

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

STATE OF FLORIDA,  
Plaintiff,

v.

CURTIS J. REEVES,  
Defendant.

Case No.: CRC-1400216CFAES

Division: 1

**DEFENDANT'S RESPONSE TO STATE'S DAUBERT MOTION TO EXCLUDE  
THE TESTIMONY OF DEFENSE EXPERT DR. ROY BEDARD, PH.D.**

COMES NOW, Defendant, CURTIS J. REEVES, by and through his undersigned counsel, and submits the following Response to State's Daubert Motion to Exclude the Testimony of Defense Expert Dr. Roy Bedard, Ph.D. ("State's Motion") and states as follows:

Dr. Bedard's testimony is relevant, reliable, sufficiently tied to the facts of the case, and helpful to the jury and is therefore admissible. *See Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993). Dr. Bedard's testimony is critical for the jury, in its duty to weigh the evidence, in order to understand the circumstances that led the Defendant to invoke his statutory right to self-defense and apply the justifiable use of deadly force to avoid the imminent threat of great bodily harm or death that was perpetrated upon him. Dr. Bedard's testimony is crucial to Defendant's case and his Constitutional right to receive a fair trial. U.S. Const. amend. VI; Fla. Const. art. I, sect. 22.

**JUSTIFIABLE USE OF DEADLY FORCE – EXPERT TESTIMONY**

In the United States, it is universally understood that all persons have the right to protect themselves against an imminent threat of great bodily harm or death. In Florida, this right is

codified in Florida Statutes § 776.012(2) and § 782.02.

Fla. Stat. 776.012(2)

Use or threatened use of force in defense of person—A person is justified in using or threatening to use deadly force if he or she reasonably believes that using or threatening to use such force is necessary to prevent imminent death or great bodily harm to himself or herself or another or to prevent the imminent commission of a forcible felony. A person who uses or threatens to use deadly force in accordance with this subsection does not have a duty to retreat and has the right to stand his or her ground if the person using or threatening to use the deadly force is not engaged in a criminal activity and is in a place where he or she has a right to be.

Fla. Stat. 782.02

Justifiable use of deadly force—The use of deadly force is justifiable when a person is resisting any attempt to murder such person or to commit any felony upon him or her or upon or in any dwelling house in which such person shall be.

The use of force statutes clearly authorize a person to use deadly force to prevent imminent death or great bodily harm from ever happening. The Florida Legislature did not intend that a person wait to be harmed before acting in his or her own defense. Specifically, the clear language of Fla. Stat. 782.02 legally authorizes a person to use deadly force in order to prevent any felony from being perpetrated against him or her.

Several factors are taken into consideration when analyzing whether a person has acted reasonably in his or her belief that deadly force was necessary. Courts will look at who was the initial aggressor, *see Craven v. State*, 285 So.3d 365 (Fla. 1st DCA 2019); *see also D.M.L. v. State*, 773 So.2d 1216 (Fla. 3d DCA 2000) (distinguished on other grounds by *K.S.H. v. State*, 56 So.3d 122 (Fla. 3d DCA 2011)), whether there were overt acts which reasonably indicated a need for a defendant to take action, *see Wilson v. State*, 971 So.2d 963 (Fla. 4th DCA 2008), and state of mind of the defendant. *Robbins v. State*, 891 So.2d 1102, 1108 (Fla. 5th DCA 2004) (reversible

error for due process denial of expert witness to opine on defendant's state of mind; "perception and state of mind at the time he shot the victim are the foundation of his theory of self-defense") (distinguished on other grounds by *Diaz v. State*, 958 So.2d 377 (Fla. 3d DCA 2007)).

For the jury to determine the reasonableness element of the Defendant's use of force to prevent the commission of a felony upon his person, the jury must understand what was reasonable to a person "*situated as [the Defendant] was and knowing what he knew.*" See *Toledo v. State*, 452 So.2d 661, 662-63 (Fla. 3d DCA 1984) (quoting *People v. Moody*, 62 Cal.App.2d 18 (1943)). Dr. Bedard will explain that as a trained law enforcement officer, the Defendant was extensively trained in the cues of predictability and indicators of threat of harm or death. It is unjust and contrary to law for the jury to disregard or not have information that the Defendant was trained in the use of force. To not allow expert testimony regarding Defendant's training as it goes to his state of mind when assessing a threat would be patently unfair and a denial of Due Process. See *Robbins* 891 So.2d at 1104.

Expert testimony is routinely employed in the legal system where a determination turns on understanding an issue or fact outside the realm of understanding of the average juror. The Federal Rules of Evidence and interpretations provide persuasive authority for interpreting the counterpart provisions of the Florida Evidence Code. See *Sikes v. Seaboard Coast Line R. Co.*, 429 So.2d 1216, 1221 (Fla. 1st DCA 1983).

Federal courts have upheld expert testimony on the use of force. The Eleventh Circuit Court of Appeals held no error of expert testimony that included the witness's opinion that a person in a hypothetical question reacted reasonably and in line with the prevailing standards of law enforcement. See *Samples v. U.S.*, 916 F.2d 1548, 1551 (11th Cir. 1990). The Fourth Circuit Court

of Appeals ruled it was abuse of discretion not to allow expert testimony in a use of force case and stated that the proper determination is whether the testimony will assist the jury:

The facts of every case will determine whether expert testimony would assist the jury. Where force is reduced to its most primitive form—the bare hands—expert testimony might not be helpful. Add handcuffs, a gun, a slapjack, mace, or some other tool, and the jury may start to ask itself: what is mace? **what is an officer's training on using a gun?** how much damage can a slapjack do? Answering these questions may often be assisted by expert testimony.

*Kopf v. Skyrms*, 993 F.2d 374, 378-79 (4th Cir. 1993) (emphasis added).

In an excessive use of force case, the United States District Court for the Northern District of Illinois answered the “more difficult question [of] whether the defense experts in this case ought to be allowed to testify that a defendant acted ‘reasonably’ and ‘appropriately.’ ” *Richman v. Sheahan*, 415 F.Supp. 2d 929, 946 (N.D. Ill. 2006). In determining that the expert’s opinions that “the defendant’s ‘used only that force that was reasonably necessary’ ” the court held that “his opinion on this ultimate issue is precisely the kind that Rule 704 allows. The opinion that the defendants used reasonable force is not, under the circumstances of this case, an impermissible legal conclusion.” *Id.* at 949. The United States District Court for the Western District of Missouri, similarly held that expert testimony on “unreasonableness” and the conclusion that the action in question was “excessive force” was acceptable and “[did] not constitute an impermissible legal conclusion” and the court denied a motion to strike the testimony. *Cothran v. Russell*, No. 2:17-cv-04012, 2019 WL 913119 (W.D. Mo. Feb. 25, 2019).

The United States Court of Appeals for the Seventh Circuit held that the district court did not abuse its discretion in admitting what the appellant called “an opinion on the ultimate issue of reasonable force.” *Cacciola v. McFall*, 561 Fed.Appx. 535 (7th Cir. 2014). “[Appellant] is

incorrect. First, '[a]n opinion is not objectionable just because it embraces an ultimate issue' to be decided by the jury. Fed. R. Evid. 704(a)." *Id.* at 538.

Testimony as to the use of force has been upheld on appeal in Florida courts as well. In a second-degree murder case, the Fourth District Court held that testimony from a law enforcement officer was admissible where the witness's testimony specifically regarded his use of force investigation and reasonableness of the amount of force used. *Fuentes v. State*, 613 So.2d 481 (Fla. 4th DCA 1992) ("The investigating officer's testimony, however, was limited to his investigation and to the reasonableness of the amount of force used during the arrest."). In another case of second-degree murder, the Fifth District Court of Appeal reversed and remanded for a new trial where a defendant was denied an expert to determine his state of mind at the time of the offense, stating that "perception and state of mind at the time [the defendant] shot the victim are the foundation of his theory of self-defense." *Robbins*, 891 So.2d at 1108 ("[Defendant] never denied that he shot the victim; his entire defense was that he did so out of necessity in order to preserve his own life or to prevent great bodily harm to himself").

The average juror is unfamiliar with the cues and predictability indicators employed in law enforcement use-of-force training nationwide. It is imperative that the jury hear Dr. Bedard's testimony to understand the Defendant's state of mind and thereby properly assess the reasonableness of his actions in order for the Defendant to receive a fair trial.

#### EVENTS OF JANUARY 13, 2014

The Defendant, Curtis Reeves aged seventy-one (71), and his wife, Vivian Reeves aged sixty-seven (67), decided to see a mid-day matinee movie on January 13, 2014. They went to the Cobb Grove 16 cineplex in Wesley Chapel, Pasco County, Florida with the intention of meeting

their son, Matthew Reeves. The family had planned to see the film *Lone Survivor*. Mr. Reeves purchased tickets for his wife and himself and the couple then proceeded to the snack counter where Mr. Reeves purchased a bag of popcorn and a beverage.

Mr. and Mrs. Reeves arrived before Matthew. After purchasing snacks and a stop at the restroom, the couple then proceeded to Theater 10. Looking for an unoccupied area that could accommodate the family of three, the couple decided on the last row of the bottom section of the theater. Behind this last row is a wall that serves as the base for the next tier of seats. The couple sat in the middle of this last row, Mr. Reeves seated on the left and Mrs. Reeves at his right. Mr. Reeves quickly sent out a text message to the couple's son to let him know where they were located inside Theater 10.

In the row directly in front of Mr. and Mrs. Reeves sat Chad Oulson and his wife Nicole Oulson. Mr. Oulson was forty-three years old (43), six foot four inches (6'4") tall and weighed over two hundred pounds. Mr. Oulson was much younger than the then seventy-one-year-old (71) Mr. Reeves and was also much taller than Mr. Reeves.

The Oulsons were strangers to Mr. and Mrs. Reeves. They had never met nor spoken before January 13, 2014. Mr. Oulson was in the seat directly in front of Mrs. Reeves and Mrs. Oulson was directly in front of Mr. Reeves.

After Mr. and Mrs. Reeves sat down and Mr. Reeves had texted his son and put his phone away, the lights were dimmed, causing the interior of the theater to become dark. The announcement asking patrons to refrain from using their electronic devices was clearly displayed on the theater screen. Signs asking patrons not to use their phones during the movie were also prominently displayed throughout the theater lobby.

While Mr. Reeves watched the previews, he noticed a light shining in his face. That light was emanating from Mr. Oulson's cell phone. Mr. Reeves then politely asked Mr. Oulson to put his phone away. Mr. Oulson's response to this reasonable request was to begin hurling obscenities at the elderly Mr. Reeves.

Mr. Reeves decided he would inform a theater employee about the aggressive theater patron's furious and erratic response to the request to put away his phone. Mr. Reeves stood, handed his popcorn to his wife, and proceeded down the row, through the aisle and exited the theater. Once he reached the service desk, Mr. Reeves patiently waited while another theater patron finished speaking to the attending theater employee. When they were finished speaking, Mr. Reeves calmly and respectfully relayed to the employee the events that had just transpired: the man seated in front of him had loudly berated him with obscenities for his simple request to put his phone away. Mr. Reeves displayed no signs of irritability or anger while speaking to the employee. After informing the employee about the irrationally irate and belligerent patron, Mr. Reeves walked back toward Theater 10. As he walked down the row of the theater, he had to place his hands on the theater chair backs to steady himself and maintain his balance. Mr. Reeves was respectful and polite to the other seated patrons as he passed in front of them.

