

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT OF  
THE STATE FLORIDA, IN AND FOR PASCO COUNTY  
CASE NO. CRC14-00216CFAES

STATE OF FLORIDA,

Plaintiff,

vs.

VOLUME II

CURTIS J. REEVES,

Defendant.

PROCEEDINGS: Excerpt of Testimony of:  
CURTIS J. REEVES

DATE: February 28, 2017

BEFORE: The Honorable Susan Barthle  
Circuit Court Judge

PLACE: Robert D. Sumner Judicial Center  
38053 Live Oak Avenue  
Dade City, Florida 33523

REPORTED BY: Charlene M. Eannel, RPR  
Court Reporter

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A-P-P-E-A-R-A-N-C-E-S

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1 P-R-O-C-E-E-D-I-N-G-S

2 (Thereupon, the following excerpt of Testimony of  
3 CURTIS J. REEVES was transcribed per request of Counsel.)

4 \* \* \* \* \*

5 MR. MARTIN: Judge, I'm going to begin my case  
6 by playing a video. It's marked as State's Exhibit  
7 Number C for identification. It will be Item Number  
8 1AWS, as identified by Pasco County Sheriff's Office.

9 On that particular exhibit, I'll be playing File  
10 Number 20140113131442. This will be the original  
11 export of the surveillance video from the GeoVision  
12 system, unaltered, unedited, and it's the, quote  
13 "best evidence" in this case.

14 You've heard testimony about a USB key that was  
15 handed over through Mr. Meyers to Detective Smith  
16 because it was downloaded off-site by Eric Andrew.  
17 This is that thumb drive, and I will be playing a  
18 portion of the file number that I put on the record.

19 It is also one of the items that, by  
20 stipulation, the chain of custody has been stipulated  
21 to, along with authenticity.

22 MR. ESCOBAR: Authenticity?

23 MR. MARTIN: Yes.

24 THE COURT: I love that word.

25 MR. MARTIN: Because this is the original best

1 evidence, I've had someone with more savvy than I --  
2 we actually used a WriteBlocker so that it could be  
3 downloaded onto my hard drive so that the computer  
4 would not go back and add anything to the exhibit.

5 So I do have the exhibit here. I do have the  
6 WriteBlocker. Like I said, someone knows how to use  
7 this. They did that for me so I'm going to be  
8 playing it off my computer which you will see up on  
9 the screen the file number that I placed on the  
10 record, but for safety purposes, I prefer not to keep  
11 putting this thumb drive in and out of the computer  
12 without someone who really knows how to use this  
13 WriteBlocker.

14 THE COURT: Okay.

15 MR. MARTIN: All right. If I can find my  
16 glasses.

17 MR. ESCOBAR: They're right over there.

18 MR. MARTIN: There we go. Could have been on my  
19 head. It would have been less embarrassing.

20 Give me just a second. There we go.

21 BY MR. MARTIN:

22 Q. Now, what I'm going to do, I'm going to back it  
23 up to the very first part where Mr. Escobar was discussing  
24 and Mr. Reeves was discussing that there's a break in the  
25 recording, and it's the frame where Mr. Reeves indicated

1     that he was -- that Mr. Oulson comes into the frame, and  
2     this is at 13:26:24.

3             Mr. Reeves, what I'd like for you to do is watch  
4     the screen. This is the place where you indicated that  
5     you had a difficult situation with Mr. Oulson. You can  
6     see in that particular frame -- that is the frame you had  
7     a discussion with Mr. Escobar about, in your opinion, Mr.  
8     Oulson was coming over the seat, right?

9             A.     That's correct.

10            Q.     Mr. Reeves, you're going to have to speak up. I  
11     know it's been a long day and -- but we're going to have  
12     to get this on the record. Okay, sir?

13            A     I understand.

14            Q.     All right. So can we start over a little bit?  
15     Because I'm all dried up with antihistamines. You've been  
16     talking for the last four hours, so we're just going to  
17     have to suffer through it. All right?

18                   All right. Now, let me start over. This  
19     particular frame, this is where you had a discussion with  
20     Mr. Escobar about -- and you told us that you perceived  
21     Mr. Oulson coming over the seat, correct?

22            A.     That is correct.

23            Q.     All right. And Mr. Escobar asked you about the  
24     white -- the white area in the screen.

25                   Do you remember that?

1           A.    I do.

2           Q.    All right.  I want you to look over there and --  
3 do you see that?

4           A.    I do.

5           Q.    And then he put on a second exhibit, I believe,  
6 and he -- it was a loop and we had the yellow circles and  
7 the red circles.

8                   Do you remember that?

9           A.    That's correct.

10          Q.    All right.  Now, I believe you indicated that it  
11 is at this time you believe that you were hit by Mr.  
12 Oulson with something?

13          A.    I was hit by Mr. Oulson with something.

14          Q.    All right.  Now, what I would like for you to  
15 do, just like Mr. Escobar did, I want you to watch and  
16 follow the white area on the screen.

17                   (Video playing)

18 BY MR. MARTIN:

19          Q.    Now, that is you uncrossing your legs, isn't it,  
20 so you can lean forward?

21          A.    It is possible, yes, sir.

22          Q.    There you are with your legs crossed and that's  
23 the way you were sitting in the theater.

24                   And this is you uncrossing your legs, correct?

25          A.    I do not recall crossing my legs, but it is

1 possible.

2 Q. You indicated that it was at this point in time  
3 that the reason for the movement was that you wanted to  
4 stand up.

5 A. I got hit in the face.

6 Q. You indicated that the movement here was that  
7 you wanted to stand up, correct?

8 MR. ESCOBAR: Judge, I'm going to object. That  
9 was not the location where he said he wanted to stand  
10 up -- is when his actual body is moving -- there you  
11 go.

12 MR. MARTIN: I'm going to get -- Mr. --

13 MR. ESCOBAR: But you can't the -- you can't ask  
14 the question on another frame, Judge. That's the  
15 problem. If he wants to get to the frame that he  
16 wants to ask a question on, then get to the frame and  
17 then ask the question.

18 THE COURT: Go ahead.

19 MR. MARTIN: Thank you.

20 BY MR. MARTIN:

21 Q. We had discussed that this is the location --  
22 we're going to change topics, but this is the location  
23 where you said that you believed that Mr. Oulson was  
24 coming over the seat and you were hit with something,  
25 right?

1           A.     That's correct.

2           Q.     All right.  Now, we're going to go forward.  I  
3     want you to watch the white mark.  We're going to stop it  
4     there.  You're beginning to lean forward, are you not?

5           A.     That's correct.

6           Q.     All right.  And in order to lean forward, you're  
7     going to have to uncross your legs, are you not?

8           A     If they were crossed, yes, sir.

9           Q.     All right.  Now, I believe you indicated it was,  
10    at this point, that you were going to stand up?

11          A.     Yes.  I moved forward in my seat, yes, sir,  
12    after getting struck.  That's correct.

13          Q.     You leaned forward in your seat and you closed  
14    the distance between you and Mr. Oulson; did you not?

15          A.     Until I realized that's what I was doing, yes,  
16    sir.

17          Q.     All right.  Because as we see from the frame, as  
18    we move it back, Mr. Oulson is moving out of the frame as  
19    you're moving towards him, correct?

20          A.     That's what the frame seems to look like, yes,  
21    sir.

22          Q.     All right.  So he's backing up from you and  
23    you're moving towards him?

24          A.     I'm moving towards him and his wife is pulling  
25    him back.

1 Q. His wife is standing up; is that your testimony?

2 A. No, sir. She's in the seat next to him and she  
3 was trying to hang onto him.

4 Q. And he was in the seat next to her, right?

5 A. That's correct.

6 Q. And both of them were sitting down at that  
7 point?

8 A. He wasn't. He was trying to come over the seat.

9 Q. All right. Your testimony is that at this  
10 point, he was trying to come over the seat --

11 A. That's correct.

12 Q. -- 13:26:25?

13 A. That's correct.

14 Q. All right. And it's your testimony, then, that  
15 Ms. Oulson, seated in her seat, was trying to reach out to  
16 her husband that's 6'4" and trying to what?

17 A. Well, she had been holding onto him trying to  
18 hold him back, I assume.

19 Q. While seated in her seat?

20 A. Yes.

21 Q. Okay. And what part of the body was she holding  
22 onto?

23 A. Well, when he first turned, she was holding onto  
24 his arm.

25 Q. All right. And Mr. Oulson is a very tall, lanky

1 individual; is he not?

2 A. That's correct.

3 Q. Now, I'm going to go forward because I know  
4 there's a break in the frames here, but I want to get to  
5 that point, then I'll identify where the break is.

6 Now, you've leaned back into your seat, correct?

7 A. Correct.

8 Q. Now, right before the frame at 13:26:35 -- right  
9 before that is the frame at 13:26:30. That's where Mr.  
10 Escobar pointed out to you there's some five to seven  
11 seconds that there was no recording.

12 Do you remember that?

13 A. I do.

14 Q. All right. So now we're going to go to the  
15 frame where we first see, based on your testimony, that  
16 Mr. Oulson was -- had moved to his right, based on your  
17 testimony.

18 MR. ESCOBAR: Judge, I don't want to interrupt  
19 but I believe that the seconds were more than five to  
20 seven seconds. But let the record -- the Court has  
21 the exhibit and can see what the second count will  
22 be.

