

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
OF THE STATE OF FLORIDA IN AND FOR PASCO COUNTY
CRC14-00216CFAES

STATE OF FLORIDA

V.

CURTIS J. REEVES

**STATE'S MOTION TO COMPEL THE PRODUCTION
OF MATERIAL IDENTIFIED BY DR. HAYDEN DURING
HIS DEPOSITION THAT ARE AVAILABLE FOR REVIEW BY THE STATE**

COMES NOW, BERNIE McCABE, State Attorney for the Sixth Judicial Circuit in and for Pasco County, Florida, by and through the undersigned Assistant State Attorney, hereby respectfully request this Honorable Court to enter an order compelling the Defendant to immediately provide to the State copies of information and materials, Dr. Hayden identified during his deposition that are available for review by the State and as good cause would show:

1. The State took the deposition of defense expert Dr. Philip Hayden on March 28, 2016.
2. During the deposition, Dr. Hayden identified various documents that are available for review by the State. Dr. Hayden identified information that was missing from his CV. The missing material included courses he had taken over the last four years from the Force of Science Institute and the American for Effective Law Enforcement. (Deposition pages 5 – 7, attached) One of the courses he took dealt with in-custody death investigations. (Deposition pages 14 – 15, attached) He indicated he had the course material from those classes and is willing to provide a copy to the State. (Deposition pages 9 – 10, attached). He also indicated he received certificates for attending courses at Force of Science Institute and the American for Effective Law Enforcement. (Deposition pages 13 – 14, 17, 31 - 32, attached)
3. Dr. Hayden stated he taught a course that dealt with the topic of "survival awareness". He indicated his doctoral thesis was on the same topic. (Deposition: pages 19 – 20, attached) He stated he would be willing to provide the State with a copy of the course material and of his doctoral thesis. (Deposition page 20, attached)
4. Also, Dr. Hayden identified material he was going to rely upon in support of his opinions and conclusions. He stated he wrote two articles for one magazine; however he could not recall the name of the magazine. He indicated he would be willing to provide the State with a copy of each article. (Deposition: pages 58 – 59, attached)
5. Dr. Hayden stated he kept a list of the cases where he testified as an expert. He said he

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would be willing to provide the list of cases to the State. (Deposition: page 92, attached)
He also stated he recalled one criminal case in which he testified as to whether or not the shooting was justified. He stated he need to locate the case information and will be willing to provide the information to the State. (Deposition: pages 94 – 95, attached)

6. Dr. Hayden said it was possible that a fee schedule was signed by Mr. Reeves or his counsel. If there was a signed fee schedule he would be willing to provide a copy to the State. In the event there was not a signed fee schedule, he would provide the State with a copy of his fee schedule. (Deposition pages 102 – 104, attached)
7. Dr. Hayden indicated he could not recall all the material he has reviewed. He stated he compiled a 4 page list of all the material he has reviewed in this case. He indicated he was willing to provide a copy of that this to the State. (Deposition pages 106 – 107, attached)
8. On August 8, 2016 a letter requesting the below-described material was mailed to Dr. Hayden and defense counsel. The State requested the material by Friday, August 26, 2016. Three blank CDs were provided for Dr. Hayden's convenience of providing the requested material digitally.
9. As of September 6, 2016 the State has not received the requested material
10. The State is requesting copies of the following documents identified by Dr. Hayden:
 - Certificates from classes sponsored by Force of Science Institute and American for Effective Law Enforcement
 - Course material for classes attended that were sponsored by Force of Science Institute and American for Effective Law Enforcement
 - Copy of doctoral thesis
 - The two magazine articles he wrote for a magazine
 - List of cases in which Mr. Hayden testified as an expert, including the style of the case and the case number, the date(s) testified or gave a deposition, name of the hiring attorney, and the location or the jurisdiction of the case.
 - Identity of the cases Mr. Hayden testified as an expert and was allowed to render an opinion as to whether or not a shooting was justified or reasonable.
 - A copy of the signed fee schedule
 - A copy of an unsigned fee schedule used by Mr. Hayden
 - List of all the material he reviewed in this case

WHEREFORE, the State respectfully requests this Honorable Court to enter an order directing the Defendant, through defense counsel, to immediately provide the State with the above-described material.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the State's Motion To Compel The Production of Material Identified By Dr. Hayden During His Deposition That Are Available For Review By The State was furnished to Richard Escobar, Esq., Escobar & Associates, P.A., 2917 West Kennedy Blvd., Ste 100, Tampa, FL 33609, Attorney for the Defendant by U.S. Mail / Hand / Facsimile this 9th day of September, 2016.

