

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 II

12 DATE: February 5, 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

THE COURT: Welcome back. Welcome back from lunch.

The State is present, the Defense is present and the defendant is present and dressed out. We're here in State of Florida vs. Curtis Reeves.

State, are you ready to proceed?

MR. GARCIA: Yes, sir, Your Honor.

THE COURT: Defense, you ready to proceed?

MR. ESCOBAR: We are, Your Honor.

THE COURT: All right. Call your next witness, please, Defense.

MR. ESCOBAR: Your Honor, the Defense would call Margaret Scalise.

THE COURT: Margaret Scalise. How do I spell that last name, please?

MR. ESCOBAR: S-C-A-L-I-S-E.

THE COURT: Good afternoon. Please raise your right hand.

THEREUPON

MARGARET SCALISE,
the witness herein, was placed under oath.

THE COURT: Come on up and have a seat, please.

1 You may inquire.

2 MR. ESCOBAR: Thank you, Your Honor.

3 DIRECT EXAMINATION

4 BY MR. ESCOBAR:

5 Q Good afternoon, Mrs. Scalise. Would you
6 please, for the record, state your full name?

7 A Margaret Scalise.

8 Q And Mrs. Scalise, would you give the Court
9 a little bit of history concerning your employment
10 history, your past employment history.

11 A I starting working at Busch Gardens in
12 1977 and worked in various parts of the park, and
13 then ended up in the office where, in 1993, I met
14 Curtis. And then I went into the benefits office --

15 Q Okay. I'm going --

16 A -- and worked there until 2000 or 2009.

17 Q I'm going to -- I'm going to slow you down
18 a little bit. I want you to sit back and relax.

19 Let's talk a little bit about your time
20 that you moved into the office. What do you mean by
21 "into the office" of Busch Entertainment?

22 A I was originally hired and worked on the
23 monorail and I did that for a year. And then I
24 worked out in the park and I served beer at the
25 Hospitality House for a year. And then I applied

1 for a secretarial position in 1980.

2 Q Okay. And you were --

3 A And then I worked in the office.

4 Q You were -- you were hired, rehired or
5 promoted, I should say --

6 A Promoted.

7 Q -- right --

8 A Right.

9 Q -- to a secretarial position --

10 A Right.

11 Q -- at Busch. And secretary for whom?

12 A I worked for the general services manager
13 for eleven years, and the operations manager for six
14 years. And then I became the benefits coordinator
15 for the last ten years.

16 Q Okay. Are you still working for Busch?

17 A No, I retired in 2008.

18 Q Okay. Do you know Curtis Reeves?

19 A Yes, I do.

20 Q And how was it that you were able to come
21 to know Curtis Reeves?

22 A Well, actually, my husband worked for
23 Busch Gardens also in the security department. And
24 when Curtis was hired, my husband was working with
25 Curtis at that time -- or for Curtis, and I met him

1 through that association where they worked together.

2 Q When -- when you first met Curtis, what
3 was your husband's position there at Busch?

4 A He was a security manager.

5 Q Okay. What is a security manager?

6 A He's in charge of the area managers
7 throughout the park and Adventure Island, and they
8 all report to him and then he reported to Curtis.

9 Q Okay. Busch Gardens and Adventure Island,
10 that is a -- two locations that are visited by many
11 individuals; is that correct?

12 A Yes.

13 Q Approximately how many individuals would
14 you say, on a daily basis, attend those two parks?

15 A During the busy season, it could be up to
16 25- to 30,000 people. On an average day probably
17 15- to 20,000 people.

18 Q Okay. And so security is quite important
19 for Busch Entertainment?

20 A Yes.

21 Q And hiring the right personnel is quite
22 important as well.

23 A Yes.

24 Q And your husband had a managerial position
25 in that department?

1 A Yes.

2 Q And so he had many individuals that he
3 supervised under him; is that correct?

4 A Yes.

5 Q Now, do you know if he had applied for the
6 position of director of security for Busch Gardens?

7 A When the previous manager left, my husband
8 also applied for that promotion position as well as
9 Curtis.

10 Q Before Curtis was hired, was your husband
11 the acting director --

12 A Yes.

13 Q -- for a period of time?

14 A Yes.

15 Q How long was your husband the acting
16 director of security?

17 A Approximately six months maybe.

18 Q Okay. And so your husband was competing
19 with Mr. Reeves for that same position.

20 A Yes.

21 Q Mr. Reeves gets hired.

22 A Yes.

23 Q And is that how you met him?

24 A Yes.

25 Q Tell the Court a little bit how your --

1 how your relationship with Mr. Reeves developed over
2 the years.

3 A As the security manager and the vice
4 president of security, they would go on conferences
5 throughout the United States at different theme
6 parks. And it happened once a year, they'd attend
7 these theme-park meetings. And the -- the wives got
8 to come along as kind of a vacation situation. So
9 the men would be in their conferences and meetings
10 for three or four days, and the women would get to
11 basically have a vacation and tour around.

12 And then when we went to these
13 conventions, Curtis and his wife and my husband and
14 I would tag on three or four days at the end of the
15 conference. And we would tour around and vacation
16 in the various areas in the United States.

17 Q We're talking about 2003 on --

18 A Approximately, yes.

19 Q -- is that correct?

20 Okay. And so when Mr. Reeves was hired as
21 a director of security for Busch, your husband
22 stayed in his position as manager of security; is
23 that correct?

24 A Right.

25 Q That was a position directly under

1 Mr. Reeves?

2 A Yes.

3 Q Okay. And these trips that you all would
4 have once a year were to various parts of the
5 country?

6 A Yes.

7 Q Okay. And so you got to know Mr. Reeves
8 on a -- on a not --

9 A A personal level.

10 Q -- only professional, but now a personal
11 level; is that correct?

12 A Right. We probably took eight to ten of
13 these vacations over the years. And yes, we got to
14 be very good friends.

15 Q Ate breakfast with him?

16 A Yes.

17 Q Lunch with him?

18 A Yes.

19 Q Dinner with him?

20 A Yes.

21 Q Went shopping with him?

22 A Yes.

23 Q Tell the Court your feelings of Mr. Reeves
24 back in those days when Mr. Reeves was the director
25 of security and you all would go on these -- on

1 these vacations and seminars.

2 A We always had -- I always knew I would
3 have a wonderful time because Curtis was a very
4 thorough person in looking into the areas that we
5 were going to visit and finding the points of
6 interest that we would enjoy. And we toured around
7 and -- did historical things and fun things. And he
8 was very conscious of taking us to places and
9 bringing us back safely. I always felt very safe
10 because he knew where he was going and he knew how
11 to get back home safely.

12 Q So -- so now in these trips, you've gotten
13 to experience Curtis on a personal level as well as
14 you experienced Curtis on a professional level while
15 he was working there at Busch.

16 A Yes.

17 Q Tell the Court what you experienced as far
18 as Mr. Reeves' temperament first on a professional
19 level.

20 A To be manager of the security of Busch
21 Gardens takes a lot of responsibility because
22 there's always a potential for things to happen or
23 something to go wrong. So you have to always be --
24 I think he always used the word "proactive" on how
25 to make sure everything was going to, you know, be

1 safe and secure.

2 I thought he -- according to my husband,
3 he introduced quite few different programs into
4 Busch Gardens to ensure that the safety of the
5 employees as well as the guests would be, you know,
6 maintained.

7 Q I'm more concerned with your interaction
8 with him on a professional level.

9 A Well, I didn't have to -- as far as
10 professionally, we didn't interact too much. He had
11 his own secretary, but I did maybe set up some
12 meetings and do occasional typing for him, on that
13 level.

14 Q Did you ever see there at Busch Gardens
15 Mr. Reeves losing his temper?

16 A Never. Never.

17 Q What type of demeanor did he carry there
18 in Busch Gardens?

19 A He appeared very confident in different
20 situations that might arise, and very thorough and,
21 you know, just -- he never -- I never saw him upset.
22 I've never heard him say a curse word.

23 Q Well, let's talk about from a -- from a
24 personal level on these trips that you would take,
25 both, you know, for the seminars and -- and on these

1 little outings that you had thereafter.

2 What was his temperament around you, on a
3 day-to-day basis, and your husband?

4 A He's got a very, very good sense of humor.
5 We always had a fun time, a good time. Like I said,
6 he would make sure that wherever we went was always
7 going to be, you know, a good experience for us.
8 And he never got angry. Even if we got lost, it was
9 an adventure, you know, driving through the
10 countryside.

11 Q Now, he worked for Busch Entertainment for
12 a period of time and then he retired; is that
13 correct?

14 A Yes.

15 Q Okay. Did you all maintain, outside of
16 these -- outside of these functions or seminars for
17 Busch Entertainment, did you all maintain any sort
18 of friendship? Did you all develop a friendship
19 where, separate and apart from those trips, you all
20 would meet to go to dinner --

21 A Yes.

22 Q -- hang out?

23 A Yes, we did. We went out to dinner on
24 many occasions. We would -- actually, in the last
25 couple years we developed kind of a routine of

1 meeting for lunch and visiting.

2 Q I'm going to take you there, but I want --
3 during the time of employment, did you all maintain
4 some type of friendship as well?

5 A Yes. Yes.

6 Q Okay. And you all would go out to --

7 A To dinner.

8 Q -- dinner together --

9 A Yes.

10 Q -- socialize together.

11 A Yes.

12 Q Tell the Court what -- what you
13 experienced of Mr. Reeves during that contact.

14 A We always, like, would go out to dinner
15 and just have a, you know, just a fun discussion of
16 current events or whatever. It was always
17 lighthearted and --

18 Q Did you ever experience Mr. Reeves ever
19 getting agitated or lose his temper or become
20 violent in any way?

21 A Never. Never. Never. Never.

22 Q Was that his temperament at all?

23 A I never even heard him raise his voice.
24 He would probably get quieter rather, you know, than
25 saying something.

1 Q Now, retirement takes place for
2 Mr. Reeves.

3 A Yes.

4 Q When did you retire?

5 A In '08.

6 Q In '08. Do you know when Mr. Reeves
7 retired?

8 A I think '03, something like that.

9 Q Okay.

10 A Several years earlier.

11 Q Several years earlier than your
12 retirement.

13 A Yes.

14 Q Okay. And so now you're retired. Do you
15 have any further contact with Mr. Reeves after
16 retirement?

17 A Yes.

18 Q Tell me about that.

19 A We continued to go out to dinner,
20 exchange, you know, e-mails, jokes on the computer.
21 And we would have a routine of going to the movies;
22 going to lunch, going to the movies and then going
23 to get ice cream.

24 Q Okay. So you've been to the movies with
25 Mr. Reeves and his wife --

1 A Yes.

2 Q -- Vivian?

3 A Yes.

4 Q The four of you?

5 A Yes.

6 Q You, your husband, Vivian and Mr. Reeves.

7 A Yes.

8 Q Tell the Court approximately how many
9 times you had the occasion to go with Mr. Reeves,
10 your husband and Vivian to the movies.

11 A Over the last ten years, probably twenty
12 plus times.

13 Q And do you know what movie theater you all
14 frequented?

15 A We went to the Cobb Theater in Land
16 O'Lakes.

17 Q And -- and you've sat in those theaters
18 and watched a movie --

19 A Yes.

20 Q -- with Mr. Reeves?

21 A Yes.

22 Q On any occasion of those 25 to 30 times
23 that you've experienced that with Mr. Reeves and his
24 wife, have you ever seen him get upset over someone
25 texting in the movie?

1 A That situation never occurred. No, he
2 never did.

3 Q Did you ever see him get upset with
4 anybody in any of those movie theaters over
5 anything?

6 A No. We always had a great time. It was
7 always lighthearted and fun.

8 Q You all had -- you all had a routine --

9 A Yes.

10 Q -- during these later years, correct?

11 A Yes, in the last five years.

12 Q Tell the Court what that routine was.

13 A We would meet for lunch at Sonny's
14 Restaurant in Land O -- or, I guess, Wesley Chapel
15 because it's halfway between our homes, and have
16 lunch and then go to the early matinee movie. And
17 then we would go to Dairy Queen afterwards and
18 probably sit there for another hour-and-a-half
19 chatting and visiting.

20 Q That was a pretty common routine --

21 A Yes.

22 Q -- for you all.

23 A Yes.

24 Q Do you consider Mr. Reeves a close friend?

25 A Yes.

1 Q You consider his wife a close friend?

2 A Yes.

3 Q Now, knowing Mr. Reeves as you know him,
4 do you have any concerns whatsoever that if this
5 Court were to set a reasonable condition of pretrial
6 release in this case, that this gentleman here
7 (indicating), Mr. Reeves, would be a danger to the
8 community?

9 A No.

10 MR. GARCIA: Judge, I'm going to object.
11 I think that ultimate decision should be left
12 up to the Court.

13 THE COURT: Overruled. I understand.
14 It's advisory. Again, there's no jury here.
15 You may continue, Mr. Escobar.

16 MR. ESCOBAR: Thank you.

17 Q (By Mr. Escobar) Ms. Scalise --

18 A No concerns whatsoever.

19 Q Okay. Would you have any concerns
20 whatsoever if the Court were to set reasonable
21 conditions of pretrial release, that Mr. Reeves
22 would flee --

23 A No.

24 Q -- and not answer to this Court if he was
25 released on some form of pretrial release?

1 A No. He's a very honest, honorable man.
2 He would never do anything like that.

3 MR. ESCOBAR: No further questions.

4 THE COURT: Thank you, Mr. Escobar.

5 Mr. Garcia, you may inquire.

6 MR. GARCIA: Thank you, Your Honor. May
7 it please the Court, Mr. Escobar, Mr. Michaels.

8 CROSS-EXAMINATION

9 BY MR. GARCIA:

10 Q Ms. Scalise, good afternoon, ma'am.

11 You indicated that you never saw
12 Mr. Reeves get angry while he was employed with
13 Busch Entertainment.

14 A I -- no, I personally did not.

15 Q And you were a secretary to someone else?

16 A Correct.

17 Q And where was your office?

18 A I was in the human resources building the
19 last ten years of my employment.

20 Q Okay. And who was your supervisor? Who
21 were you a secretary for?

22 A Well, I was the benefits coordinator and,
23 Gary Vien was the vice president of human resources,
24 my superior.

25 Q And you indicated there was another lady

1 that was actually Mr. Reeves' secretary, correct?

2 A At that time, yes.

3 Q And who -- what was her name?

4 A Margaret Wilson.

5 Q And where was her office located?

6 A In -- right outside of his office in the
7 security building.

8 Q Okay. And where's the security building
9 in relation to the building that you were working
10 at?

11 A My building is located outside, on the
12 perimeter of Busch Gardens on Bougainvilla Avenue.
13 And the security office is located practically in
14 the center near the admissions --

15 Q Okay.

16 A -- of Busch Gardens.

17 Q All right. So Ms. Scalise, you would
18 agree with me had Mr. Reeves gotten angry in the
19 building where he was employed or where he was
20 working, you would not have had an opportunity to
21 see that, would you?

22 A No.

23 Q In fact, you were in a different building.

24 A Correct.

25 Q So you can't honestly sit here and say

1 that he never got mad while employed at Busch
2 Gardens, can you?

3 A True, but we had interactions throughout
4 the day.

5 Q I understand that, but again my question
6 is: You cannot honestly sit there and say that he
7 never got angry while employed at Busch?

8 A I -- no, I never saw it.

9 Q My question is, though, you cannot say he
10 never got angry, correct?

11 A I can't say that.

12 Q Up until the time of this incident, had
13 you kept a relationship with Mr. Reeves?

14 A Yes.

15 Q Were you still going out and having
16 dinners and so on and so forth?

17 A Yes.

18 Q Now, Mr. Escobar asked you the fact that
19 you've been to Cobb Movie Theater at least 20 times.

20 A Approximately, yes.

21 Q And you've never seen him get upset in the
22 movie theater over texting or anything like that --

23 A No, I never saw that.

24 Q -- correct?

25 You would agree with me, would you not,

1 that on January 13th of 2014 you were not at Cobb
2 Movie Theater --

3 A No, I was not.

4 Q -- right?

5 Is it fair to say that you have no idea
6 what transpired between Mr. Reeves and Mr. Oulson
7 that day?

8 A I do not know anything about that
9 situation.

10 MR. GARCIA: Thank you, ma'am.

11 THE COURT: Thank you, Mr. Garcia.

12 Mr. Escobar, do you have any questions you
13 feel --

14 MR. ESCOBAR: Just a couple, Your Honor.

15 THE COURT: -- feel compelled to ask?

16 REDIRECT EXAMINATION

17 BY MR. ESCOBAR:

18 Q Ms. Scalise, when was the last time that
19 yourself, your husband, Mr. Reeves and his wife went
20 to the Cobb Theater?

