

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

3  
4 STATE OF FLORIDA,

5 Plaintiff,

6 vs.

Case Number 14-216CFAES

7 CURTIS REEVES,

8 Defendant.

9  
10 PROCEEDINGS:

Bond Hearing  
Volume III

11  
12 DATE:

February 5, 2014

13  
14 BEFORE:

HONORABLE PAT SIRACUSA  
Circuit Court Judge  
Sixth Judicial Circuit  
Dade City, Florida

15  
16 PLACE:

Robert D. Sumner Judicial Center  
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Dade City, FL 33525

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**INDEX TO PROCEEDINGS****MARK TURNER**

Direct Examination by Mr. Garcia ..... 275

Cross-Examination by Mr. Escobar ..... 285

**ALAN HAMILTON**

Direct Examination by Mr. Garcia ..... 322

Cross-Examination by Mr. Escobar ..... 337

Redirect Examination by Mr. Garcia ..... 366

**DEREK FRIEDHOFF**

Direct Examination by Mr. Garcia ..... 377

Cross-Examination by Mr. Escobar ..... 386

Redirect Examination by Mr. Garcia ..... 414

**INDEX TO EXHIBITS**State's Exhibit 1 ..... 324  
Corporal Hamilton's theater ticketState's Exhibit 2 ..... 337  
Picture of firearmDefense Exhibit 2 ..... 371  
Corporal Hamilton's written statementDefense Exhibit 3 ..... 414  
Mr. Friedhoff's written statement

P R O C E E D I N G S

1  
2 THE COURT: All right. We were a minute  
3 off. That's not too bad.

4 State, are you prepared to call your next  
5 witness?

6 MR. GARCIA: Yes, Your Honor.

7 THE COURT: All right. Who would you like  
8 to call?

9 MR. GARCIA: Your Honor, the State would  
10 call Mark Turner.

11 THE COURT: Mark Turner.

12 MR. MICHAELS: Judge, may I approach the  
13 clerk?

14 THE COURT: Yeah, sure.

15 THE CLERK: Judge, and this is just for  
16 the bond hearing purposes?

17 THE COURT: Just for the purpose of the  
18 bond hearing, absolutely.

19 Good afternoon, Mr. Turner.

20 THE WITNESS: Good afternoon.

21 THE COURT: Please raise your right hand.

22 THEREUPON,

23 MARK TURNER,

24 the witness herein, was placed under oath.

25 THE COURT: Come on up.

1           Mr. Garcia, you may inquire.

2           MR. GARCIA: Thank you, Your Honor. May  
3           it please the Court, counsel.

4                         DIRECT EXAMINATION

5       BY MR. GARCIA:

6           Q     Mr. Turner, good afternoon, sir.

7           A     Good afternoon.

8           Q     Mr. Turner, you're probably going to have  
9           to speak loudly and clearly. And if you can get  
10          closer to that microphone, please, so everyone can  
11          hear you. Thank you.

12          Can you state your full legal name,  
13          please.

14          A     Mark Douglas Turner.

15          Q     And what is your profession, sir?

16          A     I'm currently retired.

17          Q     And what type of work did you do?

18          A     I retired from the U.S. Air Force after 27  
19          years and retired from the aviation industry  
20          subsequently.

21          Q     And what was your rank upon separation  
22          from the United States Air Force?

23          A     A lieutenant colonel.

24          Q     And what were your duties with the United  
25          States Air Force?

1           A     I was an aviator flying RC-135s, and I was  
2 a human intelligence officer and counter  
3 intelligence.

4           Q     Would you be categorized as a clandestine  
5 case officer?

6           A     Yes.

7           Q     And did you perform most of your work, I  
8 believe you said in -- was it Japan?

9           A     China.

10          Q     China. I'm sorry, China.  
11                 Why were your duties there?

12          A     Basically to collect and recruit  
13 intelligence and agents to work on behalf of the  
14 U.S. government.

15          Q     Okay. And part of your duties were to,  
16 obviously, ferret out any type of terrorism.

17          A     Yes.

18          Q     So you are trained to observe things.

19          A     Yes.

20          Q     And were you trained in the military to do  
21 this or how did you receive your training to become  
22 a clandestine case officer?

23          A     I received training at federal agencies.

24          Q     Okay. Several federal agencies?

25          A     Yes.

1           Q     How many years were you with the United  
2 States Air Force?

3           A     Twenty-seven.

4           Q     So I would assume in that 27-year career,  
5 you went to a lot of different agencies --

6           A     Yes.

7           Q     -- is that a fair assumption?

8           A     It is.

9           Q     Okay. Directing your attention to January  
10 13th of 2014, did you have occasion to go to the  
11 Cobb Movie Theater here in Pasco County, Florida?

12          A     I did.

13          Q     Did you go there with your wife?

14          A     Yes.

15          Q     And what movie were you going to see?

16          A     *Lone Survivor.*

17          Q     And do you recall what time it was going  
18 to start?

19          A     About 1:35, if I remember correctly.

20          Q     Okay. And do you know what time you  
21 arrived at the movie theater?

22          A     We got there about 1:25.

23          Q     Okay. Did you go into the movie theater?

24          A     Yes.

25          Q     And upon going into the movie theater,

1 were the previews playing?

2 A Yes, they were.

3 Q Okay. And upon arriving there, was  
4 Mr. and Mrs. Oulson already sitting in the movie  
5 theater?

6 A Yes, they were.

7 Q Was Mr. Reeves and his wife likewise  
8 sitting in the movie theater?

9 A She was; he was not.

10 Q Okay. Where did you sit in the movie  
11 theater?

12 A We were in the same row as Mr. Reeves at  
13 the first seat in that aisle.

14 Q Okay. So you would have been in the back  
15 row, which is Row A?

16 A Right.

17 Q And how many seats were you from  
18 Mr. Reeves?

19 A I would say about five seats, six seats  
20 perhaps.

21 Q Okay. And was your wife closet to  
22 Mr. Reeves or were you closer to Mr. Reeves?

23 A She was closest. I was on the end seat  
24 and she --

25 Q So you -- I'm sorry. You were actually on



1 the aisle seat.

2 A That's correct.

3 Q All right. You said that you saw him  
4 coming back into the movie theater.

5 A Yes.

6 Q Did you observe anything unusual about his  
7 demeanor when he was coming back?

8 A No. He -- he was polite. He stepped in  
9 front of me and excused himself and I moved to -- to  
10 let him pass.

11 Q Okay.

12 A And he walked on by.

13 Q All right. And did something draw your  
14 attention to where Mr. Reeves was sitting and where  
15 Mr. Oulson was sitting?

16 A Well, only that I followed him back to his  
17 seat just because I got to watch movement as it was  
18 going by. And when he got back to his seat, I  
19 happened to notice that there was a dialogue going  
20 on between himself and Mr. Oulson.

21 Q And why do you watch movement?

22 A Just -- just because of my training. It's  
23 something that I've done for so many years it just  
24 stays with you.

25 Q Okay. You do it routinely?

1           A     Yes.

2           Q     Is it fair to say that you make yourself  
3 aware of your surroundings and what's going on at  
4 all times?

5           A     Always, yes.

6           Q     Did you do that on this day?

7           A     Yes.

8           Q     Were you scanning the movie theater? Were  
9 you looking around?

10          A     I was scanning.

11          Q     Okay. And did you see either a  
12 confrontation or a conversation between Mr. Reeves  
13 and Mr. Oulson?

14          A     I saw a conversation.

15          Q     Could you see it clearly?

16          A     Very.

17          Q     Is there anything that was blocking your  
18 view?

19          A     No.

20          Q     Was the lighting conditions such that you  
21 could actually see?

22          A     I could see Mr. Oulson very clearly. I  
23 didn't see Mr. Reeves all that clearly once he was  
24 set in his seat.

25          Q     All right. Would you tell us in your own

1 words what you observed that day.

2 A What -- what I saw and heard was  
3 Mr. Oulson standing at his seat talking to  
4 Mr. Reeves.

5 And he had said to him -- basically he  
6 said, "I -- do you mind? I got a voice mail from my  
7 babysitter. I'd like to check to see that my  
8 daughter is okay."

9 Q This was Mr. Oulson.

10 A Mr. Oulson.

11 Q Okay. Did Mr. Reeves respond?

12 A I didn't hear or see him respond. The  
13 only thing that I could say from Mr. Oulson's  
14 demeanor was that whatever was said -- something  
15 must have been said because his demeanor changed.

16 MR. ESCOBAR: Objection, Your Honor. Move  
17 to strike. Calls for speculation.

18 Q (By Mr. Garcia) Based upon --

19 THE COURT: Overruled. It's okay. You  
20 may continue.

21 Q (By Mr. Garcia) Based upon your  
22 observations, you drew a conclusion that his  
23 demeanor changed.

24 A Yes. It was obvious that he did, because  
25 it was at that point that Mr. Oulson threw his

1 popcorn at Mr. Reeves.

2 Q Okay. Did you, at any time, see  
3 Mr. Oulson strike Mr. Reeves?

4 A With --

5 Q Well, I'm talking about with a fist --

6 A No.

7 Q -- slap --

8 A Absolutely not.

9 Q -- a cell phone?

10 A No.

11 Q You never saw that.

12 A It didn't happen.

13 Q Okay. Did you ever see Mr. Oulson reach  
14 across towards Mr. Reeves?

15 A No.

16 Q The only thing you saw was a bag of  
17 popcorn fly.

18 A Bag of popcorn.

19 Q What's the next thing that happens?

20 A Almost immediately the gun came out, the  
21 shot was fired and it went back into Mr. Reeves'  
22 lap. And almost immediately words were spoken by  
23 Mr. Reeves to the effect that said, "Throw popcorn  
24 in my face."

25 Q You distinctly remember Mr. Reeves saying

1 that?

2 A Yes.

3 Q Let's talk about the motion in drawing the  
4 weapon and putting it back. What type of motion was  
5 it?

6 A It was very fluid, very fast, to which you  
7 would gather that either he had the gun in his hand  
8 at the time, or it was a practiced motion.

9 I mean it was obvious that it wasn't the  
10 average civilian who would be grappling for the gun  
11 or trying to get it out of his waistband or what  
12 have you.

13 Q Did you ever see Mr. Reeves get out of his  
14 chair?

15 A Never.

16 Q Did he sit in that chair the entire time?

17 A Yes.

18 Q Did you hear any statements from  
19 Mr. Oulson after being shot?

20 A Yes. Once he was shot he took a step, as  
21 if to turn towards his wife, and he said, "I can't  
22 believe this."

23 Then at that point he began to fall  
24 backwards. And the gentleman that was sitting next  
25 to him caught him, and they laid him down in the

1 aisle. And that was the last words that I believe  
2 he spoke.

3 Q Do you see Mr. Reeves in the courtroom  
4 today, sir?

5 A I do.

6 Q If you would, please, can you point him  
7 out and describe what he's wearing.

8 A Here in the red vest.

9 MR. GARCIA: Your Honor, I'd ask the  
10 record reflect that Mr. Turner has identified  
11 the defendant in this case, Mr. Reeves.

12 THE COURT: Mr. Escobar, do you have any  
13 objection to the in-court identification?

14 MR. ESCOBAR: No, Your Honor.

15 THE COURT: All right. The record may so  
16 reflect.

17 You may continue, Mr. Garcia.

18 Q (By Mr. Garcia) Did you hear any threats  
19 from Mr. Oulson to Mr. Reeves?

20 A No, sir.

21 MR. GARCIA: May I have a moment, Your  
22 Honor?

23 THE COURT: You may.

24 MR. GARCIA: Nothing further, Judge.

25 THE COURT: Thank you, Mr. Garcia.

1 Mr. Escobar --

2 MR. ESCOBAR: Thank you, Your Honor.

3 THE COURT: -- you may inquire.

4 CROSS-EXAMINATION

5 BY MR. ESCOBAR:

6 Q Good afternoon, Mr. Turner.

7 A Yes, sir.

8 Q Mr. Turner, what time did you get to the  
9 movie theater?

10 A I believe it was about 1:25.

11 Q Okay. And you had gone with your wife?

12 A Yes.

13 Q Okay. I see you wear glasses --

14 A Yes.

15 Q -- is that correct?

16 What is your -- what is your vision when  
17 it's not corrected?

18 A To be honest, I don't really recall.

19 Q When's the last time you've been to an eye  
20 doctor?

21 A Last year.

22 Q Okay. You just don't know what the vision  
23 is?

24 A I just don't -- yeah, I don't recall.

25 Q Okay. Now, when you -- when you came into

1 the theater, the trailers were already showing; is  
2 that correct?

3 A Right.

4 Q Okay. And so I would imagine when you  
5 came to the theater, it was dark.

6 A It was semi-dark. The lights weren't --  
7 the house lights weren't all the way down.

8 Q Okay. And so you were able to get to your  
9 seat, correct?

10 A Yes.

11 Q And you were seated in the last row; is  
12 that correct --

13 A Yes.

14 Q -- of the general admissions section?

15 A Of that section, yes.

16 Q And so right behind you there would be a  
17 six-foot wall; is that correct?

18 A Right.

19 Q Okay. And so when you sit down, you're  
20 the first seat from the aisle.

21 A That's correct.

22 Q So if -- if Mr. Reeves was seated in seat  
23 number nine, that would be eight from you, correct?

24 A Okay, yes.

25 Q Is that correct? As you sit here today,



1 you really don't know how many seats Mr. Reeves was  
2 seated from you, correct?

3 A I didn't count them. No, I don't know  
4 precisely the seat number that he was in.

5 Q And those particular seats at the Cobb  
6 Theater are quite wide; are they not?

7 A I assume they're an average seat. I don't  
8 know.

9 Q Is that the first time you've been to the  
10 Cobb?

11 A No. I mean a seat is a seat. I don't  
12 know how wide they are.

13 Q Okay. Now, the seats in front of you,  
14 they recline back, correct?

15 A Yes, I guess.

16 Q Okay. So your wife was closer to  
17 Mr. Reeves than you were?

18 A Right.

19 Q Y'all were seated side by side.

20 A Right.

21 Q And so you would have to either look  
22 around her in order to make some observations,  
23 correct?

24 A Not -- not really. But she didn't  
25 obstruct my field of view, if that's the point

1     you're -- you want to make.

2           Q     Well, if Mr. Reeves is seated in that  
3     row --

4           A     Right.

5           Q     -- your wife is right next to you --

6           A     Right.

7           Q     -- you would have to either look around  
8     your wife or over your wife, I guess.

9           A     My -- my wife is sitting back in her seat  
10    and I'm sitting forward. Then I have a complete  
11    field of view to --

12          Q     So you don't -- when you go to the movies,  
13    you don't sit back on your seat?

14          A     When I'm sitting in the seat and I'm  
15    scanning, I make a field of view for myself.

16          Q     Tell me why you were scanning that day.

17          A     I scan everyplace we go.

18          Q     But why?

19          A     Because that's what I do.

20          Q     Are you scanning for trouble?

21          A     I scan to know my surroundings.

22          Q     Okay.

23          A     It's --

24          Q     Okay. So you sit down. And I would  
25    imagine that Mr. Oulson was how many seats from you?

1           A     The same number of seats as Mr. Reeves,  
2     only one row down.

3           Q     Okay. And in that theater, as you go down  
4     in the rows, there's a small downward step --

5           A     Right.

6           Q     -- is that correct?

7           A     That's correct.

8           Q     Okay. And so the seats below you sit a  
9     little bit lower than your seat.

10          A     Yes, sir.

11          Q     And so if you're seated in your first seat  
12     there, would Mr. Oulson be to your right or to your  
13     left?

14          A     To my left.

15          Q     He would be to your left.

16          A     Yes.

17          Q     Okay. And so I would imagine that  
18     Mr. Oulson and Mr. Reeves were not the only people  
19     in the theater.

20          A     That's correct.

21          Q     Okay. And do you remember anybody else  
22     that day, there at the theater, as you were scanning  
23     around?

24          A     Are you asking me do I remember anyone in  
25     detail?

1 Q In any detail.

2 A Not particularly.

3 Q I didn't think so.

4 A But at that point --

5 MR. GARCIA: Judge, I'm going to object to  
6 the gratuitous comments. Judge, they're  
7 uncalled for.

8 THE COURT: Sustained. It's not necessary  
9 to say that, Mr. Escobar.

10 Q (By Mr. Escobar) Now --

11 THE COURT: You may continue.

12 Q (By Mr. Escobar) -- you're seated and -- I  
13 would imagine you're also focused on the trailers.

14 A No. I was uninterested in the trailers at  
15 that point.

16 Q So you're not watching the screen at all?

17 A No, sir.

18 Q Okay. But along with those trailers  
19 there's noise, right?

20 A Yes, sir.

21 Q And when you have trailers at a movie  
22 theater, they're generally louder than the movie  
23 itself.

24 A Okay, yes.

25 Q And so you were scanning but also

1 listening to the noise within that theater, correct?

2 A Yes.

3 Q The lights were, at the very best, dim,  
4 correct?

5 A Yes.

6 Q And so you couldn't see clear detail,  
7 correct?

8 A No, sir. I could see very clearly.

9 Q So you could see detail.

10 A I could see detail.

11 Q Okay. Well, tell me what you noticed  
12 Mr. Oulson wearing.

13 A Mr. Oulson was wearing a pair of jeans and  
14 a light-colored shirt.

15 Q What color?

16 A I don't recall the color.

17 Q Okay. What about Mr. Reeves?

18 A I don't recall what Mr. Reeves was  
19 wearing. As I said, I didn't pay attention to him  
20 as he walked by me. I was sitting down at the time  
21 and I just turned to let him by. And once he sat  
22 down, my vision of him was blocked by his wife where  
23 he was sitting at the time.

24 Q Well, when he came by he was polite,  
25 correct?

1 A Yes.

2 Q Wasn't agitated, correct?

3 A Did not seem to be.

4 Q Wasn't mumbling anything?

5 A No.

6 Q And said, "Sir, excuse me" --

7 A He said, "Excuse me," yes.

8 Q -- as a nice gentleman would.

9 A Yes.

10 Q And he moved to his seat.

11 A Yes.

12 Q Now, Mrs. Reeves was between your wife,  
13 who was seated to your left --

14 A Yes.

15 Q -- and Mr. Reeves; is that correct?

16 A That's correct.

17 Q So the scenario is you in the first seat,  
18 your wife in the second seat, and then a series of  
19 seats, and then Mrs. Reeves, correct --

20 A Correct.

21 Q -- and Mr. Reeves.

22 A Right.

23 Q Okay. And so what you're telling me is  
24 that when he sat down, you could not see the area  
25 around Mr. Reeves because Mrs. Reeves was blocking

1 it.

2 A Right.

3 Q Now, the reason that Mr. Reeves indicated  
4 to you that he wanted to excuse himself as he was  
5 coming into the aisle is because the people that sit  
6 sometimes recline back on those chairs, correct?

7 MR. GARCIA: Objection, Judge, calls for  
8 speculation.

9 THE COURT: Overruled on that one.

10 A I --

11 Q (By Mr. Escobar) Those backs recline.

12 A Well, I don't -- I wouldn't say that. I  
13 think it's because my knees were straight in front  
14 of my chair. And regardless if they're leaning back  
15 or not, the backs don't leave you much room to walk  
16 anyway.