BERNIE McCABE, State Attorney
Sixth Judicial Circuit of Florida



Glenn L. Martin, Jr.
Assistant State Attorney

In The Matter Of:

State of Florida v.

Curtis Reeves

Philip Hayden

March 28, 2016

Commonwealth Court Reporters, Inc

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1 Mr. Hayden, you have been listed as a defense
2 expert by Mr. Reeves' defense attorneys, Mr. Escobar
3 and Mr. Michaels, and the reason that you're here today
4 is for me to take your deposition to find out
5 everything that you know about this particular case and
6 to determine what if any opinions, if you are asked and
7 allowed to render such an opinion by the court, you
8 would render in this case. Is that your understanding
9 of why you are here, sir?

10 A Yes, it is.

11 Q All right, sir. What I'd like to do is I
12 have marked as deposition -- Deposition Exhibit No. 1
13 is the -- your curriculum vitae. Would you just look
14 at that and -- is there any additions, corrections,
15 deletions or anything on that CV?

16 A This one I have not updated since -- I don't
17 know what date it was we put it in there but it hasn't
18 been updated in a couple of years.

19 Q All right.

20 A And -- yeah.

21 Q What is missing off that CV, then?

22 A The Force of Science course that was taken

1 last year. I don't believe that's in here. I'm just
2 looking.

3 Q And that's the one at Quantico?

4 A No, that's at -- in Minnesota.

5 Q Okay. And that was in 2015?

6 A I would say it was probably two thousand --
7 late 2014.

8 Q Okay.

9 A But I'm not positive about that date.

10 Q Now, you took the class or were you an
11 instructor?

12 A I took the class.

13 Q All right. Anything else?

14 A There's several other courses that I've
15 taken: American for Effective Law Enforcement and
16 in-custody death classes that were held in Las Vegas.
17 I don't see those here. But basically, besides the
18 courses I've taken, the other things, my background,
19 all that is correct.

20 Q All right. So the three additions would be
21 the Force of Science Institute course and a course on
22 American for Effective Law Enforcement?

1 A No, I went to several courses taught by
2 them.

3 Q Taught by -- who is "them"?

4 A By the Americans for Effective Law
5 Enforcement, AELE.

6 Q All right. And you went through several
7 courses?

8 A Yes.

9 Q And do you know what those courses were?

10 A I couldn't tell you offhand, no.

11 Q Do any --

12 A But --

13 Q -- of them relate to the concept of use of
14 force?

15 A All of them do.

16 Q When did those courses take place?

17 A Took place over the last four years.

18 Q Even though you may not know the title of the
19 course, can you give me the content? If you want to
20 lump them all together since they all apply to use of
21 force and that concept, what do the courses -- what was
22 the content of the courses?

1 litigation specialist.

2 Q And did you obtain such a certificate?

3 A Yes, I did.

4 Q And do you have a copy of that?

5 A Not with me but I do have a copy of it, here
6 again, somewhere. I don't -- I don't worry about those
7 things that much so I don't always keep them where I
8 need to get them right away.

9 Q And would you be willing to provide me a copy
10 of that?

11 A That'd be fine.

12 Q You also indicated that not on your CV is
13 investigating -- I'm sorry, in-custody death
14 investigations. Tell me about that course.

