

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

3
4 STATE OF FLORIDA,

5 Plaintiff,

6 vs.

Case Number 14-216CFAES

7 CURTIS REEVES,

8 Defendant.
9 _____/

10 PROCEEDINGS: Bond Hearing
11 Volume IV

12 DATE: February 7, 2014

13 BEFORE: HONORABLE PAT SIRACUSA
14 Circuit Court Judge
Sixth Judicial Circuit
Dade City, Florida

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P R O C E E D I N G S

1
2 THE COURT: All right. We are back on the
3 record in State of Florida vs. Curtis Reeves,
4 Case Number 2014-216CFAES, allegation of murder
5 in the second degree and aggravated battery.

6 Present for the State are Mr. Garcia and
7 Ms. Sumner, as well as Mr. Loughery and
8 Mr. Kraebel. Present for the Defense,
9 Mr. Escobar and Mr. Michaels. The defendant is
10 present and he is dressed out.

11 State, are we ready to proceed with the
12 bond hearing this morning?

13 MR. GARCIA: Yes, sir, Judge.

14 THE COURT: Defense, we ready to proceed
15 with the bond hearing this morning?

16 MR. ESCOBAR: We are, Your Honor.

17 THE COURT: Okay. I had indicated that I
18 was going to give you a pretrial approximately
19 a month out on the case. I have been looking
20 at March 12th as a possibility so I'd like
21 everybody to check their schedules during the
22 first break to see if March 12th is going to,
23 in fact, work for everybody. It would be at
24 11:00 a.m. I have some other pretrials
25 scheduled that morning, but I'll try and get

1 them out of the way before we get to this.

2 MR. KRAEBEL: Judge --

3 THE COURT: We will probably do an hour
4 and ten minutes before we take our first break,
5 so that would be at approximately 11:20.

6 Yes, Mr. Kraebel?

7 MR. KRAEBEL: On that -- at that pretrial
8 hearing, I'm just interested, you set 30 days
9 as far as the discovery release is concerned.
10 Would that be the day that we --

11 THE COURT: That would be the day that I
12 would hear about the objections. So when I
13 sign the order, I'm going to modify that order
14 to reflect March 12th as the date it's either
15 going to be objected to and I'll continue the
16 order, or it's going to be released. So that
17 would be the idea. I know it's not exactly 30
18 days, but it was as close as we could come on
19 the calendar.

20 MR. KRAEBEL: Thank you, Judge.

21 THE COURT: All right. State, who do you
22 wish to call as your first witness?

23 MR. GARCIA: Your Honor, the State would
24 call Detective Allen Proctor.

25 THE COURT: All right. Detective Proctor.

1 MR. GARCIA: Judge, may I approach the
2 clerk, please.

3 THE COURT: Yeah.

4 THEREUPON,

5 ALLEN PROCTOR,
6 the witness herein, was placed under oath.

7 THE COURT: Have a seat.

8 THE WITNESS: Thank you, sir.

9 MR. GARCIA: Your Honor, may it please the
10 Court, Mr. Escobar, Mr. Michaels.

11 DIRECT EXAMINATION

12 BY MR. GARCIA:

13 Q Detective Proctor, good morning, sir.

14 A Good morning, sir.

15 Q Detective Proctor, can you please state
16 your full name.

17 A Allen Proctor.

18 Q And your profession, sir?

19 A I'm a detective with the Pasco County
20 Sheriff's Office, the major crime unit.

21 Q How long have you been a detective with
22 the Pasco County Sheriff's Office?

23 A Since 1993.

24 Q And what are your current duties with the
25 Pasco County Sheriff's Office?

1 A I'm assigned to the major crimes unit.

2 Q Detective Proctor, directing your
3 attention back to January 13th of 2014, were you on
4 duty that day?

5 A Yes, sir, I was.

6 Q Did you have occasion to become involved
7 in the investigation of a homicide which occurred at
8 the Cobb Theater?

9 A I did, sir.

10 Q During the course of your investigation,
11 did you come in contact with a person who later
12 became known to you as Curtis Reeves?

13 A Yes, sir, I did.

14 Q And do you see Mr. Reeves in the
15 courtroom?

16 A Yes, sir, I do.

17 Q And if you would, please, can you point
18 him out and describe what he's wearing.

19 A Sitting at the table, sir, wearing a
20 dark-colored sweater with a light-colored shirt and
21 tie.

22 MR. GARCIA: Your Honor, I'd ask the
23 record to reflect that Detective Proctor has,
24 in fact, identified the defendant in this case.

25 THE COURT: Mr. Escobar, do you have any

1 objection to the in-court identification?

2 MR. ESCOBAR: I do not, Your Honor.

3 THE COURT: The record may so reflect.

4 You may continue.

5 MR. GARCIA: Thank you, Your Honor.

6 Q (By Mr. Garcia) Detective Proctor, as
7 part of your investigation, did you have occasion to
8 interview the defendant, Curtis Reeves, in this
9 case?

10 A Yes, sir, I did.

11 Q And prior to his interview, did you, in
12 fact, read him his Miranda rights?

13 A Yes, sir, I did.

14 Q Do you have that card with you here today?

15 A Yes, sir, I do.

16 Q And if you would, please, could you read
17 it.

18 A Certainly, sir. Your Miranda warnings
19 are: "You have the right to remain silent.
20 Anything you say can and will be used against you in
21 a court of law. You have the right to talk to a
22 lawyer and have him or her present with you while
23 you're being questioned. If you cannot afford to
24 hire a lawyer, one would be appointed to represent
25 you before any questioning if you wish. You can

1 decide at any time to exercise these rights, not
2 answer any questions or make any statements.

3 "Do you understand each of the rights that
4 I've explained to you? And having those rights in
5 mind, do you wish to talk to us now?"

6 Q Okay. And did Mr. Reeves appear to
7 understand his Miranda rights?

8 A Yes, sir, he did.

9 Q Did he agree to speak to you?

10 A Yes, sir, he did.

11 Q And did he do so freely and voluntarily?

12 A Yes, sir.

13 Q Was his interview tape recorded?

14 A Yes, sir, it was.

15 Q In its entirety?

16 A Yes, sir.

17 Q Did you ever go off tape?

18 A Never.

19 Q Okay. In coming in contact with
20 Mr. Reeves back on January 13th of 2014, did you
21 observe any injuries to the left side of Mr. Reeves'
22 head or face?

23 A No, sir.

24 Q Did he indicate to you or complain to you
25 of any injuries or marks on the left side of his

1 face?

2 A Yes, sir. He was rubbing his eye.

3 Q Where was he doing this?

4 A Sitting in the front seat of my vehicle.
5 He had actually pulled down the visor with the
6 vanity mirror and was rubbing his eye.

7 Q Okay. Did you see any type of injuries to
8 his eyes?

9 A No, sir.

10 Q And did you have the lack of injuries
11 photographed on Mr. Reeves?

12 A Yes, sir, I did.

13 Q Did you see any other marks or bruises,
14 abrasions on his hands?

15 A Yes, sir, I did.

16 Q Which hand?

17 A Both. It was majority on what's probably
18 from a handcuff and indicative of a handcuff.

19 MR. ESCOBAR: Objection, Your Honor, non
20 responsive to the question. Move to strike.

21 THE COURT: Sustained. Rephrase your
22 question.

23 MR. GARCIA: Okay.

24 Q (By Mr. Garcia) Detective Proctor, in
25 your years of being a law enforcement officer, how

1 many occasions have you had to handcuff a suspect or
2 a defendant?

3 A Several hundred.

4 Q Hundreds?

5 A Yes.

6 Q Okay. And based upon your training and
7 experience, can handcuffs cause abrasion marks on
8 the hands?

9 A Yes.

10 MR. ESCOBAR: Objection, Your Honor,
11 improper predicate for that opinion. Move to
12 strike that answer.

13 MR. GARCIA: I think, Judge, I'm in the
14 process of laying a predicate.

15 THE COURT: Well, I'm going to sustain the
16 objection. I can draw my own conclusions --

17 MR. GARCIA: Okay.

18 THE COURT: -- at a bond hearing as to
19 what the injuries might or might not have been
20 caused by.

21 MR. GARCIA: Okay. In light of that,
22 Judge, I'll move on, then.

23 Judge, I would ask the record to reflect
24 that I'm showing what's been marked as State's
25 Exhibit B for identification purposes as a

1 composite to Mr. Escobar.

2 THE COURT: The record may so reflect.

3 MR. GARCIA: May I approach the clerk,
4 please?

5 THE COURT: You may.

6 While he's getting those marked, usually I
7 greet the crowd -- well, usually, as though
8 there's usually a crowd. There's usually never
9 a crowd.

10 But when there is a gathering of people, I
11 usually greet them and remind them of the rules
12 that are enforced in court. I'd like to say
13 having just been in my other courtroom with 50
14 people for a variety of other things, you're a
15 very, very well-conducted crowd and please
16 continue to conduct yourselves as such.

17 Remember, we do take breaks. They are ten
18 minutes. When we take the breaks, it's going
19 to be at 11:20 approximately this morning. So
20 if you need to get up and walk about, that
21 would be the better time to do it.

22 Please make sure that your cell phones are
23 turned off. If -- if you've forgotten to do
24 that, please -- please check that now as well.

25 All right. You may continue, Mr. Garcia.

1 MR. GARCIA: Judge, may I approach
2 Detective Proctor, please?

3 THE COURT: Yes. Feel free to move about.

4 MR. GARCIA: Thank you.

5 Q (By Mr. Garcia) Detective Proctor, I'm
6 handing you what's been marked as State's Exhibit
7 D -- B for identification purposes as a composite.

8 Do you recognize the items there?

9 A Yes, sir.

10 Q And the photograph of Mr. Reeves there
11 depicted in these photographs, is it a true and
12 accurate depiction of how he appeared on January
13 13th of 2014?

14 A Yes, sir, the latter pictures. That's
15 correct, yes, sir.

16 MR. GARCIA: Judge, I would move this into
17 evidence as State's Exhibit Number -- is it 3,
18 4?

19 THE COURT: It would be 3, I believe, on
20 State's.

21 MR. GARCIA: Three?

22 THE COURT: Three.

23 MR. GARCIA: As State's Exhibit 3, Judge.

24 THE COURT: As a composite.

25 Mr. Escobar, do you have any objection?

1 MR. ESCOBAR: No objection, Your Honor.

2 THE COURT: Without objection, it will be
3 admitted as State's Exhibit 3 composite for the
4 purposes of this bond hearing.

5 MR. GARCIA: May I proceed, Judge?

6 THE COURT: You may continue.

7 MR. GARCIA: Thank you.

8 Q (By Mr. Garcia) Detective Proctor, you
9 indicated that you had occasion to interview
10 Curtis Reeves.

11 A Yes, sir, I did.

12 Q And that interview was conducted on an
13 audiotape.

14 A That's correct, sir.

15 Q Have you had an opportunity to listen to
16 it?

17 A Yes, sir, I have.

18 Q Is it a true and accurate depiction of
19 your questions as well as Mr. Reeves' responses --

20 A That's correct, sir.

21 Q -- that he gave to you back on
22 January 13th of 2014?

23 A That's correct, sir.

24 MR. GARCIA: Your Honor, I'd ask the
25 record reflect that I'm showing what's been

1 marked as State's Exhibit E for identification
2 purposes to Mr. Escobar.

3 Your Honor, with the Court's permission, I
4 would like to play the taped interview of
5 Mr. Reeves now.

6 THE COURT: Any objection to publishing
7 the --

8 MR. ESCOBAR: No objection, Your Honor.

9 THE COURT: All right. You may proceed.

10 MRS. SUMNER: Judge, if I could just step
11 out and get Detective Smith.

12 THE COURT: Sure.

13 MR. GARCIA: Do you mind, Judge, Detective
14 Smith coming in for the purposes of putting the
15 CD --

16 THE COURT: Anybody that can make the
17 technology work, that's what we need right now.

18 Is it going through the -- the system here
19 in the courthouse?

20 MR. GARCIA: I believe so.

21 MRS. SUMNER: Yes, Your Honor.

22 MR. GARCIA: Yes, sir.

23 THE COURT: Okay. I did the video
24 conference in order to make that work, so let's
25 see what happens.

1 (Thereupon, the audiotape, State's Exhibit E, was
2 played and the transcription thereof is presented in
3 the following Italicized font.)

4 *DETECTIVE PROCTOR: 1510. Yep.*

5 *UNIDENTIFIED SPEAKER: Come on, Curtis.*

6 *DETECTIVE PROCTOR: How you doing, Curtis?*
7 *You all right, Curtis?*

8 *MR. REEVES: Hell, no.*

9 *DETECTIVE PROCTOR: Can you get out of*
10 *there, man? All right. All right. There you*
11 *go.*

12 *Come on, Curtis. My name's Allen Proctor.*
13 *Let's step over here to my car. You all right?*

14 *MR. REEVES: Yeah, I'm doing all right.*

15 *DETECTIVE PROCTOR: Sit here in the front*
16 *seat. Go ahead.*

17 *MR. REEVES: I'm 71 years old. I can't*
18 *move here.*

19 *DETECTIVE PROCTOR: Okay.*

20 *UNIDENTIFIED SPEAKER: Allen, what do you*
21 *want to do?*

22 *DETECTIVE PROCTOR: You want to cuff him*
23 *in the front? All right.*

24 *Curtis, you don't have anything else on*
25 *you, sir, do you, Mr. Reeves?*

1 MR. REEVES: I have no idea, my friend.

2 DETECTIVE PROCTOR: You want to double
3 check and see if he's got any -- anything else
4 on him.

5 MR. REEVES: I think they've stripped me.

6 DETECTIVE PROCTOR: Have they?

7 MR. REEVES: At least three times --

8 UNIDENTIFIED SPEAKER: I don't think he
9 has any more property on him.

10 MR. REEVES: -- at least three times,
11 maybe four.

12 DETECTIVE PROCTOR: Okay, cool.

13 MR. REEVES: That was one of the reasons I
14 wanted the handcuffs loosened. What are we
15 doing?

16 UNIDENTIFIED SPEAKER: Just putting them
17 in the front for you. All right. Don't push
18 on them, they double lock. All right?

19 MR. REEVES: I -- I understand the
20 concept.

21 UNIDENTIFIED SPEAKER: Turn around and
22 face me. Just sit kind of straight back to
23 where you're sitting in the seat.

24 DETECTIVE PROCTOR: Curtis, my name is
25 Allen Proctor. I'm a detective with the

1 sheriff's office. This is Todd. We're here
2 investigating the shooting that occurred here.

3 I understand you're a retired TPD cop.

4 MR. REEVES: Yep.

5 DETECTIVE PROCTOR: I want to make sure
6 that everything is okay here and you know the
7 spiel, you know -- well, I got to Mirandize
8 you.

9 MR. REEVES: Sure.

10 DETECTIVE PROCTOR: Okay. You have the
11 right -- Your Miranda warnings are: "You have
12 the right to remain silent. Anything you say
13 can and will be used against you in a court of
14 law. You have the right to talk to a lawyer
15 and have him or her present with you while
16 you're being questioned. If you cannot afford
17 to hire a lawyer, one will be appointed to
18 represent you before any questioning if you
19 wish. You can decide at any time to exercise
20 these rights and not answer any question or
21 make any statements.

22 "Do you understand each of those rights
23 that I've explained to you?"

24 MR. REEVES: Yes.

25 DETECTIVE PROCTOR: Having those rights in

1 mind, do you want to talk to me about what
2 occurred here?

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

5 DETECTIVE PROCTOR: Okay, cool. What
6 happened?

7 MR. REEVES: Can I have -- you got
8 something to drink, anything? My -- my throat
9 is -- my throat is as dry as dry can be.

10 DETECTIVE PROCTOR: Yes, sir.

11 MR. REEVES: And I -- I really didn't get
12 to move that left shoulder anyhow.

13 Well, I do hope the folks that -- on
14 either side of me were paying attention.

15 DETECTIVE PROCTOR: What -- what movie
16 were you watching?

17 MR. REEVES: Well, we were watching the
18 previews.

19 DETECTIVE PROCTOR: Watching the previews?

20 MR. REEVES: Yeah, before the movie gets
21 started.

22 DETECTIVE PROCTOR: Okay.

23 MR. REEVES: All the crap that precedes
24 the movie.

25 DETECTIVE PROCTOR: How long had the

1 lights been down?

