

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT  
OF THE STATE OF FLORIDA IN AND FOR PASCO COUNTY  
CASE NO. 2014CF5586CFAXWS

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STATE OF FLORIDA, :  
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 Plaintiff, :  
 -VS- :  
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 :  
 ADAM MATOS, :  
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 :  
 Defendant. :

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PROCEEDINGS: JURY TRIAL  
BEFORE: HONORABLE MARY HANDSEL  
Circuit Judge  
DATE: November 7, 2017  
PLACE TAKEN: Psco County Government Center  
7530 Little Road  
New Port Richey, FL 34654  
REPORTED BY: Maria A. Fortner, RPR  
Notary Public  
State of Florida at Large

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2 THE COURT: Cross?

3 MR. MICHAÏLOS: Yes, Your Honor. Thank you.

4 May it please the Court. Counsel.

5 CROSS-EXAMINATION

6 BY MR. MICHAÏLOS:

7 Q. (By Mr. Defense) Good afternoon, Doctor.

8 A. Good afternoon, sir.

9 Q. Dr. Palma, on direct you indicated that you  
10 found homicides as a manner of death in all four of  
11 these autopsies, correct?

12 A. Yes, sir. Correct.

13 Q. And you indicated that when you find a manner  
14 of death, you pick from about five categories, one of  
15 which you never use because natural causes is not  
16 something you investigate, correct?

17 A. We do.

18 Q. Oh, you do?

19 A. Yes.

20 Q. Okay. So other than natural, it would be  
21 undetermined, accidental, suicidal or homicide, correct?

22 A. Correct. Yes.

23 Q. Okay. And I think you said earlier that  
24 homicide pretty much means that you came to the  
25 conclusion somebody else killed or caused the death of

1 the person you're doing the autopsy on, correct?

2 A. Correct. Yes.

3 Q. And your finding is more from a medical as  
4 opposed to a legal perspective, would you agree?

5 A. Agree. Yes.

6 Q. For example, if someone was killed in  
7 self-defense, you couldn't draw a conclusion?

8 A. It's a homicide.

9 Q. It's a homicide?

10 A. Correct.

11 Q. And you just have the body to go on, right?

12 A. Yes.

13 Q. So you wouldn't have a suspect in mind?

14 A. No. No.

15 Q. And as far as the type of homicide, whether it  
16 be a legal distinction of manslaughter or murder, you  
17 wouldn't know that either?

18 A. No. Negative.

19 Q. And you can't give an opinion to that,  
20 correct?

21 A. No.

22 Q. Now, with regard to Megan Brown, your opinion  
23 is that the gunshot wound to the head caused her death?

24 A. Correct. Yes.

25 Q. Would you agree with me that that would have

1 caused an immediate loss of consciousness?

2 A. Yes.

3 Q. And would you agree that that gunshot wound to  
4 the head would have caused immediate death?

5 A. In this particular case, yes.

6 Q. And I know you put on the record all the  
7 heights of all the individuals involved here. I don't  
8 recall if you gave us Megan Brown's height.

9 Could you do that for me, please.

10 A. 68 inches. That's 5'8".

11 Q. 5'8".

12 And you also gave us the weights of the four  
13 individuals here. And you would agree this is post --

14 A. Postmortem.

15 Q. Decomposition?

16 A. Correct. Yes.

17 Q. So their weights probably wouldn't even come  
18 close to what they weighed when they were alive,  
19 correct?

20 A. Most likely. Correct. Yes.

21 You need a weight of Megan?

22 Q. No. I just needed the height. Thank you.

23 A. Okay.

24 Q. Now, with regard to Greg Brown, he was  
25 definitely shot once, correct?

1 A. At least once or twice.

2 Q. But definitely once? Possibly twice?

3 A. Correct. Yes. Or even more.

4 Q. Or even more.

5 And you can't be sure because of the decomposition?

6 A. That's correct, yes.

7 Q. And in all four of your autopsies, you made  
8 sure to include in your report that other injuries could  
9 not be determined with certainty because of the state of  
10 decomposition?

11 A. That's correct.

12 Q. That's true for all four people?

13 A. Correct.

14 Q. And you said something about artifact being a  
15 factor here in that some of the wounds appearance could  
16 change because of insect activity, correct?

17 A. Correct.

18 Q. And something that would otherwise be jagged  
19 would appear smooth or round?

20 A. Correct.

21 Q. Circular, if you will?

22 A. Circular. Correct. Yes.

23 Q. So, for instance, some of the head wounds on  
24 Nicholas Leonard, they seem to be incredibly round, that  
25 might have nothing to do with the blunt force trauma,



1 correct?

2 A. They were the trauma, they were the impact  
3 sites, but the shape may be different, the original  
4 shape may be different at that time.

5 Q. Okay. And back to Gregory, you think there's  
6 a likelihood or at least the possibility that his aorta  
7 or his inferior vena cava could have been severed?

8 A. Correct. Yes.

9 Q. And the aorta is the main artery delivering  
10 oxygenated blood from the heart, correct?

11 A. Correct.

12 Q. Am I saying that right, the interior vena  
13 cava?

14 A. Yes.

15 Q. That does the reverse, right?

16 A. Correct. Going up.

17 Q. That brings the blood to the heart?

18 A. Correct.

19 Q. Okay. So any one of those being severed would  
20 instantaneously cause death?

21 A. Correct. Yes.

22 Q. And you cannot exclude that possibility,  
23 right?

24 A. Negative. No.

25 Q. Now, what is what lay people call bleeding

1 out? I think I have another term for it that you may  
2 recognize. Exsanguination?

3 A. Correct.

4 Q. Did I say that right?

5 A. It's the same, yes.

6 Q. Okay. That's bleeding out pretty much, right?

7 A. Correct. Yes.

8 Q. Okay. Is it true that one doesn't have to  
9 lose all their blood in order to pass away from bleeding  
10 out?

11 A. Correct. Yes.

12 Q. Maybe less than half could do it, right?

13 A. At least 30 percent you have of blood loss.

14 Q. At least 30 percent -- I'm sorry?

15 A. Thirty percent of blood loss.

16 Q. Okay. And could you pass out or be rendered  
17 unconscious when you loose less than that?

18 A. It depends, it depends on the person.

19 Q. And you don't have to have severing of a very  
20 big blood vessel like an aorta to die from  
21 exsanguination, correct?

22 A. Correct. Yes.

23 Q. It could be any type of cut?

24 A. Correct. Yes.

25 Q. As long as the bleeding isn't controlled in

1 some way?

2 A. Correct.

3 Q. Like by use of a tourniquet or something,  
4 right?

5 A. Yes.

6 Q. Now, with regard to Nicholas Leonard, you  
7 testified to two incised type wounds on his left arm?

8 A. Correct. Yes.

9 Q. One was on the upper arm?

10 A. Yes.

11 Q. The bicep area?

12 A. Correct. Yes. The lateral aspect.

13 Q. Okay. And the upper forearm, correct? Near  
14 the elbow?

15 A. Correct. Yes.

16 Q. Now, these wounds were definitely consistent  
17 with knife wounds, correct?

18 A. Correct. Yes.

19 Q. Now, because of the decomposition, could you  
20 tell if his brachial artery in that arm was severed?

21 A. They were intact. I did not see any injuries  
22 to the major arteries in that general location. The  
23 problem is it could be the smaller arteries that were  
24 affected, I don't know.

25 Q. And in both those wounds, at least in the

1 photograph we saw that the State published, seemed  
2 pretty deep, correct?

3 A. Correct. Yes.

4 Q. And we're looking at the arm of a person who's  
5 very much decomposed, right?

6 A. Yes.

7 Q. So before decomposition, there would be more  
8 body weight? There would be dehydration, right?

9 A. That is correct.

10 Q. And I would gather that those wounds would  
11 seem even deeper; is that correct?

12 A. It's possible. Possible, yes.

13 Q. And someone could bleed out from an injury  
14 such as those two injuries, correct?

15 A. By itself without considering the head trauma?

16 Q. Correct.

17 A. Yes.

18 Q. Does stress and muscle exertion cause one to  
19 bleed quicker or at greater rate?

20 A. It depends what general injury we're talking  
21 about.

22 Q. Let's say if you're under the effects of  
23 adrenaline, your heart is pounding?

24 A. And are we talking about the injuries to the  
25 left upper extremity, right?

1 Q. Right.

2 A. It may, yes.

3 Q. Okay. On an injury consistent with the one  
4 that Nicholas Leonard had on his arm, those both  
5 injuries on his arm alone, if he was bleeding, could he  
6 fall unconscious in a matter of minutes if that wasn't  
7 controlled, the bleeding wasn't controlled?

8 A. If not controlled, it's possible, yes.

9 Q. And obviously if one bleeds enough, they fall  
10 unconscious before they actually expire, right?

11 A. Yes.

12 Q. Now, there's one injury you testified about on  
13 direct examination having to do with the left let's just  
14 say jaw?

15 A. Correct. Yes. Around here.

16 Q. On Nicholas, right?

17 A. Yes.

18 Q. It was the left side of his jaw?

19 A. Correct.

20 Q. Would you agree with me that that wasn't a  
21 fatal wound?

22 A. In this particular case, no.

23 Q. Okay. It wasn't the cutting of the throat?  
24 It was the jaw, right?

25 A. Correct. Yes.

1 Q. And the jaw is protected at least internally  
2 by the jawbone, right?

3 A. Yes.

4 Q. And you described that wound as being an  
5 incision-type wound, but in your report it does say that  
6 there was an irregular edge to it, correct?

7 A. Correct. Due to the maggots effect.

8 Q. Oh, I thought the maggots were more smooth on  
9 a wound?

10 A. Not necessarily.

11 Q. Is it possible that this incisive looking-type  
12 wound could have been caused by something other than a  
13 knife?

14 A. Yes.

15 Q. A glance from a hammer?

16 A. Very unlikely because a hammer -- we're  
17 talking about the round portion of the hammer, right?

18 Q. Not necessarily. It could be the edge or the  
19 back end?

20 A. Is that a sharp edge?

21 Q. Yes.

22 A. It can, yes.

23 Q. Would that also be consistent perhaps with I'm  
24 thinking of the particular injury you notate on the top  
25 of Nicholas's head? It looked almost triangular, but it

1 almost appeared as if the scalp was cut a certain way.

2 Could that be caused by a hammer?

3 THE COURT: Do you know which number  
4 photograph we're talking about?

5 MR. MICHAÏLOS: I apologize, Judge. Thank  
6 you.

7 THE WITNESS: Now I need to see the picture.

8 MR. MICHAÏLOS: If I may approach the witness,  
9 Your Honor?

10 THE COURT: You may.

11 Q. (By Mr. Michailos) It is State's Exhibit 414.  
12 Here you go, Doctor. That's the wound.

13 A. Oh, okay. Yes.

14 Q. It looks like -- that's not a fracture wound,  
15 it looks more like an external wound to the scalp, does  
16 it not?

17 A. That's correct. It is an incised-type injury.

18 Q. Could that be caused from the glance by the  
19 edge of the hammer?

20 A. As long as it's a sharper edge, yes.

21 Q. Okay. Now, you notated and you testified to  
22 several skull fractures on Nicholas Leonard, correct?

23 A. Correct.

24 Q. And you testified that blunt trauma, blunt  
25 force trauma definitely occurred, right?

1           A.    Correct.

2           Q.    Now, and we saw the photographs of several  
3 fractures.  Is it fair to say that you can't give a  
4 number of blows caused from the number of fractures?

5           A.    I can, yes.

6           Q.    Are you doing so from the external appearance  
7 of marks, right?

8           A.    You match it.

9           Q.    You match it.

10          But you would agree that one single blow can cause  
11 several fractures?

12          A.    That is correct, yes.

13          Q.    Because in this case we have an eggshell-type  
14 effect, correct?

15          A.    Yes.

16          Q.    And is it fair to say that you cannot, Doctor,  
17 tell the order the injuries occurred?

18          A.    The order, no.

19          Q.    Okay.  So is it fair to say that Mr. Leonard  
20 could have received a number of injuries after loss of  
21 consciousness?

22          A.    Possible, yes.

23          Q.    Is it possible that he could have received a  
24 number of these injuries after he had passed away?

25          A.    That's a tough one.  Because what is the point



1 of hitting somebody at least 21 times if the person is  
2 dead already? So I don't get your point.

3 Q. Well, would you agree with me that you  
4 think -- I'm asking you this from a medical perspective.

5 A. I'm sorry. Yes.

6 Q. It sounds like you're taking off your medical  
7 hat and putting on your layman's hat.

8 A. I'm sorry. Yes.

9 Q. So from a medical point of view, can you tell  
10 us? As far as motive and why somebody would do that,  
11 that's I think ultimately something that can be decided  
12 later on.

13 But would you agree that medically that somebody  
14 could -- you couldn't tell by looking at the physical  
15 evidence that these blows occurred before as opposed to  
16 after death, correct?

17 A. That's correct. Especially I have a  
18 decomposing body, it is so hard to tell the difference.

19 Q. Right. And I would think the same is true for  
20 Margaret Brown, would you agree for Margaret?

21 A. The trauma first or the asphyxiation first?

22 Q. I'm just talking about the trauma now. You  
23 don't know exactly what happened first in order, right?

24 A. Correct. Yes.

25 Q. Now, with regard to Mr. Leonard, Nicholas

1 Leonard, like all the other individuals here, he had  
2 decomposition, obviously?

3 A. Yes.

4 Q. And it is possible that he could have received  
5 a gunshot wound, correct?

6 A. Mr. Leonard? I did an X-ray, a total body  
7 X-ray, and I did not see any fragments, metallic  
8 fragments in the body. So most likely not.

9 Q. But it's possible?

10 A. It's possible, but most likely not.

11 Q. And if he suffered a gunshot wound to the  
12 head, it would be more possible, right? Because there  
13 was more decomposition to the head and with the  
14 fractures, you couldn't actually show that one way or  
15 the other, correct?

16 A. It's possible because there were missing parts  
17 of the skull.

18 Q. And when you examined these people, there was  
19 no evidence that they had any disabilities before they  
20 were injured?

21 MR. LABRUZZO: I'm going to object, Judge.  
22 That calls for speculation as to how they were when  
23 they were alive.

24 THE COURT: I'll let the doctor indicate if he  
25 knows? But I'm not exactly sure what question

1           you're asking the witness.

2           Q.   (By Mr. Michailos)  Could you tell from  
3 examining the bodies whether or not these people had any  
4 ailments or unhealthy before receiving these injuries?

5           A.   Except for the dad.  That's Case Number, let's  
6 see --

7           Q.   Gregory Brown?

8           A.   Correct.  Forty-seven.  He was the only one  
9 with a previous back surgery, laminectomy.

10          Q.   You saw evidence of that back surgery?

11          A.   Correct.  Yes.

12          Q.   Did you find some metal rods or something?

13          A.   I did not.  No, there was no rods.

14          Q.   Oh, but you saw healing?

15          A.   Yes.

16          Q.   Would you agree with me, Doctor, that a hammer  
17 blow to the head, if forceful enough, could cause  
18 immediate loss of consciousness?

19          A.   It can, yes.

20          Q.   And clearly on the greater injury on Margaret  
21 Brown, that 6-centimeter injury, that would result in  
22 immediate loss of consciousness?

23          A.   Yes.

24          Q.   And would you agree to go further and say it  
25 would probably cause instant death?

1           A.    Yes.

2           Q.    Now, in Margaret's case, you have found a  
3 contributory condition of asphyxiation?

4           A.    Correct.  Yes.

5           Q.    And I think your exact words is "That may have  
6 been a cause of death"?

7           A.    Correct.  May have contributed to the cause of  
8 death.

9           Q.    Okay.  "May have."  You can't go further than  
10 that, right?  It's just a possibility, right?

11          A.    Most likely scenario, yes.

12          Q.    Okay.  But would you agree with -- and you  
13 came to that conclusion simply because of the evidence  
14 of this bag over her head, correct?

15          A.    And the tight ligatures and the duct tape over  
16 the mouth.

17          Q.    Right.  And by ligature, you mean the things  
18 used to tie her, which is tape?

19          A.    Correct.  And they're tight.

20          Q.    Correct.  Well, that's because you saw  
21 evidence of indentation on her skin, right?

22          A.    Yes.

23          Q.    Could that ligature mark be from the swelling  
24 of the body because of decomposition?

25          A.    Possible.  But very unlikely because it's all

1 over the place.

2 Q. Right. But the ligatures could have been  
3 applied postmortem, right, after death, correct?

4 A. Possible. But you have the brain tissue  
5 inside.

6 Q. Well, is it possible for brain matter to be  
7 inside the bag if the bag was put over a wound after the  
8 trauma?

9 A. Well, there's a huge gaping injury to the left  
10 side.

11 Q. Right.

12 A. So most likely what happened was the brain  
13 tissue came out from the skull after the injury, so not  
14 before the patient was dead.

15 Q. Right. But it would matter how fast this bag  
16 was put over the head, right? Would you agree with me?

17 A. I don't understand the question.

18 Q. Okay. For instance, how about if a bag was  
19 put over Margaret -- over her head immediately after the  
20 blunt trauma force, immediately after, wouldn't the bag  
21 capture some of the brain matter?

22 A. Yes. It can, yes.

23 Q. Okay. And when you were examining this bag,  
24 you notated some brain matter, correct?

25 A. Yes. Most of the brain matter went there.

1 Q. Okay. Well, by brain matter, you mean liquid,  
2 right?

3 A. Correct. Partially liquid.

4 Q. Would you agree with me that if somebody had  
5 hit somebody over the head after putting a bag over  
6 them, there would be no evidence of blood spatter?

7 A. I don't know anything about blood spatter.

8 Q. Okay. Well, blood spatter, you know what that  
9 is, right?

10 A. Correct. Yes.

11 Q. Okay. So would you agree with me that if you  
12 cover somebody's head completely with a plastic bag,  
13 unless the bag is deteriorated and has holes in it, and  
14 then you hit them, no blood should escape that bag  
15 unless the bag is corrupted in some fashion or form?  
16 Would you agree with me?

17 A. Yes. It's contained.

18 Q. Excuse me?

19 A. It's contained inside, yes.

20 Q. It would be contained?

21 A. Yes.

22 Q. And you wouldn't have any evidence of that  
23 because that wasn't your part of this examination,  
24 right?

25 A. That is correct.

1 Q. So would you agree with me that in drawing the  
2 conclusion that asphyxiation was a contributory  
3 condition in this case, you did so more from a layman's  
4 point of view, the existence of bag and ligature marks,  
5 not because you found any physical medical findings that  
6 she suffocated?

