

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 IXX

CURTIS J. REEVES,

Defendant.

\_\_\_\_\_ /

PROCEEDINGS: Stand Your Ground Motion

DATE: March 2, 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 2438 - 2531

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CROSS-EXAMINATION

BY MR. MICHAELS:

Q. Good afternoon, Mr. Friedhoff.

A. Good afternoon to you, sir.

Q. You are an RN?

A. Yes, sir.

Q. A registered nurse?

A. Yes, sir.

Q. And one of the reasons you chose that profession is because you want to help people?

A. That is correct. Yes, sir, one of the reasons.

Q. You considered a career in the military at one point because your family is a military family?

A. That's correct. Father, grandfather on both sides, so on and so forth.

Q. So at some point they said, "We had enough of our men go off," so you chose your form of service to be in the form of being a nurse?

A. That's correct.

Q. In this particular case certainly you've described it as a very traumatic experience for you?

A. I would say so, yes, of course.

Q. Because it's one thing being in -- I believe you were at this time in the operating room --

A. Yeah, I worked as a trauma room nurse at

1 Lakeland Regional and we had gunshot wounds, car wrecks,  
2 so I'm familiar with seeing that types of injury, but it  
3 is my first time seeing it unfold, you know, being on  
4 scene.

5 Q. Right. What I'm going to ask to you do, because  
6 you have a tendency to answer very quickly and I have a  
7 tendency sometimes to speak very quickly.

8 A. Okay.

9 Q. You did it again.

10 This lady here in front of you is taking down  
11 every word on that machine, so in consideration so she has  
12 the ability actually to take what I say and then what you  
13 say or in this case my questions and your answers, we need  
14 to slow down, both of us, a little bit. Okay?

15 A. Okay.

16 Q. That's better.

17 Now, in this case you talked about that people  
18 were saying that you and Jenny were heroes?

19 A. Yeah, I recall a gentleman just start saying  
20 that, "Those guys are heroes," and I just looked at him  
21 and I just downplayed it and like I said, "We're just  
22 nurses. This is what we wanted to do. We were just  
23 trying to help someone who needed medical attention."

24 Q. And you actually that day -- I guess that day he  
25 took you to a room at some point to help you wash off; is

1     that right?

2           A.     Before they did that, I guess they were taking  
3     DNA samples, swabs, collecting evidence, but yes, they did  
4     eventually clean us off after they got whatever was  
5     necessary from us.

6           Q.     Were you in a room with a bunch of other people  
7     when you did that?

8           A.     At that particular time, no. I believe there  
9     was a woman who was taking pictures with a camera, and I  
10    believe someone else was taking swabs.

11          Q.     Okay. And that day you actually shook hands  
12    with Sheriff Nocco? In fact, some deputy brought you over  
13    to meet Sheriff Nocco where he told you he appreciated the  
14    actions you took that day?

15          A.     That was the outside of the movie theater.

16          Q.     That was the same day?

17          A.     That's correct.

18          Q.     Later on both you and -- is it Manero?

19          A.     Jenny Manero.

20          Q.     Ms. Manero received a plaque from the Pasco  
21    County Sheriff's Office in appreciation for your actions  
22    that day?

23          A.     That's correct.

24          Q.     Now, let's talk about the day at the movie  
25    theater. Now, that day you went with Ms. Manero, who is

1 now your ex-girlfriend?

2 A. That's correct.

3 Q. She was your girlfriend at the time?

4 A. Girl at the time, yes, sir.

5 Q. When you went to the theater, apparently you got  
6 there right before the preview started?

7 A. That's correct.

8 Q. And where you sat in the theater, you told the  
9 prosecutor about three rows from the top. We can agree  
10 that's an approximation?

11 A. That's correct. I mean, it's -- I was in front  
12 of the row in front of Mr. Oulson, but towards the left.

13 Q. Okay. And so when you say about three rows, do  
14 you mean you were definitely three rows from the top or --

15 A. I would say three rows. If I had to put money  
16 on it, I would say three rows.

17 Q. I'm not a gambling man, and so if you're unsure,  
18 then that's --

19 A. It was three rows.

20 Q. That's an honest answer?

21 A. That's an honest answer.

22 Q. Three rows?

23 A. To my knowledge, three rows.

24 Q. Now, you're equivocating. You are saying, "To  
25 my knowledge."

1           A.     Okay.  It's three rows.

2           Q.     Now, Mr. Oulson is behind you and to your right?

3           A.     That's correct.

4           Q.     And also to your right is your then girlfriend,  
5     Ms. Manero?

6           A.     That's correct.

7           Q.     So when you describe looking back, you would  
8     have to lean back?

9           A.     Yeah.  The seats recline a tad bit, so you're  
10    able to recline a little bit and look into that direction.

11          Q.     And as I was about to say, you lean back in your  
12    seat and then you look past behind your --

13          A.     That's correct.

14          Q.     You're not letting me finish.  This court  
15    reporter, unfortunately, can't take both of us, so we're  
16    going to pretend like, A, we're on a telephone, or B, on a  
17    radio show where one of us can talk at a time.  Okay?

18          A.     Okay.

19          Q.     I'm just saying that so that we can -- she has  
20    to take every word down.  Okay?

21          A.     Yes, sir.

22          Q.     Okay.  Now you're leaning back in your chair,  
23    and so what you're describing is you're looking over your  
24    right shoulder behind Ms. Manero's head into the row  
25    behind you?

1           A.     That's correct.

2           Q.     Towards the middle of the theater, that's the  
3     area that we're talking about here?

4           A.     It was, again, to the right of me towards the  
5     back and towards the more middle part of the movie  
6     theater.

7           Q.     Okay. And then up because each row elevates --

8           A.     It's elevated.

9           Q.     And you've mentioned that before, the rows  
10    elevate, so your vantage point is back, right, and up  
11    slightly?

12          A.     That's correct.

13          Q.     Okay. Now, initially when you sit down, you  
14    hear what you describe as some bickering?

15          A.     That's correct.

16          Q.     And so that some noise, commotion that's coming  
17    from that area you're talking about --

18          A.     Yes.

19          Q.     -- middle up, right?

20          A.     Yes, sir.

21          Q.     In term of any words, again, you didn't hear any  
22    exact words?

23          A.     Only until -- at the very beginning I couldn't  
24    discern what they were saying. I did hear Mr. Oulson say  
25    something, something, "Texting my daughter," with the cell

1 phone screen illuminated.

2 Q. Okay. And that comes later, because initially  
3 you look back and you hear a little bit of bickering and  
4 you look to see what it is, and then you turn your  
5 attention to the previews?

6 A. That was the first time, the first time I saw  
7 the cell phone with the screen illuminated.

8 Q. Again, you look back and you hear some  
9 bickering, right?

10 A. Not after -- there were two separate scenarios  
11 where there was bickering. There was, you know, several  
12 minutes and like a time span that went by before I heard  
13 the second bickering occur again.

14 Q. So we're talking about the first one again?

15 A. Okay.

16 Q. You're looking back and you hear some bickering,  
17 correct?

18 A. That's correct.

19 Q. That's when you see the light from the cell  
20 phone?

21 A. That's correct.

22 Q. And that's when you make an assumption the  
23 individual is seated?

24 A. That's correct. It looked like the cell phone  
25 was at his mid chest. I didn't see anyone standing, but

1 it looked like they were, you know, holding it in front of  
2 their chest.

3 Q. And, again, it's dark back there.

4 A. The lights were dim.

5 Q. Well, later you describe that you see a  
6 silhouette?

7 A. Yeah. I could tell people were there, but it  
8 wasn't pitch black where I could see nothing at all.

9 Q. Okay. But in terms of the person sitting or  
10 standing, you're assuming it's just because of where the  
11 light on the cell phone was located?

12 A. No, not just by -- based on that alone. I  
13 can -- it looked like they were holding it sitting at that  
14 level. They were sitting in their chair with the cell  
15 phone at their mid chest.

16 Q. Okay. So it appeared to be that somebody was  
17 sitting?

18 A. That's correct.

19 Q. And one of the things that backs up in that  
20 appearance or that assumption is the level of where you  
21 see the light from the cell phone?

22 A. That's correct.

23 Q. And so the light would be, if an individual is  
24 seated, at his chest and, therefore, it may or may not be  
25 reflecting behind him towards somebody behind him, right?

1 We don't know.

2 A. That I don't know. I've never seen somebody  
3 holding a cell phone.

4 Q. Now, there -- that's the first preview, right?

5 A. That's correct.

6 Q. Now, the second preview you know was Sabotage.

7 A. I believe it was Sabotage or whatever it was  
8 called, the one with Arnold Schwarzenegger.

9 Q. And it was after the second preview that you  
10 hear the second bickering?

11 A. I believe it was during that, during that  
12 preview.

13 Q. So during the preview you hear bickering for the  
14 second time?

15 A. That's correct.

16 Q. And that's where you look back once again?

17 A. Again, to the same area.

18 Q. Now, at that point when you look back you see  
19 silhouettes?

20 A. Exactly.

21 Q. And, again, at least initially, you can hear  
22 what either one of the individuals is saying?

23 A. It was -- again, you could tell it was like an  
24 annoyance, but I couldn't tell what they were saying, if  
25 that makes sense. I couldn't exactly tell what -- exactly

1 word for word -- the person was saying, but you could tell  
2 there was a little bit of an elevated voice, a little bit  
3 of elevated tone in their voice.

4 Q. Yes, but in terms of identifying which  
5 individual had the elevated voice, can we agree that you  
6 don't know who had the elevated voice?

7 A. I couldn't tell at that point. At that point I  
8 couldn't tell what either one was saying.

9 Q. Okay. But you hear one individual with an  
10 elevated voice?

11 A. That's correct.

12 Q. And eventually you heard the gentleman who  
13 appears to turns out to be Chad Oulson actually say  
14 something. You hear words that come from his direction?

15 A. I heard words in that direction. At that  
16 particular moment I couldn't hear what was said. I just  
17 heard talking. I couldn't hear -- discern what exactly,  
18 word for word, what was said.

19 Q. Now, you're still looking back because now it's  
20 drawing your interest?

21 A. Exactly.

22 Q. And what you see is, you see a silhouette stand  
23 up quickly.

24 A. I saw a silhouette of someone standing, yes.

25 Q. And you see that silhouette now turn towards the

1 back row?

2 A. I saw movement going towards the person in the  
3 back row.

4 Q. Okay. And so the person that you see standing  
5 up, later on you learned is Mr. Oulson?

6 A. That's correct.

7 Q. And you see movement towards the back row?

8 A. That's correct.

9 Q. The row where Mr. Reeves would be seated?

10 A. That's correct.

11 Q. And later you learned, when you went to help  
12 Mr. Oulson, indeed, Mr. Reeves was sitting there?

13 A. That's correct, sir.

14 Q. Now, when you looked back, you saw somebody  
15 stand, number 1. The second thing you observed is you  
16 heard some sort of crumpling noise?

17 A. That's correct.

18 Q. Then the third thing that you observed is a  
19 movement or a motion of something being thrown.

20 A. Full forward momentum. I couldn't see what was  
21 thrown, but I saw movement of something of like an arm  
22 reaching out and then heard something impacting.

23 Q. Okay. We'll get there.

24 You saw the silhouette now standing, and that's  
25 Mr. Oulson, right?

1           A.     That's correct.

2           Q.     With a movement, a throwing movement and  
3 momentum going towards the back row. That's Mr. Reeves?

4           A.     That's correct.

5           Q.     Before that movement you hear a crumpling?

6           A.     Before the movement, yeah. I heard something  
7 being crumpled. I couldn't tell what it was at that time,  
8 just something being crumpled, and then immediately after  
9 something being thrown and landing.