17 Q I get you. Okay.

18 So -- so now Mr. Reeves is seated and  
19 you're indicating that you observed something going  
20 on with Mr. Oulson; is that correct?

21 A Yes.

22 Q Okay. Now, the first time that you  
23 observed Mr. Oulson, was he seated or standing up?

24 A Standing.

25 Q He was standing.

1           A     Standing.

2           Q     So even though you had scanned the theater  
3 as you normally do, you had not noticed Mr. Oulson  
4 until that gentleman stood up?

5           A     I'm sorry, say again.

6           Q     Even though you had scanned the theater --

7           A     Uh-huh.

8           Q     -- when you came in and sat down as you  
9 normally say you did, you hadn't noticed Mr. Oulson  
10 until he stood up. Mr. Oulson.

11          A     Yes, he was standing. When I was  
12 scanning, he was standing already.

13          Q     Okay. Was that before Mr. Reeves had come  
14 back to sit down?

15          A     Yes.

16          Q     Okay. And so what was he doing standing?

17          A     He was looking at his phone.

18          Q     So he was standing in the middle of the  
19 theater, the trailers were going, and he was looking  
20 at his phone. And Mr. Reeves was nowhere in the  
21 theater --

22          A     Right.

23          Q     -- correct?

24                 Okay. And so how long did Mr. Oulson  
25 stand up with his phone in his hand prior to



1 Mr. Reeves arriving?

2 A Just a very short time.

3 Q What is a short time?

4 A Couple of minutes.

5 Q Okay. Well, let's talk about that.

6 A Okay.

7 Q I would imagine that if he was standing,  
8 obviously the announcement "put your phones away"  
9 have long come because the trailers were playing,  
10 correct?

11 A Actually, I can't say because from the  
12 time that we arrived and sat in our seats, that  
13 portion of the video where they normally announce  
14 put the phones away, to my recollection, had not  
15 come across the screen yet --

16 Q So you don't know if it came before.

17 A -- so -- so I don't -- I don't know.

18 Q Okay. So if someone is standing up in the  
19 middle of a theater while the trailers are going,  
20 did you find that to be odd?

21 A I don't because I do the same thing,  
22 mostly because I have a back condition. And I stand  
23 as long as I can before I'm going to have to sit for  
24 long periods.

25 Q What about Ms. Reeves that was sitting

1       there trying to watch the trailers?

2           A     What about her?

3           Q     You think that --

4           MR. GARCIA: Judge, I'm going to object to  
5       relevancy. What relevancy does this have?

6           THE COURT: Sustained. Do you have any  
7       other questions?

8           Q     (By Mr. Escobar) Ms. Reeves was still  
9       seated as Mr. Oulson was standing up, correct?

10          A     Yes.

11          Q     Okay. So you didn't find that to be odd?

12          A     No, sir.

13          Q     Okay. And so then Mr. Reeves comes in?

14          A     Yes.

15          Q     Excuses himself?

16          A     Yeah.

17          Q     Mr. Oulson is still standing up.

18          A     Yes.

19          Q     Mr. Reeves sits down; Mr. Oulson is still  
20       standing up. That's what you remember.

21          A     And they're engaged in conversation.

22          Q     Did Mr. Reeves and Mr. Oulson engage in  
23       conversation before Mr. Reeves sat down?

24          A     Not that I can speak to directly.

25          Q     And so now Mr. Oulson is still standing up

1 this whole time, Mr. Reeves now is sitting down.  
2 And you believe that there is conversation taking  
3 place.

4 A I'm certain of it.

5 Q Okay. And why are you certain that  
6 conversation is taking place at this point in time?

7 A Because I heard it.

8 Q Okay. Did you hear where the conversation  
9 was coming from?

10 A From Mr. Oulson.

11 Q From Mr. Oulson. Okay.

12 Now, Mr. Oulson is -- if Mr. Reeves is at  
13 seat number nine and Mr. Oulson is right in front of  
14 him --

15 A Yes, sir.

16 Q -- it's about eight or nine seats from  
17 you, correct?

18 A Yes.

19 Q And you're telling us here, under oath  
20 today, that you could hear Mr. Oulson?

21 A Yes.

22 Q And Mr. Oulson was saying what at that  
23 time?

24 A He said, "Do you mind? I'm checking" --  
25 or "I got a voice mail from my daughter or from my

1 daughter's babysitter. Do you mind if I check to  
2 see that my daughter's all right?"

3 Q Okay. Let's -- let's stop there for a  
4 second.

5 A Okay.

6 Q The noise of the trailer --

7 A Uh-huh.

8 Q -- the actual previews --

9 A Right.

10 Q -- are going on at the same time that  
11 you're hearing this conversation or this statement.  
12 It's a statement, correct?

13 A Right.

14 Q Okay. Did Mr. Oulson, at that point in  
15 time, appear to you to be agitated?

16 A No, sir.

17 Q Appeared to be calm?

18 A Yes.

19 Q So at this point in time you didn't hear  
20 any curse words?

21 A No.

22 Q You didn't hear any raising of the voice,  
23 nothing.

24 A If you would have asked me, I would have  
25 thought that it was a conversation between two

1 acquaintances.

2 Q Okay. Can you tell me, at this point in  
3 time, whether you had yet seen Mrs. Oulson?

4 A Not that I paid any attention to, no.

5 Q Okay. So although you were looking at  
6 Mr. Oulson, you did not see a female next to him.

7 A No, not that I -- I had paid attention to.  
8 By this time, you know, because he was standing up  
9 and I had heard his voice, the -- the fact that he  
10 had said "do you mind" caught my attention and so  
11 drew my focus to him more closely at that point.

12 Q Well, then if he's standing up and his --  
13 his wife is right next to him seated or standing up,  
14 you've got some peripheral vision, right?

15 A Peripheral vision to me is sideways, not  
16 downwards, and she was sitting, so --

17 Q So -- so definitely, at this point in  
18 time, you didn't see any female standing up.

19 A I didn't --

20 Q Okay.

21 A -- no.

22 Q Okay. And so that statement is made.  
23 What do you hear next?

24 A The next -- I don't hear anything. I  
25 personally drew a conclusion --

1 Q Well, I --

2 A And I know you didn't --

3 Q -- I want to know --

4 A I didn't hear anything.

5 Q You did not hear anything.

6 Okay. How much time lapsed, after that  
7 statement by Mr. Oulson, before you hear anything  
8 again?

9 A Five seconds, ten seconds max.

10 Q Okay. And what is Mr. Oulson doing during  
11 this five seconds and ten seconds that you talked  
12 about?

13 A He threw his popcorn at Mr. Reeves.

14 Q Let's talk about that. Had you seen  
15 Mr. Oulson when -- when he was there in the theater  
16 prior to him standing up? Had you seen him with  
17 popcorn?

18 A No. I only saw him as he was standing  
19 there with his phone and his popcorn during the time  
20 that I described to you.

21 Q Okay. And so you're saying that  
22 Mr. Reeves -- excuse me, Mr. Oulson was standing up  
23 with a phone in which hand?

24 A Right hand.

25 Q Okay. And describe to the Court that

1 phone as you remember it.

2 A Black, small. That as if it was an  
3 iPhone, not -- but smaller. I don't recall the  
4 brand.

5 Q You're familiar with iPhones; are you not?

6 A I am.

7 Q Okay. And so you -- you can recognize an  
8 iPhone.

9 A Yes.

10 Q It wasn't an iPhone.

11 A I don't believe it was.

12 Q You're saying it was much smaller.

13 A I think so.

14 Q Okay. And he had that in his right hand?

15 A I believe so.

16 Q And you said he had a container of  
17 popcorn.

18 A A bag of popcorn.

19 Q Okay. A bag.

20 A A bag of popcorn.

21 Q B-A-G, bag. Not a cup, not a box --

22 A A bag.

23 Q -- a bag.

24 A A bag.

25 Q And he had that in his --

1           A     Left hand.

2           Q     -- left hand.  Okay.

3                     And was he looking at the trailers?  Was  
4 he looking back at Mr. Reeves?  What was his  
5 position at that point in time?

6           A     He was turned at an oblique angle.

7           Q     You tell me when.  You tell me when.

8           Here's Mr. Reeves (indicating).

9           A     Yes.

10          Q     Here I am (indicating).  Tell me -- tell  
11 me when to stop.

12          A     He's turned at a 45-degree angle to the  
13 left from Mr. Reeves.

14          Q     Is that -- is that where I'm at?

15          A     The opposite side.

16          Q     Oh, okay.  So he is --

17          A     Just a little bit more to your right.

18          Q     Okay.

19          A     A little bit more.

20          Q     Okay.

21          A     About right there.

22          Q     About right here.

23          A     Yeah.

24          Q     Okay.  And so if you're here, you're able  
25 to see the phone and this bag of popcorn.



1 A Right.

2 Q Okay. In his hand.

3 A Right.

4 Q Okay. And so how long -- he's there's ten  
5 seconds. What's he doing during that ten-second  
6 period?

7 A He throws the popcorn, and almost  
8 immediately the gun comes out and the shot's fired.

9 Q How does he throw the popcorn?

10 A With a bag. Not as if it's with a -- to  
11 empty the popcorn, but the whole bag is just thrown  
12 towards Mr. Reeves (indicating).

13 Q Okay. And so -- and he's using your --  
14 you're using near your left hand --

15 A Right.

16 Q -- is that correct?

17 A Right.

18 Q Is that the hand that you remember  
19 Mr. Oulson using to throw this bag of popcorn?

20 A Yes.

21 Q Okay. And you've made a motion that he  
22 threw it from his side at Mr. Reeves?

23 A Yes.

24 Q How big was that bag of popcorn?

25 A I would -- I would have guessed it was a

1 small -- their small bag. I don't think it was one  
2 of the large ones that they sell.

3 Q Do you know what color it was?

4 A Red and white.

5 Q And so I would imagine, at this point in  
6 time, you became alarmed.

7 A I really didn't become alarmed. I didn't  
8 have time to think at that point, because once that  
9 popcorn was thrown, almost instantly the shot rang  
10 out.

11 Q Let's talk a little bit about that. In --  
12 in that period of time that you indicated, ten  
13 seconds max that Mr. Oulson was standing up, the bag  
14 of popcorn in his left hand and his phone in his  
15 right hand, you're saying he was in front of  
16 Mr. Reeves; is that correct?

17 A Yes.

18 Q And in movie theaters, especially during  
19 the trailers, not only are the lights dimmed down  
20 considerably, but the only other light that you have  
21 is maybe from the screen itself.

22 A Right.

23 Q And you would agree that if Mr. Oulson was  
24 standing in front of Mr. Reeves, some of that light  
25 from that screen would be obstructed.

1           A     Okay.

2           Q     Mr. Oulson was a pretty big guy, wasn't  
3 he?

4           A     He was.

5           Q     What did you estimate his height to be?

6           A     I would say he's probably six-one.

7           Q     Would you be surprised if he was bigger  
8 than that?

9           A     Perhaps, you know.

10          Q     So are you telling me, then, that the act  
11 of throwing popcorn -- well, first of all, where did  
12 Mr. Oulson throw this bag of popcorn?

13          A     Where -- where did he throw it?

14          Q     Yeah. Where on -- where on Mr. Reeves'  
15 person are you suggesting that he threw it?

16          A     He threw it to the center mass section of  
17 Mr. Reeves, to his -- right here (indicating).

18          Q     Okay. And how could you tell if  
19 Mrs. Reeves was there?

20          A     Well, just from his standing position,  
21 Mr. Reeves' sitting position, he's only got, you  
22 know, this much (indicating) room of a target to  
23 throw it at. So, I mean, where else would he have  
24 thrown it?

25          Q     So you didn't -- you didn't -- you didn't

1 see the popcorn actually --

2 A I didn't see the popcorn land on him, no.

3 Q You just saw a -- a bag flying.

4 A I saw a bag thrown in the direction of  
5 Mr. Reeves.

6 Q Did you ever think it was a thermos that  
7 was being thrown?

8 A No.

9 Q Or a cup?

10 A No.

11 Q Did you ever have a conversation with your  
12 wife where she told you she believed that's what it  
13 was?

14 A I did have a conversation with my wife.

15 Q And she told you she thought it was a  
16 thermos.

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

18 A No, she never said that.

19 MR. GARCIA: It's privileged, any  
20 conversation between he and his wife.

21 A She never said that.

22 THE COURT: Overruled. He's answering it  
23 anyway.

24 Q (By Mr. Escobar) So she never said that it  
25 was a thermos or a cup?

1           A     No.

2           Q     Did you see your wife speaking to law  
3 enforcement in this case concerning what she had  
4 seen?

5           A     I'm sorry, at what time?

6           Q     You spoke to law enforcement after the  
7 incident.

8                   MR. GARCIA: Judge, I object to the  
9 relevancy of this question as to his wife  
10 speaking to law enforcement.

11                  MR. ESCOBAR: I'm going to tie it up later  
12 on, Your Honor.

13                  THE COURT: Move to it quickly. I'll let  
14 you ask this question and we'll see where it  
15 goes next.

16           Q     (By Mr. Escobar) You spoke to law  
17 enforcement after this incident, correct?

18           A     Yes, sir.

19           Q     And so did your wife.

20           A     Yes, sir.

21           Q     Okay. And you gave a verbal and a written  
22 statement, correct --

23           A     I did, sir.

24           Q     -- to law enforcement?

25           A     Yes, sir.

1 Q And so did your wife.

2 A Yes, sir.

3 Q Okay. Let's get back to the incident.

4 A Okay.

5 Q So you believe that this bag was thrown  
6 somewhere in -- in the front of Mr. Reeves; torso,  
7 upper torso --

8 A Yes.

9 Q -- is that correct?

10 A Yes.

11 Q But you didn't see it land.

12 A I did not.

13 Q Okay. And you say that -- how much time  
14 lapsed before the next event occurred?

15 A Seconds.

16 Q Okay. You know how many seconds? I want  
17 you to think back to that event. If you can't give  
18 me an accurate answer, then tell me you can't.

19 How many seconds do you believe?

20 A From the time that the popcorn was thrown  
21 to the time that the shot rang out, three-to-five  
22 seconds.

23 Q Now, you're telling us that during this  
24 entire period of time, this ten seconds, at no point  
25 in time did you see Mrs. Oulson holding her husband

1 back, having an actual hold of him and holding him  
2 back.

3 A No, sir.

4 Q And you know what she looks like --

5 A I do.

6 Q -- right? Do you see her in court today,  
7 blond hair?

8 A I do.

9 Q You saw her that night there?

10 A I did.

11 Q Okay. And you're telling this Court you  
12 didn't see any of that whatsoever.

13 A No, I did not.

14 Q Now, you're saying that you heard a -- a  
15 noise that you believed to have been what?

16 A A gunshot.

17 Q A gunshot. You didn't see the actual  
18 firing of the gun?

19 A I did.

20 Q Okay. Let's take me there. Where did you  
21 see that gun the first time you saw it?

22 A The first time I saw it was when it was in  
23 the hand of Mr. Reeves and he brought it out and  
24 fired.

25 Q Okay. So the first time that you see that

1 gun, it's not where he retrieves it from, but the  
2 first time that you see that gun is once it's  
3 already in his hands, correct?

4 A That's right.

5 Q Okay. And you're saying that the first  
6 time that you saw it in his hands, that gun was  
7 where in reference to his body?

8 A It was here (indicating).

9 Q Okay. You're almost giving me almost like  
10 a bent elbow.

11 A Well, if this -- if this helps you out,  
12 it's in a firing position.

13 Q Well, do you know if his elbow was bent or  
14 his elbow was straight?

15 A Straight.

16 Q Okay. So you believe Mr. Reeves' elbow  
17 was straight and the gun was in front of him.

18 A Right.

19 Q Could you tell, at that point in time,  
20 what kind of gun it was?

21 A No, I could not.

22 Q Why not?

23 A Because it was too far away for me to  
24 tell.

25 Q You mean the darkness would not allow you



1 to do that?

2 A It means -- well, it was too far. It was  
3 a small gun. I knew it was a small caliber weapon,  
4 but I didn't know what.

5 Q Okay. And so you heard how many shots?

6 A One.

7 Q One shot. Okay.

8 A One shot.

9 Q And so now what happens?

10 A The -- the gun is very quickly back into  
11 his seat or whatever -- wherever he put it.

12 Q You didn't see where -- where Mr. Reeves  
13 put it?

14 A No, and I was standing at that time in my  
15 seat -- or not in my seat, but I was standing at my  
16 seat.

17 Q Okay.

18 A And I watched him withdraw the weapon  
19 back, but I couldn't tell if he had a holster to his  
20 side or if he just put it in the seat next to him or  
21 where he actually put it. No, I couldn't tell.

22 Q Okay. And so you're telling this Court  
23 that before you heard that shot, you didn't hear any  
24 curse words, any loud yelling at all by Mr. Oulson.

25 A No, absolutely not.

1           Q     And -- and are you telling this Court as  
2 well that as Mr. Oulson was standing up, that he was  
3 not leaning over his chair towards Mr. Reeves?

4           A     What -- what I saw was, in fact,  
5 Mr. Oulson was standing at -- at his seat. And, in  
6 fact, you could say he was leaning over, but not in  
7 an aggressive manner as you would -- as anyone would  
8 have a barrier in front of them. As you're talking,  
9 you might lean forward to -- as you're talking.

10          Q     Well, how much was he leaning into that  
11 aisle?

12          A     Just -- just inches because of the -- of  
13 the seat there. I mean I could stand up and show  
14 you, but -- if you'd like, but it wasn't that he was  
15 over into the space of the next row.

16          Q     Well, I think you've already indicated to  
17 me that as you're seated, there's not much space --

18          A     Right.

19          Q     -- between your knees --

20          A     Right.

21          Q     -- and the backrest of Row B, correct?

22          A     If I -- if I were to tell you that  
23 Mr. Oulson -- if he -- if he were bent at the waist  
24 more than five or ten degrees, that would have been  
25 all that he was bent.

1           Q     Okay. And so what you're saying is, at  
2 the time that you heard the gun, Mr. Reeves (sic)  
3 was -- excuse me, Mr. Oulson was bent towards Mr.  
4 Reeves?

5           A     Slightly, yes.

6           Q     Now, you had an opportunity to be  
7 questioned in this case following this incident,  
8 correct?

9           A     Yes.

10          Q     And you were questioned by an investigator  
11 with the Pasco County Sheriff's Office by the name  
12 of Sergio Souto, correct?

13          A     I don't recall his name, but I was  
14 questioned by someone.

15          Q     Did you tell Mr. Souto that you believed  
16 that Mr. Oulson was irate?

17          A     I did not.

18          Q     Now, up until the time of the shot, you  
19 had not been able to hear any of the conversations  
20 that Mr. Reeves was having himself, correct?

21          A     Correct.

22          Q     Couldn't hear him at all --

23          A     Correct.

24          Q     -- throughout the conversation --

25          A     Correct.

1 Q -- is that correct?

2 A It is, sir.

3 Q But you're telling this Court that you  
4 could hear Mr. Oulson.

5 A Yes.

6 Q And you were relatively the same distance,  
7 in fact, probably closer to Mr. Reeves because you  
8 were in the same row than you were from Mr. Oulson,  
9 correct?

