you,
5 the same training?

6 A. Similar, yeah. I mean, it's not...

7 Q. Now, when you were asked initially to go and
8 see if there was video surveillance there of this
9 incident, you realized the importance of that request,
10 right?

11 A. Yes.

12 Q. Because if there's video surveillance of a
13 homicide taking place, you want to do everything that you
14 can to watch it, preserve it, correct --

15 A. Correct.

16 Q. -- so that you can use it in your investigative
17 process?

18 A. Correct.

19 Q. And not only do you want to watch it, but you
20 want to control it yourself?

21 A. We want to get a copy of it. We want to
22 preserve the footage, yes.

23 Q. And you're going to control that process?

24 A. If that's my task, yes. I'm going to -- if I'm
25 assigned to give surveillance, yes, I'm going to take

1 that.

2 Q. You're not going to hand it off to anybody else
3 to do, meaning a non-expert like a private entity?

4 A. No, if that's -- I mean, if I'm tasked with
5 getting video surveillance, that's what I'm going to do.

6 Q. In fact, I think you testified earlier that as
7 a crime scene detective, the preservation of evidence,
8 especially as important as surveillance, you're going to
9 make sure that it's done right?

10 A. Yes.

11 MR. MARTIN: Your Honor, at this time I'm going
12 to object to the further line of questioning
13 regarding whatever efforts Detective Bossone may or
14 may not have done at Cobb Theater.

15 We are into an area that I have reason to
16 believe and anticipate is, again, we're attempting
17 to show some type of attack, if you will, on a
18 police officer investigation.

19 I will remind the Court that we're talking
20 about the videos that we've already watched. We've
21 already had testimony that they've been
22 authenticated. Even if there was some sort of
23 impropriety here or there or whatever, nothing
24 happened to the videos. Everything was preserved,
25 so it's not relevant to any issue. He can't use the

1 testimony to keep the videos out. The videos are
2 already in. We've already agreed that they were.

3 This is not a case where it's attempting to
4 establish reasonable doubt where you would attack
5 the investigation in order to show what is lacking.

6 As I've argued before, they can't establish
7 their burden of whether or not Mr. Reeves was
8 reasonable by showing what the Pinellas County Pasco
9 County Sheriff's Office did or did not do, so there
10 is no relevancy to this in this immunity hearing, so
11 I'm going to object to this line of questioning.

12 Seeing how now Mr. Bossone has said, "I'm done
13 with the video," if he wants to ask Detective Smith,
14 and I may or may not have the same objection, but
15 right now what he would do is not relevant because
16 it's what Detective Smith did, so even then I would
17 be objecting, so I'm going to object to this line of
18 questioning as being not relevant.

19 THE COURT: Response.

20 MR. ESCOBAR: Judge, I think you've ruled in
21 our favor on this in the past. This is going to get
22 into what I was talking to the Court concerning the
23 evaluation by this Court of not just to Mr. Bossone,
24 but every other member that Mr. Bossone came into
25 contact with that may have been responsible for

1 certain aspects of the criminal investigation.

2 They're going to be introducing testimony and
3 evidence in this particular case concerning
4 Detective Smith, what he did, what he didn't do.
5 We're going to have experts talking about what
6 Detective Smith did, what he didn't do, what he did
7 right, and what he did wrong.

8 So this whole process goes to the evaluation by
9 this Court as to whether the Court should believe
10 any or part of Detective Aaron Smith's testimony,
11 whether the Court should have any confidence or lack
12 of confidence in any testimony of any officer that
13 was involved in this investigation.

14 So you can't take this in isolation and, you
15 know, just to let the Court know how ironic this is,
16 is that at the very end Detective Smith had to go
17 right back to Detective Bossone to get those very
18 hard drives' image that he told Detective Bossone he
19 was going to handle.

20 So this goes full circle. It's going to be
21 very important in our presentation of the case, and
22 I'd like permission to proceed.

23 MR. MARTIN: Judge, if they want to, after
24 Detective Smith testifies and maybe even as I tried
25 to get the evidence in, if they want to bring an

1 expert back in and say, you know, this wasn't done
2 correctly, the bottom line, Judge, is whatever
3 Detective Smith and Detective Bossone did, the State
4 and Defense have already indicated that it's
5 authentic. There was no manipulation and that
6 there's nothing wrong with the imaging of that hard
7 drive.

8 So you can't -- we've already stipulated it
9 can't go anywhere, and so it's not relevant.

10 MR. ESCOBAR: Judge, it's very relevant. If
11 I'm a crime scene detective and I fail to preserve
12 this and I fail to preserve this, but somehow I'm
13 lucky enough to preserve this, the fact that I have
14 properly preserved these two items is an important
15 consideration for the Court, an important
16 consideration whether the Court can even believe at
17 this point in time that I've done anything probative
18 and right here.

19 It's done in all of our criminal cases. We
20 can't take this in isolation, and Detective Bossone
21 is going to be talking -- I think it's going to be
22 important for the Court -- of the proper procedures
23 to employ.

24 He's a Pasco County detective, and he's going
25 to tell this Court the proper procedures that should

1 have been employed in this particular case and the
2 preservation of not just the hard drive but the
3 preservation of everything, including a phone that
4 was there at the scene that became a very relevant
5 issue in this particular case, and so I would ask
6 the Court to allow me to continue in my direct
7 examination of Detective Bossone.

8 MR. MARTIN: We have the same issue. Now he's
9 bringing in the phone. The only reason I'm bringing
10 that up, we now have a stipulation as to what
11 exactly was or was not on the phone. It's a
12 non-issue.

13 We're wasting -- just because -- you can't
14 impugn: Okay, this was done; therefore, the entire
15 department didn't do everything right.

16 Well, this -- if they want to attack Detective
17 Smith and there's something wrong with the flash
18 drive that they've already said were authentic, I'll
19 deal with that now, but to go into all the evidence
20 that we've already agreed to what is or what is not
21 in there is not relevant because of the stipulations
22 we've entered into.

23 Judge, we're already going into next week with
24 the Defense case. My case has already been pushed
25 back one day, if not two. We only have two weeks

1 set aside. I mean, where are we going to go with
2 this? When are we going to stop, you know, this --
3 "Well, we're going to bring in every detective and
4 start criticizing what they did or didn't do," when
5 it's not relevant to anything because we've
6 stipulated the evidence in.

7 MR. ESCOBAR: Judge --

8 MR. MARTIN: I mean, we've got to stop
9 sometime.

10 MR. ESCOBAR: Judge, we stipulated that the 10
11 hard drives that were given to us by the Sheriff's
12 Office, that our experts believe that those
13 particular 10 were not tampered with; however, if
14 you remember John Silis' testimony yesterday, he
15 retrieved not 10, but 15 hard drives from the Cobb
16 Theater.

17 The Pasco County Sheriff's Office only got 10
18 hard drives from the Cobb Theater, so there's a
19 means to my madness. This is very important
20 evidence that this Court should consider, and I'm
21 not wasting the Court's time.

22 I'm not wasting anybody's time, but it's
23 evidence that needs to be considered so this Court
24 can make a proper evaluation of all of the evidence.

25 THE COURT: All right. I'm going to overrule

1 the objection.

2 BY MR. ESCOBAR:

3 Q. Now, Detective Bossone, were you ever up in the
4 upstairs IT room, DVR room of the Cobb Theater?

5 A. No.

6 Q. Certainly if you were to have continued in your
7 original assignment in this case to preserve the video
8 surveillance footage in this case, one of the first
9 things that you would have done, you would have said,
10 "Let me see your DVR room"?

11 A. Yes. I would have wanted to interact with the
12 system and preserve the video footage that's relevant.

13 Q. And you're aware because of your expertise that
14 these DVRs have proprietary components that allow you to
15 actually copy certain segments of the footage right then
16 and there --

17 A. Software, yes.

18 Q. -- is that correct?

19 A. Yes.

20 Q. You've done it, you know, plenty of times?

21 A. That's correct.

22 Q. In addition to that, what you want to do is you
23 want to get all of the specs for all of the equipment;
24 you want to get the specs for the DVRs then you want to
25 document all those specs, correct?

1 A. Correct.

2 Q. You want to see how many hard drives we have,
3 correct? You want to document all those particular
4 issues because that's part of the process.

5 A. That's correct.

6 Q. And then as an expert, you make a determination
7 as to whether you're going to copy certain segments from
8 those particular units or whether you're actually going
9 to extract, take out the hard drives for imaging?

10 A. The removal of the hard drives would be like a
11 last case scenario or worst case scenario.

12 Q. Right.

13 A. But we typically want to use the software from
14 the machine to preserve the video, to make a copy of the
15 video.

