

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 XVI

CURTIS J. REEVES,

Defendant.

PROCEEDINGS: Stand Your Ground Motion

DATE: March 1, 2017

BEFORE: The Honorable Susan Barthle  
Circuit Court Judge

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

REPORTED BY: Charlene M. Eannel, RPR  
Court Reporter  
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A-P-P-E-A-R-A-N-C-E-S

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

2 THE COURT: Good morning, everybody.

3 Mr. Martin?

4 MR. MARTIN: Judge, could I just approach real  
5 quick?

6 I provided a copy of the evidence list for today  
7 to Defense Counsel and the clerk. I just have a copy  
8 for you.

9 THE COURT: Okay. Thanks.

10 MR. MARTIN: You're welcome.

11 We'll be putting in A and C tomorrow. B has  
12 been eliminated, so there won't be a B.

13 THE COURT: Okay. All right, then.

14 Are there any matters we need to address before  
15 we begin?

16 MR. ESCOBAR: Your Honor, the only thing that we  
17 probably should do -- I don't care; it doesn't have  
18 to be now -- I don't want to interrupt his  
19 presentation, but the stipulations that we entered  
20 into probably need to be read into the record. I  
21 know we read yesterday the DNA one, but at some point  
22 in time we just need to do that.

23 THE COURT: Okay. Are they -- where are they  
24 all?

25 MR. ESCOBAR: They're all filed.

1 THE COURT: All right. We'll do that.

2 Do you want to do that now, Mr. Martin, or --

3 MR. MARTIN: Judge, it can be done at any time.

4 It really doesn't matter. We've been working with

5 those stipulations for the last eight days --

6 THE COURT: Okay.

7 MR. MARTIN: -- so, I mean, we can do it when

8 everything is over.

9 THE COURT: There you go. Let's go ahead and  
10 proceed then.

11 MS. SUMNER: Your Honor, at this time, the State  
12 of Florida would call Susan Miller.

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

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

19 THE COURT: You may proceed, Counselor.

20 MS. SUMNER: May it please the Court, Defense  
21 Counsel.

22 DIRECT EXAMINATION

23 BY MS. SUMNER:

24 Q. Good morning, ma'am. Please state your name for  
25 the record.

1           A.     Good morning.   Susan Miller.

2           Q.     Miss Miller, where are you employed?

3           A.     Pasco County Sheriff's Office.

4           Q.     What's your profession?

5           A.     I'm a forensic investigator.

6           Q.     Could you get a little bit closer to the mic?

7     I'm having a little bit of trouble hearing you.

8                     You're a forensic investigator with the Pasco  
9     Sheriff's Office?

10          A.     That's correct.

11          Q.     How long have you been employed with the Pasco  
12     Sheriff's Office?

13          A.     Approximately 17 years.

14          Q.     What's your current assignment within the  
15     forensic investigation unit?

16          A.     I'm a shift supervisor.

17          Q.     What are your duties?

18          A.     I basically respond to crime scenes and document  
19     them, collect them into evidence, and preserve them.

20          Q.     Prior to starting with the Pasco Sheriff's  
21     Office 17 years ago, did you go through any training or  
22     education to enable you to be a forensic investigator?

23          A.     I did.   I attended St. Pete College for the  
24     forensic technology program.

25          Q.     How long of a program was that?

1           A.     It was approximately two years.

2           Q.     You got a certificate for that?

3           A.     Yes, I did.

4           Q.     Then you started working with the Pasco  
5 Sheriff's Office in that capacity?

6           A.     That's correct.

7           Q.     I want to direct your attention to January 13th  
8 of 2014. Were you working that day?

9           A.     Yes, I was.

10          Q.     Were you directed to go to the Cobb Theater in  
11 Wesley Chapel?

12          A.     That's correct.

13          Q.     And you were working that day as an investigator  
14 with the forensic services unit?

15          A.     Yes, I was.

16          Q.     Do you recall the nature of the call?

17          A.     Yes. It came in as a shooting.

18          Q.     Do you recall what time you arrived?

19          A.     May I refer to my notes? Thank you.  
20 1429 hours.

21          Q.     So that would be 2:29 in the afternoon?

22          A.     Yes, it would.

23          Q.     Who did you meet with when you arrived?

24          A.     Captain Steffens.

25          Q.     He, at that time, was your captain for that



1 unit?

2 A. He was our supervisor in forensics, yes. That's  
3 correct.

4 Q. When you arrived on scene, were you advised that  
5 there had been a case number or a control number pulled  
6 for this particular incident?

7 A. Yes, I was.

8 Q. What is that case number or control number?  
9 What does that do for you?

10 A. That's assigned specifically to that case.

11 Q. And that case number being 141529?

12 A. That's correct.

13 Q. So all the reports would be put under that case  
14 number?

15 A. That's correct.

16 Q. And any evidence, photographs, or any other  
17 items of interest would be put under that case number?

18 A. Yes, ma'am.

19 MS. SUMNER: Judge, I stand corrected. That's  
20 14-2014-1529.

21 MR. MARTIN: There you go.

22 MS. SUMNER: I'm sorry.

23 May I approach the witness, Your Honor?

24 THE COURT: You may.

25

1 BY MS. SUMNER:

2 Q. Investigator Miller, I'm showing you what's been  
3 previously marked as State's Exhibit D for identification  
4 and ask you to draw your attention to the case number. Is  
5 that case number familiar to you?

6 A. Yes, it is.

7 Q. What case number is on this?

8 A. That's 14-1529.

9 Q. And the initials of ASK, who was that?

10 A. That was Investigator Koenig (phonetic).

11 Q. He no longer works for the agency?

12 A. That's correct.

13 MS. SUMNER: Judge, at this time, pursuant to  
14 the stipulation, I would like to enter this State's  
15 Exhibit D for identification in as I believe State's  
16 Exhibit 1, or are we going with 4?

17 MR. MARTIN: No, this would be our first one  
18 admitted.

19 THE COURT: Right. So that's 1.

20 MR. SHAH: No objection, Your Honor.

21 BY MS. SUMNER:

22 Q. And what was that item?

23 A. I believe that was a bag of popcorn.

24 Q. Okay.

25 MS. SUMNER: If I can again approach the

1 witness, Your Honor?

2 THE COURT: You may.

3 BY MS. SUMNER:

4 Q. At this time, Investigator Miller, I'm showing  
5 you what's been previously marked as State's Exhibit E for  
6 identification which, for the record, is the image JPEG,  
7 last four, 1755, taken by Forensic Investigator Amy  
8 Parrish on January 13, 2014.

9 Are there a number of pins within this?

10 A. Yes, there are.

11 Q. Okay. And pin 12, what is marking pin 12?

12 A. That's identifying what appears to be a popcorn  
13 bag.

14 Q. Okay. The same popcorn bag that I previously  
15 put into evidence?

16 A. Correct.

17 MS. SUMNER: Judge, at this time, I would like  
18 to enter this into evidence pursuant to the  
19 stipulation as State's Exhibit 2.

20 THE COURT: That will be admitted.

21 (Whereupon, State's Exhibit 2 for  
22 identification was received in evidence by the  
23 Court.)

24 BY MS. SUMNER:

25 Q. Once you arrived on the scene, you indicated

1     that you met with Captain Steffens, who at the time was  
2     your supervisor. Did he give you any particular tasks to  
3     carry out while you were on scene at the Cobb Theater on  
4     January 13, 2014?

5           A.     Yes, he did. He instructed me to go to the rear  
6     of the movie theater and meet with Detective Proctor.

7           Q.     Did you go back and meet with Detective Proctor?

8           A.     I did.

9           Q.     Was someone who then became known to you as  
10    Curtis Reeves with Detective Proctor at that time?

11          A.     That's correct, along with Detective Koenig and  
12    Deputy Gondek.

13          Q.     And Detective Proctor was finishing up an  
14    interview?

15          A.     That's correct.

16          Q.     At that time, did he introduce you to Curtis  
17    Reeves?

18          A.     Either he did or Detective Koenig did.

19          Q.     And at the time did you then go ahead and carry  
20    out a task --

21          A.     That's correct.

22          Q.     -- or a series of tasks?

23          A.     Yes.

24          Q.     What did you do?

25          A.     I began photographing Mr. Reeves, and then I

1 collected items of evidence.

2 Q. When you indicated you photographed him, where  
3 did you photograph him?

4 A. In an adjacent movie theater.

5 Q. So not necessarily in Theater 10, but near  
6 Theater 10?

7 A. Yes.

8 Q. Was anyone else in the theater at that time?

9 A. No, there was nobody else.

10 Q. Now, when you indicated that you began  
11 photographing him, how did you go about doing that?

12 A. As Mr. Reeves was seated, I began  
13 photographing -- taking a series of photographs of his  
14 general condition.

15 Q. Okay. Did you take photographs of him actually  
16 clothed?

17 A. Yes, I did.

18 Q. In his street clothes that he was wearing?

19 A. Yes.

20 Q. Did you also take photographs of him with some  
21 other outfit on?

22 A. Yes, in a Tyvek suit. That's a protective white  
23 suit that we placed him in.

24 Q. What type of camera did you use to take those  
25 photographs?

1           A.     That was a Canon 60D.

2           Q.     Digital camera?

3           A.     Yes, it was.

4           Q.     As part of those digital photographs, were you  
5     able to access the metadata on those photographs?

6           A.     Yes.

7           Q.     And did you, in fact, review the metadata as you  
8     put them on either the photo server or in preparation for  
9     this hearing today?

10          A.     I did.

11          Q.     Okay.

12                 MS. SUMNER:  At this time, Judge, if I can  
13     approach the witness?

14                 THE COURT:  You may.

15     BY MS. SUMNER:

16           Q.     Now, you indicated that you first photographed  
17     Mr. Reeves in his street clothes?

18           A.     That's correct.

19           Q.     I'm showing you what's been previously marked as  
20     State's Exhibit F for identification.

21                 MS. SUMNER:  Specifically I'm looking at, for  
22     the record, 2116637 taken on January 13th by Forensic  
23     Investigator Miller.

24     BY MS. SUMNER:

25                 Do you recognize that photograph?

1           A.    Yes, I do.

2           Q.    Is that the first photograph that you took of  
3 Mr. Reeves?

4           A.    The first photograph I took would be in the  
5 police car.

6           Q.    The first set of photographs?

7           A.    That's correct.

8           Q.    In his street clothes?

9           A.    That's correct.

10          Q.    What time did you take that photograph?

11          A.    This photograph would have been taken at --

12               THE COURT:  Hang on a minute.

13               THE BAILIFF:  I think they're working.  That  
14 won't work.

15               THE COURT:  Go ahead.

16               THE WITNESS:  My case card indicated that it was  
17 1545 hours, so in succession from there.

18 BY MS. SUMNER:

19          Q.    When you looked at the metadata, did that  
20 indicate to you 1544?

21          A.    1543, 1544, somewhere around there.

22               MS. SUMNER:  Now we're looking at 2116652,  
23 again, photograph of Mr. Reeves taken by Investigator  
24 Miller.

25

1 BY MS. SUMNER:

2 Q. Do you recognize that photograph?

3 A. Yes, I do.

4 Q. Okay. And let's backtrack for a second.

5 On 637, that's a photograph of him just sitting  
6 in the movie theater seat. A particular movie theater  
7 seat?

8 A. Yes.

9 Q. And what is this photograph, that 652? What  
10 does that depict?

11 A. This photograph depicts the right side of the  
12 face, and he is now clothed in the Tyvek suit that I  
13 described earlier.

14 Q. What time, according to your metadata and your  
15 memory, did you take that photograph?

16 A. Well, the last photograph was taken, I believe,  
17 at 1604, so --

18 Q. That would be --

19 A. In that range.

20 Q. -- 2:04?

21 A. Uh-huh -- or excuse me. 4:04.

22 Q. Next photograph, 2116649, again, a photograph  
23 taken by you on January 13, 2014, of Mr. Curtis Reeves.

24 Do you recognize that?

25 A. Yes, I do.



1 Q. What does that depict?

2 A. This is the left side of the face, also clothed  
3 and Tyvek suit.

4 Q. Did you see any blood on his face?

5 A. No, I did not.

6 Q. Any cuts?

7 A. No, I did not.

8 MS. SUMNER: Judge, at this time, I would like  
9 to enter these pursuant to a stipulation and the  
10 predicate as State's Exhibit No. 3.

11 THE COURT: It will be admitted.

12 (Whereupon, State's Exhibit 3 for  
13 identification was received in evidence by the  
14 Court.)

15 MS. SUMNER: I have nothing further at this time  
16 of the witness, Your Honor. I would tender the  
17 witness.

18 CROSS-EXAMINATION

19 BY MR. SHAH:

20 Q. Now, Ms. Sumner, when she questioned you and  
21 asked you about Captain Steffens -- is that right?

22 A. That's correct.

23 Q. And he directed you to do certain tasks that you  
24 needed to perform inside the movie theater?

25 A. That's correct.

1           Q.    And among those tasks were to photograph  
2 Mr. Reeves; is that correct?

3           A.    Yes.

4           Q.    You previously testified in this hearing that  
5 you observed some redness on the eyelid of one of  
6 Mr. Reeves' eyes is that correct?

7           A.    That's correct.

8           Q.    At any point, did Captain Steffens direct you to  
9 pay close attention to any type of abrasions or bruises on  
10 Mr. Reeves' face?

11          A.    No, sir.

12          Q.    That was independently observed by you in the  
13 course of you conducting your duties and photographing  
14 him?

15          A.    It was, and Captain Steffens, I only made  
16 contact with him in the parking lot, so he was not in the  
17 movie theater with me.

18          Q.    Okay. Now, you used a Canon model camera,  
19 right?

20          A.    That's correct.

21          Q.    Who is the owner of that camera?

22          A.    Pasco County Sheriff's Office.

23          Q.    How did that camera come to be in your  
24 possession on that day when you showed up at the movie  
25 theater?

1 A. That's my assigned camera.

2 Q. That's your assigned camera. Okay.

3 We talked about metadata?

4 A. Yes.

5 Q. You can input a time into a Canon camera, the  
6 type that you had that day?

7 A. When you originally get the camera, yes.

8 Q. At what point, did you confirm that the time in  
9 the camera is the time that is consistent with, let's say,  
10 the one on your cell phone.

11 A. Well, that information, when I first got the  
12 camera, that was all inputted at that point.

13 Q. At some point, you had an opportunity to confirm  
14 that the time in the camera was the same as the one that  
15 would show up on, let's say, your cell phone or some other  
16 reliable source at the time, yes?