When he reached the last row, Mr. Reeves could no longer see a light coming from Mr. Oulson's phone. Mr. Reeves took his seat, retrieved his popcorn from his wife, and settled in to watch the film. Immediately after Mr. Reeves returned, Mr. Oulson stood and turned around to face Mr. Reeves. Mr. Oulson loomed over Mr. Reeves and again screamed a barrage of obscenities, including threats to harm the elderly Mr. Reeves. Mr. Oulson had assumed an aggressive posture as the six-foot four-inch-tall (6'4") man leaned over the back of his seat as he aggressively came

toward Mr. Reeves. Mr. Reeves remained in his seat and as such had to look up at Mr. Oulson. Mr. Reeves leaned back in his seat in an effort to distance himself from Mr. Oulson who was screaming in his face.

Mr. Oulson then escalated his already irrational behavior into a violent attack. Mr. Reeves saw the blur of light and immediately felt a blunt object forcefully hit his face. Mr. Reeves was unsure if he was hit in the face with Mr. Oulson's phone or with his fist. Mr. Reeves's glasses were knocked to one side of his face. The elderly Mr. Reeves was instantly stunned by the impact and experienced sharp pain from the blow. Mr. Reeves was instantaneously filled with intense fear at Mr. Oulson's savage and irrational assault. In an attempt to protect himself and distance himself from the threat of further injury, Mr. Reeves pushed himself back in his seat with his arms and his feet as Mr. Oulson continued his barrage of obscenities and threats.

During this time, movie trailers were playing loudly in surround sound. The Defendant's investigation determined that movie trailers for the films *Sabotage* and *Robocop* were aired during this time. *Sabotage* is rated "R" by the Motion Picture Association for, among other things, "strong bloody violence." [www.imdb.com/title/tt1742334](http://www.imdb.com/title/tt1742334). A New York Times movie review of *Sabotage* was titled, "Carnage and Chaos, Heavy on the Gore." Manohla Dargis, The New York Times, Carnage and Chaos, Heavy on the Gore, March 27, 2014, <https://www.nytimes.com/2014/03/28/movies/arnold-schwarzenegger-is-backin11sabotage.html>. *Robocop* earned a "PG-13" rating for, among other things, "intense sequences of action including frenetic gun violence throughout." [Filmratings.com](http://www.filmratings.com), <https://www.filmratings.com/Search?filmTitle=robocop&x=0&y=0> (last visited August 25, 2020). Mr. Oulson's tirade of obscenities and threats could be heard by theater patrons over these



movie trailers.

The theater was dark with the only light coming from the movie screen. Mr. Reeves had no way to retreat as there was a retainer style wall directly behind his seat and to get up would necessarily mean coming closer to his attacker.

Mr. Reeves could not and did not understand why the taller, younger Mr. Oulson was verbally and physically attacking him in an explosive manner. Mr. Reeves, who was seventy-one at the time, had attended movie theater shows since his youth in the 1940's and had never encountered someone who acted so erratically and violently towards anyone in what is typically a peaceful setting. Mr. Oulson was out of control. This experience was terrifying and nonsensical that a complete stranger would attack an elderly man both verbally and physically over the request to put away a phone.

Over the next few seconds, Mr. Oulson continued his attack on Mr. Reeves, and continued to lean over his seat. Mr. Reeves could see that Mrs. Oulson was struggling to restrain her husband, to no avail, as Mr. Oulson continued to advance on the elderly Mr. Reeves. Mr. Reeves perceived Mr. Oulson's arm extend into Mr. Reeves's space. Certain that he was about to be physically attacked again and fearing the irrationally escalating situation would result in serious bodily injury or even death, Mr. Reeves's training kicked in and he swiftly retrieved his legal firearm from his right front pants pocket. He fired a single shot.

That single shot penetrated Mr. Oulson's chest and he died instantly. Before entering Mr. Oulson's chest, however, the bullet first grazed Mr. Oulson's wrist then hit Mrs. Oulson's finger as she likely still had her hand on Mr. Oulson's chest in her attempt to hold her uncontrollable husband back. The medical examiner later concluded that Mr. Oulson's hand was in front of his

thorax (chest) at the time it was grazed. The back of Mr. Oulson's hand had stippling on it, which indicated it was close to the barrel of the gun when it was fired. This is consistent with Mr. Reeves account that Mr. Oulson was reaching out towards him in what Mr. Reeves reasonably perceived as an imminent threat of great bodily harm or death in the form of Mr. Oulson's fist coming toward him.

#### APPLICABLE LAW

In Florida, the “[e]xclusion of witness testimony...is a **drastic remedy that should be invoked only under the most compelling circumstances.**” *Rojas v. Rodriguez*, 185 So.3d 710, 711 (Fla. 3d DCA 2016) (emphasis added) citing *Clair v. Perry*, 66 So.3d 1078, 1080 (Fla. 4th DCA 2011), *see also In re Amends. to Fla. Evidence Code*, 210 So. 3d 1231, 1242-43 (Fla. 2017) (“[a] review of the caselaw after *Daubert* shows that the **rejection of expert testimony is the exception rather the rule.**”) (Polston, J. concurring in part and dissenting in part) (citing Fed. Rule 702 Advisory Committee Notes, 2000 Amendments) (superseded by Rule in *In re Amendments to Florida Evidence Code*, 278 So.3d 551 (Fla. 2019)). As such, the gatekeeping function of the court “is not intended to serve as a replacement for the adversary system: ‘vigorous cross-examination, presentation of contrary evidence, and careful instruction on the burden of proof are the traditional and appropriate means of attacking shaky but admissible evidence.’” *United States v. 14.38 Acres of Land, More or Less Sit. In Leflore County, Miss.*, 80 F.3d 1074, 1078 (5th Cir. 1996) (quoting *Daubert v. Merrell Dow Pharm., Inc.*, 509 U.S. 579, 596 (1993)). Therefore, even in situations with questionably admissible evidence, the court is not to extend its role as gatekeeper and usurp the trial process.

In 2019, the Florida Supreme Court adopted the *Daubert* standard to govern the

admissibility of expert testimony, thereby amending Florida Rules of Evidence §90.402 (testimony by experts) and §90.704 (basis of opinion testimony by experts). *In re: Amendments to the Florida Evidence Code*, 278 So.3d 551 (Fla. 2019), *see also Daubert*, 509 U.S. 579. The Court in *Daubert* overruled the use of the “generally accepted” (*Frye*) standard for admitting expert scientific testimony in a federal trial. *Daubert* at 579. The Court reasoned that the former antiquated standard was too strict and “a rigid ‘general acceptance’ requirement would be at odds with the ‘liberal thrust’ of the Federal Rules and their ‘general approach of relaxing the traditional barriers to ‘opinion’ testimony.’” *Id* at 588. The amended Florida Rules of Evidence read as follows:

Florida Rule of Evidence 90.702

Testimony by experts—If scientific, technical, or other specialized knowledge will assist the trier of fact in understanding the evidence or in determining a fact in issue, a witness qualified as an expert by knowledge, skill, experience, training, or education may testify about it in the form of an opinion or otherwise, if:

1. The testimony is based upon sufficient facts or data;
2. The testimony is the product of reliable principles and methods; and
3. The witness has applied the principles and methods reliably to the facts of the case.

Florida Rule of Evidence 90.704

Basis of opinion testimony by experts—The facts or data upon which an expert bases an opinion or inference may be those perceived by, or made known to, the expert at or before trial. If the facts or data are of a type reasonably relied upon by experts in the subject to support the opinion expressed, the facts or data need not be admissible in evidence. Facts or data that are otherwise inadmissible may not be disclosed to the jury by the proponent of the opinion or inference unless the court determines that their probative value in assisting the jury to evaluate the expert’s opinion substantially outweighs their prejudicial effect.

The preliminary inquiries into expert testimony begin with the witness and the subject matter. Rule “[90.702] requires the court to make two preliminary determinations: (1) whether the subject matter will assist the trier of fact in understanding the evidence or in determining a disputed

fact[] and (2) whether the witness is adequately qualified to express an opinion on the matter.” *State Farm Mut. Auto. Ins. v. Bowling*, 81 So.3d 538 (Fla. 2d DCA 2012) quoting *Chavez v. State*, 12 So.3d 199, 205 (Fla. 2009). An expert witness must be “qualified as an expert by knowledge, skill, experience, training, or education” in order to testify and if not met, the inquiry would necessarily stop there. *See* Fla. R. Evid. 90.702. A witness need not be certified in their respective field of expertise. *Anderson v. State*, 220 So. 3d 1133, 1143 (Fla. 2017). Nor is an expert required to be licensed, if applicable, in their respective field. *Vega v. State Farm Mut. Auto.*, 45 So.3d 43, 44 (Fla. 5th DCA 2010).

The Court in *Daubert* made clear that the primary objective of the court in its gatekeeping function regarding expert testimony is to ensure that admitted evidence is “not only relevant but reliable.” *Daubert*, at 589. Assisting the trier of fact in understanding the evidence or in determining a fact in issue “goes primarily to relevance.” *Id.* at 590. This concept of “helpfulness” in the relevancy inquiry includes determining that evidence is “sufficiently tied to the facts of the case.” *Id.* at 591, quoting *United States v. Downing*, 753 F.2d 1224, 1242 (3d Cir. 1985). In other words, the consideration is one of “fit” and “connection.” *Id.* at 591-92.

The inquiry into reliability necessarily “entails a preliminary assessment” of whether the reasoning or methodology behind the testimony is valid and of whether it can be properly applied to the facts in issue. *Daubert*, at 592-93. The Court gave some general guidelines but stopped short of establishing any bright-line rules regarding this determination. *Id.* at 593. The factors, as delineated by the Fourth District Court of Appeal are as follows: 1) Whether the theory can be or has been tested; 2) Whether the theory or technique has been subjected to peer review and publication; 3) The known or potential rate of error of a particular scientific technique, as well as

the existence of standards controlling the technique's operation; 4) General acceptance in the scientific community *Kemp v. State*, 280 So.3d 81, 89 (Fla. 4th DCA 2019). The Court specifically stated that these factors are not requirements but rather "general observations." *Daubert* at 593; *see also Kemp*, at 89. The Court also noted that the inquiry is a "flexible one" and is to be focused "solely on principles and methodology, not on the conclusions that they generate." *Id.* at 594-95.

Four years after *Daubert*, the issue of expert testimony reliability was before the Court in *Gen. Elec. Co. v. Joiner*, 522 U.S. 136 (1997). The Court, in applying an abuse of discretion standard, held that the District Court did not err in excluding the testimony of experts whose opinions regarding causation of cancer relied on animal studies that "were so dissimilar to the facts presented" to the court. *Id.* at 144. The Court further explained: "...[W]hether animal studies can ever be the foundation for an expert's opinion was not the issue. The issue was whether *these* experts' opinions were sufficiently supported by the animal studies on which they purported to rely." *Id.* This determination was made on the grounds that "no study demonstrated that adult mice developed cancer after being exposed to PCB's. One of the experts admitted that no study had demonstrated that PCB's led to cancer in any other species." *Id.* at 144.