16 Q. Okay. And then based on your conversations
17 with the supervisors and, you know, maybe even the State
18 Attorney's Office, you make a determination as to whether
19 you want to do more?

20 A. It could be.

21 Q. The one thing that you agree on is that if law
22 enforcement does not take absolute control of that
23 process, it could be bad.

24 A. As far as capturing, preserving the video?

25 Q. Yeah.

1 A. I believe law enforcement should do that, yes.

2 Q. Not give it to another entity to do?

3 A. That's correct, assuming that we have the
4 ability to do so based on their system, yes.

5 Q. And let's assume that for some reason you're
6 over there. You, yourself, don't have the ability to do
7 it so you call who?

8 A. I mean, it would depend on the situation. If I
9 needed law enforcement help I can call FDLE, or we'd
10 reach out to experts within law enforcement.

11 Q. Including the FBI?

12 A. Yes, we could do that.

13 Q. Okay. Because you want law enforcement to be
14 in control of that process, right?

15 A. Yes.

16 Q. Now, these proprietary tools that are inside
17 the system itself, one of the function of those tools is
18 to be able to make a copy of what you want, right?

19 MR. MARTIN: Asked and answered, Judge.

20 THE COURT: Overruled.

21 BY MR. ESCOBAR:

22 Q. Correct?

23 A. Correct.

24 Q. You've never encountered, in your professional
25 career, Detective, a video surveillance system that did

1 not have that kind of proprietary function, correct?

2 A. Every video surveillance system I've come into
3 contact with has the ability to make a copy of footage.

4 Q. You would agree that private business may have
5 an interest different than law enforcement's interest in
6 preserving video surveillance?

7 A. Potentially.

8 Q. And you would agree that your function as a
9 detective and preserving evidence from video surveillance
10 is not just to preserve evidence to inculcate or
11 incriminate, but it's also to exculpate?

12 A. That's correct.

13 Q. Because you want to preserve evidence, not only
14 for law enforcement that's there at the scene at the time
15 of the leads investigating the crime, but you also want
16 to preserve evidence for the Defense who on most
17 occasions is not there for weeks or months?

18 A. We want to accurately preserve the evidence
19 best we can to the best standards.

20 Q. For everyone?

21 A. For everyone.

22 Q. Especially if it's a homicide.

23 A. That would be particularly important, yes.

24 Q. So the first thing that you do is you say,
25 "Show me where your video equipment is. Let me see what

1 we've got."

2 A. Typically.

3 Q. And you go there and you watch that video, and
4 that process of watching the video has incredible value,
5 correct?

6 A. Yes.

7 Q. Because now as a detective with your own two
8 eyes you're being able to capture and see what's been
9 captured by the system?

10 A. That's correct.

11 Q. And no matter what happens, at that point in
12 time, you've seen it with your own two eyes?

13 A. I have.

14 Q. You've memorialized what you've seen with your
15 own two eyes?

16 A. I have.

17 Q. Your next process is obviously to copy it,
18 preserve it for evidence?

19 A. Correct.

20 Q. Now, there are a variety of things that you
21 could have done there with that system in addition to
22 copying it with their proprietary software, correct?

23 A. That would be the best case scenario to be
24 using theirs, but if ultimately we weren't, yes. I mean,
25 there's other things that we could have done if need be.

1 Q. If need be. And one of the things that you
2 could have done, if need be, is you could have said after
3 speaking to supervisors and what have you, right, because
4 you do things as --

5 A. I had to follow orders, yes.

6 Q. Okay. And so one of the things that you would
7 have done, if need be, is you pull the hard drives?

8 A. If it was decided to do so based on the
9 scenario, yes, we could do that.

10 Q. And you could have taken those hard drives,
11 actually that day, gone back to your office, used your
12 equipment there at that office, imaged those hard drives
13 perfectly, finished the imaging process, gotten those
14 original hard drives if you wanted to, taken them back to
15 the Cobb Theater, placed them back in their equipment and
16 we would have had everything.

17 A. Barring the time it would have taken for the
18 imaging process, yes.

19 Q. How long does it take for an imaging process?
20 You were fortunate enough, in this particular case, to
21 image the very hard drive that initially Detective Smith
22 told you not to worry about that he was going to handle,
23 right?

24 A. Well, he didn't mention the hard drive
25 specifically. He -- what he talked about was that he

1 would be taking the responsibility of gathering video
2 surveillance so not specifically hard drives.

3 Q. But the reality of it is that over a year later
4 he brought you those hard drives and said, "Detective
5 Bossone, could you image these hard drives for me so I
6 can use them with the FBI?"

7 A. Yeah, I was asked to image the hard drives,
8 yes.

9 Q. Those very same hard drives?

10 A. Well, I didn't see the system but, yes, I was
11 given hard drives to image.

12 Q. However, you were only given how many hard
13 drives?

14 A. Ten.

15 Q. One thing is clear is that if you were in
16 charge of preserving that video surveillance, you would
17 have never allowed the private entity, Cobb, to image
18 those hard drives for you; you would never have assigned
19 your duties to the Cobb Theater?

20 A. If the machine was not on site, I would have
21 done that myself.

22 Q. Because you're competent to do it, right?

23 A. Yes.

24 Q. Because preserving evidence in its most virgin
25 state is critical in your line of work?

1 A. That's correct.

2 Q. Now, did anyone talk to you about a piece of
3 evidence that was there at the scene, found at the scene,
4 more particularly right between Mr. Reeves' leg on the
5 floor called an iPhone with a case?

6 A. No one directly mentioned an iPhone to me.

7 Q. You've dealt with the Preservation of iPhones
8 as well, correct?

9 A. That's correct.

10 Q. And there's a certain delicate way of handling
11 iPhones; is there not?

12 A. Cellular phones in general.

13 Q. Tell the Court why they're delicate in their
14 handling if you wanted to preserve in a virgin state what
15 you had immediately prior to the incident?

16 A. You would want to block any incoming signals,
17 even isolate the device from any network or connection
18 just to prevent any incoming or receipt of any
19 destructive command.

20 Q. And if you're there and the phone is there on
21 the floor and you're saying, "Well, I think we probably
22 ought to, before I even touch it, let's see if we can get
23 some DNA," you would have called forensics over and said,
24 "Right there on the floor, let's go ahead and get your
25 DNA." You want to get some fingerprints. "Let's get

1 fingerprints," but under your watchful eye you could have
2 done that?

3 A. That's correct.

4 Q. And then you would have been able to pick up
5 that phone and certainly not turn it on and off?

6 A. Typically we wouldn't. If we're going to do
7 the device right there, we're not going to turn it off if
8 it's on.

9 Q. Tell the Court why you wouldn't turn it off.

10 A. You could lose -- potentially lose data.
11 That's not a guarantee, but there's a potential for
12 losing data, so you would want to keep it on, best case
13 scenario.

14 MR. ESCOBAR: I have no further questions.

15 THE COURT: Detective, will you please spell
16 your last name for the court reporter?

17 THE WITNESS: B-O-S-S-O-N-E. Anthony.

18 THE COURT: Cross?

19 MR. MARTIN: No.

20 THE COURT: May this witness be released?

21 MR. MARTIN: No.

22 THE COURT: Detective, you're free to go -- for
23 today, I'm assuming?

24 MR. MARTIN: He's under State subpoena.

25 THE COURT: Okay. So you're still under

1 subpoena, and should you get called back you'll need
2 to make arrangements to come back.

3 THE WITNESS: Yes, ma'am.

4 THE COURT: All right. Thank you. I don't
5 think it will happen today.

6 MR. MARTIN: It will not.

7 MR. ESCOBAR: We'll keep him under subpoena as
8 well, but it won't be anytime soon.

9 (Witness excused.)

10 THE COURT: Who's next?

11 MR. MICHAELS: Defense calls Susan Miller.

12 THE BAILIFF: Step this way, stand right here.
13 Face the clerk, raise your right hand to be sworn.
14 (Thereupon, the witness was duly sworn on oath.)

