

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

STATE OF FLORIDA,
Plaintiff,

Case No.: CRC-1400216FAES

v.

Division: 1

CURTIS J. REEVES,
Defendant.

**DEFENDANT'S RESPONSE TO STATE'S MOTION TO USE REDACTED
TRANSCRIPTS OF DEFENDANT'S INTERVIEWS BY LAW
ENFORCEMENT**

COMES NOW, the Defendant, CURTIS J. REEVES, by and through his undersigned counsel, submits the following response to State's Motion to Use Redacted Transcripts of Defendant's Interviews by Law Enforcement and as good cause would show:

The State has moved to redact key portions of the interview transcriptions wherein the Defendant gives his recitation of the events and insight into his state of mind in the moments leading up to and at the time of the shooting. The Defendant profoundly and emphatically objects to the State's attempt to unfairly restrict and distort the Defendant's statements and to skew the facts to its benefit.

ARGUMENT

The Defendant made several statements to law enforcement in the first interview that the State seeks to redact and exclude from evidence to be presented to

the jury. (The full transcript from Detective Proctor's supplemental report is attached hereto as Exhibit A with original pagination.) The State seeks to redact statements at the end of the first interview wherein the Defendant states he is scared. (Exhibit A at pg. 95.) This statement goes directly to the Defendant's state of mind in the moments leading up to and at the time of the shooting.

Inexplicably, the State seeks to redact almost the entire second statement made by the Defendant to law enforcement, selecting only a few excerpts to keep that are misleading in their partiality and patently unfair to the Defendant. In the second interview, the Defendant makes statements regarding his state of mind such as the incident being a life changing event. (Exhibit A at pg. 99.) The State also seeks to redact the portion of the Defendant's statement where he clarifies that he didn't see what he was struck with and tries to explain that the theater was dark. (Exhibit A at pg. 100-101.) The State outrageously seeks the above exclusions but seeks to keep discussion concerning the Defendant's eye injury where detectives minimize his injuries, saying "I don't see anything in there, but..." (Exhibit A at pg. 97.) The statements sought to be excluded by the State are necessary for the jury to get a complete and accurate understanding of the Defendant's state of mind at the time that he justifiably defended himself from the threat of great bodily harm or death. The complete statements are also necessary for the jury to understand the context in

which they were made and to avoid being misled by the State's attempts to skew the evidence in its favor.

Florida Statute 90.108(1), also known as the "rule of completeness," states as follows:

Florida Statute 90.108

Introduction of related writings or recorded statements—

(1) When a writing or recorded statement or part thereof is introduced by a party, an adverse party may require him or her at that time to introduce any other part or any other writing or recorded statement that in fairness ought to be considered contemporaneously. An adverse party is not bound by evidence introduced under this section.

This rule applies to verbal statements as well. *Metz v. State*, 59 So.3d 1225, 1226 (Fla. 4th DCA 2011).

It is reversible error to exclude exculpatory portions of a defendant's statement. *Id. citing Ramirez v. State*, 739 So.2d 568, 580 (Fla. 1999). The Florida Supreme Court has articulated that "[f]airness is clearly the focus of this rule." *Jordan v. State*, 694 So.2d 708, 712 (Fla. 1997) *citing Larzelere v. State*, 676 So.2d 394, 402 (Fla. 1996). "The correct standard is whether, in the interest of fairness, the remaining portions of the statements should have been contemporaneously provided to the jury." *Larzelere*, at 402. "A defendant's exculpatory out-of-court statement is admissible into evidence when a state witness has testified to incriminating statements contemporaneously made by the defendant and 'the jury should hear the remaining portions at the same time so as to avoid the potential for creating

misleading impressions by taking statements out of context.” *Metz*, 59 So.3d at 1226-27.

The rule of completeness applies to situations such as the one presently before this Court where the statements sought to be excluded relates to a defense to criminal charges. *Id.* The statements sought to be left out are statements that directly support his affirmative defense of self-defense. In *Metz v. State*, the court stated:

Thus, in *Guerrero v. State*, 532 So.2d 75, 76–77 (Fla. 3d DCA 1988), the third district relied upon the rule to reverse a conviction for grand theft of a car where the trial court had excluded the part of the defendant's statement containing his explanation that he did not know the car was stolen because his girlfriend had given it to him; as in this case, **the excluded statement in *Guerrero* related to the defendant's state of mind** while possessing stolen property. In *Sweet v. State*, 693 So.2d 644, 645 (Fla. 4th DCA 1997), we held that subsection 90.108(1) required admission of that portion of the defendant's statement that related to his defense of voluntary intoxication. *See also Mason*, 719 So.2d at 304–05 (holding that trial court erroneously excluded that portion of defendant's statement pertaining to the defendant's state of mind in an attempted burglary prosecution).

