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IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT  
OF THE STATE OF FLORIDA, IN AND FOR PASCO COUNTY

STATE OF FLORIDA,

Plaintiff,

vs.

Case Number: 14-00216CFAXES

CURTIS REEVES,

Defendant.

\_\_\_\_\_ /

PROCEEDINGS

STATUS CONFERENCE

BEFORE:

HONORABLE KEMBA JOHNSON LEWIS  
Circuit Court Judge  
Sixth Judicial Circuit  
Dade City, Florida

DATE:

March 11, 2020

PLACE:

Robert D. Sumner Judicial Center  
38053 Live Oak Avenue  
Dade City, FL 33525

REPORTER:

Melinda McClain  
Registered Professional Reporter  
Notary Public  
State of Florida at Large

Office of Court Administration  
Court Reporting Department  
Robert D. Sumner Judicial Center  
38053 Live Oak Avenue  
Dade City, FL 33525  
Telephone: (352)521-4375 Fax: (352)521-4118

**APPEARANCES**

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APPEARING ON BEHALF OF  
THE STATE OF FLORIDA:  
Glen Martin, Assistant State Attorney  
Manuel Garcia, Assistant State Attorney  
Office of Bernie McCabe, State Attorney  
38053 Live Oak Avenue  
Dade City, FL 33523

APPEARING ON BEHALF OF  
THE DEFENDANT, CURTIS REEVES:  
Richard Escobar, Esquire  
Dino Michaels, Esquire  
Nicole Sanchez, Attorney at Law  
Escobar & Associates, P.A.  
2917 W. Kennedy Boulevard  
Suite 100  
Tampa, FL 33609

\* \* \*

P R O C E E D I N G S

1  
2 THE COURT: Good afternoon, ladies and  
3 gentlemen. You may be seated.

4 MR. MARTIN: Thank you, Your Honor.

5 MR. MICHAELS: Judge, could I introduce our  
6 newest associate?

7 THE COURT: Hi. Yes, of course.

8 MR. MICHAELS: Nicole Noemi Sanchez. I know  
9 you've never met her.

10 THE COURT: Ms. Sanchez?

11 MS. SANCHEZ: Nicole Sanchez.

12 THE COURT: Good afternoon. Nice to meet you,  
13 ma'am.

14 We're here on the Curtis Reeves' case. This is  
15 Case Number 2014-CF-0216. I'm Circuit Judge  
16 Kemba Lewis. And I see that Mr. Martin is here and  
17 Mr. Garcia.

18 Good afternoon, gentlemen.

19 MR. GARCIA: Good afternoon, Judge.

20 THE COURT: And then I see Mr. Escobar and  
21 Mr. Michaels and now, Ms. Sanchez. Good afternoon.  
22 And Mr. Reeves, of course.

23 The reason for this status check is that the  
24 Court did, in fact, set a trial date in October of  
25 2020 for October -- I believe it's beginning on the

1 5th of October; is that correct?

2 MR. MARTIN: That's correct, Your Honor.

3 THE COURT: Okay. And you all were going to  
4 check with your witnesses, experts, things of that  
5 nature and advise if we are a go for that time  
6 period.

7 And I'll hear first from the State. Mr. Martin?

8 MR. MARTIN: Yes, Your Honor.

9 Judge, I have two issues that have come to bear.  
10 The medical examiner, Jon Thogmartin, will be out of  
11 town beginning on February 9th through the 13th,  
12 available on the 14th. He will be out of town at a  
13 medical conference that he needs in order to maintain  
14 his medical license.

15 THE COURT: Counsel, I thought you said  
16 February. Did you say February? Because I thought  
17 you said --

18 MR. MARTIN: Maybe I made a mistake.

19 THE COURT: You did. Madam Court Reporter, is  
20 that what you heard, February?

21 THE COURT REPORTER: Yes, ma'am.

22 THE COURT: I heard February, too. Could you  
23 just clarify that for me?

24 MR. MARTIN: Thank you.

25 THE COURT: What month?

1 MR. MARTIN: October 9th.

2 THE COURT: October 9th, got it.

3 MR. MARTIN: Which was during the first week of  
4 our trial date. He will -- he will be at the  
5 conference the 9th, Saturday and Sunday, 10th and  
6 11th, 12th, 13th, back in the office on the 14th.

