

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 XV

CURTIS J. REEVES,

Defendant.

\_\_\_\_\_ /

PROCEEDINGS: Stand Your Ground Motion

DATE: February 28, 2017

BEFORE: The Honorable Susan Barthle  
Circuit Court Judge

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

REPORTED BY: Charlene M. Eannel, RPR  
Court Reporter  
PAGES 1819 - 1954

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

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2 THE COURT: You may continue, Mr. Escobar.

3 BY MR. ESCOBAR:

4 Q. Mr. Reeves, when did you start your employment  
5 with Busch Gardens?

6 A. That would have been October of 1993.

7 Q. And did you -- likewise, when you were with  
8 Busch Gardens, did you continue taking seminars in order  
9 to improve your knowledge and your ability of security  
10 issues now at amusement parks?

11 A. Yes, sir, I did.

12 Q. Okay. And what are we -- what are we seeing  
13 here, this Certified Protection Professional letter from  
14 1995?

15 A. When I got there in 1993, there were two  
16 professional organizations, as I mentioned earlier,  
17 American Society for Industrial Security and American  
18 Society for Amusement Park Safety and Security. Both of  
19 them are national organizations.

20 And this is a letter -- in 1995, I became a  
21 certified protection professional, which is a program  
22 through the American Society for Industrial Security.  
23 It's their premier program for law enforcement -- or for  
24 security professionals.

25 It's one of -- it's a study -- it's about a

1 five-or six-month study, an all-day test and that sort of  
2 thing. At that time, there was probably only about six or  
3 seven thousand CPPs, which is certified protection  
4 professionals, in the country.

5 So that was one of the things that I did to get  
6 myself oriented into -- out of the law enforcement stuff  
7 and into the security arena.

8 Q. This is a Busch Entertainment Corporation  
9 Certificate.

10 What is this about?

11 A. Applied management. Again, it's a management  
12 class designed to enhance your abilities as a manager.

13 Q. With people?

14 A. How to deal with people, not just the employees,  
15 but also the guests that are coming in every day.

16 Q. American Society for Amusement Park Security and  
17 Safety, what is this?

18 A. That's one of the organizations that I just  
19 mentioned. It's a membership certificate. I think that  
20 is when I joined it, in '94, that's when I found out about  
21 it. And I was a lecturer at annual conferences for  
22 probably all the way up until about 2003. I was the  
23 president for 2003 and 2004.

24 Q. American Society for Industrial Security, again,  
25 another Certificate of Membership?

1           A.     That's a Certificate of Membership. And in  
2 order to be a member of that group, you had to have some  
3 management role in the security field.

4                     And that organization also provided training,  
5 and I think they call them CEUs, which were credits, which  
6 each and every year you had to update yourself by taking a  
7 certain amount of training courses.

8           Q.     This next one is, "The Busch Entertainment  
9 Corporation certifies that Curtis Reeves has successfully  
10 completed communication skills, 1995."

11          A.     Right. And that's along the same vein as  
12 before. It's designed for -- so that you can -- it's to  
13 give you the public relations approach to dealing with,  
14 perhaps -- I guess you could say a little adversity in the  
15 segments of community coming in. But when you say that,  
16 it's really not -- they're mostly families, very little  
17 problems.

18                     But it's designed to make you a more effective  
19 person to be able to deal with issues that they bring.  
20 They're a microcosm of society, so it's only natural that  
21 a few things come along with them that need to be  
22 addressed by security.

23          Q.     Okay. What is this certification? This is  
24 Certified Protection Professional?

25          A.     Yes, sir. This is that certification that I

1 mentioned earlier as a certified protection professional.  
2 And each -- every year you had to have credits in order to  
3 maintain that certification, so you're recertified every  
4 two years.

5 Q. Is that a similar certificate?

6 A. Yes, sir, it is.

7 Q. Just in 1995?

8 A. Yes, sir.

9 Q. Situational Leadership Certificate that the  
10 Busch Corporation gave you. What is this?

11 A. Well, I think it's -- if I remember correctly,  
12 it's how to lead when you have some kind of an issue that  
13 occurs in the park that attracts attention, either from  
14 the media or from the guests themselves, how to deal with  
15 that kind of problem, how to manage the employees, how to  
16 minimize the impact that it has on the guests.

17 Q. Okay. Another training course for fundamental  
18 concepts of security techniques?

19 A. Yes, sir. When I got to Busch, Busch  
20 Entertainment Corporation was nine parks, Sea World, Busch  
21 Gardens. They were kind of all over the country. They  
22 really didn't have any cohesion, as far as coordinating  
23 with each other. So probably the year after I got there,  
24 I was kind of assigned as the chairman.

25 So we started having conferences and putting on

1 security seminars. And I also worked on a quantitative  
2 evaluation procedure that could be used between each of  
3 the parks to kind of standardize the procedures that they  
4 had, whether it be dealing with people or dealing with our  
5 cash control.

6 Millions of dollars flow through these parks and  
7 we standardized how to effectively handle that money and  
8 keep it as safe as we can.

9 Q. Okay.

10 A. I think I probably put that seminar together.

11 Q. American Society for Industrial Security. This  
12 was another course in dealing with business security and  
13 protection and prevention?

14 A. Yes, sir. They had guest speakers from all over  
15 the country come in, and this was the latest -- on the  
16 latest techniques to deal with some of the aspects that I  
17 already mentioned.

18 Q. Okay. Again, from the American Society of  
19 Industrial Security?

20 A. Yes, sir. That's a recertification of a  
21 certified protection professional designation.

22 Q. And again, you had to take courses for each  
23 certification?

24 A. Yes, sir. Either you had to be a participant or  
25 a speaker in a certain -- you got credits for so many



1 different classes and so many hours of instruction, and  
2 that's what it took to maintain those certifications.

3 Q. Okay. Another professional certification board  
4 award; is that correct?

5 A. Yes, sir. It's a -- it's another  
6 recertification of the certified protection professional.

7 Q. And another American Society for Industrial  
8 Security; is that correct? This was a "Security  
9 Challenges for the New Millennium."

10 A. Yes, sir. I started putting together two-day  
11 security seminars on behalf of my chapter in Tampa, and I  
12 got the Criminology Department of USF to help sponsor it.  
13 So each year for about three or four years, I had a  
14 two-day security conference that I put on at USF for  
15 security professionals from all over the country.

16 And that's one of the classes that -- I don't --  
17 I don't think -- I was a speaker at a couple of them. I  
18 don't think I was at that one. I think I was just a  
19 participant.

20 Q. And what is this?

21 A. I was chairman of the Tampa Chapter of American  
22 Society for Industrial Security in 1999. That's -- that's  
23 when I was a chairman.

24 Q. Okay. And what is this American Society for  
25 Industrial Security Honorable Mention Award?

1           A.    Those are -- in the security professional arena,  
2   there's documentation and then there's activities that  
3   each chapter performs.  You're in a monthly or an annual  
4   magazine as to what's available to you, what you've done.  
5   This is an award for some of the programs that we put on  
6   that year that I was the chairman.

7           Q.    Okay.  This is the Charles Knight Award.  What  
8   was that for?  In outstanding recognition, I guess, for  
9   your efforts on behalf of the chapter during the year  
10  2000?

11          A.    Yes, sir.  That was -- actually, that was for  
12  1999.  The award was given in 2000.  That's when I was the  
13  chairman.  We had several outreach programs that we -- in  
14  conjunction with some of the programs that we put on for  
15  security professionals all over the country, and that  
16  was -- I think that came from the national, I think -- the  
17  national group in conjunction with the security classes  
18  that I put on at USF each year.

19          Q.    Okay.  What is the "Curtis Reeves 2000 Day of  
20  Caring"?

21          A.    This is a -- was a United Way program that I was  
22  involved in where we performed some community service into  
23  the -- in the community.

24          Q.    Okay.

25          A.    I think I was -- I might have been the

1 coordinator for that year for Busch Gardens.

2 Q. Tampa Area Safety Council put on a seminar for  
3 violence in the workplace, Are You Prepared? I believe  
4 that was in 1994, if I'm not mistaken?

5 A. Workplace violence was a hot topic during that  
6 time frame, so one of the things that I did on the  
7 security conferences that we put on at USF was included  
8 some workplace violence, as well as some -- at that time,  
9 we were talking about weapons of mass destruction and that  
10 sort of stuff.

11 That was one of the programs that they put on  
12 that gave me some information on the seminar that I was  
13 going to put on.

14 Q. Okay. Now, this was a Certificate of Merit for  
15 Handling People with Diplomacy and Tact. That was given  
16 to you in the year 2001?

17 A. Yes, sir. If my memory serves me correct, that  
18 was a program where it was a role play where you were  
19 given -- in front of the class you were given a problem.  
20 You kind of address their problem and you tried to use  
21 tact and diplomacy in handling issues with individuals or  
22 groups.

23 MR. ESCOBAR: Next.

24 BY MR. ESCOBAR:

25 Q. Another Security in the New Millennium course.

1 I guess this was a two-day course in 2001; is that  
2 correct? The same as a --

3 A. That's another one of the classes that was at  
4 USF. I think I was -- I was not a speaker at that one, I  
5 don't think.

6 Q. Okay.

7 A. I was a fill-in guy. If one of the -- I had  
8 instructors come from all over the country. Most of them  
9 were from federal law enforcement agencies, whether it was  
10 ATF or bomb or Federal Attorney's Office, that kind of  
11 stuff here. Sometimes they'd miss a plane and they'd be  
12 late, so I was the fill-in guy.

13 Q. This was a visitor safety and security summit  
14 that was held in 2002 in Orlando that was -- you completed  
15 that as well?

16 A. Yes, that was sponsored by the Orange County  
17 Sheriff's Office. I completed that, yes.

18 Q. ASIS Florida West Coast Chapter of Domestic  
19 Violence, Stalking in the Workplace, a virtual seminar?

20 A. Each year we had a -- we had a conference where  
21 we recognized local law enforcement, and so we -- that was  
22 one of the things that I had started there and did for a  
23 couple years.

24 And if I remember correctly on this particular  
25 one here, what we did is we had the officers that we were

1 going to recognize show up, and then area security  
2 professionals from other chapters, and we had that program  
3 at that seminar.

4 Q. Okay. I think we've got three more, Mr. Reeves.

5 The American Society for Amusement Parks  
6 Certificate of Membership that you received in 2004; is  
7 that correct?

8 A. Yes, sir. That's -- that's when I was the  
9 president of the organization and I gave myself a  
10 certificate.

11 Q. Okay. This is another ASIS certificate, and it  
12 looks like it was an ASIS Homeland Security Conference.  
13 And were you the speaker or one of the speakers in this  
14 conference?

15 A. Yes, sir, I was.

16 Q. Okay. And what is this?

17 A. I think that's the certificate that when I first  
18 was -- when I first passed the test and was a certified  
19 professional, I think that's when -- I think that's the  
20 certificate itself.

21 Q. Now, between your studies, both at the Tampa  
22 Police Department, as well as in security with Busch, did  
23 you learn certain survival techniques as well as cues to  
24 recognize escalating patterns of violence?

25 A. I think that came primarily from my law

1 enforcement exposure that I had learned those patterns  
2 of -- that I encountered. Not only did I learn them, but  
3 I also instructed on them.

4 Q. Did you learn and instruct on the issues of  
5 recognizing your environment in an aggressive encounter by  
6 someone else?

7 A. That was a part of almost every class, yes, sir.

8 Q. And why was your environment important in your  
9 assessment of danger?

10 A. Well, there's a variety of reasons that your  
11 environment could be a problem. It could be hazards in  
12 your environment to you if you're involved in a  
13 confrontation. It could be other people in that  
14 environment.

15 And then there's environments where you would  
16 not expect to have any kind of an encounter, and then  
17 there's the other environment that you're constantly on  
18 guard because there's always the potential, depending on  
19 where you're at.

20 Q. And if -- and if something happens in an  
21 environment that you don't expect that to happen, how do  
22 you pick up on that cue? What's the value of that cue?

23 A. Well, you have to figure there's -- there's a  
24 mirage of things that you have to look at in addition to  
25 the environment. You have to look at who's present, what

1     you're doing there, what they're doing there, what's going  
2     on in that environment.

3             Whether it's a bar where there's a lot of  
4     grabbing that's going on, or if it's is a very docile  
5     environment, a church parking lot or something like that.  
6     So being aware of your surroundings is the key to being  
7     prepared for that kind of activity.

8             Q.     And evaluating that particular violence within  
9     that environment?

10            A.     Yes, sir.

11            Q.     What are the lighting conditions of -- have you  
12     been trained in your career as a law enforcement officer  
13     on taking into consideration the lighting conditions in  
14     your environment?

15            A.     Well, almost everything that we do -- and it's a  
16     statistic that's been around for years. Now, I've been  
17     retired for 23, so I'm assuming that it's still there, but  
18     for 20, 30 years, the vast percentage of police shootings  
19     occurred in low-light situations.

20            Q.     And so what does low-light situations do for  
21     individuals that are being confronted with a violent  
22     situation?

23            A.     Well, it affects your perceptions and oftentimes  
24     it may delay your -- it may delay your anticipation of  
25     what's going to happen, or it could increase your lag time

1 in responding to what's happening.

2 Q. What about noise?

3 A. Noise is always a distracter, particularly loud  
4 noise.

5 Q. The issue of distance between yourself and an  
6 aggressor, is that an important issue?

7 A. Absolutely.

8 Q. Why is that an important issue?

9 A. It's the proximity between you and any  
10 adversary, whether you're a law enforcement officer or  
11 not. Proximity is a key ingredient also in whether or not  
12 it's an imminent attack.

13 Q. And the less distance prohibits you from  
14 properly responding, possibly?

15 A. Well, the closer distance puts you in a closer  
16 proximity to the danger. It has a potential to slow down  
17 your lag time or your response to the event.

18 Q. And so as a law enforcement officer in a  
19 situation that's an aggressive situation, are you trying  
20 to reduce your distance between you and the aggressor or  
21 increase your distance?

22 A. The rule of thumb there is to increase your  
23 distance, unless you are in control of the situation, as  
24 in if you're trying to make an arrest or something of that  
25 nature. Normally, you would increase the distance.



1           Q.    Mr. Reeves, I'm going to direct your attention,  
2   if I can, to January 13, 2014, and I'm going to ask you  
3   what you were doing midday on that day.

4                No, let's go to the morning.  Let's start that  
5   morning.

6                Tell me what you were doing that morning on  
7   January 13th of 2014.

8           A.    I think we were -- normal things.  My wife and I  
9   were home and probably had breakfast.  I had recently  
10   returned from a trip, actually, the day before, and I was  
11   probably going through my suitcases and organizing my  
12   equipment, and she was probably doing normal household  
13   stuff.

14          Q.    Did you, at some point in time, decide to go to  
15   the Cobb Theater to watch the Lone Survivor?

16          A.    Yes, sir, I did.

17          Q.    And how did that agreement come about?

18          A     My son and I was on a trip together before and  
19   had been talking about it.  I think I had read the book  
20   and he had as well, and I asked my wife that since he and  
21   I had been talking about it, if she would be interested in  
22   going.  She agreed, and we looked up the time for the  
23   movie.

24          Q.    And did you go to the matinee movie?

25          A.    Yes, sir, we did.

1 Q. And do you know what time, approximately, you  
2 arrived there at the matinee movie?

3 A. I think right around 1:00.

4 Q. Now, before we get into the actual movie, I'm  
5 going to ask you a couple questions. It's AP09.

6 I'm going to show you what's been marked as  
7 AP09, and ask you if you know what the contents of that  
8 particular exhibit is?

9 A. Yes, sir, I do.

10 Q. What is that?

11 A. That's my retired ID card from the City of Tampa  
12 Police Department.

13 Q. And where do you normally keep that?

14 A. In my billfold or badge case. I carry a badge  
15 case, so it would normally be in my badge case, which  
16 would be in my back pocket.

17 MR. ESCOBAR: Your Honor, this has been  
18 stipulated as an exhibit of evidence.

19 THE COURT: Okay.

20 THE CLERK: 44.

21 THE COURT: Okay. That will be admitted as  
22 Defense 44.

23 BY MR. ESCOBAR:

24 Q. I'm going to show you what's been marked as  
25 AP11, AP16 and AP05, and ask you if you recognize each of

1 those. And please keep them in their same envelope if you  
2 can.

