

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
DEFENDANT TO SUBMIT TO THE MEASUREMENT OF HIS BODY**

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 requests this Honorable Court to enter its order compelling the Defendant to submit to the measurement of his body and as good cause shows as follows:

1. On January 31, 2014 the Defendant was charged by Information in a two count information with Murder in the Second Degree and Aggravated Battery for the shooting and killing of Chad Oulson and the shooting of Nichole Oulson on January 13, 2014.
2. The immunity hearing in the above-styled cause is scheduled to begin on Monday, February 20, 2017.
3. A disputed factual issue will be the spacial relationship between the Defendant and Mr. Mrs. Oulson when they were shot by the Defendant.
4. The Defendant's shooting reconstruction expert took various body measurements of the Defendant. One measurement taken was of the Defendant in a seated position on a wooden chair from the top of the seat to the top of his right shoulder. No measurement was taken from the top of the seat to the top of the Defendant's head. (See St. Exhibit #1, attached.)
5. The State seeks to measure and photographically document the distance from the top of the seat to the top of the Defendant's head while he is sitting on a wooden chair. The measurement will be taken with the Defendant sitting erect in the chair to establish the maximum distance. No attempt will be made at any reenactment. The State also seeks to verify the measurements of the Defendant by the defense expert.

FILED FOR RECORD
PASCO COUNTY, FLORIDA
2016 JUL 13 PM 3:19
JULIA S. NEEL
Clerk & Court Reporter
Pasco County, Florida

6. The above-described measurements of the Defendant are material and relevant to the State's investigation of the spacial relationship between the Defendant and Mr. Mrs. Oulson when they were shot by the Defendant.
7. After the filing of the charging document and subject to constitutional limitations, the court may require a defendant to: submit to a reasonable physical or medical inspection of the defendant's body. Fla. R. Crim. P. 3.220(c)(1)(I).
8. The State agrees to give the Defendant and counsel reasonable notice of the time and location for the Defendant to appear to have the measurements taken and photographed.
9. Compelling the Defendant to appear for the State to take measurements does not violate the privilege against self-incrimination. *See generally, Schmerber v. California*, 384 U.S. 757, 764 (1966)(cites omitted)(Protection against self-incrimination offers no protection against compulsion to submit to fingerprinting, photographing, or measurements, to write or speak for identification, to appear in court, to stand, to assume a stance, to walk, or to make a particular gesture.)

WHEREFORE, the State respectfully requests that this Honorable Court enter its order compelling the Defendant to appear to have the above-described measurements taken. The State further requests that the Defendant appear for the measurements within 20 days from the date of the courts order.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the *State's Motion To Compel The Defendant To Submit To The Measurement Of His Body* 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 13th day of July, 2016.

BERNIE McCABE, State Attorney
Sixth Judicial Circuit of Florida


Glen L. Martin, Jr.
Assistant State Attorney

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

CASE NO: CRC1400216CFAES

VOLUME 2 (PAGES 109 - 258)

STATE OF FLORIDA

-vs-

CURTIS JUDSON REEVES,

Defendant.

STATE OF FLORIDA)

COUNTY OF DUVAL)

Deposition of MICHAEL KNOX, a witness on behalf of
the State of Florida, taken at Official Reporters,
Inc., 421 West Church Street, Suite 430, Jacksonville,
Duval County, Florida, on Thursday, April 7, 2016,
commencing at 9:10 a.m., before Karen Waugerman, a
Notary Public in and for the State of Florida at Large
and Registered Professional Reporter.

OFFICIAL REPORTERS, INC.
421 WEST CHURCH STREET, SUITE 430
JACKSONVILLE, FL 32202
(904) 358-2090

1 Again, it's just sort of the same as the
2 boundary values with the measurements. What I'm doing
3 is getting photographs with a variety of different
4 background lighting to basically be able to cover the
5 gamut of what could be reasonably possible.