7 Jennifer Clark is with the Florida Department of  
8 Law Enforcement. She is a firearms expert. She is  
9 out of town October 5th through October 12th  
10 available to testify the 13th and 14th. Those are  
11 the only two issues that I have come up with  
12 regarding experts.

13 There are some issues with civilians. I think I  
14 can work around those. I have updated addresses and  
15 statuses of some witnesses who have moved out of  
16 state or have passed away or have other medical  
17 issues, so I -- so as they become available to the  
18 State, I'll pass those on to Mr. Escobar. But those  
19 are the two --

20 THE COURT: Dr. Thogmartin and Ms. Clark --

21 MR. MARTIN: Right.

22 THE COURT: -- respectively.

23 MR. MARTIN: We need to discuss the best way to  
24 handle that.

25 THE COURT: Okay. And Mr. Escobar?

1 MR. ESCOBAR: Good afternoon, Your Honor.

2 THE COURT: Good afternoon.

3 MR. ESCOBAR: Your Honor, we've spoken to all of  
4 our experts. The only expert that we're having a  
5 problem with is probably not going to be a problem.  
6 His name is Michael Foley. He is an M.D. He's a  
7 radiologist who testified for us in the stand your  
8 ground hearing.

9 THE COURT: Okay.

10 MR. ESCOBAR: He is not available those first  
11 two weeks of the trial period, but he is available  
12 for the last week of trial period, which would be the  
13 19th through the 23rd.

14 THE COURT: Beginning the 19th? I'm sorry, just  
15 to get that.

16 MR. ESCOBAR: He gets back on the 19th. So  
17 he'll be available the 19th through the 23rd, but  
18 he's not available for the first two weeks which  
19 start on October 5th and the week of October the  
20 12th.

21 He's not available for those two, but I would  
22 anticipate that between picking a jury, the  
23 Government putting on their case, they'll probably  
24 going to take up most of that -- those two weeks and  
25 then we could try to fit him in somewhere in that

1           third week.

2           THE COURT: He will be -- let's make sure,  
3           though. He will be back on the 19th?

4           MR. ESCOBAR: He will be back on the 19th and  
5           will be available all the way through the 23rd.

6           THE COURT: The 23rd of?

7           MR. ESCOBAR: October. That's that following  
8           week. We set this really for a three-week trial  
9           period --

10          THE COURT: Correct. I was just -- I'm  
11          trying -- I'm thinking out loud because you're saying  
12          that he's not available, which is okay. I'm just  
13          looking at it as they have some witnesses.

14          If I were to move the trial week and begin the  
15          trial week the week of the 19th, and did the 19th,  
16          and then the 26th through the 30th, and then the 2nd  
17          to the 6th, because then --

18          MR. ESCOBAR: I think -- I think certainly  
19          for -- for Mr. Foley, I haven't checked those dates,  
20          but I would hope that they would be fine.

21          We really didn't have any problems with any of  
22          our other experts because it's so far out that we've  
23          given them enough time, but I can certainly check --

24          THE COURT: That was my anticipation. I was  
25          hoping for that.

1 MR. ESCOBAR: Yes.

2 THE COURT: But Mr. -- that would then --  
3 everybody would be encompassed in there and then  
4 everybody would be available if I were to move it to  
5 those dates.

6 MR. ESCOBAR: I think so, Your Honor.

7 THE COURT: Okay. Mr. --

8 MR. ESCOBAR: I will let you know very quickly  
9 by -- probably by tomorrow because we can check with  
10 Foley's -- can you call Foley's office?

