

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT
IN AND FOR HENDRY COUNTY, FLORIDA CIVIL ACTION

[REDACTED], Individually,
and as Parent and Natural
Guardian of [REDACTED],
a Minor,

Plaintiff,

vs.

CASE NO. [REDACTED]

RICHARD CARLTON SMITH,

Defendant.

_____/

DEPOSITION OF VERNON J. SPEAK

DATE TAKEN: August 10, 2016

TIME: 10:00 a.m. to 12:47 p.m.

BEHALF OF: The Plaintiff

PLACE TAKEN: Fort Myers Court Reporting
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Suite 120
Fort Myers, Florida 33901

REPORTER: [REDACTED]
Notary Public
State of Florida at Large

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1 Thereupon,

2 VERNON J. SPEAK,

3 Deponent, having first been duly sworn, upon his oath,
4 testified as follows:

5 DIRECT EXAMINATION

6 BY MR. RAMUNNI:

7 Q Can you state your name, please?

8 A Vernon Speak.

9 Q How are you employed?

10 A Hendry County Sheriff's Office, Criminal

11 Investigations Division.

12 Q All right. And you are here pursuant to
13 I think originally a subpoena for deposition in the case
14 [REDACTED] versus Richard Carlton Smith, which is a
15 Hendry County Circuit Court case, [REDACTED].

16 I believe you were subpoenaed originally, correct?

17 A Yes, sir.

18 Q All right. And then we had to continue it,
19 I think, once --

20 A Correct.

21 Q -- because you were under the trial subpoena
22 for the State Attorney's Office?

23 A Correct.

24 Q Okay. I know with -- well, my name is Steve
25 Ramunni. I'm one of the attorneys on behalf of the

1 plaintiff, [REDACTED] and it's my understanding that
2 you at the time were on road patrol at the sheriff's
3 department back in September, I think, of 2015?

4 A Correct.

5 Q And you may have initially investigated a
6 possible hit and run case where the alleged victim would
7 be our client, [REDACTED]?

8 A Correct.

9 Q Okay. What do you recall as far as being your
10 initial involvement or how you -- how you came to be

11 assigned to this?

12 A From what I can recall, the call came out at
13 our main office for a complaint of a hit and run, was
14 said to be a young girl who was on her way to her bus
15 stop.

16 Q When you say, main office, you mean the
17 sheriff's department in LaBelle?

18 A Correct, 101 South Bridge.

19 Q So you were dispatched -- you were on the
20 road, I'm assuming, at the time?

21 A Correct.

22 Q And you were dispatched to the main office of
23 the sheriff's department there --

24 A Correct.

25 Q -- on Bridge Street?

1 A (Nodding of head.)

2 Q Do you remember about what time it was that
3 you were initially dispatched?

4 A Not off the top of my head, but if I look
5 here --

6 Q Okay.

7 A -- my report was at 8:47. I want to say it
8 was close to that. It was probably closer to 8:00.

9 Q Okay. And I know you just made reference to
10 that you're referring to a report. And we can make this

11 an exhibit, and we probably should have made one more
12 copy for you at the time, but I had received -- it
13 appears to be a report that you prepared, but then
14 there -- it appeared to be, like, a running narrative
15 with different dates and times during the course of the
16 investigation, and it appears to be about five pages
17 altogether, but then I have a second report that seems
18 to repeat itself and -- but then it has an attachment at
19 the end or a supplemental narrative by a Lieutenant
20 Woods, and that's a six-page report.

21 But, in any event, what I'm going to do is I'm
22 going to mark the entire 11 pages as an exhibit, and
23 I want to make sure that you have -- or we're both
24 looking at the same report. So if you don't mind, we
25 can maybe save some time.

1 A Right.

2 Q Oh, so you actually have the second part of
3 it, the six-page report.

4 A Okay.

5 Q All right. So what I'll do is I will try
6 to -- if I do reference a certain page, I'll try to make
7 sure the record's clear what page I'm looking at or what
8 page you're looking at. So what we'll do is we'll mark
9 this as Exhibit No. -- Plaintiff's Exhibit No. 1, and
10 we'll put a copy there at the end.

11 So I guess starting with the -- the report
12 itself, it looks like you initiated a -- what's called
13 an offense report?

14 A Yes, sir.

15 Q Okay. So when you went to the sheriff's
16 department on November 11th of 2015, what -- you said it
17 was with regards to a potential hit and run, who do you
18 meet with?

19 A September?

20 Q September 11th of 2015?

21 A Yes.

22 Q Yes.

23 A I met with [REDACTED] who was the girl who was
24 hit, her mother, [REDACTED] and her father,

25 [REDACTED]

1 Q And who or what was reported to you, best you
2 can recall?

3 A The mother and father were talking to me and
4 explained to me that there -- they got a call from their
5 daughter at school from the clinic stating that she had
6 been hit by a truck on her way to the school bus and
7 that there was -- I guess the parents were already at
8 work, so she went on and got on the bus, went to school
9 and told the nurse, and the nurse called the parents.
10 They rushed there to get her and brought her straight to
11 the sheriff's office.

12 Q Okay. While you were initially meeting with
13 them, did you have an opportunity to speak with [REDACTED]

14 A Yes, sir.

15 Q What did she tell you happened?

16 A She just said that she was walking along
17 Nobles from her house to her bus stop.

18 Q Do you know about what time of day that would
19 have been?

20 A I want to think, if I remember, around 6:40 in
21 the morning.

22 Q And it would have been the same day as this
23 report that you took?

24 A Correct, same day the report was generated.

25 Q Okay.

1 A I believe I generated the report around 8:09,
2 it looks like. No, excuse me. I believe I met with
3 them around 8:09 and started the report at 8:47.

4 Q Gotcha.

5 A And it supposedly happened at 6:40.

6 Q Okay. You know, and I know you're on call, so
7 if you need to certainly take a break if you have some
8 sort of work issue that you need -- where you're getting
9 a call, just tell us, Hey, I've got to take this.

10 A Okay. All right.

11 Q I don't think there's any particular --

12 A It's the captain.

13 Q Do you need to take it, I mean, or --

14 A I probably should see what he wants if --

15 MR. RAMUNNI: Yeah, okay, we can go off the
16 record, and you go make your call.

17 (A recess was taken from 10:07 a.m. to
18 10:16 a.m.)

19 (Exhibit 1 was marked for identification.)

20 BY MR. RAMUNNI:

21 Q Okay. I think when we went off we were just
22 initially talking about what [REDACTED] had told you
23 happened, so if you don't mind starting over again.

24 A Okay. So she said she's walking to the school
25 bus from her residence, [REDACTED]

1 [REDACTED] would be her
2 bus stop. She's walking down. She says she's where she
3 usually walks on the dirt path on the side of the road,
4 and she felt something hit her, loud crash, she stumbles
5 forward, looks up and sees what she said was a white
6 truck. Said it looks similar to [REDACTED]
7 She said it looked like a Ford pickup.

8 Q She specifically said pickup?

9 A Yes.

10 Q Okay.

11 A And she actually said Ford as well. She says
12 that she yelled, screamed, nobody was out yet. A couple
13 people were coming out right after that, some friends of
14 hers at the bus stop. They hadn't seen it because they
15 were still inside, I believe. She told them what
16 happened. They were like, We need to get you to the
17 nurse. So they went to the school bus, went to school,
18 went to the nurse and called the parents.

19 Q So the -- when you say, they, this would have
20 been maybe a couple of the other kids --

21 A There were a couple kids out at the school
22 bus. One of them was a male. I can't remember what his
23 name was.

24 Q Did you ever talk to anybody on the bus --

25 A No.

1 Q -- during your investigation?

2 A No. No. She had told us nobody else was out
3 at the time, so we didn't go further to find anybody
4 else.

5 Q Okay. Do you remember anything else she might
6 have told you at that point?

7 A I just -- I was trying to get a good
8 description from her, because this being a rural
9 community and farming, there's a lot of white trucks.
10 Specific questions as to: What did you see? Could you

11 see the driver? Did they come back? Anything like
12 that?

13 She's like, No, nobody came back. She goes,
14 I just -- I walked to the bus stop and the bus picked us
15 up. I never saw this vehicle, so there wasn't a lot for
16 us to go on besides the initial description.

17 Q Did you talk to the parents at all, or they
18 were just there --

19 A They were there just listening. I know
20 they -- she had already explained it to them, but more
21 or less they were just listening.

22 Q When you took this initial statement from
23 [REDACTED] was this taped, was it written, or it was just
24 a verbal --

25 A No. It was just a quick initial conversation

1 to find out what was wrong, and immediately I found out
2 she hadn't been to the hospital yet. And I told the
3 parents, I will start a report. Take her to the
4 hospital. Come back when you're done. And they took
5 her straight to the hospital.

6 Q Okay. So what did you do next then in the
7 sequence of events?

8 A The first thing I did was got in the car and
9 went to the scene. At this point it's daylight out.

10 Q You would have been in a marked unit?

11 A A marked Hendry County unit, yeah.

12 Q And you're in uniform at the time?

13 A Yes.

14 Q Road deputy uniform?

15 A Yes, sir.

16 Q Okay. All right. Go ahead. I'm sorry.

17 A Went to the scene to try and locate the area
18 where she was talking about. She had given me her
19 address, [REDACTED] So I started there in my patrol
20 car and drove down the road a couple times to see if
21 I could locate anything. And on the first pass I did
22 notice some pieces of plastic and some glass. Not sure
23 if that was the scene or not, I pulled over in a
24 driveway and started walking the scene to get a better
25 view, and at that point I found pieces of the mirror, a

1 lot of glass, and then further down I can't -- I'm not
2 going to guess at how far, but a decent little distance
3 down there was more pieces of the mirror, suspected
4 I believe what was -- what hit her was the -- the truck
5 mirror.

6 Q Do you recall the approximate distance between
7 her home and where the scene that you believe would have
8 been the scene of the accident?

9 A I don't -- I don't recall the exact distance.

10 Q Upon --

11 A Thinking about it now, from her residence to
12 [REDACTED] maybe 300 yards, 400 yards.

13 Q And then how much further would it have been
14 to the actual bus stop if --

15 A She wasn't far from the bus stop when she was
16 struck. She was probably less than a hundred yards.

17 Q Okay.

18 A And these are guestimates. I can't -- I can't
19 say for sure.

20 Q Okay. So when you start seeing pieces of a
21 mirror, did you recognize them as being from a Ford
22 pickup truck or --

23 A Pieces of the mirror, yeah, I recognized,
24 looked like it would have been from a Ford truck. The
25 glass -- a lot of glass was broken, but the housing on

1 the mirror, the back plate of the mirror, that stuff was
2 there.

3 Q Oh, so -- all right. I'll try to -- if I
4 describe something incorrectly, obviously, you know,
5 tell me.

6 Okay. So you have the side -- this would be
7 the actual side view mirror?

8 A Passenger's side mirror.

9 Q Passenger's side view mirror?

10 A Yes, sir.

11 Q And approximately, if you know, how -- how --
12 the dimensions, like, how tall or how wide?

13 (Discussion off the record.)

14 THE WITNESS: Where were we? I'm sorry.

15 BY MR. RAMUNNI:

16 Q Oh, describing the side view mirror.

17 A Describing the mirror. This -- this -- it
18 resembled to me a forward mirror, because the housing on
19 these mirrors is in two pieces, and it's actually
20 similar to our patrol cars where the mirror is an oval
21 shape, plastic black housing, and on the very top
22 there's a cap, and that cap can come off if it's hit.
23 That cap was separate from the rest of the mirror that
24 I found. Found more of the mirror without that cap and
25 then glass in between.

1 Q So you -- you believe that these articles
2 consisting of glass and the housing were the area -- was
3 the area surrounding the impact area --

4 A Correct. And --

5 Q -- so to speak?

6 A -- more facts to put that together was looking
7 traveling on the side of the road, you can see where --
8 the well-worn path in the grass where the children
9 walked to the school bus every day, footprints in the
10 sand, and you could actually see, and I believe -- and

11 it's in my photos -- one that looks like it was a
12 stumble as opposed to a step, and that's where I started
13 seeing the pieces of evidence.

14 Q So as far as describing, without the visual in
15 front of us by way of a photograph, when you say,
16 stumble, what would appear to be different in the sand
17 as opposed to a normal footstep?

18 A More like a dig in the sand, like a divot as
19 compared to a step just on top of the surface of the
20 sand.

21 Q But in sequence with the --

22 A With the steps, correct.

23 Q -- footprints?

24 A Correct.

25 Q Okay.

1 A Also this mirror was odd from most, because on
2 an F-150 pickup you'll -- standard, you'll just have a
3 regular mirror. This one had an extra mirror on the
4 bottom, so it's oversized, like it was for a specialty
5 item for maybe towing or wide loads. You don't --
6 standard -- it's not standard to see that on a regular
7 half-ton pickup.

8 Q And I'm assuming that you gathered up whatever
9 pieces of the mirror that you were able to --

10 A Correct.

11 Q -- to see?

12 A Yes, sir.

13 Q And those were put into evidence?

14 A Correct.

15 Q Would they still be in evidence?

16 A Yes.

17 Q At the sheriff's department?

18 A Correct.

19 Q Via the evidence custodian?

20 A Correct.

21 Q Okay. Besides the pieces of the mirror, did
22 you collect any other physical evidence at the scene?

23 A Just photographs.

24 Q Do you recall approximately how many
25 photographs you took?

1 A Not without guessing.

2 Q Okay.

3 A Not without guessing.

4 Q I'm assuming, though, it would have been as
5 you first saw the scene depicted with --

6 A Yes.

7 Q -- glass or the housing units on the side of
8 the road and the footprints?

9 A Right. I took photographs from each end of
10 the scene. I took a photograph of the driveway where

11 she was actually -- next to where she was struck, which
12 was covered in the glass and the mirror. I took a
13 picture of across the street so I could see exactly what
14 was across the street as far as a residence or a wooded
15 lot. There was a good amount of photographs. And then
16 of course up close on each piece of evidence and each
17 section of glass that I found, the footprints, the divot
18 and everything.

19 Q So it sounds like you have multiple
20 photographs --

21 A Yes, sir.

22 Q -- that were, again, put into evidence with
23 the evidence custodian?

24 A Correct. Well, no, the -- the photographs
25 don't go into evidence. The photographs get uploaded to

1 the case, because they're all digital.

2 Q So I guess in the digital age if one was to
3 make a public records request, it would also expect to
4 include photographs -- the photographs that were
5 uploaded digitally, I'm assuming, or --

6 A I would believe so. No idea.

7 Q Okay. All right. So instead of a physical
8 photo like in the old days --

9 A Yeah.

10 Q I'm aging myself on some respect -- in some
11 respects, but in the old days you would take the
12 physical photograph, put it into evidence. Now you just
13 did it digitally; it's uploaded into the case file?

14 A Correct.

15 Q And it's all stored electronically via the
16 sheriff's department?

17 A Correct.

18 Q And the actual physical evidence, like the
19 pieces -- in this case, the pieces of the mirror that
20 you collected would be turned over to the evidence
21 custodian?

22 A Correct.

23 Q Okay. Besides photographs and pieces of the
24 mirror, did you see or collect anything else at the
25 scene?

1 A Not that I recall.

2 Q Do you recall approximately how long you spent
3 at the scene investigating initially?

4 A Not without guessing, but I -- from what I can
5 recall, I was 45 minutes to an hour.

6 Q Were you alone when you were conducting this
7 investigation, or was there another deputy?

8 A I was alone on the scene.

9 Q Okay. So when you concluded your
10 investigation at the scene, what did you do next?

11 A I'm trying to recall. This is a -- it's hard
12 to remember anything besides the case. I know that they
13 had gone to the hospital, and by the time I finished the
14 scene they weren't -- I don't believe they were back
15 yet, so I would have continued to drive the area or
16 respond to other calls.