23 MR. MARTIN: Well, I'm at 13:26:30, and the next  
24 time is 13:26:35.

25 MR. ESCOBAR: Okay.

1 BY MR. MARTIN:

2 Q All right. Are you ready to go, Mr. Reeves?

3 A. I'm prepared.

4 Q. I'll wait for you.

5 A. I was waiting for you.

6 Q. Oh, very good.

7 Now, this is where you indicate that Mr. Oulson  
8 stood up?

9 A. Based on what I'm seeing here right now, it  
10 appears to be that, yes.

11 Q. Well, you've watched this over and over, right?

12 A. I haven't memorized the time frame.

13 Q. All right. Now, when we were -- let me go back  
14 to the other frame and then we're going to be done.

15 When we compare -- when you looked at those two  
16 frames, you would agree that Mr. Oulson, at least in the  
17 frame, is lower in the frame than the previous frame we  
18 looked at where you said that he stood up and faced you,  
19 right?

20 A. I --

21 Q. Do you want to see it again?

22 A. Yes. You're saying that that one was lower?

23 Q. Yeah, watch it. Do you see -- do you got a  
24 reference point? Pick something out and make a reference  
25 point. Got it?

1           A.     Got it.

2           Q.     All right.  Very good.  We're going to go  
3 forward.

4           MR. ESCOBAR:  Judge, I have a feeling -- okay.

5           MR. MARTIN:  No.

6           MR. ESCOBAR:  Can you give us -- you've got to  
7 give us a frame number.

8           MR. MARTIN:  I know.

9 BY MR. MARTIN:

10          Q.     Now, at frame 13:26:35, when you look at that  
11 frame, the head of Mr. Oulson is higher than the previous  
12 frame.

13          MR. ESCOBAR:  Judge, I'm going to object.  There  
14 is no way that anyone can opine on 13:26:35 from that  
15 photo.  There is less than a centimeter -- there is  
16 less than a centimeter.  How -- it's an improper  
17 predicate to even lay a lay opinion on that.  There  
18 is absolutely, virtually nothing showing on that  
19 frame.

20          THE COURT:  There's as much showing on that  
21 frame as any others.

22          MR. ESCOBAR:  But Judge, let's go back to the  
23 other one so we can take a look at this one versus  
24 the other because --

25          MR. MARTIN:  Is this cross or what?  This is my

1 time, right?

2 MR. ESCOBAR: Judge -- okay.

3 THE COURT: All right. Your objection is what?

4 MR. ESCOBAR: Improper predicate for a lay  
5 opinion on that limited frame at 13:26:35.

6 MR. MARTIN: All right.

7 THE COURT: Go back to it, Mr. Martin, just one  
8 more time.

9 MR. MARTIN: Sure. I'd be happy to.

10 BY MR. MARTIN:

11 Q. At 13:26:25, I want you to look at where you  
12 believe Mr. Oulson is in the frame. All right?

13 MR. ESCOBAR: Judge, if I can make now just for  
14 the record -- I want to preserve for the record those  
15 two frames that we're talking about -- because now  
16 we've got some time stamps here, 13:26:25, and he is  
17 saying that this right here is nowhere close to the  
18 previous frame that he was trying to get Mr. Reeves  
19 to opine on, as a lay person, on who was in the  
20 previous frame.

21 So I would object to that particular process as  
22 an improper predicate for that previous opinion.

23 MR. MARTIN: Didn't we hear on direct  
24 examination that Mr. Reeves said that's Mr. Oulson  
25 and that's Mr. Oulson?

1           MR. ESCOBAR: But not on that previous frame,  
2 Your Honor.

3           MR. MARTIN: Yes, yes, yes.

4           MR. ESCOBAR: At no point in time on that  
5 previous frame did I even touch that.

6           THE COURT: All right. I thought I heard him  
7 say before that's Mr. Oulson coming right there.

8           MR. ESCOBAR: Right now, right here, on this  
9 frame.

10          MR. MARTIN: No, that was during direct.

11          MR. ESCOBAR: I'm talking about the other frame  
12 that he was asking the opinion. That frame, there's  
13 no doubt. I brought that frame and I asked Mr.  
14 Reeves, who is that? At the same time that we see  
15 this little light and this little object, what is  
16 that?

17          Now, if you look at the next frame that he's  
18 wanting to opine, you watch and see, there's no  
19 object and there is a fraction -- there is a -- a  
20 tiny, minute fraction of this particular --

21          THE COURT: All right.

22          MR. ESCOBAR: -- silhouette.

23          THE COURT: I'll overrule -- overruled.

24          MR. MARTIN: All right.

25          THE COURT: Go ahead.

1 BY MR. MARTIN:

2 Q. Do you have a reference point?

3 A. Yes, sir, I do.

4 Q. All right. Now we're going to 13:26:35.

5 MR. ESCOBAR: The same objection.

6 BY MR. MARTIN:

7 Q. Do you have a reference point?

8 A. Yes, I do.

9 Q. All right. And 13:26:35, Mr. Oulson's head is  
10 higher than it was in the previous frame, correct?

11 A. It appears to be. He was moving around.

12 Q. All right. Now, when Mr. Escobar showed you the  
13 looped video where we had the red and the yellow circles,  
14 do you remember that?

15 A. I do.

16 Q. All right. My question is: Starting at  
17 13:26:25, this is the looped section that you watched, is  
18 it not?

19 A. Yes, it is.

20 Q. Keep watching. So about right there, right?  
21 Then it looped back with Mr. Oulson being in the position  
22 that he was at in 13:26:25, right?

23 A. The time was throwing me off, but what I see in  
24 the picture is myself leaning forward.

25 Q. All right. And then you lean back, right?

1           A.     Right.

2           Q.     All right.

3           A.     To get away from him.

4           Q.     So when we talked about the loop, this is what  
5 the loop looked like, right?

6           A.     Yes.

7           Q.     All right. But when we look at it and place it  
8 in context, what we're really looking at is one serious  
9 event where Mr. Oulson is in the position that he's in and  
10 then you lean forward, right?

11          A.     (Inaudible.)

12          Q.     This wasn't what was occurring, right? It  
13 wasn't loopy like that in real life, right?

14          A.     No. Neither way was it loopy, but.

15          Q.     Not loopy, but, I mean, the looped series. That  
16 was the video, it was a loop, right?

17          A.     That Mr. Escobar showed?

18          Q.     Yeah. It kept just playing over and over like  
19 this, right?

20          A.     Right, I think so.

21          Q.     Okay. But when I play it backwards, that's  
22 where the loop started. It started like that, didn't it?

23          A.     I don't recollect where it started.

24          Q.     All right. We'll let this exhibit speak for  
25 itself.

1           Now, you indicated that at the time that Mr.  
2 Oulson was in front of you, you don't have a recollection  
3 of popcorn being tossed on you, right?

4           A.    The second time he came at me, no, sir, I  
5 don't -- I don't remember the popcorn.

6           Q.    Okay. And you mentioned that was the second  
7 time, and what we have here at 13:26:25 is what you're  
8 telling us was the first time?

9           A.    Yes, sir.

10          Q.    Now, you also indicated to us that when you  
11 returned -- I want to get back to before the break. Give  
12 me a second. It's going backwards.

13                Okay. This is you returning from the manager,  
14 right?

15          A.    That's correct.

16          Q.    All right. And it's at this point at some point  
17 in time, according to your testimony, you realized that  
18 Mr. Oulson had put the phone away?

19          A.    Yes.

20          Q.    All right. The use of the phone that was so  
21 disturbing to you that you went to the manager, that was  
22 no longer an issue to you, right? It wasn't being used?  
23 It wasn't out?

24          A.    When it wasn't out, right.

25          Q.    All right. Then as you sat down, I believe your

1 testimony was that you had contact with Mr. Oulson and  
2 made the statements that you've told us about.

3 A. I made a statement. I had no contact with Mr.  
4 Oulson.

5 Q. I appreciate that, because I'm not talking about  
6 physical contact, so I -- I assume that was the reason you  
7 made that statement. I'm talking about communication  
8 contact.

9 A. I --

10 Q. Oral contact?

11 A. I spoke -- yes.

12 Q. Okay. And then you sit down, and after you made  
13 that statement to Mr. Oulson is when we have a little bit  
14 of a break in the recording, and then we see Mr. Oulson  
15 turning towards you, right?

16 A. That's what we're seeing right now, yes, sir.

17 Q. All right. And I believe you said that --

18 MR. MARTIN: Judge, we've stipulated in a  
19 transcript of Mr. Reeves' statement.

20 MR. ESCOBAR: Judge, what we stipulated to is  
21 that Detective Proctor has reviewed a transcript of  
22 the statement, but there are -- I will tell the Court  
23 and Mr. Martin as well, there are a few little areas  
24 that Mr. Reeves has reviewed and that the words  
25 are -- are different, and that's what we stipulated

1 to.

2 Just so the Court knows that we're only  
3 stipulating to this document that Mr. Proctor has  
4 opined that those were the words that were exchanged.

5 THE COURT: Who transcribed it -- transcribed  
6 it?

7 MR. MARTIN: Someone at the Sheriff's Office,  
8 Judge.

9 THE COURT: All right.

10 MR. MARTIN: And then he sat down and reviewed  
11 it. And based on his reviewing of the record, he  
12 believes it's as accurate as it can be.

13 THE COURT: But there is some --

14 MR. ESCOBAR: That Mr. Reeves will tell  
15 Mr. Martin when he questions him.

16 THE COURT: Okay.

17 MR. MARTIN: Judge, did I give you a copy of  
18 that transcript?

19 MR. ESCOBAR: I think we've got one here.

20 THE COURT: I've have one.

21 MR. MICHAELS: This is your extra one.

22 THE COURT: Was one already admitted?

23 MR. ESCOBAR: There is. There is.

24 MR. MARTIN: Madam Clerk, may I have that  
25 number?

1 THE CLERK: Number 35.

2 MR. MARTIN: Number 35?

3 THE CLERK: Uh-huh.

4 MR. MARTIN: It's marked on this one. That's  
5 not my marking. Thank you, Madam Clerk.

6 Approach the witness, Judge?

7 THE COURT: You may.

8 BY MR. MARTIN:

9 Q. Mr. Reeves, for the benefit of the next  
10 following questions, I just want you to follow along with  
11 me. All right?