15 THE BAILIFF: Come have a seat up here. Adjust
16 the mic. Speak in a loud and clear voice for the
17 Court.

18 THE COURT: You may proceed, Counselor.

19 DIRECT EXAMINATION

20 BY MR. MICHAELS:

21 Q. Please state your name.

22 A. Susan Miller.

23 Q. And you work, I see, for Pasco County Sheriff's
24 Office?

25 A. That's correct.

1 Q. What do you do there?

2 A. I'm a forensic investigator.

3 Q. How long have you been a forensic investigator?

4 A. Approximately seventeen years.

5 Q. And, now, you responded to the Cobb Theater on
6 January 13th of 2014; is that correct?

7 A. That's correct.

8 Q. And who did you meet with when you arrived?

9 A. Initially I met with our supervisor, Captain
10 Steffens.

11 Q. And Captain Steffens was in charge of the
12 investigation at that point?

13 A. That's correct.

14 Q. When you arrived, you were tasked to take
15 photographs and to process Mr. Reeves; is that correct?

16 A. That's correct.

17 Q. Mr. Reeves, at the time, was in custody; is
18 that correct?

19 A. That is correct.

20 Q. And you took Mr. Reeves to the theater next to
21 Theater 10 to actually do the photography of Mr. Reeves
22 and take fingernail clippings and scrapings?

23 A. That's correct.

24 Q. When you first made contact with Mr. Reeves, he
25 was handcuffed; is that correct?

1 A. Yes.

2 Q. And he was taken into the theater, correct --

3 A. Correct.

4 Q. -- for you to process?

5 A. Yes.

6 Q. At the time Mr. Reeves had civilian clothing
7 on, correct?

8 A. He did.

9 Q. Then at some point he changed into one of those
10 jump suits so that his clothes could be collected?

11 A. Yes.

12 Q. When you first encountered Mr. Reeves, you
13 noticed some redness on his eyelid?

14 A. I did.

15 Q. And you weren't told -- that wasn't pointed out
16 to you by Mr. Reeves? For instance, he didn't say, "Hey,
17 my eyes are red," or, "My eyes hurt"?

18 A. That's correct.

19 Q. The detectives, likewise, didn't point it out
20 to you and say, "By the way, you know, Forensic Tech
21 Miller, we've noticed some redness on Mr. Reeves' eye or
22 eyes and we want you to capture that in a photograph,"
23 correct?

24 A. That's correct.

25 Q. That's something you noticed as part of your

1 processing of Mr. Reeves?

2 A. Correct.

3 Q. So you took photographs of Mr. Reeves seated,
4 correct?

5 A. Yes.

6 Q. Both in his civilian clothes?

7 A. That's correct.

8 Q. And you took photographs of his hands because
9 there were some abrasions and cuts on his hands as well?

10 A. Yes.

11 MR. MICHAELS: I don't have anything further.

12 THE COURT: Thank you.

13 Cross?

14 MS. SUMNER: Yes, Your Honor.

15 May it please the Court, Mr. Michaels.

16 CROSS-EXAMINATION

17 BY MS. SUMNER:

18 Q. Good afternoon, Investigator Miller. How are
19 you today?

20 A. Good. Thank you.

21 Q. When you took photographs --

22 MS. SUMNER: And, Judge, if I could approach
23 the witness?

24 THE COURT: You may.

25

1 BY MS. SUMNER:

2 Q. When you took photographs of Mr. Reeves, you
3 did so using an agency camera, right?

4 A. That's correct.

5 Q. If you can just go through that 42 -- the
6 exhibit marked for evidence as Defendant's 42. It's a
7 composite. It looks like they say four photographs, but
8 it appears to be five photographs.

9 THE COURT: Has it been entered?

10 MS. SUMNER: It has not yet been entered, Your
11 Honor.

12 MR. ESCOBAR: No, Judge.

13 THE COURT: Okay.

14 MS. SUMNER: It's for identification, 42.
15 There's probably a lot more.

16 BY MS. SUMNER:

17 Q. Are there multiple copies?

18 A. Yes.

19 Q. Okay. So how many separate photographs were on
20 there?

21 THE WITNESS: Your Honor, is that a question
22 from the State? I didn't hear it.

23 MS. SUMNER: I said how many separate
24 photographs are in this composite? It appears
25 there's multiple copies of this.

1 MR. ESCOBAR: Judge, that was our working copy,
2 and you are more than welcome to use them but
3 they're not in a specific order for your
4 presentation.

5 THE WITNESS: There's about 10. There's some
6 duplicates.

7 MR. MARTIN: Judge, may I have a moment with
8 counsel?

9 THE COURT: You may.

10 BY MS. SUMNER:

11 Q. Do you recall how long you were on scene?

12 A. Several hours.

13 MS. SUMNER: We'll recall Investigator Miller
14 when it's our turn?

15 THE COURT: Okay. Nothing further?

16 MS. SUMNER: Not at this time.

17 THE COURT: All right.

18 MR. MICHAELS: Nothing further, Your Honor.
19 She may be released for today, and she's subject to
20 recall. We'll also keep her on our subpoena to
21 recall her as well.

22 THE COURT: Okay.

23 Ms. Miller, you're free to go today. It looks
24 like you may be recalled. Please answer the call.
25 Someone will call you and you'll need to come back,

1 and obviously they'll give you --

2 MR. MARTIN: Judge, may I have just a moment,
3 please?

4 THE COURT: You may.

5 MR. MARTIN: We'll bring them back. We were
6 told it was not admitted.

7 MR. ESCOBAR: Who told you that?

8 MR. MARTIN: You did.

9 MR. ESCOBAR: No, I didn't.

10 THE COURT: All right. 42 has been admitted.

11 (Whereupon, Defense Exhibit 42 for
12 identification was received in evidence by the
13 Court.)

14 THE COURT: Obviously you're still subject to
15 recall and you're still under subpoena. Thank you.

16 (Witness excused.)

17 THE COURT: Who's next?

18 MR. ESCOBAR: Your Honor, we would, at this
19 point, call Deputy Christina Demas.

20 THE BAILIFF: Step this way, stand right here.
21 Face the clerk, raise your right hand to be sworn.

22 (Thereupon, the witness was duly sworn on oath.)

23 THE BAILIFF: Come have a seat up here. Adjust
24 the mic. Speak in a loud and clear voice for the
25 Court.

1 THE COURT: You may proceed, Counselor.

2 DIRECT EXAMINATION

3 BY MR. ESCOBAR:

4 Q. Good afternoon, Detective or Deputy Demas.

5 A. Good afternoon.

6 Q. Deputy Demas, when I first deposed you, you
7 were a detective in the Warrants Division, correct?

8 A. Correct.

9 Q. Okay. Now you're working canine?

10 A. Correct.

11 Q. Which I understand you love.

12 A. I do.

13 Q. Let me, if I can, go over a little bit of your
14 background as a law enforcement officer. I know you've
15 got many years -- sixteen when I deposed you, eighteen
16 today.

17 Tell the Court little bit about your history as
18 an officer with the Pasco County Sheriff's Office.

19 A. I started off on the road and went straight
20 into vice and narcotics. After vice and narcotics I went
21 to -- back to the road, and then I was a bailiff for
22 seven-and-a-half years, east and west side, and then went
23 into the fugitive warrants unit, and after that now I'm
24 at where I'm at, canine for school resource officers.

25 Q. I'm going to direct your attention to

1 January 13th of 2014, and ask you whether or not you got
2 a call via radio that you were to respond to the scene of
3 the Cobb Theater here in Pasco County.

4 A. Yes.

5 Q. About what time do you think you got that call?

6 A. I'm not sure.

7 Q. Well, first of all, where were you when you got
8 that call?

9 A. Zephyr Hills.

10 Q. How long did it take you to get from Zephyr
11 Hills to the Cobb Theater that day?

12 A. Through traffic, about 10 to 15 minutes.

13 Q. My understanding is that when you got to the
14 Cobb Theater you were directed to go to the rear entrance
15 of that theater?

16 A. Correct.

17 Q. And that you actually followed rescue, fire
18 rescue, into that location?

19 A. Yes.

20 Q. It's my understanding that as you arrived there
21 at that particular location, did you see officers
22 bringing Mr. Reeves out of the theater?

23 A. Yes.

24 Q. He was in handcuffs?

25 A. Yes.

1 Q. And did he appear cooperative?

2 A. Yes.

3 Q. Did he give any resistance to any of the
4 officers?

5 A. No.

6 Q. Now, you proceeded right into the theater?

7 A. Correct.

8 Q. And you opened that door and when you looked
9 into that theater, what was the appearance?

10 A. It was pitch black, and it was a lot of stuff
11 going on, a lot of people running around. Paramedics
12 were trying to get in, so I stood in the doorway and let
13 my eyes affix to the darkness because it was still pretty
14 dark inside.

15 Q. As you got that door opened and you're looking
16 in, do you see a congregation of people?

17 A. Not at that moment I did not.

18 Q. What were you able to see other than --

19 A. Just the paramedics trying get up to the
20 subject who was laying down at the time.

21 I saw a female subject that was later
22 identified as the wife, crying and holding her hand, and
23 then everybody else just trying to get things together.
24 It was a lot of chaos going on.