17 Q Okay. What did you do with the evidence that
18 you had collected?

19 A The evidence that I collected initially I put
20 into evidence bags and took them over to the Ford
21 dealership.

22 Q The local Ford dealership?

23 A Local Ford, Langford Ford, as it was at that
24 time. Went into the parts and service department to run
25 some of the serial numbers on the mirrors to try to

1 establish whether or not we had a good description of
2 the vehicle. And in doing so we located in the system
3 this part which did belong on a 2011 to 2014 Ford F-150
4 pickup, either XLT or Lariat.

5 Q So evidently part of the pieces of the mirror
6 had enough of an identification or serial number to get
7 you into the general vicinity like you've --

8 A Correct.

9 Q -- reported?

10 A Correct.

11 Q Okay. Were they able to advise you as to any

12 other details? I know your report says 2011 to 2014
13 Ford F-150 pickup and either an XLT or Lariat edition?

14 A Right.

15 Q And that's your recollection of how they match
16 that serial number, so it came specifically to a type of
17 model --

18 A Correct.

19 Q -- of F-150?

20 A Correct.

21 Q Okay. What did you do next then?

22 A Got with dispatch, and we entered a BOLO,
23 attempted to locate the vehicle for all of region six.

24 Q I think you said earlier that Lisabel was able
25 to give you a color of the vehicle?

1 A Yes.

2 Q All right.

3 A She did tell us it was white.

4 Q So I'm assuming then that when you had
5 dispatch do a BOLO, it was for a white Ford F-150 XLT --

6 A Correct.

7 Q -- or Lariat?

8 A Approximately that year range.

9 Q Okay. What did you do next?

10 A Well, we did canvass the area further.

11 Q That would have been the same day or --

12 A Same day.

13 Q Same day?

14 A Same day, correct.

15 Q Okay.

16 A And according to my notes we did recover two
17 latent prints which would have been on the mirror. The
18 three mirror pieces and the prints were entered into
19 evidence.

20 Q With regards to an analysis of the prints, do
21 you know if --

22 A I have not heard back from anything.

23 Q Well, what would be the normal process within
24 the sheriff's department when somebody who's
25 investigating a crime turns in potential evidence that

1 contains fingerprints?

2 A Typically with this type, when you collect a
3 latent print from anything, it goes straight to evidence
4 and evidence is supposed to send that off to FDLE for
5 analysis.

6 Q So that would be up to the evidence custodian?

7 A It's policy that it gets sent off.

8 Q So it's an automatic policy?

9 A Right.

10 Q Anything with prints?

11 A I mean, if it's an active case and we've

12 located prints, they're going to be sent off to FDLE.

13 Q But whether or not that was done or --

14 A I don't recall.

15 Q Okay. That's fine. Would there be, I'm
16 assuming, a record with the evidence custodian as to
17 whether or not that that was done -- whether or not that
18 was done?

19 A If there are -- if the evidence custodian sent
20 it off, he would update that in the case, in this actual
21 case, and it would show that it was sent off at a given
22 date, and if the analysis came back the case would be
23 updated.

24 Q Okay. At the time, who was the evidence
25 custodian --

1 A I'm not sure --

2 Q -- if you know?

3 A -- if they were both there, but I know Cory
4 Mundy was still working -- or is still working. Donna
5 Mansell may have still been there at that time as well.

6 Q Can you spell Mundy and Mansell for the court
7 reporter?

8 A Mundy is M-U-N-D-Y. Mansell, M-A-N-S-E-L-L.

9 Q So I'm assuming that once you turned it in to
10 the evidence custodian, you haven't handled or dealt

11 with the evidence -- the physical evidence in any
12 respect, or would you have had occasion during the
13 investigation to go back to the evidence and log out --
14 log it out?

15 A No. The evidence, once I turn it over, it
16 was -- should have never been touched again. I have
17 not -- I've not requested it for any reason.

18 Q While you were handling the evidence before it
19 was turned in to the evidence custodian and specifically
20 at Ford, did you always maintain contact with the
21 evidence, or was it in your direct --

22 A It was always in my control, care and control,
23 in my vehicle, at the Ford dealer, while we're searching
24 the parts, and back to my vehicle, back to evidence.

25 Q I'm assuming that there's some protocol at the

1 sheriff's department where when you log in evidence, you
2 write the day --

3 A Right, chain of custody.

4 Q -- and the time, agency number, so you're on
5 the chain of custody and --

6 A Right. And there would be a property receipt
7 with all that information on it attached to the case.

8 Q Okay. On the 11th, which would have been the
9 day of the initial incident, did you do anything else
10 that you believe would have been pertinent or relevant
11 to your investigation?

12 A The parents did come back with [REDACTED] stating
13 that she had bruising to her shoulder, back, and the
14 back of her head, was expected to get -- according to
15 what the doctor told them and what they told me, was
16 expected to get worse. Should have been photos attached
17 to that.

18 They said X-rays were taken which showed no
19 breaks on any bones, but it is unknown whether the --
20 tearing to the rotator cuff or anything to her shoulder.
21 Follow-up exams were to be conducted.

22 Q Do you recall meeting again with them for the
23 second time that day once they returned from the
24 hospital?

25 A Yes.

1 Q Did you speak with ██████████ again, or just
2 essentially was it the parents relaying to you --

3 A It was all three of us. We all three spoke
4 just like the first time.

5 Q But essentially they were just relaying --

6 A Relayed information from the doctor.

7 Q From the doctor. Not so much anything having
8 to do with the incident again or --

9 A Well, we spoke a little more about the case to
10 try to, again, establish more information, because at
11 this point we had already got information from Ford. So

12 confirming that with her, that it was a white truck and
13 that she believed it to be a Ford and it was a pickup
14 truck, those things were all consistent with our
15 findings, so we wouldn't have spent too much more time
16 on that while she confirmed that.

17 Q And, again, when you spoke with her and the
18 parents the second time, this was just a verbal
19 exchange?

20 A Correct.

21 Q And at some point you went and you entered the
22 initial report into the sheriff department's system?

23 A Correct.

24 Q Would that have been done on the same day?

25 A Same day. Our policy is to have our reports

1 completed by the end of shift. Typically we do them
2 immediately unless we're running other calls.

3 Q At that point in time do you recall the hours
4 of your shift?

5 A 6 a.m. to 6 p.m.

6 Q So you had really just come on duty that --

7 A Correct.

8 Q -- that day?

9 A Couple hours.

10 Q So looking at the report that's been marked as

11 Exhibit 1 and referencing, I believe, on page 1, you had
12 earlier stated that, on the very top, the report date
13 and time being 9/11/15, 8:47 a.m., that would have been
14 when you actually started entering this into the system?

15 A 8:47 a.m. would have been when I generated the
16 report. And that doesn't mean it was finished. It just
17 means I opened the report to work on.

18 Q Okay. Now, I -- I see on the report, it
19 appears that, like, pages 1 and 2 cover this initial
20 part of your investigation, and then at the bottom of
21 page 2 there's a supplemental narrative that looks like
22 it was entered on 9/16/2015 at 1:37 p.m. by Michael
23 Moore?

24 A Right.

25 Q Who is that?

1 A Mike Moore is an investigator in the Criminal
2 Investigations Division.

3 Q Do you know why he was involved in this
4 particular case at that point?

5 A Well, because we didn't find any more leads
6 working it as a road patrol function. For that reason,
7 at the end of shift I would have forwarded it to CID for
8 them to investigate further.

9 Q And CID would be Criminal Investigations --

10 A Criminal Investigations Division, correct.

11 Q And they would be the detectives --

12 A Right.

13 Q -- who would follow up on any investigation --

14 A Right.

15 Q -- that wasn't -- or I guess more or less an
16 arrest wasn't immediately made, so --

17 A Right.

18 Q Okay. And it looks like the gist of Moore's
19 part of this is that he really didn't develop any
20 additional information, but it looks like he met with
21 Lisabel?

22 A I believe in his narrative he states he met
23 with her at the school to speak with her as to try to
24 develop further leads.

25 Q So then when he enters this portion of the

1 report, which is very brief, he again would go into the
2 sheriff's department system, and I think it's called the
3 CAD, or what -- what's your overall system called?

4 A Well, the CAD system to try and locate
5 information about the call. You could do the same thing
6 through case management.

7 Q But he physically can go into this report --

8 A Yes.

9 Q -- and enter his portion of --

10 A Right. He has all access and rights as an

11 investigator to get into the report and add things to
12 it, add narratives, add evidence, whatever he could find
13 in a case.

14 Q So it looks like he's basically trying to run
15 down information from the local Ford dealerships
16 concerning whether or not anybody had been in for
17 repairs recently?

18 A Correct, right.

19 Q Had you been in communication with Detective
20 Moore from the 11th through the 16th when he -- when he
21 did his report?

22 A I'm not sure what dates we had communication,
23 but we did speak about the case on a couple of
24 occasions.

25 Q During this four- or five-day period, had you

1 performed any other tasks within the investigation part?

2 A Throughout the entire investigation, from the
3 day I turned it over to CID, which was the initial day
4 at the end of shift, up until later on in the case, we
5 still BOLO'd in the morning. We still patrolled the
6 area in the mornings about the time she was crashed,
7 trying to attempt to locate that vehicle.

8 Q And since -- so I'm assuming your shift was
9 6 a.m. to --

10 A Right, 6 p.m. It was --

11 Q -- 6 p.m.?

12 A -- the right time to be there.

13 Q And you weren't able to during that initial
14 period --

15 A The initial period we never located that
16 vehicle. Others like it, but with different mirrors,
17 showing that it's not that vehicle.

18 Q Now, it looks like -- in the sequence of the
19 report on page 3 there's another supplemental narrative
20 entered on 9/22/15 at 9:06 a.m., again by Detective
21 Moore, is it?

22 A Yes.

23 Q Okay. And he's basically just, I guess,
24 updating the file, it appears?

25 A Correct. Correct.

1 Q He was informed of a driver contact matching
2 and a check was run. Would this information have come
3 from you?

4 A Yes.

5 Q And, again, it looks like he got some more
6 supplemental information as far as what time the bus
7 pickup is and --

8 A Right.

9 Q -- so on and so forth?

10 So how were you able to develop the
11 information matching the specific vehicle and person
12 with the person being involved in this accident?

13 A Taking an interest in the case and knowing
14 that CID was working on it, but their hours are
15 different than ours, I did everything I could to assist
16 in the case, because my hours were two hours -- or my
17 shift was two hours earlier than theirs would give me a
18 good opportunity to locate this vehicle, a much better
19 opportunity than they would have to locate it.

20 So we continued to do patrols, myself and my
21 partner at the time, in the area, doing radar and any
22 type of violations that we could try to attempt to
23 locate this vehicle.

24 Q Okay. And were you able to locate the
25 vehicle?

1 A We did.

2 Q How were you able to do that?

3 A We were sitting stationary in the same exact
4 area on a side road looking for vehicles matching the
5 description, and it was -- again, I don't recall what
6 time, six something in the morning, 6:10. We were doing
7 patrol on [REDACTED] which runs perpendicular to
8 [REDACTED] And this particular side is a dead end, so
9 it's a good spot to sit and watch traffic come and go,
10 and you can see two stop signs from that spot.

11 Observed a truck moving at what appeared to be
12 a high rate of speed. We were not in our right position
13 to run radar, but it did appear to be traveling over the
14 posted speed limit, and as we watched it, I said, Is
15 that -- the guy next to me, I said, Does that look like
16 a white Ford F-150?

17 He said, Yeah, it does.

18 And as soon as we said that he came up to the
19 stop sign at 78 and rolled right through it.

20 Q Okay. Let me stop you there.

21 A Okay.

22 Q Who was with you at that point?

23 A Deputy David Cameron. He was assisting me
24 most every morning out there trying to locate this
25 vehicle.

1 Q Were you in the same unit or in separate
2 units?

3 A Same unit. We were on the same shift working
4 under Sergeant Shawn Reed.

5 Q So he would have been passenger, or you would
6 have been passenger --

7 A He was in his vehicle.

8 Q Oh, yeah. I'm sorry. Okay. So --

9 A Oh, you mean patrol unit?

10 Q Yeah.

11 A Yeah, he has his own patrol unit, I have mine.

12 Q Okay.

13 A And we sit basically facing opposite
14 directions next to each other so we can communicate and
15 watch both sides.

16 Q I gotcha. I gotcha. And that's Shawn
17 Cameron?

18 A David Cameron.

19 Q David Cameron. I'm sorry. And it's
20 C-A-M-E-R-O-N, I believe?

21 A Yes.

22 Q Is he still with the sheriff's department?

23 A Yes, he is.

24 Q Is he still road patrol, or is he --

25 A He has been road patrol. He switched over to

1 the DUI task force, but he is on shift coverage because
2 we're so short.

3 Q All right. So essentially you and Deputy
4 Cameron were side by side. You see a white pickup truck
5 roll the stop sign. So what happened next?

6 A So I was facing the right direction, so I took
7 off after it to try and catch up. Cameron turned, did a
8 U-ey, came behind me, attempted to catch up to the
9 vehicle, which again was moving at what appeared to be
10 over the posted speed limit.

11 The vehicle approached North Bridge. As I was
12 catching up to it, it took off again, and as soon as
13 I turned the corner I hit my lights and conducted a
14 traffic stop near the intersection of Buser on North
15 Bridge.

16 Q Bridge Street and Buser?

17 A Buser.

18 Q B-U-S-E-R, I think?

19 A Yes.

20 Q All right. So tell me what happened as a
21 result of the traffic stop.

22 A So I exit my vehicle, and immediately I see
23 that the driver's side mirror is the same type of mirror
24 that I was looking for on this type of vehicle.

25 Q So you would have approached from the driver's

1 side?

2 A No.

3 Q Oh.

4 A Typically you would --

5 Q Uh-huh.

6 A -- but because we're on North Bridge, I went
7 around the passenger's side because that's a high
8 traffic area.

9 Q Gotcha.

10 A And it's still limited light. Did not want to

11 be in traffic, so I came around the passenger's side.

12 Initially, obviously, I'm looking at everything on the
13 truck to try and determine if this is my vehicle that
14 I'm looking for or not. And I notice that the
15 passenger's side mirror appeared to be new and clean and
16 shiny, and the rest of the truck appeared to be dirty,
17 dusty.

18 So I made contact with the passenger,
19 I introduced myself, talking to the driver across from
20 him. I asked him if he knew why I stopped him, and he
21 said, Yes. I'm sorry. I'm sorry. I know I was
22 speeding and I rolled the stop sign, but I'm in a hurry.
23 I'm running late for work. I gotta get to Everglades
24 City.

25 Q When you initially perfected the traffic stop

1 and you approached from the passenger's side, did you
2 ask for anybody's IDs?

3 A Yes, I would have asked for both IDs.

4 Q Were both occupants able to produce some form
5 of ID to you?

6 A Yes. I want to look at my notes, because
7 I know the driver gave me his ID. I'm pretty sure his
8 passenger did as well.

9 Q Yeah, that's fine. I mean, you can freely
10 look at -- I don't have any issue with you looking at
11 your notes.

12 A Okay, yeah.

13 Q What we usually try to do, though, is identify
14 for the record, you know, what page you're looking at so
15 this way we can --

16 A Okay.

17 Q -- keep up with it if we're looking at the
18 transcript and comparing to your notes.

19 A All right. The bottom of my page 3 --

20 Q Okay.

21 A -- which was my supplemental narrative that
22 I added.

23 Q So I have then the next entry as being your
24 supplemental narrative dated September 22, 2015, at
25 7:21 p.m.?

1 A Correct.

2 Q Okay.

3 A So running the vehicle through dispatch, it
4 did come back as a 2011 pickup Ford, white in color.
5 I did make contact with the driver and identified him by
6 his Florida issued driver's license as Richard Carlton
7 Smith, date of birth [REDACTED] I introduced myself, and
8 before I could say more, again Smith advised he was
9 sorry for his driving, he was in a hurry, running late
10 for work.

11 Q Now, as far as Deputy Cameron, where was he at
12 this point in time?

13 A Cameron would have been behind me towards the
14 rear of the truck to try and watch the driver and me at
15 the same time.

