

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
OF THE STATE OF FLORIDA IN AND FOR PASCO COUNTY
2014CF000216CFAXES-1

STATE OF FLORIDA

V.

CURTIS JUDSON REEVES

2020 JUN 24 PM 3:09
Pasco County, Florida
Clerk of Court
Court of Appeals
Sixth Judicial Circuit
State of Florida

**STATE'S MOTION IN LIMINE TO
EXCLUDE THE TESTIMONY OF JENNIFER SHAW REGARDING
THE DEFENDANT'S CHARACTER AND TO REQUIRE A PROOFER OF
DEFENDANT'S CHARACTER EVIDENCE OUTSIDE THE PRESENCE OF THE JURY**

COMES NOW, Bernie McCabe, State Attorney, for the Sixth Judicial Circuit in and for Pasco County, Florida, by and through the undersigned Assistant State Attorney hereby respectfully requests this Honorable Court to enter an order excluding the testimony of Jennifer Shaw regarding the Defendant's character and to require the defense to proffer any evidence of the Defendant's character outside the presence of the jury and as good cause would show:

State's Position

1. The previous testimony of Jennifer Shaw regarding the Defendant's character is inadmissible under section 90.404(1) (a) and should be excluded under section 90.405(1).
2. The Defendant is only allowed to proffer his good character or traits of his character where such evidence has reference to a trait involved in the offense charged.
3. The only method of proving admissible character or traits of character is by testimony about his reputation.

Factual Basis

The Defendant is charged with 2° Murder. After an immunity hearing, Judge Barthle denied the Defendant's immunity request. The State anticipates the Defendant will continue to maintain he

acted in self-defense and that killing of Chad Oulson was justifiable.

Jennifer Shaw testified during the Defendant's immunity hearing to her personal opinions as to the Defendant's character and to specific incidences of conduct. See, Exhibit #1, attached. (Immunity hearing transcript, Volume 1, pages 14-79.)

The below-identified summary of testimony is general character trait evidence of the Defendant that is either a pertinent or non-pertinent trait of second degree murder and was presented in the form of inadmissible opinion evidence or as specific incidences of conduct. (All page numbers are from Exhibit #1, attached.)

1. She was never spanked by the Defendant while he was angry. Pg. 21, Ln. 25 through Pg. 23, Ln. 1-12.
2. She never observed Defendant exhibit any kind of road rage. Pg. 23, Ln. 13 - 23.
3. She recalled when she was 14 years old she was present when the Defendant was involved in a traffic accident in North Carolina. Defendant got out of the car and resolved the incident amicably. Pg. 24, Ln 1 through Pg. 27, Ln 1-11.
4. She recalled telling the Defendant about her divorce. Defendant did not attempt to take charge of the situation. He simply offered his support. Even though the Defendant was angry at her soon-to-be-ex-husband he did not confront him. Pg. 27, Ln 12 through Pg. 28, Ln. 1-18.
5. She agreed with defense counsel's statement that as she was growing up the Defendant was not a bossy, authoritative person. Pg. 47, Ln 24-25 through Pg. 48, Ln 1.
6. She agreed with defense counsel's statement that her personality and the Defendant's personality are similar. Pg. 48, Ln 2-10.
7. She agreed with defense counsel's statement that the Defendant is not an aggressive. Pg. 48, Ln 11-13.

Argument

General

An accused in a criminal case is permitted to offer evidence of pertinent or relevant personal character trait(s) that relates to a pertinent trait of the charged crime.

"The general rule in Florida is that a criminal defendant is allowed to introduce evidence of his good character and reputation where such evidence has reference to a trait involved in the offense with which he is charged. Campos v. State, 366 So.2d 782, 784 (Fla. 3d DCA 1978); Seabrook v. State, 348 So.2d 663, 664 (Fla. 2d DCA 1977). A defendant's lack of propensity toward violence is clearly relevant to the trait of violence inherent in a charge of attempted murder. Campos, 366 So.2d at 784; Seabrook, 348 So.2d at 664. Moreover, section 90.404(1) (a), Florida Statutes (2002), specifically allows the accused to offer evidence of a pertinent trait of his character. Pino v. Koelber, 389 So.2d 1191, 1193 (Fla. 2d DCA 1980)." Hoffman v. State, 953 So.2d 643, 645 (Fla. 3rd DCA 2007)

The admissibility of the Defendant's character traits is governed by Rule 90.404(1) (a).

Rule 90.404 states in part:

§90.404 Character evidence; when admissible

(1) Character evidence generally - Evidence of a person's character or a trait of character is inadmissible to prove action in conformity with it on a particular occasion, except:

(a) Character of accused. - Evidence of a pertinent train of character offered by an accused, or by the prosecution to rebut the trait.

Pertinent traits of the crime charged

The character traits involved in the offense of 2° Murder are non-violence and peacefulness. Id. at 645-46.

"An accused is entitled to introduce evidence of his good character and reputation in the community, where that evidence refers to traits involved in the offense with which the defendant is charged. Norman v. State, 156 So.2d 186 (Fla. 3d DCA 1963). Garcia's testimony would have been that appellant enjoyed the reputation in the community for non-violence. One's lack of propensity toward violence is certainly relevant to the trail of violence inherent in a second degree murder charge. Norman v. State, supra, and see Seabrook v. State, 348 So.2d 663 (Fla. 2d DCA 1977)." Campus v. State, 366 So.2d at 784.

Method of proving character

Evidence of general character is not admissible; it must relate to a particular pertinent trait of the charged crime. Hoffman, 953 So.2d at 644.

If the character trait is not relevant to a pertinent trait involved in the crime charged is not admissible under section 90.404(1) (a). Russ v. State, 934 So.2d 527, 531-32 (Fla. 3rd DCA 2006) (Trial court did not abuse its discretion in prosecution for lewd and lascivious exhibition on a child and sexual battery on person less than twelve years of age by refusing to permit defendant to call character witnesses to testify as to his reputation in the community for non-violence and respect toward females; no argument was made defendant had acted violently and the defendant's reputation for respectfulness toward women had no bearing on whether he committed the offenses.)

"Because the victim's character was not an essential element of the crime or defense at bar, proof of same was required to be made by reputation evidence. See Ehrhardt at § 405.3. Reputation evidence is evidence of a

person's character within the community. Such evidence does not include specific acts or opinion testimony. *Id.* at § 405.1. In the case at bar, the proffered testimony of the two witnesses divulges appellant's attempt to introduce specific act testimony—not reputation evidence. Therefore, such evidence was inadmissible under section 90.405. See, e.g., *Taylor v. State*, 513 So.2d 1371, 1372 (Fla. 2d DCA 1987); see also *Perrin v. Anderson*, 784 F.2d 1040 (10th Cir.1986).” *Dupree v. State*, 615 So.2d 713, 722 (Fla. 1st DCA 1993)

The accused may not offer character trait evidence in the form of opinion evidence. *Rigterink v. State*, 66 So.3d 866, 895 (Fla. 2011) (Additionally, Farmer presented his testimony with regard to Mullins' allegedly violent nature in terms of his own opinion and generalized personal experiences, which is not a proper method to establish character or reputation evidence in Florida. See, e.g., *Wyatt v. State*, 578 So.2d 811, 813 (Fla. 3d DCA 1991) (holding that section 90.405, Florida Statutes, “specifically limits the introduction of character evidence to reputation ... [and] does not permit evidence of character to be made by opinion” (citations omitted)). *Wyatt v. State*, 578 So.2d 811, 813 (Fla. 3rd 1991) (Additionally, section 90.405, Florida Statutes (1987), specifically limits the introduction of character evidence to reputation or specific instances of conduct. *Wrobel v. State*, 410 So.2d 950 (Fla. 5th DCA), rev. denied, 419 So.2d 1201 (Fla.1982). This statute does not permit evidence of character to be made by opinion. See *Alvarado v. State*, 521 So.2d 180 (Fla. 3d DCA 1988))

Specific incidences of behavior are not admissible to prove a character trait under Rule 90.404(1) (a). *Buford v. State*, 403 So.2d 943, 949 (Fla. 1981) (Defendant in murder case could prove his nonviolence by evidence of his general reputation in the community; not by specific instances of nonviolence.) *Love v. State*, 971 So.2d 280, 285-86 (Fla. 4th DCA 2008) (Even where character evidence is proper, admissible evidence is “limited to the testimony witnesses who are aware of the victim's *288 reputation for the pertinent character trait.” *Ehrhardt*, § 404.6 (Emphasis added); § 90.405, Fla. Stat. (2006); see *Dupree*, 615 So.2d at 721. A litigant may not prove a character trait by offering evidence about instances of conduct that demonstrate the trait.)

The accused my only offer character trait evidence in the form of "reputation" testimony. Rule 90.405(1) Wrobel v. State, 410 So.2d 950, 950-1 (Fla. 5th DCA 1982) (In Florida, the methods of presenting character evidence is limited to testimony of reputation. Maloy v. State, 52 Fla. 101, 41 So. 791 (1906))

Rule 90.405 states in part:

§90.405 Methods of proving character

(1)Reputation - When evidence of the character of a person or of a trait of that person's character is admissible, proof may be made by testimony about that person's reputation.