10          Q.     Then you see the motion of something being  
11 thrown?

12                 MR. GARCIA: I'm going to object. These  
13 questions have been asked and answered. I let it go,  
14 but we've been on this topic for a few minutes.

15                 MR. MICHAELS: We're getting there. My  
16 cross-examinations aren't that long.

17                 THE COURT: I will overrule you.

18 BY MR. MICHAELS:

19          Q.     You see something being thrown?

20          A.     That's correct.

21          Q.     And then before anything else happens, before  
22 the gunshot, you hear Mr. Reeves say something to the  
23 effect of, "I'll teach you," or, "I'll show you to throw  
24 popcorn at me," followed by the gunshot?

25          A.     It sounded as if it was happening at the same

1 time, so it sounded like I heard either right as it was --  
2 the gunshot was ensuing or immediately right after, but it  
3 was not a full sentence followed by the gun. It's not  
4 like he started talking right after or right at the same  
5 time of the gunshot.

6 Q. No, the question is: Did you hear the statement  
7 that you're attributing to Mr. Reeves, the alleged  
8 statement you're attributing to him before the gunshot?

9 A. So you're asking me did he start talking right  
10 before or did he say the full sentence, then the gunshot?

11 Q. The question is: Did Mr. Reeves, according to  
12 you, make the statement, according to you, something to  
13 the effect of, according to you, "That will teach you.  
14 I'll throw popcorn," before the gunshot?

15 A. No, that's -- I didn't -- that didn't happen.  
16 The gunshot -- he didn't say that full sentence before the  
17 gunshot.

18 Q. This is the bond hearing. It's page 83, line 16  
19 through 25.

20 Now, do you remember the bond hearing which was  
21 February, about a month after the incident at the theater,  
22 correct?

23 MR. GARCIA: I apologize, Judge, for the  
24 interruption, Mr. Michaels, but my bond hearing pages  
25 are in the 300s, so --

1 MR. MICHAELS: 383.

2 MR. GARCIA: Oh, you said 383 through -- I  
3 apologize.

4 MR. MICHAELS: It's line -- I'll give you the  
5 line -- it's line 16 through 23.

6 BY MR. MICHAELS:

7 Q. Okay. Do you remember the bond hearing?

8 A. I do.

9 Q. The sworn testimony you gave?

10 A. I do.

11 Q. Before we get there, let me ask you this: You  
12 received a subpoena to attend this hearing quite a while  
13 before this hearing, so you knew you were going to be  
14 testifying here, right?

15 A. That's correct.

16 Q. Have you looked at any of the testimony to see  
17 what's going on TV?

18 A. No, I stream everything. I don't have cable.

19 Q. Have you looked at anything streaming on this  
20 case?

21 A. No, I have not.

22 Q. Seen any of the testimony at all?

23 A. No, sir.

24 Q. Let's go back to this, the bond hearing. It was  
25 a -- about a month after. You remember that, right?

1           A.    I believe so.  Yes, sir.

2           Q.    Sworn testimony?

3           A.    Yes, sir.

4           Q.    It might have been in this courtroom, even, was  
5 it?

6           A.    I can't recall which courtroom.  I know it was  
7 in this courthouse, but I can't tell you exactly what room  
8 it was in.

9           Q.    And here's the question.  I think this is  
10 Mr. Garcia.  This is Mr. Garcia questioning you:

11                   "Did you hear any statement from Mr. Oulson?"

12                   "Answer:  No, I did not."

13                   "Question:  The one statement that you attribute  
14 to Mr. Reeves that you indicated it was something like,  
15 "Throw popcorn in my face," was that after the shot or  
16 before the shot?"

17                   "Answer:  Before the shot."

18                   "Question.  Okay.  So before the shot you hear  
19 him say, "Throw popcorn in my face," and then the shot?

20                   "Answer:  That's correct."  That's your  
21 testimony.

22           A.    I agree.  If that's --

23           Q.    Do you agree that that was a lot closer in time  
24 than today is?

25           MR. GARCIA:  Your Honor, I'm going to object.

1 Mr. Michaels is not allowing Mr. Friedhoff to answer  
2 the question. He said, "I agree," and then cut him  
3 off. Then he --

4 MR. MICHAELS: That's the answer to the question  
5 I asked, "I agree."

6 THE COURT: Let him --

7 MR. GARCIA: I think he wanted to explain,  
8 Judge, and he has every right to answer.

9 THE COURT: He has the right to -- whatever.  
10 Let him finish the answer, and then you can  
11 continue.

12 MR. MICHAELS: Okay, Judge. The question,  
13 frankly, was that certainly I think the prosecutor on  
14 redirect may or may not ask him the answer to it, but  
15 that's not my question.

16 THE COURT: What was your question?

17 MR. MICHAELS: My question was: "Do you agree  
18 that that was earlier in time?" That's what I was  
19 getting at.

20 THE COURT: Okay.

21 THE WITNESS: I had more to add. I didn't know  
22 if I agree or disagree, and that was the only thing  
23 that I got, but --

24 BY MR. MICHAELS:

25 Q. Do you agree or disagree that back in February

1 was closer in time to the incident than today, some three  
2 years later?

3 A. I agree that I've had more time to process what  
4 I saw and experienced since then. I was still putting all  
5 of the -- what I witnessed and experienced together in my  
6 head for quite some time afterwards.

7 I would still -- whenever I close my eyes I  
8 still see what happens. It took some time for me to piece  
9 all of that together, so I recall Mr. Reeves saying  
10 something inaudible. I heard the gunshot, and then I  
11 heard clearly, "Throw popcorn at me."

12 Q. So you testified during the bond hearing when  
13 you testified under oath, you weren't being accurate? Is  
14 that what you're telling the Court?

15 A. At that particular time I was being accurate to  
16 what I could put together at that time in my head, my --  
17 to what I can fully say with all honesty that's what I  
18 experienced.

19 Q. So you weren't being honest at the last bond  
20 hearing?

21 A. I was being honest.

22 Q. You are being honest today when you say it  
23 happened at a different time?

24 MR. GARCIA: Your Honor, I'm going to object.

25 He's being argumentative with the witness.

1           Mr. Friedhoff is attempting to answer the  
2           question the best that he can, and now he's getting  
3           argumentative with him.

4           MR. MICHAELS: I'm not being argumentative.  
5           He's telling me -- I'm just trying to understand how  
6           both testimonies could be honest.

7           THE COURT: All right. I'll overrule.

8 BY MR. MICHAELS:

9           Q. So you were honest then, right?

10          A. I'm being honest to my fullest capacity that I  
11          can right now.

12          Q. Okay.

13          A. There was about a two-second window of all of  
14          that unfolding. I know what he said. I heard what he  
15          said, and I -- with all honesty, that's what I tried to  
16          the best of my ability, tried to explain.

17          Q. Do you remember speaking to a police officer  
18          Garaby (phonetic) at the scene?

19          A. I don't know if that was his name. I do recall  
20          seeing someone who told us to meet at the bottom part of  
21          the movie theater.

22          Q. Do you remember being interviewed? That's what  
23          I'm talking about.

24          A. I do.

25          Q. And you remember telling that police officer the

1 same thing, that Mr. Reeves said something to the effect  
2 of, "You throw popcorn in my face," and then the shot rang  
3 out?

4 A. I recall telling someone about the scenario. I  
5 can't exactly say word for word what I said. I do recall  
6 something about the popcorn, though.

7 Q. Before the shot?

8 A. I can't -- I don't remember what I said to that  
9 person. I do recall talking about the popcorn and the  
10 gunshot.

11 Q. Okay. The same bond hearing, line 382 -- page  
12 382, lines 2 through 11:

13 Question by Mr. Garcia: "Okay. What happens  
14 after that?"

15 Three, answer -- line 3: "After that I saw a  
16 silhouette. Like I say, I couldn't identify what color  
17 shirt they were wearing. It was just essentially  
18 silhouettes. So I saw someone stand, I heard some  
19 crumpling, and then I saw like a motion of something being  
20 thrown. When I heard the object land, I then heard Curtis  
21 say something along the line of either, 'I'll teach you,'  
22 or, 'I'll show you to throw popcorn at me,' then followed  
23 by the gunshot."

24 Do you remember giving that testimony at the  
25 same bond hearing?

1           A.     Okay. I remember saying that. I remember  
2 talking about that. I don't exactly recall what part of  
3 the day that I said that, but I do recall talking about  
4 it.

5           Q.     Then afterwards you didn't hear Mr. Reeves  
6 saying anything else, right?

7           A.     That was the only thing that I heard him say.

8           Q.     In other words, when you went -- because after  
9 this happened, you actually went over some rows to try to  
10 help Mr. Oulson, right?

11          A.     I remember climbing over a seat to do -- to  
12 start with -- to assess him and then get on the phone with  
13 the authorities.

14          Q.     Now, your testimony is that you were watching  
15 the shooting, that you saw it, right?

16          A.     That's correct.

17          Q.     Mr. Oulson didn't walk down the aisle; he just  
18 collapsed? That's what you saw, right?

19          A.     At that point when I saw him get shot, I saw the  
20 muzzle flash. At that point I was debating either leaving  
21 or going, either going to render aid or leaving the movie  
22 theater.

23          Q.     The question was: You were watching, and after  
24 the gunshot you saw Mr. Oulson just collapse, right?

25          A.     I saw movement. I don't remember seeing like,

1     you know, fully collapse at first, but at that point I --  
2     once I saw, again, someone collapsing, I was debating  
3     either leaving or going to help.

4           Q.     The question is you didn't see Mr. Oulson  
5     walking after the shot.  You just saw him collapse, right?

6           A.     Right.

7           Q.     Okay.

8           A.     At that point I was looking between back and  
9     forth, either going to help or leave, so I didn't keep my  
10    eyes focused on him the entire time.  I was looking  
11    towards the exit and then back over.

12          Q.     I'm going to ask the question again, because you  
13    keep on saying other things and I just want to be clear.

14                 You testified today that you saw the shot?

15          A.     Yes.

16          Q.     And immediately after the shot Mr. Oulson  
17    collapses, right?

18          A.     I don't know how --

19                 MR. GARCIA:  Your Honor, I'm going to object.

20                 THE WITNESS:  -- the time frame about how long I  
21    kept on --

22                 MR. GARCIA:  Three or four times.

23                 THE COURT:  Yes.  Let's move on.

24

25

1 BY MR. MICHAELS:

2 Q. So just so I understand, is it your testimony  
3 that you don't remember whether you saw Mr. Oulson get  
4 shot and immediately collapse?

5 A. I said I saw him get shot. Then I saw him  
6 collapse.

7 Q. Okay. And you don't see him walk down the aisle  
8 or anything?

9 A. Again my focus gets changed, because looking at  
10 the exit and looking back at the area --

11 Q. I understand.

12 A. -- several times, so I don't know how far he  
13 walked before I saw him collapse.

14 Q. All right. Now, when you make your way back to  
15 the aisles, you do catch a glimpse of Mr. Reeves, correct?

16 A. I do.

17 Q. And he's just sitting in his chair?

18 A. Correct.

19 Q. Now, afterwards, at some point, first when you  
20 get there, there's some other individuals attempting to  
21 render aid to Mr. Oulson the best that they can?

22 A. That's correct.

23 Q. And then you take over for them?

24 A. That's correct. Once I started to see his --  
25 once I start seeing him diminish, that's when I took over

1 and started chest compressions and asked for a flashlight.

2 Q. Now, at some point you described to Mr. Garcia  
3 the police have the patrons from within the theater kind  
4 of congregate in an area towards the front of the theater  
5 towards the movie screen?