25 Q. In fact, so chaotic that you found it difficult

1 to know where to go and what to do?

2 A. I was just waiting for, basically, somebody to
3 tell me what to do.

4 Q. Okay. Now, that first assignment you received
5 was to tape off the theater area; is that correct?

6 A. Correct.

7 Q. Tell the Court how you did that.

8 A. I obtained a roll of the yellow tape, Sheriff's
9 Office tape from another deputy. I started at one end.
10 I got about two feet into it and was stopped.

11 Then after I was stopped it was by the son of
12 the person who did the shooting. After that I continued
13 with the tape, closing off the area of where the incident
14 had occurred.

15 Q. Your contact with Matthew Reeves was short?

16 A. Very short.

17 Q. Okay. And you wanted to obviously pass him
18 over to another officer to have him interviewed?

19 A. To -- at least to the detective who was
20 handling the case.

21 Q. Was he still having blood and what have you?
22 Had he cleaned up by that time?

23 A. No, he still had it on his hands.

24 Q. Blood?

25 A. Blood.

1 Q. Was it at this time that you noticed a group of
2 patrons congregated on one area of the theater?

3 A. As I completed the tieing off of the crime
4 scene tape to the other side, when I noticed there were
5 other people still at the other end.

6 Q. Now, while you were there near that group of
7 individuals, did you ever see any police officer give any
8 instructions to those people not to discuss what they had
9 seen in the theater amongst themselves?

10 A. I did not.

11 Q. Did you give those individuals any instructions
12 not to discuss what they had seen there at the theater
13 amongst themselves?

14 A. No.

15 Q. Now, you're familiar with the word "witness
16 contamination"; are you not?

17 A. Yes.

18 Q. You've been trained even from the early days at
19 the academy, one of the first basic things that they tell
20 you as an investigative tool is you've got to prevent
21 witness contamination?

22 A. Yes.

23 Q. Give the Court the definition that you've been
24 trained in in witness contamination.

25 A. When you arrive on scene, it's very important

1 to separate all of the witnesses from everybody else,
2 because they start talking and then they get things put
3 in their head that they may have not seen or heard, and
4 you can't get rid of it once they hear it.

5 Q. They start believing it themselves?

6 A. Correct.

7 Q. Then once it's in there, you can't get it out?

8 A. Usually.

9 Q. So witness contamination would be very
10 important in a scene like this where you have multiple
11 people that are gathered together?

12 MS. SUMNER: Objection. Speculation.

13 THE COURT: I will allow it to the extent that
14 she knows.

15 BY MR. ESCOBAR:

16 Q. That would be important to you, wouldn't it, to
17 make sure that doesn't happen?

18 A. It would, but there was a lot of people there,
19 so I think they tried to do the best they could to
20 separate them.

21 Q. How many officers were there initially with
22 you?

23 A. I would say about 10 that I remember seeing.

24 Q. Okay. And then at some point in time the
25 detectives came; is that correct?

1 A. Yes.

2 Q. And what happens -- tell the Court what happens
3 when the detectives normally come on to the scene like
4 that.

5 A. Normally they take over. They start doing
6 their own investigation, and we usually are either free
7 to go or tasked with other areas of things to do.

8 Q. I would imagine, though, Deputy, that if there
9 are so many people there at the scene, they would want to
10 have every law enforcement body to help, right?

11 MS. SUMNER: Judge, objection. Speculation.

12 THE COURT: Yeah, I will sustain that.

13 Rephrase.

14 BY MR. ESCOBAR:

15 Q. Let me ask you this question: You were there
16 already, right?

17 A. Yes.

18 Q. And so you were given some instructions --

19 A. Yes.

20 Q. -- by the detective units when they came?

21 A. Yes.

22 Q. Tell the Court what those instructions were.

23 A. After I was done doing the crime scene tape, I
24 was handed -- I walked out into the snack area and I was
25 handed a stack of written statements and a handful of

1 pens, and was asked if I could hand out all of them to
2 the subjects sitting in the snack area.

3 Q. So let's talk about those subjects sitting in
4 the snack area. You're talking, like, the concession
5 area correct?

6 A. Yes.

7 Q. Tables?

8 A. Yes.

9 Q. People sitting around tables?

10 A. Yes.

11 Q. Big congregation of people at the tables?

12 A. Yes.

13 Q. You witnessed those people talking to each
14 other?

15 A. I don't know what they were -- I can't say they
16 were talking about the incident.

17 Q. But they were talking?

18 A. They were talking.

19 Q. So you go up to them and you start handing out
20 papers; is that correct?

21 A. Yes.

22 Q. Forms. They're called statement forms, right?

23 A. Statement forms.

24 Q. But at no point in time, when you're handing
25 out those statement form,s, are you telling them, "Hey,

1 guys, you can't be talking about anything that you saw in
2 that theater among yourselves"?

3 A. I did not.

4 Q. Now, those forms were filled out by witnesses,
5 sometimes four, five, six to a table?

6 A. Yes.

7 Q. Side by side?

8 A. Well, as close as you could at a circular
9 table.

10 Q. Now, after you did that, what was the next
11 assignment that was given to you?

12 A. I was done.

13 Q. What do you mean you were done?

14 A. I asked if there was anything else anyone
15 needed. I was told no, and I was free to leave.

16 Q. Deputy, didn't you just tell me there was a ton
17 of people there and that the more officers that were
18 there to help, the better?

19 MS. SUMNER: Objection. Asked and answered.

20 She's already testified to that, Judge, and he's now
21 trying to recap.

22 THE COURT: All right. I'll sustain.

23 BY MR. ESCOBAR:

24 Q. Why would they let you go in a scene --

25 MS. SUMNER: Objection. Speculation.

1 THE COURT: I'm going to sustain.

2 BY MR. ESCOBAR:

3 Q. How long were you there, total?

4 A. I'm not exactly sure. I would say 45 minutes,
5 an hour.

6 MR. ESCOBAR: No further questions, Your Honor.

7 THE COURT: Before the State starts, Corporal,
8 could you give the court reporter your spelling of
9 your name, first and last?

10 THE WITNESS: Yes, first name is Christina,
11 with a C-H. Last name is Demas, D-E-M-A-S, D as in
12 David, E, M as in Mary, A-S as in Sam.

13 THE COURT: Thank you.

14 CROSS-EXAMINATION

15 BY MS. SUMNER:

16 Q. Good afternoon, Corporal Demas. How are you
17 this afternoon?

18 A. Good? How are you?

19 Q. Now, you've indicated you've been with the
20 Sheriff's Office approximately seventeen years, correct?

21 A. Eighteen.

22 Q. Eighteen. One year, that makes a big
23 difference, right?

24 You indicated that you were called to the Cobb
25 Theater in Zephyr Hills. Do you recall what time you

1 were called to there?

2 A. I do not.

3 Q. When you say you were called to there, were you
4 specifically dispatched to the Cobb Theater or did you
5 overhear the call come out on radio, decide to go
6 yourself?

7 A. I overheard the radio, and my partner who was
8 driving at the time, said, "Let's go," and we responded.

9 Q. Who was your partner at the time?

10 A. Detective Monty Shuler (phonetic).

11 Q. So you and Detective Shuler were working in
12 your capacity as warrant detectives in the area of Zephyr
13 Hills at that time?

14 A. Yes.

15 Q. And you all took it upon yourselves to believe
16 that: Hey, we need all hands on deck with this call?

17 A. Yes.

18 Q. At that time you were unsure as to whether or
19 not it was an active shooter; isn't that correct?

20 A. That is correct.

21 Q. And you don't recall specifically what time you
22 arrived?

23 A. Correct.

24 Q. And -- but when you all pulled in, you were
25 waved or flagged by somebody at the rear entrance of the

1 Cobb Theater?

2 A. Yes, and followed fire rescue. We followed
3 fire rescue.

4 Q. Would that have been at the west -- I guess
5 that would be southwest area of the building, or was it
6 the south or northwest area of the building?

7 A. I'm terrible with directions. It was the back
8 of the building. That's all I can say. It was the back
9 of the movie theater.

10 Q. So if Cobb --

11 A. Oh, wait.

12 Q. If the signage was facing to the right as you
13 come in, did you go to the left of the signage or did you
14 go around the building?

15 A. Around the building.

16 Q. Okay. So you went around the building. Was it
17 that corner there closest to the signage or the back of
18 the building?

19 A. You know, I don't recall because I wasn't
20 driving. I'll be honest with you.

21 Q. Okay. So you went around the building?

22 A. Correct.

23 Q. You're not sure how far around?

24 A. Correct.

25 Q. Who was the first officer that you saw on the

1 scene?