11 MR. MICHAELS: Sure.

12 MR. ESCOBAR: Your Honor, could I send --

13 THE COURT: Absolutely, or tomorrow would be  
14 fine or later -- later next week, if you needed to  
15 just to get -- I understand completely.

16 MR. ESCOBAR: Okay.

17 THE COURT: Mr. Martin, and you can talk -- talk  
18 with Dr. Thogmartin as well as Ms. Jennifer Clark, if  
19 I were to move the trial date to October the 19th.  
20 That way we can facilitate -- the anticipation was by  
21 setting it, you know, at the time when we came in,  
22 eight months ahead of time, this was to clear  
23 everybody's schedule.

24 Everybody knows what date it is. There's no  
25 question about it. Everybody has kind of got it on



1           their calendar, but without asking whether or not you  
2           had seminars and other things that were going on,  
3           that was a, you know, a concern, which is why the  
4           reason for the status check.

5           MR. ESCOBAR: That's correct.

6           THE COURT: So here we are.

7           So what do you think, Mr. Martin? Your  
8           thoughts?

9           MR. MARTIN: Judge, I really don't have a  
10          problem just moving it one week.

11          THE COURT: Okay.

12          MR. MARTIN: I just need -- because it will at  
13          least take three days to pick a jury.

14          THE COURT: Yes, sir.

15          MR. MARTIN: Or maybe two. I don't know to what  
16          extent -- I don't know how many jurors -- potential  
17          jurors you could bring in. I don't know to what  
18          extent Mr. Escobar is going to ask for special  
19          things. We've not had those discussions, so I do not  
20          know. I will not speak for him.

21          I know that I plan to pick a jury and it will be  
22          a standard jury selection to me. It's just if you  
23          have 200 people, 60 people, how are you going to deal  
24          with certain things?

25          THE COURT: Okay.

1           MR. MARTIN: It could stretch two or three days  
2 or Mr. Escobar may have a different opinion. So I  
3 think if -- if we went to the 12th even or the 19th,  
4 it doesn't matter, but --

5           THE COURT: The 12th will be okay, too?

6           What do you think about that, Mr. Escobar, is  
7 the 12th -- is that -- would that be sufficient?

8           MR. ESCOBAR: Judge, yeah, we're available as  
9 well.

10          THE COURT: I'm -- I'm just concerned. I want  
11 to make sure that your witness that you're saying is  
12 not coming back until the 19th -- and that's  
13 Mr. Foley, correct?

14          MR. ESCOBAR: Since the Government is going to  
15 have to present their case initially, I would think  
16 that we would not be ready to start presenting our  
17 case until at least the week of the 19th. So if we  
18 start the 12th, we would be fine.

19          THE COURT: Okay. I don't -- I don't know what  
20 witnesses there are, but here is my -- just a  
21 thought. Okay? I don't know if they have a  
22 potential witness that is an expert that they wish  
23 and intend to call and you need your expert in order  
24 to view and listen to what they are.

25          So I am not trying to put you in a posture that

1 your witness would not be able to be here to listen  
2 to what they are, so that is the reason of my  
3 concern. I'm making sure that everybody is on the  
4 same page. And that -- although this gentleman is  
5 coming back on the 19th, they call their witnesses  
6 two days before and everybody knew he was out; do you  
7 understand why I'm asking, Mr. Escobar?

8 MR. ESCOBAR: I would think that the 19th would  
9 be my preference.

10 THE COURT: Okay. Would you have any objections  
11 to that?

12 MR. MARTIN: No, Your Honor.

13 THE COURT: Okay. So we will move the trial  
14 date to October the 19th, the week of the 19th  
15 through the 23rd, the week of October 26th through  
16 the 30th, and then the week of November 2nd through  
17 the 6th.

18 This is just to -- and if you could check with  
19 your witnesses once again, then we'll see how that is  
20 and we -- I could set a short status check just to  
21 see where we're at.

22 Now, having said that, I think that Mr. Martin  
23 raised some -- a very good point. We will have to  
24 have a number of discussions in regards to how we are  
25 going to proceed with jury selection, potential

1 questionnaires. This had a lot of news media and  
2 attention, and how we are going to proceed.