6 A. That's correct.

7 Q. And you were among that group?

8 A. That's correct.

9 Q. Now, you said that you did not talk to anybody  
10 about what you saw?

11 A. I talked with other people, but not about -- not  
12 about what happened.

13 Q. But people were certainly talking to you about  
14 what happened?

15 A. They -- people were just talking in general. I  
16 don't remember seeing -- saying anything about what I  
17 witnessed. I -- again, I talked about -- not about what I  
18 saw.

19 I guess I do remember someone calling us heroes,  
20 and then I just quickly dismissed that and said, "No, we  
21 we're just nurses. This is what we were doing."

22 Q. Now, there were at least a dozen or so people in  
23 that section of the theater?

24 A. I think it may have been a little more than  
25 that --

1 Q. Okay.

2 A. -- but probably less than -- probably less than  
3 twenty, more than fifteen.

4 Q. They were talking to each other?

5 A. I would say so, yes. They were there when  
6 their --

7 MR. GARCIA: Your Honor, I object. I think it's  
8 been asked and answered.

9 BY MR. MICHAELS:

10 Q. Well, do you believe --

11 THE COURT: Yes, he did.

12 BY MR. MICHAELS:

13 Q. Let me ask you this: Do you believe that those  
14 people were talking about what they had just witnessed?

15 MR. GARCIA: Objection, Your Honor. It calls  
16 for speculation. He doesn't know what they were  
17 talking about.

18 THE COURT: To extent that he knows, I'll let  
19 him answer.

20 BY MR. MICHAELS:

21 Q. Do you believe that those people knew what they  
22 just witnessed?

23 A. I wasn't paying attention to what they were  
24 talking about. I kind of kept to myself.

25 Q. Page 70, lines 5 through 11, it's from the

1 deposition. Thank you.

2 MR. GARCIA: I'm sorry?

3 MR. MICHAELS: 5 through 11.

4 BY MR. MICHAELS:

5 Q. "Question: Okay" -- talking about the people  
6 who were down in front -- "And were these people talking  
7 to each other?"

8 "Answer: They were. Some of them seemed to be  
9 talking to each other, yeah."

10 "Question: Okay. Were they talking about what  
11 they had witnessed there?"

12 "Answer: I believe they did, yes."

13 Okay?

14 A. I honestly don't know what they -- I would  
15 assume --

16 Q. Did you make that statement? Was that the  
17 answer to your question?

18 A. If that's what is written down, then I can't  
19 recall why I said on that date as far as the bond hearing,  
20 but I --

21 Q. This was the deposition.

22 A. -- or the deposition. I assume people were  
23 talking to one another about what they witnessed. People  
24 like to gossip, but as far as me individually, I didn't  
25 pay attention to what they were saying.

1           Q.    So you didn't hear what anybody else was talking  
2 about?

3           A.    Nothing that would influence me.

4           Q.    You didn't hear that other people were talking  
5 about what they had observed? You heard nothing specific?

6           A.    Nothing that would give me insight.

7           Q.    Page 71, lines 1 through 5.

8           MR. GARCIA: Judge, I would ask -- I would  
9 invite the Court's attention -- I could approach for  
10 this particular one. I don't believe it's  
11 impeachment.

12           MR. MICHAELS: Lines 1 through 5.

13           THE COURT: Overruled.

14 BY MR. MICHAELS:

15           Q.    "Question: What did you hear the other people  
16 talking about what they had observed?"

17                   I had the wrong inflection. Let me say it  
18 again.

19                   "What did you hear the other people talking  
20 about what they had observed," question.

21                   "Answer: About something" -- this is your  
22 answer -- "Like, yeah, the guy shot him. I think it was  
23 over popcorn or something like that." That's --

24           A.    I remember hearing that. When I was doing CPR  
25 on Mr. Oulson, I heard someone say that that guy shot him,

1 but as far as people discussing among each other, I've  
2 heard numerous statements, but I can't give you exactly  
3 word for word what people were saying.

4 Q. But you --

5 A. But I heard some people talking about that guy  
6 shot him.

7 Q. You heard people talking about popcorn?

8 A. Yes.

9 MR. MICHAELS: Can I have a moment, Judge?

10 THE COURT: You may.

11 MR. MICHAELS: I don't have anything else.  
12 Thank you.

13 THE COURT: Thank you.

14 Any redirect?

15 MR. GARCIA: No, Your Honor.

16 THE COURT: May this witness be released?

17 MR. GARCIA: Yes, Judge.

18 THE COURT: Do you want him to remain?

19 MR. GARCIA: Yeah. Just in case, we have his  
20 phone number if we need to get in touch with him.

21 THE COURT: All right.

22 Mr. Friedhoff, you're free to go today. You're  
23 probably not going to get recalled. You're still  
24 under subpoena. In the event that you do, please  
25 make arrangements to come back. I'm sure you will

1 get advanced notice, but you're free to go today.

2 THE WITNESS: Okay. Thank you, Your Honor.

3 THE COURT: Thank you.

4 (Witness excused.)

5 THE COURT: Who's next?

6 MR. GARCIA: Your Honor, the State would call  
7 Mark Turner.

8 THE BAILIFF: Step this way, stand right here.

9 Face the clerk, raise your right hand to be sworn.

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

11 THE BAILIFF: Come have a seat up here. Adjust  
12 the mic. Speak in a loud and clear voice for the  
13 Court.

14 MR. GARCIA: May it please the Court, counsel.

15 DIRECT EXAMINATION

16 BY MR. GARCIA:

17 Q. Good afternoon.

18 A. Good afternoon.

19 Q. Mr. Turner, I would ask that you pull that  
20 microphone closer to you or if you would please speak into  
21 it so that everyone can hear you.

22 Can you state your name, please?

23 A. Mark Douglas Turner.

24 Q. Your profession?

25 A. I'm retired.

1 Q. And prior to retiring, how were you employed?

2 A. I was in the aviation industry after retiring  
3 from the military after 27 years -- 26 years.

4 Q. Okay. Let's talk about your military  
5 experience. Were you in the United States Air Force?

6 A. I was.

7 Q. And if you would, please, would you tell the  
8 Judge what rank you had upon separation?

9 A. Lieutenant colonel.

10 Q. Would you share with us what you did for the  
11 United States Air Force?

12 A. I had a number of jobs over time, but I started  
13 out as an enlisted man, and then after about seven years I  
14 was commissioned, went to flight school, and I was flying  
15 tankers and -- with reconnaissance aircraft, and then I  
16 spent the later part of my career as an air attache.

17 Q. And --

18 A. That was in Hong Kong for seven years.

19 Q. Mr. Turner, were you a clandestine case officer?

20 A. Yes, sir.

21 Q. Would you explain to the Court exactly what that  
22 is?

23 A. It's a clandestine officer who works -- works to  
24 run agents in other countries, communist countries.

25 Q. Were you trained in surveillance, in counter

1 surveillance?

2 A. I was.

3 Q. Did you have specialized training in that?

4 A. Yes.

5 Q. Did you work for various federal agencies?

6 A. Yes, sir.

7 Q. As part of your training involving surveillance  
8 and counter surveillance, were you trained to observe  
9 things?

10 A. Yes, sir.

11 Q. Can you explain that to the Court?

12 A. Well, our own well-being was predicated on us  
13 knowing where we were at and what our surroundings were,  
14 so we spent much of our time knowing where we were going  
15 to go, who we should expect to see once we got there and  
16 what might or might be out of place.

17 Q. Okay. As a clandestine case officer, your  
18 surroundings were very important to you?

19 A. Yes, sir.

20 Q. And part of your training was to be aware of  
21 your surroundings at all times, right?

22 A. Yes, sir.

23 Q. Is that fair?

24 A. Yes, sir.

25 Q. You need to be aware because your life --

1 A. Yes, sir.

2 Q. -- depended on it, right?

3 A. That's correct.

4 Q. After you separated from the United States Air  
5 Force, did you continue with that practice of always being  
6 aware of your surroundings?

7 A. Yes, sir. I mean, it's -- at that point it's  
8 become ingrained in your psyche as to how you carry  
9 yourself, being aware of your surroundings, choosing where  
10 you sit and what the exits and so forth.

11 Q. Is it second nature to you?

12 A. It is.

13 Q. No matter where you are?

14 A. Yes, sir.

15 Q. Mr. Turner, are you married, sir?

16 A. I am.

17 Q. And to whom?

18 A. Joanne Turner.

19 Q. And how long?

20 A. 41 years; just short of 41 years.

21 Q. Okay. Mr. Turner, if I could, please -- or I  
22 would like to draw your attention to January 13th of 2014.  
23 Do you recall that date?

24 A. Yes, sir.

25 Q. Did you attend the Cobb Theater that day?

1           A.    Yes, sir, my wife and I.

2           Q.    Okay.  And what time did you arrive at the Cobb  
3 Theater?

4           A.    It must have been around 1:30 or so.

5           Q.    Could it have been prior to 1:30?

6           MR. ESCOBAR:  Objection, Your Honor.  He's  
7 leading him to an answer that.  He said the time.

8           THE COURT:  He said, "Could."

9           MR. MICHAELS:  The question was, "Could it have  
10 been prior to 1:30?"

11           His answer would be either, "Yes, it could have  
12 been," or, "No."  How is that leading?

13           MR. GARCIA:  Because he's suggesting that it  
14 could be prior to 1:30.

15           THE COURT:  Overruled.

16           THE WITNESS:  Yes, sir.

17 BY MR. MICHAELS:

18           Q.    So it could have been prior to 1:30.

19           What movie were you going to see?

20           A.    Lone Survivor.

21           Q.    Okay.  Prior to going into the movie theater did  
22 you purchase any items at the concession stand?

23           A.    I don't believe so.

24           Q.    When you entered the movie theater, would you  
25 tell us -- well, first of all, did you pick out a place

1 where you were going to sit?

2 A. As we walked into the theater, the way it's laid  
3 out, there's a little landing platform at the bottom as  
4 you turn -- kind of turn the corner with the wall on your  
5 left.

6 We usually pick somewhere high and on the aisle.  
7 I chose to sit at the aisle. I've got back and leg  
8 problems, and it's just more comfortable for me there.

9 Q. Did you choose the back row prior to going up  
10 into the bistro?

11 A. Well, it was available, and so, yes. I mean, as  
12 soon as we turned the corner and we saw it was available,  
13 that was where we chose to sit.

14 Q. Okay. And when you entered the movie theater to  
15 take your seats, were the previews playing?

16 A. Yes. I think they had just begun.

17 Q. What were the lighting conditions then?

18 A. It was -- it was dark, but not as dark as when  
19 the movie is playing.

20 Q. Could you see?

21 A. I could see, yes.

22 Q. Could you see people walking to their seats?

23 A. I could. I don't believe there was anyone  
24 walking at the time, but had they been, it wouldn't have  
25 been difficult to see them.

1           Q.    Could you see five feet or -- I'm sorry -- five  
2   seats away from you?

3           A.    Yes.

4           Q.    Could you see ten seats away from you?

5           A.    Yes, sir.

6           Q.    Could you hear people talking?

7           A.    You could.

8           Q.    Was Mr. and Mrs. Oulson already in the theater  
9   upon you arriving there?

10          A.    Yes, sir.

11          Q.    And Mr. and Mrs. Reeves, were they there as  
12   well?

13          A.    I believe they were, although Captain Reeves was  
14   not at his seat at that time.

15          Q.    You don't know where he was, right?

16          A.    I don't. I just --

17          Q.    Okay.

18          A.    What I recall is that after we sat, subsequently  
19   he came back from where he was at and passed by us.