"Under Florida's new evidence code, evidence of a person's character or a trait of his character is inadmissible to prove that he acted in conformity with it on a particular occasion except under certain limited circumstances. § 90.404(1). Fla.Stat. (1981). One exception permits, in a criminal case, the admission of evidence of a pertinent character trait of the accused offered by him, or by the prosecution to rebut the trait. § 90.404(1). Fla.Stat. (1981). However, except when character or a trait of a character is an essential element of the case, proof or a person's character should be made through his testimony about his reputation. §90.405, Fla.Stat. (1981)" Dixon v. State, 426 So.2d 1258, 1259 (Fla. 2nd DCA 1983)

Foundation for the admissibility of reputation evidence

Before reputation evidence regarding a relevant character trait of the accused is admitted, a proper predicate must be established. Rigterink, 66 So.3d at 895-95

The Florida Supreme interpreted section 90.405(1), Florida Statutes, to require the following predicate for the admissibility of reputation testimony:

"Section 90.405 governs the type of evidence that may be used to prove reputation. As a

predicate to the introduction of such evidence, a foundation must be *895 laid to prove that the witness testifying as to reputation is aware of the person's general reputation for truthfulness in the community. Charles W. Ehrhardt, *Florida Evidence* § 405.1 (1995 ed). Essentially, it must be established that the community from which the reputation testimony is drawn is sufficiently broad to provide the witness with adequate knowledge to give a reliable assessment. This assessment must be based on more than "mere personal opinion, fleeting encounters, or rumor." *Rogers v. State*, 511 So.2d 526, 530 (Fla.1987), cert. denied, 484 U.S. 1020, 108 S.Ct. 733, 98 L.Ed.2d 681 (1988). Further, reputation evidence "must be based on discussions among a broad group of people so that it accurately reflects the person's character, rather than the biased opinions or comments of ... a narrow segment of the community." *Ehrhardt, supra*, § 405.1 at 197 (footnote omitted). *Larzelere v. State*, 676 So.2d 394, 399-400 (Fla.1996)."
Rigterink, 66 So.3d at 894-95

Admissibility of hearsay to establish reputation

Assuming relevancy and satisfaction of the predicate requirements, hearsay testimony is admissible to establish one's reputation within his or her community. Section 90.803(21), Florida Statutes (2005).

Conclusion

The above-identified testimony is not admissible and should be excluded under section 90.405(1), Florida Evidence Code

WHEREFORE, the State of Florida respectfully requests the Court to enter its Order excluding the testimony of Jennifer Shaw as it relates to the Defendant's character and to instruct the attorney for the Defendant, and any witnesses, not to mention or refer, or interrogate concerning, or attempt to convey to the jury in any manner either direct or indirect, any

of the above mentioned facts without first obtaining permission of the Court outside the presence and hearing of the jury.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing State's Motion in Limine to Exclude the Testimony of Jennifer Shaw Regarding the Defendant's Character and to Require a Proofer of Defendant's Character Evidence outside the Presence of the Jury was furnished to Richard Escobar, Esq., Attorney for the Defendant, at 2917 West Kennedy Blvd., Suite 100, Tampa FL 33609-3163, by U.S. Mail or Personal Service this JHM day of June, 2020.

BERNIE McCABE, State Attorney
Sixth Judicial Circuit of Florida

By: 

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EXHIBIT #1

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

4 THE BAILIFF: Come have a seat up here. Adjust
5 the mic. Speak in a loud and clear voice for the
6 Court.

7 THE COURT: Go ahead, Mr. Michaels.

8 DIRECT EXAMINATION

9 BY MR. MICHAELS:

10 Q. Please state your name.

11 A. Jennifer Shaw.

12 Q. And is it Mrs. Shaw?

13 A. It is still Mrs. Shaw, but I am in the process
14 of going through a divorce.

15 Q. What is your maiden name, please?

16 A. Reeves.

17 Q. And how are you related to Curtis Reeves?

18 A. He is my father.

19 Q. And your mother's name?

20 A. Vivian Reeves.

21 Q. How long have they been married?

22 A. This year in October, it will have been 50
23 years..

24 Q. And do you have any siblings?

25 A. I do. I have one brother, Matthew Reeves.

1 Q. And how old is he?

2 A. He is 40.

3 Q. What does he do for a living?

4 A. He is a police officer for the City of Tampa.

5 Q. And what do you do for a living?

6 A. I am a branch manager for a bank in -- here in
7 Dade City.

8 Q. And do you have any children?

9 A. I do. I have one daughter.

10 Q. And how old is she?

11 A. Her name is Madison, and she's five.

12 Q. And do you have any family in the area?

13 A. Yes, sir. We have pretty much all of my family
14 on my mom's side and my dad's side live here. All of my
15 immediate family. I have one uncle that lives in
16 Oklahoma. But outside of that, everybody's in the
17 Tampa/Orlando area.

18 Q. And are you -- would you describe yourself as a
19 close-knit family?

20 A. Very much so. We get together on all of the
21 holidays and have barbecues and get the kids together to
22 play and all of that.

23 Q. Now, where do you live?

24 A. I live in Brooksville with my parents.

25 Q. And how long have you lived with your parents?

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A. I've lived with my parents since April of 2013.

Q. And is that because of the divorce and that situation?

A. Yes, sir, it is.

Q. And does your -- your daughter live there as well?

A. Yes, sir. I have 50 percent custody of my daughter, and the other half of the time she's with her father. When she's with me, she does live there.

Q. Now, where did your parents live prior to Brooksville?

A. They lived in Lutz.

Q. For how long?

A. Gosh, for as long as I can remember. The same house that I was born in. They -- let's see. They moved to Brooksville in 2005 so -- and I was born in '73, so for that period of time. I'm not sure how much prior to that they lived there.

Q. And why did they move?

A. I think part of the reason was --

MR. MARTIN: Your Honor, I'm going to object. That calls for speculation. May we approach please, Judge?

(Sidebar conference conducted.)

1 MR. MARTIN: Judge, we're here on an immunity
2 hearing and the issue of what is relevant is what
3 Mr. Reeves knew at the time of the shooting based on
4 his knowledge, based on the circumstances of what he
5 knew.

6 Now, painting a picture of him being a family
7 man and having kids, that is not what we're talking
8 about in an immunity hearing. Most everybody has
9 that and just because you have a family and kids, is
10 not one of these -- I want to say elements of
11 criteria. It is actually irrelevant in determining
12 whether or not his actions were reasonable.

13 Now, all they're doing here is painting a
14 picture of Mr. Reeves throughout this entire life.

15 What is relevant, I might suggest, is his
16 background as a police officer, his physical
17 ailments, that is what is relevant because the
18 reason that he pulled a gun is not because he has a
19 daughter, it's because he pulled a gun because he
20 could get hurt. He wanted to prevent great bodily
21 harm.

22 So all his training as a police officer he is
23 able to discern danger, all of that is relevant, but
24 all this family stuff and how many kids I have and I
25 love them, I go to church, that is all irrelevant.

1 Now, I understand that he is charged with
2 second degree murder and maybe at the trial his
3 character would be relevant, but we are not at a
4 trial. We are at an immunity hearing.

5 So what I'm suggesting, and I'm going to object
6 and get it out of the way first, I'm objecting to
7 this line of questioning about all of his background
8 because he will go on forever that he mows his lawn,
9 he picks up his paper, he doesn't let the dog -- you
10 know, whatever. That is -- it's just not relevant.

11 THE COURT: All right.

12 MR. MICHAELS: Judge, I'm not asking about
13 whether he picks up his paper or mows his lawn, we
14 are talking about what his background is and that
15 certainly is relevant while we're dealing with a
16 case of perception because that's what we are
17 dealing with.

18 I appreciate, you know, the prosecutor's
19 direction as to what areas to inquire on, but his
20 character is relevant in a case where we are dealing
21 with the perception of the individual.

22 So we need a big picture, not just necessarily,
23 you know, skimmed it down to what the prosecutor is
24 asking.

25 THE COURT: I'm going to allow it to some

1 extent. We don't need to spend days on this, but I
2 will overrule it for now.

3 And for the stenographer's purposes, let's
4 just -- we don't have a jury, we can just argue in
5 open court. We are not going to approach. So keep
6 that in mind, too, as far as your argument unless it
7 is very sensitive --

8 MR. MARTIN: I thought --

9 THE COURT: -- and I appreciate it.

10 MR. MARTIN: Am I to -- then I will rely on the
11 Court. When you've had enough, you will stop it and
12 tell me to just sit down?

13 THE COURT: Yes, I will.

14 MR. MARTIN: Is that --

15 THE COURT: I will indicate with "Let's move
16 on." You are welcome to object and make the same
17 objections.

18 MR. MARTIN: I understand, but I don't want
19 to -- you've said that you will let it go to a
20 certain point, so I'm assuming you're going to say
21 let's move on at some point?

22 THE COURT: I will, but if it is particularly

23 --

24 MR. MARTIN: I understand.

25 THE COURT: -- you're welcome to object as

1 well. We can just...

2 MR. MARTIN: If it is along these lines, I
3 apologize for interrupting, but I will just indicate
4 that I have a 402 objection based on the same
5 argument I made at the bench.

6 THE COURT: Thank you.

7 (Sidebar conference concluded.)

8 BY MR. MICHAELS:

9 Q. So you grew up in Lutz; is that correct?

10 A. Yes, sir.

11 Q. Now, were you aware that -- what your father
12 did for a living?

13 A. Yes, sir, I was.

14 Q. Okay. That he was a police officer?

15 A. Yes.

16 Q. Did you become aware that he also went to
17 college while he was a police officer?

18 A. Yes, sir.

19 Q. Tell me, then, as a child, I guess, you must
20 have never seen him around the house; is that true?

21 A. No, sir, not at all. I'm not sure. I mean,
22 we're so -- everything's so busy and rushed, it seems,
23 today and I don't know how he'd fit in all the time with
24 the family that he did spend.

25 Q. What sort of things would he do with you?

1 A. My brother was -- my brother played soccer and
2 my dad coached the team.

3 MR. MARTIN: Your Honor, I'll have the same 402
4 objection.

5 THE COURT: Overruled for now.

6 THE WITNESS: I was in Girl Scouts, Matt was
7 in Boy Scouts. I played piano. My dad was involved
8 in all of those things. Earning badges -- like if
9 you're familiar with the Girl Scout and Boy Scout
10 manuals, you can earn different badges by doing
11 different things, and there were weekends where my
12 dad would open the book and say, you know, "Let's do
13 this one this weekend," and that kind of thing.