3 But I think just getting the date locked down is  
4 the most primary thing that we need to do in making  
5 sure all witnesses are available and that we don't  
6 have these hiccups because, Mr. Escobar, I wasn't  
7 trying to speak for you, I can just anticipate. I  
8 don't know when they're going to call their folks in  
9 and if we're in the middle of trial and you say, but  
10 I told you my witness -- I told you back on March  
11 11th, Judge Lewis, and you did not listen to me that  
12 he wouldn't be here until the 19th and so, therefore,  
13 my witness -- my expert can't listen to what that  
14 expert just said so now, you know, we remedy in other  
15 ways, but, potentially, if we know something, we try  
16 to avoid that, right?

17 Okay. So having said that, let's set a status  
18 check. When is -- how long do you need in order to  
19 double check with those other folks as to the  
20 movement to the 19th?

21 MR. ESCOBAR: Just a week.

22 MR. MARTIN: That would be more than enough. I  
23 have a -- I'm going to with Dr. Thogmartin tomorrow.

24 THE COURT: Okay.

25 MR. MARTIN: Now, Jennifer Clark --

1 THE COURT: Yes, sir.

2 MR. MARTIN: -- I did try to call her today.  
3 She'll be back in the office Monday, so I won't have  
4 a chance to talk to her until next week, Monday.

5 THE COURT: Okay. So would you like me to set  
6 it -- let me see here. How is Tuesday, March the  
7 24th? That gives everybody plenty of time.

8 MR. ESCOBAR: That's perfect.

9 THE COURT: I could do morning or afternoon.  
10 The first thing in the morning is always really good  
11 only because -- and it's going to be very short.  
12 This is just a really is everybody on board.

13 MR. ESCOBAR: Your Honor, I think the 24th would  
14 be great for me.

15 Is it possible -- I know in the past when we had  
16 this hearing for the stand your ground, we were able  
17 to excuse our client for some of these statuses. So  
18 I would ask that the Court consider that.

19 THE COURT: I will consider it, but here's the  
20 problem: If we're in the posture that we are today,  
21 and I understand you've asked that question before  
22 and you asked that about today, I don't have a  
23 problem with that, but when we start moving trial  
24 dates, your client needs to be here.

25 MR. ESCOBAR: Absolutely.

1 THE COURT: This is in regards to his life and  
2 this is in regards to the State of Florida, and I  
3 think that he has to be a part of that and I'm not  
4 going to exclude him.

5 I understand now we're just kind of firming up,  
6 so I might be able to reconsider that. But I think  
7 when we are trying to -- we did not know for sure, we  
8 needed to get something on the books, we needed to  
9 get something moving. Okay?

10 MR. ESCOBAR: Yes, Your Honor.

11 THE COURT: All right. Thank you.

12 Mr. Martin, is the -- is the 24th acceptable for  
13 you?

14 MR. MARTIN: Yes, Your Honor. At what time?

15 THE COURT: I -- I prefer 8:30, but I don't know  
16 if that works for your schedules. I -- I prefer  
17 that.

18 MR. MARTIN: 8:30 is fine.

19 MR. ESCOBAR: Yes, Your Honor.

20 THE COURT: Okay. And if you all would confer  
21 with each other so we'll know it may be that it's  
22 just definitely a go. I don't have a problem if, in  
23 fact, that it is and we're there.

24 If that's the case, shall we just go ahead and  
25 set something for -- whether or not it's in May or

1 early June, but I'm not going to go much further than  
2 that, I can tell you that, because I want us to have  
3 some very meaningful conversations.

4 We are not going to be having conversations in  
5 October or late September about how -- we are going  
6 to be prepared and ready to move forward. We have  
7 plenty of time. I know you all have other cases, but  
8 there is no reason why we cannot be working towards  
9 our -- the commonality of getting ready and prepared  
10 for this trial.