A little over a year later, *Daubert* and its application were again before the Court. The Court held that *Daubert* applied not just to the reliability of scientific evidence, but to *all* expert testimony. *Kumho Tire Co., Ltd. V. Carmichael*, 526 U.S. 137, 147 (1999). "The language [of Rule 702] makes no relevant distinction between "scientific" knowledge and "technical" or "other specialized" knowledge. It makes clear that any such knowledge might become the subject of expert testimony." *Id.*

#### MR. REEVE'S LAW ENFORCEMENT TRAINING AND KNOWLEDGE

During Mr. Reeve's twenty-seven years of service with the Tampa Police Department, he learned of and became fluent with the principles of officer safety and survival and the use of force. He was first introduced to these principles and protocols in the 1960's, when he attended the police academy. While there, he received hundreds of hours of instruction and hands-on training in a wide range of topics including threat assessment, officer safety and survival, and the use of force. Later, Mr. Reeve's began pursuing and attending specialized law enforcement training exercises and seminars across the country. Many of these seminars and training programs were operated by governmental agencies such as the United States Army, Federal Bureau of Investigation ("FBI"), and the Florida Department of Law Enforcement. He also conducted research and independently studied law enforcement-related issues. These training programs and his independent studies enabled Mr. Reeves to both improve his ability to serve as a law enforcement officer and to bring home the information and training he learned to his fellow officers at the Tampa Police Department.

Mr. Reeves was a founding member of the Tampa Police Department's tactical response team ("TRT/SWAT team"). The TRT/SWAT team focused on recognizing imminent danger and responding appropriately while implementing the use of force protocols. The Defendant attended countless hours of specialized training courses in his development of the TRT/SWAT team, many of which specifically dealt with the skills necessary to recognize imminent danger of death or serious bodily injury in the line of duty and on the use of necessary force and officer survival. The Defendant learned to recognize factors that could impact a tactical response, such as lighting and noise conditions, physical abilities, facial expressions and body language, proximity, and reaction time. He served as co-commander of the TRT/SWAT team from 1976 to the early 1980's, and then

served as sole Commander until 1991. In implementing and supervising the TRT/SWAT team, the Defendant devoted himself to learning about issues relevant to tactical responses by attending specialized law enforcement training opportunities across the country as well as pursuing self-study in related fields.

Over his career, Mr. Reeves taught a broad range of subjects, but among the most important were those pertaining to officer safety and survival. These classes and training exercises related to identifying signs of danger, proper tactical responses, and close quarters physical confrontations. The officer safety and survival courses that Mr. Reeves taught highlighted the fact that violent suspects frequently use "personal weapons" against the officers: hands, feet, their head, or other body parts. By 1976, when Mr. Reeves assumed command of the TRT/SWAT team and was teaching at the police academy, he had personally investigated hundreds of violent crimes that were committed with "personal weapons." The injuries that he personally observed included a wide range of what one human being can do to another with their hands, fists, feet and other body parts, including, broken noses, black eyes, retinal detachments, contusions, orbital fractures, groin injuries appendage fractures, internal bleeding, concussions, and even death.

From 1983 to 1993, Mr. Reeves was extremely familiar with and personally trained in the procedures of use of force that were employed by law enforcement agencies across the country. After his retirement from the Tampa Police Department, Mr. Reeves went to work at Busch Gardens Tampa Bay theme park where he was hired as the Director of Security. He employed the same principles from his law enforcement background and continued his studies concerning safety, implementing them in the area of public relations and theme park management.

Dr. Bedard is Qualified to Testify as an Expert Witness

Dr. Bedard is qualified to testify as an expert witness in the use of force. It is the proponent's burden to elicit the background that qualifies the expert. *See GIW Southern Valve Co. v. Smith*, 471 So.2d 81, 83 (Fla. 2d DCA 1985), *see also Crump v. State*, 622 So.2d 963, 968 (Fla. 1993) (distinguished on other grounds by *Smithers v. State*, 826 So.2d 916 (Fla. 2002)).

Dr. Bedard holds the following opinions and is prepared to testify to:

- 1) The State Defensive Tactics Curriculum and State Instructor Curriculum (CMS) developed for the Florida Department of Law Enforcement (FDLE) which includes principles and protocols taught to law enforcement officers throughout the state from 1999 to 2003;
- 2) The State Defensive Tactics Curriculum and State Instructor Curriculum (CMSII) developed for the Florida Department of Law Enforcement (FDLE) which includes principles and protocols taught to law enforcement officer throughout the state from 2006 to 2009; and
- 3) Given the totality of the circumstances at the time of the January 13, 2014 shooting, a law enforcement officer situated in Mr. Reeves' shoes, knowing what he knew, would have been justified in using deadly force against Chad Oulson.

According to Dr. Bedard's curriculum vitae, attached to this Response as Exhibit A, he began his defensive skills training in 1979 in Okinawan Uechi-Ryu Karate and Kodokan Judo. In 1984, Dr. Bedard earned a spot on the United States Karate Team (USAKF) and competed internationally for over a decade. He was a top-seeded competitor in the US Men's heavyweight division from 1984 through 1999 and held second seed in the nation for three years in a row. He is a seventh-degree black belt in karate (rokudan) and holds the respected title of *Shihan* (master



teacher).

In 1986, Dr. Bedard began his law enforcement career. He served as a police officer in the City of Tallahassee until 1996. He retired from the Tallahassee Police Department in 2015, but continues to serve as an administrative reserve officer with the Tallahassee Community College Police Department. Dr. Bedard has developed training programs, which consist of a pragmatic blend of vocational application and academic theory and continue to be implemented for departmental use in the field. He continues to teach basic, advanced, and specialized courses in police departments, corrections institutes, and training academies throughout the world. In addition, Dr. Bedard writes policy for police agencies and has developed training curriculum for the largest private security provider in North America.

Dr. Bedard has worked as a private consultant and expert witness providing research and case preparation for police, corrections and private security. He consults to members of the community in self-defense techniques and applicable laws. Dr. Bedard makes use of his vast experience for the continued development of quality, defensible training programs. He has influenced training practices in numerous departments in the United States, Europe, Canada, Latin America, the Caribbean, and Asia. He continues to research new technology and new training methods to further develop the criminal justice field. As a result of his expertise, Dr. Bedard is regularly sourced by television, radio, and print news industries for expert advice, insight and consultation on media events involving police and corrections.

Dr. Bedard: knows the procedures and protocols used by the Florida Department of Law Enforcement regarding defensive tactics from 1999 to 2003 and from 2006 to 2009, knows that this curriculum was acceptable in the field and actually used by law enforcement agencies

throughout the state and elsewhere, and has considerable personal experience using those procedures in the field as a police officer and teaching these protocols as an instructor. His extensive knowledge and experience regarding these matters makes him qualified to opine as to when, and under what circumstances a law enforcement officer's use of deadly force is appropriate. *See* Fla. R. Evid. 90.702 (“... a witness qualified as an expert by knowledge, skill, experience, training or education”); *see also Chavez*, 12 So. 3d at 205-06 (“The witness must possess specialized knowledge concerning the discrete subject related to the expert opinion to be presented.”).

#### Dr. Bedard's Testimony Does Not Invade the Province of the Jury

Florida Statute 90.703 deals with opinions on the ultimate issue. It states as follows:

##### Florida Rule of Evidence 90.703

Opinion on Ultimate Issue —Testimony in the form of an opinion or inference otherwise admissible is not objectionable because it includes an ultimate issue to be decided by the trier of fact.

In other words, an opinion is not inadmissible just because it includes an ultimate issue that is to be decided by the trier of fact. Florida Statute 90.703 applies to expert as well as lay witness opinion. *Fino v. Nodine*, 646 So.2d 746, 749 (Fla. 4th DCA 1994).

Inadmissible ultimate opinions are those opinions that tell the jury how to decide a case. *Id.* The jury here will be tasked with deciding the Defendant's guilt or innocence. In making that decision, the jury must make a determination as to the element of reasonableness. Dr. Bedard's testimony will assist the jury in determining the reasonableness element for this specific Defendant in these circumstances to be applied to the ultimate determination of guilt or innocence. What Dr. Bedard's testimony does not do is tell the jury how to decide the case.

"Whether the testimony of the expert is a *permissible factual conclusion* or the

impermissible application of a legal standard or definition to a set of facts is sometimes a fine distinction involving a large measure of discretion in the trial judge." Ehrhardt, *Florida Evidence* (2019) at 902. It is crucial to understand this distinction. Reasonableness of the Defendant's actions is not a legal conclusion but rather an issue of fact as to be determined by the jury through the application of the specific facts of this case.

The State argues that this Court should exclude Dr. Bedard's expert testimony for a myriad of different reasons. Very recently, the Second District Court of Appeal issued a decision in *Drejka v. State*, 2021 WL 6130129 (Fla. 2d DCA Dec. 29, 2021). In that case, Mr. Drejka shot and killed a man during an argument over a parking space. *Drejka*, 2021 WL 6130129 at \*1. A surveillance video captured the shooting and the entire incident, from initial confrontation to the shooting, lasted approximately eleven seconds. *Id.* at \*2. Mr. Drejka gave an interview with detectives and, throughout the interview, used tactical terminology. *Id.* At trial, Mr. Drejka made an argument that the shooting was in self-defense. *Id.* at \*1. Notably, **the State** called Dr. Bedard to testify "as an expert witness on use of force and defensive tactics." *Id.* at \*3 (emphasis added). The Second District Court summarized portions of Dr. Bedard's testimony utilized by the State:

**Dr. Bedard testified that he reviewed Mr. Drejka's interview with detectives.** Mr. Drejka's use of "jargon police talk" caught his attention. For example, Dr. Bedard testified that Mr. Drejka used the term "force multiplier," a military term, incorrectly, and probably meant "force continuum." *See generally Coit v. City of Philadelphia*, No. 08-4744, 2010 WL 1946911, at \*1 (E.D. Pa. May 11, 2010) ("[Police Officer's deposition testimony] described force continuum training as steps an officer is supposed to take in escalating order of severity to defend himself while doing his job: police presence, verbal commands, control holds, and physical force, including deadly force.").

Dr. Bedard then explained the "21-foot-rule," a police concept about how fast someone with a knife could close the distance before an

officer could draw a gun. *See generally Buchanan v. City of San Jose*, 782 F. App'x 589, 592 (9th Cir. 2019) (“The 21-foot rule provides that a person at a distance of 21 feet or less may pose a threat to the safety of an officer.”). Specifically, Dr. Bedard related that the 21-foot-rule “doesn’t mean that if someone’s within 21 feet, you can automatically shoot them.” To the contrary, he stressed that invoking the rule is inappropriate when the advancing individual is unarmed. **Dr. Bedard carefully cabined his testimony**, explaining that he “was just defining terms. [He] was not trying to characterize anything that might have gone beyond what Mr. Drejka said.”

**Based on his review of the surveillance video**, Dr. Bedard also opined that Mr. Drejka had full possession and control of the firearm when he fired it. **At no point did Dr. Bedard comment upon Mr. Drejka’s self-defense claim.**

*Id.* at \*3 (emphasis added).