15 A Well, it's a lot of the same people that are
16 involved in that and it's just kind of a different
17 branch of their whole program. Even though they're two
18 separate entities, the way I understand it, one deals
19 with more situations, jailing situations, where they
20 would have jailers come to it, guards, things like
21 that, and they teach courses of how do you deal with
22 subjects that are out in the field and deal with them

1 in a way that is safety -- your safety -- protects you
2 and them.

3 Q You used the term "they" and "them." Are you
4 referring back to the people who run the American for
5 Effective Law Enforcement?

6 A Well, when I'm referring to any of that, it
7 goes back to law enforcement in general and accepted
8 principles that we -- when I say "we," that myself, the
9 other professionals in this area, have accepted as, you
10 know, leading principles.

11 Q You -- I believe either -- I believe you
12 misunderstood my question.

13 A I probably did if you didn't like the
14 answer.

15 Q That's okay. I'm trying to find out who's
16 involved in the program that teaches in-custody death
17 investigation. Is that the same group of people that
18 own and operate American for Effective Law
19 Enforcement?

20 A I'm not sure of that. I couldn't answer that
21 question honestly.

22 Q And did you receive course material in that

1 Q It's what kind? .

2 A Hour, one-hour courses, that go through the
3 day and it lasts for a three-day period or a four-day
4 period, depending what course you sign up for.

5 Q For each hour, then, you would have a
6 different topic --

7 A Yes. That's correct.

8 Q All right. And who were some instructors?

9 A Judge Pitt from the Baltimore area, not --
10 Hanson or Henson. I can't think of his name right now.
11 I can't think of the names of all the different
12 instructors.

13 Q For those classes that you took -- I'm going
14 to lump them all together --

15 A Sure.

16 Q -- was there course material provided to
17 you?

18 A Yes, there was.

19 Q And do you still have that course material?

20 A I might have it somewhere.

21 Q All right. And would you be willing to
22 provide that to me?

1 A If I have it, I'd have no problems providing
2 it.

3 Q Other than Judge Pitt, were there any other
4 instructors which you consider to be authoritative in
5 nature that go around and teach concepts of use of
6 force?

7 A Probably just about every instructor they
8 have there.

9 Q And who would they be?

10 A And as I said before, I don't remember their
11 names.

12 Q Would that be on the course material?

13 A Yes, it would be.

14 Q Is the effective law enforcement -- or
15 America for Effective Law Enforcement, do they have a
16 website?

17 A I believe they do.

18 Q Is their course material on the website?

19 A I don't believe the course material is on the
20 website but a lot of reference material is on the
21 website.

22 Q The American for Effective Law Enforcement,

1 you go to?

2 A They have the courses a couple times a
3 year.

4 Q Yes, sir.

5 A And sometimes they give a little bit
6 different variation of the courses they -- they're
7 giving and so they'll send out a pamphlet telling you
8 the different courses that are there and they try to
9 change it up enough so that each session that they give
10 is different enough to bring people back. So sometimes
11 it's a repeat; sometimes it's recapping some
12 information; other times it's new information. And,
13 like I said, they give them -- I don't know how many
14 times a year but I know it's at least two times a year,
15 and they've been doing it for probably 15 years or
16 so.

17 Q Do you get some type of certificate
18 indicating a completion of any of those courses?

19 A You get one certificate -- well, you get a
20 certificate for completing the course. It's just you
21 completed the course. If you go through four of the
22 courses, then you get a certificate that says

1 litigation specialist.

2 Q And did you obtain such a certificate?

3 A Yes, I did.

4 Q And do you have a copy of that?

5 A Not with me but I do have a copy of it, here
6 again, somewhere. I don't -- I don't worry about those
7 things that much so I don't always keep them where I
8 need to get them right away.

9 Q And would you be willing to provide me a copy
10 of that?

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12 Q You also indicated that not on your CV is
13 investigating -- I'm sorry, in-custody death
14 investigations. Tell me about that course.

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16 involved in that and it's just kind of a different
17 branch of their whole program. Even though they're two
18 separate entities, the way I understand it, one deals
19 with more situations, jailing situations, where they
20 would have jailers come to it, guards, things like
21 that, and they teach courses of how do you deal with
22 subjects that are out in the field and deal with them

1 involved?

