

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.

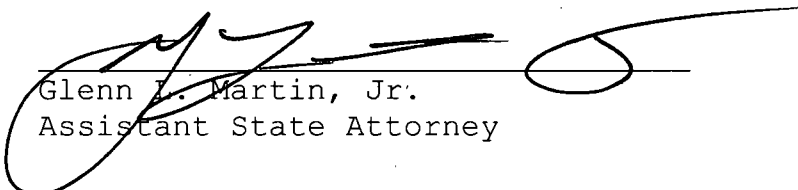
CURTIS JUDSON REEVES

2020 NOV 19 PM 2:22
NINA A. ...
CLERK OF CIRCUIT COURT
PASCO COUNTY, FLORIDA

NOTICE OF FILING OF TRANSCRIPT

COMES NOW the State of Florida, by and through undersigned counsel, filing this notice which includes an excerpt from the immunity hearing in the above-styled cause, to wit: Opening Statement by the State.

Respectfully submitted,

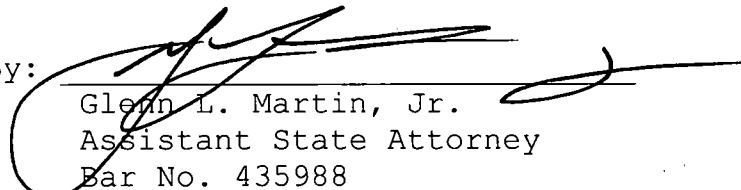


Glenn L. Martin, Jr.
Assistant State Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that true and correct copy of the foregoing 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 17 day of November, 2020.

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1 IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT OF
2 THE STATE FLORIDA, IN AND FOR PASCO COUNTY
3 CASE NO. CRC14-00216CFAES

4 STATE OF FLORIDA,

5 Plaintiff,

6 vs.

7 CURTIS J. REEVES,

8 Defendant.

9 _____/

10
11 PROCEEDINGS: Excerpt of Hearing
12 State's Opening Statement

13 BEFORE: THE HONORABLE SUSAN BARTHLE
14 Circuit Court Judge

15 DATE: February 20, 2017

16 PLACE: Robert D. Sumner Judicial Center
17 38053 Live Oak Avenue
18 Dade City, FL 33525

19 TRANSCRIBED BY: Charlene M. Eannel, RPR
20 Registered Professional Reporter
21 Notary Public
22 State of Florida at Large

23 Pages 1 - 12

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

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P-R-O-C-E-E-D-I-N-G-S

1
2 THE COURT: Thank you, Mr. Michaels.

3 State?

4 MR. MARTIN: Counsel. On January 13th, 2014, it
5 was a date day. It was a date day for Nicole and
6 Chad Oulson. They also had children, one, a small
7 daughter that's in daycare. And on that particular
8 day they took it upon themselves to take her to the
9 daycare and drop her off. And then they went to the
10 mall, had some quality time together as husband and
11 wife, and they decided to go to the movies.

12 It is one of the first times that they agreed on
13 a particular movie they both wanted to see -- Lone
14 Survivor. And I believe what you will hear from the
15 testimony of the witnesses that even though
16 Ms. Oulson doesn't know exactly when Mr. Reeves
17 arrived in the theater and sat directly behind them,
18 they were there first. They settled in. They were
19 eating popcorn. At some point, Chad Oulson left and
20 got some Twizzlers and maybe another Coke.

21 Chad Oulson does have a cell phone. He had it
22 in the theater. He had the cell phone on. Now, what
23 is significant is the timing. Now, you will be able
24 to see during the theater view exactly the lighting
25 conditions in the theater. It will be set up with

1 the house lights and you will hear the term "mid
2 one." That's the light setting so people can walk
3 into the theater so that they don't fall down and
4 trip over each other trying to get to their seat. It
5 is not the very dark lighting that you would
6 anticipate for the feature movie.

7 So what happens during the time period when the
8 feature -- when the trailers are on and when we have
9 a house level at a setting where people can see their
10 movements and where they're going, people are
11 talking, people are coming in and disturbing everyone
12 while they're getting to their seats as the trailers
13 are going on.

14 Mr. Oulson is, in fact, using his phone in some
15 fashion. There won't be any testimony that he was
16 talking on it, but the screen was illuminated.