In its analysis, the Second District Court held that Dr. Bedard’s testimony was relevant and admissible for purposes of explaining terms like “force multiplier” and “force continuum.” *Id.* at \*8. Dr. Bedard did not attempt to characterize anything Mr. Drejka told detectives “or to otherwise comment upon any other witnesses’ credibility or the substance of their testimony.” *Id.* Dr. Bedard’s testimony did not invade the province of the jury and he did not opine upon whether Mr. Drejka’s use of deadly force was justified. *Id.* The Court held that it “was entirely appropriate for the State to interpret and define Mr. Drejka’s words, actions, and thought processes[,]” as Mr. Drejka’s terminology was simply beyond common knowledge. *Id.* Ultimately, the trial court did not abuse its discretion in allowing Dr. Bedard’s testimony. *Id.* As it was “entirely appropriate” for the State in *Drejka* to utilize Dr. Bedard’s expertise, it is likewise appropriate here for him to testify as an expert to interpret Mr. Reeves’ words, actions, and thought processes. In explaining that interpretation and opinion, Dr. Bedard’s expertise is critical for the jury’s understanding of concepts outside of their common knowledge. Likewise, the *Drejka* decision presents binding

authority contrary to the State's general objection to a use of force expert in a case involving a claim of self-defense. State's Motion at 1-3.

The State cites several cases in support of their argument that Dr. Bedard's testimony invades the province of the jury and/or is an opinion on the ultimate issue in the case. One such case cited by the State is *Mootry v. Bethune—Cookman University, Inc.*, 186 So.3d 15, 21 (Fla. 5th DCA 2016). In *Mootry*, the court determined that the expert witness was erroneously allowed to tell the jury how to decide the case by stating that the two issues to be determined should be decided adversely to the Plaintiff. *Id.* *Mootry* can be distinguished from this case in that Dr. Bedard's testimony does not and will not tell the jury how to decide the case, i.e., guilt or innocence as that is the ultimate determination the jury will be called upon to decide. Dr. Bedard's testimony merely assists the jury in determining one element; reasonableness. He does this by bringing necessary background information regarding indicators of imminent threat of harm or death that relates to the state of mind of this particular Defendant.

In *Fuentes v. Sandel, Inc.*, 189 So.3d 928 (Fla. 3d DCA 2016), cited by the State, the court held that an architect's affidavit was properly excluded wherein he stated that a party was "liable under the South Florida Building Code." *Id.* at 943-35; *see also Kayfetz v. A.M. Best Roofing, Inc.*, 832 So.2d 784 (Fla. 3d DCA 2002). As liability was the only issue to be determined, the witness's affidavit would have directly told the jury how to decide the case. *Fuentes*, at 935. That would be akin to Dr. Bedard telling the jury that Defendant was not guilty. Counsel has never elicited and Dr. Bedard has never testified as to the Defendant's guilt or innocence, as it would be a legal conclusion that is exclusively for the jury to decide. Dr. Bedard's testimony is limited to educating the jury as to the type of training Defendant received in order to apply that information to the

Defendant's situation. The jury is tasked with determining the reasonableness of the Defendant's actions according to *a reasonable person situated in the same circumstances and knowing what the defendant knew* and whether that person would have used the same force as the defendant did. *Toledo*, 452 So.2d at 662-63. Compare *Estate of Murray ex rel. Murray v. Delta Health Group, Inc.*, 30 So.3d 576, 578-79 (Fla. 2d DCA 2010) (In wrongful death action against nursing home, error to permit decedent's treating physician to express opinion that defendant was negligent. "Delta could have offered Dr. Desai's opinion that the nursing home did not breach the standard of care but not his opinion that the nursing home was not negligent.") with *Government Employees Ins. Co. v. Grounds*, 311 So.2d 164 (Fla. 1st DCA 1975) (No error to admit testimony of expert attorneys regarding standard of care in bad faith suit against carrier). A reasonableness determination in light of the situation of the Defendant's unique experiences is no different than opining on breach of the standard of care in a civil suit.

This is the very distinction, contemplated inversely in *Town of Palm Beach v. Palm Beach County*, 460 So.2d 879, 882 (Fla. 1984) that is mentioned briefly in the State's Motion but not analyzed. State's Motion at 82. The Florida Supreme Court in *Town of Palm Beach* stated:

“Although the expert may testify to whether certain benefits were received by the municipality, and may, within his expertise, testify to the importance of potential or unquantified benefits, he is precluded from opining whether a particular benefit is or is not “real and substantial” within the meaning of *Briley, Wild*. An illustration of this principle is found in *Gifford v. Galaxie Homes, Inc.*, 223 So.2d 108, 111 (Fla. 2d DCA 1969). In *Gifford*, an action for negligent construction, it was held proper for the duly qualified expert to respond when asked whether the premises were “constructed and maintained according to reasonably safe construction and engineering standards.” *Id.* See also, *Millar v. Tropical Gables Corp.*, 99 So.2d 589 (Fla. 3d DCA 1958). However, it would have been improper for the expert to assert to the trier of fact that the premises were “negligently constructed.” While this is

to some degree a matter of semantics, we find the distinction necessary. *See Ehrhardt on Evidence*, § 90.703 at 451 (West 1977). Otherwise, the trier of fact is being directed to arrive at a conclusion which it should be free to determine independently from the facts presented. We do not think that section 90.703 was intended to be so broad. *See e.g., Ehrhardt*, § 90.703; *Feldman v. Department of Transportation*, 389 So.2d 692, 694 (Fla. 4th DCA 1980)."

*Town of Palm Beach*, 460 So. 2d at 879, 882.

"[A]n expert may lead a jury to the precipice of a verdict, but she may not instruct them to leap." *In re Methyl Tertiary Butyl Ether (MTBE) Products Liability Litigation*, 643 F. Supp 2d 482, 505 (S.D. N.Y. 2009). Dr. Bedard's testimony does just that; assists the jury in deciding the facts and elements in order to reach its ultimate conclusion. As such, Dr. Bedard's testimony does not invade the province of the jury, but is critical for their understanding of concepts outside of their common knowledge.

#### Dr. Bedard's Testimony is Relevant and Helpful to the Jury

Expert testimony is admissible under 90.702 only where the testimony will "assist the trier of fact in understanding the evidence or in determining a fact in issue." *Bowling*, 81 So.3d at 540; *see also Boyer v. State*, 825 So.2d 418, 419 (Fla. 1st DCA 2002) (Abuse of discretion to exclude expert testimony regarding the false confession phenomenon on basis that it would not assist the jury in understanding any facts at issue). The Defendant has asserted an affirmative defense of self-defense under Florida Statute §776.012 and §782.02. Florida standard jury instruction 3.6(f) provides in part:

#### 3.6(f) JUSTIFIABLE USE OF DEADLY FORCE

The use of deadly force is justifiable if the defendant reasonably believed that the force was necessary to prevent imminent death or great bodily harm to [himself] [herself] while

resisting:

1. another's attempt to murder [him] [her], or
2. any attempt to commit (applicable felony) upon [him] [her], or
3. any attempt to commit (applicable felony) upon or in any dwelling occupied by [him] [her].

The jury, therefore, must determine whether the Defendant's actions were reasonable considering all the circumstances. The Defendant is a veteran of Tampa Police Department with extensive training in use of force procedures and direct application of force through hands-on training. To understand whether the Defendant acted reasonably, the jury must necessarily understand what a trained law enforcement officer in the Defendant's situation would reasonably do under the circumstances. *See Graham v. Connor*, 490 U.S. 386, 396-97 (1989) ("The 'reasonableness' of a particular use of force must be judged from the perspective of a reasonable officer on the scene... The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation").

In *Mobley v. State*, 132 So.3d 1160, 1164-65 (Fla. 3d DCA 2014) (distinguished on other grounds by *Viera v. State*, 163 So.3d 602 (Fla. 3d DCA 2015)), the Third District Court of Appeal stated:

"An objective standard is applied to determine whether the immunity provided by these provisions attaches. *See Montanez v. State*, 24 So.3d 799, 803 (Fla. 2d DCA 2010) (confirming that in determining whether the immunity accorded by section 776.032 attaches, "the objective, reasonable person standard by which claims of justifiable use of deadly force are measured" should be applied).



That standard requires the court to determine whether, based on circumstances as they appeared to the defendant when he or she acted, **a reasonable and prudent person situated in the same circumstances and knowing what the defendant knew** would have used the same force as did the defendant. *See Toledo v. State*, 452 So.2d 661, 663 (Fla. 3d DCA 1984) (“[A] person in the exercise of his right of self-defense may use ‘only such force as a reasonable person, **situated as he was and knowing what he knew**, would have used under like circumstances.’” (quoting *People v. Moody*, 62 Cal.App.2d 18, 143 P.2d 978, 980 (1943))); *see also Chaffin v. State*, 121 So.3d 608 (Fla. 4th DCA 2013) (confirming that the standard to be applied for determining whether a person is justified in using deadly force in self-defense is not a subjective standard as to the defendant's state of mind, but an objective standard as to a reasonably prudent person's state of mind); *Price v. Gray's Guard Service, Inc.*, 298 So.2d 461, 464 (Fla. 1st DCA 1974) (“The conduct of a person acting in self-defense is measured by an objective standard, **but the standard must be applied to the facts and circumstances as they appeared at the time of the altercation to the one acting in self-defense.**”) (emphasis added).

In order for the jury to know what the defendant knew and to understand what a “person situated in the same circumstances” would have done, they absolutely must be educated on the Defendant’s background and training in threat perceptions and reaction. Without such education, the jury has no way to properly apply the reasonableness standard to the facts and circumstances as they appeared to *this Defendant* acting in self-defense. That necessarily makes Dr. Bedard’s testimony both relevant and helpful to the jury. There is nothing in Dr. Bedard’s testimony that is misleading or confusing.

The State cites several cases purportedly in support of its assertion that Dr. Bedard’s testimony and opinions are based on facts that are of such a nature as not to require any special knowledge or experiences in order for the jury to form its conclusions. However, the State fails to apply the facts from those cases to this case. One such case frequently cited in the State’s Motion is *Salomon v. State*, 267 So.3d 25 (Fla. 4th DCA 2019). In *Salomon*, the court points out that “[t]he

witnesses to the shooting and the events leading up to it were all civilians. Law enforcement did not become involved until after the shooting occurred.” *Id.* at 28. This is important to the analysis of whether the Dr. Bedard’s testimony will assist the jury as the very reason his testimony is necessary is because the Defendant was a trained law enforcement officer. In *Salomon*, the facts involved only civilians in a familial domestic violence situation that was not outside the common understanding of the average juror. This case, on the other hand, involves the Defendant who is a trained and experienced former law enforcement officer, and it is this very issue that separates him from the average juror and which necessitates Dr. Bedard's expert testimony.

The State also cites *Frances v. State*, 970 So.2d 806 (Fla. 2007) (distinguished on other grounds by *Scott v. State*, 66 So.3d 923 (Fla. 2011)). In *Frances*, the trial court was held not to have erred in excluding mental health expert testimony regarding the fact that Frances had “street smarts.” *Id.* This is exactly the type of testimony that courts have indicated does not require an expert and is within the common understanding of the jury. This reasoning does not apply to facts before this court where the average juror is not aware of the extensive reactionary training received by law enforcement as directly applied to threatening situations such as that experienced by the Defendant on January 13, 2014.