14 But there's -- I don't really remember, when I
15 think back on my childhood, a time that he wasn't
16 present.

17 BY MR. MICHAELS:

18 Q. Now, like all children, I would imagine you
19 weren't a perfect child.

20 A. No sir.

21 Q. So did there come a time when you were ever
22 disciplined?

23 A. Yes, sir, I was.

24 Q. By your father?

25 A. Yes, sir.

1 MR. MARTIN: I object under the 402, relevance.

2 THE COURT: Sustained. Let's move on.

3 MR. MICHAELS: Judge, if I may, again, this is
4 an issue regarding -- the prosecutor has made an
5 argument, frankly, during opening statements that
6 Mr. Reeves acted out of anger, and Mr. Reeves acted
7 in a way -- in a revengeful way because he didn't
8 like popcorn thrown in his face.

9 I think his character is relevant throughout
10 the years of painting a picture that that's not the
11 kind of man he was, that he was a kind man. Even in
12 punishment, he didn't react out of anger. That's
13 what I'm trying to -- to get out of this witness,
14 Your Honor.

15 THE COURT: All right. I agree. I'll allow
16 that.

17 MR. MARTIN: My only objection would be that --
18 the timing. I mean, we only know -- this could be
19 30 years ago, so my objection is 402 and without the
20 timing we have a 403 argument. People change.

21 THE COURT: I'll allow it to that extent but
22 let's, again, stay focused.

23 BY MR. MICHAELS:

24 Q. Okay. What -- what kind of age were you at
25 when we're talking about spankings?

1 A. I would say 14 and younger.

2 Q. Did your father ever spank you while angry?

3 A. Not that I can remember. I mean, I made him
4 angry plenty of times but usually the protocol that Matt
5 and I would remember is being sent to our room to think
6 about what we've done.

7 And then he would come in to talk to us about
8 it and there was a discussion that took place, and then
9 he decided whether or not you were getting spanked or if
10 you were going to be on restriction or both or -- but I
11 was never slapped or spanked or hit out of anger right --
12 right at the moment.

13 Q. Now, as a child, I remember learning how to
14 cuss driving around with my mother, frankly.

15 Did you have occasion to drive around in a car
16 with your father when you were younger?

17 A. Absolutely.

18 Q. Did you ever see him exhibit any kind of road
19 rage of any sort?

20 A. No.

21 MR. MARTIN: I'm going to object, Judge, 402,
22 same argument at the bench.

23 THE WITNESS: Not as a child or as an adult.

24 THE COURT: How about a time frame?

25 BY MR. MICHAELS:

1 Q. Okay. Tell me whether you remember any
2 specific incident of an accident or something, your
3 father's reaction?

4 A. Yes, sir. I do remember, and it's been -- I
5 might have been, like, 13 or 14. We were rear-ended in
6 North Carolina camping.

7 MR. MARTIN: Excuse me, Judge, I'm going to
8 object. If we're talking character evidence,
9 character evidence cannot be proved by a specific
10 act. It has to be with a reputation in the
11 community. So I object to the form of the question
12 and the admission of specific acts as it deals with
13 character pursuant to the Evidence Code.

14 THE COURT: Response?

15 MR. MICHAELS: Again, Judge, it's a similar
16 argument. The allegation here is that Mr. Reeves
17 acted in a certain way because he didn't get his
18 way. And certainly the prosecutor has made it an
19 issue now here at the trial, and so I think it's
20 fair to flesh out what his character was throughout
21 the years to determine whether or not his actions
22 were reasonable.

23 The prosecutor may not have a problem with his
24 perception. I don't know. We'll get to that. But
25 if we're talking about what Mr. Reeves' reaction

1 was, then certainly it's -- it's relevant because it
2 goes to what his character was and it goes to what
3 his background is.

4 THE COURT: Response?

5 MR. MARTIN: Judge, he indicated exactly what I
6 objected to. He wants to go through specific
7 incidences over time saying at this time -- at this
8 time this did not occur. That's not the way you
9 prove character. It's by reputation within the
10 community. And as the Court's well aware in an
11 immunity hearing, the rules of evidence apply --
12 strictly apply.

13 I object to specific incidences in order to
14 prove character that would, then, go to argue that
15 the character on 1/13/2014 is consistent with
16 specific incidences, and that is not acceptable
17 under the rule.

18 THE COURT: All right. For purposes of this
19 hearing, I'm going to be a little -- I'm going to
20 allow a little more than I might. I'm not going to
21 be quite as strict as I would if we were having a
22 jury over there. Obviously I'm the trier of fact.
23 The rules of evidence apply. I'm going to allow
24 some of this testimony for the big picture of Mr.
25 Reeves -- who he is.

1 As far as character evidence, Mr. Martin is
2 correct that this isn't -- it's not really
3 appropriate to show his character. Clearly, there's
4 the insinuation and argument or statement by the
5 prosecutor that this -- that this was done out of
6 anger and resentment of having something -- someone
7 tell him, you know -- not respond in the way that
8 Mr. Reeves indicated. That was in the opening
9 statement, no doubt.

10 Is this proper testimony for character? Unless
11 you're going to have, you know, 10 or more witnesses
12 as to that, I'm going to have to agree with
13 Mr. Martin. But this sort of evidence, in my humble
14 belief, is similar to hearing testimony about
15 someone wearing a seat belt. They always wore a
16 seat belt, always wore a seat belt. Did they wear a
17 seat belt on the night in question? We don't know.

18 So, I'm going to utilize it for that purpose.
19 It certainly will help me get an understanding of
20 Mr. Reeves' background and who he is, which is what
21 the Defense is hoping to do. So for all of those
22 reasons, I'm going to allow this line of
23 questioning. Again, though, let's not go too far --
24 too far with it.
25

1 BY MR. MICHAELS:

2 Q. Did you ever see your father react angrily as a
3 result of an auto accident?

4 A. No, sir.

5 Q. Do you have any specific examples?

6 A. Just the one that I started talking about where
7 we were rear-ended in North Carolina, and it bent a rack
8 that my father had on the back of his car. He got out of
9 the vehicle, resolved it amicably. Told the guy don't
10 worry about it. He would bend the rack back and fix it
11 and it was over with.

12 Q. Now, the man you married was a police officer,
13 correct?

14 A. Yes, sir.

15 Q. Do you remember going to your father and
16 telling him about the divorce?

17 A. Yes, sir, I do.

18 Q. Tell me about that, how did your father react?

19 MR. MARTIN: Your Honor, I will object, 402.

20 THE COURT: Overruled.

21 BY MR. MICHAELS:

22 Q. How did your father react? Did he try to get
23 involved and tell you what to do? What was his reaction?

24 A. No, sir. My father was very angry because my
25 husband had been unfaithful but he didn't --

1 MR. MARTIN: Your Honor, again, we have not
2 only a 402 argument, but now even a 403 argument
3 even though you're the trier of fact. This is the
4 type of testimony that's totally inappropriate.

5 THE COURT: Response?

6 MR. MICHAELS: Judge, I'll ask a different
7 question.

8 THE COURT: Thank you.

9 BY MR. MICHAELS:

10 Q. Did your father try to take charge of the
11 situation?

12 A. No, sir, he did not. He just offered support
13 and let me know that he was there and asked if he -- if I
14 wanted him to come over.

15 Q. So he didn't tell you what to do?

16 A. No, sir.

17 Q. He didn't confront your soon-to-be ex-husband?

18 A. No, sir.

19 Q. Growing up, do you remember your father being
20 into fitness at all?

21 A. Yes, sir.

22 Q. Tell us about that and give me a time period of
23 what you -- what you remember.

24 A. Growing up, dad had to maintain physical --
25 being physically fit for the police department. He also

1 was commander of a SWAT team, and he had to maintain a
2 high level of fitness for that. For a number of years, I
3 remember as a teenager he would run at night. He would
4 go out running.

5 And I don't ever remember him being heavily
6 involved in a gym or a gym membership or anything like
7 that, but just really staying active at home and the
8 running.

9 Q. And at some point did he stop running?

10 A. He did stop running.

11 Q. Around what time period are we speaking of?

12 A. I'm not certain of the time period. I'm going
13 to guess it was somewhere right around 14, 15. He had a
14 problem with his sciatic nerve that bothered him.

15 MR. MARTIN: Your Honor, I'm going to object.

16 It calls for speculation and a lay opinion as far as
17 the medical condition.

18 THE COURT: Sustained.

19 BY MR. MICHAELS:

20 Q. Okay. Let me ask you: Did you observe your
21 father having difficulty running?

22 A. On several occasions, I tried -- I couldn't
23 keep up but I tried to run with him.

24 Q. Okay. But at some point, did he have
25 difficulty in running?

1 A. Yes, sir, he did.

2 Q. Okay. And you observed that, correct?

3 A. On several occasions. I didn't run with him
4 all the time but I have observed that.

5 Q. And at some point, did he stop running?

6 A. Yes, sir.

7 Q. Do you know how old he was?

8 A. I'm not certain.

9 Q. Do you know how old you were?

10 A. I might have been around 14 or 15.

11 Q. Was he still with the police department when he
12 stopped running?

13 A. Yes, sir.

14 Q. And do you know if he stopped running because
15 he got lazy?

16 A. No, sir.

17 MR. MARTIN: Your Honor, again, calls for
18 speculation.

19 THE COURT: I will overrule it. She can tell
20 what she observed.

21 BY MR. MICHAELS:

22 Q. Did he take up another form of fitness?

23 A. Yes, sir. He took up riding a -- rode a bike,
24 bicycling.

25 Q. Okay. And again, to maintain cardiovascular

1 fitness?