17 Now, at some point, Mr. Reeves does take his
18 seat behind Nicole. Now, I believe what you're going
19 to hear from the testimony is that Chad Oulson was
20 sitting in his seat and Nicole Oulson was to his
21 left. Now, the seats in the theater are just a
22 little bit -- not right behind each other, but a
23 little bit off to the side for viewing purposes, but
24 for the purposes of me explaining it to you,
25 Mr. Reeves was seated behind Mrs. Oulson and

1 Mrs. Reeves was behind Mr. Oulson.

2 At some point in time while the trailers are
3 playing, while people are still walking in, while
4 people are still stepping over one another getting to
5 their seats, while other people are still talking
6 among themselves, Mr. Oulson has his phone out and he
7 is doing whatever. You don't hear in the testimony
8 what he is doing.

9 It is for some reason that Mr. Reeves takes an
10 exception to the light of an iPhone being displayed
11 while the trailers are being played. And it's at
12 this point that Mr. Reeves has a nonconsensual
13 contact with Mr. Oulson, not once, not twice, but
14 more than likely three times, but at least twice.

15 And during that time period he leans over
16 significantly into Mr. Oulson's space and asks him to
17 turn off the phone. I'm not going to try to tell you
18 what the witnesses are going to say about the
19 demeanor, how it was said, or what words were said.
20 You will hear that during the testimony.

21 But suffice it to say, that Mr. Oulson took
22 exception to that nonconsensual contact. He wanted
23 Mr. Reeves to just leave him alone. Mr. Reeves then
24 took it upon himself, after the at least two contacts
25 with Mr. Oulson to then leave and go complain to the

1 manager.

2 What Mr. Michaels didn't tell you in his
3 scenario is that when Mr. Reeves came back and walked
4 behind Mr. Oulson, he did not see the phone.
5 Whatever was disturbing Mr. Reeves to the point that
6 he felt that he had to have this nonconsensual
7 contact with Mr. Oulson not once, but not twice,
8 whatever was going on that was so significant to
9 Mr. Reeves that he felt that he had to get up out of
10 his seat and miss the previews, that the light in his
11 eyes were disturbing that he couldn't watch, he went
12 and complained to the manager, and when he came back,
13 that was over. The phone was out of the way.

14 Mr. Reeves told that to law enforcement. As
15 he's walking back, sitting down, he did not see the
16 phone. Now, whether or not it was an apology or what
17 statements were made, you will hear from the
18 witnesses how Mr. Reeves then rekindled that contact
19 with Mr. Oulson. Knowing that Mr. Oulson was taking
20 exceptions to the nonconsensual contact to start
21 with, he rekindled it. He said words to the fact,
22 Hey, I see you put your phone away. Whatever. You
23 will hear it from the witnesses.

24 You're going to hear the witnesses through
25 Nicole Oulson and some of the other witnesses that

1 observed certain snapshots in time. You're sitting
2 in the movie theater and the witness will tell you,
3 we were watching the previews. We could see what was
4 going on between these two guys. Maybe we wanted to
5 look, maybe we didn't. But every time they looked
6 over, they saw a snapshot in time of what occurred.

7 And each of the witnesses have various different
8 snapshots that they saw and it's for us to try to
9 figure out, can we put that together for some type of
10 meaningful event that took place so we could make a
11 decision in this case?

12 But the bottom line is, is that after that
13 comment you will see in the video, Mr. Reeves leaning
14 forward again. So this is the second time after he
15 comes back from the manager, then he makes the
16 nonconsensual contact with Mr. Oulson after the event
17 that he complained about was over.

18 You'll be able to see through the video and the
19 video is also snippets of events. It is a motion
20 sensor camera. There is some no recording, sometimes
21 for a second, sometimes for five seconds. But you
22 have to keep that in mind as you watch the video so
23 that you could discern and put proper meaning to the
24 content of what you see the participants in the video
25 doing.

1 But it's at that point that, again, Mr. Reeves
2 the protagonist, the nonconsensual contact with
3 Mr. Oulson again makes contact and Mr. Oulson
4 responds. Now, what you're going to see in the video
5 is that there is a grabbing of the popcorn. There's
6 a hand that comes in. It comes back out. The
7 popcorn is tossed. The popcorn lands in the area of
8 Mr. Reeves. And the hand comes back.