2 MR. REEVES: Oh, I have no idea.

3 DETECTIVE PROCTOR: Couple minutes?

4 MR. REEVES: Yeah. Well, the lights had
5 been down for quite awhile because they go
6 through all that stuff about turning off your
7 cell phone and, you know, the concession stand
8 and all that stuff.

9 DETECTIVE PROCTOR: All right.

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

12 UNIDENTIFIED SPEAKER: Brian just went to
13 get a couple --

14 DETECTIVE PROCTOR: Thank you.

15 Hey, they're going to go get something to
16 drink.

17 MR. REEVES: I'm not trying to do anything
18 other than get the feeling in --

19 DETECTIVE PROCTOR: That's all right.

20 MR. REEVES: -- my shoulders back.

21 DETECTIVE PROCTOR: That's all right.

22 That's all right.

23 How long you been retired?

24 MR. REEVES: Twenty years.

25 DETECTIVE PROCTOR: Wow. You started as a

1 young man, then, huh?

2 MR. REEVES: Yeah, I did. I spent --
3 let's see, I went on in October of 1966.

4 DETECTIVE PROCTOR: Wow.

5 MR. REEVES: Did 27 there. Then I was
6 head of security at Busch Gardens for 12 years.
7 And I've been trying to retire, enjoy my
8 retirement for about nine years.

9 DETECTIVE PROCTOR: I understand. Well,
10 he's going to bring you some water.

11 MR. REEVES: And I don't care if it's
12 cold, as long as it's wet.

13 DETECTIVE PROCTOR: All right, sir. I've
14 got some here, but you probably don't want to
15 drink after me because I have all kinds of --
16 probably all kinds of -- well, we're bringing
17 you some fresh water.

18 MR. REEVES: You telling me it's diseased?

19 DETECTIVE PROCTOR: Well, I'm not saying
20 that. I've been a cop almost 30 years myself.

21 MR. REEVES: I understand. I understand.

22 DETECTIVE PROCTOR: And I hate to talk to
23 you about all this.

24 MR. REEVES: Well, I tell you dang truth,
25 I hate to be here. This is crazy. It was

1 absurd. I tell retired cops that you don't do
2 this, but I've never had anybody jump on my ass
3 like that.

4 DETECTIVE PROCTOR: Right.

5 MR. REEVES: It's really off and
6 completely uncalled for.

7 DETECTIVE PROCTOR: I understand. So the
8 lights had dimmed down. What happens?

9 MR. REEVES: Well, the guy was playing
10 with his cell phone so I leaned over and I
11 said, "Do you mind turning your cell phone
12 off?"

13 DETECTIVE PROCTOR: Right.

14 MR. REEVES: And he told me to fuck off or
15 something like that. I can't remember. So I
16 lean back and he kept on doing it, so I got up
17 and I went and told the manager out front.

18 I said, look, we got a guy -- I said, I
19 asked him to turn his cell phone off. He was
20 playing with it. And he told me to fuck off so
21 I said I appreciate it (indiscernible).

22 DETECTIVE PROCTOR: So he kept doing it.
23 What -- what manager?

24 MR. REEVES: Oh, I don't know, whoever was
25 sitting at the desk. Big heavysset guy with

1 glasses on. Whoever was sitting at the front
2 desk up there. I assume he was the manager
3 (indiscernible.)

4 DETECTIVE PROCTOR: But he's a heavyset
5 guy?

6 MR. REEVES: Yeah.

7 DETECTIVE PROCTOR: Wearing glasses?

8 MR. REEVES: I think so. Observations
9 fade with retirement.

10 DETECTIVE PROCTOR: I understand. So what
11 happens then?

12 MR. REEVES: I come back in the movie.
13 And the guy put his phone away. And as I went
14 by, I said, "I see you put it away. I told the
15 manager for no reason." In other words, I went
16 in and ratted him out. If he was going to put
17 it away, I wouldn't have gone, you know. Make
18 sense?

19 DETECTIVE PROCTOR: Right.

20 MR. REEVES: And he turns around in his
21 seat and he says something about -- to get --

22 DETECTIVE PROCTOR: He got it.

23 MR. REEVES: Yeah. And he -- he says
24 something about he was -- I don't remember.
25 "If it was any of your fucking business, I was

1 texting my daughter," or something like that,
2 and "You stay the hell out of my face." I
3 think that's what he said. His wife was
4 holding him back.

5 So I had sat down and I think I got the
6 bag of popcorn from my wife. And then suddenly
7 he jumps up and he turns around and he stands
8 in his seat, which was -- well, you saw the
9 crime scene. He was off to the right up there.

10 DETECTIVE PROCTOR: Right.

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

14 DETECTIVE PROCTOR: Uh-huh.

15 MR. REEVES: And I'm leaning back in my
16 chair. So he kept on hollering. And I'm not
17 sure what he said, to be honest with you. He
18 said something that led me to believe he was
19 going to kick my ass. And I don't know if
20 that's exactly how he phrased it or not.

21 So I'm looking briefly. I know I can't go
22 anywhere. So I'm leaning all the way back in
23 my chair as far as I can to get away from him.
24 And suddenly he's virtually on top of me. So
25 because I'm stretched out, if you'll look at

1 these pants, pistol was in the right front
2 pocket.

3 DETECTIVE PROCTOR: Uh-huh.

4 MR. REEVES: And you're sitting down,
5 ain't no way you can get it out. So I'm
6 stretched out trying to get away from him.

7 My left arm is out in front of me. And I
8 think I'm saying either no, no, no, or whoa,
9 whoa, whoa, one or the other.

10 Then -- so I believe my head was to the
11 right. So he hit me with something. And I
12 assume it was his fist, but I don't know. You
13 see -- do you have a mirror here? Something is
14 wrong with my left eye. Anyway, I had them
15 wash it out for me.

16 So he -- he hit me with his fist or with
17 something. I think -- I think he had his cell
18 phone in his hand because I saw the -- I saw
19 the blur of the screen, I guess.

20 DETECTIVE PROCTOR: Right.

21 MR. REEVES: And I got my left hand out in
22 front of me and he hits me in the face and
23 knocks my glasses sideways.

24 And there was a -- there was a young --
25 there was a young Sumter County deputy that

1 came over right afterwards. And I have frames
2 that don't -- you can bend them all over the
3 place --

4 DETECTIVE PROCTOR: Uh-huh.

5 MR. REEVES: -- but the left side was
6 stretched out, so --

7 DETECTIVE PROCTOR: You say he knocked
8 your glasses off?

9 MR. REEVES: They weren't off; they were
10 partially off. And I fixed them where they fit
11 my head again. And for a while there I was
12 kind of dazed, and it had to be from the
13 strike, even if it was a glazing blow or
14 whatever.

15 But I felt like I had something in my eye;
16 still do, but not as bad. The fire department
17 guys rinsed it out with some kind of shit.

18 Anyway I'm leaning back. He's virtually
19 in my lap. I got -- I got contact with
20 something with my left hand. It's dark in
21 there. I mean this happened so damn fast.

22 DETECTIVE PROCTOR: Uh-huh.

23 MR. REEVES: And the trajectory of the
24 bullet should be upward because I came out of
25 my pocket with it. And I'm surprised I didn't

1 shoot myself in the hand.

2 DETECTIVE PROCTOR: Uh-huh.

3 MR. REEVES: But -- and good heaven, I
4 didn't mean to do that. That was just -- I had
5 to say that. I've counseled cops for --

6 DETECTIVE PROCTOR: How many rounds you
7 shoot?

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

10 DETECTIVE PROCTOR: Okay.

11 MR. REEVES: I've got arthritis in both
12 hands and my back is a freaking wreck. I was
13 on SWAT for 15 years. We thought we were
14 Superman --

15 DETECTIVE PROCTOR: Right.

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

18 DETECTIVE PROCTOR: Okay. And you had
19 that gun in your right --

20 MR. REEVES: It was in my right front
21 pocket. Stretched out. Like I said, you can
22 see the pockets here.

23 DETECTIVE PROCTOR: Uh-huh.

24 MR. REEVES: And you can't get it out if
25 you're not -- if you're not completely -- I'm

1 stretched out and my seat's sort of like this.

2 DETECTIVE PROCTOR: Right.

3 MR. REEVES: And I'm holding -- I'm whoa,
4 whoa, whoa or no, no, no, one or the other.
5 And I'm hit in the face and it had to be him
6 who did it.

7 DETECTIVE PROCTOR: You got any idea where
8 you shot him at?

9 MR. REEVES: I have no idea. I heard
10 somebody say he was shot in the chest.

11 DETECTIVE PROCTOR: You see anything in
12 his hands?

13 MR. REEVES: I think he had the cell
14 phone. When -- when -- when he turned away
15 from me, I looked down and his cell phone was
16 laying at my feet, so I think that's what he
17 hit me in the face with. I didn't see anything
18 else. I mean I don't know what you guys --

19 DETECTIVE PROCTOR: I hear you. Did your
20 wife -- where was your wife at?

21 MR. REEVES: She was sitting on the
22 right-hand side. If she's paying attention,
23 bless her heart, she's -- you know, there's no
24 justification for what happened in there so --

25 DETECTIVE PROCTOR: Right.

1 MR. REEVES: -- I understand her
2 (indiscernible).

3 DETECTIVE PROCTOR: Where was your son at?

4 MR. REEVES: He wasn't there. We were
5 waiting for him. We'd saved a seat for him and
6 all so --

7 DETECTIVE PROCTOR: And this guy's sitting
8 directly in front of you?

9 MR. REEVES: No. His wife, I think, or
10 whoever was with him. This lady was sitting
11 directly in front of me. He was off to the
12 right side, which makes it -- if he'd have been
13 sitting straight in front of me, I'd have just
14 been whipped because I couldn't do anything.

15 DETECTIVE PROCTOR: And the row in front
16 of you, right, right side and right in front of
17 you?

18 MR. REEVES: Right.

19 DETECTIVE PROCTOR: Just one chair?

20 MR. REEVES: Yeah. What's the state of
21 (indiscernible)?

22 DETECTIVE PROCTOR: We don't know yet.
23 We've got people down there. It's not looking
24 good?

25 MR. REEVES: All over -- it's

1 (indiscernible).

2 DETECTIVE PROCTOR: Yeah. Did --

3 MR. REEVES: His wife was trying --
4 whoever was with him was trying to hold him
5 back.

6 DETECTIVE PROCTOR: Right. What is he
7 saying to you?

8 MR. REEVES: Fuck off, get out of my face,
9 fuck you. I'm talking -- I was -- he was
10 sitting there playing with it. And what he said
11 to me was that he was texting his daughter.
12 Well, he wasn't. He was -- he was -- he was
13 scrolling through.

14 So I think when I leaned over and asked
15 him to turn his cell phone off, he told me to
16 get the fuck out of his face. And so I knew
17 right away --

18 DETECTIVE PROCTOR: What about just
19 immediately prior to the shot? What is he
20 saying to you?

21 MR. REEVES: He's saying -- I think that's
22 when he talking about he's texting his daughter
23 if it was any of my -- there's "fuck" in there
24 three or four times. I don't remember. It's
25 none of my fucking business or I'll kick your

1 fucking ass or -- it -- whatever he was saying
2 was -- was threatening. I got to be candid
3 with you. I don't remember (indiscernible).

4 DETECTIVE PROCTOR: Okay.

5 MR. REEVES: It was enough for me to try
6 to look for a way out. And my wife is
7 saying -- when I got up to go tell the manager,
8 she said, "Why don't we just" -- we should have
9 just moved is what we should have done. And
10 she said that after.

11 DETECTIVE PROCTOR: Right.

12 MR. REEVES: And she's absolutely right.
13 That's exactly what we should have done, so --
14 but if something -- when he jumped up and
15 turned around, I didn't -- there was no
16 problem. I mean it was just a guy mouthy.

17 DETECTIVE PROCTOR: Right.

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

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

24 MR. REEVES: His feet -- his feet were on
25 the seat, at least one of them was. And he was

1 pushing back with his hand and he was coming
2 over the seat. Now, exactly where his feet
3 were, I don't know. He was coming over into my
4 area, where I'm sitting.

5 DETECTIVE PROCTOR: Okay.

6 MR. REEVES: And I'm -- and I'm saying,
7 "Whoa, whoa, whoa." It's like this is just a
8 cell phone. You know, this is nothing.

9 DETECTIVE PROCTOR: Right.

10 MR. REEVES: I don't know if I was saying
11 no, no, no or whoa, whoa, whoa. So he's coming
12 over on me. I got to -- I'm pushing him off
13 with my left hand and I had ahold of something.
14 I'm assuming it was probably his chest. I
15 don't know.

16 DETECTIVE PROCTOR: With -- with your left
17 hand?

18 MR. REEVES: With my left hand, right.

19 DETECTIVE PROCTOR: As he's coming over --
20 do you actually make contact with his --

21 MR. REEVES: I make contact with
22 something, his arm, his chest, shoulder. I'm
23 saying no, no, no; whoa, whoa, whoa, whoa. And
24 like they say in the books, it happened so
25 fast.

1 And then as soon as I -- as soon as I pull
2 the trigger, I said, "Oh, shit. This is
3 stupid." But, again, I'm 71 years old. I
4 don't need an ass whipping --

5 DETECTIVE PROCTOR: Right.

6 MR. REEVES: -- from a younger man.

7 DETECTIVE PROCTOR: How old was he?

8 MR. REEVES: I don't know. I'm going to
9 say 35, 40 maybe.

10 DETECTIVE PROCTOR: Did you -- did you
11 think that he had something other than a cell
12 phone?

13 MR. REEVES: I -- I had no idea what he
14 had. I mean I -- I mean I just -- all I knew
15 is the guy was coming after me. It was dark;
16 the theater's dark. The show's on. I don't
17 know what -- I don't know what -- I don't know
18 him. I don't know -- I see that he's very
19 explosive unnecessarily. I don't understand
20 what his motivation is or why he wants to
21 pursue something that's not worth pursuing. I
22 had no idea what his motivation was.

23 But when he jumped up, like I said, it was
24 not a big deal. But then when he started for
25 me and he started yelling, then it scared the

1 crap out of me. I'm thinking holy crap, what's
2 going on here? So I -- and after he hit me --

3 DETECTIVE PROCTOR: You keep saying he hit
4 you, but what is he hitting you with?

5 MR. REEVES: It was dark. I don't know.

6 DETECTIVE PROCTOR: Okay.

7 MR. REEVES: I think he was wearing a dark
8 shirt.

9 DETECTIVE PROCTOR: Okay.

10 MR. REEVES: Hell, I don't know. Fist.
11 Like I said, after he hit me, my face went
12 sideways, my glasses came partially off. By
13 now I'm stretched out completely. I'm in my
14 seat kind of like this with my left hand out.

15 And when I shot he was -- hell, he should
16 have been pretty darn close to the contact.

17 DETECTIVE PROCTOR: Okay.

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

20 DETECTIVE PROCTOR: Right, right.

21 MR. REEVES: To be honest with you, I was
22 afraid I would shoot myself. It all happened
23 so fast, shit it's -- I'm thinking this guy is
24 fixing to do me -- do me some bad stuff.

25 If I had it to do over again, it would

1 never have happened. We would have moved, but
2 you don't get do-overs.

3 DETECTIVE PROCTOR: So what made you shoot
4 him?

5 MR. REEVES: Well, I guess it scared the
6 hell out of me.

7 DETECTIVE PROCTOR: Okay.

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

10 DETECTIVE PROCTOR: Okay.

11 MR. REEVES: I don't know how else to say
12 that. When my glasses --

13 DETECTIVE PROCTOR: He -- he never told
14 you that, right?

15 MR. REEVES: He said something that led me
16 to believe -- and then when the guy starts
17 coming at you with a -- with the aggravated
18 position, the contorted face, the fuck you's
19 and stuff like that, I don't think I've ever
20 had anybody get in my face like that and it
21 scared the crap out of me. If I was 50 -- 20
22 years younger or something like that, I might
23 have just wrassled it out with him, but --

24 DETECTIVE PROCTOR: Okay.

25 MR. REEVES: -- but I'm not -- all that

1 agility and shit's gone.