In *V.C. v. State*, 63 So. 3d 831 (Fla. 3d DCA 2011), one of the arguments was that the trial court erred in restricting the expert witness’s testimony. The court held that because the “additional testimony [the expert] may have provided was not of such a nature as to require special knowledge or experience, especially where the issues were tried before a judge rather than a jury[.]” *V.C.*, 63 So. 3d at 833. Any reliance on *V.C.* is misplaced, as that case did not involve a jury and the expert was permitted to testify at length regarding a number of subjects. Likewise, the court did not

expand on why the additional testimony did not require special knowledge or experience. Therefore, this case fails to support the State's argument.

In *County of Volusia v. Kemp*, 764 So.2d 770, 773-74 (Fla. 5th DCA 2000), also frequently cited by the State in their Motion, the Fifth District Court of Appeal held, in pertinent part, in a §1983 malicious prosecution case that, "the expert was allowed to inject his own interpretation of the reports, depositions, and trial testimony of the defendants in the criminal trial and based his ultimate opinion on those findings. This testimony did not assist the jury in deciding the issues in the case because the jury was fully capable of determining for itself what the reports meant and whether there were discrepancies between the reports and between the reports and the testimony presented during the criminal trial." The jurors here will not be tasked with side-by-side comparison of reports and testimony from one case to the present case and, thus, *Kemp* does not stand for the proposition that Dr. Bedard's testimony will not assist the jury.

The State also cites to *Mills v. Redwing Carriers, Inc.*, 127 So.2d 453 (Fla. 2d DCA 1961). In *Mills*, the trial court erred in allowing an "expert" witness to testify to the point of impact where that witness was deemed not to have been qualified and point of impact was a determination that the jury could readily determine on its own, being an occurrence that is within the common understanding of the average person. What the average juror does not know or understand without being educated is the Defendant's background as a trained law enforcement officer.

Not cited in the State's Motion but helpful to this Court to consider whether Dr. Bedard's testimony is helpful to the jury and not something that the average juror would understand is a decision from the Fifth District Court of Appeal wherein the court held that expert testimony regarding human trafficking and sex work subculture was admissible in a criminal case to "assist

the trier of fact". *Poole v. State*, 284 So.3d 604 (Fla. 5th DCA 2019). The court stated:

"[We] hold that expert opinion on human trafficking and the sex worker subculture can assist the trier of fact on **subjects not within an ordinary juror's understanding or experience**. See *United States v. Evans*, 272 F.3d 1069, 1094 (8th Cir. 2001) (finding no abuse of discretion in allowing an officer to present expert testimony "regarding the operation of a prostitution ring, including [the] recruitment of prostitutes and the relationship between pimps and prostitutes, and regarding jargon used in such rings"); see also *United States v. Lewis*, 762 F. App'x 786, 797 (11th Cir. 2019); *United States v. Brinson*, 772 F.3d 1314, 1319 (10th Cir. 2014); *United States v. Anderson*, 560 F.3d 275, 281–82 (5th Cir. 2009); *United States v. Taylor*, 239 F.3d 994, 998 (9th Cir. 2001). **Not only are jurors generally unfamiliar with the realities of human trafficking**, see *Taylor*, 239 F.3d at 998, **but a juror's only exposure to this subject may be confined to brief references gleaned from popular media outlets or fictionalized accounts**. See Danica Baird, *Changing the Narrative: Sex Trafficking and Its Victims*, 33 *BYU J. Pub. L.* 321, 343, 353 (2019). **This only underscores the importance of expert testimony to aid the juror** in understanding the complexities surrounding human trafficking and the sex worker subculture in today's society." (emphasis added)

*Id.* at 607. Jurors here will similarly not be familiar with the realities of the knowledge and survival training associated with being a former law enforcement officer. So too are juror's limited experiences confined to what they see on fictional television shows and movies, thereby "underscor[ing] the importance of expert testimony to aid the juror in understanding" the Defendant's situation. *Id.*

The State has failed to show this Court how and why Dr. Bedard's testimony is not relevant, not helpful, or otherwise of a subject that is within the common experience of the average juror.

#### Dr. Bedard Can Discuss the Surveillance Video

The State also alleges that Dr. Bedard's interpretation of the surveillance video is inadmissible and cites two cases. State's Motion at 92-94. In *Seymour v. State*, 187 So.3d 356 (Fla.

4th DCA 2016), the court held it was error to allow lay witness testimony regarding a video recording wherein the witness speculated that the Defendant in the video was concealing a firearm under his shirt and where the jury could watch the video and make this determination. Not only does *Seymour* interpret the testimony's admissibility under Rule 90.701—Opinion testimony of lay witnesses, the witness's testimony told the jury something that could not be depicted in the video, a concealed object hidden under clothing and as such was held to be mere speculation on behalf of the witness.

Similarly, in *Lee v. Anderson*, 616 F.3d 803, 809 (8th Cir. 2010), the expert manipulated a video in order to clarify the images and opined that there was no gun in the hand of an individual. The court held that the expert testimony was not helpful to the jury as they could determine what they could see and not see in the video. Here, Dr. Bedard did not alter the video nor does his testimony interpret the video for the jury but rather narrated what could readily be seen by jurors. See *U.S. v. Torralba-Mendia*, 784 F.3d 652 (9th Cir. 2015) (Immigration and Customs Enforcement **officer did not invade the province of the jury when he narrated the video**) (distinguished on other grounds by *U.S. v. Sun*, 673 Fed. Appx. 729 (9th Cir. 2016)); see also *Cuzick v. Commonwealth of Kentucky*, 276 S.W.3d 260 (KY 2009) (“**No error to allow officer’s lay testimony narrative testimony of video**”) (distinguished on other grounds by *Rogers v. Commonwealth of Kentucky*, 315 S.W.3d 303 (KY 2010). This is an important distinction. Dr. Bedard will relay what can readily be seen in the video as the basis for his opinion. See Fla. R. Evid. 90.704, see also *USA v. Garcia-Zarate*, 419 F.Supp.3d 1176 (N.D. Cal. 2020) (“**witnesses may narrate and describe events in a video based on their perceptions**”) (emphasis added).

Dr. Bedard’s testimony is helpful to the jury and does not impermissibly invade the

province of the jury. Dr. Bedard's ability to discuss the contents of the surveillance video is crucial to understanding his expert opinion.

#### Dr. Bedard's Opinions Are Reliable

In arguing that Dr. Bedard's testimony and opinions are unreliable, the State has misrepresented the caselaw. Page 7 of the State's Motion involves the interpretation of *Salomon v. State*, 267 So.3d 25 (Fla. 4th DCA 2019) wherein the State says "Method not reliable" within its parenthetical breakdown of the case, implying this is the holding of the case. The *Salomon* court never discussed the methodology or reliability of the witnesses' testimony, merely restated the witness's testimony as it related to the discussion of improper bolstering. *Salomon* 267 So. 3d at 31-33. The only discussion or holding regarding the witness's testimony was that the expert testimony was improper as it "demeaned appellant's credibility concerning whether the victim may have been armed by pointing out 'no one says that except for [Appellant].'" *Id.* at 32. The State repeats the misrepresentation on pg. 76 of State's Motion where it says, "The method described by Bedard is the same method used by the experts in Salomon and the Kemp cases, which was rejected by the courts as unreliable."

The State's primary issue regarding methodology appears to center around Dr. Bedard's use of the words "null hypothesis" and "scientific method." State's Motion at 74-78. Specifically, the State argues that Dr. Bedard has modified these methods by "substituting subjective data for objective data and the[n] inappropriately attempted to apply the method in a social science arena." State's Motion at 74. First, it is not clear what "subjective data" the State is referring to. As noted by the State, Dr. Bedard reviewed the following: (1) surveillance video; (2) statements of patrons; (3) Pasco County Sheriff's Office reports; (4) immunity hearing transcripts; (5) autopsy report; (6)

photographs taken by Knox; (7) crime scene photos; (8) photos of Reeves taken at theater; (9) Dr. Bedard's interview with the Defendant; and (10) Defendant's recorded post-Miranda statement to law enforcement. State's Motion at 74. The only thing in the aforementioned list that is even remotely subjective would be Dr. Bedard's interview with Defendant. However, the data obtained from that interview is not subjective. Likewise, it was both appropriate and necessary for Dr. Bedard to speak with the Defendant prior to assessing the case and rendering an opinion.

Second, the State's argument that the use of a null hypothesis somehow renders Dr. Bedard's testimony "scientific" and therefore unreliable is not fatal to its admissibility. The reliability standard does not solely focus on "scientific" knowledge. In fact, as Rule 702 makes clear, "If scientific, **technical, or other specialized knowledge** will assist the trier of fact to understand the evidence or to determine a fact in issue, a witness qualified as an expert by **knowledge, skill, experience, training, or education**, may testify thereto in the form of an opinion or otherwise." (emphasis added). Dr. Bedard's use of the null hypothesis was merely a starting point for his assessment of the case. The bulk of Dr. Bedard's testimony, however, centers around his significant technical and other specialized knowledge based on his skill, experience, training, and education in the area of use of force and defense tactics. The State's argument here is unavailing.

In addition, the State cites *Kemp v. State*, 280 So.3d 81 (Fla. 4th DCA 2019), as it deals with the reliability and/or methodology of an expert witness. However, the State has failed to show how this case would relate to the present case. In *Kemp*, the court determined that the expert used a method of "eyeballing the shape of the crash damage on a vehicle to determine if the vehicle that made the impact was braking" and his "repeated invocation of the magic words 'training and

experience’ was insufficient, without more, to establish the reliability of his opinion under *Daubert*.” *Id.* at 89.

Dr. Bedard has extensive training and experience in the use of force, see Exhibit A, and relied upon extensive evidence as pointed out by the State. State’s Motion at 74. Dr. Bedard has over two decades of experience as a police officer. From 1999 to 2003, and then again from 2006 to 2009, Dr. Bedard was a subject matter expert in defense tactics and was assigned to drafting the State Defense Tactics Curriculum and State Instructor Curriculum by the Florida Department of Law Enforcement. This curriculum was utilized by departments and officers throughout the state. Dr. Bedard also participated in updating this curriculum in 2013 and 2014. Dr. Bedard was actively involved as a law enforcement officer employing use of force as well as instructing on these principles to others.

Dr. Bedard’s Opinions and Testimony Are Not  
Merely a Conduit for Inadmissible Evidence

The remainder of the State’s claims assert that varying statements and opinions of Dr. Bedard’s are inadmissible in one regard or another. The Defendant will address these claims below.

- Comments on Credibility of Witnesses

The State asserts that Dr. Bedard improperly comments on the credibility of witnesses. For support of its contention that this is somehow improper, the State cites to *Linn v. Fossum*, 946 So.2d 1032 (Fla. 2006). In *Linn*, the expert witness improperly stated that she relied on the hearsay opinions of other experts who had no first-hand knowledge of the case in forming her opinion and thereby impermissibly bolstered her own credibility to the jury. *Id.* The expert testimony “indicate[d] a group consensus based on hearsay that would not be conveyed by testimony that the experts relied on records, tests, or reports from the patient or other medical providers directly



involved in the diagnosis or treatment of the patient.” *Id.* at 1039. The court “conclude[d] that referring to consultations with other experts creates a danger of bolstering the credibility of the testifying expert’s opinion without providing the opposing party the ability to effectively cross-examine the expert as to the basis for the opinion.” *Id.*

The State also cites to *Geissler v. State*, 90 So.3d 941 (Fla. 2d DCA 2012) wherein a State witness in a child sexual abuse case erroneously testified that a child was testifying truthfully in the absence of physical proof based upon the child victim’s statements alone. *Geisler* was distinguished by *Scott v. State*, 218 So.3d 476 (Fla. 3d DCA 2017), a factually similar case to *Geissler* involving a child protection service counselor recommendation that the child receive therapy. *Scott* 218 So.3d at 479. The court said, “this statement did not leave the jury with the clear impression that [the witness] believed that [the victim] was telling the truth. The facts in this case substantially differ from the facts in *Ramayo* and *Geissler*, where the expert witnesses expressly stated that they believed that the victim had been abused based on nothing more than the victim’s own statements. Just as in *Scott*, Dr. Bedard’s testimony does not tell the jury his opinion of the witness’s truthfulness or lack thereof.