17 A. Yes.

18 Q. Okay.

19 MR. SHAH: No further questions, Your Honor.

20 MS. SUMNER: Nothing further at this time. And  
21 Investigator Miller, I would ask that she be on  
22 standby.

23 THE COURT: All right.

24 Miss Miller, you are free to go today, and  
25 there's a possibility you could be recalled so you

1 are still under subpoena, but should you get a call  
2 to come back, please do so. Hopefully you'll get  
3 plenty of advance notice if needed. All right?

4 Thank you.

5 (Witness excused.)

6 THE COURT: Who's next?

7 MR. MARTIN: Ms. Weigand.

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

9 DIRECT EXAMINATION

10  
11 BY MR. MARTIN:

12 Q. Good morning.

13 A. Good morning.

14 Q. Would you state your name for the record and  
15 spell your last name?

16 A. Denise Weigand, W-E-I-G-A-N-D.

17 Q. Ms. Weigand, how are you currently employed?

18 A. I'm retired from the Pasco county Sheriff's  
19 Office, currently employed at USAA.

20 Q. And what is your duty that you have -- first of  
21 all, what's USAA?

22 A. That United States Automobile insurance. It's a  
23 corporation.

24 Q. And it's a corporation in what county?

25 A. It's in Hillsborough County.

1 Q. What do you do at USAA?

2 A. Physical security officer.

3 Q. Are you an armed security officer?

4 A. Yes, sir.

5 Q. Prior to taking up that position, you mentioned  
6 that you were with the Pasco Sheriff's Office. When did  
7 you first begin your work at the Pasco Sheriff's Office,  
8 your first job, first assignment?

9 A. I became employed at Pasco Sheriff's Office  
10 January 3rd of 1986.

11 Q. And your first assignment?

12 A. Was in forensics -- correction --  
13 communications.

14 Q. All right. And when you say in communications,  
15 what does that mean? What were your duties and  
16 responsibilities?

17 A. That was in dispatch. That is to receive calls  
18 and dispatch officers.

19 Q. Now, at that point in time, were you a sworn  
20 police officer?

21 A. No, I went to the police academy after that.

22 Q. And what year did you graduate from the police  
23 academy?

24 A. 1991.

25 Q. And in 1991, did you become a sworn deputy with

1 the Pasco County Sheriff's Office?

2 A. Yes.

3 Q. And during the time in the police academy, did  
4 you have some courses in -- that involved the collection  
5 of and preservation of securing evidence at the scene?

6 A. Yes, sir.

7 Q. Now, how long were you a -- worked as a -- I'll  
8 call it a road deputy, if you will?

9 A. I went from there to forensics after about ten  
10 years. I went from -- I stayed as a reserve up until 1996  
11 when I went into forensics.

12 Q. All right. So from 1991 to 1996, you were a  
13 uniformed deputy?

14 A. I became a reserve deputy, stayed in the  
15 communications center and then in 1996 went to forensics.

16 Q. In 1996, when you went to forensics, what  
17 schools did you go to in order to go to forensics at that  
18 time?

19 A. I started out with a basic eighty-hour crime  
20 scene given by FDLE, and then from there I did advanced  
21 and specialized courses since then.

22 Q. And since 1996 up until the time you retired,  
23 could you give us some of the courses that you took to  
24 make sure you were still current with the technique used  
25 to collect, preserve and process evidence found at the

1 scene?

2 A. I have attended several classes. A lot of them  
3 dealt with either photography, basic fingerprint  
4 techniques, fingerprinting done, some of the advanced  
5 courses, including homicide and shooting reconstruction.

6 Q. All right. From 1996 up until the time that you  
7 retired, were you constantly with the forensic unit?

8 A. Yes, sir.

9 Q. And you have testified at trials before?

10 A. Yes.

11 Q. Testified as a forensic investigator?

12 A. Yes, sir.

13 Q. Testified regarding the photography and the  
14 photographs that you've taken at previous scenes?

15 A. Yes, sir.

16 Q. Let me direct your attention to December 15th,  
17 2015. Were you employed with the Pasco Sheriff's Office  
18 as a forensic investigator at that time?

19 A. Yes.

20 Q. And were you asked to -- I'm looking for the  
21 pages -- and on that date were you asked to respond to  
22 Cobb Theater at 6333 Wesley Grove Boulevard in Wesley  
23 Chapel, Florida?

24 A. Yes, I was.

25 Q. And did you arrive there at approximately

1 midnight?

2 A. Yes, sir.

3 Q. Who did you meet with when you arrived there?

4 A. I met with Detective Proctor from Pasco  
5 Sheriff's Office.

6 Q. Okay.

7 A. There were several other people present.

8 Q. Was I also present?

9 A. Yes, sir.

10 Q. What were you asked to do after you arrived?

11 A. I was requested to take photographs inside the  
12 theater.

13 Q. And did you, in fact, do that?

14 A. Yes, sir, I did.

15 Q. And those photographs included the seating or  
16 chairs within the theater?

17 A. Yes, sir.

18 Q. Was that Theater 10 at the Cobb Theater?

19 A. Yes, sir.

20 Q. And did you, in fact, take some measurements at  
21 the theater which you documented with photographs?

22 A. Yes, sir.

23 Q. Let me show you what's been marked for  
24 identification as State's Exhibit G.

25 MR. MARTIN: May I approach the witness, Judge?



1 THE COURT: Uh-huh.

2 BY MR. MARTIN:

3 Q. I would ask if you'd look at those, please.

4 MR. MARTIN: Do you mind if I stand here, Judge?

5 THE COURT: No.

6 BY MR. MARTIN:

7 Q. Do you recognize those photographs?

8 A. I do.

9 Q. And on December 15th, 2015 did you, in fact,  
10 take those photographs?

11 A. Yes, I did.

12 Q. And the measurements that we see within those  
13 photographs, did you take those measurements?

14 A. Yes, I did.

15 Q. Let me refer you to specifically to photograph  
16 number 1 inside the theater in Theater 10 at the Cobb.

17 MR. ESCOBAR: I just want to make sure. Is  
18 there a number on that actual photograph?

19 MR. MARTIN: Yes, I put a number 1 on it.

20 MR. ESCOBAR: In the front?

21 MR. MARTIN: I put a number 1 on it.

22 MR. ESCOBAR: Okay.

23 BY MR. MARTIN:

24 Q. Let me show you photograph number 1 on State's  
25 Exhibit marked for ID G.

1           At the theater, are the seats -- I'll call it  
2 stadium -- so that there's a riser in between so as you go  
3 up, you take stairs and the chairs go up on an incline?

4           A.    Yes, sir.

5           Q.    Did you, in fact, take measurements of the  
6 height of the riser between the last row in Theater 10  
7 that butts up against the wall before the bistro and then  
8 the row down? We've been referring to that as row A and  
9 B.

10          A.    Yes, sir.

11          Q.    And what is the height of the riser?

12          A.    That was fourteen-and-a-half inches.

13          Q.    If you'll look at photograph number 2, did you,  
14 in fact, take a photograph of the measurements of the seat  
15 height from the floor to the top of the cushion?

16          A.    Yes, sir.

17          Q.    All right. What is that measurement?

18          A.    That's approximately 16 inches.

19               MR. MARTIN: Your Honor, at this time, I would  
20 move State's Exhibit G marked for identification into  
21 evidence as State's Exhibit No. 4.

22               THE COURT: Is it 4 or 3?

23               MR. MARTIN: I think it's 4, Judge.

24               MS. SUMNER: It should be 4, Judge.

25               THE COURT: Okay. It will be admitted.

1 (Whereupon, State's Exhibit 4 for  
2 identification was received in evidence by the  
3 Court.)

4 MR. MARTIN: Your Honor, I have marked as  
5 State's Exhibit for identification I. It's a pair of  
6 Nike Air Mark Size 12 shoes belonging to Chad Oulson,  
7 and pursuant to the stipulation I will move those  
8 into evidence now.

9 THE COURT: That will be admitted Number 5.

10 MR. MARTIN: Thank you.

11 (Whereupon, State's Exhibit 5 for  
12 identification was received in evidence by the  
13 Court.)

14 MR. MARTIN: May I go ahead and just begin to  
15 use them at this time, Judge?

16 THE COURT: You may.

17 BY MR. MARTIN:

18 Q. Let me show you State's Exhibit No. 5 --

19 MR. MARTIN: And, Madam Clerk, do you have a  
20 pair of scissors that we may borrow?

21 THE CLERK: Yes, sir.

22 MR. ESCOBAR: Judge, to say they've been  
23 admitted into evidence, can we have it stamped so we  
24 then have the admitted evidence number that we're  
25 referring to just so we keep the record clean?

1           MR. MARTIN: I believe I referred to it as,  
2           State's Exhibit 5 but --

3           MR. ESCOBAR: Sure. We can do that, Judge.

4           MR. MARTIN: If you'll go ahead and mark that  
5           and I'll wait.

6           Thank you, Madam Clerk.

7           May I approach the witness, Your Honor?

8           THE COURT: You may.

9           BY MR. MARTIN:

10          Q.    Ms. Weigand, let me show you State's Exhibit  
11          No. 5.

12                Now, I know you did not collect these, but  
13          pursuant to stipulation they've been moved into evidence,  
14          but you did do some work with them, right?

15          A.    Yes, sir.

16          Q.    And if you'd like to put on a pair of gloves  
17          because it's marked, "Biohazard," I'll give you a few  
18          minutes to do that and then I'll ask you to open the bag  
19          and identify the contents of the bag.

20                Go ahead.

21          A.    Thank you.

22                You want them both out?

23          Q.    Do you have the right one?

24                Ms. Weigand, do you recognize State's Exhibit  
25          No. 5?

1           A.     Yes, I do.

2           Q.     Let me direct your attention to May 26th of  
3 2016. Did you have an occasion to take State's Exhibit  
4 No. 5 out of evidence and conduct a measurement?

5           A.     Yes, sir, I did.

6           Q.     And what measurement was that that you  
7 conducted?

8           A.     The measurement was of the inside of the height  
9 of the shoe.

10          Q.     All right. And was that to determine the heel  
11 height, if you will, of the shoe?

12          A.     Yes, sir.

13          Q.     So you determined where the cushion was on the  
14 inside --

15                 MR. ESCOBAR: Your Honor, I'm going to object.  
16 He's been leading this whole time. I've given him a  
17 little leeway because I know he has to do some  
18 introductory, but it's leading.

19                 THE COURT: Sustained.

20                 MR. MARTIN: All right.

21 BY MR. MARTIN:

22          Q.     Did you determine the height -- let me do it  
23 this way. Would you agree with me or not that you  
24 determined the heel height by placing a ruler inside the  
25 cushion and another ruler down on the flat surface on the

1 outside?

2 MR. MICHAELS: Your Honor, I think that's agree  
3 to disagree, but --

4 MR. MARTIN: I did the best I could.

5 MS. SUMNER: It still calls for yes or no.

6 BY MR. MARTIN:

7 Q. Tell us how you do the measurements.

8 A. I took a ruler and placed it on the inside of  
9 the shoe, one on the outside and split the -- measured the  
10 distance -- difference between the two rulers.

11 Q. And did you, in fact, take a photograph of that  
12 process?

13 A. Yes, I did.

14 Q. Let me show you what's been marked as State's  
15 Exhibit for identification J?

16 MR. MARTIN: Approach the witness, Judge?

17 THE COURT: You may.

18 BY MR. MARTIN:

19 Q. Do you recognize State's Exhibit marked for  
20 identification J?

21 A. Yes, I do.

22 Q. And does that photograph fairly and accurately  
23 represent the depiction of the measurement -- of the  
24 taking of the measurement that you just described?

25 A. Yes, sir.

1 Q. And the method that you used?

2 A. Yes, sir.

3 Q. And once you looked -- once you employed that  
4 method, what was the heel height of State's Exhibit No. 5?

5 A. One-and-a-half inches.

6 MR. MARTIN: Your Honor, at this time I would  
7 move State's Exhibit No. J marked for identification  
8 into evidence as State's Exhibit No. 6.

9 MR. ESCOBAR: No objection.

10 THE COURT: All right. It will be admitted.

11 MR. MARTIN: All right.

12 (Whereupon, State's Exhibit 6 for  
13 identification was received in evidence by the  
14 Court.)

15 BY MS. SUMNER:

16 Q. Ms. Weigand, while I give this to the clerk,  
17 will you help me by putting those shoes back in the bag  
18 for me, please, ma'am?

19 A. (Witness complies.)

20 Q. Let me direct your attention to July 12th, 2016.  
21 On that date were you still employed as a forensic  
22 investigator with the Pasco Sheriff's Office?

23 A. Yes.

24 Q. Did you have an occasion to meet with Nicole  
25 Oulson in order to take a series of measurements?

1 A. Yes, I did.

2 Q. Where did that meeting take place?

3 A. At her residence.

4 Q. And did you, in fact, take a measurement on her  
5 heighth?

6 A. Yes, I did.

7 Q. Did you photograph the process?

8 A. Yes, I did.

9 MR. MARTIN: Approach the witness, Judge?

10 THE COURT: You may.

11 BY MR. MARTIN:

12 Q. Let me show you what's been marked for  
13 identification as State's Exhibit P and ask if you would  
14 look at the those two photographs, please.

15 Do you recognize both of those photographs?

16 A. Yes, I do.

17 Q. And is that the individual who identified  
18 herself to you as Nicole Oulson?

19 A. Yes.

20 Q. Had you previously taken some photographs of her  
21 injured hand after the shooting?

22 A. Yes, I did.

23 Q. So you knew who Nicole Oulson was?

24 A. Yes.

25 Q. Let me refer to photograph CE3A0150. What is



1     that photograph?

2           A.     That's an overall photograph of Ms. Oulsen  
3     standing against the wall with a tape measure behind her.

4           Q.     Shoes on or off?

5           A.     Off.

6           Q.     Let me show you photograph CE3A0151.   And what  
7     is that of?

8           A.     That's a closer view of the tape measure next to  
9     Ms. Oulson.

10          Q.     And did you, in fact, determine the height of  
11     Ms. Oulson without her shoes on?

12          A.     Yes, sir.

13          Q.     On that particular day?

14          A.     Yes, sir.

15          Q.     And what is her height?

16          A.     It's approximately 63 inches, which is five foot  
17     three inches.

18                 MR. MARTIN:   Your Honor, at this time, I would  
19     move State's Exhibit marked for identification P as  
20     into evidence as Number 7.

21                 THE COURT:   That will be admitted.

22                 (Whereupon, State's Exhibit 7 for  
23     identification was received in evidence by the  
24     Court.)

