

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

STATE OF FLORIDA,

Plaintiff,

vs.

VOLUME X

CURTIS REEVES,

Defendant.

_____ /

PROCEEDINGS: STAND YOUR GROUND MOTION

DATE: February 24, 2017

BEFORE: HONORABLE SUSAN BARTHLE
CIRCUIT COURT JUDGE

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

REPORTED BY: Dana L. Stockton, RPR
Notary Public
State of Florida, at Large

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APPEARING ON BEHALF OF THE
STATE OF FLORIDA

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VOLUME X

1
2 BY MR. ESCOBAR:

3 Q. You believed that Mrs. Reeves was candid
4 with you, correct?

5 MR. MARTIN: Your Honor, I'm going to
6 object. It calls for speculation. We've been
7 over and over this again. I hate standing up.

8 THE COURT: I know. It's a long week.

9 MR. ESCOBAR: It's his assessment of the
10 interview.

11 MR. MARTIN: That doesn't --

12 THE COURT: You're talking about
13 Mrs. Reeves?

14 MR. ESCOBAR: Mrs. Reeves.

15 THE COURT: All right. I'll allow it.
16 Overruled.

17 BY MR. ESCOBAR:

18 Q. You believed that Mrs. Reeves was candid,
19 not trying to protect anybody?

20 MR. MARTIN: Calls for speculation. Not
21 trying to protect anybody.

22 MR. ESCOBAR: I'll take -- I'll take the
23 trying to protect out.

24 THE COURT: Thank you.

25 BY MR. ESCOBAR:

1 Q. Candid with you?

2 THE COURT: Sustained as to that part.

3 THE WITNESS: I thought that she was being
4 forthright with her information. That's
5 correct.

6 BY MR. ESCOBAR:

7 Q. You never asked Mrs. Reeves whether she
8 was scared?

9 A. I don't recall, sir. The tape stands --

10 Q. Again, Mrs. Reeves' interview was one of
11 those, or just tell me what you know?

12 A. That's correct. Yes, sir.

13 Q. So what did you do after you entered the
14 theater at 1732 hours? Did you just kind of walk
15 around and walk out?

16 A. No. Detective Smith was in there.

17 Q. Uh-huh.

18 A. We had conversations. He was explaining
19 to me where everything had been, the things that
20 they were doing. He gave me a brief assessment of
21 what the complete crime scene had shown.

22 Q. Okay. So tell me what he told you the
23 crime scene had shown.

24 A. I don't -- I don't recall, sir. I already
25 was aware of the popcorn and the cell phone. I

1 don't recall the other -- like I said, they were
2 numbering the seats and things like that.

3 Q. Well, but you just told me that he gave
4 you an assessment of what the crime scene had shown.

5 A. He was showing me where things were at in
6 the crime scene. The particular seats of the victim
7 and the defendants -- defendant and his wife.

8 Q. So up until this point in time you realize
9 that Matthew Reeves had been interviewed, right?

10 A. I believe that Detective Myers had
11 interviewed him, I believe, or maybe Detective
12 Smith. I can't recall.

13 Q. Detective Smith?

14 A. Detective Smith.

15 Q. Someone you trust?

16 A. Yes, sir.

17 Q. Detective Smith had interviewed Matthew
18 Reeves. You had interviewed Curtis Reeves. You had
19 interviewed Vivian Reeves. And throughout those
20 three interviews you had never gone into any detail
21 concerning the level of experience that Curtis
22 Reeves had as a law enforcement officer or as an
23 individual law enforcement officer that could assess
24 properly threats against him?

25 MR. MARTIN: Asked and answered, Judge.

1 THE COURT: Sustained.

2 MR. MARTIN: Several times.

3 THE COURT: Sustained.

4 BY MR. ESCOBAR:

5 Q. You knew that he had a decorated service
6 with TPD, correct?

7 MR. MARTIN: Asked and answered. He said
8 he didn't even go into it so --

9 MR. ESCOBAR: Judge --

10 MR. MARTIN: -- he has no.

11 MR. ESCOBAR: -- I've got his answer here.

12 MR. MARTIN: Judge, you know, I've not
13 interrupted Mr. Escobar when he's speaking, and
14 I would appreciate the same courtesy. He said
15 he did not go into his background. He has no
16 knowledge of it, so he can't answer that
17 question. It calls for speculation.