2 A I don't know about the number of hours but it
3 would definitely give the date.

4 Q All right. And do you have that
5 certificate?

6 A Here again, I don't really worry about those
7 things too much so I'm not sure if I have them but I
8 most likely do have them.

9 Q And would you be willing to provide a copy?

10 A I would be willing.

11 Q I'm going to save the Force of Science
12 seminar that you went to for just a little bit later.
13 Let me get some basic information from you and then
14 we're going to jump into that, okay?

15 A That's fine.

16 Q I didn't want you to think I forgot about it.

17 A Well, I wouldn't think that.

18 Q The education that's listed on the CV as far
19 as obtaining your BS degree, your master's degree and
20 your doctoral and education, is that -- all that
21 correct?

22 A That's correct.

1 A -- that protects you against rounds such as a
2 .38 caliber.

3 When you get to a 3A, it protects you against
4 the higher calibers: The .44s, the .45s, the 40 mil,
5 the mags -- .357 mags. It protects you against that.

6 Q Okay.

7 A So there are assaults on police officers. We
8 wanted to make sure they're protected the best they
9 possibly could from those type of rounds. So what my
10 job was there is to try to help develop that program
11 and then get it -- basically selling it within this
12 country.

13 Q All right. I'd like to go back now to the
14 Force of Science Institute --

15 A Okay.

16 Q -- and discuss that --

17 A Sure.

18 Q -- in a little more detail.

19 You indicated previously that you took that
20 course in late 2014. How long was the course?

21 A It was a one-week course.

22 Q That would be 40 hours?

1 A Yes. Probably more like 45 to maybe even 50.
2 hours.

3 Q Okay. And did you obtain a certificate --
4 certification of completion or certificate of
5 completion?

6 A Yes, I did.

7 Q Do you still have that?

8 A I'm sure I do.

9 Q Would you be willing to provide me a copy?

10 A I would be.

11 Q Regarding that particular organization, you
12 indicated that, in your CV, May 2002 to present you're
13 on the national advisory board for the Force Science
14 Research Center.

15 A That's correct.

16 Q Okay. Is the Force Science Research Center
17 the same as the Force of Science Institute or are they
18 two separate entities?

19 A When they first started -- when Bill Lewinski
20 first started that program, he was associated with the
21 Minnesota State University, I believe it was, and they
22 had the one name from that, and then when he wasn't

1 as an instructor?

2 A The only -- I could not give you the name of
3 the course as I named it but it was when I was working
4 on my doctorate itself, and that was in the adult
5 education dealing with survival awareness and how you
6 teach those courses.

7 Q And the concept of survival awareness, would
8 you explain to me what that is, please?

9 A Survival awareness is the mental mindset that
10 a -- and we're talking about police officers here
11 that -- I'm talking about police officers -- the
12 mindset that an officer goes through when he is
13 involved in a critical life-threatening situation.
14 It's also the tactical responses that that officer
15 might have in dealing with that same life-threatening
16 situation.

17 So survival awareness is being aware of what
18 it's going to take to survive that situation: You
19 survive it, all your fellow officers survive it,
20 innocent people survive it, and also the individual, if
21 at all possible, might survive it.

22 Q Okay. You indicated that you taught that

1 class while you were obtaining your doctorate. Was
2 your doctoral thesis on this subject or --

3 A Yes, it was. It was on that subject.

4 Q All right. And was your doctoral thesis
5 published?

6 A No.

7 Q You still have a copy of it?

8 A I probably do. It's one of those things you
9 bury after you finish.

10 Q I understand. If you do have a copy, would
11 you be willing to give me a copy of your doctoral
12 thesis?

13 A Only if you promise to read it. How's that?
14 I can't get that promise out of you, I'd still give it
15 to you.

16 Q You do have that promise from me, sir.

17 A Okay.

18 Q How many times did you teach survival
19 awareness? I'm breaking this up a little bit.

20 A In the --

21 Q I want to know number of times, who the
22 students were, you know, so I'll --

1 the violent crimes task forces within the FBI and -- so
2 it dealt with all the aspects of how do you survive a
3 violent confrontation? How do you complete your work
4 you're trying to do in the safest, best way possible
5 for you and everyone else concerned?