21 A It was right around Thanksgiving time.

22 MR. ESCOBAR: No further questions.

23 THE COURT: Okay. Well, thank you for
24 coming in today, Ms. Scalise. You're excused
25 as a witness. All right?

1 Mr. Escobar, who do you wish to call as
2 your next witness?

3 MR. ESCOBAR: We would call
4 Michael Scalise.

5 THE COURT: Michael Scalise. Okay.

6 And Michael Scalise, he wrote a letter
7 that would be Number 20 in the exhibit book; is
8 that correct?

9 MR. ESCOBAR: I believe it's Number 20,
10 Your Honor, yes.

11 THE COURT: Okay. Good afternoon,
12 Mr. Scalise. Raise your right hand, please.

13 THEREUPON,

14 MICHAEL SCALISE,
15 the witness herein, was placed under oath.

16 THE COURT: Please come on up and take a
17 seat.

18 You may inquire.

19 DIRECT EXAMINATION

20 BY MR. ESCOBAR:

21 Q Please state your full name for the
22 record.

23 A Michael Joseph Scalise, Senior.

24 Q Mr. Scalise, if you could please give the
25 Court a little bit of history concerning your

1 employment at Busch Entertainment.

2 A Yes. I started at Busch Gardens in 1970.
3 And started in the parking lot and did various jobs,
4 monorail driver, train. Work started in security in
5 1984 as the area manager there, and was there until
6 2005 when I retired after 35 years at Busch Gardens.

7 Q So least to say, you worked your way up
8 the chain; is that correct?

9 A That's correct.

10 Q And you, in 1984, is this correct, you
11 went into management?

12 A Yes. I was a -- what they do there is
13 they move you in. I was in management prior to
14 that, but I had an area, monorail, trains, sky ride,
15 grounds, the night cleaning crew. That's what I was
16 in charge of.

17 And then they move people around
18 periodically. And then I moved into security, at
19 that point, in 1984 as a -- it's what I -- the same
20 grade level and manager that I was before.

21 Q Now, there was a -- a -- a director of
22 security at that time that was not Mr. Reeves; is
23 that correct?

24 A That's correct.

25 Q Okay. And you worked under that director

1 of security.

2 A Yes, I did.

3 Q How long did you work under that director
4 of security?

5 A He left in 1992. And then in '92 it took
6 a -- it took a year for them to get a replacement.
7 And there were quite a few applicants that came in.
8 And I had heard that there was some very qualified
9 law enforcement individuals who were going to apply
10 for the job, which in the past that really hadn't
11 been the case. Security was a whole different
12 realm, at that time, versus law enforcement. Quite
13 a big difference.

14 And I applied for that position. And
15 we -- I found out a few weeks later that
16 Curtis Reeves was named the director of security
17 there.

18 Q So you, after all those years at Busch,
19 you, yourself, had applied for the position of
20 director of security and you did not get that
21 position.

22 A That's correct. I -- you know, you think
23 21 years of service for the company is really all
24 you need, at that time, is what I thought.
25 Afterwards, I realized it took a lot more than the

1 experience that I had just by all the changes and
2 the way society had changed.

3 And there was more need for security to
4 be -- you know, a big security portion. There was a
5 lot of safety situations with guests when you're
6 dealing with four million people a year. And our
7 staff went from 82 to 105 employees.

8 And we started doing a lot more training,
9 a lot of seminars that we were really unable to do
10 prior to Curtis starting with the company.

11 Q Well, let's talk a little bit about how
12 Curtis came in and how Curtis changed security for
13 Busch Entertainment. Please tell the Court what he
14 did in order to make Busch Entertainment a safe
15 place in today's world.

16 A Well, when he first came in, I thought
17 that we were just going to turn into a law
18 enforcement department at that point. And I think a
19 lot of security officers at that time did, too.

20 You know, we always thought that we were
21 doing a pretty good job. And when Curtis came in,
22 we had a 900-square-foot security office at the
23 turnstiles of the front entrance of the park, and a
24 radio system that was already 15 years old.

25 And he didn't come in there, you know,

1 like a bull in a china shop. It surprised me a
2 little bit. And we talked about that. An he just
3 asked -- he said, "What are the things you've been
4 trying to do for the last ten years while you've
5 been here that you were unable to get?"

6 I mean when he came on, I said, "Would you
7 like to see our mobile unit?" And it was a -- we
8 used to own a barbecue place across the street on
9 Busch Boulevard. And we inherited their Chevette
10 with a pig on the roof. And that was our security
11 mobile unit at the time, you know. And I couldn't
12 even get him in it, you know. And we had a big
13 laugh about that.

14 But afterwards he did a tremendous job in
15 just training, seminars, and giving our employees
16 the benefit of learning from professionals in the
17 business, firearms training, handcuff training. We
18 dealt with a lot of counterfeit money we didn't know
19 anything about.

20 There was just -- weapons training and we
21 had the bomb squads out on numerous occasions
22 teaching our people what to look for.

23 Q So --

24 A And just being able to deal with guests a
25 little better than we used to because we just never

1 really knew how to do it.

2 Q Who wrote all the policies and procedures
3 for security for Busch Entertainment after
4 Mr. Reeves was hired?

5 A He did. He wrote the -- with the help of
6 -- we had two assistant area managers and myself.
7 And he had a great rapport with the other parks as
8 well, the directors from San Diego and Houston and
9 Williamsburg.

10 And, you know, by talking to them and just
11 getting together, which he started really, we'd meet
12 two or three times a year at different locations.
13 And we would -- you know, we would talk about these
14 things, policies and situations. And we started
15 rewriting policies which they headed -- Curtis headed
16 that -- that group.

17 Q So he headed the group not only for Busch
18 Entertainment here in Tampa, but Busch Entertainment
19 throughout the country.

20 A They felt like it was time for them to get
21 everybody working on the same page. And I think it
22 was the right thing to do.

23 Q So would you say to this Court today that
24 security at Busch Entertainment as a result of
25 Mr. Reeves improved dramatically?

1 A Oh, yeah. They -- yeah. He -- he did a
2 lot of things more than just getting our people
3 trained. I mean he put us in a facility that was
4 just state of the art. And we had generators that
5 would cover us no matter what conditions that were
6 outside. We'd have radio service; we would have --
7 still have our monitoring system for our cameras and
8 things of that nature which, you know, were very
9 important. And it was a big benefit to that
10 organization as far as I'm concerned.

11 Q Now, coming in new, being from law
12 enforcement coming into Busch Entertainment, how
13 did -- how did Mr. Reeves get along with security
14 that was already there?

15 A Well, when you start making your people
16 feel important, I think it -- I think it was a big
17 benefit. They saw a lot of improvements in their
18 department. They -- he initiated the uniform
19 cleaning, which seemed like a little trivial thing,
20 but to the employees it was a huge thing, that they
21 got free laundering of their uniform. It just made
22 them feel better for themselves and it made the
23 public look at them a little different.

24 And the other thing, I think, the biggest
25 thing is, is that the employees, the 3600 employees

1 we had on our location, didn't really respect what
2 security was and what they were doing. And I think
3 that changed over a couple years. And it wasn't
4 something that you could just do overnight. You had
5 to work at it. And, you know, we appreciated it and
6 I know they did, too.

7 Q You worked hand-in-hand with Mr. Reeves
8 over all the years of his employment there at Busch
9 Security. Tell the Court your opinion of his
10 demeanor and how he carried out himself with every
11 employee of Busch Entertainment.

12 A Well, one of the things that he did, that
13 I kind of tried to steer him away from it, but it's
14 on open-door policy that employees could walk in any
15 time if they had any kind of problems, whether it be
16 personal or business. And he would open his door
17 for that, you know, and want to talk to them and
18 learn a little more about their personal lives as
19 well as what's going on at Busch.

20 Because he surely wasn't going to take,
21 you know, what I was saying. You know, I'd been
22 there 21 years. He wanted to hear it from the
23 employees.

24 And I think they -- they really
25 appreciated that. It meant something to them that

1 he cared not only what they were doing at work, but
2 in their home life as well. And he was always that
3 way. His door was never really shut.

4 Q Did you ever find Mr. Reeves to be
5 aggressive or agitated at work or rude or violent in
6 any way in carrying out, you know, his duties?

7 A No, not at all. (Matter of fact, I'm
8 probably more -- more apt to get loud or when I get
9 nervous or agitated about something or I feel like
10 there's something I want to say or get across than
11 he is.

12 Of course, I've traveled with him all over
13 the United States going to different associations
14 and organizations that we belong to in the security
15 field. And I had never seen him lose his temper or
16 raise his voice.

17 And to me, I always thought that was
18 interesting because, you know, he was in a position
19 at the police department to -- if he wanted to, to
20 get loud or to throw orders out or be demanding,
21 which it didn't never seem to me that he ever did.

22 And it did surprise me quite a bit. And I
23 think it surprised a lot of people that he got to
24 know, that he would be more quiet and, you know, he
25 would just be so calm when he talked to you. It was

1 a calming effect.

2 Q Now, while working at Busch Entertainment,
3 both you and he attended seminars; is that correct?

4 A That's correct.

5 Q And there's some organizations that you
6 became a member of and he became a member of; is
7 that correct?

8 A That's correct.

9 Q And there's some special designations that
10 he was able to achieve.

11 A That's correct.

12 Q Tell the Court about those associations
13 and those special designations.

14 A One of the things when I was at Busch and
15 that we never really had an opportunity to do was to
16 go out in the community and reach out to
17 neighborhoods and -- of people having problems due
18 to our business. I mean we brought in a lot of
19 people every year, a lot of congestion and traffic
20 and noise and just a lot of things that they
21 probably wouldn't have been used to it otherwise.
22 And we -- they had concerns. And they had no way to
23 really go out and express that.

24 So we were sitting around one day and
25 Curtis said something about the neighborhood watch.

1 And he said, "Have you guys ever been involved in
2 it?"

3 And I said, "No." I wasn't even sure they
4 even had one at the time.

5 And he said, "Oh, yeah, they do." And so
6 we reached out and we had our meetings out there on
7 30th Street. And we started getting more people and
8 more people in from the neighborhoods and bringing
9 up suggestions and things that we could work with
10 them with.

11 And we had a great time. You know, we
12 would talk to them and be personable and even bring
13 them in at certain times and have coffee and
14 doughnuts at the park, and just show them what our
15 business was about.

16 And we gave them cell phone numbers. And
17 if they had problems in their neighborhoods, they
18 could call us. And, you know, we had mobile units
19 that were already doing the perimeter of our parks
20 anyway. So it worked out very well for us. And
21 that was one thing he did.

22 And also we had -- he was the chairman of
23 the west coast chapter of American Society of
24 Industrial Security, which meant --

25 Q Well, what does that mean?

1 A Well, they are -- they're a security group
2 of professionals. We had the Hillsborough County
3 security directors and we had all the associated
4 security companies, Wackenhut and some of the others
5 that were around. And businesses that USF and
6 things like that, they would all come and we'd meet.
7 And Curtis became the president of that association.

8 And he also -- we -- we actually worked
9 together and trained for the certified protection --
10 personal protection designation, which -- the CPP.
11 And at that time for the American Society of
12 Industrial Security, I believe there were, like,
13 6,000 in the United States. So it was a pretty nice
14 designation and --

15 Q Now, that designation wasn't just given to
16 you. You had to actually train for and be tested.

17 A That's correct.

18 Q It was an extremely difficult designation
19 to get.

20 A Absolutely. Absolutely.

21 Q And Curtis became one of, you said,
22 6,000 --

23 A Six-thousand.

24 Q -- individuals in the United States that
25 had that special designation.

1 A That's correct.

2 Q Okay. Now, I know you mentioned that as
3 part of your occupation there at Busch
4 Entertainment, that you and Curtis would go to
5 seminars around the country --

6 A That's correct.

7 Q -- in order to enhance your abilities in
8 security; is that correct?

9 A That's correct.

10 Q Okay. And you took your wives as well?

11 A Yes, we did.

12 Q Okay. Did you all have an opportunity to
13 engage in a personal relationship --

14 A Yes.

15 Q -- during those particular trips?

16 A Yes.

17 Q Not just business, but personal.

18 A Yes.

19 Q Tell the Court about that.

20 A Well, we -- the trips that we took were
21 for another association. It was for the security
22 and safety of theme parks, amusement parks in the
23 United States. So we went to San Diego, California.
24 We'd go to Texas; we'd go to Virginia; we'd go to
25 Chicago. We traveled around numerous times and

1 probably 12 or 15 different locations that we
2 traveled.

3 And when our wives could take off, they
4 would go and they would be set up. And mainly him
5 and I would be in there working behind closed doors
6 and they would be out shopping or enjoying
7 themselves at these locations.

8 So my wife and his wife got to be very
9 close friends, and on the other hand, Curtis and I
10 became very close friends.

11 Q How did you become very close friends?

12 A Well, we had a lot of interests for one
13 thing, and I had a lot of respect for just his
14 demeanor and the way he treated people. And it came
15 from a working relationship and just basically
16 became a friendship.

17 And he invited us over to his house for
18 dinner and we'd do the same for him. And we
19 probably went to the movies, I'm guessing, 25, 30
20 times in the last 10, 12 years.

21 And we'd go -- we always had a routine.
22 We'd go to Sonny's. After Sunny's we'd go to the
23 Cobb. And then after the Cobb we'd go to Dairy
24 Queen and have a ice cream. And we'd talk about our
25 families and it was -- we had a good relationship.

1 We went to their house in North Carolina.
2 And we've traveled with them on other vacations that
3 weren't associated with the business. We went to
4 Hawaii; we went to Maine. And we -- we've done some
5 things that were just a lot of fun.

6 Q So you had an opportunity to see what it's
7 like a day in the life of Curtis Reeves' normal
8 activities, correct?

9 A Correct.

10 Q You've had numerous opportunities of that,
11 correct?

12 A Correct.

13 Q Tell me what kind of family man he is,
14 would kind of husband he is, what kind of human
15 being he is when he's not in his professional
16 working environment.

17 A Very -- they -- him and his family were
18 very much into church. They've always talk about
19 that, how close that is and made their family
20 closer.

21 Their daughter and their son, I've known
22 them for many, many years. He used to live in Lutz,
23 maybe two or three miles from our house. And, you
24 know, Curtis has always been well respected. And my
25 kids always enjoyed being around him. He had a

1 sense of humor which a lot of people don't see,
2 which you wouldn't see unless you were close to him.

3 I don't know, we -- he loves his mother
4 and his kids and his grandchild. And there's
5 just -- it's just been a real close relationship.
6 He's been to my mother's house. And he makes
7 himself available for you to talk to and just be a
8 friend.

9 Q How does he interact on a -- on a personal
10 level with the community? Not on a professional
11 level, but I'm talking about how does he go about
12 dealing with the general populace of the community
13 as a human being?

14 A I would say for a big man he's very low
15 key and a quiet individual. Like I said, he's got a
16 good personality and a lot of people don't see that.
17 And, you know, I think in every situation when a
18 person, you would think, would be -- you kind of
19 stand back a little bit waiting for something to
20 happen and it never does.

21 That shows a lot to me of an individual
22 and how he treats and he wants to be treated
23 himself, how he treats other people.

24 Q Mr. Scalise, based upon your interaction,
25 your knowing Mr. Reeves, is there anything that you

1 feel, if this Court were to at some point in time
2 enter an order allowing Mr. Reeves to be released on
3 some form of pretrial release, is there anything in
4 your body of knowledge of this gentleman here
5 (indicating) that would indicate to you that he is a
6 danger to this community in Pasco or, frankly, any
7 community in this country?

8 A I would say no, not at all.

9 Q Is there --

10 A No --

11 Q -- anything that would lead you to believe
12 that if the Court issued a order pretrial release,
13 that this individual, Mr. Reeves, would be a risk of
14 flight in any way, shape or form?