25                 MR. MARTIN:   Here you go, Madam Clerk.

1 BY MR. MARTIN:

2 Q. Let me --

3 MR. ESCOBAR: Your Honor, is that 6 or 7?

4 THE COURT: 7.

5 BY MR. MARTIN:

6 Q. Let me direct your attention now to August 28th,  
7 2000 -- I'm sorry. I'm going to start over.

8 Let me direct your attention now to August 24,  
9 2016. Were you, in fact, employed as a forensic  
10 investigator at that time?

11 A. I was retired, but I was still on the department  
12 as a reserve deputy.

13 Q. And as a reserve -- and that's as reserve sworn  
14 deputy; is it not?

15 A. Yes. Yes.

16 Q. And because you had done work in this case, did  
17 your department allow you to come back as a reserve deputy  
18 and perform some additional functions as a forensic  
19 investigator?

20 A. Yes, sir.

21 Q. So now, directing your attention to August 24th,  
22 2016, did you have an opportunity to meet with Detective  
23 Proctor and Mr. Reeves here at the State Attorney's Office  
24 on that particular day?

25 A. I met with Detective Smith and Mr. Reeves here

1 at the State Attorney's Office.

2 Q. All right. And did you, in fact, take a series  
3 of measurements of Mr. Reeves?

4 A. Yes, I did.

5 Q. If the individual that you know as Mr. Reeves is  
6 in the courtroom today, can you point him out?

7 A. Yes, he is.

8 Q. All right. Point him out.

9 A. He would be sitting next to Mr. Escobar, second  
10 from the center.

11 Q. Can you describe his tie?

12 A. He has on a blue tie, white shirt.

13 MR. ESCOBAR: We will stipulate she identified  
14 Mr. Reeves.

15 THE COURT: Thank you.

16 MR. MARTIN: All right.

17 Approach the witness, Your Honor?

18 THE COURT: Yes.

19 BY MR. MARTIN:

20 Q. Let me show you what's been marked for  
21 identification as State's Exhibit No. H for  
22 identification. It's a composite exhibit, photographs 1  
23 and 2.

24 If you would look at photograph 1 and then 2,  
25 and let me know if you recognize those.

1           A.     Yes, I do.

2           Q.     All right.  Is photograph 1 and photograph 2,  
3     are those the photographs that you took on August 24th,  
4     2016 of Mr. Reeves?

5           A.     Yes, they are.

6           Q.     The position that Mr. Reeves is in, is he  
7     standing or in a chair?

8           A.     He is sitting in a chair.

9           Q.     And the measurement is from where to where?  4?

10          A.     The measurement is from the seat chair up into  
11     the top of his head.

12          Q.     What's that measurement?

13          A.     That measurement is approximately 37 and an  
14     eighth inch.

15          Q.     All right.

16                 MR. MARTIN:  Your Honor, at this time, the State  
17     would move State's Exhibit marked for ID H into  
18     evidence as State's Exhibit 8.

19                 THE COURT:  Thank you.  They will be admitted.

20                 (Whereupon, State's Exhibit 8 for  
21     identification was received in evidence by the  
22     Court.)

23                 MR. MARTIN:  I have no further questions, Your  
24     Honor.

25

1 MR. ESCOBAR: Madam Clerk, can I have 4 through  
2 8?

3 CROSS-EXAMINATION

4 BY MR. ESCOBAR:

5 Q. Good afternoon again, Ms. Weigand. You and I  
6 have had an opportunity to meet before, correct?

7 A. Yes, sir.

8 Q. Okay. Ms. Weigand, where were you on  
9 January the 13th of 2014? Were you out there at the Cobb  
10 Theater?

11 A. No, I was not.

12 Q. Okay. Did you have other members of your group  
13 that were out there taking photographs?

14 A. There were other investigators at the theater,  
15 yes.

16 Q. Okay. And I would imagine that your department  
17 has access to the reports that are generated during a  
18 forensic investigation of a shooting incident. You've got  
19 that available at your office?

20 A. The records section does keep a copy of the  
21 reports.

22 Q. Okay. So that gives you an opportunity to go  
23 back and see what was done and what was not done, correct?

24 A. You can request a copy of the reports, yes.

25 Q. And be able to tell exactly who did what and

1     what they did and what they didn't do?

2             A.     You could read the reports.  Yes, sir.

3             Q.     Okay.  And many times you do just that; you  
4     actually, you know, go back and take a look and see what  
5     Cubin (phonetic) may have done, right?  Forensic  
6     Investigator Cubin, for example?

7             A.     It's a possibility.

8             Q.     So you were -- how were you contacted in order  
9     to do the work that you've just testified about here?  How  
10    were you contacted?

11            A.     Can you repeat the question, sir?

12            Q.     Yes.  Who contacted you?  I mean, obviously this  
13    was -- you know, we're talking about the first forensic  
14    exercise that you did here, and that was going over to the  
15    movie theater.  That was quite a long time, about a  
16    year-and-a-half after January the 13th of 2014, correct?

17            A.     Yes.

18            Q.     So did you look at those records to see what was  
19    done and what was not done?

20            A.     No, I did not.

21            Q.     Well, did you even know when you first were  
22    contacted as to why you all had to go back in the middle  
23    of the night?

24            A.     I was requested by Detective Proctor to respond.

25            Q.     Now, you would agree that in a shooting incident

1     you're really supposed to take all the measurements so  
2     that you have those measurements right then and there when  
3     the incident occurred, correct?

4           A.     I don't know which measurements were taken in  
5     the beginning. I was just requested to assist them on  
6     that night.

7           Q.     And you never bothered to take a look at your  
8     reports that were generated by your office to determine if  
9     the measurements that now you were going to be requested  
10    to perform had already been taken before?

11          A.     No, sir.

12          Q.     Is that correct?

13          A.     Correct.

14          Q.     You never even looked at any of those photos to  
15    see if, in fact, what you were seeing in 2015, was exactly  
16    what would have been there in 2014?

17          A.     I did not look at the photographs and I did not  
18    look at the reports.

19          Q.     Okay. Now, as part of your unit, you have some  
20    forensic tools, correct --

21          A.     Yes.

22          Q.     -- in order for you all to perform your job,  
23    right?

24          A.     Yes.

25          Q.     And some of those forensic tools are measuring

1 tools?

2 A. They're tape measures, yes.

3 Q. And they're actually forensic rulers, correct?

4 A. There are some forensic rulers, yes.

5 Q. In fact, those forensic rulers you buy from a  
6 forensic supplier?

7 A. I don't do the ordering, sir.

8 Q. But you've certainly seen the rulers and you've  
9 used them, right?

10 A. There are small rulers, yes.

11 Q. In fact, I want to show you -- I'm going to show  
12 you what's been marked as State's Exhibit No. 6.

13 MR. ESCOBAR: Can I approach, Your Honor?

14 THE COURT: You can.

15 BY MR. ESCOBAR:

16 Q. And what type of ruler were you using in your  
17 measurements of State's Exhibit No. 6?

18 A. That's a small ruler.

19 Q. Is that a forensics ruler?

20 A. I guess you can call it a forensics ruler.

21 Q. Well, is that a ruler that you were supplied by  
22 a forensic supplier?

23 A. I don't do the ordering. I don't know who  
24 manufactured it or where it was purchased from, but the  
25 forensic suppliers do have those for sale.



1 Q. Those that you see in that exhibit?

2 A. Yes, sir.

3 Q. Now, forensics are important in a shooting  
4 reconstruction, correct?

5 A. They're always important.

6 Q. And in forensics, when you're doing your  
7 evaluation and your measurements and what have you, you  
8 want to be precise, right?

9 A. As precise as possible.

10 Q. Because if you're not precise, it can throw  
11 things off, right?

12 A. You get as approximately precise as you can.

13 Q. What does that mean, approximately as precise as  
14 you can? What does that mean?

15 A. That means it's -- not everything is level, flat  
16 and always easy to take an exact measurement of.

17 Q. Okay. Oh, you're talking about the landscape.  
18 I'm talking about the instrument. Certainly the  
19 instrument, you want it to be precise?

20 A. As a standard tape measure? Is that what you  
21 are talking --

22 Q. No, I'm talking about the forensic one first,  
23 the forensic ruler you see in that exhibit. You want it  
24 to be precise. You want it to be accurate, correct?

25 A. I would assume so, yes.

1           Q.    Okay.  And so tell me what you do in your  
2 efforts to try to make sure that the tools that you are  
3 using are, in fact, accurate.

4           A.    Those are the tools supplied by the department.

5           Q.    So you don't do anything to determine whether  
6 the tools that you're using are going to be accurate?

7           A.    No, sir.

8           Q.    Now, your first exercise of going to the Cobb  
9 Theater took place -- your first exercise of going to the  
10 Cobb Theater took place on -- you're saying December the  
11 15th of 2015?

12          A.    Yes, sir.

13          Q.    Almost two years from the date of the incident?

14          A.    Yes, sir.

15          Q.    And you went equipped with a camera, right?

16          A.    Yes, sir.

17          Q.    And you went equipped with some tools, being  
18 measuring tools?

19          A.    Yes, sir.

20          Q.    What measuring tools did you go equipped with?

21          A.    Tape measures.

22          Q.    Are you talking about State's Exhibit No. 4?

23          A.    Yes, sir.

24          Q.    That yellow tape measure?

25          A.    Yes, sir.

1           Q.    Have you determined the accuracy of this tape  
2   measure?

3           A.    No, I did not do any calibrations or anything on  
4   that tape measure.

5           Q.    Do you know where it was purchased?

6           A.    No, I do not.

7           Q.    Do you know who the manufacturer is?

8           A.    No, I do not.

9           Q.    So you don't even know if this tape measure was  
10  manufactured in China?

11          A.    No, I do not.

12          Q.    Or Iraq?

13          A.    I do not.

14          Q.    And you never bothered to measure this tape  
15  measure against a standard that you had some confidence  
16  with, a forensic tool, forensic ruler?

17          A.    I did not do any calibration on the tape  
18  measure.

19          Q.    Do you know where this tape measure is at? At  
20  the very least, did you preserve it for this particular  
21  exercise and say, "Well, we're going to get that tape  
22  measure and we're going to put it in evidence because this  
23  is what was used"?

24          A.    That tape measure belonged to the forensics  
25  unit.

1           Q.    Well, my question is did you take that tape  
2   measure and place it into evidence as a tape measure that  
3   you used in the exercise?

4           A.    No, I did not.

5           Q.    Now, you indicated that now on July the 12th of  
6   2016 that you were contacted again for purposes of  
7   conducting some measurements?

8           A.    Yes, sir.

9           Q.    And who were you contacted by?

10          A.    Detective Smith.

11          Q.    Okay. Did he tell you what it was that he  
12   wanted you to do?

13          A.    I responded with him to take measurements of  
14   Ms. Oulson.

15          Q.    But my question is did he tell you beforehand  
16   what he wanted you to do?

17          A.    I would assume so.

18          Q.    Do you have any recollection of what that was?

19          A.    That he wanted measurements taken of Ms. Oulson.

20          Q.    So before you left your office -- obviously you  
21   were aware that your tasks that day was going to be to  
22   take measurements?

23          A.    Yes, sir.

24          Q.    Okay. And did you look back in your office to  
25   see if, in fact, those measurements had been previously

1 taken by anyone?

2 A. If those measurements were previously taken  
3 by --

4 Q. Yeah, your forensic unit of Ms. Oulson.

5 A. No, I did not.

6 Q. Why not?

7 A. Because I was requested to go with Detective  
8 Smith to do that.

9 Q. You had previously met Ms. Oulson; is that  
10 correct?

11 A. Yes.

12 Q. How many days after this incident had you met  
13 Ms. Oulson?

14 A. I had met Ms. Oulson the first time the day of  
15 the incident.

16 Q. The day of the incident?

17 A. Yes, sir.

18 Q. And you met her at the hospital?

19 A. Yes.

20 Q. And you had taken some photographs of her?

21 A. Yes.

22 Q. So you knew who she was?

23 A. Yes.

24 Q. Okay. Were you requested that day when you were  
25 taking photographs of her at the hospital to do any

1 measurements of her?

2 A. No, sir.

3 Q. Had they requested that, would you be able to do  
4 so?

5 A. I would assume so.

6 Q. So, now, where do you go to take these  
7 measurements that are shown in State's Exhibit No. 7?

8 A. Where did I go? I responded to her residence.

9 Q. To her residence. Okay.

10 A. Yes.

11 Q. And what tools did you take in an effort to do  
12 that?

13 A. The camera and the rulers.

14 Q. Well, what ruler did you take to this particular  
15 exercise that you were going to perform?

16 A. The one shown in the photograph.

17 Q. Do you know if the one that you took is one and  
18 the same that you took for State's Exhibit No. 4?

19 A. No, I do not.

20 Q. You have no idea whether they're one and the  
21 same?

22 A. No, I do not.

23 Q. So for State's Exhibit No. 7, likewise, you  
24 don't know who the manufacturer is?

25 A. No, sir.

1           Q.    You did absolutely no testing to determine its  
2 reliability?

3           A.    I did not do any calibration on the measuring  
4 tape.

5           Q.    As part of your career as a forensic  
6 investigator, have you done any research, anything to  
7 determine, you know, whether rulers that you buy, for  
8 example, from a Home Depot or a Lowe's, whether there's  
9 some deviation from the exact measurements that we rely  
10 on?

11          A.    No, I have not.

12          Q.    Did you place this particular ruler in evidence  
13 so that that could be tested later on by the Defense?

14          A.    No, sir.

15          Q.    Okay. And what were you doing here? Were you  
16 actually doing the measuring or were you actually doing  
17 the photographing?

18          A.    I was holding the camera, and Detective Smith  
19 was holding the measuring tape.

20          Q.    Okay. Is it important to hold the measuring  
21 tape straight, vertical, straight?

22          A.    The tape measure is vertical.

23          Q.    It's supposed to be completely straight. If you  
24 have a bent to it, that's not a good thing, right?

25          A.    I don't believe that it would make that much of

1 a deviation. If there's a little bit of a bend, you're  
2 trying to get a height on those photographs.

3 Q. No, I'm not saying that it's going to be  
4 significant to you. I'm just saying that you want to keep  
5 that straight, right?

6 A. As vertical as you can.

7 Q. Okay. And so you also want to make sure that it  
8 is flat up against the wall, the entire ruler, correct?

9 A. The ruler is against the wall.

10 Q. Don't worry about picture right now. I'm just  
11 going through your procedures.

12 You want to make sure that the ruler is up  
13 against the wall, correct?

14 A. If possible.

15 Q. And so you were taking the photo. Were you the  
16 one that was making the calculation of what the  
17 measurement was?