2 A. The only person I saw was -- I want to say -- I
3 think he's a Corporal -- Gondick?

4 Q. Okay.

5 A. He was bringing --

6 Q. Bringing out Mr. Reeves?

7 A. Yes.

8 Q. Travis Gondick?

9 A. Yes.

10 Q. And then you proceeded into the theater with
11 Detective Shuler at that time?

12 A. You know, honestly, I don't even remember where
13 he went. I kind of went on my own.

14 Q. And when you went in, did you believe you were
15 going into Theater 10 where the shooting occurred?

16 A. Yes.

17 Q. Did you see Corporal Jessica Gillotte in the
18 theater?

19 A. I think later on I did. I don't remember if I
20 saw her right then and there.

21 Q. And who was it that gave instructions to you
22 when you arrived on the scene?

23 A. I don't recall.

24 Q. Okay. You don't recall who told to you start
25 roping off --

1 A. No.

2 Q. -- with the crime scene tape?

3 A. No, I don't. I'm sorry.

4 Q. From who did you get crime scene tape to start
5 roping off?

6 A. That I don't remember, either.

7 Q. Now, you indicated that it was chaos within the
8 theater?

9 A. Correct.

10 Q. You indicated that as you got about two feet,
11 so basically about two feet into roping off, when you say
12 the front of that theater seat, so you're talking about
13 where the yellow railing was?

14 A. Were the railing was, correct.

15 Q. So you get two feet, maybe a seat-and-a-half
16 and you were stopped by someone who identified themselves
17 as the son of Curtis Reeves?

18 A. Yes.

19 Q. And at the time he inquired of you whether or
20 not his father had been arrested; isn't that correct?

21 A. He did.

22 Q. What did you respond to him?

23 A. I said, yes, he had been.

24 Q. At that time did that person who identified
25 himself as -- did he identify himself as a law

1 enforcement officer to you?

2 A. I believe he did.

3 Q. And at that time did he indicate to you, "Whoa,
4 whoa, whoa. Wait a minute. Wait a minute. Why are you
5 arresting my father?"

6 A. No, he did not do that.

7 Q. Did he respond to you that, "I heard my father
8 say, 'Get out of my face.' Why are you arresting him?"

9 A. No.

10 Q. Did he respond to you that he had seen the
11 person who was shot take an exaggerated step down off the
12 seat. "Why are you arresting my father?"

13 A. No.

14 Q. Now, you indicated there was a large amount of
15 people there in the theater. Where in the theater was
16 this large amount of people?

17 A. It wasn't a large amount. It was -- it was
18 probably about seven or eight people. It was to the --
19 if I'm facing the back of that movie theater and the
20 screen is behind me, there was a ramp that went to the
21 right, down, like a handicap access.

22 Q. Okay.

23 A. They were there. I guess they must have been
24 asked to move to that area.

25 Q. So you indicate that it's your recollection you

1 saw about seven people on the ramp?

2 A. Correct.

3 Q. At that time you didn't interact with any of
4 those people?

5 A. I did not.

6 Q. Was there any discussions on what you could do
7 to separate any of these people at that time?

8 A. No.

9 Q. Do you recall seeing Corporal Gillotte at that
10 point?

11 A. I believe when I remember seeing her out --
12 outside of the movie theater in the hallway, still inside
13 the movie theater itself but not that theater --

14 Q. Okay.

15 A. -- the hallway where you can get to all of the
16 other movie theaters.

17 Q. The main corridor?

18 A. Exactly.

19 Q. Where the theaters are left and right --

20 A. Correct.

21 Q. -- of that main corridor?

22 A. Correct.

23 Q. So at that time she wasn't in the theater. You
24 had these seven people. There were no discussion of
25 where you could put these people?

1 A. No.

2 Q. Who was it that told you, "Go ahead and go out
3 to the concession area"?

4 A. I don't recall who it was. I asked, "Does
5 anybody need assistance," and I was pointed towards the
6 snack area and was told, "Ask whoever is out there if you
7 can help them."

8 Q. Okay. So getting back to the seven people that
9 are over there near the handicap ramp area by the yellow
10 railing, who did you leave in charge of those seven
11 people?

12 A. There was people -- I guess there were other
13 officers still inside the movie theater with them.

14 Q. How many officers were inside that Theater 10
15 at that point you walked out?

16 A. I want to say possibly three, maybe four.

17 Q. Any that you recall names, faces?

18 A. I don't.

19 Q. You would have known all these officers that
20 were there, right --

21 A. Absolutely.

22 Q. -- in your eighteen years of --

23 A. Absolutely.

24 Q. So at that point those seven people, you didn't
25 bring those seven people out with you to the concession

1 area?

2 A. I did not.

3 Q. And when you went out to the concession area,
4 how many tables are in the concession area?

5 A. I want to say four, four or five.

6 Q. When you come out into the concession area,
7 just so we could get an idea, as you enter the building
8 after you purchase the ticket, you walk in, at what area
9 is the concession tables area?

10 A. It's directly in front of it. There's a big
11 open area in front of the doors.

12 Q. Okay.

13 A. Then the snack area is pretty much centralized.

14 Q. So at what side of the snack area are these
15 tables?

16 A. If you're walking through the front door, it
17 would be to the right of the snack shop.

18 Q. And you indicated that these were approximately
19 four tables, you thought?

20 A. I'd say four or five tables.

21 Q. And how many chairs were at each table?

22 A. I believe four or five. I'm going to say more
23 -- four.

24 Q. So it would be impossible for six people to be
25 sitting at one table unless they were standing around it,

1 right?

2 A. I would say yes.

3 Q. So as far as when Mr. Escobar tells you there's
4 four, five, six people at a table, that's not necessarily
5 true, is it?

6 A. I would say four or five.

7 Q. And were there other places where you could
8 further separate these people?

9 A. I don't be -- in my opinion, no, there was not.

10 Q. You all did the best that you could with the
11 facility that you had, correct?

12 A. I would say yes for them.

13 Q. And as far as not overhearing any particular
14 deputy not telling them to discuss it among themselves,
15 you can't say that didn't happen; you just didn't hear
16 it, correct?

17 A. That's correct.

18 Q. And as far as hearing people talking, you can't
19 give us an idea of any particular words you heard any
20 particular person saying, can you?

21 A. Correct.

22 Q. They could have been talking about the weather,
23 they could have been talking about whether or not they're
24 going to get a refund for their ticket price, a multitude
25 of things they could have been discussing, correct?

1 A. Correct.

2 Q. Thank you.

3 MS. SUMNER: Nothing further, Your Honor.

4 THE COURT: Redirect?

5 MR. ESCOBAR: Please, Your Honor.

6 REDIRECT EXAMINATION

7 BY MR. ESCOBAR:

8 Q. Detective Demas, since you arrived with
9 Detective Shuler, I would imagine he was released after
10 45 minutes as well?

11 A. Yes.

12 Q. So now it's not only one officer released from
13 a scene that you've defined yourself as very chaotic to
14 now there's two officer --

15 MS. SUMNER: Objection, Judge. Outside the
16 scope and relevance.

17 MR. ESCOBAR: That's not outside the scope.

18 THE COURT: I don't think it's outside the
19 scope.

20 BY MR. ESCOBAR:

21 Q. Now, they release two officers, you and
22 Detective Shuler; is that correct?

23 A. Correct.

24 Q. Detective Shuler was also a detective with the
25 Warrants Division?

1 A. Yes.

2 Q. Now, something that the prosecution asked you
3 during cross-examination, and I think it was rather
4 important, was when Mr. Matt Reeves approached you that
5 day, you cut him short because you didn't want to take
6 his full statement, correct?

7 A. That's correct.

8 Q. You wanted to direct him to someone else
9 because your job was not to interview him. Your job was
10 not to gather information from him, so you told him,
11 "Wait a minute. Don't tell me any more. I'm going to
12 take you to someone that can interview you"?

13 A. That's correct.

14 MR. ESCOBAR: No further questions.

15 RE CROSS-EXAMINATION

16 BY MS. SUMNER:

17 Q. Let's be clear, Corporal Demas. You didn't
18 say, "Hold on. I don't want to hear anymore," to him,
19 did you?

20 A. Not in that term.

21 Q. Okay.

22 A. I said, "Hold on one second. Let me get
23 somebody for you that you can talk to."

24 Q. But he still had the opportunity, law
25 enforcement officer to law enforcement officer, to tell

1 you whatever he wanted you to hear, correct?

2 A. Yes.

3 MS. SUMNER: Nothing further, Your Honor.

4 MR. ESCOBAR: One more.

5 REDIRECT EXAMINATION

6 BY MR. ESCOBAR:

7 Q. You think an experienced law enforcement
8 officer, when you tell them -- you're in uniform, aren't
9 you? You've got credentials?