2 DETECTIVE PROCTOR: I hear you.

3 MR. REEVES: That's why I'm very surprised
4 that -- the last time I shot that little
5 pistol, I couldn't hardly shoot it because I
6 have so much arthritis in my hand.

7 DETECTIVE PROCTOR: Right.

8 MR. REEVES: So --

9 DETECTIVE PROCTOR: All right. What else
10 can you tell me?

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

13 DETECTIVE PROCTOR: Tell me what did I
14 miss.

15 UNIDENTIFIED SPEAKER: Well, I'm just -- I
16 want to kind of just make things a little bit
17 clearer.

18 You talk about he came at you in an
19 aggravated manner.

20 MR. REEVES: Yeah, facial expression,
21 verbalization.

22 UNIDENTIFIED SPEAKER: Let me ask you
23 this: You keep saying that if you had it to do
24 over, you would do something different. If you
25 had it to do over, you think you could have

1 took him more -- knowing he didn't have a
2 weapon, that you could have took him physically
3 by (indiscernible).

4 MR. REEVES: Oh, no, man. Shit, I can't
5 fight. I'm 71 years old. I don't -- I
6 couldn't take that guy. I couldn't anybody,
7 not anymore. I retired; I've gained 20, 30
8 pounds; I've got arthritis in my back, my
9 knees, my hand. No, I couldn't take anybody.

10 UNIDENTIFIED SPEAKER: You think that it
11 could have been prevented by not using a gun
12 (indiscernible)?

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

20 UNIDENTIFIED SPEAKER: Well, what we got
21 to do is we got to figure out what we're going
22 to do, of course.

23 MR. REEVES: Oh, I know.

24 UNIDENTIFIED SPEAKER: And we got to
25 figure out --

1 MR. REEVES: What -- okay. You -- I'm
2 sorry.

3 UNIDENTIFIED SPEAKER: Go ahead.

4 MR. REEVES: You got a lady that was
5 sitting one seat away from me. She should have
6 seen everything.

7 DETECTIVE PROCTOR: A little lady?

8 MR. REEVES: I don't know. She was just a
9 lady. There's a vacant spot.

10 DETECTIVE PROCTOR: Uh-huh.

11 MR. REEVES: She could have seen
12 something. My wife was sitting right next to
13 me.

14 DETECTIVE PROCTOR: Okay.

15 MR. REEVES: She should -- I mean I
16 don't -- I don't know what she was doing, but
17 she -- she was right there. And then there was
18 a space where we left for my son, and then
19 there was some other people sitting there. And
20 a point when I -- yeah, I said something to
21 them when I left to go tell the manager about
22 the cell phone.

23 UNIDENTIFIED SPEAKER: We're talking to
24 everybody just to try to get everything
25 straight and everything.

1 MR. REEVES: Oh, I know that. Yeah, you
2 talk to everybody before you --

3 UNIDENTIFIED SPEAKER: You've handled
4 these kind of cases before. What would you
5 expect us to do? What would you do if you were
6 in our situation?

7 MR. REEVES: Oh, man. Well, let me put it
8 this way: If I wasn't afraid of getting hurt
9 or beaten up, it would -- I would have never
10 pulled a pistol, first of all. And I trained
11 cops when I was on the PD -- I actually trained
12 Hillsborough County, a lot of those guys.

13 I would -- a lot of things are different.
14 When you're in law enforcement, you have
15 coverage if this happens. And what I tell
16 people is: If this ever happens to you, even
17 if you're a thousand right and the other people
18 are a thousand percent wrong, it's still not a
19 healthy thing to get involved in, that you
20 shouldn't (indiscernible).

21 So I was in training for years and
22 that's -- and I still hang around with a bunch
23 of retired SWAT guys. I was SWAT team
24 commander for 15 years. And I still hang
25 around with a bunch of those guys. And we

1 thought we were King Kong for a long time. And
2 as it turns out, as you get older, you end up
3 with all the injuries that you thought had gone
4 away come back. So we're a bunch of cripples
5 now, I guess you could say. We laugh and
6 (indiscernible).

7 DETECTIVE PROCTOR: You're not intoxicated
8 or anything like that, right?

9 MR. REEVES: I --

10 DETECTIVE PROCTOR: You know what's going
11 on here?

12 MR. REEVES: I don't drink; I don't take
13 drugs. I drank part of a cold drink and I was
14 eating popcorn when the guy jumped up and
15 turned around. So should be popcorn all over
16 the place in front of where I was sitting
17 because that went by the wayside almost
18 immediately.

19 DETECTIVE PROCTOR: How did that end up by
20 the wayside?

21 MR. REEVES: I'm not sure. I'm not sure
22 if I dropped it or if he knocked it out of my
23 hand. I don't know. Okay. All I remember is
24 after I shot him -- after I shot him, I laid
25 the pistol on my -- on my -- on my leg.

1 DETECTIVE PROCTOR: Uh-huh.

2 MR. REEVES: And I put my glasses back
3 on --

4 DETECTIVE PROCTOR: Uh-huh.

5 MR. REEVES: And a young man came over and
6 said he was a Sumter County deputy --

7 DETECTIVE PROCTOR: Right.

8 MR. REEVES: -- and I gave him my pistol.
9 I said here's the pistol and I said it's got
10 one in the chamber.

11 DETECTIVE PROCTOR: Okay.

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

17 DETECTIVE PROCTOR: Okay.

18 UNIDENTIFIED SPEAKER: What kind of gun is
19 it?

20 MR. REEVES: It's a Kel-Tec .380.

21 UNIDENTIFIED SPEAKER: (Indiscernible.)
22 You know that's something we're going to find
23 out.

24 MR. REEVES: It's a -- it's a Thunderball
25 made by -- made by -- I forget now. It's some

1 good stuff.

2 UNIDENTIFIED SPEAKER: And you only shot
3 one round?

4 MR. REEVES: Right.

5 UNIDENTIFIED SPEAKER: Let me go back to
6 that question I asked you. What would you
7 expect us to do?

8 MR. REEVES: Well, I would expect you --
9 and I hate this term because I've been reading
10 the damn news. I was defending myself. It
11 don't make it any easier for me to accept it,
12 but that's what I was doing. I was defending
13 myself (indiscernible) some serious injury.

14 The guy was very aggressive, considerably
15 younger.

16 UNIDENTIFIED SPEAKER: If this guy dies,
17 you think it was worth --

18 MR. REEVES: Hey, man.

19 UNIDENTIFIED SPEAKER: Or your actions.
20 Nothing's worth it.

21 MR. REEVES: Nothing's worth it.

22 UNIDENTIFIED SPEAKER: But you think the
23 actions that you took were -- could have been
24 elevated up to take his life?

25 MR. REEVES: I would like to say no. I

1 would hope that the answer to that question
2 would be no, but unfortunately it's yes. I
3 felt -- I mean I got a bruise on my arm that
4 takes 72 months to heal. I couldn't take an
5 ass whipping. I got a problem with my right
6 eye. The guy hit me on the left side. And I'm
7 thinking: Oh, shit, I don't want to be blind,
8 I don't want to be any of those other things as
9 I get older.

10 DETECTIVE PROCTOR: All right.

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

15 DETECTIVE PROCTOR: Okay.

16 UNIDENTIFIED SPEAKER: And how old would
17 you say you thought he was?

18 MR. REEVES: Oh, I don't know.

19 UNIDENTIFIED SPEAKER: I know Detective
20 Proctor asked you that. In his forties,
21 fifties, thirties?

22 MR. REEVES: I'm going to say 35 to 40.

23 UNIDENTIFIED SPEAKER: Okay. And how old
24 did you say you were?

25 MR. REEVES: Seventy-one.

1 UNIDENTIFIED SPEAKER: And I missed a
2 part. Can I get your first and last name
3 again. I don't need all your information.

4 DETECTIVE PROCTOR: Curtis Reeves.

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

6 UNIDENTIFIED SPEAKER: R-E-E-V-E-S?

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

8 DETECTIVE PROCTOR: All right, sir. What
9 else, Tim?

10 UNIDENTIFIED SPEAKER: I think what we
11 need to do is go talk to them.

12 DETECTIVE PROCTOR: Curtis, we're going to
13 have some people come out and we're going to do
14 GSR on you. We're going to do photographs,
15 photograph the injuries, things like that.

16 MR. REEVES: What's GSR?

17 DETECTIVE PROCTOR: Gunshot residue.

18 MR. REEVES: Sure.

19 DETECTIVE PROCTOR: All right. Photograph
20 you, things like that. We'll take it one step
21 at a time. All right?

22 MR. REEVES: Sure.

23 DETECTIVE PROCTOR: You got any questions?

24 MR. REEVES: Well, do this -- do this --
25 do this, too, before you leave. Get all the

1 questions you want, but if you scare the shit
2 out of me, I'm going to have to get an attorney
3 and all that.

4 UNIDENTIFIED SPEAKER: We know that.

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

7 MR. REEVES: I know the system 20 years
8 ago.

9 DETECTIVE PROCTOR: Yeah.

10 UNIDENTIFIED SPEAKER: You understand that
11 we're trying -- we're just doing out job.

12 MR. REEVES: I --

13 UNIDENTIFIED SPEAKER: And you know what?
14 We haven't decided what we are going to do, but
15 if we go talk to them and everything verifies
16 both ways, then we'll do what we think's fair
17 and --

18 MR. REEVES: Who's "them"?

19 UNIDENTIFIED SPEAKER: All the witnesses.

20 MR. REEVES: Oh, okay. Oh, you guys have
21 already talked to the witnesses. You got to
22 talk to the State Attorney, right?

23 DETECTIVE PROCTOR: I've talked to two
24 witnesses.

25 MR. REEVES: Oh, really?

1 DETECTIVE PROCTOR: Yeah. That's all I've
2 talked to.

3 MR. REEVES: Have you talked to my wife?

4 DETECTIVE PROCTOR: No, I haven't. I will
5 talk to her. We'll go one step at a time. All
6 right?

7 MR. REEVES: She's got, like I said --
8 I -- bless her heart. She's the sweetest thing
9 on earth. I don't deserve her. She could
10 never, ever, ever justify this anywhere
11 (indiscernible).

12 She made a comment to me -- I don't
13 remember what it was -- like what was that
14 or --

15 DETECTIVE PROCTOR: Right.

16 MR. REEVES: -- why'd you do that?

17 DETECTIVE PROCTOR: I understand.

18 Well, I think that -- we'll take it one
19 step at a time.

20 All right. This is (indiscernible) here.
21 She's a forensic tech. She's get you all
22 photographed up.

23 MR. REEVES: Well, about the only thing
24 they're going to -- I don't know. They looked
25 at (indiscernible). I feel like something's in

1 my left eye. It's still watering.

2 DETECTIVE PROCTOR: I don't see anything
3 there.

4 MR. REEVES: No, they --

5 DETECTIVE PROCTOR: You see anything?

6 UNIDENTIFIED SPEAKER: No.

7 MR. REEVES: They rinsed it out. I was
8 kind of pushing on it to try and -- I think
9 it's right here on (indiscernible).

10 UNIDENTIFIED SPEAKER: Hey, Allen?

11 DETECTIVE PROCTOR: Yeah.

12 UNIDENTIFIED SPEAKER: We have helicopters
13 everywhere. If you want to pull up here --

14 DETECTIVE PROCTOR: Pull up where?

15 UNIDENTIFIED SPEAKER: Pull up here where
16 he's going. There's an empty theater and you
17 just walk right inside there and get out of the
18 way of all these helicopters. Right over there
19 is the 11 door, between these two cars right
20 there. Good enough. Here we go.

21 DETECTIVE PROCTOR: Hold on a second. The
22 media's right there, too, dammit.

23 UNIDENTIFIED SPEAKER: If you want to pull
24 right up on the grass, I don't think --

25 DETECTIVE PROCTOR: Of course, they've

1 already shot us. I didn't realize they were
2 standing there, with cameras 15 miles long.
3 You know how that crap works.

4 MR. REEVES: They probably already know
5 who I am.

6 DETECTIVE PROCTOR: I love being a cop.

7 MR. REEVES: I did, too.

8 DETECTIVE PROCTOR: 1540.

9 DETECTIVE SMITH: That's the end, sir.

10 THE COURT: That's it? Okay. Leave it in
11 ready to go in case either side wants to use it
12 at any other point during the course of the
13 examination.

14 Can you quickly show Mr. Garcia how to
15 operate the incredibly complex three buttons
16 that I think are on that?

17 MR. GARCIA: Judge, there's -- there's
18 another audio that we intend on playing through
19 Detective Proctor, so --

20 THE COURT: Oh, all right. Sounds like
21 we're going to do it. Do you need him for that
22 or --

23 MR. GARCIA: Yes.

24 THE COURT: -- can he train you quickly?

25 MR. GARCIA: No, I'd rather he do it,

1 Judge. I don't want to mess anything up.

2 THE COURT: That's fine.

3 MR. GARCIA: Judge, while he's doing that,
4 if I may, I'd like to ask him some preliminary
5 questions.

6 THE COURT: Sure.

7 MR. GARCIA: May it please the Court and
8 counsel.

9 Q (By Mr. Escobar) Detective Proctor, on
10 January 13th of 2014, did you have occasion to
11 interview Vivian Reeves?

12 A I did.

13 Q And who is Vivian Reeves?

14 A That's the wife of the defendant.

15 Q Okay. And did -- was her interview
16 likewise on audiotape?

17 A Yes, it was.

18 Q Have you had an opportunity to listen to
19 it?

20 A Yes, sir, I have.

21 Q Is it true and accurate?

22 A Yes, sir, it is.

23 MR. GARCIA: Judge, I'd ask the record to
24 reflect I'm showing State's Exhibit I for
25 identification purposes to Mr. Escobar.

1 THE COURT: Okay.

2 MR. GARCIA: Judge, I'd like to move it
3 into evidence as State's Exhibit Number 4. And
4 with the Court's permission, I would like to
5 play it.

6 THE COURT: All right. Let's handle it
7 one at a time.

8 Mr. Escobar, any objection to that coming
9 in as State's Exhibit 4?

10 MR. ESCOBAR: No objection.

11 THE COURT: It shall be admitted.

12 The other tape, are you going to introduce
13 that other audio cassette --

14 MR. GARCIA: Yes.

15 THE COURT: -- because I don't think
16 you've introduced that yet.

17 MR. GARCIA: Oh, I'm sorry, Judge.

18 THE COURT: So that would be 5?

19 MR. GARCIA: Let me make Mr. Reeves'
20 interview 4 --

21 THE COURT: That makes more sense.

22 MR. GARCIA: -- and Vivian Reeves 5.

23 THE COURT: All right. So we're going to
24 make Mr. Reeves' interview Number 4. If you
25 could hand that disk to the clerk, she'll mark

1 4, and then you can -- well, that's 5.

2 DETECTIVE SMITH: Mr. Reeves' interview
3 first?

4 THE COURT: Mr. Reeves' interview first.
5 There you go. That's going to be 4. And then
6 this one will be 5. And you can cue it up and
7 publish.

8 And so that everybody knows, the note that
9 I flashed to the detective that's the operator
10 today is: "Is this at maximum volume?" Just I
11 didn't want to say it to him out loud because,
12 as it was, it was pretty difficult to hear. So
13 maximum volume again, please.

14 DETECTIVE SMITH: Yes, sir.

15 THE COURT: All right. You may play.
16 (Thereupon, the audiotape was played and the
17 transcription thereof is presented in the following
18 *Italicized font.*)

19 *DETECTIVE PROCTOR: 1625. 1625.*

20 *Ms. Reeves, hi. How are you?*

21 *DETECTIVE MYERS: This is Vivian.*

22 *DETECTIVE PROCTOR: I'm sorry, ma'am. I'm*
23 *the case detective. My name is Allen Proctor.*
24 *How are you? I'm so sorry.*

25 *MRS. REEVES: (Indiscernible.)*

1 DETECTIVE PROCTOR: I hate to have to talk
2 to you about all this now. I'm still trying to
3 figure out exactly what occurred. And I
4 appreciate you talking to me again.