20          Q.    Did he say anything to you as he passed by?

21          A.    He did. He excused himself.

22          Q.    How many seats away from Mr. Reeves were you?

23          A.    Probably eight.

24          Q.    Okay. Was your wife closer to Mr. Reeves than  
25   you were?

1           A.    Yes, I was on the aisle.  She was next to me, so  
2   inward.

3           Q.    Did you watch Mr. Reeves as he was returning  
4   back to the movie theater?

5           A.    I did, just at that point really for no reason  
6   other than it was movement in the theater.

7           Q.    Do you always watch movement in a theater?

8           A.    I think I do, yeah.

9           Q.    Do you always watch movement, period, wherever  
10   you are?

11          A.    Yeah, until I get a comfort level that, you  
12   know, there's not anything awry.

13          Q.    Mr. Turner, are you always on a heightened  
14   alert?

15          A.    Yes, sir.

16          Q.    Because of your background and training, right?

17          A.    Yes, sir.

18          Q.    Did you follow Mr. Reeves back to his seat?

19          A.    Yes, I did, with -- visually, yes.

20          Q.    Okay.  Was there anything unusual about his  
21   demeanor?

22          A.    Not that I noted at that point.

23          Q.    Did you observe a dialogue between Mr. Oulson  
24   and Mr. Reeves?

25          A.    I can say I observed part of the dialogue.  I

1 really couldn't hear what Mr. Reeves was saying.

2 Q. Could you hear what Mr. Oulson was saying?

3 A. Yes, sir.

4 Q. What did you hear Mr. Oulson say?

5 A. He said something to the effect that, "I'm  
6 texting my daughter. Do you mind?"

7 Q. Okay. Did Mr. Reeves respond?

8 A. He did, but I couldn't tell you what he said. I  
9 just could say that whatever it was, it caused a reaction  
10 by Mr. Oulson.

11 Q. What was the reaction?

12 A. At that point, Mr. Oulson reached over and  
13 grabbed -- got in Reeves' popcorn and kind of flicked it  
14 back at him.

15 Q. Did you actually see that?

16 A. I did.

17 Q. And after the flick of the popcorn, what  
18 happens?

19 A. Almost instantaneously Captain Reeves -- I  
20 didn't see him draw his weapon, but I saw the weapon fire  
21 and saw the muzzle flashing, and then as he shot  
22 Mr. Oulson, he took the gun back and put it in his lap.

23 Q. And you actually saw that?

24 A. Yes, sir.

25 Q. Mr. Reeves' movements with the pistol, was it

1 one fluid motion?

2 A. That's what really caught my attention, because  
3 it was so fluid and so fast that the conclusion that I  
4 drew was that that's not an ordinary citizen with a  
5 concealed carry permit. That was a trained individual  
6 that -- you know, that had drawn so smoothly and fired.

7 Q. Based on your own personal training and  
8 experience you could tell?

9 A. Yes, sir.

10 Q. Did there come a time that you stood up?

11 A. Yes.

12 Q. When was that?

13 A. At about the -- just before Mr. Oulson made his  
14 comment about the texting.

15 Q. Could you see Mr. Oulson?

16 A. I couldn't.

17 Q. And prior to that comment what was Mr. Oulson  
18 doing?

19 A. When I saw -- from the very beginning when I saw  
20 Mr. Oulson, he was standing.

21 Q. Did he have anything in his hands?

22 A. He had his cell phone in his hand.

23 Q. Do you know which hand?

24 A. His left hand, sir.

25 Q. Do you know what he was doing with his right

1 hand?

2 A. I don't know exactly, but it appeared to me that  
3 he was scrolling through or perhaps checking an e-mail or  
4 a text, perhaps.

5 Q. What position was Mr. Oulson in when he reached  
6 in the bag of popcorn?

7 A. Initially when I took note of Mr. Oulson's  
8 standing, he was in, like, an angle to me. Kind of his  
9 shoulder, his right shoulder was turned perhaps 60 degrees  
10 towards my direction, and just before he grabbed the  
11 popcorn he squared himself with the seat and bent -- what  
12 appeared to me bent just enough for his arms to reach the  
13 popcorn and grabbed it.

14 Q. I would ask you to step down and demonstrate it  
15 for us, Mr. Turner, but you are -- unfortunately, the  
16 seats we have here have -- all have wheels on them, so I  
17 don't want it to slide across, but was he kind of --  
18 hopefully I won't kill myself -- was he kind of with one  
19 knee in the seat?

20 MR. ESCOBAR: Objection. Leading.

21 MR. GARCIA: I don't know how that's leading.

22 THE COURT: Overruled.

23 MR. MICHAELS: Let the record reflect Mr. Garcia  
24 is placing his knee on the chair in a demonstration  
25 to this witness.

1           THE COURT: And the question was, was he kind of  
2           leaning with his knee on the seat?

3           MR. GARCIA: On the seat of the chair. That was  
4           my question.

5           MR. ESCOBAR: And that's my objection. That's a  
6           leading question.

7           THE COURT: Overruled.

8           THE WITNESS: I couldn't see his knee. If it  
9           was on -- if it was on the chair, I couldn't see it.

10          BY MR. GARCIA:

11           Q.    Okay.

12           A.    So I just couldn't say for sure.

13           Q.    Okay. But you indicated he was leaning forward  
14           to grab --

15           A.    Yes.

16           Q.    -- the popcorn?

17           A.    Yes, sir.

18           Q.    Did you ever see Mr. Oulson strike Mr. Reeves?

19           A.    No, sir.

20           Q.    Did you ever see Mr. Oulson hit him with a fist?

21           A.    No, sir.

22           Q.    Did you ever see Mr. Oulson slap him?

23           A.    No, sir.

24           Q.    Did you ever see Mr. Oulson throw a cell phone  
25           at Mr. Reeves?

1           A.    No, sir.

2           Q.    As the popcorn flew, did you hear Mr. Reeves  
3 make a statement?

4           A.    I did. It was almost simultaneously with the  
5 gunshot, quite frankly, and that was, "Throw popcorn in my  
6 face," and it was kind of a -- I don't know if it's  
7 grammatically correct, but it was like a declaratory  
8 question.

9           Q.    Mr. Turner, do you have an independent  
10 recollection of that?

11          A.    Yes, sir.

12          Q.    Did Mr. Reeves ever get out of his chair or  
13 leave his chair?

14          A.    No, sir.

15          Q.    Did he sit in the chair the entire time?

16          A.    He did. After he -- after the gunshot he went  
17 back into his seat, sat back with his back against the  
18 chair and then kind of kind of -- kind of like the air  
19 went out of him, and he put his head in his hands as if to  
20 say, "What have I done?"

21          Q.    Did Mr. Oulson make any statements after he was  
22 shot?

23          A.    Yes, sir. He -- when he was shot, he tried to  
24 stand up. He was already in a -- from throwing the  
25 popcorn, he was already kind of regaining his upright

1     composure or position, and then when he was shot he said,  
2     "I don't believe this."

3             And he turned towards the aisle and attempted to  
4     take a step, and then essentially he might have taken  
5     another half step and then he collapsed.

6             Q.     Did you at any time hear Mr. Oulson threaten  
7     Mr. Reeves in any manner?

8             A.     No, sir.

9             Q.     After Mr. Oulson was shot, what did you do?

10            A.     As soon as the shot rang out, I grabbed my wife  
11     and put her behind me, so she was at this point in the  
12     aisle but behind me.

13            My concern was that that would not be the end of  
14     the shooting, and I didn't want her to run down towards  
15     the exit and run into the line of fire, so I brought her  
16     behind me and I kept my eyes on Captain Reeves until the  
17     gun was taken control of.

18            Q.     Did you see the off-duty deputy, Corporal  
19     Hamilton, at the time walk towards Mr. Reeves?

20            A.     Yes, sir. I didn't know who he was.

21            Q.     Right. I mean, did you later learn he was an  
22     off-duty sheriff?

23            A.     Yes.

24            Q.     Did you see Corporal Hamilton reach down to  
25     Mr. Reeves' right leg, his knee area, and remove the

1 pistol?

2 A. Yes, sir, and I saw him eject the clip from the  
3 weapon.

4 Q. Okay. Did you see him slide the slide back?

5 A. I did not, and that concerned me, but I didn't.

6 Q. Were you still on a heightened alert even though  
7 the gun had been taken away from Mr. Reeves?

8 A. Not -- no, at that point I turned my attention  
9 really to Mr. Oulson and to Mrs. Oulson. At that point  
10 she had made her way out to the aisle and her hand was  
11 bleeding, so my attention really kind of changed from what  
12 I considered a threat to kind of a situation where I  
13 wanted to see if there was any help that I could provide.

14 Q. Mrs. Oulson obviously needed attention, medical  
15 attention?

16 A. She did. My wife -- we didn't have anything  
17 other than some napkins to give to her to put around her  
18 finger.

19 Subsequently she was going up and down the steps  
20 and --

21 Q. When you say, "She," just so the record is  
22 perfectly clear, who are you talking --

23 A. Mrs. Oulson.

24 Q. Okay.

25 A. And I approached her and asked her if there was

1 anyone that she wanted to call to look after her child,  
2 and she told me that yes, she had someone that she could  
3 call, and she asked me to get her cell phone. She gave me  
4 her purse and I took her cell phone out of her purse and  
5 she told me the name of the person to call.

6 So I called that -- the lady and asked her if  
7 she could pick up her daughter, and I also suggested that  
8 if it was possible, if she had someone who could watch the  
9 daughter, perhaps she might come down and offer some  
10 consolence to Mrs. Oulson.

11 Q. Okay. Do you see Mr. Reeves in the courtroom  
12 today, sir?

13 A. Yes, sir.

14 Q. If you would, please, can you point him out and  
15 describe what he's wearing?

16 A. Captain Reeves behind -- actually, behind you.  
17 I can't see him now.

18 Q. Let me get out of your way.

19 A. There -- sitting next to Mr. Escobar.

20 MR. GARCIA: I would ask the record to reflect  
21 Mr. Turner has, in fact, identified the Defendant in  
22 this case.

23 THE COURT: So reflected.

24 BY MR. GARCIA:

25 Q. Did you stay in the movie theater then?

1           A.    Yes.

2           Q.    Did you see law enforcement come in?

3           A.    Yes.

4           Q.    Were you directed to any particular part of the  
5 movie theater?

6           A.    No, sir.

7                    If it's helpful, I could tell you kind of  
8 procedurally what happened.

9           Q.    If you don't mind.

10          A.    We were waiting on both the paramedics and the  
11 police to arrive, and so I had -- my wife had actually  
12 opened up the exit door down at the bottom, and then  
13 subsequently I went down and went outside to see if  
14 they -- you know, I could hear or see the paramedics  
15 arrive. That's who I was most concerned with as opposed  
16 to the police arriving at that point, but subsequently I  
17 came back inside.

18                   The police and paramedics arrived, and I had  
19 walked out -- walked back outside because I was at that  
20 point looking for my wife, and I stood by the exit door as  
21 they -- the paramedics had gone in, and I waited outside  
22 to be out of the way, and then they came out with a  
23 stretcher and the police came out with Captain Reeves.

24          Q.    Did you at any time talk to any of the other  
25 patrons about what you had seen?

1           A.     The only discussion I had was -- I posed the  
2 question, and I don't know who it was to, but whether or  
3 not anyone had been given any forms to write statements  
4 on.

5           Q.     Okay.

6           A.     I wasn't sure if they were just going to give us  
7 yellow note pads ask us to write what we saw, or if there  
8 was a particular form that someone was going to bring, or  
9 what have you.