10 A I would -- I would say about the same.

11 Q Okay. With the exception of distance  
12 forward, correct?

13 A Very -- yes.

14 Q But you couldn't hear anything that  
15 Mr. Reeves was saying, but you could certainly hear  
16 what Mr. Oulson was saying.

17 A Yes.

18 Q And you're telling this Court, under oath,  
19 that the only time --

20 MR. GARCIA: Judge, I'm going to object to  
21 him constantly saying "under oath." Everything  
22 that's done in this court is under oath.

23 THE COURT: Okay.

24 MR. GARCIA: Why does he have to keep  
25 doing that to the witnesses, Judge?

1           THE COURT: I think it's a habit. It's --  
2           it's not a problem. I -- we all know that  
3           we're under -- well, the witnesses know they're  
4           under oath.

5           MR. GARCIA: Judge, I'd ask that you ask  
6           Mr. Escobar to quit doing it, Judge. It -- he  
7           seems like he's trying to intimidate the  
8           witness by constantly --

9           THE COURT: I don't think --

10          MR. GARCIA: -- saying "under oath."

11          THE COURT: Mr. Garcia, I don't think that  
12          this witness is going to be intimidated by  
13          anybody.

14          MR. GARCIA: Judge, this is not the first  
15          time. He's done it constantly --

16          THE COURT: I --

17          MR. GARCIA: -- over and over and over  
18          again.

19          THE COURT: I understand. It's something  
20          we're going to work on.

21          Mr. Escobar, please don't --

22          MR. ESCOBAR: I will, Your Honor.

23          THE COURT: -- do that anymore. All  
24          right?

25          You may continue.

1           Q     (By Mr. Escobar) Back -- back to my  
2 question. Sir, the only time you're saying that you  
3 heard Mr. Reeves was after you heard the shot --

4           A     Yes, sir.

5           Q     -- is that correct?

6           A     That's correct.

7           Q     And you believe that's something to the  
8 effect of "Throw popcorn in my face, will you."

9                     Let's try to examine those words.

10          A     Sure.

11          Q     Did you hear the word "throw," that exact  
12 word?

13          A     Yes.

14          Q     Did you hear the word "popcorn"?

15          A     I did.

16          Q     Did you hear the word "will"?

17          A     No.

18          Q     I thought it was "Throw popcorn in my  
19 face, will you."

20          A     No, sir. It was "Throw popcorn in my  
21 face."

22          Q     Oh. It was just "Throw popcorn in my  
23 face."

24          A     Right.

25          Q     Okay. And you heard every one of those

1 words.

2 A I did.

3 Q Any reason why you heard those and didn't  
4 hear the others?

5 MR. GARCIA: Judge, object as to the form  
6 of the question. What words?

7 MR. ESCOBAR: I'll -- I'll rephrase it,  
8 Your Honor.

9 MR. GARCIA: Where is he going?

10 THE COURT: Sustained. Sustained.

11 MR. ESCOBAR: I'll rephrase it.

12 THE COURT: Do you have any other  
13 questions, Mr. Escobar?

14 Q (By Mr. Escobar) After the firing of the  
15 gun, it was quite a bit of commotion, right?

16 A Actually not.

17 Q It wasn't?

18 A It was not. Actually, it was very, very  
19 calm, almost freeze-frame like for a -- a short  
20 period of time.

21 Q Well, let's -- let's talk about this a  
22 little bit.

23 The shot rings out, correct?

24 A Yes.

25 Q I would imagine your focus is on

1 Mr. Oulson, correct?

2 A No.

3 Q It was not?

4 A It was not.

5 Q So you didn't see him come in your  
6 direction?

7 A I saw Mr. Oulson turn out of the corner of  
8 my eye, but I never took my eye off of Mr. Reeves.

9 Q Okay. And so you had your eye on  
10 Mr. Reeves. But did you see Mr. Oulson come in  
11 front of you --

12 A He --

13 Q -- even out of the corner of your eye?

14 A He just turned in his aisle.

15 Q Okay.

16 A Is that what you mean?

17 Q Yeah.

18 A Yeah.

19 Q And did he come down Row B?

20 A No.

21 Q He just fell right there?

22 A He fell right there.

23 Q Okay. And so right where his seat was is  
24 where he fell?

25 A He tried to take a step where his seat was



1 at. He made the statement "I can't believe this,"  
2 and he began to collapse.

3 Q Right there.

4 A Right there.

5 Q So if he was in Row 8 or 9, at best he got  
6 to 7.

7 A No. At best he got to the seat right next  
8 to him.

9 Q Gotcha.

10 MR. ESCOBAR: No further questions.

11 THE COURT: Okay. Mr. Garcia, do you have  
12 any follow-up questions that you wish to ask  
13 this witness?

14 MR. GARCIA: No, sir.

15 THE COURT: Okay. Well, thank you for  
16 coming in today, sir.

17 THE WITNESS: Thank you, sir.

18 THE COURT: Who would you like to call as  
19 your next witness, State?

20 MR. GARCIA: Your Honor, the State would  
21 call Alan Hamilton.

22 THE COURT: Alan Hamilton, please.

23 How long do you anticipate for

24 Mr. Hamilton as a witness?

25 MR. GARCIA: At least 45 minutes, Judge.

1           THE COURT: Do you remember that part  
2 earlier where you said something about two  
3 hours it was going to take you? I'm thinking  
4 we're going to go past two hours.

5           How long is -- how many more witnesses do  
6 you have besides Mr. Hamilton?

7           MR. GARCIA: Judge, there's Mr. Hamilton,  
8 there's Derek Friedhoff, there's Detective  
9 Proctor, there's Detective Aaron Smith.

10          THE COURT: All right. Are any of those  
11 going to be short in duration witnesses or they  
12 all going to be approximately 50 witnesses --  
13 50 minutes as the last two were?

14          MR. GARCIA: Friedhoff should be quicker.

15          THE COURT: Okay. That's fine. And I'm  
16 not saying this to an attempt to rush you or  
17 anything, I'm just trying to figure out how  
18 late we're going to be here, because if you've  
19 got four more witnesses and each of them are  
20 going to be 50 minutes, well, it's going to be  
21 a while.

22          MR. GARCIA: Just to clarify with the  
23 Court, Judge, when I said two hours --

24          THE COURT: Yeah.

25          MR. GARCIA: -- that was not taking into

1 consideration the cross-examination. It's  
2 obviously been very lengthy as opposed to our  
3 direct examination.

4 THE COURT: I understand. I understand  
5 what you're saying. I'm just trying to figure  
6 out what -- what our time frame's going to be  
7 like tonight.

8 MR. GARCIA: It's going to be late, Judge,  
9 because we have the video still to consider, we  
10 have the audio to consider, we have the  
11 witnesses to consider.

12 THE COURT: How long is the audiotape?

13 MR. GARCIA: It's approximately 15-to-20  
14 minutes, Judge, 25.

15 THE COURT: Okay. All right. Let's get  
16 that other witness in here and let's get going.

17 MR. GARCIA: Thank you.

18 Judge, Alan Hamilton, please.

19 THE COURT: Raise your right hand,  
20 Mr. Hamilton.

21 THEREUPON,

22 ALAN HAMILTON,  
23 the witness herein, was placed under oath.

24 THE COURT: Come on up, Officer. I'm  
25 sorry, it's corporal, isn't it?

1 THE WITNESS: Yes, sir.

2 THE COURT: I didn't mean to deprive you  
3 of rank. I apologize.

4 THE WITNESS: That's all right.

5 THE COURT: You may proceed.

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

8 DIRECT EXAMINATION

9 BY MR. GARCIA:

10 Q Corporal Hamilton, good afternoon, sir.

11 A Afternoon.

12 Q Can you state your name, please.

13 A Yes, sir. Alan L. Hamilton, Senior.

14 Q And your profession?

15 A I'm a corporal at the sheriff's department  
16 at Sumter County.

17 Q And how long -- how long have you been  
18 employed by the Sumter County Sheriff's Office?

19 A Thirteen years October.

20 Q What are your duties with the Sumter  
21 County Sheriff's Office?

22 A I am a road corporal on Alpha shift for  
23 the sheriff's department. I'm supervisor.

24 Q Corporal Hamilton, directing your  
25 attention to January 13th of 2014, do you recall

1     that date?

2           A     Yes, sir, I do.

3           Q     Did you and your wife happen to attend the  
4     Cobb Movie Theater?

5           A     Yes, sir, we did.

6           Q     And were you there to see *Lone Survivor*?

7           A     Yes, sir.

8           Q     Do you remember what time you purchased  
9     your tickets?

10          A     Like 12:53, I believe. I have a copy of  
11     it.

12                   MR. GARCIA: Judge, I'd ask the record to  
13     reflect that I'm showing State's Exhibit A for  
14     identification purposes to Mr. Escobar.

15                   May I approach the witness, Judge?

16                   THE COURT: You may.

17          Q     (By Mr. Garcia) Corporal Hamilton, I'm  
18     handing you what's been marked as State's Exhibit A  
19     for identification purposes. Do you recognize these  
20     tickets?

21          A     Yes, sir.

22          Q     And are those the actual tickets that you  
23     purchased for *Lone Survivor*?

24          A     That is correct, yes sir.

25          Q     And you indicated, I believe, it's time

1 stamped January 13th, 2014, 12:53 p.m.

2 A Yes, sir, that's correct.

3 Q That's the time that you actually  
4 purchased the ticket?

5 A Yes, sir.

6 Q And then it says 1:20 on it. Is that the  
7 time that the movie was starting?

8 A Yes, sir, that's correct.

9 MR. GARCIA: Judge, I would offer these  
10 into evidence as whatever prospective number it  
11 is.

12 THE COURT: Any objection, Mr. Escobar,  
13 for the limited purpose of this hearing?

14 MR. ESCOBAR: No objection, Your Honor.

15 THE COURT: Shall be admitted as State's  
16 Exhibit -- well, it's marked as A, but is it 1  
17 still?

18 THE CLERK: Whatever you want. It can go  
19 in as A.

20 THE COURT: But we haven't had a State's 1  
21 yet, have we?

22 THE CLERK: No.

23 THE COURT: So that's State's 1. That's  
24 fine.

25 Q (By Mr. Garcia) You purchased the tickets

1 at 12:53 p.m. Did you immediately go into the movie  
2 theater or did you stop to get a drink or popcorn or  
3 anything or --

4 A Yes, sir. I mean we bought the tickets  
5 out at the front booth which is on the exterior  
6 facade of the --

7 Q Right.

8 A -- theater. The wife and I went inside  
9 and I believe we bought a bottle of water, box of  
10 popcorn or bag of popcorn and some Cheetos or  
11 whatever they are.

12 Q Okay. And what is your wife's name,  
13 Mr. Hamilton?

14 A Angela.

15 Q Angela?

16 A Yes, sir.

17 Q When you arrived in the movie theater,  
18 were the previews already showing?

19 A No, sir.

20 Q Okay. And when you arrived there, was Mr.  
21 and Mrs. Oulson already seated as well as Mr. and  
22 Mrs. Reeves?

23 A I don't know that.

24 Q Okay. You don't know.

25 A I don't know.

1           Q     All right. Where did you sit in the movie  
2 theater?

3           A     I sit -- sat on the lower deck from where  
4 the upper deck is, on the very back row, about  
5 center on the south side of the theater.

6           Q     Okay.

7           A     Close in that area.

8           Q     Did you later come in contact with a  
9 person known to you as Curtis Reeves? Was he  
10 sitting in the same row as you?

11          A     Yes, sir.

12          Q     How many seats were you away from either  
13 Mr. Reeves or his wife?

14          A     Approximately five or six seats.

15          Q     Was there anyone in between you all and  
16 the Reeves?

17          A     Yes, sir. There was another couple.  
18 There was a few -- if you want me to tell you --

19          Q     Yeah, please, if you don't mind. If you  
20 can tell us where everyone was when this happened.

21          A     We were on the back row again. And they  
22 were positioned on the north side of me, to my  
23 right. My wife was to my right. Then there was an  
24 empty seat. There was an elderly couple and an  
25 empty seat and then Mr. Reeves and his spouse.



1 Q And Mrs. Reeves next to him.

2 A Yes, sir.

3 Q And then where were the Oulson's seated?

4 A The Oulson's were seated the next row down  
5 in front of Mr. and Mrs. Reeves.

6 Q Okay. Did there come a time that  
7 something drew your attention to that area?

8 A Yes, sir. I could hear someone's raised  
9 voice. You know, it wasn't a scream, it was just a  
10 raised voice above what was going on in there.  
11 Normally it's not loud in there. That brought my  
12 attention.

13 Q All right. Could you tell where the voice  
14 was coming from?

15 A Yes, sir, to my right.

16 Q Okay. Could you tell if it was Mr. Reeves  
17 or Mr. Oulson?

18 A It was Mr. Oulson.

19 Q Okay. Could you hear what he was saying?

20 A No, sir, I couldn't make out other than  
21 just a brief statement that Mr. Oulson made during  
22 that real brief conversation or argument, whatever  
23 you want to call it, between them two.

24 Q You could not make out what Mr. Oulson was  
25 saying?

1           A     No, sir.

2           Q     Did Mr. Reeves respond to whatever  
3 statement was made to him by Mr. Oulson?

4           A     I don't know that either.

5           Q     You didn't hear anything?

6           A     No, sir.

7           Q     At that point in time, being a law  
8 enforcement officer, did you feel that you had to  
9 intervene?

10          A     During the conversation between them?

11          Q     Right, correct.

12          A     No, sir.

13          Q     There was nothing that alarmed you,  
14 nothing you -- that you, in your own mind, would  
15 have said I need to intervene, somebody's going to  
16 get hit, there's going to be a fight, nothing like  
17 that?

18          A     Not at that time, no, sir.

19          Q     Okay. Tell us what the next thing that  
20 happens.

21          A     You know, I stood up towards the front of  
22 my seat and leaned over. I mean it's just -- it's a  
23 cop thing. I lean up, see what's going on, what's  
24 happening.

25                   And as soon as I leaned up, I seen

1 Mr. Oulson -- it was like a flick of popcorn. I  
2 just seen some kernels of popcorn in a bag go. And  
3 the next thing, I mean, it was almost  
4 instantaneously from there I seen a muzzle blast and  
5 heard, you know, obviously the loud bang.

6 Q Could you see if -- did the popcorn hit  
7 Mr. Reeves?

8 A I couldn't tell from all that.

9 Q You just saw popcorn fly.

10 A I just saw popcorn fly.

11 Q You saw a muzzle flash.

12 A Yes, sir.

13 Q Did you see when -- did Mr. Reeves have  
14 the gun in his hand when the muzzle flash went off?  
15 Could you see that?

16 A I couldn't see him, no, sir.

17 Q Okay.

18 A I couldn't see him.

19 Q Was there any statements attributed to  
20 Mr. Reeves either before or after the shooting?

21 A I'm sorry?

22 Q Mr. Reeves. Did Mr. Reeves say anything  
23 after the shot rang out?

24 A I didn't hear him say anything.

25 Q Did you hear Mr. Oulson say anything?

1           A     No, sir.

2           Q     What did you do then?

3           A     As soon as that went on, I mean I had  
4 already made up my mind of -- of basically what I'm  
5 looking for, maybe what close proximity, where it's  
6 at.

7                     And I head in that direction and I find  
8 Mr. Reeves sitting in his chair, you know, sitting  
9 up. And I reached down. He had the -- there was a  
10 weapon on his left knee. I reached down and grabbed  
11 the weapon and I felt, you know, the warmth, you  
12 know, in my hand of that weapon, so that kind of --  
13 you know, alerted me that, okay, I'm in the right  
14 spot.

15          Q     Did you determine the type of firearm it  
16 was as far as the model, make, caliber?

17          A     No, sir, not at that time.

18          Q     Okay. Did you take the magazine out of  
19 the firearm?

20          A     Yes, sir, I sure did.

21          Q     Did you clear the chamber?

22          A     I attempted to clear the chamber, yes,  
23 sir.

24          Q     Did you identify yourself to Mr. Reeves?  
25 Did you show any identification, your badge?

1           A     Yes, sir, I did. I immediately, just the  
2 situation, I mean knowing -- I mean obviously it  
3 wasn't -- didn't somebody run over a -- a, you know,  
4 soda bottle in the parking lot.

5                     It was -- you know, it was -- it was a  
6 very definite thing that I knew what was going on,  
7 so I wanted to make sure that the person that I was  
8 after knew what I was and -- before I got there and  
9 that we didn't have any more issue or problems. And  
10 then if we did, that I had already announced myself  
11 and hopefully lulled the situation.

12           Q     Did you have your off-duty weapon on you  
13 or with you?

14           A     I had it with me, but not on me, no sir.

15           Q     Okay. When you approached Mr. Reeves  
16 after you had taken the firearm away from him, did  
17 he make any statements to you?

18           A     There was a couple different statements  
19 that he made. You know, whenever I approached him,  
20 he had said he needed -- he needed to leave, he  
21 needed to get up. I reassured him that he wasn't  
22 going to do that, just the situation. He wanted to  
23 get his cell phone at one point in time.

24                     During -- during that, we had -- I don't  
25 even want to say it's a conversation, just back and

1     forth. It was -- he said at one point -- and I  
2     don't know if you want me to use the --

3             Q     I do, please.

4             A     He said, "I can't" -- and he pushed his  
5     glasses back. He said, "And I can't -- I can't  
6     believe what I done."

7                     Well, as the process lingered on and  
8     basically he continued to want to get up; reassuring  
9     him he's not. And I told him why he wasn't going to  
10    get up because I didn't want to get him and me  
11    killed because I knew what was coming from the  
12    bottom door down there, or whatever door they may  
13    come in, I knew what was coming.

14                    So he had asked -- he says, "I -- I just  
15    got hit by something and look at my eye." And he  
16    again pushes his -- and turns his head. I didn't --  
17    I didn't see -- I mean I didn't see anything on him.

18            Q     Did you see any injuries on Mr. Reeves?

19            A     No, sir.

20            Q     None.

21            A     No, sir.

22            Q     After he pushed his glasses up, did he say  
23    anything else to you?

24            A     At about that time, again, I'm checking  
25    for my wife, you know, because there's quite a bit

1 going on. I can hear the distinctive sound that  
2 I've heard numbers of time over my career, a  
3 gurgling sound. And I told -- I leaned kind of  
4 backwards and I said, "That's not good."

5 And he again leans back and he says,  
6 "Holy, fuck, what have I done?"

7 Q And that -- when you say that, you're  
8 attributing that to Mr. Reeves.

9 A Mr. Reeves, yes, sir.

10 Q Did you respond to him?

11 A No, sir.

12 Q Did you hear any other statements that  
13 were attributed to Mr. Reeves?

14 A No, sir.

15 Q Did you hear a conversation between he and  
16 his wife?

17 A Yes, sir, I did.

18 Q Okay. Can you tell us about that.

19 A Yes, sir. During the first portions I  
20 mean it was dark. I mean I -- they eventually turn  
21 on the lights.

22 And he had leaned towards -- you know, at  
23 the time I didn't know who she was, but she was  
24 sitting to his right -- leaned towards his wife and  
25 made a comment. And then she postured and she said,

1 "That was no cause to shoot anyone."