2 A. Yes, sir.

3 MR. MARTIN: Your Honor, I'm going to object.
4 It's leading and calls for speculation.

5 THE COURT: Sustained.

6 BY MR. MICHAELS:

7 Q. Now, let's talk a little bit about your mother,
8 okay?

9 A. Okay.

10 Q. How old is your mother?

11 A. My mom is 70.

12 Q. And do you know if she is being treated for --
13 she was being treated at a hospital of any sort?

14 MR. MARTIN: Your Honor, I'm going to object to
15 this line of questioning as being not relevant under
16 402 based on the discussions at the bench.

17 MR. MICHAELS: Judge, it's relevant because we
18 have an elderly woman who also is declining in
19 health in the movie theater. Certainly, Mr. Reeves
20 is justified if he's acting to thwart an attack or
21 thwart any imminent threat of attack to himself or
22 to his wife.

23 So I think it's important that we hear this
24 testimony so that we can understand Mr. Reeves'
25 state of mind and his perception with the big

1 picture that he is sitting next to his wife and
2 she's also in declining health and getting older.

3 MR. MARTIN: Then Mrs. Reeves can take the
4 stand and testify when, where, and why she was in
5 the hospital, and where she was sitting. But for
6 Ms. Shaw to come up here and be a conduit for
7 Ms. Reeves is inappropriate.

8 THE COURT: To the extent that she has personal
9 knowledge and that alone, I'll overrule.

10 MR. MARTIN: We would ask for a date.

11 THE COURT: And times.

12 BY MR. MICHAELS:

13 Q. All right. Do you know any specific dates?

14 A. No, sir.

15 Q. Or time periods?

16 A. Well, I know that she's had -- she had a knee
17 replacement in the last couple of years. She's also --

18 MR. MARTIN: Your Honor, it's nonresponsive to
19 the question. The question was: Do you know any of
20 the dates when she was in the hospital, and now the
21 responses are hearsay and calls for a medical expert
22 testimony, but the only way she would know that is
23 if Mrs. Reeves told her, therefore, it is hearsay.

24 THE COURT: She's her daughter. To the extent
25 that she knows, I don't need medical details, just

1 basically the recitation of time period and
2 procedure.

3 BY MR. MICHAELS:

4 Q. So about two years ago -- do you agree or
5 disagree with me that about two years ago your mother
6 received some sort of treatment?

7 A. Yes, she had a knee replacement.

8 Q. Okay. So she had some sort of surgery; is that
9 fair to say?

10 A. Yes, sir.

11 Q. And do you agree or disagree with me that your
12 mother has also been visiting Moffitt Cancer Center?

13 A. Yes, sir.

14 Q. And is that for a period of years now?

15 A. Yes, sir. It has been over a period of years.

16 Q. Now, you -- are you aware of whether or not
17 your mother and father exercise together?

18 A. They do on occasion. Yes, they do.

19 Q. And what sort of exercise?

20 A. Sometimes they will -- well, prior to -- what
21 time frame are we talking about?

22 Q. Prior to 2013.

23 A. Okay. Yes, they would walk together in the
24 neighborhood. At that point in time, I guess my mom's
25 doctors at Moffitt had told her there was a possibility

1 she might have to have surgery and that she needed to get
2 in shape so that recovery could --

3 MR. MARTIN: Your Honor, again, they're talking
4 about -- I object. First, it's hearsay, what her
5 mother told her, and the question was walking so it
6 is nonresponsive also.

7 THE COURT: Sustained. Let's go back to it.

8 MR. MICHAELS: Thank you, Judge.

9 BY MR. MICHAELS:

10 Q. In 2000 -- between 2013 and 2014, did your
11 mother and father exercise together?

12 A. Yes, sir.

13 Q. Okay. And what sort of physical activities did
14 your father do between 2013 and 2014, that you're aware
15 of?

16 A. Together?

17 Q. Just your father.

18 A. Oh, just my father. He walked with my mother.
19 He also rode his bike and then he did calisthenics, just
20 kind of stretching exercises.

21 Q. And what sort of bike did he ride? Was it a
22 road bike or mountain bike?

23 A. No. Well, he has both bikes. If he rode with
24 my mother, he would typically ride a mountain bike. And
25 then if he rode with friends or by himself for

1 exercise -- more so for exercise, he would ride a road
2 bike.

3 Q. Okay. And let's talk about your daughter. Her
4 name is Madison?

5 A. Yes, sir.

6 Q. And how old is she?

7 A. She's five.

8 Q. When she was born, that means your -- was your
9 father already retired at that point?

10 A. Yes, sir, he was.

11 Q. And tell me whether or not your parents helped
12 you to care for the newborn?

13 A. Yes, sir. I stayed home with her for three
14 months, and then they kept her for six months before she
15 went into day care.

16 Q. Are you aware of any plans that your father had
17 for retirement before Madison came?

18 A. Yes, sir.

19 MR. MARTIN: Your Honor, again, I'm going to
20 object. We're far afield based on my objection at
21 the bench for a 403 -- I mean, 402.

22 THE COURT: Response?

23 MR. MICHAELS: Again, we're -- we're getting
24 background on Mr. Reeves. We're trying to paint the
25 big picture here. We're going to get to the police

1 certifications. We're going to get to all of that
2 but that's not the only person he is in that
3 theater. He's both sides of that.

4 I think we can expect that the prosecutor's
5 going to argue something to the effect of, well,
6 he's a retired police officer who didn't get his
7 way, and therefore he's being authoritative and
8 that's what this is all about.

9 And so I think that it's important to hear that
10 in retirement that that's not what Mr. Reeves is
11 about. In retirement, he's -- he's a family man.
12 In retirement, he's a grandfather. In retirement,
13 he's -- he's -- he's not a police officer 24 hours a
14 day.

15 MR. MARTIN: Again, Mr. Michaels has identified
16 specific acts of conduct that they want to be able
17 to argue that he acted in conformity there with on
18 January 13, 2014. The Court's well aware of the
19 specific acts of conduct in regarding character to
20 determine how a person acted on a particular time is
21 not -- is not admissible. It's character by
22 reputation within the community. That's how we
23 prove character, not by specific acts.

24 THE COURT: Response to that?

25 MR. MICHAELS: Judge, I'm going to connect it

1 up to his disabilities and actually interacting with
2 the child, and so this is just kind of laying the
3 foundation to get to that point.

4 THE COURT: We're laying a pretty big
5 foundation. Let's narrow it down a little bit, but
6 I will overrule it.

7 MR. MICHAELS: Okay.

8 BY MR. MICHAELS:

9 Q. So are you aware of whether or not your father
10 changed his retirement plans in order to stay home with
11 the child, with your little girl?

12 A. Changed his plans in retirement, not to retire.
13 He had already retired, but yes, he did. Him and my mom
14 decided not to travel to stay home and watch Madison.

15 Q. Okay. And did they help you take care of
16 Madison?

17 A. They did.

18 Q. For how long?

19 A. It was about six months.

20 Q. And whose idea was it to do that? Was that
21 your idea?

22 A. No, sir. We hadn't even -- I hadn't even
23 discussed it with my parents because I knew their travel
24 plans, and I knew having a child was my responsibility
25 and my husband's responsibility. So no, I never asked

1 them to watch her. It's something that they came to me
2 and said we feel like this is important for family and
3 we'd like to do that.

4 Q. Okay. Now, when Madison was a toddler, did
5 your father play with Madison, did you observe that at
6 all?

7 A. Yes, sir, I did.

8 Q. What sort of things would he do with her?

9 A. He would do all kinds of things with her.
10 There were limitations as far as him crawling around on
11 the floor and the things that she wanted him to do. But
12 he played with her all the time as far as reading her
13 books and playing games with her and singing songs and...

14 Q. Now, when she was a baby, when she was a
15 toddler, did your father pick her up?

16 A. I have seen him pick her up, yes, sir.

17 Q. And is he still able to do that?

18 A. No, sir, not really. I don't think I've seen
19 that in the last couple of years.

20 Q. And do you remember an occasion where your
21 father was trying to play with Madison on the floor and
22 couldn't get up?

23 A. Yes, sir.

24 MR. MARTIN: Your Honor, again, I'm going to
25 object to the leading nature of the question at this

1 time.

2 MR. MICHAELS: Judge, number one, it wasn't
3 leading. I asked her if she remembers. I didn't
4 say, "You remember, don't you?" That's leading. If
5 I give the witness a choice to answer the question
6 yes or no, that's not leading, number one.

7 Number two, if we're going to talk about the
8 degenerative process here, certainly Ms. Shaw's
9 observations of her father's limitations and his
10 diminishing capacity are relevant in this case.

11 THE COURT: I'll overrule.

12 MR. MARTIN: Judge, it's only relevant if we
13 have a date. Every question needs to have a date
14 frame, otherwise we're just throwing it out there
15 and I can't -- we can't make it relevant without a
16 date.

17 THE COURT: Time frame.

18 MR. MICHAELS: Okay.

19 BY MR. MICHAELS:

20 Q. How old is Madison now?

21 A. She's five.

22 Q. Okay. So that means she's been here on this
23 earth five years. So it was sometime during -- between
24 the time she was born and now, right, when your father
25 couldn't get up?

1 A. Yes, sir.

2 Q. Okay. Do you know more specifically? Was she
3 two years old, three years old, four years old? How old
4 was she?

5 A. I've seen it on more than one occasion that
6 that's occurred. It's rare that he gets down on the
7 floor with her, but when he -- when he has, he doesn't
8 get up very easily and it takes a little while and a
9 little help.

10 Q. Okay. And does he ever try now to get on the
11 floor, or that's over with?

12 A. No, sir. I think that's over with.

13 Q. Now, when you were growing up, what were the
14 sort of things your father did with his hands? What sort
15 of hobbies, what did he like to do?

16 A. He did woodworking, he did leather work. I
17 can't remember what he couldn't do. He could kind of do
18 a little bit of everything.