7 A. That's correct. And also on top of that, I  
8 have the duct tape over the face and mouth region.

9 Q. Right. I understand. But you didn't find any  
10 physical findings that would show that she died from  
11 suffocation, correct?

12 A. No.

13 Q. Nothing biological that you could point to?

14 A. That is correct, yes.

15 Q. Simply the existence of tape over this bag?

16 A. Correct. Yes.

17 Q. And you used the term "incapacitated" in your  
18 direct. By that did you mean loss of consciousness when  
19 you said incapacitated?

20 A. And/or death.

21 Q. And/or death.

22 And would you agree with me that the time between  
23 each gunshot or between each traumatic blunt force is  
24 unknown to you?

25 A. That is correct.

1 Q. And, Doctor, you're employed by who?

2 A. Excuse me?

3 Q. Who are you employed by?

4 A. By District Six Medical Examiner's Office.

5 Q. Okay. And you routinely testify for the State  
6 Attorney's Office, right?

7 A. Yes.

8 Q. And it's part of your job, correct?

9 A. Correct. I testify for my cases.

10 Q. And you get paid for that, obviously?

11 A. No. It's part of my job.

12 Q. It's part of your job.

13 It's included in your job, right?

14 A. Correct.

15 Q. You don't get paid separate for it?

16 A. No.

17 Q. It's part of your salary?

18 A. Yes.

19 Q. Thank you, sir.

20 A. Thank you.

21 MR. MICHAÏLOS: Oh, actually, one second.

22 No further questions. Thank you, sir.

23 THE WITNESS: Thank you.

24 MR. MICHAÏLOS: I appreciate it.

25 THE COURT: Redirect?



1 MR. LABRUZZO: One moment, Your Honor.

2 REDIRECT EXAMINATION

3 BY MR. LABRUZZO:

4 Q. Dr. Palma, as it specifically relates to the  
5 injuries that Margaret Brown sustained, and there was  
6 some discussion about the bag over the head and maybe  
7 the order in which the bag was placed over the head.  
8 Okay?

9 Based on your experience investigating this case,  
10 the review of the evidence, and the crime scenes that  
11 you went to both at the Medical Examiner's Office and at  
12 the scene where the bodies were found, and based on your  
13 years of experience as it relates to investigating and  
14 performing autopsies, would that make sense that you  
15 would cause such an injury to the head and then  
16 immediately put a bag to cause such force that  
17 asphyxiation could become a contributing factor?

18 A. Asphyxiation is a contributing factor,  
19 correct. Yes.

20 Q. Right. Would that make sense to do that in a  
21 case like this?

22 MR. MICHALOS: Objection, Your Honor.

23 Irrelevant.

24 THE COURT: Overruled. It's redirect based on  
25 your questioning. So you may proceed.

1 Q. (By Mr. Labruzzo) So I guess what I'm asking  
2 you, Doctor, is that does it make sense to cause those  
3 injuries to the head of Ms. Margaret Brown, the injuries  
4 of which we've already gone through and discussed, and  
5 then to immediately place a bag on the head and put it  
6 on with such force, that it leaves evidence of  
7 asphyxiation?

8 MR. MICHAIILOS: Objection. Outside the scope  
9 of expertise.

10 THE COURT: Overruled. He's the medical  
11 examiner, and he has years and years and years of  
12 expertise on forensic pathology, and this is part  
13 of his expertise, manner and cause of death. So  
14 overruled.

15 MR. MICHAIILOS: Can we approach?

16 THE COURT: No. Overruled. You may proceed.

17 Q. (By Mr. Labruzzo) All right. Dr. Palma, does  
18 it makes sense, based on all that you've seen and that  
19 you noticed, the injuries to the head and as to the  
20 evidence that was left by the bag and the items that  
21 were used to attach the bag to the head, does that make  
22 sense?

23 A. No.

24 MR. LABRUZZO: Okay. No further questions.

25 THE COURT: All right. Doctor, thank you very

1 much. You may step down. Do you want him to  
2 remain under his subpoena?

3 MR. LABRUZZO: Yes, Judge.

4 THE COURT: Doctor, you are free to go back to  
5 your office in Largo. Just be available by phone,  
6 if necessary. Okay?

7 THE WITNESS: Thank you.

8 THE COURT: Thank you, sir.

9 State, I'm informed by the clerk that you  
10 retained 45, 272 and 284 of the evidence. Can we  
11 make sure we have them. Does the doctor have them?

12 Dr. Palma, do you have any of my photographs  
13 by any chance?

14 THE WITNESS: No.

15 THE COURT: Are you sure you don't have them?  
16 Oh, there's some over here.

17 MR. LABRUZZO: That's them.

18 THE COURT: Okay. Thank you, sir. Sorry.

19 THE WITNESS: Thank you.

20 THE COURT: We gave him so much stuff, I was  
21 afraid he might have put them together.

22 MR. LABRUZZO: I apologize.

23 THE COURT: No problem.

24 MR. MICHAÏLOS: Judge, can we approach for a  
25 second?

1 THE COURT: Certainly.

2 Madam Clerk, have you got it all?

3 THE CLERK: Yes.

4 THE COURT: Okay.

5 (Bench Conference.)

6 THE COURT: Yes.

7 MR. MICHAÏLOS: I'd just like to put on the  
8 record to protect my last objection.

9 The State's question was specifically, "Does  
10 it make sense?" That's outside the expertise of  
11 the doctor as to what makes sense and what's  
12 logical. That's up to the jury to find.

13 It's outside his physical examination. I  
14 think that was asked and answered. It has nothing  
15 to do with the manner or cause of death. And I'd  
16 ask for a curative to strike that last question and  
17 answer, Your Honor.

18 THE COURT: Okay. That will be denied. You  
19 asked extensive questions on the matter of the  
20 plastic bag and putting it over someone's head  
21 after the injury.

22 He's an expert witness. He can testify in  
23 hypotheticals and he can give his opinion. That is  
24 his opinion. You may not think that it is a good  
25 opinion, but it's definitely not outside of his

1 opinion.

2 Since he is a forensic pathologist, that means  
3 he doesn't talk just about the injury, but he talks  
4 about the manner and cause of the injury or what  
5 normally happens and what you see and all those  
6 kind of things. That's what he does.

7 So I understand your objection, that's why  
8 I've overruled it. I'll deny your motion for a  
9 curative and we'll move on. Okay?

10 MR. MICHAÏLOS: Okay.

11 (Open Court.)

12 THE COURT: State, are you ready to call your  
13 next witness?

14 MR. SARABIA: Yes, Judge. The State would  
15 call Nancy Sulinski.

16 THE COURT: Okay.

17 MR. SARABIA: For the record, I've shown  
18 Defense Counsel State's Exhibits 438 through 484.

19 THE COURT: Good afternoon, ma'am. I  
20 apologize. If you want to stop right there. Raise  
21 your right and be sworn by my clerk.

22 NANCY SULINSKI,  
23 a witness herein, being first duly sworn, was examined  
24 and testified as follows:

25 THE COURT: All right. Please have a seat in

1 the witness stand. And speak in a loud and clear  
2 voice for me.

3 MR. SARABIA: I'm sorry, Judge. If I can  
4 correct the record. I've shown them Exhibits 438  
5 through 489.

6 THE COURT: Okay. State, you may proceed.

7 MR. SARABIA: Thank you, Judge.

8 DIRECT EXAMINATION

9 BY MR. SARABIA:

10 Q. Please turn and introduce yourself to the  
11 jury.

12 A. Hi there. My name is Nancy Sulinski.

13 Q. And, Ms. Sulinski, how were you employed back  
14 in September of 2014?

15 A. As a forensic investigator for the Pasco  
16 Sheriff's Office.

17 Q. And how long were you a forensic investigator  
18 for the Pasco County Sheriff's Office?

19 A. I became an investigator for the Sheriff's  
20 Office in June of 2006.

21 Q. And what are your duties as a forensic  
22 investigator?

23 A. So the duties as a forensic investigator is we  
24 respond to various types of crime scenes. And our  
25 duties there are to document the crime scene as is, we

1 collect various items of evidence, and process the crime  
2 scene as needed.

3 Q. Now, back on September 4th, 2014, on Thursday,  
4 did you have occasion to get involved in an  
5 investigation of 7719 Hatteras Drive, and surrounding  
6 circumstances?

7 A. I did.

8 MR. SARABIA: Judge, may I approach the  
9 witness?

10 THE COURT: You may.

11 Q. (By Mr. Sarabia) Now, Thursday, September 4th,  
12 2014, did you respond to a tow yard?

13 A. I did.

14 Q. And I'm showing you State's Exhibits 438 and  
15 439. Can you look at those. Do you recognize those?

16 A. I do.

17 Q. And what are those?

18 A. These are photographs of a vehicle that was at  
19 that tow yard that I responded to.

20 Q. Okay. And once you responded there, did the  
21 Sheriff's Office take possession of that vehicle and  
22 take it back to the forensics lab for further  
23 examination?

24 A. Yes.

25 Q. And these photographs, are they of this truck

1 as it was found with a blue tarp over it?

2 A. Yes.

3 Q. Okay. And fair to say that that's a blue  
4 truck?

5 A. It is a blue truck, yes.

6 Q. With license plate 244JJN?

7 A. Yes.

8 MR. SARABIA: At this time, Judge, the State  
9 would like to move State's Exhibit 438 and 439 into  
10 evidence.

11 THE COURT: Any objection?

12 MR. MICHAÏLOS: No, Your Honor.

13 THE COURT: All right. 438 and 439 will be in  
14 evidence.

15 MR. SARABIA: Permission to briefly publish,  
16 Judge?

17 THE COURT: You may.

18 Q. (By Mr. Sarabia) That same evening, did you  
19 also -- I'm sorry. Real quick let's go to  
20 September 5th, 2014, Friday. Did you go to a residence  
21 on Woodchuck Way that was identified to you as Nicholas  
22 Leonard's residence?

23 A. Yes, I did.

24 Q. Do you recall the address of that residence?

25 A. I don't remember off the top of my head, but



1 it sounds familiar. I'd have to refer to my notes, if I  
2 may?

3 Q. Would that refresh your recollection?

4 A. Yes.

5 Q. Please do.

6 A. 12721 Woodchuck Way.

7 Q. And I'm showing you State's Exhibits 440  
8 through 443. If you could look at those and tell me if  
9 you recognize those?

10 A. Yes, I do.

11 Q. And what is State's Exhibit 440 of?

12 A. That's a photograph of an end table in the  
13 master bedroom.

14 Q. Okay. And there was a bed next to it?

15 A. Yes.

16 Q. Is it a fair and accurate depiction of the way  
17 you found it?

18 A. Yes.

19 MR. SARABIA: State would ask to move State's  
20 Exhibit 440 into evidence.

21 THE COURT: Any objection?

22 MR. MICHAÏLOS: No, Your Honor.

23 THE COURT: Okay. 440 will come in.

24 Q. (By Mr. Sarabia) I'm showing you State's  
25 Exhibit 441. What's that of?

1           A.    That's a photograph of the same nightstand  
2 with a gun box on it.

3           Q.    And what does the gun box say?

4           A.    It's says Kel-Tec.

5           MR. SARABIA:  At this time the State would  
6 like to move State's Exhibit 441 into evidence.

7           THE COURT:  Any objection?

8           MR. MICHAÏLOS:  No, Your Honor.

9           THE COURT:  All right.  441 will come into  
10 evidence.

11          MR. SARABIA:  Permission to publish, Judge?

12          THE COURT:  You may.

13          Q.    (By Mr. Sarabia)  Turning your attention to  
14 State's 442.  What is that of?

15          A.    That's the same gun box that I was just  
16 speaking of, it's open now.

17          Q.    And once you opened the gun box, what did you  
18 find?

19          A.    The gun box was empty.

20          Q.    Okay.  And turning your attention to  
21 State's 443.  What is that of?

22          A.    That's a photograph of a box of ammunition.

23          Q.    And what type of ammunition was it?

24          A.    Federal .380.

25          Q.    And was the box of ammunition full?

1 A. No, it was not full.

2 Q. Were there different types of ammunition in  
3 it?

4 A. It appears that it's all the same type of  
5 ammunition.

6 Q. Okay.

7 MR. SARABIA: At this time, Judge, the State  
8 would like to move State's Exhibits 442 and 443  
9 into evidence?

10 THE COURT: Any objection?

11 MR. MICHAÏLOS: No, Your Honor.

12 THE COURT: All right. 442 and 443 will come  
13 into evidence.

14 MR. SARABIA: Permission to publish?

15 THE COURT: You may.

16 Q. Ms. Sulinski, I want to show you State's  
17 Exhibit 487 for identification. If you'll look at that  
18 and tell me if you recognize that?

19 A. I do recognize this.

20 Q. What is that?

21 A. This is that gun case I was just speaking of  
22 that was in the photographs.

23 MR. LABRUZZO: At this time, Judge, the State  
24 would like to move State's 487 into evidence.

25 THE COURT: Any objection?

1 MR. MICHAÏLOS: No, Your Honor.

2 THE COURT: All right. 487 will come into  
3 evidence.

4 Q. (By Mr. Labruzzo) Can you do me a favor? Does  
5 that have a label on there right there at the bottom  
6 that has some numbers starting with JS?

7 A. It does. Would you like me to read them?

8 Q. If you could.

9 A. It is JSD, like "David," 28.

10 Q. Thank you.

11 Now, Ms. Sulinski, did you eventually respond to  
12 7719 Hatteras Drive?

13 A. Yes, I did.

14 Q. And I guess I would say on September 4th, but  
15 it was really past midnight into September 5th of 2014;  
16 is that fair?

17 A. I actually responded on the 4th. It was about  
18 10:30 at night when I responded there.

19 Q. Very good. And when you responded there, did  
20 you notice any odors about the residence?

21 A. I did.

22 Q. And can you describe to the jury what that  
23 smelled like?

24 A. The odor was a very strong, putrid, rotten  
25 odor.

1 Q. And is it an odor that you're familiar with?

2 A. It is.

3 Q. And being a crime scene forensics investigator  
4 for as many years as you have, have you been to many  
5 different death investigations?

6 A. Yes, I have.

7 Q. Have you encountered decomposing bodies many  
8 times in the past?

9 A. Yes, I have.

10 Q. And is it a smell that you are familiar with?

11 A. It is.

12 Q. And the smell at 7719 Hatteras Drive, how  
13 would you describe that smell?

14 A. It was a smell that smelled like  
15 decomposition. It was a very strong odor.

16 Q. Now, at 7719 Hatteras Drive, did you spend a  
17 substantial amount of time or were you the primary  
18 forensic investigator who dealt with the east garage in  
19 the residence?

20 A. Yes, I was.

21 Q. I want to show you State's Exhibits 444  
22 through 459. If you could look through those for me and  
23 tell me if you recognize those?

24 A. I do recognize these.

25 Q. Are those all the photographs of the east

1 garage at 7719 Hatteras Drive?

2 A. Yes, they are.

3 Q. Does it fairly and accurately depict things  
4 you saw in that garage?

5 A. Yes.

6 MR. SARABIA: At this time, Judge, the State  
7 would like to move 444 through 459 into evidence.

8 THE COURT: Any objection?

9 MR. MICHAÏLOS: No, Your Honor.

10 THE COURT: All right. 444 through 459 will  
11 be admitted.

12 Q. (By Mr. Sarabia) I'm going to ask you a little  
13 bit more about luminol and BLUESTAR in a minute. But in  
14 terms of luminol and BLUESTAR, did you do some  
15 processing using those chemical agents within the  
16 residence?

17 A. I did.

18 Q. And I'm showing you State's Exhibits 460 and  
19 461. Did you assist in doing some processing with  
20 luminol in the west garage?

21 A. Yes, I did.

22 Q. And are 460 and 461 photographs depicting some  
23 of the things you observed when you did that?

24 A. Yes.

25 MR. SARABIA: At this time the State would

1           like to move State's Exhibits 460 and 461 into  
2           evidence.

3           THE COURT: Any objections?

4           MR. MICHAÏLOS: None.

5           THE COURT: All right. 460 and 461 will come  
6           into evidence.

7           Q. (By Mr. Sarabia) I'm showing you State's  
8 Exhibits 462 through 464. If you could look at those  
9 for me. Do you recognize those?

10          A. I do.

11          Q. And did you assist in processing the door that  
12 led from the west garage into the stairwell area of 7719  
13 Hatteras Drive?

14          A. Yes, I did.

15          Q. And are these photographs, State's 462 through  
16 464, photographs of what you observed when you did  
17 process that door?

18          A. Yes.

19          MR. SARABIA: At this time the State would  
20 like to move State's Exhibits 462 through 464 into  
21 evidence.

22          THE COURT: Any objection?

23          MR. MICHAÏLOS: No, Your Honor.

24          THE COURT: All right. 462 through 464 will  
25 come into evidence.

1 Q. (By Mr. Sarabia) Did you assist in processing  
2 the stairwell area with luminol?

3 A. Yes, I did.

4 Q. And I'm now showing you State's Exhibits 465  
5 through 468. Can you look at those for me. Do you  
6 recognize those?

7 A. Yes, I do.

8 Q. Are those things that you observed once you  
9 assisted in processing the stairwell area with luminol?

10 A. Yes.

11 Q. Fair and accurate depictions?

12 A. Yes, it is.

13 MR. SARABIA: At this time, Judge, the State  
14 would like to move State's Exhibits 465 through 468  
15 into evidence?

16 THE COURT: Any objection?

17 MR. MICHAÏLOS: No objection, Your Honor.

18 THE COURT: All right. 465 through 468 will  
19 come in.

20 Q. (By Mr. Sarabia) Turning your attention to the  
21 southeast bedroom on the second floor. I'm going to  
22 show you State's Exhibits 469 through 479. Did you  
23 assist in doing some trajectory analysis in that  
24 southeast bedroom?

25 A. Yes, I did.



1 Q. And of those photographs that you just  
2 reviewed, do they depict what you observed when you did  
3 some of that trajectory analysis in the southeast  
4 bedroom?