2 And then he leaned back around and stuck  
3 his finger out, you know, as to, you know, scold her  
4 and said, "You shut your fucking mouth and don't say  
5 another word."

6 Mrs. Reeves gets up and goes down one  
7 chair and again postures. And her -- the look in  
8 her face was just -- she was -- she was P.O.'d at  
9 him, she was mad at that point. I mean I just  
10 couldn't fathom, and I guess that was in my mind,  
11 someone in such a situation that would -- your  
12 spouse is always someone that you're going to lean  
13 on, not walk away from. So I didn't --

14 Q Did -- did Mr. and Mrs. Reeves engage in  
15 any other conversation after that?

16 A No, sir.

17 Q Did you have any other conversations with  
18 Mr. Reeves?

19 A No, sir.

20 Q Did the Pasco County Sheriff's Office  
21 eventually arrive?

22 A Yes, sir, they did.

23 Q And did you later come in contact with a  
24 person known to you or identified himself as  
25 Sergeant Greiner with the Pasco County Sheriff's



1 Office?

2 A Yes, sir.

3 Q Do you remember that sergeant coming in?

4 A Yes, sir, I do.

5 Q Rather large, six-six, six-seven?

6 A He's -- he's a big boy, yes, sir.

7 Q Okay. And when he came in, did he -- he  
8 tell you to -- to kind of, like, back off, I have  
9 this now?

10 A Not in a sense. I mean it was just a --  
11 it was -- it was, you know, just kind of a fluid  
12 motion. I mean --

13 Q Okay.

14 A -- everything went --

15 Q But you saw him then get Mr. Reeves up  
16 from the chair, he bent him over the chair in front  
17 of him and then handcuffed him and then they  
18 escorted him out of the theater?

19 A Yes, sir. There was two other deputies  
20 there that -- that eventually got him in handcuffs,  
21 bent him over the chair in front of him and then  
22 walked him out, and I -- I never seen him again.

23 Q Did you, at any time, see Mr. Reeves stand  
24 up from his chair?

25 A No.

1 Q He was sitting the whole entire time?

2 A I never -- I've never -- I never seen him  
3 stand up.

4 Q Okay.

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

6 THE COURT: You may.

7 MR. GARCIA: May I approach the clerk,  
8 Judge?

9 THE COURT: You may.

10 MR. GARCIA: Your Honor, I'd ask the  
11 record to reflect that I'm showing what's been  
12 marked at State's Exhibit H for identification  
13 purposes to Mr. Escobar.

14 May I approach the witness, Judge?

15 THE COURT: You may.

16 Q (By Mr. Garcia) Corporal Hamilton, I'm  
17 handing you what's been marked as State's Exhibit H  
18 for identification purposes. Do you recognize that  
19 firearm?

20 A Yes, sir.

21 Q Is that the firearm that you retrieved  
22 from Mr. Reeves back on January 13th of 2014?

23 A It is a -- it is a weapon, a Kel-Tec.

24 Q Okay.

25 A You can feel the Kel-Tec in it.

1 Q Yes, sir.

2 MR. GARCIA: Judge, I would offer this  
3 into evidence as State's Exhibit Number 2, I  
4 believe.

5 THE COURT: Mr. Escobar, for purposes of  
6 the bond hearing, do you have any objection to  
7 the picture of the firearm?

8 MR. ESCOBAR: No objection.

9 THE COURT: All right. It shall be  
10 admitted as State's Exhibit 2 in evidence  
11 without objection.

12 Mr. Garcia, any further questions?

13 MR. GARCIA: No, sir, Your Honor.

14 THE COURT: Mr. Escobar, you may inquire.

15 MR. ESCOBAR: Thank you, Your Honor.

16 CROSS-EXAMINATION

17 BY MR. ESCOBAR:

18 Q Corporal Alan (sic), good afternoon.

19 A Good afternoon, sir.

20 Q Corporal Alan (sic), what time did you  
21 actually go into the theater?

22 A Just long enough to walk inside, make our  
23 purchase, find our directions to make our purchase,  
24 and then we -- my wife and I walked directly into  
25 the movie theater.

1           Q     Okay. And so you were in the theater  
2 before the trailers started to show, correct?

3           A     Yes, sir.

4           Q     You know what the trailers are?

5           A     Yes, sir.

6           Q     The previews? I should call them previews  
7 probably.

8           A     Yeah, they were commercials is basically  
9 what they were.

10          Q     In a theater, when you first come in and  
11 the trailers are not on, it's well lit, correct?

12          A     Yes.

13          Q     Okay. At some point in time as you were  
14 seated there with your wife, did the lights go dim?

15          A     Yes.

16          Q     Is that when the previews started?

17          A     Yes, sir.

18          Q     It was relatively dark at that point in  
19 time, correct?

20          A     You can still make out, you know,  
21 people's -- the frames of their person and the  
22 person --

23          Q     But details is very --

24          A     -- according to where you're sitting.

25          Q     -- details is very difficult.

1           A     Could be, according to where they're at.

2           Q     Okay. And so the trailers are showing,  
3     it's darker, you can see figures but not detail.

4                     Are you paying attention to the previews?

5           A     Yes, sir.

6           Q     Okay. Are you watching them?

7           A     Yes, sir.

8           Q     And I would imagine that there was sound  
9     to those previews as well, correct?

10          A     Yes, sir.

11          Q     And they were loud because previews are  
12     normally louder than the movie.

13          A     I don't know about that, but, you know --

14          Q     Well, were they loud?

15          A     They're -- they're -- I mean they're  
16     louder than normal, yes, sir.

17          Q     Okay. And so you are seated there. And  
18     the first commotion that you hear is a commotion  
19     from Mr. Oulson, correct?

20          A     Yes, sir.

21          Q     And in this particular case, after this  
22     incident occurred, you had an opportunity to write  
23     out your statement of what you recall, correct?

24          A     That's correct, yes, sir.

25          Q     And your memory of this event, I would

1     imagine, is much clearer on the 13th than it is  
2     today?

3             A     Yes, sir.

4             Q     And you were able to write that statement  
5     in a -- in a calm way, correct, taking your time to  
6     write? Sort of all like you write a report,  
7     correct?

8             A     Right.

9             Q     And you know how important in your job it  
10    is to write a thorough report.

11            A     Correct.

12            Q     Because you want to memorialize everything  
13    that you remember that day for a future day.

14            A     Correct.

15            Q     Like today, correct?

16            A     Total different circumstances, but yes,  
17    sir.

18            Q     So you were thorough in your statement to  
19    law enforcement in your form that you filled out,  
20    correct?

21            A     To the best of my ability at the time,  
22    yes, sir.

23            Q     And you were providing details,  
24    chronological details of the events as they  
25    occurred?

1           A     To the best of my ability, yes, sir.

2           Q     And you signed that form.

3           A     That's correct, yes, sir.

4           Q     And in addition to signing that form, you  
5 had the opportunity to have a conversation with  
6 Detective Proctor. Remember Detective Proctor?

7           A     Yes, sir, that's correct.

8           Q     And where did that conversation take  
9 place?

10          A     It was maybe like in a child's daycare or  
11 where children can play.

12          Q     Within the theater building?

13          A     Within the theater building.

14          Q     Okay. So he took you to a location away  
15 from individuals?

16          A     Correct, yes, sir.

17          Q     So that you could have a peaceful, quiet  
18 place to converse?

19          A     Yes, sir.

20          Q     And he questioned you in detail concerning  
21 what you remembered of the incident, correct?

22          A     Yes, sir.

23          Q     And you would agree that your recollection  
24 on the 13th of January is much better than your  
25 recollection today?

1           A     Should be, yes, sir.

2           Q     And the whole reason -- and you were aware  
3 that he was taking notes, correct?

4           A     I knew -- I knew that I was being  
5 recorded.

6           Q     Even better, right?

7           A     Right.

8           Q     And so -- and the reason for that is that  
9 law enforcement wants to memorialize your events as  
10 you remember them that day.

11          A     Document events, yes, sir.

12          Q     And you do that in your job everyday.

13          A     Yes, sir.

14          Q     And you know the importance of it.

15          A     That's correct.

16          Q     So let's get back to the theater if we  
17 can.

18          A     All right.

19          Q     Now, the first commotion that you hear is  
20 from Mr. Oulson, correct?

21          A     Yes, sir.

22          Q     That's -- that withdrew your attention  
23 from watching the previews to Mr. Oulson.

24          A     That's correct.

25          Q     And you're saying that Mr. Oulson was to



1 your right?

2 A To my right, yes, sir.

3 Q About how many seats from you would you  
4 say?

5 A Five, six seats I would imagine.

6 Q And he was in Row B, correct, which is the  
7 next --

8 A That would be --

9 Q -- second row?

10 A -- the row in front of us, yes, sir.

11 Q You were in Row A, correct?

12 A That's correct.

13 Q And so your backrest to your seat is right  
14 next to a wall.

15 A That's correct.

16 Q It's a six-foot wall, correct?

17 A I don't know, approximately. It's tall,  
18 yes.

19 Q Okay. And so there's no way for you to  
20 escape your seat backwards because there's a wall  
21 there.

22 A That's correct.

23 Q Okay. And behind that wall, up higher, is  
24 the Cinebistro --

25 A Right.

1 Q -- is that correct?

2 A That's correct.

3 Q And so if you're in Row A and Mr. Oulson  
4 is in Row B, he is one step down.

5 A That's correct.

6 Q To your right.

7 A To my right.

8 Q And you've indicated that your wife is to  
9 your immediate right.

10 A Yes, sir.

11 Q You've got an empty seat --

12 A Uh-huh.

13 Q -- correct?

14 A That's correct.

15 Q And you've got another couple.

16 A Couple, yes, sir.

17 Q That couple was a rather large couple,  
18 correct?

19 A I don't know. I don't think so.

20 Q You don't think they were heavysset?

21 A No, I don't think they were large. No, I  
22 don't think they were heavysset.

23 Q Okay. And so the first thing that you  
24 hear and see with Mr. Oulson when he stands up is he  
25 leans over the back of his seat, Mr. Oulson does.

1           A     Correct, yes, sir.

2           Q     And he's leaning significantly over his  
3     seat. His body is leaning over the back of his  
4     seat, correct?

5           A     He's propped.

6           Q     Those seats recline; do they not?

7           A     Yes, sir.

8           Q     As you could see Mr. Oulson there, he's a  
9     tall gentleman, correct?

10          A     Yes, sir.

11          Q     Big gentleman.

12          A     He's tall, yes, sir.

13          Q     And his body is pushing over his backrest  
14     and into Mr. Reeves' space, correct?

15          A     I wouldn't say into his face, no, sir, he  
16     wasn't.

17          Q     No, space. Space.

18          A     Oh, I thought you said his face.

19          Q     Space.

20          A     To his space.

21          Q     And as he's doing that, he is yelling,  
22     "I'm trying to text" -- pardon the language -- "I am  
23     trying to text my fucking daughter if you don't  
24     mind."

25          A     That's correct.

1           Q     That's what you remember him saying. This  
2     guy was yelling.

3           A     That's correct.

4           Q     And he was cursing in Mr. Reeves' space,  
5     correct?

6           A     Correct.

7           Q     That alarmed you.

8           A     Just the -- just the loudness, yes.

9           Q     Well, did it not alarm you that he was  
10    intruding on someone else's space?

11          A     I didn't see who he was intruding on so I  
12    was just trying to evaluate the situation.

13          Q     Certainly it was not the type of behavior  
14    that you expected, correct?

15          A     Correct.

16          Q     Using the word "fucking" in a theater.

17          A     Correct.

18          Q     Now, is there a reason that you didn't  
19    tell Mr. Garcia that in direct examination?

20          A     No, sir.

21          Q     Now, had you seen Mr. Oulson -- as he had  
22    stood up, had you seen Mr. Oulson with anything in  
23    his hands?

24          A     Did I see him stand up with anything in  
25    his hands?

1 Q Yeah.

2 A I never seen him stand up.

3 Q You saw him when he was already standing.

4 A I seen him already standing, yes, sir.

5 Q So when he was standing --

6 A Yes, sir.

7 Q -- was he facing the screen or was he  
8 facing Mr. Oulson (sic) -- I mean Mr. Reeves?

9 A He was facing the back wall away from  
10 them, the screen.

11 Q Did you see him having anything in his  
12 hands?

13 A No, sir.

14 Q No phone?

15 A No, I didn't see no phone, no, sir.

16 Q No bag of popcorn?

17 A Didn't see the bag of popcorn.

18 Q You had a clear view at that point in  
19 time?

20 A Yes, sir.

21 Q Could you see detail?

22 A Could I see the details?

23 Q Yeah.

24 A I was focusing more on the type of  
25 conversation because this incident happened so

1 quickly. It was no more -- and I sat up. The  
2 conversation was initially what I was focusing on  
3 and then --

4 Q I think you indicated earlier in cross  
5 that because of the lighting, it was difficult to  
6 see detail. You could see the outlines.

7 A I could see an individual standing there.  
8 And it -- and I mean once this person stood up, my  
9 wife and I walked in with them and he walked behind  
10 them. So I identified with that gentleman.

11 Q You mean Mr. Oulson?

12 A Mr. Oulson.

13 Q How did you -- what do you mean  
14 "identify"?

15 A I could see his stature from standing  
16 there. We had walked in with them early on.

17 Q I understand. But as you're seated, your  
18 wife to your side and you're looking over there,  
19 you're not able to see detail, correct, facial  
20 details?

21 A No.

22 Q His expression, correct?

23 A No. No.

24 Q You couldn't see whether he had rage in  
25 his eyes?

1           A     No.

2           Q     Rage in his face?

3           A     No, sir.

4           Q     But you could tell that he was yelling and  
5 cursing.

6           A     Yes, sir.

7           Q     And that yelling and cursing was being  
8 directed at Mr. Reeves.

9           A     Yes, sir.

10          Q     Now, you indicated that you actually saw a  
11 throwing of popcorn, a bag of popcorn.

12          A     I seen the flicker of Mr. Oulson's hand.  
13 Whether he had that bag in his hand or he knocked it  
14 away, the only thing I know is the next thing I seen  
15 was popcorn one way or the other.

16          Q     So let's talk about flicker. So you're  
17 saying that you saw some movement in Mr. Oulson's  
18 hand.

19          A     Right, correct.

20          Q     Left hand, right hand? Which one?

21          A     Don't know.

22          Q     Why not?

23          A     All's I seen was just a hand, a hand  
24 movement.

25          Q     So you couldn't tell --

1           A     It would've --

2           Q     -- what was in the hand?

3           A     It would have had to been closer to me or  
4 I would suggest it would have been in his right hand  
5 when he flicked it.

6           Q     Okay. Listen to me for a second so we  
7 can --

8           A     Yes, sir.

9           Q     -- try to answer each question.  
10                    You couldn't tell which hand.

11          A     Correct.

12          Q     You couldn't tell what was in -- whatever  
13 hand he was flicking, you couldn't tell what was in  
14 that hand.

15          A     No, sir.

16          Q     Now, did you ever make a statement,  
17 written statement, that said that Mr. Oulson threw a  
18 bag of popcorn?

19          A     It appeared to me at the time, when I  
20 filled out the statement, yes, sir, that he had  
21 thrown a bag of popcorn --

22          Q     But as you sit here today under oath --

23          A     -- from the moment.

24          Q     As you sit here today, you can't tell us  
25 whether he threw a bag of popcorn or whether you saw



1 a movement of his hand towards Mr. Reeves and then  
2 popcorn flew.

3 A All's I know is popcorn flew.

4 Q Okay. And at the time that Mr. Oulson was  
5 making that -- that motion with his hand, whether it  
6 was his right hand or whether it was his left hand,  
7 he was leaning over into Mr. Reeves' face, correct?

8 A No, sir.

9 Q Oh, so he had backed off there?

10 A No. He wasn't -- I don't know if you're  
11 trying to explain that this gentleman was, I mean,  
12 completely across the chair. He was not. He was in  
13 a propped position.

14 Q Okay. What do you mean by "propped"?

15 A When I'm saying "propped," it's -- he  
16 was -- if you're trying to define it for me as  
17 saying this gentleman was leaned completely -- I  
18 mean there's a little bit of a difference between  
19 breaking your body in half and leaning over versus a  
20 propped gestured position. Mr. Oulson was not over  
21 into the chair. You know what I mean? And  
22 that's -- if that's what you're asking.

23 Q Okay. But you would agree, at the very  
24 least, he was leaning over the back of his seat.

25 A Excuse me, Mr. Oulson?

1 Q Yes.

2 A Yes, he was propped. And I mean, like you  
3 said, the chair is there, but he wasn't over top of  
4 the chair.

5 Q And that chair --

6 A I mean I can show you.

7 Q And the back of that chair moves, correct?

8 A The back of the chair does recline a  
9 little bit, yes, sir.

10 Q And it moves into Mr. Reeves' space.

11 A Could, yes, sir.

12 Q And you saw that.

13 A Yes, sir.

14 Q You don't know what Mr. Oulson was saying  
15 at the time that he was doing a motion with his  
16 hand, whether it was his left hand or his right  
17 hand, correct?

18 A No, sir.

19 Q But you knew he was saying something.

20 A He was saying something, yes, sir.

21 Q And that something was something other  
22 than the cuss words that you had previously heard,  
23 correct?

24 A Are you talking -- I mean are you saying  
25 prior to -- the only thing that I heard was just

1     what I wrote on that paper.

2           Q     That "I'm trying to text my fucking  
3     daughter if you don't mind."

4           A     That's all I heard.

5           Q     Okay. Then you hear a shot go off.

6           A     Yes, sir.

7           Q     Now, at that moment you move into action,  
8     correct?

9           A     Yes, sir.

10          Q     Were you going to be moving into action  
11     when you saw Mr. Oulson cursing in the middle of the  
12     theater and leaning over the back of his chair?

13          A     I didn't feel it was necessary at that  
14     time.

15          Q     Why not?

16          A     I just didn't.

17          Q     You hear a shot, you move into action,  
18     correct?

19          A     Yes, sir.

20          Q     Mr. Reeves is seated there.

21          A     Yes, sir.

22          Q     The gun is placed on his knee.

23          A     Yes, sir.

24          Q     Doesn't have his hand on the gun.

25          A     No, sir.

1           Q     Just there on the knee, visible for you to  
2     see.

3           A     Correct.

4           Q     You retrieve it.

5           A     I retrieve it.

6           Q     He doesn't give you any problems in  
7     retrieving that gun.

8           A     No, sir, sure didn't.

9           Q     Now, while he's seated there, he doesn't  
10    tell you that he has to leave. He tells you "I want  
11    to get up," correct?