15 A No, not at all.

16 Q Is he an honorable man?

17 A Honorable, very honorable.

18 MR. ESCOBAR: No further questions.

19 THE COURT: Thank you, Mr. Escobar.

20 Mr. Garcia, do you wish to inquire?

21 MR. GARCIA: Yes, Your Honor.

22 THE COURT: You may proceed.

23 MR. GARCIA: Thank you, your Honor. May
24 it please the Court, Mr. Escobar, Mr. Michaels,
25

CROSS-EXAMINATION

BY MR. GARCIA:

Q Mr. Scalise, good afternoon, sir.

A Good afternoon.

Q You indicated that Mr. Reeves trained the security officers at Busch Entertainment on firearm training and weapons training.

A Well, I'd like to clear it. He brought in the professionals from the law -- local law enforcement to go over the safety techniques. And then they started at the range training there. And it just escalated from there to where we had the ranges training the officer.

Q Now, the security officers at Busch Entertainment, did you all carry firearms?

A For the weapons -- weapons carrying -- the officers doing the cash runs at night carried weapons.

Q Okay.

A There were about 20, I think, altogether.

Q Only for cash runs, though, not for security purposes at the park.

A No, that's correct.

Q Okay. Did Mr. Reeves ever get involved in the firearms training as far as when a firearm

1 should be drawn or pulled, those type of situations?

2 A Well, it was -- there was procedures and
3 policies that were written that he had to approve
4 to -- you know, that stated when and when not you'd
5 be able to do that, or carry them.

6 Q Okay. Did he instruct any of the
7 employees on the use of deadly force?

8 A Personally, I don't believe he did. I
9 mean --

10 Q Do you know whether he did or not?

11 A I -- I don't believe -- I don't know if he
12 did. I'm assuming he would not have, but --

13 Q I mean, but I'm not asking you to assume,
14 sir.

15 A Okay.

16 Q I'm asking you, do you know for a fact
17 whether he did or not?

18 A No, I don't -- no, he didn't.

19 Q You indicated that while employed at Busch
20 Entertainment, you never saw him to get rude or
21 agitated.

22 Is it fair to say that you would not have
23 been in a position every single day to see if, in
24 fact, he had ever gotten rude or agitated with
25 either a guest or an employee?

1 A Could you repeat it again, please.

2 Q Yes, sir. While you were employed at
3 Busch Entertainment, is it fair to say that you were
4 not with Mr. Reeves, while he was employed there,
5 24/7? Is it fair to say that he could have gotten
6 agitated and he could have gotten angry and you
7 would not have seen it?

8 A That's correct.

9 Q So when you said you never saw him get
10 agitated or angry --

11 A That was true.

12 Q You personally.

13 A That's true, yes.

14 Q However, there could have been an
15 occasion --

16 A Yes.

17 Q -- that he did, right?

18 A Yes.

19 Q Okay. Now, I thought you indicated that
20 he never lost his temper while employed at the Tampa
21 Police Department.

22 A No, I did not say that.

23 Q What did you say in reference to the
24 police department? You had indicated that he worked
25 at TPD. And do you recall testifying to that?

1 MR. ESCOBAR: Judge, I -- I'm not sure
2 where the prosecutor is getting -- he never
3 testified to that.

4 THE COURT: I don't have it in my notes,
5 Mr. Garcia. It's possible, but I don't
6 remember it. Why don't you ask him a specific
7 question about what he knows now.

8 Q (By Mr. Garcia) Do you know about his
9 career for Tampa Police Department?

10 A I know he retired as a captain.

11 Q Okay. But you're not telling this Court
12 that he never lost his temper nor --

13 A I wouldn't have any idea.

14 Q Okay. Fair enough.

15 You indicated that he is currently not a
16 danger to the community.

17 A I believe that.

18 Q Okay. And you would agree with me that
19 back on January 13th of 2014, your position would
20 have been he wasn't a danger to the community then,
21 correct?

22 A Correct.

23 Q And you would agree with me that on
24 January 13th of 2014, you were not at the Cobb
25 Theater.

1 A I was not.

2 Q You don't know the facts and circumstances
3 of what transpired in that theater --

4 A No, I don't.

5 Q -- correct?

6 A That's correct.

7 MR. GARCIA: I don't have any other
8 questions, Judge.

9 THE COURT: Thank you, Mr. Garcia.

10 MR. GARCIA: I'm sorry, Judge. May I have
11 a moment, please?

12 THE COURT: Of course.

13 Q (By Mr. Garcia) Mr. Scalise, you indicated
14 that on numerous occasions you had gone to a house
15 in North Carolina that belonged to Mr. Reeves?

16 A Yes.

17 Q Where is this house located in North
18 Carolina?

19 A It's just south of Franklin, North
20 Carolina.

21 Q Okay. And it's Mr. Reeves' house,
22 correct?

23 A It was.

24 Q Now, when -- when did these trips take
25 place? Was it recently? Was it years ago?

1 A It's been in the last, I think, five, six
2 years that I was there.

3 Q Okay. And to the best of your knowledge,
4 that home was owned by Mr. Reeves.

5 A Correct.

6 MR. GARCIA: I have nothing further,
7 Judge.

8 THE COURT: Okay. Thank you, Mr. Garcia.
9 Mr. Escobar, any further questions --

10 MR. ESCOBAR: One more question.

11 THE COURT: -- you feel compelled to ask?

12 REDIRECT EXAMINATION

13 BY MR. ESCOBAR:

14 Q Are you aware if Mr. Reeves still owns
15 that home?

16 A He does not own that home.

17 Q What happened with that home?

18 A They sold it.

19 MR. ESCOBAR: No further questions.

20 THE COURT: Okay. Well, thank you for
21 coming in today, sir. You are excused as a
22 witness.

23 MR. GARCIA: I'm sorry, I didn't hear.

24 THE COURT: I was just excusing him as a
25 witness.

1 MR. GARCIA: Okay.

2 THE COURT: Who would you like to call as
3 your next witness, Mr. Escobar?

4 MR. MICHAELS: Judge, at this time I'll do
5 the questioning.

6 THE COURT: Yes.

7 MR. MICHAELS: I call Jennifer Shaw.

8 THE COURT: Jennifer Shaw?

9 MR. MICHAELS: Yes, sir.

10 THE COURT: Okay. Jennifer Shaw.

11 Feel free to stand up and stretch, ladies
12 and gentlemen. I know how painful those
13 benches are. That's -- we just got done with
14 lunch, so if you want to stretch, now's a good
15 time.

16 Good afternoon, Ms. Shaw.

17 MRS. SHAW: Hi.

18 THE COURT: Raise your right hand, please.

19 THEREUPON,

20 JENNIFER SHAW,
21 the witness herein, was placed under oath.

22 THE COURT: Go on over there and have a
23 seat, please.

24 Mr. Michaels, you may inquire.

25 MR. MICHAELS: Thank you, Judge.

1 DIRECT EXAMINATION

2 BY MR. MICHAELS:

3 Q Please state your full name.

4 A Jennifer Leigh Shaw.

5 Q And what is your maiden name?

6 A Reeves.

7 Q And how are you related to Curtis Reeves,
8 if you are?

9 A I am related. He's my father.

10 Q And how old are you?

11 A [REDACTED]

12 Q Do you have any brothers or sisters?

13 A I do. I have one brother, Matthew, [REDACTED]

14 [REDACTED]
15 Q And before I ask you a little bit about
16 Matthew, let me ask you what you do for a living.17 A I am the vice president of human resources
18 for a community bank.

19 Q And do you have any children?

20 A I do. I have one daughter, Madison. She

21 [REDACTED]
22 Q Okay. You told us you have a brother
23 named Matthew, right?

24 A Yes, sir.

25 Q And what does Matthew do for a living?

1 A Matthew is a police officer with the Tampa
2 Police Department.

3 Q And what's your mother's name?

4 A Vivian Reeves.

5 Q How old is she?

6 A My mom is [REDACTED]

7 Q And is your mother and your father still
8 married?

9 A Yes, they are. They've been married for
10 46 years.

11 Q Now, you have other relatives in the area?

12 A Yes, sir, I do. My grandmother, who is my
13 father's mother, lives in Tampa. She just turned [REDACTED]
14 [REDACTED].

15 My dad has four -- one brother and three
16 sisters. His brother lives in Oklahoma, but all
17 three of his sisters live in this area. One sister
18 lives in Hudson, one lives in the Sanford-Orlando
19 area, and her son also lives in the Sanford-Orlando
20 area. And then my Aunt Margaret lives in Tampa.

21 I have my aunt and uncle who live in -- I
22 think their address is Land O'Lakes. My two
23 cousins, Holly and Tommy, are their children and
24 their children also live here as well. Holly has
25 two children, Laura and Tyler, and both of them and

1 their spouses live in the Land O'Lakes-Lutz area.
2 And my cousin, Tom, has three daughters who still
3 live at home.

4 Q Okay.

5 A Yes, sir.

6 Q Did I cut you off or are there more?

7 A No, sir. I -- I think that's all I can
8 think of right now.

9 Q Okay. And is your family, would you
10 describe it as a close-knit family? In other words,
11 do you see these family members that you described?

12 A Yes, sir, all of them.

13 Q Okay. And do you have family
14 get-togethers?

15 A Yes, sir. We have family get-togethers
16 throughout the year. Obviously, the holidays are
17 the obvious times of year we get together with all
18 of them. And, actually, the family members that I
19 talked about are two sides of the family. Some of
20 those are my mom's side and some of those are my
21 dad's.

22 But we actually just -- because we are a
23 close family, we all get together -- together lots
24 of times, both sides of the family. Birthdays,
25 holidays. We're getting ready to have a joint

1 birthday with my daughter, Madison, and all her
2 cousins and both sides of the family next weekend.

3 Q Okay. And how old is Madison?

4 A Madison is [REDACTED]

5 Q Now, you live where, in what town right
6 now?

7 A I live in Brooksville.

8 Q And who do you live with?

9 A I live with my mother and father.

10 Q Okay. And there's some circumstances, and
11 we'll talk a little bit about how you got to live
12 there.

13 But have you lived in the, for lack of a
14 better terminology, the Tampa Bay area your entire
15 life?

16 A Yes, sir.

17 Q And what about your brother? Where does
18 he live?

19 A He lives in -- his address is Dade City.

20 Q Okay. And has he also lived in this area
21 his entire life?

22 A Yes, sir, except for when he was -- he was
23 in the military for six years and kind of traveled
24 around with them. So for that six-year period he
25 did not live here in this area, but prior to that

1 and after that, yes, sir, he has.

2 Q Okay. Now, the house you live in in
3 Brooksville, whose house is that?

4 A That is my parents' home, Curtis and
5 Vivian Reeves.

6 Q And how long have they lived there?

7 A They've lived there since -- I think about
8 2005.

9 Q And did they build that house?

10 A Yes, sir, they did.

11 Q And did they build that house as part of
12 their retirement plan?

13 A I believe so. Prior to that, they had
14 lived in the same house since before I was born in
15 Lutz. And then my brother had moved to Dade City; I
16 had gotten married and moved to the Spring Hill
17 area, so we were both north.

18 And I think yes, as part of their
19 retirement, they just decided to kind of move closer
20 to their kids and still build a -- you know, build a
21 newer home that didn't have all the issues that a
22 30- or 35-year-old home had.

23 Q Okay. And that new home they built, they
24 built a little tiny home for two retired people to
25 live in?

1 A No, sir, they didn't. I think their house
2 is 24-, 2500 square feet on about an acre of land.
3 They built that house for -- I know in hopes of
4 grandkids, which finally came along. And they also
5 built it to be able to entertain and have family
6 over, friends over.

7 Q Now, you said you grew up in Lutz.

8 A Yes, sir.

9 Q And tell me about that upbringing. Well,
10 before we talk about that, let's talk a little bit
11 about your father's history. Okay?

12 A Okay.

13 Q Do you know where he was born?

14 A He was born in Jacksonville.

15 Q And when did he move to Tampa?

16 A I believe that he was still either an
17 infant or a toddler when his family, his mother and
18 father, relocated to Tampa. My grandfather was a
19 truck driver.

20 Q And so he spent his entire life in the
21 Tampa area; is that correct?

22 A Yes, sir.

23 Q He was in the service; is that right?

24 A Yes, sir. He was in the Navy for several
25 years and then in the Reserves after that.

1 Q And do you know what he did in the Navy?

2 A I don't know the technical title for it,
3 but I know that he was on submarines.

4 Q And then once he got back to Tampa, you
5 know what sort of job or what sort of work he got?

6 A I think he worked a couple of odd jobs,
7 maybe a salesman at one point in time. And then he
8 went to work for the Tampa Electric Company and was
9 a lineman for them.

10 Q And how long did he do that for?

11 A I'm not really certain. I don't think it
12 was for very long because he went on with the police
13 department, I think, in '66.

14 Q Okay. So when you were born, he was
15 already -- these are bad math skills -- but when you
16 were born, he was already with the Tampa Police
17 Department?

18 A Yes, sir.

19 Q And so you remember him, growing up,
20 always as a police officer, right?

21 A Yes, sir.

22 Q Now, you know your father went to college
23 while he was in the police department, right?

24 A Yes, he did.

25 Q Okay. And do you know where he went?

1 A He went to the -- I'm not sure if he went
2 anywhere for undergraduate, but I know he ultimately
3 graduated magna cum laude from University of Tampa.
4 And that was in 1976.

5 Q Okay. And he did that while he was a
6 police officer?

7 A Sure. While he was a police officer, he
8 had a toddler and one on the way.

9 Q And was your mother working at the time?

10 A I believe that she was. I'm not
11 completely certain of that.

12 Q But throughout her life she has worked?

13 A Yes, sir.

14 Q What sort of work did she do?

15 A For the majority that I can remember of
16 our childhood, my mother was a secretary at a
17 construction company. She also went back to school
18 after dad did and got her teaching degree. And then
19 she taught elementary school for several years. And
20 then she decided that that wasn't the career for
21 her, so she -- I think she went directly from there
22 to USAA Insurance.

23 Q Okay. Now, your father rose through the
24 ranks in the police department. You remember that
25 as a child, right?

1 A Yes, sir.

2 Q And he got -- graduated magna cum laude
3 from college.

4 A Yes, sir.

5 Q So was this a father that you never saw
6 around the house?

7 A No, sir.

8 Q Okay. Tell me about your childhood, then,
9 in terms of your father being present.

10 A My father was present at everything. I --
11 I don't -- my -- my parents seemed to realize that
12 investing time in your family was the most important
13 thing. Either they realized that or they didn't
14 have the money to not realize that, because what we
15 did as a family is we camped every year, we went --
16 we bicycled, we hiked, we fished. We did all kinds
17 of outdoor -- mainly outdoor activities that we
18 liked to do, but my dad was always -- always present
19 at every activity.

20 We went to church together every Sunday,
21 some Sunday nights, some Wednesday nights. But no,
22 I can't remember a time where my dad wasn't present
23 for an event my brother or I had or involved in our
24 school activities or anything like that.

25 Q So when you were a child, you attended

1 church regularly?

2 A Yes, sir, we did.

3 Q And your father and mother were also
4 involved in that, right?

5 A Yes, sir.

6 Q And what church was that that you
7 attended?

8 A That was First Baptist Church of Lutz. My
9 parents had gone there when they originally moved to
10 Lutz, which was prior to me being born. And they
11 were active in church in that -- prior to them
12 having me in '73, my dad was active with the youth
13 group at church, planning, like, their social
14 activities, volleyball, basketball, all of those
15 kinds of things. And then that's the only church
16 that I can remember going to up until adulthood,
17 so --

18 Q Now, I mean like all children, sometimes
19 children do something that doesn't necessarily
20 please their parents. So is it fair to say that you
21 were, you know, punished or disciplined as a child?

22 A Yes, it is.

23 Q And let me ask you: Were you also
24 spanked?

25 A Yes, I was.

1 Q Were you ever spanked in anger --

2 A No.

3 Q -- by your father?

4 A No. It was quite the opposite, which
5 seemed like more of a punishment than anything else
6 because I don't know if it was a cooling-off period
7 for him or for us, but when we did get in trouble,
8 it was "Go think about what you did."