18 THE COURT: I think it's been asked and
19 answered. That's --

20 MR. ESCOBAR: Judge, the question is, did
21 you know him to be a decorated officer with
22 TPD. Decorated.

23 THE COURT: Are you reading out of a depo?

24 MR. ESCOBAR: Oh, yeah. Everything that
25 I'm reading from, trust me, is out of depositions.

1 THE COURT: And --

2 MR. ESCOBAR: I spent probably --

3 THE COURT: All right. I'm going to allow
4 him -- let him answer.

5 BY MR. ESCOBAR:

6 Q. Correct?

7 A. Sir?

8 Q. You knew him to have a decorated service
9 with TPD?

10 A. That's your terminology. And how did I
11 answer it?

12 MR. MARTIN: Well, Judge, you know, it's
13 taken out of context, because at the time of
14 the depo he may know that. The question is,
15 did he know it at the time of the interview.

16 THE COURT: All right. We're moving on.
17 We're moving on. I've heard his answer about
18 his -- he talked to him about his service and
19 how long he had been on the force. And I think
20 that was about the extent of his answer, and
21 that's enough for now. Move on.

22 BY MR. ESCOBAR:

23 Q. So you're in the theater and you're
24 speaking with Detective Smith. Did the conversation
25 of a -- the surveillance come up?

1 A. I believe so. Yes, sir.

2 Q. And so what were you going to do about the
3 video surveillance?

4 A. I was going to attempt to -- or they were
5 going to attempt to get a copy of the video.

6 Q. How?

7 A. That would have been Detective Smith and
8 the cyber people to get a copy.

9 Q. You didn't want to see it right then and
10 there?

11 A. I was told that it was not available.

12 Q. Who told you that?

13 A. I believe Smith's the one that relayed
14 that information to me that it was not readily
15 available. That it was not available.

16 Q. But you don't know why?

17 A. I do not, sir. I'm not computer savvy.

18 Q. What else did you do there at the scene,
19 Detective?

20 A. We had a meeting of the detectives
21 involved, supervisors, where we discussed what each
22 person had -- each witness had said.

23 Q. Okay. So when was that?

24 A. The day of. Probably shortly after --
25 shortly after the -- I exited the theater.

1 Q. So certainly the statement of Joanna
2 Turner was told to you on that day?

3 A. I don't recall that particular statement
4 being made at the time, sir.

5 Q. Do you know why it wasn't told to you?

6 A. There again, I don't recall that -- I
7 don't recall that statement being made, that she had
8 observed him throwing an item.

9 Q. What's that?

10 A. I don't recall her ever saying -- or -- at
11 that time I'm not aware of the fact that she says
12 that she observed something in Chad's hand and that
13 he was, in fact, throwing it.

14 Q. And how long did that meeting last where
15 you were gathering that information?

16 A. Probably -- I don't know. It was a
17 lengthy meeting, 45 minutes, an hour, hour and a
18 half.

19 Q. Okay. And what did you have available for
20 you at that meeting?

21 A. Each detective gave a briefing as to what
22 their interviews consisted of.

23 Q. Okay. And when you're saying each
24 detective, is that just homicide detectives or other
25 detectives that were conducting interviews, as well?

1 A. I believe the majority of the people in
2 that meeting were major crime detectives.

3 Q. So how many of those were -- how many are
4 we talking about?

5 A. I don't know, Counselor. I don't
6 remember. There was a room full.

7 Q. Okay. You left after that, after that
8 meeting?

9 A. I believe so, sir.

10 Q. And where did you go?

11 A. To the jail.

12 Q. Why is that?

13 A. I believe I went there to drop off the
14 probable cause affidavit.

15 Q. Okay. Now, the process of investigation,
16 I'm certain you wanted to go back and reinterview
17 witnesses there inside the theater, you, yourself.

18 A. That's not the procedure for me to go out
19 and reinterview eyewitnesses. They have already
20 been interviewed by major crime detectives. They
21 have already written -- they have already obtained a
22 statement from them. And those witnesses are
23 normally produced in front of the State Attorney's
24 office to give a sworn statement.