Id. at 1227. *See also, Gutierrez v. State*, 747 So.2d 429, 432 (Fla. 4th DCA 1999) (“[The defendant] was entitled, in the interest of fairness, to have the jury consider her entire statement to show the context in which it was made, and to avoid any misleading inferences.”) *citing Larzelere*, at 401.

The caselaw is clear that the State’s attempt to cherry pick and leave only the statements that benefit its case and take out the statements that benefit the Defendant is altogether impermissible. *See Swearingen v. State*, 91 So.3d 885, 885

(Fla. 5th DCA 2012) (“On remand, we remind parties that, pursuant to the rule of completeness set forth in section 90.108(1), Florida Statutes (2011), all portions of [defendant’s] statements should be provided, contemporaneously, to the jury and not just those that benefit the State.”) The Defendant has a right to a fair trial and not one that is impermissibly skewed in favor of the government. U.S. Const. Amend VI, XIV, Fla. Const. Art. I, Sect. 22.

WHEREFORE the defendant respectfully requests this Court to deny the State’s Motion to Use Redacted Transcripts of Defendant’s Interviews by Law Enforcement.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and accurate copy of this has been furnished by Electronic Submission and United States Postal Service to: the Office of the State Attorney for the Sixth Judicial Circuit, P.O. Box 5028, Clearwater, Florida 33758, this 17th day of September, 2020.

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Pasco Sheriff's Office

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Offense: *MURDER/HOMICIDE- NOT PREMEDITATED/FELONY OFFENSE*

Investigator: *PROCTOR, ALLEN W (0605)* **Date / Time:** *01/24/2014 13:25:45, Friday*
Supervisor: *QUINLAN, DEAN T (0704)* **Supervisor Review Date / Time:** *01/24/2014 15:35:52, Friday*
Contact: **Reference:** *Supplement Completed*

the son to get her out of there. She stated that she observed the older man rubbing his face, eyes and head. She advised that he tried to get up however her husband insisted that he remain there.

Upon additional questioning she advised that she heard the younger man start to raise his voice saying that he was checking on his daughter. She stated that she then heard the older man make the comment: "You`re not going to do this;" at which time she heard a pop. When I questioned her as to how long this verbal altercation occurred, she advised that it was a minute or less.

I did conduct an interview this interview with Angela Hamilton which was from 1452 hours to 1457 hours. This CD was placed into Evidence. I also obtained a written statement from Angela Hamilton which is attached to this supplement.

I then made contact with Detective Koenig. We then walked to the back of the theater exiting the building and entering the parking lot where we made contact with Deputy Gondek. Deputy Gondek advised us that Curtis Reeves was in the back seat of his patrol vehicle. Reeves was then moved to my vehicle were Detective Koenig and I conducted the listed interview.

Interview with Curtis Reeves
 Detective Allen Proctor
 01/13/14 at 1510 hours

PROCTOR: Yep.

KOENIG: Hello Curtis.

PROCTOR: How you doing Curtis?.... You alright Curtis?

REEVES: No, hell no.

PROCTOR: Can you get out of there man?

REEVES: Uh, Oh, Uh

PROCTOR: Alright, alright, alright.

GONDEK: I got it, I got it, I got it

PROCTOR: There you go. Come on Curtis, my name`s Allen Proctor, lets step over here to my car. You alright?

EXHIBIT A

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REEVES: Hell no, I'm not alright.

PROCTOR: Sit here in the front seat..... Go ahead.

REEVES: I'm 71 years old, shit, I can't get through here....

PROCTOR: Okay.

REEVES: You've gotta understand....

KOENIG: I understand (inaudible).... I gotcha. Allen what do you want to do?

PROCTOR: You want to cuff him in the front? Alright..... Curtis you got, you don't have anything else on you sir, do you, Mr. Reeves?

REEVES: Uh. I have no idea my friend.

PROCTOR: You know, double check and see if he's got any... anything else on him.

REEVES: I think they've stripped me.

PROCTOR: Have they?

REEVES: At least 3....

KOENIG: I don't think he has anymore property on him.