- Self-Serving Statements

The State claims that Dr. Bedard’s testimony and opinions are based only on the Defendant’s self-serving statements. For support of this claim, the State cites to *Mitchell v. State*, 965 So.2d 246 (Fla. 4th DCA 2007) where a defendant wanted to enter the report of a mental health expert who had examined him for competency and merely restated the defendant’s version of the events for no other purpose than to bolster the defendant’s self-defense claim. In context, Dr. Bedard’s statements regarding the Defendant’s statements were made to establish part of the

information he used to make his ultimate opinions. Experts are allowed to base their opinions on the “general acceptance of the defendant’s version of the [events]...It is precisely because experts are prohibited from resolving these conflicts-the very rule contended for the plaintiff-that the expert’s opinions necessarily must be based on someone’s version of the incident.” *Richman*, 415 F.Supp.2d at 942.

- Prior Consistent Statements

The State argues that “Bedard stated several times he believed Reeves’s statement to law enforcement[.]” State’s Motion at 92. Dr. Bedard began his assessment of this statement to law enforcement with the premise that it was false. He then tried to prove this premise by reviewing all of the evidence available to him in the case. If Mr. Reeves’ statement was believed, the statement was only qualified as believable insofar as Dr. Bedard could not prove that it was false. Dr. Bedard’s statements relating to the Defendant’s statements are merely an explanation of the evidence he relied upon to form his opinion that will undoubtedly already be in evidence.

#### Conclusion

The State has asked this court to exclude the testimony of defense expert Dr. Bedard in its entirety. The State has failed to show why the court should take these drastic measures. As shown by this Response, Dr. Bedard’s expert testimony is relevant, reliable, assists the trier of fact and is not otherwise inadmissible and as such the State’s Motion should be denied.

WHEREFORE, the defense respectfully requests this Court to deny the State’s *Daubert* Motion to Exclude the Testimony of Defense Expert Dr. Roy Bedard, Ph.D. in its entirety.

### **CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of this motion has been furnished by electronic delivery to the Office of the State Attorney for the Sixth Judicial Circuit, c/o Glenn Martin, Esq., at glennmartin@flsa6.gov this 7th day of January 2022.

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

STATE OF FLORIDA,  
Plaintiff,

v.

CURTIS J. REEVES,  
Defendant.

Case No.: CRC-1400216CFAES

Division: 1

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EXHIBIT A

## ***SUMMARY OF HISTORY AND QUALIFICATIONS***

**Roy Bedard, Ph.D.** is a law enforcement officer, educator, author, consultant, and administrator of RRB Systems, International, Inc. Bedard has achieved national and international notoriety in law enforcement, corrections, security and military circles as the creator and developer of unique police and corrections defensive products and comprehensive defense training programs. Bedard travels extensively to share his expertise with various occupational and educational communities. His training programs continue to meet the changing demands of the industry and his innovative and progressive training style is notable and sought in many countries throughout the world.

Bedard began his defensive skills training in 1979 in Okinawan Uechi-Ryu Karate and Kodokan Judo. He is experienced in Aikido, freestyle wrestling and various forms of combat jujutsu. In 1984, Bedard earned a spot on the United States Karate Team (USAKF) and competed internationally for over a decade. He was a top seeded competitor in the US Men's heavyweight division from 1984-1999 and held second seed in the nation for three years in a row. He has traveled and competed around the world. He is a seventh-degree black belt in karate (rokudan) and holds the respected title of *Shihan* (master teacher).

Bedard holds a Bachelor of Science degree in Criminology, a Master of Science degree in Educational Psychology and a Ph.D. in Educational Psychology from the Florida State University. His area of study is decision making, perceptual-cognitive skills and human performance under stress.

In 1986, Bedard began his law enforcement career. He served as a police officer in the City of Tallahassee until 1996. He retired from the Tallahassee Police Department in 2015. He is presently an administrative reserve officer with the Tallahassee Community College Police Department. His training programs, are a pragmatic blend of vocational application and academic theory and continue to be implemented for departmental use in the field. He continues to teach basic, advanced and specialized courses in police departments, corrections institutes and training academies throughout the world. Bedard writes policy for police agencies and has developed training curriculum for the largest private security provider in N. America.

He has worked as a private consultant and expert witness providing research and case preparation for police, corrections and private security. He consults to members of the community in self-defense techniques and applicable laws. Well versed in civil liability, Bedard makes use of this experience for the continued development of quality, defensible training programs.

Bedard has influenced training practices in many departments in the United States, Europe, Canada, Latin America the Caribbean and Asia. He continues to research new technology and new training methods to further develop the criminal justice field. His open-minded training method has earned him respect among his peers both within and outside of the law enforcement community.

Bedard is regularly sourced by television, radio and print news industries for expert advice, insight and consultation on media events involving police and corrections. His comments have appeared on ABC news, CBS news, NBC news, USA TODAY, AL JAZEERA AMERICA, UNIVISION, COURT TV dozens of websites, and a variety of magazines and periodicals. Bedard serves as a technical consultant to the television industry and has co-produced several network police television shows.

*Curriculum Vitae:*

**Roy Bedard, Ph.D.**

**RRB Systems International**

**911 S. Park Ave.**

**Sanford, FL 32771**

***rbedard@rrbsystems.com***

***phone:(850) 980-7729***

## ***EDUCATION***

### **FLORIDA STATE UNIVERSITY**

- Ph.D., *Educational Psychology*
  - *Major: Sport, Exercise and Performance*
- M.Sc. *Educational Psychology*
- B. Sc. *Degree – Criminology & Criminal Justice*
- A.A. *Degree - Political Science*

### **LIVELY LAW ENFORCEMENT ACADEMY**

- *State of Florida Law Enforcement Standards 12/86*
- *CJSTC Use of Force and Defensive Tactics Instructor*
- *CJSTC General Topics Instructor*
- *CJSTC Firearms Instructor*
- *Advanced Injury and Death Investigations*
- *Field Training Officer Certification*
- *Advanced Narcotics Identification and Investigation*
- *Advanced Weaponcraft – ROGERS*
- *FCIC Basic Telecommunications*
- *Enhanced Vascular Neck Restraints*
- *Inked Fingerprint Techniques – FDLE*
- *Interviews and Interrogations –IPTM*
- *Human Diversity for Instructors*
- *Human Interaction*
- *Juvenile Sex Offender Investigations*
- *Domestic Violence Investigations*
- *Physical Fitness Specialist – COOPER*
- *Basic Auto Theft Investigations*

### **FLORIDA CRIMINAL JUSTICE EXECUTIVE INSTITUTE**

- *Elder Abuse Investigation*
- *Curriculum Maintenance System (CMS) Instructional Design System*

## ***EXPERIENCE***

- 1996 – Present**    **RRB SYSTEMS INTERNATIONAL**  
*Tallahassee, Florida* - President and CEO; administration, product research and development, marketing, expert witness services, security consultation, client relations, technical consultation.
- 2021-Present**    **SEMINOLE STATE COLLEGE**  
*Lake Mary, Florida* - Adjunct professor
- 1987-Present**    **TALLAHASSEE COMMUNITY COLLEGE**  
**Florida Public Safety Institute**  
*Quincy, Florida* - Adjunct instructor
- 2019 – Present**    **TALLAHASSEE COMMUNITY COLLEGE POLICE DEPARTMENT**  
*Tallahassee, Florida* – police officer in reserve
- 1990 – 2015**    **TALLAHASSEE POLICE DEPARTMENT**  
*Tallahassee, Florida* – patrol officer, field- training officer, reserve officer .
- 1987- 1990**    **FLORIDA STATE UNIVERSITY POLICE DEPARTMENT**  
*Tallahassee, Florida* - patrol officer, field-training officer
- 1996- 2015**    **The MOON and Scott Carswell Presents, LLC**  
*Tallahassee, FL* – Director of Security for the MOON nightclub and entertainment center; also Cascades Park Special Events in partnership with the City of Tallahassee and Leon County.
- 2007 -2015**    **PROTECTORS, LLC**  
*Tallahassee, FL* – Vice President; Program Development, fitness and wellness training for first responders, police, corrections, fire, EMS
- 2006- 2008**    **CONSULTING SOLUTIONS INTERNATIONAL**  
*Tallahassee, Florida* – Vice President; Project Manager; developed English & NCLEX training institutes for nurse candidates in Cochin, Kerala, India.
- 2005 – 2010**    **LAZARUS MINING, LLC**  
*Tallahassee, FL, Antioquia, Colombia* –Director of Security  
Security of Mining Operations on the Nechi River Basin.
- 1996-1999**    **LAW OFFICE of JAMES D. WHITE J.D.**  
*Tallahassee, FL* – Consultant for law enforcement and private security

- 1981- 2005      FLORIDA INSTITUTE OF MARTIAL ARTS, INC**  
*Palm Beach/Tallahassee, Florida - Vice President and Director of the Tallahassee based institute. Chief Instructor for Uechi-Ryu Karate*
- 7th Degree Black belt/ Okinawan Uechi Ryu Karate – International Uechi-Ryu Karate Federation
  - Shihan; Titled Rank/ Okinawan Uechi-Ryu Karate
  - 5th Degree Black belt/ Washindo Ju Jitsu
  - Certified 5th Degree black belt of World Karate Federation (WKF)

## ***ACHIEVEMENTS AND TITLES***

**2019 Subject Matter Expert in Traffic Stops, DUI, Traffic Crashes (FDLE)** Subject Matter Expert in Traffic Stops, DUI, Traffic Crashes – *Assigned to reviewing and updating State Traffic Training Curriculum.*

**2014 Subject Matter Expert in Instructor Techniques (FDLE)** Subject Matter Expert in Instructor Techniques – *Assigned to reviewing and updating State General Instructor Training Curriculum.*

**2013 Subject Matter Expert in Defensive Tactics (FDLE)** Subject Matter Expert in Defensive Tactics – *Assigned to reviewing and updating State Defensive Tactics Curriculum and State Instructor Defensive Tactics Curriculum*

**2011 Designation of Shihan; Uechi Ryu Karate** Master title endowed by the International Uechi Ryu Karate federation (IUKF)

**2009 Florida High Liability Instructors Conference Organizer (FPSI)**

**2006-2009 Subject Matter Expert in Defensive Tactics (FDLE)** Subject Matter Expert in Defensive Tactics – *Assigned to drafting State Defensive Tactics Curriculum and State Instructor Curriculum (CMSII)*