9 And then if you were going to get spanked
10 or grounded or what have you, we had to discuss it
11 before and admit what we did. And "I don't know"
12 was not an acceptable answer.

13 Q Okay. Let me ask you this. I learned how
14 to cuss by driving around with my dad. When
15 people -- when you drove around as a child in the
16 car, did you hear your father react in an angry way
17 to people that may have cut him off or -- or any of
18 those sort of things?

19 A No, sir, not that I can remember. We
20 actually -- the -- I think -- I think I might have
21 been -- we traveled back and forth to North
22 Carolina.

23 And I remember one time he carried -- he
24 had a Ford Explorer and he had, like, a rack on the
25 back of it that he put ActionPacker boxes on. And

1 that's what we used to take -- since we always have
2 the truck loaded down, we took stuff back and forth
3 from Florida.

4 And I remember somebody rear-ended us
5 somewhere in North Carolina and it bent that rack on
6 the back. I don't think there was anything on it.
7 But I remember them resolving it amicably. They
8 didn't even call the police. They didn't get
9 insurance involved. And there was kind of a
10 non-incident. Dad told the guy "I think I can bend
11 it back."

12 Q Okay. So obviously this was something
13 that your father cared about in terms of that rack
14 on the back of the truck, but your testimony is that
15 he didn't react angrily to the person that
16 wrongfully crashed into the back of him, right?

17 A Correct.

18 Q Can you think of anytime during your
19 childhood where you saw your father interact in an
20 angry manner with a neighbor, somebody at the store,
21 somebody else in a car at all?

22 A No, sir, I can't.

23 Q Now, you live with your -- your parents
24 now, right?

25 A Yes, sir.

1 Q And how long have you lived there?

2 A I've lived there since the end of April,
3 2013, so the end of April last year.

4 Q Okay. And you're married?

5 A I am currently married, but I'm in the
6 process of going through a divorce. My husband and
7 I are separated and that's why I moved in with my
8 parents.

9 Q All right. And you have your daughter --
10 is it Madison?

11 A Yes, sir.

12 Q Part of the time you share with the
13 child's father, correct?

14 A That is correct.

15 Q And so the child and you are living there
16 with your father and mother, right?

17 A Yes, sir.

18 Q In Brooksville?

19 A Yes, sir.

20 Q Now, when you told your father that, you
21 know, your husband was seeking a divorce, what was
22 his reaction? What was his demeanor, his
23 temperament?

24 A When my husband told me that he didn't
25 want to be married to me anymore, the first person I

1 called was my dad. I kind of expected him to try to
2 take charge of the situation and kind of help me
3 through it that way, but he didn't.

4 He said, "We love you. Do you want me to
5 come over?" He asked me if there was anything that
6 him and mom could do for me. And he told me to
7 remember to slow down in your decision-making
8 process and make sure that you consider yourself and
9 Madison and that you make smart decisions.

10 Q And throughout your childhood and your
11 life and up to now, has your father been a man that
12 has always honored his commitments?

13 A Yes, sir. He was big on us being
14 responsible and following through on your
15 obligations.

16 Q Now, let's talk a little bit -- you
17 mentioned North Carolina. Your parents don't own
18 that -- that home or property anymore; is that
19 correct?

20 A No, sir. They sold it several years back.

21 Q And so the only home they own right now,
22 is that the Brooksville --

23 A Yes, sir.

24 Q -- home where you live?

25 A Yes, sir.

1 Q Because the Lutz home was sold previously
2 as well.

3 A That's correct.

4 Q You mentioned you have a grandmother
5 who's -- you said [REDACTED]?

6 A Yes, sir.

7 Q She just had a birthday, right?

8 A [REDACTED].

9 Q And so that is your father's mother.

10 A Yes, sir.

11 Q And is she in assisted living or is she
12 living in her own place still?

13 A She lives in a retirement community where
14 they -- it's a trailer park, but it's a retirement
15 community, and she does live alone.

16 Q Okay. And what does your father do to --
17 to look after her or care for her?

18 A Because she insists on living alone, my
19 mom and dad go there several times a week. They
20 take food, do odds and ends around the house for
21 her. I know dad trims her shrubbery, you know, mom
22 helps out in the house. They may cook her dinner.
23 They always bring her food and that kind of stuff,
24 but usually they go a couple of times a week.

25 Q Okay. Now, growing up, you remember your

1 father, was he a physically fit kind of a guy?

2 A Yes, sir, he was.

3 Q Okay. And why do you say that?

4 A I know that the police department required
5 him to be in shape; the tactical response team
6 required him to be in shape. He was never the
7 weightlifter, big-muscle dude, but he was always
8 physically fit. He ran all the time to kind of keep
9 his weight down and just stay in shape, and the
10 cardio piece, so --

11 Q Okay. Now, before we talk about some of
12 your observations of maybe what he's like now and
13 some of his physical limitations and maladies, let's
14 talk about your mother a little bit.

15 You said your mother is ■.

16 A Yes, sir.

17 Q And she has some -- some medical issues;
18 does she not?

19 A Yes, sir, she does.

20 Q Okay. And what are those?

21 A My mom has osteoarthritis. I believe that
22 she also has some bone loss as far as bone density
23 is concerned. She also has a nodule in one of her
24 lungs. They -- Moffitt -- she goes to Moffitt
25 Cancer Center every six months and has that looked

1 at.

2 The last time she went, not only did they
3 still see the nodule, but they found another spot in
4 her lung. They -- she just went again last week and
5 the original nodule has not grown at all. And the
6 other one has gone away. So that's a huge answer to
7 prayer.

8 Mom also has asthma and chronic
9 bronchitis. And she, through going through all
10 kinds of testing on her lungs, she only has about 60
11 percent lung capacity.

12 Q Okay. Now, does your father do anything
13 to help your mother deal with these problems that
14 she's having now, these physical ailments?

15 A Yes, sir. The doctors have told my mom
16 that there is a possibility that she may have to
17 have surgery for -- in the future, and that she
18 needs to stay physically fit, she needs to walk, she
19 needs to get -- she needs to stay healthy and that
20 she needs to do all of those things in anticipation
21 of if they have to do surgery, that she's -- she
22 recovers quicker.

23 Q And your father likes to bicycle, right?

24 A Yes, sir.

25 Q And did he buy a special, non-fast-road

1 bicycle so that he can ride around with your mom?

2 A Yes, he did.

3 Q Okay. Now, let's talk a little bit about
4 your father's physical ailments. What do you know
5 in terms of the physical maladies that your father
6 suffers?

7 A My dad kind of had the belief -- just I
8 remember him talking over the years about how some
9 of the people that retired from the police
10 department or people that retire, they just kind of
11 got stagnant and didn't stay active. So dad was
12 determined that he was going to slow down the aging
13 process, I guess, by staying active, but he has
14 bursitis in his shoulder. I know he has arthritis
15 in his hands.

16 He struggled with his sciatic nerve for
17 the better part of my childhood. I don't know if
18 that's something that still bothers him now. I do
19 know he has a bad back. He also has floaters in his
20 eyes. So I guess the doctor prescribed special
21 drops to keep his eyes moisturized and -- and that
22 kind of thing.

23 Q So you know that in the past he's had
24 problems with vision where he would actually have
25 what you describe as floaters, which are objects

1 appearing to -- to move along the eye, correct?

2 A That's correct.

3 Q All right.

4 A I think it kind of obstructs the vision
5 when -- when it -- when it moves in a certain area.

6 Q Okay. And what else?

7 A He has high blood pressure that he takes
8 medication for; he has high cholesterol that he
9 takes medication for.

10 I think that his doctor -- he's gone to
11 the same doctor for as long as I can remember. And
12 his doctor has prescribed him to take an aspirin
13 every day for -- just for his heart. I think
14 Dr. Lezzi has even told him that he feels that it's
15 a combination of the medication as well as the
16 physical activity that dad tries to be involved in
17 that really helps him to kind of to regulate a lot
18 of what -- what he's having to deal with.

19 Q Does he also have a sleep-related illness?

20 A Yes, sir, he does. He's gone to the sleep
21 clinic where you stay overnight and they have you
22 all hooked up to the monitors and everything. And
23 they've determined that when he sleeps at night,
24 that the oxygen in his blood is very low. So he
25 does use a CPAP machine to sleep with.

1 Q Now, let's talk about some of the things
2 that you've observed -- because you've been living
3 at the house for a little while -- about your dad on
4 a day-to-day basis. Okay?

5 First of all, before I get there, let's
6 talk about your daughter. That's the -- is that the
7 only grandchild?

8 A Yes, sir, it is.

9 Q And when your daughter was born, your
10 parents were already retired, right?

11 A Yes, sir.

12 Q Had been retired for a while.

13 A Yes.

14 Q And so is it fair to say that their plans
15 in retirement was sort of to travel? In fact, they
16 have traveled a little bit.

17 A They have traveled a little bit. Their
18 plans were to travel. And when Madison was born,
19 they actually had planned to go out west. But I had
20 struggled with fertility issues so the timing of
21 that just didn't coincide with their trip.

22 Q So once your child was born, did they just
23 go off on the trip? Tell me what happened.

24 A No, sir. When Madison was born, I never
25 thought that I would be able to have kids and so my

1 brother's never married. And so -- but I guess they
2 thought they were never going to be able to have
3 grandchildren. And it was quite the blessing when
4 my daughter was born and she was healthy.

5 It was a very emotional time for my whole
6 family, for my mom, my dad and, of course, myself
7 and my husband.

8 I always -- I enjoy working. I always
9 knew that I would go back to work. I already had a
10 daycare center picked out prior to Madison being
11 born.

12 And my parents had a -- were planning a
13 trip out west, but my dad came to my mom and I
14 had -- it's not even something that we had
15 discussed.

16 And he said, "I think that when Jennifer
17 goes back to work, I want to keep the baby for a
18 while." So I was able to stay home from work for
19 three months with Madison, and then my parents kept
20 her for six months after that, before she went into
21 daycare.

22 Q Okay. Because they wanted to see the baby
23 grow; is that right?

24 A Yes, sir.

25 Q Now, when we're talking about Madison,

1 we're talking about your baby. Does your father
2 play with Madison?

3 A Yes, sir, he does.

4 Q And tell -- tell the Court what kind of
5 observations you made about some kind of -- any kind
6 of physical problems your father had while he was
7 playing with Madison.

8 A Well, I mean as far as picking her up, you
9 can sometimes tell if he's -- she -- I think at
10 Monday's appointment she weighed, like,
11 26-and-a-half pounds.

12 But as far as picking her up and things
13 like that, sometimes dad -- you can see him favor
14 one or the other shoulder when he picks her up. He
15 will push her in her swing in the backyard. She
16 likes for people to get on the floor and play with
17 her. And she'll always say, "Sit Paw-Paw" to "Sit
18 Grandma" or, you know, just sit on the floor with
19 her.

20 And he's just really not able to do that.
21 When he does get down there, it's not easy getting
22 up. Occasionally he will -- we'll walk around the
23 neighborhood together, all four of us, because one
24 of the activities that he involves mom in is getting
25 her to walk around the neighborhood all the time.

1 And we'll walk around the neighborhood.

2 And I have a dog and we'll take my dog and we'll
3 take Madison in her wagon, too. And so sometime dad
4 and I take turns pulling Madison around -- around
5 the neighborhood.

6 Q Okay. Now, your father likes to woodwork
7 or he did in the past, correct?

8 A Yes, sir.

9 Q Does he still do a lot of that?

10 A No, sir, he didn't -- he doesn't do --
11 very little. I think he made something really
12 simple recently, like a ladder-ball stand. It was
13 just something he bolted together and stained.

14 But as far as the woodworking he used to
15 do, he used to make tables and benches and just all
16 kinds of things.

17 He kept all of his tools because he just
18 knew that -- that his hands would get better and he
19 would be able to do it again, but it hasn't
20 happened.

21 Q Okay. Now, you know that -- that he likes
22 to -- to hunt with your brother. And they had a
23 hunt with regard to they were going to just use some
24 bow and arrows to go hunting; is that right?

25 A Yes, sir. They had an archery hunt and it

1 was three weeks ago.

2 Q Tell me what you know about your father's
3 ability to actually use the bow.

4 A I didn't really notice at the time because
5 I work, but I knew that dad has some targets set up
6 in the backyard and he practices his archery
7 every -- was practicing every day.

8 He would go out and he would shoot a
9 couple of arrows and then come back in. And then he
10 may go out several times a day to -- just to shoot a
11 couple of arrows and then come back in the house.

12 What I didn't know at the time is that he
13 was having trouble pulling his bow back, but him and
14 my brother had planned this trip way in advance. He
15 was look -- I mean we knew he was looking forward to
16 spending the week with Matt. He was looking forward
17 to being out in the woods.

18 He wasn't -- he wasn't sure he would be
19 able to pull the bow back. And it's my
20 understanding after he came back from his trip --
21 well, my mom told me while he was gone, that he got
22 to the point where he couldn't pull it back at all,
23 so that he went and got a massage to try to kind of
24 loosen up his shoulder and see if he could do that.

25 And then when he was on the hunt, he said

1 he backed the pressure down on his bow in hopes of
2 being able to hunt, but he wasn't even sure that
3 he'd be able to pull it back even if something came
4 into range.

5 Q Have you seen him have difficulties
6 putting together a kayak paddle, for instance,
7 lately?

8 A Yes, sir. We go -- that's one of the
9 family activities that we do is -- between them and
10 my brother, they have four kayaks and the four of us
11 will go kayaking.

12 And there's been several occasions where
13 my dad has asked me to help him pull the paddles
14 apart when we're done.

15 Q Okay.

16 A Just because he doesn't have the strength
17 in his hands.

18 Q Now, we know that your father and mother
19 own a home in Brooksville, right?

20 A Yes, sir.

21 Q Do they own property anywhere else?

22 A No, sir.

23 Q In the United States?

24 A No, sir.

25 Q Or anywhere else in the world?

1 A No, sir.

2 Q And let's just talk a little bit about a
3 financial issue.

4 If the Court were to grant some kind of
5 pretrial release, have you identified some funds
6 that would be used to pay for bail or to try to --
7 to contact a bondsman for a premium?

8 A Yes, sir, we have.

9 Q Okay. And so what -- what have you
10 identified?

11 A My parents own their home free and clear,
12 but they --

13 Q Okay. And how much is that worth by the
14 property appraiser's website?

15 A The tax records from last year indicated
16 it was worth about 186,000.

17 Q Okay. And what else? Do they have any
18 cash available?

19 A They -- well, they have a \$30,000 home
20 equity line of credit on that house. It doesn't
21 have a balance on it, though. And then they have --
22 between their checking and savings and -- or no.
23 Between their savings account they have \$22,000.

24 Q Okay. And so that would be the money that
25 would be earmarked to, if the Court were to grant

1 pretrial release, to -- to try to secure a bond for
2 your father?

3 A Yes, sir.

4 Q Now, you've known your father from the
5 beginning. And you live with him now again, both as
6 a child and as an adult.

7 Have you seen any changes in his
8 temperament?

9 A No, sir.

10 Q Is there anything that you have noticed
11 that you could tell the Court would be an indication
12 that he no longer wants to honor his commitments as
13 he always has?

14 A No, sir.

15 Q In your -- in your opinion, is there
16 anything that your father has done or said, either
17 40 years ago or today, that would make him a danger
18 to this community or any community?

19 A No, sir, not at all.

20 Q If the Court were to grant your father a
21 pretrial release, is there any doubt in your mind
22 that your father would show up for court each and
23 every time that the Court required him to be here?

24 A No doubt at all.

25 MR. MICHAELS: Can I have one moment,

1 Judge?

2 THE COURT: Of course.

3 Q (By Mr. Michaels) Mr. Escobar reminded me
4 there were two issues that I didn't discuss with you
5 regarding the home.

6 The home you live in now belongs to your
7 mother and father.

8 A Correct.

9 Q And so your father had guns in the home at
10 one point.

11 A Yes, sir.

12 Q And so now what is that situation? Are
13 there any guns in the home?

14 A No, sir, there are not. We actually
15 removed all -- any guns that were in the home as
16 well as the ammunition the day after the incident.