5 A. Yes, it does.

6 MR. SARABIA: At this time the State would  
7 like to move State's Exhibits 469 through 479 into  
8 evidence.

9 THE COURT: Any objection?

10 MR. MICHAÏLOS: No, Your Honor.

11 THE COURT: All right. 469 through 479 will  
12 be in evidence.

13 Q. (By Mr. Sarabia) And did you assist in doing  
14 luminol in that bedroom as well?

15 A. I did.

16 Q. I'm showing you State's Exhibit 480. Do you  
17 recognize that?

18 A. I do.

19 Q. And is that what you saw after application of  
20 luminol in the southeast bedroom on the second floor?

21 A. Yes, it is.

22 MR. SARABIA: At this time the State would  
23 like to move State's Exhibit 480 into evidence.

24 THE COURT: Any objection?

25 MR. MICHAÏLOS: No, Your Honor.

1 THE COURT: All right. 480 will be in  
2 evidence.

3 Q. (By Mr. Sarabia) I'm showing you State's  
4 Exhibits 481 and 482 for identification. Did you assist  
5 in doing some luminol application in the master bedroom  
6 on the second floor?

7 A. Yes, I did.

8 Q. And do those photographs depict what you  
9 observed when you did that?

10 A. Yes.

11 MR. SARABIA: At this time the State would  
12 like to move State's Exhibits 481 and 482 into  
13 evidence.

14 THE COURT: Any objection?

15 MR. MICHAÏLOS: No, Your Honor.

16 THE COURT: 481 and 482 will be so moved.

17 Q. (By Mr. Sarabia) I'm showing you State's  
18 Exhibits 483 and 484. Now, are those from the master  
19 bedroom closet after the plywood floor was removed?

20 A. Yes, it is.

21 Q. Fair and accurate depictions?

22 A. Yes, it is.

23 MR. SARABIA: I'd like to move State's  
24 Exhibits 483 and 484 into evidence.

25 THE COURT: Any objection?

1 MR. MICHAÏLOS: No, Your Honor.

2 THE COURT: All right. 483 and 484 will be in  
3 evidence.

4 Q. (By Mr. Sarabia) Now I'm showing you State's  
5 Exhibits 488 and 489. Did you take some photographs in  
6 the living room area of 7719 Hatteras Drive that are  
7 depicted in those two photographs?

8 A. Yes, I did.

9 Q. Fair and accurate depictions of what you  
10 observed?

11 A. Yes, it is.

12 MR. SARABIA: At this time the State would  
13 like to move State's Exhibits 488 and 489 into  
14 evidence.

15 THE COURT: All right. State's 488 and 489  
16 will be in evidence. Hold on. Any objection?

17 MR. MICHAÏLOS: No, Your Honor.

18 THE COURT: Okay. They'll be in evidence.  
19 Sorry.

20 Q. (By Mr. Sarabia) All right. Ms. Sulinski,  
21 could you tell the jury a little bit about what BLUESTAR  
22 and luminol are and why they're used?

23 A. Sure thing. The luminol and BLUESTAR are  
24 pretty much the same thing. There's a couple of  
25 different chemical differences. But the reason that we

1 use it, forensic investigators use it, is to be able to  
2 detect trace amounts of blood or blood that's already  
3 been cleaned up.

4       It's a very sensitive type of a chemical. It  
5 reacts with one to one million parts of water. So to  
6 put that in perspective, it would be about one drop of  
7 blood in, say, a 13.2-gallon area.

8       So this chemical is able to detect one drop of  
9 blood in 13.2 gallons of water. So even though it's  
10 been diluted or if blood has been cleaned up, we're  
11 still able to detect it using this chemical.

12       Q.    Okay. And when you say "detect it," what does  
13 it do in order to allow you to detect it?

14       A.    It creates a visual reaction. It's a chemical  
15 luminescence is what it's called. And it almost is like  
16 a glowing, so we'll have to do it in complete darkness.  
17 So that's going to be able to help us visualize  
18 something that we can't see with the naked eye.

19       Q.    All right. Were you involved in processing  
20 this residence with luminol and/or BLUESTAR in multiple  
21 different locations?

22       A.    Yes.

23       Q.    In particular on the bottom floor?

24       A.    Yes.

25       Q.    Now, I want to show you State's Exhibit 490

1 for identification. Do you recognize that?

2 A. I do.

3 Q. Is that a diagram of the bottom floor of the  
4 house?

5 A. Yes, it is.

6 Q. Now, would you be able for me to highlight or  
7 draw on there some of the different areas that you  
8 observed on the bottom floor that luminesced after  
9 BLUESTAR application?

10 A. Sure. You want me to draw right on this?

11 Q. Yes. Go right ahead.

12 MR. SARABIA: Okay. Judge, at this time the  
13 State would like to move State's Exhibit 490 into  
14 evidence.

15 THE COURT: Any objection?

16 MR. MICHAÏLOS: No, Your Honor.

17 THE COURT: All right. 490 will be so moved.

18 Q. (By Mr. Sarabia) I'm showing you State's  
19 Exhibit 491. Do you recognize that?

20 A. I do.

21 Q. Is that a diagram of the top floor of that  
22 residence?

23 A. Yes, it is.

24 Q. Were you involved in the application of  
25 luminol and/or BLUESTAR on the top floor of that

1 residence as well?

2 A. Yes, I was.

3 Q. Could you indicate with that blue marker some  
4 of the areas that you observed a reaction on the top  
5 level of the house?

6 A. The larger areas I just circled.

7 Q. Okay. And I'm going to display these in a  
8 moment and ask you to explain your drawing or your  
9 highlighting to the jury.

10 MR. SARABIA: At this time, Judge, the State  
11 would like to move State's Exhibit 491 into  
12 evidence.

13 THE COURT: Any objection?

14 MR. MICHAÏLOS: Could we just take a look at  
15 that real quick, Your Honor?

16 THE COURT: Sure. Do you want to look at 490  
17 too? She drew on that one.

18 MR. MICHAÏLOS: No, Your Honor.

19 MR. SARABIA: Judge, permission to have the  
20 witness step down and publish all of the exhibits  
21 we've just entered into evidence?

22 THE COURT: Well, hold on. Any objection on  
23 491?

24 MR. MICHAÏLOS: No, Your Honor.

25 THE COURT: Okay. 491 is in. And I have no

1 objection to her stepping down.

2 Q. (By Mr. Sarabia) Now, Ms. Sulinski, if you  
3 could step down. I'm going to ask you several questions  
4 about -- first, I want to start with the east garage.  
5 We've been discussing some photographs up there.

6 Now, when you first started to process the east  
7 garage, there was a silver van in there; is that right?

8 A. That's right.

9 Q. And was that silver van removed and brought  
10 back to the forensics lab, at another location in order  
11 to fully process that?

12 A. Yes.

13 Q. And then once the van was removed, were you  
14 able to more completely process that east garage?

15 A. Yes.

16 Q. I'm going to show you what's been entered into  
17 evidence as State's 444. And I have a diagram over  
18 here, State's 58, of the lower floor. Can you show us  
19 where this photograph is located on the diagram?

20 A. So this is the east garage. It was in this  
21 area right around here (indicating).

22 Q. Okay. And you have a PIN marker 7. We've  
23 heard a lot of about PIN markers already. Can you  
24 describe what that is that we're looking at in that  
25 photograph? What are those items?

1           A.    So that yellow marker with the Number 7 on it,  
2 we call it a Placement Identification Number, and it's a  
3 numbered placard, so we can identify different items of  
4 evidence.

5           So that was what was referred to as PIN 7, it's  
6 anything in that particular area. So in this particular  
7 photograph it's a rug that's been rolled up with some  
8 linen items.

9           THE COURT: Ms. Sulinski, you may get the  
10 award for speaking faster than Mr. Sarabia, which I  
11 didn't know was possible.

12           So I know it's nervous standing out there in  
13 the middle nowhere, but my court reporter down  
14 here, it's 3:00, and she's getting tired. So  
15 you've got to speak a little slower.

16           THE WITNESS: Yes, ma'am.

17           THE COURT: Your voice is good.

18           THE WITNESS: Yes, ma'am.

19           THE COURT: But you're talking really fast. A  
20 little slower. Okay.

21           THE WITNESS: Yes, ma'am.

22           THE COURT: Thank you.

23           Q.    (By Mr. Sarabia) Now, the blanket that we can  
24 see pictured there with the giant stain on it, did you  
25 collect that?



1           A.    I did.

2           Q.    And did you enter it into evidence with its  
3 own unique number of NS-21?

4           A.    I did.

5           Q.    And NS-19, black tape from top of rug.  Can  
6 you show us what that particular unique item is in  
7 reference to this photograph?

8           A.    I actually don't see it in this.  I think it's  
9 because of the screen, it very difficult to see.

10          Q.    Okay.  Where would it be located or where  
11 would it have been located?

12          A.    It would have been around this area, this  
13 really dark area right here.

14          Q.    Okay.  And it just appeared to be like  
15 electrical tape or how would you describe it?

16          A.    Yeah.  It was like black electrical tape.

17          Q.    I'm displaying State's 445.  Can you give the  
18 jury an idea what we're looking at in this photograph?

19          A.    This is a photograph of that east garage and  
20 then it's the corner area.  So coming back to this  
21 diagram here, it's right here in this corner.  That's  
22 the corner that we're looking at.  So I'm standing right  
23 here photographing that way (indicating).

24          Q.    And this would have been after the silver van  
25 was removed obviously?

1           A.    Correct.  The silver van that was already  
2 removed back to the forensics office.  Right here  
3 there's some yellow spray paint marks on the floor.  I  
4 had marked where the tires were to give me an indication  
5 as to where the vehicle was.  So that's what those  
6 yellow marks are.

7           But this up here is a rug that's kind of been  
8 balled up with some items inside.  Those PIN numbers,  
9 those Placement Identification Numbers identifying  
10 different items of evidence are on that photograph as  
11 well, as well as a handcart there.

12          Q.    And other than the van being removed, that  
13 back corner, is that the way you found it?  Had you yet  
14 moved any items or looked under any of those items?

15          A.    No.  This is just the photograph once the  
16 vehicle was moved.

17          Q.    Okay.  And I'm going to show you State's 446.  
18 Is that a close-up of that carpet in particular that you  
19 were speaking about?

20          A.    Yes.

21          Q.    Now, can you describe for us what happened  
22 when you removed that carpet?

23          A.    Well, what happened when I removed it, I  
24 wanted to see what items that were in it.  So I laid it  
25 out, and there was a bunch of items within that carpet,

1 and then I photographed those items.

2 Q. Okay. And I want to turn your attention to  
3 State's 447. Is that what the area looked like after  
4 you removed the carpet and some of those items within  
5 it?

6 A. Yes.

7 Q. And it's kind of hard to see on the overhead.  
8 What is this item right here?

9 A. It's hard to see in this photograph the way  
10 that it's in this, but that's a hacksaw.

11 Q. Okay. And what is this item right over here?

12 A. It's one of those portable fold-up chairs like  
13 you would take to a sporting event.

14 Q. I'm displaying State's 448. Can you tell us  
15 what we are looking at in this photograph?

16 A. This is that same rug that's been opened up.

17 Q. And is this the rug that had been behind the  
18 van?

19 A. Yes.

20 Q. And are these the items that were within that  
21 rug or rolled up in that rug when you opened it up to  
22 see what was inside of it?

23 A. Yes.

24 Q. In particular I'm displaying State's 449.  
25 This item here, what was it?

1 A. That's a pillow.

2 Q. Did it appear to be heavily stained?

3 A. Yes. It was saturated.

4 Q. Did you collect that item and give it the  
5 unique number of NS-12?

6 A. I did.

7 Q. I'm showing you State's 450. What is that  
8 orange thing in the middle there?

9 A. A door of the Explorer hook.

10 Q. Where was that in reference to all the other  
11 items?

12 A. It was amongst all the items. That's pretty  
13 much where it was.

14 Q. Okay. Within that blanket, that brown blanket  
15 up there to the upper right that we're looking at, did  
16 you collect that item as well?

17 A. I did.

18 Q. Did you enter that into evidence as NS-9?

19 A. Yes.

20 Q. I'm displaying State's 451. Can you tell us  
21 what we're looking at here?

22 A. That's a black trash bag that was filled with  
23 some miscellaneous items. This trash bag was found in  
24 that rug as well. It was balled up in that -- in the  
25 linens.

1 Q. And was there a trashcan associated with it or  
2 was it just a bag?

3 A. No. It was just a black trash bag.

4 Q. Did you go through those items and see what  
5 they were?

6 A. I did.

7 Q. I'm now displaying State's 452. Can you tell  
8 us what this is a photograph of?

9 A. So this is the black trash bag that you just  
10 saw, and these are all the contents of that kind of just  
11 layed out so you could see them a little bit better.

12 Q. Within these items, did you observe multiple  
13 what appeared to be car chargers for some type of  
14 device?

15 A. Yes.

16 Q. And there's a credit card of some sort?

17 A. Yes.

18 Q. And I'm now displaying State's 453. Is that  
19 the back of that card that was in that trash bag?

20 A. Yes, it is.

21 Q. And does there appear to be a signature  
22 reading Margaret Brown?

23 A. Yes.

24 Q. Let me turn your attention -- or display 454  
25 in evidence. Can you tell us what we're looking at here

1 and why the wall looks the way that it does?

2 A. So this is the north wall of that same garage.

3 So coming back to this display here, it's this wall

4 right here is what we're looking at.

5 And this yellow tape is a measurement device that

6 we use, so it's got increments of one inches. So it's

7 an adhesive type of a sticker scale. So we'll put that

8 up so it will stick to a wall and we're able to see

9 different measurements.

10 So I put this tape up after I removed these items,

11 these yellow things down here, those PIN numbers, just

12 identifying different items of evidence as well.

13 Q. Okay. And the stains on the back there, had

14 you treated them with any type of chemical agent by this

15 time?

16 A. No. Not yet.

17 Q. All right. I'm showing you State's 455. Do

18 you recognize that?

19 A. I do.

20 Q. And what is that?

21 A. This is one of those stains, just a closer

22 picture of it.

23 Q. Okay. This particular sticker scale, is this

24 a sticker scale we observed on the last picture 454?

25 A. Yes.

1 Q. Can you point out approximately where that  
2 would be?

3 A. It's going to be in this section right here.  
4 So it's going to be this stain.

5 Q. Okay. Now, we've heard about swabs from other  
6 analysts or other forensic technicians. When you take a  
7 swab, can you tell the jury briefly how you do it?

8 A. Sure. So the sterile swabs that we have look  
9 like giant Q-tips. They're on long wooden sticks and  
10 they come sealed in a sterile package. So we'll remove  
11 those from that sterile package, and we'll do a drop of  
12 distilled water on it if the substance that we're going  
13 to collect is dry, and we're able to take a sample of  
14 that particular substance, we put it back into the  
15 sleeve and then we'll package up that swab together.

16 Q. Okay. And did you take a swab of that area  
17 labeled B2B?

18 A. I did.

19 Q. And did you place that in evidence with its  
20 own unique number NS-39?

21 A. Yes.

22 Q. Okay. I'm now displaying 485. Can you tell  
23 us what we're looking at there?

24 A. So this is that same wall. The way that I had  
25 separated it was I gave them different numbers. So all

1 the sticker scales are always going to start with a G  
2 for garage so I'd be able to identify them, and then  
3 each section is like G1, G2, G3.

4 This particular one starts with G1A, so I would  
5 know where on that wall about where it was. So that's  
6 what this is a photograph of, it's a stain on that  
7 particular wall.

8 Q. All right. Thank you. I am going to display  
9 State's 486. Can you describe for us -- sorry. I'm  
10 trying to orient myself on this one. All right. Can  
11 you tell us what we're looking at here?

12 A. I can.

13 Q. Let me zoom out so that you can see a little  
14 bit better.

15 A. So this is that same north wall that we've  
16 been talking about before. Those are the sticker  
17 scales. And like I was saying before, I have them kind  
18 of separated.

19 So this whole section here is G1 for garage one,  
20 this is G2, and then within each section I have A, B, C,  
21 D, or whatever else they're labeled. So that's what  
22 this is right here.

23 Q. Okay. I'm now displaying State's 456. Are  
24 those close-up photographs of PIN markers 5 and 6 that  
25 are visible in one of the earlier photographs that we



1 observed of the east garage?

2 A. Yes, it is.

3 Q. Okay. And did you take a swab from the area  
4 marked PIN number 5?

5 A. I did.

6 Q. In the same manner that you described already  
7 that you take swabs?

8 A. Yes.

9 Q. And did you enter that into evidence with its  
10 own unique number of NS-18?

11 A. I did.

12 Q. I'm now displaying State's 457. Is that a  
13 close-up of the area marked in the other photograph as  
14 PIN marker 4?

15 A. Yes.

16 Q. Now, do you see a number of stains that appear  
17 reddish or brownish in color?

18 A. Yes.

19 Q. Can you please kind of show that to the jury,  
20 just point that out?

21 A. So all these areas over here.

22 Q. And I'm showing you State's 458. Can you tell  
23 us what we're looking at in State's 458?

24 A. So this is a photograph again in the east  
25 garage. It's on the other side of the garage. We were

1 just looking at this wall here. That area there is  
2 right here. So that wooden raw door there that you see,  
3 that's this door here. And then where that stain is is  
4 right here (indicating).

5 Q. Okay. And I'm now going to show you or  
6 display State's 459. Is that of the same stain?

7 A. Yes.

8 Q. Why does it look different in this photograph?

9 A. On this particular photograph we see here a  
10 white door, and before it was a brown like raw wood  
11 door. This door is actually -- this white door is this  
12 one that's been opened. And then the wood door is open  
13 here. So when we're looking through at that photograph,  
14 we're actually seeing this door here (indicating). So  
15 it's not the same door.

16 Q. Well, and also the stain itself, had it been  
17 treated by this point?

18 A. Yes. I had used that chemical on that to  
19 enhance the latent print on it.

20 Q. Okay. And what chemical agent did you use?

21 A. Ninhydrin.

22 Q. And going back to State's 458, NS-28, drywall  
23 sheet from garage. Can you tell us what is NS-28  
24 exactly and how was it collected?

25 A. I actually just cut out the entire portion of

1 the drywall.

2 Q. And can you show us on the diagram where that  
3 would coordinate to?

4 A. That's this same area here (indicating).

5 Q. And were there areas of interest on both the  
6 south side and the north side of this particular piece  
7 of drywall?

8 A. Yes.

9 Q. Now, you described for us a little bit about  
10 luminol a few moments ago. And I'm going to display  
11 State's 490. Can you tell the jury, kind of walk the  
12 jury through what your notations on this diagram mean?

13 A. So the areas that we processed and had a  
14 reaction with the luminol, the areas that I circled were  
15 the larger areas. I didn't want to just have to color  
16 the whole thing in. So these areas are the areas that  
17 created a reaction, as well as this area here, all  
18 through here, and then the landing of the stairs.