16 Q And his unit would have been behind your unit?

17 A His unit was basically adjacent to mine,
18 behind it and to the right to provide more lighting.

19 Q Okay. It was still fairly early, so --

20 A Yes.

21 Q -- being September and the 6:00 hour, it would
22 have been about the same lighting as the time of the
23 incident, you believe?

24 A Approximately.

25 Q Okay. So you needed to use your headlights

1 and --

2 A Yes.

3 Q -- you had your overhead lights on --

4 A Correct.

5 Q -- for --

6 A Spotlight.

7 Q -- for caution and spotlights?

8 A Correct.

9 Q And what about his unit, same?

10 A He had the same lights, but he does -- his
11 ~~spotlight wouldn't have been efficient for his position.~~

12 Q Oh, okay. So what happened next?

13 A Again, he -- he apologized, I'm running late
14 for work. I asked him what he did wrong. He did admit
15 to speeding and running the stop sign. I told him he
16 was right, and that is what caught my attention.

17 Again, I noted that the vehicle was dirty, but
18 the passenger's side mirror looked brand-new. In the
19 conversation I asked the driver, Richard Smith, if, by
20 chance, he had struck something on the side of the road
21 a week or two ago. He advised that he did.

22 I asked Smith when it was that he had his
23 mirror replaced. He advised recently. I asked Smith
24 where he got it fixed at. He said he did it himself and
25 had purchased the parts online.

1 I asked Smith approximately when the accident
2 was, and he advised it was between a week and two weeks
3 ago. I asked Smith if he believed it was on
4 September 11th. He advised that it was.

5 Q So you specifically gave him the date of the
6 incident?

7 A Correct.

8 Q And Mr. Smith confirmed to you that he had
9 been in an accident on the same date?

10 A Correct.

11 You want me to continue?

12 Q Yeah. Go ahead.

13 A I asked Smith what time it was in the morning
14 when this happened. He advised about the same time he
15 passed today, but maybe a little earlier as he was on
16 his way to work. At that time I returned to my patrol
17 car to try and make contact with Detective Sergeant
18 Moore who was the active investigator on the case.

19 Q Were you able to make contact with him?

20 A I did not note it, so I don't think I did at
21 that time.

22 Q Okay.

23 A A lot happened at that point.

24 Q Okay. So I guess in the sequence of things
25 what would have happened next?

1 A I would have -- and I don't recall if I ran
2 his license by number over my portable. I'm assuming
3 that because I went to my car I would have ran it
4 through my car or over the radio in my car. Our
5 portables are not very good.

6 Q When you say, portable, it would be --

7 A Portable radio.

8 Q Oh, okay.

9 A If we get to our vehicle it's much clearer,
10 and we don't have to do it six times for them to hear
11 it.

12 Q Okay. So you're in your unit, and I'm
13 thinking -- taking it Deputy Cameron's still nearby
14 watching?

15 A He was between our cars, because when we park
16 like that for officer safety reasons, he's watching the
17 scene and watching other traffic. So what I'll do is
18 put my windows down so I can listen and talk to him at
19 the same time. He would have been standing between our
20 two cars next to my window.

21 Q I understand. All right. And then at some
22 point in time it looks like you had another conversation
23 with Smith and he told you that he had called the
24 sheriff?

25 A No, that -- it's a little -- that's a little

1 forward from where we're at.

2 Q Oh, okay. Go ahead. I don't want to --

3 A In my patrol car taking -- running the
4 numbers, the licenses for him and his passenger, which
5 he said was his son, Deputy Cameron actually received a
6 phone call from Sheriff Whidden asking about details of
7 the traffic stop.

8 He was, Yes, sir, no, sir, and I'm trying to
9 see who he's talking to, because usually our sergeant
10 wouldn't be calling, and I asked him who it was. He
11 said, It's the sheriff. And I could hear him talking to
12 the sheriff and said, No, this isn't my case. This is

13 Speak's traffic stop. Do you want to talk to him?

14 Q So how long from the point in time that you
15 stop the vehicle for running the stop sign to when the
16 phone rang on Deputy Cameron's cell phone, I'm taking
17 it?

18 A Yes. I don't think it was more than five
19 minutes. I can't give you an exact, but typically when
20 we conversate and leave the vehicle it's not for more
21 than five minutes before we return and try to go further
22 in the call or the traffic stop, the investigation.

23 Q So you actually heard Deputy Cameron's cell
24 phone ring?

25 A Yes.

1 Q And then you heard at least one side of the
2 conversation?

3 A Right. And it caught my attention because
4 when you are backup on a traffic stop or even primary on
5 a traffic stop, you don't take phone calls. It's not
6 good practice for officer safety reasons. So the fact
7 that he was on the phone, I'm like, What are you doing?
8 This -- he knew what we were investigating. He knew it
9 was serious. So I was concerned that he was on his
10 phone instead of paying attention to the scene.

11 Q Now, at this point in time you would have been
12 investigating a felony?

13 A Yes. This would have been --

14 MS. FLANDREAU: Objection to form.

15 Q Okay.

16 A Sorry.

17 Q What type of crime were you investigating at
18 this point in time?

19 A It was a hit and run accident with bodily
20 injury.

21 Q Under your understanding of the criminal
22 statutes in Florida, what degree or what level of crime
23 would a hit and run --

24 A It would be classified as a third-degree
25 felony.

1 Q With personal injury?

2 A Correct.

3 Q Okay. All right. Go ahead. I'm sorry.

4 A Where were we at?

5 Q I think he's on the phone with the -- with
6 what you believe to be the sheriff.

7 A Okay. And I did hear him tell the sheriff
8 that this was not his call, it was Deputy Speak's. Do
9 you want to talk to him? I don't recall if he called my
10 phone or Cameron gave me his phone. I don't recall.

11 Q "He" being the -- the sheriff actually called
12 your phone?

13 A Right. I don't know if he had called mine or
14 Cameron gave me his phone. I don't remember. But he
15 asked what was going on.

16 Q So you got on the phone with the sheriff?

17 A With the sheriff, right. He asked what was
18 going on, so I told him, I'm on a traffic stop reference
19 to a hit and run investigation and that I was -- found
20 the vehicle I had been looking for for nearly two weeks.

21 And he said, Yeah, I just talked to him. He's
22 in a hurry to get to work. Can you get him out of
23 there?

24 I said, Well, we're doing an investigation.
25 It's a felony investigation for a hit and run with

1 bodily injury. I said, I need to interview him. He's
2 already told me that he was involved in a crash.

3 Q And "he" being Smith is who you're referring
4 to?

5 A Mr. Smith, correct, from his earlier
6 statements.

7 So the sheriff was concerned that he was going
8 to be -- that Mr. Smith was going to be late for work,
9 asked me if I could wrap it up and get him on his way.

10 And I said, Well, I need to do this
11 investigation. If I can have a few minutes with him and
12 do a quick interview or have him come back later for an
13 interview.

14 So he told me, Get him out of there as quick
15 as you can and set it up for later.

16 Q Okay. So the sheriff, as far as your -- it
17 sounds like your recollection, was indicating that
18 Mr. Smith had personally called the sheriff --

19 A Correct.

20 Q -- from the scene of your traffic stop?

21 A Correct.

22 Q And had personally communicated with the
23 sheriff, and as a result the sheriff had called either
24 you or through Deputy Cameron to find out what was
25 happening?

1 A Correct.

2 Q Did the sheriff say why he was interceding or
3 intervening in this investigation?

4 A No. He just asked what was going on with it
5 and asked that I speed it up and get him on his way.

6 Q But it sounds like you recall specifically
7 telling the sheriff that you were investigating a
8 felony?

9 A Correct.

10 Q Do you know about how long your conversation
11 with the sheriff was?

12 A It was probably just a couple minutes.

13 Q All right. So I'm assuming that either the
14 phone was handed to you by Deputy Cameron or you took
15 the --

16 A I believe Cameron, through my -- through my
17 open window, had handed me his phone, because that's
18 exactly where he was standing. I don't recall him
19 calling my phone. I believe it was on Cameron's phone,
20 but it's -- it's not abundantly clear.

21 Q And I'm assuming that your part of the
22 conversation you would have still been in your unit?

23 A Correct.

24 Q All right.

25 A Well, when I was talking to him on the phone

1 I did step out of my unit.

2 Q Okay. So after you concluded the telephone
3 call with the sheriff, what did you do next?

4 A I proceeded to Mr. Smith's door on the
5 driver's side and asked him to step out of the vehicle.

6 Q What was the purpose of that?

7 A To speak with him about the case and conduct a
8 roadside interview.

9 Q Did you do that?

10 A I attempted to.

11 Q Okay. It looks like at that point you had

12 read him his Miranda Rights, or at what point did you do
13 that?

14 A Give me one second. Let me get back on track.

15 Q Sure. And if I have left a gap out or
16 whatever, just feel free to say --

17 A Yeah, I think we left a small gap out. I did
18 approach him back on his door. I advised Smith that
19 I was not intending on writing him -- writing him any
20 citations for this stop, but I needed to ask him a few
21 more questions regarding the incident. I asked Smith to
22 exit the vehicle and walk to the rear to speak with me.

23 He was hesitant and appeared to be unhappy
24 with my request as he sighed and puffed as he slung his
25 door open and exited quickly as he stared me down. And

1 I recall thinking to myself, we're about to have a
2 hands-on because of -- his actions were so aggressive.

3 Q Did he say anything to you about the sheriff
4 or he had called the sheriff or the sheriff told him
5 something or other or --

6 A Yeah. And I think it's -- I advised him I was
7 going to read him his Miranda Rights, and I did.
8 I asked him to sign the Miranda Rights card, and he did.
9 I asked him if he understood his rights as I read them.
10 He advised he did. I asked him if he wished to speak
11 with me. He advised he would, and it was during this --

12 this was basically at the front of my car, between his
13 truck and my car.

14 When I asked him to get out and he slung his
15 door, he said -- he made a statement regarding his
16 conversation with the sheriff. And I explained to him
17 that this was only going to take a minute. I just need
18 to ask him a few questions, and we can set up another
19 interview for later in the day.

20 Q Do you recall the gist of his statement about
21 the sheriff?

22 A Not -- not verbatim.

23 Q Okay. Well, what was --

24 A He just indicated that he had spoken to the
25 sheriff and that he was told he was going to be able to

1 leave, because he was late for work.

2 Q Right. As far as at the -- at the scene of
3 the stop post-Miranda, did you get into any specifics
4 with him with regards to the accident and how it may
5 have happened?

6 A Yes. Once he advised he understood his rights
7 and would speak with me and he signed the Miranda card,
8 I asked him again about the date and time he had the
9 accident. He confirmed the date and time once again.

10 I asked him to explain to me what happened
11 that morning in regards to the accident. He advised
12 that he was heading east on Nobles, heard a loud bang.
13 He advised that his windows were down on the truck, and
14 because of that the bang was loud. He advised he kept
15 driving and then realized that he needed to turn around
16 and find out for sure what he hit. Smith advised he
17 went back to the area of the incident but could not find
18 anything.

19 He advised that it was possible that he may
20 have hit a mailbox or garbage can, because he did see a
21 lot of garbage cans on the roadway and even stated that
22 the garbagemen leave them all over -- all over the
23 roadside when they empty them. He advised that he left
24 and came back several times, at least three or four
25 times, I quoted as him saying, to locate a damaged

1 mailbox or garbage can.

2 Q So I'm assuming that this was more or less a
3 question and answer, or was he just giving you a
4 narrative of --

5 A It was -- I was asking questions in between,
6 but this was taking us from his way down hitting until
7 trying to get through to the end to see what exactly
8 happened from start to finish. And I interjected a few
9 times with the next narrative.

10 Q So essentially he's -- he's confirming he was
11 in an accident, but he's describing it as property as
12 opposed to --

13 A He said possibly mailbox or garbage can.

14 Q Okay. Nothing at that point with regards to
15 that a person had actually been hit?

16 A Correct.

17 Q Okay. All right. Go on. What else did
18 you --

19 A At that time I advised Smith it was not a
20 garbage can or a mailbox that he struck. I advised him
21 that he struck a school girl who was on his -- on her
22 way to the bus stop. Smith then appeared angry and
23 concerned.

24 Q What do you mean by that?

25 A He was already agitated that I was talking to

1 him, because he wanted to leave, but he -- standing
2 there with him, he's -- again, the -- I'm trying to
3 think of the right word. The posture, the facial
4 expressions appeared to be angry and concerned for his
5 legal well-being.

6 He did not ask if -- he did not ask if the
7 girl was okay. He kept repeating that he was about to
8 go to prison for something, that he did not need any
9 more trouble.

10 Q Did he tell you -- or did you figure out what
11 he was talking about or --

12 A Not necessarily.

13 Q Okay.

14 A I wasn't sure -- again, I was -- I was focused
15 on trying to find the facts in the case, not his side
16 comments. He never asked about her well-being.

17 I advised him that she was not -- did not appear to be
18 seriously injured, but she was taken to the hospital.

19 I advised Smith that I would like for him to
20 do an interview with an investigator. Smith did not
21 want to cooperate and kept saying that he needed to get
22 to work and that he was leaving on Friday to begin a
23 three-year prison sentence. I again reiterated that
24 I need him to come in and do an interview, and he
25 advised that he would leave work early, which was in

1 Everglades City, and come in by 4 p.m.

2 Q Meaning the same day?

3 A The same day. I issued Smith a CAD card with
4 my name and Detective Moore's name on it as well as the
5 case number. I left work that day at 7 p.m., and Smith
6 had not yet come in for his interview.

7 Q When you say, CAD card, what is that?

8 A It's a sheriff -- like a sheriff's office
9 business card, and there's a spot to write a case
10 number, so you would put the CAD number. So that the
11 incident being at that point a traffic stop, that
12 traffic stop would be issued a CAD number associated to
13 our agency.

14 Q And that would have been what you had -- would
15 have written on --

16 A I would have wrote that on a card. I would
17 have put my name and Detective Moore's name probably on
18 the back where there's more room.

19 Q Would you have put something on there, like,
20 to the effect of 4 p.m. today or 4 p.m. on the day or --

21 A I don't recall. I don't recall.

22 Q Okay. But, anyway, it sounds like he agreed
23 to return later that day?

24 A Correct.

25 Q But at least by the end of your shift he

1 hadn't returned or you hadn't received a phone call?

2 A No.

3 Q -- from anybody that he had returned?

4 A I believe we had a busy day. If I'm there at
5 seven and not gone by six, we were doing a lot of work,
6 and I would have been trying to finish this report.
7 Three hours after the time he agreed to meet, I left and
8 went home.

9 Q Do you recall Detective Moore ever calling you
10 and saying, Hey, this guy has shown up or he's not shown
11 up or any -- any exchange with Detective Moore?

12 A No.

13 Q Okay. So with regards to any other
14 involvement with the investigation on that particular
15 day -- and I think this is the 22nd now, September 22nd
16 of 2015?

17 A Right.

18 Q If I read your report correctly, it's about 11
19 days after the initial incident?

20 A Let me get to the right spot. Yeah. So this
21 September 22nd I wrote it, it would have been 11 days
22 later from the initial incident.

23 Q And on the 22nd do you recall approximately
24 what time -- or did you enter this report at any part or
25 in any form on the 22nd, or was it later, if you can

1 tell?

2 A No. This -- this narrative would have been
3 initiated on the 22nd at 7:21 p.m. And if my memory
4 serves me correct, because I was off at 7 p.m., I wrote
5 this narrative from my house because I didn't have time
6 to do it due to call volume.

7 Q I understand.

8 A So once I got home, I finished writing my
9 narrative while everything was still in my head.

10 Q Did you ever try to follow up with Mr. Smith,
11 or did you ever find out why he didn't show up for the
12 investigation if he -- if he had initially agreed to?