17 Q Okay. And you also had your own personal
18 firearm.

19 A Yes, sir, I did.

20 Q That's no longer in the home?

21 A No, sir, it's not.

22 Q Your father, he has a passport, right?

23 A Yes, sir, he does.

24 Q And you have that with you today prepared,
25 if the Court were to ask for it, to turn in his

1 passport, correct?

2 A Yes, I do.

3 Q One other thing. Let me ask you, as you
4 look out in the audience, do you recognize any of
5 these people?

6 A A lot of them.

7 Q Okay. How many people do you think are
8 here for -- on your father's behalf this morning or
9 this afternoon I should say?

10 A I don't know number-wise, but pretty much
11 split it down the middle and the whole side is here
12 for my dad.

13 MR. MICHAELS: Okay. Thank you. I don't
14 have anything else.

15 THE COURT: Thank you, Mr. Michaels.

16 Ma'am, do you have the passport on you
17 right now?

18 THE WITNESS: Yes, sir, I do.

19 THE COURT: Okay. You may inquire,
20 Mr Garcia.

21 MR. GARCIA: Thank you, Your Honor. May
22 it please the Court, Mr. Escobar, Mr. Michaels.

23 CROSS-EXAMINATION

24 BY MR. GARCIA:

25 Q Mrs. Shaw, good afternoon, ma'am.

1 A Hi.

2 Q Have you ever been to the movies with your
3 father?

4 A Yes, I have.

5 Q And have you known your father to carry a
6 firearm on his person?

7 A Yes.

8 Q And have you been to the Cobb Theater with
9 your father?

10 A That's the one in Wesley Chapel?

11 Q Yes, ma'am.

12 A I believe that we have.

13 Q Okay. And did your father carry a firearm
14 in that movie theater on the occasion that you and
15 he went to the movies?

16 A I'm not certain.

17 Q Is it fair to say that he carries that
18 .380 Kel-Tec on him at all times when he's out and
19 about?

20 A I don't think so because I think he has a
21 .22 that he carried quite a bit as well. And it's
22 not -- I mean it's something, like, we kind of grew
23 up with. It's not something that we ever talked
24 about, are you carrying today or are you not
25 carrying today. He had a concealed weapons license

1 and I kind of assumed that he pretty much always had
2 a firearm on him.

3 Q Okay. So it's fair to say that your
4 assumption of him was that he always carried a
5 firearm, be it Kel-Tec or a .22 revolver?

6 A I wouldn't know the type of gun, but I
7 would say yes to the first part of that question.

8 Q Okay. And, in fact, since you've
9 indicated that you've been to the Cobb Theater, are
10 you aware of the fact there's a sign before you go
11 into the theater that indicates no firearms or
12 knives?

13 A I am now that this incident has happened.
14 I don't know that I ever paid attention to it prior.

15 MR. GARCIA: Judge, may I have this marked
16 for identification purposes, please.

17 THE COURT: Sure.

18 MRS. SUMNER: It's part of the composite.

19 THE COURT: Mr. Escobar, I'm going to ask
20 at some point to see the passport. Do you mind
21 if I look at it now while we doing this?

22 MR. ESCOBAR: I have no problems with
23 that.

24 (Witness hands Court passport.)

25 THE COURT: State, do you have any

1 objection to me looking at the passport?

2 MR. GARCIA: No, sir.

3 THE WITNESS: It's the actual passport,
4 and then there's a card in there as well.

5 THE COURT: I've seen a couple of them.

6 THE WITNESS: Okay.

7 MR. GARCIA: Your Honor, I'd ask the
8 record to reflect that I'm showing what's been
9 marked as State's Exhibit F and G to
10 Mr. Escobar and Mr. Michaels.

11 May I approach the witness, Judge?

12 THE COURT: You may.

13 Q (By Mr. Garcia) Ms. Shaw, I'm handing you
14 what's been marked as State's Exhibits F -- F and G
15 for identification purposes.

16 I'm going to ask that you take a look at
17 these photographs and see if, when you went to the
18 Cobb Theater, that you recall seeing a sign there.

19 A Not that I've ever thought of it. I don't
20 recall ever seeing that.

21 Q Thank you, ma'am.

22 You do indicate, though, that your father
23 always carried a firearm on his person, though,
24 correct?

25 A I can't say every single time that he's

1 always done that, but I kind of assumed growing up
2 that he pretty much did.

3 Q Okay. Now, are you pretty knowledgeable
4 about the assets that your father has and if he's on
5 any deeds, so on and so forth?

6 A I think that he might be on my
7 grandmother's trailer.

8 Q Right.

9 A I believe that he might be on her
10 trailer --

11 Q Okay.

12 A -- but I think that that's the only thing.

13 Q Do you know the value of that trailer or
14 that property?

15 A I wouldn't say it has much of a value. I
16 couldn't even guestimate.

17 Q Were you aware of your father having some
18 liquid assets, cash, and that the money was placed
19 in Linda's name? Who is Linda? How is Linda
20 related to your father?

21 A He has a sister named Linda.

22 Q Okay. Are you aware of any transactions
23 going on back and forth, since this occurred, that
24 money was transferred to Linda's name?

25 A I don't think money -- well, my father

1 never -- that was never my father's money. That was
2 my grandmother's money and I believe it came from my
3 grandfather's life insurance.

4 My dad, being the oldest child, I think my
5 grandmother had the money in both her and dad's
6 name. So I think that they might be in the process
7 of retitling that.

8 Q How much money are we talking about?

9 A I'm not really sure. I think it was in
10 CD's, but I don't know the amount.

11 Q Okay.

12 A Because it's not his asset.

13 Q You indicated that all of the firearms
14 have been removed from the residence.

15 A Yes, sir.

16 Q Where are the firearms at now?

17 A My brother was the one that actually
18 removed them from the house.

19 Q Okay.

20 A And he has them locked up.

21 Q So you would agree with me that nothing
22 would prevent your father from getting his hands on
23 those firearms if he wanted to?

24 A No, sir, he wouldn't. He would not get --

25 Q Are you agreeing with me or are you --

1 there's nothing to prevent your father from telling
2 his son "I want my firearms back" --

3 A Oh.

4 Q -- should he be granted a bail or release?

5 A No. He would not get his hands on the
6 firearms for his own integrity and for my brother's
7 integrity. ...

8 Q Okay. Where are the firearms that -- you
9 indicate that your brother had them. Where?

10 A My brother removed them from the house.

11 Q Right.

12 A And he has -- I know that he has locked
13 them in someone's safe. I'm not certain if they're
14 together because I know that he removed firearms and
15 he removed ammunition. And I don't know -- I mean
16 he was -- I'm not -- I'm not quite certain the
17 answer to that question.

18 Q Okay. Do you know if it was rifles? Was
19 it handguns, revolvers, pistols?

20 A I think there was both.

21 Q Okay.

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

23 THE COURT: You may.

24 MR. GARCIA: Judge, I have no further
25 questions of Mrs. Shaw.

1 THE COURT: I'm going to return the
2 passport to Mrs. Shaw.

3 (Court hands witness passport.)

4 THE COURT: Do you have any further
5 questions, Mr. Michaels?

6 MR. MICHAELS: No, sir.

7 THE COURT: Ms. Shaw, before you're
8 excused as a witness, I looked at the passport.
9 It appears it was issued in 2010; is that
10 correct?

11 THE WITNESS: Can I look at it?

12 THE COURT: That's okay. You don't know?

13 THE WITNESS: I don't know offhand.

14 THE COURT: All right. It doesn't look
15 like it's ever been used to travel out of the
16 country. Do you know if it has been?

17 THE WITNESS: I think they've used it for
18 going on cruises.

19 THE COURT: Cruises.

20 THE WITNESS: Yes, sir.

21 THE COURT: Okay.

22 THE WITNESS: I don't think that they've
23 ever traveled -- I don't think that they've
24 ever traveled to another country, but I think
25 it -- they use it for cruising.

1 THE COURT: Bahamas and stuff.

2 THE WITNESS: Yes, sir.

3 THE COURT: Okay, great. Then thank you
4 very much for being here today.

5 We've now done our hour and ten minutes
6 since the lunch break, so it would be an
7 appropriate time for us to take a recess.

8 Would you be having any witnesses
9 remaining or is this the -- the last witness
10 you're going to be calling this afternoon?

11 MR. ESCOBAR: No, I believe this will
12 be -- is going to be our last witness.

13 THE COURT: That was your last witness.
14 All right.

15 So State, while we're taking our
16 ten-minute break, would you like me to extend
17 it to 15 minutes so that you can arrange all of
18 your witnesses and be ready to go promptly at
19 3:00? Plus the additional few minutes to look
20 at the video and anything else you'd need to
21 coordinate with Mr. Escobar.

22 MR. GARCIA: Well, Judge, is the Defense
23 done with the presentation of witnesses?

24 THE COURT: They indicated that they are.

25 MR. GARCIA: They are. Okay.

1 THE COURT: Yeah.

2 MR. GARCIA: Yeah, we would need some
3 time --

4 THE COURT: You want me to call it 3:00,
5 then, or you want --

6 MR. GARCIA: That's fine.

7 THE COURT: Okay. Is 3:00 realistic or do
8 you want me --

9 MR. GARCIA: Yeah.

10 THE COURT: -- to do 3:05?

11 MR. GARCIA: No.

12 THE COURT: If you say 3:00, I'll be back
13 at 3:00.

14 Okay. Three o'clock, then. We're in
15 recess.

16 (Recess.)

17 THE COURT: Welcome back, everybody. I
18 was only delayed because the attorneys were
19 showing me the video to make sure that I
20 reviewed the same copy that's going to be
21 played today here in court.

22 I think that my ruling was clear earlier
23 that I'm not closing court, so that means that
24 you can take video of the video and broadcast
25 it. I'm just not releasing it as discovery

1 yet. I'm not releasing it to the general
2 public in disk or recorded form, but anything
3 that happens in this courtroom -- and this
4 court is open to the public -- can be shown on
5 TV or written about in the papers or
6 photographs can be taken.

7 So just hopefully I've been clear on that.

8 All right, great. Now, Defense you've
9 called your last witness.

10 So State, who's your first witness going
11 to be?

12 MR. GARCIA: Your Honor, the State would
13 call Charles Cummings.

14 THE COURT: Charles Cummings. And while
15 Mr. Cummings is being brought in, I was asked
16 to remind everybody if you have a cell phone on
17 you, unless you're a credentialed member of the
18 media that's been authorized to utilize that
19 phone, please turn your cell phone off. Don't
20 just put it on silent or vibrate. Please turn
21 it off because it interferes with our sound
22 system and makes things difficult for
23 everybody. Okay?

24 MR. STUART: Judge, may I approach?

25 THE COURT: Yes, of course.

1 (Off-the-record discussion.)

2 THE COURT: All right. I'm reminded, of
3 course, that the purpose of having your cell
4 phone, if you're a member of the media, is for
5 purposes of audio recording, not to text or
6 make phone calls or signal the NSA. I don't
7 know what you do with your cell phones these
8 days. Everybody can do all kind of things with
9 their cell phones. Just -- just for purposes
10 of audio recording and not for purposes of
11 taking video, of course, either. That's what
12 the pool cameras are for.

13 What was Mr. Cummings' first name again?

14 MR. GARCIA: Charles, Judge.

15 MR. MICHAELS: Judge, may I approach for a
16 moment --

17 THE COURT: Yes, of course.

18 MR. MICHAELS: -- to get an item marked?

19 THE COURT: Sure.

20 Good afternoon, Mr. Cummings. Please
21 raise your right hand.

22 THEREUPON,

23 CHARLES CUMMINGS,
24 the witness herein, was placed under oath.

25 THE COURT: Come on up and have a seat,

1 please.

2 Mr. Garcia, you may inquire.

3 MR. GARCIA: Thank you, Your Honor. May
4 it please the Court, Mr. Escobar, Mr. Michaels?

5 DIRECT EXAMINATION

6 BY MR. GARCIA:

7 Q Mr. Cummings, good afternoon, sir.

8 A Good afternoon.

9 Q If you would, please, can you state your
10 full legal name and spell your last name for the
11 court reporter, please.

12 A Yes. Charles James Cummings,
13 C-U-M-M-I-N-G-S.

14 Q And, sir, what is your profession?

15 A I am a sales manager with Humana.

16 Q I'm sorry?

17 A I'm a sales manager with Humana.

18 Q And how long have you been employed by
19 Humana?

20 A Twenty years.

21 Q Mr. Cummings, directing your attention
22 back to January 13th of 2014, do you recall that
23 date?

24 A Yes, I do.

25 Q Did you attend the Cobb Movie Theater on

1 that date?

2 A Yes, I did.

3 Q And did you attend the movie with your
4 son?

5 A Yes, I did.

6 Q And what's your son's name?

7 A Alexander Cummings.

8 Q Okay. And does the date January 13th of
9 2014 have any special meaning to you?

10 A Yes, it does. [REDACTED]

11 [REDACTED]

12 Q Okay. Did you have occasion to go to the
13 Cobb Movie Theater with your son to watch the film
14 *Lone Survivor*?

15 A Yes.

16 Q What time did you arrive at the movie
17 theater?

18 A Approximately 1:23, 1:24, 1:25.

19 Q Okay. Sometime within that time frame?

20 A Correct.

21 Q And if you would, please, can you share
22 with the Court where you sat in the movie theater?

23 A We sat in the same aisle as the victim who
24 was eventually shot.

25 Q Okay. Which would be Mr. and Mrs. Oulson?

1 A Oulson.

2 Q Same aisle?

3 A Yes. We were about three -- about three
4 seats away from where Oulson was sitting.

5 Q Okay. Were you closer to Mrs. Oulson or
6 were you closer to --

7 A Mr. Oulson.

8 Q -- Mr. -- so you would have been closer to
9 Mr. Oulson.

10 A Yes.

11 Q Were you to his right or to his left?

12 A I was to his right.

13 Q And there's a person who later became
14 known to you as Curtis Reeves. Where was Mr. Reeves
15 in the movie theater?

16 A He was sitting behind Mr. Oulson.

17 Q Okay.

18 A Directly behind him. That was the last
19 row before -- of the normal seating before you
20 move -- the seats move up to the bistro section.

21 Q Okay. When you arrived in the movie
22 theater, were Mr. and Mrs. Oulson already sitting?

23 A Yes, they were.

24 Q And how about Mr. and Mrs. Reeves? Were
25 they likewise already sitting?

1 A Yes, they were.

2 Q Okay. I take it you sat down --

3 A Yes.

4 Q -- with your son.

5 A Yes.

6 Q What were the lighting conditions in the
7 movie theater?

8 A I think about half the lights were on.

9 Q Could you see?

10 A Yes.

11 Q Did you have any difficulty in seeing?

12 A No.

13 Q Was the theater showing previews and what
14 time did the previews actually start?

15 A We think the previews started at 1:00 --
16 1:20. Since we got there a little bit later, they
17 were into a preview. And then we got to see the
18 second preview and part of the third. So that's --
19 that's what we saw on the theater screen.

20 Q All right. While you're watching the
21 previews, is your attention drawn to anything?

22 A Yes, it was.

23 Q And can you tell the Court what your
24 attention was drawn to?

25 A It was drawn to some conversations that

1 were going on between Mr. Oulson and Mr. Reeves.

2 Q Could you hear the conversations?

3 A I couldn't hear what Mr. Reeves was
4 saying. I did hear Mr. Oulson say to Mr. Reeves,
5 "I'm just texting my two-year-old daughter."

6 Q Okay. Did you hear any other
7 conversations between Mr. Reeves and Mr. Oulson?

8 A No, I did not. Immediately after that I
9 did not hear what they were saying.

10 Q Was there further confrontation or -- I
11 don't want to say confrontation. What would you --
12 were they talking to one another still or --

13 A It was -- it was -- seemed like one --
14 like the -- it seemed to me like there was some --

15 MR. ESCOBAR: Objection, Your Honor.

16 Improper predicate if he's going to get into
17 speculation. It seemed to him. He either
18 knows it or he doesn't.

19 THE COURT: Response, Mr. Garcia?

20 Actually, just sustained. Rephrase the --
21 rephrase the question.

22 Q (By Mr. Garcia) Mr. Cummings, what you're
23 testifying to is your own personal knowledge,
24 correct?

25 A Correct.

1 Q It's your own personal observations.

2 MR. ESCOBAR: Objection, Your Honor. He's
3 leading this witness.

4 THE COURT: Overruled, but get to the
5 point. I understand that it's his
6 observations.

7 MR. GARCIA: Okay.

8 Q (By Mr. Garcia) Did you observe Mr. Oulson
9 and Mr. Reeves engaging in conversation?

10 A Yes. It was conversation between those
11 two.

12 Q Okay. Did Mr. Reeves appear to be angry
13 or agitated during this conversation?

14 A Yes, he did.

15 Q And would you tell us why you're coming to
16 that conclusion or that opinion?

17 A Because he stood up, he walked past the
18 back of my seat and my son's seat seeming very
19 agitated, talking to himself, kind of like he was
20 grumbling about something. And I couldn't hear his
21 words.