12 A. Yes, sir.

13 Q. And what we're going to do is there is a page  
14 number down on the bottom right-hand corner and then there  
15 are some numbers along the side. The numbers in bold,  
16 like page 75 and 76, that's actually the page of the  
17 report -- of the Pasco Sheriff's Office report as it was  
18 printed on 1/12/16.

19 But we're just going to refer to the pages at  
20 the bottom and the line number. Okay, sir?

21 A. Yes, sir.

22 Q. All right. Thank you.

23 Mr. Reeves, if you would go to page 4 of the --  
24 of the exhibit. If you would go ahead and read,  
25 basically, lines 20 all the way down, then I'll have some

1 questions for you. Just let me know when you're done.

2 A. Okay.

3 Q. All right. So we're at 13:26:16, and when you  
4 described this event to law enforcement, you indicated  
5 that when you came back from discussing this situation  
6 with the manager, that as you were walking back, you  
7 noticed that Mr. Oulson had put his phone away, right?

8 A. That's correct.

9 Q. Okay. Then you indicated to law enforcement  
10 beginning on line 21, "I came back into the movies and,  
11 uh, guy had put his phone away, and I -- when I went by,  
12 I -- uh -- I said -- uh -- 'I see you put it away. I told  
13 the manager for no -- for no reason.' In other words, I --  
14 I went in and ratted him out. And if he was going to put  
15 it away, I wouldn't have gone, you know," right?

16 A. That's correct.

17 Q. All right. And that's what you told law  
18 enforcement?

19 A. That's when I gave them the statement, yes, sir.

20 Q. All right. And then Mr. Proctor says, "Right?"  
21 And then you respond, line 26, "Make sense?" Correct?

22 A. That's correct.

23 Q. Then you continue with explaining the events to  
24 Mr. Proctor by saying, "And, uh, he turns around in his  
25 seat, and a -- uh -- hell, that's got some ice in it. And

1 he -- he says something about he was answering -- you're  
2 going to have to get a -- you're going to have to get the  
3 top, Proctor, you've got it."

4 And then on line 30, "And, uh, he said something  
5 about I don't remember it it was any of your fucking  
6 business, I was texting my daughter' or something like  
7 that. Or, I'm sorry, 'and you stay the hell out of my  
8 face,'" correct?

9 A. Yes, sir.

10 Q. Okay. Now, when you're explaining those events  
11 to Mr. Proctor, this is you coming in at the 13:26:17,  
12 after complaining to the manager, correct? Right?

13 A. I'm watching.

14 Q. Okay. Well, I need a response. That's okay.  
15 Is that you?

16 A. Yes, that's me.

17 Q. Okay. Thank you. And like you indicated, you  
18 took your popcorn from your wife and you sat down.

19 A. That's correct.

20 Q. Okay. And it was at some point between 13:26:16  
21 and 13:26:20, that you noticed that the phone was no  
22 longer out and you made that statement to Mr. Oulson,  
23 correct?

24 A. I don't know the times. I made the statement  
25 before I sat down.

1           Q.    Okay.  So before you sat down -- so right here  
2 before you sat down, somewhere in here, you made that  
3 statement to Mr. Oulson?

4           A.    That's correct.

5           Q.    All right.  Then, in explaining the event to law  
6 enforcement -- after you made that statement, you tell law  
7 enforcement, "And he turns around in his seat."  And  
8 that's what we see right there at 13:26:25; is it not?

9           A.    No.

10          Q.    "He turns around in his seat," according to what  
11 you told law enforcement?

12          A.    No.  That is not what I see on the video.

13          Q.    But that's what you told law enforcement?

14          A.    I told law enforcement that he acknowledged --  
15 he started arguing with his wife while he was still in his  
16 seat.  He -- oh, I'm sorry.  Immediately when I came in,  
17 his -- the first thing that I heard him say was after I  
18 was -- had -- after I had been hit in the face.

19          Q.    Okay.  We're going to go back up a little bit  
20 because you might have misunderstood me.

21          A.    Okay.

22          Q.    Okay?  In discussing this sequence of events  
23 with law enforcement, you indicated -- and I'm going to  
24 paraphrase just a little bit -- that when you came back  
25 from the manager --

1           MR. ESCOBAR: Judge, can I object here for just  
2 a quick second? This video does not have the  
3 non-recording periods; therefore, the witness is not  
4 able to actually see the non-recording periods on  
5 this video. That is a real problem.

6           I would ask Mr. Martin, if he's going to go to a  
7 particular video, to please show those sections that  
8 are also non-recorded, because, obviously, there's no  
9 time frame in space.

10          If the Court recalls, initially when the  
11 testimony came out, you know, the last frame is  
12 continuous, and we don't know where the non-recording  
13 period takes place, and so it really is not a true  
14 and accurate depiction of, in time, what visually one  
15 can see.

16          That's -- that's a real problem for trying to  
17 tell a witness, this is happening after this is  
18 happening without having an interim time frame of no  
19 recording, because that will tell you how many  
20 seconds lapsed in between.

21          This particular -- this particular film right  
22 here which is at 13:26:25 and, you know, the next  
23 event. There's a period of time.

24          And so I'm just telling the Court we've got to  
25 have, you know, some reference in time if we're going

1 to be showing this to a witness and asking him for  
2 sequences.

3 THE COURT: Doesn't it show the different time,  
4 like --

5 MR. MARTIN: I did. And I've been pointing out  
6 every time there's a five to six-second break. I  
7 know where the breaks are, and they're very prominent  
8 on the -- on the time, because we go from 13:30 to  
9 13:35. I've been very up front with Mr. Reeves for  
10 where the breaks are. I know where they're at, and  
11 I've been putting them on the record.

12 MR. ESCOBAR: Judge, and just to make sure it's  
13 on the record before.

14 THE COURT: It's on the record now and you need  
15 to, yes, read the numbers. I've heard them several  
16 times. The objection is overruled.

17 MR. ESCOBAR: Okay.

18 BY MR. MARTIN:

19 Q. All right. At 13:26:18, is when you begin to  
20 sit down, and it's at some point that you make the  
21 statement to Mr. Oulson about you realized he's put the  
22 phone away, right?

23 A. Yes, sir.

24 Q. All right. Then you take your seat and you look  
25 like you're fully settled in at 13:26:21, correct? You've

1 got your popcorn in your left hand, you're settling back  
2 in the seat.

3 A. I'm sitting -- that's correct.

4 Q. All right, sir. Now we're at 13:26:24, and  
5 there's going to be a break of just a couple of frames  
6 from this point on. 13:26:24, and there's a couple of  
7 frames, probably -- I think it was three, and then we see  
8 frame 13:26:25, correct?

9 A. That's correct.

10 Q. All right. Now, you told law enforcement that  
11 after you had made those comments to Mr. Oulson, and I'll  
12 refer you back to page 4, line 26, "He turns around in his  
13 seat."

14 Do you remember telling law enforcement that?

15 A. Yes.

16 Q. It's right there in the transcript, right?

17 A. Yes.

18 Q. Okay. And that's what we see at 13:26:25; is it  
19 not?

20 A. No, sir, it is not.

21 Q. Okay. You didn't tell law enforcement that  
22 after you sat down and you made that comment to Mr.  
23 Oulson, that Mr. Oulson then became -- then started to  
24 come over his seat, did you? You never told law  
25 enforcement that?

1           A.    I told law enforcement, to the best of my  
2           recollection, exactly what happened when it happened.

3           Q.    Did you tell law enforcement that after you sat  
4           down, after making the comment to Mr. Oulson, that the  
5           next sequence of events was that Mr. Oulson was coming  
6           over the seat?

7           A.    The next thing that I noticed was that his wife  
8           had ahold of him.

9           Q.    When I referred you to line 26 of page 4, "He  
10          turns around in his seat," that is what you told law  
11          enforcement?

12          A.    That is correct.

13          Q.    Okay. In the sequence of events -- and I'm  
14          going to refer back to page 4, again, the same paragraph  
15          that you -- I'm sorry -- the same lines that you were  
16          reading, 20 through 40.

17                After you indicate to law enforcement that you  
18          made that comment, we see in the transcript on line 26 you  
19          tell law enforcement, "He turns around in his seat."

20                On line 34, as you can -- I'm sorry -- on line  
21          31, then you tell law enforcement that he says something  
22          to the effect, "I was texting my daughter," correct?

23          A.    Yes.

24          Q.    And that's what you told Mr. Escobar occurred  
25          right at 13:26:25. He got mouthy and he said something

1     about I'm texting my daughter, right? He played that for  
2     you, that frame right there?

3           A.     I think we're splitting hairs. We're talking  
4     about seconds. Less than seconds. This was  
5     instantaneous.

6           Q.     Well, we have an opportunity to now look at the  
7     statement that you made to law enforcement and compare  
8     that with the video from Cobb.

9                   Let me ask you this: At the time you made the  
10    statement to law enforcement, you didn't know there was a  
11    video, did you?

12          A.     I suspected that there was. As a matter of  
13    fact, I mentioned to my attorneys that they needed to get  
14    the video. Most public venues do have video.

15          Q.     All right. Inside a theater?

16          A.     Yes, sir.

17          Q.     Where -- inside a theater where no food is being  
18    served?

19          A.     I think anywhere you have large crowds of  
20    people, most any responsible retail establishment would  
21    probably have some sort of camera system coming and going  
22    or even inside. At the Gardens, we had cameras  
23    everywhere.

24          Q.     Sure. Would it surprise you to learn that only  
25    Theater 10 and one other theater where they actually

1 served food has a camera?