13 A I did hear something about why.

14 Q All right. How did you hear that?

15 A I believe it was the next day.

16 Q September 23rd?

17 A I believe so.

18 Q Okay. Where were you?

19 A Going to the gun range for --

20 Q Okay.

21 A -- some weapons training.

22 Q Do you recall about what time of day you were
23 heading out there?

24 A I'm not sure what time. I think it was going
25 to be somewhere between 10:00 and 11:00 in the morning.

1 Q All right.

2 A I believe.

3 Q All right. So how did you hear about this at
4 the gun range, then?

5 A I'm a part of the SRT team and sniper team.
6 And Buck Holly, who owns C&H Precision Weaponry in
7 LaBelle, puts on gun classes and shooting competitions
8 and different things. And because we were part of the
9 SRT team, a lot of our team members went out that day.

10 Q So it was part of the -- of your normal
11 training to actually go to the gun range?

12 A Right.

13 Q But it didn't necessarily have anything to do
14 with this case?

15 A No.

16 Q Okay.

17 A No.

18 Q So then what happened at the gun range as it
19 pertains to this case?

20 A I pulled up in my patrol vehicle in the
21 parking lot, and I observed Sheriff Whidden and Sergeant
22 Archer talking. I exited my vehicle and walked up to
23 the walkway to go towards the range, and the sheriff was
24 there, and Sergeant Archer walked away. And he was
25 looking at me like he was very angry. So he made an

1 indication that he had read over my report.

2 Q "He" being the sheriff?

3 A The sheriff.

4 Q Okay. So you did approach the sheriff?

5 A Yes.

6 Q Okay.

7 A We walked by each other on the walkway.

8 Q Okay.

9 A There's only one way to get out there.

10 Q So somehow --

11 A ~~We crossed paths at the front of the building.~~

12 Q Okay. And so somehow this came up or --

13 A Yeah.

14 Q Do you remember --

15 A He calls me Vern.

16 Q Okay.

17 A So he says, Vern, I need to talk to you.

18 All right, Sheriff.

19 He says he was upset with me because he
20 thought that I understood that that case was going to go
21 nowhere, and that the fact that I pulled the guy out of
22 the car to try and interview him and try to get him to
23 have an interview later that night -- can we quote?

24 Q Sure, yeah.

25 A He was red in the face and angry and told me

1 that I made him look like a fucking asshole.

2 Q I mean, did he say why or what he was saying
3 how --

4 A He indicated to me that he thought this was
5 taken care of and we understood each other; that I was
6 not going to be investigating this any further; that
7 I didn't have any intent in my case, therefore I should
8 not be trying to investigate it with Mr. Smith.

9 And he advised -- I advised the sheriff that
10 Mr. Smith agreed to speak with me, that I read him his
11 Miranda and he confessed to the crime. I told him that
12 he agreed to meet with me later, and I did get him out
13 of there, because now I feel like I'm in trouble.

14 I said, We were only there maybe five or ten
15 more minutes and I got him on his way. He said he would
16 come back later, but he never showed up. Once he never
17 showed up, I continued my narrative and stated, he never
18 showed up.

19 And he goes -- he told me that, He didn't show
20 up because I told him not to come.

21 Q Wait, wait a minute. Wait a minute. So
22 you're still -- is this conversation one on one with the
23 sheriff?

24 A Yes.

25 Q Or is it -- anybody else?

1 A No. Sergeant Archer already walked away, and
2 we were in front of the building by ourselves because
3 everyone else was out back at the range.

4 Q So what you're saying is that the sheriff told
5 you that he had instructed Mr. Smith not to attend the
6 interview that you had set up with him the day before?

7 A Correct.

8 Q Did he say why?

9 A His argument was that I could not prove
10 intent, therefore the case was invalid.

11 Q Do you know what he meant by proving intent,
12 I guess -- I guess he's referring to Mr. Smith's intent,
13 or how did you take it?

14 A We -- I think somewhere in between these two
15 we've missed something, because I believe it would have
16 been the same day I started the narrative, the 22nd.
17 Later in the day -- and it was not 4:00 yet, but later
18 in the day the sheriff and I had crossed paths. And it
19 was actually over by Buck Holly's shop, which, again, he
20 was putting on the event the very next day.

21 I was stopped because I had just left Buck
22 Holly's doing something with our sniper rifles, and
23 I was on the side of the road, and he was coming towards
24 me to go to Buck's. And this is on Commerce Drive,
25 I think, off Cowboy. So he sees me, waves and pulls

1 over, and we park side by side.

2 Q Side by side with the sheriff?

3 A Right. And he was discussing with me the
4 case, because I hadn't talked to him since early in that
5 morning --

6 Q When you had talked about --

7 A When I was talking to -- when he called
8 Cameron's phone to talk to whoever was listening.

9 Q Oh, okay. Okay.

10 A So it's the same day. It was later on. I'm

11 not sure what time, but he was arguing -- not arguing,
12 but telling me that, you know, He's a good guy; he's in
13 a bad position; he -- he's about to go to prison;
14 there's no reason to go after this case, and you really
15 don't have intent.

16 And, respectfully, I tried to argue the fact
17 that he admitted to leaving the scene, and he did say he
18 came back later, not immediately, not as soon as
19 possible, not according to Florida Statute, and that's
20 all the intent I believe -- I feel that we needed.

21 No, no, no, that's not going to work. He came
22 back several times.

23 I said, Well, he says he came back several
24 times, but the victim never saw him come back. She
25 stood there at that bus stop till the bus got there and

1 never saw him. I mentioned some of the other odd things
2 in his statements, like garbage cans. And in my crime
3 scene photos you can see there's no garbage cans out.
4 He mentioned mailboxes. And I told him, There's no
5 mailboxes on that side of the road. They're all on the
6 north side of the road.

7 And he got flustered with me and said, You
8 don't have anything. You need to just close your case.

9 So the fact that I still talked to him and
10 then went home and finished my narrative, that next
11 morning after reading my narrative he was lit.

12 Q When you say, lit, very --

13 A Angry.

14 Q -- angry?

15 A Red in the face. He was posturing standing
16 there with me, which was intimidating.

17 Q Well, I would imagine if your boss is angry
18 with you, in and of itself, it would be --

19 A Yeah.

20 Q -- somewhat intimidating.

21 Okay. So when you said that you entered your
22 report from home, there's a way to do it so it still
23 goes into your -- the sheriff's department --

24 A Correct.

25 Q -- system we'll call it?

1 A So they give us computer Toughbooks, and we
2 have Wi-Fi cards, so almost anywhere we go we can get on
3 our computer and be connected to the system. So from my
4 living room and my dining room I can sit there and type
5 my case, and once I'm finished doing what I have to do,
6 click finish, submit, and it -- it uploads it
7 automatically to the case, updates the case.

8 Q And then anybody from the sheriff's department
9 who has proper access or authority can then access --

10 A Unless -- unless a detective or a higher rank
11 than I had put a block on the case, anybody could read
12 it.

13 Q Anybody with the --

14 A Anybody with access to the computer.

15 Q I understand.

16 A So it's nothing that's hidden that you can't
17 read.

18 Q So then the next day when you had the personal
19 conversation with the sheriff at the gun range --

20 A Right.

21 Q -- did he tell you that he already read your
22 report?

23 A Yes. He had already seen and heard and
24 indicated, it sounded like, that Mr. Smith had called
25 him and complained that I was interviewing him and

1 trying to get him to come to an interview. And then
2 that's evidently what made him look like an A-hole, was
3 that I was going against what the sheriff wanted and
4 still pursuing the guy.

5 Q So it sounds like at that point, from the
6 sheriff's indications to you, is Mr. Smith had called
7 him initially from the scene of the stop?

8 A Right.

9 Q And then later when you released him with the
10 agreement, so to speak, that he was going to return for
11 an interview, he called the sheriff a second time to
12 update him?

13 A Right.

14 Q And then --

15 A To tell him, He has me wanting to come in for
16 an interview at 4:00. And the sheriff was not happy
17 with that.

18 Q Okay. So then the -- so the next day at the
19 gun range, do you -- when you're having this exchange
20 with the sheriff, he -- he was telling -- the sheriff
21 was telling you basically, You can't prove this crime,
22 so don't do anything in your investigation?

23 A Yes. He wanted me to close the case.

24 Q Did he tell you, I want you to close this
25 case?

1 A No. No. It's just -- he says -- words were,
2 I thought we understood each other. You made me look
3 like an F'ing A-hole. I told you you didn't have
4 anything. It's all very suggestive, without saying,
5 Close this case, don't do anything on it, which -- which
6 he would not say.

7 Q So he didn't say, like, anything like, I'm
8 instructing you to close this case, or, Shut it -- shut
9 it down or --

10 A No. Every -- everything that was said up and
11 to that point was suggestive, and he was angry that
12 I didn't follow those suggestions.

13 Q So I take it part of the time you're trying to
14 defend yourself in your investigation?

15 A I tried to explain what I had found, and he
16 didn't want to hear it. I tried to explain the facts,
17 the crime scene photos, everything I can prove that he's
18 not being honest about, and he didn't want to hear it,
19 because he simply argued to me that he came back, he
20 didn't commit a crime.

21 Q Do you recall anything -- why the sheriff was
22 defending this guy? Did he mention he's in the family,
23 they were friends?

24 A He just said that he's a good guy and he's in
25 a bad spot and he's going to prison for something that's

1 not really fair, and this is going to make it harder on
2 him.

3 Q Okay. So as -- how long would this exchange
4 have gone on for at the gun range?

5 A Five, ten minutes maybe.

6 Q When he -- when the sheriff told you that he
7 had instructed Mr. Smith not to show up for the
8 interview, did you say anything in response or --

9 A I was careful how I worded everything, but
10 I tried to explain to him that he agreed to come talk to

11 me at four. I didn't order him to. I didn't threaten
12 him in any way. I just asked him to come meet me at
13 four with Detective Moore, and he agreed he would.

14 And all he said was, I told him not to, and
15 I told you you didn't have anything in this case.

16 Q And that would be -- "he" being the sheriff?

17 A The sheriff, correct.

18 Q So he's basically telling you he told
19 Mr. Smith not to show up?

20 A He did.

21 Q Okay. Did anything else happen at the gun
22 range that day or did you --

23 A No. I had to shoot my new rifle a bunch, and
24 he was there for that because he was SRT for a while and
25 an avid hunter, so he was helping us get our zeros on

1 our rifles but continued to look like he was in a bad
2 mood the whole time he was around me.

3 Q But you didn't have any other --

4 A He never spoke to me again that day.

5 Q All right. So what would have happened then
6 next in your part of the investigation?

7 A If you don't mind, I'm looking over my notes.

8 MR. RAMUNNI: No, go ahead if you need a
9 minute. Can we take a -- maybe a --

10 MS. FLANDREAU: Sure.

11 THE WITNESS: Yeah, I need a -- that would be
12 great.

13 MR. RAMUNNI: Let's go off the record for a
14 few minutes.

15 (A recess was taken from 11:17 a.m. to
16 11:22 a.m.)

17 BY MR. RAMUNNI:

18 Q Okay. So going back and referring to your
19 report, I know you told us that on the supplemental
20 narrative that starts on page 3, and it's the one that
21 was dated 9/22/16, that was actually entered by you from
22 your home --

23 A Correct.

24 Q -- into the sheriff's department's database?

25 A Correct.

1 Q So this supplemental report's a little bit
2 lengthier, but it looks like it goes through page 5 --

3 A Correct.

4 Q -- of 5, at least on the initial report?

5 I noticed, you know, when I was comparing
6 these reports, that the first part of this investigation
7 was on a report that consisted of a total of five pages,
8 because it says, 3 of 5, 4 of 5, 5 of 5, but then the
9 second report, which is almost -- well, which is
10 verbatim and identical, has, like, an additional page to
11 it, so there's actually page 6, and then there's -- it

12 appears to pick up where your supplemental narrative
13 left off with Joshua Woods' supplemental narrative dated
14 9/24/15 at 9:58 or 9:56 a.m.?

15 A Yes. At the end of mine, his is next.

16 Q How come, like, there's two different reports
17 as opposed to just a continuation from your original
18 report?

19 A I didn't know there was. First time I've
20 heard that, because my report was from my initial adding
21 supplements to the case that was assigned to Detective
22 Moore. So on my page 5 of 6, my supplement ends, and on
23 9/24 on the same page Lieutenant Woods begins, and shows
24 that his ends on page 6 of 6 in my report.

25 Q Is that unusual to have two sets of the same

1 report like that or --

2 A There shouldn't be two.

3 Q And the reason why I'm asking that is because
4 it's clear, like, on Report -- I'll call it Report 1,
5 it's a total of five pages because the pages -- the page
6 numbers line up, but yet when you go to Report No. 2,
7 which is identical other than the last entry, it -- it's
8 correspondingly numbered out of page 6. So I was a
9 little bit confused by that.

10 A Can I see what you have?

11 Q Yeah.

12 A Maybe I can shed some light.

13 Q Yeah, because -- in fact, and then what is
14 marked as Exhibit 1, I think, which is a copy of what
15 I had -- because remember in the beginning I said I had
16 a total of 11 pages, but most of them --

17 A Yeah, yeah.

18 Q Okay. So I'll show you the -- what's on the
19 exhibit. It looks like, yeah, page 5 ends with your
20 supplemental report from number one, version one, and
21 then if you turn to the next page, it starts numbering
22 out of six pages. But if you compare, I think, your
23 face sheet, page 1, with your page 1 of Report No. 1, it
24 appears to me to be identical.

25 A That doesn't make any sense, unless it appears

1 that Lieutenant Woods' narrative was added after the
2 fact, and I'm not sure how much time had elapsed, but --

3 Q Because if you go to the last two pages of the
4 exhibit, and it's identified as page 5 out of 6 and then
5 page 6 out of 6 --

6 A Right.

7 Q -- and the bottom third, it starts up with,
8 Supplemental Narrative 9/24/15, 9:56 a.m., Joshua Woods.

9 A So it appears to be the same report. What it
10 looks like is that this copy would have been provided at
11 a different time maybe. Because this one, is what

12 I have from my notes, is the one you have here, this
13 second one.

14 Q The Report No. 2?

15 A Right, which is -- which is the complete
16 report with Lieutenant Woods being the last entry.

17 Q Well, why would Lieutenant Woods, who it looks
18 like had no involvement in any of the investigation,
19 have closed the case out?

20 A My understanding, and in my notes, in my
21 narrative I added a couple more paragraphs. If you want
22 me to go through those real quick --

23 Q Sure, sure.

24 A -- I can -- I can probably, once I read this,
25 explain what we had.

1 Q I gotcha.

2 A Picking up where we left on page 4, during the
3 interview -- the last paragraph, during the interview
4 that took place on the traffic stop, Smith advised that
5 he had struck a mailbox. I responded to the scene of
6 the accident to attempt to reconstruct the crime scene.
7 I located parts of the truck, shoe prints from the
8 victim, took photographs of the scene.

9 While on scene I observed many things, the
10 items: Footprints were approximately 3 feet off the
11 road, the truck's mirror parts along the road, the glass
12 along the road, and two other things that are important
13 in this case. One thing is that Smith advised he had
14 struck a mailbox. As I mentioned, all of the mailboxes
15 on Nobles Road are on the same side of the road, which
16 is the north side, not the south side, as the
17 photographs indicate. That being a fact, Smith did not
18 strike a mailbox.

19 Smith then said he may have struck a garbage
20 can, because they were all over the place and some were
21 on the -- their sides due to the carelessness of the
22 garbagemen. It is a fact that garbage pickup on Nobles
23 Road is only on Monday and Thursday. September 11th,
24 2015, was a Friday. There were no garbage cans on the
25 roads Friday, and it was not garbage day, and the

1 photographs taken at the crime scene show.

2 Additionally, if Smith's windows were down, as
3 he said they were, he would have known that he hit a
4 person because he would have heard the scream after
5 being struck, as she indicated she screamed. This is
6 more or less my case notes review at the end.