3 What is AP05?

4 A. That's my badge case with my retirement badge in  
5 it.

6 Q. Okay. What is AP11?

7 A. That is the -- my carrying concealed firearm  
8 license.

9 Q. What is your -- what is AP10?

10 A. That's the certification for the 218. I guess  
11 you could call it the federal license.

12 Q. Federal law enforcement qualifications card?

13 A. Yes, sir.

14 Q. Let's talk a little bit about your carrying  
15 conceal firearms card first.

16 You had a carrying concealed firearms license or  
17 certificate to be able to carry a concealed firearm?

18 A. Well, I actually had two. I had the federal one  
19 and then I had the state.

20 Q. And the state would be the carrying concealed  
21 firearm that we just recently talked about as far as --

22 A. Yes.

23 Q. -- the numerical number that it's been  
24 introduced as?

25 MR. ESCOBAR: He has stipulated to all of them.

1 THE COURT: All right. What's come in?  
2 MR. ESCOBAR: Just one. Those two have not come  
3 in.  
4 THE COURT: If she's holding them, they're in.  
5 THE CLERK: But we haven't said that they're in.  
6 Are they coming in?  
7 THE COURT: Yeah, they'll be admitted.  
8 MR. MARTIN: By stipulation, they're all coming  
9 in.  
10 MR. ESCOBAR: You said to bring them in --  
11 THE COURT: Yeah, but --  
12 MR. MARTIN: Let's just move along.  
13 THE COURT: -- we've got to make sure we get  
14 them identified as such. 44 was the --  
15 THE CLERK: Retired ID card.  
16 THE COURT: -- retired ID card. 45 is what?  
17 THE CLERK: That's the wallet, and 46 will be  
18 the concealed weapon license.  
19 MR. ESCOBAR: And we have one more.  
20 THE CLERK: That'll be 47.  
21 MR. ESCOBAR: That's the Florida Law Enforcement  
22 Certificate.  
23 THE COURT: This is --  
24 MR. ESCOBAR: The 218 is the Safety Act.  
25

1 BY MR. ESCOBAR:

2 Q. Now, Mr. Reeves, the State of Florida Criminal  
3 Justice Standards and Training Card, which is your  
4 firearms proficiency verification card that's signed by  
5 David P. Bryant, is this the same certificate card that  
6 you are required to carry pursuant to the Law Enforcement  
7 Officer Safety Act?

8 A. The federal act, yes, sir.

9 Q. And are you familiar with the legislative intent  
10 concerning the enactment of that particular law that  
11 allows retired law enforcement officers and encourages law  
12 enforcement officers to carry such a certificate and  
13 firearm?

14 A. Yes, sir, I am.

15 Q. And does that particular act, the congressional  
16 committee meetings, show an intent to have law enforcement  
17 officers that are retired continue to assist in the  
18 protection of the community?

19 A. Yes, sir, it does.

20 Q. And is that the reason that you had that  
21 particular certification?

22 A. Yes, sir, it is.

23 Q. And that would be, sir, Defendant's Exhibit  
24 Number 47.

25 A Okay.

1           Q     And did you have that particular card with you  
2     on January 13th of 2014?

3           A.     Yes, sir, I did.

4           Q.     And did you have that particular card with you  
5     in the Defense exhibit that's been introduced, Exhibit  
6     Number 45? You can pull that out.

7           A.     Yes, sir. This is my badge case and it has a  
8     place for it. I kept all that -- all that information  
9     that you had was inside this badge case.

10          Q     Your Carrying Concealed Firearm Certificate?

11          A.     Yes, sir.

12          Q.     Your Safety Act Certification?

13          A.     Yes, sir.

14          Q.     As well as your badge with wallet?

15          A.     Yes, sir, and the ID card that goes with the  
16     badge.

17          Q.     Okay. And that's your retirement ID card?

18          A.     Yes, sir, it is.

19          Q.     It shows you're a retired law enforcement  
20     officer?

21          A.     A retired police captain.

22          Q.     And does this particular badge likewise read  
23     "retired police captain"?

24          A.     Yes, sir, it does.

25          Q.     I think we -- with Defense Exhibit Number 46,

1 we've already spoken about your carrying concealed weapon  
2 license; is that correct?

3 A. Yes, sir. Issued by the State of Florida.

4 Q. And those were all current?

5 A. Yes, sir.

6 Q. So did you have those on your person on January  
7 the 13th of 2014?

8 A. Yes, sir, I did.

9 Q. And were you also armed when you went to the  
10 movie theater on January the 13th of 2014?

11 A. Yes, sir, I was.

12 Q. And do you normally go about town armed?

13 A. I have had the ability to do that for the last  
14 48 years, so the answer to that would be a lot of the  
15 time, but not every day.

16 Q. Okay. So you and your wife go to the matinee  
17 theater to see Lone Survivor that day?

18 A. Yes, sir.

19 Q. You get there about -- close to -- somewhere  
20 around before the movie started?

21 A. Around 1:00, yes, sir, I think.

22 Q. Around 1:00. Okay.

23 And what do you do when you go in?

24 A. Well, we buy our tickets, we go inside. We  
25 stand around the concession area for a little while, and

1     then we were going to meet our son. He was going to meet  
2     us there. He -- he was running a little bit late, so we  
3     bought a bag of popcorn and a cold drink and went inside  
4     the theater.

5           Q.     And where exactly did you sit in that theater?

6           A.     Well, when we came in, there was a lot of folks  
7     there. Since we -- there was three of us, everybody in  
8     the matinees like to put a couple seats between them and  
9     other people, they kind of spread out.

10                So we found five seats together in the very last  
11     row at the very top of the stairs, about in the middle of  
12     the theater.

13           Q.     At the time that you went in, what was showing  
14     on the theater screen?

15           A.     They had some commercials, advertisements, that  
16     sort of stuff, you know.

17           Q.     Did there come a point in time where you were  
18     seated there and an announcement came on the theater  
19     screen concerning cell phones?

20           A.     I think there's a -- I think it's, like, for the  
21     snack bar it comes on. I think the theater -- the lights  
22     go down -- and I may be off a little bit on exactly when  
23     the lights go down, but there's a snack bar feature and  
24     then following that is the -- I guess it's a courtesy  
25     announcement to turn your cell phones off. Yes, sir.



1 Q. And had your cell phone been turned off by this  
2 time?

3 A. Yes, sir.

4 Q. And after this announcement to turn off your  
5 cell phones, what -- what happens?

6 A. As the previews came on, I noticed a gentleman  
7 that was sitting in front of my wife had his cell phone  
8 out and it was kind of shining in my face.

9 Q. The light from the cell phone was shining in  
10 your face?

11 A. Yes, sir.

12 Q. Were the previews on at this point in time?

13 A. I believe there were -- yeah, it was the  
14 previews, yes.

15 Q. And were you trying to watch the previews?

16 A. Yes, sir.

17 Q. And were the previews of interest to you?

18 A. We always like to see what the previews are so  
19 we know if we want to go see the movie or not. So yeah,  
20 we always watch that.

21 Q. Do you and your wife frequent the movies often?

22 A. When we want to go to relax, yeah. Whenever  
23 we -- if there's something showing that we want to see,  
24 yes.

25 Q. And so as you were watching the previews and the

1 light was shining on your face, tell the Court what you  
2 did.

3 A. After, I don't know, 15, 20, 30 seconds, I had  
4 leaned over to the gentleman and I said -- and I was -- I  
5 was -- my voice was low. I said, "Sir, can I get you to  
6 put your cell phone away?"

7 Q. And was there a response to that?

8 A. The response was "F-off" or "Get the F out of my  
9 face."

10 Q. Did you respond to that -- that statement by  
11 this individual?

12 A. I got away from him. Well, I didn't say  
13 anything. No, sir.

14 Q. That was the extent of your initial --

15 A. That was -- that was it. No, sir. I got back  
16 in my seat.

17 Q. You got back in your seat.

18 Now, what did you do?

19 A. Well, I watched his wife reach over. I  
20 assumed -- well, I now know that it was his wife. She  
21 reached over and it looked like she was trying to talk to  
22 him, and so I just kind of stayed back and stayed out of  
23 the way to see what would happen.

24 Q. Did you expect him at that point in time to, at  
25 the very least, turn off his phone?

1           A.     That would be the expectation, I guess, yeah.

2           Q.     So how long were you now seated back waiting for  
3 him to comply with the announcement that had been made by  
4 the Cobb Theater?

5           A.     Well -- well, he had seen that and then I had  
6 probably waited, I don't know, 15, 20, 30 seconds before I  
7 said anything to him because he looked like he was busy on  
8 it.

9                     So after I spoke with him, I saw him and his  
10 wife having some interaction. She looked like she was  
11 trying to talk to him. She had put her arm over on him.  
12 And then they kind of settled down and the light was there  
13 again.

14          Q.     Okay. And what did you do again?

15          A.     I was thinking that he would put it away. He'd  
16 been, you know, I -- I had requested it and so I waited  
17 probably, I don't know, maybe close to a minute, half a  
18 minute, three quarters of a minute, something like that,  
19 and it was still there.

20          Q.     So let's talk about this. I want to make sure  
21 that the Court is clear on the sequence.

22                     Twenty, 30 seconds you're trying to watch the  
23 previews, the lights are in your face -- the light of the  
24 cell phone?

25          A.     Yes, sir.

1 Q. You lean over --

2 A. Yes.

3 Q. -- and say, "Sir, could you put your phone away?  
4 The announcement came off to turn your cell phones off" --

5 A. Right.

6 MR. MARTIN: Your Honor, I'm going to object to  
7 summing up.

8 MR. ESCOBAR: I will. Let me get to -- I'm just  
9 getting the sequence.

10 MR. MARTIN: Well, the sequence, we've all  
11 heard, and we're all taking notes.

12 THE COURT: All right. Well, let's not -- yeah.  
13 We're -- I heard it. I heard it the first time.

14 MR. ESCOBAR: Okay.

15 THE COURT: We don't need everything summed up.

16 MR. ESCOBAR: Okay.

17 THE COURT: All right? And no leading.

18 BY MR. ESCOBAR:

19 Q. After you made that first request --

20 A. Yes, sir.

21 Q. -- you indicated that you were back, how long  
22 did you wait before you had any other contact with him  
23 after that first request?

24 A. I'm going to say at least -- at least a half a  
25 minute or maybe longer.

1 Q. What were you waiting for?

2 A. I -- my thought was that he would comply. His  
3 wife had -- had spoken with him. I felt like that he  
4 would ultimately comply, so I didn't push the issue. I  
5 just waited to see what was going to happen.

6 Q. So now what happens?

7 A. The cell phone is still there and so I leaned  
8 over and I -- again, I'm not belligerent, I'm quiet, I  
9 don't need to wake up the whole theater, and I -- and I  
10 tell him that you leave me no alternative other than to  
11 notify the theater management. And --

12 Q. Does he respond to that?

13 A. Almost immediately.

14 Q. What did he say?

15 A. "I don't give a F what you do."

16 Q. And so what did you do now?

17 A. Well, I sat back and I thought he would put it  
18 away then, and it was still there. So I get up -- I get  
19 up to leave, and as I'm leaving my wife says, "Why don't  
20 we just move?" And I said, you know, "I'll be right  
21 back."

22 And I just -- I gave her my popcorn box that I  
23 was holding. We had split the popcorn; she had a bag and  
24 I had the bag. So I gave her my bag and I -- I walked  
25 down the aisle and went down to the manager's office.

1 Q. What was your intent, to go down to the manager?

2 A. Just to get this guy to put his phone away just  
3 so I can watch the movie or watch the previews.

4 Q. So did you go to the manager?

5 A. Yes, sir, I did.

6 Q. And was the manager busy speaking to someone  
7 else beforehand?

8 A. As I walked up to where the manager was, there  
9 was a woman -- a lady standing there talking with him, so  
10 I just waited until he had completed dealing with her.

11 Q. And after she finished speaking with the  
12 manager, did you have a conversation with the manager?

13 A. Yes, sir, I did.

14 Q. And what did -- what did you tell management?

15 A. I told him that -- I had said, "I'm kind of  
16 embarrassed to be here." I said, "I'm a -- I've got a guy  
17 that's sitting in front of me, that's sitting in front of  
18 my wife that I had asked politely to turn his cell phone  
19 off, and he basically told me to F-off."

20 And so I said, "He doesn't seem to have the  
21 right attitude for me to try to talk to him again. I'd  
22 appreciate it if you'd -- if you'd help me out here."

23 Q. Okay. And then where do you go?

24 A. He said he'd take care of it, so I turned around  
25 and came back into the theater.

1           Q.    Is that something that you would expect the  
2 patrons at Busch Gardens to do as well?

3           A.    I think the plan would be to go to management.  
4 That's what we trained for 12 years, that our employees --  
5 if they had an encounter and it didn't go well the first  
6 time, that you should go find a manager. Yeah, that's --  
7 that's how we handled it.

8           Q.    And so now you went back to sit down?

9           A.    Yes, sir.

10          Q.    And did you?

11          A.    Yes, sir, I did.

12          Q.    Did you go up the stairs?

13          A.    I went back up the stairs, back down the row,  
14 and when I got my -- when I got to my seat, I took my bag  
15 of popcorn -- popcorn from my wife and turned around and  
16 sat down.

17          Q.    Before sitting down, did you have any  
18 conversations with this gentleman again?

19          A.    I said one more thing to him, yes, sir.

20          Q.    And what did you say?

21          A.    As I'm walking down the aisle, he looked at me.  
22 I guess you could say it was a stare, perhaps. So as I  
23 went past, as -- I guess as a goodwill gesture, I told him  
24 that I saw -- I didn't see his phone at that time -- so I  
25 said, "I see you're not on your phone. Sorry I involved

1 theater management." It may not have been those exact  
2 words, but that -- that's what it was.

3 Q. Okay, and then what did you do?

4 A. I took my popcorn bag and sat down next to my  
5 wife.

6 Q. You took your popcorn bag from your wife and sat  
7 down?

8 A. Yes, sir.

9 Q. Now what happens?

10 A. I -- I hadn't been sat down any time at all and  
11 I see that he and his wife are now interacting again, and  
12 she's got both hands on him, on his left arm this time.  
13 And he jumps up -- I say jumped up -- he stands up very  
14 quickly and he swings around and faces my wife, where my  
15 wife is sitting. He's -- he's directly in front of her.

16 He's -- he's -- just before or just as he stood  
17 up, I heard something about theater management or manager,  
18 but I think it was in a conversation with his wife, not --  
19 he was very loud, so I think it was -- he was just being  
20 loud.

21 Q. So now what happened?

22 A. His motion and swinging around got my eye. He's  
23 right off to my right here, caught my eye almost  
24 immediately. When I looked up, he was coming over the  
25 seat at me across the front of where my wife was, and he



1 had -- I saw just a snapshot of a -- of something dark in  
2 his hand.

3 Almost immediately, I saw what I perceived to be  
4 a -- a glow from a light, a screen, right in front of my  
5 face and I was hit in the face.

6 Q. What happened to you as you're hit in the face?  
7 Do you know where you were hit, do you think?

8 A. Over -- over my left eye, I think in this area.  
9 It must have hit my glasses because it knocked my  
10 glasses -- I think it knocked my glasses off at that  
11 point.

12 Q. Completely off?

13 A. Just off the side of my head. It was still --  
14 they were still in place on the right side, but this arm  
15 on the left side was down on my cheek. I didn't realize  
16 that immediately. It took a -- but in a couple of  
17 seconds.

18 Q. And why didn't you realize that immediately?

19 A. Well, I knew that -- as soon as I got hit that  
20 everything was blurry, which I have 20/20 vision with my  
21 glasses, so I didn't immediately associate the fact that I  
22 didn't have my glasses on until a little later in the  
23 event.

24 Q. Are your glasses on or are your glasses off?

25 A. On my head, but off my -- askew, I guess, on my

1 face.

2 Q. Okay. And what are you trying do at this point?

3 A. I was kind of dazed. I was disoriented. I was  
4 trying to get my thought processes back together as to  
5 what happened because it was so unexpected until -- I  
6 mean, it's just something that you would not expect to  
7 happen in a theater.

8 Q. Was there any verbalization whatsoever while  
9 this process was taking place?

10 A. I heard the conversation -- I heard the -- some  
11 of -- I heard his voice when he was talking with his wife.  
12 I didn't ever hear her voice. It was loud, but he was  
13 facing the other way.

14 After I got hit, then -- then he was facing me  
15 and he was very loud at that point.

16 Q. And what -- what was he saying?

17 A. A lot of sentences with the F word, "going to  
18 kick your F'in' ass. I'm going to -- F you. If -- if it  
19 was any of your F'ing business, I was texting my F'ing  
20 daughter."

21 And I heard those in -- in a sequence that may  
22 not be the ones that I repeated, but I heard them all at  
23 some point during that time period.

24 Q. What happens next?

25 A. Well, my first effort at anything was to try to

1 get out of my seat, to try to stand up.

2 Q. So how did -- how did you attempt to do that?

3 A. Well, I had a bag of popcorn in my left hand,  
4 and I normally -- because of some issues over the years, I  
5 usually push off with both hands.

6 Q. Push off where?

7 A. Push off the seat, off the hands here. One hand  
8 was occupied with the bag. I tried to stand up by just  
9 leaning forward. Then I realized that that was not a good  
10 idea.

11 Q. Why was that not a good idea?

12 A. Well, the guy that just hit me was right there.  
13 You try to get away from him, not closer to him.

14 Q. And so what did you do once you realized that  
15 trying to get up was not a good idea?

16 A. Then I got back in my seat as far as I could to  
17 increase the distance between us, and that's when I kind  
18 of became aware that his wife was trying to hold onto him.

19 Q. When you say you were trying create some  
20 distance, if you could show the Court -- I think she can  
21 probably see it if she stands up -- show the Court what  
22 you were trying to do in your seat to create that  
23 distance.

24 A. Well, the seats have a little bit of spring to  
25 the back of them. So what I was trying to do was get as

1 far back in my seat as I could. And then I remembered  
2 that I have a 5 or 6-foot wall behind me, so I was -- you  
3 know, there was not too many places to go.

4 At that point, I felt like I wanted to get him  
5 away from my wife and to further increase the distance, so  
6 I leaned as far to my left as I could in my seat, and I  
7 didn't want to bump his seat, so my right leg went out to  
8 the right side down the aisle where my wife was to try to  
9 keep me -- to keep him away from me.