10 A. Uh-huh.

11 Q. And when you tell someone, "Hold on. I'm going
12 to get you someone," do you expect someone to ignore you?

13 A. It depends on the situation.

14 Q. Do you expect a police officer for the Tampa
15 Police Department to ignore you?

16 A. In that situation with him being the son, I
17 don't know if he would have stopped at that point in
18 time.

19 Q. He stopped, didn't he?

20 A. He did stop.

21 Q. Upon your command, correct?

22 A. He did.

23 MR. ESCOBAR: No further questions.

24 THE COURT: May this witness be released?

25 MR. ESCOBAR: Your Honor, we would like to keep

1 her on, but she is probably not going to be called
2 back.

3 THE COURT: You're still under subpoena.
4 You'll have to come back if you're called.

5 THE WITNESS: Okay.

6 THE COURT: Thank you.

7 (Witness excused.)

8 MR. ESCOBAR: Your Honor, could we have a
9 fifteen-minute -- we only have one more witness.

10 THE COURT: Okay.

11 MR. ESCOBAR: Can we have, like, a
12 fifteen-minute break because I haven't had an
13 opportunity to speak to this witness in a long time,
14 and I'd like to be able to do that.

15 THE COURT: Certainly. Let's take a
16 fifteen-minute break.

17 (Recess taken.)

18 THE BAILIFF: You may be seated.

19 THE COURT: Thank you. Who's next?

20 MR. ESCOBAR: Defense would call Deputy David
21 Duff.

22 THE BAILIFF: Step this way, stand right here.
23 Face the clerk, raise your right hand to be sworn.
24 (Thereupon, the witness was duly sworn on oath.)

25 THE BAILIFF: Come have a seat up here. Adjust

1 the mic. Speak in a loud and clear voice for the
2 Court.

3 THE COURT: You may proceed, Counselor.

4 DIRECT EXAMINATION

5 BY MR. ESCOBAR:

6 Q. Good afternoon, Deputy Duff.

7 Deputy Duff, would you please state your full
8 name for the record?

9 A. David Wayne Duff, II.

10 Q. How do you spell your last name?

11 A. D as in David, U as in Union, F as in Frank, F
12 as in Frank.

13 Q. Deputy Duff, would you give us a little bit of
14 background concerning your professional experience?

15 A. I've been employed with the Pasco County
16 Sheriff's Office since September of 2005. I've had
17 service as a field training officer, property crime
18 detective. I'm currently a patrol Corporal assigned to
19 District 2.

20 Q. Deputy, I'm going to direct your attention to
21 January the 13th of 2014, ask you what division or what
22 department were you employed with then?

23 A. I was employed with the Pasco County Sheriff's
24 Office as a property crimes detective.

25 Q. Okay. And were you called out to the scene or

1 did you respond to the scene of the Cobb Theater on
2 January 13th of 2014?

3 A. I did.

4 Q. Okay. And why did you do that?

5 A. We had a report of a shooting in one of the
6 theaters.

7 Q. Okay. And so how long did it take you to get
8 to the Cobb Theater?

9 A. From the district office, about 10 or 15
10 minutes.

11 Q. Okay. When you arrived there, you spoke to a
12 Sergeant Fields; is that correct?

13 A. Correct.

14 Q. And Sergeant Fields was the individual that
15 gave you the instructions to start interviewing
16 individuals; is that correct?

17 A. Correct.

18 Q. And that day you were assisting Major Crimes
19 with interviews? You interviewed six individuals?

20 A. I did.

21 Q. Okay. Now, these individuals, six individuals
22 that you interviewed, were congregated in the concession
23 area there at the front of the theater; is that correct?

24 A. Yes, sir.

25 Q. When you first approach, those individuals,

1 those individuals meaning the people in the area, were
2 talking?

3 A. I would assume so. Yes, sir.

4 Q. And so you were given a list of names, or were
5 you just calling out people randomly?

6 A. Randomly.

7 Q. You were just saying, "Hey, anybody here know
8 something?" And you would take them with you?

9 A. Correct.

10 Q. Okay. Now, you would agree, would you not,
11 that your preference that day would have been to go
12 inside the theater, that being Theater 10, to be able to
13 get a -- at least a view of the theater so that you could
14 ask appropriate follow-up questions to these witnesses,
15 correct?

16 A. Yes, sir.

17 Q. But you were not allowed to do that?

18 A. No, sir.

19 Q. Now, when you first approached that group out
20 there, was that a pretty large group?

21 A. I don't recall the size of the people. There
22 was a gathering of people.

23 Q. When you first approached that group, you did
24 not tell anyone in that group, "Hey, you're not supposed
25 to discuss your case," or, "You're not supposed to

1 discuss what you saw with anybody else"?

2 A. I did not.

3 Q. Certainly while you were there assisting Major
4 Crimes, at no point in time did you ever hear anybody
5 tell any group of people or any individual person,
6 "You're not to discuss anything you saw in the theater
7 with others"?

8 A. I did not.

9 Q. The first one that you interviewed was an
10 individual by the name of Mr. Perez?

11 A. Yes, sir.

12 Q. And you did not even know when you started
13 interviewing Mr. Perez that Mr. Perez had filled out a
14 written statement?

15 A. I did not.

16 Q. In fact, you never even asked Mr. Perez if he
17 had filled out a written statement?

18 A. I did not.

19 Q. And your basic interviewing technique at that
20 point for the Major Crimes Unit was, "What did you see?"

21 A. Yes, sir.

22 Q. You never asked Mr. Perez where he was
23 specifically seated within the theater, correct?

24 A. No, sir.

25 Q. You never asked Mr. Perez what the lighting

1 conditions were in the theater, correct?

2 A. I did not.

3 Q. You never asked Mr. Perez what the noise level
4 in the theater was, correct?

5 A. I did not.

6 Q. You never asked him what was playing on the
7 screen, correct?

8 A. I did not.

9 Q. You never even asked him where the incident
10 took place, correct, within the theater? Specifically.

11 A. No, sir.

12 Q. Really because of the fact that you were
13 unfamiliar with the scene itself, you didn't know how to
14 present follow-up questions?

15 A. Yes, sir.

16 Q. Again, you would have preferred to have gone
17 inside before you started this?

18 MS. SUMNER: Objection. Asked and answered,
19 Judge.

20 MR. ESCOBAR: I will move on.

21 BY MR. ESCOBAR:

22 Q. You'd agree, would you not, deputy Duff, that
23 it is extremely important that you interview those
24 witnesses initially very thoroughly in order to try to
25 capture at a time that is freshest in their mind as much

1 information as possible?

2 A. Yes, sir.

3 Q. And you would agree, as well, that it is of
4 critical of importance, critical importance, to ask that
5 very first important question and that is: "Have you
6 talked to anybody about what you have seen and/or has
7 anybody talked to you about what they have seen?"

8 A. Yes, sir.

9 Q. And you do that routinely; do you not?

10 A. In most cases, yes.

11 Q. But you didn't do it here?

12 A. Yes, sir.

13 Q. Correct?

14 A. Yes, sir.

15 Q. You did not do it?

16 A. Did not.

17 Q. Had you been given more information, you would
18 have asked more questions?

19 A. That's a little speculative because I would
20 assume that I would know -- I would have more --

21 Q. More knowledge?

22 A. -- knowledge, correct. Yes, sir.

23 Q. So certainly you being a good officer, given
24 more knowledge you're going to ask more detailed
25 questions?

1 A. Yes, sir.

2 Q. You also interviewed Mrs. Perez, correct?

3 A. Yes.

4 Q. By the way, your interview of Mr. Perez was
5 extremely short, wasn't it?

6 A. Yes, sir.

7 Q. And so then you interviewed Mrs. Perez?

8 A. Yes, sir.

9 Q. Same format: "Just tell me what you saw"?

10 A. That's correct.

11 Q. Never asked her for the lighting condition?

12 A. No, sir.

13 Q. You never asked her for the noise level?

14 A. No, sir.

15 Q. You never asked her where she was specifically
16 seated?

17 A. No, sir.

18 Q. You never asked her specifically where the
19 incident occurred?

20 A. No, sir.

21 Q. You never even asked her who the shooter was.

22 A. Correct.

23 Q. You interviewed Mr. Mickley the same way?

24 A. Yes, sir.

25 Q. You didn't ask him what the lighting conditions

1 were, correct?