19 Q. Okay. And in particular I want to talk about  
20 right now this area on the side of this diagram. I'm  
21 going to show you two photographs. Are these before the  
22 lights are off and after the lights are off photographs  
23 of your application of luminol?

24 A. Yes.

25 Q. And I guess here we're seeing the challenge of

1 photographing luminol. Do you see some areas that are  
2 luminescing in this particular photograph? I'm trying  
3 to focus that. Do you see those areas?

4 A. I do.

5 Q. Can you point them out for the jury, please?

6 A. So these areas were -- they appeared to be  
7 bare footprints.

8 Q. So again this would be before the lights were  
9 turned out?

10 A. Correct.

11 Q. And just so that we're all clear. This item  
12 up here, was that the mattress being packaged and  
13 collected by you guys?

14 A. That's correct.

15 Q. Okay. I'm displaying State's 462. Can you  
16 tell the jury what we're looking at in this photograph?

17 A. This is a photograph of the door that's been  
18 processed.

19 Q. And where on the diagram to your left does  
20 this door appear?

21 A. (Indicating).

22 Q. Okay. And, I'm sorry, what did you use to  
23 process this door?

24 A. This door was processed utilizing a chemical  
25 called Hungarian Red.

1 Q. And what does Hungarian Red do? What's the  
2 purpose of using it?

3 A. It helps us enhance any bloodstains, ones that  
4 we can see and ones that we can't see. It's a protein  
5 stain. It stains the protein in blood.

6 Q. I'm now going to display State's 463. Is that  
7 a close-up of the stain near the door handle of  
8 State's 462?

9 A. Yes.

10 Q. And that one has a sticker scale labeled  
11 "First Floor, Center A"?

12 A. Yes.

13 Q. I believe we've already heard some testimony  
14 this wall was taken by somebody else in that area. But  
15 464, is that that same door and doorframe of the door we  
16 were just looking at in State's 462?

17 A. Yes.

18 Q. And this area over here, is that an area that  
19 was enhanced using Hungarian Red?

20 A. That's correct.

21 Q. I'm going to show you two photographs,  
22 State's 465 and 466. Are these lights on and lights off  
23 photographs of the stairwell, bottom part of the  
24 stairwell of 7719 Hatteras Drive?

25 A. Yes.

1 Q. And the second one, the dark one, is that the  
2 area that luminesced?

3 A. Yes.

4 Q. Does that show the area that luminesced?

5 A. Yeah. But, see, I didn't move the camera at  
6 all. So this is with the lights on and that's with the  
7 lights off.

8 Q. Okay. And in that same stairwell -- well, I'm  
9 displaying State's 467. There's this doorway up here.  
10 Can you show us on this diagram where this doorway  
11 coordinates to?

12 A. This is that same door here.

13 Q. Okay. And is 467 and 468 similar photographs  
14 in that one has the lights on, one has a light off after  
15 luminol application?

16 A. That's correct.

17 Q. Since we're talking about luminol, I'm going  
18 to display State's 491. Can you describe for the jury  
19 what your notations mean on this item?

20 A. So this is the upstairs portion. The same  
21 areas where I did a circle. This was a larger area that  
22 created a reaction. This hallway area; this here was  
23 along the wall and on the floor as well, right in front  
24 of the stairs; and then in this area as well, the master  
25 bedroom.

1 Q. Okay. Starting in the master bedroom, can you  
2 describe on the diagram to your left what area we're  
3 looking at here? And, I'm sorry, I'm going to have to  
4 give you the top of the diagram first. I'm going to  
5 display State's 59.

6 A. So it's going to be this is the master  
7 bedroom. So it's this area in here.

8 Q. And I'm now going to display State's 482.  
9 Where would that area be?

10 A. This is the curved wall here (indicating).

11 Q. Moving into the southeast bedroom, which we've  
12 been referring to as Megan's bedroom. I'm going to  
13 display State's 480. I'm not sure how this -- it's  
14 probably not going to come out too well on the overhead.

15 Can you describe what we're looking at -- no,  
16 that's not going to look too good. Is this that brown  
17 piece of furniture, the three-shelf piece of furniture  
18 in the southeast bedroom?

19 A. I can't really see.

20 Q. I'm going to show you the photograph up close.  
21 If you can hold that up and show the jury and just  
22 explain to the jury what they're looking at?

23 A. So this is a window.

24 Q. Is that the window on the east wall of room A,  
25 the southeast bedroom?

1           A.    Yes.  This will be the east wall.  So the  
2 front of the house is this way.  And then there is a  
3 wooden dresser right here.  So a window and then the  
4 dresser is there.  It's the window area and then the  
5 dresser is in this area.  The window and then the  
6 dresser right there (indicating).

7           Q.    Now, you indicated earlier that you did some  
8 trajectory analysis in that bedroom, the southeast  
9 bedroom.  How do you go about doing that?

10          A.    So the trajectory, it's an analysis that we  
11 do, and basically it is going to allow us to check the  
12 path from when the projectile leaves the muzzle of the  
13 gun and then it hits whatever the target is.

14          So the way that we do that is we insert metal  
15 trajectory rods so they don't bend at all, and we're  
16 able to insert those into whatever the hole is in the  
17 wall, and it's going to give us an angle of where the  
18 bullet came in from.

19          Q.    I'm going to display State's 469.  If you  
20 could explain to the jury what we're looking at in this  
21 photograph?

22          A.    Sure.  This is in this bedroom here and it's  
23 along this wall here (indicating).

24          Q.    Okay.  So this is a photograph taken from the  
25 general area of the door into the bedroom looking south?



1           A.    Yes.

2           Q.    And can you explain what's going on with that  
3 rod right there?

4           A.    This is that metal trajectory rod that I was  
5 talking about.  So that's actually inserted into where  
6 the defect is in the wall, and it's going to go give us  
7 an angle as to the trajectory path.

8           Q.    And that particular hole in the wall, did it  
9 go all the way through the wall?

10          A.    Yes.

11          Q.    And I'm displaying State's 470.  Is that a  
12 photograph looking straight at the hole as the rod is  
13 inserted in it?

14          A.    Yes.

15          Q.    Can you tell us on 471, what we are looking at  
16 in this photograph?

17          A.    So this is a photograph of that same wall but  
18 it's looking directly down, and then we use a protractor  
19 to show this is going to be your horizontal angle.  So  
20 if on the wall it will show which way the bullet came  
21 from.  So that's what this is showing.  So this is the  
22 wall here and then that's the angle.  So we have a rough  
23 idea about the angle it came in from.

24          Q.    I'm displaying State's 472.  Can you describe  
25 what we're looking at there?

1           A.    So this is a photograph of that same area,  
2 that same wall, just showing the way that the -- the  
3 trajectory rod, the projectile.

4           Q.    And we're looking south of the southern window  
5 of that bedroom?

6           A.    Yes.

7           Q.    I'm now displaying State's 472. Can you tell  
8 us what we're looking at there?

9           A.    This is another way to do the trajectory is to  
10 use a laser light. The trajectory rod is just based on  
11 the weight. After a while they're going to bend a  
12 little bit.

13           So sometimes we'll utilize just the one trajectory  
14 rod and we'll put a laser light on the end of it and  
15 then that way it will create a nice straight line. So  
16 that's what that photograph is of.

17           It's daytime in here as well, as you can see, so I  
18 had -- the windows were covered up just so we could  
19 visualize that laser light a little bit better.

20           Q.    All right. I'm going to display State's 474.  
21 Coming back to the rod. I guess is this a straight on  
22 view of that wall when the trajectory rod was placed in  
23 there?

24           A.    I was off just a little bit. It's not a  
25 direct straight on.

1 Q. Okay. But was that being attempted to be kind  
2 of a straight on to the direction of travel?

3 A. Yeah. I just take a lot of different  
4 photographs so you can see it from all different angles.

5 Q. Okay. And I'm displaying State's 475. Is  
6 that a similar photograph using the other method that  
7 you described?

8 A. Yes, it is.

9 Q. So we're looking at the west direction more or  
10 less with this photograph?

11 A. Yes.

12 Q. I'm now displaying State's 476. Is this  
13 looking south in that same bedroom?

14 A. Yes.

15 Q. And do you recall approximately how high off  
16 the ground that bullet hole was?

17 A. It was about four-foot high.

18 Q. And I'm now displaying State's 477. Can you  
19 tell us what we're looking at there?

20 A. So this is -- I'm looking at, this is the east  
21 wall here. So this is going from where the laser light  
22 is shooting towards the east wall, and that's just a  
23 photograph of it.

24 Q. And now I'm displaying State's 478. Can you  
25 tell us what we're looking at in this photograph?

1           A.    That's a photograph after the bullet hole was  
2 removed.

3           Q.    And the drywall was removed with the bullet  
4 hole in it?

5           A.    Yes.

6           Q.    And was there a corresponding hole behind the  
7 drywall?

8           A.    What do you mean corresponding hole behind?

9           Q.    Is there a hole in something that appears  
10 beyond the drywall?

11          A.    Yes.  This is the interior of the house.  It  
12 went through the interior drywall, out through the  
13 exterior of the house.

14          Q.    Okay.  And I'm displaying State's 479.  Is  
15 this a close-up of that hole?

16          A.    Yes, it is.

17          Q.    Now, I want to ask you about State's 164,  
18 that's previously been entered into evidence.  This  
19 stain on the plywood floor of that southeast bedroom,  
20 was that actually removed and did you collect that in  
21 evidence?

22          A.    Yes, I did.

23          Q.    Did you enter that into evidence as NS-65?

24          A.    Yes.

25          Q.    And similarly I'm displaying State's 215, a

1 photograph of the stain in the master bedroom closet.

2 Was that plywood section also removed?

3 A. Yes, it was.

4 Q. And did you collect that?

5 A. I did.

6 Q. And did you enter that into evidence as NS-64?

7 A. Yes.

8 Q. I'm redisplaying State's 477. I don't recall  
9 asking you. How high off the ground did that laser hit  
10 on the opposite wall?

11 A. It was about two feet high.

12 Q. All right. Back to reorient ourselves, I'm  
13 displaying State's 415 again, the plywood from the  
14 master closet.

15 I'm now going to show you State's 483. Now, was  
16 that a photograph taken after the plywood in the master  
17 closet was removed?

18 A. Yes.

19 Q. And did you notice anything -- I'm displaying  
20 State's 484 -- on the wood underneath that plywood?

21 A. Yeah. The wood was saturated with a  
22 substance.

23 Q. Turning your attention to the living room.  
24 I'm displaying State's 488. Is that the coffee table in  
25 the living room?

1 A. Yes.

2 Q. And within the coffee table, did you find some  
3 documents that would correspond to a TV?

4 A. Yes.

5 Q. Was there a TV in there?

6 A. Not in the living room.

7 Q. And I'm displaying State's 489. Is this an  
8 item that you photographed in the south, I guess the  
9 south center east corner of the living room?

10 A. Yes.

11 Q. A Bose speaker?

12 A. Yes.

13 MR. SARABIA: Judge, if I can have just a  
14 moment?

15 THE COURT: You may.

16 MR. SARABIA: I don't have any more questions  
17 for Ms. Sulinski.

18 THE COURT: Ms. Sulinski, if you want to go  
19 ahead and have a seat in the witness stand and  
20 we'll see if they have any cross for you.

21 All right. Defense, any cross?

22 MR. MICHAÏLOS: Yes, Your Honor. Just a  
23 couple of questions.

24 THE COURT: Okay.

25

## 1 CROSS-EXAMINATION

2 BY MR. MICHAİLOS:

3 Q. Good afternoon, ma'am.

4 A. Hello.

5 THE COURT: Oh, we would have left them up if  
6 we needed it.7 MR. MICHAİLOS: Oh, it's just a quick  
8 reference, Judge.

9 THE COURT: Okay.

10 Q. (By Mr. Michailos) With regard to the hole in  
11 room A, you said approximately four feet from the  
12 ground. It was actually 46 inches to be exact, right?13 A. I have to refer to my notes, but it was about  
14 four feet high.15 Q. Do you want to do that for us so we can be  
16 exact?

17 A. Sure. Forty-six inches from the floor.

18 Q. And then am I correct in assuming that you  
19 also measured the hole from the outside?

20 A. Can you rephrase?

21 Q. The hole went through and through the wall,  
22 right?

23 A. That is correct.

24 Q. And there was a hole in the exterior side of  
25 the southeastern room, right, on the west side, correct?

1           A.    On the exterior of the home?  Is that what  
2 you're talking about?

3           Q.    Right.  The same hole on the outside where the  
4 staircase was, there was a measurement to how high that  
5 hole was, correct?

6           A.    Yes.

7           Q.    And that was five feet, ten inches, right?

8           A.    I'm not sure if I did the measurements on  
9 that.  Oh, I did.  Let's see.  It says 54 inches high  
10 from the exterior step.

11          Q.    Fifty-four inches high?

12          A.    Correct.

13          Q.    And is that because you measured from one of  
14 the lower steps as opposed to the landing on the  
15 staircase?

16          A.    Correct.

17          Q.    Okay.  And with regard to the master bedroom,  
18 there was a bullet hole or an apparent bullet hole  
19 through corner B, as you walk into the master bedroom to  
20 the right, correct?

21          A.    Yes.

22          Q.    Did you get a measurement for that, how high  
23 it was from the ground?

24          A.    I did.

25          Q.    And your measurement was approximately five



1 feet?

2 A. It was approximately five feet, five inches.

3 Q. Five feet, five inches?

4 A. I can give you the exact measurements, if  
5 you'd like.

6 Q. Do you have those? Okay. If you have them.

7 A. Five feet, five inches.

8 Q. Okay. Great.

9 And finally, ma'am, you also went to the address at  
10 Woodchuck Way, right?

11 A. Yes.

12 Q. And that was Nicholas Leonard's residence,  
13 correct?

14 A. Correct.

15 Q. And that's where you took into evidence some  
16 bullets you found?

17 A. I took some --

18 Q. Photographs?

19 A. I took some photographs of it and I took the  
20 ammunition, yes.

21 Q. The ammunition and the Kel-Tec case for the  
22 pistol, right?

23 A. Correct.

24 Q. And while you were there, you searched the  
25 house at least peripherally?

1 A. I did photographs of the entire house, yes.

2 Q. All right. And is it true that you found a  
3 black kitchen knife underneath the mattress of Nicholas  
4 Leonard's bed?

5 A. Yes.

6 MR. MICHAIILOS: Just a moment, Judge.

7 Q. (By Mr. Michailos) And in that case, the case  
8 was empty, right? The gun was missing, correct?

9 A. The gun case, is that what you're referring  
10 to?

11 Q. Yes, ma'am.

12 A. Yeah. The gun case was empty.

13 MR. MICHAIILOS: No further questions. Thank  
14 you.

15 THE COURT: Any redirect?

16 MR. SARABIA: No Judge.

17 THE COURT: All right. Ma'am, you may step  
18 down. Is she released from her subpoena or she'll  
19 remain under --

20 MR. SARABIA: We ask that she remain on  
21 standby.

22 THE COURT: All right. You're released for  
23 day, but you remain under subpoena. Okay?

24 THE WITNESS: Yes, ma'am. Thank you.

25 THE COURT: Thank you.

1 All right. Ladies and gentlemen, we're going  
2 to take our afternoon break where you actually get  
3 to leave the courtroom.

4 We'll get your phones back. We'll make it a  
5 15-minute break. We'll have you downstairs in the  
6 jury pool room at 4:00. And then we'll bring you  
7 up and we'll finish up for the day. Okay?

8 No texting, tweeting, blogging or talking  
9 about the case. I could just making a recording  
10 and push it, but I have to say it.

11 (Jury Absent.)

12 THE BAILIFF: Jurors out of the hearing of the  
13 Court, Your Honor.

14 THE COURT: All right. We'll be in recess  
15 until 4:00.

16 State, we've got some other witnesses to go?

17 MR. LABRUZZO: Yes, Judge.

18 THE COURT: I'd like to stop before 6:00 and  
19 not go past 6:00. So if we could organize our  
20 witnesses for that.

21 MR. LABRUZZO: Well, Judge, before 6:00 like  
22 5:30, or like before 6:00, 5:55?

23 THE COURT: Before 6:00. Six is a 00. So I  
24 don't care if it's 5:59:59. I promised them we'd  
25 be out of here at 6:00, and I want to be out of

1 here at 6:00. Any time before 6:00 is good with  
2 me.

3 We'll be in a 15-minute recess.

4 THE BAILIFF: All rise. The Court is in  
5 recess.

6 (Recess Taken.)

7 THE COURT: And for the record, everybody is  
8 back, including the defendant, the Defense  
9 attorney, and the State. The defendant has been  
10 here throughout.

11 Are we ready? Is everyone ready?

12 All right. Bring the jury in.

13 THE BAILIFF: Yes, Your Honor.

14 Jury entering the hearing of the Court, Your  
15 Honor.

16 THE COURT: Thank you.

17 THE BAILIFF: All jurors present and seated.

18 (Jury Present.)

19 THE COURT: All right. Everybody stretched  
20 their legs?

21 THE JURY PANEL: Yes.

22 THE COURT: All right. We're going into the  
23 home stretch here. We may even get done before  
24 6:00 today I'm told. We'll see how that goes.

25 But everybody follow my instructions? No

1           tweeting, texting or blogging? Yes?

2           THE JURY PANEL: (Indicating.)

3           THE COURT: And we need something. Juror

4           Number 1, yes.

5           JUROR NUMBER 1: Can you make sure my phone is  
6           off.

7           THE COURT: All right. State, call your next  
8           witness.

9           MR. SARABIA: The State would call Sanjuanita  
10          Gonzalez.

11          THE COURT: Sanjuanita Gonzales.

12          MR. SARABIA: Sanjuanita Gonzales.

13          THE COURT: Good afternoon, Ms. Gonzalez. How  
14          are you?

15          THE WITNESS: Good. Thank you.

16          THE COURT: If you can step up to the podium.  
17          Stop right there. Raise your right hand and be  
18          sworn by my clerk.

19                        SANJUANITA GONZALEZ,  
20          a witness herein, being first duly sworn, was examined  
21          and testified as follows:

22          THE COURT: Please have a seat in the witness  
23          stand. Speak in a loud and clear voice for me.  
24          And I'm adding not too fast for my court reporter  
25          this afternoon. Okay?