19 Q. Does he still do woodworking?

20 A. He has tinkered with it. Being confined to the
21 house, I think one of his friends got him into making
22 some toys for churches around the area and gave him --
23 bought him the wood and the patterns and the materials he
24 needed to make those toys. So dad's been making toys for
25 those kids.

1 Q. Does he work at it like he used to for hours at
2 a time?

3 A. No, sir, not at all. And I believe I heard him
4 say at one point in time he even simplified a couple of
5 the patterns.

6 MR. MARTIN: I will object to hearsay.

7 MR. MICHAELS: I'll move on, Judge.

8 THE COURT: Thank you.

9 BY MR. MICHAELS:

10 Q. Now, as a child, would your father kind of take
11 you out and do things in the great outdoors?

12 A. Yes, sir. We spent most of our time outside as
13 kids riding bicycles, hiking in the woods, camping,
14 fishing, canoeing.

15 Q. Okay. And kayaking?

16 A. Yes, sir.

17 Q. And did you -- have you kayaked recently with
18 your father?

19 A. The last time we went kayaking was actually in
20 April of 2013.

21 Q. And at that point, did he have any difficulties
22 with any of the equipment associated with kayaking?

23 A. Yes, sir. The paddles, the two-part paddles
24 that you would put together and have to pull apart, he
25 was not able to pull them apart.

1 Q. But in that instance, is it true that the
2 paddles were pretty stuck and you had to help him pull it
3 apart?

4 A. Yes, sir.

5 Q. Have you ever seen before that on occasion
6 where he couldn't pull them apart and they weren't that
7 difficult to get apart?

8 A. Not that I witnessed.

9 Q. Your father got a motorcycle after retirement;
10 is that true?

11 A. Yes, sir, he did.

12 Q. Okay. He didn't have any problem riding it,
13 did he, or did he not?

14 A. The riding part I don't think is the hard part.
15 I think the getting on and off and getting started and
16 stopping and that kind of thing. It --

17 MR. MARTIN: Your Honor, again, I'm going to
18 object. She kept saying, I think this is the
19 problem, I think this is a problem. And when he
20 retired, he retired from Tampa Police Department, he
21 retired from Busch Gardens. Again, we don't have
22 time frames.

23 THE COURT: Let's get specific time frames and
24 if she doesn't have personal knowledge, then I'm not
25 going to allow it.

1 BY MR. MICHAELS:

2 Q. Have you had occasion with your husband to be
3 on a motorcycle?

4 A. That's correct.

5 Q. Have you had occasion with your husband to be
6 on a motorcycle and have your father and your mother also
7 on a motorcycle at the same time?

8 A. Yes, sir.

9 Q. On their own motorcycle?

10 A. Yes, sir.

11 Q. Now, what time period are we talking about?

12 You obviously were with your husband then.

13 A. Sure. It would have been prior to the birth of
14 my daughter, so it would have been the several years
15 prior to February 2nd of 2012.

16 Q. Okay. And you observed your father getting on
17 and off of the motorcycle, correct?

18 A. Yes, sir.

19 Q. And was it a smooth transition, was he just
20 able to swing his leg over and get on the thing or no?

21 A. No, sir.

22 Q. Describe what you observed.

23 A. As a child, kind of watching that and watching
24 my mother get on and off the back, it's a little scary.
25 But they -- occasionally, he would have to kind of tell

1 her to stop, you know, wait -- wait a minute, let me hold
2 the bike up, that kind of thing to try to get them both
3 on and get them going. So no, it wasn't a swing your leg
4 over and get on.

5 Q. Now, are you aware of whether your father had a
6 fall in December of 2014 in the house?

7 A. I can't remember exact month, but yes, sir, I
8 am aware of when he fell.

9 Q. And --

10 MR. MARTIN: Your Honor, I'm going to object to
11 the -- to this testimony, and it occurred after the
12 incident of January 13 of 2014. What occurred and
13 what injuries occurred afterwards is not relevant
14 for this particular case. If they can try to tie it
15 up with Dr. Foley, then we'll see if they can do it.

16 But right now I'm suggesting to the Court that
17 there is no relevancy because it's after the
18 incident. Therefore, it would not be part of the
19 knowledge that Mr. Reeves knew at the time of
20 January 13, 2014.

21 MR. MICHAELS: But it would be evidence, Judge,
22 of the continuing aging process. It would be
23 evidence that part of the degenerative changes Mr.
24 Reeves was suffering from is lack of bone density.
25 Mr. Foley [sic] will indeed be able to testify as to

1 that's what happened. We're going to be able to
2 look at the x-rays.

3 The Court's going to see that he has an
4 artificial hip in the x-rays and Dr. Foley is going
5 to be able to say that old people's bones get
6 brittle, therefore, when they fall, they can't take
7 it like when they're young, and therefore, Mr.
8 Reeves had this degenerative condition.

9 Dr. Cohen's going to further be able to -- to
10 tie it up by saying that's what happens with old
11 people, that's how they know they're vulnerable.
12 Here's further proof that this is a vulnerable old
13 man. So I believe that it is relevant in this case,
14 even though it happened post January of 2014.

15 THE COURT: Anything further?

16 MR. MARTIN: Well, briefly, Judge, the
17 relevancy, as the Court is well aware, is the
18 knowledge of the defendant on January 13, 2014, at
19 the time of the shooting. He had none of that
20 knowledge.

21 It cannot be considered as being one of the
22 factors. Whatever happens before that, I believe is
23 probably fair game but not afterwards.

24 MR. ESCOBAR: Your Honor, may I respond as
25 well?

1 THE COURT: One at a time.

2 MR. ESCOBAR: Judge, may I have a moment, then?

3 MR. MARTIN: Judge, maybe Mr. Escobar put it a
4 little more articulate than I did -- articulately.
5 Essentially, this is relevant because it goes to
6 show the difference between an old person and a
7 young person. In this particular instance, Mr.
8 Reeves is on the back porch playing with his
9 granddaughter, walking there, falls, breaks a hip
10 and needs a hip replacement, and that doesn't happen
11 to a 43-year-old.

12 And so it's relevant to show the aging process,
13 to show his vulnerability, to show that he had
14 recognition of his vulnerability.

15 THE COURT: How can anything, really, that
16 happened afterwards be considered relevant to his
17 state of mind and feelings at the time?

18 MR. MICHAELS: Because his feelings at the time
19 were that, hey, I'm an old man. I can't -- I can't
20 let somebody -- I can't take a punch from somebody.
21 I can't. Because if I do, I could sustain great
22 bodily harm. If I do take a punch from somebody, I
23 could die or be killed, and so this is further
24 evidence that that was true. Not only is it a
25 perception but it was true because his bones are

1 deteriorating.

2 THE COURT: All right. There just -- I can't
3 allow stuff after -- after the event. It just
4 doesn't jive, and I don't really need corroboration
5 from a witness to say that this happened afterwards
6 to know that every day that goes by we all age. So
7 I get it. I don't need to hear about stuff that
8 happened afterwards just to corroborate that.

9 And I'm not seeing any other purpose for it,
10 and it simply can't have any relevance to his state
11 of mind at the time of the incident, so I'm going to
12 sustain that.

13 BY MR. MICHAELS:

14 Q. Now, growing up your father was a police
15 officer. Did he treat you at home like a police officer
16 treats a suspect?

17 A. No, sir.

18 MR. MARTIN: Your Honor, I'm going to object to
19 that. How would she know how he treats someone on
20 the street?

21 THE COURT: I'm going to sustain that. I mean,
22 rephrase.

23 BY MR. MICHAELS:

24 Q. Okay. Growing up was your father a bossy,
25 authoritative person?

1 A. No, sir.

2 Q. Do you agree or disagree that your personality
3 is similar to your father's?

4 A. Yes, sir.

5 Q. And what do you mean by that?

6 A. Just my brother is more similar to my mom, I'm
7 more similar to my dad in that my dad and I are pretty
8 direct people. If we have something to say, we say it.
9 We're kind of -- we can be kind of stubborn at times
10 and...

11 Q. Do you agree or disagree that your father may
12 be all of those things but he's not an aggressive person?

13 A. That is the truth.

14 Q. Now, you know your father was in a position of
15 authority all those years in the Tampa Police Department,
16 do you not?

17 A. Yes, sir.

18 Q. Now, tell me why you think your father was in a
19 position of authority.

20 A. My father was in a position of authority based
21 on his leadership skills.

22 MR. MARTIN: Your Honor, I object to that.

23 That calls for speculation as opposed to she said I
24 saw his captain's badge, he's a captain. Well, he's
25 a supervisor but not what, you know, character-wise

1 why he was in a position of authority.

2 THE COURT: Response?

3 MR. MICHAELS: Judge, one of the issues here is
4 that -- just that he's a captain and he has a
5 captain's badge, and so the State has essentially
6 made this an issue here as to whether or not Mr.
7 Reeves acted in a way that shows he was a frustrated
8 police officer, a captain who always got his way,
9 that sort of thing.

10 This testimony is to demonstrate that that
11 wasn't who Mr. Reeves was. That again, we have to
12 look at kind of a dichotomy. There's -- there's the
13 job that he did and there was Mr. Reeves as a
14 person, both before he retired and after he retired.
15 So I think it's important that Ms. Shaw be able to
16 testify concerning his leadership ability as opposed
17 to, you know, he was in a position of authority
18 because he was an authoritative kind of a guy.

19 THE COURT: Anything further?

20 MR. MARTIN: Just quickly. There's no way that
21 she'll know how the deciding individuals at the
22 Tampa Police Department made a determination to
23 promote Mr. Reeves from one position to another.
24 That criteria is unique to the police department
25 itself, and there's absolutely no way that Ms. Shaw

1 could have even an inkling of an idea of that
2 process and what they would go through in order to
3 make those promotions in placing him in a leadership
4 position.