25 Q. Even if they have only been interviewed

1 for five minutes?

2 A. Even -- they arrive at the State
3 Attorney's office and give a sworn statement.

4 Q. Well, do you know how many of those
5 witnesses went to the State Attorney's office that
6 were in the theater?

7 A. I do not recall at the time, sir, how many
8 arrived.

9 Q. But you were there?

10 A. I was.

11 Q. And, in fact, all those witnesses were
12 kept in the lobby together, weren't they?

13 A. They were, to the best of my knowledge. I
14 was back in the library.

15 Q. But you saw them all in the lobby of the
16 State Attorney's office?

17 MR. GARCIA: Judge, I'm going to object.
18 This calls for speculation on the part of
19 Mr. Proctor, or Detective Proctor. He doesn't
20 know when we conducted our investigation. He
21 doesn't know if it was over multiple days. And
22 now Mr. Escobar is starting to get into work
23 product of the State Attorney's office.

24 MR. ESCOBAR: It's called continued
25 contamination, Your Honor.

1 THE COURT: All right.

2 MR. GARCIA: Judge, there is no way that
3 he can go even down this, because he doesn't
4 even know when those people came to our office,
5 who was there. And there were times that
6 Detective Proctor wasn't even there.

7 MR. ESCOBAR: He's got a list of the ones
8 that were there when he was there.

9 THE COURT: You can ask as to what he
10 knows. Only one per witness arguing
11 objections.

12 MR. GARCIA: Judge, I understand that.
13 But on this case Mr. Martin had not come onto
14 the case yet. I was the one there, so I feel
15 I'm the one that needs to address this.

16 THE COURT: All right. You'll have the
17 opportunity to cross.

18 BY MR. ESCOBAR:

19 Q. Detective --

20 THE COURT: To the extent that he knows.

21 BY MR. ESCOBAR:

22 Q. Detective, you went to the State
23 Attorney's office for the intake process, right?

24 A. I was there for an invest. Yes, sir.

25 Q. And you saw witnesses that were in the

1 theater there in the lobby of the State Attorney's,
2 correct?

3 A. I was in the library, sir. I wasn't out
4 in the lobby.

5 Q. Did you see witnesses in the lobby?

6 A. I did not see witnesses in the lobby.

7 Q. Where did you see the witnesses at?

8 A. As they came back to the library.

9 Q. As they came back to the library?

10 A. That's correct.

11 Q. Now, you're telling me then that because
12 these other detectives wrote reports, you never went
13 back yourself and interviewed any of those
14 witnesses?

15 A. No, sir.

16 Q. Is that correct?

17 A. I did not go back and interview any of the
18 witnesses in this case.

19 MR. ESCOBAR: No further questions.

20 THE COURT: Thank you. Who's doing the
21 cross?

22 MR. MARTIN: No cross, Judge.

23 THE COURT: Thank you, Mr. Martin. All
24 right. May this witness be released?

25 MR. ESCOBAR: No. We're going to keep him

1 on, possibly recall him.

2 THE COURT: All right. Detective Proctor,
3 as I've instructed several other witnesses, the
4 procedure here. You certainly won't be called
5 back today. I can assure you of that. And not
6 tomorrow either. But perhaps next week.

7 THE WITNESS: Could you give me a day's
8 notice, Your Honor? Since I am retired, I
9 would like to have a day's notice.

10 MR. MARTIN: We'll be able to do that.

11 THE COURT: I'm typically advised the
12 witnesses -- I can't personally say what the
13 time frame is going to be, but certainly a
14 reasonable advanced notice.

15 THE WITNESS: Thank you, Your Honor.

16 THE COURT: Thank you, Detective.

17 MR. MARTIN: He needs to remain under the
18 State's subpoena.

19 THE COURT: Yeah. You're still under both
20 subpoenas.

21 MR. MARTIN: Thank you.

22 THE COURT: All right. Are there any
23 matters -- any other matters we need to address
24 before we adjourn for the weekend? We are
25 adjourning for the weekend, correct?

1 MR. ESCOBAR: Yes.

2 THE COURT: We're planning on coming back
3 on Monday morning.

4 MR. ESCOBAR: We are, Your Honor.

5 THE COURT: How are we doing time-wise?

6 MR. ESCOBAR: Your Honor, I think that
7 we'll be able to put hopefully our expert,
8 Michael Knox, and Detective Aaron Smith on
9 Monday.