10          Q.     Were you given a voluntary statement form?

11          A.     Yes.

12          Q.     Did you, in fact, fill that form out?

13          A.     Yes, sir.

14          Q.     Did you fill it out on January 13th of 2014?

15          A.     Yes.

16                 MR. GARCIA: May I have a moment, Judge?

17                 THE COURT: You may.

18 BY MR. GARCIA:

19          Q.     Mr. Turner, did you ever see Mrs. Oulson  
20 attempting to hold Mr. Oulson back?

21          A.     No, sir.

22                 MR. GARCIA: I have no further questions, Judge.  
23 I will pass the witness.

24                 MR. ESCOBAR: Excuse me, Your Honor.

25                         CROSS-EXAMINATION

1 BY MR. ESCOBAR:

2 Q. Good afternoon, Mr. Turner.

3 A. Good afternoon, sir.

4 Q. Mr. Turner, I'm going to direct your  
5 attention -- since you've gotten some of your background  
6 out for us already concerning your skills, and I'd like to  
7 direct your attention to when you and your wife go into  
8 the theater and sit down. The previews were playing, I  
9 think you testified initially; is that correct?

10 A. Yes.

11 Q. And you would agree that when the previews are  
12 playing in the theater, they're loud?

13 A. Yeah.

14 Q. You've got to speak up.

15 A. Yes.

16 Q. The only way that she can take something down is  
17 in voice, because she's not looking over to you most of  
18 the time.

19 That's the way that they get your attention,  
20 right?

21 A. Yes, sir.

22 Q. And I think you already indicated that you  
23 thought the theater was dark, not completely dark, but  
24 certainly dark?

25 A. Yes, sir. It's darker.

1           Q.    And you sat on that end seat because of wanting  
2   to get up and maybe sometimes stretch your back and  
3   sometimes go to the restroom and what have you, correct?

4           A.    Yes, sir.

5           Q.    You do have some disabilities?

6           A.    Yes, sir.

7           Q.    And your wife was seated one in from you; is  
8   that correct?

9           A.    That's correct.

10          Q.    And I think you've already testified on direct  
11   the distance that you believe that you were from  
12   Mr. Reeves?

13          A.    Yes, sir.

14          Q.    So I want to take you there.

15                You sit down, and the first thing that you're  
16   doing is you're looking around, the first thing that  
17   you're doing, correct?

18          A.    Yes, sir.

19          Q.    And I think on direct examination you indicated  
20   that when you got there and you sat down and you started  
21   looking around, Mr. Reeves was not in his chair?

22          A.    That's correct.

23          Q.    So I'm picturing you sitting in that chair, your  
24   wife to the left, the previews are going, noises are loud  
25   and you're looking around to your left?

1           A.    Yes, sir.

2           Q.    All around?

3           A.    Yes, sir.

4           Q.    And when you look to your left, you notice a big  
5   guy standing up and he's got his cell phone in his hand,  
6   and he's kind of looking down on it?

7           A.    Yes, sir.

8           Q.    And the previews were playing, correct?

9           A.    Yes, sir.

10          Q.    He's the only one standing up, according to you,  
11   right?

12          A.    Yes, sir.

13          Q.    And so that kind of struck you as odd.  
14   Everybody is seated.  Previews are playing.  I'm looking  
15   to my left and I see this large man standing up, right?

16          A.    Yeah, but I'm not sure that I said that it  
17   struck me as odd.  I just took note of it.

18          Q.    Something to note.

19          A.    Yes.

20          Q.    And especially someone like yourself with the  
21   skills that you have, correct?

22          A.    Yes, sir.

23          Q.    Certainly caught your attention, correct?

24          A.    Yes, sir.

25          Q.    And Mr. Reeves wasn't there yet, so you didn't

1 believe that anybody was behind this very tall gentleman  
2 standing there with a phone in his hand?

3 A. I'm not sure -- is that a question?

4 Q. Yeah. You didn't see anybody behind him?

5 A. No, I did not.

6 Q. And he was in the row below you, correct?

7 A. That's correct.

8 Q. Approximately the same number of seats as  
9 Mr. Reeves would have been in your row?

10 A. Yes, sir.

11 Q. This person was not facing the theater screen,  
12 correct?

13 A. That's correct.

14 Q. He was kind of facing in your direction?

15 A. Yes, sir.

16 Q. You couldn't see the light on his phone, but you  
17 could tell he had a phone in his hand?

18 A. That's correct.

19 Q. The phone appeared to be a dark-colored phone of  
20 some sort?

21 A. Yes, sir.

22 Q. And you believed -- as you were standing and  
23 seeing that one person standing up, you believed there was  
24 about 70 to 75 people seated in the theater that day?

25 A. That's correct.

1 Q. And that was through your observations?

2 A. Yes, sir.

3 Q. Certainly you felt at that point in time: I  
4 wouldn't be standing up in the middle of a theater like  
5 that because it's kind of rude. That's what you thought.

6 A. I would not have been standing up, with my cell  
7 phone, texting at that point.

8 Q. And so when you saw that, you thought: That's  
9 kind of rude.

10 A. No, sir. I don't think I said that.

11 Q. No, no. I didn't say you did. You thought it  
12 in your mind.

13 A. No, I didn't think that. No, sir.

14 Q. You didn't?

15 A. No, sir.

16 Q. You're just saying that today: Hey, that would  
17 be pretty rude.

18 A. You're saying that.

19 Q. Do you believe that?

20 A. You know, what I'm thinking is, it's not  
21 something that I would do, but the movie hadn't started  
22 yet.

23 Q. Just the previews?

24 A. Yeah, just the previews, and there were people  
25 talking. There was -- there were plenty of distractions

1 going on, so at that point I didn't give it much -- give  
2 it much credence to it being a problem or hot.

3 Q. And this gentleman that was standing up as  
4 you're looking over to him, he's not having any  
5 conversations. He's just there?

6 A. Right.

7 Q. You knew that gentleman to be Chad Oulson?

8 A. I did not.

9 Q. Later on?

10 A. Yes, subsequently.

11 Q. That's what we're talking about, Chad Oulson,  
12 right?

13 A. Yes, sir. Yes, sir.

14 Q. And then you see Mr. Reeves walking up the  
15 stairs, correct?

16 A. Yes, sir.

17 Q. If we're looking at the theater, so the Court  
18 can have a real clear indication of this, let's assume  
19 that you're seated in your seat in the theater. That's  
20 the movie screen --

21 A. Yes, sir.

22 Q. -- right?

23 A. That's correct.

24 Q. So Mr. Reeves would be coming up from the  
25 walkway here, right?

1           A.    Yes, sir.

2           Q.    Mr. Oulson is standing up over there with his  
3 phone, right?

4           A.    Yes, sir.

5           Q.    Middle of the theater, and you're saying through  
6 your powers of observation that you saw Mr. Reeves then  
7 walking up the stairs, correct?

8           A.    I saw Mr. Reeves as he approached my aisle.

9           Q.    Did you see him -- are there stairs there where  
10 he was walking?

11          A.    Yes.

12          Q.    Did you see him walking up the stairs?

13          A.    I took note of him as he approached my seat.

14          Q.    Because like you had noticed Mr. Oulson standing  
15 up, you notice people's movement, right?

16          A.    Yes.

17          Q.    That's important to you, correct?

18          A.    That's correct.

19          Q.    And Mr. Reeves comes to your row, correct?

20          A.    That's correct.

21          Q.    And you believe at the time when you first saw  
22 Mr. Reeves there in that walkway coming up the stairs, you  
23 believe that he was wearing one of those London Fog or  
24 waist-high jackets that come up to the waist, and it was  
25 light colored and tan, correct?

1           A.     That was in my statement, yes.

2           Q.     You hadn't seen this gentleman before?

3           A.     I had not.

4           Q.     And so this gentleman now, Mr. Reeves, that is,  
5 this gentleman right here?

6           A.     Yes, sir.

7           Q.     That's who we're talking about now, right?

8           A.     Yes, sir.

9           Q.     The one in the London Fog?

10          A.     Yes.

11          Q.     He comes and approaches you?

12          A.     Yes.

13          Q.     And very politely says, "Sir, excuse me. I need  
14 to get by"?

15          A.     That's true.

16          Q.     And he moves sideways, you don't know whether it  
17 was to your front or to your back, but he moves sideways  
18 in an effort to get by you?

19          A.     Yes, sir.

20          Q.     And you saw him walk normally to his seat,  
21 scooting down carefully --

22          A.     Yes.

23          Q.     -- until he got to his seat, grabbed a bag of  
24 popcorn from his wife and sat down? You saw that?

25          A.     I did.

1           Q.    It is at this moment, somewhere around this  
2 moment after Mr. Reeves had gotten close to his seat that  
3 you first hear a voice, correct?

4           A.    Yes.

5           Q.    A voice, one voice?

6           A.    Mr. Oulson's voice.

7           Q.    And the previews are on?

8           A.    Yes.

9           Q.    And the previews are loud?

10          A.    Yes.

11          Q.    And the theater is still at the same lighting  
12 condition, dark, correct?

13          A.    That's correct.

14          Q.    And this gentleman is still standing up, talking  
15 about Mr. Oulson?

16          A.    Yes.

17          Q.    And he's looking down at his phone is what  
18 you're telling the Court today?

19          A.    Yes.

20          Q.    And you were making these observations because  
21 that's what you had done up until that point in time? You  
22 were kind of scanning the room?

23          A.    That's correct.

24          Q.    Which is what you've done in your profession for  
25 virtually all your life?

1 A. That's correct.

2 Q. And you see Mr. Oulson turn towards Mr. Reeves?

3 A. I saw Mr. Oulson turn towards Mr. Reeves --

4 Q. And you said --

5 A. -- not in that manner that you just described.

6 Q. Okay. Well, just -- can you tell me how?

7 A. Sure. He was --

8 Q. Just tell me --

9 A. He just made his focal point from an oblique  
10 angle to square off (indicating).

11 Q. So if I'm at a sixty-degree angle, okay --

12 A. Yes, sir.

13 Q. -- he did this?

14 A. He turned towards Mr. Reeves, squared off to the  
15 chair.

16 Q. And he said, "I'm texting my fucking daughter"?

17 A. No.

18 Q. You didn't hear the word --

19 MR. ESCOBAR: Pardon me, Your Honor.

20 BY MR. ESCOBAR:

21 Q. The "F" word, you didn't hear that?

22 A. I heard what he said. He said --

23 Q. Did you hear the "F" word?

24 MR. GARCIA: Judge, I'm going to object. He's  
25 not allowing him to answer the question.

1 BY MR. ESCOBAR:

2 Q. Mr. Turner, did you hear --

3 MR. GARCIA: He's cutting him off.

4 MR. ESCOBAR: That's a simple yes or no  
5 question.

6 THE WITNESS: No, it wasn't said.

7 BY MR. ESCOBAR:

8 Q. It wasn't said, the "F" word? In fact, your  
9 belief is that that entire period of time that you were  
10 seated there you never heard the "F" word.

11 A. I did not.

12 Q. Your statement is that Mr. Oulson in a loud  
13 voice said, "I'm checking on my daughter"; is that true?

14 A. That's true. That's what I recall.

15 Q. That's what you remember.

16 And your wife is seated right next to you, so  
17 your wife would kind of be a little closer to what's  
18 taking place, right, like one seat closer?