11 So although we can have a status check, the  
12 status check could be canceled if everybody is in  
13 agreement and there's no real need for it, everybody  
14 is a go without any problems, no problem.

15 But as far as us moving along and talking about  
16 jury questionnaires and things of that nature, I  
17 think we need to start preparing for that. Okay?

18 MR. MARTIN: Judge, could I bring up one other  
19 issue?

20 THE COURT: Yes, sir.

21 MR. MARTIN: During the immunity hearing, prior  
22 to that, I filed two motions that were *Daubert* based.  
23 We had the unfortunate timing that right at that time  
24 we didn't know if we were a *Daubert* state or a *Frye*  
25 state.

1           Judge Barthle said, well, we're just going to  
2 hear it. She never ruled on any of the motions. We  
3 just went forward with the testimony and I just did  
4 the cross. So those are still pending.

5           I will tell you that I planned to update those  
6 motions. They are motions in limine/*Daubert*  
7 regarding the testimony of Hayden, Cohen and Knox. I  
8 will also be filing motions in limine regarding  
9 unattributed hearsay from patrons within the theater.

10           I will be filing a motion -- and I'll try to  
11 work with Mr. Escobar on this -- for a jury view at  
12 Cobb Theater. I will tell you there's a little bit  
13 of a problem. Cobb Theater was sold and I'm not  
14 really sure of the legal -- the lawyers who will be  
15 involved with that.

16           THE COURT: You're going to be filing that one?

17           MR. MARTIN: I will.

18           THE COURT: Okay.

19           MR. MARTIN: But I haven't drafted it yet. We  
20 did have a jury view during the immunity hearing.

21           THE COURT: Okay. I didn't know if that was one  
22 of the two that you were talking about that was --

23           MR. MARTIN: We need to file another one for the  
24 trial and whether it will be a joint, separate, I  
25 don't know. Mr. Escobar and I will talk about that.



1 THE COURT: Yes, sir.

2 MR. MARTIN: I will be filing a motion to use  
3 the transcript in aid. That would be with the  
4 defendant's statement. And I will be filing a motion  
5 for the clerk to return the evidence to the  
6 Pinellas -- to the Pasco County Sheriff's Office so  
7 it could be remarked and -- and made available for  
8 the trial.

9 So those are the motions that I've thought of so  
10 far --

11 THE COURT: Uh-huh.

12 MR. MARTIN: -- that we need to have some  
13 hearing time on.

14 THE COURT: Yes, sir.

15 MR. MARTIN: The most important one will be the  
16 *limine/Daubert* motions on the three Defense experts.

17 THE COURT: Okay. I do have a little bit of  
18 concern because I hear that Judge Barthle, the judge  
19 who was presiding while -- pending the DCA's opinion  
20 took things under advisement. I don't --

21 MR. MARTIN: Initially --

22 THE COURT: You said she didn't rule on it,  
23 though.

24 MR. MARTIN: -- she did not rule on any of them.  
25 She did not rule -- of course, they were based on

1 depositions. Now that I have testimony, hearing  
2 testimony, I'm going to update those and it will be  
3 couched as either a motion in limine or a *Daubert*.

4 So there's no question now that the Court has to  
5 construe my concerns under *Daubert*. Back then, we  
6 didn't know the -- it was -- so that's why it was  
7 kind of tossed up in the air.

8 THE COURT: Okay.

9 MR. MARTIN: But now there's no question.

10 THE COURT: All right.

11 MR. MARTIN: And we need to -- we need to ferret  
12 those out prior to trial.

13 THE COURT: Okay. Thank you. I need you to  
14 recheck your schedules for May 29th. It's a Friday.

15 MR. MARTIN: And that would be for what, Judge?

16 THE COURT: I was going to indicate that at that  
17 time we could talk about -- I'm going to set a  
18 pretrial on that day, but I would also ask that if  
19 you have motions that are being set, that -- or that  
20 you're going to refile or -- I know you've already  
21 filed them. I think you said you were just going to  
22 update them.