10 THE COURT: Okay.

11 MR. ESCOBAR: I think we'll be able to put
12 then our use of force expert, Dr. Haden, and
13 Mr. Reeves on Tuesday.

14 THE COURT: Those sound kind of lengthy.

15 MR. ESCOBAR: They are.

16 THE COURT: The same with Monday. What --
17 Mr. Escobar indicated you have 18 witnesses
18 that you intend to call.

19 MR. MARTIN: That's what's on our list
20 right now. I think two of them might be
21 removed, but we have between 15 and 20
22 witnesses --

23 THE COURT: Okay.

24 MR. MARTIN: -- that's currently on the
25 list.

1 THE COURT: Okay.

2 MR. MARTIN: We'll be working over the
3 weekend and getting our evidence -- we have
4 contacted most of those witnesses today.

5 THE COURT: Okay.

6 MR. MARTIN: We do have some issues with
7 people leaving. We'll work around that. One
8 witness, the FBI witness, Mr. Emil, will
9 probably be a good part of a day. So that
10 leaves me two days to put on 15 witnesses.

11 THE COURT: We've got -- Detective Proctor
12 was our 23rd witness in five days. I'm
13 starting to get concerned.

14 MR. ESCOBAR: Your Honor, Detective Smith,
15 assuming that I'm still in the leading posture,
16 Detective Smith is a bit of a different
17 detective than Detective Proctor because he was
18 the one that gathered all the evidence. And
19 how he gathered the evidence, that's going to
20 be extremely important because my experts are
21 relying on the gathering of the evidence by
22 Detective Proctor.

23 And so I assume that we're going to
24 probably be very rapid through that process
25 without the prosecution objecting after, you

1 know, five or six questions. Because that's an
2 evidentiary issue with Detective Smith. It's
3 important.

4 MR. MARTIN: But it's evidentiary issues
5 that have already been overcome by stipulations
6 into evidence and chain of custody and every
7 other issue. We're just going down the same
8 path again.

9 And just while I'm noticing it, I believe
10 there's a piece of evidence.

11 THE COURT: There is a --

12 MR. MARTIN: May I go ahead and grab that
13 so we don't forget?

14 THE COURT: You may. It goes to the
15 clerk.

16 MR. MARTIN: I know.

17 THE COURT: Three pieces.

18 MR. MARTIN: And I'm going to pick up the
19 iPhone, too.

20 iPhone I have, CD, and what?

21 THE COURT: The transcript. Who's got the
22 transcript?

23 MR. MARTIN: It's right here, I think.

24 MR. ESCOBAR: No. The Transcript I'll get
25 you.

1 MR. MARTIN: The one that was put into
2 evidence. You have it? Okay.

3 MR. ESCOBAR: Yes.

4 THE COURT: All right. Let's get those
5 right now. We're going to have to just be
6 mindful of the time. That's all I'm indicating
7 now.

8 It sounds like we are, without a doubt,
9 very possibly going to be submitting final
10 arguments in writing. So that's what we're
11 going to have to do if we run out of time.
12 That's the first thing we're going to have to
13 do.

14 MR. MARTIN: Is there a possibility of
15 running late? I mean --

16 THE COURT: I don't mind running late.
17 And we can start a little earlier. We can
18 start at 8:30. But I don't want, you know --
19 I'm not going to go 15 hours on Friday, next
20 Friday. So, you know, it's been a long week
21 already. Let's just be mindful.

22 Detective Proctor was about two hours. If
23 Detective Smith is going to be the same, you
24 know, we have to keep all of the -- if we can
25 take -- if we run early and can take any other

1 witnesses, I'd love to do that, too, and work a
2 full day every day.

3 MR. ESCOBAR: Judge, I think we can get
4 through certainly Detective Smith and through
5 Michael Knox. Michael Knox is the homicide
6 reconstruction expert, so I think we can.

7 And I'll provide the Court with a
8 memorandum on Monday concerning the area of
9 presentation and the fact that we believe that
10 this area of presentation that we're making is
11 important in this stand your ground case. And
12 it's no different, frankly, than in a trial.