5 Ms. Reeves, what's your first name,
6 please, ma'am.

7 MRS. REEVES: Vivian, V-I-V-I-A-N.

8 DETECTIVE PROCTOR: And you're here to see
9 a movie. What's going on? I mean what causes
10 all this?

11 MRS. REEVES: The guy -- I'm assuming he
12 was texting (indiscernible). And after the
13 lights dimmed and they told you to discontinue
14 texting --

15 DETECTIVE PROCTOR: Uh-huh.

16 MRS. REEVES: -- my husband asked him to
17 stop.

18 DETECTIVE PROCTOR: Uh-huh.

19 MRS. REEVES: And he said something to
20 him. I couldn't hear it. So my husband said,
21 "I'm going to go get the manager." And the
22 guy --

23 DETECTIVE PROCTOR: So he said something,
24 but you couldn't hear what he --

25 MRS. REEVES: I couldn't hear it.

1 DETECTIVE PROCTOR: Okay.

2 MRS. REEVES: I heard him say F-U-C-K --

3 DETECTIVE PROCTOR: Okay.

4 MRS. REEVES: -- but not my husband.

5 DETECTIVE PROCTOR: Okay.

6 MRS. REEVES: And Curtis left and --

7 DETECTIVE PROCTOR: Curtis said he was
8 going to go get the manager?

9 MRS. REEVES: Yes.

10 DETECTIVE PROCTOR: Okay.

11 MRS. REEVES: He came back by himself. I
12 don't -- I don't even know who said something
13 first, but the guy said, "Who the fuck do you
14 think" -- and he stood up and moved over. And
15 then I heard popping. And when he stood up and
16 leaned over, I was (indiscernible).

17 DETECTIVE PROCTOR: Then what happens?

18 MRS. REEVES: Everyone crowded around the
19 man that was shot. And a law enforcement
20 officer that was on the other side of Curtis --

21 DETECTIVE PROCTOR: Uh-huh.

22 MRS. REEVES: -- asked him for his gun and
23 he gave it to him. And he identified, he
24 showed his badge --

25 DETECTIVE PROCTOR: Uh-huh.

1 MRS. REEVES: -- and Curtis said it was
2 fine. And Curtis said -- Curtis did say, "He
3 hit me in the face." It -- it happened so
4 fast.

5 DETECTIVE PROCTOR: Did you see him get
6 hit in the face?

7 MRS. REEVES: No, I didn't. When the guy
8 stood up, I think I started to move.

9 DETECTIVE PROCTOR: Did you hear a hit?
10 You know what I'm saying? Like did you hear a
11 connection where you (indicating), anything
12 like that?

13 MRS. REEVES: No.

14 DETECTIVE PROCTOR: So Curtis -- when does
15 Curtis tell you he's been hit?

16 MRS. REEVES: Right after he shot the man.

17 DETECTIVE PROCTOR: Okay. Did you see any
18 injury to his body?

19 MRS. REEVES: No. To -- to my husband?

20 DETECTIVE PROCTOR: Right.

21 MRS. REEVES: No, but I didn't -- I was --
22 I sat down a couple seats away.

23 DETECTIVE PROCTOR: Okay. Right. But you
24 didn't see him, like, bleeding or anything like
25 that from the face, your husband?

1 MRS. REEVES: No.

2 DETECTIVE PROCTOR: And he said that he
3 had been hit.

4 MRS. REEVES: Yes.

5 DETECTIVE PROCTOR: Did you notice
6 anything about his person that would have
7 indicated that your husband had been hit?

8 MRS. REEVES: The popcorn was on the
9 floor, but I don't --

10 DETECTIVE PROCTOR: Do you know how that
11 got on the floor?

12 MRS. REEVES: I don't. And there was a
13 phone on the floor --

14 DETECTIVE PROCTOR: Right.

15 MRS. REEVES: -- because I asked the man
16 who took Curtis's gun, can I get the phone and
17 he said no.

18 DETECTIVE PROCTOR: No, right. You got
19 any idea whose phone that is?

20 MRS. REEVES: But then later when a
21 detective came out and talked to me, I said,
22 "Did you get this phone?"

23 And she said, "He's got a phone on him."

24 DETECTIVE PROCTOR: Okay. Did you hear
25 anything that Curtis said to the man that he

1 shot? Did you hear any -- anything that your
2 husband --

3 MRS. REEVES: Afterwards or before?

4 DETECTIVE PROCTOR: Before.

5 MRS. REEVES: Not really except stop
6 playing with your phone or --

7 DETECTIVE PROCTOR: Okay. And you're
8 sitting next to Curtis. Do you hear -- the guy
9 who's playing on the phone, do you hear him say
10 anything to Curtis other than "fuck you" or
11 something like that?

12 MRS. REEVES: No, just that.

13 DETECTIVE PROCTOR: Does he -- does he
14 raise his voice?

15 MRS. REEVES: Yes, on that.

16 DETECTIVE PROCTOR: Okay. "Fuck you"
17 loud.

18 MRS. REEVES: Who the fuck do you think --

19 DETECTIVE PROCTOR: Right.

20 MRS. REEVES: -- something like that.

21 DETECTIVE PROCTOR: Who the fuck do you
22 think you are.

23 MRS. REEVES: Something like that.

24 DETECTIVE PROCTOR: Does -- does he say
25 anything else to Curtis?

1 MRS. REEVES: Before that encounter I
2 think he said something about he was --
3 something about -- I don't know if he said
4 texting, but I heard something about "my
5 daughter."

6 DETECTIVE PROCTOR: Okay. Why do you
7 think Curtis shot him?

8 MRS. REEVES: I don't know. This is --
9 he -- he was in law enforcement 20 years and he
10 never shot anybody.

11 DETECTIVE PROCTOR: Right. I'm so sorry.

12 MRS. REEVES: He's never threatened
13 anybody with a gun or nothing. I don't know.
14 If the guy hit him -- and I trust my husband.
15 If he hit him, then he just -- I don't know if
16 he thought he was going to hurt him. I'm --
17 that's what I -- that's what I would think,
18 that the guy was going to --

19 DETECTIVE PROCTOR: But you didn't see him
20 hit Curtis.

21 MRS. REEVES: I didn't because that -- I
22 turned around. I started moving.

23 DETECTIVE PROCTOR: Okay. And you moved
24 around why? Why would you move away?

25 MRS. REEVES: Because it -- because it

1 scared me. I do not like confrontations. And
2 I said to Curtis after the first conversation,
3 which (indiscernible) --

4 DETECTIVE PROCTOR: Uh-huh.

5 MRS. REEVES: -- let's just move.

6 DETECTIVE PROCTOR: Uh-huh.

7 MRS. REEVES: And he said, "I'm going to
8 go to the manager."

9 DETECTIVE PROCTOR: Okay.

10 MRS. REEVES: I -- I didn't see the gun.
11 I heard the pop. I -- I couldn't believe it.

12 DETECTIVE MYERS: How old is your husband?

13 MRS. REEVES: He's 71.

14 DETECTIVE MYERS: And how old is this
15 other person (indiscernible)?

16 MRS. REEVES: I don't know.

17 DETECTIVE MYERS: You didn't see his face
18 at all?

19 MRS. REEVES: I did not see his face.

20 DETECTIVE MYERS: About how big was he?

21 MRS. REEVES: I can't tell.

22 DETECTIVE MYERS: Okay.

23 MRS. REEVES: Not huge.

24 DETECTIVE MYERS: About the same size as
25 your husband?

1 MRS. REEVES: I -- I -- I would -- I don't
2 know.

3 DETECTIVE MYERS: Okay.

4 MRS. REEVES: I'm sorry.

5 DETECTIVE PROCTOR: Was he younger than
6 your husband or older or --

7 MRS. REEVES: I -- I would say younger.

8 DETECTIVE PROCTOR: You have any idea how
9 much younger? Okay.

10 MRS. REEVES: But I -- I didn't even --
11 the lights were dim.

12 DETECTIVE PROCTOR: Uh-huh.

13 MRS. REEVES: And like I said, it
14 frightened me. When he stood up, I was --

15 DETECTIVE PROCTOR: Right. When does your
16 husband say that he got hit?

17 MRS. REEVES: After the shot.

18 DETECTIVE PROCTOR: After the shot?

19 MRS. REEVES: Uh-huh. It just happened --

20 DETECTIVE MYERS: Did he use the word
21 "hit"?

22 MRS. REEVES: Yes. "He hit me in the
23 face."

24 DETECTIVE PROCTOR: What about the
25 popcorn? Where did that come from?

1 MRS. REEVES: (Indiscernible.) I took
2 some in a plastic bag.

3 DETECTIVE PROCTOR: Uh-huh. Do you
4 think -- where -- you say the popcorn -- was
5 that your popcorn or was that somebody else's
6 popcorn?

7 MRS. REEVES: It was Curtis's.

8 DETECTIVE MYERS: But he was holding it in
9 his hand --

10 MRS. REEVES: He was holding it.

11 DETECTIVE MYERS: -- or in the lap?

12 MRS. REEVES: I don't -- probably in his
13 lap, but I don't know. Like I said, I took
14 some out from him.

15 DETECTIVE PROCTOR: But you never heard --
16 did you hear the guy make any threats?

17 MRS. REEVES: No, just who the fuck are
18 you or something similar to that.

19 DETECTIVE PROCTOR: Right. But no threats
20 or anything like that? And do you know how --
21 you say the guy -- the guy in front of you, did
22 he stand up?

23 MRS. REEVES: He stood up and turned
24 around. He was just right there, I mean
25 leaning over.

1 DETECTIVE PROCTOR: Leaning over. Did the
2 guy get in a chair -- get in the chair or
3 anything like that?

4 MRS. REEVES: Not that I remember.

5 DETECTIVE PROCTOR: Do you remember him
6 reaching over and grabbing your husband or
7 anything?

8 MRS. REEVES: He reached over. Looked
9 like his whole body came forward.

10 DETECTIVE PROCTOR: Right.

11 MRS. REEVES: But I did not see him put
12 his hands on him.

13 DETECTIVE PROCTOR: Okay. That -- that --
14 so he leans over.

15 MRS. REEVES: Uh-huh.

16 DETECTIVE PROCTOR: Is he standing up when
17 he leans over or is he --

18 MRS. REEVES: I would -- I would -- I
19 would think so, but I don't know.

20 DETECTIVE PROCTOR: Okay.

21 DETECTIVE MYERS: But his head would
22 have --

23 MRS. REEVES: He had to get --

24 DETECTIVE MYERS: -- been lower than your
25 husband's.

1 MRS. REEVES: -- he had to get out of his
2 seat --

3 DETECTIVE PROCTOR: Right.

4 MRS. REEVES: -- to -- I believe.

5 DETECTIVE PROCTOR: Okay.

6 DETECTIVE MYERS: He wouldn't have been
7 even head to head with your husband, though,
8 because he was down one level below, right, one
9 step below?

10 MRS. REEVES: Yes.

11 DETECTIVE MYERS: Okay.

12 DETECTIVE PROCTOR: Okay. What else is
13 there?

14 DETECTIVE MYERS: Is that -- did you get
15 the message from them?

16 DETECTIVE PROCTOR: No.

17 DETECTIVE MYERS: Okay.

18 DETECTIVE PROCTOR: Okay. Thank you so
19 much, ma'am. Can I have your cell-phone
20 number?

21 MRS. REEVES: Yeah. It's 8-1-3 --

22 DETECTIVE PROCTOR: 8-1-3 --

23 MRS. REEVES: 8-3-3 --

24 DETECTIVE PROCTOR: 8-3-3 --

25 MRS. REEVES: 7-7-6-3.

1 DETECTIVE PROCTOR: And you live here in
2 Pasco?

3 MRS. REEVES: No, I live in Hernando.

4 DETECTIVE PROCTOR: Did some -- somebody
5 get her address? You've already given your
6 address. Okay.

7 DETECTIVE MYERS: Yeah. Get her son's
8 cell-phone number as well just in case.

9 MRS. REEVES: (Indiscernible.)

10 DETECTIVE PROCTOR: What kind of gun does
11 your husband carry, ma'am; do you know?

12 MRS. REEVES: I don't know.

13 DETECTIVE PROCTOR: Okay.

14 MRS. REEVES: That's his pocket gun. I
15 have no idea.

16 DETECTIVE PROCTOR: I'm sorry that this
17 happened.

18 MRS. REEVES: Not as sorry as me.

19 DETECTIVE PROCTOR: I'm so sorry it
20 happened.

21 MRS. REEVES: [REDACTED]

22 DETECTIVE PROCTOR: [REDACTED] --

23 MRS. REEVES: [REDACTED]

24 DETECTIVE PROCTOR: [REDACTED]

25 MR. ESCOBAR: Objection.

1 THE COURT: Pause. Pause, pause, pause,
2 pause, pause, pause, pause, pause, pause,
3 pause. I don't think we need to be blasting
4 her cell phone number.

5 Is there anything else after that?

6 MR. GARCIA: No, Judge. We can conclude
7 the tape there.

8 THE COURT: Mr. Escobar, do you have any
9 objection to me concluding the tape there?

10 MR. ESCOBAR: No, Your Honor.

11 THE COURT: All right. Let's conclude the
12 tape there.

13 DETECTIVE SMITH: You need this -- should
14 I eject it out or --

15 THE COURT: No, pop them both out. We'll
16 have you stand by outside if we need the
17 technician to come back in and play this again.

18 I think I'm kind of getting some kind of a
19 feedback -- that's much better. Thank you.

20 MR. GARCIA: May I proceed, Judge?

21 THE COURT: You may.

22 MR. GARCIA: May it please the Court,
23 counsel.

24 Q (By Mr. Garcia) Detective Proctor, we
25 heard another voice on the audiotape. Who was the

1 other detective that was with you when you
2 interviewed Vivian Reeves?

3 A That would have been Detective Matt Myers.

4 MR. GARCIA: May I have a moment, Judge?

5 THE COURT: You may.

6 MR. GARCIA: Judge, I have no further
7 questions of Detective Proctor at this time.

8 THE COURT: Is your cross going to be
9 extensive?

10 MR. ESCOBAR: Extensive.

11 THE COURT: It might be the best idea to
12 go ahead and take a break now. That way you
13 can collect your thoughts on your
14 cross-examination.

15 Detective Proctor, you've done this
16 before. You know that you're not to talk to
17 anybody during the break.

18 We're going to take a break for
19 approximately -- approximately ten minutes. So
20 we'll come back. We'll plan to be back, in
21 session, at 11:15 to finish the
22 cross-examination.

23 State, anything we can do before we take a
24 break?

25 MR. GARCIA: No, sir.

1 THE COURT: Please check on that March
2 12th date for potential pretrial. Same with
3 Defense.

4 Anything we can do to facilitate before we
5 take the break?

6 MR. ESCOBAR: No, Judge.

7 THE COURT: If you need to use the
8 restroom they'll take you. Okay?

9 All right. We'll be in recess ten
10 minutes.

11 (Recess.)

12 (Defendant absent.)

13 MR. MICHAELS: Judge, we're missing one
14 key ingredient.

15 THE COURT: Yeah. He's on his way.

16 MR. ESCOBAR: May I approach the podium,
17 Your Honor?

18 THE COURT: You may.

19 Before we get started and before the
20 defendant gets brought out, these two
21 announcement he doesn't need to be present for.

22 The State is present and so is the
23 Defense.

24 The phone number did not go out over the
25 air. Just to assure everybody, that Ms. Reeves

1 cell-phone number did not go out over the air.
2 I'd ask that the media that are present, please
3 refrain from publishing it. I know you
4 wouldn't do that, but I appreciate that.

5 Second thing, just to make sure that
6 there's an announcement to keep this clear, the
7 media can use their cell phones for purposes of
8 recording today's proceedings. Audio
9 recording, not video, but audio recording.