2 A. Correct.

3 Q. And that's a pretty important statement,
4 correct, to ask, because if it's dark, it's harder to
5 see, right?

6 A. Correct.

7 Q. I mean, as an experienced officer, you realize
8 that we get 80 percent of our information through our
9 eyes.

10 MS. SUMNER: Objection to speculation.

11 THE COURT: Sustained.

12 MR. ESCOBAR: If he knows.

13 BY MR. ESCOBAR:

14 Q. Do you think in your training as a law
15 enforcement officer, had they trained you that the --
16 most of the information that you get in order to perceive
17 or to do things is through your eyes?

18 A. I don't recall any training with that specific,
19 with 80 percent.

20 Q. Well, what percentage were you taught,
21 majority?

22 A. I don't know where I would ever get specific --

23 MS. SUMNER: Objection. It's again speculation
24 as to what percentage he was taught regarding where
25 people get things.

1 THE COURT: Sustained.

2 BY MR. ESCOBAR:

3 Q. Mr. Mickley, again, you didn't inquire about
4 the noise level?

5 A. Correct.

6 Q. Where he was specifically seated?

7 A. Correct.

8 Q. And you didn't ask -- you never asked him for
9 his written statement?

10 A. Correct.

11 Q. And you never asked for Mrs. Perez's written
12 statement, either?

13 A. Correct.

14 Q. Now, you would agree that's pretty fundamental.
15 If somebody had written a statement before you start to
16 interview them, at the very least you want to read the
17 statement.

18 A. Correct.

19 Q. You didn't do that?

20 A. Correct.

21 Q. Again, with Mr. Mickley and Mr. Scheck, who's
22 your next one, you merely said, "Ah, just tell me what
23 you know."

24 A. Yes, sir.

25 Q. Again, with Mr. Scheck, nothing about the

1 lighting conditions, correct? No questions?

2 A. Correct.

3 Q. No questions about the noise?

4 A. Correct.

5 Q. No questions about specifically where he was
6 seated?

7 A. Correct.

8 Q. You didn't get his interview, either, his
9 written form, his written statement?

10 A. No, I did not get his written statement.

11 Q. Mr. McCullen the same: "Tell me what you
12 know"?

13 A. Yes, sir.

14 Q. Never asked him about the lighting condition?

15 A. No, sir.

16 Q. Never asked him about the noise level?

17 A. No, sir.

18 Q. Never asked him about specifically where he was
19 seated?

20 A. No, sir.

21 Q. Never asked him to see his written statement?

22 A. No, sir.

23 Q. With all of these, you never asked them whether
24 they had spoken to anyone who had told them anything
25 about what they had seen inside the theater?

1 A. That's correct.

2 Q. Mr. Stahlmeyer, "Just tell me what you know,"
3 right?

4 A. Yes, sir.

5 Q. Never asked him for his statement form,
6 correct?

7 A. Correct.

8 Q. Never asked him what the lighting conditions
9 were inside the theater at the time of his observations?

10 A. Correct.

11 Q. Or the noise level?

12 A. Correct.

13 Q. Or whether he had been spoken to by someone who
14 may have shared some information with him?

15 A. Correct.

16 Q. Your interview with Mr. Stahlmeyer, like your
17 interviews with all these six individuals, was extremely
18 brief?

19 A. Can you put a time qualification on that, sir?

20 Q. Five minutes, 10 minutes.

21 A. I would say about 10 minutes, sir.

22 MR. ESCOBAR: No further questions.

23 THE COURT: Cross?

24 MS. SUMNER: Thank you.

25 May it please the Court, Mr. Escobar.

CROSS-EXAMINATION

BY MS. SUMNER:

Q. Good afternoon, Corporal Duff. How are you this afternoon?

A. Thank you. I'm good.

Q. So you've been a law enforcement officer with the Pasco County Sheriff's Office for eleven years, correct?

A. Yes, ma'am.

Q. And you were with Detective Morrison at some point around 1:37 on January 13, 2014?

A. Yes, ma'am.

Q. Where were you all at that time?

A. At the District 2 office.

Q. Here in Dade City, sir?

A. Yes, ma'am.

Q. Were you specifically dispatched to the Cobb Theater?

A. No, ma'am.

Q. You all just heard the call come out on the radio and took it upon yourselves to drive?

A. Yes, ma'am.

Q. You rode in the same car together?

A. Detective Morrison and I did, yes.

Q. Let me ask you this: At that point how long

1 had you been in the Property Crimes Unit?

2 A. Two years.

3 Q. When you arrived, was it your sergeant, Fields,
4 that advised you to do things, or was he a sergeant for
5 another property crime unit?

6 A. Sergeant Fields was my supervisor at the time.

7 Q. Had you previously been to the Cobb Theater?

8 A. Yes, ma'am.

9 Q. As a patron?

10 A. Yes, ma'am. I've worked off-duty detail there.

11 Q. Approximately how many times did you work
12 off-duty detail there?

13 A. I'd have to look at the records, but more than
14 -- probably more than 10. I know that for sure.

15 Q. More than 10?

16 A. Yes, ma'am.

17 Q. Had you been in Theater 10 previously?

18 A. Yes, ma'am.

19 Q. As a patron and as an off-duty officer?

20 A. I don't recall as a patron specifically, but as
21 an off-duty officer, part of the job was to walk through
22 the theater, including Theater 10, to check on the
23 theater.

24 Q. And most of those theaters are substantially
25 the same, aren't they?

1 A. Various sizing. They'll differ in the size of
2 the auditorium, but they're about the same layout. Yes,
3 ma'am.

4 Q. Some have the CineBistro up top causing three
5 sections, some only have two sections, correct?

6 A. Yes, ma'am.

7 Q. So when Mr. Escobar says that you didn't even
8 go in the theater to look around, you've been in all
9 those theaters in the past? It's not like you're going
10 in cold and you have no idea what the interior of the
11 theater looks like, correct?

12 A. Yes, ma'am.

13 Q. So when you started talking to these people and
14 they're talking about the theater or the screen, you're
15 familiar with that? You have a working knowledge of that
16 theater, correct?

17 A. Yes, ma'am.

18 Q. Now, you indicate that you got there and you
19 walked into the theater or into the entrance into the
20 concession area, correct?

21 A. Yes, ma'am.

22 Q. How many tables did you see in the concession
23 area?

24 A. I'm going to call -- I don't recall the
25 specific number to tell you a specific number.

1 Q. So you would be guessing if you gave us a
2 number?

3 A. Yes, ma'am.

4 Q. Approximately how many people did you see in
5 that concession area?

6 A. Again, I didn't count, but there were several
7 people. I'd say probably north of 20.

8 Q. When you say north of 20, more than 20?

9 A. More than 20. Yes, ma'am.

10 Q. The six people that you were tasked with
11 interviewing, nobody told you interview Louis Perez,
12 Gladys Perez, Peter Stahlmeyer, Major Brian McCullen,
13 David Schneck or Jayce --

14 A. No.

15 Q. You just randomly said, "Hey, I need to talk to
16 somebody," and somebody jumped up?

17 A. I saw persons and went and spoke with them,
18 then conducted interviews until we were told to depart.

19 Q. So did you pick the people or did they stand up
20 and come to you?

21 A. I think I picked the people, if I recall.

22 Q. So you pick Louis Perez first? Is that your
23 recollection?

24 A. Yes, ma'am.

25 Q. Where did you take Mr. Perez to be interviewed?

1 A. I spoke with Mr. Perez in the front sidewalk
2 near the box office which is the outside of the --

3 Q. So you took him out of the concession area and
4 out of the building out front were they purchase their
5 tickets, correct?

6 A. Correct. I don't remember if I took him out
7 there, but I spoke with him out there. I don't remember.

8 Q. Okay. Well, that's semantics. The interview
9 occurred outside --

10 A. The interviewed occurred outside. Yes, ma'am.

11 Q. The interview occurred outside the hearing of
12 other witnesses, correct?

13 A. Yes, ma'am.

14 Q. And you did that for all six of the witnesses
15 that you chose to interview, correct?

16 A. Yes, ma'am.

17 Q. Now, there was some talk about you not
18 specifically telling the witnesses not to talk about it,
19 right?

20 A. Yes, ma'am.

21 Q. If you walked in and overheard witnesses
22 discussing the facts of the shooting, what would you have
23 done?

24 A. Separated them and advised them to --

25 Q. Told them not to talk about it, right?

1 A. Yes, ma'am.

2 Q. So is it safe to say that you didn't hear
3 anybody talking about the facts of the shooting or you
4 would have told them, "Stop talking about it," correct?