13 I know Mr. Martin is trying to make it
14 something different, but it's not. And, you
15 know, the issues of witness credibility, the
16 issues of witness competence, are extremely
17 important for the trier of fact.

18 And I will make sure that on Monday
19 morning that we provide the Government, as well
20 as the Court, with a memo so at least the Court
21 can see what our position is and our basis for
22 it.

23 THE COURT: I already know your position.
24 And, you know, you guys have got a lot of work
25 to do still. I'm not going to be able to read

1 it Monday morning. We're going to be busy.

2 So I get it. I know what your position
3 is. I understand that you're concerned about
4 the credibility and testimony of a lot of the
5 witnesses because of the actions of the
6 detectives and law enforcement. I don't need a
7 memo on that. I'm okay. You guys -- I'm sure
8 you're tired. Use your energy elsewhere.

9 MR. ESCOBAR: Okay.

10 THE COURT: As far as the testimony of
11 Mr. Knox, I'm still on the same page. You're
12 going to object, as you have in writing, motion
13 in limine.

14 I'm going to hear it. It's got to be
15 proffered no matter what my ruling is, whether
16 I feel it's appropriate and admissible under
17 Frye and Daubert or anything else.

18 MR. ESCOBAR: I think he's only objecting
19 to a few of the photos that -- you know, and
20 we've got those, I think, separated out so
21 that -- and we've even changed our presentation
22 to take some of the photos that he was
23 objecting to with strings, we took those out.
24 So hopefully, you know, come Monday we'll have
25 a much more limited argument.

1 THE COURT: All right.

2 MR. MARTIN: Right now there's only, I
3 think, three or four pictures with, quote, the
4 mannequins and the lighting. I apologize for
5 sitting down and talking.

6 But it's still the same issue. And I
7 think there might be one or two to apply in
8 just the general area. But I understand your
9 position. You want to hear what it is, even if
10 it's a proffer or whatever.

11 THE COURT: Right.

12 MR. MARTIN: But I think I need to
13 preserve for the record.

14 THE COURT: I agree. So you can make --
15 but you don't have to -- you don't have to
16 argue your motion. I've got it in writing,
17 your motion in limine. I know your objections.
18 But certainly I wouldn't advise you not to make
19 those objections prior to the testimony, just
20 in short and sweet --

21 MR. MARTIN: Right. This testimony is --

22 THE COURT: -- I object.

23 MR. MARTIN: -- subject to the motion I
24 previously filed.

25 THE COURT: Correct.

1 MR. MARTIN: Is that fine?

2 THE COURT: That's fine.

3 MR. MARTIN: Okay. That's all it will be
4 then.

5 THE COURT: And then we'll get on with it.

6 MR. MARTIN: Yes, ma'am.

7 THE COURT: Mr. Garcia?

8 MR. GARCIA: Yes, Judge. Mrs. Sumner and
9 I were discussing the March 6th trial calendar
10 that you have.

11 THE COURT: Oh, yes. Yes. I'm glad you

12 --

13 MR. GARCIA: Well, the other problem we've
14 got is next Wednesday you've got calendar call.

15 THE COURT: That's what I needed to
16 convey.

17 MR. MARTIN: So that is going to infringe
18 upon our witnesses and the presentation of our
19 case.

20 THE COURT: It is. And I meant to bring
21 that up and I'm so glad you said that. From
22 what I understand about the calendar call, it
23 has been paired down to some extent.

24 Typically, I get through calendar call in
25 one hour. And I'm going to do my darndest to

1 be done in one hour. But it is -- I have to
2 take an hour on Wednesday morning and do that.
3 There's no way around it. I also have a demand
4 for speedy now that we have to address that
5 day. But it's already calendar call.

6 Justin Ford, Mr. Doug, in case I forget to
7 tell you, I'm telling you right now, a pro se
8 defendant. He's in our jail. We need him for
9 Wednesday, Justin Ford. We just had him.
10 Remember he's the one --

11 THE BAILIFF: Yes.

12 THE COURT: All right. So I'll do
13 Wednesday morning until -- we can plan on
14 starting at 10:00.

15 MR. GARCIA: Judge, is there a
16 possibility, since it's a trial week, that if
17 need be, we may be able to use that Monday or
18 Tuesday to finish?