6 MR. MARTIN: Madam Court Reporter,
7 what's my next number, please?

8 THE REPORTER: 25.

9 (The item last above referred to was marked
10 for identification as State's Exhibit No. 25.)

11 BY MR. MARTIN:

12 Q Let me show you Depo Exhibit No. 25, which is
13 Frame No. P1, series of photographs that you gave me.
14 It appears in the review of the photographs -- and you
15 can look at the pictures that are in front of you --
16 Frames 1 through 13 are basically the mannequin in the
17 position we see in Frame No. 1 with different screen
18 backgrounds.

19 A That's right.

20 Q All right. So using Depo Exhibit No. 25,
21 Frame No. 1, what are you attempting to document with
22 the mannequin in that particular position with the
23 different screen lighting in the background? What are
24 you trying to document?

25 A Well, this is showing -- the mannequin is

1 positioned standing in front of Mr. Oulson's seat,
2 which would mean the No. 8 seat in the second to last
3 row. And then the camera is from me taking the
4 photograph while seated in Mr. Reeves' seat, which is
5 the No. 9 seat in the last row.

6 Q All right.

7 A And what I'm attempting to do here is render
8 images that will give a sense of what the visual
9 perspective is from Mr. Reeves' vantage point as he's
10 looking at Mr. Oulson, if Mr. Oulson were standing
11 there in front of his seat.

12 Q All right. Did you take any measurements of
13 Mr. Reeves?

14 A Yes.

15 Q What measurements did you take and what are
16 they?

17 A His standing height, six feet, one inches.
18 Then in the standing position, I measured to his --
19 from his shoulder seam to the tip of his middle finger,
20 which was two feet, 4.5 inches. Then the shoulder seam
21 to his elbow was ten inches. And the shoulder seam to
22 his wrist was one foot, eight inches. And then in a
23 seated position, measured from the seat up to his --
24 the top of his right shoulder, which was one foot,
25 11 inches.

1 Q Well, when you talk about the seat, we're
2 talking about the cushion part, the plastic part
3 underneath? Where was the start of the measurement?

4 A Well, this was not measured in a theater
5 seat. This was with him seating on a chair at his
6 residence, a wooden kitchen chair. All I'm trying to
7 do is get the measurement from the bottom of his body
8 in a seated position, up to the top of his shoulder in
9 a normal upright fully erect seating position.

10 Q All right. Basically from his buttocks to
11 the top of his shoulder?

12 A That's right.

13 Q Regardless of what kind of chair he's in.

14 A Right. 'Cause I'm measuring, not including
15 any -- on a wooden chair so there was no compression of
16 the chair to interfere with that.

17 Q What was that measurement?

18 A One foot, 11 inches.

19 Q Okay. What other measurements did you take?

20 A That's the measurements. That's all of them.

21 Q How did you determine the eye level of
22 Mr. Reeves in a seated position, relative to any
23 furniture that he may be in?

24 A Well, all I would be able to know in any
25 measurement of him is what's his maximum eye level. I

1 didn't know exactly what his eye level was at the time,
2 you know, because obviously, me sitting up here right
3 now, fully erect in this seat, my eye level's different
4 than if I'm leaned back relaxed in a chair. It drops
5 considerably.

6 Q That's why I'm trying to figure out is when
7 you took the photograph of Frame No. 1, Depo Exhibit
8 No. 25, you placed the lens at a particular height
9 above the floor. How did you make a determination that
10 that was Mr. Reeves' level at the time that -- we
11 haven't gotten to when this represents but at any time?

12 A Well, I don't have any way of knowing exactly
13 what his eye level was at any point given. In fact,
14 his eye level changes throughout the course of the
15 event. I mean, there are times when his head is
16 visible above the chair. There are times when it is
17 not. So there's no way to really bring that to a
18 particular eye level and say it's this level to the
19 exclusion of anything else.

20 What I did is use me in a seated upright
21 position at my eye level. I'm a little shorter than he
22 is so that would probably -- would be something below
23 what his fully upright eye level would be and something
24 probably above what his leaning back eye level would
25 be.