5 A. Yes, ma'am.

6 Q. You indicated it was about a ten-minute
7 interview per person?

8 A. Yes, ma'am.

9 Q. Do you recall what time you left the theater?

10 A. Not specifically, ma'am.

11 Q. Okay. Were these people holding on to their
12 written statements?

13 A. Not that I can recall.

14 Q. If they had been holding their written
15 statements, you would have said, "Oh, is that a written
16 statement? Do you mind if I review it before we start an
17 interview," correct?

18 A. Yes, ma'am.

19 Q. No one advised you, "Hey, we've got a plethora
20 of written statements"?

21 A. No, ma'am.

22 MS. SUMNER: Thank you very much.

23 THE COURT: Any redirect?

24 MR. ESCOBAR: No, Your Honor.

25 THE COURT: May this witness be released?

1 MR. ESCOBAR: Your Honor, we're going to keep
2 him under subpoena, but in all likelihood, Deputy
3 Duff, we won't need you.

4 THE COURT: Okay. And likewise, State?

5 MS. SUMNER: We would ask he remain under our
6 subpoena, Your Honor.

7 THE COURT: Okay.

8 Deputy, you're free to go today. Chances are
9 good you won't be recalled, but you may. If you
10 are, you'll have to return at your earlier
11 convenience or at the direction of whoever called
12 you. Okay?

13 THE WITNESS: Thank you.

14 MR. ESCOBAR: Thank you, Deputy.

15 (Witness excused.)

16 THE COURT: Anybody else for today?

17 MR. ESCOBAR: No, Your Honor. It goes to show
18 you how the process of leading shortens the time,
19 because we didn't anticipate that necessarily, so I
20 appreciate that for the Court.

21 THE COURT: All right. Then we shall reconvene
22 tomorrow at 8:30 at the theater?

23 MR. ESCOBAR: Yes, Your Honor.

24 THE COURT: Again, that will be counsel, and
25 you're excusing Mr. Reeves' presence?

1 MR. ESCOBAR: I am.

2 THE COURT: Who, by the way, I've been
3 meaning -- forgetting to do this but I don't have a
4 jury form. Mr. Reeves has been present during the
5 entire period of any formal Court consideration
6 and --

7 MR. ESCOBAR: Those portions that he has --
8 hasn't been, we waived it.

9 THE COURT: Thank you. There have been a few
10 instances where we had to discuss procedure and
11 whatnot informally that he hasn't been present.

12 MR. ESCOBAR: Judge, I want to remind the Court
13 of being able to get the --

14 THE COURT: What number is it?

15 MR. ESCOBAR: I believe, if my mind serves me
16 correctly -- is that 8? It may have been our 8 or
17 maybe --

18 THE CLERK: 6.

19 THE COURT: All right. That's the one you
20 want? You looked at it to make sure?

21 MR. ESCOBAR: Yes.

22 THE COURT: I'm doing an order. I have to do
23 an order for the clerk in order to transfer custody
24 on that, and that's going to go into my custody at
25 the close of business today, and I will then

1 transfer it to Mr. Shah, and when we get to the
2 movie theater I'll give it back to Madam Clerk at
3 the end of your presentation, who will then
4 transport it back to the premises.

5 You're going to put it in the player or
6 wherever? You're going to keep physical control of
7 it, correct?

8 MR. SHAH: I'll keep physical control
9 obviously. I'll be with an employee of Cobb Theater
10 who knows how to operate the device.

11 MR. ESCOBAR: They're going to have someone
12 there, Your Honor, to operate not only that
13 particular DVD, but they'll also operate the noise,
14 the level of the preview volume as well as the
15 lighting.

16 THE COURT: Okay. Since we're on the record
17 and I know the clerk is very protective of evidence,
18 as they must be, in the event of some sort of damage
19 off premises the clerk will be relieved of any
20 responsibility or liability.

21 MR. ESCOBAR: The State has a copy of it, Your
22 Honor.

23 THE COURT: Okay. Good. All right. Then
24 we'll be covered.

25 MS. SUMNER: Judge, just one more thing, I've

1 been advised by Mr. Grimaldi that neither he,
2 Mrs. Oulson or Mr. Leal are going to go tomorrow,
3 either, so it will just be the prosecution team.

4 THE COURT: Okay. That they were allowed to
5 go, but otherwise --

6 MS. SUMNER: They're going to waive that.

7 THE COURT: Okay. Thank you for that
8 information, and otherwise, it's not going to be
9 open to the public. Then we will return here at the
10 conclusion of business at the theater and resume at
11 that time.

12 MR. ESCOBAR: We have two witnesses, Your
13 Honor. I'll give them that information before
14 Mr. Garcia jumps up. It's going to be Dr. Adams,
15 Bernard Adams and Detective Proctor. That will take
16 us through the day.

17 THE COURT: All right.

18 MS. SUMNER: Logistically, what time do you
19 anticipate? I know it's a 17-minute trailer pack,
20 9:45, 10:00 back here to be started, just for the
21 purposes of Mrs. Oulson?

22 THE COURT: Any idea?

23 MR. ESCOBAR: I think we need to play it by ear
24 and see what -- you know, we're going to be there
25 anyway.

1 MS. SUMNER: No earlier than 9:45.

2 THE COURT: I would imagine if we're going to
3 be there at 8:30, I know the movie theater will be
4 anxious to get us out of there and on our way at the
5 earliest convenience. I would anticipate
6 approximately an hour there and then half an hour,
7 40 minutes to get back, 45 minutes, depending on --
8 10:00, the earliest.

9 It will probably be a ball park figure, so for
10 anyone who's interested in coming, please, the
11 public is always welcome. This is your courthouse,
12 your facilities as it is everyone's, all the
13 taxpayers.

14 Any other matters that we need to address?

15 MR. ESCOBAR: None from the Defense, Your
16 Honor.

17 MS. SUMNER: Nothing from the State, Your
18 Honor.

19 THE COURT: Before I forget, I -- please,
20 counsel, be very mindful tomorrow. We're going to
21 have a roving court reporter. She's not going to be
22 able to be park in any particular place for any
23 length of time, I would imagine, so please, if
24 anything, you know, we can try to keep everything on
25 the record. Any discussions, pause, look around,

1 make sure she's ready. I know it's unnatural to do
2 so, but please try to get into that habit.

3 Most of you are accustomed to working with
4 court reporters but not so much in the roving
5 manner, so give them an extra -- give her an extra
6 minute or two to get -- make sure she's prepared.
7 It won't be -- we're going to have Dana tomorrow?

8 THE REPORTER: Yes.

9 THE COURT: Just please remember that, and I
10 can't see any other issues that we need to cover.

11 MR. GARCIA: For the record purposes I would
12 assume that you will put on the record the time that
13 you're going to sit in Mr. Reeves' chair and that,
14 you know, the trailer's starting at such and such a
15 time?

16 THE COURT: I'll say that, you know, but
17 obviously the court reporter typically is keeping a
18 time when we start; do you not? Because I don't
19 usually announce that on any proceedings.

20 MR. ESCOBAR: We'll figure it out.

21 THE COURT: I'll certainly, and if I do not --

22 MS. SUMNER: The clerk keeps it, I'm sure, the
23 time we reconvene and --

24 THE CLERK: Yes.

25 THE COURT: I never -- I don't typically do

1 that on the record.

2 MS. SUMNER: I'm pretty sure the clerk keeps it
3 in their minutes.

4 THE CLERK: I keep -- I don't between, all in
5 between.

6 THE COURT: And I can't -- I never had it be an
7 issue before, so -- but I'm sure in some type of
8 litigation it might be, but I've never had it come
9 up, and you can bet if I ever do, I will from then
10 on. All right. I think that's about it.

11 And, Mr. Garcia, in answer to that question as
12 well, if you want me to make a record, please -- and
13 I fail to do so, please don't hesitate to bring it
14 up and we'll make sure it is.

15 MR. GARCIA: I'll speak to Mr. Escobar
16 tomorrow.

17 MR. ESCOBAR: We'll get a game plan tomorrow
18 and we'll speak then.

19 THE COURT: All right. Any other matters that
20 we need to address? Everybody's clear on we're
21 meeting at the theater at 8:30?

22 I'll be bringing a bailiff and a chair, and the
23 rest of you will kind of find your way there, and
24 Mr. Reeves is not going to attend? He will be
25 waiving his presence.

1 MR. ESCOBAR: He will.

2 THE COURT: All right. Then we'll see
3 everybody in the morning. I hope for better weather
4 tomorrow than we had this morning.

5 (Proceedings concluded for 02/23/17.)
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1 CERTIFICATE OF REPORTER

2 STATE OF FLORIDA)

3 COUNTY OF PINELLAS)

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

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

13 DATED this 8th day of June, 2017.

14
15
16 /S Charlene M. Eannel

17 CHARLENE M. EANNEL, RPR
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