19 A. Sure.

20 Q. Now, would you agree that your perception at  
21 that point was that Mr. Oulson was angered?

22 A. No, sir. I would say he was frustrated,  
23 perturbed, perhaps, but not angered.

24 Q. Did you ever use the word --

25 MR. ESCOBAR: Pardon again --

1 BY MR. ESCOBAR:

2 Q. -- "pissed"?

3 A. Yeah.

4 Q. So you don't equate the word "pissed" with  
5 anger?

6 A. Not -- not really.

7 Q. Okay. You certainly didn't hear at that moment  
8 Mr. Reeves say anything?

9 A. I did not.

10 Q. But you certainly heard what Mr. Oulson was  
11 saying?

12 A. I did.

13 Q. Over the noise of the previews?

14 MR. GARCIA: Objection, Judge. Asked and  
15 answered.

16 THE COURT: Sustained.

17 BY MR. ESCOBAR:

18 Q. You would agree that people can get angered and  
19 pissed at someone without anyone directing any comment,  
20 caustic or otherwise, to them, correct?

21 A. Sure.

22 Q. Now, when Mr. Oulson reacted that way, that was  
23 enough for you to think in your mind: I better get up out  
24 of this seat right now, right? That's what you decided:  
25 I better get up out of this seat right now?

1           A.    I got up because I wanted a better view of what  
2 was going on.

3           Q.    Well, because of that statement -- at that  
4 moment when he made that statement you said, "Up I go"?

5           A.    That was the point to which I actually moved  
6 from a conclusion that maybe they knew each other and they  
7 were talking back and forth across the seat to a point  
8 where I realized: No, this isn't two people who know each  
9 other.

10          Q.    Now, if you stood at that time -- that's your  
11 testimony, that you stood up, right?

12          A.    That's correct.

13          Q.    I would imagine that your testimony would also  
14 then be that you would have stayed standing all throughout  
15 the rest of the events, including the shooting and even  
16 after the shooting right there, right?

17          A.    Right.

18          Q.    And so were you aware that the Cobb Theater had  
19 a Camera 1 on the right side of the wall and a Camera 2 on  
20 the left side of the wall that captured at various  
21 segments your very row?

22          A.    No, I was not, until interviewed by Mr. Garcia.

23          Q.    Days later?

24          A.    Months.

25          Q.    Months later.

1           A.     Right.

2           Q.     Okay.  Now, at this point in time you're  
3 standing is what your testimony is, right?

4           A.     That's correct.

5           Q.     You realize that after Mr. Oulson is making that  
6 statement, he is moving closer to Mr. Reeves, correct?

7           A.     Yes.

8           Q.     So now not only is his voice elevated, he's now  
9 moving closer to Mr. Reeves?

10          A.     He leaned towards Mr. Reeves, perhaps at a ten  
11 to fifteen-degree angle.

12          Q.     And you don't know whether his seat bottom,  
13 Mr. Oulson's seat bottom, was down or up?

14          A.     I don't.

15          Q.     You're thinking Reeves is going to get punched?

16          A.     No, I didn't know what was going to happen next,  
17 and that I think I wrote, perhaps, in my statement, I  
18 don't recall exactly that that could have been a  
19 possibility, and so I --

20          Q.     Okay.  So --

21          A.     -- so I was paying attention to what was going  
22 on.

23          Q.     So in your mind for the first time you're  
24 thinking:  Mr. Reeves could get punched?

25          A.     Yeah, I think that that did cross my mind.

1           Q.    You're seeing Mr. Reeves seated there and you  
2 don't hear a peep from him, right?

3           A.    Right.

4           Q.    In fact, what you're seeing is Mr. Reeves kind  
5 of doing something like this (indicating), correct?

6           A.    That's correct.

7           Q.    Now you're seeing Mr. Oulson's hands reaching,  
8 correct?

9           A.    That's correct.

10          Q.    Over the back of his seat?

11          A.    That's correct.

12          Q.    In the direction of Mr. Reeves?

13          A.    Yes, sir.

14          Q.    And you would agree there is not much distance  
15 between the back of Mr. Oulson's chair and Mr. Reeves who  
16 is seated less than --

17               MR. GARCIA: Your Honor, I'm going to object. I  
18 think Mr. Turner doesn't have any difficulty hearing,  
19 and Mr. Escobar's been screaming at him for the last  
20 five or ten minutes.

21               THE COURT: I was just thinking the same thing.

22               MR. ESCOBAR: I will tone it down.

23 BY MR. ESCOBAR:

24          Q.    Is that correct, Mr. Turner?

25          A.    That's correct.

1 Q. It's a very, very, very short distance?

2 A. I would say about an arm's length.

3 Q. You knew that wasn't good?

4 A. At that point I didn't draw any conclusions  
5 because things happened so fast.

6 Q. I'm not asking you for conclusions. You  
7 knew that --

8 MR. GARCIA: I'm going to object. That calls  
9 for speculation on his part.

10 THE COURT: Rephrase.

11 MR. ESCOBAR: I don't think it's speculation at  
12 all. I'm asking him whether he knew at that point in  
13 time that whatever was going to happen would not be  
14 good.

15 MR. GARCIA: That calls for speculation, because  
16 whatever happened was a bag of popcorn that was  
17 thrown.

18 THE COURT: Sustained. Rephrase.

19 BY MR. ESCOBAR:

20 Q. You now are seeing Mr. Oulson coming into  
21 Mr. Reeves' space, right?

22 A. Yes, sir.

23 Q. Did you think that was good?

24 MR. GARCIA: Objection, Judge. It calls for  
25 speculation.

1 MR. ESCOBAR: Judge, I will withdrew that  
2 question. I think it's self-evident.

3 MR. GARCIA: I'm going to object to that  
4 gratuitous comment. Self-evident to whom?

5 MR. ESCOBAR: To just about everyone.

6 THE COURT: All right. Enough, both of you.  
7 Let's stay on track here.

8 BY MR. ESCOBAR:

9 Q. It was still dark at that time in the theater;  
10 was it not?

11 A. Yes, sir.

12 Q. And the previews were playing and they were  
13 loud?

14 A. Yes, sir.

15 MR. GARCIA: Objection. Objection. He's  
16 recapping the last thirty minutes. It's been asked  
17 and answered.

18 THE COURT: Every bit of that has been asked and  
19 answered at least twice now.

20 MR. ESCOBAR: Not at this time. Not when Mr.  
21 Oulson is going over. It's a very critical moment  
22 for us.

23 THE COURT: All right. You had -- you asked  
24 him. He responded. You asked another question. He  
25 responded. That's asked and answered whether you're

1           recapping or not, and it has been asked and answered  
2           more than once, so please let's refrain from the  
3           recapping. Just get to your next question and we'll  
4           move along.

5 BY MR. ESCOBAR:

6           Q. Now, at some point in this process do you see or  
7           do you hear first a muzzle flash, the gun going off?

8           A. I hear the gun go off, and I see the muzzle  
9           flash --

10          Q. Okay.

11          A. -- at, for all intents and purposes, the same  
12          time.

13          Q. Okay. And so you hear -- but what you're  
14          telling this Court under oath today is that you hear the  
15          gun go off, you see the muzzle flash, and at the same time  
16          you hear Mr. Reeves. Were you watching his lips --

17          A. No, sir.

18          Q. -- at that point in time?

19          A. No, sir.

20          Q. You were not watching his lips?

21          A. No, sir.

22          Q. You were still about eight or nine rows from --  
23          eight or nine seats from Mr. Reeves, correct?

24          A. Yes, sir.

25          Q. But you're saying you hear the muzzle -- you

1 hear the sound of the gun, the shot --

2 MR. GARCIA: Your Honor, objection. Asked and  
3 answered. He just answered these questions.

4 MR. ESCOBAR: I'm finishing it.

5 THE COURT: I'm sure.

6 BY MR. ESCOBAR:

7 Q. And at the same time you're hearing  
8 simultaneous, I believe your direct examination was,  
9 "Throw popcorn in my face"? That's what you are telling  
10 this Court today?

11 A. That's what I am telling the Court.

12 Q. Now, immediately after this shot there's quite a  
13 bit of commotion; would you agree with that?

14 A. Yes, sir.

15 Q. Quite a bit of emotion?

16 A. Well, to be more accurate, immediately following  
17 the shot everything went quiet, if you will, as far as it  
18 relates to the people in the theater. Everybody -- it was  
19 as if time was frozen. Everybody stopped.

20 Q. But you're focusing now on Mr. Oulson because  
21 you're seeing him --

22 A. No, sir. I never took my eyes off of Captain  
23 Reeves.

24 Q. Oh, okay. So you don't see Mr. Oulson then  
25 collapse?

1           A.    I do see him collapse, but I see him out of  
2 the -- there's-- at that point they're a foot-and-a-half,  
3 three feet apart.

4           Q.    Well, is that where Mr. Oulson collapses, two or  
5 three feet apart from Mr. Reeves?

6           A.    He collapsed perhaps one seat outward.

7           Q.    So one seat to --

8           A.    Towards the aisle.

9           Q.    Towards your area?

10          A.    That's correct.

11          Q.    Towards your aisle?

12          A.    That's correct.

13          Q.    Where Mr. Reeves had originally come up?

14          A.    That's right.

15          Q.    One seat. Okay.

16                Your wife is still there?

17          A.    Yes.

18          Q.    Is she nervous about what happened?

19          A.    Sure.

20          Q.    You're probably -- even though I know you've  
21 been in the military, it's somewhat troubling, right, for  
22 something like this to happen in front of you?

23          A.    No, sir.

24          Q.    It was not troubling to you?

25          A.    Not really. To be completely honest, it was --

1 it was very familiar.

2 Q. Okay. Well, at least you recognized that your  
3 wife was having a --

4 A. Of course.

5 Q. -- a tough moment?

6 A. Correct.

7 Q. Correct?

8 A. Yes.

9 Q. Anxiety?

10 A. Sure.

11 Q. Fear, all of those things?

12 A. That's correct.

13 Q. And I would imagine you're trying to do the best  
14 you can to keep her as calm as possible --

15 A. Yes.

16 Q. -- is that correct?

17 A. Yes, sir.

18 Q. I'm not going to take you through the whole  
19 scenario, but at some point in time you're directed with  
20 your wife to an area where there's a group of individuals  
21 congregating, correct?

22 A. We -- we weren't really directed anywhere in  
23 particular.

24 Q. You all just went there?

25 A. There was -- there was a police officer in the

1 far corner, and I think folks mostly just migrated towards  
2 that location.

3 Q. And people were still emotional there, people  
4 that were in the theater?

5 A. Yes, of course.

6 Q. Including your wife?

7 A. Yes, of course.

8 Q. And after you all filled out your forms, your  
9 wife was still emotional?

10 A. To a lesser degree. I mean, she had started to  
11 wind down, yes.

12 Q. She had a conversation with you at that point in  
13 time concerning what she had seen?

14 A. I don't recall that she did.

15 MR. ESCOBAR: Page 85, lines 21 -- do you have  
16 this depo?

17 MR. GARCIA: That deposition?

18 MR. ESCOBAR: Yes.

19 MR. GARCIA: Page 85?

20 MR. ESCOBAR: Yes.

21 BY MR. ESCOBAR:

22 Q. Do you remember me taking a depo --

23 MR. GARCIA: What line was it, Mr. Escobar?

24 MR. ESCOBAR: I'm sorry. 21 through 25. Okay?

25

1 BY MR. ESCOBAR:

2 Q. Mr. Turner, do you remember me taking your depo  
3 on March 16th of 2015?

4 A. Yes, sir.

5 Q. Do you remember being placed under oath to tell  
6 the truth and nothing but the truth, so help you God?

7 A. Yes, sir.

8 Q. Do you remember that March 16th of 2015  
9 certainly is a couple of years before today's date,  
10 correct?

11 A. That is correct.

12 Q. And so back on March the 16th of 2015 your  
13 recollection of the events would have been much better?

14 A. Yes.

15 THE COURT: Is there any objection?

16 MR. GARCIA: Well, I would object to the  
17 question that was asked, Judge. If we can --

18 MR. ESCOBAR: It starts with line 21.

19 THE COURT: Approach.

20 (Sidebar conference held.)