**2005-2008 US Dept. of Homeland Security - Subject Matter Expert**

**2004 Training Advisory Board – Policeone.com**

**2002 Jacksonville Chamber of Commerce – Small Business Exporter of the Year**

**2000 Director of Florida - International Uechi-Ryu Karate Federation (IUKF)**

**1999-2003 Florida Department of Law Enforcement (FDLE)** Subject Matter Expert in Defensive Tactics – *Assigned to drafting State Defensive Tactics Curriculum and State Instructor Curriculum (CMS)*

**1996 Committee of Ninety-nine - Candidate for Leon County Law Enforcement Officer of the Year**



**1995 Tallahassee Police Department - Meritorious Service Award: -**  
*Disabling and apprehension of a homicidal assault suspect*

**1994 Tallahassee Police Department - Honorable Mention Award -**  
*Apprehension of Armed Robbery Suspects*

**1994 US Patent Office- Inventor Rapid Rotation Baton: U.S. Patent #**  
5,295,687

**1994 Who's Who in the South and Southwest**

**1994 Who's Who of American Inventors**

**1992-Present City of Tallahassee Sports Council - Chairman of Sport**  
Karate

**1991-2005 American Society of Law Enforcement Trainers (ASLET) -**  
*Member*

**1990-1995 United States Karate Federation**  
Zone Director for North Florida

**1988 Bend Law Enforcement Association Award for Heroism**

### ***US/INTERNATIONAL INSTRUCTION, CONSULTATION AND PRESENTATION***

- **2021 Florida Court Reporters Association (FCRA)**  
**Annual Conference**  
Clearwater Beach, FL  
Accuracy: Perception, Appraisal and Performance. The Psychology of becoming more accurate in thought and behavior.
- **2020 International Law Enforcement Educators and Trainers Conference**  
St Louis, MO  
Decision Making for Law Enforcement  
Conference Presenter
- **2020 International Law Enforcement Educators and Trainers Association**  
online interview  
Decision Making for Law Enforcement Officers: Can Brain training improve decision making?
- **2020 Mainstreet Florida**  
US Department of State: Tallahassee, FL  
Security Briefing: Downtown events
- **2019 Dubai Police Department**  
Dubai, United Arab Emirates: Non-Lethal Technologies for law enforcement  
Presenter

- **2019 Bloomington Police Department**  
Bloomington, MN: Vascular Neck Restraints Instructor Update  
Course Presenter
- **2019 Florida Council on Crime and Delinquency**  
Miami, FL  
Conference Presenter – What you see is not what you get: The new optics for understanding video capture.
- **2018 Allied Universal Security Services**  
Atlanta, GA.  
Curriculum writer for Use of Force and Defensive Tactics Program for largest private security provider in N. America (servicing over 150,000 employees at over 20,000 client sites).
- **2018 American Criminal Justice Association (LAE)**  
Cleveland, OH  
Conference Presenter –The use of technology for improving law enforcement decision-making.
- **2018 North Port Police Department**  
North Port FL  
Seminar Organizer & Presenter – Managing Drug Induced Psychosis & Excited Delirium
- **2017 – International Society of Sport Psychology (ISSP)**  
Madrid, Spain  
Conference Presenter- Technology for Improving Decision Making during Critical Law Enforcement Incidents
- **2016 – Florida Council on Crime and Delinquency**  
Daytona Beach, Florida  
Lecturer - Decision Making for Leaders
- **2016 – University of Gdańsk**  
Prakryczna Psychologia Sportu  
Gdańsk, Poland  
Conference Presenter- “Decision Making Under Adverse Conditions”
- **2015 – Virgin Islands Police Department**  
US Virgin Islands, St Thomas  
Lead Instructor – Expandable Impact Baton Instructor Course  
Lead Instructor – Oleo Resin Capsicum Instructor Course
- **2015 – Virgin Islands Police Department**  
US Virgin Islands, St Croix  
Lead Instructor – Expandable Impact Baton Instructor Course  
Lead Instructor – Oleo Resin Capsicum Instructor Course
- **2015 – South Carolina Department of Corrections**  
Columbia, South Carolina  
Lead Instructor – Alpha Lock Baton Instructor Course

- **2015 - State Law Enforcement Chiefs Association Conference**  
Tallahassee – Florida  
Lecturer – Establishing Authority in Law Enforcement Settings.
- **2014- Police Liability Conference –National Business Institute**  
Jacksonville, Florida  
Faculty Presenter – Handling the Police Liability Claim.
- **2014- Florida Council on Crime and Delinquency, Annual Conference**  
**Naples, FL**  
Keynote Speaker, Lecturer
- **2014 – School Safety Leadership Symposium Annual Conference**  
**Sandestin, FL**  
Lecturer – Documenting Use of Force
- **2014 –FBI National Academy Graduate Meeting**  
Daytona Beach, Florida  
Lecturer – Stand Your Ground
- **2014 – Augusta Fire Department**  
Augusta, Georgia  
Lead Instructor – *PROTECTORS Fitness Instructor Training Program*
- **2013 – Florida High Liability Police Trainers Conference – Florida**  
**Public Safety Institute**  
Tallahassee, Florida  
Presenter – Investigating Stand Your Ground Claims
- **2013- Police Liability Conference –Lorman Education Services**  
Orlando, Florida  
Presenter – Police Liability for Attorneys and Law Enforcement Executives.
- **2013 – Israel Prison Services, Israel Police, Israel Defense Forces**  
Tel Aviv, Israel  
*Presenter - Personal defense solutions for close quarter arrest and control*
- **2013 – Augusta Fire Department**  
Augusta, Georgia  
*Lead Instructor – PROTECTORS Fitness Instructor Training Program*
- **2013 - Armada Nacional de la República de Colombia**  
**(Colombian Navy)**  
Bogota, Covenas, Colombia  
*Lead Instructor - Crowd Management, Non-Lethal Solutions*
- **2013 – Sport Psychology Organization and Research Team (SPORT)**  
**Annual Conference**  
Florida State University, Tallahassee Florida  
*Cohesion of Teams Across Domains (Law Enforcement)*
- **2013 – Florida Public Safety Institute**  
Havana, Florida  
*Lead instructor - FDLE CJSTC Defensive Tactics Instructor Course*

- **2012 – 20<sup>th</sup> Judicial Circuit Public Defender’s**  
Fort Myers, Florida  
*Presenter, Self Defense and Combat Stress*
- **2012-Florida Public Defender’s Association**  
Naples, Florida  
*Presenter. The Self Defense, Defense, Stand your Ground & Castle Doctrine*
- **2012- Orange County Department of Corrections**  
Orlando, Florida  
*Lead Instructor- Rapid-Cuff Instructor Course*
- **2012 – Republican Women’s Club “Real Women Shoot Back” public event**  
*Presenter - Self-Defense and Stand Your Ground*
- **2012 – Bloomington, MN Police Department**  
Bloomington, MN  
*Developer of Police Neck Restraint Programs*
- **2012 – Florida Criminal Justice Executive Institute**  
**Florida Department of Law Enforcement**  
Tallahassee, Florida  
*Lead Instructor - Managing the Middle, Police Media Relations*
- **2011 – Miami Dade College School of Criminal Justice**  
Miami, Florida  
*Contracted review of Defensive Tactics Training Program*
- **2011 Southern States Crime Prevention Conference**  
Cocoa Beach, FL  
*Speaker; Media and Police Relations*
- **2011 – Daytona State College**  
*Florida CJSTC Defensive Tactics Instructor School*  
*Lead instructor*
- **2011 – Florida Criminal Justice Executive Institute**  
**Florida Department of Law Enforcement**  
Orange County Florida  
*Lead instructor - Managing the Middle, Police Media Relations*
- **2010- Florida Criminal Justice Executive Institute**  
**Florida Department of Law Enforcement**  
Broward County Sheriff’s Office  
*Lead Instructor - Managing the Middle, Police/Media Relations*
- **2010 – Federal Bureau of Prisons**  
Pollock, Louisiana  
*Lead Instructor - Rapid Rotation Baton, Master Instructor*

- **2011 – Daytona State College**  
*Florida CJSTC Defensive Tactics Instructor School*  
*Lead instructor*
- **2009 – Federal Bureau of Prisons**  
*Florence Colorado (ADX)*  
*Lead Instructor - Rapid Rotation Baton, Master Instructor*
- **2009 – Dubai Police Department**  
**Dubai, United Arab Emirates**  
*Lead instructor - Crowd Management Methods, the PepperBall System;*  
*Trainer*
- **2009 – Athology, LLC**  
*Lincoln, Nebraska*  
*Lead instructor - PROTECTORS, LLC. Use of Force and Defensive Tactics*
- **2009 – Federal Bureau of Prisons**  
*Houston Texas*  
*Lead instructor - Rapid Rotation Baton, Master Instructor*
- **2008 – Florida Department of Law Enforcement**  
*Tallahassee, Florida*  
*High Liability Training Video, Director*
- **2007 – Aguadilla Regional Training Academy**  
*Moca, Puerto Rico*  
*Lead instructor - Rapid Rotation Baton, Rapid Cuff Instructor*
- **2006 – Calibre Press, Inc.**  
*Tallahassee, Florida*  
*STREET SURVIVAL, Organizer*
- **2006 – Federal Law Enforcement Training Center,**  
*Glynco, Georgia*  
*Lead instructor - Rapid Rotation Baton, Rapid Cuff Presenter*
- **2005 - Corrections Conference**  
*Veracruz, Mexico*  
*Presenter for Use of Force*
- **2005 – 2008 Stratum Mining, LLC**  
*Medellin, Colombia*  
*Security Consultant for Stratum Mining Corporation*
- **2005 - Royal Malaysian Police**  
*Kuala Lumpur, Malaysia*  
*Lead instructor - Rapid Rotation Baton Instructor Course; Trainer*
- **2005 – RRB Systems International**  
*Ft Lauderdale, Cayman Islands, Jamaica*  
*DT at Sea Conference Organizer and Trainer*

- **2004 –RRB Systems International**  
*Ft Lauderdale, Mexico, Belize*  
*DT at Sea Conference Organizer and Trainer*
- **2003 – Dubai Police Department**  
*United Arab Emirates*  
*Lead instructor - Crowd Management Methods, The PepperBall System; Trainer*
- **2003 – State of Queretero Police Department,**  
*Queretero, Mexico*  
*The Global Policing Initiative; Trainer*
- **2003 – State of Guanajuato Police Department**  
*Guanajuato, Mexico*  
*The Global Policing Initiative; Trainer*
- **2002 – State of Chihuahua Police Department Tactical Unit,**  
*Juarez, Mexico*  
*Lead instructor - The Rapid Rotation Baton System, The Rapid-Cuff System*  
*Trainer*
- **2002 – City of Madrid Police Department,**  
*Madrid, Spain*  
*The Global Policing Initiative; Presenter*
- **2002 – City of Barcelona Police Department**  
*Barcelona, Spain*  
*The Global Policing Initiative; Presenter*
- **2002 – State of Veracruz Police Department**  
*Veracruz, Mexico*  
*RRB Safety Belt System; Trainer*
- **2001 – Inchon Regional Police Department**  
*Inchon, S. Korea*  
*RRB Safety Belt System; Presenter*
- **2001- Bucharest Police Department,**  
*Bucharest, Romania*  
*The RRB Safety Belt System; Trainer*
- **2001 – Prague Police Department,**  
*Prague, Czech Republic*  
*The RRB Safety Belt System; Presenter*
- **2000 – US Commercial Services**  
*Brasilia, Rio de Janeiro, Sao Paulo Police, Brazil*  
*The RRB Systems; Presenter*
- **2000 – RRB Systems, Europe**  
*Mannheim, Germany*  
*Lead instructor - GROUND FIGHT!*