2 MR. ESCOBAR: Your Honor, is he testifying about  
3 what -- objection. It's an improper predicate of his  
4 knowledge.

5 THE COURT: Response?

6 MR. MARTIN: I just asked him if it's surprising  
7 to learn that. He can say yes or no.

8 THE COURT: Overruled. Go ahead.

9 BY MR. MARTIN:

10 Q. Would that surprise you?

11 A. No, not at all.

12 Q. Okay. So your statement that you would expect  
13 that there'd be cameras at all of the theaters at Cobb is  
14 not really accurate, is it?

15 A. It was a guess in the first place.

16 Q. Okay.

17 A. It was an assumption on my part that there was a  
18 likelihood that there would be a camera.

19 Q. All right. When we look at page 4, lines 20  
20 through -- it goes down, you're explaining the sequence of  
21 events, we have a statement, (inaudible) turned in the  
22 seat. And then after that, you say, "He jumps up and he  
23 turns around."

24 Now, can you jump up and turn around if you're  
25 already standing?

1           A.    I can't.

2           Q.    But apparently Mr. Oulson can?

3           A.    I think that --

4           Q.    I can't hear you, Mr. Reeves.

5           A.    I'm working on terminology, sir, give me just a  
6 minute. This was an interview that was conducted right  
7 afterwards. I was under a great deal of emotional  
8 distress. I may have missed a couple of seconds one way  
9 or the other. It's possible. If I did, I apologize.

10          Q.    Well, I appreciate you apologizing, but what  
11 we're looking at is this was your opportunity to explain  
12 to law enforcement what occurred for them to make a  
13 determination of whether or not you would, in fact, be  
14 arrested or go home to your family, correct?

15          A.    Oh, that's correct. Yes, sir.

16          Q.    All right. So when you are laying this out to  
17 law enforcement, this particular sequence on page 4, spoke  
18 to Mr. Oulson, turns in his seat, then you tell him  
19 something about texting his daughter which we've already  
20 gone through.

21                Then you tell law enforcement, "He jumps up and  
22 turns around." But my question to you: If he's already,  
23 as you said, sitting in the seat, he then jumps up, right?

24          A.    Are you saying after he says the things that he  
25 says? Is that where you're getting at?

1           Q.    No.  What I'm saying is right here at frame  
2 13:26:25, that if Mr. Oulson is seated in his seat, but  
3 you indicate he's standing there, he's coming over the  
4 seat, he can't jump up and turn around if he's already  
5 standing.

6           A.    I agree with that.

7           Q.    All right.

8           A.    So at that point, I would say he was already  
9 standing.  He was trying to jump onto his seat, not out of  
10 his seat.  He was trying to get over his seat.  I think  
11 that may help you understand.

12          Q.    So he never turned in his seat, as you told law  
13 enforcement; that's your testimony today?

14          A.    He turned around, yes, he did.

15          Q.    And when he turned around, you told law  
16 enforcement that's when he made the statement, "I'm  
17 texting my daughter."

18          A.    That's when his wife grabbed him and he made a  
19 lot of statements.

20          Q.    All right.  But you told Mr. Escobar that when  
21 he was, quote, "coming over the seat," he was, quote,  
22 saying, "I'm just texting my daughter."

23          A.    When he was trying to, yes, sir.

24          Q.    Which is it?

25          A.    Tell me where your conflict is and I'll try to

1 resolve it, sir.

2 Q. I can't do any better than I just did.

3 A. Neither can I.

4 Q. You had him seated, saying words, and jumping  
5 up?

6 A. Then I can't do any better either.

7 Q. I'll tell you what, I think we'll just move on.

8 I want to go through some of the testimony that  
9 you provided to us this afternoon. I want to begin with  
10 your background. I want to begin with your training and  
11 experience at the Tampa Police Department, all right, sir?

12 A. Yes, sir.

13 Q. All right. You indicated to Mr. Escobar that  
14 you have had training over the 27 years you were at the  
15 Tampa Police Department, in -- and I'm going to use very  
16 loosely, use-of-force situations -- use of deadly force,  
17 use of non-deadly force and when it's appropriate.

18 Do you remember that line of questioning you had  
19 with Mr. Escobar?

20 A. Yes, I do.

21 Q. All right. In those courses, not only when use  
22 of force is appropriate or not appropriate, you're also  
23 taught about the advantage of de-escalating the situation;  
24 were you not?

25 A. That's a common term. Yes, sir.

1           Q.    Okay.  As you put it, not upset the apple cart,  
2   right?

3           A.    I may have.

4           Q.    When you were talking about your duties at Busch  
5   Gardens and being in public relations and management, that  
6   part of your philosophy of Busch Gardens was the customer  
7   is always right and don't upset the apple cart.

8                   Do you remember that?

9           A.    I thought we were talking about the police  
10   department.

11          Q.    I know, but I was referring you back to when you  
12   said, "don't upset the apple cart."

13          A.    Okay.  I was a little confused.  You were one  
14   place and then you were some place else.

15          Q.    I understand.  You'll have speak up a little  
16   bit.  Can you?

17          A.    I'm doing the best that I can.  I've had a sore  
18   throat for a month or so.

19          Q.    You also indicated that part of your law  
20   enforcement training involved that you became an NRA  
21   certified firearms instructor?

22          A.    That's correct.

23          Q.    Are you familiar with the concept of index  
24   shooting?

25          A.    I think that's a concept that came -- that was

1 not very prevalent at the time I was involved in firearms  
2 shooting, sir. I'm not that familiar with it.

3 Q. Do you know what it is?

4 A. I have an idea of it, but no, I don't know what  
5 it is.

6 Q. Shooting without looking at your sights?

7 A. Well, I never heard it called "index shooting."  
8 I've heard it called other names other than that.

9 Q. What other names?

10 A. Instinct, instinct shooting.

11 Q. Okay. Is it your life experience that the human  
12 body has the ability, say, if I point at that monitor  
13 right there. I'm just -- I don't even have to look, I  
14 just point. But if I pretend this was the side of my gun,  
15 I can actually close my dominant eye, and, by golly, my  
16 finger is right on that monitor, right?

17 A. I think with enough exposure and experience that  
18 can happen, yes.

19 Q. Okay. Someone who has a background like yours  
20 with training over the years, up until before this  
21 incident going to Shooters' World and practicing, you have  
22 the ability to do that, do you not? Instinctively just  
23 point the gun and be able to hit a mass that's as wide as  
24 a chest?

25 A. At one time I did. I'm not sure I still hold

1     that ability.

2           Q.     It's relatively easy to do from 3 feet away?

3           A.     Yes.

4           Q.     Seven feet away, still not bad?

5           A.     Correct.

6           Q.     Fifteen, you've got to have some experience,  
7     agreed?

8           A.     Agreed.

9           Q.     All right. But the closer you are, it's just as  
10    accurate to do -- I'll call it index shooting, as opposed  
11    to taking a beat down the sight and shooting center mass,  
12    right?

13          A.     Instinctive shooting, or as you are calling it,  
14    index shooting, yes. The closer the target is, the more  
15    effective and quicker you could make that happen, yes,  
16    sir, and quite accurately.

17          Q.     And Mr. Oulson was less than 36 inches away from  
18    you, correct?

19          A.     Or closer, yes, sir.

20          Q.     Or closer?

21          A.     Yes.

22          Q.     That's 3 feet, right?

23          A.     Yes, sir.

24          Q.     You had a discussion with Mr. Escobar about your  
25    federal proficiency license that you have to qualify for

1 each year, very commonly referred to as a HR218 license;  
2 do you remember that conversation?

3 A. Yes, I do.

4 Q. Now, that particular license doesn't give you  
5 any arrest power, does it?

6 A. No license does that, sir.

7 Q. All right. It doesn't give you the power to  
8 conduct an official investigation for law enforcement,  
9 right?

10 A. It does not.

11 Q. Okay. You indicated that after leaving law  
12 enforcement, you went to Busch Gardens and you made the  
13 transition from law enforcement to the private sector.

14 Do you remember that line of questioning?

15 A. Yes, I do.

16 Q. And you indicated that in the private sector, it  
17 was more about public relations and communications, right?

18 A. Yes, sir, I did.

19 Q. And you went to some classes to gain those  
20 skills; did you not?

21 A. Well, yes, sir. It helped develop those skills.  
22 I don't know about gaining them, but it did develop them.

23 Q. All right. A continuing of the developing of  
24 those skills?

25 A. Yes, sir.

1           Q.    Okay.  Fair enough.  And you also mentioned that  
2   at Busch Gardens, at least back then, beer kind of flowed  
3   pretty good there at Busch Gardens, right?

4           A.    Yes, sir.

5           Q.    All right.  And people would get drunk?

6           A.    Occasionally, yes, sir.

7           Q.    Unruly?

8           A.    Occasionally.

9           Q.    All right.  And you had the communication and  
10   management skills to handle those individuals; did you  
11   not?

12          A.    I trained the officers and the managers and  
13   supervisors.  The managers and supervisors were already  
14   fairly well-skilled.  I had just enhanced the training.  
15   They did most of it.  The only time I got involved was if  
16   it was kind of an out-of-control situation.

17          Q.    Okay.  I left out one area about HR218.

18                You have to go and requalify every year to get  
19   that license, right?

20          A.    That's correct.

21          Q.    And it's a 40-round course?

22          A.    Yes, sir, I think it is.

23          Q.    All right.  And at stage 5 of that course,  
24   there's a mandatory reload?

25          A.    I'm not sure what stage it is, but, yes, there's

1 a mandatory reload.

2 Q. All right. And the previous qualification that  
3 you did, you qualified, if you will, with two guns, a  
4 pistol and a revolver. That's what's on your license?