23 That's not -- I can't just say any and all  
24 motions, but all pending motions be filed. That way,  
25 we could set some time apart as to when we're going

1 to hear them. As I've said, we're going to narrow in  
2 on October a lot faster than everybody thinks that we  
3 are and we want to make sure we can clear calendars  
4 and get some dates, but I'm intending to set a  
5 pretrial that morning.

6 We could potentially set a hearing, if we needed  
7 to, because I would have hearing time that morning.

8 MR. MARTIN: So you want the motions filed by  
9 that date?

10 THE COURT: Yes, sir, if you're able to. I  
11 understand that it's a lot of transcripts and things  
12 that you have to go back through.

13 MR. MARTIN: Yeah.

14 THE COURT: Do you think that would be possible?

15 MR. MARTIN: Well, one more month would be good  
16 because I'm in front of you on the Cannon -- the  
17 Cannon re -- juvenile resentencing in May and I'll be  
18 working on that.

19 THE COURT: I don't think that's actually in  
20 front of me.

21 MR. MARTIN: Oh, that's Judge Tepper. All  
22 right. I'll be in front of Judge Tepper --

23 THE COURT: Okay. What day is that?

24 MR. MARTIN: -- May 5th, 6th, and 7th.

25 THE COURT: What day?

1 MR. MARTIN: May 5th, 6th, and 7th.

2 THE COURT: Okay.

3 MR. MARTIN: And that's a juvenile resentencing  
4 that will be rather adversarial --

5 THE COURT: Okay.

6 MR. MARTIN: -- that I need time to work on  
7 that.

8 And then --

9 THE COURT: So you prefer June, then?

10 MR. MARTIN: Yeah. It's just -- just pick just  
11 another 30 days I can get things filed.

12 THE COURT: Okay. Any objection?

13 MR. MARTIN: And if that's okay with the Court.

14 THE COURT: Any objections, Mr. Escobar?

15 MR. ESCOBAR: Judge, as long as -- I've got a  
16 rather large three-week trial starting on June 22nd  
17 in Hillsborough County that's definitely going to go.  
18 I would just need some time to respond to his motion  
19 after he files it. That's my only concern.

20 THE COURT: Now, you gentlemen see why I said  
21 that we need to set these motions dates, right?

22 MR. MARTIN: Yes, Your Honor.

23 THE COURT: Because you see where we're working.  
24 So Mr. Martin needs -- you wanted to kick it 30 days  
25 from the time I said. I said May 29th and so that

1 puts us at the end of June. Mr. Escobar is in trial  
2 for three weeks at the end of June beginning on the  
3 22nd, so that put us into early July.

4 Do you see my point as to why we need to really  
5 start working here?

6 MR. MARTIN: Yeah. Once I get past the Cannon  
7 resentencing, I have two other hearings, I -- I'm  
8 just working on Mr. Reeves. So you're right, I  
9 understand just trying to get calendars cleared  
10 and --

11 THE COURT: Right. No, I can -- yeah.

12 MR. MARTIN: Everyone else wants a little bit of  
13 everyone's time. Well --

14 THE COURT: Okay. How about -- wait. Is  
15 June -- the week of June 22nd, June 29th, and then  
16 July 6th, would be that three-week trial?

17 MR. ESCOBAR: That's correct, Your Honor.

18 And we may -- I'm hoping that, you know, we can  
19 cut it off at two weeks, but it may go into that  
20 third week depending -- we have a lot of experts who  
21 will be testifying.

22 I think if he files it sometime maybe in that  
23 mid-July period, that gives us just a couple of weeks  
24 to address it. We can -- we can do 30.