10 So if you are credentialed media and
11 you've checked in with the public information
12 officer, you can use your cell phones for the
13 purposes of audio recordings.

14 You can set up however you want. As soon
15 as your client gets brought in, we'll proceed.

16 While we're waiting, we might as well use
17 the time. Again, something that Mr. Reeves
18 does not need to be present for and that you
19 can inform him of. This is more directed to
20 the victim's representative.

21 (Defendant present.)

22 THE COURT: For the record, Mr. Reeves is
23 now being brought into the courtroom.

24 Mr. Grimaldi, I know that I indicated
25 earlier in the proceedings yesterday that your

1 client was, of course, invited to make a
2 statement, if she wished, and she's entitled to
3 do that at every stage of the proceedings. I
4 presume the State is going to tell me when
5 you're ready to make your statement.

6 One of the things you need to keep in mind
7 is, if you want to make the statement before
8 the Court rules on bond, if you want to do that
9 and it's in any way related to whether I should
10 grant bond, she's subject to cross-examination
11 by Mr. Escobar, if he wishes to cross-examine
12 her, as to any aspect of whether bond should be
13 granted.

14 So it's just something that you should
15 consider. She's, of course, free to make the
16 statement, but I needed to make sure that she
17 was informed that she would be subject to
18 cross-examination if it's related to the bond
19 proceeding. So y'all let me know what you want
20 to do. Okay?

21 All right. You ready to proceed,
22 Mr. Escobar?

23 MR. ESCOBAR: I am, Your Honor.

24 THE COURT: Okay. You may proceed.
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CROSS-EXAMINATION

BY MR. ESCOBAR:

Q Good morning, Detective Proctor.

A Good morning, sir.

Q Detective, you were assigned in this case as being the lead detective in this matter?

A Yes, sir, I was.

Q Okay. And how early were you assigned to that role?

A Ten or fifteen minutes of being on scene.

Q Okay. And tell the Court, if you can, briefly your role as the lead detective. What are your duties in a case like this?

A To assure that the investigation is completed, people are interviewed, evidence is collected, submitted, things like that.

Q Okay. And so part of your duties there is to interview, either yourself or through colleagues that are assisting you in this investigation, as many of the witnesses as humanly possible, correct?

A That's correct.

Q And if you're not interviewing the witnesses, certainly what you want is those officers that are interviewing the witnesses, to either provide you documentation or to explain to you what

1 those witnesses are saying concerning the incident.

2 A That's correct.

3 Q So that you can take all of these
4 statements in and start trying to figure out what
5 happened.

6 A That's correct.

7 Q And that's just merely on an interview
8 process, correct?

9 A That's correct.

10 Q There's also a physical-evidence process,
11 correct?

12 A That's correct.

13 Q As part of your investigation of the
14 physical evidence, you actually have a team of tech
15 investigators that come in and they mark evidence,
16 correct?

17 A That's correct.

18 Q They don't disturb evidence, correct?

19 A That's correct.

20 Q And they photograph them hopefully in
21 their virgin state.

22 A That's correct.

23 Q And the whole purpose of that is so at a
24 later point in time, you can either have
25 conversations with them or you can actually walk

1 with them through the scene and you're able to see
2 physical pieces of evidence that may be relevant to
3 a case like this.

4 A Yes, sir.

5 Q And it's crucial that the evidence not be
6 disturbed because we can get all sorts of
7 information from evidence, correct? Fingerprints,
8 DNA, you name it, fibers.

9 A Yes, sir.

10 Q And so tell me how you made sure that the
11 physical evidence in this case was not going to be
12 disturbed and it was going to be preserved.

13 MR. GARCIA: Judge, I'm going to object.
14 This is outside the scope of direct
15 examination.

16 THE COURT: Overruled.

17 Q (By Mr. Escobar) Tell me how you did
18 that.

19 A I'm sorry, sir?

20 Q How did you do that?

21 A Do what?

22 Q Make sure that the physical evidence was
23 not going to be disturbed, and it was going to be
24 preserved, and it was going to be collected properly
25 and then submitted into evidence.

1 A I have complete confidence in our team as
2 far as their ability to collect, preserve, maintain
3 evidence.

4 Q Did you not have conversations with your
5 investigative unit that came out to do that
6 beforehand, before they started engaging in that
7 process?

8 A Sir, they're trained in that aspect. I
9 did not have time to address that. They're already
10 aware of their job.

11 Q Okay. You didn't even tell them a little
12 bit about what the allegations were or the facts
13 were so that they could, you know, possibly look for
14 evidence on their own from an intelligent
15 perspective, a knowledgeable perspective?

16 A Are you referring to forensic techs, sir?

17 Q Yes.

18 A Forensic techs, I had very limited contact
19 with them well into the investigation that
20 afternoon. My main focus arriving on scene was I
21 received a briefing from patrol deputies there on
22 scene.

23 The forensic techs are assigned. They
24 know what to do. We had a detective there that's
25 very competent, knows how to make sure everything's

1 done properly.

2 Q Well, let me ask you a question: Before
3 you even started doing your interviews, did you take
4 an opportunity to walk into the scene of that
5 theater?

6 A No, sir.

7 Q Why not?

8 A I didn't need to. I was advised of what
9 occurred. I didn't need to actually see it at that
10 time.

11 Q You didn't want to see for yourself where
12 certain pieces of evidence were so that when you
13 went to go interview individuals, you could do that
14 more competently?

15 A I didn't feel the need to do that, sir. I
16 was explained -- I was given a good detail as to
17 what occurred, where it occurred at. I did not go
18 into the scene until after I conducted my
19 interviews.

20 Q Okay.

21 A I understand that the scene was -- there
22 was a crime scene there. We had deputies there
23 monitoring it. I've got people inside that are
24 relaying information to me as to what's occurring.
25 And I didn't feel the need to go in, at that time.

1 Q Well, prior to even going to start doing
2 these interviews that you were conducting, did
3 anyone indicate to you what seats were occupied by
4 number, what seats were occupied by Mr. and
5 Mrs. Reeves?

6 A No, sir.

7 Q Prior to going and doing interviews, did
8 anyone indicate to you what seats were occupied by
9 Mr. and Mrs. Oulson?

10 A Are you referring -- you said earlier by
11 number.

12 Q Yeah, you know, like counting from the
13 right aisleway, one, two, three, four, five, six,
14 seven. Did anyone give you any indication, listen,
15 this is where Mr. Reeves and Mrs. Reeves were, and
16 this is where Mr. Oulson and Mrs. Oulson were before
17 you started interviews? Yes or no?

18 A They did not give me seat numbers. They
19 told me that they were on the back -- Mr. Reeves was
20 on the back row.

21 Q Okay.

22 A And that the victim -- the victims were
23 sitting in front of him.

24 Q Okay. Well, did they tell you whether it
25 was Mrs. Oulson that was sitting directly in front

1 of Mr. Reeves? Did they give you that information?

2 A I don't recall at that time, sir, if I had
3 that information.

4 Q You recall it now, though. You know what
5 seat Mrs. Oulson was occupying in Row B, correct?

6 A Row B?

7 Q Yeah, Row B. Do you know what seat
8 Mrs. Oulson was occupying in Row B?

9 A Yes, sir.

10 Q Okay. What seat was that?

11 A I don't -- I don't know. I don't have it
12 here in front of me.

13 Q Do you know how that seat relates to the
14 seat that Mr. Reeves was in?

15 A I guess would have been directly in front
16 of Mr. Reeves.

17 Q Okay. So your -- your understanding today
18 is that Mrs. Reeves was sitting right directly in
19 front of Mr. Reeves.

20 A That's correct.

21 THE COURT: I think you mean --

22 MR. GARCIA: Judge --

23 THE COURT: -- I think you mean

24 Mrs. Oulson.

25 MR. ESCOBAR: Mrs. Oulson, excuse me.

1 THE WITNESS: I'm sorry.

2 MR. ESCOBAR: We were both probably using
3 the wrong name.

4 Q (By Mr. Escobar) You believe that
5 Mrs. Oulson was seated directly in front of
6 Mr. Reeves' seat?

7 A That's correct.

8 Q Mrs. Oulson in Row B; Mr. Reeves in Row A.

9 A That's correct.

10 Q And that Row A is a row that backs up to a
11 wall, correct?

12 A Yes, sir.

13 Q And so today your understanding, then, is
14 that Mr. Oulson was seated to the right of his wife.

15 A That's my understanding, yes, sir.

16 Q Did you know that before you did the
17 interviews?

18 A Not --

19 MR. GARCIA: Judge, I'm going to object to
20 this line of questioning being outside the
21 scope of direct examination. My questions to
22 Detective Proctor dealt with the interview of
23 the defendant and also dealt with the interview
24 of Mrs. Reeves.

25 This is clearly beyond the scope of my

1 direct examination. This isn't a discovery
2 deposition. This does not go to any of the
3 issues of the bond.

4 THE COURT: I agree with everything except
5 the last thing that you said. It may go to the
6 issue of the bond, although I expect you to get
7 there soon.

8 MR. ESCOBAR: I would, Your Honor, but I
9 would also tell the Court that the affidavit,
10 the arrest affidavit is part of this particular
11 case. We had an Arthur hearing. The Court
12 recalls part of the affidavit here was part of
13 that original Arthur hearing, that we got the
14 right to re-litigate without prejudice back in
15 first appearance.

16 And so I'm also going to be going through
17 the verbiage in this -- in this criminal report
18 affidavit. I'll be more than glad to show it
19 to the Court.

20 THE COURT: I have a copy of the arrest
21 affidavit and I have reviewed it many times.
22 Why is it necessary to go through the
23 affidavit? Is it not superceded by the
24 testimony the Court is having offered to it by
25 the State for purposes of determining the

1 pretrial detention?

2 MR. ESCOBAR: Your Honor, I don't think
3 so. I think that it goes hand and hand with
4 his investigation and the evidence that was
5 introduced at the previous hearing. And I have
6 the right to confront that and to shed some
7 light for this Court so that I, as I made my
8 arguments in my motions --

9 THE COURT: I read those also last night.

10 MR. ESCOBAR: -- there wasn't PC at the
11 time of the initial appearance and there wasn't
12 evidence that was, you know, presumption great
13 proof evident.

14 THE COURT: Let's say that that was the
15 case hypothetically. What differences does
16 that make today if the previous ruling may or
17 may not -- and I'm not ruling one way or the
18 other. But say the previous ruling was
19 incorrect. What difference does that make
20 today given that I'm to rely on the testimony
21 that I've heard at this hearing?

22 MR. ESCOBAR: Well, Your Honor, he started
23 off obviously by claiming that he was the
24 investigator that investigated this case. That
25 gives me the ability to actually examine him on

1 that investigation, not just the fact that they
2 decided to introduce two tapes in this
3 particular case, because that's the basis of my
4 evidence, to show that the evidence that he put
5 forth in the affidavit, the evidence that he's
6 put forth here is not all the evidence.

7 So at the very least under the doctrine of
8 completeness, I'm entitled to question his
9 tactics in his investigation and other
10 important information that he has that I can
11 tell the Court that I'm going to get out.

12 THE COURT: That would probably be why I
13 overruled all of Mr. Garcia's objections, but
14 that doesn't answer my question. Why does it
15 matter what's written in the affidavit at this
16 point? That was where we were going and you've
17 veered off to something I've already sustained
18 on your behalf.

19 MR. ESCOBAR: Because that was introduced,
20 Your Honor, in the initial hearing; that was
21 ruled upon in the initial hearing. And if -- I
22 know you read my motion. My motion attacks
23 that particular information as the basis for
24 probable cause. And it attacks the basis of
25 the degree of proof that the government is

1 seeking here to hold my client without bond.

2 THE COURT: I understand, but I'm not an
3 appellate body. I'm not ruling on what Judge
4 Tepper ruled on. And what Judge Tepper ruled
5 on is not binding on me. I'm pretty sure you
6 don't want it to be binding on me. You want me
7 to make an independent decision.

8 To that end, my independent decision is
9 based on what I hear today and last Wednesday.
10 It's not based on what Judge Tepper did.

11 So if Judge Tepper was incorrect as you
12 alleged in your motion, what difference does it
13 make today? Why should I hear this because of
14 that?

15 MR. ESCOBAR: Because that evidence is
16 already part of this case, Your Honor. And
17 this Court has every right to reconsider that
18 evidence at any point in time, especially when
19 Judge Tepper said hey, I'm making this ruling
20 without prejudice, without prejudice for you
21 all to revisit these particular issues in a
22 full-blown hearing. And I provided the Court a
23 transcript of Judge Tepper's holding.

24 THE COURT: I have that and I read it,
25 also.

1 MR. ESCOBAR: And she said, "You're right.
2 We need a full-blown hearing on all these
3 particular allegations."

4 And so the affidavit is part of this case.
5 And just because you don't sit in an appellate
6 position doesn't mean that you can't review not
7 only the testimony and the evidence that was
8 presented at the initial appearance, but also
9 throughout a bond hearing that we're also
10 having at the same time. Because I've attached
11 the previous rulings as well as I'm asking this
12 Court to revisit the issue of bond and their
13 standard of proof.

14 THE COURT: Well, let me make this clear
15 for you and for the record. I'm not reviewing
16 Judge Tepper's decision. Judge Tepper can
17 reverse Judge Tepper; I can't reverse
18 Judge Tepper. It's her decision, and her
19 decision stands until I make my ruling.

20 The way the rule is set up, I'm the only
21 judge that's allowed to superimpose his
22 judgment over her previous judgment, but it's
23 not based on what she did. It's not based on
24 what she said; it's not based on how she formed
25 her ruling. And I'm not calling into question

1 or affirming. I'm not doing any of that.

2 I'm making an independent judgment based
3 on the extensive testimony I heard on
4 Wednesday, the extensive testimony I'm hearing
5 today, those things that have been introduced
6 in the form of exhibits and that's it. I'm not
7 making my judgment based on anything else.

8 So if your purpose is to ask him whether
9 the things that are written in the affidavit
10 should, standing alone, constitute probable
11 cause for this to go forward or probable cause
12 for a second-degree murder, or any of the other
13 things that you wrote in your motion, I'm not
14 considering that. That's not my concern today.
15 Solely what I heard on Wednesday, what I heard
16 today, what I see in the form of evidence.
17 That's it.

18 So I'm going to let you keep going because
19 I believe you're allowed to attack the
20 foundation of the investigation in totality,
21 although I expect that you're going to get to
22 some point on this, at some point, because as
23 Mr. Garcia correctly pointed out, it's not a
24 discovery deposition. It's not my intention to
25 let you go three hours asking about every

1 aspect of the case. That's not going to
2 happen.

3 MR. ESCOBAR: And, Your Honor, I can tell
4 you that I'm not. I've got pointed questions
5 concerning particular issues that are of
6 importance to us.

7 THE COURT: Okay. Then go -- proceed.

8 Q (By Mr. Escobar) Now, with my last
9 question, you certainly did not know, prior to
10 conducting your interviews, as to where Mr. Oulson
11 was specifically sitting, correct?

12 A He was sitting -- that's correct. I knew
13 that he was sitting in front of Mr. Reeves.

14 Q Okay. But you didn't know exactly where.

15 A No, sir.

16 Q Okay. Now, initially you decided to
17 conduct some interviews. And was one of the first
18 interviews you conducted the interview with
19 Mr. Reeves?

20 A No, sir.

21 Q Who did you conduct first?

22 A Corporal Hamilton and Ms. Hamilton.

23 Q Okay. Let's -- let's take Ms. Hamilton
24 first.

25 Now, Ms. Hamilton's interview was

1 conducted where?