18 A. I was able to look back at the photograph and  
19 make the calculation, yes.

20 Q. And you indicated that you believed her  
21 measurement was what?

22 A. Approximately 63 inches.

23 Q. Approximately 63. Were you trying to get an  
24 exact measurement of her height here or not really?

25 A. As close as possible.



1 Q. As close as possible.

2 So I'm going to show you what's been marked as  
3 State's Exhibit No. 7.

4 MR. ESCOBAR: May I approach, Your Honor?

5 THE COURT: You may.

6 BY MR. ESCOBAR:

7 Q. Tell me -- Ms. Weigand, tell me exactly how you  
8 made a determination that Ms. Oulson weighed 63 inches.

9 THE COURT: Her height?

10 MR. ESCOBAR: I mean -- excuse me. Weight. I'm  
11 sorry. I used the wrong word. Height.

12 THE WITNESS: If you take it from -- we're about  
13 to top of her head, it's approximately 63 inches.

14 BY MR. ESCOBAR:

15 Q. So you're using the bottom of a green ruler?

16 A. The green ruler is just to kind of give you a  
17 reference. Her head goes approximately right over there  
18 to where the 63 inches is.

19 Q. Are you using the bottom of the green ruler or  
20 the top of the green ruler or somewhere in the middle?

21 A. The green ruler is just a reference from one to  
22 the other.

23 Q. Okay. So it allows your eye to look and see  
24 what number corresponds to it?

25 A. Yes.

1 Q. And that's what you did here?

2 A. Yes.

3 Q. And you estimated this particular photo to be 63  
4 inches?

5 A. Yes.

6 Q. Okay. From the floor to the top of her head?

7 A. Yes.

8 Q. Okay. And she did not have shoes on, correct?

9 A. No, sir.

10 Q. Okay. Were you given any shoes for her to  
11 measure?

12 A. That day?

13 Q. Yes.

14 A. Yes.

15 Q. Okay. And you did that process in what manner?

16 A. The shoes were just photographed.

17 Q. They were not measured?

18 A. No.

19 Q. Well, why would you measure the shoe here? We  
20 don't need to take it out. We know what it looked like,  
21 right?

22 A. Yes.

23 Q. Why would you measure the shoe here but not  
24 measure the inside of her shoe?

25 A. I was requested to measure those shoes.

1           Q.    The shoe that you photographed, was it a shoe  
2 with a heel?

3           A.    These or Ms. Oulson's?

4           Q.    Ms. Oulson's.

5           A.    Yes.

6           Q.    You then went to measure in State's Exhibit  
7 No. 8 Mr. Reeves; is that correct?

8           A.    Yes.

9           Q.    You did that here at the State Attorney's  
10 Office?

11          A.    Yes.

12          Q.    With Mr. Michaels present?

13          A.    Yes, sir.

14          Q.    Okay. Now, tell the Court, please, what tools  
15 you brought in order to make that measurement.

16          A.    Would you repeat the question? I'm sorry.

17          Q.    What tools did you bring in order to make those  
18 measurements?

19          A.    The camera and the tape measure.

20          Q.    And that was done now on August the 24th of  
21 2016?

22          A.    Yes, sir.

23          Q.    Do you know what tape measure you brought for  
24 this third calculation?

25          A.    No, I don't.

1           Q.    Do you know if it was the same tape measure as  
2   you did for Ms. Oulson and/or the same tape measure that  
3   you did for the Cobb Theater?

4           A.    I don't recall any of the same ones.

5           Q.    So your answers, I would imagine, would be the  
6   same for this tape measure; you have no idea who  
7   manufactured it, correct?

8           A.    Correct.

9           Q.    You've never tested it against any forensic  
10  ruler to determine the degree of accuracy?

11          A.    That's never been calibrated.

12          Q.    And you have no idea where it's at today?  You  
13  never even placed it in evidence?

14          A.    No, sir.

15          Q.    You would agree those tape measures, those  
16  yellow Home Depot tape measures are not terribly  
17  expensive?

18          A.    I didn't purchase them.  I don't know.

19          Q.    Okay.  And so let me show you what's been marked  
20  as State's Exhibit No. 8 and ask you to take a look at  
21  that exhibit as a composite exhibit of 1 and 2.

22                Now, naturally, as Mr. Reeves is old, if he's  
23  sitting in a hard chair there's curvature to his back,  
24  correct?  You see it on photo number -- it looks like  
25  number 1.

1           A.     His back is not straight.

2           Q.     Okay. And so how were you asked to perform the  
3 measurement with reference to the posture that you see  
4 there in that photo?

5           A.     Detective Smith held the tape measure up and I  
6 photographed them.

7           Q.     So Detective Smith was the one that kind of  
8 orchestrated that --

9           A.     Yes.

10          Q.     -- as to how Mr. Reeves was going to be seated  
11 in an effort for you to measure him?

12          A.     Yes.

13          Q.     And there was a forensic tool that you had there  
14 with you that day, as depicted in photo number 2, correct?

15          A.     There is L-scale ruler.

16          Q.     From a forensic company that you received from  
17 your supplier, right?

18          A.     I would assume so.

19          Q.     And did you, at that point in time, use that  
20 forensic ruler in order to determine whether your Home  
21 Depot or Lowe's ruler was accurate or to what degree it  
22 was off?

23          A.     No, I did not.

24          Q.     You did know that this was an accusation of a  
25 homicide case; did you not?

1           A.     Yes, sir.

2           MR. ESCOBAR:   I'll pass the witness.

3           THE COURT:   Redirect?

4           MR. MARTIN:   No.

5           THE COURT:   May this witness be released?

6           MR. MARTIN:   She may go back to her normal  
7           business, but she's still under subpoena.

8           THE COURT:   Okay.  If you need to get called  
9           back, I'm certain the caller will give you plenty of  
10          advanced notice and will give you time to get here  
11          and wrap up whatever you're in the middle of.

12          THE WITNESS:   Okay.

13          THE COURT:   Thank you.

14          THE WITNESS:   Thank you.

15          (Witness excused.)

16          THE COURT:   Who's next?

17          MR. MARTIN:   Miss Amber Hamidi, H-A-M-I-D-I.

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

19

20                                 DIRECT EXAMINATION

21          BY MR. MARTIN:

22                 Q.     Would you state your name for the record,  
23                 please, and spell your last name?

24                 A.     Amber Hamidi Camacho, H-A-M-I-D-I,  
25                 C-A-M-A-C-H-O.

1 Q. How are you employed, ma'am?

2 A. I work for the Pinellas County Sheriff's Office.

3 Q. And how long have you been so employed?

4 A. Since 2001.

5 Q. What duties do you perform for the Pinellas  
6 County Sheriff's Office?

7 A. I work for the forensic science division.

8 Q. Since 2001, have you been with the forensic  
9 science unit?

10 A. Since 2003.

11 Q. What did you do between 2001 and 2003?

12 A. I worked in jail property from 2001 to 2002, and  
13 then 2002 to 2003 I worked in the forensics imaging unit.

14 Q. And since 2003 up until today, you've been a  
15 forensic investigator?

16 A. That's correct.

17 Q. And explain to us or tell us the training that  
18 you received in order to carry out the duties to collect,  
19 preserve and process evidence found at a crime scene.

20 A. I've gotten -- I received my St. Pete College  
21 crime scene certificate. I have a bachelor's degree in  
22 criminology from USF, and I've also had several training  
23 classes.

24 Q. Did your training classes include the use of a  
25 Lecia, L-E-C-I-A, 3D scanner?

1           A.     That's correct.

2           Q.     Now, because what you're going to testify today  
3 only concerns that equipment, I'm not going to go through  
4 your other training, but you have since 2003 kept up with  
5 the -- your training in order to preserve, in order  
6 to perform --

7           MR. MICHAELS:  Objection.  Leading.

8           MR. MARTIN:  This is just laying a predicate,  
9 Judge.  Come on.

10          THE COURT:  All right.  I'll overrule that.

11 BY MR. MARTIN:

12          Q.     Have you kept up with your training so that you  
13 can collect, preserve and process evidence collected at a  
14 crime scene?

15          A.     Yes, I've had annual training.

16          Q.     Now, one of the ways that that can be done is  
17 through photography?

18          A.     That's correct.

19          Q.     When I mentioned the Lecia 3D scanner, is that  
20 in effect one way to capture a scene, through photography?

21          A.     Yes, it's one way.

22          Q.     Let's talk about that.

23                  The Lecia 3D scanner and the N-I-N-J-A, Ninja,  
24 Nodical Camera -- a lot of words there.

25          A.     Yes.



1           Q.    That is a piece of equipment that you've been  
2 trained to use?

3           A.    Yes, it is.

4           Q.    Explain to us what that is.

5           A.    The Lecia scanner, it's a measuring device.  
6 Basically it uses a laser to capture the crime scene with  
7 millions of coordinate points that we can later compile  
8 into a 3D model space, and after that we also use a camera  
9 that attaches to a tripod called a nodal that will overlay  
10 the realistic images to the scan.

11          Q.    The scanner itself you've been using since when?  
12 What year?

13          A.    I've been using it since 2012.

14          Q.    How long has the camera, that particular  
15 scanner, been utilized by the Pinellas County Sheriff's  
16 Office?

17          A.    We received it in 2010.

18          Q.    Do you know the model number of the scanner?

19          A.    SC10.

20          Q.    And do you know the model number -- or I'm  
21 sorry -- the make and model of the nodal, N-O-D-A-L,  
22 camera?

23          A.    The Nodal -- Ninja Nodal is actually a bracket  
24 that attaches to our camera. The camera is a Canon EOS  
25 Rebel.

1           Q.    That was going to be my next question.  What is  
2   a Ninja Nodal?

3           A.    That's a bracket that attaches to a camera that  
4   allows us to do a panoramic picture.

5           Q.    In order to use that equipment did you have to  
6   go through some specific training?

7           A.    Yes, I did.

8           Q.    What training was that?

9           A.    I received a three-day equipment use on the  
10   Lecia, and then a forty-hour Cyclone software programming.

11          Q.    And when did that take place?

12          A.    In 2014.

13                I'm sorry.  Correction.  I received training in  
14   2012.

15          Q.    Since 2012, how many times have you used that  
16   equipment to preserve a crime scene while you're working  
17   with the Pinellas County Sheriff's Office?

18          A.    I've scanned approximately thirty to forty crime  
19   scenes.

20          Q.    What kind of environments can a 3D scanner be  
21   used in?

22          A.    Any environment; outdoor, indoor, dark, light.  
23   It does not affect the scanner.

24          Q.    Explain to us how the 3D scanner works in  
25   conjunction or in concert with the Canon Rebel OES camera.

1           A.    A scan is completed with the Lecia scanner.  
2   Then after that is completed we place the camera on the  
3   same tripod that the scanner was placed and document six  
4   pictures and then a 360-degree view.

5           Q.    Does it take more than one scan to document an  
6   area?

7           A.    Yes.

8           Q.    Does the environment that you are in dictate how  
9   many scans it takes?

10          A.    Yes.

11          Q.    Once the scan is complete and the Camera 6  
12   pictures is complete, you mentioned some software that is  
13   used. Cyclone?

14          A.    Yes.

15          Q.    What is that?

16          A.    That's a proprietary software for Lecia.

17          Q.    Explain to us what that does.

18          A.    That allows us to compile the different scan  
19   stations of the scene into a 3D model space.

20          Q.    And have you received specific training using  
21   that software?

22          A.    Yes, I have.

23          Q.    And since 2012, how often have you used that  
24   software in order to compile the scan and the pictures?

25          A.    I've compiled at least thirty scans.

1 Q. When does the Pinellas County Sheriff's Office  
2 use that Lecia scanner? Under what circumstances?

3 A. Our protocol, it calls for all major crime  
4 scenes.

5 Q. Does the scanner have to be calibrated?

6 A. Yes, it does.

7 Q. How often is it calibrated?

8 A. It's annually calibrated.

9 Q. Does it have to be serviced? Is service and  
10 calibration the same thing?

11 A. That's correct.

12 Q. What is the process? Is it something that you  
13 do or do you send it off?

14 A. No, I do not do it. It's something that gets  
15 shipped back to Lecia and they do the calibration.

16 Q. I assume then it's then shipped back to you?

17 A. That's correct.

18 Q. When it is shipped back to you, do you get some  
19 sort of document documentation indicating that it has been  
20 calibrated?

21 A. Yes, we get a calibration certificate.

22 Q. Is that something that is kept on file?

23 A. Yes, it is.

24 Q. It is kept on file at the Pinellas County  
25 Sheriff's Office as pursuant to their normal business,

1     their being a law enforcement officer --

2             A.     Yes.

3             Q.     -- and forensic services, right?

4             A.     Yes.

5             Q.     And you keep those records there?

6             A.     Yes, we do.

7             Q.     All right. Did you know where to go get those?

8             A.     Yes.

9             Q.     All right. Did you, in fact, provide them to  
10    the State Attorney's Office for your testimony today?

11            A.     Yes, we did.

12            MR. MARTIN: Approach the witness, Your Honor?

13            THE COURT: You may.

14    BY MR. MARTIN:

15            Q.     Let me show you what's been marked for  
16    identification as State's Exhibit K, pages 1, 2 and 3. If  
17    you would look at each of those, please, and I'll give you  
18    just a moment.

19            Are you familiar with those documents?

20            A.     Yes, I am.

21            Q.     All right. And looking at document number 1,  
22    what is that?

23            A.     That's a calibration certificate from Lecia  
24    Geosystems.

25            Q.     And the date of the calibration?

1 A. 9/30/2015.

2 Q. Document number 2, what is that?

3 A. That's also a calibration certificate.

4 Q. Now, let me ask you this: Do you only have one  
5 3D scanner?

6 A. Yes, we do.

7 Q. All right. So these would be the only documents  
8 that you would have for that 3D scanner?

9 A. That's correct.

10 Q. So these documents are for the one, the only one  
11 that you have in your office?

12 A. Yes, it is.

13 Q. All right. Document number 2, what is that?

14 A. Document number 2 is also the Lecia calibration  
15 certificate dated 9/22/2016.

16 Q. All right. And number 3? What is that?

17 A. Calibration certificate.

18 Q. The date of the calibration?

19 A. 6/25/2014.

20 Q. May I have those back, please?

21 A. Yes.

22 MR. MARTIN: Your Honor, at this time I'm going  
23 to move State's Exhibit marked for identification K  
24 into evidence as State's Exhibit No. 9, I believe.