7 Q So more or less you're trying to summarize --

8 A I'm trying to summarize everything I've done
9 from beginning to end. Smith was inconsistent with his
10 account of that day. He was visually nervous throughout
11 the encounter. He was defensive from the moment that
12 I stopped him, as displayed by the admission of guilt to
13 the traffic infractions and his inconsistent answers to
14 straightforward questions.

15 This is also evident in the fact that stiff
16 [sic] immediate -- Smith immediately called Sheriff
17 Whidden and asked him to be released without further ado
18 and his impatience when being asked to exit the vehicle
19 and answer a few questions. Smith appeared
20 dispassionate for the victim in the case throughout the
21 entire interview. His answers were unsure and were not
22 able to be confirmed that they were not possible under
23 the circumstances.

24 Smith had -- if Smith had returned to the
25 scene, the victim in the case would have seen him and

1 would have been able to give a better description of the
2 driver. The victim advised she only saw him leave the
3 scene and further advised that he never returned. In
4 asking Smith these questions, his answers varied from
5 "There were garbage cans down" and "A broken mailbox" to
6 "There was nothing to be found."

7 When I advised him that the victim got on her
8 school bus to get help at school, he quickly advised
9 that he was following the school buses on Nobles Road
10 when he returned to the scene. Smith's account was ever
11 evolving, and by the end of the interview Mr. Smith did

12 not have much left to say. He turned his head and
13 avoided eye contact for the remainder of the interview.

14 As stated above, Smith made a promise to come
15 in for an interview with a detective, and he did not
16 show up. Smith advised that he is set to begin his
17 prison sentence on this Friday, and it is my opinion
18 that contact with him regarding this case before that
19 time comes [sic].

20 In conclusion and regarding to intent, Smith
21 did, in fact, strike the victim with his truck and
22 continue on. This was self-admitted by Smith
23 post-Miranda. Smith advised he later returned to the
24 scene and could not find what he hit. Smith's account
25 of the scene was not at all accurate in this regard to

1 the mailbox and the garbage cans. It is proven that
2 there were not garbage cans on the road that day due to
3 the garbage schedule and with the crime scene photos.
4 It was also proven the mailboxes are on the opposite
5 side of the road. Fact and crime scene photos show this
6 to be true.

7 Smith last advised that he returned and
8 observed school buses on Nobles Road. The victim was
9 looking for the truck that hit her. If Smith had
10 returned, the victim would have seen him and would have

11 known what was or wasn't on the street that day. The
12 fact that Smith did have an accident with property
13 damage and never reported it only displays deception in
14 this case. There is, however, bodily injury, and that
15 makes this a felony.

16 Smith also avoided dealerships to repair his
17 truck. When I inquired as to why he would fix it
18 himself as opposed to going to a dealership, he stopped,
19 stared off and advised, I don't know. Mr. Smith's
20 accounts were not consistent in the interview. This
21 information will be provided to the Criminal
22 Investigation Division for review, and this ends my
23 involvement in this case.

24 Q So I see then, you know, obviously from what's
25 in your supplemental report portion here where you're

1 talking about intent, so then the next day --

2 A Yes.

3 Q -- after the sheriff told you he read this,
4 I'm assuming that's why he wanted to debate the intent
5 part of -- part of this?

6 A Well --

7 MS. FLANDREAU: Just object to form, and
8 I would just move to strike, that that entire
9 reading of the report was really nonresponsive to
10 any question.

11 Q Okay. Well, with regards, though, to your --
12 what's contained in your report, your report speaks for
13 itself, but you specifically addressed, looks like,
14 whether or not intent was --

15 A Correct.

16 Q -- was there or not?

17 A Trying to determine intent was the purpose of
18 the extended narrative and the base of the
19 investigation, everything that was said from start to
20 finish.

21 Q So then the next day when you had the
22 discussion, we'll put it like that, at the gun range
23 with the sheriff, and he wanted to debate intent --

24 A He was angry that we had had a conversation
25 the day before about intent, and I quoted that in my

1 narrative, that in regards to intent, and I believe he
2 took that as a disrespect --

3 Q Okay.

4 A -- trying to prove my intent against his
5 better judgment.

6 Q Now, as far as the protocol of the sheriff's
7 department when you have an open investigation, is there
8 a particular protocol where it gets referred to the
9 State Attorney's Office for review, or it's done
10 internally like it appears to have been done here or --

11 A Typically it depends on the case, it depends
12 on the evidence, depends on the suspect if they're
13 located or not. With this case and the post-Miranda
14 confession, typically we would either arrest, because
15 it's a felony, or if we're not sure we have enough or a
16 supervisor doesn't agree that you have enough, you will
17 always send it to the state attorney for a review or a
18 warrant request.

19 Q Do you know if that was done here?

20 A I don't.

21 Q Did any supervisor ever speak with you or
22 follow up with you concerning your investigation and why
23 or why not it wasn't going to go any further?

24 A My sergeant, Sergeant Reed, was spoken to
25 I believe by the chief and the sheriff about my case,

1 and I was called into the chief's office to discuss it
2 with him.

3 Q Okay. Who is the chief?

4 A Chief Deputy Kevin Nelson.

5 Q Okay. When you say you were called into his
6 office, what do you mean by that?

7 A I was told to report to his office. He wanted
8 to speak with me immediately.

9 Q Okay. And was he -- were you told whether --
10 I can't speak -- whether it was about this case or just
11 in general or --

12 A He just indicated to me it had to do with this
13 case.

14 Q And who told you to report to the chief?

15 A My sergeant.

16 Q Sergeant Reed?

17 A Correct.

18 Q Do you remember when that was in the scheme of
19 things?

20 A I believe it was within a couple days of the
21 confrontation with the sheriff at the gun range.

22 Q Okay. So if that would have happened around
23 September 23rd, within a couple days --

24 A Yeah.

25 Q -- more or less?

1 A More or less.

2 Q So within a day or two you get called to the
3 chief's office?

4 A Right.

5 Q Who was present?

6 A Myself and the chief.

7 Q What was the purpose of the -- being called
8 in, I guess?

9 A To find out what I was thinking by
10 name-dropping the sheriff in my report.

11 Q Oh, wherever you reference --

12 A Reference that --

13 Q -- the sheriff?

14 A -- he had called the sheriff and asked to be
15 released and --

16 Q What did you tell the chief?

17 A I apologized and told him I wasn't trying to
18 intend to name drop the sheriff or include him in the
19 case. I was only trying to state the facts relevant to
20 the case, not to show his deception in trying to get off
21 the scene instead of being investigated.

22 Q So what did the chief say when you told him
23 that?

24 A You should know better than to put the
25 sheriff's name in any report.

1 Q Did he tell you anything else?

2 A He just stated it needed to be fixed. You
3 need to do something about this.

4 Q How did you take that?

5 A To me, I took that as they wanted me to take
6 his name out of the report.

7 Q Is that even possible to do once it's been
8 entered or --

9 A Yes, it is. With the right permissions, you
10 can bypass the rules in order to edit information.

11 Q Did you do that in this particular case?

12 A No.

13 Q So the report that's been marked as and
14 referenced as Exhibit No. 1 is the report as you
15 originally entered it with no edits from your
16 perspective?

17 A Correct.

18 Q Okay. Could you tell -- well, is it --
19 I guess is it possible for somebody else within the
20 sheriff's department to edit your report, or does it
21 have to go through you?

22 A Anybody with permissions, which is typically a
23 sergeant's level or above, can go in and ignore the
24 windows. So if it says -- for example, if I went into
25 this narrative and I wanted to change this narrative,

1 I would click on the Narrative tab, because it's a bunch
2 of blades, right, and I would hit Edit. It would say,
3 This report cannot be edited. It's marked finished and
4 approved. Then you can click -- with the right
5 permissions, you can click Ignore. When you click
6 Ignore, you can then get into and edit things. But
7 I don't have those permissions. It would have had to
8 have been done by a sergeant's level or higher.

9 Q But at least as you've read it today, it
10 appears to be your --

11 A It appears to be exactly what I wrote.

12 Q Okay. Did you take it that the chief was
13 instructing you to remove the sheriff's name from the
14 report?

15 A That's how I perceived what he was saying. He
16 would -- he did not say directly, I want you to remove
17 his name. I want you to do this or that. He just said,
18 This needs to be fixed. This is bad. You should know
19 better. I'm very disappointed.

20 Q Did he say anything else to you as far as if
21 you did or didn't abide by his directive?

22 A No. He just said that I need to get with my
23 sergeant and we need to take care of it.

24 Q Did anything come up in terms of speaking with
25 him as far as your investigation and that it was a

1 viable case notwithstanding the sheriff's input?

2 A I tried to explain my case, and chief
3 basically told me that, You did a great investigation,
4 but you didn't do a certain amount of things that you
5 should have done. You didn't measure the height from
6 the mirror to the ground. The girl was walking on the
7 wrong side of the road. You should know that. She
8 should have been on the other side.

9 And I explained to him that, This is the path
10 that the children walk because it's the widest section
11 going to the bus stop, so they don't have to cross the
12 road at night. And he disagreed. He --

13 Q Well, wasn't she -- Lisabel walking off the
14 road?

15 A She was approximately 3 feet off the road.

16 Q As opposed to if you're actually walking --

17 A If you're on the other side of the road, you
18 only have -- much less room to walk before you go into
19 the ditch. That side of the road that the bus stop is
20 on is a well-beaten path because it's so wide that you
21 won't be on the edge of road or you're not going to be
22 in the ditch. You've got plenty of room to walk.
23 I tried to explain that, but they disagreed still.

24 Q So as far as this -- this discussion with the
25 chief, I think you said this was in his office at the

1 sheriff's department?

2 A Correct.

3 Q Within a day or two of you entering this
4 report?

5 A Right.

6 Q Okay. Did you ever have any other interaction
7 with any superior or supervisor as far as if this case
8 was going to be referred to the state attorney, needed
9 more investigation?

10 A It was indicated to me that Sergeant Reed had
11 also been talked to by the chief, and he was concerned

12 that we would both be in trouble because, one --

13 Q "He" who? He --

14 A Sergeant Reed was.

15 Q Oh, okay.

16 A -- because I wrote the report, and, number
17 two, he approved it. So because he approved my report,
18 that says he read my report and had no issues with it.
19 And the fact that the sheriff's name was left in the
20 report, he felt like he was in trouble for allowing
21 that.

22 Q Do you know who talked to Sergeant Reed who in
23 turn talked to you about this?

24 A Chief Nelson talked to him.

25 Q So the gist that you got from Sergeant Reed is

1 that --

2 A We're both in hot water because the sheriff's
3 name's in this report.

4 Q And I see at the bottom of these reports that
5 Sergeant Reed, I guess, was your immediate supervisor?
6 Looks like on the bottom of page 1 it references him as
7 a supervisor, and then it looks like at the end of your
8 narrative, at least, where it says, approving
9 supervisor, I can't read the signature, but --

10 A What page are we on?

11 MS. FLANDREAU: What page are you on?

12 Q Well, let's see. On my -- on my 5 of 5
13 report, so I'll say on Report No. 1, you know, if you
14 look at the bottom of page 1 --

15 A Shawn Reed, supervisor.

16 Q -- Shawn Reed, supervisor?

17 A Okay. Yes.

18 Q And then if you go to page 5 of the report, it
19 looks like it has supervising --

20 A Yeah, I don't have that. That is Sergeant
21 Reed's signature.

22 Q That is his signature?

23 A Electronic signature.

24 Q Okay.

25 A It's --

1 Q And then when you look at the six-page report,
2 Report No. 2, you know, it looks like on the bottom of
3 page 1 it again shows --

4 A Shawn Reed.

5 Q -- Shawn Reed as the supervising person; and
6 then when you get to toward the end of your report,
7 which would be actually on page 5 of 6, there's no
8 sign-off, it looks like, and then you have the
9 supplemental narrative by Woods?

10 A Right. Right.

11 Q Why --

12 A I have no idea.

13 Q Is that unusual as far as your experience with
14 entering reports in the system through the sheriff's
15 department?

16 A I think it depends on where you're at in the
17 case, because yours actually looks different than mine
18 as far as the bottoms of some of those. Like, I don't
19 see the signatures that you see, so it would be hard for
20 me to explain that.

21 Q I mean, I don't know -- I don't think my eyes
22 are that bad, but, I mean, clearly it looks to me at the
23 end of your report on Report No. 1 on page 5 of 5, that
24 there's Sergeant Reed's sign-off, but yet it's not on
25 this other report?

1 A I think that the reason is because on one of
2 those reports my narrative was the last one, so you
3 would see mine and Reed's signature, but because
4 Lieutenant Woods' signature -- narrative was the last
5 one, you see mine and Detective Moore, which is odd.
6 That should be Lieutenant Woods' signature.

7 Q Yeah, so -- yeah, that's true. I just see
8 that.

9 A That would be --

10 Q The supplemental narrative that starts on
11 page 5 of 6 and goes to 6 of 6, which is Supplemental
12 Narrative of Joshua Woods, which appears to close the
13 case out, is not even signed off by Lieutenant Woods?

14 A Right.

15 Q But yet it has your signature?

16 A Right.

17 Q Do you remember signing off on this --

18 A This -- our signatures are all electronic.

19 Q Oh.

20 A So if we do something and we mark it finished,
21 our signature goes on it.

22 Q Huh.

23 A And then the approving supervisor will have
24 their electronic signature once they mark it approved.
25 So if your sergeant in road patrol marks it approved,

1 their signature goes on it. If your lieutenant marks it
2 instead because the sergeant's out, his signature goes
3 on it.

4 MS. FLANDREAU: I need, like, a family tree of
5 who's who.

6 MR. RAMUNNI: Yeah. Yeah.

7 MS. FLANDREAU: Because I don't get this.

8 THE WITNESS: I'm sorry.

9 MS. FLANDREAU: No, I'm kidding. I'll go
10 through it on cross, if we need to, just who all
11 these people are.

12 THE WITNESS: Okay.

13 BY MR. RAMUNNI:

14 Q Yeah. I mean, have you ever seen a felony
15 investigation, arguably, where there is a question of
16 intent, get signed off by somebody within the sheriff's
17 department without the State Attorney's Office review?

18 A I have not.

19 Q Have you ever seen somebody from the sheriff's
20 department sign off under a reasonable -- beyond a
21 reasonable doubt standard as opposed to probable cause?

22 A We always work with probable cause, state
23 statute.

24 Q So where Sergeant -- or excuse me, Lieutenant
25 Woods is quoting jury instructions, beyond a reasonable

1 doubt, have you ever seen anything like that before
2 in --

3 A I have not.

4 Q How long have you worked for the sheriff's
5 department?

6 A Just over three years.

7 Q Did you ever have any other conversations with
8 the sheriff about this case?

9 A Well, a couple of days after meeting with the
10 chief, this is a guesstimate, a couple days, Sergeant
11 Reed called me and said the sheriff wants to talk to me.

12 And I said, Okay.

13 He goes, I'm going to go with you. He's going
14 to talk to both of us, so calm down. Because I was
15 freaking out.

16 Q This was during the workday?

17 A Yes.

18 Q And again, when you were called in by the
19 chief a day or two before, that was during the workday
20 as well?

21 A Yes.

22 Q Okay. All right. I'm sorry. Go ahead.

23 A So we go into the sheriff's office and he's
24 smiling and apparently in a good mood and tells us to
25 sit down, and they joke back and forth a little bit of

1 playful banter between the two of them. And the sheriff
2 said, I called you in here because I heard you felt
3 I was upset with you and that you were worried that
4 I was mad at you.

5 And I told him, Based on our last
6 conversation, I'm pretty sure you were mad at me.

7 He said, Look -- and he was very polite,
8 buddy, buddy this and buddy that, that I'm not mad.
9 I was just trying to help you. I wanted you to see that
10 you were wasting your time on that case or -- and

11 don't -- that's not a quote, but it was along those
12 lines.

13 And I told him, I said, I apologize for
14 putting your name in it. I said, Typically I don't have
15 to do that. I've never ran into that before, but
16 I didn't put anything in there about what you said to
17 me. I just put that he called you and wanted to be
18 released. I said, I thought I did it right.