1 THE WITNESS: Okay.

2 THE COURT: Thank you.

3 State, you may proceed.

4 MR. SARABIA: Thank you, Judge.

5 DIRECT EXAMINATION

6 BY MR. SARABIA:

7 Q. Could you please turn and introduce yourself  
8 to the jury.

9 A. I'm Sanjuanita Gonzalez. Forensic  
10 investigator for Pasco Sheriff's Office.

11 Q. And how long have you been with the Pasco  
12 Sheriff's Office?

13 A. Approximately six years.

14 Q. And were you a forensic investigator back in  
15 September of 2014?

16 A. I was.

17 Q. And on September 4th of 2014, did you have  
18 occasion to respond to 7719 Hatteras Drive as part of an  
19 investigation there?

20 A. I did.

21 Q. I want to ask you a couple of questions about  
22 that.

23 As you approached the residence and got into the  
24 residence, did you notice any odors?

25 A. I did.

1 Q. And can you describe what that odor was like  
2 for the jury?

3 A. It was a really foul odor as I was coming into  
4 the garage.

5 Q. And have you been to death investigations in  
6 other situations in your employment?

7 A. I have.

8 Q. Have you been to scenes where there were  
9 decomposing bodies before?

10 A. Yes.

11 Q. Multiple times?

12 A. Yes.

13 Q. Are you familiar with that smell?

14 A. I am.

15 Q. Was the smell that you smelled coming from  
16 7719 Hatteras Drive consistent with that decomposing  
17 body smell?

18 A. Yes.

19 Q. And is it a good smell?

20 A. It's not.

21 Q. Now, in particular, were you involved in  
22 processing the silver van that was located in the east  
23 garage at that residence?

24 A. I was.

25 Q. And did you actually have to get up inside of

1 that van?

2 A. I did.

3 Q. Did the smell get better or worse inside of  
4 that van?

5 A. Worse.

6 Q. Was it an extremely strong smell inside of  
7 that van?

8 A. Extremely strong.

9 Q. Was it pleasant to be inside of that van?

10 A. No.

11 Q. Okay. Now, I want to show you what's been  
12 entered into evidence as State's 27. Do you recognize  
13 that?

14 A. I do.

15 Q. And what is that?

16 A. That's the interior of the van.

17 Q. Did you see that item that's there inside of  
18 the van?

19 A. I did.

20 Q. What item is that?

21 A. A shovel.

22 Q. Now, did you collect that shovel?

23 A. I did.

24 Q. Did you enter it into evidence?

25 A. Yes, I did.



1 MR. SARABIA: Judge, may I approach the  
2 witness with an item of evidence?

3 THE COURT: You may.

4 MR. SARABIA: And I'm going to show Defense  
5 counsel what's been marked as 503 for  
6 identification.

7 Q. (By Mr. Sarabia) Ms. Gonzalez, if you can look  
8 at State's 503 for identification and tell me if you  
9 recognize that?

10 A. I do.

11 Q. And what is that?

12 A. It's a shovel.

13 MR. SARABIA: Judge, at this time the State  
14 would like to move State's Exhibit 503 into  
15 evidence.

16 THE COURT: Any objection?

17 MR. MICHAÏLOS: No, Your Honor.

18 THE COURT: 503 will be in.

19 Q. (By Mr. Sarabia) And to be clear, this shovel,  
20 State's 503, was in that silver van when you guys  
21 arrived at 7719 Hatteras Drive?

22 A. That's correct.

23 Q. If you can please remove that item and display  
24 it for the jury?

25 A. Can I move this chair back?

1 THE COURT: Yes. Absolutely.

2 THE WITNESS: You want it completely out?

3 Q. (By Mr. Sarabia) Yes. If you could actually  
4 walk it down and hold it up in front of the jury for me.

5 MR. SARABIA: Is it okay if the witness steps  
6 down, Judge?

7 THE COURT: Yes. Absolutely. Be careful.

8 Q. (By Mr. Sarabia) And you don't have to take  
9 that plastic paper off.

10 And, Ms. Gonzalez, I'm going to walk over and I'm  
11 going to hold up State's 262. Would you agree with me  
12 that that sticker appears to match the remaining sticker  
13 on this particular shovel?

14 A. It does.

15 MR. SARABIA: For the record, I've previously  
16 shown Defense counsel State's Exhibits 492 through  
17 502.

18 Q. (By Mr. Sarabia) And, Ms. Gonzalez, I'm  
19 showing you State's Exhibits 492 and 493. Do you  
20 recognize those?

21 A. Yes.

22 Q. And what are those?

23 A. It's photographs of the shovel that I just  
24 pulled out.

25 Q. And is the front and back of that shovel as it

1 was when you found it?

2 A. Correct.

3 MR. SARABIA: At this time, Judge, the State  
4 would like to move State's Exhibits 492 and 493  
5 into evidence.

6 THE COURT: Any objection?

7 MR. MICHAÏLOS: No, Your Honor.

8 THE COURT: 492 and 493 will be in.

9 Q. (By Mr. Sarabia) And now if you can look at  
10 494 through 502 for me and tell me if you recognize  
11 those?

12 A. I do recognize these.

13 Q. And are they fair and accurate depictions of  
14 what you saw while you were processing that silver van  
15 in the area of September 2014?

16 A. Correct.

17 MR. SARABIA: At this time, Judge, the State  
18 would like to move State's Exhibits 494 through 502  
19 into evidence.

20 THE COURT: Any objection?

21 MR. MICHAÏLOS: No, Your Honor.

22 THE COURT: 494 through 502 will come into  
23 evidence.

24 MR. SARABIA: And, Judge, permission to  
25 publish on the big screen and have the witness step

1 down?

2 THE COURT: Certainly.

3 Ms. Gonzalez, after they move the TV over  
4 there, I'll have you step down in front of it, but  
5 my court reporter is going to stay here. I just  
6 ask you to keep your voice up. Okay?

7 THE WITNESS: Okay.

8 THE COURT: Thank you, ma'am.

9 Q. (By Mr. Sarabia) First I'm going to display  
10 State's 492. Is that photograph of the back of that  
11 shovel when you first collected it?

12 A. Yes.

13 Q. Now I'm displaying State's 493. Is that  
14 photograph of the front of that shovel when you first  
15 collected it?

16 A. That's correct.

17 Q. I'm displaying State's 494. Can you tell us  
18 what we're looking in that photograph?

19 A. That is going to be the driver's floorboard.

20 Q. All right. And what's all this white stuff  
21 here on the floorboard?

22 A. That appears to be dirt.

23 Q. Was it dirt that appeared to be consistent  
24 with the dirt that you observed on the shovel?

25 A. That's correct.

1 Q. I'm displaying State's 495. Was this taken  
2 back at the Pasco forensics building while you were  
3 processing the van?

4 A. Yes. That's correct.

5 Q. And can you tell us what this is a photograph  
6 of?

7 A. That's the middle seats of the van. When I  
8 originally got the van, the seats were inside the  
9 compartment, so I decided to bring them up.

10 Q. And there's a couple of little white things,  
11 the reddish-white ones, on the seat there. I'm not sure  
12 if you can see it on the overhead.

13 A. These right here (indicating)?

14 Q. Yes. What are those?

15 A. Those were actually maggots.

16 Q. And again down here in that well area, what  
17 were those little white things?

18 A. Those were maggots as well.

19 Q. Were there a lot of maggots in the vehicle?

20 A. Yes, there were.

21 Q. Can you explain State's 496? Is this  
22 photograph a close-up of that well area where the seat  
23 would have been folded down?

24 A. Correct.

25 Q. What are all those white things in there?

1 A. Those are actually maggots all throughout.

2 Q. I'm displaying State's 497. Is that that same  
3 well area from a different angle we were just looking  
4 at? I'll show you this one again.

5 A. Yes. The same. These are actually maggots  
6 again.

7 Q. Okay. So all those little white things that  
8 we can see, those are lots and lots of maggots?

9 A. Correct.

10 Q. I'm showing you State's 498. Can you describe  
11 what we're looking at here?

12 A. This is what I call the cargo area at the rear  
13 of the van.

14 Q. And this is after you folded the back seats  
15 up?

16 A. Correct.

17 Q. Because initially were they were folded up or  
18 were they down?

19 A. All of them were down.

20 Q. I'm displaying State's 499. Is that that same  
21 back cargo area?

22 A. Yes, it is. All this is.

23 Q. And did you observe some staining on the back  
24 of that cargo area?

25 A. This area here or the actual inside?

1 Q. No. What would be the exterior, I guess? Not  
2 the exterior, but this gray area?

3 A. Yes.

4 Q. Okay. I'm displaying State's 500. Was this  
5 taken while the van was still present inside of the east  
6 garage at 7719 Hatteras Drive?

7 A. Yes, it was.

8 Q. Okay. And had you placed sticker scales and  
9 that measuring tape on it?

10 A. That's correct.

11 Q. And did you observe stains on the rear bumper  
12 area of this van?

13 A. Yes. So these are sticker scales or adhesive  
14 scales, those are areas of interest, that I placed  
15 there.

16 Q. And I'm displaying State's 501. Is this a  
17 close-up of the driver's side rear bumper of that  
18 vehicle?

19 A. That's correct.

20 Q. I'm displaying State's 502. Did you do some  
21 processing on the rear of that van in order to make some  
22 of the stains more visible?

23 A. I did.

24 Q. Can you describe the chemical agent that you  
25 used in order to do that?

1           A.    Yes.  So this area right here where you see  
2  it's darker like a fuchsia color, that is something  
3  called Hungarian Red, which is a protean stain, and  
4  that's to enhance any ridge detail that I might be able  
5  to find within fingerprints or latent fingerprints.

6           Q.    Now, in particular, I want to ask you about  
7  SJG-38, a swab of B-38.  I don't believe it's one of the  
8  sticker scales pictured in this particular photograph,  
9  but can you explain to the jury what area of the van you  
10 collected that from?

11          A.    I'll show it while I'm explaining.  So  
12 basically it's going to be on this side panel is what I  
13 collected, B-38.

14          Q.    And there was a stain in that area that  
15 appeared reddish or brownish in color that could be  
16 blood or some sort of decomposition?

17          A.    That's correct.

18          Q.    And so it would have been from this area here?

19          A.    So it will be up high on this area.  It's this  
20 side panel on the driver's side cargo area.

21          Q.    Okay.  And when you take a swab, do you do it  
22 the same way as the other forensics technicians do in  
23 that you take the swab and use water and swab the thing  
24 and put it in an individual package?

25          A.    Correct.  It comes in its own sleeve, I call



1 it the sleeve, and they're sterile. So I take the swabs  
2 out, put distilled water, I swab the area, put it in the  
3 same sleeve, I seal it with evidence tape, and then put  
4 it in a bag also with evidence tape.

5 Q. I'm going to display State's 61. While  
6 searching or processing the van, did you notice any  
7 areas on the front passenger's side that appeared to be  
8 potential bloodstains?

9 A. That's correct. All this area here were also  
10 documented, and adhesive scales or sticker scales were  
11 placed on the areas of interest to be apparent blood.

12 Q. I don't have a photograph of that with me  
13 here, but fair to say that this area, there were  
14 multiple areas like that that you documented or you felt  
15 were of interest?

16 A. That's correct.

17 Q. And did you do presumptive tests on that area  
18 in order to determine whether or not it was blood?

19 A. I did.

20 Q. And what kind of presumptive test did you use?

21 A. It's called a phenolphthalein test.

22 Q. Okay.

23 A. It's a presumptive test for blood.

24 Q. And I believe we've heard about that through a  
25 couple of other witnesses now. But there were areas of

1 blood on this front passenger's side of the van?

2 A. Correct.

3 Q. All right. You may resume your seat.

4 In that van, did you locate a purse?

5 A. I did.

6 Q. And approximately where was it?

7 A. It was in the center console inside.

8 Q. Did you open up that purse and search through  
9 that purse?

10 A. I did.

11 Q. And I want to show you State's 504. I'm going  
12 to ask you to open this up and look at it and tell me if  
13 you recognize what that is? Do you recognize that?

14 A. Yes, I do.

15 Q. And what is that?

16 A. It's a Pennsylvania driver's license.

17 Q. For who?

18 A. For Margaret E. Brown.

19 Q. And where did you find that?

20 A. I found this in the purse.

21 Q. In the purse that was in the silver van?

22 A. Correct.

23 MR. SARABIA: Judge, at this time the State  
24 would like to move State's Exhibit 504 into  
25 evidence.

1 THE COURT: Any objection?

2 MR. MICHAÏLOS: No, Your Honor.

3 THE COURT: All right. 504 will come into  
4 evidence.

5 MR. SARABIA: Thank you, Judge.

6 And I don't have any more questions for this  
7 witness.

8 THE COURT: Cross?

9 MR. MICHAÏLOS: We have no questions, Judge.

10 THE COURT: All right. Ma'am, thank you very  
11 much. You may step down. You're released for  
12 today, but you remain under subpoena. Okay?

13 THE WITNESS: Thank you.

14 THE COURT: Thank you.

15 State, call your next witness.

16 MR. SARABIA: Denice Weigand.

17 THE COURT: All right. Denice Weigand.

18 Good afternoon, Ms. Weigand. If you can step  
19 up to the podium for me. Stop right there. Raise  
20 your right hand and be sworn by my clerk.

21 DENICE WEIGAND,

22 a witness herein, being first duly sworn, was examined  
23 and testified as follows:

24 THE COURT: All right. Please have a seat in  
25 the witness stand. Speak in a loud and clear voice

1 for me.

2 THE WITNESS: Thank you.

3 THE COURT: State, you may proceed.

4 MR. LAWHORNE: Thank you. Counsel.

5 DIRECT EXAMINATION

6 BY MR. LAWHORNE:

7 Q. Good afternoon.

8 A. Good afternoon.

9 Q. Would you please introduce yourself to the  
10 jury, and will you spell your first and last name for  
11 the court reporter.

12 A. My name is Denice Weigand. The spelling of my  
13 name is Denice, D-e-n-i-c-e. Last name Weigand,  
14 W-e-i-g-a-n-d.

15 Q. Thank you.

16 Now, in August and September of 2014, where were  
17 you employed?

18 A. Pasco County Sheriff's Office.

19 Q. And what was your role at the Sheriff's  
20 Office?

21 A. Forensic investigator.

22 Q. When did you start working there?

23 A. I started working at the Sheriff's Office  
24 July 3rd of 1986.

25 Q. And when did you stop working there,

1 approximately?

2 A. Until June of 2016.

3 Q. And you're currently retired?

4 A. Yes.

5 Q. Congratulations.

6 A. Thank you.

7 Q. Now, your job you said was forensic

8 investigator?

9 A. Yes.

10 Q. Your job was as the same or very similar to  
11 that of Sue Miller, Michael Coats, Nancy Sulinski,  
12 Sanjuanita Gonzalez?

13 A. Yes.

14 Q. And would you give us a very brief description  
15 of what that is?

16 A. As a forensic investigator, it's a  
17 multifaceted job, one of things we do is respond to  
18 crime scenes to document, collect and preserve evidence.

19 Q. Now, let's talk about some of your involvement  
20 with the crime scene associated with 7719 Hatteras  
21 Drive. Now, did you respond to the scene where the pile  
22 of bodies was located?

23 A. Yes, I did.

24 Q. And approximately where is that in relation to  
25 7719 Hatteras Drive?

1           A.    It's on Old Dixie Highway, which is  
2 approximately one mile north of the intersection of  
3 Hatteras and Old Dixie.

4           Q.    Now, when you got to that scene, did you  
5 notice a smell?

6           A.    Yes, I did.

7           Q.    And what was that smell?

8           A.    The smell was that of dead, rotting human  
9 flesh and organs.

10          Q.    Is that a unique or distinctive smell?

11          A.    It's very distinctive.

12          Q.    And how would you describe that?

13          A.    It's a strong, offensive, putrid smell.

14          Q.    And was it immediately recognizable?

15          A.    Yes, sir.

16          Q.    Is that a smell you smelled before?

17          A.    Yes.

18          Q.    And is it a smell that can be mistaken for  
19 anything other than that?

20          A.    No.

21          Q.    So once you got to the scene, I know you did  
22 multiple things while you were out there, but let's talk  
23 about one thing that hasn't yet been discussed from  
24 other witnesses. So I want to talk to you about taking  
25 fingerprints from the bodies. So what happened as far

1 as that goes? What was your involvement in that?

2 A. As the Medical Examiner arrived, they take  
3 control of the bodies. The bodies were moved to a sheet  
4 where they're photographed and they can be processed for  
5 possible evidence to include rolling of fingerprints.

6 Q. Now, the rolling of the prints, is that  
7 something you did by yourself or did you do that in  
8 conjunction with other forensic investigators?

9 A. Along with other investigators.

10 Q. Now, did you all take fingerprints of Nicholas  
11 Leonard, one of the male bodies out there?

12 A. Yes, we did.

13 Q. And did you also do what's called a palm  
14 standard of that body?

15 A. I believe so, yes.

16 Q. And what is a palm standard?

17 A. A palm standard is similar to rolling of the  
18 fingerprints where you either put powder or ink on it  
19 and get basically what their prints look like for  
20 comparison purposes.

21 Q. Is it what might commonly be called a palm  
22 print?

23 A. Yes.

24 Q. Okay. And did you submit those prints into  
25 evidence as 178DW-1?

1 A. Yes.

2 Q. Now, did you also take a fingerprint and palm  
3 standard of Megan, Megan Brown?

4 A. Yes. Fingerprints were taken of Megan Brown.

5 Q. And did you also take a palm standard as well?

6 A. Yes.

7 Q. And did you submit that into evidence as  
8 178DW-2?

9 A. Yes.

10 Q. And did you do the same thing for Margaret  
11 Brown?

12 A. Yes.

13 Q. And again did you submit that into evidence as  
14 178DW-3?

15 A. Yes.

16 Q. And the DW in those names, that's just your  
17 initials?

18 A. Yes, it is.

19 Q. Just to indicate that you're the one who  
20 introduced them into evidence?

21 A. Yes.

22 Q. And that would have been the 178th thing that  
23 you personally introduced related to this case?

24 A. Yes.

25 Q. Okay. Now, let's move ahead -- I'm sorry.



1 What day was that that you went out there?

2 A. That I responded to that, I believe it was  
3 September 4th.

4 Q. Okay. Of 2014?

5 A. Yes, sir.

6 Q. Now, let's skip ahead to September 6th of  
7 2014. Did you respond to 7239 Hatteras Drive?

8 A. Yes, I did.

9 Q. And while you're out there, did you process  
10 that scene?

11 A. Yes, I did.

12 Q. And what were you looking for on that scene?  
13 What was your goal there?

14 A. That scene was at the end of Hatteras Drive.  
15 I believe that was the residence that a canoe was taken  
16 from.