22 He stumbled a little bit. His knee hit
23 the back of my seat. His leg -- his leg hit my --
24 the back of my head a little bit. It was a little
25 annoying. He got to the steps and went down the

1 steps.

2 Q Okay. How long was he gone?

3 A Seemed like a couple minutes. I wasn't
4 paying attention to him after he went down the
5 steps. I tried to look at the preview. I wanted to
6 go back to the preview and see what was playing.

7 Q All right. Did you see Mr. Reeves reenter
8 the theater?

9 A He reentered the re -- yes, he entered the
10 theater a short time later. As he passed us again
11 going back to his original seat, he still was
12 mumbling under his breath. He seemed like a very
13 agitated guy about something.

14 Q All right. As you're sitting there
15 watching the previews, is there another
16 confrontation between Mr. Reeves and Mr. Oulson?

17 A Yes. There was some dialogue between
18 those gentlemen. And I think that's -- that's the
19 time when Mr. Oulson stood up, turned around and
20 started talking to him. And his voice was much
21 higher when he was talking to him.

22 Q Could you hear what Mr. Oulson was saying?

23 A He said something to the effect of a
24 theater manager, did you tell the theater manager
25 about us, did you report the theater manager. I'm

1 not quite sure exactly what he said, but it was
2 something along those lines.

3 Q Did you hear a response from Mr. Reeves?

4 A No.

5 Q Did you see popcorn being thrown or
6 popcorn going into the air?

7 A I saw popcorn going into the air, but I
8 could not tell you who threw the popcorn.

9 Q Okay. Did you, at any time, see
10 Mr. Oulson strike Mr. Reeves?

11 A I did not.

12 Q Did you, at any time, see Mr. Oulson punch
13 Mr. Reeves?

14 A I did not.

15 Q Did you, at any time, see Mr. Oulson
16 strike Mr. Reeves with his cell phone or any other
17 type of object?

18 A I did not.

19 Q Did you ever see Mr. Oulson approach
20 Mr. Reeves in a threatening manner?

21 A I saw his voice raise, but not in a
22 threatening manner and I did not hear any curse
23 words.

24 Q Did you ever see Mr. Oulson reaching over
25 his seat trying to get at either Mr. Reeves or in

1 his space?

2 A I did not.

3 Q After the popcorn is thrown, what happens?

4 MR. ESCOBAR: Objection, Your Honor. It's
5 a statement not in evidence as to the popcorn
6 is thrown. He didn't say that. He said he
7 just saw popcorn flying.

8 THE COURT: Okay. How about if we
9 rephrase to --

10 MR. GARCIA: I'll rephrase. I'll
11 rephrase.

12 THE COURT: -- after the popcorn flew,
13 what happened.

14 Q (By Mr. Garcia) After the popcorn flew,
15 what happened?

16 A It seemed like a very, very short time
17 after that there was a bright flash and a gun went
18 off. Very loud gunshot went off.

19 Q All right. Could you see Mr. Reeves when
20 the gun went off?

21 A No. I just saw the flash.

22 Q Did Mr. Reeves say anything after the gun
23 went off?

24 A He said something about 30, 40 seconds
25 later, or maybe it was less than that. He said

1 something, throw something in my face.

2 Q Okay. Did you hear any statements from
3 Mr. Oulson?

4 A I did hear some statements from
5 Mr. Oulson. As his wife passed by, my son and I
6 first -- she was extremely upset, crying, a little
7 bit of screaming.

8 As Oulson started to go past us, as he
9 reached my left shoulder, he said, "I can't believe
10 he shot me." He took another step-and-a-half and
11 then he collapsed on my son.

12 Q And you, correct?

13 A Yes. I grabbed him from -- I grabbed his
14 torso from my son, and we set him on the ground.

15 Q Did individuals then subsequently start
16 performing CPR on him?

17 A Yes.

18 Q Did you have an opportunity to view a
19 videotape of the Cobb Movie Theaters from
20 January 13th of 2014?

21 A Yes, I did.

22 Q Based upon your observations, is that a
23 true and accurate depiction of the events that
24 occurred on January 13th of 2014 in the movie
25 theater?

1 A Yes, it was.

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

3 THE COURT: You may.

4 Q (By Mr. Garcia) Mr. Cummings, did you
5 expect this incident to rise to the level that it
6 did?

7 MR. ESCOBAR: Objection, Your Honor,
8 relevancy.

9 THE COURT: Sustained.

10 MR. GARCIA: I --

11 THE COURT: Sustained. The way it's
12 phrased, sustained.

13 Q (By Mr. Garcia) The initial confrontation
14 or conversation between the two gentlemen, did you
15 feel a need to intervene and say listen guys, you
16 know, just calm down, so on and so forth?

17 A Not at that point. I was getting ready --
18 a thought passed my mind to potentially say
19 something, but I didn't have the opportunity to
20 do --

21 Q All right. Did you think --

22 A -- because we were still into the
23 previews. I thought it may have been worked out by
24 the time the main feature came on.

25 Q Did you think that someone was just going

1 to get up and move?

2 MR. ESCOBAR: Objection, Your Honor,
3 speculative.

4 THE COURT: Sustained.

5 Q (By Mr. Garcia) In your opinion did you
6 believe someone was going to get up and move?

7 MR. ESCOBAR: Objection. Same objection.

8 THE COURT: Sustained.

9 MR. GARCIA: Judge, I think he can be
10 allowed to give an opinion.

11 THE COURT: I appreciate that. Sustained.

12 MR. GARCIA: All right.

13 Q (By Mr. Garcia) Based upon your
14 observations, do you have an opinion as to one of
15 them may or may not have moved?

16 MR. ESCOBAR: Same objection, Your Honor.

17 MR. GARCIA: This is based --

18 THE COURT: Sustained. I heard you, but
19 it's still sustained. Do you have any other
20 questions?

21 MR. GARCIA: No, sir. No. I don't have
22 any further questions of Mr. Cummings, Judge.

23 THE COURT: Okay. Mr. Escobar, do you
24 have any questions?

25 MR. ESCOBAR: I do, Your Honor.

CROSS-EXAMINATION

BY MR. ESCOBAR:

Q Good afternoon, Mr. Cummings.

A Good afternoon.

Q Mr. Cummings, you had gone to the Cobb Theater with your son; is that correct?

A Yes.

Q How old is your son?

A He's [REDACTED] now. He was [REDACTED] when we went to the Cobb Theater.

Q Okay. And that was a early-day movie; is that correct? You got there about one something you indicated, 1:20, 1:22?

A 1:23. The -- the -- the previews had already started.

Q Okay. Where had you come from?

A We came from my home.

Q Okay. And so when you came into that theater, the lights had already been dimmed --

A Correct.

Q -- correct? Because the -- the theater trailers were -- were just on their way, correct?

A Yes.

Q And so there was noise in the theater, correct?

1 A Some noise, yes.

2 Q From the trailers --

3 A The trailers.

4 Q -- that were being shown; is that correct?

5 A Yes.

6 Q Okay. And when these trailers are shown,
7 that noise is generally louder than the movie
8 itself.

9 A Could be.

10 Q And so you walked over to a seat, you're
11 saying, somewhere between three and four seats away
12 from Mr. Oulson --

13 A Yes.

14 Q -- is that correct?

15 A Yes.

16 Q And so if -- if I was seated in your
17 position here (indicating), Mr. Oulson would be
18 either to your right or to your left?

19 A He was to my left.

20 Q He was to your left. Okay. Now, three to
21 four seats to your left.

22 Now, those seats at the Cobb Theater are
23 nice and wide, aren't they?

24 A Yes.

25 Q Kind of comfy, correct?

1 A Yes.

2 Q In fact, the backs to those particular
3 seats actually recline.

4 A They do.

5 Q And they almost even rock, correct?

6 A They may.

7 Q And so when that back of the chair
8 reclines, the back actually goes into the walkway in
9 front of Row A, correct?

10 A It could, uh-huh.

11 Q Am I correct?

12 A Yes.

13 Q Okay. And so the theater, as it's
14 depicted there, has a wall, correct? It has a
15 Cinebistro actually on top of that wall, correct?

16 A Yes.

17 Q And that wall is a six-foot wall.

18 A It's a big cement wall. I don't know how
19 tall it is.

20 Q Okay. And so right next to that wall that
21 separates the Cinebistro from the general area is
22 Row A. So Row A's back is right towards that wall,
23 correct?

24 A I guess, uh-huh.

25 Q You're seated in Row A, you can touch the

1 wall right here (indicating); is that correct?

2 A Uh-huh.

3 Q And so the only way to get out of Row A is
4 not going back because the wall doesn't let you,
5 correct?

6 A I guess.

7 Q You're guessing?

8 A I don't know what the back wall looks
9 like. I just know it's there.

10 Q Okay.

11 A I've never sat in that seat. The furthest
12 I ever sat back was the -- the row that I sat in for
13 that movie.

14 Q Which is B, the next row down.

15 A The next row down, uh-huh.

16 Q Okay. And so you're seated -- you're
17 seated here in Row A, the wall's behind you. The
18 only way to get out of that row is to your right or
19 to your left --

20 A Correct.

21 Q -- is that correct?

22 A Correct.

23 Q How many rows in from the aisle were you?

24 MR. GARCIA: Rows or chairs?

25 MR. ESCOBAR: Excuse me, chairs.

1 THE COURT: I think you mean chairs, yeah.

2 Q (By Mr. Escobar) Chairs.

3 A Two or three.

4 Q Two or three. And so you were in two or
5 three, and then Mr. Oulson was three or four from
6 the aisle --

7 A Okay.

8 Q -- right?

9 A Somewhere -- approximately, yes.

10 Q Okay. And so you were in that Row B that
11 actually has a small step down, correct?

12 A Yes.

13 Q In other words, Row B sits a little bit
14 lower than Row A.

15 A Yes. That movie has -- that movie has
16 steps. It doesn't have just a general decline.

17 Q Okay. Now, so the trailers are on,
18 they're on loud. You come in and you sit down. And
19 your attention is now focused on what's showing; is
20 that correct?

21 A Correct.

22 Q Because you're interested in what those
23 trailers are.

24 A Correct.

25 Q So that in the future if you like

1 something on a trailer, hey, you're going to go to
2 the movies --

3 A Correct.

4 Q -- correct? And so that's where your
5 focus is at.

6 Now, you've indicated that at some point
7 in time something drew your attention to Mr. Oulson;
8 is that correct?

9 A Yes.

10 Q Okay. And that's where your attention
11 first went, to Mr. Oulson that was three or four
12 seat from you.

13 A Yes.

14 Q Now, you were wearing the same glasses
15 that you're wearing today?

16 A No, I was wearing another set of glasses.

17 Q Okay. Let's talk about it. How many sets
18 of glasses do you have?

19 A Four.

20 Q You have four.

21 A They're all the same prescription, though.

22 Q Just for style?

23 A Yes.

24 Q Okay. So you wear different glasses
25 for -- for your style.

1 A Yes.

2 Q Okay. And your left eye -- well, let me
3 take -- your right eye is 20/20?

4 A This right eye -- no, it's not 20/20.

5 Q Okay. What's your right eye?

6 A This right eye is 2300.

7 Q Okay. And your left eye?

8 A Is 20/20 corrected.

9 Q No. I'm talking about before corrected.

10 A Twenty-two hundred.

11 Q Twenty-two hundred. Okay. So it would
12 be -- your -- your left eye, you said, is 2200
13 before being corrected. Your right eye is 2300
14 before being corrected.

15 A No, it's 20/40 after correction.

16 Q Twenty-forty after correction.

17 A Yes.

18 Q Okay. I'm glad that we got that straight.
19 And so you sit down with a pair of
20 glasses. Do you know if those were even the glasses
21 you had on?

22 A No. I had a different pair.

23 Q Okay. And what was -- what caused you to
24 look over to Mr. Oulson was that you heard some
25 commotion?

1 A Heard some commotion.

2 Q Is that correct?

3 A Yes.

4 Q Okay.

5 A Something on the peripheral.

6 Q Okay. And so you looked over there.

7 A Uh-huh.

8 Q And what do you see?

9 A I see a -- I see Oulson sitting there.

10 And I see a -- a reflection of a phone, cell phone,
11 with the light still on.

12 Q Okay.

13 A And that's when I heard the statement that
14 Oulson made, saying, "I just texted my three --
15 two-year-old daughter."

16 Q Okay. When you heard Mr. Oulson saying he
17 had texted his two-year-old daughter, I would
18 imagine you thought to yourself, texting a two year
19 old? Did you find that to be a peculiar statement?

20 A I think -- I was presuming he meant the
21 babysitter.

22 Q Why were you presuming that he meant the
23 babysitter? Do we -- why are you presuming
24 anything?

25 A Well, I'm just presuming that that's what

1 he meant.

2 Q Okay. And so you didn't hear Mr. Reeves
3 say anything at that point.

4 A I never heard -- I never heard what he
5 said. I know he was talking, but I didn't never
6 hear what he said.

7 Q And so if Mr. Reeves was sitting behind
8 Mr. Oulson, Mr. Reeves would have been equal
9 distance from you, correct?

10 A A little bit further back because Oulson
11 was in the same row.

12 Q You mean back row.

13 A Correct.

14 Q So you -- you know, hearing with the same
15 ear, correct?

16 A Uh-huh.

17 Q But you didn't hear any voices at all of
18 Mr. Reeves, did you?

19 A No. I -- I didn't hear what he said. I
20 heard his voice, but I never heard what he said.

21 Q Now, you indicated on direct examination
22 that after hearing this voice, you made some opinion
23 that someone had been agitated; is that correct?
24 You hear the voice. You see Mr. Oulson doing
25 anything?

1 A After he said that, he didn't do anything,
2 no.

3 Q Was Mr. Oulson's body turned around even
4 facing behind him?

5 A No. He -- he said -- he said that -- he
6 said those words facing the screen.

7 Q So at no point in time do you even see
8 Mr. Oulson looking back. You see Mr. Oulson looking
9 at the trailers just like you are?

10 A I don't know what he was looking at.

11 Q Well, but weren't you looking at him?

12 A I was looking at him, but I don't know
13 what he was looking at.

14 Q Was he looking straight ahead at the
15 theater screen?

16 A I don't -- I don't know what he was
17 looking at.

18 Q Well, was he looking forward?

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

20 Asked and answered. He's answered the question
21 at least two or three times.

22 THE COURT: Sustained. He did answer the
23 question.

24 Q (By Mr. Escobar) So you believe that
25 Mr. Oulson's statement was something dealing with

1 texting; is that correct?

2 A Correct.

3 Q And then what's the next conversation or
4 commotion that you hear from Mr. Oulson?

5 A The next time I heard him speak is when
6 Mr. Reeves came back from downstairs.

7 Q Okay. We're -- we're -- we don't want to
8 go that far, sir..

9 A Uh-huh.

10 Q So that's the only statement that you
11 heard.

12 A That's the only statement I heard at that
13 point.

14 Q And I believe in direct examination said
15 that, at that point in time, you believed that
16 Mr. Reeves got up and left; is that correct?

17 A Correct.

18 Q Okay. And certainly if Mr. Reeves is
19 complaining that someone is texting, that's the
20 proper course of action --

21 A Correct.

22 Q -- go tell management, correct?

23 A Correct.

24 Q And so you didn't find that odd that
25 Mr. Reeves would go and tell a manager that hey,

1 they're violating the rules because it's on the
2 screen you can't text?