REEVES: At least 3 times, maybe 4....

PROCTOR: Okay cool.

REEVES: ... that was one of the reasons I wanted the handcuffs loosened.

GONDEK: Just putting them in the front for you... Alright, don't push on them, they're double locked alright?

REEVES: Oh yeah.... I understand (inaudible)....

KOENIG: Turn around face me, just sit kinda straight back in to where you're sitting in the seat....

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PROCTOR: Curtis, my name's Allen Proctor, I'm a detective with the sheriff's office. This is Todd. We're here investigating this shooting that occurred here. Uh, I understand you're a retired TPD cop.

REEVES: Yep.

PROCTOR: I want to make sure that everything is okay here, you know the spiel, you know... um, well I gotta Mirandize you.

REEVES: Sure.

PROCTOR: Okay. Uh, you have the right, the Miranda warnings are, you have the right to remain silent. Anything you say can and will be used against you in the court of law. You have the right to talk to a lawyer and have him or her present with you while you're being questioned. If you cannot afford to hire a lawyer, one will be appointed to represent you before any questioning, if you wish. You can decide at any time to exercise these rights, not to answer any questions or make any statements. Do you understand each of those rights I explained to you?

REEVES: Yes.

PROCTOR: Having those rights in mind, do you want to talk to me about what occurred here?

REEVES: Yeah, I'll give you a statement.

PROCTOR: Okay. Cool. What happened?

REEVES: Can I have some, got something to drink? Anything?

PROCTOR: Uh...

REEVES: ...My, my throat is....., my throat is as dry as dry can be.

PROCTOR: Yes sir.

REEVES: And I, I really didn't get to move out my shoulder anyhow..... well, I do hope the folks uh... on either side of me were paying attention.

PROCTOR: What uh, what movie were you watching?

REEVES: Well, we were watching the previews.

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PROCTOR: Watching the previews?

REEVES: Yeah. It did.... It did start...

PROCTOR: Okay.

REEVES: Er the, not the movie, but the... holy crap, the previews.

PROCTOR: How long had the lights been down?

REEVES: Oh, I have no idea.

PROCTOR: A couple minutes?

REEVES: Yeah. Well, the lights had been down for quite a while because they go through all that stuff now, turn off your cell phone and, you know the concession stand and all that stuff.

PROCTOR: Right.

REEVES: So I have no idea on the concept of time. Five minutes.

UNKNOWN: ... Brian is going to get a couple...

PROCTOR: Thank you.

REEVES: or more...

PROCTOR: Hey, they're going to go get something to drink.

REEVES: I'm not trying to do anything other than get the feeling in my shoulders back.

PROCTOR: That's alright, that's alright. How long you been retired?

REEVES: 20 years.

PROCTOR: Wow. You started a young man then huh?

REEVES: Yeah, I did. I spent uh, let's see, I went on in October of 1966.

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PROCTOR: Wow.

REEVES:to the 27 year. I was the director of security at Busch Gardens for 12 years and.... I been trying to retire and enjoy my retirement for about 9 years.

PROCTOR: I understand. Well, he`s going to bring you some water.

REEVES: I don`t care if it`s cold, as long as it`s wet.

PROCTOR: Alright sir. I`ve got some here, but you probably want to drink after me because we`ve got all kinds of probably all kinds of... well. We`re gonna get you some fresh water.

REEVES: You`re saying your diseased?

PROCTOR: Well I`m not saying that, but. I`ve been a cop almost 30 years myself so...

REEVES: I gotcha... I understand.... I understand.

PROCTOR: Um..... and I hate to talk to you about all this.

REEVES: Well, I`ll tell you the damn truth, I hate to be here. This is crazy, it was absurd. Ah, I tell retired cops that.... you don`t do this. But I`ve never had anybody jump on my ass like that.

PROCTOR: Right.

REEVES: It was crazy. It really was. It was completely uncalled for.

PROCTOR: I understand. So the lights had been down. What happens?

REEVES: Well, I had... the guy was playing with his cell phone so I leaned up and said would you mind turning your cell phone off.

PROCTOR: Right.

REEVES: And uh...and he told me to fuck off or something like that, I can`t remember. So I leaned back and he kept on doing it, so I got up and I went and told the manager out front, I said look the guy`s got an attitude. I said I asked him to turn his cell phone off, he`s playing with it and he told me to fuck off, so I said I`d appreciate if you`d come and take care of it.

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PROCTOR: Okay, so he kept doing it. What, what manager?