9 And what you're going to see when you start
10 sequencing the event is that as Mr. Oulson brings his
11 hand back from tossing the popcorn, that
12 Mr. Reeves is in the process of drawing his pistol.
13 It is at that point that after Mr. Oulson is
14 retreating from the immediate area of Mr. Reeves, he
15 is no longer in his face. He is in his side of the
16 aisle, Mr. Reeves is pulling his firearm from his
17 pants pocket. He is leaning forward. He presses
18 that firearm towards the area of Mr. Oulson and
19 shoots him right in the chest in the area of the
20 heart just above the nipple line.

21 The significance of that, Judge, is what you're
22 going to hear from the witnesses is that prior to the
23 shot being fired, Mr. Reeves said, "Throw popcorn on
24 me, will you?" Bang.

25 When we talk about self-defense, when we talk

1 about stand your ground, the Court is well aware that
2 what we're talking about is, is it reasonable? Would
3 a reasonable person believe under the circumstances
4 knowing what Mr. Reeves knows, was it reasonable and
5 necessary? Was it reasonably necessary to prevent
6 immediate great bodily harm, death, or a forceable
7 felony.

8 If I can use the analogy of Goldie Locks, too
9 hot, just right, too cold. When we talk about stand
10 your ground, it has to be just right. It is to
11 prevent. Once the popcorn is grabbed, once the
12 popcorn is tossed, that is over. He can't prevent
13 that by shooting Mr. Oulson.

14 As Mr. Oulson is coming back in a submissive
15 nonaggressive stance with his hand coming back
16 towards him, it is Mr. Reeves who made a decision
17 that it was too late. By his own statement he knew
18 that the popcorn had hit him in the face. By his own
19 statement, he says, Throw popcorn in my face, will
20 you? His conduct is nothing but retaliation for the
21 very embarrassing act of having popcorn thrown on a
22 former police officer who is used to having people do
23 what he says.

24 It's a sad situation. It's very sad. Was he
25 scared? Yes. The Court is well aware that being

1 scared doesn't make it reasonable. You have to look
2 at the timing of the threat. Was there anything from
3 Mr. Reeves to prevent after the tossing of the
4 popcorn? What was it that was taking place? It
5 can't be an assumption, Well, I got popcorn tossed on
6 me, a bag of fluffy popcorn is now on my body. Then
7 the next thing that has to occur is, This guy is
8 coming over the seat and he is going to pound the
9 crap out of me. That's the assumption that can't be
10 made. You have to look at exactly what the actions
11 of Mr. Oulson were.

12 So when we look at this case and when you hear
13 the witnesses and the cross and the testimony that is
14 going to be put on, I think you'll be able to see
15 that first there was no cell phone thrown. I think
16 that's going to be clear once you hear all the
17 testimony. It wasn't thrown. There is no injury
18 consistent with Mr. Oulson's face. There's a small
19 possibly abrasion on his eyelid underneath his
20 glasses. There is nothing to indicate that a cell
21 phone was thrown and hit him in the face.

22 And through the other testimony and the expert
23 testimony, I think that will be clear. What you have
24 is the grabbing and tossing of popcorn and
25 retaliation by Mr. Reeves of shooting of Mr. Oulson.

1 It's the retaliation. Applying the Goldie Locks
2 rule, he was too late. What he did was after
3 everything occurred and there was nothing to prevent
4 and under that circumstance, Mr. Reeves is not
5 entitled to immunity. Thank you.

6 (Opening statement was concluded.)

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1 CERTIFICATE OF REPORTER

2 STATE OF FLORIDA)

3 COUNTY OF PINELLAS)
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5 I, Charlene M. Eannel, RPR, Stenograph Court
6 Reporter, certify that I was authorized to and did
7 stenographically report the foregoing proceedings and that
8 the transcript, pages 1 through 12, is a true record of my
9 stenographic notes.

10 I further certify that I am not a relative,
11 employee, attorney, or counsel of any of the parties, nor
12 am I a relative or employee of any of the parties'
13 attorney or counsel connected with the action, nor am I
14 financially interested in the action.

15 DATED this 2nd day of October, 2020.
16
17

18 /s/ Charlene M. Eannel, RPR
19 CHARLENE M. EANNEL, RPR
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