17 Q. When you say the end of it, you mean the water  
18 end of the street as opposed to the Old Dixie Highway  
19 end of the road?

20 A. Yes.

21 Q. Okay. And while you were out there, did you  
22 take a photograph?

23 A. Yes, I did.

24 MR. LAWHORNE: Your Honor, may I approach the  
25 witness?

1 THE COURT: You may.

2 MR. LAWHORNE: I'm showing her what has been  
3 marked for identification purposes as 505. And I  
4 have already shown Defense.

5 Q. (By Mr. Lawhorne) Without showing the jury,  
6 can you tell us what this is?

7 A. This is the west end of Hatteras Drive where  
8 the canoe was taken from, and that is the, I believe,  
9 north end of Almond Drive where it was found.

10 Q. And is this a true and accurate representation  
11 of what you observed that day?

12 A. Yes, it is.

13 MR. LAWHORNE: Your Honor, at this time we'd  
14 like to introduce this into evidence as  
15 State's 505.

16 THE COURT: Any objection?

17 MR. MICHAÏLOS: No, Your Honor.

18 THE COURT: All right. 505 will come in.

19 MR. LAWHORNE: And may I publish?

20 THE COURT: You may.

21 Q. (By Mr. Lawhorne) Now, the green grassy area  
22 in the photo, is that the Hatteras Drive side?

23 A. Yes.

24 Q. Let's move ahead one day to September 7th. On  
25 the 7th, did you go to 7719 Hatteras Drive?

1           A.    Yes, I did.

2           Q.    And while you were out there, did you process  
3 the RV that was parked in front of the residence?

4           A.    Yes, I did.

5           Q.    And during that processing, did you go inside  
6 of it?

7           A.    Yes, I did.

8           Q.    And did you do the typical thorough forensic  
9 processing of the scene?

10          A.    Yes.

11          Q.    And did you find anything noteworthy about the  
12 RV either on the inside or on the outside?

13          A.    No, sir.

14          Q.    And let's skip ahead again to September 11th  
15 of 2014.  On that day, did you go to the Sheriff's  
16 Office maintenance garage and process a blue F150 with  
17 license plate 244JJN?

18          A.    Yes, I did.

19          Q.    And while you were out there, did you take a  
20 swab from the steering wheel cover of that truck?

21          A.    Yes.

22          Q.    And I'm assuming when you say a swab, you used  
23 the same process that the other forensic technicians  
24 used of getting a large sterile Q-tip, wetting the Q-tip  
25 or wetting the surface and taking a sample and then

1 resealing it in that bag?

2 A. Actually, the whole steering wheel cover was  
3 taken off and taken into evidence.

4 Q. Okay. And did you do a swab from the driver's  
5 side interior door handle?

6 A. Yes, I did.

7 Q. And that swab from the door handle, was that  
8 introduced as 54DW?

9 A. Yes.

10 Q. And, I'm sorry, going back to the steering  
11 wheel, was that introduced into evidence as 52DW?

12 A. Yes, sir.

13 Q. Now, did you also do a swab from the gear  
14 shift lever of that same truck?

15 A. Yes, I did.

16 Q. And did you enter that into evidence as 66DW?

17 A. Yes, sir.

18 Q. And did you do a swab from the glove box latch  
19 of that same truck?

20 A. Yes, I did.

21 Q. And was that introduced as ADDW?

22 A. Yes, sir.

23 Q. Now, while you were processing the truck, did  
24 you come into contact with a wallet in the center  
25 console?

1 A. There was a wallet in the center console, yes.

2 Q. Did you look inside that wallet?

3 A. Yes, I did.

4 Q. And did the wallet contain identification and  
5 cards that appeared to belong to a Nicholas Leonard?

6 A. Yes, sir.

7 Q. And let's go to September 8th now of 2014. On  
8 September 8th, 2014, did you come into contact with Adam  
9 Matos?

10 A. Yes, I did.

11 Q. And when you came into contact with Mr. Matos,  
12 did you take a buccal or buccal swab from him?

13 A. Yes, I did.

14 Q. Would you please tell the jury what that is.

15 A. A buccal or a buccal swab is actually a  
16 sterile cotton swab that comes medically packaged. It  
17 is opened and it is rubbed on the inside of the cheek or  
18 mouth to collect skin cells, DNA cells, DNA samples.

19 Q. And that is entered into your Sheriff's Office  
20 evidence for later testing or comparison's sake?

21 A. Yes, sir.

22 Q. And did you introduce that into the Sheriff's  
23 Office evidence as 1DW?

24 A. Yes, sir.

25 Q. Did you also get fingerprint and palm

1 standards of Adam Matos?

2 A. Yes, I did.

3 Q. And again a palm standard is essentially a  
4 palm print?

5 A. Yes, sir.

6 Q. Did you put that into evidence as 2DW?

7 A. Yes, I did.

8 Q. Did you also take toenail clippings from Adam  
9 Matos?

10 A. Yes, I did.

11 Q. From his right foot, did you introduce those  
12 as 4DW?

13 A. Yes, sir.

14 Q. And from his left, were those 5DW?

15 A. Yes, sir.

16 Q. Did you swab his toes, right toes and left  
17 foot of Adam Matos?

18 A. Yes, sir.

19 Q. And was that introduced as 6DW?

20 A. Yes, sir.

21 Q. And did you swab the fingernails of Adam  
22 Matos?

23 A. Yes, sir.

24 Q. And was that introduced into your evidence as  
25 7DW?

1 A. Yes, sir.

2 Q. And did you do fingernail scrapings from Adam  
3 Matos?

4 A. Yes, I did.

5 Q. And did you put those into your evidence as  
6 8DW?

7 A. Yes, sir.

8 Q. And do you see Adam Matos in the courtroom  
9 today?

10 A. Yes, sir.

11 Q. Could you please point to him and identify him  
12 by an article of clothing that he's wearing?

13 A. It would be the gentleman in the blue shirt  
14 with the blue suit.

15 Q. Is he at the end of the table there, the last  
16 one?

17 A. Yes, sir.

18 MR. LAWHORNE: Your Honor, may the record  
19 reflect that she has identified the defendant?

20 THE COURT: It will so reflect.

21 MR. LAWHORNE: Your Honor, may I have just one  
22 second?

23 THE COURT: You may.

24 MR. LAWHORNE: Thank you, ma'am.

25 We have no further questions right now.

1 THE COURT: Cross for Ms. Weigand?

2 MR. MICHAÏLOS: Yes, Your Honor.

3 CROSS-EXAMINATION

4 BY MR. MICHAÏLOS:

5 Q. Ms. Weigand, on September 5th of 2014, did you  
6 have occasion to go to 12721 Woodchuck Way in Hudson?

7 A. Yes, I did.

8 Q. Is that Nicholas Leonard's residence?

9 A. Yes.

10 Q. And did you find a knife under his mattress?

11 A. Yes.

12 Q. Did you also find a pink nightgown hanging in  
13 his bedroom?

14 MR. LABRUZZO: Judge, objection as to  
15 relevance.

16 THE COURT: Approach.

17 (Bench Conference.)

18 THE COURT: I have no problem with the knife.  
19 You brought that up before and they didn't object.  
20 But what's the nightgown have to do with anything?  
21 Nothing happened in this house.

22 MR. MICHAÏLOS: It's going to show the  
23 relationship with Mr. Leonard to Megan Brown.

24 MR. LAWHORNE: It's also beyond the scope of  
25 what we questioned her about. We did not mention



1 that particular search or that day.

2 THE COURT: Okay. Well, I guess you could  
3 call her. But if you are going to call her and  
4 it's going to be in anyway, I don't know why you  
5 would do that. But how do we know it's Megan  
6 Brown's nightgown?

7 MR. MICHAIILOS: Well, I don't know. From this  
8 witness, Judge, I just want to put on the record  
9 that the nightgown was there. It's the last  
10 question I have for her.

11 THE COURT: But my question is is there a  
12 witness who's going to say that for sure that's  
13 Megan Brown's nightgown or do you have a pink  
14 nightgown in the house?

15 MR. MICHAIILOS: I don't have any witness for  
16 sure, there's nothing that's for sure, but I think  
17 the circumstantial evidence it's Megan Brown's  
18 nightgown.

19 THE COURT: How is it circumstantial, because  
20 you say so?

21 MR. MICHAIILOS: No. Because the State has  
22 listed several witnesses, one of which is Michael  
23 Unsworth, who was a friend of Nicholas Leonard, who  
24 confirms that they were dating during this period  
25 of time and that Mr. Leonard hadn't been on a date

1 with a girl in sometime and he was elated that he  
2 was dating Megan during this period of time, so he  
3 can stablish through circumstantial evidence that  
4 it was Megan's nightgown.

5 We're not asking this witness if it's Megan's  
6 nightgown. I'm just asking if there was a  
7 nightgown.

8 THE COURT: But it doesn't sound like you can  
9 prove that it was Megan's nightgown. Just because  
10 he was dating somebody doesn't mean that it's her  
11 nightgown. It could have been the nightgown of his  
12 mother's for all you know. So it's outside the  
13 scope. It's not relevant at this time. So I'll  
14 sustain the objection.

15 (Open Court.)

16 THE COURT: The objection is sustained.

17 MR. MICHAÏLOS: I have no further questions,  
18 Your Honor.

19 Thank you, ma'am.

20 THE COURT: Any redirect?

21 MR. LAWHORNE: No, Your Honor.

22 THE COURT: Ms. Weigand, thank you very much,  
23 ma'am. You may step down. You are released for  
24 today but not from your subpoena. Okay?

25 THE WITNESS: Thank you, ma'am.

1 THE COURT: All right. State, call your next  
2 witness.

3 MR. LABRUZZO: Yes, Your Honor. The State  
4 would call Steven Stark.

5 THE COURT: Good afternoon, Mr. Stark. If you  
6 want to step up to my podium for me. Stop right  
7 there. Raise your right hand to be sworn by my  
8 clerk.

9 STEVEN STARK,

10 a witness herein, being first duly sworn, was examined  
11 and testified as follows:

12 THE COURT: Please have a seat in the witness  
13 stand. And speak in a loud and clear voice for me.  
14 Okay? Thank you, sir. He's not going to need  
15 those?

16 MR. LABRUZZO: No.

17 THE COURT: State, you may proceed.

18 MR. LABRUZZO: Thank you, Your Honor.

19 DIRECT EXAMINATION

20 BY MR. LABRUZZO:

21 Q. Good afternoon, sir. Could you please turn to  
22 the ladies and gentlemen of the jury and introduce  
23 yourself by stating your name.

24 A. My name is Steven P. Stark.

25 Q. And, Mr. Stark, where do you work?

1           A.    I work for the Florida Department of Law  
2 Enforcement at the Tampa Regional Crime Laboratory.

3           Q.    All right.  The Florida Department of Law  
4 Enforcement is a state agency, correct?

5           A.    Yes.

6           Q.    And sometimes goes by the acronym of FDLE; is  
7 that correct?

8           A.    Yes.

9           Q.    Can you explain to the jury what FDLE is and  
10 does?

11          A.    We're a state agency that basically we support  
12 or analyze or give expert witnesses or -- I work in the  
13 forensic part of it.  So we analyze any evidence that  
14 local agencies might have, they submit for different  
15 analysis -- chemistry, serology, DNA, latent print work,  
16 that's the field I'm in, firearms identification -- and  
17 then we report our findings back to these agencies.  So  
18 we're like a support agency for local law enforcement.

19          Q.    Okay.  And does FDLE have a relationship as a  
20 support agency to the Pasco County Sheriff's Office?

21          A.    Yes.

22          Q.    So if a forensic investigator is on scene and  
23 collects a piece of evidence and for the purposes of  
24 having it analyzed later, they would submit it to you  
25 guys for analytical work?

1           A.    Yes.  That's correct.

2           Q.    And just so that we're clear, because we've  
3 met a bunch of forensic investigators today, your role  
4 is not to go to the scene to collect the evidence?  It's  
5 collected and then it's submitted to you for work?

6           A.    Yes.

7           Q.    All right.  You mentioned that you work in a  
8 particular section.  What section do you work in?

9           A.    I work in the latent print section.

10          Q.    And what is the latent print section?

11          A.    We analyze evidence for the presence or  
12 development of any latent prints.  And then if any  
13 latent prints are developed, we can then compare them to  
14 the known ink standards of individuals and determine if  
15 they were made by the same person.

16          Q.    Okay.  And what does the term "latent" mean  
17 when we speak about latent prints?

18          A.    A latent print is basically a hidden print  
19 that you can't normally see.  It's something that needs  
20 to be processed or developed so you can see it and  
21 photograph the recovery.

22          Q.    All right.  And we'll talk a little bit about  
23 that in a second.

24                But can you tell this jury a little bit about your  
25 background and education that allows you to work in the

1 latent print section?

2 A. My background, I have approximately 35 years  
3 in the latent print crime scene discipline. I started  
4 with the Tampa Police Department in 1981 as a crime  
5 scene investigator. I processed scenes for evidence. I  
6 processed for latent prints. I later became a latent  
7 print examiner.

8 And then in 1987, I was hired by the Florida  
9 Department of Law Enforcement as a latent print  
10 examiner, and I also did crime scene work for them. So  
11 approximately 30 years with the State of Florida,  
12 Florida Department of Law Enforcement as a latent print  
13 examiner.

14 Q. Okay. And how does one transition from the  
15 collection to being in the laboratory doing the  
16 analytical work? How is it that you became to --

17 A. Basically you learn about fingerprints. You  
18 attend numerous courses. I've attended FBI sponsored  
19 courses. I went to the FBI academy. It's kind of a  
20 progressive type of knowledge, learning, on-the-job  
21 training-type.

22 Q. I imagine that if you were to go to college  
23 today, they don't have courses or a degree in latent  
24 print work? It's kind of like you said, you have to  
25 develop the skill over time?

1           A.    Correct.  Yeah.  They do have courses that  
2 explain it or kind of describe bookwork of what a latent  
3 print examiner does.  But normally it's looking at  
4 fingerprints daily, learning particular, you know,  
5 identifying marks.

6           So it's a long-term type of training.  Our training  
7 program takes approximately a year, 18 months for a  
8 person to just start training in latent print work just  
9 to learn how to become a latent print examiner.

10          Q.    All right.  And is there any ongoing education  
11 as it relates to latent print work, if there's a new  
12 technology or if something new is developed in the  
13 field, that you can learn about it?

14          A.    Yes.

15          Q.    Do you participate in those and go to those?

16          A.    There's periodicals.  There's yearly training.  
17 There's like conferences put on by different  
18 professional organizations.  There's an organization  
19 called Identification -- I can't think of it right now.  
20 International Association of Identification.

21          Q.    All right.

22          A.    It's a professional organization that you can  
23 attend.  And they send out monthly or periodicals about  
24 latest technology and interesting casework.

25          Q.    And you stay current with that type of stuff?

1           A.    Yes.  I try to, yes.

2           Q.    All right.  Let's talk a little bit about the  
3 actual latent print work.  You mentioned that you have a  
4 background in the forensic collection.  Can you describe  
5 for this jury a little bit about what you would do to  
6 develop or process a scene to develop a print?

7           A.    To develop a print, first you have to  
8 determine what type of surface you're trying to process  
9 for a print, if it's a hard smooth surface.

10           At a scene it's normally just basic black powder  
11 dusting of a print to try to develop it.  But in the  
12 laboratory we have a little bit more structured  
13 step-by-step process where the actual item is first  
14 visually looked at, and then we have chemicals we could  
15 add to try to develop a print, then dye stains could be  
16 possibly used, and then powder would be the last resort  
17 on a hard surface.

18           Paper items are a little bit different.  There are  
19 chemicals are used because the actual print is actually  
20 absorbed into the paper because it's porous.  So it  
21 depends on the surface what you're going to do to try to  
22 process or develop a print.

23           Q.    Okay.  What actually makes up a print?  Like  
24 what is the actual print made of?

25           A.    Well, basically you have to have a substance



1 on your hands. You have friction ridges on your hands,  
2 palm side of your hands; so you have to have a substance  
3 on there to make a transfer on an item.

4 Most the times it's just basically perspiration or  
5 sweat. Normally if a person has moist hands, they can  
6 touch an item and leave a transfer of a latent, of a  
7 fingerprint onto an item.

8 Q. How about if there's another substance,  
9 another liquid, blood or dirt or some other substance on  
10 the hand, could it leave a print?

11 A. That's another way to transfer a print. If  
12 there's an oily substance, a blood, an ink, dirt, you  
13 know, that type can transfer a print impression onto an  
14 item.

15 Q. You kind of mentioned in your description not  
16 only there has to be something on the hand or the  
17 fingers that are going to leave the print, but also the  
18 actual item where the print is to be left, a smooth  
19 surface, a wall, paper. How does the actual surface  
20 affect the ability to leave a print?

21 A. If it's a smooth hard surface, it's more  
22 likely to leave a nice print on it. If it's a raised  
23 rough surface, the texture of it might not cause a nice  
24 print to be left onto it.

25 A lot of items are made not to have prints left on

1 them. If it's a rubber-type surface or, you know, a  
2 very textured-type item, it's very hard. Or if the item  
3 is very flexible, if it's a plastic bag or something  
4 that crinkles up real easily, a print might not lay or  
5 stay on the item, it might be all broken up into  
6 different pieces.

7 Q. And how does the manner in which the print is  
8 left affect the way the print can be found? For  
9 example, if I were to walk over here and very nicely  
10 touch my finger to this, would that leave a good print?

11 A. That's a deliberate-type pressure put onto an  
12 item, that normally would leave a good print.

13 Q. That would be best case scenario, I would  
14 imagine?

15 A. Yes.

16 Q. If an item like a finger were to come in  
17 contact with the surface and then move along the  
18 surface, could that affect a print?

19 A. Yes.

20 Q. Could the amount of force that's applied  
21 affect a print?

22 A. Yes.

23 Q. Okay. How about environmental conditions, can  
24 they affect a print?

25 A. Yes.

1 Q. Talking about heat, humidity, I guess cold,  
2 can those things also affect a print?

3 A. Yes, it can.

4 Q. Would water affect a print?

5 A. Yes. It would wash it away, yes.

6 Q. And this is going to sound like a simple  
7 question, but if someone were to clean up an area, if  
8 someone were to leave a nice palm print and someone come  
9 behind me and wipe it up, could that affect the quality  
10 of the print that was there?