5 MR. MICHAELS: Judge, that may very well be --
6 that may very well be true that she's not part of
7 the police department, but certainly as his daughter
8 she saw him in church leading the congregation. She
9 saw him in the Boy Scouts being a leader in the Boy
10 Scouts. She saw him in the Girl Scouts being a
11 leader in the Girl Scouts. She saw him as a coach
12 during Little League soccer.

13 So she's seen him in leadership positions and
14 it's not a stretch for her to say my father was in a
15 position of authority. I know because I see what a
16 fabulous leader he was.

17 MR. MARTIN: Okay. We're back to specifically
18 incidences of contact to confirm that someone acted
19 in conformity there with on a particular date. I
20 apologize for keep standing up and doing the same
21 objection, but it's over and over and over again.

22 THE COURT: All right. Mr. Michaels, clearly
23 we're getting into exactly what Mr. Martin has
24 objected to. Mr. Reeves' character is not an
25 essential element of this crime alleged, so the

1 rules are kind of clear that it's specific instances
2 of acting in conformity to a certain character is
3 not admissible.

4 MR. MICHAELS: Okay.

5 THE COURT: So we're going to have to really
6 limit where you're going with this witness. And
7 unfortunately, we've been -- we've spent more time
8 talking about her testimony than we've actually
9 heard. But Mr. Martin is correct. Let's tailor
10 this down to what might be admissible evidence and
11 move on.

12 MR. MICHAELS: So just so I understand the
13 Court, then the State can't argue later that Mr.
14 Reeves acted in conformity with some kind of
15 authoritative personality he had as a police
16 captain. Is that what I understand?

17 THE COURT: That sort of -- this sort of
18 testimony might be brought out if the door is opened
19 through cross, but not to just be offered as
20 circumstantial evidence to show that he acted in
21 conformity with some character.

22 So to answer that in a nutshell, he may -- he
23 may open that door. I wouldn't -- from what I've
24 heard already, that may very well be a possibility.
25 And at that point, of course, there's the

1 opportunity for rebuttal or further cross depending
2 on who the witness is.

3 MR. MICHAELS: Can I have one moment, Judge?

4 THE COURT: You may.

5 BY MR. MICHAELS:

6 Q. Can you describe for the Court specific
7 instances of observations you made regarding your
8 father's deterioration or limited physical capacity?

9 MR. MARTIN: I'm just asking for a time frame,
10 Judge, again. Just -- I assume we're talking about
11 prior to January 13, 2014. So when prior to that
12 would be helpful.

13 MR. MICHAELS: Judge, I asked for specific
14 instances so I don't know -- we'll wait to see what
15 she says.

16 THE COURT: We'll see what she says.

17 THE WITNESS: Can you repeat the question,
18 please?

19 BY MR. MICHAELS:

20 Q. Specific instances of observations you made
21 regarding your father's diminishing capacities.

22 A. Sure. I've watched both of my parents over the
23 years deteriorate, basically, in age as part of the aging
24 process. It's not that I put a time frame around any of
25 that and could tell you that on this day this is what I

1 observed.

2 But what I have observed is that my parents
3 have trouble functioning on everyday normal activities
4 that you and I take for granted, but I can't put a time
5 frame and say that on this date he couldn't tie his shoe,
6 and I've seen that. And I can't say a time frame on this
7 day his fingers locked up and he couldn't hold a cereal
8 spoon but I've witnessed that. But I can't tell you the
9 dates that that occurred.

10 Q. Okay.

11 A. I can't tell you the date where he tried to
12 pick up Madison and had to put her back down because he
13 couldn't stand up and hold her. I don't know those dates
14 but those are things that I've witnessed and that I see
15 on a daily basis.

16 You know, I've witnessed my daughter imitating
17 his hands locking up and saying, "Oh, look grandpa, my
18 fingers won't move." I've seen her use examples of when
19 she doesn't want to do something, "I think my hip is
20 hurting," or things like that. Those are things that a
21 child notices.

22 So, yeah I've seen all of it. I've seen the
23 deterioration. I've seen them not be able to do what
24 they thought they could do. I've seen my dad push his
25 limits to try to stay healthy and thinking that he is

1 doing his body good after all the damage he's put it
2 through, whether it be with police department training or
3 SWAT team training. He was determined to slow down that
4 aging process by --

5 MR. MARTIN: I apologize for interrupting but
6 now we're getting into speculation about what may or
7 may not have occurred at the police department, what
8 he felt that he needed to do. The question was
9 specific: What are the observations? And I let it
10 go to an extent but now she's just speculating about
11 what Mr. Reeves was thinking about over the years so
12 I object.

13 THE COURT: Sustained. Let's move on.

14 BY MR. MICHAELS:

15 Q. Do you shoot sporting clays?

16 A. Yes, sir, I do.

17 Q. And how were you introduced to that?

18 A. Through my father and my ex-husband.

19 Q. And what is that exactly?

20 A. It's where we -- there's clay pigeons that are
21 round and a machine or a trap throws the pigeons into the
22 air and you fire and shoot them with a gun.

23 Q. And what sort of shotgun did you use?

24 A. When I was married, I used my husband's gun,
25 which I believe was a 12-gauge Browning, and then I've

1 been using my -- the gun my father gave me, which is a
2 12-gauge Benelli SuperSport.

3 Q. Is that a gun that your father also used when
4 he would shoot clays?

5 A. Yes, sir, it is.

6 Q. And tell me about that gun. Is there a lot of
7 recoil? Does is it hurt to use it?

8 A. No, sir, not at all. I think one of the
9 reasons my father bought is because there isn't --

10 MR. MARTIN: Your Honor, again, I object. It's
11 speculation and if she knows he said it, it's
12 hearsay.

13 BY MR. MICHAELS:

14 Q. Was your father able to shoot with that gun?

15 A. Yes, sir, he was.

16 Q. Did you observe him shooting with the gun?

17 A. I did.

18 Q. And was he able to shoot with that gun, or was
19 he able to shoot with other guns before that?

20 A. I'm sure he did. Yes.

21 Q. And when did he get that Benelli SuperSport?

22 A. I'm not sure when he acquired it.

23 Q. Okay. Was it sometime after he retired?

24 A. I believe so, yes, sir.

25 Q. Was it sometime after you noticed the kind of

1 changes in his ability to do the things that he could do
2 before?

3 A. I'm not certain on that.

4 Q. In other words, was it around the time he
5 couldn't pick up your daughter, those sorts of things?

6 A. I'm not sure if he bought it before or after
7 that. I know that it's -- I don't think it's a very old
8 gun.

9 Q. Okay. And is the gun light; is that fair to
10 say?

11 A. Very light.

12 Q. So you didn't have any problem shooting it?

13 A. No, sir, not at all.

14 Q. In fact, your mother could shoot it as well; is
15 that true?

16 A. Yes, sir.

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

18 THE COURT: You may.

19 BY MR. MICHAELS:

20 Q. Now, before you were interrupted by the
21 prosecutor, I know you were talking about the changes you
22 saw in both of your parents.

23 Do you remember that?

24 A. Yes, sir.

25 Q. Did that happen before January of 2014?

1 A. Yes, sir.

2 MR. MICHAELS: I don't have anything else.

3 Thank you, Your Honor.

4 THE COURT: Thank you.

5 Cross?

6 MR. MARTIN: Thank you, Your Honor.

7 CROSS-EXAMINATION

8 BY MR. MARTIN:

9 Q. Good morning.

10 A. Good morning.

11 Q. I'm going to start backwards a little bit so
12 it's just a little bit fresh in your mind. Let's talk
13 about the sporting clays, all right?

14 A. Okay.

15 Q. Is that the Tampa Bay Sporting Club here in
16 Pasco?

17 A. Tampa Bay Sporting Clays, yes.

18 Q. How many times have you been there? And I'm
19 going to keep my questions to prior to January 13, 2014.
20 How many times were you there with your dad in
21 2013?

22 A. Maybe half a dozen.

23 Q. Okay. You're familiar with the course?

24 A. Yes, sir.

25 Q. There's two, three courses there?

1 A. Three courses.

2 Q. Okay. And have you fired on all three courses?

3 A. I have.

4 Q. The -- I'll call it the path or road, but it's
5 a road kind of narrow maybe for an ATV or a truck just to
6 get by but most people walk it, golf cart?

7 A. Yes, sir.

8 Q. All right. Made of dirt?

9 A. Yes, sir.

10 Q. While they -- there is some slight elevation,
11 it's relatively level?

12 A. Yes, sir.

13 Q. All right. When it rains or whatever, you can
14 see for a while small indentations, pot holes, maybe some
15 gravel from the water, but pretty much it's just level,
16 flat with a gravel dirt road, right?

17 A. It's not gravel, it's just dirt.

18 Q. Just dirt?

19 A. Yes, sir.

20 Q. Okay. Hard, packed dirt or soft dirt?

21 A. There's areas of soft dirt, but mostly hard
22 packed.

23 Q. All right. Now, when you and Mr. Reeves go to
24 that particular club, he normally walks?

25 A. Yes, sir.

1 Q. And in 2013, he would walk those six times,
2 right?

3 A. How many times? Oh, throughout the year, yes.

4 Q. Yeah. All right. He did not use a walker?

5 A. No.

6 Q. He did not use a cane?

7 A. No.

8 Q. He carried his own shotgun?

9 A. Correct.

10 Q. He carried his own chips?

11 A. Yes.

12 Q. All right. He didn't ask for any assistance to
13 walk down that dirt road from station to station, did he?

14 A. Correct.

15 Q. All right. Now, did you shoot the 50-round
16 course or the 100-round course?

17 A. Well, the courses are -- are -- you can shoot
18 whatever you want on course. We never used score cards
19 or kept score or anything like that. We used --
20 typically shot 50 rounds.

21 Q. All right. And there's 14 stations?

22 A. It depends. They switch the courses up over
23 the years. They change everything around.

24 Q. So anywhere from 10 to 15 stations?

25 A. Sometimes less than that depending on what

1 course you were on.