10 Q. During this entire time, where was your focus?

11 A. On him.

12 Q. And -- and why was your focus on him?

13 A. Well, you -- you find yourself in that kind of  
14 an encounter, there's an old saying, "If you lose your  
15 focus, you lose your life."

16 Q. And so you weren't about to get your focus off  
17 of him?

18 A. Not a -- not a chance.

19 Q. What did you see happening next?

20 A. I saw he was continuing to speak loudly, very  
21 loud. He was -- his wife was trying to hold onto him.  
22 And as I'm in that position that I just demonstrated for  
23 you, I realized I'm trapped.

24 Q. What do you mean by "trapped"?

25 A. I can't get up, I can't get out, he's right in

1 front of me, and he's trying to come over the chairs  
2 again.

3 Q. And so what do you do?

4 A. I think at that point -- at some point in  
5 between when I was first struck and that incident right  
6 there, I realized that I was in a life-or-death struggle,  
7 that all of a sudden he was no longer a loud mouth. He  
8 was now a very definite threat.

9 At some point in time, because of the position  
10 that I was in, I reached for my pistol.

11 Q. Describe to the Court during this period of time  
12 as to how he was trying to come at you again.

13 A. He had moved a little bit over to his right,  
14 which would have been a little bit closer to, I think, his  
15 wife. He was kind of in that little crack area, I guess  
16 you might say, in between the two seats.

17 She had -- she had been trying to hold onto him  
18 and it looked like that, at that point, he suddenly either  
19 got away from her or he found a stable position, either on  
20 his seat or on the floor or something. He was suddenly  
21 right in front of me higher up off of the seat than I was,  
22 looking down at me, and he was yelling some of the same  
23 things that I'd mentioned earlier.

24 Q. Was he continuing to move in your direction?

25 A. He was reaching for me.

1           Q.    So what did you have to do as he was reaching  
2   for you?

3           A.    When I realized that he had gotten much closer  
4   and that he was, I guess -- there's a -- there's a thing  
5   where you see somebody getting ready to set up to punch  
6   you, and he was getting ready to punch me and I perceived  
7   that, at some point, and that's when the pistol came out.

8           Q.    What did you do with that pistol?

9           A.    I shot him.

10          Q.    Did you want to shoot him?

11          A.    Absolutely not.

12          Q.    So why did you shoot him?

13          A.    Well, at that point, it was his life or mine.

14          Q.    Did you feel he was going to hurt you?

15          A.    No question about it.

16          Q.    Mr. Reeves, I'm going to show you what's been  
17   marked as Court's Exhibit Number 16.  Actually, it's a  
18   copy of Court Exhibit Number 16.  If you want me to get --  
19   it's just this is easier.  Let's go right from the very  
20   beginning.

21                Mr. Reeves, have you seen Court Exhibit 16  
22   before?

23          A.    Yes, sir, I have.

24                (Video playing.)

25

1 BY MR. ESCOBAR:

2 Q. Mr. Reeves, do you see someone that you  
3 recognize in that frame?

4 A. Yes, sir, I do. I think.

5 Q. And who is that?

6 A. Me.

7 Q. And what are you doing?

8 A. I think that's when we first came into the  
9 theater, my wife and I.

10 Q. Okay.

11 MR. MARTIN: Excuse me, Judge, if we're going to  
12 refer to, quote, "frames," can we -- since we're  
13 stopping it --

14 MR. ESCOBAR: I will.

15 MR. MARTIN: -- to see the frame. So the  
16 record's clear.

17 BY MR. ESCOBAR:

18 Q. 13:14:45.583; is that correct?

19 A. Yes.

20 MR. ESCOBAR: Go ahead. Stop.

21 BY MR. ESCOBAR:

22 Q. 13:14:48.52, who is that person next to you  
23 there in that frame?

24 A. That's my wife. She would have followed me in  
25 because my son was going to sit next to her when he got

1     there.

2                 MR. ESCOBAR: Your Honor, we're going to speed  
3     it up if the Court doesn't mind, just to save a  
4     little time.

5                 THE COURT: Don't mind a bit.

6                 MR. ESCOBAR: I'm sure you wouldn't.

7     BY MR. ESCOBAR:

8                 Q. Now, Mr. Reeves, for the entire time that Camera  
9     Number 11 was not recording, were you seated there in the  
10    theater with your wife?

11                A. Yes, sir, I was.

12                Q. Okay. 13:22:26.347. Mr. Reeves, do you see  
13    yourself in that particular frame?

14                A. Yes, sir, I do.

15                Q. And what do you see yourself doing in that  
16    particular frame?

17                A. I'm leaning forward in my seat with my right  
18    hand.

19                MS. SUMNER: Could he talk into the microphone,  
20    please?

21                THE WITNESS: Oh, I'm sorry.

22                I'm leaning forward in my seat, and my right arm  
23    is out in front of me.

24     BY MR. ESCOBAR:

25                Q. And what are you doing at this point in time?



1           A.    I believe I may have been -- that's when I  
2    leaned over to Mr. Oulson.

3           Q.    To speak to him about what?

4           A.    To -- when I asked him to please turn his phone  
5    off.

6           Q.    Okay.  Now, Mr. Reeves, in that last frame right  
7    before this frame, it certainly appeared that your body  
8    had been moving a little bit forward, and here at  
9    13:22:46.568, do you see your body there in that screen?

10          A.    Yes, sir, I do.

11          Q.    Okay.  And we're going to go ahead and play it  
12    to see where your body goes, but do you have any idea what  
13    you were doing with your body during those two frames?

14          A.    At this point right now, I'm not exactly sure  
15    time-wise, but...

16          Q.    Okay.  Well, let's play it to see what...

17                MR. ESCOBAR:  Stop.

18   BY MR. ESCOBAR:

19          Q.    See how your body has just gone back?

20          A.    Okay.  I'm sitting back and -- I think I'm  
21    sitting back in my seat and I'm putting my popcorn in  
22    my -- back in my lap.

23          Q.    Okay.  Now, this is about 12 seconds right now  
24    that you've gone back into your seat now before the next  
25    frame.

1           Is that what the recording is saying?

2           A.    Yes, sir, I -- yes, sir, it does.

3           MR. ESCOBAR:   So let me stop there for a second.

4   BY MR. ESCOBAR:

5           Q.    What is happening now, what are you waiting for?

6           A.    Mr. Oulson to put his phone away.

7           Q.    There was a -- there was about a 17-minute no  
8   recording before this no recording.   This was 12.   That's  
9   29 seconds; is that correct?   Excuse me, 17 seconds, 12  
10   seconds?

11          A.    Yeah, about 30 seconds, I think, yes.

12          Q.    This is not the first time you've seen this  
13   tape?

14          A.    No, sir.

15          MR. ESCOBAR:   Go ahead.

16   BY MR. ESCOBAR:

17          Q.    We now have another 18 seconds.

18          MR. ESCOBAR:   Stop it.

19   BY MR. ESCOBAR:

20          Q.    What is happening during this 18-second period?

21          A.    I'm waiting.

22          Q.    Waiting for?

23          A.    For Mr. Oulson.

24          Q.    To do what?

25          A.    Put his phone away.

1           Q.    Okay.  Do you wait all that time to have Mr.  
2   Oulson put his phone away?

3           A.    Well, yes, sir.  I tried to adjust myself in the  
4   seat so that I couldn't see it, but it was, you know -- it  
5   was unavoidable.

6           Q.    What was happening with that phone?  Where was  
7   it at and how was it affecting you?

8           A.    Well, it was -- it was out in front of him  
9   shining between him and his wife right into my face.

10          Q.    Okay.

11               MR. ESCOBAR:  Stop.

12   BY MR. ESCOBAR:

13          Q.    Now what are you doing?

14               MR. MARTIN:  Frame number, please?

15               MR. ESCOBAR:  Sorry.  13:23:20.335.

16   BY MR. ESCOBAR:

17          Q.    What are you doing now?

18           A.    I believe I'm leaning forward.  That's when I  
19   had my second -- when I spoke with him the second time and  
20   I said that -- when he didn't put it away, I said, "You  
21   leave me no alternative other than to involve theater  
22   management."

23          Q.    And his response to you was?

24           A.    "I don't give an F what you do."  Rather loudly.

25               MR. ESCOBAR:  Go ahead.

1 BY MR. ESCOBAR:

2 Q. Mr. Reeves, what are you doing there now?

3 That's 13:23:25.707.

4 A. I'm handing -- as I stood up, I'm handing my  
5 popcorn box to my wife.

6 Q. And what are you doing after that?

7 A. Then I -- then I go down the aisle and down the  
8 stairs to see the manager.

9 MR. ESCOBAR: Your Honor, I promise you I'll  
10 speed up when we get to a particular point that has a  
11 longer segment. I'm waiting for that.

12 THE COURT: Okay.

13 MR. ESCOBAR: Okay. Stop.

14 BY MR. ESCOBAR:

15 Q. Mr. Reeves, at 13:26:16.446, is that you again?

16 A. Yes, sir, it is.

17 Q. Have you come back from the management front  
18 desk?

19 A. Yes, sir, I did.

20 Q. And you're headed back where?

21 A. To my seat.

22 Q. What's happening, again, as you're headed back  
23 in this direction to your seat?

24 A. It's when I saw Chad Oulson kind of staring at  
25 me and I made a comment to him.

1 Q. Why did you make that comment to him?

2 A. De-escalation. The guy wouldn't do anything  
3 wrong. I don't know what the answer to that would be.

4 Q. Did you see the phone on still?

5 A. Sir?

6 Q. Did you see the phone on still?

7 A. No, sir, I didn't.

8 Q. And so what specifically -- when you saw the  
9 phone was not on, what did you tell him?

10 A. I said, "I see that your phone is not on. I'm  
11 sorry I went to the management," or something of that  
12 nature. I don't -- that was the -- that was the content  
13 of what I said. Not the exact words. I mean, I don't  
14 know.

15 MR. ESCOBAR: Go ahead.

16 BY MR. ESCOBAR:

17 Q. What are you doing there?

18 A. I take the popcorn box from my wife and I sit  
19 down.

20 Q. That was at 13:26:19.416; is that correct?

21 A. Yes.

22 MR. ESCOBAR: Okay. Let's stop there for a  
23 second.

24 BY MR. ESCOBAR:

25 Q. 13, 25 -- excuse me. 13:26:25.322. I'm going

1 to be pointing to an area right there and ask you who is  
2 that. That's at the lower right-hand corner of that  
3 frame?

4 A. That's Chad Oulson.

5 Q. And what is Mr. Oulson doing at that moment?

6 A. He's trying to come over the back of the chair  
7 in front of my wife.

8 Q. Now, we also see in 13:26:25.322, what appears  
9 to be a light of some sort, a white rectangle within the  
10 photo; is that correct?

11 A. Yes, sir, it is.

12 Q. I think you probably heard the -- Mr. Koenig,  
13 the expert, describe it as a 2 x 3 pixel object of some  
14 sort?

15 A. Yes, sir, I did.

16 Q. Now, I'm going to show you what's been marked as  
17 Defendant's Exhibit Number 29, and I'm going to remove  
18 that exhibit from the bag and ask you if you recognize  
19 that exhibit?

20 A. It looks like it's my right shoe.

21 Q. Now, does your right shoe have a reflective  
22 character to it?

23 A. Yes, sir, it does. I think on the back and the  
24 outside of the foot.

25 Q. Where you see these grey sort of marks

1 throughout the shoe?

2 A. Yes, sir.

3 Q. Silver. I called it grey. It's probably  
4 silver.

5 And the name of the shoe is Salomon?

6 A. Yes, sir.

7 Q. Okay. Now, have you seen yourself in video in  
8 this particular case from the Cobb Theater walking through  
9 the theater and through the concession area where you were  
10 able to see the reflective characters of your shoe?

11 A. Yes, sir, I have.

12 Q. And do they appear to be a reflective white type  
13 of character?

14 A. It comes back as a white light just like that  
15 one, similar to that one.

16 Q. Okay. Now, do you absolutely know what this 2 x  
17 3 pixel area is that we see here?

18 A. Absolutely, no. I don't.

19 Q. And do you recognize that frame as being the  
20 first frame from the non-recording period immediately  
21 proceeding?

22 A. Yes, sir, I do.

23 Q. So prior to this particular frame, Camera Number  
24 11 was not recording?

25 A. I think that is Camera 11 there.

1           Q.    Camera 11, yeah. But before-- I'm talking about  
2 before this frame, immediately before.

3           A.    Yeah, right. It was not recording then.

4           Q.    Okay. Now, could this particular light that we  
5 see here, could that be a reflection from your shoe?

6           A.    I don't know. It's possible.

7           Q.    Do you know if at the time that you sat down and  
8 grabbed your popcorn, do you know if you crossed your leg?  
9 For example, I'm going to demonstrate for you myself.

10                Do you know if you sat down and crossed your  
11 leg, your right leg?

12           A.    That's altogether possible, yes, sir.

13           Q.    Is that something that you sometimes do?

14           A.    When I'm relaxing, yes, sir.

15           Q.    What was your intent when you went back into  
16 that theater and grabbed your popcorn?

17           A.    To sit down and enjoy the movie.

18           Q.    Did you have any idea, any intent, any thought  
19 process whatsoever that somehow you were going to get into  
20 some encounter again with Mr. Oulson?

21           A.    Absolutely no idea at all.

22           Q.    Now, let's take a look at the frames that  
23 immediately follow frame number 13:26:25322. I want you  
24 to pay particular attention to that area of that 2 x 3  
25 pixel-lighted area, because I'm going to be asking you



1 some questions about that --

2 A. Yes, sir.

3 Q. -- next.

4 A. Okay.

5 MR. ESCOBAR: Go ahead. Stop.

6 BY MR. ESCOBAR:

7 Q. Now, did you see that light move?

8 A. Yes, sir. It appeared to move, yes, sir.

9 Q. If that light was a source of your shoe, do you  
10 remember whether or not you moved?

11 A. That's the same time that I got hit in the face.  
12 It's possible that I moved.

13 Q. You mean the time where you saw Mr. Oulson  
14 coming over -- over your seat in that first frame of  
15 the -- after the non-recording period?

16 A. That's the same time I got hit in the face, yes,  
17 sir.

18 Q. And so did you move when you got hit in the  
19 face?

20 A. Yes, I did. I had to have.

21 MR. ESCOBAR: Go ahead. Stop.

22 BY MR. ESCOBAR:

23 Q. Now, it looks like you were -- your upper body  
24 before 13:26:27.824, was forward. You -- it almost looks  
25 like you had leaned forward.

1                   What were you trying to do there after you were  
2 hit?

3           A.    Get away.

4           Q.    Do what?

5           A.    Get away from him.

6           Q.    Well, what were you -- what was your thought  
7 process? What were you going to do?

8           A.    My thought process was to stand up.

9           Q.    And did you stand up?

10          A.    No, sir.

11          Q.    And why not?

12          A.    I realized that was not a good decision.

13          Q.    And why is that?

14          A.    I would be getting closer to him.

15          Q.    Now --

16               MR. ESCOBAR: Stop there.

17 BY MR. ESCOBAR:

18          Q.    -- before the next recorded image, you've got  
19 seven-plus seconds. I believe when it started, it was  
20 pretty close to eight; is that correct?

21          A.    I think so, yes, sir.

22          Q.    Please tell the Court what was taking place  
23 between this approximately eight-second period that's not  
24 being recorded again by Camera Number 11?

25          A.    Mrs. Oulson was trying to hold him back and he

1 was pulling away from her. He looked to me like he was  
2 out of control. He was in a fit of rage. He was trying  
3 to get over the seat to me.

4 MR. ESCOBAR: Go ahead.

5 BY MR. ESCOBAR:

6 Q. This is happening all through this period of  
7 time?

8 A. Yes, sir, pretty much.

9 MR. ESCOBAR: Okay. Stop right there.

10 BY MR. ESCOBAR:

11 Q. 13:26:36.366. What are we seeing taking place  
12 down here at the very bottom right-hand corner of this  
13 particular frame?

14 A. Mr. Oulson is reaching over the back of his seat  
15 attacking me. He's trying to come over the seat.

16 Q. And what do you see in addition to what appears  
17 to be an arm there? Do you see a body coming over?

18 A. Yes, sir. He's very close to me. His whole  
19 body is there and his arms. He's -- he's -- it looks like  
20 he's pulled away from his wife and that he's -- he's  
21 gotten loose from her and he's trying to come back over  
22 the seat.

23 Q. What have you done at this particular point  
24 while you see that body starting to come over?

25 A. I realized that he's getting ready to attack

1 again. I'm getting ready to -- I know I have to defend  
2 myself. I've realized that it's now a life-or-death  
3 fight. It's not a -- it's not what it was, which was just  
4 a guy being mouthy. And I realized that I've got to take  
5 some decisive action if I want to survive this thing.

6 Q. And so you pull your weapon?

7 A. Yes, sir.

8 MR. ESCOBAR: Stop.

9 BY MR. ESCOBAR:

10 Q. Now, Mr. Reeves, you saw that hand coming  
11 forward?

12 A. Yes, sir.

13 Q. Did that hand grab your popcorn?

14 A. Yes, sir.

15 Q. Did you realize at the time that this was  
16 happening that that hand had grabbed your popcorn?

17 A. No, sir, I didn't.

18 Q. What were you seeing as that individual was  
19 coming towards you?

20 A. I was seeing a guy attack me and reaching out to  
21 get me.

22 Q. When he pulled that popcorn back and shoved it  
23 in your face, did you see that popcorn as he was reeling  
24 it back and shoving it in your face?