25 MR. MICHAELS: No objection.

1 THE COURT: It will be admitted.

2 (Whereupon, State's Exhibit 9 for  
3 identification was received in evidence by the  
4 Court.)

5 BY MR. MARTIN:

6 Q. Does the Lecia 3D scanner have a published error  
7 rate?

8 A. Yes, it does.

9 Q. What's the published error rate for the model  
10 C10 3D scanner?

11 MR. MICHAELS: Objection. Calls for hearsay.

12 MR. MARTIN: Judge, I'm laying predicate for a  
13 piece of scientific equipment. Now, we've just had  
14 twenty minutes of: Is the Home Depot ruler accurate  
15 or not? She knows about the error rate. She  
16 testifies because she uses it. Do I have to bring in  
17 the manual? Do I have to bring in the factory rep?  
18 No.

19 She knows what the error rate is. She's read  
20 the manual, just like she knows how to work the  
21 camera. Knowing how to work the camera is also  
22 hearsay.

23 MR. MICHAELS: But my other objection, Your  
24 Honor, is she's not been listed as an expert witness.  
25 If we're going to hear testimony regarding what

1           publications she's relied upon to give an opinion on  
2           the accuracy rate of this scientific instrument, as  
3           the prosecutor calls it, then I think that we should  
4           have been put on notice that she was going to be  
5           testifying as an expert in the field of 3D scanning  
6           and then, in particular, the field of 3D scanning as  
7           relates to the Lecia equipment.

8           MR. MARTIN: Judge, this is a technician who  
9           knows how to use the camera. She has to be aware of  
10          the error rate so that when she's documenting a  
11          particular environment, she can take that into  
12          consideration. That's all we're doing here.

13          Now, if you don't want me to do it, I'm going to  
14          move on.

15          THE COURT: I don't see that she has to be  
16          qualified as an expert to state something about the  
17          equipment that she uses, and just as the last witness  
18          was questioned extensively as to the equipment she  
19          uses, I'm going to overrule.

20 BY MR. MARTIN:

21          Q. Does the manufacturer have a published error  
22          rate for that camera?

23          A. Yes, the published error rate for the C10  
24          scanner is four millimeters in every fifty meters.

25          Q. Can you break that down in inches and feet? No?



1 A. No.

2 Q. Okay. Let's talk about this case.

3 Did you have an occasion to respond to the Cobb  
4 Theater at 6333 Wesley Grove Boulevard in Wesley Chapel,  
5 Pasco County, Florida, on December 15th, 2015?

6 A. Yes, I did.

7 Q. Who requested that you respond?

8 A. I was requested by my supervisors.

9 Q. What time did you arrive?

10 A. Approximately 1:00 a.m.

11 Q. What equipment did you bring with you?

12 A. The Lecia scanner.

13 Q. Who did you meet with?

14 A. Detective Proctor, Denise Weigand, and then I  
15 also had an assistant at that time, Attorney Martin.

16 Q. That's me?

17 A. Yes.

18 Q. All right.

19 A. And then I had my supervisors with me.

20 Q. Okay. The other members of your particular unit  
21 that were there, was that Tony Anderson?

22 A. That's correct.

23 Q. Stacy Wall?

24 A. Yes.

25 Q. Was Rebecca D'Jimas, D, hyphen, J-I-M-A-S?

1           A.     Yes.

2           Q.     Now, does it take more than one person to set up  
3 the Lecia scanner so that the equipment can do its job?

4           A.     Yes, it does.

5           Q.     Just generally, so we know how it's done,  
6 explain how a team of individuals uses the Lecia camera.  
7 How is it set up, positioned, so that the scan can take  
8 place? Go through the process for us.

9           A.     We first decide the placement of the scanner.  
10 Then once that's decided, we set up and level a Lecia  
11 tripod, then the scanner head is placed on top of the  
12 tripod, and initially a case number is set up that it  
13 will -- all the files will go under, and then we decide to  
14 hit the scan button after that.

15          Q.     Does the environment you are in dictate where  
16 you place the scanner?

17          A.     Yes, it can.

18          Q.     Now, on this particular case you're in a  
19 theater?

20          A.     Correct.

21          Q.     And what were you asked to do inside Theater 10?  
22 What were you asked to accomplish?

23          A.     To get a general overall of the theater and then  
24 also to document the last two rows before the bistro.

25          Q.     Did you, in fact, do that?

1           A.     Yes, we did.

2           Q.     Were you able to accomplish the scan of  
3 Theater 10, which is one scan or multiple scans?

4           A.     Multiple scans.

5           Q.     Why multiple scans?

6           A.     We wanted to get a general of the whole theater.

7           Q.     All right. And how many scans did you take?

8           A.     A total of 24.

9           Q.     The scans were completed and the process that  
10 you just explained to us --

11          A.     That's correct.

12          Q.     -- using the 3D scanner along with the Canon  
13 camera on top of the Ninja Nodal?

14          A.     That's correct. We would remove the scanner  
15 head, then place the camera.

16          Q.     Explain to us how the data from the scanner is  
17 retained by the equipment.

18                 MR. MICHAELS: Objection. Improper predicate.

19                 MR. MARTIN: Judge, what her knowledge is of the  
20 operation of that particular piece of equipment, we  
21 haven't heard it. We know she knows how to use it.  
22 We know she knows how to press the button and set it  
23 up, but we don't know --

24                 THE COURT: Sustained to the extent that she  
25 knows.

1 BY MR. MARTIN:

2 Q. Once the scan is complete, do you know how to  
3 extract the raw data from the scanner?

4 A. Yes, we plug in a thumb drive and transfer the  
5 data.

6 Q. How about the pictures? Do you know how to do  
7 that?

8 A. Yes, we do.

9 Q. Were you trained on how to do that?

10 A. Yes.

11 Q. How do you do that?

12 A. We have an SD card that's inside the camera  
13 that's removed. That contains the images.

14 Q. Once you have the thumb drive that has the scans  
15 and the SD card that has the photographs, you mentioned  
16 there's some Cyclone Software. How do you utilize those  
17 two pieces of data with the Cyclone Software?

18 A. Well, we use the scanned data collected at the  
19 scene, and there's some software that goes along with it  
20 that we need to compile all of the scanned stations  
21 together.

22 Once we compile the scan stations, we can  
23 overlay the images to get a more realistic view of the  
24 scene.

25 Q. Is that using the Cyclone software?

1           A.     That is correct.

2           Q.     Explain to us what a model space is.  You've  
3     used that term a couple of times.  What is that?

4           A.     That's just the 24 scans compiled together that  
5     will give you a 360 view of the scene.

6           Q.     We're going to use the term "snapshot" here in a  
7     minute.

8                     In regard to the 3D scanner, once the model is  
9     placed, has been compiled, what is a snapshot?

10          A.     A snapshot is basically in layman's term a  
11     screen shot of the model space.  It it's a JPEG image that  
12     we created from the model space.

13          Q.     All right.  Now, on December 15th, 2015 did you,  
14     in fact, complete the scan of Theater 10 and get an  
15     overall view of the theater?

16          A.     Yes, we did scan Theater 10.

17          Q.     And did you also scan the last two rows we've  
18     been referring to as A and B, the last two rows before the  
19     cinema bistro?  Did you specifically scan that area?

20          A.     Yes, I did.

21          Q.     Once you had compiled all the data, did you then  
22     create a model space as we discussed?

23          A.     Yes, I did.

24          Q.     And was that done back at your office?

25          A.     That's correct.

1           Q.    When you went back to the office in order to  
2 compile the data, were all the photographs taken by the  
3 camera available to you?

4           A.    Yes, they were.

5           Q.    Did you have any problems with the photographs?

6           A.    No, I did not.

7           Q.    Did you have any problems with the scans?

8           A.    No, I did not.

9           Q.    Through the use of the Cyclone Software then,  
10 were you able to compile that raw data and complete the  
11 model space?

12          A.    Yes, I was.

13          Q.    Now, the Cyclone Software, is that proprietary  
14 software?

15          A.    That is 3.

16          Q.    You get one license?

17          A.    That's correct.

18          Q.    Can you move it from computer to computer?

19          A.    You can borrow, yes.

20          Q.    You can borrow?

21          A.    Yes.

22          Q.    Let me show you what's been marked for  
23 identification as State's Exhibit L. It is a series of  
24 six scans starting with scan 3 and ask if you'd look at  
25 those.

1                   Do you recognize State's Exhibit marked for ID  
2   L?

3           A.    Yes, I do.

4           Q.    Do you recognize those six scans identified as  
5   scan 3 through 8?

6           A.    Yes, I do.

7           Q.    And do those scans represent the 3D modeling  
8   that you compiled using the Cyclone software from the  
9   scans of Theater 10 at the Cobb Theater --

10          A.    Yes.

11          Q.    -- on December 15, 2015?

12          A.    That's correct.

13          Q.    Now, in those photographs there's some  
14   additional information, correct?

15          A.    Correct.

16          Q.    You had nothing to do with that at all?

17          A.    No, I did not.

18          Q.    The only thing that did you was complete the  
19   scan?

20          A.    That's correct.

21          Q.    Is an individual who has been trained with the  
22   Cyclone, can they go back and review your work and  
23   actually use your work to accomplish different tasks?

24          A.    Yes.

25          Q.    Such as putting measurements inside the model

1 space?

2 A. Yes.

3 Q. But in this case you did not do that?

4 A. I did not take those measurements.

5 Q. You're only responsible for the scan itself?

6 A. Right.

7 MR. MARTIN: Your Honor, I'm going to have  
8 another witness. I'm not moving them in at this  
9 time.

10 THE COURT: Okay.

11 BY MR. MARTIN:

12 Q. The scans 3 through 8 that I showed you, do they  
13 fairly and accurately represent a snapshot that was  
14 created or taken from the model space of the scan of  
15 Theater 10 at Cobb Theater?

16 A. Yes, they do.

17 Q. All right. And you've seen these before coming  
18 into Court today?

19 A. Yes, I have.

20 Q. Numerous times?

21 A. Yes, I have.

22 Q. Okay.

23 MR. MARTIN: No further questions at this time,  
24 Judge.

25 THE COURT: Thank you.



1 Any cross?

2 MR. MICHAELS: Thank you, Judge.

3 CROSS-EXAMINATION

4 BY MR. MICHAELS:

5 Q. I don't know whether to say good morning or good  
6 afternoon.

7 Good morning, Ms. Hamidi Camacho.

8 A. Good morning.

9 Q. Now, I know you have a bachelor's disagree from  
10 the University of south Florida?

11 A. Correct.

12 Q. And you also have a St. Pete College in crime  
13 scene, I think they call it?

14 A. Yes.

15 Q. Now, we can agree that you don't have any  
16 certification from Lecia on operation of the 3D scanning  
17 system that you use, correct?

18 A. Correct.

19 Q. What you have is you have training that was done  
20 actually in house?

21 A. That's correct.

22 Q. And that training was provided by an individual  
23 who is also with the Pinellas County Sheriff's Office,  
24 right?

25 A. That's correct.

1 Q. That individual's since retired?

2 A. Yes.

3 Q. And we can agree that you don't know whether  
4 that individual received his training from Lecia or not,  
5 right?

6 A. I am unaware, yes.

7 Q. In fact, you don't even know if Lecia offers  
8 certification?

9 A. I don't know if they offer certification, but I  
10 do know Bob was -- Bob Detweiler was trained by Lecia.

11 Q. But in terms of whether or not his training to  
12 you was exactly the training that he received, you have no  
13 way of knowing that?

14 A. No, I do not.

15 Q. Now, in terms of the training, we can agree that  
16 although you've used this equipment several times, you  
17 testified up to thirty times, correct?

18 A. I have not testified. I've been deposed on the  
19 Lecia.

20 Q. Right. That was my question.

21 A. Oh.

22 Q. You've used it thirty times?

23 A. Correct.

24 Q. You've anticipated my question, but you've never  
25 testified regarding Lecia equipment prior to today?

1           A.     That's correct.

2           Q.     Now, you talked a little bit about the accuracy  
3 rate?

4           A.     Yes.

5           Q.     What was the terminology that you used?

6           A.     The Lecia published accuracy rate, it is an  
7 error rate.

8           Q.     In terms of that error rate, have you tested  
9 this particular equipment yourself in any manner to be  
10 able to tell the Court today that this equipment that you  
11 used on -- in September -- in December actually fell  
12 within that accepted published range?

13          A.     I have not personally tested the error rate.

14          Q.     In fact, all you have to go by is the  
15 calibration which was done in September?

16          A.     That's correct.

17          Q.     In terms of any kind of e-mail regarding any  
18 kind of difficulties with the Lecia 3D, are you aware of  
19 any or would you even have access to that?

20          A.     I'm not aware of any problems with the Lecia.

21          Q.     Well, have you looked at any e-mail between your  
22 agency and Lecia regarding that particular equipment?

23          A.     No, I have not.

24          Q.     What about any invoices? For instance, for the  
25 calibration, usually invoices will say: Well, we had to

1 replace this piece, this needed a little tuneup. Did you  
2 look at any invoices to be able to tell the Court what was  
3 done when you sent that equipment back for servicing in  
4 September?

5 A. No, I have not.

6 Q. Do you know what was done since September in  
7 terms of, again, tuning it up and recalibrating it, et  
8 cetera?

9 A. No, I do not.

10 Q. Do you know the margin of error or accuracy rate  
11 that was tested by Lecia when you got the certification in  
12 September that is in evidence, the -- not certification,  
13 but the calibration certificate, the certificate?

14 A. No, I don't.

15 Q. Okay. And certainly on the day that you used  
16 this equipment in the Cobb Theater you can't testify to  
17 the Court with any degree of scientific certainty what the  
18 accuracy rate of that equipment was on that day, correct?

19 A. I cannot.

20 Q. Now, let's talk a little bit about what you did  
21 that day.

22 That day you -- day you went to the theater and  
23 the three other individuals that you described, D'Jimas --  
24 help me out -- the other two --

25 A. Anderson and Wall.

1 Q. And Wall. Those were your supervisors?

2 A. That's correct.

3 Q. So out of the four, you're the only  
4 non-supervisor?

5 A. That's correct.

6 Q. And you ran the actual mechanism?

7 A. I did.

8 Q. Now, in this case the way it works, if I  
9 understand you correctly, first the laser head is set up  
10 kind of on a tripod?

11 A. Correct.

12 Q. And you choose different areas around the  
13 theater so that you can capture the whole theater; do I  
14 understand that right?