25 THE COURT: Well, here's the thing, I think

1 Mr. Martin is telling me that he just needs until the  
2 end of June. Your response to the motions is what is  
3 a little longer --

4 MR. ESCOBAR: Yes.

5 THE COURT: -- which I understand because you're  
6 in a trial. So --

7 MR. MARTIN: Judge, just so it's clear, I have  
8 filed two of the motions dealing with Knox and Cohen.  
9 Mr. Escobar has filed responses to those two motions,  
10 so we just need to update --

11 THE COURT: Right.

12 MR. MARTIN: -- each other's pleading.

13 THE COURT: Yes, sir.

14 MR. MARTIN: Mr. Hayden -- and it's a brand new  
15 motion that Mr. Escobar will need to respond to.  
16 Those are the three big ones.

17 The other ones we -- we know there's numerous  
18 unattributed hearsay that was in the theater we're  
19 going to run motions to exclude.

20 The rest of the motions are -- are rather short.  
21 I mean, it's not going to be much argument on, what,  
22 use of transcripts and returning the jury -- I mean,  
23 returning the evidence. So it's just those three  
24 motions that we need time to work on.

25 THE COURT: And how long would you think you

1           guys need at that time?

2           MR. MARTIN: I'm sorry, Judge?

3           THE COURT: An hour? Two hours? An hour to two  
4 hours?

5           MR. MARTIN: For what?

6           THE COURT: The motions themselves.

7           MR. MARTIN: I don't know because with --  
8 with -- especially -- I believe all -- well, Cohen  
9 and Hayden will be *Daubert* motions, which puts the --  
10 shifts, if you will, back to Mr. Escobar, so I don't  
11 know. I don't think it's going to be two hours.

12          MR. ESCOBAR: Your Honor, I would agree and we  
13 may have to actually bring, obviously, the experts  
14 in.

15          THE COURT: Uh-huh.

16          MR. ESCOBAR: Which means we're going to have to  
17 know some dates, you know, for that way in advance so  
18 that we can let them know.

19                You know, I think if he -- if he files his  
20 motion at the end of June, and you can give me until  
21 sometime maybe in the end of July to respond, then --  
22 just a couple of weeks after my trial, then I think  
23 that we should be able to get that hearing set for  
24 some time in August.

25          THE COURT: I started with May and here we're

1 talking about August --

2 MR. ESCOBAR: I know. I know.

3 THE COURT: -- do you see where we're going  
4 here?

5 And like I said, there's a method to this  
6 madness because I honestly believe that -- I do  
7 believe everybody is working very hard, and I know  
8 you have other things that you're also doing at the  
9 same time, but these things are time sensitive and do  
10 need -- warrant responses and things of that nature.  
11 And I think if -- if we're going into August, I -- I  
12 just don't believe that we're going to be able to do  
13 that.

14 I think July 28th -- July 29th, so that will  
15 be -- I had said May and it's 60 days after the date  
16 that the Court has suggested, and I think that gives  
17 more than ample time.

18 MR. ESCOBAR: July 29th?

19 THE COURT: Is our due date.

20 MR. MARTIN: July 29th for?

21 THE COURT: That -- well, you're going to be  
22 filing your motions before -- by the end of June,  
23 correct?

24 MR. MARTIN: Whatever date you tell me, Judge,  
25 I'm going to get it done.



1 THE COURT: Yes, sir, but I want to -- I also  
2 like to think I'm fair-minded to know that you  
3 have -- you indicated to me that you have another  
4 case that you're working on, so I'm giving you until  
5 June 30th to actually file it.

6 MR. MARTIN: Yes, ma'am.

7 THE COURT: And then by July 29th, Mr. Escobar,  
8 would you be able to respond?

9 MR. ESCOBAR: I will.

10 THE COURT: By -- the cutoff date is July 29th  
11 for a response.

12 MR. MARTIN: You want all of the motions that I  
13 listed to the Court filed or just the expert ones?

14 THE COURT: All -- all motions because -- and I  
15 recognize that you guys have -- there was a previous  
16 judge, but I th0nk it would be better that way. That  
17 way we cover all of our bases. Okay?

18 MR. MARTIN: Yes, ma'am. I will have these  
19 motions filed.

20 THE COURT: And, in addition, I'm instructing  
21 that the parties speak with each other and also  
22 contact my JA so that we can set -- and I'm giving  
23 you a deadline. Today is the 11th of March. You  
24 have until the 30th of March to set the motion dates  
25 for the -- all motions will -- the motions that are

1 being responded to will be heard by the end of  
2 August. Okay?