5 A. Yes, that's correct.

6 Q. What was the pistol?

7 A. It's a .22 Smith and Wesson. I don't remember  
8 the model number.

9 Q. And the revolver?

10 A. That -- I'm sorry. The revolver was a .22. The  
11 semiautomatic was a .22. It was a -- I think it was a  
12 Walther. I think it's called a Walther P22.

13 Q. You didn't qualify with the Kel-Tec, did you,  
14 that you were carrying on January 13th?

15 A. No, sir, I didn't.

16 Q. And the Kel-Tec is a .380 caliber pistol; is it  
17 not?

18 A. That's correct.

19 Q. And you qualified with two -- two .22 caliber  
20 pistol and revolver, one each?

21 A. That's correct.

22 Q. And the .22 caliber is a lot easier to shoot  
23 than the .380, right? As far as recoil, it's less?

24 A. And it has a wider back strap, so it takes up  
25 more space in the hand. The Kel-Tec is narrower, it's a

1 lit more difficult to manage.

2 Q. All right. But that's what you were carrying on  
3 January 13, 2014, was a Kel-Tec?

4 A. That's correct.

5 Q. The pistol you did not qualify with?

6 A. That's correct. But I might add that the 218,  
7 when you qualify with a semiautomatic and a revolver,  
8 you're qualified with all calibers of both types of  
9 weapon.

10 Q. Now, the 40-round course, you're familiar with  
11 the target?

12 A. Yes, I am.

13 Q. Okay. And the target is a silhouette that  
14 roughly mimics a body shape, right?

15 A. That's correct.

16 Q. And points are scored in zones 4 and 5 that are  
17 basically center mass?

18 A. I don't recollect the exact target, but that's  
19 fairly accurate.

20 Q. Okay. So in 1993, you retired from the Tampa  
21 Police Department, correct?

22 A. September 30, 1993.

23 Q. Then you began working at Busch Gardens?

24 A. That's correct.

25 Q. Once retiring from Tampa PD, you lost your

1 powers of arrest, correct?

2 A. That's correct.

3 Q. Once you retired from Tampa PD, you no longer  
4 had the authority as a police officer to give lawful  
5 commands to individuals that they would have to follow,  
6 correct?

7 A. That's correct.

8 Q. Okay. Once you left Tampa Police Department,  
9 individuals interacting with you could comply with your  
10 requests or not comply with your requests, right?

11 A. That's correct.

12 Q They didn't have to do what you said like when  
13 you were a law enforcement officer?

14 A. Well, most people didn't do what you said when I  
15 was a law enforcement officer. That really didn't change  
16 that much.

17 Q. You indicated at Busch Gardens that you made  
18 that transformation from law enforcement to the private  
19 sector, and the philosophies changed at Busch Gardens from  
20 keeping the environment safe and it was more dealing with  
21 people.

22 Do you remember that line of questioning?

23 A. Yes, I do.

24 Q. Let's go to January 13, 2014. You had some  
25 discussion with Mr. Escobar about that particular day.

1 When you left to go to the movies after all the plans had  
2 been made with your wife and your son Matt, you took your  
3 wife's car, right, to the movie theater?

4 A. Yes, that's correct.

5 Q. Now, inside your wife's car on January 13, 2014,  
6 was a box of ammunition. You put that in the car?

7 A. Yeah. In all probability, yes, sir.

8 Q. Okay. You put it in the car that day?

9 A Oh, no. It could have been there for months.

10 Q You're going to have to speak up just a little  
11 bit.

12 A. It could have been there for months.

13 Q. All right. In your wife's car?

14 A. Yes, sir.

15 Q. So you leave the house and you have your Kel-Tec  
16 .380 in your pants pocket with a black pocket holster?

17 A. That's correct.

18 Q. And the purpose of the pocket holster is that  
19 the characteristics of a pocket holster allow it to remain  
20 in the pocket as the pistol is drawn. That's its purpose,  
21 right?

22 A Well, that's the purpose of most holsters --  
23 most pocket holsters.

24 Q. Okay.

25 A. That one I manufactured and sometimes it did,

1 sometimes it didn't.

2 Q. But you drive to the theater in your wife's car  
3 with the ammunition in your car that we've discussed,  
4 along with the Kel-Tec in your pocket, correct?

5 A. Absolutely.

6 Q. Okay. You go up to the Cobb Theater and you buy  
7 your tickets, right?

8 A. That's correct.

9 Q. And you did not leave your gun in the car,  
10 right?

11 A. It's in my pocket.

12 Q. You go through the doors and walk through the  
13 lobby and get your snacks and drinks and the firearm is  
14 still in your pocket?

15 A. It's still in my pocket.

16 Q. Once you get your snacks and drinks, then you  
17 enter Theater 10, you find your seats and sit down, and  
18 your gun is still in your pocket?

19 A. Absolutely.

20 Q. Okay. Now, when you entered the theater, you  
21 were not an employee of Cobb Theater, were you?

22 A. No, I wasn't.

23 Q. You were a patron that went there to have a  
24 movie experience, right?

25 A. That's correct.

1           Q     And no different than Mr. and Mrs. Oulson when  
2 they went into the movie theater, they went in there for a  
3 movie experience?

4           A.     I would assume so. Yes, sir.

5           Q.     Along with all the other patrons in there?

6           A.     That's correct.

7           Q.     After you sit down, there comes a point in time  
8 when I believe you indicated the previews were on, but  
9 there was a light shining in your face that you found very  
10 disturbing?

11          A.     Yes.

12          Q.     You've got to speak up just a little bit. I  
13 apologize to keep asking you, but I can't hear you.

14          A.     Yes, I did.

15          Q.     Perfect. All right. And this is while the  
16 previews were on, right?

17          A.     I'm sorry?

18          Q     The previews were on at this time?

19          A.     When I was in the --

20          Q.     When you saw that light in your face?

21          A.     Oh, yes, that's correct. Yes.

22          Q.     Other people were walking into the theater  
23 getting in their seats?

24          A.     No. No.

25          Q.     There was idle conversation with the patrons --

1 with the patrons while the previews were on?

2 A. Not that I can see or hear.

3 Q. And nobody else was coming in?

4 A. I saw no one else entering at that point.

5 Q. Now, you indicated that because this light in  
6 your face was taking you away your movie experience of  
7 watching the previews, you had contact with Mr. Oulson,  
8 right?

9 A. Yes, it was distracting. And yes, I did have a  
10 conversation with Mr. Oulson.

11 Q. Mr. Oulson didn't initiate the contact with you,  
12 right?

13 A. I wasn't offending him, sir. He was offending  
14 me.

15 Q. All right. So --

16 A. I understand. Yes, sir.

17 Q. And on that first contact when you asked him and  
18 made that request, he was very rude to you; was he not?

19 A. Yes, he was.

20 Q. All right. So from that point on, you kind of  
21 knew that any further contact with Mr. Oulson, you'd  
22 probably get the same response, right?

23 A. I probably had some reasonable expectation of  
24 that. I was hoping that wasn't true.

25 Q. Okay. But when we talked about the training and

1 experience that you have, as far as cues to look out for  
2 in particular environments, people's actions -- do you  
3 remember that conversation with Mr. Escobar?

4 A. Yes, sir, I do.

5 Q. And you gave the example that a church parking  
6 lot, the cues might be different than, say, a bar full of  
7 rowdy people, right?

8 A. That's correct.

9 Q. All right. Now, in this particular case, we're  
10 in a theater, right?

11 A. Yes.

12 Q. And Mr. Oulson wasn't bothering you verbally,  
13 right?

14 A. He had his --

15 Q. Verbally?

16 A. Verbally, no.

17 Q. Okay. But something about Mr. Oulson was  
18 bothering you, so you made contact with Mr. Oulson?

19 A. That's correct.

20 Q. And that changed the environment in that theater  
21 at that point in time; did it not?

22 A. Probably minimally, yes.

23 Q. Okay. And after Mr. Oulson made the remarks  
24 that he did to you, you had a second contact with Mr.  
25 Oulson?

1           A.    Yes, that's correct.

2           Q.    All right.  Knowing that the first contact he  
3 was very rude, you probably expected the same rudeness on  
4 the second contact; did you not?

5           A.    Well, I didn't really expect that.  No, sir, I  
6 didn't.

7           Q     But you had a gun in your pocket?

8           A.    I don't think that's changed.

9           Q.    Okay.  Now, on the second contact with Mr.  
10 Oulson, he was rude to you.  Whatever words he was saying,  
11 there was some cussing, whatever, it was rude, right?

12          A.    He was rude, yes.

13          Q.    All right.  And but for your initial contact  
14 with Mr. Oulson, that environment within the theater  
15 between you and Mr. Oulson would not have changed, right?  
16 It was your contact with Mr. Oulson that was the  
17 precipice, if you will, for the change in the demeanor of  
18 one of the patrons in the theater?

19          A.    My request to him did -- did have an effect on  
20 him, yes.

21          Q.    So we had first contact rude, the second contact  
22 rude.  Now --

23          A.    I'm sorry.  I didn't get the last word, the  
24 second contact what?

25          Q.    Rude, right?

1           A.    Oh him?  Yes.

2           Q.    Okay.

3           A.    Yes.

4           Q.    And so now you have a third contact with Mr.  
5 Oulson before you go to the manager, right?

6           A.    No, I didn't.  I only had two contacts before I  
7 went to the manager.

8           Q.    I believe your testimony was that you were  
9 getting up.  You say, "Well, I guess I'll just have to go  
10 get the manager."