REEVES: Oh, I don't know, whoever was sitting at the desk. Big heavysset guy with glasses, I don't know, whoever was sitting at the front desk out there. I assumed he was a manager, he had on a nametag, I don't know what it said....

PROCTOR: But he's heavysset guy?

REEVES: Yeah.

PROCTOR: Wearing glasses?

REEVES: I think so... Powers of observation fade in time....

PROCTOR: I understand. So what happens then?

REEVES: I came back into the movie, and uh, the guy had put his phone away, and I, when I went by, I uh I said uh, I see you put it away, I told the manager for no, for no reason. In other words, I, I went in and ratted him out, if he was going to put it away, I wouldn't have gone, you know I....

PROCTOR: Right.

REEVES: ... make sense? And uh, he turns around in his seat and uh.... Hell, that's got some ice in it.... and he, he says something about... he was answering.... Your gonna have to get the top...

PROCTOR: You got it?

REEVES: Yeah. And he uh, he said something about he was..... I don't remember... if, if it was any of your fucking business, I was texting my daughter, or something like that, and you stay the hell out of my face... I think that's when he said that. See, and his wife is holding him back, so I had sat down, and I think I got the bag of popcorn from my wife... and so, he jumps up, and he turns around and he stands in his seat, which was, well you saw the crime scene, he was off to the right of me...

PROCTOR: Right.

REEVES: ...so as he's pushing on the back, there's a crack between us. So, I'm leaning back in my chair, I got nowhere to go...

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PROCTOR: Mhmm.

REEVES: ...and uh, I'm leaning back in my chair, so... he kept on hollering, and I'm not sure what he said to be honest with ya, he said something and uh... that led me to believe he was gonna kick my ass. And I don't know if that's exactly how he phrased it or not. So, I'm looking briefly, I know I can't go anywhere... uh, so I, I'm leaning all the way back in my chair... as far as I can to get away from him, and suddenly, he's, he's virtually on top of me. So because I'm stretched out, if you'll look at these pants, pistol was in the right front pocket...

PROCTOR: Uh huh.

REEVES: ...and your sitting down, ain't no way you can get it out, so I'm stretched out trying to get away from him. My left arm is out in front of me, and I think I'm saying either no, no, no or whoa, whoa, whoa, one or the other..., and uh, then uh... suddenly my head was to the right, so he hit me with something, and I, I assume it was his fist, but... I don't know...(inaudible).. right here...(looking in vanity mirror). something was wrong with my left eye... uh, anyway, I had him wash it out for me, so, he, he hit me with his fist, or with something. I think, I think he had his cell phone in his hand... um, because I saw the, I saw the, the, the blur of the screen...

PROCTOR: Right...

REEVES: I guess... and I got my left hand out in front of me, and uh, he, he hit, he hits me in the face and knocks my glasses sideways.. and uh, it was a, it was a young, it was a young Sumter county deputy that came over right afterwards. And I have frames that don't, you can bend them all over the place...

PROCTOR: Mhmm.

REEVES: ... but the left side was stretched out, so...

PROCTOR: So, he knocks your glasses off?

REEVES: They weren't off, they were partially off, and I, I fixed them where they fit my head again... and uh, and, and for, for a while there I was kinda dazed uh.., and it had to be from the, the strike, even if it was a glazing blow or whatever, but I felt like I had something in my eye, still do, uh... but not as bad, the fire department guys rinsed it out with some kind of shit.... Ah.... Anyway, I'm, I'm leaning back, he's virtually in my lap, I'm... I got, I got contact with something with my left hand, it's dark in there I mean, I meant sud., this happened so damn fast.

PROCTOR: Mhmm.

REEVES: And uh, the trajectory of the bullet should be upward, because I came out of my pocket with it, and...

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surprised I didn't shoot myself in the hand...

PROCTOR: Mhmm.

REEVES: But uh, .. and I, and good heaven, I didn't mean to do that, that was just. I had to say that. I, I've counseled cops for....

PROCTOR: How many rounds you shoot?

REEVES: One..... I guess you could say I was scared shitless.

PROCTOR: Okay.

REEVES: I got arthritis in both hands, my back's a f...friggin wreck, I was on SWAT for fifteen years, we thought we were supermen

PROCTOR: Right.

REEVES: ...and as you get older, you find out you're a physical wreck.

PROCTOR: okay, and you had that gun in, in your right...