6 Q Of course my follow-up question as far as the
7 research that you're going to rely on, is there
8 anything other than what we've just discussed that
9 you've turned over to the FBI that you have personally
10 written -- any articles, abstracts, papers, books,
11 magazine articles, scientific studies -- that you're
12 going to rely on, other than what we've already
13 discussed?

14 A You say that I'm going to rely on. The only
15 thing -- everything that I've done is in my background,
16 my experience, and I rely on all that.

17 I did write an article for -- maybe it was
18 two articles for this one magazine. It was a law
19 enforcement magazine. And I think that was the only
20 thing I published. I wasn't interested in publishing
21 anything, but

22 Q And do you know -- or do you recall what

1 magazine?

2 A I don't recall what magazine but I know I do
3 have those copies.

4 Q And would you be willing to provide a copy to
5 me?

6 A I would be willing to provide a copy to you,
7 yes.

8 Q I'm going to change topics just a little bit.
9 I want to talk about your FBI background --

10 A Okay.

11 Q -- in a little more detail.

12 All right. Let's start from the beginning.
13 August 1973 to August of 1983, ten years as a field
14 agent, Chicago and New York.

15 A Right.

16 Q All right. You indicated -- and I'm picking
17 this up from your CV -- you were certified by the FBI
18 as an instructor in the following areas: Tactical
19 concepts for law enforcement officers. What was your
20 certification? What does that mean in that particular
21 area?

22 A Where are you right now?

1 Q So I'm trying to ferret out exactly where
2 you've actually testified as an expert. So let's start
3 with state court.

4 A State court, I believe it was in Chicago,
5 Texas, and I -- I'd have to pull these cases out to
6 take a look at it exactly where they were, what the
7 cases were --

8 Q Well, that's my next question.

9 A Yeah. I --

10 Q Did you keep a list of the cases?

11 A I do keep a list of the cases.

12 Q All right. And would you be willing to
13 provide that to me?

14 A The list of the cases?

15 Q Yes, sir.

16 A Yes, I can do that.

17 Q Without going -- and I'll get the list of
18 cases from you. In those -- state court, any in
19 Florida?

20 A No.

21 Q Okay. In what field were you qualified as an
22 expert?

1 Q So explain to me the excessive and police
2 procedure. That's what I picked up on: Procedure.

3 A Procedures. If the police were authorized to
4 act in a certain way when they made an arrest by
5 throwing an individual over a hood of a car, by
6 throwing him down, by throwing him in the back of the
7 car, whatever it might be, is that a procedure or
8 policy that the department allows you to perform.

9 Q Okay.

10 A And if it isn't, then they're not within the
11 policy and procedures, but that's not the legal aspect
12 of it.

13 Q Okay. As far as the legal aspect, were you
14 ever, in state court, allowed to testify as to whether
15 or not a particular individual involved in a shooting
16 was justified in the shooting?

17 A Yes.

18 Q You were allowed to testify to that legal
19 procedure.

20 A Yes.

21 Q And where was that?

22 A Oh, I have to think where that one was.

1 Yeah, you're going to have to let me dig that one out.
2 I forget where it was. I don't -- I don't do this
3 expert witness work as a full line of work. It's one
4 of those things that I do because I believe in the
5 cases I take that are important.

6 Q I'm just trying to determine exactly --

7 A I'm sure you are.

8 Q -- what you have and have not been allowed to
9 do as far as the legal concept of justification, though
10 you -- your memory is that you've been allowed to
11 render opinion as to whether or not a particular
12 individual involved in a shooting was justified.