15 A. Correct.

16 Q. After the laser head goes on, then you put the  
17 camera on to photograph the area?

18 A. Correct.

19 Q. And you do it in a 360?

20 A. Yes.

21 Q. Now, in this case you actually on Station 1,  
22 which is those two back rows -- is that correct?

23 A. Correct.

24 Q. -- there was an error in the first use of the  
25 equipment in that you actually captured some equipment

1     that you left in the path of the camera, right?

2           A.     That wasn't necessarily an error.  I just  
3     decided to rescan Station 1.

4           Q.     So Station 1 was rescanned?

5           A.     Correct, but it's still there.

6           Q.     All right.  And so -- and you said you did 24  
7     scans?

8           A.     Correct.

9           Q.     And if you do 24 scans, my understanding of the  
10    way it works is 360 degrees --

11          A.     Correct.

12          Q.     -- and each snapshot is 60 degrees?

13          A.     Correct.

14          Q.     And that's how the six times six, six times six  
15    is 360.

16          A.     Correct.

17          Q.     So, therefore, we should have -- if you did 24  
18    scans, we should have 144; is that right?

19          A.     I believe so.

20          Q.     Okay -- but in this case really we only had 137?

21          A.     Correct.

22          Q.     So we don't have all the photographs that we  
23    should have if this equipment was used properly, right?

24          A.     I can explain.

25          Q.     Okay, but first you can answer my question and

1     then I will give you an opportunity to explain.

2             If the equipment was used flawlessly and if  
3     scientific instrument was used the way it was intended to  
4     be used, we would have six photographs for each station,  
5     for each scan?

6             A.     The photographs, yes, but the scanner was used  
7     flawlessly.

8             Q.     Okay. And in terms of that, you can say that  
9     because you've done some sort of diagnostic testing on  
10    that scanner to make that determination, or is it one of  
11    those things where the scanner tells you: I'm doing  
12    everything all right, kind of a self-diagnostic thing?

13            A.     Correct. It has an internal calibration.

14            Q.     But in terms of you actually hooking the machine  
15    up to some sort of instrument that you may have at the  
16    Pinellas County Sheriff's Office, you haven't done that?

17            A.     I don't do the calibration.

18            Q.     So we can agree that you're attesting that the  
19    laser acts flawlessly essentially because the laser told  
20    you: "I did what I was supposed to do"?

21            A.     That's correct.

22            Q.     Like one of those "Check engine" lights in your  
23    car?

24            A.     Correct, no error.

25            Q.     Okay. But in terms of you being able to tell

1 the Court with any disagree of scientific certainty,  
2 certainly you can't do that. You depend on what the  
3 machine is telling you?

4 A. Yeah.

5 Q. You've certainly never been qualified as an  
6 expert in the field of 3D scanning?

7 A. No, I have not.

8 Q. Or an expert in the use of this particular  
9 scientific instrument?

10 A. No, I have not.

11 Q. In terms of the software, kind of the same  
12 question: Essentially you know that the software works,  
13 but in terms of algorithmically or some of the technical  
14 aspects of the formulas used to empower that software, you  
15 don't know -- you can't testify as to that; is that fair  
16 to say?

17 A. No, I cannot.

18 Q. You simply know how to use it when it's loaded  
19 into whatever form, your computer?

20 A. That's correct.

21 Q. Now, the fact there were 137 images instead of  
22 144, we can agree you don't know how that happened?

23 A. I do know how that happened.

24 Q. Okay. And how did that happen?

25 A. Scan Station 1, the one that I rescanned, we did



1 not collect photographs on the first scan; therefore, they  
2 wouldn't have the six photographs in scan Station 1.

3 Scan Station 15 only has five photographs.

4 Q. Okay. Instead of six?

5 A. Instead of six.

6 Q. But in terms of how that happened, that was just  
7 human error?

8 A. That was a miscount, but the photographs don't  
9 affect the scan data. It just gives a realistic view.

10 Q. And I appreciate you saying that, but what  
11 training and background do you have to be able to give the  
12 opinion as to whether or not that affects the overall  
13 product? Are you just going by eyeball? It looks all  
14 right?

15 A. No, I -- they're scanned colors that initially  
16 come up that we can collect measurable points from. The  
17 colors are the -- sorry -- the photographs, the colored  
18 photographs, we are just overlaying to that scanned data  
19 that's already there. It has no bearing on the actual  
20 measurements at all.

21 Q. And, again, when you say overlaying it, it makes  
22 me think that you're eyeballing it, you're not doing some  
23 sort of calculation within the software or the program  
24 itself; is that fair to say?

25 A. We are cubing the images into PT Suey (phonetic)

1     that's a software program that creates the 360 panoramic  
2     that we can overlay onto the scanned data.

3           Q.     Again, when you overlay it, you're looking at  
4     it --

5           A.     No.

6           Q.     -- to see if it matches?

7           A.     No, no, we're not looking at it to see if it  
8     matches. We can collect and compare points within the  
9     scan and the photographs to overlay the exact area.

10          Q.     Okay. When you say compare points, you're  
11     talking about looking at it?

12          A.     Yeah, I would have to compare the scanned data  
13     with the pictures.

14          Q.     Okay.

15                 MR. MICHAELS: Could I have a moment, Judge?

16                 THE COURT: You may.

17                 MR. MICHAELS: I don't have anything further,  
18     Judge.

19                 Mr. Shah reminded me to renew the objection I  
20     had concerning the testimony of Ms. Hamidi-Camacho.

21                 THE COURT: Okay. Thank you. So noted. Same  
22     ruling.

23                 Any redirect?

24                 MR. MARTIN: No, Your Honor.

25                 THE COURT: May this witness be released?

1           MR. MARTIN: She needs to remain under subpoena,  
2           and she can go about her professional and personal  
3           business.

4           THE COURT: You are still under subpoena, but  
5           there's some remote possibility you could get  
6           recalled, and I'm sure you'd get plenty of advance  
7           notice.

8           THE WITNESS: All right.

9           THE COURT: Thank you.

10          MR. MICHAELS: Thank you.

11          THE COURT: You're free to go.

12          (Witness excused.)

13          THE COURT: All right. It's 11:55. Do you want  
14          to break for lunch?

15          MR. MARTIN: Judge, I would ask that -- let me  
16          put on one more witness and then we can tie up, and  
17          then we can start with the paramedic and medical  
18          examiner and another civilian witness after lunch.

19          If I can get the Pinellas County Sheriff's  
20          Office people back home, I'd appreciate it.

21          THE COURT: All right. The last two have been  
22          fairly short. Is this one anticipated to be similar?

23          MR. MARTIN: By my standard.

24          THE COURT: Very good.

25          Go ahead and call your next witness.

1 MR. MARTIN: State calls Miss Stacy Wall.

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

3 DIRECT EXAMINATION

4 BY MR. MARTIN:

5 Q. State your name for the record and spell your  
6 last name for the court reporter.

7 A. My name is Stacy Wall, W-A-L-L.

8 Q. How are you employed, ma'am?

9 A. I'm employed as an assistant forensic science  
10 supervisor with the Pinellas County Sheriff's Office.

11 Q. How long have you been with the Pinellas County  
12 Sheriff's Office?

13 A. A little over fourteen years.

14 Q. Let me talk to you a little bit about your  
15 duties with the Sheriff's Office. Specifically what unit  
16 are you in?

17 A. I am in the forensic science division.

18 Q. How long have you been an assistant supervisor?

19 A. A little over three years.

20 Q. Prior to that, what duties did you perform?

21 A. I was the forensic science specialist, and my  
22 duties were to document, identify, collect and preserve  
23 all matters of evidence related to crime scenes.

24 Q. Would you explain to us what training you have  
25 received to begin your career as a forensic investigator

1 with the Pinellas County Sheriff's Office?

2 A. I have an associate's in science degree in crime  
3 scene technology in addition to hundreds of hours of  
4 additional training in crime scene processing, forensic  
5 photography, homicide investigations, shooting  
6 reconstructions and three-dimensional reconstructions.

7 Q. All right. And how long have you been an  
8 assistant supervisor?

9 A. Over three years.

10 Q. As an assistant supervisor, what are your  
11 duties?

12 A. My duties encompass all of those that I just  
13 mentioned in addition to managing a team of forensic  
14 science specialists and coordinating team activity to  
15 effectively process crime scenes.

16 Q. Let me direct your attention to this particular  
17 case.

18 Did you receive a request from your agency to  
19 assist the Pasco Sheriff's Office with their investigation  
20 of the shooting that took place on January 13, 2014 at the  
21 Cobb Theater on Wesley Chapel Boulevard?

22 A. Yes.

23 Q. Did you, in fact, respond to the Cobb Theater  
24 located at 6333 Wesley Grove Boulevard, Wesley Chapel,  
25 Pasco County, Florida, on December 15, 2015 at your

1 agency's request?

2 A. Yes.

3 Q. Approximately what time did you arrive?

4 A. A little bit before midnight on the 14th.

5 Q. How long were you there?

6 A. Over seven hours, approximately.

7 Q. Were any other members of the Pinellas County  
8 Sheriff's Office there?

9 A. Yes, there were.

10 Q. Who?

11 A. We had Assistant Forensic Science Supervisor  
12 D'Jimas, Forensic Science Specialist Hamidi, Forensic  
13 Science Supervisor Anderson.

14 Q. Was there a representative from the Pasco  
15 forensic investigative unit there?

16 A. Yes.

17 Q. And who was that?

18 A. Forensic Investigator Weigand.

19 Q. Was there a detective there from the Pasco  
20 County Sheriff's Office?

21 A. Yes, Detective Proctor.

22 Q. All right. Was I there?

23 A. Yes.

24 Q. What equipment did you bring to the Cobb Theater  
25 on that day?

1           A.    We brought all of our equipment associated with  
2   our Lecia 3D scanner.

3           Q.    Okay.  Now, we've had some testimony right  
4   before you regarding the equipment.  That would be the  
5   scanner C10?

6           A.    That is correct.

7           Q.    And there's a Canon camera associated with the  
8   equipment?

9           A.    That is correct.

10          Q.    There's something called a Ninja Nodal.  That's  
11   a bracket that you attach from the camera to the scanner?

12          A.    That is correct.

13          Q.    What training have you received in order to use  
14   that equipment?

15          A.    I received training initially, formal training  
16   in 2012 to encompass both utilization of the equipment and  
17   the accompanying Cyclone Software.

18          Q.    Who did you receive that training from?

19          A.    Bob Dettweiler.

20          Q.    Who is Bob Dettweiler?

21          A.    He's a retired member of the forensic science  
22   division.

23          Q.    And why did he give you the training?

24          A.    He was initially trained by Lecia in these  
25   tasks, and he carried on that training performance within

1     our division.

2           Q.     Other than you -- well, did he train anybody  
3     else in your division?

4           A.     Yes, he trained multiple members.

5           Q.     Was that one of his responsibilities?

6           A.     Yes.

7           Q.     Do you know whether or not the corporation,  
8     Lecia, offered a certification to people that have been  
9     trained?

10          A.     I do not know that.

11          Q.     The equipment that you used -- I'm sorry -- that  
12     you were trained on, what kind of training did you  
13     receive? What did it encompass?

14          A.     It encompassed approximately 32 hours of formal  
15     training and equipment use and approximately 50 hours of  
16     formal training within the software.

17          Q.     As far as the equipment use, explain to us the  
18     training you received.

19          A.     I'm not --

20          Q.     Were you able to practice with it? Did you do  
21     mock scans? What did you do?

22          A.     Yes, we did do two mock scans of our forensic  
23     science building to encompass interior and exterior  
24     scannings, and we practiced on vehicles as well.

25          Q.     As far as the software, how were you trained to



1 use the software? Tell us the process.

2 A. We were initially trained by putting the scans  
3 together that we obtained from our building in the  
4 training of the equipment in addition to some practice  
5 training with some closed cases that were done prior to  
6 that.

7 Q. Within your office, is there a manual for that  
8 equipment?

9 A. Yes, there is.

10 Q. For both the equipment and the software?

11 A. Yes.

12 Q. Have you had an occasion to use that?

13 A. Yes.

14 Q. Is that manual something that is updated  
15 periodically or never? What?

16 A. The original manuals we received from Lecia, so  
17 there are official Lecia manuals. In addition to our  
18 creation, myself and Bob Dettweiler, mainly Bob  
19 Dettweiler, created step-by-step PowerPoint to kind of  
20 make it a little bit more user friendly for anyone.

21 Q. And you assisted in that?

22 A. No. I've been responsible for updating that,  
23 but Bob Dettweiler was the initial author of all of that  
24 information.

25 Q. What do you do to update it?

1           A.    If we update any software or if a step is not  
2 clear to any member, I try to add additional screen shots  
3 and step-by-step actions within the PowerPoint for them.

4           Q.    We've had testimony regarding how the equipment  
5 is set up, how the scan takes place, how the equipment is  
6 calibrated. We've had testimony about the Cyclone  
7 Software and how it creates a model space and how you can  
8 take a snapshot of those model spaces, and you can create  
9 a 360-degree true view, if you will, of the equipment?

10          A.    Uh-huh.

11          Q.    I mean through the software. Okay?

12          A.    Okay.

13          Q.    Now, in this particular case, after the scan  
14 took place, did you have an occasion to go back and review  
15 the model space that was created by Ms. Hamidi using the  
16 scan and the camera photos taken on December 15th, 2015 at  
17 the Cobb Theater?

18          A.    Yes.

19          Q.    Did you, in fact, work with the model space that  
20 Ms. Hamidi compiled?

21          A.    Yes.

22          Q.    In working with that model space where you used  
23 to populate the model space with certain -- or not  
24 certain -- but with specific measurements?

25          A.    Yes.

1           Q.    Before we get into specifically what you did,  
2 explain to us how the Cyclone Software allows you to  
3 determine measurements from the scanned data that was  
4 received from the Cobb Theater. How does the software  
5 allow you to do that?

6           A.    The 3D reconstruction in itself is not a  
7 photograph, but it's a compilation of millions of  
8 different measurements. So if you zoom in really close,  
9 it's almost like pixelizations of a photo, but those are  
10 points of measurements instead of pixelizations.

11                So anywhere within that model space you can  
12 could pick any two points and then go to a tool up in the  
13 tool bar and request a measurement, and an algorithm is  
14 written such that it will give you that measurement from  
15 whichever two points you had picked.

16           Q.    Okay. Is that the process that you used in this  
17 particular case to determine specific measurements within  
18 that 3D model?

19           A.    That is one process.

20           Q.    All right. Explain to us another process that  
21 you used.

22           A.    Another process is if you are not -- if you  
23 are -- if you're given a measurement and you're putting it  
24 into the model space, what you're going to do is pick a  
25 couple points within that model space and from those

1 points you're going to create a line segment, and from  
2 that line segment then you can go into the properties and  
3 determine the measurement that you are given and you want  
4 to depict within that model space.