REEVES: It was in my right front pocket... stretched out... like I said, you can see the pockets here....

PROCTOR: Mhmm.

REEVES: .. and you can't get it out if you're not, if you're not completely... I'm stretched out in my seat sort of like this..

PROCTOR: Right.

REEVES: And I'm holding, I'm whoa, whoa, whoaing, or no, no, noing, one or the other... and uh, then I'm hit in the face, and hit had to be him..did it.... And uh..

PROCTOR: Got any idea where you shot him at?

REEVES: Have no idea... I heard somebody saying he was shot in the chest...

PROCTOR: You see anything in his hands?

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REEVES: Uh, I think he had the cell phone, when, when.... when he turned away from me, I looked down and his cell phone was laying at me feet, so I think that's what he hit me in the face with.... I didn't see anything else and I mean, I don't know what you guys found

PROCTOR: I hear ya. Did um, your wife, where, where was your wife at?

REEVES: She was sitting on the right hand side. Uh, if she's paying attention, and bless her heart, she's, you know, there's no justification for, for what happened in there so.....

PROCTOR: Right.

REEVES: ... I understand her...

PROCTOR: Uh, was any... where was your son at?

REEVES: He wasn't there I don't think. We were waiting for him to come in. We'd saved a seat for him and all that sort of stuff.

PROCTOR: and... and this guy's sitting directly in front of you?

REEVES: No, his wife I think, or whoever was with him, this, this lady was sitting directly in front of me, he was off to the right side, which makes it.... If he had been sitting straight in front of me, I'd just been whipped, because I couldn't do anything.

PROCTOR: In the row in front of you right? The right side, row in front of you?

REEVES: Right.

PROCTOR: ...just one chair?

REEVES: Yeah, yeah.... What's the status on this guy?

PROCTOR: We don't know yet. We got people down there, it's not looking good.

REEVES: Shit..

PROCTOR: Um...

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REEVES: All over a stinking cell phone....

PROCTOR: Yeah... did um...

REEVES: His wife was talking.... whoever was with him was trying to hold him back..

PROCTOR: Right...

REEVES: ... and...

PROCTOR: What is he saying to you?

REEVES: ...fuck off, get out of my face, uh, fuck you, uh, I, I'm talking, I was... he was, he was sitting there playing with it, and what he said to me was that he was texting his daughter, well he wasn't. He was, he was, he was scrolling through his... um, so, uh, I think when I leaned over and asked him to turn his cell phone off, he told me to get the fuck out of his face and, so I knew right away that...

PROCTOR: What about just immediately prior to the shot, what is he saying to you?

REEVES: Man.. he's saying uh..... I think that's when he's talking about he's texting his daughter.... if it was any of my...there's fuck in there 3 or 4 times, I don't m... this ain't my fucking business, or ill kick your fucking ass, or... he, he whatever he was saying was, was threatening, I gotta be candid with that, I don't remember exactly.

PROCTOR: Okay.

REEVES: It was enough for me to try to look for a way out... uh, and my wife was saying... when I got up to go tell the manager, she said, why don't we ju... we should've just moved is what we should've done, and she said that after the shooting I think.

PROCTOR: Right.

REEVES: And she's absolutely right, that's exactly what we should have done. So.. but it's something that... when, when he jumped up and turned around, I didn't, it was no problem, I mean, it was just a guy being mouthy.

PROCTOR: Right.

REEVES: When he jumped on the seat, and came over the, in between the crack between the two seats, that's when he sca, he scared me.

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PROCTOR: Okay. Now, you say he jumped up.... now, does he come over the seat, or is he still on his row?

REEVES: He's, his feet, eh, his feet were on the seat, at least one of them was, and he was pushing back with this hand, and he was coming over the seat. Now exactly where his feet were, I don't know. He was coming over into my area, where, where, where I'm sitting...

PROCTOR: Okay.

REEVES: .. and its... and I'm, and I'm saying, whoa, whoa, whoa, it's like this is just a cell phone, what the, you know, this is nothing...

PROCTOR: Right.

REEVES: you know... I don't know if I was saying no, no, no or whoa, whoa, whoa... so he's coming over on me. I've got a... I'm pushing him off with my left hand, and I had a hold of something, I'm assuming it was probably his chest, I don't know...

PROCTOR: With, with your left hand....

REEVES: With my left hand, right...

PROCTOR: ... as he's coming over... do you actually make contact with his...