12          A     "I need to get up and leave."

13          Q     Are you sure that he said leave or just  
14    get up?

15          A     He initially wanted to get up and I didn't  
16    want him to get up.

17          Q     Okay. So initially his words were "I need  
18    to get up."

19          A     Correct.

20          Q     Did you ask him why?

21          A     No; no, sir.

22          Q     You could tell he was an elderly man,  
23    correct?

24          A     That's correct, yes, sir.

25          Q     And you remember telling Mr. Proctor,

1 Detective Proctor -- the only thing you told  
2 Mr. Proctor is that Mr. Reeves had said that he  
3 wanted to get up.

4 A Correct. He had said also he wanted to  
5 get up.

6 Q You never told Detective Proctor that  
7 Mr. Reeves allegedly told you that he wanted to  
8 leave, did you?

9 A No, sir, I didn't tell Mr. Proctor that.

10 Q Why would you not tell the lead detective  
11 in this case that statement?

12 A I don't know. I just told him --

13 Q Well, you didn't think that Mr. Reeves  
14 wanted to flee the theater, did you?

15 A No, sir.

16 Q Now, of importance in a shooting like  
17 this --

18 A Uh-huh.

19 Q -- is that the physical evidence there at  
20 the scene is preserved.

21 A Correct.

22 Q You've been in law enforcement for long  
23 enough to know that that is probably the most  
24 important part of the whole process, correct?

25 A That's correct, yes, sir.

1           Q     Because you want to be able to test items  
2 forensically.

3           A     Correct.

4           Q     Forensic analysis most of the time doesn't  
5 lie, correct?

6           A     That's correct.

7           Q     And so you wanted to test or preserve the  
8 area right around Mr. Reeves because that was the  
9 area where gunfire had taken place.

10          A     That's correct.

11          Q     And that was also the area that you had  
12 seen Mr. Oulson leaning over the back of his seat,  
13 correct?

14          A     That's correct.

15          Q     And so when you look down -- and you got  
16 to Mr. Reeves pretty quickly, right?

17          A     Yes, sir.

18          Q     You knew that was very important.

19          A     Yes, sir.

20          Q     And so when you got to Mr. Reeves very  
21 quickly, you could see that on the floor in between  
22 his legs was a cell phone.

23          A     Yes, sir.

24          Q     Because as you approach someone like that,  
25 after you've taken the gun, you're looking around to

1 make sure that you're safe and that everybody else  
2 is safe.

3 A Yes, sir.

4 Q And so you immediately saw that cell  
5 phone, correct?

6 A That's correct.

7 Q In between his legs.

8 A On the floor.

9 Q And you recognized that phone to be an  
10 iPhone?

11 A I don't know if it's a iPhone.

12 Q You don't remember?

13 A It's big enough it resembles the iPhone or  
14 one of the bigger phones, yes, sir.

15 Q Because it was a big phone.

16 A Correct.

17 Q It wasn't a little tiny phone?

18 A No.

19 Q Still dark?

20 A Yes, sir.

21 Q Hadn't turned on the lights yet, correct?

22 A Correct.

23 Q And Mr. Reeves pointed to that cell phone;  
24 did he not?

25 A I don't know if he pointed to it or just

1     gestured that he needed to get -- he leaned up, I  
2     need to get my phone or get the phone.

3           Q     Well, let's -- let's talk about it. Do  
4     you remember exactly what he told you or do you  
5     remember him pointing?

6           A     He may have pointed at some point in time  
7     or just gestured forward. I don't recall.

8           Q     You didn't let him touch it, correct?

9           A     No, sir, I didn't.

10          Q     You didn't let anybody touch it --

11          A     No, sir.

12          Q     -- because you wanted crime scene to come  
13     over and properly handle it and preserve it.

14          A     Hopefully, yes, sir.

15          Q     You didn't know whose phone it was at the  
16     time --

17          A     No, sir.

18          Q     -- correct?

19          A     No, sir, I did not.

20          Q     And you're aware that all sorts of  
21     evidence sometimes can be derived from a phone,  
22     correct? Fingerprints.

23          A     That's correct, yes, sir.

24          Q     DNA.

25          A     Could be.



1           Q     All kinds of things.

2           A     Yes, sir.

3           Q     That forensically could help shed some  
4 light on what actually happened, correct?

5           A     Could be, yes, sir.

6           Q     And so in your business when forensics,  
7 when crime scene comes in, you want them to wear  
8 gloves, carefully pick up that phone, package it and  
9 not open that phone until it gets to the Florida  
10 Department of Law Enforcement so that they can,  
11 under their controlled conditions, examine it and  
12 retrieve evidence, correct?

13          A     That's what a forensic specialist probably  
14 should do. I'm not -- yes, sir.

15          Q     Now, you then talked on direct examination  
16 about a conversation that you had with Mr. Reeves as  
17 you were standing there waiting for, I guess, law  
18 enforcement to arrive.

19          A     That's correct, yes, sir.

20          Q     Because law enforcement had not yet  
21 arrived?

22          A     That's correct.

23          Q     It was still dark?

24          A     There was a couple of different points  
25 there. We had conversations when it was light,

1 dark --

2 Q Well --

3 A -- at some point in time.

4 Q Well, at this point in time his wife is  
5 right next to him, correct?

6 A That's correct, yes, sir.

7 Q And you made a statement that he made some  
8 awful remark, that his wife said something that was  
9 uncalled for. Is that what you're telling us today?

10 A No, sir, I didn't say it was not called  
11 for. I said that she said that there was no cause  
12 to shoot him.

13 Q Now, you didn't write that in your  
14 statement that you wrote on January the 13th of  
15 2014, did you?

16 MR. GARCIA: Judge, I object to negative  
17 impeachment.

18 THE COURT: Overruled.

19 Q (By Mr. Escobar) Correct? You didn't  
20 write it in your statement, did you?

21 A No, sir. No, sir, I did not.

22 Q I'm going to show you what's been marked  
23 as Defense Exhibit Number 2.

24 MR. ESCOBAR: Can I approach, Your Honor?

25 THE COURT: You may.

1           Q     (By Mr. Escobar) And see if Exhibit Number  
2     2 is a document that you recognize.

3           A     Yes, sir, that's mine.

4           Q     What is that document?

5           A     It's a voluntary statement form from Pasco  
6     County Sheriff's Department.

7           Q     Is that your handwritten voluntary  
8     statement form?

9           A     It is, yes, sir.

10          Q     Is that a true and accurate copy of your  
11     voluntarily statement form?

12          A     Yes, sir.

13          Q     It's not been altered, deleted?

14                 Take your time and read it, please. If  
15     you have any questions, I want to make sure that it  
16     is a clean copy.

17          A     (Perusing document.)

18                 This is -- this is mine.

19          Q     Okay. Now, in that form you made no  
20     statements as to what Ms. Reeves told Mr. Reeves,  
21     correct?

22          A     No, sir, I did not.

23          Q     There's -- there's no documentation of  
24     that.

25          A     No, sir.

1           Q     And then I believe in direct examination  
2     you said something to the effect of "Shut your  
3     fucking mouth."

4           MR. ESCOBAR:   Excuse my language, Your  
5     Honor.

6           Q     (By Mr. Escobar) Correct?

7           A     Yes, sir, that's correct.

8           Q     You didn't write that in there either?

9           A     No, sir.

10          Q     Those are pretty important statements; are  
11     they not?

12          A     Yes, sir.

13          Q     But they weren't important enough to put  
14     in that statement?

15          A     I didn't put them in there, no, sir, I  
16     didn't.

17          Q     My question was whether -- we know that  
18     you didn't put them in there.

19                 They weren't important enough for you to  
20     put it in that statement?

21          A     Sure, they're important.

22          Q     Well, let's take it one more step. In  
23     addition to you writing this statement in the  
24     comfort of your space there, correct --

25          A     Yes, sir.

1           Q     -- you also had the opportunity of going  
2 with Detective Proctor, the lead detective in this  
3 case, to that playroom and to discuss with him in  
4 great detail everything you knew about this case,  
5 correct?

6           A     In great detail?

7           Q     Yeah. You wanted to tell him as much as  
8 you could possibly --

9           A     As much as I could possibly do.

10          Q     Because you knew you were being recorded.

11          A     Correct.

12          Q     Well, did you tell Detective Proctor in  
13 that room that Mrs. Reeves had allegedly made that  
14 statement?

15          A     No, sir, I did not.

16          Q     Well, did you tell Detective Proctor in  
17 that room that my client allegedly said, "Shut your  
18 fucking mouth"?

19          A     I don't recall if I told him that or not.

20          Q     You don't recall?

21          A     I don't recall that I told him verbally  
22 that or not.

23          Q     Did you believe that that session with you  
24 and Detective Proctor was important?

25          A     Yes, sir, it was.

1 Q So as you sit here, you can't imagine any  
2 scenario why you wouldn't have told him that?

3 A Any scenario why I wouldn't have told him  
4 that?

5 Q Yeah. You're being recorded. They're  
6 asking you to give him all the details of what you  
7 know, right?

8 A That's correct, yes, sir.

9 Q What you heard Mr. Reeves tell his wife  
10 was, Vivian, "They're going to come in here  
11 storming. Move a couple of chairs over." That's  
12 what you heard him say to her --

13 MR. GARCIA: Judge, I'm going to object.  
14 Where's this testimony coming from?

15 THE COURT: I have no idea, but let's let  
16 him answer the question and see.

17 Q (By Mr. Escobar) That's what you heard him  
18 say, correct?

19 A No, sir, that's not what I heard him say.

20 THE COURT: All right.

21 Q (By Mr. Escobar) Mr. Reeves appeared  
22 concerned for Mr. Oulson, correct?

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

25 THE COURT: Overruled. I'll hear that.

1 Q (By Mr. Escobar) Correct?

2 A Did he appear concerned for him?

3 Q Yes.

4 MR. GARCIA: Object to the form of the  
5 question. Concerned how, Judge, concerned that  
6 he was going to die?

7 THE COURT: Overruled, but if you want him  
8 to answer the question, you've got to let him  
9 answer it. Okay?

10 All right. Answer the question if you  
11 can.

12 A I'm not too sure if you can use "concern"  
13 for an incident of this nature. I'm not -- I'm not  
14 tracking you on that.

15 Q (By Mr. Escobar) Okay. Law enforcement  
16 comes in, correct?

17 A Yes, sir.

18 Q They handcuff him, correct?

19 A Correct.

20 Q They're not rough with him at all?

21 A No, sir.

22 Q Actually -- they were actually very gentle  
23 with him, correct?

24 A I felt so.

25 Q They were telling him commands and he was

1 complying.

2 A That's correct.

3 Q And he went very peacefully with them.

4 A That's correct, yes, sir.

5 MR. ESCOBAR: No further questions.

6 THE COURT: Okay. State, do you have any  
7 redirect that you feel compelled to ask  
8 Corporal Hamilton?

9 MR. GARCIA: Yes, Judge.

10 Judge, I want to clarify something. Can  
11 Corporal Hamilton step down, please, Judge?

12 THE COURT: Yeah.

13 MR. GARCIA: Can you step down, Corporal,  
14 please.

15 THE WITNESS: Sure.

16 THE COURT: Where's he going? No, no, no.  
17 Corporal Hamilton, over here. It's okay. No,  
18 no, you don't get to leave yet. Come on over  
19 here. I think he means step down so that you  
20 can do a demonstration.

21 THE WITNESS: I'm sorry. I'm sorry.

22 REDIRECT EXAMINATION

23 BY MR. GARCIA:

24 Q Corporal Hamilton, can you please  
25 demonstrate for the Court how Mr. Oulson was.



1 There's been testimony -- Mr. Escobar, on  
2 cross-examination, wants the Court to believe that  
3 he was leaning way over, that the back of the chair  
4 was leaning into Mr. Reeves' space.

5 THE COURT: Let's just leave it at let him  
6 show how it looked.

7 MR. GARCIA: Okay.

8 THE COURT: And why don't you put another  
9 chair there to make the simulation a little bit  
10 closer here, if this works for you.

11 Corporal Hamilton, does this work for you?

12 THE WITNESS: Yes, sir, that's fine.

13 THE COURT: Okay. And Mr. Escobar, if you  
14 want to reposition yourself so you're in a  
15 better spot to see, you're welcome to do so. I  
16 know that you're kind of at a disadvantage at  
17 that angle.

18 First, give Corporal Hamilton the chance  
19 to set up. Is -- is that what you believe the  
20 distance or do you think they're closer or  
21 further?

22 THE WITNESS: It's close, Your Honor.

23 THE COURT: Okay.

24 A From my position, when I leaned up and I  
25 seen the -- this brief argument, Mr. Oulson was in a

1 propped position. Not -- and I don't want to lean  
2 over this thing because I'll wind up head first.

3 Q (By Mr. Garcia) Right.

4 THE COURT: Let's not do that.

5 A Not in what the Defense was trying to say  
6 as far as breaking -- breaking that bridge in the  
7 middle of your body to lean over. He was propped,  
8 you know, talking or hollering.

9 Q (By Mr. Garcia) So he was not in any way,  
10 shape or form in Mr. Reeves' space?

11 A No, sir.

12 Q Absolutely not.

13 A No.

14 Q It didn't happen.

15 A No.

16 Q You can retake your seat, please,  
17 Corporal.

18 Corporal Hamilton, did you, at any time,  
19 see Mr. Oulson strike, hit or touch Mr. Reeves in  
20 any way?

21 A No, sir, I did not.

22 Q Did you ever see him with the cell phone  
23 in his hand and reach up and strike Mr. Reeves in  
24 the left side of his head?

25 A No, sir, I didn't.

1 Q Never happened?

2 A No, sir.

3 MR. GARCIA: I have nothing further,  
4 Judge.

5 THE COURT: All right. Mr. Escobar, I  
6 know you're going to want to ask a few more  
7 questions. Go ahead.

8 MR. ESCOBAR: Just a -- just a couple of  
9 them.

10 RE CROSS EXAMINATION

11 BY MR. ESCOBAR:

12 Q So your testimony here today is that not  
13 only was he leaning over the back of the --

14 MR. GARCIA: Judge, I'm going to object as  
15 to mischaracterization. He's already said he  
16 was not leaning, he was propped.

17 THE COURT: Overruled. Corporal Hamilton  
18 is a law enforcement officer. It's not his  
19 first time testifying. He can correct any  
20 mischaracterization if he wants to. It's up to  
21 him. All right? I figured we were going to.

22 All right. What have you got?

23 Q (By Mr. Escobar) Isn't it a fact that your  
24 statement is that "Mr. Oulson was leaning over his  
25 back seat."

1 A Okay. Well, I want to make -- make --

2 Q Answer my question.

3 A Leaning -- leaning --

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

6 THE COURT: Overruled. Overruled. Hold  
7 on.

8 You asked him a question, he gets to  
9 answer it. It's -- he gets to answer it how he  
10 wants; you get to follow up. Let him answer  
11 it.

12 A He was in more of a propped position so --

13 Q (By Mr. Escobar) Did you --

14 A Yes, sir, I put leaning on the -- on  
15 the --

16 Q Not just leaning. You said leaning over  
17 back seat, correct?

18 A Back seat, yes, sir.

19 Q Would you like to see your statement?

20 A No, sir, I've seen it.

21 Q And this is the same statement that you  
22 told not only Your Honor, but everyone here in this  
23 courtroom that at the time you wrote it, your mind,  
24 your memory was much fresher than what it is today.

25 A That's correct.

1 MR. ESCOBAR: Your Honor, we would move  
2 Defense Exhibit Number 2 into evidence.

3 THE COURT: Mr. Garcia, any lawful reason  
4 I shouldn't take it, Exhibit 2 for the purposes  
5 of the bond hearing?

6 MR. GARCIA: No, sir.

7 THE COURT: I'll admit it as Defense  
8 Exhibit 2 for the purpose of the bond hearing.

9 Mr. Escobar, any further questions for  
10 Corporal Hamilton?

11 MR. ESCOBAR: No further questions.

12 THE COURT: Mr. Garcia, any further  
13 questions for Corporal Hamilton?

14 MR. GARCIA: No, sir.

15 THE COURT: All right. Corporal Hamilton,  
16 now you can leave. All right?

17 All right. We are now at 5:46. That  
18 means we've been going approximately an hour  
19 and twenty minutes off the last break.

20 How many more witnesses you have tonight,  
21 State?

22 MR. GARCIA: Three, Your Honor.

23 THE COURT: Three. How many of them are  
24 going to be more than 15 minutes? And it's  
25 just an estimation. I'm just trying to figure

1 out whether we're going to break for dinner or  
2 whether we're going straight into this, because  
3 people are hungry I'm imagining, and I can't --  
4 I can't enthrall my courtroom staff and keep  
5 them here forever. They're entitled to some  
6 food as well.

7 MR. GARCIA: Judge, I can't -- I can't in  
8 good faith say they're going to be less than 15  
9 minutes because --

10 THE COURT: Well, one of them has got a  
11 video that's going to be a few minutes and  
12 another one's got an audio that's going to be  
13 20 minutes. Well --

14 MR. GARCIA: Friedhoff would be probably  
15 be the quickest witness, Judge.

16 THE COURT: If both sides take a chance to  
17 pow-wow with each other and determine whether  
18 you want to break and come back here at 6:30  
19 after everybody gets a chance to raid the  
20 vending machines in the hallway or if you want  
21 to go right into it.

22 And I'll let anybody and everybody that  
23 wants to bring food in can bring food in. I've  
24 got a couple power bars. That's about it.

25 Otherwise, I don't think we're going to be

1       able to finish today because that's -- my other  
2       option is, I'm taking a break now and I'll get  
3       some other judge to cover my calendar at 1:00  
4       on Friday and I'll do -- I'll do this 1:00 on  
5       Friday. I can't do it tomorrow morning; I  
6       can't do it tomorrow afternoon; and I  
7       definitely can't do it Friday morning. So that  
8       leaves me Friday afternoon.

9               MR. GARCIA: Judge, what I would suggest  
10       to the Court, Judge, is that we go ahead and do  
11       Friedhoff now -- he should not be that long --  
12       and then take a break for court personnel and  
13       everyone else, and then resume this bond  
14       hearing, Judge.

15              THE COURT: Okay. You want to keep going.

16              MR. GARCIA: I -- I want to keep going,  
17       Judge. I don't want to --

18              THE COURT: I want to keep going, too, but  
19       I've got to talk to my courtroom staff and make  
20       sure they're going to be okay.