11 A. Yes.

12 Q. A fingerprint or palm print, if you have an  
13 unknown; for example, if I were to walk here and put my  
14 palm here on the podium, and let's just say that's an  
15 unknown print, you need a known print to compare it to  
16 to make an identification, correct?

17 A. Correct.

18 Q. So having a known set of prints is important  
19 in your line of work?

20 A. Yes.

21 Q. If you do not have a known set of prints, can  
22 that affect your ability to make an identification?

23 A. Yes.

24 Q. All right. When it comes to making an  
25 identification, is there a particular process you go

1 through? If you have an unknown print from a podium and  
2 a standard to compare it to, how do you go about making  
3 the identification?

4 A. Basically the prints are laid side-by-side  
5 using a magnifying glass, they're looked at  
6 side-to-side. You look for certain factors that they  
7 have, sometimes a pattern type. You're looking for  
8 characteristics within the fingerprint.

9 If you have enough of these characteristics that  
10 have the same relationship to each other and they occupy  
11 the same space, you can determine that they were made by  
12 the same individual.

13 Q. Okay. Once you make a determination that one  
14 comes from an individual, are there limitations as it  
15 relates to the amount of information you can get from a  
16 print? And I guess what I'm trying to ask you is a  
17 better way of saying if you identify a print that's left  
18 here, can you tell us when that print was left?

19 A. Not normally, no.

20 Q. Okay. Can a print always tell you how the  
21 print was left there?

22 A. On most cases the person has to touch an item  
23 to leave a print, yes.

24 Q. Okay. Are there circumstances where a person  
25 might, like myself, touch this podium and I not leave a

1 print?

2 A. Again, like we talked about the conditions, if  
3 your hands were dry or the surface type, you might not  
4 leave a print, yes.

5 Q. All right. So that doesn't mean that I didn't  
6 touch it, it just means I didn't leave any evidence  
7 behind that I touched it?

8 A. Yes.

9 Q. Okay. Now I'd like to talk to you about some  
10 of the court casework that you did in this case. All  
11 right?

12 You were submitted, through the Pasco County  
13 Sheriff's Office, a number of standard prints for the  
14 purposes of comparison. And we just had an investigator  
15 by the name of Denice Weigand testify, and she testified  
16 as to some of the items that were collected, but I'd  
17 like to go over them with you.

18 Did you receive a known fingerprint, and I'm  
19 referring to your report dated 8/26 of '15, did you  
20 receive a fingerprint and a palm print standard from a  
21 person being identified as Adam Matos?

22 A. Yes, I did.

23 Q. Okay. As part of that, did you also receive a  
24 finger print and palm print from a person being  
25 identified to you as Nicholas Leonard?

1           A.    Yes.

2           Q.    And did you receive a fingerprint and palm  
3 print being identified to you as belonging to Megan  
4 Brown?

5           A.    Yes.

6           Q.    And did you receive a fingerprint or palm  
7 print as being made to you as belonging to Margaret  
8 Brown?

9           A.    Yes.

10          Q.    All right.  I'd like to talk about the  
11 fingerprint and palm print relating to Adam Matos.  Is  
12 it fair to say this was a deliberate impression that was  
13 taken and provided to you for purposes of comparison?

14          A.    Yes, it was.

15          Q.    All right.  The fingerprint and palm print as  
16 it relates to the following individuals -- Nicholas  
17 Leonard, Megan Brown and Margaret Brown -- what can you  
18 tell this jury about the quality of the fingerprint and  
19 palm print that you received?

20          A.    They were very poor quality.  I believe they  
21 were taken maybe at the Medical Examiner's Office.  You  
22 could tell that the skin on the hands and palms and the  
23 fingertips were badly decomposed and the recording of  
24 the prints were very bad.

25          Q.    Okay.  So I guess we can add something else to

1 the list of things that can affect the qualify of the  
2 print. Decomposing skin is something that can affect  
3 your ability to have an inadequate standard?

4 A. Yes.

5 Q. These standards as it relates to Margaret  
6 Brown, Megan Brown and Nicholas Leonard, you said they  
7 were insufficient. Were these ideal for the purposes of  
8 comparison to other unknowns?

9 A. No. No, they were not.

10 Q. Okay. Did you ever receive a fingerprint or  
11 palm print for a person by the name of Greg Brown?

12 A. No, I did not.

13 Q. All right. Okay. I'd like to talk about some  
14 of the items that were collected and then presented to  
15 you for the purposes of comparison.

16 And referring to your report of the 8/26/15, did  
17 you receive an item by the agency exhibit of JM-126,  
18 which was given the description of one latent lift from  
19 the internal side of passenger window of Nicholas  
20 Leonard's Ford truck?

21 A. Yes, I did.

22 Q. Okay. Were you able to provide us any type of  
23 comparison between that and Mr. Matos's print?

24 A. Yes.

25 Q. And can you tell this injury what you were

1 able to determine as it relates to the print?

2 A. One lift was a latent palm print. Those were  
3 value for comparison. It was compared to the standards  
4 of Adam Matos, and I was not able to identify that, that  
5 print was not identified as being his print.

6 Q. Okay. You were also provided -- again, we  
7 talked about the known palm prints as it relates to  
8 Mr. Nicholas Leonard. Were you able to even try a  
9 comparison between the standards that you were given of  
10 Nicholas Leonard to the lifts coming from his truck?

11 A. I attempted to do a comparison with what  
12 little information I had on the standard of Nicholas  
13 Leonard, but the prints were still too bad to do a  
14 conclusive conclusion of being not identified or  
15 identified. So it was basically an inconclusive result  
16 on my part.

17 Q. Okay. All right. Sir, I'd like to focus your  
18 attention to another report that you prepared. This  
19 report was dated October the 3rd of 2014. And since  
20 we're talking about reports, you prepare a report to  
21 summarize your analysis; is that correct?

22 A. Yes.

23 Q. And in doing so, obviously you put a date,  
24 because that's what I'm referring to it as. But does  
25 the Florida Department of Law Enforcement give a case



1 number, an FDLE number to all the analysis done related  
2 to a particular investigation?

3 A. Yes, we do.

4 Q. And if you could, each report contains that  
5 unique number; is that correct?

6 A. Yes.

7 Q. Could you just read for us, the jury, and put  
8 into the record the unique number of the FDLE case  
9 number in this case?

10 A. Our number is 2014-0307905.

11 Q. Okay. So if there's evidence that is  
12 processed or looked at by the Florida Department of Law  
13 Enforcement, it would have some label and it would  
14 include that number identifying it as unique to this  
15 case?

16 A. Yes.

17 Q. Okay. Thank you, sir.

18 Referring to your report of October the 3rd, 2014,  
19 there were a number of items that were submitted to you  
20 for the purposes of trying to determine whether or not  
21 you could identify prints.

22 And these are items that were identified to you as  
23 RC-32 and RC-33, and the description that was given was  
24 a Kel-Tec .380 caliber semi-auto handgun; is that  
25 correct?

1 A. Yes.

2 Q. And that also included a magazine, correct?

3 A. Yes.

4 Q. I notice in your report that you make a  
5 particular note as to how these items were packaged?

6 A. Yes.

7 Q. How were they packaged?

8 A. They were packaged in the water that they were  
9 recovered from.

10 Q. Okay. You're probably familiar with that  
11 having collected evidence in the past?

12 A. Yes.

13 Q. The fact that an item is recovered from water,  
14 can that affect whether or not there are fingerprints on  
15 it?

16 A. Definitely, yes.

17 Q. Okay. Again, were you able to provide any  
18 indication of whether latent prints were either on the  
19 handgun or the magazine in this case?

20 A. Yes.

21 Q. And what were you able to tell us?

22 A. That no latent prints were noted or developed  
23 on the items.

24 Q. Okay. As well as two strips of black  
25 electrical tape that were identified as being SM-61,

1 were you able to determine whether or not there were any  
2 latent prints on that item at all?

3 A. No. There were no prints developed on those  
4 two electrical tapes.

5 Q. Okay. And, again, the fact that there are no  
6 latent prints on an item doesn't mean that someone  
7 didn't touch it, it just means they didn't leave the  
8 requisite evidence behind to examine it, correct?

9 A. Correct.

10 Q. All right. I would now like to focus your  
11 attention to a report you authored on February the 6th  
12 of 2015, and this is Submission Number 2. There were  
13 two items that were submitted to you for the purposes of  
14 determining whether or not you could develop latent  
15 prints. One was identified as SJG-30, and it was  
16 described as a wooden handle shovel. All right. Are  
17 you familiar with that item?

18 A. Yes.

19 Q. Did you actually attempt to process it to see  
20 if whether or not you could develop any fingerprints on  
21 that?

22 A. Yes.

23 Q. And were you able to develop any prints for  
24 the purposes of comparison?

25 A. No.

1 Q. Okay. And what process did you use?

2 A. Again, the steps I used, first visually look  
3 at the items itself for any type of print that might be  
4 visually on it, a transfer of any substance on the item.

5 Q. Okay.

6 A. And then the item is processed with a Super  
7 Glue technique we use, which is basically a basic Super  
8 Glue that's put into a chamber. It produces a smoke or,  
9 you know, a type of fume that adheres to moisture or  
10 that might be present in a fingerprint, and then it kind  
11 of hardens a print onto an item, so you can actually see  
12 it, and it's kind of fixed onto an item. So that  
13 technique was used.

14 And then after that technique normally it's a dye  
15 stain that's placed on it. So this particular shovel  
16 had a metal piece and also a wooden handle. So the  
17 metal piece would have been dye stained and the wooden  
18 handle would have been sprayed, because it's kind of  
19 porous, with a chemical called Ninhydrin where we use to  
20 try to develop prints on wood or paper items.

21 So all these techniques were used. Then actually  
22 at the very final process would be a black powder  
23 process. So all these techniques were used with no  
24 success of developing any prints.

25 Q. Okay. As well on February the 6th, 2015, were

1 you submitted a hammer with a black rubber handle  
2 identified to you as JM-1A?

3 A. Yes.

4 Q. And did you try to process that for the  
5 purposes of developing fingerprints?

6 A. Yes, I did.

7 Q. All right. Were you able to develop any  
8 identifiable prints on that item?

9 A. None.

10 Q. Okay. Now, on February the 6th, 2015, you  
11 were also provided Submission Number 5. Do you have  
12 that report?

13 A. Yes.

14 Q. Okay. I'd like to talk about the item that  
15 was submitted to you for the purposes of determining  
16 whether or not you could develop any prints.

17 The item was identified as SM-37, and the  
18 description was given as two kitchen-size white plastic  
19 garbage bags with attached black duct tape. Okay? This  
20 item, were you able to develop any prints from this  
21 item?

22 A. No.

23 Q. Okay. Now I'd like to talk about the report  
24 that you authored dated August the 5th of 2015, and I'd  
25 like to go through a number of the items that you were

1 submitted.

2 Let's start with items that were submitted to you  
3 as JM-2A, description of wooden handle hunting knife  
4 submitted in water.

5 I'll let you catch up. Sorry.

6 A. I got it.

7 Q. Are you ready? The fact that this item was  
8 submitted to you in water, does that affect your ability  
9 to develop a print?

10 A. Yes.

11 Q. All right. Did you try to?

12 A. Yes.

13 Q. All right. Were you able to develop any  
14 prints off this item?

15 A. No.

16 Q. All right. And the same with JM-3A,  
17 identified as buck hunting knife with wooden handle  
18 submitted in water, is that something that would affect  
19 your ability to process a print?

20 A. Yes.

21 Q. Did you try?

22 A. Yes.

23 Q. Were you able to?

24 A. No.

25 Q. All right. Thank you, sir.

1           On that same day you were also submitted an item  
2 NS-19, it was identified as one long piece of black  
3 electrical tape. Were you able to process this item?

4           A.    Yes.

5           Q.    And were you able to develop any prints on  
6 this?

7           A.    No.

8           Q.    Okay. And then finally NS-28, one large  
9 section of drywall. Were you able to develop any prints  
10 as it relates to NS-28?

11          A.    That item actually did have prior processing  
12 done to the item, and there were some present previously  
13 developed prints that I did note and were able to  
14 photograph, and actually there was one palm print of  
15 value for comparison on that drywall.

16          Q.    Okay. When you say "prior processing," it's  
17 been described earlier by some of the techs that they  
18 use I think called Hungarian Red. Is that what we're  
19 referring to?

20          A.    I believe so, yes.

21          Q.    All right. So as it relates to NS-28, there  
22 was a palm print or print on it for the purposes of  
23 comparison. Did you compare it to Adam Matos?

24          A.    Yes, I did.

25          Q.    And what can you tell this jury about that

1 comparison?

2 A. There was no identification made.

3 Q. All right. And what does that mean?

4 A. That print that was developed was not the  
5 print that was on the standard marked Adam Matos.

6 Q. So it was not Adam Matos?

7 A. No.

8 Q. Were you able to compare it to the other three  
9 people that you were submitted, one Magen Brown,  
10 Margaret Brown and Nicholas Leonard?

11 A. I attempted to try to compare the standards I  
12 had of Nicholas Leonard and it was inconclusive again.  
13 The other two I didn't have enough to even compare.

14 Q. All right. Their skin was so decomposed, you  
15 were not able to compare it?

16 A. Correct.

17 Q. Okay. All right. And finally, Mr. Stark, I'd  
18 like to talk about a report you authored on October the  
19 27th of 2016. And the item that you were submitted was  
20 an item that was identified to you as SM-65, and the  
21 description was one cut section of painted drywall from  
22 west garage northeast corner. Were you able to examine  
23 that item?

24 A. Yes.

25 Q. And were you able to develop any latent prints



1 on that item?

2 A. Again this item also had a developed print on  
3 it, and I photographed it and determined that it was a  
4 palm print also and it was a value to compare.

5 Q. Okay. And did you compare it to Adam Matos?

6 A. Yes, I did.

7 Q. And what can you tell this jury about that  
8 comparison?

9 A. That palm print was not identified to Adam  
10 Matos.

11 Q. Did you also compare it to Nicholas Leonard?

12 A. I attempted with inconclusive results again.

13 Q. All right. Did you even try to compare it to  
14 Megan Brown or Margaret Brown based on the prints that  
15 you had?

16 A. No. I was unable to.

17 Q. All right.

18 MR. LABRUZZO: May I have a moment, Your  
19 Honor?

20 THE COURT: You may.

21 MR. LABRUZZO: Your Honor, I have no further  
22 questions of this witness.

23 THE COURT: All right. Cross.  
24  
25

## 1 CROSS-EXAMINATION

2 BY MR. MICHAÏLOS:

3 Q. Good evening, sir.

4 A. Good evening.

5 Q. I take it from your testimony thus far, it is  
6 difficult to get prints from an item that's submerged in  
7 water?

8 A. Yes. Very difficult.

9 Q. But I guess its not impossible, right?

10 A. No, it's not impossible.

11 Q. Otherwise, you would not have gone through all  
12 this trouble to examine all these different items  
13 presented to you, correct?

14 A. It's my job to examine the evidence, yes.

15 Q. One question, sir. Were you ever given any  
16 long firearms or rifles to process for fingerprints?

17 A. Long arm firearms?

18 Q. Rifles?

19 A. No.

20 MR. MICHAÏLOS: I have no further questions.

21 Thank you, sir.

22 THE COURT: Any redirect?

23 MR. LABRUZZO: No, Your Honor.

24 THE COURT: All right, sir. Thank you very  
25 much. You may step down. Is he released from his

1 subpoena?

2 MR. LABRUZZO: He is, Your Honor.

3 THE COURT: All right, sir. You're released  
4 from your subpoena.

5 THE WITNESS: Thank you.

6 THE COURT: Can I have the lawyers at the  
7 bench briefly.

8 (Bench Conference.)

9 THE COURT: Are we ready for our next witness?

10 MR. LAWHORNE: We are.

11 THE COURT: Okay. How many more have you got?

12 MR. LAWHORNE: I'm sorry?

13 THE COURT: How many more do we have?

14 MR. LAWHORNE: Oh, just one.

15 THE COURT: Okay. All right. Thanks.

16 MR. LAWHORNE: And she'll be number 46.

17 THE COURT: That's fine. That's fine. Did  
18 Chris go out there to get her or him, whoever is  
19 coming in?

20 MR. LAWHORNE: I don't think anybody's going  
21 to enter yet.

22 THE COURT: Okay.

23 MR. LAWHORNE: I think Chris may have gone to  
24 the restroom.

25 THE COURT: He walked out. I thought he was

1 going to get her.

2 MR. MICHAIILOS: Can we do a restroom break or  
3 no?

4 THE COURT: No. It's one last witness. We're  
5 good.

6 MR. MICHAIILOS: Could we have a few minutes so  
7 I can run out or no?

8 THE COURT: No. We're calling her right now.

9 (Open Court.)

10 THE COURT: State, call your next witness.

11 MR. LAWHORNE: State calls Dena Allen.

12 THE COURT: And, ladies and gentlemen, I'm  
13 told this is our last witness for the evening.

14 Dena Allen, please.

15 Good afternoon, Ms. Allen. If you can step up  
16 to the podium for me. Stop right there. Raise  
17 your right hand and be sworn by my clerk.

18 DENA ALLEN,

19 a witness herein, being first duly sworn, was examined  
20 and testified as follows:

21 THE COURT: All right. Please have a seat in  
22 the witness stand. Speak in a loud and clear voice  
23 for me. Okay?

24 State, you may proceed.

25 MR. LAWHORNE: Thank you. Counsel.

## 1 DIRECT EXAMINATION

2 BY MR. LAWHORNE:

3 Q. Good afternoon. Would you please introduce  
4 yourself to the jury, and will you spell your first and  
5 last name for the court reporter.

6 A. I'm Dena Allen, D-e-n-a, A-l-l-e-n.

7 I am a crime laboratory analyst with the firearms  
8 section at the Florida Department of Law Enforcement.

9 Q. And the Florida Department of Law Enforcement,  
10 is that frequently referred to as FDLE?

11 A. Yes, it is.

12 Q. Okay. So what exactly is your job with FDLE?

13 A. My primary duty is to examine firearms;  
14 firearm ammunition components that have been fired, such  
15 as fired bullets or cartridge cases, to see if I can  
16 identify if the fired components have been fired and  
17 from a particular firearm.

18 Q. And how long have you worked for FDLE?

19 A. Since August 2009.

20 Q. And will you tell us about your training and  
21 experience that qualifies you for your job.

22 A. I have a Bachelor's of Science in biology from  
23 the University of Central Oklahoma. I have two years  
24 experience as a forensics technologist in the firearms  
25 section.