5 Q. Okay. And were you provided measurements in  
6 this particular case?

7 A. Yes, I was.

8 Q. Were you provided measurements from the  
9 deposition of Michael Knox?

10 A. Yes, I was.

11 Q. Did you have an occasion to review the autopsy  
12 report of Dr. Thogmartin of Chad Oulson as far as  
13 measurements of Mr. Oulson?

14 A. Yes.

15 Q. And did you review measurements taken by  
16 Ms. Weigand of the seats and risers at the theater?

17 A. Yes.

18 Q. And did you have an occasion to look at and  
19 review the measurements of Mr. Reeves taken by  
20 Ms. Weigand?

21 A. Yes.

22 Q. And using those measurements did you, in fact --  
23 and also did you have an occasion to review the  
24 measurements of -- by Ms. Weigand of the shoes that  
25 Mr. Oulson was wearing at the time?

1           A.    Yes.

2           Q.    Did you use a combination of all of those  
3 measurements in order to populate and make demonstrative  
4 aids that we're going to talk about now?

5           A.    Yes.

6           Q.    All right.  Let me show you what's been marked  
7 for identification as State's Exhibit No. L for  
8 identification, a series of scans, six, scans 3 through 8.

9                   I would ask if you recognize those.

10          A.    Yes, I recognize these.

11          Q.    Now, scan 3 through 6 model space that we see in  
12 those scans, is that what's referred to as a snapshot?

13          A.    Yes, it is.

14          Q.    All right.  Now, when you're working with these  
15 measurements, are you working within the 3D model space?

16          A.    Yes.

17          Q.    You can spin it around?

18          A.    Yes.

19          Q.    Turn it upside down if you have to?

20          A.    Yes.

21          Q.    Whatever you need to find either the point or to  
22 get a measurement populated within the 3D model space?

23          A.    That's correct.

24          Q.    You mentioned to us that you're able to zoom it  
25 almost to -- you can look at every -- that's not pixels

1 but points?

2 A. Correct.

3 Q. -- within that model space?

4 A. Correct.

5 Q. Now, regarding scan number 3 --

6 MR. MARTIN: Do you mind if I stand here, Judge?

7 THE COURT: No.

8 BY MR. MARTIN:

9 Q. Regarding scan number 3, the measurement that  
10 you populated and scan number 3, what is the source of the  
11 information that you used to make the demonstrative aid  
12 that we see in scan number 3?

13 A. Scan number 3 depicts a line segment of 61  
14 inches that was made, wound height, and that information  
15 was obtained from a combination of the autopsy reports  
16 where the decedent's height is 76 inches and the wound  
17 height is 16.5 below that, and I also added the 1.5 inches  
18 from the sole height from the shoes that he was wearing  
19 that night.

20 Q. Now, once you've populated that, what is  
21 referred to as the wound height, are you able to then  
22 reference within the 3D model space where that would be in  
23 any given area?

24 A. Yes, you can place that line segment, and then  
25 you can still continue to move the model space around to

1 view it from this angle within that three-dimensional  
2 space.

3 Q. Now, in this particular case did you, for  
4 demonstrative purposes, indicate where 61 inches, which  
5 would be the wound height that Mr. Oulson is, you know,  
6 standing straight up --

7 A. Correct.

8 Q. That's what we use, just a vertical line?

9 A. Correct.

10 Q. -- where that would be in relation to the back  
11 wall behind this row of seats we've been referring to as  
12 row A?

13 A. Yes.

14 Q. All right. Now, when we talk about scan  
15 number 3, we know that there is a -- the seats are stadium  
16 steps so there's a riser there, right?

17 A. Correct.

18 Q. And you know the height of that riser?

19 A. Correct.

20 Q. So when you place the line segment representing  
21 the wound height that was placed on the floor, if you  
22 will, where Mr. Oulson's seat would have been --

23 A. That is correct.

24 Q. -- and then you can reference that by a straight  
25 line to the wall that was behind Mr. Reeves' seat?

1 A. That's correct.

2 Q. Is that what you did with scan number 3?

3 A. Yes.

4 Q. Scan number 4 seems kind of similar to scan  
5 number 3. Is it?

6 A. It is.

7 Q. Did you use any other source of measurements  
8 other than what you've explained to us in scan number 3?

9 A. The only other measurement in these particular  
10 demonstratives is the height from that parallel line to  
11 the back wall from the wound height to show the clearance  
12 over the lower portion of Mr. Oulson's seat.

13 Q. Now, at the time that the scan was complete,  
14 that seat had been reclined, if you will, or placed in its  
15 reclined position and fixed?

16 A. That is correct.

17 Q. Okay. In all of the scans, that seat of  
18 Mr. Oulson's was placed in a fixed position as if it was  
19 reclined?

20 A. That is correct.

21 Q. None of the scans show the seat straight up?

22 A. Not in the model space I was working with.

23 Q. So that would be the distance between the wound  
24 height and the top of his seat when it's reclined to the  
25 max? It could have been reclined on that day?



1           A.     That is correct.

2           Q.     Okay.   Scan number 5, what measurements were  
3     used for that?

4           A.     I used the same measurement of the 61-inch wound  
5     height.   I headed the 16.5 inches to the top of  
6     Mr. Oulson's head designated in red, and then I used a  
7     29-inch height to represent the elbow height of Mr. Reeves  
8     if he was seated in his chair in the theater.

9           Q.     How did you derive at the 29 inches?

10          A.     The 29 inches is a little bit of a calculation,  
11     but I used several sources for that one.

12                 If I may refer, I used a source from Knox's depo  
13     to show that Mr. Reeves' seated position from the seat to  
14     the top of his shoulder was 23 inches.   I then used  
15     another measurement from the Knox depo to show Reeves'  
16     shoulder to his elbow seam was 10 inches.

17                 So to get elbow height, I subtracted the 10 from  
18     the 23 in order to get 13 inches, but I had to add the  
19     sixteen inches from the top of the theater seat to the  
20     floor in order to get 29 inches of where Mr. Reeves' elbow  
21     would fall within the confines of the environment of the  
22     theater.

23          Q.     All right.   Scan number 6, what does that  
24     represent?

25          A.     It also represents the 61-inch wound height and

1 the 77.5 inches to the top of Mr. Oulson's head, but this  
2 one depicts 39 inches in height for Mr. Reeves' seat,  
3 which is a calculation not of his elbow height of 29, but  
4 of his shoulder height at 39.

5 Q. How did you arrive at 39 inches?

6 A. I arrived at 39 inches, again, from the  
7 deposition from Knox to show that Reeves seated position  
8 to the top of his shoulder was 23 inches, and then I added  
9 the 16 inches of height from the top of the theater seat  
10 to the floor.

11 Q. Okay. All the other calculations remain the  
12 same?

13 A. Yes, they do.

14 Q. Now, you -- as far as the placement of the blue  
15 line that's representing Mr. Oulson, if he was just  
16 standing fully erect, was that just arbitrarily placed in  
17 the model seat in front of his seat?

18 A. Yes, the position of that blue line was just a  
19 general location in front of Mr. Oulson's seat.

20 Q. Not suggesting in any way that is where he was  
21 at any particular location; it's just a place to put it?

22 A. Correct.

23 Q. All right.

24 Now, the reason I brought that up, I want you to  
25 look at scan number 7. What is that?

1           A.     Scan number 7 depicts all of the same  
2 measurements, again, the 61-inch wound height of  
3 Mr. Oulson and 77.5 inches to the top of his head in  
4 addition to Reeves' elbow height at 29 inches, his  
5 shoulder height at 39 inches.

6                     In addition, there was a top of Reeves' head  
7 measurements, so that line would depict the height of the  
8 top of Mr. Reeves' head, if seated in that position.

9                     The difference where the blue line is in this  
10 photograph compared to the others is that it was placed 12  
11 inches into the seat, according to Knox's depo.

12           Q.     Okay. And as far as the height of Reeves' head  
13 that you used in that scan, what is the source of  
14 information?

15           A.     The source of information for that one is -- let  
16 me look at my chart here.

17                     Actually, that one is from Aaron Smith's report  
18 where there's a measurement taken from Reeves' seat to the  
19 top of his head to equal 37.125 inches, and then again I'm  
20 adding the 16 inches -- excuse me -- for the seat height.

21           Q.     And .125, that's an eighth?

22           A.     .125 is an eighth.

23           Q.     Okay. Now, scan number 8, the only difference  
24 between scan 7 and scan 8 is the placement of the blue  
25 line?

1           A.     That is correct.

2           Q.     That's just in an arbitrary position, not  
3 suggesting anything other than just a place to put it?

4           A.     Correct.

5           Q.     Scan Number 7; however, the blue line was  
6 specific to the information in the Knox depo regarding the  
7 distance between the front of the back of the chair to  
8 the -- Mr. Oulson's chest in his opinion?

9           A.     Yes, that is correct.

10          Q.     There's is no measurement there; that was just  
11 an opinion of his?

12          A.     Correct.

13                 MR. MARTIN: Your Honor, at this time, I would  
14 move State's Exhibit marked for identification L into  
15 evidence being scanned 3 through 8.

16                 MR. MICHAELS: Your Honor, we would object, the  
17 grounds being, number 1, this individual has not been  
18 qualified as an expert to be able to testify  
19 regarding the accuracy of the 3D images or the  
20 measurements within the imaging.

21                 I understand that she's using other people's  
22 measurements, but in terms of how they're represented  
23 in the images. The reason that's problematic here is  
24 because this is being represented as a scientific  
25 instrument. The photographs are being represented to

1       the Court as somehow being scientifically derived;  
2       however, this individual can't testify -- Ms. Wall  
3       can't testify as to the accuracy of these photographs  
4       or these images with any degree of scientific  
5       certainty.

6               THE COURT:   Response?

7               MR. MARTIN:   Well, that all goes to the weight,  
8       not the admissibility.   This is equipment that's been  
9       used by the forensic technicians at Pinellas County  
10      since 2010.

11              She's had adequate training.   She knows how to  
12      complete the scan.   She knows how to compile the  
13      data.   She knows how to use the software.   She has  
14      testified sufficiently as to how she can populate the  
15      data within the 3D model space.

16              You heard her testimony, how the software can be  
17      used in order to find the point of interest within  
18      the model space down to a single point and how the  
19      software is used as an algorithm in order to populate  
20      a particular distance.

21              She also explained how particular measurements  
22      could be placed inside the model space using the same  
23      software, using the same technique, so that a  
24      particular distance can be determined within the 3D  
25      model space.

1           Yes, we did not put on any type of error rate  
2           through her, because we did that through Ms. Hamidi,  
3           because that's a scan that has an error rate and not  
4           the software, so this is software that is proprietary  
5           with the Lecia system, and it's been used in  
6           conjunction with the system.

7           It's been used as designed by the manufacturer.  
8           It's been used by individuals that have been trained  
9           to use it, so any objection by Mr. Michaels does not  
10          go to exclusion. It simply goes to the weight of the  
11          evidence.

12          MR. MICHAELS: Judge, I have an analogy. We're  
13          big on analogies.

14          My objection is no different than the whole body  
15          of case law regarding a police officer using Valtox  
16          to determine whether or not an item tests positive  
17          for cocaine, for instance.

18          If an officer testifies, "I'm trained to use it  
19          with this tube, I know I put this, two drops of this  
20          and two drops of this, I shake it up and if it's  
21          purple, it's cocaine." The cases are clear. That's  
22          not good enough.

23          Just because she knows, "If I press the button  
24          and I go to the tool bar, I can do A, B and C,"  
25          certainly she can't testify as to how the -- how the

1 software works. She knows which buttons to press,  
2 but in terms of how it works, she can't give us any  
3 sort of confidence in the scientific reliability of  
4 the photographs that are being presented to this  
5 Court as some sort of scientific evidence, so that's  
6 a problem that we have here.

7 MR. MARTIN: Judge, the example he gave, that is  
8 a presumptive test. It is solely manufactured by the  
9 company as a presumptive test. This is equipment  
10 that is used over and over and over again for the  
11 purposes of documenting crime scenes.

12 Like I said, this goes to any type of argument.  
13 It goes simply to the weight and not to the  
14 admissibility, and the Court can either accept it or  
15 reject it like anything else.

16 MR. MICHAELS: What I would suggest, Your Honor,  
17 if I may, the Court has held off on certain rulings  
18 for certain individuals providing certain testimony.  
19 I would request that the Court do that for these  
20 particular photographs and for this evidence, allow  
21 us to -- I know your head's going to explode if I say  
22 the word "memorandum" -- but, Judge, to do a  
23 memorandum in this case so that we can more lucently  
24 present our argument and make a decision at some  
25 later time. I'm fine with doing that.

1           MR. MARTIN: Judge, they've had two years to do  
2           that. They've taken the depositions. They've  
3           filed -- we filed motions over and over. Now we're  
4           in the middle of a hearing on the last two days and  
5           they want to file a memo?

6           MR. MICHAELS: Judge, we received some  
7           photographs as late as Sunday from the 3D modeling,  
8           so it's an ongoing process.

9           Certainly Mr. Martin was not on this case from  
10          the beginning, so I'm certainly not blaming him;  
11          however, what's fair is fair, and we're getting this  
12          stuff as we get it.

13          Both sides are trying hard to do what they can  
14          to get this done, so although I appreciate your  
15          argument, I would ask for the same consideration that  
16          the prosecutor got on our objections.

17          MR. MARTIN: And, Judge, just so it's clear, all  
18          of the modeling that was done was given back in  
19          either November or December of last year. The only  
20          thing I recently gave them is what I was going to use  
21          in Court. That's what I recently gave them. They  
22          had all the other information.

23          MR. MICHAELS: I couldn't have said it better  
24          myself, Judge.

25          THE COURT: All right.



1           A little different spin on this: It does fall  
2           in -- I -- you know, for purposes of this hearing,  
3           obviously it's a little different than if there's a  
4           trial. I don't -- I'm going to consider this as a  
5           proffer, this exhibit.

6           How did we handle the other -- any other  
7           exhibits? They just came in?

8           MR. ESCOBAR: They came in and you were going to  
9           reserve ruling on them.

10          THE COURT: All right. I'm going to do the same  
11          with this. And I'm not really interested in a  
12          fifty-page memo, but I will invite some argument in  
13          case law as to prior admissibilities and, you know,  
14          how it's been used previously. I'm sure we can get  
15          that from our neighbors in the south and, you know,  
16          I'm looking more at this, more like an intoxilyzer or  
17          something along those lines. There's a little bit  
18          more of a requirement as to the operation and  
19          calibration and stuff with those, and I'm just not  
20          sure what the standard is for this level.