25 A. I really don't have any memory of that popcorn,

1 again, until the deputies asked me about it during the  
2 interview.

3 Q. What did you tell the deputies during the  
4 interview?

5 A. When they asked me what happened to the popcorn,  
6 I think I told them that I wasn't sure if I had dropped it  
7 or if he knocked it out of my hand.

8 Q. So at no point in time did you actually see the  
9 popcorn in Mr. Oulson's hand as he was coming forward  
10 towards you for the second time -- actually, for the third  
11 time, I guess, if we're going to talk about the first one  
12 earlier?

13 A. I'm sorry. Would you say that again, please?

14 Q. You didn't see the popcorn?

15 A. I did not see the popcorn bag. I saw him coming  
16 over the seat after me. I didn't know what happened to  
17 the popcorn bag.

18 Q. Did you believe, at that point in time, that you  
19 all -- you had made a decision?

20 A. At that point, yes, I had.

21 Q. And what was the decision that you had made  
22 before that popcorn even struck you?

23 A. I was going to try to shoot him before he hit  
24 me.

25 Q. What was the size of Mr. Oulson that you

1 perceived as he was there in front of you in that front  
2 row?

3 A. He was a pretty good-sized man. He was pretty  
4 tall.

5 Q. What about his age?

6 A. He was considerably younger than I was. I  
7 estimated his age to the deputies at about 35 or 40.

8 Q. Now, after firing that shot, please tell the  
9 Court what you did with that weapon?

10 A. The first thing I did was put it in my lap.

11 Q. Can you tell the Court, please, why you put that  
12 weapon in your lap?

13 A. Well, I didn't want to be perceived as a problem  
14 for anybody else in the theater.

15 Q. Why is that important?

16 A. I was not a threat to anybody else in that  
17 theater.

18 Q. Was the theater still dark at that time?

19 A. Yes, sir.

20 Q. In any of your training, especially with  
21 undercover officers, have you trained them concerning  
22 having a weapon out in a darkened environment?

23 A. Yes, sir, I have.

24 Q. And what has that training been?

25 A. You need to be very cautious. You never know

1     who is there. You never know who's armed and who is not,  
2     and you never know if there's another officer there. So  
3     if you're not a threat, don't be perceived as a threat.

4           Q.     And so that's why you put your weapon on your  
5     left knee?

6           A.     Yes, sir.

7           Q.     And did an off-duty Sheriff's officer come and  
8     retrieve that weapon from your knee?

9           A.     Yes, sir, he did.

10          Q.     Mr. Reeves, I'm going to show you what's been  
11     marked as Defendant's Exhibit Number 13 and introduced  
12     into evidence, and ask you if you have seen this  
13     particular exhibit.

14                 MR. ESCOBAR: Stop. Go a little bit further.  
15     Keep on going.

16     BY MR. ESCOBAR:

17          Q.     What are we seeing here?

18          A.     Chad Oulson's head and arm and it looks like  
19     it's his shoulder.

20          Q.     Is that the first attack?

21          A.     Yes, sir.

22          Q.     And that is frame number 13:26:25.322; is that  
23     correct?

24          A.     Yes, sir.

25                 MR. ESCOBAR: Stop. Okay.

1 BY MR. ESCOBAR:

2 Q. And this is the 2 x 3 pixel light that we were  
3 talking about before?

4 A. Yes, sir, it is.

5 Q. That could have been maybe a cell phone, but  
6 also it could have been just as well the reflection from  
7 your shoe?

8 A. Yes, sir.

9 Q. I want you to focus now on the movement of this  
10 particular light, if you can for me.

11 Now, Mr. Reeves, law enforcement came and  
12 arrested you; is that correct?

13 A. That's correct.

14 Q. And you were placed in the patrol car?

15 A. Yes, sir, I was.

16 Q. With your hands at your back?

17 A. Yes, sir.

18 Q. About how much did you weigh at the time of this  
19 incident?

20 A. Probably around 260.

21 Q. 260 pounds?

22 A. Yes, sir.

23 Q. Was it difficult to have your hands in your back  
24 seated in a patrol car?

25 A. It was difficult to do that without being in a



1 patrol car. With being in a patrol car, yes.

2 Q. Okay. And that was because of your conditions  
3 with your shoulders?

4 A. Yes, sir, and my back.

5 Q. You were in the patrol car for how long?

6 A. I estimate around an hour or so, maybe an  
7 hour-and-a-half.

8 Q. In that position?

9 A. Yes, sir.

10 Q. And then what happened?

11 A. The detectives come over and take me out of the  
12 car and put me in their car.

13 Q. Okay. And what -- what did they do about your  
14 handcuffs?

15 A. They moved them from behind me to in front of  
16 me.

17 Q. Okay. And you were placed in that car as well?

18 A. I was placed in the detective's passenger side,  
19 yes.

20 Q. Front passenger?

21 A. Yes.

22 Q. And you gave an interview to the detectives?

23 A. Yes, sir.

24 Q. What was your emotional state at the time that  
25 you were interviewed by the detectives?

1           A.    Well, I was obviously concerned that I'd been  
2 involved in something I didn't want to be involved in.  
3 There was a chance that someone could lose their life over  
4 it.

5           Q.    Did you know at that point in time that Mr.  
6 Oulson had passed?

7           A.    No, sir, I didn't.

8           Q.    Did you agree to give a statement to law  
9 enforcement?

10          A.    Yes, sir, I did.

11          Q.    And was that statement given to the best of your  
12 ability at that time?

13          A.    Absolutely, yes, sir.

14          Q.    Now, after -- after you were interviewed, you  
15 were informed that you were going to be charged with  
16 second degree murder?

17          A.    That's correct.

18          Q.    Is that correct?

19          A.    Yes, sir.

20          Q.    And photographs were taken of you; is that  
21 correct?

22          A.    Yes.

23               MR. ESCOBAR: Your Honor, a photo must have had  
24 one of these rolled tape pieces. Here, I'll point it  
25 out to the Court, so the Court doesn't get confused

1           with it. Do you see this appears to be a piece of  
2           tape that's stuck there? I don't want to destroy the  
3           photo. I want to make sure you're okay with it.

4           THE COURT: Okay. Show the State. There's a  
5           piece of evidence tape.

6           MR. ESCOBAR: Yeah, well we'll deal with it --

7           MR. MARTIN: We'll deal with it later.

8           BY MR. ESCOBAR:

9           Q. Now, Mr. Reeves, I'm going to show you what's  
10          been marked as Defense Exhibit Number 28, and ask you to  
11          take a look at that and see if you recognize that.

12          A. Yes, sir, I do.

13          Q. And what is that an exhibit of that's been  
14          introduce into evidence?

15          A. That's my hands after the Sheriff's Office had  
16          handcuffed me.

17          Q. I want to focus on one particular area of  
18          importance and that is your finger right here.

19          A. Yes.

20          Q. Do you see the red mark there on your finger?

21          MS. SUMNER: If he can indicate which finger he  
22          is referring to?

23          MR. ESCOBAR: The middle finger.

24          MS. SUMNER: Which hand, please?

25          MR. ESCOBAR: On the left.

1 MS. SUMNER: Thank you.

2 BY MR. ESCOBAR:

3 Q. Looking at your middle finger of your left hand,  
4 is that an injury that you had to that hand before January  
5 13, 2014?

6 A. No, sir.

7 Q. Now, the other injuries that you see on your  
8 hand, do you attribute that to anything?

9 A. Well, yeah. Those are the Sheriff's Office  
10 trying to get their handcuffs on me. All that bruising on  
11 both arms.

12 Q. Okay. In your old age, do you bruise easy?

13 A. Very easily, absolutely. Particularly on my  
14 hands and arms.

15 Q. I'm going to show you what's been marked as  
16 Defense Exhibit Number 60.

17 Now, immediately after this incident, did you  
18 have a conversation with your wife about what had happened  
19 to you there immediately before -- or not immediately --  
20 but before you had to shoot Mr. Oulson concerning being  
21 struck?

22 A. Yes, sir, I did.

23 Q. What did you tell your wife after you fired your  
24 weapon?

25 A. She wanted to ask me, I think, what happened and

1 I told her I got hit in the face.

2 Q. Now, before January 13 of 2014, did you have  
3 these red marks here to your left eyelid?

4 A. No, sir, I did not.

5 Q. Do you know how those red marks got there?

6 A. Yeah, I got hit in the face.

7 Q. Now, on your eyelids, do you have some veiny  
8 skin?

9 A. Yes, sir.

10 Q. On both eyelids?

11 A. I assume -- I'm not sure I know what veiny skin  
12 is. I think that's that way all over.

13 Q. That's my layman's medical description. I  
14 apologize, Mr. Reeves.

15 I'm going to show you now what's been marked  
16 as --

17 MS. SUMNER: Before we move away, I believe that  
18 that's actually Exhibit 27. I think the 60 must  
19 be --

20 MR. ESCOBAR: Yeah, it was.

21 THE COURT: Yeah, 60 was for the admitted  
22 number.

23 MR. ESCOBAR: It is, Your Honor. It's Number  
24 27.

25 THE COURT: 27. Thank you.

1 BY MR. ESCOBAR:

2 Q. Mr. Reeves, I'm going to show you what's been  
3 marked as Defendant's Exhibit Number 124 and ask you if  
4 you recognize that photo.

5 A. Yes, sir, I do.

6 Q. And what is that a photo of?

7 A. That appears to be a booking photo from the  
8 county jail.

9 Q. Is that the booking photo when you arrived at  
10 the county jail?

11 A. Yes, sir, I think so.

12 MR. ESCOBAR: Your Honor, we would move  
13 Defendant's Exhibit Number 24 into evidence.

14 THE COURT: I thought you said it was 124?

15 MR. ESCOBAR: 124.

16 THE COURT: That would be what?

17 THE CLERK: 48.

18 THE COURT: Any objection?

19 MR. MARTIN: No, Your Honor.

20 THE COURT: It will be admitted as 48.

21 BY MR. ESCOBAR:

22 Q. I'm going to, again, show you what's been marked  
23 as Defendant Exhibit Number 48. I would like you to pay  
24 particular attention to the left side of your left eye.

25 Do you see anything going on right there that

1     you normally do not have present on your face?

2             A.     I think there might be a little bit of swelling  
3     there.  It looks like there is some swelling just to the  
4     top side on the outside edge in this area up here.

5             Q.     Now, when you were there at booking, was that  
6     area of your face sore?

7             A.     Yes, it was.

8             MR. ESCOBAR:  May I have a moment, Your Honor?

9             THE COURT:  You may.

10            MR. ESCOBAR:  Your Honor, we would pass the  
11     witness.

12            THE COURT:  Is this a good time for a break?  
13     State will be back at 4:30.

14     (Recess taken.)

15            MR. MARTIN:  Judge, I'm going to begin my case  
16     by playing a video.  It's marked as State's Exhibit  
17     Number C for identification.  It will be Item Number  
18     1AWS, as identified by Pasco County Sheriff's Office.

19            On that particular exhibit, I'll be playing File  
20     Number 20140113131442.  This will be the original  
21     export of the surveillance video from the GeoVision  
22     system, unaltered, unedited, and it's the, quote  
23     "best evidence" in this case.

24            You've heard testimony about a USB key that was  
25     handed over through Mr. Meyers to Detective Smith

1           because it was downloaded off-site by Eric Andrew.  
2           This is that thumb drive, and I will be playing a  
3           portion of the file number that I put on the record.

4           It is also one of the items that, by  
5           stipulation, the chain of custody has been stipulated  
6           to, along with authenticity.

7           MR. ESCOBAR:   Authenticity?

8           MR. MARTIN:   Yes.

9           THE COURT:    I love that word.

10          MR. MARTIN:   Because this is the original best  
11          evidence, I've had someone with more savvy than I --  
12          we actually used a WriteBlocker so that it could be  
13          downloaded onto my hard drive so that the computer  
14          would not go back and add anything to the exhibit.

15          So I do have the exhibit here.   I do have the  
16          WriteBlocker.   Like I said, someone knows how to use  
17          this.   They did that for me so I'm going to be  
18          playing it off my computer which you will see up on  
19          the screen the file number that I placed on the  
20          record, but for safety purposes, I prefer not to keep  
21          putting this thumb drive in and out of the computer  
22          without someone who really knows how to use this  
23          WriteBlocker.

24          THE COURT:    Okay.

25          MR. MARTIN:   All right.   If I can find my



1 glasses.

2 MR. ESCOBAR: They're right over there.

3 MR. MARTIN: There we go. Could have been on my  
4 head. It would have been less embarrassing.

5 Give me just a second. There we go.

6 CROSS-EXAMINATION

7 BY MR. MARTIN:

8 Q. Now, what I'm going to do, I'm going to back it  
9 up to the very first part where Mr. Escobar was discussing  
10 and Mr. Reeves was discussing that there's a break in the  
11 recording, and it's the frame where Mr. Reeves indicated  
12 that he was -- that Mr. Oulson comes into the frame, and  
13 this is at 13:26:24.

14 Mr. Reeves, what I'd like for you to do is watch  
15 the screen. This is the place where you indicated that  
16 you had a difficult situation with Mr. Oulson. You can  
17 see in that particular frame -- that is the frame you had  
18 a discussion with Mr. Escobar about, in your opinion, Mr.  
19 Oulson was coming over the seat, right?

20 A. That's correct.

21 Q. Mr. Reeves, you're going to have to speak up. I  
22 know it's been a long day and -- but we're going to have  
23 to get this on the record. Okay, sir?

24 A I understand.

25 Q. All right. So can we start over a little bit?

1 Because I'm all dried up with antihistamines. You've been  
2 talking for the last four hours, so we're just going to  
3 have to suffer through it. All right?

4 All right. Now, let me start over. This  
5 particular frame, this is where you had a discussion with  
6 Mr. Escobar about -- and you told us that you perceived  
7 Mr. Oulson coming over the seat, correct?

8 A. That is correct.

9 Q. All right. And Mr. Escobar asked you about the  
10 white -- the white area in the screen.

11 Do you remember that?

12 A. I do.

13 Q. All right. I want you to look over there and --  
14 do you see that?

15 A. I do.

16 Q. And then he put on a second exhibit, I believe,  
17 and he -- it was a loop and we had the yellow circles and  
18 the red circles.

19 Do you remember that?

20 A. That's correct.

21 Q. All right. Now, I believe you indicated that it  
22 is at this time you believe that you were hit by Mr.  
23 Oulson with something?

24 A. I was hit by Mr. Oulson with something.

25 Q. All right. Now, what I would like for you to

1 do, just like Mr. Escobar did, I want you to watch and  
2 follow the white area on the screen.

3 (Video playing)

4 BY MR. MARTIN:

5 Q. Now, that is you uncrossing your legs, isn't it,  
6 so you can lean forward?

7 A. It is possible, yes, sir.

8 Q. There you are with your legs crossed and that's  
9 the way you were sitting in the theater.

10 And this is you uncrossing your legs, correct?

11 A. I do not recall crossing my legs, but it is  
12 possible.

13 Q. You indicated that it was at this point in time  
14 that the reason for the movement was that you wanted to  
15 stand up.

16 A. I got hit in the face.

17 Q. You indicated that the movement here was that  
18 you wanted to stand up, correct?

19 MR. ESCOBAR: Judge, I'm going to object. That  
20 was not the location where he said he wanted to stand  
21 up -- is when his actual body is moving -- there you  
22 go.

23 MR. MARTIN: I'm going to get -- Mr. --

24 MR. ESCOBAR: But you can't the -- you can't ask  
25 the question on another frame, Judge. That's the

1           problem. If he wants to get to the frame that he  
2           wants to ask a question on, then get to the frame and  
3           then ask the question.

4           THE COURT: Go ahead.

5           MR. MARTIN: Thank you.

6 BY MR. MARTIN:

7           Q. We had discussed that this is the location --  
8           we're going to change topics, but this is the location  
9           where you said that you believed that Mr. Oulson was  
10          coming over the seat and you were hit with something,  
11          right?

12          A. That's correct.

13          Q. All right. Now, we're going to go forward. I  
14          want you to watch the white mark. We're going to stop it  
15          there. You're beginning to lean forward, are you not?

16          A. That's correct.

17          Q. All right. And in order to lean forward, you're  
18          going to have to uncross your legs, are you not?

19          A. If they were crossed, yes, sir.

20          Q. All right. Now, I believe you indicated it was,  
21          at this point, that you were going to stand up?

22          A. Yes. I moved forward in my seat, yes, sir,  
23          after getting struck. That's correct.

24          Q. You leaned forward in your seat and you closed  
25          the distance between you and Mr. Oulson; did you not?

1           A.     Until I realized that's what I was doing, yes,  
2     sir.

3           Q.     All right.  Because as we see from the frame, as  
4     we move it back, Mr. Oulson is moving out of the frame as  
5     you're moving towards him, correct?