REEVES: I make contact with something... his arm, his chest, a shoulder, I don't know. I'm saying no, no, no, whoa, whoa, whoa, whoa..... and like they say in the books, it happened so fast until... and as soon as I, soon as I pulled the trigger, I said oh shit, what, this is stupid. But again, I don't, I'm 71 years old, I don't need an ass whipping...

PROCTOR: Right.

REEVES:from a younger man.

PROCTOR: How old was he?

REEVES: I don't know. I'm gonna say... 35 or 40... I mean.....

PROCTOR: Did you, did you think that he had something other than a cell phone?

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REEVES: I, uh, I had no idea what, what he had, I mean, I mean I just, all I knew was that a guy was coming after me, it was dark, the theater's dark, the show's on, I don't know what, I don't know what, I don't know him, I don't know... I see that he is very explosive.. uh, un, unnecessarily, uh... I don, I don't understand what his motivation is, or why he wants to, to, to uh, to pursue something that's not worth pursuing, I don't, I had no idea what his motivation was. But when he jumped up, like I said, it was not a big deal, but then when he started for me and he started yelling, then, scared the crap out of me, I'm thinking holy crap, what's the, what's going on here, so I... then after he hit me uh....

PROCTOR: You, you keep saying he hit you, but what does he hit you with?

REEVES: It's dark, I don't know.

PROCTOR: Okay.

REEVES: I think he was wearing a dark shirt... dark... hell, I don't know... fist? Like I said af, after he hit me, my face went sideways, my glasses came partially off, I, by now I'm stretched out completely, I'm in my seat... kind of like this, with my left hand out... and, and when I shot, he was...hell, it...should have been pretty darn close to a contact.

PROCTOR: Okay.

REEVES: I know we're trained not to stick it out in front of us, but...

PROCTOR: Right, right.

REEVES: To be honest with you, I was afraid I'd shoot myself, I don't....and all that happened so fast I just... shit it just didn't....., I'm thinking... this guys fixing to...to do me, do me some bad stuff. If I had it to do over again, it would never have happened. We woulda moved. But you don't get do overs.

PROCTOR: So what made you shoot him?

REEVES: Well, I, I guess uh... it scared the hell out of me...

PROCTOR: Okay.

REEVES: I thought the guy was fixing to beat the shit out of me.

PROCTOR: Okay.

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REEVES: I don't know how else to say that. Uh...., when my glasses....

PROCTOR: But he, he, he never told you that right? I don't....

REEVES: He, he said something that led me to believe, and when the guy starts coming at you with, with the, the aggravated position, the, the contorted face, the fuck yous and stuff like that, uh, I don't think I've ever had anybody get in my face like that, and it uh scared the crap out of me. If I was fifty.. 20 years younger or something like that, I might have just uh... wrestled it out with him but...

PROCTOR: Okay...

REEVES: I'm not uh... all that agility and shit's gone.

PROCTOR: I hear ya.

REEVES: Actually, I'm very surprised that.... the last time I shot that little pistol, I couldn't hardly shoot it, I had so much arthritis in my hands.

PROCTOR: Right.

REEVES: So...

PROCTOR: Alright. What else can you tell me?

REEVES: That's it, I guess, I don't know...

PROCTOR: Todd, what I miss?

KOENIG: Well, I'm just, I want to kinda just make things a little bit clearer.. you, you talk about he came at you in an aggravated manner?

REEVES: Yeah.

KOENIG: Um...

REEVES: Facial expressions, verbalization..

KOENIG: Let me ask you this, you keep saying that if you hadn't, if you had it to do over, you would do something different... if, if you had it to do over.., you think you could've took him more, knowing he didn't

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have a weapon, that you could have took him physically by...

REEVES: Oh I, nah man, I'm, I'm shit I can't fight, I'm 71 years old I don't uh, I couldn't take that guy. I couldn't take anybody. Not anymore. I retired, I've gained 20, 30 pounds, I've got arthritis in my back, my knees, my hands, nah, I couldn't take anybody.

KOENIG: Do you, do you think it could have been prevented by not using the gun?

REEVES: The...I, I... there's no s, there's no way that me or anybody else can speculate on that I don't think, uh. If I had thought that I wasn't going to get beat up, it would have never happened. I was uh, I was pretty confident after being hit one time that he wasn't going to stop.

KOENIG: Well, cause you, well, what we've got to do is we've got to figure out what we're gonna do.

REEVES: Oh, I know that...

KOENIG: ... and, and we've got to figure out...