21          At first blush it appears that it's similar to  
22          any other tools that are used by forensics, but I  
23          do -- the difference I'm looking at is the population  
24          of input of stuff and all of that.

25          So, yeah, I do -- I do distinguish it from, say,

1       using a tape measure, but I don't think it's that  
2       extraordinary. I would like a little guidance. I'll  
3       reserve.

4               This will come in as number 10, I believe?

5       MR. MARTIN: I believe so, Judge.

6       THE COURT: All right. And I'm going to -- it's  
7       going to -- we're going to have to give it a number,  
8       and I think I just gave the same numeric numbers to  
9       any others that I was going to reserve in that came  
10      in with that number anyway, right?

11             All right. So we'll give that number 10, and I  
12      will reserve as to its ultimate admissibility, so  
13      we're going to consider that a proffer for the  
14      moment.

15             All right. Then are you passing the witness  
16      yet? Is that where you're at?

17      MR. MARTIN: Yes.

18      THE COURT: All right. I anticipate a bit of  
19      cross here, so let's take a short recess, ten  
20      minutes. We are lacking a couple components up here  
21      anyway.

22             (Recess was taken.)

23      MS. SUMNER: He should be coming any second.  
24      He's got to be coming downstairs if he went upstairs,  
25      because he's not in there.

1 THE COURT: Okay. I guess we could sound the  
2 halls. I know all of the attorneys have been under  
3 considerable strain and rigors during this whole  
4 process, so I'm certainly not going to jump up and  
5 down.

6 MR. MARTIN: I apologize for being late.

7 THE COURT: It's okay. I was just explaining  
8 how you guys have been working very hard over the  
9 last three years, all of you.

10 So you were done with this witness, correct?

11 MR. MARTIN: Yes, ma'am.

12 THE COURT: All right. Mr. Michaels?

13 MR. MICHAELS: Thank you, Judge.

14 CROSS-EXAMINATION

15 BY MR. MICHAELS:

16 Q. Good afternoon, Ms. Wall.

17 A. Good afternoon.

18 Q. We can agree that you're not -- you don't have  
19 any special certification in the use of the Lecia 3D  
20 system, correct?

21 A. That is correct.

22 Q. Likewise with the Cyclone Software, you don't  
23 have any special certification, any kind of certificate of  
24 any sort, do you?

25 A. No, I do not.

1 Q. Do you need --

2 THE COURT: Mr. Michaels, can I interrupt just  
3 real quick?

4 MR. MICHAELS: Sure.

5 THE COURT: I forgot to remind the witness  
6 you're still under oath. I just want to make that  
7 clear.

8 Thank you.

9 THE WITNESS: Yes, ma'am.

10 THE COURT: Go ahead.

11 BY MR. MICHAELS:

12 Q. I will ask the questions. You know you were  
13 under oath before, correct?

14 A. That is correct.

15 Q. Now, in terms of the Lecia Software, you were  
16 saying you don't have any specific certification in that  
17 field?

18 A. No, I do not.

19 Q. And in terms of ever having testified as an  
20 expert in the use of the Lecia 3D scanning equipment, we  
21 can agree you've never been qualified as an expert to  
22 testify in Court regarding that subject?

23 A. That is correct.

24 Q. And a similar question with the Cyclone  
25 Software: Again, we can agree that you've never been

1 qualified as an expert in Court to give your opinion or  
2 testify regarding the operation of the Cyclone Software?

3 A. That is correct.

4 Q. Now, in terms of the lines, because from looking  
5 at the photographs it appears there is some straight lines  
6 with the measurements that's you've described, correct?

7 A. That is correct.

8 Q. Well, we can agree that people are not straight  
9 lines; in other words, there's a dimension to them, three  
10 dimensions as opposed to the two-dimensional line we're  
11 seeing, correct?

12 A. That is correct.

13 MR. MARTIN: Judge, I'm going to object to this  
14 line of questioning. Of course, that is true, but as  
15 you've heard, this is a demonstrative evidence. It's  
16 not attempted to represent a person in 3D.

17 So if we're going to have a cross, let's cross  
18 on what it was intended for. It's a demonstrative  
19 aid, a line representing a particular space in time.  
20 That's all it is. We're not trying to put humans  
21 there, and so the cross is -- for the record, since  
22 this is a proffer, I think that it needs to be  
23 specific for what it was intended. It's strictly a  
24 demonstrative aid to put a relationship in space, in  
25 two-dimensional space.

1           MR. MICHAELS: Well, Judge, that's Mr. Martin's  
2 testimony. I would be happy to cross him on this  
3 subject. He seems to know a lot about it.

4           THE COURT: All right. I was just pondering  
5 what the exact --

6           MR. MICHAELS: Objection was?

7           MR. MARTIN: It's outside the scope of direct,  
8 Judge, because I didn't represent it to be a person,  
9 a man --

10          THE COURT: Okay.

11          MR. MARTIN: And it's just a line in space to  
12 put depth, if you will, or in two-dimensional space.  
13 That's all that it is referencing, lines for the  
14 chairs and the 3D. That's all it is.

15          THE COURT: All right. I guess I'm going to  
16 overrule on that objection, and I'll allow you to  
17 continue with that. So noted.

18 BY MR. MICHAELS:

19          Q. Ms. Wall, you would agree with what Mr. Martin  
20 says regarding those lines on the photographs?

21          A. Correct. They're not representations of the  
22 human form.

23          Q. Or where the people even are in the photograph,  
24 correct?

25          A. That is correct.

1           Q.    They are merely reference points that you're  
2 provided by the prosecution in this case?

3           A.    It's merely data depicted in the  
4 three-dimensional space.

5           Q.    So in terms of the point as you described, how  
6 you choose point A or point B to actually create the line  
7 that you get from the tool bar, those are two points what  
8 you choose within the 3D image; is that fair to say?

9           A.    Yes.

10          Q.    And were any of those points approved or  
11 suggested by the prosecution in this case?

12               MR. MARTIN:  Judge, I'm going to object to that.  
13 Any type of conversation she had with me other than  
14 what she did is my work product, so whether it was  
15 approved or not is my work product.

16               MR. MICHAELS:  I asked if it was suggested,  
17 Judge.

18               THE COURT:  I will allow it.  Overruled.

19               MR. MICHAELS:  Okay.

20 BY MR. MICHAELS:

21          Q.    Was it suggested where to put those two points?

22          A.    It was not suggested.  It was a combination of  
23 obtaining the report, autopsy reports and depositions with  
24 specific data from that, and I was just requested to  
25 demonstrate where that data would fall within that

1 three-dimensional space.

2 Q. And I guess exactly what I'm talking about, for  
3 instance, it's a theater setting so there are seats?

4 There are two different rows of seats, correct?

5 A. That is correct.

6 Q. And the lines or the measurements that you  
7 illustrated -- is that a fair word to say on the image?

8 A. Correct.

9 Q. -- would be in an area between the seats? In  
10 other words, there's a line that may be in the middle, may  
11 be a little towards one row or another, that the location  
12 of that line is one that is strictly arbitrary on your  
13 part?

14 A. That is correct.

15 Q. Okay. Now, in terms of the measurements  
16 themselves, we can agree that you would depend on whatever  
17 data is provided to you because certainly you don't know  
18 what those measurements are?

19 A. Correct.

20 Q. For instance, the measurement from the seat  
21 cushion, concerning the images that are purported to  
22 depict -- or in light of what the prosecution said during  
23 his objection, that would be a demonstrative aid to help  
24 him explain his theory of where Mr. Reeves and how he was  
25 seated, that information in terms of measurement and the



1 line would be information that you just described; it was  
2 provided to you by the Knox depo, for instance?

3 A. Correct.

4 Q. And the Pasco County Sheriff's Office  
5 measurements of Mr. Reeves that were done at some point?

6 A. Right. I have all the sources for the  
7 information from the data that was depicted in the  
8 snapshots.

9 Q. But in terms of any sort of allowance, for lack  
10 of a better terminology, no cushioning, for instance,  
11 because you will agree with me that cushions tend to give  
12 when an individual sits in them, right?

13 A. That would be fair, yes.

14 Q. So your measurements would be strictly from the  
15 top of the surface?

16 A. Correct.

17 Q. Not taking into allowance any sort of give that  
18 any individual might have upon that cushion?

19 A. Correct.

20 Q. And, again, in terms of the posture of the  
21 individual, you have no idea what that individual's  
22 posture was when he or she was measured?

23 A. Correct.

24 Q. You're just provided the numbers?

25 A. I am provided the data, and that is what is

1 depicted in the snapshot, yeah.

2 Q. I understand. I understand.

3 And so the same goes with an individual standing  
4 certainly; you described that you had a measurement for  
5 Mr. Oulson's shoes?

6 A. A measurement for the sole of Mr. Oulson's  
7 shoes, yes.

8 Q. And how thick they were?

9 A. Yes.

10 Q. But in terms of the material or the type of  
11 shoe, you had no idea?

12 A. No.

13 Q. So you wouldn't know if the numbers that you've  
14 provided, the measurements, the depiction of those  
15 measurements, accurately depict the actual height of the  
16 wound, for instance, in this case, correct?

17 A. I'm really not sure exactly what you're asking.  
18 Could you try to rephrase that?

19 Q. Okay. I will. I will. This is what I'm  
20 asking:

21 On the photograph you used terminology,  
22 terminology such as, "Wound height," correct?

23 A. Correct.

24 Q. We can agree that you don't know if the  
25 individual that you're portraying the wound height for was

1 standing up. We can agree that you don't know if that's  
2 precisely the height from the floor of the wound, because  
3 you don't know the give of the shoe that the individual is  
4 wearing; in other words, it could be a little less than  
5 that?

6 A. Given the potential give of shoes, I'm not a  
7 shoe expert so I can't attest to that, but the 61-inch  
8 wound height that I depicted is using an erect stance  
9 because I have no ability to compensate for body motion  
10 and movement.

11 Q. So when it says, "Wound height," really that's  
12 an approximation?

13 A. It's an approximation if Mr. Oulson was standing  
14 erect.

15 Q. And, for instance, the shoes had to be Nike Air  
16 Maxes. You look like you could be a runner. Are you a  
17 runner?

18 A. Sometimes.

19 Q. Okay. And the weight that the Air Max shoe  
20 works is it's a little cushion, so it gives. That's why  
21 they call it Air Max.

22 A. Okay.

23 Q. So are you aware of how much that shoe would  
24 give if a 205-pound individual was standing within those  
25 shoes?

1           A.    I have no knowledge of that.

2           Q.    So we can agree that when you have wound  
3 heights, that's an approximation just based on just the  
4 raw data that you're given?

5           A.    It's an approximation.  Yes, sir.

6           Q.    Not given the actual wound height?

7           A.    No.

8           Q.    Because we talk about wound height, for  
9 instance, you don't know if Dr. Thogmartin's measurement  
10 was, for instance, for the very bottom of the wound,  
11 right?

12          A.    That is correct.

13          Q.    Or the top?

14          A.    That is correct.

15          Q.    Or the middle?

16          A.    That is correct.

17          Q.    That's just what's listed in his report as wound  
18 height?

19          A.    That's correct.

20          Q.    That's where you get the information?

21          A.    Yes.

22          Q.    And the same goes, for instance, for Mr. Reeves  
23 who is seated in the chair.  Again, when we're talking  
24 about shoulder height, we're talking about an  
25 approximation because you don't know the give in the

1 cushion for a 260-pound man --

2 A. That is correct.

3 Q. -- and those particular cushions?

4 A. Right.

5 Q. The same goes for other measurements,  
6 Mr. Reeves' shoulder's measurement within the theater?

7 A. Uh-huh.

8 Q. Is that a yes? I apologize.

9 A. Yes.

10 Q. And the elbow and the other measurements as  
11 well?

12 A. That is correct.

13 Q. There are approximations?

14 A. That is correct.

15 Q. You have no way of verifying those measurements;  
16 for instance, there was no way for you to have Mr. Reeves  
17 sit in a chair yourself and do a measurement to verify  
18 that the measurements you're depicting are the same as for  
19 the real guy in the real seat with a certified tape  
20 measure, some other sort of measurement system?

21 A. That is correct.

22 Q. We can agree Mr. Reeves wasn't measured, that  
23 you are aware of, with any sort of 3D imaging?

24 A. No.

25 Q. Nor was Mr. Oulson?

1           A.    No.

2           Q.    Nor his shoes?

3           A.    No.

4           Q.    We can also agree that you've never published,  
5 written, any articles, books, treatises or any sort of  
6 publications in the field of Lecia 3D imaging?

7           A.    That is correct.

8           Q.    Or any sort of 3D imaging?

9           A.    That is correct.

10          Q.    And you have not published anything in the field  
11 of Cyclone software?

12          A.    No.

13               MR. MICHAELS:  Could I have a moment, Judge?

14               THE COURT:  You may.

15               MR. MICHAELS:  At this time I would renew my  
16 objection concerning the lack of predicate for the  
17 opinions regarding the accuracy of the system,  
18 similar to the prior witness.  I just didn't make the  
19 objection before.  I'm making it at this point, and  
20 also tell the Court at this point I have no further  
21 questions.

22               THE COURT:  Thank you.

23               Any redirect?

24               MR. MARTIN:  No.  I apologize for the phone.  I  
25 was trying very hard to get it turned off.  I forgot

1 to turn it off. Please accept my apologies for that.

2 THE COURT: Apologies accepted.

3 Investigator Wall, you are free for today.

4 You're still under subpoena. I don't -- if you are  
5 called back, I don't know when it would happen but  
6 I'm thinking you will get advanced notice.

7 Should you be called, please return if  
8 requested, but probably won't be. You're free to go  
9 today.

10 THE WITNESS: Thank you, ma'am.

11 THE COURT: Thank you.

12 (Witness excused.)

13 THE COURT: All right. A good time for a lunch.  
14 How long?

15 State, you've got your lineup. How long should  
16 we break?

17 MR. MARTIN: An hour would be fine. We have two  
18 more witnesses, Judge. Three more witnesses. I  
19 apologize.

20 THE COURT: Okay. Is an hour and fifteen  
21 minutes preferable?

22 MR. MARTIN: Sure.

23 THE COURT: For those who are stepping out for  
24 lunch, let's just be back at 2:15.

25 (Recess taken.)

## 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 12th day of June, 2017.

14  
15  
16 /S Charlene M. Eannel

17 CHARLENE M. EANNEL, RPR  
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