11                   Wasn't that your testimony?

12           A.    That was the second contact with Mr. Oulson.

13           Q.    All right.  So you left the theater to go talk  
14 to the manager?

15           A.    Yes.

16           Q.    All right.  Leaving your wife there alone?

17           A.    Yes.

18           Q.    With the man that was rude to you once, if not  
19 twice, sitting directly in front of her?

20           A.    Okay.

21           Q.    Is that true?

22           A.    Yes, sir.

23           Q.    Okay.  Now, when you came back, as we've seen on  
24 the video and had some discussions, you knew that whatever  
25 Mr. Oulson was doing that you were complaining of was no

1 longer taking place?

2 A. That's correct.

3 Q. Okay. That whole change in environment had gone  
4 back to -- I'll call it normal for a theater, right?

5 A. I wasn't there. I wouldn't know about that.

6 Q. All right. But Mr. Oulson wasn't standing up  
7 and yelling and screaming at anybody else, was he?

8 A Well, he was having a conflict with his wife  
9 when I left.

10 Q. A conflict?

11 A Yes, indeed.

12 Q A conflict?

13 A. Yes, indeed.

14 Q. What do you mean by "a conflict"?

15 A She was trying -- it appeared to me as if she  
16 was trying to quiet him down both times that I spoke with  
17 him.

18 Q. As you were coming back in the theater?

19 A. I have no idea when that conflict ended. When I  
20 left, she was conversing with him.

21 Q. All right. Do you still have that statement in  
22 front of you?

23 A. Yes.

24 Q. Please find in there where you told that to law  
25 enforcement.

1           A.    I don't know that I told them every single thing  
2   that happened at every single second that it did happen.  
3   I told them what I could recall at the time.

4           Q.    But you recall this now?

5           A.    I had indicated in my statement that she was  
6   holding onto him every time he opened his mouth.  I said  
7   that several times, sir.

8           Q     All right.  Well, find that in the statement.  
9   "Every time he opened his mouth, she was hanging onto  
10 him."

11          A     She was hanging onto him the first time I spoke  
12 to him.  She was hanging onto him the second time I spoke  
13 with him.  She was hanging onto him when he jumped out of  
14 his chair.

15          Q.    Page 4, line 32, 33, this is the same thing that  
16 we're talking about.  This is after you come back from the  
17 manager and you tell Mr -- Detective Proctor, "He turns  
18 around in his seat.  He says something about texting his  
19 daughter."  And then you insert, "See, and his wife is  
20 holding him back.  So I sat down."

21                   Do you see that?

22          A.    I'm sorry.  Where are we at again, sir?

23          Q.    Sure.  Line 32, 33, page 4.

24          A.    She very well could have been conversing with  
25 him when I got back there.  The only thing I noticed was

1 him.

2 Q. But that's what you told law enforcement.  
3 That's kind of out of context, but yeah, that's what you  
4 told them.

5 A I don't know that it's out of context. I just  
6 don't recollect it.

7 Q Now, if you go to page 7 of the transcript,  
8 lines 19 and 20, and this is -- you're going to have to  
9 put it in context by reading the page before, but again  
10 you refer to, "His wife was talking -- whoever was with  
11 him was trying to hold him back."

12 A. Okay.

13 Q. And this is your discussion about -- if you look  
14 on page 6 and go through that, is when he was standing up  
15 and coming over the seat, right?

16 A. Yes, sir. To the best of my recollection, she  
17 was trying to control him in every contact that I had with  
18 him.

19 Q. Okay. But you did not tell law enforcement that  
20 prior to going to management that Mrs. Oulson was  
21 restraining and trying to hold her husband back, did you?

22 A. I would have to read the whole thing again. I  
23 don't recollect that.

24 Q. There you go.

25 A Make yourself comfortable, sir, and I'll read

1 it.

2 Q. Okay.

3 A. This was the first time I went?

4 Q. You did not tell law enforcement that Mrs.  
5 Oulson was trying to hold her husband back before you went  
6 and complained to the manager. You never told law  
7 enforcement that?

8 A. Okay. I may not have, then. What I -- my  
9 comment on that is every comment that I made to him and  
10 every time he erupted, Mrs. Oulson was trying to control  
11 him.

12 Q. My question to you, Mr. Reeves: You did not  
13 tell law enforcement that Mrs. Oulson was trying to  
14 restrain her husband before you went and complained to the  
15 manager?

16 A. I don't recollect right now, sir.

17 Q. You didn't do that, did you?

18 A. I do not recollect, sir.

19 Q. The only time you mentioned that to law  
20 enforcement was after you came back from complaining to  
21 the manager?

22 A. That's possible.

23 Q. Now, you left and complained to the manager and  
24 you came back and you're returning. And we've had some  
25 discussions and we've watched the video and you indicated

1 on direct that as you were walking back, Mr. Oulson was  
2 looking at you, glaring at you. I forget your words.

3 A. I said staring.

4 Q. Staring?

5 A. Yes.

6 Q. You didn't tell that to law enforcement, did  
7 you?

8 A. If I didn't, it was an oversight, sir.

9 Q. But that was important, wasn't it, to tell law  
10 enforcement that when you came back, Mr. Oulson was still  
11 agitated with you to the point that he was staring at you  
12 when you returned? That was important and you didn't tell  
13 them that?

14 A. I would -- I gave them the best statement that I  
15 could as candidly as I could. They asked very few  
16 questions. I was fairly well convinced that this was a  
17 self-defense case, and their lack of asking questions kind  
18 of indicated that I covered every single second of every  
19 single step that I made. No, sir, I didn't.

20 Q. You didn't tell them that, did you?

21 A. I just said that.

22 Q Oh. All right. Now, when you returned -- let's  
23 talk about this.

24 You say Mr. Oulson was staring at you. What  
25 did -- what -- tell me, how did he do that?

1           A.    When you stare at somebody, you look directly at  
2   them.

3           Q.    Did he stand up and look at you?

4           A     He was seated.

5           Q.    How did he turn in his seat, to his left or  
6   right, when he saw you come in?

7           A.    He turned his head to the right, I assume.

8           Q.    Turned to the right?

9           A.    I don't know if he was sitting that way or if he  
10   turned his head that way.

11          Q.    All right.  So before you get to your wife's  
12   position, as you're walking down the aisle, he turns to  
13   the right?

14          A.    That's correct.

15          Q.    He didn't say anything to you?

16          A.    No, sir.

17          Q.    There was no cursing, foul language from  
18   Mr. Oulson, was there?

19          A.    Not at that point, no, sir.

20          Q.    He didn't reach out and try to touch you at that  
21   point, did he?

22          A.    No, he didn't.

23          Q.    And you walked back, sat down -- picked up your  
24   popcorn, sat back down in your seat with the gun still in  
25   your pocket, right?

1           A.    It's still there.

2           Q.    All right.  Now, we've come back and we have an  
3 environment that has changed, if you will, that's kind of  
4 settled down since you returned.  It wasn't as  
5 contentious, if you will, as when you left?

6           A     I wasn't there, so I wouldn't have any knowledge  
7 of that.

8           Q.    All right.  But the attitude of Mr. Oulson when  
9 you came back was not the same attitude as when you had  
10 contact with him two or three times before you left?

11          A.    He wasn't cussing at me, if that's what you  
12 mean, sir.

13          Q.    Okay.  He was sitting there with his wife?

14          A.    Yes, sir.

15          Q.    Now, Mr. Oulson, as a patron, would have just as  
16 much right to have a pleasant movie experience as you  
17 would; would you agree?

18          A.    I agree.

19          Q.    But when you came back knowing that Mr. Oulson  
20 did not want your contact, you had contact with him again;  
21 did you not?

22          A.    I was trying to do what you just indicated,  
23 which was change the environment to a more pleasant  
24 situation when I made my comment.

25          Q.    How was it unpleasant?  He was watching the

1 previews, he wasn't doing anything. What was unpleasant  
2 that you had to make contact with Mr. Oulson?

3 A I think he was rather unpleasant when I left. I  
4 assumed that when he stared at me coming back, it was  
5 pretty much the same.

6 Q. So you took it upon yourself -- knowing that  
7 this individual did not want to have any contact with you,  
8 you took it upon yourself to, again, have contact with Mr.  
9 Oulson?

10 A. In an attempt to settle the environment or --  
11 there are several different ways to look at it. To change  
12 the environment to a more pleasant environment so that we  
13 could all enjoy the movie.

14 Q. And what was it about Mr. Oulson's conduct at  
15 that point that you thought that you could not have a  
16 pleasant movie experience but for you saying something to  
17 Mr. Oulson?

18 A. Mr. Oulson had displayed a very arrogant  
19 attitude, and one of the things that I wanted to do was --  
20 it was pointed in my direction. One of the things that I  
21 wanted to do was let him know that I had no ill will. I  
22 wanted everything to be just fine. That was my intent in  
23 contacting him.

24 Q. But that attitude by Mr. Oulson was before you  
25 left for the manager, not after.

1           A.    Well...

2           Q.    My question to you:  After you returned from the  
3 manager, what was it about Mr. Oulson's conduct that you  
4 felt that you had to contact him?  He wasn't bothering  
5 you.

6           A.    I believe I have made that fairly clear.  Did  
7 you not understand that I was trying to settle down -- if  
8 there was any hurt feelings, I was trying to resolve or  
9 end them so that he could enjoy his movie and I could  
10 enjoy my movie.

11          Q.    And what indication did Mr. Oulson give you that  
12 he needed that type of --

13          A.    The stare when I came in.

14          Q.    The stare?

15          A.    It appeared to me that -- if someone looks at  
16 you like that, it appears as if they still are agitated.  
17 I guess that would be the word.

18          Q.    Okay.  That same stare that you did not tell law  
19 enforcement about?

20          A.    That's the same one, yes, sir.

21          Q.    All right.  In which you just placed a  
22 significance importance to, that you wanted to settle  
23 things down between Mr. Oulson, but you didn't tell that  
24 to law enforcement, did you?