13 A Was justified. I'm not talking about the
14 legal. I'm not an attorney so I don't talk about
15 the -- so much the legal aspect, except as we have been
16 taught within law enforcement and as I have taught in
17 law enforcement, if a person is justified under certain
18 parameters of the court, what they have --

19 Q What parameters? What do you mean?

20 A The parameters of the court. You're taking a
21 look at Graham v. Connor, you know, it's the one -- the
22 big one, the reasonableness factor, you know, was an

1 and things like that I did under Phil Hayden and
2 Associates.

3 When I decided I was going to get into
4 doing -- doing expert witness work, I decided at that
5 time that everything that I did would be done under
6 Phil Hayden and Associates.

7 Q Is that separate than Hayden and
8 Associates?

9 A It's still --

10 Q Okay.

11 A No, it's not Hayden and Associates; it's
12 Philip Hayden and Associates.

13 Q I'm sorry. All right, sir. Okay. As far as
14 expert work, what services do you provide to a
15 client?

16 A Well, the services I mostly provide are
17 expert's witness work and as much support I can give on
18 the use of force, police policies and procedures,
19 techniques of arrest, things like that.

20 Q And do you have a fee schedule that you're
21 able to provide to prospective clients?

22 A Yes.

1 Q And do you have a current one with you?

2 A I do not.

3 Q Is that something that you'd be willing to
4 provide to me?

5 A Yes, I would.

6 Q All right. For a case involving use of force
7 involving a shooting, can you tell me generally what
8 your fee is? Is it a flat fee? Hourly rate? How do
9 you break it up?

10 A I do it by hourly rate.

11 Q And what is your hourly rate?

12 A 275 an hour for -- for reviewing material.
13 When I go into court or depositions it's 350 an hour
14 with a minimum of four hours.

15 Q Let's talk about this particular case, State
16 v. Curtis Reeves. When were you first hired in this
17 particular case?

18 A I believe it was about a year ago, a little
19 over a year ago, I think it was, that Mr. Escobar first
20 contacted me.

21 Q Do you have an employee-employer contract
22 with Mr. Escobar?

1 A My contract is my fee schedule that's
2 signed.

3 Q Okay. And the fee schedule that was signed,
4 what is the fee schedule, like we just --

5 A The fee schedule that was signed. I'd have
6 to look to see if Mr. Escobar actually did sign one or
7 not, but usually I get it -- I ask for it to come back
8 and I always haven't gotten them back. I just -- I
9 don't follow through on it all the time. But the fee
10 schedule lays out all my fees: The 275 an hour, the
11 court work, the \$3,000 retainer, I think it is,
12 mileage, travel time.

13 Q Okay. In the event that you have a signed
14 one by Mr. Escobar, are you willing to provide me a
15 copy of that?

16 A I am.

17 Q To date, up until today, how many hours have
18 you worked on this case?

19 A I keep those records of how many hours I
20 worked on it and I have that back in my office. I
21 can't tell you exactly but it's been many, many hours.
22 It's probably -- probably closer to 60 hours or so,

1 A In this case, no.

2 Q The hours that you worked, 60 hours, what
3 work have you done? What have you done to justify 60
4 hours, billing 60 hours?

5 A In -- you're saying --

6 Q Just list. Just --

7 A Okay. You're saying 60 hours like that was
8 what it was. I'm not sure what it was but I know it
9 was probably somewhere in that area right there.

10 Q I understand.

11 A In reviewing all the different material,
12 there is voluminous amount of material. I couldn't
13 even begin to tell you, but depositions, statements,
14 police reports, videos, photographs. It's just a lot
15 of material.

16 Q Other than depos, statements, videos,
17 photographs and police reports, can you think of
18 anything else?

19 A I can't think of anything right now but I'm
20 sure there's a lot of other things in there because
21 it's almost four pages I have written down of all the
22 material that I have.

1 Q All right.

2 A Just listing them down. I don't know how
3 many lines you get on a piece of paper in 12 font, but
4 four pages it almost takes up.

5 Q All right. Would you be willing to give me a
6 copy of the list of all the documents that you've
7 reviewed?

8 A I --

9 MR. ESCOBAR: I would probably object to that
10 list if it includes any work-product information that
11 was discussed between the defense and Dr. Hayden. I'll
12 have to review it myself.