19 He goes, Yeah, I'm not mad about it. Just
20 usually you don't want to do that without somebody's
21 permission.

22 And I said, Understood. And he was in a fine
23 mood at that point, shook my hand, and we went on our
24 way.

25 Q So when you said that to him, he didn't deny

1 having been called by Mr. Smith?

2 A No.

3 Q Was there anything said to Sergeant Reed, or
4 did he tell Sergeant Reed, I'm not mad at you either?

5 A I -- my understanding was he had already
6 talked with the sheriff.

7 Q Oh.

8 A And they had talked about whatever without me,
9 and then they called me in there with them to talk
10 together. So I don't know what they discussed before,
11 but in my conversation it was just relevant to me and
12 what I had done.

13 Q Vis-a-vis his -- the sheriff's involvement?

14 A Right.

15 Q Being named?

16 A Right.

17 Q Okay. Did you ever talk to the chief deputy
18 anymore about anything or -- oh.

19 A I think the very next day the chief called me
20 on my cell phone and said, Hey, I heard you had a talk
21 with the sheriff.

22 I said, Yes, sir. We -- I think we're good.

23 What do you mean?

24 I said, Well, we talked and he told me he's
25 not mad at me and had no problems with me and

1 everything.

2 He goes, Well, come to my office. Let's talk.

3 So I went to his office and sat down, just me
4 and him alone, and he asked me what was said. I told
5 him what was said and that he told me he wasn't mad, and
6 I explained myself to him and we -- I think we're good.

7 And he had inquired as to whether anything had
8 been done with the case as far as the issues he had with
9 it. And I told him that --

10 Q "He" being the chief deputy?

11 A The chief.

12 Q Meaning had you done anything --

13 A To the case with the things that they had
14 questioned, like his name being in it.

15 Q Oh.

16 A And I told him we hadn't touched the case yet.
17 I said, We're going to take care of it. Whatever you
18 need me to do, just let me know.

19 He's like, Well, I just -- you know, I'm
20 telling you what the issues are. And he -- that's all
21 he would say. But he says, I'm glad you talked to the
22 sheriff and you guys are good. Just get it taken care
23 of. He was very vague.

24 I said, Yes, sir. Sergeant Reed and I are
25 going to talk today as soon as I leave your office and

1 see what we need to do. Sergeant Reed and I talked, and
2 he agreed with my opinion, which I didn't know for sure,
3 but I was pretty sure that that would be illegal to
4 change anything in that report, and he agreed that it
5 was and that --

6 Q That being Sergeant Reed and your discussion?

7 A Sergeant Reed. And he was not comfortable
8 with it, and I told him I'm not comfortable with it.
9 And he said, Let's let it lie and see if it goes away.

10 So neither of us touched the report.

11 Q Any other conversations with the chief or the
12 sheriff about the -- about this case --

13 A That was it.

14 Q -- other than what you've told me about?

15 Did you ever have -- I might have asked you
16 this. Did you ever have a conversation with Lieutenant
17 Woods about his part or why he was even interjecting in
18 this?

19 A You're good at jogging my memory. We --

20 Q I'm just going by all the names I see and
21 throwing it against the wall.

22 A No, I didn't even -- I didn't even think about
23 this until you just said that. So in speaking with him,
24 this case was a -- was a mess from the beginning because
25 of several reasons. One, I was actively working it.

1 I don't know why I took -- I took extra care, because
2 I'm compassionate or what, but I really wanted to catch
3 this person and make this right for this -- this girl.

4 And when I put my case together I took a -- in
5 any case, I take a lot of pride in it. And when
6 I forwarded it on to CID, initially CID said that, We
7 don't investigate hit and runs. That's traffic. Well,
8 our traffic unit was kind of in shambles, and they're
9 not investigators. They're out doing DUIs. That's a
10 reason why I took extra time in it, because I knew that
11 ~~they were saying they don't investigate them.~~

12 Detective Moore had a couple supplements that
13 were short and sweet but had no further leads than what
14 I had provided already. For example, he had talked
15 about on my page 3 -- I don't even see a date on his.
16 Oh, 9/22 9:06 a.m. he did a supplement and said he went
17 to -- oh, he had found out that I had got a suspect, he
18 updated his case with that, he talked about the victim
19 and the bus that she rides, and he said that -- near the
20 bottom of that narrative he states that, This case will
21 be returned to Deputy Sheriff Speak, Radio No. 201, as
22 that is a traffic matter and he has done all the field
23 work, including making contact with the suspect with a
24 recommendation he consult with the LaBelle SAO, State
25 Attorney's Office.

1 So again he's stating it's a traffic related,
2 which CID does not typically investigate, but because it
3 was a felony and not a misdemeanor, I forwarded it to
4 him and said, It's a felony. We need to investigate
5 this.

6 Lieutenant Woods was discussing this matter
7 with -- I believe at the time it was Sergeant Bryant in
8 CID. They were going back and forth about why they
9 should or shouldn't. It's traffic, but it's felony
10 criminal.

11 Q ~~So it was more or less an internal debate as~~
12 to --

13 A So it was being juggled while I'm working it.

14 Q Okay.

15 A And Moore knew that, which is why he said he's
16 going to re -- just kick it back to me to continue on.

17 After all of the to-do with the name dropping
18 and the conversations, Lieutenant Woods did speak with
19 me and stated that he agreed that we had enough probable
20 cause to arrest, and if it were him, he would have
21 arrested it unless told otherwise.

22 Q This is Lieutenant Woods?

23 A Lieutenant Woods stated this to me.

24 Q When did you have this conversation?

25 A At the same time period.

1 Q Okay.

2 A I can't tell you what day. I don't -- I don't
3 recall, but we had this conversation because -- my
4 concern that nobody wanted the case, and I was doing
5 work anyways, and I had been spoken to about what was
6 put in there, but, in his words, he would have made the
7 arrest on probable cause on the scene.

8 So, needless to say, when I saw the narrative
9 that he put in there, it didn't make sense to me. I've
10 never heard of that. I've never heard of anybody in CID
11 ~~or anybody on the road, any supervisor stating jury~~
12 instructions and proof beyond a reasonable doubt.
13 That's not our job.

14 Q So your conversation with Lieutenant Woods
15 prior to seeing his closeout of the case report --

16 A Right.

17 Q -- was that he felt there was enough probable
18 cause to make a felony arrest?

19 A Correct.

20 Q But yet then you saw --

21 A Right. He didn't. But he also stated that it
22 was being referred to the State Attorney's Office for
23 review.

24 Q Who normally would send that over, then, if
25 you have a case where they think traffic might be CID?

1 A I can send it. Typically it's going to be
2 Criminal Investigations that does that type of stuff,
3 because there's a lot more to paperwork than what we can
4 do on the road, but either one can send it.

5 Q But you didn't send it to the State Attorney's
6 Office?

7 A No. When I finished my last narrative I had
8 no more involvement in the case --

9 Q Okay.

10 A -- because it was in their hands at that
11 point.

12 Q And now that I'm comparing Report No. 1 versus
13 Report No. 2 on Detective Moore's supplemental narrative
14 of 9/22/15 at 9:06, I see there's actually an
15 addition -- there's, like, a couple additional
16 sentences, because in my Report No. 1, which would be on
17 page 3 of 5, it ends with, According to Hendry School
18 Transportation the victim rides Bus No. [REDACTED] and picks up
19 at 6:55 a.m.

20 A Right.

21 Q But then when you go to the same supplemental
22 report, same exact date, same exact time, it adds in a
23 second sentence --

24 A That the case is being returned.

25 Q -- According to sunrise -- sunset.com, sunrise

1 was at 7:07 a.m., and then it -- what you just referred
2 to, that is being returned to you with the
3 recommendation to consult with SAO.

4 I mean, did they ever share this with you
5 or --

6 A Detective Moore and I had spoke about it
7 because we were in contact. He was the one explaining
8 to me that they don't do traffic, but he was
9 instructed -- I guess between Lieutenant Woods and
10 Sergeant Bryant, they agreed that he would work with it.

11 So he did some, and then again, once I made
12 contact with the suspect he said, Well, you've done
13 everything. I'm going to give it back to you. There's
14 no sense in me investigating it when you've done all the
15 footwork and you've got enough -- what you need for the
16 arrest, but referred me to the SAO to see whether or not
17 they thought we had a case.

18 Q Did you feel after your -- I guess after your
19 conversation with the sheriff and the chief deputy, did
20 you feel comfortable referring it to the State
21 Attorney's Office or --

22 A No.

23 Q Why is that?

24 A It was abundantly clear that they felt this
25 case was going to go nowhere and that -- I felt that

1 they were, without saying it, you're not doing anything
2 with this case. So in my last narrative I put, This
3 ends my involvement. So they know I have done nothing
4 beyond this point. So anything after that point --

5 Q Oh, I see. Uh-huh.

6 A -- is on somebody else, and I'm not going to
7 be responsible for it. So I finished what I knew
8 I needed to do in good judgment and walked away from it,
9 knowing that they said they were referring it to the
10 SAO, and that was from Lieutenant Woods.

11 Q After you saw Lieutenant Woods' supplemental
12 report closing it out, did you ever -- ever have a
13 conversation with them about why it was a discrepancy
14 between him saying he thought there was enough and now
15 he's closing it out?

16 A We didn't speak about it anymore. Nobody was
17 comfortable talking about this case anymore.

18 Q So you basically -- I guess without putting
19 words --

20 A The case went away.

21 Q Okay. Based upon the sheriff's --

22 A I know that Lieutenant Woods had spoke to the
23 chief. He told me that. He told me he spoke to the
24 sheriff. He advised the sheriff that it's a good case,
25 and the sheriff disagreed, and he -- Lieutenant Woods

1 bowed out.

2 Q And I'm -- and I'm again -- and you may not be
3 able to answer this, but I'm again confused as to how
4 there could be another version of an almost identical
5 report, because when you look at the two spots for
6 Detective Moore's narrative, and now they've on -- on
7 Report No. 2 thrown in there, Oh, yeah, it should go to
8 the SAO for review --

9 A If he's still working on the case, what will
10 happen is if I went into this case right now with my
11 ~~current permissions, I could reactivate this case and~~
12 add another supplement. All right? That supplement
13 would have my information, which is now Charlie 7 -- CH7
14 Speak, V, my ID number, and it would also have my name
15 as the approving supervisor because I have supervisory
16 permissions. I can approve my own reports now.

17 But I could put anything I want in this
18 narrative once it's created, and that's time stamped.
19 I can come back a month later and add another sentence
20 to it. That's not an issue. The only issue is if you
21 start changing things that are pertinent to the case.

22 In his case, Detective Moore, he just added in
23 his same supplement. Instead of making a new one, he
24 just added, By the way, this is being sent back to
25 Deputy Speak. The fact that you have an extra page with

1 Lieutenant Woods' statement and his narrative just tells
2 me that you got a copy of the case with his statement
3 and a copy of the case without his statement.

4 Q So where --

5 A I can't explain it.

6 Q Well, so where -- you know, we know that there
7 are two or three other sentences added by Detective
8 Moore, but how do you know that it's contemporaneous to
9 when he's doing this report or if he's doing it after
10 the fact? Is there --

11 A You don't unless he documents it. However, in
12 case management you can do transaction logs with the
13 right permissions, which I believe is captain and above.
14 You can do a transaction log, and that transaction log
15 will tell you historically what has been done on that
16 case and by who and what time.

17 Q So if I was to send over, like, a subpoena
18 duces tecum or something to the effect for documents,
19 and I wanted to see everything that was entered on this
20 report, there would be something called a transaction
21 log that you would ask for?

22 A Correct.

23 Q Would there be any other areas or categories
24 that --

25 A That would typically be all that you would

1 need to see everything. Even when I printed this
2 report, so I would know why I was coming here today, it
3 will show in the transaction log the day, time and --
4 and date that I printed this and that I printed it, and
5 if I had clicked on anything to look at or read, it
6 would be logged.

7 Q So essentially whoever touched the report,
8 chronologically in the transaction log it would show
9 date and time and by whom --

10 A It is supposed to.

11 Q -- and what was done?

12 A Correct.

13 Q Did you ever have any other discussion with
14 Mr. Smith since -- well, post the initial contact with
15 him at the scene?

16 A When he left the scene, I never saw or talked
17 to him again.

18 Q Okay. And as far as you know, he's in prison?

19 A As far as I know, he's in prison right now.

20 Q Do you know why he was even going to prison
21 or --

22 A In speaking with the sheriff, he explained to
23 me briefly that there was some type of federal fraud
24 regarding biodiesel grants or the biodiesel money, and
25 something about millions of dollars being stolen or

1 fraudulently obtained by Mr. Smith and his brother.

2 Q When did the sheriff tell you that?


3 A When we met on Commerce the morning after he
4 called, going to Buck Holly's, that's where we were side
5 by side in his car and my car, he explained it to me
6 then.

7 Q So the sheriff was aware that this gentleman
8 was a convicted felon?

9 A Yes.

10 Q So when he was trying to intercede, he was
11 interceding on behalf of a convicted felon?

12 A Yes.

13 Q As far as -- you had mentioned before the --
14 I guess the height of the mirror to, you know, of where
15 it would normally be on the truck versus 

16 A Right.

17 Q I mean, obviously you've met with her a couple
18 times. Do you recall approximately how tall she is?

19 A I couldn't sit here and say to be close
20 enough, but --

21 Q Did she show you where she was hit --

22 A Yes.

23 Q -- on what part of her body?

24 A She was -- her back left shoulder and neck and
25 head.

1 Q So if she was walking on the south side of the
2 road heading --

3 A East.

4 Q -- east, and if she was hit by -- hit from
5 behind by an object, it would have been --

6 A It would have been that inside shoulder.

7 Q -- the same left-sided shoulder?

8 MS. FLANDREAU: Objection to form.

9 Q Okay. As far as, like, comparing the height
10 of garbage cans versus the height of the side view

11 mirror, did -- did you ever do that?

12 A We never got to do that as we wanted to, upon
13 finding him, because we didn't have access to the
14 vehicle. Upon him coming to the interview, Detective
15 Moore would have likely been interviewing him while
16 I was taking measurements and extra photos, because at
17 that time in the morning I'm being rushed to get rid of
18 him and send him on his way, and it's dark and the
19 photos aren't going to be good. So we never got to get
20 actual measurements, which is something the chief said
21 to me, Why wouldn't you do that? And I explained why.

22 Q What did you tell him?

23 A I told him I was told to let him go. I'm not
24 going to hold him there any longer than I have to to get
25 what I need to document.

1 Q Did you explain to the chief too that you had
2 this interview set up and --

3 A Yes.

4 Q -- the sheriff told you that he told this guy,
5 Mr. Smith, not to come?

6 A Everything was explained.

7 Q Did the chief have a reaction or make any
8 statement to that?

9 A He doesn't have a lot of reaction. He's --
10 I don't know what the right word is, but we never got to
11 measure, but visually the height of the mirror was

12 consistent with her height of the area she would have
13 been hit, whereas a garbage can would be much shorter
14 and the mirror would likely pass right over it.

15 Q What about -- same question with the mailbox.

16 A With the mailbox, there's a chance you could
17 strike it with a mailbox because it would be higher, but
18 there's no mailboxes on that side of the road.

19 MR. RAMUNNI: I don't have anything else at
20 this time. I might come up with something if you
21 have any.

22 THE WITNESS: Can I --

23 MS. FLANDREAU: We can take a break, sure.

24 (A recess was taken from 12:07 p.m. to
25 12:12 p.m.)

1 CROSS-EXAMINATION

2 BY MS. FLANDREAU:

3 Q All right. Again, my name is Courtney
4 Flandreau, and I represent Mr. Smith in the civil case
5 pertaining to this accident.

6 Just to go back through a few things, this
7 shouldn't take terribly long, but initially I think you
8 stated that you met with the plaintiff and her mother
9 and father within a few hours of the accident, correct?