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

1           has been -- I've been very lenient. This is about  
2           the sixth or seventh time that he's gone over the  
3           same exact question.

4           MR. MARTIN: Now he's --

5           MR. ESCOBAR: Asked and answered.

6           MR. MARTIN: Now he's placed some significance  
7           and importance to it of what he wanted to do, so I  
8           think that I have a right to explore that. Before,  
9           he just said, No, I didn't do it. Now he's  
10          explaining the importance to it, so I think I have a  
11          right to cover that, just briefly. I'm not going for  
12          another five minutes on it.

13          THE COURT: All right. There is a little bit of  
14          difference to it, so I'll overrule, but let's not  
15          beat it to death.

16          MR. MARTIN: I understand.

17 BY MR. MARTIN:

18          Q       You did not tell law enforcement that Mr. Oulson  
19          stared at you and the significance that you placed on that  
20          stare as the reason that you wanted to make that comment  
21          to Mr. Oulson.

22                 You didn't tell law enforcement why you made  
23          that comment, did you?

24          A.     I didn't mention it to law enforcement because  
25          it wasn't that important in the overall scheme of things.

1           Q     But it was important to you that afternoon as  
2 you walked by that you had to make a comment to Mr.  
3 Oulson. It was important to you then. Why wasn't it  
4 important two hours later when you were being interviewed  
5 by the police department?

6           A.     I'm not sure it was important the first time.  
7 It was something that I felt that was the right thing for  
8 me to do.

9           Q.     And as we've gone through with the video, it's  
10 your testimony, at that point, that you were struck by  
11 something in the head?

12          A.     Absolutely. Yes, sir.

13          Q.     All right. And you pointed out to the Court in  
14 the pictures that you've been shown by Mr. Escobar, and I  
15 believe the one from the booking -- you looked at that  
16 picture and said, Oh, I can see some swelling there.

17                 Do you remember that?

18          A.     Well, I said I could see a little swelling  
19 there, you know.

20          Q.     All right. You had no injuries to your cheeks  
21 or eye sockets, did you?

22          A.     I had bruising to my eye socket and the eye.

23          Q     You had a little red mark on your eyelid from  
24 rubbing it?

25          A.     I had a bruise on my eye socket from getting

1 hit, and I had a scratch of some sort on my eyeball. So  
2 the fire department rinsed it out with something, made it  
3 feel a little bit better. A couple of days later it was  
4 okay. It took about maybe two weeks for the socket to not  
5 be sore.

6 Q. All right. A bruise, like, a black eye?

7 A. I think you would call it a bruise. I don't  
8 really bruise on my face. It kind of turns, like,  
9 yellowish-looking rather than a bruise-bruise.

10 Q. All right. And you were photographed by the  
11 investigator from Mr. Escobar's office; were you not?

12 A. That's correct.

13 Q. Were you shown any of those photographs today  
14 here in court?

15 A. No, I was not.

16 Q. And those photographs were taken while that,  
17 quote, "little bruise" was still there?

18 A. I don't recollect. I think it was probably  
19 after that.

20 Q. Okay.

21 A. It wasn't really a -- it was difficult to see.  
22 It was more sore than visible.

23 Q. But you told your lawyers, Hey, come look. I've  
24 got a bruise on my face. Let's document this, right?

25 MR. ESCOBAR: Judge, we weren't retained yet. I

1 think he's assuming facts that certainly are not in  
2 evidence.

3 MR. MARTIN: Well, what's not in evidence is  
4 when he was retained.

5 BY MR. MARTIN:

6 Q Now, we've gone over the video, as far as the  
7 sequence of events and the video speaks for itself. Your  
8 statement speaks for itself.

9 MR. MARTIN: I'm just checking my notes, Judge.

10 BY MR. MARTIN:

11 Q You watched the video that Mr. Escobar played  
12 for you when you fired your pistol. Where's my chair?  
13 You were in your chair.

14 Do you remember the video?

15 A. Yes, I was, I do.

16 Q Okay. And you were seated -- and I'm just going  
17 to pretend these are arm rests, but your arm was by your  
18 side, right?

19 A Correct.

20 Q All right. And as you fired the pistol, you  
21 leaned straight across and fired. That's what the video  
22 shows.

23 A. Not that far.

24 Q. This far?

25 A. My arm is not fully extended either.

1 Q. Like that?

2 A You're getting closer.

3 Q. Like that?

4 A. Close. That's good. That's close enough.

5 Q. And you were leaning forward?

6 A. Slightly.

7 Q. All right.

8 A And it was off to the right.

9 Q Okay. There we go.

10 Then as the gun fired, after the shot you're  
11 continuing to lean forward and then you straighten out  
12 your arm?

13 A. I don't recollect that part.

14 MR. ESCOBAR: Judge, can we avoid the  
15 (indicating) comment as in frustration, please?

16 MR. MARTIN: It wasn't out of frustration. It's  
17 I can't talk anymore and I can hardly swallow. I'm  
18 more frustrated with myself because I'm sick. So  
19 let's not go beyond that.

20 And I'm almost finished, Judge.

21 THE COURT: Okay.

22 MR. MARTIN: It's a lot easier when I already  
23 had it loaded.

24 BY MR. MARTIN:

25 Q All right. We're at State's Exhibit we've

1 marked for identification C. We're playing an excerpt  
2 from File Number 20140113131442 that is on the USB drive  
3 identified by the Sheriff's Office as 1AWS. We're at  
4 13:26:37 at the time, and I'm going to move it forward.

5 Now, at that point -- oh. What happened to the  
6 screen here? Oh, I've got to turn it on. I'm sorry.

7 We are at 13:26:37. I'm just going to play a  
8 little bit, so you can kind of get a reference. Good  
9 enough? Do you know where we're at?

10 A. That's right after he hits me with the popcorn  
11 bag?

12 Q. There you go. All right.

13 A. Okay.

14 Q. Now, what we see over in the -- this is you,  
15 correct?

16 A. I think so, yes.

17 Q. That's Mr. Oulson's hand?

18 A. I think so.

19 Q And that's your wife?

20 A. Yes.

21 Q. Okay. Now, as we bring it forward, I want you  
22 to watch Mr. Oulson's hand. It continues to move out of  
23 frame, correct? Do you see it?

24 A. I see it moving, right.

25 Q. Okay. But as I go forward, it's moving away

1 from you, correct?

2 A. It appears to be, right.

3 Q. All right. And you're leaning forward. Do you  
4 see it?

5 A I see it.

6 Q. All right. Now, at this point, you already have  
7 your firearm out; do you not?

8 A. Just a second.

9 Q. Sure. I'm going to help you out in just a  
10 little bit. See your hand right there?

11 A. Okay.

12 Q. Now, that's right in front of your wife's face.  
13 So if I bring it -- so her head is blocking your hand.  
14 The gun was out at that point, right? It has to be,  
15 right?

16 A. It appears to be, yes.

17 Q. For it to be there at 13:26:37?

18 A Right.

19 Q. If you just bring it back one frame, it has to  
20 be out, correct?

21 A. Yes.

22 Q. All right. Go back three frames. Do you see  
23 Mr. Oulson's hand?

24 A. Yes.

25 Q. All right. As you're leaning forward and your

1 gun is always out, Mr. Oulson's hand is going away from  
2 you; is it not?

3 A. It appears to be, yes, sir.

4 Q. All right. And at that point, your gun is out  
5 and you're beginning to lean forward, right?

6 A. It appears that way, yes.

7 Q Do you see it?

8 A. Yes, sir.

9 Q. All right. And another frame. At that point,  
10 the gun is out, right? Do you see it?

11 A. Yes, yes.

12 Q Now, the next frame is when we see the  
13 reflection, if you will, of the chamber becoming hot with  
14 the firing of the gun. So either the gun was fired there  
15 or there, but somewhere right in there that gun was fired?

16 A. Yes, that's correct.

17 Q. All right. And then after the gun is fired, you  
18 continue, do you not, to press the gun forward straight  
19 across over the back of that seat?

20 A. It appears to be, yes, sir.

21 Q. All right. Now, when we talked about index  
22 shooting and you're sitting there and you see the center  
23 mass of Mr. Oulson, and you point that gun -- because you  
24 didn't look at your sights, did you?

25 A. No.

1           Q.    All right.  You pointed that gun at center mass  
2 on Mr. Oulson, did you not?

3           A     That's exactly right.  Yes, sir.

4           Q.    All right.  And you were looking straight into  
5 the eyes of Mr. Oulson; were you not?

6           A.    My left eye was closed, I believe.  It was later  
7 found out it was watering a lot.  I have -- my right eye  
8 was open for sure.

9           Q.    All right.  But you were not looking down your  
10 sights like we talked about?

11          A.    No, no.  It was instinct shooting.

12          Q     Instinct shooting?

13          A     Yeah.

14          Q.    All right.  And in order for instinct shooting  
15 to be accurate, whether it be from 3 feet or 7, you have  
16 to keep an eye, if you will, on the center mass that you  
17 want to hit, correct?

18          A.    Yes, sir.

19          Q.    All right.  And that's what you did in this  
20 particular case?

21          A.    Most likely.

22          Q.    All right.  As you're leaning forward, you're  
23 keeping your eye on the center mass of Mr. Oulson, which  
24 is the broadest part right here in his chest.

25                That's what you're taught, right?

1           A.     That's correct.

2           Q     This is the broadest part of a human body, right  
3 underneath the armpits?

4           A.     That's correct.

5           Q.     And as you bring the gun forward, it's going  
6 straight across the top of that seat; is it not? That's  
7 what happened?