REEVES: ..what... okay, okay you... I'm sorry...

KOENIG: ...go ahead...

REEVES: ...no...you gotta know the lady that was sitting one seat away from me, she should have seen everything.

PROCTOR: Elderly lady?

REEVES: Yeah..., I don't know, she was just a lady. They, there was a vacant spot...she could've seen something....

PROCTOR: Uh huh,

REEVES: ...my wife was, was uh was sitting right next to me...

PROCTOR: Okay...

REEVES: ...uh she should have, I mean I don't, I don't know what she was doing, but she, she was right there and then there was a space where we left for my son, and then there was some other people sitting there. And uh... when, when I, yeah, I said something to them when I left to go tell the manager about the cell phone..

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KOENIG: And we're, we're talking to everybody, just to try to get a...

REEVES: Oh, I know that, yeah, you talk to everybody before you talk to me...

KOENIG: You, you've handled these kind of cases before, what would you expect us to do, what would you do if you were in our situation?

REEVES: Aw man, well. Let me put it this way, if I wasn't afraid of getting hurt or beaten up, it woulda nev.. I would never pulled the pistol first of all. And I trained cops when I was on the PD, I actually trained Hillsborough County, a lot of those guys. I would uh, a, a lot of things... are different. You, you, when you're in law enforcement, you have coverage if this happens, and what I tell people is... if this ever happens to you, even if you're 1000 percent right and the other people are 1000 percent wrong..., it's still not a healthy thing to get involved in..... that you shouldn't be doing it. So, I was in training for years, and that's... and I, I still hang around with a bunch of retired SWAT guys, I was a SWAT Team Commander for 15 years and uh, I still hang around with a bunch of those guys, and we thought we were King Kong for, for a long time. And as it turns out as you get older, you end up with all the injuries that you thought had gone away come back. So were a bunch of cripples now, I guess you could say. We laugh when we call each other that.

PROCTOR: You're not intoxicated or anything like that right, you know, you know what's going on here?

REEVES: I don't drink I don't take uh drugs.. uh, I, I drank part of a cold drink and I was eating popcorn when the guy jumped up and turned around, so should be popcorn all over the place in front of where I was sitting, because that went by the wayside, almost immediately.

PROCTOR: How did that end up by the wayside?

REEVES: I'm not sure, I'm not sure.. if I dropped it, or if he knocked it out of my hand, I don't know...

PROCTOR: Okay.

REEVES: All I, all I remember is... after I shot him, after I shot him, I laid the pistol on my, on my uh, on my leg,

PROCTOR: Mhmm.

REEVES: ...put my glass, glasses back on...

PROCTOR: Mhmm.

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REEVES: ...and a young man came over and said he was a Sumter county deputy...

PROCTOR: Right.

REEVES: ...and I handed my pistol. I said here, here's the pistol and I said it's got one in the chamber.

PROCTOR: Okay.

REEVES: ...and then I straightened out my glasses.. uh, I saw the popcorn on the floor, I saw a cell phone right in front of me... I, I thought it was mine, but apparently it was his.. and I'm thinking that's kind of what hit me.

PROCTOR: Okay.

KOENIG: What kind of gun is it?

REEVES: It's a Keltec 380.

KOENIG: What kind of bullets were in it? I know that's something we're gonna find out anyway...

REEVES: It's a, wait a minute, it's a thunderball made by uh... made by...uh... I forget now. It's some good stuff.

KOENIG: And you only shot once?

REEVES: Right.

KOENIG: Can you go back to that question I asked you, what, what would you expect us to do?

REEVES: Well, I, I would expect you to.... And I hate this term, because I've been reading the damn news... I was defending myself. Shit..... It don't make it any easier for me to accept it, but that's what I was doing. I was defending myself from what I thought was going to be some serious injuries. The guy was very aggressive, considerably younger, uh...

KOENIG: Ye, If this guy died, you think it was worth or

REEVES: Hey man noth...

KOENIG: ...or your actions.. noth, nothing's worth it...

REEVES: ...nothing's worth it...

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KOENIG: ...but you, do you think the actions you took were, could have been elevated up to take his life?

REEVES: I would like to say no. I would hope that the answer to that question would be no. But unfortunately.... it's yes. I felt... I mean I get a bruise on my arm it takes... shit... two months to heal. I couldn't take an ass whipping. I gotta problem with my right eye, the guy hit me in the left side and I'm thinking oh shit. I don't want to be blind, I don't want to be any of those other things as I get older.