2 Q. But you would still shoot 50 rounds?

3 A. Yes, sir.

4 Q. And at each particular stage, you would place
5 that shotgun on your shoulder and shoot two flights, two
6 birds, whatever you want to call it?

7 A. Four or six or whatever we decided at that
8 station.

9 Q. That is true. The shotgun and the rules are
10 that it holds two shotgun shells at a time, that's all
11 that you can load, correct?

12 A. The Benelli, yes.

13 Q. Okay. Well, yours too. That's the rules,
14 right?

15 A. Correct.

16 Q. All right. So two birds will only come out at
17 the time. If you want to shoot four while you're still
18 at the station, then you're going to have to reload.

19 A. Correct.

20 Q. All right. Now, in this particular case,
21 you're talking about Benelli SuperSport, right?

22 A. Yes, sir.

23 Q. All right. And were you shooting 2 3/4-inch
24 shells or 3-inch shells?

25 A. I'm not sure.

1 Q. Okay. Were you shooting --

2 A. Depending on what was on sale.

3 Q. Whatever was on sale?

4 A. Yes.

5 Q. All right. Fair enough. Were you shooting
6 target levels?

7 A. I'm not sure what that is.

8 Q. All right. Are you aware of the rules at the
9 range that you're only supposed to use seven shots?

10 A. Yes, sir.

11 Q. Okay. So that's what you were shooting?

12 A. Yes, sir.

13 Q. All right. Now, your particular shotgun, is it
14 an automatic, semiautomatic shotgun or is it double
15 barrel where you can actually open it up and break it?
16 Do you know what I'm talking about?

17 A. Semiautomatic.

18 Q. Semiautomatic. And you, in fact, inserted the
19 shells into the loading port of your shotgun, right?

20 A. Correct.

21 Q. When you loaded your shells into the loading
22 port of that shotgun, the loading port of the shotgun is
23 underneath the shotgun, right in front of the trigger
24 guard, is it not?

25 A. Correct.

1 Q. All right. And did you have the shotgun shells
2 in your pocket or in a bag, in a box?

3 A. Usually in a pouch or in my pocket.

4 Q. All right. And would you take it out one at a
5 time?

6 A. Yes, sir, usually.

7 Q. And what was your technique in loading the
8 shotgun shell into the loading port? Did you push it in
9 with your thumb, did you push it in with your finger,
10 what did you do?

11 A. I believe I used my thumb.

12 Q. Okay. Now, in the tube that's underneath the
13 barrel where the magazine tube for the shotgun shells
14 there's a spring, correct?

15 A. I'm not sure about that.

16 Q. When you place your shotgun shell into the
17 loading port, you have to use force with your thumb to
18 push it in -- into the loading port, did you not?

19 A. Yes, sir.

20 Q. It just didn't fall in?

21 A. Correct.

22 Q. Okay. And then when you took your second
23 shell, you also then used your thumb and placed your
24 thumb on the back of the shell and pushed it into that
25 loading port, did you not?

1 A. Correct.

2 Q. And the second one was just a little bit harder
3 than the first one because the spring had been
4 compressed, right?

5 A. Once you load the first one, you push a button
6 and it -- I don't recall it being any more or less
7 difficult.

8 Q. Okay. Right. You -- there's a button called a
9 bolts release and the bolt goes forward, placing the
10 shotgun shell into the battery, correct?

11 A. I don't know the terminology but...

12 Q. But have you to put two shells in, right?

13 A. Correct.

14 Q. And you did that?

15 A. Yes.

16 Q. All right. Now, after you did that and you
17 placed your shotgun onto your shoulder, did you not?

18 A. Yes, sir.

19 Q. All right. You put your cheek on the butt
20 stock of the shotgun?

21 A. Yes, sir.

22 Q. All right. And when the birds fly in front of
23 the station, you actually have to hold that shotgun in
24 your hand and wait for the bird and then you swing the
25 shotgun as the bird flies, correct?

1 A. Correct.

2 Q. All right. If you don't swing the shotgun,
3 what happens? You shoot behind the bird, right?

4 A. Or you just completely miss.

5 Q. You -- well, you miss.

6 A. Over, under, behind, in front of.

7 Q. Right. So the whole purpose when we're
8 shooting sporting clay is to keep that shotgun moving
9 while it's held up in the air. As the bird flies, we're
10 constantly moving and we pull the trigger as the gun is
11 moving. Theoretically, the shot will fly in front of the
12 bird and you hit your target, right?

13 A. Correct.

14 Q. All those are body movements that have to take
15 place in order to participate in that sport.

16 A. Correct.

17 Q. The stages that you went to at the Tampa Bay
18 Sporting Club -- Sporting Clay, some of them have stairs
19 that you actually have to walk up into the stage area,
20 correct?

21 A. Correct.

22 Q. And you made it up those stairs?

23 A. Yes, sir.

24 Q. All right. Now, not all of them have stairs,
25 right?

1 A. No, sir.

2 Q. But some of them do?

3 A. Yes.

4 Q. All right. Now when you were there with your
5 father, he also had a semiautomatic shotgun, right?

6 A. He was shooting that same gun.

7 Q. The Benelli?

8 A. Correct.

9 Q. Okay. Now, he loaded it the same way. He took
10 one shell out, used his thumb and placed that shell into
11 the loading port of the shotgun?

12 A. I know he loaded the gun. I do not know his
13 technique.

14 Q. He had to use his fingers, right?

15 A. Yes.

16 Q. A little bit tongue in cheek. That's the only
17 way can you do it. You can't use your toe or elbows,
18 right?

19 A. Correct.

20 Q. You have to use your fingers to get the shell
21 into the loading port?

22 A. Correct.

23 Q. Okay. So whatever technique he used, he used
24 his fingers, his wrist, his arm in order to take the
25 shell out and load that shotgun shell into the loading

1 port of the shotgun?

2 A. Correct.

3 Q. And he had to do that twice and just like -- is
4 that correct?

5 A. Yes.

6 Q. And just like you, he then had to place the
7 butt of that shotgun onto his shoulder, right?

8 A. Yes.

9 Q. All right. He's right-handed?

10 A. He's left-handed but he does things with both
11 hands.

12 Q. Is he right-hand dominant when he shoots a gun
13 or?

14 A. I have no idea.

15 Q. Does he place the shotgun on his right shoulder
16 or his left shoulder?

17 A. I don't know.

18 Q. He places it on one of them, though, doesn't
19 he?

20 A. Yes, he does.

21 Q. All right. Fair enough. His technique has to
22 be the same as yours. If you're going to be successful
23 in shooting that bird out of the air, you have to hold
24 that shotgun up for the amount of time it takes for the
25 bird to fly, you twist your body, put the shotgun in

1 front of the shell of the bird, and you fire the shotgun
2 while you're moving, correct?

3 A. Sure. And the amount of time you refer to is
4 seconds.

5 Q. Sure. Sure. Two seconds, three seconds, maybe
6 five seconds?

7 A. It depends on the stand.

8 Q. Right. So as you're going and you have a
9 little button there, right, and you ask the person are
10 you ready, right, and you have to hit the button in order
11 to make the bird fly.

12 A. Correct.

13 Q. And while you're standing there waiting for the
14 bird to fly, you're standing there with the shotgun up
15 ready to go?

16 A. Not necessarily.

17 Q. Okay. What was his technique? There are two
18 techniques and you're correct.

19 A. Sure. I don't know.

20 Q. Okay. Now, Mr. Reeves also walked up the
21 stairs to the station just like you did?

22 A. Correct.

23 Q. Okay. While carrying his shotgun?

24 A. Yes, sir.

25 Q. All right. With his ammo, right?

1 A. Yes, sir.

2 Q. All right. Again, he didn't ask for an
3 elevator. A little facetious, I know, but he walked up
4 the stairs with no problems, right?

5 A. Well, I mean, I don't know if he used the
6 handrail or not. I didn't pay attention.

7 Q. Sure. Mr. Reeves, then, would walk from
8 station to station along that dirt road, right?

9 A. Correct.

10 Q. Now, depending on the number of the stations
11 and how many birds you shoot, what does it take, an
12 hour-and-a-half, maybe two hours to go through a
13 particular stage?

14 A. I'm not really sure. Maybe an hour, a little
15 over.

16 Q. All right. And during that time, Mr. Reeves
17 would be standing the whole time?

18 A. Yes, sir.

19 Q. He would be holding his shotgun the whole time?

20 A. No, sir.

21 Q. Okay. There's a station by the stage where you
22 can actually take the shotgun and put it on a rest while
23 another person shoots, right?

24 A. Correct.

25 Q. All right. And then after you're done with

1 that stage, you will pick up that shotgun and then you
2 will safely carry it to the next stage?

3 A. Yes, sir.

4 Q. Okay. And he carried his own shotgun?

5 A. Yes, sir.

6 Q. Okay. Now, because the shotgun did not break,
7 it was a semiautomatic, do you know if he carried it
8 straight up holding it with his hands, did he put it on
9 his shoulder and carry it? Do you know how he did it?

10 A. I don't know.

11 Q. Okay. But he was responsible for getting his
12 gun from place to place?

13 A. Correct.

14 Q. Okay. We're going to move on, all right?

15 A. Okay.

16 Q. All right. You talked about Mr. Reeves saying
17 his, quote, "fingers locking up."

18 Are you talking about both hands?

19 A. Yes, sir.

20 Q. All right. And you're talking about the index
21 finger?

22 A. I think there's been several where it's been
23 more than one finger.

24 Q. Including the index?

25 A. I'm not sure which ones.

1 Q. Okay. And you say when that happens, that he
2 can't hold a cereal spoon, right?

3 A. I've seen that happen.

4 Q. Okay. All right.

5 A. I'm not saying that happens every time.

6 Q. All right. And then it goes away?

7 A. Eventually, yes, sir.

8 Q. You talked about, on direct, about you've never
9 been with your father when he's been or exhibited conduct
10 that Mr. Michaels described as road rage. Do you
11 remember, were you ever in the car when he got angry?
12 Okay.