21              Mr. Escobar, do you join the State in  
22       wanting to keep going?

23              MR. ESCOBAR: I would agree, yes, Your  
24       Honor.

25              THE COURT: You want to keep going.

1 MR. ESCOBAR: Yes, Your Honor.

2 THE COURT: You okay? Can you do another  
3 one or you need a break?

4 THE COURT REPORTER: I'm fine.

5 THE COURT: You can do one more?

6 THE COURT REPORTER: Yes.

7 THE COURT: Can you keep going tonight or  
8 you going to be --

9 THE COURT REPORTER: I have no choice.

10 THE COURT: You say uncle and I'll take a  
11 break. It's not fair to you.

12 THE COURT REPORTER: Okay.

13 THE COURT: Rocko, you okay?

14 THE CLERK: (Nods head.)

15 THE COURT: You're okay.

16 All right. Where is Captain Ferrantelli?

17 THE BAILIFF: He stepped out.

18 CORPORAL BRUCE: He's taking a break.

19 THE COURT: He's probably making phone  
20 calls. Lieutenant Bain here still? Who's  
21 ranking officer?

22 CORPORAL INVERSSO: They already --

23 THE COURT: Everybody with rank left. All  
24 right.

25 CORPORAL INVERSSO: He just stepped out.



1 THE COURT: Are we okay? I mean can we  
2 keep going?

3 CORPORAL INVERSSO: Absolutely. We prefer  
4 to finish today.

5 THE COURT: Prefer to finish today. All  
6 right. Everybody's on the same page. It  
7 sounds great.

8 Call your next witness, then, State.

9 MR. GARCIA: Your Honor, the State would  
10 call Derek Friedhoff.

11 THE COURT: All right. And the plan would  
12 be to take a short recess, then, after  
13 Derek Friedhoff for a comfort break. And then  
14 you want to go right back -- keep going on  
15 witnesses or you want to give everybody 45  
16 minutes to run to McDonald's?

17 MR. GARCIA: No, Judge. What I was saying  
18 is do Mr. Friedhoff. He's going to be a short  
19 witness.

20 THE COURT: Yes.

21 MR. GARCIA: And then if court personnel  
22 and everybody takes 30 or 45 minutes to grab  
23 something and then come back.

24 THE COURT: Thirty minutes enough for you?

25 THE CLERK: I'll do whatever.

1 THE COURT: You'll do whatever.

2 Thirty minutes okay?

3 THE COURT REPORTER: Yes.

4 THE COURT: Mr. Escobar and Mr. Michaels,  
5 can you -- can you get some food in 30 minutes  
6 and be back?

7 MR. ESCOBAR: Your Honor, I'm -- I'm good.

8 THE COURT: Okay. I'm just making sure.  
9 I am told that sometimes I go way too long and  
10 that I put other people in discomfort. It's  
11 not my intention to do that.

12 So, like I said, if anybody needs to bring  
13 in food, I know generally there's a  
14 prohibition, but if you've got a power bar,  
15 something like that, trail mix, whatever,  
16 you're welcome to it. I don't want anybody  
17 passing out on me.

18 Where's the witness? Oh, yeah, bring him.  
19 Let's not -- let's not delay.

20 You can just approach the witness chair.

21 I'll give you the oath over here.

22 THEREUPON,

23 DEREK FRIEDHOFF,  
24 the witness herein, was placed under oath.

25 THE COURT: All right. State, you may

1           inquire.

2           MR. GARCIA: Thank you, Your Honor. May  
3           it please the court, counsel.

4                         DIRECT EXAMINATION

5 BY MR. GARCIA:

6           Q     Mr. Friedhoff, can you state your full  
7           legal name, please, and spell your last name.

8           A     Yes. My name is Derek Shawn Friedhoff,  
9           F-R-I-E-D-H-O-F-F.

10          Q     And Mr. Friedhoff, what is your  
11          profession?

12          A     I'm a registered nurse.

13          Q     And how long have you been practicing as a  
14          registered nurse?

15          A     A little over three years.

16          Q     And obviously you're licensed in the state  
17          of Florida?

18          A     Yes, sir.

19          Q     All right. Mr. Friedhoff, directing your  
20          attention to January 13th, 2014, do you recall that  
21          date?

22          A     Yes, I do.

23          Q     And did you attend Cobb Movie Theater on  
24          that date?

25          A     I did.

1           Q     And with whom did you go to the movie  
2 theater with?

3           A     I attended the movie theater with my  
4 girlfriend.

5           Q     Okay. And what movie -- what movie were  
6 you there to see?

7           A     *Lone Survivor.*

8           Q     Do you know what time you arrived at the  
9 movie theater?

10          A     We purchased the tickets at 1:16 p.m. And  
11 we arrived in the movie theater itself at 1:19  
12 p.m. -- 1:19 p.m.

13          Q     Okay. And upon arriving in the movie  
14 theater, did anything draw your attention while you  
15 were sitting in your seats?

16          A     Well, when we currently sat, we just --  
17 some bickering caught my attention so I looked  
18 towards the area. Previews came on so I directed my  
19 attention back to the screen.

20          Q     Okay. And let me stop you. Where were  
21 you sitting in the movie theater?

22          A     Facing the screen, left-hand side, maybe a  
23 quarter of the way in from the aisle.

24          Q     Okay. And do you know where Mr. and Mrs.  
25 Oulson were sitting in the movie theater?

1           A     Yes, I do.

2           Q     And can you tell the Court where they were  
3 sitting.

4           A     They were sitting approximately one or two  
5 rows behind me to the right, the opposite side of  
6 the movie theater.

7           Q     Okay. And Mr. and Mrs. Reeves, do you  
8 know where they were sitting?

9           A     I did.

10          Q     And can you tell the Court where they were  
11 sitting?

12          A     They were sitting towards the -- towards  
13 the very back row to the right, in the same area  
14 as --

15          Q     The Oulson's.

16          A     -- the other couple.

17          Q     Okay. And you indicated that you heard  
18 some type of commotion or talking or something going  
19 on.

20          A     When I originally got there, that's  
21 correct.

22          Q     Okay. Did you look in that direction?

23          A     I did.

24          Q     Could you see?

25          A     Just silhouettes essentially.

1 Q Okay. Did you hear any conversations?

2 A At which point are you referencing  
3 towards, because I heard two --

4 Q Two --

5 A -- two different conversations that  
6 happened. Once right before the previews started,  
7 and then after the previews started --

8 Q Okay.

9 A -- then I heard the additional.

10 Q All right. Well, let's talk about the  
11 conversation prior to the previews starting.

12 A Okay.

13 Q What did you hear and from whom?

14 A Just -- just bickering. It wasn't really  
15 audible. I couldn't hear what they were saying. It  
16 just took my attention to them. But like I said,  
17 once the previews started playing, I lost, you know,  
18 concentration and I focused back --

19 Q All right.

20 A -- on the movie.

21 Q So is it fair to say that you could not  
22 discern what Mr. Reeves was saying and what  
23 Mr. Oulson was saying? You just heard bickering.

24 A Exactly, that's correct.

25 Q Okay. Did that alarm you or did it raise

1 any suspicions?

2 A My focus was towards them, but it wasn't  
3 enough to, you know, raise some red flags.

4 Q All right. To be concerned.

5 A Right.

6 Q So you said you kind of just played it off  
7 and then you're watching the previews.

8 A Exactly.

9 Q Does anything else happen?

10 A After the second preview, I again heard  
11 bickering again so I focused my attention towards  
12 the same area.

13 At this particular moment I saw a  
14 cell-phone screen lit up and I heard, I believe it's  
15 Chad, say something along the lines of texting my  
16 daughter followed by some other words.

17 Q Okay. Let me just stop you there for a  
18 minute.

19 Was Mr. Oulson standing up? Was he  
20 sitting down?

21 A At that particular moment he was sitting  
22 down because I saw the cell-phone screen then look  
23 like it was either in his lap or maybe midchest.

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

25 A I heard something, but it was inaudible.

1 I really couldn't tell what was said.

2 Q Okay. What happens after that?

3 A After that I saw silhouettes. Like I say,  
4 I can't -- I couldn't identify what color shirt they  
5 were wearing. It was just essentially silhouettes.

6 So I saw someone stand; I heard some  
7 crumpling. And then I saw, like, a motion of  
8 something being thrown. When I heard the object  
9 landed, I then heard Curtis say something along the  
10 lines of either "I'll teach you" or "I'll show you,  
11 throw popcorn at me," then followed by the gunshot.

12 Q Okay. Did you, at any time, see  
13 Mr. Oulson hit, strike or touch Mr. Reeves in any  
14 way or any fashion?

15 A No, I did not.

16 Q Did you see him hit him with a cell phone  
17 or throw his cell phone at him?

18 A No, I did not.

19 Q And the crumpling that you heard, what did  
20 you associate it with?

21 A At first I didn't know what it was until  
22 after the word "popcorn" was used. And then it came  
23 to me that obviously it sounded like a bag of  
24 popcorn being ruffled.

25 Q Okay. Did you actually see Mr. Reeves



1 shoot Mr. Oulson?

2 A I did.

3 Q Did you see Mr. Reeves with a gun in his  
4 hand or what -- tell us what you saw.

5 A I saw the silhouette of a man standing  
6 followed by the flash of a -- the flash from the  
7 muzzle of the handgun.

8 Q Yes, sir.

9 A Then I originally thought that maybe it  
10 was a warning shot because I saw Chad still  
11 standing. Then a few seconds later I saw him  
12 collapse.

13 Q Okay. Did you hear any statements from  
14 Mr. Oulson?

15 A No, I did not.

16 Q The one statement that you attribute to  
17 Mr. Reeves, that you indicated it was something like  
18 throw popcorn in my face, was that after the shot or  
19 before the shot?

20 A Before the shot.

21 Q Okay. So before the shot you hear him  
22 say, "Throw popcorn in my face" and then the shot.

23 A That's correct.

24 Q Did you see Mr. Oulson walking or attempt  
25 to walk?

1           A     From --

2           Q     After being shot, what -- what happens to  
3 him?

4           A     From what I could tell, it looked like he  
5 was just standing and then he collapsed. I didn't  
6 see him try to walk or anything of that nature. I  
7 didn't see him try to leave or try to go anywhere  
8 else. I just saw him collapse.

9           Q     Okay. Tell us what you do then.

10          A     Like I said, I originally thought it was a  
11 warning shot so I kind of stayed to my area. I  
12 really didn't, you know, want to rush over there  
13 because I didn't know if the shooter was still armed  
14 or what he planned on doing.

15                Once I could, you know, assess the  
16 situation, I went over to Chad and I assessed him  
17 and then I called 911.

18          Q     Okay. Did you start doing chest  
19 compressions?

20          A     Not immediately because he still had a  
21 pulse and he was still breathing.

22          Q     Did you eventually take your shirt off to  
23 try and stop the bleeding?

24          A     To apply pressure, yes, sir.

25          Q     And did you then start chest compressions?

1           A     Not immediately because he -- like I said,  
2 he was still breathing.

3           Q     Right.

4           A     I then asked -- after I was on the phone  
5 with the --

6           Q     911?

7           A     -- 911, I asked for a flashlight to assess  
8 Chad's neuro-motor functions. And I checked his  
9 pupils to see if they would react to light and they  
10 did not, which usually indicates that his brain stem  
11 was not receiving adequate blood or oxygen.

12          Q     Is that a bad sign?

13          A     It's a very bad sign.

14          Q     Did you continue to do the chest  
15 compressions until the paramedics and so on and so  
16 forth?

17          A     Someone was originally doing chest  
18 compressions, but they didn't look like they were  
19 full, deep chest compressions, so I asked to relieve  
20 him and take over chest compressions.

21                I then resumed the chest compressions and  
22 Chad did an agonal breath. I stopped, looked for  
23 any kind of chest movement to indicate breathing. I  
24 felt for a pulse, didn't feel any, resumed chest  
25 compressions again.

1           Then after maybe the twentieth chest  
2   compression, there was another agonal breath  
3   followed by some fluid being filled up in his lungs,  
4   crackles, and blood exiting his mouth. I then  
5   resumed chest compressions until paramedics arrived.

6           Q     Okay. Thank you, Mr. Friedhoff.

7           A     Okay.

8           MR. GARCIA: I don't have any further  
9   questions, Judge.

10          THE COURT: Thank you, Mr. Garcia.

11          Mr. Escobar, you may inquire.

12                   CROSS-EXAMINATION

13   BY MR. ESCOBAR:

14          Q     Good afternoon, Mr. Friedhoff.

15          A     To you as well.

16          Q     Mr. Friedhoff, do you know what time you  
17   got to the movie theater?

18          A     Yes, I do.

19          Q     What time?

20          A     The movie theater itself or the --

21          Q     I guess I should say theater ten.

22          A     Theater ten. We went inside at 1:19 p.m.

23          Q     Okay. And so when you went inside the  
24   theater, the previews were not showing?

25          A     At that particular moment, not yet.

1 Q Okay. And so you and your girlfriend --

2 A That's correct.

3 Q Sat down.

4 A Correct.

5 Q And you described where you sat if you're  
6 looking at the screen.

7 A Correct.

8 Q You would be on the left side.

9 A Left side, that's correct.

10 Q You would be on the left side of the  
11 theater; is that correct?

12 A Correct.

13 Q Now, if I remember correctly, there is an  
14 aisle that comes up off that left side, correct?

15 A Correct.

16 Q And there's a center section of seating.

17 A I suppose.

18 Q Is there a left section for seating?

19 A I don't believe so.

20 Q So just a center section --

21 A Correct.

22 Q -- of seating.

23 And so you believe that you sat near the  
24 aisle?

25 A Maybe a quarter of the way in.

1           Q     A quarter of the way in. How many seats  
2 would you suspect?

3           A     I don't know, maybe four, five, six  
4 possibly.

5           Q     Possibly up to six?

6           A     Correct.

7           Q     Okay. And you believe that you sat, or at  
8 least that Mr. Oulson sat at least one or two rows  
9 behind you.

10          A     Behind me to the right.

11          Q     So if -- if -- and to the right.

12          A     That's correct.

13          Q     So if you were seated -- if you were  
14 seated, you would have to go two rows back and then  
15 to the right in order to find Mr. Oulson's seat; is  
16 that correct?

17          A     Approximately, yes.

18          Q     Okay. And beside Mr. Oulson was his wife  
19 seated with him?

20          A     Correct.

21          Q     Okay. Was she seated to his left or to  
22 his right as he's looking at the screen?

23          A     I just saw silhouettes. I couldn't tell  
24 where exactly she was sitting.

25          Q     So you couldn't even tell it was a woman.

1           A     You're asking me to speculate.

2           Q     No, that's what I'm saying. You couldn't  
3 even tell it was a woman.

4           A     I just saw the gentleman standing.

5           Q     Okay. And as you saw the gentleman  
6 standing, the only thing you say you could see was a  
7 silhouette.

8           A     Silhouette, yes, sir.

9           Q     You couldn't tell the age of the  
10 individual?

11          A     I could not.

12          Q     You couldn't tell what he was wearing in  
13 clothing?

14          A     I could not.

15          Q     You couldn't even tell how tall he was?

16          A     I couldn't give an exact height, but I  
17 could tell he wasn't short.

18          Q     And in order for you to see that  
19 silhouette, you were having to turn your body.

20          A     My back towards -- my girlfriend was  
21 sitting to the right of me, so I had to turn back  
22 and focus my attention towards --

23          Q     Okay.

24          A     -- that direction.

25          Q     And so if your girlfriend is seated to

1 your right, you were having to look through the  
2 space between you and your girlfriend.

3 A Correct. So I'm looking to -- past my  
4 girlfriend to the right.

5 Q To the right and back --

6 A And back.

7 Q -- at least two rows.

8 A Yes, sir.

9 Q And so how long after you first sat with  
10 your girlfriend, how long after that did you first  
11 look back and see Mr. Oulson?

12 A Minutes.

13 Q Minutes?

14 A Minutes.

15 Q Okay. Had the previews started already?

16 A I believe they just -- like the -- the  
17 opening scenes, like, you know, to turn off your  
18 phones, to silence them, that originally caught my  
19 attention. And then once I saw the previews started  
20 playing, I went back to the screen.

21 Q Did you silence your phone?

22 A I always -- I always have my phone on  
23 vibrate.

24 Q Okay. And so the announcement came up and  
25 the previews started, correct?



1           A     Correct.

2           Q     Things were now getting loud in there as a  
3 result --

4           A     Correct, from the movie.

5           Q     -- of the previews?

6           A     Correct.

7           Q     You got music, noise, conversation, right?

8           A     Correct.

9           Q     People talking, all kinds of things going  
10 on.

11          A     Correct.

12          Q     And so you say you looked back because  
13 in -- with all that commotion, you say you heard  
14 something.

15          A     I did.

16          Q     Okay. And what is it that you heard?

17          A     I heard Chad -- I saw the cell-phone  
18 screen lit up. And I heard him say something about  
19 texting my daughter.

20          Q     Okay. Let's stop --

21          A     And this was after the second preview, so  
22 it was in between previews.

23          Q     Well, I want to know the first time that  
24 you looked back.

25          A     Okay.

1           Q     Okay? The first time you looked back,  
2     what is it that you were able to see? You were  
3     looking through you and your -- your girlfriend.

4           A     I wasn't really able to see in the first  
5     conversation that took place. I just focused my  
6     attention towards that because I heard some  
7     commotion. Then I really didn't see anything that  
8     raised my alarm so I went back to focusing on the TV  
9     screen.

10          Q     Okay. So let me see if I -- if I  
11     understand this correctly. When you first looked  
12     back --

13          A     Correct.

14          Q     -- you didn't see any commotion going  
15     on --

16          A     No, I did not.

17          Q     -- two rows behind you to the right.

18          A     Correct.

19          Q     And so you glanced over there and you  
20     immediately looked back.

21          A     Correct.

22          Q     You're now focused on the previews again.

23          A     Correct.

24          Q     You were interested in those.

25          A     Correct.

1           Q     You wanted to see what kind of movies were  
2 coming up.

3           A     It just caught my attention.

4           Q     And when you're looking at those previews,  
5 not only are you -- you're focusing because you want  
6 to know a little bit about what that show's about,  
7 correct?

8           A     I suppose anyone -- any person would.

9           Q     Right. It's an attention grabber,  
10 correct?

11          A     Correct.

12          Q     And normally when you have those previews,  
13 they're louder because they want to grab your  
14 attention, correct?

15          A     I would suppose so.

16          Q     Okay. So now you're looking -- you're  
17 focused forward.

18          A     Correct.

19          Q     You having popcorn or drinks with your  
20 girlfriend?

21          A     Correct.

22          Q     You have a popcorn in your hand?

23          A     I think we just had something to drink.

24          Q     Just something to drink.

25          A     Actually, to be -- yeah, I don't even

1 think we had anything because we got there right  
2 when the movie started, so we just skipped the  
3 concessions and went straight there.

4 Q Right when the movie started?

5 A I'm sorry, right when -- when the show was  
6 about to start, because I said we went at 1:19 and  
7 the show starts at 1:20.

8 Q Okay. Okay. And so now you've indicated  
9 on direct examination that you had an opportunity  
10 for the second time to look back, correct?

11 A Correct.

12 Q You're seated.

13 A Correct.

14 Q Those seats are -- they're kind of cushy,  
15 correct?

16 A I would suppose so, yeah.

17 Q They recline, correct?

18 A Correct.

19 Q Comfortable?

20 A I would say so, yes.

21 Q And so what caused you to now look back a  
22 second time?

23 A Because I again heard the confrontation  
24 take place and then I just saw everything unfold.

25 Q Okay. Let's -- let's -- let me hear what

1     you heard.  What did you first hear --

2             A     The first confrontation?

3             Q     -- that caused you to look back the second  
4     time?

5             A     Just an elevated voice.  It wasn't  
6     yelling, but it was just enough to grab my  
7     attention.

8             Q     Okay.  So on the second occasion that you  
9     had to look back, the only thing that caused your  
10    attention was elevated voice.