- **1999 – Glasgow Police Department**  
*Glasgow, Scotland*  
*The Rapid Rotation Baton; Trainer*
- **1999 - Policia Federal Preventiva**  
*Mexico City, Mexico*  
*The Rapid Rotation Baton System, The QUIK-KUF; Trainer*
- **1999 - Sharjah Police Department;**  
*Sharjah, United Arab Emirates*  
*The Rapid Rotation Baton System, The QUIK-KUF; Trainer*
- **1999 - Dubai Police Department**  
*Dubai, United Arab Emirates*  
*The Rapid Rotation Baton System, The QUIK-KUF; Trainer*
- **1999 - Bahrain Minister of the Interior**  
**Manama, Bahrain**  
*The Rapid Rotation Baton System, The QUIK-KUF; Trainer*
- **1998 - TREXPO Tactical Conference**  
*Burbank California*  
*Close Quarter Defense the Impact Weapon Alternative; Presenter*
- **1998 - Jamaica Constabulary Force**  
*Kingston Jamaica*  
*The Rapid Rotation Baton System; Trainer*
- **1998 - All Caribbean Police Chiefs Conference;**  
*Marigot, St Marteen*  
*The Rapid Rotation Baton System, The QUIK-KUF; Trainer*
- **1998 - ASLET Police Conference**  
*Mobile Alabama*  
*Close Quarter Defense the Impact Weapon Alternative; Trainer*
- **1997 - Canadian Use of Force Trainers Conference** *Brampton, Canada*  
*Close Quarter Defense the Impact Weapon Alternative; Trainer*
- **1997 - TREXPO West**  
*Burbank, California*  
*The Rapid Rotation Baton System; Trainer*
- **1996 - Safari Gun Club**  
*London, England*  
*The Rapid Rotation Baton System; Trainer*
- **1996 - Second Annual Criminal Justice Trainers & Educators Conference-**  
*Tampa, Florida,*  
*Close Quarter Defense the Impact Weapon Alternative; Presenter*

## ***KARATE COMPETITION RESUME***

- **1995** - Pan American Games/ U.S. Team Trials U.S. Olympic Training Center, Colorado Springs, Colorado
- **1994** - U.S. Team Player - World Karate Championship, Kota Kinabula, Malaysia
- **1994** - USA National Championship, Jacksonville, FL.. Silver Medalist
- **1993** - U.S. Team Player, Kuwait Liberation Cup, Kuwait City, Kuwait
- **1993** - Team Florida Member USA National Championships, Phoenix, Arizona Silver Medalist
- **1992** - U.S. Team Player, North American Cup, Vancouver, Canada Bronze Medalist
- **1992** - USA National Team trials, Akron, Ohio Bronze Medalist
- **1992** - Team Florida member USA National Championships, Dallas, Texas Silver Medalist
- **1991** - U.S. Team Player, North American Cup, Monterey, Mexico - Silver Medalist
- **1991** - Sunshine State Games, Sarasota, FL. - Gold Medalist
- **1990** - U.S. Team vs. Egypt Goodwill Competition, Akron, Ohio - Gold Medalist
- **1989** - USA National Championship, Orlando, FL
- **1988** - USA National Championship, Las Vegas, Nevada
- **1987** - Captain of the United States Team, Pan-American Championship San Pedro Sula, Honduras Bronze Medalist
- **1985-1994** - United States National Karate Team Member
- **1980-1994** - Fourteen Time National Qualifier and Competitor
- **1987-1992** - Five Time United States Karate Federation Florida State Fighting Champion
- **1981-1984** - Three Time Amateur Athletic Union Florida State Fighting Champion

## ***PUBLICATIONS AND PRODUCTIONS***

- **Dissertation:** Decision Making in Law Enforcement: Can “Brain Training” Develop Critical Decision-Making Skills



- **Florida Criminal Justice Standards and Training Commission**  
Instructor Curriculum –*Defensive Tactics, Use of Force & Survival Stress*
- **Florida Criminal Justice Standards and Training Commission**  
Basic Recruit Curriculum –*Defensive Tactics, Use of Force & Survival Stress, 2008*
- **Police Liability (2013)**, Lorman Education Services, Eau Claire, WI
- **Article:** Women in Law Enforcement: The Spirit of the female Warrior  
Policeone.com, 05/2011,
- **Article:** Shooting Center Mass, The Dangers of Denial Policeone.com,  
04/2011
- **Article:** Shooting Center Mass, I’m Told We kill Everyone,  
Policeone.com, 04/2011
- **Article:** Shooting Center Mass, Shooting to Kill or Stop?  
Policeone.com, 04/2011
- **Article:** Reviving the Female Warrior, Policeone.com, 02/2011
- **Article:** Are you Ready to Explain an Officer Involved Shooting?  
Policeone.com, 12/20110
- **Article:** Ambush in the Brush Policeone.com, 02/10
- **Article:** Turning the Oh Sh\*t moment into if/when thinking 01/2010
- **World’s Wildest Police Videos**, *Television Series, Field Segment Producer, (13 episodes) SPIKE TV, Spring 2012*
- **Cajun Blue**; *Television Series, Consultant, (13 episodes) A&E, Spring 2102*
- **Unleashed: Broward County K9**: *Television Series (6 episodes), TLC and Discovery Channel, Spring 2011*
- Mattson, G, **The Way of Uechi Ryu Karate** (2009),  
Peabody Publishing  
Bedard, R., Editor
- ***How to Choose a Reality Fighting Instructor***, *Black Belt Magazine*;  
Nov 2009, *Co-author*
- **Florida FDLE CJSTC Video Production for Defensive Tactics: Set Director, Show Release April 2008**
- **The Eddie Griffin Show: Television Pilot, Consulting Producer, VH1, Pilot**

- **Female Forces:** *Television Series (13 Episodes), Consulting Producer, The BIO Channel, Airing Spring 2008*
- **Rookies – Tampa:** *Television Series (8 episodes), A&E, airing Summer 2008*
- **Operation Wild:** *Television series, Consulting Producer, Boutique TV, Planet Green (DISCOVERY CHANNEL), Six episodes*
- **Landmark Use of Force Cases:** *Interactive DVD, Writer and on camera host. Summer 2007*
- **FDLE CJSTC BRC CMSII:** *(Training Manual; Ground Defense section, contributing to other sections)*
- **FDLE CJSTC BRC CMS:** *(Training Manual; Chemical Agents section contributing to other)1991*
- **Meeting the Demands of the Contemporary Ground Encounter:** *The Law Enforcement Trainer, Volume 12 number 7; Jan/Feb 1998*
- **Using the Tools of Persuasion:** *The Law Enforcement Trainer; Volume 20, number 2, Apr/May 2005*
- **Center Mass Shooting to Kill:** *The Law Enforcement Trainer; Volume 20, number 4, Nov/Dec 2005*
- **Exploring Criminal Justice:** *contributing author, college level textbook set for publication in 2006 by McGraw-Hill.*
- **The Rapid Rotation Baton:** *Training Manuals, (basic, basic-experienced, intermediate, advanced, Instructor); 1996 (Translations in Spanish, German and Korean)*
- **The Rapid Cuff:** *Training Manual (Instructor) 1998 (Translations in Spanish and German)*
- **GROUND FIGHT!:** *Training Manual (Instructor) 2000*
- **Oleo-Resin Capsicum (OCI)** *Training Manual (Instructor) 2000*
- **PepperBall:** *(Instructor Course, SA-200, SA-10 Armorer's Manual), 2002*
- **Defensive Tactics Instructor (DTI):** *(Instructor Manual) 1996*
- **PROTECTORS Occupational Fitness** *(Instructor Manual) 2008*
- **Managing the Middle: Police and Media Relations in the New Age of Technology** 2010

## ***JOURNAL ARTICLES I HAVE REVIEWED***

- Frontiers in Psychology, reviewed article on Mental Skills Training for Military Soldiers (2019)

## ***MEMBERSHIPS***

- Society for Police and Criminal Psychology (SPCP)
- Association of Applied Sports Psychology (AASP)
- American Society for Industrial Security (ASIS International)
- National Sheriff's Association (NSA)
- International Association of Chief's of Police (IACP)
- National Rifle Association (NRA - *Life Member*)
- National Tactical Officers Association (NTOA)
- Police Executive Research Forum (PERF)
- Tallahassee, Committee of Ninety-Nine
- International Law Enforcement Educators and Trainers Association (ILEETA)
- 1996 USA Karate World Team (WUKO)

## ***RELEVANT UNIVERSITY COURSEWORK***

- |            |                                       |
|------------|---------------------------------------|
| • PET6224  | Exercise Effects on Cog and Behavior  |
| • EDF6937  | Neuroscience: Cognition & Perception  |
| • EDF6937  | Performance Psychology                |
| • SOP6939  | Evolutionary Psychology               |
| • EDF6937  | Genetics and Performance              |
| • PSB5057  | Neuroscience Methods: Behavior        |
| • PSB5341` | Systems and Behavioral Neuroscience   |
| • SOW5125  | Psychopathology in Clinical Practice  |
| • MHS5400  | Intro to Counseling Theories & Techs  |
| • SYP5105  | Theories of Social Psychology         |
| • PET5216  | Sport Psychology                      |
| • PET5255  | Social Bases of Sport Psychology      |
| • PET5390  | Measurement Sport and Exercise Psych. |
| • PET5235C | Motor Skill Learning                  |
| • PET 6217 | Stress and Performance in Sport       |
| • PET5240  | Applied Sport Psychology              |
| • EDF5215  | Cognitive Processes in Sport Psych.   |
| • EDF5481  | Methods of Educational Research       |
| • EDF6937  | Exercise and Cognition                |

• EDF6937	Expert Performance
• EDF6937	Ethics
• EDF5401	General Linear Modeling
• EDF5400	Descriptive/Inferential statistics
• CCJ2020	Introduction to Criminal Justice
• PHI2630	Ethical Issues and Life Choices
• PSY2012	General Psychology
• CCJ3101	Law Enforcement
• CCJ3011	Criminology
• POS1041	American Government: National
• CJT4100	Crime Detection & Investigation
• PHI2100	Reasoning and Critical Thinking
• PHY1020	Fundamentals of Physics
• PHY21020L	Fundamentals of Physics Lab
• CCJ3301	Corrections
• CCJ4280	Legal Aspects of Law Enforcement
• CCJ4905	Use of Force
• CCJ3200	Courts
• CCJ4131	Individual Rights in Criminal Justice
• CCJ4905	Less Than Lethal Force
• CCJ3653	Drugs, Alcohol & Crime
• CCJ4110	Police Problems and Practices
• CCJ4822	Public and Private Security
• CCJ4520	Juvenile Justice
• CCJ4700	Introduction to Research Methods
• CCJ4938	Sp. Topic: Youth Management 2
• CCJ4938	Science, Evidence and Law
• AMH3042	Law and Criminal Justice Since 1877
• CCJ4905	Police Discretionary Force
• CCJ4938	Prison Officer Training