6           A.     That's what the frame seems to look like, yes,  
7     sir.

8           Q.     All right.  So he's backing up from you and  
9     you're moving towards him?

10          A.     I'm moving towards him and his wife is pulling  
11     him back.

12          Q.     His wife is standing up; is that your testimony?

13          A.     No, sir.  She's in the seat next to him and she  
14     was trying to hang onto him.

15          Q.     And he was in the seat next to her, right?

16          A.     That's correct.

17          Q.     And both of them were sitting down at that  
18     point?

19          A.     He wasn't.  He was trying to come over the seat.

20          Q.     All right.  Your testimony is that at this  
21     point, he was trying to come over the seat --

22          A.     That's correct.

23          Q.     -- 13:26:25?

24          A.     That's correct.

25          Q.     All right.  And it's your testimony, then, that

1 Ms. Oulson, seated in her seat, was trying to reach out to  
2 her husband that's 6'4" and trying to what?

3 A. Well, she had been holding onto him trying to  
4 hold him back, I assume.

5 Q. While seated in her seat?

6 A. Yes.

7 Q. Okay. And what part of the body was she holding  
8 onto?

9 A. Well, when he first turned, she was holding onto  
10 his arm.

11 Q. All right. And Mr. Oulson is a very tall, lanky  
12 individual; is he not?

13 A. That's correct.

14 Q. Now, I'm going to go forward because I know  
15 there's a break in the frames here, but I want to get to  
16 that point, then I'll identify where the break is.

17 Now, you've leaned back into your seat, correct?

18 A. Correct.

19 Q. Now, right before the frame at 13:26:35 -- right  
20 before that is the frame at 13:26:30. That's where Mr.  
21 Escobar pointed out to you there's some five to seven  
22 seconds that there was no recording.

23 Do you remember that?

24 A. I do.

25 Q. All right. So now we're going to go to the

1 frame where we first see, based on your testimony, that  
2 Mr. Oulson was -- had moved to his right, based on your  
3 testimony.

4 MR. ESCOBAR: Judge, I don't want to interrupt  
5 but I believe that the seconds were more than five to  
6 seven seconds. But let the record -- the Court has  
7 the exhibit and can see what the second count will  
8 be.

9 MR. MARTIN: Well, I'm at 13:26:30, and the next  
10 time is 13:26:35.

11 MR. ESCOBAR: Okay.

12 BY MR. MARTIN:

13 Q All right. Are you ready to go, Mr. Reeves?

14 A. I'm prepared.

15 Q. I'll wait for you.

16 A. I was waiting for you.

17 Q. Oh, very good.

18 Now, this is where you indicate that Mr. Oulson  
19 stood up?

20 A. Based on what I'm seeing here right now, it  
21 appears to be that, yes.

22 Q. Well, you've watched this over and over, right?

23 A. I haven't memorized the time frame.

24 Q. All right. Now, when we were -- let me go back  
25 to the other frame and then we're going to be done.

1           When we compare -- when you looked at those two  
2 frames, you would agree that Mr. Oulson, at least in the  
3 frame, is lower in the frame than the previous frame we  
4 looked at where you said that he stood up and faced you,  
5 right?

6           A.    I --

7           Q.    Do you want to see it again?

8           A.    Yes.  You're saying that that one was lower?

9           Q.    Yeah, watch it.  Do you see -- do you got a  
10 reference point?  Pick something out and make a reference  
11 point.  Got it?

12          A.    Got it.

13          Q.    All right.  Very good.  We're going to go  
14 forward.

15               MR. ESCOBAR:  Judge, I have a feeling -- okay.

16               MR. MARTIN:  No.

17               MR. ESCOBAR:  Can you give us -- you've got to  
18 give us a frame number.

19               MR. MARTIN:  I know.

20 BY MR. MARTIN:

21          Q.    Now, at frame 13:26:35, when you look at that  
22 frame, the head of Mr. Oulson is higher than the previous  
23 frame.

24               MR. ESCOBAR:  Judge, I'm going to object.  There  
25 is no way that anyone can opine on 13:26:35 from that



1 photo. There is less than a centimeter -- there is  
2 less than a centimeter. How -- it's an improper  
3 predicate to even lay a lay opinion on that. There  
4 is absolutely, virtually nothing showing on that  
5 frame.

6 THE COURT: There's as much showing on that  
7 frame as any others.

8 MR. ESCOBAR: But Judge, let's go back to the  
9 other one so we can take a look at this one versus  
10 the other because --

11 MR. MARTIN: Is this cross or what? This is my  
12 time, right?

13 MR. ESCOBAR: Judge -- okay.

14 THE COURT: All right. Your objection is what?

15 MR. ESCOBAR: Improper predicate for a lay  
16 opinion on that limited frame at 13:26:35.

17 MR. MARTIN: All right.

18 THE COURT: Go back to it, Mr. Martin, just one  
19 more time.

20 MR. MARTIN: Sure. I'd be happy to.

21 BY MR. MARTIN:

22 Q. At 13:26:25, I want you to look at where you  
23 believe Mr. Oulson is in the frame. All right?

24 MR. ESCOBAR: Judge, if I can make now just for  
25 the record -- I want to preserve for the record those

1 two frames that we're talking about -- because now  
2 we've got some time stamps here, 13:26:25, and he is  
3 saying that this right here is nowhere close to the  
4 previous frame that he was trying to get Mr. Reeves  
5 to opine on, as a lay person, on who was in the  
6 previous frame.

7 So I would object to that particular process as  
8 an improper predicate for that previous opinion.

9 MR. MARTIN: Didn't we hear on direct  
10 examination that Mr. Reeves said that's Mr. Oulson  
11 and that's Mr. Oulson?

12 MR. ESCOBAR: But not on that previous frame,  
13 Your Honor.

14 MR. MARTIN: Yes, yes, yes.

15 MR. ESCOBAR: At no point in time on that  
16 previous frame did I even touch that.

17 THE COURT: All right. I thought I heard him  
18 say before that's Mr. Oulson coming right there.

19 MR. ESCOBAR: Right now, right here, on this  
20 frame.

21 MR. MARTIN: No, that was during direct.

22 MR. ESCOBAR: I'm talking about the other frame  
23 that he was asking the opinion. That frame, there's  
24 no doubt. I brought that frame and I asked Mr.  
25 Reeves, who is that? At the same time that we see

1           this little light and this little object, what is  
2           that?

3           Now, if you look at the next frame that he's  
4           wanting to opine, you watch and see, there's no  
5           object and there is a fraction -- there is a -- a  
6           tiny, minute fraction of this particular --

7           THE COURT: All right.

8           MR. ESCOBAR: -- silhouette.

9           THE COURT: I'll overrule -- overruled.

10          MR. MARTIN: All right.

11          THE COURT: Go ahead.

12          BY MR. MARTIN:

13           Q. Do you have a reference point?

14           A. Yes, sir, I do.

15           Q. All right. Now we're going to 13:26:35.

16           MR. ESCOBAR: The same objection.

17          BY MR. MARTIN:

18           Q. Do you have a reference point?

19           A. Yes, I do.

20           Q. All right. And 13:26:35, Mr. Oulson's head is  
21           higher than it was in the previous frame, correct?

22           A. It appears to be. He was moving around.

23           Q. All right. Now, when Mr. Escobar showed you the  
24           looped video where we had the red and the yellow circles,  
25           do you remember that?

1           A.    I do.

2           Q.    All right.  My question is:  Starting at  
3 13:26:25, this is the looped section that you watched, is  
4 it not?

5           A.    Yes, it is.

6           Q.    Keep watching.  So about right there, right?  
7 Then it looped back with Mr. Oulson being in the position  
8 that he was at in 13:26:25, right?

9           A.    The time was throwing me off, but what I see in  
10 the picture is myself leaning forward.

11          Q.    All right.  And then you lean back, right?

12          A.    Right.

13          Q.    All right.

14          A.    To get away from him.

15          Q.    So when we talked about the loop, this is what  
16 the loop looked like, right?

17          A.    Yes.

18          Q.    All right.  But when we look at it and place it  
19 in context, what we're really looking at is one serious  
20 event where Mr. Oulson is in the position that he's in and  
21 then you lean forward, right?

22          A.    (Inaudible.)

23          Q.    This wasn't what was occurring, right?  It  
24 wasn't loopy like that in real life, right?

25          A.    No.  Neither way was it loopy, but.

1 Q. Not loopy, but, I mean, the looped series. That  
2 was the video, it was a loop, right?

3 A. That Mr. Escobar showed?

4 Q. Yeah. It kept just playing over and over like  
5 this, right?

6 A. Right, I think so.

7 Q. Okay. But when I play it backwards, that's  
8 where the loop started. It started like that, didn't it?

9 A. I don't recollect where it started.

10 Q. All right. We'll let this exhibit speak for  
11 itself.

12 Now, you indicated that at the time that Mr.  
13 Oulson was in front of you, you don't have a recollection  
14 of popcorn being tossed on you, right?

15 A. The second time he came at me, no, sir, I  
16 don't -- I don't remember the popcorn.

17 Q. Okay. And you mentioned that was the second  
18 time, and what we have here at 13:26:25 is what you're  
19 telling us was the first time?

20 A. Yes, sir.

21 Q. Now, you also indicated to us that when you  
22 returned -- I want to get back to before the break. Give  
23 me a second. It's going backwards.

24 Okay. This is you returning from the manager,  
25 right?

1           A.     That's correct.

2           Q.     All right.  And it's at this point at some point  
3 in time, according to your testimony, you realized that  
4 Mr. Oulson had put the phone away?

5           A.     Yes.

6           Q.     All right.  The use of the phone that was so  
7 disturbing to you that you went to the manager, that was  
8 no longer an issue to you, right?  It wasn't being used?  
9 It wasn't out?

10          A.     When it wasn't out, right.

11          Q.     All right.  Then as you sat down, I believe your  
12 testimony was that you had contact with Mr. Oulson and  
13 made the statements that you've told us about.

14          A.     I made a statement.  I had no contact with Mr.  
15 Oulson.

16          Q.     I appreciate that, because I'm not talking about  
17 physical contact, so I -- I assume that was the reason you  
18 made that statement.  I'm talking about communication  
19 contact.

20          A.     I --

21          Q.     Oral contact?

22          A.     I spoke -- yes.

23          Q.     Okay.  And then you sit down, and after you made  
24 that statement to Mr. Oulson is when we have a little bit  
25 of a break in the recording, and then we see Mr. Oulson

1 turning towards you, right?

2 A. That's what we're seeing right now, yes, sir.

3 Q. All right. And I believe you said that --

4 MR. MARTIN: Judge, we've stipulated in a  
5 transcript of Mr. Reeves' statement.

6 MR. ESCOBAR: Judge, what we stipulated to is  
7 that Detective Proctor has reviewed a transcript of  
8 the statement, but there are -- I will tell the Court  
9 and Mr. Martin as well, there are a few little areas  
10 that Mr. Reeves has reviewed and that the words  
11 are -- are different, and that's what we stipulated  
12 to.

13 Just so the Court knows that we're only  
14 stipulating to this document that Mr. Proctor has  
15 opined that those were the words that were exchanged.

16 THE COURT: Who transcribed it -- transcribed  
17 it?

18 MR. MARTIN: Someone at the Sheriff's Office,  
19 Judge.

20 THE COURT: All right.

21 MR. MARTIN: And then he sat down and reviewed  
22 it. And based on his reviewing of the record, he  
23 believes it's as accurate as it can be.

24 THE COURT: But there is some --

25 MR. ESCOBAR: That Mr. Reeves will tell

1 Mr. Martin when he questions him.

2 THE COURT: Okay.

3 MR. MARTIN: Judge, did I give you a copy of  
4 that transcript?

5 MR. ESCOBAR: I think we've got one here.

6 THE COURT: I've have one.

7 MR. MICHAELS: This is your extra one.

8 THE COURT: Was one already admitted?

9 MR. ESCOBAR: There is. There is.

10 MR. MARTIN: Madam Clerk, may I have that  
11 number?

12 THE CLERK: Number 35.

13 MR. MARTIN: Number 35?

14 THE CLERK: Uh-huh.

15 MR. MARTIN: It's marked on this one. That's  
16 not my marking. Thank you, Madam Clerk.

17 Approach the witness, Judge?

18 THE COURT: You may.

19 BY MR. MARTIN:

20 Q. Mr. Reeves, for the benefit of the next  
21 following questions, I just want you to follow along with  
22 me. All right?

23 A. Yes, sir.

24 Q. And what we're going to do is there is a page  
25 number down on the bottom right-hand corner and then there



1 are some numbers along the side. The numbers in bold,  
2 like page 75 and 76, that's actually the page of the  
3 report -- of the Pasco Sheriff's Office report as it was  
4 printed on 1/12/16.

5 But we're just going to refer to the pages at  
6 the bottom and the line number. Okay, sir?

7 A. Yes, sir.

8 Q. All right. Thank you.

9 Mr. Reeves, if you would go to page 4 of the --  
10 of the exhibit. If you would go ahead and read,  
11 basically, lines 20 all the way down, then I'll have some  
12 questions for you. Just let me know when you're done.

13 A. Okay.

14 Q. All right. So we're at 13:26:16, and when you  
15 described this event to law enforcement, you indicated  
16 that when you came back from discussing this situation  
17 with the manager, that as you were walking back, you  
18 noticed that Mr. Oulson had put his phone away, right?

19 A. That's correct.

20 Q. Okay. Then you indicated to law enforcement  
21 beginning on line 21, "I came back into the movies and,  
22 uh, guy had put his phone away, and I -- when I went by,  
23 I -- uh -- I said -- uh -- 'I see you put it away. I told  
24 the manager for no -- for no reason.' In other words, I --  
25 I went in and ratted him out. And if he was going to put

1 it away, I wouldn't have gone, you know," right?

2 A. That's correct.

3 Q. All right. And that's what you told law  
4 enforcement?

5 A. That's when I gave them the statement, yes, sir.

6 Q. All right. And then Mr. Proctor says, "Right?"  
7 And then you respond, line 26, "Make sense?" Correct?

8 A. That's correct.

9 Q. Then you continue with explaining the events to  
10 Mr. Proctor by saying, "And, uh, he turns around in his  
11 seat, and a -- uh -- hell, that's got some ice in it. And  
12 he -- he says something about he was answering -- you're  
13 going to have to get a -- you're going to have to get the  
14 top, Proctor, you've got it."

15 And then on line 30, "And, uh, he said something  
16 about I don't remember it it was any of your fucking  
17 business, I was texting my daughter' or something like  
18 that. Or, I'm sorry, 'and you stay the hell out of my  
19 face,'" correct?

20 A. Yes, sir.

21 Q. Okay. Now, when you're explaining those events  
22 to Mr. Proctor, this is you coming in at the 13:26:17,  
23 after complaining to the manager, correct? Right?

24 A. I'm watching.

25 Q. Okay. Well, I need a response. That's okay.

1           Is that you?

2           A.    Yes, that's me.

3           Q.    Okay.  Thank you.  And like you indicated, you  
4 took your popcorn from your wife and you sat down.

5           A.    That's correct.

6           Q.    Okay.  And it was at some point between 13:26:16  
7 and 13:26:20, that you noticed that the phone was no  
8 longer out and you made that statement to Mr. Oulson,  
9 correct?

10          A.    I don't know the times.  I made the statement  
11 before I sat down.

12          Q.    Okay.  So before you sat down -- so right here  
13 before you sat down, somewhere in here, you made that  
14 statement to Mr. Oulson?

15          A.    That's correct.

16          Q.    All right.  Then, in explaining the event to law  
17 enforcement -- after you made that statement, you tell law  
18 enforcement, "And he turns around in his seat."  And  
19 that's what we see right there at 13:26:25; is it not?

20          A.    No.

21          Q.    "He turns around in his seat," according to what  
22 you told law enforcement?

23          A.    No.  That is not what I see on the video.

24          Q.    But that's what you told law enforcement?

25          A.    I told law enforcement that he acknowledged --

1 he started arguing with his wife while he was still in his  
2 seat. He -- oh, I'm sorry. Immediately when I came in,  
3 his -- the first thing that I heard him say was after I  
4 was -- had -- after I had been hit in the face.

5 Q. Okay. We're going to go back up a little bit  
6 because you might have misunderstood me.

7 A. Okay.

8 Q. Okay? In discussing this sequence of events  
9 with law enforcement, you indicated -- and I'm going to  
10 paraphrase just a little bit -- that when you came back  
11 from the manager --

12 MR. ESCOBAR: Judge, can I object here for just  
13 a quick second? This video does not have the  
14 non-recording periods; therefore, the witness is not  
15 able to actually see the non-recording periods on  
16 this video. That is a real problem.

17 I would ask Mr. Martin, if he's going to go to a  
18 particular video, to please show those sections that  
19 are also non-recorded, because, obviously, there's no  
20 time frame in space.

21 If the Court recalls, initially when the  
22 testimony came out, you know, the last frame is  
23 continuous, and we don't know where the non-recording  
24 period takes place, and so it really is not a true  
25 and accurate depiction of, in time, what visually one

1           can see.

2                   That's -- that's a real problem for trying to  
3           tell a witness, this is happening after this is  
4           happening without having an interim time frame of no  
5           recording, because that will tell you how many  
6           seconds lapsed in between.

7                   This particular -- this particular film right  
8           here which is at 13:26:25 and, you know, the next  
9           event. There's a period of time.

10                   And so I'm just telling the Court we've got to  
11           have, you know, some reference in time if we're going  
12           to be showing this to a witness and asking him for  
13           sequences.