19 THE COURT: It's possible.

20 MR. GARCIA: If it's necessary.

21 THE COURT: We will know at calendar call.
22 I'll see how many trials I have. And from --
23 like I said, I've had several drop off that I'm
24 pretty sure aren't going. And the ones that I
25 recall that are left are not anything drastic.

1 MR. GARCIA: Judge, I know we don't have
2 speedy, other than the one that you knew about.
3 That's going to be handled at calendar call.
4 But the rest of them, speedy trial has been
5 waived, so that's not an issue.

6 THE COURT: Right. So I'll certainly --
7 I'm optimist that we may have some of the
8 following week. I'll have to check as far as
9 courtroom availability. I'm sure Judge Sestak
10 will graciously agree to trade with me, if we
11 need to.

12 So that's a good possibility. But, again,
13 I will have to take that hour Wednesday morning
14 for calendar call and we'll go from there. But
15 let's -- you guys know better than I do how
16 we're doing on time.

17 All right. Any other matters?

18 MR. GARCIA: Judge, I can tell you, it's
19 going to be very difficult in our presentation
20 with 18 witnesses, and basically pairing it
21 down to three days.

22 We have Wednesday through Friday. And
23 then we have calendar call at 9:00. That means
24 we won't start until at least 10:00 or 10:15 or
25 10:30.

1 And the only solution is we're either
2 going to have to start earlier on Thursday and
3 Friday or we're going to have to work later,
4 and I'm talking probably 7:00 or 730.

5 THE COURT: All right. We'll certainly
6 know better what we're looking at all the way
7 around on --

8 MR. GARCIA: On Wednesday.

9 THE COURT: Yes. And Mr. Garcia, I've
10 done many trials with you and Mrs. Sumner. I
11 know you're pretty proficient in getting
12 witnesses in and out.

13 So if I weren't familiar with the two of
14 you, as far as your capability of crossing and
15 directing witnesses, I would be very concerned.

16 Because like I said, we've already had 23
17 on this side. But you are now in the position
18 that the Defense usually is and, you know,
19 typically that posture is much less. The
20 burden carriers do just that. They've got much
21 more typically to do. So I'm a little
22 concerned, but I'm not panicking at the moment.

23 MR. GARCIA: It's also going to depend on
24 the length of the cross, too, Judge.

25 THE COURT: I agree.

1 MR. GARCIA: So there's a lot of variables
2 and a lot of factors to take into
3 consideration.

4 THE COURT: Well, we'll do what we can do,
5 keep our fingers crossed, move along as best we
6 can, and that's all we can do.

7 MR. GARCIA: Thank you.

8 THE COURT: All right. Let's be in recess
9 until 9:00 Monday morning. I don't -- last
10 night when we had the issue that came up
11 immediately, I only had Mrs. Sumner's cell
12 number.

13 I'll be happy to take one from your side.
14 I've relied on her to get ahold of you guys.
15 That was all I could do.

16 MR. ESCOBAR: I understand. We will.

17 THE COURT: So if you want to give me a
18 cell number in case there's an emergency that
19 --

20 MR. ESCOBAR: Sure.

21 THE COURT: -- arises, and I'll do the
22 same. I don't know if you guys have my cell
23 number. I know the State --

24 MR. ESCOBAR: We don't.

25 THE COURT: I'll be happy to provide it to

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you.

MR. ESCOBAR: Very good. I can give that
to you right now.

THE COURT: All right. Then we'll be in
recess until Monday morning. Thank you,
everybody. Well done. Good week.

(CONTINUED IN VOLUME XI.)

1 STATE OF FLORIDA)

2 COUNTY OF PASCO)

3

4 I, Dana L. Stockton, Registered Professional
5 Reporter, certify that I was authorized to and did
6 stenographically report the foregoing proceedings,
and that the transcript is a true and complete
record of my stenographic notes.

7

8 I FURTHER CERTIFY that I am not a relative,
9 employee, attorney or counsel of any of the parties,
nor am I a relative or employee of any of the
10 parties' attorney or counsel connected with the
action, nor am I financially interested in this
action.

11

12 Dated this 1st day of May, 2017.

13

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