11            A     Correct.

12            Q     Could you tell what that elevated voice  
13    was saying?

14            A     Part of it was inaudible, but I did hear  
15    "texting my daughter."

16            Q     Okay.  So the only thing that you heard of  
17    that elevated voice was "texting my daughter."

18            A     Correct.

19            Q     That's it?

20            A     That's it.

21            Q     Okay.  And so then you looked back.  And  
22    what are you able to see?

23            A     I then heard --

24            Q     No, what were you able to see?

25            A     At this -- I guess I just saw a cell-phone

1 screen lit up.

2 Q Okay.

3 A At that particular that's all I saw.

4 Q Okay. So now when you saw this cell-phone  
5 screen lit up, was that silhouette standing or  
6 seated?

7 A I believe they were seating -- sitted  
8 (sic).

9 Q Okay. So you believe that Mr. Oulson, at  
10 that point in time, in silhouette, okay, was seated.

11 A Correct.

12 Q And you're indicating that that phone was  
13 in his lap.

14 A Either in his lap or maybe midchest as if  
15 he's holding it, just like to show, hey, I'm  
16 showing my -- you know, texting my daughter. It was  
17 either in his lap -- I don't think -- I don't  
18 believe he was standing.

19 Q Okay. And so what kind of phone was it?

20 A I have no -- it had to have been a  
21 Smartphone of some kind because it had an LCD  
22 screen.

23 Q So you could see --

24 A I couldn't tell what it was.

25 Q You could see, even though you have high

1 backs in those chairs, right?

2 A I'm sorry?

3 Q They're high backs.

4 A I could still see the phone, that's  
5 correct.

6 Q So you're saying that between your seat  
7 and two rows with high backs, you could see a phone  
8 that you've described now as a Smartphone on  
9 Mr. Oulson's lap.

10 A That's correct.

11 Q And he was seated.

12 A He was either seating (sic) or it was  
13 raised, elevated, but I don't believe he was  
14 standing.

15 Q Okay. Now, do you know what he was doing  
16 with that phone?

17 A I presume texting his daughter.

18 Q No. Do you know what he was doing with  
19 that phone?

20 A No, I do not.

21 Q Okay. Do you know what hand he had that  
22 phone in?

23 A I believe -- it looked like it was in his  
24 right hand.

25 Q Okay. And so you heard those mere

1 three -- three words.

2 A Correct.

3 Q And do you now look back --

4 A I -- I still --

5 Q -- at your previews?

6 A No, I still focus attention on the  
7 screen -- I'm sorry, on the area that was the  
8 confrontation that was taking place.

9 Q You're still not seeing Mrs. Oulson?

10 A I still did not see her, no.

11 Q The only one that you're seeing now is the  
12 silhouette of a person sitting.

13 A Correct.

14 Q Do you see a silhouette of a person  
15 sitting beside him?

16 A No, I do not.

17 Q So to the best of your recollection here  
18 today, you think that the seats on either side of  
19 him are empty?

20 A I can't -- you're asking me to speculate.  
21 I don't know. I just saw the person sitting there.

22 Q Okay. And so why are you continuing to  
23 look?

24 A At who?

25 Q At that silhouette.



1           A     Because it grabbed my attention.

2           Q     Okay. Well, you saw that -- the  
3 silhouette was there. You couldn't tell any detail  
4 of the silhouette, correct?

5           A     Okay.

6           Q     And so you didn't go back to look at the  
7 previews?

8           A     No, because it was -- everything was still  
9 unfolding. It didn't just stop.

10          Q     Okay.

11          A     It kept on continuing.

12          Q     Okay. So what did you see next?

13          A     I then heard some, again, inaudible  
14 dialogue following --

15          Q     Inaudible?

16          A     Inaudible. I couldn't -- I couldn't heard  
17 (sic) what was said. I then heard something being  
18 crumpled and then thrown.

19          Q     Oh, you heard something being crumbled.

20          A     Crumpled, yes, like crumpled.

21          Q     At the time that you were hearing that --  
22 that noise, you didn't know what it was?

23          A     I did not know what it was.

24          Q     Okay. And then you're saying you hear  
25 something being thrown. How can you hear something

1 being thrown?

2 A Because you heard something crumpled and  
3 you hear the impact of it landing or hitting its  
4 intended object.

5 Q Okay. So you heard an impact.

6 A Correct.

7 Q After you hear this crumpling, you  
8 actually hear an impact two rows, at least two rows  
9 behind you --

10 A Correct.

11 Q -- in the same general area as you saw the  
12 silhouette of Mr. Oulson?

13 A Correct.

14 Q Okay. Now what happens?

15 A Followed by that, I heard, again, the  
16 inaudible -- after the bag is thrown, I --

17 Q Well, you didn't see the bag thrown,  
18 right?

19 A I just saw silhouette of movement of  
20 something being thrown. I couldn't tell what it  
21 was. I did hear something being thrown.

22 Q So let's make sure that when we testify,  
23 then, just tell me what you actually know.

24 MR. GARCIA: Judge, I'm going to object to  
25 him admonishing the witnesses. It's not his

1           role.

2           THE COURT: Sustained, just --

3           MR. GARCIA: It's not his job.

4           THE COURT: -- just -- just -- sustained.

5           Just ask the questions. All right. He's  
6           answering it. You don't like the answers,  
7           don't ask any more questions.

8           Q     (By Mr. Escobar) So what's -- what's the  
9           next step?

10          A     After the bag is thrown, I then hear  
11          someone say either "I'll teach you or I'll show you  
12          to throw popcorn at me." I then saw the flash from  
13          the muzzle of the gun fired, and I saw Mr. Oulson  
14          standing for a couple seconds and then -- I  
15          originally thought he did a warning shot because I  
16          saw him still standing, then I saw him collapse.

17          Q     Okay. Let's -- let me ask you a couple  
18          questions.

19                 I'm going to show you what's been marked  
20          as Defense Exhibit Number 3 and ask you if you've  
21          ever seen that exhibit.

22          A     This is what I wrote.

23          Q     That is a copy, a correct copy of what you  
24          wrote on January the 13th of 2014?

25          A     Correct.

1           Q     Okay. And I want you to look at it all to  
2 make sure that there's been no deletions or  
3 additions from what you wrote on that date.

4           A     (Perusing document.)

5                     This is correct.

6           Q     Now, in that particular statement that you  
7 wrote, this was at a time that was right then, right  
8 when the event had taken place, correct?

9           A     Correct.

10          Q     Much fresher in your mind.

11          A     I wouldn't -- there is a lot of -- a lot  
12 of stuff going on. So, yes, I would say that this  
13 is correct.

14          Q     Meaning that that's -- it's a fresh time  
15 in your life of the event, right?

16          A     Correct.

17          Q     Right when it happens.

18          A     Right.

19          Q     Certainly much fresher in your mind than  
20 today.

21          A     Correct.

22          Q     And you knew of the importance of that  
23 particular document, correct?

24          A     I've never filled one of these out. I've  
25 never been in this situation before. So I just

1 wrote down what came to my mind at that particular  
2 moment.

3 Q Now, in that document you never mentioned  
4 that you saw any popcorn being thrown, correct?

5 A It does not state that in the form.

6 Q Okay. In that particular form, you never  
7 made a statement that someone there in that theater  
8 said something to the effect of, you know, that's  
9 what you get for throwing popcorn in my face or  
10 anything like that, correct?

11 A It's not stated on the form.

12 Q That's a pretty important statement you  
13 would think, right?

14 A Like I said, I've never filled any of  
15 these out before. I didn't know what to include or  
16 what to write. I was actually quite nervous. So I  
17 wasn't really able to put down all my thoughts onto  
18 the paper the fresh -- the few minutes after  
19 everything occurred.

20 Q You would agree -- you would agree that  
21 that's a pretty important statement, correct?

22 A I would say so, yes.

23 Q Now, after this event, did you have an  
24 opportunity to read newspaper accounts of this case?

25 A I -- I don't believe -- other than what

1 was -- other than what was on the news about the  
2 video of the person. I believe it was the Vietnam  
3 veteran who was on the news. That's -- that's as  
4 far as I read into the --

5 Q Okay. So you saw TV news.

6 A Correct.

7 Q You saw or read paper news.

8 A No -- no, I have not.

9 Q No newspaper?

10 A No.

11 Q You don't get the newspaper? You don't  
12 read it?

13 A I -- I'm a registered nurse. I spend a  
14 lot of time at the hospital. I take a lot of call.  
15 So most of my life revolves around that.

16 Q Okay. And so are you telling me that no,  
17 that you didn't --

18 A I have not read the newspaper.

19 Q You don't read the newspaper as a common  
20 practice?

21 A As a common practice I do not.

22 Q Okay. Now, the only thing that you put in  
23 this statement concerning the events before and  
24 during the shooting is that there was an exchange of  
25 words, man shot, the shooter, and stood up and

1       sounded like a brief commotion occurred, right?

2           A       Correct.

3           Q       Now, let's talk a little bit about the  
4       actual shot. Did you see a gun in anybody's hand?

5           A       I just saw the flash of the muzzle.

6           Q       So you didn't see the actual gun.

7           A       I can tell it was a gun, but I couldn't  
8       tell you what caliber it was, what brand it was,  
9       what size it was. All I could see was the flash in  
10      the muzzle.

11          Q       And could you see the silhouette that we  
12      were talking about? That first silhouette when you  
13      looked back that second time, could you see that  
14      silhouette and where that silhouette was?

15          A       The shooter or the person that was shot?

16          Q       The person that was shot.

17          A       Yes, I could see the silhouette of the  
18      person standing, yes, sir.

19          Q       And could you see whether his back was to  
20      you or his front was to you?

21          A       I believe it was -- his back wasn't faced  
22      towards me. His -- it would be his -- his right  
23      side that was faced towards me.

24          Q       So if you're -- why don't you turn around  
25      for a second there, if you can.

1           A     Okay.

2           Q     Because you're in the movie theater.

3           A     All right. Which way am I facing?

4           Q     The theater's right there (indicating).

5           A     Okay.

6           Q     Okay. And so if -- well, those chairs are  
7 sideways.

8           THE COURT: Are you saying that wall is  
9 the screen?

10          MR. ESCOBAR: The screen is the wall.

11          THE COURT: All right. Pretend the wall  
12 is the screen. Okay? All right.

13          Q     (By Mr. Escobar) Okay. And so now, if  
14 you're looking back -- that's what you're doing,  
15 right?

16          A     Essentially like this (indicating), yes,  
17 sir.

18          Q     Okay. And so the silhouette that you're  
19 seeing some rows --

20          A     Correct.

21          Q     -- are you seeing the right side of  
22 Mr. Oulson's person or you seeing the back of  
23 Mr. Oulson's person? Are you seeing the front of  
24 Mr. Oulson's person?

25          A     I would say it's the right, the right side



1 and maybe a little bit turned, so I saw maybe a  
2 little part of his backside.

3 Q You tell me when to turn.

4 A You want -- other way. Right there.

5 Q Right there (indicating).

6 A That's correct.

7 Q Okay. And so that's what you're seeing  
8 from your position at the time of the firing of the  
9 gun?

10 A That's correct.

11 Q Do you see what happens to Mr. Oulson  
12 after the muzzle flash?

13 A He was still standing for a brief moment  
14 of time and then he collapsed.

15 Q You say he collapsed, you're saying, right  
16 there.

17 A Right there, yes, sir.

18 Q He didn't slide down.

19 A I couldn't -- I couldn't -- I didn't see  
20 him move or walk around. I just saw was the  
21 silhouette of a person. I can't tell you how far he  
22 moved. I essentially just saw a silhouette.

23 Q But isn't it a fact that when you came up  
24 to him, he was almost at the aisle? That would have  
25 been the opposite --

1           A     I don't -- I don't think he was at the  
2 exact -- at the very end of the aisle. I don't  
3 believe so. He was still some -- some seats in. He  
4 wasn't at the very end.

5           Q     Okay. On the floor?

6           A     On the floor, yes, sir.

7           Q     Okay. You rush over to him?

8           A     Not originally because I wanted to make  
9 sure it was safe to attend to Chad and provide  
10 medical care. And I felt that it was safe to do so,  
11 so I approached Chad who was lying on the ground.

12          Q     Okay. Before -- as soon as you heard the  
13 flash --

14          A     Okay.

15          Q     -- the bang and you saw the muzzle flash,  
16 did you do anything to cover yourself?

17          A     It rings alarms, but I did not -- I didn't  
18 duck and cover.

19          Q     You didn't duck. You didn't do anything.

20          A     I did not.

21          Q     You just continued to look --

22          A     That's correct.

23          Q     -- in that particular area.

24          A     That's correct.

25          Q     And that's when you saw Mr. Oulson finally

1     come to rest.

2           A     That's correct. I saw him standing and  
3     then I saw him collapse.

4           Q     And you go over there.

5           A     That's correct.

6           Q     And you start rendering assistance.

7           A     Not immediately. I took -- I saw the  
8     entry wound so I took my shirt off to -- to apply  
9     pressure towards it, but I didn't start CPR because  
10    he was still breathing and he did have a weak 30  
11    pulse.

12          Q     In fact, when you got to Mr. Oulson, there  
13    was already an off-duty police officer at his side,  
14    correct?

15          A     I didn't -- at that time I did not know  
16    that.

17          Q     Was there someone at his side, a person?

18          A     There was someone at the head and then  
19    someone towards the foot.

20          Q     Okay. And those individuals were men?

21          A     Yes, that's correct.

22          Q     Both of them were men.

23          A     Correct.

24          Q     And they were working on Mr. Oulson.

25          A     They weren't -- immediately were not doing

1 CPR. They were still at his side. He was still  
2 breathing and he did have a pulse.

3 Q Did one of them have his hand putting  
4 pressure --

5 A I believe so, yes.

6 Q -- on the wound?

7 A Yes. After I took my shirt off, we  
8 applied pressure.

9 Q But before you even took your shirt off.

10 A I did not see anyone apply pressure  
11 towards the wound.

12 Q Now, just a couple more questions and I  
13 will be done with you.

14 Once you got to Mr. Oulson, there was a  
15 lot of commotion going on, correct?

16 A Commotion; can you explain --

17 Q People moving.

18 A It wasn't mass hysteria. No one was --  
19 there was no reason for -- no one was really that  
20 hysterical. It was relatively calm other than the  
21 people that were affected by this.

22 Q Okay. Were people talking?

23 A Amongst themselves, yes, but it wasn't  
24 yelling or anything.

25 Q What were the people talking about?

1           A     I heard one of the witnesses say that the  
2 person behind him shot him. I heard Mrs. Oulson  
3 sound like she was in shock and I saw her, you know,  
4 holding pressure to her hand.

5           Q     Okay.

6           A     And then I -- I -- I was on -- at this  
7 particular moment I saw this unfolded, I called 911  
8 and explained and give them a situation of what just  
9 unfolded.

10          Q     So are you telling me today that at no  
11 point in time when you were looking at that one  
12 silhouette, you didn't see a second silhouette  
13 holding Mr. Oulson back from the seat behind him?

14          A     No, I did not.

15          Q     Now, as people were talking there at the  
16 theater, were they talking about what they had  
17 witnessed?

18          A     The only one that really -- that I heard  
19 stood out was one of the witnesses say the man  
20 behind him shot him.

21          Q     Okay. And do you know what that person's  
22 name was?

23          A     I know who he is, but I don't know what  
24 his name is.

25          Q     Okay. And as the night progressed, were

1 other people talking about the event?

2 A While -- while this is still unfolding --

3 Q Well, while it was still unfolding --

4 A -- or after the event?

5 Q -- and as -- as it progressed along that  
6 day.

7 A At that particular moment after I was on  
8 call with 911, like I said, I -- I focused on Chad.

9 Q At some point in time that focus, when  
10 they came --

11 A That -- it just -- it overwhelmed me. I  
12 just focused my attention on Chad because he's the  
13 one that needed care.

14 Q Okay. At some point in time you allow the  
15 paramedics and what have you to take over, correct?

16 A Once the paramedics came and they were at  
17 my side, I then let them take over.

18 Q Okay. What did you do?

19 A After that?

20 Q Yeah.

21 A I waited at the aisle. I saw Mr. Reeves  
22 apprehended and I waited at the side because police  
23 and deputies told us to stay where we were.

24 Q Okay. And what police and deputies said  
25 was -- there was a group of people from the theater.

1 And he says, "Hey, you need to wait here," right?

2 A Correct.

3 Q Okay. And you waited in a particular  
4 area, correct?

5 A Correct.

6 Q And people that were waiting in that area  
7 were conversing amongst each other concerning what  
8 had happened.

9 A I would assume so. I wasn't part of that  
10 conversation.

11 Q Well, I'm not saying that you were telling  
12 anybody, but you were hearing that, correct?

13 A Not necessarily. I wasn't really paying  
14 attention to what they were having to say. I was  
15 with my girlfriend. We just -- you know, we didn't  
16 really discuss anything. People said that what we  
17 did was brave. I just did something that I was  
18 trained to do and take care of.

19 Q People were talking to you about your  
20 actions as well.

21 A Exactly.

22 MR. ESCOBAR: No further questions.

23 THE COURT: Okay. You have any redirect  
24 that you feel compelled to ask, Mr. Garcia?

25 MR. GARCIA: Yes, sir.

1 MR. ESCOBAR: Judge, we would just move  
2 Defense Exhibit Number 3 into --

3 THE COURT: Any lawful objection to  
4 Defense's Exhibit 3 coming into evidence for  
5 the purpose of the bond hearing?

6 MR. GARCIA: Judge, I would object because  
7 he's going to try and put it in as impeachment  
8 and I'm going to put in a consistent statement  
9 that's going to be contrary to that, so --

10 THE COURT: Overruled. I'll still accept  
11 it and then we can hear your -- your additional  
12 statement. All right.

13 REDIRECT EXAMINATION

14 BY MR. GARCIA:

15 Q Mr. Friedhoff --

16 THE COURT: Oh, he still has it? Oh, let  
17 him keep it. We'll mark it afterwards.

18 Q (By Mr. Garcia) Mr. Friedhoff, directly  
19 after the incident occurred, did you have occasion  
20 to speak to a detective by the name of  
21 James Gariepy?

22 A After the incident?

23 Q Yes, sir.

24 A I believe I did, yes, sir.

25 Q Did you tell Detective Gariepy that you



1     stated that you and your girlfriend, Jennie Manera,  
2     were sitting five-to-six feet --

3             MR. ESCOBAR:  Objection, leading.

4             Q     (By Mr. Garcia) -- to the left of the  
5     victim?

6             MR. GARCIA:  Judge, this is --

7             THE COURT:  Overruled.  This is a bond  
8     hearing.  We're getting through this portion  
9     here.

10            Q     (By Mr. Garcia) You indicated you observed  
11    the verbal altercation over the texting.

12            THE COURT:  Let him answer at least.

13            A     Can you repeat the last question, please.

14            Q     (By Mr. Garcia) Yes, I'm sorry.

15            Did you tell Detective Gariepy that you  
16    and your girlfriend, Jennie Manera, were sitting  
17    five-to-six feet to the left of the victim?