8           A.     It appears to be. Yes, sir.

9           Q.     But that's what happened, right?

10          A.     After the shot was fired --

11          Q.     You just went straight across, right?

12                 MR. ESCOBAR: Judge, he interrupted, he did not  
13 allow him to finish his answer.

14                 THE COURT: Let him finish.

15 BY MR. MARTIN:

16          Q     We're at 13:26:38. We're going to go back to  
17 13:26:37.

18                 Do you see the sequence of events?

19          A.     Okay.

20          Q.     Right?

21          A.     Yes.

22          Q.     All right. So when you fired the shot on Mr.  
23 Oulson, index shooting, you were staring at center mass,  
24 and then your hand with the gun went straight across over  
25 the back of that seat?

1           A     It appears it may have gone between it. I'm not  
2     sure.

3           Q.     Okay. But that's what we see here, when I gave  
4     you the example of coming straight across, right?

5           A     That was your description. Yes, sir.

6           Q.     But that's what we see in the video, right?

7           A.     Like I indicated, I don't know if I went over  
8     the seat or between the seats. I don't know.

9           Q.     Okay. But the seat's right here. Seat  
10    height -- and if you're sitting, you just went right over  
11    the seat or here or here, right?

12          A.     I can't see the seat in the video, sir. I don't  
13    know.

14          Q.     All right. But we've seen the photographs. So  
15    if you go straight across, that's what you get, right?

16                 MR. ESCOBAR: Judge, he's answered the question.  
17    I'm going object.

18                 THE COURT: I think it's been answered.

19                 MR. ESCOBAR: He's just trying to --

20                 MR. MARTIN: I've asked if he's seen the  
21    photographs and he has -- when he was shown the  
22    photographs of the seat and locations where the  
23    popcorn was. I was just following up on that, Judge.

24                 THE COURT: All right.

25                 MR. MARTIN: All right. Thank you.

1 BY MR. MARTIN:

2 Q You know where the seats are in relation to your  
3 seat, right?

4 A Yes, I do. I don't know how they are in front  
5 of me, though.

6 Q So I'm going to ask it one last time and then  
7 I'm going to sit down, okay?

8 MR. ESCOBAR: Judge, I mean, how many times are  
9 we going to do this?

10 MR. MARTIN: One, then I'm going to sit down,  
11 that's what I'm going to do.

12 MR. ESCOBAR: It's been asked and answered.

13 THE COURT: As the Trier of Fact, the only thing  
14 minutely left in my imagination is to ask, did the  
15 seat get hit?

16 MR. MARTIN: Well, there you go. Well,  
17 actually, there's going to be two, but that's going  
18 to be one of them. All right.

19 BY MR. MARTIN:

20 Q So the seat was not hit with the bullet, right?

21 A I did not shoot the seat. No, sir.

22 Q And you indicated that Mr. Oulson was a very  
23 tall, lanky guy, right?

24 A Yes, I did.

25 Q 6'4"?

1 A. I had no idea at that time.

2 Q. Taller than you?

3 A. Yes.

4 Q. All right.

5 MR. MARTIN: Judge, I'm not going to have any  
6 further questions. If you just give me two or three  
7 minutes, I'll shut everything down and I'll move my  
8 equipment.

9 THE COURT: All right.

10 MR. MARTIN: Thank you.

11 THE COURT: Is the court exhibit up there?

12 MR. MARTIN: No, ma'am. Actually, it's my --

13 THE COURT: It is an exhibit that's marked.

14 MR. MARTIN: Oh, that's right. We did get it  
15 from the clerk. I apologize. All right. I'll hand  
16 it back to the clerk, Judge.

17 THE COURT: Mr. Reeves, I'm betting you're not  
18 done yet.

19 THE WITNESS: Okay.

20 THE COURT: It's just a guess.

21 MR. MARTIN: And Judge, as far as State's  
22 Exhibit marked for IDC, that will be coming in in the  
23 State's case-in-chief.

24 THE COURT: I anticipated that. I think we've  
25 mentioned that.

1 MR. MARTIN: Yeah.

2 THE COURT: And I'm not going to take a break at  
3 this time. I'm thinking based on the cross, the  
4 redirect won't be lengthy.

5 MR. ESCOBAR: I've only got a few questions.

6 MR. MARTIN: Give me a second, Mr. Escobar. I  
7 apologize, Judge.

8 MR. ESCOBAR: Mr. Reeves, while he's getting me  
9 set up there, let me, if I may, Your Honor, ask some  
10 questions?

11 THE COURT: Go ahead.

12 REDIRECT EXAMINATION

13 BY MR. ESCOBAR:

14 Q In looking, again, at Exhibit -- Defendant's  
15 Exhibit Number 35, which is entered as the purported  
16 transcript of the tape of Detective Proctor and yourself,  
17 I want to direct your attention to page 79, just so we can  
18 make sure that we have, from your perspective, a clear  
19 record.

20 I'm going to direct you to two areas, page 3 at  
21 the very bottom, but it's directed to page 79 in the  
22 paragraph, line number 34. It says, "Well, I'll tell you  
23 the damn truth."

24 Did you say the word "damn"?

25 A. I think it was "dang."

1 Q. Dang?

2 A. Dang.

3 Q. I will correct that on mine. And then this was  
4 a -- I think a statement that was read by the prosecutor  
5 on cross-examination. Page 4 at the very bottom, page 80  
6 in the paragraph, line 26, did you say, "Hey, that's got  
7 some ice in it" or "Hell, that's got some ice in it?"

8 A I think it was "hey."

9 Q. Hey. Would you tell the Court what was  
10 happening at that time, so that we could have some context  
11 of what was the ice?

12 THE COURT: I can kind of guess, but go ahead.

13 THE WITNESS: The Sheriff's Office had gotten me  
14 something to drink because I was thirsty, my mouth  
15 was dry. And when they brought it to me, it was  
16 covered in ice.

17 THE COURT: Okay. Like they took it out of a  
18 cooler?

19 THE WITNESS: I assume they took it out of a  
20 cooler. I couldn't undo it, so they had to open the  
21 top for me.

22 BY MR. ESCOBAR:

23 Q Okay. Now, let's go to -- I'm going to show you  
24 what's been admitted into evidence as Defendant's Exhibit  
25 Number 26, and ask you to take a look at that photo and

1 see if you recognize that particular photo.

2 A. I do, yes.

3 Q. Okay. Do you see a phone in that photo? And  
4 just to make sure that we've got the correct JPEG number,  
5 the JPEG number on that photo is 2060495JPEG.

6 Do you see a phone on the floor?

7 A. Yes, sir, I do.

8 Q. Was that your phone?

9 A. No, sir, it wasn't.

10 Q. And was that phone directly between your legs as  
11 you sat there in seat number nine of that top row?

12 A. Yes, sir. The photograph depicts it in between  
13 my feet but to the right. When I first noticed it, it  
14 would be closer to my left shoe, which would have already  
15 been an estimate of 10 or 12 inches further to the left.

16 Q. Okay. Well, let's talk a little bit about that.  
17 When did you first notice that particular phone in that  
18 location?

19 A. At some point after I was checking my face for  
20 injuries putting my glasses on, that sort of thing, a  
21 deputy came over. And at some point, I noticed a phone on  
22 the floor so I pointed it out to the deputy.

23 Q. Let's talk a little bit about that. So shots  
24 fired?

25 A. Yes, sir.

1 Q. You put the gun on your --

2 A On my lap.

3 Q -- knee?

4 A. Yes.

5 Q. What do you do next?

6 A. I check and see -- that's when I discovered that  
7 my glasses are askew and I'm looking -- I'm assessing for  
8 injuries. I don't -- I don't know how bad I'm hurt.

9 Q. Okay. And so how are you checking for injuries?

10 A. With my hands.

11 Q. And what are you doing with your hands?

12 A. I'm sorry?

13 Q What are you doing with your hands?

14 A. I'm rubbing my face, putting my glasses back on.

15 Q Okay. And do you look down?

16 A. At some point, I look down and see the -- the  
17 phone, yes.

18 Q. And where was that phone, in between your legs?

19 A. It was in between my legs, yeah.

20 Q. I'm going to show you what's been marked as  
21 Defense Exhibit Number 33 and ask you: Is this the phone  
22 that you saw between your legs after you had fired the  
23 shot?

24 A. Yes, sir. It appears to be.

25 MR. ESCOBAR: No further questions.

1 THE COURT: All right. Now I think we're done.  
2 Mr. Reeves, you can have a seat.

3 THE WITNESS: Thank you.

4 THE COURT: We are done for the day. Remember,  
5 I have a 9:00 call. It will take me an hour in the  
6 morning, so we'll reconvene at 10:00 tomorrow  
7 morning.

8 MR. ESCOBAR: Your Honor, we need a witness  
9 list.

10 THE COURT: Okay. Is that going to be  
11 forthcoming?

12 MR. GARCIA: Yes.

13 MR. ESCOBAR: 10:00 tonight or is everything --

14 MR. GARCIA: I'll call him at 10:00 or 10:30.

15 THE COURT: All right. Then unless we have  
16 anything else we need to address, we'll be in recess  
17 in this matter until 10:00 tomorrow morning.

18 (Testimony of Curtis J. Reeves was concluded.)  
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20  
21  
22  
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## 1 CERTIFICATE OF REPORTER

2 STATE OF FLORIDA )

3 COUNTY OF PINELLAS )

4 I, CHARLENE M. EANNEL, RPR, certify that I was  
5 authorized to and did stenographically report the  
6 foregoing proceedings; and that the transcript is a true  
7 record of the proceedings.

8 I FURTHER CERTIFY that I am not a relative,  
9 employee, attorney or counsel of any of the parties  
10 hereto, nor am I a relative or employee of such attorney  
11 or counsel, nor do I have any interest in the outcome or  
12 events of this action.

13 DATED this 12th day of April, 2017.  
14  
15

16 /S Charlene M. Eannel

17 CHARLENE M. EANNEL, RPR  
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