3 So June 30 for you to file your motions,  
4 Mr. Martin.

5 MR. MARTIN: Yes, ma'am.

6 THE COURT: July 29th for you to respond.

7 You have March 30th for the parties to set the  
8 motions for hearing for the times that you needed and  
9 that will be set in August. So I'm thinking probably  
10 the end of August, thereabouts, to give everybody  
11 enough time.

12 I will not be going into September, gentlemen.  
13 We're going to have a lot of things in September that  
14 we're going to be working on, I'm sure of it, right?

15 So please make your best efforts. I think I'm  
16 being extremely gracious in terms of the time periods  
17 that were given here.

18 I -- if there is an issue with other cases, I --  
19 I don't know what other cases that you all have. I'm  
20 sure they're just equally as important, but are they  
21 as -- the time sensitivity of this 2014 case?

22 Please let them know that this is a priority.  
23 This trial will be going forward and we've set the  
24 dates. If we have issues, I don't expect to wait and  
25 hear about them when we come to court. I expect that

1 motions will be filed and we will then adjourn and  
2 have some sort of hearing about what's going on and  
3 what the delay is and what the anticipated delay is,  
4 right?

5 So I've given some deadlines and dates and I  
6 expect that they be adhered to and, if I don't hear  
7 anything, I guess I will be seeing you on those  
8 dates, correct?

9 MR. MARTIN: Yes, Your Honor.

10 MR. ESCOBAR: Yes.

11 THE COURT: Anything from the State? Anything  
12 else?

13 MR. MARTIN: Now, regarding the -- our two --  
14 the witnesses' problems that we talked about today,  
15 what -- have we set a time to --

16 THE COURT: March 24th at 8:30.

17 MR. MARTIN: March 24th for that. I got it.

18 THE COURT: That's our status check.

19 MR. MARTIN: Okay.

20 THE COURT: Right?

21 MR. MARTIN: I've got all my dates now.

22 THE COURT: No, that's okay. Do we want to go  
23 over it?

24 MR. MARTIN: March 24th is for that.

25 March 30th is for us to set a hearing sometime

1 in August. Okay.

2 THE COURT: Okay?

3 MR. MARTIN: Yes, ma'am, I got it.

4 THE COURT: And then we've got your filing date  
5 of June 30th that your -- your updated motions will  
6 be refiled.

7 Please note that even though you're filing them  
8 and e-mailing them, that does not impute knowledge to  
9 the Court. If you could send my JA a courtesy copy,  
10 I would be very grateful if you could do that. Thank  
11 you so much.

12 MR. MARTIN: Yes, Judge.

13 THE COURT: And then, Mr. Escobar and  
14 Mr. Michaels, your responses are due by August the --  
15 I mean, excuse me, July 29th. Okay? All right?

16 Anything else from any party? Ms. Sanchez,  
17 Mr. Michaels, Mr. Escobar?

18 MR. ESCOBAR: None, Your Honor.

19 MR. MARTIN: No, Your Honor.

20 MS. SANCHEZ: No, Your Honor.

21 THE COURT: Okay. Mr. Martin, Mr. Garcia,  
22 anything else?

23 MR. GARCIA: No, Your Honor.

24 MR. MARTIN: No, Your Honor.

25 THE COURT: All right. Thank you so much. Have

1 a good day, guys.

2 MR. MARTIN: Thank you, Your Honor.

3 THE COURT: You're welcome.

4 (Proceedings concluded.)

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STATE OF FLORIDA     )  
                                  )  
COUNTY OF PASCO     )

I, Melinda McClain, Registered  
Professional Reporter, certify that I was authorized  
to and did stenographically report the foregoing  
proceedings and that the transcript is a true  
record.

DATED this 24th day of August, 2020.

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Melinda McClain, RPR