14                   THE COURT: Doesn't it show the different time,  
15           like --

16                   MR. MARTIN: I did. And I've been pointing out  
17           every time there's a five to six-second break. I  
18           know where the breaks are, and they're very prominent  
19           on the -- on the time, because we go from 13:30 to  
20           13:35. I've been very up front with Mr. Reeves for  
21           where the breaks are. I know where they're at, and  
22           I've been putting them on the record.

23                   MR. ESCOBAR: Judge, and just to make sure it's  
24           on the record before.

25                   THE COURT: It's on the record now and you need

1 to, yes, read the numbers. I've heard them several  
2 times. The objection is overruled.

3 MR. ESCOBAR: Okay.

4 BY MR. MARTIN:

5 Q. All right. At 13:26:18, is when you begin to  
6 sit down, and it's at some point that you make the  
7 statement to Mr. Oulson about you realized he's put the  
8 phone away, right?

9 A. Yes, sir.

10 Q. All right. Then you take your seat and you look  
11 like you're fully settled in at 13:26:21, correct? You've  
12 got your popcorn in your left hand, you're settling back  
13 in the seat.

14 A. I'm sitting -- that's correct.

15 Q. All right, sir. Now we're at 13:26:24, and  
16 there's going to be a break of just a couple of frames  
17 from this point on. 13:26:24, and there's a couple of  
18 frames, probably -- I think it was three, and then we see  
19 frame 13:26:25, correct?

20 A. That's correct.

21 Q. All right. Now, you told law enforcement that  
22 after you had made those comments to Mr. Oulson, and I'll  
23 refer you back to page 4, line 26, "He turns around in his  
24 seat."

25 Do you remember telling law enforcement that?

1           A.    Yes.

2           Q.    It's right there in the transcript, right?

3           A.    Yes.

4           Q.    Okay.  And that's what we see at 13:26:25; is it  
5 not?

6           A.    No, sir, it is not.

7           Q.    Okay.  You didn't tell law enforcement that  
8 after you sat down and you made that comment to Mr.  
9 Oulson, that Mr. Oulson then became -- then started to  
10 come over his seat, did you?  You never told law  
11 enforcement that?

12          A.    I told law enforcement, to the best of my  
13 recollection, exactly what happened when it happened.

14          Q.    Did you tell law enforcement that after you sat  
15 down, after making the comment to Mr. Oulson, that the  
16 next sequence of events was that Mr. Oulson was coming  
17 over the seat?

18          A.    The next thing that I noticed was that his wife  
19 had ahold of him.

20          Q.    When I referred you to line 26 of page 4, "He  
21 turns around in his seat," that is what you told law  
22 enforcement?

23          A.    That is correct.

24          Q.    Okay.  In the sequence of events -- and I'm  
25 going to refer back to page 4, again, the same paragraph

1     that you -- I'm sorry -- the same lines that you were  
2     reading, 20 through 40.

3             After you indicate to law enforcement that you  
4     made that comment, we see in the transcript on line 26 you  
5     tell law enforcement, "He turns around in his seat."

6             On line 34, as you can -- I'm sorry -- on line  
7     31, then you tell law enforcement that he says something  
8     to the effect, "I was texting my daughter," correct?

9             A.     Yes.

10            Q.     And that's what you told Mr. Escobar occurred  
11     right at 13:26:25. He got mouthy and he said something  
12     about I'm texting my daughter, right? He played that for  
13     you, that frame right there?

14            A.     I think we're splitting hairs. We're talking  
15     about seconds. Less than seconds. This was  
16     instantaneous.

17            Q.     Well, we have an opportunity to now look at the  
18     statement that you made to law enforcement and compare  
19     that with the video from Cobb.

20            Let me ask you this: At the time you made the  
21     statement to law enforcement, you didn't know there was a  
22     video, did you?

23            A.     I suspected that there was. As a matter of  
24     fact, I mentioned to my attorneys that they needed to get  
25     the video. Most public venues do have video.



1 Q. All right. Inside a theater?

2 A. Yes, sir.

3 Q. Where -- inside a theater where no food is being  
4 served?

5 A. I think anywhere you have large crowds of  
6 people, most any responsible retail establishment would  
7 probably have some sort of camera system coming and going  
8 or even inside. At the Gardens, we had cameras  
9 everywhere.

10 Q. Sure. Would it surprise you to learn that only  
11 Theater 10 and one other theater where they actually  
12 served food has a camera?

13 MR. ESCOBAR: Your Honor, is he testifying about  
14 what -- objection. It's an improper predicate of his  
15 knowledge.

16 THE COURT: Response?

17 MR. MARTIN: I just asked him if it's surprising  
18 to learn that. He can say yes or no.

19 THE COURT: Overruled. Go ahead.

20 BY MR. MARTIN:

21 Q. Would that surprise you?

22 A. No, not at all.

23 Q. Okay. So your statement that you would expect  
24 that there'd be cameras at all of the theaters at Cobb is  
25 not really accurate, is it?

1           A.    It was a guess in the first place.

2           Q.    Okay.

3           A.    It was an assumption on my part that there was a  
4   likelihood that there would be a camera.

5           Q.    All right.  When we look at page 4, lines 20  
6   through -- it goes down, you're explaining the sequence of  
7   events, we have a statement, (inaudible) turned in the  
8   seat.  And then after that, you say, "He jumps up and he  
9   turns around."

10                  Now, can you jump up and turn around if you're  
11   already standing?

12          A.    I can't.

13          Q.    But apparently Mr. Oulson can?

14          A.    I think that --

15          Q.    I can't hear you, Mr. Reeves.

16          A.    I'm working on terminology, sir, give me just a  
17   minute.  This was an interview that was conducted right  
18   afterwards.  I was under a great deal of emotional  
19   distress.  I may have missed a couple of seconds one way  
20   or the other.  It's possible.  If I did, I apologize.

21          Q.    Well, I appreciate you apologizing, but what  
22   we're looking at is this was your opportunity to explain  
23   to law enforcement what occurred for them to make a  
24   determination of whether or not you would, in fact, be  
25   arrested or go home to your family, correct?

1           A.    Oh, that's correct.  Yes, sir.

2           Q.    All right.  So when you are laying this out to  
3 law enforcement, this particular sequence on page 4, spoke  
4 to Mr. Oulson, turns in his seat, then you tell him  
5 something about texting his daughter which we've already  
6 gone through.

7                   Then you tell law enforcement, "He jumps up and  
8 turns around."  But my question to you:  If he's already,  
9 as you said, sitting in the seat, he then jumps up, right?

10          A.    Are you saying after he says the things that he  
11 says?  Is that where you're getting at?

12          Q.    No.  What I'm saying is right here at frame  
13 13:26:25, that if Mr. Oulson is seated in his seat, but  
14 you indicate he's standing there, he's coming over the  
15 seat, he can't jump up and turn around if he's already  
16 standing.

17          A.    I agree with that.

18          Q.    All right.

19          A.    So at that point, I would say he was already  
20 standing.  He was trying to jump onto his seat, not out of  
21 his seat.  He was trying to get over his seat.  I think  
22 that may help you understand.

23          Q.    So he never turned in his seat, as you told law  
24 enforcement; that's your testimony today?

25          A.    He turned around, yes, he did.

1           Q.    And when he turned around, you told law  
2 enforcement that's when he made the statement, "I'm  
3 texting my daughter."

4           A.    That's when his wife grabbed him and he made a  
5 lot of statements.

6           Q.    All right. But you told Mr. Escobar that when  
7 he was, quote, "coming over the seat," he was, quote,  
8 saying, "I'm just texting my daughter."

9           A.    When he was trying to, yes, sir.

10          Q.    Which is it?

11          A.    Tell me where your conflict is and I'll try to  
12 resolve it, sir.

13          Q.    I can't do any better than I just did.

14          A.    Neither can I.

15          Q.    You had him seated, saying words, and jumping  
16 up?

17          A.    Then I can't do any better either.

18          Q.    I'll tell you what, I think we'll just move on.

19                I want to go through some of the testimony that  
20 you provided to us this afternoon. I want to begin with  
21 your background. I want to begin with your training and  
22 experience at the Tampa Police Department, all right, sir?

23          A.    Yes, sir.

24          Q.    All right. You indicated to Mr. Escobar that  
25 you have had training over the 27 years you were at the

1 Tampa Police Department, in -- and I'm going to use very  
2 loosely, use-of-force situations -- use of deadly force,  
3 use of non-deadly force and when it's appropriate.

4 Do you remember that line of questioning you had  
5 with Mr. Escobar?

6 A. Yes, I do.

7 Q. All right. In those courses, not only when use  
8 of force is appropriate or not appropriate, you're also  
9 taught about the advantage of de-escalating the situation;  
10 were you not?

11 A. That's a common term. Yes, sir.

12 Q. Okay. As you put it, not upset the apple cart,  
13 right?

14 A. I may have.

15 Q. When you were talking about your duties at Busch  
16 Gardens and being in public relations and management, that  
17 part of your philosophy of Busch Gardens was the customer  
18 is always right and don't upset the apple cart.

19 Do you remember that?

20 A. I thought we were talking about the police  
21 department.

22 Q. I know, but I was referring you back to when you  
23 said, "don't upset the apple cart."

24 A. Okay. I was a little confused. You were one  
25 place and then you were some place else.

1           Q.    I understand.  You'll have speak up a little  
2 bit.  Can you?

3           A.    I'm doing the best that I can.  I've had a sore  
4 throat for a month or so.

5           Q.    You also indicated that part of your law  
6 enforcement training involved that you became an NRA  
7 certified firearms instructor?

8           A.    That's correct.

9           Q.    Are you familiar with the concept of index  
10 shooting?

11          A.    I think that's a concept that came -- that was  
12 not very prevalent at the time I was involved in firearms  
13 shooting, sir.  I'm not that familiar with it.

14          Q.    Do you know what it is?

15          A.    I have an idea of it, but no, I don't know what  
16 it is.

17          Q.    Shooting without looking at your sights?

18          A.    Well, I never heard it called "index shooting."  
19 I've heard it called other names other than that.

20          Q.    What other names?

21          A.    Instinct, instinct shooting.

22          Q.    Okay.  Is it your life experience that the human  
23 body has the ability, say, if I point at that monitor  
24 right there.  I'm just -- I don't even have to look, I  
25 just point.  But if I pretend this was the side of my gun,

1 I can actually close my dominant eye, and, by golly, my  
2 finger is right on that monitor, right?

3 A. I think with enough exposure and experience that  
4 can happen, yes.

5 Q. Okay. Someone who has a background like yours  
6 with training over the years, up until before this  
7 incident going to Shooters' World and practicing, you have  
8 the ability to do that, do you not? Instinctively just  
9 point the gun and be able to hit a mass that's as wide as  
10 a chest?

11 A. At one time I did. I'm not sure I still hold  
12 that ability.

13 Q. It's relatively easy to do from 3 feet away?

14 A. Yes.

15 Q. Seven feet away, still not bad?

16 A. Correct.

17 Q. Fifteen, you've got to have some experience,  
18 agreed?

19 A. Agreed.

20 Q. All right. But the closer you are, it's just as  
21 accurate to do -- I'll call it index shooting, as opposed  
22 to taking a beat down the sight and shooting center mass,  
23 right?

24 A. Instinctive shooting, or as you are calling it,  
25 index shooting, yes. The closer the target is, the more

1 effective and quicker you could make that happen, yes,  
2 sir, and quite accurately.

3 Q. And Mr. Oulson was less than 36 inches away from  
4 you, correct?

5 A. Or closer, yes, sir.

6 Q. Or closer?

7 A. Yes.

8 Q. That's 3 feet, right?

9 A. Yes, sir.

10 Q. You had a discussion with Mr. Escobar about your  
11 federal proficiency license that you have to qualify for  
12 each year, very commonly referred to as a HR218 license;  
13 do you remember that conversation?

14 A. Yes, I do.

15 Q. Now, that particular license doesn't give you  
16 any arrest power, does it?

17 A. No license does that, sir.

18 Q. All right. It doesn't give you the power to  
19 conduct an official investigation for law enforcement,  
20 right?

21 A. It does not.

22 Q. Okay. You indicated that after leaving law  
23 enforcement, you went to Busch Gardens and you made the  
24 transition from law enforcement to the private sector.

25 Do you remember that line of questioning?



1           A.    Yes, I do.

2           Q.    And you indicated that in the private sector, it  
3 was more about public relations and communications, right?

4           A.    Yes, sir, I did.

5           Q.    And you went to some classes to gain those  
6 skills; did you not?

7           A.    Well, yes, sir. It helped develop those skills.  
8 I don't know about gaining them, but it did develop them.

9           Q.    All right. A continuing of the developing of  
10 those skills?

11          A.    Yes, sir.

12          Q.    Okay. Fair enough. And you also mentioned that  
13 at Busch Gardens, at least back then, beer kind of flowed  
14 pretty good there at Busch Gardens, right?

15          A.    Yes, sir.

16          Q.    All right. And people would get drunk?

17          A.    Occasionally, yes, sir.

18          Q.    Unruly?

19          A.    Occasionally.

20          Q.    All right. And you had the communication and  
21 management skills to handle those individuals; did you  
22 not?

23          A.    I trained the officers and the managers and  
24 supervisors. The managers and supervisors were already  
25 fairly well-skilled. I had just enhanced the training.

1 They did most of it. The only time I got involved was if  
2 it was kind of an out-of-control situation.

3 Q. Okay. I left out one area about HR218.

4 You have to go and requalify every year to get  
5 that license, right?

6 A. That's correct.

7 Q. And it's a 40-round course?

8 A. Yes, sir, I think it is.

9 Q. All right. And at stage 5 of that course,  
10 there's a mandatory reload?

11 A. I'm not sure what stage it is, but, yes, there's  
12 a mandatory reload.

13 Q. All right. And the previous qualification that  
14 you did, you qualified, if you will, with two guns, a  
15 pistol and a revolver. That's what's on your license?

16 A. Yes, that's correct.

17 Q. What was the pistol?

18 A. It's a .22 Smith and Wesson. I don't remember  
19 the model number.

20 Q. And the revolver?

21 A. That -- I'm sorry. The revolver was a .22. The  
22 semiautomatic was a .22. It was a -- I think it was a  
23 Walther. I think it's called a Walther P22.

24 Q. You didn't qualify with the Kel-Tec, did you,  
25 that you were carrying on January 13th?

1           A.    No, sir, I didn't.

2           Q.    And the Kel-Tec is a .380 caliber pistol; is it  
3   not?

4           A.    That's correct.

5           Q.    And you qualified with two -- two .22 caliber  
6   pistol and revolver, one each?

7           A.    That's correct.

8           Q.    And the .22 caliber is a lot easier to shoot  
9   than the .380, right? As far as recoil, it's less?

10          A.    And it has a wider back strap, so it takes up  
11   more space in the hand. The Kel-Tec is narrower, it's a  
12   lit more difficult to manage.

13          Q.    All right. But that's what you were carrying on  
14   January 13, 2014, was a Kel-Tec?

15          A.    That's correct.

16          Q.    The pistol you did not qualify with?

17          A.    That's correct. But I might add that the 218,  
18   when you qualify with a semiautomatic and a revolver,  
19   you're qualified with all calibers of both types of  
20   weapon.

21          Q.    Now, the 40-round course, you're familiar with  
22   the target?

23          A.    Yes, I am.

24          Q.    Okay. And the target is a silhouette that  
25   roughly mimics a body shape, right?

1           A.     That's correct.

2           Q.     And points are scored in zones 4 and 5 that are  
3 basically center mass?

4           A.     I don't recollect the exact target, but that's  
5 fairly accurate.

6           Q.     Okay. So in 1993, you retired from the Tampa  
7 Police Department, correct?

8           A.     September 30, 1993.

9           Q.     Then you began working at Busch Gardens?

10          A.     That's correct.

11          Q.     Once retiring from Tampa PD, you lost your  
12 powers of arrest, correct?

13          A.     That's correct.

14          Q.     Once you retired from Tampa PD, you no longer  
15 had the authority as a police officer to give lawful  
16 commands to individuals that they would have to follow,  
17 correct?

18          A.     That's correct.

19          Q.     Okay. Once you left Tampa Police Department,  
20 individuals interacting with you could comply with your  
21 requests or not comply with your requests, right?

22          A.     That's correct.

23          Q.     They didn't have to do what you said like when  
24 you were a law enforcement officer?

25          A.     Well, most people didn't do what you said when I

1 was a law enforcement officer. That really didn't change  
2 that much.

3 Q. You indicated at Busch Gardens that you made  
4 that transformation from law enforcement to the private  
5 sector, and the philosophies changed at Busch Gardens from  
6 keeping the environment safe and it was more dealing with  
7 people.

8 Do you remember that line of questioning?

9 A. Yes, I do.

10 Q. Let's go to January 13, 2014. You had some  
11 discussion with Mr. Escobar about that particular day.  
12 When you left to go to the movies after all the plans had  
13 been made with your wife and your son Matt, you took your  
14 wife's car, right, to the movie theater?

15 A. Yes, that's correct.

16 Q. Now, inside your wife's car on January 13, 2014,  
17 was a box of ammunition. You put that in the car?

18 A. Yeah. In all probability, yes, sir.

19 Q. Okay. You put it in the car that day?

20 A. Oh, no. It could have been there for months.

21 Q. You're going to have to speak up just a little  
22 bit.

23 A. It could have been there for months.

24 Q. All right. In your wife's car?

25 A. Yes, sir.

1           Q.    So you leave the house and you have your Kel-Tec  
2   .380 in your pants pocket with a black pocket holster?