21 THE COURT: Your objection, Mr. Garcia.

22 MR. GARCIA: Judge, my objection is as to the  
23 form of the question. He says, "Did your wife tell  
24 you," and then he lists all these objects in there  
25 and he doesn't go one by one: Was it this, was it

1           this, was it this? So if she said one or two of  
2           them, the answer is going to be yes, but the other  
3           one -- you know, it's all lumped together.

4           THE COURT: All right. I will -- if you're  
5           going to ask that same question, you need to make it  
6           not a compound question.

7           MR. ESCOBAR: I will.

8           (Sidebar conference concluded.)

9   BY MR. ESCOBAR:

10          Q. All right. Do you remember that deposition?

11          A. Yes, sir.

12          Q. Do you remember me asking you the following  
13          question and you giving me the following answer:

14                 "Did your wife tell that you she had seen either  
15          some dark object, either a thermos, a cup or a phone being  
16          thrown in the direction of Mr. Reeves by Mr. Oulson?"

17                 Your answer was, "Yes."

18                 Did she tell you that?

19          MR. GARCIA: Judge, I'm going to object.

20          THE WITNESS: If it's there --

21          MR. GARCIA: We just said it was a compound  
22          question. I thought he was going to ask --

23                 THE COURT: All right. He asked, "Did you say  
24          that?"

25                 Just put it into context and let him answer.

1 MR. ESCOBAR: The next sentence will be,  
2 Judge -- I could read it to put into context.

3 BY MR. ESCOBAR:

4 Q. Okay. "And when did your wife first tell you  
5 that she had seen something she believed was a dark object  
6 being thrown at Mr. Reeves?"

7 Your answer: "After we submitted our statements  
8 that day." Correct?

9 A. Okay. Yes, sir. If that's what I told you,  
10 that's what's correct. That's accurate.

11 MR. GARCIA: Judge, after the statements were  
12 submitted it's not relevant.

13 MR. ESCOBAR: It sure is. He's being  
14 interviewed by detectives and everybody else. He  
15 takes depositions and everything else. What do you  
16 mean, it's not relevant?

17 MR. GARCIA: After we submitted our statement.

18 MR. ESCOBAR: It's very relevant.

19 THE COURT: All right. I get it.

20 Is there an objection?

21 MR. GARCIA: Yes, Judge. It's not relevant.

22 THE COURT: Overruled. Go on.

23 BY MR. ESCOBAR:

24 Q. In fact, Mr. Turner, you and your wife both  
25 discussed what you all had seen amongst each other that

1 day, correct?

2 MR. GARCIA: Your Honor, I'm going to object.  
3 He's going to have to get a time frame as to that  
4 day. Was it prior to being interviewed by law  
5 enforcement? Was it after they were interviewed by  
6 law enforcement?

7 MR. ESCOBAR: Judge --

8 MR. GARCIA: Was it when they got back home?  
9 His questions are very misleading.

10 THE COURT: Be more specific.

11 MR. ESCOBAR: Judge, we're after the statement.  
12 We're after the statement. That's where we're at,  
13 the point in time that we're at. He knows that.

14 MR. GARCIA: After the statement was written,  
15 Judge --

16 MR. ESCOBAR: After the written statement.  
17 After the written statement.

18 THE COURT: Stop. One at a time.

19 I'm saying I will sustain in part as far as  
20 being more specific to the time.

21 MR. ESCOBAR: Okay.

22 BY MR. ESCOBAR:

23 Q. After you wrote your written form, correct, so  
24 we're talking -- that's what we're talking about, after  
25 you wrote your voluntary form.

1           A.     To be honest, I don't recall when we may have  
2 talked about that. I don't remember if it was after the  
3 statement was submitted or if it was when we got home. I  
4 just don't recall.

5           Q.     Or before?

6           A.     No --

7           MR. GARCIA: Can he just answer the question?

8           THE WITNESS: I don't --

9           MR. GARCIA: Objection.

10          THE COURT: Let him finish answering it.

11         BY MR. ESCOBAR:

12          Q.     Go ahead.

13          A.     I'm certain that it wouldn't have been before.

14          Q.     Okay. Now, I believe you indicated on direct  
15 examination by Mr. Garcia that you never saw Mrs. Oulson  
16 trying to coax her husband down. Is that what you told  
17 Mr. Garcia, you never saw Ms. Oulson?

18          A.     That's not what I said.

19          Q.     Okay. Did you see Mr. Oulson trying to coax her  
20 husband down?

21          A.     I did. What I didn't see was her standing up,  
22 trying to get him to sit down or what have you. She  
23 reached her hand up and put her hand on his chest, as if  
24 to say: Let it go. Just sit down.

25          Q.     Okay. So what you saw was Mrs. Oulson's hand on

1 her husband's chest?

2 A. That's correct.

3 Q. And you termed that as coaxing?

4 A. That's correct.

5 Q. Okay. And I believe what you're saying is that

6 that was before Mr. Oulson was reaching over towards

7 Mr. Reeves?

8 A. Yes. It was -- I think the better example is it  
9 was as that was taking place, and the consequence of that  
10 was her finger was shot.

11 Q. Well -- and you would agree your statement is  
12 what she was doing was not going to be effective for a big  
13 guy like that?

14 A. No. If her intent was to force him down, of  
15 course not, but I don't think that was -- I think it was  
16 more of a coaxing, trying to cajole him to sit down.

17 Q. Now, the shot rang out, and you immediately see  
18 Mr. Reeves, as he is seated, place the firearm on his  
19 knee?

20 A. On his right. You're motioning his left.

21 Q. You're saying his right knee?

22 A. His right knee. Actually, I think in my  
23 statement I said his lap.

24 Q. Okay. Now, you -- at some point in time when  
25 you're still there in the theater, you're kind of milling

1 around with about forty to fifty, maybe sixty people in  
2 that theater, correct?

3 A. Yes.

4 Q. And you saw people in that theater talking to  
5 each other?

6 A. I can't say that I did. I moved to the far side  
7 of the theater and sat down.

8 I couldn't say they were or they weren't,  
9 frankly. I wasn't paying any attention to them. At that  
10 point I was really looking for somebody to bring some  
11 forms about so we could get to writing.

12 MR. ESCOBAR: It starts at page 122, starting at  
13 lines 21 through 25, page 123, lines 1 through 8.

14 MR. GARCIA: Judge, I'm going to object. I  
15 don't see this as impeachment.

16 THE COURT: Is it consistent or not with what he  
17 just said?

18 MR. ESCOBAR: It is. Do you want me to show it  
19 to you?

20 THE COURT: Sure.

21 Sustained. It's not -- there's not a  
22 substantial --

23 MR. ESCOBAR: Judge, my argument would be under  
24 the law it does not have to be substantial. It just  
25 has to be material to the witness's testimony.

1           Just for the record, we are on the deposition  
2           that was taken on March 16th of 2015, and we are on  
3           page 122 starting on line 21 through 25 and page 123,  
4           lines 1 through 8 as the statement that I was going  
5           to question the witness about.

6           I'll move on now.

7           THE COURT: Thank you.

8           BY MR. ESCOBAR:

9           Q.    The police officers that were there inside the  
10           theater, was it ever your statement that the police  
11           officers weren't doing anything and you actually had to go  
12           and seek out your own forms?

13           A.   I don't recall. I know that I -- as I mentioned  
14           previously, I approached folks to ask if anyone had forms  
15           or was going to be given forms.

16           Q.   But my question is, was it your position at that  
17           point in time that the police officers were just standing  
18           around doing nothing?

19           A.   I don't recall. I don't -- that doesn't sound  
20           familiar to me, but obviously you're reading it and if you  
21           are, then I would say if I said it, then it's the way it  
22           happened.

23           Q.   And if you said it, that's what you meant?

24           A.   Yes.

25           Q.   You were taken to the concession area; is that

1 correct?

2 A. Yes.

3 Q. There at the concession area there were a bunch  
4 of people there, and the people were also talking amongst  
5 themselves?

6 A. Perhaps. I don't recall.

7 Q. Do you remember making that statement that you  
8 went to the concession stand and people were talking  
9 amongst themselves there before?

10 A. No, I don't.

11 MR. ESCOBAR: Mr. Garcia. Page 120 --

12 THE COURT: You can refresh his recollection.

13 This is not impeachment.

14 MR. ESCOBAR: I'll be more than glad to do that.

15 THE COURT: Thank you.

16 BY MR. ESCOBAR:

17 Q. Mr. Turner, I will show you a deposition that  
18 was taken of you. Do you recall me questioning you at  
19 that deposition? Is that correct?

20 A. Yes.

21 Q. I will direct your attention to the very bottom  
22 of page 128 and see if lines 21 through 25 refreshes your  
23 recollection.

24 MR. GARCIA: It goes into 129 as well, though.

25 MR. ESCOBAR: Yes. I was going to get to that

1           one next.

2       BY MR. ESCOBAR:

3           Q.     But I want you to read 129, 1 through 3 as well.  
4       Does that refresh your recollection now?

5           A.     Not really, but as I said, if I said it in the  
6       deposition, then that's -- that's --

7           Q.     That's true?

8           A.     At the time that must have been what I believed,  
9       yes.

10          Q.     You read that in the deposition. Not only were  
11       people talking, but the people were talking about what  
12       happened?

13          A.     That was my assumption. I think that's what the  
14       deposition says.

15          Q.     Well, were you assuming when you answered those  
16       questions in the deposition; you weren't factually telling  
17       me?

18               MR. GARCIA: Objection. He's --

19               THE WITNESS: Are you questioning my integrity?

20               MR. GARCIA: I think so.

21               THE COURT: Hold on. Hold on.

22       BY MR. ESCOBAR:

23          Q.     Were you assuming --

24               THE COURT: Hold on.

25               Let him answer the questions, and let's go in an

1           orderly fashion and --

2           MR. ESCOBAR: I will break it up, Your Honor, so  
3           it's easy for everyone.

4           THE COURT: Thank you.

5 BY MR. ESCOBAR:

6           Q. Were you assuming -- when I took your deposition  
7           and you answered that question, were you assuming that  
8           people were talking about what had happened in the  
9           theater?

10          A. I believed that that's what the deposition  
11          indicates.

12          Q. Okay, that you were assuming that?

13          A. My response was, "I think so." I didn't say  
14          factually.

15          Q. Were you hearing that?

16          A. Was I hearing what?

17          Q. Were you hearing people talking about what had  
18          taken place there at the movie theater?

19          A. I heard people talking amongst themselves, as is  
20          indicated there. I couldn't tell you what the substance  
21          of their conversation was.

22          Q. How many people would you say were out there in  
23          that concession area when you heard people talking amongst  
24          themselves?

25          A. Maybe eight to ten. Most of them had been moved

1 into a larger room.

2 Q. We're going to get into that larger room in a  
3 second, because you were moved in there as well.

4 A. That's correct.

5 Q. How long were you in that concession area before  
6 you were moved?

7 A. Maybe five or ten minutes. It wasn't long that  
8 we were there.

9 Q. Okay. And then you're moved into another room  
10 along with other individuals, correct?

11 A. That's correct.

12 Q. And you remember who some of those individuals  
13 were, right, because they had blood on them?

14 A. I know that there were two nurses. They were  
15 the ones that were covered with blood.

16 Q. So they were in the room with you?

17 A. That's correct.

18 Q. And Mr. Cummings?

19 A. I wouldn't know Mr. Cummings if he were in here  
20 as we speak.

21 Q. Well -- but if Mr. Cummings had blood, the  
22 people who were in that room were there for a purpose?

23 A. Yes.

24 Q. And what was that purpose?

25 A. They were in the theater and they were there to

1 give statements, just as I was.