1           And then I underwent an 18-month structured  
2 training program. This program dealt with the history  
3 and development of firearms and ammunition, firearms  
4 identification. It also dealt with serial number  
5 restoration, muzzle to object distance determination,  
6 computer database entry and correlation.

7           I did factory tours, supervised casework, and a  
8 mock trial.

9           Q.    And I believe you said you're with the  
10 firearms section; is that right?

11          A.    That's correct.

12          Q.    Would you tell the jury what sort of stuff the  
13 firearms section does?

14          A.    Okay. Typically we would receive a case that  
15 had fired components in it or it would have firearms.  
16 We would examine the firearms sometimes for function and  
17 safety, sometimes just to test-fire and enter fired  
18 components into a computer database for searching.

19                Sometimes we are asked to compare fired components  
20 of that firearm to evidence that was recovered at crime  
21 scenes or at a different crime scene to see if there is  
22 a relation. So we can examine the fired components to  
23 determine if they were fired from that firearm.

24                We also can restore serial numbers if they've been  
25 removed from a firearm. And we do distance

1 determination, which is whenever the firearm is fired,  
2 we measure the distance from the muzzle of the firearm  
3 to the object to give a range of distance that the  
4 firearm could have been from the object when it was  
5 fired.

6 Q. Now, you mentioned one of the things that you  
7 do is compare fired projectiles. Would you tell the  
8 jury how that process works?

9 A. Sure. We start by examining the projectiles  
10 for class characteristics. Class characteristics are  
11 design features that are determined before they're  
12 manufactured.

13 So for a firearm and the associated bullets that  
14 are fired in that firearm, they would be the caliber or  
15 the size, they would be the weight, it would be the  
16 direction of rifling.

17 The rifling is the spiral lands and grooves or the  
18 spiral twists that's inside the barrel of the firearm  
19 that can have a certain shape and the lands and grooves  
20 can have a certain width. So those would be class  
21 characteristics.

22 You can think of it similar to having a red Ford  
23 Taurus. A red Ford Taurus is a certain class  
24 description, certain style of cars. All that was  
25 determined prior to manufacture, but it's just one of

1 the certain class, it's one of the certain type.

2       Then once you've identified the class of that, you  
3 can further examine the individuality. So when a  
4 firearm is manufactured, there is drilling that goes on  
5 in the barrel, there's the formation of the lands and  
6 grooves within that barrel, there's finishing processes  
7 that go on with the barrel.

8       All of this can cause microscopic irregularities  
9 and deformities within the barrel, and these microscopic  
10 marks will mark the bullet as it travels through the  
11 barrel. The bullet will accumulate the marks throughout  
12 the length of the barrel.

13       It will show the signs of the lands and grooves  
14 that were impressed into it from the barrel. And you  
15 can examine these, and when they repeat in sufficient  
16 quantity and quality, then you know you can make an  
17 identification.

18       Q.   And when you say identification, you would be  
19 able to take one fired projectile, look at those marks,  
20 the microscope marks, compare them to the microscopic  
21 marks on another projectile and tell if they were fired  
22 from the same firearm?

23       A.   That's correct.

24       Q.   Okay. Now, in this case did you receive some  
25 items of evidence for a case involving Adam Matos with



1 the FDLE Number of 2014-0307905?

2 A. I did.

3 Q. And did you receive a total of four fired  
4 projectiles or fired bullets?

5 A. Yes.

6 Q. And were those RC-5 -- I'm sorry. SM-8, SM-59  
7 and SM-62?

8 A. Yes, they were.

9 MR. LAWHORNE: Your Honor, may I approach the  
10 clerk and then the witness?

11 THE COURT: You may.

12 Q. (By Mr. Lawhorne) Now, I'm handing you what's  
13 already been entered into evidence as State's 60,  
14 State's 303, State's 298, and State's 400.

15 Are these the projectiles that you received from  
16 the Pasco County Sheriff's Office? And feel free to  
17 look at them. We've got some gloves here for you as  
18 well if you'd like.

19 THE COURT: It should already be opened.

20 Q. (By Mr. Lawhorne) I got some scissors if that  
21 will help you get into the bag.

22 A. Okay. I do recognize my markings on the  
23 outside. It's still sealed. Did you want me to open  
24 it?

25 Q. Would you go ahead and open it all the way.

1           A.    Okay.

2           Q.    Ms. Allen, let's actually do one at a time,  
3 because I'm going to ask you to step down and show the  
4 jury.

5           A.    Certainly.

6           Q.    Just so that we make sure we get them back in  
7 the right bags.

8           MR. LAWHORNE: Your Honor, is it okay if she  
9 steps down?

10          THE COURT: She may.

11          THE WITNESS: So this is one of the -- it's a  
12 bullet that I was asked to examine in this case.  
13 This was my Evidence Exhibit RC-5.

14          Q.    (By Mr. Lawhorne) Okay. Would you mind  
15 stepping down and kind of walk in front of the jury so  
16 they can see what you're holding.

17          MR. LAWHORNE: And for the record, RC-5 is  
18 State's 60.

19          Q.    (By Mr. Lawhorne) Ms. Allen, would you mind  
20 putting that back in the container, and then we'll do  
21 the same thing with the next projectile.

22          All right. Now you're opening State's 303. And  
23 would you mind stepping down again and showing the jury.

24          And would you move on to the next one, please.  
25 Thank you.

1           MR. LAWHORNE: For the record, this is  
2           State's 298.

3           Q. (By Mr. Lawhorne) Would you mind also showing  
4           that one to the jury.

5           And the last one is State's 400. Would you mind  
6           showing that one as well. Thank you.

7           Now, these four projectiles that we saw that you  
8           received from the Sheriff's Office, did you examine them  
9           for a class and individuality like we spoke about a  
10          moment ago?

11          A. I did.

12          Q. What can you tell us about the class of these  
13          projectiles?

14          A. They were all .38 caliber class, which is a  
15          consistent class or family of bullets that include .380  
16          Auto, .9 millimeter Luger, a .357 Magnum, a .38 Special,  
17          among many others.

18          They all had -- if you give me just a moment -- six  
19          lands and grooves. So that spiraling that was inside  
20          the barrel of the firearm had six raised and lowered  
21          portions within it and then the lands and grooves had a  
22          right-hand twist.

23          And then I also took measurements of the lands and  
24          grooves width as well, and they were all consistent with  
25          each other.

1 Q. And so were you able to tell if those four  
2 projectiles were fired from the same firearm?

3 A. Yes, they were.

4 MR. LAWHORNE: Your Honor, may I approach the  
5 witness with additional evidence?

6 THE COURT: You may.

7 MR. LAWHORNE: Thank you.

8 Q. (By Mr. Lawhorne) I'm now showing you what's  
9 already been entered into evidence as State's 219 and  
10 State's 220. What is 219 first?

11 A. It is a semiautomatic pistol, a Kel-Tec model.

12 Q. And was this firearm sent to you for analysis?

13 A. I misspoke. But it's a Kel-Tec brand. I'm  
14 sorry. And, yes, it was sent to me for analysis.

15 Q. And 220, what is that?

16 A. It is a detachable box magazine.

17 Q. And was that magazine also sent to you?

18 A. Yes, it was.

19 Q. So before you get into that, would you mind  
20 taking the firearm and just kind of tell the jury how  
21 that gun operates? I know it's got the lock on so you  
22 can't really demonstrate much of it, but would you just  
23 give the best explanation you can with its current  
24 state.

25 A. This type of firearm is a semiautomatic

1 pistol, which means that it works or it operates by  
2 loading a portion of the firearm with cartridges. Then  
3 whenever you are ready to fire, you load a cartridge  
4 into the chamber by retracting the slide. And it's  
5 slightly stuck at the moment.

6       So you retract the slide and release it. Spring  
7 action will cause the slide to move forward scooping a  
8 cartridge out of the detachable box magazine -- this is  
9 what you would load with the cartridges -- and it puts  
10 it into the chamber of the firearm.

11       When you're ready to fire, you just pull the  
12 trigger. The firing mechanism causes the cartridge to  
13 fire. The bullet will come out of the barrel towards  
14 the target. The cartridge case will be pushed rearward.  
15 With the expansion of all the gasses, it pushes against  
16 the slide causing the slide to open back up.

17       The cartridge case is then extracted and ejected or  
18 it's pulled out of the chamber by a little arm that's  
19 called the extractor, and it's ejected out of the  
20 firearm. Then because of that spring tension is there,  
21 the slide will return to the forward position loading  
22 the next cartridge into it to be ready to be fired  
23 again.

24       Q.     Now, the caliber of that particular firearm,  
25 is it a .380?

1           A.    Yes.  This is a .380 Auto caliber.

2           Q.    And is .380 one of the calibers you mentioned

3 that was in the same class as the projectiles from a

4 moment ago?

5           A.    Yes.

6           Q.    And the magazine in the other box there, is

7 that also a Kel-Tec brand magazine?

8           A.    Yes, it was.  Yes, it is.

9           Q.    And these items, when they were sent to your

10 lab for analysis, how were they packaged?  I guess what

11 I'm asking is were they packaged in water?

12           A.    Yes, they were.

13           Q.    And when items are found in water, is it the

14 lab's preference or your preference that they be

15 maintained in water before they get to you?

16           A.    Yes.  Once they're subjected to water and

17 they're wet, especially if they've been submersed in

18 water, the removal of them from the water will cause the

19 rusting to happen much more quickly.  So we request that

20 they're submitted still in the water.  Usually fresh

21 water, if possible; otherwise, in the water in which its

22 found.

23           And then they're sent to the lab in that water,

24 that way when we receive them in the laboratory, as soon

25 as we can we get them dried off, oiled down and

1 test-fired with as little time as possible, once they  
2 begin drying, to prevent as much rusting as possible.

3 Q. Now, with this particular firearm and these  
4 projectiles, did you compare the projectiles to that  
5 particular firearm?

6 A. I compared it to tests that I fired in the  
7 firearm, yes.

8 Q. And what is the process for doing that?

9 A. Okay. When I test-fire a firearm, I use  
10 laboratory ammunition is standard protocol, sometimes we  
11 use submitted ammunition.

12 So in this case I used laboratory ammunition, and I  
13 test-fire it in our indoor range into a water recovery  
14 tank, so the bullets I'm able to recover from that tank  
15 mostly intact.

16 I compare the bullets to each other looking for  
17 similar -- class will be all the same because they're  
18 all fired from the same firearm, but I look similar  
19 repeating individual characteristics.

20 These were the microscopic imperfections or the  
21 signature of this firearm that it left on the bullets.  
22 If it's repeating in sufficient quantity and quality, I  
23 can then compare it to evidence exhibits.

24 Q. And in this particular case, were you able to  
25 test-fire this firearm to get the sample projectile from

1 it?

2 A. Yes.

3 Q. And when you compared it to the other four  
4 projectiles, what did you learn?

5 A. The other four projectiles were of the same  
6 class. They had similar measurements in the lands and  
7 width. They had the same number and direction of twists  
8 of lands and grooves. They were the same caliber.

9 I was not able to come to a definitive conclusion  
10 as to whether or not these bullets were fired from this  
11 firearm.

12 Q. And the firearm being submerged in water when  
13 you retrieved it and having been that way for a period  
14 of time, did that seem to have any impact on the ability  
15 to compare it?

16 A. It could have had a change in the signature.  
17 There was an orangish or rust colored residue that I  
18 wiped from the barrel when I received the firearm, which  
19 indicates that it had been in the process of rusting.

20 And so the characteristics that I saw on the  
21 test-fires were very gross in appearance, meaning that  
22 they were deep, deeper gouges than what we usually see.  
23 So that indicates also that it could have gone through  
24 some change of having been submerged in water.

25 Q. And let me just make sure that I do understand



1 correctly. The four projectiles that had previously  
2 been fired that we sent you, you can say were fired from  
3 the same firearm?

4 A. Yes.

5 Q. And as far as the other firearm, you can say  
6 they could have come from that firearm, they may not  
7 have come from that firearm, you can't say with  
8 certainty?

9 A. That's correct.

10 MR. LAWHORNE: Okay. May I have just one  
11 moment, Your Honor?

12 THE COURT: All right.

13 Q. (By Mr. Lawhorne) How many rounds does this  
14 particular firearm hold?

15 A. The detachable box magazine holds six rounds,  
16 this particular one that was submitted. I tested it  
17 when I received it in the laboratory. So the magazine  
18 can hold six and then you could also have an extra  
19 cartridge in the chamber of the firearm at the same  
20 time. So in totality there could be seven.

21 Q. And I believe you already said this but let me  
22 ask you just to make sure. This particular firearm,  
23 when it's discharged, it expels a casing of this size?

24 A. Yes.

25 MR. LAWHORNE: We have no further questions,

1 Your Honor.

2 May I retrieve the evidence?

3 THE COURT: Please do. Thank you.

4 Defense, do you need him to leave any of the  
5 evidence there?

6 MR. MICHAÏLOS: No, Your Honor.

7 THE COURT: Okay.

8 MR. MICHAÏLOS: The Defense is not asking any  
9 questions of this witness, Your Honor.

10 THE COURT: All right. Once we get all the  
11 evidence back, we'll have you step down.

12 State, is she released from her subpoena?

13 MR. LAWHORNE: She is.

14 THE COURT: Defense, any objection to that?

15 MR. MICHAÏLOS: To what, Your Honor? Sorry.

16 THE COURT: Any objection to releasing her  
17 from her subpoena?

18 MR. MICHAÏLOS: Not at all, Your Honor.

19 THE COURT: All right. Ma'am, you may step  
20 down. Thank you very much. You're released from  
21 your subpoena.

22 State, if I have it right, we're done for  
23 today for witnesses?

24 MR. SARABIA: Yes, Judge.

25 THE COURT: All right. Ladies and gentlemen,

1 we're going to go ahead and put or notes away. And  
2 again in the morning if you all need any additional  
3 pages or notepads or pens, please let us know. We  
4 can get that before you start if you're getting  
5 close to the end. So you don't have to write on  
6 the back of anything or on your hand or up your arm  
7 or anything like that.

8 And we're going to go ahead and give your  
9 items back. We'll have you back to the jury pool  
10 room in the morning at 9:30. Before you go, I was  
11 told this morning that there was a very long line  
12 to get into the courthouse.

13 You have only a few extra credits, things that  
14 you get to do around here, and that is pull your  
15 jury card out. And that is when there's a long  
16 line, you're more than welcome go up to the front  
17 of the line and say, excuse me, I'm with  
18 Judge Handsel's jury, may I, you know, come in,  
19 they're waiting for me?

20 And they already know that you're coming in  
21 every day. They're waiting for you and they'll be  
22 happy to scoot you along. I know you might get a  
23 little bad looks from the other people, but tell  
24 them you've been here like seven days. So if they  
25 want to be here seven days, they can take your

1 spot.

2 But continue no talking about the case, no  
3 tweeting, texting, blogging. And we will see you  
4 in the morning. Okay? Thank you all very much.  
5 You all have a nice evening.

6 (Jury Absent.)

7 THE BAILIFF: Jury is out of the hearing of  
8 the courtroom.

9 THE COURT: All right. So we'll be starting  
10 at 9:30 tomorrow.

11 State, how are we looking on the rest of the  
12 week?

13 MR. LABRUZZO: Well, Judge, just to kind of  
14 set out tomorrow just a little bit more. We had  
15 our DNA expert here today. She is subpoenaed to  
16 testify in Sarasota tomorrow morning.

17 THE COURT: Okay.

18 MR. LABRUZZO: She is going to go from  
19 Sarasota to Pasco to testify.

20 THE COURT: Okay.

21 MR. LABRUZZO: Once she testifies, then our  
22 other experts can testify.

23 THE COURT: Okay. Do we have anybody to fill  
24 in until she gets here?

25 MR. LABRUZZO: We do. We've made last-minute

1 arrangements to have a bunch of people here in the  
2 morning.

3 THE COURT: Okay.

4 MR. LABRUZZO: I would say only slightly out  
5 of order, but I think we are on course to have a  
6 full day tomorrow and a full day on Thursday, and  
7 that will keep us on track on finishing at a good  
8 point next week.

9 THE COURT: Okay. And the witness that we  
10 were hoping to be here, do we still have to wait  
11 until the 15th, or can we put them in whenever they  
12 arrive?

13 MR. LABRUZZO: I'll defer to Mr. Sarabia.

14 MR. SARABIA: We may end up finishing on the  
15 14th, so he may be available to testify then.

16 THE COURT: Okay.

17 MR. SARABIA: Either way we are now planning  
18 on calling that witness last, so it's going to  
19 depend how long it takes.

20 THE COURT: Okay. You know, I'm just saying  
21 that if you can finish up early, great. I'm sure  
22 the jury would appreciate that.

23 But with that in mind, if the Defense has any  
24 witnesses or evidence or anybody they intend to  
25 call in their case -- I'm not saying they have

1 because, of course, you do not -- I would move them  
2 and make sure that they are available on the 15th.

3 I assume if we finish on the 14th, you're  
4 talking about, even if we finish early, there'll be  
5 a judgment of acquittal and all that, a  
6 conversation to be had, so that would take up a  
7 good part of the rest of that day.

8 So I would definitely say if you have any  
9 witnesses or evidence that you intend to put in or  
10 if you want to make an opening statement, be ready  
11 to do that on the 15th. Okay?

12 MR. MICHAÏLOS: Yes.

13 THE COURT: All right. Again, I have my court  
14 hearing at 8:30 in the morning. So I need you all  
15 here at 9:30, the defendant at 9:30, okay, dressed  
16 out.

17 MR. MICHAÏLOS: Just like today?

18 THE COURT: Just like today.

19 MR. MICHAÏLOS: Good.

20 THE COURT: Okay?

21 MR. MICHAÏLOS: Thank you.

22 THE COURT: I moved along pretty quickly on my  
23 court. I've been able to put it in in an hour.

24 (Recess Taken.)

25 (CONTINUED IN VOLUME VII.)

## CERTIFICATE OF COURT REPORTER

STATE OF FLORIDA     )  
                                  )  
COUNTY OF PASCO     )

I, MARIA FORTNER, Registered Professional Reporter for the Sixth Judicial Circuit, do hereby certify that I was authorized to and did stenographically report the foregoing proceedings and that the transcript is a true and correct record.

DATED this 23rd day of April, 2018.

/S MARIA A. FORTNER

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MARIA A. FORTNER, RPR