10 A I believe it was within approximately an hour
11 and a half.

12 Q All right. And they indicated that they went
13 right to the station as opposed to going on to the
14 hospital or to see a doctor at that time?

15 A Well, I -- I asked, Have you gone to the
16 hospital yet?

17 And they said, No. She was with the nurse.
18 And they said we need to fill out a police report, so we
19 went straight here.

20 And then that's when I said, No, take her to
21 the hospital and come back. And they did that right
22 away.

23 Q Now, I know you mentioned that some photos of
24 the injuries were taken. Were they done on that initial
25 visit when they first came, or were they taken later

1 that afternoon?

2 A I don't recall if it was the first or second.
3 I want to say it was the second, because I didn't want
4 to waste any time. I wanted them to go straight to the
5 hospital. So that's how I probably would have done it.

6 Q Okay. And do you -- did you take those
7 photographs yourself?

8 A Yes.

9 Q Do you recall specifically what you saw? What
10 were you taking photographs of?

11 A Her back shoulder, and this part of her head.

12 Q So behind the -- would it be her left rear --

13 A Right.

14 Q -- on the back of her head --

15 A Right.

16 Q -- and then the shoulder?

17 What did you -- what did you see? Was it red?
18 Was it bruised? Tell me a little bit --

19 A It appeared to be discolored and -- discolored
20 being red but, like, light bruising. Again, it was
21 early on, so I never got photos after that, after that
22 day, and I don't recall exactly what I saw, but
23 I remember stating that there was redness, right?
24 Redness and swelling or bruising.

25 It appeared to be an imprint on her left

1 shoulder, so that's the photo for her shoulder, was red
2 and swollen.

3 Q Okay. Now, the imprint, do you have any
4 independent recollection if the imprint was shaped a
5 certain way or had it --

6 A I don't -- I don't recall.

7 Q Any detail --

8 A But there should be a photo of it, yeah.

9 Q All right. So it would be uploaded somewhere
10 in your system?

11 A It should be in the case.

12 Q Okay. If not, we'll know who checked it --

13 A It should be under attachments.

14 MR. RAMUNNI: And that will be the other thing
15 I'm asking for later.

16 MS. FLANDREAU: Yeah.

17 MR. RAMUNNI: So I'll make a note to that.

18 MS. FLANDREAU: Okay.

19 BY MS. FLANDREAU:

20 Q Let's see. Now, other than those initial
21 interactions with the plaintiff early in the morning,
22 you know, eight or so, and then later that afternoon,
23 did you ever speak with her or her family again about
24 this case?

25 A The only other -- well, not about this case.

1 The only other run-in I've had was only with the mother,
2 had nothing to do with this case.

3 Q What did that pertain to?

4 A That was reference to two local warrants, and
5 I don't recall what they were for.

6 Q Were they warrants for the mother's arrest, or
7 was she a witness to something? Do you recall?

8 A Warrants for her arrest.

9 Q Okay. And do you recall what she was being
10 arrested for?

11 A I do not.

12 Q Would that be something that would be public
13 record?

14 A Yes.

15 Q Okay. Do you know, just by virtue of working
16 that area -- and I assume you're still out in that -- in
17 that Hendry County area?

18 A Yes, I'm still in the LaBelle area.

19 Q In LaBelle, okay -- if there have been any
20 issues with domestic violence or anything in that home?

21 A Not that I know of.

22 Q Now, it looks like the plaintiff -- or where
23 does the plaintiff reside? Do you know where her home
24 is in relation to where the accident happened, or how
25 far?

1 A Well, that's what we were discussing earlier.
2 I would be guessing, but it's on the [REDACTED]

3 [REDACTED]

4 Q And that road being --

5 A [REDACTED]

6 Q -- [REDACTED]

7 A [REDACTED], yes.

8 Q And then I think you indicated that the bus
9 stop would be another about a [REDACTED], I think you
10 indicated, from --

11 A Maybe a [REDACTED]

12 Q A [REDACTED] Okay.

13 A Less than [REDACTED] from where she was
14 hit to the bus stop, which is [REDACTED]

15 Q Okay. Did you ever take any measurements of
16 where you deemed the point of impact to be to where the
17 bus stop was?

18 A No. I'm not equipped with that -- anything to
19 do that.

20 Q Okay. And I think in the initial interview
21 [REDACTED] advised that at 6:40 in the morning she was hit,
22 and then there's another on the second page, [REDACTED]
23 told me she left home at about 6:45.

24 Do you know what time this accident actually
25 happened?

1 A Let me see where we're at, if I can help out
2 with that. So you're talking about page 2 and 3?

3 Q Yeah, page 2 of 5, and it looks like the third
4 paragraph there's reference made to 6:40 a.m., and then
5 the second page, first sentence, there's reference to
6 6:45 a.m.

7 Were you able to dig into that a little
8 further to see what time this actually happened?

9 A Well, typically -- and again, I'm not sure how
10 long I was on the road at this point. Typically when
11 we're given times it's at approximately --

12 Q Okay.

13 A -- because it's very rare that somebody's
14 going to say, At exactly 6:40 I was hit by a truck. It
15 was around 6:40 or was it around 6:45, and that's how
16 I would put it based on the two different conversations.

17 Q Okay. And that's all I'm trying to just
18 narrow down.

19 A Okay.

20 Q Just because there's a lot of talk about where
21 the sun was positioned. Was it dark? Was it dusky?
22 You know, could you see? Could you not see? And that's
23 what I'm trying --

24 A That's Detective Moore's, not mine.

25 Q Yeah. That's what I'm trying to just put my

1 head around right now, because, as you know in the early
2 morning hours, it does make a difference.

3 A Yes, it does.

4 Q You know, five minutes could.

5 Now, again, I think, you know, you went back
6 out there and you were describing the conditions a few
7 days later when -- or ten days later when you observed
8 my client driving in that area. And that was at
9 approximately 6:10 a.m., per page 3 of your report.

10 A 9/22, approximately six -- yeah, see, there's
11 "approximately."

12 Q Yeah.

13 A Approximately 6:10.

14 Q And then at 6:42 you observed my client
15 traveling -- now, is he traveling on [REDACTED]

16 A He was on [REDACTED] at that point coming up to
17 [REDACTED]

18 Q Now, is that where the accident happened?

19 Would that also have been --

20 A That's on the same stretch. It's probably
21 within a couple hundred yards. Where I observed him was
22 at [REDACTED] when I first saw his truck, and that's --
23 basically if you're driving east, right, on [REDACTED] you
24 pass the victim's house; couple hundred yards she was
25 hit; less than another hundred yards is her bus stop;

1 another hundred yards is Thigpen; another hundred yards
2 it's County Road 78 stop sign. So this was all that
3 stretch that he drove when I saw him.

4 Q All right. And that same direction of travel?

5 A Same direction of travel.

6 Q All right. That's what I was trying to kind
7 of --

8 A Sorry.

9 Q No, no, no, you're fine.

10 Now, we've gone through before the fact that,
11 you know, it was the truck mirror --

12 A Right.

13 Q -- that allegedly made contact with the
14 plaintiff. Did you actually ever have an opportunity to
15 see the mirror before it was replaced just -- other than
16 the pieces on the roadway?

17 A Just the pieces that we had on the roadway.

18 Q And you mentioned at 6:10 -- or 6:42 in the
19 morning when you observed my client a few days later
20 that it was very dark out. How were you able to
21 decipher the fact that the car was dirty in the dark
22 conditions that morning?

23 A Well, we were parked right behind it with our
24 lights and our takedowns.

25 Q Okay. And that makes it clear that there's

1 dirt on a vehicle --

2 A Well, you can see if it's a white truck and
3 it's got dirt on it, you know.

4 Q Was it mud? Was it just sand? Was it dust?
5 Like, what kind of dirt?

6 A It's Florida, so --

7 Q Any independent recollection of what you --

8 A Just I noted it was dirty, as opposed to what
9 appeared to be a brand-new mirror on a truck that's five
10 years old, and this mirror does not appear to be brand

11 new. And on the plastic on these Fords, they're going
12 to fade over time, so it's -- it's not hard to decipher
13 between a brand-new one and an old one on something
14 that's five years old in the Florida sun.

15 Q Now, did you ever determine if his vehicle was
16 the Lariat or the -- the other special edition truck
17 that was suggested by one of the dealerships that it
18 would have to be --

19 A Let me see. I know where I wrote -- I wrote
20 down what the truck was. His truck was a white Ford
21 F-150 with the large electric tow mirrors, which were
22 not the common ones for that truck. The truck was a
23 2011 model, which was the suspect truck's manufactured
24 year. I never indicated if it was a Lariat or XLT, but
25 by VIN number we could find out.

1 Q And you indicated that those mirrors were kind
2 of rare, the electric tow mirrors?

3 A Rare for that style of pickup truck. You
4 usually see those on super duty, something that's
5 towing.

6 Q All right. When you observed my client, was
7 he towing anything?

8 A No.

9 Q And did -- did you have any conversation with
10 him if it was an aftermarket part, or was that the
11 mirrors that were --

12 A I don't think we had that conversation.

13 Q Would it be really that uncommon just -- how
14 many -- how many hit and runs have you investigated in
15 your career? We'll start with that.

16 A It would be hard to say.

17 Q More than ten? Less than ten?

18 A I would say more than ten.

19 Q And I think you indicated you've been on the
20 force for three years now?

21 A Yes. Three years, two months.

22 Q So at the time of the accident it would have
23 been about two years that you were on the force?

24 A Approximately.

25 Q What date -- what was your hire date? Excuse

1 me.

2 A It would have been in July or June of 2013.

3 Q And were you hired on in the same position
4 that you are now?

5 A I was hired initially as a reserve deputy
6 working full-time for free, and a few months later I got
7 hired full-time as paid for road patrols in the same
8 function.

9 Q Okay. What was your job before serving as a
10 sheriff for Hendry County?

11 A Firefighter EMT.

12 Q So is this your first time working as a
13 sheriff?

14 A Yes.

15 Q And with respect to investigating accidents,
16 and particularly hit and runs, what type of training did
17 you have to kind of put the pieces together, so to
18 speak?

19 A Well, basically training and experience,
20 mostly being experience, because for a large county we
21 have very few deputies and we have very short shifts, so
22 you're going from call to call to call to call, and
23 it's -- to -- compared to a county like Collier, you're
24 ten times the workload for the manpower. Right?

25 Training, I have a lot of different training

1 through the academy, everything from speed measurement
2 to homicide investigations. I mean, it just -- the list
3 goes on and on, but I can't sit here and think of every
4 class.

5 Q Do you know about how many hit and runs you
6 would have investigated before this one? Because I know
7 you said it's more than ten in the past three years --

8 A I'm assuming more than ten in three years, but
9 I -- I couldn't tell you how many I've done at that
10 point.

11 Q Now, going back, I know that you indicated
12 someone in -- someone said to you -- or criticized how
13 you investigated the case. Other than not taking
14 measurements of the mirror height --

15 A Right.

16 Q -- did they criticize anything else?

17 A The main criticism was the things that I put
18 in my report but added, Did you measure the height of
19 the garbage cans? Did you measure the height of the
20 mirrors? And that was basically what they were
21 revolving that criticism around.

22 And again my response to that was, That's my
23 intention, was to do all of that. However, that was
24 interfered with.

25 Q Now, do you know as we sit here today how high

1 that mirror is off the ground of that truck?

2 A I do not.

3 Q Do you recall if my client's truck was
4 modified at all, lifted, lowered, any modifications?

5 A I don't recall. I don't believe, but I don't
6 recall.

7 Q Okay. Other than the photos that would be
8 uploaded into your system, are you aware of any others
9 out there such as maybe Deputy Cameron had done or --

10 A I don't believe -- I don't believe so.

11 Q It would just be what you took?

12 A It would likely be what I took and not what
13 I wasn't able to take.

14 Q All right. And if you could just describe to
15 me, what's a latent print?

16 A A latent print is a fingerprint left behind by
17 the fingers. So if I were to take this phone and put it
18 down to scan my finger, what I'm going to leave there is
19 a latent print left by my own body, my own oils, which
20 could be dusted and removed for analysis for a
21 fingerprint match.

22 Q Were the prints you observed of fingers, or
23 could they have been of other body parts like a
24 shoulder?

25 A The -- the prints that I recovered appeared to

1 be fingers, similar shape and size.

2 Q And typically -- I think you went over just in
3 the course of how things go -- they would have been
4 matched if possible, correct? It would have been sent
5 to the system?

6 A It should have been -- because of the severity
7 of the crime, it should have been sent off to FDLE for
8 analysis. If it was not, it is still in evidence.

9 Q And I think you indicated that the accident
10 happened roughly 6:45, the bus left at about 6:55,
11 I think you had the pickup time?

12 A I don't remember saying anything about what
13 time she was picked up.

14 Q Did you ever have an opportunity to talk to
15 any of the kids that were riding the bus with her that
16 morning --

17 A No.

18 Q -- that may have been at the bus stop?

19 A I did not. Again, it's -- a lot of things we
20 wanted to do that we couldn't.

21 Q Did [REDACTED] or her -- her family indicate that
22 there were kids at the bus stop that morning when she
23 was hit or tell you anything?

24 A [REDACTED] specified that there was a boy that
25 lives closer to the bus stop than her that was coming

1 out right after she got hit, so he would have
2 identified -- been able to identify her as a schoolmate,
3 and she did say she was just hit by a truck, but we
4 never got to talk to him for the reasons stated.

5 Q Did she indicate that she was knocked down to
6 the ground as a result of the accident?

7 A I believe what she explained was that she was
8 knocked down but not flat. She caught herself on the
9 ground and looked up, and that's when she saw the rear
10 of the truck.

11 Q Did she tell you how far down? Like, was she
12 able to catch herself with her legs and didn't put her
13 hands down, or she put her hands down on the ground? Do
14 you know?

15 A I -- I don't recall.

16 Q And her description of the truck was
17 essentially a white Ford truck, correct?

18 A Right. Which she stated, Similar to my
19 daddy's truck, which he has a similar truck to that.

20 Q Now, you indicated no decals, no stickers. Do
21 you recall seeing any stickers on my client's truck?

22 A I don't believe she stated there was any type
23 of decals or stickers, and I don't recall if I said --
24 saw anything on his or not.

25 Q Was it a work truck that he was driving or a

1 personal truck?

2 A I have no idea. It was registered to him, so
3 you could classify that as a personal truck or he uses
4 it for work.

5 Q Yeah. I'm just trying to think. Did you see
6 anything indicating that it was a business truck?
7 Sometimes they'll have phone numbers or stickers or --

8 A Usually you'll see stuff like that --

9 Q -- a wrap.

10 A -- but there's so many trucks out there that
11 ~~don't because they're farm trucks, and I don't recall~~
12 seeing anything.

13 Q Now, just to get a better feel for the scene,
14 because I have not been out there yet -- maybe today
15 I'll go take a peek.

16 A Be careful.

17 Q I will. I'll wear an orange vest.

18 You mentioned that it was sandy to the right,
19 you know, where she was walking.

20 A Right.

21 Q Is that an area in the sand or whatever's on
22 the ground, if -- would it pick up tire tracks if the
23 car went off?

24 A Yeah, it would.

25 Q Did you observe tire tracks at all?

1 A There's photos of the tire tracks.

2 Q Okay. So did you have an opportunity to
3 measure those tracks or take a picture of those tracks
4 versus the truck tire of my client?

5 A We weren't able to do anything on scene with
6 him, and after that it was done. Again, a lot of stuff
7 we would love to have done but couldn't.

8 Q And I think you indicated you saw some
9 footprints and then maybe a little bit of a dig-in?

10 A Looked like a divot.

11 Q Were the tracks near the divot? How far were
12 they from the divot? If you could just give me a
13 feel --

14 A I don't recall, but there is photos of it
15 attached to the case.

16 Q So the best way to get this information would
17 be to look at the pictures?

18 A Yeah, to request, Chapter 119.

19 Q Now, you mentioned how the roadway was set up,
20 and on the other side of the road it was more narrow.

21 A Right.

22 Q Is there a sidewalk anywhere available for
23 folks to be walking?

24 A There is not. The best description for that
25 is the area she was walking is the widest on either side

1 of the road, and that's well worn because that's where
2 everybody for the school walks, and it's that side of
3 the road all the way down.