3           A.    That's correct.

4           Q.    And the purpose of the pocket holster is that  
5   the characteristics of a pocket holster allow it to remain  
6   in the pocket as the pistol is drawn. That's its purpose,  
7   right?

8           A     Well, that's the purpose of most holsters --  
9   most pocket holsters.

10          Q.    Okay.

11          A.    That one I manufactured and sometimes it did,  
12   sometimes it didn't.

13          Q.    But you drive to the theater in your wife's car  
14   with the ammunition in your car that we've discussed,  
15   along with the Kel-Tec in your pocket, correct?

16          A.    Absolutely.

17          Q.    Okay. You go up to the Cobb Theater and you buy  
18   your tickets, right?

19          A.    That's correct.

20          Q.    And you did not leave your gun in the car,  
21   right?

22          A.    It's in my pocket.

23          Q.    You go through the doors and walk through the  
24   lobby and get your snacks and drinks and the firearm is  
25   still in your pocket?

1           A.     It's still in my pocket.

2           Q.     Once you get your snacks and drinks, then you  
3 enter Theater 10, you find your seats and sit down, and  
4 your gun is still in your pocket?

5           A.     Absolutely.

6           Q.     Okay. Now, when you entered the theater, you  
7 were not an employee of Cobb Theater, were you?

8           A.     No, I wasn't.

9           Q.     You were a patron that went there to have a  
10 movie experience, right?

11          A.     That's correct.

12          Q     And no different than Mr. and Mrs. Oulson when  
13 they went into the movie theater, they went in there for a  
14 movie experience?

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

16          Q.     Along with all the other patrons in there?

17          A.     That's correct.

18          Q.     After you sit down, there comes a point in time  
19 when I believe you indicated the previews were on, but  
20 there was a light shining in your face that you found very  
21 disturbing?

22          A.     Yes.

23          Q.     You've got to speak up just a little bit. I  
24 apologize to keep asking you, but I can't hear you.

25          A.     Yes, I did.

1           Q.    Perfect.  All right.  And this is while the  
2 previews were on, right?

3           A.    I'm sorry?

4           Q     The previews were on at this time?

5           A.    When I was in the --

6           Q.    When you saw that light in your face?

7           A.    Oh, yes, that's correct.  Yes.

8           Q.    Other people were walking into the theater  
9 getting in their seats?

10          A.    No.  No.

11          Q.    There was idle conversation with the patrons --  
12 with the patrons while the previews were on?

13          A.    Not that I can see or hear.

14          Q.    And nobody else was coming in?

15          A.    I saw no one else entering at that point.

16          Q.    Now, you indicated that because this light in  
17 your face was taking you away your movie experience of  
18 watching the previews, you had contact with Mr. Oulson,  
19 right?

20          A.    Yes, it was distracting.  And yes, I did have a  
21 conversation with Mr. Oulson.

22          Q.    Mr. Oulson didn't initiate the contact with you,  
23 right?

24          A.    I wasn't offending him, sir.  He was offending  
25 me.



1 Q. All right. So --

2 A. I understand. Yes, sir.

3 Q. And on that first contact when you asked him and  
4 made that request, he was very rude to you; was he not?

5 A. Yes, he was.

6 Q. All right. So from that point on, you kind of  
7 knew that any further contact with Mr. Oulson, you'd  
8 probably get the same response, right?

9 A. I probably had some reasonable expectation of  
10 that. I was hoping that wasn't true.

11 Q. Okay. But when we talked about the training and  
12 experience that you have, as far as cues to look out for  
13 in particular environments, people's actions -- do you  
14 remember that conversation with Mr. Escobar?

15 A. Yes, sir, I do.

16 Q. And you gave the example that a church parking  
17 lot, the cues might be different than, say, a bar full of  
18 rowdy people, right?

19 A. That's correct.

20 Q. All right. Now, in this particular case, we're  
21 in a theater, right?

22 A. Yes.

23 Q. And Mr. Oulson wasn't bothering you verbally,  
24 right?

25 A. He had his --

1 Q. Verbally?

2 A. Verbally, no.

3 Q. Okay. But something about Mr. Oulson was  
4 bothering you, so you made contact with Mr. Oulson?

5 A. That's correct.

6 Q And that changed the environment in that theater  
7 at that point in time; did it not?

8 A. Probably minimally, yes.

9 Q. Okay. And after Mr. Oulson made the remarks  
10 that he did to you, you had a second contact with Mr.  
11 Oulson?

12 A. Yes, that's correct.

13 Q. All right. Knowing that the first contact he  
14 was very rude, you probably expected the same rudeness on  
15 the second contact; did you not?

16 A. Well, I didn't really expect that. No, sir, I  
17 didn't.

18 Q But you had a gun in your pocket?

19 A. I don't think that's changed.

20 Q. Okay. Now, on the second contact with Mr.  
21 Oulson, he was rude to you. Whatever words he was saying,  
22 there was some cussing, whatever, it was rude, right?

23 A. He was rude, yes.

24 Q. All right. And but for your initial contact  
25 with Mr. Oulson, that environment within the theater

1 between you and Mr. Oulson would not have changed, right?  
2 It was your contact with Mr. Oulson that was the  
3 precipice, if you will, for the change in the demeanor of  
4 one of the patrons in the theater?

5 A. My request to him did -- did have an effect on  
6 him, yes.

7 Q. So we had first contact rude, the second contact  
8 rude. Now --

9 A. I'm sorry. I didn't get the last word, the  
10 second contact what?

11 Q. Rude, right?

12 A. Oh him? Yes.

13 Q. Okay.

14 A. Yes.

15 Q. And so now you have a third contact with Mr.  
16 Oulson before you go to the manager, right?

17 A. No, I didn't. I only had two contacts before I  
18 went to the manager.

19 Q. I believe your testimony was that you were  
20 getting up. You say, "Well, I guess I'll just have to go  
21 get the manager."

22 Wasn't that your testimony?

23 A. That was the second contact with Mr. Oulson.

24 Q. All right. So you left the theater to go talk  
25 to the manager?

1           A.    Yes.

2           Q.    All right.  Leaving your wife there alone?

3           A.    Yes.

4           Q.    With the man that was rude to you once, if not  
5 twice, sitting directly in front of her?

6           A.    Okay.

7           Q.    Is that true?

8           A.    Yes, sir.

9           Q.    Okay.  Now, when you came back, as we've seen on  
10 the video and had some discussions, you knew that whatever  
11 Mr. Oulson was doing that you were complaining of was no  
12 longer taking place?

13          A.    That's correct.

14          Q.    Okay.  That whole change in environment had gone  
15 back to -- I'll call it normal for a theater, right?

16          A.    I wasn't there.  I wouldn't know about that.

17          Q.    All right.  But Mr. Oulson wasn't standing up  
18 and yelling and screaming at anybody else, was he?

19          A     Well, he was having a conflict with his wife  
20 when I left.

21          Q.    A conflict?

22          A     Yes, indeed.

23          Q     A conflict?

24          A.    Yes, indeed.

25          Q.    What do you mean by "a conflict"?

1           A     She was trying -- it appeared to me as if she  
2 was trying to quiet him down both times that I spoke with  
3 him.

4           Q.     As you were coming back in the theater?

5           A.     I have no idea when that conflict ended. When I  
6 left, she was conversing with him.

7           Q.     All right. Do you still have that statement in  
8 front of you?

9           A.     Yes.

10          Q.     Please find in there where you told that to law  
11 enforcement.

12          A.     I don't know that I told them every single thing  
13 that happened at every single second that it did happen.  
14 I told them what I could recall at the time.

15          Q.     But you recall this now?

16          A.     I had indicated in my statement that she was  
17 holding onto him every time he opened his mouth. I said  
18 that several times, sir.

19          Q     All right. Well, find that in the statement.  
20 "Every time he opened his mouth, she was hanging onto  
21 him."

22          A     She was hanging onto him the first time I spoke  
23 to him. She was hanging onto him the second time I spoke  
24 with him. She was hanging onto him when he jumped out of  
25 his chair.

1           Q.    Page 4, line 32, 33, this is the same thing that  
2   we're talking about. This is after you come back from the  
3   manager and you tell Mr -- Detective Proctor, "He turns  
4   around in his seat. He says something about texting his  
5   daughter." And then you insert, "See, and his wife is  
6   holding him back. So I sat down."

7                   Do you see that?

8           A.    I'm sorry. Where are we at again, sir?

9           Q.    Sure. Line 32, 33, page 4.

10          A.    She very well could have been conversing with  
11   him when I got back there. The only thing I noticed was  
12   him.

13          Q.    But that's what you told law enforcement.  
14   That's kind of out of context, but yeah, that's what you  
15   told them.

16          A     I don't know that it's out of context. I just  
17   don't recollect it.

18          Q     Now, if you go to page 7 of the transcript,  
19   lines 19 and 20, and this is -- you're going to have to  
20   put it in context by reading the page before, but again  
21   you refer to, "His wife was talking -- whoever was with  
22   him was trying to hold him back."

23          A.    Okay.

24          Q.    And this is your discussion about -- if you look  
25   on page 6 and go through that, is when he was standing up

1 and coming over the seat, right?

2 A. Yes, sir. To the best of my recollection, she  
3 was trying to control him in every contact that I had with  
4 him.

5 Q. Okay. But you did not tell law enforcement that  
6 prior to going to management that Mrs. Oulson was  
7 restraining and trying to hold her husband back, did you?

8 A. I would have to read the whole thing again. I  
9 don't recollect that.

10 Q. There you go.

11 A Make yourself comfortable, sir, and I'll read  
12 it.

13 Q. Okay.

14 A. This was the first time I went?

15 Q. You did not tell law enforcement that Mrs.  
16 Oulson was trying to hold her husband back before you went  
17 and complained to the manager. You never told law  
18 enforcement that?

19 A. Okay. I may not have, then. What I -- my  
20 comment on that is every comment that I made to him and  
21 every time he erupted, Mrs. Oulson was trying to control  
22 him.

23 Q. My question to you, Mr. Reeves: You did not  
24 tell law enforcement that Mrs. Oulson was trying to  
25 restrain her husband before you went and complained to the

1 manager?

2 A. I don't recollect right now, sir.

3 Q. You didn't do that, did you?

4 A. I do not recollect, sir.

5 Q. The only time you mentioned that to law  
6 enforcement was after you came back from complaining to  
7 the manager?

8 A. That's possible.

9 Q. Now, you left and complained to the manager and  
10 you came back and you're returning. And we've had some  
11 discussions and we've watched the video and you indicated  
12 on direct that as you were walking back, Mr. Oulson was  
13 looking at you, glaring at you. I forget your words.

14 A. I said staring.

15 Q. Staring?

16 A. Yes.

17 Q. You didn't tell that to law enforcement, did  
18 you?

19 A. If I didn't, it was an oversight, sir.

20 Q. But that was important, wasn't it, to tell law  
21 enforcement that when you came back, Mr. Oulson was still  
22 agitated with you to the point that he was staring at you  
23 when you returned? That was important and you didn't tell  
24 them that?

25 A. I would -- I gave them the best statement that I



1     could as candidly as I could. They asked very few  
2     questions. I was fairly well convinced that this was a  
3     self-defense case, and their lack of asking questions kind  
4     of indicated that I covered every single second of every  
5     single step that I made. No, sir, I didn't.

6           Q.     You didn't tell them that, did you?

7           A.     I just said that.

8           Q     Oh. All right. Now, when you returned -- let's  
9     talk about this.

10                   You say Mr. Oulson was staring at you. What  
11     did -- what -- tell me, how did he do that?

12           A.     When you stare at somebody, you look directly at  
13     them.

14           Q.     Did he stand up and look at you?

15           A     He was seated.

16           Q.     How did he turn in his seat, to his left or  
17     right, when he saw you come in?

18           A.     He turned his head to the right, I assume.

19           Q.     Turned to the right?

20           A.     I don't know if he was sitting that way or if he  
21     turned his head that way.

22           Q.     All right. So before you get to your wife's  
23     position, as you're walking down the aisle, he turns to  
24     the right?

25           A.     That's correct.

1 Q. He didn't say anything to you?

2 A. No, sir.

3 Q. There was no cursing, foul language from  
4 Mr. Oulson, was there?

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

6 Q. He didn't reach out and try to touch you at that  
7 point, did he?

8 A. No, he didn't.

9 Q. And you walked back, sat down -- picked up your  
10 popcorn, sat back down in your seat with the gun still in  
11 your pocket, right?

12 A. It's still there.

13 Q. All right. Now, we've come back and we have an  
14 environment that has changed, if you will, that's kind of  
15 settled down since you returned. It wasn't as  
16 contentious, if you will, as when you left?

17 A I wasn't there, so I wouldn't have any knowledge  
18 of that.

19 Q. All right. But the attitude of Mr. Oulson when  
20 you came back was not the same attitude as when you had  
21 contact with him two or three times before you left?

22 A. He wasn't cussing at me, if that's what you  
23 mean, sir.

24 Q. Okay. He was sitting there with his wife?

25 A. Yes, sir.

1           Q.    Now, Mr. Oulson, as a patron, would have just as  
2 much right to have a pleasant movie experience as you  
3 would; would you agree?

4           A.    I agree.

5           Q.    But when you came back knowing that Mr. Oulson  
6 did not want your contact, you had contact with him again;  
7 did you not?

8           A.    I was trying to do what you just indicated,  
9 which was change the environment to a more pleasant  
10 situation when I made my comment.

11          Q.    How was it unpleasant? He was watching the  
12 previews, he wasn't doing anything. What was unpleasant  
13 that you had to make contact with Mr. Oulson?

14          A     I think he was rather unpleasant when I left. I  
15 assumed that when he stared at me coming back, it was  
16 pretty much the same.

17          Q.    So you took it upon yourself -- knowing that  
18 this individual did not want to have any contact with you,  
19 you took it upon yourself to, again, have contact with Mr.  
20 Oulson?

21          A.    In an attempt to settle the environment or --  
22 there are several different ways to look at it. To change  
23 the environment to a more pleasant environment so that we  
24 could all enjoy the movie.

25          Q.    And what was it about Mr. Oulson's conduct at

1     that point that you thought that you could not have a  
2     pleasant movie experience but for you saying something to  
3     Mr. Oulson?

4           A.     Mr. Oulson had displayed a very arrogant  
5     attitude, and one of the things that I wanted to do was --  
6     it was pointed in my direction. One of the things that I  
7     wanted to do was let him know that I had no ill will. I  
8     wanted everything to be just fine. That was my intent in  
9     contacting him.

10          Q.     But that attitude by Mr. Oulson was before you  
11     left for the manager, not after.

12          A.     Well...

13          Q.     My question to you: After you returned from the  
14     manager, what was it about Mr. Oulson's conduct that you  
15     felt that you had to contact him? He wasn't bothering  
16     you.

17          A.     I believe I have made that fairly clear. Did  
18     you not understand that I was trying to settle down -- if  
19     there was any hurt feelings, I was trying to resolve or  
20     end them so that he could enjoy his movie and I could  
21     enjoy my movie.

22          Q.     And what indication did Mr. Oulson give you that  
23     he needed that type of --

24          A.     The stare when I came in.

25          Q.     The stare?

1           A.    It appeared to me that -- if someone looks at  
2 you like that, it appears as if they still are agitated.  
3 I guess that would be the word.

4           Q.    Okay.  That same stare that you did not tell law  
5 enforcement about?

6           A.    That's the same one, yes, sir.

7           Q.    All right.  In which you just placed a  
8 significance importance to, that you wanted to settle  
9 things down between Mr. Oulson, but you didn't tell that  
10 to law enforcement, did you?

11           MR. ESCOBAR:  Judge, I'm going to object.  This  
12 has been -- I've been very lenient.  This is about  
13 the sixth or seventh time that he's gone over the  
14 same exact question.

15           MR. MARTIN:  Now he's --

16           MR. ESCOBAR:  Asked and answered.

17           MR. MARTIN:  Now he's placed some significance  
18 and importance to it of what he wanted to do, so I  
19 think that I have a right to explore that.  Before,  
20 he just said, No, I didn't do it.  Now he's  
21 explaining the importance to it, so I think I have a  
22 right to cover that, just briefly.  I'm not going for  
23 another five minutes on it.

24           THE COURT:  All right.  There is a little bit of  
25 difference to it, so I'll overrule, but let's not

1           beat it to death.

2                   MR. MARTIN: I understand.

3 BY MR. MARTIN:

4           Q     You did not tell law enforcement that Mr. Oulson  
5 stared at you and the significance that you placed on that  
6 stare as the reason that you wanted to make that comment  
7 to Mr. Oulson.

8                   You didn't tell law enforcement why you made  
9 that comment, did you?

10          A.     I didn't mention it to law enforcement because  
11 it wasn't that important in the overall scheme of things.

12          Q     But it was important to you that afternoon as  
13 you walked by that you had to make a comment to Mr.  
14 Oulson. It was important to you then. Why wasn't it  
15 important two hours later when you were being interviewed  
16 by the police department?

17          A.     I'm not sure it was important the first time.  
18 It was something that I felt that was the right thing for  
19 me to do.