2 A At the movie theater.

3 Q Isn't it -- was it in a closed room?

4 A That's correct.

5 Q Now, Ms. Hamilton told you that when
6 Mr. --

7 MR. GARCIA: Object as to hearsay.

8 THE COURT: Sustained. This isn't
9 impeachment. Sustained.

10 Q (By Mr. Escobar) Now, your purpose of
11 interviewing Ms. Hamilton was what?

12 A Gain information.

13 Q Okay. And gain information so that you
14 could then ask Mr. Reeves relevant questions,
15 correct?

16 A To conduct the investigation, that's
17 correct.

18 Q And so your second interview was
19 Mr. Hamilton?

20 A No, sir. My first interview was
21 Mr. Hamilton.

22 Q And then Mrs. Hamilton.

23 A That's correct.

24 Q And then who was third?

25 A Mr. Reeves.

1 Q Okay. We've heard the interview you had
2 with Mr. Reeves, correct?

3 A Yes, sir.

4 Q Okay. And we know that pretty early on
5 Mr. Reeves indicated to you that he had been struck
6 in his face, correct?

7 A Yes, sir, he did.

8 Q Okay. And he indicated to you not only
9 that he had been struck in his face, but he
10 indicated to you that he believed that the item that
11 may have struck him in the face was a phone.

12 A Yes, sir.

13 Q And so I would imagine, then, when you
14 were going through that interview, one of -- your
15 first topic was: I need to find that phone,
16 correct?

17 A Yes, sir.

18 Q Because if he was struck with that phone,
19 there could be some evidence on that phone, correct?

20 A Yes, sir.

21 Q DNA?

22 A Possibly.

23 Q Fingerprints?

24 A Possibly.

25 Q And you knew, based upon your

1 conversations with Mr. Hamilton as well as
2 Mrs. Hamilton, that Mr. Hamilton got to Mr. Reeves
3 right away, correct?

4 A Pretty quick, yes, sir.

5 Q And you were aware of your -- because of
6 your interview with Mr. Hamilton, that Mr. Hamilton
7 saw the phone right there in between Mr. Reeves'
8 legs.

9 A That's correct.

10 Q So prior to even going and interviewing
11 Mr. Reeves, you knew that there was evidence right
12 there where Mr. Reeves was sitting of this phone.

13 A There was a phone there.

14 Q And you knew that it wasn't Mr. Reeves'
15 phone.

16 A That's correct, sir.

17 Q Mr. Reeves was cooperative with you?

18 A To some degree, yes, sir.

19 Q He answered your questions to the best of
20 his recollection?

21 MR. GARCIA: Objection, Judge, calls for
22 speculation.

23 THE COURT: Sustained.

24 Q (By Mr. Escobar) He answered your
25 questions, correct?

1 A He answered my questions.

2 Q And very early on in that questioning, he
3 was complaining about his shoulder, correct?

4 A That's correct.

5 Q And very early on in that particular
6 interview he was complaining about his face.

7 A That's correct.

8 Q And I believe that -- and so one of the
9 things that you wanted to do, quite quickly, was you
10 wanted to take pictures of Mr. Reeves and his face,
11 correct?

12 A That's correct.

13 Q Did you do that or did you have tech come
14 over and assist you?

15 A Forensic tech.

16 Q Okay. And did they do that in your
17 presence?

18 A No, sir.

19 Q Did you know what Mr. Reeves' face looked
20 like before this incident as far as marks,
21 scratches, red marks, anything like that?

22 A Not before the interview, no, sir.

23 Q You have in this exhibit, and it's State's
24 Exhibit Number --

25 THE COURT: Three.

1 Q (By Mr. Escobar) -- looks like 3, you
2 have a driver's license picture of Mr. Reeves.

3 A Yes, sir.

4 Q Do you know when that was taken?

5 A I don't recall, sir, without looking at
6 it.

7 Q Would maybe me showing you this refresh
8 your recollection?

9 A Yes, sir.

10 MR. ESCOBAR: May I approach, Your Honor?

11 THE COURT: You may.

12 Q (By Mr. Escobar) Detective, I'm going to
13 show you the prosecution's Exhibit 3.

14 A (Perusing document.)

15 The issue date of the license, according
16 to this, is 8/26 of '09. It does not have the
17 attached paperwork which would show the date of the
18 picture.

19 Q Okay. So it shows the issue date of '09.

20 A That's correct.

21 Q Okay. And do you know what changes have
22 occurred between '09 and 2014 on Mr. Reeves' face?

23 A The -- yes, sir, there's a picture here of
24 him.

25 Q The picture of the date of January 13th,

1 2014?

2 A The DL picture, yes, sir.

3 Q I'm talking about subsequent to that.

4 A Okay. Yes, sir.

5 Q That's the only thing you've got is the
6 January 13th, 2014 picture, correct?

7 A That's correct.

8 Q Okay. Now, in your conversations with
9 Mr. Reeves, almost instantaneously he told you hey,
10 my shoulder is killing me, correct?

11 A Yes, sir.

12 Q He told you "I've been hit in the face,"
13 correct?

14 A Yes, sir.

15 Q "I'm 71 years old," correct?

16 A Yes, sir.

17 Q "I've got arthritis in both hands."

18 A Yes, sir.

19 Q "I've got a bad back."

20 A Yes, sir.

21 Q "I'm not very agile anymore," correct?

22 A Yes, sir.

23 Q He complained to you or told you,
24 explained to you his current physical condition at
25 that time.

1 A Yes, sir.

2 Q He look 71 years old to you?

3 A No, sir.

4 Q You think he looks younger?

5 A I do.

6 Q You do? What -- what do you think makes
7 Mr. Reeves, to you, look younger?

8 A Looks to be in good health.

9 Q He does. Okay. So he tells you that he's
10 there at the theater and the previews go on,
11 correct?

12 A Yes, sir. The CD, the taped interview
13 explains all that, yes, sir.

14 Q And he tells you that the lights were
15 dimmed, correct?

16 A That's correct.

17 Q And he tells you that the individual kind
18 of caddy-corner to him, sitting beside Ms. Oulson,
19 that individual was using a phone and the screen to
20 that phone had a light.

21 A Yes, sir.

22 Q And he told you that -- very politely he
23 said, "Sir, can you turn off that phone?"

24 MR. GARCIA: Objection, Judge.

25 THE COURT: All right. As to the

1 objection, here's what I'm going to tell you.
2 There's a tape. Whatever's on the tape is
3 whatever's on the tape.

4 I love a good commit and confront
5 cross-examination. I don't want to give you
6 any impression other than I think you do that
7 fantastically.

8 But if you're not getting to a point here
9 soon, I see no reason for you to ask him
10 exactly what we already heard, which is the
11 best evidence.

12 And I'm going to tell everybody, I told
13 you until 6:00. I'm holding my courtroom staff
14 until 6:00. If 6:00 comes and, because
15 everybody has asked the same questions three
16 times, we're not done, I'm not going to fret
17 about it. But I'm not going to rush anybody
18 and I'm not going to go past 6:00, because I've
19 made a commitment to the courtroom staff that I
20 will not.

21 So if you want to ask him everything that
22 we just heard on that 29-minute tape again, I'm
23 not seeing the value of it. You're good at
24 your cross-examination, though, so that's why
25 I've been letting it go even though you've

1 asked, like, nine questions now. But I'm just
2 telling you 9:00 (sic) comes or 6:00 comes, I'm
3 not ruling on this. Okay?

4 MR. ESCOBAR: I understand.

5 THE COURT: Keep going.

6 Q (By Mr. Escobar) Part of the reason for
7 your interview is that you want to determine whether
8 Mr. Reeves' actions are reasonable, correct?

9 A That's correct.

10 Q And so he indicates to you that that first
11 tap was "Sir, can you turn your phone off." And he
12 tells you that Mr. Oulson said to him something to
13 the effect of "fuck off" or "fuck you," right?

14 MR. GARCIA: Judge, I'm going to object to
15 this line of questioning. The best evidence in
16 this case is the interview which is in
17 evidence.

18 MR. ESCOBAR: Judge, they --

19 THE COURT: Overruled. The reason that
20 I'm going to overrule it and allow it to
21 continue is Mr. Escobar is entitled to judge
22 his -- or to get me to judge his investigation
23 of completeness.

24 I am presuming he's going to go someplace
25 with this, because yesterday he went places

1 with all of his cross-examination. I'm still
2 hoping he's going to get there sooner.

3 MR. GARCIA: Well, Judge, if I may, his
4 investigation is on an audiotape which everyone
5 in this courtroom has heard.

6 THE COURT: I heard it and I listened as
7 closely as I could. Some of it was inaudible.
8 So if he feels that he's got some portion of
9 the inaudible part that he's going to be able
10 to bring out through cross-examination, I'm
11 going to allow it.

12 Normally, you know that I would move
13 somebody along, especially in a bond hearing;
14 however, you're asking me today to make a
15 finding of proof evident presumption great.
16 And if I do that, that means that the man will
17 be held without bond until trial, which in a
18 second-degree murder oftentimes can go as long
19 as one or two years down the road.

20 So to that end, I'm taking every
21 precaution to make sure that your interests are
22 protected and Mr. Escobar, on behalf of his
23 client's interest, are protected.

24 I understand this is taking longer than
25 anybody anticipated, but the sooner we let him

1 get to it, the sooner we're through it.

2 MR. GARCIA: I understand, Judge.

3 Again, one other point. This is not a
4 discovery deposition and that's -- that is what
5 this is turning into.

6 THE COURT: No, it's a review of the
7 evidence thus provided. I'm going to allow it
8 to continue.

9 Keep going, Mr. Escobar.

10 Q (By Mr. Escobar) Now, Detective Proctor,
11 he tells you then that he is told those words of
12 profanity in a very loud voice, correct?

13 A I don't recall if he uses the word "loud."

14 Q That he decides I'm going to get up and I
15 am going to go and speak to management, correct?

16 A He did tell me he was going to go speak to
17 management.

18 Q And that was something you wanted to
19 evaluate because it's a reasonable prudent thing for
20 someone to do if they're having a problem in the
21 theater, correct?

22 THE COURT: Mr. Escobar, it's not for him
23 to decide what's reasonable and prudent to do.
24 It's for me to decide whether it was reasonable
25 and prudent.

1 Do you have any other questions for him?

2 MR. ESCOBAR: I do.

3 THE COURT: All right. Continue with the
4 questions you need to ask.

5 Q (By Mr. Escobar) Did you verify that he
6 went to speak to management?

7 A I did.

8 Q He did, didn't he?

9 A Yes, sir.

10 Q And then he comes back, he tells you. And
11 the minute that he comes back and he sits down, he
12 indicates to you that this individual turned around
13 and was practically on his lap, correct?

14 A There's a lot of things that are going on
15 between that. During our conversation, his
16 interview, he says additional things occur. I don't
17 recall if he actually uses the terminology "being in
18 my lap," but he did give me the indication that he
19 had turned around and in some way had threatened
20 him.

21 Q And he described to you his tone of voice,
22 Mr. Oulson's tone of voice, correct?

23 A I don't recall, sir, if that's on the tape
24 or not.

25 Q Did he describe to you the profanity that

1 was taking place now?

2 A He did describe the fact that he had used
3 the "F" word.

4 Q He also described to you Mr. Oulson's
5 facial feature, correct?

6 A Yes, sir, he did.

7 Q His aggressive posture, correct?

8 A Yes, sir.

9 Q Those are all things that need to be
10 considered when determining whether someone should
11 use deadly force, correct?

12 MR. GARCIA: Judge, he's asking for a
13 legal opinion now. I'm going to object.

14 THE COURT: Sustained.

15 Q (By Mr. Escobar) And he reiterated
16 multiple times about this phone hitting him in the
17 face, correct?

18 A I don't know how many times he had
19 mentioned the phone, sir.

20 Q Now, following Mr. Reeves' interview, did
21 you contact your investigative tech group so that
22 they could tell you whether or not -- the
23 positioning of that phone in reference to
24 Mr. Reeves' chair?

25 MR. GARCIA: Judge, I'm going to object to

1 relevancy of this line of questioning.

2 THE COURT: Overruled.

3 Q (By Mr. Escobar) Did you call your techs?

4 A Did I call my techs?

5 Q Say techs, hey, listen, tell me where --
6 did you all find a phone? Where did you find it?
7 Was it -- was it right between where Mr. Reeves was
8 sitting?

9 A That's -- I wouldn't have called them. I
10 would have made personal contact probably with
11 Detective Smith.

12 Q Did you?

13 A Yes.

14 Q And did she (sic) tell you Detective,
15 you're absolutely right, it was right there?

16 A No.

17 Q What did she (sic) tell you?

18 A The phone -- there was a phone --

19 MR. GARCIA: Judge, for the record, it's a
20 he. It's Detective Aaron Smith so the record
21 is clear.

22 THE COURT: All right.

23 MR. GARCIA: It's not a she.

24 MR. ESCOBAR: I haven't met her yet,
25 Judge. I'm -- I apologize.

1 THE WITNESS: It's him.

2 THE COURT: It's a him.

3 THE WITNESS: Detective Aaron Smith, the
4 gentleman that was just in running the audio.

5 MR. ESCOBAR: I -- I didn't know, sir.

6 THE WITNESS: My partner. Go ahead.

7 Q (By Mr. Escobar) Did you talk to him?

8 A Talk to who?

9 Q Mr. Smith.

10 A Concerning?

11 Q That phone.

12 A Yes.

13 Q Okay. And what did you ask him?

14 A I asked him where the phone was at.

15 Q And what did he tell you?

16 A He sit it was in the aisle.

17 MR. GARCIA: Object as to hearsay, Judge.

18 THE COURT: Overruled.

19 Q (By Mr. Escobar) Did you ask him where in
20 the aisle?

21 A No, sir.

22 Q Were you not wanting to corroborate
23 Mr. Reeves' testimony to you that it was right in
24 between his legs?

25 MR. GARCIA: Judge, I'm going to object.

1 It calls for speculation.

2 THE COURT: Sustained. Sustained on that
3 one.

4 A I'm sorry, sir?

5 Q (By Mr. Escobar) Mr. Reeves indicated to
6 you that phone was being used against him as a
7 weapon, correct?

8 A A weapon?

9 Q Yes, a weapon.

10 MR. GARCIA: Judge, I'm going to object to
11 the form of the question. Mr. Reeves, in his
12 interview, says, "I don't know what I got hit
13 with. It could have been a fist, it could have
14 been a phone. It was dark. I don't know."

15 THE COURT: Overruled; however,
16 Mr. Escobar, I listened to the tape. I made
17 notes, extensive notes of the tape. I am going
18 to rely to what I heard on the tape.

19 MR. ESCOBAR: I understand.

20 THE COURT: Do you have any further
21 questions for this detective that are
22 relevant --

23 MR. ESCOBAR: I do.

24 THE COURT: -- for this bond hearing?

25 MR. ESCOBAR: I do.

1 THE COURT: Let's -- let's get to those.

2 Q (By Mr. Escobar) Detective, on the issue
3 of the phone, did you not want to corroborate
4 Mr. Reeves' statement to you?

5 MR. GARCIA: Judge, again --

6 THE COURT: Sustained. Ask a new
7 question.

8 Q (By Mr. Escobar) You also interviewed
9 Mrs. Reeves; is that correct?

10 A That's correct.

11 Q When you started your interview of
12 Mrs. Reeves, was she upset?

13 A Yes.

14 Q Was she crying?

15 A To some degree, yes, sir.

16 Q Where did that interview take place?

17 A Theater.

18 Q With -- the theater in a room or theater
19 in the open public?

20 A No, sir. I believe they call it the party
21 room.

22 Q So it was a room. Just you and her alone?

23 A Detective Myers is there.

24 Q Okay. She was visibly upset?

25 A Yes, sir, upset -- well, crying to some

1 degrée, yes.

2 Q Okay. And she indicated to you that
3 during that episode with Mr. Oulson, that she,
4 herself, was in fear.

5 A There again, that's on tape.

6 MR. GARCIA: Judge, I'm going to object to
7 mischaracterization.

8 THE COURT: Sustained. I'm going to rely
9 on what I heard on the audiotape unless you're
10 asking if he said -- if she said something to
11 him off the audiotape. Is that what you're
12 asking?

13 MR. ESCOBAR: No, on the audiotape.

14 THE COURT: Okay. Then I'll rely on what
15 I heard on the audiotape.

16 Q (By Mr. Escobar) Did she tell you that
17 she turned away from Mr. Oulson?

18 A I don't recall. I don't recall that. The
19 tape stands, sir. I don't remember everything that
20 she says on that tape.