2 Q. So you all had been taken into that room, also,  
3 to give statements?

4 A. Yes.

5 Q. And that group consisted of about twelve  
6 individuals, correct?

7 A. I couldn't tell you how many. I was sitting in  
8 front, so I really wouldn't know how many people were  
9 behind me.

10 Q. Your wife with you?

11 A. She was.

12 Q. And in that room there were many or various  
13 conversations on what had happened, why it had happened  
14 and, you know, that kind of thing in that room?

15 MR. GARCIA: I'm going to object as to compound  
16 question.

17 MR. ESCOBAR: Do you want me to break it up? I  
18 will. It will take longer. I'd be more than glad to  
19 break it up.

20 THE COURT: Well, if it's appropriate to break  
21 it up.

22 MR. ESCOBAR: Well, that was the statement, so I  
23 was just following the statement.

24 BY MR. ESCOBAR:

25 Q. In that room --

1 THE COURT: Are you just reading it out of the  
2 depo?

3 MR. ESCOBAR: Oh, yeah. I'm asking him this  
4 question:

5 BY MR. ESCOBAR:

6 Q. In that room, isn't it true in that room that  
7 there were many conversations --

8 MR. GARCIA: Judge, I'm going to object to this.

9 THE COURT: I don't --

10 MR. ESCOBAR: I think it's very appropriate.  
11 I'm asking him just like I would ask him any  
12 questions in that room.

13 THE COURT: Excuse me. When I'm talking or when  
14 there's an objection, please stop.

15 MR. ESCOBAR: I will, Your Honor.

16 THE COURT: Thank you.

17 MR. ESCOBAR: I apologize for that.

18 MR. GARCIA: Judge, this isn't impeachment.

19 MR. ESCOBAR: It's not impeachment.

20 MR. GARCIA: He's reading from the deposition.  
21 I don't understand what Mr. Escobar is attempting to  
22 do here.

23 MR. ESCOBAR: Your Honor, I can ask a question.  
24 Whether it's a question that I write down on a pad or  
25 whether it's question that I'm getting directly

1 from --

2 THE COURT: Absolutely directly, but when I ask  
3 you to break it up and you respond, "Well, that's  
4 what it says" --

5 MR. ESCOBAR: No, no, I didn't say that. I was  
6 saying that because I was -- I was asking that  
7 question as it was written, but I can break it up. I  
8 can break it up into --

9 THE COURT: Yeah. Do that. I don't care if  
10 it's written or posted somewhere or anything else.

11 MR. ESCOBAR: I will.

12 THE COURT: Break it up.

13 MR. ESCOBAR: I will.

14 THE COURT: Thank you.

15 BY MR. ESCOBAR:

16 Q. You're in that room with those other  
17 individuals. Is it true that there were many  
18 conversations in that room?

19 A. Yes, I would assume so.

20 Q. And would you agree also that there were various  
21 conversations, meaning of different types?

22 A. Yes.

23 Q. And that those conversations had to do with what  
24 had happened, correct?

25 A. I can't say that.

1 Q. Did those conversations have to do with what  
2 people saw?

3 A. I can't say -- I know I didn't have that type of  
4 conversation with anyone.

5 Q. Well, I'm not talking about you.

6 A. I realize that. I'm just saying --

7 Q. I'm not accusing you of that. Trust me.

8 A. I don't -- I don't -- I'm uncomfortable saying  
9 that there was that type of conversation going on when I  
10 just can't tell you that it was.

11 Q. I understand. But you would agree the nurse,  
12 the person you described as a nurse was in there?

13 A. Yes.

14 Q. And you were in that room for about 45 minutes?

15 A. Roughly, yes.

16 MR. ESCOBAR: May I have a second, Your Honor?

17 THE COURT: You may.

18 MR. ESCOBAR: We'll pass the witness.

19 THE COURT: Thank you.

20 Any redirect?

21 MR. MARTIN: May I have a moment with counsel,  
22 Your Honor?

23 THE COURT: Yes.

24 MR. GARCIA: Judge, we don't have any further  
25 questions.

1 THE COURT: Okay. Thank you.

2 May this witness be released?

3 MR. GARCIA: Yes, Your Honor.

4 THE COURT: Do you want him to remain under  
5 subpoena.

6 MR. GARCIA: Yes. We have contact numbers for  
7 him.

8 THE COURT: All right.

9 You are free to go today. Thank you. You are  
10 still under subpoena. There is not a very likely  
11 chance that you're going to be recalled, but it's a  
12 possibility.

13 If you are recalled, please respond and return  
14 as requested. I'm certain you'll get plenty of  
15 advanced notice in the event that you are recalled.  
16 It's not likely, though.

17 Thank you, sir.

18 THE WITNESS: Thank you very much.

19 (Witness excused.)

20 THE COURT: Is that the last witness for the  
21 day?

22 MR. MARTIN: Yes, Your Honor.

23 THE COURT: All right.

24 MR. ESCOBAR: We have some statements to read  
25 that we're stipulating. Can we do that first thing

1 tomorrow morning, the stipulation --

2 MR. MARTIN: What statement?

3 MR. ESCOBAR: The stipulations.

4 MR. MARTIN: Oh, the stipulations.

5 MR. ESCOBAR: That way we can get together and  
6 make sure they're all read.

7 I think we're missing a CV that was supposedly  
8 introduced. It's Mr. Koenig's CV. We've got to find  
9 that CV. That's the only other thing that I saw that  
10 we need to wrap up.

11 MR. MARTIN: I believe there's a State's Exhibit  
12 marked for identification A, Madam Clerk, that you  
13 have that said that I would introduce --

14 THE COURT: I don't have it. I gave it back.

15 MR. MARTIN: What was it?

16 THE CLERK: Composite photos.

17 THE COURT: Composite photos.

18 THE CLERK: That's right. I don't see anything  
19 that's not entered.

20 THE COURT: That's why I always make it very  
21 clear if it's coming in, she keeps it. If it's  
22 not --

23 MR. MARTIN: That would be the only thing that I  
24 would ask, that we go ahead and move it into evidence  
25 in the morning. I thought she had them.

1 THE COURT: What was it?

2 THE CLERK: I have it written down as composite  
3 photos.

4 THE COURT: Of what?

5 THE CLERK: I didn't know what it was.

6 THE COURT: I remember. I have that somewhere,  
7 too, but I was just looking to see where -- do you  
8 have anything written down for Mr. Koenig's CV?

9 THE CLERK: It never came in.

10 THE COURT: Okay.

11 MR. ESCOBAR: We just have to figure out where  
12 it may be. We'll take a look. We thought that it  
13 had come in and that it was --

14 THE COURT: I never saw it. I didn't see it  
15 personally.

16 MR. ESCOBAR: It may have been through his  
17 testimony, but we'll --

18 THE COURT: Well, certainly there is no question  
19 that it can be admitted, but I don't have it written  
20 down --

21 MR. ESCOBAR: I will make sure that we look for  
22 it.

23 THE COURT: -- that we actually got it admitted.

24 MR. ESCOBAR: We'll make sure it gets to the  
25 Court, Your Honor.

1 THE COURT: Okay.

2 MR. MARTIN: Then State's Exhibit A for ID,  
3 Judge.

4 THE COURT: Same thing.

5 MR. MARTIN: Yeah. We'll try to find it.

6 THE COURT: All right. What witness was that  
7 with?

8 MR. MARTIN: It was the first day.

9 THE COURT: Right. And I had --

10 MR. MARTIN: Because we were in the middle of --

11 THE COURT: Right. I think I had -- oh, I  
12 remember when that -- and I never noticed that it  
13 actually came in, either.

14 THE CLERK: It's not on here.

15 MR. MARTIN: Because it was -- we already used  
16 the letter. B is not coming in, so A, B and C. C is  
17 in.

18 THE CLERK: Yes.

19 MR. MARTIN: B is not coming in. A is the one I  
20 need to get in.

21 THE COURT: Was that 1, Ms. Sumner?

22 MR. MARTIN: No, I was up, Judge, and I  
23 indicated that we normally don't put evidence in in  
24 the other person's case in chief and that I would do  
25 it.

1 THE COURT: Okay. That's right. That's right,  
2 because she had the first exhibits, I thought. Oh,  
3 well.

4 MR. MARTIN: But I'll try to -- it's in one of  
5 the boxes, I'm sure.

6 THE COURT: All right. Let's just make sure  
7 that anything that is to be admitted is admitted.

8 MR. MARTIN: All right.

9 THE COURT: You will have the opportunity  
10 tomorrow to perhaps go through all of the evidence to  
11 make sure you've got everything and that it's --  
12 everybody is on the same page there. We will get the  
13 stipulations read and go right into closing.

14 MR. ESCOBAR: Your Honor, just so I can prepare  
15 any time limitations the Court is going to place on  
16 us in closing -- I'm hoping not, but I will try to --  
17 and I know you're looking at me saying, "Okay," so  
18 I'm going to try to keep myself brief, but there's a  
19 lot of information to cover and I'd like to be able  
20 to have some leeway with that.

21 THE COURT: So a thirty-minute cap would be --  
22 I'm only kidding.

23 MR. ESCOBAR: I can't say my name in thirty  
24 minutes.

25 THE COURT: I know that. I have never been a

1 fan of limits. I've never really felt the need.  
2 I've never had anyone go longer than a day for an  
3 argument, but --

4 MR. ESCOBAR: I promise you I will not go a day.

5 THE COURT: So I'm not going to put any limits.  
6 You know, just do your best and be effective. I'm  
7 thinking a day-long closing argument would not be  
8 effective, so...

9 MR. ESCOBAR: I'm thinking a couple hours, maybe  
10 three hours at best.

11 THE COURT: We can manage.

12 MR. MARTIN: No.

13 THE COURT: I'm not going put a limit on it.  
14 Equal time is my rule. Equal time, if desired.

15 MR. MARTIN: But I don't have to do three hours,  
16 do I?

17 THE COURT: You do not have to do three hours.  
18 I don't care. You're entitled to what -- you know,  
19 you could have equal time, but you don't have to use  
20 it.

21 MR. MARTIN: I'll play a movie or something. I  
22 ain't doing three hours.

23 THE COURT: Are there any matters that we need  
24 to address tonight?

25 MR. MARTIN: Can I assume, just so we can

1       prepare, that Mr. Escobar would do his and then I  
2       would do mine and that's it? It's a hearing. It's  
3       not a trial, so it's kind of --

4               THE COURT: Yeah. I don't think we have a  
5       sandwich in this case. It's a hearing. It's not a  
6       trial. And I -- typically, in standard hearings, I  
7       do not allow rebuttal. So let's plan on that. I  
8       don't -- I'm just going to say I'm not -- it's just  
9       going to be closing, closing.

10              MR. MARTIN: That's good. That's fine.

11              THE COURT: However, typically the movant does  
12       get the last word.

13              MR. MARTIN: But it's not a trial. It's a  
14       hearing.

15              THE COURT: No, it's not a trial.

16              MR. ESCOBAR: Judge, I'll show you how  
17       reasonable I can be, I will go first.

18              THE COURT: Okay. Thank you. All right. Then  
19       we'll get started on that tomorrow.

20              Anything else? 9:00 tomorrow.

21              Well done, everybody. Thank you. It's been a  
22       long day. We will be in recess until 9:00 tomorrow  
23       morning.

24       (Proceedings 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 14th day of June, 2017.

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15  
16 /S Charlene M. Eannel

17 CHARLENE M. EANNEL, RPR  
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