13 MR. MARTIN: You can review it, sanitize it
14 for work-product and identify the work-product and then
15 we'll have a motion with the court --

16 MR. ESCOBAR: Yeah.

17 MR. MARTIN: -- and then the court can make
18 an in-camera.

19 MR. ESCOBAR: Yeah.

20 MR. MARTIN: Fair enough?

21 MR. ESCOBAR: Yeah.

22 MR. MARTIN: Okay. We got it covered.

1 numbers. Okay. It's just what we have to deal with.
2 But the bottom line is, I'm trying to get a sense for
3 when you read the report so I kind of know what

4 version, if you will. Are we talking 144 pages? 159
5 pages? Because every time they print it out for us, we
6 get a new pagination. So about how long ago did you
7 read it?

8 A Oh, I really have to dig back into my memory
9 on this because it's been over the last few months that
10 I read a lot of this material and some of it was even
11 provided way earlier than that. So it's been over the
12 last year that I've gotten documents. So when I get
13 the documents, I'll read them and that's when I put
14 them into my notes. And I don't put a date on when I
15 actually read it.

16 Q All right. So when you -- in this particular
17 case, specifically the Pasco County Sheriff's police
18 reports, when you did review it, whatever comments or
19 observations that you made that may be relevant or
20 touch upon your testimony at court, you made notes.

21 A In my typewritten notes, yes.

22 Q Okay. From the police reports -- and I can

1 Q That's what I'm --

2 A That might have been, yeah.

3 Q All right. So you've looked at the video.

4 A Yes.

5 Q Okay. How many times have you reviewed the
6 video?

7 A The shorter videos and that one that's six,
8 seven minutes long, I've probably reviewed the shorter
9 videos three or four dozen times. I've looked at the
10 longer video probably a couple dozen times. The real
11 long video I've only looked at certain portions of it,
12 period of time.

13 Q And during the times that you've watched the
14 video, did you in fact take notes like you did when you
15 reviewed the police report?

16 A I -- what I did is I put down numbers. I was
17 trying to put down numbers of what actually happened at
18 that time to see --

19 Q What do you mean numbers?

20 A Numbers of the time stamp on the bottom of
21 when actually things did occur, and -- and the other
22 things I was looking for to see if it was consistent

1 THE WITNESS: Fair enough.

2 MR. MARTIN: All right.

3 BY MR. MARTIN:

4 Q In reviewing all the documents, you've
5 indicated you've made no report. Did you take notes as
6 you reviewed the documents?

7 A Yes, I did.

8 Q Are the notes typewritten? Handwritten?

9 A Typewritten.

10 Q And do the notes contain your observations
11 regarding the documents that were provided to you and
12 that you reviewed?

13 A What it -- what my notes pertain to is the
14 comments that I believe pertinent in this case that
15 I've been able to extract out of all the documents that
16 I've read and I have them footnoted to where they came
17 from.

18 Q And those particular notes that are
19 typewritten and have your comments that are pertinent
20 to this particular case, is that something that you
21 will use to refresh your memory prior to testifying at
22 any hearing or trial?

1 A Yes.

2 Q And would you be willing to give me a copy of
3 those notes?

4 MR. ESCOBAR: I would object to that. You're
5 not entitled to notes under the Florida rules of
6 discovery and so we would object and would instruct him
7 not to turn those notes over to you.

8 BY MR. MARTIN:

9 Q The typewritten notes with the comments that
10 are -- you believe are pertinent and you'll be using to
11 refresh your memory prior to trial, is that the only
12 memorialization of any of your conclusions or findings,
13 those typewritten notes, or are there other media,
14 documents, PowerPoints, spreadsheets --

15 A That I produced?

16 Q Yeah.

17 A No.

18 Q Okay. Are there any documents other than the
19 typewritten notes and those several things that you
20 indicated -- depositions, statements, videos, those sort of
21 things -- that you have gathered that you will rely on
22 when you testify? So here's where I'm kind of getting