21 Q When is the first time, Detective, that
22 you actually viewed the telephone?

23 MR. GARCIA: Objection as to the
24 relevancy.

25 THE COURT: Overruled.

1 Q (By Mr. Escobar) When's the first time
2 you viewed the phone, Detective?

3 A I went into the theater after I had
4 conducted the interview with -- after I conducted
5 interviews.

6 Q And?

7 A Give me a moment, sir.

8 Q Okay.

9 A I -- they were still in the process of
10 collecting evidence. I do not recall seeing the
11 phone up in -- up there at that time. Detective
12 Smith was the crime scene detective; I had multiple
13 forensic technicians in there. And I do not recall
14 seeing the phone up there.

15 Q Now, early on in your investigation you
16 were aware, though, that there were cameras in that
17 theater, correct?

18 A Yes, sir.

19 Q When's the first time that you viewed the
20 tape?

21 A Several days later.

22 Q Several days later?

23 A Yes.

24 Q Were you not interested in determining
25 whether that tape showed that phone coming at

1 Mr. Reeves' face?

2 A Would I have been -- yes, I would have
3 been interested to see that, yes, sir.

4 Q So why didn't you view it that night?

5 A Understand, sir -- believe me, I wanted to
6 view that video that night. Unfortunately, I didn't
7 have control over that video. I didn't have that
8 readily accessible to me. Given the opportunity,
9 sir, I would have viewed that video before I
10 interviewed Mr. Reeves. Unfortunately, I didn't
11 have that ability. Cobb Theater.

12 Q Did you ask them to view the video?

13 A Sure.

14 Q And what did they say?

15 A They weren't able to do it. And I believe
16 when you speak to Detective Smith, my partner, he
17 can explain to you all those things concerning them.

18 Q So you said a couple days later you viewed
19 it for the first time?

20 A Yes, sir.

21 Q How many times have you viewed that video?

22 A Thirty, forty times.

23 Q And did you see that phone coming at
24 Mr. Reeves' face?

25 A No, sir.

1 Q You had -- to this day, 24 days from the
2 date of this incident, you have never seen the phone
3 coming at --

4 MR. GARCIA: Objection, Judge --

5 THE COURT: Mr. Escobar --

6 MR. GARCIA: -- asked and answered.

7 THE COURT: -- if you ask the question
8 once and he tells you the answer and you don't
9 like the answer, asking him two and three more
10 times is not going to help.

11 MR. ESCOBAR: Judge --

12 THE COURT: I -- I just --

13 MR. ESCOBAR: I know.

14 THE COURT: -- I need you to just ask the
15 question once. I'm trying to -- I'm trying to
16 give you as much latitude as I can here, and
17 I've shut the State down a lot, but I'm not
18 going to let you ask him the same question
19 three times --

20 MR. ESCOBAR: And Judge --

21 THE COURT: -- and that's what you were
22 doing. You were asking it the second, and if I
23 had let you, you would have asked it a third.

24 MR. ESCOBAR: But Judge --

25 THE COURT: But we're not going to do

1 that. And I'm going to stop you if you do it
2 again.

3 MR. ESCOBAR: I understand, but I like
4 that -- that answer.

5 THE COURT: Okay. Well, I'm glad you like
6 that answer, but -- so and -- and -- and just
7 take it the first time. Take yes for an answer
8 if it's the answer you like. Okay?

9 Let's go. What do you got next?

10 Q (By Mr. Escobar) Did you have anyone,
11 Detective, try to play that video one frame at a
12 time?

13 A One -- one -- I'm not aware of the ability
14 to be able to do that. We were not able to view it
15 one frame at a time.

16 Q Did you ask anyone whether that was
17 possible?

18 A There again, Detective Smith, who's
19 computer savvy, would have been able to have -- I'm
20 sure if he was able to do that, he would have
21 provided that to me.

22 Q One more question with reference to the
23 phone and I think I'm -- I'm completed with my cross
24 of you.

25 Did you ever go into evidence and pull

1 that phone out of evidence?

2 A Never.

3 Q Never.

4 MR. ESCOBAR: No further questions.

5 THE COURT: Okay. Mr. Garcia --

6 MR. ESCOBAR: Your Honor, if I could have
7 a quick second.

8 THE COURT: Oh, forgot the magic words.

9 May I have a moment to consult with counsel?

10 That should be written at the top of

11 everybody's pad.

12 All right. Mr. Michaels has given you
13 something. What did he give you?

14 MR. ESCOBAR: He has.

15 Q (By Mr. Escobar) Detective --

16 MR. ESCOBAR: I'll pick that up.

17 Q (By Mr. Escobar) Detective, that phone,
18 does the light on that phone turn on when you touch
19 it?

20 A I don't know.

21 Q You know what kind of phone it is?

22 A I do not without reviewing a property
23 receipt.

24 MR. ESCOBAR: Okay. No further questions.

25 THE COURT: Okay. Mr. Garcia, do you need

1 to ask any further questions of this witness?

2 MR. GARCIA: Just briefly, Judge.

3 REDIRECT EXAMINATION

4 BY MR. GARCIA:

5 Q Detective Proctor, you had an opportunity
6 to look at Mr. Reeves' driver's license photograph?

7 A I did.

8 Q And does the driver's license photograph
9 and the photograph that was taken on January 13th of
10 2014 appear to be the same?

11 A It's the same subject. He's lost some
12 facial hair, maybe gained a few pounds.

13 Q Right. But when you compare the
14 photographs, there's -- there's no injuries on
15 Mr. Reeves, on the side of his face, nothing that
16 you saw?

17 A That's correct.

18 Q And, in fact, nothing that was captured on
19 the photograph.

20 A That's correct.

21 MR. GARCIA: Nothing further.

22 THE COURT: Okay. Well, thank you for
23 coming in, Detective Proctor.

24 THE WITNESS: Thank you, sir.

25 THE COURT: All right. It is 11:54.

1 Normally, I would go a little bit longer, but I
2 have a feeling that the next witness is going
3 to be a long-in-time witness, also; am I
4 correct in that estimation, Mr. Garcia?

5 MR. GARCIA: Judge, the next witness is
6 going to be Detective Lindsey. He's probably
7 going to be rather --

8 THE COURT: Short in duration?

9 MR. GARCIA: -- short, yes.

10 THE COURT: Okay. All right. Then let's
11 do that.

12 MR. GARCIA: Okay.

13 THE COURT: Okay. So Detective Lindsey
14 you say?

15 MR. GARCIA: Yes, sir.

16 THE COURT: All right.

17 MR. GARCIA: Judge, in the meantime, to
18 move things along, I'm going to ask that the
19 record reflect that I'm showing what's been
20 marked as State's Exhibit J for identification
21 purposes to Mr. Escobar.

22 THE COURT: And what is J?

23 MR. GARCIA: Judge, it is a -- the taped
24 interview of Nicole Oulson that was conducted
25 by Detective Bill Lindsey at the hospital.

1 It's our intention of playing it.

2 THE COURT: Okay. Good morning,
3 Detective Lindsey. Please raise your right
4 hand.

5 THEREUPON,

6 WILLIAM LINDSEY,
7 the witness herein, was placed under oath.

8 THE COURT: Come on up.

9 You may proceed, Mr. Garcia.

10 MR. GARCIA: Thank you, Your Honor. May
11 it please the Court, counsel?

12 DIRECT EXAMINATION

13 BY MR. GARCIA:

14 Q Detective Lindsey, good afternoon, sir.

15 A Good afternoon.

16 Q Can you state your full legal name,
17 please.

18 A William Michael Lindsey.

19 Q And your profession?

20 A Detective with the Pasco County Sheriff's
21 Office.

22 Q And how long have you been employed with
23 the Pasco County Sheriff's Office?

24 A Since 2000.

25 Q What are your duties with the Pasco County

1 Sheriff's Office?

2 A I'm actually -- I'm a cyber crimes
3 detective.

4 Q Did you have occasion to assist in the
5 investigation that occurred on January 13th of 2014
6 in reference to the homicide?

7 A Yes, I did.

8 Q Did you have occasion to go to the
9 hospital and interview Nicole Oulson?

10 A Yes, I did.

11 Q And did you tape record her interview?

12 A Yes, I did.

13 Q Have you had an opportunity to listen to
14 it?

15 A Yes, I have.

16 Q Is it -- is it true and accurate?

17 A Yes, sir.

18 MR. GARCIA: Judge, at this time I would
19 move this into evidence as State's Exhibit
20 Number 5, I believe, and I would ask the Court
21 for permission to play it.

22 MS. SUMNER: Six.

23 THE COURT: Are we five or six? Yeah,
24 it's six.

25 Mr. Escobar, any objection?

1 MR. ESCOBAR: No objection, Your Honor.

2 THE COURT: Without objection.

3 You need to get the --

4 MR. GARCIA: Please.

5 THE COURT: -- computer technician? I
6 understand.

7 (Pause in proceedings.)

8 THE COURT: Ready? Yep.

9 (Thereupon, the audiotape was played and the
10 transcription thereof is presented in the following
11 Italicized font.)

12 DETECTIVE LINDSEY: *It is January 13th,*
13 *2014. It's 1605 hours. I'm with Nicole Oulson*
14 *at St. Joseph's Hospital in the emergency room.*
15 *I'm going to be conducting an interview*
16 *reference Case Number -- what's that case*
17 *number, 14 -- Case Number 14-1529.*

18 *Okay. Please tell me everything that you*
19 *can remember about what happened today.*

20 MRS. OULSON: *Okay. My name's*
21 *Nicole Oulson. I went to the movies with my*
22 *husband, Chad Oulson, and we went to see the*
23 *Marine movie with Mark Wahlberg, Last Stand --*
24 *Lone Survivor.*

25 *And it started at 1:20 and we got there a*

1 little bit early. And my husband made small
2 talk -- actually, the guy in front of us made
3 some small talk with us and we were getting
4 ready to just watch the previews. The previews
5 had just started.

6 And the couple -- there was a couple
7 behind us, a guy and I assume a lady that he
8 was sitting next to. And he got rude with my
9 husband and just made some comments about
10 turning off his cell phone. And my husband
11 said, "I definitely will in just a minute, but
12 the previews -- you know, the previews are on."

13 And the -- my husband didn't turn around
14 or anything. The guy just kept, you know,
15 telling him, you know, shut it off now.

16 And so the guy said, "Do I need to go get
17 a manager?"

18 And my husband said, "You can do whatever
19 you need to do. I'm just going to be a minute.
20 I'm not talking." It was just the light on his
21 cell phone that was on. No noise or anything
22 was coming out of it.

23 And so the guy left, which we assumed was
24 to go get a manager. And when he came back, he
25 was by himself. And my husband had already

1 turned his phone off and had it put away, so we
2 thought that was the end of it.

3 But when the guy sat down, he kept saying
4 stuff to my husband about oh, now you put it
5 away, what, are you scared -- I -- I -- I don't
6 even know exactly what the words were. I
7 didn't pay much attention, but I know he
8 definitely said, "Oh, so now you put the phone
9 away."

10 And my husband, you know, turned around
11 and stood up and just said, "Hey, what is your
12 problem?" And from there I stood up and put my
13 left hand on his chest just trying to tell him,
14 you know, it's not worth it, sit down, watch
15 the movie. And that's when the shot rang out.

16 And immediately I -- it didn't even
17 register with me. I just saw, like, a spark
18 and saw him go down. And from there I didn't
19 even realize that my finger was shot as well.
20 I was just so worried about him.

21 Do I need to keep going to explain the
22 after facts?

23 DETECTIVE LINDSEY: No.

24 MRS. OULSON: Okay. And from there the
25 guy just sat in his chair. He just kind of

1 leaned back and just sat there. Didn't say
2 anything, didn't try to help, didn't do
3 anything. He just sat there. And as all the
4 chaos was going on, he was just sitting there.
5 And that was pretty much all that happened.

6 DETECTIVE LINDSEY: Okay. So had you ever
7 seen this person before?

8 MRS. OULSON: Nope. I've never seen him
9 in my life.

10 DETECTIVE LINDSEY: Okay. You don't know
11 who they are? You don't know his name?

12 MRS. OULSON: Wouldn't be able to tell
13 you, no.

14 DETECTIVE LINDSEY: Can you describe him
15 for me.

16 MRS. OULSON: An older man, kind of
17 heavysset. I want to say grayish, some kind of
18 gray hair, but now I mean I --

19 DETECTIVE LINDSEY: Do you remember --

20 MRS. OULSON: Blue shirt, kind of like a
21 light bluish-colored shirt, I believe. Pants,
22 but I don't -- I think maybe -- I don't know
23 for sure, so I don't want to just assume
24 anything. But I know for sure it was a blue
25 shirt and that he was more of a heavysset,

1 pretty tall -- tall stature.

2 DETECTIVE LINDSEY: Okay.

3 MRS. OULSON: But, no, I couldn't tell you
4 any more about him.

5 DETECTIVE LINDSEY: Do you remember
6 anything specific about him? Any facial hair
7 or tattoos or --

8 MRS. OULSON: No tattoos that I saw. I
9 don't remember facial hair. I had no interest
10 in the guy. I mean I was -- my back was to him
11 because I was facing the movie, and he was
12 sitting directly behind me and my husband.

13 So other than the second that I turned
14 around to have him sit down was really the only
15 time I glanced at him. And even -- and then
16 afterwards -- I mean I saw him just sitting
17 there, but I -- it all happened and it was all
18 just chaos, but I didn't make note of anything
19 other than that.

20 DETECTIVE LINDSEY: Do you remember what
21 his voice was like? Did he have an accent
22 or --

23 MRS. OULSON: I don't remember an accent,
24 no. He was just very rude from the beginning,
25 just belligerent, just, you know --

1 DETECTIVE LINDSEY: Was he --

2 MRS. OULSON: My husband was calm and just
3 said it will just take, you know, take a
4 minute, I'll turn it off, you know, the movie
5 hasn't even started. And he was just -- just
6 nasty.

7 DETECTIVE LINDSEY: Okay. Was he white,
8 black, Hispanic?

9 MRS. OULSON: White.

10 DETECTIVE LINDSEY: Okay.

11 MRS. OULSON: And I would say older,
12 probably over 50.

13 (Multiple simultaneous conversations ensued.)

14 DETECTIVE LINDSEY: I'm recording an
15 interview real quick, so --

16 Okay. How long -- so this started during
17 the previews.

18 MRS. OULSON: Uh-huh.

19 DETECTIVE LINDSEY: How long before he
20 went out -- out the -- left the theater?

21 MRS. OULSON: Less than a minute. I mean
22 he said some nasty things to my husband and my
23 husband replied back. And he said, "Well, do I
24 need to go get a manager?" So I mean their
25 conversation was probably less than a minute

1 before he was walking down the stairs to what
2 we thought was go get a manager.

3 DETECTIVE LINDSEY: Okay. When he -- when
4 he came back, did your husband or him say
5 anything aggressive towards each other, like
6 threaten physical violence, anything? Did
7 it -- do you remember any conversation going
8 back and forth between them about that?

9 MRS. OULSON: My husband said, "Dude,
10 what's your problem? You know, I wasn't making
11 any noise. The movie hasn't even started."
12 And that's all I remember.

13 DETECTIVE LINDSEY: Okay.

14 MRS. OULSON: Yeah. There was -- I mean
15 they were both kind of huffing and puffing.

16 DETECTIVE LINDSEY: Right.

17 MRS. OULSON: But that's all I remember.

18 DETECTIVE LINDSEY: Okay. When -- when
19 your husband stood up, he just stood up in his
20 chair and turned?

21 MRS. OULSON: Turned around, yeah, just to
22 say, "Hey, Dude, what's your problem?"

23 DETECTIVE LINDSEY: Okay.

24 MRS. OULSON: Yep. But I mean they were
25 loud voices. You know, they were angry. You

1 could tell.

2 DETECTIVE LINDSEY: They were mad at each
3 other?

4 MRS. OULSON: Yeah, they were mad.

5 DETECTIVE LINDSEY: At that point had
6 anybody threatened to hit each other or hurt
7 each other? Did he display a weapon or
8 anything like that?