4 Q Could someone walk on the other side of the
5 road? Is there enough space for a pedestrian to walk?

6 A Not safely. I would not. Regardless of
7 direction of travel, I would walk where I had the most
8 room to get away.

9 Q Now, you mentioned you read the Miranda Rights
10 after you had asked some questions about the incident.

11 Is that typical, or do you typically --

12 A It is, because initially the stop is for --
13 traffic related but requires further investigation for
14 this felony case. So making an initial contact on a
15 traffic stop, you're not going to read somebody Miranda.
16 You want to see what you have, who you're dealing with,
17 you want to identify them, you want to check the
18 driver's license status, you want to check their wants
19 or warrants status, all the common officer safety
20 things.

21 And, in doing that, when I was able to
22 establish by asking a couple simple questions whether or
23 not this was the truck I was looking for, the questions
24 ceased. I go to my car, I identify him, make sure it's
25 all done correctly, and then call him out. Knowing that

1 this is the suspect that I want to talk to, he gets read
2 Miranda at that point, so everything he said is on his
3 own free will, knowing his rights.

4 Q Now, a good section of your report you wrote
5 at 7:21 in the evening, or you -- you started writing
6 after your interaction with my client which was, I think
7 you said, at 6:42 a.m. So that's about 13 hours
8 later --

9 A Okay.

10 Q -- that you started inputting that
11 information, correct?

12 A Right.

13 Q Did you have handwritten notes, or were you
14 just inputting all these details based on your memory?

15 A Usually I have little notebooks. And back
16 then I had more than I do now, because now they're big
17 notebooks, but I don't recall if we had field notes for
18 that, but the purpose of the delay in time is the extent
19 of the call volume that we have during the day.

20 Q I understand, but do you think you have your
21 actual handwritten notes still pertaining to this?

22 A It's a possibility. I try to keep track of
23 all my books, and it's a good possibility I still have
24 them.

25 Q Just because, I mean, this is 13 hours later,

1 and you're putting in a significant amount of detail.

2 I'm just --

3 A Well, the -- the details I put in are my own
4 observations on a case that I took very serious, and my
5 limited interaction with him didn't leave a lot of play.

6 Q Do you think when you wrote this out you were
7 going on your own memory, or were you going by
8 handwritten notes, or a combination of both?

9 A It was more likely a combination.

10 Q What types of things do you typically write
11 down versus what do you rely on your memory to produce
12 when you have to do -- when you have a delay like this
13 of 13 hours?

14 A I have no idea how to answer that.

15 Q Okay. Well, I mean, we all kind of have
16 habits. I mean, I'll write down certain things before
17 I go to a deposition, and other things I just rely on
18 just doing my job and asking questions, you know, as
19 I go.

20 A Yeah. If you have a case that doesn't have a
21 lot of information, more just your observations, right,
22 as opposed to a murder case, a homicide, all right -- 22
23 hours yesterday working on that case, I've got a book
24 and I'm ten pages into it, and I'm writing down
25 everything they say that is going to be imperative to

1 the case. All right? As opposed to going and seeing a
2 scene, taking photographs for my own recollection with
3 my camera, so I can see when I'm writing my narrative
4 I am referring to my photos to what I see,
5 double-checking my work and making sure that what I'm
6 writing is what I saw because I took those photos.

7 So a lot of that that you're reading was based
8 on my observations. The limited interaction with him
9 was not a lot to be documented. If I did, it's in my
10 notebook.

11 Q I guess I'll give you the typical spoliation
12 instruction. If you find it, please don't destroy it --

13 A Oh, no.

14 Q -- or throw it away, burn it. We may need
15 that later.

16 A I will check, and if I have it, it will be
17 brought forward.

18 Q All right. Thank you.

19 Now, you mentioned a couple times during this
20 deposition, and I think even in the report, that
21 Mr. Smith confessed that -- the crime. Isn't it true he
22 thought he hit an inanimate object as opposed to a
23 person?

24 A He was offering suggestion as to what he may
25 have hit, but everything he offered suggestion to was

1 not possible, number one, and, number two, he admitted
2 to hitting something, and then later says, Well, maybe
3 it was a mailbox.

4 No, there's no mailboxes.

5 Well, maybe it was a garbage can.

6 There's no garbage cans.

7 And that's when he gets mad and becomes
8 uncooperative.

9 Q Is there anything in that stretch from her
10 home, or along, I guess, ██████████ that you observed,
11 planters, statues, you know, anything that is in that
12 span of sand where the kids walk, or is it completely
13 vacant, that whole stretch of road?

14 A The area that we were at, there was nothing to
15 be hit.

16 Q No shrubs?

17 A Just -- this side of the ditch there's
18 nothing. It's walking. And again, crime scene photos
19 will show that.

20 Q All right. Now, you indicated that there were
21 tire tracks on the side. Do you know for what distance
22 those tracks --

23 A I don't recall.

24 Q -- went off the road?

25 A Again, on -- my photos would have documented

1 that.

2 Q Bear with me. I'm just going through my
3 notes. Do you have an independent recollection of the
4 plaintiff? Can you describe her to me, what she looked
5 like?

6 A Young Spanish girl, dark hair, and I believe
7 on that day it was up for us to see. A little heavier
8 set, and approximately five-four, five-fiveish.

9 You asked me the same question. It's just --
10 this is recollection, trying to estimate. I can't sit
11 here and say for sure that it's exact.

12 Q I understand. It was a long time ago. I'm
13 just trying to see what you do remember.

14 A Okay.

15 Q How far from the tire indentations was the --
16 was the glass or the debris that you observed?

17 A The debris, I don't recall where the tires --
18 because what you have is -- all right, you have the
19 tarmac. You have the fog line on the outside shoulder.
20 All right. You have a little bit more tarmac, you have
21 some grass, you got the dirt path, you got more grass,
22 and you got the ditch. So in all of that, the mirror,
23 again, the photos will show, towards the driveway, most
24 of the glass that had shattered was along that fog line
25 in the roadway, some of it in the -- in the grass and

1 dirt, but most in the roadway.

2 Q Okay.

3 A So -- but the mirrors ended up closer to the
4 dirt path and in the driveway past where she was hit.

5 Q But there was some on the pavement --

6 A All on the edge on the fog line was where it
7 was all at.

8 Q Now, where were the tire marks on the sidewalk
9 with respect to that? Could you -- do you remember it
10 all? Was it a few feet back?

11 A I just -- I remember taking the photos, that
12 you could see tread in the actual sand part of the road,
13 or of the walkway.

14 Q Yeah, and that's what I'm trying to kind of
15 put together. Where were the tire marks versus where
16 was the debris --

17 A Oh.

18 Q -- versus where was the mirror?

19 A Okay. So the tire marks I was looking for
20 was -- I was looking for where she was hit. And so if
21 I got her footprints and I see a divot, I got a pretty
22 good idea that that's probably where she lost balance or
23 fell; and that same area there were tread marks in the
24 sand, which I photographed, and then I think it's even
25 in the photograph with the shoe print where you can see

1 the distance in between, but down further is where you
2 start seeing more debris.

3 So traveling at 45, 50 miles an hour, whatever
4 he was doing, you're going to have impact, but then your
5 property, your evidence isn't going to be till later
6 because of the forward kinetic energy.

7 Q Now, you mentioned speed. Do you have any way
8 to determine what he was actually traveling that day,
9 that fast?

10 A No. No.

11 ~~Q Did the plaintiff ever tell you she could make~~
12 an estimation about how fast he was going?

13 A No.

14 Q Has anyone come forward saying how fast he was
15 going?

16 A No. FHP would have been good at that.

17 Q Do you typically type in your opinions with
18 respect to intent in your report?

19 A Typically if I'm trying to put together a case
20 I'm going to give everything I can to explain how I got
21 where I'm at and what conclusion I have come to,
22 especially if you're going to do, like, a warrant
23 request. All right?

24 It's good that you can put the elements of the
25 crime in there, and intent being one of those, it would

1 be explained. And because there was conflicting
2 opinions on my case, more effort went into explaining
3 intent as opposed to just focusing on the elements of
4 the crime.

5 Q What intent were you looking for specifically?
6 Intent to do what?

7 A In proving intent, by Florida Statute for hit
8 and run accident, for any accident, you are required by
9 law to stop at the nearest possible place and report the
10 crime -- or report the crash. The fact that he didn't
11 stop at the nearest possible, he kept driving, and by

12 his account went over the bridge heading south before he
13 turned around to come back, that was 3 or 4 miles
14 further than he needed to go before he came back to
15 report the crash, which he never reported.

16 That -- that is your intent to commit that
17 crime, is by not reporting it and not staying on scene.
18 Now, we can all assume he did not intend to hit the
19 girl, but he did intend to leave and he did.

20 Q That's what I was going to ask you. Do you
21 have any -- no one's ever come forward saying that he
22 purposely hit the girl?

23 A No. No.

24 Q Okay.

25 A Absolutely not.

1 Q And you mentioned he seemed nervous to you at
2 the scene, maybe not eager to have an interaction with
3 you --

4 A Right.

5 Q -- when you pulled him over?

6 Did he indicate that was because he was going
7 to prison? I mean, he did tell you that, I mean --

8 A No. His -- his initial concern was being late
9 for work. He had to go all the way to Everglades City.
10 Further into the investigation, further into the traffic
11 stop is when he says he doesn't need the problems

12 because of his trip he's about to take to federal
13 prison. But from the beginning it was nervous; to the
14 end it was angry.

15 Q Okay. When you were called in to see the
16 chief that day, were you nervous?

17 A Really?

18 Q Were you?

19 A Yes.

20 Q Okay. And the first time you saw page -- the
21 end of page 5 out of 6 and the beginning of page 6 out
22 of 6 on the report that has the stamp on it from HCSO
23 records custodian, is that the first time you're
24 actually seeing that today?

25 A No. The first time I saw that, to my

1 recollection, is when I printed this, which is when
2 I got the deposition (indicating).

3 Q Okay. So you actually printed the same copy
4 that's, like, the second report in the composite
5 exhibit?

6 A That he has, correct, right, which appears to
7 be the actual finished report.

8 Q Now, just to go through real quick, I know you
9 guys were going through them, but just so I have a
10 better understanding, who is your direct supervisor?

11 A Now or then?

12 Q Then.

13 A Then my direct supervisor is Sergeant Shawn
14 Reed.

15 Q Okay. Who is above Sergeant Reed?

16 A Lieutenant Josh Woods.

17 Q And who is above Woods?

18 A That would be Chief Deputy Kevin Nelson.

19 Q Was Nelson involved in this at all?

20 A Yes.

21 Q Okay. And I think you went through that
22 already?

23 A Yeah. You had just asked, Was I nervous when
24 I went to see him?

25 Q That was Nelson?

1 A Yes.

2 Q Okay. It wasn't Sheriff Whidden -- Widen?

3 A Whidden.

4 Q Whidden. So he's above Nelson, then?

5 A Yes.

6 Q Okay. That's what I meant, like, I needed a
7 family tree to kind of figure out who -- the hierarchy.

8 A Yes.

9 Q And then Detective Moore, he's outside of your
10 direct chain of command, I guess, for lack of a better
11 term?

12 A Correct.

13 Q And he is with a different department?

14 A Right. So he's with Hendry County Sheriff's
15 Office. But if you're looking at the tree as you
16 described, okay, you have road patrol here, okay, road
17 patrol, you have east and west district, each has their
18 lieutenant. Just picture CID, Criminal Investigations,
19 on this side where you have six investigators, one
20 sergeant, one lieutenant, and one captain above all of
21 it.

22 Q Okay.

23 A And in communicating, that would be Lieutenant
24 Woods communicating with Lieutenant Morales, but --

25 Q That would be his supervisor, Morales?

1 A That would be -- Morales is a CID supervisor.
2 He's nowhere in here because he has nothing to do with
3 it, but you're communicating back and forth between
4 lieutenants.

5 Q That was my next question. So as far as the
6 chain of command in that unit, it never went beyond
7 Moore?

8 A That went from Moore to Sergeant Bryant, and
9 I don't think it ever went beyond Sergeant Bryant unless
10 she referred to Morales for advice on whether or not
11 I should work the case.

12 Q Okay. And that's all it went to Bryant for,
13 was just, who should work this thing --

14 A Yeah. Do we actually work a -- a hit and run?

15 Q But as far as the folks who were actively
16 involved in preparing this report, it would be Moore,
17 Woods, yourself, and Shawn Reed?

18 A Shawn Reed would only be approving, right.

19 Q Okay. I'm just trying to figure out who had
20 their hands in the computer, approving things,
21 e-signing, whatever the case may be.

22 A Right. Gotcha.

23 MS. FLANDREAU: All right. I think that's --

24 MR. RAMUNNI: I just have a --

25 MS. FLANDREAU: I figured.

1 MR. RAMUNNI: I know you've got to get down
2 the road, but --

3 MS. FLANDREAU: I know. Well, we can call and
4 tell them I'll be late. That's okay.

5 MR. RAMUNNI: Yeah, that's no problem.

6 REDIRECT EXAMINATION

7 BY MR. RAMUNNI:

8 Q On this transaction log that you were
9 referring to before, if somebody from the department
10 went into the system to read the report, would it show
11 that so-and-so read this report on a certain date at a
12 certain time?

13 A It is supposed to show that -- whoever the
14 user was and what they were doing. If they clicked on
15 the Narrative tab, it should say that. If they clicked
16 on the Attachments tab, it should say that.

17 Q So, theoretically, anybody who's touched the
18 case via the computer --

19 A Yeah, there should be a log.

20 Q -- it should show? Okay.

21 A And I will say that it does not always work.
22 Just saying.

23 Q Okay. And I know before counsel asked you if
24 you were nervous, you know, when you were called into
25 the chief's office, and you said you were. Why were you

1 nervous?

2 A Because I already knew what was coming.
3 Knowing that I went further into this case than what
4 they wanted me to and knowing that the sheriff's name
5 was in it, while I was not trying to involve him, I was
6 trying to just show the deception, I knew that that --
7 they were still mad about that.

8 Q Okay. Would it be fair to say you had maybe
9 some concerns for your job?

10 A Yeah, I expected to be sent home without a
11 job.

12 Q Okay. And do you believe that the sheriff and
13 the chief, by their words or acts, hindered or attempted
14 to hinder your investigation in this case?

15 A I can say that without any involvement
16 whatsoever he would have been arrested on scene,
17 Mr. Smith would have.

18 MR. RAMUNNI: Mr. Smith.

19 And I don't have anything else. You've
20 already talked about, you know, what you couldn't
21 do, so on and so forth, so there's no sense
22 belaboring it.

23 Do you have any other follow-up?

24 MS. FLANDREAU: I don't think so.

25 MR. RAMUNNI: If this gets typed into a

1 transcript form, which it will be because we're
2 both ordering it now, you have the --

3 THE WITNESS: Read?

4 MR. RAMUNNI: Option to read or waive.

5 THE WITNESS: (Nodding of head.)

6 MR. RAMUNNI: So it's up to you what you would
7 prefer, but Ms. Kim needs to know what you prefer
8 to do.

9 THE WITNESS: Does either delay the other?

10 MR. RAMUNNI: Well, what they would normally
11 do and --

12 THE WITNESS: Because I've never said read, so
13 I don't know.

14 MR. RAMUNNI: It would delay it for just a few
15 days, because you would be given notice and the
16 opportunity to come read or somehow --

17 THE WITNESS: Oh, no, I don't -- I'll waive.

18 MR. RAMUNNI: You'll waive it?

19 THE WITNESS: Yeah, that's what I always do.

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21 (Thereupon, at 12:47 p.m., the deposition was
22 concluded.)

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