18            A     I can't recall that.

19            Q     Okay.  Did you also tell him that you had  
20    observed the verbal altercation over the texting?

21            A     That part is correct.

22            Q     Did you tell Detective Gariepy that the  
23    incident escalated so quickly and it didn't have to?

24            A     I'm sorry?

25            Q     The incident escalated so quickly and it

1 didn't have to.

2 A Correct.

3 Q You further stated that the victim stood  
4 up, turned and glared at the suspect for a few  
5 seconds and --

6 MR. ESCOBAR: Judge, I'm going to object.  
7 It's totally leading. It's testifying,  
8 actually.

9 THE COURT: Sustained. This isn't  
10 necessary, Mr. Garcia --

11 MR. GARCIA: Judge --

12 THE COURT: -- and you didn't -- this is  
13 not -- this is not rehabilitation. He didn't  
14 ask about these things. He never said anything  
15 about these things.

16 What you're telling me now, that's  
17 completely new. That's not -- that's not part  
18 of what got introduced on direct. That's not  
19 part of what I heard on cross. And it's not  
20 even rehabilitation.

21 MR. GARCIA: Judge, he is trying to say  
22 that this witness left things out of his  
23 written statement.

24 THE COURT: Yeah, I heard that earlier.

25 MR. GARCIA: Okay. I'm trying to get

1           there. And this is the full -- and on  
2           impeachment, Judge, he was trying to say that  
3           he left things out, not only about the popcorn,  
4           but other things.

5           THE COURT: I understand.

6           MR. GARCIA: And I think this goes to show  
7           that this is a consistent statement that he  
8           gave at the time. He's trying to impeach him  
9           with his written statement.

10          THE COURT: I understand. So do you have  
11          any portion that is consistent with the  
12          statements that he made today --

13          MR. GARCIA: Yes.

14          THE COURT: -- that is --

15          MR. GARCIA: Yes.

16          THE COURT: -- inconsistent with the  
17          written statement?

18          Let's get to that portion, then.

19          MR. GARCIA: Okay.

20          MR. ESCOBAR: Judge, if I may just make an  
21          objection here.

22          THE COURT: I sustained your last one.

23          MR. ESCOBAR: This is directly -- all he  
24          needs to say is: What did you tell the  
25          officer?

1 THE COURT: I understand.

2 You may inquire, Mr. Garcia.

3 MR. GARCIA: Okay. Thank you, Judge.

4 Q (By Mr. Garcia) Did you tell Detective  
5 Gariepy that the defendant said, "You just threw  
6 popcorn at me"?

7 A I heard the words "throwing popcorn at me"  
8 that -- that I remember him saying clearly.

9 THE COURT: Sir, the question was: Did  
10 you tell that to Detective Gariepy?

11 THE WITNESS: Oh.

12 A That's correct.

13 THE COURT: Okay.

14 Q (By Mr. Garcia) And then you indicated  
15 that he pulled out a gun from his pants and he shot  
16 the victim in the chest.

17 A I don't know where --

18 THE COURT: Sustained. I didn't -- I  
19 didn't hear that in direct; I didn't hear that  
20 in cross. That's the first time I'm hearing  
21 that. We're not doing new things.

22 So this is redirect. If you've got  
23 something that you want to rehabilitate on, ask  
24 that, but if the next one is not a  
25 rehabilitation, it's the last one.

1           What have you got?

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

3           THE COURT: You may.

4           MR. GARCIA: I think that was the only  
5 thing that I needed to clarify, Judge, the fact  
6 that he did tell the deputies about throwing  
7 the popcorn.

8           THE COURT: Okay.

9           MR. GARCIA: I have no further questions.

10          THE COURT: All right. Thank you, sir.  
11 You are excused.

12          All right. Now, let's talk about what  
13 kind of break we're going to take or if we're  
14 done for the night because it's now 6:25.

15          If we take a break -- let's say we call  
16 it 30 minutes. That means it will really be  
17 35. We will be back here at 7:00.

18          You still have three witnesses, correct?

19          MR. GARCIA: Yes, sir.

20          THE COURT: If each one of them goes 45  
21 minutes, and we still take a few breaks in  
22 between for comfort, that puts us getting out  
23 of here conservatively at 11:00, probably more  
24 like 11:30 or midnight because y'all are going  
25 to want to do extensive closing arguments.

1           At some point we have to recognize that  
2           this does not make sense. I will be the first  
3           person to say that I wanted to get this done  
4           today, but are we trying to jam the square peg  
5           into the round hole here with great futility,  
6           or are we ready to call it a day and come back  
7           on Friday or next Tuesday?

8           I mean I'll -- I'll make it as convenient  
9           to you as possible, but let's be realistic  
10          here. People haven't eaten, people are tired.  
11          I've got staff that have been here for a while.

12          Captain Ferrantelli, am I going to be able  
13          to continue to maintain security until 11:00 or  
14          11:30 at night here?

15          CAPTAIN FERRANTELLI: Whatever you need,  
16          sir.

17          THE COURT: I appreciate your enthusiasm.

18          CAPTAIN FERRANTELLI: As long as I can  
19          eat.

20          THE COURT: I understand. I mean let's be  
21          realistic here. What are we doing?

22          Mr. Garcia, talk -- talk to --

23          MR. GARCIA: Judge, may I --

24          THE COURT: -- your team. And  
25          Mr. Michaels, talk with your team.

1 (Pause in proceedings.)

2 THE COURT: Mr. Garcia, I'll hear from the  
3 State, I'll hear from the Defense, I'll hear  
4 from representatives of the victim's family,  
5 and then I'll make a decision.

6 What have you got, Mr. Garcia?

7 MR. GARCIA: Judge, I think the prudent  
8 thing to do, and obviously we will leave it in  
9 your discretion, is to go ahead and adjourn  
10 court today, Judge, and then resume whenever  
11 the Court can give us as much time as possible.  
12 I think you indicated sometime next week, maybe  
13 Tuesday or so.

14 Judge, and I'd like to remind the Court  
15 that I told the Court that this was not going  
16 to be a three-hour. It was going to go all day  
17 and into the night and so --

18 THE COURT: I know. I know. I'm not  
19 blaming anybody here. I'll -- I'll call it my  
20 fault. I overestimated what we were able to  
21 do.

22 MR. GARCIA: But, Judge, we want as much  
23 time as we possibly can get from the Court. We  
24 don't want to be rushed. You know, we have a  
25 lot of stuff to still do.

1           THE COURT: Okay. Defense, what's your  
2 position on --

3           MR. ESCOBAR: Your Honor, we would -- we  
4 would defer to the Court, but we would like to  
5 do it on Friday, not next week. We would  
6 like -- we're ready to finish off this hearing  
7 and we would respectfully ask the Court to --  
8 to allow us to do this on Friday.

9           THE COURT: Friday you would have my  
10 undivided attention as of noon. Other judges  
11 owe me as I've covered lots of stuff for them,  
12 so I'll be able to get somebody as of noon to  
13 cover the remainder of my day, but I cannot  
14 give you more than "as of noon."

15           If I give you "as of noon," I'm not going  
16 past 6:00 on a Friday night not because -- you  
17 know, I don't have anyplace better to be. But  
18 that being said, I don't want to tire out my  
19 courtroom staff and have people both weary and  
20 unfocused in proceeding in this matter.

21           So the question becomes realistically: Is  
22 six hours, with reasonable breaks, enough time?  
23 If we start at noon, can we be done by 6:00 in  
24 your estimation, Mr. Escobar?

25           MR. ESCOBAR: Your Honor, I think we can.



1 And I will even cut my closing short in order  
2 to make sure that happens. And then not to cut  
3 my closing short to an extent that it's going  
4 to, you know, damage the defense, but I feel  
5 very certain that if we start by 12:00 on  
6 Friday, we can finish at 6:00, by 6:00 on  
7 Friday.

8 MR. GARCIA: Judge --

9 THE COURT: All right. Mr. Garcia, give  
10 me --

11 MR. GARCIA: -- there is absolutely -- I'm  
12 sorry, Judge. There is absolutely no way that  
13 we're going to be done, Judge. The thing about  
14 it, if you look at the cross-examination today,  
15 Mr. Escobar has gone 45 minutes to an hour on  
16 each of the witnesses.

17 We still have witnesses left; we have a  
18 video left; we have audio left. We are not  
19 going to be done by 6:00.

20 THE COURT: All right. Well, then in your  
21 estimation, if we're not going to be done by  
22 6:00 and we start at noon, then we're not going  
23 to be done until 1:00 in the morning if we keep  
24 going here because we need 30 minutes for  
25 dinner.

1 MR. GARCIA: No, that's what I told you,  
2 Judge.

3 THE COURT: Okay.

4 MR. GARCIA: And I told you that it would  
5 be prudent to go ahead and adjourn for today,  
6 pick another day when you can give us your full  
7 attention starting in the early morning and  
8 going the entire day.

9 THE COURT: I understand. Mr. Grimaldi,  
10 representative of the victim -- the spouse is  
11 present -- do you have any objection to me  
12 continuing the proceedings?

13 MR. GRIMALDI: No, Your Honor, I don't  
14 have any objections to continuing the  
15 proceedings. What I do have the objection is  
16 potentially having this go on and on and on in  
17 the sense that -- I agree with the State 100  
18 percent and that's why I actually voiced my  
19 opinion to them.

20 If we start on Friday, I know both counsel  
21 wants to be heard as completely as possible.  
22 We not only have that, we also have the  
23 victim's statement.

24 There is absolutely no reason to drag  
25 anyone through this on three separate

1 occasions. And I think that there is no way  
2 that we're going to be finished here if we  
3 start on noon on Friday by 6:00 as you  
4 suggested.

5 My suggestion would be, start it, as he  
6 said, in the morning where we have all day.  
7 People can put it aside so they have the whole  
8 day in front of you.

9 THE COURT: Suppose I start at 10:00 a.m.  
10 on Friday. Can we be done by 6:00 if I start  
11 at 10:00 a.m., Mr. Garcia? That gives you a  
12 full eight hours. I'll make -- I'll make my  
13 morning calendar --

14 MR. GARCIA: Judge, I don't want to be in  
15 a position where I say yes and then -- and then  
16 we're not done, Judge. Hopefully,  
17 realistically, we should be able to, but I  
18 don't know what hurdles we're going to run --  
19 you know, run into. I mean --

20 THE COURT: I'm not expecting you to  
21 anticipate the unexpected. I'm just saying  
22 pragmatically and realistically if I give you  
23 eight more court hours, do you think eight more  
24 court hours, including a brief lunch. So  
25 that's realistically seven hours of time.

1           Do you think we can get it done on Friday?

2           MR. GARCIA: Well, I mean the other thing,  
3           Judge, we still have the issue of the video.  
4           The Court hasn't ruled upon the admissibility  
5           of the video so I'm sure that there's going to  
6           be lengthy argument on that.

7           THE COURT: I thought I did rule on the --  
8           on the video. I said court is not going to be  
9           closed. They can shoot it from the screen.

10          I'm not allowing it to be released. It's  
11          part of the -- it's part of the 30-day hold,  
12          but it's not -- it's not prohibited from being  
13          filmed by the TV cameras.

14          MR. GARCIA: Well, I understand that,  
15          Judge, but Mr. Escobar had legal arguments as  
16          to the admissibility of it.

17          THE COURT: All right. Let me -- let me  
18          hear that.

19          Do you have legal arguments that I'm  
20          unaware of?

21          MR. ESCOBAR: Judge, the only legal  
22          argument is just going to be the foundation and  
23          I've already made that argument. And the Court  
24          has ruled that you're going to allow it in, so  
25          we're -- we're there.

1 THE COURT: I've ruled that I'm going to  
2 allow it in if foundation is made. Are you  
3 challenging foundation that was laid down?

4 MR. ESCOBAR: Judge, you know, at this  
5 point in time they haven't made a foundation  
6 argument. And so they haven't put anybody, you  
7 know, up to say hey, this fairly and accurately  
8 depicts what took place. And so I would  
9 imagine --

10 MR. GARCIA: Judge, this --

11 THE COURT: Hold on. Hold on. Hold on.  
12 One at a time.

13 Anything else you want to say before I let  
14 Mr. Garcia get going?

15 MR. ESCOBAR: That's it.

16 THE COURT: Mr. Garcia, you're going to  
17 tell me that your first witness laid foundation  
18 by saying that he saw the video and it  
19 represented what he saw?

20 MR. GARCIA: Yes, sir, Judge. And based  
21 upon the case law that I've provided to the  
22 Court, Judge, that's the foundation that needs  
23 to be laid in order for the video to be played.

24 THE COURT: You having anybody else lay  
25 any other portion of the foundation, including

1 the custodian of the video that's going to come  
2 in and tell me that's the video?

3 MR. ESCOBAR: We've -- we've waived the  
4 chain of custody, Your Honor.

5 THE COURT: All right. So you waived --  
6 you've waived the custodian. And your  
7 objection, though, still is to it being a fair  
8 and accurate representation of the depiction of  
9 what happened?

10 MR. ESCOBAR: That would be it.

11 THE COURT: All right. Well, I'm going to  
12 find that the foundation was made if you've  
13 waived chain of custody on the custodian of  
14 records.

15 MR. ESCOBAR: We have.

16 THE COURT: So that's fine. Then I will  
17 be making a finding that you've made the  
18 foundation and I'll admit it.

19 MR. GARCIA: Okay.

20 THE COURT: Yeah, that I'll do. So does  
21 that -- does that speed us up at all?

22 MR. GARCIA: Yes, it does, Judge. I mean  
23 we took care of that in two minutes, so yes.

24 THE COURT: Okay. Well, every once in a  
25 while we get one quickly.

1 All right. I think we can do it on  
2 Friday, then.

3 MR. GARCIA: Ten o'clock, Judge, though?

4 THE COURT: At 10:00 a.m. And here's what  
5 we're going to do. Let the word go -- well,  
6 let me make sure.

7 You available 10:00 a.m. on Friday?

8 MR. ESCOBAR: I'll make myself available.

9 THE COURT: Mr. Michaels?

10 MR. MICHAELS: I'll make myself available.

11 THE COURT: He's your boss so I guess  
12 he'll make you available.

13 All right. Mr. Grimaldi, are you and the  
14 spouse available?

15 MR. GRIMALDI: Preferably not, Your Honor,  
16 but we will make ourselves available.

17 THE COURT: All right. Everybody in the  
18 room would say preferably not. I -- I agree,  
19 preferably not, but we've got to get this done.  
20 There's two families that are waiting for an  
21 answer that are going to be impacted  
22 dramatically one way or the other. There's no  
23 way I can make this right for both families.  
24 Probably ain't going to make it right for  
25 either family, but they at least deserve an

1           answer. So we can get going forward and decide  
2           what has to happen next.

3           So let's try and get this done on Friday.  
4           We're going to start at 10:00 a.m. in this  
5           room. Everybody get set up.

6           State, you've got a number of pretrials  
7           that are going to happen on that day. Please  
8           advise -- I'm guessing that Mr. Matthey is  
9           going to draw VOP duty. Please advise  
10          Mr. Matthey things are going to go quickly.  
11          Offers need to be made in advance -- or, excuse  
12          me, statements as to what you'll be seeking  
13          need to be made in advance because it's going  
14          to be the fastest pretrial calendar I ever did.

15          And Linda Babb is done so she will stand  
16          in for me if she needs to and utilize Courtroom  
17          A to do as much of it as is still standing.

18          Now, if she's watching this at home,  
19          Linda, you're volunteering for me. Thank you.  
20          She doesn't actually owe me, but she'll help,  
21          and she might do my afternoon motions.

22          But we have an extra courtroom I know, so  
23          let's do it on -- let's do it on Friday. Let's  
24          get this done.

25          Is there anything else I can do to



1           facilitate --

2           MR. GARCIA: Judge --

3           THE COURT: -- moving as quickly and  
4           effectively as possible to Friday?

5           MR. GARCIA: Would you hold the subpoenas  
6           over, Judge, to the vice president of Cobb and  
7           the general manager of their theater?

8           THE COURT: You need me to bring them in  
9           and tell them --

10          MR. GARCIA: Please, Judge, you know, just  
11          to --

12          THE COURT: They going to be -- you've  
13          talked to them. They going to be unhappy about  
14          this? Is this a --

15          MRS. SUMNER: They have no idea that this  
16          is an option.

17          THE COURT: Okay. Ms. Sumner, could you  
18          go in the back, break it to them and see if  
19          they're available. If they're going to be out  
20          of town -- I'm not canceling plane flights, but  
21          if they're going to be available, I want to do  
22          this on Friday.

23          Mr. Michaels and Mr. Escobar, anything  
24          else I can do today, today, to advance moving  
25          quickly and effectively on Friday?

1 MR. ESCOBAR: No, Your Honor.

2 THE COURT: Okay. Mr. Reeves, it's my  
3 habit at the end of every proceeding to ask the  
4 defendant if he has any questions, concerns or  
5 issues he needs to bring to the Court's  
6 attention, especially in a homicide allegation.

7 So this is our first time at the end of a  
8 day of proceedings where you were present. I'm  
9 going to ask you that question. Let me give  
10 you a chance to talk to Mr. Escobar and  
11 Mr. Michaels before I ask you that question.

12 Mostly people say no, but I just want to  
13 make sure you feel like you have the  
14 opportunity to talk to me if you need to.

15 THE DEFENDANT: No, sir.

16 THE COURT: No? All right. Good. We'll  
17 just wait for Ms. Sumner to come back in.

18 We're going to need him transported again  
19 on Friday. Captain Ferrantelli, sorry about  
20 that. And all the same circumstances are going  
21 to apply, all the same orders.

22 MR. STUART: May I approach?

23 THE COURT: Yeah, come on up.

24 (Off-the-record bench conference.)

25 THE COURT: All right. Here's the

1 situation. It is a rare occasion, but there's  
2 actually an extra courtroom available to me on  
3 Friday. So Friday morning, we're going to do  
4 my regular pretrials for my five to  
5 seven-hundred active felony cases in Courtroom  
6 A. We're going to do my regular juveniles that  
7 are necessary in Courtroom A for my 150 to 200  
8 juvenile cases that I've got. And then we will  
9 come back in here and do this case in here  
10 exclusively.

11 That way everybody can set up. That way  
12 the attorneys can set up in advance so that  
13 when we hit 10:00, I walk in here and we get  
14 going right from there. State, you'll have  
15 your witnesses available.

16 Did you have -- did you have those  
17 gentlemen come in or do you not need me to  
18 speak to them personally?

19 MRS. SUMNER: Judge, we -- we've taken  
20 care of it.

21 THE COURT: You've taken care of it.  
22 Thank you.

23 MRS. SUMNER: Everything's good.

24 THE COURT: All right. I think that  
25 covers everything that -- that we need to do.

1                   And so with that in mind, we'll be in  
2                   recess until 10:00 a.m. on Friday morning.

3                   (Recess.)  
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STATE OF FLORIDA     )  
                              )  
COUNTY OF PASCO     )

I, Melinda McClain, Registered Professional  
Reporter, certify that I was authorized to and did  
stenographically report the foregoing proceedings  
and that the transcript is a true record.

DATED this 18th day of March, 2014.

  
Melinda McClain, RPR