9 MRS. OULSON: No. No.

10 DETECTIVE LINDSEY: No?

11 MRS. OULSON: I didn't see any -- well, I
12 didn't see anything. No, I never saw the
13 weapon or anything.

14 DETECTIVE LINDSEY: Okay.

15 MRS. OULSON: I just saw the spark and
16 heard the noise and that was it.

17 DETECTIVE LINDSEY: Did anybody throw
18 punches either direction?

19 MRS. OULSON: Not that I know of, no.

20 DETECTIVE LINDSEY: No?

21 MRS. OULSON: No, uh-uh.

22 DETECTIVE LINDSEY: Okay. So when you
23 stood up, you -- your husband had -- you stood
24 up because your husband stood up?

25 MRS. OULSON: Yeah. I was still watching

1 the movie because I was just, like, oh, gosh,
2 you know, this is embarrassing and I just
3 wanted him to sit back down. So I kind of was
4 still facing forward until the last minute
5 when we -- basically when we got shot is when I
6 had just stood up and kind of turned around to
7 tell him, you know, just sit down, it's not
8 worth it.

9 DETECTIVE LINDSEY: Okay. And you got
10 shot in which finger?

11 MRS. OULSON: My ring finger on my left
12 hand.

13 (Multiple simultaneous conversations ensued.)

14 DETECTIVE LINDSEY: All right. So you
15 only stood up. You stood up and you put your
16 left hand on your husband's chest to tell him
17 to sit down?

18 MRS. OULSON: Uh-huh.

19 DETECTIVE LINDSEY: At that point they
20 were still -- all right. When you stood up and
21 you looked back at the guy, he was standing or
22 was he sitting?

23 MRS. OULSON: He was sitting.

24 DETECTIVE LINDSEY: He was still sitting?

25 MRS. OULSON: Yeah, but I think he was

1 kind of up -- I think kind of up. Not, like,
2 leaned back that I had described earlier.
3 After all the chaos was going on, he was
4 more -- but he was sitting, yes.

5 DETECTIVE LINDSEY: Okay.

6 MRS. OULSON: But more up.

7 DETECTIVE LINDSEY: How long did they
8 exchange words when he came back in? I'm
9 saying -- like you said, after about a minute
10 he left.

11 MRS. OULSON: Yeah, again.

12 DETECTIVE LINDSEY: Do you remember how
13 long he was --

14 MRS. OULSON: Less than --

15 DETECTIVE LINDSEY: -- gone?

16 MRS. OULSON: I mean it's so hard to say
17 because I wasn't timing it or anything, but
18 probably four-to-six minutes. I mean --

19 DETECTIVE LINDSEY: Okay.

20 MRS. OULSON: -- enough for a preview to
21 maybe go.

22 DETECTIVE LINDSEY: Okay.

23 MRS. OULSON: A preview or two.

24 DETECTIVE LINDSEY: Yep. So when he --

25 MRS. OULSON: Yeah.

1 DETECTIVE LINDSEY: So when he came back
2 in, who initiated the conversation when he came
3 back?

4 MRS. OULSON: The same guy. He said, "Oh,
5 so now you put it away" or "Now you'll put your
6 phone away."

7 DETECTIVE LINDSEY: Okay.

8 MRS. OULSON: Yeah. And he's the one that
9 said something again, so that's when my husband
10 turned around.

11 DETECTIVE LINDSEY: Do you remember
12 anything else that was said between them during
13 that part of it?

14 MRS. OULSON: I don't remember words, no.
15 It was just (unintelligent verbalization), how
16 guys are, you know, hotheads, they're just
17 (unintelligent verbalization) --

18 DETECTIVE LINDSEY: Okay.

19 MRS. OULSON: -- but I don't remember any
20 specific words, no --

21 DETECTIVE LINDSEY: Do --

22 MRS. OULSON: -- I don't.

23 DETECTIVE LINDSEY: Do you remember any --
24 either of them threatening to hurt each other or
25 anything like that?

1 MRS. OULSON: I don't remember that, no.

2 DETECTIVE LINDSEY: Okay. And when you
3 stood up, there hadn't been any physical
4 altercation?

5 MRS. OULSON: Not that I saw --

6 DETECTIVE LINDSEY: Had there been any
7 pushing, shoving?

8 MRS. OULSON: I -- again, I was sitting
9 facing the movie so I honestly, swear to God, I
10 don't know.

11 DETECTIVE LINDSEY: Okay.

12 MRS. OULSON: I don't know. But, I mean,
13 my husband was standing up. He's a very tall
14 guy. And, you know, he was mad so he was
15 saying, you know, "Dude, what's your problem?"
16 But no, I did not see any pushing, shoving,
17 hitting; I didn't see anything like that.

18 DETECTIVE LINDSEY: Okay. And did you
19 ever see the firearm?

20 MRS. OULSON: No, never saw it.

21 DETECTIVE LINDSEY: You don't what it --
22 did you -- could you tell what it looks like?

23 MRS. OULSON: I did -- I did see it
24 because it was really small; tiny, like what a
25 girl would carry and silver or -- black or

1 silver. Oh, gosh, when did I see it? Not in
2 hand. I can tell you I didn't see him pull the
3 trigger or anything like that because I didn't
4 even know. But it seems like at some point
5 either someone described it or I saw it because
6 I remember -- I don't know. I'm so confused.

7 DETECTIVE LINDSEY: Okay. But at the
8 point of the altercation you didn't see it.

9 MRS. OULSON: I did not see it. I did not
10 see him pull it out and I did not see him shoot
11 it. I just saw the spark and heard the noise.

12 DETECTIVE LINDSEY: How many -- how many
13 gunshots did you hear?

14 MRS. OULSON: One.

15 DETECTIVE LINDSEY: Just one gunshot?

16 MRS. OULSON: Just one.

17 DETECTIVE LINDSEY: And the bullet that
18 hit your finger is what hit your husband?

19 MRS. OULSON: I assume so, yeah.

20 DETECTIVE LINDSEY: Okay. And what
21 happened immediately after that? Like as soon
22 as the gunshot --

23 MRS. OULSON: He just fell. He just fell
24 to the floor and I didn't even realize I was
25 hit or anything. He just fell and he just was

1 blank. And we just kind of stood there until
2 people came to help. And I didn't know where
3 he was shot or anything until later on.

4 DETECTIVE LINDSEY: Okay. So you didn't
5 see where he got hit or anything like that?

6 MRS. OULSON: I mean later on, yes, I knew
7 it was to the chest --

8 DETECTIVE LINDSEY: Okay.

9 MRS. OULSON: -- I did not know at that
10 time --

11 DETECTIVE LINDSEY: Okay.

12 MRS. OULSON: -- where he got shot or how
13 close the guy -- I mean they had to have been
14 close because the movie seats are close, but I
15 don't know. I don't know.

16 DETECTIVE LINDSEY: Do you remember the
17 theater number that you were in?

18 MRS. OULSON: Ten.

19 DETECTIVE LINDSEY: Ten. Number ten?

20 MRS. OULSON: Uh-huh.

21 DETECTIVE LINDSEY: Okay. Okay. Is there
22 anything else about it other -- you said
23 after -- after he was shot, that your husband
24 was shot, the person involved just sat in his
25 chair.

1 MRS. OULSON: When I glanced -- I mean I
2 was mostly concerned with my husband, but yeah,
3 every time I looked he was just kind of leaned
4 back in his chair.

5 DETECTIVE LINDSEY: Okay. And he never
6 got up or --

7 MRS. OULSON: Not that I saw.

8 DETECTIVE LINDSEY: Okay.

9 MRS. OULSON: Just sat there.

10 DETECTIVE LINDSEY: At what point did he
11 leave the theater; do you know?

12 MRS. OULSON: When the police handcuffed
13 him and struggled with him down the stairs.

14 DETECTIVE LINDSEY: Okay. So police
15 actually came --

16 MRS. OULSON: Came in.

17 DETECTIVE LINDSEY: -- and responded and
18 pulled him out of his chair?

19 MRS. OULSON: Uh-huh, yeah. He was still
20 sitting there, just like this.

21 DETECTIVE LINDSEY: Okay. All right. Is
22 there anything else that you can think of that
23 happened that would help me identify the person
24 or --

25 MRS. OULSON: No. It happened so fast.

1 MRS. OULSON: No. It happened so fast.
2 It was a few-minute ordeal, two or three
3 minutes at the beginning and -- or one -- maybe
4 one-to-two minutes, and then one-to-two minutes
5 when he came back in the theater. That was it.

6 DETECTIVE LINDSEY: Do -- do you
7 think that you would recognize him again if you
8 saw him?

9 MRS. OULSON: I think so, yes.

10 DETECTIVE LINDSEY: You think so? Okay.

11 MRS. OULSON: Yes, absolutely.

12 DETECTIVE LINDSEY: All right. I'm ending
13 the interview. It is 1620 hours.

14 THE COURT: All right. You can pop it
15 out.

16 Do you have any further questions for this
17 witness?

18 MR. GARCIA: No, sir.

19 THE COURT: Okay.

20 MR. ESCOBAR: Just -- just briefly.

21 CROSS-EXAMINATION

22 BY MR. ESCOBAR:

23 Q Good morning, Detective.

24 A Good morning.

25 Q Detective, what was your role in this

1 case?

2 A To go to the hospital and make contact
3 with a female victim.

4 Q Is that the only assistance that you gave
5 Detective Proctor in this case?

6 A Yes, sir.

7 Q Okay. You never went to the autopsy?

8 A No, sir.

9 Q Okay.

10 MR. ESCOBAR: No further questions, Your
11 Honor.

12 THE COURT: All right. Thank you,
13 Mr. Escobar.

14 Thank you, Detective. You are excused.

15 All right. State, how many more witnesses
16 do you have?

17 MR. GARCIA: One, Judge.

18 THE COURT: One?

19 MR. GARCIA: Yes, sir, one, Judge.

20 THE COURT: Is that the technician?

21 MR. GARCIA: Yes, sir.

22 THE COURT: All right.

23 MR. GARCIA: Detective Aaron Smith.

24 THE COURT: How much time do you think
25 he's going to take on direct examination?

1 MR. GARCIA: Well --

2 THE COURT: Just an estimate. Again, I'm
3 not going to cut you off. I'm --

4 MR. GARCIA: Including --

5 THE COURT: -- just trying to figure out.

6 MR. GARCIA: Including the video, Judge
7 or --

8 THE COURT: Yes.

9 MR. GARCIA: I would say approximately 30
10 minutes or so.

11 THE COURT: Cross-examination,
12 Mr. Escobar. How much time, including your use
13 of the video, if you choose to use it?

14 MR. ESCOBAR: Your Honor, probably I would
15 say 30 minutes.

16 THE COURT: All right. So we have about
17 an hour of State testimony left. We'll call it
18 an hour-and-a-half because I -- I am not as
19 optimistic as you two gentlemen as to how long
20 that will take. So let's say probably an
21 hour-and-a-half of that testimony left.

22 It's 12:13, so I'm thinking it's
23 lunchtime.

24 How much time, State, would you want for
25 lunch today? Can we be back here and ready by

1 1:00 if I let you go in the next two minutes?

2 MR. GARCIA: Yes, sir.

3 THE COURT: Mr. Escobar, is that
4 sufficient?

5 MR. ESCOBAR: Yes, Your Honor.

6 THE COURT: All right. So we're going to
7 break. We're going to come back at 1:00.

8 When we come back at 1:00, State, you'll
9 have your last anticipated witness.

10 MR. GARCIA: Yes, sir.

11 THE COURT: I know this doesn't happen
12 very often in a bond hearing, but this isn't
13 the average bond hearing. You going to have
14 any rebuttal witnesses?

15 MR. ESCOBAR: Judge, I'd like Detective
16 Proctor to be kept because I'm going to be
17 calling him again in rebuttal.

18 THE COURT: Okay. So how much time do you
19 anticipate that you would want Detective
20 Proctor available for?

21 MR. ESCOBAR: Your Honor, we may be able
22 to stipulate to the introduction of a certain
23 piece of evidence and I won't even call him at
24 all. But if we can approach --

25 THE COURT: Why don't you have a chat,

1 then, during the break about that. So let's --
2 let's think, if he gets called you're talking
3 15, 20 minutes?

4 MR. ESCOBAR: Yeah, that's it.

5 THE COURT: All right. So that means I've
6 got approximately two hours of testimony left.
7 That means that I would be then proceeding to
8 hear closing arguments in the bond hearing or
9 do you want -- do you want Ms. Oulson to make
10 her statement beforehand, because that's going
11 to be up to the State.

12 Have you had a chance to talk to her about
13 that since we -- why don't you let me -- why
14 don't you let me know after lunch. That way
15 she doesn't have to -- and State, you
16 understand what I'm saying and you're going to
17 be able to explain it to Ms. Oulson.

18 If she decides that she wants to make a
19 statement for purposes of the bond hearing,
20 because of the confrontation clause,
21 Mr. Escobar gets to ask her questions. If she
22 wants to make a statement just to make a
23 statement to the Court, she can do that;
24 however, it would be after I made my decision.

25 So if -- you know, it's entirely up to

1 her. I don't have a problem with it either
2 way. All right. So we'll hear that after we
3 get back.

4 So it looks like we are on track to finish
5 by 6:00. How much time would you anticipate
6 you're going to need for your closing argument
7 in the bond hearing, Mr. Garcia?

8 MR. GARCIA: Judge, I would anticipate 45
9 minutes to -- probably 45 minutes to an hour.

10 THE COURT: Forty-five minutes for your
11 closing argument in the bond hearing?

12 MR. GARCIA: Yes.

13 THE COURT: Okay. Mr. Escobar --

14 MR. GARCIA: Judge --

15 THE COURT: -- how much time do you think
16 you're going to need? I know we've heard a lot
17 of stuff, but --

18 MR. GARCIA: Well, there's a lot of
19 evidence that the Court needs to consider.

20 THE COURT: And I -- trust me, you've know
21 me for seven years.

22 MR. GARCIA: I know.

23 THE COURT: You know I reviewed all my
24 notes last night and so I've reviewed all the
25 testimony that I heard. I read both of your

1 briefs already. So please don't feel it's
2 necessary to tell me everything that I heard on
3 Wednesday and everything that I heard today
4 again. Please don't feel that's necessary.

5 Mr. Escobar, same, how much time?

6 MR. ESCOBAR: Your Honor, I think about 30
7 minutes I should be able to get it done.

8 THE COURT: All right. So we'll call it
9 an hour for each side approximately. And that
10 puts us at about 5:00. Actually, this might
11 work out. Okay? C

12 So great. Then we will back here at 1:00
13 to begin again.

14 MR. ESCOBAR: Your Honor, can we approach,
15 the prosecutor and I, just briefly?

16 THE COURT: Briefly, yes.

17 (Bench conference.)

18 THE COURT: What you got?

19 MR. ESCOBAR: As you know, they gave us
20 this voluminous discovery --

21 THE COURT: Yeah.

22 MR. ESCOBAR: -- recently. The only thing
23 that I want to get in -- and, you know, I can
24 try to do it through Detective Proctor -- is
25 the autopsy report.

1 THE COURT: Okay.

2 MR. ESCOBAR: And that's -- if he
3 stipulates to the autopsy report, that will
4 eliminate me needing Proctor period.

5 THE COURT: All right. Well, why don't
6 y'all think about that. And if you're okay
7 with it, that's fine. If not, you need to let
8 me know and we'll see where we go. All right?

9 MR. GARCIA: Okay.

10 THE COURT: All right. Have a good lunch.

11 (Open court.)

12 THE COURT: You can take him first if you
13 want. Actually, Mr. Michaels, do you need a
14 moment to talk to your client before they take
15 him out or you good?

16 (Recess.)

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STATE OF FLORIDA)
)
COUNTY OF PASCO)

I, Melinda McClain, Registered Professional Reporter, certify that I was authorized to and did stenographically report the foregoing proceedings and that the transcript is a true record.

DATED this 19th day of March, 2014.


Melinda McClain, RPR