3 A At that point, that's correct.

4 Q Certainly you didn't see Mr. Reeves take
5 anything at that moment into his own hands, correct?

6 A No.

7 Q And so Mr. Reeves leaves. You're saying
8 he comes back minutes later, correct?

9 A Yes.

10 Q But you said in direct examination that as
11 he was leaving, you believed that, number one, he
12 was agitated.

13 A I could hear his voice. It sounded
14 agitated. It sounded like --

15 Q Okay. Let's -- let's talk about that.
16 What did you hear Mr. Reeves say?

17 A His exact words I could not understand. I
18 could just say that he was mumbling and they sounded
19 like he was just distressed and agitated.

20 Q What about the "mumble"? Did you believe
21 anybody was distressed?

22 A He just sounded like a person -- I've
23 heard people before who have been distressed or
24 they've been agitated or they've been upset. And
25 they kind of sound -- he had that same tone in his

1 voice.

2 Q What was it that caused you to believe in
3 that tone? It wasn't -- he wasn't screaming, right?

4 A He wasn't screaming, no.

5 Q He wasn't swearing, right?

6 A Nope.

7 Q You don't even know what he was saying?

8 A No.

9 Q But you indicated that the reason you
10 believe he was agitated was because as he was
11 stumbling down the -- down the aisle there -- that's
12 what you said, he was stumbling, correct?

13 A Yes.

14 Q That he brushed up against your chair,
15 correct?

16 A Correct.

17 Q How -- how -- how much do you weigh? And
18 I don't want to embarrass you. How much do you
19 weigh?

20 A Two hundred and seventy.

21 Q Two hundred and --

22 A Two-hundred-and-seventy pounds.

23 Q Two-hundred-and-seventy pounds. And so if
24 you're seated at one of those chairs at the Cobb
25 Theater and you're leaning back, that's quite a bit

1 of weight on that backrest of the seat, correct?

2 A If I was leaning back. I don't remember
3 if I was leaning back. I just know that as he went
4 by, he hit the back of the chair and the back of my
5 head.

6 Q But if you were leaning back, that back
7 would be --

8 MR. GARCIA: Judge, I'm going to object to
9 these hypotheticals, if you were leaning back.
10 He already said he wasn't leaning back.

11 THE WITNESS: I don't even know if I was
12 leaning back.

13 THE COURT: Overruled. He can answer the
14 question and he has answered the question. He
15 said he doesn't know if he was leaning back.

16 A I don't know if I was leaning back.
17 There's a -- the seats go back quite a bit. You can
18 lean back a little bit, you can lean back medium,
19 then the whole way.

20 Q (By Mr. Escobar) And if you're leaning
21 back --

22 A If you're leaning back the whole way --

23 Q -- then your -- your back is kind of
24 protruding into the walkway --

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

1 If you were leaning back all the way. He's
2 already indicated he does not recall.

3 THE COURT: Well --

4 MR. GARCIA: And he's -- and he hasn't
5 suggested that he's leaning back. It's a
6 mischaracterization by Mr. Escobar.

7 THE COURT: I'll -- I'll let you clear it
8 up on redirect.

9 Mr. Escobar, though, let's stick to the
10 facts --

11 MR. ESCOBAR: I will.

12 THE COURT: -- that he's testified to, not
13 to the hypothetical facts.

14 MR. ESCOBAR: I will.

15 THE COURT: Okay?

16 Q (By Mr. Escobar) And so that backrest has
17 the opportunity to encroach upon that walkway,
18 correct?

19 A Right.

20 Q And for someone like Mr. Reeves being 71
21 years old, it's not odd that he would touch the back
22 of your -- of your chair --

23 MR. GARCIA: Judge, that calls for
24 speculation.

25 Q (By Mr. Escobar) -- as he's leaving,

1 correct?

2 THE COURT: Sustained, Mr. Escobar.

3 A I do not --

4 THE COURT: Sustained. You don't have to
5 answer that question.

6 Do you have any other questions,
7 Mr. Escobar?

8 MR. ESCOBAR: Yes, I do.

9 THE COURT: You may proceed.

10 Q (By Mr. Escobar) So Mr. Reeves leaves and
11 he comes back a few minutes later; is that correct?

12 A Yes.

13 Q Okay. And when he comes back he's in his
14 own row --

15 A Correct.

16 Q -- correct?

17 A Yes.

18 Q Row A. And he's maneuvering back to his
19 seat with no problem, correct?

20 A No, he's -- he's maneuvering. He did not
21 touch the seat on the way back.

22 Q Okay. So he's maneuvering and he sits
23 down. And I would imagine you're still looking at
24 the trailers.

25 A Correct.

1 Q You're not watching Mr. Reeves as he's
2 coming up the aisle or maneuvering back behind you,
3 correct?

4 A Well, I can see him come up the aisle, but
5 I didn't pay that much attention to him.

6 Q Okay. That's because you were looking at
7 the trailers; is that correct?

8 A Yes.

9 Q Have the trailers ended by now? Are we
10 starting to get into the movie?

11 A No, we're not.

12 Q Okay. So we're still at the trailers.

13 A Correct.

14 Q Okay. And so you -- you're still seated
15 with your son watching these trailers.

16 A Correct.

17 Q What next causes you to react to
18 Mr. Oulson?

19 A There was some conversation between both
20 of those folks.

21 Q Well, did you first notice Mr. Oulson
22 engaging in conversation?

23 A I didn't know who was speaking, but I know
24 that they were speaking to each other.

25 Q Okay. Well, is Mr. Oulson's face looking

1 at the screen or is Mr. Oulson's face looking back
2 behind?

3 A He was -- he was initially looking at the
4 screen. Then he stood up and he turned around and
5 he faced Mr. Reeves.

6 Q Okay. So the first time that you see
7 Mr. Oulson turn around, is what you're telling this
8 Court, is when he stood up and turned around and now
9 was facing Mr. Reeves, correct?

10 A That's the first time I saw him turn
11 around.

12 Q Okay. Now, Mr. Oulson's a pretty large
13 man, correct?

14 A Six-six.

15 Q As you saw him standing up, you could tell
16 wow, large man, correct?

17 A Yes, he looked very tall.

18 Q Okay. And now he has turned his focus at
19 Mr. Reeves, correct?

20 A Correct.

21 Q Now, Mr. Oulson actually not only stood
22 up, but he came over his own backrest towards
23 Mr. Reeves, correct?

24 A I didn't see that.

25 Q Well, were you looking?

1 A I didn't see -- I saw him lean a little
2 bit, but I didn't see him come across the seats.

3 Q Well, are you saying you saw him leaning a
4 little bit towards Mr. Reeves?

5 A It seemed like he was leaning as he was
6 talking to Mr. Reeves.

7 Q I would imagine you became alarmed at that
8 moment because why would someone invade that
9 privacy?

10 MR. GARCIA: Objection, calls for
11 speculation, Judge.

12 THE COURT: Sustained. Just ask the
13 question. You don't need to add all that
14 stuff.

15 Q (By Mr. Escobar) Were you alarmed at that
16 point in time?

17 A No, I became alarmed at the -- when the
18 popcorn flew.

19 Q Well, before Mr. Reeves (sic) had stood
20 up, you didn't see Mr. -- I mean before Mr. Oulson
21 stood up, you didn't see any popcorn in Mr. Oulson's
22 hand, did you?

23 A No.

24 Q About the only thing that you saw on his
25 person was a phone, correct?

1 A I didn't see him holding the phone, but
2 I -- I had saw the phone earlier when it was sitting
3 on his lap.

4 Q Okay.

5 A And I cannot tell you whose popcorn it
6 was.

7 Q What color was that phone?

8 A I couldn't tell. The light was on, but I
9 couldn't tell the color of the phone.

10 Q Because it was dark?

11 A No. I just didn't pay attention. The
12 light from the phone was projecting. I couldn't
13 tell if the phone was black or white. I can't tell
14 for sure.

15 Q Okay. So now Mr. Oulson is upright and
16 he's leaning towards Mr. Reeves. What -- what do
17 you see happen now?

18 A I see some conversation between them. And
19 right after that I heard the -- the -- heard the
20 cell (sic) flash and heard the gun go off.

21 Q Did you hear Mr. Reeves engaging in any
22 conversation at that moment with Mr. Oulson?

23 A At that moment the gun went off?

24 Q No. Mr. Oulson stands up; he turns
25 around. He's now leaning towards Mr. Reeves.

1 At that moment did you hear Mr. Reeves
2 engaging in any conversation?

3 A I didn't hear his voice, no.

4 Q But you heard Mr. Oulson's voice, correct?

5 A I heard his voice -- his.

6 Q And, in your opinion, Mr. Oulson was
7 agitated at that point in time, correct?

8 A That -- that is when he became agitated.

9 Q And, in fact, that's when you got
10 concerned yourself, correct?

11 A Correct.

12 Q And you were about to intercede, correct,
13 because you thought that was bizarre in a movie
14 theater?

15 A Yes. I haven't seen fights in movies
16 since I can remember.

17 Q So there was a side of Mr. Oulson that you
18 found to be alarming.

19 A I think he -- I think he was -- I think --
20 I can't answer.

21 Q My question is: Did you find it to be
22 alarming?

23 A I found it to be alarming. I felt Oulson
24 had had enough.

25 Q You didn't intercede.

1 A No.

2 Q And, in fact, you're still seated there
3 and you're looking not back, but you're looking at
4 Mr. Oulson, correct?

5 A Correct, yes.

6 Q And this is where you indicate that in
7 your peripheral vision, you somehow see popcorn fly;
8 is that correct?

9 A Yes. A little bit more than peripheral.
10 I turned a little bit to see where the popcorn was
11 going.

12 Q Do you know where it was going?

13 A Yes. It was going in the seat. It was
14 going a little bit on Mr. Reeves.

15 Q So now what did you do?

16 A Now we just sat there and was wondering
17 what's going to happen next.

18 Q Okay. Well, are you looking at
19 Mr. Oulson?

20 A Just peripherally.

21 Q Okay. You're looking back at the
22 trailers?

23 A Not really.

24 Q Well, what are you looking -- if you're
25 not looking at Mr. Oulson --

1 A I'm looking at the --

2 Q -- and you're not looking at the trailers,
3 what are you looking at?

4 A I'm looking at the trailers, but I'm
5 not -- I'm not taking in what is showing on the
6 screen.

7 Q You're just -- your face is -- is towards
8 the trailers --

9 A Right.

10 Q -- and you're trying to look through your
11 peripheral vision.

12 A Correct, because I had my -- yes, because
13 I had my son in the movie and I don't know where
14 this thing is going.

15 Q And you realize that in your peripheral
16 vision you don't have the benefit of your
17 eyeglasses, correct?

18 A Well, they -- yes.

19 Q Because now you've got 200 vision from the
20 side of your face, correct?

21 A Yes.

22 Q And so you're not able to see anything
23 that's taking place at that point, correct?

24 A No, I can see -- I can see the figures. I
25 can't see them clearly, but I can see them.

1 Q You can see the figures.

2 A Yes.

3 Q Now, you're telling this Court, under
4 oath, that up until this point in time you have not
5 heard Mr. Oulson raise his voice. Is that what
6 you're telling this Court?

7 A Mr. Oulson did not raise his voice up
8 until the time he turned around.

9 Q Okay. You've indicated that Mr. Oulson
10 has not cursed.

11 A I did not hear any curse words from either
12 party.

13 Q Okay. And you don't have any hearing
14 problems, right?

15 A No.

16 Q And so now, when Mr. Oulson is facing
17 Mr. Reeves, are you telling this Court that you did
18 not hear Mr. Oulson raising his voice?

19 A He did -- he did raise his voice. He did
20 say to him you -- you -- you said something to the
21 theater manager about us, or something like that.

22 Q He was yelling that, wasn't he?

23 A His voice was up; yes, it was.

24 Q My question is: He was yelling that; was
25 he not?

1 A I -- I don't think he yelled at the top of
2 his lungs, but his voice was animated.

3 Q And he looked pretty mean, didn't he?

4 A He was a little motivated, yes.

5 Q You described him as six-six, right?

6 A About as tall as my son.

7 Q So a loud, mean-looking six-six person,
8 right?

9 A Yes.

10 Q Still dark?

11 A Same light.

12 Q Now, some of that light that we're talking
13 about comes from the screen itself, correct?

14 A Some, yes.

15 Q And so if Mr. Oulson is standing in front
16 of Mr. Reeves, that screen light is going to be
17 obscured, correct, because you've got this six-six
18 body that's in front of Mr. Reeves? Did you see
19 that?

20 A Could be.

21 Q So for Mr. Reeves it gets a little darker,
22 doesn't it?

23 MR. GARCIA: Objection, speculation.

24 THE COURT: Sustained.

25 Q (By Mr. Escobar) Let's get back to

1 Mr. Oulson, six-foot-six, leaning towards Mr.
2 Reeves. You're looking at the trailers. You're
3 looking through the side of your glasses, correct?

4 A Yes.

5 Q Now what happens?

6 A Within a short time, the gun was flashed
7 and there was a gunshot.

8 Q You didn't see anybody shooting a gun.

9 A No, I could not see the gun being shot,
10 no.

11 Q You just heard a gun.

12 A I --

13 Q And I believe you indicated that was maybe
14 30 to 40 seconds after Mr. Oulson had gotten up.

15 A It seemed like that, yes.

16 Q Okay. Now, when Mr. Oulson came down the
17 aisle and fell on your son, that's a pretty
18 traumatic event, correct?

19 A Yes, it was.

20 Q It was traumatic for you.

21 A Surprising.

22 Q It was traumatic for your son.

23 A Very.

24 Q You certainly didn't want your son to have
25 to go through that.

1 A Correct.

2 Q And so you were very emotional that day.

3 A Correct.

4 Q Now, let's talk a little bit about

5 Mr. Oulson's wife. Mr. Oulson's wife was seated

6 just on the other seat furthest away from you,

7 correct?

8 A Correct.

9 Q It was Mr. Oulson and then his wife.

10 A Correct.

11 Q And you remember his wife also getting up,

12 correct?

13 A I saw her -- I never saw the entire body
14 of the wife, but I could see her blond hair either
15 in front of him sometimes or behind him sometimes.

16 Q Okay.

17 A But he was -- he was big enough to block
18 her body.

19 Q Okay. And you saw her actually attempting
20 to restrain him?

21 A She was involved in trying to cool it
22 down, yes.

23 Q And the way that she was trying to
24 restrain him is that she had her hand on his chest
25 and was trying to push him away, correct?

1 A She -- she had her hand up, yes.

2 Q And she had her hand on his person and she
3 was trying to push him away --

4 MR. GARCIA: Objection, asked and
5 answered, Judge.

6 Q (By Mr. Escobar) -- correct?

7 THE COURT: Well --

8 A I don't know if --

9 THE COURT: Hold on, hold on, hold on.
10 When he says "objection," then we wait until
11 I -- until I rule.

12 Yeah, it was asked and answered once I
13 know, so ask a new question.

14 Q (By Mr. Escobar) You were, at this point,
15 extremely alarmed, correct?

16 A Yes. Yes.

17 Q Because you were able to see this -- this
18 man's wife trying to restrain him, correct?

19 MR. GARCIA: Objection, Judge, asked and
20 answered.

21 THE COURT: No, overruled.

22 Q (By Mr. Escobar) Correct?

23 A Not extremely alarmed; alarmed.

24 MR. GARCIA: Judge, I'm going to object to
25 the mischaracterization of Mr. Escobar in

1 that --

2 THE COURT: Your objection's to phrasing.
3 All right. Let him give the facts. New
4 question.

5 MR. ESCOBAR: Judge, it's cross.

6 THE COURT: I -- I know it is, but still
7 let him give the facts. All right?

8 Q (By Mr. Escobar) After Mr. Oulson was
9 fatally wounded, you witnessed Mrs. Oulson, correct?

10 A Yes.

11 Q And you witnessed her crying?

12 A Yes.

13 Q You were very sympathetic to her?

14 A Yes. I didn't realize she had been shot.

15 Q But you talk about, in direct examination,
16 a statement that you believed my client, Mr. Reeves,
17 said after -- 30 to 40 seconds after the shot went
18 out, correct?

19 A Yes.

20 Q And you're not real sure what that
21 statement was, correct?

22 A Not the entire statement.

23 Q And you said in direct examination
24 something to the effect of, do that to my face.

25 A Do that to my face, throw something in my

1 face, something like that.