PROCTOR: Alright.

REEVES: I haven't been scared by that many people. Since I've been retired, nobody has ever scared me. This guy scared the shit out of me.

PROCTOR: okay

KOENIG: ... and how old would you say you thought he was, I know...

REEVES: Oh, I don't...

KOENIG: Detective Proctor asked you that, in his 40s, 50s, 30s?

REEVES: I'm gonna say 35 to 40 I guess....

KOENIG: ...and how old did you say you are?

REEVES: 71

KOENIG: And I, I missed a part, can, can I get your first and last name? I don't need all your information..

PROCTOR: Curtis Reeves.

REEVES: Curtis, C-U-R-T-I-S.

KOENIG: R-E-V-E-S?

REEVES: R-E-E-V-E-S.

PROCTOR: Alright sir. What else Todd?

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KOENIG: (inaudible). I think what we need to do is just talk to them and...

PROCTOR: Curtis, we're gonna have some people come out, and we're gonna do GSR on you, we're take photographs, photograph any injuries, things like that...

REEVES: What's GSR?

PROCTOR: Gunshot residue.

REEVES: Sure.

PROCTOR: Alright.. photograph you, things like that. We'll take it one step at a time. Alright?

REEVES: Sure.

PROCTOR: Got any question of me?

REEVES: I guess not.

KOENIG: Let me get....

PROCTOR: Get, get uh...

REEVES: Uh, well.. do this, do this, do this too. Hey, before you leave. Get all the questions you want, because if you scare the shit out of me, I'm gonna have to get an attorney, you know what I mean....

KOENIG: We know that.

PROCTOR: Well, believe me, you, you know the system as well as we do.

REEVES: I know the system 20 years ago..

PROCTOR: Yeah.

KOENIG: You understand what we're trying, what we're doing our job...

REEVES: I...

KOENIG:and, and you know what, we haven't decided what we are gonna do, but if we, we go talk to them

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and if everything verifies both ways then we'll do what, what we thinks fair and..

REEVES: Who's them?

KOENIG: ... we thinks right.... all the witnesses...

REEVES: Oh, okay. Oh, you guys have already talked to the witnesses, you gotta talk to the state attorney right?

PROCTOR: We've, we've talked, I've talked to two witnesses...

REEVES: Oh really?

PROCTOR: Yeah, that's all I've talked to ..

REEVES: Have you talked to my wife?

PROCTOR: No, I haven't. I will talk to her. We'll go one step at a time, alright?

REEVES: She's got, like I said, she, bless her heart, she's the sweetest thing on earth. I don't deserve her. She could never, ever, ever justify this anywhere. She'll probably tell you that.

KOENIG: (inaudible)...

REEVES: ...She made a comment to me that....

KOENIG: Hey Travis...

REEVES:if I can remember what it was...it was like, what, what was that, or...

PROCTOR: Right.

REEVES: ..why'd you do that or...

PROCTOR: I understand.... Well I think that uh..... take it one step at a time..... Alright? This is Sue Miller here. She's a forensic tech. She'll get you all photographed up.

REEVES: Well about the only thing their gonna... I don't know, they looked, the, the rescue guys looked at me. I feel like I got something in my left eye, it's still watering a bit.

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PROCTOR: I don't see anything in there, but....

REEVES: No, they uh...

PROCTOR: Do you see anything?

REEVES: No, they wouldn't they rinsed it out, I was kind of pushing on it to try to get it out, and I think it's right here on the corner, it might just be a scratch or.... That's, that's where (inaudible)...

PROCTOR: I got you..

KOENIG: Hey Allen....

PROCTOR: Yeah.

KOENIG: We have helicopters everywhere. Know what, if you want to pull up here...

PROCTOR: Pull up where?

KOENIG: Like up here where's he's going, there's an empty theater, and we just walk right inside there.... and then get out of the way of all these helicopters... Right over there is the number 11 door, between these two cars, right there....

PROCTOR: Good enough. Here we go. Wait a second, the media's right there too damn it.

KOENIG: If you want to pull right up on the grass, I don't blame you.

PROCTOR: Of course they've already shot us from back there, I didn't realize they were standing there. They've got cameras 15 miles long, you know how that crap works.

REEVES: They probably already know who I am....

PROCTOR: I love being a cop.

KOENIG: To the next one Allen..

REEVES: I did too.

Interview concluded at 01/13/14 at 1540 hours.