20          Q.     And as we've gone through with the video, it's  
21 your testimony, at that point, that you were struck by  
22 something in the head?

23          A.     Absolutely. Yes, sir.

24          Q.     All right. And you pointed out to the Court in  
25 the pictures that you've been shown by Mr. Escobar, and I

1 believe the one from the booking -- you looked at that  
2 picture and said, Oh, I can see some swelling there.

3 Do you remember that?

4 A. Well, I said I could see a little swelling  
5 there, you know.

6 Q. All right. You had no injuries to your cheeks  
7 or eye sockets, did you?

8 A. I had bruising to my eye socket and the eye.

9 Q You had a little red mark on your eyelid from  
10 rubbing it?

11 A. I had a bruise on my eye socket from getting  
12 hit, and I had a scratch of some sort on my eyeball. So  
13 the fire department rinsed it out with something, made it  
14 feel a little bit better. A couple of days later it was  
15 okay. It took about maybe two weeks for the socket to not  
16 be sore.

17 Q. All right. A bruise, like, a black eye?

18 A. I think you would call it a bruise. I don't  
19 really bruise on my face. It kind of turns, like,  
20 yellowish-looking rather than a bruise-bruise.

21 Q. All right. And you were photographed by the  
22 investigator from Mr. Escobar's office; were you not?

23 A. That's correct.

24 Q. Were you shown any of those photographs today  
25 here in court?

1           A.    No, I was not.

2           Q.    And those photographs were taken while that,  
3   quote, "little bruise" was still there?

4           A.    I don't recollect.  I think it was probably  
5   after that.

6           Q.    Okay.

7           A.    It wasn't really a -- it was difficult to see.  
8   It was more sore than visible.

9           Q.    But you told your lawyers, Hey, come look.  I've  
10   got a bruise on my face.  Let's document this, right?

11           MR. ESCOBAR:  Judge, we weren't retained yet.  I  
12   think he's assuming facts that certainly are not in  
13   evidence.

14           MR. MARTIN:  Well, what's not in evidence is  
15   when he was retained.

16   BY MR. MARTIN:

17           Q     Now, we've gone over the video, as far as the  
18   sequence of events and the video speaks for itself.  Your  
19   statement speaks for itself.

20           MR. MARTIN:  I'm just checking my notes, Judge.

21   BY MR. MARTIN:

22           Q     You watched the video that Mr. Escobar played  
23   for you when you fired your pistol.  Where's my chair?  
24   You were in your chair.

25                   Do you remember the video?



1           A.    Yes, I was, I do.

2           Q    Okay.  And you were seated -- and I'm just going  
3 to pretend these are arm rests, but your arm was by your  
4 side, right?

5           A    Correct.

6           Q    All right.  And as you fired the pistol, you  
7 leaned straight across and fired.  That's what the video  
8 shows.

9           A.    Not that far.

10          Q.    This far?

11          A.    My arm is not fully extended either.

12          Q.    Like that?

13          A    You're getting closer.

14          Q.    Like that?

15          A.    Close.  That's good.  That's close enough.

16          Q.    And you were leaning forward?

17          A.    Slightly.

18          Q.    All right.

19          A    And it was off to the right.

20          Q    Okay.  There we go.

21                Then as the gun fired, after the shot you're  
22 continuing to lean forward and then you straighten out  
23 your arm?

24          A.    I don't recollect that part.

25                MR. ESCOBAR:  Judge, can we avoid the

1 (indicating) comment as in frustration, please?

2 MR. MARTIN: It wasn't out of frustration. It's  
3 I can't talk anymore and I can hardly swallow. I'm  
4 more frustrated with myself because I'm sick. So  
5 let's not go beyond that.

6 And I'm almost finished, Judge.

7 THE COURT: Okay.

8 MR. MARTIN: It's a lot easier when I already  
9 had it loaded.

10 BY MR. MARTIN:

11 Q All right. We're at State's Exhibit we've  
12 marked for identification C. We're playing an excerpt  
13 from File Number 20140113131442 that is on the USB drive  
14 identified by the Sheriff's Office as 1AWS. We're at  
15 13:26:37 at the time, and I'm going to move it forward.

16 Now, at that point -- oh. What happened to the  
17 screen here? Oh, I've got to turn it on. I'm sorry.

18 We are at 13:26:37. I'm just going to play a  
19 little bit, so you can kind of get a reference. Good  
20 enough? Do you know where we're at?

21 A. That's right after he hits me with the popcorn  
22 bag?

23 Q. There you go. All right.

24 A. Okay.

25 Q. Now, what we see over in the -- this is you,

1 correct?

2 A. I think so, yes.

3 Q. That's Mr. Oulson's hand?

4 A. I think so.

5 Q And that's your wife?

6 A. Yes.

7 Q. Okay. Now, as we bring it forward, I want you  
8 to watch Mr. Oulson's hand. It continues to move out of  
9 frame, correct? Do you see it?

10 A. I see it moving, right.

11 Q. Okay. But as I go forward, it's moving away  
12 from you, correct?

13 A. It appears to be, right.

14 Q. All right. And you're leaning forward. Do you  
15 see it?

16 A I see it.

17 Q. All right. Now, at this point, you already have  
18 your firearm out; do you not?

19 A. Just a second.

20 Q. Sure. I'm going to help you out in just a  
21 little bit. See your hand right there?

22 A. Okay.

23 Q. Now, that's right in front of your wife's face.

24 So if I bring it -- so her head is blocking your hand.

25 The gun was out at that point, right? It has to be,

1 right?

2 A. It appears to be, yes.

3 Q. For it to be there at 13:26:37?

4 A Right.

5 Q. If you just bring it back one frame, it has to  
6 be out, correct?

7 A. Yes.

8 Q. All right. Go back three frames. Do you see  
9 Mr. Oulson's hand?

10 A. Yes.

11 Q. All right. As you're leaning forward and your  
12 gun is always out, Mr. Oulson's hand is going away from  
13 you; is it not?

14 A. It appears to be, yes, sir.

15 Q. All right. And at that point, your gun is out  
16 and you're beginning to lean forward, right?

17 A. It appears that way, yes.

18 Q Do you see it?

19 A. Yes, sir.

20 Q. All right. And another frame. At that point,  
21 the gun is out, right? Do you see it?

22 A. Yes, yes.

23 Q Now, the next frame is when we see the  
24 reflection, if you will, of the chamber becoming hot with  
25 the firing of the gun. So either the gun was fired there

1 or there, but somewhere right in there that gun was fired?

2 A. Yes, that's correct.

3 Q. All right. And then after the gun is fired, you  
4 continue, do you not, to press the gun forward straight  
5 across over the back of that seat?

6 A. It appears to be, yes, sir.

7 Q. All right. Now, when we talked about index  
8 shooting and you're sitting there and you see the center  
9 mass of Mr. Oulson, and you point that gun -- because you  
10 didn't look at your sights, did you?

11 A. No.

12 Q. All right. You pointed that gun at center mass  
13 on Mr. Oulson, did you not?

14 A That's exactly right. Yes, sir.

15 Q. All right. And you were looking straight into  
16 the eyes of Mr. Oulson; were you not?

17 A. My left eye was closed, I believe. It was later  
18 found out it was watering a lot. I have -- my right eye  
19 was open for sure.

20 Q. All right. But you were not looking down your  
21 sights like we talked about?

22 A. No, no. It was instinct shooting.

23 Q Instinct shooting?

24 A Yeah.

25 Q. All right. And in order for instinct shooting

1 to be accurate, whether it be from 3 feet or 7, you have  
2 to keep an eye, if you will, on the center mass that you  
3 want to hit, correct?

4 A. Yes, sir.

5 Q. All right. And that's what you did in this  
6 particular case?

7 A. Most likely.

8 Q. All right. As you're leaning forward, you're  
9 keeping your eye on the center mass of Mr. Oulson, which  
10 is the broadest part right here in his chest.

11 That's what you're taught, right?

12 A. That's correct.

13 Q This is the broadest part of a human body, right  
14 underneath the armpits?

15 A. That's correct.

16 Q. And as you bring the gun forward, it's going  
17 straight across the top of that seat; is it not? That's  
18 what happened?

19 A. It appears to be. Yes, sir.

20 Q. But that's what happened, right?

21 A. After the shot was fired --

22 Q. You just went straight across, right?

23 MR. ESCOBAR: Judge, he interrupted, he did not  
24 allow him to finish his answer.

25 THE COURT: Let him finish.

1 BY MR. MARTIN:

2 Q We're at 13:26:38. We're going to go back to  
3 13:26:37.

4 Do you see the sequence of events?

5 A. Okay.

6 Q. Right?

7 A. Yes.

8 Q. All right. So when you fired the shot on Mr.  
9 Oulson, index shooting, you were staring at center mass,  
10 and then your hand with the gun went straight across over  
11 the back of that seat?

12 A It appears it may have gone between it. I'm not  
13 sure.

14 Q. Okay. But that's what we see here, when I gave  
15 you the example of coming straight across, right?

16 A That was your description. Yes, sir.

17 Q. But that's what we see in the video, right?

18 A. Like I indicated, I don't know if I went over  
19 the seat or between the seats. I don't know.

20 Q. Okay. But the seat's right here. Seat  
21 height -- and if you're sitting, you just went right over  
22 the seat or here or here, right?

23 A. I can't see the seat in the video, sir. I don't  
24 know.

25 Q. All right. But we've seen the photographs. So

1 if you go straight across, that's what you get, right?

2 MR. ESCOBAR: Judge, he's answered the question.

3 I'm going object.

4 THE COURT: I think it's been answered.

5 MR. ESCOBAR: He's just trying to --

6 MR. MARTIN: I've asked if he's seen the  
7 photographs and he has -- when he was shown the  
8 photographs of the seat and locations where the  
9 popcorn was. I was just following up on that, Judge.

10 THE COURT: All right.

11 MR. MARTIN: All right. Thank you.

12 BY MR. MARTIN:

13 Q You know where the seats are in relation to your  
14 seat, right?

15 A. Yes, I do. I don't know how they are in front  
16 of me, though.

17 Q. So I'm going to ask it one last time and then  
18 I'm going to sit down, okay?

19 MR. ESCOBAR: Judge, I mean, how many times are  
20 we going to do this?

21 MR. MARTIN: One, then I'm going to sit down,  
22 that's what I'm going to do.

23 MR. ESCOBAR: It's been asked and answered.

24 THE COURT: As the Trier of Fact, the only thing  
25 minutely left in my imagination is to ask, did the



1 seat get hit?

2 MR. MARTIN: Well, there you go. Well,  
3 actually, there's going to be two, but that's going  
4 to be one of them. All right.

5 BY MR. MARTIN:

6 Q So the seat was not hit with the bullet, right?

7 A I did not shoot the seat. No, sir.

8 Q And you indicated that Mr. Oulson was a very  
9 tall, lanky guy, right?

10 A Yes, I did.

11 Q. 6'4"?

12 A. I had no idea at that time.

13 Q. Taller than you?

14 A. Yes.

15 Q. All right.

16 MR. MARTIN: Judge, I'm not going to have any  
17 further questions. If you just give me two or three  
18 minutes, I'll shut everything down and I'll move my  
19 equipment.

20 THE COURT: All right.

21 MR. MARTIN: Thank you.

22 THE COURT: Is the court exhibit up there?

23 MR. MARTIN: No, ma'am. Actually, it's my --

24 THE COURT: It is an exhibit that's marked.

25 MR. MARTIN: Oh, that's right. We did get it

1 from the clerk. I apologize. All right. I'll hand  
2 it back to the clerk, Judge.

3 THE COURT: Mr. Reeves, I'm betting you're not  
4 done yet.

5 THE WITNESS: Okay.

6 THE COURT: It's just a guess.

7 MR. MARTIN: And Judge, as far as State's  
8 Exhibit marked for IDC, that will be coming in in the  
9 State's case-in-chief.

10 THE COURT: I anticipated that. I think we've  
11 mentioned that.

12 MR. MARTIN: Yeah.

13 THE COURT: And I'm not going to take a break at  
14 this time. I'm thinking based on the cross, the  
15 redirect won't be lengthy.

16 MR. ESCOBAR: I've only got a few questions.

17 MR. MARTIN: Give me a second, Mr. Escobar. I  
18 apologize, Judge.

19 MR. ESCOBAR: Mr. Reeves, while he's getting me  
20 set up there, let me, if I may, Your Honor, ask some  
21 questions?

22 THE COURT: Go ahead.

23 REDIRECT EXAMINATION

24 BY MR. ESCOBAR:

25 Q In looking, again, at Exhibit -- Defendant's

1 Exhibit Number 35, which is entered as the purported  
2 transcript of the tape of Detective Proctor and yourself,  
3 I want to direct your attention to page 79, just so we can  
4 make sure that we have, from your perspective, a clear  
5 record.

6 I'm going to direct you to two areas, page 3 at  
7 the very bottom, but it's directed to page 79 in the  
8 paragraph, line number 34. It says, "Well, I'll tell you  
9 the damn truth."

10 Did you say the word "damn"?

11 A. I think it was "dang."

12 Q. Dang?

13 A. Dang.

14 Q. I will correct that on mine. And then this was  
15 a -- I think a statement that was read by the prosecutor  
16 on cross-examination. Page 4 at the very bottom, page 80  
17 in the paragraph, line 26, did you say, "Hey, that's got  
18 some ice in it" or "Hell, that's got some ice in it?"

19 A I think it was "hey."

20 Q. Hey. Would you tell the Court what was  
21 happening at that time, so that we could have some context  
22 of what was the ice?

23 THE COURT: I can kind of guess, but go ahead.

24 THE WITNESS: The Sheriff's Office had gotten me  
25 something to drink because I was thirsty, my mouth

1           was dry. And when they brought it to me, it was  
2           covered in ice.

3           THE COURT: Okay. Like they took it out of a  
4           cooler?

5           THE WITNESS: I assume they took it out of a  
6           cooler. I couldn't undo it, so they had to open the  
7           top for me.

8 BY MR. ESCOBAR:

9           Q     Okay. Now, let's go to -- I'm going to show you  
10          what's been admitted into evidence as Defendant's Exhibit  
11          Number 26, and ask you to take a look at that photo and  
12          see if you recognize that particular photo.

13          A.    I do, yes.

14          Q.    Okay. Do you see a phone in that photo? And  
15          just to make sure that we've got the correct JPEG number,  
16          the JPEG number on that photo is 2060495JPEG.

17                Do you see a phone on the floor?

18          A.    Yes, sir, I do.

19          Q.    Was that your phone?

20          A.    No, sir, it wasn't.

21          Q.    And was that phone directly between your legs as  
22          you sat there in seat number nine of that top row?

23          A.    Yes, sir. The photograph depicts it in between  
24          my feet but to the right. When I first noticed it, it  
25          would be closer to my left shoe, which would have already

1     been an estimate of 10 or 12 inches further to the left.

2           Q.     Okay. Well, let's talk a little bit about that.  
3     When did you first notice that particular phone in that  
4     location?

5           A.     At some point after I was checking my face for  
6     injuries putting my glasses on, that sort of thing, a  
7     deputy came over. And at some point, I noticed a phone on  
8     the floor so I pointed it out to the deputy.

9           Q.     Let's talk a little bit about that. So shots  
10    fired?

11          A.     Yes, sir.

12          Q.     You put the gun on your --

13          A     On my lap.

14          Q     -- knee?

15          A.     Yes.

16          Q.     What do you do next?

17          A.     I check and see -- that's when I discovered that  
18     my glasses are askew and I'm looking -- I'm assessing for  
19     injuries. I don't -- I don't know how bad I'm hurt.

20          Q.     Okay. And so how are you checking for injuries?

21          A.     With my hands.

22          Q.     And what are you doing with your hands?

23          A.     I'm sorry?

24          Q     What are you doing with your hands?

25          A.     I'm rubbing my face, putting my glasses back on.

1 Q Okay. And do you look down?

2 A. At some point, I look down and see the -- the  
3 phone, yes.

4 Q. And where was that phone, in between your legs?

5 A. It was in between my legs, yeah.

6 Q. I'm going to show you what's been marked as  
7 Defense Exhibit Number 33 and ask you: Is this the phone  
8 that you saw between your legs after you had fired the  
9 shot?

10 A. Yes, sir. It appears to be.

11 MR. ESCOBAR: No further questions.

12 THE COURT: All right. Now I think we're done.

13 Mr. Reeves, you can have a seat.

14 THE WITNESS: Thank you.

15 THE COURT: We are done for the day. Remember,  
16 I have a 9:00 call. It will take me an hour in the  
17 morning, so we'll reconvene at 10:00 tomorrow  
18 morning.

19 MR. ESCOBAR: Your Honor, we need a witness  
20 list.

21 THE COURT: Okay. Is that going to be  
22 forthcoming?

23 MR. GARCIA: Yes.

24 MR. ESCOBAR: 10:00 tonight or is everything --

25 MR. GARCIA: I'll call him at 10:00 or 10:30.

1           THE COURT: All right. Then unless we have  
2 anything else we need to address, we'll be in recess  
3 in this matter until 10:00 tomorrow morning.

4           (Testimony of Curtis J. Reeves was concluded.)  
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## 1 CERTIFICATE OF REPORTER

2 STATE OF FLORIDA )

3 COUNTY OF PINELLAS )

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

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

13 DATED this 10th day of June, 2017.  
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17 CHARLENE M. EANNEL, RPR  
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