2 Q Why would you just estimate what someone
3 would say in a court of law like this?

4 A That was -- that's -- that's when there
5 were a lot of voices going off. It was hard to pick
6 out all the particular words at that time because it
7 was some screaming in the movies. There was a lot
8 of people yelling. That was -- that was the
9 noisiest part of the entire day.

10 Q Didn't you and I and the prosecutor go
11 into a room --

12 A Uh-huh.

13 Q -- just a few minutes ago?

14 A Yes.

15 Q And didn't we instruct you that when you
16 answer a question, you had to be 100 percent sure of
17 that answer?

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

19 Can we approach?

20 THE COURT: Yeah, you can approach.

21 (Bench conference.)

22 MR. GARCIA: Judge, I'm going to object to
23 Mr. Escobar chastising this witness in open
24 court. I mean this wasn't a formal deposition.

25 MR. ESCOBAR: Judge, we --

1 THE COURT: I know. Why -- why -- why are
2 you saying that to him? That's out of bounds.
3 Are you going to be doing that again?

4 MR. ESCOBAR: This is what happened,
5 because let me give you --

6 THE COURT: I'm not concerned with what
7 happened. I'm concerned with if you're going
8 to do it again because I don't want to stop you
9 on those things, but you can't do that to him.
10 If somebody's going to admonish a witness, it's
11 going to be me.

12 So let's not -- let's not do that again.
13 He answered the question because he was asked a
14 question. That's why he answered the question.

15 MR. ESCOBAR: Your Honor, before we came
16 in here, we instructed him that he could not
17 speculate on his answers, that he had to answer
18 the questions only if he was 100 percent sure.

19 And then he comes in here. And now on
20 cross-examination he admits, you know what?
21 I'm not 100 percent sure of that.

22 I think that is absolutely essential for
23 the Defense to show that this individual maybe
24 had the propensity to be able to say things
25 that he is not 100 percent sure of.

1 THE COURT: You asked him a question. He
2 gave you his best possible answer. That's all
3 he's allowed to do.

4 You didn't -- when you ask him a question
5 and you ask him what he thinks or what he
6 knows, he's only responsible for giving you the
7 best approximation of what he can give you.

8 Cross-examination is for the purpose of
9 determining whether that's the best
10 approximation or he's 100 percent sure. He
11 didn't say with metaphysical certainty, he just
12 said that's my best approximation.

13 And when he answered the question, the
14 Court did not feel that he was misleading maybe
15 because he said that's what I -- that's as best
16 I can tell you.

17 He wasn't -- he didn't say as surely as I
18 know that I can fly a plane if the gravity's in
19 effect. He said that's my best approximation.
20 I don't think he was being less than candid
21 with me.

22 So -- and that's why I can't let you
23 chastise him because I don't feel he was
24 misleading me. I get that you're unhappy with
25 that answer, but I can't do anything about

1 that.

2 MR. ESCOBAR: Judge, I respect the answer.

3 THE COURT: Okay. All right.

4 (Open court.)

5 THE COURT: All right. You may continue.

6 Q (By Mr. Escobar) So, do that to my face,
7 correct?

8 A Yes.

9 Q Now, you said there was a lot of commotion
10 going on at that same time, a lot of people talking.

11 A Yes. A little bit of screaming, a little
12 bit -- yes. Yes. A lot of pandemonium.

13 Q The trailer still going?

14 MR. GARCIA: Judge, object. Asked and
15 answered.

16 THE COURT: Overruled.

17 Q (By Mr. Escobar) Trailers are still going?

18 A I believe it was.

19 Q Noise from the trailers?

20 A Yes.

21 Q Now, at some point in time you had an
22 opportunity, did you not, to speak to law
23 enforcement in this case?

24 A That day?

25 Q Yes.

1 A Yes.

2 Q Okay. And you had an opportunity -- you
3 had an opportunity, did you not, to not only speak
4 to a law enforcement officer, but you had an
5 opportunity to write your own statement --

6 A Yes.

7 Q -- is that correct?

8 A Yes.

9 Q Tell the Court where it was that you were
10 given this opportunity to sit down and write your
11 own statement.

12 A I think the first time we did it was in
13 the movie theater.

14 Q In the movie theater? That's when you
15 wrote down your statement?

16 A Yes.

17 Q Okay. And tell me how that was carried
18 out by law enforcement.

19 A They gave us a piece of paper. They said
20 would you write down what you -- what you think you
21 saw here today or what you saw. And this was about
22 ten minutes after they took the body out. So we sat
23 down in the theater.

24 Q Who is "we"?

25 A Everybody -- all the people who got the

1 same similar types of piece of paper.

2 Q Okay. Y'all were grouped in a particular
3 area?

4 A No, they kind of spread out a little bit.
5 But we just sat down and we wrote our statements on
6 those pieces of paper.

7 Q I'm going to show you -- I'm going to show
8 you what's been marked.

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

11 THE COURT: You may.

12 Q (By Mr. Escobar) I'm going to show you
13 what's been marked as Defense Exhibit Number 1 and
14 ask you if you recognize that exhibit.

15 A I do.

16 Q Is that a fair and accurate exhibit of
17 your statement that you gave and signed on
18 January the 13th of 2014?

19 A Yeah. I signed this that I did this this
20 day and I did sign it.

21 Q That's your own handwriting?

22 A Yes.

23 Q That's your signature?

24 A Correct.

25 Q And there's no -- there's not been any

1 deletions or subtractions from that? That was the
2 exact copy of the original.

3 A Correct. Uh --

4 Q Well, I'm going to be --

5 A Yes.

6 Q -- asking you some more questions.

7 A Yes. Yes.

8 MR. ESCOBAR: Your Honor, at this point in
9 time we'd like to -- Defense would like to move
10 Defense Exhibit Number 1 into evidence.

11 THE COURT: You have any objection to this
12 coming in as Defense Exhibit Number 1,
13 Mr. Garcia?

14 MR. GARCIA: It's hearsay, Judge. I know
15 that some hearsay is admissible.

16 THE COURT: So that's yes, you do object?

17 MR. GARCIA: I object, Judge.

18 THE COURT: Based on it being hearsay?

19 MR. GARCIA: It's his own statement. He's
20 already admitted --

21 THE COURT: Let me see it.

22 MR. GARCIA: -- it's his statement.

23 THE COURT: I understand. Let me see it.

24 (Mr. Escobar hands Court document.)

25 THE COURT: For purposes of the bond

1 hearing, is there any reason you want me to
2 exclude this other than it's hearsay?

3 MR. GARCIA: I don't know the relevancy of
4 it, Judge. He hasn't impeached him with it so
5 why is it being moved in?

6 THE COURT: I think that's what's coming
7 next. Am I correct in guessing that,
8 Mr. Escobar?

9 MR. ESCOBAR: It is, Your Honor.

10 MR. GARCIA: Well, he hasn't asked
11 anything, so he's moving it in before the
12 impeachment so I --

13 THE COURT: All right. Lay the
14 foundation --

15 MR. ESCOBAR: Judge, I --

16 THE COURT: -- that it's going to be
17 appropriate impeachment before you move it into
18 evidence. I'll direct that you may show it to
19 the witness now even though it's not yet been
20 moved into evidence and you may question him on
21 it.

22 MR. ESCOBAR: Thank you.

23 THE COURT: Okay?

24 Q (By Mr. Escobar) Mr. Cummings, how many
25 lines do we have in your statement that you wrote

1 out on January the 13th of 2014?

2 A About five lines.

3 Q You certainly did not put in that
4 statement much of what you talked about here today,
5 correct?

6 A Correct. I don't do this every day, so I
7 didn't know exactly to what extent you complete
8 these.

9 Q Okay. Well, let's -- let's talk a little
10 about that. And I'll hold this here so that the
11 Court can see it as well.

12 Now, it starts off by saying, "I am
13 writing this" --

14 MR. GARCIA: Judge, object. The document
15 speaks for itself.

16 THE COURT: Okay.

17 MR. ESCOBAR: It's a cross and it's -- I
18 can read it, Your Honor.

19 THE COURT: Is there -- tell me about the
20 impeachment. Are you saying there's a prior
21 inconsistent statement within this?

22 MR. ESCOBAR: I'm saying that in this
23 particular version, it is directly opposite to
24 much of what he said.

25 THE COURT: Directly -- that's directly

1 opposite to what he said?

2 MR. ESCOBAR: Uh-huh.

3 THE COURT: Let me see it again.

4 (Mr. Escobar hands Court document.)

5 MR. GARCIA: Judge, there's a line of
6 cases on negative impeachment. If the Court
7 needs it, I can get it.

8 THE COURT: I'm familiar with the line of
9 cases on negative impeachment. And at trial
10 that certainly would be something that I would
11 be willing to consider. This is still a bond
12 hearing. There's still no jury. I'll let him
13 impeach with it --

14 MR. ESCOBAR: Thank you, Your Honor.

15 THE COURT: -- if he believes it's
16 impeachment. But, don't take liberties with
17 what's written in there. What's written in
18 there is what's written in there. All right?
19 Let's go with that.

20 Q (By Mr. Escobar) Mr. Cummings, would you
21 please read what you wrote down on January the 13th
22 of 2014.

23 A "At movies old man went to complain to
24 management about man on phone. Old man came back
25 alone. He got into an argument with man sitting

1 next to me. Man sitting next to me got up and
2 confronted old man. Old man shot him in the chest."

3 Q Okay. And how many lines would you say
4 you left completely blank on that statement form?
5 You can count them.

6 A Well, there's a number of things I --

7 MR. GARCIA: Completely blank? Object as
8 to relevancy, Judge.

9 Q (By Mr. Escobar) How many --

10 THE COURT: Hold -- hold on. Overruled as
11 to relevancy. It's a simple question, though.
12 How many lines are on the -- on the page?

13 THE WITNESS: There's five lines on here.

14 THE COURT: No. How many lines didn't you
15 fill in?

16 THE WITNESS: Well, I could have written a
17 lot more had I known what I was -- I didn't
18 know I needed to complete, for this, an entire
19 statement that would be appearing here. What I
20 thought was I was giving the sheriff's
21 department a general view of what happened that
22 day.

23 MR. ESCOBAR: Judge, he's not being
24 responsive to my question, how many lines --

25 MR. GARCIA: Judge, I object. He is being

1 responsive to the question. He's trying to
2 answer Mr. Escobar's question.

3 THE COURT: Actually, Mr. Escobar's
4 correct. He didn't answer the question.

5 The question's just, how many lines did
6 you leave blank? So how many lines on that --

7 THE WITNESS: Oh, the actual lines?

8 THE COURT: Yeah, right.

9 THE WITNESS: Excuse me, I'm sorry.

10 THE COURT: Right, not a problem.

11 THE WITNESS: One, two, three, four, five,
12 six, seven, eight. Eight.

13 THE COURT: There you go.

14 Q (By Mr. Escobar) You want to count that
15 again? It's much more than eight, correct?

16 MR. GARCIA: Object, Judge.

17 THE COURT: Sustained. He gets to go with
18 the answer he wants.

19 MR. ESCOBAR: No further questions.

20 THE COURT: Okay. Do you have any further
21 questions for this witness, Mr. Garcia?

22 MR. GARCIA: Just briefly.

23 REDIRECT EXAMINATION

24 BY MR. GARCIA:

25 Q Mr. Cummings, were you not interviewed by

1 Detective James Gariepy of the Pasco County
2 Sheriff's Office?

3 A That day?

4 Q Yes, sir.

5 A Yes.

6 Q And did you not give him a complete
7 version of everything that you testified to here in
8 court today?

9 A Yes.

10 Q All of your testimony?

11 A Yes.

12 Q In reference to this statement that you
13 gave, what was your understanding of this statement?

14 A It's just that we were an eyewitness to a
15 crime. I didn't -- and I didn't know it was to be
16 filled out in great detail line by line, minute by
17 minute, activity by activity. I did not know that.

18 Q Okay.

19 A And it wasn't explained like that. We
20 were in a movie theater that still had some lighting
21 problems. Again, I've never done -- I've never done
22 one of these before so I wasn't quite sure exactly
23 what you're supposed to do in total. Had I known
24 that, I would have taken a little more time to do
25 it.

1 Q But you did tell Detective James Gariepy
2 in total everything that was said here today and
3 that you testified?

4 A Yes. It's much -- it was much easier to
5 talk. I still had a lot of blood on my hands when I
6 wrote this that was drying at the time. So it was
7 still a little traumatic in writing it.

8 Q Yes, sir.

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

10 THE COURT: You may.

11 Q (By Mr. Garcia) I think when you were
12 being cross-examined by Mr. Escobar, you had
13 indicated that at some point in time Mr. Oulson had
14 had enough.

15 A Yes.

16 Q Do you remember making that statement?

17 A Yes.

18 Q What did you mean by that?

19 A I just think that going -- whatever the
20 conversations were going back and forth between
21 those two, he probably had had enough and didn't
22 want to -- didn't want to be -- just he wanted to
23 stop it.

24 And I think when the statement --

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

1 at this point. I think it's totally
2 speculative to what he's testifying about.
3 There's no proper predicate for this opinion.

4 MR. GARCIA: Judge, he --

5 THE COURT: Overruled. You opened the
6 door to it.

7 You may continue, Mr. Garcia, but wrap it
8 up.

9 MR. GARCIA: I am, Judge. I was just
10 trying to allow him to finish his answer.

11 Q (By Mr. Garcia) I'm sorry, Mr. Cummings.

12 A I just felt that the give and take and the
13 back and forth, he probably had it. You know, he
14 just, you know what, I'm not texting anymore. Leave
15 me alone.

16 And I did not see him text anymore from
17 the time that the comment was made, I was just
18 texting my two-year-old daughter or something. I
19 did not see anymore texts after that. So I think it
20 was from something -- again, I don't know
21 everything, but I did not see any more texts.

22 Q Thank you, sir.

23 MR. GARCIA: I have no further questions,
24 Judge.

25 MR. ESCOBAR: Just one, Your Honor.

RECROSS EXAMINATION

BY MR. ESCOBAR:

Q Just a couple of questions concerning your interview. You indicated to the prosecution that you were questioned by a law enforcement officer; is that correct?

A Yes, sir.

Q And that was Officer Gariepy; is that correct?

A Yes, sir.

Q And when he questioned you, he questioned you and your son together, correct?

A Yes, sir.

MR. ESCOBAR: No further questions.

A He did talk to us in --

THE COURT: He doesn't have -- he doesn't have any other questions. It's okay.

THE WITNESS: Oh.

THE COURT: All right, great. Thank you for coming in today, sir. All right? You're excused.

You know, could I have that back, though,
that one thing.

(Witness hands Court document.)

THE COURT: Thanks.

1 All right. It never actually got
2 admitted. Do you still wish to have it
3 admitted?

4 MR. ESCOBAR: I do.

5 THE COURT: He read it.

6 MR. ESCOBAR: I do, Your Honor.

7 THE COURT: Do you need it admitted?

8 MR. ESCOBAR: I do.

9 THE COURT: State, it's been read. Do you
10 have any objection to it being admitted at this
11 point?

12 MR. GARCIA: Again, Judge, I don't know
13 the relevancy of it. He has not been impeached
14 with it.

15 THE COURT: Overruled, then.

16 MR. GARCIA: He admitted that it was his
17 writing.

18 THE COURT: Overruled. I'll admit it for
19 the limited purpose of this bond hearing.
20 Okay?

21 All right. State, who would you like to
22 call as your next witness?

23 MR. GARCIA: Judge, the next witness is
24 going to be probably rather long. I don't
25 know --

1 THE COURT: Define rather long.

2 MR. GARCIA: Well, it's going to be
3 more -- I think you've been trying to take
4 breaks every --

5 THE COURT: I have and we've now gone 58
6 minutes, yes.

7 MR. GARCIA: So we're getting close to
8 that time period. It's going to go past the
9 time that you would normally take your break.

10 THE COURT: Let's take a ten-minute
11 recess, though. Although, when I say ten
12 minutes this time, I actually mean at 4:12
13 we're going to start again. Okay?

14 So until 4:12 we're in recess.

15 (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 18th day of March, 2014.

A large black rectangular redaction box covering the signature of Melinda McClain.

Melinda McClain, RPR