13 And you don't ride around in the car every day
14 with your father, do you?

15 A. Not every day, no, sir.

16 Q. All right. In fact, I think it would be best
17 to describe that a great, great majority of the time
18 you're not in the car when your father's driving. He's
19 off doing his thing and you're off doing your thing?

20 A. What time frame are we talking about?

21 Q. Probably -- let's just take 2013.

22 A. No, sir. I mean, we went to family dinners and
23 that kind of thing, but for the most part, you're
24 correct.

25 Q. For the most part, the great, great majority of

1 the time, you're not with Mr. Reeves when he's in a car.

2

3 A. Not in the car, no, sir.

4 Q. All right. So when you indicated that you've
5 never seen that, that was based on your very, very
6 limited experience of being with Mr. Reeves?

7 A. No, sir. That was based on a lifetime of being
8 his daughter.

9 Q. All right. Let's talk about the lifetime. The
10 same question to you: Would you not agree that even
11 though you grew up and you're his daughter, you were not
12 in the car every time Mr. Reeves was driving on the
13 street?

14 A. Correct.

15 Q. Okay. You indicated that -- and I believe the
16 time frame was prior to January 2014 -- that Mr. Reeves
17 had trouble picking up your daughter?

18 A. Yes, sir.

19 Q. Picking her up from the floor?

20 A. Correct.

21 Q. All right. And was this -- and I'm using the
22 movement, and I'll try to describe it for the record,
23 where my hands are down by the pockets of my pants and
24 I'm simply taking my shoulders and keeping my elbows
25 locked like you would pick up a child underneath the

1 armpits.

2 Is that the motion we're talking about?

3 A. I -- I wouldn't keep my arms locked to pick up
4 my child, but...

5 Q. Okay. So you would -- you'd go ahead and,
6 like, keep them at 45?

7 A. No, sir, but they would not be locked straight.

8 Q. They would be out, though?

9 A. They would be outreached, correct.

10 Q. Okay. All right. So what you saw I
11 demonstrated, even though I used the term "locked," and
12 you're right, my elbows aren't, quote, "locked," but
13 they're straight out in front of me. So it would be a
14 straight up motion with your hands starting from your
15 pockets without bending your elbows, maybe not locked but
16 just picking straight up?

17 A. Not necessarily. I may pick her up from the
18 side, I may pick her up from this side, I may pick her up
19 from in front.

20 Q. I'm talking about Mr. Reeves.

21 A. Sure. And he may have done the same thing.

22 Q. Okay.

23 MR. MARTIN: Thank you for your time, Ms. Shaw.

24 Thank you, Judge. I have nothing else.

25 THE COURT: Thank you, Mr. Martin.

REDIRECT EXAMINATION

BY MR. MICHAELS:

Q. We talked about the same time period the prosecutor was speaking to you about when he talked to you about sporting clays, and that would be 2013, okay?

A. Okay.

Q. Now, you were living -- is it true that you were living with your father and mother in their house at the time?

A. Since April of 2013, yes, sir.

Q. And so during that year, did you see your father having trouble or being slow when he first got up in the morning?

A. He gets up before everybody else typically. I mean, yes, I've seen him definitely slow down as far as his movements and slower to start. Even just getting up from watching a movie on TV I've seen that, but maybe not necessarily first thing in the morning.

Q. How about, like, getting out of a chair? Does he pop right out or does he use his hands to push himself up out of the chair?

A. He uses his hands and then takes a second to steady himself.

Q. And that's in 2013?

A. Yes, sir.

1 Q. The same time that he's doing the Sporting
2 Clays he's having trouble getting out of the chair, is
3 that what you're saying?

4 MR. MARTIN: Your Honor, asked and answered and
5 leading.

6 THE COURT: Overruled.

7 BY MR. MICHAELS:

8 Q. Is that what you're telling us?

9 A. I don't know that it would be considered
10 trouble getting out of a chair, but not with these, for
11 sure.

12 Q. But you described that he had to use his hands.
13 Did I understand you correctly?

14 A. Yes, sir..

15 Q. And then you said once he gets up he had --

16 A. He takes a minute to steady himself.

17 Q. Okay. So is it fair to say that his balance is
18 off or no?

19 MR. MARTIN: Your Honor, I'm going to object to
20 that.

21 THE WITNESS: Maybe at times.

22 MR. MARTIN: It calls for speculation.

23 THE COURT: I'm going to sustain on that.

24 BY MR. MICHAELS:

25 Q. Have you observed your father have -- being

1 unsteady on his feet once he gets up out of a chair at
2 any time?

3 A. The fact that he takes a second to steady
4 himself, I would -- again, it's not something where I go,
5 oh, his balance must be off, but I've observed that that
6 could be the case.

7 Q. Okay. And the -- again, the time frame
8 regarding trouble getting down on the floor to play with
9 your daughter, that's in 2013; is that right?

10 A. Yes, sir.

11 Q. Having his fingers freeze up, that's the same
12 period of time?

13 A. Yes, sir.

14 Q. Not being able to tie his shoe, is that the
15 same period of time?

16 A. No, sir. That was a little bit later.

17 MR. MICHAELS: Thank you.

18 THE COURT: Anything further from this witness?

19 MR. MICHAELS: No, Judge.

20 THE COURT: May this witness be released?

21 MR. MICHAELS: Yes, Your Honor.

22 MR. ESCOBAR: Your Honor, we're going to
23 reserve to keep her still on subpoena just in case
24 we recall her.

25 THE COURT: Okay. And you have a way to do so,

1 so she's free to leave the courthouse, if she
2 wishes?

3 MR. ESCOBAR: She is, Your Honor.

4 THE COURT: All right. Ms. Shaw, you're free
5 to leave however you wish, but you are subject to
6 recall.

7 THE WITNESS: Yes, ma'am.

8 THE COURT: Thank you.

9 THE WITNESS: Thank you.

10 THE COURT: All right. This will be kind of an
11 overdue time to take a short 10-minute recess. We
12 will take 10 minutes and resume after that.

13 THE CLERK: All rise.

14 (Recess taken.)

15 THE COURT: Ms. Sumner, are you expecting Mr.
16 Garcia back?

17 MS. SUMNER: I thought he was right behind me.

18 THE COURT: Okay.

19 MS. SUMNER: I'll go check.

20 THE COURT: All right. We are back on the
21 record, ready to go. Everybody's still present.

22 Mr. Michaels?

23 MR. MICHAELS: Your Honor, before we get
24 started, I have an exhibit list for the Court. I
25 gave a copy to Mr. Martin already.

1 THE COURT: Okay. Please.

2 MR. MICHAELS: They're for today's witnesses
3 and exhibits.

4 THE COURT: Okay. Thank you.

5 MR. MICHAELS: The first exhibit that we're
6 going to use are those photographs that are listed
7 at the very top. Those have been stipulated to by
8 the State.

9 THE COURT: Okay. And Matthew Reeves is going
10 to be your next witness?

11 MR. MICHAELS: Yes, Your Honor. We would call
12 Matthew Reeves.

13 THE COURT: Okay. Thank you. Have those
14 exhibits been premarked?

15 MR. MICHAELS: No, Your Honor. We'll have to
16 mark them with the clerk.

17 THE COURT: Okay.

18 MR. MICHAELS: We do have our own exhibit
19 sticker marked. If the Court wishes, we can either
20 use those or use the other ones.

21 THE COURT: Typically, we've got one for
22 identification and then the State -- or the clerk
23 will mark them with a final -- once they're
24 admitted, they'll be marked with the clerk's sticker
25 for final entry, correct?

1 THE CLERK: Yes.

2 THE COURT: Okay.

3 MR. ESCOBAR: Your Honor, just so the Court
4 knows so that we can prepare for that, you'll see
5 that our exhibits are in a clear little envelope
6 that's tied to it, so the back side we've left open
7 if we want to attach anything to it, a sticker or
8 whatever is convenient for the clerk. Okay?

9 THE COURT: Okay. Thanks. So you can just use
10 your exhibit for --

11 MR. ESCOBAR: We're going to use our
12 exhibits --

13 THE COURT: -- identification?

14 MR. ESCOBAR: Exactly.

15 THE COURT: And then once it's admitted, it
16 will have a final number.

17 MR. MARTIN: And Judge, do you want me to go
18 ahead and premark mine for Mr. Reeves now, or do you
19 want to wait until -- are we going to take a break
20 for lunch and then do cross or something?

21 THE COURT: Correct.

22 MR. MARTIN: Okay. Then I'll get with the
23 clerk.

24 THE COURT: They'll need to be marked somehow
25 for identification, and then they'll come in with a

1 number once they're admitted.

2 MR. MARTIN: Yes, I've done this before.

3 THE COURT: I know. All right. Go ahead,
4 Mr. -- oh, we've got Mr. -- young Mr. Reeves?

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

8 THE BAILIFF: Come have a seat up here. Adjust
9 the mic. Speak in a loud and clear voice for the
10 Court.

11 THE COURT: Go ahead, Mr. Michaels.

12 DIRECT EXAMINATION

13 BY MR. MICHAELS:

14 Q. Please state your name.

15 A. Matthew J. Reeves.

16 Q. And is Curtis Reeves your father?

17 A. Yes, sir.

18 Q. How are you employed, please?

19 A. With the Tampa Police Department.

20 Q. And how long have you been with the Tampa
21 Police Department?

22 A. It will be 14 years next month.

23 MR. MARTIN: Excuse me, Judge, Mr. Michaels, I
24 apologize for interrupting you. Even at the
25 deposition I had trouble hearing Mr. Reeves. He is